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PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, FIRST SESSION.

HOUSE OF REPRESENTATIVES.

SUNDAY, *April 16, 1916.*

The House met at 12 o'clock noon, and was called to order by Mr. NEELY as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we praise and magnify Thy holy name for all the gifts Thou hast bestowed upon us which differentiate man from all Thy creative acts by his intellectual, moral, and spiritual endowments, which hold him close to Thee, and fill him with longings, hopes, and aspirations which lift him even to the throne of Thy divinity. For faith, hope, love, "faith the substance of things hoped for, the evidence of things not seen"; hope, the polar star which guides the traveler on his way"; love, the bond which time nor space can sever, the earnest of the immortality of the soul.

We meet here to-day because our hearts have been touched by the untimely death of a noble man, whose life was fraught with great thoughts and great deeds; a patriot, a philanthropist, a follower of the Jesus of Nazareth, a man beloved by all who knew him; wise in his counsels, tender in his affections, a friend to those in need; a man of affairs, untiring in his duties on the floor of this House. He will be missed in his home, in his community, his district, his State, his Nation. We mourn his going and would record on the pages of history his life, character, and deeds, that his example may be a beacon light to guide us and those who shall come after us to high and noble living. May his colleagues and friends, his bereaved, beloved wife and daughters find solace in the blessed promises of the immortality of the soul, and look forward with bright anticipations to the larger life beyond the confines of the now, where there shall be no more parting, and where God shall wipe all tears from all faces and love be the ruling passion forever and aye, in Jesus Christ, our Lord. Amen.

THE JOURNAL.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the reading of the Journal be postponed until Monday.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the reading of the Journal be postponed until Monday. Is there objection?

There was no objection.

LEAVE TO PRINT.

Mr. KITCHIN. Mr. Speaker, since many Members thought these ceremonies would take place next Sunday instead of today, I ask unanimous consent that any Member have the privilege of extending remarks in the RECORD on the life, character, and public services of our deceased colleague, the late Representative BROWN, of West Virginia.

The SPEAKER pro tempore. The gentleman from North Carolina asks that all Members have leave to extend remarks in the RECORD on the life, character, and public services of our deceased colleague. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE BROWN OF WEST VIRGINIA.

The SPEAKER pro tempore. The Clerk will report the special order for the day.

The Clerk read as follows:

On motion of Mr. NEELY, by unanimous consent, *Ordered*, That Sunday, April 16, 1916, be set apart for addresses upon the life, character, and public services of Hon. WILLIAM G. BROWN, Jr., late a Representative from the State of West Virginia.

Mr. LITTLEPAGE. Mr. Speaker, I offer the following resolution and move its adoption.

The SPEAKER pro tempore. The gentleman from West Virginia offers a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 204.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. WILLIAM G. BROWN, Jr., late a Member of this House from the State of West Virginia.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. LITTLEPAGE. Mr. Speaker, we are assembled in this Hall of the House of Representatives in the Capitol of this Nation to pay our last tribute to the life's efforts and the memory of a distinguished member of this American Congress, who departed this life on the 9th day of March, 1916.

In the death of Hon. WILLIAM G. BROWN, the second district of West Virginia suffered an irreparable loss. In fact, the entire State of West Virginia and this Nation thereby suffered a very great loss. I had the honor to enter this House as a Member and to take the oath of office as a Representative from the third congressional district of West Virginia at the same time Mr. BROWN entered as a Representative from the second district of West Virginia. Prior to that time, while we knew each other, our acquaintance was not as close as it became from the beginning of our service here, and in paying this last tribute to the memory of this good man, sentiment and justice impel me to say that I found him during all the vicissitudes, the turmoil, and pleasures of his busy official life a thorough, polished gentleman, a hard worker, a faithful friend, and an industrious public servant.

He was indeed a very charitable man, especially to the poor and unfortunate. His public relations here with the membership of this House have always been of the most cordial, courteous, and elevating character. He loved his district, his State, and his Government. He was essentially an American; yes, an American in the broadest sense of that great word. His love for his Government and his Government's institutions, as shown by his course as a public man, was uppermost in his mind and heart. The Members of this House, regardless of partisan politics, looked upon him as a friend and loved him as a just, patriotic man.

Our official relations and personal friendship improved from the first day of our service in this House until that friendship ripened and became one of affection. Our offices were in the same corridor of the House Office Building, and I know something about the way he labored for the people who honored him by electing him to Congress three consecutive times, and I know he was an honor to the people not only of his district, but all of the people of his State and mine. Late and early have I seen him at work. His office was a beehive of industry—hundreds of his constituents coming and going to see him; and to every one, whether they voted for or against him, he extended the glad hand of welcome. I have known of many of his constituents whom he befriended in more ways than one, often in a financial way, and I have no doubt, from his known qualities of liberality, that it will require many thousands of dollars to tell the true story of his charity.

WILLIAM GAY BROWN was born on April 7, 1856, in Kingwood, Preston County, W. Va., and died in the Capital of his Nation. He leaves a widow and infant daughter, and also a daughter by a former marriage.

One notable and characteristic feature of his usefulness and noble life was the great love he constantly bore for his mother. She lived to quite an old age at the old family homestead in Kingwood. He often talked with me about his mother before her death, which occurred on the 8th day of February, 1913, and he talked with me about her since her death. By her death he was dealt a staggering blow and seemed never to have gotten over it.

I had the honor to be chosen as a member of the committee to go with his remains from this city to Kingwood, where they were buried, and had the membership of this House and the

people who knew him here witnessed the outpouring of his neighbors and the sadness which seemed to pervade the whole community, and heard the expressions of friendship, good will, and love cherished for him by his neighbors and those who knew him best. I am sure the respect for him here would, if possible, be increased.

It is sad to contemplate, Mr. Speaker, that he was taken from us so suddenly, and that he has gone forever. In the midst of a busy and a useful life he was cut down and fell like a mighty oak of the forest to arise no more. No more shall we hear his voice in this chamber; never again will we be able to grasp his friendly hand. He has gone to his final reward, leaving a memory cherished as few have been. His splendid spirit, so worthy, so noble and inspiring, has taken its flight to a better world, there to dwell with his loved ones gone before. Tender memories cluster around his empty chair in this house of sadness to-day, and these sacred memories, in part compensating for his loss and absence, will be cherished evermore by those who knew him, and to have known him was to love him.

He was prepared and not afraid to die. His only concern in this respect was for his loved ones left behind. With hearts full of sorrow and sympathy for his widow, who was so faithful to her distinguished and beloved husband even unto death, and to his two children, we, in this hour of distress and genuine sadness, offer our condolence and renew our promise and bond of friendship to and for them while life lasts.

Mr. FOSTER. Mr. Speaker, it was my good fortune to serve on a committee of this House with Hon. WILLIAM G. BROWN, late a Representative from the State of West Virginia. He was known by all the members of the committee as a faithful, honest, hard-working Representative.

Mr. BROWN was most respected by the people with whom he was best acquainted and where he had lived all his life. Close association and frequent meeting of a man under the varied conditions of life shows best what there is in him, and he is best judged by what he does in everyday life. Mr. BROWN'S life was an open book to those who knew him, and no one had complaint to make of his action as a representative of the people by whom he was so much honored and respected. He was faithful and devoted to the people of the congressional district which he represented in this House. He was always unassuming and went about his work in a quiet way, determined to give the most efficient service that was possible. He was a man of whom it could be truly said the world was better because he had lived a good and useful life and it was a loss when he was taken away.

On March 27, 1916, the committee on which he was a member passed resolutions with reference to the life, character, and services of this distinguished man, and I ask that these resolutions be read from the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

WILLIAM G. BROWN, Jr. Representative of the second congressional district of West Virginia, in the National House of Representatives, was born at Kingwood, Va. (later West Virginia), April 7, 1856, and died in Washington, D. C., stricken in the midst of his varied legislative duties, March 9, 1916. One of his official connections as a Member of this House was an assignment to the Committee on Mines and Mining, which committee, profoundly sensible of its loss and reflecting on the valuable services and affable companionship of the deceased Member, at a meeting held considered and adopted the following resolutions for presentation to the House April 16, 1916:

"Whereas death, on swift and silent feet, unheralded and unannounced by any warning, has come to this committee and taken away one of its most highly valued and beloved Members; and

"Whereas, in the passing from among us of the Hon. WILLIAM G. BROWN, Jr., this committee experiences a sense of shock and bereavement and loss by his death: Be it, therefore,

"*Resolved*, That this committee, in so far as it is able to translate its feelings of personal loss through the medium of the written word, lay this sincere but all too insufficient tribute upon the altar of the cherished memory of a colleague whose services to his country and to this committee were of a high order, whose genial and whole-souled personality, whose gentlemanly qualities and uniform courtesy at all times won him a warm and affectionate regard and esteem in the hearts of the members of this body. "Junior" BROWN, as he was lovingly called by all who knew him, as a Member of the Sixty-second, Sixty-third, and Sixty-fourth Congresses showed to his newly made associates these sterling qualities of mind and heart which enabled him to achieve success in the financial, political, and social life of his native State and gave him a commanding and heroic place in the hearts of his fellow West Virginians. He was a popular and highly respected figure throughout his own State, as he was a Member of the House and of this committee. He brought to his official duties in Congress a broad experience, a matured, equably balanced judgement, a high sense of honor and integrity, and a lofty patriotism which quickly gained for him the recognition and appreciation from his colleagues that he so richly deserved.

"*Resolved, therefore*, That these resolutions be communicated to the House and that a copy thereof be transmitted to the family of the deceased."

Mr. CULLOP. Mr. Speaker, WILLIAM GAY BROWN, Jr., late a Representative from the State of West Virginia, was one of the most genial and lovable men I have ever known. He was a prince among men and a courtly knight among women. His affable manners and pleasing disposition made him a favorite in every assemblage in which he formed a part.

Born of good parentage, reared amid pleasing environments, surrounded with the advantages of culture and refinement, trained in business affairs by parents who had earned success as the result of ability, industry, and sagacity, he was well equipped for the battles of life, and prepared to successfully grapple with the questions he would necessarily be called upon to meet and solve in his career.

His father was a noted lawyer in his day in the community in which he lived, a man of strong will power, courage, and determination, shrewd in business affairs, and popular among his people. He served several terms in Congress, was the author of the enabling act creating West Virginia a sovereign State, and because of this distinguished service was often called the "Father of West Virginia."

His mother was a most admirable person, a strong character, sagacious in business affairs, and a most lovable woman. Mr. BROWN often spoke of her in the most affectionate manner.

I first met Mr. BROWN at the opening of the Sixty-second Congress, the beginning of his congressional service. We became warm friends and associates at once and so remained until his death, which I keenly felt and which came as a great shock to me.

When I last saw him, about five weeks before his death, he was in splendid spirits, having just recovered from a temporary illness. He appeared as one who had the assurance of regained health and a long and useful life. He impressed me on that occasion as a supremely happy and contented man. As he appeared at that time no one would have suspected the end of life with him was only a few weeks distant.

I doubt if any Member of this House enjoyed the loyal friendship of his constituency to such a degree as he did. He represented a district with at least three thousand majority opposed to his political faith, and yet despite this large majority in a united party he was elected three times in succession to a seat in this body when in each race the strongest man the opposition had was pitted against him. This is ample proof of his popularity, his high standing among the people of his district, and the regard in which he was held by them. Because of his attractive personality and strong individuality men, irrespective of party, were bound to him as with bands of steel. To know him was to admire him; once his friend always his friend.

I have seen men from his district meet him here and greet him with manifestations of fondest regard and affection. At times it was touching to see and hear their manifestations of regard for him. He had a warm place in their hearts, and they were ever ready to show evidence of their confidence in and display their loyalty to him. Here is the explanation for his success at elections, the reason for his strength. His popularity was easily understood when you once knew him. It was earned by his warm and generous nature, his uniform kindness to all with whom he came in contact, his broad and liberal views, courteous conduct, and unselfish disposition.

Generous to the needy, devoted to the welfare of all, he earned and won the confidence of the people he served, because he served them well, and in him they knew they had a loyal and devoted friend, a champion of their cause.

In life he added to the joys of humanity, and were everyone, this day, for whom he did some kind service to bring flowers to his grave, it would be hidden beneath a mountain of the richest and rarest blossoms.

Life is a short span between the cloud-covered peaks of two eternities. Beyond them we know not. No one has ever heard the voice of one who has journeyed across the perilous divide, and no being has ever returned from the eternal abode to tell of its mysteries, but a sublime faith in the wisdom of our Creator as the great architect of the universe convinces us of the immortality of the soul, and that when freed from the earthly casement which imprisons it here it joins the band of immortals in eternity.

Death is a tragedy. The more impressive was this tragedy in the death of our late colleague because life was so attractive to him. He was in the zenith of his power and the opportunities for usefulness were opening their various avenues for him to enjoy the rare facilities at his disposal. Before him were opportunities for public service, wherein he could earn great reputation and better the condition of his people who loyally confided in him. But while in the enjoyment of all these pleasing environments, surrounded by his loved ones, enjoying health, in full possession of all his powers, mental and physical, like an assassin in the night, without warning, the messenger of death touched him with his fatal dart and he fell to rise no more.

The kind gentle voice was hushed, the stalwart man in the fullness of his strength was paralyzed, powerless to rise again, and his earthly career was ended.

In the daily conflicts of life, where man was pitted against man, in daily affairs as they would come and go, success had crowned his efforts, but when he met the unconquerable foe of life, death, he fell a captive, surrendered to his fate, the same which must sooner or later be the common heritage of us all.

In his demise his constituency have lost a faithful public servant—true, honest, and courageous in the discharge of every public duty; his associates, a most agreeable companion; and his family, an indulgent and loving father and husband; the country, a manly man.

And this his epitaph shall be,
When ended are his days;
None knew him but to love him,
None named him but to praise.

Mr. CLARK of Missouri. Mr. Speaker, various things bring men into close friendship and confidential relationship in this House—place of birth, residence, similarity of tastes, political faith, committee work, and so forth.

It so happens that I lived for two years in West Virginia and learned to love her people. Consequently I have always cultivated the acquaintance and friendship of her Senators and Representatives. From his first entrance upon this scene, Hon. WILLIAM G. BROWN and I were close friends, a fact which I most highly appreciate. I found him true as steel, kind, intelligent, firm, affable, and attentive to his public duties. He was a dependable man—not brilliant but dependable, which is far better. Having made up his mind deliberately that a certain course was right, he pursued it without shadow of turning. He could be neither bullied nor coaxed out of it. Such men are the most valuable public servants

He was grandson of James Brown, an Irish immigrant, who in 1789 settled at Kingwood, in that part of the Old Dominion which subsequently became West Virginia. It is a wonderful State—the Switzerland of America—inestimably rich in natural resources. To this James Brown was born in 1800 a son, Hon. William G. Brown, sr. He enjoyed the peculiar distinction of serving in Congress from two different States—Virginia and West Virginia—though he lived all his life in the same town wherein he was born—Kingston. So our friend WILLIAM G. BROWN, jr., having an Irishman for a grandfather and a Representative in Congress for his father, naturally and inevitably had a penchant for politics, in which he succeeded admirably. The quality of success in him was hereditary. He succeeded in business as well as in politics. Having accumulated a competency by industry, capacity, and honest methods, he concluded to walk in his father's footsteps, which led to this Hall. We are all glad he did so; otherwise we would not have enjoyed the pleasure of knowing him.

None knew him but to love him;
None named him but to praise.

Mr. RUSSELL of Missouri. Mr. Speaker: The most valuable compensation that comes to one who serves in this House is the strong enduring friendships that are formed between him and his colleagues with whom he is intimately associated, and the saddest experiences of our public service is when death suddenly severs the strong ties that have bound us together, leaving only a saddened but a sweet and an unfading memory of the pleasant hours of the past when our common tastes, similar ambitions, and mutual sympathies drew us together as associates and cemented our affections into a bond of undying friendship. Another of these ties has been broken in the death of WILLIAM G. BROWN, jr.

I did not know my departed friend until he came here five years ago this month as a Member of the Sixty-second Congress. During his five years' service in Congress we lived at the same hotel. Our personal relations were always friendly, sometimes confidential, and to me always delightful.

I have sometimes said in his lifetime, and as it is no discredit to his memory, I repeat now, that he was by nature one of the most genial companions and superb hosts I have ever known. He loved his friends and gave more of his time and means to entertain them than any one of the Members of this House that I have observed. His hospitality was not cold and formal, but genuine and whole hearted. He illustrated well the teaching of the Proverb, "It is better to give than to receive." From many close observations of his generous entertainment of his friends I know I can truthfully say that he considered it a privilege and not a burden to be permitted to extend courtesies to his constituents and others whom he loved.

As a Representative in this House he was industrious, vigilant, and faithful to the constituency that honored and trusted him. In my last conversation with him he thanked me for some little assistance that I had rendered to him in securing a favorable consideration of a special bill he had introduced for the relief of a destitute and deserving old soldier. This only illustrates his earnest desire to serve well even the humblest of those he represented.

I was pained as we all were when we heard that our colleague had passed away, and this House on that day adjourned out of respect to his memory. I was appointed by the Speaker as a member of the committee to attend his funeral at his former home, and did so.

Knowing him here as we did, and appreciating so well his many manly qualities and noble impulses, those of us who accompanied his remains home were not surprised to find that among the people who knew him the longest and the best he was universally respected an devotedly loved by all. The people of his home city in the full realization of the great loss they had sustained spoke grievously of his death and in praise of the many virtues of the distinguished dead, and feelingly of their own personal sorrow.

We often hear repeated the familiar quotation from the Bible, "A prophet is not without honor save in his own country." The thought intended to be expressed is that a man can not reach high places of distinction and honor among those who have known him intimately all the days of his life. I believe there is in a measure some justification for the use of the quotation. New things are often attractive, and strange faces with the mysteries of life behind them sometimes stimulate an imagination of superior virtues and wisdom that may lead to the admiration and approval of the unknown by a confiding public. Upon the other hand we are sometimes prone to overlook or fail to appreciate the truly great men who have lived their entire lives in our midst. If this familiarity is in fact an abstruction to the successful aspirations and ambitions of men, it was completely overcome by WILLIAM G. BROWN, Jr. He and his father before him were born in the little city where he now sleeps in death. He never had any other home; every man, woman, and child there knew him intimately; many of them knew him and observed almost his daily life from the cradle to the grave, and to his eternal credit it may be truthfully said they all respected and loved him. They delighted to honor him in life and they all now revere his memory.

Mr. MANN. Mr. Speaker, we are assembled on this bright and beautiful spring day to pay our tribute of affectionate remembrance to one of the best and noblest Members of this Congress.

At the beginning of every Congress the old Members attempt to take the measure of each new member with whom they come in contact. I noticed Mr. BROWN on the floor of the House shortly after he came into the Sixty-second Congress, and was attracted by his many worthy qualities. Several summers ago Mrs. Mann took a cottage up at Deer Park. I used to spend my week ends up there, and on a number of occasions traveled with Mr. BROWN on the train going there or returning. We had many very interesting conversations, and I became peculiarly and affectionately attracted to him, because of the sweet qualities he exhibited on those rides, so that I gave more than passing attention to him in the House. I learned that among all the Members of the House there was, I think, no other one with more genial, kindly, capable, earnest, and sincere qualities than Mr. BROWN.

A year ago Mr. and Mrs. Brown, Mrs. Mann and myself, and a number of others of this body and of the Senate were on our way to Hawaii. We traveled across the continent to San Francisco and from there by boat to Honolulu and around the islands. There were, I believe, in that party 49 members of the House and Senate, many with their families and some friends. It is on such occasions that we really learn to know the personal side, the tender side, the endearing side of men and women. Mrs. Brown was the life of that party, and I am sure no one in the party was happier and more filled with enjoyment from day to day than was Mr. BROWN; and the two added so much to our pleasure that they became affectionately regarded by all our hearts.

When the statement came in the House one morning that Mr. BROWN had passed away I felt as though I had lost a brother. He was a Democrat. I was the Republican leader of the House when he came in. It is one of the beautiful features of American politics, particularly exemplified in this House, that the aisle on one side of which sit the Democrats and on the other side the Republicans is not a dividing aisle between the hearts of men. Friendships do not cease at the center aisle. We have

on our side of the House just as warm personal friends on the other side as we have on this; and I counted it a great pleasure to know that I on my side could enjoy the friendship of Mr. BROWN, as I believe he enjoyed our friendship from his side. He and I were the same age. He has passed away, just at a time when probably it was the hardest for him to go. A man close to 60, he had just become the father of a little daughter. With all the reasons for living that loving pleasure could give, he was stricken down. Yet, Mr. Speaker, I feel, and I presume I will continue for the balance of my life to feel, as though I had lived a full life, and done perhaps that share of work which I might easily have expected would be more than I could complete. He was willing to go if he could have done so without leaving sorrow behind him. I would be willing to go at any time.

Mr. HAYES. Mr. Speaker, it was my pleasure to become acquainted with WILLIAM G. BROWN, jr., or as he was known universally by the people of his own county, and probably of his district, and by those who knew him familiarly, simply as Junior, when he entered the Sixty-second Congress and received as a Member of this body an assignment for service on the Banking and Currency Committee of which I was then and am still a member. I was immediately impressed with the ability and versatility that he brought to the discharge of his high duties as a member of that committee and of this House, and with his experience as a man of large business affairs, and a banker for many years. His judgment and ideas of the things that should be embraced in legislation were generally, according to my standard, eminently sound and practical. I think one of his most distinguishing characteristics was his absolute loyalty to his own conscience and sense of what was right and best for the people, not only of his district but of the whole country.

As illustrating this I beg to repeat a little instance that occurred during the present Congress at a meeting of the Banking and Currency Committee. I perhaps ought first to say that it is in the sessions of the various committees of the House where Members of this body come best to know each other personally and intimately. The informality of procedure in committee gets men very close together, and they come to know each other's personal peculiarities and characteristics as they could not know them by meeting only on the floor of the House during its sessions. I came very soon to know Mr. BROWN as a man most loyal to his obligations as a Member of the House and to his sense of what was right and proper in legislation.

In the last Congress, in the consideration of the rural-credit bill which was then under consideration, Mr. BROWN, upon a very important matter in connection with that legislation, took a strong position in favor of one proposition in the bill and maintained it to the close of the Congress. In this Congress the same matter was again before the Committee on Banking and Currency, and a most exhaustive discussion upon both sides of the proposition was participated in by members of the committee, of course without any regard to politics. At the end of the discussion Mr. BROWN announced to the committee that the discussion had satisfied him that he was wrong in his former attitude on that proposition and that he should vote contrary to what he voted in the last Congress, and when the vote was taken he did so vote.

I regard that, Mr. Speaker, as a very strong indication of the strength of character of our late colleague, Mr. BROWN, and an exhibition of real moral courage which, alas, Members of the House do not always exhibit. Mr. BROWN was a man who would rather be right than be consistent.

I was appointed a member of the committee which attended the funeral of our late colleague, and I was glad to attend the services which took place in his home town. While in that community I discovered that not only the people of his own town but of the country at large regarded him in a way that any man should be proud to be regarded by his neighbors where he had lived all his life. They regarded him as a personal friend who entered with a sympathetic heart into all their struggles and trials. He could call them, as I am informed, and even their children, by name, and if disaster came to them he truly sympathized with them in their trouble.

I was advised, and I have no doubt it is true, that in his last will and testament he left directions to his executor that in the distribution and settlement of his estate no man who owed him—and many in his district did—was to be pressed or forced to pay his obligations until he could do so without sacrifice. That exhibited another beautiful and most estimable and praiseworthy element of the character of Mr. BROWN. He sympathized with the community, with his neighbors, and with those with whom he came in contact to an extent that was well-nigh all embracing. I believe such enlightened human sympathy to be one of the most beautiful characteristics of any human life.

Mr. Speaker, such a life as that of our late colleague, which blessed the world with usefulness, geniality, and sympathy, has not ended. It has only been transferred to another sphere of activity and usefulness. Human life is continuous and is not bounded by the few years of our mortal activity here. It reaches not only from the cradle to the grave but from the cradle to the farthest stretches of eternity. That WILLIAM G. BROWN, Jr., is just as conspicuous in the great beyond for optimism and all the admirable and lovable traits of his character as he was in this world, I have not a doubt, and in the not distant future I expect again to meet him and know him and love him even as I knew and loved him here.

Mr. HEFLIN. Mr. Speaker, it was my pleasure to know and to be intimately associated with W. G. BROWN, the distinguished Member of Congress from West Virginia. We come together to-day to pay our tributes of respect and esteem to the character and public services of this fellow Member who has gone, one in whom the elements of gentility and sincerity blended in beautiful form. He was popular as a Member of Congress and loved by all who knew him. He carried in his heart a warm affection for the people who honored him with a seat in this House, and he honored his district with the nobility of his character and by the splendid services that he rendered here. He was an energetic, conscientious, and able Member of Congress, and served his district and the country faithfully and well.

Mr. Speaker, although he had not been in the best of health for the last year or two, yet he was cheerful and bright and happy, carrying sunshine and good cheer wherever he went. He loved life, and he enjoyed it to the full. In his happy home circle he was the ideal husband and father, loving and beloved by his dear ones there. He was a splendid type of American manhood, a patriotic citizen, a loyal friend, and a faithful public servant.

Mr. Speaker, we miss his hearty hand-grasp, we hear no more his cheerful voice and we see no more his pleasing, winsome smile. He has answered his last roll call, and has fallen asleep in the midst of a happy, busy, and useful life. So in the process of that long and mysterious slumber that must come to us all he has passed into a higher state of living. Just as sleep is necessary to refresh and build anew the body for life's little day, so is the final sleep necessary in the plans and purposes of immortality, for that bright day that has no night. He has gone the way that we must go when we have done with the clattering discords of time.

Let us remember the many noble traits of his beautiful character. And, Mr. Speaker, let us, who served with him so pleasantly, here emulate his virtues, and so live that when the final sleep shall come to us we will be able to meet it as courageously and as sweetly as did the friend we mourn to-day.

Mr. SAUNDERS. Mr. Speaker, Once more death has found a shining mark and with relentless stroke quenched the activities of a busy and useful life. Even now it is hard to realize that our colleague is dead. The news that he had been fatally stricken and that his life hung by a thread that the passing day might sever came with the sudden and unexpected quality of a lightning flash in a clear sky. Only a night or two before a company of friends had gathered at his house to enjoy the gracious hospitality that he was wont to dispense. They parted with no premonition of impending calamity, no foreknowledge that they would never see their host again in life, or that within a few brief hours his mobile face would be stilled forever in the calm and awful serenity of death. JUNIOR BROWN, as he was affectionately styled by his friends, was so full of cheery optimism, his handshake was so cordial, his smile so winning and compelling that he and death seemed things apart. His generous nature rejoiced in the comradeship of his fellows. He radiated sunshine. He was frank, sincere, warm-hearted, sympathetic, tender, and true as steel in all the relations of life. To know him was to love him. Such was the universal testimony of his friends, and they were legion.

Confronted anew with the realization that the grim reaper lurks at every elbow, ready to strike an unexpected blow, we mourn to-day an untimely death, and with his memory still green in our hearts we reject for the time the comforting thought that this mortal has put on immortality and the soul of our comrade has exchanged the limitations of its fleshly tabernacle for the splendors of the temple not made with hands.

But while JUNIOR BROWN possessed all those lovable qualities which attracted and constrained the affection of his fellows, he was far more than a sincere, warm-hearted, genial, and agreeable companion and friend. He was every inch a man, strong in character, industrious in habit, austere in integrity,

firm, resolute, energetic, and able. He was sound in judgment, keen and sagacious in perception, wise in council, fertile in resource, steadfast in action. He was generous in a large way, but not ostentatious in his charities, keeping ever in mind the injunction that the one hand should not be acquainted with the action of the other. Born to a fortune, the qualities that I have described enabled our colleague to escape the numbing effect that wealth too often exercises upon its possessors, inaptly described as fortunate. Basking in fortune's lap and caressed by her smiles, they are content to see others win the prizes of life, while they loll on beds of flowery ease that great riches have provided. Lacking the sharp spur of necessity, they are not moved to strenuous endeavor or to live laborious days. But our friend was made of sterner stuff. He was not willing to play an ignoble and petty part. As a youth he prosecuted with diligence and success his studies in the schools of his native State, and later, in the full flush of vigorous young manhood, he graduated at the University of West Virginia. Admitted early to the bar, he practiced his profession with success until called to the charge of administering the affairs of a great estate.

In time he felt the lure of politics, but his first venture was not successful. Nominated for Congress in a doubtful district, he was defeated in 1896 by Judge Dayton. Later he was nominated in 1910 and was successful. This election established his hold upon the people of his district and he was elected again in 1912, and still again in 1914. Had he lived, he would have been nominated without opposition for a fourth term, and triumphantly elected. Our colleague's chief work in the House, of which he was an esteemed and well-beloved Member, was on the Banking and Currency Committee.

In this work his experience as a banker served him in good stead, and he rendered conspicuous service in the preparation of the Federal reserve act. At the time of his death, he was a member of the subcommittee engaged in framing a rural-credits bill. For this work his training and experience as an expert banker, and successful man of affairs, conspicuously fitted him, and his premature death was a distinct loss not only to his colleagues with whom he was collaborating, but to the agricultural interests of the entire country which are so greatly concerned in the outcome of this important measure. Our comrade was not a frequent speaker in this body, but when occasion demanded, he spoke clearly and impressively, with vigorous emphasis and cogent argument.

While no man was more beloved in the House, this affectionate regard for our deceased friend was equaled if not surpassed in the district where he lived and dispensed his generous and unobtrusive benefactions. This regard was abundantly attested by the presence of the vast throng that, undeterred by untoward weather, gathered from every quarter to attend his funeral exercises. For hours an apparently unending stream of sorrowing friends passed by the casket that contained all that was mortal of WILLIAM GAY BROWN, and after one long look at that once mobile face, there stilled in death, turned mournfully away. The room was embowered in flowers. A great orator, speaking of his brother, once said that if every one who had received some act of kindness at his hands would drop one flower on his grave he would sleep under a wilderness of blossoms Appropriately this thought came to my mind when I stood in the room consecrated to death, and saw on every hand, banked high in glorious profusion, the flowers that loving hearts had provided for tender hands to place upon the grave of our friend. The sun was sinking low in the west when we started on our return to Washington, leaving our comrade to sleep among the people whom he knew and loved, and who knew and loved him.

Musing sorrowfuly over the experiences of the day, fond memory recalled the lines that have brought comfort to others when oppressed with the solemn mystery of death:

He is not dead, but sleepeth: well we know
The form, that now lies mute beneath the sod,
Shall rise, when time the golden bugles blow,
And pour their music through the courts of God.

Mr. SUTHERLAND. Mr. Speaker, it is a sad thing for those left behind even when one who has reached the utmost limit of old age is called upon to enter "that bourn whence no traveler e'er returns," but when one is stricken down in the full power of his mature manhood, and that person is one with whom we have been daily associated, and in whose life is combined the elements of essential strength, power, success, and practically everything that makes life full and complete, there is a shock and a sense of loss that overpowers us and bids us pause and consider the issues of life. It was a severe shock to the membership of this House, and particularly to his West Virginia colleagues, when, almost without warning, our friend, the late WILLIAM G. BROWN, was

stricken. Upon this sad occasion when we are assembled to pay the last tribute of respect to his memory, I desire briefly, but in sincere affection for the memory of our departed friend, to add my voice to those who at this time are giving testimony to their appreciation of the life, character, and services of "Junior" BROWN, as he was affectionately called by his constituents and friends in West Virginia.

Speaking from a personal acquaintance with my departed colleague of nearly 20 years, I can say in sincerity and in truth that few men in West Virginia have been more beloved for the very best traits of a rugged, yet kind and sympathetic, manhood than he has been by a large and ever-widening circle of friends. Born and reared among the rugged mountains of West Virginia, he had the strength that comes to the hardy outdoor dweller in the life-giving atmosphere of his native State. He was fortunate in having an ancestry of sturdy pioneers who had likewise lived.

Early in life he formed the resolution to represent his congressional district in Congress, as his father had done, and his successful attainment of that worthy ambition upon three successive occasions as a Democrat in a normally Republican district, after having once many years earlier been defeated, shows the determination of the man and the friendship held for him by his neighbors and friends in the second congressional district of West Virginia.

As the representative in Congress of that splendid constituency he met the highest expectations of his friends, and as a colleague in the work of this body and a resident of the same congressional district in which he lived, and being of opposite political faith I can truthfully say that he was always ready and alert to discharge every obligation to his constituents without regard to political lines, and I shall always cherish as one of the pleasantest personal friendships I have enjoyed during the Sixty-third and the present Congress that which I have had the pleasure of enjoying with my deceased friend and colleague, JUNIOR BROWN, and I, in common with all the Members of this House who knew him well, give this tribute of my affectionate regard to his memory.

Mr. CANDLER of Mississippi. Mr. Speaker, it is with a heart full of sadness that I rise to participate in the services upon this solemn occasion. I met Mr. BROWN when he first came to Congress at the beginning of his term in the Sixty-second Congress. From the time when I first met him until the last moment of his life he and I were close and good and affectionate friends. I loved him devotedly, as he loved me, and on many occasions when I had difficult questions confronting me he was the one among all others to whom I went and with whom I discussed these matters, in order that I might arrive at a solution of them which would be just and right.

No man ever had a better friend or a safer counselor than when he had JUNIOR BROWN as a friend and counselor in times of difficulty, in times of struggle, in times when it was necessary to exercise the very best judgment and to have wisdom which would lighten up the pathway and lead to a conclusion that was pure, honest, and just.

He was a patriot. He came from a sturdy stock that were pioneers in blazing the way amidst the forests then, that have become fertile fields since; a stock that has brought to us and furnished to us the beauty and the sunlight and the grandeur of the civilization which we enjoy.

We of this generation owe much to those early pioneers. They clung to that which was honest and just and right as between man and man; and in their cabin homes, dotted on the hilltops and sprinkled through the sequestered valleys of this beautiful land of ours, they laid the foundation that has sustained the enduring superstructure of this the greatest Nation of the world.

It was from stock like this that JUNIOR BROWN came, and he was a fit exemplar of the principles which they loved, because he clung until the end to the same just principles of righteousness and truth which they advocated and ever maintained and sustained with their lives, their property, their possessions, in the interest of mankind, and for the glory of this country. That was the kind of patriot he was. A self-sacrificing, devoted patriot who placed country above self and public welfare above private interest.

His affection, while it went out in all its fullness and tenderness to those by whom he was surrounded in his immediate district and State, was not confined to them alone, but went further: it went to the extremities of this great country; and he loved his country and admired its grandeur and glory, and brought a consecrated devotion to it in the service he rendered in this House, not only for the advancement of the interests of his district and his State, but looking always to the welfare and prosperity of this great Nation as well.

"Those who knew "Junior" BROWN well know of a tender side he had

of the most beautiful characteristics of any human life.

strong in character, industrious in habit, austere in integrity,

without warning, our friend, the late WILLIAM G. BROWN, was welfare and prosperity of this great United States.

He was not only a patriot, Mr. Speaker, but he was a citizen who measured up to the very highest standard. He had the highest conception of the duties and responsibilities of American citizenship, and he pursued that course, in private and official life, as a citizen of the Republic and of his State and district, that shed brilliancy and brightness everywhere he went.

Do you know that one of the highest conceptions which any man can have in all this world is to aspire to that lofty and high standard exemplified in patriotic American citizenship? I have sometimes said that I believe that the highest position any man can hold in all this country is the position of a true American citizen who, by his life and example and purposes and desires, carries to as near perfection as possible the great purposes of this Nation, as exemplified in the bedrock principles upon which it is founded. As such a citizen Junior BROWN sought during all his illustrious career, from his young manhood down to the day he left us, to erect such a standard and to maintain it among the people who knew him; and he thereby secured their affection and confidence, which was evidenced in their loyalty and devotion to him to the hour of his untimely death. While these characteristics of this great and good man are to be and are supremely admired, still the sweetest and the noblest and the best element of his nature and of his manhood was his devotion, his tender affection to his friends and to his loved ones.

No man could be with him as his friend but could feel the pulsations of his heart that beat in unison with yours, if he loved you; and if you were indeed and in truth a sharer in his affection and friendship, you would feel that he stood right beside you, and that you did not have to reach out to determine at any time whether he was there; whether the darkness or the sunshine was round about you, his friendship was extended to you in such force and affection that you always knew, especially if you needed him, that he was there, ready to uphold and sustain you. His devotion to his mother and all his loved ones was sublimely beautiful. Often did he speak of his father, his mother, and his dear ones, and their happiness was his supreme joy.

It was my good fortune to be with him and his family in his home at the last meal, I presume, he ever partook of upon this earth. My wife, my daughter, and myself, with his family, gathered around the table in his home and partook with him of his most delightful hospitality. After dinner he and I went in his library, while my wife and daughter with his wife and sister-in-law and mother-in-law, and the sweet babies were in another room. He talked to me about some great public questions which were then pending, showing the earnestness and desire of his heart above everything to do that which was right and best in their solution. That evening as we sat and discussed them, as he sought from me what little advice I might be able to give him in the solution of them, his face would light up as we studied them and tried to find out that which was best; and when we came to the conclusion which would have been enunciated by his vote upon the following day, I shall never forget the happiness which was expressed in his face, in the realization that he believed at least he had arrived at a conclusion that was for the welfare of the people he represented and the glory of his country.

In the fleeting years which may come and go I shall never forget the scene as he went down the steps that night with us when we left his house to the curbstone and placed us in his automobile to send us back to the hotel and stood there with the brightness and gladness and happiness that were expressed in his face as he bade us a cheerful good-night, and then, closing the door, as he turned away, waved his hand and said, "Zeke, I will see you to-morrow." To-morrow did not come with him so as he might meet with me upon this earth. That night he was stricken. The hours went by, and God called him. He responded. His white soul went into the presence of the great God of the universe, through the pearly gates, along the golden streets, and, as I believe, into the mansion prepared for him, eternal in the heavens. To-morrow did not come here, but to-morrow will come in the brightness of the perfect day, and I hope to meet him, and with the glad clasp of his hand and the warmth of his heart and the brightness of his face we shall rejoice together again in the happier day that knows no ending but which shall roll on through the ages of eternity itself; and in no association which I shall have in yonder world, among all the friends with whom God has blessed me in my career, shall I be happier than with JUNIOR BROWN.

He was faithful and true in all the walks of life, as a patriot, a citizen, a public servant, a son, a husband, and father, and it can be said truthfully of him, well done—enter into peace eternal. May God bless, comfort, keep, shield, and protect his dear wife and his little baby and all his loved ones, and may we all by and by meet together in the eternal home above, where there shall be no good-bys and no to-morrows but all be ever present with the Lord in the perfection of happiness and glory in the "Golden City."

Mr. LITTLEPAGE took the chair as Speaker pro tempore.

Mr. NEELY. Mr. Speaker, death, the ruthless reaper, with icy hand that never tires, and sickle keen that never turns its edge, has severed from earth and earthly things the Honorable WILLIAM G. BROWN, our late distinguished colleague, our willing fellow worker, our loved and loving friend.

While on the mountain top of success, in the very heyday of manhood, while all the tides of life and joy and hope were flowing full and fair, from a home of affluence, love, and peace, he was abruptly summoned to take his journey to that "undiscovered country from whose bourn no traveler returns." Without a murmur and without a moan he passed from the restless land of the living into the silent empire of the dead.

JUNIOR BROWN, as he was affectionately called by those who loved him best, was noble, patriotic, generous, able, and just. He faithfully discharged his every official duty, lavishly gave to every meritorious cause, loyally served his country, and sublimely cherished his family and his friends.

His death is a loss to the Nation, a misfortune to his State, and a calamity to his constituents.

Only a little while ago he was one of the most active Members of this House. It seems but an hour since his merry peals of laughter filled the air and the melody of his voice filled our hearts with its sweet, seductive strains. But now his seat is vacant, his tongue is silent, and his name is called in vain. In the hush that pervades the sanctuary of our dead we realize that our faithful friend has sailed the sad and solemn sea that separates the narrow shores of time from the boundless kingdom of eternity. He has passed beyond the limits of earthly vision. His shadowy form can not be seen through the telescope of science or the tears of grief.

As we stand face to face with the marvelous mystery of death, we are impelled to ask anew the world-old question propounded by the Man of Uz: "If a man die, shall he live again?" But unlike the afflicted patriarch, we do not inquire in vain. We simply turn from this perplexing question of the Old Testament to find it answered in the New by Him who came 15 centuries after Job and said: "Be thou faithful unto death, and I will give thee a crown of life."

Thanks to the hallowed hope that springs forever in the Christian breast, we believe that the separation from our beloved one is but for a night and that in the morning we shall meet again. A divinity within whispers with still, small voice in the listening ear of love, "The grave is not the end of all."

In the thought of another: If the everlasting Father condescends to animate with divine power the cold and unresponsive heart of a tiny seed and make it burst forth from its captive cell, to grow into a various fabric of root and vine and flower, will He leave forgotten in the grave the immortal soul of man? If He stoops to give to the humblest plant that clings to cliff or crag the promise of another springtime, will He withhold the pledge of hope from His children when the blasts of winter come? If insensate matter, though changed through the processes of nature into multitudinous forms, can never die, will the spirit of man sink into oblivion when it leaves its lowly house of clay? A million voices answer "No."

In this moment of melancholy our hearts are filled with grief and our eyes are dimmed with tears. "Thoughts of the last bitter hour come like a blight over our spirits," but even now, when earthly help and sympathy seem vain, we look beyond the cloud that hangs above us like a pall, and there, through faith, we see the star of hope still shining on. In the lustrous light of that constant star we read the assuring promise of the Savior of the world, "I am the resurrection and the life; whosoever believeth in Me, though he were dead, yet shall he live; and whosoever liveth and believeth in Me shall never die."

In this promise we put our trust. While dogmas perish and creeds crumble, while agnosticism decays and atheism dies, we shall continue to lean upon the everlasting arm, believing that the twilight here is but the dawn of a grander day upon some other shore, believing that the feeble flame that flickers here for a little while will at last leap into a bright and shining light when the spirit of man has winged its flight back to Him that gave it birth.

God pity the man who doubts the existence of another life in another land—

Who hopeless lays his dead away,
Nor looks to see the breaking day
Across the mournful marbles play;
Who hath not learned in hours of faith
The truth, to flesh and sense unknown,
That Life is ever lord of Death,
And Love can never lose its own.

We are consoled by the thought that there is no skeptic such as this among those who mourn the loss of him whose memory we commemorate to-day.

In a new-made grave, beneath the stately pines of a West Virginia hill, we have tenderly laid to rest the mortal remains of JUNIOR BROWN.

Let us with sacred symbolism strew that grave with flowers. Let us lay with loving hands upon the turf that shields our dead the imperishable amaranth, the fadeless emblem of immortality. Let us wreath the ivy, the floral metaphor of devoted friendship, the token of brotherly love, above his silent dust. And upon the mournful monument that marks the tongueless tomb in which our departed calmly awaits the purple dawn of the resurrection morning let us inscribe that beautiful supplication:

Warm southern sun, shine kindly here;
Warm southern wind, blow softly here;
Green sod above, lie light, lie light;
Good night, dear heart, good night, good night.

[Mr. KITCHIN addressed the House. See Appendix.]

Mr. BYRNES of South Carolina. Mr. Speaker, it was my good fortune to come to this House at the same time as did my good friend Mr. BROWN of West Virginia. We were both appointed to serve on the Banking and Currency Committee, and in the Sixty-second Congress we were appointed to a subcommittee to investigate the so-called Money Trust. That investigation continued for nearly a year, during which time Mr. BROWN and myself were together almost daily, and I learned to know him and to love him. The members of that committee soon learned the ability of our deceased friend, and his experience in the banking world was of great value to us during that investigation. He was a wise counselor, and a zealous, indefatigable worker. The investigation conducted by that subcommittee contributed in great measure to the sentiment which made possible the Federal reserve act passed in the Sixty-third Congress. Mr. BROWN, as a member of the Banking and Currency Committee, also participated in the forming of this Federal reserve act, to-day recognized as a piece of constructive legislation.

To few men is it given to possess the happy faculty of making friends, and holding them, as did our deceased friend. He loved his friends and was ever at their service. I presume that he knew intimately as many Members of this House as any other man, and among them all he had not one enemy. I recall that upon the last occasion I saw him, he had gathered about him at the hotel at which we resided, 11 of his constituents. To them he introduced me, and from them I quickly learned that he possessed the affection of those whom he represented, just as he did ours. Happy as he was that evening as he dispensed his generous hospitality to his friends from home, little did I dream that within a few short days death would claim him. His was a lovable character. He brought sunshine to many, and sorrow into the life of no man. He is dead, but his memory lives, and will ever live in the hearts of those who knew him.

Mr. LITTLEPAGE. Mr. Speaker, I present a resolution, adopted by the West Virginia Society of the District of Columbia, and ask unanimous consent that it be incorporated in the RECORD.

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. LITTLEPAGE] presents a resolution which was adopted by the West Virginia Society of the District of Columbia with respect to Mr. BROWN, and asks that it be incorporated by unanimous consent in the RECORD. Is there objection?

There was no objection.

Following is the resolution referred to:

GEN. W. W. SCOTT, first vice president of the West Virginia Society of the District of Columbia, presented the following memorial at a meeting of the society Friday evening, April 7, 1916, at Pythian Temple, Washington, D. C., which was unanimously adopted, spread upon the minutes of the society, and a copy transmitted to the widow of the deceased:

"Mr. President and members of the West Virginia Society: On March 8, 1916, WILLIAM G. BROWN, jr., a Member of Congress from the second congressional district and a member of the West Virginia Society, died in this city.

"Mr. BROWN was born at Kingwood, Virginia, now West Virginia, April 7, 1856, in the same place where his father was born in 1800. He obtained his education in the common schools of the State and at the university, and at an early age was admitted to the bar and practiced the profession of law and engaged in the banking and farming business up to the time of his death at the age of 60.

"In Mr. BROWN'S death the State has lost a true citizen and eminent statesman, and those who knew him a loyal friend. One of Mr. BROWN'S characteristics was his loyalty and faithfulness to his friends, and it is doubted if any man ever lived who loved the friendship of his fellow men more than did Mr. BROWN; and no one, either in public or private life, could count so many friends as could "Junior" BROWN, as he was lovingly known by his friends throughout the length and breadth of his State.

"Those who knew "Junior" BROWN well know of a tender side he had to his character and which was irresistible to everyone with whom he came in contact, for

"'None knew him but to love him,
None named him but to praise.'"

HENRY S. BARBER,
President.
WM. T. GEORGE,
Corresponding Secretary.

Mr. TAYLOR of Arkansas. Mr. Speaker, in the great Allegheny Mountains of West Virginia, one time old Virginia, at the town of Kingwood, in the year 1856 a man child was born, and they named him WILLIAM G. BROWN, Jr. From the day of his birth to the day of his death he walked under the shadow of the brow of our great Master as a charitable, chivalric, upright, honorable man. His ancestors were of the old Virginia stock. When Mr. BROWN grew to young manhood he became a lawyer and at the same time a business man; and so conducted himself among the people with whom he lived that they not only honored and loved him but sent him to the Congress as their Representative as a Democrat, although his district was Republican.

Mr. BROWN was one of the first Members with whom I became acquainted when I entered the House. He so impressed me by his kindly manners that I even remember where I first met him. He was standing just over there, Mr. Speaker, in the doorway of the Speaker's lobby, where we were introduced to each other. I shall never forget the warm and hearty greeting he tendered me and at the same time offering to do whatever he could for me as a new Member. As time passed on we grew to be very close friends. Soon after this we were walking together from the Capitol over to the House Office Building, when he said: "Everybody at home calls me Junior; what is your first name?" I replied, "Sam." He then remarked, "From now on I want you to allow me to call you Sam and I want you to call me Junior"; and this we did.

The Speaker of the House appointed me, among others, to attend the funeral of our departed friend at Kingwood, where he was born and where his body is peacefully sleeping in the beautiful cemetery of that little city among the great mountains of West Virginia. When at Kingwood I heard nothing of his life from his fellow citizens but praises touching the big-heartedness of this lovable man. When we arrived on the train at Kingwood our committee was conducted to a hotel to wait for the funeral services. A young man of that community was at the hotel and approached me, introducing himself, said, "Did you know Mr. BROWN?" I said, "Yes; he was my friend," and I asked him if he knew him. He replied, "Yes; I have known Mr. BROWN all the days of my life. He was a friend of our family. My father is yet living, and I have five grown brothers, and all of us always supported Mr. BROWN." I then said, "Of course, you come of a Democratic family." He replied, "Oh, no, sir; we are Republicans; but we could not have been induced to cast a vote against our friend, Mr. BROWN. He was so kind and good to all of our people that we could not think of casting a vote against him. Whenever his name was on the ticket we let politics go to the wind."

Leaving this young man at the hotel, I walked alone upon the streets of Kingwood, and after a while met an old man with long gray beard, standing in the snow, and, speaking to him, I said, "Do you live here?" "No," he said, "I live about 50 miles from this town. I am here to-day to look for the last time into the cold, still face of one of the best men that ever lived, my long-lived friend, JUNIOR BROWN."

You could see upon the face and in the eyes of this old man that his heart was bleeding with grief over the loss of his friend. He had come over the mountains and through the snow and over the rough hills to be present at the funeral service of this distinguished man. His words spoke volumes to me touching the life and character of poor Junior BROWN. He knew that a great man had fallen, that a friend of the people had passed off the earth. In further conversation the old gentleman said, "You do not know what Mr. BROWN was to our people and how we loved him." I listened intently to the words of this dear old man, who, continuing, said: "Stranger, to show you something of the character of Mr. BROWN I will relate an incident which came under my observation. One day Mr. BROWN was passing from his office by the courthouse over there, and, being attracted by a crowd of people who had gathered in front of the courthouse door, he observed that the sheriff was selling at execution sale a horse. Mr. BROWN walked into the crowd and asked whose horse was it that was being sold. Some one informed him that it belonged to 'that old man standing over there.' Mr. BROWN walked over to the owner and asked, 'Can you not pay the debt?' The old man

answered, with a distressed face, 'No, sir; I have no money

reports made to him by his assistants, which was ordered to lie

all by and by meet together in the eternal home above, where

That Life is ever lord of Death,
And Love can never lose its own.

answered, with a distressed face, 'No, sir; I have no money with which to pay it. The debt is a just one, and now they are selling my horse to pay it.' 'Have you other horses?' asked Mr. BROWN. The old man answered, 'No; this is the only one I have.' At once big-hearted Mr. BROWN became a bidder, and became the highest bidder and purchaser of the horse. Taking the horse by the bridle, he walked over to the old man and said to him: 'Here, take him and go home. God bless you! You now have your horse back, and if anyone undertakes to take him away from you, let me know.'"

Instances of this sort were referred to and mentioned to nearly every Member of the House in the funeral party as to Mr. BROWN'S charitable soul. Surely, Mr. Speaker, God smiled when he saw this charitable deed of Mr. BROWN in purchasing the horse and delivering him to the good old man. I will not speak longer. I feel more like silence than words. Members have spoken this afternoon kindly and beautifully on the life, the character, and public services of our deceased friend. Words are but empty things on occasions like this.

We are told that "charity is the paramount virtue; all else is but as sounding brass and a tinkling cymbal." Surely, Mr. Speaker, these words apply to the great man who rests near the spot where he was born and where he was laid by hundreds of devoted and loving friends. The funeral service was conducted in the house where he was born. On the walls hung the painting of his great distinguished father and his sainted mother, whom he loved so devotedly and whom he so often mentioned. The parlors and halls were filled with charming floral offerings from schools, churches, and lodges, and from the rich and the poor, and in the midst of these on the stairway over the body of our deceased friend stood a man of God, who among other things said: "Our friend is gone." At this expression tears gushed from the eyes of all present, and it made me know that the preacher had spoken directly from the hearts of his people.

I had a great affection for Mr. BROWN. I could not help it. I have often wondered whether this good man had an enemy in the world. The gentleman from North Carolina [Mr. KITCHIN] a few moments ago said that the deceased was one of the most likable men he ever knew. These words were fitly spoken, because everybody who was acquainted with the late Member of this House knew that Mr. KITCHIN spoke the truth. I hope, my friends, that when the heart of JUNIOR BROWN ceased to beat in the city of Washington that his great, big, loving soul plumed its wings for everlasting and eternal flight to that blessed land where the storm never drifts its darkness and where the sun never goes down.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Monday, April 17, 1916, at 12 o'clock noon.

SENATE.

MONDAY, *April 17, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee for those gracious influences that fit and qualify us for noble service to our fellow men. Without Thee our lives and hearts are self-centered and cruel. Without Thee we can not feel the divine impulse leading us to noble self-sacrifice, leading us to carry the burdens of others to help uplift the world. From Thee come not only the gifts that surround us in Thy providence, that minister to our daily needs, but from Thee come the higher impulses of the spirit that fit us for service to our fellow men. Thou hast committed to our hands great power, so that we fear no mortal man. We pray that Thou wilt give us grace which will sanctify the use of power, that we may use it for the uplift of the world and for the accomplishment of Thy will. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Friday, April 14, 1916, was read and approved.

PRICE OF GASOLINE.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, acknowledging receipt of a resolution adopted by the Senate on the 11th instant requesting reports, etc., relating to the investigations of the oil interests of the United States and stating that, in his opinion, it would be incompatible with the public interest to send to the Senate the reports made to him by his assistants, which was ordered to lie on the table.

Mr. KENYON subsequently said: Mr. President, 10 days ago a resolution was adopted by the Senate calling upon the Attorney General to submit, if not incompatible with the public interest, certain reports with reference to the oil and gasoline situation. I understand that a communication from the Attorney General on that subject has been received. I ask that it may be read for the benefit of the Senate.

The VICE PRESIDENT. The Chair laid the communication before the Senate this morning.

Mr. KENYON. Are we not entitled to have it read?

The VICE PRESIDENT. Yes; it will be returned from the Secretary's office and will go into the RECORD.

Mr. KENYON. I should prefer to have it read. I am not going to take the time of the Senate to discuss the proposition, but I will do so at some future time. I think the report of the Attorney General is somewhat comforting, even though he declines to send the information, because if there were no information there showing criminality on the part of these people certainly it would not be incompatible with the public interest to give that information to the country.

The VICE PRESIDENT. The Secretary will read the communication.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 12, 1916.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of the resolution adopted by the Senate on the 11th instant requesting the Attorney General, "if not incompatible with the public interest, to send to the Senate any reports in his department of any investigations of the oil interests of the United States, including the Standard Oil Co. and other companies affiliated therewith or independent thereof, the same to cover all reports of investigations made by the Department of Justice relating to said subject or to gasoline or oil since the decree of dissolution of the Standard Oil Co."

For some time past conditions in the oil trade, especially as affected by the decree in the case under the antitrust act against the Standard Oil Co., have been under observation and consideration by the Department of Justice.

As the matter is still actively pending, I am of the opinion that it would be incompatible with the public interest to send to the Senate the reports which have been made from time to time by my assistants engaged in this work.

I have the honor to remain,
Respectfully, yours,

T. W. GREGORY,
Attorney General.

LABOR CONDITIONS IN HAWAII.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Labor, transmitting, pursuant to law, the fifth report of the Commissioner of Labor Statistics on labor conditions in the Territory of Hawaii, which, with the accompanying paper, was referred to the Committee on Printing.

THADEUS P. JACKSON V. THE UNITED STATES (S. DOC. NO. 406).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy and findings of fact and conclusion filed by the court in the cause of Thadeus P. Jackson *v.* The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

THE HOLLAND SOCIETY OF NEW YORK.

The VICE PRESIDENT. The Chair lays before the Senate a communication addressed to the Senate from the recording secretary of the Holland Socity of New York, transmitting an engrossed testimonial resolution unanimously passed at the thirty-first annual meeting of the Holland Society of New York, held April 6 last. The communication and accompanying resolution will be printed in the RECORD.

The matter referred to is as follows:

THE HOLLAND SOCIETY OF NEW YORK,
90 West Street, New York City, April 11, 1916.

The SENATE, *Washington, D. C.*

GENTLEMEN: I have the honor to transmit herewith an engrossed testimonial resolution unanimously passed at the thirty-first annual meeting of the Holland Society of New York, held April 6 last.

Respectfully, yours,

EDWARD VAN WINKLE,
Recording Secretary.

At the annual meeting of the Holland Society of New York, held April 6, 1916, the following preamble and resolutions were adopted:

"Whereas the Holland Society of New York, founded in 1885, adopted in 1887 as a part of its badge the medal 'Les Gueux,' introduced in 1566 by Count Brederode and his colleagues as a badge of the patriotic and self-denying movement by the Netherlands for popular rights and freedom in religious belief, which John Lathrop Motley, the historian, has rendered immortal; and

"Whereas the medal 'Les Gueux' declared, in symbol and motto, loyalty to the Government, even to beggary; and

"Whereas in the crisis which now threatens our country through the introduction of ideas of intolerance and military domination in Europe, such as confronted the Netherlands in the time of William of Orange, it behooves the descendants of citizens of that little country, who brought here principles fought for in the 80 years' war, to support their native land, America, in the maintenance of the same fundamental ideas which our Dutch ancestors stood for—principles which are universally recognized as foundation stones of the civil and religious liberty of this country:

"*Resolved*, That with European militarism threatening individual rights, the sacredness of treaties, international law, humanitarian axioms, and even the national map of the world, the Holland Society of New York tenders, in the spirit of its badge, to the Federal Government at Washington its earnest sympathy and support in the maintenance of the traditions, the dignity, and the honor of our native land, the United States of America.

"*Resolved*, That an engrossed copy of this minute, duly attested by the seal of the society and certified by the president and secretary, be transmitted to the President, Senate, and House of Representatives of the United States at Washington."

[SEAL.] SEYMOUR VAN SANTWOOD,
President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BYRNS of Tennessee, Mr. SISSON, and Mr. GOOD managers at the conference on the part of the House.

The message also announced that the House had passed the concurrent resolution (S. Con. Res. 20) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California, with amendments, in which it requested the concurrence of the Senate.

The message further transmitted to the Senate resolutions on the death of Hon. WILLIAM G. BROWN, Jr., late a Representative from the State of West Virginia.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Society of Friends, Fallsington, Pa., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a memorial of the Greek-American League, of New York, remonstrating against the proposed literacy test for immigrants, which was ordered to lie on the table.

He also presented a petition of the General Assembly of the Presbyterian Church of the United States, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. THOMAS presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Wilmington, Marshallton, and Farnhurst, all in the State of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of Harmony Grange, No. 12, Patrons of Husbandry, of Marshallton, and of sundry citizens of Millville and Ocean View, in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. THOMPSON presented petitions of sundry citizens of Pittsburg, Kans., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Western Oil Jobbers' Association, in convention at St. Louis, Mo., praying for the enactment of legislation to provide for the effectual dissolution or control of the Standard Oil Co., which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Kansas Society, of Portland, Oreg., praying for the passage of the so-called Chamberlain land-grant bill for the disposal of railroad land grants in the State of Oregon, which was referred to the Committee on Public Lands.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Springville, Iowa, remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Hawkeye, Davenport, and Le Claire, all in the State of Iowa, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Ferguson, Davenport, and Le Claire, all in the State of Iowa, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Lake Mills, Iowa, praying for the establishment of a system of rural credits, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Denison, Iowa, remonstrating against appropriations being made for sectarian purposes, which was ordered to lie on the table.

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of White, S. Dak., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of White, Winfred, Salem, and Montrose, all in the State of South Dakota, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Woman's Club, of Yankton, S. Dak., praying for an investigation into conditions surrounding the marketing of dairy products in the United States, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Spencer, S. Dak., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SHAFROTH presented a memorial of sundry citizens of Delta County, Colo., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Fleming, Colo., praying for the establishment of a system of rural credits, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Kiowa County, Colo., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. STONE presented petitions of sundry citizens of Missouri, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Missouri, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Missouri, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. OVERMAN presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Athol, Mass., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Haverhill, Mass., praying for the passage of the so-called Ashbrook pension bill, to provide pensions for certain widows of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. POINDEXTER presented a petition of sundry citizens of Prosser, Wash., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Prosser and Vancouver, in the State of Washington, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Renton, Colville, Park Rapids, and College Place, all in the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Spokane and Granger, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. NORRIS presented memorials of sundry citizens of Nebraska, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Lincoln, Nebr., remonstrating against the passage of the proposed bill to create a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TOWNSEND presented memorials of 814 farmers of Michigan, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Detroit and Shepherd, in the State of Michigan, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Scotts, Mich., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Grand Rapids and Holland, in the State of Michigan, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Detroit, Mich., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Bay City, Mich., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Grand Rapids, Mich., remonstrating against the proposed reduction of wages of employees in the Canal Zone, which were referred to the Committee on Interoceanic Canals.

He also presented a memorial of sundry citizens of Kalamazoo, Mich., remonstrating against appropriations being made for sectarian purposes, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Battle Creek, Mich., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. STERLING presented a memorial of the Grand Valley Rural Credits League, of Lincoln County, S. Dak., remonstrating against the passage of the proposed Federal farm-loan bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Fruitdale and Dixon, in the State of South Dakota, praying for Government ownership of telephone and telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Fruitdale, S. Dak., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. PHELAN presented a petition of sundry citizens of San Francisco, Cal., praying for the printing of the report of the Commission on Industrial Relations, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Richmond, Cal., praying for an appropriation of $300,000 for the improvement of the Yosemite National Park and for the creation of a National Park Commission, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Los Angeles, Cal., praying for the enactment of legislation to provide a right of appeal to employees of the classified civil service, which was referred to the Committee on Civil Service and Retrenchment.

Mr. GALLINGER presented a memorial of Fruitdale Grange, Patrons of Husbandry, of Mason, N. H., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the New Hampshire State Division, Sons of Veterans, and of Ellenette Pillsbury and E. N. Atwood, of Concord, in the State of New Hampshire, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a petition of sundry citizens of East Sullivan, N. H., praying for prohibition in the island of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Robert Morrow, jr., of Manchester, and Mrs. Elvira P. Carter, of Boscawen, in the State of New Hampshire, praying for an increase in armaments, which were ordered to lie on the table.

He also presented the petition of George Foster Howell, of New York City, N. Y., praying for an investigation into the practice of vivisection, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. J. O'Meara, of Brooklyn, N. Y., praying for the enactment of legislation to provide a shorter term of enlistment in the Army, which was ordered to lie on the table.

Mr. MYERS. I present a resolution in the nature of a petition adopted by the Young People's Society of Christian Endeavor of the First Presbyterian Church of Bozeman, Mont., which I ask may be printed in the RECORD, together with the signature.

There being no objection, the resolution was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

Resolved, That this meeting hereby authorizes its presiding officer to petition the Congress of the United States, in behalf of this body, to prohibit the importation, manufacture, and sale of intoxicating liquors in the island of Porto Rico.

The above was unanimously adopted at a meeting of the Young People's Society of Christian Endeavor of the First Presbyterian Church in Bozeman, Mont., on the 9th of April, 1916, and the undersigned was authorized so to attest.

MYRTLE ALDERSON, *President.*

Mr. MYERS. I present a resolution adopted by the Good Government Club, of Helena, Mont., in favor of the Susan B. Anthony constitutional amendment. I ask that the resolution be printed in the RECORD, together with the signatures.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

HELENA, MONT., *April 10, 1916.*

Hon. HENRY MYERS,
Washington, D. C.:

Resolved, That we, members of the Good Government Club, of Helena, and voters of Montana, demand that the national administration give facilities for the passage of the Susan B. Anthony amendment during the present session of Congress; and be it further

Resolved, That a copy of these resolutions be sent to the administration leaders in our National Capital and to the members of the Montana congressional delegation.

Unanimously adopted.

CARRIE L. B. WILLIAMS, *President.*
CLERIKA ERICKSON, *Secretary.*
E. M. SIVES, *Treasurer.*

Mr. BURLEIGH presented a memorial of sundry citizens of Portland, Me., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented memorials of sundry citizens of Yakima County and Walla Walla County, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented the petition of John A. Wilson, of Minneapolis, Minn., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of Local Union No. 16, United Hatters of North America, of South Norwalk, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Stamford, Conn., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Connecticut Probation Officers' Association, praying for the adoption of a probation system in United States courts, which was referred to the Committee on the Judiciary.

He also presented petitions of Richard F. Holcomb Camp, No. 38, Sons of Veterans, of New Canaan, and of sundry citizens of Hartford, in the State of Connecticut, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Hartford, Conn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of William McKinley Camp, No. 9, United Spanish War Veterans, of Norwalk, Conn., praying for the enactment of legislation to grant pensions to widows and orphans of Spanish War veterans, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Goshen, Westport, and Unionville, in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Mosaic Club, of Bridgeport, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Westport, Hartford, and Hazardville, in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Portland and St. Johns, in the State of Oregon, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Albany, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Grants Pass, Oreg., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Portland, Oreg., praying for prohibition in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Commerce, to which was referred the bill (S. 1697) to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable, reported it without amendment and submitted a report (No. 355) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 739. A bill to remove the charge of desertion from the military record of James F. Cole (Rept. No. 353); and

S. 743. A bill to remove the charge of desertion from the military record of Moses Chauncey (Rept. No. 354).

Mr. SMITH of South Carolina submitted a report (No. 352) to accompany the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States heretofore reported by him.

SOUTHERN STATES LUMBER CO.

Mr. MYERS. Mr. President, on the 10th day of this month at the request of the Senator from Florida [Mr. FLETCHER] I introduced for him in his absence the bill (S. 5439) for the relief of the Southern States Lumber Co., which was referred to the Committee on Claims. I understand that a like bill in the House of Representatives was referred to the House Committee on Public Lands and that other bills of this nature have generally been referred to the Committee on Public Lands of the Senate.

I ask unanimous consent that Senate bill 5439 be withdrawn from the Senate Committee on Claims and that it be referred to the Senate Committee on Public Lands. This is done at the request of the author, the Senator from Florida [Mr. FLETCHER].

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

SNAKE RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 5310) to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank, and I submit a report (No. 351) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in line 8, after the words "Snake Rivers," to insert "at a point suitable to the interests of navigation," and in line 10, to strike out the word "streams," and insert the word "waters," so as to make the bill read:

Be it enacted, etc., That the county commissioners of Walla Walla and Franklin Counties, Wash., are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Snake River over the southern end of Strawberry Island about 2 miles above the confluence of the Columbia and Snake Rivers at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN NATIONAL RED CROSS.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the joint resolution (S. J. Res. 119) to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period, and I ask for the immediate consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that the provisions of section 1 of the joint resolution approved May 8, 1914, authorizing the issue of military and naval equipment to the American National Red Cross be so extended as to permit the issue of the same to the American National Red Cross for the instruction of persons who may volunteer to receive training by that association from May 1 to June 1, 1916.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 5527) for the relief of the legal representative of P. H. Aylett; to the Committee on Claims.

A bill (S. 5528) authorizing the President of the United States to appoint John W. Hyatt a first lieutenant of Infantry; to the Committee on Military Affairs.

By Mr. BRADY:

A bill (S. 5529) for the relief of Washington Kellogg (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5530) granting a pension to John C. Cook (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5531) granting a pension to Sarah L. Chute; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5532) granting a pension to Elizabeth Rigg; and

A bill (S. 5533) granting an increase of pension to David Roach; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5534) granting an increase of pension to Mary F. Knowles (with accompanying papers); and

A bill (S. 5535) granting an increase of pension to Alfred W. Bussell (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5536) granting a pension to Fannie E. Hilton; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5537) granting a pension to Mary A. Salisbury; to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5538) to grant an honorable discharge to James H. Gillen; to the Committee on Naval Affairs.

By Mr. SMOOT:

A bill (S. 5539) to consolidate national forest lands; to the Committee on Public Lands.

By Mr. CHILTON:

A bill (S. 5540) for the relief of the heirs of William Elliott; and

A bill (S. 5541) for the relief of Theodore Copenhaver; to the Committee on Claims.

A bill (S. 5542) granting an increase of pension to Mary J. Penrod;

A bill (S. 5543) granting a pension to Edgar Travis;

A bill (S. 5544) granting an increase of pension to Charles W. Wallace;

A bill (S. 5545) granting an increase of pension to Eleam Welch;

A bill (S. 5546) granting a pension to William C. Shaffer;

A bill (S. 5547) granting a pension to Mary C. Kines;

A bill (S. 5548) granting a pension to Anna B. McCoy;

A bill (S. 5549) granting a pension to Samuel M. Rogers;

A bill (S. 5550) granting a pension to George Simpson;

A bill (S. 5551) granting a pension to Adolphus Hamilton;

A bill (S. 5552) granting a pension to Joseph K. Jefferys;

A bill (S. 5553) granting a pension to Virginia Hendrick;

A bill (S. 5554) granting a pension to George Sorrel;

A bill (S. 5555) granting a pension to Charles I. Trowbridge;

A bill (S. 5556) granting an increase of pension to Marshall Canfield;

A bill (S. 5557) granting an increase of pension to Joseph A. Miller;

A bill (S. 5558) granting an increase of pension to John S. Martin;

A bill (S. 5559) granting a pension to John A. McCauley;

A bill (S. 5560) granting a pension to Christian Wilhelm;

A bill (S. 5561) granting a pension to Charles H. Payne, jr.;

A bill (S. 5562) granting an increase of pension to J. E. Stafford;

A bill (S. 5563) granting a pension to Claudia E. Geary;

A bill (S. 5564) granting an increase of pension to Elisha P. Macconaughey;

A bill (S. 5565) granting an increase of pension to Jacob A. Steringer;

A bill (S. 5566) granting an increase of pension to Pary McNair;

A bill (S. 5567) granting a pension to Bertha Young;

A bill (S. 5568) granting a pension to Lucy A. Layman;

A bill (S. 5569) granting a pension to Ellen Pierce;

A bill (S. 5570) granting a pension to Hiram Metcalf;

A bill (S. 5571) granting a pension to Joseph K. Jefferys;

A bill (S. 5572) granting a pension to George Myers;

A bill (S. 5573) granting a pension to John B. Page;

A bill (S. 5574) granting an increase of pension to George W. Hartman;

A bill (S. 5575) granting a pension to A. H. Dolly;

A bill (S. 5576) granting a pension to George W. Hill;

A bill (S. 5577) granting an increase of pension to Elizabeth Landers;

A bill (S. 5578) granting a pension to Dora E. Miller;

A bill (S. 5579) granting a pension to Isaac D. Caldwell;

A bill (S. 5580) granting a pension to John Todd;

A bill (S. 5581) granting an increase of pension to Robert Horner;

A bill (S. 5582) granting an increase of pension to John W. Britton;

A bill (S. 5583) granting an increase of pension to Daniel W. Thurston;

A bill (S. 5584) granting an increase of pension to George W. Miller;

A bill (S. 5585) granting an increase of pension to David H. Cox;

A bill (S. 5586) granting an increase of pension to John M. Jones;

A bill (S. 5587) granting an increase of pension to Allen J. Freeland;

A bill (S. 5588) granting an increase of pension to William T. McBee;

A bill (S. 5589) granting a pension to Lucinda Phares;

A bill (S. 5590) granting a pension to Charlotte L. Arnett;

A bill (S. 5591) granting a pension to Jethrow Davis;

A bill (S. 5592) granting a pension to J. S. Collins;

A bill (S. 5593) granting a pension to Joseph K. Jefferys;

A bill (S. 5594) granting a pension to Frances Haring;

A bill (S. 5595) granting a pension to Stocton Spouseller;

A bill (S. 5596) granting an increase of pension to Isaac M. Locke;

A bill (S. 5597) granting an increase of pension to Eli Phillips;

A bill (S. 5598) granting an increase of pension to Solomon S. Simpkins;

A bill (S. 5599) granting an increase of pension to Daniel W. Jones;

A bill (S. 5600) granting an increase of pension to James Stonebraker;

A bill (S. 5601) granting a pension to George A. Loughery;

A bill (S. 5602) granting a pension to Bruce Friend;

A bill (S. 5603) granting a pension to Mary E. Paugh;

A bill (S. 5604) granting a pension to James L. McClanahan;

A bill (S. 5605) granting a pension to Hiram Hill;

A bill (S. 5606) granting a pension to Lydia A. Long;

A bill (S. 5607) granting a pension to M. M. Sayers;

A bill (S. 5608) granting a pension to Mary C. Wykoff; and

A bill (S. 5609) granting an increase of pension to John McWilliams; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5610) authorizing and directing the Secretary of the Interior to reclassify or reappraise lands within the former Fort Peck Indian Reservation, Mont.;

A bill (S. 5611) providing for noncontiguous homestead entries within the former Fort Peck Indian Reservation, Mont., of land of the character described in the enlarged homestead act of February 19, 1909; and

A bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.; to the Committee on Public Lands.

A bill (S. 5613) granting an increase of pension to David W. Herriman; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5614) concerning desert lands; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 5615) granting certain lands to the board of park commissioners of the State of Washington for park purposes; to the Committee on Public Lands.

A bill (S. 5616) granting a pension to James Turner (with accompanying papers); to the Committee on Pensions.

Mr. CLAPP. On the 11th instant I introduced the bill (S. 5448) to confer jurisdiction upon the United States District Court for the District of Minnesota to hear, try, and determine the value of certain pine timber, and it was referred to the Committee on the Judiciary. I ask that the Committee on the Judiciary be discharged from the further consideration of the bill and that it be postponed indefinitely.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CLAPP. I now introduce a bill which is intended to take the place of the one heretofore introduced by me, and I ask that it be referred to the Committee on the Judiciary.

The bill (S. 5617) to confer jurisdiction upon the United States District Court for the District of Minnesota to hear, try, and determine the value of certain pine timber was referred to the Committee on the Judiciary.

By Mr. CLAPP:

A bill (S. 5618) to authorize the Secretary of the Interior to issue a patent in fee simple to the district school board No. 112, of White Earth Village, Becker County, Minn., for a certain tract of land upon payment therefor to the United States in trust for the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. KENYON:

A bill (S. 5619) granting an increase of pension to William Goodin (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 5620) granting a pension to Patrick H. Guhin (with accompanying papers); and

A bill (S. 5621) granting an increase of pension to Oscar D. Nutten (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 5622) to provide for the erection of an addition to the United States post-office building already provided for at Steubenville, Ohio, and to be constructed in connection therewith and as a part of the same building; to the Committee on Public Buildings and Grounds.

By Mr. TAGGART:

A bill (S. 5623) granting an increase of pension to Elmore T. Montgomery;

A bill (S. 5624) granting an increase of pension to George W. Lukenbill; and

A bill (S. 5625) granting an increase of pension to Thomas E. Niles; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 5626) granting an increase of pension to H. J. Rowe (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 5627) granting an increase of pension to Robert M. Watkins (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5628) granting an increase of pension to Stephen H. Whitman (with accompanying papers);

A bill (S. 5629) granting an increase of pension to Thomas S. Henderson (with accompanying papers); and

A bill (S. 5630) granting an increase of pension to Corydon L. Cole (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5631) granting a pension to Adelbert R. Burke (with accompanying papers); to the Committee on Pensions.

A bill (S. 5632) for the relief of Aquila Nebeker; to the Committee on Public Lands.

By Mr. LA FOLLETTE:

A bill (S. 5633) granting an increase of pension to Ira H. Fuller; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5634) to regulate interstate employment agencies; to the Committee on Education and Labor.

By Mr. JOHNSON of South Dakota:

A bill (S. 5635) authorizing the conveyance of certain land in the State of South Dakota to the town of Flandreau, in said State (with accompanying papers); to the Committee on Indian Affairs.

By Mr. DILLINGHAM:

A bill (S. 5636) for the relief of George W. Richardson (with accompanying papers); to the Committee on Military Affairs.

By Mr. JOHNSON of Maine:

A bill (S. 5637) granting an increase of pension to Laban A. Fernald (with accompanying papers); to the Committee on Pensions.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. DU PONT submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KENYON submitted an amendment proposing to amend section 2, chapter 389, Thirty-seventh United States Statutes at Large, approved August 24, 1912, so as to include newspapers published weekly, semiweekly, and triweekly, intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $238,024.08 for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, as payment in full for his costs, losses, damages, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RURAL CREDITS.

Mr. ROBINSON submitted two amendments intended to be proposed by him to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which were ordered to lie on the table and be printed.

NATIONAL DEFENSE.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

Mr. ROBINSON submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

Mr. REED submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

Mr. LANE submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was ordered to lie on the table and be printed.

RIVER REGULATION AND CONTROL.

Mr. NEWLANDS. Mr. President, I submit an amendment intended to be proposed by me to the river and harbor bill, embracing the recommendations of the Secretaries of the Interior, Agriculture, and Commerce to the President of the United States, regarding a full and broad system of river regulation and control. These recommendations were recently transmitted to me by the President of the United States in a letter, which, with the accompanying recommendations, were at my instance recently printed in the RECORD. They were recommendations made by an interdepartmental committee appointed by the President two years ago, consisting of the Secretaries of War, Interior, Agriculture, and Commerce. Owing to a vacancy in the War secretaryship the recommendations were signed only by the three other Secretaries, but I am informed that the recently appointed Secretary of War is in harmony with them. The letter of the President and the recommendations of the Secretaries will be found in the CONGRESSIONAL RECORD of April 11. I ask unanimous consent that it be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the amendment was referred to the Committee on Commerce and ordered to be printed and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz: Add, at the end of the bill, the following:

"SEC. —. (a) That a national waterways council, hereinafter called the council, consisting of the President of the United States as chairman, the Secretary of War as vice chairman, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, is hereby created, which is authorized and directed to investigate or cause to be investigated, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including irrigation, forestry, fisheries, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, storage and conservation of water for agricultural, industrial, municipal, and domestic uses, utilization of water power, prevention of soil erosion and waste, cooperation of carriers by rail and water, and promotion of transfer facilities and sites, and to formulate as early as practicable and to report to the Congress comprehensive plans and specific projects for each watershed, with estimates and recommendations for the development of waterways and water resources of the United States for every useful purpose, either independently by the United States or through such cooperation between the United States and the several States, counties, municipalities, communities, corporations, associations, and individuals, both in financial support and in coordination of agencies, as will secure the highest development and utilization of the waterways and water resources of the United States.

"(b) That to assist in carrying out the purposes aforesaid the council may utilize the various agencies of the Government, and there is hereby created a water-control board, hereinafter called the board, which shall consist of four assistant secretaries, to be appointed as hereinafter provided, one of whom shall be designated by the council as chairman, and such additional members as the council may from time to time appoint. Each such assistant secretary shall receive a salary of $10,000 per annum and said additional members of the board such salaries as the council may from time to time fix. Subject to the direction and control of the council as to general policy and procedure, including investigations, plans, estimates, and expenditures, it shall be the duty of the board, under rules and regulations prescribed from time to time by the council, to ascertain in detail the work in progress and obtain plans, recommendations and estimates of the work contemplated in the general field of water control and utilization by the various agencies of the Government, States, counties, municipalities, communities, corporations, associations, and individuals, and on the basis of such information and the results obtained by its own investigations to prepare for the consideration of the council a general and comprehensive program of water and waterways regulation, development, and utilization, extending through a number of years, with specific projects, estimates, and recommendations, involving independent work by the United States and the combining of resources and energies of the various public and private agencies aforesaid; to coordinate and bring into conference the various agencies of the Government, and to examine, compare, adjust, allot, assign, and supervise their work, to the end that duplication may be avoided and the highest efficiency obtained; by agreement to assign to the various cooperating agencies the work to be done by them within their respective spheres; to accept, on behalf of the United States, from such agencies contributions of money and property of any kind to be used for carrying out the purposes authorized by this act; to make field inspection of all work done or contemplated under this act by the Government and its cooperating agencies; and to employ such engineers, transportation experts, experts in water development, constructors, and other employees, and to construct such buildings and works as may be necessary for those purposes. Contributions received under this section shall be used by the board, under the direction of the council, for carrying out the purposes of this act. Money so received shall be deposited in the Treasury of the United States, shall constitute a special fund, which is hereby appropriated for such purposes, available until expended, and shall be paid out in the manner specified in section 4. Subject to the approval of the council, the board is authorize: to enter into such contracts as may be necessary for carrying out the purposes of this act, within the limits of appropriations or con-

tributions which shall be made hereafter from time to time, or as may be necessary for executing projects under this act within the respective limits of cost thereof approved by the Congress, the funds for which shall have been provided by the Secretary of the Treasury in accordance with the authority conferred by this act. Subject to the approval of the council, the board may also employ the various agencies of the Government in carrying out such purposes or executing such projects.

"(c) That each head of a department named in this act is authorized to appoint, with the approval of the council, for service as a member of the board, a highly qualified representative, who shall be an assistant secretary in the department in which he is appointed, shall devote his time primarily to the work authorized by this act, shall have, subject to the direction of the head of the department, such general supervision and control as may be necessary for the purposes of this act of the agencies within the department engaged upon such work, shall serve during good service and behavior, and shall be removable by the head of the department only for good cause.

"(d) That for all expenses of investigations and formulation of plans and projects by or under the direction of the council or the board, including rent and the employment of labor and of technical and clerical assistance in the District of Columbia and elsewhere, salaries of the assistant secretaries in the departments, and of the additional members of the board appointed under this act, supplementing the annual appropriations for the various agencies of the Government, to the extent approved by the council, when called upon by or under the direction of the council for services under this act additional to their regular and usual duties, and all other necessary expenses, including emergency work, there is hereby authorized to be appropriated the sum of $15,000,000, out of any money in the Treasury not otherwise appropriated, available until expended, to be paid out on warrants signed by the chairman of the council, or by an official designated by him in writing, drawn on the Secretary of the Treasury.

"(e) That to provide for carrying out the projects formulated under this act, the appropriation hereafter of such sums as may be necessary is hereby authorized. At any time that the Secretary of the Treasury shall determine it to be necessary or advisable, in order to provide revenues to execute a project under this act, which shall have been approved by the Congress, he may issue and sell, or use as a means of borrowing money, bonds in the necessary amount, in accordance with the provisions of the act of August 5, 1909 (36 Stats. L., 11, 117), the act of February 4, 1910 (36 Stats. L., 192), and the act of March 2, 1911 (36 Stats. L., 1013). The sums appropriated or provided by the Secretary of the Treasury pursuant to this section shall be available until expended and shall be paid out in the manner specified in section 4.

"(f) That the work now in progress under the Mississippi River Commission shall not be interrupted, but shall proceed substantially in accordance with existing plans, under the supervision of the council, with such improvements and enlargements, if any, as may be suggested by the commission or the board and approved by the council, and the work of other agencies under this act shall be adjusted with reference thereto. For carrying on the work under the Mississippi River Commission there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $45,000,000, available immediately and until expended.

"(g) That all money made available for carrying out the purposes of this act, including appropriations, contributions, and proceeds of bonds, shall be carried on the books of the Treasury as the waterways fund, but may be credited to the separate items to which they respectively appertain and need not be commingled."

ADDRESS BY SENATOR SMOOT (S. DOC. NO. 465).

Mr. LODGE. Mr. President, I ask unanimous consent to have printed as a public document an address delivered by the senior Senator from Utah [Mr. SMOOT] before the City Club, of Boston, Mass., on Thursday, April 13, 1916, on certain policies of the present administration and their effects.

The VICE PRESIDENT. Without objection, that will be done.

POTOMAC POWER PLANT.

Mr. WILLIAMS. I should like to have inserted in the RECORD without reading a couple of editorials from the Saturday Evening Post of April 1, one entitled "Secret government" and the other "Unsightly smokestacks," both relating to the central power plant question.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

[From the Saturday Evening Post, Philadelphia, Apr. 1, 1916.]

SECRET GOVERNMENT.

The people of the United States know only a little more about what goes on at Washington than about what goes on at the seat of British Government. A few outstanding exceptional things are briefly reported—especially those things charged with a sporting interest, like the differences between the President and Congress over armed merchantmen. News of a tariff bill, a banking act, or a shipping bill gets circulated, but so does news of the big outstanding things that happen at Westminster. We get a good deal of gossip about what is likely to happen in connection with big measures, but of the actual doings of Government little is known outside the walls of the Capitol and of the departments.

For example, a great many people are much interested in the appearance of the National Capital. They hope it is going to live up to its opportunity of being one of the most beautiful cities in the world. From no selfish motive, but from national pride and out of a reverent sense of the value of beauty, architects, sculptors, landscape gardeners, painters, and engineers have especially watched and furthered plans to ennoble and adorn the Capital. Competent bodies have given much study to the subject—always with a long look to the future splendid city of which L'Enfant dreamed when he drew the first plans for the first President.

In February of this year the American Institute of Architects suddenly discovered, with amazement and dismay, that the Government was on the point of erecting a huge power plant near the Mall—a great, dauby splotch right in the middle of the picture. Remember, this subject of a beautiful Capital is one in which a great number of people have long been especially interested. The act authorizing this power house was passed in June, 1913. Plans had been drawn and contracts for the construction actually signed. Yet the country had not heard of it.

The architects, in spite of their special interest in the subject and the special attention they had given to it, did not know of it. It seems to have been news to the President himself when a committee hastily waited on him to protest. Of course some congressional committeemen knew and some officials of the Treasury Department knew; but the public had no more knowledge of it than as though it had been done by the Government of China.

It is no use blaming the newspapers. They say the public is not interested in the proceedings of the Government except as to a few overshadowing and exciting details, and probably they know. But to argue for public diplomacy when so much else that the Government does is essentially secret sounds like poppycock.

UNSIGHTLY SMOKESTACKS.

The site chosen for the power house that the Government purposes building in Washington is not far from the Washington Monument. The plans call for four smokestacks reaching 195 feet above water level and competing with the Monument for the visitor's attention. From the Virginia shore, from Potomac Park, on which much money is being spent, and to all those who enter the Capital from the south, this power house would be one of the most conspicuous objects. It would be in plain view from the Capitol.

Of course a power house so situated would be an egregious mistake—blotting the view and marring the plans for a beautiful city as long as it endured. There is still time to prevent this mistake. The plans should be modified.

There is no need to blame anybody in particular for the mistake. Time out of mind the business of housing the Government at Washington has been done, in part, piecemeal and hand-to-mouth. The long-range planning has always been inadequate to the Government's needs. The surplusage has been taken care of any old way on a policy of anything to meet the demands of the hour. In that case such an error as this power house might easily occur.

But the mistake has been discovered in time. It should be frankly acknowledged and corrected. A few people resent the effort to correct it, as though it involved some reflection upon them. They even intimate selfish motives on the part of those who have taken the lead in saving the Capital from this blot. As between their excited sensibilities and four one-hundred-and-one-foot smokestacks in the middle of the picture there is no room for argument. The project should be abandoned and another site chosen.

PRICE OF GASOLINE.

Mr. THOMPSON. I ask to have printed in the RECORD an editorial from the Washington Post of Saturday, April 1, 1916, on the unjustifiable increase of gasoline prices.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

[From the Washington Post, Saturday, Apr. 1, 1916.]

UNJUSTIFIABLE INCREASE OF GASOLINE PRICES.

Now that the attention of the public and of Congress has been sharply directed to the rise in the price of gasoline it is to be hoped that the speedy relief of consumers will follow. Action by Congress leading to the investigation of the unprecedented increase of price may be followed by the manufacture of gasoline by corporations or by capitalists interested in automobile manufacture. Already one such corporation is under way. The promoters assert that gasoline may be profitably manufactured at 15 cents a gallon.

Neither the demands of Europe nor the crude oil situation justifies the enormous increase in the price of gasoline. Europe is not taking such quantities as to make a serious shortage, nor is there such a curtailment of crude oil production as to force prices to such a height.

The rise in gasoline prices was most noticeable soon after the administration suggested that a tax be levied upon the product. For a time the administration was insistent upon the imposition of this tax, the President even recommending it in his address to Congress. Lately little has been heard of this revenue plan, and it may have been dropped on account of the widespread protest against it. But the manufacturers apparently seized upon the threat of a tax as an excuse for raising prices, and, not being brought to task, they have been raising prices ever since on one excuse after another.

It is probable that gasoline manufacturers have discounted future demands in raising prices. They are aware of the prodigious increase in automobile manufacture and have taken advantage of this growth by making it an ostensible reason for high prices.

The year 1916 is proving a notable one in the automobile business. Carefully compiled reports from leading manufacturers show that automobile production will be 100 per cent greater this year than last. Taking July 31 as the end of the automobile year, the production in 1915 was 700,000 cars, and in 1916 it will be 1,400,000. The six leading companies report the following output for 1916: Ford, 500,000; Willys-Overland, 200,000; General Motors, 120,000; Chevrolet, 95,000; Studebaker, 75,000; and Maxwell, 70,000. There are 448 automobile manufacturers in the United States, many of them turning out more than 5,000 cars annually. In spite of the increased cost of materials the average prices of cars have been reduced without reducing profits of manufacture, this result having been reached by manufacturing in greater quantities.

Necessarily this astonishing increase in the number of automobiles will affect gasoline production and cost. But the price of gasoline has more than doubled, and the fact that automobiles have multiplied is not a valid excuse for further price increases.

The public is being squeezed without justification. Congress can well afford to go into the subject and provide relief.

WOMAN SUFFRAGE (S. DOC. NO. 468).

The VICE PRESIDENT. If there are no concurrent or other resolutions, the morning business——

Mr. DILLINGHAM. Mr. President, I hold in my hand a matter of morning business, and I was attempting to get the attention of the Chair. It is a brief, an argument, called "The Case Against Woman Suffrage." I am informed by Mr. Robert V. Turner, for the National Anti-Suffrage Committee that this is regarded by the National Anti-Suffrage Committee as the best and most complete presentation of the antisuffrage cause that

has yet been prepared. I have been requested by a committee of estimable women, who are opposed to suffrage and who look upon this paper as being the best presentation of their views, and as bearing directly upon the Susan B. Anthony amendment, so called, which is now pending in Congress, to ask that it be printed as a public document. I make that request.

The VICE PRESIDENT. Without objection it is so ordered.

REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. POINDEXTER. I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations. A favorable report has been pending in the Senate for a considerable period, and I suppose every Senator has a great deal of correspondence about it—I know I have—requesting copies of this document. It requires considerable time to answer such letters. It will require no more time, if the joint resolution is acted on and the document printed, to send the document to the citizens of the country who desire it. I take it for granted that ultimately the joint resolution will be passed and that this information which has cost so much money to obtain will be made available. I therefore move that the Senate proceed to the consideration of the joint resolution.

Mr. REED. Will the Senator withhold that motion long enough for me to present a petition which I desire to have read?

Mr. POINDEXTER. I yield for that purpose.

THE NATIONAL GUARD.

Mr. REED. I send to the desk and ask to have read a communication in the nature of a petition.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary proceeded to read the communication and was interrupted by

Mr. ASHURST. Mr. President, I merely want to ask the length of the document which the Secretary is reading? I fear its reading will take up so much of the morning hour that there will be very little of it left in which to discuss the motion of the Senator from Washington [Mr. POINDEXTER]. I ask that the reading of the document be suspended and that it be incorporated in the RECORD.

Mr. REED. Mr. President, I object to that. The document is being read by unanimous consent, which unanimous consent has already been granted.

The Secretary resumed and concluded the reading of the document, which is as follows:

THE CHARGES AGAINST THE NATIONAL GUARD.

Many of the statements made by the Senator from Idaho in his speech before the Senate on Saturday concerning the alleged misapplication and misappropriation of public funds by the National Guard are wholly incorrect and some of them convey a false impression. The items and figures as read in the form by him presented appear in no report published by the War Department. They could come from but one source. Curiously enough, this source is the very agency in the War Department charged with the control of the Federal funds appropriated for the support of the militia and with the direction of the disbursement of such funds.

Let us take up these misstatements:

1. Reference is made to the sum of $8,000,000 as annually appropriated for the militia. This is a mild exaggeration, involving an expansion of 50 per cent. As a matter of fact, the annual appropriations for the militia amount to just $4,000,000, half of which is appropriated under section 1661, United States Revised Statutes as amended, and the other half under the act of May 27, 1908. A special appropriation of $1,250,000 has been made each alternate year for the expenses of militia participating in joint maneuvers with the Regular Army. These latter funds so appropriated are expended wholly through the agencies of the Army and for maneuver purposes solely. In 1915 certain special items for Artillery equipment were appropriated for, not a part of the current militia appropriations, but, including these items and the maneuver expenditures, the total sum expended for and in connection with the militia totaled only $4,817,744.91, as shown on page 45 of the Report of the Chief of the Division of Militia Affairs for the year 1915.

2. Of the two militia appropriations of $2,000,000 each, the one made under the act of February 27, 1908, is used only to cover the cost of arms and camp equipments and ammunition issued to the militia of the several States upon the requisition of their governors. The appropriation under section 1661, United States Revised Statutes, is allotted for "equipments and camp purposes," and that allotment may be used to obtain supplies or to cover the expenses of field service and for the "promotion of rifle practice," which allotment is used for the acquisition of rifle ranges, their construction and operation, expenses of teams participating in rifle competitions, and other authorized expenses in connection with rifle practice. A portion of the militia appropriation is retained "unallotted" by the Secretary of War and applied to cover expenses of the Division of Militia Affairs, the cost of equipping new organizations, and other purposes. The only appropriation under which funds may be obtained for disbursement for authorized purposes by State officers is under section 1661 above referred to. Let us see how these disbursements are made.

3. The following regulations are prescribed under the War Department Regulations for the Organized Militia, 1910:

(a) Before a State may use Federal funds its militia must equal in strength 100 for each Senator and Representative in Congress; unless specially excused each unit of its militia must have participated in field exercises for not less than five days, and each company or other unit must have assembled for drill, etc., not less than 24 times; the militia must have been inspected by a Federal Officer during the year. (See par. 148, Mil. Reg.)

(b) The governor of a State must designate to the Secretary of War an officer to act as disbursing officer, who must give a good and sufficient bond in such sum as the Secretary of War may direct. This disbursing officer must submit a detailed account, with all vouchers covering expenditures, at the end of each month through the Division of Militia Affairs to the Auditor for the War Department. (See par. 149, Mil. Reg.)

(c) Federal funds are obtained upon the requisition of a governor, accompanied by detailed estimates showing the purposes for which the funds are to be used, and, if for camp purposes, the number and grade of officers and enlisted men, period of proposed duty, etc. (See par. 160, Mil. Reg.)

(d) The specific purposes for which the use of Federal funds is authorized are set out in paragraph 170, Militia Regulations. To expend them for any other purpose special authority would be required.

(e) It should be borne in mind that Federal funds are not handled or disbursed by any State officer other than the duly appointed and bonded disbursing officer, and attention is invited to the rules governing him as prescribed in paragraphs 146 to 220, United States Militia Regulations, 1910.

4. Most of the comment as to payments to commissioned officers which are now deemed excessive have to do with duty performed by officers as members of State teams participating in and being trained for the national matches. Federal funds for this purpose are used under the allotment for the "Promotion of rifle practice." In the early days of these matches great latitude was allowed in the expenditure of funds for this purpose. It was considered necessary and important to stimulate interest in rifle shooting. The national matches, which are still held each year, are designed to bring together the most expert marksmen in the country. In many States the policy of training officers for the State team was adopted upon the theory that by this means capable and enthusiastic instructors were being trained to the highest degree, and that the information and experience gained in this way would later be communicated through them to their commands, whereas the training of a private soldier to such degree of expertness as to fit him for membership on a team meant merely the training of a single marksman, at a cost out of proportion to the benefit derived. This idea as to the selection of officers for the State teams still obtains, and the rules now prescribe that a team may be composed half of officers and half of enlisted men. It did happen, however, that in certain cases funds were extravagantly used. They were by no means the rule; but to prevent such abuses the War Department finally fixed a limit as to the number of days pay which would be allowed, the grades of officers who might serve on teams, etc. This could have been done at any time in previous years when abuses were noted.

5. Instances are cited where it is alleged that during encampments thousands of dollars were paid to officers and only a few hundred dollars for pay of enlisted men. It need only be stated that there are fixed rules governing the conduct of encampments which prescribe the number and grade of officers who may appropriately participate with organizations in field service, the number of enlisted men who must attend with each organization, etc. Unless these rules are observed Federal funds could not be used. When Federal funds are used the base pay of the Army is given, and no payment could be made or has ever been made to any officer or soldier except at this rate fixed by law. The pay of a private at that rate is 43 cents. In some States they place a higher value upon the services of these men, and by State law and State appropriations they have provided a higher rate of pay, running anywhere from $1 to $2 per day. In these States it is customary to pay the officers from Federal funds, as the rate for them is the same under both the Federal and State laws, but to pay the enlisted men from State funds. This is understood and provided for by the War Department, and in the standard form of pay roll issued for the use of the militia appear columns to show payments from United States funds and columns from State funds. (See form of Pay Roll, D. M. A., No. 368.) The injustice and malicious intent of citing cases of this sort as implying improper use of Federal funds requires no comment.

6. Mention is made also of encampments where a comparatively small number of persons have participated, most of whom were officers. It is not explained, however, that under the rules of the War Department "camps of instruction for commissioned officers" are not only authorized but required; that these camps are held annually in advance of the regular encampments attended by the full enlisted personnel; and that at these camps for officers only a few enlisted men (limited by the rules of the War Department) can attend, and they do so to furnish the necessary clerical assistance, serve as orderlies, trumpeters, etc. For the information of the Senate, D. M. A. Circular No. 15, series of 1916, prescribing the classes of encampments and field service which may be held and the conditions under which Federal funds may be used, is submitted herewith and requested to be placed in the record. This is the latest circular upon the subject.

7. If all Federal funds used by the militia have at all times been handled by one officer in each State, namely, the disbursing officer, if that officer has been bonded and required to make monthly accounting to the proper agency of the Treasury Department; if no disbursements could be made by such officer except such as are provided for under regulations and specially authorized by the Secretary of War; if all of these things are true (and they are) and abuses have occurred, then it is perfectly obvious that they could have been avoided by the application of intelligent and proper administrative methods. None of these alleged abuses could have occurred under the rules and regulations now in effect for the government of the Organized Militia. The most serious charge made is that in former years payments were made to an excessive number of ornamental but useless staff officers. It is a well-known fact that until within the last few years a custom had existed in many States of appointing such staff officers. No payments could be made to that class of officers under the Federal regulations today in effect; it should not have been permitted before.

8. Reference is made to the embezzlement of funds by an officer of the National Guard. This is no doubt an authentic case; there may be others, but it is a fair assumption that if there were they would have received the same liberal advertisement that has been given this one. It can hardly serve as a fair basis for the indictment of the hundred and odd thousands of men in the National Guard who are entitled to the presumption of honesty. Let us consider the wide and continuous publicity given this particular instance of theft by a militiaman in connection with the rule applied by the War Department that general orders publishing court-martial proceedings in the Army shall be carried in a separate series, not for general distribution, for the very proper purpose of escaping unpleasant notoriety for that service.

The members of the National Guard resent this injustice. There are other cases of embezzlement recorded at the War Department, and it may not be amiss to list them all for reference and comparison. The fact stands out that even after the most careful research and expert arrangement the sum total of the alleged peculations and losses of the militia, extending over a long period of years, but slightly exceeds the accomplishment of a single efficient officer who was tried and convicted at Savannah some years ago. Yet no fair-minded man would seek to indict the entire standing army because of the dishonesty of this single individual.

9. It is charged that public military property to the value of more than a million dollars has been lost and remains unaccounted for by the States. A list of this property, or the value of it, and the States so charged may be found on pages 60 to 64 of the last report of the Division of Militia Affairs. Much of this property was, of course, lost through carelessness; but these losses have extended over a long period of years, and in some cases occurred at the time of the Spanish-American War, when proper transfers were not made, owing to inefficient methods of accounting. Such losses could not occur under the system of property accounting proposed in the pending bill, and which have been recommended to Congress by the representatives of the National Guard in the tentative bill submitted by them to the Senate Military Committee and printed.

If the launching of these wholesale charges against the National Guard has accomplished anything, it has been to focus attention upon the source of the opposition to the plan of Congress for better developing that arm of the military service for national defense. The frenzied indorsement of these slanders by former officials of the Government, whose attempts to change the military policy of the Nation have been repudiated, will not give them support, for it will be recognized that this is but a further expression from the same element which has been and is seeking to destroy the National Guard and supplant it by a strong Federal military force centrally controlled and officered.

This memorandum furnished by the executive committee of the National Guard Association of the United States.

Mr. BORAH and Mr. POINDEXTER addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho.

Mr. POINDEXTER. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Washington will state his point of order.

Mr. POINDEXTER. It is that the motion which I have made to proceed to the consideration of Senate joint resolution 98, reported by the Committee on Printing, is not debatable. It is now pending before the Senate and should be submitted.

Mr. BORAH. Mr. President, if the Senator will yield to me, I will not take more than a minute.

Mr. POINDEXTER. I prefer, Mr. President, in view of the great amount of time which has been occupied by the reading of the document which was sent to the desk and which I had no idea was of such length, that the vote on my motion be taken. That will only require a few moments, and then I will be glad to yield to the Senator from Idaho.

Mr. SMITH of Georgia. I think it will take a little more than a few moments.

Mr. BORAH. Mr. President, if the Senator's point of order is well taken, of course I yield the floor gracefully. If it is not, I should like to say a word.

Mr. POINDEXTER. If there is any doubt about the point of order, I should like to refer to the rules.

Mr. BORAH. The point of order is not debatable, I understand.

The VICE PRESIDENT. Morning business is not yet closed.

Mr. POINDEXTER. The Chair announced, I understood, that it was closed.

The VICE PRESIDENT. The Chair got halfway through when Senators began to rise and introduce bills.

Mr. BORAH. Mr. President, I will say to the Senator that I merely desire to say a word, and I will not take more than a moment.

The VICE PRESIDENT. The Chair will recognize the Senator from Washington immediately on the close of morning business.

Mr. SMITH of Georgia. Mr. President, then I object to the consideration of the motion of the Senator from Washington until morning business is closed. I shall not object to it after that, and I do not intend to endeavor in any manner to do anything to delay action on his motion. I will oppose the motion, but I will not endeavor to prevent the Senate voting on it.

Mr. POINDEXTER. I appreciate the Senator's attitude. I was aware that the Senator was opposed to the printing of the report, and for that reason I put my request in the form of a motion, and did not ask for unanimous consent. I saw that the Senator was present. I have been very much under a misapprehension if the Chair did not make a very distinct announcement—of course, I yield to the statement of the Chair—that morning business was closed. I was listening for that announcement in order to make the motion which I did make.

The VICE PRESIDENT. The Chair was proceeding to make the announcement when Senators arose with bills and other morning business in their hands, and the Chair did not complete the announcement, although he intended to do so. The Chair will recognize the Senator from Washington immediately on the close of morning business. Are there any other communications, bills, or resolutions to be presented?

Mr. POINDEXTER. I do not understand that there are any more, Mr. President.

Mr. McCUMBER. Mr. President, I have here a letter in the form of a general statement of questions pertaining to the National Guard, by T. H. Tharaldson, adjutant general of the State of North Dakota. It embraces less than four pages and is quite important. I have cut out the portion that makes any personal references, and I ask that it be printed as a Senate document. (S. Doc. No. 407.)

The VICE PRESIDENT. Without objection, it is so ordered. If there are no further reports——

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho rise to morning business?

Mr. BORAH. I presume it is morning business. If the Senate will indulge me for about a moment, I will not delay the Senator from Washington.

Mr. POINDEXTER. If I have the floor, I will yield to the Senator from Idaho for a moment, and then I desire to renew the motion which I have made.

The VICE PRESIDENT. The Chair does not know whether this is morning business or not, and recognizes the Senator from Idaho. Any Senator can object if he desires to do so.

Mr. BORAH. Mr. President, the communication which has just been read—if the Senate will indulge me for a moment—is based upon the theory that the Senator from Idaho made some general charges against the National Guard, so called, or the State militia.

I invite those who shall be interested in the CONGRESSIONAL RECORD, and the people of the country generally, to read the charges which I did make and to read the generalizations which are contained in the reply. The Senator from Idaho made no general charges. He made specific charges. He gave names, dates, and amounts, and the Senator from Idaho challenges the lobby here representing the National Guard, or anyone else, to controvert the specific facts which the Senator from Idaho gave.

The VICE PRESIDENT. Now, morning business——

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Is there further morning business?

Mr. POINDEXTER. I understand not.

Mr. POMERENE. Mr. President, I have here, on the very subject to which the Senator from Idaho has referred, a letter from the adjutant general of the State of Ohio, and I should like to have it read.

Mr. POINDEXTER. Mr. President, I submit that that is a matter which should be presented when the Army bill is taken up. It is a part of the discussion on that measure; it is not properly morning business, and I request the Senator from Ohio to defer the matter until the Army bill is taken up.

The VICE PRESIDENT. Is there objection to the reading of the communication?

Mr. POINDEXTER. I object.

The VICE PRESIDENT. Then, the question is, Shall the communication be read? [Putting the question.] By the sound the noes seem to have it.

Mr. POMERENE. I ask for a division.

Mr. ASHURST. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Myers	Smith, Ga.
Bankhead	Hughes	Nelson	Smith, Md.
Beckham	Husting	Norris	Smith, Mich.
Borah	Johnson, Me.	O'Gorman	Smith, S. C.
Brandegee	Johnson, S. D.	Oliver	Smoot
Broussard	Jones	Overman	Sterling
Burleigh	Kenyon	Page	Sutherland
Chamberlain	Kern	Phelan	Taggart
Clarke	La Follette	Pittman	Thomas
Clapp	Lane	Poindexter	Thompson
Culberson	Lea, Tenn.	Pomerene	Tillman
Cummins	Lewis	Reed	Underwood
Curtis	Lodge	Robinson	Warren
Dillingham	McCumber	Shafroth	Weeks
du Pont	McLean	Sheppard	Williams
Gallinger	Martin, Va.	Sherman	Works
Hardwick	Martine, N. J.	Smith, Ariz.	

Mr. CHILTON. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER] and the junior Senator from Maryland [Mr. LEE]. This announcement may stand for the day.

The VICE PRESIDENT. Sixty-seven Senators has answered to the roll call. There is a quorum present. The Senator from

Ohio [Mr. POMERENE] has asked that a certain document with reference to the National Guard may be read as part of the morning business. [Putting the question.] The Chair is unable to determine. Those in favor of the reading of the document will rise. [A pause.] Those opposed will rise. [A pause.] The Secretary will read the document.

The Secretary read as follows:

STATE OF OHIO,
ADJUTANT GENERAL'S DEPARTMENT,
Columbus, April 16, 1916.

Hon. ATLEE POMERENE,
Senator from Ohio, Washington, D. C.

MY DEAR SENATOR: Certain statements and charges were made, according to my information, on the floor of the Senate on Saturday, April 15, 1916, which, in justice to the Ohio National Guard, I believe should be covered by a statement of the exact facts in connection with the charges made.

According to my information, the charge was made that the officers of the Ohio National Guard had shamefully and disgracefully wasted and in some instances had actually embezzled Federal funds allotted to the State.

These charges could not possibly be true, for the reason that Federal funds allotted to the State of Ohio, or any other State, were necessarily expended under authority of and under rules and regulations laid down by the War Department. All such funds are paid out through a United States disbursing officer for the particular State and under proper orders issued by the adjutant general of the State for pay, transportation, and subsistence of officers and enlisted men, and within such limitations as laid down and promulgated by the orders of the Secretary of War.

In addition to this all disbursements made by the disbursing officer are audited by the War Department and the Comptroller of the Treasury, and if an unauthorized payment is made by the United States disbuting officer he becomes individually liable therefor.

The assertion is therefore made that it would not be possible to "shamefully waste" or "embezzle" Federal funds, as charged.

In addition to the Federal allotments each year to the State of Ohio, it appropriates annually for the maintenance of the Ohio National Guard the sum of $476,712.10. The use of Federal allotments, as heretofore suggested, is limited and restricted by such rules, regulations, and orders as the War Department may see fit to impose.

The natural result of this condition is that Federal funds are utilized for the purposes clearly laid down in orders of the War Department and that State funds are utilized to pay for the additional cost of the necessary and practicable maintenance charges for the guard.

Privates may receive 52 cents per day from Federal funds and may receive $1 per day under Ohio statutes out of State appropriations.

In order that enlisted men can be better paid, the practice is, and has been for years, to pay enlisted men out of State funds. For instance, in the year 1911 the State paid enlisted men for camp pay the sum of $52,175.67, as is shown by exhibits hereto attached. In the year 1915 our records disclose the following facts: Every officer, noncommissioned officer, and private in the Ohio National Guard had a tour of camp duty, and in addition thereto infantry officers to the number of 100 attended an officers' school camp of instruction. Practically all the officers in the State last year received their pay from Federal funds. Out of the Federal allotment the pay of officers amounted to $25,973.95 and out of Federal funds enlisted men were paid $24,803.99. In addition to this amount the enlisted men were paid for camp services in 1915 from State funds approximately $40,000.

In addition to this amount the enlisted men during the year 1915 were paid for drill pay (officers receive no drill pay) from State funds approximately $70,000.

The War Department during the last 10 years has encouraged and promoted rifle and pistol practice. This was particularly so during the years 1909, 1910, 1911, 1912, and 1913. During those years the national and international rifle and pistol competitions were, on numerous occasions, held at Camp Perry, Ohio, which is one of the best rifle ranges in the world. The teams representing the various branches of the service in the United States Army and Navy gathered the members of their various teams from all over the country and prepared those teams for the national and international matches for months. To compete with these teams Ohio, necessarily, had to develop its team from year to year and spent a great deal of money in this development. This was encouraged and approved by the War Department.

They call attention to the fact that the team of 1911 was composed entirely of officers. This is true because those officers from practice and development had proven themselves to be the best marksmen and, naturally, they become members of the team to represent the State in competition with the Army, Navy, Marine Corps, Military Academy, and the teams of other States. The persons, however, who furnished the Senator from Idaho this information failed to mention the fact that Ohio's team in 1913 in the national and international matches was composed entirely of enlisted men. Further than this, it will be found upon investigation that the cost of development of Ohio's rifle team in any year, including pay, subsistence, and transportation, if compared with the cost of the development of the United States Army, Infantry, or Cavalry team of the same year, including pay, transportation, and subsistence, will show that this State has expended far less money on its team than was expended upon either of the other teams.

There is no merit in the contentions of the persons who have furnished the Senator with the information he used on the floor of the Senate, and the charges are most unfair, particularly in the veiled insinuations that are calculated to give the impression of irregular and dishonest practices and activities in the Ohio National Guard.

I beg to be,

Very respectfully,

BEN W. HOUGH,
The Adjutant General, Ohio.

Mr. POMERENE. Mr. President, I now send to the desk a statement of the funds which were raised for the Ohio National Guard by taxation in the State, as well as a statement of the funds which were apportioned to the State out of the Federal appropriations during the years 1911 and 1915, inclusive. This statement also shows the amount which was paid to the officers as camp pay and to the men as camp pay out of the Federal funds, and the amount which was paid to the men as camp pay out of the State funds. I ask that that may be read.

The VICE PRESIDENT. Is there any objection?

Mr. POINDEXTER. I object.

The VICE PRESIDENT. The question is, Shall the document be read?

Mr. ASHURST. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. Mr. President, will not the Senator from Ohio have the document printed in the RECORD without reading? The statement which he first sent to the desk has been read.

Mr. POMERENE. Mr. President——

Mr. SMOOT. If the Senator objects, that is all I shall say.

Mr. POMERENE. I certainly do object, in view of the seriousness of the charge.

Mr. BORAH. Mr. President, I trust that this communication will have some reference to the charge which has been made. The other communication had no reference whatever to it.

Mr. POMERENE. Mr. President, I have not finished the statement I shall have to make on this subject, and I think I shall be specific before I shall have concluded.

Mr. BORAH. I hope so. It is a characteristic of the Senator.

Mr. POMERENE. I usually am. In that respect I think I am somewhat like the Senator from Idaho.

Mr. POINDEXTER. I make the point of order that this request is not in order under Rule VIII; that the introduction of petitions and memorials has been passed by; that this is nothing more nor less than a part of the argument on the Army bill and is not morning business.

The VICE PRESIDENT. It seems to the Chair that this is in the nature of a memorial to the Senate of the United States. The Senator has a right to introduce it in the morning hour if he chooses to do so. The Chair had hoped that it would not come in until the Army bill was before the Senate, but over that the Chair has no control. The Chair believes it fairly comes within the category of morning business.

Mr. POMERENE. Mr. President, perhaps I can make a suggestion. If I may be permitted to have 15 or 20 minutes to discuss this matter, I have no desire to interfere with the matter that the Senator from Washington desires to have considered.

Mr. BORAH. If the Senator has that privilege, I should be glad to share it.

The VICE PRESIDENT. Nobody can have that privilege under this unanimous-consent agreement while the present occupant of the Chair is here.

Mr. POINDEXTER. I request the Senator from Ohio to withhold his request for the presentation of these certificates until the Army bill is taken up.

Mr. POMERENE. There have been some very serious charges made here; and while I do not question the good faith of the Senator from Idaho, he has been misled.

Mr. BORAH. The Senator from Idaho has not been misled.

Mr. POMERENE. Well——

The VICE PRESIDENT. The Chair hates to enforce the rule, but the Chair must enforce it. This is a question that is to be determined without debate. The yeas and nays have been called for and ordered, and the Secretary will call the roll.

Mr. REED. What is the question?

The VICE PRESIDENT. The question is, Shall the document be read?

The Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. I do not know how he feels on this question, so I will withhold my vote.

Mr. SUTHERLAND (when his name was called). I inquire whether the senior Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. The Senator from Arkansas has not voted.

Mr. SUTHERLAND. I have a pair with that Senator and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Tennessee [Mr. LEA], I vote "yea."

The roll call was concluded.

Mr. BRADY (after having voted in the affirmative). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. He is absent from the Chamber, and I therefore withdraw my vote.

Mr. SMITH of Michigan. I desire the RECORD to show that my colleague [Mr. TOWNSEND] is absent on account of illness in his family, and is paired with the junior Senator from Florida [Mr. BRYAN].

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Delaware [Mr. SAULSBURY] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to announce that the senior Senator from Rhode Island [Mr. LIPPITT] is paired with the junior Senator from Montana [Mr. WALSH].

The roll call resulted—yeas 48, nays 15, as follows:

YEAS—48.

Borah	Husting	Norris	Smith, Md.
Broussard	Johnson, Me.	O'Gorman	Smith, Mich.
Burleigh	Johnson, S. Dak.	Oliver	Smith, S. C.
Chamberlain	Jones	Overman	Sterling
Clapp	La Follette	Page	Swanson
Culberson	Lane	Phelan	Taggart
Cummins	Lee, Md.	Pomerene	Thomas
Curtis	Lewis	Ransdell	Thompson
Dillingham	Lodge	Reed	Tillman
Gronna	McCumber	Shafroth	Underwood
Hardwick	Martin, Va.	Sheppard	Wadsworth
Hollis	Martine, N. J.	Sherman	Williams

NAYS—15.

Ashurst	Hughes	Myers	Smith, Ga.
Brandegee	Kenyon	Nelson	Smoot
Chilton	Kern	Poindexter	Works
Gallinger	McLean	Robinson	

NOT VOTING—33.

Bankhead	Fall	Newlands	Sutherland
Beckham	Fletcher	Owen	Townsend
Brady	Goff	Penrose	Vardaman
Bryan	Gore	Pittman	Walsh
Catron	Harding	Saulsbury	Warren
Clark, Wyo.	Hitchcock	Shields	Weeks
Clarke, Ark.	James	Simmons	
Colt	Lea, Tenn.	Smith, Ariz.	
du Pont	Lippitt	Stone	

The VICE PRESIDENT. The Secretary will read the document presented by the Senator from Ohio.

The Secretary read as follows:

Section 1661—Ohio.

	Allotment.	Camp pay officers, Federal funds.	Camp pay men, Federal funds.	Camp pay men, State funds.
1911	$67,434.04	$26,011.04	$426.50	$52,175.67
1912	66,442.34	23,906.40	16,112.98	31,530.11
1913	64,489.34	20,701.25	15,199.96	45,109.90
1914	85,871.47	17,423.02	11,300.12	42,095.50
1915	86,134.53	25,973.95	24,803.99	43,607.08
Total	370,371.72	114,015.66	67,843.55	214,819.16

These Federal funds may be expended under supervision and by authority of the Chief, Division of Militia Affairs, for pay and transportation of officers and enlisted men and for subsistence of men at joint camps and maneuvers, camps of instructions, and rifle camps of instruction; for the purchase of arms and equipment, for the promotion of rifle practice, and the rental of rifle ranges.

Annual State appropriation for the National Guard, $476,712.10.

Mr. POMERENE. Mr. President, I have some other data here which I expect to have read into the RECORD later, but I feel that there is a courtesy due to the Senator from Washington in this matter and I will defer presenting it until later.

The VICE PRESIDENT. The morning business is closed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on April 17, 1916, approved and signed the following act:

S. 1424. An act incorporating the American Academy of Arts and Letters.

LEGISLATIVE APPROPRIATIONS.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. SMOOT conferees on the part of the Senate.

REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. POINDEXTER. I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

Mr. MARTINE of New Jersey. I desire to ask if we are still in morning business?

The VICE PRESIDENT. No; we have finally closed morning business.

Mr. SMITH of Georgia. Mr. President, before the Senate votes upon the motion of the Senator from Washington I wish to call attention to the fact that the House has passed and sent to us a concurrent resolution providing for printing the report. That was sent to the Committee on Printing. I wish to ask, as a question of practice, whether it would be in order, if we take up this Senate joint resolution, to substitute the resolution which the House passed? If we should take up the Senate joint resolution with the House resolution passed, we create a state of confusion. Would it be in order, if we take up the Senate joint resolution, to substitute the resolution sent here by the House and amend it and perfect it and practically terminate action?

The VICE PRESIDENT. There is not any doubt about that. When the joint resolution comes before the Senate it can be amended by offering the resolution of the House as a substitute. The question is on the motion of the Senator from Washington.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. SMITH of Georgia. As a substitute for the joint resolution reported by the committee, I move that we concur in the House resolution, which has been passed and sent to the Senate.

Mr. GALLINGER. Mr. President, that can not be done.

Mr. POINDEXTER. I make the point of order that the motion of the Senator from Georgia is out of order.

The VICE PRESIDENT. The Chair understands that the resolution of the House is before the Committee on Printing.

Mr. SMOOT. I will state to the Senator from Georgia that the House did pass a resolution authorizing the printing of 100,000 copies of the report only. That resolution is now before the Committee on Printing. But the Committee on Printing has reported out the joint resolution as found upon the calendar, and I think the only proper course for the Senator from Georgia to pursue is to offer the House resolution as a substitute for the joint resolution, and then if it is passed the House——

The VICE PRESIDENT. The resolution of the House is before the Committee on Printing, is it not?

Mr. SMOOT. Yes; but the Senator from Georgia can offer it as a substitute.

Mr. SMITH of Georgia. I understand that I can offer it as an independent matter, as a substitute.

Mr. SMOOT. That is what I mean.

Mr. SMITH of Georgia. What I am anxious to do is to avoid putting the Senate in the attitude of passing a joint resolution on this subject with a resolution already here from the House. I am opposed to that part of the Senate joint resolution which provides for printing the testimony. I do not object to that part of the joint resolution which provides for printing the report. But if the Senate disagrees with me—as I fear it will—and prints the testimony as well as the report, we ought to do it by an amendment to the resolution passed by the House, and then all that will be necessary would be for the House to concur, and the legislation would be ended. If we pass an independent resolution and send it to the House, it will have to be sent to the committee of the House, we will have the action of the House here before the committee, and they will have the action of the Senate in the House before the committee, and the two bodies will in no way be brought together by the action taken.

Mr. GALLINGER. That is not an unusual parliamentary situation, however.

Mr. SMITH of Georgia. But an unfortunate one.

Mr. GALLINGER. It may be unfortunate.

Mr. SMOOT. Mr. President, in behalf of the Committee on Printing I wish to say that the committee reported the joint resolution now on the calendar before the House passed the resolution upon the same subject matter, and the only way the Senator from Georgia can do, I think, is to offer it as a substitute.

Mr. SMITH of Georgia. I offer that as a substitute for the report of the committee.

Mr. CHILTON. Mr. President, I wish to inquire whether an amendment to the substitute is in order?

Mr. SMITH of Georgia. Undoubtedly.

Mr. SMOOT. Yes.

The VICE PRESIDENT. It is in order.

Mr. CHILTON. Then I offer the following amendment to the substitute.

The VICE PRESIDENT. It will be read.

The SECRETARY. Insert after the word "Senate," in line 7, the following:

And that the report of Basil M. Manly, director of research and investigation, and the individual reports and statements of the several commissioners, together with all the testimony taken at its hearings except exhibits submitted in printed form, which shall be appropriately referred to in said testimony, be printed as a Senate document under the direction of the Joint Committee on Printing; and that 10,000 additional copies be printed and bound in cloth, of which 2,500 copies shall be for the use of the Senate and 7,500 copies for the use of the House of Representatives; and that of the final report of said commission 100,000 additional copies be printed, of which 30,000 shall be for the use of the Senate and 70,000 copies for the use of the House of Representatives: *Provided*, That the superintendent of documents is hereby authorized to reprint copies of the same for sale or distribution as provided by law.

Mr. SMITH of Georgia. Mr. President, I believe the simplest way to get out of this trouble is to ask unanimous consent to withdraw the House resolution from the committee and take it up in the Senate. Whether we are willing to have this testimony printed or not, as far as I am concerned I am perfectly willing to have the Senate vote on it, and while we have it here I think we ought to get it up and get through with it.

Mr. REED. Mr. President, it seems to me the matter is very simple if, disregarding the question of any resolution from the House, the Senator from Georgia should offer as a substitute the resolution in exactly the same terms, and if it were passed then the only thing remaining to be done would be for the committee in charge of the House resolution to report back that no further action is necessary, and the action had to-day would go to the House and be immediately affirmed.

Mr. SMITH of Georgia. The simplest and clearest way is to give unanimous consent to withdraw the House resolution from the committee. I ask unanimous consent to withdraw the House resolution from the committee, that we may take it up and dispose of it.

Mr. SMOOT. The Committee on Printing does not want to report the House resolution without an amendment.

Mr. HARDWICK. If the Senator will permit me, if we substitute for the House resolution the Senate proposition, then you bring the two Houses together.

Mr. SMITH of Georgia. We would bring the House resolution back here by unanimous consent and take it up, and if the Senate resolution is offered as a substitute and the Senate adopts the report of your committee you pass the House resolution by substitute, and we will get the two Houses together.

Mr. GALLINGER. As a member of the Committee on Printing I want to say that that committee has done what it has thought is proper. It has done what the commission wanted the committee to do, and I think while we have this matter directly before us now and the Senator from West Virginia has offered an amendment to the proposed substitute covering the action of the committee, I will object, Mr. President, to the matter being withdrawn from the Committee on Printing. I suggest that under the rule that motion would have to lie over one day.

Mr. NORRIS. Will the Senator yield before he takes his seat?

Mr. GALLINGER. Certainly.

Mr. NORRIS. As I understand the parliamentary situation, the Senator from Georgia moves to substitute the House resolution and then the Senator from West Virginia moves to amend the substitute, which, if carried, would make that the same as the Senate joint resolution.

Mr. GALLINGER. Precisely.

Mr. NORRIS. But that does not get the House resolution before the Senate.

Mr. GALLINGER. We can not pass a bill in an hour usually in this body. It may take a week to pass it.

Mr. NORRIS. I understand, but what is the advantage in doing that from going right on? Suppose we take up the substitute and amend it and then adopt it, we would be exactly where we are now.

Mr. GALLINGER. Oh, no.

Mr. NORRIS. We would still have the Senate resolution before the Senate and not the House resolution.

Mr. SMITH of Georgia. The Senator from West Virginia has proposed to amend the substitute by presenting the original joint resolution.

Mr. GALLINGER. If the motion of the Senator from West Virginia carries, it will bring before this body the action of the Committee on Printing of the Senate, and that is what I, as a member of the committee, want to have done. The minority of the Committee on Printing acceded to every demand that the commission made, and we want to stand by that. We do not want to have it said that the action of the committee has been thwarted in any way or modified in any way, but that we shall pass the resolution as the Committee on Printing agreed to it.

The VICE PRESIDENT. This is the situation: The Senate ordered taken up the Senate joint resolution on motion of the Senator from Washington. The Senator from Georgia has offered a substitute. The Senator from West Virginia has moved to amend the substitute. There is an objection to withdrawing the House resolution from the committee. So the amendment must be voted on or disposed of in some way, and it is now before the Senate for discussion.

Mr. SMOOT. I wish to ask the Senator from West Virginia to withdraw his amendment. The proper way to do this is to vote down the substitute offered by the Senator from Georgia, if the Senate feels that way. Then we will vote direct upon what the Senate Committee on Printing has reported to the Senate. That is what I want to do. That is the easiest way to do it and it is the straight way to do it.

Mr. CHILTON. Mr. President, my idea was in offering the amendment that we would then have the House resolution amended and it would go back to the other body and would not have to go to the committee. If the Senate is willing to take a direct vote on the Senate joint resolution, I do not care which way you take it; it does not make a bit of difference to me.

Mr. SMOOT. I suggest to the Senator to withdraw it.

Mr. CHILTON. I withdraw the amendment for the present, and we will take a direct vote between the two propositions.

The VICE PRESIDENT. Then the question recurs on the motion of the Senator from Georgia.

Mr. POINDEXTER. Mr. President, I understand that resolution is not before the Senate: that it is the House resolution.

Mr. GALLINGER. Oh, yes: the Senator from Georgia can move it.

The VICE PRESIDENT. No House resolution is before the Senate in that form. It is offered as an amendment by the Senator from Georgia.

Mr. SMITH of Georgia. Which is the resolution the House passed; but, unfortunately, I have not the House resolution before the body, and the body will not give unanimous consent to bring the House resolution away from the committee. If we proceed now and adopt the report of the Senate committee, we will be in this position.

The House will have passed and sent to the Senate the resolution providing for printing the report. Instead of acting on the House resolution, either by adopting it or by a substitute or by amendment, we pass an independent resolution, ignoring the House resolution, and send our independent resolution on this subject to the House. Then each body will have passed an entirely different resolution, not one as a substitute for the other, and if we were desirous of getting the matter into complete confusion and having it where nothing would be printed probably that would be as desirable a course as could be taken.

I really do not wish to see the measure brought to such a position, and I think if the Senate desires to print the testimony as well as the report we should act upon the House resolution by substitute. I will interpose no obstacle to immediate action.

I should be glad to see the report printed, but I will vote against printing the testimony, because I think it would be wasting $90,000 and because there has been a good deal of fuss made about the fact that I said I would vote against it. I will not be overpersuaded to do what I do not think ought to be done.

But I will not in any way delay action by the Senate, and I do not seriously object to what I am sure will be done, namely, print the testimony as well as the report.

Mr. SMOOT. Mr. President, if the Senate joint resolution is passed and it goes to the other House, the House can substitute that for the concurrent resolution which it has passed. Then the proposed legislation will go to conference if there is any dispute between the House and the Senate. I think that is the simple way and the easy way of reaching a conclusion of this matter. All we want to do now is to vote on the substitute offered by the Senator from Georgia [Mr. SMITH].

The VICE PRESIDENT. The question is on the substitute offered by the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I desire to have read at the Secretary's desk a little of the literature which has been recently sent out by the Committee on Industrial Relations in its propaganda insisting that this testimony be printed. I send to the desk a sheet that has recently been sent out from the "Committee on Industrial Relations, Washington, D. C., for immediate relief," to the press of the country that was willing to print it. I furnish this as a sample of the literature which

emanates from this distinguished body, and my lack of respect for the expressions contained in this paper are almost equalled by my regard for the commission on industrial relations.

Mr. GALLINGER. Mr. President, if the Senator from Georgia will permit a question, I desire to say that, as I understand, the Commission on Industrial Relations has been dissolved, and this is a voluntary committee of that commission, calling itself the "Committee on Industrial Relations."

Mr. SMITH of Georgia. It is the aftermath of the original commission that is voluntarily distributing propaganda to the press along the line of the old commission and representing it.

Mr. GALLINGER. The other was a commission, while this is a voluntary committee. That is the difference.

The VICE PRESIDENT. Is there objection to reading the paper presented by the Senator from Georgia? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From Committee on Industrial Relations, Washington, D. C., for immediate release.]

To labor press: Please print on first page, if possible.

Washington, April —.

Whether or not the truth about industrial conditions in America is to be suppressed depends now on the United States Senate.

The fate of the resolution ordering the printing of 100,000 copies of the final report of the Commission on Industrial Relations and 10,000 copies of the testimony now hangs in the balance.

Unless an aggressive fight is made it will be defeated by a handful of reactionary Senators, led by HOKE SMITH, of Georgia. They will accomplish this by taking advantage of senatorial red tape, and particularly of the vicious system known as "senatorial courtesy," by which one Senator can often block action.

Whether or not the interests that want the report suppressed succeed will depend largely on the pressure brought to bear on the Senate by those who want the facts about American industrial conditions known.

An aggressive demand for action will cut through all the red tape and win speedy favorable action on the resolution to print the report.

Write your Senator to-day!

* * * * * * *

The SECRETARY. At the end of the paper there are nine stars.

Mr. SMITH of Georgia. Mr. President, it is unnecessary to call attention to the numerous papers in which that appeal has already been printed. It is merely a sample of the kind of work which the representatives of the Industrial Commission are doing, and in my opinion it is about a sample of the work which the commission itself did. I have not the slightest respect for anything the commission did. I reached that conclusion after the commission had been at work a short time, and I voted against continuing appropriations for the commission.

I was particularly interested at that time in some of the testimony that was taken about my own State, and I gave the Senate the benefit of one little extract from a part of that testimony in which a witness testified that at Rome, Ga., the bells rang for the employees to go to work in the factories at 3 o'clock in the morning. "Well, what time, then," the witness was asked, "did they go to work"? "At 6 o'clock." "Well, why call them three hours before they were going to work"? "Because," came the answer, "the southern people are so slow we have to give them time enough to get dressed." [Laughter.] Of course the statement about when the bell rang was false.

I do not care anything about this report of the Industrial Commission. I really do not care anything about the testimony they gathered. I regard it simply as so much junk, and I do not think it worth putting on any shelves.

So far as my labor friends in Georgia are concerned—and I am glad to say that the bulk of the working people are my friends—for 35 years I have never missed an opportunity, where I could legitimately and properly do so, to advocate legislation and official administration that I thought would give a better chance to the man who was struggling for a living; and where the burdens were heaviest, I have thought that the hand of legislation should reach forth the most to give assistance. The labor organizations favor printing this testimony, but I will vote against printing it on account of my view of its utter lack of reliability. I have no more confidence in its general accuracy than I have in the ludicrous falsehood about when the rising bells rang in Rome, Ga. The interest on the part of labor in this publication has largely been worked up by publications sent out from this same industrial commission whose work you will vote to print.

Mr. BORAH. Mr. President, I do not see anything particularly objectionable in the communication which this committee has sent out. It seems to be in full accord with the universal practice of patriotic citizens to appeal to their Senators, and I do not object at all to the leadership which it has conferred upon the distinguished Senator from Georgia.

Mr. SMITH of Georgia. No; I was objecting to that.

Mr. BORAH. I felt that the Senator's modesty would not carry him that far; but I call attention to another precedent, which is of later significance, a bulletin which has been sent out by the so-called National Guard, which says:

It is recommended, therefore, that your Senators be urged to support the amendment to section 108 of the Senate bill which will be offered by Senator REED, of Missouri, as being more fair and equitable.

* * * * * * *

It is very important that there be a few National Guard officers here after Wednesday who can go direct to their Senators with proposals or recommendations which we may find it necessary to make.

For the executive committee.

J. CLIFFORD R. FOSTER,
Chairman.

That is a practice, Mr. President, in which many patriotic citizens indulge.

Mr. THOMAS. Is that signed with 9 stars or with 13 stars?

Mr. BORAH. I know there is one star on it, because it is signed "J. Clifford R. Foster, chairman."

Mr. SMOOT. Mr. President, I will suggest to the Senator from Georgia that he amend his substitute by striking out the words "and bound in cloth." In explanation of that suggestion I wish to say that the representatives of the commission and also the representatives of the labor organizations have requested the testimony be bound in cloth, but that the final report be bound in paper. The Senate report provides that 20,000 copies of the testimony shall be bound in paper and that the report be bound in cloth. I will say to the Senator from Georgia that by striking out those words it would save $9,000.

Mr. SMITH of Georgia. I am willing to do that.

The VICE PRESIDENT. The question is on the amendment to the joint resolution proposed by the Senator from Georgia [Mr. SMITH].

The amendment was rejected.

The joint resolution was reported to the Senate without amendment.

Mr. SMITH of Georgia. Mr. President, I merely wish, before the vote on the joint resolution is taken, that the Senate shall understand that they are proposing to pay over $90,000 to print this testimony that nobody will read and to which nobody will give shelf space. Of course, I understand it is going to be printed.

Mr. SMOOT. Mr. President, I want to say to the Senator from Georgia that the printing of 10,000 copies of the testimony will cost $54,978.84; the printing of 100,000 copies of the final report will cost $9,729.88; and then to print 10,000 copies of the exhibits, except those heretofore printed, embracing three volumes, will cost $27,979.53, or a total, as provided for in the resolution of the Senate, of $92,688.25.

Mr. SMITH of Georgia. That is, it will cost about $82,000 for printing the testimony and about $10,000 for printing the report?

Mr. SMOOT. It will cost $54,978.84 for 10,000 copies of the complete testimony in seven volumes.

Mr. SMITH of Georgia. But the exhibits are to go with the testimony; so that the total cost of printing the testimony and exhibits, over and above the cost of printing the report, will be something like $80,000.

Mr. SMOOT. Eighty-two thousand dollars.

Mr. CHILTON. Mr. President, I merely want to say a word. What has been read at the desk is characteristic of a great many conditions which have been apparent in the Senate heretofore. Why should not people who are interested in this document suspect that there is an effort to keep down the truth? This is the first time there has ever been an objection to a report of this kind being printed. The printing of the report of the Industrial Commission of 1898, I think it was, cost $134,000, but nobody objected to that, it seems; and, I submit, Mr. President, that no one has a right to object to the printing of a document of this kind, upon the ground that something in it does not suit him, the commission which prepared it having been sanctioned by both Houses of Congress, and the members of which were appointed by the President of the United States.

Congress has gone to an expense of $400,000 or $500,000 to get this testimony, and why might not the people interested in it believe that there was something being concealed improperly from the public if, in the face of precedent, we should decline to print the report, and thus throw away the $450,000 which has been expended by the commission, merely because somebody does not want to have it printed on account of something that may be in it?

No one suspects the Senator from Georgia of any improper motives in anything; he has passed beyond that by a consistent private and public life; but the people interested in this matter are not to be blamed; they are not to be criticized for feeling that there is some reason, not expressed probably upon the floor of this body, why the testimony should not be printed. I do

not know what is in it; I have not read it, but I want it printed so that I can read it, and so that the public can have an opportunity to investigate it. It does seem to me that here, when the precedent is that the document should be printed, when, in the nature of things, we ought to give the public the benefit of that which has cost $400,000 or $500,000, there should not be a voice raised against a proposal so natural and so proper.

Mr. ASHURST. Mr. President, the distinguished Senator from Georgia [Mr. SMITH] stated that he feared the printing of this matter would cause a lot of printed volumes to repose on library shelves unread.

Mr. SMITH of Georgia. No; I do not think they will repose on library shelves; I think they will be speedily thrown out as junk after being received.

Mr. ASHURST. Mr. President, I want to say to my learned friend, in all candor, that I think he is mistaken about that. A large number of libraries throughout the United States have asked for this report and for the testimony, and several universities have asked for the report. In addition to that, Mr. President, speaking for myself, I will say that I have two or three hundred requests for this document; and, while I do not speak for other Senators, I have been informed by other Senators that they have, respectively, from 50 to 200 requests for it. I feel very certain that this document will be read, and read about as widely and with about as much interest as any publication which Congress could authorize to be made; and I am very glad to see that the Senate is going to publish it.

Mr. THOMAS. Mr. President, I am satisfied that the Senator's statement in regard to the report is correct; but I think he is laboring under a wrong impression with regard to the testimony. I shall not oppose the adoption of this resolution; but I recall that on the last occasion when a similar question was before the Senate, involving the publication of the report and testimony of another commission—I believe it was in 1901—a congressional commission which made an investigation along the same line, the report of that commission, including the testimony taken, was printed at a cost of some forty or fifty thousand dollars; and the chances are that 95 per cent of the people of the United States by this time have forgotten that there ever was such a commission or that any testimony was taken by it. I do not know what the cost of that commission was, but I think it was very considerable.

I objected a few days ago to the expenditure of $21,000 for the publication of a report, the purpose of which was to show the existence of a water-power monopoly in the United States, on the ground that we were spending money for the publication of a report which was designed to prove a proposition which was known to be a fact to any person who had given any thought or consideration to the subject. The Senate, nevertheless, determined to print it as a document, and it has been partially printed, and, of course, the remainder of it will be. It was a sheer waste of money. Under all these circumstances, I shall not oppose the publication of the testimony going with this report. I understand, however, that the report has been printed and largely circulated over the country in the interval between its presentation to the House and the present time.

Mr. MYERS. Mr. President, it is my understanding that there has been a very limited number of copies of this report—the report alone—printed by the Industrial Relations Commission itself out of a remnant of funds which it had on hand when it closed its work, but the number which was thus printed is a mere bagatelle and is entirely insufficient. I received two copies, and I have been desperately endeavoring to get more, but have been told that that was all I could get. If some of the Senators had received as many requests for this report and the testimony as I have received, they would not say that it would not be extensively read. I have received a large number of requests, not only for the report but for the testimony itself. Those requests amount to several hundred, and some people have written to me regarding it not only once but two or three times. As I have said, I have received but two copies of the report and no copies at all of the testimony. I could well use several hundred copies of each in supplying the requests I have received.

The tendency of the times is for publicity, and it is a good tendency, and there can be no valid objection to publicity in governmental affairs. There can be no valid objection to the printing of this report and testimony. After having gone to the expense involved in the work of the Industrial Relations Commission and the expense of taking this testimony, it would be absurd not to give its work publicity and put it within reach of all who may be interested. I think that the money to be spent in printing this report and the testimony will be well spent. Both the report and the testimony should be printed in adequate numbers sufficient to supply, free of charge, all who may desire copies thereof. I am sure there is much valuable information in both report and testimony, and why conceal it? The report consists merely of conclusions. They are based on the testimony; hence both should be published widely, in order that the people may read both and see if the conclusions are well drawn. I hope both the report and the testimony will be printed without further delay. There has already been too much delay in this matter.

Mr. HUGHES. Mr. President, merely to clear up this situation somewhat, I desire to state that the Commission on Industrial Relations was created by act of August 23, 1912, and expired by limitation of law August 23, 1915. The total amount appropriated for the commission was $450,000. The commission was composed of nine members appointed by President Wilson. The sundry civil appropriation act of March 3, 1915, provided a final appropriation of $100,000 for the expenses of the commission, only a part of which was available for printing, including the final report of the commission.

Mr. President, I think it would be a preposterous thing for this body, after an expenditure of $450,000 for the purpose of gathering this information, to balk at an expenditure of $90,000 for the purpose of printing it and putting it in permanent form. It is a sample, however, of the way we carry on business in this body. We appropriated $40,000 a short time ago to print a report to be used in connection with the water-power bill then pending in the Senate. That bill passed the Senate, however, several weeks before the report could possibly be made available, and Senators knew at the time the authorization was made that the bill would be passed before the report could be printed and made public. We joyously appropriated that amount of money. I objected to it one day, and was hailed as a reactionary by all the Progressive and Bull Moose papers in the land because I foolishly attempted to save that useless expenditure of $40,000.

Mr. President, wisely or unwisely, I introduced the Industrial Commission bill in the other House when I was a Member of that body, and I handled it on its passage through the House. It may have been a mistake to have done so. I am satisfied, however, that it was wise legislation. I should like to have this proposition voted on before 2 o'clock.

Mr. SMITH of Georgia. Mr. President, I only want to say that at no time have I opposed printing the report. I favor printing the report. I have simply opposed spending $90,000 for printing this testimony.

The VICE PRESIDENT. The joint resolution is in the Senate and open to amendment. If there be no amendment to be proposed, the question is, Shall the joint resolution be engrossed and read a third time?

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SISAL-HEMP INDUSTRY.

Mr. RANSDELL. Mr. President, from the subcommittee of the Committee on Agriculture and Forestry investigating the so-called Sisal Trust, I submit a resolution and ask unanimous consent for its immediate consideration. It is merely a resolution directing the Federal Trade Commission to secure certain information in regard to binder twine.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 170) was read, as follows:

Whereas information has come to the subcommittee of the Senate Committee on Agriculture and Forestry, which is now investigating the sisal-hemp industry, that there is liable to be a shortage of binder twine, owing to an alleged shortage of Yucatan sisal, from which the greater portion of binder twine is manufactured, in consequence of which the price of that commodity, so essential to the welfare of American farmers, may be considerably increased in price; and

Whereas the Comision Reguladora del Mercado de Hennequen denies that there is any shortage of sisal and insists that there is more than enough to satisfy all the demands of the consumers of binder twine in the United States; and

Whereas the said Comision Reguladora has made a proposition to the said subcommittee of the Committee on Agriculture and Forestry, explaining the present status of the sisal industry and requesting the said subcommittee to make distribution among the manufacturers of the United States of 125,000 bales of sisal, over and above its present commitments, in such quantities and to such manufacturers as said committee may direct, to be used for domestic twine purposes only in accordance with the condition set forth in said proposition dated April 14, 1916, the original now being in the hands of said Subcommittee on Agriculture and Forestry; and

Whereas it is of the greatest importance to the American people that all the facts in this matter be brought to light, as well as in regard to other raw materials out of which binder twine is manufactured, and the price of binder twine be kept at a reasonable figure: Therefore be it

Resolved, That the Federal Trade Commission is hereby directed to act upon the proposition of the said Comision Reguladora del Mercado de Hennequen in lieu of the said subcommittee of the Senate Committee on Agriculture and Forestry, and to report thereon as soon as possible, not to exceed 30 days from April 14, 1916; Be it further

Resolved, That this action is taken without intending to forecast in any way the final decision in the pending controversy in regard to the sisal industry or to prejudice the rights of any of the parties thereto.

Mr. RANSDELL. I ask unanimous consent for the immediate consideration of the resolution.

Mr. SMOOT. Mr. President, I should like the Senator to make just a brief statement, giving the reasons why this resolution should be adopted.

Mr. RANSDELL. Very briefly, they are as follows: The subcommittee has been investigating the so-called Sisal-Hemp Trust, and in the midst of our investigations we were confronted with the statement made several days ago by the attorney for a very prominent manufacturer that there is a real shortage in the sisal hemp from which binder twine is manufactured. In response to that statement by this attorney, the representatives of the Comision Reguladora del Mercado de Henmequen, a Mexican corporation, from the country where the sisal is made, stated that there is not a shortage, that there is sufficient to answer all purposes of the American consumers of binder twine, which is made very largely of this sisal.

Mr. GALLINGER. Mr. President, may I ask the Senator a question?

Mr. RANSDELL. Certainly.

Mr. GALLINGER. Is not this matter before the courts at the present time in some form?

Mr. RANSDELL. No, sir; it is not, so far as I know. This is information which I understand both parties to the controversy are very anxious to secure. The Federal Trade Commission propose to send some one down to Yucatan to ascertain whether or not there is any sisal down there that is being withheld.

Mr. GALLINGER. I have an impression that this in some form is connected with an investigation against the Harvester Trust.

Mr. RANSDELL. I think the Senator is mistaken. The subcommittee of the Senate has had this general matter under investigation for several weeks. The only purpose of this inquiry is to get the actual facts about the amount of binder twine now available for use by the farmers of America and to ascertain whether or not there is sufficient available fiber—whether it be of sisal or manila or East African sisal—to make the necessary amount of binder twine.

Mr. GALLINGER. My only thought was that we would better not do as we so often do—have duplicate investigations; that is all.

Mr. RANSDELL. I will say to the Senator that we are not duplicating investigations. We are simply asking that some facts be found which we have not yet the facilities for finding.

Mr. GALLINGER. Which would form the basis of an investigation?

Mr. RANSDELL. Which would form the basis of our investigation.

Mr. LODGE. Mr. President, may I ask the Senator a question?

Mr. RANSDELL. I shall be delighted to have the Senator do so.

Mr. LODGE. This regulating commission, if I am not mistaken, is a Government commission?

Mr. RANSDELL. It is.

Mr. LODGE. It is not a corporation?

Mr. RANSDELL. It is a Government commission.

Mr. LODGE. Established by the Carranza government?

Mr. RANSDELL. Yes, sir; that is a fact.

Mr. SMOOT. Mr. President, I see from reading the resolution the object of it and exactly the proposition that has been made to the Committee on Agriculture and Forestry, and that the Committee on Agriculture and Forestry desires to turn over to the Federal Trade Commission, for investigation, the proposition received by the committee.

Mr. RANSDELL. Yes, sir; that portion which we have not the facilities for investigating.

Mr. SMOOT. I do not think the committee has the facilities, and I think myself it was a very good thing to turn it over to the Federal Trade Commission.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

NEW AQUEDUCT BRIDGE.

Mr. SWANSON. I ask unanimous consent for the present consideration of House bill 759, Order of Business 313. It is for the construction of a new Aqueduct Bridge here. It is very important. The present bridge has been condemned, and I should like to have the matter disposed of as early as possible.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. Mr. President, I will ask the Senator what appropriation the bill calls for. I have not had time to read the report.

Mr. SWANSON. One million dollars for the bridge and $150,000 to acquire any approaches, and so forth, that may be needed.

Mr. SMOOT. Does the Senator believe that the bill ought to be passed now, without any explanation or discussion of it?

Mr. SWANSON. The explanation is that it has passed the House unanimously, and I understand it has been unanimously reported by the Committee on Commerce, and it is a very urgent matter.

Mr. THOMAS. Mr. President, how much money will be required to build the bridge?

Mr. SWANSON. A million dollars.

Mr. THOMAS. I object.

PRICE OF GASOLINE.

Mr. MARTINE of New Jersey. Mr. President, I ask unanimous consent to bring up the subject of the gasoline investigation that I proposed some time ago. The resolution was adopted, but the preamble was not adopted, and as the resolution now stands I feel that it puts the Senate in a most ridiculous position. We have adopted a resolution that might as well refer to molasses, or to the specific gravity of linseed oil, or anything else. The word "gasoline" is not mentioned in the resolution.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. MARTINE of New Jersey. Certainly.

Mr. GALLINGER. I thought possibly the acute Senator from New Jersey had overlooked the fact that the Federal Trade Commission is making the very investigation that the Senator's resolution and preamble called for.

Mr. MARTINE of New Jersey. I think I realize what the Senator refers to. The answer that came from the department with reference to the resolution of the Senator from Iowa [Mr. KENYON] I do not think can be raised against mine. The Attorney General thought it was incompatible to present the general facts of his investigation. My resolution calls for nothing of that kind. My resolution simply requests the Attorney General to report as to whether any of the statutes of the United States had been violated by the Standard Oil Co.

I really feel that there is such almost universal demand upon the part of the country in this matter that they are entitled to know. We hear it upon all sides. I have received perhaps a hundred letters or more from various people asking that this investigation be pressed. It was suggested, I recall, when this matter was up before, that the department were prosecuting this matter now. I have here, under date of January 10, 1916, this statement, signed by the Attorney General. He says:

> No prosecutions have been instituted by the Government based on the increase in the price of petroleum and its products, especially gasoline.

So that refutes the argument that the department were taking it up. The department do not seem to have done anything in this direction. In the meantime this condition has gone on becoming more and more aggravated, until we are assured by people who are versed in the matter, and ought to know, that the price will ultimately reach 40 cents per gallon. I have received from some parties in Chicago, Ill., information to the effect that gasoline at Dayton, Ohio, is 23 cents a gallon, and in Richmond, Ind., 18.5 cents, the two places being only 40 miles apart. This condition prevails; and the fact that none of these constituent companies seem to cut the price at all in their respective localities, but they all harmonize with each other, demonstrates to me almost conclusively that the Standard Oil Co. is in complete control, and that if anything can be a trust they are a trust.

Mr. GALLINGER. I will ask the Senator if he has his resolution before him?

Mr. MARTINE of New Jersey. I have not the resolution; no. The Secretary has, however.

Mr. GALLINGER. I should like to have it read, or to have enough of it read to show that the Senator's resolution calls for prosecutions. As I read it, it asks for investigation—the very thing the House resolution asked for. It went to the Attorney General and the Attorney General replied that the matter had been passed over to the Federal Trade Commission for investigation. I understand that that commission is making the investigation, and, indeed, has made a preliminary report.

Mr. MARTINE of New Jersey. Here is the resolution (S. Con. Res. 19) that was adopted. I will read the preamble.

Mr. GALLINGER. No; the resolution.

Mr. MARTINE of New Jersey. The resolution reads:

Resolved by the Senate (the House of Representatives concurring), That the Attorney General of the United States be, and is hereby, directed to cause an investigation of the subject as to whether this phenomenal increase in price of this article is the result of the violation of the laws of the United States.

Mr. GALLINGER. Mr. President, an almost identical resolution was passed by the other House, sent to the Attorney General, and he replied—I have the reply in my desk—that the department had turned it over to the Federal Trade Commission. But I shall not object.

Mr. MARTINE of New Jersey. My resolution practically amounts to nothing, in the present form, without a preamble.

Mr. GALLINGER. That is certainly true; and I think it will amount to just as much as nothing after the Senator has had the preamble adopted, because the Attorney General has already had the matter under investigation and the Federal Trade Commission now has it under investigation.

Mr. MARTINE of New Jersey. I do not know whether he has or not. I know that he says here, on January 6, that he has done absolutely nothing. I can not understand why there should be so much hesitancy——

Mr. HUGHES. Mr. President, I noticed in the newspapers what the Senator from New Hampshire has stated—that a similar resolution from the House had been returned to the House by the Attorney General with the statement that he was about to undertake an investigation or prosecution; and I would suggest to my colleague——

Mr. MARTINE of New Jersey. Mr. President, I beg the pardon of my colleague, but it is within a very few minutes of 2 o'clock; and I understand that in the natural process of time, if that hour is reached without action on the resolution, that will be the end of my little talk on this matter. So I earnestly ask consideration of the preamble of the resolution now, and I ask for a vote, Mr. President. I should like to say more on the subject, but I want a vote more than I do to air my own views.

The VICE PRESIDENT. There is half a minute remaining.

Mr. GALLINGER. I am not going to object. It will do no good, it will do no harm, and——

Mr. MARTINE of New Jersey. It will do no harm. I ask for a vote.

Mr. GALLINGER. It will amuse the Senator from New Jersey.

The VICE PRESIDENT. The question is on agreeing to the preamble.

The preamble was agreed to.

NATIONAL DEFENSE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12766.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. CHAMBERLAIN. Mr. President, in the course of his remarks the other day the Senator from Missouri [Mr. REED] quoted from a document some matters reflecting, I, rather thought, on Gen. W. H. Carter.

The VICE PRESIDENT. The Chair understands that the Senator from Oregon has already spoken.

Mr. CHAMBERLAIN. I am not going to speak; I just present a communication and ask that it be printed. It is a communication from Gen. Carter to me in answer to those statements.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

WASHINGTON, D. C., *April 15, 1916.*

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate.

MY DEAR SENATOR: My attention has been called to certain statements made in debate in the Senate by Hon. JAMES A. REED and printed on page 6114 of the CONGRESSIONAL RECORD, April 14, 1916.

In view of my relations with the committee of which you are chairman during the preparation of the pending bill for reorganizing the Military Establishment, I deem it proper to make a personal statement to you concerning the charges.

It is specifically charged in a quoted statement presented to the Senate by the Senator from Missouri:

"First, That Gen. Carter represents the Cavalry arm of the service in a special way and for the purpose of obtaining legislation for that arm.

"Second. That the Cavalry is interested in the continental army scheme, because they believe that it will permit any increase made in the Regular Establishment to be divided between the Field Artillery and the Cavalry.

"Third. That to enable Gen. Carter to perform these functions in the interest of the Cavalry this association has undertaken to defray his expenses, furnish stationery, postage, and clerical assistance, and to subject all officers in the Cavalry branch of the standing army to an assessment for that purpose.

"Fourth. That he asked to be permitted to act without a large committee in influencing legislation for the benefit of the Cavalry; that Gen. Carter stated that he was friendly with the House and Senate Military Committees.

* * * * * * *

"This testimony of Gen. Johnson as to Gen. Carter's fitness for influencing military legislation develops two things:

"First. What the National Guard representatives meant in saying that there were experts in influencing military legislation whose methods they could not approach.

"Second. That in the preparation of the pending bill Gen. Carter has been afforded ample opportunity to exercise those peculiar qualities which fit him for the preparation of data for the guidance of the committees of Congress."

Categorically replying to the charges and insinuations:

First. I have served in the Infantry, Cavalry, Adjutant General's Department, and for nearly 14 years as a general officer. The charge that I represent the Cavalry arm of the service in a special way for the purpose of obtaining legislation favorable to that arm as opposed to the interest of the Army as a whole is false and without foundation in fact. I spent many of the best years of my life on the Indian frontier as a Cavalry officer and hold that branch of the service in an affectionate memory which calls for no apology.

Second. The relation between the so-called continental army scheme and the division of any consequent increase in the Regular Establishment between the Field Artillery and the Cavalry is a gross and unfair insinuation against two branches of the service, is obscure, deduced from no evidence, and without foundation in fact.

Third. While not frankly and directly stated, the inference intended is that I am conducting an office or in charge of a campaign of information or conducting a lobby and that the Cavalry Association is defraying my expenses, furnishing stationery, postage, and clerical assistance, and that Cavalry officers have been subjected to an assessment for that purpose, each and every item of which is false and without foundation in fact. An agent may offer to sell me a house, but upon examination I find the neighborhood bad, disapprove of the location, and do not purchase; the house is not mine.

Fourth. I am not acting and have never been acting with any committee, large or small, in influencing legislation. My personal letter, citations from which are printed on page 6114, in reply to numerous requests that I should advise with a committee of Cavalry officers, shows clearly that I advised against having a large committee formed here, and that it would be difficult for me to advise with such a committee. In the citations from my personal letter, which I presume are correct, it is shown that I disapproved of any assessment for a fund; that I had submitted my views to the War Department, as requested by the Secretary of War; that I anticipated being called before the committees during the hearings, and that I favored, and had so recommended to the Secretary of War a complete reorganization of the Cavalry on the three-unit system.

As to the further statements concerning the testimony of Gen. Johnson, "first" and "second": These statements are embraced in quotation and appear to have been prepared by National Guard officers. I do not deem it wise to enter into any discussion as to their ability to influence legislation, although I am not unfamiliar with the course of their activities during the past 15 years, and do not think they tend to harmony in the public service.

Under "Second": The data, tables, and statistics furnished from day to day by the War Department to the military committee, as the chairman well knows, have been handled by Maj. Connor, Engineer Corps, and not by me, and I have observed no inclination on Maj. Connor's part to favor or injure any branch of the service, but he has worked diligently to facilitate the business before the committee.

If there had been any foundation for the charges made by the Senator from Missouri, the Army code of ethics would have compelled me to request that I be excused from assisting the Military Committee in preparing the technical details of the bill under consideration. None but a decidedly prejudiced and unfriendly hand could have deduced from any writing or statement made by me the conclusions presented by the Senator from Missouri.

As a matter of fact, the organization of the several branches of the line of the Army, as proposed in the bill now under consideration, accord in all essentials with the approved projects based upon the studies of the General Staff. There has been no attempt within my knowledge on the part of any branch of the line to influence the Committee on Military Affairs outside of the public hearings concerning its organization. The most difficult matter to adjust in committee was one having for its object the use of the detached list for the equalization of promotions to do justice to individuals of equal length of service and experience. My advice to the committee in this, as in other matters, was to have the War Department adjudicate the question and make recommendation in the premises and for the committee to follow the departmental recommendation. This manner of settlement of this important matter, involving the contentment and peace of mind of several thousand officers, was accepted by the Military Committees.

The United States Cavalry Association was formed some years after the close of the Civil War for the purpose of preserving the history of that branch of the service and to encourage a widely dispersed personnel in keeping touch with professional matters through a journal published quarterly. The association has been merely a name, since there could be no general meetings of so widely dispersed a personnel, the majority of members at this moment being in Mexico or on the border. I am certain the association has never actually taken part in any schemes having for an object influencing legislation for their arm, and the suggestions to do so have never been carried out. Observing, as they believed, a marked advantage in the presentation of the needs of staff corps and departments by the chiefs of these bureaus, the Cavalry, Field Artillery, and Infantry have desired similar representation by chiefs of their arms, and this has been repeatedly recommended.

The Cavalry especially had grown restless because of the adoption of an experimental organization of that arm about two years ago, which continues without legal status, although long since condemned by a very large majority of Cavalry officers. Groups of Cavalry officers at the scattered border stations, fearing that the interests of the arm might suffer during the present efforts to reorganize the Army, desired, in the absence of a chief of Cavalry, to have a committee of Cavalry officers from those on duty in Washington to assist in presenting the needs of that service, but no such committee was ever appointed.

Aspersion of military and naval men has always characterized Anglo-Saxon governing bodies. In our country it has included Washington, Jackson, Scott, Grant, McClellan, Thomas, and a host of men of lesser prominence. In England, not many months before the death of Lord Roberts, the question was put in Parliament whether he should not be

numbers sufficient to supply, free of charge, all who may desire ' not to exceed 30 days from April 14, 1916. Be it further

deprived of his pension for asserting that the territorials or British militia were not equal to the country's defense, and that national service or universal training should be adopted

I fully recognized when I published a book on The American Army last year, setting forth what appeared to me as incontrovertible facts to show that the State troops, with their existing environment, could not fulfill the measure of promise implied in the large appropriations made by Congress. My arguments were impersonal and based upon experience and probable future expectations.

Men who take part in the active affairs of the world expect opposition and criticism. All that an Army or Navy officer has a right to expect in the performance of any duty is that he shall not be publicly assailed without some inquiry beforehand as to the truth of charges.

Respectfully, yours,

WILLIAM HARDING CARTER,
Major General, United States Army.

Mr. WORKS. Mr. President, may I ask the parliamentary status? There is an amendment pending.

The VICE PRESIDENT. The amendment of the Senator from Missouri [Mr. REED] is pending.

Mr. WORKS. Mr. President, in addressing myself directly to the amendment now pending, I desire to inject into the debate at this point some old-time wisdom and patriotism bearing upon the respective sovereignties of the States and the Federal Government, particularly regarding the State militia.

I call attention to a veto message delivered by President Monroe on May 4, 1822, volume 2, Messages and Papers of the Presidents, 1817–1833, pages 153, 154. The bill that brought forth the veto involved the question of internal improvements. The message is a most able and exhaustive discussion of the rights and sovereignties of the States and the Federal Government, and is a very able State paper. It is a very long one, and I am going to read only a very short extract or two from it bearing upon this immediate question: In the course of his message President Monroe says:

The next circumstance to be attended to is that the people composing this Union are the people of the several States, and not of the United States in the full sense of a consolidated government. The militia are the militia of the several States; lands are held under the laws of the States; descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States made under and in conformity with the powers vested in Congress and of the laws of nations, are regulated by State laws. This enumeration shows the great extent of the powers of the State governments. The territory and the people form the basis on which all Governments are founded. The militia constitutes their effective force.

Again, he says:

The militia is called into the service of the United States; the service is performed; the corps returns to the State to which it belongs; it is the militia of such State and not of the United States. Soldiers are required for the Army, who may be obtained by voluntary enlistment or by some other process founded in the principles of equality. In either case the citizen, after the tour of duty is performed, is restored to his former station in society, with his equal share in the common sovereignty of the Nation. In all these cases, which are the strongest which can be given, we see that the right of the General Government is nothing more than what it is called in the Constitution—a power to perform certain acts—and that the subjects on which it operates is a means only to that end; that it was both before and after that act under the protection and subject to the laws of the individual State within which it was.

As I have said, Mr. President, my objection to the attempt to federalize the National Guard is based upon the contention that is contained in this veto message, that under the Constitution and by virtue of its provisions the militia belong to the States and not to the National Government, and that any attempt to convert them into Federal forces is in direct violation of the Constitution.

I read this portion of the message in order to confirm my own views on that subject.

Mr. SHAFROTH. Mr. President, I desire to offer an amendment to the amendment of the Senator from Missouri. After the word "section," in the sixth line on the first page thereof, I move to insert "and so far as possible shall use Army posts not necessary for the use of the Army."

Mr. President, while I am on my feet——

Mr. REED. Will the Senator pardon me? I suggest the absence of a quorum. The Senator is going on with the discussion, and there are only about 12 Senators present.

The PRESIDING OFFICER (Mr. BECKHAM in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Gronna	McLean	Sherman
Borah	Hardwick	Martine, N. J.	Smith, Ariz.
Broussard	Hollis	Nelson	Sterling
Burleigh	Hughes	Norris	Stone
Chamberlain	Husting	O'Gorman	Taggart
Chilton	Johnson, Me.	Oliver	Thomas
Clapp	Johnson, S. Dak.	Page	Tillman
Culberson	Jones	Poindexter	Underwood
Cummins	Kenyon	Pomerene	Wadsworth
Curtis	Kern	Ransdell	Walsh
Dillingham	Lane	Reed	Weeks
du Pont	Lewis	Shafroth	Williams
Gallinger	McCumber	Sheppard	Works

The PRESIDING OFFICER. The Chair desires to state that the Senator from Tennessee [Mr. SHIELDS] is absent on account of illness in his family.

Fifty-one Senators have answered to their names. A quorum is present. The question is on the adoption of the amendment of the Senator from Colorado [Mr. SHAFROTH] to the amendment of the Senator from Missouri [Mr. REED].

Mr. SHAFROTH. Mr. President, the amendment which I have proposed utilizes the forts or military reservations that exist in the establishment of the schools that are proposed by the amendment offered by the Senator from Missouri. It seems to me it adds considerably to the merits of his amendment. The amendment which has been proposed by the Senator from Missouri provides for the establishment of not less than 6 nor more than 12 schools, and they are to be established, if the amendment which I propose is adopted, at any military station or fort. It provides that the number who attend these schools shall not exceed 500 at any one school. There has been some objection made that it might establish too large a school, but if you examine the figures with relation to the bill it seems to me to be clear that it would not be a large addition to the military or naval establishment of the country.

Take the maximum of, say, 12 schools. The number of men who could be sent to those schools would be 12 multiplied by 500, which would make 6,000. Six thousand is not a large addition in the way of a number to be added to the Army and Navy of the United States.

But, Mr. President, it is not that number that can be considered as proficient military men. These schools provide that there shall be four years' tuition, and consequently the number who can be put into the Army and Navy in the way of men who will command is only one-fourth of the 6,000; and we are adding only 1,500 a year instead of the number by some supposed to be 6,000.

Not only that, but we find that these schools are for the purpose of getting officers for the Army and Navy, and consequently you have got to divide that by two, and there will be an addition, on the supposition that these schools will be equally divided, of only 750 to the Navy and 750 to the Army.

Mr. SMITH of Arizona. Will the Senator permit me——

Mr. SHAFROTH. I yield.

Mr. SMITH of Arizona. At what cost is this small number to be added?

Mr. SHAFROTH. The cost will be very inconsiderable—not any more than we provide for a private in the Regular Army.

But I want to carry that a little further. Here is a course of four years and it is the experience both at West Point and the Naval Academy that it is not every man who enters who graduates. The fourth year is always the smallest year and you are apt to lose in four years about one-third the number who will not graduate. That reduces the number who can go out as officers to 500 for the Naval Academy and 500 for the Military Academy, and when you analyze this matter and see just how few the proposed amendment creates the number is very insignificant indeed.

Mr. President, I want to call attention to the cost, in answer to the question suggested by the Senator from Arizona [Mr. SMITH]. The cost can not be large. The amendment which I have proposed provides for the use of the military posts. They are already erected; they have ample space; they have barracks and quarters, and they have houses for the officers who are to be stationed there. Consequently, the amount of capital that is to be invested in them is almost inconsiderable, because we have a great many Army posts scattered all over the United States that are not used now to any appreciable extent, and yet the buildings are good, the quarters are good, and they are the very best places for schools of this kind. They always have large drill grounds, they have also great target-practice grounds, and they are there for the very purpose of making people skilled in Army matters. Inasmuch as we have the houses already there, inasmuch as we have the buildings and the barracks, it seems to me it is ideal in the way of economy that these people should be educated there for the purpose of becoming officers in the Army, or if not commissioned officers noncommissioned officers. When we take into consideration that the average cost of a soldier in the United States for a great many years is estimated at $1,000 a soldier, and the cost now estimated by the department is $1,200 a soldier, it is not going to cost any such amount to add these students to the number of persons who would be paid from the military funds of the Government. In other words, the equipment which we have is going to make it so that the addition of the number of men which we make, taking the very maximum—suppose that we establish the full schools—can not be more than at half the cost of a Regular soldier as estimated by the Department of War.

Mr. President, it seems to me, when we consider the number of men who will be used in these schools, the measure itself is very modest in asking only the number which has been proposed in the amendment, and when we consider that if the Military and Naval Establishments of the Government would conclude that only six are required or that only six would be best for the Government, it would reduce the amount which I have estimated here at one-half, and so in the end there would not be added to the Military Establishment by way of officers from these schools more than 250 to the Army or more than 250 to the Navy.

So, Mr. President, it seems to me the objection which is made to the bill that it would create too many officers or that it would cost too much when analyzed shows that it would do nothing of the kind. If there is one thing that the military authorities have been a unit upon, in their opinion, it has been the fact that we are short of officers, and that if a war should break out or be declared against the United States we would not have near enough officers to handle the Volunteers. That being the case, it seems to me the importance of a measure of this kind makes it almost imperative that something of this nature should be adopted. I believe that every university, every high school, in this land should receive instruction such as has been indicated in the bill. It is a preparedness provision that is of great value, it seems to me, in case we should have war. But, Mr. President, we want something more than that, and inasmuch as the cost is so inconsiderable, taking into consideration what we would accomplish by it, it seems to me that not only my amendment should be adopted but that the amendment offered by the Senator from Missouri should be adopted by the Senate.

Mr. WEEKS. Mr. President, this seems to be a very ambitious proposition, which has not been recommended by either the Secretary of War or the Secretary of the Navy, about which no testimony is available either before the Military or the Naval Committees.

I want to call very briefly to the attention of the Senate some of the features of this suggestion. First, we propose to admit to these schools young men from 14 to 20 years of age, to keep them there for four years, and then graduate them with at least the requirements that a grammar-school graduate shall have.

Mr. REED. Will the Senator allow a correction?

Mr. WEEKS. Yes.

Mr. REED. The proposition is that they shall have those qualifications when they enter, not when they graduate.

Mr. WEEKS. That may be the fact, but the bill does not so state.

Mr. REED. I call the Senator's attention to this——

Mr. WEEKS. At least I do not construe it that way; but I will go on to other features of the proposition.

There is no estimate of the expense to which this will put the Government. A West Point or Annapolis graduate is said to cost something like $20,000, about five times as much as it does to graduate from the average university in this country. If we were to assume that the extreme number possible under this bill would enter these schools—that is, 500 in 12 schools, or 6,000, costing $20,000 apiece—it would cose $120,000,000 to graduate 6,000 students from these schools, or $30,000,000 annually.

The graduates from West Point and Annapolis are paid $600 a year. Therefore, if you take from the $600 a year $50, which it is proposed to pay these students, you would have to take from this estimate about $13,000,000, based on what it costs the Government at West Point or Annapolis. So it would cost to graduate 6,000 in these schools $107,000,000.

Mr. SHAFROTH. Will the Senator yield?

Mr. WEEKS. Yes; if it is only a question. There are a good many things here that should be discussed, and I want most of my time.

Mr. SHAFROTH. Is not the estimate of the Government as to the Naval Academy $13,500 for the full four-year term instead of $20,000?

Mr. WEEKS. I think not.

Mr. SHAFROTH. I understand that is the estimate made by the——

Mr. WEEKS. Mr. President, the students at Annapolis and West Point are paid $2,400 during their course in actual salary.

Mr. SHAFROTH. I understand that they admit students there from foreign countries at the rate of $13,500 each on the ground that that is the amount of actual cost to the Government.

Mr. WEEKS. I do not know exactly what the basis is, but probably it does not include interest in the cost of the plant.

Mr. SHAFROTH. Will not the Senator recognize that the buildings which have been constructed in those places are extraordinarily fine buildings? I was in the House of Representatives when the buildings were——

Mr. WEEKS. Mr. President, I do not want the Senator to take all my time with his speech.

Mr. SHAFROTH. I just want to call attention to the fact that it was estimated that with the appropriations that were made there could be a $50,000 house constructed for each cadet in the academy at that time, dividing it by the number of cadets then in the academy. These forts are already constructed.

Mr. WEEKS. I think probably the Senator is right about the excessive cost of the buildings at West Point and Annapolis. I think they are very much too extravagant. I agree with him about that. The Senator himself in some remarks which he just made referred to the use of Army posts for this purpose. We are providing for a standing army substantially twice the size of the present standing army, and if we are going to give up the Army posts to any other purpose than for the housing of the additional troops which we are providing, then we have got to provide additional posts. I think the Senator will find that when we have the Army enlisted even to the minimum size as proposed in the bill which is pending it will require all the buildings that we have at all the Army posts to provide for them. So there will not be any available room for this proposed purpose.

Then the bill provides that these young men may be appointed to West Point. In fact it says they shall be appointed to West Point. We have a law on the statute books which provides for appointment to West Point and Annapolis in another way. What are you going to do with this conflict? Are you going to fill West Point and Annapolis from these schools and so, in fact, practically repeal the law which now provides for appointments to West Point, or are those appointments to take precedence over these, so that there will be no place in West Point for these young men?

I simply call these general facts to the attention of the Senate to indicate that I believe this legislation has not been given sufficient consideration. It is of much too large import to be considered in an amendment of this kind when no testimony has been submitted by anyone relating to its cost, its relations to other branches of the service, or even to the men whom it is proposed to take into the service in this way.

I hope the amendment will not be adopted.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Colorado [Mr. SHAFROTH] to the amendment of the Senator from Missouri [Mr. REED].

Mr. REED. Mr. President, I see no objection to the amendment offered by the Senator from Colorado, but I want to say a word with regard to the extraordinary figures which have been offered by the Senator from Massachusetts [Mr. WEEKS].

A singular thing in this debate is that every Senator who believes in a big standing army, and nothing else, who wants to fasten an enormous permanent Military Establishment upon this country in the nature of a professional soldiery, is always extremely economical when it is proposed to do anything for any branch of the military force outside of the professionals; but when it comes to doing something that will tend to create a great standing army of professional soldiers, these gentlemen deal with millions and hundreds of millions with the ease and grace of a juggler tossing trifles in the air.

Mr. WEEKS. Mr. President, will the Senator from Missouri yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I yield for a question.

Mr. WEEKS. I want to ask the Senator if he is referring to me in the general characterization which he has just made?

Mr. REED. I was merely referring to the general situation. If what I have said is regarded unpleasant, I will say that I could not say anything unpleasant about the Senator from Massachusetts if I tried. I like him too well.

Mr. WEEKS. I want to call the Senator's attention to the fact that I have always been in favor of a military reserve. I am in favor of the volunteer provision of the bill, and I am in favor of every feature of the present bill as it is submitted to the Senate, which includes the militia.

Mr. REED. Oh, yes; it includes the militia, or it did include the militia, with its head cut off; but we got its head put back on Saturday.

Mr. President, the figures as to the cost of these proposed schools, we are told, have not been estimated. How is the cost to be ascertained? By calling in some alleged expert from a department or by using our own common sense and experience in the conduct of other schools? It was stated here, and not denied, that the total tuition in what is probably the finest

private military school in the United States, where everything is run on the highest possible plane, is $500 per year per student. It may be that students buy their uniforms in addition to that. The school of which I speak is not one for the poor; it is a school where well-to-do people send their boys. If it costs $500 a year, and we had a total of 6,000 students, which would be the maximum required for the entire 12 schools, then the cost annually would be $3,000,000.

What will you receive in return for that $3,000,000? You will get 6,000 reserves serving without pay for six years after they have graduated; you will turn out into our country every year 6,000 young men who, in case of a great war, are capable of taking command of companies or of serving as lieutenants; you will turn out 6,000 young men who are skilled in engineering; you will turn out 6,000 young men who have some technical knowledge with reference to handling the great machinery employed in modern war; you will turn out 6,000 young men who will, if called upon, come to the colors at a moment's notice. You will thus disseminate military knowledge throughout the country; you will be creating a citizen soldiery instead of a professional soldiery.

I want to impress upon every Member of the Senate, if I can, this thought: We are going to have in this country a considerable Military Establishment; public opinion is demanding it. It will either be a Military Establishment centralized here in Washington, professional in its character, permanent in its nature, or it will be a Military Establishment that exists among and sympathizes with the people of the land.

So far as I am concerned, I think the fathers wrote wisely when they divided our Military Establishment, broadly speaking, into two branches: The professional soldiery, always under the immediate command of the President of the United States, and a militia organization—and I use the term broadly—which was to be officered by men selected by the governors of the respective States. There is a reason for that. We do not know, in the revolutionary conditions that now exist in this world—and they are always likely to recur—but the day may come when there will be seated in the White House a man with great ambition, a man who has but little respect for the rights of the people. I believe, as did the fathers, that there is danger in the creation of a vast centralized military force in a free country.

I want it as far as the necessity of the case demands, but, as a counterbalance to it, I would like to see a Military Establishment the command of which is not primarily in the President of the United States. I want to see my country strong from a military standpoint; I want to see it invincible; I want to see it so that if all the nations of the world were to attack our shores we could drive them back into the ocean from which they came; but, sir, I want that military strength to be the strength of the people of the United States and not of a professional soldiery.

I know we can always trust the people; I do not know that we can always trust a great organization of men who make fighting their business. When I say that I do not reflect upon any army that exists to-day or upon any that has existed in the past; but I know that as times come and go, as the changing conditions of the world's affairs sweep by us, we must have in mind the fact that, after all, the only security for human liberty is in the strong arms and stout hearts of the people themselves, and that you can never safely permit great power to be centralized in the hands of any one man. If you place it there, a grave menace will exist.

So I hope we shall begin by building up our military strength in the schools of this country. This bill should have begun with the schools; this bill should have begun with that class of our citizens who have the time to give, who are already mobilized in institutions of learning, who have young and active minds. We should have begun with them. By the dissemination of knowledge through the schools we could, with the expenditure of one-half the money it is proposed to expend in other ways, have created such military knowledge in our land that, when the evil day shall strike, we will have coming from every hamlet and from every village men who will be the equals of the best trained soldiers of Europe; but unfortunately the authors of the bill did not begin that way. They began at the other end. So we talk about camps and about professional soldiers instead of talking, as we ought, about training the schoolboys of the land.

The PRESIDING OFFICER. The Senator's time has expired. The question is on the amendment of the Senator from Colorado [Mr. SHAFROTH] to the amendment of the Senator from Missouri [Mr. REED].

Mr. THOMAS. I understood that that amendment had been accepted.

Mr. REED. I said I saw no objection to it. I will, however, accept it.

The PRESIDING OFFICER. In the absence of objection, the amendment to the amendment is agreed to. The question recurs on the amendment of the Senator from Missouri as amended.

Mr. THOMAS. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SUTHERLAND (when his named was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I transfer that pair to the junior Senator from Rhode Island [Mr. COLT] and vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the explanation made upon the previous roll call as to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I make the same transfer of my pair which I previously made to the Senator from Delaware [Mr. SAULSBURY] and vote "yea."

Mr. JOHNSON of Maine. I inquire if the junior Senator from North Dakota [Mr. GRONNA] has voted?

The PRESIDING OFFICER. He has not.

Mr. JOHNSON of Maine. I have a general pair with that Senator, which I will transfer to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. CLARK of Wyoming. I wish to inquire if the senior Senator from Missouri [Mr. STONE] has voted?

The PRESIDING OFFICER. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, and therefore withhold my vote.

Mr. SUTHERLAND. I transfer my pair with the Senator from Arkansas [Mr. CLARKE] to the Senator from New Mexico [Mr. CATRON] and vote. I vote "nay."

Mr. McLEAN. I inquire if the senior Senator from Montana [Mr. MYERS] has voted?

The PRESIDING OFFICER. He has not.

Mr. McLEAN. I am paired with that Senator, and in his absence I withhold my vote.

Mr. WALSH (after having voted in the negative). The Senator from Nevada [Mr. PITTMAN], to whom I made a transfer of my pair, having appeared and voted, I transfer my pair to the Senator from Alabama [Mr. BANKHEAD] and will allow my vote to stand.

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 31, nays 37, as follows:

YEAS—31.

Ashurst	Husting	Lee, Md.	Shafroth
Borah	Johnson, Me.	Martin, Va.	Sheppard
Chilton	Johnson, S. Dak.	Martine, N. J.	Smith, Ga.
Clapp	Jones	Overman	Smith, S. C.
Cummins	Kenyon	Owen	Swanson
Gore	Kern	Pittman	Taggart
Hardwick	La Follette	Ransdell	Thompson
Hollis	Lane	Reed	

NAYS—37.

Beckham	Culberson	Hughes	Oliver
Brandegee	Curtis	Lodge	Page
Broussard	Dillingham	McCumber	Poindexter
Burleigh	du Pont	Nelson	Pomerene
Chamberlain	Gallinger	Norris	Robinson

Sherman	Smoot	Underwood	Williams
Simmons	Sterling	Wadsworth	Works
Smith, Ariz.	Sutherland	Walsh	
Smith, Md.	Thomas	Warren	
Smith, Mich.	Tillman	Weeks	

NOT VOTING—28.

Bankhead	Fall	Lea, Tenn.	Penrose
Brady	Fletcher	Lewis	Phelan
Bryan	Goff	Lippitt	Saulsbury
Catron	Gronna	McLean	Shields
Clark, Wyo.	Harding	Myers	Stone
Clarke, Ark.	Hitchcock	Newlands	Townsend
Colt	James	O'Gorman	Vardaman

So Mr. REED's amendment as amended was rejected.

Mr. UNDERWOOD. Mr. President, I offer an amendment to the bill, on page 153, line 1, to insert, after the word "including," the words "State universities and," so that it will read:

Including State universities and those State institutions that are required to provide instruction in military tactics.

To make that amendment conform to the general text I desire also to amend, on page 153, lines 14 to 19, by striking out the words after the word "*Provided*," in line 14, down to and including the word "students," in line 19, and inserting what I send to the desk, which is a copy of the House bill.

I will state that this is similar to an amendment of the Senator from Ohio [Mr. POMERENE] and that the amendment which I offer meets with his approval, and I understand the chairman of the committee is willing to accept the amendment, the purpose of which is merely to allow State universities to be embraced within this provision of the bill as well as other colleges. I am not sure that the language is not now broad enough to include them, but some of the presidents of State universities, one from my State in particular, have doubt about it, and the amendment is designed merely to give them a chance to come under the provisions of the bill if there is any doubt about it.

Mr. POMERENE. Mr. President, if I may ask the Senator a question, I understand that his amendment in no respect changes the provision of the House bill for which section 42 is a substitute?

Mr. UNDERWOOD. It makes the section conform to the language of the House bill.

Mr. POMERENE. I think the amendment should be accepted.

Mr. CHAMBERLAIN. Mr. President, I have no objection to the amendment. With the Senator from Alabama, I agree that the language is probably broad enough now to include State universities; but it will do no harm to make the insertions the Senator from Alabama has proposed.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 153, line 1, after the word "including," it is proposed to insert "State universities and," so as to read, "study for a degree, including State universities, and those State institutions that are required to provide instruction in military tactics"; and on page 153, after the word "*Provided*," in line 14, to strike out:

That no such unit shall be established or maintained at any such institution at which an officer of the Army is not detailed as professor of military science and tactics or at any such institution which does not maintain under military instruction at least 100 physically fit male students.

And insert:

That before such unit shall be established or maintained at any such institution an officer of the Army shall have been detailed as professor of military science and tactics or such institution shall maintain under military instruction at least 100 physically fit male students.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama to the substitute reported by the committee.

The amendment to the amendment was agreed to.

Mr. OLIVER and Mr. HUGHES addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. OLIVER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 121, line 24, after the word "appoint," it is proposed to insert the words "and commission," so as to read:

The President is authorized to appoint and commission——

Mr. CHAMBERLAIN. Mr. President, the committee has authorized me to accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania to the substitute reported by the committee.

Mr. HUGHES. Mr. President, I ask that the amendment be again stated.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 121, line 24, after the word "appoint," it is proposed to insert the words "and commission," so as to read:

The President is authorized to appoint and commission, by and with the advice and consent of the Senate, veterinarians at the rate of two for each regiment——

Mr. HUGHES. I will say that I myself was waiting for an opportunity to offer that amendment.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. HUGHES. To follow that amendment, I move to insert the word "rank," on page 122, line 3, between word "the" and the word "pay," so as to read:

Veterinarians thus appointed shall have the rank, pay, and allowances of second lieutenants.

To complete the amendment and make the text uniform, I move also the insertion of the word "rank" in the corresponding places in line 6, line 10, line 13, and line 14, so as to make the language throughout the section read that veterinarians "shall have the rank, pay, and allowances," and so forth. This makes the amendment conform to other amendments of a similar character which have been offered.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 122, line 3, before the word "pay," it is proposed to insert the word "rank," so as to read "rank, pay, and allowances"; also, in line 6, before the word "pay," to insert the word "rank"; in line 10, before the word "pay," to insert the word "rank"; in line 13, before the word "pay," to insert the word "rank"; and in line 14, before the word "pay," to insert the word "rank."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey to the substitute reported by the committee.

Mr. CHAMBERLAIN. Mr. President, I have not been authorized by the committee to accept that amendment, and do not accept it; yet I have no doubt that the Senate will give these gentlemen rank as second lieutenants. It has been the disposition of the Senate to give the civilian forces in the Army commissioned rank; and I submit the matter to the Senate without argument.

Mr. HUGHES. Mr. President, I do not care to submit the matter to the Senate without argument, because there are many good arguments that could be made on this subject from my standpoint. I wish the Senate to know before it votes upon this question that at the present time the United States Army have not seen fit to treat veterinarians as though they were entitled to the average consideration that one gentleman in this country accords to another. There is no reason for this attitude. Whatever reasons may have existed in the past for the treatment accorded to veterinary surgeons by the United States Government, no such reasons exist now; and I want the Senate to know that every civilized nation in the world, and also some of the uncivilized nations, according to my information, have accorded these gentlemen the status which I am trying to have the Senate accord them by the adoption of the amendment I have proposed.

I wish to give Senators some idea of the disabilities under which veterinary surgeons now labor in attempting to perform the duties assigned them. The official status of the veterinarian is as follows:

He has the pay and allowances of a second lieutenant, mounted, but has not the rank of a lieutenant. He has no promotion and throughout his service is carried on the returns below the youngest lieutenant. He can retire on disability or at the age of 64 years. He is not a responsible officer, and a commissioned officer must be held responsible for his professional instruments, supplies, and so forth. At posts without a veterinary hospital the medicines are supplied to the troops and not to the veterinarian. He can not sign a certificate, but must swear to an affidavit, as do enlisted men. A certificate of health for public horses for interstate transportation is not accepted by State authorities from him because he is not an officer. He is rated as a noncombatant, yet goes to the front with the troops, but is not allowed to wear a saber, the only protective arm internationally authorized for noncombatants. The youngest lieutenant entering the Army can rank him out of his quarters, although he may have many years of service and a family. His prescribed service uniform resembles that of an officer, but his dress uniform is shorn of the shoulder straps, so that he looks similar to a private of the band of his regiment. He is forbidden to wear the insignia "U. S." as collar ornaments, although he is by law a part of a regiment of Cavalry or Field Artillery, two distinctly fighting arms. These are a few of the inconsistencies and discriminations that bitterly offend the feelings of the young Army veterinarian and insult his sense of manliness.

The veterinary schools of the United States, which for the year 1917 have all prescribed a four years' course, advise their graduates not to attempt to enter the United States Army service, because that is the only field of activity where they are not accorded equal treatment with other professional men.

It has been stated that there is a tendency to bestow rank on men who are civilians and men who constitute no part of the fighting forces. Yet in the present war the Austro-German forces have lost by death 247 veterinary officers. The German Army is not a social organization; and it has clothed these men with rank and authority higher than that sought to be bestowed under this amendment. They rank from colonel, lieutenant colonel, and major on down to second lieutenants. The British Army has done the same thing, as has also the French Army. The Australian and Canadian Armies—in fact, every one of the armies fighting now on the battle fields of Europe—have recognized the important service that can be, and ought to be, discharged by men doing this work.

I want to call your attention to the personnel of the men who now constitute the veterinarian force of the United States Army, so that there will be no hesitation in the mind of any Senator as to the qualifications of the men now engaged in this work.

One of our veterinarians is a graduate of the Royal College of Veterinary Surgeons at London, another of the Royal Veterinary Academy at Berlin, one of the McGill University, one of the Harvard University, five are graduates of Cornell University, five of the University of Pennsylvania, four of the American Veterinary College, University of the City of New York, two of the Ohio State University, four of the veterinary department of the Iowa State Agricultural College, five of the Ontario Veterinary College, four of the Chicago Veterinary College, one of the Kansas City Veterinary College, and two of the San Francisco Veterinary College. This accounts for 36 graduates, and there are 6 vacancies. The vacancies exist, I presume, because of the reluctance of men to enter a service where the moment they don the uniform of Uncle Sam they are classified in a way that they have never theretofore been classified either at their schools or in private life.

Before I close and submit this matter to the Senate, I desire to read a marginal note that was placed by the Kaiser on the bill reorganizing the German veterinary service, which sets out much better than I can do the regard in which these men are held in the countries where fighting is a profession:

NOTE.—Upon the veterinary officer devolve high moral, physical, and technical demands in peace and war. Only such young men are to be selected for the military veterinary career who possess a high mind, tact, mental versatility, physical activity, and pride in their profession.

It seems to me, under the circumstances, that it is as little as we can do at this time, when we are attempting to prepare an Army and arrange legislation in such a way that we will have an Army as efficient and as capable as any army in the world, to give this belated recognition to these men. Of course up to the time of the outbreak of the European war it was said and believed that the day of the cavalry as an arm of the military service was at an end, and yet one of the first manifestations that we saw of the serious nature of the war in Europe was the presence here of European officers engaged in a frantic effort to obtain cavalry horses. These men were not noncommissioned officers or private soldiers. These men were commissioned officers of high rank, veterinarians, who understood their business. What a situation their respective governments would have been in had they been unable to send men of that character to this country to purchase the horses needed by their respective governments.

Mr. President, I am willing to leave this matter to the good sense of the Senate of the United States, relying upon the showing that is made by these men and the showing they have made in the past; relying also upon the fact that the House in its bill accorded them the rank and the privilege that they asked, and the further fact that this body itself on other occasions has acted in a manner favorable to them, but for one reason or another, owing to the exercise of one influence or another, it has never been possible to have the two bodies act finally during any one Congress. In order that this tardy justice may be done these men, I ask that this amendment be adopted.

Mr. KERN. Mr. President, this question was before the Senate at the last session as an independent proposition. It was reported favorably by the Committee on Military Affairs. It failed because of the confusion that existed in the last hours of the session.

I only desire to quote now what was said by the chairman of the Military Affairs Committee on that subject on that occasion. He said:

I want to say to the Senate that Gen. Wotherspoon, representing the War Department, appeared before the Senate committee which had this bill in charge and insistently urged that the bill ought to pass. Our Government is the only one of the civilized Governments that has not veterinarians commissioned and given a standing in the Army that attracts to the service the very best men of their profession.

If the measure was a proper one then, in time of peace, it seems to me that it is very much more important now, in view of the large increase in the Army that is being proposed.

I do not think there ought to be any question about the adoption of the amendment.

Mr. CUMMINS. Mr. President, in addition to the reasons so well given by the Senator from New Jersey [Mr. HUGHES] in favor of his amendment, it will not be forgotten that the veterinary surgeon is now a member of a skilled and scientific profession. The scope of his learning is hardly less than the learning of the ordinary surgeon. The course of instruction required at all schools is now almost equal, if not entirely equal, to the time required for graduation into other learned professions. Moreover, the veterinary surgeon in the Army is just as well qualified to command troops as are the members of the other medical branch of the Army, and in some armies now performing great feats in arms the veterinary surgeons have commanded troops and are commanding them now.

There is one reason, however, which to me is conclusive. In view of the great advance in the profession and the increase in the remuneration of the profession in private life, I do not believe that the best of veterinary surgeons can be commanded without awarding them the rank which belongs to scientific and skillful men. Our Army needs the very best of this profession. Human nature is so constituted that it will accept honor as a part of the inducement which leads us all into a chosen vocation. The rank given to officers in our Army is absolutely necessary to secure that standard of ability and competency which every such organization must have.

In view of the fact that engineers have rank, in view of the fact that the other medical practitioners have rank, and in view of the fact that dental surgeons have rank, it seems to me illogical, almost unthinkable, that the members of this profession shall not be accorded equal honor.

This bill limits the rank to that of major. In the French Army a member of this profession may, under certain circumstances, have the rank of general, as I am informed. The only objection to the amendment is that it does not provide for a higher rank, under some circumstances, than that of major; but I have no disposition to enlarge the scope of the amendment in that respect.

I very earnestly hope that the amendment offered will prevail.

Mr. LODGE. Mr. President, the other day, when the amendment in regard to giving rank to the dental surgeons was before the Senate, I said that in past years I had opposed staff rank—that is, rank to what are called the staff departments—as a general proposition. Congress, however, has decided on an opposite policy. It has given rank to paymasters, to chaplains, to civil engineers in the Navy, to the Medical Corps, to the chaplains, and to the dental surgeons. It seems to me impossible to deny it to one particular corps, especially where that corps is trained particularly for that work.

The modern veterinarian is very different from the farrier or blacksmith to whom was assigned the care of horses in Cavalry regiments. He is a highly educated man. As the Senator from Iowa [Mr. CUMMINS] has pointed out, he has received a thorough scientific education. I think we shall not go wrong in following the example of the other great armies of the world. As has been already pointed out, they have rank in all the great armies of Europe. In the English Army the rank is as high as general, and they are recognized as an extremely important part of the service. They have to be with the regiments. They are practically officers of cavalry, educated and trained for a particular purpose, and upon them rests a great weight of responsibility.

Two hundred and sixty-one veterinarians have been killed, and 260 wounded, and 66 have received the iron cross and various service medals in the German and Austrian Armies alone. They have no Red Cross protection, and that shows that they are in active service in the field just as much as a line officer. It seems to me there can be no logical ground for giving rank to all the other specially trained corps in the Army and refusing it to the veterinarians.

For that reason it seems to me that the amendment proposed by the Senator from New Jersey ought to be adopted.

Mr. OLIVER. Mr. President, I offered the amendment which has just been adopted at the instance of quite a number of gentlemen of this profession in my own State. I offered it in that shape because it was all they asked me to do; but since rank has been given to other professions, I do not see why it should not be given just as well to the veterinarians. I

hope the amendment presented by the Senator from New Jersey will be adopted.

Mr. LODGE. Mr. President, let me ask the Senator a question before he takes his seat, if I may.

Mr. OLIVER. Certainly.

Mr. LODGE. As I understand, the Senator's amendment inserts the word "commission."

Mr. OLIVER. "Commission"; yes.

Mr. LODGE. But that has been held by the Judge Advocate General not to carry rank.

Mr. OLIVER. I think that when they requested me to offer the amendment they were under the impression that it did carry rank.

Mr. LODGE. It has been held by the Judge Advocate General that it does not.

Mr. OLIVER. In fact, I was not aware at the time that it did not carry rank, and I hope this amendment will prevail.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. HUGHES] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. WORKS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 105, line 12, after the word "States," the first word in the line, it is proposed to insert "the mobile land force," so that it will read:

The National Guard while in the service of the United States, the mobile land force, and such other land forces as Congress may from time to time authorize.

Mr. WORKS. There are two amendments, Mr. President, which should be considered together.

The SECRETARY. Also, on page 161, after line 9, it is proposed to insert the following:

SEC. 57. Mobile land force: That there is hereby created and established on the Pacific coast as a part of the public service a body of men to be known and designated as the mobile land force and military reserve for national defense, to be composed of 200,000 men to be chosen and enlisted as hereinafter provided, which force may be increased from time to time as Congress may provide.

SEC. 58. That such force shall consist of men capable and efficient and fitted to take lands furnished for their use as herein provided for, and to perform manual labor in the forestry and reclamation, or other public works, and military service when called upon to do so. They shall be enlisted for the service for a term of five years under rules and regulations to be prepared by the Secretary of the Interior, and may be reenlisted, and while engaged in the civil service, as hereinafter provided, shall be a branch of the Interior Department and under its supervision and control.

SEC. 59. That when such force is called upon, as hereinafter provided, to undergo military training or service, it shall be under the supervision and control of the War Department, under rules and regulations to be provided by the Secretary of War.

SEC. 60. That each of the members of such force shall, by the Secretary of the Interior, be provided with a garden farm of not more than 5 acres of land in the States of California, Oregon, Washington, Nevada, Arizona, and other Western States where lands suitable for cultivation can be had, provided with water for domestic use and irrigation when needed, at a cost in each case of not exceeding $2,000, upon which such member shall be required to make a home for himself and family and cultivate the same when not engaged for the Government, and for which he shall be required to a pay a reasonable monthly rental not exceeding 4 per cent of the cost of the same, title thereto to be retained by the Government. The Secretary of the Interior is authorized to devote any of the lands owned by the Government, suitable for the purpose, to settlement by such members, to acquire by condemnation or purchase such other lands in said States as may be necessary to carry out the purposes of this act, and to acquire or construct any water rights and water systems necessary to supply such lands with water for domestic use and irrigation: *Provided*, That such garden farms shall be so located as to establish not less than an entire regiment of such force in one community on adjacent homes.

SEC. 61. That as a constructive force the Secretary of the Interior shall, except for such time as they are required to render military service as hereinafter provided for, if they so desire, employ the members of such force wherever he may direct in the forestry, reclamation, and other public works within the States above mentioned, and shall construct storage and service reservoirs for the protection of lands from overflow, for the drainage of submerged lands, the irrigation of arid or semiarid lands needing irrigation in order to be successfully cultivated, and generally for the protection, reclamation, and cultivation of lands and works necessary for the improvement of the rivers and harbors of the country and such other public works as the said Secretary shall elect for which Congress may make appropriations.

SEC. 62. That members of said force while thus employed in the public service as constructive workers shall be paid a reasonable compensation to be fixed by the Secretary of the Interior, and they shall be employed to the exclusion of all other persons whenever practicable.

SEC. 63. That for one month of each year, or two months in any one year, if the Secretary of the Interior and the Secretary of War shall mutually so determine, the said force shall undergo such military training as may be provided for by the Secretary of War, under rules and regulations prescribed by him, at such place or places as he may direct, and he shall provide all necessary officers and equipment for such training.

SEC. 64. That such force shall constitute a reserve military force and be subject to military service whenever called upon by the Secretary of War.

SEC. 65. That whenever the members of such force shall be under military training, preliminary or annual, or in actual military service in the event of war or anticipation thereof, they shall constitute a part of the United States Army and shall be exclusively under the direction and control of the War Department, in all respects the same as any part of the Regular Standing Army of the United States. The officers of said reserve shall be appointed and have rank the same as officers in the regular standing army.

Mr. WORKS. Mr. President, early in the session I introduced a bill in substance the same as the amendment I now offer, except that the amendment confines this so-called industrial force to the Pacific coast and reduces the number of men to 100,000. The principal object of the bill is to provide for an industrial force and at the same time provide them homes on the Government lands.

If this amendment should become a law, it would furnish homes for 100,000 families upon lands of the Government. Instead of housing the men in barracks provided by the Government and paying them salaries, it is provided that they shall be furnished with 5 acres of land, with a home upon it, for which they shall pay rent at not more than 4 per cent of the expense of constructing the building, and that the Government shall supply them with water. When they are not engaged in military service they are required to meet the call of the Secretary of the Interior to be used upon any works of the Government for that purpose. The intention of it is, first, to provide homes for suitable men that may be selected, and, second, to furnish them employment that will enable them to make a living outside of the land; but one man can make a living for a family upon 5 acres of land upon the Pacific coast, selected as the Government would desire to select this land, even if he were otherwise out of employment, so he would be independent.

In this way the Government will be provided with 100,000 seasoned, trained men, to be called into the service at any time, with no expense to the Government except the mere providing of the land and construction of the buildings, the title to which is retained in the Government.

Mr. President, the Pacific coast is in a very peculiar condition respecting this matter of national defense. The Pacific Coast States are practically isolated from other parts of the country. The bill that is now under consideration will not furnish anything like an adequate number of men to defend the Pacific coast. It may within an hour, if there should happen to be enemies in that vicinity, be entirely cut off from transportation from any other part of the country by destroying the tunnels through which the railroads pass. We are left practically unprotected and undefended by the provisions of the bill that is now pending. This is simply an effort to better the conditions generally respecting the taking up of the Government lands and at the same time to supply men who can be used for military purposes if needed.

It may, to some Senators, seem a sort of dream, something that is impossible of attainment, but I want to say to the Senators that there are two valleys in the State of California alone and in two counties that will furnish the homes provided for by this amendment to the whole 100,000 soldiers that are provided for—rich valleys, as the Senator from Michigan [Mr. SMITH] suggests. One of them is a valley that can be provided with water with only a moderate expenditure of money. The water is already stored above it in reservoirs constructed by a private corporation and ready to be taken down and distributed upon the lands. There are 500,000 acres of land in that valley that is now practically a desert that would be as rich soil as can be found anywhere in this country with water upon it. These men could be supplied with homes there and at the same time be made available for military service if that should be desired.

This may seem to be going a long way, Mr. President. It is not my idea; it is the idea of a good many people who have investigated and studied this question. I want, in connection with my remarks, to have printed in the RECORD an editorial that appeared in the Detroit Times of Monday, April 3, 1916.

The VICE PRESIDENT. In the absence of objection, that may be done.

The matter referred to is as follows:

[From the Detroit Times, Monday, Apr. 3, 1916.]

THE LESSON OF THE FLOODS.

[By Dr. Frank Crane.]

In the early days of 1916 various parts of the United States were devastated by the forces of nature. There was havoc from floods on the Pacific coast and in the Mississippi Valley.

South of Memphis was the worst inundation in history.

Of 3,000 population of Clarendon, Ark., only 700 remained. They were marooned in lofts, a prey to hunger and typhoid fever.

In Oregon many lowlands were under water and serious damage done.

Throughout southern California bridges were washed away, dams burst, the inhabitants of valleys swept to ruin with their cattle and other possessions, railway service interrupted, highways rendered impassable by landslides, and so on.

All this was no man's fault. It was a public calamity. And the only way to prevent its recurrence is by public action.

All over the country are other losses and bad conditions caused by nature, calling for organized, governmental cure.

There are rivers to be made safe, harbors to deepen and widen. And the only way we go at this is by the malodorous pork-barrel process, which is as inadequate as it is infamous.

We have roads to build, national highways for the swift movement of troops in case of war. The Lincoln Highway is at present only two streaks of rut most of the way. It ought to be a solid cement road from the Atlantic to the Pacific.

The Dixie Highway is so far mostly on paper. The curse of the land is bad roads.

Millions of acres of desert might be irrigated and instead of sand and sagebrush produce crops rivaling ancient Egypt.

Our magnificent endowment of forest is being lavishly wasted.

All these represent tasks that can be adequately undertaken by the Government alone. No private enterprise is big enough.

Let Congress organize an army to carry on this work and it will find the golden solution to the preparedness problem.

By fighting nature and subduing her we best prepare ourselves for defense against possible human enemies.

Every proposal now before Congress is woefully unsatisfactory. Wilson and Garrison have split over the Army question. Congress is already split 20 ways.

There is the real way out. Organize a standard army of a million to build up the country, and it will be ever ready for the country's defense.

It is the new idea for an army.

It is the American idea.

It will harmonize pacifist and militarist.

It will be the most unique, efficient, helpful, and irresistible army of all history.

It will insure peace, provoke no rival nation to war, make America respected abroad, and solve the hitherto unsolvable problem of how to have an army sufficient for defense without the perils of militarism.

Mr. WORKS. Mr. President, there is another view to be taken of this amendment. I think those of us who have investigated and studied the Reclamation Service are feeling that it is not going to accomplish the results that were originally intended. To a large extent it is breaking down, and one reason for it is—and I think the prime reason—that no provision is made to help the entrymen who take up the lands, and most of them have been absolutely unable to pay the amount that it is necessary to pay in order to construct the reservoirs and distributing systems. This would be a supplement to the Reclamation Service. It would do just exactly what the Reclamation Service fails to do, namely, help the individual entryman to take up his land and cultivate it, and thereby make it profitable.

In order to show how the Reclamation Service is working and what difficulties are in the way of carrying out the service, I want to include in my remarks a part of a report that was made by what is known as the review board, created by the Secretary of the Interior, who is doing everything he possibly can to redeem the Reclamation Service and make it a success. Amongst other things, he has appointed this review board, which is studying each one of the projects now in existence and suggesting any defects that may be found in them and any difficulties that arise, in order that they may be met by proper legislation and the Reclamation Service assisted in that way. This single case will indicate what the difficulties are and what is needed for the purpose of making the Reclamation Service a success.

The matter referred to is as follows:

[Extract from Central Cost Review Board.]

TRUCKEE-CARSON PROJECT.

LAND SETTLEMENT.

The repayment of the $9,000,000 expended on this project will depend on the rapidity and success of settlement of something over 150,000 acres of land now unpeopled and unimproved. A portion is in private ownership, being, it is understood, a part of the Central Pacific Railroad land grant. The remainder is public land. Even if the land were settled now and the payments of projects costs were assured, the Government would lose the interest on its investment during the period of deferred payments. This at 4 per cent simple interest would amount to $3,600,000. But if settlement is delayed, or if settlers are unable to meet their obligations, there may be a loss of large part of the principal as well.

The home seekers who apply for this land, if present policies are unchanged, will be confronted by the following conditions:

Aside from the main irrigation channels and the unformed dirt roads, they will find that everything required to transform a desert into productive farms remains to be done. The land must be cleared of brush, the farm unit must be fenced, a house for the family and stable for the work animals must be built, and provision made for a water supply for household use. Not being familiar with local conditions, they will not be able to buy to advantage, and they will be under pressure to buy quickly. Many will be victimized with bad horses and poor cows. It was stated at the visit to the project in July last that settlers had to pay $27 a thousand feet for lumber that was being sold to the Reclamation Service for $11 a thousand feet.

If settlement should be rapid, they would be unable to procure cows or horses locally. Many owned by settlers now on the project have been shipped from Utah and California. This adds greatly to the cost of development. Cows bought in Utah for $65 cost the settlers over $100 each.

Until a house is built the settler's family has either to live in a tent or board in town. Illness often results, while heavy living expenses, delay in beginning productive employment contribute to make all concerned homesick and discouraged. Often the preparatory work prevents planting a crop the first season, and the settler finds his meager capital swallowed up in living expenses before he can obtain any return from the land. Before he can grow a crop the land must be prepared for irrigation. To do this so that water will flow evenly over the surface requires knack and experience. Lacking these, money and time may be wasted, and the final result so unsatisfactory that the work will have to be done over again. Few settlers can afford to buy the special equipment for leveling land cheaply, which is not needed afterwards, especially settlers on small farm units; hence the actual cost is increased and completion delayed.

PREPARATION OF LAND FOR IRRIGATION.

The preparation of land for irrigation on this project is a matter of great importance, because much of it is uneven, requiring a large expenditure to enable it to be watered properly. In places the wind has heaped the sand and dust in mounds from 2 to 6 feet high. These will have to be leveled down, and settlers testified to a member of this board who visited the project in July last that it had cost $100 an acre to level some land of this character. To smooth off the inequalities, prepare the checks and borders, and build the small distributory ditches on the 150,000 acres of land awaiting settlement will cost somewhere between six and seven million dollars, and that amount must be spent before crops can be grown.

To leave this costly preparatory work to be done by the settler, who lacks team strength, implements, and practical skill, involves a ruinous waste of money and time. Nothing could be more inefficient. Careful considerations should, we believe, be given to whether the leveling of this land and making it ready for the application of water is not as essential a part of reclamation as the building of the canals and reservoirs.

On much of the land the acreage cost of preparing the land will be greater than building the irrigation works, and the use of a proper equipment, directed by practical knowledge and skill, would be just as advantageous as it has been to have the irrigation works carried out under proper engineering guidance.

We believe the most effective way to prepare the land for irrigation would be to employ experienced contractors, who would either use traction engines and large scrapers, as is done by the owners of large estates in California, or through the use of proper equipment operated by teams.

ERECTION OF HOUSES.

The average area of farm units will be somewhere between 40 and 80 acres. If we assume 60 acres, it will require 2,500 houses to shelter the settlers. If each of these settlers is left to buy his building material at retail, make his own design for the house, and hire carpenters as they can be secured, the following results will inevitably follow:

The cost of material will be 50 per cent above what will be required if these houses are built under some central direction, where the material is bought at wholesale for cash.

There will be many freak houses, lacking durability and comfort and detracting from the appearance and neighborhood pride of settlers in the district.

The time of settlers, which ought to be taken up with farm work, will be given over to bargaining for material, hunting for a builder, and doing things that a properly organized central office could attend to more effectively at one-tenth the cost. Twenty-five hundred houses, with stable for work animals and provision for a household supply, will cost $4,000,000, if any attention is given to durability and comfort. A gain of 50 per cent in value to settlers will result from having this done under competent direction, according to a systematic plan.

SOIL MAP.

A soil map showing the alkali content of the land on each 40-acre unit would be a useful guide to settlers and an aid to the Government in determining the future prospects of this project. Such a map would show where settlement will be free from danger from alkali and where special provision by drainage must be made to overcome this danger.

It is realized that the preparation of a reliable map would involve considerable expense, because the alkali content varies greatly. Some units are practically free, while others are heavily charged. While alkali can be washed out if adequate drainage is provided, but black alkali tends to coagulate and compact the soil, obstructing the passage of water through it, making leaching difficult. It can be improved by chemical treatment, but experiments made show that this is too costly to be undertaken by beginners. They should therefore be cautioned about risking their money, labor, and time on units carrying high percentages of alkali until the risks of cultivation are better understoot and commercially feasible plans of reclamation have been devised.

DRAINAGE.

The lands to be irrigated are mainly low lying and flat, the land having been part of an old lake bed. Natural drainage is poor and artificial drainage difficult. The need for drainage is urgent, however, over most of the land that has been irrigated a few years, and it is believed that the same result will follow irrigation of uncultered land. The local board reports that $275,020 has been spent on lands already irrigated and that it will cost $390,000 more to complete their drainage. This cost can not be imposed without consent of the water users. This board also reports an estimate of $591,500 for drainage works needed to irrigate 43,500 acres, or $9 an acre. This was to provide a system of deep open drains and would leave the minor drains required to be built by the settlers. This estimate of $9 an acre has not been accepted by settlers. In part because they think the cost too great and in part because some of them believe that the Government, having opened the land to settlement as reclaimed, should dig these drains without any additional cost to water users. A later estimate of the cost of drainage than the one accepted by the local board has been prepared by the Reclamation Service. It fixes the cost of drainage on areas already authorized at $897,000 and $390,000 for units still to be thrown open to settlement.

The members of this board are not in a position to question the accuracy of this estimate of drainage costs for the lands awaiting settlement, but we venture to express the opinion that the estimate seems low and that before any approximate estimate is given to settlers the matter should have further consideration. This suggestion is made because the matter here assumes unusual importance. The high alkali content of the soil, the lack of natural drainage, and the imperative need of keeping the ground-water level at all seasons of the year at least 5 feet below the surface makes drainage as important as irrigation.

One of the chief sources of discord on this project has been the increase of drainage costs over the original estimates. Another is the failure of drains constructed to perform the expected service. There are more uncertainties connected with the prompt removal of water from below ground than there are in arranging to supply an adequate amount on the surface. Nowhere has this been more fully illustrated than on this project. The first drains were not deep enough. Tile drains put down later filled with sand and have been useless. Some of the land alleged to be drained has been rendered useless by the rise of ground water, and some holdings have had to be abandoned on this

account. These conditions are not reassuring to new settlers, and it would greatly aid development and the ultimate financial outcome of the project if the Government could guarantee the construction of an adequate drainage system and fix a maximum limit to what settlers will be required to pay.

AGRICULTURAL AND ECONOMIC PROBLEMS.

The applicants for these lands will, as a rule, be men of small capital. Settlers on the lands now irrigated had an average capital of a little over $2,000, but as some had over $10,000 the majority had considerably less than the average.

It is not likely that the average capital of the future settlers will be higher. Men who have money enough to buy improved farms prefer to do this rather than undergo the risks and hardships of reclaiming desert land and living in a remote, sparsely settled district. Experience has shown that to reclaim the lands of this project and pay for the water right will cost over $150 an acre. The following estimate is regarded as low an average as could be safely adopted as a basis for development by a settler taking an 80-acre farm unit:

Leveling land, building checks and small ditches	$3,000
House and barn	1,500
Work team and tools	1,000
Living expenses, one year	500
Taxes, operation and maintenance, charges, and incidental	300
Initial payment on water right	200
Dairy herd of 20 cows or other live stock to eat fodder crops	2,000
Total	8,000

To this must be added the ultimate cost of a water right, which will be between $40 and $50 an acre.

While all this money will be needed if the best results are to be obtained, settlers who are willing to face hardship and self-denial can start with less. Half the land could be left unleveled. The dairy herd could be cut down to 10 cows. At a sacrifice of comfort the cost of the house could be reduced, but all those reductions mean loss of income and entail added risk, hardship, and privation. They do not make for efficiency, economy, or an early development of the project. It is possible that a majority of settlers having industry and thrift who could bring $5,000 cash would succeed, but what is the prospect of the settler who brings $2,000, the average assigned in the past? He will need money, but he will not be able to borrow it locally. All of the money in the local banks has been absorbed. Inquiries at Reno, the capital of Nevada, shows that there is a demand nearer home for all the surplus funds of the banks there. When it comes to borrowing money from a distance, the security which a settler can offer can not be considered satisfactory. The Government holds a first mortgage on the land to secure payment of building charges. In its wild state this land has no productive value, and if the settler has not money enough of his own to put it in condition for cultivation he has no commercial security to offer. Settlers now on the project have had to depend quite largely on friends in the East for money borrowed. Where loans are made locally the interest rates are high and the time short. Most of the settlers are given credit at the stores for goods purchased, but for this they pay dearly in the way of enhanced prices. The local merchants have in many cases given the settlers more credit than business prudence warrants, and to protect themselves they confine their buying of farm products quite largely to the men most heavily in their debt. This creates uncertain markets and tends to disturb the commercial relations of settlers and storekeepers.

The last crop report of the project (1914–15) shows the average value of all products to be $11.25 an acre. The average gross return of an 80-acre farm is therefore less than $1,000. Out of that has to come depreciation on work animals and farming implements, living expenses, taxes, wages where help is employed (and no man can cultivate 80 acres of land as irrigation requires without some assistance), the payment of project costs, and expenses of operation and maintenance. Such a return makes the payment of high interest rates or quick repayment of money borrowed impossible.

In many cases the settler with inadequate capital can not borrow money needed to improve or equip his farm so as to obtain the average income. In some cases he has not been able to get far enough along with his improvements to obtain any income. Last July the chairman interviewed 10 settlers on their farms. Most of them had been on the project since 1907. Only 6 have been able to earn a living income, 4 made their living by contracting or outside employment, and 4 must fail unless outside financial aid can be obtained. One man who brought $2,000 to the project spent it all leveling 25 acres of land. Before he could grow a crop he was dead broke and in debt. When interviewed he was driving the sprinkling cart in Fallon, for which he was being paid $2.49 a day for himself and four horses.

One who has spent $5,000 in improvement had in 1913 a gross income of $400; in 1914 $600. Three of the ten have their farms improved and will succeed, but one of these is a contractor who has invested $10,000 in improving his farm of 120 acres, of which 87 acres are irrigable, and he has not yet built his house or barn. He made $7,000 of this money in profits from contracts. His gross income from his farm last year was only $500. Another, who brought $3,000 to the project, spent it all in six months and then made the money needed to complete his development as a contractor on the reclamation works. He has a dairy herd paid for and is making over $2,000 a year.

The last report of the project shows 540 irrigated farms, of which 480 are operated by owners or managers and 60 by tenants. Of these a considerable number belong to old settlers, usually well-to-do stockmen, who were established before this project started, but who abandoned their private ditches and have been given water rights in this project. There are less than 400 settlers who have taken up land since this project started, and are now depending on what the farm returns them for a living, while since the project was opened there have been over 550 surrenders and relinquishments. Some of these filings were speculative, but the majority have been human tragedies. Families brought the savings of years, their hopes and aspirations, attracted by the deceptive idea that the Government was giving away farms. They have learned through hardship, privation, and ultimate impoverishment that 40 or 80 acres of unleveled, unfenced desert land is not a farm. It is not, under present methods, even a fair opportunity to create one. And unless the settler has more than an even chance to succeed families ought not to be encouraged to risk their savings, their time, and labor in the attempt.

NEEDED CHANGES IN LAND LAWS.

The social and economic requirements of this development are being emphasized in this report, because of the financial results of this project and proper consideration for settlers' interests depend, in our opinion, on a radical change in existing land-settlement methods and policies. The reform should begin with the land laws. They were devised for the fertile, well-watered country of the Middle West. They are not suited to the requirements of the irrigation development, especially where the costs of providing water and preparing land for irrigation are high, which conditions prevail over nearly all the lands awaiting reclamation. Settlers on such land must either have considerable capital or be aided in making the land productive, if they are to succeed. The improvement of a 40 or 80 acre unit requires the expenditure of at least $100 an acre before there is any return. To protect oversanguine and inexperienced settlers from failures that may have ruinous consequences and to lessen the waste and loss from inexperience, the Government should fix minimum qualifications in the way of capital and experiences and organize and direct this development.

Another defect is that no distinction is made between good and bad lands. The difference in value may be very great. Some farm units are level and fertile; others broken in surface, heavily impregnated with alkali, or remote from towns. The better farm units are worth far more than the cost of development. The poor ones will often cost more to prepare for cultivation than they are worth when it is done. To make no distinction between good and bad farm units creates great economic unfairness and inequality of opportunity. It is a serious obstacle to the success of irrigation works. The good farm units are picked up; the culls are left. The aim should be to make all farms equally attractive, and to do this the lands should be classified and prices fixed in accordance with their fertility and cost of preparing for irrigation. Land laws should be revised to provide for this.

When a unit is opened, the best lands are eagerly located; the poorer lands are not applied for and remain unoccupied and undeveloped. They add to the cost of operation, detract from the appearance of a district, and the defect in present methods which causes this result should be cured. Of the 103 farms thrown open to settlement in 1914, 53 are still unapplied for. The same conditions and same results are found on other projects.

The cost of reclamation on this project is so near the value of the completed result that there is small margin for waste or loss through inefficiency in the period of development. This project will, in our opinion, be a failure, socially and financially, if this development is left to the unorganized and unaided efforts of the individual settler.

This project is not the only one where a reform in land-settlement methods is needed. Experience has shown that the construction of irrigation works is only a small part of what is involved in the transformation of desert wastes into cultivated fields, and that neither the Government nor private enterprise have in the past thought out the requirements of reclamation to a final result. The result has been huge money losses and regrettable disappointment and economic waste on the part of homeseekers. To continue to follow the crude, defective, and losing policies of the past, now that the consequences are known, will be an evidence of incapacity on the part of the Government to render a direct economic service to the public greatly to be regretted.

If the Government would fix a minimum capital for the actual settlers, require those who apply to show evidence of character and fitness, and then aid those approved in preparing land for irrigation, in building houses, and giving them the benefit of experienced advice and direction for the first three or four years of the settlement, it is believed that very few will fail, and none from causes beyond their control.

In considering the need for this organization it has to be remembered that these settlers will come from widely scattered localities. They will be of diverse nationalities. Naturally inclined to be distrustful of their neighbors, they will be greatly helped by the practical oversight and direction of Government officers. Such an influence operating at the outset will do much to create a community spirit and lead to confidence and cooperation, things which have slow growth under present methods and policies.

Those who are reluctant for the Government to incur the expense and assume the responsibility of directing and financing approved settlers in preparing land for irrigation talk vaguely about this being accomplished by the settlers obtaining money through cooperation. The obstacles to cooperative organization of the beginners in a development whose problems and requirements are strange and new to most of them are insurmountable. They do not know each other. They distrust each other. They do not know what needs to be done. They do not know where to buy to the best advantage, or what they ought to pay. They have not time to learn these things. The important and desirable thing is to grow some kind of a crop the first year, if this is humanly possible. They lack money; they lack credit, and cooperative arrangements only magnify these weaknesses. What they do need is organized and financial aid and practical direction. This, we believe, the Government should provide.

These measures, if adopted, would not be experiments. They have been in successful operation in Ireland, Denmark, Australia, and New Zealand long enough to have worked out through experience a safe and successful system. All the circumstances which led the above-named countries to formulate their policies of Government aid and direction in land settlement exist here in acute form. The recommendation of Prof. John R. Commons and Florence J. Harriman, of the Commission on Industrial Relations, "We recommend serious consideration to adapting the Irish land bill and the Australian system of State colonization to our American conditions," applies with special timeliness and force to this project.

If this development is to go on, it ought to be under conditions which will give confidence and enthusiasm to those who undertake it. These sentiments do not prevail on the project at present. Many of the settlers are dissatisfied; many of the farms are for sale. The extension of the area with no change in methods of settlement would mean, in our opinion, the financial failure of the project. Settlement will be slow. The present unrest will continue. The Government will not be able to collect project costs. The protection of the Government's investment and safeguarding optimistic and inexperienced settlers from the hazards of the past renders it desirable that a land-settlement system similar to that of Australia and New Zealand be adopted. If this were done, the reform in methods and policies would include:

First. The leveling and preparation of these lands for irrigation by the Government, or an organization working under Government direction.

Second. The same organization would arrange to oversee the construction of houses and farm buildings by contract.

Third. The opportunity to take these lands should be restricted to landless farmers and actual settlers who know something of farming.

who should be required to live on the lands until development is completed and improvements paid for.

Fourth. The privilege of taking these lands should be restricted to men who have a capital to be fixed by the Secretary of the Interior and who show evidences of industry and character.

Fifth. Where the Government levels land and builds houses this capital should be sufficient to enable the settler to pay for at least one-fourth the cost of these improvements.

Sixth. In addition to these improvements, there should be provision for lending the settler money on improvements which have been made by himself where the need for this is manifest.

Seventh. Repayment of all money spent on developments with interest on the plan now followed in the above-named countries.

Respectfully submitted.

ELWOOD MEAD, *Chairman.*
W. L. MARSHALL.
I. D. O'DONNELL.

Mr. POMERENE. Mr. President, during the morning hour I had read at the desk a letter from the adjutant general of Ohio and another memorandum, in part in reply to some observations which were submitted to the Senate with regard to the National Guard generally of the country, and in regard to the Ohio National Guard in particular.

In the debate on Saturday the Senator from Idaho called attention to the fact that during the Ohio national rifle match in 1911 certain sums of money were expended on the State rifle team, all of whom were officers, and that during the period from July 22, 1911, to September 23, 1912, there was paid to one colonel the sum of $1,411.18.

I desire to say in reply to this—and I assume in what I am saying that these figures are substantially correct—that this last amount was paid during two encampments in the year 1911 and the year 1912.

The Senator also called attention to the fact that there was paid to another colonel between the dates July 1, 1911, and September 15, 1912, $1,610.95. This also embraces the total that was paid to the officer during the two annual encampments for the years designated.

Again, the Senator called attention to the fact that there was paid to another colonel between the dates of July 30, 1911, and September 1, 1913, the sum of $1,299.37. This was paid covering the services during three annual encampments.

I desire to state that Camp Perry has been used for the annual encampments of the National Guard, as well as for State and National rifle matches. During each one of these encampments and matches there is detailed by the adjutant general of the State, in entire conformity with the law, one of the officers to take charge of the camp, and it was for the services of these officers so detailed that this money was paid.

I called attention in a statement which was read to the Senate during the morning hour to the amounts of money which were furnished by the Federal Government for National Guard expenses, also the amount paid to the officers of the National Guard as camp pay out of the Federal funds, the amount paid to the men as camp pay out of the Federal funds, and to the amount paid out of the State funds as camp pay for the men.

The State by a tax of 10 cents per capita raises each year $476,712.10. This is based upon the census of 1910.

Under the State law there is paid to the men in the National Guard $1 per day. Under the Federal law there is paid to each Federal soldier 48 cents per day. The money which is contributed by the Federal Government is apportioned among the States in accordance with the numbers of the National Guard in the several States. The money, it seems, which goes to the State of Ohio is kept in one fund. The men in the National Guard are paid out of the State funds, I believe, exclusively. National Guard officers who reach the degree of efficiency adopted by the Federal Government are paid out of the Federal funds and are paid wholly out of the Federal funds. Certain other officers whose efficiency does not meet the approval of the Federal Government are paid for their services out of the State funds.

The pay of all the officers of the rank of colonel—and I speak of that because charges were made specifically against those who had the rank of colonel—is $11.11 per day while doing field duty; that is, while they are in camp or in general service under orders by the Government, State or National. It is the same pay which is allowed to the Federal officers of equal rank, except that the Federal officers are entitled to longevity pay. All other funds which are appropriated by the Government and which have not been used in the payment of officers in the way I have indicated are used for the purpose of furnishing military equipment for the National Guard. All this equipment belongs to the Federal Government and not to the National Guard.

Now, Mr. President, all of this money is expended under the direction of an officer in Camp Perry who has been detailed for that purpose by the adjutant general of the State and who is under bond. The expenditure of the Federal funds is always under the supervision of the Chief of the Division of Militia Affairs of the Federal Government, and this expenditure is audited by the Auditor for the War Department and other officials of that department. So it seems to me it would be practically impossible for any of this money to be expended in any way which was not authorized clearly under the terms of the Federal law.

I desire in this connection to call the attention of the Senate to the expenditures which were made out of the State funds during the year 1911—to officers, $9,320.46; to enlisted men, $52,175.67; total for that year, $61,496.13.

I have the expenditures similarly for the years 1912, 1913, and 1914, and without taking time to read them I ask the permission of the Senate to insert them in the RECORD as part of my remarks.

The VICE PRESIDENT. Without objection, such will be the order.

The matter referred to is as follows:

STATE OF OHIO,
ADJUTANT GENERAL'S DEPARTMENT,
Columbus, April 15, 1916.

The following report is submitted for the years of 1911, 1912, 1913, 1914, as to the money expended in this State out of State funds. It is rather a comparison of the amounts spent both for the officers and the enlisted men of the Ohio National Guard:

For the year 1911.

Officers	$9,320.46
Enlisted	52,175.67
Total expended	61,496.13

For the year 1912.

Officers	5,045.52
Enlisted	31,830.11
Total expended	36,875.63

For the year 1913.

Officers	5,377.86
Enlisted	39,732.14
Total expended	45,109.90

For the year 1914.

Officers	$6,214.82
Enlisted	42,095.50
Total expended	48,310.32

The amounts as shown above are from the records of this department and are subject to examination at any time.

D. A. DORMAN,
Chief Clerk Adjutant General's Department.

Mr. POMERENE. Senators seem to find particular fault with the fact that during the year 1911 Federal funds were paid to the officers of the National Guard in connection with this rifle match and none was paid to the men. That is true. The teams that are selected for competition in these national and international matches are selected by a system of competition. During the year 1911, after a competitive shooting, it seemed that all the successful men were officers. During that same year the team connected with the Federal Government was half officers and half men of the ranks, including two sergeants. During the years following 1911 a large portion of the officers participated in these matches, and they were accordingly paid while they were engaged in this service. There was no discrimination whatever in the selection of these teams. The members constituting the teams were selected wholly because of their skill with the rifle.

I feel that when it is sought to show that there was any attempt at discrimination on the part of officers of the National Guard in favor of those officers as against other men the charge is wholly without foundation.

I am quite sure that if there has been any expenditure of any kind which has not been warranted under the law by the officers of the National Guard of the State of Ohio they would welcome an investigation on that subject by any competent body that may see fit to make the examination.

The funds provided by the State and the Federal Government are all accounted for, and it can make no difference in principle that officers are paid wholly out of one fund and the men wholly out of another fund, or that the both are placed in one account and officers and men paid alike out of it. It takes the same amount, and no more and no less.

Mr. President, that is all I care to say upon this subject. I feel that while there may be a difference of opinion between Senators as to the wisdom or the unwisdom of a given expenditure, it can not be charged that these expenditures were made with any degree of favoritism either for or against any man or officer in the National Guard of the State of Ohio.

Mr. CHAMBERLAIN. Mr. President, in reference to the amendment of the Senator from California I simply desire to ask to have read a letter from the Acting Secretary of War in opposition to the adoption of the amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAMBERLAIN. Let me say that the letter is based on the original bill, but the essentials of that bill are included in the amendment, I think.

Mr. WORKS. The substance is the same. The number provided for in the amendment is less than in the original measure. It is confined, as I believe I stated, to the Pacific coast.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, February 12, 1916.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SIR: Replying to your letter dated January 4, 1916, wherein you request to be furnished with the views of the War Department relative to Senate bill 2684, Sixty-fourth Congress, first session, I have the honor to invite your attention to the following report:

1. The purpose of this bill is to provide a constructive and military reserve force, and for other purposes. Comment is limited to the military features involved in the measure.

2. The bill provides for the enlistment of 200,000 men by the Interior Department for five years, these men to be provided with "garden farms" of not more than 5 acres, for which they shall pay a rental of not exceeding 4 per cent of cost.

These men may be employed, with their consent, on constructive work of irrigation, drainage projects, etc.

For one month each year or two months in any one year, if the Secretary of the Interior and the Secretary of War shall mutually so determine, the said force shall undergo military training. The Secretary of War shall provide all necessary officers and equipment for such training.

Such force shall constitute a reserve military force and be subject to military service whenever called upon by the Secretary of War.

The sum of $50,000,000 annually for 10 years is to be appropriated for carrying out the provisions of this act.

3. It is not believed that such a force would furnish a dependable reserve military force for the following reasons:

The number of men who would thus enlist can not be determined, and it would vary from year to year.

The organization and training of this force would depend very much on the mutual agreement of the Secretaries of Interior and War. With such divided authority no good results would be accomplished.

The time provided for military training—one month of each year or two months in any one year—is much less than that required to make dependable soldiers.

The Secretary of War is required to provide all necessary officers and equipment for such training, without any means being given him for such provision.

The bill provides that these men shall be located on contiguous farms in groups of not less than one regiment each. In a very short time the average of each family would make a total in such group of 9,180. It is inconceivable that this number can be located permanently in one place and comply with the other conditions of the bill as to work in the Forestry and Reclamation Services.

There is no provision as to age limit, and the final result of the bill would be an army of married men. In the event of mobilization practically the entire male population would be withdrawn from certain areas, a condition which should not be imposed upon any community. Men taken for the Army should be so distributed as not to disturb the life of the community from which they come.

If these people are scattered, as they would have to be to perform the main duties assigned to them in the bill, it would not be practicable to assemble them for military training.

The passage of this bill is not recommended.

Very respectfully,

H. L. SCOTT,
Major General, Chief of Staff,
Acting Secretary of War.

Mr. BORAH. Mr. President, I want to say a word in regard to the controversy which has arisen by reason of some statements which I made last Saturday in the debate. This discussion arose by reason of statements which had been made by Senators to the effect that the officers of the National Guard were giving their time and service without any compensation. In reply I called attention to what seemed to me to be an answer to that proposition. The figures and facts which I gave are a part of the archives of the War Department here in the city of Washington. I did not make nor I did not intend to make any general charges against men who are enlisted in the National Guard or the State militia. I did make a charge against the extravagant and wasteful manner in which the State militia, as institutions, had used this money.

I entertain no doubt from the investigations which I have made that money has been wasted in large sums, not to use a stronger term. But there was no intention upon my part to reflect upon the personnel or the individual members of the guard as to their personal integrity in the ordinary walks of life, except those cases wherein I gave the specific instance, and as to those I find that I am entirely correct. I gave instances, and could have given many more, of what I deem indefensible and reckless use of the property and the funds. I know that the record is bad in that respect. I want it to be understood that according to my view as to what constitutes the use of public funds, it is all that I asserted it to be in the debate last Saturday.

Since Saturday I have undertaken to verify as best I could under the limit of time the facts and the figures which I gave last Saturday, and I entertain no doubt at all as to the correctness of those figures as to the fact that those records exist here, and that they show the facts and the figures as I gave them.

The inferences which may be drawn by one Senator may be different from those on the part of another. I have drawn my own inferences. Other Senators, whose good faith and integrity I do not challenge, may draw different inferences; but I wish it to be known that upon reinvestigation and reconsideration of the matter I find the facts and figures as I gave them to be entirely correct and accurate in every respect.

As to whether or not the money has been wasted will depend in a large measure upon the view which a man takes as to whether or not this is any preparation or not in the true sense of the term.

I charged, for instance, that the general appropriations were, in round figures, about $8,000,000 for State militia purposes. That is controverted this morning in a communication from some one who speaks for the National Guard hereabouts. Since that has been controverted I have gone through the appropriations as best I could, because I am far from being an expert upon appropriations. I had used the figure $8,000,000 because when the bill was first brought into the Senate I asked the question as to how much was now being appropriated for the State militia, and the answer was something over $7,000,000. That has been repeatedly stated by those who are in a position to know, and it has been stated at other times to be $8,000,000, and some $6,000,000, ranging between $6,000,000 and $8,000,000, and I used the figures in round dollars.

Mr. REED. Mr. President——

Mr. BORAH. In just a moment. I find that according to the appropriations for 1914 the actual appropriation made for the State militia in different ways was $7,776,256.29. I yield to the Senator from Missouri.

Mr. REED. How is that possible with the sum of the two appropriations only——

Mr. BORAH. Mr. President, I am not going to stop to discuss details; I want to go to other things. But I refer the Senator to the list of appropriations now in the possession of the chairman of the committee, from which I took my figures. The Senator will find that the figures I have given are entirely correct, according to that table of appropriations, and if there is any mistake it is a mistake in the table, and I am sure in my own mind there is no mistake.

The appropriation for 1915 was $6,700,635.30, but taking one year with another the average appropriations have been running along about seven million and some odd thousand dollars for the last three or four years.

Mr. POMERENE. May I ask the Senator does not that include an appropriation of considerably over $2,000,000 which was used for the purpose of organizing the artillery branch of the militia service?

Mr. BORAH. I could not state as to that. If the Senator will look in the volume which the distinguished Senator from Oregon has with him, he will find all the figures that make up the sum total that I have given, and which are listed under appropriations for the State militia. They are appropriations which would not have been made but for the State militia. Divide it up as you may, the people paid this amount in 1914, to wit, $7,776,256.29.

So, Mr. President, I feel that I am entirely accurate when I say it is ranging about $8,000,000. We started out under the Dick law, with the supposition and the estimates of two and a half million dollars. In the years which have passed we have now reached a point where it is averaging about seven and one-half million dollars a year, and nearer $8,000,000, according to the figures of this year, than it was $7,000,000.

I made a further charge, Mr. President, that there was a loss of property, according to the reports, of about a million and some odd dollars, property which had been turned over to the different State militias and for which there was no accounting. After allowing for waste and the ordinary wear and tear and such things as could be utilized at all for the purpose of accounting for the property, there is property to the value of $1,352,761.14 unaccounted for. I took these figures from the report of the Chief of Division of Militia Affairs in the office of Chief of Staff relative to the Organized Militia of the different States. After giving the details he says:

In other words, Federal property to the value of $1,352,761.14, issued to the various States for the purpose of arming, equipping, and training the militia, has been lost or destroyed through carelessness and neglect, or the methods of accountability within the States for Federal property have been so lax as to preclude the possibility of accounting for its disappearance.

Mr. President, that does not necessarily, of course, as I said upon Saturday, involve the technical guilt of any man, but it does sustain, to my mind, beyond a question, that there is a wasteful use of property wholly out of harmony with the public interests and wholly out of harmony with a proper administration of any department of the Government.

Mr. POMERENE. Mr. President——

Mr. BORAH. I will yield in just a moment. Take, for instance, the District of Columbia, and I will speak with reference to the District of Columbia because I have just investigated that. Last year there was a loss of property of some $7,000, wholly unaccounted for except the fact that it seems to have been partly accounted for and never returned; and this year the loss amounts to something over $5,000. To my mind that is wasteful, it is extravagant, it is indefensible, it is intolerable, and for any department of good government.

I want to put into the RECORD also a statement by the ex-Secretary of War, Mr. Stimson, in that regard.

The matter referred to is as follows:

Again, the standard of care and the responsibility which the National Guard has shown in respect to the Federal arms, uniforms, and equipment which have been issued to it under the Dick law has been so low that there is now a total shortage of $1,352,761 of such property issued to it, as to which the Federal authorities are unable to get either a report of the property or a proper accountability as to its disposition. Four years ago, in 1912, drastic steps were initiated by the Secretary of War to reduce such shortage. Under the system of divided control it has been found practically impossible to accomplish this. In the case of many States the shortages are so great that if they were charged against the Federal appropriations coming to such States there would be nothing left for rifle practice or camps of instruction or any other training for several years to come. This would mean that to apply the discipline of this method of purchasing efficiency would result in depriving the States of some of the vital elements of training which they can not afford to lose. In other words, the system proposed by these bills for extending the authority of the Central Government over the militia by Federal payments has been tried and has failed. It has failed in respect to numbers, in respect to marksmanship, in respect to discipline, and in respect to equipment.

I now yield to the Senator from Ohio.

Mr. POMERENE. I do not know what may be the character of waste to which the report refers, but I can give one particular instance.

Mr. BORAH. I ask the Senator not to do that in my time.

Mr. POMERENE. Very well.

Mr. BORAH. I did not interrupt the Senator. Now, I charged in another instance that a part of this money had not only been property wasted but a part of it had been embezzled. That did not refer to a charge against gentlemen in Ohio. It is not in connection with this proposition at all. I do not know that anybody could be brought under that charge at all in Ohio. Therefore, in making such a charge, I would not have any such inference drawn; but that it has been embezzled in other places, there can be no possible doubt.

Some members of the National Guard have been indicted, some have been sent to the penitentiary, I understand, others are awaiting indictment, as I am informed. So there is no doubt that if you will investigate the records of the War Department you will come to the conclusion that whether there is any individual responsibility which you can fasten under the law or not, this large sum of money has been used in wasteful extravagance, intolerable, and that some was used in such a way that it can not be defended in a court of law, a vast amount of it in such a way that it can not be defended in a court of conscience.

In 1915 the State militias were made up of 8,705 officers and 120,693 enlisted men. This makes one officer to about 13 enlisted men.

The official reports show that in 1915, 19,382 enlisted men were absent from the annual inspection. During the year 1914 the average number of men absent from each weekly drill of instruction was 63,201 men, or nearly 50 per cent. So we have for about every seven men who are attending weekly drill one officer. The amended Dick law required the attendance on the part of the enlisted militia at 24 drills during the year. In 1914 only 34.8 per cent of the National Guard qualified as second-class marksmen or better. In other words, only about 40,000 of the 120,000 could shoot sufficiently well to be rated as marksmen.

Now, how much have we paid for this efficient fighting military force? We have paid at the rate of a little over $7,000,000 a year, and during the last 10 years about $70,000,000. In addition to this there is the appropriation of the States which is a sum running up to about seven millions. For this stupendous sum we have about 40,000 enlisted men who can shoot a gun and about 63,000 who have attended the weekly drill. I call the whole proposition a waste of public money.

Mr. POMERENE. Does the Senator mean to say that the National Guard has a monopoly of embezzlement?

Mr. BORAH. Oh, no; I do not mean to say it has a monopoly of that offense; of course I do not, and the Senator knows I do not say that. What I do say, however, is that this dual system of appropriating money and transferring it to another sovereignty, to be distributed under political pressure, as this is distributed, leads inevitably to wastefulness, creates an institution which produces wastefulness, and in many instances that profligacy which stops only on the hither side of crime.

Mr. REED. Mr. President, I am a little surprised that the Senator from Idaho [Mr. BORAH], for whom I entertain the most profound respect, should persist in so speaking as to practically class the National Guard and its officers with criminals. That is the real effect even of his closing sentences.

What is the impression given by the kind of argument the Senator makes? Let me illustrate: If I were to stand in the Senate and say, "It is a well known fact that preachers have embezzled the funds of their churches," it would be generally understood in the country as an indictment of the church; yet such a statement might be truthfully made, for, among the great multitude of the good and the righteous, there is occasionally found a bad man who has slipped in. If I were to say, "It is a well-known fact that many lawyers have betrayed their clients," it would be understood as an indictment of that profession. The charge could be, of course, truthfully made, for many lawyers have done the thing to which I have referred, but the great profession could not be justly indicted for such a reason.

If I were to say that "governors of States have betrayed their trusts," and so frame my sentences as to constitute an indictment against State governments and the heads of those governments, it would be understood to be an indictment against the governors of States. It could be truthfully said that some governors have done the things embraced in the charge, but would it be a fair presentation of the character of service rendered by the governors of States? I might extend these illustrations indefinitely.

What are the facts? It is probably true that in all the vast numbers of the National Guard there has been here and there some officer who has embezzled some money, but will the Senator from Idaho charge they have done it to a greater extent than is done in every other organization that is composed of human beings the greater part of whom are good and a few of whom are bad? There have been rascals, as I said the other day, in Congress; and we expect the muckraker, we expect the extremist, we expect the bad citizen, to indict Congress as a whole because there have been some bad men in Congress, but well-posted and honorable men do not indict the Congress of the United States for the act of an individual Member.

Mr. President, there have been rascals in the Regular Army of the United States; there have been men in the Regular Army who have embezzled hundreds of thousands of dollars, and in one instance, I believe, the embezzlement ran into the millions. One of those officers served a term in the penitentiary—a long term—and there have been, I think, quite a number of other embezzlements; yet for that I shall not indict the Army of the United States or the officers of that Army, who are probably far above the average in point of high integrity and probity of conduct.

Who are these National Guardsmen? First, they are citizens of the Republic; second, they are of that class of citizens of the Republic who have felt a little greater interest in the defense of this Nation than does the average man. Accordingly, they have left their homes at night; they have gathered in their armories; they have spent many weary hours in drilling; and many a man who has labored hard all day has carried a rifle and walked with his tired feet in obedience to the commands of his officers.

Who are the officers? They are the men selected by the privates, and then the higher class of officers are selected by the officers who have been selected by the privates.

What are they doing? They have been for years and years doing that thing which we now all admit is necessary; they have been making some preparation; they have been putting forth some labor to defend our country from possible assault; they have been standing ready at any moment of the day or night to respond to the country's call. They have responded many and many a time when the call came from the governors of States; and if ever in a single instance they have responded to a call in an unjust cause it was a call first issued by the governor of a State.

I regret that these attacks should be repeated. I say that man for man the officers and men of the National Guard will measure well up with any other class of citizens in this Republic. I say that the organization, taken as a whole, is no more subject to this kind of indictment than is any other

secular body of men called together by any motive and held together by any form or system.

Mr. President, as to the expenditures of the National Guard, again I call attention to the fact that the Senator from Idaho is in error in the conclusion which he draws with reference to moneys appropriated for the National Guard. In 1915 there was appropriated $2,000,000 under an act of Congress, and then under another act, the act of 1908, there was appropriated a further sum of $2,000,000. There was expended in maneuvers and in encampments $250,000.

Now, I come to the figures that enable the Senator to make up his grand total—it is for Field Artillery, $2,090,000—for Field Artillery material, to wit, the cannon that are on hand and will be on hand for 20 or 50 years and that will be rolled to our battle front in case there is a war.

There may have been some things in the nature of this equipment that will be worn out in the service, but the total that we find here, if I read these figures aright, includes the guns that are to be on hand—a part of the military defense of this country.

So I could go through these appropriations, but my time, I know, has nearly elapsed. I simply desire to say that it is time, I think, to quit attacking the National Guard. I do not know whether the dead body or the living body of Mr. Villa is being brought to this country; but I do know that if serious trouble arises in Mexico, within 48 hours after the order goes forth, the National Guard will be mobilizing along the Rio Grande.

The VICE PRESIDENT. The Senator's time has expired.

Mr. WORKS. Mr. President, I believe I did not consume the 10 minutes allotted to me——

The VICE PRESIDENT. But the agreement is that but one speech shall be made, and that not longer than 10 minutes.

Mr. WORKS. Very well; I can say what I desire to say just as well on some other amendment.

Mr. NEWLANDS. Mr. President, I understand the pending amendment is the amendment offered by the Senator from California [Mr. WORKS] regarding "a mobile land force and a military reserve for national defense," to be composed of 200,000 men, who are to be stationed within the five States comprising the Pacific Coast States and the adjoining States of the arid region, and whose main object will be the defense of the Pacific coast against possible Asiatic attack.

I think the expenditure called for by the amendment of the Senator from California will be entirely too large to meet the favor of Congress. I rise simply for the purpose of saying that I think the amendment contains the germ of a good idea; that is, the utilization of our reserves in the constructive work of the country, a work which has not yet been fully inaugurated, and which must in time embrace not only the full development of our rivers for every useful purpose but also the full development of our public land, the bulk of which remaining in the Government's hands is either arid or semiarid, absolutely incapable of treatment by individuals and requiring broad collective treatment by the National Government if it is ever to be fitted for the habitations of men.

Mr. President, it is evident that the American people are not disposed to maintain a large standing army of professional soldiers. The maintenance of such an army is against the genius of our institutions and involves an enormous expenditure, for unless compulsory service is established—and that is at present impossible—it will be difficult to command the men except at pay practically prohibitory of the maintenance of a large standing army. We must, therefore, rely for our professional army upon a comparatively limited number of men—from 100,000 to 150,000. Such an army will cost a thousand dollars a man annually, a sum aggregating between $100,000,000 and $150,000,000.

It is possible, however, to create a reserve of men taken in their youth at 17 and 18 years of age, the years productive of the best soldiers, and train them, not only in military discipline but for civil life, in such a way that at the end of that training, part military and part industrial, each individual man will not only be better fitted for his civil calling in life but will be so trained as to be able to respond at any time to the demand of his country in time of war. That is entirely practicable.

This amendment practically proposes to revive in this modern day the system which prevailed during the period of the Roman Empire, when Rome recruited her legions from her small farmers; when her armies consisted of her small farmers, trained in arms and also in agriculture, who during peace would return to their farms and pursue the peaceful vocation of agriculture, ready at any time to buckle on their shields, to put their helmets upon their heads, and to draw their swords, and with their places fixed in the legions of Rome to push on among her conquering forces.

What was practicable then is practicable now; and the amendment offered by the Senator from California, whilst, as he suggests, it might be regarded at first blush as somewhat visionary in character, has the germ of a real practicable idea, and that is the training of our young men in such way as will make them efficient in arms, obedient to command, orderly in their disposition and manners, sustainers of the public peace, protectors of our public institutions, and capable of taking their place either in civil or military life.

So I propose to vote for the amendment of the Senator from California, in the hope that, if it goes into this bill, it will form the nucleus for the careful organization of some military force by the conference committee having the character which the Senator wishes to impress upon the body provided for by his amendment. I believe that such an army will be the most economical army that can be secured; and I believe that it will be the most efficient army that can be secured, and that such a system will give us an army whose central idea will be the maintenance of public order, and not aggression or conquest, for I assume that if this kind of training and education is entered upon it will be seen that the training is in harmony with democratic institutions and democratic aspirations.

Mr. LANE. Mr. President, I believe this country should be prepared for defense to an extent that would make it impregnable against any attack from any other country. I do not believe this is the time to talk about the cost; I believe that it is absolutely necessary at this time to place this country in a state of complete defense and to make it invulnerable against attack. I would not spend one cent for an army intended for purposes of aggression, so far as I am concerned, but I would be willing to vote for an expenditure of millions upon millions of dollars if the money were properly and economically expended in placing this country where, beyond peradventure of doubt, it could take care of itself and of the people within its borders. If the bill which is now before the Senate provided adequate means to place the country in such a state of defense, it would serve a useful purpose; if it does not do that, it is of no value.

The bill provides for about 33 days, of eight hours each, of actual training to each member of the force. You can not make a soldier by training him eight hours a day for 33 days in a year. In Germany and in Japan, where they have soldiers who do fight, and fight effectively, more time is used in training them. Training for eight hours a day for 33 days would afford no defensive preparation to the country of any value.

Such an army, although illy trained, would cost hundreds of millions of dollars, while the country would be impoverished and still be unprepared. Furthermore, the people of the country, if this bill becomes a law, will be resting under a sense of false security which would be lamentable.

I am in favor of popularizing the Army, of making an Army in which the people are interested, and of paying the members of that Army adequate wages, in putting them at useful work—in the South in the draining of swamps, in the West in bringing water upon lands and making them fit for human habitation, and up and down and throughout the country in building military highways, also in conjunction with the States, each paying its proper proportion in the cost of building roadways for the use of the people of this country. All of these roads and highways will be necessary in case we are invaded. Without them we will be unprepared to move our troops, no matter how many we may have. The men in such an army might also be employed in building military railways, if that be necessary; and to that end I would be willing to vote for an appropriation to pay the regular going wages and setting aside two days in a week on which to give them military training for eight hours a day, and at the end of six months or a year to turn them back into private life.

We might, for example, enlist half a million men in the course of the year, in two divisions of 250,000 each, for six months' work, drilling them two days each week and then letting them melt back into the population of the country. Under such a plan in a few years we would have an admirable system of roads; we would have trained men numbering millions; we would have the country blossoming like a garden; we would have the money in circulation. We could bond this property, the same as is done now under the Reclamation Service, and make it reimbursable. In total expenditure it would cost the people of this country less than this bill which is now before the Senate for consideration and we would have the roads and other improvements which are so badly needed. It would put the men in training under the actual conditions in which they will have to fight if this country ever has to go to war. They would not drill under cover, say, an hour and a half 48 times a year or on level fields; they would drill out of doors, in the rain and in the sunshine, in the heat of summer and in the cold of winter,

in rough country, in the mountains, in the valleys, and in the swamps, where they will have to fight if we are invaded, under conditions which will harden them and toughen them and make of them men prepared to fight. Such a plan will imbue in the members of the Army devotion to their country, for it will pay them a fair wage and hold out inducements to them which this bill does not. We will pay, as I understand, under one of the provisions of this bill but $15 a year for training. That is not enough.

In addition there will be involved an enormous expenditure for purchasing and caring for accouterments and the storage of such accouterments at depots, out of which, it seems, according to what some Senator has said here, they leak.

I am in favor, to a certain extent, of the amendment of the Senator from California [Mr. WORKS], although I do not like some of its terms. In a general way, however, it would be a wise thing for the people of this country. A few days ago we passed a bill for the retention of the tax upon sugar. That tax, to the tune of forty million or fifty million or sixty million dollars a year—however much it brings in—will come mostly out of the sugar bowl and out of the sweetmeats of the little tots and families of the poor. Sugar, as we have found in our Mexican experience, is one of the things that the soldier upon the march craves more than he does anything else. It is supposed to be a food for the muscular system. We have so arranged it that we will raise just about enough to carry on this Army from the sugar bowls of the very class of men who will have to do the fighting. In other words, they will do the work and pay their own board. It seems to me that if we are going to embark upon an experiment of this kind, which leads nowhere in particular, in my opinion, we should have assessed some of the cost upon those best able to pay it rather than visit the entire cost upon the men who are least able to pay it.

Now, in behalf of that idea I am going to submit an amendment providing that the Government shall enlist for a period of six months 200,000 to 250,000 men and put them to work around through the country opening up the highways, training them two days in a week, which amount to 104 days yearly training to each man, and help to make a soldier of him.

Mr. WARREN. Mr. President, I do not rise to condemn the idea which forms the basis of the suggestion for an industrial army, but I do rise to ask that the amendment be not pressed upon this measure. As shown by the letter from the department, it is a matter which must be considered by both the Interior Department and the War Department. We have before us only the comment of one department, and that is unfavorable to the proposition. It has not had the consideration of the committee. The bill that we have before us is loaded down, in my judgment, to the water's edge with educational, experimental, new ideas, in addition to the extension of the old ones. I hope the amendment will be voted down.

Mr. ASHURST. Mr. President, I am sure that we all appreciate the labor, the time, and the patience which the able Senator from Oregon [Mr. CHAMBERLAIN] has given to this bill. Many of the suggestions which he has made are of great value; but I think that the amendment proposed by the distinguished Senator from California [Mr. WORKS] is one of the most, if not the most, practical, sensible, and far-reaching pieces of legislation which has been proposed by any Senator since I have been a Member of this body.

The Senator's amendment, as will be observed by a close reading, comprehends four general heads: First, defense of the Nation; second, employment of men; third, the rendering of those men efficient in civil life; and fourth, the development of the country. Indeed, Mr. President, I wish I could truly claim the credit which I think will ultimately and inevitably attach to the Senator from California because of the genius for constructive legislation he has exhibited in the preparation and promotion of his amendment.

Last year I had the pleasure to be associated for a time with Mr. George H. Maxwell, famous throughout the West for his great constructive work, and he called my attention to the need for legislation on this point. I took the pains to make an investigation lasting over two months, and I found it was entirely practicable and feasible to do the very thing which the Senator from California [Mr. WORKS] now proposes, to wit, that two or three hundred thousand men should be enlisted who may be called "reservists." They will get, not $15 a month, but the prevailing wage that is paid in that community. They will be set to work, if you please, sir, in Nevada reclaiming the desert; if you please, sir, in some other parts of the Nation constructing levees, so that the waters as they rush madly to the sea will not destroy lands; if you please, sir, in another part of the Nation this great industrial army would be set to work replanting the forests; and in another part it would be set to work building harbors, bridges, and roads. This army would not be encamped idly around barracks, but would be employed in useful labor. They would not come directly into competition with what we are pleased to call the balance of labor, because work in the Army would be open to any and all who would wish to enlist in that capacity. I repeat, the enlisted men would get the prevailing wage. They could not be called out in an industrial dispute. Homes would be provided for them under the amendment of the Senator from California; and, Mr. President, if you want patriotism you must give the private soldier something for which to fight. The patriots—and they were raw troops—who stood behind the breastworks at Bunker Hill and who, though outnumbered 4 to 1, successfully resisted four or five times the onslaught of the opposing troops, knew they had something for which to fight.

The most inveterate criticism which we hear—and I think it may justly be made—upon the present system is that we have not made the Regular Army attractive to the private soldier. This plan would afford an opportunity to build up an industrial army of two or three hundred thousand men, each and every one of whom would feel that he had something for which to fight. He would become inured to outdoor labor. He would become inured to mounting horses—to rifle shooting. He would be inured to all kinds of work, drilling and maneuvering two or three months a year, and then, when hostile guns were heard resounding on our coasts he would be leaping to the forefront of the conflict, not a raw and an untrained volunteer, but a soldier who had an interest in his country, a soldier who was earnest and anxious that her system, her laws, and her institutions should be preserved.

I desire to congratulate the Senator from California and to congratulate the State of California upon the constructive statesmanship which her Senator has exhibited in the preparation and promotion of his amendment.

Mr. President, I read a book a year or two ago which went on to describe what "Japan would do with the Colorado River if she had it." We know what America does with it. America now permits the Colorado River to flow some 1,600 miles through rich soil—soil so rich, as has been said, that we ship it to other parts of the United States so that they can use it for fertilizers. This book pointed out that if Japan owned that river, running, as it does, through that kind of soil, smiling farms, prosperous villages, and happy homes—aye, sir, cities—would soon spring up like magic where now the whirling winds take the sand in great showers over the adjoining country. An industrial army enlisted in accordance with the proposed amendment would convert the desert into homes.

I doubt, of course, if this amendment will be adopted; but the fact that it does not receive a majority of the votes does not make it any the less meritorious. Many meritorious propositions do not receive a majority at times, but I believe that in the long future, when those who come after us grapple in their patriotic way, as men are doing now right here, with the great questions of the day they will at last seize hold of the proposition which has been advanced by the Senator from California as the true, the correct solution of building up in this Republic a great industrial army, full of patriots, who will leap to her borders and will bound forward in defense of a country in which they feel and have a personal and a direct interest.

Mr. JONES. Mr. President, I desire to offer an amendment to the amendment of the Senator from California. In line 18, on page 2, I move to strike out the word "five" and insert "twenty."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 2, line 18, before the word "acres," it is proposed to strike out the word "five" and insert the word "twenty," so that, if amended, it will read:

> That each of the members of such force shall, by the Secretary of the Interior, be provided with a garden farm of not more than 20 acres of land in the States of California, Oregon, Washington, Nevada, Arizona, and other Western States

Mr. JONES. Mr. President, while I can not add anything to the commendatory words of the Senator from Arizona [Mr. ASHURST] of the splendid work of the Senator from California [Mr. WORKS] in preparing this amendment, I can indorse them; and I simply want to suggest, with reference to the amendment I have offered, that it occurs to me that 5 acres is a little bit too small. While there are many places in the West where a family can make a living on 5 acres of land, my observation has been that that is true after they get the 5 acres in good shape and get it in certain sorts of crops, if it is located in a certain way or in a certain proximity to a large population. But I think that generally in the irrigated sections if a family are to be placed upon a raw tract of land, an undeveloped and uncultivated tract of land, they ought to have at least 20 acres upon which to make a home; and for that reason I have offered this amendment.

There are many places near the cities in the West where farm gardening is done, and I have no doubt but that families are well supported upon 5 acres and possibly are putting money in the bank; but most of our irrigated lands, at least in my State, are away from the centers of population. For instance, the irrigated sections are 160 or 170 miles from Seattle and Tacoma and a couple of hundred miles the other way from Spokane, although about Spokane there are some irrigated tracts and some lands that would come under the designation of the lands covered by the amendment of the Senator from California. As a general thing, the irrigable lands in the State are in the center of the State, away from the centers of population. So I think the 5-acre limitation would practically exclude our State from the operation of the amendment of the Senator from California, and I should not like to see that done.

I know that in the central part of the State, the irrigated section, there are thousands of acres of land that are as productive as any on the face of the earth when irrigated, and that with a tract of 20 acres of land, with sufficient encouragement to get a family started, and with the possibility of securing employment when not otherwise engaged upon the farm, splendid homes could be built up on these 20-acre tracts. As the Senator from Arizona has said, the adoption of this amendment and putting it into effect would not only furnish to our country a splendidly trained set of soldiers, men ready to defend their country upon their country's call, but it would also result in the reclamation of a great deal of land that is now desert and unproductive, the building up of a great many homes, the development of a splendid citizenship, and would result in increasing the wealth of the country materially and also in bringing about comfort and happiness to many of the people who are now looking anxiously for a place to build up a home.

Mr. President, I hope the amendment of the Senator from California will be adopted, and I should prefer to have it adopted with the amendment that I have offered.

Mr. WORKS. Mr. President, I want to say a word about the letter that was sent in by the War Department.

I did not expect the Chief of Staff of the Army or any other military expert to approve of this amendment. Its principal object is not to provide an adequate military force, but to provide what, to my mind, is infinitely more important—an industrial force; men who, with their families, will be provided by the Government with permanent homes, thereby not only settling the public lands, but providing homes for men who now need them and who are exceedingly anxious to secure them in this way.

I am not disposed to add to the military force of this country. I do not believe it to be necessary. I have already expressed my views upon that subject. Under an amendment of this kind, however, or some law of the sort, we could locate in the Pacific States a million families provided with homes not only of 5 acres of land but of 20 acres. Every Senator here from the Western States knows that I am stating the facts within reasonable limits.

Mr. President, I think it is much more important for this country that we should deal with the public lands in this way, provide homes for the people who need them, and thus build up the country and add to its industrial efficiency than that we should have a large standing army. I have said that I did not expect any military expert to approve of this amendment. I may say frankly to the Senate that I did not expect it would be adopted by the Senate, either, however meritorious I regard it. We have not yet reached a point where the Congress of the United States would be willing, I think, to take a step of this kind; but I did want to sow the seed here that might some time, and in the near future, bring us to a realization of the fact that this is the one great thing to be done in this country if we desire to build up the western portion of it.

Because I have felt and am satisfied that the Senate would not adopt an amendment of this kind, I am not going to ask for a roll call, and put the Senate to the extra loss of time. I have said what I desired to say with respect to it. I hope Senators will bear it in mind, and some time, when they have had the opportunity to think about it, if they will do so, they will reach the conclusion that this is the one right step to take in preparation not only for industrial efficiency and defense, but at the same time for military defense.

Of course, I appreciate the fact, as stated in the letter of the Chief of Staff, that these men would not be as efficient in time of war as the trained, professional soldiers. We all realize that fact; but we all know, also, that this country is not going to submit to the establishment of a great military force, composed of the Regular Army, in such numbers as will furnish adequate defense. Therefore, any effort in a way of this kind to add to the security of the country is something that ought to receive careful consideration; and I am calling it to the attention of Senators, not with the hope at this time of securing legislation upon it, but that it may have the effect of bringing about results of this kind in the future.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. WORKS. Certainly.

Mr. KENYON. I will ask it in my own time, if necessary. This plan of the Senator's does not in any way embody taking families from the great centers of population, does it?

Mr. WORKS. It involves taking them from anywhere that there can be found men who are suitable and fitted for the service they are expected to render.

Mr. KENYON. There should be provided some method of getting them there, should there not?

Mr. WORKS. Certainly.

Mr. KENYON. So that the great centers of population may be relieved from congestion.

Mr. WORKS. That is a very excellent suggestion that I should be glad to have carried out. I must confess to the Senator that, looking at the matter as I do, I have not undertaken to go into details respecting it, but to get this principle before the Senate, in order that it might be considered.

Mr. SHERMAN. Mr. President, before the final vote is taken on the original amendment or the amendment to the amendment I wish to say that, standing alone, either of these propositions has in it a germ of usefulness. It is only a practical, applied form of the "back to the farm" movement. If the Senate will be consistent with itself on the vote already taken, it will vote for the amendment of the Senator from Washington [Mr. JONES], and then, as amended, will vote for the amendment offered by the Senator from California [Mr. WORKS].

Mr. WORKS. Mr. President, I want to say, in order to relieve the situation, that I accept the amendment of the Senator from Washington; so the Senator from Illinois may discuss it from that point of view.

Mr. SHERMAN. It is of more importance to have the land than it is to have Government fertilizer. We have already voted for Government fertilizer. It would be just as important that we add another amendment, providing for giving a span of donkeys to each member of this industrial army, because the Government mule is a part of the Government reserve. It would be a very important military reserve in time of war, Mr. President, so it would be entirely fitting to have a span of Government mules added as a bounty to each member of this industrial naval or military reserve.

The Senate has embarked on a course where, when we finish, we will have embraced everything. I think amendments have been offered now for everything except a rural-credit bill, possibly a parcel post and a hard-roads system, and I look for them to come on apace in due time. If we are going to provide for the manufacture of nitrates to fertilize the soil, it is certainly consistent that we should give them some soil to fertilize, and then furnish them with water for the country where it needs irrigation. Of course, all of this will greatly conserve the Government resources, and at the same time will give us a strong military reserve, because perhaps it will furnish provisions in order that the Commissary Department may be adequately supplied in time of trouble.

I do not want to take any time, and I certainly would not make these reflections if I did not wish to say that, standing alone, I might consider some such proposition, because it has in it an element of practical usefulness; but I do not want to load down military preparation with so many foreign projects, until the friends of preparation will not recognize their own progeny by the time it has been so amalgamated and inbred with other schemes, such as are presented here.

I have no doubt the Senator from Idaho [Mr. BORAH] never intended to reflect upon the honesty of the National Guard or the officers of the guard. I did not take it that way; but before I take my seat I desire to offer, from the adjutant general of Illinois, a communication showing that the National Guard of the State has over $300,000 worth of personal property, and that the State has already constructed or in course of construction 26 armories and other buildings, costing two and a half million dollars.

In regard to the losses of property committed to the care of the Illinois National Guard by the War Department, there is a full explanation in the communication from the adjutant general of that State. It is true that the records of the War De-

partment show some improper use or loss of property intrusted to the National Guards of the several States by the War Department. This does not, I think, as the Senator from Idaho explained in the criticisms that he made, reflect upon their honesty. It only shows, I think, a lack of proper and businesslike conduct in the accounting department of the State sometimes, and sometimes a lack of proper appreciation of the situation on the part of the War Department in years past.

Since the Dick bill became operative a great many million dollars' worth of property have passed from the Government to the States in this way. So far as this communication from The Adjutant General takes the question into consideration it shows that in recent years a more businesslike method of accounting has prevailed; that out of a number of items of property not yet accounted for, in a very recent time the War Department, acting with the proper department of the State of Illinois, has accounted for it; that it has been surveyed by a proper board of disinterested officers and accounted for; that whatever had passed into the custody of the State has either been accounted for or is now under proper process of survey and accounting or in course of payment, and in a very short time will be accounted for.

I think the showing here, with nearly $3,000,000 worth of property, and what has been furnished to this organization, ought in large manner to dispose of the criticisms of the so-called inefficiency of the guard. In the principal States I am satisfied that not only is it efficient, but the property committed to its care by the Government has either been properly accounted for or is now in course of accounting.

I therefore ask, without taking the time to read it, that this communication may be printed at length in the RECORD, and that an article by Henry M. Hyde, in the Chicago Tribune of April 15, 1916, on the same subject may be printed at length, and that a communication from the War Department, signed by the officer who is the Chief of the Division of Militia Affairs, directed to an officer of the cavalry regiment at Chicago, Ill., may be incorporated in the RECORD and printed at length.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

SPRINGFIELD, ILL., *April 16, 1916.*

Senator LAWRENCE Y. SHERMAN,
United States Senate, Washington:

Your telegram of the 16th instant, requesting me send certain information, I reply as follows: General Assembly of Illinois appropriates as maintenance fund National Guard and naval reserve for purposes of ordinary expenses, armory rent, light, heat, caretakers, traveling expenses, officers and noncommissioner officers of Army on duty with State, subsistence, horse hire, forage, pay of troops, transportation, rental of rifle ranges, etc., $389,917 per annum. In addition, emergency fund for active duty within State, $50,000. Also expenses administration of forces, clerk hire, postage, telegraph, etc., $48,560 biennial. Also salaries permanent administrative officers, $24,000 biennial.

The State has constructed and owns or has in process of construction 26 armories, arsenals, storehouses, and permanent barracks, for which the general assembly has appropriated the sum of $2,500,000. Of the above there is in course of construction 12 new armories, 3 of which are regimental in character.

State's personal military property will approximate $300,000, of which more than $50,000 is represented in new steel lockers, the latter to protect and preserve Federal military property issued to organization commanders under surety bond for the use of the individuals comprising their organizations. In addition, an approximately large sum has been and is being spent to render secure in armories occupied by organizations of the State all property, State and Government. We also operate 16 rifle ranges in this State, the 2 larger ones owned by the State and valued at $220,000, the remaining ranges leased and operated by the State at an average land rental per range of $250 per annum.

In the operation of all of these ranges for our rifle practice the entire expense is borne by the State, except that of ammunition drawn from the Federal Government under our allotment and a limited number of civilian pitmen and caretakers during rifle season who are paid from the Federal allotment at the per diem rate and in the number approved by the War Department. No transportation of officers or men going to or coming from any of these ranges nor per diem while on the range nor any of such subsistence as may be furnished is paid from Federal funds, but, on the contrary, all such payments are made from State funds exclusively. No per diems paid from Federal fund to officers or men for any of our annual camps of instruction, except such as are specifically provided for by orders of the War Department as a charge against the Federal allotment to the State, and all such payments are paid through the disbursing officer of the State, who submits to the War Department a monthly account current covering all his disbursements. All transportation and subsistence on our annual tours of instruction are paid from State funds exclusively. The per diem of officers and men and subsistence and transportation for special joint camps of instruction are in part paid from special appropriation allotted by direction of the Secretary of War for the several purposes indicated and additional legitimate expense above the particular allotment for such joint camps is met from State funds.

Relation your query as to Government property invite your attention to report Chief Division of Militia Affairs 1915, which is latest available, page 62, indicating shortage Illinois sum of $5,851.09. This shortage represented unauthorized use Federal property through course of years upon which survey was held and settlement had by payment from State funds for amount approved by Secretary of War. Also, page 332, total charge under section 1661, separate lists, $52,836.17. This represents shortages culminating with change of old Krag rifles, etc., in 1908. In recent years this shortage has been most materially reduced, and is now being further reduced, as surveys disclose presence of any of the property so listed, by being taken up and reported to the War Department for additional credits. Also, page 67, indicates clothing in excess of governor's accountability in the sum of $147,231.04. This represents the amount of stores dropped under authority of section 13, militia law for the year 1911 and 1912, which, under subsequent ruling of Secretary of War, was taken up December 12, 1914, on property accountability, all of which property is either now in the actual possession of the State or has been dropped upon record of survey approved by the Secretary of War.

All Federal property issued to the State is annually accounted for to the Secretary of War, and no property so issued is destroyed or otherwise disposed of, except upon a report of a disinterested surveying officer approved by the governor, forwarded to Washington, and final action had thereon by the Secretary of War, which action directing the disposition of the property so surveyed is communicated by the Secretary of War to the governor, and directions therein are explicitly carried out.

No Federal military property issued to Illinois is loaned to or used by any unauthorized person or agencies.

Relative your request for statement efficiency and fitness our guard, would say that, like Army, our organizations vary in effectiveness; but, on the whole, believe statement that we measure well up to the standard is candid and fair. Officers and men are earnest and hard working in their efforts to increase their efficiency for the better performance of their patriotic duty and are anxious and entirely willing to perform that patriotic duty, be it what it may. As concrete example of their earnestness, I invite attention to fact that the returned inspection reports of one of our regiments—First Cavalry—just received from the War Department, indicates that in the inspection of the entire and complete regiment there were no officers absent and only two enlisted men, which fact called forth a special commendatory letter to Illinois from the Chief Division of Militia representing the Secretary of War.

F. S. DICKSON,
The Adjutant General.

[From the Chicago Daily Tribune of Saturday, Apr. 15, 1916.]

NEW ARMORY OF SECOND REGIMENT BEST IN WEST—STATE BUILDING FITTED WITH ACCESSORIES FOR SOLDIERY AND ATHLETICS—CHANCE FOR OUR YOUNG MEN.

[By Henry M. Hyde.]

You ride more than 3 miles due west on Madison Street—way out beyond Western Avenue—and presently you come to a huge building of steel and concrete, towering up five stories high in the center and spreading out to cover almost half the block between Madison and Monroe.

It is the new armory, just completed, of the Second Regiment of Infantry, Illinois National Guard. It cost $500,000, appropriated by the State.

On the main drill floor there is a square acre of space unbroken by a single pillar. There is a great gymnasium, 50 or more shower baths, more than 30 club and locker rooms for the various companies, revolver and rifle ranges, two or three big halls, with stages and dressing rooms for parties and entertainments and private offices for the field officers and Regular Army instructors of the regiment.

BIGGEST IN THE WEST.

Altogether it is far and away the biggest and most complete armory in this part of the country. So new is it that the regiment has not finished moving in and arranging itself. And on Wednesday, April 26, the big building will be formally opened and dedicated to the use of the National Guard.

All that day the armory will be open for the inspection of the public. In the evening the exercises of dedication will be held, admission being by invitation. If all the statesmen who have been invited accept and appear to make speeches, there would seem to be danger that the 827 men of the regiment and their guests will be swept away in a flood of eloquence. To go no further, the first three orators on the program are Gov. Dunne, Mayor Thompson, and Senator LEWIS.

GET 200 NEW MEMBERS.

The regiment has already felt the impetus of the splendid new armory. During its last few years in the old location on Washington Boulevard, where the quarters were cramped and poorly located, the old command—it dates back to the seventies—rather went down hill.

But since the first of the year more than 200 men have been accepted and sworn into the service, while a number of other applicants were rejected for failure to pass the physical examination. Within the next month it is considered certain the requirements of the War Department will be surpassed.

Not only is the regiment now splendidly housed but its equipment is also almost complete. Col. John J. Garrity, who rose from the ranks, having enlisted as a private more than 27 years ago, is justified in feeling that no National Guard regiment in the country has a greater opportunity or a brighter future.

MACHINE-GUN TROOP FORMED.

A machine-gun company, with its ranks full, has been organized within a week, and its equipment is already on the way from the War Department.

Under the guidance of the regimental adjutant, Capt. Scheving, and the quartermaster, Capt. Laas, one may visit nearly a score of big storerooms in the basement of the armory, filled with all kinds of military supplies, from entrenching tools to head nets for use where mosquitoes are bothersome. In one corner of the basement stand the regimental escort and supply wagons, with an inclined roadway leading up from the floor to Monroe Street, at the rear.

The building is so arranged that everything required for the maintenance and supply of the regiment could be loaded into the wagons and hauled out onto the street while the men were falling in on the floors above.

Practically all the officers of the regiment, including the regimental and battalion staffs, will attend the officers' school to be held at Fort Sheridan during the week of July 9. The whole regiment will go into camp at the fort for eight days on July 30.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
DIVISION OF MILITIA AFFAIRS,
Washington, April 5, 1916.

Maj. M. M. MCNAMEE,
United States Cavalry, Chicago, Ill.

MY DEAR MAJ. MCNAMEE: The Chief of the Division of Militia Affairs directs me to express to you, and through you to the commanding officer, First Cavalry, Illinois National Guard, his satisfaction and pleasure in noting the progress made during the past year by the regiment in numerical strength and in general efficiency.

Very truly, yours,

S. R. GLEAVES,
Captain, Cavalry.

Mr. CHAMBERLAIN. Mr. President, I rise just for the purpose of meeting an emergency that may happen a little later. I move that when the Senate takes a recess, it recess until 12 o'clock to-morrow.

The VICE PRESIDENT. That will not attain the object which the Senator has in mind. That, however, is no business of the Chair.

Mr. CHAMBERLAIN. If I make the motion now, and it is carried, that when the Senate takes a recess——

The VICE PRESIDENT. Manifestly, the Senator is fearful that there will not be a quorum.

Mr. CHAMBERLAIN. Yes, sir.

The VICE PRESIDENT. So, if the Senator desires to attain his object, it must be a motion that not later than a certain hour the Senate will take a recess until a certain time.

Mr. CHAMBERLAIN. Then I will put it that way, Mr. President—that not later than 6 o'clock the Senate take a recess until to-morrow at noon.

The VICE PRESIDENT. That will cover it. The question is on the motion of the Senator from Oregon.

The motion was agreed to.

Mr. CUMMINS. Mr. President——

Mr. WARREN. Is there not an amendment now before the Senate? I think there is an amendment pending.

The VICE PRESIDENT. Yes.

Mr. CUMMINS. A parliamentary inquiry, Mr. President. I assumed that the amendment offered by the Senator from California had been voted upon.

The VICE PRESIDENT. It has not.

The question is on the amendment of the Senator from California [Mr. WORKS], as modified, to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. LEE of Maryland. Mr. President, I desire to submit an amendment, in connection with section 62, as to the number of the National Guard. That section provides a number; and the only number it mentions for the National Guard for the first year is 200. The House bill reads in the same way; but if we multiply 200 by 531, the number of Congressmen and Senators, it gives us only 106,000 for the National Guard, or a reduction of 28,000 from the present and existing number of 134,000. The present minimum authorized number by existing law is 153,108 men, and the estimates of the War Department are based upon this minimum authorized number of 153,108 Organized Militia.

Looking at section 62 as it is now written, I can not see upon what number the department is to estimate for the expenditures for the militia, unless it estimates upon the basis of 200 for each Congressman and Senator, or the reduced number of 106,200. Of course, there are certain reservations in the remaining portion of this sixty-second section.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. LEE of Maryland. Certainly.

Mr. WARREN. Does not the Senator understand that the bill provides against reducing any existing companies or bodies, providing they subscribe to the conditions of the bill in the line of federalization of the National Guard?

Mr. LEE of Maryland. The bill provides against reducing any of the present organizations if they conform; but, of course, it is not known that they are going to conform; and when the department comes to estimate it will have to estimate upon some specific number. The only number in the section is 200.

Mr. WARREN. Does the Senator refer to the money estimate?

Mr. LEE of Maryland. The money estimate.

Mr. WARREN. Undoubtedly the War Department under the terms of this act would not fail to estimate for the full number that we have provided, including present organizations, because the provisions of the bill so provide subject to the federation provisions.

Mr. LEE of Maryland. I think the Senator is wrong about that, because the department does not now estimate upon the actual number of the militia in existence. The department does not estimate for the existing number of 134,000. It estimates for 153,108, which is the minimum strength authorized by law. It has to estimate according to law.

The departments are constrained to estimate according to law, and the only definite number in this section 62 as written either by the Senate committee or the House is 200 for each Senator and Representative, which multiplied by the number of Senators and Representatives gives 106,200 National Guardsmen.

What I would suggest, Mr. President, by way of amendment is to strike out "200" and insert "350." That would give 185,000 for the National Guard to start upon, and it would, as an estimating basis to start upon, certainly prevent a reduction of the National Guard from the standpoint of the estimates. It is a very singular thing that when we are all talking about preparedness and increased military forces defense, the number of National Guard to be estimated for by the War Department should apparently be cut down by this section from 134,000, the present actual number, from 153,000, the present number authorized by law, to 106,200.

For that reason I call up the amendment that "200" in line 9, section 2, be stricken out and that "350" be inserted in place thereof.

Mr. CHAMBERLAIN. I do not think that language is susceptible of the construction the Senator from Maryland places on it. It is true it provides for raising in the State troops in the proportion of 200 for each Senator and Representative, but further along in the section there is this proviso:

Provided, That this shall not be construed to prevent any State, Territory, or the District of Columbia from organizing the full number of troops required under this section in less time, or from maintaining existing organizations if they conform to such rules and regulations regarding organization, strength, and armament as the President may prescribe.

The organization of the National Guard will not be reduced if this becomes a law, as the Senator seems to apprehend. He made that statement the other day. This preserves the present organization intact.

Mr. LEE of Maryland. May I ask the Senator a question?

Mr. CHAMBERLAIN. Yes.

Mr. LEE of Maryland. How would the department know that? How can it estimate when it does not know whether all or less of the existing number will conform or not? The number to conform is not yet known, and it may be reduced or it may be larger. Upon what is the department's estimate, except upon the 200 mentioned in the section as now written and being the only number defined by law, based?

Mr. CHAMBERLAIN. They would estimate on the basis of the present organization, just as they would estimate it now, because if they conform to the rules and regulations provided for they remain exactly as they are to-day.

Mr. LEE of Maryland. Does not the Senator recognize that the present estimates are made on the 153,000 National Guard now authorized by law? This section does away with that number clearly, and, as to the present organizations, they may be much greater or may be much less. They may conform or they may not conform. The only certainty left is the 200 mentioned in this section.

Mr. CHAMBERLAIN. Section 60 provides for the organization of the National Guard into units. I do not think it is necessary to do that.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland to the amendment.

The amendment to the amendment was rejected.

Mr. LODGE. Mr. President, I desire to offer an amendment at page 148, line 12. I will ask that the amendment be read, and then I will explain it in a moment.

The VICE PRESIDENT. The amendment to the amendment will be read.

The SECRETARY. On page 148, line 12, after the word "recommended," insert the following proviso:

Provided, That the President may, in his discretion, exempt from the preference granted in this section any position or office which in his opinion should be filled by open competition under the provisions of the civil-service law.

Mr. LODGE. Mr. President, that is an amendment to the section which gives preference to enlisted men mustered out with an honorable discharge for appointment under the War Department. I entirely approve of the section. I think it would be an encouragement to enlistment. I believe myself that then appointments will be as wholly free from politics and they may as well be examined by an Army officer as if they came through the civil-service examination. I believe that we shall secure a very good class of men for the civil service, who will be all the more suitable because they have had military training.

But, Mr. President, there are some positions under the War Department which require experts—chemical experts, for example—and there are various positions of that sort which require special training. I think the section as it stands is a little too rigid and it would be well to give enough latitude to the President so that if there are, as there are, certain positions under the jurisdiction of the War Department which require special training and education, the President or the Secretary of War should not be compelled to appoint from a body of men where he might not be able to get the kind of training and the kind of man he wanted. It is simply to give a little elasticity to the section.

Mr. CHAMBERLAIN. I have no objection to the amendment and I am sure the committee would not have any objection to it. The Senator from Massachusetts submitted it to me before he introduced it and I can see no harm in it. I am willing to accept it.

The amendment to the amendment was agreed to.

Mr. OWEN. Mr. President, I move an amendment, on page 114, in line 5, after the colon, to insert the following proviso:

Provided, That the total number of commissioned officers of the Medical Corps may, upon the order of the President, be proportionately increased up to 7 for every 1,000 of the total enlisted strength of the Army as it may be authorized from time to time.

The VICE PRESIDENT. The Secretary will read the amendment to the amendment.

The amendment to the amendment was read.

Mr. OWEN. Mr. President, under the tables of organization as prepared by the War Department (1914) the number of medical officers admitted now to the thousand of the enlisted men in the fighting line amounts to a fraction over five. On page 40 of Table 5 the following appears:

Medical base group: Surgeon in charge, 1; base hospital, 20; supply depot, 2.

No provision is made for the hospital train, for the convalescent camp, for contagious-disease hospitals.

On page 41 of the tables of organizations, Table 5, provision is made for the medical advance group:

Surgeon in charge, 1; sanitary column, first, ambulance company, 5; second, evacuation hospitals, 28.

The figures which appear in the bill have been based upon the number of officers who are assigned for the fighting force in the front line and relate to the medical service that has to be with the troops in the firing line, and makes no provision for the medical officers required in the line of communication and those required for the base operations in taking care of the wounded.

The total medical officers, therefore, for the enlisted force of 20,673 men in an army division would be 99 for the front line, and for the medical base it would be 23, and the medical advance group would be 34, making a total for an Infantry division operating at the front of 156 men, or something over 7 to the thousand under plans of organization laid down by the General Staff itself. I should like particularly to have the chairman of the committee hear this.

Mr. CHAMBERLAIN. Pardon me.

Mr. OWEN. I want to call the attention of the chairman of the committee to the fact that the tables of organization made up by the General Staff, and as a part of the explanation of what this organization is and the proportion, show that in the enlisted force of combatants, enlisted men, 20,673, there are needed 99 medical officers on the proposed firing line, and the bill has proceeded upon the theory that only that many are needed; but on page 40 of the table of organizations, and page 41, is shown another set of medical men who are required equally in the service—23 for the medical base group line of communication and 34 for the medical advance group—making a total of 156 to the 20,000 number of enlisted men, which is a fraction over 7 to the thousand; and the attention of the committee possibly was not drawn to that. I should like to ask the Senator if I am right about it.

Mr. CHAMBERLAIN. I do not recall particularly about that question, but we went into it quite fully.

Mr. OWEN. The number of medical men allowed by the pending bill makes only about 5 to the thousand, and it is obviously based upon the tables of organization, which only allow 99 to 20,000 men, without considering the number of men required for the medical base group, the line of communication, and the advance group, which takes 23 and 34, respectively, requiring a total of 156 men. So the suggestion which I make in this amendment would permit this matter to go into conference; and if the Senator would agree that it might go into conference, I think it would meet the point which I believe ought to be considered.

Mr. CHAMBERLAIN. I will state to the Senator that it can not go into conference very well if we raise the proportion here, because the House bill has that very number.

Mr. OWEN. Then the Senator takes the position that it would be in conference in any contingency.

Mr. CHAMBERLAIN. I think so.

Mr. OWEN. Mr. President, the reason, I take it, that the House bill provided for that was that that was the recommendation of Gen. Gorgas, whose advice was based on the tables of organization above quoted and on his knowledge of the necessities of the case which he fully explained to the House committee.

I want to call the attention of the Senator to Table No. 5. It allows for one 500-bed base hospital and two 324-bed evacuation hospitals. Table No. 2 allows four field hospital companies, with 216 beds each, or 864 beds, making an entire total of 2,012 beds for an infantry division operating on the front. That is practically a 10 per cent provision for the sick and wounded.

The medical service, Mr. President, in connection with the Army is of very much more importance than is generally appreciated. The economy of abundant supply in this respect ought not to be overlooked, because if we consider the actual cost in war, a large part of our cost has been the amount of the pension list, and the pension list of the United States, which has gone up to a total of thousands of millions since the Civil War, is very largely due to diseases caused by unsanitary conditions during war and men falling ill because of exposure and to an inadequate degree of medical attention. That could be in a large measure avoided if there were a proper supply of medical officers trained as soldiers.

I take it that the committee having made their draft without regard to the facts I have stated feels precluded from permitting any modification of it; but I wanted to call attention to the fact that the tables upon which they appear to rely relate only to the soldiers in the service at the front and do not include the lines of communication nor the base of supplies. I hope that this amendment may be adopted.

Mr. CHAMBERLAIN. Mr. President, the committee gave that amendment a good deal of consideration, or, rather the proportion that the amendment suggests. I received a letter from the Secretary of War in reference to it under date of the 8th instant, calling attention to the number the House bill provided for and the number the Senate committee bill provides for and objecting to giving a larger proportion of medical men to the service. I am going to have it inserted in the RECORD.

Mr. OWEN. I should like to have it read, Mr. President.

Mr. CHAMBERLAIN. I will ask the Secretary to read it.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, April 8, 1916.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention has been called to an amendment made in the House of Representatives to section 8 of H. R. 12766, Sixty-fourth Congress, first session, which bill is now before the United States Senate.

This amendment, which authorizes 7 officers of the Medical Corps for each 1,000 enlisted men of the Army, has the effect of increasing the number of commissioned officers of that corps from 695, as provided in the bill, to 1,106, distributed proportionally in grade as at present. The enlisted force of that bill is about 158,000, line and staff.

When a copy of S. 4840, Sixty-fourth Congress, first session, was received from the Senate Committee on Military Affairs, with request for report thereon, a report by the War College Division, General Staff, was forwarded, approving in the section concerning the Medical Corps, the number of officers for the Medical Corps fixed at a total of 897.

The enlisted force authorized by that bill is, in time of peace, about 194,586, including Philippine Scouts.

It will readily appear that an allowance of 1,106 medical officers for 158,000 enlisted men is very much in excess of 897 for 194,586 enlisted men. At the ratio prescribed by this amendment to H. R. 12766, the number of medical officers for an enlisted force contemplated by S. 4840 (194,586) will be 1,362.

I do not know who recommended the ratio prescribed by this amendment. I believe Members of the House of Representatives who approved the change did not appreciate that its effect would be to add 411 medical officers to those provided in the bill, nor that the War Department had approved only 897 for a force much larger than that contemplated by H. R. 12766.

The avoidable addition of officers to the permanent peace establishment unnecessarily increases the expense of the Army and the per capita expense of each soldier thereof.

I inclose for your consideration a report on "Sanitary troops in foreign armies" (WCD 9319-1), prepared by the War College Division of the General Staff as a supplement to a "Statement of a proper military policy." On page 57 of this report you may be interested to read the statement showing the number of medical officers in the permanent peace establishments of various countries.

The United States has now 4.3 to 1,000 men, or, including officers of the Medical Reserve Corps, 5.3 to 1,000 men. This ratio is better than that maintained in peace in any other country, and it will be slightly increased (4.3 to 4.6) by adoption of the ratio which S. 4840 as drawn by the Senate Committee on Military Affairs shows. It will be raised

from 4.3 to 4.4 if the original figures (695) of H. R. 12766 for 158,000 men be retained.

This information is furnished the chairman Committee on Military Affairs, House of Representatives, as well as to yourself, for such action as you deem proper if the bill should be submitted to a conference committee.

Very sincerely,

NEWTON D. BAKER,
Secretary of War.

Mr. CHAMBERLAIN. Mr. President, I want to make this statement in connection with the matter: The bill reported by the Senate committee provides for 897 officers. There are now in the service 15 contract surgeons and now authorized by the Secretary of War 125 Medical Reserve Corps officers, making a total of 1,038. These numbers can be increased by the Secretary of War at his discretion, and if any emergency should arise he can employ as many more as necessary. In time of war medical reserve officers and medical officers from the Officers' Reserve Corps of the bill can be employed by thousands. There is no limitation upon it at all in case of emergency.

At present in the Army there are 444 officers, 15 contract surgeons, 125 Medical Reserve Corps officers, authorized by the Secretary of War, making a total of 584 for 108,000 officers and men, or 5.4 per 1,000.

The personnel of the Army is a selected personnel, Mr. President, and, as a rule, they are strong physically. The average number of sick, or, as it is called, the "noneffective rate," in the Army has been in the past 10 years 37 per 1,000. This rate has been constantly falling, and last year, according to the reports of the Surgeon General, it was about 24 for 1,000.

The Senate bill provides for about 5.3 medical officers per thousand men, or about 1 medical officer to each 4½ sick men. So that the doctor does not have a very big job to perform in times of peace as our Army is now constituted.

The amendment of the Senator from Oklahoma provides seven medical officers per thousand, or one medical officer for every three and one-half sick men in the Army, taking, of course, the statistics from the Surgeon General's Office.

To show that the committee has generously provided for the health and sanitary welfare of the troops, I point out that in war there is no limit to the number of doctors under this bill that could be supplied for the Army; that in an emergency occurring in times of peace the number can be increased temporarily at the discretion of the Secretary of War, while in ordinary times of peace we will have a larger proportion of medical officers to troops than has any other army in the world, and that the proportion of physicians and surgeons to care for the most healthy class of our population is about four times the number existing in civil life in the country at large, and greater than that in any other army in the world in times of peace.

There were, in 1914, in the United States 1.4 doctors to every 1,000 inhabitants; in the French Army, 3.6 per thousand; in the German Army, 3.7 per thousand; in the British Army, 4.2 per thousand; and in the Japanese Army, 5.2 per thousand. Now, we have raised the number provided for in the Japanese Army to 5.3 in our bill, and the amendment of the Senator proposes to raise it to 7 per thousand.

Mr. HARDWICK. Mr. President, will the Senator let me ask him a question there?

Mr. CHAMBERLAIN. I will not have time to yield, I am afraid.

Mr. HARDWICK. I will give the Senator my time, if necessary. I merely desire to ask him what is the proportion in the House bill?

Mr. CHAMBERLAIN. Seven. Now, Mr. President, counting the Medical Reserve Corps and the contract surgeons the committee bill provides 5.3 medical officers per thousand men. The proposed amendment asks for 7 per thousand; and I submit to the Senate whether one doctor should not be able to care for four and a half sick men or whether he can only care for three and a half sick men, and whether the already generous provision in this matter should be increased extravagantly, because this is practically doubling the number of the Medical Corps, and all of them will have to be paid when there will be very little use for them in time of peace in any larger number than we have now.

Mr. OWEN. Mr. President——

Mr. STONE rose.

Mr. OWEN. I merely want to make a response to what has been said here, before the attention of the Senate is diverted to another matter.

The VICE PRESIDENT. But, unfortunately, the unanimous-consent agreement provides that each Senator may make but one speech, and that not longer than 10 minutes, on each amendment.

Mr. OWEN. Very well.

Mr. STONE. Mr. President, I should like to inquire of the Senator from Oregon if it would be agreeable to him to have an executive session at this time?

Mr. CHAMBERLAIN. Let us first have a vote on the pending proposition.

Mr. OWEN. Mr. President, I withdraw my amendment for the present.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Tuesday, April 18, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 17, 1916.

RECEIVER OF PUBLIC MONEYS.

Andrew J. Foster, of Lakeview, Oreg., to be receiver of public moneys at Lakeview, Oreg., vice Fred P. Cronemiller, term expired.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from April 12, 1916.

Howard James Knott, of Washington.
Edwin Roy Tenney, of Kansas.
Edmund McCollam Connely, of New York.
Marion Cherigny Palmer, of North Carolina.
Alonzo Bolen Middleton, of Illinois.
Warren David Calvin, of Indiana.
Edward Cochrane Gow, of New York.
John Kelso Ormond, of Maryland.
Frank Nicholls Dealy, of New York.
Frank Marion Barker, of Illinois.
Frank Lawrence Putman, of Hawaii.
Harry Emerson Foster, of California.
George Ross Winters, of Pennsylvania.
John Charles Calhoun, of Pennsylvania.
Henry Norton Torrey, of Michigan.
Charles Willard Selover, of New York.
Lucius Wales Hotchkiss, of New York.
Jesse Irving Sloat, of the District of Columbia.
Joseph Leidy, of Pennsylvania.
Charles Venable Carrington, of Virginia.
Paul Hudson Zinkhan, of the District of Columbia.
Carrington Williams, of Virginia.
Edward Douglas Piper, of Idaho.
John Staige Davis, of Maryland.
Austen Fox Riggs, of Massachusetts.
Emil Altman, of New York.
Arthur Bradley Eisenbrey, of New York.
Frederick Tilney, of New York.
William Evans Bruner, of Ohio.
Gordon Niles Morrill, of Ohio.
Harry Rosewell Wahl, of Ohio.
John Eugene Brooks, of Maine.
Robert Leland Maynard, of Vermont.
Joseph Edgar Rowan, of Ohio.
George Alden Lewis, of Montana.
Sydney Robotham Miller, of Maryland.
Henry Richmond Slack, jr., of Maryland.
Ralph R. Ryan, of New York.
Thomas Caldwell Savage, of Alabama.
William Robert Cubbins, of Illinois.
David Melvin Davis, of Maryland.
Peregrine Wroht, jr., of Maryland.
James Ely Talley, of Pennsylvania.
Oliver Hazard Perry Pepper, of Pennsylvania.
Mordecai Robert Bren, of Colorado.
George Nicholas Acker, 2d, of New York.
Samuel Swift, of New York.
George Roger Dempsey, of New York.
Harry Ezekiel Isaacs, of New York.
John William Shiss, of Indiana.
Elliott Carr Cutler, of Massachusetts.
Albert Alphonso Wood Ghoreyeb, of Massachusetts.
Frederic Augustus Washburn, of Massachusetts.
Jacob Jerome Steinfelder, of New York.
Edwin I. Bartlett, of Maryland.
Theodore Caldwell Janeway, of Maryland.

actual number of the militia in existence. The department does

training.

Daniel Webster Prentiss, of the District of Columbia.
Howard Thomas Karsner, of Ohio.
Charles Walter Stone, of Ohio.
Albert Clifford Hirshfield, of Oklahoma.
Harold Colton Herrick, of Missouri.
Wilson George Smillie, of Massachusetts.
Charles Booth Spruit, of Massachusetts.
José Penteado Bill, of Massachusetts.
Harold Everett Eggers, of Wisconsin.
Eben Winslow Fiske, of Massachusetts.
Archibald McKay Fraser, of Massachusetts.
William Joseph McDonald, of Massachusetts.
Samuel Clark Harvey, of Connecticut.
Mortimer Edwin Danforth, of Michigan.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Second Lieut. Martin C. Shallenberger, Sixteenth Infantry, to be first lieutenant from April 7, 1916, vice First Lieut. Robert H. Willis, jr., unassigned, detailed in the Aviation Section, Signal Corps.

PROMOTIONS IN THE NAVY.

The following-named assistant surgeons of the Medical Reserve Corps of the Navy to be assistant surgeons in the Navy from the 10th day of April, 1916:

John Harper,
Richard H. Miller,
Paul Richmond, jr.,
Forrest M. Harrison,
Lawrence F. Drumm,
George W. Taylor,
Walter A. Vogelsang,
Elphege A. M. Gendreau,
Grover C. Wilson,
Russell J. Trout, and
Virgil H. Carson.

Chaplain Hugh M. T. Pearce, with rank of lieutenant (junior grade), to be a chaplain in the Navy, with rank of lieutenant, from the 5th day of March, 1916.

POSTMASTERS.

COLORADO.

Anna C. Vaughan to be postmaster at Castle Rock, Colo., in place of Agnes H. Alford, declined.

GEORGIA.

R. C. Thornton to be postmaster at Hartwell, Ga., in place of John C. Massey. Incumbent's commission expired April 11, 1916.

IDAHO.

O. P. Jensen to be postmaster at Shelley, Idaho, in place of A. S. Yorgensen. Incumbent's commission expired February 8, 1916.

ILLINOIS.

Joseph H. Wagoner to be postmaster at Glenellyn, Ill., in place of J. W. Vallentyne, resigned.

INDIANA.

Grover C. Luther to be postmaster at Clay City, Ind., in place of Charles C. Fesler. Incumbent's commission expires May 10, 1916.

IOWA.

T. V. Barnard to be postmaster at Schaller, Iowa, in place of Ozro J. Kramer. Incumbent's commission expires May 17, 1916.

MAINE.

Gertrude S. Henneberry to be postmaster at Fort Fairfield, Me., in place of A. W. Richardson. Incumbent's commission expires April 24, 1916.

Wilbur F. Goodwin to be postmaster at Kennebunk Port, Me., in place of P. A. Twambley. Incumbent's commission expires April 24, 1916.

MASSACHUSETTS.

William F. Kelley to be postmaster at South Acton, Mass., in place of Harry E. Clough. Incumbents' commission expired April 5, 1916.

MICHIGAN.

Miles L. Hadsall to be postmaster at Birch Run, Mich., in place of George L. Curtis. Incumbent's commission expired April 5, 1916.

MISSISSIPPI.

W. N. Guyton to be postmaster at Blue Mountain, Miss., in place of Thomas D. Hill. Incumbent's commission expires April 24, 1916.

MONTANA.

Clara D. McDonel to be postmaster at Philipsburg, Mont., in place of Lawrence Hauck. Incumbent's commission expires May 17, 1916.

NEBRASKA.

W. G. Lawrence to be postmaster at St. Edward, Nebr., in place of Loree V. Styles. Incumbent's commission expires May 17, 1916.

NEVADA.

M. A. Macfarlane to be postmaster at Winnemucca, Nev., in place of James Ritchie, declined.

Sam Tidball to be postmaster at Ruth, Nev., in place of J. M. Slopausky, resigned.

NEW HAMPSHIRE.

Archie M. Swett to be postmaster at Antrim, N. H., in place of Leander Patterson. Incumbent's commission expires May 17, 1916.

NEW YORK.

Adam Hersperger to be postmaster at Mayville, N. Y., in place of Frank Stowell. Incumbent's commission expired February 23, 1915.

OKLAHOMA.

G. H. Crittenden to be postmaster at Rush Springs, Okla., in place of Henry W. Kinnard, deceased.

Willard P. Morris to be postmaster at Hooker, Okla., in place of Ellis J. Baxter. Incumbent's commission expires May 1, 1916.

PENNSYLVANIA.

J. H. Aten to be postmaster at Ambridge, Pa., in place of H. Lee Goerman, resigned.

John C. Wiegel to be postmaster at Aliquippa, Pa., in place of Sarah V. Patton. Incumbent's commission expires April 24, 1916.

SOUTH DAKOTA.

J. E. Burns to be postmaster at Timber Lake, S. Dak., in place of James H. Reed. Incumbent's commission expires May 8, 1916.

VIRGINIA.

Sidney Sheltman to be postmaster at Christiansburg, Va., in place of Floyd L. Harless. Incumbent's commission expires May 1, 1916.

WYOMING.

Thomas B. Scott to be postmaster at Greybull, Wyo., in place of Mary E. Hurst, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1916.

PROMOTIONS IN THE NAVY.

Commander George R. Marvell to be a captain.
Lieut. Commander Edward McCauley, jr., to be a commander.
Lieut. Robert Henderson to be a lieutenant commander.
Lieut. Edward C. S. Parker to be a lieutenant commander.
Pharmacist Carl B. Furnell to be a chief pharmacist.

POSTMASTERS.

MASSACHUSETTS.

William P. Lovejoy, Barnstable.

MISSISSIPPI.

John A Smallwood, Ripley.
A. B. Smith, Indianola.

NORTH DAKOTA.

John C. Nippolt, Wishek.

OHIO.

C. T. Shively, Rogers.

RHODE ISLAND.

Samuel W. Smith, jr., Jamestown.

SOUTH DAKOTA.

Frelen Riley, Parker.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 17, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts unto Thee, O Lord, from whence cometh our strength, our wisdom, our daily bread, and all that makes for righteousness in the soul. Impress us mightily with this truth, that we may give strength for strength, wisdom for wisdom, righteousness for righteousness, and thus make the world our debtor through Thee for pure, noble, manly lives, in the spirit of the world's great Exemplar; for Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of Saturday, April 15, 1916, and of Sunday, April 16, 1916, was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 12207, the legislative, executive, and judicial appropriation bill, with Senate amendments, and that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, and to disagree to the Senate amendments and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman from Pennsylvania [Mr. WATSON] desires to address the House for 15 minutes on one of the Senate amendments to the bill. Has the gentleman any objection to that?

Mr. BYRNS of Tennessee. I have no objection to that. I am glad to yield him the time.

The SPEAKER. The gentleman from Pennsylvania [Mr. WATSON] is recognized for 15 minutes. [Applause.]

Mr. WATSON of Pennsylvania. Mr. Speaker, as a member of the Committee on Patents, I approve of amendment No. 171 to the legislative, executive, and judicial appropriation bill, in order that better service may be afforded to the public through the Patent Office. The amendment is as follows:

For special and temporary services of typewriters, certified by the Civil Service Commission, who may be employed in such numbers at $2.50 per diem as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records, $10,000.

With the present force it is impossible to furnish such copies within a period of six weeks.

Fifteen typewriters are employed in this division, but at times half of them are detailed to other offices in order to fill the places of those who are ill or absent on leave.

The bill in question extends to the commissioner the privilege of employing for special work typewriters, at $2.50 per diem, who are required to be certified by the Civil Service Commission. Nine thousand three hundred words is the daily average, copied by each of the service typewriters, the department receiving 10 cents for 100 words of manuscript.

After deducting the charges for comparing and the price of paper, leaves a profit of about $3 per day for each typewriter temporarily employed under this bill.

Those residing out of Washington, desiring a manuscript copy of any of the records for immediate use, are compelled to employ attorneys to procure them, and when it is necessary to have the manuscript certified by the Patent Office the applicant is obliged to pay the same charges as if the Government had made the original copy.

Fifty millions of words are copied yearly into manuscript. Of this number the Government last year transcribed 29,883,400 words. I have been informed by the head of this bureau if a sufficient force was employed to enable the department to promptly meet the demands of the public the division would write yearly 20,000,000 more words than they do now, increasing the receipts by some $100,000.

Last year the various divisions of the Patent Office paid into the United States Treasury the sum of $237,000, being the net profits of the bureau for the year ending December 31, 1915, and a total of $7,785,000 has been placed to the credit of the Patent Office as service earnings.

This pecuniary showing is not so important a consideration, perhaps, as it is to give prompt service to the public.

I now wish for a moment to bring to your attention our antiquated Patent Office Building. If you are interested go into the basement. There you will find piles upon piles of loose leaves of German patents and specifications; if bound, would make 200,000 volumes or more.

They are now useless, because the public can not have access to them for the reason that the single leaves would, in all probability, be lost or destroyed.

These valuable records certainly are worth an appropriation to bind them.

Then ascend to the story above and walk along the corridors, and you will find thousands and thousands of priceless papers stored upon wooden shelves, placed along inflammable partitions.

A spark, and we would be reminded of the fires of 1836, which destroyed the Patent Building and its contents; and of 1877, when 87,000 models and 600,000 photolithographic copies of drawings were ruined by fire and water.

The third floor reveals a room the public occupies for examining records. This is a narrow chamber, badly ventilated, uncomfortable, and with no place set apart for quiet study.

For a number of years the employees prepared and read papers upon subjects bearing upon the work of their divisions, which encouraged and trained them to be more efficient in performing the functions of their offices.

These papers were purchased by attorneys and others interested in the study and progress of science, and the useful arts.

The money derived from the sale of these brochures was sufficient to pay for printing and binding them into pamphlets.

This social and educational part of the work of the Patent Office, though not of an official nature, has been abandoned because the room set apart for those meetings was required for filing space.

There are 42 examining divisions. For want of sufficient service in many cases the applicants for patents, after filing their claims, must patiently wait for months before they can be read by the examiners.

This bureau is not rendering to the public the service which they have a right to demand.

A few years ago Congress created an Interstate Commerce Commission, and recently enlarged its powers in order that the public might be better served.

The wisdom of this action has been demonstrated by the effectual work accomplished by the commission. The Bureau of Efficiency, because of its limited appropriations since it was created, has been unable to extend its services to all the Government departments, and it has not reached the Patent Office.

In accordance with the last report, the Bureau of Efficiency, at a cost of $73,000, saved the United States Treasury $371,000 during the fiscal year ending June 30, 1915.

It is not my purpose to criticize the administration, nor the Committee on Patents, nor the employees, but the system.

The commissioner, with singular ability, is performing the duties of the office in the best possible manner under the circumstances confronting him.

In 1912 the Commission on Economy and Efficiency, at a cost of many thousands of dollars investigated the administration of the Patent Office, and made an able and exhaustive report to Congress.

Temporary commissions of investigation do not always produce the results intended. Members who favor investigations in one Congress may not be Members of the following, and the recommendations of commissions are generally slow to be adopted.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. WATSON of Pennsylvania. I yield to my colleague.

Mr. MOORE of Pennsylvania. Is anything being done to remedy the conditions of which the gentleman speaks?

Mr. WATSON of Pennsylvania. Very, very little. There are now pending bills before the Patent Committee, but the commissioner is endeavoring to bring about better conditions. I am giving you the description of the Patent Office as it is to-day.

Mr. MOORE of Pennsylvania. The gentleman is setting out a state of facts that is deplorable and that might call for additional legislation. I desire to know whether any bills are now pending looking to the correction of these conditions?

Mr. WATSON of Pennsylvania. Only to increase the efficiency of the office by having more employees.

Mr. OGLESBY. If the gentleman will permit, several bills have been reported, and there are two or three on the Unanimous Consent Calendar for to-day which attempt to remedy this condition.

Mr. WATSON of Pennsylvania. Permanent commissions receive in perpetuity the expressions of the Congress in which they are created, and, therefore, they are daily performing the functions of their office.

For these reasons the Bureau of Efficiency is bringing about for our departments a higher state of attainments than heretofore has been reached.

The present Patent Office Building being inadequate for the service and not fireproof, the erection of a new building is the only remedy to be suggested.

A fire not only would destroy the records, which could never be replaced, but would cause lawsuits which would never end.

Here are stored the records of the ingenuity of men who have caused the wheels of machinery to revolve so as to be almost human in their actions, thus spreading over our land industries which are the foundation of our wealth and power. Yet we permit these original drawings and specifications to remain unprotected from fire and mold.

Are we giving adequate service to those who are working, planning, and starving for the further development of our Nation?

The Patent Office Building should be in itself a monument to our great inventors.

We who are Members of Congress are directors of the greatest corporation on earth—the United States of America—and as trustees for the people it is our duty to press the various public departments, to give the highest and most efficient service it is possible for them to render. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. BYRNS]?

There was no objection; and the Speaker announced as conferees on the part of the House Mr. BYRNS of Tennessee, Mr. SISSON, and Mr. GOOD.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar day. The Clerk will call the first bill on the Calendar for Unanimous Consent.

BRIDGE ACROSS MISSOURI RIVER.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 9909) to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

Mr. ADAMSON. Mr. Speaker, the bill having been read at the previous session, is it necessary to read it again?

Mr. MANN. Oh, I think it ought to be read.

The SPEAKER. The Chair is inclined to think it ought to be read.

The bill was read, as follows:

Be it enacted, etc., That the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge, and approaches thereto, across the Missouri River at a point suitable to the interests of navigation, said bridge to extend from a point on the west bank of said river in the county of Lyman to a point in or near the city of Chamberlain, in Brule County, in the State of South Dakota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the act of Congress approved February 9, 1905, which granted to the White River Valley Co., its successors and assigns, the right to construct and maintain a pontoon and pile bridge across said Missouri River from a point on the west bank of said river in the county of Lyman to a point on the east bank of said river in or near the city of Chamberlain, in Brule County, in the State of South Dakota, is hereby repealed, but permission is hereby granted to maintain the present pontoon and pile bridge for one year from and after the date of this act: *Provided*, That if, on or before one year from and after the date of this act, it shall be shown to the satisfaction of the Secretary of War that actual construction of the bridge herein authorized has been commenced, then the said company, its successors or assigns, is hereby granted permission to maintain said pontoon and pile bridge during the period of construction of the bridge herein authorized, but in no case is said company granted permission to maintain said pontoon and pile bridge for a period longer than three years from and after the date of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ADAMSON. Mr. Speaker, two weeks ago there appeared to be some question as to whether or not the railroad company had had due notice of the pendency of this bill, so I requested that it be passed without prejudice, in order to be sure that there was a fair opportunity all around. Since that time the parties have met and agreed to a satisfactory amendment of the bill. In accordance with that agreement I move that on page 2 in lines 10 and 11 the word "one" where it occurs in each line be stricken out and in lieu thereof the word "two" be inserted.

The SPEAKER. The Clerk will report the amendment.

Mr. MANN. In what lines?

Mr. ADAMSON. Lines 10 and 11.

Mr. MANN. The gentleman must have a print of the bill before it was reported.

Mr. ADAMSON. No; it is the print of the bill as reported and referred to the House calendar.

Mr. MANN. There is no word "one" in lines 10 or 11.

The SPEAKER. The Clerk informs the Chair that it ought to be lines 12 and 13.

Mr. ADAMSON. The gentleman is correct. The memorandum handed to me refers to the wrong lines.

Mr. MANN. It refers to the bill before it was reported.

Mr. ADAMSON. The memorandum was drawn and handed to me. I did not compare it with the printed bill. The bill provides for a limit of one year, and we substitute in lieu thereof two years. The amendment is to strike out "one year" in line 12 and "one year" in line 13, and insert "two years" in each place.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 12, strike out the words "one year" and insert the words "two years." Line 13, strike out the words "one year" and insert the words "two years."

The amendment was agreed to.

Mr. ADAMSON. Now I want to change the limit for the period of completion from three years to four years; and I move to strike out the word "three" in line 21 and insert the word "four."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 21, strike out the word "three" and insert the word "four."

The amendment was agreed to.

Mr. ADAMSON. That is all.

Mr. MOORE of Pennsylvania. Will the gentleman from Georgia yield?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. Is this to be a permanent bridge?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. What is the pontoon bridge referred to?

Mr. ADAMSON. That is a temporary structure that they have been using for some time. It washes out every few months and they put it back, and the people want a more durable structure.

Mr. MOORE of Pennsylvania. What provision is made for the removal of the temporary structure?

Mr. ADAMSON. That is provided for in section 2.

Mr. MOORE of Pennsylvania. I do not observe that there is any obligation upon anyone to remove the pontoon bridge.

Mr. ADAMSON. It is removed now; it has been washed away. They have permission, however, to restore it until they complete the other bridge.

Mr. MOORE of Pennsylvania. Unless the act of God had intervened the approaches to a pontoon bridge, if any, might remain, and in floods of the future prove an obstruction to the channel.

Mr. ADAMSON. That has happened many times. I am told that it has washed out numerous times in the past, and they have temporarily replaced it.

Mr. MOORE of Pennsylvania. The temporary bridge having been removed by the flood, then the question that I desire to ask the gentleman is answered.

Mr. ADAMSON. They have a right to replace it and use it until the new bridge is completed.

Mr. MOORE of Pennsylvania. The Government would be put to no expense for removing it?

Mr. ADAMSON. No.

Mr. GANDY. Mr. Speaker, in the consideration of the bill now before the House it is well that the Members should all thoroughly understand the situation; and, that they may, I desire to make a brief chronological statement. On February 9, 1905, there was granted by act of Congress permission to the White River Valley Co., its successors and assigns, the right to construct and maintain a pontoon and pile bridge across the Missouri River between Oacoma, on the west side, and Chamberlain, on the east side. That bridge was built and the Chicago, Milwaukee & St. Paul Railway Co., which was the parent corporation of the White River Valley Co. and the White River Valley Railroad Co., pushed forward the extension of its line from Oacoma to Rapid City, a distance of approximately 220 miles. The extension was completed late in 1907, and through passenger-train service was inaugurated between the Black Hills and Chicago. The building of this railroad had been the dream of years, for in 1886 much preliminary work was done; and from that time on each year South Dakota people confidently expected that actual construction work would be commenced in the very near future. When the extension was finally completed almost a score of towns

came into existence across the stretch of prairie from Oacoma to Rapid City. Practically every one of these town sites, if not every one, was owned and the lots disposed of by a town-site company that was a subsidiary corporation to the Chicago, Milwaukee & St. Paul Railway Co. These towns grew and many of them became thriving agricultural market places. Two of them, Oacoma and Kadoka, are county seats, and between the former and Rapid City, the terminus of the line, are 19 towns, which are totally dependent upon this line of railway for their railroad transportation.

When this pile-and-pontoon bridge was built officials of the Milwaukee Railroad, as this line is commonly called in the West, or of the St. Paul road, as it is known in the East, stated that it was only a temporary structure, and would be operated only until the railroad company could secure the steel necessary for the construction of a permanent bridge. As an extenuating circumstance, it was urged by the company that in the construction of the Pacific coast line they then had in use all of their bridge-building equipment; and these two excuses served to appease the South Dakota people for a time. However, when the spring of 1908 came and the rising turbulent waters of the Missouri River took away several sections of the bridge and sent the piling and timbers on their long journey to the Gulf, that first failure of a pile-and-pontoon bridge to withstand the current of the Missouri River certainly ought to have been sufficient to have hurried the railroad officials in their effort to construct a permanent bridge at this place. If there was any doubt or any thought that the failure of the bridge in the spring of 1908 was an accident, or that the conditions then were unusual in the Missouri River, that thought has long ago been dissipated by the knowledge that during each of the years since 1908 this bridge has been out of commission from two to five times. The periods when passengers were forced to cross the river in ferryboats, and when practically no freight and express were moved, varied from a few days to many weeks, the longest period prior to this year having been 41 days. In 1915 the bridge was out of commission for a total of 35 days, or an average of almost 1 day out of every 10 in the year. The bridge is out at this time, no train having crossed the river since the 5th day of March. Just when the bridge will be rebuilt I am not able to state, but word from South Dakota is to the effect that it will perhaps be May 1 or later before another temporary structure is completed. The channel of the river in front of Chamberlain is 1,785 feet wide; and when the Missouri River got through with its work of destruction on March 5 not a vestige of the bridge remained except the pontoon draw and the ends of a few piling sticking out of the water.

That travelers and the railroad company have been particularly fortunate is evidenced by the fact that although passengers have been ferried across the river at all times of the day and night, rain or shine, fair or storm, and even when floating ice was in the river, no lives have thus far been lost. This uncertain condition of train service and the fear of fatal results which may happen at any time to those ferrying the river has caused travelers to not go by the Black Hills line of the Milwaukee unless there was no other way for them to reach their destination. Ours is a great live-stock country, and shippers of stock have been many times inconvenienced and compelled to suffer heavy losses by delays in their shipments on account of inability to cross the river. There is no question but that the uncertain condition of train service on the Black Hills line of the Milwaukee has seriously retarded the growth and development of the country along the line. In failing to provide train service the Milwaukee "killed the goose that laid the golden egg," for there must be adequate train service to insure an expansion of industry and business.

It is my understanding that this bridge was officially condemned by the board of railroad commissioners of South Dakota in 1909, and by a writ of mandamus the board sought to compel the company to remove this bridge, which is a menace to life and property, and build a permanent structure. The railroad company defeated the action of the railroad commission on the contention that the bridge was across a navigable stream and the State board had no jurisdiction. At that time representatives of the railroad company announced to the people of South Dakota that the company contemplated the building of a double-track bridge on its line across the Mississippi River at Savannah, Ill., and would, in the near future, remove its single-track bridge from that place to Chamberlain. Since then that information has repeatedly been given out to South Dakota people, and the story has become an "old chestnut." Newspapers in South Dakota carried that story again a few weeks ago, but as long as the railroad company made no move whatever to erect a permanent bridge the people of the State are not being misled by this timeworn announcement.

The Legislature of South Dakota, at its 1915 session, adopted the following joint resolutions:

CERTIFICATE.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's Office:

I, Frank M. Rood, secretary of state, do hereby certify that the annexed bill, to wit, house joint resolution No. 6, was duly passed by the 1915 session of the Legislature of the State of South Dakota, approved by the governor, and that the same is now in full force and effect.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota at the city of Pierre March 17, 1915.

[SEAL.] FRANK M. ROOD,
Secretary of State.

A joint resolution memorializing Congress and our Senators and Representatives in Congress to use all honorable means to compel the Chicago, Milwaukee & St. Paul Railway Co. to construct a permanent railway bridge across the Missouri River at the city of Chamberlain.

Be it resolved by the Senate and House of Representatives of the State of South Dakota:

Whereas, about the year 1905, the Chicago, Milwaukee & St. Paul Railway Co., as the parent corporation of the White River Valley Railway Co., entered upon the construction of a line of railway commencing at the east bank of the Missouri River at the city of Chamberlain and extending westward through Lyman, Stanley, and Pennington Counties to the city of Rapid City, and as a part of said line of railway constructed a pontoon bridge across the Missouri River at Chamberlain; and

Whereas the said Chicago, Milwaukee & St. Paul Railway Co. has taken over the property of the White River Valley Railway Co., including the pontoon or pile bridge at Chamberlain, but has never constructed a permanent railroad bridge; and

Whereas the said pontoon or pile bridge goes out at least from one to four times each year when there is any unusual condition of the Missouri River at Chamberlain; and

Whereas said pontoon or pile bridge is unsafe and dangerous to the traveling public, and by reason of the maintenance of said bridge in its unsafe condition a railway train, either passenger or freight, is liable at any time to be precipitated in the Missouri River, especially during the early spring of the year when the ice is going out and during the June rise; and in the fall of the year and when the ice is formed or floating in said river, it is impossible to operate the draw in said bridge, and the maintenance of said bridge by the said railway company is inimical and dangerous to the public health and safety of the traveling public generally, as well as to shippers; and

Whereas by reason of the fact that all traffic to points west of the Missouri River when said bridge is out or the draw open must be sent via the lines of the Chicago Northwestern Railway Co. via Woolsey and Rapid City to consignees between Chamberlain and Rapid City, and passengers, mail, express, and freight are thereby greatly delayed and the development of said country deterred and the business interests of the people located between Chamberlain and Rapid City jeopardized: Therefore be it

Resolved by the Legislature of the State of South Dakota, That the Congress of the United States and our Senators and Representatives in Congress be, and hereby are, urged to use all honorable and lawful means at their command to compel the Chicago, Milwaukee & St. Paul Railway Co. to erect at the earliest possible date a good, safe, permanent railway bridge across the Missouri River at Chamberlain; and be it further

Resolved, That a copy of this resolution be sent to the Congress of the United States and to our Senators and Representatives in Congress and to the Secretary of War.

Instructions therein contained from the representatives of the people of the State in which is located the district I have the honor to represent in this House, personal knowledge of the conditions and the danger of longer tolerating this so-called temporary bridge over the Missouri River, and the appeal of many thousands of people who live along the line of railroad from Oacoma to the Black Hills caused me to introduce the bill now being considered. Two weeks ago to-day, when this bill was called up, the RECORD shows that there was some objection to its consideration for the reason that it did not appear that the railroad company had been given actual notice of the pendency of the bill. By unanimous consent the bill was then passed over on the calendar without prejudice, and that day communications were mailed to the president of the Chicago, Milwaukee & St. Paul Railway Co. by the chairman of the Committee on Interstate and Foreign Commerce and by myself. Counsel representing the railroad company came to the city, and a series of conferences were held which were participated in by my colleague from South Dakota [Mr. DILLON], myself, and others. The railroad people insisted that their budget for the next two years was made up, and in view of the exceptionally heavy expenditures outlined therein they did not feel that the road could undertake the construction of this bridge before three years from the passage of the bill. On that question I conferred by wire with a number of the people interested in South Dakota, and the following telegrams are evidence of how keenly the people feel about this unusual situation:

PIERRE, S. DAK., *April 12, 1916.*

Hon. HARRY L. GANDY,
Washington, D. C.:

Railroad commission informs me that in 1909 Milwaukee Co. promised to commence building bridge within year or two, and have been promising ever since, but seems further from building now than ever. Bridge is much needed, as present conditions make service deplorably bad. My advice is to insist on bill without amendments.

FRANK M. BYRNE, *Governor.*

OKATON, S. DAK., *April 15, 1916.*

Hon. HARRY L. GANDY,
House of Representatives, Washington, D. C.:

We don't want present system of crossing legalized. We believe lives of individuals may be sacrificed. We don't want to be called up to drag the Missouri for the bodies of relatives or friends, and it is only through some unexplained luck or the care of a benign Providence that we have not had this task to perform before this time. The Milwaukee people have battered away their right to extension of time by shutting their eyes to a condition that has existed for years and should never have been allowed.

OKATON COMMERCIAL CLUB.

—

MURDO, S. DAK., *April 15, 1916.*

HARRY L. GANDY, M. C.,
Washington, D. C.:

There should be no delay in Chamberlain bridge longer than time necessary to procure material. Present temporary bridge out since March 5, and prospects that new one will not be completed before May 1. Traffic delayed and business demoralized. Would think 18 months a fair compromise.

O. A. KIMBLE.

—

RELIANCE, S. DAK., *April 12, 1916.*

HARRY L. GANDY, M. C.,
Washington, D. C.:

Insist on shortest time possible, as bridge has been entirely out for six weeks and will not be rebuilt for six weeks longer. Stock being transferred by boat and driven one-half mile, with no accommodations for loading, and causing a great loss in shrinkage and delays to shippers. Passengers must walk same as stock, sick or well, rain or shine.

GEO. KURTH.

—

PRESHO, S. DAK., *April 13, 1916.*

HARRY L. GANDY, M. C.,
Washington, D. C.:

Sentiment here unanimously opposed to any such change in your bill compelling building of permanent bridge at Chamberlain. Every year's delay means great loss to western South Dakota development. Present bridge has been in use for 10 years, which should have been amply sufficient for Milwaukee Co. to arrange to build permanent bridge. Temporary structure now out, no trains having crossed over bridge since March 5, with prospects for another two weeks the same, which makes nearly two months without bridge service at Chamberlain. We trust that you will use every effort to secure passage of bill in original form.

D. E. HOPKINS,
Secretary Commercial Club.

—

RAPID CITY, S. DAK., *April 12, 1916.*

HARRY L. GANDY,
Washington, D. C.:

Insist on original bill. Milwaukee bridge in present condition menace to the traveling public.

J. K. HULL, *Secretary.*

—

KENNEBEC, S. DAK., *April 12, 1916.*

Hon. HARRY L. GANDY,
Washington, D. C.:

The business men of Kennebec unanimously insist on the original bill in regard to Milwaukee bridge at Chamberlain.

CLAUDE C. IRWIN.

—

BELVIDERE, S. DAK., *April 16, 1916.*

HARRY L. GANDY, M. C.,
Washington, D. C.:

People here are against delaying construction of bridge at Chamberlain. Would consent to one year's delay in starting and finishing bridge if absolutely necessary.

E. W. REEVES.

—

VIVIAN, S. DAK., *April 12, 1916.*

Hon. HARRY L. GANDY,
Washington, D. C.:

Original bill is entirely fair to railroad company, and we advise you to insist upon its consideration in original form. Affidavits and resolutions sent you represent sentiment here. We will stand by you. Bridge at Chamberlain out of commission since March 6.

E. C. HALL.

One of the persons who participated in the conferences referred to a few moments ago was Attorney H. H. Field, representing Mr. Burton Hanson, general counsel of the Chicago, Milwaukee & St. Paul Railway Co. The conditions of this unusual situation were carefully gone over with Mr. Field, and he was assured that while the people of South Dakota have every desire to be fair with the railroad company, yet in view of the fact that the lines of business along this railroad are hindered and life and property endangered by this pile and pontoon bridge, the proposition of the Milwaukee to delay commencing the construction for three years could not be consented to. Having in mind that the usual form of bridge bills passed by this Congress permit one year in which to commence the construction and three years to build the bridge, Mr. Field took up the proposition by long-distance telephone with Mr. A. J. Earling, president of the Chicago, Milwaukee & St. Paul Railroad Co., who at that time was in New York City. Later there was delivered to me the following telegram from Mr. Farling:

NEW YORK, N. Y., *April 13, 1916.*

H. H. FIELD,
Washington, D. C.:

You are authorized to assure Congressman GANDY that the amendment providing for beginning of the work in two years and completion in four years will be satisfactory to the company, and you may deliver this telegram to him, if desired.

A. J. EARLING.

For 10 years the railroad company and the people have talked about this situation and have done nothing. Now, Mr. Speaker, what I am interested in is action and not words. The Milwaukee people finally consented to the amendment to this bill providing that construction shall be commenced within two years and the bridge shall be built within four years. Fully realizing what this proposition and its delay means to the people of my district, yet in the interest of seeing this bill passed and the fixing of a day certain before which construction must be commenced upon this bridge, I do not object to the amendment. I well realize that to contest the amendment would endanger the bill itself. What we want is a permanent bridge, not a makeshift that goes out of commission several times each year. What we want is train service across the Missouri River, with the opportunity for passengers and freight to be carried safely and without danger across this big, muddy stream. I am confident, Mr. Speaker, that this house will pass this bill, that the Senate will also pass it, and that it will become a law. Then, Mr. Speaker, when the bridge will have been built which is provided for in this bill a hope of years will have been realized and a long step will have been taken for the settlement, growth, and development of a large portion of western South Dakota, that depends upon this line for railroad transportation.

I desire to further call your attention to certain letters, resolutions of commercial clubs, affidavits, and telegrams from interested citizens on this subject.

BOARD OF RAILROAD COMMISSIONERS
OF THE STATE OF SOUTH DAKOTA,
Pierre, February 13, 1916.

Hon. HARRY L. GANDY,
Washington, D. C.

DEAR SIR: In response to your communication of January 28, you are advised that for some unexplainable reason this communication, while it reached the office on January 31, became mislaid and was not presented to the board for consideration until Friday of last week, which accounts for the delay in answering it.

Several years ago there was a meeting of the commercial clubs of the State at Presho and the board of railroad commissioners was asked to be present. At that time the question of the safety of this bridge across the Missouri River at Chamberlain was presented to the board in a very strenuous manner by the persons residing west of the river. Previous to that time the board had frequent conferences with the officials of the Chicago Milwaukee & St. Paul Railway Co., and had received assurances that the company was making surveys and taking soundings for the purpose of locating a place on the river where the bridge could be constructed. After the meeting at Presho two members of the board, Hon. George Rice and Dr. Smith, went to Chicago to interview the officials of the railway company, and received the same assurances in a more positive form.

Upon their return and after a considerable period of time had elapsed, the board, thinking the matter was not receiving the immediate attention of the railway company, referred the entire matter to the writer with instructions to take such steps as could be taken to bring about the construction of a new bridge. After some considerable investigation the writer instituted in the supreme court of this State a proceeding in mandamus to compel the construction of the bridge. After the petition was filed, however, we discovered that the State court could do nothing with it, and that the State could do nothing with it; that the construction of this bridge was under the supervision of the Secretary of War and that an act of Congress was necessary to authorize its construction, and the present pontoon bridge was constructed under an act of Congress. If we had been able to locate the Federal statutes before filing the petition for a writ of mandamus, of course it would never have been filed, as we would have realized at the outset that the State courts could not remedy the matter in any respect. If you desire we can send a copy of our petition for the peremptory writ of mandamus. Perhaps you would sooner, however, obtain statements from the Hon. George Rice and the commissioners who were then in office. Any information which we can furnish to you, or any assistance we can render, will be furnished and rendered cheerfully, as we shall be only too pleased to see this situation remedied.

Very truly, yours,

P. W. DOUGHERTY,
Commissioner.

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Resolutions.

To the Senate and House of Representatives of the Congress of the United States:

Whereas the last session of the South Dakota Legislature adopted house joint resolution No. 6, memorializing Congress and our Senators and Representatives in Congress to use all honorable means at their command to compel the Chicago, Milwaukee & St. Paul Railway Co. to construct a permanent railway bridge across the Missouri River at the city of Chamberlain; and

Whereas the conditions stated in said joint resolution have existed for the past 10 years and continue to exist; and

Whereas, pursuant to the instructions of said joint resolution, the Representative from the third congressional district of this State, Hon. HARRY L. GANDY, has introduced in the House of Representatives a bill which, if it becomes a law, will compel the Chicago, Milwaukee & St. Paul Railway Co. to commence actual construction of a permanent bridge across the Missouri River between the countries of Brule and Lyman at some point at or near the city of Chamberlain, S. Dak., within one year from date of its passage and approval; and

Whereas the welfare and development of this section of the State is dependent to a large extent upon the erection of such a bridge: Therefore be it

Resolved by the citizens of Vivian, S. Dak., That the Senate and House of Representatives of Congress be, and are hereby, urged to take prompt action upon said bill and pass it at the earliest possible moment; and be it further

Resolved, That a copy of this resolution be sent to the Senate and House of Representatives of Congress by the secretary of the Vivian Commercial Club.

We certify that the foregoing resolution was adopted by the citizens of Vivian, S. Dak., this 26th day of February, 1916.

VIVIAN COMMERCIAL CLUB,
By F. E. BROWN, *President.*
By E. C. HALL, *Secretary.*

Similar resolutions were adopted by other civic and commercial organizations, as follows:

Okaton Commercial Club, Okaton, S. Dak.; E. E. Gable, president; L. B. Hightshoe, secretary.

Murdo Commercial Club, Murdo, S. Dak.; O. A. Kimble, president; H. C. Parker, secretary.

Oacoma Commercial Club, Oacoma, S. Dak.; T. B. Strong, president; M. Q. Sharpe, secretary.

Reliance Commercial Club, Reliance, S. Dak.; R. E. Brown, president; George Kurth, secretary.

Draper Commercial Club, Draper, S. Dak.; W. G. Lonie, president; Sherman Bates, secretary.

Presho Commercial Club, Presho, S. Dak.; N. J. Thompson, president; D. E. Hopkins, secretary.

Kennebec Commercial Club, Kennebec, S. Dak.; Claude C. Irwin, president; Albert Williamson, secretary.

The following letter, under date of June 15, 1915, from a large packing house at Sioux Falls to a customer on the Black Hills line of the Milwaukee, together with the affidavit attached, is evidence of what happens to express shipments when the bridge is out of commission, and the other affidavits speak specifically of the situation that I have referred to as dangerous and unusual:

SIOUX FALLS, S. DAK.,
June 15, 1915.

Mr. CARL KETTLESON,
Vivian, S. Dak.

DEAR SIR: We have been advised by the railroad company that the bridge at Chamberlain is again out of order. We had your merchandise over at the express company yesterday and they refused same, owing to the fact that they could not handle it. We are, however, holding your order for first shipment that the railroad will accept, and until instructed otherwise by you we will ship same.

We trust that this will not inconvenience you.

Yours, truly,

JOHN J. MORRELL & CO.

—

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

Carl Kettleson, upon his oath, deposes and says that the above is a letter received by him June 17, 1915, and refers to an order of meats which were ordered by him to supply his trade. As a result of the delay in receiving the shipment referred to above he was unable to fill his orders, which resulted in a loss of business and a further loss of money. Mr. Kettleson further states that the bridge referred to is the pile bridge across the Missouri River at Chamberlain and that said bridge was not rebuilt until June 25, 1915, when the first train crossed it—it being the first train to cross the Missouri River between June 7 and June 25, 1915. Mr. Kettleson further states that from one to four times each year there is a delay in all shipments of freight and express between points east and west of the Missouri River, caused by the pile bridge across said river being out of commission, and as a result of said delays his business decreases with a money loss to himself.

Signed this 21st day of March, 1916.

CARL KETTLESON.

Personally appeared before me, E. C. Hall, a notary public, Carl Kettleson, who signed the foregoing affidavit.

[SEAL.] E. C. HALL, *Notary Public.*

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AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

L. Lytle, upon his oath, deposes and says that he is a resident of Sioux City, Iowa, and that he left said city Tuesday morning, March 21, 1916, taking the Chicago, Milwaukee & St. Paul Railway train for Vermillion, S. Dak., where he left said train and remained until about the hour of 8.30 p. m., March 21, when he boarded the Chicago, Milwaukee & St. Paul Railway train for Vivian, S. Dak. He further states that he entered the sleeping car on said train and purchased a berth to Chamberlain, S. Dak., and that he arrived in the said city of Chamberlain, S. Dak., on the morning of March 22, 1916, at about the hour of 4 o'clock a. m. He states that he remained in said sleeping car until about the hour of 7 o'clock a. m., intending to take the ferry across the Missouri River and continue his journey to Vivian, S. Dak., his destination. Upon leaving the sleeper he was informed that on account of the flowing ice in the Missouri River it would be impossible to cross said river and that he would have to wait in the city of Chamberlain until said crossing could be made. He further states that about the hour of 5 o'clock p. m., March 22, 1916, he was transferred across the Missouri River by ferry and then walked about one-half mile in the mud to the Chicago, Milwaukee & St. Paul Railway track where he boarded the train and from that point was transported to the city of Oacoma, S. Dak., where he left the train as it stopped there for the night. He states that he staid at the hotel in said city of Oacoma until the morning of March 23, 1916, and at about the hour of 7 o'clock a. m. he boarded the train and reached his destination, Vivian, S. Dak., at about the hour of 9 o'clock a. m.—about 24 hours later than he would have arrived there had he come right through without the delay mentioned above at Chamberlain. He further states that the delay was caused by the Chicago, Milwaukee & St. Paul Railway Co. bridge across the Missouri River being destroyed by the floating ice making it necessary for said railroad company to transfer all passengers, mail, and express by ferry, and that on March 22 the said railroad company was unable to operate the ferry because of the floating ice and that said delay caused him a great deal of inconvenience, expense, and loss of valuable time. He further states that there were 12 other people who were caused the same inconvenience, expense, and loss of time as he was.

Dated at Vivian, S. Dak., this 24th day of March, 1916.

LEONARD LYTLE.

Subscribed and sworn to before me a notary public this 24th day of March, 1916.

[SEAL.] E. C. HALL, *Notary Public.*

—

AFFIDAVIT.

I, N. J. Thomson, being first duly sworn, depose and say that I have been a resident of Presho, Lyman County, S. Dak., for the past six years engaged in the mercantile business, during which time I have caused to be shipped from points east of the Missouri River to Presho, S. Dak., more than $250,000 worth of merchandise, live stock, and chattles. The Chicago, Milwaukee & St. Paul Railway's bridge at Chamberlain has been a source of trouble, loss of money, annoyance, and inconvenience by its being swept away by high water, thereby delaying shipments in some instances three weeks and having been forced to cross at different times in boats, being without United States mail for days at a time.

Further affiant saith not.

Dated at Presho, S. Dak., this 2d day of March, A. D. 1916.

N. J. THOMSON.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

Subscribed in my presence and sworn to before me this 2d day of March, 1916.

[SEAL.] DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

—

AFFIDAVIT.

I, P. S. Chapman, manager of the James A. Smith Lumber Co., being first duly sworn, depose and say that I have been a resident of Presho, S. Dak., the past eight years and have received a great many cars of coal and lumber each year. I have suffered numerous delays of shipments occasioned by Chicago, Milwaukee & St. Paul Railway's bridge at Chamberlain being impassable, making it very inconvenient to keep a supply to handle our trade. I consider this temporary bridge at Chamberlain the greatest drawback to the development of our country.

Affiant further saith not.

Dated at Presho, S. Dak., this 2d day of March, A. D. 1916.

P. S. CHAPMAN.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

Subscribed in my presence and sworn to before me this 2d day of March, 1916.

[SEAL.] DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

—

AFFIDAVIT.

I, Patrick J. Sweeney, of Sweeney, S. Dak., being first duly sworn, depose and say that I am interested in the store conducted at Sweeney, S. Dak., and in such capacity receive considerable freight from points east of the Missouri River, the same being billed to Presho, S. Dak., and that during the period from the year 1906 to the year 1916 there has not been a year in which the temporary bridge of the Chicago, Milwaukee & St. Paul Railway Co. at Chamberlain, S. Dak., has not been impassable, and in each of those years it has been impassable for at least one period and from that to six periods, each period covering from 1 to 10 days.

That during such times it has been impossible to receive freight from points east of the Missouri River, and it has been impossible at such times to bill freight east from the town of Presho to points east of the Missouri River.

That as a result of the service of said railroad company a considerable financial loss has been suffered and is being suffered from time to time now.

Affiant further states that in addition to said financial loss he has been greatly inconvenienced by said service and has been compelled to make various trips from Sweeney to Presho, S. Dak., without result, for the reason that freight expected did not arrive on account of being delayed at the Missouri River.

Affiant further saith not.

Dated at Presho, S. Dak., this 2d day of March, A. D. 1916.

PATRICK J. SWEENEY.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

Subscribed in my presence and sworn to before me this 2d day of March, A. D. 1916.

[SEAL.] DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

—

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

I, A. L. Walker, being first duly sworn, depose and say that I am a farmer and stockman living near the town of Presho, S. Dak., and have resided in Lyman County, S. Dak., for the last 10 years; that during said time I have been caused great expense and annoyance by reason of the unsatisfactory service given by the Chicago, Milwaukee & St. Paul Railway Co. on account of the temporary wooden bridge spanning the Missouri River at Chamberlain, S. Dak. At various times stock shipped by me has been delayed by reason of said bridge, my mail has been delayed, and at various times passenger traffic has been discontinued for several days at a time on account of not being able to cross said bridge. These delays have happened every year since I have resided in Lyman County, from three to five times. And by reason thereof I have suffered great damage and inconvenience as aforesaid.

Further affiant saith not.

Dated at Presho, S. Dak., this 2d day of March, A. D. 1916.

A. L. WALKER.

Subscribed in my presence and sworn to before me this 2d day of March, 1916.

[SEAL.] DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

I, W. E. Lewis, being first duly sworn, depose and say that I have been a resident of Presho, S. Dak., for the last four years, and during that time have been engaged in the buying and selling of stock; that during that time I have shipped via Chicago, Milwaukee & St. Paul Railway a considerable number of cars of stock to and from Presho, S. Dak., and that the temporary bridge of said railroad spanning the Misssouri River at Chamberlain, S. Dak., has been a source of great annoyance and expense to me by reason of the fact that at various times of the year it has been impossible to make the crossing on account of the condition of said bridge rendering a passage across it impossible or dangerous. On various occasions this has caused considerable delay, and in many cases it has necessitated the unloading and feeding of stock for several days at a time. The lack of proper crossing having caused me a considerable financial loss at various times, as well as being a considerable source of annoyance and trouble. Further affiant saith not.

Dated at Presho, S. Dak., this 2d day of March, 1916.

W. E. LEWIS.

Subscribed in my presence and sworn to before me this 2d day of March, 1916.
[SEAL.] DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

AFFIDAVIT

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

I, C. S. Hubbard, being first duly sworn, depose and say that I have shipped to and from Presho, S. Dak., approximately 850 carloads of various commodities and have suffered inconveniences, financial loss, and anxiety on account of the wooden structure spanning the Missouri River at Chamberlain, known as the Chicago, Milwaukee & St. Paul Railroad bridge, being impassable on account of floating ice, spring freshets, or excessive rains; this has caused delay to important shipments, causing the laying off of workmen.

At the present time we are loading cars of hay for east of the river points, cars being furnished only upon written order, subject to bridge conditions at Chamberlain, absolving the Chicago, Milwaukee & St. Paul Railway from all liability on account of delay in transit.

Further affiant saith not.

Dated at Presho, S. Dak., this 2d day of March, 1916.

C. S. HUBBARD.

Subscribed and sworn to before me this 2d day of March, 1916.
[SEAL.] DON E. HOPKINS,
Notary Public, Lyman County, S. Dak.

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

W. H. Gammon, being first duly sworn, says on his oath that he is a resident of the town of Oacoma, in Lyman County, S. Dak., and that the said town of Oacoma is situated upon the west bank of the Missouri River and upon the Black Hills division of the Chicago, Milwaukee & St. Paul Railway Co. Affiant further says that he is the manager of a department store in said town of Oacoma, handling a general line of groceries, dry goods, and hardware, which business affiant has conducted in said town for the past seven years.

Affiant further says that there has always been two periods of each year when the trestle bridge used by the above-mentioned railway company in crossing the Missouri River would be taken out by ice or high water, so as to render it useless for traffic by the railway company, and that at such times said bridge would be out of commission for periods of from two to four weeks. During this time it would be and always has been impossible for affiant to secure shipments of goods for his store unless such goods were shipped by express at a high rate or shipped in a roundabout way to Rapid City by freight, and then back to affiant at Oacoma, S. Dak.; that such shipping always caused a delay of from two to three weeks and was a source of much expense and inconvenience to both affiant and the trade which he served in his community. Affiant further says that during the periods when the said bridge would be out of commission as above mentioned it was impossible for him to supply his trade with green groceries or perishable articles, unless such articles were shipped by express, and then at a high rate, and with damage from handling.

W. H. GAMMON.

Subscribed and sworn to before me this 3d day of March, 1916.
[SEAL.] M. Q. SHARPE,
Notary Public, Lyman County, S. Dak.

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

F. I. Sheffer, being first duly sworn, says, on his oath, that he is a resident of the town of Oacoma, in Lyman County, S. Dak., and that said town is situated on the west side of the Missouri River, on the Black Hills division of the Chicago, Milwaukee & St. Paul Railway Co. Affiant further states that he is the owner and proprietor of a general store in said town, and has been for a number of years, handling groceries, dry goods, and produce.

Affiant further states that during each year there have been at least two occasions when the trestle bridge used by the above-mentioned railway company in crossing the Missouri River at Chamberlain, S. Dak., would be swept out by ice or high water, so as to render the same useless and requiring a ferryboat for making crossing of the river at this point. During such periods it would be impossible for affiant to get freight shipments to his store except by roundabout shipments to Rapid City and back to Oacoma, necessitating an extra shipment of about 400 miles, and usually causing a delay of two to four weeks.

Affiant says that in the year 1914 he bought a large stock of Christmas goods in ample time for shipment to him from St. Joseph, Mo., so as to arrive at affiant's store by the 1st of December, to be sold by affiant for his Christmas trade during the month of December; that said goods arrived at the Chamberlain side of the Missouri River at a time when the said trestle bridge was out, and it was then necessary for affiant to either have said goods shipped back or to wait until the said bridge was repaired; that by reason of this delay the said goods did not reach affiant's store until noon of Christmas Day, 1914, at time too late for affiant to sell said goods or use them at all during that year; that affiant thereby lost the benefit of his entire Christmas trade for the year 1914, which was a considerable loss to this affiant.

Affiant says also that in connection with his store he purchased cream and other produce from the farmers and stockmen who traded with him at Oacoma, and then shipped such cream and other produce on to commission firms or creameries in the cities of Sioux City, Iowa, or Omaha, Nebr.; that owing to the uncertainty of crossing of the Missouri River at the two periods of the year when the bridge usually went out, affiant was obliged to either refuse to buy produce at those periods or else assume a large risk of having a heavy loss from such produce remaining on his handy or spoiling, all of which was a serious impediment to affiant's business and the welfare of the various customers who depend upon selling their cream and produce to affiant.

F. I. SHEFFER.

Subscribed and sworn to before me this 3d day of March, 1916.
[SEAL.] M. Q. SHARPE,
Notary Public, Lyman County, S. Dak.

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

T. B. Strong, being first duly sworn, says on his oath:

That he is a resident of Oacoma, S. Dak., a town on the west side of the Missouri River and on the Black Hills division of the Chicago, Milwaukee & St. Paul Railway Co.; that he has been a resident of such town ever since the said railroad was constructed through it.

That he is engaged in the business of conducting a general store and butcher shop, and also buying live stock and other farm produce, and has been in such business for the past eight years in the town of Oacoma.

That since affiant has been in business as above mentioned there have been periods from two to four times in each year when the trestle bridge maintained by the above-mentioned railway company across the Missouri River at Chamberlain, S. Dak., would be swept out by high water or ice, so as to render it impassable and useless for traffic of any kind.

That during such periods it would be impossible for affiant to secure shipments of any freight either to or from his store, so that affiant's business of general storekeeping and buying and selling produce was seriously damaged. At such times it would be necessary for affiant to have any freight that he might require sent around by Rapid City, S. Dak., which always occasioned a delay of from three to four weeks in receiving goods ordered by affiant.

That during all the time that affiant has been engaged in business as above mentioned he has bought and shipped a large quantity of hogs each year from the producers in his vicinity, shipping said hogs to Sioux City or Omaha and other points across the Missouri River. At various and numerous times affiant has purchased a large quantity of hogs and had them in the stockyards ready for shipment when the bridge above mentioned would be taken out and affiant would thereby suffer considerable loss from having to feed said hogs and hold them over in the yards, where they would shrink and lose weight; and on account of the uncertainty of being able to ship stock at periods when the bridge was liable to go out affiant would have to refrain from buying any stock for a long time before such periods, and his business was thereby greatly damaged and the convenience of his customers seriously impeded, so that such customers were in the habit of selling their stock to buyers who were shipping over the railroads which were north or south of affiant's territory; all of which was a loss to both the producers and to this affiant and a serious impediment to the advancement of agriculture and stock raising in affiant's vicinity.

That for a time affiant engaged in the business of buying and shipping cream from the producers in his vicinity, shipping such cream to Sioux City, Omaha, and other points across the Missouri River from affiant; but the uncertainty of being able to make shipments across the Missouri River rendered it impossible for affiant to maintain a continuous market throughout the whole year for such cream, and without such continuous market it was impossible for affiant to live and hold much patronage in the cream business, and so during the past three or four years affiant has been compelled to discontinue the purchase of cream, all of which is a serious damage to affiant's business and to the convenience of the producers in and around Oacoma, S. Dak., and a constant impediment to the advancement of dairying in and around Oacoma, S. Dak., and the territory tributary thereto.

T. B. STRONG.

Subscribed and sworn to before me this 3d day of March, 1916.
[SEAL.] M. Q. SHARPE,
Notary Public, Lyman County, S. Dak.

AFFIDAVIT.

STATE OF SOUTH DAKOTA,
County of Lyman, ss:

M. Q. Sharpe, being first duly sworn, says on his oath:

That he is a resident of Oacoma, S. Dak., which town is on the Black Hills division of the Chicago, Milwaukee & St. Paul Railway Co. That affiant has been a resident of such town for the past five years, and frequently travels by foot and by train between the towns of Oacoma and Chamberlain, S. Dak., a distance of about 4 miles, and knows something of the conditions in connection with the operation and maintenance of a certain trestle bridge across the Missouri River at said place by the above-mentioned railway company.

That the channel of the said river is about 1,640 feet wide at the point where this bridge crosses it, and the said bridge is constructed for the most part of piling from 40 to 60 feet long and 12 to 16 inches in diameter at the large end, driven into the river bottom, and cross-braced with heavy plank and with wooden beams, stringers, and ties, and steel rails making the roadbed upon the top of these piles, there being about six piling in each bent or station of the said bridge. A part of the span of the river is made by a floating bridge with a trestle constructed upon it, which bridge is arranged so that it can be floated in or out of position with the remainder of the bridge, thus allowing vessels to pass up or down the river.

That during the month of June in each year there is always a flood stage of the Missouri River at this place, and much débris comes down the river, which lodges against the piling of the said bridge and takes it from place and usually entirely sweeps it out and down the river.

That in the early spring of each year the ice in the Missouri River breaks up and comes floating down and against the said bridge and takes it out of place and down the river.

That it has always been the practice of the above-mentioned railway company to run its passenger trains across the said bridge just as long as it considered the said bridge safe in the June and spring periods of the year, above mentioned. Affiant remembers a time in the year 1915 when a passenger train was run across the said bridge in the morning and the ice took the said bridge out of the river in the afternoon of the same day. Affiant verily believes that the only method which the said railway company has of ascertaining the strength of the ice in the early spring period of each year is by watching the bulge in the ice caused by water flowing under it, and that when the bulge reaches a certain stage they consider that the river is likely to break up, and are more careful about running trains across the river at that time. Affiant further states, on belief, that no test is made of the thickness or strength of the ice around the said bridge at such times, and that the matter of telling at what particular day or hour the said river will break up is largely a matter of estimate, and that it is just as probable that the ice will break up at some time when a train is crossing the said bridge, and thereby precipitate the said train in the river and kill or injure the passengers therein.

That when the river is flooded in the month of June of each year it is largely a matter of estimate in telling whether the bridge will stand the strain of the waters and débris against it or not, and that it is just as probable that the bridge would be taken out when there is a passenger train upon it as when there is not.

That the ice which comes down the river in the early spring is usually from 20 to 30 inches thick and the cakes are in area from 10 square feet to 500 or 600 square feet, and if the ice should break up in the river while a train was upon the said bridge it would be almost certain to take the bridge out just as soon as the ice could begin to move and before a train could be taken off of the said bridge.

Affiant verily believes that the said bridge is an instrument of danger to the public at the periods above mentioned, and that it should be replaced by a new bridge of permanent construction, or its use prohibited by statute during the periods above mentioned.

M. Q. SHARPE.

Subscribed and sworn to before me this 3d day of March, 1916.
[SEAL.] O. E. A. THORSON,
Notary Public, Lyman County, S. Dak.

Mr. MOORE of Pennsylvania. Is there anything left of the temporary bridge that would tend to obstruct navigation?

Mr. GANDY. No, sir; not at this time; and, furthermore, the railroad company intends to build a permanent structure where this is.

Mr. MOORE of Pennsylvania. To remove what is left of the old bridge and what would be an obstruction.

Mr. ADAMSON. The language takes a little different form; they are authorized to maintain it until finished, and that implies that the obstruction will cease then.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD on the bill. Is there objection?

There was no objection.

Mr. DILLON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. DILLON]?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEASE OF ALLOTTED INDIAN ARID LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6782) providing for the leasing of arid lands which are irrigable belonging to Indian allottees, and fixing the maximum time for which such leases may run.

The SPEAKER. Is there objection?

Mr. MANN. Let the bill be read.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any allottee of Indian lands within the United States which the Secretary may decide are arid but irrigable can not personally occupy or improve his allotment, or any part thereof, the same, or any part thereof, may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding 10 years, for farming, gardening, or fruit-growing purposes only.

With the following committee amendment:

Amend the bill by striking out all after the enacting clause and insert in lieu thereof the following:

"That whenever it shall appear to the satisfaction of the Secretary of the Interior that the allotted lands of any Indian are arid but susceptible of irrigation, and that the allottee by reason of age or other disability can not personally occupy or improve his allotment, or any portion thereof, such lands or such portion thereof may be leased for a period not exceeding 10 years, under such terms, rules, and regulations as may be prescribed by the Secretary of the Interior."

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to have some explanation of the bill.

Mr. NORTON. Mr. Speaker, this is a bill which proposes to grant to the Secretary of the Interior the right to lease for a period of 10 years arid lands belonging to Indians who are unable to work the land themselves. It is found on irrigation projects covering Indian lands that there are cases where old Indians are unable to work their allotments, and it is now under existing law permissible for the Secretary to lease the lands for a period of one year.

Mr. MANN. Five years, under existing law.

Mr. MOORE of Pennsylvania. Who is the beneficiary of the lease?

Mr. NORTON. The Indian.

Mr. MOORE of Pennsylvania. Not the department, but the Indian?

Mr. NORTON. Certainly; the Indian is the beneficiary.

Mr. MOORE of Pennsylvania. It is proposed by the bill that the department shall make the regulations covering the leasing, and that whatever is derived from the lease shall go to the Indian?

Mr. NORTON. Yes; the purpose of this legislation is to permit the department to lease the land for 10 years. As the law is now it is impossible to get anyone to make a lease on so short a period and go onto the land and make the improvements necessary to cultivate it.

Mr. MOORE of Pennsylvania. What is the period under existing law?

Mr. NORTON. I had in mind it was one year. It may be five years.

Mr. MANN. It is five years; but they say there are other leases that can be made for a longer period, and in some cases they are hampered in making leases of Indian allotted lands.

Mr. MOORE of Pennsylvania. And the purpose of this bill is to extend the time?

Mr. NORTON. Yes; so that these lands, that would otherwise be unimproved, may be improved and kept in cultivation.

Mr. MOORE of Pennsylvania. Can the gentleman give us any special instances showing the necessity for this kind of legislation?

Mr. NORTON. On some of these Indian irrigation projects it is found that Indians, on account of old age or other disability, are unable to improve and cultivate their allotment. In such cases it is found impossible to get anyone to lease the land for as short a period as that to which the present law limits these leases.

Mr. MOORE of Pennsylvania. What is the reason for that? Is that due to the lack of energy, or is it due to the fact that you have to wait a period of years for the fruition of whatever you put in the ground?

Mr. NORTON. It is due chiefly to the amount of investment that is required to be put into ditches and other improvements on the land in order to get the land in condition for cultivation and for producing crops.

Mr. MANN. The land has to be cleared.

Mr. NORTON. Yes.

Mr. MANN. And that is no small job.

Mr. NORTON. A sufficient return to justify leasing can not ordinarily be secured from irrigated land during a lease period of five years. Experience is to the effect that only a sufficient return to justify leasing can be secured if the lease is made for a period of at least 10 years. That is the sum and substance of the desire for this legislation.

Mr. MOORE of Pennsylvania. Suppose some of this land being cleared and irrigated should be used by the Indian or the occupant of the land for the cultivation of fruit trees, how long would it take for a tree to come into fruition?

Mr. NORTON. It would depend upon the kind of tree planted. If it was an oak tree, it would take probably a hundred years. If an apple tree, five years or six years.

Mr. MOORE of Pennsylvania. I am quite sure they do not plant oak trees in this semiarid territory. Take a pear tree or an apple tree.

Mr. NORTON. About five or six years.

Mr. MOORE of Pennsylvania. Therefore, the idea is that by extending the time you give the lessee an opportunity to have his tree come to fruition.

Mr. NORTON. The gentleman is correct in his conclusion.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the committee amendment, which is in the nature of a substitute.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENLARGED HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8654) to amend an act entitled "An act to provide for an enlarged homestead."

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to have the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, as amended by an act approved February 11, 1913, and as amended by an act approved March 3, 1915, be, and the same is hereby, amended to read as follows:

"SEC. 3. That any person who has made or shall make homestead entry of the character herein described and who has not submitted final proof thereon, or who, having submitted final proof, still owns and occupies the land thus entered, shall have the right to enter public lands subject to the provisions of this act, contiguous to his first entry, which shall not, together with the original entry, exceed 320 acres: *Provided*, That if there be no vacant land of this character contiguous to his original entry such person may enter as such additional entry other land situated in the land district where such former entry was made: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided by section 1 hereof."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the act entitled 'An act to provide for an enlarged homestead,' approved February 19, 1909, be amended by adding thereto an additional section to be known as section 7:

"SEC. 7. That any person who has made or shall make homestead entry of less than 320 acres of land of the character herein described, and who shall have submitted final proof thereon, shall have the right to enter public lands subject to the provisions of this act, not contiguous to his first entry, which shall not with the original entry exceed 320 acres: *Provided*, That the land originally entered and that covered by the additional entry shall first have been designated as subject to this act as provided by section 1 thereof: *Provided further*, That in no case shall patent issue for the land covered by such additional entry until the person making same shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise complied with such laws: *And provided further*, That this section shall not be construed as affecting any rights as to location of soldiers' additional homesteads under section 2306 of the Revised Statutes.'"

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I think this bill should be explained, and I shall ask the gentleman from Colorado [Mr. TIMBERLAKE] to tell us what it means. Does this confer the right to the holder of 320 acres to take an additional 320 acres?

Mr. TIMBERLAKE. Mr. Speaker, I would say to the gentleman from Pennsylvania that it does not so provide. It provides that a person who has made proof of 160 acres shall be privileged to take up to 320 acres additional.

Mr. MOORE of Pennsylvania. Provided it is not contiguous to his original 160 acres?

Mr. TIMBERLAKE. Provided it is not contiguous. The act of March 4 last provided he could do this where the lands were contiguous, but in many cases people were deprived of that because of the fact that there were no contiguous lands.

Mr. MOORE of Pennsylvania. And a man can take as high as 320 acres under this bill?

Mr. TIMBERLAKE. Oh, no; only 160 acres.

Mr. MOORE of Pennsylvania. But he has the right to get 160 acres additional, as I understand it.

Mr. MANN. He can take more than 160 acres under this bill. He can run his allotment up to 320 acres, including what he had before, if it be only 40 acres.

Mr. MOORE of Pennsylvania. What is the limit he can now secure under this?

Mr. TIMBERLAKE. Three hundred and twenty acres.

Mr. MOORE of Pennsylvania. That is as far as he can go?

Mr. TIMBERLAKE. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection. This bill is on the Union Calendar.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the substitute.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to provide for an enlarged homestead,' approved February 19, 1909, by adding a new section to be known as section 7."

On motion of Mr. TIMBERLAKE, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRAUDULENT ENLISTMENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7619) to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

The SPEAKER. Is there objection?

Mr. GORDON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

SERVICE OF NAVY AND MARINE CORPS IN HAITI.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes.

The SPEAKER pro tempore (Mr. GARNER). Is there objection to the consideration of this bill?

Mr. MANN. Mr. Speaker, I ask that the bill be read.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail to assist the Republic of Haiti such officers and enlisted men of the United States Navy and the United States Marine Corps as may be mutually agreed upon by him and the President of the Republic of Haiti: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti.

SEC. 2. That to insure the continuance of this work during such time as may be desirable, the President may have the power of substitution in the case of the termination of the detail of any officer or enlisted man for any cause: *Provided*, That during the continuance of such details the officers and enlisted men shall continue to receive the pay and allowances of their ranks or ratings in the Navy or Marine Corps.

SEC. 3. That the following increase in the United States Marine Corps be, and the same is hereby, authorized: Two majors, 12 captains, 18 first lieutenants, 2 assistant quartermasters with the rank of captain, 1 assistant paymaster with the rank of captain, 5 quartermaster sergeants, 5 first sergeants, 5 gunnery sergeants, and 11 sergeants.

SEC. 4. That the following increase in the United States Navy be, and the same is hereby, authorized: One surgeon, 2 passed assistant surgeons, 5 hospital stewards, and 10 hospital apprentices, first class.

SEC. 5. That officers and enlisted men of the Navy and Marine Corps detailed for duty to assist the Republic of Haiti shall be entitled to the same credit for such service, for longevity, retirement, foreign service, pay, and for all other purposes, that they would receive if they were serving with the Navy or with the Marine Corps.

With the following committee amendment:

Page 2, line 3, after the word "Haiti," insert the words "subject to the approval of the President of the United States."

The SPEAKER pro tempore. Is there objection?

Mr. McLAUGHLIN. Mr. Speaker, reserving the right to object, I do not see the author of the bill here.

Mr. MANN. Mr. Speaker, I understand the gentleman from Tennessee [Mr. PADGETT] will be here in a moment; and while we are waiting for him I desire to state that I looked up this bill endeavoring to get some information concerning it, and learned, among other things, that the son of Representative BUTLER, Smedley Butler, who is in the Marine Corps, was, I think, stated to be the officer in charge of the constabulary in Haiti. I therefore asked Representative BUTLER to get his son, whom I knew when he was a boy, to make me a statement concerning this so that I would know something about it. I ask to have a letter from Smedley Butler read for the information of the House. He is a major, is he not?

Mr. PADGETT. Yes; Maj. Butler.

The SPEAKER pro tempore (Mr. GARNER). Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

The Clerk read as follows:

MARINE BARRACKS,
Navy Yard, Philadelphia, Pa., April 4, 1916.

MY DEAR MR. MANN: Father has just told me that you wished some information about the Haitian Constabulary, of which I am at present acting as chief. While I would very much rather have an opportunity to talk to you, I am due to return to Haiti in a short time, and father thinks perhaps you will be too busy to see me and that this letter will serve the purpose.

We have enlisted, equipped, and fairly well drilled at the present time about 2,000 Haitians, and are garrisoning and maintaining order in the

whole of Haiti. At present commissioned and noncommissioned officers and privates of marines are assisting the constabulary by lending their services as officers thereof. The duty is military, and we think that officers who have military training are absolutely necessary for the success of the constabulary. In order to accomplish this there is a bill before the House of Representatives authorizing officers of the Navy and Marine Corps to serve in the constabulary under the Haitian Government. We have tried Haitian lieutenants, but have found them to be a failure by actual experience, and I believe that it will be necessary for a time to have all of the officers of this force Americans. Under the leadership of our marines the constabularymen have put down disturbances in Haiti, showing that they will make very reliable, good policemen if officered by Americans.

Aside from military and police duties, our marines, acting as Haitian officers, are doing everything in their power to assist the native population in rebuilding their roads, their irrigation works, their bridges, to clean up their towns, and generally better the condition of the people at large, by doing which we hope to absolutely do away with the desire on the part of any Haitian to revolt against his Government. So far we have been very successful in this line, and the vast majority of the people are on our side because of our honesty and squareness. The people have been much oppressed by their former dishonest officials through an illegal squeeze system, which we have put an absolute stop to.

The treaty provides—and we hope it will come true—that in a few years all of us will be able to leave Haiti and the constabulary entirely officered by their own people, but at present, owing to their traditions and the previous bad government, we are certain that this is impracticable.

Haiti is a wonderful country and well worth saving. During the French occupation, which ended in 1804, it was enormously rich, but now, owing to the shiftlessness of its population and to the numerous revolutions, it has become extremely poor and is in an entirely undeveloped condition. With little labor and comparatively small expense, the French public works, to which was due in large measure the wealth of Haiti under their rule, can be restored. In fact, we started on the 1st of February to do this. Hundreds of natives volunteered their services as laborers free of charge, provided American marines supervised the work, and all over Haiti today roads, bridges, irrigation work, telephone and telegraph lines are being restored.

The duty will be extremely hard and lonely, as single marines are at present living for in the interior, with no other white men, simply in command of small detachments of constabulary. There are many applications for these positions in the constabulary from among the members of the Marine Corps, who are now most enthusiastically serving with the constabulary in Haiti and doing splendid work, and it is hoped to get the very best material which the Marine Corps can furnish, as we feel that it is a matter of corps as well as national honor to assist the Haitians in getting on their feet.

I could write you pages, but father has cautioned me to make my letter short; but if there is any further information which you desire, if you will be kind enough to tell father to notify me, I will come immediately to Washington, at any time you say, for we "Haitians" want to get everybody we possibly can on our side of the "fence." I feel that all that is necessary is for our own people to realize what we are trying to do for this little Republic.

I had hoped while in Washington to get an opportunity to see Mrs. Mann, as it seems a long time since I have had that pleasure, but I have been so busy trying to help my little black fellows get on their feet that I have hardly had time to eat. Will you please give my very best to Mrs. Mann and James; and hoping that you will give me an opportunity to tell you more of Haiti, I am,

Very sincerely, yours, SMEDLEY D. BUTLER.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. McLAUGHLIN. Mr. Speaker, reserving the right to object, I wish to ask the chairman of the committee a question in regard to the compensation of these officers detailed to Haiti. The first section provides that the officers and enlisted men shall receive compensation and emolument from the Government of Haiti, and the proviso of section 2 provides that the compensation they are now receiving, or that they will be entitled to as officers and men of our Regular Army, shall also be paid.

Mr. PADGETT. They will receive their regular pay and allowances as officers of the Marine Corps and such additional pay and compensation as the Government of Haiti, subject to the approval of the President of the United States, may pay in addition to their regular pay. Taking these men down there and keeping them there is extra duty, and under those conditions we allow the Government of Haiti, subject to the approval of the President of the United States, to pay them something additional.

Mr. McLAUGHLIN. Is there any testimony showing or indicating what compensation will be paid by the Haitian Government?

Mr. PADGETT. No, sir; not as to the details of it; simply a proviso that the President of the United States may allow them to receive such additional pay as he may approve.

Mr. McLAUGHLIN. Well, is not it true that when there have been similar details and foreign Governments have undertaken to pay the men detailed from our Army or Navy that the compensation has been very liberal—even larger than the amount received for their work in this country?

Mr. PADGETT. We have no information on that subject and I am not prepared to say.

Mr. McLAUGHLIN. It seems to me, Mr. Speaker, when these men are relieved altogether of duty in the United States and the duty of compensating them is assumed by the Haitian Government, that this Government ought to be relieved for the time being of the burden of maintaining and paying them.

Mr. PADGETT. They are under our control and still in our line of service, and I think they ought to have their pay; and while we thought they should be allowed some extra pay the committee thought the President of the United States should have the advising and regulation of it.

Mr. McLAUGHLIN. There is no testimony whatever as to what the amount paid by the Haitian Government will likely be?

Mr. PADGETT. No, sir; because we do not know what it would be, and we have no way of ascertaining what the amount would be; but we fixed it so that the President should approve whatever amount should be paid.

Mr. MANN. I think we can assume it will not be very high?

Mr. McLAUGHLIN. Why?

Mr. MANN. Because they will not have the money.

Mr. ROBERTS of Massachusetts. Haiti is bankrupt.

Mr. MANN. I have a copy of the treaty, which I am going to ask to put in the RECORD. Under the treaty we are to have a general receiver and financial adviser who are to handle the funds. A part of the funds are used for governmental expenses, maintenance of the constabulary, and so forth, and then they hope to be able to take care of some indebtedness outstanding. I do not think the amount is going to be so large that they are likely to get too much pay. The same thought occurred to me that did to the gentleman in regard to the cost, as it naturally excites wonder.

Mr. PADGETT. We thought it wise to put a provision in that the President of the United States should supervise and approve before they should receive any amount.

Mr. McLAUGHLIN. Is it the opinion of the committee that the service in Haiti will be disagreeable and hazardous and ought to be better paid than service in the United States?

Mr. PADGETT. I think so; yes, sir.

Mr. MANN. As indicated by the letter from Maj. Butler, many of these officers will be out in the country in charge of colored constabulary, with no other white persons around, and I presume it would be fair to give them a little extra pay. The basis of the whole thing, outside of maintaining order, I presume, is article 4 of the treaty which provides that—

Upon the appointment of the financial adviser, the Government of the Republic of Haiti, in cooperation with the financial adviser, shall collate, classify, arrange, and make full statement of all the debts of the Republic, the amounts, character, maturity, and condition thereof, and of the interest accruing and the sinking fund requisite to their final discharge.

I expect that is the reason they are in there, and being in there they want to maintain order and see if they can reestablish working conditions.

Mr. PADGETT. We thought it wise to establish under our own military administration the police organization called the "gendarmerie."

Mr. McLAUGHLIN. Will these men under the terms of their enlistment be required to leave this country and take up this work without their consent?

Mr. PADGETT. I think so. I think the President has authority to send the marine to do any duty that the President feels comes within the province of his authority.

He has been sending them there a number of times—to Haiti and Nicaragua——

Mr. McLAUGHLIN. And Vera Cruz.

Mr. PADGETT. And other places heretofore; and I want to say that no marine has ever demurred or refused to go.

The SPEAKER pro tempore. Is there objection?

Mr. FESS. Reserving the right to object, I wanted to ask what is the specific official relation of our Government to Haiti now?

Mr. PADGETT. There has been a treaty recently concluded between the Republic of Haiti and our country which has been ratified by the Senate, and the gentleman from Illinois [Mr. MANN] is going to put a copy of the treaty in the RECORD, in which we have undertaken to manage their finances and to maintain order in the Government.

Mr. FESS. Does it do away with their autonomy at all?

Mr. PADGETT. No, sir. It leaves their Government intact. We are cooperating with that Government; and you will notice that the bill provides that the President of the Republic of Haiti may do so-and-so, and, with the approval of the President of the United States, they may receive additional compensation.

Mr. FESS. And these officers go in there through their invitation as well as our wish?

Mr. PADGETT. And with their cooperation.

Mr. HICKS. I would like to ask the gentleman what the status of these men is when they are detailed in that way?

Mr. PADGETT. They are under the control of the President.

Mr. HICKS. And not under the orders, at all, of the Haitian Government?

Mr. PADGETT. No, sir. They are controlled primarily by ourselves, and we would dictate and determine the policy and the conditions of their actions, but, of course, in carrying out their regulations the President of the Republic would be consulted and would have an official voice.

Mr. HICKS. But always under our control?

Mr. PADGETT. Always under our control.

Mr. HENSLEY. Reserving the right to object, as I understand the gentleman, he has not any definite idea with reference to the amount of increase that this bill will carry.

Mr. PADGETT. That the Haitian Government would pay?

Mr. HENSLEY. Yes.

Mr. PADGETT. It would be a matter of agreement between the President of the Republic of Haiti and the President of the United States.

Mr. HENSLEY. According to the wording of the bill, as I understand it, they receive not only their full pay for their services from this Government, but they receive in addition from the Haitian Government the same pay of those rendering service of that character from that Government?

Mr. PADGETT. No, sir.

Mr. HENSLEY. Well, read the provisions in the bill.

Mr. PADGETT. It says:

That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment, with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States.

Now, the Republic of Haiti might tender such additional compensation as it saw fit, but the President of the United States must approve. For instance, an enlisted man gets about $18 or $20 a month. He gets the same pay as a petty officer or an enlisted man in the Army of the United States. An enlisted man gets somewhere from $16 to $24 or $25 or $30, perhaps, according to the length of his enlistment, and he might be a petty officer and still be an enlisted man. Now, he would get a small pay. The President of the Republic of Haiti would be authorized to pay him such an additional amount as he saw fit, but which the President of the United States would approve.

Mr. HENSLEY. May I see the amended bill as you have it?

Mr. PADGETT. Yes, sir.

The SPEAKER pro tempore. Is there objection?

Mr. HENSLEY. Just a moment, Mr. Speaker, please. It says:

That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States.

I can not understand that that means anything other than that they are to receive the same compensation from that Government that men rendering identical service there receive.

Mr. PADGETT. The President of the Republic of Haiti would tender them such as he saw proper, and he would take into consideration what they were receiving here, and submit it to the President of the United States, and the President would approve it if he saw proper.

Mr. HENSLEY. The wording of the first bill introduced, Mr. Speaker, clearly means to give these persons rendering service down there increased pay, and that increased pay to come from that Government.

Mr. PADGETT. How is that?

Mr. HENSLEY. The bill that you first introduced states that they are authorized to accept from the Republic of Haiti the emoluments of the position that they are holding. That is the first bill that you introduced. Now, why did you change it?

Mr. PADGETT. Simply because when I referred the matter to the Secretary of State and the Secretary of the Navy they recommended changes to put it into conformity with the treaty which had been ratified by the two Governments, and this bill as it is drawn and as reported is the draft of the bill recommended by the Secretary of State and the Secretary of the Navy by their joint conference, with the addition that the committee saw fit to put in it that the compensation should have the approval of the President of the United States, and not leave it alone to the Government of Haiti.

Mr. HENSLEY. Does the gentleman not believe that we should have some information as to this amount of increase which these men are to receive? I do not know anything about it; I have been under the impression that they should have increased pay, but should we not have some information with reference to how much that is going to be, and should not the money be paid to this Government from those to whom we are rendering that service rather than come both ways?

Mr. PADGETT. I think it is perfectly safe to leave the settlement of the amount and the details with the President of the United States, to be prescribed by regulations. I do not think we could say whether or not the enlisted men should receive $5 a month more at this point, or $10 a month more at that point, or that he should receive over here at this point, where it is more dangerous and more disagreeable, $12.50 a month or $16 a month. I think the President of the United States can prescribe, and can be safely left to determine those details.

Mr. HENSLEY. That is very well, but do you think that all such matters should be left with any individual officer, for him to fix the pay? Why should not the committee have called before them persons who are informed with reference to the service to be rendered by these people, so that the committee could recommend the increase and could have some information with reference to what the increase would be?

Mr. PADGETT. This provides that they shall receive pay from the Government of Haiti, and the Government of Haiti is the one to take the initiative in that, subject to the approval of the President of the United States.

Mr. MANN. Mr. Speaker, will the gentleman from Missouri yield for a moment?

Mr. HENSLEY. Yes.

Mr. MANN. The amount that is collected comes through the general receiver, so called. This Government named the general receiver and financial adviser under the President of Haiti. The money is first provided, subject to payment of the expenses of the office of the general receiver, including his employees, and so forth; and, second, subject to the interest and sinking fund of the public debt of Haiti, and then to payments to the constabulary, and then whatever remains to the Haitian Government is used for current expenses; so that I think it is not likely that they will be able to give exorbitant pay to the constabulary. They can not pay the constabulary anything until they have taken care of the interest and sinking fund on the public debt; and then after they pay the constabulary they will have to maintain the Government, and unless they raise more money than they have heretofore been raising—which I hardly think they will be able to do—they will not have a great sum of money to throw away.

Mr. HENSLEY. Let me ask the gentleman a question. We have men of the Marine Corps serving in other sections of the world, other foreign countries, have we not?

Mr. MANN. Yes; we have marines now in Nicaragua and in Haiti and in San Domingo and perhaps elsewhere.

Mr. HENSLEY. Has the gentleman any information as to whether those who are serving in those countries that he has just named receive additional pay, as this bill provides for those serving in Haiti?

Mr. MANN. I think not; but they do not serve individually. They serve collectively—a company of marines, or possibly a smaller number.

Mr. PADGETT. A detachment.

Mr. MANN. Yes. But the purpose here is to have these marines go in as officers of colored native constabulary companies, where in some cases they will be the only white persons in a locality at all. There will be no other marines there, unless it be a captain.

Mr. HENSLEY. Would not that be true in the Philippines and in Hawaii?

Mr. MANN. Oh, no; it is not true elsewhere where we have marines.

Mr. ROBERTS of Massachusetts. Nowhere else are our marines doing such work.

The SPEAKER. Is there objection?

Mr. SISSON. Reserving the right to object, Mr. Speaker, how does this affect the pay of the officers detailed or the enlisted men detailed out of our Treasury?

Mr. PADGETT. It does not change it at all.

Mr. SISSON. The service in the Tropics gives them the 20 per cent increased pay, does it not?

Mr. PADGETT. They do get that in the Marine Corps, in the case of enlisted men, who get 20 per cent for foreign-service pay and the officers 10 per cent additional.

Mr. SISSON. Is this considered foreign-service pay?

Mr. PADGETT. Yes; I believe so.

Mr. SISSON. So, in addition to the regular pay, they would get the tropical additional pay, and then whatever pay they could get out of the Hawaiian Government?

Mr. PADGETT. No; not the Hawaiian Government, but the Haitian Government, as the President of the United States would approve.

Mr. SISSON. I expect the President would not object to anything that the Haitian Government would give them.

Mr. PADGETT. I do not think he would object to any reasonable rate, because under the treaty we are administering the finances of Haiti, and the President would not permit our marines to receive unreasonable compensation to be taken out of the treasury of that Government, of whose finances we were the administrator.

Mr. SISSON. The Federal Government having assumed control of this situation, it will be morally bound for the payment of these joint obligations, will it not?

Mr. PADGETT. We do not assume to pay any of their debts. We assume to collect their revenues and faithfully to pay those revenues out.

Mr. SISSON. All of which is true. But we who have served any length of time in Congress know that whether the specific law grants it to them or not, if there is any failure of administration on the part of the Federal Government to get the amount of revenue that the Haitian Government ought to produce, all claims incurred thereby will necessarily come to Congress for payment.

Mr. PADGETT. I think not. I think the gentleman is assuming that Congress would undertake to pay the debts of the Republic of Haiti.

Mr. SISSON. That is not what I want the Federal Government ever to do indirectly, even to put itself in a place where in any sense of the word it would be morally responsible for it.

Mr. PADGETT. It would not be morally responsible.

Mr. SISSON. Why?

Mr. PADGETT. Simply because the Government is not guaranteeing the payment of the obligation. We are administering it and paying their money out wisely and properly, so far as received and collected.

Mr. SISSON. But we have virtually taken charge of the finances of their Government.

Mr. PADGETT. Yes; under a treaty that has been ratified.

Mr. SISSON. That is true; but having taken charge of the fiscal affairs of the Government, if there should be any mismanagement, if there were any money improperly expended, any shortages in revenue, or any impropriety in the manner in which the revenue is expended, why would we not then be putting ourselves in a position where, having assumed the control of it, we would be responsible for whatever resulted from it?

Mr. PADGETT. Those are matters that address themselves——

Mr. MANN. This bill does not touch that at all. A treaty has already been ratified by the Senate, though I believe it has not yet been proclaimed, under which on the nomination of the President there is appointed a general receiver and a financial adviser for the Haitian Government. That is provided for regardless of this bill. Now, one of the provisions of the treaty is that we may send officers there, or the President of Haiti may appoint officers to run the constabulary. That is all this bill involves. The President can not do it without the consent of Congress.

Mr. SISSON. What I know about the treaty is only what I have seen in the newspapers. I have not seen the treaty.

Mr. MANN. I propose to ask to put the treaty in the RECORD.

Mr. SISSON. That treaty, referred to by the gentleman from Illinois, provides virtually that the Government of the United States shall keep the peace there and endeavor to assist those people in establishing a stable government, I presume somewhat due to the fact that we are insisting upon the Monroe doctrine; and this being a part of the Western Hemisphere, it becomes our duty to maintain or assist in maintaining a stable government, with the consent of those people.

Mr. MANN. I suspect that has a good deal to do with it.

Mr. SISSON. All right. Now, this increases, to a certain extent, the liability of our Government—to what extent we can not tell from the face of this bill.

Mr. MANN. In what respect?

Mr. SISSON. For instance, the pay and the number of the constabulary.

Mr. MANN. My information—I will not say it is accurate—is that they expect to put about 35 officers down there from the Marine Corps.

Mr. SISSON. Only about 35?

Mr. MANN. Yes; and, of course, we pay their salaries.

Mr. SISSON. That comes out of our Treasury?

Mr. MANN. Yes; to that extent. We pay that sum of money for the purpose of having the opportunity of assisting to organize a stable government on the island of Haiti.

Mr. SISSON. Under that treaty or this bill, who selects the balance of the constabulary—the native constabulary?

Mr. PADGETT. The Haitian Government.

Mr. MANN. The treaty provides that—

This constabulary shall be organized and officered by Americans, appointed by the President of Haiti upon nomination by the President of the United States. The Haitian Government shall clothe these officers with the proper and necessary authority and uphold them in the performance of their functions. These officers will be replaced by Haitians as they, by examination, conducted under direction of a board to be selected by the senior American officer of this constabulary and in the presence of a representative of the Haitian Government, are found to be qualified to assume such duties.

Mr. STEENERSON. Reserving the right to object, I should like to ask the chairman a question. The proviso on page 1 reads:

Provided, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States.

Now, the ordinary construction to be placed upon that language would be this: That these officers would be entitled to the same compensation and the same emoluments provided by our laws which they now receive, and later on in the bill it provides that they shall continue to receive compensation and emoluments from the Government of the United States. So is not the effect of this bill to give them double compensation and double emoluments?

Mr. PADGETT. No, sir.

Mr. STEENERSON. If so, it seems to me it would be a precedent that would be followed in similar cases in the future, and which could not very well be disregarded without a charge of discrimination.

Mr. MANN. If by the word "double" the gentleman means twice the compensation they now receive, it does not mean that, but it does mean pay from two sources.

Mr. STEENERSON. This bill does not say how much the compensation shall be that the Government of Haiti shall give nor what the emolument shall be, but it says the officers and enlisted men are authorized "said employment with compensation and emoluments." Now, "compensation and emoluments" necessarily means what they are now receiving. That would be a fair interpretation of the language.

Mr. PADGETT. No, sir; it means such as the Government of Haiti may pay and the President of the United States may approve.

Mr. STEENERSON. Such emoluments as the Government of Haiti may see fit to determine, subject to the approval of the President of the United States? Now, "subject to the approval of the President of the United States" does not relate to the amount of compensation or emoluments at all. It simply relates to this, that the Government of Haiti can not give the said emoluments and compensation unless the President approves; but the President is not given control of the amount at all, in the way this proviso is written.

Mr. PADGETT. Oh, yes; that is just what it does.

Mr. STEENERSON. I disagree with that construction.

Mr. PADGETT. It puts it in the power of the President of the United States to approve.

Mr. STEENERSON. Then why is it not stated in language that is plain and free from ambiguity? "Subject to the approval of the President of the United States." What is subject—the payment of the emoluments and compensation, which means the full compensation and full emoluments now prescribed?

Mr. PADGETT. Oh, no; not at all.

Mr. STEENERSON. All that the President is given authority to approve is whether they can accept employment with compensation and emoluments. The amount would be fixed by the other Government and they would be almost in honor bound to pay the same as prescribed by our laws. That is the way it seems to me.

Mr. PADGETT. Oh, no; I think not.

Mr. MANN. The gentleman can readily see that the President of the United States can refuse his approval of the right to receive anything unless the amount is satisfactory to the President.

Mr. STEENERSON. He can say whether or not they shall have compensation and emoluments, but the compensation and emoluments are those mentioned by our laws.

Mr. MANN. I think not. Our law would not govern the Republic of Haiti.

Mr. STEENERSON. Will the chairman of the committee say that that would not be the construction to be placed upon this?

Mr. PADGETT. I think it leaves the whole question of what they shall receive—how much, or whether they shall receive anything, much or little—to the President of the United States.

Mr. STEENERSON. I do not like to set my opinion up against that of the chairman of the committee, but it seems to me if you pass this bill you will find that these men will be entitled to the payment of the full amount from the Haitian Government and the full amount from this Government also.

Mr. PADGETT. How could we prescribe what the Haitian Government should pay?

Mr. STEENERSON. I do not say they should not have as much as that, but I hate to see this bill go through with a misunderstanding about this. If that is what we intend to do, we should say so in clear language.

Mr. PADGETT. We have no authority to prescribe how much the Haitian Government shall pay. They will determine for themselves what they will offer, and that will be submitted to the President of the United States for his approval or rejection, and he can state how much additional he will approve, and no more, and they can not receive any more.

Mr. STEENERSON. It seems to me that all we can do here is to say yes or no whether we shall pay them.

Mr. CALLAWAY. Mr. Speaker, have we passed the objecting stage?

The SPEAKER. No; we have not got to it. Is there objection?

Mr. CALLAWAY. I object.

Mr. PADGETT. Mr. Speaker, as this is suspension day, will the Chair entertain a motion to suspend the rules and pass the bill?

The SPEAKER. Not now.

Mr. PADGETT. I am engaged in trying to get the naval appropriation bill ready, and I have a meeting at 2 o'clock. I would be glad if the Speaker would entertain a motion to suspend the rules.

The SPEAKER. In regard to suspensions, after much controversy and thought, the Chair has finally concluded that on unanimous-consent day at about 3.30 or 4 o'clock in the afternoon he will recognize Members for a motion to suspend the rules, and not until then, unless it is a matter of prime importance and of a pressing nature.

Mr. PADGETT. Will the Chair recognize me at 4 o'clock this afternoon?

The SPEAKER. The Chair will recognize the gentleman third on that list.

Mr. PADGETT. I will be here.

THE INTERSTATE COMMERCE COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 308) to amend an act to regulate commerce as amended, and for other purposes.

The Clerk read the bill as follows:

Be it enacted, etc., That section 24 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, be further amended to read as follows:

"SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of nine members, with terms of seven years, and each shall receive $10,000 compensation annually. The qualifications of the members and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1921, and one for a term expiring December 31, 1922. The terms of the present commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Not more than five commissioners shall be appointed from the same political party."

SEC. 2. That section 17 of said act, as amended, be further amended to read as follows:

"SEC. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The commission shall have an official seal, which shall be judicially noticed. Any member of the commission may administer oaths and affirmations and sign subpœnas. A majority of the commission shall constitute a quorum for the transaction of business, except as may be otherwise herein provided, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. The commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division of the commission, including forms of notices and the the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before the commission or any division thereof and be heard in person or by attorney. Every vote and official act of the commission, or of any division thereof, shall be entered of record, and its proceedings shall be public upon the request of any party interested.

"The commission is hereby authorized by its order to divide the members thereof into as many divisions as it may deem necessary, which may be changed from time to time. Such divisions shall be denominated, respectively, division 1, division 2, etc. Any commissioner may be assigned to and may serve upon such division or divisions as the commission may direct, and the senior in service of the commissioners constituting any of said divisions shall act as chairman thereof. In case of vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the commission, or any commissioner designated by him for that purpose, may temporarily serve on said division until the commission shall otherwise order.

"The commission may by order direct that any of its work, business, or functions arising under this act, or under any act amendatory thereof, or supplemental thereto, or under any amendment which may be made to any of said acts, or under any other act or joint resolution which has been or may hereafter be approved, or in respect of any matter which has been or may be referred to the commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the commission.

"In conformity with and subject to the order or orders of the commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the commission as a whole. The secretary and seal of the commission shall be the secretary and seal of each division thereof.

"The salary of the secretary of the commission shall be $7,500 per annum.

"Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the commission of any of its powers."

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, I would like to ask the gentleman from Georgia what does the Interstate Commerce Commission think about this bill, does the gentleman know?

Mr. ADAMSON. The Interstate Commerce Commission has been recommending it. We passed a similar bill some 10 years ago, but the Senate did not pass it. The commission has so much work thrust upon it first by the Hepburn bill in 1906, and then by the bill which was engineered through the House by our distinguished Republican leader, Mr. MANN, and then the physical-valuation act, that they find themselves overburdened with work.

They have this difficulty: They have to send examiners and attorneys around over the country to hear cases, and the people are dissatisfied with that; they want the members of the commission instead of agents. Furthermore, they say it is important that they should be allowed to subdivide. They have not that privilege now. They say that if they have nine members, and they can subdivide into sections of two or three, they can assign a certain section to physical valuation and a certain section to hearing cases, and they can get along a great deal better and a great deal faster. We have heard all the commissioners on the subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out the last word. This bill raises the salary of the secretary to the Interstate Commerce Commission $2,500; it raises it to $7,500, which I think is proper and just.

Mr. FERRIS. How much is it now?

Mr. MANN. Five thousand dollars. Section 18 of the interstate-commerce act fixed the salary of the secretary at $3,500, and several years ago in the sundry civil bill we raised it to $5,000. Now we raise it to $7,500 by an amendment to section 17. Hereafter we will have the interstate-commerce act printed, and section 17 will fix the salary at $7,500, while section 18 will fix it at $3,500.

Mr. ADAMSON. Is not the gentleman from Illinois mistaken about the provision in the sundry civil act being a permanent provision?

Mr. MANN. It is a permanent provision under the Fitzgerald amendment, which fixes salaries carried in appropriation bills.

Mr. ADAMSON. The gentleman from Illinois is usually very accurate and knows more different things than any man on earth now or in the past, but the Fitzgerald amendment he speaks of applies to provisions in two certain bills only.

Mr. MANN. It applies to all appropriation bills.

Mr. ADAMSON. My understanding has been that the statutory salary was $3,500, and it is dependent on annual appropriations to give the Secretary $5,000.

Mr. MANN. The Fitzgerald amendment applied to all appropriation bills. I have no objection to this; I do not know who the secretary is, but he ought to have $7,500.

Mr. ADAMSON. The gentleman from Illinois does not think there will be any trouble about the apparent discrepancy?

Mr. MANN. Oh, no; there will be no trouble about his getting the money, but we have the interstate-commerce law printed from time to time—you can get it in the document room at any time—and it will show that the House and the Senate passed the bill changing the salary of the secretary to $7,500 in one section but left in the provision in the next section fixing the salary at half the amount.

Mr. ADAMSON. If the gentleman does not think the codifiers can omit it, we can strike it out.

Mr. MANN. I do not think the codifiers will get a chance at it very soon.

Mr. ADAMSON. Then we can fix it in this bill.

Mr. MANN. We ought to provide that so much of section 18 fixing the salary of the secretary be repealed.

Mr. ADAMSON. That can be done very easily. Has the gentleman the act before him?

Mr. MANN. No; I have not.

Mr. ADAMSON. I would like to have it correct when we come to make the motion.

Mr. MANN. We usually refer to that as the act to regulate commerce.

Mr. ADAMSON. Why not just amend that declaration in this present bill by saying that the salary is increased?

Mr. MANN. I suggest that we amend by adding a section to be known as section 3 of the bill and provide that so much of section 18 of the act to regulate commerce as fixes the salary of the secretary of the commission is hereby repealed.

Mr. ADAMSON. What does the gentleman say to the suggestion that I make, to amend by saying that the salary is increased from the present amount to $7,500?

Mr. MANN. I think we better add the new section.

Mr. ADAMSON. Very well.

Mr. MANN. Mr. Speaker, I offer that as an amendment, to add a new section as section 3, that so much of section 18 of the act to regulate commerce as fixes the salary of the secretary of the commission is hereby repealed.

Mr. ADAMSON. And leave the present provision in the bill as it is?

Mr. MANN. Yes.

The SPEAKER. The gentleman from Illinois withdraws the pro forma amendment and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add a new section as follows:

"SEC. 3. So much of section 18 of the act to regulate commerce as fixes the salary of the secretary of the commission is hereby repealed."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ACT TO REGULATE COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill H. R. 722, to amend section 20 of an act to regulate commerce, approved February 4, 1887, as amended, and for other purposes.

Mr. MANN. Mr. Speaker, I hope the gentleman from Georgia will ask to have this go over, and also the next on the calendar.

Mr. ADAMSON. Mr. Speaker, I was going to suggest that the gentleman from Virginia [Mr. SLEMP] has requested that the bill now before us be passed over without prejudice. I promised him that I would comply with his request, and as the gentleman from Illinois [Mr. MANN] prefers a similar request to the next number on the calendar, Senate joint resolution 60, creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce, to investigate the conditions relative to interstate and foreign commerce, and so forth, I ask unanimous consent that the bill H. R. 722 and the Senate joint resolution 60 be passed over without prejudice.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the bill H. R. 722 and Senate joint resolution 60 be passed over without prejudice. Is there objection?

There was no objection.

TERMS OF THE DISTRICT COURT AT RALEIGH, N. C.

The next business on the Calendar for Unanimous Consent was the bill S. 4480, providing for the establishment of two additional terms of the district court for the eastern district of North Carolina at Raleigh, N. C.

The Clerk read the bill, as follows:

Be it enacted, etc., That two additional terms of the district court, for the trial of civil cases, for the eastern district of North Carolina shall be held at Raleigh, N. C., on the first Monday in March and the first Monday in September.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I would like to get some information from some gentleman from North Carolina or from some one who is on the Committee on the Judiciary.

The SPEAKER. Who has charge of the bill?

Mr. MANN. The gentleman who made the report on the bill is the gentleman from Minnesota [Mr. VOLSTEAD], but he does not seem to be present. This bill provides for two additional terms of court "for the trial of civil cases." Does anyone know whether it is usual to provide for additional terms of court for the trial of civil cases, excluding criminal cases, and keeping the criminals in jail while the court is being held?

Mr. OGLESBY. Mr. Speaker, I can say to the gentleman that the practice in New York is to have two separate calendars.

Mr. MANN. I understand that. Of course, there always is a separate calendar.

Mr. OGLESBY. I mean that the terms of court are civil and criminal terms.

Mr. MANN. In New York they have the criminal court in session practically all of the time, and civil terms also.

Mr. OGLESBY. Practically; but not all of the time.

Mr. MANN. But I wondered whether we usually provided for terms of court simply to try civil cases, while a man who happens to be in jail could not have his case called up?

Mr. FOSTER. It looks to me like a peculiar situation.

Mr. MANN. There seems to be no one here in the House from the Committee on the Judiciary or from the State of North Carolina.

Mr. FOSTER. The gentleman from North Carolina [Mr. POU] is here.

Mr. MANN. Then I will address my inquiry to him. I wanted to know whether I could learn whether it is customary for us to provide for terms of the Federal court providing that they shall only be for the trial of civil cases?

Mr. POU. I will say to the gentleman that I think this bill is drawn in accordance with the desire of the members of the bar who practice in that court.

Mr. MANN. That is not what I am inquiring about. Are we inaugurating a new practice to say that a court must not dispose of criminal business at a certain term of court? Of course I know that the court may not try them, but to say that it can not is another matter. There are now two terms of the district court held at Raleigh in a year.

Mr. POU. I have no objection to striking out the words "for the trial of civil cases."

Mr. MANN. I think they ought to be stricken out, if the gentleman has no objection.

Mr. IGOE. Would it not be just as well that the matter be passed over without prejudice? There was some correspondence with the attorneys in that district, and the explanation was made as to why the bill was worded in this way.

Mr. MANN. I know the explanation was made that criminal business took precedence over civil business, but that is not what I am inquiring about. My inquiry is whether you ought to keep a man in jail in order to try civil cases and not give him a chance to be heard, and whether we are spreading that practice all over the United States. I think that a man who is in jail is entitled to be tried if he wants to be.

Mr. POU. It was considered, I will say to the gentleman from Illinois, by gentlemen who appear in that court, that there is no necessity for any additional cost for the trial of criminal cases.

Mr. MANN. If there is no criminal business at that time, then it will not delay the civil business. That is perfectly patent. If there is criminal business, it seems to me they ought to be permitted to dispose of it.

Mr. POU. I have no objection to striking out the words "for the trial of civil cases," and I make that motion.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 3 and 4, strike out the words "for the trial of civil cases."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Subsequently,

Mr. POU. Mr. Speaker, I ask unanimous consent to return to Unanimous Consent Calendar No. 89 and to reconsider the action by which the bill was amended.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to return to Unanimous Consent Calendar No. 89. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, since the colloquy a while ago between the gentleman from Illinois and myself I have looked up my correspondence with respect to the bill providing two additional terms of court for the United States court at Raleigh. I find that after a conference between the members of the bar and the judge a request was made that two additional terms of the court be provided for the trial of civil cases only. The statement was made that there were ample court facilities for disposing of the criminal docket speedily. I ask unanimous consent that the action of the House in amending the bill be reconsidered, and that the bill be passed by the House as it came from the Senate.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the bill as passed be reconsidered.

Mr. POU. That the amendment be reconsidered.

Mr. MANN. First, we want to reconsider the action of the House by which the bill was passed and then reconsider the vote by which the amendment was agreed to.

The SPEAKER pro tempore. That is the proper request. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was rejected.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

USE OF NAMES OF PUBLIC OFFICIALS BY PATENT ATTORNEYS.

The next business on the Calendar for Unanimous Consent was the bill (S. 683) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before the Patent Office in advertising his business.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I should like to inquire of the gentleman who has charge of this bill whether he would have any objection to striking out the words "Patent Office" in line 4 and inserting "any department of the Government"?

Mr. OGLESBY. I will say to the gentleman this is a Senate bill and was introduced by a Senator who felt outraged because his name had been used in this way. The Commissioner of Patents is very much in favor of this measure.

Mr. MONDELL. What special reason is there for legislation of this kind relating to the Patent Office that does not apply equally to all departments of the Government? Why should we single out the Patent Office?

Mr. OGLESBY. The only reason I know is that the practice complained of has led to very grave abuses.

Mr. MONDELL. Is it to be inferred that it will be lawful for people practicing before other bureaus or departments of the Government to use the name of a Member of Congress in advertising his business? Is that the theory of the legislation?

Mr. OGLESBY. No.

Mr. MONDELL. That would be a fair inference, would it not?

Mr. OGLESBY. I do not think so. The peculiar business before the Patent Office has offered opportunities to men who wish to advertise their patent business, and they really do their clients more harm, I believe, than they do any Member of Congress by the use of their names.

Mr. MONDELL. My constituents write me frequently asking if I know some responsible patent attorney, and they frequently write me asking if I could not give the names of attorneys having to do with other matters, and I felt it my duty to recommend generally half a dozen people in the business whom I know are entirely responsible. I felt that it is not only proper I should do that, but it is a duty I owe my constituents. Now, that same attorney in writing in regard to a patent—and that would apply to any other business before the Government—might say, "I am acquainted with Mr. So-and-so, and I am sure he will be very glad to give information in regard to my honesty and ability."

Mr. OGLESBY. I would say to the gentleman I do not see any objection to his amendment. I only attempted to answer his question in the absence of Mr. MORRISON, who has charge of the bill, but since he is now here I will yield to him.

Mr. MONDELL. It occurs to me that if we are to legislate along this line at all the legislation should be general.

Mr. MANN. Will the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. MANN. The gentleman will notice that there is no penalty attached to this bill, and it would not amount to a row of pins except for the fact that the Patent Office has a list of attorneys permitted to practice before it, and I think no other department of the Government has.

Mr. MONDELL. I think the Interior Department and certain of its bureaus other than the Patent Office has.

Mr. OGLESBY. If the gentleman will permit, I will also suggest the Commissioner of Patents has the power to disbar a man from practicing before him.

Mr. MANN. There being no penalty in this bill a violation of its terms could only be reached by the Commissioner of Patents taking the name from his list of persons permitted to practice before his office. I do not know that that applies to any other branch of the Government.

Mr. MONDELL. I think it is true that there is in several of the bureaus a list of attorneys——

Mr. CANNON. I think it applies to pension and land matters.

Mr. MONDELL (continuing). Who are qualified to practice before the office. Frequently on charges made and proven the name of such attorneys are stricken from the list. I think that is probably true in a number of departments of the Government. If there is a crying necessity for legislation of this character it should be general, in my opinion. I have some doubt about the necessity for any such legislation. I do not know why an attorney practicing before a department should not refer to the fact that he is acquainted with Members of Congress, but if it is deemed wise that he should not do that, then prohibit it generally. This looks rather too much like legislating against some one individual somewhere.

Mr. OGLESBY. If the gentleman will pardon me, a man does not have to be an admitted attorney to be allowed to practice before the Patent Office. I do not think an attorney at law who has been regularly admitted to practice is as apt to abuse a privilege of this kind as a man who is not.

Mr. MORRISON. Mr. Speaker, I would like to make this suggestion. It was suggested that if there is a demand for legislation that demand is for general legislation.

I have been a member of the Committee on Patents ever since I became a Member of the House. I have no knowledge of any demand in relation to any department or bureau of the Government except that which has come to me because of my membership in this House. My membership here has brought to my attention a crying need for legislation, not only this but other legislation, that will protect the inventors of the country and those men who think they are inventors, from being exploited by attorneys who are dealing unfairly with their clients. This is mild. It is limited to a known demand. It can be enforced only by the regulations in the Patent Office. It can do no injustice, and it may be a short step in the right direction; be the only step that can be taken so far as this feature of an unhappy condition is concerned.

Our Patent Office is as great a Patent Office, I think, as there is in the world. The great body of patent lawyers are as fine professional men as there are in the world, and yet when I go through my district I am met on every corner by men who have not been fairly dealt with and who think I should have protected them.

Mr. MONDELL. Have they been unfairly dealt with by patent attorneys, because the patent attorneys stated to the gentleman's constituents that they were acquainted with and were vouched for by my friend?

Mr. MORRISON. I can not answer that.

Mr. MONDELL. This bill would not cure the condition that is complained of unless these attorneys base their practices on recommendations or upon alleged recommendations or commendations of Members of Congress. This is not the way to meet improper practices of patent attorneys, it seem to me, except as those practices may be based on the improper use of the names of Members in advertising the business. I do not believe it is wise to legislate with regard to one bureau of the Government, leaving it as a matter of inference that the very thing we prohibit as to the Patent Office may be done by people

who do business before the other departments of the Government or practice before the other departments of the Government.

Mr. MORRISON. Mr. Speaker, the remark made by the gentleman from Wyoming [Mr. MONDELL] that this will not cure everything is sustained by the little knowledge I have of this entire situation; but it will help to cure—it will start a cure—and it so happens that those attorneys who deceive most inventors, most poor and would-be inventors, and wrong the most of them, and, in the last analysis, rob the most of them and make them homeless are the advertising attorneys.

Mr. MANN. Why not amend it, anyhow? What is the difference?

Mr. MORRISON. If I thought it would be applicable all along the line, I would have no objection. But I do want it vital and effective so far as the Patent Office is concerned. I will not oppose an amendment. I will say that.

Mr. GREEN of Iowa. I would ask the gentleman right on that point if it is not a fact that the great bulk of the advertising that is done by attorneys is done in connection with this Patent Office, and that within no other department is the advertising carried on so extensively? As I understand it, they not only advertise extensively in journals and papers, but they send out a large amount of circulars to persons who are supposed to be inventors, or have invented something, to solicit business in that way. And so it seems to me that this strikes the evil that exists especially with reference to the Patent Office business.

Mr. MORRISON. I know it exists there. I have no knowledge as to what it is elsewhere. I will not object to an amendment if some Member will offer an amendment that will make this bill effective.

Mr. MOORE of Pennsylvania. Would not the Commissioner of Patents have it within his own power to regulate these matters?

Mr. MORRISON. Not under existing laws.

Mr. MOORE of Pennsylvania. Is there not some method by which he could discourage this apparently unprofessional practice without asking Congress to pass a law that might deal harshly with others?

Mr. MORRISON. I do not think he could do it fairly. He could make a statement of facts as they appear from the record, but the statement would relate to certain attorneys or firms of attorneys, and it would not be proper for him to do that. But if you can pass this act, making the practice itself unlawful, and then the regulations can be made in general terms so as to make this effective, you get to the end of the practice without pointing out any particular person who is regarded as having been an offender.

Mr. MOORE of Pennsylvania. The presumption is that it is unprofessional for lawyers to advertise?

Mr. MORRISON. Yes; but not patent lawyers.

Mr. MOORE of Pennsylvania. In what way is that regulated?

Mr. MORRISON. It is not regulated.

Mr. OGLESBY. I will say to the gentleman that a good many men appear before the Patent Office who are not admitted attorneys. The commissioner stated at the hearing that he had considered the question as to whether or not anyone except a regularly admitted attorney at law should be excluded from practicing before the Patent Office, but for certain reasons thought, perhaps, he ought not to establish such a rule.

Mr. MOORE of Pennsylvania. I know some very high-grade patent attorneys who do not thus advertise. However, I get these circulars, as do other Members of Congress, and I usually throw them into the wastebasket.

Mr. OGLESBY. Many other people throughout the country are not so intelligent as the gentleman from Pennsylvania or they would do the same thing.

Mr. MOORE of Pennsylvania. Some people unquestionably would be deceived by seeing letters of Members of the House or Senate indorsing certain patent lawyers if that is what they do. Every Member of Congress wants to be courteous to everybody who writes to him, and he runs the risk that some of these formal acknowledgments might be used as references improperly. But, at the foot of page 2, the report says:

> If the Congress shall make the practice unlawful, the rules of practice in the Patent Office will be sufficient to remedy the existing evil.

It is to be implied from that that there are regulations in the Patent Office fixing the qualifications of patent attorneys, and it seems to me it would be in the power of the Commissioner of Patents to adjust this matter himself.

Mr. MORRISON. The rules and regulations can make it a cause for disbarment for the attorney to do anything that is unlawful; but it is now entirely lawful, and the object of this bill is to make it unlawful, so that the Commissioner of Patents, through his regulations, may stop the practice.

Mr. MOORE of Pennsylvania. The Commissioner of Patents issues certain regulations with respect to practice by attorneys, does he not? That is to say, there are certain regulations that the office lives up to with respect to agents who practice as attorneys in patent cases?

Mr. MORRISON. That is true; but they can not make that unlawful which Congress has permitted to be considered lawful.

Mr. MOORE of Pennsylvania. Well, suppose this act were passed, and this inhibition were made as against those who are members of the bar——

Mr. MORRISON. No; those who practice——

Mr. MOORE of Pennsylvania. Those who are members of the bar and who practice as patent attorneys, and those who are not members of the bar and still are permitted to practice as patent attorneys—suppose this bill were to pass and were to apply specifically to this class of agents or attorneys. In what position would we be as lawmakers with respect to other departments? Would we not be passing what is clearly special legislation with respect to the Patent Office?

Mr. MORRISON. I think not, because I have never learned from any source that there is any growing evil in connection with the practice in other departments. If there is, there should be legislation enacted to meet it, to be sure.

Mr. MOORE of Pennsylvania. Let us look at it in this way: Suppose a member of the bar practicing in this vicinity should advertise that he was a specialist in divorce cases. Would not there be some way of checking him up so that the practice could be regarded as unprofessional? Is there no board of censors or anything of that kind?

Mr. MORRISON. I can not answer that question as to the District of Columbia; but I am quite sure that in Indiana, while lawyers do not advertise, they have a legal right to do it, and they could advertise as indicated and still be within their legal rights.

Mr. MOORE of Pennsylvania. And suffer such contempt as members of the bar would have for their fellows who committed that practice?

Mr. MORRISON. Yes, sir.

Mr. MOORE of Pennsylvania. Now, if the stamp of disapproval were placed by the bar on that practice on the part of patent lawyers and agents doing patent business here, would it not have the desired effect?

Mr. MORRISON. I think not. It has not done it.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MORRISON. Yes.

Mr. LENROOT. Even if it did, this bill would be a protection to Members from that sort of annoyance. I want to say that I have had an experience where a patent attorney used my name as a reference. I never gave him permission to do so. It took me two years and several conferences to get him to remove my name from his list of references.

Mr. MOORE of Pennsylvania. I can understand how, if the gentleman's name was used in that way, he would have to spend a lot of time in catching up with the damage done. I think the practice should be stopped.

Mr. MANN. I want to say to the gentleman that a few years ago a firm of patent attorneys got letters from some of the most eminent men in public life—they tried to get letters from me, but did not—telling what great men they were, and the men who signed the letters probably did not know what they were, and yet they were sent broadcast throughout the country.

Mr. WATSON of Pennsylvania. Mr. Speaker, I do not think it is fully realized what is involved in this bill. In many cases attorneys apparently of high standing will send a booklet to Congressmen or Senators or to a citizen, describing how to obtain patents, and the Senator or Congressman will thank him by letter for the booklet. That letter is put in the next booklet, and the clients or constituents of that Senator or Congressman living in the district, having a high idea of their Representative or Senator, will employ those attorneys, and very often those attorneys are not of the highest type. It is not only to protect Congressmen and Senators, but also to protect the constituents of Congressmen and Senators. That is the whole purpose of the bill, according to the statement of the Commissioner of Patents.

The SPEAKER. Has the gentleman an amendment that he wants to offer?

Mr. MANN. We did not give consent yet.

The SPEAKER. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

> *Be it enacted, etc.*, That it shall be unlawful for any person, firm, or corporation practicing before the Patent Office to use the name of any

Member of either House of Congress or of any officer of the Government in advertising the said business.

SEC. 2. That this act shall take effect three months after its date.

The SPEAKER pro tempore (Mr. TAYLOR of Arkansas). The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Page 1, line 4, after the word "before," strike out the words "the Patent Office" and insert the words "any department or office of the Government."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, I suggest that the words "Patent Office" remain in the title, and that will have to be amended.

Mr. MONDELL. Mr. Speaker, I move that the title be amended to correspond with the amendment to the bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MORRISON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS SNAKE RIVER, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11320) granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Reserving the right to object, Mr. Speaker, I wish to ask the gentleman in charge of the bill if Snake River at this particular point is considerel a navigable stream; and if so, why? What is the necessity of the legislation? As a matter of fact, Snake River is not navigable at or anywhere near this point.

Mr. DILLON. It is a meandered stream, so that I suppose jurisdiction would come under the United States.

Mr. MONDELL. There are many meandered streams that are not navigable. The meandering of a stream does not render it navigable.

Mr. MILLER of Minnesota. Has not the Secretary of War determined at some time in the past that he has jurisdiction over this stream, because it is navigable in some part of it? I know there are such streams.

Mr. DILLON. I think it is considered as a navigable stream. That is my information on the subject.

Mr. MONDELL. This particular locality, as I recall it, is, I think, right between two great falls.

Mr. DILLON. Even if it were not true, it would do no harm.

Mr. McCRACKEN. Mr. Speaker, what does the gentleman desire to know?

Mr. MONDELL. I inquired with regard to the navigability of the Snake River at this point.

Mr. McCRACKEN. The river is not navigable at this point, but the War Department has jurisdiction.

Mr. MONDELL. Has the War Department asserted its jurisdiction?

Mr. McCRACKEN. Yes; all the way up to the source.

Mr. MANN. It may not be navigable all the way up to that point, but it may be navigable between the two falls just the same.

Mr. MONDELL. As a matter of fact it is not navigable.

Mr. MANN. Oh, I have no doubt they have log rafts that go down there.

Mr. MONDELL. I do not know where they would get the logs.

Mr. MANN. They import them from Wyoming.

Mr. MONDELL. That is the only place they could get them. There is timber in Wyoming at the head of the river, but that is a long distance away.

Mr. MANN. It is possible to get timber down over falls, although the gentleman may not be aware of that fact. Some light logs will float down stream and over the falls.

Mr. MONDELL. If there is water enough to float them.

Mr. MANN. There is water enough at some seasons of the year. Some people up in that country have water on the brain.

Mr. MONDELL. Mr. Speaker, a number of gentlemen who seem to know little about it insist that the river is navigable, and I am willing to take their word for it. [Laughter.]

Mr. SLOAN. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Nebraska.

Mr. SLOAN. Was there any appropriation made for this stream in the river and harbor bill?

Mr. MONDELL. I have no doubt that there will be in a future river and harbor bill.

Mr. SLOAN. Was there an appropriation in the last bill?

Mr. McCRACKEN. There have been appropriations for the Snake River.

Mr. MOORE of Pennsylvania. Mr. Speaker, I should like to inquire whether the river runs through a region which is subject to hog cholera. [Laughter.]

The SPEAKER pro tempore (Mr. TAYLOR of Arkansas). Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Twin Falls and Minidoka, State of Idaho, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Snake River at a point 2 miles north of Hansen, Twin Falls County, in the counties of Twins Falls and Minidoka, in the State of Idaho, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 7, after the word "point," insert the words "suitable to the interests of navigation."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DILLON, a motion to reconsider the last vote was laid on the table.

JUDICIAL DISTRICTS IN IOWA.

The next business on the Calendar for Unanimous Consent was the bill (S. 1294) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be read, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and it hereby is, amended so as to read as follows:

"SEC. 81. The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa.

"The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division; also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Carroll, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division.

"Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December, and at Waterloo on the second Tuesdays in May and September; for the Cedar Rapids division, at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division, at Fort Dodge on the second Tuesdays in June and November; and for the western division at Sioux City on the fourth Tuesday in May and the third Tuesday in October.

"The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison, which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, Johnson, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district.

"Terms of the district court for the eastern division shall be held at Keokuk on the sixth Tuesday after the fourth Tuesday in February and the eighth Tuesday after the third Tuesday in September; for the central division, at Des Moines on the tenth Tuesday after the fourth Tuesday in February and the tenth Tuesday after the third Tuesday in September; for the western division, at Council Bluffs on the fourth Tuesday in February and the sixth Tuesday after the third Tuesday in September; for the southern division, at Creston on the fourth Tuesday after the fourth Tuesday in February and the third Tuesday in September; for the Davenport division, at Davenport on the eighth Tuesday after the fourth Tuesday in February and the second Tuesday after the third Tuesday in September; and for the Ottumwa division, at Ottumwa on the second Tuesday after the fourth Tuesday in February and the fourth Tuesday after the third Tuesday in September.

"The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa for the transaction of the business of said divisions."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

FOREST HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10668) to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest-homestead act, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HAWLEY. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman in charge of the bill what it proposes to do.

Mr. GANDY. Mr. Speaker, section 4 of the forest-reserve homestead act contains one limitation, which applies only to the lands within the forest reserves in Lawrence and Pennington Counties, S. Dak., and provides that that land may only be homesteaded by persons who occupied the land on January 1, 1906. Now the only thing this bill does is to remove that restriction providing that the lands may be disposed of the same as any other agricultural land in any other reserve under the various homestead laws.

Mr. HAWLEY. Section 4 relates to the land in these two counties.

Mr. GANDY. Pennington and Lawrence Counties, in South Dakota.

Mr. HAWLEY. And the lands in no other State?

Mr. GANDY. And the lands in no other State.

Mr. HAWLEY. The bill does not propose to change the forest-homestead act in any other particular.

Mr. GANDY. No, sir.

Mr. HAWLEY. I do not object.

Mr. MONDELL. Mr. Speaker, I am heartily in accord with the object sought, but I am inclined to the opinion that the bill as reported will not accomplish what the gentleman from South Dakota desires. If he has before him section 4 of the act in question he will find that it prohibits, to a certain extent, and to a certain extent only, forest homesteads within Pennington and Lawrence Counties. It is not a complete prohibition; it is a prohibition under certain conditions. It prohibits new settlements with a view to homestead entry. But it does provide for approval of these entries made prior to the passage of the act.

Now, the second act of legislation referred to in the amendment of the committee is the legislation of February 8, 1907, which still further modifies the provisions of section 4.

Mr. GANDY. If the gentleman will yield, subsequent to the passage of the forest-reserve act——

Mr. MONDELL. If the gentleman will yield until I complete my statement. The second legislation still further modified section 4 by eliminating from the provisions of section 4 certain townships in Pennington and Lawrence Counties. So section 4 as amended, as a matter of fact, does allow forest homesteads within certain townships in these two counties. The effect, therefore, of the legislation, as I see it, will be to still leave it very doubtful whether the forest homestead act applies without qualification in these two townships.

Let me suggest to my friend from South Dakota that he would accomplish all he desires to accomplish, without raising any questions, if he struck out all of his bill down to the word "all," on line 1, page 2. There is a substantive proposition, with one slight amendment, as all lands within a national forest in Lawrence and Pennington Counties, in South Dakota, shall be and remain subject to all the provisions of the said act of June 11, 1906, and acts amendatory thereof and supplementary thereto.

That is what you desire to do; and my opinion is that in repealing section 4, which is not a clear prohibition but is a prohibition only to a certain extent, and then repealing the amendment to section 4, which limited the effect of section 4 in the first instance, you leave the whole matter in doubt as to just what was intended to be accomplished.

I happen to know about this region, because it is pretty nearly in sight of my home. There are some lands in that part of Lawrence and Pennington Counties that people have been trying to hold ever since the passage of this law. It occurs to me that the way to legislate on the subject is to legislate without reference to these old acts, but simply say that all the provisions of the forest homestead act and the acts amendatory thereto apply to these two counties. Then there would be no question as to what you meant.

Mr. GANDY. I might say that the only thought in enumerating the acts heretofore passed was to make the matter clear and bring them all in.

Mr. MONDELL. It does not make it clear. The section 4 referred to provides:

That no homestead settlements or entries shall be allowed in that portion of the Black Hills Forest Reserve in Lawrence and Pennington Counties in South Dakota except to persons occupying lands therein prior to January 1, 1906, and the provisions of this act shall apply to the said counties in said reserve only as far as is necessary to give and perfect title of such settlers or occupants to lands chiefly valuable for agriculture therein occupied or claimed by them prior to the said date, and all homestead entries under this act in said counties in said reserve shall be described by metes and bounds survey.

Does the gentleman understand that the repeal of that would prohibit a person who was occupying land at that time now taking advantage of the forest homestead law?

Mr. GANDY. No; those folks have already taken it.

Mr. MONDELL. I am not so sure about that. Why raise that question? All that is now desired is to apply the homestead act to the parts of the counties to which the homestead law does not now apply. That can be done very easily by the language at the last part of your bill. Then you come to the other act of 1907, which is as follows:

That the following described townships in the Black Hills Forest Reserve in Pennington County, S. Dak., to wit: Townships 1 north, 1 east; 2 north, 1 east; 1 north, 2 east; 2 north, 2 east—

And so forth—

are hereby excepted in the operation of section 4 of an act entitled "An act to provide for the entry of agricultural land within the forest reserve, approved June 11, 1906." The lands within the said township to remain subject to all other provisions of said acts.

Query: Does the repeal of that legislation operate to prohibit a forest homestead within the townships that were excepted by that act from the prohibition of the act first referred to?

Mr. GANDY. No; it would not; because the bill itself carries the express provision that all the land shall be subject to entry under the general forest reserve homestead act.

Mr. MONDELL. In other words, then, if the bill is clear, it is simply clear by reason of the substantive provisions on page 2. If there is no ambiguity, that is entirely due to the fact that on page 2 you have attempted to make a statement of just what you desire to accomplish, and I am not so sure that that statement is entirely clear if you leave in the word "other" in line 4—

Shall remain subject to all other provisions of the said act.

What other provisions of said act? Section 4 would be stricken out. It would no longer be a part of the act; it was a partially prohibitive and partially restrictive provision of the act. What is the effect of such repeal?

Mr. GANDY. I want to say to the gentleman in all sincerity that I have gone over this matter very carefully with the Forestry Service and with officials in the office of the Secretary of the Interior, and, in order to remove the restrictions on the land, it is thought that this will accomplish the result.

Mr. MONDELL. I am willing to admit that many Secretaries and bureaus had to do with this. It must have taken many Secretaries and a number of bureaus to have reached the conclusion that has been reached in the bill and its various amendments. What you desire to accomplish can be easily accomplished, and I do not understand why it becomes necessary to involve the matter as this bill does. Let me call the gentleman's attention to another matter. The statute referred to as being in the Statutes at Large, volume 37, page 239, has no reference whatever to this.

Mr. GANDY. It is the act of July 3, 1912.

Mr. MONDELL. Volume 37, page 239, if I have it correctly, has to do with the Lighthouse Service.

Mr. GANDY. The act of July 3, 1912 removed the restriction from two or three other townships.

Mr. MONDELL. That further complicates the situation, in any event. I would like to help my friend from South Dakota [Mr. GANDY], because these townships are very near my home town, and I know some good people who would like to homestead out there. My opinion is that the gentleman will accomplish all he desires to accomplish, and accomplish it without any question, if he uses the language in the bill beginning with the word "all," on page 2 of the bill, changing only the word "other," in

line 4, to the word "the." It may be necessary for clearness to amplify your description of the act of 1912 by adding "the forest-reserve homestead act."

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Suppose we do not, then section 4 will remain a part of the act?

Mr. MONDELL. Yes.

Mr. LENROOT. And the language the gentleman suggests will make this national forest subject to the provisions of section 4 as well as the balance of the section, and I suggest if that is done it leaves the matter exactly where it is now, and you have accomplished nothing.

Mr. MONDELL. That is not true. Section 4, so far as it is prohibitive of the forest-reserve homesteads, would be repealed by the language referred to, so far as it prescribes the way in which certain people can file and hold their homesteads; it will remain in force providing there is any necessity for it, and that is just exactly what ought to be done. So far as there is anything in the law that prohibits homestead settlements in these townships on the forest reserves, you want to withdraw that prohibition, and that is all you need to do.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. The trouble with the citation in the bill is that the page is wrong. The correct citation is July 3, 1912, Thirty-seventh Statutes at Large, page 188, and it should be so amended.

Mr. MONDELL. Why do you want to repeal a statute which does open certain townships to entry?

Mr. FERRIS. But this is the situation. There was a feeling at the time this act was passed that there was some mineral in the Black Hills.

Mr. MONDELL. I know all about that.

Mr. FERRIS. And they excluded two counties in the gentleman's district, and now the Department of Agriculture and the Department of Interior both say there is no longer any necessity for such exclusion, and this bill repeals that section 4 which withheld them from the law and adds to it a provision which makes them open to homestead settlement.

Mr. MONDELL. The law was not extended, because at that particular time there was considerable mineral activity in this particular locality.

Mr. FERRIS. Precisely.

Mr. MONDELL. And that condition has long since passed.

Mr. FERRIS. Precisely.

Mr. MONDELL. And there is no reason why what is proposed should be done, but I do not believe that this legislation does it.

Mr. FERRIS. Both of these departments that have to administer it say that it does, and why not let them go ahead. It affects only two counties, and you can not redraft this bill now.

Mr. MONDELL. Is there objection to amend the error of description?

Mr. FERRIS. Certainly not; that ought to be amended, and the gentleman from South Dakota [Mr. GANDY] and I are indebted to the gentleman for pointing that out; but let us amend it and get ahead.

Mr. MONDELL. It affects the gentleman's district only, and I shall not object; but it is a tremendously clumsily drafted piece of legislation, and it will take a Philadelphia lawyer to determine what it all means after it is done. The first amendment to this section 4 did open certain of these townships to homestead settlement. The second amendment to section 4 did open certain townships for homestead settlement. Now you are repealing two provisions of law that did do the thing you now want to do in a general way. I am not sure what the effect will be. The department might interpret it to mean to accomplish just what you gentlemen desire to accomplish.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McLAUGHLIN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman a question. I have before me the report on that bill, and I read that the Secretary of Agriculture approves it conditionally. He evidently thinks that the bill S807—I guess that is the bill relating to highways through the national forests—should be passed first. What is the status of House bill S807?

Mr. GANDY. Well, I am unable to advise the gentleman as to that, but let me say in reply that applications for land within forest reserves must pass through the Forestry Department and be approved by the Secretary of Agriculture before they go to the Department of the Interior, and that the forestry people have ample opportunity in the administration of affairs under the forest homestead act to take care of any of those propositions.

Mr. McLAUGHLIN. That is true to a certain extent. The officials of the Department of Agriculture have certain authority, but in other respects authority is taken away from them by the statutes. Now, it is very clear to me that the Secretary of Agriculture expects—he certainly advises, as must be drawn from this statement in the last paragraph of his letter—that House bill S807 be passed before this bill now before the House is passed.

Mr. GANDY. House bill S807 is another matter entirely. I discussed this bill with the Forest Service people——

Mr. McLAUGHLIN. Here is the letter of the Secretary, and he calls attention to the fact that there is now pending before the gentleman's committee a bill (H. R. S807) providing for the reservation of necessary rights of way across lands open to entry under the forest homestead act, and he advises that the matter of these highways or rights of way be taken care of evidently before this bill is passed. If this bill is passed and the other one fails, then the matter of highways is not taken care of at all, and can not be.

Mr. GANDY. If the gentleman will yield to me, I call his attention to another sentence in that letter which is to this effect:

> However, in the interest of simplicity of legislation, it has been considered best to leave this proviso to be taken care of by the general measure now before your committee.

Mr. McLAUGHLIN. That is the suggestion of the Secretary of Agriculture, which is his opinion in reference to that matter, but there is no doubt in reading the letter of the Secretary that the bill H. R. S807 ought to be passed and that the House ought not to fail to make provision for and take care of that right-of-way matter; but if this bill should pass and the other should not, the situation will be one that is not desirable at all.

Mr. FERRIS. The gentleman is entirely wrong.

Mr. GANDY. If the gentleman will permit, here is a bill which pertains to a few townships in two counties and to nowhere else; and the other bill pertains to all forest-reserve lands in the United States.

Mr. FERRIS. Let me call the attention of the gentleman, here is a case of a few townships in two counties in South Dakota. There are 165,000,000 acres of forest reserves scattered over the United States. That is the general right-of-way bill, and after what the gentleman read, the Secretary goes on and says:

> However, in the interest of simplicity of legislation, it has been considered best to leave this proviso to be taken care of by the general measure now before your committee. Therefore, with the addition of the words suggested in the preceding paragraph, this measure meets with the hearty approval of this department, it being clearly understood that this recommendation is not inconsistent with the approval of H. R. S807 and the view expressed regarding its urgency.

Mr. McLAUGHLIN. Well, the Secretary of Agriculture wishes to save H. R. S807. He wishes to do that, but he does not wish this act to interfere with it, and it seems to me it would be better to have that bill reported from the committee and passed before we pass this bill.

Mr. FERRIS. But the gentleman does not want to hold up a local bill for some great nation-wide bill which is now pending?

Mr. McLAUGHLIN. The item involved is small, but the same condition exists as in the other——

Mr. MONDELL. If the gentleman will permit, I know this country very well; it is very near my home. It is of comparatively small area, and I do not think there will be any serious question over rights of way in this small area, and clearly the committee could hardly withhold action on this bill, involving a few acres of land, until they could act upon a bill which refers to and had to do with many million acres of land.

Mr. McLAUGHLIN. Why should we not wait; what is the need of haste on this particular bill?

Mr. MONDELL. Well, I think these lands ought to be settled.

Mr. McLAUGHLIN. The other bill, H. R. S807, has been before the Committee on Public Lands. The Secretary's attention has been called to it, and he has expressed an opinion on it, and he says it contains some very important provisions, and, as I read his letter he thinks it ought to be enacted into law before the passage of this bill, because if the other should fail the situation would not be at all desirable.

Mr. FERRIS. Oh, no; he does not say that.

Mr. McLAUGHLIN. That is clearly to be drawn from what the Secretary does say.

Mr. FERRIS. Oh, no; it is not.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McLAUGHLIN. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan objects, and the Clerk will report the next bill.

BUFFALO PASTURE IN SOUTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8669) authorizing the Secretary of the Interior to continue lease of land in Stanley County, S. Dak., for a buffalo pasture.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FERRIS. I ask unanimous consent that the substitute be read in lieu of the original text. The entire bill has been stricken out and a new bill has been substituted.

The SPEAKER pro tempore. The gentleman from Oklahoma asks that the committee substitute be read in lieu of the original bill. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, the bill itself has not yet been read.

Mr. FERRIS. You would not want to read it——

Mr. MANN. It would take less time to read it than to talk about it.

Mr. FERRIS. Well, read it.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to continue the lease of not exceeding 3,500 acres of the public domain in townships 5 and 6 north, range 30, and townships 5 and 6 north, range 31 east, Black Hills meridian, in the county of Stanley, State of South Dakota, under rules and regulations to be by him prescribed, to be used exclusively for the pasturing of native buffalo, and for no other purpose: *Provided*, That no lands shall be leased except such tracts as are now included in said buffalo pasture or as may have been subject to homestead entry for a period of 15 years, and have not been entered or appropriated, unless abandoned for a sufficient period so that entries that may have been made have been canceled and the land has reverted to the public domain: *Provided further*, That the Secretary of the Interior may at any time cancel any lease which may hereafter be made under the provisions hereof and restore said land to the public domain.

Also the following committee amendment, in the nature of a substitute, was read:

> Amend by striking out all after the enacting clause, down to and including line 10, on page 2, and substitute the following:
>
> "That the Secretary of the Interior be, and he is hereby, authorized to extend, for a period of not exceeding 10 years, to the heirs or personal representatives of James Philip, deceased, or to their assignees or transferees, the lease executed to him July 1, 1907, for a buffalo pasture, of sections 26 and 27 north half of section 34, north half of the northeast quarter and north half of the northwest quarter of section 35, and lot 4 of section 26, township 6 north, range 30 east, Black Hills meridian, containing 1,614.50 acres, and he is authorized to withdraw said lands from entry during the terms of said lease: *Provided*, That the Secretary of the Interior may at any time cancel said renewed lease, which shall contain all the provisions of the original lease: *Provided further*, That the parties in interest shall be allowed an extension of time until July 1, 1917, to pay the last two installments of rent under the original lease."

Mr. MANN. Mr. Chairman, I move to strike out the last word. Does the gentleman know whether these are fractional sections or not?

Mr. FERRIS. I do not. Perhaps the gentleman from South Dakota [Mr. GANDY] may know. The only thing I have is the description given in the letter.

Mr. MANN. Well, being of a mathematical turn of mind, I naturally read of two full sections, a two and one-half section, two quarter sections, and a one-eighth section, and I wondered how much it would amount to.

Mr. GANDY. There are 1,614 acres.

Mr. MANN. Well, section 26 would have 640 acres, section 27 would have 640 acres, and that would make 1,280 acres, north half of section 34 would be 320 acres, and the north half of the northeast quarter would have 80 acres, and the north half of the northwest quarter of section 35 would have 80 acres, and that would make 1,760 acres, and lot 4 of section 25 is still unaccounted for. That is the reason I asked whether these were fractional sections or not. They are not so described.

Mr. GANDY. I take it that they are, in that the figures for the total were furnished by the department.

Mr. MANN. Well, I take it that the department was mistaken. If it was correctly described, it would be described as a fractional section if it be a fractional section. Of course I am perfectly well aware that the description of the number of acres is entirely superfluous and amounts to nothing.

Mr. FERRIS. Let us strike out the acres.

Mr. MANN. I think it would be wise to strike it out.

Mr. LENROOT. The gentleman says that in the north half there are 1,280 acres in sections 26 and 27, the north half of the northeast corner——

Mr. MANN. The north half of 34 first. It would amount to 1,760 acres without considering lot 4. Whatever that is I do not know.

Mr. FERRIS. I move, Mr. Speaker, that on page 2, beginning on line 20, with the word "containing," to strike out the word "containing," in line 20, and all of line 21 and the two first words in line 22.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

> Amend, on page 2, by striking out the word "containing," in line 20, all of line 21, and the first two words in line 22.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last word. I note in the letter written by the Secretary of the Interior to the chairman of the committee, Mr. FERRIS, that the rental for this land is fixed at $50 per annum, and then, at the foot of the letter, the Secretary suggests an amendment or a proviso that "the parties in interest shall be allowed an extension of time until January 1, 1917, to pay the last two installments of rent under the original lease."

Mr. FERRIS. This land belongs to an estate. The estate is very poor and it is not settled. I will say to the gentleman that the State of South Dakota is trying to do all it can to try to preserve the buffalo. The Secretary says he thinks it proper to make the extension.

Mr. MOORE of Pennsylvania. I am in sympathy with the policy, but I wanted to know if it was accurately stated that the amount was only $50 per annum, and that two years was asked for in which to make the payment.

Mr. FERRIS. That is correct.

The SPEAKER pro tempore. The question is on agreeing to the substitute.

The question was taken, and the substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIFE JACKETS AND LIFE BUOYS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13112) to amend section 14 of the seamen's act of March 4, 1915.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That section 14 of the seamen's act of March 4, 1915, be amended by striking out subdivisions 3 and 4 of subsection headed "Life jackets and life buoys," regarding the number of life buoys with which steamers navigating the ocean, or any lake, bay, or sound of the United States shall be equipped, and inserting, in lieu thereof, the following:
>
> Third. The minimum number of life buoys with which vessels are to be provided is fixed as follows:
>
> "Vessels under 100 feet in length, minimum number of buoys, 2; vessels 100 feet and less than 200 feet in length, minimum number of buoys, 4, of which two shall be luminous; vessels 200 feet and less than 300 feet in length, minimum number of buoys, 6, of which 2 shall be luminous; vessels 300 feet and less than 400 feet in length, minimum number of buoys, 12, of which 4 shall be luminous; vessels 400 feet and less than 600 feet in length, minimum number of buoys, 18, of which 9 shall be luminous; vessels 600 feet and less than 800 feet in length, minimum number of buoys, 24, of which 12 shall be luminous; vessels 800 feet and over in length, minimum number of buoys, 30, of which 15 shall be luminous.
>
> "Fourth. All the buoys shall be fitted with brackets securely seized. Where two buoys only are carried, one shall be fitted with a life line at least 15 fathoms in length, and where more than two buoys are carried, at least one buoy on each side shall be fitted with a life line of at least 15 fathoms in length. The lights shall be efficient self-igniting lights which can not be extinguished in water and they shall be kept near the buoys to which they belong, with the necessary means of attachment."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. KAHN. Reserving the right to object, Mr. Speaker, I would like to have an explanation of the bill.

Mr. ALEXANDER. Mr. Speaker, under the seaman's act, section 14, subhead entitled "Life jackets and life buoys," it is provided under the third subdivision thereof that the minimum number of life buoys that each of the vessels coming within the terms of the act is to be provided with shall be fixed as follows: For a vessel of 400 feet in length or less the minimum number of life buoys is fixed at 12, and then an increased number of life buoys is provided for vessels of more than 400 feet in length.

Section 14 of the act is adopted from the International Convention on Safety of Life at Sea. When we had this act under consideration in the Committee on the Merchant Marine and Fisheries we modified the provisions of the convention, as it appears in section 14, to our lakes and bays and sounds, but overlooked this provision as to life buoys. The law went into effect on the 4th day of November last, and when the Steamboat-Inspection Service began to enforce its provisions with reference to life buoys on tugs and craft of less than 400 feet in length it was discovered that the number of life buoys was in excess of the number necessary for saving life. A conference was had at the office of the Secretary of Commerce in December last at which I was present. All the parties in interest were present, and we agreed that vessels under 400 feet in length might be provided with life buoys as provided in the bill under consideration.

Mr. KAHN. I have no objection, Mr. Speaker.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to ask the gentleman from Missouri if the chief complaint against section 14, to which he has referred, did not come from the owners of small boats under 400 feet in length engaged in coastwise traffic and traffic on inland waters?

Mr. ALEXANDER. Chiefly from the tugboat men, but including all who own and operate vessels less than 400 feet in length.

Mr. MOORE of Pennsylvania. If section 14 under the seamen's law had been put into effect, it would have put 12 life buoys on every vessel under 400 feet in length?

Mr. ALEXANDER. Yes; on every vessel under 400 feet in length. The provision is all right for ocean-going vessels, but it is unnecessary and a hardship on vessels of 100 or 200 or 300 feet in length. In fact, on a tug it would be difficult to find places for 12 life buoys. Then, again, there are only four or five men on board some of the smaller tugs. If attention had been called to this requirement when the seamen's law was under consideration by the committee, it would have been modified, because it is manifestly unnecessary to have 12 life buoys on these smaller vessels as life-saving appliances.

Mr. MOORE of Pennsylvania. In section 14 the conditions were, as I recall them, that on all vessels under 400 feet there was to be a minimum of 12 life buoys.

Mr. ALEXANDER. On all vessels under 400 feet in length.

Mr. MOORE of Pennsylvania. Under the amendment to section 14 proposed in this bill the number of life buoys required for vessels under 100 feet in length is reduced from 12 to 2. That is correct, is it not?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. On vessels of 100 feet in length and not more than 200 feet in length the number of life buoys is reduced from 12 to 4?

Mr. ALEXANDER. Yes; two of which are to be luminous.

Mr. MOORE of Pennsylvania. Yes; two of which are to be luminous. That is, they are to carry lights?

Mr. ALEXANDER. Yes; lights that will ignite when the buoy strikes the water—calcium carbide lights.

Mr. MOORE of Pennsylvania. So that it will be luminous under the surface?

Mr. ALEXANDER. Yes; on the surface, and will indicate where the buoy is, so that a man can locate it in the nighttime.

Mr. MOORE of Pennsylvania. And on vessels from 200 feet in length to 300 feet in length the number of life buoys required is reduced from 12 to 6, and on vessels from 300 feet in length to 400 feet in length you retain 12 buoys as necessary?

Mr. ALEXANDER. Yes, sir.

Mr. MOORE of Pennsylvania. And this is done very largely because it was manifest to the committee, after hearings and after conference at the Department of Commerce, that it would be impracticable and onerous to carry as many as 12 life buoys on these small boats?

Mr. ALEXANDER. Yes. The provisions of the International Convention on Safety of Life at Sea were intended to apply to vessels in the over-sea trade.

Mr. MOORE of Pennsylvania. Over-seas vessels?

Mr. ALEXANDER. Yes; and in recasting the convention and applying it to our inland waters, including the Great Lakes, this provision was overlooked, otherwise we would have modified it at the time.

Mr. MOORE of Pennsylvania. Exactly. The gentleman from Missouri was a member of that convention?

Mr. ALEXANDER. I was a member of the London conference on safety of life at sea.

Mr. MOORE of Pennsylvania. Mr. Speaker, I am very glad the Committee on the Merchant Marine and Fisheries has started out to amend and correct the so-called seamen's law. The gentleman from Missouri [Mr. ALEXANDER] and his committee labored hard to frame this law, and they carried into it certain provisions which at the time were believed by practical seagoing men to be impossible of enforcement. Some of the provisions were extremely onerous, as for instance this provision of requiring 12 life rafts on a tug of less than 100 feet in length. It was evident that the committee was acting upon some other impulse than that of information derived from the men who were practically in the business on the inland waters and along the coast line of the United States, and the gentleman from Missouri has very correctly stated that in framing this section 14 the committee was following the lines laid down in this London conference or convention, which was providing for over-seas traffic—that is to say, for vessels engaged in the ocean-going trade, in the foreign trade—and they were such conditions as did not apply to inland waters, where tugboats are constantly employed, nor to our general coastwise trade.

Now, there are many other provisions of this seamen's law to which public attention has been called which may invite the careful scrutiny of the committee later on. The committee has made a break in the law now by reducing the number of life rafts carried on the vessels——

Mr. ALEXANDER. Was the gentleman speaking of life rafts or life buoys?

Mr. MOORE of Pennsylvania. Life buoys.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield to the gentleman for a question.

Mr. MILLER of Minnesota. Mr. Speaker, who has the floor?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOORE] has the floor.

Mr. MILLER of Minnesota. For what purpose?

Mr. MOORE of Pennsylvania. Reserving the right to object.

Mr. ALEXANDER. There was no objection whatever, was there?

Mr. JOHNSON of Washington. If the gentleman from Pennsylvania has completed his statement, I would like to ask him a question.

Mr. MOORE of Pennsylvania. I have not completed my statement. It may be that the committee in due course will find it necessary to amend this seaman's law in other particulars.

Mr. ALEXANDER. The gentleman from New Jersey [Mr. SCULLY], a Member of this House, is the owner of tug boats. He had copies of the seamen's bill, and we sent them to other tug boat owners. They overlooked this matter at the time, as did other vessel owners, and just as soon as my attention was called to it in December last I agreed that this change ought to be made and introduced the bill now being considered.

Mr. MOORE of Pennsylvania. I have just commended the gentleman from Missouri [Mr. ALEXANDER] for making that statement. I think he has acted wisely. I think the committee acted wisely.

Mr. ALEXANDER. There may be some other provisions of the seaman's act which we may find it necessary to amend if they are found to work hardship.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MILLER of Minnesota. Was this act ever submitted to the tugboat men of the Great Lakes and this provision ever called to their attention, the one now being amended, which relates to the number of life buoys to be carried?

Mr. ALEXANDER. I have had letters from people on the Great Lakes and the Pacific coast and wherever the attempt has been made to enforce the law protesting against the provision requiring 12 life buoys on vessels under 400 feet in length.

Mr. MILLER of Minnesota. I understood the gentleman to state that the gentleman from New Jersey [Mr. SCULLY], a member of the committee, knew about it.

Mr. ALEXANDER. No; I said he was a Member of this House, and that he had had copies of the seamen's bill when it was under consideration in the committee and in the House, as did many of the vessel owners, but they overlooked this provision.

Mr. MILLER of Minnesota. I wish to state that I have had the most vigorous protests from the Great Lakes against this provision of the seaman's bill, and I doubt if it was ever called to their attention or if they ever knew about it.

Mr. ALEXANDER. I said when the bill was pending nobody discovered this apparent hardship, and as soon as it was called to our attention the committee reported this bill to amend the seamen's act in that regard.

Mr. MILLER of Minnesota. Does the gentleman think the committee have gone far enough in reducing the number of buoys that should be carried by tugboats less than 100 feet in

length? They have reduced the number to two. Would it not be just as well to reduce the number to one?

Mr. ALEXANDER. The representatives of the tugboat men were present and these provisions were agreed upon. I think there ought to be two life buoys—one on either side of the vessel—in the interest of saving life.

Mr. MOORE of Pennsylvania. Mr. Chairman, I think the committee acted wisely in bringing in this bill, and in doing so they will have afforded great relief to the small boat owners of this country, who were seriously affected by the seaman's law as originally passed. The committee will find, of course, that they made some errors in the original seaman's law. There have been numerous complaints about it, coming up from all sections of the country. It has to a large extent interfered with transportation by water. I am glad this change has been suggested by the committee, and for the information of the gentleman from Minnesota, as well as others, I wish to repeat that I believe in due course of time the committee will find it necessary to bring in other amendments to the seaman's bill, and I trust they will.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. MOORE of Pennsylvania. Yes.

Mr. MILLER of Minnesota. Is the gentleman aware of the condition existing among the small craft engaged in fishing on the lakes of the United States, boats of from 50 to 60 feet in length, and is he aware that the seaman's law would practically have put them all out of business, by compelling them to carry so great a number of life buoys that they could not carry their fish?

Mr. MOORE of Pennsylvania. I want to say, in fairness to the gentleman from Missouri [Mr. ALEXANDER] that he made substantially that statement as being the consensus of opinion of the conference held here recently at the Department of Commerce, and to that extent this bill is going to relieve these small boat owners, and to that extent it is a good thing.

Mr. ALEXANDER. The gentleman knows that the provision of the existing law has been the subject of a conference with the representatives of these boats.

Mr. MOORE of Pennsylvania. That is the reason I asked the gentleman about the reduction in the number of life buoys on boats of a certain length, to show the graduated scale by which the gentleman worked out the conclusions found in the bill.

Amongst other complaints against the seaman's law has been one that it has caused the removal of the American flag from the high seas. I have no doubt much will have to be said about that before we get much further into the business of this Congress.

Mr. ALEXANDER. I will say to the gentleman that there are more vessels under the American flag now than at any time since the Civil War.

Mr. MOORE of Pennsylvania. I know that the present war conditions have brought about very many changes, but it nevertheless remains a fact that under the seamen's bill as it stands to-day many vessels have had to change their flag, and some of them are now sailing under the flags of foreign countries because of the oppressive conditions imposed upon them by the seamen's act.

Mr. ALEXANDER. I am not advised of many such vessels.

Mr. MOORE of Pennsylvania. The gentleman knows that out on the Pacific coast——

Mr. ALEXANDER. There are the vessels of the Pacific Mail Steamship Co. I do not care to go into that now. It would make an interesting recital, but not relative at this time.

Mr. MOORE of Pennsylvania. I do not intend to, but merely make a passing reference to it. I want to commend the committee for having made the first break in the seamen's law. I think that is a matter upon which we ought to congratulate the committee and the country as showing that we are going to break into the law and make corrections of the errors in it, of which the committee may not have been fully advised at the time the law was passed.

Day before yesterday a vessel started out of the port of New York, and it did not get very far before, under the provisions of this law, the crew suddenly decided not to go any further, and the vessel necessarily had to come back to port. Now, that is a condition that has been brought about by this law, which exempts a certain class of people from fulfilling their contracts. This bill has made it possible, apparently, to stop voyages. That happened in one instance in New York Harbor only day before yesterday. I say there are many things in the seamen's law to be remedied.

Mr. LENROOT. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Wisconsin calls for the regular order. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FOREST HOMESTEADS.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to reinstate House bill 10668, stricken off awhile ago on the objection of the gentleman from Michigan.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent to have the bill H. R. 10668, or 94 on the Unanimous Consent Calendar, reinstated.

Mr. McLAUGHLIN. Mr. Speaker, I agreed to withdraw my objection to the bill and let it be passed without prejudice.

Mr. FERRIS. We do not propose to take it up to-day.

The SPEAKER. It has to be reinstated first. Is there objection?

There was no objection.

Mr. FERRIS. Now, Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GRAHAM] be permitted to address the House for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania [Mr. GRAHAM] be permitted to address the House for five minutes. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. SMOOT as the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4889. An act to renew patent No. 21053.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on April 17, 1916, approved and signed joint resolution and bills of the following titles:

H. J. Res. 171. Joint resolution to continue in effect the provisions of the act of March 9, 1906;

H. R. 9923. An act granting the consent of Congress to the county of Mitchell or to the county of Baker, both of the State of Georgia, acting jointly or separately, and their successors and assigns, to construct a bridge across the Flint River;

H. R. 10139. An act to authorize the city of Fairmont to construct and operate a bridge across the Monongahela River at or near the city of Fairmont, in the State of West Virginia; and

S. 1424. An act incorporating the American Academy of Arts and Letters.

GLENORA G. HARRIS.

Mr. GRAHAM. Mr. Speaker, I desire to ask the attention of the House to a matter which requires in order to give relief that immediate action should be taken with respect to it. There is on the calendar an act (S. 3560) passed by the Senate and referred to the Judiciary Committee of the House, passed through its subcommittee and through the general committee and reported here for action.

It is a bill providing for specific relief in a specific case up in Clearfield, Pa. A property was sold under judicial proceedings. The purchase money was paid by the woman purchaser—$5,000—which went into the hands of the receivers, and under the direction of the court was distributed among the creditors, and the receivers have been discharged. The property originally belonged to this woman. She sold it to a corporation, a telephone company, for bonds. That corporation had it and collected the rents from it for six years, and then failed. The bonds were never paid; not a penny of the bonds was ever recovered. The

corporation was adjudged a bankrupt and receivers were appointed. Upon a petition filed, the court ordered a private sale to Mrs. Harris. Prior to making the order for sale, a reference was made by the court, and upon the referee's report the order for the private sale was made. This same property which Mrs. Harris had originally owned and sold to the telephone company for $7,500 in bonds was purchased by her for $5,000 and paid for, and now, two or three years after that transaction, she is about selling the property to the Order of Elks. Counsel who are passing the title to the Order of Elks, the purchasers, have pointed out a defect in the title, namely, that the district court of the middle district of Pennsylvania had no power to make an order to sell at private sale.

The Judiciary Committee of the Senate and the Senate and the Judiciary Committee of the House all have agreed that the facts are of such a character as to require a remedy, and that for the relief of Mrs. Harris the only remedy is by a bill to perfect the title to that property. This bill is a remedial act, and will cure the title. The sale to the Order of Elks is pending, and has been pending for some time. Unless speedy action is taken, the sale of this property will be lost, and this woman will be left with her imperfect title, unmarketable and unsalable. She ought not to lose her money and her title also.

I ask unanimous consent to have the bill S. 3560 on the Private Calendar considered and passed at this time.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to have the bill S. 3560 considered at this time. Is there objection?

Mr. NORTON. Reserving the right to object, may I inquire where is the bill now?

Mr. GRAHAM. On the Private Calendar.

Mr. NORTON. How long has it been on the Private Calendar?

Mr. GRAHAM. Since April 14.

Mr. NORTON. When was the bill introduced?

Mr. GRAHAM. It was introduced in the Senate. I knew nothing about it there. My attention was called to it after it was sent to the House, and it then came before the Judiciary Committee and I was instructed to take charge of it on the floor of the House.

Mr. NORTON. When did it reach the Judiciary Committee of the House?

Mr. GRAHAM. April 14; and it passed the Senate March 9.

Mr. NORTON. I wanted to inquire about it to find the reason why this bill should have the right of way.

Mr. MANN. Because it is an emergency matter.

The SPEAKER. The Chair has proceeded with reference to unanimous consent in this way: That unless bills are on the Unanimous Consent Calendar or unless it is an emergency matter of some sort the Chair will not recognize any Member to ask unanimous consent for the consideration of a bill. Once in a while there is a matter of emergency, and it seems to the Chair, from what the Chair was told about this bill, that this is a case of emergency.

Mr. NORTON. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read the third time, was read the third time, and passed.

RECORD OF ASSIGNMENTS OR CONVEYANCES IN PATENT OFFICE.

The next business on the Private Calendar was the bill (H. R. 12716) amending sections 4898, 4906, 4921, 4934, and 4935 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4898 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4898. Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase or mortgage.

"If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of any court of the United States for any district or Territory, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 1750 of the Revised Statutes, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance."

SEC. 2. That section 4906 of the Revised Statutes be amended to read as follows:

"SEC. 4906. The clerk of any court of the United States, for any district of Territory wherein testimony is to be taken for use in any contested case pending in the Patent Office, shall, upon the application of any party thereto, or of his agent or attorney, issue a subpœna for any witness residing or being within such district or Territory commanding him to appear and testify before any officer in such district or Territory authorized to take depositions and affidavits at any time and place in the subpœna stated. But no witness shall be required to attend at any place more than 40 miles from the place where the subpœna is served upon him; and the provisions of section 869 of the Revised Statutes relating to the issuance of subpœnas duces tecum shall apply to contested cases in the Patent Office."

SEC. 3. That section 4934 of the Revised Statutes be amended to read as follows:

"SEC. 4934. The following shall be the rates for patent fees:

"On filing each original application for a patent, except in design cases, $15.

"On issuing each original patent, except in design cases, $20.

"In design cases: For 3 years and 6 months, $10; for 7 years, $15; for 14 years, $30.

"On every application for the reissue of a patent, $30.

"On filing each disclaimer, $10.

"On an appeal for the first time from the primary examiners to the examiners in chief, $10.

"On every appeal from the examiners in chief to the Commissioner, $20.

"For certified copies of patents and other papers, including certified printed copies, 10 cents per hundred words.

"For recording every assignment, agreement, power of attorney, or other paper under one patent, application, or invention, of 300 words or under, $1; of over 300 and under 1,000 words, $2; and for each additional thousand words or fraction thereof, $1; and for each additional patent, application, or invention included in one writing, 25 cents.

"For copies of drawings, the reasonable cost of making them."

SEC. 4. That section 4935 of the Revised Statutes be amended to read as follows:

"SEC. 4935. Patent fees shall be paid to the Commissioner of Patents, and the commissioner, or such person as he may deputize, shall make daily deposits in some bank in the District of Columbia, to be designated by the Secretary of the Treasury for this purpose, of all moneys received as patent fees; and shall make deposits of such fees with the Treasurer of the United States at such times and in such manner as the latter may direct; and shall also make monthly reports in aggregate to the Secretary of the Treasury of all remittances received and moneys refunded."

SEC. 5. That section 4921 of the Revised Statutes be amended to read as follows:

"SEC. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable, and upon a decree being rendered in any such case for an infringement the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case; but in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action. And it shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the patent laws to give notice thereof in writing to the Commissioner of Patents, setting forth in order the names and addresses of the litigants, names of the inventors, and the designating numbers of the patents involved, and it shall be the duty of the Commissioner of Patents on receipt of such notice forthwith to indorse the same upon the file wrapper of the said patent or patents and to incorporate the same as a part of the contents of said file or file wrapper, and for each notice required to be furnished to the Commissioner of Patents in compliance herewith a fee of 50 cents shall be taxed by the clerk as costs of suit."

Mr. OGLESBY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent to consider this bill in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. OGLESBY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL LAND DISTRICT IN CALIFORNIA.

Mr. KETTNER. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 529, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That an additional land district is hereby created for the State of California, to embrace the lands contained in the following described boundaries: Beginning at the intersection of the range line between ranges 5 and 6 east of the San Bernardino meridian with the southern boundary of California; thence north along the range line, between ranges 5 and 6 east, to the northwest corner of township 9 south, range 6 east; thence east along the second standard parallel south to the southwest corner of township 8 south, range 7 east; thence north along the range line, between ranges 6 and 7 east, to the northwest corner of township 2 south, range 7 east; thence east along the township line between townships 1 and 2 south to its intersection with the Colorado River; thence southerly along the Colorado River to its intersection with the south boundary of California; thence southwesterly along the southern boundary of California to its intersection with the range line between ranges 5 and 6 east, to the place of beginning; that the land district shall be known as the Imperial district, and the Secretary of the Interior shall be authorized to select the site of the land office.

SEC. 2. That the Secretary of the Interior shall cause all plats, maps, records, and papers in the Los Angeles land office which relate to or form a necessary part of the records of the lands embraced in the district hereby created to be transferred to the Imperial land district.

SEC. 3. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said land district, and they shall be subject to the same laws and entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from California is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. KETTNER. Mr. Speaker, this bill proposes to create a land office in Imperial County. It is recommended by the Secretary and has twice passed the committee unanimously. The business transacted in thirty-odd land offices now in the United States does not exceed that transacted in the Los Angeles office in connection with lands in the Imperial Valley, and 80 per cent of the contested cases in that office are from Imperial Valley, on account of three different surveys having been made. The people of Imperial Valley are cut off from the rest of the world, as it were. It takes them 12 hours to go from Imperial Valley to Los Angeles, at an expense of $7.90 each way, and in addition to that they have to pay their Pullman fare. I know of several contested cases where the settlers have had to go to Los Angeles to the land office, take their witnesses with them, then found that the cases were postponed, and they could not afford to keep the witnesses there. The witnesses went home, and the settlers were put to the expense of bringing them back; and in some cases, where they could not borrow the money to do so, have lost their land.

Mr. STEENERSON. Mr. Speaker, will the gentelman yield?

Mr. KETTNER. Yes.

Mr. STEENERSON. Do I understand that the settlers on the public domain and their witnesses in Imperial Valley ride in Pullman sleepers to the land office, and back again?

Mr. KETTNER. Well, there are tourist sleepers from Imperial Valley to Los Angeles.

Mr. STEENERSON. With us they have to travel 150 miles with a team of oxen.

Mr. KETTNER. All sleeping cars at the present time, I I believe, are known as Pullman sleepers, whether of the second or third class.

Mr. STEENERSON. Where is this land located?

Mr. KETTNER. In Imperial Valley.

Mr. STEENERSON. And where is the land office to be?

Mr. KETTNER. It is for the Secretary to decide—in which town in Imperial Valley.

Mr. STEENERSON. It is simply an additional land office?

Mr. KETTNER. Yes. I believe the gentleman from Minnesota [Mr. STEENERSON] had the pleasure of visiting Imperial Valley last year, and perhaps he can describe it and state to the House the condition of the people there at the present time.

Mr. STEENERSON. Oh, I would not think of competing with the gentleman in describing the glories of Imperial Valley. It is true that it is separated from the rest of California by a ridge of mountains, and it is quite a long distance to travel. I agree with him on the point that we ought to have a land office there, but what I thought was remarkable was the fact that the settlers who went to the land office rode in Pullman cars. The land is very rich there and I do not wonder at it. It is the richest land I ever saw anywhere.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. KETTNER. Yes.

Mr. MOORE of Pennsylvania. Does this new division take in the whole of southern California?

Mr. KETTNER. It takes in all of Imperial County, part of Riverside, part of San Diego, and part of San Bernardino Counties.

Mr. MOORE of Pennsylvania. How far does it run along the coast line?

Mr. KETTNER. It is on the east side of the mountains.

Mr. MOORE of Pennsylvania. And does not touch the coast line at all?

Mr. KETTNER. No.

Mr. MOORE of Pennsylvania. And at the present time all those in this part of southern California having to do with land matters are obliged to travel to Los Angeles to have their business attended to?

Mr. KETTNER. I will try to explain to the gentleman. In my own county, San Diego, the department has just opened up part of the Cleveland National Forest, and the people living 70 miles from San Diego in the mountains could go down to Imperial Valley in two or three hours and be at the land office, where, as it is at present, they have to travel 70 miles to San Diego and then take a train to Los Angeles, 132 miles from San Diego.

Mr. MOORE of Pennsylvania. San Diego is not in this district.

Mr. KETTNER. A part of San Diego County is in this proposed district.

Mr. MOORE of Pennsylvania. There is a very large settlement going on in Imperial Valley at the present time?

Mr. KETTNER. Yes.

Mr. MOORE of Pennsylvania. It is extending southward and increasing very rapidly?

Mr. KETTNER. Yes. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

NATIONAL PARK IN HAWAII.

Mr. MANN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9525) to establish a national park in the Territory of Hawaii, with committee amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the tracts of land on the island of Hawaii and on the island of Maui, in the Territory of Hawaii, hereinafter described, shall be perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known as Hawaii National Park. Said tracts of land are described as follows: First. All that tract of land comprising portions of the lands of Kapapala and Keauhou, in the district of Kau, and Kahauale'a, Panauewa, and Apua, in the district of Puna, on the island of Hawaii, containing approximately 35,865 acres, bounded as follows: Beginning at a point on the west edge of the Keamoku Aa Flow (lava flow of 1823), from which point the true azimuth and distance to Government survey trigonometrical station Ohaikea is 166° 20', 6,350 feet, and running by true azimuths: (1) Along the west edge of the Keamoku lava flow in a northeasterly and northwesterly direction, the direct azimuth and distance being 198° 10', 14,700 feet; (2) 256°, 11,400 feet, more or less, across the land of Kapapala and Keauhou to a marked point on the Humuula trail; (3) 328° 15', 8,725 feet, across the land of Keauhou to the top of the fault north of the Kau road; (4) along the fault in a northeasterly direction, the direction azimuth and distance being 251° 30', 4,330 feet; (5) 245°, 6,000 feet, to a point near the southwest boundary of the land of Olaa; (6) 337° 10', 8,650 feet, more or less, to the junction of the Hilo and Keauhou roads; (7) 333° 20', 3,300 feet, more or less, to the southwest corner of the land of Keaau; (8) 332° 10', 7,000 feet, along the land of Kahauale'a; (9) 281°, 30,375 feet, more or less, across the land of Kahauale'a, passing through the north corner of the land of Panauewa, to the north corner of the land of Laepuki; (10) 31° 30', 13,200 feet, more or less, along the land of Laepuki and across the land of Panauewa; (11) 89° 10', 32,900 feet, more or less, across the land of Panauewa, Apua, and Keauhou to "Palilele-o Kalihipaa," the boundary point of the Keauhou-Kapapala boundary; (12) 51° 30', 5,500 feet, across the land of Kapapala; (13) 102° 50', 19,150 feet, across the land of Kapapala to a small cone about 1,500 feet southwest of Puu Kone trigonometrical station; (14) 166° 20' 21,000 feet, across the land of Kapapala to the point of beginning.

Second. All that tract of land comprising portions of the lands of Kapapala and Kahuku, in the district of Kau, Island of Hawaii; Keauhou second, in the district of North Kona; and Kaohe, in the district of Hamakua, containing 17,920 acres, bounded as follows: Beginning at Pohaku Hanaiei of Humuula, a small cone on the brow of Mauna Loa, and at the common boundary points of the lands of Humuula, Kapapala, and Kaohe, from which the true azimuth and distance to Government survey trigonometrical station Omaokoili is 195° 12' 18", 78,286 feet, and running by true azimuths: First, 298°, 5,240 feet; second, 28° 36,960 feet; third, 118°, 21,120 feet; fourth, 208°, 36,960 feet; fifth, 298°, 15,880 feet, to the point of beginning.

Third. A strip of land of sufficient width for a road to connect the two tracts of land on the island of Hawaii above described, the width and location of which strip shall be determined by the Secretary of the Interior.

Fourth. All that tract of land comprising portions of the lands of Honuaula and Kula, in the district of Makawao, and Kipahulu, Kaupo, and Kahikinui, in the district of Hana, on the island of Maui, containing approximately 21,150 acres, bounded as follows: Beginning at a point called Kolekole, on the summit near the most western point of the rim of the crater of Haleakala, and running by approximate azimuths and distances: First, 193° 45', 13,350 feet along the west slope of the crater of Haleakala to a point called Puu-o-Ili; second, 268°, 23,000 feet up the western slope and across Koolau Gap to the point where the southwest boundary of Koolau Forest Reserve crosses the east rim of Koolau Gap; third, 306° 30', 17,150 feet along the southwest boundary of Koolau Forest Reserve to a point called Palalla, on the east rim of the crater of Haleakala; fourth, along the east rim of the crater of Haleakala, the direct azimuth and distance being 354° 15', 18,300 feet to a point on the east rim of Kaupo Gap, shown on Hawaiian Government survey maps at an elevation of 4,298 feet; fifth, 88° 45', 3,300 feet across Kaupo Gap to a point called Kaumikaohu, on the boundary line between the lands of Kipahulu and Kahikinui; sixth, 102° 30', 40,750 feet along the south slope of the crater of Haleakala to the point of beginning.

Sec. 2. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose

whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Whenever consistent with the primary purposes of the park the act of February 15, 1901, applicable to the location of rights of way in certain national parks and the national forests for irrigation and other purposes, shall be and remain applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem wise, grant easements or rights of way for steam, electric, or similar transportation upon or across the park.

SEC. 3. That no lands located within the park boundaries now held in private or municipal ownership shall be affected by or subject to the provisions of this act.

SEC. 4. That the said park shall be under the executive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, birds, mineral deposits, and natural curiosities or wonders within said park, and their retention in their natural condition as nearly as possible. The Secretary may in his discretion grant leases for terms not exceeding 20 years, at such annual rental as he may determine, of parcels of land in said park of not more than 20 acres in all to any one person, corporation, or company for the erection and maintenance of buildings for the accommodation of visitors; but no such lease shall include any of the objects of curiosity or interest in said park or exclude the public from free and convenient approach thereto or convey, either expressly or by implication, any exclusive privilege within the park except upon the premises held thereunder and for the time granted therein; and every such lease shall require the lessee to observe and obey each and every provision in any act of Congress and every rule, order, or regulation of the Secretary of the Interior concerning the use, care, management, or government of the park, or any object or property therein, under penalty of forfeiture of such lease. The Secretary may in his discretion grant to persons or corporations now holding leases of land in the park, upon the surrender thereof, new leases hereunder, upon the terms and stipulations contained in their present leases, with such modifications, restrictions, and reservations as he may prescribe. All of the proceeds of said leases and other revenues that may be derived from any source connected with the park shall be expended under the direction of the Secretary, in the management and protection of the same and the construction of roads and paths therein. The Secretary may also, in his discretion, permit the erection and maintenance of buildings in said park for scientific purposes: *Provided*, That no appropriation for the maintenance, supervision, and improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law: *And provided further*, That no appropriation shall be made for the improvement or maintenance of said park until proper conveyances shall be made to the United States of such perpetual easements and rights of way over private lands within the exterior boundaries of said park as the Secretary of the Interior shall find necessary to make said park reasonably accessible in all its parts, and said Secretary shall when such easements and rights of way have been conveyed to the United States report the same to Congress.

The SPEAKER. Is a second demanded?

Mr. FERRIS. I demand a second.

Mr. MANN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois has 20 minutes and the gentleman from Oklahoma 20 minutes.

Mr. MANN. Mr. Speaker, on the Island of Hawaii, which is one of the Hawaiian group of islands, is the living volcano called Kilauea, which I believe is the only perpetual and perennial living volcano in the world. Not a great way from it is the mountain called Mauna Loa, which is an occasional volcano and which rises so very high that it is covered with snow. It is proposed now to make a national park of the Government-owned land embracing these two volcanoes and a strip which will connect the two. The land is valueless except for scenic purposes. On the island of Maui, which is another one of the Hawaiian group, is the largest extinct volcanic crater in the world, a crater about 30 miles in circumference, from which people look down on the sunrise and sunset upon the clouds below. While I do not propose to describe the scene that some other gentlemen belonging to this House and I witnessed last year, I never expect to see at any time or place in this world any scenic effect that will compare with what I saw up there. It is proposed to make the Government-owned land there a national park. The total area of land which is embraced within the limits described in the park is about 75,000 acres, of which more than half is privately owned or municipally owned land, and we do not interfere to the title to any of this land, except we provide in the bill that appropriations for the support of the park shall not be made until any privately owned land which is required for roads or access from one part to another shall have been donated without expense to the United States Government. The total expense under the bill which can be appropriated any time for the care of those two parks—really three parks, which are called one park—is limited to $10,000, which I regret, although it is a committee amendment and I have included it in my motion. I do not care to detain the House unnecessarily. This does not interfere with anybody, except that it will prevent any private party, if he should undertake to do it, from getting control of all the sites of Kilauea, the living volcano—that is, where you look down into the crater into the boiling lava.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. I do.

Mr. MOORE of Pennsylvania. Will the gentleman, who is well posted on the subject, give us some description as to the plant life around about the vicinity of Kilauea, such as the fern life?

Mr. MANN. The most notable thing around there, of course, is the tree fern, some of which grow to 30 or 40 feet in height and have leaves 20 to 30 feet in length, with innumerable leaflets; and if one who never has seen them can imagine the ordinary fern which we are familiar with unfolding its leaves and reaching up until it has reached with its leaf 40 to 50 feet, with its trunk of 30 or 40 feet high, you can get some indefinite notion of what you see there. Of course, that is a tropical country, though not so warm and not so tropical as Panama or the Philippine Islands. I would be very glad to yield to the distinguished gentleman from Pennsylvania [Mr. MOORE] to give a further description of this beautiful and royal scene which we both witnessed with Uncle Joe and others out there a year ago.

Mr. CANNON. And at the trunk of each leaf of the fern, when the strands are stripped off, is a deadly weapon.

Mr. MANN. Not being in a military mood, I shall not describe that part of it and will yield to the gentleman from Pennsylvania. I will yield him time if he will take it. I reserve the balance of my time.

Mr. FERRIS. Mr. Speaker, the Public Lands Committee held hearings on this bill, and we had before us Prof. Jagger, a scientist from Boston, Mass., who for a number of years has conducted investigations on the very brink of this most wonderful volcano. I want to second everything that the gentleman from Illinois said and perhaps add a word to it. I, with others, witnessed the spectacle out there last summer, and to my mind this is a spot that is certainly entitled through its natural scenic beauty to be made into a national park. The Delegate from Hawaii introduced the bill and it was brought before the House Public Lands Committee. The committee gave it careful consideration, and after hearing the Delegate, Mr. Desho, Prof. Jagger, and Mr. Ballou, from the islands, and after having made trips back and forth to the department three or four times with correspondence to perfect this bill, the committee think that they have very well safeguarded the bill and have brought these three wonderful natural scenic affairs into a national park.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. MANN. If the gentleman will permit me to say in this connection, I am making the motion to suspend the rules on the bill introduced by the gentleman from Hawaii, Delegate KALANIANAOLE, at his request.

Mr. FERRIS. Certainly; and I am sure that both he and the committee are very much obliged to the gentleman from Illinois for helping to get the bill through. On the last unanimous-consent day it was called up under unanimous consent, but it was objected to, and I am very much obliged to the gentleman from Illinois for his help.

The total acreage of the proposed park is 75,295 acres. Mauna Loa has 17,920 acres in the mountain tract, and about half of that is public land and the rest is owned by an estate.

Mr. SLAYDEN. Do you propose to buy that?

Mr. FERRIS. No part of it is to be purchased. There are 35,685 acres in the Kilauea tract. Four-ninths of that is in public ownership and the rest is in private ownership. The Haleakala tract has about 21,150 acres, and about one-third of it is public land.

As stated by the gentleman from Illinois [Mr. MANN], no part of that private land is to be bought. Four-ninths of the entire area is public land, and proper reservations are to be made for the right of way, and without expense to the Government before the park is created. It is limited to $10,000 appropriation each year, so that if the amount gets larger than that it will be subject to a point of order and can be stricken off by any Member of the House who objects to such increase. The volcano of Kilauea is said by Prof. Jagger and other scientists to be the most active and the most continuous volcano in the world, for essentially it has been active practically every moment during the last century. It is a boiling, gurgling sea of lava that can be seen there at any time of the night and day—certainly the most wonderful spectacle I ever beheld. Mauna Loa is another part of the park, and that volcano is active about every 10 years, and when it is active it is more active than the other. The lava flows across the island for many miles and becomes dangerous to the cities and towns and the people who live there. The mountain of Haleakala is 10,000 feet high. The gentleman from Illinois described the wonderful sight of a sunset on the mountain at that height. The indentation, or the rift, in the top of the mountain is 3,000 feet deep and is some 8 miles in circumference. It is a wonderful spectacle. I think the people out there are entitled to the park. I think they ought to have it. I think it has sufficient natural scenic beauty to be worthy of the name of a national park. So many proposals come in that do not really have merit, so many proposals come in that the Government is asked to appropriate for, in which there are really no natural wonders; but this is not one of those cases. It is to be a real park. It ought to be passed, and passed now.

I hope the bill will receive the vote of everyone in the House. I am sure all who saw it or have taken occasion to look it up and know of the wonders to be found there will give full approval of it.

I desire to print herewith the report, which shows the proposal is approved by Secretary Lane and was unanimously reported by the House Public Lands Committee:

[House of Representatives, Report No. 154, Sixty-fourth Congress, first session.]

NATIONAL PARK IN HAWAII.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following report:

The Committee on the Public Lands, to whom was referred the bill (H. R. 9525) to create a national park in the Territory of Hawaii, having had the same under consideration, report it back to the House with the recommendation that it do pass with amendment as follows:

Page 8, at the end of the section, add the following provisos:

"*Provided*, That no appropriation for the maintenance, supervision, or improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law: *And provided further*, That no appropriation shall be made for the improvement or maintenance of said park until proper conveyance shall be made to the United States of such perpetual easements and rights of way over private lands within the exterior boundaries of said park as the Secretary of the Interior shall find necessary to make said park reasonably accessible in all its parts, and said Secretary shall, when such easements and rights of way have been conveyed to the United States, report the same to Congress."

The bill proposes to establish the Hawaiian National Park, including the three crater areas and natural wonders of the three great volcanoes of Hawaii, respectively, Mauna Loa volcano, Kilauea volcano, and Haleakala volcano.

By the provisions of this bill 75,295 acres are set aside, four-ninths of which is public land, and the balance, chiefly waste land, belongs to educational and eleemosynary trusts, said to be willing to cede the land in large measure.

No appropriation is carried by the bill, and it is provided that no appropriation shall be made until proper conveyances in the matter of the private lands shall be made to the United States such as the Secretary of the Interior shall find necessary. Otherwise existing claims and privately owned lands are unaffected by the bill.

Strong reasons for creating a national park in this district are that the craters in question are among the most remarkable of natural wonders. Kilauea is the most continuously active volcano, Mauna Loa the largest volcano, and Haleakala the largest and most spectacular crater in the world. There is urgent need for the protection of curiosities now being damaged. Scientific studies in inaccessible parts of the area, of importance for the public safety, will be furthered by Federal control and park improvement. Scientifically and popularly, the volcanoes are a national rather than a local asset, and the opinions of travelers appear to be unanimous that this area is of national importance for park preservation.

The Secretary of the Interior favors the bill, and his report is printed herewith:

FEBRUARY 2, 1916.

MY DEAR MR. FERRIS: Your letter of January 22 has been received, inclosing H. R. bill 9525, with request for report thereon. This bill proposes the establishment of a national park in the Territory of Hawaii, such park to include two of the great craters on the island of Hawaii and one on the island of Maui. I am in favor of the preservation of these great natural wonders, and would be glad to see them made a part of our national park system.

Cordially, yours,

FRANKLIN K. LANE, *Secretary*.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

Mr. MANN. Just one word. This bill provides for the Government making into a park two active volcanoes. My recollection is—and I may be wrong about it—that there are about 75 active volcanoes in the world, of which about half, strange to say, are on territory belonging to the United States. And there are scientists who believe, by constant observation of volcanic and earthquake activities, they may be able, possibly, to predict when a volcanic eruption will occur, or possibly when an earthquake will occur, or, at least, advise those who are to be affected, when it comes or starts, as to how dangerous it will be and how long it will last. And it is quite fitting that in a country that really does not possess a very large proportion of the world's surface, but that has about half of the active volcanoes, that we should have a place where our people can see them.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. SLAYDEN. Is it not true that Prof. Jagger, who has been observing the volcano at Kilauea, is predicting now—and with a considerable degree of confidence, based on his observation—a renewed and a very much increased activity in a couple of years or such a matter? In his address to us——

Mr. MANN. I would not say that it was not true, because very likely it is true; and I am sure it is if the gentleman from Texas thinks it is.

Mr. SLAYDEN. He said so in his address to us that Sunday afternoon.

Mr. MANN. Very likely. I think Prof. Jagger has been in Washington this winter, more or less. I met him several times and I heard him deliver a lecture here which was very interesting, by the way. He is one of the most interesting scientists I have ever met. I do not recall that he is making predictions now. He is predicting that if we make examinations he will know more in the future.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

ADDITIONAL CADETS AT WEST POINT ACADEMY.

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill S. 4876, with certain committee amendments.

The SPEAKER. The Clerk will report the bill.

The bill as subsequently modified was as follows:

An act (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

Be it enacted, etc., That the Corps of Cadets at the United States Military Academy shall hereafter consist of 2 for each congressional district, 2 from each Territory, 4 from the District of Columbia, 2 from natives of Porto Rico, 4 from each State at large, and 80 from the United States at large, 20 of whom shall have been recommended to the President as honor graduates of an educational institution having an officer of the Regular Army detailed as professor of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated in War Department orders as "honor schools" upon the determination of its relative standing at the last preceding annual inspection regularly made by the War Department. They shall be appointed by the President and shall, with the exception of the 80 appointed from the United States at large, be actual residents of the congressional or Territorial district, or of the District of Columbia, or of the island of Porto Rico, or of the States, respectively, from which they purport to be appointed: *Provided*, That so much of the act of Congress approved March 4, 1915 (38 Stats. L., p. 1128), as provides for the admission of a successor to any cadet who shall have finished three years of his course at the academy be, and the same is hereby, repealed: *Provided further*, That the appointment of each member of the present Corps of Cadets is validated and confirmed.

SEC. 2. That the President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men in as near equal proportion as possible of the Regular Army and the National Guard between the ages of 19 and 20 years who have served as enlisted men not less than one year, to be selected under such regulations as the President may prescribe: *Provided*, That the total number so selected shall not exceed 180 at any one time.

SEC. 3. That, under such regulations as the President shall prescribe, the increase in the number of cadets provided for by this act shall be divided into four annual increments, which shall be as nearly equal as practicable and be equitably distributed among the sources from which appointments are authorized.

SEC. 4. That hereafter when all vacancies in cadetships at the United States Military Academy shall not have been filled as a result of the regular annual entrance examination the President is hereby authorized to appoint candidates who were found qualified for admission at such entrance examination and for whom no vacancy would exist under present law: *Provided*, That the number of qualified candidates so appointed shall not be in excess of the number of such unfilled vacancies remaining at the time of such appointment: *Provided further*, That cadets admitted under the provisions of this section shall be credited to the United States at large and their admission shall not interfere with or affect in any manner any appointment authorized under existing law or under any of the provisions of this act. The authorized number of cadetships at the Military Academy is temporarily increased by the number of admissions made in any year under the provisions of this section: *Provided further*, That whenever by the operation of this or any other law the Corps of Cadets exceeds its authorized maximum strength the admission of candidates as prescribed in this section shall cease until such time as the Corps of Cadets may be reduced below its authorized strength.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. DENT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Alabama asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama [Mr. DENT] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. MANN. May I ask the gentleman was the language as submitted, in reference as to whether the appointee came from congressional districts or not, changed and printed in the bill?

Mr. DENT. I will say to the gentleman from Illinois I want to offer a substitute to that committee amendment.

Mr. MANN. The gentleman has to do that in his motion.

Mr. DENT. Mr. Speaker, I move——

Mr. MANN. I have another one.

Mr. ADAMSON. So have I. I want to ask him a question before he changes it.

Mr. MANN. In line 23, on page 2, the committee inserted the words "in as near proportion as possible," evidently it being the purpose of the committee, in reference to the cadets appointed from the Regular Army and National Guard, to distribute them between those two services.

Mr. DENT. That is the purpose of the committee.

Mr. MANN. But the way it was inserted would be "in as near proportion as possible between the ages of 19 and 20 years." If the gentleman would insert in line 22, after the word "men," this language: "In as near equal proportion as possible," it would read:

The President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men in as near equal proportion as possible of the Regular Army and the National Guard.

Mr. DENT. I think that is better language, and I will make that motion.

Mr. MANN. The gentleman has to have his amendments in the motion to suspend the rules. They are to be a part of the motion.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks to have the language indicated read into the bill as a part of it. Of course, you can not amend it, really or technically.

Mr. ADAMSON. Mr. Speaker, I have an amendment to propose.

Mr. KAHN. Mr. Speaker, I understand also that the gentleman from Alabama desires to include in the motion the proposition to put the words "congressional or," in line 8, page 2, between the word "the" and the word "Territorial."

The SPEAKER. Let us get through the first one. The Clerk will report it.

The Clerk read as follows:

SEC. 2 That the President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men, in as near equal proportions as possible, of the Regular Army and the National Guard between the ages of 19 and 20 years who have served as enlisted men not less than one year.

The SPEAKER. What was the suggestion of the gentleman from California [Mr. KAHN]?

Mr. KAHN. Ought not the gentleman also to include as a part of his motion an amendment to insert, on line 8, page 2, between the words "the" and "Territorial," the words "congressional or of the"?

Mr. DENT. And also strike out the words "the congressional district or of the," in line 10?

Mr. KAHN. Yes; leave that out in line 10.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Page 2, line 8, after the word "the" and before the word "Territorial," insert the words "congressional or," and strike out, on page 2, line 10, the committee amendment.

Mr. ADAMSON. Mr. Speaker——

Mr. MANN. Now, I understand that the gentleman proposes to modify his amendment.

The SPEAKER. Technically speaking, he can not amend it, but he asks leave to insert that language. The gentleman from Georgia [Mr. ADAMSON] is recognized.

Mr. ADAMSON. Mr. Speaker, I have not been able up to this time to get hold of a copy of the bill, and I did not understand clearly the reading of section 4. Does that mean that if any of the candidates nominated by Congressmen fail, the President can fill any of those vacancies from other parts of the country?

Mr. DENT. No. That means this: In case the gentleman from Georgia appointed a principal and several alternates, and his principal and all the alternates passed the examination, his principal would be admitted, and his alternates would be qualified for appointment by the President of the United States, but would not be charged to the gentleman's district but to the country at large.

Mr. ADAMSON. And not charged to my congressional district?

Mr. DENT. He would not be charged to the gentleman's congressional district.

Mr. CANNON. Mr. Speaker, will the gentleman yield for a question?

Mr. DENT. Yes.

Mr. CANNON. Under the law as it now exists the age of a cadet or a candidate is to be between 16 and 20 years, as I understand it?

Mr. DENT. No; between 17 and 22. The age limit is between 16 and 20 at the Naval Academy, and the limit is 17 and 22 at West Point.

Mr. CANNON. This is for the Naval Academy, is it not?

Mr. DENT. No; this is for the Military Academy at West Point. We have already passed the bill doubling the capacity at the Naval Academy.

Mr. CANNON. Was the age limit changed?

Mr. DENT. No.

Mr. CANNON. It ought to have been. They are so severe in their examinations that the 16-year-old and the 17-year-old fall down.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. McKENZIE. I was not present in the committee when this bill was reported out, and I would like to ask my colleague a question as to the language on page 3. It appears to me from that language that where a Member of Congress had nominated candidates to take the examination for West Point and they had all failed, for instance, in that event the President might name a candidate at large from any portion of the United States other than the district from which the Congressman had named his candidate.

Mr. DENT. Does the gentleman refer to the committee amendment to section 4?

Mr. McKENZIE. Yes.

Mr. DENT. The intention of the committee with respect to that amendment, as I stated a moment before, was simply to allow the President to name those alternates who failed simply because the principal had qualified and entered. It would still leave to the Member of Congress the right to nominate a cadet from his district the following year.

Mr. McKENZIE. Would it not deprive the Member of Congress of the right of naming a cadet during that year? Would not that congressional district be robbed of a cadet in that particular year?

Mr. DENT. No. It would apply only to a case where a Congressman had named a cadet who entered the academy, but who still has an alternate who has shown his qualifications by successfully passing the examination. It allows the President to appoint such alternate from the country at large.

Mr. McKENZIE. The President, of course, is limited to the 80 he has to appoint under the bill. It does not interfere with the Congressman's or Senator's right to appoint at all. In other words, the President is just permitted to appoint one of these young men as a part of his 80?

Mr. FERRIS. He can appoint the new candidate.

Mr. SLAYDEN. What is the necessity of this legislation, then?

The SPEAKER. To whom does the gentleman from Alabama yield?

Mr. DENT. I yielded to the gentleman from Illinois [Mr. McKENZIE]. I do not know whether he finished or not.

The SPEAKER. Is the gentleman from Illinois through?

Mr. McKENZIE. I will say that it is not exactly clear to my mind yet, but I will yield the floor, so that the gentleman can answer other interrogatories.

Mr. SLAYDEN. Mr. Speaker, I would like to ask the gentleman whether it is true that the President may appoint successful alternates—successful as to examination—to these places without having them charged against the district of the regular Member? And if he has already the power to select 80, and if this appointment of the alternate is to be one of the 80, what is the occasion for this language at all?

Mr. DENT. The only occasion is to express by law the authority of the President to make that selection. The gentleman is aware of the fact that it has been the rule of all the Presidents to give the sons of Army officers the preference. If the gentleman will read the report here, he will find that when the academy opened last year there were 95 vacancies in the academy. This section would have authorized the President, if the gentleman from Texas had appointed a principal and two or three alternates who had passed the examination, to have appointed not only his principal who had entered the academy but his first alternate also who had passed the examination without charging it to the gentleman's district at all. In other words, the object of it is to keep the academy full.

Mr. SLAYDEN. You do not require that the President shall do it?

Mr. DENT. Oh, no.

Mr. SLAYDEN. He may still appoint the sons of Army officers?

Mr. DENT. Yes; he may still appoint the sons of Army officers.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes; I yield to the gentleman from Connecticut.

Mr. TILSON. Does it not mean, Mr. Speaker, that the additional man is appointed, and while he does not become charged to the district from which the man has failed, he takes the place in the academy that that man would have taken? In other words, he helps to keep the academy full?

Mr. DENT. That is the whole object of it.

Mr. TILSON. And it is to allow the appointment of a number of men additional to the 80 that the President has the right to appoint?

Mr. DENT. Yes.

Mr. TILSON. He can appoint so many more that are hanging out, after having successfully passed the examination?

Mr. DENT. Yes.

Mr. SLAYDEN. Oh, I understood the gentleman from Alabama to say it was a part of the 80.

Mr. DENT. No; it is in addition to the 80, with a view to filling up the academy.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. NORTON. What, if anything, has been provided to meet this condition: In case, say, where 200 candidates named by Members of Congress failed at the examination, the President would then have the right to appoint 200 to fill those vacancies—200 alternates, or 200 who had qualified at the examination to enter the academy. Then, if the appointment of those 200 filled up the quota for which there was room at the academy, at the next examination would those 200 Members of Congress whose candidates had failed have the right to nominate 200 more candidates?

Mr. DENT. The following year they certainly would. The act expressly provides for that.

Mr. NORTON. Then, if all those qualified, the academy would be filled to more than its quota?

Mr. DENT. No; I do not think the academy would be filled to more than its quota. When we come to consider the appropriation bill we will have to consider the question as to how many we can take care of. Of course, the President is not going to use the power that is given him here in such a way as to fill the academy beyond the quota that it can accommodate.

Mr. NORTON. Would it not really result in this, that no examination would be held for the other 200 until a sufficient number had graduated from the academy to reduce the quota and permit the 200 to be admitted?

Mr. DENT. This section expressly provides that the President shall not exercise this power when the number would go beyond the quota necessary to fill the full complement.

Mr. SLAYDEN. When it would go beyond the number provided by law.

Mr. NORTON. The gentleman gets my point, does he not? Take this extreme case for illustration: We will say there are now 600 cadets to be appointed, and that the Members of Congress nominate 600 principal candidates and the full number of alternates permitted to be nominated. Four hundred of the principals fail and also all their respective alternates. Then, the President appoints from the alternates 400 to fill these vacancies. Then next March there are 400 vacancies, and the 400 Members of Congress whose candidates failed this year nominate 400 principals, all of whom qualify and become entitled to enter. That would then more than fill the quota for which room is to be provided at the academy. Could not that condition arise under the terms of section 4 in this bill?

Mr. DENT. That might be possible, but it is not probable.

Mr. TILSON. It would not be probable that one year 400 would fail and that the next year none would fail. As a matter of fact, taking the law of averages, they run along about the same, and we know about how many fail, on an average.

Mr. DENT. Of course, there are many possibilities that might happen, but which never do happen.

Mr. BORLAND. Will the gentleman yield for a question?

Mr. DENT. Certainly.

Mr. BORLAND. Am I correct in believing that this bill will practically double the Cadet Corps at West Point?

Mr. DENT. In fact, yes. That is the object of it.

Mr. BORLAND. How many will that make at West Point—about 1,200, will it not?

Mr. DENT. Between 1,200 and 1,300.

Mr. BORLAND. I have always been under the impression that the price we pay for educating a young man at West Point is too high. Will this in any way reduce the average cost per capita of educating officers at West Point?

Mr. DENT. Of course this bill has nothing to do with the appropriation which is to come later. I do not think it is the intention of the committee, however, to make any reductions in pay, or anything of that kind.

Mr. BORLAND. My understanding is that it costs about $20,000 to educate an officer at West Point, and it has always seemed to me that $5,000 is a liberal estimate of the amount necessary to educate a young man in this country.

Mr. DENT. I will say to the gentleman from Missouri that that question will come up in the consideration of the appropriation bill for the maintenance of the Military Academy.

Mr. BORLAND. The gentleman's committee has charge of that.

Mr. DENT. That will come up later.

Mr. BORLAND. If we are going to have a more effective Army, we ought to reduce the per capita expense.

Mr. McKELLAR. Of course the proportionate overhead charges will be greatly reduced, and that will reduce the per capita expense.

Mr. SLAYDEN. Mr. Speaker, returning to the question of appointments and the possible failure of alternates, and using the hypothetical case to which the gentleman refers—of the failure of 400 principals—each Member of the House will have nominated alternates, perhaps first, second, and third alternates, as the law, I believe, authorizes them to do. Then if the principal fails the first alternate would get in provided he passed the examination, would he not?

Mr. DENT. Not absolutely. It is entirely in the discretion of the President whether he will make the appointment or not.

Mr. SLAYDEN. He does it now.

Mr. DENT. Are you referring to section 4? That is an entirely new provision.

Mr. SLAYDEN. No; I am referring to the number at the present time. Suppose you nominate a principal and three alternates, and your principal fails and your first alternate passes the examination. He is admitted.

Mr. DENT. That is true. He is admitted.

Mr. SLAYDEN. Would not that continue to be the case under this bill?

Mr. DENT. Yes; absolutely.

Mr. SLAYDEN. Then the President is not given any additional power of appointment, except that the number at the academy is increased?

Mr. DENT. That is all.

Mr. HUDDLESTON. Under the increase allowed in this bill how many appointments will the President have?

Mr. DENT. He has the right to appoint 80—double the present number.

Mr. HUDDLESTON. That is 80 each year, is it not?

Mr. DENT. He has the right to appoint 40 now, and under this bill he would have the right to appoint 80. Then he has the right to appoint from the National Guard.

Mr. HUDDLESTON. Will the gentleman give us the total?

Mr. DENT. Eighty from the United States at large and 180 from the enlisted men of the Regular Army and the National Guard; then section 4 authorizes him to fill vacancies out of alternates who have passed the examination.

Mr. HUDDLESTON. Which would give a possibility of how many nominees by the President in the 1,200 at the Academy?

Mr. DENT. I can not tell the gentleman how many alternates would be qualified by section 4. That is an impossibility.

Mr. HUDDLESTON. There will be several hundred that the President would have there of his own nominees.

Mr. DENT. Eighty and 180, if he wants to exercise the power.

Mr. HUDDLESTON. And possibly others.

Mr. DENT. Yes; but only to be selected from certain alternates.

Mr. HUDDLESTON. Will the President have the power to continue to make these appointments from the sons of Army officers exclusively?

Mr. DENT. That is entirely within the discretion of the President.

Mr. PLATT. Those vacancies must be filled from nominees selected by Members of Congress, congressional nominees.

Mr. HUDDLESTON. The point I am getting at is this: Is it good public policy that we should have our Naval Academy filled up to such a large extent with the sons of Army officers? That is the point I have in mind.

Mr. DENT. I will state to the gentleman that there is absolutely nothing in the law which compels the President to select sons of Army officers to be appointed to the Military Academy or sons of naval officers to be appointed to the Naval Academy. It is simply the practice of the President.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. TAYLOR of Colorado. Ought there not be something in the law which would prevent him from doing that?

Mr. DENT. The object of this section is to call his attention to the fact that he must make the selection from other sources.

Mr. TAYLOR of Colorado. But it does not prevent him from doing so?

Mr. DENT. No.

Mr. TAYLOR of Colorado. He ought to be required to fill these vacancies from districts and from alternates.

Mr. DENT. I do not think the President's discretion ought to be controlled absolutely by an act of Congress.

Mr. TAYLOR of Colorado. But we give him 80 to appoint all of the time from the sons of Army and Navy officers, and it seems to me we ought not give him the whole 260.

Mr. DENT. The extra 180 he has to appoint must be selected from the National Guard and the enlisted men in the Army.

Mr. TAYLOR of Colorado. He can appoint 80 or such a number now.

Mr. DENT. Yes; under this bill, except that 20 must be selected from the graduates of honor military schools.

Mr. TAYLOR of Colorado. But they might be the sons of Army officers just the same.

Mr. DENT. That is true.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. SISSON. Mr. Speaker, I can make the point of order of no quorum, but I do not want to do that if I can get some questions answered.

Mr. DENT. My time is all out.

Mr. SISSON. I have been trying to get recognition for some little time, and I think we ought to have a quorum here to transact business. I make the point of order that there is no quorum present.

Mr. MANN. Oh, we will let the gentleman have some time. Do not make the point of order. We can extend the time.

Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MANN. That is all right; but the gentleman will not get any time in that way.

Mr. SISSON. I do not expect to get any time and I am not asking it.

Mr. MANN. I thought the gentleman was.

Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present. I will not withdraw it, as requested. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and one Members present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Flynn	Key, Ohio	Pou
Anthony	Focht	Kless, Pa.	Price
Aswell	Foss, Ill.	Kincheloe	Ragsdale
Barchfeld	Frear	Kreider	Rauch
Barnhart	Gallivan	Lafean	Reavis
Beales	Gardner, Mass.	Lazaro	Riordan
Bennet	Garland	Lehlbach	Rowe
Brumbaugh	Gillett	Lesher	Rowland
Buchanan, Ill.	Good	Lewis	Sabath
Burke	Goodwin, Ark.	Liebel	Sanford
Burnett	Gray, N. J.	Lobeck	Saunders
Capstick	Griest	Loft	Scott, Pa.
Carew	Guernsey	McDermott	Scully
Casey	Hamill	McKinley	Sears
Chiperfield	Hamilton, N. Y.	Madden	Sells
Church	Haskell	Maher	Sherley
Coleman	Hay	Montague	Sherwood
Copley	Hayden	Moon	Siegel
Dale, N. Y.	Heaton	Mooney	Smith, Mich.
Darrow	Helvering	Moores, Ind.	Snell
Decker	Henry	Morgan, La.	Snyder
Dempsey	Hill	Morgan, Okla.	Stafford
Dewalt	Howard	Morin	Steele, Pa.
Dill	Hughes	Moss, W. Va.	Stephens, Nebr.
Dooling	Hulbert	Mott	Stiness
Driscoll	Hull, Iowa	Mudd	Thomas
Dupré	Jacoway	Murray	Vare
Eagan	Jones	Neely	Watkins
Edmonds	Keister	Nelson	Williams, Wm. E.
Emerson	Kelley	Page, N. C.	Wilson, Fla.
Fairchild	Kennedy, R. I.	Paige, Mass.	Wilson, Ill.
Farr	Kent	Patten	Wilson, La.
Fitzgerald	Kettner	Porter	Winslow

The SPEAKER. On this roll call 300 Members have answered to their names—a quorum.

Mr. KITCHIN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The doors were opened.

Mr. SISSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SISSON. If I understand the rule in a parliamentary situation like this, where a second is demanded, the party demanding the second is opposed to the bill. In this case the gentleman from Illinois demanded a second, and he will vote, as I understand, for the bill. In that way you exclude any person who is not in favor of the bill from any control of time. I shall not vote for this bill.

The SPEAKER. The trouble about that is this: In the first place, the Chair is not required to ask if a second is demanded; but the practice is for the Chair to do so. Some man demands a second, and ordinarily it ought to be some one who is opposed to the bill, but it is now too late to raise that question.

Mr. SISSON. The question was raised once by Mr. Tawney, of Minnesota, in a situation somewhat like this. The gentleman demanding a second was also in favor of the bill, and when that developed, the gentleman from Minnesota rose and stated that he found both gentlemen were in favor of the bill.

The SPEAKER. If the gentleman from Mississippi had risen at the right time, he might have interposed the objection.

Mr. MANN. Mr. Speaker, this is all idle talk. I had already informed the gentleman from Mississippi that I would be glad to yield him some time; in fact, all time in opposition to the bill. I do not think it was quite fair for the gentleman to make the parliamentary inquiry under the circumstances.

Mr. SISSON. I am trying to be entirely fair.

The SPEAKER. This discussion is out of order.

Mr. SISSON. It was not out of order when I made the parliamentary inquiry.

The SPEAKER. No; but the Chair has answered that.

Mr. SISSON. And I answered, and I thought that ended it. I was trying to ascertain the decision of the Chair whether in my own right, if I stated that I would not vote for the bill, I might be recognized.

The SPEAKER. There is no way to get more than 40 minutes' debate on this bill except by unanimous consent.

Mr. MANN. How much time does the gentleman from Mississippi want?

Mr. SISSON. Not more than five minutes.

Mr. MANN. I yield to the gentleman five minutes; yes, six minutes. [Laughter.]

Mr. SISSON. Mr. Speaker, I am in favor of increasing the number of cadets at West Point Academy. I think there has been a great need for that, and right at this particular time a greater need than ever before. What I am opposed to in this bill is section 4. Under this bill, if the average number of failures shall take place, the President of the United States will appoint 200 cadets which ought to be filled by Members of Congress. In addition to that he is given the right to appoint so many enlisted men, thus making it possible for the President to select 360 cadets, and if he should pursue the policy heretofore pursued there will be 360 sons of Army and naval officers appointed to the academy.

Mr. PLATT. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman yield to the gentleman from New York?

Mr. SISSON. I do not right now; I only have five minutes. At the end of four years if this proportion keeps up you will have 4 times 360 at the beginning of the fourth year. Now, I am not in favor of that academy ever becoming so that a majority of the cadets there can come from one particular rank or one particular class of men. As it is now, if a cadet shall fail from your district or mine, you can have an examination, and if that examination is had in time to make entries—and it has occurred to me twice—on the second examination, and the two young men are now in the academy were men who stood the examination under the second opportunity which I was given. If this had been the law then, on the first failure the President of the United States could have appointed two men and they would not have been from my district.

A bill of this much importance to every individual Member of this House, and there are numbers here who are going to vote for this bill who are opposed to it, and would not do so save and except with the idea that section 4 could be amended in conference, but you bring it up under suspension of the rules and you have no opportunity to amend it, and you only have 20 minutes of debate on a side, and you must take the bill or vote it down as a whole. I would rather, as far as I am concerned, as I want this bill to pass in a proper form—I would rather vote it down and have a special rule brought in for the consideration of this bill so as to be able to let every Congressman know exactly what is contained in the bill and have the right to offer amendments to the bill instead of taking the chances of its becoming a law in its present form. How many Members are there who have studied section 4? How many of them are there in favor of section 4? It came from the Senate in this form. I do not know how it got out of committee in this form, except if it was thought if it passed here it would become the law, because I do know some Members of the Committee on Military Affairs who are opposed to section 4. I am not in favor of the President of the United States being put in

that position, where he would appoint 360 of these cadets each year.

Mr. PLATT. The gentleman knows these vacancies must be filled from nominees already made by Members of Congress.

Mr. SISSON. I do not.

Mr. PLATT. That is the fact.

Mr. SISSON. In other words, if I should nominate three men and all three should fail in their examination, then——

Mr. PLATT. Then one man already nominated by some Member of Congress would get in.

Mr. SISSON. Then it deprives my district of a cadet.

Mr. PLATT. Not a bit; it would not deprive the gentleman's district of anything.

Mr. SISSON. Now, gentlemen, if the English language in the report means anything here, the gentleman is wrong about that.

Mr. PLATT. Only three would get in.

Mr. SISSON. Oh, no; you are simply wrong. Under the present law that vacancy does not exist until the entrance closes at the beginning of the next year, and if you can get a special examination in the meantime you can send them——

Mr. PLATT. This does not prevent that.

Mr. SISSON. It does prevent it. It says in so many words it shall be filled by the President of the United States.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I think that most of us are in favor of increasing the number of cadets. I for one would be perfectly willing to vote for the bill without section 4. The gentleman from New York [Mr. PLATT] is mistaken when he says that the President will fill these vacancies from men who have been designated by Congressmen. The language specifically excludes that and is found in line 15, on page 3, of the bill.

Let us take section 4 now and read it. Section 4 says:

That hereafter when all vacancies in cadetships at the United States Military Academy shall not have been filled as the result of the regular annual entrance examination the President is hereby authorized to appoint candidates who were found qualified for admission at such entrance examination and for whom no vacancy would exist under present law.

Now, take line 15, and from whom shall he make the appointment? From what list? From the list of men who have taken examination and for whom no vacancy would exist under the present law.

Mr. PLATT. Let me ask the gentleman, who can be qualified except those already nominated?

Mr. WINGO. In other words, he will take those who have taken the examination under appointment at large or as enlisted men and are qualified, and for whom no vacancy exists under present law. Under present law, if the principal of the Congressman fails, then the alternate that passed the examination can be appointed, and if his first alternate fails, as well as his principal, then the second alternate is appointed. If all three fail, another examination is held, for which the Congressman designates, but if section 4 becomes the law the Congressman could not designate others, but the President would make appointments at large. It simply means that, according to the language of the bill, he would take those who had been designated alternates by the President under the 80 appointments at large, and those who had been examined in the Army, and from those two lists he would fill the vacancies caused by the failures of the young men designated by the Congressman. I repeat, that under the language of the bill he is required to make the appointment from those who have taken the examination and have passed, but for whom there is no vacancy existing. There will be but one list existing, and that will be those examined out of the Army and those nominated by the President, and from that list he will fill the congressional vacancies, and the congressional district would lose the place.

Mr. DENT. The gentleman is entirely mistaken.

Mr. WINGO. That is the plain language of the bill, is it not?

Mr. DENT. It is not.

Mr. WINGO. Show me the language of the bill that will permit——

Mr. DENT. The gentleman is entirely mistaken. The bill simply provides that wherever at the beginning of a scholastic year at West Point there shall be a certain number of vacancies the President may fill those vacancies temporarily, and that he shall select to fill those vacancies some young man that the gentleman from Arkansas——

Mr. WINGO. I can not yield further on that.

The SPEAKER. The gentleman from Arkansas declines to yield further.

Mr. WINGO. I want to show the gentleman from Alabama that he is mistaken. He certainly does not mean what he says when he states that the President will make a temporary appointment to West Point.

Mr. DENT. The gentleman has not read this section if he says that.

Mr. WINGO. Do you mean to tell me you want a young man appointed to West Point temporarily, and as soon as the Congressman can put in some one to take his place he will get out?

Mr. DENT. In line 23, page 3, it says:

The authorized number of cadetships at the Military Academy is temporarily increased by the number of admissions made in any year——

Mr. WINGO. Why, certainly.

Mr. DENT. One moment—

Provided further, That whenever by the operation of this or any other law the Corps of Cadets exceeds its authorized maximum strength the admission of candidates as described by this section shall cease until such time as the Corps of Cadets may be reduced below its authorized strength.

Mr. WINGO. Let me call the gentleman's attention to this: There is quite a difference between your statement that the President make temporary appointments——

The SPEAKER. The time of the gentleman has expired.

Mr. WINGO. Will the gentleman from Illinois give me three minutes more?

Mr. MANN. I yield three minutes more, and I will take some of it in order to ask the gentleman from Alabama if he would be willing to let section 4 go out?

Mr. DENT. Why, if it is going to create any great disturbance, I have no objection.

Mr. MANN. It seems to be creating quite a disturbance.

Mr. DENT. Then, I ask unanimous consent to strike out section 4.

The SPEAKER. The gentleman from Alabama asks unanimous consent to modify his motion eliminating section 4. Is there objection?

Mr. HUDDLESTON. I object.

Mr. WINGO. If I may proceed, I want to call the attention of the gentleman from Alabama to this: The statement that he makes that the President would make temporary appointments is quite different from his temporarily filling vacancies. It is true after he had filled all these vacancies it makes no difference whether he fills them under one section or another. Once he appointed a man from one State to fill a vacancy from a congressional district in another State, that man would stay in West Point until graduated. The vacancy may be temporary by reason of the failure of the young men designated by the Congressman, but the appointment of the President is permanent, not temporary, as the gentleman from Alabama [Mr. DENT] contends.

The viciousness of section 4 lies in the language which I read, and that is that the President is limited in making his appointments to those who have already taken the examination but for whom no vacancy exists. That makes it impossible for the President to make a designation of a cadet from your congressional district or any particular congressional district in the country; but if the congressional applicants fail, then the President will take the list of alternates, who have passed the examination under his appointments at large, and the enlisted men in the Army who have successfully passed the examination but for whom no vacancy exists under present law, and from these two classes fill vacancies from the congressional districts where the young men designated by the Congressmen have failed to pass the examination. Eliminate section 4 and we will accept the bill.

Mr. DENT. Mr. Speaker, I withdraw the original motion that I made and move to suspend the rules.

The SPEAKER. The gentleman from Alabama withdraws the original motion he made to suspend the rules, and the Chair will recognize him to make another motion.

Mr. DENT. I move, Mr. Speaker, to suspend the rules and pass the bill S. 4876, with the amendments already agreed to, omitting section 4 of the bill.

The SPEAKER. Is a second demanded? [After a pause.] The Chair hears none. The Clerk will report the bill as it will read now.

The Clerk read as follows:

Be it enacted, etc., That the Corps of Cadets at the United States Military Academy shall hereafter consist of 2 for each congressional district, 2 from each Territory, 4 from the District of Columbia, 2 from natives of Porto Rico, 4 from each State at large, and 80 from the United States at large, 20 of whom shall have been recommended to the President as honor graduates of an educational institution having an officer of the Regular Army detailed as professor of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated in War Department orders as "honor schools" upon the determination of its relative standing at the last

preceding annual inspection regularly made by the War Department. They shall be appointed by the President and shall, with the exception of the 80 appointed from the United States at large, be actual residents of the congressional or Territorial district, or of the District of Columbia, or of the island of Porto Rico, or of the States, respectively, from which they purport to be appointed: *Provided*, That so much of the act of Congress approved March 4, 1915 (38 Stat. L., p. 1128), as provides for the admission of a successor to any cadet who shall have finished three years of his course at the academy be, and the same is hereby, repealed; *Provided further*, That the appointment of each member of the present Corps of Cadets is validated and confirmed.

SEC. 2. That the President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men, in as near equal proportions as possible, of the Regular Army and the National Guard between the ages of 19 and 21 years who have served as enlisted men not less than one year, to be selected under such regulations as the President may prescribe: *Provided*, That the total number so selected shall not exceed 180 at any one time.

SEC. 3. That, under such regulations as the President shall prescribe, the increase in the number of cadets provided for by this act shall be divided into four annual increments, which shall be as nearly equal as practicable and be equitably distributed among the sources from which appointments are authorized.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

SERVICE OF NAVY AND MARINE CORPS IN HAITI.

Mr. PADGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes, with the committee amendment.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] moves to suspend the rules and pass the bill with the amendment read into it. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail to assist the Republic of Haiti such officers and enlisted men of the United States Navy and the United States Marine Corps as may be mutually agreed upon by him and the President of the Republic of Haiti: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States.

SEC. 2. That to insure the continuance of this work during such time as may be desirable, the President may have the power of substitution in the case of the termination of the detail of any officer or enlisted man for any cause: *Provided*, That during the continuance of such details the officers and enlisted men shall continue to receive the pay and allowances of their ranks or ratings in the Navy or Marine Corps.

SEC. 3. That the following increase in the United States Marine Corps be, and the same is hereby, authorized: Two majors, 12 captains, 18 first lieutenants, 2 assistant quartermasters with the rank of captain, 1 assistant paymaster with the rank of captain, 5 quartermaster sergeants, 5 first sergeants, 5 gunnery sergeants, and 11 sergeants.

SEC. 4. That the following increase in the United States Navy be, and the same is hereby, authorized: One surgeon, 2 passed assistant surgeons, 5 hospital stewards, and 10 hospital apprentices, first class.

SEC. 5. That officers and enlisted men of the Navy and Marine Corps detailed for duty to assist the Republic of Haiti shall be entitled to the same credit for such service, for longevity, retirement, foreign service pay, and for all other purposes, that they would receive if they were serving with the Navy or with the Marine Corps.

The SPEAKER. Is a second demanded?

Mr. CALLAWAY. I demand a second, Mr. Speaker.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that a second be considered as ordered.

Mr. CALLAWAY. I object.

The SPEAKER. The gentleman from Texas [Mr. CALLAWAY] objects, and the Chair appoints the gentleman from Tennessee [Mr. PADGETT] and the gentleman from Texas [Mr. CALLAWAY] as tellers. The question is on seconding the motion to suspend the rules and pass the bill H. R. 12835 with the committee amendment.

The question was taken; and the tellers reported—ayes 127, noes 11.

So a second was ordered.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] is entitled to 20 minutes and the gentleman from Texas [Mr. CALLAWAY] is entitled to 20 minutes.

Mr. CALLAWAY. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas [Mr. CALLAWAY] makes the point of no quorum. The Chair will count. [After counting.] One hundred and ninety-nine Members are present—not a quorum.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned, under the special order, until to-morrow, Tuesday, April 18, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. OGLESBY, from the Committee on Patents, to which was referred the bill (H. R. 13982) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens, reported the same without amendment, accompanied by a report (No. 554), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LEWIS, from the Committee on War Claims, to which was referred the bill (H. R. 4751) to refund to the corporate authorities of Frederick City, Md., the sum of $200,000 exacted of them by the Confederate Army under Gen. Jubal Early, July 9, 1864, under penalty of burning said city, reported the same without amendment, accompanied by a report (No. 553), which said bill and report were referred to the Private Calendar.

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 6629) for the relief of the Maryland Trust Co of Baltimore, reported the same without amendment, accompanied by a report (No. 555), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8089) for the relief of Frank Mogridge, reported the same without amendment, accompanied by a report (No. 556), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8090) for the relief of Jacob F. Weidner, reported the same without amendment, accompanied by a report (No. 557), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 8697) for the relief of Internal Revenue Collector A. S. Walker, reported the same without amendment, accompanied by a report (No. 558), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4319) for the relief of Eugene A. Freund and Alfred F. Roemmich, reported the same without amendment, accompanied by a report (No. 559), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 8200) for the relief of Mrs. M. E. Sitters, reported the same with amendment, accompanied by a report (No. 561), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 12601) for the relief of Emma J. Spear, reported the same without amendment, accompanied by a report (No. 562), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12859) for the relief of Julia Klaviuski, reported the same without amendment, accompanied by a report (No. 563), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 7256) providing for the refund of duties collected on certain tobacco cuttings, reported the same without amendment, accompanied by a report (No. 564), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13728) for the relief of the J. L. da Roza Estate, (Inc.), of Elk Grove, Cal., reported the same without amendment, accompanied by a report (No. 565), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (S. 4268) to satisfy certain claims against the Government arising under the Navy Department, reported the same without amendment, accompanied by a report (No. 566), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 12243) for the relief of Hany E. Cain, reported the same adversely, accompanied by a report (No. 560), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10213) granting a pension to Dora Hoff; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14023) permitting the waiving of limitations as to age relating to the appointment of Cardinal T. Wolsey to Medical Reserve Corps; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 1675) granting an increase of pension to Luther C. Wright; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9562) granting an increase of pension to Edward R. Turnbach; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. McCRACKEN: A bill (H. R. 14725) authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes; to the Committee on the Public Lands.

By Mr. McCLINTIC: A bill (H. R. 14726) to amend an act approved September 26, 1914, known as the Federal Trade Commission act; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14727) to amend an act approved February 4, 1887, known as the interstate-commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: A bill (H. R. 14728) to acquire a site and for the erection and completion thereon of a public building in the city of San Mateo, Cal.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14729) to acquire a site and for the erection and completion thereon of a public building in the city of Palo Alto, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. GUERNSEY: A bill (H. R. 14730) for the establishment of a national park and acquiring national forests in the Mount Katahdin region of the State of Maine; to the Committee on Agriculture.

By Mr. STEENERSON: A bill (H. R. 14731) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913; to the Committee on Indian Affairs.

By Mr. EVANS: A bill (H. R. 14732) modifying and amending the act of March 1, 1907, as relates to the disposition of the surplus lands of the Blackfeet Indian Reservation in Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. McKELLAR: A bill (H. R. 14733) to increase the limit of cost for the purchase of a site and the construction of a public building at Memphis, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. ELLSWORTH: A bill (H. R. 14734) for the relief of the Chippewa Indians in the State of Minnesota, and for other purposes; to the Committee on Indian Affairs.

By Mr. PAIGE of Massachusetts: Joint resolution (H. J. Res. 203) authorizing the Postmaster General to provide the postmaster at Southbridge, Mass., with a special canceling die for the Southbridge one hundredth anniversary celebration; to the Committee on the Post Office and Post Roads.

By Mr. BYRNES of South Carolina: Resolution (H. Res. 205) providing payment for clerical service rendered the Mileage Committee; to the Committee on Accounts.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 206) authorizing the employment of a messenger to act as personal attendant to Representative Thomas D. Schall during the sessions of the Sixty-fourth Congress; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 14735) granting a pension to George A. Boring; to the Committee on Pensions.

By Mr. ASWELL: A bill (H. R. 14736) for the relief of Charles H. Benedict; to the Committee on Military Affairs.

By Mr. BACHARACH: A bill (H. R. 14737) granting an increase of pension to S. Augustus Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14738) for the relief of Hays B. Falkenburg; to the Committee on Military Affairs.

By Mr. CARAWAY: A bill (H. R. 14739) granting a pension to Mary E. Stine; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 14740) granting a pension to Jonathan N. Havens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14741) granting a pension to William J. Fitzpatrick; to the Committee on Pensions.

Also, a bill (H. R. 14742) granting a pension to Sarah O'Toole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14743) granting an increase of pension to John Connor; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 14744) granting an increase of pension to Henry Gifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14745) for the relief of Irene Gillespie; to the Committee on Claims.

By Mr. GRAHAM: A bill (H. R. 14746) granting an increase of pension to William D. McCormick; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 14747) granting an increase of pension to Maria W. Antes; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 14748) granting an increase of pension to Emanuel Reichart; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 14749) granting an increase of pension to Ingersoll White; to the Committee on Invalid Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 14750) granting an increase of pension to Henrietta Hopkins; to the Committee on Pensions.

By Mr. MILLER of Minnesota: A bill (H. R. 14751) conveying certain lands to the T. R. Foley Co.; to the Committee on the Public Lands.

By Mr. QUIN: A bill (H. R. 14752) to compensate Charles A. Till, of Jefferson County, Miss., for a herd of cattle killed, injured, and damaged by dipping them in compliance with law, wherein inspectors of the Federal Government negligently mixed the solution for the vat in such a careless way with poisons as to kill many of the cattle and injured others; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 14753) granting a pension to Sarah J. McKim; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Nevada: A bill (H. R. 14754) for the relief of Charles M. Way; to the Committee on Claims.

Also, a bill (H. R. 14755) for the relief of Thurman A. Poe; to the Committee on Claims.

Also, a bill (H. R. 14756) granting an increase of pension to Arthur Herrmann; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 14757) granting an increase of pension to Henry O. Bender; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 14758) granting a pension to William Sherman Berkley; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 14759) granting an increase of pension to Albert Scott; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 14760) granting a pension to Harry W. Feldman; to the Committee on Pensions.

Also, a bill (H. R. 14761) granting a pension to Jacob K. Goldsmith; to the Committee on Pensions.

By Mr. STINESS: A bill (H. R. 14762) granting an increase of pension to Ellen L. Bentley; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 14763) for the relief of Charles Lynch; to the Committee on Military Affairs.

By Mr WILLIAMS of Ohio: A bill (H. R. 14764) granting a pension to William A. Ritter; to the Committee on Pensions.

Also, a bill (H. R. 14765) granting an increase of pension to George Blanden; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Northeast Missouri Industrial and Agricultural Association; to the Committee on Agriculture.

Also (by request), petition of citizens of St. Clair, Mo., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of mass meeting in Tremont Temple, Boston, Mass., in re shipment of milk to foreign countries; to the Committee on Interstate and Foreign Commerce.

Also (by request) petition of citizens of Missouri, indorsing Senate bills 1082 and 1257, and House bill 9435; to the Committee on the District of Columbia.

By Mr. ALLEN: Petition of Woman's Foreign Missionary Society of North Side Methodist Episcopal Church, of Cincinnati, Ohio, favoring prohibition by Congress of the export of New England rum and other intoxicants to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. ANTHONY: Petition of John M. Fisher and other citizens of Topeka, Kans., against passage of House bill 8348, for juvenile court; to the Committee on the District of Columbia.

By Mr. BACHARACH: Petitions of sundry citizens of Atlantic City, N. J., protesting against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, memorial of Trenton Chamber of Commerce, Trenton, N. J., protesting against the Government ownership of armor plants; to the Committee on Naval Affairs.

Also, petition of sundry citizens of Atlantic City, N. J., in re House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

Also, memorials of Fifth Avenue Association, of New York; the Illinois Commandery Loyal Legion of the United States; and Civil, Eelectrical, and Mining Engineers of New York City in re preparedness; to the Committee on Military Affairs.

By Mr. BAILEY: Petition of the Rev. J. W. Wilt, the Rev. Jacob Kinsel, Deacon M. P. Brumbaugh, Deacon William Q. Brallier, the Rev. S. W. Wilt, Sunday School Supt. D. W. Burket, W. R. Hetrick, W. A. Englehas, W. H. Shoop, C. H. Wilt, W. L. Shoop, Merl J. Brallier, D. E. Ulsh, Samuel Eyer, S. F. Yocum, J. E. Nelson, D. G. Shanley, Ira N. Stone, Walter Kinsel, and O. C. Metz, all of Juniata and Altoona, Pa., for the adoption of national prohibition; to the Committee on the Judiciary.

By Mr. BRITT: Petition of sundry citizens of Buncombe County, N. C., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Wilmington and Leatherman, N. C., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Leatherman, N. C., against passage of compulsory Sunday-observance bill in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BROWNING: Petition of mass meeting of citizens of Blairstown, N. J., relative to prohibiting polygamy in the United States; to the Committee on the Judiciary.

By Mr. BURKE: Petition of A. J. Platt and 28 other citizens of Arlington, Columbia County, Wis., protesting against the passage of the Indian appropriation bill; against House bill 8348, to enlarge the powers of the juvenile court in the District of Columbia; and against House bill 491, to amend the postal laws; and asking for the passage of the Burnett immigration bill; to the Committee on Indian Affairs.

By Mr. BYRNES of South Carolina: Petition of sundry citizens of South Carolina, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of George E. Lovett & Co., of New York City, relative to "joker" in the Hay military bill; to the Committee on Military Affairs.

Also, petition of International Reform Bureau, favoring censorship of motion pictures; to the Committee on Education.

Also, petition of New York Produce Exchange, against passage of House bill 10405, relative to inspection of grain; to the Committee on Agriculture.

Also, memorial of General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, relative to increase in pay of Army field clerks; to the Committee on Military Affairs.

Also, petition of Walter Farnell, of New York; Illinois Commandery of Military Order of the Loyal Legion; and military engineering lectures, relative to national defense; to the Committee on Military Affairs.

By Mr. DAVIS of Texas: Petition of sundry citizens of Sabinal, Tex., in re proposed legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens and organizations of the State of Texas, favoring the Gillett bill; to the Committee on Alcoholic Liquor Traffic.

Also, petition of W. E. Ayers, of El Paso, Tex., indorsing House bill 13671; to the Committee on Military Affairs.

By Mr. DILLON: Petition of sundry citizens of South Dakota, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Oacoma (S. Dak.) Commercial Club, favoring House joint resolution 6, relative to construction of bridge by Chicago, Milwaukee & St. Paul Railway across the Missouri River at Chamberlain, S. Dak.; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Petition of Hannibal (Mo.) Commercial Club, favoring appropriation for Federal Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

Also, memorial of officers and men, Company H, First Infantry, National Guard of Missouri, favoring the Hay bill, relative to increasing the efficiency of the Army; to the Committee on Military Affairs.

Also, petition of Busch-Sulzer Bros., Diesel Engine Co., favoring passage of House bill 13982; to the Committee on Patents.

Also, petition of Board of Aldermen of St. Louis, Mo., favoring bill to give headquarters clerks of the Army status of Army field clerks; to the Committee on Military Affairs.

By Mr. ELLSWORTH: Petition of Scandinavian Baptist Church of Mankato, Swedish Baptist Church of Slayton, Methodist Episcopal Church of Worthington, and citizens of Lake Sarth and Mason Townships, all in the State of Minnesota, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ELSTON: Petition of M. I. Henderson and other citizens of Alameda County, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of Franklin Printing Trades Association, favoring an embargo on export of all manufactured papers, etc.; to the Committee on Foreign Affairs.

By Mr. ESCH: Memorial of La Crosse Board of Trade, favoring bill to create permanent tariff commission; to the Committee on Ways and Means.

Also, memorial of La Crosse Board of Trade, against Government power plant near center of park system; to the Committee on the District of Columbia.

Also, petition of Illinois Commandery of the Military Order of the Loyal Legion, relative to national defense; to the Committee on Military Affairs.

By Mr. FARR: Memorial of members of the Civic Association of Ardmore, Pa., favoring preparedness; to the Committee on Military Affairs.

By Mr. FLYNN: Petitions of Illinois Commandery of Military Order of the Loyal Legion, military engineering lectures, and Walter Farwell, of New York, relative to national defense; to the Committee on Military Affairs.

Also, petition of the Defiance Machine Works, relative to location of Government munitions plant at Defiance, Ohio; to the Committee on Military Affairs.

Also, petition of New York Produce Exchange, against House bill 10405, grain-grades bill; to the Committee on Agriculture.

By Mr. FULLER: Petition of the Illinois Butter Manufacturers' Improvement Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Interstate Committee for the Suppression of the Pine Blister Rust, favoring an appropriation of $30,000 for suppression of pine blister rust; to the Committee on Agriculture.

Also, petition of the Defiance Machine Works, for a munitions plant at Defiance, Ohio; to the Committee on Military Affairs.

By Mr. GALLIVAN: Petition of Cotton Manufacturers' Association, Fall River, Mass., against surrender by United States of Philippine Islands; to the Committee on Insular Affairs.

Also, petition of Boston Retail Grocers' Association, of Boston, and State Association of Master Plumbers, of Salem, Mass., favoring permanent tariff commission; to the Committee on Ways and Means.

By Mr. HAYES: Petition of sundry citizens of the State of California, against compulsory Sunday closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens and organizations of the State of California, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Los Gatos and Santa Cruz, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of First Presbyterian Church of San Jose, Cal., favoring bill to prohibit export of liquor to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. HINDS: Petition of 35 voters of Windham; 9 citizens of Kennebunkport; First Universalist Bible School, of Portland; Congress Square Association, of Portland; 25 citizens of Portland; and 17 citizens of Portland, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of Iowa Soldiers' Home, in favor of act for national jubilee in 1916 by removal of all charges of desertion during the Civil War and restoration of all to citizenship on either side; to the Committee on Military Affairs.

By Mr. JAMES: Petition of Sundry citizens and Methodist Episcopal Sunday School of Lake Linden, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of 63 citizens of Clarke County, Wash., against compulsory Sunday observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 75 citizens of Clarke County, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Petition of sundry citizens of Crosby, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of Baltimore (Md.) Federation of Labor, favoring Nolan minimum-wage bill—House bill 10398; to the Committee on Reform in the Civil Service.

By Mr. LOUD: Petition of Rev. P. E. Penner and 11 other citizens of Butman, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Memorial of Chamber of Commerce of Watertown, N. Y., favoring plans of the park commission for the improvement of Washington; to the Committee on the District of Columbia.

By Mr. NEELY: Petition of citizens of Harrison County, W. Va., opposing House bill 645; to the Committee on the District of Columbia.

By Mr. O'SHAUNESSY: Memorial of the Woman's Benefit Association of the Maccabees, in re House bill 9320; to the Committee on the Judiciary.

Also memorial of Coast Artillery Corps, Rhode Island National Guard, favoring bill to include said corps in forces for defense of the United States; to the Committee on Military Affairs.

Also, petition of Charles E. Hancock Co., of Providence, R. I., for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of Cotton Manufacturers' Association, against surrender of Philippine Islands by the United States; to the Committee on Insular Affairs.

Also, memorial on postalizing the wires; to the Committee on the Post Office and Post Roads.

Also, memorial of Rhode Island Chapter of the American Institute of Architects, in re Senate joint resolution 92; to the Committee on the District of Columbia.

Also, memorial of Cumberland Grange, No. 2, Patrons of Husbandry, of Arnolds Mills, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. POWERS: Petition of Methodist Episcopal Church Society of London, Ky., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of L. J. Conger, H. McD. Brown, R. W. Ellis, W. W. Gilbert, and Joseph F. McClintock, all of Groton, N. Y., favoring section 56 of Chamberlain military bill providing for a volunteer army; to the Committee on Military Affairs.

By Mr. RANDALL: Memorial of First Congregational Church, of Los Angeles, Cal., favoring passage of House bill 10924, prohibiting exportation of rum to Africa; to the Committee on Alcoholic Liquor Traffic.

Also, petition of 32 citizens of Pasadena, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Franklin Printing Trades' Association, of San Francisco, Cal., favoring embargo on all manufactured paper, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Olive Morgan and 37 other citizens of Los Angeles, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of Music and Art Association of Pasadena, Cal., against the erection of a power plant in midst of the park system of Washington, D. C.; to the Committee on the District of Columbia.

Also, petition of Lucy J. Barnes and 27 other citizens of San Jacinto, Cal., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROBERTS of Nevada: Petition of sundry citizens of Fallon, Nev., favoring report and passage of bills for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROWE: Petition of Frank W. Honerkamp, of New York, favoring passage of Penrose-Griffin bill, relative to pensions for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Board of Governors of India House, favoring preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens of New York, favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of David S. Buckenholz, of Brooklyn, N. Y., favoring passage of House bill 13671; to the Committee on Military Affairs.

By Mr. SIEGEL: Memorial of Board of Aldermen of New York, in favor of the Griffin bill, House bill 6915; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Papers to accompany House bill 14723, granting an increase of pension to Mary E. Caswell; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14724, granting an increase of pension to Margaret Brayton; to the Committee on Invalid Pensions.

Also, petition of Moosup Valley Grange, Patrons of Husbandry, favoring the postalization of electrical and radio means of communication; to the Committee on the Post Office and Post Roads.

Also, petition of Charles E. Hancock Co., of Providence, R. I., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Westerly, R. I., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. SULLOWAY: Memorial of New Hampshire Division, Sons of Veterans, United States of America, favoring preparedness; to the Committee on Military Affairs.

By Mr. WASON: Resolutions adopted by the Young People's Society of Christian Endeavor of East Sullivan, N. H., favoring the prohibition of the importation, manufacture, and sale of intoxicating liquors in the island of Porto Rico; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: Petition of Louis P. Satterthwaite and 21 other citizens of Bucks County, Pa., against preparedness; to the Committee on Military Affairs.

By Mr. WILLIAMS of Ohio: Petition of church consistory of Akron, Ohio, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, *April 18, 1916.*

(Legislative day of Monday, April 17, 1916.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

JOINT MEETING OF THE TWO HOUSES.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to a concurrent resolution providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 19th day of April, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

The VICE PRESIDENT laid before the Senate the concurrent resolution (No. 30) of the House of Representatives, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
April 18, 1916.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 19th day of April, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. KERN. I move that the Senate concur in the resolution of the House.

The motion was agreed to.

NATIONAL DEFENSE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. CHAMBERLAIN. Mr. President, there are one or two committee amendments that I desire to offer to the bill this morning. I send the following to the desk.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 121, line 13, after the word "act," insert a comma and the words "except as otherwise specifically provided herein" and a comma.

Mr. CHAMBERLAIN. That is just to save any question about the Insular Bureau. There is some little difference of opinion as to the provisions in the existing law.

The VICE PRESIDENT. The amendment to the amendment will be agreed to, without objection.

Mr. CHAMBERLAIN. On page 124, line 23, after the word "grade," the last word in the section and line, I move to insert the following.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 124, line 23, change the period to a colon and insert the following additional proviso:

And provided further, That any retired officer, while on active duty, shall receive the pay and allowances of the grade, not above that of major, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement.

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. There is one further amendment I wish to offer, and that is the last the committee has to present. I ask the Secretary to read it. I may state, so that the Senate may understand it as it is read, that it is to provide for the equalization of the promotions of officers in view of the increases which have been made by the pending bill.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 138, line 19, after the word "eleven," insert a colon and the following proviso:

Provided, That original and subsequent vacancies in the list of detached officers shall be filled as follows: When the duties to be discharged by an officer on detached service are peculiarly those of an officer of one of the four arms, Infantry, Cavalry, Field Artillery, and Coast Artillery Corps, the officer to be placed on the detached officers' list for the discharge of the duties will be selected from that arm; when the duties to be discharged by an officer on detached service are not peculiarly those of an officer of one of the arms named above, the officer to be placed on the detached officers' list for the discharge of the duties will be selected from that arm in which the senior officer of the next lower grade has had, at the date of the selection, the longest commissioned service in the Army; when an officer of any arm is removed from the detached officers' list and the resulting vacancy thereon is filled by an officer of another arm, selected as prescribed herein, the officer removed from such list shall be carried as an extra number in his grade and arm, and promotion therein shall cease until he has been absorbed in such grade and arm: *Provided further*, That for the purposes of this section the President shall assign constructive dates of commissions to officers now holding anomalous positions on the lineal lists of the Infantry, Cavalry, Field Artillery, and Coast Artillery Corps, and nothing in this section shall be construed to change the lineal rank of any officer in his own arm: *Provided further*, That except as otherwise provided in this act vacancies created or caused by this act in the several branches of the Army, line and staff, shall be filled in the manner now prescribed by law, and thereafter vacancies created or caused by transfers to the detached officers' list herein provided shall be filled in the manner herein prescribed: *Provided further*, That not to exceed 50 per cent of any vacancies in the commissioned grades below that of lieutenant colonel in the Infantry, Cavalry, Field Artillery, or Coast Artillery Corps created or caused by this act, due to the increase in any of said arms by the provisions of this act, may, for each increment, in the discretion of the President and under such regulations as he may prescribe, be filled by the transfer of officers from other of said branches of the Army; but no such transfer shall be made in the case of any officer unless it shall have been recommended by an examining board composed of officers senior in rank to such officer, who, after having made an examination of such officer as to his professional and physical fitness for such transfer, shall have reported him qualified for service in said arm in the grade to which his transfer shall have been proposed, and thereafter any officer so transferred shall take such rank in his grade in the arm to which transferred as he would have held had he been commissioned in that arm on his original entry into the service: *And provided further*, That hereafter not more than one colonel shall be assigned or attached to any one regiment.

The amendment to the amendment was agreed to.

Mr. HARDWICK. Mr. President, I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 161, at the end of line 9, insert the following section, and renumber the remaining sections accordingly:

SEC. 57. The reserve army: The Secretary of War is authorized and directed to detail for service as instructors in military tactics one or more commissioned officers of the United States Army to every college or school in the United States where there are as many as 50 male students, 16 years of age and over, in all cases where the authorities of such school or college make application for such detail and where the requisite number of students desire and consent, with the full consent of their parents or guardians, to receive such training and agree to become a part of the reserve forces of the United States. The term for which said students shall enlist in the reserve forces shall be for and during the term of their connection with school or college, including vacations, and shall in no case be for less than 12 months. Such students shall not be subject to active military service, except in connection with their training and except in connection with such mobilizations as may be had during school vacations, for which latter service they shall be paid at the same rate that officers and men of corresponding ranks and grades are paid in the Regular Army: *Provided*, That in the event the United States becomes engaged in war or it should be necessary to use troops in addition to the Regular Army and the National Guard to repel invasion, suppress insurrection, or execute the laws of the United States, then the President of the United States is authorized to call into the active military service the whole or any part of such reserve forces.

The Secretary of War is hereby authorized to prescribe all necessary rules and regulations for the enlistment and discharge of members of the reserve force and for its training and mobilization, and is also authorized to furnish to such reserve forces arms and equipment similar to those furnished to troops in the Regular Army, or such as may be best suited to the needs and requirements of such reserve forces.

Mr. HARDWICK. Mr. President, I wish to say to the Senate that, in my judgment, nothing that is contained in the bill or is likely to be retained in it——

Mr. WARREN. I will ask the Senator from Georgia if the amendment is printed, for I would like to examine it?

Mr. HARDWICK. Yes; the proposition has been printed, although not exactly in the form of this amendment. The substance of it has been printed.

In my judgment nothing that the bill now contains or will contain when it emerges from conference will afford to the United States an adequate reserve force. For one, although I am perfectly willing, and have so voted, to give every proper encouragement to the National Guard. I believe that the constitutional limitations which hedge and restrict the use of that force are such that we can not rely upon it as the only reserve force for this country. I believe we ought to encourage it; I believe we ought to appropriate for it; I believe it ought to occupy its constitutional status in the military forces of the Republic; but I do not believe it is possible by any legislation that we may enact in Congress to change the constitutional status of that force or to do what is commonly known as federalizing the so-called National Guard. After we get through with our futile attempt on that question the National Guard will remain just what the Constitution of the United States made them—the State militia of the several States of the Union.

Nor do I believe, Mr. President, that we are likely to have an efficient volunteer force as a result of section 56 of the bill. In the first place, I believe that that section may itself be stricken out when we come to the final vote thereon in the Senate itself, and even if that should not happen no Senator acquainted with practical legislation as it occurs between the two Houses of Congress can entertain even a reasonable hope, if he is for this section, that section 56 or anything like it can be retained in conference or can be passed at the other end of the Capitol.

If not, what reserve force have we provided, which force shall be subject to the order of the President, unhampered by constitutional limitations, and without allegiance to any authority whatsoever except to the President of the United States? What force of that character will be provided in the bill that finally becomes a law? None whatever unless you shall adopt some amendment of the kind I now propose.

Senators may inquire how much of a reserve force can we reasonably expect from the operation of such an amendment. My reply is that there are almost 2,000,000 American schoolboys 15 years of age and over in the schools and colleges of this country. While I do not know, I believe that a great percentage of them would be not only willing but delighted to receive the instruction, the arms, and the equipment provided in this amendment, and would in consideration therefor readily agree to become a part of the reserve forces of the United States.

At any rate, this system could cost us no more—not one penny more—than an amount that corresponded with the force it provided, and if we got no considerable reserve from it, as I am sure we would, it could cost us no considerable amount of money.

In the next place, the discipline and training itself would be good from every standpoint for the American schoolboy. It would make him not only a better soldier if war should come to this country, more prepared to defend his country, but it would make him a better civilian in time of peace by giving him that training and discipline which would be so valuable to him not only for the purposes of war but for the pursuits of peace.

Now, there is another feature about this system which I wish to commend to the Senate. Every year as each class of college boys and schoolboys go out into the walks of life they would go out with some knowledge, with some training, with some capacity for the military art and some ability to defend their country if the necessity for it came, in case of war. Not only that, but the force that it would create would be already mobilized in every school and college in the land——

Mr. GALLINGER. Mr. President, will the Senator permit a question?

Mr. HARDWICK. Yes.

Mr. GALLINGER. Can the Senator state approximately how many colleges and schools of this character there are in the country?

Mr. HARDWICK. I can not, because the Senator will understand I have made no restriction whatever upon the kind or character of the school or college to be utilized, except that such school must have the requisite number of boys.

Mr. GALLINGER. We would have to provide a very large number of officers to instruct the youths in these schools, and I think we ought to know the number.

Mr. HARDWICK. I would be glad to answer the Senator's question. Sections 42 to 55, inclusive, of this bill will provide us all the officers we can need for that purpose. That is the War College plan. We are training these officers anyway; we call them reserve officers, and we ought to give them some work. That part of the bill is a corollary to my proposition, if it should be adopted. If we adopt some such proposition as this, we will have an efficient mobilized army, already mobilized in accordance with population in every great city of the country. New York alone, it is estimated, would have 50,000 of such reserves; Philadelphia probably 20,000. You can figure it out for every city in the country. It would be made up of our own boys. While they would be Federal reservists, they would have all the characteristics of citizen soldiery and would come directly from the homes of the people themselves.

Mr. President, during the course of this debate the distinguished Senator from Oregon [Mr. CHAMBERLAIN] truly said, eloquently said, that in every war in which this country had engaged the boys had fought its battles. It is true. It was not rhetoric, it was not eloquence alone, it was sober truth, proved by the statistics of every war we have had.

Now, I contend if we have another war the boys of this country from 18 years up, possibly from 16 years up, will fight its battles. If so, why not give to these boys, to every one of them willing to take it, the training that will make him a better soldier and will enable him to give a better account of himself and to give the country more efficient service?

I do not see why a proposition like this ought not to be adopted unanimously by the Senate. I can not tell what it will cost, because I do not know how many boys will go into it. I do believe that a considerable number of the 2,000,000 American schoolboys would gladly go into it. If so, it would cost a considerable amount of money, but no more than would be warranted and justified by the result that would be secured, for if a considerable number went into it, three or four hundred thousand boys, this Republic would have the most splendid, the most efficient army of reserves that any republic ever had in all history.

Mr. SMITH of Georgia. Will the Senator permit me to ask him to explain to the Senate just what the cost would be in each school? Would it be anything except for the officers to train the boys and the equipment?

Mr. HARDWICK. Not a thing on earth except that. I have provided, which I think is just, that when these boys are mobilized during vacation time into regiments or brigades or even larger units they shall be paid during the short time of their summer encampment, during the short time of this mobilization, just such pay as the officers and men of the Regular Army of corresponding rank and grade receive.

If the Senate will give this matter its serious attention, if every Senator will put his individual judgment to work on it, I have not the slightest doubt that the amendment will be overwhelmingly adopted.

Mr. JONES. Mr. President——

Mr. HARDWICK. I yield to the Senator from Washington.

Mr. JONES. What provision is made in the Senator's amendment with reference to uniforming the boys?

Mr. HARDWICK. I think "equipment" would be construed to mean uniforms.

Mr. JONES. Is that what is intended?

Mr. HARDWICK. That is what I intended; yes, sir.

Mr. SMITH of Georgia. That is a matter which I think would be left to the discretion of the Secretary of War.

Mr. HARDWICK. I have left all those things to the discretion of the Secretary of War.

The VICE PRESIDENT. The Senator's time has expired.

Mr. STONE. Mr. President, I will take the floor to ask a question, and the Senator from Georgia may answer in my time. As I understand, this amendment provides for this training in every school having 50 male pupils?

Mr. HARDWICK. In every school having 50 male students above 16 years of age, where they want to get such training and where the students will consent to a voluntary agreement that they will take the training and become in consideration thereof a part of the reserves.

Mr. STONE. The Senator from Georgia says that there are something like 2,000,000 boys in this description of schools in the United States?

Mr. HARDWICK. Yes, sir. Let me state that exactly accurately. There are nearly 2,000,000 boys who are 15 years of age and over in the schools and colleges of the country. In the amendment I have finally fixed the age at 16 years, which, of course, would reduce the total somewhat.

Mr. STONE. The Senator seems to think that probably four hundred or five hundred thousand, that is to say, about 25 per cent, of these boys would avail themselves of this opportunity?

Mr. HARDWICK. Of course, that is a mere opinion; but I hazard that opinion with a good deal of confidence, for I know how anxious the boys are for this sort of training. The Senator from Missouri might have a different opinion or he might not. He might think that there might be even a larger number; but the Senator knows as well as I do that the American schoolboy loves brass buttons and likes this sort of thing, and if you will give it to him free, I believe he will accept it enthusiastically and in large numbers.

Mr. STONE. Well, I will accept the Senator's estimate. They are to serve during the year?

Mr. HARDWICK. They are to serve during their school terms, but not less than one year.

Mr. STONE. They are to serve for not less than one year. And then they become what?

Mr. HARDWICK. After they go out of the school they have no longer any sort of obligation to the Government; but they go out into civil life with a certain amount of military training and with a certain amount of knowledge of military affairs which makes me think they would then go into the National Guard or into the Regular Army, and I am assured that if we had a war they would by reason of this training be much more capable of giving effective service to their country.

Mr. STONE. But that is not the thought I have in mind to inquire about. During what period are these boys to be regarded as a part of the reserves of the United States?

Mr. HARDWICK. They are to be so regarded during the period in which they are connected with the schools, because there is where they are mobilized. They will, of course, come from different communities in many cases.

Mr. STONE. And after that they cease their military connection?

Mr. HARDWICK. They have no connection with it beyond the period they are in the schools.

Mr. DU PONT. May I ask the Senator a question?

Mr. HARDWICK. I am on the floor only by courtesy of the Senator from Missouri.

Mr. STONE. The Senator may ask a question in my time.

Mr. DU PONT. I merely want to ask the Senator from Georgia whether his scheme includes the colored schools of the country?

Mr. HARDWICK. Well, sir, I have not thought to draw the color line, nor is that necessarily involved in this matter. Does the Senator from Delaware want to draw it?

Mr. DU PONT. I do not; but I am asking for information.

Mr. HARDWICK. I do not think the colored students will enlist in my section of the country; I do not know what they will do in the Senator's section of the country.

Mr. DU PONT. The colored schools are separate in my State, and the question may be asked whether they come under the provisions of this bill.

Mr. HARDWICK. If the Senator wants me to answer his question frankly, I am perfectly willing to do so. I think it would be largely a matter of administration by the War Department. There is nothing in the proposed law that would

prevent the Secretary of War from exercising a wise administrative discretion in this matter.

If the Senator will let me answer the question further, I will say I do not believe that in the Southern States, at least, the sentiment is such as to encourage that sort of thing there, or that it would be likely to occur, or that any Secretary of War would encourage it or permit it. What might be done in other sections of the country I do not know; but, of course, in presenting a proposition like this I feel that we must leave a matter of this kind to the administration of the War Department.

Mr. SMITH of Georgia. Mr. President, we are reaching the last day for the consideration of this bill. Do we really think we have accomplished what we started out to do? Are we really providing an effective force that would be valuable for the national defense next year? Are we making any substantial improvement on what we would have next year if we needed them next year or year after next? I do not think so.

As to the Regular Army, we have provided for its increase by 20,000 men at once. The general increase provided for by this bill is 16,000 a year. We have provided for the first 12 months' increase already and for 4,000 of the increase of the second year, so that we will add only 12,000 to what we have already provided during the second year.

Mr. President, I am in favor of enlisting the full amount we contemplate adding just as quickly as we can enlist them. I am in favor of pulling down this limitation as to time and of obtaining them at once as rapidly as they can be had. I am not interested in the Army five years from now anything like so much as I am interested in the Army next year and the year after. I hope that five years from now, with the object lesson before them of the European struggle, possibly the nations of the world will return to sanity and that disarmament rather than preparation for war may be the governing force of the world. It is now that it is our duty to put ourselves in a reasonable condition for national defense. I hope, Mr. President, that we will change the pending bill and permit the immediate enlistment of all the troops that we contemplate as an increase of the standing army.

I like the amendment of my colleague [Mr. HARDWICK]. It will not be expensive, but it is something substantial. There are 2,000,000 boys, from 16 years of age up, in the schools and colleges of the United States. For a small sum they could be drilled and even equipped. Suppose we estimate that there will be 400,000 or 300,000 who would tender their time and, in groups of 50 or more, accept the provision. I understand that in the high schools of Atlanta, Ga., 1,500 boys applied for the privilege of enlistment and drilling. If we could by the 1st of next September or the 1st of next October have in the schools of the country 300,000 boys who were organized and being drilled, I think it would be beneficial to them throughout their lives. I believe we would have 500,000. I believe that, with the smallest expense, with an expense that would be nominal, we could have 500,000 boys in the schools of the country this fall under a 12-month enlistment, organized and being trained.

The expense would certainly be very small. One Army officer could be detailed to 50 men, and the extent of the equipment, the extent of the uniforms, could be controlled by our determination as to the expense. The equipment, so far as arms are concerned, would be a permanent investment and not exhausted by a year's use.

Mr. GALLINGER. Mr. President, if the Senator will permit me to interrupt him, he will observe that this amendment provides that they shall have similar arms and equipment to those of the Regular Army of the United States.

Mr. SMITH of Georgia. Well, it might be proper to amend that.

Mr. HARDWICK. Mr. President, if my colleague will pardon me, the language, in addition to that, is "or such as may be best suited to the needs and requirements of such reserve forces."

Mr. SMITH of Georgia. My colleague has qualified that provision as he has indicated.

Mr. GALLINGER. I did not know that.

Mr. SMITH of Georgia. I would largely leave the mode of handling it and the extent of the expenditures to the discretion of the Secretary of War as the force enters the service and as the department finds it practicable to handle the force; but out of it we will have organized by the 1st of next January, I have no question, 400,000 splendid boys, who in a short time, with additional training, will be ready to back the first line of our troops. It would mean something substantial.

I have no confidence in section 56, because the men under that section are simply to go out and drill for 30 days and then be disorganized. It is something in the shape of a permanent organization that we ought to bring out of this bill. It is something immediately in the shape of a permanent organization for the Regular troops that we ought to bring out of this bill, and something in the shape of the largest number possible of really organized and officered men as a reserve which we should bring out of this bill.

I trust this amendment will be adopted, and I trust a little later on we will amend the provision as to the Regular Army to provide for the immediate enlistment of the troops we contemplate having.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. In relation to the expense attached to this amendment, as I understand, if 400,000 boys, the number suggested by the Senator from Georgia, should take advantage of the amendment, then the expense to the Government would be $5,200,000 each year, for the amendment provides that each boy enlisted shall receive pay at the rate of $13 per month.

Mr. SMITH of Georgia. Each boy enlisted?

Mr. SMOOT. That is, during the summer vacation.

Mr. SMITH of Georgia. When they are out giving their whole time to the service.

Mr. SMOOT. Yes; during their summer vacation; and I say that for 400,000 of them the cost——

Mr. SMITH of Georgia. If they drill 30 days during the summer as a body it would cost something over $5,000,000.

Mr. SMOOT. Yes; that is as I understand it.

Mr. SMITH of Georgia. Now, Mr. President, where could we spend a similar sum and develop as forceful an organization? Where else could we spend that amount of money and realize results as practical? I trust the amendment will be adopted, and a little later on, when the opportunity is presented, I shall again urge, with some figures with reference to the expense, a change in the bill so that enlistments for the Regular Army will not be limited to 16,000 a year, but the full quota can be enlisted immediately.

Mr. McCUMBER. Mr. President, this amendment is in every principle exactly the same as the amendment which I offered the other day, and upon which I did not ask for a yea-and-nay vote. While not in the same language, its purpose and intendment are exactly the same.

Mr. President, we will have no organization in the State of North Dakota, none I believe in Montana, none in South Dakota, and I am doubtful if we will have in the western part of Minnesota under section 56. You will secure the organizations contemplated by that section only in those States and in those districts in which large cities are found. That section will prove a failure, in my opinion. Certainly a mere 30 days' training for a few gentlemen who get together will never make an army.

Mr. SMITH of Georgia. Mr. President, if I may ask the Senator a question, with the House of Representatives overwhelmingly voting it down, with the Senate only sustaining it by two majority, is there any possibility of section 56 remaining in the bill? Do we really think seriously it will remain in the bill? We know it will not.

Mr. McCUMBER. I do not think it ought to be in the bill, because I think it will be a failure.

Now, there are in the colleges and in the high schools of the United States about 750,000 young men, energetic and of the right age to take lessons in drill and in maneuvers at the same time that they are fitting themselves for the various avenues of civil life. Nothing could be more beneficial to these young men than to have this training during the two or two and a half months of their vacation. In the one instance we will not have an organization, but, on the other side, we will have in every high school and in every academy and in every college in the United States a body of students organized and ready to step forward; and, in my opinion, at least 90 per cent of them would be eager to take the instruction and spend their summer vacation in camp. Thus we would have the nucleus of a strong army to draw on in the future.

I hope, Mr. President, that this method of building up a civil army that can be made the nucleus for a great military army whenever the Nation may demand their services may be voted into this bill. You will then, Mr. President, succeed in having an organization in every one of the districts throughout the United States. I shall cheerfully vote for this amendment.

I wish to add that, as the amendment offered by the junior Senator from Georgia [Mr. HARDWICK] expresses everything that I intended in my amendment, I shall not offer mine, but shall content myself with casting my vote for his amendment.

Mr. CHAMBERLAIN. Mr. President, just a word or two. The cruel part about this amendment is that it at once makes the young men 16 years and over a part of the enlisted strength of the Army of the United States. I believe there has been current a song about the mother who did not raise her boy to be a soldier; but this proposition is to ingraft into the law a provision compelling every boy 16 years of age and over to be an enlisted man in the Army.

Mr. HARDWICK. Mr. President, will the Senator yield? The Senator does not want to misrepresent the amendment.

Mr. CHAMBERLAIN. Certainly, I do not.

Mr. HARDWICK. The amendment does not have anything compulsory about it. It says that they shall not be required to take this instruction, and nobody will be required to take it who does not want to do so.

Mr. CHAMBERLAIN. Mr. President, I do not intend to misrepresent the amendment, but it provides:

> That in the event the United States becomes engaged in war or it should become necessary to use troops to repel invasion, suppress insurrection, or maintain peace and order under the Constitution and laws of the United States, then the President of the United States is authorized to call into active military service the whole or any part of the reserve forces herein provided for a period not to exceed 12 months.

Mr. HARDWICK. Mr. President——

Mr. CHAMBERLAIN. I will say to the Senator that I have only 10 minutes to speak to this question.

Mr. HARDWICK. The Senator can get more time; we can get it for him in other ways, and we will do that all right. Now, if the Senator will pardon me, no man is required to enlist or is required to take advantage of the provisions of this amendment unless he wants to do so.

Mr. CHAMBERLAIN. No; not to enlist——

Mr. HARDWICK. We do not make him do it by law or in any other way unless he wants to do it.

Mr. GALLINGER. Then, it does not amount to anything.

Mr. CHAMBERLAIN. Then, as suggested by the Senator from New Hampshire, it does not amount to anything.

Mr. President, in the last analysis, the only thing that is going to protect this country and to create a reserve that will absolutely defend the country is some system of compulsory military training. It is said that the country is not ripe for it yet, Mr. President; but whenever the country is in danger the American people are ripe to accept any proposition that will place it in a condition where it can defend itself against the world.

Here is a system of compulsory education, if you please, the Senator to the contrary notwithstanding, because it provides in terms that these schools can have officers detailed in connection with them to assist in giving military training; and the boys at these schools will become soldiers, because, as the Senator from Georgia well said, they like brass buttons; they like the display that follows the life of a soldier. But, Mr. President, aside from the question of drafting the boys of 16 years and over into the service of the United States—and I claim that is what it does do—is the question of expense.

Whenever we try to do anything here toward the reorganization of the Army the first charge that is made is: "You are building a top-heavy institution. You are creating officers here for the Army and neglecting the enlisted men"; and nobody has protested so loudly against that as the distinguished senior Senator from Georgia [Mr. SMITH]. Now, my distinguished friend from North Dakota [Mr. McCUMBER] says that his State is not interested in it at all. Permit me to say to the Senator that there is an officer detailed to both North and South Dakota for the purpose of training the young men in those States.

There are at present detailed for these services, in the different parts of the country, 685 officers of the Army. The bill as it stands now increases the details from 685 to 1,022; and yet, if this amendment goes through you will have to detail a great many more than that. Take the condition of the schools last year. There are about 100 schools now eligible for the detail of officers to train the young men. Those schools in the past 11 years graduated 44,000 young men, and there are in the schools now 32,000 young men who are receiving military training. If you are going to increase the number, we have not enough officers in the Army to go around to all of these schools where there are 50 young men 16 years of age and over.

So that in the last analysis we have not the men. But more important than that, Mr. President—and I am of necessity compelled to speak hastily—I desire to call the attention of the Senate to sections 42 to 55 of the bill as it stands now, under which, if it becomes a law—that provision has not been assailed yet—we will train young men not for enlisted men but to create an officers' reserve. It seems like cruelty to draft into the enlisted strength of the Army the young men who are the strongest mentally and physically when the same young men ought to be trained, and the bill provides for training them, for officers and to go into the reserve corps.

Just look at the number of officers now that are on detached duty. In the National Guard there are 114; in educational institutions, 61; in the recruiting service, 87; as service-school faculties, 184; in the Philippine Scouts, 11; aids to general officers, 27; Military Academy, 74; other officers detailed for service elsewhere, 96, and the General Staff, 31, making 685. This bill proposes to increase that number to 1,022, and that goes the limit to train young men for the officers' corps rather than to train them for enlisted men.

Mr. President, I hope the amendment will not be adopted. I think the committee has gone as far as it ought to have gone in the preparation of young men for officers under the provisions to which I have called attention; and I think the Senate ought not to go any further than the committee went in its effort to train these young men for the officers' reserve corps.

Mr. REED. Mr. President, the chairman of the committee has just stated as a chief objection to the amendment, which proposes to carry military instruction into the schools and colleges of our land, that we can not spare the number of officers necessary to do the teaching. Truly we are in a remarkable condition if we can not furnish instructors to teach the boys who may want to fit themselves to defend our country. I unhesitatingly say that if we are in so sad a state we had better take out of the Army and out of the Navy every man who is capable of giving military instruction and get busy right now instructing some more men, so that we can get enough skilled men, at least, to teach the people of the country how to protect the country. It is a remarkable argument that we have not enough men so that we can afford to assign them to the duty of making other men competent and fit for service.

An officer detailed to a school like the one spoken of by the Senator from Georgia [Mr. HARDWICK], where 1,500 students are ready to enlist, can in one year's time train 1,500 to a certain point, and in two or three years' time can bring a large number of that 1,500 men to a degree of military knowledge which will render them capable of great service to our country. When a man teaches others he multiplies to the world the knowledge he possesses; in a sense, he multiplies himself. If we are at so low an ebb as the chairman of the committee argues, then so much more the reason to begin teaching, and to begin at once.

The Senator talks about the cruelty to the boys in having them enlist. Let it be plainly understood that there is no provision in this amendment requiring any boy to enlist. The requirements of the amendment are, first, the authorities of the school must request the establishment of military training; second, the parents of the boy must consent; third, the boy must himself consent. There is, therefore, neither coercion nor compulsion.

Is there, as has been charged, any cruelty in enlisting these boys? Is there any cruelty in teaching a boy how to defend himself and his native land? Manifestly not. The only cruelty that could possibly come is when he is put on the battle line.

Mr. President, disguise it as we may, we are preparing to put somebody on the battle line. The question, then, is, Shall we put on the field of battle a man wholly unfitted for his task, incapable either of defending himself, his home, or his native land, or shall we put there a man who is equipped and able to meet all antagonists?

The question of age has been raised. It is asserted that the students who will be embraced within the provisions of the amendment are too young. The answer is given by the facts of history. In their light nothing remains of the appeals to the sympathy on account of youth. It was the youth of the country that fought the great Civil War. The chairman of the committee has furnished me, at my request, with a table which he put into the RECORD a few days ago, and which I shall not repeat, but I call attention to a few of the figures.

There was in the Civil War under 15 years of age 104,987 soldiers.

There was above 22 years of age only 618,511 soldiers.

There was nearly twice as many boys under 15 as there were men over 22.

There was in the Civil War under the age of 17, 844,891 soldiers.

There was under the age of 18, 1,151,434 soldiers.

There was under the age of 21, 2,159,798 soldiers.

The battles of the Civil War were fought by boys. It will be the boys who will fight the battles of the future. When you talk of cruelty, I ask you which is the more cruel—to send these boys out unprepared to slaughter or to send them out prepared to take care of themselves? Which would you rather have happen to your boy? Would you rather have him sent out

untrained, half equipped, ignorant of the art of war, without knowledge of the rules necessary to preserve his health in the field, to become the ready food of cannon, a ready sacrifice to bullets and bayonets, the easy prey of disease and pestilence, or would you rather send him forth capable of meeting his foe on equal terms, more skilled than his antagonist, strong, and self-reliant, confident? Would you rather have him brought home on a stretcher or welcome him bearing the laurels of victory? The cruelty is in sending a boy out to slaughter, not in training him to take care of himself.

These boys are already mobilized in our schools. They have the time to give. They can give it without detriment to their school work. They are there, full of enthusiasm, full of energy, full of life, full of ambition. They are where we can get at them and train them. There is more virtue in this one amendment than there is in the entire bill.

You talk about expense. You can readily prepare to spend from $25,000,000 to $40,000,000 a year on an army of volunteers; but when we speak of $5,000,000 a year, which will give the country an army five times as big as the proposed volunteer army, Senators are appalled at the expense.

Mr. President, I repeat this is the most meritorious proposition of the bill. Some one has spoken of the expense of arming the students. We have 1,000,000 rifles now in this country. We ought to have 2,000,000 or more, for men can not fight without arms. But the 1,000,000 rifles we now have are largely stored away in armories, boxed up, oiled, and kept for the future; they would better be kept polished by the hands of the young men of the country who are learning to use them in the Nation's defense.

I am astonished that this amendment should be resisted. It is the one amendment that proposes to train the citizens of this country and that gets at it in the right way. I am not in favor of a great professional Military Establishment.

I have said before, and I repeat, that I do not believe the professional soldier is a good thing in a Republic, except the number be so limited that the strength of the professional soldier shall always be subordinate to the strength of the civil population. I do believe, however, that every boy in this country ought to have a military training; not that he may become a professional, but a citizen soldier. I point to the fact that the chairman of this committee says there should be compulsory training in this country for everybody. If that is true, upon what ground does he dispute the wisdom of giving that training at least to those who will voluntarily take it?

Mr. SMITH of Georgia. And who are already organized.

Mr. NEWLANDS. Mr. President, I favor this amendment. I have favored, and I propose to favor, every reasonable amendment that provides for the union of vocational and military training. I believe in a patriotic and compulsory service. That is unattainable, however; and therefore it is desirable to make the service as attractive and persuasive as possible if we are to encourage recruiting.

There is no age at which military training is so attractive as in youth. There is no period at which it can be so easily acquired. I believe it would be a wise thing to provide for the military training of the youth of our country in our schools. I should like to see that advanced in some practical way by the union of vocational and military training. We have, by amendment, provided for that in our Regular Army. I should like to see it also provided for in this reserve army, but at all events this amendment will give our youth a discipline which will greatly benefit them and will give the country a large number of trained men—partially trained men, at least—who will be prepared to enter upon its service in case of emergency; and I shall, therefore, vote for it.

Mr. CURTIS. Mr. President, I understand the amendment offered is not the exact amendment I hold in my hand. I offer the following amendment to the amendment of the Senator from Georgia: Wherever the word "fifty" occurs, strike it out and insert in lieu thereof "one hundred," so as to make it read "in which there are as many as one hundred male students 15 years of age and over."

I offer that amendment because of the objection urged by the chairman of the committee that it would require too many officers if the number is placed at 50. Of course if the number were placed at 100 not nearly so many officers would be required.

I am very heartily in favor of the amendment of the Senator from Georgia, and hope that the amendment I have offered to it will be agreed to.

Mr. HARDWICK. Mr. President, am I entitled to speak again?

The VICE PRESIDENT. The Senator is, on this amendment; yes.

Mr. HARDWICK. On the entire proposition as it now stands?

The VICE PRESIDENT. The Senator from Georgia knows that he must speak to the question, but he can speak about anything on heaven above or on earth beneath.

Mr. HARDWICK. I will try to restrain my argument as much as I can to the proposition before the Senate.

It seems to me, Mr. President, that the suggestion of the Senator from Kansas by way of amendment is all right, and I propose to accept it—I think I have that power—because it will, to a large extent, meet the objection raised by the chairman of the Committee on Military Affairs.

I want to say just a word or two more about the proposition before the vote of the Senate is taken on it.

I understand that some Senators are under the impression that the amendment provides that this service could be required without the consent of the parents or guardian of the boy who wishes to enlist. Such is not the case. The amendment offered and pending provides in so many words that no boy shall be allowed to take this training or to enlist in the reserves except with the full consent of his parents or guardian.

There is nothing in the objection on the score of expense. This amendment will provide a splendid reserve army at much less cost than any other system that has yet been suggested or that I believe can be devised. There is no provision whatever for any pay for these boys except when they are mobilized outside of their own States; it may be in many cases for short summer vacations, and then the pay, $13 a month, will hardly pay their expenses. It was not designed to give them any financial compensation, but it was thought that when they were carried off into these mobilization camps during vacation the Government ought to pay them enough to pay their expenses; and that is all there is of that proposition.

Mr. President, I am ready for the Senate to vote. I know there are many other amendments to be offered.

Mr. SMITH of Michigan. Mr. President, I was very much interested in the statement of the Senator from Missouri [Mr. REED]. The figures which he gave about the age of soldiers during the Civil War are very striking, and I think the Senator could have gone one step farther and shown with perfect truthfulness that there are more soldiers now living, more than half a century after the war closed, than there were soldiers in the Union Army over 22 years of age in the War of the Rebellion. That was a boy's war. There were 1,840,000 of them under 18 years of age.

Mr. HARDWICK. If the Senator will permit me, I have looked into the question, and the same thing is true about every war this country ever fought, from the Revolution down.

Mr. SMITH of Michigan. I am glad the Senator has said that. I was about to say it myself. I think the record will bear out the statement. The War of the Rebellion was a boys' war; and when you consider that that war was fought and won by boys who were denied by their Government participation in the choice of public servants and in the making of laws, it is a very singular and striking situation. Five years after the war these 1,814,000 boys were permitted to vote, and not before that time. There were over 1,400 boys in the War of the Rebellion on the Union side who were not over 14 years of age.

Mr. President, I do not know how you expect these boys to be prepared for military service. This education will help them and may help the country in its hour of peril, should we be so unfortunate as to need their service, and I can see no impropriety in such training and education at that age when they are most easily trained, especially if it is voluntarily desired. The amendment allows them to have an instructor if they want it; and if they have an instructor, can anyone say that the result will not improve them physically and mentally?

No one can tell what a boy will grow to be under certain favorable environments. Since I have been a Member of Congress I have appointed a good many boys to the Naval Academy and to West Point. I remember at one time appointing one of the most unpromising boys I ever saw in my life, who came because he was moved by high ambition to do so. He had educated himself. I doubted very much whether he would be able to pass the examination, but, much to my astonishment, he did pass. He was the son of a carpenter in the little town in which he lived. He never had very many advantages even in the public schools. Yet that boy is to-day a naval constructor in the New York Navy Yard and has built the battleship *New York* and the battleship *Arizona*. You can not tell what a boy will amount to under certain favorable environments, and I am the last man to fix any limitations to his growth.

Environment and necessity are the chief spurs to self-reliance and independence in this world. I put the latter first, because if some loved one depends upon him he will meet any emergency

with courage and confidence, and if his environment is helpful you can not tell to what heights he may climb in this blessed Republic, where opportunities are so numerous and the field of individual endeavor so limitless.

If we are to be defended by boys on the field of battle, then I say it is their due that you give them suitable training and put into their hands the implements with which they may defend themselves; for this they will render their country a service which the Government never can repay.

Mr. CUMMINS. Mr. President, I ask the Chair whether the amendment proposed by the Senator from Kansas [Mr. CURTIS] was accepted.

The VICE PRESIDENT. It was.

Mr. CUMMINS. I desire to offer the following amendment, which I will read and then send to the desk. I can read it better possibly than the Secretary from the way it is written. I desire to add to section 58, line 11, page 3, the following words:

Provided further, That no person under 18 years shall be called into active service under this section.

Mr. HARDWICK. Mr. President, I accept that amendment. I had it in mind that the President would not call anyone under that age. I think it is a good one.

Mr. CUMMINS. With that, I desire to say a word regarding the amendment itself. It is my opinion that it would be one of the most valuable parts of the bill, which we all hope will be helpful in our military organizations. I have vastly more faith in the military training taken on by a young man at school when he is engaged in study in preparing himself for whatsoever he may be called upon to do in life than I have in military training at any other age. He not only acquires the mere science of military affairs but he acquires the spirit in which military education ought to be taken on, and he will carry that spirit with him throughout his whole life. It will help to teach him true patriotism.

I am afraid of the military spirit which is imbibed or acquired in the training of mature men, for I think it is difficult to disassociate it from immediate and constant war. But it is not so with the young man who is fitting himself for life and who will accept the military education as a part of the equipment that he needs to perform all the duties of a citizen.

I sincerely hope that the amendment offered by the Senator from Georgia as thus amended will be adopted.

Mr. OVERMAN. Mr. President, I voted for the McCumber amendment; I voted for the Reed amendment; I favor this amendment. I am in favor of training the youth of this land so that if we do have a war the young boys of the country who will have to fight it may be trained. I have a boy myself at a military school, because I know that that is the place where he will be taught to obey and also he will be taught to command. It will make him a better citizen when he comes out of that school, and if he does have to go to war he will be somewhat trained for the duties of war.

I think it is very certain that section 56 can not become a law. It is impossible. The House will never agree to it, and the Senate is really opposed to it. That was shown by the vote on it when it was adopted by a majority of two.

If we are to have a reserve army, the boys of the land from 15 to 20 will be those to put into the reserve force; and we will have a powerful reserve since the adoption of the amendment of the Senator from Iowa, which is a very wise amendment; they can not be called out until they are 18, and there will be 20,000 or 100,000 or perhaps 200,000 boys who will be trained not only for war purposes but for better citizenship. They will be better citizens than they would be without this training, and better prepared for military service.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia as amended.

Mr. REED. Let it be read as amended. I do not mean to ask for the entire reading. I should like to know how it has been changed by amendments to it.

The VICE PRESIDENT. It was changed from 50 to 100, and that no person under 18 shall be called out by the President of the United States.

Mr. REED. I wish to ask the author of the amendment if, in view of the amendment that no one is to be called out until 18, he is not willing to lower the age of entrance to 15?

Mr. HARDWICK. I am perfectly willing to have that amendment made.

Mr. REED. I ask that that amendment be then made to the amendment.

The VICE PRESIDENT. The amendment will be so modified. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. HARDWICK] as amended.

Mr. SUTHERLAND. What is the change that has just been made?

Mr. HARDWICK. Let it be read as finally amended.

The VICE PRESIDENT. It will be read.

The SECRETARY. As amended, section 57 will read as follows:

SEC. 57. The reserve army: The Secretary of War is authorized and directed to detail for service as instructor in military tactics one or more commissioned officers of the United States Army to every college or school in the United States where there are as many as 100 male students 15 years of age or over in all cases where the authorities of such school or college make application for such detail and where there are the requisite number of students who desire and consent, with the full consent of their parents or guardians, to receive such training and agree to become a part of the reserve forces of the United States. The term for which said students shall enlist in the reserve forces shall be for and during the term of their connection with school or college, including vacations, and shall in no case be for less than 12 months: *Provided*, That no person under 18 years of age shall be called into the active service under this section. Such students shall not be subject to active military service except in connection with their training, and except in connection with such mobilizations as may be had during school vacations for which latter service they shall be paid at the same rate that officers and men of corresponding ranks and grades are paid in the Regular Army: *Provided further*, That in the event the United States becomes engaged in war, or it should be necessary to use troops, in addition to the Regular Army and the National Guard, to repel invasion, suppress insurrection, or execute the laws of the United States, then the President of the United States is authorized to call into the active military service the whole or any part of such reserve forces.

Mr. CUMMINS. The proviso will come in at the end of the section.

The VICE PRESIDENT. At the end of the section. The question is on the amendment of the Senator from Georgia as amended.

Mr. POINDEXTER. Mr. President, before voting upon the amendment, I desire to state my position. I would be very glad, indeed, to vote for that portion of the amendment which provides for the training of boys in school. I think it is worthy of all the encomiums that have been heaped upon it by the speakers this morning. I think it is one of the most important propositions and one of the most valuable that has been suggested in connection with the bill, and I would gladly vote for it.

However, I am not able to reconcile myself to the idea of putting a penalty upon those young men of the country in schools for their willingness to gain a military training. That would be the case if the President is authorized to call them out in case of war. It is a species of conscription. It is compulsory service. Of course, they voluntarily enter into the training, but the proviso attaches to that voluntary entrance the compulsion that they must subject themselves to the orders of the President to serve as soldiers in the Army in time of war.

If there is to be any species of conscription or compulsory military service, it ought to be universal. It ought not to be confined to the young men who are in the schools or to those who are out of the schools.

The amendment is very much improved in that respect—the objection which appealed to me is modified a great deal—by the amendment of the Senator from Iowa which has been adopted, but still it leaves it so that all the young men in the high schools and colleges who accept this training, which in itself is most valuable for them, who are 18 years old or over, will be the first line of battle. They can be ordered out to meet the first needs of the country if there should be a war. I am not myself willing to vote for the amendment with that proposition in it.

Mr. SMITH of Georgia. Will they not be better prepared to take the first line?

Mr. POINDEXTER. Undoubtedly.

Mr. SMITH of Georgia. Have they not volunteered accepting this training?

Mr. POINDEXTER. Undoubtedly they volunteer to do it by the terms of the bill, but I prefer to give the young men in the schools an opportunity to volunteer for military instruction without thereby constituting themselves a part of the Regular Army who can be compelled to serve in time of war while the rest of the population is not compelled to serve.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield to the Senator.

Mr. BORAH. I think there is some strength in what the Senator suggests, and the further thought occurs to me that it possibly might deter a good many young men from taking this course who otherwise would do so.

Mr. POINDEXTER. I think that is a very probable result of the proviso. If these young boys are subject to be called to war by the order of the President, while all others are exempt from service, their parents and guardians would hesi-

tate to allow them to take this military training. The amendment of the Senator from Georgia will be much more useful without this requirement.

The probabilities are that under the voluntary system young men 18 years of age and over who see the advantages of military training and who accept the provisions of this bill would volunteer at the call of the President, but they ought not to be required to do more than that unless the rest of the young men of the country of the same age and the same duties and the same responsibilities as citizens are subject to the same conscription.

In order, Mr. President, to have an opportunity to vote for that portion of the amendment which provides for training of a military nature in schools without at the same time subjecting every young man who accepts that training to compulsory service in time of war, while the rest of the country is exempted, I move to strike out of the amendment proposed by the Senator from Georgia the proviso on page 3, in section 58, including the amendment to it of the Senator from Iowa.

Mr. VARDAMAN. Mr. President, if this amendment shall be adopted I think it will result in the organization of schools where the science and art of war would be taught. The ordinary school with 100 or more pupils will not take advantage of it at all, because there will be a great many of the boys who will not assume these obligations. If the amendment proposed by the Senator from Washington [Mr. POINDEXTER] should be adopted and every school with a hundred or more boys attending it should make application for an instructor in military tactics, I hardly see where the United States would get officers to instruct them.

Unless there is to be some special benefit to the Government in the way of enlarging or augmenting the reserve force of the Army, it strikes me that the purpose of this legislation will altogether fail. So if this amendment, as proposed by the Senator from Georgia [Mr. HARDWICK], shall be adopted, the result will be, I apprehend, that there will be schools organized throughout the country in different States designed to carry out this plan, and the boys will go there will go for the special purpose of receiving military instruction. If that shall be done, the number of schools will be small enough to enable the United States Government to furnish instructors without increasing the number of officers of the Regular or standing Army or taking them from their duties with the Army; but if the suggestion made by the Senator from Washington shall be adopted, and every school that wants a military man, a West Pointer, to instruct in mathematics and the science and art of war shall make application, it would take a thousand or more such instructors, and yet the United States Government has no guarantee or warrant that any enlargement of the military force will be thereby effected. I have no objection to teaching boys how to handle arms, to ride horseback, and shoot, but, as I have said repeatedly heretofore, it seems to me we are going too far with the whole scheme.

I do not think it would be prudent to amend, as proposed, the amendment of the Senator from Georgia [Mr. HARDWICK]. It embraces a pretty good plan, and there will probably be just enough schools organized under the provisions of the amendment to enable the Government to conveniently furnish the instructors, and possibly some good may grow out of it; that is, if any good can come of legislation of the character of this bill at this time.

Mr. JONES. Mr. President, I am in hearty sympathy with what I conceive to be the general purpose of the amendment of the Senator from Georgia, but I think there is a great deal of force in the suggestion of my colleague [Mr. POINDEXTER] and in the suggestion of the Senator from Idaho [Mr. BORAH]; that is, if this proviso is put in the bill, it will probably deter a great many who would like to be trained from taking the training and going into this organization. I think the main purpose of the amendment, at least as I understand it, is to train the boys who are likely to be called upon or who will volunteer in case of danger to our country hereafter; to give them, as the President expressed it in one of his speeches, a rudimentary knowledge of military training, of camp life, and of military discipline; so that when they do volunteer, as they would volunteer and as they will volunteer in case of need, in a very short while they can be put into such shape that they will make good soldiers. With that purpose I am in hearty accord.

The Senator from North Carolina [Mr. OVERMAN] has told us about the boys being in military schools. My boy went through a military school, but I have seen no evidence in him of great development along military lines, though I did see evidence of improvement and of development that are of great benefit to him now in civil life. I see no special manifestation of any aroused military spirit or anything of that sort. So I have no fear of anything of that kind arising; but I do not believe that we can follow a better course toward preparing for defense in future than by adopting the general principle involved in the amendment of the Senator from Georgia. The general benefits contemplated by the amendment will come without the proviso. I do not think that we ought to contemplate for a moment that, while these boys are serving under this form of enlistment, they are to be called into active service by the President of the United States, as the standing Army can be called into service.

The main purpose of this amendment is to train these boys, and I have no fear, if trouble comes, that they will not volunteer and that they will not respond to their country's call without any compulsory feature in connection with the legislation. I hope that that proviso will be stricken out of the amendment. I think the amendment will accomplish all of its purposes without it, and I think that its purpose would be likely to be very seriously impaired by leaving the proviso in the amendment.

Mr. BRANDEGEE. Mr. President, I am heartily in favor of training the boys of this country in military matters, and I think it is going to be absolutely necessary for the Nation to do so. Personally I am in favor of universal military training, and I think, if the rest of the world is going to continue along the lines they have pursued in the last year or two, the time may be very close at hand when we shall be forced to have compulsory universal military service in this country.

The difficulty about amendments of this character, however, to my mind, is this: We are making a complicated Army reorganization bill by piecemeal upon the floor of the Senate. As we go along and Senators examine the paragraphs of the bill it occurs to them that a certain amendment would be desirable here or there, and they present detached and sometimes irrelevant plans, sometimes pretty comprehensive plans, for the insertion of this idea or that proposition in the bill, without at all knowing what other Senators are going to propose later to offer as a part of the bill. The result is likely to be, if we are not careful, I am afraid, that we shall get a bill which will be proceeding upon several different theories, and the parts of which may be very inconsistent and antagonistic. There is nothing that requires unity and organization and absolute singleness of direction so much as an army. Where military discipline is to prevail there must be undivided authority at the head of the organization.

As to this particular amendment, I should like very much if some plan could be developed in a comprehensive way so that the boys in school generally over this country could have some military training, even if for only one year, under competent officers of the Army. Then, when they left school, if the country ever got into trouble, and if volunteers were called for or even if a draft were imposed, you would have men who had had at least one year of military training and who knew the rudiments of the military art, probably how to maneuver, how to load and unload a gun and take care of it, and, to some extent, how to take care of themselves.

I am strongly tempted to vote for this amendment simply to get the matter into conference and to get it before the vision of the conferees, in the hope that after consultation with the department and with, perhaps, members of the War College, some scheme may be reported possibly, if compatible with the other provisions of the bill, that will be of some benefit along this line.

But now, to illustrate the unsatisfactory method of framing a bill in this way, let me call the attention of the Senator who has presented the amendment to page 2 of the amendment providing that the Secretary of War before he details an officer to give this instruction must cause the pupils——

Mr. HARDWICK. If the Senator will pardon me, Mr. President, the amendment is not now offered in that form.

Mr. BRANDEGEE. The amendment which I have before me is in that form.

Mr. HARDWICK. That is not the amendment as now offered. I intended to suggest in an earlier part of the session the amendment a copy of which the Senator has, but I have finally offered the amendment which is now at the Secretary's desk.

Mr. BRANDEGEE. Will the Secretary be kind enough to read from the amendment at the desk the section that corresponds to section 58 in the printed amendment?

Mr. HARDWICK. The provision to which the Senator from Connecticut has just referred is not in the amendment which I have now offered.

Mr. BRANDEGEE. Is there not a provision in the amendment as now proposed that the pupils shall sign an agreement to enlist?

Mr. HARDWICK. There is a provision of that sort.

Mr. BRANDEGEE. That is the provision I should like to have read.

The SECRETARY. That portion of the amendment reads:

Fifteen years of age and over, in all cases where the authorities of such school or college make application for such detail and where the requisite number of students desire and consent, with the full consent of their parents or guardians, to receive such training and agree to become a part of the reserve forces of the United States.

Mr. BRANDEGEE. Now, that is the point. What earthly good does it do for a pupil to agree that he will become a part of the reserve forces of the United States?

Mr. HARDWICK. If the Senator will pardon me, I can answer him, if he addresses his question to me.

Mr. BRANDEGEE. I will pardon the Senator to answer the question.

Mr. HARDWICK. The intention of that language is plain when taken in connection with the provision that the Secretary of War shall make rules and regulations that will provide for the enlistment of those boys as a part of the reserve forces of the United States.

Mr. BRANDEGEE. Mr. President, if the boy is enlisted, if he actually enlists in the reserve, then he is only subject to call during the time he is in school.

Mr. HARDWICK. Yes.

Mr. BRANDEGEE. Does not the Senator think that if there is going to be an absolute reserve built up the boys should be enlisted for a longer period than one or two years?

Mr. HARDWICK. No, if the Senator will pardon me; I think not, in connection with this sort of idea, because this is intended to make the school the center of mobilization. These boys ought not to be used at all except in case of extreme necessity, when the other forces can not be satisfactorily used; they ought not to be used except when they are already mobilized; and the contract which they make with the Government ought not to last for a longer period than their term at school. Of course the only advantage, so far as these boys are concerned, that the Government would get after the period of their school duties was over would be that they would go into civil life and probably become members of the militia or the National Guard, or perhaps sometimes of the Regular Army; but even where they went into civil life and had no connection with any of the military branches they would have a certain amount of military knowledge which would make them better soldiers, if we had to use them.

Mr. BRANDEGEE. What has the Senator to say in regard to the provision that they may be drafted by the President?

Mr. HARDWICK. Mr. President, I am glad the Senator asked me that question, as it gives me an opportunity to answer it in his time. The suggestion of the Senator from Washington is a strong one, and I thought about that very carefully; but it does seem to me that while we are furnishing these boys with arms, equipment, and instruction we might ask them to give to the Government of the United States, which is doing so much for them, a certain service of a very limited character for a very limited period of time, while they are receiving that instruction, if we should need that service. Of course, this system will not make a perfect reserve; it can not be so in the very nature of things, being a school proposition.

Mr. BRANDEGEE. It would seem to me, if it is the Senator's idea that the pupil will owe an obligation to the Government for instructing him, that he ought to make him enlist in the reserve when he signs his original enlistment for a longer period of time, instead of having him subject to draft by the President as distinguished from other portions of the citizenship of the country.

Mr. HARDWICK. If the Senator will pardon me again——

Mr. BRANDEGEE. I will pardon the Senator.

Mr. HARDWICK. I do not think so, because this is a school proposition, and I do not want to burden these boys with any greater obligation than one which could be carried out during the time of their connection with the institutions where they were mobilized and where they were getting this training.

Mr. BRANDEGEE. While I do not think that in the form the amendment is presented it is completely thought out or that it will give satisfaction, inasmuch as I am in favor of some sort of military training amongst the boys of the country and think we will need it in the future, in order to call the subject to the attention of the conferees I am willing to vote to let the matter go to conference.

Mr. DILLINGHAM. Mr. President, I should be glad if the substance of this amendment could have been considered as an independent measure; but I am prepared to vote for it as a part of this bill, as I believe in the principle which is involved. My purpose in speaking at this time, however, is to oppose, so far as I may, the amendment proposed by the Senator from Washington, to strike out the provision which authorizes the President of the United States to call out, in the event of war, those comprising the reserve corps.

My thought is this: If the boys in our educational institutions make the application that the bill prescribes to have military instruction in such institutions and make the agreement, with the consent of their parents, to be enrolled as members of the reserve corps, it will add to the seriousness of their thought, the seriousness of their work, and to the advantage which is to be derived from it, if they are also under obligation to respond to the call of the President, in the event of actual war, to engage in actual service.

I think that the military instruction which has been given in our colleges under previous acts has been weak, inefficient, and not productive of good results, for the simple reason that the students of our universities have treated it lightly. I know that in many instances the so-called military instruction has been farcical, and has been so considered by the students, and has been made a thing of ridicule; but now, with the aroused sentiment of our Nation in favor of preparedness, it seems to me that if the proposed instruction is limited, as I understand it to be, to those schools that make application for military instruction and that such application represents one-half of the boys over 15 years of age who are entitled to take this instruction, and if it is accompanied, as this amendment provides that it shall be accompanied, by an agreement to become enrolled in the proposed reserve corps, and added to that there is the further obligation that if in the event of war the President shall have power to call them into actual service, it is an element which will appeal to their manhood.

Mr. SMITH of Georgia. Absolutely.

Mr. DILLINGHAM. It is something that will make men of them, just as the War of 1861 made men of the boys of that age. I think that the entire force of this proposed amendment to the bill would be destroyed if that clause be stricken out.

Mr. WILLIAMS. Mr. President, I hope that the suggestion made by the Senator from Washington will not be adopted. We do not want to waste the money in the Treasury. I can not imagine any greater waste of money than spending it to train a boy, giving him military drill and military teaching, when that boy, with the full consent of his parents, is willing to volunteer for dress-parade work and peace work, but wants to hold a mental reservation against being called out in war time. The very fact that he is willing to entertain that thought shows that he is not worth military training at all, and is not worth the money that the United States Government may spend upon him. We had better spend no money upon anybody except those who take this thing seriously and who expect, not alone to wear brass buttons and uniforms and to be popular with the girls on that account during peace time, as play soldiers and as a college exercise, but who are willing to make the training the foundation for future service at their own peril and who enter into the service with a notion in their heads that it means that some day they may possibly be shot.

Mr. BORAH. Mr. President, I shall detain the Senate only a moment.

I feel disposed to support the amendment of the Senator from Washington, although I shall vote for the amendment of the Senator from Georgia even if the amendment of the Senator from Washington should be rejected. It seems to me that we would get a larger number of boys who would enter upon the training without that proviso in the bill, and that the chances would be that by the time their training was through they would feel disposed to do what the Senator from Mississippi so well says they ought to be willing to do; secondly, when the time did come for practically conscriptive service it should be universal. But notwithstanding the fact that the amendment of the Senator from Washington may be rejected, I would be in favor of the amendment proposed by the Senator from Georgia. It is a step in the right direction. It is not complete and sufficient in and of itself, and could not be expected to be, being put on this bill as an amendment, under the circumstances under which it goes in. But it is a step in the right direction; and more of this bill ought to be devoted, both as to the appropriation and otherwise, to this kind of preparation than is found in the bill.

Last summer, according to an article in the Century Magazine, about 300 business men went out from Chicago to the United States fort to take training for 30 or 60 days, I have forgotten which. At the end of the time of training they called in 150 of the students from Culver University, Indiana, and they had a battle; and in maneuvers and in everything else which constitute a battle the 150 students defeated the 300 business men who had had training for 30 days. Of course that is not a conclusive test, but it does tend to support the statements which are made by the great military students and leaders

that the time to train for military work is during the educational period. It is at a time when the mind is receptive to training.

A distinguished writer on this subject says:

> Youth is the time for improvement—the season for preparation. A well-trained and disciplined cadet will not only be of great value to his country when it needs him, but he will be a better citizen and a better man.

This amendment carries with it not only virtue by reason of preparing the young men of the country in case we should have a call for them to arms, but it is as essential in fitting them for the ordeals of civil life. I believe in this kind of training for peaceful citizenship. It gives bearing and physical endurance and health and heart and courage for all the battles of life. I would wager more on the success of a boy who could saddle and ride a horse and shoot a gun than the boy who could not. Health is an immense element in success. I think the training that the young men will receive in these schools will be found as beneficial to them individually as any other part of their education.

Lord Roberts said:

> I maintain that it is the bounden duty of the State to see that every able-bodied man in this country, no matter to what grade of society he may belong, undergoes some kind of military training in his youth sufficient to enable him to shoot straight and carry out simple orders if ever his services are required for the national defense.

Gen. Ian Hamilton, whose achievements in South Africa were so distinguished, stated that he would feel very confident of obtaining creditable results if he were placed in command of a mounted infantry brigade composed of boys who had previously been well grounded in handling arms.

Mr. President, I am in favor of the amendment.

Mr. CLAPP. Mr. President, in view of what the Senator from Idaho [Mr. BORAH] has just said, I think I will not only supplement his remarks but perhaps go a step further, without making military service the ultimate, but making qualification for citizenship the ultimate. The highest ideal of citizenship involves physical development, moral development, mental development, patriotic development, and a certain amount of discipline. Those are the requisites that best fit a man for citizenship in a republic. I would have those requisites in the training of the young men. It so happens that military training involves the physical, the discipline, and the patriotic; so that the more thoroughly a young man is fitted for the very highest ideals of citizenship the more thoroughly he is fitted for service to his country if the time should ever come when that service should be required.

The only difference between my own views and those of some is that I would place these qualifications of citizenship first, and the fact that those qualifications render the young man best qualified for service to his country in time of war, as an incident or sequence to the very highest development of training for citizenship.

I wish this subject had received more consideration. I wish it were more of a factor or a principle in the bill we are considering; but in the case of the present amendment, as in those we have had before, I, for one, can heartily support any amendment that thus tends first to fit the young man for citizenship, including, as it does, those requisites which make him best qualified to come to the defense of his country, if that occasion should ever arise, and we may be certain of his readiness to respond when the country really needs his services.

Mr. NORRIS. Mr. President, I am not one of those who believe that the present time is one when we ought to engage in a great expansion of our military program. I expect to vote in favor of the House bill in preference to the Senate bill because of those convictions. Nevertheless, it has always seemed to me that one of the things that we ought to do is to provide for Federal assistance in schools and colleges for military training, and I favor this amendment because I believe that military training assists in making good citizens to the same extent that it assists in making good soldiers; and I think the colleges and schools are a very appropriate place for the use of the officers in the Federal Army to give instruction in military and kindred subjects.

I should be glad to favor the amendment, with the modification offered by the Senator from Washington, as a substitute for the entire bill. I believe that the amendment of the Senator from Washington ought to be adopted, and I am taking the floor now principally to offer some suggestions as to why, in my judgment, that course ought to be taken by the Senate.

The Senator from Mississippi [Mr. WILLIAMS] suggested an objection to the section that, at first blush, I think will appear to most critical minds, and that is that the Federal Government can not afford to expend the public money in training soldiers who are not willing to enlist at the beginning of their training, so that they can be compelled to serve in the Army in case of war during their enlistment. It has been repeatedly said, and very truly said, that in case of a great war we must depend in the end upon the volunteer soldier, and a republic is founded on that theory. The volunteer soldier, through patriotic instincts, will enlist and defend the country in time of danger. We ought to have a citizenship, I think, prepared and drilled so that these volunteers at the very beginning of their service will be almost the equal of the regular soldiers. If we get into a difficulty, the nature of the volunteer forces and the number of them will depend somewhat upon the public sentiment existing at the time as to the justness of our cause. We, perhaps, under all circumstances would get a sufficient army; but men do not care to enlist in a volunteer army to defend the country until they know what the issue is. It does not mean, as the Senator from Mississippi said, that a man is not worth training who will not agree at the beginning of that training to enlist in any war that may come along during such training.

That, however, is not the only objection. The facts are that the boys who are going to get the benefit of this training can not engage in the training and receive its benefits unless they have the consent of their parents or their guardians; and parents will not consent to their sons enlisting in the Army unless they know what the issue of such a contest is. We can safely trust to the boys who will get this training to enlist voluntarily in case of trouble. Moreover, in cases where parents will preclude their sons from receiving this training in the schools when they are minors, when they go out of school about the time they become 21 years of age they have thus been unable to acquire the military training that they otherwise would have obtained if it were not for the provision that the Senator from Washington, by his amendment, seeks to strike out.

Therefore, in my judgment, we will get a great many more young men who will take advantage of this provision in the law if we amend it in accordance with the suggestion of the Senator from Washington. Once having received the discipline, the training that will make them better citizens and prepare them better for the ordinary duties of life, whether they go into war or not—having received this education and this instruction while they are minors and while they are in school, they will be available in the Nation's defense at any time afterward until they reach the age beyond which enlistment can not take place. So that if we are going to give this instruction in the schools, we ought to give it to as many as possible of the young men attending those schools, and we ought not to put any provision in the law that would have a tendency to keep any of those young men out from under the benefits of the law which we provide to give them instruction.

Therefore if we adopt the amendment of the Senator from Washington we relieve this proposal of all possible objectionable features. We instruct the young men, and the probabilities are that not one in a thousand—if it had been in the last few years, it would have been not one in a million—would while they are in school be called upon to enlist. So that, as a matter of fact, keeping in the bill the provision which the Senator from Washington seeks to strike out does not materially benefit it, because the probabilities are all against these young men being called into war while they are in school. Therefore, if we will give instruction to more young men in school who later on in life, up to the time they are 45 years of age, may be called upon as volunteers, we will thus be doing a great deal more toward the preparation of a volunteer army and will be doing a great deal more for the preparation of young men in active business life than we would be if we permitted the provision to remain in the bill which this motion seeks to strike out.

No young man will be quite as good a citizen physically and mentally without this training as he would be if he had it. I think the principal benefit to come will be that which will be derived in private life by the student who gets the benefit of this instruction. Everybody knows that it teaches a good many things that he does not get in other ways. It develops him physically, it makes him a healthier and a more rugged man, as well as a better citizen and better able to cope with the business affairs of life, and at the same time it prepares him for military duty if, unfortunately, such a calamity should come.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington [Mr. POINDEXTER] to the amendment of the Senator from Georgia [Mr. HARDWICK].

Mr. THOMAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Clark, Wyo.	Curtis
Bankhead	Burleigh	Clarke, Ark.	Dillingham
Beckham	Chamberlain	Colt	du Pont
Brady	Chilton	Culberson	Gallinger
Brandegee	Clapp	Cummins	Gronna

Harding	Lippitt	Pomerene	Sutherland
Hardwick	Lodge	Reed	Taggart
Hitchcock	McCumber	Robinson	Thomas
Hughes	Martine, N. J.	Shafroth	Tillman
Husting	Myers	Sheppard	Underwood
James	Nelson	Sherman	Vardaman
Johnson, Me.	Norris	Simmons	Wadsworth
Johnson, S. Dak.	Oliver	Smith, Ariz.	Warren
Jones	Overman	Smith, Ga.	Williams
Kenyon	Page	Smith, Md.	Works
Kern	Phelan	Smith, S. C.	
Lane	Pittman	Smoot	
Lee, Md.	Poindexter	Sterling	

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. This announcement may stand for the day.

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I was requested to announce the unavoidable absence of the Senator from Tennessee [Mr. SHIELDS].

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. There is a quorum present.

Mr. LANE. Mr. President, before the amendment is voted upon I wish to say that I am perfectly in favor of training these young men at school, and they should be trained with the consent of their parents to be good and useful citizens as well as good soldiers. But I would stop there. I would not like to see those young fellows 18 years old placed in a position where they could be mobilized to put down a riot, to be used as strike breakers, or to be used for police duty. That I consider unfair. They are the flower of the youth of the country, and from them we will get the parentage of future generations, the hardy, virile young men who will carry on affairs after we go to our rest. It would be better, far better, for the country, rather than to take the young men in the first flush and heat of war and fill the trenches with them, to fill them with men of 45 years and over up to 70, including public officials, if you please, Members of this body and of the other House of Congress and such like gentry, to stand the first brunt of the fighting and hold the line until the young fellows become prepared to win or lose the battles which will settle the fate of the country.

We are going at it backward. We are sacrificing the flower of the country, and all nations have done the same in the past—the young men first—and the generations to follow them are left to be bred by the incompetent, the worn out, the crippled, and "the cankers of a calm world and a long peace."

I am opposed to any amendment to the bill which will place the young men of the country in a position where they will be called out to settle private quarrels between contending factions of the people of the country. If you will in the bill stop at the point where you give them the physical and military training to which they are entitled, making them sure shots with a rifle, with the consent of their parents, and if you will take your old and worn-out men to fill the trenches, they will, in my opinion, be more fittingly filled.

Mr. GALLINGER. Mr. President, I have refrained from consuming time in this debate because I am very anxious to have the bill sent to conference, and I wish to say just a word in favor of the amendment the Senator from Washington [Mr. POINDEXTER] has proposed.

The situation is that unless that amendment shall be agreed to when these young men have gone out of school, having received a superficial military training, they then shall be subject to the call of the President to act in defense of the Government on the battlefield if need me; they will be compelled to become soldiers; but in the slums of the great cities of this country, where the flotsam and jetsam have gathered, those men are not compelled to take up arms in defense of the Government. The young men must go to the front; the young men must be destroyed in the conflict of war; but the worthless, the men who are polluting society, the hordes of the East Side of New York, and in the slums of the other great cities of the country can escape military service, unless they are compelled to do so by being drafted into the service of the country.

Mr. REED. Mr. President——

Mr. GALLINGER. Now, why should not these young men at least have an equal chance with the class I have suggested? Why should they be compelled to take up arms and the others, of much less consequence to their homes, to society, and to the country, be free unless perforce they are drafted by the Government of the United States?

Mr. REED. Mr. President, I wish merely to call attention to one matter.

Mr. GALLINGER. I would be glad to yield for that purpose.

Mr. REED. Under the bill before the Senate these young men are liable to military service during the time they are actively in school. The period is limited to that.

Mr. GALLINGER. I understand that.

Mr. REED. As to the question about riots, and so forth, I call the Senator's attention to the language that they can only be called out when it is necessary to use troops in addition to the Regular Army and to the National Guard, so that they never could be called out merely to prevent a strike.

Mr. GALLINGER. But, Mr. President, the fact remains that they are put upon a disadvantage with men who are of less consequence to our society and to our homes and to the country than are these boys of 18 years of age and over.

I am unwilling that the youth of the country, that the intellect of the country, that the culture of our country, should be placed at any disadvantage with the men who are pouring into our great cities, polluting our society, doing harm to every interest of our country; that they should be exempt from this service while the boys who have just graduated from our schools or are in our schools should be compelled to take up arms in defense of our flag and of our Constitution.

For that reason, Mr. President, I shall vote for the amendment submitted by the Senator from Washington; and if that shall be agreed to, I shall then vote for the amendment offered by the Senator from Georgia.

Mr. POINDEXTER. Mr. President, my time has expired, and I should like to ask the Senator just one question to bring out a feature of this amendment, if he will allow me.

Mr. GALLINGER. I will be glad to yield for that purpose.

Mr. POINDEXTER. It is this: Is it not true that the instruction provided for in the amendment of the Senator from Georgia is nothing more than that given to any enlisted man in the Army? It has been argued here as though the Government would be giving these young men an education. There is nothing of that kind provided. It is simply the sort of military drill that enlisted men are subject to.

Mr. GALLINGER. The Senator is right about that. It is no more of an education than is now being given in our agricultural and mechanical schools, and we are requiring that they shall enlist because of the character of education they are receiving under existing laws.

Mr. President, I do not want to occupy time. I shall gladly vote for the amendment submitted by the Senator from Washington, and then I shall vote for the amendment of the Senator from Georgia if it shall be changed in that regard. I think it is wise to give our boys military training to a certain extent, but I do not think it is wise to then condemn them to become soldiers of the United States whether they want to become soldiers or not.

Mr. SMITH of Georgia. Mr. President, I hope the amendment of the Senator from Washington will not prevail. I was very much impressed by what the Senator from Vermont [Mr. DILLINGHAM] said. The real enthusiasm with which these boys will go into this training is from the fact that they have assumed a real responsibility to the Government. They are not play soldiers. During the 12 months that they are at school under this enlistment they are real soldiers. They are ready at the call of their country to go to the front, and if an enemy invaded our soil they would be proud of the privilege of going to the front. The responsibility that rests upon them, as the Senator from Vermont said, in connection with the obligation will make real men out of them.

Mr. President, the Senator from New Hampshire [Mr. GALLINGER] says that he wants the slums of the big cities to go to the front to defend the flag if we are called upon to defend it. Mr. President, it is the best blood of the Nation, it is the bravest and the fairest of the boys, who will do the finest service, and they will be proud of the privilege, and they will go with perfect delight. I do not regard it as a hardship to place upon any young man to bare his breast beneath the flag of his country when his country needs him. I do not consider it a burden placed upon him. I do not consider it a sacrifice. They will be the best prepared, and they will glory in the privilege of the service.

Mr. GALLINGER. Mr. President, will the Senator permit me to ask him a question before he takes his seat? I should like to ask the Senator if he thinks that it is a great privilege for the youth of our country to leave their homes and to sacrifice their lives to protect the lives and property of the people whom I undertook to describe, as they are in our great cities?

Mr. SMITH of Georgia. I do not understand that the question of the Senator is applicable to this case. I answer him that the real object of this force is for national defense in case

they are required really by a national invasion. We will need the men who are best prepared in such an event, and I do think it is a privilege, and I think it will be a privilege if such a time should ever come, for every man who has a drop of red blood in his veins of every age to line right behind them and do his duty. I believe they will do it from the Lakes to the Gulf, from the Pacific to the Atlantic. These boys will already be organized; they will be trained, and they will be in a splendid shape, and all true men will get right behind them if the call comes. I do not think that is a burden on them.

Mr. GALLINGER. The fact still remains they are fighting to protect the rights and the property of the worthless element in our great cities.

Mr. SMITH of Georgia. I do not want the worthless to go to the front if there is war. I would be afraid of the result of their action.

Mr. GALLINGER. Perhaps the Senator would; I would not.

Mr. PITTMAN. Mr. President, I think this amendment in some particulars is very good, and I hope I shall be able to vote for it. I want to say that the oratory of the Senator from Georgia [Mr. SMITH] does not appeal to me. I do not know how the young men in Georgia feel on a matter of this kind. I hope they are as patriotic as the distinguished Senator from Georgia. I know that the boys of our State would not want to be tied down by an oath or bound by any such conditions to induce them to volunteer on behalf of this country if it ever became necessary to bare their breasts in defense of it; I object that the boys of our country shall be deprived of any character of education, whether it be military or otherwise, unless they subject themselves to the condition of being police officers. We do not approve of that in our State. I do not desire that our boys, in the case of a little insurrection or in the case of a little riot, shall be dragged away from their schools.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Will the Senator from Nevada yield to the Senator from Georgia?

Mr. PITTMAN. I yield.

Mr. HARDWICK. I wish to direct the Senator's attention to the fact that under the amendment they could not be used for such duty, and that they would not be called on until both the whole Regular Army and the National Guard had been called into service.

Mr. PITTMAN. Yes; and we have neither National Guard nor Regular Army in our State. We have a police force in our State which has been able to preserve order without the disrupting effect of the National Guard, and I do not want it within the power of any government or any department, whether it be National or whether it be State, to go into our State university and drag out of that college our boys and throw them into the maelstrom of a riot.

Mr. HARDWICK. If the Senator will yield again, I will state that there is nothing in this amendment which could possibly permit that. The President of the United States has no right to call out these reserve forces unless he has thoroughly exhausted all the men in the Regular Army and the National Guard of the United States. That must be done before he can use any of them anywhere or for any purpose.

Mr. PITTMAN. I do not care whether they have exhausted one force or another force; I agree with the distinguished Senator from New Hampshire and the Senator from Oregon that it is wrong in principle to take college boys and throw them into the defense of the Government or State against local disorder. There is no question but that these boys would volunteer their services in time of national need. I do not think that the Senator from Georgia need be afraid that any man who would accept the benefits of this education would hesitate to volunteer his services to his country. It is a reflection on the young men of my State to say that they would not volunteer to defend this country unless they were bound by some such provision as the Senator is now referring to. It is unworthy of the Senator from Georgia, in my opinion.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. PITTMAN. I yield.

Mr. SMITH of Georgia. Is it not an advantage to have an organized force, with officers, equipped and trained, acting together?

Mr. PITTMAN. Absolutely, and therefore I am in favor of the amendment. I believe that they should be trained to the highest degree. There we agree; but I do not believe that is a proper policy under any consideration to drag those men into the local disputes of any community. Therefore I will favor the amendment of the Senator from Washington, and if that amendment carries I will vote for the amendment. If it does not carry or some similar amendment, I will vote against the amendment of the Senator from Georgia.

Mr. SMITH of Georgia. I will say to the Senator, if the amendment of the Senator from Georgia does not preclude their being dragged into the character of things that he suggests, I would be glad to vote for an amendment which would exclude it.

Mr. PITTMAN. If the Senator takes that view, it will do no harm to vote for the amendment of the Senator from Washington. It will simply be a double precaution. I intend to take that view of it.

While I am opposed to war and to any form of militarism, I am in favor of all forms of preparedness. Preparedness is a preservation. It preserves life, energy, property, and resources. I supported the amendment providing for a Government nitrate plant for such reason. I was unavoidably detained from the Senate Chamber when the vote on that provision was had, but I was heartily in favor of it, and hope it will be agreed to in conference.

Mr. REED. Mr. President, I wish to call the attention of the Senator from Nevada to what is, I think, an error in his conclusion. Let us see just what we are discussing. The amendment offered by the Senator from Washington is that these young men, armed and equipped and educated by the Government in military matters, shall not be subject to be called out at all. That is his amendment. The objection of the Senator from Nevada is that he does not want them called out to suppress strikes. Now, there is all the difference in the world between the two propositions.

Mr. PITTMAN. If the Senator will pardon me, he is not quoting me correctly. I have evidently conveyed the wrong impression. I simply emphasized the unfortunate condition of having these boys thrown into local troubles; but I also, as a matter of fact, believe that they should not be required to bind themselves to military service in consideration of getting an education.

Mr. REED. Now, Mr. President, let me state this matter, so that the provisions of the bill may be before the Senate. The amendment does not provide for calling men out to suppress strikes. They could not be called out for any such purpose unless the President were to plainly go beyond the law. Here is the language:

> Such students shall not be subject to active military service in connection with their training except in connection with such mobilizations as may be had during school vacations.
>
> Except in connection with such mobilizations as may be had during school vacations, for which latter service they shall be paid at the same rate that officers and men of corresponding ranks and grades are paid in the Regular Army: *Provided*, That in the event the United States becomes engaged in war, or it should be necessary to use troops in addition to the Regular Army and the National Guard to repel invasion, suppress insurrection, or execute the laws of the United States, then the President of the United States is authorized to call into the active military service the whole or any part of such reserve forces: *And provided further*, That no person under 18 years of age shall be called into the active service under this section.

Now, construed fairly, these young men are bound to no military service except during the time they are in school. When they leave school their service ends; the Government can not call upon them; second, it can not in any event call on any who have not arrived at the age of 18; third, it can not call upon them except after the Army of the United States has been called and is not sufficient in numbers, and after the militia have been called out and they have been found to be not sufficient in numbers. It is only after both the Army and the militia have been exhausted that these boys can be called on.

The language I have read does not cover strikes. It does not apply to small disturbances. It refers to conditions so grave as to amount to an actual state of war. We have increased the Army of the United States. We have strengthened the militia, and it is only when both these great forces acting together are not capable of handling a situation that the students may be called out. Such a condition could not be caused by a strike. Plainly, they could not be called out except in case either of invasion or an internal disturbance amounting, in fact, to actual civil war. So there is nothing in the bill which should frighten anyone. Now I yield to the Senator from Oregon.

Mr. LANE. I was going to ask the Senator if it was not equivalent to an enlistment for a period of two to three years at the very portion of the life of the young man when he is receiving his education, and practically does it not amount to his being the reserve army and the larger part of the Army of the country?

Mr. REED. It is an enlistment. We are talking here about enlisting men. It is intended to be an enlistment for a very limited period.

Now, let me reply to the Senator who says he is not in favor of making an enlistment in the Army a condition of education. Mr. President, all the education that is now available in the world will still be available to the young men who do not enlist. We take nothing away from them. Every public school will still be open and they can attend at will, whether they do or do not enlist. Every college will be open and they will not be called upon to enlist. They only enlist when they desire to take military training and desire to take it under officers appointed and paid by the United States.

Mr. President, I just want to say one final word, and before I say it I want to apologize for talking so much about this question and taking so much of the time of the Senate. I say to you that there is all the difference in the world between a young man who enlists to play soldier and who feels no responsibility and simply understands that he is going to go through a few perfunctory maneuvers, and that he is not, in fact, charged with any responsibilities—there is a wide gulf between that man and the man who understands that he is, in fact, a soldier; that he is, in fact, under military discipline; that he is, in fact, a part of the defense of his country.

Now, I have one word more to add and that is as to this eternal cry that our country ought not to impose its defense upon a part of its citizens and hence there should be no enlistment provided for here.

Mr. President, there are but three possible ways of defending this country: One is by a professional soldiery, whose business is that of studying warfare and nothing else. I have said, and I repeat, too great a force of that kind is not a healthful thing to have in a republic. Another way is by the universal draft; by making every citizen a soldier. That would get your slums; that would get the boys whom the Senator from New Hampshire [Mr. GALLINGER] speaks of and denominates "the offspring of the slums"; but is the Senator from New Hampshire ready to propose universal draft, universal military service in this country?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Yes.

Mr. GALLINGER. I answer the Senator's question by saying, "Yes; if necessary."

Mr. REED. Well, and is the Senator ready to say it is necessary now?

Mr. GALLINGER. Certainly not. Neither do I think it necessary to make soldiers out of these schoolboys.

Mr. REED. Then what is left, sir? There is nothing left but voluntary enlistment. This is a provision for the voluntary enlistment of those who feel like voluntarily doing a voluntary thing. You get right back to that proposition. We must stand for voluntary enlistment or for involuntary service if we have a single soldier. I prefer volunteers to those who are compelled to serve. But however we may feel on that question, we all know that this bill does not pretend to provide for universal service. Hence we must choose between a military force composed partly of Regulars and partly of Volunteers or altogether of Regulars. I want as large a reserve of trained Volunteers as we can obtain at a reasonable expense.

Mr. McCUMBER. Mr. President, I should like to have some Senator who contemplates voting for the amendment to the amendment tell me what would be left of the amendment after there has been stricken out that particular portion of the amendment? The particular object of the amendment is a reserve army. The amendment provides for the training of students. Well, what are you training them for? If you are not training them for war, I should like to have some one tell me the purpose of training these young boys and spending millions upon millions of money for that purpose? The object is expressed here, that after they are trained, if we then get into war we can call on them; but the Senator from Washington [Mr. POINDEXTER] would strike out the provision which authorizes the Government to call out these boys whom the Government has rendered fit for service in the United States Army.

Mr. President, the Senator from New Hampshire [Mr. GALLINGER] says he would vote for the amendment with that provision cut out. Well, I should dislike to vote that the Government of the United States would train boys just for the love of training them and then sending them out without adding in any way to our reserve army.

Mr. GALLINGER. Mr. President——

Mr. McCUMBER. Just a moment. This is to take the place of section 56; this is to be the provision for our reserve army. What kind of a reserve army is it that is not compelled to respond to the demand when there is actual war? I will now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I will answer the Senator from North Dakota by saying that we are doing that very thing now in our colleges of agriculture and the mechanic arts. We are educating young men; we are sending officers of the Army to instruct them; but we do not compel them to go into the Army after they leave college.

Mr. McCUMBER. I am certain of that; and if the Senator thinks that the Government ought not to have any reserve army, that is a different proposition. If the Senator thinks that we should proceed to spend millions and millions of dollars just for the purpose of training these young men, with no relation whatever to the reserve army, then we have simply the volunteer process again.

I want to say before closing just a word with reference to this suggestion as to the slums, of which the Senator from New Hampshire [Mr. GALLINGER] speaks.

Mr. JONES. Mr. President——

Mr. McCUMBER. Just one second, and I will yield to the Senator from Washington.

There is nothing in this provision which prevents our calling upon those people; there is not a word here even that we shall draw upon this trained source first before we proceed to the other. We naturally would do so, because we would first draw upon the trained men before we would draw upon the untrained; but if we ever have a serious war I have no doubt in the world that we shall find means of reaching into the slums and compelling every man who is capable of bearing arms to do his part in the defense of the country.

Mr. GALLINGER. That means a universal draft.

Mr. McCUMBER. Mr. President, I am in favor of a universal draft if it becomes necessary.

Mr. GALLINGER. Certainly; so am I.

Mr. McCUMBER. The Army that would be provided here would not give us enough soldiers for a great war.

Mr. GALLINGER. No; but it would give us a trained corps of soldiers who would be fighting to defend their country and to defend the lives and property of the people who are in the slums.

Mr. McCUMBER. Very well; I think, then, Mr. President, we could very easily find a way of getting after the other fellows if they did not also respond to the call of the country.

Now I yield to the Senator from Washington.

Mr. JONES. Mr. President, the Senator seems to have the impression—probably he has not the impression—that under this amendment with the proviso in it the Government could call out any of these boys who have been trained under the provisions of the amendment; but that is not the case. The Government could only call out those who happened to be in training when the trouble arose.

Mr. McCUMBER. I appreciate that.

Mr. GALLINGER. That is true.

Mr. McCUMBER. That is true; I do not misunderstand that at all; but the purpose, I think, at all times is to have a trained army of young men ready to do service.

The provision of my amendment went further than that. It provided that these men could be called upon during the period which the Government should fix for enlistment; that is, up to the age of 45. I should prefer that that should be the case; but I have not the slightest doubt, as we can take only one step at a time, that once we get this army started we shall follow it up with a provision that we may call upon these men within the enlistment age. I am not, however, trying to amend the amendment to correspond with my views in every particular.

Mr. JONES. The Senator from North Dakota [Mr. McCUMBER] suggests that we are paying out a whole lot of money, and that we shall not get very much service for it if we strike out this proviso. The fact is that under the amendment as it is we shall spend considerable sums of money—not a great deal—in training the boys, and when they get through school, notwithstanding that they will have obtained the training and we shall have spent the money, we can not call on them at all.

Mr. McCUMBER. But you have got, first, those who are in school at the time taking their training, and that makes an army in itself; secondly, those who have passed beyond that age and are still subject to enlistment, if they desire to enlist, and you have still further an army of those capable and able and willing to serve the country.

Mr. JONES. Yes; but we do not lay hold of those to whom we have given full training, you might say, but we take hold of those who have two or three months or six months or something like that. It is an argument to my mind for cutting out the proviso, because by their instruction we will get a trained citizenry that will volunteer whenever any danger comes without any strings to their patriotism. That is really what we want.

Mr. McCUMBER. Yes, Mr. President, you may have a citizenship that is trained; but you have not an army; you have no nucleus of an army. You are still subject to the same volunteer system.

Mr. LANE. Mr. President, may I make an inquiry of the Senator from North Dakota?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. McCUMBER. I yield.

Mr. LANE. Does the Senator attach any significance to the fact that, after all, this student body will be but half trained, and that we will be enlisting and putting into the front line of defense of this country an army one-half of which is composed of the untrained youth of the land? If we get no service from them under this bill after they have become fully trained and able to fight, then our half training them is of no practical advantage. Does that not militate against the proposition?

Mr. McCUMBER. Mr. President, every man who enters the Army, whether he is in the Regular Army or the Volunteer Army, has to begin his training. He may be half trained or he may be two-thirds trained or he may be one-quarter trained; but when a war breaks out we can not change those conditions. Those who are fully trained are fitted, nevertheless, for the service of their country.

So, Mr. President, I am convinced that if you strike out this portion of the section you will have no reserve army whatever; that you are right back where you started, with a volunteer service only; but that you would have a few more men in the country who would require less training in order to become efficient.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington [Mr. POINDEXTER] to the amendment offered by the Senator from Georgia [Mr. HARDWICK].

Mr. POINDEXTER. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER], who is absent from the Chamber. I therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. Transferring that pair to the Senator from Oklahoma [Mr. GORE], I vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. LEA], I vote "nay."

The roll call was concluded.

Mr. SUTHERLAND. I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, which I transfer to the Senator from Rhode Island [Mr. COLT] and vote "nay."

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Delaware [Mr. SAULSBURY] and vote "nay."

Mr. BECKHAM. I wish to announce the absence of the Senator from Tennessee [Mr. SHIELDS] on account of illness in his family.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 31, nays 46, as follows:

YEAS—31.

Ashurst	Gronna	McLean	Sheppard
Borah	Hitchcock	Myers	Smith, Md.
Chamberlain	Hollis	Norris	Sterling
Clapp	Jones	O'Gorman	Taggart
Clark, Wyo.	Kenyon	Pittman	Thompson
Culberson	La Follette	Poindexter	Warren
Cummins	Lane	Ransdell	Works
Gallinger	Lippitt	Robinson	

NAYS—46.

Bankhead	Broussard	Curtis	Harding
Beckham	Burleigh	Dillingham	Hardwick
Brandegee	Chilton	du Pont	Hughes
Husting	Nelson	Simmons	Tillman
James	Oliver	Smith, Ariz.	Underwood
Johnson, Me.	Overman	Smith, Ga.	Vardaman
Kern	Page	Smith, S. C.	Wadsworth
Lee, Md.	Phelan	Smoot	Walsh
Lewis	Pomerene	Stone	Weeks
Lodge	Reed	Sutherland	Williams
McCumber	Shafroth	Swanson	
Martine, N. J.	Sherman	Thomas	

NOT VOTING—19.

Brady	Fall	Lea, Tenn.	Saulsbury
Bryan	Fletcher	Martin, Va.	Shields
Catron	Goff	Newlands	Smith, Mich.
Clarke, Ark.	Gore	Owen	Townsend
Colt	Johnson, S. Dak.	Penrose	

So Mr. POINDEXTER's amendment to Mr. HARDWICK's amendment was rejected.

Mr. HUSTING. Mr. President, I offer the following amendment: After the word "war," in line 23, I move to insert the words "or threatened war," and to strike out the words "or it should be necessary to use troops in addition to the Regular Army and the National Guard to repel invasion, suppress insurrection, or execute the laws of the United States."

Mr. HARDWICK. Mr. President, I merely want to say that I accept that amendment. I believe I have a right to perfect my amendment, and I accept it.

The PRESIDING OFFICER. The Senator from Georgia accepts the amendment. The question now recurs upon the amendment of the Senator from Georgia as modified to the substitute reported by the committee.

Mr. HARDWICK. I ask for the yeas and nays.

Mr. GALLINGER. Let the amendment be stated from the desk.

Mr. WALSH. I ask that the amendment be read as it will be after the amendment just now adopted is incorporated.

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The SECRETARY. It is proposed to add the following as a new section to the bill:

SEC. 57. The reserve army: The Secretary of War is authorized and directed to detail for service as instructor in military tactics one or more commissioned officers of the United States Army to every college or school in the United States where there are as many as 100 male students, 15 years of age and over, in all cases where the authorities of such school or college make application for such detail and where the requisite number of students desire and consent, with the full consent of their parents or guardians, to receive such training and agree to become a part of the reserve forces of the United States. The term for which said students shall enlist in the reserve forces shall be for and during the term of their connection with school or college, including vacations, and shall in no case be for less than 12 months. Such students shall not be subject to active military service except in connection with their training, and except in connection with such mobilizations as may be had during school vacations, for which latter service they shall be paid at the same rate that officers and men of corresponding ranks and grades are paid in the Regular Army: *Provided*, That in the event the United States becomes engaged in war, or threatened war, then the President of the United States is authorized to call into the active military service the whole or any part of such reserve forces: *And provided further*, That no person under 18 years of age shall be called into the active service under this section.

The Secretary of War is hereby authorized to prescribe all necessary rules and regulations of enlistment and discharge of members of the reserve force, and for its training and mobilization, and is also authorized to furnish such reserve forces arms and equipment similar to those furnished to troops in the Regular Army, or such as may be best suited to the needs and requirements of such reserve forces.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia as modified.

Mr. HARDWICK. Let us have the yeas and nays.

Mr. BRANDEGEE. Mr. President, I wish to ask a question of the Senator from Georgia, the author of the amendment, if I may be allowed to do so. The amendment provides that an instructor in military tactics may be detailed. Another portion of the amendment provides that these men may be summoned into the active service of the United States and that they shall become a part of the reserve forces of the United States. I do not think it is plain what this instructor of military tactics is to do. In other words, does the amendment contemplate that after having attended mere oral lectures on military tactics these men shall be put into the service of the United States, or is there any provision for furnishing them equipment with which to drill?

Mr. HARDWICK. If the Senator will read the concluding part of the amendment, he will find that is provided for.

Mr. BRANDEGEE. I have it not before me.

Mr. HARDWICK. Well, the concluding portion of the amendment provides that all of the details as to the kind of instruction and the character and quantity of equipment and arms, and so forth, shall be left to the discretion of the Secretary of War.

Mr. BRANDEGEE. But where does the equipment come from? Who pays for it?

Mr. HARDWICK. Of course from the United States Government.

Mr. BRANDEGEE. Then the amendment provides that the Government shall furnish guns and equipment?

Mr. HARDWICK. It does. Yes, sir.

Mr. CUMMINS. Mr. President, a word with regard to the parliamentary situation. The Senator from Wisconsin [Mr. HUSTING] offered an amendment the reading of which I was unable to hear. The Senator from Georgia promptly accepted the amendment. I now ask whether the amendment offered by the Senator from Wisconsin is embodied in the amendment now offered by the Senator from Georgia?

Mr. HARDWICK. It is.

Mr. CUMMINS. Then what is the essential difference between the amendment now offered by the Senator from Georgia and the original amendment?

Mr. HARDWICK. As originally drawn the amendment provided that the President of the United States might call these reserves into active military service in case of war or in case it was necessary to use them to repel invasion, suppress insurrection, or execute the laws of the United States after the Regular Army had been exhausted and after the National Guard had also been called out.

Mr. CUMMINS. I observe that; but is there any other difference?

Mr. HARDWICK. There is no other difference except——

Mr. CUMMINS. The language was not changed throughout?

Mr. HARDWICK. No. As I caught it, the amendment of the Senator from Wisconsin amounted to this: It strikes out all of those lines in the bill, and provides that even the President can not use these reserves except in case of war or of threatened war.

Mr. HUSTING. That is correct.

Mr. CUMMINS. I have but one other suggestion to make. I think the Senator from Georgia ought to strike out the words "engaged in" and insert "in the event of," or some equivalent of that phrase, because it would be quite difficult "to engage in threatened war."

Mr. HARDWICK. I will accept that modification. The suggestion made by the Senator from Wisconsin may make that change necessary; but I was not so much concerned about that, because this amendment, if it shall be adopted by the Senate, will have to go to conference, and I take it the conferees will rectify any little difficulty such as that.

Mr. HUSTING. I should like to state that I believe the amendment should read "in case of war or threatened war."

Mr. HARDWICK. If there is no objection, I will accept that modification.

Mr. HUSTING. I should like to have it so read.

The PRESIDING OFFICER. In the absence of objection, the amendment will be so modified. The question now is on the amendment offered by the Senator from Georgia as modified.

Mr. STERLING. Mr. President, I should like to inquire of the Senator from Georgia why there is employed the expression "or maintain peace and order under the Constitution and laws of the United States," instead of that used in the Constitution itself, "to execute the laws of the United States"?

Mr. HARDWICK. That quesion is not relevant now, because under the motion of the Senator from Wisconsin that part of the language has been stricken out of the amendment, and it provides that these reservists shall only be used in case of actual or threatened war.

Mr. WORKS. Mr. President, I observe that the amendment provides for furnishing a military instructor where the college or school authorities so request. Whom does the Senator regard as school authorities under the provisions of the amendment?

Mr. HARDWICK. That, of course, would be a matter of construction for the War Department—whatever authorities were really in charge of the school.

Mr. WORKS. There might be a conflict between the superintendent and the board of education. It would be better, it seems to me, to make it specific, if the Senator can do so.

Mr. HARDWICK. I thought we would make the language so general that the department could decide who actually was in charge of the school.

Mr. REED. Vote!

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia [Mr. HARDWICK], as modified.

Mr. HARDWICK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER]. He is absent from the Chamber, and I therefore withhold my vote.

Mr. CHILTON (when his name was called). Making the same announcement as to my pair that I made on the former vote, I vote "yea."

Mr. SUTHERLAND. I again transfer my pair with the senior Senator from Arkansas [Mr. CLARKE] to the junior Senator from Rhode Island [Mr. COLT] and will vote. I vote "yea."

Mr. TILLMAN (when his name was called). Making the same announcement as on the last roll call, I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the explanation made on the previous roll call, I vote "yea."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 56, nays 24, as follows:

YEAS—56.

Bankhead	Husting	O'Gorman	Smith, Mich.
Borah	Johnson, Me.	Overman	Smith, S. C.
Brandegee	Johnson, S. Dak.	Page	Smoot
Broussard	Jones	Phelan	Sterling
Chilton	Kenyon	Pittman	Stone
Clapp	Kern	Pomerene	Sutherland
Cummins	Lee, Md.	Ransdell	Swanson
Curtis	Lewis	Reed	Taggart
Dillingham	Lodge	Shafroth	Thompson
Gronna	McCumber	Sheppard	Tillman
Harding	McLean	Sherman	Underwood
Hardwick	Martine, N. J.	Simmons	Vardaman
Hitchcock	Newlands	Smith, Ariz.	Walsh
Hughes	Norris	Smith, Ga.	Williams

NAYS—24.

Ashurst	du Pont	Lippitt	Smith, Md.
Beckham	Gallinger	Myers	Thomas
Burleigh	Hollis	Nelson	Wadsworth
Chamberlain	James	Oliver	Warren
Clark, Wyo.	La Follette	Poindexter	Weeks
Culberson	Lane	Robinson	Works

NOT VOTING—16.

Brady	Colt	Gore	Penrose
Bryan	Fall	Lea, Tenn.	Saulsbury
Catron	Fletcher	Martin, Va.	Shields
Clarke, Ark.	Goff	Owen	Townsend

So Mr. HARDWICK's amendment, as modified, to the amendment of the committee was agreed to, as follows:

SEC. 57. The reserve army: The Secretary of War is authorized and directed to detail for service as instructor in military tactics one or more commissioned officers of the United States Army to every college or school in the United States where there are as many as 100 male students 15 years of age and over, in all cases where the authorities of such school or college make application for such detail and where the requisite number of students desire and consent, with the full consent of their parents or guardians, to receive such training and agree to become a part of the reserve forces of the United States. The term for which said students shall enlist in the reserve forces shall be for and during the term of their connection with school or college, including vacations, and shall in no case be for less than 12 months. Such students shall not be subject to active military service except in connection with their training, and except in connection with such mobilizations as may be had during school vacations, for which latter service they shall be paid at the same rate that officers and men of corresponding ranks and grades are paid in the Regular Army: *Provided*, That in case of war or threatened war, then the President of the United States is authorized to call into the active military service the whole or any part of such reserve forces: *And provided further*, That no person under 18 years of age shall be called into the active service under this section.

The Secretary of War is hereby authorized to prescribe all necessary rules and regulations of enlistment and discharge of members of the reserve force, and for its training and mobilization, and is also authorized to furnish such reserve forces arms and equipment similiar to those furnished to troops in the Regular Army, or such as may be best suited to the needs and requirements of such reserve forces.

Mr. REED. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 188, after section 107, it is proposed to insert:

That hereafter no enlisted man in the service of the United States in the Army, Navy, and Marine Corps, respectively, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

Mr. REED. Mr. President, I desire to briefly explain this amendment to the Senate. I think it will appeal to all of the Senators, or most of them.

For a long time it was the custom of the military bands of the United States, while in the pay of the Government, to accept employment for hire. They took this employment generally at a very low cost. It was manifestly an unfair thing to the musicians of the country that they should be required to pay taxes to support the Army and at the same

time suffer from a ruinous competition by the very men who were in part living from the taxes so paid. The matter was called to the attention of Congress, and on two occasions an effort was made to rectify the wrong. The act was finally amended by adding this clause:

Provided, That Army bands, or members thereof, shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

Mr. President, when that act was passed I took some little interest in it. It was understood by everybody that the clause quoted would put an end to the unfair competition. It was clearly understood that the musicians of the Army would not in the future be found usurping the places of civilian musicians. It was recognized, however, that there were remote places in the country, like certain posts in Alaska, where there was no civilian competition, and that at such places Army bands might properly be allowed to furnish free music, because no one would be injured under the circumstances. No one dreamed that under the language employed the Marine Band and the bands of the Army could be for weeks and months at a time detailed to furnish music at great expositions, and thus take away the employment of the civilian musicians. It was not conceived that the military bands would be taken for long periods of time from the duties they were employed to perform and set to furnishing free concerts, in direct violation of the spirit of the law. It transpired, however, that the question became very acute at the Panama Exposition. Military bands were employed, to the detriment of civilian musicians. A protest was duly made. The Adjutant General of the Army rendered an opinion construing the act. I read a part of his decision:

I am directed by the Secretary of War to acknowledge receipt of your letter of December 23, 1915, quoting a resolution adopted by the thirty-fifth annual convention of the American Federation of Labor, held at San Francisco, Cal., November 8 to 22, 1915, protesting against the use of the United States Army bands at the exposition at San Diego, Cal., and in response thereto to inform you that protests of a similar character have from time to time been received at the War Department from presidents or secretaries of various federations of labor and of musicians, etc., and after investigation the complainants were informed that their contention was not justified or sustained by the facts.

Leaving out of consideration several phases of the question which have received more or less discussion during the voluminous correspondence resulting from these complaints, your attention is invited to the following exact phraseology of the specific act of Congress which governs the case:

"*Provided*, That Army bands, or members thereof, shall not receive remuneration for furnishing music outside of the limits of military posts when the furnishing of such music places them in competition with local civilian musicians."

With the above statute in mind, the Judge Advocate General, on May 7, 1915, after a careful review of all the circumstances surrounding the case, expressed the opinion that the commanding general, Western Department, having specifically reported that "neither the Thirteenth Band, Coast Artillery Corps, nor any member thereof received any remuneration for playing at the Panama-California Exposition at San Diego," the statute in reference was not violated by the service rendered. On May 10 the Secretary of War approved the opinion of the Judge Advocate General, and his views in the premises have undergone no change since that date.

Mr. President, that decision, like many others, absolutely struck at the very purpose of the act of Congress itself. One of the unfortunate things we constantly have to confront is that when Congress passes a law having in view a plain and distinct object, some man who probably never saw the inside of a law book will proceed to construe that act so that it will mean something entirely different from what Congress intended. What Congress in this case sought to do was to prevent competition between the men who are hired and paid by the taxpayers of the country and the men who pay the taxes, between the men who receive regular salaries from the Government for furnishing service at Army posts and who should be found at the places they are paid to be at, and the civilian musician, or the ordinary citizen who is paying the taxes to support those identical Army musicians. The act was not intended to prevent competition when the Army bands were paid something for playing, but to permit competition when the Army bands played for nothing. It was intended to avoid the evil of competition between two classes of men, the one class supported solely by the Government and the other not so supported.

But along came the wise construer of laws and declared that although the manifest purpose of the law was to prevent competition between the two classes of men, yet if the Army bands play for nothing it is all right. In a word, competition by a band that worked just under the union scale was ruinous and illegal, but competition with a band that worked for nothing was entirely legal and highly commendable. This construction was, at least, highly technical, if not disingenuous and prejudicial. It plainly negatived the spirit and intent of the law. It resembled the efforts of a man who not wanting to travel the plain, straight road looks sharply for some excuse to take a crooked path.

I am submitting this amendment so couched as to avoid this decision.

It is asked for by organized labor throughout the country. It is only fair and just that the man who is engaged in a civil occupation, and paying taxes to help support other men who are living on salaries paid by the taxpayer, should not compete with the taxpayer whether or not the Government employee receives compensation for so competing.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I do.

Mr. SUTHERLAND. I quite agree with what the Senator from Missouri is saying, and I am in entire sympathy with this amendment; but I ask the Senator whether he ought not to leave out, on lines 4 and 5, the words "to leave his post," so that it would read:

Shall be detailed, ordered, or permitted to engage in any pursuit?

With those words in, the gravamen of the act which the soldier is forbidden to do is to leave the post for this purpose.

Mr. REED. The reason the words were left in by those who prepared this amendment and handed it to me, as I understand, was that at some of the Army posts far removed from places of much population there is no objection to the bands being permitted to furnish a free concert if it wants to. The conditions are such that no local musicians can be injured. The laboring men who are petitioning Congress for this legislation are willing that those words should remain in.

Mr. SUTHERLAND. Mr. President, in my own time I desire to suggest to the Senator from Missouri that it seems to me the amendment would be stronger with those words left out. Of course, if he is satisfied with it, I am not going to move to strike out the words; but it seems to me that if we forbid an enlisted man from being detailed, ordered, or permitted to engage in any of these pursuits, that is a stronger provision than to say that he shall not be detailed, ordered, or permitted to leave his post for that purpose. If he is forbidden to engage in the pursuit, that includes everything that the Senator wants.

Mr. REED. I understand that the Senator is correct; it would be, in one sense, stronger; but I am informed by those who have studied the question closely that there are particular instances where it might result in some hardship to refuse them, at the post, the opportunity to play free.

Mr. SUTHERLAND. Very well.

Mr. CHAMBERLAIN. Mr. President, this amendment was never submitted to the committee as an amendment to the Army reorganization bill, and was only submitted as an amendment to the bill yesterday, I believe. It was, however, I believe, referred to the Military Affairs Committee as a Senate joint resolution, and no report has yet been made by the committee. It has never been considered by the committee as yet, either as a joint resolution or as an amendment to this bill, so I am not at liberty to speak for the committee itself.

I do want to say, however, that whatever view I might take of it as a Senate joint resolution, I feel that I ought to oppose it as an amendment to the Army reorganization bill. It seems to me that the legislation that was heretofore enacted by Congress, and to which the Senator has called attention, is sufficient, within the range of reasonable construction, to protect civilian musicians and to carry out the intention of the movers of this amendment without any further legislation. I feel that the amendment ought not to be added to this bill, Mr. President.

Mr. REED. Mr. President, I want to ask the Senator, if he will permit me, a question in his time. The Senator says that the law as it stands, if reasonably construed, would cover the case. I agree to that; but the law has been unreasonably construed, so that it does not cover the case, both by the Judge Advocate General and by the Secretary of War.

With that situation, why object to changing the phraseology so as to avoid that unreasonable decision, under which bands have been employed through the long, long summer to perform the very duties and do the very things that these civilian musicians would otherwise have been permitted to do?

Mr. CHAMBERLAIN. I think it is fair to assume, Mr. President, from the very fact that the Senator himself did not introduce this as an amendment to this bill, but introduced it as a separate and independent resolution, that he himself did not conceive or believe at that time that it was a part of any reorganization scheme of the Army, and I feel so yet. The fact is that we are loading the bill down with so many different provisions that really are not kindred to proper Army legislation that its own friends will not know it when it gets through

here; and I feel the same way about this amendment. I do not think it ought to be added to this bill.

Mr. STONE. Mr. President, simply a word. I think I am correct in saying that the joint resolution was introduced before the Army bill was reported. It was sent to the committee in the form of a joint resolution, and the proposal might have been properly put on as an amendment to the bill, but that is, to my thinking, an utterly immaterial consideration.

Some years ago we enacted a provision of law covering this question. I think I introduced the bill myself. Since then, as my colleague has stated, the officials of the department have so construed that law as practically to nullify its purposes. It has not accomplished, under the construction placed upon it, the ends intended to be accomplished by its enactment.

Mr. WARREN. Mr. President, will the Senator tell me just what the department's construction is? I have understood that it had been complied with.

Mr. STONE. My colleague is more familiar with these details——

Mr. REED. I have just read it.

Mr. STONE. I will say to the Senator that I talked with one or two gentlemen—one of them the head of the organization of musicians, which is a part of the American Federation of Labor—and I am told that men who are connected with bands in the Army go out and perform services in a mechanical way—some of them are capable of that—working as artisans in the cities and towns where they are stationed, as well as to dispense music as a band. Now, there is, it strikes me, a very just objection to that policy. These people are the employees of the Government. They are a part of the Army of the Government. They are drawing salaries from the Government, and they ought not to be allowed to compete in any industrial pursuit out of which men make a livelihood.

That is all I care to say. I hope the amendment will be agreed to.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. THOMAS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After section 119, it is proposed to insert the following:

SEC. —. That it shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps, to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps: *Provided*, That the foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, or Marine Corps, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing his uniform from the place of his discharge to his home, within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps; nor to prevent the instructors and members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and members of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing, while in attendance upon such course of instruction, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, or Marine Corps: *Provided further*, That the uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps: *And provided further*, That the members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto.

SEC. 2. That it shall be unlawful for any common carrier, or the manager or any agent or employee of any common carrier, or the proprietor, lessee, manager, or any agent or employee of any inn, hotel, restaurant, theater, or other public place of entertainment or amusement to forbid or refuse transportation, admission, accommodations, or service to, or in any other manner make or cause to be made any discrimination against any officer or enlisted man who is sober and who is willing to pay the price charged civilians for like service and who belongs to the United States Army, Navy, Marine Corps, or National Guard, because he belongs to the United States Army, Navy, Marine Corps, or National Guard, or because he wears the duly prescribed uniform of his grade in the United States Army, Navy, Marine Corps, or National Guard.

SEC. 3. That any person who offends against the provision of this act shall be fined not less than $100 nor more than $300, or imprisonment not less than three months nor more than six months, or both.

Mr. THOMAS. Mr. President, the amendment which I have offered is somewhat involved in its phraseology, due to the fact that it is necessary to provide exceptions or exemptions from the general rule which the amendment embraces.

Speaking generally, Mr. President, this amendment is designed to protect the dignity of the uniform of the United States soldier. Thus far in our consideration of the bill we have provided for many contingencies and interests with which the common soldier has no concern.

Mr. DU PONT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Nelson	Smith, Ga.
Beckham	Hollis	Newlands	Smith, S. C.
Brady	James	Norris	Smoot
Brandegee	Johnson, Me.	O'Gorman	Swanson
Burleigh	Jones	Oliver	Taggart
Chamberlain	Kenyon	Overman	Thomas
Chilton	Kern	Page	Thompson
Clapp	Lane	Phelan	Underwood
Culberson	Lee, Md.	Pittman	Vardaman
Cummins	Lodge	Robinson	Warren
Curtis	McCumber	Shafroth	Williams
Dillingham	Martin, Va.	Sheppard	
du Pont	Martine, N. J.	Sherman	
Harding	Myers	Simmons	

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. A quorum is present.

Mr. THOMAS. Mr. President, I will repeat, for the information of Senators who were not present when this amendment was offered, that it is designed to protect the dignity of the American uniform and to punish discrimination against it. The only national statute which we have upon the subject was enacted in 1911. It is very short, and I will therefore read it into the RECORD. It is as follows:

CHAP. 187.—An act to protect the dignity and honor of the uniform of the United States.

Be it enacted, etc., That hereafter no proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia, or in any Territory, the District of Alaska, or insular possession of the United States, shall make, or cause to be made, any discrimination against any person lawfully wearing the uniform of the Army, Navy, Revenue-Cutter Service or Marine Corps of the United States because of that uniform, and any person making, or causing to be made, such discrimination shall be guilty of a misdemeanor, punishable by a fine not exceeding $500.

Approved March 1, 1911.

It will be observed that the statute which I have just read applies only to the District of Columbia and to the Territories and insular possessions of the United States. It is not available for the purpose which it is designed to subserve anywhere else. I think, Mr. President, the absence of any statute upon this subject doubtless suggested to the framers of the Baltimore platform the following resolution, which was crystallized into that document, and I may say before reading it that it is the only expression that I have been able to find in the platforms of the national parties upon this subject:

PROTECTION OF NATIONAL UNIFORM.

We commend to the several States the adoption of a law making it an offense for the proprietors of places of public amusement and entertainment to discriminate against the uniform of the United States, similar to the law passed by the Congress applicable to the District of Columbia and the Territories in 1911.

I am not able to inform the Senate whether any of the States of the Union in conformity with that suggestion have taken any appropriate action. But, Mr. President, it is a fact, a lamentable fact, that the American uniform in many places in the country instead of being a symbol of dignity and respect is a badge of degradation, that the soldier who wears it, and because he wears it, is denied those accommodations and entertainments which are available to all other citizens. I am unable to preceive, Mr. President, how we can attract the self-respecting young men of this country to our Army when the

uniform which they are required to wear does not give them immunity from discrimination in social and in some business affairs.

Mr. President, we have done much in this bill for officers, and particularly for the National Guard. We have provided rank for virtually all the civilian employees and connections of the Army with the exception of chauffeurs and ambulance drivers and men of the ranks. I think it is high time to do something for the private soldier who is the mainstay of the Nation in times of stress, and without whose existence armies are impossible even to the imagination.

We have an Army to-day, a gallant Army, in Mexico at the order of the Commander in Chief and doing service to their country. Should they return to-morrow after their service, with their honors fresh upon them, they might be confronted with a situation denying to them without redress the ordinary entertainments, and service which all others may command as a matter of course.

Such a situation, Mr. President, is intolerable in theory and more than intolerable in fact. We can not expect to recruit the ranks of this Nation unless we relieve the service of such conditions.

Mr. President, the very fact that a national law is needed for the protection of the uniform in the Territories is to my mind an eloquent testimonial in behalf of this proposed legislation. It must be presumed that the act to which I called attention was passed because of a necessity for its passage, and if it be desirable that the uniform of an American soldier be protected in the Territories and insular possessions of the United States a fortiori it is essential that the same protection should be given in the States of the Union.

I wish to call attention to the significant fact that until recently the complement of soldiers provided by existing law was difficult to maintain; also to the fact, Mr. President, that although a few days ago both Houses without debate and by a unanimous vote provided for the temporary increase of the present Army by 20,000 men, yet I am told that less than 20 per cent of that number have so far enlisted or volunteered. Why? Mr. President, there are many reasons of which this is one. I have not the time to advert to others, but I verily believe that the public estimation and the ordinary treatment of the American uniform has as much to do with it as anything else.

What mother of this country, patriotic as she may be and desirous that her boys shall serve their country, desires to see her son in the garb of a private soldier when it tends to degrade instead of elevating him? What mother would care, irrespective of the individual, to subject her son to an indignity which seems at present inseparable from the highest service that a man can give to his country?

Mr. President, it is said in these days that the song "I did not raise my boy to be a soldier" is both unpatriotic and unpopular, and to that I agree. But every mother in the country, in view of the conditions which this amendment is desired to relieve, will feel in her heart if she does voice her thoughts in song, that "I did not raise my boy to be a private."

Officers, perhaps, do not need this protection. The officer's uniform is itself an entree into the commercial and social world; but the soldier, who because of the discrimination which is a reflection upon his patriotism, does need it. He should receive at the sustaining hands of the American Congress this appropriate recognition of his rights as a citizen as well as a soldier.

I hope the amendment will be adopted unanimously.

Mr. BRADY. Before the Senator takes his seat, I should like to ask him a question in my time.

I am very heartily in sympathy with the Senator's amendment and shall vote for its adoption, but I feel that he should change the language in line 18, on page 4, because as it now reads it might be taken as a reflection upon the soldier, and I know quite well that the Senator does not wish to do that. He would not say "a minister who was sober" or "a lawyer who was sober." I would suggest to strike out the word "sober," in line 18, and before "civilian," in line 19, insert the words "and under like conditions as." I feel quite sure the Senator will agree to the change and it will improve the amendment very much.

Mr. THOMAS. The Senator's suggestion, I understand, is to strike out the words "is sober" and then to insert "and under like conditions as."

Mr. BRADY. That will have practically the same meaning and could not be intended in any manner as a reflection upon the soldier.

Mr. THOMAS. I am obliged to the Senator for his suggestion and very willingly accept his proposed amendment, which strikes out the first four words on line 18, page 4, and inserts, before the word "civilian," in the next line, the words "and under like conditions as."

Mr. President, while I am on my feet I would suggest another amendment. I would ask for another slight amendment which was suggested to me by the Senator from Wyoming. On page 5, strike out the words "not less than a hundred nor more than" and insert the words "in a sum of not exceeding," and after the word "both," line 14, the words "fine and imprisonment," so that it will read "that any person who offends against the provisions of this act shall be fined in a sum not exceeding $300 or imprisonment not less than three months nor more than six months or both fine and imprisonment."

Mr. SHAFROTH. I should like to suggest to the Senator from Colorado that there ought to be stricken out of that provision the minimum amount of imprisonment. Any person who has had experience as a district attorney or as prosecuting attorney has found the great difficulty of convicting people where there is bound to be imprisonment of any considerable length of time.

Mr. THOMAS. The Senator's suggestion, then, is to make it read "not exceeding six months"?

Mr. SHAFROTH. "Not exceeding six months."

Mr. THOMAS. I accept the amendment.

Mr. WARREN. That was my suggestion—to use the maximum in both cases, not the minimum in either one.

Mr. SHAFROTH. You will find it will produce a great many more convictions and less escapes for violations of law than otherwise.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado to the amendment.

The amendment to the amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 166, in line 6, after the word "prescribed," insert the following:

And each adjutant general for a Territory shall be a citizen of the Territory for which he is appointed.

The amendment to the amendment was agreed to.

Mr. CUMMINS. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 139, in line 8, strike out "twenty-five" and insert "twenty."

Mr. CUMMINS. The bill provides that the captains and lieutenants of the Philippine Scouts who are citizens of the United States shall be entitled to retirement under the laws governing the retirement of the enlisted men of the Regular Army, with certain exceptions. The proviso of the section is:

Provided, That double time for service beyond the continental limits of the United States shall not be counted for the purposes of this section so as to reduce the actual period of service below 25 years.

My amendment substitutes 20 years for 25. It is well known that the officers of the Regular Army who are required to serve in the Philippines and beyond the continental limits of the United States are allowed double time for that service. I have never been in the Philippines, but I know something about the conditions under which we labor there, and it seems to me when a citizen of the United States has served there for 20 years actually as an officer of the scouts he ought to be permitted to retire with the pay of an enlisted man.

I hope there will be no opposition to this amendment.

Mr. CHAMBERLAIN. Mr. President, I will say to the Senator that personally I have not any particular objection to the amendment. The committee in dealing with the subject felt that if they accepted 20 years instead of 25 years, a man who entered the Army at 18 would get out when he was about 38. So you see the Government would not get very much equivalent for the money it will be bound to pay him on retirement.

Mr. CUMMINS. An officer of the Regular Army serving in the Philippines would ordinarily get out in 20 years.

Mr. CHAMBERLAIN. I am not going to seriously contend against it, but I want to say to the Senator I think we are not getting an equivalent for retirement for life if a man is permitted to retire when he is 38 or 40 years old. That is the only objection I have to it.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CUMMINS. I have one other amendment to offer.

The VICE PRESIDENT. It will be read.

The SECRETARY. Amend section 13, page 119, line 17, by striking out the word "six" and inserting the word "eight" before the word "colonel," so as to read "six colonels"; also, strike out the word "four," in line 18, and insert the word

"five"; also, strike out the word "thirty-three," in line 18, and insert "forty"; and also amend by striking out the word "thirty-three," in line 19, and inserting the word "forty."

Mr. CUMMINS. Mr. President, I desire that all Senators who are here shall observe that this does not relate to the National Guard, and I want it to be known also that no officer either of the Regular Army or the National Guard has consulted with me with respect to the amendment. The amendment is based upon the testimony before the Military Committee given by Gen. Crozier, the Chief of the Ordnance Department.

I think I ought to say here, because I believe I have been somewhat misunderstood, that no one values the work of the Military Committee more than I do. No one will be more willing to render to the committee a higher appreciation of the character of the work that it has performed in composing the bill. I desire it, however, to be known that, in so far as I have been advised, the provisions with regard to the Ordnance Department of the bill of the Senate committee present the only instance in which the Senate committee has not done as well for the Army as the House has done.

The amendment I have offered brings the number of officers of the Ordnance Department to the standard that has been fixed by the House. At the present time there are 85 officers in that department. The Senate committee bill increases the number to 110. The House fixed the number at 122. The amendment suggested, if applied to the Senate committee bill and adopted, will raise the number of officers of the Ordnance Department to 122.

We are increasing the Regular Army 100 per cent in round numbers at the present time. We have increased the number of officers of the Regular Army more than 100 per cent. The Senate committee bill, however, increases the number of officers in the Ordnance Department only about 30 per cent.

I understand perfectly how difficult it has been to adjust these matters, but I could not allow what I believed to be a discrimination against the most important department in the Army to pass unnoticed. Gen. Crozier says, in his testimony before the Senate committee, that in order to conduct his department in the way it should be conducted he ought to have 172 officers—either 172 or 177. I have forgotten which.

If we increase the number provided for in the Senate bill so that the chief of the department will be given 122 officers, it would seem to be only fair and reasonable.

We have been much concerned about the enlistment of men and the increase of the personnel of the Army; but, after all, Mr. President, an army is of no avail unless it has something with which to fight. We can not at the present time equip enough men and officers to conduct a great war. We are capable of making the implements of war and the equipment that goes with every organization and of holding these instruments of war and the equipment for any emergency which may arise, and it is a part of the commonest good sense for the United States to proceed with just as much rapidity as possible in the way of accumulating the arms and the equipment that will be needed for our soldiers if they are ever called into action.

An officer of the Ordnance Department is in many respects a manufacturer; and he needs to be a man of the very highest intelligence; he needs to be a man of the greatest skill. I am in favor, as all of you know, of the Government, in so far as it is possible, making its own arms and its own munitions of war. I observed in the testimony of Gen. Crozier a reference to one Government property situated in the West that is used for the purpose of making guns and gun carriages and other things that are used in the equipment of soldiers. The Government has there 800 acres of land, or something like that, lying alongside the Mississippi River; as beautiful a spot as the sun ever shone upon. It has there practically unlimited water power, so that the work done can be accomplished with the least possible expense; it has there a number of buildings that are at the present time unoccupied, standing there as monuments, as I have been accustomed to look at it, to the indifference of Congress in equipping one of its great plants to render the service it was intended to render. It is one of the things that I mention with great pride, that the work done at the Rock Island Arsenal—and Rock Island is not in the State of Iowa; I am not selfish about it, although it is proximate to Iowa—but it is a thing that I always mention with exceeding gratification, that the work done at the Rock Island Arsenal costs the Government less for everything turned out of the factory than the Government has been able to buy similar articles for in any market in the country.

In order that these manufacturing plants of the Government shall be properly managed, in order that they shall be expanded to full capacity—the capacity that I think they ought to attain—there must be more officers of skill, training, and experience appointed for the department; and it does seem to me that when we are providing for an increase in the officers of the Army of more than 100 per cent—we are just adding more than 5,000 officers to the Army, and I am not questioning the propriety of that; I agree with the committee respecting that—we ought to add to the Department of Ordnance at least the number provided for in the House bill.

I repeat, if the amendment I have offered is adopted, it will simply conform the present bill to the House bill in that respect.

Mr. CHAMBERLAIN. Mr. President, I feel that I ought to oppose this amendment. It proposes to materially increase the number of officers in the Ordnance Department and the number in each grade. It proposes to increase the total number of officers in that department to 126. The Senate bill has already increased the number from 85 to 109—an increase of 24 as against 41 asked for by the Senator's amendment.

There may be some question about the necessity of increasing the total number of officers, but the committee, after studying the matter carefully, thought it had already made a sufficient increase in the whole number of officers. Even if the Senate thinks differently and believes that the total number should be still further increased, yet there is no reason for making the large increase suggested in the amendment proposed by the Senator from Iowa in the higher grades. The amendment would add to the expense, but it would not materially add to the efficiency.

The committee did not increase the number of colonels, because there seemed to be no place to use such officers. The only reason for the increase would be to give increased promotions. The adoption of this amendment would simply increase the cost of the Army as provided for in the bill without increasing the efficiency of the service. I call the attention of the Senator to line 17 of the bill where the committee provided for 6 colonels; the Senator's amendment proposes 8. Under the law as it is to-day there are 9 lieutenant colonels. We increased that number to 12. Under the law as it is at present there are 19 majors. We increased the number to 24. Now, the Senator from Iowa asks to increase it 5 more. The law as it is to-day provides for 25 captains; we increased that number to 38; and the Senator's amendment proposes to raise it to 40.

In the matter of first lieutenants, the law as it is at present provides for 25; we increased the number to 33 first lieutenants; and the Senator from Iowa proposes to raise the number to 40.

Mr. President, this looks like a promotion scheme. I do not mean to charge the Senator from Iowa with being a party to such a scheme as that; but that would be the effect of it, just the same. It increases the expenditure by very largely increasing the number of officers, and those officers in the higher grade.

Mr. CUMMINS. Mr. President, is it not true that if the amendment I have offered should be adopted, the number of officers in the Ordnance Department would be precisely as provided in the House bill?

Mr. CHAMBERLAIN. Well, probably that is true; but I think the House gives too much.

Mr. CUMMINS. Is it not true that Gen. Crozier believes, and that he so stated when he was before the committee, that the proper conduct of his department required 172 officers?

Mr. CHAMBERLAIN. Oh, Mr. President, I have great confidence in Gen. Crozier; he is a very distinguished and a very able officer; but they all want such increases; they all think they have not got enough. We have held them down somewhat.

Mr. CUMMINS. Is it not true that you have increased the officers of the Ordnance Department less than you have increased those of any other department of the Army?

Mr. CHAMBERLAIN. I hardly think so. We have increased the number from 85 to 109.

Mr. CUMMINS. Yes; but you have increased the officers of the Army, taken as a whole, from 5,000 to more than 10,000.

Mr. CHAMBERLAIN. Not the staff departments, I will say to the Senator.

Mr. President, if the Senator will stick to this bill with reference to this provision—and the House provision is very much above it—in conference we may have an opportunity to arrive at a happy mean; but I think we have given enough.

Mr. LEE of Maryland. Mr. President, I should like to ask the chairman of the committee if the Ordnance Corps of the Army is not a highly skilled and a highly expert corps; and whether or not it would not be good policy to give more of them advances of rank and pay, in order to hold them in the Government service, so that the Government may get the full benefit of the great development in ordnance that must take place for the proper defense of this country, and to get the benefit of these highly trained men continuing in Army service

rather than have them go off to private manufacturing concerns or other walks of private life?

Mr. CHAMBERLAIN. Mr. President, there is no question about this being a highly technical department, and that the men connected with it are very distinguished men. I concede that; and I concede its importance; but we feel that we have given them all the officers that they ought to have.

Now, I want the Senate to remember that in the discussion of all these staff departments we have had to try to hammer them down. Most of them are asking for large increases, and we have given them increases in proportion to other Army increases.

Mr. SHAFROTH. Will the Senator from Oregon state what is the increase which the bill he has in charge makes on this particular line?

Mr. CHAMBERLAIN. We have increased the number of officers, as I said awhile ago, from 85 to 100, and we have increased the number 24 as against 41, the number which the amendment of the Senator from Iowa proposes.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. NELSON. Mr. President, I offer the amendment which I send to the desk to be added at the end of section 29.

The VICE PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to add at the end of section 29 the following:

Any noncommissioned officer discharged with an excellent character shall be permitted to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within 20 days after the date of such discharge.

Mr. NELSON. Mr. President, the purpose of that amendment is to correct a practice which has existed for years. We have in the Army noncommissioned officers, consisting of corporals and sergeants of various classes and sergeants major. Under the law and practice which have heretofore prevailed, when one of these noncommissioned officers is discharged from the service at the expiration of his term and desires to reenlist, he has to reenlist as a private. Then, it is dependent upon the colonel and the other officers of his regiment whether or not they will give him back his old place. The purpose of this amendment is to allow a noncommissioned officer, with an excellent record, if he be discharged from the service and reenlists within 20 days, to reenlist with the rank and position which he had at the time of his discharge. I think it is a matter of justice and fairness to the enlisted men.

Mr. CHAMBERLAIN. I am willing to accept the amendment proposed by the Senator from Minnesota.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

Mr. DU PONT. I understood that the chairman of the Military Committee had accepted the amendment.

Mr. CHAMBERLAIN. I am perfectly willing to accept the amendment, so far as I am concerned.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. HITCHCOCK. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. On page 142, after the two amendments which have already been inserted at that point, it is proposed to insert the following:

Provided, however, That after the passage of this act, first, second, and third reenlistments shall not be permitted until the number of reenlisted men in the Army shall be reduced to 10 per cent of the enlisted strength of the Army, and thereafter the number of reenlisted men in the Army shall be limited to 10 per cent of the enlisted strength of the Army authorized by law; but this limitation shall apply only to times of peace and not to war or national emergency.

Mr. HITCHCOCK. Mr. President, the object of this amendment is this: We are endeavoring to provide that after men have served a short enlistment in the Army they shall go into a reserve. If they are permitted to reenlist, we shall have no reserve. Some reenlistment is desirable, but at the present time more than half of our Army consists of reenlisted men. The object of this amendment is to make a gradual reduction in the number of men permitted to reenlist until the number of reenlisted men amounts to only 10 per cent of the enlisted strength. Ten per cent will furnish enough men of experience to constitute the noncommissioned officers. If we do not limit the number to 10 per cent, the men will be induced by the extra pay to keep on reenlisting, and we will have, as we have had heretofore, an Army of hirelings, a paid Army, and we will not be recruiting a reserve back of the Army of men who have had a short service.

I should like to have the chairman of the committee accept this amendment, if possible. I have so drawn it as not to interfere with the men who have already enlisted and reenlisted three times and who are approaching the period when they may be retired and secure the benefit of retirement. I have made it apply only to those men who may desire to reenlist for the first or second or third time. I ask the chairman of the committee whether it will be possible for him to accept this amendment with these limitations?

Mr. DU PONT. Mr. President——

Mr. HITCHCOCK. I am not yielding the floor yet, Mr. President.

Mr. CHAMBERLAIN. I will ask the Senator from Delaware if he desires to address himself to this matter?

Mr. DU PONT. I desire to take the floor after the Senator from Nebraska concludes.

Mr. HITCHCOCK. If the Senator from Oregon desires to wait until I have finished, perhaps I had better go on.

It is a matter of great importance that we should have a reserve. We have been struggling in this bill in a number of different ways to provide a reserve. We have attempted to provide it under section 56, creating a volunteer army; we have attempted to do so under the amendment offered by the Senator from Georgia [Mr. HARDWICK], providing for the training of young men in the schools, and we have also provided for reserves, as far as we could, by increasing the size of the volunteer army, but we are counting by this bill on providing an immediate reserve by having men pass from the Regular Army into the reserve army, and we should not, in my opinion, permit them to keep on enlisting and reenlisting indefinitely instead of going back into the reserve, where they will be available. Our Army should be to some extent a school of discipline, a school for providing a reserve. I hope the chairman of the committee will be able to accept the amendment.

Mr. CHAMBERLAIN. Mr. President, there has been a good deal of controversy about this matter of reenlistment. It is the universal experience of men in the Army that the best men they have, the real training force of the Army, are the reenlisted men. The committee went into the matter quite extensively, and I think the majority of the committee were of the opinion that no more moderate terms ought to be granted with reference to reenlistments than are granted in the bill itself. Knowing how the committee feels about it, or at least how a majority of the committee feels regarding it, I do not consider that I can accept the amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska.

Mr. DU PONT. Mr. President, the question of reenlistment is one with which I am very familiar. In the past I commanded a battery for 12 years under all conditions—in permanent fortifications, in encampments, on the march, in campaign, and in battle. I think I know a good deal about the reenlisted men, or, as they are commonly known in the Army, the "old soldiers."

In the first place, the very fact of their being reenlisted is proof of good character, because if they were worthless or inefficient they would not be accepted for the service. In the next place, they are invaluable to leaven the mass of new recruits, to teach them the thousand and one details of the military profession, and in battle their calm courage and equanimity is a most efficient antidote to any undue nervousness on the part of those who are receiving what the newspapers call their "baptism of fire."

Mr. President, the question may be asked why do these soldiers reenlist? Certainly they do not reenlist for any sordid or mercenary motive, inasmuch as they receive from the Government a less compensation than they would receive in the ordinary avocations of private life. Their motives in reenlisting are largely tempermental. There are a certain number of them who like the change and excitement which is part and parcel of a soldier's life, and there are a few who have the military "bent" to such a degree that they are never happy unless when within sound of the bugle call or participating in the ordinary routine of the camp or garrison.

The argument of the Senator from Nebraska might have some force if we had a system of universal compulsory service whereby the ranks of the Army could always be kept full, but it is well known that it is difficult at times to secure enough men for the Regular Army, and the effect of the amendment would be simply to drive the best and most efficient men out of the Regular Army service and getting nobody in their place. The result would be that they would pass into the reserve for three years, but would never return afterwards to the Army, as they would reenlist in the Marine Corps or in the Navy. We will

simply by this amendment expel from the Army some fifteen or twenty thousand of its most desirable and useful soldiers.

Mr. President, I have been very sorry to hear the term "hirelings" applied to the patriotic American citizens who serve two or three or more enlistments in the Regular Army as is their right. I think that is an unfortunate expression, to say the least. Let us see what the dictionary defines a hireling to be. Webster defines a "hireling" as follows:

Hireling: "One who is hired, or who serves for wages; especially, one whose motive and interest in serving another are wholly gainful; a mercenary."

A "mercenary" is defined as follows:

Mercenary: One who is hired; a hireling; especially, a soldier hired into foreign service.

Funk & Wagnall's new Standard Dictionary defines the terms "hireling" and "mercenary" as follows:

Hireling: A person serving for hire; a mercenary.
Mercenary: A person working or serving only or chiefly for pay; specifically, a hired soldier in foreign service.

While it seems to me, Mr. President, that the term "hireling" is a derogatory expression, whether so intended or not, happily it can not alter the real status of the American citizens who have seen fit to reenlist in the Regular Army, as is their right, nor affect their true position before God, man, and our country, which they so faithfully and fearlessly serve.

The VICE PRESIDENT. The time of the Senator from Delaware has expired.

Mr. WARREN. Mr. President, I entirely agree with the motive and the ambition of the Senator from Nebraska [Mr. HITCHCOCK] so far as building up a large reserve army is concerned, but I think we ought in the meantime to maintain a proper balance. At the present time it does not look as if we could under that kind of an amendment secure the enlistments which are desired. I should be very glad to join the Senator at a later time in a bill that will provide exactly what he asks for, if in the meantime, under this legislation which we hope to pass, it shall appear that too large a number desire to reenlist; but it must be remembered that some thirty-odd days ago, at a time of considerable excitement, we passed without much debate or comment a law to increase the Army immediately by 20,000 men. Telegrams went out from headquarters to all the recruiting stations, new recruiting stations were opened, and the matter has gone vigorously forward ever since. In the meantime we have had disturbances in a near-by republic which have called the attention of all of our citizens to a state of affairs requiring an enlarged Army; patriotism has prevailed in the minds of all, and yet we find this result: In 21 days 11,849 men applied for enlistment and 2,879 only were accepted. After 30 days' trial 16,817 applications for enlistment had been made, but only 3,927 recruits were accepted. At that rate we are likely to be a long time in securing the number that we want. A little over 20 per cent of those who applied, men who were sound physically, men who are morally of such standard that they may be at the end of their enlistments entitled to an honorable discharge, were accepted for the service.

In my judgment, we need all that we can get in the way of enlistment for some little time yet, or, at least, until such time as we have filled up the Army to the strength proposed by this bill. Hence I say to the Senator from Nebraska that while his intention is one for which we must all have sympathy, namely, the building up of a reserve, I wish that he would wait until we see whether it is necessary to put a brake on the wheels as we start, instead of waiting until we are sure of obtaining sufficient speed or motion in the progress we desire.

Mr. NORRIS. Mr. President, as I understand this amendment, it is a very important one, and has for its principal, if not its only object, the increasing of the reserve.

One of the few good things in this bill, as I look at it, is that it provides for a short enlistment and rather a large reserve. I am opposed to a large standing army. If we have a short, active enlistment period, and then permit the enlisted man to retire and become a member of the reserve, we will not have a large standing army, but we will have such a reserve of trained soldiers that in case of war we could, on very short notice, secure a large and efficient army.

Mr. DU PONT. Mr. President——

Mr. NORRIS. I will not yield to the Senator; I only have five minutes.

The effect of this amendment is to prevent reenlistments in certain cases. If we desire a large reserve, but permit a soldier to reenlist from time to time, we prevent the very thing that we are trying to accomplish. If we vote against this amendment, we vote to increase the standing army and decrease the reserve consisting of trained soldiers.

I do not believe the figures given by the Senator from Wyoming [Mr. WARREN] constitute any objection to this amendment. They show the recruiting of men at quite a rapid rate, and it does not follow because we can not recruit 20,000 in 30 days that we can not get all the men we would need in time of peace in a long period. There is not any particular reason why we should have a large standing army, and the figures which the Senator has given only demonstrate that there is not any idea among the citizenship of the country that there is any emergency existing. To a great extent I think the theory of a portion of this bill at least was, without increasing to an alarming extent the actual standing army at the same time by retiring the private soldier and putting him in the reserve to increase the fighting force of the country, to increase the trained men that we could call upon in time of emergency. That is the kind of an army, it seems to me, that we ought to have.

In time of peace we have no particular use for a standing army, and it seems to me as if the standing army could be used rather as a training school. If I had my way, I would make the enlistment still shorter than it is and provide for retirement at an earlier age, and send the men back into civil life to engage in the various pursuits of civil life. But after they had served in the Army for the length of time that it is necessary for them to serve, they would become trained soldiers. They would have all the military knowledge that would be necessary, which, of course, they would retain while they were in civil life, and in case of an emergency or danger, when we did need a large Army, it would be these men who would fill up the ranks. So that, if we prevent the adoption of this amendment, we are doing something here, as I look at it, that will bring about just the opposite effect of what it is conceded that we all want.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska to the amendment of the committee. [Putting the question.] The Chair is in doubt. All in favor of the amendment will rise. [A pause.] Those opposed will rise. [A pause.] The amendment to the amendment is rejected.

Mr. NELSON. Mr. President, I offer the amendment which I send to the desk, to come in at the end of section 33.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At the bottom of page 145 it is proposed to strike out the period at the end of the section and to insert the following words:

Upon the condition that they report their whereabouts by registered letter to the Secretary of War at the beginning of every month while in the reserve.

Mr. NELSON. Mr. President, the object of the amendment is this: We propose to pay these men in the Regular Army who go into the reserve the sum of $24 a year. I agree to that. That is a fair and just provision; but while they are in the reserve and we are paying them, the War Department ought to be posted as to their whereabouts. My amendment simply provides that as a condition of receiving $24 a year they shall report to the War Department every month their whereabouts.

I think it is a very important amendment. It may be a little crude in its form, but the idea is there, and I trust the conferees will retain it in the bill. It prescribes as a condition of getting the $24 a year that they must report every month to the War Department their whereabouts.

Mr. CHAMBERLAIN. Mr. President, so far as I am concerned, I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. DU PONT. Mr. President, I offer the amendment which I send to the desk, to come in at the end of section 23, page 134, line 21.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of section 23, the following:

Provided further, That on and after July 1, 1916, there shall be a second Porto Rico regiment of infantry of the United States Army, and to said regiment all the provisions of this act relative to the existing Porto Rico regiment of infantry shall apply, so far as such provisions are applicable to the new regiment.

Mr. DU PONT. Mr. President, I am induced to offer this amendment for the reason that in the minds of a great people, and among them many of the experts, such as The Adjutant General, it will be difficult, if not impossible, to recruit the Regular Army up to the increased number authorized by this bill. There is no such difficulty in the Island of Porto Rico, where

pay to keep on reenlisting, and we will have, as we have had heretofore, an Army of hirelings, a paid Army, and we will not

years, but would never return afterwards to the Army, as they would reenlist in the Marine Corps or in the Navy. We will

there are a million and a quarter of inhabitants and where several additional regiments could be raised with the greatest ease.

As the Porto Rican regiment is a very useful organization as it stands to-day, it appears to me that a second Porto Rican regiment could be utilized for duty in the Canal Zone, to take turns with the other, and would be unusually valuable to our Military Establishment.

I therefore advocate the amendment which has just been read.

Mr. OVERMAN. Where does it come in?

Mr. DU PONT. At the end of section 23, page 134, line 21.

Mr. CHAMBERLAIN. Mr. President, I am reluctant to differ from my very distinguished friend and fellow member of the Military Affairs Committee; but the committee had this whole subject of the Porto Rican force under serious consideration, and the committee concluded to increase the present part of a regiment by one battalion, making it a full regiment. The committee, however, did not feel that it ought to increase the force there by another regiment, I am sure. I do not think it is the policy to add another regiment to that force.

Mr. LEE of Maryland. Mr. President, I should like to say a word in favor of this amendment.

It seems to me, without having the full knowledge that the committee has on this particular subject, to be a most excellent suggestion. The Senator who offers it has had a broad and personal military experience; and looking over the bill that Porto Rican regiment looks quite lonesome in this piece of legislation, and it looks more lonesome on an island in the Atlantic—one regiment for Porto Rico! Why, the proposition is more than unique, and it seems highly reasonable that this amendment should be adopted. It is natural to feel some surprise that this force has been kept down to just one regiment in that important outlying position on the Atlantic coast of our continent.

Mr. CHAMBERLAIN. Mr. President, I know I am not permitted to speak again on the amendment; but I should like to have inserted in the RECORD the cost of increasing the Porto Rican regiment and what it is costing us as it is standing now.

The VICE PRESIDENT. In the absence of objection that may be done.

The matter referred to is as f llows:

Cost of increasing Porto Rican regiment of Infantry from a 2-battalion (8 companies) to a 3-battalion (12 companies) regiment.

Officers:		
Base pay	$44,600	
Service pay	12,000	
		$57,600.00
Enlisted men:		
Base pay	59,580	
Service pay	15,000	
		74,580.00
Total		132,180.00
For Porto Rico Regiment of Infantry, composed of two battalions of four companies each:		
11 captains, at $2,400 each per annum (acts Apr. 23, 1904, vol. 33, p. 266; May 11, 1908, vol. 35, p. 109; Mar. 4, 1915, vol. 38, p. 1070)		26,400.00
11 first lieutenants, at $2,000 each per annum (same acts)		22,000.00
10 second lieutenants, at $1,700 each per annum (same acts)		17,000.00
Additional pay to officers serving in higher grades (lieutenant colonel in addition to pay as major and 2 majors in addition to pay as captain) (same acts)		1,700.00
Total		67,100.00
Appropriated last year		15,432.02
Additional pay for length of service (R. S., 1262–1263; acts May 11, 1908, vol. 35, p. 109; Mar. 4, 1915; vol. 38, p. 1070)		14,008.89
Enlisted men, Porto Rico Regiment of Infantry:		
1 regimental sergeant major, at $45 per month (acts Apr. 23, 1904, vol. 33, p. 266; May 11, 1908, vol. 35, p. 109; May 27, 1908, vol. 35, p. 392; Mar. 4, 1915, vol. 38, p. 1070)		540.00
1 regimental quartermaster sergeant, at $45 per month (same acts)		540.00
1 regimental commissary sergeant, at $45 per month (same acts)		540.00
Two battalion sergeants major, at $40 each per month (same acts)		960.00
2 color sergeants, at $36 each per month (same acts)		864.00
1 chief musician, at $75 per month (same acts)		900.00
1 principal musician, at $40 per month (same acts)		480.00
1 drum major, at $36 per month (same acts)		432.00
4 sergeants, band, at $36 each per month (same acts)		1,728.00
8 corporals, band, at $30 each per month (same acts)		2,880.00
12 privates, band, at $24 each per month (same acts)		3,456.00
8 first sergeants, at $45 each per month (same acts)		4,320.00
8 quartermaster sergeants, at $30 each per month (same acts)		2,880.00
40 sergeants, at $30 each per month (same acts)		14,400.00
52 corporals, at $21 each per month (same acts)		13,104.00
17 cooks, at $30 each per month (same acts)		6,120.00
8 artificers, at $21 each per month (same acts)		2,016.00
16 musicians, at $15 each per month (same acts)		2,880.00
416 privates, at $15 each per month (same acts)		74,880.00
Enlisted men, Porto Rico Regiment of Infantry—Continued.		
For additional pay to 1 sergeant and 2 privates while acting as first sergeant, artificer, and cook, respectively (submitted)		$432.00
Additional pay for 16 expert riflemen, at $5 each per month (acts Apr. 23, 1904, vol. 33, p. 266; May 11, 1908, vol. 35, p. 109; May 27, 1908, vol. 35, p. 392; Mar. 4, 1915, vol. 38, p. 1070)		960.00
Additional pay for 137 sharpshooters, at $3 each per month (same acts)		4,932.00
Additional pay for 149 marksmen, at $2 each per month (same acts)		3,576.00
Additional pay for 9 sergeants serving as mess sergeants, at $6 each per month (same acts)		648.00
Total		144,468.00
Additional pay for length of service (same acts)		33,245.94
Appropriated last year		30,220.12
		140,088.00

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Delaware [Mr. DU PONT] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. JONES. Mr. President, I desire to offer as an amendment a new section.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the committee amendment, a new section, as follows:

SEC. —. That hereafter an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 4 cents per mile from the place of his discharge to the place of his application for enlistment, or the place of his enlistment, enrollment, or original muster into the service, at his option: *Provided*, That for sea travel on discharge transportation and subsistence only shall be furnished to enlisted men.

Mr. JONES. Mr. President, it was refreshing to have the Senator from Colorado [Mr. THOMAS] offer his amendment a while ago in the interest of the private soldier. As he said, the officers have been pretty well taken care of and pretty well considered. I was heartily in favor of the amendment which he proposed, to prevent discriminations because of the uniform of the private soldier. I regret very much that the existing condition seems to require such legislation as that. I do not know why that is. Nevertheless, it seems to be the condition.

This amendment is in the interest of the private soldier. In 1901 we passed a law with reference to this matter, which reads as follows:

That hereafter when an officer shall be discharged from the service, except by way of punishment for an offense, he shall receive for travel allowances from the place of his discharge to the place of his residence at the time of his appointment or to the place of his original muster into the service 4 cents per mile; and an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 4 cents per mile from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service.

In 1912 we passed another law in which we left the officer's travel pay just as it was—4 cents a mile—but we cut the private soldier's travel pay down to either subsistence in kind, or 2 cents a mile.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES. I do.

Mr. CLAPP. It simply occurs to me that that ought to be amended so as to provide mileage to any other place that he might designate, not to exceed the distance to his original place of muster into the service. He might not want to go back to the place where he enlisted. It seems to me he ought to be entitled to that much mileage if he wants to go somewhere else.

Mr. JONES. That might be true, but I have drawn the amendment to conform with previous laws; and when it goes to conference, if it should be accepted, it could be framed up as the conditions warrant. It might be framed better, but I thought it was better to follow what we had done heretofore in the case of the language with reference to the officers, rather than to change it.

Mr. CLAPP. Very well.

Mr. JONES. If it is adopted, then the conferees can fix it up.

Mr. President, when a sailor is discharged he gets 4 cents a mile to the place of his enlistment; so it seems that we have been discriminating in some way against the private soldier upon his discharge.

I have a great many facts here which I should like to put in, but I have not the time, having only five minutes. I want to say this, however:

I have an affidavit here from a soldier stating that when he came to be discharged he went and asked for his transportation. He was at one point in our State, at Fort Ward, and he wanted

to go to Joplin, Mo. A natural and almost a direct route was by way of the Northern Pacific to Billings and down over the C., B. & Q. He went to the proper officers, and they told him they could not send him over that route, and that he had to go down over the O. R. & N. He wanted to go by Billings because he had some business there that he wanted to transact. They said, "No; we can not send you over that route." If he had gone the other way, in order to get to Billings he would have to go away past and then pay his way back, and all that sort of thing. So, instead of doing that, he accepted the 2 cents a mile. Of course 2 cents a mile would not pay his transportation or support him, or anything of the sort; but in order to go by Billings, when he could have gone in the regular way, he had to give up his subsistence and take the 2 cents a mile.

I do not know why they could not send him over that road. I have understood that under the provisions of the law that we have now the department apportions the business along the different railroads, and when a soldier comes and asks for subsistence and transportation they will say: "You go over this road," or "You go over that," not for his benefit, but in order to distribute the business among the roads. Whether that is true or not, this was the situation in this particular case. I have two or three other cases of the same character, where they said they could not send a soldier over a road that they could have sent him over just as well as not, and in order to go by the way he wanted to go he had to accept the 2 cents a mile.

Mr. President, we ought not to have legislation under which the officers of the Army even have the right to do that, or where it is put within their power to apportion the traveling of these discharged soldiers in the interest of any railroad company or transportation line. This provision ought to be and is supposed to be in the interest of the soldier, but as a matter of fact it works to his disadvantage rather than to his advantage.

I hope the amendment will be adopted.

Mr. CHAMBERLAIN. Mr. President, I think the law as it is now fully protects the enlisted man. Instead of undertaking to explain it, I can read it easier than I can describe it. Section 1045 of the Military Code provides that—

Hereafter when an enlisted man is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his enlistment, or to such other place within the continental limits of the United States as he may select, to which the distance is no greater than from the place of discharge to place of enlistment; but if the distance be greater he may be furnished with transportation in kind and subsistence for a distance equal to that from place of discharge to place of enlistment, or, in lieu of such transportation and subsistence, he shall, if he so elects, receive 2 cents a mile, except for sea travel, from the place of his discharge to the place of his enlistment.

It seems to me that is a liberal enough provision for the enlisted man. Of course, if he wants to take a roundabout trip and not go in a direct line, or if he wants to go some greater distance, the 2 cents a mile would not be sufficient to pay his way.

Mr. JONES. Mr. President, will the Senator permit me?

Mr. CHAMBERLAIN. Certainly.

Mr. JONES. I just want to suggest to the Senator that in the case I have cited it was not a roundabout route; it was a direct route over the Northern Pacific down into Missouri; and yet they said: "No; you have got to go over the O. R. & N. road." In order to avoid that and go through Billings, where the C., B. & Q. turns off from the main line, as the Senator knows, he said: "Well, I will take the 2 cents a mile."

Mr. CHAMBERLAIN. There might be some instances where an officer is arbitrary in his treatment of a man; but the rule, if followed, makes ample provision for it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington [Mr. JONES] to the amendment of the committee. [Putting the question.] The Chair is in doubt.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	La Follette	Overman
Bankhead	Gallinger	Lane	Owen
Borah	Harding	Lee, Md.	Page
Brady	Hardwick	Lewis	Phelan
Brandegee	Hitchcock	Lippitt	Pittman
Burleigh	Hollis	Lodge	Pomerene
Chamberlain	Hughes	McCumber	Reed
Chilton	Husting	Martin, Va.	Robinson
Clapp	James	Martine, N. J.	Shafroth
Clark, Wyo.	Johnson, Me.	Myers	Sheppard
Colt	Johnson, S. Dak.	Nelson	Sherman
Culberson	Jones	Newlands	Simmons
Cummins	Kenyon	Norris	Smith, Ariz.
Curtis	Kern	Oliver	Smith, Ga.
Smith, Md.	Stone	Thomas	Walsh
Smith, Mich.	Sutherland	Tillman	Warren
Smoot	Swanson	Underwood	Williams
Sterling	Taggart	Vardaman	Works

The VICE PRESIDENT. Seventy-two Senators have answered to the roll call. There is a quorum present. The question is on the amendment of the Senator from Washington [Mr. JONES] to the amendment of the committee.

Mr. JONES. I ask that it may be stated again, Mr. President, as so many Senators have entered the Chamber since it was read before.

The VICE PRESIDENT. The Secretary will again state the amendment to the amendment.

The Secretary again stated the amendment to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Washington to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HITCHCOCK. Mr. President, on page 110, line 6, I move to strike out "ten" and insert "six" before the word "colonels," to strike out "twelve" and insert "six" before the words "lieutenant colonels"; in line 7 to strike out "thirty-two" before the word "majors" and insert "eighteen," and to strike out "thirty-four" before the word "captains" and insert "eighteen."

Mr. President, this amendment relates to the General Staff. At present we have a General Staff consisting of 38 officers. The House has left that number as it is now. The bill before the Senate provides for a General Staff of 97 officers. The amendments I have offered will fix the General Staff at 52 officers.

Mr. President, it seems to me that the proposition of increasing the General Staff from 38 to 97 officers involves an excessive and topheavy increase. That would make a General Staff larger than the Senate of the United States, composed of officers largely resident here in Washington who are occupied with working out problems of war. If this were a great military Nation, with war imminent, with enormously difficult military problems, it might be desirable to have a larger General Staff; but for the United States, situated as this country is, to increase its General Staff at the present time from 38 to 97 is something that I think all will consider excessive if they come to consider it.

I am aware that the officers in the Army, who are, of course, the natural advisers of the Military Affairs Committee, and to some extent of the Senate, desire to multiply and increase the number of officers resident here in Washington as much as possible; but I do not believe that the people of the United States, much as they desire an efficient and effective Army, care to multiply these officers of high pay here in Washington and make a General Staff of such size.

I therefore submit the amendment.

Mr. CHAMBERLAIN. Mr. President, in my time I desire to state to the Senate what I understand to be the view of the President of the Senate with reference to finishing this bill, so that Senators may be advised about it. That is, that under the unanimous-consent agreement that was entered into we are compelled to complete the consideration of this bill to-night by midnight.

SEVERAL SENATORS. Oh, no!

Mr. CHAMBERLAIN. That is what I understand. Is not that the Chair's view?

The VICE PRESIDENT. The matter might as well be settled now.

Mr. CHAMBERLAIN. Yes; I should like to have it settled.

The VICE PRESIDENT. The unanimous-consent agreement provides that—

At not later than 4 o'clock p. m., on Tuesday, April 18, 1916, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, through the regular parliamentary stages to its final disposition.

The unanimous-consent agreement does not state whether it is the legislative day of Tuesday, April 18, or the calendar day of Tuesday, April 18. This happens to be, by the action of the Senate of the United States, the legislative day of Monday, April 17. This, therefore, can be nothing else than the calendar day of Tuesday, April 18, as mentioned in the unanimous-consent agreement.

Had there been an adjournment last evening until noon of to-day, there might have been a reasonable construction to the mind of the Chair that this agreement was to be carried out on the legislative day of April 18. But as there can be no legislative day of April 18, the Chair now construes it to be the calendar day, and that the unanimous-consent agreement requires that this bill be finally disposed of by 12 o'clock to-night.

Mr. GALLINGER. Mr. President, a parliamentary inquiry. Suppose that in the consideration of these numerous amendments, and the conversation that is being carried on, we reach 12 o'clock to-night and have not completed the consideration of the bill. What will the parliamentary status then be?

The VICE PRESIDENT. The Chair is not responsible for what may happen at 12 o'clock. The Chair is quite satisfied that there will not be conversation from now until 12 o'clock to-night on these amendments.

Mr. GALLINGER. I join my felicitations with the Chair in that respect.

The VICE PRESIDENT. The Chair makes that ruling now, in order that if it is not the view of the Senate of the United States an appeal may be taken from the ruling of the Chair and the question may be settled by the Senate itself. The Chair thought it was fair to make it now, on the suggestion of the Senator from Oregon.

Mr. REED. Mr. President, a parliamentary inquiry. As I understand the reason given by the Chair, the whole difficulty arises from the fact that we did not adjourn on last evening until to-day; but if the Senate should now adjourn until 10 minutes after 2 and then reconvene as of the legislative day of the 18th, what would the situation be?

The VICE PRESIDENT. That action should have been taken, in the opinion of the Chair, on yesterday. The legislative day of April 18, if it ever began at all, began before the hour of 12 o'clock meridian, in accordance with the fixed rule of the Senate.

Mr. CHAMBERLAIN. Mr. President, addressing myself for a moment to the amendment suggested by the Senator from Nebraska, he proposes to reduce the General Staff from the number that was fixed by the Senate committee. I think the Senator is a little unjust to the General Staff in stating that there are men here without any duties to perform. The fact is the General Staff has been fixed by the committee very much smaller than the general staff of other countries. It has been inadequate in numbers and has never been able to undertake the solution of many of the problems devolving upon the general staff in foreign armies. Germany has a general staff of 309 general-staff officers, with 228 other officers attached to general-staff work. France has a general staff of 612 general-staff officers, with 263 other officers attached for duty. Austria-Hungary has a general staff of 508 general-staff officers, with 421 other officers attached for duty. Great Britain has a general staff of 171 general staff officers. In view of these numbers the increase in our General Staff to 88 must be considered as very moderate indeed.

The amendment seeks to reduce it still lower. There are numerous duties that the General Staff has to perform, and they never were performed so well as they are now. In fact, these duties have been neglected in times past, and it was the purpose of the committee to regulate it so that general questions of defense could be considered by them and plans worked out in advance of any trouble that might come upon us. I hope the action of the committee will be sustained by the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. NELSON. I offer the following amendment to section 29.

The VICE PRESIDENT. It will be stated.

The SECRETARY. Section 29, page 140, line 7, strike out the word "seven" and insert in lieu thereof the word "five." It reads:

On and after the 1st day of July, 1916, all enlistments in the Regular Army shall be for a term of seven years.

It is proposed to strike out "seven" and insert "five."

Mr. NELSON. All the amendments should go together.

The SECRETARY. In the same line and page strike out the word "four" and insert the word "two"; on the same page, line 11, strike out the period and all thereafter down to and including the word "years," in line 17; and on page 141, in line 1, strike out the word "seven" and insert the word "five."

Mr. NELSON. Mr. President, all these amendments should go together. Section 29 relates to the term of enlistment. The bill provides for enlistment for seven years, an active service in the Army of four years with three years in the reserve, but with a proviso that at the expiration of one year's honorable service an enlisted man serving within the continental limits of the United States, and so forth, may go to the reserves. This is the first time in the history of enlistment in the Regular Army that we have ever enlisted them by this method; that is, providing for an enlistment to serve a fixed time with the colors and then placing them in the reserves.

Mr. DU PONT. I think that the Senator is mistaken. This is done under the provisions of existing law.

Mr. NELSON. It has not been utilized or made use of so far as I know. We have no reserves of that kind so far as I know in the Army.

Mr. WARREN. The Senator will notice also that they can go out at the end of one year if the commanding officer recommends it, and at the end of two years the enlisted man can go out in any event.

Mr. NELSON. I have noticed that, but I have only five minutes, and I do not want to be robbed of it.

It seems to me that with an enlisment of five years and two years with the colors you get an ample period of training for the men in the ranks. Then if their officers find them to be efficient they can let them out at the end of one year.

I favor this amendment, Mr. President; I think it will promote and hasten enlistment. Men will much prefer to enlist for a period of five years, with a compulsory term of two years with the colors and three years in the reserves, than for the period fixed in the bill, seven years in all, four years with the colors and then afterwards go into the reserves on their application. This will give a man at least one full year's training, or two years; and after serving two years he goes into the reserve and becomes a part of the reserve force of the Regular Army of the United States. If his commanding officers feel that at the end of one year he is competent and fit as a soldier, they can let him go into the reserves at the end of one year.

On the 31st of January I appeared before the Committee on Military Affairs to advocate this very plan of enlistment, and made a few brief remarks. At that time I thought that one year was ample time with the colors, but my amendment now provides for two years. I think if we are interested in having the Regular Army recruited as soon as possible, the Senate had better adopt this amendment.

I will suggest further to the Senators in charge of the bill that the House provides for a similar term of enlistment—seven years—with three years with the colors. If you adopt my amendment you get it into conference; and I hope you will reduce the period of enlistment to five years and leave it so that the maximum term with the colors will be only two years.

Mr. President, I ask leave to incorporate with my remarks the statement I made before the Committee on Military Affairs the 31st of January in respect to this matter.

The VICE PRESIDENT. Without objection, leave is granted.

The matter referred to is as follows:

STATEMENT OF HON. KNUTE NELSON, A SENATOR FROM THE STATE OF MINNESOTA.

The CHAIRMAN. Senator NELSON desires to address the committee in regard to the subject we are now considering, and we shall take pleasure in hearing him at this time.

Senator NELSON. Mr. Chairman and gentlemen, it may seem presumptuous for me, a nonexpert, to appear before your committee on a matter of this kind, and my excuse is that I am vitally interested in an increase in the strength of our Army. I think we need a larger Army and larger reserves.

There is some question as to the advisability of building up our State militia. Constitutional objections exist to that, and you have heard them ably discussed here. There is objection, too, among our people to what we call universal training or universal service, not exactly making them soldiers, but having them trained. I think there is a simpler way, and to illustrate my meaning I will refer to a piece of history a little old, but I think it conveys a useful lesson to us.

In 1806 the Prussian Army, as you know, was defeated in the great Battles of Jena and Auerstadt, both fought on the same day, and Napoleon entered Berlin and took possession of the country and a treaty was made. Prussia was practically deprived of a good deal of her possessions, her army was destroyed, but still Napoleon was not satisfied. That first treaty of Berlin was in 1807. The next year he insisted upon an enlargement of that treaty, which is known as the treaty of Paris. That treaty, among other things, provided, in addition to the payment of a money contribution of, I think, 300,000,000 thalers, that Prussia should not be allowed to maintain an army larger than 42,000. That was the condition of the treaty, what was left of the Prussian monarchy—and a large share of it was left—should be allowed to keep a standing army of only 42,000 men.

The German patriots at that time were very anxious to shake off the yoke of Napoleon, but they felt themselves much hampered. The leading men were Stein, Scharnhorst, Hardenberg, and Gneisenau, who was afterwards Blutcher's chief of staff at the Battle of Waterloo. These men hit upon this unique plan of increasing the Prussian Army under that treaty. They would take men into the ranks, give them a hard drilling for a short time, and then turn them out, then take in a new lot, and keep on in this way, and in the course of a short time, under that limitation in the treaty of Paris of 42,000 men, they had a trained army of 150,000, and they did it just in that way. They would keep the visible ranks fully up to that standard, give them a little sharp training, turn them out, put in another lot, and keep on, until it was an able military establishment for those times, of 150,000 men.

Applying what was done in that case to our present condition, this thought has struck me, and that is why I want to make the suggestion to you. Why not adopt this plan, enlist our men—and I refer particularly to the Infantry—for five years, but only require one year of military service. After one year, put them in the reserves, make them a permanent army of reserves. I think in one year you could fully train infantrymen so as to make them good soldiers. In the course of five years under this plan, starting with a standing army of 200,000, you would have 800,000 men in the reserve. In this way, by repeating that operation, by keeping our Regular Army up, say, to a standard of 200,000, enlisting them for five years, requiring only one year with the colors, and putting them on a reserve where they could be called on in case of war and emergency at any time, you would accomplish what you are after. In that way you could give us a fair standing army, and I think we ought to have an Army of at least 200,000 men, and you would have a reserve in the course of four or five years of 800,000, and, as you keep on with the operation, in the next five years the men would not be obligated to join the colors after they had been out five years, but still you would have that many trained men among the community, among the people.

Another matter in connection with this, and to encourage enlistments, I think, especially in the Infantry, you ought to make it a little easier for enlisted men to become commissioned officers. It is undoubtedly true that in the specialties of the Army, such as the Engineering Department, the Ordnance Department, and the Artillery, they require special technical knowledge, such a knowledge and such an education as they would only get at our Military Academy. But they do not require that degree of technical knowledge in the Infantry. It may be that these enlistments in the Artillery and in the Engineering Corps—and by Artillery I refer to the Coast Artillery also—they should be for five years, but two years with the colors. Give them a year longer service. But I think if you enlisted our young men—and I think they would enlist on that basis—for five years, with the explicit understanding that they are to serve only one year with the colors, after that they are a part of the reserve army of the United States, and continue as such, liable to be called on in an emergency, whenever we need them, I think we could procure an ample supply of men, and in that way you would solve the question, first, of a standing army, and, in the next place, a plan of reserves. In other words, you group them into one system. You create in that way, first, a moderate standing army, and, in addition to that, you would have a large trained reserve.

Senator DU PONT. Senator, would you pay the reserve?

Senator NELSON. No; I would not pay them anything while they were in the reserve, not until they were called out into actual service. I would enlist them for five years, with the express understanding that they were to serve one year with the colors at full pay, and then, after that, to be released from further service except in case of emergency, to answer a call in case of war or other urgency.

The CHAIRMAN. Senator, Adjt. Gen. McCain stated here that in his opinion it would be impossible to enlist an army in excess of 140,000 men; that it is very difficult to get them to enlist at all.

Senator NELSON. What is the present term of enlistment?

Senator DU PONT. Four years.

Senator NELSON. It used to be three. I think that when young men are told that they would only have to serve one year in the ranks, do actual soldiering, and after that they would be relieved from service except in case of emergency, there would be no trouble about enlistments. That is my idea.

Furthermore, as I said, in order to encourage enlistments, you ought to make a little broader opening for enlisted men to become commissioned officers, especially in the Infantry.

The CHAIRMAN. Senator, you served through the Civil War, did you not?

Senator NELSON. Yes, sir. All of us who are familiar with history know that one of the great encouragements of the French soldier was that he could become an officer and by and by even a marshal of France. Here, with the exception of a very limited number who come in by a sort of a rigid examination, a limited number every year, you can put up a sign like the Dante sign over the infernal regions, that whoever enlists in the ranks has little show to get any farther.

Another thing I want to call to your attention which has always struck me. Take an enlisted man who has gradually, by his good conduct and ability, risen to the high or highest grade of a noncommissioned officer, a first sergeant or a commissary sergeant, or any other of the highest grades of a noncommissioned officer.

Under the Army Regulations, if that man reenlists he can not reenlist in the rank that he had at his discharge. He must enlist as a private, and he is subject to the contingency of the commander of the regiment or the body he enlists in will put him back in his old place. That is something that ought to be remedied. If a man has attained a high position as a sergeant or sergeant major in the Army and his enlistment expires, his record being good, that man should be permitted to reenlist with the rank at which he was serving in the Army when discharged. I never could see any good reason for requiring him to enlist as a private when he had attained that high rank. Of course, what I have stated simply applies to men who are fit and competent and whose records are good.

The CHAIRMAN. Senator, what do you think of the proposition to open the doors of West Point and the Naval Academy to every young man in the United States who will enlist and serve a term of one year and educate him at the expense of the Government?

Senator NELSON. I think that is a very good plan.

The CHAIRMAN. Would it not put in the Army and Navy men who by a year of effort had shown their proficiency?

Senator NELSON. Yes, sir. We ought to do everything we can to encourage young men to go into the Army and Navy, and I might say here, while that subject is not before your committee, I am heartily in favor of a large increase in our Navy. I believe our Navy should rank next to that of England, and I am also anxious to see our Army increased, and while I am in favor of that, I am anxious to see a little more consideration given to the enlisted men. It was my fortune—or misfortune, whatever you call it—to serve through the Civil War as an enlisted man. I have nothing to complain of, and still I know some of the hardships that an enlisted man is subject to.

Of recent years they have secured a lot of valuable young men in the West for our Navy, farmers' boys, and, from what I can learn of naval officers, they make first-class sailors, as a sailor is to-day; not the old-style sailor who climbed the rigging, furled and unfurled sails. But there is one thing that staggers the farm boys. In their own neighborhood, when they are boys among boys, everybody treats them with civility and courtesy, and they are of good families. They come here and enlist. They do not complain of hard work in the Navy; they do not complain of the rations, but it is that spirit of gruffness and aloofness that exists among the officers that makes these boys feel humiliated and homesick, and in many cases they desert on that account. That is not so much true in the Army as in the Navy. I think our Army has become more liberal.

I remember an incident some years ago, when I went down the Potomac on a Government boat, and I stood upon the hurricane deck with the commander of the ship, a naval officer, who was talking to me in a pleasant manner. He talked to me in the most gentlemanly, civil manner, as a naval officer would, but he had occasion to give an order to a man down on the deck below us, and his voice changed, and it seemed to me just as though he was talking to a dog. I tell you, Senators, my heart blood boiled up. I was almost ready to hit that officer because of the way he acted on that occasion. It is that kind of conduct that makes it so discouraging for our boys who come from the farms and from good neighborhoods. But I am glad to say it is diminishing in the Navy.

Senator DU PONT. Under the present arrangements can not enlisted men, if they show sufficient merit, be promoted to commissioned officers?

Senator NELSON. It is a very limited number. There is a way, but it is a pretty hard road to travel.

Senator DU PONT. I sympathize cordially with your suggestion that due consideration should be given to the wants and welfare of the enlisted man, and I think he should be treated with all proper kindness, so far as is consistent with discipline.

Senator NELSON. I can see that in the Navy, gentlemen, why a great amount of technical knowledge is required and why there should be more rigidness in the requirements in the examinations. I can also see the same in respect to the Ordnance and the Artillery and the Engineer Corps, but certainly in the Infantry arm, which is the great arm of the service—the fighting arm, when you come right to it—I do not think there is any reason for making the door so narrow for an enlisted man to get in. That part of it ought to be liberalized.

But, gentlemen, you have enough to do, and I have taken up more time than I intended. I only came here and made this statement about the increase of our Army because it is a matter I am vitally interested in, and I would rather say it to you here in the committee than to go over on the floor and talk about it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. LEE of Maryland. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. In section 62, page 163, line 21, after the words "may prescribe," insert:

The estimates for the first year after the passage of this act shall be for a number not less than the minimum number provided for by existing law.

Mr. LEE of Maryland. Mr. President, this amendment is with reference to the estimates for the National Guard, and it provides that such estimates shall not be less than the present estimates authorized by existing law. I can not conceive of the committee having in mind deliberately to reduce the departmental estimates for the National Guard. We discussed the question yesterday as to the number of the National Guard provided for in this section, and both the Senator from Wyoming [Mr. WARREN] and the chairman of the committee [Mr. CHAMBERLAIN] seemed to think that the number of the National Guard was assured by this section as not less than now existing, because the section has a proviso in it prohibiting the mustering out of any portion of the guard that conforms to the requirements of the War Department or the regulations by the President.

Under such a construction of the section the present number of the National Guard is the fixed number for which the department would estimate. The present number is 134,000, but the estimates which have been made this year are for 153,000 men, that being the minimum required by existing law. So if this section passes unamended, the estimates coming from the department for the maintenance of the National Guard will be simply for the existing National Guard and for no greater number. There will be no allowance whatever for any growth in the National Guard. The National Guard grew in the six months ending December 31, 1915, 5,000 in number. Presumably that growth ran through the year, so that the National Guard increased presumably in the last year 10,000 men. Under the inducement and encouragement offered by this bill the increase in the National Guard should be greater still. It seems entirely reasonable, and I hope the committee will accept the suggestion that the estimate should not be reduced from what it is now by law, namely, for 153,000 men, and which number would allow for a possible growth to the National Guard in the first year of 19,000 men.

The request is so reasonable I hope the committee will accept it. The members of the committee certainly agree that the only fixed number appearing by this section is either the 200 men specified for each Senator and Representative or the present number of the National Guard. Therefore the estimates, if based on the present number of the guard, or 134,000 men, will allow for no margin for the growth of the National Guard, and this in a bill that is providing for increased preparedness and defense.

The committee itself, if it intends to keep the National Guard in reduced numbers, will have the consideration of this very question of estimates and appropriation when it comes from the department. The departmental estimate will be only for 134,000, and if the committee intends to keep the number down

to 134,000 it will accept that estimate, and the Senate will be helpless, because it can not go above the committee action on the department estimate.

Under those circumstances I would either like the chairman to accept this amendment or to give us some assurance as to an enlarged appropriation for the National Guard, greater than the estimate, which will necessarily be fixed by this section 62 for the present number of the National Guard, 134,000 men, or less.

It is so clear, Mr. President, that I hardly think it necessary to elaborate any further, that there should be at least the present estimates for 153,000 men allowed, and at least the present margin of possible increase of 19,000 men allowed for the National Guard in the first year.

Mr. CHAMBERLAIN. Mr. President, I have not yet been able to understand the contention which the Senator makes. It seems to me that the bill does protect the National Guard along the lines the Senator suggests. I have read it through a number of times since our first discussion of the subject and I still feel that the guard is amply provided for, but I have no objection to this particular amendment. It carries out what I think the bill carries out anyway.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BRANDEGEE. I send to the desk and offer the following amendment.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 160 at the end of line 13 insert the following:

Provided, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts, the enlisted men of the Quartermaster Corps, of the Medical Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 250,000 men: *Provided further*, That in addition to the units specified in this section, additional units of Infantry, Cavalry, or Field Artillery to conform in composition with the requirements of sections 19, 20, and 21 of this act may be organized in the discretion of the President.

Mr. BRANDEGEE. Mr. President, we all know that for the last six months if not for a year there has been grave apprehension and anxiety in this country as to the national defense. We have now arrived at a period where we can show the country whether we really want to do anything effective toward meeting the popular opinion and anything that will really put us in a position where we can at short notice defend ourselves in case the Nation is put in peril.

The President was so strongly affected by what had happened in the world in the last year and a half that he made a special trip through the country to tell the people that sparks were flying everywhere; that the nations of the world had apparently lost their sense of reason and were engaged in a ruthless and bloody war; that he was daily treading in dangers; that the people demanded that he should send messages and strongly protect American rights everywhere over the world, but, apparently, thought he could do that by mere words and vociferation; and that he could not continue to protect American rights, American property, and American lives unless the Nation would put into his hands some effective tools to do it with.

Mr. President, I regard it to be the first duty of this Congress to effectively increase the Army and Navy strength of the country. The Senator from Nebraska has stated that this country did not want a large standing army. The word "large" is a relative term. We are a country of over 100,000,000 people, covering an empire in territory. We are bordered by the ocean on each side, along which to a certain extent we have erected coast defense. That coast defense is not half armed.

If there is any danger to this country from hostile forces, that danger will come fairly immediately and the emergency will arise suddenly. The Senator from Utah [Mr. SUTHERLAND] yesterday offered an amendment increasing largely the number of men who may be posted at the guns along our coast, upon which we have spent so much money. It was a very close vote, and came very near carrying. The Senator from Iowa [Mr. CUMMINS] to-day offered an amendment increasing the personnel and efficiency of the Ordnance Department, which I think is very clearly needed.

Mr. President, if the Senate will adopt this amendment, or something like it, as an expression of its opinion, it will be notice to the country and to the House of Representatives that the Senate of the United States at least appreciates the situation in which we stand, and it will be easier to get the House to agree to a larger increase than they have provided in their bill.

I do not think that an army of 275,000 or 300,000 can justly be called a large standing army for a country of 100,000,000 people, the richest country in the world, and the weakest of any in comparison with its size.

People ask where is the danger coming from. Mr. President, I do not know whence it will come or from whom nor do I consider that to be a relevant question at all. Whenever it comes I want to have it in my conscience that I have done what little I could to meet it and effectively repel it, wherever it may come.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE] to the committee amendment.

Mr. SMITH of Georgia. Mr. President, I should like to hear the amendment once more stated. I want to catch its full scope.

The VICE PRESIDENT. The amendment will again be stated.

The SECRETARY. On page 106, at the end of line 13, it is proposed to insert the following:

Provided, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts, the enlisted men of the Quartermaster Corps, of the Medical Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 250,000 men: *Provided further*, That in addition to the units specified in this section, additional units of Infantry, Cavalry, or Field Artillery to conform in composition with the requirements of sections 19, 20, and 21 of this act may be organized in the discretion of the President.

Mr. SMITH of Georgia. Mr. President, as I understand this amendment, it authorizes the President at once, in his discretion, to increase the Army by proper units to 250,000 men. I cordially favor the amendment. If we are to have 250,000 regular soldiers at all, we ought to have them just as soon as we can get them.

Why are we considering to-day a special military bill? Not for five years hence, but because of the conditions of the balance of the world at this time; because Europe is torn to pieces by a terrible struggle; because we do not know how long our own country can be kept free from the conflagration which the European struggle has created. Five years from now it will be a thing of the past, I trust most earnestly, but next year perhaps—I hope not, probably not—but possibly we may be in it. I do not say on which side, against whom, or with whom; that is not a question at all to be considered. I trust we shall not be at war with any nation; I trust we may keep out of it, and I will go as far as anyone possibly can honorably go by my vote to keep my country out of it; but the bare possibility of our being involved in it calls upon us for some reasonable preparation.

Two hundred and fifty thousand men! Why, we would need them on one side of our country if any effort was made to attack us. On the south of us we have a country in a state of utter confusion, almost of anarchy. I hope we shall not be forced to send any large number of men there; but we do not know. On the north of use we have a country not perfectly friendly. Great Britain to-day is sore because we did not openly espouse her cause and fight with her as one of her colonies, and some of our people here regret that we did not do so. Across upon the Pacific is the Japanese situation. With every desire for peace, we should prepare to prevent anyone from wishing to give us trouble.

Mr. President, we need not keep our Army at 250,000; a little later on it can be reduced. There is no serious danger of militarism with the amendment we have placed in this bill. Our volunteers or our new enlisted men can be kept near home. There can be forts and camps near their homes, where the men of a State or of neighboring States may be trained as soldiers and at the same time receive instruction for which we have provided, preparing themselves for lives of peace, for work at home, when they are relieved from the service. The service can be made two years of splendid instruction for the enlisted men. Such a provision brings no menace to the future of the country. We can make the enlistments from young men, and we can make the two years' service they receive one that will strengthen the power and the resources and the creative capacity of our people in civil life. There is nothing to lose by it; there is nothing to fear from it; and at the same time we can place ourselves in a reasonably sane state of preparation for an emergency.

I shall vote with great pleasure for this amendment, because whatever we are to do, I think we should do now.

The VICE PRESIDENT. The Senator's time has expired.

Mr. LODGE. Mr. President, I agree very strongly with the Senator from Georgia [Mr. SMITH]. Whatever we do we ought to do now, in so far as it is possible to get the force ready. The Regular Army must be the cornerstone of our national defense. We have been making various provisions for their support in

time of war, and whether it is done by volunteers, through the National Guard, through Plattsburg camps, or through all three, it will take time to gather that reserve force for the hour of stress. That reserve force must come to the support of the mobile force of the Regular Army. To-day the mobile portion of our Regular Army does not exceed 25,000 men for practical purposes, a number which is insufficient in itself to deal with the unfortunate condition in Mexico at this moment. We ought to increase the mobile force of the Regular Army, and we ought to increase it as rapidly as possible. Behind it we shall put the reserves, gathered in such way as Congress may finally determine; but the Regular Army is what we need to build up at once.

Of course, for a country with 100,000,000 people, a Regular Army of 250,000 men, with the extent of territory that we have to cover, with our outlying possessions, is very small, in my judgment, even for times of profound peace.

It is not necessary to say whence the danger of war will come, but we all realize that there may be danger of war at any moment. We have to meet the possibility of the landing of an enemy in force at an undefended point on either of our two great coasts. All we can defend by means of the coast defenses are certain points. We may have trouble with our southern frontier. We may need at least 500,000 men to meet what is called the first rush. With 250,000 Regulars we might have 150,000 to 200,000 men in our mobile force, and behind that force we can put the National Guard and such other reserves as we may decide to raise by other methods.

The cornerstone is the Regular Army, as I said at the outset. It is utterly inadequate as provided for in the House bill; it is to my mind too low in the Senate bill, and I earnestly hope that the amendment proposed by the Senator from Connecticut may be adopted.

Mr. VARDAMAN. Mr. President, if the standing army is the corner stone of our national defense, as suggested by the senior Senator from Massachusetts [Mr. LODGE], I am inclined to think that if we shall go as far in the matter of enlarging the standing army as some Senators desire to go, it may be in the course of time the tombstone of republicanism in America. I am not going to take up the time of the Senate to discuss the question at length this afternoon, because I am sure it will avail nothing. I simply desire to express my hearty disapproval of the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE].

Mr. HUGHES. Mr. President, I sincerely hope the amendment proposed by the Senator from Connecticut will be adopted. If I could adjust the language, I should like to suggest a modification of his amendment so as to provide that at no time should the mobile force of the Nation consist of less than 250,000 men, exclusive of the forces to which he has referred. If his amendment is adopted, I propose to offer an amendment providing that the President of the United States may increase the pay of enlisted men so that we may be enabled to attract to the service men whom we are unable now to attract.

We are at the close of the debate on this very important bill. The United States is awaiting with bated breath the action of the Senate of the United States upon this very important proposition; and yet, as I see it, while there may be 250,000 or half a million votes in this bill, there is not a single soldier in it. For the purpose of producing soldiers for the defense of the United States we have been gathered here for three or four weeks, and we have not accomplished it; we have not risen to the opportunity. We have proceeded with the consideration of this bill in the old and traditional way; we have thrown sop to the National Guard—an expensive sop; a sop which, in my opinion, is absolutely useless, so far as the defense of the country by the National Guard is concerned. We have thrown sop to the summer-camp soldiers, but we have done nothing in throwing that sop so far as the defense of the American people is concerned.

I believe that the American people want as their first line of defense the Regular Military Establishment of this country. I believe we have graduated from the South American Republics' stage, when anybody can raise the bogey of a Regular Army to frighten the people of the United States of America into such a state of mind that they will refuse to adopt proper means of defense.

I trust the amendment of the Senator from Connecticut will be adopted. I found great difficulty in framing an amendment which would bring this question to an issue before this body, and I gladly accept his amendment. As I have said, I desire to frame such legislation as to put into the hands of the President of the United States the means to make it effective, for it is idle to say to him that he may increase the mobile forces of the United States of America to the number of 250,000 men, when we know that we can not now enlist our troops to the present authorized strength of less than half that number.

Mr. HITCHCOCK. Mr. President, I move to amend the amendment proposed by the Senator from Connecticut by substituting "150,000" for "250,000." In doing so, I call attention to the fact that as proposed by the President of the United States as a preparedness measure the limit of the standing army of the United States was placed at 140,000 men, and as passed by the House of Representatives by an almost unanimous vote the limit of the standing army was provided at 140,000 men.

I further call attention, Mr. President, to the fact that this is not a war proposition; this a peace army. The people of the United States have never given to the Congress of the United States any indication that they desire to increase their peace army from what it is now, about 100,000 men, to a peace army of 250,000 men. I have no doubt that the people of the United States will justify a large reserve; I doubt whether a reserve too large can be authorized and provided for by Congress; but when the Congress of the United States, without any mandate from the people of the United States, at one swoop seeks to increase the peace army of the United States from 100,000 men to 250,000 men it is going beyond the public opinion of the United States.

I concur with what the Senator from New Jersey [Mr. HUGHES] has said, that it is impossible to recruit the peace army of the United States to 250,000 men under the law as it stands to-day. Men will not enlist. We have an example before us now; we have been attempting to get 20,000 men under the terms of the present enlistment law, and it has taken, as I recall, nearly four weeks to get 4,000 men.

I believe that the pay of the private should be increased, and I shall offer an amendment at the proper time to increase the pay of the private from $15 a month to $18 a month and to prohibit extra pay for reenlistment. The trouble is now that we are squandering on the Regular Army of the United States nearly $3,000,000 a year in extra pay for men who reenlist and become practically nothing but hired policemen. We should pay our privates enough to induce them to enlist, but we should not permit them to serve more than two years. We should require them then to step back into the reserve and bring in other young men to be trained and disciplined, and in their turn pass into the reserve.

Mr. MYERS. Mr. President, I am very heartily in favor of the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] to the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE], and I am equally opposed to the amendment offered by the Senator from Connecticut. I do not believe that the masses of the people of this country want a standing Regular Army of a quarter of a million soldiers, nor of 200,000 soldiers, nor of 150,000 soldiers. I think the latter figure is large. I would prefer the figure contained in the House bill, 140,000 men. We have now about 100,000 men, and I think an increase of 40,000 would be ample. However, I shall vote for the amendment of the Senator from Nebraska, which calls for 150,000 men.

Ever since the great European war broke out I have seen flaunted before the Members of this body pictures of what was about to happen to us at the hands of Great Britain and Canada and Germany and Japan and Mexico, and lo, not one of those things has yet happened. The truth of the matter is that to a reader of current events it is plain there is not one scintilla of evidence of the least design or desire upon the part of any of those countries to engage in war with us, and I assert that in time of peace 250,000 men would be too large an army and in time of war it would be too small an army. It fits neither peace nor war times.

Referring to the pictures which have been painted as to what is likely to happen to us at the hands of foreign nations, a few weeks ago, at the time that our punitive expedition started into Mexico, it was predicted on the floor of the Senate that in less than 30 days from that time Francisco Villa would be a hero, marching at the head of an army of 50,000 soldiers to invade the United States, and I supposed, inferentially, from the prediction that our women and children would be taking to the cellars and the men hastily organizing improvised armies to meet and repel him. Francisco Villa has not been acclaimed a hero; he is not marching at the head of an army of 50,000 men. It is doubtful if he is alive to-day. The last that was heard of him, when known to be alive, he was taking to the mountains, with just eight men following and adhering to him.

Mr. KERN. That was not the last we heard of him.

Mr. MYERS. The last we heard of him alive he was taking to the mountains with just eight men, and he was not coming

in the direction of the United States, either. So we have no further cause to be alarmed about what Villa may do to us.

I was very severely criticized for expressing on the floor of the Senate a few weeks ago the opinion that the Army which we had was sufficient to cope with a few bandits in Mexico. It was urged then that we needed to hasten in providing a larger Army in order to cope with the situation in Mexico and to punish the bandits in that country. Since then the President of the United States, I understand, has publicly stated that the armed forces at his command are amply sufficient to conduct the punitive expedition into Mexico and to cope with the situation in that country and that he did not need any more soldiers for that purpose, and did not want any more, and had no intention of calling for recruits nor of calling out the National Guard. So my humble opinion, expressed at that time, that our force was sufficient to cope with the situation in Mexico has since then been backed up by no less an authority than the President of the United States, who is the Commander in Chief of the military and naval forces of our country.

I think that if we increase our standing army to 150,000 men, as is proposed by the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] we will be doing all that is expected of us by the people of this country, and all that is necessary.

Mr. HUGHES. Mr. President, can the Senator tell us how we could expect to increase our standing army to 150,000 when we can not now increase it up to the authorized strength?

Mr. MYERS. I do not object to offering some more inducements for enlistment to a reasonable degree and in reasonable numbers.

The VICE PRESIDENT. The time of the Senator from Montana has expired.

Mr. SUTHERLAND. Mr. President, in my own time, I should like to ask the Senator from Montana a question.

Mr. MYERS. I will respond with pleasure, if I can.

Mr. SUTHERLAND. I understood the Senator from Montana to say that in view of the developments in Mexico we needed no additional force there. Is the Senator aware of the fact that the newspapers say that Gen. Pershing has reported today that he can go no farther without a larger force?

Mr. MYERS. I am aware of the fact that the President of the United States has said that he did not need any more forces in Mexico nor on the Mexican border, and he is higher in command than Gen. Pershing, I believe. He is supposed to be, anyway. He is the Commander in Chief of the Army.

Mr. SUTHERLAND. Does the Senator think that the President of the United States, sitting comfortably here in Washington, knows more about what is needed in Mexico in the way of military forces than the general on the ground in command of the forces there?

Mr. MYERS. I think it is apparent to anybody that the mission of our punitive expedition in Mexico is about accomplished. Francisco Villa is either dead or has taken to the mountains with eight followers, and is hiding out to avoid capture by the forces of the United States. If the fifteen or twenty thousand men down there can not capture him, then 250,000 could not capture him in the fastnesses of mountain recesses.

Mr. SUTHERLAND. I want to ask the Senator from Montana how large an army he thinks we need in time of peace?

Mr. MYERS. I would be well satisfied with 150,000, the figure contained in the amendment offered by the Senator from Nebraska. I would be satisfied with 140,000, the figure contained in the House bill.

Mr. SUTHERLAND. What do we need 140,000 for in time of peace?

Mr. MYERS. As a nucleus for an army, in order to have soldiers for internal purposes, and to guard the border, and various other things, such as they have heretofore been kept for.

Mr. SUTHERLAND. A nucleus for what?

Mr. MYERS. An army. We need them for police duty, as the nucleus for an army, and, as I said, for guarding the border and to suppress insurrection—for use in our insular possessions—the very purposes for which the Army has been used for many years past. We can find use for a moderate army at all times, but we have no need for a great standing army in time of peace. An army of 140,000 men can be used in the same way as we have used 100,000.

Mr. LEWIS. Mr. President, I should like the attention of the Senator from Massachusetts [Mr. LODGE]. Before we can vote intelligently on the amendment tendered by the Senator from Connecticut or that tendered to his amendment by the Senator from Nebraska, we ought really to know just what is the condition of our Army and its numerical strength in the United States.

As I gather the reports made to the Senate, somebody is being misled. The Senator from Massachusetts [Mr. LODGE] on March 30 received from the Secretary of War, in response to a resolution presented by the able Senator, a reply setting forth what was supposed to be the present available force for Army purposes.

That reply, no doubt, was given to the Secretary by his subordinate officials, and that reply justified the assertion of the Senator from Massachusetts in his observations that 25,000 men seemed to be the only mobile force we have, exclusive of men who are assigned in our distant outposts. What I wish to call to the attention of the chairman of the Military Affairs Committee and the Senator from Massachusetts is a matter that greatly confuses me now at the threshold of an important vote. It is this: It is impossible for the report of the Secretary of War to be accurate, or it is impossible for the statements that have been coming to the Government in the last 10 years to be accurate. I invite the attention of the Senator from Massachusetts to the following:

In a report to the Senate on October 2, 1905, it was represented to us that we had 58,000 men. In the last 10 years there have been enlisted 226,120. Clearly, then, we have a total of 284,120. Then, taking the report sent by the Secretary of War of the discharged numbers being 67,765, we have as the deduction 216,355. What I should like to ask is, How do we account for those figures, and yet assert before the country that we have but the small number of available men such as the Senator from Massachusetts stated, and which seems borne out by the report lately sent in, on March 30?

Mr. President, if we have these available men, as shown by our records, we do not need this large army presented by the Senator from Connecticut. If, on the other hand, the report as sent to the Senator from Massachusetts is accurate, then there is some justification for asking for their addition.

I should like to ask the Senator from Massachusetts if he has to himself a satisfactory account of what has become of these men who have enlisted in the last 10 years, as shown by our public records?

Mr. LODGE. What has become of the men who have enlisted in the last 10 years is that they have taken the places of those who have been mustered out, and have kept the Army up to such strength as it has. Under the law, we have 100,000 men of all arms—I was speaking roughly—and the figures that I took of 25,000 were those given by the Secretary of War a year ago, and we have not changed our force since then. Of course, we have added 20,000 for this special trouble in Mexico, who have not been recruited, and do not appear in the forces. The extent of the American Army under the law at the present time is 100,000 men and one-third goes out every year and has to be replaced; but the Army is 100,000 men, and that gives a mobile force of 25,000, according to the statements of both Secretaries of War.

Mr. LEWIS. Mr. President, I must reply to the able Senator that the men discharged, to whom he alludes, figure altogether, upon the reports of the department, 67,765. That subtracted from 284,120 would leave still 216,355 on the records as available.

Mr. LODGE. That is, the Senator means for the period of 10 years.

Mr. LEWIS. In the last 10 years; yes.

Mr. LODGE. A third of the Army goes out every year. There are the deaths, the casualties, and the other causes of vacancies. I think the Senator will find, if he divides the number added, that they have been about sufficient to keep our force at what the law provides, which is 100,000.

The VICE PRESIDENT. The time of the Senator from Illinois has expired.

Mr. CHAMBERLAIN. Mr. President, I am not going to take any time to address the Senate on the condition of the Army; but I direct the Senator's attention to the report of The Adjutant General of the Army for 1915. There is not any question about the number of men; and there is set out at length not only the number of men but the number discharged by reason of finishing their terms of enlistment, disabilities, and otherwise. The Senator will find it all set out in that report.

Mr. SHEPPARD. Mr. President, I desire to ask the Senator from Connecticut, the author of the amendment, a question. Is the force of 250,000 men provided in his amendment a minimum peace strength, or a mere increase of the maximum provided in this bill?

Mr. BRANDEGEE. I will say to the Senator that the amendment as printed was modified by me before the Secretary read it, and he had better have the Secretary state it again. If the Senator wants to repeat his question to me, however, I will answer it.

Mr. SHEPPARD. I presumed that the Senator could answer it.

Mr. BRANDEGEE. What was it?

Mr. SHEPPARD. I asked, Is the force of 250,000 men provided for in the Senator's amendment a minimum peace strength, or is it a mere increase of the maximum provided in the Army bill?

Mr. BRANDEGEE. It provides that the total number can not exceed 250,000 except in time of war or special emergency.

Mr. SHEPPARD. Then, as I understand the matter, the Senator's amendment does not contemplate an immediate enlistment of 250,000 men?

Mr. BRANDEGEE. It would leave it to the President, so that if he thought he needed more and wanted to increase it to that limit, and organize some special extra units of Cavalry and Infantry, he could do it; but it is not compulsory. It leaves it where the committee left it, only it allows it to be increased to 250,000 if the President sees fit.

Mr. SHEPPARD. It leaves the minimum peace strength where the committee has left it?

Mr. BRANDEGEE. Yes.

Mr. SHEPPARD. I thank the Senator.

Mr. BRANDEGEE. Except that it excludes from the computation the Philippine Scouts and the Quartermaster Corps and the Medical Corps, because they are not fighting men.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the Senator from Connecticut [Mr. BRANDEGEE].

Mr. LODGE. Let us have the yeas and nays.

Mr. SMITH of Georgia. Just one moment, Mr. President. I wish to give the Senate the figures of the cost of 150,000 additional soldiers. Including the second lieutenants, first lieutenants, and captains, as well as the noncommissioned officers for such an organization, the total would be, annually, $35,200,000. Fifty thousand, of course, would be one-third of that. So, as I gather the figures, we can for the next few years increase the Regular Army to 250,000 men from 100,000, with an expenditure of but little over $35,000,000 a year.

This expense does seem small compared with the practical results. I have little faith in any first line or substantial line except from the Regular Army. As I have said before, I have very little faith in the summer encampments. I do not believe the provision for them will go into the bill. With the Senate practically evenly divided upon this subject, and with the House almost unanimously against it, we can consider that element of expense, ranging from $24,000,000 to $42,000,000 annually, out of our budget. These 150,000 men would not cost us over $35,000,000 a year, or only just a shade over that. It is not militarism. It is a practical, simple, business proposition to have them, and to have them at once. If we do not need them for war, we will train these boys during the next two years for peace; and if we do need them for something else, the training they have had will enable us to have a reasonably decent first line upon our shore.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the Senator from Connecticut [Mr. BRANDEGEE].

Mr. HITCHCOCK and Mr. LODGE called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. He is not in the Chamber, and I therefore withhold my vote.

Mr. CHILTON (when his name was called). Announcing my pair and its transfer as before, I vote "nay."

Mr. ROBINSON (when the name of Mr. CLARKE of Arkansas was called). My colleague [Mr. CLARKE of Arkansas] is absent from the Chamber because of illness.

Mr. COLT (when his name was called). Although I have a pair with the junior Senator from Delaware [Mr. SAULSBURY], I am at liberty to vote on this matter. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the junior Senator from New Mexico [Mr. CATRON] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made on the last roll call, I vote "nay."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 13, nays 66, as follows:

YEAS—13.

Gronna	Myers	Robinson	Works
Hitchcock	Norris	Stone	
La Follette	Overman	Swanson	
Lewis	Reed	Vardaman	

NAYS—66.

Ashurst	Gallinger	McLean	Smith, Md.
Bankhead	Harding	Martine, N. J.	Smith, Mich.
Beckham	Hardwick	Nelson	Smith, S. C.
Borah	Hollis	O'Gorman	Smoot
Brandegee	Hughes	Oliver	Sterling
Broussard	Husting	Page	Sutherland
Burleigh	James	Phelan	Taggart
Chamberlain	Johnson, Me.	Pittman	Thomas
Chilton	Johnson, S. Dak.	Poindexter	Thompson
Clapp	Jones	Pomerene	Underwood
Clark, Wyo.	Kenyon	Ransdell	Wadsworth
Colt	Kern	Shafroth	Walsh
Culberson	Lane	Sheppard	Warren
Cummins	Lee, Md.	Sherman	Weeks
Curtis	Lippitt	Simmons	Williams
Dillingham	Lodge	Smith, Ariz.	
du Pont	McCumber	Smith, Ga.	

NOT VOTING—17.

Brady	Fletcher	Newlands	Tillman
Bryan	Goff	Owen	Townsend
Catron	Gore	Penrose	
Clarke, Ark.	Lea, Tenn.	Saulsbury	
Fall	Martin, Va.	Shields	

So Mr. HITCHCOCK's amendment to the amendment of Mr. BRANDEGEE was rejected.

The VICE PRESIDENT. The question recurs on the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE] to the amendment.

Mr. VARDAMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement I did before in regard to my pair, I vote "yea."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). I desire to state that my colleague [Mr. MARTIN of Virginia] has been called from the Senate unavoidably by business. If he were present he would vote "nay."

Mr. SUTHERLAND (when his name was called). I again announce my pair and its transfer as on the previous vote and vote "yea."

Mr. TILLMAN (when his name was called). Announcing the same transfer of my pair that I did before, I vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Understanding from his colleague that if he were present he would vote as I am about to vote, I vote "yea."

The roll call was concluded.

Mr. BRADY. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. He is absent from the Senate and I therefore withhold my vote.

Mr. CHILTON. I wish to make the same announcement as to my pair that I did before. I vote "yea."

Mr. SMITH of Michigan. I wish the RECORD to show that my colleague [Mr. TOWNSEND] is absent on account of illness in his family. My colleague is paired with the Senator from Florida [Mr. BRYAN].

Mr. ROBINSON. I wish to announce that my colleague [Mr. CLARKE of Arkansas] is absent from the Chamber on account of illness. He is paired with the Senator from Utah [Mr. SUTHERLAND].

The result was announced—yeas 43, nays 37, as follows:

YEAS—43.

Ashurst	Harding	McLean	Simmons
Brandegee	Hardwick	Martine, N. J.	Smith, Ariz.
Broussard	Hughes	Nelson	Smith, Ga.
Burleigh	Husting	O'Gorman	Smith, Md.
Chamberlain	James	Oliver	Sterling
Chilton	Johnson, Me.	Page	Sutherland
Clark, Wyo.	Johnson, S. Dak.	Phelan	Wadsworth
Colt	Lee, Md.	Pittman	Warren
Dillingham	Lippitt	Poindexter	Weeks
du Pont	Lodge	Sheppard	Williams
Gallinger	McCumber	Sherman	

NAYS—37.

Bankhead	Jones	Pomerene	Thomas
Beckham	Kenyon	Ransdell	Thompson
Borah	Kern	Reed	Tillman
Clapp	La Follette	Robinson	Underwood
Culberson	Lane	Shafroth	Vardaman
Cummins	Lewis	Smith, Mich.	Walsh
Curtis	Myers	Smith, S. C.	Works
Gronna	Norris	Stone	
Hitchcock	Overman	Swanson	
Hollis	Owen	Taggart	

NOT VOTING—16.

Brady	Fall	Lea, Tenn.	Saulsbury
Bryan	Fletcher	Martin, Va.	Shields
Catron	Goff	Newlands	Smoot
Clarke, Ark.	Gore	Penrose	Townsend

So Mr. BRANDEGEE's amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. Some days ago I offered an amendment fixing the minimum strength at 180,000. It was never acted on. I desire to withdraw that amendment.

Mr. OWEN. Mr. President, I offer the following amendment.

The VICE PRESIDENT. It will be stated.

The SECRETARY. After the colon, line 5, page 114, insert the following proviso:

Provided, however, That the total number of medical commissioned officers may be increased upon the orders of the President proportionately distributed so that the number shall be approximately equal to 7 for every 1,000 of the total enlisted strength of the Army authorized from time to time by law.

Mr. OWEN. Mr. President, on April 14 the Secretary of War, Mr. Baker, wrote a letter to Mr. HAY in which he stated that he had altered his attitude with regard to this matter. I should like to have that letter printed in the RECORD. The substance of it is that he approved the action of the House providing for seven.

The letter referred to is as follows:

APRIL 14, 1916.

MY DEAR MR. HAY: I have your letter of April 10th with regard to the comment made by me on the provisions of H. R. 12766, Sixty-fourth Congress, touching the number of commissioned officers provided therein for the Medical Department of the Army. Gen. Gorgas and I have considered this subject again, and, in view of the figures used by you in estimating the number of enlisted men, we are both satisfied that the provisions of the bill are not open to the criticism made in my previous letter.

Thanking you for your generous attention in this matter, I am,

Very sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

Hon. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives.

The War College in November, 1915, issued a statement with regard to sanitary troops in foreign armies, in which the following appears:

A study of the war tables of foreign armies shows that an average proportion of 4 officers and 52 enlisted men of the sanitary forces per thousand of total strength are prescribed for duty directly with troops in the zone of advance. The proportion for duty in the other two zones is not prescribed definitely, but a general outline is given of the personnel required for each of the several units. Experience has shown, however, that a slightly smaller proportion is required for duty on lines of communications than for duty in the zone of advance and a much greater proportion for duty in the zone of the interior.

So the quotation from page 57 of that same document which has been read in the debates, which would indicate that foreign countries have a smaller proportion than is provided in this bill, is an error. In point of fact, they have a much larger number when you consider the lines of communication and the lines at the base. The objection, however, to the present form of the bill is that it is a fixed number, whereas when the troops are increased in number the provision for medical officers ought to be proportionately increased. Therefore I have suggested this amendment, which provides for a proportionate increase as the number of enlisted men may be increased by seven.

Mr. President, in the tables of organization prepared by the General Staff, on page 19, for a division of 20,000 men, there are 99 medical officers for the zone of advance. On page 40 and page 41 the line of communication provides for 23 for the medical base group and 34 for the medical advance group dealing with the line of communication. This number added to the 99 provided for the line of advance makes a total of approximately 7 medical officers to the thousand of enlisted men.

I think the number ought to be 7; I think that the Medical Service should be kept proportion to the number of enlisted men, and that this ought to be the standing order under the law. This is permissive and gives the President the right to enlarge the number to 7 as the number of enlisted men may be increased.

For that reason I offer this amendment.

Mr. CHAMBERLAIN. That is the same amendment the Senator offered yesterday?

Mr. OWEN. It is similar; it is not exactly the same.

Mr. CHAMBERLAIN. For the same reasons which I gave yesterday I feel that the Medical Corps is large enough as it is fixed by the House. It is 5.3 per thousand.

Mr. OWEN. I call the Senator's attention to the fact that the Secretary of War, who was quoted yesterday by the Senator, has disclaimed his former attitude and approves the number fixed by the House.

Mr. CHAMBERLAIN. If that is true, the letter of the Secretary of War sent me on the subject—the one I had put in the RECORD yesterday—is practically recalled, and he sends a letter down that the Senator has just mentioned. But notwithstanding and with all due respect to the opinion of the Secretary of War, I feel that the Medical Corps is plenty large, and I hope the Senate will retain it as the Senate committee fixed it—that is, at 5.3 per thousand men.

Mr. OWEN. Would the Senator accept this amendment if 7 were stricken out and 5.3 inserted?

Mr. CHAMBERLAIN. What would be the material change?

Mr. OWEN. The material change would be that the President could then, if the number of enlisted men were enlarged by statute, enlarge correspondingly the medical force.

Mr. CHAMBERLAIN. If the Senator will fix the same proportion that was in the House bill, I have no objection.

Mr. OWEN. That is what I am proposing—that it shall be 5.3, as the Senator said.

Mr. CHAMBERLAIN. That will be all right. I have no objection to it.

Mr. OWEN. I am glad to accept that amendment.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Oklahoma, just as I have asked a number of physicians who have called upon me urging me to support an increase in the number of medical officers of the Army, what is the proportion in civil life? Every physician I have talked to says that it is about 1 physician to 800 or 900 people in every town. If that is sufficient in civil life, why is it necessary in the Army to have five or even seven per thousand?

Mr. OWEN. The answer to that is that the Army when it goes into the field is exposed to very insanitary conditions. The Army may go into an engagement and 25 per cent of the men may be disabled by a sudden attack, and provision must be made to take care of them. More than that, I call the attention of the Senator to a statement which is made by the National Sanitary Commission, in which they state that 600,000 people die in this country annually because of neglect.

Mr. GALLINGER. Mr. President, in my own time I want to ask the Senator from Oklahoma if I understand the chairman of the committee to agree with the Senator from Oklahoma upon a certain proportion?

Mr. OWEN. Provided it is reduced to 5.3, as the committee estimated.

Mr. GALLINGER. I want simply to say that I have had a great many letters from very distinguished surgeons who have served in the Army, Dr. W. W. Keane, of Philadelphia, one of the greatest surgeons of the country among the number, complaining that the proportion is too small as it was provided for in the Senate committee bill. I am very glad indeed the Senator from Oklahoma has succeeded in adjusting the matter so that I think it will be more satisfactory to the profession and better for our soldiers in the field.

The VICE PRESIDENT. Does the Senator from Oklahoma modify his amendment?

Mr. OWEN. Yes; by striking out "seven" and inserting "five and three-tenths."

The VICE PRESIDENT. Without objection, the amendment to the amendment will be agreed to as modified.

Mr. HUSTING. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 121, line 22, insert the following proviso:

Provided, That in the appointment of chaplains of the Regular Army preference and priority shall be given to applicant veterans, if otherwise duly qualified, and who shall not have passed the age of 41 years at the time of application, who have rendered honorable war service in the Army of the United States, or who have been honorably discharged from any such army.

Mr. CHAMBERLAIN. Mr. President, I am willing to accept that amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LANE. Mr. President, I have an amendment, which I introduced yesterday, which I should like to submit at this time. I ask that it be read by the Secretary.

The VICE PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. The proposed amendment is as follows:

On page 105, line 12, after the word "States," insert "the national defense army."

On page 161, after line 9, strike out sections 57, 58, 59, 60, 61, 62, 63, 64, and 65, and insert the following:

"SEC. 57. National defense army: That there is hereby created and established a body of men to be known and designated as the national defense army, to be composed of 2,000,000 men to be chosen and enlisted as hereinafter provided, which force may be increased from time to time as Congress may provide.

"SEC. 58. That such national defense army shall consist of men capable and efficient and fitted to perform manual labor in the construction of roads and reclamation, or other public works.

"SEC. 59. That they shall be enlisted in increments of 200,000 for the service of a term of six months, under rules and regulations to be prepared by the Secretary of the Interior, and may not be reenlisted, except in case of war, for a period of five years after their final discharge, or the end of the six months' period of enlistment.

"SEC. 60. That when the national defense army is called upon, as hereinafter provided, to undergo military training, it shall be under the supervision and control of the War Department, under rules and regulations to be provided by the Secretary of War.

"SEC. 61. That, as a constructive force, the Secretary of the Interior shall, except for such time as they are required to render military service as hereinafter provided for, employ the members of said national-defense army wherever he may direct in the forestry, reclamation, construction of roads, and other public works, and shall construct storage and service reservoirs for the protection of lands from overflow, for the drainage of submerged lands, the irrigation of arid or semiarid lands needing irrigation in order to be successfully cultivated, for the construction of military roads and other public roads and, generally, for the protection, reclamation, and cultivation of lands and works necessary for the improvement of the rivers and harbors of the country, and such other public works as the said Secretary shall elect for which Congress may make appropriations.

"SEC. 62. That members of said national defense army, while thus employed in the public service as constructive workers, shall be paid the same rate of compensation or wage which prevails in the section of the country in which they are employed for similar work: *Provided*, That they shall be given steady employment for the full period of enlistment: *Provided further*, That in the construction of roads, other than purely military roads constructed for defensive purposes, preference shall be given to those States which agree with the Secretary of the Interior to pay a mutually agreed upon percentage of the cost of such work.

"SEC. 63. That for two days each week, or 52 days in each six months' period, the said national defense army shall undergo such military training as may be provided for by the Secretary of War, under rules and regulations prescribed by him, and he shall provide all necessary officers and equipment for such training.

"SEC. 64. That whenever the members of said national defense army shall be so employed and under military training, in the event of war they shall constitute a part of the United States Army and shall be exclusively under the direction and control of the War Department, in all respects the same as any part of the regular standing army of the United States. The officers of said reserve shall be appointed and shall rank the same as officers in the regular standing army.

"SEC. 65. That the Secretary of the Interior and the Secretary of War are hereby directed to submit annually to Congress reports in detail showing expenditures made and results accomplished by said national defense army."

Mr. LANE. Mr. President, my amendment seems to have attracted so much general attention from the Senate that I feel complimented. If the amendment is carried, this country will at least have something of value left long after the expenditure has been made, and will also have provided an Army. It will have a larger Army and a better-trained Army, and in the long run it will have cost the country less money. It will provide for improvements of different kinds throughout the United States. It will be a benefit to the South, the North, the East, and the West.

It is my opinion, Mr. President—and I think that opinion is held by others—that, notwithstanding we have expended millions upon millions and hundreds of millions of dollars in the past in the way of preparing this country for defense, expenditures which have been made both for the Army and the Navy—despite that fact, we are absolutely unprepared for war or for the defense of our country. To-day the report comes from Mexico that Gen. Pershing is unable to go farther in his search for Villa, for the reason that his communications are being cut by snipers. The Congress has authorized the President to call for volunteers to help him out in that unpleasant hunt, and we have secured, I believe, about 5,000 volunteers, while the call was made for 20,000.

People are not going to enthuse over the committee's bill; they are going to refuse to volunteer. If they do enlist and we spend the money provided in the measure, we will not have men sufficiently trained to make efficient soldiers. This will be a waste of money, in my opinion. I make no criticism of the members of the Military Committee, but I regret that they did not consider this plan, which has been suggested by myself—the better plan, in my opinion—which will enlist speedily an army sufficient in numbers and with training sufficient, and rapidly attained, that the country will be in a position to defend itself within six months with 400,000 or 500,000 men, if we want to enlist that many; but not less than 250,000 men, who will have more training in six months than they will acquire in a year from the bill which it is now proposed to pass. They will have made public improvements which will be of permanent value, which will be worth dollar for dollar for the money expended upon them, and which improvements will be left for all time for the use and the benefit of the people of this country.

The people of this country are to pay the expense incurred in training and creating the army provided for in this bill, but they will get nothing back—nothing whatever, except burnt gunpowder, empty cartridge shells, and half-trained soldiers. Under the method suggested by my amendment they will have reclaimed lands, good highways, and other beneficial things, for the want of which the country is suffering at this time, and well-trained men.

Inasmuch as the hearing is soon to close, I submit the amendment without further remarks, but I would like to have a yea-and-nay vote upon it on its merits.

The VICE PRESIDENT. The Senator from Oregon demands the yeas and nays. Is the demand seconded? [A pause.] Not a sufficient number have risen, and the yeas and nays are not ordered. The question is on the amendment proposed by the Senator from Oregon.

The amendment was rejected.

Mr. HUGHES. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New Jersey will be stated.

The SECRETARY. At the end of the paragraph providing for the pay of enlisted men, on page 143, it is proposed to strike out the last sentence and in lieu thereof to insert:

Hereafter the pay of an enlisted man, whether in his first enlistment or in any reenlistment, shall be $25 per month, and no extra pay shall be given to men who have reenlisted: *Provided, however*, That those who have reenlisted prior to the passage of this act shall receive the same pay as now provided by law to the end of their present term of enlistment.

Mr. HUGHES. Mr. President, the object of this amendment is to make workable the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE]. Of course it is idle to authorize the President to recruit the regular establishment up to a strength of 250,000 enlisted men if it is impossible at this time, on account of the unattractive nature of the service, to fill the present authorized quota of about 100,000 men.

There are many ways in which the service can be made more attractive than it now is. One of the ways is to increase the pay of the enlisted men. I want to impress upon Senators the fact that the amount that a private soldier receives from the paymaster at the end of the month is not a trifling matter in his mind. Agricultural laborers are paid more than $25 a month and their board, and there is no reason why in a country like ours we should not pay men who are expected, at the command of their superior officers, to go into the field and risk their lives at least as well as we pay agricultural laborers.

It has often been said that the enlisted force of the United States Army are the best-paid soldiers in the world. Perhaps that was formerly true, and in many respects it is true now, but it is not wholly true in comparison with the soldiers of some of the countries who are serving to-day. As I recall the figures, the Canadian soldiers now receive something like $20 a month for their own services and something like a dollar a day for "separation allowance," as it is called. Separation allowances are paid also to the soldiers of various other armies now in the field; so that the compensation the American soldiers now receive is in many cases less than one-third of what is being paid to the European forces.

In time of peace the only army that can be compared with our Army is the army of Great Britain, because the compulsory-service system does not exist in either country; and yet, when we compare the rate of wages paid the British soldier with the rate of wages paid the British artisan, and the rate of wages paid the American soldier as contrasted with the rate of wages paid to the American artisan, we find that there is a difference in favor of the British soldier of from 50 to 75 per cent. Despite the fact that in actual money we pay the United States soldier in time of peace more than the soldier of any other nation is paid in time of peace, in comparison with the prevailing rate of wages in the United States he is paid far less than the only other soldier with whom he can be compared, and that is the soldier of the British Army.

A great deal has been done in the closing hours of this debate to improve the pending bill. We have made it possible for the President of the United States to summon to the colors, under proper provisions with relation to reserves, a force of 250,000 men, a force which, in my opinion, is none too large for a Nation of 100,000,000 people; a force which constitutes the first line of defense of this country on land; a force behind which we can sit and listen to the debates while we make up our minds as to the proper method of supplementing that force by way of reserves and by way of the utilization of the National Guard.

Furthermore, we have included in this bill a provision for vocational training, which, in my judgment, will do more than any other one thing to make the regular service attractive; we have provided for a term of two years with the colors and three years in the reserve, which will send back a vast body of men from the ranks of the Regular Army to the civilian walks of life in this country.

The Senator from Colorado [Mr. THOMAS] has offered an amendment, which, I hope, will operate to prevent discrimination against the uniform of the enlisted man in the naval and military forces of the United States and to bring to an end a condition which has long been a disgrace and which is calculated to bring the blush of shame to every American citizen

who contemplates the present position occupied by the enlisted men of our naval and military forces.

Mr. OVERMAN. Mr. President, may I ask the Senator a question in my time?

Mr. HUGHES. Certainly.

Mr. OVERMAN. Has the Senator made any estimate as to the additional cost the increase of pay will involve?

The VICE PRESIDENT. The time of the Senator from New Jersey has expired.

Mr. OVERMAN. I am asking the question in my time.

Mr. HUGHES. I will say to the Senator that I have made an estimate, but my estimate is more or less of a guess. I suggest that the Senator ask, in his own time, the same question of the Senator from Oregon, the chairman of the Committee on Military Affairs.

Mr. OVERMAN. How many million dollars more does the Senator think it will cost?

Mr. HUGHES. It will increase the pay of the private soldier $3 a month. The Senator can make his own calculation.

Mr. OVERMAN. It would add about $25,000,000 more annually, would it not, or something over $2,000,000 a month?

Mr. HUGHES. It will add about what it is proposed to pay to the National Guard.

Mr. OVERMAN. The added expenditure will be about $25,000,000 more, will it not?

Mr. HUGHES. I will say in the Senator's time, if he will permit me, that it will get us an army, which is what we are supposed to be trying to provide at this time.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Jersey [Mr. HUGHES] to the amendment reported by the committee.

Mr. CHAMBERLAIN. Mr. President, I do not think that amendment ought to be hastily acted upon. It involves an additional expenditure of about $75,000,000 for the enlisted men, and to show that the amendment has not even received the consideration of the Senator himself, I will say that it reduces the pay of some men. There are enlisted men now who are getting more than $25 a month; some are getting as high as $75 a month.

Mr. SMITH of Georgia. It will involve an increase of about $30,000,000.

Mr. CHAMBERLAIN. I will not stop to figure on it, Mr. President, but I do hope the Senate will not consider the amendment seriously. The talk about the enlisted man faring so badly at the hands of the Government is not well founded. He is clothed, he is fed, he is housed, he has everything on earth that a man needs in order to get along nicely in this world, and then he receives $15 a month. There are very few laboring men in this country who make any more than that over the cost of their living. There are few people in this country who live as well as the enlisted men. The ration list was published here a few days ago, and I venture to say that they fare as well as most of the Members of the United States Senate. I do not think, therefore, that they are entitled to so much consideration as the Senator contends.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Jersey [Mr. HUGHES].

The amendment was rejected.

Mr. TILLMAN. I offer the amendment which I send to the desk and ask to have it read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend section 119, page 196, by adding, after the word "district," in the amendment already agreed to, on line 14, after the word "force," the following proviso:

Provided, That each State, Territory, of District maintaining a naval militia as herein prescribed may be credited to the extent of the number thereof in the quota that would otherwise be required by section 62 of this act.

Mr. CHAMBERLAIN. I have no objection to that amendment.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. LEWIS. I desire to tender an amendment, and ask to have it read and submitted to a vote upon the argument which has previously been made. I do not wish to take the time of the Senate to make an address upon the amendment. That may commend it favorably to the consideration of the Senate.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After section 13 it is proposed to insert the following:

SEC. —. That the Secretary of War is hereby authorized and directed to purchase or erect, maintain, and operate no less than four munition factories at four different points, two of which shall be between the Allegheny and Rocky Mountains, all to be selected by the Secretary of War, for the purpose of manufacturing war munitions and war supplies for the use of the Army and the Navy of the United States.

SEC. —. That for the purpose of carrying out the provisions of the preceding section of this act the sum of $20,000,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. JONES. Mr. President, I desire to offer an amendment to come in on page 143.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 143, lines 21 and 22, it is proposed to strike out the words "transportation in kind and subsistence as now provided," and insert "allowances provided."

Mr. JONES. Mr. President, I simply call the attention of the chairman of the committee to the effect of the amendment. As the bill reads now when an enlisted man is sent to the reserves the bill provides, that—

He shall be paid in full to the date such furlough becomes effective, including transportation in kind and subsistence as now provided by law for discharged soldiers.

My amendment simply provides that he shall get whatever allowances are provided by law. I do not see why he should not be permitted to have the mileage that we allow to a discharged soldier, if he sees fit to accept it. I take it the chairman of the committee will probably have no objection to the amendment. It simply gives a soldier sent to the reserves just what an enlisted man gets on discharge.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. LEWIS. Mr. President, I desire to tender an amendment similar to the one presented by me a few moments ago, but eliminating the appropriation. I ask to have the amendment submitted to a vote.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After section 13, it is proposed to insert the following as a new section:

SEC. —. That the Secretary of War is hereby authorized and directed to purchase or erect, maintain, and operate no less than four munition factories at four different points, two of which shall be between the Allegheny and Rocky Mountains, all to be selected by the Secretary of War, for the purpose of manufacturing war munitions and war supplies for the use of the Army and Navy of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois to the amendment reported by the committee.

The amendment to the amendment was rejected.

Mr. WADSWORTH. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 145, line 8, after the semicolon, it is proposed to insert:

And he may summon the Regular Army reserve, or any part thereof, for field training for a period not exceeding 15 days in each year, the reservists to receive travel expenses and pay at the rate of their respective grade in the Regular Army during such periods of training.

Mr. CHAMBERLAIN. Mr. President, may I ask the Senator if that is only in the discretion of the President?

Mr. WADSWORTH. It is permissive, Mr. President.

Mr. CHAMBERLAIN. I do not object to that, then.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New York to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. CHILTON. Mr. President, on page 142, line 19, after the word "Artillery," I move to insert "sergeant, Medical Corps." The simple effect of the amendment is that the sergeants in the Army Medical Corps will get $36 a month instead of $30 a month, which they now receive.

I do not want to take the time of the Senate any further than to say this: At the hearings before the Senate committee one of the witnesses was Gen. Gorgas. On page 702 he set forth the reasons why this amendment should be made to the bill, why the sergeants of the Medical Corps should receive the same salary as the other sergeants.

I know very little about the Army, Mr. President. I do not profess to know anything about it. I scarcely know the duties of these men. I am simply trying to make this part of the bill come up to the recommendations of Gen. Gorgas as I read them on page 702 of the hearings. However, all of us do know that the difficult work of the Army, as a rule, is in the Medical Corps, and Gen. Gorgas in his testimony set forth the reasons

why it is difficult to get competent men to remain in that corps. It is because they are discriminated against in the matter of salary.

I do not think we should do that. I think those who attend to the dead and the sick and the dying should certainly receive compensation equal to what the others in the Army receive in the same grade.

That is all I want to say. I hope the chairman of the committee will accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from West Virginia to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I desire to offer an amendment to section 111.

Mr. CHILTON. What page?

Mr. LA FOLLETTE. Page 191, line 16. In order that the amendment which I offer may be better understood, as it follows a section, I will read the section and the amendment following it:

SEC. 111. No money appropriated under the provisions of this act for the National Guard shall be paid to any person not on the active list of the National Guard, except as provided in section 80 of this act, nor to any person who fails to qualify as to fitness for military service, under such regulations as the Secretary of War may prescribe.

The amendment which I offer is to follow the word "prescribe" before the period, and is as follows:

Nor to any State, Territory, or District, or officer, or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Subsistence, and Medical Departments, hereafter appointed, shall have had previous military experience, and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State.

Mr. President, we are about to appropriate in this bill a very large amount of money for the National Guard. That guard now receives from six to seven million dollars annually. It is proposed here that it shall receive at the maximum some $46,000,000 or $47,000,000 from the Treasury of the Federal Government, to be paid by taxes upon the people upon what they eat, use, and wear.

Mr. President, no one can justify voting that large expenditure to be bestowed upon any arm of the military service excepting it be upon an assurance that the people of this country are to receive efficient service. The value of the National Guard depends largely upon the stability of its organization. If it is made subject to all the political changes which occur in the vicissitudes of State politics, if the staff officers and the officers that give character to the organization are changed with every change in the political organization of the State, you can not make it an organization of real military value.

A day or two ago I referred to the high rank of the National Guard of Wisconsin. I said at that time that I did not know exactly what its rank was or is, but that I did know that it had attained a very high place among the guards of the various States. Since then I have informed myself. It stands, and has for years stood, at the head of the National Guards of this country, Mr. President. In field efficiency it has, and has had for many years, not only no superior, but I am told by the War Department that it stands quite by itself.

I have here one of the reports for 1912, in which I read on page 42—this is a report relative to the Organized Militia of the United States:

Wisconsin has for years been recognized as the leader in the Organized Militia in all that goes to make for efficiency in field service; and the care given to Federal property in that State, as indicated by the table, is only one of the means by which she has gained, and still maintains, her leadership.

Mr. President, the head of the National Guard in Wisconsin, Mr. Charles R. Boardman, was connected with the Wisconsin Militia for a great many years, coming up from the ranks. He joined shortly after graduation from the university, where he received two years of military training. From the records available I find that he was commissioned as a major in the National Guard in 1882, and continued in service until he retired. He was appointed adjutant general with the rank of brigadier general on January 4, 1897, and retired at the age of 64 in 1914, a period of 17 years. It is due to the fact that this man, and those subordinate to him in the organization of the guard, maintained their places at the head of the guard through all those years; that it has been established in its position of leadership among the militia of the States of the Union.

The VICE PRESIDENT. The time of the Senator from Wisconsin has expired.

Mr. BRANDEGEE. Mr. President, as I heard the Senator read his amendment rather hastily—I did not follow it entirely—I am inclined to think it is a good amendment. I should like to have the Secretary state it again.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 191, section 111, line 16, before the period, it is proposed to insert a comma and the following words:

Nor to any State, Territory, or District, or officer, or enlisted men in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Subsistence, and Medical Departments, hereafter appointed, shall have had previous military experience, and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State.

Mr. CHAMBERLAIN. Mr. President, I move to strike out the 64-year age limit.

Mr. LA FOLLETTE. Mr. President, I desire to be heard for five minutes upon that, because that is the heart of the whole proposition.

This amendment simply provides that we incorporate in the bill the provisions of law with respect to the tenure of the Regular Army officers, and make those applicable to officers of the National Guard. Upon this largely depends the efficiency which can be attained by the guard. It will place the guard where it will not be the football of politics. It will assure that there shall not be a change of National Guard officers whenever there is a change of administration. These officers should be removed only for cause, as stated in the amendment.

In the State of Wisconsin we enacted a statute, and as nearly as we could do so made it conform to the regulations of the Regular Army with respect to tenure of office, and the officers of the National Guard in that State continue in service until they arrive at the age of 64 years, unless retired for cause. I know of no other reason why we have been able to build up and maintain so high a grade of service in the guard in that State excepting that we retain capable and efficient officers. There have been changes of administration. Except for that statute there would have been changes in the official head and in all of the important positions. Such changes would have been detrimental. The officers have not changed. The same adjutant general protected by that statute continued at the head of the National Guard for 17 years. As a result, Mr. President, as the report of the department says, that State guard is at the head of all the organizations of that character in this country.

We are voting in this bill an immense sum of money to the National Guard. We have no justification for making such an appropriation unless we are to make the guard a strong arm of our military organization, and you can not make it strong if you permit the head of the organization to be changed every two or four years, as the changes of politics may happen to dictate.

Mr. CHAMBERLAIN. Mr. President, I withdraw my amendment to the amendment of the Senator from Wisconsin.

Mr. SUTHERLAND. Mr. President, I think the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] is a good amendment and ought to be adopted, but I desire to ask him a question about it.

The provision is that these allowances shall not be paid until and unless the law which is described in the provision shall be passed by the legislature of the Territory or State or District. Now, I call the Senator's attention to the fact that a time will elapse which will be of greater——

Mr. LA FOLLETTE. I beg the Senator's pardon; it applies only to officers hereafter appointed, not to officers who are already in. Every State in this Union will have a legislative assembly within the next year, and can meet the requirements of this provision by legislation.

Mr. SUTHERLAND. That was the point I had in my mind.

Mr. LA FOLLETTE. Yes; it applies only to those who are to be appointed hereafter.

Mr. SUTHERLAND. Very well; that is satisfactory to me.

Mr. BORAH. Mr. President, this amendment is so manifestly wise that it seems to me it should be adopted without any division of the Senate. I want to take this occasion, however, not to discuss the amendment but to ask permission to insert in the RECORD, as bearing upon the subject—without asking to have it read, thereby consuming time—the report of the minority in 1912 upon what is known as the militia pay bill. I ask to have it inserted without reading.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

[House Report No. 1117, pt. 2, 62d Cong., 3d sess.]

MILITIA PAY BILL.

Mr. SLAYDEN, from the Committee on Military Affairs, submitted the following views of the minority.

Mr. SLAYDEN, from the Committee on Military Affairs, submitted the following report as the views of the minority on H. R. 8141:

The legislation proposed by the Committee on Military Affairs as a substitute for the bill (H. R. 8141), "to further increase the efficiency of the Organized Militia of the United States and for other purposes," is a measure that is pregnant with greater possibilities of evil in a financial way, and that gives less assurance of compensating advantages of any kind, than any measure that has ever been enacted by Congress with regard to the State militia. Briefly stated, the principal purpose of the bill is to obligate the United States to pay officers and enlisted men of the Organized Militia, who are not in the service of the General Government, nor under its control, certain percentages of the pay of officers and enlisted men of the Regular Army.

The proponents of the measure estimate that the amounts to be paid under it annually to each militiaman will range from $100 to $360 for officers, and from $45 to $225 for enlisted men; also that, with existing militia organizations recruited only to the minimum prescribed strength, the total annual expenditure for militia pay may be $9,234,729, which, added to the more than $5,000,000 that the advocates of the measure say is the present annual cost of the militia to the United States, will entail upon the General Government a total annual expenditure of between $14,000,000 and $15,000,000 for militia purposes. And this will be the cost at the very beginning of the operation of the proposed law, and it affords no indication as to the enormous increase that will inevitably occur later by reason of the increase in militia strength, which it is the plain purpose of the pending measure to bring about, and which can and will be brought about without any additional legislation whatever by Congress if this bill shall pass.

Childish must be the credulity of him who can bring himself to believe that the militia will rest content "with any such reward or compensation" as that proposed by the pending bill, or that, if the bill becomes a law, Congress can successfully resist the tremendous pressure that will certainly be brought to bear upon it for more and more legislation of the same kind. The appetite for pabulum from the Public Treasury grows by what it feeds on, and so does the political strength of the possessor of such an appetite if that possessor happens to be an organized or organizable body of men with widespread political and social affiliations. Those who doubt the applicability of this aphorism to the subject in question will do well to study the history of our pension laws, under which we are now expending about $190,000,000 annually with an unsuccessful additional expenditure necessitated by recent legislation, and all this chiefly on account of a war that was ended nearly half a century ago.

It is well known that for some time before the passage of the famous "arrears of pension act" of January 25, 1879, the annual expenditure had ceased to increase, having become nearly stationary at figures less than $30,000,000. It is also generally admitted that the passage of this act was due in large measure, if not wholly, to an agitation set on foot and fomented among the old soldiers and in Congress by numerous claim agents who had become alive to the fact that the prosecution of pension claims was an exceedingly profitable industry. Emboldened and encouraged by the success of this effort, claim agents and claimants entered upon a course of strenuous and systematic agitation for further liberalization of the pension laws. About this time the two political parties simultaneously discovered that the so-called "old soldier vote" was of much political importance, and each began to vie with the other in efforts to conciliate it and in bidding for its support. The result of all this was that Congress has enacted, and still continues to enact, pension law after pension law of the most unheard-of liberality, not to say extravagance, and the end is not yet in sight, although an annual pension bill of more than $200,000,000 in the near future is plainly in sight, as the result of existing laws.

What thoughtful and candid man will say that many of our most costly pension laws would have been enacted or that our pension expenditure would ever have reached its present enormous size if it had not been for the fact that for the last 40 years all parties and factions, State and municipal, as well as national, either through fear or prudence have found it necessary or advisable to conciliate and bid for the political support of the veterans of the Civil War, their relatives and friends?

But the veterans of the Civil War, powerful as they once were politically and a source of political terror, as they still are in some localities, have never formed a compact, well-organized, and easily managed body. If with their loose and more or less inefficient organization they could accomplish what they have done in a political way, what may be expected of a widespread military organization, such as the Organized Militia, composed, as it is, of active, intelligent, and aggressive young men, every one of whom is a voter fully alive to his own interest and that of the organization to which he belongs and all of whom have such business or social relations as to make their combined influence very formidable politically? They are fully conscious of their power even now, and their representatives who, in support of the pending bill, have appeared before committees of Congress and have approached individual Senators and Members have presented and pressed their arguments in a confident and aggressive manner.

If this bill becomes a law it will confirm them in their estimate of the political strength of their present organization and will encourage them to use it in support of the many demands that they will surely make for further legislation by Congress in their behalf, and their power to back up their demands will increase pari passu with the great increase in their numerical strength that it is the evident purpose of this bill to bring about, and it will undoubtedly take place under it should it become a law.

The gift of prophecy is not needed to foretell the nature of the demands that will be made upon Congress for additional militia legislation if this bill is passed. First and foremost there will be insistent and persistent demands for more pay for officers and men, and every demand of this kind that is made will be followed sooner or later by others of the same kind, each being based upon the assertion, doubtless correct, that the constantly advancing standard of requirements of members of the Organized Militia compels officers and men to give more and more of their time to their military duties and less and less of it to their ordinary vocations. Then will come the demand, already voiced in some quarters, that the General Government shall assume the very great expense of furnishing and maintaining horses for Cavalry and Field Artillery and shall relieve the States of other and greater burdens, notably those of providing and maintaining armories, target ranges, drill, encampment, and maneuver grounds, and other necessary facilities, all of which but few, if any, of the States are able or willing even now to furnish to the extent of meeting the urgent needs of the present relatively small militia force, and all of which they will surely be far less able and far more unwilling to furnish to the extent required by the greatly increased force to which the door is opened by the pending bill.

Our population of more than 90,000,000 people will easily permit the expansion of our militia to more than a million men. With the same ratio of expense per man that this bill and existing laws permit the annual cost to the taxpayers would be $134,000,000. An officer of the National Guard has been heard to say that in a few years the yearly cost for maintaining the militia will be $100,000,000, and after making that statement he added, "but what of it?"

As the militia increases in numerical strength, so also will increase its power to influence the policy and legislation of the various States as well as of the Nation. It may be confidently expected that after it has been found that the General Government can be induced to bear an additional share of the burden of supporting the militia the States will not only shape their policy and legislation with a view to inducing or compelling the United States to shoulder more and more of that burden, but will actively support their militiamen in concerted efforts to obtain for themselves, at the expense of the General Government, more and more benefits in the shape of pay, allowances, quarters, retired pay, and pensions, all gradually approaching and perhaps finally equaling those allowed to officers and enlisted men of the Regular Army.

The principal reason, and undoubtedly the only real reason, why efforts to increase the effective strength of the Organized Militia beyond about 100,000 men have hitherto been unsuccessful is to be found in the fact that the States have been and still are unable or unwilling to bear the expense, especially for pay of officers and men, that must be incurred in order to make a material increase in force possible and practicable. But the pending bill proposes that the United States shall pave the way for a great increase in the militia strength by expending millions of dollars annually for the pay of individual militiamen. Undoubtedly the enactment of the bill will have that effect. Knowing this, and knowing also that the bill places no limit upon the strength of the Organized Militia, but actually invites and encourages an unlimited expansion of it that would involve an enormous expense to the United States, it is idle for the advocates of the measure to say, as they do in effect say in the majority report on the bill, that Congress can control the strength of the militia by refusing to make appropriations for its pay and equipment beyond a certain limit. If the militia has sufficient influence to secure the passage of this bill it will, when far stronger numerically and far more powerful politically, backed up, as it will be, by local interests and State support, have all the influence that may be necessary to compel Congress to make not only the appropriations that by the passage of this bill it will be morally bound to make, but almost any other appropriations that the militia as a body may set its heart upon.

Beyond a doubt members of the Organized Militia, taken as a whole, are just as reasonable, intelligent, and patriotic as are the members of the Regular Army or of any other large body of our citizens, but all of these are human; and it is a universal human weakness for the average individual, especially when dealing with the Government, to regard his own interest or the interest of his class as paramount to that of all others. But the influence of the officers and men of the Regular Army upon legislation by Congress is altogether insignificant and must always remain so, no matter to what size the Army may be increased, because, with but few exceptions, these officers and men are not voters, have no local affiliations, take little or no interest in political affairs, and have virtually no political influence. The reverse of all this is true with regard to the officers and men of the Organized Militia. Their combined influence in a political way is very great even now, as shown by the success of their efforts at this inauspicious time to force consideration of the bill pending in their behalf; and this influence, if yielded to now, is bound to grow with the growth of the militia until it becomes too great to be resisted successfully and too formidable to be opposed with political safety to the opponents.

If once the burden of maintaining the Organized Militia is transferred wholly to the General Government, as sooner or later it certainly will be if the course of legislation marked out by the pending bill is entered upon, the natural and sure result will be the eventual conversion of the citizen soldier of the militia into a professional soldier devoting his whole time and attention to military duties and supported by the General Government on an equal footing with his brother in the Regular Army. In other words, a second Regular Army will have been created, but it will be an army actively engaged in political life and wielding therein an influence so great as to be irresistible when consolidated and exerted in the interest of that army or any of its members. Congress should take warning from the concerted pressure that the militia has been able to bring to bear upon it in support of the pending bill. The organization of the militia is such that, even with its present strength, a telegram from a central source to each State adjutant general is all that is necessary speedily to bring down upon Senators and Representatives a flood of telegrams and letters from every congressional district in the United States urging or demanding that some particular measure be favored or that some other measure be opposed. If it is difficult to resist such pressure now, how infinitely more difficult will it be in the future to resist similar pressure from a greatly enlarged militia, flushed by the victory of the passage of this bill and encouraged by it to make further demands and to support them by the methods that have already been found effective.

In view of the fact that it is by no means certain that our militia can be made into a force that can be depended upon safely in the exigencies of a modern war unless it is first developed and expanded at a staggering expense far beyond anything that is now hinted at by the advocates of the pending measure, it may well be asked whether it is not better to stop where we now are rather than to embark upon a course that will surely involve us in the expenditure of sums of incalculable magnitude and that will produce results that in the crucial test of war may be found to be worse than useless, because they may have bred in us a false sense of security and a confidence not well founded.

In the report of the majority of the committee it is asserted that under the operation of existing law the Organized Militia that we now have has been raised to a high state of efficiency, the causes of its previous inefficiency having been removed by the so-called Dick law and other recent legislation. Then, why not permit the beneficent operation of existing law to continue without attempting to increase the

strength of the force at the expense of the United States by new and untried legislation that will lead us no man knows whither? The States now maintain, as the framers of the Constitution clearly intended that they should, all the Organized Militia that they feel able and willing to maintain. Let the General Government continue to aid the States by liberal appropriations along the lines that it is now following, increasing those appropriations to meet any increase in militia strength that the States may see fit to make, but do not let us undertake to force such an increase of strength by the hothouse method of Federal subsidy.

If the arguments hereinbefore set forth are not sufficient to show the unwisdom of the proposed legislation, it will hardly be worth while to discuss at length various other objections that have been urged or that may be urged against it. Some of those objections are that the Constitution confers no authority upon Congress to "support" or "maintain" State militia; that the proposed legislation will unduly extend Federal power over State troops; that it will enable the President in any emergency that he may deem grave to deprive any State of all of its troops, leaving that State powerless, perhaps, to suppress violence or insurrection within its own borders or otherwise to execute its own laws; that it will very likely weaken the control of the States over their own troops and will foster among those troops the idea that their first allegiance is to the Federal Government that supplies them and not to the States under whose authority they are raised and maintained; and, finally, that the expense incident to the proposed development and expansion of the militia will sooner or later be met, in part at least, by a material curtailment of the appropriations for and doubtless by a reduction in the strength of the Regular Army which will have no political weight or influence whatever as compared with the expanded Organized Militia.

The minority making this report is convinced that the legislation proposed by the pending bill is not only unwise but that it is dangerous in the extreme. Rather than enter upon a legislative course that will inevitably entail upon the General Government an enormous expense, which may be found in dire emergency to have been wasted, a course that will surely lead to the creation of a great military force that will become so powerful politically that Congress will be no more able to resist its demands than it has been to resist the demands of the far less compactly organized and manageable army of pension applicants and their friends, this minority would favor a reasonable increase of the Regular Army, leaving the States to maintain their own troops in their own way and at their own expense, without any aid whatever from the United States. Objectionable as such an increase of the Regular Army would be, it would have the merit of assuring us the possession of an armed force that in time of war would by its persistent training be worth all of its cost, which undoubtedly would be cheaper in the end than the cost of the great semimilitary, semicivil organization, wielding tremendous political power, that will secure up as surely as the sun will rise and set if the course of legislation outlined by the pending bill is once entered upon.

It now costs more than a thousand million dollars a year to support the Federal Government. Measures are pending before Congress, or have investigated by committees, which if approved will add hundreds of millions to the annual toll exacted from the taxpayer. Very few, if any, will cost more than the "militia-pay bill." None will cost more than the "militia-pay bill" if it shall develop as there is every reason to expect it will develop in a few years.

This legislation is pledged to economy; it is pledged to a reduction of taxes. If this measure is enacted into law, there will not only be no permanent reduction in customs or other taxes, but the legislative body will be forced to find new sources of revenue.

In this connection it ought to be remembered that the proposed law fixes no limit to the expansion of the Organized Militia. It should also be remembered that there are about 20,000,000 males in the United States of the military age (18 to 45 years) and that these eligibles increase each year at the rate of about 750,000.

Thus it will be seen there is abundant room for the indefinite growth of this proposed new body of paid Government servants.

JAMES L. SLAYDEN.

Mr. BORAH. I also ask to have inserted in the RECORD, on the same subject matter, an editorial in the Scientific American under date of April 15, 1916.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

MILITARISM AND THE MILITIA.

In our issue of April 1 we discussed the Army bills before Congress and the probable effect, good and bad, of their several provisions. Particular effort was made to invite attention to the clauses affecting the militia and to the danger of creating a political organization in each State, under the immediate command of the governor, which organization, unified by military discipline and constantly increasing in numbers by reason of Federal pay, would soon be in position to exert compelling influence upon Members of Congress.

That our fears in this respect are shared by those who have opposed this legislation is proved by the minority report of the House Military Committee on this same proposition in 1912. In that report it was stated that "this course will surely lead to the creation of a great military force so powerful politically that Congress will be no more able to resist its demands than it has been to resist the demands of the far less compactly organized army of pension applicants." (Rept. 1117, pt. 2, 62d Cong., 3d sess.) Some of those who submitted that report are still members of the committee. On April 3 Senator CHAMBERLAIN, on the floor of the Senate, publicly complained of the influence the militia lobby was exerting to obtain greater concessions than his committee had deemed wise, "and we are already stepping upon the heels of the Constitution," he added.

The passage of the bill in the House, with the defeat of every amendment looking toward a better Regular Army and toward the creation of a truly Federal citizen force, showed that constructive military legislation could not be expected from that body. It was hoped, however, that the Senate would save the situation. But in the debates it soon became evident that Senator CHAMBERLAIN'S statement as to the militia lobby was justified. One of the first amendments proposed was to authorize the appointment of five officers of the National Guard (militia) as members of the General Staff of the Army.

The General Staff was born in the Senate and around the appointment of its members was thrown the safeguard of "such special rules of selection as the President may prescribe." These rules require that officers shall be detailed as members of that corps only on recommendation of a board of five general officers of the Army, all sworn to make such recommendation solely on the basis of proven professional efficiency and probable aptitude for the important duties delegated to the General Staff. These general officers have not only a personal knowledge of the character and ability of their subordinates, but have access to the records of all officers' service, day by day, for periods of from 15 to 25 years, including the confidential opinion of each immediate commanding officer.

It may be seen that, though a mistake in selection may be made, nevertheless the chance thereof has been reduced to a minimum. And now the very legislative body which, in its wisdom, insured the General Staff of the Army being so carefully selected, has passed an amendment authorizing five militiamen to be appointed thereto. Not one of the safeguards can be made to apply. There is no exhaustive record of these militia officers' lives, nor can we ever hope to have such a record; and it is not possible for militia officers to have the experience and training heretofore considered an essential for a general staff officer of any army.

The effect of five votes in a small body can be appreciated by any who have been members of a board of directors of any large business. Certainly any Member of Congress who has served on a committee can not fail to appreciate it.

It was stated in our issue of April 1 that the proposed legislation threatened to turn over the Nation's defense to State-controlled troops. It was thought then that the General Staff would be the last corps of the Army to be invaded. That it has been the first indicates the gravity of the danger.

Simultaneously with this action in the Senate there has come to our attention a circular letter of the National Guard Association of New York, which proves beyond peradventure of doubt the existence of an all-powerful lobby of militiamen in Washington. In that letter militiamen are informed that, while the Hay bill is not all that could be desired, it was "felt by the National Guardsmen in Washington that it would be better not to raise any issue as to that bill, but to concentrate against the Senate bill, which cuts out pay for militia officers above the grade of captain." Throughout this letter there is no evidence of any interest in national defense. Special consideration for the militia is its guiding impulse, concerted effort to bring pressure upon Congress to that end being urged.

The present progress of the militia propaganda, if it be indicative of the future, points plainly to increasing demands with increasing power. No thinking man can doubt that the political force so dreaded by the Democratic minority in 1912 has already become formidable. Secretary Garrison opposed it and was forced to resign from the Cabinet. Another year may see the militia representation on the General Staff doubled or trebled and the pay of the State troops still further increased; and when the full 600 members in each congressional district have been enrolled and organized, we may see the election or reelection of any Congressman entirely dependent upon his attitude toward militia preferment and pay.

The constitutional safeguards around the Regular Army can have no application to this new army. The Regular can rarely vote—he can never hold office. The members of this new force can and will do both. Unless some strong action is taken to check this movement in its incipiency, the strongest assurance for the continuance of a truly representative government in these United States will be lost, and militarism, which may be defined as the existence of a military force which exerts a political influence, insuring for its members special consideration under the laws, will be cured before we know it; and so the menace of a great standing army, so dreaded by our fathers, will be an accomplished fact.

Mr. BORAH. Also the table found upon pages 305 and 306 of the report of the Chief of the Division of Militia Affairs for 1913.

The VICE PRESIDENT. Without objection, it will be so ordered.

[The table referred to is printed on the next page.]

Mr. WEEKS. I should like the attention of the Senator from Wisconsin and to ask to what officers does his amendment apply?

Mr. LA FOLLETTE. Staff officers, including officers of the Pay, Subsistence, and Medical Departments.

Mr. WADSWORTH. Would the Senator add inspection?

Mr. LA FOLLETTE. I am entirely willing. I took this from the Wisconsin statute——

Mr. WEEKS. Does the Senator mean to limit it to staff officers on the staff of the governor?

Mr. LA FOLLETTE. No.

Mr. WEEKS. The staff of commanding officers of brigades, or whatever it may be.

Mr. LA FOLLETTE. The commanding officers. To perfect the amendment after the last clause in the amendment, which reads:

And that vacancies among said officers shall be filled by appointment from the officers of the militia of such States.

I wish to add "Territory or District." Will the Senator from New York make his suggestion with respect to the addition which he mentioned a moment ago?

The SECRETARY. After the word "pay," in line 4, insert "inspection," so as to read:

Nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Inspection, Subsistence, and Medical Departments——

And so forth.

Mr. LA FOLLETTE. I accept that amendment.

Mr. CHILTON. I wish to call the attention of the Senator from Wisconsin to a thought in line with the suggestion of the Senator from Utah. This means if it is passed in any State which does not now have a law providing for eligibility the State will get nothing.

Mr. LA FOLLETTE. No; I beg the Senator's pardon.

Mr. CHILTON. I know the Senator did not intend that.

Mr. LA FOLLETTE. Only those to be hereafter appointed.

Mr. CHILTON. Now, let us see:

Nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof unless and until such State, Territory, or District provides by law that staff officers, including officers of the pay, subsistence—

And so forth, hereafter appointed.

Mr. LA FOLLETTE. "Hereafter appointed."

Mr. CHILTON. But you must say "the law hereafter passed," or something of that kind. It means that the law must be in existence now providing for those hereafter appointed. The Senator does not express the idea, and I want to make it clear.

Mr. LA FOLLETTE. The beginning of every new State administration and of every legislative assembly in the United States will be within the period of a very few months after this bill becomes a law, and there will be no State in the Union that can not conform very promptly to the requirements of this provision.

Mr. CHILTON. I do not agree with the Senator as to the construction of this language. This says "unless and until" the States provide by law. If no State has provided by law as herein required——

Mr. LA FOLLETTE. Let it go to conference. If there is anything in the Senator's contention, it can be adjusted there.

Mr. CHILTON. I move the following proviso:

Provided, That this proviso shall not apply to any State or Territory until 60 days next after the adjournment of the next session of the legislature held after the approval of this act.

Mr. LA FOLLETTE. I will accept that amendment and let it go to conference.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin to the amendment.

Mr. JONES. Mr. President, I am in favor of the amendment of the Senator from Wisconsin. I wish to ask the chairman of the committee a question. I wish to ask him just what the difference is between the Brandegee amendment, which we adopted a short time ago, and the provision of the bill reported from the Committee on Military Affairs; that is, in the provision as to the difference in the number of the Army?

TABLE XXXIX.—*Composition of rifle teams, with statements of amounts paid to members of each, including teams participating in State, interstate, and national matches.*

State.	Number of members of each grade and amounts paid.																				
	Major generals.		Brigadier generals.		Colonels.		Lieutenant colonels.		Majors.		Captains.		First lieutenants.		Second lieutenants.		Enlisted men.		Total amount paid officers.	Total amount paid enlisted men.	Total amount paid.
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.			
Alabama					1	$188.89	2	$184.72	2	$316.67	6	$593.63	3	$233.34	4	$264.44	14	$279.40	$1,781.09	$279.40	$2,061.09
			1	$500.00	1	333.33	1	291.67	3	750.00	5	1,000.00	1	166.67	2	283.35	6	209.99	3,325.02	209.99	3,535.01
			1	500.00	1	222.22			2	475.00	1	200.00							1,397.22		1,397.22
Arkansas					1	155.56			2	233.33	14	1,306.67	2	155.56					1,851.12		1,851.12
			1	116.67	2	155.56			3	175.00	2	93.33	1	33.33	1	14.17	1	7.00	588.06	7.00	595.06
Arizona									2	400.00	5	933.33	3	433.34	2	216.56	6	179.35	2,012.23	179.35	2,191.58
Delaware									2	250.00	3	300.00	2	166.67	1	70.83	10	176.99	787.50	176.99	964.49
Florida	1	$311.11							4	466.67	2	186.67			1	77.78	8	114.33	1,042.23	114.33	1,156.56
	1	44.44							4	66.67	2	26.67			1	9.44	8	18.00	147.22	18.00	165.22
Georgia					2	111.11			6	225.00	19	573.33	10	233.33	11	212.50	49	122.15	1,355.28	122.15	1,477.43
									3	75.00	7	140.00	4	66.67	6	85.00	12	32.73	366.67	32.73	399.40
									3	650.00	4	693.03	2	288.89	1	122.77	8	233.99	1,754.99	233.99	1,988.98
			1	33.33					3	50.00	3	40.00					3	6.00	123.33	6.00	129.33
																	16	264.46		264.46	264.46
Idaho									2	216.67	4	333.33	4	289.89	2	122.77	7	101.38	961.66	101.38	1,063.04
Illinois									1	216.67	5	700.00	4	572.23	3	363.61	6	200.15	2,285.84	200.15	2,485.99
Indiana			1	433.33					1	158.33	3	390.00	2	211.11	2	179.44	10	194.82	1,113.60	194.82	1,308.42
Iowa							1	184.72	1	66.67	3	153.33	5	183.34	3	103.89	32	157.38	823.90	157.38	981.28
Kansas			1	116.67	2	200.00			1	25.00	9	160.00	12	188.89	6	80.27	7	7.00	576.38	7.00	583.38
					1	122.22													771.50		
Kentucky					1	66.67	1	68.06	2	133.33	3	126.67	7	339.00	1	37.77	67	324.05		324.05	1,095.55
					3	233.33	2	136.11	7	391.67	22	1,096.67	20	766.66	13	542.51	51	578.13	3,136.93	578.13	3,515.06
			1	183.33			3	476.39	3	341.67	7	606.67	2	144.44			3	40.00	1,752.50	40.00	1,792.50
							1	97.22	1	83.33	4	266.67	2	111.11			6	42.34	558.33	42.34	600.67
Maine					1	255.56			3	508.33	5	800.00	2	272.23	3	344.73	4	82.07	2,180.85	82.07	2,262.92
Michigan					1	144.44	1	136.11	3	325.00	6	513.33	2	150.00	2	118.05	4	60.63	1,386.93	60.63	1,447.56
			1	233.33			1	136.11	2	233.33	2	186.67	1	77.78			14	425.25	967.22	425.25	1,292.47
Minnesota			1	283.33	2	377.77			2	283.33	4	453.33	1	94.44	1	80.27	7	85.00	1,572.47	85.00	1,657.47
Mississippi			1	66.67	1	44.44	1	38.89	4	133.33	9	240.00	9	200.00	1	56.67	52	179.80	789.00	179.80	959.80
Montana			1	66.67	1	44.44			1	33.33	3	80.00	3	66.67			10	37.20	291.11	37.20	328.31
			1	500.00	1	333.33			1	250.00	3	600.00	3	500.01			10	321.00	2,183.34	321.00	2,504.34
			1	66.67	1	44.44			1	33.33	3	86.67	3	66.67			10	42.80	297.78	42.80	340.58
New Jersey							1	126.39	2	216.67	6	426.67					6	82.38	769.73	82.38	852.11
			1	66.67	8	355.55			2	100.00	4	173.33	1	44.44			5	14.24	739.99	14.24	754.32
New Mexico					2	266.07					3	246.67	2	138.89	2	113.33	9	100.40	765.56	100.40	865.96
N. Carolina							1	97.22	1	41.67	5	333.33	3	166.67	1	47.22	19	123.89	686.11	123.89	810.00
			1	216.67			1	126.39	1	183.33	5	440.00	2	144.44	1	61.39	9	73.33	1,172.22	73.33	1,245.57
North Dakota			1	266.67							1	133.33	3	361.12	2	188.89	12	144.01	950.01	144.01	1,094.02
Ohio					1	166.67	2	291.67	2	250.00	5	500.00	5	416.67	2	141.67			1,766.68		1,766.68
					1	333.33	2	583.34	2	500.00	5	1,200.00	5	833.34	2	283.34			3,733.35		3,733.35
					1	100.00	1	87.50	1	75.00	5	300.00	2	100.00	1	42.50			705.00		705.00
					7	600.00	5	252.78	12	600.00	21	840.00	6	211.11	2	56.67			2,560.56		2,560.56
Oregon			1	116.67	2	111.11	1	38.89	3	150.00	14	500.00	6	138.89	5	94.44			1,150.00		1,150.00
			1	66.67	1	33.33			2	83.33	5	320.00	1	55.56	2	70.83			629.72		629.72
			1	133.33					3	208.33	6	333.333	4	177.78	2	56.67			909.44		909.44
Pennsylvania					1	88.89	1	77.78	8	533.33	4	213.33			1	37.77			951.10		951.10
Rhode Island									2	233.33	3	280.00	6	522.23			3	121.60	1,035.56	124.60	1,160.16
S. Carolina			2	333.33							14	933.33	8	444.45	2	94.44	10	168.00	1,805.55	168.00	1,973.55
Tennessee					1	233.33			1	175.00	6	793.33	4	416.17	2	198.34	3	74.71	1,816.17	74.71	1,890.88
					1	211.11	1	136.11	1	175.00	5	600.00	1	105.56	2	179.44	2	80.85	1,390.55	80.85	1,471.40
Texas			1	400.00					1	558.33	6	1,320.00	4	683.33	2	255.00	4	149.03	3,216.66	149.03	3,365.69
			1	166.67	1	100.00	1	97.22	3	225.00	42	2,733.33	26	1,388.92	35	1,577.26			6,788.40		6,788.40
											11	220.00			2	28.34			248.34		248.34
Utah											2	46.67	2	38.89	1	33.05	15	205.84	118.61	205.84	324.45
			1	283.34							3	354.34	2	211.11	1	84.99	11	162.91	933.78	162.91	1,096.69
Vermont							1	58.33			6	200.00	2	66.67	2	56.67	13	78.00	381.67	78.00	459.67
Virginia									2	233.33	8	653.33	3	227.78	4	256.56	25	282.54	1,360.00	282.54	1,642.54
									2	325.00	7	853.33	4	500.01	2	170.00	10	76.70	1,848.34	76.70	1,925.04
Washington									1	16.67	2	26.67	6	72.22			9	62.67	115.56	62.67	178.23
West Virginia					1	166.67					5	500.00	4	333.34	2	141.67	8	134.97	1,141.68	134.97	1,276.65
Wisconsin					1	155.56					3	306.67			1	66.11	14	162.86	528.34	162.86	691.20
Wyoming			1	250.00									1	83.33	3	212.50	14	206.99	545.83	206.99	752.82
											8	426.67	4	177.78	4	151.11	23	181.79	755.56	181.79	937.35
Total		$355.55		5,399.99		5,935.53		3,723.63		12,433.31		29,047.95		14,091.98		8,105.55		7,013.63	79,093.48	7,013.63	86,107.11

NOTE.—The States not included either had no rifle teams or were not paid out of the appropriation made by section 1661, Revised Statutes.

Mr. CHAMBERLAIN. If the Senator will read section 26 of the bill, he will find, in the first place, the organization is built upon a basis of 250,000 as the maximum strength.

Mr. JONES. That is the bill reported by the committee?

Mr. CHAMBERLAIN. Yes.

Mr. JONES. The maximum strength under the amendment is——

Mr. CHAMBERLAIN. Two hundred and fifty thousand.

Mr. JONES. So it is just the same?

Mr. CHAMBERLAIN. Yes.

Mr. JONES. Practically the only difference is that under the bill reported by the committee the maximum is reached in five years, while under the amendment it may be reached in one year if we can get that many to enlist.

Mr. CHAMBERLAIN. I understand that is the fact.

Mr. LA FOLLETTE'S amendment to the amendment was agreed to, as follows:

Page 191, line 16, before the period insert: "nor to any State, Territory, or District, or officer, or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the pay, inspection, subsistence, and medical departments hereafter appointed shall have had previous military experience, and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District: *Provided*, That this proviso shall not apply to any State or Territory until 60 days next after the adjournment of the next session of the legislature held after the approval of this act."

Mr. BRANDEGEE. Let me state in addition to what the Senator stated I think under the amendment that I offered the Quartermaster and Medical Corps are excluded from the computation.

Mr. CHAMBERLAIN. I said a competent force.

Mr. BRANDEGEE. I would suggest to the Senator that as it appears in the copy of the bill I have the period following the word "Guard" at the end of the twelfth line ought to be stricken out.

Mr. CHAMBERLAIN. On what page?

Mr. BRANDEGEE. Page 191 where the Senator from Wisconsin offered his amendment.

Mr. CHAMBERLAIN. I desire to offer an amendment on behalf of the committee. I intended to do it this morning but neglected it. I will ask the Secretary to read the amendment to the amendment.

The SECRETARY. On page 133, after the word "seventy-five," line 12, insert:

Provided further, That so much of the act approved January 25, 1907, as provides that the Chief of Coast Artillery shall be a member of the General Staff Corps is hereby repealed.

The amendment to the amendment was agreed to.

Mr. ROBINSON. Mr. President, I wish to suggest one amendment. On page 121, I move to strike out the proviso commencing in line 8 down to and including line 11 in the following words:

Provided, That nothing in this act shall be construed to limit in any way the provisions of the act of July 18, 1914, affecting the aviation section of the Signal Corps.

Mr. President, the inefficiency existing in the aviation section of the Signal Corps is now generally recognized. My investigation into the subject convinces me that the organization of an aviation corps in the United States Army independent of any control or subordination to the Signal Corps is imperative before the fundamental defects in the aviation service can be totally eliminated and that service developed and raised to that standard of efficiency which will reflect credit upon the United States Army and upon this Government. It is not my intention to discuss now, in detail, the present condition of the aviation section of the Signal Corps nor the causes which have brought about the humiliation of all who are interested in promoting and maintaining high standards in the United States Army. I have not had an opportunity of devoting sufficient time to the preparation of an amendment for the organization of an independent aviation corps. Indeed, that would require careful attention and the advice of officers skilled in military affairs and particularly familiar with the defects in the present service.

A newspaper, the Washington Evening Star, announces that the present Secretary of War has reached the conclusion that it is wise to consider changing the relation of the aviation section to the Army by the creation of an independent corps. Secretary Baker is quoted as saying that the time is not far distant when the United States should add armored and armed aeroplanes and other fighting aircraft to its Army air fleet, and that if this is done a new organization must be created to control it, so that its work may be coordinated with that of the other fighting forces of the Army. The Secretary is also quoted as saying, in substance, that heretofore the service has been looked upon as purely an auxiliary one for scouting, carrying messages, etc., but that the European war has demonstrated the broader usefulness of aircraft. I have no authority to quote the chairman of the Military Affairs Committee of the Senate, but I believe that he is convinced that a thorough reorganization of the aviation service is desirable, and that it will be necessary to establish a separate corps for its proper development. In any event, I express the hope that a satisfactory provision looking to that end may be adopted in the conference, as it is impracticable to prepare and adopt now the necessary amendments the preparation of which, as before stated, will require careful attention and technical knowledge.

Mr. President, I withdraw the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. SMITH of Georgia. I desire to reserve the amendment of the Senator from New York [Mr. WADSWORTH] on page 169.

Mr. LEE of Maryland. I desire to amend line 14, page 163, the sixty-second section of the bill. This is a limitation on the ultimate number of the National Guard, which fixes the ultimate strength of the National Guard at 500 to each Senator and Representative in Congress.

The section starts with 200 and by adding 50 per cent per annum reaches a maximum of 500, or, in other words, at the end of two years it will reach under the bill a total of $225,000, practically the maximum provided by this limitation. The House provides a maximum of 800. In view of the great liberality that has been shown by the Senate in agreeing just now to the amendment of the Senator from Connecticut fixing the number for the standing army at 250,000, it seems to be entirely appropriate now to move to strike out this limitation upon the ultimate number of the National Guard of 500 and insert 1,000 in lieu thereof for each Member of the House and of the Senate.

This amendment will give at the end of a four years' period 505,000 men as the number attained. At the end of the six years' period it will have gone to 530,000 men, not a disproportionate number by any means, with reference to a comparison between citizen soldiery and the professional soldiery. A ratio of two citizen soldiers to one professional is not an unreasonable number from any standpoint. Moreover, from the standpoint of reserves, even if the first line is to be the Regular Army, reserves should certainly be on a basis of not less than two to one. So, from both standpoints, from that of constitutional balance, and from the standpoint of a sufficient reserve, this limitation of 500 is too low. I move, therefore, that it be changed to 1,000.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 163, line 14, strike out "500" and insert "1,000."

The amendment to the amendment was rejected.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. Are we not to vote on the substitute amendment?

The VICE PRESIDENT. That is the question now before the Senate.

Mr. NORRIS. Upon that I ask for the yeas and nays.

The VICE PRESIDENT. The question is on agreeing to the amendment made as in Committee of the Whole as amended. The yeas and nays have been requested. Is the request seconded?

The yeas and nays were ordered.

Mr. SUTHERLAND. Mr. President, a parliamentary inquiry. If the substitute of the committee as amended be adopted, then I understand the bill will be reported to the Senate. I ask whether in the Senate it will be in order for me to offer the amendment which I offered as in Committee of the Whole and which was voted down without reserving the right to offer it in the Senate?

Mr. SMITH of Georgia. Unquestionably the whole subject comes up again in the Senate.

The VICE PRESIDENT. The Senator from Georgia has answered the Senator from Utah.

Mr. SMITH of Georgia. I wanted to present that view, because I certainly would insist that that is the case.

Mr. SUTHERLAND. I have great confidence in the Senator from Georgia; but still I should like to know whether the Vice President confirms that view.

The VICE PRESIDENT. The Chair is of the opinion that if the amendment of the committee as amended meets the approval of the Senate, and is then reported to the Senate from the Committee of the Whole, before it is adopted in the Senate

any amendment may be submitted that Senators desire to offer. The yeas and nays have been ordered on agreeing to the amendment as amended.

Mr. STONE. Would it be necessary to have an amendment reserved now?

The VICE PRESIDENT. The Chair does not think it necessary to reserve any amendment, because there is only one amendment, and if agreed to in the Senate that will end the question; but before it is agreed to in the Senate, when the bill comes to the Senate, it is open to amendment.

The Secretary will call the roll on agreeing to the amendment of the committee as amended.

The Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. He is absent, and I withhold my vote. If permitted to vote, I would vote "yea."

Mr. CHILTON (when his name was called). Making the same announcement as to my pair which I did on the former vote, I vote "yea."

Mr. COLT (when his name was called). Announcing the transfer of my pair the same as before, I vote "yea."

Mr. HARDING (when his name was called). Knowing that my general pair would vote on this question as I would vote, I vote "yea."

Mr. BRANDEGEE (when Mr. MCLEAN's name was called). My colleague [Mr. MCLEAN] is necessarily absent. He is paired with the Senator from Montana [Mr. MYERS]. If my colleague were present, he would vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE]. I transfer my pair to the Senator from New Mexico [Mr. CATRON] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER] which I transfer to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. TILLMAN (when his name was called). Making the same announcement of transfer of pair which I did before, I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the explanation made upon an earlier roll call in regard to my pair, I vote "yea."

The roll call was concluded.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is paired with the Senator from Maine [Mr. BURLEIGH], and that if present he would vote "nay."

Mr. ROBINSON. I desire to announce that my collengue [Mr. CLARKE of Arkansas] is absent on account of illness. He is paired with the Senator from Utah [Mr. SUTHERLAND].

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. BECKHAM. I desire to announce that the Senator from Tennessee [Mr. SHIELDS] is unavoidably absent on account of sickness in his family.

Mr. CURTIS. I wish to announce that the Senator from Michigan [Mr. TOWNSEND] is paired with the Senator from Florida [Mr. BRYAN], and that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Virginia [Mr. MARTIN].

The result was announced—yeas 61, nays 14, as follows:

YEAS—61.

Asburst	Hardwick	Newlands	Smith, Ga.
Bankhead	Hollis	O'Gorman	Smith, Md.
Beckham	Hughes	Oliver	Smith, Mich.
Borah	Husting	Owen	Smith, S. C.
Brandegee	James	Page	Sterling
Broussard	Johnson, Me.	Phelan	Sutherland
Chamberlain	Johnson, S. D.	Pittman	Taggart
Chilton	Jones	Poindexter	Thomas
Clapp	Kenyon	Pomerene	Tillman
Clark, Wyo.	Kern	Ransdell	Wadsworth
Colt	Lee, Md.	Reed	Warren
Cummins	Lewis	Shafroth	Weeks
Dillingham	Lippitt	Sheppard	Williams
du Pont	Lodge	Sherman	
Gallinger	Martine, N. J.	Simmons	
Harding	Nelson	Smith, Ariz.	

NAYS—14.

Curtis	Lane	Robinson	Walsh
Gronna	Myers	Stone	Works
Hitchcock	Norris	Swanson	
La Follette	Overman	Vardaman	

NOT VOTING—21.

Brady	Fall	McLean	Thompson
Bryan	Fletcher	Martin, Va.	Townsend
Burleigh	Goff	Penrose	Underwood
Catron	Gore	Saulsbury	
Clarke, Ark.	Lea, Tenn.	Shields	
Culberson	McCumber	Smoot	

So the amendment of the committee as amended was agreed to.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The Chair believes that amendments to the amendment should now be offered, rather than after the amendment made as in Committee of the Whole is concurred in.

Mr. SUTHERLAND. Mr. President, I offer the amendment which I send to the desk, which perhaps need not be read, because it is the same identical amendment which I offered when the bill was before the Senate as in Committee of the Whole, with reference to the increase of the Coast Artillery from twenty-four thousand-odd, as provided in this bill, to the maximum of 30,000. I would not again offer this amendment if it were not for the fact that I am fearful that this particular corps will not be covered automatically by the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE], which was adopted by the Senate, increasing the maximum number of men in the Army to 250,000. The provision in that proviso to the amendment is:

That in addition to the units specified in this section, additional units of Infantry, Cavalry, or Field Artillery to conform in composition with the requirements of sections 19, 20, and 21 of this act may be organized in the discretion of the President.

I observe that these three branches of the service are particularly mentioned, but the Coast Artillery, which is a distinct branch, is not mentioned. For that reason, I think the amendment ought to be adopted. I hope the chairman of the committee will not object to it.

Mr. DU PONT. Mr. President, will the Senator from Utah yield for a question?

Mr. SUTHERLAND. Certainly.

Mr. DU PONT. I should like to know whether the provisions of the Senator's amendment are mandatory or permissive to the President?

Mr. SUTHERLAND. The provision for the increase is mandatory. It leaves it, however, to the President to decrease the number to the minimum, in his discretion.

Mr. DU PONT. The amendment offered by the Senator from Connecticut and adopted by the Senate evidently does not affect the Coast Artillery.

Mr. SUTHERLAND. I am afraid it does not.

Mr. DU PONT. I do not think it does.

Mr. SUTHERLAND. We have increased the other branches of the service, and certainly this is a very necessary branch, and it ought to be increased.

Mr. BRANDEGEE. Will the Senator let me ask him a question?

Mr. SUTHERLAND. Yes.

Mr. BRANDEGEE. The Senator from Utah knows I am in favor of his amendment; that I voted for it on yesterday, and will vote for it again, if it is necessary; but I wish to call the Senator's attention to the fact that while the amendment which I offered provides additional units of the Infantry, Cavalry, and Field Artillery, additional units of those might be created by the President, and it would not be necessary to create any additional units of the Coast Artillery, would it, in order to increase the personnel of that corps?

Mr. SUTHERLAND. I am not sure about that; but as there is doubt about it, and inasmuch as this bill is going into conference and a great many amendments have already been made upon the theory that they will be considered in conference, I see no reason why this amendment also should not be adopted, and let it go into conference, to be considered in connection with the other provisions of the bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah to the committee amendment.

Mr. GALLINGER. Mr. President, I voted against the amendment when it was previously offered by the Senator from Utah, the statement having been made that other amendments to the bill would accomplish what the Senator from Utah had in view. I am now assured, however, by Senators who know much more about military matters than I do, that the amendments which have been made to the bill will not cover the Coast Artillery. Therefore, when I have an opportunity I shall change my vote and vote in favor of the amendment proposed by the Senator from Utah.

Mr. CHAMBERLAIN. Mr. President, I still think that this bill will cover the proposed amendment of the Senator from Utah. It is written in the same language as that in reference to the departments of the Army which is found on page 133, commencing in line 7, and is as follows:

Increase the number of sergeants to 2,104, the number of corporals to 3,156, the number of privates, first class, to 3,225, and the number of privates to 15,675.

It seems to me that is broad enough to cover the matter, Mr. President.

Mr. BRANDEGEE. Let it go to conference.

Mr. LA FOLLETTE. Mr. President, I voted against the amendment when it was presented by the Senator from Utah at the time when the bill was under consideration as in Committee of the Whole. I did so under a misapprehension. I have since ascertained that precisely the increase in the Coast Artillery covered by the amendment of the Senator from Utah is in accordance with the recommendation of Gen. Weaver. Gen. Weaver is one of the military experts in this country who have not been carried into hysteria by the organized propaganda for increasing, without cause, the military organizations of the country beyond all reason. I shall therefore be glad of the opportunity to support the amendment of the Senator from Utah as it is now presented.

The amendment submitted by Mr. SUTHERLAND is as follows:

On page 132, line 18, strike out the words "one thousand seven hundred and eighty-four" and substitute therefor the words "two thousand one hundred and four."

On page 132, line 19, strike out the words "two thousand five hundred and sixteen" and substitute therefor the words "three thousand one hundred and fifty-six."

On page 132, line 21, strike out the word "four."

On page 132, line 22, strike out the words "thousand one hundred and eighty-six" and substitute therefor the words "five thousand two hundred and twenty-five."

On page 132, line 23, strike out the words "twelve thousand five hundred and sixty-two" and substitute therefor the words "fifteen thousand six hundred and seventy-five."

On page 133, line 7, strike out the words "increase the number of" and substitute therefor the words "decrease the number of."

On page 133, strike out lines 8, 9, 10, 11, and 12 and substitute therefor "sergeants to 1,784, the number of corporals to 2,516, the number of privates, first class, to 4,186, and the number of privates to 12,562 as reserves become available."

Mr. STONE. Mr. President, I wish to say just a word about this amendment. I voted against the amendment offered by the Senator from Utah as in Committee of the Whole. I was led to believe that the text of the bill carried substantially the same force for the Coast Artillery as provided for in the amendment. I think that is a mistake. I regard the coast-defense service as one of the most important branches of the military service. I am very much in favor of having our coast defenses as strong as possible, within every limitation of reason and common sense, and I am going to change my vote and support the amendment now.

Mr. SWANSON. Mr. President, I voted against the amendment of the Senator from Utah when the bill was being considered as in Committee of the Whole. The Regular Army has been increased to 250,000 men, and I think the number of Coast Artillery provided in the amendment of the Senator from Utah will make it well proportioned. I think that branch of the service should be increased, and I shall take pleasure in changing my vote and voting for the amendment.

Mr. ROBINSON. Mr. President, I merely desire to say that I have made some investigation into this subject, and I am in favor of the amendment offered by the Senator from Utah, and hope that it will prevail.

Mr. THOMAS. Mr. President, I had the pleasure of supporting the Senator from Utah on the first occasion when he offered his amendment, and I shall take equal pleasure in voting with him now.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. LEWIS. Mr. President, I desire now to tender an amendment, for which I ask the serious consideration of the Senate. I move to strike out section 56 of the bill and insert the amendment which I tender, and which I desire to inform the Senate is a repetition of section 82 of the bill as sent over from the House providing for training camps. I should like to have the amendment read.

Mr. OVERMAN. I think the Senate understands the amendment.

Mr. LEWIS. If the Senate is informed upon it, I will not take the time of the Senate to have it read.

Mr. REED. Let the amendment be stated, Mr. President.

Mr. LEWIS. Then let it be stated on request.

The VICE PRESIDENT. The amendment proposed by the Senator from Illinois to the amendment reported by the committee will be stated.

The SECRETARY. It is proposed to strike out section 56 and insert in lieu thereof the following:

SEC. 56. That the Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish, at the expense of the United States, subsistence and medical supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instruction at said camps, for cash and at cost price plus 10 per cent, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time of the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

Mr. LEWIS. Mr. President, I desire to make a simple statement. I am now moving to strike out section 56. When the bill was being considered as in Committee of the Whole, that motion was entertained by the Senate, and I then set forth my objection to that section, which provides for a volunteer army. I pointed out how I felt—that that section practically neutralized the National Guard out of existence, was of little service at best, and of no service under ordinary conditions of the country. The reasons I gave then, through the courtesy of the Senate, were rather elaborate, and I will not impose upon the Senate by repeating them.

I beg to say that from all over the country there came, in the form of telegrams and otherwise, an expression that we were striking out the provision of the bill which authorized training camps. The junior Senator from Georgia [Mr. HARDWICK] responded to that, as did others, pointing out that there was no foundation for this accusation. There was, however, a misapprehension in the country concerning it, and I tender now, in lieu of section 56, the amendment which has been read, which provides for the training camps, and which will leave no doubt on the subject. I respectfully ask that section 56 be stricken out and this provision covering the training camps be inserted.

Mr. HARDWICK. Mr. President, will the Senator yield for just a moment?

Mr. LEWIS. I yield to the Senator.

Mr. HARDWICK. The amendment which the Senator has offered, as I understand, is in exactly the same terms as section 82 of the House bill.

Mr. LEWIS. The statement of the Senator is correct. I have conformed to that section of the House bill literally. I ask that the amendment be adopted.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry. I ask if the question may not be divided, so that we may vote separately on the two propositions, first to strike out and then to insert?

The VICE PRESIDENT. A question of that kind can not be divided.

Mr. LA FOLLETTE. Mr. President, I wish to ask the Senator from Illinois if he will not explain briefly to the Senate the difference between the Senate provision which he proposes to strike out and the House provision which he proposes to substitute?

Mr. LEWIS. I will state to the Senator that section 56 of the bill provided for a volunteer army, permitted that army to be organized as a Federal force, put it under the surveillance of the President, as I respectfully insist, in time of peace, and subject to be called out by the President in time of war. Under the bill they were subject to training for 60 days a year. There were some amendments offered, I may say to the Senator, providing for 30 days' training and 90 days' training, respectively. The provision I tender serves this, as I see it. It does not create an army; it creates a mere opportunity for encampment on the part of the men in order that they may be trained by the United States, fitted to become soldiers, so that they may either become volunteers, in the event of a Federal volunteer army being created, or National Guardsmen, or, if they so desired, they could enter the Regular Army. It has the object of providing that form of an organization without creating a volunteer army.

Mr. LODGE. Mr. President, I desire to offer a substitute for the amendment proposed by the Senator from Illinois. My substitute follows the lines of section 82 of the House bill—which section the Senator from Illinois has embraced in his

Clarke, Ark.	Lea, Tenn.	Shields
Culberson	McCumber	Smoot

increase the number of sergeants to 2,104, the number of corporals to 3,150, the number of privates, first class, to 5,225, and the number of privates to 15,675.

amendment—with one or two modifications, or rather additions. I provide in this amendment that the United States shall pay the transportation and shall also—and this is a principal change—pay the "persons receiving instruction in said camps at the rate of pay now received by enlisted men in the Regular Army"—that is, for the month they are in camp. Otherwise my amendment is the same as that of the Senator from Illinois, except that I eliminate some provisions that are not necessary in regard to purchasing supplies, which are unimportant.

The main purpose of the amendment is to give those attending the camps pay. My reason for that is this: The Plattsburg camp last year, which was a very great success, could only be attended by men who were able to give not only their time, but who were able to pay all their own expenses. I think it is extremely desirable in connection with such camps to pay those who attend $15 for the month they are there and pay for their transportation and equipment. We should thus enable a much larger body of young men to receive the training afforded by the camps, men to whom the payment of $15 and expenses would be important. I think it will open the door much wider for a much larger class of young men, and I offer the amendment as a substitute for that of the Senator from Illinois.

Mr. LEWIS. Mr. President, does the Senator offer a substitute?

Mr. LODGE. Yes.

Mr. LEWIS. Then may I ask, Does the Senator concur in the motion to strike out section 56?

Mr. LODGE. This is offered as a substitute amendment to the Senator's amendment.

Mr. LEWIS. But I make the point that that can not be tendered unless the Senator concurs in my motion to strike out section 56.

Mr. LODGE. Why, Mr. President, under our rules, on a motion to strike out and insert, amendments are in order either to the paragraph proposed to be stricken out or the portion proposed to be inserted.

The VICE PRESIDENT. The amendment is in order.

Mr. LEWIS. If the Senator tenders his amendment, I am willing to accept it as an amendment to my amendment.

Mr. LODGE. Of course, if the Senator insists, I can take section 82, and, by a few verbal changes, make it my section.

Mr. LEWIS. I should like, then—if I may be pardoned to reply at this point—to adopt the suggestions which the Senator has made as additions to the provision I have tendered to be inserted in place of section 56; but I must first insist upon striking out section 56, in order to provide a place for the provision I have tendered and the amendment which the Senator from Massachusetts tenders to my provision.

The VICE PRESIDENT. Does the Senator from Illinois accept, in lieu of the amendment which he proposed to insert, the amendment of the Senator from Massachusetts?

Mr. LEWIS. I will accept the amendment of the Senator from Massachusetts if section 56 is stricken out; but I reserve my right to strike out section 56.

Mr. LODGE. Why, certainly, Mr. President.

The VICE PRESIDENT. There is not any question about it. The question now is on the motion of the Senator from Illinois to strike out section 56, and to insert an amendment modified by the amendment of the Senator from Massachusetts.

Mr. LEWIS. Which I accept, sir, as modified by the Senator from Massachusetts.

Mr. CHAMBERLAIN. Mr. President, I am not going to bore the Senate by making another speech, but I do hope the Senate will stand by its original determination to retain section 56. I am not going to undertake to make a speech again on it.

Mr. LEWIS. The two votes that were taken were taken under a misapprehension.

The VICE PRESIDENT. All in favor——

Mr. LEWIS. I should like to have a yea-and-nay vote upon the question. I demand a yea-and-nay vote upon it.

Mr. KERN. Let the amendment be stated as amended.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. It is proposed to strike out section 56 and to insert the following:

SEC. 56. That the Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to pay persons receiving instruction in said camps at the rate of pay now received by enlisted men in the Regular Army; to furnish, at the expense of the United States, transportation, subsistence, medical supplies, uniforms, and equipment to persons receiving instruction at said camps during the period of their attendance thereat; to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

Mr. THOMAS. Mr. President, I suggest that the reading of this amendment is of no aid whatever. We can not hear a word the Secretary says, although he is trying to read at the top of his voice.

The VICE PRESIDENT. A request for the yeas and nays has been made. Is the request seconded?

The yeas and nays were ordered.

Mr. WILLIAMS. Did the Secretary conclude the reading of the amendment?

The VICE PRESIDENT. Yes.

Mr. WILLIAMS. There was so much confusion that I could not understand it. Was the amendment read as modified by the amendment to the amendment submitted by the Senator from Massachusetts?

The VICE PRESIDENT. It was.

Mr. NELSON. Mr. President, is not this a motion to strike out and insert as an entirety?

The VICE PRESIDENT. It is; undoubtedly.

Mr. NELSON. And if the amendment is carried it strikes out section 56?

The VICE PRESIDENT. And inserts.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President—indeed, an inquiry about a matter of fact. Was what the Secretary read—which I could not hear in the disorder—merely the amendment offered by the Senator from Illinois [Mr. LEWIS], or was it the amendment offered by the Senator from Illinois as modified by the amendment of the Senator from Massachusetts?

The VICE PRESIDENT. As modified by the amendment of the Senator from Massachusetts.

Mr. LEWIS. Which was accepted by myself.

The VICE PRESIDENT. Which was accepted by the Senator from Illinois.

Mr. LODGE. I want to say that in offering the substitute which the Senator from Illinois accepted, I did so because I thought it put in a better form what was embodied in section 82. I am not in favor of striking out section 56, and I shall vote against striking it out and inserting.

Mr. NORRIS. Mr. President, I voted to strike section 56 out of the bill. I shall be glad to vote to strike it out again; but this motion includes the insertion of something that was only partly read by the Secretary, and when he was reading it there was so much confusion that nobody heard what he did read, so it is a leap in the dark.

Mr. GALLINGER. Mr. President, will the Senator permit a question?

Mr. NORRIS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. As I understand, the matter to be inserted pays the expenses, besides a per diem, of every man in the country who wants to take a trip somewhere to attend a camp. It seems to me that they will have about a million to take care of.

Mr. NORRIS. Well, it may be. I do not know that that is the result of it; but I felt that if I voted against this motion, I did not want to be charged with favoring section 56. I believe section 56 ought to go out of the bill; but from what little I could get from what the Secretary read, it seemed to me that this put something into the bill that did not add anything to the Army. There was no enlistment. There was not any provision by which this army could be brought into the service of the United States, but, in effect, it provided for an outing for somebody. I am unable to tell, from what I heard read, how long it would last, or how large it might be, or who paid for the refreshments.

Mr. SHAFROTH. Mr. President——

Mr. NORRIS. I yield to the Senator from Colorado.

Mr. SHAFROTH. Inasmuch as every Senator is entitled to know what is before the Senate, I ask that the part which was accepted by the Senator from Illinois, being the amendment offered by the Senator from Massachusetts, may be read.

Mr. NORRIS. That would not give sufficient information unless he read the part of section 82 that was stricken out. It ought to be read in its entirety; and it will not do any good to read it unless there is sufficient order in the Senate, so that it can be heard.

Mr. SHAFROTH. Inasmuch as the bill is before us, section 82 can be readily read.

Mr. NORRIS. Yes; I can read section 82, but this strikes out part of section 82, and inserts something that is not in the bill as a part of the portion that is stricken out.

Mr. SHAFROTH. I ask that the amendment offered by the Senator from Massachusetts to the amendment offered by the Senator from Illinois may be read.

Mr. NORRIS. I ask that the amendment now pending—the amendment proposed by the Senator from Illinois, and that means the amendment as modified—the amendment that we are voting on, may be read by the Secretary.

The VICE PRESIDENT. The Secretary will read, slowly.

Mr. LANE. I ask for order.

Mr. LEWIS. I ask that there may be some order that we may hear this read.

The VICE PRESIDENT. That the Chair can not furnish.

The SECRETARY. The Senator from Illinois [Mr. LEWIS] moves to strike out section 56 as reported by the committee and to insert the following:

That the Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to pay persons receiving instruction in said camps at the rate of pay now received by enlisted men in the Regular Army; to furnish, at the expense of the United States, transportation, subsistence, medical supplies, uniforms, and equipment to persons receiving instruction at said camps during the period of their attendance thereat; to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

Mr. SHAFROTH. Mr. President, a parliamentary inquiry. As the amendment was read by the Secretary, does it contain an amendment offered by the Senator from Massachusetts?

The VICE PRESIDENT. Why, it is the amendment that the Senator from Massachusetts offered that the Senator from Illinois accepted.

Mr. SHAFROTH. Very well.

Mr. JONES. Mr. President, is this question divisible?

The VICE PRESIDENT. It is not. It is a motion to strike out and insert.

Mr. HARDWICK. Mr. President, a parliamentary inquiry. If the motion of the Senator from Illinois is voted down by the Senate, will a plain motion to strike out the section then be in order?

The VICE PRESIDENT. Undoubtedly. The yeas and nays have been called for, and have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement that I made on the former votes, I vote "yea."

Mr. ROBINSON (when the name of Mr. CLARKE of Arkansas was called). I announce that my colleague [Mr. CLARKE of Arkansas] is absent from the Chamber on account of illness. He is paired with the Senator from Utah [Mr. SUTHERLAND].

Mr. COLT (when his name was called). Making the same announcement as before, I vote "nay."

Mr. HARDING (when his name was called). In the absence of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, I withhold my vote.

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). I desire to announce that my colleague [Mr. MARTIN of Virginia] is paired with the junior Senator from Maine [Mr. BURLEIGH]. If my colleague were present, he would vote "nay."

Mr. SUTHERLAND (when his name was called). Again transferring my pair with the senior Senator from Arkansas [Mr. CLARKE] to the junior Senator from New Mexico [Mr. CATRON], I vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair as before, I vote "nay."

Mr. TILLMAN (when his name was called). Announcing the same pair that I announced on the other roll calls, I vote "nay."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). I desire to announce the unavoidable absence of my colleague [Mr. UNDERWOOD], and to state that he is paired with the junior Senator from Ohio [Mr. HARDING].

Mr. WILLIAMS (when his name was called). Repeating the explanation with regard to pairs which I made on the previous roll calls, I vote "nay."

The roll call was concluded.

Mr. BECKHAM. I wish to make the same announcement as before with regard to the absence of the junior Senator from Tennessee [Mr. SHIELDS]. He is absent on account of illness. I will let this announcement stand for the day.

Mr. BRANDEGEE. I wish to state that my colleague [Mr. McLEAN] is paired with the Senator from Montana [Mr. MYERS]. If my colleague were here, he would vote "nay."

The result was announced—yeas 15, nays 58, as follows:

YEAS—16.

Ashurst	La Follette	Martine, N. J.	Sherman
Chilton	Lane	Myers	Simmons
Clapp	Lee, Md.	Reed	Smith, Ariz.
Hardwick	Lewis	Shafroth	Smith, Ga.

NAYS—58.

Bankhead	Hitchcock	O'Gorman	Sterling
Beckham	Hollis	Oliver	Stone
Borah	Hughes	Overman	Sutherland
Brandegee	Husting	Owen	Swanson
Broussard	James	Page	Taggart
Chamberlain	Johnson, Me.	Phelan	Thomas
Clark, Wyo.	Johnson, S. Dak.	Pittman	Tillman
Colt	Jones	Poindexter	Wadsworth
Culberson	Kenyon	Pomerene	Walsh
Cummins	Kern	Ransdell	Warren
Curtis	Lippitt	Robinson	Weeks
Dillingham	Lodge	Sheppard	Williams
du Pont	Nelson	Smith, Md.	Works
Gallinger	Newlands	Smith, Mich.	
Gronna	Norris	Smith, S. C.	

NOT VOTING—22.

Brady	Fletcher	Martin, Va.	Thompson
Bryan	Goff	McLean	Townsend
Burleigh	Gore	Penrose	Underwood
Catron	Harding	Saulsbury	Vardaman
Clarke, Ark.	Lea, Tenn.	Shields	
Fall	McCumber	Smoot	

So Mr. LEWIS's amendment to the amendment of the committee was rejected.

Mr. LEWIS. Mr. President, I now move to strike out section 56, and upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAMES. Mr. President, I send to the desk and ask to have read to the Senate a telegram sent to me by the adjutant general of Kentucky, J. Tandy Ellis, Gen. Roger D. Williams, Col. Jouett R. Henry, and Col. J. Embrey Allen, in reply to a statement of an interview given by former Assistant Secretary of War Breckinridge. I ask that it may be read to the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Secretary read as follows:

LEXINGTON, KY., *April 16, 1916.*

Senator OLLIE JAMES,
Washington, D. C.:

Referring to interview of former Assistant Secretary Breckinridge in to-day's issue of the Post, in which he attacks the National Guard and executive committee of the National Guard Association. Breckinridge does not represent sentiment of the Kentucky National Guard in criticism of this committee, which has the absolute confidence and indorsement of the entire Kentucky National Guard. Regarding his statement as to record of attendance, loss, waste, and embezzlement of public property, being a member of this guard himself and familiar with the official reports of his brother, Capt. E. L. D. Breckinridge, who was inspector instructor of Kentucky National Guard for a number of years and rendered most favorable reports to the War Department, we do not consider Henry Breckinridge's statements as applying to the Kentucky National Guard.

J. TANDY ELLIS,
Adjutant General Kentucky.
ROGER D. WILLIAMS,
Brigadier General Commanding Brigade.
JOUETT R. HENRY,
Colonel Third Kentucky.
J. EMBREY ALLEN,
Colonel Second Kentucky.

Mr. SHEPPARD. Mr. President, I ask to have the following telegram read.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

GALVESTON, TEX., *April 13, 1916.*

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

Permit us to acquaint you with our firm belief that section 56 of Chamberlain bill providing for volunteer army should be adopted. This is not a protest against National Guard features, but as the entire military policy is only an experiment we do not think so valuable

and equipment to persons receiving instruction at said camps during the

can be heard.

an arm as volunteer force, under exclusive Federal control, should be left out.

Robert G. Street, Maco Stewart, John Sealy, E. D. Cavin, R. Waverly Smith, H. A. Elband, W. T. Armstrong, Frank J. Becker, Edward F. Harris, Louis A. Adoue, E. R. Cheesborough, Y. E. Austin, Robert I. Cohen, Geo. Waverly Briggs, Chas. R. Brown, John D. Hodson, I. H. Kempner, M. S. Uffly, Geo. D. Flood, Lewis Fisher, Frank A. Allen, F. G. Pettibone, E. O. Flood, and many others.

The VICE PRESIDENT. The yeas and nays have been ordered on the motion of the Senator from Illinois [Mr. LEWIS] to strike out section 56, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement that I made before, I vote "nay."

Mr. HARDING (when his name was called). I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the Senator from Utah [Mr. SMOOT], and vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement that I made on the previous vote with reference to my pair, I vote "nay."

Mr. THOMAS (when his name was called). Announcing my pair and its transfer as heretofore, I vote "nay."

Mr. TILLMAN (when his name was called). Making the same announcement of my pair and its transfer that I did the other time, I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the previous announcement on the previous roll call, I vote "nay."

The roll call was concluded.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN of Virginia] is paired with the junior Senator from Maine [Mr. BURLEIGH]. If my colleague were present, he would vote "yea."

Mr. CHILTON. Making the same announcement as to my pair and its transfer that I did before, I vote "yea."

Mr. CURTIS. I wish to announce that the Senator from Michigan [Mr. TOWNSEND] is paired with the Senator from Florida [Mr. BRYAN] and that the Senator from Idaho [Mr. BRADY] is paired with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 37, nays 40, as follows:

YEAS—37.

Ashurst	James	Overman	Smith, Ga.
Bankhead	Jones	Owen	Smith, S. C.
Chilton	Kenyon	Page	Stone
Clapp	La Follette	Ransdell	Swanson
Culberson	Lane	Reed	Tillman
Cummins	Lee, Md.	Robinson	Vardaman
Curtis	Lewis	Shafroth	Works
Gronna	Martine, N. J.	Sherman	
Hardwick	Myers	Simmons	
Hughes	Norris	Smith, Ariz.	

NAYS—40.

Beckham	Harding	Nelson	Smith, Mich.
Borah	Hitchcock	Newlands	Sterling
Brandegee	Hollis	O'Gorman	Sutherland
Broussard	Husting	Oliver	Taggart
Chamberlain	Johnson, Me.	Phelan	Thomas
Clark, Wyo.	Johnson, S. Dak.	Pittman	Wadsworth
Colt	Kern	Poindexter	Walsh
Dillingham	Lippitt	Pomerene	Warren
du Pont	Lodge	Sheppard	Weeks
Gallinger	McLean	Smith, Md.	Williams

NOT VOTING—19.

Brady	Fall	McCumber	Smoot
Bryan	Fletcher	Martin, Va.	Thompson
Burleigh	Goff	Penrose	Townsend
Catron	Gore	Saulsbury	Underwood
Clarke, Ark.	Lea, Tenn.	Shields	

So the Senate refused to strike out section 56.

Mr. WEEKS. Mr. President, an amendment was adopted to section 56 the other day. I have it not before me, but it limits the time of training in the camps to 30 days a year. I wish to strike out section 56 as it is now and insert the section as it appears in the bill under date of March 24, which in effect leaves it——

Mr. REED. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REED. Does a motion now lie to substitute a section for the section which has already been adopted as in Committee of the Whole and which the Senate has just refused to strike out?

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

Mr. WILLIAMS. The amendment which the Senator from Massachusetts is seeking to offer I have offered, and it is pending. I had concluded that the conferees would have full jurisdiction over the subject matter, and I thought instead of offering it I would let it go to conference and let the conferees handle the matter. If I understand what the junior Senator from Massachusetts desires, it is this: The Senate adopted an amendment to the Senate committee bill whereby it was agreed that the period of drilling and training should not extend beyond 30 days.

Mr. WEEKS. Yes.

Mr. WILLIAMS. I offered an amendment and asked that it be regarded as pending, to be taken up at the proper time, to substitute 90 for 30, so that it would read "not beyond 90 days," but after thinking about it I concluded that the entire matter would be in conference, and I therefore did not call for it. If what the Senator is seeking is to offer the amendment which I offered, it is now pending and the Secretary can read it.

Mr. WEEKS. I should like to ask the Senator from Mississippi if, in his opinion, the conferees can increase the time from 30 days to 90 days?

Mr. WILLIAMS. The entire provision of which the provision for 30 days is a part goes to conference and the conferees will have as much right to increase the period as to decrease it. The two Houses will be in absolute difference regarding the entire proposition. I have no objection to offering it now and having it voted upon as expressing the sense of the Senate, because the sense of the Senate would help persuade the Senate conferees, at any rate, to insist. Let the Secretary read the amendment which I offered and which was pending. It comes in on page 161, I think.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 161, in the proviso agreed to, following the word "only," on line 2, strike out "thirty" and insert "ninety," so as to read:

Provided, That without the consent of Congress such volunteer force shall not be called out for field service for more than a total period exceeding 90 days in any one year.

Mr. SMITH of Georgia. Mr. President, I submit a point of order that, after a motion to strike out, a motion to amend the original proposition is not in order. I concede that a motion to strike out and substitute might be made, but this is entirely different.

The VICE PRESIDENT. The Senator from Missouri [Mr. REED] raised the point of order. This is the rule:

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert.

Mr. WILLIAMS. Mr. President, addressing myself to the amendment, I have not thought it was necessary to submit the amendment or to pass it. I am of the opinion that the conferees can handle the question perfectly, and if it is left to my judgment I shall not offer the amendment but shall leave it to the conferees. I have a great deal of confidence in the fact that when the conferees meet and begin to harmonize all these different things they will reach a right conclusion. The conferees might perhaps agree to 60 days instead of 30 days. I think it would be better, if the Senator from Massachusetts will pardon me for making the suggestion, just to let that go by the board.

Mr. CHAMBERLAIN. I think so, too.

Mr. SUTHERLAND and others. Regular order!

The VICE PRESIDENT. The Chair thinks the Senator from Georgia is correct, that it can only be amended by a motion to strike out and insert. However, that is out of the way.

Mr. JAMES. It has been withdrawn anyway.

Mr. REED. Is there anything before the Senate?

The VICE PRESIDENT. Unless some one wants to move to amend.

SEVERAL SENATORS. Regular order!

Mr. REED. I move to amend section 2 as amended by striking out the words "and fifty" before "thousand," where it occurs in the clause "exceed 250,000 men," so that the proviso will read:

Provided, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts, the enlisted men of the Quartermaster Corps, of the Medical Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 200,000 men.

Mr. HUGHES. I make a point of order on that amendment. It was passed upon as in Committee of the Whole, and having been passed upon it can not be renewed.

The VICE PRESIDENT. The Chair has already ruled that there is one amendment, and that is the amendment which was reported from the committee as an entirety, and it is open to amendment in the Senate.

Mr. REED. Mr. President, I wish to say by way of preliminary that by offering this motion to reduce the number to 200,000 men I do not mean to say that I approve of a regular established army in time of peace of 200,000 men. But the Senate having passed an amendment raising the Army to 250,000

men in time of peace, I offer this amendment to the amendment in the hope that a reduction may be effected.

Mr. President, we are not, by the amendment, dealing with the question of a standing army in time of war. It is not a question of a standing army when war is threatened that we are dealing with, because the language of the amendment which was presented by the Senator from Connecticut is such as to fix the number at a time when there is no actual or threatened war and when there is no emergency in which the public safety demands a standing army greater than 250,000.

I do not believe we ought to fasten upon the taxpayers of this country an established army, a permanent army, a professional army of professional soldiers, in a time of profound peace to exceed 200,000 men. The figure named would have appalled us a few months ago; it would have appalled those of us who were not "peace-at-any-price" men; it would have appalled those of us who believe that the Army ought to be somewhat strengthened. When it is proposed, as it is proposed in this bill, to fasten upon the taxpayers the enormous burden of a standing army of 250,000 men in a time of profound peace, when there is neither threat of war nor danger of war; when it is proposed, in addition to that, to establish military camps which are to cost an unknown sum of money; when it is proposed, in addition to that, to establish a volunteer army of unknown size and at an unknown cost; when it is proposed, in addition to that, to turn every school almost in the country into a training camp—when all these are added together and when on top of that will come a bill to vastly increase our naval establishment, I say we have arrived at a time when we ought to give ourselves pause and indulge in a little sober thought.

If war threatens, if the clouds of war are lowering on the horizon, this amendment, with the restrictions contained in it, does not stop the President's hand, but in a time of peace, when there is no threat of war, when there is no trouble and no disturbance, I say that, in my humble judgment, to fasten a standing army of more than 200,000 men upon this country, an army of professional soldiers, whose business it is to maintain themselves, who will naturally be seeking for further advantage—to do that is a grave wrong to this country; it is a repudiation of the traditions not only of the Democratic Party but of the country itself, and it ought not to be done.

Mr. WILLIAMS. Mr. President, I do not think that the amendment offered by the Senator from Missouri [Mr. REED] means very much, and I am opposed to it principally because of what he thinks it means.

Mr. REED. Well, Mr. President, I thank the Senator for the compliment, and of course I am quite willing——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. REED. To sit at his feet and learn wisdom.

Mr. WILLIAMS. I have not yielded to the Senator for an interruption. I have only five minutes in which to speak.

Mr. REED. The Senator ought to be polite during the five minutes.

Mr. WILLIAMS. I am; but I ask the Senator not to consume my time. I meant no disrespect to the Senator from Missouri; I meant just what I said; I am not so much opposed to the amendment because of what it really means as because of what the Senator from Missouri thinks it means.

The Senator from Missouri, by his amendment, provides that the Army shall not be over 200,000 men, except in the event of war or "threatened war." Now, what does "threatened war" mean? What sense is there in the phrase? The whole world has been threatened with war ever since Belgium was invaded and ever since the *Lusitania* was sunk. Are we now, the United States of America, in a state where we are threatened with war or not? Are we, or are we not, threatened with war from Mexico? Are we, or are we not, threatened with war from the settlement of the submarine question? Have we been, or have we not been, called in session to-morrow in solemn Congress assembled by the President of the United States for some purpose which we do not now ourselves even understand? Is that, or is it not, a war purpose? So, I say, of the phrase "threatened war" is kept in the Senator's amendment it means nothing——

Mr. REED. It is in the bill now.

Mr. WILLIAMS. Whether it is or not counts not, because it leaves in the President the same discretion to raise the Army to 250,000 men that was left with him by the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE] and adopted by the Senate. Of course, if it means that the Army can not exceed a certain number except in the case of war or "threatened war," we are now in a state of "threatened war," provided the President thinks so.

I meant no disrespect to the Senator from Missouri; I think very highly of him; he and I are very good friends, and we are going to stay good friends; and whenever I say that a man means one thing and has stated another, I mean no disrespect to him morally, mentally, or physically. The Senator has said one thing and meant another. He thinks he means by this amendment that, if it is adopted, the President will not be able to raise the Army above 200,000 men, but it does not mean that, and can not mean that, provided the President thinks that we are "threatened" with international disturbance. I do not know what the Senator from Missouri thinks about it, but I think we are pretty seriously threatened right now with international disturbances, both from the East and from the South. So I see no use of adopting the amendment. If the amendment does mean what the Senator from Missouri intended it to mean, then I am still more opposed to it, because I think it is well and right to leave war preparation within the discretion of the President to raise the Regular Army up to 250,000 men if he thinks it necessary, if he thinks it advisable, and he will not think it either necessary or advisable unless the military advisers behind him—the Army officers and the staff—advise him to that effect.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. I do.

Mr. REED. The time of the Senator from Mississippi has expired, I presume, has it not?

The VICE PRESIDENT. No; he has half a minute yet.

Mr. REED. Mr. President, I move to amend the amendment by striking out the word "excluding" and inserting the word "including" in the second line of the amendment.

The VICE PRESIDENT. There is an amendment pending.

Mr. HUGHES. There is an amendment pending, Mr. President.

The VICE PRESIDENT. There is an amendment pending.

Mr. HUGHES. I make a point of order against the second amendment that it is not in order.

The VICE PRESIDENT. The amendment is in the third degree, and is not in order.

Mr. MYERS. Mr. President——

Mr. HUGHES. I withdraw the point of order, so as to give the Senator from Missouri an opportunity to speak.

Mr. REED. Mr. President, I have just a word to say.

The VICE PRESIDENT. It is not within the power of the Chair to extend the five minutes.

Mr. REED. I have offered an amendment.

The VICE PRESIDENT. But there is an amendment pending.

Mr. REED. The point of order has been withdrawn.

Mr. HUGHES. I have withdrawn the point of order.

Mr. REED. Mr. President, if I had written the language of this amendment which the Senator from Mississippi [Mr. WILLIAMS] has criticized, I might have thought that I did not understand what I wrote myself, and I would naturally have taken it to the Senator from Mississippi to obtain his critical judgment upon it, but the language is not my own; it is the language that is in the bill now and that the Senator helped to vote in the bill, and, if it is ambiguous or meaningless, it is there not by any act or vote of mine. I have not undertaken to change that language. I am simply trying to strike out of the measure the one word "fifty." If that is done, the figures "250,000" will be reduced to "200,000" and would work a reduction in the proposed army of 50,000. If the section means nothing, it ought not to have been put in the bill. I think it does mean a great deal. I think it means that in a time of profound peace the President is absolutely authorized to have an army of 250,000 men to have that kind of an army whether there is any war or any threat of war; and that if we strike out the word "fifty" his power will be reduced to raising an army of 200,000 men in time of peace.

Mr. MYERS. Mr. President, I am very heartily in favor of the amendment offered by the Senator from Missouri [Mr. REED]. While I should prefer the number of the Army to be less than 200,000, I believe that 200,000 soldiers in times of peace are better than 250,000.

The way this bill now stands it provides for a regular standing army in times of peace of 250,000 men. The volunteer-army provision, which remains in the bill, at its full measure calls for about 258,000 men; the enrolled militia of the States at present number 134,000 men, with a prospect of being very greatly increased, making a total called for by this bill as it now stands of 642,000 men; and when you add to that number the pupils who will be enrolled in the schools and colleges, as provided in

the bill, it will doubtless bring the number to a million—a soldiery of a million men in times of peace in this country; and this country is not yet in the millionaire class when it comes to a standing army in times of peace.

I do not believe that the sentiment of the people is in favor of an army of that size in peace times. I believe that the figures—200,000 men—offered by the Senator from Missouri are much more in accord with the sentiment of the people of this country than are the figures 250,000. This is a peace army we are organizing. Of course the million men which this bill practically calls for would not be any too large, and probably not large enough in time of war, and in time of war we would get that many men without any trouble, and more, too, if necessary; but I do not believe the people of the country want to count their soldiery in figures of millions in times of peace. I hope the amendment will be adopted.

Mr. REED and Mr. MYERS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement that I have on several former ballots as to my pair and its transfer, I vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber. However, I have the privilege of voting upon this amendment and I vote "nay."

Mr. COLT (when his name was called). Making the same announcement which I made on previous roll calls, I vote "nay."

Mr. HARDING (when his name was called). Again transferring my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the Senator from Utah [Mr. SMOOT], I vote "nay."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE], and transfer it to the Senator from New Mexico [Mr. CATRON] and vote "nay."

Mr. SWANSON. I desire to say that if my colleague [Mr. MARTIN of Virginia] were present he would vote "yea."

Mr. THOMAS (when his name was called). Announcing my pair and transfer as heretofore, I vote "yea."

Mr. TILLMAN (when his name was called). Announcing my pair and its transfer as I did on former votes, I vote "yea."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is unavoidably absent. He is paired with the Senator from Ohio [Mr. HARDING]. If present, my colleague would vote "yea."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from North Carolina [Mr. OVERMAN]. I transfer that pair to the junior Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. WILLIAMS (when his name was called). Repeating previous announcements upon previous roll calls, I vote "nay."

The roll call was concluded.

Mr. CURTIS. Mr. President, I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Virginia [Mr. MARTIN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 32, nays 42, as follows:

YEAS—32.

Bankhead	Hitchcock	Norris	Swanson
Beckham	Kenyon	Ransdell	Taggart
Borah	Kern	Reed	Thomas
Clapp	La Follette	Robinson	Thompson
Culberson	Lane	Shafroth	Tillman
Cummins	Lewis	Simmons	Vardaman
Curtis	Martine, N. J.	Smith, Mich.	Walsh
Gronna	Myers	Smith, S. C.	Works

NAYS—42.

Brandegee	Hollis	Nelson	Smith, Ariz.
Broussard	Hughes	Newlands	Smith, Ga.
Chamberlain	Hustlng	O'Gorman	Smith, Md.
Chilton	James	Oliver	Sterling
Clark, Wyo.	Johnson, Me.	Owen	Sutherland
Colt	Johnson, S. Dak.	Page	Wadsworth
Dillingham	Jones	Phelan	Warren
du Pont	Lee, Md.	Pittman	Weeks
Gallinger	Lippitt	Poindexter	Williams
Harding	Lodge	Pomerene	
Hardwick	McLean	Sheppard	

NOT VOTING—22.

Ashurst	Fall	Martin, Va.	Smoot
Brady	Fletcher	Overman	Stone
Bryan	Goff	Penrose	Townsend
Burleigh	Gore	Saulsbury	Underwood
Catron	Lea, Tenn.	Sherman	
Clarke, Ark.	McCumber	Shields	

So Mr. REED's amendment to the substitute of the committee was rejected.

Mr. SMITH of Georgia. Mr. President, when in Committee of the Whole the Senate amended the pending bill on page 169, section 71, being the provision which described a contract that was to be made by the National Guard and by the militia, we amended the bill by adopting a substitute offered by the junior Senator from New York [Mr. WADSWORTH]. I move to strike out the words "Federal soldiers," in the substitute, and to insert the word "militia." It is utterly impossible, under the provisions of the Constitution to require the militia to sign a contract to become soldiers. That, however, is what we have done. The provision of the Constitution referred to in this amendment makes a distinction between Federal soldiers and the militia and between the powers of the President concerning the militia and the Regular Army.

Mr. President and Senators, we are dealing in this amendment with the National Guard or militia, and we provide that they shall be required to sign a contract of enlistment effective to create the status of Federal soldiers within the meaning of section 8, Article I, of the Constitution of the United States. I do not object to the oath required by the Senator from New York [Mr. WADSWORTH], that they shall obey the President of the United States and obey the governor of the State. Of course that means as the President and the governor have authority to command; but here you propose to require them to sign a contract, when they are militia, to be Federal soldiers. That is to say, they are one thing and you require them to sign a contract to be an entirely different thing. They can not be both. They are either militia under the Constitution or they are members of the Regular Army, Federal soldiers. They become entirely subject to the direction of the President under certain circumstances.

I am perfectly willing to let remain in the bill the oath that the Senator from New York prescribes, although that, I think, was unnecessary. I do submit, however, that we do not commend our conduct to the appreciation of those who consider it when we seriously adopt a provision that a member of the militia shall be required to sign a contract to be a member of the Regular Army—to sign a contract to be something which he expressly is not.

Mr. WADSWORTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New York?

Mr. SMITH of Georgia. Certainly. I was through. I yield the floor to the Senator. I thought the Senator wanted to ask me a question.

Mr. WADSWORTH. Mr. President, the purpose of this amendment was to permit a soldier or officer of the so-called Organized Militia to voluntarily take an oath to sign an enlistment contract making himself primarily a Federal soldier. In my judgment that does not take away his obligation to the State, except in so far as his obligation to the Federal Government is superior.

There are cases of that kind in existence to-day, and if I may impose upon the patience of the Senate at this late hour for just a moment I will describe one or two.

The students at Yale University have organized a battalion of field artillery. They have enlisted for the regular term of enlistment in the Connecticut National Guard in order to do so. The Regular Army officer stationed at Yale University for the purpose of conducting the military courses there, which have been conducted for several years, is a lieutenant in the Regular Army, if my recollection is correct. He has, however, taken a commission in the Connecticut National Guard with the rank of major, in order to command that battalion of field artillery. He has a dual obligation. Will the Senator from Georgia contend that his obligation to the Federal Government, coming through his commission in the Regular Army, is not primary to his commission in the State militia?

Mr. SMITH of Georgia. I will answer the Senator. He simply accepted the assignment——

Mr. WADSWORTH. That is what this amendment proposes to do, on the assumption of dual obligation. The same is true of a captain of Infantry in the First New York Infantry.

Mr. LIPPITT. I understand that this is not compulsory.

Mr. WADSWORTH. It is voluntary.

Mr. SMITH of Georgia. Not at all.

Mr. WADSWORTH. And the section of the Constitution which is referred to in this amendment of mine, which was adopted in Committee of the Whole, refers to the power of Congress to raise and maintain armies. I have contended—and, of course, I have not much pride of my opinion in my contention, but others have suggested it to me as being tenable, at least—that the Congress, under that section, has a right to raise and maintain an army in any way it chooses; and if it can do it in

conjunction with the States, under a dual form of contract or oath, I think this particular provision which the Senator from Georgia attacks will stand.

Mr. SMITH of Georgia. Mr. President, I ask that the Secretary read that part of the provision. The Senator said it was voluntary. I say it requires the signature.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The provisions of this act as to the National Guard shall not apply to enlisted men thereof who have not signed a contract of enlistment effective to create a status of Federal soldiers within the meaning of section 8, Article I, of the Constitution of the United States.

Mr. WORKS. Mr. President, I think the Senator from New York overlooks the fact that the Constitution and the enlistment of the militiaman fix his allegiance and determine exactly what his duties shall be. His duty is primarily to the State by virtue of the provisions of the Constitution and his enlistment. Now, the proposition is to change that allegiance by an oath that he is required to take, or may take, which is entirely violative of the Constitution.

Mr. THOMAS. Does the Senator think that allegiance could be changed if the oath were taken?

Mr. WORKS. No; it might not be changed, but certainly we ought not even to authorize an oath of that kind.

Mr. THOMAS. I quite agree with the Senator.

Mr. HUGHES. Mr. President, as I understand the provision of the Constitution, a State may organize and maintain militia, but it may not maintain troops. How can a man be a trooper of the United States and a militiaman of the State at the same time?

The difficulty with the whole proposition is that it is attempting to utilize the National Guard in a way that never was intended. It can not be done. You may get the votes of the members of the National Guard by attempting it, but it can not be done in a way to make it effective as a national force in time of peace.

Mr. MARTINE of New Jersey. Mr. President, almost remarkable, and yet fitting, I think, in this particular place, is the counsel of the father of the Democratic Party, Thomas Jefferson. I find in Jefferson's Autobiography, on page 226, these words:

If the present Congress—

Referring to the Congress of his day—

If the present Congress errs in too much talking, how could it be otherwise in a body to which the people send 150 lawyers, whose trade is to question everything, yield nothing, and talk by the hour? That 150 lawyers should ever do business together should never be expected.

That is from Thomas Jefferson's Autobiography. I commend it to my legal friends in this body. [Laughter.]

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. SMITH] to the amendment of the committee.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement as on a former ballot, and vote "nay."

Mr. CLARK of Wyoming (when his name was called). Repeating the announcement as to my pair made on a former occasion, I vote "nay."

Mr. HARDING (when his name was called). Repeating my announcement as to the transfer of my pair, I vote "nay."

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence, I withhold my vote.

Mr. SUTHERLAND (when his name was called). Repeating the announcement with respect to my pair that I made on the prior roll calls, I vote "nay."

Mr. WARREN (when his name was called). Announcing my pair as before, and the transfer of the Senator from North Carolina to the Senator from Illinois [Mr. SHERMAN], I vote "nay."

Mr. WILLIAMS (when his name was called). Making the same announcement as previously, I vote "nay."

The roll call was concluded.

Mr. JOHNSON of Maine. I transfer my general pair with the Senator from North Dakota [Mr. GRONNA] to the Senator from Arizona [Mr. ASHURST] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Virginia [Mr. MARTIN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 15, nays 48, as follows:

YEAS—15.

Brandegee	Myers	Shafroth	Swanson
Culberson	O'Gorman	Simmons	Thomas
Hardwick	Owen	Smith, Ariz.	Tillman
Hughes	Robinson	Smith, Ga.	

NAYS—48.

Harding	Lodge	Sheppard	Bankhead
Hitchcock	McCumber	Smith, Mich.	Gallinger
Hollis	Martine, N. J.	Smith, S. C.	Beckham
Husting	Newlands	Sterling	Broussard
James	Norris	Sutherland	Chamberlain
Johnson, Me.	Oliver	Taggart	Chilton
Johnson, S. Dak.	Page	Thompson	Clapp
Jones	Phelan	Wadsworth	Clark, Wyo.
Kenyon	Pittman	Walsh	Cummins
Lane	Poindexter	Warren	Curtis
Lee, Md.	Pomerene	Weeks	Dillingham
Lippitt	Ransdell	Williams	du Pont

NOT VOTING—33.

Ashurst	Fletcher	Martin, Va.	Smoot
Borah	Goff	Nelson	Stone
Brady	Gore	Overman	Townsend
Bryan	Gronna	Penrose	Underwood
Burleigh	Kern	Reed	Vardaman
Catron	La Follette	Saulsbury	Works
Clarke, Ark.	Lea, Tenn.	Sherman	
Colt	Lewis	Shields	
Fall	McLean	Smith, Md.	

So the amendment of Mr. SMITH of Georgia to the amendment of the committee was rejected.

Mr. OWEN. Mr. President, in the organization of the General Staff the provision is that the members shall be detailed from corresponding grades in the Army. I move to insert, after the word "Army," in line 8, page 110, the words "including the Medical Corps," so that the Medical Corps will be represented on the General Staff. At present they have no representation as of right, although I believe they have an assignment there.

Mr. CHAMBERLAIN. I will accept that amendment.

Mr. OWEN. I send to the desk a letter which I ask to have included as a part of my remarks.

The VICE PRESIDENT. Without objection, that may be done.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, April 14, 1916.

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.

MY DEAR SIR: Referring to your letter of the 7th instant in regard to the Medical Corps, I beg to submit replies to your inquiries, as follows:

1. How many general officers of the line will there be in the Army should the provisions of H. R. 12766, calendar No. 285, of the Senate, become a law?

There will be 47 general officers of the line.

2. What will be the proportion of general officers to the officers of the line of the Army?

There will be 1 general officer to 163 officers of the line.

3. What is the proportion of general officers in the Medical Corps to the officers of the Medical Corps as a whole?

At present 1 general officer to 443 medical officers. As provided in the Senate bill 1 general officer to 896 officers of the Medical Corps.

4. Should R. S. 1222-1224 apply to the Medical Corps?

The medical officers provided for the Military Establishment are needed for duty therewith. If the provisions of R. S. 1222-1224 did not apply to medical officers, we would see them detailed away on all manner of duties.

The technical knowledge of these officers in matters of sanitation and in preventive medicine is made available to the country without the necessity of detailing them away from their proper duties and the Army suffering as a result. These officers are now available for a wide range of duties with the Regular Army and Organized Militia. Were they permitted to serve outside the Military Establishment, they could not but interfere with other properly constituted governmental agencies organized and supported to perform a particular function. If medical officers are to be permitted to accept civil positions, the department must know to what extent, the Medical Corps must then be increased accordingly, and the increased expense involved should then become a proper charge against some department of the Government other than the War Department.

5. What is the rate of casualties for medical officers?

The only data available at this time is that for the English service, compiled from the London Lancet, August 1, 1914, to January 29, 1916:

Killed	61
Died of wounds	33
Died from other causes	17
Missing	65
Wounded	274
Total	450

No figures are available from French sources as to casualties among medical officers. The Journal Officiel for August 14, 1915, Chamber of Deputies, reporting debate in the Chamber of Deputies of France, page 1, 359, second column, in debate M. Nevarre stated:

"Officers of the health service have paid a large tribute to this war. They have fallen at the side of our valiant fighters in proportion equivalent to those of officers of infantry."

There is not sufficient data at hand to show what the percentage of these losses has been.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oklahoma to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. JONES. Mr. President, before this amendment is agreed to, I want to ask the chairman of the committee a question.

As I understand, the Chief of the Coast Artillery was made a member of the General Staff by legislation of Congress several years ago. I do not find in the bill here anything recognizing that provision to exist. I want to know whether or not this bill does away with that provision of the law and possibly takes the Chief of Coast Artillery out of the General Staff?

Mr. CHAMBERLAIN. Mr. President, the committee concluded, after going into this matter, that the Chief of the Staff Corps ought not to be on the General Staff. The Chief of the Coast Artillery was the one man who was retained on it. The committee thought they ought to be all put on or all left off; and to that end the Chief of the Coast Artillery Corps was left off.

Mr. JONES. I do not care whether the Chief of Engineers is a member of the General Staff or not. I think the Chief of Coast Artillery ought to be a member of the General Staff. It seems to me that is one of the most important lines of our defense, and I regret very much indeed that the committee has repealed that part of the law that made him a member of the General Staff. I think he ought to be a member of it.

Mr. CHAMBERLAIN. But, with all due deference to the distinguished officers connected with the Coast Artillery Corps, they have been insisting on more here all the time than almost any other branch of the service. I say that without disrespect to them. I could name some of the gentlemen who are here almost all the time, but they insisted on more than any other branch of the service. They have done it in the committee. They do it here in Congress. That amendment to leave off the Chief of the Staff Corps was adopted here this afternoon, and four or five Senators have come to me and asked me why he was left off. It is perfectly proper, of course; I am not criticizing anybody, but it has been so all the time.

Mr. JONES. I want to say to the Senator from Oregon that no member of the corps has spoken to me about it. In looking through the bill here I did not know that any amendment of that kind had been adopted this afternoon until a little while ago.

Mr. CHAMBERLAIN. Let me call the Senator's attention to the fact that the Coast Artillery Corps is represented on the General Staff by Maj. Moses, by Maj. Compton, and by Maj. Cullen—a pretty good representation on the General Staff for one branch of the service—and by Capt. Kilbourne, a very distinguished officer, as all of them are. Now, why should the chief of that particular corps be placed on the General Staff?

Mr. JONES. Of course, I do not know much about these military matters, but it has occurred to me that the Chief of the Coast Artillery, no matter who he is, ought to be on the General Staff.

The VICE PRESIDENT. There is no amendment pending before the Senate.

Mr. THOMAS. I wish to ask the Senator having charge of the bill whether the chiefs of other arms of the service are on the staff.

Mr. CHAMBERLAIN. They are not, except the Chief of the Militia Division.

Mr. DU PONT. If I may be permitted to say a word, the Engineer Corps——

The VICE PRESIDENT. The Chair would like to know what, under the unanimous-consent agreement, Senators are discussing.

Mr. JONES. I understood that the amendment offered by the Senator from Oklahoma had not been voted upon.

The VICE PRESIDENT. It has been agreed to.

Mr. JONES. Then, I move to strike out the amendment the chairman of the committee refers to, which was adopted this afternoon, taking the Chief of the Coast Artillery off the General Staff.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Washington to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. CHAMBERLAIN. There is one request that I desire to make, and that is to ask permission of the Senate that authority be given the clerks to renumber the sections of the bill so as to make them come in numerical order and that sections not specified by enumeration be given their proper numbers.

The VICE PRESIDENT. That is always done as a matter of form by the clerks. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for making further and more effectual provision for the national defense, and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 1294. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States district court for the middle district of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy; and

S. 4480. An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina, at Raleigh, N. C.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 308. An act to amend the act to regulate commerce, as amended, and for other purposes;

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 6782. An act providing for the leasing of arid lands which are irrigable, belonging to Indian allottees, and fixing the maximum time for which such leases may run;

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section, to be known as section 7;

H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture;

H. R. 9525. An act to establish a national park in the Territory of Hawaii;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River;

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River;

H. R. 12716. An act amending sections 4898, 4906, 4921, 4934, and 4935 of the Revised Statutes of the United States; and

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915.

The message further announced that the House had passed the bill (S. 683) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department of the Government.

The message also announced that the House had passed the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4889. An act to renew patent No. 21653; and

S. 5229. An act granting the consent of Congress to the county commissioners of Warren County, Pa., to construct a bridge across the Allegheny River in the borough of Warren, county of Warren, in the State of Pennsylvania.

PETITIONS AND MEMORIALS.

Mr. BURLEIGH presented a memorial of sundry citizens of Soldier Pond, Me., remonstrating against the enactment of legislation to permit railroad station agents to deliver the mail to post offices, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a memorial of sundry citizens of Cheyenne, Wyo., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented petitions of Local Union No. 148, Journeymen Barbers, of San Francisco, and of Local Union No. 158, United Brotherhood of Carpenters and Joiners of America, of Los Angeles, in the State of California, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of Local Grange No. 369, Patrons of Husbandry, of Cotati, Cal., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petitions of W. F. Durand, of Stanford University, and of Hon. W. B. Bunker, of Oakland, in the State of California, praying for the enactment of legislation to provide military training in civil educational institutions, which were ordered to lie on the table.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented the memorial of Ernest Giles and sundry other citizens of Puyallup, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. LANE presented a memorial of 476 citizens of Oregon, remonstrating against an increase in the Army or Navy, and also against compulsory military service, which was referred to the Committee on Military Affairs.

Mr. JONES presented memorials of sundry citizens of Snohomish and of Lewis and Clarke Counties, all in the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Snohomish and of Granger, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented a petition of the Farmers' Club, of Chamberlain, Minn., praying for the passage of the so-called rural-credits bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of the Farmers' Club, of Chamberlain, Minn., remonstrating against the enactment of legislation to change existing law relative to the coloring of oleomargarine, which was referred to the Committee on Agriculture and Forestry.

Mr. SMITH of Michigan presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Detroit and Bay City, in the State of Michigan, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Lakeview, Mich., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Three Rivers, Mich., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURLEIGH:

A bill (S. 5638) granting a pension to Sibae S. Andrews; to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 5639) granting a pension to Saloma V. Bedell (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 5640) to amend paragraph 207 of the act approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes"; to the Committee on Finance.

A bill (S. 5641) granting an increase of pension to George M. Spencer (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5642) granting a pension to Lora W. Hughes; and

A bill (S. 5643) granting an increase of pension to Lydia A. Belknap (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5644) granting an increase of pension to Annie Humphreys; to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS.

Mr. NELSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. CHILTON. I move that the Senate adjourn.

The motion was agreed to; and (at 9 o'clock and 2 minutes p. m., Tuesday, April 18, 1916) the Senate adjourned until tomorrow, Wednesday, April 19, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 18, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art infinitely wise, all powerful, whose essence is love, God of our fathers and our God, we come to Thee because we believe in Thee and that without Thy help we can do nothing. As we turn back the pages of history and let the light of the past fall into our souls, we are impressed with the overwhelming fact that it is but the reflection of Thy glory shining down to us through the acts of our fathers who wrought well, wrought nobly, and builded even better than they knew, because Thy spirit brooded over them and was in them. So let it be with these Thy servants, for we realize that no act of theirs will stand the test of time unless it be in accordance with the eternal principles of right and truth and justice which are written in the heart of man, exemplified in the precepts and incomparable life of the Jesus of Nazareth. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill, joint resolutions, and concurrent resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5310. An act to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank;

S. J. Res. 119. Joint resolution to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period;

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations; and

S. Con. Res. 19. Concurrent resolution directing the Attorney General to investigate whether the phenomenal increase in the price of gasoline is the result of any violation of the laws of the United States.

AGRICULTURAL APPROPRIATIONS.

On motion of Mr. LEVER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Chair will state that when the committee rose on Saturday last there was pending an amendment offered by the gentleman from Massachusetts [Mr. WALSH] to strike out the paragraph.

Mr. LEVER. Pending the discussion of that I wish to make a brief statement. A few weeks ago the Committee on Agriculture authorized me to offer an amendment to this bill, at the proper place, providing—

For investigation and demonstration within the United States to determine the best methods of obtaining potash on a commercial scale, including the purchase or rent of lands and buildings and the erection of buildings and other structures necessary therefor, $175,000.

I ask unanimous consent that this amendment may be printed in the RECORD, so that gentlemen may see it and have an opportunity to study it before it is reached. It will be offered at page 49, after line 11. I ask unanimous consent to extend my remarks by printing this amendment.

The CHAIRMAN. The amendment will be reported for the information of Members.

Mr. LEVER. I have read it already.

Mr. MANN. It has been read, and the gentleman asks to have it printed for information.

The CHAIRMAN. Without objection, it will be printed in the RECORD.

The amendment is as follows:

Page 49, after line 11, insert the following:

"For investigation and demonstration within the United States to determine the best methods of obtaining potash on a commercial scale, including the purchase or rent of lands and buildings and the erection of buildings and other structures necessary therefor, $175,000."

The CHAIRMAN. The attention of the Chair has been called to the fact that the motion of the gentleman from Massachusetts [Mr. WALSH] to which the Chair referred a moment ago has not been reported from the Clerk's desk. Will the gentleman from Massachusetts renew his motion?

Mr. WALSH. I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. WALSH moves to amend by striking out the paragraph beginning with line 1, page 25, and ending with line 14, page 27.

Mr. LEVER. Mr. Chairman, this is the paragraph relating to the purchase and distribution of valuable seeds. Before the gentleman proceeds I wonder if we can not reach an agreement as to the amount of discussion on this item. I am going to suggest one hour, one-half to be controlled by the proponents of the amendment and one-half by the opposition to it.

Mr. MANN. Make it an hour and a half.

Mr. LEVER. I do not believe we will need that much.

Mr. MANN. I hope the gentleman will make it an hour and a half.

Mr. LEVER. Then I will make it an hour and a half, though I do not think it will all be consumed.

Mr. MANN. I hope not.

Mr. LEVER. I ask unanimous consent that all debate on this paragraph and amendments thereto be closed in one hour and a half, one half to be controlled by the proponents of the proposition and the other half by the opponents of it.

Mr. MANN. The gentleman had better make it specific.

Mr. LEVER. One-half to be controlled by the gentleman from Massachusetts [Mr. WALSH] and one-half by myself.

The CHAIRMAN. The gentleman asks unanimous consent that debate on this paragraph and all amendments thereto close in one hour and a half; one-half that time to be controlled by himself and one-half by the gentleman from Massachusetts [Mr. WALSH]. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, this is a provision of the Agricultural bill which Members of Congress would have the people believe is inserted for the benefit of the farmers of this country. Members may be able to fool themselves into thinking that it is for the benefit of the farmers, but you are not fooling the farmers of the country for one moment, neither are you fooling anybody else. Of what benefit is it to the farmer—the real farmer—of the West or of the South to receive a package of seed with 211 grains of corn in it? He could plant that in the corner of his front yard and never know that it was a part of his crop. It is not any new variety, but a kind with which he is familiar. Of what benefit is it to the farmer to receive a package of peas with something over 300 grains of seed? He knows how to plant peas, and how they grow, and what they are. The gentleman from Tennessee [Mr. SIMS] gave vent to a plaintive cry, when this paragraph was reached the other day, for more beans for Tennessee. I want to state to the gentleman that the city of Boston claims a monopoly on beans as well as culture, and I trust some Member from the Boston district will properly resent this attempt to take away that well-earned distinction.

Mr. ALLEN. Will the gentleman yield?

Mr. WALSH. I do not.

The CHAIRMAN. The gentleman declines to yield.

Mr. WALSH. But the gentleman from Tennessee [Mr. SIMS] says they want these beans down there so they can can them. Apparently they eat what they can, and what they can not they can. The best thing to do with the proposition for congressional free seed is to "can" it. The other day we had a measure before this House calling for vast appropriations for river and harbor improvements, and I voted against it. It had been properly termed, in several respects, a pork measure. I voted against that, and I shall vote against this provision, which the gentleman from Tennessee would have converted into a "bean measure." There is no reason why the Congress of the United States should furnish the farmers of Tennessee with seed to plant beans so that they can turn them over to the canneries and make a profit out of them. We ought to do the canning, and can both the "pork" bill and the "bean" bill, too. If you should provide in this bill to furnish the people of this country a package of clothespins or a bottle of soothing sirup, you would have a great demand for them, because it is human nature to get something for nothing; and undoubtedly the same gentlemen would vote for it, and seek to justify their action by giving the same reasons we now hear. Members say it is a great thing to have the children of the country receive seeds and plant them in their little gardens, because it stimulates the love of agriculture and horticulture; but you will notice that the children as they grow up into young manhood and womanhood do not stay on the farm. There is a cry to keep the children and young men on the farm, but all these years that we have spent money in sending out these seeds in the past have not resulted in stimulating the love of agriculture, as the boys continue to leave the farm just the same.

If this is such an important activity of the Department of Agriculture, I would like to inquire why it is, in the report of the Secretary and in the report of the Bureau of Plant Industry, you can not find a paragraph stating what has been accomplished by it; you can not find set forth in any of the department reports for the past year any reports that have been sent to the department by the recipients of these seeds; and yet on every package of seeds that is sent out by congressional distribution is a line, "Please report the results of the planting of these seeds to the department." And yet the Secretary of Agriculture in his report has not a single line regarding the congressional distribution of these seeds. The men in charge of the bureau having charge of the distribution of these seeds have not a single word as to the benefits or results that have been attained, and the committee's report has only five lines regarding it.

In these days, Mr. Chairman, when the people have their minds turned toward greater problems, I say to you that if you sincerely believe that the farmers of the country are deeply interested in this matter you will find they are willing to sacrifice for this year at least this gift out of your hands of one package of seeds, particularly if their attention were called to the fact that the amount called for in this paragraph, $250,000, will be sufficient to complete 20 aeroplanes for our Army and Navy in this country, which is a branch of the service which is sadly in need of attention, or go far toward paying for additional enlisted men in the ranks of the Army. I believe that the farmers would gladly sacrifice the little gift of a package of seeds which you are sending out under the guise of stimulating a love for agriculture.

Mention was made the other day of a young Swiss farmer in Nebraska by the gentleman from Nebraska [Mr. REAVIS], who had reached a high place in his profession as a farmer, who had taken prizes as the result of a high state of cultivation on his 20-acre farm. I warrant that that young farmer accomplished that without any aid from free seeds. As a matter of fact, Mr. Chairman, he took care to see to it that the farmers in his vicinity were furnished with seed by himself in order that his own crops might not be polluted; he did not want any free seed planted around in his neighborhood. If you are going to send out seed I say it should be seed of new and rare varieties, such as we provide for in the preceding paragraph in this bill. If you turn this appropriation into that you might accomplish some good and be solving some problems that the farmers at home would like to have solved. [Applause.]

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, I am surprised that the gentleman from Massachusetts [Mr. WALSH] wants to gouge the farmers of this country out of what little they get from the Government. I take it from his viewpoint that he thinks all the farmer is fit for is to pay taxes and go out to fight for his country. [Laughter.]

I suppose he lives in the city of Boston where, as he says, there is a monopoly on navy beans and culture. I have nothing against Boston; that is the place where our forefathers turned the tea overboard because they did not want to be treated unjustly, because they did not want to be taxed without representation; but it seems that the modern idea, according to this distinguished statesman, is that Boston is different from the old days when patriotism ruled there.

Mr. TAGUE. Will the gentleman yield?

Mr. QUIN. No; I can not yield.

Mr. TAGUE. I only wanted to correct the statement that the gentleman made. The gentleman from Massachusetts he refers to is not from the city of Boston.

Mr. QUIN. Then I am surprised at his taking so much unction unto himself to speak for Boston. I presume they want all the seed over there to feed the codfish, because they want to monopolize everything on earth. They already have, he says, a monopoly on culture and navy beans. I do not object to their keeping it on navy beans, for they serve a good purpose, but I think he overstates it when he says that they have it on culture. I know that Boston has one distinction—they consider the flavor of coon as sweet perfume and consider the standing of the nigger socially equal to that of a white man; that he is as good as a white citizen. They can keep that distinction if they want to, but I do not believe in that doctrine.

But this question of cutting out the seed, Mr. Chairman, seems to me to be one of injustice and hardship on the people

of this country. The seeds that go to the farmer and the people in the towns, who can plant a little garden in their backyard and raise vegetables enough for the family; the seeds that go out from the Agricultural Department through the distribution by Congressmen to the people of this Republic enable them to grow vegetables and raise something to reduce the high cost of living. I want to say to the distinguished gentleman from Massachusetts that the farmers of this country write to their Congressmen for garden seeds. They write to them for special field seeds. Not only is the amount allotted to Congressmen distributed, but they have hundreds and thousands of letters asking for garden seeds and flower seeds that they are not able to send out. While the farmer of this country is trying to earn the taxes that are levied upon him, let us in the name of justice keep giving him the little package of garden seeds that he is entitled to. [Applause.] Let his wife be made happy by raising a few beautiful flowers from the Government flower seeds. [Applause.] The gentleman from Massachusetts said that this item would build a few aeroplanes. I know there are a few cranks in this country like him who think you ought to tax the people enough to send them to the poorhouse in order to build a few more battleships and aeroplanes. That element never will be satisfied; they even want to take the shirt off the farmer's back and take his plow gear and harness away from him and his old turning plow and weld them into swords and other instruments for human destruction here in time of peace. I am for this garden-seed item and all the field seeds possible. [Applause.]

Mr. WALSH. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Chairman, I infer from remarks made in the House last Saturday afternoon when this motion to strike out the paragraph was first made that motions of this nature have been made in the past respecting this item, and that those occasions were more or less field days for the cub Members.

I have sat in this body for some four months and listened to the gentlemen on the other side of the aisle tell of the urgent necessity of devising new means for raising revenue. I have heard them appeal for a continuation of the obnoxious and odious stamp tax, misnamed the war tax, because of the impoverished condition of the Treasury. They have placed Uncle Sam, the symbol of a Nation that built God's youngest and best Government, that subdued a wilderness from sea to sea, that constructed the Panama Canal, the greatest engineering feat of all time—Uncle Sam the majestic, as stated by the gentleman from Wyoming [Mr. MONDELL], has been placed by them like a patient mendicant by the side of telephone booths begging pennies of chance customers for the purpose of defraying the expenses of his daily existence. I have seen gentlemen on the other side of the aisle abate their time-honored prejudice against the protective tariff principle, searching their souls for phrases to show how sad they were at being compelled to continue a tariff upon sugar for the purpose of raising needed revenue. The Ways and Means Committee at this time is searching this Nation with a telescope for some business, some commodity not already overtaxed, upon which to raise an additional sum which the enormous appropriations of this Congress will make necessary. And yet, Mr. Chairman, after burdening the taxpayer of this Nation with a continuation of the obnoxious war tax, with the tax upon sugar, with the taxes and tariffs yet to be returned from the Ways and Means Committee, I have seen the same gentlemen, who have been so grieved because of this necessity, and who have voted for these measures to raise the money, expend the money so derived by such measures to take the stumps out of the Trinity River, the snags out of the Brazos, to make navigable another stream that boasts of but a single boat with a 2-foot draft, having installed in it a foreign engine that is very satisfactory, because, as the testimony shows, "it can make a whistle blow and do other things." [Laughter.]

They have continued that appropriation by expenditures upon another so-called navigable river in such a condition that the appropriation will carry with it funds for the employment of some individual to gather the water hyacinths from the bosom of the sunny southern stream. At least $15,000,000, in my judgment, wasted in that bill alone. And on top of that now we have this other item, the free seed proposition, two hundred and fifty thousand and odd dollars appropriated for a distribution that is not a governmental function in any manner at all. I presume when this appropriation was originally made it was made for the purpose of ascertaining what seeds would grow in the different soils of the Nation, that it was experimental in character, and I presume—I must presume, because I am now in my first term—that the defense of it would be that it was still experimental; that we were sending out new and rare seeds for the purpose of learning something with reference to agriculture, but that presumption was dissipated by the impassioned and eloquent utterances of the gentleman from Tennessee [Mr. SIMS] last Saturday afternoon, when he said, "We do not want any new vegetables; we do not want any rare seeds; we want beans, and we want the old-fashioned bean." I suppose with all of its functions and characteristics intact and fully preserved. [Laughter.]

Mr. Chairman, I have heard of a Congressman on this floor who received a request from his constituent that he frank him a guinea pig, and of another one who received a request from a constituent that he frank him a goat, and upon his replying courteously that the Government was not distributing goats this year the constituent replied to him in this language: "It is a hell of a Congressman that can't get a goat for a constituent." [Laughter.] I sincerely trust that the desires of that constituent for a goat are not so enthusiastic that he will seek his Congressman's goat.

What governmental function is answered by this distribution of free seed? Why do you not send out postage stamps; and you gentlemen who represent suffrage States, why do you not have an appropriation to send out cut flowers to your lady voters? From my district there have been returned to me this year more than 200 packages of the seeds that were sent out, accompanied in most instances by a note to the effect that "We are not the objects of charity; we can purchase our own garden seed." [Applause.] And I say to you now, with this Congress facing the tremendous expenses that it is facing, with the momentous matters we have to meet that will add hundreds of millions of dollars to the burdens of the taxpayers in this country in the next year, you and I have no right to prostitute governmental functions by appropriating $250,000 with which to send out seeds, not for the benefit of the farmer, not for the benefit of agriculture, but for the benefit of the Congressman, to such an extent that the Nation to-day is rightfully looking upon it as the annual congressional graft. I shall support the amendment of the gentleman from Massachusetts to strike this appropriation from the bill. [Applause.]

I yield back the remainder of my time.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I am opposed to the amendment of my good friend from Massachusetts [Mr. WALSH], and when he has been here seven years as the time will come, he himself will be opposed to the position which he now takes. I say this with absolute impartiality because I have voted both ways in the last seven years on this matter. There is no place in the country where this distribution of seed is of more real benefit than in a city district. I find by a little hasty calculation that this distribution costs the Government about $585 per congressional district. It is worth it in the city of New York.

Mr. MANN. The gentleman is leaving out the Senators in that calculation, is he not?

Mr. HOUSTON. Will the gentleman yield?

Mr. BENNET. For a question.

Mr. HOUSTON. I would just like to ask the gentleman if he has made a calculation as to the cost of one package of seed to the Government?

Mr. BENNET. No, sir.

Mr. HOUSTON. The figures which I have made hurriedly are that each package costs the Government about 1⅝ cents. That package contains five smaller packages each of which would retail and does retail at 5 cents, making the Government furnish to the people for 1⅝ cents 25 cents' worth of seed. [Applause.]

Mr. BENNET. I accept the gentleman's statement. I am not very much interested, however, in the intrinsic value of the seed because I have learned in my seven years of experience that there is a great deal more than $580 worth of brightness brought into the lives of the children in every city congressional district. What the gentleman from Massachusetts [Mr. WALSH] proposes, innocently, to do is to take out of the lives of hundreds of thousands of city children the only piece of nature study that they have during the entire year. There are many things I would give up far more quickly than I would the pride and satisfaction that I get from the letters that come to me from children, children in institutions, for instance, where a little package of flower seed gave them a little garden that is the only spot of nature's beautiful brightness that they have for their own from year's end to year's end. Out on the broad prairies and out in the farming communities the green grass and blue sky are common things not to be measured, but in the city with its teaming thousands, congested and crowded as it necessarily is, we ought to conserve if we can that which links humanity with nature's God.

I have been for this seed proposition now for the last three or four years, because I have become convinced that its trivial expenditure is one of the best little items of expenditure that the Government makes. I know the motion of the gentleman from Massachusetts is not going to prevail; it never has and it never does. There are different reasons why different people vote for it, but I wanted for once to lay before the House the reason why as a city representative, representing always a city district, I voted the last two or three times to keep this seed proposition in, and why I propose this time, with all respect to my friend from Massachusetts, whom I admire, to vote again as a city man to keep this item in and to preserve for the children of my district—and there are many of them—this link between that impulse that is in each of us to admire everything that there is of nature as manifested in its beautiful outward shape——

Mr. GORDON. Will the gentleman yield?

Mr. BENNET. I will.

Mr. GORDON. To what extent is the gentleman influenced by the strength that is caused by that link between the gentleman and his constituents?

Mr. BENNET. I am influenced precisely to the same extent as the gentleman from Ohio.

Mr. GORDON. Then the gentleman thinks it is graft?

Mr. BENNET. I disagree with the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I am sorry I can not agree with my distinguished friend from Massachusetts [Mr. WALSH] on this proposition. I think his economy in this instance is misplaced. Neither can I agree with the gentleman from Nebraska [Mr. REAVIS]. I am surprised, coming from the State of Nebraska, as he does, he should support an amendment of this kind. Now, the farmers in my section of the country are not particularly anxious about this paragraph in the bill, but there are thousands of city dwellers who desire to participate in this distribution of seed.

My colleague from New York [Mr. BENNET] has made the kind of speech I would like to make if I had five minutes in which to do it and could do it as well. He has spoken of the school children. Let me say there are others besides school children who find a great deal of pleasure in cultivating these seeds. There are those who have small patches of ground in the country. They get out into the country during the recess period or during moments of leisure and there endeavor to cultivate the ground. It is a good thing for the city man and it is good for the farmer.

Apart from the fact that school children do seek these seeds and do indulge in nature's study resulting from the planting of them upon bare spots around congested centers, there is an economical side to this proposition too. The city man ought to know more about farming. He is constantly facing the problem of a higher cost of living and ought to be able to help himself.

We are now cultivating vacant tracts in built-up sections of the city, and these seeds help us in this respect. Strange to say, for one who represents a district that has not an unimproved acre of ground in it, I have a great demand from school-teachers and from children, as well as from men who have small patches of ground in the country. I delight in sending them seed, because I know they do a great deal of good. It keeps the folks in the open air. They ornament and beautify the waste places in the city. The planting of the seed brings the children up to nature, who otherwise never would see its beauties. It brings them into the glorious sunshine that prevails in the country and which we enjoy so little where the brick walls and the heated streets hedge us round about. I do not regret the expenditure of this seed money. It helps us in the cities to a little of your rich and wholesome country environment.

Give us a little more of the sunshine in the city, a little more of that happiness and cheer which comes upon every side of the home in the country. Give us a chance to see daylight once in a while in the built-up sections. The flowers, the sunshine, and the garden help to make life happier all along the line. [Applause.]

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I am in favor of the motion to strike out this provision, although I am not entirely agreed with the gentlemen who consider that no useful object is promoted by the distribution of this seed. Perhaps the greatest benefit we get out of it is the annual speech of my friend from Mississippi [Mr. CANDLER]. That is worth a good deal, but it is not worth $250,000.

My opposition to this provision in the bill is not entirely unselfish. I have found the distribution of seeds—and I will say to the young Members of the House who in the future will have occasion to distribute them, that I think they will have the same experience—I have found the distribution of seeds to be a great burden and an intolerable nuisance; that it takes up the time of the Congressman, with no benefit whatever to him. I have tried all kinds of methods for distributing them, usually the universal method of sending them out broadcast, with the result that some write to me as they have written the gentleman from Nebraska [Mr. REAVIS]. And some other constituent, objecting to my vote on the military bill or some other question, writes indignantly to ask if I think his vote can be purchased with a package of seeds. Then letters of explanation have to follow, stating that I have always opposed this provision, and only distribute the seeds because they are allotted to me, and that the people of some other district would have them if I did not send them out.

But the chief objection I have to this provision, Mr. Chairman, is that, in my judgment, it tends to bring Congress into disrepute. Notwithstanding the fact that the distribution of seeds is the cause of a great deal of expense and, as I have said, a great burden to every Member of the House who has them to distribute, a large part of the people in the country regard it as a form of congressional graft, and in this they are largely wrought up by the newspapers, who always have some adverse comment upon the proceedings in which we are now engaged.

A great portion of the public imagine that the distribution of seeds is for the benefit of the Congressman, that he gets some sort of political advantage out of that distribution. If he does, it is something that some other Members have been able to discover, because I have never been able to find it. The people at large regard the distribution of seeds as a small and petty matter, so far as results and methods are concerned, but as quite a large and important matter when they consider the item of $250,000 which is used to purchase the seeds.

Mr. RUCKER. Will the gentleman yield for a question?

Mr. GREEN of Iowa. With pleasure.

Mr. RUCKER. Has the gentleman made any attempt to ascertain how much it costs to send out these seeds per capita?

Mr. GREEN of Iowa. Do you mean what it costs the Government?

Mr. RUCKER. The people of the United States.

Mr. GREEN of Iowa. I can not say.

Mr. RUCKER. Does not the gentleman know that the cost per capita would be about one-fourth of a mill?

Mr. GREEN of Iowa. I know it is a very small sum considered individually, but it amounts probably to half a million dollars, taking it altogether, the entire expense connected with it in all forms. And the net result is that it tends, as I have said, to bring Congress into disrepute and cast a sort of a shadow upon the work of all the Members here. I think this amendment ought to be sustained. [Applause.]

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, this old hoary-headed graft of free seeds has been in this bill since the time "when the memory of man runneth not to the contrary." The talk of our Republican friends that the Democrats are responsible for it is a little bit of cheap politics. Of course, our Republican friends are a little hard up for issues themselves at present, and they want to unload the burden of any appropriation which in any of its aspects is offensive to any class of people, upon the small Democratic majority in this House. My objection, however, to this appropriation is very much deeper than any mere matter of party and is, I hope, above any question of personal consideration.

I have faithfully distributed all the seeds allotted to me since the first year I was here. The first year I overlooked one of the provisions of the appropriation bill which forfeited all seeds not called for by April 1, and I missed the point that time and failed to distribute the entire allotment, which reverted under the law to the Agricultural Department. But I do wish that the gentlemen of this House, wholly regardless of political or personal considerations, would again give this question very careful consideration before the vote is taken. Two hundred and fifty thousand dollars is a small amount of money for Congress to appropriate, it is true, but that depends upon the purpose for which the appropriation is made. Now, the only claim that has been presented here for this appropriation is that it confers a special favor upon a large number of people and costs a small amount of money. But it seems to me that this contention wholly disregards the fact that it is appropriating public money to confer favors upon individuals. It is a step in the direction of that policy of the appropriation of grain to individuals out of the public warehouse, which obtained along toward the end of the decline and fall of the Roman Republic.

A great many sophistical reasons have been given here. I have heard my friend from Pennsylvania [Mr. MOORE] dilate at length about the little children and how pleased they were with these seeds. Now the real truth about it is that nearly everyone appreciates much beyond its real value anything he gets for nothing. And, of course, to that extent it is appreciated. But to the extent which the Government contributes toward this annual donation it seems to me that it violates a principle of sound government, and I am afraid that many of us are constrained to support this appropriation, not because of the personal benefit conferred upon individual constituents, but because of the political profit inuring to Members of Congress as the result of the distribution. It reminds your constituent that you are thinking of him, and I confess it is to that extent somewhat of a political asset, but I am getting sick and tired of having some of my constituents write me that it is time this graft were abolished and that I ought not to be a party to it. I feel they are right, too, and I hope it will be stricken out. [Applause.]

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentlemen from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Chairman, in the short time I have been a Member of this House I have learned to believe that every time an appropriation is offered here for the benefit of the wealth-producing class of the country, especially the farmer, it is not only termed a "hoary-headed graft," but that Uncle Sam is a mendicant at all times and unable to pay this character of appropriation. Why, the gentleman from Nebraska [Mr. REAVIS] talks about Uncle Sam being a mendicant; that the Ways and Means Committee now are exerting their best efforts to raise revenue to run this Federal Government. You hear the majority of them on that side of the House talk that way when an appropriation comes up for the benefit of the people, and that we are threatening to go into bankruptcy. The Committee on Ways and Means is devising ways and means to raise revenue with which to defray the expenses of this Government—not in the way the Committee on Ways and Means devised revenue to run this Government when the Payne-Aldrich tariff bill was enacted into law, but in such a way as not to tax the shirts off the backs of the poor and consumers of this country, as a Republican Congress did, but, on the other hand, to continue to tax the rich of this country, who are able to pay. [Applause on the Democratic side.] By reason of this Democratic Congress and a Democratic President we have an income-tax bill that this year will raise a hundred million dollars of revenue to defray the expenses of this Government, not a dollar of which, thank God, comes out of the pockets of the poor, but every dollar of it comes out of the pockets of the rich of this country by reason of a Democratic administration. [Applause on the Democratic side.] Why, I have just left the committee room, where I heard the president of the Chamber of Commerce of New York City testify and say that this country was now in such a flourishing condition that confidence had been restored to the business interests of this country, so that it did not even need any Government aid to build up a merchant marine in this country.

The gentleman from Massachusetts [Mr. WALSH] has undertaken to tell us how many grains of seed are contained in a package of corn that is sent out, and of pens. Now, with all due respect to the gentleman, I doubt very seriously whether he would know the difference between a grain of corn and a grain of pens, coming from the place he does. [Laughter.] So long as a $400,000 appropriation is proposed for the harbor of Boston, you will find Massachusetts is on the job, and Uncle Sam is able to pay it; but when you want to appropriate $250,000 with which to purchase this seed, to send to the humble tenants of the home where the wife and children may plant that seed and cultivate and produce the vegetables upon which they shall subsist, then you hear these gentlemen from the city saying it is a "hoary-headed graft," and therefore it ought to be beaten. My friends, there is not an appropriation in any of these appropriation bills, in my judgment, that brings more comfort and does more good to more people than this paragraph in this bill.

I want to say to the gentleman from Nebraska [Mr. REAVIS], who has said that he had 200 packages of seed sent back to him with the statement that the recipients were not paupers, if he will transfer those 200 packages to me I will send them to some humble homes in Kentucky whose occupants are not paupers, but who will appreciate them, and there will be a just return, dollar for dollar, upon every investment that is made under this section of this bill [applause on the Democratic side], and why any man can stand on the floor of this House and oppose this bill, and especially a gentleman who comes from a great agricultural State like Nebraska, who gets so solicitous about the solvency of Uncle Sam, I do not understand. I do not believe there ought to be a dissenting vote against it. [Applause on the Democratic side.]

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for five minutes.

Mr. FESS. Mr. Chairman, I recognize two sides to this question. I believe that a proper distribution of the Government seeds might be justifiable, but I confess it is a pretty difficult thing for me as a Member to know how to distribute them in a way that will make them acceptable without criticism from the people who do not want to receive them. There are those who resent the receipt of this governmental gratuity. Since this debate started I sent to my office for some correspondence. Let me read to you just one, among others like it:

> I am in receipt of your sample of vegetable seeds, all of which I note are old standard sorts. I also note that you wish a report of the results in my trial of these seeds to your department. Of course, you know that nobody can afford to plant Government seeds, as they are of no account, and I understand that there are a few bushels of them lying in this post office unclaimed, because the farmers are wise to the fact that they can not afford to plant rubbish. It is certainly an interesting state of American politics that the people are compelled to pay for this tiresome graft when more than half of them do not want it and have protested to their Congressmen against it, wasting their money in this way, and yet we find it impossible to get a Congressman with enough backbone to stop wasting this money.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield there?

Mr. FESS. Yes.

Mr. STEENERSON. What is the business of that gentleman?

Mr. FESS. This man is a farmer.

Mr. STEENERSON. Is he a big farmer or a small farmer?

Mr. FESS. He is a large farmer. Now, here is another letter which I will read.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield there?

Mr. FESS. Yes; I will yield.

Mr. FORDNEY. I want to say that I represent a strictly agricultural district, and I never heard of anybody in that district who was not willing and glad to receive these seeds; not a soul.

Mr. FITZGERALD. That is because the Republicans are accustomed to being brought up under the Federal Government. [Laughter.]

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] has the floor.

Mr. FESS. Mr. Chairman, I read:

> We return with thanks sample of flower and vegetable seeds sent through the mail. Just why it is necessary for the people to pay for these seeds with their taxes is more than any of us has ever been able to figure out.

Those seeds sent to this particular farmer were returned to my office, he paying, of course, the postage for the return.

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Oklahoma?

Mr. FESS. I will yield.

Mr. DAVENPORT. I would like to ask the gentleman if the farmers in Ohio, where he lives, who decline the seeds use a typewriter like the one used on the letter he is reading to the House? [Laughter.]

Mr. FESS. That was, but the other was not. [Laughter.] That makes it very evident that it is a very intelligent farmer, does it not? [Laughter.]

Now, here is another. I read:

> 'Tis sweet to be remembered; 'tis sad to be forgot;
> And deep, indeed, the anguish to be remembered not.

And then, later on, a dissertation upon the distribution of seeds, and, among other things, the letter says:

> Senator Foraker used to send me some garden seeds almost every year. You know I used to know him and Mrs. Foraker quite well, and she always saw to it that I got some seeds every year, until I got clean out of saving them any more.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Indiana?

Mr. FESS. I do not want you to think that I am reading humor into this debate. [Here the hammer fell.] That is what I expected. I was afraid of it. [Laughter.]

Mr. WALSH. I yield to the gentleman from Ohio one minute more.

Mr. ADAIR. Will the gentleman yield?

Mr. FESS. I will not yield. I want time enough to state my position. I think that if we knew how to distribute these seeds so that those who wanted them could get them and those

who do not care for them would not be bothered with them, realizing that we do not get a quantity sufficient to distribute to all of the district, it would be well to do it; but how are we to do that. Are we to send them out promiscuously and let them go everywhere, to those who wish them and to those who resent the gratuity? I doubt very much whether that is the best use to make of this money. Therefore I have my serious doubts whether this ought to be continued. Last year I addressed a letter to each school superintendent, requesting him to give me the number of families represented in the school. I stated to him my desire to distribute the seeds through the schools. I have no definite information of the success of the plan. However, many families in each community would be omitted because not represented in the school. This omission would be ground for the charge that discrimination was practiced.

There were many instances of clubs in villages using seeds for community betterment in a sort of clean-up campaign.

I am concerned about how to distribute these gratuities so as to justify sending them out.

My own opinion is that a better use of Government money can be made. It never was intended that the Government was to enter upon the practice of supplying the country with common garden and flower seeds. If the money were used to discover new uses or new vegetables and fruits, as well as flowers, it would be a very justifiable use of public funds. Any agency that multiplies either the knowledge of new products or the amount of the same is properly a governmental agency, and such knowledge should be given to the citizen. I would prefer to utilize the public funds for the purpose of such investigation rather than a distribution of seeds, especially when many recipients look upon such items as so many bids for political support.

Mr. LEVER. I yield three minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, in the years that I have served here I have thought a good deal on this question, and I have heard the speeches annually delivered upon the subject of the Government seed distribution. I investigated the question as to where the opposition to the free distribution of garden seeds and flower seeds comes from. I find that, so far as my list is concerned, I have not received any letters against it for three or four years, and the only letters I ever received came from very wealthy farmers, who farm a thousand acres or more. I remember one particularly was very severe in his criticism of this graft, as he called it, and I investigated and found that he lived in Buffalo, N. Y., and that he came up to the Red River Valley and farmed about 4,000 acres of land, and had his own conservatory and his carriage and horses, and drove to Fargo, N. Dak., every other day to attend social functions. Now, that is not the kind of a farmer to whom I should send seeds. [Applause.]

The men who appreciate the vegetable seeds, as the gentleman from New York [Mr. BENNET] has stated, are the mechanics, the small people in the cities and villages, who have little garden spots, or perhaps just a few feet of ground upon which they can plant a little garden, or they are the school children who may have a school garden. Then, for instance, in a new country like my district, which was opened to settlement only a few years ago, the pioneer goes out on a claim, and he greatly appreciates the seeds that are sent to him. [Applause.]

As I say, for several years I have never heard one complaint. On the contrary, I will read in answer to the gentleman from Ohio one of the letters which I have received. It says:

> The garden seeds you sent me have done well. I got two wagon boxes full of tomatoes, three wagon boxes of cabbages. The onions and rutabagas are so large I can not describe them. One of our neighbors lost his calf, and we found him in my garden lying down behind a rutabaga, completely hidden.

[Laughter.]

Now, here is a postal card decorated on the back with a rose, which shows that the writer's idea of roses is well developed. This card says:

> The vegetable and flower seeds which you sent me were very good. We got good crops from the vegetables, and very well pleased with the flowers. Thank you.

On the back, to show the writer's appreciation, I suppose, is the form of a heart, and then this poem:

> Love is the union of two hearts
> That beat in silent melody,
> Time with its ravages imparts
> No fusion to its ecstasy.
> —Shakespeare.

Mr. HAMILTON of Michigan. Was this letter written by a man or a woman?

Mr. STEENERSON. That is objected to as incompetent, irrelevant, and immaterial. [Laughter.] In most cases the newspapers which oppose this free-seed distribution are those which publish the advertisements of seed houses.

The Government seed, according to my observation, is invariably good, and much of the seed sold is often old and fails to grow. I agree that some care and discrimination should be used in distributing seeds. They should not be sent to people who do not want them, but there are plenty of people who will make good use of them, and they can be found. The superintendents and teachers of the public schools in most cases will be glad to aid in this work.

I am convinced that the seed distribution stimulates love of nature in the young and interest in our great basic industry—agriculture—among the people.

Mr. LEVER. I yield three minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, every time there is an attempt to control or regulate certain corporations, you will hear the officers and fiscal agents of these corporations talk about their stocks being owned by widows and orphans. But now we hear gentlemen like the gentleman from Nebraska [Mr. REAVIS] and the gentleman from Ohio [Mr. GORDON] call this free seed distribution graft. Many poor widows and their orphans are unable to buy seeds, and who have to work in their little gardens in order to grow vegetables necessary for a living. There are some men whose souls are no larger than a mustard seed raised from free seeds, who call this seed distribution to real widows and their orphan children graft, and clamor to shut off this puny little appropriation for that purpose, but who vote to create new United States district judges where none are really needed to hold their offices 10 years and then retire on full salary for the balance of their lives. Some will even vote $20,000,000 for a superdreadnaught battleship to rust out on the seas, waiting for an enemy that never comes, and filled with officers who when they reach a certain age limit retire on three-quarters salary for the balance of their lives; and then contend that real destitute widows and orphans shall not have a package of free seeds that do not cost the taxpayers of this country more than 1½ cents, as shown by my colleague, Judge HOUSTON. My friends, you ought to go and take something that will broaden your vision, and enlarge the impulses of your hearts and your love of humanity. [Applause.]

Mr. WALSH. I yield five minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I never have been able to understand the interest of the farmer from Philadelphia, Mr. MOORE, in the river and harbor bill until now. He is not interested in navigation. He is interested in irrigation. [Laughter.] He wants to get enough water in the Delaware River to irrigate some of the window boxes in which his constituents plant these garden seeds.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Philadelphia.

Mr. MOORE of Pennsylvania. We already have an assured depth of 30 feet at mean low water now in the Delaware River, and we are seeking to get 35 feet. We have all the water we need. All we want is channel depth. I am also interested in irrigation. I will explain that to the gentleman any time he wants to make an issue of it. [Laughter.]

Mr. ANDERSON. Well, the gentleman is interested in irrigation only to the extent of irrigating the Delaware River.

Mr. MOORE of Pennsylvania. Oh, no; I am interested in it all over the country. I want the farmers to thrive, especially in the gentleman's State. I like to see them grow wheat and grain, in order that they may supply us with the necessaries of life, so we can pay the farmer for it and make him prosperous.

Mr. ANDERSON. I am sure that if the farmers in Minnesota have to depend upon the interest of the gentleman from Philadelphia in order to prosper they will not get very far.

Mr. MOORE of Pennsylvania. Why, we are the best customers of the gentleman's farmers now.

The CHAIRMAN. The gentleman from Minnesota has the floor. [Laughter.]

Mr. ANDERSON. I thank the Chairman. I had almost overlooked that fact myself.

Mr. Chairman, I have never voted for this appropriation. I do not know that I shall do so now, although I think it has some merit. But it is so wasteful and so inefficient in the method which is ordinarily adopted in the distribution of these seeds that it is exceedingly difficult to justify it.

The gentleman from Ohio [Mr. FESS] says that he thinks some other method than the ordinary method of distribution of seeds might be of some value. I can tell the gentleman how he can make it of some value. Up to the present year I distributed seed to everyone in my district who asked for them and to many who

did not ask for them and who did not want them. This year I adopted a different plan. I took up with all the superintendents of schools in my district the question of making the distribution through these schools. I got a very cordial cooperation from them, and made a very extensive distribution through the schools, with the result school gardens have been established in a large number of towns and communities in my district, where the children undertake the cultivation of small plats in contest with each other. Prizes have been hung up by local associations and a great interest has been inculcated by these contests with seeds furnished by the Government.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GREEN of Iowa. My predecessor tried that, and the result was that the schoolboys had an unusual supply of beans and such things for their bean shooters. [Laughter.]

Mr. ANDERSON. A gentleman sitting by me suggests that that was a good way to conserve the remainder of the crop.

Mr. FESS. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. FESS. That is the same plan that I used last year, but there are a lot of people that are not represented in the schools.

Mr. ANDERSON. And there are a lot of people that do not care anything about the seeds. It is not a question of getting an ideal method which will reach everyone. If you send them to everyone you will reach some one who does not care about seeds.

Mr. FESS. Will the gentleman yield again?

Mr. ANDERSON. Yes.

Mr. FESS. I found that there were a good many city-beautiful associations that asked for them for the city, but only a very few.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FESS and Mr. SIMS, by unanimous consent, were given leave to extend their remarks.

Mr. LEVER. Mr. Chairman, I yield two minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, when I first came to Congress I voted to strike this item out, but I quickly learned to my surprise that there was no danger of its being stricken out. The distribution of Government seeds has been a considerable proposition with me. I took it up at the farmers' institute in my district and found that the farmers did not care anything about it. Three years ago I commenced distributing seeds to school children. I first commenced it in two counties. I found that the system grew and grew until this year I have sent out between twenty-three and twenty-five thousand packages to school children direct. I have had the pleasure of attending old-fashioned country fairs in the last two years in my district, where the school children furnished the material grown from these seeds and where they have won first premiums in contests with the farmers. I have, I think, 10 organizations of Boy Scouts in my district. I took this proposition up two years ago with the scout masters of the various towns. I think I now represent five or six hundred organizations where the scout masters have gone out in various towns and rented vacant lots, and have now got the boys in these organizations engaged in raising little crops from their gardens. It is the only way I had of disposing of my seed. I believe it has been an effective way and that it has been done in an effective manner. I believe it has produced good results. I do not believe that the farmers in my district care very much about the seeds. They told me so, but every time you get a child interested in agriculture you have begun to tie him to the land. [Applause.]

Mr. LEVER. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, we each receive an allotment of 25,000 packages of seed each year. So far as I am concerned, I have never been able to get enough to supply the demand of my constituents. I can hardly appreciate the consistency of gentlemen who yearly send out 25,000 packages of seed and yet decry and denounce the practice as graft. It is hardly consistent. There is not one of these gentlemen who say their constituents do not want the seed that will exchange them with me for something that their constituents do want.

The action of these gentlemen in using so many seed every year which they say their constituents do not want reminds me of a story I heard some time ago which I will take the liberty of telling. Two street urchins found a stray pup. They could not determine which one should have it. They put it in a box and finally agreed that the one who could tell the biggest lie should have the pup. About that time a clerical gentleman came along and he said, "What is the matter, boys?" They told him that they had found a pup but were unable to decide which one should have it, so they had finally agreed that the one that could tell the biggest lie should have the pup. "Oh," said this clerical looking gentleman, "Boys, I am very sorry for you; I am 60 years old and I never told a story in my life." The boys exclaimed with one accord, "Mister, the pup is yours." [Laughter.]

Mr. LEVER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from South Carolina has 18 minutes and the gentleman from Massachusetts 7 minutes.

Mr. LEVER. I yield eight minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman, every time this provision for distributing seeds among the farmers comes up some Member from a city district rises to oppose it. Usually he is a new man, and I suppose it is as good a time to break him in as any other time. The gentleman from Massachusetts [Mr. WALSH] comes from a State where they have a monopoly of wooden nutmegs. That industry was started in Connecticut, but they have got to making them in Massachusetts now and have a monopoly of them. [Laughter.] Of course I do not suppose that the gentleman from Massachusetts would like to have that industry disturbed. He comes from the whaling district of Massachusetts, where they have codfish balls and the like. [Laughter.] The gentleman boasts that Boston has a monopoly of baked beans and culture, and he does not want seed distributed over the country for fear that competition might arise with the bean industry of Boston. We see these beans advertised extensively—pork and beans—and when you cut a can open you find a little piece of pork about as big as a possum's ear. [Laughter.] They call it, I believe, Boston pork and beans. The gentleman from Massachusetts does not want seeds, even a small quantity of choice vegetable seeds, distributed amongst the people of the United States. He does not want the farmers of the country to have seeds selected by the Agricultural Department. The department is selecting valuable seed and it is distributing them through the various sections of the country in order that our people may have the best variety of seed. We encourage garden work and increase the supply of garden products, and thus aid in feeding the people of the cities.

The gentleman from Massachusetts opposes the appropriation of $252,000 for this purpose, but he votes for a bill that appropriates $950,000 for pneumatic-tube service that carries the mails through the shutes and into the offices of the people of the cities. [Applause.] The gentleman from Nebraska [Mr. REAVIS], in opposing this measure and making light of sending these seed to farmers, said that we ought to send rose cuttings to the ladies; but the gentleman from Nebraska does not object to a bill that appropriates $950,000 for pneumatic-tube service which carries invitations to pink teas in the cities. [Laughter.] He does not object to that, but some of them over there oppose anything that will distribute a few vegetable seed among the farmers of the country. You Republicans over there are running up against a serious proposition when you oppose the great farming interests of this country. Let me say to the new Members, who are spending time here attacking the interests of the farmers, you had better be doing something else. Did you know that other Members over there used to do that when they first came here. But they either learned better or grew ashamed of it and quit it. [Applause and laughter.] But I suppose that these older and wiser Members are entitled to the amusement furnished by the wisdom and foresight of these courageous new Members.

This new Member from Massachusetts opposed the Government giving aid to the post roads of this country. We pleaded here for the building of a system of public roads in the rural districts, and the gentleman opposed that proposition. Gentlemen on that side, some of them, are constantly opposing propositions that will benefit the farmers of the country. The gentleman from Michigan [Mr. FORDNEY] said that he never heard of anybody complaining, but that the people in his district were always glad to receive these seeds. I have had letters from my district, in which they said, "The seeds you sent me last year were fine. Please add to your list the name of so and so"—some old gentleman or some widow who did not receive any before. And, gentlemen, it costs only $250,000 in all to send these seed, and yet the Seed Trust fights this little distribution of seeds every year. It is fighting it here to-day. It does not want this seed distribution to go on. It interferes with their business, and no trust wants any interference with its business. The Seed Trust wants this seed distribution stopped, and when these gentlemen are speaking against the distribution of seeds among the farmers they are speaking what the Seed Trust wants them to speak.

The little school children of the country receive the flower seeds, and they grow the flowers around the school yards and

that encourages them in making flower gardens and in building beautiful parks in the rural regions of the country. Gentlemen, find something else to oppose and speak about. Fight some big proposition and quit haranguing this House about a proposition that benefits the mass of the people in the rural sections of our country. [Applause.]

Mr. WALSH. Mr. Chairman, I yield one minute to the gentleman from Oregon [Mr. McARTHUR].

Mr. McARTHUR. Mr. Chairman, like the distinguished gentleman from Alabama [Mr. HEFLIN] who just took his seat, I, too, am opposed to the "Seed Trust." I believe very heartily in the wide distribution of choice and rare seeds. In connection with this seed distribution I have a letter from one of my constituents which I think I should read to this House, although I shall omit the name of the author:

PORTLAND, OREG., *February 15, 1916.*

Hon. C. N. McARTHUR, M. C.,
Seed Distributor, Department of Agriculture.

DEAR SIR: I received the seeds which you sent. I will let you know how they grow. I will vote for you on election day.

[Laughter.]

Mr. Chairman, I am for the free distribution of seeds. [Applause and laughter.]

Mr. WALSH. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES. Mr. Chairman, practically every man in my district is a workingman—he either works in the mine as miner, trammer, or timberman, or else he is a farmer.

Last June I received a letter to the effect that I had been allotted 25,000 packages of vegetable seed and 5,000 packages of flower seed. Personally I did not believe there was a very strong demand in the twelfth district of Michigan for free seeds. In order to test the matter I had the following advertisement placed in every newspaper in my district, at my expense:

GOVERNMENT PUBLICATIONS, SEEDS, ETC.

HOW TO OBTAIN THEM.

The Government issues bulletins, books, etc., relating to the subjects mentioned below. I desire to send to each person any matter relating to the subjects in which he or she may be interested. The Government also allows me 25,000 packages of vegetable seed and 5,000 packages of flower seed. I do not wish to send seeds to anyone not interested. The Government will also distribute certain kinds of fish for the purpose of stocking or restocking ponds, lakes, etc. Kindly check off the subjects in which you are interested and mail to me.

(———) Agriculture Year Book.
(———) Diseases of Horses.
(———) Diseases of Cows.
(———) Fish for propagation.
(———) Vegetable seeds.
(———) Flower seeds.
(———) Labor bulletins.
(———) President's Annual Message.
(———) Farmers' bulletins.
(———) Miners' bulletins.
(———) Educational bulletins.

Name ——— ———,
Street number ——— ———,
Town or city ——— ———.

Cut out and mail to W. FRANK JAMES, House Office Building, Washington, D. C.

The result was that about 1,000 persons asked me for seed. To test the matter still further I mailed a slip worded as above to every person in my district that I could get the name of, by directory and otherwise. In addition, in many cases, where there was no directory, I sent slips to teachers and school superintendents to give to their pupils for the signatures of their parents. Altogether I sent out about 40,000 slips. Out of these slips and newspaper advertising I received 5,000 requests, or about 12½ per cent of the total. You can readily see that the greater proportion of my people, or about 87½ per cent, did not want "free seeds."

The distinguished gentleman from New York [Mr. BENNET] states that this appropriation is about $600 for each congressional district. Figuring, therefore, that the twelfth district of Michigan was entitled to $600 worth of seed, if I had sent out the entire allotment, I would have used 12½ per cent or $72.50 worth of seed to people who wanted and could use the seed, and would have wasted $527.50 worth of seed—and incidentally that much money—in sending seed to people who either could not use the seed or who would not use them in case they had been received. Figuring that other districts are the same as mine, which I believe they are, about $31,250 of this over $250,000 item is justified and the balance of about $218,750 is absolutely wasted.

If you gentlemen will try the experiment that I did, you will not favor the reckless and unwarranted expenditure of money. I shall therefore, Mr. Chairman, vote for this amendment doing away with free seeds.

The only fair and right way is to have each man interested in seeds write direct to the Department of Agriculture for the same, and have this department mail him what they think he should have.

Mr. WALSH. Mr. Chairman, the gentleman from Alabama [Mr. HEFLIN], in referring to some of the newer Members of this House, would have us believe that if we remain here as long as he has remained we would be talking on the other side of the question. I want to say to the gentleman from Alabama that I do not expect to remain in this House long enough to be considered by my constituents as a mere seed distributor nor a Government seed peddler, as, apparently, he prefers to have himself considered after having been here six terms. [Applause.] I believe that the people of my district, and I believe that the people of the country, expect the Members of the House of Representatives of the United States in Congress assembled to be devoting their thoughts and attention to more serious problems than the sending out of Government seeds in order that their constituents may become familiar with their signatures in the upper right-hand corner of the envelope, and that the people believe the Government has other uses for its money than to furnish seeds to keep canneries going for private profit.

Mr. RAGSDALE. Will the gentleman yield?

Mr. WALSH. The gentleman from Oklahoma asked the question if the letter read by the gentleman from Ohio was from a farmer, because it was written on a typewriting machine. Why, there is just as much justification for this Government to send a typewriting machine to every farmer in this country for him to write his letters with as there is for you to send them Government seeds every year. Send beans to Tennessee in order that the poor farmers may furnish the canning establishments with beans to be canned and thereby reap a profit. It is said the cost of this is only a quarter of a million dollars. That does not include the additional expense imposed on the Post Office Department and the additional carriage charges. It is noticeable how hungry they are for this free distribution in the States which pay the smaller share of our governmental expenses. Why, if you want to furnish school children, why do not you turn the distribution of seeds over to the boards of education of the various States and let them attend to it? Why is it necessary for Members of Congress to distribute these seeds and have their time taken up in caring for their proper distribution? This is part of the duties of an executive branch, not of the legislative branch.

I say that a more proper way to do this would be, as was suggested in the committee, to increase the appropriation for, as one Member proposed, rare seeds 100 or 200 per cent, and eliminate the congressional distribution of seed altogether, allow the Department of Agriculture to distribute these, and thereby you might benefit the people who are really interested in agriculture. They talk about bringing sunshine into the city tenement districts. Well, this sprouting sunshine would arrive just as promptly if the seeds arrived under the frank of the Department of Agriculture instead of under the congressional frank. Why, gentlemen, free Government seeds do not make farmers any more than pink pills would make physicians. There has been no stimulation of the agricultural industry resulting from this, and one reason is because you are sending out the same kind of seeds year after year—same old varieties and same old seeds. The gentleman from Alabama would have us believe the other day that the farmers of this country were anxious to know what became of the cottonseed products after they are shipped from the producers. Why, they are no more interested to know, after they sell their crop and get their money, what becomes of their product than they are interested in what became of "Charlie Ross" or who struck "Billy Patterson." Their interest ceases when they get their money, and they are even less interested in this seed distribution. [Applause.]

Mr. LEVER. Mr. Chairman, I yield the remainder of my time to the gentleman from Mississippi [Mr. CANDLER]. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, I am very much delighted at this unanimous and vociferous applause accorded to me on this momentous occasion. [Applause.] Of course it is called forth, I know, not so much by anything which I have said in the past or anything which I may say upon this occasion, but by reason of the great importance of the question which we have before us. It was suggested the other day when this provision was reached that there should be very little discussion in reference to it, but because of its importance more time was demanded, which has been usefully expended this morning——

Mr. SIMS. And so profitably used this morning.

Mr. CANDLER of Mississippi. So profitably used this morning, as suggested by the gentleman from Tennessee. I frankly confess to you I did not expect to participate in this discussion

at all. The fact is my distinguished and lovable friend from North Carolina [Mr. PAGE], who sits just to my right, reminded me a moment ago that I had intimated I would not speak, and really I did not intend to do so, but having been so unanimously called upon and it being demanded by so many that I say something [applause], of course, being an obliging gentleman, I shall have to comply. I am not surprised that this motion is made by the gentleman from Massachusetts [Mr. WALSH]. My recollection is that he opposed upon the floor of the House quite recently good roads for the farmer. He was opposed to their having improvements of that character, and hence he is opposed to their having any seed distributed by the Government to help them produce products to haul along these good roads when they obtain them, which I hope will not be at a very distant day. The truth of it is he seems to be opposed to everything that would benefit the country at large and would add to its prosperity and to the pleasure of the people. Hence he moves to strike this provision from this bill and proposes to take away from the farmer the small package of seed which might be sent him by his Member of Congress. The truth of it is the package of seed is the only communication, as I have called attention to before, between the Government of the United States and the individual citizen. It is the only message that he receives from the country which he supports, the only message that comes directly from the Government itself to him, to his wife, and to his children that will furnish them more happiness and will furnish them some profit and some benefit. [Applause.] This being the only message which he receives that comes directly from the Government, let us send him this little token at least once a year to remind him that the flag which he loves still floats above the Capitol of this great Nation in the city of Washington, and that while he toils to support the Government and keep that flag flying, which is the emblem of liberty, he is remembered and appreciated and not forgotten. [Applause.]

Now I am going to submit to you the history of a package of seed in order that you may see the benefits that are derived from this distribution. I hold in my hand a can of "Wofford's Japanese Honey Cane Sirup," made by Charles P. Wofford on his farm at Golden, Miss., and sent to me by him. Mr. Wofford wrote to me about three years ago and asked me to send him some literature in reference to various varieties of cane. I promptly went to the Agricultural Department, as I do always when my constituents write me for anything I can do for them. [Applause.]

I am not like the distinguished gentleman from Massachusetts [Mr. WALSH], who says that he does not want to be a Government seed distributor; that that is beneath the dignity of a statesman. I want to render any service I can for my people. [Applause.] Why, the greatest statesmen in all the history of the world and the greatest philosophers in the history of the world distributed seeds, and all really great Members of Congress favor it. [Applause.] Did you know that? [Laughter.] Thomas Jefferson began it and Benjamin Franklin continued it. Patrick Henry, the greatest orator that ever lived in the land, proclaimed it and advocated it. [Applause.]

My friend from Massachusetts [Mr. WALSH] ought to realize the fact that it is not only a great duty but a great privilege to send seeds to the people of this country or to perform any other service for them. [Applause.]

As I said a moment ago, I went over to the Agricultural Department and secured the literature and sent it to Mr. Wofford. He read it and wrote to me that he believed the land which he had would produce Japanese cane probably better than any other variety, and asked me to send him a few seed. I sent them to him. He planted that package of seed that year. It showed by actual demonstration upon his Llewellyn plantation at Golden, Miss., that it would grow, and grow luxuriantly. He saved the seed from the few stalks that that little package produced, and the next year he bought more seed and planted a good crop and made 2,000 gallons of Japanese cane sirup.

Mr. QUIN. How many gallons to the acre?

Mr. CANDLER of Mississippi. From 200 to 300 gallons to the acre. He saved seed then from that crop, and this past year he planted quite a crop in Japanese cane. I went up to his farm myself and saw it. In making the sirup he had a beautiful plant, neatly arranged; had all the woodwork whitewashed perfectly white. The attendants around the plant were dressed in white; had on white caps and clothes. Everything was done by him for cleanliness and beauty. The result was that this year he produced about 25,000 gallons of Japanese cane sirup, and he is the largest individual producer of Japanese cane sirup now in the United States of America. [Applause.] He had advance orders for 11,000 gallons of this splendid and most palatable sirup.

Mr. JOHNSON of Washington. Is all of this down on the Tombigbee?

Mr. CANDLER of Mississippi. Oh, no; not on the Tombigbee. It is in the good county of Tishomingo, from whence I originally came. [Applause and laughter.]

That is the history of one package of seed. If the gentleman from Massachusetts [Mr. WALSH] will investigate he will find that wealth has been produced all over this country that began from the reception of a little package of seeds. The illustration I have cited is one from actual life; and that gentleman, Mr. Charles P. Wofford, is a practical farmer, having a beautiful farm at Golden, Miss., but he told me that that farm had not paid a dividend until the package of seed came to him from which was produced this sirup that brought eventually the revenue that produced the first actual dividend that came from that farm. [Applause.]

People came from far and near to see the demonstration and the production of this sirup. They came from different communities and counties around about. This is a fair and pointed illustration of the value and the development of new varieties of seed that have been brought into this country by the Department of Agriculture that finally reached the people through this congressional distribution, carrying to them happiness and great benefit.

If there is nothing else in it except the happiness that it brings to the bright-faced little children of this land, it is worth that in itself. Think of the happiness that the gentleman from Minnesota [Mr. ANDERSON] has sent to the children in his district. Think of the happiness depicted in the faces of the children of other districts to whom Members of Congress sent seeds. [Applause.] It is worth the money to make the children happy. God bless the children.

Some Members seem to be troubled about the best way to distribute the seeds and get them to the people. If you have any difficulty at all of that kind send them to me and many other Members who get more requests all the time than they can promptly and conveniently fill. Let us continue to send this brightness to the people and this prosperity to the country. [Great applause.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. WALSH. Division, Mr. Chairman.

The committee divided; and there were—ayes 45, noes 118.

So the amendment was rejected.

Mr. CANDLER of Mississippi. Mr. Chairman, I want to ask unanimous consent to extend my remarks in the RECORD by incorporating as a part of the same a letter written from the Department of Agriculture to the most excellent and efficient clerk of the Committee on Agriculture, Dr. Murph, setting forth facts as to the distribution of the seed by the department.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

DEPARTMENT OF AGRICULTURE,
Washington, April 17, 1916.

DEAR DR. MURPH: Mr. W. A. Taylor, chief of the Bureau of Plant Industry, has furnished the following statement of the number of packages of vegetable and flower seeds and the number of boxes of bulbs distributed on congressional orders and the number of packages of such seeds and bulbs distributed by the department to voluntary crop correspondents of the Bureau of Crop Estimates, to voluntary weather reporters of the Weather Bureau, to the Alaska and Porto Rico Agricultural Experiment Stations, and on miscellaneous requests during the congressional seed distribution for 1914–15, and the same items, as estimated, for the distribution of 1915–16, still in progress:

	Total.	Vegetable.	Flower.	Bulbs.
1914–15.				
On congressional orders	14,685,389	11,504,259	3,171,208	9,922
Distributed by department	789,278	579,961	206,532	2,785
Total	15,474,667	12,084,220	3,377,740	12,707
1915–16.				
On congressional orders	15,773,078	12,091,514	3,671,016	10,548
Distributed by the department	441,870	369,070	72,400	400
Total	16,214,948	12,460,584	3,743,416	10,948

The quota of each Senator, Member, and Delegate consists of 25,000 packages of vegetable seed, 3,000 packages of flower seed, and 20 boxes of bulbs. The vegetable and flower seed are subject to change, package for package, up to 12,000 packages.

Very truly, yours, F. R. H., *Private Secretary.*

The Clerk read as follows:

FOREST SERVICE.

Salaries, Forest Service: One Forester, who shall be chief of bureau, $5,000; 1 chief of office of accounts and fiscal agent, $2,500; 7 district fiscal agents, at $2,000 each; 1 forest supervisor, $2,800; 1 forest supervisor, $2,700; 8 forest supervisors, at $2,400 each; 20 forest supervisors, at $2,200 each; 48 forest supervisors, at $2,000 each; 66 forest supervisors, at $1,800 each; 5 forest supervisors, at $1,600 each; 1 deputy forest supervisor, $1,800; 4 deputy forest supervisors, at $1,700 each; 28 deputy forest supervisors, at $1,600 each; 31 deputy forest supervisors, at $1,500 each; 18 deputy forest supervisors, at $1,400 each; 10 forest rangers, at $1,500 each; 22 forest rangers, at $1,400 each; 78 forest rangers, at $1,300 each; 287 forest rangers, at $1,200 each; 650 forest rangers, at $1,100 each; 80 forest guards, at $1,100 each, for periods not exceeding 6 months in the aggregate; 1 clerk, $2,100; 4 clerks, at $2,000 each; 19 clerks, at $1,800 each; 21 clerks, at $1,600 each; 9 clerks, at $1,500 each; 21 clerks, at $1,400 each; 9 clerks, at $1,300 each; 114 clerks, at $1,200 each; 89 clerks, at $1,100 each; 51 clerks, at $1,020 each; 30 clerks, at $960 each; 106 clerks, at $900 each; 2 clerks, at $840 each; 1 clerk or proof reader, $1,400; 1 clerk or translator, $1,400; 1 compiler, $1,800; 1 draftsman, $2,000; 3 draftsmen, at $1,600 each; 1 clerk or compositor, $1,600; 1 draftsman or surveyor, $1,500; 2 draftsmen or surveyors, at $1,400 each; 2 draftsmen, at $1,500 each; 6 draftsmen, at $1,400 each; 4 draftsmen, at $1,300 each; 11 draftsmen, at $1,200 each; 2 draftsmen at $1,100 each; 3 draftsmen, at $1,020 each; 1 draftsman, $1,000; 1 draftsman, $960; 8 draftsmen or map colorists, at $900 each; 1 draftsman or artist, $1,200; 1 draftsman or negative cutter, $1,200; 1 artist, $1,600; 1 artist, $1,000; 1 photographer, $1,600; 1 photographer, $1,400; 1 photographer, $1,200; 1 photographer, $1,100; 1 lithographer, $1,200; 1 lithographer's helper, $780; 1 blue-printer, $720; 1 machinist, $1,200; 2 carpenters, at $1,200 each; 2 carpenters, at $1,000 each; 1 carpenter, $960; 1 electrician, $1,020; 1 laboratory aid and engineer, $1,000; 6 laboratory aids and engineers, at $900 each; 2 laboratory aids and engineers, at $800 each; 1 laboratory helper, $720; 1 laboratory helper, $600; 1 packer, $1,000; 1 packer, $780; 4 watchmen, at $840 each; 1 messenger or laborer, $960; 3 messengers or laborers, at $900 each; 4 messengers or laborers, at $840 each; 3 messengers or laborers, at $780 each; 4 messengers or laborers, at $720 each; 6 messengers or laborers, at $660 each; 5 messengers, messenger boys, or laborers, at $600 each; 2 messengers, messenger boys, or laborers, at $540 each; 3 messengers or messenger boys, at $480 each; 3 messengers or messenger boys, at $420 each; 11 messengers or messenger boys, at $360 each; 1 charwoman, $540; 1 charwoman, $480; 1 charwoman, $300; 11 charwomen, at $240 each; in all, $2,361,320.

Mr. HUMPHREY of Washington. Mr. Chairman, on page 27, line 20, I reserve the point of order against "one forest supervisor, $2,800."

Mr. LEVER. Mr. Chairman, I will say to the gentleman from Washington that there is an increase in the salary of one supervisor of $200. The explanation of the forester is to the effect that this gentleman is in charge of one of the largest of all the forest units in Alaska, and that he has over 20,000,000 acres of land under supervision. Not only that, but he is very remote from headquarters, and therefore his responsibility necessarily is a good deal larger than if he were in close contact with headquarters in Washington. In addition to that, it was pointed out that the cost of living in Alaska was necessarily higher, and that the character of the work was more exacting than it is in the ordinary forests of the country. For that reason we allowed the increase. I might say to my friend that there are only three increases on this entire statutory roll, one for $200, which is the present item; another for $180, for a map colorist, and another, a $200 increase, in the salary of one artist, making a total of $580 in this roll in the way of increase. All the other increases are only apparent and not actual increases. They are increases by way of transfer.

Mr. HUMPHREY of Washington. Mr. Chairman, I have read the hearings in part, and as to the increase of the artist I think that ought to be made.

Mr. LEVER. Undoubtedly.

Mr. HUMPHREY of Washington. And I would not make a point of order against that item. But I do not see what use there is in having a forest supervisor in Alaska at all. There is no more use in having a supervisor up there than there would be in having one at the North Pole.

Mr. LEVER. Of course, the question of having a forest there at all is a question of policy on the part of the Government, but inasmuch as we have a forest there, and inasmuch as we must have some one to take care of it and look after it, it does seem to me that this small promotion is justified. I hope the gentleman will not make a point of order on it.

Mr. HUMPHREY of Washington. It may cost more to live up there; that is true; but I do not think he has anything to do.

Mr. LEVER. I expect he does have something to do, but I have not been up there.

Mr. HUMPHREY of Washington. Since the Government has been constructing the railways up there they get most of their lumber from Seattle. There is no forest up there to preserve. I do not think there is any necessity of having a supervisor in Alaska.

Mr. LEVER. I hope the gentleman will not make a point of order against this item. The gentleman may discuss the policy; but there is a forest there, and we have a man there, and unless the Government changes the policy I think we should give him a living salary.

Mr. HUMPHREY of Washington. I have been a Member of this House for 13 years and never have I made a point of order against a proposed increase of salary. The gentleman is perhaps entitled to it in a way, but I do not think we ought to lend any encouragement to preserving that alleged forest in Alaska.

Mr. JOHNSON of Washington. What forest is it?

Mr. HUMPHREY of Washington. It is the superintendent over the whole.

Mr. LEVER. Tongass and Chugach.

Mr. JOHNSON of Washington. Has not one of these forests been reduced by one-half by Executive order in the last year?

Mr. LEVER. There is no official statement of that, but there is a statement that one man has charge of the Tongass and Chugach area, covering half a million acres. That was the statement made before the committee.

The CHAIRMAN. Does the gentleman from Washington reserve his point of order?

Mr. HUMPHREY of Washington. I think I shall have to insist upon it, not for the purpose of taking away this man's salary, but to show the feeling I have that there ought not to be any forest reserve there.

Mr. LEVER. Mr. Chairman, I do not want to delay the committee at all on the point of order, but I am not sure that the matter is subject to a point of order. If the gentleman makes the point of order, I will argue it briefly.

Mr. HUMPHREY of Washington. I will make it or reserve it, as the gentleman prefers.

Mr. LEVER. I would rather the gentleman would make it.

Mr. HUMPHREY of Washington. I make it, then.

Mr. LEVER. Mr. Chairman, I call the attention of the Chair to the classification in the bill. We start off with "1 forest supervisor, $2,800; 1 forest supervisor, $2,700; 8 forest supervisors, at $2,400 each; 20 forest supervisors, at $2,200 each," and so on. The Chair will notice, there, that there is a classification or arrangement of the salaries of these forest supervisors. Now, as a matter of fact—and that is something that I do not think the Chair has anything to do with—there is an increase in the salary of a particular man, but I think the Committee of the Whole has the right to fix the classification and the salary attached to each class on the statutory roll; and if so, the Chair, disregarding the information that has come to him as to the immediate effect of this classification, may question if the language is subject to a point of order. I doubt very seriously if the increase of salary is subject to a point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from South Carolina a question. Is it true or not true that at that particular place the supervisor in Alaska receives in the current law a salary of $2,600?

Mr. LEVER. I think that is true, but the current law does not show that this particular individual does receive this salary of $2,600. We have a forest supervisor at $2,600. This individual is employed under that language. We are creating another class, and the effect is that this man has been put in a class above—that is, in the $2,800 class; and if we have a right to classify at all, we have the right to fix the classification.

I may say to the Chair that the gentleman from Illinois [Mr. RAINEY], who was Chairman of the Committee on the Whole in the consideration of the Post Office appropriation bill, had a question very similar to this brought to his attention. I think the question was raised by the gentleman from Mississippi [Mr. SISSON], and the Chair then held that, having the right to classify, the committee had the right to fix the salary attached to the classification. I think this is a similar proposition. That ruling was made during the present Congress.

The CHAIRMAN. Under the current law, does the position of supervisor of forests in Alaska carry with it the salary at $2,600?

Mr. LEVER. It does not. There is not a line, I will say to the Chair, in this bill which fixes any place for any individual. This man, as a matter of fact, heretofore has been carried as "one forest supervisor at $2,600." It does not say "one supervisor in Alaska at $2,600," nor does it say in this bill "one forest supervisor in Alaska at $2,800." It simply says, "forest supervisor," and the only information that the Chair could have as to where this supervisor is located is the information that has come to his attention in the discussion of this item. It seems to me it is purely a matter of classification, not salary.

The CHAIRMAN. The Chair would like to ask this additional question of the gentleman: Is there any class of forest supervisors carrying with it a salary of $2,800?

Mr. LEVER. There is not. This is a new classification that is provided for.

The CHAIRMAN. The Chair is constrained, as he sees it, to rule that this is an increase of salary not authorized by law.

Mr. LEVER. Then, Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amend, page 27, line 20, after the word "each," by inserting "one forest supervisor, $2,600."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed $650; to pay all expenses necessary to protect, administer, and improve the national forests; to ascertain the mineral conditions upon and utilize the national forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests to be exported from the State or Territory in which said forests are respectively situated; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington, and for medical supplies and services and other assistance necessary for immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent outside of the District of Columbia, as follows:

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. We appropriate upward of $5,500,000 for the Forestry Service in the United States, and at the present time the cost of lumber in all the centers of distribution is going up very rapidly. I would like to ask the gentleman from South Carolina if he can tell to what extent the Government preservation of forests contributes to the commercial use of lumber? I want to find out how much we get back for our investment, and to what extent we dispose of lumber to the commercial world.

Mr. LEVER. That is what I thought the gentleman was driving at. I have here a summary of the receipts from the national forests for all purposes, including sales of timber, grazing, special leases, and so on. It is as follows:

The aggregate area which has been seeded and planted since the establishment of the national forests amounts to approximately 125,000 acres.

SPECIAL USES.

There were in force on July 1, 1915, permits for miscellaneous uses of the forests aggregating 18,342. These were for something over 70 different purposes, including hotels, pastures, sawmills, stores, fox farms, etc. Of the total number of permits, something over 10,000 were free, and the balance returned to the Treasury $77,819 in occupancy fees.

RECEIPTS.

Summarized, the cash receipts from the national forests during the fiscal year 1915 were $2,481,469.35. This represents an increase of nearly $44,000 over the previous year. During the first half of the current year cash receipts were nearly $200,000 more than during the same period of the previous year. These amounts do not include the value of the timber given away, which amounts to $206,464.13; the revenue foregone through selling a certain amount of timber at cost, the excess of actual value over sale value amounting to $33,000; the revenue foregone through free use of grazing lands, aggregating nearly $80,000; the revenue foregone through closing to grazing certain areas for the protection of municipal water supplies, conserving the elk herds, and for other reasons, amounting to about $60,000 more, or the possible revenue foregone through free permits for a variety of miscellaneous uses of forest lands, which would aggregate about $100,000 if commercial charges were made for these various uses.

Mr. MOORE of Pennsylvania. Is the grazing that is referred to there grazing for cattle or sheep?

Mr. LEVER. Grazing for cattle, sheep, and horses.

Mr. MOORE of Pennsylvania. I expect to raise a question about sheep later on.

Mr. LEVER. Very well.

Mr. MOORE of Pennsylvania. Are the receipts increasing?

Mr. LEVER. There was an increase during the last fiscal year as against the preceding year of $44,000, but during the past six months the receipts from the national forests have increased $200,000 over the receipts for a like period during the last fiscal year.

Mr. MOORE of Pennsylvania. I thank the gentleman for that statement.

Mr. LEVER. It was stated by the Forester before the committee this year and last year that it is hoped that receipts from the national forests will increase normally about $250,000 a year.

Mr. MOORE of Pennsylvania. Can the gentleman tell how the lumber that goes into commerce is disposed of, and where the principal shipping points are?

Mr. LEVER. I can not tell the gentleman the principal shipping points, but I will say that the timber from the national forests is sold to lumber companies at an agreed stumpage price, and, of course, the lumber itself is sold by the lumber companies.

Mr. MOORE of Pennsylvania. I presume the timber is picked out of the forest, and so taken as will not tend to destroy the forest itself?

Mr. LEVER. The forest cruisers make it their business to pick out full-grown trees; that is, ripe forest trees.

Mr. MOORE of Pennsylvania. Does the bureau advertise for proposals for the timber that is to be sold?

Mr. LEVER. Oh, yes. Anything beyond $100 worth they advertise, and it is sold to the highest bidder.

Mr. MOORE of Pennsylvania. Then the contractor does the cutting.

Mr. LEVER. He does the cutting and cleans up the brush.

Mr. MOORE of Pennsylvania. And he does the hauling?

Mr. LEVER. He does the hauling.

Mr. MOORE of Pennsylvania. The Government has nothing to do with that?

Mr. LEVER. The Government has nothing to do with that at all, except to cruise the timber and point out such as may be cut under the contract.

Mr. CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Will the gentleman indicate one or two points from which shipments are made, if he has knowledge on that point?

Mr. LEVER. I can not put my hand on that information, but it was discussed before the committee.

Mr. MOORE of Pennsylvania. Are they chiefly western points?

Mr. LEVER. Chiefly western points; yes. Does the gentleman have in mind the eastern forests? If he does, I will say that the receipts so far from the eastern forests amount to only about $7,500.

Mr. MOORE of Pennsylvania. There was some arrangement about the Appalachian chain. I do not believe the Government has taken over the forests it intended to take under the legislation passed several years ago, but I wanted to know whether we were cutting off any Government timber in the East and putting it on the market.

Mr. LEVER. Thus far I think there has only been $7,500 of timber taken off of the Appalachian and White Mountain forests. The gentleman understands that these are new forest reserves.

Mr. MOORE of Pennsylvania. I understand that. Mr. Chairman, I ask unanimous consent to introduce a statement from the Philadelphia Ledger as to the present demand for lumber.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to print an article in the RECORD. Is there objection?

There was no objection.

The matter is as follows:

DEMAND FOR LUMBER OUTRUNNING SUPPLY.

White-pine demand in this city is greater than the supply this spring, according to lumbermen who are manifesting interest in the proposed inspection of every white-pine planting in the State by the department of forestry. This is to be done in an effort to prevent the white-pine blister rust from getting a foothold in Pennsylvania.

Years ago there were thousands of acres of fine white pine in Pennsylvania and the State department of forestry is endeavoring to restore the State to its old position as a white-pine producer. Including this year's plantings, the State has set out about 25,000,000 trees on its reservations and the greater part is white pine.

Local trade is heavy in spruce this year, and it is said price records are likely to be broken. Hemlock, too, is advancing while the revival of building is sending laths and shingles up. Gum and poplar are reported to be in much better demand. Oak, both plain and quartered, of course, keeps up in general favor, while the trade says that ash, maple, and basswood are quite as popular and almost as scarce. Yellow pine from the Carolinas is firm in all sizes.

Owing to unsatisfactory shipping conditions, high freights, and a general revival of demand it is generally believed that prices are likely to show abnormal tendencies here and there, and opinion is virtually unanimous that it will be a record year for lumber in and around Philadelphia if supply can keep anything like reasonable pace with demand.

Mr. MOORE of Pennsylvania. In connection with this article I desire to say calmly and without intent to criticize anyone who criticized the river and harbor improvements, that this question of lumber raises the question of transportation about as pointedly as any other matter Congress has to deal with, except iron and steel. Some years ago the golden Northwest had about all it could do to keep up with the rise of timber. Forests were cut off, farmers had difficulty in obtaining enough boards to build shacks in which to live. That condition may come in other sections of the country where we have more people to occupy dwellings. I apprehend we shall have to exercise more care with respect to forests and with respect to the avenues of communication by which we may get lumber to the people.

Mr. BOOHER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Missouri.

Mr. BOOHER. I was interested quite a little in the statement the chairman of the committee made that there had been an increase in the receipts in the last fiscal year from lumber. I want to call the gentleman's attention to the fact that they included in that the collections for the last fiscal year of $80,000 received from water power. That does not belong to the Forestry Bureau. If the gentleman will read the hearings he will see that it has been taken out of that and placed in the Interior Department.

Mr. LEVER. It has not become a law yet.

Mr. BOOHER. But it has passed the House. The year before there were no rentals for water power included in the receipts, so that if you take out the $80,000 from the receipts, the additional source of water-power rent, there is an absolute decrease of about $37,000.

Mr. MOORE of Pennsylvania. I am seeking light, and I am obliged to the gentleman for his statement, but my time is running.

Mr. LEVER. But I am not satisfied to let the gentleman's statement go unchallenged.

Mr. BOOHER. Now, if the gentleman will pardon me, and I will try and get him more time, if he will look at page 7 of the hearing in the Forest Service, after speaking of the receipts, this question was asked, "What, in a general way, does the miscellaneous item include?" The miscellaneous item was $175,840.40, and this is the answer to the question, "That includes about $80,000 for water-power purposes."

I have failed to find in the hearings of any other year where they said anything about receiving rentals from water-power purposes. This is the first year that any money was received from water power.

Mr. LEVER. The gentleman from Missouri has discovered a mare's-nest, but the truth about the matter is that until last year the Forestry Service did not charge anything whatever for the uses to which the gentleman refers, and therefore it could not make any return. In an item in the appropriation bill for the year before we permitted the department to make charges for the use of this property, and properly so, because there is no reason why we should permit the use of property without charging a reasonable fee. The result is we have put $80,000 into the Treasury during the past year.

Mr. BOOHER. I do not think I have discovered a mare's-nest; I am finding no fault. I was correcting what appeared to me to be an error in the statement about the receipts and expenditures.

Mr. LEVER. The gentleman will understand why it was.

Mr. BOOHER. I say it is a new item in the receipts, and if you take that out and adjust the account according to the items in the receipts of last year and the year before, there is an actual decrease of $37,000.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. If the gentleman will indulge me, I will proceed with what I had in mind. It is not my purpose to find fault with the Forestry Service. I do not know enough about it to criticize it. I am interested, however, in the gradual depletion of the forests of the country and the increase of the price of lumber to the consumer. When we talk of the improvement of means of transportation by water, perhaps we have in mind as much the obtaining of the products of the soil and of those commodities necessary for the upbuilding of the States as anything else. The great forests of the extreme Northwest are rich in Douglas fir and pine and other lumber that is greatly desired in the East. We can not get it in the East, except through the Panama Canal, and that service has been blocked for some time by reason of the slides. There is plenty of timber standing elsewhere, and yet the price to the consumer in the East is constantly going up. We are interdependent in this country and ought to be able to help each other in this matter of lumber. Such a condition of great forests and high prices would not be permitted to exist in the older countries like Germany, Switzerland, or France. No matter how we view the situation, transportation enters into it. We could get together if our transportation methods were improved.

Along the Atlantic seaboard to-day the prices are rising so that they are almost prohibitive. Builders hesitate about new operations and the consumers of lumber who want to construct homes find themselves in a quandary.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. JOHNSON of Washington. When the Forest Service advertises for bids and sells timber as low as $1.10 a thousand feet for the best fir, $1.50 for cedar, and 50 cents a thousand for hemlock, far below the commercial prices, and the Government sustains that under a five-year contract, the buyer paying no interest, no taxes, and no fire protection, has not the Government done more than it ought to do to reduce prices and put other people out of business? I am trying to show the gentleman that he has touched on the very nub of the whole conservation problem.

Mr. MOORE of Pennsylvania. Very well; I want light on this subject. We also want cheaper lumber, and we ought to have it. There are your great western forests. We have forests along the Atlantic seaboard. The forests of North Carolina and South Carolina and Virginia are at our very doors, and yet, because of transportation conditions, we are unable to get lumber in the eastern market at a reasonable figure. We have to pay almost as much as the lumber in the forest is worth to get it to the city. One reason for that is that the railroads under present war pressure are unable to carry that lumber to satisfy the demands in the great cities. Another reason is that the waterways along the inside of the coast line have not been opened up so that we can have this cheaper transportation.

In Virginia to-day there are more than 9,000,000 acres of arable land awaiting the hand of the tiller, very largely because it is removed from the line of the railroads and there is no other improved avenue of approach. It is so in North and South Carolina to a very large extent. We are dependent all along our coast now chiefly upon timber that comes from these Southern States. There was a chance that we might have relief when the Panama Canal was opened and we hoped we might get a chance to get at the splendid timber that comes from Oregon and Washington, but——

Mr. JOHNSON of Washington. Oh, the gentleman means from British Columbia.

Mr. MOORE of Pennsylvania. No; I do not.

Mr. JOHNSON of Washington. How are our coastwise bottoms going to compete with British Columbia in reaching the Philadelphia markets?

Mr. MOORE of Pennsylvania. The gentleman has touched upon another subject which I wish he would deal with in his own time, but I wish to say, as showing the good faith of the people of the East in their desire to deal with the people of the West, that we have recently constructed great piers on rivers like the Hudson in order to receive lumber from Washington and Oregon via the Panama Canal. We are doing our part.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LEVER. Mr. Chairman, this is the general-expense item of the bill, and we have not reached any definite appropriation yet, and I would like very much to get along.

Mr. MANN. Oh, it is under this item that the general subject is up for discussion. Several of us want to be heard upon this.

Mr. LEVER. What I have in mind is that we have specific items further on in the bill which deal with fire protection and classification of lands and all those various things, and I thought probably we could save time by getting to those. It does not make any difference, however, although I would like if possible to close debate.

Mr. MANN. I suggest to the gentleman that he let it run along for a while.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee something

about the income from the forest reserves. The chief of the bureau, I understand, is Mr. Henry S. Graves.

Mr. LEVER. Yes.

Mr. CULLOP. On page 70 of the hearings I notice he says the cash receipts during the past fiscal year have been $2,481,479.35. That is from the sale of timber, from pasturage, and other items.

Mr. LEVER. Does the gentleman want that in detail?

Mr. CULLOP. I want to ask the gentleman some questions about the details. I notice on page 728 concerning this income some very valuable information, in my judgment:

Mr. POTTER. The average price for cattle is at present 54 cents. The average price for sheep is 13¾ cents per annum.

Does the chairman of the committee consider that a fair remuneration for pasturage per head for 12 months?

Mr. LEVER. If the gentleman will read just a little further——

Mr. CULLOP. I am going to.

Mr. LEVER. He will find a very practical western man on the committee—Mr. STEELE—regards that as rather high; but he will also notice that the chairman of the committee said that it is rather low; so I think the gentleman has the information before him as to my attitude.

Mr. CULLOP. Let me read a little further:

Mr. HAWLEY. How many months would that be for?

Mr. POTTER. That is for the entire year. Where the stock are only grazed a portion of the year, if it is for a period of less than a year and more than four months, we charge on the basis of one-tenth of the annual rate per month. If it is for less than four months, we charge on the basis of one-ninth of the annual rate per month.

The CHAIRMAN. You charge 54 cents for cattle per year?

Mr. POTTER. Yes, sir.

The CHAIRMAN. That is very cheap.

Mr. STEELE. That is not very cheap. You want to go into the cattle business.

The CHAIRMAN. They used to charge a dollar a head a month in my country.

Mr. Chairman, it does seem to me that 54 cents a year per head charged for grazing cattle is entirely inadequate and most unreasonable to the public. There are very large appropriations made every year for the keeping up of these forest reserves, and it seems to me that where they are rented out good business conduct at least would require a larger charge for rental than 54 cents a year per head for cattle and 13¾ cents a head for sheep. It does seem to me that in fairness to the public the Government ought to realize a larger sum for rentals per head for either cattle or sheep than is being realized, according to the hearings.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. HUMPHREY of Washington. I was going to ask the gentleman from Indiana if he could imagine any good reason why these sheep pastures should be in a forest reserve anyhow? There are no trees on it, never have been and never will be.

Mr. CULLOP. No; I can not. I am not posted upon the forest-reserve business as I desire, and that is why I am here trying to get some information.

Mr. HUMPHREY of Washington. Will the gentleman yield again?

Mr. CULLOP. Certainly.

Mr. HUMPHREY of Washington. In round numbers there is over one-third of all the land in the forest reserves that has not a merchantable tree on it and never has had and never will have.

Mr. CULLOP. The gentleman is very familiar and well informed on this subject. How many acres are contained in the forest reserves out in the West, say, west of the Rocky Mountains?

Mr. HUMPHREY of Washington. I can tell in general terms, but taking it in my State we have 23,000 square miles—12,000,000 acres.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. I will ask unanimous consent to proceed for five minutes, although I may not use all of that time, for the purpose of securing further information on this matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. LEVER. As the gentleman from Indiana wants information, we have 138,000,000 acres in the forest reserves at this time in our country.

Mr. CULLOP. How many of those 138,000,000 acres have timber growing upon it?

Mr. HUMPHREY of Washington. A little over half.

Mr. CULLOP. Then the other half can not be classified as a forest reserve, and would be more properly classified as a prairie or desert reserve?

Mr. HUMPHREY of Washington. As desert would state it better.

Mr. CULLOP. Desert, perhaps, would be the proper term.

Mr. LEVER. Then the gentleman certainly would not have them charge 54 cents a head for cattle grazing on desert; that would be too much, would it not?

Mr. CULLOP. That is where the stock graze at times, as they are as a rule not altogether barren.

Mr. LEVER. On the desert?

Mr. CULLOP. There are a number of places, I have no doubt, that are not altogether barren; but if an acre of land is worth anything, it is certainly worth more than 54 cents an acre, and it certainly would not be a very wise stockman who would rent barren desert land for the purpose of pasturage of his stock under any consideration.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. HUMPHREY of Washington. I would say for the gentleman's information and to give some illustration about this grazing land that the Forest Service made an exchange down in Arizona, and they got 1,200,000 acres of land, as I recall it, estimated to be worth 15 to 25 cents an acre. They exchanged that for scrip, and that scrip was used and some of the best timberland in the United States, acre for acre, was secured. Now, this 15 to 25 cents an acre land is covered by sagebrush and inhabited by jack rabbits and coyotes, and it takes 100 acres to feed a sheep.

Mr. CULLOP. Well, it does not matter how many acres it takes to feed a sheep. If the sheep is fed it is worth more than 13¾ cents a year. That is the proposition I want to put up in this matter. If it took 1,000 acres to feed a sheep and still they were fed, it was worth more than 13¾ cents a year, and if it took 100 or 500 acres to feed a steer a year, if the steer was fed, it was still worth more than 54 cents to the public for rental of land for use for that purpose. If it furnished the nourishment to feed and fatten the cattle, it was worth more than 54 cents per head per year, and the management of this department should see that the people get more for it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CULLOP. I do.

Mr. JOHNSON of Washington. Out in the southwestern Washington district I can show the gentleman where three agents of the Government pursued one man the best part of this last summer only because one cow, in a country where there was neither railroad nor wagon roads, got over an imaginary line, and after three months' work on the part of those agents they fined the man a little less than 54 cents, and have not collected it and never can collect it. That is governmental policy and activity.

Mr. CULLOP. Has the gentleman from Washington informed the chief of this bureau of that fact?

Mr. JOHNSON of Washington. I have done so.

Mr. CULLOP. Has the gentleman informed the power higher up that he might remove the chief of bureau who would be so careless in the discharge of his duty? From this report and the testimony given here it seems to me that on this chief would be a good place to use the ax and deprive him of his position, and, further, to give opportunity for better returns in the way of rental, and better things connected with his department might be the result.

Mr. HUMPHREY of Washington. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CULLOP. I regret very much my time has expired, as I would be pleased to yield to the genial gentleman from Washington [Mr. HUMPHREY].

Mr. TAGUE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. FOCHT. Mr. Chairman, I would like to ask the chairman whether under the stimulus of this appropriation which we have had for some years there has been an increase in the amount of standing timber or whether it has been decreasing. Upon the theory that appropriations are made with the idea of protecting our forests the same as we do in Pennsylvania, which was the pioneer State in reforestation—under the leadership of John Birkenbine and Dr. Rothrock we have increased the quantity of standing timber there, notwithstanding the fact that great quantities are annually cut away, and for which the State receives a revenue.

Mr. LEVER. Mr. Chairman, I would say to the gentleman from Pennsylvania that the policy of the department in ref-

erence to the forests of this country is undoubtedly conserving the forests and conserving the timber supply of this country.

That is due not only to a more scientific way of cutting the timber, but it is due largely to the fact that the forests are now protected against very destructive fires, which in the past have swept out very large bodies of timber. My recollection is—and I will put the exact figures in the RECORD—that in 1910 in one of the big forest fires in the West something like $15,000,000 worth of standing timber was destroyed. My recollection, too, is that during the past year the value of timber destroyed by forest fires is something like $280,000. In other words, a better protection of the forest from time to time is largely reducing the damage to the forest both by way of fires and by way of overgrazing, and like of that, on forests which are really grazing land.

Mr. FOCHT. You feel, then, that the great result desired is being accomplished by the use of this appropriation?

Mr. LEVER. I may state to the gentleman another recollection of the figures, that during the last 10 years there has been an increase in the number of sheep and cattle upon the forest reservations grazing preserves of something like 50 per cent.

Mr. FOCHT. I would like to ask another question. Most of the Members of this House, like myself, have been in constant receipt of circular letters from the gentleman named Gifford Pinchot, in which certain officials are characterized and the popular mind is led to believe that there is great corruption in the direction and management of the national forests and water powers of this country. What is your opinion and what is your answer to him?

Mr. LEVER. I will say to the gentleman from Pennsylvania that I have never myself received any such circular, and I am greatly surprised and greatly regret to know that Mr. Pinchot, for whom I have a very high personal regard, would make such a statement. It has never come to the attention of the committee and never has been investigated by the committee.

Mr. FOCHT. I never heard it here, but have elsewhere. He made such deliverance in the Lewisburg courthouse and in public declarations elsewhere as well as in these letters, and if they are to be believed, then there have been great abuses.

Mr. LEVER. I can say in a general way that I regard Mr. Graves, the head of this service, as one of the most competent, honest, and honorable officials with whom I have ever come in contact.

Mr. FOCHT. Then Mr. Pinchot's statements, you believe, are unwarranted if they are a reflection upon any official in any capacity?

Mr. LEVER. I say that unhesitatingly.

Mr. HUMPHREY of Washington. What was the statement that you said Pinchot had made?

Mr. FOCHT. Frequently that the great reserves of this country are being wasted, and the conservation idea, both as to timber and water power, of this country has been dissipated and fallen into the hands of corrupt corporations and trusts.

Mr. HUMPHREY of Washington. He ought to know, because the public domain of this country was looted more when Pinchot was at the head of the Forest Service than in all the rest of the days of the Republic put together.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that he may proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FOCHT. The gentleman from Pennsylvania [Mr. MOORE] is a strong advocate of waterways, and we are in hearty accord with his advanced ideas with respect to the cheap transportation of freight, lumber, or whatever it may be, but the point that seems to have been missed in his observations was the question of the reduction of the tariff on lumber in the last revenue bill—I believe from $2.50 to $1.25 per thousand feet. I would like to have the gentleman state to the committee whether in his opinion the increased cost in the lumber is due to the fact that the tariff has been reduced or not.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would say to the gentleman that the reduction of the duty on lumber very seriously affected the lumber industry of the United States, and that as we took the duty off of lumber the price was protected in Canada, so that Canada reaped the benefit which the United States yielded up.

Mr. FOCHT. Then the reduction of the tariff on lumber has not been beneficial?

Mr. MOORE of Pennsylvania. It has not helped the industry or the consumer in the United States at all.

Mr. JOHNSON of Washington. I would like to state for the gentleman's information that here is a report from the consul general of British Columbia, Mansfield, dated March 25, this year, 1916, in which he says:

Lumber exports from British Columbia to the United States last year were the largest in the history of the industry, amounting in the aggregate to 77,641,320 feet, or about 13 per cent of the total output.

This consular report, only a month old, also shows that the industries of that Province have fallen off 50 per cent, and they have been driven to keep alive by shoving over lumber and logs into the United States.

Mr. FOCHT. Then, the reduction of the tariff, so far as protecting the producer or reducing the cost to the consumer is concerned, has been a failure? That is the idea, is it?

Mr. JOHNSON of Washington. Absolutely so.

Mr. MOORE of Pennsylvania. The consumer in the United States has derived no benefit whatever. The price has gone up to the consumer constantly, and Canada has participated in the proceeds.

Mr. HUMPHREY of Washington. Right along the line of the question asked by the gentleman from Pennsylvania, I wish to call attention to the fact that while the mills in British Columbia have been increasing their output this has not been true on this side. I hold in my hand a statement that I think ought to be accepted on the other side of the aisle. It is from the Secretary of Agriculture, Mr. Houston, under date of February 24, 1916. I am sorry that the Democratic leader is not on the floor of the House, so that he could not accuse me of citing partisan authorities. Secretary Houston says:

The mill capacity of the northwest coast is easily 30 per cent in excess of the output. The slightest upward movement of the lumber market results in some mills running double shifts and the construction of other mills, in order to take advantage of the opportunity afforded to liquidate their lumber holdings. A number of concerns have already been forced into bankruptcy, and others have been saved only through various forms of reorganization, bringing in additional capital or falling back heavily upon the banks. The buying of timber is at a standstill.

Now, that is the condition on this side, where the tariff was taken off, as compared with the condition on the other side, in British Columbia.

My distinguished friend from Pennsylvania [Mr. MOORE] spoke awhile ago about the Panama Canal. At the time that we commenced to agitate the question of the repeal of the Panama Canal tolls act I had a list of 56 vessels that had been constructed or were being constructed for the purpose of running through the Panama Canal. As soon as we repealed that act that stopped all that prospective trade. No foreign ships can come into our ports in the coastwise trade to carry cargo around to the Atlantic coast, but they can go across British Columbia and do that. As long as we had a free canal, making a difference of $1.50 a thousand, we could reach the market on the Atlantic coast. This is the trouble with the market on the Atlantic coast to-day.

Mr. MOORE of Pennsylvania. What was the condition of the American lumber market for the first six months after the passage of the low-tariff law?

Mr. HUMPHREY of Washington. Well, the lumber market was affected considerably, but not so much as the shingle market. Sixty-three per cent of the shingle mills closed in 60 days after the Underwood bill was placed on the statute books.

Mr. MOORE of Pennsylvania. The condition I spoke of a little while ago, resulting in the increase of prices, has all been since the European war broke out. When there was no war in Europe, when we were operating under the law that had been passed, there was stagnation in the lumber market in this country.

Mr. HUMPHREY of Washington. Yes. When we had a tariff, and when we had the prospect of going through the Panama Canal without the payment of tolls, there was a chance for our lumber. I have read to you a statement of the conditions made by the Secretary of the Interior to Senator MYERS. I am glad to bear out the statement made in regard to it.

Mr. MANN. Mr. Chairman, I would like to make an inquiry about one or two things in the paragraph. Under the authority to erect necessary buildings that we carry every year, does the gentleman know how many buildings we have erected?

Mr. LEVER. Since the establishment of the Forest Service, I will say to the gentleman from Illinois, we have erected 2,000.

Mr. MANN. Does the gentleman know how many were established in the last fiscal year?

Mr. LEVER. I can not tell how many offhand.

Mr. MANN. The gentleman does not recall even indefinitely as to the number?

Mr. LEVER. We have been controlling the forests about 15 years, and during that time we have constructed 2,000.

Mr. MANN. I wanted to know if we were going at it full tilt or not.

Mr. LEVER. No; we are not going at it full tilt.

Mr. MANN. This item in regard to employees engaged in hazardous service under the Forest Service makes no reference to the law. But is the expenditure confined to that law?

Mr. LEVER. It is; yes.

Mr. MANN. I am not at all sure that it would be under the language of this bill.

Mr. LEVER. I understand that is the practice, at least. I do not think they have had many of these cases.

Mr. MANN. They have had quite a number of them.

Mr. LEVER. Not in this fiscal year.

Mr. MANN. I think so.

Mr. LEVER. The gentleman's recollection is no doubt better than mine.

Mr. MANN. My recollection is neither good nor definite, but I read the report and I had that impression.

Mr. LEVER. My impression is there were comparatively few.

Mr. MANN. Under the language of the bill, which makes no reference to the law, I am not at all sure that there would be a limitation, and I am not at all sure it would be done through the Department of Labor, where the law places it. But if they do not intend to go outside of the law, I have no objection, although I do not think the Forest Service itself should inaugurate any policy of its own in reference to the payment of these claims.

Mr. LEVER. Nothing has come to the attention of the committee along that line that would justify us in having any concern about it.

Mr. MANN. Does the gentleman know how much we receive for permits for water-power development in the Forest Service?

Mr. LEVER. I can give that to the gentleman; yes. I thought I had the exact facts here, but I have not. But the statement was made before the committee that about $80,000 had been received for water-power privileges.

Mr. MANN. I should have supposed it would be larger. Mr. Chairman, the Secretary in his annual report makes this statement:

The national forests contain approximately one-half of the water power of the West. The department for nearly a decade has been issuing permits for its development. Unfortunately, the present law does not authorize the granting of permits for fixed periods. It should be amended, and recommendations to this end have been made repeatedly by the department. While authority to grant term permits undoubtedly would aid water-power utilization, the fact remains that development, practically to the extent of the market, actually is now taking place on the forests.

Then he makes the further statement:

In the Western States power development has advanced proportionately very much more rapidly than in the East, where land is privately owned.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. He goes on:

The amount of water power used in the generation of electricity by public-utilities corporations, street railway companies, and municipalities has in the last decade increased 440 per cent in the West, or more than twice as fast as in the remainder of the country. There, in proportion to population, four and one-half times as much water power is used as in the remainder of the United States and nearly three times as much as in the Eastern States.

Again he makes this statement:

Of the existing 1,800,000 water horsepower in the Western States, 50 per cent is in plants constructed in whole or in part on the forests and operated under permit from the department. Plants under construction will develop about 200,000 additional horsepower, while over 1,000,000 more is under permit for future construction.

It has been the habit of the Department of Agriculture for some years to make the statement that is made by everybody else—and it may be true; I do not say that it is not—that the law ought to be amended so as to give the permit for a fixed period. Yet, when we find that half of the water-power development in the West is on the national forests, and that amounts to about 900,000 horsepower—the half—and 200,000 horsepower more is under construction, and permits for 1,000,000 more horsepower have been issued, it does not look as though the development had entirely ceased. In one part of the report of the Secretary, made, I suppose, copying the reports of the Secretaries for several years, and copying the popular supposition on the subject, you read that water-power development had ceased on the national forests because they could not get a permit for a fixed period. Then, in another place we find that they have issued permits now for 1,000,000 horsepower, which is more than half of the entire water power developed in the West, and 200,000 horsepower in addition under construction. I know we have been regaled and entertained and instructed frequently by the gentleman from Washington and others, about how all of the development out there was held up because they could not possibly afford to develop the water power, and when we passed the Adamson bill in the House we were told that they could not afford to develop the water power unless they had a permit for a fixed period; and we are told now by the gentlemen who are lobbying throughout the country for the Shields water power or dam bill that it is impossible for men to obtain capital to develop water power unless they get a fixed period and liberal terms. Yet, here it is, in the Forest Service, where the permit is revocable at any minute, that they are developing more water power now than ever was being developed in the history of the country. Certainly, notwithstanding all that they say, they are not being unduly burdened by the Government in the way of charges if they have only been charged for the last fiscal year less than $80,000 for 900,000 water horsepower under operation. I do not know whether we will have to revise our ideas on the subject or not. I do know that there is a very powerful movement being inaugurated by the people now controlling the water powers of the country in favor of hamstringing the Government in connection with the development of future water powers over which the Government has control. A very powerful—I use the term respectfully—lobby has been inaugurated all over the United States for the purpose of controlling or influencing the action of Congress in connection with the dam bill, which will, I suppose, before the session expires, come before this House for action.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McLAUGHLIN. Mr. Chairman, in the book called "Program of Work of the Department for the Fiscal Year 1916," in the part devoted to the Forest Service and under the head of water powers, we read something of the results of the work of that service, as follows:

On July 1, 1914, 184 permits were, in effect, for water power projects, including transmission lines, and 103 separate permits for transmission lines. The total power capacity of projects under permit was 1,067,621 horsepower, an increase of 284,621 horsepower, or 36 per cent, for the fiscal year. The total number of approved easements now in force upon the national forests is approximately 800.

That is the statement as to the work the department has been and is doing in connection with the water powers.

Mr. JOHNSON of Washington. Mr. Chairman, I have the honor to represent a district that has an enormous amount of water power in it and three great forest reserves. I have always regretted that the handling of the forest-reserve problem, and these forest-reserve appropriations, amounting to about one-quarter of the total sum appropriated in the name of agriculture, should be carried in this Agricultural bill. Most Congressmen are interested in agriculture, few in forestry. The hearings before the committee run to all phases of agriculture. A great many of the Members of this House, as the distinguished gentleman from Indiana [Mr. CULLOP] stated a few moments ago, know little about the forest-reserve proposition and are concerned less. It is to the credit of these gentlemen that they remain on the floor, listen to the debate, and take part in it. Our hope of relief is in agitation.

Before much headway is made in the attempt to solve the problem of the forests up pops the water-power proposition. The most of the unharnessed Federal water power is in the far West, and its management, control, and operation is to be fixed for the people out there by the Representatives of the people of the East, just as this forest reserve conservation scheme was thrust upon the West in years gone by, with the idea that if it might turn out to be a good thing for future generations then the present generation would have to grin and bear its evils and its ills.

My belief is that the people in the real forest-reserve States, where there are real forests, much potential water power, and other resources still in Government control, are not anxious to break down the so-called idea of conservation, or to forfeit management by the Government; but they realize that it is only a question of time until Congress must solve the problem of private ownership against Government ownership. This problem has made much trouble for the great lumber business of the Northwest, and the trouble becomes worse instead of better. I do not want to take up too much time, and yet it is a large problem, and of the greatest moment to my district certainly, and probably to my State. If I can get a little time, I should like to read to Members who are interested enough to stay here this afternoon the advertisements of the Forestry Bureau, which it puts out to solicit business, to beg for sums to

help bolster up this service so that they can come to Congress and make some kind of a showing of progress, in accord with past promises.

Mr. LEVER. Will the gentleman indicate how much time he wants?

Mr. JOHNSON of Washington. I am going to be as brief and concise as I can.

Mr. LEVER. I am doing this in the interest of the gentleman, so that he can make a connected statement.

Mr. JOHNSON of Washington. I want to make the statement good and plain. I have remained in my seat the best part of the time since this session began, and beyond a 10-minute speech on the Indian appropriation bill, 10 minutes on the immigration bill, and 10 or 15 minutes on another bill, I have occupied no time of this Congress; and I shall not desire to go back to my district and say that on account of a belated Democratic effort to speed up at this late date I could not get a little time for so great a problem.

Mr. LEVER. I do not want to take the gentleman off his feet at all.

Mr. JOHNSON of Washington. In the general debate on this bill no Member said a word about the Forest Service.

Mr. LEVER. I want to give the gentleman 15 or 20 minutes' consecutive time.

Mr. JOHNSON of Washington. I have made no preparation for that, but I know I have some information that this Congress should have, and I will try and be as brief as I can.

To begin with, let me say the problem that has come up, as brought out by questions by the gentleman from Pennsylvania [Mr. MOORE] and others, why has the low cost of logs, and a lumber business out West, which for the past three years had a struggle for its very existence, resulted in a high price right now of the manufactured product in the East? Next, we must pay some heed to the cry in every forest-reserve locality for more money to help develop and build roads and do something to develop these great conserved blocks of area that obstruct progress in every Western State. I desire to show what has happened to counties who have been told, year after year, ever since conservation became the magic word for dreamers and theorists to conjure with, that some of these counties would receive something substantial in lieu of the taxes they have lost. What have the forest-reserve counties received in the far West? I will show one county in the State of Washington that has been led to believe that it would receive great sums which received last year the great sum of 34 cents. Thirty-four cents for road building and schools! Is anything the matter with the system?

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. HUMPHREY of Washington. Does not the gentleman himself think that something is the matter with the Forestry Service, which has $2,000,000,000 worth of property and can not pay expenses, when you take it in our own State, which has 12,000,000 acres, and according to a statement transmitted by the department a few days ago to one Senator the State of Washington has made $60,000,000 out of it, while the Forestry Service, with 12,000,000 acres, is always behind?

Mr. JOHNSON of Washington. Just so. The holdings of the Forestry Bureau comprise a vast principality. I am inclined to regret that the gentleman from Washington, my colleague, made the point of order this morning against the salary of a forester up in Alaska, who is in effect king of 20,000,000 acres of land. He is master of all he surveys, and he should have a prince's salary.

Now, to get back to the problem brought out by the gentleman from Pennsylvania. Here is something about the sale of timber this year in Washington:

CARLSBORG CO. MAKES BIG BUY IN OLYMPIC FOREST—DISTRICT FORESTER APPROVES PURCHASE OF 28,660,000 FEET OF TIMBER ON DUSEWALLIPS RIVER.

PORTLAND, OREG., *January 19, 1916.*

The district forester has approved the sale of 28,660,000 feet of timber on the Olympic National Forest to the Carlsborg Mill & Timber Co., of Seattle.

The timber is situated on the Dusewallips River, in township 26 north, range 3 west, on the Olympic National Forest, and consists of 23,490,000 feet of Douglas fir, 2,840,000 feet of cedar, 2,000,000 feet of hemlock, and 330,000 feet of grand fir.

The prices paid are $1.10 per thousand feet for the fir, $1.50 for the cedar, and 50 cents per thousand for the hemlock and grand fir. The company will have until March 1, 1919, in which to remove the timber.

Those are the prices that the Government gets in its sales of timber, and the buyer pays neither taxes, interest, or fire protection. Private timber out there pays as high as 90 cents a thousand taxes. Where does the private owner get off?

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SMITH of Michigan. What are the prices paid for private timber on the stump, under the same conditions that this timber is sold by the Government?

Mr. JOHNSON of Washington. Well, the prices have gone all to pieces out there in the last few years. The man who sends me this clipping says:

It seems to be a great shame that the Government should sell timber at such small prices when citizens are lugging along timber year after year, through hard times, free competition with Canada, no free tolls through the Panama Canal, and paying enormous taxes.

The Government has gone into the timber business, you see. The Government pays no taxes, it exacts no interest from those who buy its timber, and a generous Congress makes up the deficit. My correspondent writes:

Of course, it is child's play for the Government, but now, when times are beginning to pick up, it seems a cruel blow.

Now, then, these contracts run for years, subject to a reappraisal of value every five years. These contracts are made at a reduced price to parties who pay nothing for taxation until their timber is down and ready to move.

Mr. LEE. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. LEE. How far is this timber that the gentleman speaks of from ports of transportation?

Mr. JOHNSON of Washington. Well, this particular tract is on the Dusewallips River, and maybe is 20 or 30 miles from tidewater.

Mr. LEVER. Will the gentleman yield?

Mr. JOHNSON of Washington. Certainly.

Mr. LEVER. How does the stumpage price charged by the Forestry Service differ from that charged by individuals?

Mr. JOHNSON of Washington. I take it the forest reserve managers have no desire to ruin prices or destroy business, but to make any sales at all they must get just under the market price, making allowance for the fact that a Government sale carries no overhead charges, while the private sale carries all of the overhead charges that any other big business deal does. The probabilities are that when the contracts are made they are 10 per cent or more below contracts at private sale. In other words, if I go to a man who owns private timber to buy so many million feet, to be cut within the next five years, I must lay down cash or its equivalent. If I buy from the Government, I pay only part cash and no interest. So, if the Government figures seem a little higher, they are really a little lower.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Washington may be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. JOHNSON of Washington. I have tried to answer the chairman of the committee.

Mr. LEVER. I ask the gentleman if he knows that the average stumpage price charged by the Forestry Service is $2.48 a thousand? How does that compare with the ordinary price of stumpage charged by private parties?

Mr. JOHNSON of Washington. I see those figures stated in the hearings before the Federal State Commission. I notice, too, that the average price is largely built up on California prices.

Now, here is another thing: The United States is building the Alaska railroad. It was the hope of the people of the Northwest, and particularly the people of the section where I live, that they would supply some of the lumber needed; that it would be cut from our own United States forest reserves for the Alaskan railroad. But I have a report which says that the contract has been let, and I have been informed that it is sublet to a British Columbia concern. That is a fine thing to help bring prosperity to this side of the line, is it not?

Mr. HUMPHREY of Washington. The contract was given to a British Columbia firm; they were the lowest bidders.

Mr. JOHNSON of Washington. One thing more: This report of the consul general at Vancouver, British Columbia, says that one of the greatest complaints that British Columbia has had, outside of its troubles on account of the war, is that the Panama Canal is blocked so that they can not do a lumber business such as they began to build up when this Democratic administration kindly gave them free tolls.

Mr. MOORE of Pennsylvania. While that condition prevails on the western coast an export tax has been put on lumber on the eastern coast.

Mr. JOHNSON of Washington. When the United States adopted the Underwood tariff as a law, and made lumber, logs, and shingles free, British Columbia promptly put an export duty on logs to force our capital to come over there, but when British Columbia recently got very hard up on account of the war they lifted their export tax on logs so that they could float some logs down Puget Sound and cut in on an already demoralized market. That is where we got double-crossed, to use a street expression.

Mr. MOORE of Pennsylvania. Does the gentleman know to what extent the East obtains this splendid lumber that originates in his country?

Mr. JOHNSON of Washington. I understand that the mill men of my own home town, Hoquiam, helped to establish great yards at Poughkeepsie, expecting to send 22-foot draft vessels, lumber laden, through the canal, up the Atlantic, into the river at Poughkeepsie and supply a great eastern market that British Columbia promptly went after.

Mr. MOORE of Pennsylvania. I am glad the gentleman has referred to that, because I know splendid piers have been built at Poughkeepsie, 100 miles or thereabouts from the sea, with the expectation that we might participate in some of this Panama Canal trade.

Mr. JOHNSON of Washington. And I will say to the gentleman that while we are trying to do that, build ships and reach an eastern market, we are accused of being in a conspiracy to stifle industry on account of politics, and we are accused of being prosperous when we try to keep the mills going and to keep labor even partially employed, as we have had to do the past three years.

Mr. MOORE of Pennsylvania. One reason for deepening the Hudson River was that we might encourage this western trade.

Mr. JOHNSON of Washington. I am glad to know that.

Mr. SMITH of Michigan. Mr. Chairman, I have listened with a good deal of interest to the condition of the lumber market as it has been explained by the gentleman whose localities it affects, and I have had in mind the interest of the consumer, and while we are told that the tariff has been removed for the ostensible purpose of reducing the cost, we find that the consumer pays the same price under free trade, that there has been no reduction, and that he has received no benefit. I know that at one time not very many years ago the price of forest timberlands was high, upon the theory that it was feared they might become exhausted. They were purchased in large holdings and bonds were floated upon those timber holdings. Soon after that the lumber market fell off by reason of the reduction in the tariff, permitting free lumber to come into this country, so that a great many of the bonds became depreciated in value, and a good many of the timber companies were obliged to suspend business because they lost their markets. Removing the duty greatly affected the lumber market, and resulted in the loss of the lumber market. When the tariff was removed the Canadian Government put on an equal embargo, the American lumberman lost his market and the consumer paid the same prices for his lumber.

Much the same thing applies to this water-power proposition. It occurs to me that a water-power site ought to be carefully preserved and not disposed of at a trifling cost by the Government until there is some demand for the use of the power. I can cite not only one but other large water-power dams that have been constructed, upon which bonds have been floated, and upon which interest has been defaulted and payment of principal not made. It is unfair to the people thus to grant these water privileges and power for the purpose of exploitation, the mere issuing of bonds and the disposition of them to the investing public, when there is no demand for the power, and without hope or expectation other than simply exploiting the bonds. As a good business proposition I would think that before such bonds are authorized or disposed of we should see to it that there is a demand for the power after it is developed, and the dam constructed in good faith as a commercial enterprise.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Certainly.

Mr. FESS. The State in which the gentleman lives has gone into the water-power development, has it not?

Mr. SMITH of Michigan. Not the Federal Government. We have no Federal Government powers there. They are all owned by the State or rather by private concerns.

Mr. FESS. There are a good many private concerns?

Mr. SMITH of Michigan. Yes; and as a general thing they are all a success, and there has been no defaulting on the bonds nor mulcting of the public by these water-power companies in our State.

Mr. FESS. I happen to know of one man who developed for cities the electric light plants through water power, and it seems to have been a very great success.

Mr. SMITH of Michigan. Yes. These water dams are all in successful operation and furnish much power for manufacturing and lighting in Michigan.

Mr. FESS. The question is whether the State ought to do that or whether the individual should be permitted to do it.

Mr. SMITH of Michigan. It does not make any difference whether the State or the individual does that, providing there is a demand for the product; but when you go out into these western countries and construct large water-power sites with the avowed purpose of issuing bonds against them and selling those bonds to an innocent public, when they do not know the necessity for the power or whether the project will be successful, it seems to me we should consider the matter carefully before disposing of it.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FESS. Is the Great Northern Power Co. a private power or a State power?

Mr. SMITH of Michigan. I can not say. I do not recollect any such company in Michigan.

Mr. McLAUGHLIN. Mr. Chairman, the matter spoken of by the gentleman from Washington [Mr. JOHNSON], the price at which the Forest Service sells timber, and how that price compares with the prices paid for private timber, was brought up at a hearing before the Committee on Agriculture. A member of the committee asked:

I believe the Forest Service, so it is said anyway, has a way of fixing prices on sales of timber at less than or different from prices obtained by private interests. Is that true, and if it is what is the reason for it?

And the forester answers that question, and his statement is clearly to the effect that prices are not less, everything proper being taken into consideration.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. In just a moment. On page 76 there is another question and answer, and that question was asked after the forester and his assistant had made more or less detailed statements of their methods of arriving at value, and fixing prices at which standing timber will be sold.

What do you find finally, as a matter of fact, by comparing your prices with prices paid for property belonging to private interests?

And the concluding statement of the gentleman who answered that question is:

The price of Government timber tends to be a little above the price of corresponding private timber.

Mr. JOHNSON of Washington. State that again.

Mr. McLAUGHLIN. "The price of Government timber tends to be a little above the price of corresponding private timber." Now, that is the statement of a very competent assistant in the Forestry Service, Mr. Greeley, who very favorably impressed the committee.

Mr. JOHNSON of Washington. It should be more.

Mr. McLAUGHLIN. I thought the complaint was that the Government was sacrificing its timber and was selling it at lower prices than private interests were able to sell their timber and was thereby interfering with the business of private interests and demoralizing the market.

Mr. JOHNSON of Washington. I do not admit for a moment that the Government price in this particular northwestern territory is higher, but I contend it should be higher as a matter of equality, for the man who buys from the Government has neither taxes or interest to pay. That is one reason of itself that it should be higher, or it is not an equal bargain.

Mr. McLAUGHLIN. Here is a further question:

It seems to me I have heard that the Government is selling its timber cheaper than private interests sell theirs.

And here is the answer of Mr. Greeley, to whom I have referred to above:

I am very sure that that statement is not true as applied to timber that is of the same quality and accessibility.

Mr. MANN. Will the gentleman yield for a question?

Mr. McLAUGHLIN. Yes.

Mr. MANN. Is it not almost inevitably certain that whether it be Government timber or privately owned timber the timber is the same and the bidder is not likely to pay very much more either one way or the other?

Mr. McLAUGHLIN. Why, I suppose an intelligent bidder would bid about the same for private timber as for Government timber.

Mr. MANN. He is bidding, I take it, for the timber—not for the ownership.

Mr. JOHNSON of Washington. And the Government fixes the minimum price; that is the sale basis always.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I want to see if we can not arrange to get along a little bit.

Mr. JOHNSON of Washington. Mr. Chairman, I want to put in a brief statement at this point.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Chairman, I have just listened with a great deal of interest to the statement made by the gentleman from Michigan [Mr. McLAUGHLIN]—and I hope I may have his attention for a moment—in which he seeks to show that the Forest Service sells its timber for a little bit more than a private party. Now, if that statement is true, I wonder what has become of all this argument we have heard so often that these great forest reserves were established in order to keep the timber barons of the West from robbing the people. What is the trouble with the forest reserve, has it gone into combination with Weyerhauser and the other great timber owners of our western country? I thought the very purpose of the Forest Reserve was to let the people have cheaper lumber, cheaper timber, and now not only the gentleman from Michigan says, but the Forest Service comes here and boasts of the fact, that they charge more, so instead of helping the people against the monopoly they have claimed exists in the West, but which never did exist except in their imagination, they now are in combination with them. Now, the truth about it is that for a great many years we heard the argument on the floor of this House that the purpose of establishing these forest reserves was to keep private owners from monopolizing the timber lands of the great West; that they were making millions of dollars in the way of fortunes.

Mr. CULLOP. Will the gentleman yield there?

Mr. HUMPHREY of Washington. Certainly.

Mr. CULLOP. If I understood the gentleman correctly when I had the floor some time ago, they were exchanging with private owners timberlands for desert lands and calling them forest reserves. Now, does not the name of "forest reserve" mean something? Does it mean "forest" or "desert"?

Mr. HUMPHREY of Washington. It does not mean anything so far as the name "forest" is concerned, because, as I called to the attention of the gentleman awhile ago and on the floor of the House on two or three other occasions, I pointed out where the Forestry Service exchanged not only thousands but millions of acres of treeless land and took that into the forest reserves and took out of the public lands and gave to the railroads timberlands, and so far as I know, during the time that illustrious reformer was at the head of the Forestry Service or had anything to do with it, there never was an exchange of land whereby the forest land was gotten into the forest reserves and barren land taken out of forest reserves.

Mr. LEVER. Will the gentleman yield?

Mr. HUMPHREY of Washington. I do.

Mr. LEVER. Has any such thing as that happened within the last four years, to the gentleman's knowledge?

Mr. HUMPHREY of Washington. No; I do not think so. So far as I know, since that illustrious gentleman who was decorated with a medal last night got out of the Forestry Service, there has been no more of these transactions; but that great reformer having been in there long enough to assist the railroads—or at least without any protest from him—to get 1,200,000 acres of land, it stopped when he went out; at least there has not been any since then.

Mr. CULLOP and Mr. FORDNEY rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. HUMPHREY of Washington. I yield to the gentleman from Michigan.

Mr. FORDNEY. I will say to the gentleman that prior to the time the gentleman from Washington speaks of in the San Francisco Mountain Reserve there was a million and a quarter acres of land that had nothing but sagebrush on it, taken by the Government, and land scrip or blanks which were called forest-reserve scrip given to the owners of that land, and that scrip located in the State of Washington and took the choicest timberland that the Government owned.

Mr. HUMPHREY of Washington. Yes; and I will say to the distinguished gentleman that I have in my possession two letters from a gentleman who went with that distinguished reformer, to whom we have referred, Gifford Pinchot, to the President, and suggested that change be made. I wish I had them here so I might put them in the RECORD.

I have referred to that transaction a good many times, and I think there have been some gentlemen on the floor of the House that sought to show that Mr. Pinchot did not know anything about it. I did not know whether he did or not, but I have these two letters from men who went with him, who state that he did.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

The CHAIRMAN. The time has been fixed by the committee.

Mr. McLAUGHLIN. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] says that the Forest Service and those who supported it led the people to believe that the main object to be reached was the sale of timber to the people at a lower price. He puts words into the mouths of the gentlemen connected with the Forest Service. I do not believe they have advocated or promised anything of the kind. One object of the Forest Service is and has been to keep prices reasonable by keeping the timber out of the hands of private interests, who, by monopolizing it, could put prices just where they pleased. Now, that has evidently been the result of the Forest Service. Why, everybody knows what the experience was in other States. We in Michigan know to our sorrow what the policy pursued or total lack of policy there led to. Immense areas of timberland were picked up by private interests, lands carrying beautiful timber—hardwood and the lighter woods—the State retained hardly an acre of timberland. Every dollar realized from that timber has been gathered in by private interests to make great fortunes, which do nobody any good, and a large part of the land, after the timber was removed, went back to the State for nonpayment of taxes.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. McLAUGHLIN. Yes.

Mr. SMITH of Michigan. Was the purpose of the forest reserve accomplished in keeping down the prices? Has it had that effect?

Mr. McLAUGHLIN. No one can tell, but the price has not been high; and, as far as the charge that the Government is interfering with private business by charging lower prices, the fact appears, and the testimony proves it, that the average price charged by the Government is often higher than is paid for privately owned timber.

Now, as to these exchanges of fine timberland owned by the Government for the waste lands, this is the first time in the House that I have heard it charged that the Forest Service or the friends of the Forest Service were responsible for that law or the disagreeable and unprofitable results of it—unprofitable for the Government. I think if the gentleman from Washington, who perhaps knows as much as anyone as to how that deal was framed and how the provision under which that kind of work was done was put in the bill, will refresh his memory, he will not charge the vicious features of the law or its unfortunate results to officials of the Forest Service. A bill was pending in Congress here some 12 years ago—I do not remember just how long ago, but it was some time before I came and I have been here 10 years—and a law was passed which was called the "lieu law," that the Government might exchange with individuals, or with "persons," as the law used the word—might exchange land with persons—with the idea of making an equitable, proper exchange in the interest of both individual and the Government. That law was amended, as I am informed, on the floor of the House in such a way as to make it possible for "persons" to exchange land, and to enable railroad companies, or anyone owning large tracts of land, to exchange those tracts—waste lands and sagebrush, and so forth, and such stuff as that, as has been spoken about—for fine timberland. After the law was passed and railroads wished to make exchanges, it was objected by the department that railroad companies did not have the privilege of that law, because the law said only "persons" should have that privilege, but the construction put upon it by those whose duty it was to construe it was that that word "person" meant natural and artificial persons, and the railroad companies availed themselves, as did other corporations, of the privilege of exchanging their worthless land, taking the finest timberland that the Government owned, not with the consent or connivance of officials of the Forest Service—not with their knowledge or belief that when the law was passed it would be so used. The framing of the law as far as it included the feature referred to, was the work of private institutions, and corporations, and railroad companies. And when it was discovered that that construction had been put on the law, and that use was being made of it, the law was repealed. And it seems to

me it is not becoming now for the gentleman from Washington to charge the trouble to the Forest Service.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word.

I am sorry to differ with my colleague. In the first place, until 1889, the public lands of this country were disposed of largely by cash entry. Outside of the granted limits of a railroad lands were sold by the Government at $1.25 per acre, and double minimum, or $2.50, inside of granted limits. In 1889 the cash-entry law was repealed by Congress and no lands have been sold by the Government at cash entry since 1889. In 1896 the forest-exchange law was adopted, which gave, when our forest reserves were established, the right to individuals owning lands within fixed forest-reserve limits to exchange with the Government lands within those forest reserves for lands outside of the forest reserve, selected from public lands unappropriated in any State in the Union. Many of the lands granted to railroad companies, both within the granted limits and within indemnity limits, were thrown into forest reserves. I never knew of any railroad company exchanging a single acre of land with the Government for lands outside of a forest reserve, but the laws permitted it. But this has been the custom and is the custom to-day. Individuals have purchased lands from the railroad companies within the limits of a forest reserve where they could purchase valueless or cheap lands, took that right and went to some other State or some Territory and selected valuable lands from the Government, then deeded their valueless lands to the Government—a one-sided deal absolutely, the Government having absolutely nothing to say about that exchange.

As an illustration, gentlemen, I am going to be personal. In 1898 I wanted to purchase 40 acres of Government land adjoining some land that I owned in the district represented by the gentleman from Washington [Mr. JOHNSON]. There was no law by which I could obtain title to that 40 acres of land, except to purchase some kind of land scrip, namely, forest-reserve scrip, so called. I went to a banker and asked him to procure for me 40 acres of forest-reserve scrip, which he did, and for which I paid him $193, or a little less than $5 an acre.

I conveyed that land described in the deed (so-called scrip) to the Government and went to the land office at Olympia, Wash., laid down my quitclaim deed to the Government, with an abstract of title showing that the title was perfect in me, and selected these 40 acres of land that I wanted, which I sold shortly afterwards for $3,200. The land I gave to the Government was not worth 32 cents. I did not know the lands I was buying when I purchased that strip, but when I obtained the blank deed I discovered I had purchased 40 acres of cut-over lands. I then filled my name in that deed; I then knew the land I was getting. It was cut-over land within the district of the gentleman from Washington [Mr. JOHNSON] in township 21 north, range 9 west, on the Humptulips River; burned over, with nothing but stumps left upon it.

I later went to the Commissioner of the General Land Office here in Washington and pointed out the fault of that law and related the same story to him that I am giving to you, and he was astounded. I went to the then Secretary of the Interior, Mr. Hitchcock, and called his attention to the defects in that law and asked him if he would sanction a bill which I would introduce which should provide that the exchange of lands of that character should be of lands of approximately the same value. Both the Commissioner of the General Land Office and the Secretary of the Interior agreed to do that; I introduced the bill; but when I brought it before the Committee on the Public Lands of the House, of which I was a member, I got my own vote for the bill. All the rest voted against it. [Applause.]

Mr. WALSH. Mr. Chairman, I ask unanimous consent to extend my remarks on the paragraph.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. All debate on the paragraph and amendments thereto has expired by agreement. All the pro forma amendments will be withdrawn, without objection, and the Clerk will read.

The Clerk read as follows:

Absaroka National Forest, Mont., $7,425.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. HUMPHREY of Washington. Mr. Chairman, the gentleman from Michigan [Mr. McLAUGHLIN] seems to be astonished that I have made the statements that I have on the floor of the House. I do not see why he should be astonished unless he was not here when the bill was under discussion each time for many years past. He is in error when he says that that law was amended so as to take in railroads. That is not the fact.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. McLAUGHLIN. I was speaking about the law being amended, and the construction was put upon the word "person" in such a way as to include railroads.

Mr. HUMPHREY of Washington. Now, the gentleman is right.

Mr. McLAUGHLIN. That is the meaning I intended to convey.

Mr. HUMPHREY of Washington. That construction was made by the Secretary of the Interior to include the railroads, but even with that construction there was no compulsion upon the department to make these changes—none whatever. You can search those records in vain—and I went through many hundreds of pages of that record—you can search those records in vain to find where any man connected with the Forest Service ever protested against that exchange. The only man who ever protested against that exchange and called attention to the fact that it would be a fraud and steal on the Government was Binger Hermann, and I have often thought that that was the reason why he was afterwards prosecuted and persecuted, because he had called attention to the fact that that would be a fraud on the Government.

Mr. FORDNEY. Binger Hermann was the Commissioner of the General Land Office in the case I related.

Mr. HUMPHREY of Washington. And it is in the record that Binger Hermann called the attention of the Secretary of the Interior to the fact that to make these exchanges would be a fraud on the Government; and when they insisted upon it he finally said the exchange ought to be made on the ground of value, and not upon the ground of acre per acre, because it was afterwards demonstrated that some of this land, worth 15 cents an acre, was exchanged, by the methods which the gentleman from Michigan [Mr. FORDNEY] has described, for land worth $200 an acre.

I challenge anybody to show where Mr. Gifford Pinchot ever raised his voice from the beginning to the end of this transaction, and as I stated to the gentleman from Michigan [Mr. McLAUGHLIN] a few moments ago, I have in my hand two letters, written by reputable gentlemen, who told me that Gifford Pinchot went with them to the President and urged that this transaction be consummated. But you do not have to depend upon letters for proof of that.

Mr. CULLOP. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Indiana?

Mr. HUMPHREY of Washington. In one moment. I want to answer the gentleman from Michigan [Mr. McLAUGHLIN] first. A company in Santa Barbara, Cal., owned 48,000 acres of land, and they had seen these transactions take place with the Santa Fe Railroad, and it occurred to them it would be a good thing to have the Government take their 48,000 acres of land, valued at 25 cents an acre, and let them take scrip and go out and select land somewhere else. There was a protest against that transaction, and I remember that protest came from Binger Hermann. But soon after that protest was made Mr. Gifford Pinchot turned up, out in California, and he wrote a letter which I have placed in the RECORD—you can find it if you want to see it—suggesting that this exchange be made.

Tell me that he did not know anything about it! I will tell you other transactions that he knew about in the Forest Service after he became Chief Forester. When this bill that the gentleman from Michigan [Mr. FORDNEY] was talking about, for the purpose of amending the law, was in here to stop these transactions in the West, and it was urged by the men in the West, because if the obnoxious law were not repealed it would take everything they had in that country and give it to the railroads—while that bill was pending in this House there were 240,000 acres in Montana belonging to the Northern Pacific Railroad, and they wanted to get the same thing and do the same thing that the Santa Fe had done, and——

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Ohio?

Mr. HUMPHREY of Washington. In a moment. And while that was pending a distinguished Member of this House went to Gifford Pinchot, then the Chief Forester, and urged upon him not to permit this thing to be consummated until this bill could be passed to stop it, and Mr. Pinchot replied that he did not propose to brush aside a great policy because a railroad was

going to make something out of it. As a result that deal was consummated with his active assistance, and the Northern Pacific Railroad got 240,000 acres of the best timber land in the West for lands that were practically worthless. Now, there is a transaction, and if the distinguished gentleman from Michigan [Mr. McLAUGHLIN] does not think that is true, let him ask Gifford Pinchot.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. BOOHER. Mr. Chairman, I have listened very attentively to the discussion of the lumber situation in the West, trying to learn something about the conditions out there. The gentlemen from that section of the country do not agree. I could not understand the logic of the gentleman from Washington [Mr. JOHNSON]. He complains because the Government is selling its standing timber so cheaply that it destroys the business of the private owners of timber. A year ago a speech was made in this House by the gentleman from Oregon [Mr. HAWLEY], in which he took exactly the contrary position, and said that the Government was selling its timber for the highest price of any stumpage owner in this country. I want to read just what he said. I want to show that the lumber industry of the West is not injured at all by the tariff. If putting it on the free list or doing anything else with it would make lumber cheaper to the farmers of the West, I would be one in this House who would vote to make it cheaper. I think the Lumber Trust of this country has robbed the people of this country long enough, and it is time to call a halt.

Mr. FORDNEY. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. FORDNEY. The gentleman speaks of the Lumber Trust. Now, what does the gentleman know about any Lumber Trust? Does he know that there is any such thing?

Mr. BOOHER. Oh, yes; and so does everybody else.

Mr. FORDNEY. Wait a minute. Does not the gentleman know that it has been determined by the Government after careful investigation that there is no such thing?

Mr. BOOHER. Oh, no; I do not know that.

Mr. FORDNEY. Why does the gentleman use that word?

Mr. BOOHER. I will use it again——

Mr. FORDNEY. The gentleman is wrong about that.

Mr. BOOHER. And I will say that the Lumber Trust has made money enough out of the people, whether it made it when there was a high tariff on lumber or when there was no tariff.

Now, let us see what the gentleman from Oregon [Mr. HAWLEY] said. It was in a discussion along this same line, when this section of the bill was pending. It does not appear in the RECORD as the gentleman made it, but I have got from the Printing Office the original notes of what the gentleman from Oregon [Mr. HAWLEY] said on that occasion. It was during a running debate between the gentleman and myself. Here is what he said:

> If we are going to put the Forest Service on a paying basis and make it a source of revenue, we must authorize large sales, and if legislation is necessary enact the necessary legislation so that the sales can be made in large enough bodies to pay the operators a reasonable return. Now, for instance—

This is what I want to call attention to—

> on the Siuslaw River, in Oregon, there are about 13,000,000 feet of lumber. The people on that river are putting up $317,000 for the improvement of the river in order to get their lumber, when it is sawed, out on the bay and on the ocean. They have 13,000,000 feet of timber, and when they get ready to market that timber they will make money on it, and no one will buy timber on a national forest and pay the Government price—and they usually get the highest price in the market around them.

The gentleman from Washington [Mr. JOHNSON] says they are selling it too cheaply; that they are destroying private business. A year ago the gentleman from Oregon [Mr. HAWLEY] said that they were selling it too high; that the Government got the highest price for its timber stumpage. Now, is there any trouble with the lumber situation? Has lumber gone down? Lumber is higher than it was before the passage of the Underwood bill. Everything that is made out of timber is higher than it was before the passage of that bill. Then putting lumber on the free list has not destroyed the lumber industry anywhere. If it has, I do not know where it is. Build a barn or build a house, and you will find out what the price of lumber is.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. BOOHER. Yes.

Mr. JOHNSON of Washington. If the great war in Europe has increased the price of everything else, is it not a little bit astonishing that lumber is about a year and a half behind everything else in reaching a fair price? Does the gentleman begrudge lumber picking up a little bit in price?

Mr. BOOHER. Mr. Chairman, the gentleman is using the same argument that they used for the panic of 1893.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

Mr. LEVER. Pending that, I ask unanimous consent that all debate on this paragraph, which is just one line, may close in 10 minutes.

Mr. FORDNEY. I would like five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. BOOHER. The gentleman is using the same argument that was used about the panic of 1893. Our Republican brethren say that the panic of 1893 was caused by the Wilson Act, which was enacted and went into effect in September, 1894. That has been the argument from the time of that panic down to the present time. The great Senator from Iowa, Mr. Dolliver, when the Payne bill was pending, said he thought his party had used that argument about long enough; that he had told that story to the people of the country until he had become ashamed of it, and he was not going to tell it any more; that he could not understand how the tariff act of 1894 caused the panic of 1893.

The gentleman from Washington says if it had not been for the war in Europe there would not have been any sale for lumber, that there would have been no increase in the price of lumber. Well, I am sorry that the war increased the price of lumber, because lumber ought to be free to the people of this country. It ought to be just as cheap as it can be to build homes for the people of this country. It would be better for the people of this country if every man with a family owned a little cabin that covered his family, and it would be better if lumber were cheap enough so that every man could afford to buy it; but lumber has gone up because there is a war in Europe. Did hides go up after they were put on the free list because there was a war in Europe? Did wool go up after it was put on the free list on account of the war in Europe? Is that a fact now? Are those things true? Let us argue these propositions from a logical standpoint. Why, the gentleman from Washington [Mr. JOHNSON] said you could not compete with the Government lumber, that it was sold so cheaply by the Government that it put the private lumber dealers out of business. A year ago the gentleman from Oregon [Mr. HAWLEY] said it was sold higher than the people outside sold their stumpage, and consequently the Government could not sell it and make the Forest Service a paying institution. We discussed that question thoroughly, and that was his reason for it. Gentlemen seem to think there is some trouble with the lumber industry somewhere. They say that the Forestry Service are selling lumber too cheap, because they are selling it on the stump for more than a dollar a thousand, but the lumberman sells that same lumber to the people of this country for $40 a thousand. Now, do they want anything more; are they entitled to anything more?

Mr. JOHNSON of Washington. The people of Missouri do not get a saw log at a dollar a thousand, do they?

Mr. BOOHER. Get what?

Mr. JOHNSON of Washington. They get manufactured lumber at the commercial price and freight.

Mr. BOOHER. It costs them $7.50 or $8 to put lumber in a sawed condition and put it on the cars to ship. Your lumbermen get out of that lumber $40 a thousand when the man comes to buy it to put into his home.

Mr. JOHNSON of Washington. The gentleman does not forget the transportation.

Mr. BOOHER. No; that is in it, of course; say that is half the cost.

Mr. JOHNSON of Washington. We have been selling lumber at the mill for $6 to $7.50 a thousand; yes, and putting it on the train at $6.

Mr. BOOHER. I am not talking of what it costs at the mill. I am talking of what it costs the consumer.

Mr. JOHNSON of Washington. Well, then, talk about that, and do not jump on the lumber industry.

Mr. BOOHER. I am talking about it when it gets to the man that uses it. I have had men engaged in the business tell me that a child 12 years old could buy lumber just as well as an experienced buyer. It is all sold to the retailer at the same price, and yet it is said there is no Lumber Trust.

Mr. FORDNEY. Mr. Chairman, the gentleman's statement is so full of error that he ought to strike it from the RECORD.

Mr. BOOHER. I shall not do it.

Mr. FORDNEY. I know the gentleman will not. He is full of error himself, or he would not make such a statement. He has stated that lumber can be produced for $8 at the mill and sells at $40 to the consumer. When the gentleman from Washington asked him what it costs to produce lumber in Washington he did not know. I know he does not know, because he would not make such a statement if he did know, if he is an honest man, and I believe he is honest. I know him, but he is misguided in his judgment.

I am in the lumber business, and I happen to know what I am talking about. I am in the business in the district of the gentleman from Washington.

Mr. BOOHER. If the gentleman is in the business, will not he tell us what it costs to manufacture lumber?

Mr. FORDNEY. Yes; I will tell you. Lumber sold last year at the mills in Mr. JOHNSON's (of Washington) district for $5.50 per thousand, low grades. Average grades of lumber sold for $9 at the sawmills in his district. The freight on that lumber to New York State and New England is 80 cents per 100 pounds. Fir lumber, the predominating lumber produced on the Pacific coast in Washington and Oregon, weighs 3,200 pounds to the thousand feet, rough lumber. Multiply 32 by 80 and you get the amount of freight, or $25.60, in round numbers, from the State of Washington to New York; 60 cents per hundred to the Mississippi River and the Missouri River. Add the freight to the mill cost and you will find that the profit to the mill man is very small. Why do you make such statements?

The average cost of production of lumber in the Southern States, where 40 per cent of all the lumber is produced in the United States, is about $9.50, not including the value of the stumpage.

Mr. WINGO. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. WINGO. Is the gentleman speaking of ordinary boards?

Mr. FORDNEY. I am speaking of the average product of the entire tree. It does not cost any more to manufacture a board of high grade than it does a board of low grade, but you get less for the low grade. I have given the gentleman the average cost of the entire tree.

Mr. WINGO. To what extent is it manufactured, rough board or finished sides or flooring?

Mr. FORDNEY. I gave you the price of rough lumber. When put into ceilings, sidings, wainscoting, or car siding you must add the difference in cost of putting the lumber through dry kiln, through the planing mill, into the drying shed, and onto the car, and add that to the price of the rough lumber.

Mr. WINGO. Will the gentleman yield again?

Mr. FORDNEY. Yes.

Mr. WINGO. Do I understand the gentleman to say that the cost of manufacturing southern pine in the rough boards, going through the process he has mentioned, is over $9 a thousand?

Mr. FORDNEY. Yes.

Mr. WINGO. What is the Kansas City price?

Mr. FORDNEY. I am not in the retail business and do not know.

Mr. WINGO. The price at wholesale at the mill?

Mr. FORDNEY. At the mill? In March, 1913, southern lumber was selling from $16 to $18 straight manufactured, dressed, rough and all grades. In 1915 those prices were around $12. At the present time the prices on lumber are higher than six months ago, materially so.

Mr. WINGO. What is the price at the mill on the cars of ordinary southern pine boards?

Mr. FORDNEY. If the gentleman will pick out some grade, I can tell him, but I give you an average. It is not correct to give prices of a single grade. For instance, from 40 to 60 per cent of the lumber from the southern pine tree is a low grade and only about 10 per cent high grade, and one should take the average of the entire product in order to obtain a correct idea of values.

The Clerk read as follows:

Alamo National Forest, N. Mex., $4,222.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word.

Mr. WINGO. Will the gentleman yield further?

Mr. FORDNEY. Yes.

Mr. WINGO. Take an ordinary 1-inch board in the clear. What is the present price of that on the cars?

Mr. FORDNEY. That would depend on the width and length of the board. If you are selling from 6 feet up, which is a merchantable board, that is one thing. If it is 16 or 18 or 20 feet in length, a board 1 inch thick and 12 inches wide, it would bring a much higher price. The same grade 6 inches wide and 10 or 12 feet long of average high-grade lumber in Southern States would sell to-day from $20 to $30 per thousand. But there is only 5 to 10 per cent of your tree that makes that class of lumber and 40 to 60 per cent of the low grade, and much of the low grade is sold below cost of production.

Now, the gentleman says the industry has not been injured by free trade on lumber, and he speaks about the panic of 1893 being caused by the Democratic tariff of 1894. He says it was so stated by the Republicans. It is true. The anticipation of a free-trade law the minute that your party was elected in 1892 brought distress to the country. Every man with capital invested knew what your policy was; you had declared for free trade. They knew that the House and the Senate and the President of the United States were controlled by the Democratic Party, and you were going to lower the rate of duty, and immediately business depression came over the country. I was in business, and I know that if the panic had lasted a year longer, and I had had anything I would have been busted. Most men that had anything went into bankruptcy. There were $2,000,000,000 worth of railroad property in the hands of receivers when your party went out of power.

Eight hundred thousand men are employed this minute in sawmills and planing mills of the United States, supporting a population of men, women, and children of 4,000,000. And yet, my friend, you would put upon the free list the products of that labor, while everything that is consumed by these people and the people by whom they are employed pays some sort of duty. Is it fair and just to single them out? I say no.

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman tell what brought on the panic of 1873? There was no Democratic election then.

Mr. FORDNEY. There was a shortage of gold in the United States with which to pay foreign debts, and the largest firm of importers in the land, in New York, failed because they could not get gold to pay their foreign debts, and immediately a panic began. [Applause on the Republican side.]

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. McLAUGHLIN. The gentleman speaks about the influence of the tariff. Does the gentleman know anything about contracts being made for the purchase of lumber in Canada and the tariff added to the price?

Mr. FORDNEY. I do. I saw a contract made with a Canadian manufacturer for the sale of lumber to a Pittsburgh firm when the Underwood tariff law was being discussed by the Ways and Means Committee, and there was a provision in that contract which provided that if lumber went on the free list before that lumber was shipped to the United States the Canadian should get just that much more for his lumber. I saw that contract.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Clerk read as follows:

Chugach National Forest, Alaska, $9,418.

Mr. BOOHER. Mr. Chairman, I move to strike out the last word. The gentleman from Michigan [Mr. FORDNEY] I am satisfied knows all about the price of lumber, but he did not tell this House what it was. He did not answer the question of the gentleman from Arkansas [Mr. WINGO], and he did not intend to answer it—just like all these other gentlemen who know, but who refuse to give the information that they have.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

Mr. BOOHER. Yes.

Mr. FORDNEY. What question was it that the gentleman asked that I did not answer?

Mr. BOOHER. He asked the gentleman time and time again to tell what the price of lumber at the mill was and the gentleman did not tell it, nor did he tell the cost of manufacturing lumber per 1,000 feet.

Mr. FORDNEY. I will tell it just as soon as the gentleman gets through.

Mr. BOOHER. Mr. Chairman, I desire to read to the gentleman something about the panic of 1893, and I am going to read it from a Republican journal, and then I am going to put in some remarks of several eminent Republicans in this country when Mr. Cleveland called Congress together in 1893 to repeal the Sherman silver bill. August 20, 1893, this article appeared in the Chicago Inter Ocean under the title "Reaping the whirlwind":

THE NEW YORK BANKS.

> When the future historian tells the world of the great financial panic of 1893, he will say: "In the winter and spring months of that year the New York bankers and financiers sowed the wind and during the summer months reaped the whirlwind." We know no arrangement of words that will more graphically describe the action of New York financiers and the results of that action than to quote the words of Col. Ingersoll "that early in the season of disturbance properly called this 'a bankers' panic.'" Nor are the New York bankers alone to blame. Those of Boston and Philadelphia came in for their share. They were only ex-

celled by the New Yorkers because of the greater importance and opportunity of the latter.

And yet it was the Wilson bill that was passed a year later!

There was, perhaps, no organized conspiracy against the West in the great financial centers of the East, but there was a general understanding all along the line that the West should be forced into line to help the East accomplish what it had long desired. Early in the winter a bank president, conversing with a Chicago man of business, said to him: "Mr. Jones, we are going to make the West pay up for this summer." "But why should you press your western creditors this summer?" asked Mr. Jones. The reply was, "Well, we think it would make you a little more thoughtful about currency matters and drive you from your foolish ideas about silver." It is unnecessary to repeat the conversation that followed. The initial question and answer are only given to indicate the intention and object the eastern financiers had in view.

The Boston bank president was not making an idle remark, suggested merely by his own thoughts. Both the matter and the manner of the remark indicated that it was the result of a consultation, and that it meant concerted action all along the eastern shore. Politics and finance were combined in the scheme.

I would like now to have the opportunity to read what Mr. Thomas B. Reed said to the House at the special session of Congress called by Mr. Cleveland in 1893. It is very interesting reading now. Oh, there was no thought about the Democrats having come into power and having a low tariff bill in view; they never referred to that; but it was Republican legislation, passed by a Republican Congress and signed by a Republican President, that these men laid the panic to.

Mr. FORDNEY. During the Democratic administration?

Mr. BOOHER. Oh, no; it had been passed long before any Democratic administration. The gentleman well knows that. On August 26, 1893, in this House, Mr. Reed, of Maine, said:

Crises like the present are not uncommon in the history of the world; indeed they seem to be essential to human progress and to arise out of the characteristics of human nature itself. Probably if wise men, now alive, had been consulted in the formation of mankind there would not have been these fluctuations which now disturb us and which disfigure the history of the time. If we could have had that perfection of wisdom which is exhibited, so far as I have ever known, only in a greenback oration [laughter], we should have the human race proceeding on the upward grade steadily, without faltering, and without relapse.

But unfortunately, human nature was not framed in that way. Instead of a continuous upward movement, always rising, always going forward, the movement of the human race seems to be a series of upward starts and falls of almost proportionate length. The general progress has always been onward, but there have been many times when the movement has seemed to be to the rear.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOOHER. It is a pity the Republicans of to-day did not live then, Mr. Chairman. He continues:

In the history of civilized nations these alternations have not been infrequent. The great rises and the great falls have extended over long periods of time. At intervals there have been minor falls as well as minor uplifting. We seem now to be at the beginning of one of those declines, the like of which happens after a long period. Unless all indications fail, we are in a situation very much like that which afflicted England in 1793 and in 1825, and which began to afflict us in the year 1873.

I reckon one of the minor falls was in 1907, when you had the President and every department of the Government. That was the time when the more money a man had in the bank the less he could get out, and the fellow who did not have any money in the bank was more fortunate than the man who had. Who was in power when the great falls in this country began? Who gave the whole country the smallpox on the financial question? You did in 1873, according to Mr. Reed. Here is something that Mr. Ryan, of Kansas, said at the same time, on August 21, 1893, and he was a prominent Republican from that State in his day. He said this at the same session of Congress:

I am satisfied that the passage of the bill offered by the gentleman from West Virginia [Mr. WILSON]—to repeal Sherman law—will help to restore public confidence in the financial policy of the Government, and notwithstanding all that has been said in derision of "confidence" during this debate by gentlemen who hold the opposite view on the pending measure, there is nothing that is of more importance, either to the individual or the Government.

Let us, as was so generously said on the 4th of March last by the distinguished leader of the Republican side of the Chamber, "place patriotism above partisanship, and whether we were sent here as Democrats, Republicans, or Populists, accept equal responsibility for the present deplorable situation, join hands to repair the present and avert impending disaster to our common country, and show that we regard the whole of it as of greater importance than any part of it, all its people more than any portion.

Here is what another distinguished Republican said at that same session, Mr. Charles W. Stone, of Pennsylvania:

The Sherman law, whether originally so or not, is now undoubtedly a factor in the business depression.

Mr. Covert, of New York, another Republican, said:

This enactment as it stands is more and very much more than a cowardly makeshift; it is absolutely wrong as a matter of principle. It has been demonstrated by the saddest experience that it is disastrous as a matter of policy.

August 23, 1893, the House being in Committee of the Whole for the consideration of the bill to repeal the purchasing clause of the Sherman Act, the gentleman from Pennsylvania, Mr. Dalzell, said:

The act was passed on the 14th of July and went into operation on the 13th of August. And what has been the result? I have here a statement from the Treasury Department showing the amounts of gold and silver coin and certificates, United States notes, and national-bank notes in circulation August 1, 1893. How many of our obligations are payable in gold? These: First, gold certificates, amounting to $87,704,739; second, Treasury notes under act of July 14, 1890, amounting to $148,286,548; third, United States notes, amounting to $346,681,016. In other words, there is now payable in gold by the United States $582,672,103. These are our gold obligations; and how much gold have we to pay them with? Only $100,000,000 in gold.

Why, my friends, if you put aside the immense resources and the credit of the American people, the National Treasury is to-day, according to legal definition, bankrupt. Such being the state of our accounts, what does it mean to continue this policy? It means simply to widen the breach between our liabilities and our assets, and the time must ultimately come when our gold reserve, in proportion to the burden it has to bear, will be simply an insignificant bagatelle. Do we want to continue that policy indefinitely? Do we want to continue to buy 54,000,000 ounces of silver each year without limit as to time and pay for them in gold?

How long do you suppose that even the imperial resources of our magnificent domain, the energy and enterprise, the honesty and purpose of the American people, will persuade the world of our ultimate solvency measured in the world's standard of value gold? It is not the monthly addition for a few months of silver purchases under the act of 1890 that has shaken confidence; so far as the money question has anything to do with the existing depression, its influence is derived from the dreary prospect of the indefinite continuance of such violation of the laws of sound finance.

So, Mr. Chairman, when we want to know about the panic of 1893 we ought to go back and take the words of men who were then on the stage of action and who were great actors in that great drama. They told the people of the country what was the trouble then, what they believed was wrong, and Mr. Reed said it began in this country in 1873; that it began in England in 1793, and that they were growing and constantly growing.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting other extracts.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOOHER. Mr. Chairman, under leave to print, I insert the following remarks of Senator Dolliver, of Iowa, made on June 10, 1909, in the Sixty-first Congress, to be found in the RECORD of that Congress, first session, at page 2995:

Not only have I succeeded in acquiring some little knowledge about these matters since the Dingley tariff law was framed, but I have also acquired a rather more generous interpretation of the industrial and commercial situation of 1897 than I was accustomed those days to put into my speeches either in the House of Representatives or upon the stump.

If I were called upon now in the calm light of 12 years' reflection, to say that putting wool on the free list resulted in closing factories and destroying the flocks of the country and ruining the business of the country, I should hesitate to do it. It is a very wise man who can tell what was the cause of the industrial depression which burst in a panic upon the United States in all departments of its affairs in 1893. I have become satisfied that we, as Republican partisans, finding the argument too convenient, have exaggerated the relation of the tariff controversy to that great industrial crisis. It always was a little difficult to connect the panic of 1893 with the tariff act of 1894. In view of the fact that the event seemed to precede the cause in such a way as to put almost any ordinary man upon suspicion. So I am not going to discuss that question except to say that we have already had two or three mistakes made in this bill by misrepresenting the industrial conditions of 1894, 1896, and 1897.

My honored friend from Idaho Mr. Heyburn, the other day brought tears to my eyes when he was making his magnificent plea for putting a duty on certain mineral ores, because he said under certain tariffs the mines were shut. We ought to know that the mines were shut, not because of certain particular tariffs, but because the business of the country and of the world was long prostrate in the midst of financial disaster up to that time unapproached in our commercial history. While all these things entered into it, I do not think that it was necessary to attribute all of it to the tariff, and certainly not all the trouble that happened to lead and paint and the consumption of such merchandise to the little change that had been effected in tariff schedules some years before. And so the closing of these factories and the falling off in the demand for sheep and a thousand things entered into it.

He is not a wise man in the interpretation of statistics or commercial and industrial history who attributes to one thing a result of world-wide significance, to the production of which a thousand causes, some of them too obscure even to observe, operated over a long period of time.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word. The gentleman from Missouri [Mr. BOOHER] goes back to the demonetization of silver, away back in 1873. Did you ever in all your life hear tell of a child catching the whooping cough in 1873 and not whooping until 1916? [Applause on the Republican side.] That is old, my friends; that is forgotten long ago. The gentleman called attention to Col. Bob Ingersoll's statement. He was a lecturer, supposed to be a sort of preacher, who declared that there was no hell or heaven, and that he did not believe in God. If his judgment was no better on a business proposition than on those things his opinion is not worth very much. I would like to believe there is no hell, but I can not believe it. [Laughter.]

Mr. BOOHER. Will the gentleman yield?

Mr. FORDNEY. I do.

Mr. BOOHER. But he was a good Republican, was he not?

Mr. FORDNEY. I do not know. I think he was misguided, and I hope the poor fellow is in heaven. If there are no lumbermen in heaven I do not want to go there. My friends, your President, a Democratic President, Grover Cleveland, a brave man, a grand man, and much more appreciated after having been President than he was before or during his term of office, declined to sign a Democratic tariff bill, and it became a law without his signature, and you abuse that law because it brought on a panic——

Mr. REILLY. Why did he decline to sign it?

Mr. FORDNEY. He said it was not low enough.

Mr. REILLY. He said that the Senate had destroyed its democracy.

Mr. FORDNEY. He accused his party of perfidy, of agreeing to do one thing and doing another, and I never knew them to do anything else. [Laughter on Republican side.] The gentleman assails the 1873 money question; but who gave our monetary system the smallpox in 1896? William Jennings Bryan; and you backed him up then, too. That failed. If his policy had prevailed, this country undoubtedly would have suffered the greatest panic of any country in the world. But, whether you are right or wrong in your tariff policy, you know we did have a panic after you adopted your free-trade policy, so called, in the Wilson tariff law. You do know that the Republican Party, in 1896, was returned to power upon the policy of protection. You do know, my friends, before the Republican Party could get a tariff law upon the statute books—which was afterwards called the Dingley law—the foreign importers filled our warehouses to the roof with goods brought into this country before the Republican tariff law could be enacted. You do know it was 1 year and 18 months after the adoption of that law before these foreign products could be disposed of in this country. You do know, my friends, that immediately upon the disposal of these goods—or the consumption of them in this country—our industries began to thrive, prosper, and grow rapidly. You do know that during the life of that law we had greater prosperity in this country than ever before. You do know that the country was prosperous under the Payne tariff law; but you succeeded in making the people believe that it was not a tariff revision downward, even though it actually was a severe one. You do know, my friends, you came back into power and adopted a free-trade policy. You know that under your tariff law to-day the ad valorem rates on imports are below 10 per cent ad valorem. You do know that right now, with the war in Europe, such a war as was never heard of before, the imports are greater than at any time in the history of the country.

The CHAIRMAN. The time of the gentleman has expired, and, without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. MANN rose.

The CHAIRMAN. The committee limited the debate on this item to 10 minutes.

Mr. MANN. I did not hear the committee limit it.

The Clerk read as follows:

Apache National Forest, Ariz., $9,279.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I regret very much, indeed, that the gentleman from Texas [Mr. DAVIS] and the gentleman from Missouri [Mr. BOOHER], in the consideration of a forest item in the Agricultural bill, should endeavor to provoke a tariff debate, which would be interesting only to those who have been dead and gone for years. It is characteristic, however, that those two gentlemen should go back to 1873. [Laughter on the Republican side.] It seems to me that we ought to forego a discussion of tariff at this time and get down to business. [Applause.] While the speeches of the two gentlemen were very entertaining, the gentleman from Michigan making an entertaining speech and the gentleman from Missouri reading entertaining speeches of former Republicans, which he probably would not have listened to if he had been here at the time, I think we ought to speed up and pass along these items in the agricultural appropriation bill.

Mr. BOOHER. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. BOOHER. Does not the gentleman think he is a little unkind to charge this side of the House with starting a tariff discussion when three gentlemen on that side of the House held a private debate over there on the tariff?

Mr. MANN. The gentleman from Missouri is wide of the mark. Gentlemen on this side had been discussing this bill and the condition of the forest reserve at this time and the condition of the lumber business at this time, especially in the Northwest. The gentleman from Missouri, in a prepared speech, which he had prepared in advance to put upon the House at this time, rose and read a speech about the panic of 1873. [Laughter on the Republican side.] And it takes a good deal of forbearance, in view of all he said, for this side of the House to insist that we confine ourselves to the business before the committee, which is the agricultural appropriation bill, and let the panic of 1873 look out for itself. It is dead and gone.

Mr. LEVER. Mr. Chairman, I hope the suggestion of the gentleman from Illinois [Mr. MANN] may be carried out, both on this side of the House and on the other side of the House. We are not so much concerned as to who started this tariff discussion—certainly no member of the Committee on Agriculture started it—as we are in the passage of this legislation.

It has always been the custom of the Committee of the Whole to refrain from political discussion on the Agricultural appropriation bill. I hope we may not to-day depart from that very old and very wholesome custom. I may say, however, Mr. Chairman, that I am trusting to have the full support of the gentleman from Illinois [Mr. MANN] from now on in speeding up the consideration of this bill.

Mr. MANN. Why does the gentleman say "from now on"?

Mr. LEVER. We spent an hour and a half discussing seeds that we might have very properly spent in discussing the bigger problems in this bill.

Mr. MANN. I did not use any of that time.

Mr. LEVER. I confess that. But I am trying to get the gentleman now to lock arms with me and let us march along with the consideration of this bill this afternoon.

Mr. MANN. I am sure the gentleman is not trying to get me to lock horns with him. [Laughter.]

Mr. LEVER. I do not want the gentleman to lock horns with me. [Laughter.] I said "lock arms."

Mr. JOHNSON of Washington. If these were 11 items in the rivers and harbors bill, I would be expected to get on this floor and talk at great length about them, explaining that each one was a very meritorious project. In regard to the 11 forest-reserve items in the State of Washington, I am going to talk a little about them; and I regret exceedingly that the debate has ranged from the crime of 1873 to the European war, with a few amens from the "amen corner" over there. [Laughter.] And I am going to take a little time on the forest-reserve proposition if I can get it.

Mr. LEVER. The gentleman will find I am not going to press too strongly a proposition to close debate when there is debate on the bill; but I do feel that gentlemen ought not to inject into this debate a discussion of the tariff, and I hope this side of the House, at least, will join forces with me and press this bill forward and confine the debate to the matter at issue, which is the bill itself.

The Clerk read as follows:

Arapahoe National Forest, Colo., $5,736.

Mr. BOOHER. Mr. Chairman, in order that history may stay straight and the facts may appear in the RECORD as to who started this thing [laughter], I want to call the attention of my good friend from Illinois to the fact that the gentleman from Pennsylvania [Mr. FOCHT], the gentleman from Washington [Mr. JOHNSON]——

Mr. JOHNSON of Washington. I am glad I started it.

Mr. BOOHER (continuing). And the gentleman from Pennsylvania [Mr. MOORE] held a very animated private conversation over there for five minutes on the effect of the tariff on lumber [applause on the Democratic side], and agreed thoroughly with one another, and agreed that the Underwood bill called for the low price of lumber and the Wilson bill caused the panic of 1893. They did not allow anybody on this side to ask a question. I do not blame the gentleman from Illinois [Mr. MANN] or any other gentleman on that side for being a little sore about the panics in this country.

Mr. MANN. If the gentleman wants us to discuss the tariff, we will spend the next two weeks doing it.

Mr. BOOHER. Oh, no.

Mr. HARRISON. Mr. Chairman, I make the point of order the gentlemen are not discussing the amendment.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that the debate is not in order, and the Chair sustains the point of order.

Mr. BOOHER. It is always regrettable to talk about things that happened in the dim past, because that brings up memories that sometimes we try to forget, and we do forget them when it is to our interest. It is hardly to our interest to strike out the last word, according to my amendment, but I think I set the House straight as to who started this thing, and I am ready to quit. [Laughter and applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Arkansas National Forest, Ark., $11,930.

Mr. WINGO. Mr. Chairman, I move to strike out line 22 and substitute the following language.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WINGO moves to amend by inserting, in lieu of line 22, the following:

"That the Executive orders and proclamations setting forth and reserving certain lands in the State of Arkansas, known and designated as the Ozark National Forest and the Arkansas National Forest, as forest reserves be, and they are hereby, suspended, set aside, vacated, and held for naught as to all public lands now included in said reserves lying and being situated within the State of Arkansas, and that all public lands therein be, and they are hereby, excluded from said forest reserves and are hereby restored to the public domain, the same as though said orders and proclamations had not been issued."

Mr. LEVER. I reserve a point of order on that, Mr. Chairman. I wonder if I may not make arrangements with the gentleman to close debate? How much time does the gentleman desire on this paragraph?

Mr. WINGO. I think five minutes will be all I desire.

Mr. LEVER. I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. WINGO. Reserving the right to object, I want to offer another amendment, and possibly we had better make it 10 minutes.

Mr. LEVER. I will make it 10 minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] modifies the request, making it 10 minutes.

Mr. MANN. I object. We want to know what it is.

Mr. LEVER. The gentleman from Arkansas informed me he had another amendment.

Mr. MANN. I understand; but I want to discuss this amendment. I heard the amendment and I know what it is. I may want to discuss it.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate close in 15 minutes.

Mr. MANN. I do not know how much time will be required. Let the gentleman proceed.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects.

[Mr. WINGO addressed the committee. See Appendix.]

Mr. LEVER. I do not care to take the time of the Chair in arguing the point of order. It seems clearly that it is subject to the point of order. If I read the amendment aright it seems to me that it provides affirmative legislation, which is contrary to the rule, and the Holman rule does not apply.

The CHAIRMAN. The Chair is of the opinion that the point of order is well taken. Not only does it seek to strike out, but it changes existing law, not only affecting this item but other items. The Chair sustains the point of order.

Mr. WINGO. I desire to offer another amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WINGO moves to amend by inserting as a new paragraph after line 22, the following:

"*Provided*, That all funds arising from the sale of timber in the Arkansas National Forest shall be used in aiding in the survey and construction of permanent roads in the counties in which said timber is cut."

Mr. LEVER. I reserve a point of order on that, for the purpose of allowing the gentleman from Arkansas to discuss it for five minutes.

The CHAIRMAN. The gentleman from South Carolina reserves the point of order, and the gentleman from Arkansas is recognized for five minutes.

[Mr. WINGO addressed the committee. See Appendix.]

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I am glad the gentleman from Arkansas has brought up one phase of the forest-reserve problem. There is no doubt that roads are needed in counties that lie within the forest reserves. The problem comes to this: Either these sums appropriated for each reserve for road management, trail building, range stations, and certain little work they want to do are too much because less would accomplish the purpose, or else they are far too little for the real development of the counties. In the meantime the Federal Government receives for itself 65 per cent of all the income of all the forest reserves. I know of one great county, which is denied both population and advancement on account of the reserve, that gets from the forest reserve the magnificent sum of $4,006, to be divided for schools and roads. There is pressure on the local forest officer all the time to make some improvements, and to secure the money for improvements he must make more sales. It makes no difference whether the Government sale of stumpage is a few cents higher or lower than the prevailing price. As a matter of fact, the price depends on the distance from transportation where the sale is made.

I believe in Oregon this past summer the forest reserve sales of timber have been higher than the commercial sales. I think that in part of the Olympic Peninsula they have been considerably lower. Congress some day must face the problem of who shall make the improvements in the Federal domain. We talk here about appropriating $25,000,000 for good roads, to be paid for by licking stamp taxes, and we let the great public domain, amounting to one-half of all of the territory of the 11 Western States, go begging, go hang. We pass these little appropriations for $10,000, for $15,000, or, maybe, $25,000 for forest upkeep, fire protection, rangers, and trails, and let those great reserves lie as huge black clouds on the prosperity and development of the Western States. If the United States is going to keep locked up these great reserves, keep them out of population and cultivation, and sell the timber piecemeal, at any price it pleases, then it is up to the United States not to put 65 per cent of that return into the Federal Treasury, but to let it go where it originated, where it belongs, and where it is sorely needed.

The Clerk read as follows:

Boise National Forest, Idaho, $5,247.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. A great deal of this problem as to what should be handed to these one hundred and sixty-odd forest reserves and the income derived therefrom lies, as the debate has here shown, around the selling price of lumber. I desire to refer to the figures that were presented to the Federal Trade Commission during its hearings last summer in regard to the lumber industry, as compiled by that commission. These hearings show that the average selling price per thousand in 1910 was $14.30; in 1911, $12.35; in 1912, $13.21; in 1913, $13.64; in 1914, $11.18; and the six months of 1915, $10.90. That has been about the base price for rough lumber—$11 per thousand feet—although a year ago it went away below that. Now, then, based on the figures of the Federal Trade Commission for the total manufacturing and logging cost amounts to $10.19 a thousand on a commodity that is sold for $10.90 or $11. No charge has been figured for taxation. That will answer the inquiry of the gentleman from Missouri [Mr. BOOHER] a short time ago as to the cost of manufacturing the lumber and the price at which it was selling at the mills in the Far West.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What has become of the Bonneville National Forest, Wyo.?

Mr. LEVER. I assume, although I do not know it offhand, that it has been combined with one of the other forests. Several forests have been combined.

Mr. MANN. What is it combined with?

Mr. LEVER. It has been consolidated with Bridger and Washakie Forests.

Mr. MANN. Can the gentleman give data as to the expense and receipts from any one of these forests?

Mr. LEVER. I regret to say that we have not the receipts. We have the disbursements but not the receipts by forest units. We do have the receipts by States, and I can give it to the gentleman by States.

Mr. MANN. Of course that is absolutely valueless.

Mr. LEVER. I appreciate that, and I am sorry that I have not the figures by forests. I was looking it up a moment ago, and this is the best that I can do.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee whether we have reached the stage in connection with these national forests where we are treating them as, one might say, a crop? For the last 8 or 10 years, in connection with this forestry matter, we have been reading that the proper way to treat forests is as a crop.

Mr. LEVER. If the gentleman means to make inquiry as to the method of controlling——

Mr. BENNET. No.

Mr. LEVER. I will say that all of the cutting of the forests, the reseeding, and the reforestation, and all that, are done under scientific methods; and to that extent will be treated as a crop.

Mr. BENNET. The only time I ever came through northern Germany I came through some miles of German forests where there were what you might call successive layers of forests, indicating, evidently, that the trees were all about the same age.

Mr. LEVER. The gentleman is inquiring whether or not we have reached a point where we cut certain trees and let certain trees grow—take off a yearly crop?

Mr. BENNET. Yes.

Mr. LEVER. I hardly think we have reached that point, although our ambition is to get that kind of management so that we will have an annual crop; but, of course, our forests are so large and the development has been so slow that we have not yet reached a state of efficiency such as they have in the German forests. That is the ambition.

Mr. BENNET. I understood the gentleman to say that he could give the aggregate amount of receipts from the sale of timber from forests?

Mr. LEVER. Yes; I did. I put that in the RECORD a moment ago, and I can give it to the gentleman again if he desires.

Mr. HAUGEN. For the gentleman's information I will state that the receipts from timber were $1,175,000; from grazing, $1,130,000; and from miscellaneous, $175,000; making a total of $2,944,000.

Mr. BENNET. And the expense in connection with that?

Mr. HAUGEN. Nearly $5,000,000. We have a deficit of $2,500,000.

Mr. BENNET. So that it is not on what you might call a commercial footing?

Mr. HAUGEN. Not quite. It is short two million and a half, and I want to state in addition to that that we were given to understand a number of years ago that this service would be made self-supporting.

We are now two and a half million dollars short. We increased the receipts two years ago by $40,000, and last year by $50,000, and it is estimated that the increase will be made self-supporting in six years. How those figures are arrived at, I am unable to comprehend. How can you increase the receipts to $2,500,000 in six years with an increase of forty or fifty thousand dollars a year? I know the Forester estimates a $250,000 increase, but that increase in six years is only a million and a half, and we have to have two and a half million dollars in order to play even.

Mr. LEVER. Mr. Chairman, in response to the suggestion of my friend from Iowa, the statement of the Forester is that there is a debit balance on the running current expenses of the Forest Service of about $1,650,000.

Mr. HAUGEN. Yes; but the gentleman must add to that the 10 per cent and the 25 per cent, and if he will add the two items he will have $2,500,000.

Mr. LEVER. Of course I am giving the statement of the Forester himself and taking his bookkeeping for it. Now, the statement also is that it is the belief we can increase the forest receipts at the rate of $250,000 a year, although for the past few years they have not been that——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. HAUGEN. I am giving the figures of the Forester, but the gentleman from South Carolina has omitted the 10 per cent and the 25 per cent. The 10 per cent paid to the States for roads and trails is $244,319, and the 25 per cent for schools and roads is $610,797.75. The two items added to the $1,646,020 makes a total of $2,501,136.75.

Mr. LEVER. But the gentleman seems to be failing to credit the Forestry Service with the 10 per cent and the 25 per cent provisions.

Mr. HAUGEN. That is in the cash receipts.

Mr. LEVER. Well, it comes into the Treasury as receipts from Forestry Service and then goes out for certain specific purposes.

Mr. HAUGEN. If the gentleman will turn to page 745 he will find Mr. Graves, the Forester, stated that the cash receipts from timber were $1,175,133.95, for the grazing privileges $1,130,000, and for miscellaneous items $175,000. Then the value of the timber given away was $260,000, and for special privileges $79,000; all told, $2,944,000.

Mr. LEVER. That is correct.

Mr. McLAUGHLIN. Mr. Chairman, the gentleman may be particularly interested in knowing that there is considerable expense connected with the taking care of the forests of which he possibly loses sight. Now, in 1914 the expense of fighting fires was about $700,000, and there is a considerable expense attending the getting into shape to take care of the forests. There are new propositions involved. There are now 22,000 miles of trails and 2,500 miles of roads and 20,000 miles of telephone lines. The cost of taking care of fires will likely be large each year, although the facilities with which the service has supplied itself and the methods that are being perfected naturally will decrease the loss from fires and lessen the expense of the work of preventing fires. As an example, whereas the expenditure for taking care of fires in 1914 was $700,000, the expenditure in 1915 was only $207,000, and it is believed that with the building of roads, trails, telephone lines, and improvements of that kind the forests can be taken care of and fires can be prevented, or where they occur the loss of timber will be smaller and smaller as the years go by; but a large part of this expenditure had to be incurred in the first instance.

Mr. BENNET. Mr. Chairman, this particular matter is one which is of great interest, through analogy, to my State. I presume because New York is an Eastern State it is assumed that we have no timber, but in the Adirondack Mountains we have great quantities of timber, and there is one point where there is an unbroken forest stretching 150 miles in our Eastern State. It is also one of our great problems, because in the constitution of 1894 there was a provision put in that we can not even remove from the timber on State lands the dead and down timber, that we can not cut even a burnt tree, and that we must let the forest simply rot whether it is sound timber or unsound timber.

Mr. LEVER. I will say to the gentleman that is a very unsound policy, according to the teachings we have.

Mr. COX. Why did you put that provision in your constitution?

Mr. BENNET. Along in 1894 the science of forestry was not at all advanced anywhere in the United States, and the thing we did at that time was a very advanced thing. We provided wherever any of this mountain timber came under the control of the State through tax sales that it should not thereafter be sold.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. That nothing should be done with it. We had the rudiments of a right idea, that at any rate the forest should be preserved. Now, it is not difficult to amend the constitution of our States, and for the last 8 or 10 years I have been gaining all the information I can as a citizen of New York State to the end, possibly, that sometime I could help others utilize it in connection with our State. And it seems to me we might have reached the position in connection with the national forests where we have had, I assume, the finest kind of scientific assistance, and where what has been done in the national forests would be of some benefit to us in the State of New York, by way of example. We import trees——

Mr. LEVER. I am certain if the gentleman will take this matter up with the Forestry Service he will find he may get a great deal of very useful information, and I am satisfied the forest policy of this country is now being predicated upon the very best information available in the world and that we are following the best policy. Of course, we have not developed so far as Germany and many of the older countries have.

Mr. BENNET. And the mere fact that we are not making a profit does not discourage the gentleman from South Carolina at all?

Mr. LEVER. Absolutely not. If we change the policy of the Forestry Service we could make a profit, but the question is whether we should make a profit at the expense of efficiency, and we do not feel at this time that we ought to do it. We feel that we should make a profit and retain efficient service likewise.

Mr. BENNET. And in the meantime is the timber crop being wasted or conserved?

Mr. LEVER. The timber crop is being more and more conserved each year. Doubtless in an area covering 138,000,000 acres some is being wasted, but more and more is being conserved.

Mr. BENNET. And the gentleman has no vital suggestions as to change?

Mr. LEVER. I do not know, except to let us grow instead of rushing us.

Mr. GODWIN of North Carolina. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a statement showing the progress of farm-demonstration work in my State.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD by printing a statement showing the progress of farm-demonstration work in his State. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Bridger National Forest, Wyo., $2,779.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I understood the gentleman from South Carolina to say that the Bonneville National Forest has been consolidated with the Bridger National Forest and with the Washakie National Forest. Is that correct?

Mr. LEVER. The gentleman asked about the Bonneville National Forest. That has been combined with the Bridger and the Washakie National Forests.

Mr. MANN. For what reason are these forests consolidated?

Mr. LEVER. For better administrative purposes.

Mr. MANN. And to be more economical?

Mr. LEVER. More economical; yes, sir.

Mr. MANN. I have heard often of reforms, and I have no doubt this is a reform, and I have nearly always found them somewhat expensive.

Now, my distinguished friend from South Carolina—and there is no man in this House for whom I have a higher or more affectionate regard—says that the Bonneville National Forest, Wyo., has been consolidated with the Bridger National Forest and the Washakie National Forest, Wyo., for efficiency and economy. Last year we made an appropriation for the Bonneville National Forest of $6,755, for the Bridger National Forest of $1,988, and for the Washakie National Forest of $2,096, the total of the three forests being $10,839, barring a mistake, which might easily occur, but it would not be very much. That was $10,839 before they had this streak of economy.

Mr. LEVER. If the gentleman will yield for a statement on that.

Mr. MANN. Let me put this all together and then I will yield. Now, in carrying the appropriation for the Bridger National Forest of $2,779, and the Washakie National Forest of $11,725, it makes a total of $14,504, and in order to effect this economy we make an appropriation of nearly $4,000 more than we did last year. Now, I yield.

Mr. LEVER. I was just about to say to the gentleman from Illinois that the figures he is reading do not give the situation, for this reason: Mr. Graves, before the committee, made this general statement in reference to all these individual forest acts, namely, that the changes in the appropriation represented the changes of work within the forest. For instance, in one forest it might be developed that they had a timber sale, which they did not have the year before. It might require, therefore, a few more timber cruisers to be put in there, and they have estimated for that. On the other hand, it might be found that in one forest the activities of the forester were somewhat reduced. Timber cruisers would be sent from that forest to another forest. That was the general statement of the proposition.

Mr. MANN. There might have been one thousand and one things. Everybody in the forest might have dropped dead suddenly, or the timber might have been blown up by the roots. There may be special cases. I asked awhile ago if there was any information as to how much the receipts were from these forests, so that we might know there was special work going on in the forest, and that information has not been furnished to the committee. Now then, whatever else is true, this is true, namely, that last year for these three forests we appropriated $10,839. Then, having effected economy in administration through a consolidation, we now propose to appropriate $14,504.

Mr. LEVER. Now, let me read the statement of the Forester on the subject.

Mr. MANN. I have no doubt they will have a good excuse.

Mr. LEVER. They say this:

The increase of $9,629 for this Washakie Forest is due to the transfer of the area formerly comprised in the Bonneville Forest to the Washakie administration, and the increased timber-sale business results in this increased appropriation.

They say it is due to the increase in the timber-sale business.

Mr. MANN. We ought to have that information. They give as the reason for the increase the fact that the other forest is consolidated with that. Now, the gentleman will not misunderstand me. I have a great deal of confidence in the Forest Service. I think Mr. Graves is a gentleman of great ability and absolute integrity. I do not criticize the theory upon which they take care of the forests. I have always defended them, and do now, but I have often noticed—and I think it is proper to call attention to it once in a while—that when people make a change on the ground of economy they usually add to the expense in order to effect the economy.

The CHAIRMAN. The time of the gentleman from Illinois has expired. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Columbia National Forest, Wash., $8,758.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington [Mr. JOHNSON] moves to strike out the last word.

Mr. JOHNSON of Washington. Here is one of the forest reserves, the Columbia Forest Reserve, in the State of Washington, located largely in Skamania County. The amount for expenditure is $8,758, a considerable portion of which will go, I have no doubt, toward the maintenance of a tree nursery and for the maintenance of a trail or sort of mountain road up the Wind River.

This particular forest reserve will not have any great timber sales—although it has as fine a body of standing timber on it as there is in the United States—until roads of some kind are built into it. The forester will not build many wagon roads at $8,758 a year, the amount that is carried in this bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Pennsylvania?

Mr. JOHNSON of Washington. Yes.

Mr. MOORE of Pennsylvania. Why will this timber not be available for commercial purposes? Is it too remote?

Mr. JOHNSON of Washington. Much of it will not be available because of lack of transportation facilities. The timber is on the mountain sides. Some is sold under contract now and then, solicitations being made to people to come and buy it.

Mr. MOORE of Pennsylvania. Are there no roads approaching this forest?

Mr. JOHNSON of Washington. Yes. The people of this sparsely settled county are bonding themselves to the extent of $200,000 to try to build roads to a portion of this forest reserve in order to get a chance to go to and from the post offices.

Mr. MOORE of Pennsylvania. The timber in this forest reserve is, as a rule, tall timber?

Mr. JOHNSON of Washington. Yes.

Mr. MOORE of Pennsylvania. And the trunks are extremely large in circumference?

Mr. JOHNSON of Washington. Yes. They rarely cut a tree there unless it is 2½ or 3 feet through.

Mr. MOORE of Pennsylvania. If the ripe timber is advertised for sale, how would the purchaser or contractor get at it?

Mr. JOHNSON of Washington. He would make a contract for enough timber to warrant him in taking in a donkey engine and logging outfit.

Mr. MOORE of Pennsylvania. On the mountainside?

Mr. JOHNSON of Washington. Yes; to bring it down to tidewater.

Mr. MOORE of Pennsylvania. Then he would not attempt to get the timber out unless he had water transportation to get it out on?

Mr. JOHNSON of Washington. Oh, this is just north of the Columbia River and not far from two or three transcontinental railroads.

Mr. MOORE of Pennsylvania. Is this timber Oregon pine or Douglas fir that the gentleman refers to?

Mr. JOHNSON of Washington. Douglas fir, principally.

Mr. MOORE of Pennsylvania. That is a tremendously large tree, as we look at it in the East.

Mr. JOHNSON of Washington. Yes.

Mr. MOORE of Pennsylvania. What railroad train would carry that kind of lumber?

Mr. JOHNSON of Washington. Oh, after it is cut up it can be conveyed on the railroads.

Mr. MOORE of Pennsylvania. Where will it be cut up?

Mr. JOHNSON of Washington. In the forest.

Mr. MOORE of Pennsylvania. Do you mean to say that the contractor would set up his sawmill in the forest and cut his lumber there?

Mr. JOHNSON of Washington. No; the sawmill is not in the forest. The logging camp is in the forest, and the logs are cut up in lengths.

Mr. MOORE of Pennsylvania. Then the timber is skidded down to the water to be transported?

Mr. JOHNSON of Washington. Yes. The cost of this logging, to get it to the mill, is a little more than $5 a thousand feet. The logs might be loaded upon a train and sold at $8 to $10 a thousand feet.

Mr. MOORE of Pennsylvania. As to the forest the gentleman is now discussing, is there any railroad within reach available for the purpose of conveying the timber, either in the rough or cut up?

Mr. JOHNSON of Washington. Not in the forest reserve.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield further?

Mr. JOHNSON of Washington. Yes.

Mr. GREEN of Iowa. My friend from Pennsylvania [Mr. MOORE] seems to think that a railroad would not be able to properly move this timber. Is there not some way by which he can get a branch of his Intercoastal Canal up there and get it into the river and harbor bill? [Laughter.]

Mr. JOHNSON of Washington. I will say to the gentleman that between the rainfall out our way and water in the Columbia River we will furnish him with all the water he will ever need, and all the power he will ever need, and with all the lumber as well.

Mr. GREEN of Iowa. That is a great deal better than some of the projects in the river and harbor bill, because you have the water, and they did not have the water.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. MOORE of Pennsylvania. The gentleman knows the value of waterways as a means of getting this lumber out.

Mr. JOHNSON of Washington. I certainly do. I appreciate everything that will make the wheels go around. Big business makes little business.

Mr. MOORE of Pennsylvania. Oregon and Washington certainly use every stream that is available for the purpose of getting the timber to the export point.

Mr. JOHNSON of Washington. Yes; another county in my district is without a railroad in it yet and is dependent entirely on water transportation.

Mr. MOORE of Pennsylvania. Does not the gentleman think that if the distinguished gentleman from Iowa [Mr. GREEN], who has this little hitch in his mind about rivers and harbors, were to visit the coast once in a while and take himself away from his benighted interior he would learn a little more about the great country in which he lives?

Mr. JOHNSON of Washington. While the gentleman from Pennsylvania is impressing the gentleman from Iowa with the value of waterways, I am trying to impress all Members who are patient enough to stay here with the absolute necessity of looking deeply into the forest-reserve problem.

Mr. MOORE of Pennsylvania. Does the gentleman think that if the freight charges and the price of lumber keep on going up there will be a surplus in the profits of the farmers of Iowa sufficient to enable them to build homes in the near future?

Mr. JOHNSON of Washington. My experience is that when an Iowa farmer builds a barn about once in a lifetime, and pays about $20 a thousand for the rough lumber out of which to build it, he howls about it for the remainder of his natural life. [Laughter.]

Mr. MOORE of Pennsylvania. Of course he does; and he fights the appropriation for the free seeds we give him because we appreciate the value of the products which he raises from those seeds. [Laughter.]

Mr. FESS. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. FESS. How many of these forests that the gentleman knows about have timber in them like the timber in the national forest reserve there at Mount Rainier?

Mr. JOHNSON of Washington. I presume the Mount Rainier stand of forest would rank among the very finest on this continent. We call it Mount Tacoma, however. All of the reserves in western Washington are like it. All the reserves in Washington, Oregon, and California have these great stands of timber.

Mr. MONDELL. Not all in California.

Mr. JOHNSON of Washington. All in northern California, I would say.

Mr. FESS. If we have large national-forest possessions equal to that at Mount Rainier, the country is much richer in this particular than the general membership of the House would believe, I think. Certainly I never had such an eye opener—having lived in the woods much of my life—as when I had an opportunity to go through a portion of that wonderful forest, and I wondered how many of the national forests that are spoken of here are of a similar character.

Mr. JOHNSON of Washington. The gentleman must have seen some in Arizona——

Mr. FESS. Not quite as good as that.

Mr. JOHNSON of Washington. With no trees on them at all. Now, if the gentleman from Ohio went up into the Rainier National Forest, no doubt he congratulated himself that that great wealth of timber belongs to the Government of the United States, including all the people in his district, and he never stopped to think that it is a great checkerboard arrangement, with every other section in large parts of it belonging to the holders of scrip who have laid up that wonderful property of timber where neither moth, rust, nor taxes can get at it. That is an investment for you. In the meantime the people owning timber outside of the forest reserve are taxed to the utmost limit, to the point where they have actually got to cut their timber inside of a few years or never receive the value for it that they pay in taxes alone. Further than all that, the Forest Service, under the public prod and the prod of Congress, is trying to increase its sales of timber, and selling its stumpage at $1.10 a thousand or less, which gives no adequate return for the upbuilding of the forest-reserve counties. That is the situation that I am trying to bring to the attention of Congress.

Mr. McLAUGHLIN and Mr. BENNET rose.

Mr. LEVER. I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. The gentleman from New York [Mr. BENNET] can get in on the next line.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Mr. Chairman, the gentleman from Washington [Mr. JOHNSON] is complaining of the amount of money that States and local communities are receiving out of the forest receipts, and complaining that the local communities there are not getting money enough to enable them to build roads. Several bills are now pending—some of them before the Committee on Agriculture—to provide that a larger portion of the receipts from the sales of timber and other forest products be paid to the States, or be used in cooperation with the States, for the construction of highways. Some of these bills are very liberal. If they are passed, it seems to me they will furnish a lot of money and will meet the demands made by the gentleman from Washington [Mr. JOHNSON].

I am sure the committee will give these bills very careful attention, and I trust the need the gentleman points out will be fully met. With that statement of what is going on, I hope the gentleman will not continue his complaint, taking five minutes after reading each item, each one being only a line and a half, and further, unnecessarily, it seems to me, delaying the consideration of this bill. We are going to take up those road measures and consider them at length; and that is the only way the question involved in them can properly be considered, for it can not now be considered here. Those measures will very likely be duly reported to the House. Then there will be opportunity for consideration of them and of all the matters upon which the gentleman is now speaking so frequently and at such length.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. JOHNSON of Washington. Before any bill of that kind can be considered to any reasonable extent and brought in with the hope of passage there will have to be a public opinion de-

veloped that the forest reserves are not supposed in a reasonable time to bring a profit to the Federal Treasury.

Mr. McLAUGHLIN. The bills are before the committee, a subcommittee has been appointed to consider them, and when this bill is out of the way hearings will be held and the distinguished gentleman from Washington will have an opportunity to appear before the committee and make his argument. I am sure if he appeals as eloquently there as he has here and if he offers facts and figures, which he says are available, they will certainly have weight with the committee.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Colville National Forest, Wash., $6,883.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of having the attention of the gentleman from Washington. I say very frankly that I did not understand exactly what his complaint was in relation to the Columbia National Park.

Mr. JOHNSON of Washington. It is a large reserve in a large but lightly populated county. This forest reserve is a bar to population. The county desires to take its place in the march of progress and help to build a great trunk road and the necessary feeders. The forest reserve gives back to each county that has area in it 25 per cent of the sales, to be divided for schools, road fund, and so forth. This county last year got $4,000. For several years there has been given an additional sum of 10 per cent to be spent by the forest-reserve people as they please, and of that the county has had $1,051. Now, $1,051 for road building in the mountains will not go a great ways. I presume that it costs $10,000 to $15,000 a mile to build a good wagon road in that country. There is a trail built by the forest-reserve people for their own use to reach the nursery up there. That trail connects up with nothing. The commissioners of this county have sent in a petition to me to get enough money out of the 10 per cent fund or the 25 per cent fund to enable them to go on with the State road building proposition. How can I do it? The people out there fail to realize that all the money that the State of Washington got out of its 11 great reserves last year amounted to only $48,000, and when you spread it around among the counties which contain the 11,000,000 acres of land, you have not much per county.

Mr. BENNET. What is the area of the State?

Mr. JOHNSON of Washington. It is two-thirds more than there are of the forest reserves; that is, the forest reserves occupy about one-third of the State, and the State is 69,000 square miles. The forest-reserve part pays no taxes; pays no allegiance to the governor or the legislature of that State. Congress is where one-third of my State is governed as to matters of administration and revenue, and yet I am begrudged a few minutes to talk about the great inequalities that conservation has thrust upon that State when this bill comes up. Hidden somewhere in this bill is an item appropriating $5,000 for demonstrations in stump pulling. That is our little sop, $5,000 to conduct experiments in stump pulling. That makes us feel fine. [Laughter.] Some day we want to see the Government stump puller out where we have the stumps.

Mr. HAWLEY. Will the gentleman yield?

Mr. BENNET. I will.

Mr. HAWLEY. In answering the question, which the gentleman asked of the gentleman from Washington, with reference to Oregon, I will say that there are over 13,000,000 acres in the forest reserves. They have on them, it is estimated, 160,000,000,000 feet of timber. Estimating on a basis of 50 cents per thousand for assessment purposes, the value of that would be $80,000,000 for purposes of taxation. At a tax rate of one cent and a quarter on each dollar of assessed valuation, which is a very low rate and much lower than the real rate, it would bring in $1,000,000 in taxes per year. From the 13,000,000 acres, which is over one-fifth of the State of Oregon, with 160,000,000,000 feet of timber on it, the Forest Service received not quite $200,000 from it during the past fiscal year, or about a cent and a half an acre, and since there is returned only one-fourth of the receipts we received less than three-eighths of a cent per acre in lieu of taxation. Twenty-five per cent is returned to the State from the receipts from forests within the State, which is distributed to the forest-reserve counties, or about $50,000 in place of a million dollars taxation. In addition, 10 per cent of receipts are used by the Forest Service for roads and trails in the forests.

Mr. BENNET. I understood the gentleman correctly, did I not, that that $50,000 goes to the State?

Mr. HAWLEY. It goes to the State, and it is distributed among the counties in which the forest reserves are for roads and schools.

Mr. BENNET. Whereas the taxable value of that property, if it were not for the Federal ownership, would have an annual tax value of $1,000,000?

Mr. HAWLEY. At least that. That is basing it on 50 cents per thousand feet, and a cent and a quarter tax rate on each dollar of assessed valuation.

The CHAIRMAN. The time of the gentleman from New York has expired. The Clerk will read.

The Clerk read as follows:

Coronado National Forest, Ariz., $6,486.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I am very glad the gentleman from Oregon [Mr. HAWLEY] has taken a hand in this discussion, for he knows a great deal about forestry. In answer to the gentleman from New York [Mr. BENNET] he made some reference to the manner in which the funds raised from these forests were distributed. I want to ask him if my understanding is correct, that we dispose of the timber—that is to say, cut the ripe trees in the forest and sell them—and that the fund goes into the National Treasury?

Mr. HAWLEY. The money is paid into the Treasury of the United States and annually 25 per cent of it is distributed among the States from which it was received and that is distributed to the forest-reserve counties for roads and schools.

Mr. MOORE of Pennsylvania. The Federal Government gain or loss there is in this only, that the State, if in control of the forest, would derive some taxes from it.

Mr. HAWLEY. Yes; in the case of the State of Oregon, at the valuation I gave of 50 cents per thousand and at a very low tax rate of a cent and a quarter on the dollar of assessed valuation, we would get $1,000,000 a year taxes in place of $50,000 or less that we do get.

Mr. MOORE of Pennsylvania. Let us take this Coronado National Forest, which is in Arizona, for which the Government makes an appropriation of $6,486. If any of that timber is cut off and sold under contract the proceeds will be turned into the Federal Treasury and then 25 per cent of it would be returned to the State of Arizona. Is that correct?

Mr. HAWLEY. Twenty-five per cent of it would be returned to the State for distribution among the counties in which the forest reserves are.

Mr. MOORE of Pensylvania. Will the gentleman explain the reason for that?

Mr. HAWLEY. The reason is that it is a small return to the State in lieu of taxes lost.

Mr. MOORE of Pennsylvania. In that connection I wish to say as bearing upon the question of the East and the West, which I would like to have understand each other better, that in a State like Pennsylvania, which is an old State comparatively, the forest is maintained by the State. The older States contribute to the general expenses of the Government, and in this instance they contribute to the maintenance of a forest in Arizona, to the extent that the State of Arizona will get 25 per cent of the proceeds of Federal timber sold.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HAWLEY. The State of Pennsylvania has the advantage for taxation purposes of all of its superficial area. Taking just the opposite statement, if the forest reserves in every State that are now held in every State were the properties of the State, or could become the property of the citizens of the State, then there would be no call upon the State of Pennsylvania or anyone else to contribute any money for the maintenance of those forests. They would be maintained without expense to the public, and to the great profit of the citizens of the States in which they are located.

Mr. MOORE of Pennsylvania. We are using our forests, of course, to the very best advantage.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. The difference, too, between Pennsylvania and the West, especially these timber tracts, is that Pennsylvania has reclaimed about a million acres that are to be reforested. There is not much timber on them that can be used now.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for two minutes in order to answer the question raised by the gentleman from Ohio [Mr. FESS].

Mr. LEVER. Mr. Chairman, I was going to make a request that gentlemen let us finish these individual forests. We are discussing theoretical questions here and can do it indefinitely. The chairman of the committee is absolutely helpless to close debate.

Mr. HAUGEN. Mr. Chairman, at this point if I can secure a couple of minutes I would like to make this statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, the situation is this: The Government turns over 160,000,000 acres of land, gives the Forester authority to sell and make the best bargain he can. In addition to that it puts up $1,600,000 in cash besides the use of the land, grazing privileges, and timber on the land, and in addition to that it turns over to the States some $800,000, and the Government is out some two million and a half dollars. Now, it seems to me that Uncle Sam has been exceedingly liberal with the people of the Western States or in the forests. I would like to ask the gentleman to point out a single enterprise that gives up 35 per cent of its gross receipts for taxes. Here, Uncle Sam out of every dollar collected turns over 35 cents.

Mr. HAWLEY. Did you never know of an enterprise being taxed upon its gross receipts?

Mr. HAUGEN. Railroads have been taxed on their gross receipts, and there are a number of things.

Mr. HAWLEY. And upon property value, also.

Mr. HAUGEN. And many would be glad to pay taxes on their gross receipts.

Mr. HAWLEY. And taxed on the property value also.

Mr. HAUGEN. Certainly; some of them are.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. MOORE of Pennsylvania. Following the line of thought suggested by the gentleman from Iowa, I would say that Pennsylvania—and I am not using this as an argument against any western State at all, but in the line of the gentleman's suggestion—Pennsylvania appropriates as much as $300,000 a year to the increase of its forest reserve, and it has now more than a million acres in that reserve. Whatever the proceeds from the sale of timber, of course, inures to the State; it is turned over to the school fund for the education of the children of the Commonwealth. I mention this merely because the gentleman has raised a question which has been discussed by some of us, and I thought it fair to mention it.

Mr. HAUGEN. My State, in order to encourage the planting of trees and the growing of trees, has allowed $100 for a number of years. We have taken money from the treasury to encourage it; but these reserves were turned over and the land was turned over to grazing privilege and the forest reserve; not only that, but $1,600,000 in addition. Now, I have no quarrel with the Forester. I believe he is a most excellent and capable gentleman. I have no quarrel with Mr. Pinchot, his predecessor; but I confess we were told a number of years ago that if we would turn over the forests, in a short time they would be made at least self-sustaining.

Mr. LEVER. That was stated by Mr. Pinchot.

Mr. HAUGEN. Yes. Of the present Forester I have no criticism to offer, but I confess I am disappointed in the results. We were told this great department, or this great division of the department, would be made self-sustaining, and after all these years, after we have advertised and endeavored to get people to buy this lumber, to try to make the best bargains possible, here we are appropriating two and a half million dollars every year out of the Public Treasury.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I move to strike out the last three words.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes, and in the meantime——

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, if I can have the attention of the chairman of the committee, I do not think he really appreciates the interest that there is in this subject in the distances from these western countries.

The 15-cent magazines still circulate in the city of New York. And for years when the gentleman was a member of the Committee on Agriculture, although it was under a Republican House, those of us who used to vote with that committee and incidentally vote with the gentleman from South Carolina [Mr. LEVER], whose views were the same as the views of the then chairman, as I now recall them, used to subject ourselves to a good deal of political danger in doing so. And when you subject yourself to more or less political danger in order to stand by a committee of the House you do get more or less of interest in the subject. And I want to say to the gentleman, in addition to that, that this is really one of our great national problems. And in connection with that I wish to say that as this House progresses one of the great benefits is the educational value that comes from discussion just as we are having it. Ten years ago the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Washington, Mr. Cushman, and other gentlemen from the Western States prophesied—and I want to say this particularly in justice to the memory of our friend Cushman—a condition would come around, just as has come around, according to the statements now of the gentleman from Washington and the gentleman from Oregon. I am a conservationist. I am a friend of Mr. Graves, the Forester, and I am a friend of Mr. Pinchot, although I am frank to say that that statement will not add to my popularity in the House. But I like him. And therefore, it seems to me, the gentleman from South Carolina [Mr. LEVER] ought to allow a reasonable latitude for discussion. I will say another thing to him——

Mr. LEVER. Let me call my friend's attention to this fact, that the "gentleman from South Carolina" has been exceedingly liberal on this bill. We have been running on the forestry item since half past 12 o'clock. It is now 5 o'clock—three hours and a half or more. We have debated the wherefores and the whereases of forestry from Germany to this Coronado National Forest, in Arizona. And I want to suggest to the gentleman another thing, that during all that time and under all this discussion there have been only two amendments proposed to any of these paragraphs, both of which were subject to a point of order, and not in order under the rules of the House on this bill. There has not been a suggestion from any of the complainants in this case either to add to or substract from a single, solitary item in this bill on this subject, even to the dotting of an "i" or the crossing of a "t." So I think the gentleman, who is an exceedingly practical man, and lovable with it all, will agree with me, who is practical if not lovable——

Mr. BENNET. Both.

Mr. LEVER (continuing). That this discussion is purely theoretical, and has been so all day; and that if it continues in the strain in which it has gone, it will continue to-morrow and next day, and on indefinitely. Here we have 155 different forest items and 8 district items, making a total of 163 one-line paragraphs in this bill. If the gentlemen want to kill time, I know they can do it under the rules of the House, but I do not believe that the country wants them to do it, and I do not believe that the gentlemen on that side want them to do it. I believe we want to leave here at a reasonable time this year, and I believe we can do it. Certainly I hope, at least, we can go on with this bill this afternoon until we can reach something where we can begin talking about things that really have some value.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LEVER. I trust, Mr. Chairman, that we may read a while now.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Crater National Forest, Oreg. and Cal., $14,893.

Mr. BENNET. Mr. Chairman, the gentleman from South Carolina took all of my last five minutes and prevented me from saying that the great affection the House has for him is the reason that we are progressing so rapidly under this forest proposition. And I say that knowing that his recollection is as good as mine, and that he and I can recall six or seven years ago when we used to strike these forest items we simply prepared to take two or three days of time on them. Now, of course, there will be nothing like that, and there is no disposition to unduly delay things. But I just desire to reiterate that in the East, as well as in the West, there is still a tremendous interest in this problem. I used to vote with the committee, although, as I say, I was a great friend of Gifford Pinchot.

Mr. HARRISON. Mr. Chairman——

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Mississippi?

Mr. BENNET. Certainly.

Mr. HARRISON. I make the point of order that the gentleman's speech is dilatory, and I will ask the gentleman from New York if that is not true?

Mr. BENNET. It is not.

Mr. HARRISON. Is not the gentleman just trying to delay the proceedings?

Mr. BENNET. The gentleman is not.

Mr. HARRISON. And the gentleman is really in good faith in presenting this?

Mr. BENNET. If the gentleman talked more than 15 minutes, he would be dilatory.

Mr. HARRISON. It seems to me the gentleman has talked longer than that.

a couple of minutes I would like to make this statement.

Mr. BENNET. It may seem that way, but the clock will not bear it out. I will say to the gentleman from Mississippi, who was not here when I said it before, that the timber crop—if I can have the attention of the gentleman from Mississippi——

Mr. HARRISON. I am listening.

Mr. BENNET. That the timber crop of the State of New York is one of the most important crops in our State. This whole subject is full of interest to us in the State of New York.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from New York yield?

Mr. BENNET. I will yield to the gentleman for a short question.

Mr. MOORE of Pennsylvania. Does the gentleman think it fair that a Representative of the State of New York, which is taking care of its own forests, should not have the right to discuss the expenditure of public money in nearly every other State in the Union for the preservation of forests located there? And does the gentleman think that a gag should be placed upon him in attempting to carry on such a discussion?

Mr. BENNET. I am not being gagged.

Mr. MOORE of Pennsylvania. Well, I noticed the gentleman from Mississippi [Mr. HARRISON], who is a member of the Committee on Rules, sat down ominously when the gentleman from South Carolina interrupted the gentleman from New York.

Mr. BENNET. The gentleman from Mississippi always rises in order. [Laughter.]

Mr. LEVER. The gentleman from Mississippi will not attempt to deny to any gentleman a privilege that belongs to him.

Mr. HARRISON. I remember hearing the gentleman from Illinois [Mr. MANN], the minority leader on that side, a little while ago say that we ought to speed up on this matter and that we ought to confine our remarks to this bill. It seems that the gentlemen on that side are not following their leader.

Mr. BENNET. Well, Mr. Chairman, we are not taking instructions on this side. [Laughter.] We are still representing constituencies, and we are responsible to our individual constituencies and to our individual consciences.

As I was about to say, this is the first time in 10 years that I really appreciated that there was merit in the contention of the gentlemen from the far Western States. I know what it is to represent a constituency, and I know what a favorable suggestion is put upon discussions made in behalf of one's constituencies. I do not do these gentlemen any injustice when I state that I used to think their views were somewhat colored by the interests of their constituencies; but I will give an instance that happened in my experience in a recent Congress that caused me to change my opinion, when the gentleman from Louisiana [Mr. WATKINS], a valuable Member of this House, secured my assistance to have a bill put through that Congress to quiet title to a forest in Louisiana on the Red River, which covered a square league. At that time he brought to my attention something that I have never forgotten, and that was that the taking out of the taxable value of that league of land was, to a certain extent, disturbing to their county arrangements. We got the bill through, and the gentleman from Louisiana was very grateful; and a year or two afterwards he said to me that the restoration of that tract of taxable area had really assisted in the development of that section.

The CHAIRMAN. The time of the gentleman from New York has expired. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Deschutes National Forest, Oreg., $8,259.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. JOHNSON of Washington. Mr. Chairman, in commenting on these forest-reserve appropriation items I must be careful to pick out forest reserves that have real forests on them. This one, the Deschutes National Forest, in Oregon, has. Take any of these forests that has timber on it and you will find somewhere in the vicinity advertisements of the Forestry Bureau, reading exactly in these words:

You can get good stumpage at the right price within the national forests, and you pay for it when you cut it.

No need to make a big investment in timber and carry heavy overhead charges during the life of your operation.

Figure out the immense saving in interest.

That is a Forestry Bureau advertisement. That is competition for the lumber industry, and adds to the troubles of that industry. I am not one of those who charge all the evils that the great lumber industry in the Northwest has endured recently to the Underwood Tariff Act. But I take it that the striking off of the small tariff that we had prior to the enactment of the Underwood bill was pretty near the finishing touch to an industry that has been more viciously assaulted, and with less cause, by the magazines, the heads of great Government bureaus, and muck-raking individuals than any other industry.

Now, go right over into British Columbia and you find that Government advertising the same kind of timber. Their advertisement reads this way:

British Columbia has a wood for every use. British Columbia forest products are unequalled. It will pay you to buy home products. Write to the Forest Branch, Victoria, British Columbia, for official pamphlets or other information concerning structural timber, interior finish, flooring, doors, shingles, siding, car stock, poles, etc. Buy lumber grown and manufactured in Canada.

There you have it. The Government of British Columbia works hand in hand with its timber industry, and helps to sell the product of that industry, and is well pleased if the sales go into the United States, as they now do, while our own Government invites people with money to come out West to buy our timber from the national forests, to pay no interest and no taxes, and compete with the men who have pioneered there and tried to make our State a prosperous Commonwealth. Should not the United States be fair in the actual trial of Government ownership versus private ownership? In my opinion it will be no time at all until we hear a bill read on this floor to provide for the building of a railroad on one of these forest reserves, so that the Government can sell the timber that is now a white elephant on the hands of the forest management.

Mr. Chairman, I have no criticism of the Chief Forester. I think he is laboring with the greatest problem that was ever left on anyone's hands. I would offer amendments to every one of these paragraphs to give back 65 per cent, the whole amount that goes into the National Treasury from these sales, to be used for local improvements in the country from which the money comes if I did not know such amendments would be ruled out under points of order. The great Bureau of Forestry has this thing in its own hands. The best it can do is to make provision for the future. About all the resources of many of these western counties lie in the forest reserves. The timber is tied up; the water power and minerals are being tied up; the lands are not permitted to be opened for settlement and agricultural development. The people who went into these counties in good faith years ago are there yet, taxing themselves to the breaking point, and waiting for the conservationists to keep their promises of prosperity and plenty. Congress wants to help, no doubt, but it has not got time. And when we get some more Government-owned projects on our hands—steamships, telegraph, telephone, 200-pound parcels express, railroads, and goodness knows what all—we will have still less time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Durango National Forest, Colo., $6,873.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Time was when I discussed forestry items at length, but during the last few years I have taken very little of the time of the House in the discussion of this subject. The principal reason for that changed attitude on my part is the fact that there has been a great improvement in the administration of the Forest Service in the past few years, also we have become accustomed to the reserves. This problem of the forest reserves is a great problem. It was not undertaken at the request of the people of the Western States. It was undertaken largely at the suggestion of men who believed that the remaining vast timber resources of the country would be better cared for and conserved if placed under the Federal Government. Personally, I never criticized the establishment of a forest reserve that contained timber. Formerly we were called upon to criticize the establishment of forest reserves that contained scarcely enough timber to put a fence around them. Finally the policy changed, and the Government ceased to include vast untimbered areas in the reserves.

So far as the mountain States are concerned, we have now reached a time and condition when I think the people, in the main, believe that the reasonable establishment of reserves, that is, the establishment of reserves within reasonable boundaries, properly and wisely administered, are a good thing for that country and for the country as a whole. Of course we have the same problem that the people of the Pacific West have, in that vast areas of our territory within the reserves are withheld from private ownership, and hence withheld from taxation. The problem is not as acute with us as it is with the coast States, partly because the percentage of our area within reserves is not so great as theirs, partly because the lands within reserves in the intermountain country are not so valuable as the lands within the reserves on the Pacific coast. Out on the Pacific coast it is a very great hardship to have

these vast and valuable areas withheld from private ownership, and hence from taxation.

The very small sum that the States now receive, 25 per cent of the income from the reserves, is a mere bagatelle, a mere drop in the bucket, a negligible quantity, as the gentleman from Oregon [Mr. HAWLEY] has so clearly stated, compared with the amount that those areas would yield in taxes were they in private ownership and assessed and taxed even at a low rate. I do not see how we are going to cure that situation in the immediate future. It seems to me those folks will have to grin and bear it for a time, because the country has entered upon this policy and will adhere to it, in my opinion. Eventually the reserves will bring large returns, and, in my opinion, the time will come when under public ownership these areas in the Pacific West will yield sufficient income from the 25 per cent, or such other proper percentage of the income as may be fixed, to pay the States as well as they would be if the lands were in private ownership and under taxation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Wyoming asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, under these conditions it is hardly fair for my friend from Pennsylvania to suggest that his great State and other Eastern States are contributing to these Western States for support of forest reserves as though it was something the Western States had asked for, and as though the condition that had been established was established at their suggestion, or as though as a matter of fact they were receiving anything like the returns from these areas which they are entitled to receive. I believe that it is good public policy to retain these great western timber areas in forest reserves. I believe that we can improve the management of these reserves in the future as it has been improved in the past. I believe that eventually the people of these States will feel that the establishment of the reserves over forested areas was a good thing. In the meantime the condition is exceedingly trying, and especially trying when the management is not wise, just, and reasonable.

Some gentlemen have thought it strange that one Member would rise and protest against the forestry officials charging too much for stumpage on a reserve, and then the complaint from another district would be that they were not charging enough. The probability is that both gentlemen were right, and had reason for the complaint they made. Because if in a region where the forest reserve is the only timber resource that the people have, the stumpage price should be low in order that the people may have lumber at a reasonable price.

If on the other hand the forest reserve is surrounded by great private holdings and there are many areas from which timber can be obtained and lumber secured, the forestry stumpage price should not be so low as to practically confiscate the values of the private owner. It follows that at one and the same time, and possibly in the same reserve, or in the same State, there may be a perfectly legitimate complaint that in one place the price of stumpage is too high and at another place it is too low. It is a matter of management. I think they do much better in my part of the country than they were doing years ago, and I am hopeful of improvement in the service in the future.

The official at the head of the service is a good man and has good men around him. I do not agree with them in all things by any means, but I do believe they are doing their best, and they are certainly improving conditions of administration. It is a trying situation for the Pacific Coast States. It is a trying situation that is created by the withholding of vast areas from taxation; it is particularly trying in those States where large areas of valuable land and timber are so held, and they are not only entitled to liberal treatment in expenditures for improvements but to the utmost consideration in administration.

The Clerk read as follows:

Fishlake National Forest, Utah, $4,060.

Mr. BENNET. Mr. Chairman, if I can have the attention of the chairman of the committee, there was a statement made this afternoon that seems to me can not possibly be correct, and I would like to have the chairman of the committee say whether it is or not. Either the gentleman from Washington [Mr. JOHNSON] or the gentleman from Oregon [Mr. HAWLEY] gave me the impression that over the superficial area of every national forest neither the State nor any municipality had any jurisdiction whatever. That is to say, if a man committed a crime in some portion of the State of Washington and fled into a national forest, he could only be taken out of that forest by the action of some Federal authority. I do not know whether he intended to make that statement as broadly as I have made it, but I would like to ask the chairman whether there is a lack of all jurisdiction over the forest reserves within a State.

Mr. LEVER. I will say to the gentleman from New York that my opinion is that the forest reserve has complete jurisdiction as to the control and administration of the reserve, but, of course, the Federal Government would not have jurisdiction in a case such as the gentleman states. I happen to know that we can not set up a game preserve in one of these forests without special legislation.

Mr. HAWLEY. Will the gentleman yield?

Mr. BENNET. I will.

Mr. HAWLEY. The State's process runs through all the national-forest lands. The municipal jurisdiction extends over them. The game and fish laws extend over them. The fish in the streams and the game belong to the State and are taken only under State license.

Mr. JOHNSON of Washington. How is it about the establishment of national parks and monuments?

Mr. HAWLEY. The State process runs over them.

Mr. JOHNSON of Washington. I doubt very much if it does.

Mr. BENNET. Then the gentleman from Washington [Mr. JOHNSON] was a little too broad in his statement that neither the governor nor any of the executive officials had any power in the national forests?

Mr. LEVER. That is my opinion; yes.

Mr. BENNET. I am very glad to get it, because it seemed to me entirely out of accordance with our institutions and our processes of the enforcement of law that a third of a State should be a refuge for criminals.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I do not think the gentleman's statement went that far.

Mr. BENNET. He said that neither the governor nor any of the officials of the State had any power over the forests.

Mr. JOHNSON of Washington. What I meant to say was that the State of Washington is two-thirds State and one-third Province, and you can not get away from it.

Mr. BENNET. That is another one of those general statements that I shall have to get particulars about.

Mr. HAWLEY. The National Forest Service exercises jurisdiction over the forests in this way: They have charge of the timber. They protect it from fire. No one can cut any timber or have any use of it without their consent or agreement. If anyone goes into the forest for camping purposes—they have the privilege of going through the forest—they must observe the regulations made by the Forest Service to protect the timber from destruction by fire or wanton waste.

Mr. BENNET. But the State and its subordinate municipalities retain the ordinary control over the passer-by or even the sojourner.

Mr. HAWLEY. Yes. The gentleman understands what I mean when I say that the process of the State runs all through it.

Mr. BENNET. Absolutely.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Hayden National Forest, Wyo. and Colo., $7,358.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from South Carolina how long he expects to continue? I think this would be a very good place to stop.

Mr. LEVER. Mr. Chairman, we have about five pages remaining of the various units, and they can be read easily in 10 minutes.

Mr. MONDELL. Oh, we can hardly do that.

Mr. LEVER. And the general discussion which we have had this afternoon has not applied to these particular items. It can be readily taken up to-morrow morning on some proposition that really is involved in the discussion, and I was hoping that we might finish these individual items and then I will be glad to rise.

Mr. MONDELL. We could not agree to that, because there are a number of items with regard to which gentlemen desire to express some views. I think this is a good place to stop.

Mr. LEVER. If the gentleman had been following the proceedings very closely this afternoon he would agree with me

that we have not been discussing these items very closely. I hope the gentleman will let us run along and finish this.

Mr. MONDELL. I think it is about time to adjourn, and I shall have to make the point of no quorum if the committee does not rise soon.

Mr. LEVER. I hope the gentleman will not press that point. I would hate very much to have to bring Members here. We have made no progress here to-day.

Mr. MONDELL. I think the gentleman has made excellent progress.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Idaho National Forest, Idaho, $7,450.

Mr. MONDELL. Mr. Chairman, I do not want to make the point of no quorum. I will say to my friend, but I shall have to make it if we continue without a quorum.

Mr. LEVER. I hope the gentleman will not make it.

Mr. MONDELL. I feel that the committee has done its duty for to-day.

Mr. FOSTER. It seems to me very strange that after spending all the afternoon on a very few items the gentleman should now want to make the point of order, and I am in favor of letting him make it if nothing else will stop him.

Mr. LEVER. I hope the gentleman will let the Clerk read.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from Wyoming [Mr. MONDELL] yield to me for a moment?

Mr. MONDELL. Yes.

Mr. MOORE of Pennsylvania. I want to ask the gentleman from South Carolina, with the consent of the gentleman from Wyoming, as to the extent sheep are raised in the forest reserves?

Mr. LEVER. The number of sheep? Oh, there are quite a number of sheep in the forest reserves, which I can give the gentleman in a moment; but these are matters that come more properly under a different item in the bill, when I will be glad to discuss it.

Mr. MOORE of Pennsylvania. Can the gentleman give the approximate number in the forests?

Mr. LEVER. There are 3,600,000 head of sheep and goats in the national forests.

Mr. MOORE of Pennsylvania. Does the Government have any interest in them?

Mr. LEVER. Oh, none whatever. We have—I think I know what the gentleman desires—a herd of sheep in the State of Wyoming which we imported from Australia, Corriedale sheep, which we are using for experimental purposes.

Mr. MOORE of Pennsylvania. I want to get some information before we pass to other paragraphs. Under what terms are these 3,600,000 sheep, to which the gentleman referred, permitted to graze in the forest reserves?

Mr. LEVER. At a charge of 13½ cents each per annum.

Mr. MOORE of Pennsylvania. They are owned by private parties?

Mr. LEVER. Undoubtedly.

Mr. MOORE of Pennsylvania. Who are granted permission——

Mr. LEVER. Under a permit issued by the Forestry Service to graze at a stipulated price of 13½ cents a head per annum.

Mr. MOORE of Pennsylvania. Most of them graze in what States?

Mr. LEVER. I do not know that I could tell the gentleman; that great western country is so great——

Mr. MOORE of Pennsylvania. Wyoming, Montana——

Mr. LEVER. Yes; Idaho, Arkansas.

Mr. MOORE of Pennsylvania. I will not press the gentleman further this afternoon. I am very much obliged to him.

The Clerk read as follows:

Minam National Forest, Oreg., $6,476.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I desire to incorporate, in connection with my remarks to-day, a statement in regard to the actual financial returns of the Olympic National Forest, which are as follows: The Forester states that the receipts from the Olympic Reserve, which are negligible save for timber sales, have been as follows, and I am running back five years: Nineteen hundred and twelve, $948.88; 1913, $2,064.98; 1914, $11,673.17; and 1915, $17,978.98. These are the returns from the heaviest timbered reserve of all, and extending over four counties, each of which has about one-half its area, broadly speaking, in the forest reserve. These counties got back last year from this $17,948 sale about $4,000 out of a total return of $48,000, which went to the entire State of Washington, with its twenty-odd forest-reserve counties. These people have been told every single year since this policy went into effect that soon they would have something grand in lieu of taxes.

The same statement the distinguished gentleman from Wyoming [Mr. MONDELL] has made here on the floor to-day has been made to them year after year, and now we hear it again. In this one reserve is an area of 1,600,000 acres, and that is some land when you consider it, mostly all good timber. The chief forester says that, though the last annual sales amounted to $17,900, he expects the sales will increase to from $35,000 to $40,000 by 1917, and then remain at such figures indefinitely. That is the best we may hope from the sale of timber in a district where every tree that is cut down is 2 feet or more through, and where the trees are so thick that the sun rarely reaches the ground. What hope has the present generation of these four great counties? They do not want their lands taken out of the forest reserves, except the agricultural bottoms, but they do want some returns from the sale of their resources to be used for road building. They will have it, and Congress will be importuned until they get it.

The Clerk read as follows:

Montezuma National Forest, Colo., $4,670.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I think we ought to have a quorum here to discuss this bill. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman makes the point that there is no quorum present.

Mr. LEVER. Mr. Chairman, I am sorry to have to postpone further consideration of this important bill to-day, but I move that the committee do now rise.

Mr. MONDELL. Mr. Speaker, I withdraw the point of no quorum.

The motion that the committee do now rise was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

SENATE BILL AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5310. An act to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank; to the Committee on Interstate and Foreign Commerce;

S. J. Res. 119. Joint resolution to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period; to the Committee on Military Affairs;

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations; to the Committee on Printing; and

S. Con. Res. 19. Concurrent resolution directing the Attorney General to investigate whether the phenomenal increase in the price of gasoline is a result of any violation of the laws of the United States; to the Committee on Interstate and Foreign Commerce.

WITHDRAWAL OF PAPERS.

Mr. KALANIANAOLE, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of House bill 7958, first session, Sixty-third Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DECKER, indefinitely, on account of serious illness of his father.

To Mr. MOONEY, indefinitely, on account of death in family.

To Mr. TAGUE, indefinitely, on account of illness in his family.

To Mr. SIEGEL, for 10 days, on account of important business.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. tomorrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

Mr. MONDELL. Reserving the right to object, does not the gentleman think we are getting along with this bill very well and that we could very properly adjourn until 12 o'clock?

Mr. LEVER. The progress made to-day was not at all satisfactory, and we have been meeting from time to time on this bill at 11 o'clock anyhow.

Mr. HAWLEY. Will the gentleman yield?

Mr. LEVER. I yield.

Mr. HAWLEY. Is it the intention to dispense with Calendar Wednesday to-morrow?

Mr. LEVER. That has already been done by unanimous consent.

Mr. MONDELL. So I understood.

Mr. LEVER. And we meet at 12 o'clock on Thursday for Calendar Wednesday.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

COMMUNICATION FROM THE PRESIDENT.

Mr. KITCHIN. Mr. Speaker, I send to the desk the resolution the adoption of which I move.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 30.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday the 19th day of April, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. MONDELL. Mr. Speaker, reserving the right to object, is the gentleman anxious to consider this resolution this evening?

Mr. KITCHIN. It ought to be considered at once. The President has a very important message to deliver to the Congress in person to-morrow, and the Senate, I understand, is waiting for us to pass this resolution and send it right over.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. MCKELLAR. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. MCKELLAR. For the purpose of asking unanimous consent to extend my remarks in the RECORD by having printed a speech of W. J. Harris, a member of the Federal Trade Commission, on the subject of the powers and duties of that commission.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing a speech of Mr. W. J. Harris, a member of the Federal Trade Commission. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of forest reserves.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the subject of the forest reserves. Is there objection?

There was no objection.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in relation to the expatriation of citizens by including a communication and an opinion of Judge Hough, of New York City.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the subject of the expatriation of American citizens. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent that the bill (H. R. 11329) to authorize the Secretary of Labor to cooperate with other departments of the Government in fostering, promoting, and developing the welfare of the wage earners of the United States, by creating new opportunities for permanent and profitable employment, and for other purposes, which was referred to the Committee on Public Lands, be referred to the Committee on Labor.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill H. R. 11329, which was referred to the Committee on Public Lands, be referred to the Committee on Labor. And the Chair will state that this bill might be referred to any one of six or eight different committees with propriety. Is there objection?

Mr. MONDELL. Reserving the right to object, is this a private bill?

The SPEAKER. No; it is not a private bill. It is a bill that does all sorts of things.

Mr. MONDELL. May it properly go to the Committee on Labor?

The SPEAKER. Well, the Chair thinks it could; yes. We studied it pretty closely. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Wednesday, April 19, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting tentative draft of legislation authorizing the Secretary of the Treasury to accept a correctionary deed to the United States not modifying in any way the area heretofore conveyed by Pennsylvania, New York & Long Island Railroad for post-office site in New York City (H. Doc. No. 1032); to the Committee on Public Buildings and Grounds and ordered to be printed.

2. A letter from the Secretary of War, submitting a tentative draft of bill to cover a revised establishment of the southerly and westerly boundaries of the military reservation of Fort Marion, St. Augustine, Fla. (H. Doc. No. 1033); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14387) to authorize the construction of a bridge across the Fox River at Geneva, Ill., reported the same with amendment, accompanied by a report (No. 570), which said bill and report were referred to the House Calendar.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 549) to regulate the interstate transportation of immature calves, reported the same without amendment, accompanied by a report (No. 571), which said bill and report were referred to the House Calendar.

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (S. 4726) to permit issue by the supply departments of the Army to certain military schools and colleges, reported the same without amendment, accompanied by a report (No. 572), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 14630) to quiet title in certain citizens to certain lands lying within the meander line on the St. Francis River, and being parts of lots and tracts of land lying in Craighead County, Ark., reported the same without amendment, accompanied by a report (No. 567), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 9201) to carry out the findings of the Court of Claims in the case of Charles H. Whipple, reported the same adversely, accompanied by a report (No. 568), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 7421) directing the accounting officers of the Treasury to credit and settle an account of Samuel D. Barkley, reported the same adversely, accompanied by a report (No. 569), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10645) granting a pension to Elizabeth R. Foster, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. HAYES: A bill (H. R. 14766) directing the Secretary of the Treasury to sell the present Federal building and site at San Jose, Cal., and to acquire a new site, and to provide for the erection and completion thereon of a public building in the said city of San Jose, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. BRITT: A bill (H. R. 14767) to regulate the mileage allowed Senators and Representatives in Congress; to the Committee on Mileage.

Also, a bill (H. R. 14768) to purchase a post-office site and to build a post-office building in the city of Marion, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 14769) to cede to the State of Oregon certain lands on the shores of the Upper Klamath Lake, Oreg.; to the Committee on the Public Lands.

By Mr. GARD: A bill (H. R. 14770) for the construction of a public building at Eaton, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. WALKER: A bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River, to be known as the Dixie Highway Bridge; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 14772) providing for selections in lieu of certain lands granted for educational purposes; to the Committee on the Public Lands.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 14773) to provide a site for a post-office building at Lexington, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14774) to provide a site for a post-office building at Indianola, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. WICKERSHAM: A bill (H. R. 14775) to establish the Mount McKinley National Park, in the Territory of Alaska; to the Committee on the Public Lands.

By Mr. HAYDEN: A bill (H. R. 14776) to provide for the erection of a public building at Grand Canyon, in the State of Arizona; to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes; to the Committee on Flood Control.

By Mr. ABERCROMBIE: Joint resolution (H. J. Res. 204) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 14778) granting a pension to Gilbert Adams; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 14779) making an appropriation to construct a national home for aged and infirm colored people and working girls, and for other purposes; to the Committee on War Claims.

Also, a bill (H. R. 14780) making an appropriation for the payment of certain claims growing out of the Civil War; to the Committee on War Claims.

By Mr. BARNHART: A bill (H. R. 14781) granting an increase of pension to Wilbur F. Wheadon; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 14782) granting an increase of pension to Agnes Mick; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 14783) granting an increase of pension to Henry W. Higley; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 14784) for the relief of Alma Provost; to the Committee on Claims.

By Mr. GRAY of Indiana: A bill (H. R. 14785) granting an increase of pension to Albert E. Duty; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 14786) granting a pension to Lodema Epperson; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 14787) granting an increase of pension to Henry J. Doyne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14788) granting a pension to Mary E. Stacey; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 14789) granting an increase in pension to Mrs. Elizabeth Voneky; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 14790) granting to the Atchison, Topeka & Santa Fe Railway Co. the right to maintain a wharf across certain submerged lands of the United States in the harbor of San Diego, Cal.; to the Committee on Rivers and Harbors.

By Mr. LAFEAN: A bill (H. R. 14791) granting an increase of pension to John C. Jamison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14792) granting an increase of pension to Matilda Gnau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14793) granting an increase of pension to Lamanda E. Busey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14794) granting an increase of pension to Frederick Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14795) granting an increase of pension to Annie H. Uhler; to the Committee on Invalid Pensions.

By Mr. LIEBEL: A bill (H. R. 14796) granting a pension to Emma M. Dame; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 14797) granting a pension to Richard Glover; to the Committee on Pensions.

Also, a bill (H. R. 14798) granting a pension to Katharine Fey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14799) granting a pension to Edward H. Osmond; to the Committee on Pensions.

Also, a bill (H. R. 14800) granting an increase of pension to Sarah M. Parrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14801) granting an increase of pension to Zachary T. Francis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14802) granting an increase of pension to John Reid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14803) granting an increase of pension to Sarah A. Thatcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14804) granting an increase of pension to John Reid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14805) granting an increase of pension to Ida M. Satterfield; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 14806) granting a pension to Mary L. Alexander; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 14807) granting a pension to Sarah E. Strickland; to the Committee on Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 14808) granting an increase of pension to Oscar E. Harper; to the Committee on Pensions.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 14809) granting an increase of pension to Bridget Trainor; to the Committee on Invalid Pensions.

By Mr. STOUT: A bill (H. R. 14810) for the relief of Katie Cannifl; to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 14811) granting an increase of pension to Michael F. Conway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14812) granting an increase of pension to James M. Jenness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14813) granting an increase of pension to George C. Jackman; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 14814) for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota; to the Committee on Claims.

By Mr. WILSON of Illinois: A bill (H. R. 14815) granting an increase of pension to Girard C. Geisse; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of New Seattle (Wash.) Chamber of Commerce against United States relinquishing control of the Philippine Islands; to the Committee on Insular Affairs.

By Mr. ALMON: Petition of M. D. Cobb and others, of Madison County, Ala., concerning rural-credit bill; to the Committee on Banking and Currency.

By Mr. BARCHFELD: Petition of First Presbyterian Church and Christian Endeavor Society of Duquesne, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Encampment No. 1, Union Veterans' Legion of Pittsburgh, Pa., favoring House bill 11707, to increase pensions of soldiers' widows; to the Committee on Invalid Pensions.

Also, petition of citizens of Pittsburgh, Pa., favoring the Nolan bill, House bill 11522; to the Committee on Reform in the Civil Service.

By Mr. BARKLEY: Petition for location of mine relief station at Pineville, Ky.; to the Committee on Labor.

By Mr. BEAKES: Petition of Judson Boyce and nine citizens of River Rouge; Baptist Church and Sunday School, of Rollin; Woman's Christian Temperance Union, of Adrian; and Baraca Class of Grace Baptist Church, River Rouge; all in the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of 163 people of Paulsboro, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COPLEY: Petition of 70 people of Hebron and Congregational Church of 230 people, of Naperville, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CURRY (by request): Petition of Woman's Christian Temperance Union of 18 people, of Davis; 50 people of Davis; Presbyterian Church of Davis; and 13 people of French Camp, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of 21 citizens of the Veterans Home and Yountville Cal., against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of Andrew Jackson Democratic Club, of Brooklyn, N. Y., in re legislation; to the Committee on Reform in the Civil Service.

Also, petition of citizens of Kansas City, Mo., favoring woman's suffrage; to the Committee on the Judiciary.

Also, petition of J. M. Williams, of New York, in re foreign relations; to the Committee on Foreign Affairs.

By Mr. DILLON: Petition of sundry citizens of Spencer, McCook County, S. Dak., opposing House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens in re rural-credit legislation; to the Committee on Agriculture.

Also, memorial of board of directors of the Lead (S. Dak.) Commercial Club, favoring adequate military preparedness; to the Committee on Military Affairs.

Also, memorial of the Yankton (S. Dak.) Woman's Club, indorsing House resolution 137; to the Committee on Rules.

By Mr. DOOLITTLE: Petition of 64 citizens of Emporia, Kans., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Wabaunsee County, Kans., favoring a Christian amendment to the United States Constitution; to the Committee on the Judiciary.

By Mr. EAGAN: Memorial of Illinois Commandery of the Military Order of the Loyal Legion, and Fifth Avenue Association, on national defense and military engineering lectures, favoring preparedness; to the Committee on Military Affairs.

By Mr. ESCH: Petition of Joseph Havel and 10 others of Wonewac, Wis., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. FLYNN: Memorial of Andrew Jackson Democratic Club, Brooklyn, N. Y., favoring House bill 6915, to pension aged employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Walter Farwell, of Chicago, Ill., favoring adequate preparedness for national defense; to the Committee on Military Affairs.

Also, papers to accompany bill for relief of Henry W. Higley; to the Committee on Invalid Pensions.

Also, petition of the Pedic Society of the District of Columbia, for a bill regulating the practice of pediatry or chiropody; to the Committee on the District of Columbia.

By Mr. GARDNER: Petition of 37 citizens and Men's Club of Maple Street Church, of Danvers, Mass., favoring national prohibition; to the Committee on the Judiciary.

Mr. Mr. HADLEY: Petitions of citizens of Geneva and Bellingham, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: Petition of E. S. Beall and 3 other citizens, of Phoenix, Ariz., opposing the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Robin Gould and 18 other citizens, of Bowie, Ariz., favoring the adoption of a prohibition amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petitions of Christian Church of 77 people, of Tucson; mass meeting of 400 people, of Tempe; Methodist Episcopal Church of 400 people, of Tucson, all in the State of Arizona, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAWLEY: Petition of citizens of Eddyville, Oreg., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of T. C. Warrington and 6 other people, of Salem, Ohio, against increase of Navy; to the Committee on Naval Affairs.

By Mr. HOPWOOD: Petitions of 2 citizens of Fairchance, 5 citizens of Brownsville, 8 citizens of Belle Vernon, 13 citizens of Uniontown, 9 citizens of Fayette City, 16 citizens of Somerset, 23 citizens of Connellsville, 11 citizens of Meyersdale, 12 citizens of Berlin, 2 citizens of MacDonaldton, 6 citizens of Garrett, 6 citizens of Ursina, 11 citizens of Rockwood, 6 citizens of Hooversville, 6 citizens of Jerome, 4 citizens of Holsopple, 15 citizens of Windber, 1 citizen of Friedens, and 6 citizens of Allegheny, all in the State of Pennsylvania, to tax interstate mail-order business and to support House bills 270 and 712; to the Committee on Ways and Means.

By Mr. HUTCHINSON: Petition of sundry citizens of Trenton, Mercer County, N. J., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens and organizations of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petition of clerks in Quartermaster Corps, United States Army, St. Louis, Mo., favoring House bill 13671; to the Committee on Military Affairs.

By Mr. KENNEDY of Iowa: Petition of citizens of Fairfield, Iowa, protesting against House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of grain committee of the Commercial Exchange, of Philadelphia, Pa., against passage of House bill 10405, grain-grades act; to the Committee on Agriculture.

Also, memorial of American Cotton Manufacturers' Association, favoring reasonable tariff for protection of home industries; to the Committee on Ways and Means.

Also, petition of Illinois Commandery of the Military Order of the Loyal Legion, favoring preparedness; to the Committee on Military Affairs.

By Mr. LEHLBACH: Memorial of Verona (N. J.) Methodist Episcopal Church, favoring passage of House bill 10924, to prohibit export of rums, etc., to Africa; to the Committee on Alcoholic Liquor Traffic.

Also, petition of sundry citizens of Newark, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LIEBEL: Papers to accompany House bill for relief of Emma M. Dame; to the Committee on Invalid Pensions.

By Mr. LONDON: Petition of Henry Tuomala and 26 other citizens of Mahtowa, Carlton County, Minn., protesting against all such acts as would lead our country to war against the working classes of another country; to the Committee on Foreign Affairs.

Also, petition indorsing House joint resolution No. 38, calling upon the President to convene a congress of neutral nations to offer mediations to the nations at war, from mass meeting of citizens of twentieth, twenty-second, and twenty-ninth assembly districts, New York City; to the Committee on Foreign Affairs.

By Mr. MAGEE (by request): Petition of residents of Onondaga County, N. Y., in re House bill 13048; to the Committee on the District of Columbia.

By Mr. NORTH: Petition of 30 citizens of Kittanning, protesting against the enactment of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Pomona Grange No. 58, Marion Center, Pa., favoring nation-wide prohibition; to the Committee on the Judiciary.

By Mr. PATTEN: Memorial of Board of Aldermen of New York City, favoring House bill 6915, relative to retirement of aged postal employees; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Protest of citizens of Kelseyville, Cal., against the passage of a bill to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Memorial of Union League Club of Chicago, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Barrister & Schell, indorsing Senate joint resolution 92; to the Committee on the District of Columbia.

Also, petition of citizens of New York, indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry Steers, of New York, opposing House bill 8936; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Richard Kane, of Brooklyn, N. Y., indorsing House bill 6915; to the Committee on Claims.

By Mr. SMITH of Texas: Petition of citizens of Stanton, Tex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petitions of Retail Druggists' Association of Providence, R. I., favoring House bill 13568, the Ashurst-Stephens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Walter A. Read, general treasurer, favoring a volunteer army as provided in section 56 of the Chamberlain bill; to the Committee on Military Affairs.

Also, papers to accompany House bill 14762, granting an increase of pension to Ellen L. Bentley; to the Committee on Invalid Pensions.

Also, petitions of R. E. Osthy, Halsey De Wolf, Mrs. John R. Hess, Mary F. Barker, Harold Barker, Gladys P. Barker, Clara L. Hess, Lincoln B. Northup, of Providence; C. McConnell, of Westerly; and Charles A. Stahl, jr., of Oakland Beach, all in the State of Rhode Island, favoring the so-called Chamberlain military bill, especially section 56; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Petition of citizens of Whitewater, Colo., against Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. VARE: Memorial of Manufacturers' Club of Philadelphia, Pa., against granting of freedom to the Philippines at an early date; to the Committee on Insular Affairs.

Also, memorial of Commercial Exchange of Philadelphia, Pa., against House bill 10405, grain-grades bill; to the Committee on Agriculture.

Also, memorial of Manufacturers' Club of Philadelphia, Pa., against erection of a Government armor-plate plant; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *April 19, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we are the possessors of the experience and the achievements and faith of all the generations. Thou hast brought us into a rich and noble inheritance. We are not bound by the narrow ideals or traditions of any blood. Out of all people Thou hast gathered us together and given to us a great commission, that we may stand for the rights of humanity, that we may help the onward march of perfected humanity.

We pray Thy blessing upon us this day. Lay Thy hand upon Thy people. Grant to give to us the wisdom which cometh from on high, that we may wisely counsel and safely direct and order the steps of this national life, that we may make no fatal mistakes. May we give glory ever to God, for the good of the people whom we serve, and we pray for that larger circle of humanity to whose interests we have committed ourselves. We pray Thee to lead us to the accomplishment of the divine purpose in us. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Monday, April 17, 1916, was read and approved.

INCREASE OF CADETS AT MILITARY ACADEMY.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

Mr. CHAMBERLAIN. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. DU PONT conferees on the part of the Senate.

THE PATENT OFFICE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 683) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before the Patent Office in advertising his business, which were, in line 4, to strike out the words "the Patent Office" and insert "any department or office of the Government," and to amend the title so as to read: "An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department or office of the Government."

Mr. POINDEXTER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LANDING OF SIR FRANCIS DRAKE IN CALIFORNIA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 20) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California.

Mr. PHELAN. I move that the Senate concur in the amendments of the House of Representatives with an amendment to the amendments to strike out the numeral "20" after "S. J. Res." and insert the numeral "121." It is a mere verbal correction.

The VICE PRESIDENT. The Senator from California moves that the Senate concur in the House amendments with an amendment. The question is on the motion of the Senator from California.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7; and

H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River;

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River; and

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915.

H. R. 12716. An act amending sections 4898, 4906, 4921, 4934, and 4935 of the Revised Statutes of the United States, was read twice by its title and referred to the Committee on Patents.

H. R. 9525. An act to establish a national park in the Territory of Hawaii, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

H. R. 308. An act to amend the act to regulate commerce, as amended, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

H. R. 6782. An act providing for the leasing of arid lands which are irrigable, belonging to Indian allottees, and fixing the maximum time for which such leases may run, was read twice by its title and referred to the Committee on Indian Affairs.

UNITED STATES DISTRICT COURT OF PORTO RICO.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Resident Commissioner from Porto Rico, which will be noted in the RECORD and referred to the Committee on Pacific Islands and Porto Rico.

The communication is as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES.
Washington, D. C., April 18, 1916.

Hon. THOMAS H. MARSHALL,
President of the Senate, Washington, D. C.

MY DEAR MR. MARSHALL: I received last night the following cablegram from Porto Rico:

"LUIS MUÑOZ RIVERA,
"*235 House Office Building, Washington, D. C.:*

"The house of delegates unanimously resolved to petition Congress to abolish the United States district court of Porto Rico, conferring the jurisdiction thereof on the Supreme Court of Porto Rico, on the ground that this precedent had been established in all the Territories, and, besides, that the Federal court always disregards the civil laws of the island in rendering its decisions and because of the necessity of economy in appropriations.

"HERMINIO DIAZ, *Speaker.*"

The House of Delegates of Porto Rico is composed of 20 Unionists, 14 Republicans, and 1 member of the Labor Party. Thus, as the resolution was unanimous, it represents the opinion of all parties in the island.

I respectfully request that this resolution be inserted in the RECORD and referred to the Committee on Pacific Islands and Porto Rico for consideration.

Very sincerely, L. MUÑOZ RIVERA.

PETITIONS AND MEMORIALS.

Mr. WILLIAMS presented petitions of sundry citizens of Mississippi, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SAULSBURY presented petitions of sundry citizens of Smyrna and Greenboro, in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHERMAN presented memorials of sundry citizens of Illinois, remonstrating against the enactment of legislation to restrict the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Illinois, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Chicago, Streator, and Highland Park, all in the State of Illinois, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Chicago and Greenup, in the State of Illinois, remonstrating against the creation of the proposed juvenile court in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Chicago, Barrington, Downers Grove, Hinsdale, and Granite City, all in the State of Illinois, remonstrating against appropriations being made for sectarian purposes, which were ordered to lie on the table.

He also presented a petition of the Commercial Club, of Depue, Ill., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Vermilion, Ill., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. WALSH presented a memorial of sundry citizens of Townsend, Mont., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of State College, Pa., remonstrating against the enactment of legislation to provide for an extension of military training in land-grant colleges, which was referred to the Committee on Military Affairs.

He also presented a petition of Encampment No. 1, Union Veteran Legion, of Pittsburgh, Pa., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of the Pennsylvania State Federation of Labor, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of the congregation of the Home-United Presbyterian Church, of Pittsburgh, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Manufacturers' Club of Philadelphia, Pa., remonstrating against the abandonment of our sovereignty over the Philippine Islands, which was ordered to lie on the table.

He also presented a memorial of the Manufacturers' Club of Philadelphia, remonstrating against the establishment of a Government armor-plate plant, which was ordered to lie on the table.

He also presented memorials of the Society of Friends of Fallsington, and sundry granges, in the State of Pennsylvania, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented a petition of the board of Trade of West Chester, Pa., praying for the passage of the so-called vocational education bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the placing of a tax on exportations of gasoline and for an investigation of the Standard Oil Co. and the price of gasoline, which were ordered to lie on the table.

He also presented petitions of sundry granges of Pennsylvania, praying for Government ownership of telephone and telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry patriotic societies in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. SMITH of Maryland presented a petition of the congregation of the Cavalry Methodist Protestant Church of Baltimore, Md., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Calvary Methodist Protestant Church, of Baltimore, Md., praying for the enactment of legislation to prohibit interstate transmission of race-gambling odds and bets, which was referred to the Committee on Interstate Commerce.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. STERLING presented a memorial of sundry citizens of Fall River and Turner Counties, in the State of South Dakota, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. NORRIS presented a memorial of sundry citizens of York County, Nebr., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. LIPPITT presented a petition of the Rhode Island State Division, Sons of Veterans, praying for the enactment of legislation to permit the free use of discarded rifles to Sons of Veterans for military drill, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Anthony, R. I., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRADY presented petitions of sundry citizens of Idaho, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Middleton, Idaho, remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Ferdinand, Idaho, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Grange, No. 139, Patrons of Husbandry, of Fruitdale, S. Dak., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented petitions of Local Grange No. 139, Patrons of Husbandry, of Fruitdale; and of Pocahontas Grange, No. 46, Patrons of Husbandry, of Dixon, in the State of South Dakota, praying for Government ownership of telephone and telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Salem, Winfred, Canova, Madison, Montrose, Unityville, Centerville, and Beresford, all in the State of South Dakota, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Salem, Winfred, Canova, Montrose, Unityville, Beresford, and Centerville, all in the State of South Dakota, remonstrating against the enactment of legislation for compulsory Sunday observance

in the District of Columbia, which were ordered to lie on the table.

Mr. McLEAN presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 186, Musicians' Protective Association, of Waterbury, Conn., remonstrating against certain proposed amendments to the copyright law, which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Hartford, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Wallingford, Conn., praying for the withdrawal of the United States troops from Mexico, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented petitions of sundry citizens of Los Angeles and Santa Cruz, in the State of California, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of Camp No. 59, United Spanish War Veterans, of Coronado, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Colton, Cal., praying for an appropriation of $300,000 for the Yosemite National Park, and for the creation of a national park service, which was referred to the Committee on Appropriations.

Mr. GRONNA presented a petition of sundry citizens of Woodworth, N. Dak., praying for the adoption of certain amendments to the rural-credits bill, which was ordered to lie on the table.

He also presented memorials of sundry citizens of North Dakota, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Fargo, N. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Aldermen of New York City, praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. JONES. I present a petition of the Chamber of Commerce of Cordova, Alaska, addressed to the President and Congress of the United States, asking that in the construction of railroads in Alaska 50 miles of line be constructed to the Bering field, and giving other valuable information with reference to the necessities for such a railroad. I ask that the petition may be printed in the RECORD and referred to the Committee on Territories.

There being no objection, the petition was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

A petition

To the President and Congress of the United States:

Whereas by acts of Congress approved March 12, 1914, the President is authorized and directed to locate, construct, and operate not to exceed 1,000 miles of railroad in the Territory of Alaska, at a cost not to exceed $25,000,000; and

Whereas under this authority the President has caused to be located and has designated for construction a line from Seward to Fairbanks with a branch to the Matanuska coal field, a total of about 504 miles, leaving nearly 500 miles now to be located and designated for construction under the provisions of the law; and

Whereas the mileage already designated for construction will tap and make available the coal from the Matanuska and Nenana coal fields, but will not touch or open the Bering River coal field; and

Whereas the Behring field is the nearest to market of any of the coal fields in Alaska, its coal is most urgently needed and requires only 30 miles of new track to make it available, while 20 miles additional, or a total of only 50 miles will make the Katalla oil as well as the Bering coal available; and

Whereas the Bering coal is absolutely essential to the proper development of the great copper field adjacent to it, and is the only essential lacking for the development of a great copper-mining and smelting industry in Alaska:

Wherefore your petitioners, the Cordova Chamber of Commerce, representing the business interests of this district, respectfully pray that 50 miles of railroad be located and constructed by the Government so as to open up the Bering coal field and bring the coal to the harbor at Cordova and to the markets of the Copper River district.

A memorandum showing further reasons in favor of such railroad construction is hereto attached.

Respectfully submitted.

CORDOVA CHAMBER OF COMMERCE,
By GEO. C. HAZLET, *President.*
EDWARD F. MEDLEY, *Secretary.*

[Memorandum.]

COAL OFFERED FOR LEASE, BUT NO RAILROAD.

It is stated that the regulations for the leasing of coal lands on the public domain in Alaska will shortly be issued, but no way is provided for hauling out the coal, so far as the Bering River field is concerned. There must be a railroad before there can be any coal mining.

The Government has gone to great expense in resurveying the coal lands of the Bering River field and dividing them into leasing tracts to be offered to the public. A large sum of money has been spent during the past year for this purpose. It is well known that a railroad is necessary before coal can be mined, for the Government has had its engineers for months surveying the various railroad routes into the field.

The Secretary of the Interior has recommended appropriations of more than $10,000,000 for railroad building in Alaska during the coming year, but nothing is recommended for the Bering River field.

AUTHORITY SUFFICIENT.

There is no lack of authority for building railroads to the Bering field. The President was not only authorized, but directed to build not to exceed a thousand miles of railroad in Alaska. For this purpose he was authorized to spend $35,000,000. Opening the coal fields was one of the main purposes expressed in the law for the building of railroads. Of the thousand miles authorized, only about 500 miles have so far been designated for construction. This is the line from Seward to Fairbanks. This is estimated to cost $27,000,000. This leaves $8,000,000 of the $35,000,000 and nearly 500 miles out of the 1,000 miles authorized.

BERING FIELD CLOSEST TO MARKET.

There is no good reason why a line should not be built to the Bering field. The coal is the best, or equal to the best, and there is the greatest demand for it. It will be of the greatest use in developing the other resources of the Territory.

There are three available coal fields in Alaska, namely, the Bering River, the Matanuska, and the Nenana. The distance from the various fields to market is as follows:

	Miles.
Bering River to Cordova	68
Matanuska to Seward	185
Nenana to Fairbanks	104

The Copper River & Northwestern Railway reaches 38 miles of the distance from Cordova to the Bering field, so that only 30 miles of new track is necessary to bring this coal to market. These 30 miles are of easy construction. Twenty miles further would tap the Katalla oil field. Thus, with 50 miles of new track, the coal, oil, and copper would all be assembled at Cordova on easy grades and at the lowest cost. It is estimated the first 30 miles to the nearest coal could be built in 90 days, or at most in six months.

The estimated cost, in round figures, and time for completion of railroad facilities to the different fields is as follows:

DISTANCE, ESTIMATED COST, AND TIME OF COMPLETION.

Bering River to Cordova, 30 miles; $1,000,000; six months.
Matanuska to Seward, 184 miles; $7,000,000; three years.
Nenana to Fairbanks, 104 miles; $3,000,000; three years.

It is estimated by a very able commission who studied the subject that the coal from the Bering field can be hauled to Cordova by rail for $1.42 a ton, while from the Matanuska to Seward it will cost $3.38 a ton. There seems no justification for the Government to open Matanuska coal and keep the Bering field closed.

DISCRIMINATION.

Aside from all economic questions, is it just to develop one locality in Alaska and refuse to develop another equally entitled to it? Is it intentional discrimination? The interstate-commerce law provides—

"That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

Violation of this law is punishable by fine and imprisonment.

When the Government itself goes into the railroad business, though it is not amenable to the law, should it not, nevertheless, be guided by the just principles of the law? If it is criminal for a private corporation to strangle and kill one locality while it upbuilds another, should not the Government itself refrain from doing the same thing?

PRIVATE RAILROAD IMPOSSIBLE.

The Government may expect that when the coal is opened somebody will at once come in and build a railroad to the Bering field. It has

often been said that the owners of the Copper River & Northwestern Railway will do so. But this is a false hope. The Copper River people did plan to build a railroad there at one time. They took an option on 5,280 acres of coal land, made surveys for a railroad to it, and would no doubt have built the line and opened a coal mine. But the Government interposed, charged the parties with a conspiracy to monopolize the coal field, canceled the title to the coal land, and thus stopped the proposed railroad building.

The law has now been changed so that coal lands can not be bought at all, but must be leased.

A railroad is expressly prohibited from taking a lease, except for coal for its own use. This is impracticable, for coal in the small quantity required for a railroad's fuel supply can not be economically mined.

A railroad must have coal for traffic as well as for fuel.

A railroad is also prohibited by law from carrying any coal mined or produced by it or in which it has any interest. A railroad therefore can neither own nor lease nor have any interest in a coal mine.

Conversely, a coal company can not own a railroad. A franchise or right of way for a railroad can only be obtained by a railroad company.

The only chance, then, for private construction is that one company take a lease of coal land and another build the railroad. But if the two companies should enter into an agreement that one should open a mine and the other build a railroad to haul the coal, it would then be an unlawful combination or conspiracy. Section 8 of the coal-leasing law expressly forbids this.

If the Copper River & Northwestern Railway should venture again to build to the field, they could again be charged with conspiracy to monopolize the coal. The coal lease to which they proposed to build would also be subject to cancellation.

No doubt the Government could amend the law so as to induce private companies to build a railroad to the Bering coal. They can not do so under existing laws.

GOVERNMENT RAILROAD NECESSARY UNDER LEASING SYSTEM.

It was clearly recognized by those who advocated the leasing system that Government railroads were essential to the plan. Hon. Walter Fisher, former Secretary of the Interior, in an annual report, says:

"The adoption of a leasing policy will take away from the promoters of such a road the lure of great gain from the exploitation of the coal fields. This exploitation clearly should be prevented in the public interest. But at the same time, the Government must recognize that if it withdraws from private capital this incentive for railroad construction, the Government itself must assume the obligation of making possible that kind of development upon which it insists for the general good. It has been urged that the Government should meet this objection by guaranteeing the payment of bonds or the interest on bonds equal to the cost of the construction of the road. I can see no advantage whatever in this policy. If the Government is to guarantee the cost of construction, I see no reason why the Government should not own the railroad outright whether it operates it or leases to an operating company."

Dr. Alfred H. Brooks, Chief of the Alaska Division of the United States Geological Survey, a member of the first Alaska Railroad Commission, and one of the ablest of all students of Alaska development, says:

"Under the old policy, now happily abandoned, these lands would in part have been granted to private corporations which by railway construction, in turn would make the latent wealth of these and others available. This policy having been abandoned, the only alternative is for the Government to furnish the transportation. Without railways the land is valueless; with them it becomes an asset of importance. It was probably these more than purely commercial considerations, as much as the opportunity to furnish a new field of activity to our people, that led to the enactment of the law providing for Government railroads in Alaska. A further argument lies in the general acceptance of the principle of leasing the mineral fuels in the public lands rather than selling them. A Government railroad is almost a necessary corollary of leasing mineral lands in an undeveloped field."

GOVERNMENT COMPETITION.

Even if the law did not practically prohibit private railroad building in Alaska as it does, there would still be the danger of Government competition. A private line to the Bering field would surely have to compete with the Government line to the Matanuska except as to coal for local use. It might have to compete with a Government line to the Bering field itself. The President has undoubted authority to build there.

The coal-leasing law also expressly reserves 5,280 acres of coal land in the Bering field, and authorizes the President to open mines to compete with any other coal mine or railroad when in his opinion the price of coal is too high. Thus the threat of destructive competition is always before one who might venture to build a private road or open a coal mine.

Unless the Government itself will build a railroad to the Bering field, its position is more hopeless than it was before the railroad and coal leasing laws were passed. Instead of being opened, it is more effectively closed.

NAVAL COAL TESTS.

It may be said that one reason why a railroad to the Bering field is not being built is that a test showed the coal unsuitable for naval use, while Matanuska coal is suitable. But this test was another example of injustice to the Bering field. A physician was sent to select the sample tested from the Bering field, while an experienced coal-mining engineer selected that from Matanuska.

There are many different veins of coal in the Bering field and many kinds of coal. The doctor happened to pick a poor sample for the peculiar needs of the Navy. The chemical analysis shows the coal of the two fields to be of the same general character. The same coal-mining engineer who selected the good sample from Matanuska does not hesitate to say that there is equally as good naval coal in the Bering field, and probably as much or more of it.

LOCAL USE PRINCIPAL VALUE OF BERING COAL.

But even if never a pound of Bering coal is used for the Navy, it does not justify strangulation of the district.

The principal value of the coal is for local uses. For upon the coal depends the other development of the tributary districts. The great copper belt extending over a hundred miles in length along the Chitina and Copper River Valleys must stay practically undeveloped until the coal is available.

There is one great copper mine opened there for which the Copper River Railroad was built. How many others there might have been if the coal were available, can not be told. But there are over 500 other copper claims located in the district. The owners of these claims have spent hundreds of thousands of dollars in their development and have been waiting for years for the opening of the coal. The ores are of the highest grade and the coal, lime, silica, and all elements for smelting are so near and so easy to assemble at a fine harbor on tidewater that it is the most favorable locality in the entire world for development of a great copper industry. The one essential lacking is a railroad to the coal.

The Kennecott Mines are producing about 300,000 tons of ore a year. A large part of this is 72 per cent ore—nearly pure copper. But there is much more low-grade ore, running from 5 per cent to 15 per cent, which must now be crushed and concentrated at the mine until it is at least 50 per cent copper before it can be shipped at all; for it must now be carried through Cordova and past the coal field and taken to Tacoma, 1,400 miles away, to be smelted. Nothing but the richest ore can stand this transportation. How many thousands or millions of tons of ore would be produced were it permitted no one can say. But in Montana, in Utah, and in Arizona, where the conditions are not so favorable for cheap copper production, the ores mined run into the millions of tons per year. Fine cities and prosperous communities are built and supported on the copper industry alone. Butte, a thriving city of 75,000 population, is an example of what might be built at Cordova were only a little reasonable sense and justice used about it. As it stands, the Government will neither develop the field itself nor permit anybody else to do it.

Hon. Walter Fisher, former Secretary of the Interior, referring to this situation, says:

"I personally visited the Bering field and examined some of its coal veins and coal mines. * * * The erection of smelters on Prince William Sound will cause an immediate demand for coal, as the first smelters will probably be erected near Cordova, which is the tidewater terminal of the Copper River & Northwestern Railway, which now taps the principal copper field of the Territory.

"One of the pressing needs of the Territory is the construction of such smelters at which the copper ore especially can be smelted without the labor and expense of transporting the ore the enormous distance now necessary for this purpose. The main purpose and practically the only present use of the expensive railroad from Cordova up the Copper River is the transporting of the ore from the so-called Bonanza copper field, in which the Morgan-Guggenheim Syndicate, which owns this railroad, already has extensive interests. No smelter, however, has as yet been constructed, and none would be profitable until the coal and copper can be brought together. Once the Bering coal fields are open, the transportation becomes in this, as in other respects, the most important problem, upon the solution of which future development will depend. The enormous expense of railroad construction through mountainous and glacier-covered territory makes it practically certain that the Copper River Railroad will remain the natural distributor for any of this coal for which there may be a demand in the interior of the particular district in which it is located. I think it may be assumed, not only from the statements made to me by its officials, but also from the very nature of the case, that the people interested in this road will construct smelting works at Cordova as soon as Alaskan coal is available for its use. Smelters at Cordova would be able to take care of the copper ores, of which there are many indications throughout the entire district tributary to Prince William Sound. The exploitation and commercial development of these ores would promptly follow the construction and operation of such smelters. * * *

"The harbor at Cordova is so clearly superior in all respects to any other harbor available for the Bering coal fields that the slightly longer transportation necessary by this route appears entirely unimportant, especially as the grade is practically a water grade to the coal fields."

CRUEL INJUSTICE TO THE PEOPLE.

The people of the towns of Cordova, Chitina, McCarthy, and Kennecott and other places are not only obliged to see the great resources about them remain undeveloped, the ores produced in their district hauled away to be smelted and to build up communities in a distant State instead of their own, but they must bring even the coal they use for domestic purposes from foreign fields a thousand miles and more away instead of from the Alaska coal field right at their own doors.

The people of Katalla, only 10 miles from the Bering coal, are obliged to pay $20 per ton for coal for domestic use brought from British Columbia.

These communities having a population of only two or three thousand pioneers, struggling to build up their towns against the natural hardships of the country, see their best efforts defeated by the obstruction and discrimination of their own Government.

Heretofore pioneers have been helped and not hindered. They have been praised for their courage and appreciated for their enterprise in building prosperous communities in our undeveloped territories.

MALIGNANT POLITICS.

The truth is, the Bering coal has long been the subject of political controversy. The most astonishing lies have been invented about it and retailed to the public for political purposes. The Ballinger-Pinchot quarrel raged about it. The enemies of the Taft administration used it freely as a weapon of attack in the Cunningham coal cases and the Controller Bay incident. Its uses for such purposes ought to have passed. The time seems to have come when it should be put to its natural uses.

THE COPPER RIVER RAILROAD.

The Copper River Railroad is an excellent line extending 200 miles from Cordova inland. It would long ago have thrown out a branch to the Bering coal, but was stopped. Now it can not. It is owned by the Kennecott Copper Corporation, which owns the producing copper mine already referred to. The shareholders of this company number six or seven thousand. It is operated more as a mine road than a commercial line because it has not been permitted to extend to the coal. It has for the same reason been prevented from extending other branches into the copper field or further to the interior. Its growth is stopped. The rates are necessarily higher because it can not develop its territory and so increase its volume of business.

GOVERNMENT MAY CONDEMN.

By the terms of the Alaska railroad law the President is fully authorized to condemn or purchase any existing line of railroad or any part thereof, or to compel any such line to make traffic connections with a Government line.

Therefore in extending a line to the Bering coal, the Government may make use of the existing line as far as it goes. It may purchase or condemn the 38 miles of track, or if considered preferable, could condemn or purchase the whole of the existing line.

But it is not at all necessary to do either. The law is ample to compel the existing line to make a traffic connection with any line the

Government may build to the coal, upon reasonable terms and conditions, to be adjusted by the Interstate Commerce Commission, if necessary.

The Government could, as an alternative plan, secure running rights over the 38 miles of existing line and so handle the coal traffic independently. Such contracts for running rights are very common. The Union Pacific Railroad, for example, secured such rights on the Northern Pacific track from Portland to Seattle, and operates its own trains over its rival's tracks, in full competition with it.

Such contracts for running rights may be seen in nearly every large city where two or more railroads use the same tracks to enter the terminals.

Unless the Government means to own all the railroads in Alaska now or hereafter to be built, it must consider traffic connections and running rights agreements with private lines. The law requires them to make such connections.

ROUTE OFFICIALLY RECOMMENDED.

In 1912 an expert commission was sent to Alaska under authority of Congress expressly to study the subject of railroad routes and the development of the coal fields. It was composed of distinguished Army and Navy and civil engineers and included Dr. Alfred H. Brooks, Chief of the Alaska division of the United States Geological Survey. Referring to the Cordova route and the Bering coal, they reported and recommended as follows:

"It is evident that on the Cordova route the first investment will be less than on the Seward route, the resulting freight rates will be lower, the terminal port offers a better harbor than the one at Seward, and the tributary coal field promises the earlier developments because its product can be marketed cheaper. Each of these economic features points clearly to the advisability of reaching the Tanana Valley via the valley of the Copper River, and the commission therefore recommends the construction of a railway from Chitina to Fairbanks."

The second engineering commission, which was sent in 1914, though it made no recommendations, confirmed the report of the first commission in all essential facts. No doubt, upon reasons which seemed sufficient, the report of the first commission was rejected in so far as a line to Fairbanks is concerned. It is certainly unusual to send an expert commission to examine and recommend action, and then take a course directly opposite to their recommendation. But the line to the Bering coal field still calls for decision.

CORDOVA HARBOR.

The report of the Army and Navy engineers confirmed the opinion of Secretary Fisher, heretofore quoted, as to Cordova Harbor. They say:

"After its study of all available harbors the commission is of the opinion that the one at Cordova is without question the best. It has no disadvantage not possessed by all and one great advantage possessed by no other, namely, an ample area of good anchorage. Seward is evidently the seaport for the Matanuska coal and Cordova the logical outlet for the Bering River coal. The comparison of transportation rates given in the foregoing table show that for an output of 500,000 tons annually it will cost $1.96 a ton more to haul Matanuska coal to Seward than it will to haul the Bering River coal to Cordova, and the analysis further shows that for double this output the additional cost will be $1.11. This places the Matanuska coal at such disadvantage that it could probably not be marketed at tidewater in competition with the Bering River coal."

PREPAREDNESS.

As a site for a military and naval base for national defenses the harbor at Cordova is unique. It is superior to any site in the Hawaiian Islands or any other point on the Pacific coast. It is completely landlocked and can easily be made impregnable to attack from either land or sea. In addition, there can be here assembled three commodities of the greatest need in war, namely, copper, coal, and oil. All these commodities are produced and can be brought to Cordova Harbor with 250 miles of railroad, 200 miles of which are already in operation. There is no other similar district on the Pacific seaboard, probably no other in the entire world. In the hands of an enemy this site would be most dangerous. In case of war it would no doubt be seized by an enemy instantly and a branch quickly extended to the coal and oil fields.

PROCRASTINATION.

It may be said that it is intended to build a railroad to the Bering coal, but that it must wait until the line is finished from Seward to Fairbanks. This will probably take five years. What can be gained by waiting? It can be built as cheaply now as then. Of all possible reasons, procrastination would seem the least excusable.

SIXTEEN YEARS OF EFFORT.

Coal was discovered in the Bering field in 1896. In 1900 Congress passed the first act intended to make the coal available. This act failed to work. Then in 1904, 1906, 1908, 1910, and lastly in 1914, Congress legislated upon the subject of Alaska coal land. Thus in 16 years six different acts have been passed upon the subject; but the Bering coal is still unopened.

The leasing system is now to be tried, but without a railroad there can be no coal mines. The Government only can build it under existing conditions.

REPORTS OF COMMITTEES.

Mr. SAULSBURY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5503) to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del., reported it without amendment and submitted a report (No. 359) thereon.

Mr. ROBINSON, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, reported it with an amendment and submitted a report (No. 358) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 5206) for the relief of mail contractors, reported it with amendments and submitted a report (No. 360) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 361) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 362) thereon.

Mr. SUTHERLAND, from the Committee on the Judiciary, to which was referred the bill (S. 1308) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1911, reported it with amendments and submitted a report (No. 363) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1288. A bill for the relief of Simon M. Preston (Rept. No. 366);

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased (Rept. No. 365); and

H. R. 7239. An act for the relief of Philip H. Heberer (Rept. No. 364).

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 1056. A bill for the relief of Alfred Sjostrom (Rept. No. 368); and

S. 4897. A bill for the relief of James W. Cross (Rept. No. 367).

Mr. HARDING, from the Committee on Claims, to which was referred the bill (S. 4581) for the relief of Victor A. Ermerins, reported it without amendment and submitted a report (No. 369) thereon.

Mr. RANSDELL, from the Committee on Commerce, to which was referred the bill (S. 4085) to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay, reported it with an amendment and submitted a report (No. 370) thereon.

FOX RIVER BRIDGE, ILLINOIS.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably, with amendments, the bill (S. 5415) to authorize the construction of a bridge across the Fox River at Geneva, Ill., and I submit a report (No. 356) thereon. I ask for the immediate consideration of the bill.

Mr. LEWIS. Mr. President, I move the passage of the bill.

The VICE PRESIDENT. The Chair is inquiring whether there is any objection to its present consideration.

Mr. LEWIS. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. That has already been asked for. Does the Senator object?

Mr. LEWIS. I am favoring it. I did not understand that the request was made by the Senator from Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in line 7, after the words "Fox River," to insert "at a point suitable to the interest of navigation," and in line 11, after the date "nineteen hundred and six," to strike out the remainder of section 1, so as to make the bill read:

Be it enacted, etc., That the Chicago & North Western Railway Co., a corporation organized and existing under the laws of the States of Wisconsin, Illinois, and Michigan, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge across the Fox River, at a point suitable to the interest of navigation, in the city of Geneva and State of Illinois in accordance with the act of Congress entitled "An act to regulate the construction of bridges across navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CREDIT IN CERTAIN ACCOUNTS.

Mr. LANE. From the Committee on Claims I report back favorably without amendment the bill (S. 697) authorizing a credit in certain accounts in the office of the Auditor for the War Department, and I submit a report (No. 357) thereon. I call the attention of the Senator from Pennsylvania to the report.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Oregon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury and the proper accounting officers of the Treasury Department to credit in the accounts of the Treasurer of the United States the sum of $3,965.28, carried in the accounts of the Auditor for the War Department, and in the general account of the Treasurer of the United States, as unavailable funds, and representing differences found in the accounts of the late Brig. Gen. Alexander Hays, United States Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OLIVER. I ask unanimous consent that the report accompanying the bill be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report this day submitted by Mr. LANE is as follows:

[S. Rept. No. 357, 64th Cong., 1st sess.]

CREDIT IN CERTAIN ACCOUNTS.

The Committee on Claims, to whom was referred the bill (S. 697) authorizing a credit in certain accounts in the office of the Auditor for the War Department, having considered the same, report thereon with a recommendation that the bill do pass.

This is a bill to credit the accounts of the late Brig. Gen. Alexander Hays, United States Volunteers, who served as second lieutenant, Eighth Infantry, United States Army, from June 18, 1846, to April 12, 1848, when he resigned; as major and colonel, Twelfth and Sixty-third Pennsylvania Infantry; and as brigadier general of Volunteers from April 24, 1861, to May 5, 1864, when he was killed in battle.

Alexander Hays graduated at West Point on July 1, 1844. He was assigned to the Fourth Infantry, then at Camp Salubrity, La., near Natchitoches. The little army at Natchitoches was termed the "Army of observation"; when at Corpus Christi, Tex., it became the "Army of occupation," about 2,200 men, all Regulars; and when across the Rio Grande it was termed the "Army of invasion." Its history is the history of Zachary Taylor's operations in the War with Mexico. Lieut. Alexander Hays was present for duty in all these operations up to the middle of May, 1846, two weeks after the battle of Resaca de la Palma. He was in action at that battle and was wounded. He was also in action at Palo Alto the day before. Lieut. Hays early received mention for bravery. In a daring charge Lieut. Hays, with a classmate, Lieut. Woods, attended only by one man, put to flight a crew operating a gun and captured the gun, the first one taken from the enemy in the Mexican War. He was brevetted first lieutenant for gallant services at Palo Alto and Resaca. Two weeks after receiving his wound at Resaca he was unfit for field duty and was ordered home for recruiting service. He returned to the field of active operations September, 1847, with a large body of recruits, in time to join the battalion of regular recruits under Capt. Seneca G. Simmons, attached to the volunteer brigade of Gen. Joseph Lane, which left Vera Cruz September 19, fighting its way to the City of Mexico relieving the beleaguered and hard-pressed garrison at Puebla while on the way. Lieut. Hays, who had been appointed assistant adjutant general of the brigade, was with Gen. Lane in all the engagements of this memorable expedition. He participated in the following engagements in Mexico: Palo Alto, Resaca de la Palma, Santa Fe, Paso de Ovegas, National Bridge, Huamantla, El Pinal, Atlixco, San Augustine de la Palma, Tehuacan, Galaxara, Tlaxcala, Orizaba, Tulancingo, and Zacultipian.

Some of these were skirmishes, but many were important affairs. In his report of the engagement at Zacultipian, Gen. Lane mentions Lieut. Hays as his aid, and concludes by saying:

"Lieut. Alexander Hays, Eighth Infantry, acting assistant adjutant general, needed not this occasion to signalize his bravery, coolness, and devotion to his duties. His behavior in every emergency added, if possible, new honors."

On April 12, 1848, the war over, Lieut. Hays resigned his commission and returned to Pittsburgh to engage in civil pursuits. On March 28, 1848, Gen. Lane addressed the following letter to President Polk:

"To His Excellency the PRESIDENT OF THE UNITED STATES:

"SIR: At parting with Bvt. First Lieut. Alexander Hays, Eighth Infantry, I should do him, myself, and the service at large the uttermost injustice not to mention especially his good behavior upon all occasions and to recommend him in the strongest manner to the notice of the War Department.

"Lieut. Hays, after services at Palo Alto and Resaca de la Palma, which won his brevet, joined my column at the National Bridge, being then on duty with Capt. Heintzelman's battalion of recruits. In the conflict of Huamantla, at Puebla, Atlixco, Tlaxcala, Matamoros, and Galaxara he behaved with distinguished courage and coolness; and evincing remarkable capacity for the post of quartermaster, I appointed him such for my brigade, the duties of which office he discharged to my entire satisfaction. He accompanied me to the City of Mexico from Puebla, and upon the first vacancy I selected him as one of my aids and acting assistant adjutant general. Since that time, at Tehuacan, Orizaba, Tertihuacan, Tulancingo, and Sequaltapian, he has fully justified my confidence and esteem. I can add nothing in this respect to my official reports, already forwarded.

"When I obtained my leave of absence Lieut. Hays tendered his resignation, Gen. Butler not feeling at liberty to allow him to accompany me home. He is unable to perform infantry duty from the rheumatism and neuralgia (contracted in a long period of exposure and fatigue and a fall from his horse near the National Bridge).

"There is no man that I would more highly commend than Lieut. Hays, and nothing could afford me so much pleasure (should he desire to remain in the service) than to know of his appointment as quartermaster or to some other office in the Army which your better judgment may designate.

"I am, Mr. President,

"Very respectfully, your obedient servant,

"JOSEPH LANE,
"*Brigadier General.*"

Alexander Hays, classmate of Winfield Scott Hancock, Alfred Pleasanton, and Simon Buckner, comrade of Grant, Augur, Russell, Longstreet, and A. P. Hill, was the same ideal soldier in Mexico that he was on the battle fields of our Civil War.

At the outbreak of the Civil War Lieut. Hays was engaged in bridge engineering. He at once gave up his work and enlisted in a militia company in Pittsburgh known as the City Guard, of which he was chosen captain. This company became part of the Twelfth Regiment, for three months' service, and Capt. Hays was commissioned major. On May 14, 1861, he was appointed captain of the Sixteenth United States Infantry. At the close of the term of the service of the Twelfth Regiment he returned to Pittsburgh and recruited a regiment for the war, the Sixty-third Pennsylvania Volunteers, of which he was commissioned colonel. In an engagement at second Bull Run Col. Hays, while leading his men, received a shot which shattered his leg. Before entirely recovered from his wound he was assigned to the command of the Third Brigade of Casey's Division, Twenty-second Corps, in charge of the defenses of Washington. He fought gallantly and successfully in the three days' battle at Gettysburg. On the 5th of May, 1864, the first day's fight in the Wilderness, Gen. Hays, then in command of the survivors of Kearney's old division of heroes, occupying the key to Grant's position, was shot through the head, dying three hours afterwards. Gen. Hancock, in his report of the Battle of the Wilderness, spoke of the death of Gen. Hays as follows:

"Gen. Alexander Hays, that dauntless soldier, whose intrepid and chivalric bearing on so many battle fields had won for him the highest renown, was killed at the head of his command."

Gen. Grant, in his "Personal Memoirs," speaking of the death of his old classmate, says:

"One of our most gallant commanders, Gen. Alexander Hays, was killed. I had been with him at West Point and had served with him through the Mexican War. He was a most gallant officer, ready to lead his command wherever ordered. With him it was 'Come, boys,' not 'Go.'"

The death of Gen. Hays is thus described by Gen. Walker in his history of the Second Army Corps:

"The losses had been heavy. Among the killed of that afternoon was Gen. Alexander Hays. At Gettysburg, at Bristow, at Mine Run, at Mortons Ford, this devoted officer rode, with his staff and flag behind him, the mark of a thousand riflemen, the admiration of the two armies, only to fall in a tangled wilderness, where scarcely a regiment could note his person and derive inspiration from his courage and martial enthusiasm. All the peculiar advantages of the Army of the Potomac were sacrificed in this jungle fighting into which they were called to engage. Of what use here was the tactical skill and perfection of form; of what use here the example and the personal influence of a Hays or a Hancock?"

The books in the auditor's office show the differences were due to Lieut. Hays's failure to make returns for subsistence supplies turned over to him at Puebla, Mexico, October 31, 1847, on account of recruiting expenses and on account of regular supplies and transportation of the Army. At this time Alexander Hays was a young, inexperienced lieutenant, working under great difficulties, and enduring severe hardship in the performance of his duties. A quotation from a letter which he wrote to his brother on March 16, 1846, gives some idea of the conditions. He said:

"I would like to give you some account of our landing and passage to the interior, but will not have space, I fear. Previous to going there I had been put upon extra duty for some time, and after we arrived the old general [Lane] made it permanent by selecting me for every expedition, sometimes acting as captain of a steamboat, sometimes as skipper of a yawl. On another expedition I was sent to purchase cattle for 'Uncle Sam.' I had no money, only my sweet, honest face, and that 300 miles from the Army, where I was totally unknown. I succeeded in obeying my orders, not without considerable difficulty, and returned after a month's absence with 80 yoke, pronounced to be 'the finest lot of cattle ever collected.' Without giving me any rest, I was sent again and again until finally 'exhausted nature could stand it no more,' and I was laid up."

It has been a legend in the Hays family that these expeditions were the cause of the apparent shortages, and that because of the remoteness from the Army and Washington and the unusual conditions the exacting demands for receipts and accountings were never lived up to.

There is no appropriation carried by the bill, as it simply seeks to credit the accounts, and in view of the valiant service of Gen. Hays and the unusual duties thrust upon him in securing supplies and commissary necessities for the Army and the fact that this soldier's high character precludes the possibility of there having been any misappropriation, your committee is of the opinion that favorable action should be taken upon the bill, and therefore recommend its passage.

THE TREATMENT OF WATER FRONTS.

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 171), and it was considered by unanimous consent and agreed to:

Resolved, That the article entitled "The treatment of water fronts," by the Senator from Nevada, Mr. NEWLANDS, which was printed in the Journal of the American Institute of Architects for April, 1916, be included in Senate Document No. 362, Sixty-fourth Congress, with accompanying illustrations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 5645) for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Commerce.

A bill (S. 5646) granting an increase of pension to William Mitchell; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5647) to compensate Sophie Kosack for injuries sustained and to reward her for bravery displayed in rescuing

the imperiled in the "Old Ford's Theater" disaster; to the Committee on Claims.

By Mr. JOHNSON of South Dakota:

A bill (S. 5648) authorizing and directing the Secretary of the Interior to furnish certain information relative to the employment of members of the Lower Yanktonai Tribe and Two Kettle Band of the Cheyenne Indian Reservation, S. Dak., as scouts in 1863 (with accompanying papers); to the Committee on Indian Affairs.

A bill (S. 5649) for the relief of Arthur Nelson (with accompanying papers); to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 5650) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes; to the Committee on Commerce.

By Mr. McCUMBER:

A bill (S. 5651) for the establishment of Northgate, in the State of North Dakota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Commerce.

By Mr. WALSH:

A bill (S. 5652) to provide for the erection of a public building at Glasgow, Mont. (with accompanying papers); to the Committee on Public Buildings and Grounds.

A bill (S. 5653) for the relief of Lars T. Rykken; to the Committee on Claims.

A bill (S. 5654) granting an increase of pension to Eddy J. Workman (with accompanying papers); to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 5655) to create a waterway commission and a board of river regulation, to promote interstate commerce by the development of the Mississippi River and its tributaries, and to control the floods of the rivers of the Mississippi River watershed; to the Committee on Commerce.

By Mr. STERLING:

A bill (S. 5656) for the relief of Milton C. Conners and George G. Conners, doing business under the firm name of Conners Bros.; to the Committee on Claims.

By Mr. GRONNA:

A bill (S. 5657) providing for the admission to the mails as second-class matter of publications issued by certain public institutions and boards; to the Committee on Post Offices and Post Roads.

By Mr. WARREN:

A bill (S. 5658) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. MYERS:

A bill (S. 5659) for the establishment of Sweet Grass and Gateway, in the State of Montana, as ports of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Commerce.

A bill (S. 5660) for the relief of Frank Hartman; to the Committee on Claims.

By Mr. CLAPP:

A bill (S. 5661) granting an increase of pension to Kate C. U. Daniels (with accompanying paper); to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5662) granting an increase of pension to John Stouffer; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5663) granting a pension to Ellen McGraw (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5664) granting a pension to Sarah S. Cole; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5665) granting a pension to Michael J. Fisher (with accompanying papers); and

A bill (S. 5666) granting an increase of pension to Winfield S. Webster (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5667) to provide for the refund under certain conditions of the additional taxes or penalties of 50 per cent imposed under the provisions of section 3176 of the Revised Statutes of the United States, or subsection 5 of section 38 of the act of August 5, 1909, known as the special excise corporation-tax law, or both, for neglect to make, at the proper time or times, returns required under the provisions of section 2 or of paragraph or subsection S of section 4 of the act of October 3, 1913, known as the income-tax law, or under the provisions of the act of October 22, 1914, known as the war-revenue law, or such act as extended; to the Committee on Finance.

A bill (S. 5668) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck; to the Committee on Military Affairs.

By Mr. MARTINE of New Jersey:

A bill (S. 5669) for the relief of sundry railroad companies; to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 5670) to license operators of cinematographs, moving-picture machines, and similar apparatus, and for other purposes; to the Committee on the District of Columbia.

INTERNATIONAL AGREEMENTS.

Mr. PHELAN. Mr. President, I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 122) reaffirming the faith of the United States in the peaceful settlement of international disputes by all reasonable and honorable means, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That despite the enlargement of the Army and Navy required by present world conditions, the United States of America reaffirm their faith in the policy of the peaceful settlement of international disputes by all reasonable and honorable means, and declare their desire and intention to welcome such international agreements as will make large or competitive armaments unnecessary.

Mr. PHELAN. I ask for the adoption of the joint resolution.

Mr. LODGE. My attention was diverted. I should like to hear the joint resolution read.

The VICE PRESIDENT. It is a joint resolution, and under the rules of the Senate it must go to a committee.

Mr. PHELAN. I ask unanimous consent for its immediate consideration.

Mr. LODGE. I object; I want to hear it first.

The VICE PRESIDENT. The joint resolution will be again read.

The Secretary again read the joint resolution.

Mr. STONE. Mr. President, I am under the impression at least that it would be better if my friend from California [Mr. PHELAN] would consent to have the joint resolution referred to the Committee on Foreign Relations, as I think should be done with all similar resolutions. The Senator from California understands that in saying this I do not mean to express the least dissent to the substance of the resolution; but we may have a flood of such resolutions, and I merely think it better to begin now by sending them all to the Committee on Foreign Relations. I move that the joint resolution——

Mr. LODGE. It is not necessary to move that the joint resolution be referred; it goes to the committee under the rule.

The VICE PRESIDENT. If there is objection to unanimous consent——

Mr. STONE. I object.

The VICE PRESIDENT. If there is objection, the joint resolution will go to the Committee on Foreign Relations, under the rules of the Senate.

Mr. PHELAN. Mr. President, I defer to the request of the chairman of the Committee on Foreign Relations [Mr. STONE]. While I strongly favor the so-called policy of preparedness, I believe that the passage of the joint resolution at this time would be opportune in view of the fact that we are about to be called in joint session to hear an address by the President of the United States. I can not divine the object of the call, nor do I know what is to be the character of the message, but I thought at this time, immediately after the passage of the bill for military preparedness, that the passage of such a joint resolution would be opportune. I submitted it to several of my colleagues in advance of its introduction, and in view of the objection to its consideration without a reference to the committee necessarily I yield.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

GOOD ROADS.

Mr. SHAFROTH. Mr. President, I offer an amendment to House bill 7617, concerning good roads. The amendment is short and I ask that it be read.

There being no objection, the amendment was read and ordered to lie on the table and be printed, as follows:

After the word "roads," in the twenty-second line of page 6, strike out the semicolon and insert the following: "by the payment of one-fourth of the total cost of any such road, in the manner and upon the conditions hereinafter provided, whenever individuals, the county, and State in which such road is situate shall each have contributed an amount equal to one-fourth of the estimated cost thereof."

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WADSWORTH submitted an amendment proposing to appropriate $3,000 to be used to cooperate with horticultural

organizations in the standardization of botanical names in horticultural use, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $1,000,000 for the acquisition, by purchase or condemnation, of a tract of land at or near American Lake, in the State of Washington, sufficient for annual maneuvers and encampment of such of the military forces of the United States as may be assembled at that point, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment proposing to appropriate $1,000 to pay to Tom K. Richie, of Tucson, Ariz., having been inadvertently covered into the Treasury on a forfeited cash recognizance in a case pending in the United States district court, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. CLARKE of Arkansas (for Mr. BRYAN) submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. STERLING submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was ordered to be printed and, with the accompanying paper, referred to the Committee on Commerce.

SPEECH BY SENATOR WALSH (S. DOC. NO. 410).

Mr. OWEN. Mr. President, I ask unanimous consent to have printed as a public document a speech delivered by the Senator from Montana [Mr. WALSH] at the Jefferson Day banquet, April 13, 1916, in this city.

The VICE PRESIDENT. Without objection it is so ordered.

NOMINATION OF LOUIS D. BRANDEIS (S. DOC. NO. 409).

Mr. CHILTON. Mr. President, I ask unanimous consent that the hearings held before the Committee on the Judiciary on the nomination of Louis D. Brandeis and the report of the committee thereon be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXPOSITION AT SAN ANTONIO, TEX.

Mr. SHEPPARD. Mr. President, I wish to give notice that on the conclusion of the morning business on Friday, April 21, the eightieth anniversary of the battle of San Jacinto, whereby the independence of Texas was achieved, I shall address the Senate on the subject of the Texas Bicentennial and Pan American Exposition to be held at San Antonio in 1918. This exposition will commemorate the two hundredth anniversary of the founding of San Antonio, and will show the progress and resources of Texas and the Southwest. It will also have for its object the cultivation of closer trade relations between the United States and the other nations of Pan America.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the joint resolution (S. J. Res. 24) authorizing the Librarian of Congress to return to Williamsburg Lodge, No. 6, Ancient Free and Accepted Masons, of Virginia, the original manuscript of the record of the proceedings of said lodge.

THE AQUEDUCT BRIDGE.

The VICE PRESIDENT. Morning business is closed.

Mr. SWANSON. Mr. President, I move that the Senate proceed to the consideration of House bill 759, being the bill for the erection of the Aqueduct Bridge. I beg to say in this connection that the bill has been reported unanimously by the Committee on Commerce of the other House, that it passed that House without a dissenting vote, that it has been unanimously reported by the Commerce Committee of the Senate, and I know of no objection to it. The old bridge has been condemned, and it is necessary that the proposed new bridge be constructed at an early date.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia [Mr. SWANSON] to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, which had been reported from the Committee on Commerce with amendments.

Mr. KENYON. Mr. President——

Mr. GALLINGER. Let the bill be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed a bridge across the Potomac River at or near what is now known as the Aqueduct Bridge, replacing said bridge with a substantial structure, at a cost of not more than $1,000,000.

SEC. 2. That the Secretary of War is further authorized, if in his judgment it should be necessary, to acquire any lands, easements, rights, or property on each side of the Potomac River, by purchase or condemnation, as may be desired for the construction of said bridge and the approaches thereto.

SEC. 3. That the Secretary of War is further authorized to make such contract for the removal of the present bridge and for the sale thereof as in his discretion may be proper, and to cover the proceeds of such sale, if any, into the Treasury of the United States.

SEC. 4. That in the discharge of his duties hereunder the Secretary of War is hereby authorized and directed to employ the services of such engineers and other persons as he shall determine to be necessary to carry out the provisions of this act.

SEC. 5. That the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of securing proper plans and for the payment of any lands, easements, rights, or property: *Provided*, That the plans and specifications herein authorized shall be so drawn and prepared as to insure the construction of a bridge and approaches thereto within the limit of cost of $1,000,000, as fixed herein. As soon as the plans and specifications are approved the Secretary of War shall give public notice of the specifications and invite competitive bids for the construction of the bridge and approaches thereto according to the specifications, reserving the right to reject any or all such bids.

SEC. 6. That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph and telephone wires or cables, upon such conditions and for such compensation as may from time to time be prescribed by the Secretary of War: *Provided*, That the Washington & Old Dominion Railway, now using the Aqueduct Bridge, shall be permitted, with the approval of the Secretary of War, to change its location so as to cross with a double track the new bridge and approaches herein provided for and to connect its railway, located in Alexandria County, Va., and in the District of Columbia, with the tracks of said new bridge; and that all plans for such change are to be approved by the Secretary of War: *And provided further*, That a standard system of electric propulsion shall be installed by said railway on said new bridge, and no dynamo furnishing power to this portion of the road of said railway shall be in any manner connected with the ground, and that the cost of paving and maintaining in good condition between the tracks and 2 feet outside thereof shall be paid by said railway: *And provided further*, That any electric railway shall have the right to use said new bridge upon terms determined by the Secretary of War, who is hereby authorized and directed to hear the interested parties and to fix the terms of joint trackage. And all electric railways using said new bridge shall, in addition to taxes and other charges, pay monthly into the Treasury of the United States the sum of one-half of 1 cent for each passenger transported each way over said new bridge, and just and reasonable rates or charges on all freight transported thereon, and of these sums, when paid into the Treasury, one-half shall be credited to the District of Columbia.

SEC. 7. That one-half of the entire expense of constructing said bridge, and its maintenance when constructed, including the amount appropriated in section 5 of this act, shall be paid by the District of Columbia.

SEC. 8. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of maintaining and repairing the present Aqueduct Bridge until the new bridge herein provided for is completed.

Mr. SWANSON. I ask that the amendments proposed by the committee be acted upon.

The first amendment reported by the Committee on Commerce was, in section 6, page 3, line 5, after the word "cables," to insert "and interurban railroads," so as to read:

SEC. 6. That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph and telephone wires or cables, and interurban railroads upon such conditions and for such compensation as may from time to time be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, in the same section, on page 3, line 24, after the word "bridge," to insert "and the double track above described," so as to read:

And provided further, That any electric railway shall have the right to use said new bridge and the double track above described upon terms determined by the Secretary of War.

The amendment was agreed to.

Mr. STERLING. Mr. President, I suggest to the Senator from Virginia that a further amendment should be made. In

section 5, page 2, line 17, after the word "property," I move to insert the words "necessary in the construction of said bridge."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 5, page 2, line 17, after the word "property," it is proposed to insert "necessary in the construction of said bridge," so as to read:

SEC. 5. That the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated for the purpose of securing proper plans and for the payment of any lands, easements, rights, or property necessary in the construction of said bridge.

Mr. SWANSON. I have no objection to that amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SMOOT. Mr. President, section 7 of the bill provides:

SEC. 7. That one-half of the entire expense of constructing said bridge, and its maintenance when constructed, including the amount appropriated in section 5 of this act, shall be paid by the District of Columbia.

If the bill becomes a law as reported to the Senate, the District of Columbia will pay one half of the expense of constructing the bridge and the Government of the United States will pay the other half.

Mr. President, I think it is well understood that before many years there will be constructed a $4,000,000 bridge over the Potomac River in the neighborhood of the Lincoln Memorial. I understand that that project is being considered favorably by the other House, and the Government is to pay every dollar of the expense of that bridge, if the plans as mapped out are carried to a successful conclusion.

I think, Mr. President, the State of Virginia ought, at least, to pay part of the expense of the bridge provided for in the pending bill, and should receive a part of whatever charges are collected from the railroads for transportation over the bridge; and to bring that about I am going to offer an amendment to section 7, so that it will read as follows:

SEC. 7. That one-third of the entire expense of constructing said bridge, and its maintenance when constructed, including the amount appropriated in section 5 of this act, shall be paid by the State of Virginia, and one-third by the District of Columbia.

In other words, the Government of the United States would pay one-third, the District of Columbia one-third, and the State of Virginia one-third. I can not see, Mr. President, why that amendment should not be accepted by the Senator having the bill in charge.

It is stated that the Government of the United States owns some property in Alexandria County, Va. That is true, but the bridge will be more of an advantage to the people of Virginia than it will be to the District of Columbia. As long as the Government is to build a $4,000,000 bridge over the Potomac River near the Lincoln Memorial, it seems to me the Government of the United States should not be compelled to pay one-half the expense of building the bridge now proposed, and all of the expense of building the memorial bridge, while the State of Virginia is to pay nothing.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. What is the necessity for the other bridge if we build this one? What occasion is there for another?

Mr. SMOOT. Well, Mr. President, I suppose it is to be the memorial bridge that has been insisted upon by the Senators of Virginia; and I understand that sufficient sentiment has been created in Congress so that it is going to be built.

Mr. OVERMAN. It is not to be a traffic bridge.

Mr. SMOOT. No. As the Senator from North Carolina suggests, it is not to be a traffic bridge. Of course, the railroads or the interurban lines will not be allowed to pass over that bridge. The name suggests the purpose of the bridge.

Mr. SWANSON. Mr. President, in reference to the amendment offered by the Senator from Utah, in the first place it means, if passed, that this bridge will not be constructed. Secondly, there is no justice in it. About one-third of the land in Alexandria County, I think, is owned by the Government. The United States Government pays no taxes, county or State. Alexandria County is perpetually embarrassed to keep its roads in order. All that it has ever asked of this Government was to improve its own roads through its own property, which the Government has repeatedly refused to do. Now, how can you expect the people of this county to pay taxes to build a bridge when the Government, which owns about one-third of the entire property in the county, does not pay a cent of taxes?

This is a bridge built largely for the benefit of the Government property at Fort Myer and to afford access to the 1,500 acres of land which the Government owns in Alexandria County. The law does not permit the State of Virginia to build bridges. These bridges are built by the counties. Here is a county adjoining Washington in which about one-third of the property pays no taxes for any purpose—State, local, or otherwise—and that condition makes it an absolute act of justice that this bridge should be constructed by the United States Government.

The railroads pay twelve or fifteen thousand dollars a year, one-half a cent on every passenger that comes over either way, which amounts to about $15,000 a year. That is paid by the citizens coming in and going out of Washington every day.

It seems to me that it is but right and proper that this bill should be passed as it stands. It has been reported unanimously by the Commerce Committee and passed unanimously in the House. All of these bridges, I think, that have been built to Alexandria County have been paid for half by the Government and half by the District of Columbia, because the Government pays no taxes, and it owns about one-third of all the property there. It is not a property in which there is any profit to the State of Virginia. It is used mostly for ornamental purposes. The land is utilized for parks; and anyone can see how a county is embarrassed when a large part of the nearest property in it to Washington—its most valuable property—is free of taxes.

Furthermore, as I have said, there is no law that would permit the State of Virginia to build bridges in the counties. These bridges are built by the counties themselves. It would be an act of injustice for this Government to take more than one-third of the property of Alexandria County and pay no taxes on it and then refuse to construct a bridge there. If it paid taxes, they would more than pay for this bridge.

Mr. WEEKS. Mr. President, before the Senator takes his seat may I ask him a question?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. SWANSON. I do.

Mr. WEEKS. I wish to ask the Senator if it is not a fact that the Government constructed the military road from the end of Chain Bridge to Arlington Cemetery, and if the Government did not construct a road from the village across the river at the end of the Aqueduct Bridge to Fort Myer?

Mr. SWANSON. After a long time we induced the Government to construct roads through it own property recently. Up to that time the roads had been constructed to the Government property, and the Government did not construct roads through its own property. There are sections of the Government property now through which no roads have been constructed. It is impossible to get the Government to do it, and it pays no taxes. I want to say that if there is any county or section of this country that has a hard time, it is Alexandria County, with the Government owning about one-third of the land and paying no taxes.

Mr. WEEKS. Mr. President, one more question. Is it true that the military road from the end of the Chain Bridge to the Arlington Cemetery is entirely through Government property?

Mr. SWANSON. I think it is entirely through Government property. Where does the Senator say?

Mr. WEEKS. From the end of the Chain Bridge.

Mr. SWANSON. The Chain Bridge down below here? I think the Government owns nearly all that property for its experimental farm, and so forth.

Mr. WEEKS. How about the road from the village across the river, at the end of the Aqueduct Bridge, to Fort Myer?

Mr. SWANSON. I think the Government owns up to the bridge—all of that property except the town, and it has a way through there. The town it does not own, but I think it owns to the other side of the bridge, if I am not mistaken.

Mr. SMITH of Georgia. There is just a short distance there that the Government does not own.

Mr. SWANSON. Alexandria County is a very small county, and anybody can see how a county is embarrassed with large Government properties in it paying no taxes, either local, State, or otherwise.

Mr. SMOOT. Mr. President, the Senator complains of the amount of property owned by the Government within Alexandria County that does not pay any taxes, and claims that one-third of the land in that county is owned by the Government of the United States, and that for this reason the Government ought to build this bridge and also build the public roads in that county. Why, Mr. President, we have States in the West in which the Government holds 79 per cent of the lands within the State.

Mr. BORAH. Eighty-three per cent.

Mr. SMOOT. Yes; and, as the Senator says, 83 per cent. It does not pay a cent of taxes, nor does it help build the State roads. It seems to me unjust for the Government of the United States to be compelled to pay half of the expense and the District of Columbia the other half for building a bridge

across the Potomac River to assist the people of Virginia to reach the District of Columbia.

Mr. SWANSON. I should like to say, if the Senator will permit me, that this question as to the pro rata division of this expense as to the amount of property has been examined by committees; it has been looked into, and the committees have been unanimous in reporting in the case of bills of this kind for Alexandria County that this division is just and right.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. SMOOT. I yield to the Senator from Minnesota.

Mr. NELSON. I want to say that this bridge bill has never been considered by the full Committee on Commerce. I am a member of that committee and have attended every meeting that has been called. We have a bridge subcommittee, and where a bill comes back from the War Department it goes to that subcommittee and is reported by it. The Senator from Texas [Mr. SHEPPARD] has undoubtedly reported this bill from that subcommittee; but we have never had before the full Committee on Commerce a consideration of this bill, and I was somewhat surprised to see it reported and put on the calendar.

Mr. SMOOT. Mr. President, my amendment simply provides that the State of Virginia shall pay one-third of the expense. One-third of the property in the county belongs to the Government. All I ask is that the State shall pay one third of the expense of building the bridge and that the Government of the United States shall pay one third; the District of Columbia will pay the other third; and it seems to me it is nothing but fair that that division of the expense of building the bridge should be made.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Utah allow me to ask him a question?

Mr. SMOOT. Yes.

Mr. SMITH of South Carolina. How was the present bridge built? Under what system or plan was the present bridge constructed?

Mr. SMOOT. I suppose it was built under the half-and-half plan, although I will say frankly to the Senator that I have not examined that matter, and I will not say positively.

Mr. SMITH of Arizona. Mr. President——

Mr. SMOOT. I yield to the Senator from Arizona.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT (at 12 o'clock and 50 minutes p. m.). The time has arrived at which, in accordance with the concurrent resolution of the two Houses, the Senate will proceed to the Hall of the House of Representatives to listen to the address of the President of the United States.

The Senate, preceded by the Vice President and the Secretary, and headed by the Sergeant at Arms, proceeded to the Hall of the House of Representatives.

At 1 o'clock and 20 minutes p. m. the Senate returned to its Chamber, and the Vice President resumed the chair.

ADDRESS OF THE PRESIDENT (H. DOC. NO. 1034).

The address of the President of the United States, this day delivered at the joint meeting of the two Houses of Congress, is as follows:

Gentlemen of the Congress, a situation has arisen in the foreign relations of the country of which it is my plain duty to inform you very frankly.

It will be recalled that in February, 1915, the Imperial German Government announced its intention to treat the waters surrounding Great Britain and Ireland as embraced within the seat of war and to destroy all merchant ships owned by its enemies that might be found within any part of that portion of the high seas, and that it warned all vessels, of neutral as well as of belligerent ownership, to keep out of the waters it had thus proscribed or else enter them at their peril. The Government of the United States earnestly protested. It took the position that such a policy could not be pursued without the practical certainty of gross and palpable violations of the law of nations, particularly if submarine craft were to be employed as its instruments, inasmuch as the rules prescribed by that law, rules founded upon principles of humanity and established for the protection of the lives of non-combatants at sea, could not in the nature of the case be observed by such vessels. It based its protest on the ground that persons of neutral nationality and vessels of neutral ownership would be exposed to extreme and intolerable risks, and that no right to close any part of the high seas against their use or to expose them to such risks could lawfully be asserted by any belligerent government. The law of nations in these matters, upon which the Government of the United States based its protest, is not of recent origin or founded upon merely arbitrary principles set up by convention. It is based, on the contrary, upon manifest and imperative principles of humanity and has long been established with the approval and by the express assent of all civilized nations.

Notwithstanding the earnest protest of our Government, the Imperial German Government at once proceeded to carry out the policy it had announced. It expressed the hope that the dangers involved, at any rate the dangers to neutral vessels, would be reduced to a minimum by the instructions which it had issued to its submarine commanders, and assured the Government of the United States that it would take every possible precaution both to respect the rights of neutrals and to safeguard the lives of non-combatants.

What has actually happened in the year which has since elapsed has shown that those hopes were not justified, those assurances insusceptible of being fulfilled. In pursuance of the policy of submarine warfare against the commerce of its adversaries, thus announced and entered upon by the Imperial German Government in despite of the solemn protest of this Government, the commanders of German undersea vessels have attacked merchant ships with greater and greater activity, not only upon the high seas surrounding Great Britain and Ireland but wherever they could encounter them, in a way that has grown more and more ruthless, more and more indiscriminate as the months have gone by, less and less observant of restraints of any kind; and have delivered their attacks without compunction against vessels of every nationality and bound upon every sort of errand. Vessels of neutral ownership, even vessels of neutral ownership bound from neutral port to neutral port, have been destroyed along with vessels of belligerent ownership in constantly increasing numbers. Sometimes the merchantman attacked has been warned and summoned to surrender before being fired on or torpedoed; sometimes passengers or crews have been vouchsafed the poor security of being allowed to take to the ship's boats before she was sent to the bottom. But again and again no warning has been given, no escape even to the ship's boats allowed to those on board. What this Government foresaw must happen has happened. Tragedy has followed tragedy on the seas in such fashion, with such attendant circumstances, as to make it grossly evident that warfare of such a sort, if warfare it be, can not be carried on without the most palpable violation of the dictates alike of right and of humanity. Whatever the disposition and intention of the Imperial German Government, it has manifestly proved impossible for it to keep such methods of attack upon the commerce of its enemies within the bounds set by either the reason or the heart of mankind.

In February of the present year the Imperial German Government informed this Government and the other neutral governments of the world that it had reason to believe that the Government of Great Britain had armed all merchant vessels of British ownership and had given them secret orders to attack any submarine of the enemy they might encounter upon the seas, and that the Imperial German Government felt justified in the circumstances in treating all armed merchantmen of belligerent ownership as auxiliary vessels of war, which it would have the right to destroy without warning. The law of nations has long recognized the right of merchantmen to carry arms for protection and to use them to repel attack, though to use them, in such circumstances, at their own risk; but the Imperial German Government claimed the right to set these understandings aside in circumstances which it deemed extraordinary. Even the terms in which it announced its purpose thus still further to relax the restraints it had previously professed its willingness and desire to put upon the operation of its submarines carried the plain implication that at least vessels which were not armed would still be exempt from destruction without warning and that personal safety would be accorded their passengers and crews; but even that limitation, if it was ever practicable to observe it, has in fact constituted no check at all upon the destruction of ships of every sort.

Again and again the Imperial German Government has given this Government its solemn assurances that at least passenger ships would not be thus dealt with, and yet it has again and again permitted its undersea commanders to disregard those assurances with entire impunity. Great liners like the *Lusitania* and the *Arabic* and mere ferryboats like the *Sussex* have been attacked without a moment's warning, sometimes before they had even become aware that they were in the presence of an armed vessel of the enemy, and the lives of non-combatants, passengers and crew have been sacrificed wholesale, in a manner which the Government of the United States cannot but regard as wanton and without the slightest color of justification. No limit of any kind has in fact been set to the indiscriminate pursuit and destruction of merchantmen of all kinds

and nationalities within the waters, constantly extending in area, where these operations have been carried on; and the roll of Americans who have lost their lives on ships thus attacked and destroyed has grown month by month until the ominous toll has mounted into the hundreds.

One of the latest and most shocking instances of this method of warfare was that of the destruction of the French cross-Channel steamer *Sussex*. It must stand forth, as the sinking of the steamer *Lusitania* did, as so singularly tragical and unjustifiable as to constitute a truly terrible example of the inhumanity of submarine warfare as the commanders of German vessels have for the past twelvemonth been conducting it. If this instance stood alone, some explanation, some disavowal by the German Government, some evidence of criminal mistake or wilful disobedience on the part of the commander of the vessel that fired the torpedo might be sought or entertained; but unhappily it does not stand alone. Recent events make the conclusion inevitable that it is only one instance, even though it be one of the most extreme and distressing instances, of the spirit and method of warfare which the Imperial German Government has mistakenly adopted, and which from the first exposed that Government to the reproach of thrusting all neutral rights aside in pursuit of its immediate objects.

The Government of the United States has been very patient. At every stage of this distressing experience of tragedy after tragedy in which its own citizens were involved it has sought to be restrained from any extreme course of action or of protest by a thoughtful consideration of the extraordinary circumstances of this unprecedented war, and actuated in all that it said or did by the sentiments of genuine friendship which the people of the United States have always entertained and continue to entertain towards the German nation. It has of course accepted the successive explanations and assurances of the Imperial German Government as given in entire sincerity and good faith, and has hoped, even against hope, that it would prove to be possible for the German Government so to order and control the acts of its naval commanders as to square its policy with the principles of humanity as embodied in the law of nations. It has been willing to wait until the significance of the facts became absolutely unmistakable and susceptible of but one interpretation.

That point has now unhappily been reached. The facts are susceptible of but one interpretation. The Imperial German Government has been unable to put any limits or restraints upon its warfare against either freight or passenger ships. It has therefore become painfully evident that the position which this Government took at the very outset is inevitable, namely, that the use of submarines for the destruction of an enemy's commerce is of necessity, because of the very character of the vessels employed and the very methods of attack which their employment of course involves, incompatible with the principles of humanity, the long established and incontrovertible rights of neutrals, and the sacred immunities of non-combatants.

I have deemed it my duty, therefore, to say to the Imperial German Government that if it is still its purpose to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines, notwithstanding the now demonstrated impossibility of conducting that warfare in accordance with what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue; and that unless the Imperial German Government should now immediately declare and effect an abandonment of its present methods of warfare against passenger and freight carrying vessels this Government can have no choice but to sever diplomatic relations with the Government of the German Empire altogether.

This decision I have arrived at with the keenest regret; the possibility of the action contemplated I am sure all thoughtful Americans will look forward to with unaffected reluctance. But we cannot forget that we are in some sort and by the force of circumstances the responsible spokesman of the rights of humanity, and that we can not remain silent while those rights seem in process of being swept utterly away in the maelstrom of this terrible war. We owe it to a due regard for our own rights as a nation, to our sense of duty as a representative of the rights of neutrals the world over, and to a just conception of the rights of mankind to take this stand now with the utmost solemnity and firmness.

I have taken it, and taken it in the confidence that it will meet with your approval and support. All sober-minded men must unite in hoping that the Imperial German Government, which has in other circumstances stood as the champion of all that we are now contending for in the interest of humanity, may recognize the justice of our demands and meet them in the spirit in which they are made.

PRINTING OF THE PRESIDENT'S ADDRESS (H. DOC. NO. 1034).

Mr. STONE. Mr. President, I ask that the address of the President of the United States this day delivered to the joint session of the two Houses of Congress be referred to the Committee on Foreign Relations for consideration, and that 5,000 additional copies be printed for the use of the Senate document room.

The VICE PRESIDENT. Without objection, it is so ordered.

THE AQUEDUCT BRIDGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah [Mr. SMOOT], on which he has the floor.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Texas?

Mr. SMOOT. I yield.

Mr. SHEPPARD. Mr. President, I want to state that I polled the Commerce Committee to secure a majority of signatures to a favorable report of the bill for the construction of a new Aqueduct Bridge across the Potomac River. I did so, because I thought speedy action on the bill was absolutely necessary. Since 1910 there have been repeated reports from the engineers of the War Department condemning the present bridge and pronouncing it unsafe for human life and travel. It was stated in the House debate on the bill that unless speedy action should be taken some calamity might occur which would be an everlasting and a sad reflection upon the Congress. For that reason I pursued the very usual course that is followed here in the Senate Chamber and secured the signatures of a majority of the members of the Commerce Committee in favor of reporting the bill. I did not have the opportunity of seeing the Senator from Minnesota [Mr. NELSON], or I should have presented the measure to him. I explained it, however, to those members of the committee whom I saw.

As to whether the State of Virginia should pay a part of the cost of this bridge is another question. The land on the Virginia side belongs to the Federal Government; it does not belong to the State of Virginia. If the State of Virginia pays a part of the cost of the bridge, it will necessarily want a part of the control. The bridge has some strategic significance; it connects Fort Myer, which is one of our principal Army posts, with a large section of country to the north and east. There are many reasons which would make it advisable for the Government to retain complete control of the bridge. I say, however, that this is entirely another question.

I merely wanted to explain to the Senate why it was that the bill was reported without being submitted to a formal meeting of the Commerce Committee.

Mr. GALLINGER. Mr. President, will the Senator from Utah permit me to make a statement?

Mr. SMOOT. I will.

Mr. GALLINGER. I want to call attention to a custom that has grown up in the Senate of late years, and that is of ignoring the meetings of committees, of polling the membership of committees, getting a majority—a bare majority—and then reporting a bill. This is not an isolated case. Bills are brought to my desk every day, and I am asked to attach my signature to the back of them. I ordinarily do it, as a matter of courtesy, but it is a very bad practice. If bringing this matter somewhat prominently before the Senate will tend to cure that practice, a very good work will have been done.

This is a very important bill. It is not like the bridge bill which a Senator ordinarily reports for the building of a bridge across an inconsequential stream somewhere. This is a matter, certainly, which ought to have been considered by the Committee on Commerce as a whole.

I have had charge of some bills similar to this—for this matter of rebuilding the Aqueduct Bridge is not a new matter—and such bills used to be referred to the Committee on the District of Columbia; but I, as chairman of that committee, never thought of doing otherwise than calling the full committee together to give the bills consideration.

Mr. SHEPPARD. Mr. President, the Senator from New Hampshire knows that it has been almost impossible to secure meetings of committees during the last two or three months.

Mr. GALLINGER. That has seemed to be the case during the past two or three years. We find that condition existing as to all our committees; but the leaders on the other side of

the Chamber ought to see that such a bad practice is speedily put an end to. I attend committee meetings, but I frequently find that there are no quorums present, and my time is wasted. Nonattendance on committee meetings seems to be almost universal of late.

Mr. CLARKE of Arkansas. Mr. President, will the Senator from Utah permit me to make a brief statement about this matter?

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. I do.

Mr. CLARKE of Arkansas. Mr. President, the practice of the Committee on Commerce is not quite so loose as one would suppose to be the case from some of the statements which have been made. Very few bills are reported by that committee by polling the individual members of the committee. There seem to be exceptional circumstances that justified that practice in this case. When the matter was called to my attention, I said, if the consent of the entire membership of the committee could be obtained, it would be a satisfactory way of reporting the bill on the floor. It never occurred to me as a possibility that the bill would be brought back here without having been presented to the Senator from Minnesota [Mr. NELSON], who is the former chairman of that committee and the ranking opposition member at the present time. I was advised that the entire membership of the committee was favorable to the passage of the bill with certain amendments, and on that condition I consented to its being reported to the Senate.

Any member of the committee has a right to object to the committee being polled, and if a single member of the Committee on Commerce now says that he had no opportunity for considering the matter, it would be my pleasure, and I am sure it would be the pleasure of the Senate, to have the bill recommitted.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Texas?

Mr. SMOOT. I yield.

Mr. SHEPPARD. Mr. President, the advice which the honorable chairman of the committee speaks of did not come from me. I did not advise him as to the matter.

Mr. CLARKE of Arkansas. That is true. I have not had any communication whatever from the Senator from Texas, and any statement I made was not intended to include him.

Mr. SMOOT. Mr. President, I want to emphasize what has been said here by the Senator from New Hampshire [Mr. GALLINGER] in regard to polling committees. I suppose every Senator knows that I absolutely refuse to indorse a bill by polling a committee when any Senator comes to me for the purpose of getting my signature to it without the consideration of a committee. I never have believed in polling committees, and I never will indorse a bill in that way in order that it may be reported to the Senate.

In view of the statement made by the Senator from Arkansas [Mr. CLARKE] I think I had better not say anything more about the bill until I know whether the Senator from Minnesota desires to object to its consideration and to move its recommittal, because, if it is to be recommitted to the committee, I would prefer to say nothing more at this time.

Mr. NELSON. Mr. President, without intending to reflect upon or criticize anybody in connection with this matter, I desire to say that this bill has received no consideration before the committee at any meeting which I have attended. We have a subcommittee on bridges, to which are referred the ordinary bridge bills. That committee sends such bills to the War Department for any suggestions the department may care to make regarding them; and, where there is no objection to them, the committee reports them to the Senate. Most of the bridge bills, in fact all of them, are simply to give authority to build bridges over streams.

Mr. SMOOT. And they involve no expense to the Government.

Mr. NELSON. They involve no expense to the Government. This is an entirely different case from that of an ordinary bridge bill. This is a bill to construct a new bridge and to appropriate something over $1,000,000 for that purpose. I suggest that a bill of this character and importance ought to be considered by the full committee; and to that end it should be recommitted.

I desire the Senator from Texas, as I have said, to understand that I am not criticizing him. I can readily see how the report happened to be made. I myself have sometimes foolishly, when an appeal has been made to me—although I have always felt reluctant about doing it—acceded to requests for the reporting of a bill without bringing it before the committee; but this is a bill of such transcendent importance, involving, as it does, a good many hundred thousand dollars, and affecting the State of Virginia as well as the District of Columbia and the railroad companies, that I think the bill ought to go back to the committee for full consideration, and so I move that the bill be recommitted to the Committee on Commerce.

Mr. SWANSON. Mr. President, I recognize that if the Senator makes a point of order against the bill, that it has not been reported by the committee, except by polling its members, the point of order lies, and that, on the objection of any Senator, the bill will go back to the committee. I desire to say, however, that I think this matter ought to be acted upon speedily. Because of the condition of the bridge an accident is likely to occur there at any time. The bridge has been repeatedly condemned since 1910. Soon the street cars will be entirely prohibited from going over the bridge and thereby a great many people will be discommoded. All I ask is that, if the bill is recommitted to the committee, it be considered and acted on promptly by them and disposed of speedily by the Senate.

Mr. SHEPPARD. Mr. President, let me add here that only one street car is allowed on the bridge at a time, and the tonnage which may be transported across the bridge at one time is limited to a very small amount. As has been stated by the Senator from Virginia, an accident may happen on that bridge at any time.

Mr. NELSON. Mr. President, I want to say to the Senator from Virginia, if he will allow me, that, so far as I am concerned, I will not delay the bill a moment. I simply want it to receive full consideration before the committee, and I will join with the friends of the bill in expediting its consideration. I have no purpose of delaying it.

Mr. SWANSON. Mr. President, I have no objection to the bill being recommitted.

Mr. NEWLANDS. Mr. President, before this bill appropriating $1,000,000 for the construction of a bridge across the Potomac to Virginia goes back to the committee, as I assume it will, I wish to call attention to two considerations: One is that this bill contains no provision that the plans shall be submitted to and approved by the National Fine Arts Commission as to their artistic features; and the other is that half of the cost of this bridge can not justly be imposed upon the District of Columbia, but it should be considered entirely as a national project.

Mr. President, the work is now going on of developing Washington on the lines or plans originated by Washington and L'Enfant and elaborated by the so-called Park Commission, with the aid of the most distinguished architects, artists, and sculptors in the country, and perhaps in the world. Those plans were worked out through a committee of the Senate—the Committee on the District of Columbia, headed by the then Senator from Michigan, Mr. McMillan—and the plans were paid for out of the contingent fund of the Senate. Unfortunately an antagonism arose between the Senate and the House with reference to those plans, not regarding their excellence, but over questions of authority, and that contention has lasted until this day. The plans have not been formally approved, and the artistic development of Washington has been maintained, not in an orderly way under established law but by the constant watchfulness and contention of those in the country who are devoted to its artistic development.

Among other things that have been accomplished by this artistic sentiment has been the creation of a National Fine Arts Commission, composed of the most distinguished artists, architects, and sculptors in the country, acting in a public-spirited way, whose duties, although most onerous and without compensation, have been most intelligently and conscientiously performed. The appropriation for that commission, originally $10,000, has been reduced to $5,000, and I am told that as a result of certain antagonisms created by that commission in the exercise of the duty put upon it by Congress and the President they are seriously considering in another body the denial of any appropriation whatever. Without sufficient funds, with an inadequate force of assistants, that commission has struggled on, devoting a large portion of the time of its members to a constantly increasing work, the importance of which can not be overestimated, although it is not easily brought to the attention of or understood by the public.

There is a disposition upon the part of officials connected with some of the executive departments to escape from the jurisdiction of that commission, imposed by the law of Congress and by the Executive order of the President. The departments become restive under the restraints of the canons of art imposed by this highly competent commission, and recently the Treasury Department, having failed to comply with the law regarding the submission of the plans for a heat and power plant to this

commission, having disobeyed the law, through what it claimed to be an inadvertence, entered into a contract for the construction of a building under plans prepared by it, and then, when it was sought by a Member of the Senate by a resolution presented in this body to give Congress the opportunity to inquire into the facts and to change its own mind with reference to a matter which had originated through the Appropriations Committee of another body and without the initiative of the committee having jurisdiction, every power of the Treasury Department, every influence, every activity was exercised to prevent Congress from availing itself of the opportunity of securing the information that would enable it to act intelligently upon the subject. That act of insubordination is fruitful of results, and will be fruitful of results. Executive officers, with no high conception of art, eager to carry through their plans, will seek to evade the restraints imposed by law through the Art Commission.

I do not know whether the bridge in question comes within the exact terms of the act of Congress creating the Commission of Fine Arts, or whether it comes within the exact terms of the Executive order, made by the President of the United States, regarding the submission of plans of public structures to this commission. I have not that order before me; and therefore I think it wise in this bill to see to it that these plans, so far as their artistic features are concerned, are submitted to this able and capable commission.

Mr. President, the development of this water front is one of the most important questions relating to the development of Washington. Throughout America our water fronts have been neglected. Throughout America our water fronts are examples of hideousness and frightfulness, instead of examples of art and beauty, as they are in every other civilized country. Features that nature has provided not only for use but to charm the eye of man should always receive the highest decoration in aid of nature, and we are in danger of neglecting this in Washington.

Go to Dusseldorf-on-the-Rhine, go to Munich, go to Dresden, go all along the Danube and the Volga, and see the water fronts there with their wharves and bridges and structures all harmoniously designed to impress the eye as well as to meet the requirements of the utilities.

Mr. President, we have an opportunity here in Washington to present a model for this entire country; and the art societies and the architectural associations and the federated art associations are looking to Washington for the models which they will hold up in their respective communities to be followed. We have already invaded one of the most important water fronts in Washington, the water front that stretches from the Bureau of Engraving and Printing down to the War College, a distance of a mile. In view of the mangy, neglected, rotting wharves and rotting structures along that water front, it is no wonder that when the Appropriations Committee of the House located that power plant they thought that any structure would be an ornament to it. They did not realize, however, that this Commission of Arts had in their minds a beautiful construction rivaling those of the Seine or the Thames or the Rhine or the Volga or the Danube, and that opposite this beautiful island park which we are constructing, with its stadium, with its place for memorials of distinguished Americans, was to be this water-front construction, a complete setting to the picture, the frame of the picture itself. So, failing to exercise their imagination, they authorized the structure to go up in that place; and one of the things that the art societies of the country fear is that that building being put up there will discourage and prevent the development of the rest of the water front upon the lines pointed out by the Art Commission.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. NELSON. Has the Senator any objection to having this bill referred back to the Committee on Commerce?

Mr. NEWLANDS. I will be through in just a moment.

Mr. President, I therefore wish to call the attention of the Committee on Commerce, of which I am not a member, to this important feature and to urge them to see to it that this structure, costing a million dollars, is submitted to competent expert authority with reference to its artistic features.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. Certainly.

Mr. BRANDEGEE. When the question of the location of this power plant was before the Senate the last time the Senator from Nevada referred, as he has just done, to the violation of some law because it had not been submitted to the Art Commission. At that time I stated that, in my opinion, if the law had been violated—if there was a law requiring that before it was located it should be submitted to the Art Commission and that law had not been complied with—there was no valid contract in existence; whereupon the senior Senator from Virginia [Mr. MARTIN], the chairman of the Appropriations Committee, read from the statutes the act authorizing the erection of this power plant, and it seemed to me as he read it that there was nothing in the act that required it to be submitted to the Art Commission.

I readily agree with the Senator that the Executive order was violated in that case if I understand the facts; but the Senator has again to-day stated that the law was violated. Can the Senator cite to me the law to which he refers as having been violated?

Mr. NEWLANDS. It is not before me.

Mr. BRANDEGEE. Is the Senator sure that there is such a law?

Mr. NEWLANDS. Yes; I examined the law after the discussion which I had with the Senator from Virginia to which the Senator refers.

Mr. GALLINGER. Mr. President, I have the law before me, and if the Senator will permit me I will read from it.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Yes.

Mr. GALLINGER. It is the act approved May 17, 1910. It provides for a commission of "seven well-qualified judges of the fine arts, who shall be appointed by the President," and specifies that—

> It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States and upon the selection of artists for the execution of the same.

Mr. NEWLANDS. There is also a provision there giving the President certain authority.

Mr. GALLINGER. Not in the bill, I think.

Mr. NEWLANDS. My recollection is that there is a provision of law giving the commission jurisdiction of such questions of art as were submitted to it by the President, and that an Executive order was made, pursuant to that, requiring every executive official in Washington to submit the plan of any public building whose construction is contemplated in the District of Columbia to the Art Commission before construction is commenced.

Mr. BRANDEGEE. I can readily understand that any law that gave the President authority, by proclamation or an Executive order, to require a thing in his discretion might be a valid law, and a proclamation issued by the President in pursuance of it might have the force of law. I am in thorough sympathy with the Senator from Nevada in what he says, not only about this bridge, but about the power plant and its location. I simply desire to call the Senator's attention, however, to the fact that I do not think he strengthens his case any by basing it upon a violation of law unless he is certain there has been a violation of law.

I will go further and say that if the law does not require such structures as public bridges and structures that the Government pays for in the District of Columbia to be submitted to some commission of experts, so that they may be objects of beauty, or, if not, that at least they may not be eyesores and hideous objects, I am in favor of passing such a law.

Mr. NEWLANDS. I realize what the Senator says—that unless the action of the executive official was clearly against the law, it does not strengthen our case to rely upon that. My recollection is that the law provided for the submission of any question of art by the President to this Art Commission, and my recollection was that, pursuant to that, he made an order. I will state, however, that, with reference to this particular matter, that phase of the question has entirely disappeared; because, as I pointed out to the Senate at the time we were debating the amendment to the urgent deficiency bill on this subject, if Congress, after its attention was called to this act of omission or inadvertence upon the part of the Secretary of the Treasury, voted an appropriation for the completion of a building the plans of which had not been submitted to this commission, it ratified the contract, and therefore the contract itself would not be illegal.

Mr. GALLINGER. I will say, if the Senator will permit me——

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. That if there is any statute covering that matter—that is, giving the President authority to do certain

things—it must have been a supplementary statute to the one I have quoted, and I have not any knowledge of it. Perhaps it exists.

Mr. NEWLANDS. I will look it up, and if I find I am in error I will so state.

Mr. GALLINGER. The statute of 1910 gives no such authority.

Mr. NEWLANDS. There is but one other thing, and that is with reference to the imposition of half of the cost upon the District of Columbia.

It seems to me perfectly clear that if the cost is to be apportioned at all, Virginia ought to stand its share as well as the District of Columbia and the Federal Government. I do not believe, however, that the cost should be apportioned at all. I believe that this is purely a national project. It relates to interstate commerce. The Federal Government has the absolute control over these rivers.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. Certainly.

Mr. BRANDEGEE. Does the Senator from Nevada really think that the Senator from Virginia, who is scratching his head in anxiety as the Senator refers to this horrible thing, would want this bridge if his State had to pay anything toward its construction?

Mr. NEWLANDS. I do not think it would be fair to impose part of the cost of this bridge on Virginia, nor do I think it fair to impose part of the cost upon the District of Columbia. As the Senator states, the bridge is being constructed, in the main, for the convenience of the Government. The Government owns Arlington on the other side; it owns a military post there, and it must have some means of ready communication with the property which it owns and which it conducts. As a matter of convenience to itself, it is building this bridge. I am aware that it is the custom to place a portion of the cost of almost everything that is designed or devised either in or near the District of Columbia upon the District of Columbia; but this is certainly not within the District of Columbia. Only one end of the bridge, I presume, is in the District of Columbia. There seems to be a constantly increasing disposition to add to the burdens of the District of Columbia.

I have some familiarity with this District, and I state that for the past three or four years the assessments in the District of Columbia have been steadily raised so that they have reached a percentage beyond that of any other community with which I am familiar.

Mr. GALLINGER. Mr. President, those assessments are made by officials of the District of Columbia.

Mr. NEWLANDS. Yes.

Mr. GALLINGER. We are not responsible for that.

Mr. NEWLANDS. Yes; but something can be said as to the source of responsibility. I do not say Congress is responsible for it, but it has been done. There are numerous properties in this District that can not be sold to-day for the amount of the assessment, although the assessment is nominally only two-thirds of the real value. There are numerous instances of this kind, I am told; and I think the Senate Committee on Commerce might well consider whether the District of Columbia should not escape from the burden of this project as well as the State of Virginia, and whether it should not be placed in its entirety upon the General Government, whose interest it serves, and not upon the District government, which has neither jurisdiction over nor ownership of it.

Mr. SWANSON. Mr. President, I have no objection to this bridge bill being referred back to the committee, as under the rules of the Senate when a bill is reported from a committee on the basis of a poll, if an objection is made, it is not considered a proper report from the committee, and must be referred back.

I should like to say in this connection, however, that I hope this bill will be promptly reported. Since 1910 this bridge has been condemned. It is unsafe to go over it. If a catastrophe happens there, the responsibility is with this Congress and not with others. If this bridge becomes condemned and can not be used at all, thousands of people will be deprived of all means of coming in and out of Washington.

As to the State of Virginia paying a part of the expense of building this bridge, there is no justice whatever in it. The control of this bridge is left absolutely to the Secretary of War for war purposes, for an Army post, and it is an absolute piece of folly to presume that Virginia or the county of Alexandria will pay a part of the cost of a bridge as to which it has nothing to do with the plans, the cost, the control, the repairs, or anything else. The Government has control of the river to the low-water mark on the other side. The bridge connects Government property, and there is absolutely no justice in expecting the county of Alexandria to pay part of the cost when the Government owns, I think, nearly one-third of the property in that county—I can not be positive—and pays no taxes on it. The railroads pay about $12,000 or $15,000 per annum, which is nearly one-third of the maintenance of this bridge, taken out of passengers.

As to whether the Government and the District of Columbia should share this expense between themselves, that is for these two parties to determine; but it is a Government bridge, constructed by the Government, controlled by the Government, and no one would think of not letting it be under the control of the Secretary of War.

I simply ask the Committee on Commerce to report the bill promptly.

The PRESIDING OFFICER. In the absence of objection, the motion of the Senator from Minnesota prevails.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

The message also announced that the House further insists upon its disagreement to the amendment of the Senate still in disagreement between the two Houses on the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KITCHIN, Mr. RAINEY, and Mr. FORDNEY managers at the further conference on the part of the House.

GOOD ROADS.

Mr. BANKHEAD. Mr. President, I move that the Senate proceed to the consideration of House bill 7617, commonly known as the good-roads bill.

The PRESIDING OFFICER. The Senator from Alabama moves that the Senate proceed to the consideration of House bill 7617. Is there objection?

Mr. GALLINGER. Mr. President, I wish to ask the Senator if he can approximate the probable length of time that will be taken in the consideration of this bill?

Mr. BANKHEAD. I hope we shall be able to pass the bill perhaps to-day, certainly to-morrow.

Mr. GALLINGER. Within a day or two?

Mr. BANKHEAD. I shall make every effort to do that.

Mr. GALLINGER. Mr. President, we agreed to consider and complete two important bills recently by unanimous consent, and they have been disposed of. I have noticed in the press that a program of legislation has been laid out for Congress in another place, and I feel a little concerned to get information as to whether or not it is probable that that extensive program is to be carried out at this session of Congress.

I have done all I could up to the present time to hasten legislation, but if a program is to be made up for us, and we are to stick to it, that will keep us here until July next, I think we might just as well remain until December. While I presume the Senator has not the information I should like to secure from him, yet I do want to suggest to the Senator and to other Senators having in charge important measures of legislation that so far as I am concerned—and of course what I do accounts for little in this body—I am not going to distress myself to sit here day after day and submit myself to a great deal of inconvenience to hasten legislation and to make a quorum if we are going to be kept here until midsummer, because, as I have suggested, after July Washington is a pretty pleasant place to live in, and it would not hurt us any more perhaps to remain until December than it would to remain until July or August.

I did not expect the Senator to give me definite information on that point; but if we are to remain here, if it has been ordained that we shall remain here, if the fiat has gone forth that we are to remain here until we consider all the bills that we have had suggested to us from another place, then we ought to give very careful consideration to every measure that is before the Senate, and not have them pressed through under the whip and spur or perhaps agreed by unanimous consent that they should be legislated upon for the purpose of saving time.

Mr. BANKHEAD. Mr. President——

Mr. GALLINGER. This is a mere admonition.

Mr. BANKHEAD. I am very sorry indeed that I am unable to give the Senator from New Hampshire the information that he seeks. I do not know of any program that has been laid down, and I do not know that I would be informed if such a program had been laid down. I simply want to get the bill before the Senate. Both political parties are committed to it in their platforms.

I will say to the Senator from New Hampshire, if he would enter into a bargain with me that we could carry out, that no Senator should consume more time in discussing the bill than I shall do, we will pass it very soon. Do I understand that the bill is before the Senate?

Mr. GALLINGER. No; the motion has not been put.

I will make one further suggestion to the Senator. The bill the Senator has reported is a very different bill from the bill which came from the House of Representatives.

Mr. BANKHEAD. It is very different, I agree.

Mr. GALLINGER. It is very different. Personally I am strongly in favor of the bill the Senator reported as compared with the bill which came to us from another body.

I want to give one further word of admonition, if I may be permitted to do so, and that is, if the Senator's bill is passed in the form substantially in which it is reported, I trust when it goes to conference the Senator, with his well-known strong personality and influence, will see to it that we do not have a bill sent back to us from conference which provides for building dirt roads all over the country. If such a bill comes back, some considerable time will be consumed, I assure the Senator, if some of us are alive.

Mr. BANKHEAD. All I can say to the Senator on that point is that I am in favor of this bill; and I shall, of course, if it goes to conference, insist upon its main provisions, inasmuch as the Senate will have instructed me to do that when the bill has been passed.

Mr. GALLINGER. Mr. President, I think we ought to have a quorum before the motion is put. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Myers	Smith, Md.
Bankhead	Hardwick	Nelson	Smith, Mich.
Beckham	Hitchcock	Newlands	Smoot
Borah	Hollis	Norris	Sutherland
Brady	Husting	O'Gorman	Swanson
Burleigh	James	Owen	Taggart
Chilton	Johnson, S. Dak.	Page	Thomas
Clapp	Jones	Phelan	Thompson
Clark, Wyo.	Kenyon	Pittman	Tillman
Clarke, Ark.	Kern	Poindexter	Townsend
Culberson	La Follette	Pomerene	Underwood
Cummins	Lane	Ransdell	Vardaman
Curtis	Lewis	Saulsbury	Wadsworth
Dillingham	Lippitt	Shafroth	Walsh
du Pont	Lodge	Sheppard	Weeks
Gallinger	McLean	Smith, Ariz.	Williams
Gronna	Martine, N. J.	Smith, Ga.	Works

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is detained on account of official business. This announcement may stand for the day.

The PRESIDING OFFICER (Mr. MYERS in the chair). Sixty-eight Senators have answered to the roll call. A quorum of the Senate is present. The question is on the motion——

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7617, commonly called the good-roads bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, which had been reported from the Committee on Post Offices and Post Roads with an amendment in the nature of a substitute.

Mr. BANKHEAD. I ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. BORAH. May I ask the Senator a question before we proceed with this matter?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. BANKHEAD. I do.

Mr. BORAH. I presume we are all desirous of considering the measure as rapidly as it may be done, but I should like to know what the Senator's program is, because I have not had time to ascertain the details of the bill.

Mr. BANKHEAD. I, of course, expect that the bill will take the regular course in the Senate. It is before the Senate, subject to amendment and subject to debate, and I know of no way of limiting debate. Therefore I assume that it will necessarily take the course that bills always take in the Senate. It is the unfinished business, and I think we ought to be able to dispose of it in a day or two, or three at the outside. I have no disposition to hurry it through.

Mr. BORAH. Does the Senator expect to dispose of it to-day?

Mr. BANKHEAD. Of course I hope to. That is with the Senate.

Mr. BORAH. If the Senator hopes to, I hope he will not.

Mr. GALLINGER. But the Senator quite understands, if he will permit me, that hope deferred makes the heart sick.

Mr. BANKHEAD. Very often.

Mr. BORAH. This is an important measure; it has come from the committee, and I do not suppose that a dozen Senators outside of the committee have had time to study the details of the bill. I am very anxious, at least, to know something about it. It concerns our part of the country considerably. We are about 80 per cent under the control of the National Government, and I am anxious to know what the National Government is going to do toward taking care of its own particular property.

Mr. BANKHEAD. For the information of the Senator, I will say that when the bill was reported a copy of the bill and a copy of the report, which is somewhat voluminous and undertakes to explain every section of the bill, were laid on each Senator's desk. That was more than two weeks ago. Of course it is fair to assume that it was overlooked, but this morning a copy of the bill and report are again placed upon the desks of Senators.

Mr. BORAH. Precisely. When I came into the Chamber this morning I was greeted by the report and the bill. I do not know what the capacity of other Senators is, but I can not pass upon this kind of a measure by simply glancing at the front page of a report.

Mr. BANKHEAD. Nobody is insisting upon that.

Mr. BORAH. I do not care to delay the matter further than to say that I do not want to have it disposed of to-day or to-morrow.

Mr. BANKHEAD. As I said, that is with the Senate, of course.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. BANKHEAD. I do.

Mr. WORKS. Mr. President, I have made some efforts to inform myself about the bill. I read the report with a good deal of care and looked into the bill somewhat, as much as I could, engaged as we all have been within the last two or three weeks. I think it is due to the Senate that the Senator from Alabama should explain the provisions of the bill. I do not know how many Senators have read the report that has been made. It is a very ingenious one. It tries to meet every constitutional question that might be raised respecting it, and it involves some very important questions of law as well as of policy.

The bill involves the expenditure of $75,000,000 by the National Government to aid the States in the construction of roads within the States, not national roads, not interstate roads, but every possible highway within the States where the mails are carried, and, of course, the mails are carried over most of the roads in all the States. I think it is a very serious matter to enter upon a proposition to embark the Government in the expenditure of money for these purposes, and I think it is due from the Senator from Alabama to make a full explanation of the bill.

The PRESIDING OFFICER. The Senator from Alabama has asked unanimous consent that the formal reading of the bill be dispensed with. Is there objection to the request?

Mr. GALLINGER. And that it be read for amendment.

The PRESIDING OFFICER. The Senator may add that, if he wishes.

Mr. BANKHEAD. It may be read for amendment. It is open to amendment then.

The PRESIDING OFFICER. Does the Senator from Alabama incorporate in his request that it be read for amendment?

Mr. BANKHEAD. Yes.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Alabama. Is there objection?

Mr. KENYON. As I understand it, that does not prevent the doing away with the reading of the bill by the Secretary.

Mr. BANKHEAD. Oh, no.

The PRESIDING OFFICER. The Chair understands that according to the request, if granted, the bill will be read by the Secretary for the purpose of having amendments offered.

Mr. BANKHEAD. The reason why I suggested that the formal reading of the bill should be dispensed with was that it would save two readings. It has to be read for amendment. I did not make the request with any purpose or intention of hurrying it at all. I thought perhaps it would save time.

Mr. NORRIS. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BANKHEAD. I do.

Mr. NORRIS. I have no objection to dispensing with the formal reading, but I do not like the form in which the request now appears.

Mr. VARDAMAN. If the Senator from Alabama will allow me——

Mr. BANKHEAD. In a moment. I have yielded to the Senator from Nebraska.

Mr. NORRIS. The request is now made, I understand, to have it read for amendment.

Mr. BANKHEAD. When it is read.

Mr. NORRIS. I do not want to get the Senate in a position where we would be precluded from offering amendments to the bill that we were not ready to present at the time of the reading. That is the only safeguard I wish to secure.

Mr. BANKHEAD. I withdraw my request.

Mr. VARDAMAN. I was going to suggest to the Senator from Alabama that he would save time by allowing the bill to be read.

Mr. BANKHEAD. I withdraw my request and will let the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill in the usual order.

The SECRETARY. The Committee on Post Offices and Post Roads report to strike out all after the enacting clause of the bill and to insert:

That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads; but no money apportioned under this act to any State shall be expended therein until its legislature shall have assented to the provisions of this act, except that, until the final adjournment of the first regular session of the legislature held after the passage of this act, the assent of the governor of the State shall be sufficient. The Secretary of Agriculture and the State highway department of each State shall agree upon the roads to be constructed therein and the character and method of construction.

SEC. 2. That for the purpose of this act the term "rural post road" shall be construed to mean any public road over which the United States mails are or might be transported, excluding every street and road in a place having a population, as shown by the latest available Federal census, of 2,500 or more, except that portion of any such street or road along which the houses average more than 200 feet apart; the term "State highway department" shall be construed to include any department of another name, or commission, or official or officials, of a State empowered, under its laws, to exercise the functions ordinarily exercised by a State highway department; the term "construction" shall be construed to include reconstruction and improvement; "properly maintained" shall be construed to mean in practically as good a condition as when it was first built; necessary bridges and culverts shall be deemed parts of the respective roads covered by the provisions of this act.

SEC. 3. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1917, the sum of $5,000,000; for the fiscal year ending June 30, 1918, the sum of $10,000,000; for the fiscal year ending June 30, 1919, the sum of $15,000,000; for the fiscal year ending June 30, 1920, the sum of $20,000,000; and for the fiscal year ending June 30, 1921, the sum of $25,000,000. So much of the appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof shall be available for expenditure in that State until the close of the succeeding fiscal year, except that amounts apportioned for any fiscal year to any State which has not a State highway department shall be available for expenditure in that State until the close of the third fiscal year succeeding the close of the fiscal year for which such apportionment was made. Any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned, within 60 days thereafter, to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and to the State highway departments and to the governors of States having no State highway departments in the same way as if it were being apportioned under this act for the first time.

SEC. 4. That so much, not to exceed 5 per cent, of the appropriation for any fiscal year made by or under this act as the Secretary of Agriculture may estimate to be necessary for administering the provisions of this act shall be deducted for that purpose, available until expended. Within 60 days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for administering the provisions of this act will not be needed for that purpose and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis, and certify it to the Secretary of the Treasury and to the State highway departments, and to the governors of States having no State highway departments, in the same way as other amounts authorized by this act to be apportioned among all the States for such current fiscal year. The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States, at the close of the next preceding fiscal year, as shown by the certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture.

SEC. 5. That within 60 days after the final passage of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each State highway department and to the governor of each State having no State highway department the sum which he has estimated to be deducted for administering the provisions of this act and the sum which he has apportioned to each State for the fiscal year ending June 30, 1917, and on or before January 20 next preceding the commencement of each succeeding fiscal year shall make like certificates for such fiscal year. The Secretary of Agriculture and the State highway department of each State may jointly determine at what times, and in what amounts, payments, as work progresses, shall be made under this act. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official, or officials, or depository, as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State or county.

SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. Items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per cent of the total estimated cost of the work. If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof. No payment of any money apportioned under this act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture; nor until there shall have been made available for expenditure by or on behalf of said State on the project money, labor, and material in such amounts, at such prices and such terms as may be agreed on between the Secretary of Agriculture and the State highway department, the aggregate amount to be not less than the amount to be received from the United States for expenditure on such project; nor until an agreement shall have been made with the Secretary of Agriculture, to his satisfaction, that the rural post road or roads so to be constructed under such project will be properly maintained by the State, or any subdivision thereof; nor shall any such payment be in excess of $10,000 per mile, exclusive of the cost of bridges of more than 20 feet clear span. The construction work and labor in each State shall be done in accordance with its laws, and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this act.

SEC. 7. That the Secretary of Agriculture is authorized to withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof, if within six months after he has given notice in writing to the State highway department such roads be not properly maintained by the State, or any subdivision thereof. The Secretary of Agriculture is also authorized temporarily to decline to issue warrants under this act upon failure on the part of any State, or its State highway department, to comply with the provisions of this act or upon breach of agreement made with him pursuant to this act; and finally to decline to issue such warrants if, within three months after he has given notice in writing to the State highway department, such failure be not corrected or such breach be not remedied to his satisfaction. If he withhold an apportionment or finally decline to issue a warrant under this section, the Secretary of Agriculture shall certify the reasons therefor to the Secretary of the Treasury and to the State highway department before the close of the fiscal year in which such action is taken and shall report the same to the next regular session of Congress.

SEC. 8. That, out of the appropriations made by or under this act, the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to rent such buildings in the city of Washington and elsewhere, to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as he may deem necessary for carrying out the purposes of this act.

SEC. 9. That the Secretary of Agriculture is authorized to make rules and regulations for carrying out the provisions of this act.

SEC. 10. That this act shall be in force from the date of its passage.

Mr. KENYON. Mr. President, I wish the Senator from Alabama would, if he can, let this matter go over until to-morrow. We are interested in the road question; I know I am very deeply myself. There are very few Senators in attendance this afternoon. So many things have gone on that the Senate is rather wearied, and its mind is naturally upon some other subjects at this time. I know Senators would like to hear the Senator from Alabama with a full attendance here. The bill is of such tremendous importance and involves so many intricate and interesting questions that I think it would be very conducive to

the welfare of the measure and to the welfare of the country if it could go over. I do not want to delay it.

Mr. SMOOT. Mr. President, in connection with what the Senator from Iowa has already said, I should like to have the Senator from Alabama agree to lay the bill aside temporarily. It will then be the unfinished business, and if he will do that I will move to take up the calendar and consider bills on the calendar to which there is no objection. I think we could get rid of 15 pages of the calendar this afternoon if the Senator would agree to that course.

Mr. BANKHEAD. I will say to the Senator from Utah that I am perfectly willing to adjourn at a reasonable hour this evening, and then the Senate will have to-morrow morning, after the routine business, for the calendar.

Mr. SMOOT. There may be something come up to-morrow morning that will occupy the morning hour, and I will say to the Senator that there are a number of Senators who desire to make speeches upon the bill who are not prepared to do so this afternoon.

Mr. BANKHEAD. And they may not be prepared to-morrow.

Mr. SMOOT. They would be prepared to do so to-morrow. I understand, however, Mr. President, there is one Senator on the other side of the Chamber who desires to make a speech this afternoon. He might go on with his speech, and after he has concluded, perhaps the Senator from Alabama would consent to laying the bill aside.

Mr. BANKHEAD. I think there are a number of Senators here, perhaps, who want to make speeches on this proposition. Let us go on this afternoon and permit them to do so.

Mr. SMOOT. For the present, then, we will go on until there is no Senator ready to speak on the bill.

Mr. BANKHEAD. Mr. President, I do not intend to consume the time of the Senate in discussing this bill. I discussed this question before the Senate several years ago, and the Senate is perfectly familiar, not with my views but with the views that are held by the country and those who are interested in this legislation. I do not desire, Mr. President, and it is not my habit, to take credit for anything that does not belong to me. I take no pride whatever in the authorship of this bill, and it may be well enough perhaps to state to the Senate briefly how this particular bill happens to be now before the Senate.

The National Association of Highway Engineers held a national convention in Chicago last fall and discussed this whole question of road building and the best method that could be secured for participation between the National Government and the States in road building. They prepared a bill, sent me a copy of it, and requested me to introduce it in the Senate. There were some provisions in the bill that did not quite meet with the approval of my judgment, and I therefore made some changes in the bill before introducing it. About that time a bill came over from the House of Representatives on this question known as the "Shackleford good-roads bill." Perhaps Senators are more familiar with the provisions of that bill than they are with the provisions of the bill now before the Senate. It may have attracted their attention more directly.

The Committee on Post Offices and Post Roads, after very carefully considering the provisions of that bill, could not give it their approval. It contained a number of provisions that did not appear to be wise, and that perhaps could not be made workable. In that view of the case the bill now before the Senate, reported unanimously by the Post Offices and Post Roads Committee, was submitted to the Agricultural Department. The road division in that department, myself, and others had several conferences on the bill. They suggested some amendments that I think are important. The bill was then submitted to the Secretary of Agriculture for his review. He carefully went over the provisions of the bill and, as I now remember, made one or two minor suggestions as to amendments. That is the bill now before the Senate.

The committee in framing this bill never for a moment lost sight of the interests and rights of the States in the construction of these roads; and if Senators will examine the bill—section 6, I believe it is—they will at once see that the bill provides that the money shall be expended and that the roads shall be constructed under the laws of the States and under the supervision of the State authorities, whether a highway commission, or, in the absence of a highway commission, the constituted road authorities of the respective States. I thought this was very important. If Senators will examine another section of the bill, or perhaps it is the same section or one a little later, they will find that the committee has provided that the States may furnish labor or material in the construction of such roads, the price to be paid for such labor and material to be agreed upon between the State authorities and the Secretary of Agriculture.

The bill provides for the distribution of this appropriation. Such distribution is based upon three propositions: The area of the States, the population of the States, and the road mileage of the States—the three being added together. The bill provides that when the State authorities, either the State highway commission or any other constituted road authorities of the State, shall have selected a route for the construction of a road and shall have presented their plans and specifications, agreed upon the method of construction and the character of the roads, then they shall submit the question to the Secretary of Agriculture for his review; and if he approves the plans, the specifications, and estimates which have been submitted as to the cost of construction the Government of the United States becomes bound to pay one-half of the cost of the construction of the road. The State, subdivisions of the State, or individuals may contribute the other 50 per cent of the cost of construction.

There are other provisions of the bill which I do not think it is necessary for me to go over and to explain in detail.

The reason, Mr. President, why the committee thought it wise and fair to apportion this money upon area, mileage of roads, and population——

Mr. WARREN. The Senator from Alabama means, I presume, post roads?

Mr. BANKHEAD. Yes; I mean post roads.

The reason the committee thought it wise and fair to apportion this money upon area, mileage of roads, and population, was that there are a great many States in the Union which are sparsely populated; they do not have as many miles of post roads as do other States; but they have a large area, and that area makes up the general average when we come to the appropriations.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Alabama yield to the Senator from California?

Mr. BANKHEAD. I yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator whether the committee reporting this bill determined what proportion of roads would fall under the definition of "post roads" as given in the bill itself?

Mr. BANKHEAD. The bill provides that "post roads" shall be construed to mean roads over which the rural mail goes or may go after improvement.

Mr. WORKS. Yes; I understand the definition very well; but the question was what proportion of roads in the several States would be included in that definition?

Mr. BANKHEAD. The Agricultural Department, according to the last census, as they claim, states that the mileage of post roads and star routes is 1,195,014, and that there are in all, Mr. President, in this country more than 2,199,646 miles of roads; but the rural mail does not go over half of them for the very good reason that a very large percentage of that mileage is in such condition that the rural mail can not go over it. That is one of the things that we ought to keep in mind in considering this bill; that its purpose is, if possible, to extend the rural service wherever it can properly go on roads on which it can properly travel.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. BANKHEAD. I do.

Mr. GALLINGER. There is a phrase I find in the bill which is rather bewildering.

Mr. BANKHEAD. To what section does the Senator from New Hampshire refer?

Mr. GALLINGER. I refer to section 2, which reads:

> That for the purpose of this act the term "rural-post road" shall be construed to mean any public road over which the United States mails are or might be transported.

Does not the Senator think that is very vague? Might not this money be used entirely in constructing roads over which the mails are not now being transported on the ground that they "might be transported" over such roads?

Mr. BANKHEAD. I have just said, Mr. President, that the purpose of that language is to improve that class of roads, as far as possible, over which the mails do not go at this time. It is impossible, as the Senator from New Hampshire knows, to build all these roads as hard-surface roads. The purpose of the bill is, as I understand, to build roads over which the mails and the products of the farmer may be carried in proper safety at all seasons of the year.

Mr. GALLINGER. Yes; undoubtedly; that is a good purpose; but it occurs to me that it might be better to limit these appropriations to the roads—execrable as they are in many parts

of the country—over which the mails are now being transported, and not permit the money to be used for roads that may some time or might some time be used for that purpose—a mere fiction or a guess. I wish the Senator from Alabama would carefully think that over. I presume he has already given it some consideration.

Mr. BANKHEAD. Yes; I will do so.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. BANKHEAD. I now want to answer the Senator from New Hampshire.

Mr. GALLINGER. I thought that possibly the Senator might think it better to limit the expenditure of this money to roads over which the mails are now being transported. Even in my own little State, where we have spent a large amount of money for the construction of roads—millions of dollars, indeed—there are many roads over which the mails are now going that are almost impassable, and the money which would be expended under this bill, which would come to my State, would hardly take care of the fifth part of those roads, I believe.

Mr. BANKHEAD. Mr. President, the committee had in mind that it could very well trust the expenditure of this money to the road authorities of the States. We did not believe, and do not now think, that the State highway commissions, or, in the absence of a State highway commission, the recognized and legally constituted road authorities of the State, would expend this money anywhere where they could not get sufficient results for the expenditure; and we thought perhaps it was well enough——

Mr. GALLINGER. The Senator from Alabama knows that I am not going to be factious about this matter. This bill appeals to me very strongly as being the most sensible bill that I have yet come across which contemplates the expenditure of the money of the Government for the building of roads in the States. But the Senator knows that there will immediately be a contest in every State; influential parties will insist upon building a road in this direction, and other parties in the other direction, and so on, and there will be a constant fight as to where these roads shall be constructed. I have in mind a little strip of road in New Hampshire which I very much want to have improved, but I apprehend it would be opposed by other parties who will say that the money ought to be spent on some other road. That was the only thought I had in mind.

Mr. BANKHEAD. Mr. President, does not the Senator think it would be wiser to leave this question to the State authorities—to the highway commission or to the regularly constituted road authorities of the State—to determine whether or not any of the Government's money shall be expended on the extension of a road that ought not properly to be improved?

Mr. GALLINGER. I will say that may be so.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. BANKHEAD. Yes.

Mr. LANE. I think the committee is right, if the Senator please. In the older States there may be the objection to which the Senator from New Hampshire has made reference, but in the West, on the Pacific coast, through the mountain regions, the mail is carried now upon mule back over trails to communities which are marooned for lack of ordinary highway facilities. I think the Postmaster General and the committee had in mind the pressing necessity of relieving the unfortunate condition of those people when this provision was placed in the bill, and if it is handled with ordinary common sense and business discernment for the needs of the people, I believe it will be the most useful provision in the bill.

Mr. BANKHEAD. Mr. President, as I said in the beginning, I do not intend to discuss the merits of this bill; the bill speaks for itself. On the report which the committee have filed we have expended a great deal of labor. We have searched the records and obtained every particle of information that we could find and embodied it in that report; and I believe that every section of this bill which is not entirely clear and which is not perfectly understood by every Senator on the floor will be made clear by consulting the report which we have filed, which is on the desk of every Senator in the Chamber, and which contains a complete explanation.

I have no disposition, Mr. President—and, of course, the Senate knows I have no such purpose—to try to railroad this bill through the Senate. I want it discussed, if Senators desire to discuss it, and amended, if they desire to amend it. If, in the judgment of Senators and the Senate, weak points in this bill are discovered and places where it can be improved, I apprehend there will be no difficulty in having proper amendments adopted. As I said in the beginning, I have no pride of authorship in this bill; I indorse it——

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. BANKHEAD. I do.

Mr. VARDAMAN. Answering the objection suggested by the Senator from New Hampshire [Mr. GALLINGER], section 6 of the bill provides:

> That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require.

So there is that restriction which would prevent the probability of any waste or the expenditure of the money in a remote section where it will not bring satisfactory return upon the amount invested.

Mr. GALLINGER. Mr. President——

Mr. VARDAMAN. And again, if I may be permitted, the State will contribute half of the money which is to be invested in the building of roads, and we can very safely indulge the presumption that the authorities of the States will not waste, at any rate, their own money. I hope the Congress may in the future manifest the same deep interest and prudence in safeguarding the disbursements of all public funds as is shown in the matter of the proposed appropriation for building post roads throughout the country.

Mr. GALLINGER. Mr. President, if the Senator from Alabama will permit me, I will say that that is a safeguard to which I have not given very careful thought, but I think very likely it will obviate the objection which I have suggested. However, my impression is that the phraseology might be bettered if the provision should read "road over which the mails are or are likely to be transported." I think that would be better than the words "might be transported."

Mr. BANKHEAD. I have no objection to that.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. BANKHEAD. I want to say just a word more, and then I am through for the present so far as I am concerned.

The committee in the framing of this bill kept as far away as possible from Federal supervision, believing perhaps that it was better to leave the question of construction and the question of location to the State authorities, to be determined and administered under the laws of the State and under the supervision of the State authorities; but we did not quite see our way clear to eliminate every question of Federal supervision over these roads, inasmuch as the Government is to put up one-half of the money with which to build them. However, we limited the Federal supervision in the greatest possible degree.

Mr. POMERENE. Mr. President——

Mr. BANKHEAD. I yield to the Senator.

Mr. POMERENE. I desire to ask the Senator a question. The Senator from Mississippi [Mr. VARDAMAN] has called attention to this language used in section 6:

> That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein.

Does that language mean that if a project should be submitted which simply contemplated the filling up of a lot of mudholes on some back road the authorities in Washington would have full power to fill up those mudholes?

Mr. BANKHEAD. The highway commission of the State, in the first place, would determine such a matter. They submit the plans; they designate the road to be built, its location, and the estimate for the improvement, to the Secretary of Agriculture; and while I regret, Mr. President, that we found it necessary to do so, we had to lodge the veto power somewhere, and we thought it best to give to the Secretary of Agriculture the power to say: "That is not a proper road to be built; it is not in a proper place; the construction of it is not what it ought to be; the estimate of cost is too high; and I am not, as the representative of the Government of the United States, willing to approve it and put up half the money for it." That is the proposition.

Mr. POMERENE. Suppose that a very substantial sum of the money which is appropriated out of the Federal Treasury for road purposes were desired to be used by the State authorities simply for the purpose of repairing an ordinary dirt road?

Mr. BANKHEAD. Well, Mr. President, I am constrained to believe that the Senator from Ohio has not read the bill——

Mr. POMERENE. I have been trying to read it.

Mr. BANKHEAD. Because there is an express provision in the bill which says that none of this money shall be used for repairs or maintenance.

Mr. POMERENE. I am very glad to know that.

Mr. BANKHEAD. We thought, Mr. President, after the Government of the United States had contributed its share to the building of roads, that it was the duty of the States to see that they were maintained; for without maintenance roads are not worth anything.

Mr. POMERENE. If the Senator will pardon me, I am in favor of Federal aid in the construction of highways, but I realize at the same time that most of the work of this character must be done by the local or State authorities, and I want to encourage them to the uttermost; but if we were to fritter away the Federal funds in mere repairs on some out-of-the-way road, or simply for the purpose of making a road temporarily passable, we would be discouraging the local authorities.

Mr. BANKHEAD. There is no doubt about that, and the bill expressly provides that none of this money shall be used for repairs or maintenance.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. BANKHEAD. Yes.

Mr. LANE. I wish at this time—for I think it is an opportune time—to mention the fact that if the Senate had been so wise as to adopt the amendment offered by me yesterday, which provided for a national-defense army to defend this country against all comers, that army to consist of 500,000 men, we will say, per annum, required to go out and build roads, except for two days in the week, when they would undergo military training, we would have had the roads without the expense now proposed, and we would have secured double the amount of military training for our people which will be given under the military reorganization bill which has been passed.

Mr. MARTINE of New Jersey. Mr. President——

Mr. BANKHEAD. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. Mr. President, I feel that the Senator from Ohio [Mr. POMERENE] need have little fear that any of the money proposed to be appropriated from the Federal Treasury will be spent simply for the purpose of filling mudholes, because in the bill, on page 7, it is provided that—

> The Secretary of Agriculture and the State highway department of each State shall agree upon the roads to be constructed thereon and the character and method of construction.

So the Treasury of the United States is reasonably safeguarded in that respect. No Secretary of Agriculture would permit a contribution from the United States Government to go to any State whatever simply to fill up mudholes.

I am an earnest advocate of this bill. I am a member of the Committee on Post Offices and Post Roads, and I know, as the chairman of the committee has stated, the careful deliberation and the amount of study which have entered into the framing of this measure.

I am an earnest advocate of a good-roads system everywhere and anywhere. We know in the State of New Jersey how much has been accomplished in this direction. Our roads there are par excellence; there are none better. We are favored with a splendid administration, both in our road department and in other departments of our State government, and we have a governor and those associated with him who have been a credit and an honor to our State and a glory to our country. The work that has been accomplished by our road commission has resulted in a splendid system of highways, ramifying over the State very generally, and has resulted in an increased value to property on all sides in our State. I can commend our general system of highways to the people of the United States; and if we can have Federal aid we will accomplish wonders in the direction of good roads, and our system will prove a model not only for our own country, but for any other country which may send visitors to us.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. BANKHEAD. I do.

Mr. WILLIAMS. I wish to ask the Senator from Alabama a question. On page 13, in section 8, beginning in line 18, I find this language:

> That, out of the appropriations made by or under this act, the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere.

Then follows the language concerning which I wish to ask a question:

> To rent such buildings in the city of Washington and elsewhere.

In other words, a part of the money appropriated is to be used for the rent of buildings in the city of Washington. Will the Senator tell me why that is necessary? A million-dollar building has been erected for the Department of Agriculture; but that department is already renting other buildings—I do not know how many—all over the city, in spite of the fact that we gave them a building. It seems to me that to appropriate anything for the renting of buildings in the city of Washington is purely superfluous.

Mr. BANKHEAD. Mr. President, if the Senator will examine the bill, he will find a provision that not more than 5 per cent of the money appropriated shall be expended for administrative purposes, which include many things besides the renting of buildings, if the renting of buildings is necessary.

Mr. WILLIAMS. I am not speaking about the renting of buildings elsewhere.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

Mr. WILLIAMS. I beg the Senator's pardon. I am not speaking about buildings elsewhere; I am speaking about the renting of buildings in the city of Washington. The Senator knows and I know that there is a very large amount of graft going on in connection with the renting of buildings in the city of Washington by the various departments—I will take back the word "graft"; I do not mean that; I mean unnecessary expenditures—and the more buildings we erect for the departments the more they seem to rent.

Mr. President, I give notice that at the proper time I shall offer an amendment—and I ask the Secretary to take down the amendment—to strike out, on page 13, line 21, the word "in" and insert the words "outside of," and in line 22, page 13, to strike out the words "and elsewhere," so that the clause as amended shall read:

> To rent such buildings outside of the city of Washington.

Mr. BANKHEAD. The only objection, I understand, is to the renting of buildings in the city?

Mr. WILLIAMS. That is all—in the city. It is absolutely useless. We gave them a million-dollar building down there, and all they did was to take a room where there had been seven men and distribute them into three rooms, or where there had been three men and put them into two rooms, and then to keep on renting buildings all over this city for the Forestry Division and for other parts of the Agricultural Department.

It does not do any good to erect these buildings if these people are going to keep up this rental system; and, whether true or not, I have heard that they pay more than private renters do for the same sort of quarters, in the same neighborhood, from the same landlords.

Mr. SWANSON. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. BANKHEAD. I do.

Mr. SWANSON. The Agricultural Department rents about $132,000 worth of buildings. As chairman of the Committee on Public Buildings and Grounds as soon as I was elected chairman I made a very full inquiry of every department in Washington in reference to their buildings, how much they rented for, the amount of space, the assessed value, and the average amount of the investment; and all of these reports have come in. They show that the Government rents nearly $600,000 worth of buildings in the city of Washington.

Mr. SMOOT. Over $600,000 worth.

Mr. SWANSON. Over $600,000 worth. It is not the fault of the Public Buildings Committee; it is the fault of the committees outside of that, who make these appropriations for rentals.

As the Senator from Mississippi [Mr. WILLIAMS] has well said, there have been two very fine buildings erected for the Agricultural Department. We hardly get through furnishing a building before they arrange for keeping up their rentals at what they were formerly. But in looking into the matter I find that the Agricultural Department has grown so rapidly, so many new bureaus have been added—and every year one or two bureaus are added—that I think they do need some rentals of buildings.

Now, the present Bureau of Roads in the Agricultural Department rents a building. I think it has always been compelled to rent a building.

Mr. VARDAMAN. Mr. President, will the Senator from Alabama permit me to ask the Senator from Virginia a question?

Mr. BANKHEAD. I will.

Mr. VARDAMAN. I am very much interested in the revelations that the Senator from Virginia is making. Has the Senator from Virginia made an estimate of the number of buildings that are rented, and the amount of money paid for them, by the Government—buildings that the Government could get along without?

Mr. SWANSON. Over $600,000 of rent is paid in Washington every year for buildings.

Mr. VARDAMAN. What portion of that can be dispensed with?

Mr. SWANSON. I have asked the Supervising Architect's Office to take these reports I have obtained and to make an estimate as to what it would cost to construct buildings to house all of these different departments, what rented buildings ought to be dispensed with, and to give me a statement as to what we can do, so that we may have another public buildings bill to construct such buildings as we ought to construct, to dispense with those that are unnecessary, and in the future to prevent any rentals in Washington; and that ought to be done.

Mr. VARDAMAN. I think it would be a very proper procedure.

Mr. SWANSON. Now, understand, the committee of which I am chairman has directed me to try to get a bill passed, or an amendment to some appropriation bill, in which a commission shall be appointed to examine into the rental of every building in Washington, to examine whether or not these rentals are necessary, to examine as to what these buildings can be constructed for where they are absolutely needed, and to report at the next session of Congress a complete plan to get rid of all rentals in Washington; and I think that will be put on.

Mr. WILLIAMS. It will not do you any good. They will keep on renting.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. BANKHEAD. I do.

Mr. SMOOT. I wish to say to the Senator from Mississippi [Mr. VARDAMAN] that the Appropriations Committee has considered the question as to whether any rooms can be dispensed with that are now being rented by the Government. There are only three departments of the Government that are not asking for authority to rent additional rooms over and above what they have to-day. I can assure the Senator that before this session of Congress is out there will be some kind of a resolution presented to the Senate authorizing the appointment of a committee for the investigation of this whole rent question, with a view—as the Senator from Virginia has said his committee has had in mind—of seeing just what it would cost the Government to construct sufficient buildings to house all of the employees of the Government.

Mr. VARDAMAN. Mr. President, how do the rentals paid by the Government compare with the rents paid by private citizens?

Mr. SMOOT. The rents that the Government is paying now are somewhat higher than those paid by private individuals.

Mr. VARDAMAN. How much higher?

Mr. SMOOT. I will say to the Senator that the Government in some cases rents buildings at 37½ cents a square foot; in other instances it runs as high as 50 cents. It depends upon the class of building and where it is located. I will say to the Senator, however, that taking the rent as a whole, I understand that it is somewhat higher than that paid by private concerns.

Mr. VARDAMAN. Does the Senator know how much higher?

Mr. SMOOT. I should judge it is something like from 5 to 7½ per cent higher.

Mr. THOMAS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. BANKHEAD. I yield.

Mr. THOMAS. I should like to inquire of the Senator from Utah if he knows whether the Maltby Building is occupied?

Mr. SMOOT. It is not occupied, and I suppose that every time a department has asked for increased space the Maltby Building has been brought up before the committee. I want to give credit to the junior Senator from Colorado because he has mentioned that building upon all occasions when additional room was required, and he has insisted that it be used; but I do not believe that the head of any one of the departments feels that he wants to have his department occupy that building. They will make all sorts of excuses, saying that it is unsafe, and that it has been condemned, and that it is insanitary.

Mr. WILLIAMS. Why do we not sell it, then?

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield, and to whom?

Mr. BANKHEAD. To whom? That is what I should like to know. [Laughter.]

Mr. SHAFROTH. I should like to say a word right here.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. BANKHEAD. I do.

Mr. SHAFROTH. I should like to say a word with respect to the Maltby Building. I have examined that building. There is not a crack in any of the walls. It is perfectly safe. I can not get any of the departments to occupy it, however, because some want tiled floors, and some want nickel-plated plumbing, and some want a fireproof building, and all of those things prevent it. I will state, however, that there are some people now occupying that building. The Sergeant at Arms of the Senate, being crowded, has concluded to put a force over there, and it is being occupied to a limited extent, but I do not see why that building could not be occupied by all the offices required under this bill and why they would not be well accommodated in every respect.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. BANKHEAD. I yield.

Mr. WILLIAMS. If the Senator from Alabama will pardon me just a moment longer, I remember when Mr. James W. Wadsworth, of New York, was chairman of the Agricultural Committee in the House of Representatives and when I was the senior minority member of that committee, that the Department of Agriculture came to us and wanted us to erect the building which now exists, and one of the reasons which they gave was that we would stop the enormous amount of rentals which they were paying out in the city of Washington. We appropriated the money; we erected the building; and, to my surprise, I find that they are renting just about as much as they did before they had the building. We did not destroy the old Agricultural Department building. We left that. We gave them a million-dollar new building, and yet they are still renting all over the city of Washington.

In answer to a question propounded by my colleague [Mr. VARDAMAN], I am not sure that I know enough to answer accurately in percentages, but I have heard that in one or two cases in the city of Washington the Government is paying to a landlord 25 per cent more than is being paid by a private tenant just next door. Whether that be true or not I do not know. It came to me in a way that does not stamp it with the authenticity of original information. I hope, however, that when the Senator from Utah has the investigation by his committee they will not stop with merely asking the rent paid and the location of the tenement rented or for what purpose it is rented, but that they will go back and find, not the nominal contractor, but the real flesh-and-blood man who was appointed by the department or the bureau to enter into the contract, and that they will also find out just what is being paid next door for exactly the same sort of tenement.

I despise making charges. All of you know I never do it, because the most precious thing for any human being in the world is his reputation, outside of his character, and no man has a right lightly to charge corruption; but I have a notion that if this thing were pursued back to the flesh-and-blood man who really acted for the Government in effecting a contract there might be found now and then a rake-off, because I can not otherwise understand why so much should be rented, and why what is rented should be rented at the figures at which it is rented.

Mr. BANKHEAD. Mr. President, I stated in the beginning that the Agricultural Department had made some minor amendments or suggestions with reference to this bill. The item in question is one of their suggestions. I am perfectly willing to accept the amendment of the Senator from Mississippi when we come to it. I think perhaps we will be able to get along without it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. BANKHEAD. I do.

Mr. GALLINGER. If I may be permitted to say a word about this matter of rent, it is something in which I have taken a good deal of interest. As chairman of the Committee on the District of Columbia for 12 years I looked into it from time to time without very much satisfaction. I feel sure that there is a recent publication—I can not put my hand on it now—which shows the percentage that the owners of the buildings now rented by the Government are receiving, and if I am not entirely

mistaken it ranges from 5 to 14 per cent; there are buildings rented in this District where the owners are getting 14 per cent on the property.

Mr. VARDAMAN. Mr. President, if the Senator will permit me just in this connection, a day or two ago I was told by a prominent official of the Post Office Department, when he came before the committee and asked for an appropriation to erect a building to be used by the department, that in the case of the building they are now occupying they are paying a rental of 16 per cent on the investment. If this be true, such a condition is inexcusable.

Mr. GALLINGER. The document to which I allude—and I regret that I can not designate it specifically—does not show so large a percentage as that, but it shows an inordinate percentage in some cases. Now, one further word.

Mr. VARDAMAN. I want the Senator to understand——

The PRESIDING OFFICER. Does the Senator from Alabama further yield to the Senator from Mississippi?

Mr. BANKHEAD. I am yielding to the Senator.

Mr. VARDAMAN. I want the Senator to understand that my statement was not in anywise contradictory of his. I was simply adding that fact to the cumulative evidence on the subject which tends to show that something ought to be done to correct these abuses.

Mr. GALLINGER. I should like the Senator from Virginia to remain one moment, if he will.

If I may be permitted to allude to the Agricultural Department—and I do not allude to it in any factious spirit, or for the purpose of criticizing the man who is at the head of that department—when we appropriated for the new building, as a matter of fact, there were two new buildings constructed, and a space is left in the center for a third building, for which doubtless we will be asked to appropriate in the near future.

The Senator from Virginia, who has great energy and ability, says he is going to take up this matter and see if we can not construct enough buildings to accommodate the Government without renting. I will ask the Senator from Virginia how long ago it was that we appropriated to construct, I think, three public buildings on the squares between Fourteenth and Fifteenth Streets and running south from that point?

Mr. SWANSON. I did not catch the location of the place. What squares does the Senator mean?

Mr. CURTIS. Does the Senator mean the property south of the Willard Hotel?

Mr. GALLINGER. I do.

Mr. SWANSON. I will say to the Senator that the Committee on Public Buildings and Grounds last year reported a bill to construct a building there for the Department of Justice. We have done it repeatedly. We tried to get it through the Senate, and objection was made all the time to the passage of the bill.

The Department of Justice pays, I think, $46,000 a year for rentals. The Department of Justice has no building whatever except what is rents. The Government bought the land there to construct a building for that department. As chairman of the committee, I reported last year a bill to proceed at once to the construction of the building. Every time the bill would come up the Senator from Ohio, Mr. Burton, or the Senator from New York, Mr. Root, one or the other, would object to its consideration. It was impossible for us to get it considered.

Recently I have talked with the Attorney General and other representatives of the Department of Justice, and they thought possibly it was better to let a bill be introduced in the House first and come over here. I had a talk with them about a week ago, and they still thought we had better see what the House of Representatives would do before we proceeded over here. We have bought the land there, we have been losing the interest on it, and we are paying rentals.

If there is any building that is needed it is one for the Department of Justice. I have urged it ever since I have been here, and objection has always arisen unless we would enter into an agreement that we would pay 5 per cent for a man to inspect the building, when the Supervising Architect's Office here is prepared to do it. I have not been willing to put into the bill a provision compelling us to pay for the inspection of that building when the Supervising Architect's Office could do it and save to the Government 5 per cent on the cost of the building. The objection to the passage of that bill has been because a member of the American Institute of Architects insists that he has a moral right, if not a legal right, to get 5 per cent for watching the construction of the building.

Mr. GALLINGER. Mr. President, the Government purchased the land——

The PRESIDING OFFICER. Does the Senator from Alabama yield the floor?

Mr. GALLINGER. I am holding the floor by the courtesy of the Senator from Alabama.

Mr. BANKHEAD. He is holding it for me.

Mr. GALLINGER. There does not seem to be any great rush in legislation to-day, so I suppose we may have a little leeway, to make it interesting, as they do in the House of Representatives.

The PRESIDING OFFICER. The Chair feels that he has given some leeway.

Mr. GALLINGER. As a matter of fact, the Government purchased the land several years ago, as I remember. The Government has dispossessed the occupants of several properties there, including the Emergency Hospital. The Government turned them out, and they had to raise money by private contribution and public contribution and build a new hospital. There stands the land in the name of the Government, and we do not appropriate for the building.

I do not know exactly the facts that the Senator has presented as to the impossibility of getting the appropriation made by Congress. It ought to be made, and ought to be made at once. The Senator from Virginia—and this is what I wanted to admonish him about—when he takes this contract to construct enough buildings to accommodate all the departments of the Government, will find that he has a very large contract on his hands. I will suggest that when that is done, if it ever shall be done, and there is room enough to give every man larger breathing space than he can get outdoors, we will find that by multiplying bureaus and divisions in the Government departments, which we are constantly doing, we will still be looking for some place to rent for the Government at 10 or 12 or 14 per cent.

Just a word about the Maltby Building. I lived in that building for four years, at the top of it.

Mr. OVERMAN. So did I.

Mr. GALLINGER. It is a most charming place, and I was rather sorry when I was dispossessed; but somebody discovered that it was unsafe. We owned a building south of the theater in Fifteenth Street, a substantial brick building. If it had been in New Hampshire it would have been allowed to stand there five or six hundred years, and would have been pointed to as an evidence of splendid construction. A certain Senator entered that building once, and saw a little crack in the wall, and he came back here and reported that it was unsafe, and we tore it down. The land is there now, with no building on it, and we have lost the use of that building.

Mr CURTIS. Mr. President, may I ask the Senator a question right there?

Mr. GALLINGER. Certainly, if I may be permitted to yield to the Senator.

Mr. CURTIS. Was not the building that formerly stood next to the Riggs Bank the one that was occupied by the Department of Justice?

Mr. GALLINGER. Yes. It was pulled down because somebody saw a crack in the wall, I believe.

Mr. CURTIS. And the Government still owns that site, does it not?

Mr. GALLINGER. It still owns the land; yes.

This is a question that ought to be taken up; and I am glad that the Senator from Virginia [Mr. SWANSON], with his usual energy, says that he will take it up and try to solve the problem. It is a serious problem, which ought to be met bravely and courageously.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. BANKHEAD. Yes; I yield.

Mr. SWANSON. There is a great deal in the suggestion made by the Senator from New Hampshire that the rapidity with which the departments have been created has necessitated the rental of buildings. For instance, the Department of Commerce has been separated from the Department of Labor. The Department of Labor has been created—a new department. A new bureau, the Children's Bureau, has been created. Consequently, it has necessitated an increased rental to house these bureaus, because none of these departments will give up any of the space they occupy when you give them a new building. The only department I know of that has surrendered a building is the Treasury Department. When we built a new building over here for the Bureau of Engraving and Printing, I understand the Treasury Department ceased a great deal of its rentals. I do not know how much they amounted to, though I had the figures, but very few of the departments do that. With that exception, when you construct a building for them, they keep up their existing rentals.

The fault in that respect is not with the Committee on Public Buildings and Grounds. It is with the Appropriations Committee. These gentlemen never appear before us to authorize a rental. The only thing we authorize is the construction of buildings. All of the rentals are authorized by other committees, and not the Committee on Public Buildings and Grounds.

Mr. CURTIS. Mr. President, right there I should like to make a suggestion. The Committee on Appropriations must authorize the rental of buildings until the Committee on Public Buildings and Grounds authorizes their construction.

Mr. SWANSON. That is true; and consequently that committee is compelled to authorize rentals, when new departments or bureaus are created, until we have a general building or construction bill. It is nearly impossible to get separate bills through the House and Senate. We have not had a building bill since 1911. I tried for two sessions to get through here a building for the Department of Justice. I pushed it urgently and with all the energy I had, yet it was impossible to get it through.

I will endeavor to report a bill for this purpose very soon, and I want to get the Senator from New Hampshire [Mr. GALLINGER] to help me get through a building for the Department of Justice. If any objection arises on that side, where all the objection was raised the last time, I hope he will suppress it; and I hope the Senator from Utah [Mr. SMOOT] will aid me in suppressing any objection that may arise to the construction of a building for the Department of Justice. We own the land. We have lost the interest on it for years. It is an absolute piece of business folly that the Government should buy that land and not utilize it. Yet, although we have tried for years to construct a building on it, on account of the opposition of some Senators we have been unable to do so.

I shall be very glad to have that building bill reported promptly.

Mr. BANKHEAD. Mr. President, I have said all I care to say at this time on this bill. I am going to yield the floor, unless some Senator wants to ask me a question.

Mr. CURTIS. Mr. President, before the Senator yields the floor I desire to ask him a question in regard to this part of section 3:

> Any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned, within 60 days thereafter, to all the States in the same manner and on the same basis.

What effect would that have on the States that refused to appropriate their one-half?

Mr. BANKHEAD. It could have but one effect, and that would be that it would go back into the Treasury for redistribution to those who did appropriate.

Mr. CURTIS. Would that State be considered again in the redistribution, having failed to appropriate?

Mr. BANKHEAD. Oh, yes; I think so.

Mr. CURTIS. That is the question I wanted to ask, Mr. President.

Mr. COLT. Mr. President——

Mr. BANKHEAD. I yield the floor to the Senator from Rhode Island.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. SHAFROTH. No; I do not care to interrupt the Senator from Rhode Island, if he is going to take the floor.

Mr. BANKHEAD. I am yielding to the Senator from Rhode Island.

Mr. JONES. Mr. President, I understand that the Senator from Rhode Island is not going to confine his remarks to this bill, but is going to discuss a bill of very great importance. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, Me.	Page	Stone
Beckham	Johnson, S. Dak.	Poindexter	Sutherland
Brandegee	Jones	Pomerene	Swanson
Burleigh	Kenyon	Ransdell	Taggart
Chilton	Kern	Reed	Thomas
Clark, Wyo.	Lane	Robinson	Thompson
Colt	Lee, Md.	Shafroth	Underwood
Curtis	Lewis	Sheppard	Vardaman
Gallinger	Lodge	Simmons	Wadsworth
Gronna	McCumber	Smith, Ariz.	Walsh
Hardwick	Martine, N. J.	Smith, Md.	Williams
Hollis	Myers	Smith, S. C.	
Husting	Norris	Smoot	
James	Overman	Sterling	

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum is present. The Senator from Rhode Island [Mr. COLT] is entitled to the floor.

Mr. HOLLIS. Will the Senator yield to me to give a short notice.

Mr. COLT. Certainly.

RURAL CREDITS.

Mr. HOLLIS. I desire to give notice that immediately upon the conclusion of the consideration of the good-roads bill, which is now the unfinished business, I shall move to take up the rural-credits bill—Senate bill 2986.

FEDERAL JUDGES.

Mr. COLT. Mr. President, I shall not detain the Senate long. Senate bill 706, reported by the Senator from Georgia [Mr. SMITH] from the Committee on the Judiciary, has been before the Senate several times for discussion. It so happens that I was not present on one or two of those days. I think the bill is a most important measure, and I desire at this time briefly to express my objections to it.

Mr. President, I am opposed to this bill because I believe it is unjust to the Federal judges, dangerous in principle, and of doubtful constitutionality.

It is unjust to the judges, because it clothes the President with power to retire them wholly, or in great part, from the duties of their office and to reduce their rank or standing in the courts. It is dangerous in principle, because it authorizes Executive interference with the judiciary, and is thus an infringement of Anglo-Saxon liberty, which rests upon the independence of the judiciary and the supremacy of law. It is of doubtful constitutionality, because under the Constitution the power to create judicial offices and to regulate the standing of judges is vested in Congress, and the constitutional power of the President is limited to filling the judicial offices which have been established by Congress.

Mr. President, the pending bill, after reciting the present law, which permits Federal judges at the age of 70 who have held a commission for 10 years to retire on full pay, reads as follows:

> In the event any circuit judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall, nevertheless, remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional circuit judge of said circuit, who, notwithstanding the incumbency of the judge so entitled to resign, shall sit customarily as one of the judges of the circuit court of appeals of his circuit. And the judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section 118 of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority.

The bill then provides that, whenever the "public good shall so require," the circuit judge so entitled to resign may be designated by the presiding judge of the circuit court of appeals, or the Chief Justice of the United States, to sit upon the hearing of any case in the circuit court of appeals, and may also be designated to sit in the district court. Then follow substantially similar provisions with respect to the district judges.

Mr. President, when I read the provisions of this bill the thought came to me, Are we going back to the age of James the First and Lord Coke, when the great chief justice was dismissed from office for interfering with the royal prerogative; or, Are we living in the twentieth century, under the common law and the Constitution of the United States? There is no difference in principle between judges holding office at the pleasure of the King and judges who can be "relieved" of their official duties and deprived of their rank or standing in the courts at the pleasure or will of the Executive.

If this bill becomes a law, the President at once will be vested with power to create 15 additional circuit and district judges, and with power to retire from their active official duties 15 circuit and district judges now in office, and at the same time to lower their rank or standing in the courts; and this Executive power of appointing new judges and retiring old judges from their active duties and reducing them in rank is to continue in every case where a circuit or district judge holding office has reached the age of 70 and has served 10 years continuously.

Mr. President, the position of a Federal judge under the Constitution and laws of the United States is marked by three distinct features—permanent tenure of office, fixed compensation, and the gradation of judges according to length of service.

The Constitution declares that the judges shall hold their offices during good behavior, and that their compensation shall not be diminished during their continuance in office. By these

provisions the framers of the Constitution believed they would secure judges of high character, free from partisanship and from every form of corrupting influence, and who would devote their lives to an impartial administration of law.

By the statutes of the United States the judges are ranked according to the seniority of their commissions. Section 215 of the Judicial Code declares that—

> The Associate Justices shall have precedence according to the dates of their commission, or, when the commissions of two or more of them bear the same date, according to their ages.

In the act of March 3, 1891, establishing the circuit court of appeals, it is provided:

> And the circuit judges in attendance upon the court, in the absence of the chief justice or associate justice of the Supreme Court, shall preside in the order of the seniority of their respective commissions.

There are also other provisions in the statutes which clearly mark this feature of our Federal judicial system. Thus we find that under the existing law age and length of service add honor, dignity, and responsibility to the office of Federal judge. The present bill is a reversal of this policy. Under this bill age and length of service are penalized by a forced retirement from active duty and a reduction in rank or standing.

Mr. President, there are at this time 128 circuit and district judges who are holding their offices during good behavior, at a fixed compensation, and whose rank in the courts is based upon the seniority of their commissions. Nine of the circuit judges are now the active presiding judges of the nine circuit courts of appeal. The Supreme Court Justices seldom, if ever, preside in these courts, because their duties keep them in Washington. In each of these nine circuits it is the resident circuit judge holding the oldest commission who presides over the court. If the senior circuit judge is disqualified, the circuit judge holding the next oldest commission presides. The circuit judge whose date of commission is next in seniority to that of the presiding circuit judge sits at the right of the presiding judge, and the circuit judge whose commission is of a still later date sits at the left.

The district judge who holds the senior commission is known as the senior district judge, and should a district judge be required to sit in the circuit court of appeals he would be selected, if not disqualified, and, if disqualified, the district judge holding the next commission in the order of seniority would be called upon.

The presiding judge of the circuit court of appeals occupies a position of exceptional dignity and responsibility. He is, in fact, the chief justice of that court. He presides at the sessions of the court, assigns cases for consideration by particular judges, and performs other administrative functions.

Now, this bill gives the President the power to say to every presiding circuit judge of the circuit court of appeals who has reached the age of 70 and has served 10 years:

> I will strip you of your office of chief justice, retire you from the active duties assigned to you by law, and relegate you to the rank of a judge holding a junior commission.

The truth is that these presiding judges and all others to whom the provisions of this bill may be applied become, in fact, mere supernumeraries who can no longer be employed in the regular service of the courts, but can only be called upon in case of emergency, and then they are not to occupy their accustomed position in the court, but, in the language of the bill, are "to be held and treated as if juniors in commission to the remaining judges of said court."

If this bill is sound in principle, there is no good reason why it should not be extended to the Supreme Court; and if it were so extended it would give the President power at this time to increase the number of Justices from 8 to 11, to retire the Chief Justice and the two senior Associate Justices from active duty, and to reduce them to the rank of Justices holding junior commissions; in other words, the Chief Justice and the two senior Associate Justices would become mere supernumeraries.

Mr. WALSH. Mr. President, will the Senator from Rhode Island permit me?

Mr. COLT. Certainly.

Mr. WALSH. I am very much interested in what the Senator is saying concerning the applicability of the bill to the Supreme Court. But let us assume that such a condition exists on the Supreme Court as the bill is intended to meet; let us assume that four justices of the Supreme Court are past the age of 70 years; that they are physically incapacitated and unfit for the discharge of their duties and decline to resign, what would the Senator from Rhode Island do?

Mr. COLT. The Senator is making, to my mind, an impossible supposition.

Mr. WALSH. The Senator is making only such a supposition as the Senator from Rhode Island has propounded. He has propounded the case of the applicability of the bill to the Supreme Court. Of course, in order to do so we must assume that a somewhat similar condition exists.

Now, let me ask the Senator from Rhode Island a question. He understands perfectly well the condition to which the bill is addressed. There are some of these circuit judges over 80 years of age, one of them actually bedridden. He never discharges his duty, he never sits in court, he is physically incapable of sitting in court.

Let me say to the Senator I sympathize much with what he is saying in denunciation of the bill, but I am still confronted with the difficulty, and I will ask the Senator what he would do?

Mr. COLT. Mr. President, I deal with this aspect of the case later on. The remedy in the supposed case of the Supreme Court which the Senator has assumed, the remedy in every case, and the only remedy under the Constitution, is by a special act creating an additional judge.

Mr. WALSH. That is to say, the Senator suggests that instead of a general act dealing with the subject a special act shall be passed.

Mr. COLT. I recall that in the case of Mr. Justice Moody, who became ill soon after his appointment, a special act was passed. I recall the case of Mr. Justice Hunt, of New York, where Congress passed a special bill.

Mr. WALSH. Let me ask the Senator, Did they not both resign?

Mr. COLT. Justice Hunt, as I recall, could not resign, because he did not come within the provisions of the statute. He had not served a sufficient length of time.

Mr. WALSH. Exactly; and I understand a special bill was passed allowing him to resign.

Mr. COLT. Let me answer the inquiry of the Senator by saying that after the most careful reflection upon this subject, and in view of the constitutional provision of life tenure of the Federal judges, I know no way of meeting the situation in which a judge remains on the bench after he has become incapacitated except by appealing to Congress and having a special act passed.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield to me for a moment?

Mr. COLT. Certainly.

Mr. CLARK of Wyoming. I wish to suggest to the Senator from Montana that, as I remember the terms of the bill, the suppositious case which he puts to the Senator from Rhode Island is hardly in harmony with the language and purpose of the bill. The bill, as I understand it, does not relate to those cases which the Senator has intimated it does relate to alone. The bill relates to those cases where, in the judgment of the President, the general good requires it. There might be something besides physical incapacity or mental incapacity. In any case that appealed to the President, where, in his judgment, the country would be better served if another judge were on the bench, he could make the appointment, as I understand the bill, not having looked at it recently.

Mr. WALSH. The Senator will understand I did not intend by my inquiry addressed to the Senator from Rhode Island to enter upon a general defense of the bill or of every feature of it. I am very desirous, however, to get the view of the Senator from Rhode Island, because no man in this body is better equipped to express an opinion on the subject than he.

Mr. COLT. There is no man in this body of whose judgment I have a higher opinion in regard to all legal questions than the Senator from Montana, and I am exceedingly obliged to him for interrupting me. However, I would be very glad if at this time he would wait until I deal with the legal aspect of this question both under the common law and the Constitution of the United States.

The only aspect of the bill I have thus far presented is that it seemed to me unjust with respect to its treatment of the Federal judges; in other words, that the bill gives the President the power of retiring judges from the bench and degrading them in their rank in cases where that should not be done.

Mr. SUTHERLAND. Before the Senator resumes, will he permit me to make a suggestion with reference to the case which the Senator from Montana supposes?

Mr. COLT. Certainly.

Mr. SUTHERLAND. The Constitution provides that the judges both of the Supreme Court and inferior courts shall hold their offices during good behavior. If we can imagine a case where a judge on the bench would continue to hold his office and draw his salary and positively decline to perform any of the duties of his office, I suggest that that might well constitute a case of misbehavior.

The case that is supposed, however, is a case where the judge is unable to perform his duties and declines to resign. While I am not entirely clear about it, it seems to me that that might also present a case of misbehavior on the part of a judge who is

unable to perform the duties and persists in holding the office. The Constitution nowhere defines what constitutes misbehavior.

Mr. WALSH. If the Senator from Rhode Island will allow me a moment, I should like to call the attention of the Senator from Utah for just a moment to this point. That, of course, is very interesting, and possibly is a very proper solution of it. I dare say that a great many people would conclude that it was no breach of good behavior which the Constitution contemplated if a man did not resign. But let me ask the Senator from Utah how then he would get rid of the man who was thus lacking in good behavior in not resigning?

Mr. SUTHERLAND. The Constitution assumes that there is some way to get rid of him.

Mr. WALSH. That is what I want to know.

Mr. SUTHERLAND. He might be gotten rid of by impeachment.

Mr. WALSH. Of course. There is no doubt about that.

Mr. SUTHERLAND. He might be gotten rid of by Congress passing a statute defining what should constitute misbehavior and declaring that upon that being established his right to hold the office should cease.

Mr. WALSH. That is what I wanted to understand. I wanted to understand what was the Senator's idea as to whether he thought that Congress could legislate to meet the situation or not.

Mr. SUTHERLAND. I have not gone so far as to determine precisely what the remedy would be, but, at any rate, the Constitution does contemplate that the judge can hold the office only during good behavior, and, of course, there must be some way of providing and applying a remedy.

Mr. SMITH of Georgia. Mr. President, allow me to ask a question here.

Mr. COLT. As I deal with these various questions, I will be glad if I may finish what I have to say, and then Senators can interrogate me upon any particular point.

Mr. SMITH of Georgia. I only want to ask the Senator from Utah one question, and then I will not interrupt the Senator further. It is this: Did not the minority report in the House which the Senator from Utah had placed in the RECORD take the position that lack of good behavior meant lack of good moral conduct, and that under it a judge could not be dealt with unless his moral conduct became bad?

Mr. SUTHERLAND. I do not recall, Mr. President, whether or not that was the case.

Mr. SMITH of Georgia. I know that was in the report, but I am not clear as to what it means.

Mr. COLT. It may be said that the application of the principle of this bill to the Supreme Court bears a close analogy in its mode of operation and effect to its application to the nine circuit courts of appeal. These courts may be called little Supreme Courts, since they are courts of last resort in most cases, and they were established for the very purpose of relieving the Supreme Court. Indeed, as pointed out by the Senator from Utah [Mr. SUTHERLAND], there is even more justification for applying this bill to the Supreme Court by reason of the flexibility of the circuit and district courts, owing to the interchange of the judges in these courts.

Mr. President, in view of the position and standing under the Constitution and laws of the United States of the 128 circuit and district judges I can not but regard this bill as unjust in its treatment of these judges.

But, Mr. President, this is not the most objectionable feature of this bill. The most objectionable feature is the control which it gives the President over the Federal judiciary. Such control is revolutionary in principle; it undermines the independence of the courts; it strikes at the very foundation of our liberty. This liberty is founded upon the supremacy of law, and the supremacy of law signifies the entire absence of arbitrary or discretionary power on the part of the Executive to interfere with the courts or the judges. It further signifies equality before the law, which means that all persons must be tried by the same kind of law, and that the parties before the court must stand upon an equality.

In speaking of this rule of law as the predominant characteristic of English institutions Dicey says:

> The rule of law means, in the first place, the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power, and excludes the existence of arbitrariness, of prerogative, or even wide discretionary authority on the part of the Government. It means, again, equality before the law, or the equal subjection of all classes to the ordinary law of the land administered by the ordinary law courts; the rule of law in this sense excludes the idea of any exemption of officials or others from the duty of obedience to the law which governs other citizens or from the jurisdiction of the ordinary tribunals.

This bill is subversive of these great principles because it not only permits Executive interference with the judges, but it violates the principle of equality before the law. The Government does not stand upon an equality with the private citizen before the courts when it has the power to retire from active duty and to degrade in rank and standing the very judge before whom a Government case is being tried.

History teaches that to permit the Government to occupy the position contemplated by this bill is wrong, because it offers a temptation to subserviency on the part of the judges and to an abuse of power on the part of the Government. Judges should not be placed in a position where they can be displaced if they incur the displeasure of the Executive. The absolute independence of United States judges is essential to guard the Constitution and the rights of individuals. It is essential to the faithful performance of their duties in the impartial administration of justice. The power of encroachment on the part of the Executive means the insecurity of the legal freedom of the citizen.

In considering this bill let us ever keep in mind that the Government is engaged in most important litigation in the Federal courts, and hence is not a disinterested party. Attorneys General and district attorneys who represent the Government in these cases are human, and what is more natural than that they should advise the Executive, when the Government has suffered defeat in some close and important case, that the court needs strengthening by a change in its composition.

It is clear, then, that under our system of jurisprudence the Executive should not be vested with power to reconstruct the courts by the creation of new judges and the retirement of old judges from their active duties and standing in the courts. There is no true liberty if the power of judging is not entirely separated from the Executive power.

Mr. President, the framers of the Constitution understood fully the great principles which underlie our liberty, and in the Constitution they have carefully guarded the Federal courts and the judges against any encroachment of Executive power. There are several controlling provisions on this subject:

Section 8 of Article I, in defining the powers vested in Congress, declares that Congress shall have power—

> To constitute tribunals inferior to the Supreme Court.

Section 1 of Article III declares:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.
>
> The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section 1 of Article II declares:

> The executive power shall be vested in a President of the United States of America. * * *
>
> * * * He shall nominate and, by and with the advice and consent of the Senate, shall appoint * * * judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. * * *

By the first two of these provisions the power to establish inferior courts is vested in Congress. As the judge is a necessary part of a court, the office of judge must be created by Congress; and, in fact, Congress has always designated by statute the number of judges who should comprise the courts. It is certainly a doubtful question whether Congress can delegate this power to the Executive.

By the third of these provisions the judges are to hold their offices during good behavior, receiving a compensation which shall not be diminished during their continuance in office. By this provision the independence of the judiciary is secured by life tenure and a fixed compensation. And here again it is certainly a doubtful question whether a judge can be said to hold his office during good behavior when he can be "relieved" against his will from his official duties as prescribed by law, and can only be called upon to sit in some particular case or cases in the event of an emergency. Clearly this bill violates the spirit if not the letter of this constitutional provision.

By the last of these provisions the President is vested with the power to appoint, with the consent of the Senate, the judges of the Supreme Court and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law.

The power to appoint circuit and district judges is vested, by implication, in the President under the latter part of this paragraph. It is plain from the language used that the office must first be "established by law," and that the only power vested in the President is to fill an office so established. Manifestly he has no power to create the office of circuit or district judge. His power is strictly limited to filling such of these offices as Congress may establish. It is clear, therefore, that the provi-

sions of this bill on their very face are of doubtful constitutionality.

Mr. President, no system of tenure of office works perfectly in the case of judges. There are some objections to a life tenure and other objections to a shorter period. The framers of the Constitution believed that a life tenure was best, and consequently Federal judges must continue to hold their offices during good behavior until the Constitution is changed. In the working of this life-tenure system it has been found that sometimes a judge will remain in office after the time when he is capable of discharging the duties of the office. Such instances are rare, but they do occur.

To meet this situation Congress has provided that judges who have reached the age of 70 and have served 10 years may retire on full pay. It is said, however, that this provision does not give adequate relief, as some judges fail to take advantage of it and still retain their office when unable to fulfill its requirements.

The object of this bill, it is claimed, is to meet this situation by enabling the President to appoint a new judge and practically to retire the old judge who has not availed himself of his right to resign. The result would be that we should then have three classes of Federal judges—active judges, supernumerary judges, and judges who have resigned after 70—all of whom would draw full pay.

Now, what I want to call attention to is that in the actual working of our Federal system, so far as the circuit and district judges are concerned, there is little difference between a judge who has resigned and a judge who still holds on to the office but is unable to perform his judicial work. The interchange of circuit and district judges is such under the law that we have practically the same result whether a judge resigns or is incapacitated. In the instance cited by the Senator from Georgia [Mr. SMITH] of a judge who had been confined to his house for years the only effect is that some other judge takes his place, and the situation is substantially the same as if this particular judge had resigned. What is needed in such a case, whether the judge continues in office or resigns, is an additional judge.

I can not attach much weight to the reasoning that a judge who is incapacitated by reason of physical infirmities can still be of service to the courts by occupying the position of a supernumerary. Nor am I impressed with the argument that judges who have reached the age of 70 would be glad to take advantage of the privileges conferred by the bill instead of resigning on full pay. To test this question I would be very glad if the Senator from Georgia would offer an amendment to the bill to the effect that no judge should be obliged to submit to the provisions of the bill until he had filed a written request with the Department of Justice.

To my mind the whole issue raised by this bill resolves itself into the inquiry, Shall additional circuit and district judges required for the proper conduct of judicial business be created by the Executive or by act of Congress? In other words, Shall we substitute the President for Congress in fixing the number of necessary judges for the Federal courts?

It is possible that it may be a more direct and convenient way to obtain this relief at the hands of the Executive than through the regular channel of Congress; but in regard to this proposition we must weigh practical convenience on the one hand as against the grave constitutional and other objections which arise in the attempt to vest any such power in the Executive. And, further, I can see more room for political manipulation with respect to these high offices if the President is vested with the power conferred by this bill than if the power should remain in Congress, where, I believe, it belongs under both the common law and the Constitution of the United States.

The only safe course, then, to pursue in affording such relief to the circuit and district courts as may now be necessary is for Congress to pass a special act in every case where an additional judge is required.

The suggested plan of the Attorney General differs widely in principle and practical operation from this bill. According to this plan the President is required to appoint circuit and district judges in every case where the judge does not resign as now provided by law. This would not only call for an unnecessary number of additional judges, but it would work a manifest injustice in the great majority of cases. Most judges at the age of 70, just as is the case with Senators in this body, have only reached the maturity of their powers and are capable of doing their best work.

In an instructive paper prepared by Judge B. F. Long, of North Carolina, and introduced into the RECORD the other day by Senator OVERMAN, appear the following facts: Twenty-two of the 56 judges of the Supreme Court were between 56 and 66 years of age when appointed, and 36 out of these 56, though of mature age at the time of their appointment, served from 10 to 34 years. Further, 20 of the judges of the Supreme Court served comparatively long periods after they were 70, as, for example, Chief Justice Taney, 17½ years; Chief Justice Marshall, 9½ years; Justice Nelson, 9¾ years; Justice Bradley, 8¾ years; and so on. The author also draws similar illustrations from the English courts. It is manifest, therefore, that under our constitutional system of life tenure Congress should not pass a law requiring the President to appoint an additional judge whenever a circuit or district judge reaches the age of 70 and does not resign.

Whether we consider the plan of the Attorney General or that plan as modified by this bill, the only solution of the problem is to call upon Congress to act as the necessities of the situation may require.

Mr. President, we are not confronted with any startling or unusual condition with respect to our circuit and district courts. There is no emergency such as might afford some justification for novel and hazardous legislation. Our Federal judicial system has worked well. It has commanded the admiration of the world. It is the unique feature in our constitutional form of Government. It stands as the protector of the Constitution and of individual rights against the exercise of every form of arbitrary power. Let us guard it in every way. Let us resolve that it shall be neither changed nor modified, except when demanded by the sober, mature judgment of the American people.

OSAGE OIL LEASES.

Mr. LANE. Mr. President, I wish to place in the RECORD the terms which govern the sale of the oil lands of the Osage Indians in Oklahoma. They will be sold to-morrow. The sale has been deferred from time to time, and I am informed that there is great dissatisfaction among the Indians in regard to the price which has been set upon their lands by the Indian Bureau. The lands are to be sold upon terms in which the bidding is based upon a bonus in addition to a fixed royalty of from one-sixth to one-fifth of the product. There are some of these lands for which offers have been made of one-half. Other lands are worth more; some are worth less, perhaps; but in the way the sales are to be made the lands will be disposed of under a method which leaves it largely to guesswork and which is acknowledged to be a matter of chance by the bureau. The value of the lands is not definitely ascertained; the bidding is restricted to those who can put up the cash as a bonus or a bet. This excludes not only men who are familiar with drilling oil and operating wells but do not have the cash to tender as a bonus, yet could give a bond for the faithful performance of their contracts, but also, and for the same reason, excludes large numbers of others. This method of sale has been objected to by many, and the sales have been deferred from time to time.

Complaint was also made in regard to the sale of the gas lands. The gas was to be sold by the Indian Bureau for one-half a cent for each 1,000 cubic feet. Under the terms of the former lease the Indians had received in the past about one-twentieth of a cent for a thousand cubic feet of gas. Under fire and after complaint was heard by the Committee on Indian Affairs against such injustice, the Indian Bureau saw its way clear to accept 3 cents per thousand cubic feet of gas for its wards.

What I wish to do, with the consent of the Senate, is to have this advertisement for tenders placed in the RECORD in connection with my statement that an offer has been made, apparently a bona fide offer, of 50 per cent royalty for some of the lands which are to be sold at one-fifth royalty, in addition to whatever bonus may be bid upon it, which will amount to no man knows what. These lands are being sold upon uncertain terms, and the claim is made that the Indians will lose not less than $10,000,000 and perhaps $16,000,000 if such deals are made.

I introduced a resolution some time ago asking that the land be sold upon a simple royalty basis with the unfair bonus or betting clause left out. A well producing 3 barrels a day necessarily is not as valuable as one which produces 50 barrels a day, or another which produces a thousand barrels a day or a "gusher" from which returns may produce $7,000 or $8,000 a day, as is the case now in some portions of this same territory or adjoining territory belonging to the Indians. Yet they all sell at the same price of one-sixth or one-fifth royalty.

I feel that the rights of the Indians are not being protected. I do not say that to reflect upon any one unjustly; but an appeal was made to me to-day to the effect that this was especially a matter of conscience with Congress; that we are primarily the guardians of those people; and asking me if I was going to consent, without protest, to the method proposed by which the Indians will be parted from their property, and by which it was alleged they will lose from $10,000,000 to $16,000,000. I felt it my duty to call the attention of the Senate to the subject.

As I have said, the lands are to be sold to-morrow upon terms which will pay them, in my opinion and that of many others, much less than the Indians would receive if the lands were sold upon a fair basis of ordinary business principles.

I ask the consent of the Senate to place the price list of the bureau to which I have referred in the RECORD, so that all men may read it in connection with the statement which is apparently a bona fide offer, was made of one-half royalty, minus a bonus, instead of a one-fifth royalty with an unknown bonus for some of the identical lands that are rated for sale in it.

I give notice also that if the sale is made of those or any other lands at a price less than its actual value I shall do what I can to stop it.

I now ask that the circular to which I have referred be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The circular referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

PUBLIC SALE OF LEASES OF DEVELOPED OSAGE INDIAN OIL LANDS.

TERMS AND CONDITIONS.

Approximately 100 quarter-section or fractional quarter-section units of developed oil lands located in Osage County, Okla., will be offered for lease for oil-mining purposes to the highest responsible bidder in accordance with the provisions of this circular at public auction at the office of the superintendent of the Osage Indian Agency, Pawhuska, Okla., beginning Tuesday, February 15, 1916, at 2 o'clock p. m.

These lands belonging to the Osage Tribe of Indians are located within the so-called Foster lease, which will expire by limitation on March 16, 1916, are now producing oil, and are being operated by various sublessees under the regulations of the Secretary of the Interior.

Oil leases will be made for a period of five years from March 17, 1916, and as long thereafter as oil is found in paying quantities, but such period shall not extend beyond the time the title to the minerals remains in the Osage Tribe, which time will expire April 8, 1931, unless otherwise provided by Congress.

Successful bidders may keep a representative on the premises after the day of sale, and will take possession of the properties under new leases on March 17, 1916. All leases and accompanying papers shall be upon forms prescribed, and operations shall be conducted in accordance with the regulations approved by the Secretary of the Interior August 26, 1915.

The equipment, including the casing, on some of the lands offered for lease has been appraised, which appraisements are shown in the following list. All bids must be for a bonus in addition to the royalties as hereinafter fixed, and in addition thereto the appraised value of the equipment and casing must be paid for at the time of sale. Should no acceptable bid be received for any of the tracts offered, the present operators will be given new leases thereon as provided by the regulations approved August 26, 1915.

Lessees shall pay to the Osage Tribe a royalty on oil of one-sixth, except that such royalty shall be one-fifth when the production from all the producing wells on any quarter section or fractional quarter section during any calendar month shall be sufficient to average 100 or more barrels of oil per producing well per day.

Each quarter section or fractional quarter section will be offered separately, and a bidder may acquire any number of such tracts the acreage of which added to that of Osage lands held under lease by the bidder on the date of sale does not exceed 4,800 acres, provided that the present sublessee who is now operating any tract included in the following list will be permitted to bid upon such tract independent of present acreage held by him.

Successful bidders will be required to make payments on the day of sale in the form of exchange or certified check on a solvent national bank as follows: Twenty per cent of the amount of bonus offered plus the appraised value of equipment and casing payable to George N. Wise, special disbursing agent, shall be deposited with the superintendent of the Osage Agency. If any bid is not approved by the Secretary of the Interior, all such payments shall be promptly returned to the bidder.

Where the value of the equipment on any tract is not specified such tract will be offered for lease independent of the equipment, and the successful bidder may negotiate for the purchase of such equipment from the present sublessee. If sale of the equipment is not perfected in such cases between interested parties the present sublessee will be allowed 30 days after March 16, 1916, within which to remove any equipment to which he is legally entitled, but in no case shall the casing in any producing wells be removed.

Upon being notified of the acceptance of bid successful bidders shall execute leases and file same with necessary accompanying papers and balance of purchase price or bonus with the superintendent of the Osage Agency on or before March 10, 1916. Failure on the part of any bidder to comply with this requirement will operate as a forfeiture of the amount theretofore paid and subject his lease to disapproval. Bond shall be furnished in the sum of $1,000 for each quarter section or fractional part thereof, but the lessee may file one bond in the sum of $15,000 to cover all such leases to which he may be a party.

Prospective bidders may at any time inspect the detailed inventory of equipment and other records concerning production of wells on any unit at the office of the superintendent, Osage Agency, and should inspect the properties before date of sale, as neither the production nor condition of equipment is guaranteed.

Bidders who can not be present on the date of sale may be represented by an agent, but such agent must have a duly executed power of attorney to so act from the real party in interest. Written bids may also be submitted addressed to J. George Wright, Superintendent, Pawhuska, Okla., which shall give the description of the land, the terms of the bid, and be accompanied by exchange or certified checks as herein required of oral bidders, and by a sworn statement as to good faith and ability to pay the balance of bid and to operate the property. Such bids should be mailed so as to reach Pawhuska not later than February 14, 1916, and should be marked on the outside of the envelope "Bid on oil lands." Any written bid so received will be given consideration, and the highest such bid for any tract will be announced at the sale as the first bid. Should no higher oral bid be received a tract may be awarded to the maker of the highest written bid.

In order to afford protection to all interests involved against irresponsible bidders, the superintendent of the Osage Agency may, on his own initiative, and upon the request of any other bidder shall, require any bidder to submit satisfactory evidence of good faith and that he has the cash in hand or at his command, and to furnish, whenever called upon by the superintendent during the progress of the sale, an authenticated statement of some solvent national bank to the effect that the bidder has the means to purchase the property. All bidders or agents should come to the sale prepared to make such showing promptly when called upon. The superintendent shall refuse to entertain any bid from any person who does not make a showing satisfactory to him in this respect.

The Osage council shall meet on Wednesday, February 16, 1916, to consider the bids received and to make recommendations with reference thereto.

The lands included in the following list are offered for lease for oil only. The gas rights are being leased separately. Should the oil lessee in drilling for oil bring in a gas well he shall be reimbursed the expense of such well by the gas lessee in the manner provided in the regulations of August 26, 1915.

The right is reserved by the Secretary of the Interior to reject any and all bids and to disapprove any lease. Further information may be had upon application to the superintendent of the Osage Agency.

DESCRIPTION OF LANDS TO BE OFFERED.

PROPERTIES NOW OPERATED BY BARNSDALL OIL CO.

Tract No. 1. SE. ¼ sec. 29, T. 27 N., R. 12 E. (lot 30); 10 wells; production for month of November, 1915, 1,504.81 barrels.

Appraisement:	
Casing in wells	$6,707.82
Other equipment	9,872.64
	16,580.46

Tract No. 2. NE. ¼ sec. 29, T. 27 N., R. 12 E. (lot 29); 2 wells; production for month of November, 1915, 117.67 barrels.

Appraisement:	
Casing in wells	$1,228.31
Other equipment	1,767.35
	2,995.66

Tract No. 3. SW. ¼ sec. 22, T. 27 N., R. 12 E. (lot 28); 2 wells; production for month of November, 1915, 48.21 barrels.

Appraisement:	
Casing in wells	$644.08
Other equipment	762.79
	1,406.87

Tract No. 4. NW. ¼ sec. 22, T. 27 N., R. 12 E. (lot 27); 9 wells; production for month of November, 1915, 320.41 barrels.

Appraisement:	
Casing in wells	$2,667.23
Other equipment	3,815.45
	6,482.68

Tract No. 5. SE. ¼ sec. 21, T. 27 N., R. 12 E. (lot 28); 7 wells; production for month of November, 1915, 323.14 barrels.

Appraisement:	
Casing in wells	$2,127.15
Other equipment	4,324.71
	6,451.86

Tract No. 6. NE. ¼ sec. 21, T. 27 N., R. 12 E. (lot 27); 7 wells; production for month of November, 1915, 278.15 barrels.

Appraisement:	
Casing in wells	$2,294.78
Other equipment	3,127.70
	5,422.48

Tract No. 7. SE. ¼ sec. 16, T. 27 N., R. 12 E. (lot 26); 1 well; production for month of November, 1915, none.

Appraisement:	
Casing in well	$303.16
Other equipment	380.03
	683.19

Tract No. 8. SW. ¼ sec. 15, T. 27 N., R. 12 E. (lot 26); 14 wells; production for month of November, 1915, 315.75 barrels.

Appraisement:	
Casing in wells	$3,768.08
Other equipment	6,988.50
	10,756.58

Tract No. 9. NW. ¼ frac. sec. 15, T. 27 N., R. 12 E. (lot 25); 1 well; production for month of November, 1915, 8.86 barrels.

Appraisement, casing in well	$107.99

Tract No. 10. NE. ¼ sec. 8, T. 23 N., R. 12 E. (lot 71); 5 wells; production for month of November, 1915, 415.93 barrels.

Appraisement:	
Casing in wells	$3,191.72
Other equipment	4,655.40
	7,847.12

Tract No. 11. NE. ¼ sec. 7, T. 23 N., R. 12 E. (lot 71); 4 wells; production for month of November, 1915, 1,670.96 barrels.

Appraisement:	
Casing in wells	$2,491.13
Other equipment	4,714.02
	7,205.15

Tract No. 27, SW. ¼ sec. 22, T. 20 N., R. 12 E. (lot 112); 4 wells; production for month of November, 1915, 267.33 barrels.

Appraisement:
Casing in wells $1,047.61
Other equipment 1,698.54
2,746.15

Tract No. 13, NW. ¼ sec. 34, T. 22 N., R. 12 E. (lot 91); 3 wells; production for month of November, 1915, 194.47 barrels.

Appraisement:
Casing in wells $2,141.83
Other equipment 2,790.74
4,932.57

Tract No. 14, NE. ¼ sec. 34, T. 22 N., R. 12 E. (lot 91); 5 wells; production for month of November, 1915, 495.40 barrels.

Appraisement:
Casing in wells $3,210.22
Other equipment 4,399.54
7,609.76

Tract No. 15, SW. ¼ sec. 33, T. 21 N., R. 12 E. (lot 104); 11 wells; production for month of November, 1915, 7,121.60 barrels.

Appraisement:
Casing in wells $6,940.15
Other equipment 17,957.79
24,897.94

Tract No. 16, SW. ¼ sec. 32, T. 21 N., R. 12 E. (lot 104); 1 well; production for month of November, 1915, 62.02 barrels.

Appraisement:
Casing in well $617.46
Other equipment 1,175.90
1,793.36

Tract No. 17, NE. ¼ sec. 32, T. 21 N., R. 12 E. (lot 103); 4 wells; production for month of November, 1915, 1,358.78 barrels.

Appraisement:
Casing in wells $2,357.33
Other equipment 3,344.17
5,701.50

Tract No. 18, SE. ¼ sec. 31, T. 21 N., R. 12 E. (lot 104); 2 wells; production for month of November, 1915, 748.20 barrels.

Appraisement:
Casing in wells $1,230.86
Other equipment 2,263.00
3,493.86

Tract No. 19, SW. ¼ sec. 30, T. 21 N., R. 12 E. (lot 102); 1 well; production for month of November, 1915, 10.39 barrels.

Appraisement:
Casing in well $577.13
Other equipment 2,306.90
2,884.03

Tract No. 20, NE. ¼ sec. 29, T. 21 N., R. 12 E. (lot 101); 1 well; production for month of November, 1915, 55.33 barrels.

Appraisement:
Casing in well $580.84
Other equipment 1,004.07
1,584.91

Tract No. 21, NW. ¼ sec. 10, T. 21 N., R. 12 E. (lot 95); 1 well; production for month of November, 1915, 31.32 barrels.

Appraisement, casing in well $636.04

Tract No. 22, SW. ¼ sec. 10, T. 21 N., R. 12 E. (lot 96); 8 wells; production for month of November, 1915, 799.28 barrels.

Appraisement:
Casing in wells $5,102.15
Other equipment 4,559.72
9,661.87

Tract No. 23, NE. ¼ sec. 3, T. 21 N., R. 12 E. (lot 93); 3 wells; production for month of November, 1915, 312.53 barrels.

Appraisement:
Casing in wells $1,925.26
Other equipment 2,648.29
4,573.55

Tract No. 24, SW. ¼ sec. 3, T. 21 N., R. 12 E. (lot 94); 1 well; production for month of November, 1915, 36.35 barrels.

Appraisement:
Casing in well $626.67
Other equipment 1,175.97
1,802.64

Tract No. 25, SE. ¼ sec. 3, T. 21 N., R. 12 E. (lot 94); 4 wells; production for month of November, 1915, 286.03 barrels.

Appraisement:
Casing in wells $2,805.45
Other equipment 3,386.41
6,191.86

Tract No. 26, NW. ¼ sec. 22, T. 20 N., R. 12 E. (lot 111); 10 wells; production for month of November, 1915, 2,085.01 barrels.

Appraisement:
Casing in wells $5,835.23
Other equipment 8,514.89
14,350.12

Tract No. 27, SW. ¼ sec. 22, T. 20 N., R. 12 E. (lot 112); 4 wells; production for month of November, 1915, 397.32 barrels.

Appraisement:
Casing in wells $2,310.33
Other equipment 2,596.04
4,906.37

Tract No. 28, SE. ¼ sec. 22, T. 20 N., R. 12 E. (lot 112); 3 wells; production for month of November, 1915, 448.46 barrels.

Appraisement:
Casing in wells $1,846.35
Other equipment 3,526.80
5,373.15

Tract No. 29, NE. ¼ sec. 17, T. 20 N., R. 12 E. (lot 109); 2 wells; production for month of November, 1915, 789.16 barrels.

Appraisement:
Casing in wells $1,250.10
Other equipment 1,233.31
2,483.41

Tract No. 30, NW. ¼ sec. 16, T. 20 N., R. 12 E. (lot 109); 10 wells; production for month of November, 1915, 1,489 barrels.

Appraisement:
Casing in wells $5,537.07
Other equipment 8,589.46
14,126.53

Tract No. 31, SW. ¼ sec. 16, T. 20 N., R. 12 E. (lot 110); 1 well; production for month of November, 1915, 194.09 barrels.

Appraisement:
Casing in well $577.27
Other equipment 1,325.41
1,902.68

Tract No. 32, SE. ¼ sec. 16, T. 20 N., R. 12 E. (lot 110); 1 well; production for month of November, 1915, 92.88 barrels.

Appraisement:
Casing in well $590.80
Other equipment 1,244.98
1,835.78

Tract No. 33, NE. ¼ sec. 15, T. 20 N., R. 12 E. (lot 109); 5 wells; production for month of November, 1915, 639.08 barrels.

Appraisement:
Casing in wells $2,848.20
Other equipment 4,424.74
7,272.94

Tract No. 34, SW. ¼ sec. 15, T. 20 N., R. 12 E. (lot 110); 1 well; production for month of November, 1915, 61.22 barrels.

Appraisement:
Casing in well $589.11
Other equipment 605.14
1,194.25

Tract No. 35, NE. ¼ sec. 10, T. 20 N., R. 12 E. (lot 107); 5 wells; production for month of November, 1915, 319.15 barrels.

Appraisement:
Casing in wells $3,059.42
Other equipment 5,028.54
8,087.96

Tract No. 36, SE. ¼ sec. 10, T. 20 N., R. 12 E. (lot 108); 1 well; production for month of November, 1915, 108.08 barrels.

Appraisement:
Casing in well $575.35
Other equipment 535.75
1,111.10

Tract No. 37, NE. ¼ sec. 9, T. 20 N., R. 12 E. (lot 107); 2 wells; production for month of November, 1915, 1,340.18 barrels.

Appraisement:
Casing in wells $719.60
Other equipment 1,939.07
2,658.67

Tract No. 38, SW. ¼ sec. 9, T. 20 N., R. 12 E. (lot 108); 2 wells; production for month of November, 1915, 205.46 barrels.

Appraisement:
Casing in wells $1,131.30
Other equipment 1,634.30
2,765.60

Tract No. 39, NE. ¼ sec. 8, T. 20 N., R. 12 E. (lot 107); 3 wells; production for month of November, 1915, 1,082.21 barrels.

Appraisement:
Casing in wells $1,929.08
Other equipment 1,934.54
3,863.62

Tract No. 40, SE. ¼ sec. 8, T. 20 N., R. 12 E. (lot 108); 2 wells; production for month of November, 1915, 411.15 barrels.

Appraisement:
Casing in wells $3,592.49
Other equipment 3,035.02
6,627.51

Tract No. 41, NE. ¼ sec. 5, T. 20 N., R. 12 E. (lot 105); 1 well; production for month of November, 1915, 39.07 barrels.

Appraisement:
Casing in well $626.38
Other equipment 544.53
1,170.91

Tract No. 42, SE. ¼ sec. 3, T. 20 N., R. 12 E. (lot 106); 1 well; production for month of November, 1915, 21.56 barrels.

Appraisement:
Casing in well $567.49
Other equipment 597.84
1,165.33

Tract No. 43, NE. ¼ sec. 21, T. 29 N., R. 11 (lot 235); 3 wells; production for month of November, 1915, 177.90 barrels.

Appraisement:
Casing in wells $750.37
Other equipment 1,136.62
1,886.99

Tract No. 44, NE. ¼ sec. 16, T. 29 N., R. 11 E. (lot 233); 1 well; production for month of November, 1915, 30.24 barrels.

Appraisement:
Casing in well $256.76
Other equipment 359.15
615.91

Tract No. 45, NW. ¼ sec. 16, T. 29 N., R. 11 E. (lot 233); 2 wells; production for month of November, 1915, 92.10 barrels.

Appraisement, casing in wells $382.42

Tract No. 46, SW. ¼ sec. 34, T. 27 N., R. 11 E. (lot 261); 3 wells; production for month of November, 1915, 210.79 barrels.

Appraisement:
Casing in wells $2,076.94
Other equipment 2,219.86
4,296.80

Tract No. 47, NW. ¼ sec. 30, T. 27 N., R. 11 E. (lot 261); 5 wells; production for month of November, 1915, 791.27 barrels.

Appraisement:
Casing in wells $5,044.77
Other equipment 11,060.53
16,105.30

Tract No. 48, SE. ¼ sec. 29, T. 27 N., R. 11 E. (lot 262); 1 well; production for month of November, 1915, 144.37 barrels.

Appraisement:
Casing in well $1,121.73
Other equipment 2,395.75
3,517.48

Tract No. 49, NW. ¼ sec. 21, T. 27 N., R. 11 E. (lot 259); 1 well; small gas well not in use.

Appraisement, casing in well $825.91

Tract No. 50, NE. ¼ sec. 20, T. 27 N., R. 11 E. (lot 259); 4 wells; production for month of November, 1915, 1,013.01 barrels.

Appraisement:
Casing in wells $3,089.65
Other equipment 8,963.05
12,052.70

Tract No. 51, SE. ¼ sec. 20, T. 27 N., R. 11 E. (lot 260); 4 wells; production for month of November, 1915, 124.65 barrels.

Appraisement:
Casing in wells $3,624.55
Other equipment 5,521.28
9,145.83

Tract No. 52, SW. ¼ sec. 19, T. 27 N., R. 11 E. (lot 260); 1 well; production for month of November, 1915, none.

Appraisement:
Casing in well $1,201.47
Other equipment 2,518.76
3,720.23

Tract No. 53, SE. ¼ sec. 17, T. 27 N., R. 11 E. (lot 258); 1 well; production for month of November, 1915, none.

Appraisement:
Casing in well $714.98
Other equipment 3,032.80
3,747.78

Tract No. 54, NW. ¼ sec. 31, T. 25 N., R. 11 E. (lot 287); 6 wells; production for month of November, 1915, 10,355.37 barrels.

Appraisement:
Casing in wells $5,072.72
Other equipment 12,283.12
17,355.84

Tract No. 55, SW. ¼ sec. 30, T. 25 N., R. 11 E. (lot 286); 15 wells; production for month of November, 1915, 46,232.32 barrels.

Appraisement:
Casing in wells $15,029.24
Other equipment 30,182.33
45,211.67

Tract No. 56, SW. ¼ sec. 29, T. 24 N., R. 11 E. (lot 298); 4 wells; production for month of November, 1915, 1,223.44 barrels.

Appraisement:
Casing in wells $2,650.77
Other equipment 5,190.88
7,841.65

Tract No. 57, SE. ¼ sec. 29, T. 24 N., R. 11 E. (lot 298); 3 wells; production for month of November, 1915, 1,042.87 barrels.

Appraisement:
Casing in wells $2,455.84
Other equipment 5,184.04
7,639.88

Tract No. 58, SW. ¼ sec. 16, T. 24 N., R. 11 E. (lot 294); 3 wells; production for month of November, 1915, 280.90 barrels.

Appraisement:
Casing in wells $2,059.74
Other equipment 2,562.98
4,622.72

Tract No. 59, SW. ¼ sec. 32, T. 23 N., R. 11 E. (lot 312); 5 wells; production for month of November, 1915, 554.51 barrels.

Appraisement:
Casing in wells $3,887.26
Other equipment 3,908.80
7,796.06

Tract No. 60, SW. ¼ sec. 31, T. 23 N., R. 11 E. (lot 312); 1 well; production for month of November, 1915, none.

Appraisement, casing in well $725.16

Tract No. 61, SE. ¼ sec. 31, T. 23 N., R. 11 E. (lot 312); 15 wells; production for month of November, 1915, 1,163.12 barrels.

Appraisement:
Casing in wells $12,376.83
Other equipment 13,547.28
25,924.11

Tract No. 62, NE. ¼ sec. 30, T. 23 N., R. 11 E. (lot 309); 7 wells; production for month of November, 1915, 720.45 barrels.

Appraisement:
Casing in wells $5,617.01
Other equipment 6,780.51
12,397.52

Tract No. 63, SE. ¼ sec. 30, T. 23 N., R. 11 E. (lot 310); 8 wells; production for month of November, 1915, 741.64 barrels.

Appraisement:
Casing in wells $5,759.77
Other equipment 6,504.68
12,264.45

Tract No. 64, NW. ¼ sec. 29, T. 23 N., R. 11 E. (lot 309); 7 wells; production for month of November, 1915, 814.74 barrels.

Appraisement:
Casing in wells $5,031.06
Other equipment 6,450.53
11,481.59

Tract No. 65, SW. ¼ sec. 29, T. 23 N., R. 11 E. (lot 310); 8 wells; production for month of November, 1915, 752.29 barrels.

Appraisement:
Casing in wells $5,926.43
Other equipment 8,622.01
14,548.44

Tract No. 66, NE. ¼ sec. 24, T. 23 N., R. 11 E. (lot 158); 6 wells; production for month of November, 1915, 2,053.50 barrels.

Appraisement:
Casing in wells $4,723.36
Other equipment 7,634.87
12,358.23

Tract No. 67, NW. ¼ sec. 24, T. 23 N., R. 11 E. (lot 158); 1 well; production for month of November, 1915, 10 barrels.

Appraisement:
Casing in wells $678.34
Other equipment 882.92
1,561.26

Tract No. 68, SE. ¼ sec. 24, T. 23 N., R. 11 E. (lot 157); 9 wells; production for month of November, 1915, 1,900.57 barrels.

Appraisement:
Casing in wells $6,038.71
Other equipment 10,476.82
16,515.53

Tract No. 69, NE. ¼ sec. 23, T. 23 N., R. 11 E. (lot 158); 2 wells; production for month of November, 1915, 315.80 barrels.

Appraisement:
Casing in wells $1,407.18
Other equipment 1,984.26
3,391.44

Tract No. 70, SE. ¼ sec. 23, T. 23 N., R. 11 E. (lot 157); 10 wells; production for month of November, 1915, 2,514.44 barrels.

Appraisement:
Casing in wells $7,204.59
Other equipment 10,162.65
17,367.24

Tract No. 71, SE. ¼ sec. 19, T. 23 N., R. 11 E. (lot 308); 1 well; production for month of November, 1915, 81.65 barrels.

Appraisement:
Casing in well $730.10
Other equipment 824.59
1,554.69

Tract No. 72, NE. ¼ sec. 6, T. 22 N., R. 11 E. (lot 313); 6 wells; production for month of November, 1915, 550.25 barrels.

Appraisement:
Casing in wells $5,778.50
Other equipment 8,341.84
14,120.34

Tract No. 73, SE. ¼ sec. 6, T. 22 N., R. 11 E. (lot 314); 3 wells; production for month of November, 1915, 218.03 barrels.

Appraisement, casing in wells $2,066.49

Tract No. 74. NW. ¼ sec. 5, T. 22 N., R. 11 E. (lot 313); 4 wells; production for month of November, 1915, 433.87 barrels.

Appraisement:
Casing in wells $2,791.39
Other equipment 2,352.77
5,144.16

Tract No. 75. SW. ¼ sec. 1, T. 27 N., R. 10 E.; 1 well; dead gas well.
Appraisement, casing in well $159.19

Tract No. 76. SW. ¼ sec. 30, T. 24 N., R. 10 E.; 3 wells; production for month of November, 1915, 98.74 barrels.

Appraisement:
Casing in wells $2,139.27
Other equipment 2,109.53
4,248.80

Tract No. 77. NE. ¼ sec. 27, T. 22 N., R. 10 E.; 6 wells; production for month of November, 1915, 1,090.52 barrels.

Appraisement:
Casing in wells $5,398.73
Other equipment 9,558.04
14,206.77

Tract No. 78. NW. ¼ sec. 36, T. 22 N., R. 10 E.; 6 wells; production for month of November, 1915, 510.62 barrels.

Appraisement:
Casing in wells $3,374.43
Other equipment 6,471.56
9,845.99

Tract No. 79. NE. ¼ sec. 35, T. 22 N., R. 10 E.; 7 wells; production for month of November, 1915, 923.82 barrels.

Appraisement:
Casing in wells $3,828.24
Other equipment 5,250.58
9,078.82

Tract No. 80. SW. ¼ sec. 33, T. 22 N., R. 10 E.; 1 well; production for month of November, 1915, 524.16 barrels.

Appraisement:
Casing in well $659.80
Other equipment 1,802.30
2,462.10

Tract No. 81. SE. ¼ sec. 32, T. 22 N., R. 10 E.; 1 well; production for month of November, 1915, 469.80 barrels.

Appraisement:
Casing in well $776.37
Other equipment 2,527.25
3,303.62

Tract No. 82. SE. ¼ sec. 27, T. 22 N., R. 10 E.; 1 well; production for month of November, 1915, 104.57 barrels.

Appraisement:
Casing in well $979.23
Other equipment 1,309.98
2,289.21

Tract No. 83. NE. ¼ sec. 24, T. 22 N., R. 10 E.; 2 wells; production for month of November, 1915, 145.27 barrels.

Appraisement:
Casing in wells $1,521.21
Other equipment 1,878.89
3,400.10

Tract No. 84. NW. ¼ sec. 24, T. 22 N., R. 10 E.; 4 wells; production for month of November, 1915, 1,139.82 barrels.

Appraisement:
Casing in wells $3,097.00
Other equipment 6,212.82
9,309.82

Tract No. 85. SE. ¼ sec. 23, T. 22 N., R. 10 E.; 2 wells; production for month of November, 1915, 46.30 barrels.
Appraisement, casing in wells $2,915.63

Tract No. 86. NE. ¼ sec. 13, T. 22, R. 10 E.; 8 wells; production for month of November, 1915, 1,460.68 barrels.

Appraisement:
Casing in wells $8,008.09
Other equipment 9,846.28
17,854.37

Tract No. 87. NW. ¼ sec. 13, T. 22, R. 10 E.; 4 wells; production for month of November, 1915, 414.70 barrels.

Appraisement:
Casing in wells $2,950.65
Other equipment 3,961.15
6,911.80

Tract No. 88. SW. ¼ sec. 13, T. 22, R. 10 E.; 4 wells; production for month of November, 1915, 506.99 barrels.

Appraisement:
Casing in wells $2,907.92
Other equipment 3,997.61
6,905.53

Tract No. 89. SE. ¼ sec. 13, T. 22, R. 10 E.; 4 wells; production for month of November, 1915, 739.04 barrels.

Appraisement:
Casing in wells $4,150.82
Other equipment 4,066.98
8,226.80

Tract No. 90. NE. ¼ sec. 5, T. 21 N., R. 10 E.; 1 well; production for month of November, 1915, 1,494.92 barrels.

Appraisement:
Casing in well $1,620.04
Other equipment 2,260.39
3,880.43

Tract No. 91. NW. ¼ sec. 20, T. 29 N., R. 9 E.; 7 wells; production for month of November, 1915, 719.33 barrels.

Appraisement:
Casing in wells $5,088.59
Other equipment 6,505.30
11,593.89

Tract No. 92. NE. ¼ sec. 25, T. 24 N., R. 9 E.; 2 wells; production for month of November, 1915, 132.67 barrels.
Appraisement, casing in wells $1,563.06

Tract No. 93. SE. ¼ sec. 25, T. 24 N., R. 9 E.; 2 wells; production for month of November, 1915, 171.05 barrels.

Appraisement:
Casing in wells $2,149.82
Other equipment 3,602.85
5,752.67

Tract No. 94. SW. ¼ sec. 18, T. 21, R. 9 E.; 7 wells; production for month of November, 1915, 822.22 barrels.

Appraisement:
Casing in wells $8,093.68
Other equipment 12,619.02
20,712.70

Tract No. 95. NW. ¼ sec. 1, T. 21 N., R. 9 E.; 1 well; production for month of November, 1915, 258.78 barrels.

Appraisement:
Casing in well $1,577.02
Other equipment 2,599.41
4,176.43

Tract No. 96. NE. ¼ sec. 24, T. 21 N., R. 8 E.; 9 wells; production for month of November, 1915, 2,033.40 barrels.

Appraisement:
Casing in wells $9,798.51
Other equipment 20,329.46
30,127.97

Tract No. 97. SE. ¼ sec. 24, T. 21 N., R. 8 E.; 2 wells; production for month of November, 1915, 56.24 barrels.

Appraisement:
Casing in wells $2,300.95
Other equipment 2,743.30
5,044.25

Tract No. 98. SE. ¼ sec. 2, T. 21 N., R. 8 E.; 2 wells; production for month of November, 1915, 294.60 barrels.

Appraisement:
Casing in wells $1,313.85
Other equipment 2,246.71
3,560.56

Tract No. 99. SW. ¼ sec. 1, T. 21 N., R. 8 E.; 10 wells; production for month of November, 1915, 1,822.56 barrels.

Appraisement:
Casing in wells $7,603.78
Other equipment 10,488.79
18,092.57

PROPERTIES NOW OPERATED BY THE GYPSY OIL CO.

Tract No. 100. SE. ¼ sec. 1, T. 21 N., R. 7 E.; 13 wells; pipe line runs for month of November, 1915, 38,999.46 barrels.
Appraisement, casing in wells $28,577.66

Tract No. 101. NW. ¼ sec. 1, T. 21 N., R. 7 E.; 1 well; pipe-line runs for month of November, 1915, 3,002.47 barrels.
Appraisement, casing in well $1,616.70

Tract No. 102. SW. ¼ sec. 1, T. 21, R. 7 E.; 1 well; pipe-line runs for month of November, 1915, 3,753.08 barrels.
Appraisement, casing in well $1,754.97

Tract No. 103. NE. ¼ sec. 1, T. 21 N., R. 7 E.; 32 wells; pipe-line runs for month of November, 1915, 117,422.63 barrels.
Appraisement, casing in wells $54,281.19

PROPERTIES NOW OPERATED BY THE WOLVERINE OIL CO.

Tract No. 104. SE. ¼ sec. 20, T. 24 N., R. 11 E.; SE. ¼ and SW. ¼ sec. 21, T. 24 N., R. 11 E. (lot 296); 5 wells; pipe-line runs for month of November, 1915, 511.12 barrels.
Appraisement, casing in wells $2,248.66

PROPERTIES NOW OPERATED BY H. V. FOSTER AND JOHN H. BRENNAN.

Tract No. 105. NW. ¼ sec. 30, T. 25 N., R. 11 E. (lot 285); 9 wells; pipe-line runs for month of November, 1915, 44,931.55 barrels.

Appraisement:
Casing in wells $14,999.56
Other equipment 26,418.99
41,418.55

PROPERTIES NOW OPERATED BY THE STEYNER OIL CO.

Tract No. 106. NE. ¼ sec. 33, T. 29 N., R. 10 E.; 1 well; very small gas well, estimated at 750,000 cubic feet per day.
Appraisement, casing in well $709.68

Tract No. 107. S. ½ sec. 20, T. 23 N., R. 12 E. (lot 76); 1 well; pipe-line runs for month of November, 1915, 40 barrels.
Appraisement, casing in well $363.49

PROPERTIES NOW OPERATED BY H. V. FOSTER AND A. D. ROBB.

Tract No. 108. SW. ¼ sec. 7, T. 24 N., R. 11 E. (lot 292); 4 wells; pipe-line runs for month of November, 1915, 3,767.81 barrels.
Appraisement, casing in wells $2,994.06

CATO SELLS,
Commissioner of Indian Affairs.

WASHINGTON, D. C., *January 12, 1916.*
Approved:

FRANKLIN K. LANE, *Secretary.*

NOTE.—The surface equipment as appraised does not include buildings or other improvements, which become the property of the Osage Indians upon the expiration of present leases.

EXECUTIVE SESSION.

Mr. SMOOT. Mr. President——

Mr. STONE. Mr. President, if the Senator from Utah wishes to present some business, I will not interfere; otherwise, I will move an executive session.

Mr. SMOOT. If the Senator wishes to do that, I will simply say that I was going to ask that House bill 7617, the good-roads bill, be temporarily laid aside, and then I intended to move to take up the calendar to consider unobjected cases until half past 5 o'clock; but if the Senator desires an executive session, I will refrain from doing so.

Mr. STONE. There is a general desire to have a short executive session and then to adjourn.

Mr. SMOOT. Very well, I shall not object to that course being followed.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 20, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 19, 1916.

ASSISTANT SECRETARY OF WAR.

William M. Ingraham, of Maine, to be Assistant Secretary of War, vice Henry Breckinridge, resigned.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. Sidney H. Guthrie, Coast Artillery Corps, to be captain from April 16, 1916, vice Capt. James M. Fulton, dismissed April 15, 1916.

Second Lieut. Edward Roth, jr., Coast Artillery Corps, to be first lieutenant from April 16, 1916, vice First Lieut. Sidney H. Guthrie, promoted.

CORPS OF ENGINEERS.

Second Lieut. Oscar O. Kuentz, Corps of Engineers, to be first lieutenant from December 11, 1915, vice First Lieut. Edwin H. Marks, promoted.

Second Lieut. William E. R. Covell, Corps of Engineers, to be first lieutenant from January 12, 1916, vice First Lieut. Earl North, promoted.

Second Lieut. Edwin R. Kimble, Corps of Engineers, to be first lieutenant from March 24, 1916, vice First Lieut. Albert H. Acher, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 19, 1916.

POSTMASTERS.

INDIANA.

E. E. Stull, North Liberty.

IOWA.

Sylva E. E. Thompson, Roland.

MICHIGAN.

Samuel Folz, Kalamazoo.

MINNESOTA.

John P. Anderson, Butterfield.
Peter W. Gorrie, Morristown.
C. J. Reagan, Appleton.
W. J. Struble, Mora.

MONTANA.

John Dunn, Red Lodge.
Maurice J. Keenan, Hobson.

NORTH DAKOTA.

John B. Wagner, Lidgerwood.

PENNSYLVANIA.

Caroline E. W. Curry, Glen Olden.
John H. Custer, Stoyestown.
John H. Driscoll, Clarendon.
C. P. Gettier, Littlestown.
A. T. Groff, Confluence.
Elias B. Leiby, Marysville.
K. A. McLain, Fredericktown.

VERMONT.

Martha G. Kibby, Randolph Center.

REJECTIONS.

Executive nominations rejected by the Senate April 19, 1916.

Samuel T. Dusenberry to be postmaster at Tuxedo Park, N. Y.
Sanford W. Abbey to be postmaster at Canandaigua, N. Y.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 19, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, ever present, working in and through the hearts of Thy children, help us to open wide the portals of our souls that we may be guided in the duties of this day and render faithful service in the working out of the purposes Thou hast ordained, and thus be worthy of the gifts Thou hast bestowed upon us and merit the "Well done, good and faithful servant." In the name of Thy Son, Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. LINTHICUM rose.

The SPEAKER. For what purpose does the gentleman from Maryland rise?

Mr. LINTHICUM. To ask unanimous consent to extend my remarks in the RECORD by inserting a letter from James W. Helme, of Lansing, Mich., and my reply thereto, on House resolution 137.

The SPEAKER. Who is the man?

Mr. LINTHICUM. James W. Helme, of Lansing, Mich.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent to extend his remarks in the RECORD by printing a letter from James W. Helme, of Lansing, Mich. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment resolution of the following title:

House concurrent resolution 30.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 19th day of April, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

SUGAR TARIFF BILL.

Mr. KITCHIN. Mr. Speaker, I call up for consideration the conference report on the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] calls up the conference report on the sugar tariff bill, H. R. 11471, which the Clerk will report. Is it a complete report?

Mr. KITCHIN. It is a disagreeing report as to one amendment.

The conference report was read as follows:

CONFERENCE REPORT (NO. 573).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties

and to provide revenue for the Government, and for other purposes," approved October 3, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same with an amendment as follows: In the last line of the Senate amendment to the title strike out the words "manufactures of sugar" and insert in lieu thereof the words "other articles"; and the Senate agree to the same.

The committee of conference has been unable to agree on the amendment of the Senate to the bill.

CLAUDE KITCHIN,
HENRY T. RAINEY,
J. W. FORDNEY,
Managers on the part of the House.

F. M. SIMMONS,
WM. J. STONE,
H. C. LODGE,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and provide revenue for the Government, and for other purposes," approved October 3, 1913, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House recedes from its disagreement to the amendment of the Senate to the title of the bill with an amendment which makes the title broad enough to cover all the articles provided for in paragraphs 177 and 178 of the sugar schedule of the tariff act of October 3, 1913, and covered by the bill.

The committee of conference has been unable to agree on the amendment of the Senate to the bill providing that the present rates of duty upon sugar and kindred articles shall remain in full force and effect until May 1, 1920, and placing the above articles on the free list after that date.

CLAUDE KITCHIN,
HENRY T. RAINEY,
J. W. FORDNEY,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, I see the conferees agreed to an amendment of the title. I suppose there is no objection to that, because the title originally was erroneous. The original title was to amend an act. The Senate amendment is to change the title so as to amend a certain paragraph.

Mr. KITCHIN. We agreed to that with an amendment.

Mr. MANN. As a matter of fact, if the House has its way and passes the bill in the form it was originally passed by the House it is not an amendment of the tariff act at all. It is to repeal certain provisos and does not pretend to amend it.

Mr. KITCHIN. Yes; we agreed with the Senate conferees on something, with the hope that they would yield something to us. We were very fair about it.

Mr. MANN. Of course, whenever it goes into a law it will appear in either case as an act to amend a certain act, when it does not amend at all. It simply repeals certain provisions in the act.

Mr. KITCHIN. The act itself will show exactly what it does, in spite of the title.

Mr. MANN. As I understand, it is the intention of the gentleman to do what about the other provisions?

Mr. KITCHIN. I intend to move to further insist on the disagreement of the House. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on the adoption of the conference report.

The conference report was agreed to.

Mr. KITCHIN. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment and ask for a further conference. The House understands well the attitude of the Senate and of the House.

The SPEAKER. The gentleman from North Carolina moves that the House further insist on its disagreement and ask for a conference.

Mr. GORDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GORDON. Would a motion to concur have precedence over the motion that the gentleman has just made?

Mr. MANN. Yes.

The SPEAKER. A motion to recede and concur would.

Mr. GORDON. I would like to make that motion, if it is in order.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] moves that the House recede from its disagreement and concur in the Senate amendment. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. GORDON. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] asks for a division.

The House divided; and there were—ayes 7, noes 71.

Mr. GORDON. Mr. Speaker, I make the point that there is not a quorum present.

The SPEAKER. The gentleman makes the point that there is no quorum present. Evidently there is not a quorum present, and the Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on agreeing to the motion of the gentleman from Ohio that the House recede from its disagreement and concur in the Senate amendment.

The question was taken; and there were—yeas 27, nays 309, answered "present" 2, not voting 95, as follows:

YEAS—27.

Bailey	Davenport	Hilliard	Sims
Brumbaugh	Dill	Johnson, Ky.	Sisson
Buchanan, Ill.	Gallagher	Keating	Steele, Iowa
Calloway	Gordon	Kincheloe	Tavenner
Caraway	Gray, Ala.	London	Thompson
Connelly	Gray, Ind.	McDermott	Van Dyke
Crosser	Hastings	Quin	

NAYS—309.

Abercrombie	Dixon	Hughes	Oglesby
Adamson	Doolittle	Hull, Iowa	Oldfield
Aiken	Doremus	Hull, Tenn.	Oliver
Alexander	Doughton	Humphrey, Wash.	Olney
Allen	Dowell	Humphreys, Miss.	O'Shaunessy
Almon	Drukker	Husted	Overmyer
Anderson	Dunn	Igoe	Padgett
Ashbrook	Dyer	Jacoway	Page, N. C.
Aswell	Eagan	James	Paige, Mass.
Austin	Eagle	Johnson, Wash.	Park
Ayres	Edmonds	Kahn	Parker, N. J.
Bacharach	Edwards	Kearns	Parker, N. Y.
Barchfeld	Ellsworth	Kelley	Peters
Barkley	Elston	Kennedy, Iowa	Phelan
Barnhart	Esch	Kent	Platt
Beakes	Estopinal	Kless, Pa.	Porter
Bell	Evans	King	Pou
Bennet	Ferris	Kitchin	Powers
Black	Fess	Kreider	Pratt
Blackmon	Fields	Lafean	Ragsdale
Booher	Finley	La Follette	Rainey
Borland	Fitzgerald	Langley	Raker
Britt	Flood	Lee	Ramseyer
Britten	Focht	Lehlbach	Rauch
Browne	Fordney	Lenroot	Rayburn
Browning	Foster	Lesher	Reilly
Bruckner	Frear	Lever	Ricketts
Buchanan, Tex.	Freeman	Lewis	Roberts, Mass.
Burgess	Fuller	Lieb	Roberts, Nev.
Burke	Gandy	Lindbergh	Rodenberg
Butler	Gard	Linthicum	Rogers
Byrnes, S. C.	Garland	Littlepage	Rouse
Byrns, Tenn.	Garner	Lloyd	Rowe
Caldwell	Garrett	Longworth	Rowland
Candler, Miss.	Gillett	Loud	Rubey
Cannon	Glass	McArthur	Rucker
Cantrill	Glynn	McClintic	Russell, Mo.
Capstick	Gould	McCracken	Russell, Ohio
Carew	Graham	McCulloch	Sanford
Carter, Mass.	Green, Iowa	McFadden	Schall
Cary	Greene, Mass.	McGillicuddy	Scott, Mich.
Chandler, N. Y.	Greene, Vt.	McKellar	Shallenberger
Charles	Gregg	McKenzie	Sherley
Cline	Griffin	McLaughlin	Sherwood
Coady	Hadley	McLemore	Shouse
Collier	Hamilton, Mich.	Magee	Sinnott
Conry	Hamilton, N. Y.	Maher	Slayden
Cooper, W. Va.	Hamlin	Mann	Sloan
Cooper, Wis.	Hardy	Mapes	Small
Copley	Harrison	Martin	Smith, Idaho
Costello	Haskell	Matthews	Smith, Mich.
Cox	Hauzen	Mays	Smith, Minn.
Crago	Hawley	Meeker	Smith, N. Y.
Cramton	Hayes	Miller, Del.	Smith, Tex.
Crisp	Heflin	Miller, Minn.	Sparkman
Cullop	Helgesen	Miller, Pa.	Stengall
Curry	Helm	Mondell	Stedman
Dale, Vt.	Helvering	Montague	Steele, Pa.
Dallinger	Hensley	Moore, Pa.	Stevenson
Danforth	Hernandez	Moores, Ind.	Stephens, Miss.
Darrow	Hicks	Morrison	Stephens, Tex.
Davis, Minn.	Hinds	Moss, Ind.	Sterling
Davis, Tex.	Holland	Mott	Stiness
Denison	Hollingsworth	Neely	Stone
Dent	Hood	Nelson	Stout
Dewalt	Hopwood	Nicholls, S. C.	Sulloway
Dickinson	Houston	Nolan	Sumners
Dies	Howell	North	Sutherland
Dillon	Huddleston	Oakey	Sweet

Swift	Tinkham	Ward	Wingo
Switzer	Towner	Wason	Wise
Taggart	Tribble	Watson, Pa.	Wood, Ind.
Taylor, Ark.	Vare	Watson, Va.	Woods, Iowa
Taylor, Colo.	Venable	Webb	Young, N. Dak.
Temple	Vinson	Whaley	Young, Tex.
Tillman	Volstead	Wheeler	
Tilson	Walker	Williams, T. S.	
Timberlake	Walsh	Williams, Ohio	

ANSWERED "PRESENT"—2.

Howard McAndrews

NOT VOTING—95.

Adair	Foss	Kinkaid	Saunders
Anthony	Gallivan	Konop	Scott, Pa.
Beales	Gardner	Lazaro	Scully
Burnett	Godwin, N. C.	Liebel	Sears
Campbell	Good	Lobeck	Sells
Carlin	Goodwin, Ark.	Loft	Shackleford
Carter, Okla.	Gray, N. J.	McKinley	Siegel
Casey	Griest	Madden	Slemp
Chiperfield	Guernsey	Moon	Snell
Church	Hamill	Mooney	Snyder
Clark, Fla.	Hart	Morgan, La.	Stafford
Coleman	Hay	Morgan, Okla.	Stephens, Cal.
Cooper, Ohio	Hayden	Morin	Stephens, Nebr.
Dale, N. Y.	Heaton	Moss, W. Va.	Tague
Decker	Henry	Mudd	Talbott
Dempsey	Hill	Murray	Thomas
Dooling	Hulbert	Nichols, Mich.	Treadway
Driscoll	Hutchinson	Norton	Watkins
Dupré	Johnson, S. Dak.	Patten	Williams, W. E.
Emerson	Jones	Price	Wilson, Fla.
Fairchild	Keister	Randall	Wilson, Ill.
Farley	Kennedy, R. I.	Reavis	Wilson, La.
Farr	Kettner	Riordan	Winslow
Flynn	Key, Ohio	Sabath	

So the motion to recede and concur was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. WATKINS with Mr. NICHOLS of Michigan.

Mr. MAHER with Mr. STEPHENS of California.

Mr. RIORDAN with Mr. Moss of West Virginia.

Mr. WILSON of Florida with Mr. SNELL.

Mr. THOMAS with Mr. NORTON.

Mr. SEARS with Mr. TREADWAY.

Mr. MURRAY with Mr. SNYDER.

Mr. MORGAN of Louisiana with Mr. SLEMP.

Mr. TAGUE with Mr. MORIN.

Mr. SCULLY with Mr. MUDD.

Mr. SAUNDERS with Mr. MORGAN of Oklahoma.

Mr. SABATH with Mr. SELLS.

Mr. PRICE with Mr. REAVIS.

Mr. LOFT with Mr. MOONEY.

Mr. TALBOTT with Mr. MCKINLEY.

Mr. LIEBEL with Mr. SCOTT of Pennsylvania.

Mr. HENRY with Mr. KEISTER.

Mr. HAY with Mr. STAFFORD.

Mr. DRISCOLL with Mr. HEATON.

Mr. CARLIN with Mr. HUTCHINSON.

Mr. CLARK of Florida with Mr. GUERNSEY.

Mr. HART with Mr. EMERSON.

Mr. FLYNN with Mr. JOHNSON of South Dakota.

Mr. HAYDEN with Mr. CAMPBELL.

Mr. HAMILL with Mr. KINKAID.

Mr. GALLIVAN with Mr. DEMPSEY.

Mr. DECKER with Mr. BEALES.

Mr. ADAIR with Mr. COOPER of Ohio.

Mr. KONOP with Mr. GRAY of New Jersey.

Mr. HULBERT with Mr. GOOD.

Mr. DOOLING with Mr. ANTHONY.

Mr. SHACKLEFORD with Mr. WILSON of Illinois.

Mr. LOBECK with Mr. COLEMAN.

Mr. WM. ELZA WILLIAMS with Mr. GRIEST.

Mr. PATTEN with Mr. FAIRCHILD.

Mr. WILSON of Louisiana with Mr. CHIPERFIELD.

Mr. KEY with Mr. FARR.

Mr. BURNETT with Mr. FOSS.

Mr. STEPHENS of Nebraska with Mr. KENNEDY of Rhode Island.

Mr. DALE of New York with Mr. SIEGEL.

Mr. MCANDREWS (for the motion) with Mr. HILL (against).

Mr. MOON with Mr. MADDEN.

Mr. DUPRÉ (against motion to concur) with Mr. HOWARD (for motion to concur).

Until April 27:

Mr. LAZARO with Mr. WINSLOW.

Mr. HOWARD. Mr. Speaker, I have a pair with the gentleman from Louisiana [Mr. DUPRÉ] and under a misapprehension I voted "aye." I desire to withdraw my vote, and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The doorkeeper will unlock the doors.

Mr. KITCHIN. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment and ask for a further conference.

The SPEAKER. The gentleman from North Carolina moves that the House insist on its disagreement to the Senate amendment and ask for a further conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. KITCHIN, Mr. RAINEY, and Mr. FORDNEY.

ORDER IN THE GALLERIES.

The SPEAKER. The Chair wants to admonish the people in the galleries that they are here by the courtesy of the House, and that during the proceedings to-day they must not talk, or applaud, or read newspapers, or anything of that sort. If they do, the galleries will be cleared.

AGRICULTURAL APPROPRIATION BILL.

On motion of Mr. LEVER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, with Mr. HAMLIN in the chair.

The Clerk read as follows:

Nebraska National Forest, Nebr., $2,365; and to extend the work to the Niobrara division thereof, $5,000: *Provided*, That from the nurseries on said forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by "An act increasing the area of homesteads in a portion of Nebraska," approved April 28, 1904, $7,365.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph.

I have no doubt that this paragraph may be of some value, but we have stricken out a provision for furnishing free cuttings, and so forth, in the arid regions of the Northwest from the other stations. Why is the item for the furnishing of trees in Nebraska left in the bill?

Mr. LEVER. I will say to the gentleman from Illinois that this item, if he will recall, was placed in the bill some four or five years ago, on the floor of the House, at the instance of the gentleman from Nebraska [Mr. KINKAID], and the committee has not seen fit to disturb it, inasmuch as this was the action of the House. My information is that there have been distributed during the fiscal year 112,110 trees—pine, box elder, ash, cottonwood, white elm, and so forth—to 746 applicants; and the testimony also is that the distribution has been very successful. In view of the action of the House itself the committee did not feel that it ought to disturb the item.

Mr. MANN. Mr. Chairman, I do not suppose that they are going to distribute very many white-pine trees from this nursery, and probably they will not distribute white-pine trees that are afflicted with the white-pine blister rust, yet it might be possible.

I received last night in my room, where it ought not to come—it ought to have come to the office—a letter which was not opened there, but opened by my secretary this morning with other mail of that kind, from the secretary of the Interstate Committee for the Suppression of the Pine Blister Rust. Very likely other Members received the same letter——

Mr. LEVER. I have a copy myself.

Mr. MANN. Because it is a manifold letter. This letter was dated April 15, 1916, which was last Saturday. It asks Members of the House to support the appropriation in the Agricultural bill for the investigation and suppression of the white-pine blister rust.

The Agricultural appropriation bill has been on the calendar now for several weeks. Last Saturday, after the bill had been on the calendar for several weeks, we passed the paragraph containing this appropriation. After the item was passed in Committee of the Whole, or about the same time, the secretary of this association sent out this letter to Members of Congress. How valuable his services are! After the matter has been on the calendar for weeks this association wakes up to the fact that an appropriation is proposed, after it has been passed; and in order that the association may have reason for paying the salary of the secretary, he writes a letter to the various Members of Congress asking them to support an appropriation that has already been agreed to. If the White Pine Blister Rust Association is as slow in reference to the white-pine blister rust as it is in reference to appropriations for its suppression, we will be waiting a long time for the suppression of that disease.

Mr. SLOAN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. SLOAN. I should like to ask where this secretary lives.

Mr. MANN. I do not know where he lives. The Interstate Committee for the Supression of the Pine Blister Rust has its office at 4 Joy Street, Boston, Mass.

over the motion that the gentleman has just made?

Dies	Howell	North	Sutherland
Dillon	Huddleston	Oakey	Sweet

The SPEAKER. A quorum is present. The doorkeeper will unlock the doors.

Committee for the Suppression of the Pale Blister Rust has its office at 4 Joy Street, Boston, Mass.

Mr. SLOAN. I desire to say that the worst blisters are over toward the Atlantic Ocean and not in the middle of the continent. I think this is a proper appropriation. It has been granted for a number of years. It is for the northwestern part of Nebraska.

Mr. MANN. I thought the gentleman was talking about the rust blister.

Mr. SLOAN. I have disposed of that; I am talking about this appropriation. The facts are that the appropriation is asked for the northwestern part of Nebraska, where we have what little arid land the State possesses. Nebraska is known as the tree-planters' State, named so by our legislature. When it was admitted into the Union very few trees marked its plains. There were very few along its streams, but Nebraska perhaps has taken the lead in planting trees and developing forestry.

Nebraska sent to this Capital J. Sterling Morton, Secretary of Agriculture, who was the father of Arbor Day, and whose enthusiasm and enterprise for tree planting was the forerunner of Arbor Day, since adopted as a holiday by nearly every State in the Union. Nebraska year after year has been developing forestry. And this nursery instituted in this particular section and climate produces trees more likely to grow when transplanted in that locality than elsewhere and more likely to thrive than trees produced in other climates and localities.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. SLOAN. Yes.

Mr. HUMPHREY of Washington. How many acres have you planted there?

Mr. SLOAN. Thousands of acres and millions of trees; new trees are being planted every year.

Mr. HUMPHREY of Washington. How large are the trees?

Mr. SLOAN. Oh, they do not compare with the trees in Washington nor the family tree of the gentleman from Washington, probably, but they are all growing. They have not become old enough or large enough to fall with ripeness and interfere with the lumber business. [Laughter.]

Mr. HUMPHREY of Washington. I want to ask if this is one of those reproductions where they testify in the hearings that it cost $10 to $12 an acre to plant them, and only 1 acre out of 3 lives.

Mr. SLOAN. That is not in Nebraska; that is in some other State.

Mr. HUMPHREY of Washington. I think the gentleman is mistaken, and perhaps he had better give this information, because the item is subject to a point of order.

Mr. SLOAN. This is not in my district; it is in the district of the gentleman from Nebraska, Mr. KINKAID, who is not on the floor, and I am speaking for him in his absence, with the lack, perhaps, of complete detail information. I have been through that country and I know and can assure the gentleman that arboriculture is there progressing.

Mr. HUMPHREY of Washington. According to the best information I have received as to the replanting of these small trees, none of them have ever reached a marketable size, and that it costs the Government $10 to $12 an acre in the first place, and that only 1 acre out of 3 grows; and if we are to judge by the rest of the forests in the forest reserve, 50 years from now they will pay 6 per cent on 17½ cents an acre.

Mr. SLOAN. I think the gentleman is looking through too pessimistic eyes. We do not expect, of course, to rival the State of Washington.

Mr. HUMPHREY of Washington. Take the great timber that we have in Washington, on the Pacific coast, under the forest-reserve system since it has been established. They have so conducted it—notwithstanding they have the most magnificent forests on the face of the earth—it only pays an income of 6 per cent on 17½ cents an acre. It has paid less than a cent an acre ever since they have conducted it.

Mr. SLOAN. If I may get by with this appropriation by agreeing that matters are not properly conducted in the State of Washington, I will subscribe.

Mr. HUMPHREY of Washington. They are not properly conducted anywhere as far as this reseeding or replanting is concerned. It is one of the greatest frauds that was ever attempted to be perpetrated by a Government bureau.

Mr. SLOAN. Outside of Nebraska it may be so.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I renew the point of order, or, rather, I will reserve it.

Mr. LEVER. I am not sure that it is subject to a point of order. Does the gentleman make the point of order or reserve it?

Mr. HUMPHREY of Washington. The gentleman wants to make a few observations.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. HUMPHREY of Washington. Mr. Chairman, I have before me a copy of the hearings, in which they give the estimate of what it costs to replant these trees; and the estimate is that it costs $12 an acre. Then I see, turning over two pages, they say that only 1 out of 3 acres grows. So it costs about $30 an acre to replant an acre of timber that 50 years from now will be worth 17½ cents. Now, that is not unusual; it is characteristic of the whole Forestry Service.

Mr. Chairman, this particular provision is for the State of Nebraska; and Judge KINKAID, I understand, is not able to be on the floor of the House. If he were here and could not give any more specific explanation or information than has his colleague, I would certainly make the point of order. The only reason I am going to withdraw it is that he is not able to be here, and he might perhaps know something about it which no one else does know. I will withdraw the point of order, although I think I am not doing a public service in withdrawing it.

Mr. BENNET. Mr. Chairman, I move to amend by adding, after the word "for," in line 16, the words "or to any State."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, after the word "for," in line 16, insert the words "or to any State."

Mr. LEVER. I reserve a point of order on that.

Mr. BENNET. It is not subject to a point of order. The rule is very clear. The paragraph itself, being subject to a point of order, having been permitted to remain in by the committee, it is subject to any germane amendment, and as I desire to speak to the amendment, if the gentleman proposes to make the point of order I hope he will make it now, so that I can be heard.

Mr. LEVER. I shall be constrained to make the point of order, and I call attention to the fact that the territory in which the trees are distributed is limited by the act itself to residents of the territory covered by the act increasing the area of homesteads in a portion of Nebraska.

The gentleman's amendment will open the gates wide and permit the distribution of these trees to any State in the Union.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MANN. The gentleman does not pretend that the act referred to in this paragraph has anything to do with the distribution of trees?

Mr. LEVER. No.

Mr. MANN. That is the enlarged homestead act.

Mr. LEVER. Yes; but the gentleman's amendment——

Mr. MANN. Does the gentleman mean to say that where we describe a certain territory we can not reduce or increase it?

Mr. LEVER. As I understand the gentleman's amendment—as I caught it from the reading—it would permit a distribution from this particular nursery to any section of the country.

Mr. MANN. Certainly.

Mr. LEVER. I do not know whether I am right about it, because I am not a parliamentarian, but the point I make is that certainly it was the purpose of Congress to confine this distribution to a certain section.

Mr. MANN. But Congress has not yet expressed its purpose. This is the bill.

Mr. LEVER. I am perfectly willing, as far as I am concerned——

Mr. MANN. I am not in favor of the gentleman's amendment, but I do not think it is subject to the point of order.

Mr. LEVER. I am not in favor of the gentleman's amendment, and to save further time I will withdraw the point of order and take a vote upon it.

Mr. MANN. I do not think it is subject to the point of order.

The CHAIRMAN. The gentleman from South Carolina withdraws the point of order, and the gentleman from New York is recognized for five minutes.

Mr. BENNET. Mr. Chairman, as this paragraph is in the bill it limits the free distribution of these trees to a certain portion of the State of Nebraska. There are certain States in the Union which are making great efforts in forestry, amongst others the State of New York. It is not so very long since that we had to import trees from Germany at a high price. Here are trees being grown in the United States, and therefore more suitable, in all probability, for New York than the imported trees from Germany, and it is not to be overlooked also that we can get these trees free, whereas we have to pay for them when we import them.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes, although I am afraid if the gentleman interrupts me that he will do away with the seriousness of my remarks.

Mr. MANN. The gentleman from New York was ill the latter part of last week, or possibly the first of this week, and therefore is not aware of the fact that on page 22 of the bill we adopted a new policy, and cut out the free distribution of trees, under an item which carried an appropriation of $100,000, where heretofore we have distributed trees free, and that the House deliberately said it would not follow that policy hereafter.

Mr. BENNET. The gentleman is quite correct about my absence last week on account of illness, and I have no doubt that he is correct about what occurred last week. He is usually correct as to what occurred last week [laughter], but that does not interfere at all with the fact that here it is the purpose to distribute trees free to a certain part of the State of Nebraska, to wit, the district of our good friend Mr. KINKAID. If that is going to be done for Nebraska, and apparently it is, why should not States that are not engaged in the business of making a profit for themselves, as such, have as much right—not any more—but just as much as the good people who happen to live in this arid territory in western Nebraska, which has been so feelingly described by the gentleman from Nebraska [Mr. SLOAN]? I simply stand for the right of the individual State to have as much consideration as some other particular State, and also for the opportunity to improve the timber of the State of New York by getting these young trees from this nursery out in Nebraska. I have no feeling against the State of Nebraska. I suppose they can raise trees there. They raise other things.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. NORTON. Does the gentleman want some of those trees in his district?

Mr. BENNET. Oh, the gentleman thinks that is humorous.

Mr. NORTON. Oh, no; I want a little information.

Mr. BENNET. I will say to the gentleman that in Van Courtland Park and in the Botanical Gardens in the district which I have the honor to represent there are more different kinds of trees than there are in the whole State from which he comes, and I would be very glad to add to them these Nebraska trees.

Mr. MILLER of Minnesota. Is there as great a variety of trees grown in the State of Nebraska as the gentleman states are grown in the Bronx? Are they going to try to grow as great a variety in Nebraska?

Mr. BENNET. Oh, no; but they are trying to grow a few trees, and I have no doubt that they grow good trees there and I would like to get them for the State of New York, and I can see no reason why Nebraska should not help us to spread those trees all over the United States.

Mr. MANN. Mr. Chairman, in the State of Nebraska there is a limited area of arid land that is not susceptible of cultivation under the ordinary methods which have been adopted in most places. A few years ago, where theretofore we had provided for homesteads of 160 acres, we passed what was known as the Kinkaid Act, granting homesteads of 640 acres within a certain limited area. Even that act was not very successful in getting people to take up this land. A large amount of it was taken up and a considerable amount of it was abandoned, and in the effort to get people on that land, homesteaders, to live there and cultivate it, the Government did inaugurate the policy of giving away willow trees or some other kind of trees, mostly poplars, probably, for there are not many kinds that will grow out there. In order to get people on that land we are offering them 640 acres and as an additional inducement planting trees, which are given to them. That does not apply to the States generally, much less to the State of New York.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. MANN. I will.

Mr. MILLER of Minnesota. Is there any requirement in reference to young trees that are given to the settlers on this land? Is there any requirement on the part of the Government that compels the homesteader or settler to have a certain area covered by these trees? I have in mind the old tree claim.

Mr. MANN. I think not, as far as that is concerned, but they have a great many requirements.

Mr. MILLER of Minnesota. Then, as a matter of fact, is not perhaps the giving of the trees the hardship and a difficulty in respect to the settlement of the country rather than an aid?

Mr. MANN. Oh, no; people are not required to take the trees. There is no requirement in taking the homestead land that they shall plant any trees like there is under one of the laws in reference to the planting of trees. There is no such requirement; but they offer trees if they will plant them and take care of them on this land in an effort to prevent the shifting of the sand and to get people to till the soil and live upon it.

Mr. LEVER. Mr. Chairman, I ask for a vote.

Mr. KINKAID rose.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. MANN. The gentleman from Nebraska to have five minutes?

Mr. LEVER. Yes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes, and that the gentleman from Nebraska [Mr. KINKAID] have 5 minutes of that time. Is there objection? [After a pause.] The Chair hears none.

Mr. KINKAID. Mr. Chairman, I have arrived barely in time to meet the pending question on the wing. I am most grateful to the membership for the courtesy shown me during my absence concerning the item of $7,325 to be expended on the two forest reserves in the Nebraska congressional district.

Mr. Chairman, the special provision in question was provided in behalf of my constituents. I might say in behalf of entrymen under the Nebraska one-section homestead law, that they should be granted free young trees from the Government nurseries operated in that same territory. Several years ago when it was being debated whether or not an experiment should be tried for reforesting in the sand-hill country, which grew pine trees centuries ago, it was proposed to the Secretary of Agriculture—the very distinguished, accomplished, and experienced Mr. Wilson, of Iowa, who did so much for agriculture in the United States and in the world—that the settlers would cooperate with the Government in planting young trees and thus proportionately relieve the Government of the expense of planting these young trees and the care of them for a number of years until they could take care of themselves, and thereby determine whether the experiment of reforesting Nebraska sand hills could be made a success. The proposition was made to Secretary Wilson by me, and he agreed it was logical and economical that the settlers in that locality be afforded opportunity to cooperate with the Government, and he then and there recommended that such a clause as the one now in question be inserted in the next Agricultural appropriation bill, and each Agricultural appropriation bill has since contained such a provision, and the settlers have been cooperating with the Government, and they have succeeded well in growing these pine trees, usually jack pine, upon their homestead claims in the territory tributary to the Government nursery.

The result is that the country is being beautified and the climate improved by these trees, which are set out upon every 640-acre homestead and upon farms and ranches to which the title has passed.

The provision has proven a decided success. There is an object lesson on pine-tree growing existing in the county of my residence, the county of Holt, where these pine trees were planted 18 years ago under the auspices of the State, and that experiment has been sufficiently successful to commend a more extended experiment on the part of the Government, and it was on the warrant, in the main, of this object lesson that the Government entered upon the experimentation of pine-tree reforesting in a national way.

Trees covering about 2 acres are to be found in a patch or a little grove, and those trees now approximate the size of saw timber; in fact, they would make a small saw log and promise in time to make pine saw logs; so that the reforesting of that sand-hill country, where it has been centuries since there were any pine trees or any other trees grown, can be made a success; and, in my very candid judgment, this provision is very worthy and should be sustained.

Mr. STEENERSON. Will the gentleman yield?

Mr. KINKAID. I will.

Mr. STEENERSON. How much has been reforested in the State of the gentleman?

Mr. KINKAID. Oh, 25,000 acres, more or less.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I do not desire to consume any time on this amendment, although I hope it may be defeated. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Nez Perce National Forest, Idaho, $10,120.

The CHAIRMAN. The gentleman from Washington is recognized.

interrupts me that he will do away with the seriousness of my remarks.

ment; but they offer trees if they will plant them and take care

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I would like the attention of the chairman for a moment. How many employees have they in that forest?

Mr. LEVER. I will say very frankly to the gentleman I do not have the information in reference to that at my finger tips, but I can easily get it.

Mr. HUMPHREY of Washington. What I want to know is this: The chairman will probably recall when this bill was under consideration two sessions ago, I think it was, I called attention to the fact that as near as we could obtain the information they had a bookkeeper for each one of these national forests.

Mr. LEVER. That is not the information that has come to the committee. I understand they have an accountant, a bookkeeper, at each forest district.

Mr. HUMPHREY of Washington. Well, now I see by looking at the hearings here that it costs one dollar out of every thirty-seven to keep account of it.

If that is true, it seems to me that that is something that ought to be corrected. What would be thought of a private establishment that would pay $1 out of every $37 for the purpose of having somebody keep account of it?

Mr. LEVER. A little closer observation would have shown the gentleman the error of his figures; but I may say that the gentleman from Oregon brought some information out before the committee on that proposition. The explanation of the Forester was to the effect that he was required under acts of Congress to keep a very elaborate accounting system, probably more elaborate than any other bureau or department of the Government.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. LEVER. Let me finish my statement. And that necessarily the accounting expense was a good deal heavier than would be expected in private business. If the gentleman will refer to page 702 of the hearings, the statement of Mr. Adams, in charge of this particular line of work, he will find a rather full explanation of the situation. Mr. Adams says:

This item of accounting covers the handling of appointments, which involves quite a large amount of work—far more than would be required in any private concern. In comparing Government expenditures with those of private concerns it should be borne in mind that we are compelled to observe many laws, civil-service rules, and departmental regulations, which force us to do a very large amount of work that no private concern is required to do. It is hardly fair to the Government to compare Government costs with costs in private concerns in this kind of work. There is a very large amount of administrative cost keeping which is necessary if we are going to be able to make these reports to Congress in the manner prescribed and keep track of the unit cost of work performed by different units of the organization and by different individuals, so that we can compare them and detect instances of inefficiency. The records of unit costs furnish the basis, in a large measure, for the inspection work of the service—

And so on.

Mr. McLAUGHLIN. Will the gentleman yield to me for a moment?

Mr. LEVER. I will.

Mr. McLAUGHLIN. And he goes on to say:

On the basis of the total amounts appropriated, the cost would be only a little over 1 per cent; but if the total amount of the receipts is included, the percentage of cost is less than 1 per cent.

Mr. HUMPHREY of Washington. I notice that is what he said, but I do not see how you can figure it out that $1 in $37 is only 1 per cent. If the statement made further on in the hearing is correct, then it costs approximately $150,000 a year for the Government to have bookkeepers to tell them what is being done with the money in the Forest Service.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Ochoco National Forest, Oreg., $6,451.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. Is the chairman of the committee prepared to say that they do not have a bookkeeper for each one of these national forests?

Mr. LEVER. I am prepared to say this to the gentleman from Washington, that no bookkeeper or accountant, as such, is detailed to each of these forest units, but they very likely have a clerk there, an individual who keeps accounts, who not only does the clerical work proper, the accounting work proper, but also has supervision and control over the machinery and tools and things of that kind used in that particular forest. And, in addition to that service, he does other work. But there is no bookkeeper, as such, there.

Mr. HUMPHREY of Washington. What is the other service that he performs? He does not act as forest ranger, does he?

Mr. LEVER. I do not think so, but he keeps tract of the tools of the Forest Service and these other odds and ends. I do not know just what they are.

Mr. HUMPHREY of Washington. My recollection is that in some of these national forests they have as low as four or five employees, and out of those employees is one who receives perhaps $1,200, and that all the duty he performs is to keep track of what the others do, bookkeeping, and keeping track of the various transactions.

Mr. LEVER. I am not sure but that the gentleman states that about correctly. I was trying to——

Mr. HUMPHREY of Washington. I want to call the attention of the committee to this, and it seems to me that they ought to take some step to compel the Forest Service to remedy that condition. Think of the absurdity and the imposition it is upon this Government to have one employee out of every five or six for the purpose of keeping an account of and watching what the others do, and paying him $1,200 a year.

Mr. LEVER. I do not think the gentleman is quite fair to the department. I do not think it true that this man has nothing to do except to keep the accounts and watch what the others are doing. There is somebody there at the head of the service and in that particular forest unit, but there is no man there, as I understand it—although I may be wrong—whose only business it is to keep account and keep track of the work of the rest of the men employed.

Mr. HUMPHREY of Washington. You take it in Alaska, and there are probably 8 or 9 or 10 men up there, and out of that 10, or whatever number it is, you have a bookkeeper, and you pay him at the rate of probably $1,200 a year. And all the work that that man does could be done by a bookkeeper in two days for the entire year. No private concern would think of conducting their business in that way. It is impossible to get information from the Forest Service itself. Therefore I do hope before this bill comes in here again that the chairman will get some definite information.

Mr. HAUGEN. I would like to ask the gentleman a question.

Mr. HUMPHREY of Washington. Yes.

Mr. HAUGEN. Is the gentleman's statement based on personal knowledge? The gentleman has been on these forest reserves and is familiar with what is being done. The gentleman understands the committee has no personal knowledge of the administration. It accepts the statement of the forester and those who represent him. I assure the gentleman that the committee will welcome any information founded on facts.

Mr. HUMPHREY of Washington. The gentleman from Iowa is one of the gentlemen to whose attention I called this matter before, and I have every confidence in the gentleman, but I can not get that information. It is no use to submit an inquiry to the Forest Service. They either do not know or they will not give you any information. I have tried for years, and I could not get from them definite information on any question.

Mr. HAUGEN. Then the gentleman will appreciate the difficulties that the committee is laboring under. It is as difficult for the committee to get information as it is for any other Member to get it.

The CHAIRMAN. The time of the gentleman from Washington has expired. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Okanogan National Forest, Wash., $9,994.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to say further to my friend from Iowa that when this matter was brought up before, as nearly as I could get the information, that was found to be substantially correct—that there was a bookkeeper at each one of these national forests, and it is no wonder that it costs one dollar out of every thirty-seven for bookkeeping. I remember I asked the gentleman at that time if they would not ascertain the facts; and the proper way to ascertain the facts is to have the forester come before the committee and find out from him what the facts are.

Mr. LEVER. Mr. Chairman, I am sure the gentleman has not read the statement found on page 702. Let me read it for the gentleman's information. I read:

On the basis of the total amounts appropriated the cost would be only a little over 1 per cent; but if the total amount of receipts is included the percentage of costs is less than 1 per cent.

That is the statement of Mr. Adams, who has charge of that branch of the work.

Mr. HUMPHREY of Washington. I do not know what it costs in percentages, but I do know that there is no necessity for

having a bookkeeper for every four or five individuals; and if the statement is correct that they have a bookkeeper for each one of these national forests, I think it would be safe to say that you have a bookkeeper for every 9 or 10 men in the service.

Mr. LEVER. I do not think the gentleman's statement is correct.

Mr. HUMPHREY of Washington. I do not know. I can not find out.

Mr. LEVER. I have given the gentleman the best information I have.

Mr. HUMPHREY of Washington. I have asked the question of the gentleman for the last three years, and he has had ample opportunity to find out, and the power to find out. I hope when he comes in here the next time he will have the desired information.

Mr. LEVER. The trouble is that the gentleman will not accept the information that is furnished him.

Mr. HUMPHREY of Washington. I never had any opportunity to get information, either from the gentleman or from the Forest Service.

Mr. LEVER. I am inclined to think the gentleman would not understand it if he got it. [Laughter.]

Mr. HUMPHREY of Washington. I probably would not understand what the gentleman thinks is information, if what he has given to the House just now is considered to be information; and I think I have a majority of the House with me when I make that statement.

Mr. LEVER. The gentleman is the only man who has ever said that. I think the committee is well prepared to answer questions concerning this bill. But we can not make people understand things that they refuse to understand when the information is given to them.

Mr. HUMPHREY of Washington. The gentleman makes that statement, but I think I can understand information as well as he can give it.

Mr. LEVER. Sometimes I think the gentleman does not want to understand information upon this proposition.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. HAUGEN. I think the gentleman, if he will read the hearings, will have to concede that the committee has done its part. The committee tried to get the information. The gentleman will find that in the hearings all sorts of questions have been asked. The chairman of the committee has stated just what information the committee has had.

Mr. LEVER. I can not understand what the gentleman says.

Mr. HUMPHREY of Washington. I can not understand accurately what the gentleman from South Carolina says.

Mr. LEVER. Perhaps we are talking at cross-purposes.

Mr. HAUGEN. I was stating to the gentleman that we have obtained all the information that is obtainable, and that if the gentleman will read the hearings, covering some 1,700 pages, he will admit that the committee has done its part. It is possible that the committee has not all the information that is desired and which it should have, but we have done our best.

Now, if the gentleman has inside information, and undoubtedly he is more familiar with these projects than I am, the committee would welcome any information that he or any other gentleman has to contribute.

Mr. HUMPHREY of Washington. Mr. Chairman, inasmuch as the gentleman is using time that was yielded to me, I wish he would talk loud enough for me to hear him.

The CHAIRMAN. The time of the gentleman from Washington has expired. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Oregon National Forest, Oreg., $12,560.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. HUMPHREY of Washington. Mr. Chairman, if I can get a little more information from the gentleman from Iowa I would be willing to pass this particular item. Now, I do not think it is incumbent upon every Member of this House to read all these hearings. The committee members ought to read them. I will ask the gentleman from Iowa [Mr. HAUGEN] if he knows whether or not they do employ a bookkeeper for each one of these national forests?

Mr. HAUGEN. Mr. Chairman, I stated that the only information the committee had is what we get from the departments.

Mr. HUMPHREY of Washington. What is that information?

Mr. HAUGEN. We got all the information possible, and the chairman of the committee has stated what information the committee has. The chairman of the committee has stated that the cost of bookkeeping is 1 per cent. The gentleman from Washington says it is 37 per cent. I concede that the gentleman from Washington has more inside information on this subject than any member of the committee has. He lives in the vicinity of these forests, and undoubtedly has inside knowledge. All the information we have is simply the information furnished by the department.

Mr. HUMPHREY of Washington. Now, just let me ask the gentleman this question, without confusing it with any other: Do you have a bookkeeper for each one of these forest reserves?

Mr. HAUGEN. The chairman stated that he has not that information. If bookkeepers are employed they are not classified as such. It has not been possible for the committee to get that information. When questions were asked by Members as to the number of employees, discussion generally drifted into percentages and other discussions.

Mr. HUMPHREY of Washington. Now, Mr. Chairman, after taking up 15 minutes of the time of the House we get the information that they do not know. After asking the question over and over again as to whether or not they have one bookkeeper for each one of these national forests we finally find out that they do not know. I would like to ask whether that question was asked of the men who were before the committee. Does the gentleman from Iowa know whether it was asked?

Mr. HAUGEN. The chairman of the committee [Mr. LEVER] answered the gentleman's question a minute ago. He stated that questions were asked, and he stated what information was given. He stated that one man was assigned to keep accounts. What other work he does I do not know; but accepting the statement of the Forester, we assume that his time is occupied to good advantage.

Mr. HUMPHREY of Washington. After all the committee got just as much information from the Forest Service as a Member of the House can get. In other words, they can not get any.

Mr. ANDERSON. If the gentleman will yield, I will say that the department estimated for the current year for nine forest clerks at $1,200, two forest clerks at $1,100——

Mr. HUMPHREY of Washington. I refuse to yield further, because I am not asking about clerks. I am asking about bookkeepers.

Mr. ANDERSON. These gentlemen are bookkeepers.

The CHAIRMAN. The gentleman declines to yield further.

Mr. HUMPHREY of Washington. If the gentleman will answer the question, I will yield. If the gentleman from Minnesota [Mr. ANDERSON] is prepared to answer the question I have asked the other members of the committee, as to whether or not they have a separate bookkeeper for each one of these national forests, I will yield for an answer.

Mr. ANDERSON. I will take time in my own right.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Olympic National Forest, Wash., $16,598.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word, in order that I may refer to line 22, the appropriation for the Olympic National Forest Reserve, which I notice has been reduced from $17,178 to $16,598, and I wonder why.

Mr. LEVER. It was stated in the hearings that this decrease of $580 results from the removal of the supervisor's office to the Federal building, this making a decrease of the amount hitherto allotted for rent and quarters' expenses.

Mr. JOHNSON of Washington. The saving is in the rent at the city outside of the reserve where the headquarters are?

Mr. LEVER. That is the statement I have.

Mr. JOHNSON of Washington. This is a reserve where promises have been made from the start that something would be done for the benefit of the community. This reserve covers nearly 1,000,000 acres of the land of one county, leaving not enough outside taxable property for the proper advancement of that county. I might add for the information of those concerned that out of the 25 per cent returned to the State of Washington as its share of the sales in the forest reserve, that money to be doled around among the forest-reserve counties, the amount in lieu of taxes is less than one-half cent per acre. That is how the wonderful 25 per cent pans out. This great Olympic Forest Reserve has not yet received one five-cent piece from the 10 per cent fund. In this reserve there are homesteaders who went into the valleys and took up agricultural lands 25 years ago, and they are still waiting for roads. Their post routes have fallen down. The parcel post does not go to them unless

an extra 2 cents is paid on every pound. The forest reserve has seared the hopes of these settlers.

Now, what has it done on the outside? The holding of all that Federal timber for conservation—for posterity, if you please—has resulted in some of the owners of the half of the timber on the outside being compelled to go into an extensive process of liquidation. In other words, the Government holds its timber. The private owners must cut their timber to pay their taxes. In one county, as shown by an exhibit before the Federal Trade Commission, the increase in taxation on the property outside of the reserve in 10 years went up 405 per cent, while the valuation went up about half that. Who can hold timber at that rate? Does anyone call that conservation? Why, gentlemen, if we continue to conserve the Government's part and make our people slaughter their part, what will happen? The time may come when Congress will have to take over the rest of the lumber industry or provide some scheme by which it shall not be taxed to death and absolutely frozen out in an effort to conserve something for the people who will be here 100 years from now.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Payette National Forest, Idaho, $10,537.

Mr. POWERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of immigration by printing a short and well-written article by Dr. Ryan, professor of economics in one of our universities.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD on the question of immigration by the printing of the document to which he refers. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] asked for certain information with respect to the number of bookkeepers employed at the different forest stations. So far as I know, there are no bookkeepers estimated for as such; but the estimate does show that there were 9 forest clerks estimated for at $1,200 each; 2 forest clerks, at $1,100 each; 2 clerks, at $1,200 each, for three months; 1 clerk, at $1,020, temporary; 38 clerks, at $900, for from 1 to 8 months; 13 clerks, at from $120 to $840 each, from 6 to 10 months. These are the only men that are estimated for outside of Washington who could be employed in bookkeeping work. I think this answers the question of the gentleman from Washington, because there being something more than 150 forests there can not under this estimate be one clerk or one bookkeeper for each national forest.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. JOHNSON of South Dakota, by unanimous consent, was given leave of absence, for four days, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. KINCHELOE, by unanimous consent, was given leave to withdraw from the files of the House without leaving copies papers in the case of George Price, H. R. 5779, Sixtieth Congress, no adverse report having been made thereon.

RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 12.55 p. m.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Accordingly, at 12 o'clock and 47 minutes p. m., the House stood in recess until 12 o'clock and 55 minutes p. m.

JOINT MEETING OF SENATE AND HOUSE.

At the expiration of the recess the House resumed its session and was called to order by the Speaker.

At 12 o'clock and 56 minutes p. m. the Doorkeeper, Joseph J. Simmott, announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the chair at the right of the Speaker, and the Members of the Senate took the seats reserved for them.

The SPEAKER. On the part of the House, as a committee to wait on the President and escort him into the House, the Chair appoints the gentleman from North Carolina [Mr. KITCHIN], the gentleman from New York [Mr. FITZGERALD], the gentleman from Virginia [Mr. FLOOD], the gentleman from Illinois [Mr. MANN], and the gentleman from Wisconsin [Mr. COOPER].

The VICE PRESIDENT. On behalf of the Senate, the Vice President appoints the Senator from Indiana [Mr. KERN], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Missouri [Mr. STONE], the Senator from Kentucky [Mr. JAMES], and the Senator from Iowa [Mr. KENYON].

At 12 o'clock and 59 minutes p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk amid applause on the floor and in the galleries.

The SPEAKER. Gentlemen of the Senate and House of Representatives, I present to you the President of the United States. [Applause.]

ADDRESS OF THE PRESIDENT (H. DOC. NO. 1034).

The PRESIDENT. Gentlemen of the Congress, a situation has arisen in the foreign relations of the country of which it is my plain duty to inform you very frankly.

It will be recalled that in February, 1915, the Imperial German Government announced its intention to treat the waters surrounding Great Britain and Ireland as embraced within the seat of war and to destroy all merchant ships owned by its enemies that might be found within any part of that portion of the high seas, and that it warned all vessels, of neutral as well as of belligerent ownership, to keep out of the waters it had thus proscribed or else enter them at their peril. The Government of the United States earnestly protested. It took the position that such a policy could not be pursued without the practical certainty of gross and palpable violations of the law of nations, particularly if submarine craft were to be employed as its instruments, inasmuch as the rules prescribed by that law, rules founded upon principles of humanity and established for the protection of the lives of non-combatants at sea, could not in the nature of the case be observed by such vessels. It based its protest on the ground that persons of neutral nationality and vessels of neutral ownership would be exposed to extreme and intolerable risks, and that no right to close any part of the high seas against their use or to expose them to such risks could lawfully be asserted by any belligerent government. The law of nations in these matters, upon which the Government of the United States based its protest, is not of recent origin or founded upon merely arbitrary principles set up by convention. It is based, on the contrary, upon manifest and imperative principles of humanity and has long been established with the approval and by the express assent of all civilized nations.

Notwithstanding the earnest protest of our Government, the Imperial German Government at once proceeded to carry out the policy it had announced. It expressed the hope that the dangers involved, at any rate the dangers to neutral vessels, would be reduced to a minimum by the instructions which it had issued to its submarine commanders, and assured the Government of the United States that it would take every possible precaution both to respect the rights of neutrals and to safeguard the lives of non-combatants.

What has actually happened in the year which has since elapsed has shown that those hopes were not justified, those assurances insusceptible of being fulfilled. In pursuance of the policy of submarine warfare against the commerce of its adversaries, thus announced and entered upon by the Imperial German Government in despite of the solemn protest of this Government, the commanders of German undersea vessels have attacked merchant ships with greater and greater activity, not only upon the high seas surrounding Great Britain and Ireland but wherever they could encounter them, in a way that has grown more and more ruthless, more and more indiscriminate as the months have gone by, less and less observant of restraints of any kind; and have delivered their attacks without compunction against vessels of every nationality and bound upon every sort of errand. Vessels of neutral ownership, even vessels of neutral ownership bound from neutral port to neutral port, have been destroyed along with vessels of belligerent ownership in constantly increasing numbers. Sometimes the merchantman attacked has been warned and summoned to surrender before being fired on or torpedoed; sometimes passengers or crews have been vouchsafed the poor security of being allowed to take to the ship's boats before she was sent to the bottom. But again

and again no warning has been given, no escape even to the ship's boats allowed to those on board. What this Government foresaw must happen has happened. Tragedy has followed tragedy on the seas in such fashion, with such attendant circumstances, as to make it grossly evident that warfare of such a sort, if warfare it be, can not be carried on without the most palpable violation of the dictates alike of right and of humanity. Whatever the disposition and intention of the Imperial German Government, it has manifestly proved impossible for it to keep such methods of attack upon the commerce of its enemies within the bounds set by either the reason or the heart of mankind.

In February of the present year the Imperial German Government informed this Government and the other neutral governments of the world that it had reason to believe that the Government of Great Britain had armed all merchant vessels of British ownership and had given them secret orders to attack any submarine of the enemy they might encounter upon the seas, and that the Imperial German Government felt justified in the circumstances in treating all armed merchantmen of belligerent ownership as auxiliary vessels of war, which it would have the right to destroy without warning. The law of nations has long recognized the right of merchantmen to carry arms for protection and to use them to repel attack, though to use them, in such circumstances, at their own risk; but the Imperial German Government claimed the right to set the understandings aside in circumstances which it deemed extraordinary. Even the terms in which it announced its purpose thus still further to relax the restraints it had previously professed its willingness and desire to put upon the operations of its submarines carried the plain implication that at least vessels which were not armed would still be exempt from destruction without warning and that personal safety would be accorded their passengers and crews; but even that limitation, if it was ever practicable to observe it, has in fact constituted no check at all upon the destruction of ships of every sort.

Again and again the Imperial German Government has given this Government its solemn assurances that at least passenger ships would not be thus dealt with, and yet it has again and again permitted its undersea commanders to disregard those assurances with entire impunity. Great liners like the *Lusitania* and the *Arabic* and mere ferryboats like the *Sussex* have been attacked without a moment's warning, sometimes before they had even become aware that they were in the presence of an armed vessel of the enemy, and the lives of non-combatants, passengers and crew, have been sacrificed wholesale, in a manner which the Government of the United States cannot but regard as wanton and without the slightest color of justification. No limit of any kind has in fact been set to the indiscriminate pursuit and destruction of merchantmen of all kinds and nationalities within the waters, constantly extending in area, where these operations have been carried on; and the roll of Americans who have lost their lives on ships thus attacked and destroyed has grown month by month until the ominous toll has mounted into the hundreds.

One of the latest and most shocking instances of this method of warfare was that of the destruction of the French cross-Channel steamer *Sussex*. It must stand forth, as the sinking of the steamer *Lusitania* did, as so singularly tragical and unjustifiable as to constitute a truly terrible example of the inhumanity of submarine warfare as the commanders of German vessels have for the past twelvemonth been conducting it. If this instance stood alone, some explanation, some disavowal by the German Government, some evidence of criminal mistake or wilful disobedience on the part of the commander of the vessel that fired the torpedo might be sought or entertained; but unhappily it does not stand alone. Recent events make the conclusion inevitable that it is only one instance, even though it be one of the most extreme and distressing instances, of the spirit and method of warfare which the Imperial German Government has mistakenly adopted, and which from the first exposed that Government to the reproach of thrusting all neutral rights aside in pursuit of its immediate objects.

The Government of the United States has been very patient. At every stage of this distressing experience of tragedy after tragedy in which its own citizens were involved it has sought to be restrained from any extreme course of action or of protest by a thoughtful consideration of the extraordinary circumstances of this unprecedented war, and actuated in all that it said or did by the sentiments of genuine friendship which the people of the United States have always entertained and continue to entertain towards the German nation. It has of course accepted the successive explanations and assurances of the Imperial German Government as given in entire sincerity and good faith, and has hoped, even against hope, that it would prove to be possible for the German Government so to order and control the acts of its naval commanders as to square its policy with the principles of humanity as embodied in the law of nations. It has been willing to wait until the significance of the facts became absolutely unmistakable and susceptible of but one interpretation.

That point has now unhappily been reached. The facts are susceptible of but one interpretation. The Imperial German Government has been unable to put any limits or restraints upon its warfare against either freight or passenger ships. It has therefore become painfully evident that the position which this Government took at the very outset is inevitable, namely, that the use of submarines for the destruction of an enemy's commerce is of necessity, because of the very character of the vessels employed and the very methods of attack which their employment of course involves, incompatible with the principles of humanity, the long established and incontrovertible rights of neutrals, and the sacred immunities of non-combatants.

I have deemed it my duty, therefore, to say to the Imperial German Government that if it is still its purpose to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines, notwithstanding the now demonstrated impossibility of conducting that warfare in accordance with what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue; and that unless the Imperial German Government should now immediately declare and effect an abandonment of its present methods of warfare against passenger and freight carrying vessels this Government can have no choice but to sever diplomatic relations with the Government of the German Empire altogether.

This decision I have arrived at with the keenest regret; the possibility of the action contemplated I am sure all thoughtful Americans will look forward to with unaffected reluctance. But we cannot forget that we are in some sort and by the force of circumstances the responsible spokesmen of the rights of humanity, and that we cannot remain silent while those rights seem in process of being swept utterly away in the maelstrom of this terrible war. We owe it to a due regard for our own rights as a nation, to our sense of duty as a representative of the rights of neutrals the world over, and to a just conception of the rights of mankind to take this stand now with the utmost solemnity and firmness.

I have taken it, and taken it in the confidence that it will meet with your approval and support. All sober-minded men must unite in hoping that the Imperial German Government, which has in other circumstances stood as the champion of all that we are now contending for in the interest of humanity, may recognize the justice of our demands and meet them in the spirit in which they are made. [Long-continued applause.]

At 1 o'clock and 15 minutes p. m. the President retired from the Hall of the House.

Thereupon the Vice President and the Members of the Senate returned to their Chamber.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pend Oreille National Forest, Idaho, $10,320.

Mr. NORTON. Mr. Chairman, I would like to inquire of the chairman of the committee as to whether the Department of Agriculture or the Forest Service makes a report to Congress on each of these items, or does it merely report that there is a certain balance of the amount appropriated for each forest reserve?

Mr. LEVER. The department is required under the law to give a detailed statement of each appropriation. Whether they have done that or not in each forest I do not know.

Mr. NORTON. Does the gentleman's committee receive a statement from the department giving each item? Take the item just read. There is an appropriation of $10,320. Does the department report in detail how that amount is expended?

Mr. LEVER. All matters of expenditure in the Department of Agriculture are referred to the Committee on Expenditures in

the Agricultural Department. It would not come properly before this committee.

Mr. SMITH of Michigan. There is a Committee on Expenditures on Agriculture and they have a report with an itemized statement of every dollar expended.

Mr. NORTON. I am trying to find out whether the Committee on Agriculture has before it a report to which it can refer to ascertain how each item has been expended, whether it has been expended for bookkeepers or clerks or for men actually at work in the forests.

Mr. LEVER. It has before it this Book of Estimates, which gives very full information as to the details of expenditures proposed in the items and also a statement in detail of the manner in which the expenditures have been made for the fiscal year.

Mr. NORTON. I will say to the gentleman that for the most part the Indian Bureau reports in detail how each appropriation is expended, and the Committee on Indian Affairs knows, when an appropriation of $10,000 has been made and is expended, just how it has been expended, and knows each item for which expenditure under the appropriation was made.

Mr. LEVER. The gentleman's first question of me was whether or not the committee received or Congress received a detailed report, and my answer to him was that our committee as such did not receive that report, but that it went to the Committee on Expenditures in the Agricultural Department; but the Committee on Agriculture itself has had before it a detailed statement of the various purposes for which this money is to be expended, but it did not come to us in the nature of a report. We got it in the way of testimony.

Mr. NORTON. The itemized statements, of course, are made to Congress and not to a particular committee.

Mr. LEVER. Yes.

Mr. NORTON. What I want to know is whether such an itemized statement is made each year to Congress by the Forest Service, and whether it is available to your committee?

Mr. LEVER. We had a statement before the committee which we did not put into the hearings because it is enormously bulky, but it is at the service of the individual members of the committee and it showed in detail these expenditures.

Mr. NORTON. If that is true, then if the gentleman from Washington [Mr. HUMPHREY] desired to know just how the $10,320 appropriated under this item last year was expended he could refer to that itemized report?

Mr. LEVER. There is no doubt in the world about that. I will say to the gentleman that I personally have not had the slightest trouble in getting any information from the Forest Service, nor has the Committee on Agriculture.

Mr. NORTON. I had in mind that if such an itemized report was not made it should be made.

Mr. LEVER. It is made.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Pike National Forest, Colo., $10,165.

Mr. HICKS. Mr. Chairman, I move to strike out the last word, and I do so not because I am opposed to the item, but for the purpose of asking a few questions of the chairman, with his permission, and one of them is in regard to the Montezuma National Forest, carried in line 8, page 35. Is that a part of the Mesa Verde National Park?

Mr. LEVER. Mr. Chairman, I would say to the gentleman that I really do not know. There are 155 of these forest units, and it is almost impossible for members of the committee to remember just how the segregation is made.

Mr. HICKS. Wherever any of those great prehistoric ruins, such as are found in the Mesa Verde, are located in a national forest, are they taken care of under the appropriations we are making in this bill?

Mr. LEVER. No. They go to the Committee on Appropriations, and as I recollect it they are carried in the sundry civil appropriation bill.

Mr. HICKS. One more question. The great bulk of the foresters are paid just a little over $90 a month, as I understand it?

Mr. LEVER. Yes.

Mr. HICKS. Out of that amount do they not have to provide horses and fodder for their horses, as well as their own keep?

Mr. LEVER. Yes.

Mr. HICKS. And their own board?

Mr. LEVER. Yes.

Mr. HICKS. Does the department have any trouble in finding men to take those positions under those conditions?

Mr. LEVER. I think not. The department has been rather successful in getting a very high class of men in this service.

Mr. HICKS. I want to pay my tribute to those men. I have been among them; I have seen them on the range; and the enthusiasm, earnestness, and conscious pride with which they perform their work in the solitudes of those unbroken wildernesses is worthy of consideration and congratulation.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. HICKS. Yes; with pleasure.

Mr. HAWLEY. A great many of the men who do the work on the national forests are settlers in the forests or residents on near-by lands. During the summer months when they have leisure time they work on the national forests to get money with which to improve their claim or to make a living.

Mr. HICKS. Then they do not have to give all of their time to the service of the Government?

Mr. HAWLEY. A great many, the gentleman will remember, under the terms of the bill are employed for a service not exceeding six months.

Mr. HICKS. Does their pay stop when they quit work?

Mr. HAWLEY. Yes; they are paid for the months of service.

Mr. HAUGEN. They do trapping and hunting in addition, for which they get paid.

Mr. HICKS. Mr. Chairman, I withdraw the pro forma amendment and thank the gentleman from South Carolina for his courtesy.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Selway National Forest, Idaho, $12,659.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that most of the amounts in these forests items are changed, so that I suppose the intention is to have the appropriations for the ensuing year correspond with the expenditures for the past year. Of course they can not tell just what they are in the current year; but in this item there is carried an appropriation of $12,659 for the current year, and they still carry the exact amount. That is very close figuring—$12,659. They must figure these items very close if after a year's experience they find that it was just the right amount to appropriate—the odd thousands and $59 instead of $60.

Mr. LEVER. The gentleman will find that running though the entire department.

Mr. MANN. Oh, there are some places, but most of them are in round sums.

Mr. LEVER. In these forest items that is true, but in other items they have figured it out even to the cent.

Mr. MANN. Oh, no; not in many. Most of the appropriations are in round sums, in the large items.

Mr. LEVER. It is true that these are subject to the same criticism.

Mr. MANN. Oh, I have not made any criticism.

Mr. LEVER. I mean suggestion.

Mr. MANN. Not even a suggestion. I congratulate the service when they can figure out that it is going to expend $12,659, that that is the exact amount that they want two years hence, because that is what they have expended.

Mr. LEVER. I see the gentleman's point, and it may be well taken.

Mr. MANN. Oh, I say I congratulate the service.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Targhee National Forest, Idaho and Wyo., $5,956.

Mr. McCRACKEN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, line 12, strike out "$5,956" and insert in lieu thereof the following: "$80,756: *Provided*, That of the foregoing sum $75,000 shall be used for the construction and improvement of the highway from the southern boundary line of the Targhee and Madison National Forests into Yellowstone Station on the west border of the Yellowstone National Park and commonly known as the Utah-Idaho-Yellowstone Highway."

Mr. LEVER. Mr. Chairman, reserving the point of order, I would like to ask the gentleman how much time does he desire?

Mr. McCRACKEN. Not more than five minutes.

The CHAIRMAN. The gentleman from Idaho.

Mr. McCRACKEN. Mr. Chairman, perhaps more people traveled through the Yellowstone Park last year than ever traveled through that great scenic region before. Many of them had made the trip all the way by automobile from the Atlantic coast, traveling over the Lincoln Highway as far west as San Francisco, and then upon their return eastward they took the side trip from Pocatello and Salt Lake City over this highway, known as the Utah-Idaho-Yellowstone Highway. Now, I want to say to the gentlemen of this House, that this road, which is nearly 300 miles in length, has been constructed by the counties of Idaho which lie between Salt Lake City and the Yellowstone National Park. Fifty miles of this highway

run through the Targhee National Forest, and I think that the Government of the United States ought to bear its part in its construction.

The people along the highway in the different counties have expended thousands of dollars in the upkeep and repair of the road. Now, all I ask you to do is to permit the Forestry Bureau to expend the small sum of $75,000 in the reconstruction of that part of the highway which runs through the Targhee National Forest, a distance of approximately 50 miles.

Last summer, when I was in the Yellowstone National Park, I met men from Maine, New Jersey, Texas, Oklahoma, Missouri, Nebraska, Illinois, and Florida, who had traveled all the way from their homes in their automobiles, passing over this highway to and through the Yellowstone Park, and it seems to me that this amendment deserves consideration by this House.

Since the people of my State have gone to the expense which they have to construct a highway which is fitted for the people of your States to travel upon after they have reached that section of the country, surely the Government of the United States ought to construct a highway through its own forest, and that is all we ask you to do. I earnestly ask the consideration of the committee at this time for the adoption of this amendment. It will only be a short time until the proceeds from the Targhee National Forest will be sufficient to repay the Government for the money which it should now expend in the construction of this highway. Why should not this matter receive consideration by the gentlemen of this House? There are men from your own States who will travel over that highway this year and who will travel over it next year. Automobiles were only permitted to pass through the park last year, yet something like 6,000 automobiles went through it in the month of August. By the building and improving of this highway you would thereby teach your people to "see America first," rather than spend their money in Europe. Why, when this war broke out in Europe there were 3,000,000 American citizens over there on sight-seeing excursions. Last year they could not go to Europe, and as a result many of them went to San Francisco, and while en route either to or from the fair they visited the Yellowstone National Park, and in that way obtained a knowledge of this country which they never had before. I insist that the point of order ought not to lie as against this amendment, and I hope that it may be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Idaho may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I want to ask the gentleman in reference to this road; just where is the Targhee National Forest?

Mr. McCRACKEN. The Targhee National Forest is in the southeastern part of the State of Idaho, and it borders upon a portion of the west side of the Yellowstone National Park.

Mr. MANN. It is on the western border of the Yellowstone National Park, on the west side?

Mr. McCRACKEN. It borders on about one-half of the west boundary of the park.

Mr. MANN. Does it run north as far as the park runs north?

Mr. McCRACKEN. No, sir.

Mr. MANN. Where is the Madison National Forest?

Mr. McCRACKEN. The Madison National Forest is in the State of Montana, and borders on the west boundary of the Yellowstone National Park.

Mr. MANN. Lies between the park line and Montana?

Mr. McCRACKEN. Yes; to the north and west.

Mr. MANN. Is that north of the Targhee?

Mr. McCRACKEN. Yes, sir.

Mr. MANN. I will say to the gentleman that my only information on the subject is carried by the bill. You call it a highway. It is simple to me to call it a road. That is what it is, and not much of a road at that, possibly. How far does this road propose to run? How does it connect up with the Yellowstone Park, and what other entrances are there to the Yellowstone Park?

Mr. McCRACKEN. There is a north entrance to the Yellowstone Park, which is at Gardner, in the southern part of Montana; the east and south entrances are in Wyoming, and the west entrance on the west boundary of the park, located at Yellowstone, Mont., just over the Idaho line, which is the terminus of the Yellowstone Branch of the Oregon Short Line Railroad.

Mr. MANN. And people go in there now?

Mr. McCRACKEN. Oh, yes; during the summer season.

Mr. MANN. How?

Mr. McCRACKEN. By wagon and by automobile.

Mr. MANN. How do they go there by automobile?

Mr. McCRACKEN. They go into the park over the road which I have just referred to, and which runs from Salt Lake City, through Utah and Idaho, to the west entrance on the boundary line of Yellowstone Park.

Mr. MANN. What kind of road is it?

Mr. McCRACKEN. For the most part it is a dirt road and is in good condition. At one point on this road and within the Fort Hall Indian Reservation, the State of Idaho expended $40,000; and this is the road for which I now ask for $75,000 to be used at certain points in the Targhee Forest which need improvement and repair. It is located in the mountains where the altitude is some 8,000 feet, and the gentleman will understand that the melting of the heavy snows in that region in the spring of the year causes washouts in the road which must be repaired before auto tourists can travel them. These repairs are made in part at least by the employees in charge of the Targhee National Forest.

Mr. MANN. I have been led to believe from the reading of the forestry experts—that is a sort of a fad of mine—that wherever we find a forest the mountain streams from the range were never permitted to wash gullies or anything of the kind on the land or the roads. That is one of the chief reasons for having a forest reserve.

Mr. LEVER. Has the gentleman concluded?

Mr. MANN. Yes.

Mr. McCRACKEN. I would like to ask the gentleman from South Carolina [Mr. LEVER] if he proposes to insist upon the point of order against my amendment?

Mr. LEVER. I will say to the gentleman that I shall insist on the point of order. It is clearly subject to the point of order, and I will say to him that there are a number of bills pending before the Committee on Agriculture which look to the character of work that the gentleman proposes to do, and I assure the gentleman as soon as this bill is finished I hope to have a report from one of the subcommittees on that proposition. There may be a bill reported from the committee, but I do not know. So for the present I am constrained to make the point of order.

Mr. McCRACKEN. Does the gentleman refer to the bill introduced by Representative TAYLOR of Colorado?

Mr. LEVER. It is a bill collaborated in by Mr. TAYLOR and Mr. MONDELL and other gentlemen from the West.

Mr. McCRACKEN. And does that bill seek to permit the Forestry Department to apply receipts from the forest reserves to the construction of roads within the forests?

Mr. LEVER. Yes.

Mr. McCRACKEN. Where is that bill?

Mr. LEVER. It does a little more than that. The bill provides that in addition to that the funds out of the Federal Treasury to be used for the building of roads in the national forests are to be repaid into the Treasury out of receipts from the national forests from time to time. The subcommittee has been appointed on that bill and others.

Mr. McCRACKEN. Does the gentleman think there is a fair prospect for the passage of the bill?

Mr. LEVER. There is a good prospect for the consideration of the bill by the committee.

I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I have always been known as a park man.

I think I have never voted against a park or the creation of a park. I believe in national parks and national forests, but what has just been said leads me to make a remark: There is a tendency on the part of many people to think that whatever they have must be fully improved at once. Some people, if they build or buy a house, want to go to a store and buy all the furniture to fill it up at once. That is not the way to furnish a house; it is not the way to improve a park.

To set aside a piece of ground as a park or a forest, so that it will not be taken for other purposes, with a view to its future improvement, is one thing, but to say that the national forests which we run at a loss all the time, which we hold in the interest of a succeeding generation, so that we may have timber owned by the General Government when much of the privately owned timber has been disposed of, and then to say that in addition to all that we shall expend all the money we receive from the sale of timber in those national forests to build roads through them for the benefit of sightseers is to me a preposterous proposition. If we have these great national forests and great

national parks throughout the country saved for the future, it ought not to be expected that we will so improve them now that people will see everything in them from an automobile passing by. The truth is that one does not really enjoy a park or a forest unless he goes through it under hardships. For a man to really enjoy a forest, he must walk through it, climbing over logs, up the hillsides, over the rocks, swimming a stream now and then, and walking through the wet morass.

Mr. JOHNSON of Washington. That is the way the mails are delivered to us. [Laughter.]

Mr. HAWLEY. It sounds beautiful.

Mr. MANN. Now, there is an association of automobilists throughout the country attracting the attention of everybody toward the building of highways—a laudable and proper function for them. They have the idea that they can stampede the country into having the Government build automobile roads wherever anybody's fancy may lead him to want to go. I do not deny that there ought to be such roads constructed in many places, but I object decidedly to the idea carried in some of the bills which have been introduced that where the Government has retained for the future a large area of land, for development in the future for the pleasure and profit on the one side and the other of the people, that that puts us under an obligation at once to put it in shape as though it were a parlor in our homes. There will be people here when we are dead and gone. Let them do some work and have some of the pleasure of improving these great forests and parks. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Additional national forests created or to be created under section 11 of the act of March 1, 1911 (36 Stat. L., p. 963), and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said act, $67,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. What authority is there now for us to make an appropriation for the purchase or the acquisition by condemnation proceedings of additional land in these Appalachian forests?

Mr. LEVER. I will ask the gentleman from Georgia [Mr. LEE] and the gentleman from Oregon [Mr. HAWLEY], members of the National Forest Commission, to take care of this item.

Mr. HAWLEY. There is yet an unexpended balance of the appropriation made some years ago for the purpose of making purchases of land.

Mr. MANN. I know that appropriation has been made.

Mr. HAWLEY. Yes.

Mr. MANN. But what authority is there to make an appropriation for that purpose now? This makes an appropriation for that purpose.

Mr. HAWLEY. This makes an appropriation to care for the forests after they have been acquired by the Government and placed under the supervision of the Forest Service in the Department of Agriculture. This is not to buy any land, but to care for the land after it is purchased, just as the other national forests are cared for.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MANN. Oh, I see the purpose. This is to be read in connection with the original paragraph. It is not for the acquisition of lands, but just for the care of lands already acquired?

Mr. HAWLEY. Yes.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I do not yield to anybody just at present.

There was expended on this Appalachian system last year a total of $1,139,141.26. I have handled in a way real estate all my life, and bought and sold, but I can not say very profitably, but it has not sent me to the poorhouse yet. Maybe it will. Now, I find the expense to the Government of buying this property amounts practically to about 20 per cent of the amount that is paid—maybe not—for Forest Service salaries, $108,000. Maybe that includes the care; but out of the $1,139,141.26 expended for this service $916,000 was expended for the purchase of land and for salaries and solicitors' offices and things of that kind, and there was expended the sum of $160,000 plus $62,000, which amounts to nearly 20 per cent of the total expenditure.

Well, I suppose the titles down there are not very perfect. Perhaps we ought to exercise a great deal of care about them. But I should say that $51,000 for legal expenses in addition to traveling expenses, the two combined amounting to over $62,000 for legal expenses in connection with the purchase of a million dollars' worth of property, was a very high rate of lawyer's fees.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAWLEY. As I recall, part of that legal expense paid this last year was for land that had been bought some years ago. The titles to such lands as we buy in the Appalachian Mountains are very frequently seriously imperfect. The measures necessary to secure adequate title are frequently expensive, and the expenses were made in this year, but the purchase of the land had been previously authorized.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. Undoubtedly that has been the case, but these legal expenses have continued from year to year about the same. Much of the legal expense of the land bought last year was incurred the year before, and the year before that. I do not know just how far they go to the expense up here of finding title from the time of Queen Anne or Henry VIII, tracing it down, and knowing who lived on the land, or looked at it; but I suppose they are very careful, because there is no limit to the amount of money which can be paid to them for such expenses.

Mr. HAWLEY. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAWLEY. The gentleman was entirely correct in his remark a moment ago that the titles, especially in the South, are very imperfect, and it has been the practice of the Department of Justice to accept nothing that does not vest title without doubt in the Government. It must be an absolutely good title or they do not accept it.

Mr. MANN. Mr. Chairman, a title guaranty company would have examined these titles and given a guaranty to the Government of the validity of the titles for half of the expense that the Government has incurred, paying its own examiners of titles, and we have no guaranty now. They will find out that some of these titles will fail——

Mr. HAWLEY. The gentleman would not hold the commission chargeable with that? The law fixes the way in which the titles shall be passed.

Mr. MANN. Oh, I am not holding the commission chargeable for any of this. I hope the distinguished gentleman from Oregon [Mr. HAWLEY] and the other distinguished gentleman from Georgia [Mr. LEE], members of the commission, will not think I am criticizing the commission. In the first place, the commission do not know and can not know a great deal about the details of things of this sort, except as presented to them in a general way. They are not paid anything extra for their services, which have been rendered willingly, freely, and with great effect on this commission. But, of course, all this work is not done under the direct eye or hand of the members of the commission. It seems to me that it is a rather high expense. I do not know why the Government should be much more particular in buying farm land of the poorest kind——

Mr. LEVER. Forest land.

Mr. MANN. Oh, well, whatever you call it, it is farm land, for farm purposes. There is no forest to speak of on most of it. The forest has been cut off. I do not know why the Government should be much more particular than an ordinary citizen who buys that land; but if a citizen down there buying this land, or if the purchasers of timberlands—and there have been a great many species of timberlands purchased in Virginia and south of there—should spend 10 per cent of the cost of the land on attorney's fees, they would think they were going to the poorhouse. If anyone should propose that, they would drop dead from heart disease. I will ask the gentleman from Michigan [Mr. FORDNEY], whom I never asked about it, whether anyone expects in buying timberland to pay 10 per cent attorneys' fees for examining the title.

Mr. FORDNEY. It is absurd.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. MANN. No; I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. TILSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking for some information in regard to the lands purchased under the act referred to in this paragraph. I was very much interested in the passage of that act, and should like to know in a general way just what has been done under it, whether the lands that have been purchased

have been designated as national forests, whether these forests have a name as well as a habitation, and, in general, what has been done with the land that has been purchased under the act?

Mr. HAWLEY. The land that has been purchased under the act has been divided into national forests, but is administered at present under one general appropriation in the bill. These forests are known by names, both in the New England States and in the Southern States. They have individual names.

Mr. MANN. If the gentleman will get House Document No. 130, of this session of Congress, he will find a pretty full description, including maps giving the location of all of these forests.

Mr. TILSON. Does it show the White Mountains as well as the Appalachians?

Mr. MANN. Yes.

Mr. HAWLEY. There is a map of the White Mountain region.

Mr. LEE. It gives the area, the acreage, and the price.

Mr. TILSON. My question was directed especially to what is being done with these lands now. Does anybody live on them?

Mr. HAWLEY. They are cared for the year round by supervisors who have charge of them, and special fire protection is given to them during the summer months. The supervisors of the forests are supposed to remain at or near them at all times, to take charge of them.

Mr. TILSON. Were any clearings or cabins included in the lands purchased in the southern Appalachians?

Mr. HAWLEY. Occasionally a clearing where it was in the body of a larger purchase, with some old buildings on it, but no buildings of any value have been acquired. We have paid for nothing except the value of the land, and whatever forest products there might be on it.

Mr. TILSON. Is there much good standing timber on the lands in the Appalachians?

Mr. HAWLEY. We have bought occasionally some hardwood like oak or poplar and occasionally a virgin forest of spruce and some pine, but generally the lands have been cut over at least once, the better timber being taken off.

Mr. TILSON. Mr. Chairman, referring to the large expense of securing title to lands, I happen to know something of the difficulty of securing title to some of those lands, especially in the southern Appalachians. Before I left that country it was my business, as a sort of avocation, to survey, and I did survey for private individuals some of the lands in the region where are now some of those reservations in the southern Appalachians. I know for a fact that many cases like this occurred. One man would make an entry and receive a State grant for a tract of mountain land. Then some one else, disregarding the first entry, would enter again upon the same land. Later on, a squatter would come along and settle upon the land and hold it under adverse possession for a number of years. Then there would be a contest between the first man entering, the second man entering, and the squatter who had come on later and that held the whole or a part of it under adverse possession for a number of years. So I can readily understand how the difficulty of straightening out the titles in that region might be somewhat great.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. TILSON. Certainly.

Mr. JOHNSON of Washington. Did these disputes bring in an agent of the Interior Department as well as an agent of the Agricultural Department at the same time?

Mr. TILSON. I know nothing at all about the difficulties that the United States has had. My own experience in the matter was prior to the time when the Government began to acquire land there. I was speaking of the general difficulties of titles in that part of the country. Probably the Department of Agriculture has had to contend with some of those difficulties, but personally I know nothing about the difficulties which have been encountered.

Mr. FORDNEY. The great difficulty in the titles to those lands is chiefly where records were destroyed during the Civil War, breaking the chain of title. State laws have been enacted which permit those titles to be put through the court of chancery to confirm the title, and it is done very quickly and cheaply in that way in the average Southern State.

Mr. TILSON. In addition to the other difficulties referred to, some of these mountain lands have not been profitable always, and sometimes have not yielded anything, and many of them have been sold for taxes, so very often a tax title enters into the problem to complicate it.

Mr. MANN. Mr. Chairman, the gentleman asked whether anything was being done with these lands that were purchased, whether we were taking care of them. We are appropriating half a million dollars a year to take care of them. The total appropriation was——

Mr. HAWLEY. Eight million dollars.

Mr. MANN. I was thinking it ran up into the neighborhood of $15,000,000, but evidently I was mistaken. Well, we buy land worth $8,000,000 and spend a half million dollars a year to take care of it. That is a pretty high expense.

Mr. HAWLEY. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAWLEY. The amount appropriated in this bill for taking care of the forests purchased under the so-called White Mountain and Appalachian law is $67,000.

Mr. MANN. The gentleman is correct and I am wrong.

Mr. HAWLEY. For the maintenance of the district service for these forests there is appropriated $14,900.

Mr. MANN. I was figuring for the moment that these districts were for the Appalachian Reserve, but they are not. They are for the general service. If we are only expending $67,000 on the Appalachian and White Mountain Reserves, I think we are doing very well. Although I was mistaken in regard to the amount, I was right in thinking it was an extravagance.

Mr. LEE. If the gentleman will pardon me, I think it costs 5 cents an acre to protect these lands a year.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MANN. Yes.

Mr. JOHNSON of Washington. Does the gentleman know what has been spent for fine automobile roads in the forest reserves behind Biltmore and why we should be burdening future generations with our roads in the country where there is no hope of resource in the form of timber?

Mr. MANN. I know I have been to Asheville several times, and in my judgment about the only thing a large share of the land around there is good for is to raise forests. I think it is suitable for that, and if I was running a place down there I would have an automobile road to connect with the Biltmore Road, so that the many, many people who go to Asheville for their health—for a tuberculosis cure—could get out and have a chance to ride on those roads.

Mr. JOHNSON of Washington. And let the Government pay the bill.

Mr. MANN. Let the Government pay a very small part.

Mr. HAWLEY. The automobile road in Mount Pisgah National Forest was there when the Government bought it. We do not own the Biltmore Forest, but we do own the forest known as Pisgah, which is just across the French Broad River from the Biltmore Forest. Mr. Vanderbilt had constructed a fairly good mountain road from the end of the county road up to Buck Springs Lodge on the summit and down on the other side of the mountain.

Mr. MANN. And we did not build the road.

Mr. HAWLEY. It was there when we bought the Pisgah Forest.

Mr. MANN. And we have not torn it up yet. [Laughter.]

Mr. HAWLEY. I hope we never will.

Mr. LEVER. Let me say further that the amount of money that may be expended for road building is fixed by law.

Mr. MANN. How much is it?

Mr. LEVER. It is 10 per cent of the general appropriation and 25 per cent of the proceeds of the forests.

Mr. MANN. That is what we donate to the county and State. I do not recollect of any law that fixes the amount that the National Government can appropriate.

Mr. HAWLEY. Ten per cent of the receipts from the forests are used by the service in building roads and trails in the forests, and then on page 41 there is a further appropriation for $400,000 for roads and trails through national forests.

Mr. MANN. Oh, yes; but there is no provision of law that restricts the amount that may be expended for road building.

Mr. HAWLEY. Only that it provides for the expenditure of these sums and does not provide for the expenditure of additional sums.

Mr. MANN. I do not suppose that they can expend money unless it is appropriated.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

In national forest district 2, $48,400.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Yesterday there was some discussion, as there has been to-day, of the need of roads within the forest reserves. Attention was called to the fact that the need was so very great,

the reserves being largely mountainous, road building difficult and expensive, that it was impossible to meet the demand for roads and to provide the necessary roads with the 25 per cent of the reserve income which goes to the State, and with the 10 per cent of the forest income which may be and is used for road building by the Secretary of Agriculture.

Early in the session I introduced a bill the purpose of which was to provide for an advance of funds, to be reimbursed, for the construction of roads in a forest reserve in the State of Wyoming to the extent of about $80,000.

Several bills were introduced later along the same line, having in view the construction of roads in forest reserves in various parts of the country. Later a general bill was introduced which has been referred to the committee, proposing a fund of $10,000,000—$1,000,000 to be appropriated annually in the way of advances for the building of these roads. I think the situation in the forest reserve for which I introduced a bill is a situation which will clearly illustrate not only the necessity for this road construction but the wisdom of it, with a certainty that if the funds are intelligently expended the Federal Government will be reimbursed within a reasonable time for its outlay.

In the reservation to which my bill applies the Government is now selling timber for which it receives about $60,000 per annum for stumpage. In order that the Government contractors, the contractors under the Government for this timber, may reach their timber, it has been necessary for the county to build and maintain a long, difficult, and expensive road. The county must bear that expense, because this road approaching the timber is not on the reserve, but in the open country adjacent to it, so the county actually builds and maintains the road, which in the main is used for the purpose of getting out the timber which the Government is selling at the rate of $60,000 per annum. These timber sales will continue for at least 20 years, according to the estimate of the Agricultural Department, so that ultimately the Government will receive from this source above a million dollars, if the estimate be correct. Beyond where the county maintains the road is a very considerable stretch of road running through the reserve that is not only needed by the Forest Service, but is a very important highway, reaching from the headwaters of the Wind River to the headwaters of the Snake River, a road of very great importance from the standpoint of the reserve and the people on both sides of the forest reserve. It is very clear that the 10 per cent fund available for that construction, which would only amount to about $6,000 a year, would not build the road within the reserve, some 35 miles in length, in time to make it of any value to this generation.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. On the other hand, the Government may safely advance funds for the construction of that particular road, at least, by reason of the assurance that the department has that the sales of timber in this immediate locality in the next few years will reimburse the Government expenditure. It is proposed in the bill which is now before the committee, and which we are assured will receive careful, and we hope favorable, consideration, that out of the appropriations that are made the Secretary shall select roads where conditions exist necessitating road building for the benefit of the Forest Service and the surrounding community, and where the conditions are such as will reasonably insure an early return of the investment made by the Government. By making these advances we very greatly aid the Government in the disposition of its resources in the reserves; we make the roads available in the near future when, if we followed the line of procedure which we have been following in the past, the roads would not be useful during the period when most needed by the Government for the disposition of the forest products. We hope that this bill will be favorably considered and passed at an early date.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words; and I would like to have the attention of the chairman of the committee. What is the understanding of the chairman of the committee as to what constitutes a forest district?

Mr. LEVER. The total forest area of the United States is divided up into seven forest districts, with headquarters at certain points. The headquarters of forest district No. 1 is at Missoula, Mont., and of No. 2 at Denver, Colo., and so on. Each of these seven districts has its capital, so to speak, and concentrated there are the men who are the experts in the various lines of activities carried on by the Forest Service. You have your grazing experts, the timber experts, and the like of that, and in addition to that you also have your disbursing officer and your law clerk, who passes upon permits and titles to entries and the like of that.

Mr. BENNET. Then each one of these national forests that we have been passing over here in the last day or two is in a forest district?

Mr. LEVER. That is correct.

Mr. BENNET. Then I want to call the attention of the gentleman to what seems to me is a very great danger of bad administration; and I say this with some experience in both State and city affairs. Here are comparatively large sums for necessary miscellaneous expenses incident to the general administration of the Forest Service. Then these other items, commencing on page 31, are for salaries, and field and station expenses, and so on, including maintenance—in other words, the same general character of service, to a certain extent, as that contemplated under these latter items.

It has been my observation in the city of New York, in the State of New York, and in the Government that wherever you give a department a chance to duplicate or have two offices, each of whom can do the same thing, that two or three things are certain to follow. First, there is a duplication of work, and, second, if the power that controls the purse strings attempts to curtail the doing of the work through a particular official, then the work is shifted over onto the other official, where there has not been so much scrutiny, and the result is a multiplation of appropriations and a duplication of work, and, what is more serious than either, a decrease in efficiency.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAWLEY. The suggestion I was going to make related to the first part of the gentleman's remarks relative to the forest districts. If the gentleman is interested and would apply to the Forest Service, they will send him a map of the United States with the forest districts marked on the map, showing how the country is divided into forest districts.

Mr. BENNET. I can not say that I am particularly interested in the geographical distribution, but I am interested because of some extensive experience in administration affairs.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield on that point?

Mr. BENNET. Yes.

Mr. HAWLEY. Take, for instance, the forest district which consists of Oregon and Washington. There is a forest office of a general character in Portland. Then, for the administration of the several forests there is a supervisor's office at Albany, about 90 miles south of Portland; another at Eugene, still farther south; another at Roseburg, 200 miles south; and another at Grants Pass, about 300 miles south; and there are many others in the two States. But I am speaking of those now on the west side of the Cascade Mountains in Oregon, a part of which I have indicated. The forest work is administered from these subordinate offices. The central office has supervision of all the work, approves of sales of timber, grazing leases, other contracts, and on other business arising out of the forests sent by the local officials from the local divisions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. HAWLEY. So that the money is not all expended from the forest district office, but is expended from the subordinate offices as well, so the danger of duplication of work is somewhat eliminated by reason of that, each office having appropriated to it or available for its expenditure the money available for the forest over which it has control, or that portion of it.

Mr. BENNET. As I caught the gentleman's statement there are about seven of these suboffices, is that right?

Mr. HAWLEY. In the district?

Mr. BENNET. Yes.

Mr. HAWLEY. There are more than that; I only named a few.

Mr. BENNET. How many forests are in that district?

Mr. HAWLEY. In Oregon and Washington there are some 28.

Mr. JOHNSON of Washington. If the gentleman is going to include Washington, he has not detailed the offices in western Washington.

Mr. HAWLEY. I only named a few for the purpose of illustration to show how the work is divided. There are how many forest reserves in Washington?

Mr. JOHNSON of Washington. In the district I have the honor to represent, 3, and 11 in the State. The district forester always has an office outside of the forest reserve, and he has a head officer at some large central point, near the forest reserve, and then you have the ranger station, where these fellows hide out all winter, hibernate.

Mr. BENNET. What you might call duplicating offices would be in connection with a particular set of transactions, we will say. There is the ranger office, an office in the forest, and the district superintendent's office. He has two offices.

Mr. JOHNSON of Washington. The district superintendent of Oregon and Washington is, I believe, at Portland; but the supervisor of the Olympia National Forest has his office at Olympia, Wash.; and, then, there is an office at Denver, Colo., I take it.

Mr. BENNET. Then comes Denver, Colo.

Mr. JOHNSON of Washington. That is where the supplies come from.

Mr. HAWLEY. All these district officers, of which there are seven, have direct relation with the Forest Service Office in Washington.

Mr. BRITT. Will the gentleman yield?

Mr. HAWLEY. I have not the floor.

Mr. BENNET. I will yield to the gentleman from Oregon to answer the question.

Mr. BRITT. The seven forestry districts to which the gentleman from Oregon refers—are they provided by statute or departmental regulation?

Mr. HAWLEY. These districts are created by the Forest Service to accomplish the administration of the forests in the most economical and efficient way according to their judgment. Then, they are appropriated for by Congress upon the division made by the service.

Mr. BENNET. Then, the answer is they are created by the department and not by statute.

Mr. BRITT. One other question. There is a list of forest reserves provided for specifically, commencing page 31 and ending page 38. Now, then, those in my district, five in number, are not included here. Do I understand the provision for their maintenance and operation is included in the general district——

Mr. HAWLEY. The gentleman means the Appalachian Forest?

Mr. BRITT. Yes.

Mr. HAWLEY. The gentleman will find them provided for on page 38, lines 10 to 15. Now, if the gentleman will yield further, in the administration of the national forests, the first man who comes in contact with anyone who desires to do business with a forest is a ranger. Somebody will want a permit to graze sheep, cattle, or horses on the reserve, or cut some timber. They see the ranger, talk it over with him, and a temporary agreement is made. This goes to one of these local offices where the facts are stated. If there is a dispute, an investigation is made of that matter, and the question at issue settled. A contract is then made at the local office for grazing, the selling of timber, or whatever the subject matter may be.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAWLEY. Mr. Chairman, I am very much opposed to this motion to strike out the last word, and I ask to be recognized for five minutes.

Mr. BENNET. Mr. Chairman, I will yield the floor and let the gentleman take the floor.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none.

Mr. HAWLEY. Then the local office passes upon the contract—the tentative contract entered into by the ranger. That contract after being passed on by the local office is then sent to the division office in Portland for its information and approval when necessary. They have the authority to enforce the contract. This arrangement has been made by the Forest Service, I believe, from the standpoint of efficiency and to prevent improper contracts being made and to provide some general supervision of the entire work. Rangers, in making agreements for grazing, might admit too many on the forest or too few. There are continually complaints arising. There are also complaints of the price charged for timber, or where a trespass occurs. Complaints are made that the charge for trespass is in excess of the damage done.

Mr. BENNET. There is no man in the House who is better equipped on this subject, and I gather it that the gentleman thinks there is a necessity for all this machinery?

Mr. HAWLEY. We have the national forests and desire to protect them, to sell products from them, and administer them generally as property of the Government. We must have machinery with which to accomplish that. Whether this is more expensive than it ought to be can not be told until some different system that is just as effective has been installed and tried out.

Mr. BENNET. I think there is a defect in the gentleman's logic. The gentleman belongs to one of the finest committees of the House, that has grown up with the forest problem. Does the gentleman think it worth while, now that the attention of the House has been called to the extent of the machinery, to investigate and see whether there is not too much of it? I was out of the House for four years——

Mr. HAWLEY. I will say in answer to the gentleman's question on that point that I have investigated, and as the expense for the administration of forests is increased——

Mr. BENNET. The greater the deficit?

Mr. HAWLEY. The greater the deficit, possibly; and the committee has been trying to avoid it. I have traveled over the forests, but I am not prepared to recommend a different system. The only way to establish a standard is to establish another system and see which one of the two is the best.

Mr. BENNET. There are great forests in private ownership. Do they have as cumbersome a system as the Government of the United States does in connection with its national forests?

Mr. HAWLEY. So far as the privately owned forest or timbered lands are concerned, there is no attempt to care for them on such a scale or plan. They were formerly cared for so little in our State that the legislature passed a law requiring one of two things, that the individuals form an association for the protection of their lands under the supervision of the State forester and pay an assessment for the care of them, or, if they did not do so, the State cared for them at the expense of the owner, and the cost of caring for them was put on the tax roll of the county in which the lands were situated and collected as a part of the annual tax.

Mr. BENNET. That was a protection against fire?

Mr. HAWLEY. I say that there had been no systematic attempt on the part of the private owners to care for their timbered lands to the same extent as is done by the Government.

Mr. MANN. Does the gentleman know how the cost of caring for the national forests of the West compares with the cost of caring for the Bronx National Forest in the gentleman's district?

Mr. BENNET. Ours is much more expensive.

Mr. HAWLEY. I suppose the Bronx serves purposes our forests do not serve.

Mr. MOORE of Pennsylvania. I wanted to ask the gentleman from New York, in the time of the gentleman from Oregon, whether they confine themselves in the Bronx forest reserve to one kind of trees?

Mr. BENNET. Oh, no; and neither do they in Oregon. They have a lot of trees in Oregon, of all kinds and conditions.

Mr. MANN. They send some tall timber here. [Laughter.]

Mr. MOORE of Pennsylvania. They do; a Woodman of the World.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

In national forest district 3, $55,200.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

I agree with the gentleman from Illinois that there ought to be a little speeding up of the business of the House, and it seems to me that this would be a good place to begin. We have dealt with this national forest reserve situation now for two or three days, and it seems to be the troublesome section of the bill. It is unfortunate the Committee on Agriculture is not in the position the Committee on Rivers and Harbors found itself in in a matter of this kind. One of the difficulties in passing the rivers and harbors bill was the discussion that constantly ensued over flood prevention, relating to appropriations along the Mississippi and its tributaries. That was the backbone of obstruction to the rivers and harbors bill in former sessions of Congress, as the national forest reserve seems to be the cause for annual discussion in this bill, which ought to pertain solely to agriculture.

I would not for a moment remove forests from agriculture, generally speaking, or attempt to differentiate——

Mr. FESS. With the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. Is not this the main trouble, in dealing with these bills, that one has too much water in it and the other has not enough water?

Mr. MANN. The trouble there was a flood of water and here is a——

Mr. MOORE of Pennsylvania. Flood of eloquence. I want to ask the forceful chairman of the committee, the gentleman from South Carolina [Mr. LEVER], why he does not resort to some such method as the gentleman from Mississippi [Mr. HUMPHREYS] did in his treatment of the troublesome problem in the rivers and harbors bill, namely, induce some one, our friend from Washington [Mr. JOHNSON], for instance, to come before the House with a rule to create a new committee—a committee on forestry—which would relieve the Committee on Agriculture from this eternal discussion of tall trees?

Mr. JOHNSON of Washington. I desire to state to the gentleman from Pennsylvania that I have made many efforts to secure the indorsement of those chiefly interested in this executive management, of not only the committee but the departments of the Government itself. It stands to reason that if these great Federal resources, including mines, water power, and forests, are of the value that it is contended they are, they deserve more consideration than they get, even though this is as good as can be designed under present workings.

Mr. MOORE of Pennsylvania. No committee likes to lose its hold on some of its important adjuncts, and I presume that forestry is an important feature of the Agricultural bill.

Mr. JOHNSON of Washington. The trouble is that part of the forestry problems are in the Agricultural Department and part in the Interior Department.

Mr. MOORE of Pennsylvania. What would happen if we separated forestry from the Committee on Agriculture and created a new committee?

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from South Carolina?

Mr. MOORE of Pennsylvania. I do.

Mr. LEVER. Let me say to the gentleman from Pennsylvania that, while I can not speak for the Committee on Agriculture, I myself would look rather favorably upon the proposition to create such a committee as he suggests, or as the gentleman from Washington [Mr. JOHNSON] suggests.

Mr. MOORE of Pennsylvania. I thought the gentleman probably would look with favor upon the proposition.

Mr. LEVER. The chairman of the Committee on Agriculture has no ambition to stretch his authority or keep hold of this proposition. But that is a matter that we have not considered at all; it was not a matter for us to consider.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. Will the gentleman yield for another interruption?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. I doubt if any considerable number of Members are here who were here when the Forestry Service was placed in the Department of Agriculture. The fact is that there was a bitter fight between the Department of Agriculture and the Department of the Interior. As I recall the matter, it was a very bitter fight, and finally it resulted in an armed peace, because Congress took hold of it.

I question whether the gentleman from South Carolina or any other member of the Committee on Agriculture would be willing to transfer the Forest Service out of the Agricultural Department. That is where it would go if they took it out of the Agricultural appropriation bill. It may be easy to talk about it, but when somebody proposes to do it you will find the Committee on Agriculture, which is always one of the ablest and strongest committees of this House, lined up in solid opposition to the proposition, and I will be on their side if I am here.

Mr. LEVER. As I said a moment ago, the Committee on Agriculture has never given any consideration to the matter of transferring the Forest Service from the Department of Agriculture to the Department of the Interior, from which it was originally taken, as I recollect it. I would like to know from the gentleman from Illinois whether my impression is correct that the Committee on Appropriations used to have jurisdiction over the forests?

Mr. MANN. I think so, but I am not sure.

Mr. LEVER. It had, probably. The Forest Service has given the Committee on Agriculture more concern, probably, than any other service with which it has to deal. It is an enormously big problem, and we try as nearly as we can to meet the situation squarely and fairly, and we do the best we can. There are conflicting views in this country as to what the policy of the Government ought to be. The committee has tried to follow as nearly as it can what seems to be the proper policy.

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, I shall have to proceed in order to place the views I have before the committee.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield there?

Mr. MOORE of Pennsylvania. I yield.

Mr. JOHNSON of Washington. I want to say in this connection that I have introduced a bill in this and in the previous Congress calling for the transfer of the Bureau of Forestry to the Department of the Interior.

Mr. LEVER. What committee did that go to?

Mr. JOHNSON of Washington. Well, it seems to be a sort of hot potato, but I think it is now resting in the Committee on Public Lands. I would like to have it referred to the Committee on Agriculture, in view of the statement of the chairman.

Mr. LEVER. I do not want the gentleman to think that I have committed myself on that subject.

Mr. JOHNSON of Washington. I was about to extend congratulations on the committal that the gentleman has just made.

Mr. MOORE of Pennsylvania. I observe, with sympathy and concern, the anxiety of the gentleman from South Carolina to pass his bill. His committee has worked hard and worthily in order to bring out a great national measure, and it seems a shame that half of the time usually allotted to a bill of this kind should be taken up with one phase of it.

Those who are interested in forestry might find it greatly to their advantage to create a new committee. A change of that character was made in the Committee on Rivers and Harbors when we created the Committee on Flood Control. Under the old system the Committee on Rivers and Harbors seldom took out in a regular way more than $8,000,000 for purposes of flood control, but on the creation of the Committee on Flood Control the members of that committee, taking more interest in their work and having looked over the field, they now come into Congress and propose to ask not $8,000,000 per annum but a total of $45,000,000.

So it might be advisable for forestry to take itself out of agriculture and come into the House with a committee of its own.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired. The Clerk will read.

The Clerk read as follows:

In national forest district 4, $50,400.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] bears testimony to the effect of creating new committees or transferring services from one committee to another, as illustrated in river and harbor and flood-control appropriations. I am somewhat responsible for the transfer of the forest reserves from the Interior to the Agricultural Department. I introduced a bill for that purpose which became a law. The largest sum we had ever appropriated for the forests under the Interior Department was $365,000, if I recollect rightly, about the sum we now expend annually for the maintenance of these district offices. The appropriations have grown as the service has grown and as the necessities of the service have grown, and in the main I think the funds have been economically expended.

But I am not so sure about this matter of the forest districts. I very well remember when the forest districts were first created. I believed at that time that I was justified in saying that they were created largely for the purpose of making the forestry policy popular in certain localities where it had been very unpopular. I am sure that certain of the communities in the West where there had been a very great deal of adverse criticism of the Forest Service suddenly became very favorable to the Forest Service when arrangements were made for the payment of large sums in rent and the creation of a large official force in those communities. I have never been fully satisfied that all these district offices were necessary or that they were economically administered; and I want to ask the gentleman from South Carolina if the committee in its hearings, this year or last year or in the recent past, has gone carefully into the question of the expenditures of the sums that we appropriate for the various district offices?

Mr. LEVER. Mr. Chairman, as I said in the early part of the day, the matter of expenditures would come necessarily before the Committee on Expenditures in the Department of Agriculture. The Committee on Agriculture has looked generally into the expenditures, and has had testimony before it which in its judgment justifies the recommending of the appropriations.

Mr. MONDELL. I assume the gentleman will not say that it is not the province of the Committee on Agriculture, in holding hearings relative to appropriations, to go into the question of how the appropriations are spent.

Mr. LEVER. The committee has done that, and I am trying to differentiate, if I can, the jurisdiction of the Committee on Expenditures in the Department of Agriculture and of the Committee on Agriculture itself. We have called the Forester and the various chiefs and subchiefs of the department, and have inquired of them the character of the work they are doing, and how much they are spending for various items. We have examined the statement of work as set out in this volume here. I myself have gone through various and sundry volumes of statements of the department, of the Forest Service, as to what it is doing. The committee likewise has done that. The hearings before the committee make a volume of 1,700 pages this year, and we think, as a matter of fact, that we have gone fully enough into the expenditures in making these estimates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask for five minutes more.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I understand the chairman of the committee to say that the committee have gone into the question of expenditures in the district offices sufficiently to satisfy the committee that these sums are needed and have been economically expended. Yet I remain rather unconvinced that it is necessary to spend $362,000 per annum for these offices.

For a number of years after the Forest Service was well under way the service got along without district offices, and the various superintendents and supervisors reported directly to Washington. I realize that is not in all respects and at all times an entirely satisfactory method. There are questions which need to be decided that should be decided more quickly than they can be or would be if referred to the Washington office; but I have never been convinced that it was necessary to maintain six different expensive offices as intermediaries between the local supervisors and superintendents and the office at Washington.

Mr. LEVER. I think the gentleman will agree with me that the reason for the decentralization of the supervisory work of the Forest Service probably came about more because of the criticism upon the floor of the House of the large-sum appropriations for supervisory expenses and the concentration of the work in the city of Washington than for any other reason. In addition to that the Forest Service thought they could get a much more economical administration, and much more satisfactory from the standpoint of the people in the West, by a decentralized system of administration than they could possibly get by a centralized system such as they used to have.

Mr. MONDELL. I do not desire to be understood as saying that these offices should be abolished—certainly not all of them—but I am of the opinion that the forces maintained at and in connection with these offices are larger than they need to be, and that these various districts throughout the country could very considerably reduce the amount expended without harm to the service.

Mr. McLAUGHLIN. I have no doubt that what the gentleman says is true, that the Government does not carry on its work economically, that in many departments clerks could be dispensed with, and that the entire work could be carried on with less expense. Now, as to the question of the administration of the forests in districts, the committee did consider that matter, and we have the explanation of the forester as to the reason for creating the districts. He said:

The administration of the national forests is decentralized as much as possible.

And further on he says:

We aim to have as much of the business transacted in the field as possible, and as little of the detail and routine work come to Washington as possible, in the interest of prompt transaction of business and the convenience of those who do business with the Forest Service.

And all the forester told us in regard to the working of the service indicated and satisfied us that the work is more satisfactorily done, if not more economically done, more conveniently done, with better opportunity for the transaction of the business with more convenience to those who have business with the service, than if the only headquarters of the service were in Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent for one minute.

The CHAIRMAN. Debate was closed by order of the committee. Without objection, the pro forma amendment will be considered withdrawn, and the Clerk will read.

The Clerk read as follows:

In national forest district 5, $70,100.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do not desire to be understood as advocating the abandonment of the district office system. I have no doubt that there are many benefits to the people and the service following from that system. But from the beginning I believed that the system was one which was likely to lead to extravagances, and, having made some little inquiry, I am inclined to think that it has tended that way. Three hundred and sixty-two thousand dollars is a pretty large sum to expend, beside what we expend here in the Washington office and what is spent on and around the reserves.

Mr. COX. The gentleman from Wyoming has given this considerable study. What officers would he eliminate?

Mr. MONDELL. I have not gone into the matter carefully enough to have an opinion on that point, and therefore I do not care to express one. Here is an expenditure of $64,000, $48,000, $55,000, for the maintenance of district offices, which is pretty large when you take into consideration that all that they do is to act as an intermediary between the office here and the local reserves. There are some questions settled in the district office, a good many questions, that could not be settled on the reserve, but it would be very easy to modify the administration so as to give the local officials more authority, possibly retaining a little more here, and thus reduce the expenses of these various district headquarters.

Mr. COX. The gentleman lives in the country where most of these reserves are. Has he ever talked with these people who have immediate charge with a view of seeing what persons could be eliminated?

Mr. MONDELL. No; I have not. I have not felt the responsibility that I should feel if I was a member of the Agriculture Committee, but I did have some opinions when this policy was adopted. I expressed some views relative to it, and the expense has been about as I anticipated. Then we were told that if we would only wait a short time the expense of the district offices could be largely reduced, but we have gone on paying rent and employing many clerks and maintaining very fine establishments, a part of which we need and some we do not need at all.

Mr. COX. Does the gentleman hope to live long enough to see the force decreased?

Mr. MONDELL. I am not expressing that faith.

Mr. JOHNSON of Washington. Did the gentleman ever hear a forest ranger, or any officer connected therewith, state that he ought to be separated from the office for the good of the service?

Mr. MONDELL. No; nor any Congressman. [Laughter.]

Mr. FESS. Seriously, does the gentleman from Wyoming think that an establishment that is actually a losing one will ever be discontinued?

Mr. MONDELL. The Forestry Service, in my opinion, eventually will be a paying service. If I live as long as I hope to live, I expect to see the Forestry Service a paying service without laying undue and improper burdens upon the people of that locality.

Mr. MANN. Make it as long as you want to live and you are safe.

Mr. FESS. Mr. Chairman, I rise in opposition to the amendment. I want to ask the chairman of the committee a question. What proportion of the activity of the Forestry Service is devoted to the reforestation of denuded places?

Mr. LEVER. If the gentleman will defer that question until we get to it, and it is on page 41 of the bill, I shall be very glad to go into it fully.

Mr. FESS. I will do that.

Mr. HAWLEY. If the gentleman will permit me, I was going to say that on pages 239 and 240 of the program the work in part is reforestation, and the sum of $165,000 is used.

Mr. FESS. There has been $5,000,000 altogether expended, and $165,000 would be a very small proportion. Is the most of this to care for forests already in existence and to market the timber? I am now speaking of the $5,000,000.

Mr. LEVER. It is used for a number of different purposes which are set out in the bill. We have one appropriation for fighting forest fires, $150,000. Another for the purchase and maintenance necessary for the office, laboratory supplies, instruments, and so forth, $150,000. There is another item of $135,000 in reference to the distillation of wood alcohol and another item of $400,000 for permanent improvements, and so forth. All of these are covered by the sum mentioned.

Mr. FESS. But the amount that is applied to reforestation is rather small in comparison with the total amount.

Mr. LEVER. Yes; $165,000.

Mr. FESS. I have never visited any national forest for the purpose of studying it, but I have been over much of the ranges in Pennsylvania, which are purely State forests. Most of that activity is for reforestation, and I wondered whether the National Government was doing much in that line.

Mr. LEVER. The total reforestation for the past year was 18,000 acres.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUSSELL of Missouri having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 683) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department of the Government.

The message also announced that the Senate had agreed to the amendments of the House to the concurrent resolution (S. Con. Res. 20) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California with a further amendment, as follows: Strike out the numerals "20" after S. J. Res. and insert "121."

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. DU PONT as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

In national forest district 6, $61,400.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I want to call the attention of the committee to a change of front in regard to the Forest Service with reference to why it was necessary to create these great reserves in the West. We were told for a good many years that it was necessary to create forest reserves in order to protect the public domain from private individuals. That was the great cry away back in the days of Pinchot, that private interests were going to grab the great forests of the West and make immense fortunes out of them. That was given as the reason why we should create the forest reserves, and they continued to make that cry and create these reserves until the Congress prohibited it.

Now they are singing a new tune and coming before Congress and asking that new reserves be created, because private capital can not afford to own these great forests. I have in my hand a communication sent by the Secretary of Agriculture to Senator MYERS under date of February 24, 1916, and it is very interesting to see the change that has come over the spirit of their dreams. I want to read a few extracts from this letter:

The interest on the capital invested in the timber, together with the taxes levied upon it and the necessary cost of protection from fire, constitute an annual carrying charge averaging probably 7 per cent on the first cost. The effect of such a yearly carrying charge, compounded, is to double the cost of the investment every 8 or 10 years. No matter how cheaply timber may be obtained in the first instance it can not be carried many decades under these conditions without acquiring a high cost, and the success of such investments is necessarily predicated upon a steady increase in the market value of timber as well as a steady growth of timber sufficient to at least offset its steadily increasing cost due to the carrying charges.

Mr. JOHNSON of Washington. Mr. Chairman, will my colleague yield there?

Mr. HUMPHREY of Washington. Yes.

Mr. JOHNSON of Washington. I would like to introduce in that connection a statement made by Mr. Henry S. Graves, the Chief Forester, published in the digest of the hearings of the Federal Trade Commission, in which the Chief Forester himself says, speaking of our Northwest country, that many sawmills are operated there at an actual loss because carrying charges on their indebtedness would not permit them to close down, and that about 132 mills were idle altogether. That was about the time the Underwood law went into effect and that sent down about a hundred of them.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to continue to read a little further, because I have heard here so much on the floor of the House and read so much in the saffron magazines about the grabbing of the great resources of the West for the purpose of building up great private fortunes that it is quite a relief to find the head of the service making these statements.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman——

Mr. LEVER. Oh, will not the gentleman let the next line be read?

Mr. HUMPHREY of Washington. Very well.

The Clerk read as follows:

In national forest district 7, $14,900.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I continue to read:

Far-sighted men in the Northwest are already urging that the Government take back the less accessible timber previously acquired out of the public domain, thus assuming the function of carrying this resource, in which private ownership has plainly broken down. No such opportunity to apply this policy will ever again be afforded as is now presented by the Oregon and California lands. Considerable amounts of this timber can undoubtedly be sold to advantage from time to time to existing mills as there is legitimate demand for it for immediate exploitation, under the same principles which govern the disposition of timber on the national forests.

Then he ends up this portion of the letter by saying:

In this way timber sales may be made without disturbing the industry, while at the same time easily yielding sufficient revenue to liquidate completely the railroad's equity within the 10-year limit suggested by the Attorney General as well as the advance made to the State covering delinquent taxes. Otherwise the timber should be held and protected by the Government, with the time of its subsequent removal left discretionary with the responsible executive department.

As one man from the West I am glad to see this change of front in those who have been saying so much about the public domain being robbed by private enterprise.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. McLAUGHLIN. Does the gentleman believe that private interests would not acquire this property because they could not afford to hold it and carry it?

Mr. HUMPHREY of Washington. I am reading from the report of the Secretary of Agriculture.

Mr. McLAUGHLIN. But the gentleman expresses no opinion on it himself?

Mr. HUMPHREY of Washington. I am not expressing any opinion. I am reading what the head of the Forest Service says now, as against what they have been preaching for the last 15 or 20 years, during which time they have been insisting that these reserves must be created by the Government, otherwise great private fortunes would be built up. They now come in and argue the Government must take these forests, because private individuals can not afford to own them.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. DOOLITTLE. Has the gentleman any opinion on it himself?

Mr. HUMPHREY of Washington. Have I an opinion on what?

Mr. DOOLITTLE. On what the gentleman is discussing, the view of the Chief Forester?

Mr. HUMPHREY of Washington. I think the Secretary of Agriculture in this letter is much nearer right than those who have gone before, who filled the country and the magazines full of this howl about the resources of the West being seized and exploited for private profit.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield further?

Mr. HUMPHREY of Washington. Yes.

Mr. McLAUGHLIN. If the private interests were unable to acquire or hold them, what becomes of the argument so often made by the gentleman himself and his colleagues, Mr. JOHNSON and Mr. HAWLEY, that if this Forest Service did not obtain, the

local communities out there would receive taxes to the extent of millions and millions of dollars. If private interests could not afford to own them, they could not afford to pay the taxes.

Mr. HUMPHREY of Washington. That is another statement in which the gentleman is wrong. I will give him an illustration, and perhaps it will please him. When Mr. Pinchot was forester, or just after he went out, I do not remember which, he wrote an article for Pearson's Magazine which was widely published, in which he contended that the State of Washington ought to be very much pleased with the returns we were receiving from the forest reserves in lieu of the taxes. I had occasion to look it up. At that time we received in lieu of taxes in the State of Washington $14,400 a year from the Forest Service. If it had been in private ownership, we would have received over $7,000,000 a year if we had taxed it the same as private holdings.

Mr. McLAUGHLIN. But the gentleman said private interests could not afford to hold them.

Mr. HUMPHREY of Washington. I am reading what the Secretary of Agriculture said; and one of the reasons he said they can not afford to own them is because they are being taxed, and, of course, the Government can own them, because they are not taxed; and neither do they cut off the timber or sell it or do anything except to let it stand in the forests and rot.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words.

Mr. LEVER. I wonder if the gentleman will not wait until we reach the next item?

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, while I am on my feet, for the benefit of the gentleman from Michigan, who seems to have a hazy idea about conditions in the West in regard to these forest reserves, I think I will give him a little history about these great private holdings. I wonder if the gentleman knows that the foundation for the great holdings of the Weyerhauser Co. came through the assistance of the Forest Service? I wonder if he knows that 750,000 acres of railroad land in the State of Washington—barren mountain tops, rocks, and glaciers; absolutely worthless—was included in the forest reserves, and the railroads were permitted to make an exchange, acre for acre, for the best timberland of that State, and then the railroads sold to Weyerhauser? That was the foundation of the great Weyerhauser holdings in the State of Washington; and yet we hear these gentlemen talk about we must have these forest reserves to conserve the resources and keep private capital from seizing all the lands of the West.

Mr. LEVER. Of course the gentleman will say that the instance to which he refers did not occur under the present Forestry Service?

Mr. HUMPHREY of Washington. No; it did occur during the time when my friend Gifford Pinchot was just coming to be recognized as the head and front of the great conservation movement of this country.

Mr. CULLOP. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. CULLOP. I would like to ask the gentleman from Washington how long Mr. Graves has been connected with the Forestry Service?

Mr. HUMPHREY of Washington. Well, I can not tell the gentleman from Indiana.

Mr. LEVER. Five or six years, I think.

Mr. CULLOP. Now I would like to ask another question. In this exchange of land, about which the gentleman from Washington has been talking, the consideration to the Government was wholly inadequate as to the value of the property transferred, was it not?

Mr. HUMPHREY of Washington. In most cases it was practically nothing.

Mr. CULLOP. Now, is there anything under that view of the case to prevent the Government from suing and recovering this land back and restoring to the other party this worthless land that the Government received in exchange?

Mr. HUMPHREY of Washington. Well, that is a legal question which I am not competent to answer. I have been trying for a good many years to get some investigation of this Forestry Service to see whether that might not be done, but the gentleman from Indiana knows that this service has been held sacred for a good many years, and no man has dared lift his voice upon the floor of this House against it but what he would be a target of all the yellow magazines of the United States.

Mr. CULLOP. Then I would like to remind the gentleman from Washington, if he will permit——

Mr. HUMPHREY of Washington. Certainly.

Mr. CULLOP. That it grew up under the administration of his party, that it was installed there.

Mr. MANN. Everything in the Government did that.

Mr. CULLOP. Oh, no; the gentleman from Illinois is much mistaken.

Mr. HUMPHREY of Washington. Since my friend's party has gotten in power they have not made a step toward correcting it, and although it has been called to their attention repeatedly they have taken no action whatever; so, evidently, his party looked with favor upon what had been done. Now, I never did have very much regard for that argument where a man tried to excuse himself for doing wrong because somebody else had done wrong.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JOHNSON of Washington. Mr. Chairman, I shall use five minutes to discuss whether the large holders of private timber are not, many of them, now in favor of a movement to revert large timber holdings to the Government, and to the inquiry made by the gentleman from Michigan [Mr. McLAUGHLIN] as to what then becomes of the question of the need of taxation. After great quantities of the timber had gone into the reserves, which was followed by the great magazine hue and cry that the United States would soon be without timber, the mere fact of reserving so much of the timber area helped to create a value for the outside timber, caused it to rise in price. That resulted in heavy taxation—to a point now that taxes on timber are so high as to force liquidation in some cases. I know of one $50,000,000 concern that is cutting off every tree they own, regardless of the price received. Now, if the large reserved tracts were privately owned a much lesser rate of taxation would be sufficient for all State and county needs.

For instance, here is an illustration of the taxation problem, taken from statements before the Federal Trade Commission: In the year 1906 a small tract of timberland was assessed at $20,000 and taxed for $696. In the year 1914 it is assessed at $35,000 and taxed $1,170. That is a sample of the way taxes are growing. I was interrogated yesterday as to the actual cost and the actual selling price. Here is a statement covering the period from 1906 to the year 1914, giving the cost of conversion, including logging, the cost of manufacturing, insurance, interest on the operating investment, depreciation, and general expenses, not counting selling expenses and not counting the cost of the logs themselves that the operation started with. In 1906 the cost was $11.05, selling price $15; 1907, cost $12.85, selling price $17; 1908, cost $10.91, selling price $14; 1909, cost $11.53, selling price $13.10, and so on.

In 1914 the cost was $12.95, or practically $13, and sold for $14.79, or call it $15, and not a cent for the selling expense. The difference—in round numbers, $2—represents all that can possibly be paid for the log. Owners of large tracts who themselves own mills are putting their logs into those mills at an estimated value of about 69 or 70 cents and paying taxes considerably above that. If that is conservation, I would like to have it explained to me.

Mr. McLAUGHLIN. Will the gentleman answer a question?

Mr. JOHNSON of Washington. Yes.

Mr. McLAUGHLIN. It has been suggested that the day is coming when the private owners will wish to give up their property and not seek to acquire more. Does not the gentleman think that the land then would be acquired very promptly by private interests?

Mr. JOHNSON of Washington. Well, there have been many changes in ownership.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

In the District of Columbia, $127,730.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the gentleman from South Carolina [Mr. LEVER] if he will not put in the RECORD the location of these national forest district offices?

Mr. LEVER. In forest district No. 1 the capital is Missoula, Mont.; district No. 2, Denver, Colo.; district No. 3, Albuquerque,

N. Mex.; district No. 4, Ogden, Utah; district No. 5, San Francisco; district No. 6, Portland, Oreg.; and national forest district No. 7, Washington City.

Mr. MOORE of Pennsylvania. They are all west of the Rocky Mountains except the headquarters in the District of Columbia. The total expense of keeping these offices is what?

Mr. LEVER. Upward of $300,000.

Mr. MOORE of Pennsylvania. And that is expended largely for salaries?

Mr. LEVER. Well, yes; largely.

Mr. MOORE of Pennsylvania. Mostly salaries.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words.

It seems to me, Mr. Chairman, that we have developed a defect in relation to this Forest Service that requires more attention than possibly it is receiving, and that is the evident and probable duplication that there is in connection with these two methods—that is, the forest districts and the 135 individual forests, each with its own officers and its own rangers.

The chairman of the Committee on Agriculture said, "We have no jurisdiction. We are purposing to protect the Committee on Expenditures in the Department of Agriculture." Now, there is a Committee on Expenditures in the Department of Agriculture. It is composed of Mr. DOUGHTON, of North Carolina; Mr. ASWELL, of Louisiana; Mr. MOSS, of Indiana; Mr. KINCHELOE, of Kentucky; Mr. KING, of Illinois; Mr. HUTCHINSON, of New Jersey; and Mr. REAVIS, of Nebraska. But one of the defects of the operation of this House—and it is not entirely lucident to the Department of Agriculture—is the difficulty of getting any proposition like this followed up.

Now, the gentleman from Oregon [Mr. HAWLEY], who lives out in that country, and the gentleman from Washington [Mr. JOHNSON] and others do not attempt to say but that there is duplication, and unnecessary duplication, and therefore unnecessary expenditure of Government funds.

Mr. LEVER. If the gentleman will permit, I did not understand the gentleman from Oregon [Mr. HAWLEY] to make that statement.

Mr. BENNET. I said he did not attempt to say there was not. The gentleman from Oregon is from that section of the country. And, oh, well, he would not want to get very rambunctious about it. He is one of the most honest men on the footstool. He did not get up and say and will not get up and say that there is no waste in the service.

Mr. LEVER. I do not believe there is any more waste in this service than there is waste incidental to every Government service. If so, it has not come to our attention.

Mr. BENNET. And the gentleman from South Carolina [Mr. LEVER], who is a good, conscientious man, does not say that there is no waste, and yet nothing is going to be done about it. I hope I am going to be a very poor prophet. I have deliberately read upon the floor of this House the names of the members of that committee, so that they will look at the RECORD of to-day and see what has been brought before this Congress in relation to duplication in expenditure.

Mr. ANDERSON. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. ANDERSON. Of course, the gentleman is a good parliamentarian and he knows this committee has not any legislative jurisdiction. What would the Committee on Expenditures in the Agricultural Department do about it if they found there was a duplication of work?

Mr. BENNET. The gentleman simply emphasizes my point. Everybody is passing it along. The Committee on Agriculture says, "We have no authority. There is the Committee on Expenditures in the Department of Agriculture."

Mr. ANDERSON. I think the Committee on Agriculture has jurisdiction, but it certainly has no jurisdiction in this bill.

Mr. BENNET. I agree with that.

Mr. LEVER. I think the gentleman misinterpreted my statement. I said I was trying to differentiate the jurisdiction of the two committees.

Mr. BENNET. For what purpose was the gentleman attempting to differentiate the jurisdiction of the two committees?

Mr. LEVER. I do not remember the connection in which I was speaking.

Mr. BENNET. Other Members were calling the attention of the chairman of the committee to the fact that there was patent duplication here, an opportunity for duplication in the building up of bureaus, one of the curses of our Government, and the gentleman said, "Well, we have a Committee on Expenditures in the Department of Agriculture."

Mr. MANN. Will the gentleman yield?

Mr. BENNET. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. I ask unanimous consent to proceed for three minutes.

Mr. HAUGEN. Mr. Chairman, I ask for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from New York be permitted to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. The Committee on Expenditures in the Agricultural Department is one of the expenditure committees, since I have been here, at least, that has made a good many investigations and has done a good deal of work about expenditures in the Agricultural Department and has never been able to find out any improper expenditure in the Forestry Service.

Mr. BENNET. Mr. Chairman, I have not been here as continuously as the gentleman from Illinois [Mr. MANN], but if that is the condition I accept his statement that that is so.

Mr. LEVER. The gentleman may remember that Mr. Littlefield, of Maine, made a very thorough examination into this service and all of the branches of the service under the Department of Agriculture.

Mr. HAUGEN. Oh, that was 10 or 15 years ago.

Mr. BENNET. Mr. Chairman, if my recollection is correct, the investigation made by Mr. Littlefield, of Maine, was made before these district offices were created. Is that correct? Gentlemen say that is so. At the time Mr. Littlefield, of Maine, made his investigation there were no such things as district offices.

Mr. LEVER. The gentleman said that these investigations did not disclose anything wrong in connection with the Forest Service.

Mr. BENNET. The distinguished gentleman from Maine, Mr. Littlefield, could not have made discoveries of any duplication between the offices in the separate forests and the offices in the forest districts two or three years before the forest districts were created.

Mr. MANN. Mr. Chairman, I do not wish to be understood as saying that the committee had ever investigated the Forest Service. I do not know whether they did or not, but both during Mr. Littlefield's time and since Mr. Littlefield's time that committee has done quite a lot of investigating in the Department of Agriculture, and they never discovered anything in the Forest Service that was improper. I do not know how extensively they investigated the Forest Service. Maybe their attention was directed elsewhere. But it has been one of the active expenditure committees in the past.

Mr. BENNET. Mr. Chairman, I hope the present committee will keep up the good reputation of its predecessors.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAUGEN. I would like to ask the gentleman from Illinois [Mr. MANN] if he has any knowledge of reports made by the Committee on Expenditures in the Department of Agriculture, except Mr. Littlefield's report, and also the investigation of Dr. Wiley?

Mr. MANN. I do not know whether any reports were made. Mr. Littlefield did not make any report that I know of or that I recall.

Mr. BENNET. I think the gentleman is in error about that. I think Mr. Littlefield, of Maine, did make a report.

Mr. HAUGEN. They published the hearings.

Mr. MANN. Oh, yes; they published the hearings, but I am talking about reports.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. McLAUGHLIN. The gentleman insists that there is duplication of officials, but he does not particularize. The Committee on Agriculture is industrious, but they need help. I ask the gentleman to point out the particulars. The gentleman says broadly and generally that there is opportunity for duplication. Particularize; point out something.

Mr. BENNET. Mr. Chairman, that sounds well on the floor of the House.

Mr. McLAUGHLIN. Oh, these general charges sound well in the ears of some men.

Mr. BENNET. I pointed out, and nobody has denied it, that there is here an opportunity for duplication. I have asked Member after Member if the existing system did not lend itself to duplication, and nobody denies that it does lend itself to duplication.

Mr. HOWELL. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HOWELL. I would like to call the attention of the gentleman to the fact that the forestry area embraces something like 160,000,000 acres of land. If each of those districts had an equal proportion of that 160,000,000 acres of land, it would administer something like 20,000,000 acres in each district. The expense of administration, according to these figures, is less than one-fourth of a cent per acre. Does not the gentleman from New York think that it is due the people utilizing those forests to have the administration of the forests convenient and accessible to its patrons, when in any event, the cost does not much exceed one-fourth of a cent per acre?

Mr. BENNET. Well, when I am informed that the forests are operated at an annual deficit of $2,500,000 and that there is no immediate prospect of that expense being materially reduced, it seems to me that the House has a perfect right to ask some of the committees that have jurisdiction over this subject to investigate to find out if the best methods are being pursued.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. CLARK of Missouri. Mr. Chairman, I would like to have that five minutes in which to ask a question solely for information.

Mr. LEVER. Mr. Chairman, I will withdraw my request for the limitation of debate on this paragraph and amendments thereto to five minutes and let the gentleman from Missouri have full opportunity.

Mr. CLARK of Missouri. Five minutes is plenty.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] is recognized for five minutes.

Mr. CLARK of Missouri. I want to ask the chairman of this committee [Mr. LEVER] or the gentleman from Iowa [Mr. HAUGEN] or anybody else who has the information, How much is this appropriation for forests?

Mr. LEVER. About $5,500,000.

Mr. CLARK of Missouri. How much do we get back?

Mr. LEVER. Two million nine hundred thousand.

Mr. CLARK of Missouri. My understanding is that the German Government makes a handsome revenue every year out of the forestry business. There is more timber in Germany now than there was when Frederick the Great was on the throne of Prussia, and yet they have used timber all the time to a very large extent. Now, what is the reason why the German Government can make a very handsome profit out of forestry, and we run into the hole every year two and one-half million dollars? If any gentleman here can answer that I would like for him to do it.

Mr. BORLAND. I think I can answer that question for the gentleman.

Mr. CLARK of Missouri. What is the answer?

Mr. BORLAND. The reason is that the area of the national forests includes a large amount of waste land that has no timber on it at all; but that waste land has to have foresters and rangers and all the expenses of administration that go in connection with it. The timberland that is actually used does not produce the necessary revenue, and we have a large amount of land included in forest reserves that is not productive.

Mr. CLARK of Missouri. What is the sense of having rangers and foresters and all the rest of it in that part of the forest reserves that is of no earthly use?

Mr. BORLAND. That goes back and involves the question of whether a good deal of that area ought originally to have been withdrawn and inclosed in the forest reserves.

Mr. CLARK of Missouri. Is it the expectation that this double-headed performance of appropriating over $5,000,000 a year and losing $2,500,000 is going on in perpetuity?

Mr. BORLAND. I think we have been increasing the amount that we have made out of the forests. The amount of the return from the forests has been growing.

Mr. CLARK of Missouri. I will tell you what I am in favor of doing. As soon as this war across the sea is over I am in favor of appointing a committee of three sensible, industrious, honest men, to go to Germany and stay there and study their forest system until they get it absolutely pat, and then come back here and tell us about it and introduce it. [Applause.] There is no sense in our experimenting on how to do a thing when somebody else has already learned thoroughly to do it.

Mr. BOOHER. I want to say to my colleague that he would not have to send to Germany. He can go up into Canada and find that that Dominion, with one-third the number of acres of land in forest reserves that we have, put into their treasury last year $2,000,000 in the way of profit from their forest-reserve system.

Mr. CLARK of Missouri. Then, let that committee go around by way of Canada.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. CLARK of Missouri. In a moment. I understand that the German Government will not permit a man to cut down a tree in that country unless he plants four trees of a certain designated kind——

Mr. COX. Two.

Mr. CLARK of Missouri. Unless he plants two in place of the one he cuts down.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CLARK of Missouri. I will yield first to the gentleman from Washington, as he was first up.

Mr. HUMPHREY of Washington. I was just going to ask the distinguished Speaker if he did not recall the fact that our friend Gifford Pinchot was educated largely in Germany, and certainly my friend would not assume that anybody knows more about forestry than Gifford Pinchot does.

Mr. CLARK of Missouri. Yes; I would. I would assume that without any hesitancy whatever. [Laughter and applause.]

Mr. MOORE of Pennsylvania. Will the gentleman from Missouri yield?

Mr. CLARK of Missouri. Yes.

Mr. MOORE of Pennsylvania. I have personally been in the celebrated Stillewald forest, just outside of the city of Zurich, in Switzerland, and perhaps it constitutes the best example of forest regulation in the world. I should like, for the information of the gentleman, to read an extract from a report——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The time was fixed by the committee.

Mr. CLARK of Missouri. I have said everything I wanted to say.

Mr. HAUGEN. I will yield my time to the gentleman.

Mr. CLARK of Missouri. If we are going on at this rate, we might as well quit the whole thing.

Mr. MOORE of Pennsylvania. The gentleman has opened up a very interesting subject——

The CHAIRMAN. All debate on this paragraph and amendments thereto is closed.

Mr. MANN. I ask unanimous consent that the gentleman from Iowa [Mr. HAUGEN] have five minutes.

Mr. LEVER. I think he ought to have it.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Iowa [Mr. HAUGEN] have five minutes. Is there objection?

There was no objection.

Mr. HAUGEN. I desire to say to the gentleman from New York [Mr. BENNET] and to every Member of this House that all Members are entitled to information that has been asked for. It can also be said without reflecting upon the integrity or the industry of members of the Committee on Agriculture that it has not all the information it should have. I believe it can also be said that they have done everything that could be done and that can be expected. That committee, as all other committees do, gets its information from the department. It gets its information from the same source as other committees do—from Government officials. With few exceptions, if any, the members of that committee have no personal knowledge of these various forest districts or how the money is being expended throughout the country. Therefore it must rely upon the information it gets from the department. I approve of the suggestion made by the Speaker, and the suggestion made by Members here, that we should have a committee to investigate this subject and make it possible to furnish this House with the information which it is entitled—not to go to Germany, but to go on the ground, to go into the various districts, and then examine the books and to ascertain if the money is wisely expended. I have suggested it a number of times. I believe provision should be made for that. I believe that members of the Committee on Agriculture could devote part of their time to good advantage in visiting various forest districts in investigating and reporting, so that Congress might have first-hand information, the information which it is entitled to.

Mr. STEENERSON. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. STEENERSON. Does the department claim that they will in the near future make this Forest Service self-sustaining?

Mr. HAUGEN. Oh, they have claimed that from the very first. I think in the beginning Mr. Pinchot said that inside of six years the Forest Service would be self-supporting, but the further we go the further we get away from that. We are now out $2,500,000 a year.

Mr. STEENERSON. And this sum is increasing.

Mr. HAMILTON of Michigan. Instead of sending a commission abroad, at considerable expense to the country, would it not be a good idea for that committee to begin to figure on reducing expenditures in the administration of the Forest Service right here now? That is within their reach.

Mr. HAUGEN. I am not in favor of sending a committee abroad. It is not necessary, in my opinion. Send them out into the United States and let them examine witnesses and investigate and report as to our own national forests and if money expended is properly and wisely expended.

Mr. STEENERSON. Why does not the Committee on Agriculture call witnesses outside of the department and find out about this matter? The committee is not limited to information furnished by the department, nor is any other committee of this House.

Mr. HAUGEN. The committee has been ridiculed for gathering too much information of the kind furnished. We have 1,700 pages of it here. What is needed is for some one to visit the various districts to investigate and report facts as they exist for the information of Congress. Either the chairman of the Agriculture Committee should appoint a subcommittee or Congress should appoint a committee giving it authority to summon witnesses, investigate, and report.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

In all, for the use, maintenance, improvement, protection, and general administration of the specified national forests, $1,800,508: *Provided*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of Agriculture for the necessary expenditures for fire protection and other unforeseen exigencies: *Provided further*, That the amounts so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated.

Mr. McLAUGHLIN. Mr. Chairman——

Mr. LEVER. I ask unanimous consent that debate on this paragraph and amendments thereto close in 10 minutes.

Mr. MOORE of Pennsylvania. May I have five minutes?

Mr. LEVER. Yes.

Mr. CARAWAY. Reserving the right to object, I wish to offer an amendment.

Mr. CANNON. I should like to have five minutes.

Mr. MANN. We need 20 minutes on this side.

Mr. LEVER. I ask unanimous consent that the debate on this paragraph and amendments thereto close in 25 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and amendments thereto close in 25 minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Mr. Chairman, there have been a good many criticisms of the administration of the forests, that it was costing too much, and for other reasons, but those who recall how the forests were in the first place established will recollect that it was not possible to have their exterior lines defined, and that large sums of money have been necessarily expended in order to learn the proper description and to define the limits of the forests. It may be said that the plan first employed was not the proper one in the laying out of the forests, that there should not have been so much haste; but at the time there seemed to be a necessity for haste because there was a continuous and persistent effort made by private interests to acquire the forests, and there was strenuous opposition to the establishment of any kind of a forest policy.

All money carried by this bill is not to be spent directly in ordinary forestry or for the care of forests. In some years we have spent as high as a million dollars for fighting fires. A hundred thousand dollars is provided in the bill for the purpose of selecting and setting aside lands more suitable for agriculture than for forestry, opening these lands to homestead entry; $400,000 in this bill is appropriated for building roads, and the department has already constructed 22,000 miles of trails, 2,500 miles of road, and 20,000 miles of telephone. The extent of the work can be gathered from these expenditures, that would not have been necessary in a foreign country which does not compare in size, character, or operations with this country.

There is $135,000 carried in this bill for the purpose of assisting and maintaining a forest laboratory at Madison, Wis., where the work is done in cooperation with the University of Wisconsin. That is charged to the Forestry Service, although it is not strictly applicable to the Forestry Service or for the care of the forests.

Mr. HUMPHREY of Washington. Can the gentleman tell us the total amount expended for salaries?

Mr. McLAUGHLIN. I can not, but I was calling the attention of the House to some of these unusual expenses, ordinarily not expenses for the care of the forests.

Millions of money have been spent every year for the purpose of building houses, laying out trails, putting up telephone and telegraph lines, and all that—making permanent improvements. Expenditures along these lines will not be necessary hereafter, except for maintenance.

Mr. BORLAND. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. BORLAND. The gentleman is more familiar with forestry than I am, but last summer when we were in the national forests we were told that the forest fires, to a certain extent, were normally a good thing; that when the fires had occurred they kept down the insect pests, and since the fires had decreased the insects had been increasing wonderfully; that the fires did not destroy the ripe, green timber, but did destroy the old, dead stock and kept down the increase of the insects. Is there anything in that?

Mr. McLAUGHLIN. The gentleman's statement is interesting, whether it is true or not. I have not time to answer him.

Mr. HAMILTON of Michigan. Did the gentleman get that from a magazine article?

Mr. BORLAND. No; it was not taken from a magazine article; it was told us out there.

Mr. McLAUGHLIN. There was an expenditure of $700,000 in 1914 for fighting forest fires, and last year the system of fighting fires had been so perfected and was so much more efficient that only $207,000 were necessary, while the fires were almost as numerous as in the year before. Many appropriations carried in this bill are for preliminary work—getting ready for proper care of the immense forest area of more than 160,000,000 acres—for experiments and for investigations not necessary in foreign countries, and for work not strictly in the line of forestry.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, the Speaker of the House, Mr. CLARK, a little while ago threw into the discussion one of the most interesting problems in connection with forestry. Some of us who have been abroad can appreciate its importance. This is the most wasteful country in the world in many things. We have not learned the lessons of the Old World in forestry, although we have tremendous areas in the United States, which do not prevail in European countries. They have to be more careful in Europe with respect to their food supplies, as well as to timber and other resources. This war has proven that more than anything else.

So far as the forests of Germany are concerned, they are protected and well protected. Germany did not cut and sell any standing timber, but purchased wherever she could for years. I was in the Black Forest and gained a great deal of information in respect to Germany's economic policy in the matter of trees and lumber.

It is true that where a tree was displaced, even to the extent that one might be struck by lightning, a tree was generally planted to take its place. The supply was kept up. They have regulations to cover this point. In Switzerland, where there is still less area than in Germany, the problem becomes more acute. They are necessarily more economical. The forest I made reference to a while ago is just outside the city of Zurich. It contains 2,000 acres. It is easy to understand why conditions there would not apply to the situation in the United States, where the forests are so much greater. But the city of Zurich exercises great care over its 2,000 acres. It is watched over almost with the care that the housewife in America watches over her flower garden. There is a forester and his assistants, and they are constantly checking up the trees, marking every one; they can tell the age of them from year to year. When the trees are ripe there is a cutting in a limited area of, say, 100 acres. When that is cut over, then another 100 acres, and so on. Meanwhile the rest of the forest is growing in a sort of graduated scale of 100-acre tracts. There is a constant growth and replacing of the trees that are taken away. Then there comes the distribution. They cut their trees into lumber and dispose of it for the benefit of the city. It is sold, so far as they think it wise to dispose of it. Nothing is lost, even to the twigs, which are turned into the brooms that sweep the highways of the city. Everything is accounted for and checked up to such a nicety that the system would be enormously expensive if applied to the great forests of the United States. It may be true that we are wasteful; it is true that they are economical; but our problem is vastly different from theirs. We can probably never equal their economic system unless we reduce our forest area and increase our population.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The gentleman from Arkansas [Mr. CARAWAY] is recognized.

Mr. CARAWAY. Mr. Chairman, I yield back my time and will ask recognition on the next paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized.

[Mr. CANNON addressed the committee. See Appendix.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For the selection, classification, and segregation of lands within the boundaries of national forests that may be opened to homestead settlement and entry under the homestead laws applicable to the national forests, $100,000.

Mr. CARAWAY. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 39, at end of line 14, by inserting the following:

"That hereafter 50 per cent of the proceeds of sales of timber cut from the national forest reservations in the State of Arkansas shall be, and is hereby, appropriated to promote the teaching of agriculture, domestic economy, animal husbandry, and dairying within the State of Arkansas. The sum so appropriated shall be divided equally among the four district agricultural schools of said State and the College of Agriculture; that is, 20 per cent of such sum so appropriated shall go to each of the five institutions herein named and shall be devoted exclusively to instruction in agriculture, animal husbandry, dairying, and household economics, and for experimental and demonstrative purposes in the aforesaid sciences; that the dean of the College of Agriculture and the president of each of the four district agricultural schools herein mentioned shall report direct to the Secretary of Agriculture annually the sum so obtained under this appropriation, and the uses to which it has been put, and furnish the Secretary with any and all other information that he, within his discretion, may require."

Mr. LEVER. Mr. Chairman, I reserve a point of order on the amendment.

Mr. CARAWAY. Mr. Chairman, I hope the gentleman from South Carolina [Mr. LEVER] will not press his point of order. Eighty per cent of the people in my State are engaged in agriculture, and necessarily they must continue in that occupation. There is an arbitrary freight zone conforming to the center of the Mississippi River, extending north and south. All shipments west of the river carry such an enormously increased rate that it prohibits manufacture to a very considerable extent. Therefore, if not by choice by necessity, our people are compelled to remain farmers, and this condition must remain until we get an adjustment of our freight rates, which I hope will be soon. But since we are engaged in agriculture we want to become the best farmers in the world, the most expert tillers of the soil. In furtherance of this ambition we have established agricultural schools, in which agriculture, animal husbandry, household economics, and dairying are successfully taught. These institutions need increased appropriations more than the State is able to make at this time. This amendment seeks to aid these institutions and the college of agriculture. There are 20,000,000 acres included in the Arkansas National Forest Reserve—that in round numbers. There were two and one-half million acres, but recent withdrawals left about 2,000,000 acres. The average assessed valuation of land in our State is $14.85 per acre. These lands included in the national forest reserve are not so valuable. I think, however, an assessed valuation of $10 per acre would be not unreasonable. Therefore you will perceive there are $20,000,000 worth of public property in that State that bears no part of the burdens of maintaining schools, building roads, or in any other way supports any of the State's varied activities. For the purpose of maintaining schools we levy an assessment of 7 mills. This is a voluntary act, and affects all private property, real and personal. If this $20,000,000 worth of property were to be assessed the same amount for the same purpose, it would yield the sum of $140,000 toward the support of education. It now yields but little, and what it does pay to various counties in support of roads and schools this amendment does not seek to change. It merely seeks to have 50 per cent, which does not touch the 35 per cent the counties now receive, appropriated toward the support of the schools in which agriculture is taught.

The amendment seeks to grant to the College of Agriculture the same proportional amount of funds that each of the agricultural schools would receive. However, our College of Agriculture—one of the land-grant schools—while established more than 40 years ago, is situated in the northwest part of the State and where conditions of climate and soil are entirely different from that of the great body of the State. So six years ago, by act of the legislature, the State was divided into four districts and in each district was an authorization for the establishment of an agricultural school. For the founding of these schools only $160,000 was appropriated. The location of the school in its district was awarded to the community which would contribute most of its private means toward the erection of suitable buildings and providing lands upon which the school should be located. These private donations were much in excess of what the legislature gave of the State's funds. The schools have prospered in spite of adverse conditions, and last year, which was the fifth year, they had an annual enrollment of more than 2,000 pupils. Most of these were boys and girls from the county. I shall discuss more particularly the school located in my hometown, Jonesboro. I am more familiar with it than I am with the others. It is, I think, one of the most useful schools in this country. Despite the limited appropriations and without a dollar for advertising, either by solicitation or publication, it has more pupils than it can accommodate. When I left home last December there were many boys sleeping in the barns, because the dormitories could not contain them, and both boys and girls had been denied entrance for this season. In its last year's enrollment were boys from seven different States. Our faculty, likewise, is made up of men and women from many States. The president, Mr. Kays, and one of the best school men I ever knew, is from Illinois. Two of the teachers are from the State of Pennsylvania, and one, I remember, comes from South Carolina, so you will perceive that we are not sectional in the selection of our faculty nor in admitting pupils.

Stock-judging teams from this school, though their entrance requirement is only that of the eighth grade and the course four years, took first honors in Kansas City and third place at the international stock shows at Chicago.

We must farm. That is our occupation both by choice and necessity. What we produce that is not necessary to feed and clothe our own people goes out to help feed the people of other sections. The more we produce, the more surplus we have, and the more we can contribute toward clothing and feeding the world. Now, we ask that 50 per cent of the proceeds arising from the sales of timber from the national forest reserve situated in our State be given us for the purpose of teaching the boys and girls—the men and women of the coming generation—the art of agriculture, dairying, animal husbandry, and household economics. Their skill so acquired will add to the wealth of the world. These forests now yield from all sources $37,800 per year.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Arkansas be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CARAWAY. I yield.

Mr. MOORE of Pennsylvania. I wish before the gentleman closes he would make some reference to the effect of the passage of his amendment as a precedent to be considered by other States.

Mr. CARAWAY. Really, whatever I might say about that would be a matter of conjecture. I believe, however, it will lead to a like demand and good results in them.

Mr. MOORE of Pennsylvania. The law at the present, I think, is that only 25 per cent shall be applied for school purposes.

Mr. CARAWAY. Yes, sir.

Mr. MOORE of Pennsylvania. And if you adopt this, it would take Arkansas out of the general run.

Mr. CARAWAY. It would. I recognize that it is a special appeal for a special purpose. It will give to these five institutions a little more than $18,500 a year. In the years that are to come, of course, the income will be much greater.

As an illustration of the interest our people have in this subject, our present governor, in a spirit of economy, vetoed more than half the appropriation made by the last legislature for the support of these agricultural schools. Our people in the districts in which the schools are located are keeping them up. Under the law there is not a dollar available in either district for the payment of teachers' salaries, and will not be for another year. The people have met this emergency by guaranteeing the salaries of the teachers, and are thereby keeping these schools open.

Mr. BORLAND. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. BORLAND. If I am right, Arkansas has grown wonderfully in agricultural resources in the last decade, has she not?

Mr. CARAWAY. It is a revolution.

Mr. BORLAND. My observation as to Arkansas is that she is going to have a magnificent future as a cotton State.

Mr. CARAWAY. Yes.

Mr. BORLAND. I think all the section from the gentleman's territory east is going to be the garden cotton State in the Union.

Mr. CARAWAY. Yes; we are trying to realize our opportunities. When this agricultural school about which I am now talking was established there was not a silo in my whole district. The first silo that many of the people ever saw was built at that agricultural school. There were more than 50 erected in my county last year, and you must remember that the school is but five years old. We now have improved live stock and have adopted the most improved farming methods. The people are awake not only to the methods of scientific farming but are also improving their homes. Last week from one of the local papers published in Cross County in my district appeared an article which shows the advancement that is being made along these lines. The gentleman whose name is mentioned there I know well. I wish to have the article included in my remarks.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Washington?

Mr. CARAWAY. Yes; I yield.

Mr. JOHNSON of Washington. Did I understand the gentleman a moment ago to say that they were without funds to provide school-teachers in some of the counties?

Mr. CARAWAY. No; I was referring to the agricultural schools. The law of our State requires appropriations to be made for specific purposes. The legislature appropriated for these agricultural schools $85,000, divided into two items, one of $40,000 and one of $45,000. The $45,000 item contained the provision for the teachers' salaries; that is, the teachers in these agricultural schools. The governor vetoed that item, and by that act took away the appropriation for the salaries of the teachers in these schools.

Mr. JOHNSON of Washington. It does not apply to county schools?

Mr. CARAWAY. It applies to agricultural schools, and to these only. These schools are open to the boys and girls of every State on the same terms as they are to the boys and girls in our own State. The only cost of attending these schools is the price of the food they eat and the clothing they wear. There is no charge made for rooms, heat, light, or tuition. As I said before, we now have pupils in this school in my home town from seven different States, and we extend to them the exact advantages and at the exact cost that our pupils receive and pay.

Mr. COX. Do not these outside students pay a cent?

Mr. CARAWAY. I believe they pay $5, a nominal sum.

Mr. MANN. Do they not pay board?

Mr. CARAWAY. I did not intend to convey that impression. They pay the exact cost of the food as it is served on the table, but they pay nothing for rooms.

Mr. MANN. Does that include rooms? I understood the gentleman stated that they did not pay anything for light and rent.

Mr. CARAWAY. They do not pay anything for rooms, light, heat, or tuition.

Mr. MANN. Does the State pay for the rooms?

Mr. CARAWAY. The State bears the expense of rooms, heat, and light, and where the State fails to do it our people have generously helped out the appropriation. The sum we here seek from the National Treasury is small, and yet we feel that the advantages will be incalculable. We realize that the national forest is the property of the National Government, and therefore the property of all the people of the Nation, and yet since the State must maintain the Government, must build the highways, must furnish opportunities for education, must feed and clothe the people who are the owners of these forests, and further that these forests are withdrawn for all time from the assessed wealth of the State, we feel that it is but just that this amendment should pass. After all, the Government has no property except what it holds in trust for the people, and owes no duty except to administer that trust in the interest of the people. Since all people must be fed and clothed, and the cost of the things they eat and wear is necessarily affected by the cost of the production, the people—and by the people I mean all the people—will be benefited by the education, scientifically, of the men and women who produce the things that feed and clothe us all. Therefore it does no injustice to those residing in other States, the joint owners with us of these funds, that they be appropriated for the teaching of agriculture, animal husbandry, dairying, and domestic economy in the schools that will benefit by this appropriation.

AN IDEAL FARM.

Much good has been accomplished and many valuable lessons taught by the diversified farm campaign waged in Cross County during the past two years; but there is one farmer whose work along this line stands out as an object lesson to all tillers of the soil in this section. We have reference to our good friend Mr. W. A. Faulkner, who resides 2 miles northeast of Cherry Valley. This editor had the good fortune to spend the day at his place on Tuesday of this week, and the things that we saw were in the nature of a revelation to us. Little lacking in every detail was the one we found nestling among the hills of old Crowleys Ridge on this bright spring morning.

The drive from this city was made in company with Mr. R. J. Jackson in his car, and shortly after our arrival at Mr. Faulkner's place we were escorted by that gentleman and his son, I. H. Faulkner, on a sight-seeing trip around his place. We will first describe his home. Situated at the foot of a gently sloping hill, with a beautiful oak grove in front, the house is one of those old imposing southern structures, with a wide hallway running between. On the inside we found all the modern improvements that one would expect to find in some swell home in the city. But there are porcelain bathtubs, kitchen sinks, hot and cold running water, and pretty chandelier suspended from the ceiling to accommodate the gas-lighting system.

Out in the yard close by is the pumping station which supplies the house and barns with an abundant supply of fresh water from a deep well. The pumps are driven by a gas engine of large size, which is also used to drive the wood saw, grist mill, washing machine, churn, and, in fact, everything on the place that requires power for its operation.

Next we were shown over the fields, orchards, and herds of sheep, cattle, and hogs. Mr. Faulkner's main hobby is pure-bred stock, and we saw some of the finest that it has ever been our pleasure to inspect.

By this dinner was announced as ready by Mrs. Faulkner, who supervises that detail of the household duties, and let it be said right here that from the variety and quantity of edibles placed before us, she is a thorough and capable manager. But the most important feature in connection with that sumptuous meal is the fact that every article on the table with the exception of sugar and coffee was produced there on the place.

Just after being seated at the table, we were served with a glass of delightful homemade grape wine. One taste of it would make some of California's boastful native sons turn green with envy. And then there were real yellow-legged chickens, fish, country-cured ham, and all the necessary delicacies, such as preserves, jam, pickles, and canned fruit. Even the fish served were home raised, having been taken that morning from a private pool near by, which had been stocked several years ago with black bass and crappie.

It is not often that a hungry editor has an opportunity to enjoy a visit with all the delights, such as we found on this trip, and it came in the nature of a most pleasant surprise to us.

Mr. Faulkner some yeas ago pictured in his mind's eye a model farm, equipped with every modern convenience. He set about to make his vision a living reality, and whether he has succeeded or not one only has to go and see. Mr. Faulkner is our idea of a prosperous farmer. Would that we had more like him.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. LEVER] insist on his point of order?

Mr. LEVER. I regret very much, Mr. Chairman, that I must insist on my point of order.

The CHAIRMAN. The point of order is sustained.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment on this paragraph.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 39, line 14, after the word "forests," strike out "$100,000" and insert "$300,000."

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. LEVER. Mr. Chairman, the amount carried in the bill is the amount estimated for by the department, and I trust the amendment will be defeated.

The CHAIRMAN. The question is on the amendment of the gentleman from Washington [Mr. JOHNSON].

The amendment was rejected.

Mr. EDWARDS. Mr. Chairman, you frequently hear demagogues say, "Congress has done nothing for the farmers of the country." This untrue statement needs no denial, for the intelligent farmers of the country know the charge is false, and they also know that it generally emanates from some self-serving politician who has an eye on a congressional seat, and the purpose of the criticism is apparent.

We have passed the good-roads bill, carrying $25,000,000 for roads, and numerous other bills that directly effect and benefit the farmers of the country, but no bill that comes before Congress is so truly "the farmers' bill" as the one now being considered.

This bill carries $24,501,093 for agricultural development, and with which the Agricultural Department is to give aid to American farmers. This is the farmers' bill, and the Agricultural Department is the farmers' department.

We have of late heard much about "preparedness." This bill is a "preparedness" measure, for the armies and navies of the world, with guns and other necessary equipment, would be useless and helpless without food and clothing. Food and clothing

come, along with a big share of the great wealth of the world, from the soil as the result of the "sweat from the farmer's brow."

Except those who actually investigate, few realize the largeness of the Agricultural Department and the many important things it is doing for the upbuilding and development of the country. No money to be appropriated at this session of Congress will be spent for more useful purposes than will the sum carried in this bill. It is interesting to note the estimates and the amounts carried in this bill, which are as follows:

Appropriations, 1917, United States Department of Agriculture.

Bureau or office.	Appropriation in Agricultural act, 1916.	Bureau or office estimates, 1917.	Department estimates, 1917.	Reported by House committee.	Increase over or decrease below department estimates.	Increase over or decrease below 1916 appropriation.
Office of the Secretary	$352,040	$405,510	$402,600	$402,350	− $250	+ $50,310
Office of Farm Management	271,080	345,790	285,850	285,810	− 10,040	+ 14,730
Weather Bureau	1,666,050	1,805,650	1,798,610	1,770,760	− 27,850	+ 104,710
Bureau of Animal Industry	2,585,535	3,284,906	2,815,746	2,965,746	+ 150,000	+ 380,210
Bureau of Plant Industry	2,139,150	2,365,610	2,242,770	2,511,620	− 11,150	+ 372,470
		283,000	280,000			
Forest Service	5,553,236	5,650,236	5,549,736	5,549,936	+ 200	− 3,324
Bureau of Chemistry	1,096,381	1,108,501	1,147,801	1,153,801	− 24,000	+ 87,420
		130,000	130,000			
Bureau of Soils	327,935	358,735	358,735	328,735	− 30,000	+ 800
Bureau of Entomology	829,900	899,780	850,380	868,880	+ 13,500	+ 38,980
		15,000	15,000			
Bureau of Biological Survey	446,290	544,970	490,910	574,290	− 44,620	+ 127,940
		125,000	125,000			
Division of Accounts and Disbursements	44,920	45,170	44,920	44,920		
Division of Publications	193,500	200,580	195,080	197,530	+ 1,450	+ 4,030
Bureau of Crop Estimates	283,480	321,244	316,436	316,436		+ 32,956
Library	46,020	49,040	49,520	49,520		+ 3,500
Miscellaneous expenses, Department of Agriculture	115,000	120,000	115,000	115,000		
Rent in the District of Columbia	123,680	123,680	123,680	123,680		
States Relations Service	2,821,840	3,030,080	2,881,840	2,969,840	+ 88,000	+ 148,000
Office of Public Roads and Rural Engineering	586,405	885,325	612,505	599,700	− 12,805	+ 13,295
Office of Markets and Rural Organization	484,050	840,191	835,201	792,590	− 42,611	+ 308,540
Enforcement of the insecticide act		120,540	110,260	105,000	− 5,260	+ 105,000
Federal Horticultural Board		75,000	75,000	75,000		+ 75,000
Total, Department of Agriculture, for routine and ordinary work	19,936,582	23,076,527	21,753,589	21,801,093	+ 44,504	+ 1,864,511
Miscellaneous appropriations:						
Enforcement of the insecticide act	100,000					− 100,000
Enforcement of the plant quarantine act	50,000					− 50,000
Exchange of lands, State of Washington	50,000					− 50,000
Domestic potato quarantine	100,000					− 100,000
Demonstrations on reclamation projects	40,000	50,000	40,000	40,000		
International Dry Farming Congress, Denver, Colo	20,000					− 20,000
Cooperative fire protection of forested watersheds of navigable streams	100,000	100,000	100,000	100,000		
Experiments and demonstrations in live-stock production in cane-sugar and cotton districts of the United States	60,000	60,000	60,000	60,000		
Naval stores investigations	5,000	5,000	5,000		− 5,000	− 5,000
Eradication of foot-and-mouth and other contagious diseases of animals	2,500,000	2,500,000	2,500,000	2,500,000		
Lands for dry farming station, Oklahoma	200					− 200
Commission on rural credits	10,000					− 10,000
Maps, charts, and reports to trace shifting of agricultural industries		15,000	15,000		− 15,000	
Experiments in dairying and live-stock production in semiarid and irrigated districts of the Western United States		87,500	87,500		− 87,500	
State cooperation in marketing work		35,000	35,000		− 35,000	
Grand total, Department of Agriculture	22,971,782	25,929,027	24,599,089	24,501,093	− 97,996	+ 1,529,311

Every item is for a useful purpose and will help in the building of a greater country.

As will be seen from this table, the amount carried in the Agriculture appropriation act for 1916 is $22,971,782; in addition, sums aggregating $225,000 appropriated by special acts and $395,000 by the recent urgent deficiency bill will be expended during the present fiscal year, making a total, aside from the permanent annual and deficiency appropriations, of $23,591,782. The sum carried in the appropriation bill for 1917, as reported by the committee, is $24,501,093, an increase over the amount carried in the appropriation act for the present fiscal year of $1,529,311.

By comparing the appropriations for the preceding year we see that Congress is doing more and more each year to develop agriculture, and with the increased appropriations the department grows and its usefulness to agriculture and to the American people extends and expands.

The scope of the activities of the Agricultural Department may be classed as follows:

(1) Research work, which includes the scientific study of the fundamental problems of agriculture.

(2) Educational or extension work, which aims to make available to the rural population the results of the department's experiments and discoveries.

(3) Regulatory work, which includes the administration of the following statutes: Meat-inspection act, cattle-quarantine act, diseased-animal transportation acts, 28-hour act, virus-serum-toxin act, food-and-drugs act, insecticide and fungicide act, plant-quarantine act, seed-importation act, Lacey game act, migratory-bird act, and the cotton-futures act. The administration of the national forests also may be included under this heading.

This is the ninth Agricultural bill I have helped to enact, and I am proud of my record.

Money spent as is proposed under this class of legislation is an investment and returns good dividends to the Nation. Almost every phase and subject relating to agriculture is dealt with by the department, and there ought not to be any objection on the part of anyone to the prompt passage of this bill. The benefits are, of course, directly to the farmers of the country, but the whole American people, regardless of class or avocation, are benefited through the splendid results being achieved by this department. The legislation is not sectional. It should not be sectional.

The South, the greatest agricultural section of the country in point of rich and undeveloped possibilities, will be more beneficially affected by these appropriations than any other section unless it is the great western section. All internal improvements help our country and make our people more independent and prosperous. As our people prosper our country prospers, too. All internal improvements as proposed in this bill, and like building good roads, improving transportation by navigation and otherwise, is money well spent in the interest of increased productions, easier and cheaper marketing, and as our harbors are opened up and the markets across the waters are opened to our products, increasing the demand for what we produce to sell, the prices will correspondingly increase to the American producer.

Congress, since I have been a Member, has taken a keen interest in the development of American agriculture, which may be called the backbone of all preparedness plans, because it enables us to prepare otherwise.

Those gentlemen from city districts who criticize "free seeds" and agricultural appropriations are ignorant of the great wrong they are guilty of. Those same gentlemen are ready to vote hundreds of millions for the Army and the Navy and yet ignore the great mainspring of all true preparedness and howl "economy" when this bill, with only a few millions, is before Congress.

Every loyal American who believes in his country and who has his country's welfare at heart should applaud and help Congress in its efforts to help the American farmers.

The agricultural interests of this country will not come fully into its own, however, until we have a rural-credits act which will enable the American farmer to develop and finance his farming operations by securing long-time loans at low rates of interest. We want a real rural-credits act, such as will work to the advantage of the farmers and not against their interest. Friends of the rural-credits legislation will not be satisfied with a "makeshift" in this important subject. It is my purpose when the rural-credits subject is up in the House to have more to say on the subject, so I shall not discuss it further at this time.

You will find the Representatives from the South and, in fact, with few exceptions, from every quarter of the country, standing squarely behind this Agricultural appropriation bill, insisting upon its passage. It means much to the farmers and it means much to the whole American people, and should become a law as speedily as possible in order that the good work of this great department may proceed with its constructive service in building up the greatest industry of the world.

Mr. CARAWAY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill.

Mr. HICKS. I make the same request.

The CHAIRMAN. The gentleman from Arkansas [Mr. CARAWAY] and the gentleman from New York [Mr. HICKS] ask unanimous consent to extend their remarks on the Agricultural appropriation bill. Is there objection?

There was no objection.

The Clerk read as follows:

For the survey and platting of certain lands, chiefly valuable for agriculture, now listed or to be listed within the national forests, under the act of June 11, 1906 (34 Stat., p. 233), and the act of March 3, 1899 (30 Stat., p. 1095), as provided by the act of March 4, 1913, $85,000: *Provided*, That any unexpended balance of an appropriation of $85,000 to be expended "for the survey and platting of certain lands, chiefly valuable for agriculture," etc., provided by the act of March 4, 1915, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916," be, and the same is hereby, continued and made available for and during the fiscal year ending June 30, 1917, for the purpose of this appropriation.

Mr. HERNANDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Mexico offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HERNANDEZ: Page 40, line 7, after the word "appropriation," insert the following:

"*Provided further*, That in making the surveys and plattings herein authorized the usual rectangular system or legal subdivisions shall be followed, and that not to exceed any 40 acres of each 160-acre tract shall contain more than 10,000 feet of merchantable timber, board measurement, thereon."

Mr. LEVER. Mr. Chairman, I reserve a point of order on that amendment.

Mr. HERNANDEZ. Mr. Chairman, my object in offering this amendment is to call the attention of the committee to the fact that in administering the forest homestead act of June 11, 1906, the Department of Agriculture, through the Forestry Bureau, has usually left the administration of the law entirely to the judgment of the local officers, called rangers. As far as my experience goes—and I have had some practical experience, for a good many complaints have been made through me to the department—an applicant for a forest homestead goes before the ranger at the ranger's station and notifies him that he wishes to make a filing on certain land. He fills out an application, which is supposed to go to the district forester, the man who has charge of the forests within two or three States. By him it is referred back to the supervisor and the local forester. By and by the applicant for the homestead is notified that his application has been accepted or rejected, as the case may be.

If it is accepted, in nine cases out of ten where he has made application for a homestead of 160 acres or 80 acres, he gets perhaps 35 acres, 18 acres, 26 acres, or any odd number like that. This is the manner in which this forest homestead act is being administered. When the applicant finds out he has been given only a small portion of the land that he expected to receive, he gets disgusted and goes away, and that is precisely what the Forestry Bureau, through the ranger, wants him to do. That has been my experience in the State of New Mexico in regard to the forest homestead law. Now, this amendment goes quite a long way toward curing that defect. It provides that, notwithstanding a certain tract of land, say of 40 acres, containing as many trees perhaps as half the number of gentlemen who are here in this Hall at the present time, the applicant shall have that land listed to him in a reasonable and sensible way, so that he can fence it up.

A great deal has been said here about forests out in the West, and I am glad to know that a good many people are changing their opinion about this thing and are finding out that we out there have been made the victims of a mistaken theory, which was impracticable to say the least, and that Members are coming around now and finding out that a good deal of the area that they supposed to be a boulevard was nothing but a desert.

I have no personal complaint or criticism to make of the Bureau of Forestry, as I personally—and I believe my constituents—have been always treated by the department in a fair and businesslike manner, and the average stockman is likewise satisfied in the way permits have been issued for the grazing of bands of sheep and cattle.

As far as the timber is concerned, we believe that in time it will become the most valuable asset within the national forests, and from that item alone will come sufficient revenue to make the forests self-supporting. We are all in favor of the Government disposition of the timber within the forests at the best obtainable figure, and in that line good and efficient service is being performed by the bureau, as far as we know. The timber should be taken care of, the matured product sold, and the logged-off land sold or homesteaded as rapidly as possible.

The revenues derived from grazing stock within the national forests is the main source of revenue to-day, at least in my State; we pay our fees cheerfully and abide by all the rulings thereunder.

I note with a great deal of satisfaction that during the last five years considerable land formerly embraced within the boundaries of the forests has been eliminated and restored to the public domain; we believe that this is a step in the right direction and should be followed up with as many more eliminations as possible, so that these lands can be filed upon under the homestead laws and become taxable property.

I am very much impressed by what our honored Speaker said in his remarks about sending three men to Germany, Canada, or any other place where a perfect system of forest service could be studied, and then have the best of these methods introduced in the United States for the benefit of our country and our people.

I was also much impressed by what was said by the gentleman from Missouri [Mr. BORLAND] on the subject of waste lands and the cost of administering them. What financial benefit can either the Government of the United States or her citizens get by having lands within the forest reserve which has not a stick of merchantable timber upon it, when hundreds of good farmers would be glad to settle on such land, till the soil, make a good living, and bring in a revenue to their State in the way of taxes. We have many thousands of acres in my State in just such a condition, and it is to be hoped that some method, rule, or regulation may be adopted by the Forest Department by which such lands that have only scrub oak, small piñon, and other such scrub brush may be utilized by the farmer, and not called "forest," when in a thousand years you could not cut a single board that would cover a man's body.

The item in the bill now under consideration of $100,000 for the purpose of listing, surveying, and segregating lands that could be used for agriculture within the national forests is another step in the right direction, which we hope will materially assist in correcting the many defects in the administration of the forest-homestead act, which, as I have already stated, has not, in my opinion, been administered so as to encourage settlers within these forests, although that was the purpose of said act; but said law has been left entirely discretionary with the Bureau of Forestry; but common sense and good reason should dictate to them that no man can very well afford to take up 23, 28, 35, or 77 acres of such land, when it is hard enough to make a living on 160 or even 320 acres of better land in New Mexico. I would have offered another amendment, or at least suggested one, to the committee in charge of the bill at this time, but a step at a time in the right direction is enough, and at some future day I shall offer such amendments as my people may deem necessary, so as to give the home seeker an opportunity to make a living.

My proposed amendment would have read as follows:

That the act of June 11, 1906, be amended so as to read that a homesteader could file on any land within the national forest containing any certain number of feet not to exceed 50,000, and that said timber should be reserved to the Government except so much thereof, as the homesteader would need to build his house and barn on the land, the remainder to remain under the jurisdiction of the department, and to be taken care of by the claimant or owner of the land.

There is such reservations now in the classified coal-land law, and I do not see why the same could not be applicable to timberlands.

Now, I would like to say a few words in regard to the distribution of vegetable, flower, and valuable forage seeds.

In my State we have as many farmers, and good farmers, as any State with approximately as many people as we have, besides our many thousands of children, and these children have done much toward beautifying our cities and our country homes by planting and caring for their gardens, besides the fact that very many of them will become good farmers, which is the crying need of our country. I have sent out this year my full allotment of vegetable, flower, and forage seeds and could have used at least 5,000 packages more, for there is hardly a day passes but what I receive requests from my farmer and city constituents for different kinds of seeds.

I have listened to the remarks of several gentlemen who are in favor of cutting out the seed appropriation, and I want to say to them that to take away from the people, and especially the children the innocent pleasure and farming education by the planting and beautifying of their homes, and the supplying their needs for the home would be a crying shame, and I thoroughly agree with the gentleman from New York [Mr. BENNET] when he says that there are many other things that could be given up than the satisfaction in knowing that the seeds furnished by our Government are giving pleasure and relief for hundreds of thousands of our people throughout the United States.

In this regard I would like to state that we do not receive sufficient forage crop seeds that are practically new to most of us, such as Sudan Grass, Feterita, Hegari, and Dwarf Milo. I have not only used many more than my own quota, but have applied for several hundred packages additional, and have now on my desk a large number of applications for such seed and am unable to supply them to my constituents.

These seeds are given out by the Government for the purpose of testing them in different sections throughout the country, and it behooves us to help our people and encourage them in the planting of such forage crops, so that our country may in time be known as one of the great forage-crop countries of the world.

It may be that in the large cities such crops could not and would not be of any great advantage, but in the great West and Middle West this is what we need, and the man who is against the plan of helping our people in our farming districts is not a good friend of the farmer. We have too many people now who are occupied in mercantile and other pursuits, but our farming communities are short of farmers, and this should be encouraged so as to make the farmer self-sustaining and a pride to his community and the country at large.

I entirely agree with the remarks made by the gentleman from Mississippi [Mr. QUIN] in this regard, and the Government can not do better, in my humble opinion, than to keep up the good work in the distribution of seeds of every character, and especially of forage crops.

I have never had any seeds returned from my district, never had any complaint, except from those who have not received any, and they clamor to send them seeds of all kinds, especially forage seeds.

There are, I might say, thousands of newcomers in my State, most of them from Ohio, Illinois, Nebraska, Oklahoma, and Kansas, who are very desirous of trying in their new homes the best forage seeds that they think would be adaptable to the soil of New Mexico.

I do not believe that there ought to be a single dissenting vote on this item of seeds.

Mr. LEVER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. LEVER. If the Chair has any doubt about it, I will withdraw the point of order and ask for a vote.

The CHAIRMAN. The gentleman from South Carolina withdraws the point of order. The question is on the amendment offered by the gentleman from New Mexico [Mr. HERNANDEZ].

The question was taken; and on a division (demanded by Mr. HERNANDEZ) there were—ayes 30, noes 31.

Accordingly the amendment was rejected.

The Clerk read as follows:

For fighting and preventing forest fires and for other unforeseen emergencies, $150,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word, particularly for the purpose of calling the attention of the committee to some matters in reference to the Madison station. I have brought up two letters out of a good many that I have received on this subject. I do not know whether they have been written to Members generally, but probably not. They are Chicago letters. I shall not read the whole of them, but I ask unanimous consent to extend my remarks by printing the whole in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letters are as follows:

CHICAGO MILL & LUMBER CO.,
Chicago, February 29, 1916.

Hon. JAMES R. MANN,
Member of Congress, Washington, D. C.

DEAR SIR: Illinois ranks third among the States as a producer of wooden boxes used in shipping. Chicago alone has about 20 factories, and the remainder of the State probably has as many more.

We therefore make bold to address you with reference to the amendment proposed by Mr. RANSDELL to the bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

It is from this appropriation that the Forest Products Laboratory at Madison, Wis., secures its funds.

The writer has recently visited the laboratory there, as have a great many of the leading manufacturers of packages in the West; in fact, we have had some meetings in the laboratory. We are all intensely interested in the development of box specifications, the testing work for which is being done at that laboratory for the National Association of Box Manufacturers, which association is the only body representing nationally the 1,000 package manufacturers in the country, who do an annual business of probably $300,000,000.

We should like to see a larger appropriation for this laboratory, which, we understand, can be secured through the amendment proposed by Mr. RANSDELL, for we know that the work at the laboratory is hampered for lack of funds.

One of the purposes of the tests being made at the laboratory is to lead those in possession of our timber facilities into a better understanding of how they may conserve the forests by putting into packages sufficient but still not more material than is actually needed to carry the load.

Your cooperation in this matter will greatly oblige us.

Yours, very truly,

C. FRED YEGGE, *Vice President.*

THE NATIONAL ASSOCIATION OF BOX MANUFACTURERS,
Chicago, Ill., March 6, 1916.

Hon. JAMES R. MANN, M. C.,
Washington, D. C.

DEAR SIR: The National Association of Box Manufacturers represents the makers of wooden shipping containers throughout the United States. These manufacturers consume approximately 15 per cent of the total lumber production of the country annually.

The manufacturers referred to are vitally interested in the work which has been carried on for some months by the Forest Products Laboratory, at Madison, Wis., which laboratory is under the supervision of the Department of Agriculture. This laboratory conducts experiments as to the relative strengths of the various kinds of packages in which the output of the factories of the United States is shipped, and very valuable work has been done in developing the relative strengths of the various woods used in the making of shipping containers. The members of the National Association of Box Manufacturers have from time to time furnished the laboratory with boxes constructed of representative woods produced in the various parts of the United States on which to conduct their experiments.

The progress of the work so far has conclusively shown that great conservation in the forest product of the United States can be made by more scientific construction and the reduction of the thickness of materials used in the manufacture of wooden containers, which, as we have said, consume some 15 per cent annually of the total lumber production of the country.

As some of the largest wooden-box manufacturers in the United States are located in Chicago, I am taking the liberty of addressing you with reference to the amendment by Senator RANSDELL to the bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917. It is from this appropriation that the above laboratory secures its working funds. We are vitally interested in a sufficiently large appropriation being made to enable the laboratory to continue this valuable work, and at the annual convention of the National Association of Box Manufacturers, held in Chicago on February 1, the following resolution was passed:

"*Resolved*, That this association petition the Members of Congress and the Secretary of the Department of Agriculture to arrange a sufficient appropriation annually to the Forest Products Laboratory at Madison, Wis., to enable them to carry to a conclusion the work of testing all materials used in boxes or shipping-container construction, the different types of construction, etc., which this association believes would be of great benefit to the country and also to forest conservation."

Respectfully,

F. C. GIFFORD, *Secretary.*

Mr. MANN. I have watched the Madison laboratory for a good many years. I do not know whether I helped start it or whether I only helped to enlarge it. I know that I did one or the other in connection with the investigations relating to wood that might be used for paper. I understand they have extended their scope and are doing other work along various lines. It is a pleasure, in view of all that has been said on the floor recently about the Forestry Service, to present something distinctly praiseworthy in the work that they are doing.

I do not know what the Ransdell amendment is. Of course, it is an amendment in the Senate and not in the House. I asked the gentleman from South Carolina a little while ago, privately, what the reason was for the reduction in the appropriation carried in this item, and he said that it was a transfer, that there was no actual reduction. I do not know whether there ought to be much of an increase or not, but I do know that the paper manufacturers throughout the country have repeatedly told me that this laboratory at Madison was doing a work of great value to them. I am glad to know that the box manufacturers who use 15 per cent of the lumber say that the work is of great value to

them in showing and telling them how they can make boxes out of less wood than they would have used without the result of the work at Madison. I think it is a very interesting work.

Mr. LONGWORTH. Mr. Chairman, I rise in opposition to the amendment. I have just read an article in the evening paper, as follows:

Charging that "the most formidable and best organized lobby" in the history of the conservation movement is at work in Washington, Gifford Pinchot, former Chief of the United States Forestry Service, in an address at the annual banquet of the National Academy of Sciences last night declared that conservationists must do everything in their power to defeat the lobby.

I want to ask the gentleman from South Carolina if he has any knowledge of that lobby referred to.

Mr. LEVER. Absolutely I have not. I have not seen Mr. Pinchot for several years, and I have not seen anybody else that has the earmarks of a lobbyist.

Mr. LONGWORTH. It says it is the most formidable and the best organized lobby in history.

Mr. LEVER. I am not acquainted with that situation at all.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For the purchase and maintenance of necessary field, office, and laboratory supplies, instruments, and equipments, $150,400.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. There has been considerable said about the great cost of the Forest Service, and a number of gentlemen have expressed the hope that the service would soon be placed on a paying basis. The Speaker, who always lends interest to any subject which he discusses, suggested that we might profitably study the methods of the German Empire with the view of making our forest reserves pay. There are very good reasons, some of which I pointed out earlier in the day, why our Forestry Service does not pay now. The principal reason is that we have taken under the Federal wing for the benefit of coming generations great areas of forest land for the products of which there is no immediate market. We are conserving these great values, amounting to hundreds of millions of dollars, with a view of caring for future generations.

When we start out on an enterprise of that kind we may expect to spend some money without immediate returns. We can not hope to have immediate large returns, but eventually the returns will pay the running expenses, in my opinion, and without burdening the people in the regions in which the reserves are located. I do not mean to say that I think any special effort should be made to make the reserves pay. I think they should be conducted in the public interest, without any special effort to make them pay, certainly no effort to make them pay by burdening the people locally; but I think they will eventually be made to pay.

I want to say just a word with regard to the suggestion of the distinguished gentleman from Missouri [Mr. CLARK], the Speaker of the House, that it might be well for us to send a commission to Germany to study German forestry methods. They have made their forest reserves pay. While I generally agree with the Speaker on matters that are not political, I can not agree with him on this matter. We had a little too much of German methods in Forestry Service a number of years ago. We had a gentleman at the head of the service who meant well and who knew a great deal about forestry and forests, who had the idea that we could put into operation here in our country German methods. German forestry methods, no matter how good they may be for Germany, are no more adapted to our country than German military methods are adapted to our country, and our people would no more tolerate German forestry methods than they would tolerate German military methods.

Mr. BORLAND. Is the gentleman quite accurate about that? Is not the question of forestry methods one of science? It is not a question of methods, like military methods.

Mr. MONDELL. The German methods of caring for the forests are, in a measure, military, and include police control, and while with them the primary purpose is, no doubt, to preserve the forests for the use of the people, yet in doing that they feel that they must make the forests pay, and they make them pay, even though their maintenance is burdensome upon the people of the locality. Our conditions are not German conditions. Our forests do not lie, as the forests of Germany do, in thickly populated sections, surrounded by great cities.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I do not believe we have much to learn from the Germans with regard to the care of forests, more than we have already learned from them. We have learned many things from that great people relative to forests and forest care and forest preservation, as we have in other lines, but I think we have reached a point where we are developing an excellent American system. It still has its faults of administration, it still has its duplications of service, it is still, I am inclined to think, unnecessarily expensive in certain directions, but we are developing an American service along American lines fitted to American conditions.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I am sorry that I can not yield. I only have five minutes and I want to follow this thought. With regard to this matter of making the forests pay, let me make this suggestion: One reason why our forests have not paid is that we have not improved them so as to make them generally available and usable. Mr. Pinchot, quite a number of years ago, asked for $5,000,000 as a capital fund for the purpose of making the forests accessible and usable by road construction and in other ways. I believe it would have been a wise expenditure of public money, and I think that that road bill which the committee is going to report will be a wise step in the direction of making the forests pay. The forests do not pay now partly because they are not accessible; we can not get at them and their products. It is difficult to reach their resources, and we can afford to spend a considerable sum of money as a capital investment to make these great resources available and available quickly.

Mr. TILSON. Would the gentleman build railroads into the forests?

Mr. MONDELL. No; unless the Government was going to do lumbering. I do not think that would be wise.

Mr. TILSON. Would the ordinary wagon road really make them accessible commercially?

Mr. MONDELL. It would make them much more accessible and usable commercially, and in many ways which I have not the time now to explain, but which are understood by those who are familiar with the reserves.

Now, it was suggested by the gentleman from Iowa that we should have a commission to study the forestry question. Well, I am of the opinion that we do not need a domestic commission any more than we need a foreign commission. I think the committee has gotten along very well in taking care of the Forestry Service. I think the committee might with profit examine a little more thoroughly than it does the question of the duplication of work and unnecessary expenditure, for instance, in connection with district offices, and perhaps here in Washington. I think the Committee on Agriculture can work this problem out without the aid of any commission for a domestic or a foreign investigation. On the other hand, expenditures in the way of capital investment that will make the resources of the forests available for use will help along on the road toward a self-supporting forestry system. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods as may require test to ascertain if they be suitable for making paper, for investigations and tests within the United States of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest products, $135,200.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from South Carolina is this the paragraph to which Senator RANSDELL offered an amendment to increase the amount?

Mr. LEVER. It is.

Mr. HARRISON. The reason why I ask the gentleman is that I have had a good many letters about this paragraph from certain people in my section of the State who are interested in it and who are under the impression that Senator RANSDELL by his amendment sought to erect another such plant as I believe is located at Madison, Wis. His amendment does not go that far?

Mr. LEVER. I have not read his amendment, and only know about it from newspaper accounts; but my impression is that

the amendment he offered was to increase the amount of the appropriation $75,000 with a view to establishing a plant at New Orleans similar to the one now located at Madison, Wis., the appropriation for which is carried by this item.

Mr. HARRISON. May I ask the gentleman how much that plant at Madison cost?

Mr. LEVER. The plant was established long before I became a member of the committee and I do not know its cost. For its maintenance and care under this item we appropriate $135,200.

Mr. McLAUGHLIN. That plant was supplied by the State without expense to the Federal Government.

Mr. LEVER. We have no memorandum of its cost.

Mr. BROWNE. The State of Wisconsin appropriated $50,000 to furnish the building and the housing and to help install the machinery and everything in the forest products laboratory at Madison. That was done, I think, in 1910 or 1912, when the legislature appropriated that amount of money.

Mr. LEVER. As I recall, this work is being done in cooperation with the University of Wisconsin.

Mr. BROWNE. Yes, sir.

Mr. HARRISON. Do I understand this whole appropriation goes for the work in connection with that particular plant?

Mr. LEVER. Yes; to this particular plant.

Mr. HARRISON. Is that all the money that the department stated is required for this work?

Mr. LEVER. We gave the estimates exactly.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HARRISON. I do.

Mr. MOORE of Pennsylvania. Is this a new item?

Mr. LEVER. No; this item has been in the bill for some years.

Mr. HARRISON. This, Mr. Chairman, appears to me to be a very important matter. In reading the hearings it seems to me they are doing great work. I know that in my section, which is quite a timber section, and where there are large sawmills, where up until two or three years ago we had no paper mills, and where formerly the refuse and slabs were burned or thrown away, the sawmills now utilize them in the manufacture of paper, and it seems to me that this plant——

Mr. LEVER. And wood alcohol.

Mr. HARRISON. They are not manufacturing wood alcohol at that point, yet I understand they are doing it in some instances, so I was very anxious to see just the amount of appropriation that is needed for this work be appropriated, because I think it is very important.

As I understand, they get these woods and experiment in them, not only from the territory adjacent to Madison, Wis., but they get them from the West and the South and the East, from all over the country?

Mr. LEVER. That is true.

Mr. HARRISON. And even from foreign countries. I am very much interested and in favor of this paragraph.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

Mr. BROWNE. Mr. Chairman, I move to strike out the last two words.

Mr. LEVER. Mr. Chairman, may I ask to close debate on this in five minutes?

Mr. BROWNE. Yes. I move to strike out the last two words. I am somewhat familiar with the workings of the forest part of the laboratory at Madison. Since it was established they have made some 125,000 timber tests, and they are consulted by every woodworking establishment throughout the United States of any size. They are consulted by cities in regard to paving blocks and in regard to wood preservatives. They have made many experiments in regard to preserving wood.

Mr. BORLAND. As I undertsand it, the work they do is not local to the immediate latitude of Wisconsin, but it takes in the wood from all over the United States?

Mr. BROWNE. All over the United States.

Mr. BORLAND. So that the result of the work done there at the Madison laboratory is available all over the United States?

Mr. BROWNE. All over the United States.

Mr. BORLAND. It would not serve any good purpose to have other laboratories in other sections of the country?

Mr. BROWNE. I do not think so. This one is accessible for the country.

The gentleman from Mississippi spoke about the experiments they were making as to alcohol. This is not wood alcohol. They are manufacturing a vegetable alcohol out of the by-products of sawmills. For instance, they are taking, simply, sawdust—and their experiments are not in the experimental stage now, but the process is practically perfected—and they have shown in this laboratory that they can make 20 gallons of vegetable alcohol from 1 ton of sawdust. Wood alcohol is manufactured by the decomposition of wood. Vegetable alcohol is manufactured by the grinding up of wood and the application of certain chemicals which bring down the starch and thus produces a vegetable alcohol, the same as we get from potatoes and corn. They claim that they can manufacture it at from 15 to 20 cents a gallon.

Mr. HARRISON. May I ask the gentleman how they get these woods that they want to test in this laboratory? Do they send men to the forest sections, or must the particular industry interested in it or the person interested in certain woods take it up with this laboratory?

Mr. BROWNE. It is generally done by manufacturers and lumbermen sending timber right there.

Mr. HARRISON. And they do not send men out to investigate it?

Mr. BROWNE. They do to some extent, but most of it is sent there, and the railroad companies in a good many instances carry it free for the experiment.

Mr. HARRISON. And I understand they issue bulletins, too, along this line?

Mr. BROWNE. Yes, sir.

Mr. HICKS. May I ask the gentleman whether or not they make any charge for this?

Mr. BROWNE. They make no charge whatever. For instance, take the question of wood preservatives and wood stains. Some of these wood stains and preservatives sell for 50 to 75 cents a gallon. This forest laboratory has shown that just as good preservatives can be made for 15 cents a gallon. They made a test on the yellow pine. They had thought for years that by tapping pine for turpentine they spoiled the wood for commercial use by weakening it. They made the test at the laboratory and found that it did not injure the wood at all, and are using this wood right along for commercial purposes.

Mr. HARRISON. I want to say to the gentleman that they are using the yellow pine now for paving blocks after it is creosoted, and I presume that they got that from that test that was made at Madison, Wis.

Mr. BROWNE. That is a fact. They test for packing boxes of various shapes, resulting in a revision of the specifications of the Interstate Commerce Commission for boxes used in the shipping of explosives. The railroads of the United States paid $40,000,000 in one year for claims for goods that were lost in transit. A large amount of this was because of the design in boxes, and by improving the design they diminish the loss. As to the strength of wood in using wood for paper purposes, they found out that hemlock and other woods that formerly were thought not to be fit for making paper could, by applying what is known as the sulphide process, be manufactured into paper, and they are manufacturing paper from it.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the time of the gentleman from Wisconsin be extended one minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORE of Pennsylvania. Will the gentleman explain in that time what is being done in the way of relieving the stringency in the paper market through the experiments that have been conducted at that point?

Mr. BROWNE. They are establishing the fact that woods like hemlock and other woods—the tamarack, I think—can be utilized in making the quality of paper used for newspapers and wrappers.

Mr. MOORE of Pennsylvania. We are depending largely for our supply of spruce and paper woods on Canada just now, but the conditions there are not very favorable, and I was wondering whether anything was being done here to Americanize that situation.

Mr. HARRISON. I will say to the gentleman that they are making paper now out of yellow pine in the South.

Mr. MOORE of Pennsylvania. Through experiments recently conducted?

Mr. HARRISON. Yes. In my district there is a concern that is capitalized at $2,000,000 which is making that paper.

Mr. MOORE of Pennsylvania. As the gentleman knows, that is a very important problem just now.

Mr. HARRISON. Yes.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. MANN. Mr. Chairman, the shortage in paper in the main is in the higher grades of paper. They use spruce and hemlock

and some tamarack for making wood pulp from which print paper is made, and they have done it for many years, although they have done some good work at the Madison Laboratory in connection with those things. I do not know, but I suspect that if they are making paper out of yellow pine in the South, it is by the sulphite process.

Mr. HARRISON. I think the gentleman is correct about that.

Mr. MANN. It is not a very pleasing process to the nostrils, but out of it they make a very strong light-weight wrapping paper, the best wrapping paper in the world.

Mr. HARRISON. Yes.

Mr. MANN. I would like to ask the gentleman from South Carolina, if I may, whether any of these box manufacturers took the trouble to appear before the Committee on Agriculture with reference to this item?

Mr. LEVER. I do not think they did.

Mr. MANN. Then they can not criticize too much if they do not get what they want.

Mr. LEVER. There is an interesting statement here on the subject of paper making at Madison, which I think would interest the House. I read:

Tests have shown that pulps of commercial values and suitable for use in the manufacture of news and wrapping paper can be made by the sulphite process from 10 species of native woods, several of which grow in large quantities in the national forests. Some of these woods are now used to a limited extent, others not at all. Mills have started to use Sitka spruce, western hemlock, Engelmann spruce, red fir, white fir, and lodgepole pine. Other species are under investigation.

Tests on 23 species, of which large quantities are available in the United States, have demonstrated that practically all of them have immediate promise as substitutes for spruce in the manufacture of the cheaper grades of papers, such as news, manilas, box board, etc. Newsprint manufactured from these woods was successfully used by the St. Louis Republic and the New York Herald in printing one of their current editions. Nearly all of these were also tested as to their adaptability to the steaming or boiling treatment before grinding. One mill recently erected has been largely guided by the results of these tests, and a large mill in Wisconsin is now operating on eastern hemlock where spruce was formerly used.

So that I take it from that that they must be making some real progress with their paper work.

Mr. MANN. Well, they are not making much progress, so far as that is concerned, because it is a process of grinding, and you can mix hemlock and tamarack and some other things with spruce wood, but the spruce wood grinds off on a coarse grindstone so that it comes with enough fiber to it to hang together. The paper has to hang together when it is wet. When the paper is made it comes off in a wet sheet, wringing wet, practically. They press the water out as much as they can, but it goes on the roller wet. A powder will not hang together; a flour or powder will not hang together at all. The spruce wood ground up does have some fiber. Very few of these other woods have sufficient fiber, or else they have too much fiber, and that will not make a smooth paper. With all of those they usually mix some sulphite pulp, and it all hangs together. But they have done good service up there.

Mr. BROWNE. It is stated that one mill was recently established in Wisconsin that uses hemlock where they used spruce before. I presume the hemlock is promising.

Mr. MANN. They always did use hemlock, but they must use with it some sulphite pulp. The sulphite pulp is more expensive than the spruce or hemlock. I think the gentleman from Wisconsin said something a moment ago about making alcohol out of wood, so that it is drinkable.

Mr. BROWNE. It is a vegetable alcohol.

Mr. MANN. Of course, it is.

Mr. BROWNE. I am not expert enough to know whether it is palatable or not.

Mr. MANN. They have made it, or claimed to have made it. I think they have not advertised it much, because my recollection is that they do not pay any tax on it. Grain alcohol, 100 proof, is taxed $1.15 a gallon, I believe. But some years ago they claimed they had discovered a process for making potable alcohol from wood. I meant to look it up at that time. I made some inquiry about it. I found that there was no tax on it. They could afford to make alcohol by that process, if it cost them a dollar a gallon, if there was no tax on it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For experiments and investigations of range conditions within national forests or elsewhere on the public range, and of methods for improving the range by reseeding, regulation of grazing, and other means, $30,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania:

Page 40, line 24, after the figures "$30,000," insert the following: "*Provided*, That such experiments and investigations shall include the assembling and distribution of information to encourage the development of the sheep industry in and about the forests of the United States."

Mr. LEVER. I reserve a point of order on that amendment. I wonder if the gentleman will agree to a limitation of time for debate on this amendment.

Mr. MOORE of Pennsylvania. I was hoping the gentleman would accept this amendment. It does not involve any change in the amount of the appropriation.

Mr. LEVER. That is very true, but we are spending a good deal of money in another bureau to do just exactly what the gentleman proposes to do by this amendment.

Mr. MOORE of Pennsylvania. Not as to the sheep industry itself.

Mr. LEVER. Oh, yes.

Mr. MOORE of Pennsylvania. Not specifically?

Mr. LEVER. Not specifically; but the Bureau of Animal Industry is doing a great deal in that line.

Mr. MANN. Is the gentleman from Pennsylvania sure that he wishes to promote the production of sheep and not the elimination of mosquitoes?

Mr. MOORE of Pennsylvania. I am quite sure. I want to eliminate the mosquito, but I want also to encourage the sheep.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. McLAUGHLIN. The range is taken care of with the idea of increasing the quantity and quality of the grass upon which the sheep will feed, and very satisfactory results are being reached.

Mr. LEVER. Under this very item, too.

Mr. McLAUGHLIN. Under this very item. They are doing the very thing that the gentleman would have done.

Mr. MOORE of Pennsylvania. What I am asking in this amendment is that there be a specific direction to the bureau to inquire into the proper grazing places and to give information to those who may be encouraged to develop the sheep industry and to engage in that business.

Mr. LEVER. That is just what they are trying to do under this item.

Mr. SHALLENBERGER. Does the gentleman know that sheep are higher now than they have been for many years?

Mr. MOORE of Pennsylvania. That is the reason I would like to have the farmers of the country take a greater interest in the raising of sheep. They would profit by it.

Mr. SHALLENBERGER. Does the gentleman know that wool is about two and a half times as high at it was; and is not that the kind of encouragement that men need in this industry?

Mr. MOORE of Pennsylvania. Wool is high——

Mr. SHALLENBERGER. And mutton is high.

Mr. MOORE of Pennsylvania. And mutton is high——

Mr. SHALLENBERGER. And sheep are high.

Mr. MOORE of Pennsylvania. And sheep are high, because it is impossible just now to do business with foreign countries; and we have the finest opportunity in the world to turn the attention of the American farmer to a profitable industry right now, if we will tell him what some farmers do not know, that there is a fine market for wool and a fine market for mutton. It may appeal as strongly to the farmer as it does to the man in the city that just now we are paying very high prices for what we have to eat, and we are paying fairly good prices for what we have to wear, and the sheep enters very largely into that problem.

Mr. BORLAND. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Missouri.

Mr. BORLAND. Does the gentleman know that one reason for the increase in the price of sheep is because the Republican orators told the country that the wool industry was going to be ruined by free wool, and so they sold off their flocks of sheep, and now there is a scarcity of them?

Mr. MOORE of Pennsylvania. I do not know as to that. The American farmer knows what was true, and he also knows that the present higher price is due to the war.

Mr. LEVER. Mr. Chairman, I hope the gentleman will not start a tariff discussion here.

Mr. FOSTER. Mr. Chairman, I rise to a point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, it seems to me that I am proceeding in my own time.

The CHAIRMAN. What is the point of order made by the gentleman from Illinois?

Mr. FOSTER. The point of order is that we do not want to open up a tariff discussion, and that this discussion is not confined to the amendment.

Mr. MOORE of Pennsylvania. I have confined all I have said to the amendment. The gentleman complains about a tariff discussion. That was begun on the gentleman's own side.

Mr. MANN. The gentleman from Pennsylvania had not even mentioned the tariff.

Mr. MOORE of Pennsylvania. I raised no question as to the tariff. I am willing to do it, but the gentleman from Illinois [Mr. FOSTER] ought to apply his lecture to the gentlemen on his own side of the House who raised the question.

Mr. FOSTER. I do not care who raised it. It is out of order.

The CHAIRMAN. The gentleman will proceed in order.

Mr. MOORE of Pennsylvania. I have proceeded in order.

Mr. MANN. The gentleman has a right to proceed.

Mr. FOSTER. The gentleman has been talking about the situation in his home town and is not talking to his amendment. I make the point of order.

Mr. MOORE of Pennsylvania. The gentleman can make the point of order, but he ought to be in the House when the discussion is going on——

Mr. FOSTER. The gentleman from Illinois is on the floor more days and more hours than is the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. The gentleman comes in and gets restless at this late hour of the day.

The CHAIRMAN. This discussion is out of order and the time of the gentleman from Pennsylvania has expired.

Mr. MANN. The time expired by my colleague using the time of the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FOSTER. I object.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman has an amendment pending.

Mr. MOORE of Pennsylvania. I move to strike out the last word in my amendment.

The CHAIRMAN. The Chair is under the impression that a Member can not offer an amendment, talk five minutes upon it, and then offer an amendment to his amendment.

Mr. MANN. Not if some one else is asking for the floor.

Mr. LEVER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LEVER. A point of order was reserved against the gentleman's amendment. Is it competent for him to offer an amendment pending the decision of the Chair?

Mr. MANN. No; of course it is not.

Mr. LEVER. I am not opposed to the gentleman from Pennsylvania proceeding for five minutes. The gentleman and I can get along very well together.

Mr. MOORE of Pennsylvania. Yes; we would if it had not been for the interference of the gentleman from Illinois.

Mr. FOSTER. The "gentleman from Illinois" will interfere whenever he thinks it best.

The CHAIRMAN. Does the gentleman from South Carolina insist on his point of order?

Mr. LEVER. I make the point of order that the amendment is not germane.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to discuss that. I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again read the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, this paragraph provides for experiments and investigations of range conditions within national forests or elsewhere on the public domain, and for methods of improving the range by reseeding, regulation of grazing, and other means. My amendment conforms to the language of the paragraph. It is wholly germane to the paragraph.

Mr. LEVER. Mr. Chairman, I call attention to the fact that this item in the bill provides for experiments and investigations of range conditions within national forests and for improving the range by reseeding, regulation of grazing, and so forth. The gentleman's amendment is, as I caught from the reading, to encourage the sheep industry and study the sheep industry and give out information about the sheep industry, which is not in line with the work under that item at all, but is carried in the Bureau of Animal Industry. This is to study the range itself.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. MOORE of Pennsylvania. Does not the gentleman understand that grazing would apply to sheep as well as to cattle?

Mr. LEVER. Undoubtedly, but this is to study range conditions, and the gentleman's proposition is for the study of the sheep industry, with a view of developing it.

Mr. MOORE of Pennsylvania. And it relates to experiments and investigations in reseeding, the regulation of grazing, and so forth.

Mr. LEVER. The gentleman might have that in mind, but the amendment does not say so.

Mr. MOORE of Pennsylvania. I was very careful to follow the language of the paragraph.

Mr. BENNET. Mr. Chairman, it seems to me that the amendment offered by the gentleman from Pennsylvania is clearly in order under this line of decisions. For instance, to use the old illustration, if a bill is under consideration for the admission of one Territory as a State, it is not in order to introduce an amendment authorizing the admission of another Territory as a State, but if the original bill proposes to admit two or more States then the admission of another State may be included in an amendment.

This particular paragraph is divided into at least two parts. In line 21 it is for the experiment and investigation of range conditions; then, in line 23, the methods for improving the range by reseeding, regulation of grazing, and other means. There are at least four different methods proposed in connection with the appropriation. Now, the gentleman from Pennsylvania simply proposes to make a fifth, for which a part of this $30,000 may be expended. The amendment is certainly germane to the paragraph under discussion.

The CHAIRMAN. The Chair thinks that the gentleman from New York [Mr. BENNET] has divided the paragraph properly; but the Chair is impressed that the method provided for in the paragraph for improving the range is by reseeding, regulation of the grazing, and by other means. The amendment of the gentleman from Pennsylvania [Mr. MOORE] is as follows:

Provided such experiments and investigations shall include the assembling and distribution of information to encourage the development of the sheep industry in and about the forests of the different States.

It seems to the Chair that this introduces an entirely new feature, and would be foreign to the work provided for in this paragraph, and the Chair therefore sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, may we close debate on this in five minutes?

Mr. MOORE of Pennsylvania. Yes; so far as I am concerned.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I had no thought of introducing the tariff into this discussion by offering this amendment; but I did have a serious purpose, and one which, I think, should commend itself to all sections of the country. There is a great demand for wool at the present time, and we have not in America sufficient sheep to supply a clip to meet the demand. There is a demand for more mutton in this country, and the price of mutton has gone up exceedingly.

If the gentleman thinks that I am discussing the tariff when I refer to the fact that the people of the country to-day have to pay more for their meat and more for their clothing than heretofore, he is welcome to put that interpretation upon it. The fact is that the cost of living has gone up, and under such conditions it is important to bring to the attention of the farmers of the country the necessities of their best customers in the city. We need the wool in the large centers of population. We need it to fabricate into garments to be worn by the people. We need the meat; but while we need these things, the supply of sheep is constantly decreasing in the United States, and we are prevented from invading the foreign market by reason of war conditions. I would like to ask what harm can be done by a simple amendment suggesting to a department to which we are appropriating $24,000,000—$5,500,000 of which is to go into forestry alone—what harm can be done in directing that a proportion of a $30,000 appropriation for improving grazing lands in forests be applied to obtaining and distributing information that will encourage the farmer to improve his own opportunities by increasing the sheep supply in the country?

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. KEATING. Is it the gentleman's contention that under Democratic administration the price of wool is so high as to increase the cost of clothing unreasonably?

Mr. MOORE of Pennsylvania. Does the gentleman want to go into a tariff discussion and invite the criticism of the distinguished gentleman from Illinois [Mr. FOSTER]?

Mr. BORLAND. Mr. Chairman, I make the point of order that the gentleman from Pennsylvania is not speaking to his amendment.

Mr. KEATING. I would be perfectly willing to enter into a discussion of the tariff with the gentleman, on the subject of wool.

Mr. MOORE of Pennsylvania. Oh, I am willing to enter into a discussion of it, but not now. We have not sheep enough now in the United States to supply the demand for wool or mutton.

Mr. BORLAND. Mr. Chairman, I make the point of order that the gentleman from Pennsylvania has made his explanation that he does not want to enter into a tariff discussion, and he is not discussing the amendment, but is discussing an amendment which has already been ruled out.

The CHAIRMAN. The point of order is sustained. The discussion of the gentleman from Pennsylvania is not germane to his amendment.

Mr. FORDNEY. Mr. Chairman, I submit that the question——

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry——

Mr. MANN. I make the point of order that there is no quorum present.

Mr. LEVER. Mr. Chairman, I had hoped that the gentleman from Pennsylvania [Mr. MOORE] might have gotten through with his remarks before we rose.

Mr. MOORE of Pennsylvania. I thank the gentleman from South Carolina for that statement. He has been very generous with me; but I shall reserve what I have to say for another occasion. [Laughter.]

Mr. KINKAID. Mr. Chairman, I will ask the gentleman from Illinois to reserve his point of order for a moment.

Mr. MANN. I reserve the point of order for the moment.

Mr. KINKAID. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOOLITTLE. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present——

Mr. LEVER. Will the gentleman withhold that for a moment?

Mr. MANN. Mr. Speaker, I withdraw the point of order.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock a. m. on Friday.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 a. m. Friday. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present; evidently there is not.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1294. An act to amend section 81 of the act entitled, "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 4480. An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina, at Raleigh, N. C.; and

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States District Court for the Middle District of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned to meet to-morrow, Thursday, April 20, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, a bill and a resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 78) authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the national encampment, Knights of Pythias, to be held at Nashville, Tenn., in August, 1916, reported the same with amendment, accompanied by a report (No. 574), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (H. R. 13984) granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States military reservation at Fort Mifflin, Pa., reported the same with amendment, accompanied by a report (No. 575), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14688) granting a pension to Daniel O'Brien; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14222) granting an increase of pension to Emanuel Pflieger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 14816) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes; to the Committee on the District of Columbia.

By Mr. MATTHEWS: A bill (H. R. 14817) authorizing the Secretary of War to donate condemned cannon and cannon balls to the village of Hicksville, Ohio; to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 14818) for the purchase of a site and erection of a public building at Clare, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER of Oklahoma: A bill (H. R. 14819) for the purchase of a site and the erection thereon of a public building at Idabell, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14820) for the purchase of a site and the erection thereon of a public building at Atoka, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14821) for the purchase of a site and the erection thereon of a public building at Hugo, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. OGLESBY: A bill (H. R. 14822) to prevent and punish the desecration, mutilation, or improper use within the District of Columbia of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. STOUT: A bill (H. R. 14823) permitting the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 14824) to prevent fraud at public auctions in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAYDEN: A bill (H. R. 14825) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona; to the Committee on Irrigation of Arid Lands.

By Mr. CULLOP: Resolution (H. Res. 207) for the investigation of the Forestry Service; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII private bills were introduced and severally referred as follows:

By Mr. CRISP: A bill (H. R. 14826) for the relief of F. M. Barfield; to the Committee on Claims.

By Mr. DENT (by request): A bill (H. R. 14827) authorizing and directing the President to nominate and appoint Capt. James R. Hutchinson, Philippine Scouts, a captain of Infantry in the United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 14828) granting an increase of pension to Franklin D. Russell; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 14829) granting an increase of pension to Augusta A. King; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 14830) granting an increase of pension to Mr. Louis H. Blake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14831) granting an increase of pension to Robert F. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14832) granting an increase of pension to Sarah P. Jessup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14833) granting an increase of pension to George P. Price; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 14834) granting an increase of pension to Minerva Bilsland; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 14835) for the relief of the heirs of Daniel Woolford; to the Committee on War Claims.

By Mr. HILL: A bill (H. R. 14836) granting an increase of pension to David E. Godfrey; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 14837) for the relief of the heirs of Joseph Ramsey; to the Committee on War Claims.

By Mr. HULL of Iowa: A bill (H. R. 14838) granting an increase of pension to William H. Crawford; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 14839) for the relief of John P. Purdon; to the Committee on Military Affairs.

By Mr. KELLEY: A bill (H. R. 14840) for the relief of Jackson Elmer; to the Committee on War Claims.

By Mr. NORTH: A bill (H. R. 14841) granting an increase of pension to Melinda Wimer; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 14842) granting a pension to Charles C. Abernathy; to the Committee on Pensions.

By Mr. PLATT: A bill (H. R. 14843) granting an increase of pension to James H. Hopkins; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 14844) for the relief of sundry building and loan associations of the United States; to the Committee on Claims.

By Mr. RAYBURN: A bill (H. R. 14845) for the relief of the legal representatives of R. H. Wells; to the Committee on War Claims.

By Mr. RUCKER: A bill (H. R. 14846) granting an increase of pension to Albert Fetterhoff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14847) granting an increase of pension to Nancy J. Oden; to the Committee on Invalid Pensions.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 14848) granting an increase of pension to Sarah Kissinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14849) granting an increase of pension to Sarah C. Hikes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14850) granting an increase of pension to Samuel Saylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14851) granting an increase of pension to Henry Schaeffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14852) granting an increase of pension to Albert H. Holtzinger; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 14853) granting an increase of pension to James B. Shannon; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 14854) granting an increase of pension to Minnie Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14855) granting an increase of pension to William A. Cheney; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 14856) granting an increase of pension to Lewis Low; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14857) granting an increase of pension to Eliza H. Hector; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14858) granting an increase of pension to Mary A. Brady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14859) granting an increase of pension to Franklin Deal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14860) granting an increase of pension to Mary S. Sweltzer; to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 14861) granting a pension to Louisa Morrison; to the Committee on Pensions.

PETITIONS ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CONRY: Memorial of Board of Aldermen of New York City, favoring House bill 6915, relative to retirement of aged postal employees; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Baird-North Co., of Providence, R. I., favoring passage of House bill 11621, relative to mailing catalogues; to the Committee on the Post Office and Post Roads.

Also, petition of Adolph Lewishon, of New York, against surrender of the Philippine Islands by the United States; to the Committee on Insular Affairs.

Also, petition of F. C. Barton, of New York, favoring passage of House bill 13767, the Rainey bill; to the Committee on Ways and Means.

By Mr. DARROW: Memorial of Manufacturers' Club, of Philadelphia, Pa., relative to establishment of a Government armor-plate plant; to the Committee on Naval Affairs.

Also, memorial of Manufacturers' Club, of Philadelphia, Pa., against surrender of the Philippine Islands by the United States; to the Committee on Insular Affairs.

By Mr. DAVIS of Texas: Memorial of National Editorial Association, indorsing House bill 8664; to the Committee on Printing.

Also, petition of sundry citizens of Texas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILL: Petition of Mrs. G. W. Owens and other residents of Spokane, Wash., protesting against the passage of S. 645, compulsory Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of Mrs. G. W. Owens and other residents of Spokane, Wash., protesting against the passage of House bills 491 and 6468, to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Memorial of American Association of Woolen and Worsted Manufacturers, indorsing House bill 20496; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Spencer, S. Dak., opposing House bill 13048; to the Committee on the District of Columbia.

By Mr. FLYNN: Petition of F. C. Barton, of New York, favoring passage of the Rainey bill, House bill 13767; to the Committee on Ways and Means.

Also, petition of Baird-North Co., of Providence, R. I., favoring passage of House bill 11621, relative to mailing catalogues; to the Committee on the Post Office and Post Roads.

Also, petition of Adolph Lewishon, of New York, against surrender of the Philippine Islands by the United States; to the Committee on Insular Affairs.

By Mr. FULLER: Petition of 128 citizens of Streator, Ill., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of sundry citizens of the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HENSLEY: Petition of R. G. Ramsey and others, of Flat River, Mo., against passage of House bill 13048, to create juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KELLEY: Petitions of sundry citizens and organizations of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KING: Petition favoring the adoption of national constitutional prohibition by the Trinity Lutheran Church Council, of Galesburg, Ill., representing 921 people, and signed by Rev. C. M. Olander, pastor, and J. Emil Peterson, clerk; to the Committee on the Judiciary.

Also, resolution adopted by Tyndale Castle, No. 16, of Quincy, Ill., and signed by Mr. J. L. Howe, patron dictator and Mr. E. J. Bracht, patron scribe, opposing House bills 6468 and 491, making Columbus Day a legal holiday for the District of Columbia; to the Committee on the District of Columbia.

By Mr. LOUD: Memorial of Bay City Central Trades and Labor Council, favoring the Penrose-Griffin bill, relative to in-

definite leave for aged employees of postal service; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of the Pennsylvania Prison Society, in favor of appropriation of $500,000 for establishment of institution for treatment of the feeble-minded; to the Committee on Appropriations.

Also, petition of Defiance Machine Works, for locating Government armor plant at Defiance, Ohio; to the Committee on Military Affairs.

Also, petitions of F. J. Sweeney, J. W. Sherrer, J. W. Windsor, George A. Urling, jr., George A. Urling, C. A. Painter, W. W. Merkel, all of Pittsburgh; and S. G. Stoothoff, of Wilkinsburg; G. A. Bell, of Carnegie; F. V. L. Handy, of Sewickley; and R. R. Travis, of Blairsville, all in the State of Pennsylvania, in favor of investigations of Standard Oil Cos. and export tax on gasoline; to the Committee on Ways and Means.

Also, petition of Wilfred Lewis, of Philadelphia, Pa., in opposition to House bill 8695; to the Committee on Appropriations.

Also, petition of the Anti-Imperialist League of Boston, Mass., in favor of Philippine bill; to the Committee on Insular Affairs.

Also, petition of Pennsylvania Chocolate Co., of Pittsburgh, Pa., in favor of Stephens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of William H. Mercer, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of C. E. Brown, Esq., of Pittsburgh, Pa., in favor of adequate preparedness in military affairs; to the Committee on Military Affairs.

Also, petition of J. B. Nessle, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of A. M. Hananer, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of Dr. Chevalier Jackson, of Pittsburgh, Pa., in favor of adequate provisions for Medical Corps and Medical Reserve Corps; to the Committee on Military Affairs.

Also, petition of Leslie M. Johnston, of Pittsburgh, Pa., in favor of section 56, Chamberlain bill; to the Committee on Military Affairs.

Also, petition of interstate committee, for suppression of pine-blister rust; to the Committee on Agriculture.

Also, petition of Star of Oakdale Council, No. 165, of Oakdale, Pa., in favor of House bill 558; to the Committee on Immigration and Naturalization.

By Mr. OAKEY (by request): Petition of German-American Alliance of Hartford, Conn., for the speedy passage of House bills 81, 3614, 4741, and 6083, amending the naturalization laws of the United States; to the Committee on Immigration and Naturalization.

Also (by request), petition of German-American Alliance of Hartford, Conn., protesting against the passage of a national prohibition amendment; to the Committee on the Judiciary.

By Mr. PLATT: Petition of sundry citizens of Newburgh, N. Y., on freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of G. Lock and other citizens of Beardstown, Ill., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Martha Brokaw and other citizens of Rockport, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of sundry citizens of New York, favoring preparedness; to the Committee on Military Affairs.

Also petition of John D. Spellman, favoring bill for retirement of employees of postal service; to the Committee on the Post Office and Post Roads.

Also, petition of the Peoples' National Bank, favoring the uniform bill-of-lading act; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of New York City, favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Memorial of Trenton Chamber of Commerce, against Government ownership of armor plants; to the Committee on Military Affairs.

Also, memorial of Illinois Commandery of Military Order Loyal Legion and Military Engineering Lectures; Union League Club, of Chicago, Ill.; and Fifth Avenue Association on National Defense, favoring preparedness; to the Committee on Military Affairs.

By Mr. SNELL: Petition of Elizabeth B. Moore, Anna B. Mason, Mrs. L. L. Shedden, Emma C. Cole, Mrs. James Shaw, Minnie L. Parkhurst, and Erminia J. Hall, of the Thursday Club, of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, petition of James A. Spencer, Charles M. Tait, R. M. York, S. M. Payne, J. M. Daly, J. W. Sipper, W. R. Perrin, J. H. Callahan, A. N. Abbott, Dr. James Spencer, Leon Fletcher, I. Sacks, Arthur T. Johnson, Charles McDonald, N. E. Marsh, Henry Miller, Abel Lavack, A. J. Gingras, M. E. Loveland, Fred Culead, A. C. Gates, George F. Dawley, W. W. Harvey, Grant W. Fuller, and G. S. Dundon, of Gouverneur, N. Y., in favor of the Hay bill; to the Committee on Military Affairs.

Also, petition of Charles Atwood, H. M. Clark, W. H. La Fountain, Mrs. M. H. La Fountain, Mrs. Rocco Cagianese, Mrs. L. D. Williams, L. D. Williams, Mrs. H. M. Clark, Mrs. C. E. Wescott, C. E. Wescott, Mr. and Mrs. H. H. Collins, Mr. and Mrs. George Hawkins, Mrs. Virginia Taylor, L. V. Taylor, Mrs. J. R. Latray, and Mr. and Mrs. Charlie Fletcher, of Cranberry Lake, N. Y., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of F. M. Kezer, Charles H. Hayes, John D. Benham, Henry Duprey, C. Johnson, William Dean, Ray Pratt, D. A. Oldfield, William Tayhee, K. Page, G. E. Daniels, L. Page, B. Daniels, J. Johnson, E. Dean, S. A. West, J. A. Henne, E. A. Kezor, Nelson Kezor, William Kezor, and George Kezor, of Saranac Lake, N. Y., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, resolution of Walter H. Benedict Woman's Relief Corps, No. 120, of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, resolution of the Ladies' Aid Society of the First Methodist Episcopal Church of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, petition of A. Bouchard, of Mooers, N. Y., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, resolution of the Philomela Club, of Plattsburg, N. Y., in favor of national preparedness; to the Committee on Military Affairs.

Also, petition of G. G. White, Elinor White, Laura E. White, and Margaret E. White, of Lake Placid, N. Y., in favor of the Emerson resolution to permit the free importation of condensed milk from neutral countries to Belgium and Germany; to the Committee on Foreign Affairs.

Also, resolution of Mrs. George H. Rea, secretary, in behalf of Beekman Grange, No. 941, of Beekman, N. Y., favoring national preparedness; to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of Martin B. Smith and other citizens, of New Durham, N. H., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WALSH: Petition of New Bedford (Mass.) District Sunday School Association, urging adoption of Sheppard-Gallinger national prohibition constitutional amendment; to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 20, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee that we may know the orderly will of God and way that Thou dost deal with us as a Nation. Thou has taught us that the pure in heart shall see God. In the midst of unanswered questions, unsolved problems, unmeasured forces; in the midst of the limitations of human life, we come to Thee. We pray that we may have the discernment of the Divine will, that we may be sure we are at peace with God; and out of communion with Thee may we learn the way of life and be found ready to stand by that which Thou dost reveal of Thy will for us as a Nation. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WADSWORTH presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Ashwood, N. Y., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TAGGART presented a petition of the Indiana State Dairy Association, praying for the enactment of legislation to provide that oleomargarine shall be made without milk and its products, which was referred to the Committee on Agriculture and Forestry.

Mr. OLIVER (for Mr. PENROSE) presented a petition of Sergeant Hamilton Fish Post, No. 20, Veterans of Foreign Wars of the United States, of Philadelphia, Pa., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Samuel Ashley Chapter, Daughters of the American Revolution, of Claremont, N. H., praying for an increase in armaments, which was ordered to lie on the table.

He also presented petitions of the congregation of the First Christian Church of Merrimack; of Oceanside Grange, Patrons of Husbandry, of Hampton; of the Quarterly Convention of the Woman's Christian Temperance Union, of Hampton Falls; and of 25 citizens of Rochester, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Round Table Society of Bridgeport, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the exclusion from the mails of gambling devices and advertisements of the same, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prohibit false statements as to curative effects or contents of packages or bottles of medicine, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prevent foreign mailing of lottery advertisements to the United States, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for prohibition of the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Methodist Episcopal Church of New Haven, Conn., praying for the enactment of legislation to prohibit interstate transmission of race-track gambling bets, etc., which was referred to the Committee on Interstate Commerce.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary

He also presented a petition of Local Union, International Seamen's Union of America, of Chicago, Ill., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Mexia, Tex., remonstrating against the adoption of section 11 of the so-called cotton-futures bill, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. KENYON presented memorials of sundry citizens of Carnarvon and Centerville, in the State of Iowa, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of Local Union No. 61, International Brotherhood of Electrical Workers, of Los Angeles, Cal., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 5, American Brotherhood of Cement Workers, of San Jose, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. ASHURST. I present resolutions adopted at the Progressive State convention for Arizona, favoring the adoption of the Susan B. Anthony woman-suffrage amendment to the Constitution. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolved, That we, the Progressive State convention for Arizona, meeting this 8th day of April, 1916, in Bisbee, for the purpose of naming delegates to the Progressive national convention, do hereby most heartily indorse the Susan B. Anthony amendment, known in this Congress as the Sutherland-Mondell amendment, and earnestly urge Congress to pass forthwith on to the States for ratification this amendment enfranchising all the women of the country. We do this because the Progressive Party has always stood for woman suffrage and because we believe that the unjust discrimination now existing between the women of the East and the women of the West should be speedily removed and all women enjoy the same privileges and protection under the National Constitution.

Resolved, That copies of this resolution be sent to the President of the United States; the Speaker of the House of Representatives; Senator THOMAS, chairman of the Woman Suffrage Committee in the Senate; E. Y. WEBB, chairman of the Judiciary Committee of the House of Representatives; ANDREW VOLSTEAD, minority leader of the Judiciary Committee of the House; Minority Leader JACOB GALLINGER, of the Senate; Minority Leader JAMES R. MANN, of the House; and to the two Senators and to the Representative from Arizona, with the request that the resolution be read into the CONGRESSIONAL RECORD.

PAUL E. FERNALD,
Secretary, Box 397, Tucson, Ariz.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 1272) for the relief of Thomas Huggins, asked that that committee be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. ROBINSON, from the Committee on Claims, to which was referred Senate resolution 41 providing for the adjudication of certain claims by the Court of Claims, reported it without amendment and submitted a report (No. 374) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4368. A bill for the relief of D. A. Barbour and Andrew Gladden (Rept. No. 372);

S. 4866. A bill to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co. (Rept. No. 371); and

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department (Rept. No. 373).

Mr. BROUSSARD, from the Committee on Claims, to which was referred the bill (S. 3294) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana, reported it with an amendment and submitted a report (No. 376) thereon.

LESTER A. ROCKWELL.

Mr. HITCHCOCK. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 1362) for the relief of Lester A. Rockwell, and I submit a report (No. 375) thereon. As a similar bill passed the Senate at the last session of Congress and is again reported by the committee, I ask unanimous consent for its present consideration. It was delayed partly on my account in reporting it, and it is submitted by the committee twice. As I stated, a similar bill was passed by the Senate at the last session of the last Congress.

Mr. SMOOT. I did not hear what the bill is.

Mr. HITCHCOCK. It is a bill merely changing the record of Lester A. Rockwell so that he may have a pensionable status. It is not of very much importance except to the man. It was favorably considered by the committee and a similar bill was passed in the last Congress.

Mr. CULBERSON. I ask the Senator if it is a case of desertion?

Mr. HITCHCOCK. It is a case of technical desertion, but upon the merits and equities the committee agreed, like in many other cases of the same sort, that the man should be given a pensionable status.

Mr. SMOOT. Is there any reason why the bill should be passed immediately, I will ask the Senator?

Mr. HITCHCOCK. I am merely asking for it because I should have made the report some time ago.

Mr. SMOOT. I should like to have it go to the calendar.

Mr. HITCHCOCK. Very well.

Mr. SMOOT. Because I should like to have the calendar taken up at the earliest date possible.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROUSSARD:

A bill (S. 5672) for the relief of sundry building and loan associations; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 5673) to provide for the retirement of employees in the classified civil service of the United States of America, the establishment of a civil-service superannuation and disability pension system, and for other purposes; to the Committee on Civil Service and Retrenchment.

By Mr. WALSH:

A bill (S. 5674) to reimburse the county of Lewis and Clark, State of Montana, for expenses incurred by it for the construction of a public highway through the Helena National Forest (with accompanying papers); to the Committee on Agriculture and Forestry.

By Mr. SMITH of Michigan:

A bill (S. 5675) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. BURLEIGH:

A bill (S. 5676) granting a pension to Augustus M. Brown; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5677) for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAGGART:

A bill (S. 5678) granting a pension to Joseph M. Adams; and

A bill (S. 5679) granting an increase of pension to Simeon Noble; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5680) granting an increase of pension to Emma R. Adams (with accompanying papers); to the Committee on Pensions:

By Mr. McLEAN:

A bill (S. 5681) providing for an increase of salary of the United States district attorney for the district of Connecticut; to the Committee on the Judiciary.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5682) granting a pension to Catharine R. Hutchinson;

A bill (S. 5683) granting a pension to James A. Stine; and

A bill (S. 5684) granting an increase of pension to John Wonderly; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5685) granting an increase of pension to Robert Hedrick (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5686) authorizing the Secretary of War to make a donation of condemned cannon and cannon balls; to the Committee on Military Affairs.

PROPOSED FEDERAL MOTION PICTURE COMMISSION.

Mr. SMITH of Georgia. I introduce what I understand is a bill which has been agreed upon by the friends who are in favor of the regulation of motion pictures and a large number of the manufacturers of films. I introduce it, however, by request, and ask that it be referred to the Committee on Education and Labor:

A bill (S. 5671) to create a new division of the Bureau of Education, to be known as the Federal Motion-Picture Commission, for the regulation of motion pictures intended for interstate and foreign commerce, and defining its powers and duties.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. WALSH submitted an amendment proposing to appropriate $6,387.10 to be paid to the county of Lewis and Clark, State of Montana, being one-half of the cost of construction of so much of the Priests Pass Road in that county as passes through the Helena National Forest, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

THE RESTORATION OF PEACE IN EUROPE.

Mr. NEWLANDS. I submit a resolution, and ask that it be read:

The resolution (S. Res. 172) was read, as follows:

The Senate of the United States resolves as follows:

The people of the United States, composed for the most part either of natives or the descendants of natives of the warring countries in Europe, have viewed with distress the existing war, involving, as it does, the universal destruction of the fit and courageous and the general impairment of condition. They have observed with satisfaction the recent announcements of the English and German Governments regarding a possible peace.

Whilst the announcement of each Government contains phrases intended to encourage its own people yet having the effect of irritating the opposing peoples, it is observed that each announcement practically involves the restoration of the status quo ante.

It is to be regretted that on each side phrases have been used which were likely to be misunderstood on the other side, such as the demand of England that German militarism should be destroyed, a phrase which means, to the German people, that German nationalism should be destroyed.

Without going into the contentions of the ancient empires which have been inherited by the peoples descended from them, or elaborating upon the modern contentions of existing empires, it is clear that the immediate cause of the existing war was that one of the two Teutonic States, surrounded by hostile Slavs on the one side and hostile Latins on the other, felt that its national life was threatened by the destruction of its Crown Prince through a conspiracy organized in a Slav State, and insisted upon its right to punish this Slav State without foreign intervention, that from this small commencement an almost universal war has arisen, more destructive than any which the world has hitherto witnessed, that, as a result of this war, the Teutonic allies have won on land, whilst the entente allies have won on the sea, and that the result is a deadlock of forces destructive and paralyzing to all.

The Teutonic allies have accomplished the declared purpose of the war—the punishment of Servia. This has been done. It can not be undone. The people of all the warring countries desire peace. Their governments undoubtedly wish to gratify this aspiration, but in a way that will not involve the impairment of national sovereignty and prestige. Each regards this contest as one for national life. Each disclaims the idea of aggression or conquest. The enthusiasm of the war is over. A grim determination upon the part of each to maintain its national life unimpaired, alone animates the courage and steadies the purpose of all.

The rage of the conflict makes diplomatic parley impossible. The governmental announcements of England and Germany indicate a harmony of view as to many things, such as that no indemnity shall be demanded, that Belgium shall be restored as an independent state, that the portion of France recently occupied by Germany shall be restored, that the status of Alsace and Lorraine, settled over 40 years ago by treaty between Germany and France, shall not be disturbed.

Just as England and France demand that they should be secured by buffer States and proper boundaries against Teutonic aggression in the west, Germany demands that she should be secured against Slav aggression in the east. The disposition of Poland therefore becomes important. Might it not be possible by mutual concessions of existing rights by both Teutons and Slavs to reestablish the ancient kingdom of Poland, or at least a part of it, as a sovereign buffer state?

Austria demands security on the south. The Teutonic States, in conjunction with Bulgaria, have destroyed the sovereignty of Servia. May it not be possible to restore that sovereignty or if that is impossible may not Servia's prosperity be made more secure in the future through a modified autonomy established under Austrian sovereignty?

Germany's colonial possessions have been wrested from her. May they not be restored, or, at all events compensated for through some favorable readjustment of her boundaries or sphere of influence in Turkey and Asia Minor?

Russia, locked in by icebound ports, demands access to the southern seas. She has won her way to the Persian Gulf. Why should not this, or free access to the Mediterranean through the Dardanelles, be secured to her?

There remains the question of German militarism and English navalism, the one dominant on land, the other dominant on sea. Why may it not be possible, without irritating phrases, for each of these Governments to state publicly its views, not regarding disarmament, but a gradual reduction of armament on land and sea, and a gradual approach toward the adjustment of international disputes, as domestic disputes are adjusted, through international tribunals, organized and proceeding as do domestic tribunals, according to the orderly forms of law, with power to enforce their decrees? Surely the progress which has been made in the substitution of law and order for violence in the settlement of individual disputes through domestic tribunals created for the purpose, justifies the hope that a similar international evolution

will spring from the blood of the heroes whose valor and courage on land and sea, unequaled in the history of the world, have been fruitless of result except deterioration of race and impoverishment of condition.

The Senate of the United States, profoundly impressed by the solemnity of the hour, urges upon the warring nations a calm consideration of these views.

Mr. NEWLANDS. Mr. President, I desire to give notice that to-morrow, at the conclusion of the remarks of the Senator from Colorado [Mr. THOMAS], I shall address the Senate on the resolution.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

ADDRESS BY SENATOR HOLLIS (S. DOC. NO. 411).

Mr. HITCHCOCK. Mr. President, I ask unanimous consent that there may be printed as a public document the address delivered by the junior Senator from New Hampshire [Mr. HOLLIS] before the Common Counsel Club, of Washington, D. C., April 13, 1916, on the subject of "What the administration is doing for the farmer."

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

NOMINATION OF LOUIS D. BRANDEIS (S. DOC. NO. 409).

Mr. CHILTON. I ask unanimous consent that 1,000 extra copies of the report of the subcommittee and the hearings in the Brandeis case be printed for the use of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

TARIFF ON SUGAR.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, and further insisting upon its disagreement to the amendment of the Senate still in disagreement between the two Houses on the bill, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SIMMONS. I submit the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same with an amendment as follows: In the last line of the Senate amendment to the title strike out the words "manufactures of sugar" and insert in lieu thereof the words "other articles"; and the Senate agree to the same.

The committee of conference has been unable to agree on the amendment of the Senate to the bill.

F. M. SIMMONS,
W. J. STONE,
H. C. LODGE,
Managers on the part of the Senate.
CLAUDE KITCHIN,
HENRY T. RAINEY,
J. W. FORDNEY,
Managers on the part of the House.

Mr. SIMMONS. Mr. President, I move the adoption of the report.

Mr. HARDWICK. Mr. President, the Senator is not asking a vote on that question now?

Mr. SIMMONS. No; I am simply moving the adoption of the report. It is a formal matter, and only disposes of the matters in agreement.

Mr. HARDWICK. The Senator is right.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The report was agreed to.

Mr. SIMMONS. Mr. President, I desire to move—I shall not ask immediate action on the motion—that the Senate recede from its amendment in disagreement to House bill 11471; and pending that I ask unanimous consent that on Saturday next, at not later than 5 o'clock p. m., the Senate will proceed to vote on the motion I have made to recede from the amendment in disagreement.

Mr. HARDWICK. Mr. President, will the Senator yield to me?

Mr. SIMMONS. I will.

Mr. HARDWICK. I desire to say to the Senator that I shall oppose the motion to recede, and I think I shall want something like two hours to discuss the question. Of course the Senator is chairman of the committee and chairman of the conferees on the part of the Senate and will to some extent have priority of consideration. In the opinion of the Senator, does his motion allow an opportunity for me to have that much time?

Mr. SIMMONS. I was going to change my motion to a request that we proceed to the consideration of the motion and that we vote at not later than 5 o'clock on Saturday next. I will, then, lay the matter aside and not call it up until Saturday morning, but I will call it up on Saturday at any hour the Senator desires to begin his speech. I do not know of any other Senator who desires to speak on it.

Mr. HARDWICK. I have no objection to that.

Mr. SIMMONS. I change my motion to a request for unanimous consent that the Senate proceed to the consideration of the conference report on House bill 11471, and that on Saturday next, at not later than 5 o'clock p. m., the Senate will proceed to vote upon the conference report. We will take it up on Saturday at whatever time suits the convenience of the Senator from Georgia.

Mr. TOWNSEND. Mr. President, do I understand that this is the so-called sugar bill?

Mr. SIMMONS. Yes; the Senator is correct. I am asking unanimous consent that we proceed to the consideration of this conference report, and that on Saturday next, April 22, at not later than 5 o'clock p. m., the Senate will proceed to vote upon the conference report.

Mr. HARDWICK. If the Senator will pardon me, we do not have to have unanimous consent for the present consideration of a conference report, but we might have to have unanimous consent to delay proceedings under the conference report until a specified hour of a specified day.

Mr. GALLINGER. If the Senator will permit me, the presentation of a conference report is privileged, but not its consideration.

Mr. SIMMONS. No; it is only the report that is privileged, and not the consideration of the report.

The VICE PRESIDENT. The Chair is lost. The Chair thought the conference report had been agreed to.

Mr. HARDWICK. It has been agreed to.

Mr. SIMMONS. If the Chair thought that, the Chair is right. I move that the Senate recede from its amendment in disagreement with the House.

Mr. CURTIS. Mr. President——

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. I should like to ask the Senator from North Carolina a question. Suppose the unanimous consent requested by the Senator should be given. In what position would the conference report then be between now and Saturday?

Mr. SIMMONS. The conference report has been adopted. The only thing pending before the Senate now is the motion I have just made that the Senate recede from its amendment in disagreement.

Mr. BRANDEGEE. In what position would that motion be between now and Saturday if unanimous consent is given? In other words, the unfinished business is on the calendar undisturbed, the hour of 2 o'clock not yet having arrived. Supposing that by unanimous consent we now proceed to consider the motion made by the Senator that the Senate recede from its disagreement and agree that not later than 5 o'clock on Saturday we will vote upon it. Where does it stand between now and then; in other words, on to-morrow and Saturday?

Mr. SIMMONS. I think it would be the unfinished business between now and then.

Mr. BRANDEGEE. I did not understand whether or not the Senator intended to displace the unfinished business.

Mr. SIMMONS. I do not wish, to-day and to-morrow, to interfere with any other legislation, nor do I think that if this motion should prevail I would interfere. To remove all trouble about it, however, I will change the motion so as to move that at 12 o'clock on Saturday next we proceed to the consideration of the motion that the Senate recede from its amendment in disagreement, and that not later than 5 o'clock——

Mr. LIPPITT. Ask unanimous consent.

Mr. SMOOT. I suggest that instead of moving the Senator ask unanimous consent.

Mr. SIMMONS. If I said "move," I meant to ask unanimous consent, because that is what I have been asking for all the time. It was a mere inadvertence in the use of terms.

Mr. GALLINGER. Mr. President, the Senator would better ask unanimous consent that at a certain hour on Saturday we proceed to the consideration of the motion.

Mr. SIMMONS. I have just done that.

Mr. GALLINGER. The Senator did not make it very clear.

The VICE PRESIDENT. Let the Secretary state the request as he understands it.

Mr. SIMMONS. Let me state it, if there is any misunderstanding about it.

The VICE PRESIDENT. It has been taken down. Let the Secretary State it.

The SECRETARY. It is agreed by unanimous consent that on Saturday, April 22, 1916, at 1 o'clock p. m., the Senate will proceed to the consideration of the motion entered by the Senator from North Carolina [Mr. SIMMONS] on the 20th instant, that the Senate recede from its amendment in disagreement to H. R. 11471, and that at not later than 5 o'clock p. m. on the said day the Senate will proceed to vote without further debate upon the said motion.

The VICE PRESIDENT. The Chair does not believe that this unanimous-consent agreement comes fairly within the rule requiring a call of the Senate for a quorum. It is not for the purpose of taking a final vote on the passage of a bill or joint resolution. Is there objection to the unanimous-consent agreement? The Chair hears none, and it is adopted.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

The VICE PRESIDENT. It is in order now to proceed with the calendar.

Mr. SMOOT. I move to proceed with the calendar of unobjected bills.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. OVERMAN. Unobjected bills.

Mr. SMOOT. Unobjected bills.

Mr. SMITH of Georgia. Is it limited to unobjected bills?

Mr. SMOOT. We would be limited to unobjected bills under my motion.

The VICE PRESIDENT. The Senator from Utah moves that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

Mr. SMITH of Georgia. I have not considered it myself, but I desire to ask if the motion can limit the consideration simply to unobjected bills? Is it not in order at any time under the rule when a bill is reached to move to proceed to its consideration? Is it not in order at any time to move to consider a bill under the rule, and would such a motion exclude that privilege?

The VICE PRESIDENT. The Chair is of opinion that the Senator from Utah has a right to make the motion, and if the Senate adopts it unobjected bills alone will be considered. If it is not agreed to, any Senator, of course, has the right at any time to move to take up any bill.

Mr. SMOOT. That is as I understand it.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The VICE PRESIDENT. The first bill on the calendar will be stated.

The SECRETARY. A bill (S. 1053) to provide for stock-raising homesteads, and for other purposes.

Mr. SMOOT. There has been a House bill reported from the Committee on Public Lands upon the same subject matter, and I move that Senate bill 1053 be indefinitely postponed.

Mr. STERLING rose.

Mr. SMOOT. I will say to the Senator from South Dakota, who introduced this bill providing for stock-raising homesteads, that, as the Senator knows, a House bill covering this same subject has been reported, and it is on the calendar.

Mr. STERLING. I understand that, but I will ask the Senator——

Mr. SMOOT. I therefore move the indefinite postponement of the Senate bill.

Mr. STERLING. I wondered if the Senator from Utah might not have House bill 407 reported by the Senate Committee on Public Lands considered.

Mr. SMOOT. That can not be done under the motion at this time, but we will reach that bill to-day.

The VICE PRESIDENT. The question is on the indefinite postponement of Senate bill 1053.

The motion was agreed to.

The bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The VICE PRESIDENT. The bill goes over on objection.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. SMITH of Georgia. I move to proceed to consideration of the bill.

Mr. SMOOT. I object to its consideration at this time.

The VICE PRESIDENT. The Chair has ruled that if the motion of the Senator from Utah prevailed it would not be in order to move to take up another bill.

Mr. SMITH of Georgia. I did not so understand the Chair.

The VICE PRESIDENT. That was the ruling of the Chair. The Chair also ruled that if the motion did not prevail, then any Senator could move to proceed to the consideration of a bill on the calendar.

Mr. SMITH of Georgia. The noise was so great that it was impossible for me to hear what the Chair ruled.

The VICE PRESIDENT. The Chair will make the ruling now, and there can be an appeal taken from the decision of the Chair.

Mr. WALSH. Mr. President, I venture to express the hope that the Senator from Georgia will not press that motion at this time. As he knows very well, the bill will give rise to debate. We have not had an opportunity to clear up the calendar for a long time, and I should like to see the calendar proceeded with.

Mr. SMITH of Georgia. I understand that under the ruling of the Chair we can not proceed with it unless I appeal from the decision of the Chair. I do not intend to do that, although I thought under the rule the Senate at any time could change from one order to another order. But I will not make the motion. I will ask the privilege of withdrawing the motion.

The VICE PRESIDENT. The bill goes over under objection.

The bill (S. 609) to aid in the erection of a monument to Pocahontas at Jamestown, Va., was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 611) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill goes over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The VICE PRESIDENT. The joint resolution will go over.

The joint resolution (S. J. Res. 72) to provide for holding the San Antonio Bicentennial Exposition in 1918, was announced as next in order.

SEVERAL SENATORS. Let it go over.

Mr. SHEPPARD. I was going to ask that the joint resolution go over, inasmuch as I intend to address the Senate tomorrow in regard to this exposition.

The VICE PRESIDENT. The joint resolution will go over.

The bill (S. 2406) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The bill will go over.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

The joint resolution (S. J. Res. 43) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia, and to report thereon to Congress as early as practicable, was announced as next in order.

Mr. KENYON. Mr. President, there are two committee amendments to the joint resolution, one of which I urge should not be adopted. I think it was inadvertently placed in the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Education and Labor with amendments.

The first amendment of the committee was, in line 4, after the word "living," to insert "of wage earners."

Mr. REED. Mr. President, I wish to make an inquiry before the amendment is agreed to. What is the reason why an investigation of this sort should cost $6,000 in the city of Washington when we have all sorts of Government employees under salary whose business it is to investigate questions of this kind?

Mr. KENYON. I do not understand that there are any employees of the Government who are authorized to make this investigation. The joint resolution has been recommended by the Department of Labor. We passed a law here some years ago fixing the hours of employment for women in the District of Columbia. Unless there is some investigation of the cost of living the other law practically amounts to nothing. The basis of this whole matter, I will say very frankly, will be to get information which possibly may lead to the adoption of a minimum wage law in the District of Columbia.

Mr. REED. Mr. President, just one question further. Is it not true that the Department of Labor itself has a very large number of men who are engaged in occupations akin to this and that they could simply be detailed for the work? I am not going to object to an investigation. Indeed, I say to the Senator from Iowa frankly I am not going to object to the joint resolution if he insists upon it in this form, but it appears that every time there is anything to be done by any of the departments here it must cost a lot of money, although they have a great number of employees. I have often wondered what those employees were doing. Most of them draw good salaries; there are a lot of them in Washington; and to investigate the cost of living in a practical way in the city of Washington ought not to be very difficult. If, however, some one proposes to go into an exhaustive examination, it will cost money.

There are three or four ways to make an investigation. One is the common-sense practical way, which is a very short way. The other is a long-intricate device to run indefinitely into any sort of cost.

Mr. KENYON. I realize that, of course; but the investigation can not be extended indefinitely under this appropriation. It may be that the appropriation is a little too large, but it need not all be expended if a lesser amount will suffice.

This has been recommended twice, I will say to the Senator, by the Committee on Education and Labor. Last year it was on the calendar, but was never reached. Hearings were had on the subject before a subcommittee, and again the joint resolution was recommended. I feel that this is a very meritorious proposition. I do not want, of course, to increase the number of Government employees.

Mr. REED. Mr. President, would not the Senator from Iowa be content to change his joint resolution so that the Department of Commerce and Labor would be directed to make this investigation? I make the suggestion; I may be wrong in making it, for I have not examined the matter. I do, however, know that every time the Government starts to do anything it appears that it has got to get a lot of new employees. I know that our appropriation bills this year will necessarily carry an astounding amount of money. This only involves an expenditure of $6,000, but a large number of $6,000 items will help to swell the grand total of our appropriations. I simply make the suggestion to the Senator from Iowa. I am not going to object to the consideration of the resolution.

Mr. KENYON. I will say that I do not desire to have appropriations made which are not necessary, and if there is any opportunity of saving money anywhere I will join in doing so. Let this joint resolution go over, and I will make an investigation as to whether or not the Department of Commerce and Labor can do the work without the extra appropriation.

Mr. GALLINGER. Then let the joint resolution go over, Mr. President.

The VICE PRESIDENT. The joint resolution goes over.

BUSINESS PASSED OVER.

The bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 640) for the relief of Ellen B. Monahan was announced as next in order.

Mr. WORKS. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The resolution (S. Res. 43) for the appointment of a committee to investigate and inquire into the causes of the existing freight blockade and embargoes on the trunk-line railroads entering into the port of New York was announced as next in order.

Mr. GALLINGER and Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution goes over.

SOLICITATION OF FUNDS FOR POLITICAL COMMITTEES, ETC.

The bill (S. 668) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That hereafter it shall be unlawful for any Member of the Senate of the United States or any Member of the House of Representatives of the United States, during the term for which such Senator or Member has been elected, to solicit funds, directly or indirectly, for any political committee, club, or organization.

SEC. 2. That the violation of this act is hereby declared to be a misdemeanor, and any person convicted of violating the same shall be punished by a fine of not less than $1,000 or imprisonment for a term of not less than 60 days, or both, at the discretion of the court.

Mr. REED. Mr. President, if I understand the bill correctly, if a Member of this Senate belonging to a local political club in his own city should ask some one to contribute a box of cigars he could be fined $1,000?

Mr. GALLINGER. Undoubtedly.

The VICE PRESIDENT. In addition to being punished by "imprisonment for a term not less than 60 days."

Mr. REED. I think the bill is absurd, and I object to its consideration on that ground.

The VICE PRESIDENT. Objection is made to the consideration of the bill, and it will be passed over.

BILLS PASSED OVER.

The bill (S. 665) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 669) to limit the use of campaign funds in presidential and national elections was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1840) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1900, was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, was announced as next in order.

Mr. HUGHES. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 2730) to fix the compensation of assistant appraisers of merchandise, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

VOCATIONAL EDUCATION.

The bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I will detain the Senate at this time just to speak briefly of this bill. At an early day I hope to discuss it more in detail. I hope in the meantime Senators may begin studying it.

My wish is to call the attention of the Senate to the leading features of the bill, and then to ask Senators to consider it. I very much hope that I shall have the cooperation of the Senate to pass this bill within the next 30 days, and send it over to the other House. I stop now to ask any Senator who can to think about it.

The bill proceeds upon three lines: First, to appropriate money in cooperation with the States to pay vocational teachers in agriculture; second, to appropriate money in cooperation with the States to pay vocational teachers in the mechanic arts; third, to appropriate money in connection with the States to pay for training teachers to give instruction in these specialties. The bill requires contribution by each State equal to the amount received from the Government.

The bill provides for a State board in each State; it also provides for a national board. The State board is to work out

The motion was agreed to.

the plan for the use of the money in a State and submit it to the national board; and the national board is to approve it if the money is to be paid from the National Treasury, to cooperate with the States. That is the general line of the bill.

Mr. GALLINGER. Mr. President, let the bill go over for the present.

Mr. SMITH of Georgia. Of course the bill will go over. I only take occasion to ask Senators to think about it, and, if possible, to read it over and also to think about this question. The bill as it stands makes the national board from the members of the Cabinet. There are friends of the measure who desire an independent board. I ask Senators to consider the question as to whether we should have an independent board or use a board made up from the Cabinet and the Commissioner of Education.

Mr. GALLINGER. But, Mr. President, considering the present condition of the Federal Treasury, I think Senators ought to look at the appropriation carried in this bill.

Mr. SMITH of Georgia. I will state what the appropriation is. The appropriation begins with $500,000 a year for each of the three lines of work I have mentioned; it finally reaches $3,000,000 for the actual instruction in agriculture and the same amount in the mechanic arts, and $1,000,000 finally for the training of teachers. It also proceeds upon the same lines as our agriculture extension law, guaranteeing a certain amount of the fund to each State, without regard to the size or population of the State, so each State will at least have a sufficient fund to conduct the effort in a reasonable way. The bill is generally constructed along the line of the agricultural extension bill, which we adopted nearly two years ago.

Mr. GALLINGER. Mr. President, I had observed that, and as I am solicitous to help my Democratic friends in the matter of taking care of the deficit, it occurred to me that the Democratic Party did not want to make these appropriations this year for that purpose.

Mr. SMITH of Georgia. Well, the first appropriation amounts to less than a million and a half dollars. We begin with that for next year. Two or three amendments will be required to the bill.

The bill was prepared by a commission appointed under a resolution which originated in the Senate, authorizing the President to appoint a commission to study the question and to frame and suggest a bill. The Senator from Vermont [Mr. PAGE] and I represented the Senate upon that commission, and the Senator from Vermont, to whom again I desire to pay tribute publicly for his devotion to this subject and for his splendid work in behalf of vocational education, will certainly join me in presenting the measure to the Senate. I would not under any circumstances be willing to take it up or to act upon it in his absence, and I am glad at all times to give him that credit for this work which his services deserve.

COL. JAMES JACKSON.

The bill (S. 1162) to place certain officers of the Army on the retired list was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, and place him on the retired list of the Army with the rank and retired pay of brigadier general, any colonel now on the retired list of the Army who served with credit as an enlisted man and officer of the Regular Army of the United States during the Civil War, who has been brevetted captain, major, and lieutenant colonel, respectively, for gallant services in battles in the Civil War and in actions against Indians, who has been awarded the congressional medal of honor for most distinguished gallantry in action against Indians, and who is now and has been since early in 1904 on active duty.

Mr. SMOOT. Mr. President, when this bill was under consideration on a previous occasion there was an objection to its passage in the form in which it was reported from the committee. It applies only to one officer, as I understand; and I will ask the Senator from Oregon [Mr. CHAMBERLAIN] if he has prepared the amendment which was suggested when the bill was last under consideration, stating the name of the officer to be benefited by the bill?

Mr. CHAMBERLAIN. I can do that, I will say to the Senator, and I am prepared to do it if the Senator prefers to have it as a special bill.

Mr. SMOOT. I think it will be very much better to have it as a special bill.

Mr. CHAMBERLAIN. Then, Mr. President, if the Senator prefers to have it in that form, I will state the amendment. I move to strike out all after the enacting clause and to insert:

That the President be, and he is hereby, authorized to appoint Col. James Jackson, United States Army, retired, to the position and rank of brigadier general on the retired list.

The VICE PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. CHAMBERLAIN, the title was amended so as to read: "A bill authorizing the President to appoint Col. James Jackson, United States Army, retired, to the rank of brigadier general on the retired list."

AMENDMENT OF THE RULES.

The Senate proceeded to consider the resolution (S. Res. 7) providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum, which had been reported from the Committee on Rules with an amendment at the end of line 4, to add the word "state," so as to make the resolution read:

Resolved, That the rules of the Senate be amended as follows: In Rule XII, clause 1, after the words "by the Senate," there shall be inserted the following: "and any Senator may arise and declare that he is paired and state how he would vote if not paired, and may add that being present he desires to be so recorded, in order to constitute a quorum; whereupon he shall be so recorded and his presence as a part of the quorum announced by the Chair."

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee. Without objection, the amendment is agreed to.

Mr. POINDEXTER. Mr. President, if I understand the resolution from the reading by the Secretary, it authorizes the Presiding Officer, if a Senator is present and makes an announcement of his pair, to count him as present for the purpose of making a quorum. It has been the practice of the Senate in recent years to count him under those circumstances as present; and it seems to me that the resolution is unnecessary and futile, and so I object to it.

Mr. WILLIAMS. Mr. President, I hope the Senator from Washington will not object to the passage of the resolution. I will explain to the Senate the practical difficulty it is designed to meet. The resolution, by the way, was reported unanimously, I will say to the Senator from Washington, by the members of the Committee on Rules.

Every now and then the roll is called to ascertain whether or not a quorum is present. It develops on the roll call that a quorum is present, and immediately after that there is a yea-and-nay vote, and those Senators who are present and paired announce their pairs and withhold their votes, and are not counted.

Mr. POINDEXTER. Mr. President, I have observed a number of instances in which Senators were counted as present under those circumstances, if they were actually present.

Mr. GALLINGER. But there is no uniformity about it.

Mr. WILLIAMS. I know of no rule of the Senate whereby they can be counted as present, and, if that has occurred, it must have been in addition to the rule or something else.

I am as much opposed as anybody can be to counting a Senator present against his will; but when a Senator thinks he can represent his constituents best by being counted in order to make a quorum, and he is counted at his own request, it seems to me undoubtedly that he ought to be counted. The only question that could arise in any Senator's mind is as to whether the rule should not be changed still further so as to count the Senator present against his will, which is done in the other House; but certainly a Senator ought to be counted present by his own request to make a quorum. I hope the Senator will withdraw his objection. The matter was pretty well discussed in the Committee on Rules, and finally the committee unanimously reached the conclusion to report the resolution.

Mr. WALSH. Mr. President, I should like to ask the Senator a question. Will not this rule, if adopted, carry the necessary implication that a Senator actually present can not be counted to make a quorum unless with his consent?

Mr. WILLIAMS. He can not be counted now.

Mr. ROBINSON. Mr. President, he is counted now.

Mr. WALSH. The fact about the matter is that the presiding officer now actually does count him, and has repeatedly counted him against his protest within the last two years.

Mr. WILLIAMS. I know of no rule of the Senate under which that may be done. In the House of Representatives, in order to count Members as present, they had to change the rule, and it seems to me we would have to change it here before we could do that. Whether that has been done or not, it has missed my observation; but if it has been done, it has been done, to express it in the most charitable way, in addition to the rule, for no rule of the Senate gives any right to a presiding officer of the Senate to count a Senator as present who has not voted.

I want to obviate that difficulty and give the Senate a quorum wherever Senators are willing to be counted as present—and in most cases they are willing and want to be so counted. When

I rise and say that I am paired with the senior Senator from Pennsylvania and therefore must withhold my vote, and other Senators make similar announcements, and then when the roll is called upon a vote it is found that a quorum has not voted, it is necessary to make another point of no quorum and call the roll for a quorum again. That happened during the last session of Congress again and again and again. There ought to be some uniformity about it.

Mr. GALLINGER. Mr. President, I will say to the Senator from Mississippi that Vice President Sherman and the present occupant of the chair, as I remember, have counted present to make a quorum Senators who were paired. I made a mild protest against it on one occasion, thinking that the Chair had transcended the authority given him by the rule; but I think it is very desirable to have a rule of this kind so that we may have uniformity in the administration of the rule.

Mr. WILLIAMS. Of course.

Mr. GALLINGER. And I am strongly in favor of it.

Mr. WILLIAMS. If the Senator from Washington will pardon me, the point made by the Senator from New Hampshire strikes me as irresistible. If there is any question about the right to do what has been done, then why not cure the trouble by adopting a rule making it uniform and universal in its operation, and leaving a Senator to represent his constituents by being present to constitute a quorum when he thinks that is the proper way to represent them?

The VICE PRESIDENT. This is a case in which the Chair thinks the Chair has a right to make an inquiry, because if this rule should be adopted it would be the duty of the Chair to enforce it. What does the Senate expect the Chair to do under this rule if Senators rise, state that they are paired, state how they would vote, but do not vote, and if they had voted the result would be different from the vote as shown by those who actually did vote? What is the Chair going to do under circumstances of that kind?

Mr. CLARKE of Arkansas. Mr. President, I have heretofore objected to the consideration of this resolution a time or two because I thought it was not only unnecessary but wrong. There has been manifest a spasmodic disposition to improve the rules of the Senate by enforcing these according to their true spirit and real meaning, which, it is needless to say, is the way in which rules should be enforced. I believe that 90 per cent of the rules and ruling which control our proceedings here were made by repeated acquiescence by the Senate in the action of the Presiding Officer in deciding that a given matter should be disposed of in a certain way. During the short periods that I have occupied the chair I have undertaken on occasion to test out the sentiment of the Senate with reference to that method of improving the rules rather than by the enforcement of the mere letter of the particular rule. I thus sought to utilize the element of growth which is necessarily and inherently a part of every written code that is intended ultimately to control or regulate human affairs. I have, therefore, not hesitated to say that a Senator is present when he is actually present in person and in fact. I did not believe and do not now believe that a rule is necessary to affirmatively confer power to do this. If a Senator actually present should elect to withhold his vote, under a custom here which authorized him to do it when he was paired with another Senator of opposite views, he should have the added right to object to his presence being noted for the purpose of making a quorum and thus have the effect of disfranchising those who are present by developing the absence of a quorum. I felt that I was authorized to hold if he is present for one purpose that he is present for all purposes. I have not hesitated to say that. The Senate has had repeated opportunities to reverse that ruling if it should see proper to do so and has persistently refused to challenge such ruling by an appeal therefrom.

The proposed rule gives to the Senator himself the right to say whether he is present or absent for legislative purposes. He may rise in his place and say he is absent in a parliamentary sense although everybody knows he is present in fact. Now, I am not going to take advantage of the right to object to the present consideration of this resolution and thus afford the Senate further opportunity to dodge doing or refusing to do what the proposed rule is intended to do. If the Senate wants that kind of a rule, it ought now to vote for this resolution.

I am gradually getting into that state of mind where I believe that the rules of the Senate must get worse in order to get better. The present rules of the Senate do not enable this body to do business as intelligently and expeditiously as the public welfare demands, nor to properly conserve its time so as to utilize the function of debate for the purpose of enlightening those who have not made a special study of the particular question which is under consideration at the time. I think the way to bring that about is to abuse the rules to a point of nullification, to a point where they will become absolutely absurd—and that point is not far away now—and then something will be done in the direction of their reformation and improvement.

I have heretofore antagonized all attempts to adopt a cloture rule because I believed that the history of the absence of cloture during filibusters has justified the existing practice; but the filibusters come so infrequently that they can hardly be relied upon further to justify a continuation of the present practice. I believe I can say now that there ought to be a majority cloture rule in this body; that is, the old previous question ought to be adopted, so that in the current consideration of bills there could be something like a rational saving of time.

The only thing that makes me add a qualification at all is the existence of the necessity for a filibuster. The very thing which on occasion makes the absence of a cloture rule unpopular is the very thing that leaves in my mind the lingering belief that possibly it is justified. But I have now about become convinced that the good in it has steadily grown less, until it has now reached a point where it bears no just relation to the evil which comes from the waste of time during the current transaction of business here on occasions when no filibuster is in progress. Unlimited and uncontrolled debate in the Senate in the transaction of routine, ordinary business is an evil that can not be much longer ignored.

This matter here, as the Senator from Mississippi has said, presents a square issue and gives the Senate an opportunity to record its real preference concerning the disputed matter. I do not prefer to have the rule changed as the Senator proposes; but if the Senate does, it is all right. I think it will make the rules worse, and as soon as they are made as bad as they can be made a movement will grow up here to change them. I have attempted, as I said before, in my small way, utilizing the small opportunities that have come to me at intervals as temporary presiding officer, to make some progress in that direction. I hold to the view that under the existing demoralization in the enforcement of the rules of the Senate and the uncertainty in their meaning a presiding officer who is worth his salt will be continually making rulings that call for challenge; because it is no part of the duty or mission of a progressive, intelligent, and independent presiding officer who wants to conserve the time of the Senate, to the end that it may be devoted to the things that the Senate is assembled to do, to sit here and avoid friction by allowing abuses to continue without deliberately creating situations that may be utilized for their correction and betterment.

I think we have enough law about counting a quorum; but if any presiding officer has a notion that he has not authority to repeat what has been done by others, then the Senate ought to come to his help and say by a special rule that he can count a quorum. I do not want to leave it to the individual Senator to say that he can be counted or not at his exclusive election, because in many instances that will defeat the very purpose in allowing the presiding officer to have anything to say about it.

I shall vote against the resolution, although I am not going to object to its consideration.

Mr. OVERMAN. I call for the regular order.

Mr. LIPPITT. The consideration of the resolution has been objected to.

Mr. SUTHERLAND. Is there not an objection to this resolution? If so, I call for the regular order.

Mr. POINDEXTER. As I made the objection, I want to say just one word further as to the ground upon which I object.

I will confer later with the Senator from Mississippi [Mr. WILLIAMS] in regard to the resolution; but if it shall be adopted it will be the first time that the Senate has recognized in a rule the practice of pairing. My opinion is that there are many abuses in that practice. I believe that there are many cases where the practice serves a perfectly legitimate and useful and almost necessary purpose; but the purpose of pairing indiscriminately and generally on every occasion, whether there is any emergency affecting the Senator who requests to be paired or not, is an abuse. Because of the fact that the resolution seeks to establish that practice in the rules of the Senate, in my opinion is objectionable.

I insist at this time upon my objection.

The VICE PRESIDENT. Objection being made, the resolution will be passed over.

BILLS, ETC., PASSED OVER.

The resolution (S. Res. 20) for appointment of a committee of Senators to examine into questions relating to the acquisition or construction of manufacturing plants to supply the Army and

Navy with arms, armament, etc., was announced as next in order.

Mr LODGE. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1428) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order.

Mr. SMITH of Georgia. The Senator from Florida [Mr. BRYAN], who reported the bill, is absent. I think it had better go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3551) relating to the procedure in the United States courts was announced as next in order.

Mr. CLARKE of Arkansas. I object.

The VICE PRESIDENT. The bill will be passed over.

AGRICULTURAL DEVELOPMENT.

The bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, was announced as next in order on the calendar.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

H. P. BALDWIN AND OTHERS.

The bill (H. R. 6241) to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii; and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GRONNA subsequently said: I wish to ask the Senator from Colorado if the bill just passed is the one to which I objected the other day?

Mr. SHAFROTH. Yes; it is the bill the Senator objected to and of which an explanation has been made to him.

Mr. GRONNA. I ask that the bill may go over.

The VICE PRESIDENT. The bill has been passed.

Mr. GRONNA. Then, I move to reconsider the vote by which the bill was passed.

Mr. WORKS. I hope the Senator will not do that until he can look into the matter. I have investigated it, and it seems to me an entirely proper piece of legislation.

Mr. GRONNA. Very well; I will simply enter a motion to reconsider.

The VICE PRESIDENT. The motion to reconsider will be entered.

BILLS, ETC., PASSED OVER.

The bill (S. 34) granting to the State of Utah title to certain lands in said State for uses as a fish hatchery was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

The joint resolution (S. J. Res. 93) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States was announced as next in order.

Mr. LODGE. Let that go over.

The VICE PRESIDENT. The joint resolution will go over.

MEXICAN PEAS.

The bill (S. 3536) to provide for the storing and cleansing of imported Mexican peas, commonly called "gorbanzos," was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert:

That under such regulations and conditions as may be prescribed by the Secretary of the Treasury, bonded warehouses may be established in which imported garbanzo, wheat, barley, and other grains and seeds may be stored, cleaned, repacked, or otherwise changed in condition, but not manufactured, and withdrawn for exportation without the payment of duty thereon: *Provided*, That the whole or any part of such imported garbanzo, wheat, barley, or other grains and seeds, and the waste material and by-products incident to cleaning or otherwise treating said imported grains and seeds, may be withdrawn for domestic consumption upon the payment on the quantity so withdrawn of the duty imposed by law on such garbanzo, wheat, barley, and other grains and seeds in their condition as imported: *And provided further*, That the compensation of customs officers and storekeepers for all services in the supervision of such warehouses shall be paid from moneys advanced by the warehouse proprietor to the collector of customs and be carried in a special account and disbursed for such purposes, and all expenses incurred shall be paid by the warehouse proprietor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ASHURST subsequently said: Mr. President, I wish to be pardoned for a moment while I make an explanation to the Senator from North Dakota [Mr. GRONNA]. I was very anxious to have Senate bill 3536 passed, but the Senator from North Dakota objected to it unless it was amended. It was passed while I was discussing the matter with him. I hope the Senate will recur to it, because I do not want any advantage taken in that way. I wish to propose some amendments.

The Senator from North Dakota objects to the provision in the bill which inserts "wheat, barley, and other grains and seeds." If the Senate will agree to reconsider the votes by which the bill was ordered to a third reading and passed, I would suggest, to meet the objection of the Senator from North Dakota, that certain amendments be made: On page 2, line 2, to strike out "wheat, barley, and other grains and seeds"; in line 6, to strike out "wheat, barley, or other"; in line 7, to strike out the words "grains and seeds"; in line 8, to strike out the word "grains" and insert the word "garbanzo"; in line 9, to strike out the words "and seeds"; in line 11, to strike out the words "wheat, barley, and other"; and in line 12, to strike out the words "grains and seeds."

Mr. GRONNA. I will say if those amendments are adopted, I shall have no objection to the passage of the bill.

The VICE PRESIDENT. The bill is passed now.

Mr. ASHURST. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. ASHURST. I move, on page 2, line 2, to strike out the words "wheat, barley, and other grains and seeds."

The amendment was agreed to.

Mr. ASHURST. In line 6, I move to strike out the words "wheat, barley, or other."

The amendment was agreed to.

Mr. ASHURST. In line 7, I move to strike out the words "grains and seeds," and in line 8 to strike out the word "grains" and insert the word "garbanzo."

The amendment was agreed to.

Mr. ASHURST. In line 9, I move to strike out the words "and seeds"; in line 11 to strike out the words "wheat, barley, and other"; and in line 12 to strike out the words "grains and seeds."

The amendment was agreed to.

Mr. ASHURST. With these amendments agreed to the bill simply applies to garbanzo.

Mr. GRONNA. Mr. President, I think it is only fair to myself to say that I was not in the Senate when this bill was reached for consideration. I was busily engaged on other important business of the Senate, namely, attending a hearing on the so-called sisal hemp investigation. I did object to the passage of the bill the other day, and I informed the Senator from North Carolina, the chairman of the Committee on Finance, having the bill in charge, that I would oppose it unless the amendments which have been submitted by the Senator from Arizona were made to it.

Mr. SIMMONS. Mr. President, I desire to make one statement regarding the bill. As it passed the House it provided only for what are known as garbanzo peas. It was amended by the Committee on Finance at the suggestion of the Treasury Department so as to include wheat, barley, and other grains. The Senator from North Dakota [Mr. GRONNA] objects to those additions, and I am perfectly content to have them stricken from the bill and that the bill should be passed.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the storing and cleaning of imported Mexican peas, commonly called 'garbanzo.'"

THE FEDERAL TRADE COMMISSION.

Mr. LEWIS. Mr. President, may I now ask the unanimous consent of the Senate to have the address of Hon. Edward N. Hurley, vice chairman of the Federal Trade Commission, made at Boston in the last few days, printed in the RECORD. Mr. President, this is the only address that sets forth the general procedure of matters which come before that commission, and also

establishes the relationship that this commission bears to the general trade of the whole country and the manner in which it may be remedied wherever there is complaint before that body. It also discloses directions as to economy and finance of value to all the commercial men of the Nation, and copies have been demanded in numbers approximating 5,000.

Mr. HUGHES. Mr. President, we have enforced the rule against matter happening outside the Chamber. We can not now make an exception. Will the Senator not let us give him privilege to print as a document?

Mr. LEWIS. The Senator from New Jersey asks me to consent to have a document of this; but, Mr. President, an address made by another member of the commission was put in the RECORD, and it is the desire of the vice chairman to have this put in the RECORD so that both may be read in the RECORD upon the same level with each other. I know I ask an exception to the general rule, but this is an exceptional address.

I am anxious to have this accommodation afforded, if it can be done without a violation of any rule.

Mr. SMOOT. Because we made a mistake before it is no excuse for us to make another one. This is the same matter the Senator has brought up a number of times this week. I must object to it going into the RECORD. I have no objection to its being printed as a public document, but I do object to printing it in the RECORD.

Mr. LEWIS. I ask the Senator to withhold his objection for the present. I could not accept to have it made a document until I can confer with those who have asked me to present Mr. Hurley's address for the RECORD. Therefore I temporarily withdraw it from consideration and will return to it later after I have presented to those interested the condition of our rules on this subject, and that the disposition is to allow it to be made a public document, if I will consent.

Mr. SMITH of Georgia. I suggest to the Senator that it will be better to print it as a public document. It will be of more use to those of us who wish to read and keep it. I could not get a speech made from the outside on similar subjects printed in the RECORD, and we can not under our conditions make exception, as much as we would like to accommodate the Senator.

Mr. LEWIS. I withhold the matter for the present.

PUBLIC PRINTING AND BINDING.

The bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. SUTHERLAND, Mr. LA FOLLETTE, and Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

NATIONAL BANKING ACTS (S. DOC. NO. 412).

The resolution (S. Res. 110) to print the pamphlet entitled "The National Bank Act and Other Laws Relating to National Banks" as a Senate document was read, considered, and agreed to as follows:

Resolved, That the pamphlet submitted by the Senator from Oklahoma [Mr. OWEN] on December 13, 1915, entitled "The National Bank Act as Amended the Federal Reserve Act, and Other Laws Relating to National Banks," be printed as a Senate document, and that 1,000 additional copies be printed for the use of the Senate document room.

MEMORIAL TO ALFRED NOBLE.

The joint resolution (S. J. Res. 63) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Alfred Noble was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on the Library with amendments on page 2, line 1, after the word "memorial," to insert "fountain"; in line 4, after the word "memorial," to insert "fountain"; and in line 5, after the word "memorial," to insert "fountain," so as to make the joint resolution read:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the American Society of Civil Engineers for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial fountain to Alfred Noble, a civil engineer of distinguished ability in connection with Government work, whose services have been of conspicuous benefit to the country: *Provided*, That the site chosen and the design of the memorial fountain shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial fountain: *Provided further*, That if the erection of this memorial fountain shall not be begun within three years from and after the passage of this resolution the permission granted may, in the discretion of the Chief of Engineers, be revoked at any time.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble."

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The VICE PRESIDENT. The bill will go over.

JUVENILE COURT FOR THE DISTRICT OF COLUMBIA.

The bill (H. R. 9803) to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the Juvenile Court of the District of Columbia was considered as in Committee of the Whole. It provides that no judgment of conviction against any child of record in the Juvenile Court of the District of Columbia under an act entitled "An act to create a juvenile court in and for the District of Columbia," approved March 19, 1906, shall operate as a disqualification of any such child for jury duty, or for holding office, or for any other public service under the Government of the United States or the District of Columbia, and no child against whom a judgment of conviction may stand in said Juvenile Court of the District of Columbia under said act aforesaid shall be denominated a criminal by reason of any such judgment, nor shall such judgment be denominated a conviction.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 645) to provide for the closing of barber shops in the District of Columbia on Sunday was announced as next in order.

Mr. HARDING. I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 7571) to provide for the appointment of the recorder of deeds of the District of Columbia by the Commissioners of the District of Columbia was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

Mr. LODGE. It is an adverse report.

Mr. SMITH of Georgia. I think we may be able to amend it and put it in a shape where the Senate would like to pass it.

Mr. SMOOT. Then let it go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. SMITH of Georgia. This is to pension soldiers and sailors other than those of the Civil War. I object.

Mr. JOHNSON of Maine. It is a House bill.

Mr. SMITH of Georgia. But it is not only for soldiers of the Civil War but for those other than of the Civil War.

Mr. JOHNSON of Maine. That is true. The bill has been on the calendar for nearly two months.

Mr. SMITH of Georgia. I do not object to regular Civil War pension bills, and I am not going to object to any of them, but when it comes to the Spanish-American War I think the rules applicable to Civil War pensioners ought not to be applied to Spanish-American War pensioners. I want to have an opportunity to look at this bill.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. LA FOLLETTE. I think that had better go over.

The VICE PRESIDENT. It goes over.

The bill (S. 3329) for an appropriation of $105,000 to purchase water rights within the West Okanogan Valley irrigation district, and for other purposes was announced as next in order.

Mr. CURTIS. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 4424) to provide for the payment of drainage assessments on Indian lands in Nebraska was announced as next in order.

Mr. NORRIS. Let that go over.

The VICE PRESIDENT. The bill will go over.

JOSHUA NICHOLLS.

The bill (S. 509) for the relief of the heirs of Joshua Nicholls was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 7, to strike out "$33,450" and insert "$20,450," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Elizabeth R. Nicholls and Joanna L. Nicholls, heirs at law of Joshua Nicholls, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $20,450, for and on account of property belonging to said Joshua Nicholls destroyed and captured by the United States soldiers in the year 1863, in the State of South Carolina, during the late Civil War. The said Joshua Nicholls was throughout said war a loyal citizen of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN B. MONAHAN.

Mr. LANE. I should like to return to the bill (S. 640) for the relief of Ellen B. Monahan.

Mr. SMOOT. I will say to the Senator from Oregon that that bill was objected to by the Senator from California [Mr. WORKS]. It went over upon his objection, and he is absent from the Chamber now.

Mr. LANE. All right.

JAMES STANTON.

The bill (H. R. 5835) for the relief of James Stanton was considered as in Committee of the Whole. It proposes to pay to James Stanton, of Leavenworth, Kans., $1,912.40, the same being for extra work performed by said James Stanton on a contract with the War Department, dated June 8, 1908, for grading, paving, curbing, and rock hauling on Grant Avenue, Fort Leavenworth, Kans.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW ENGLAND COAL & COKE CO.

The bill (H. R. 7862) for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard Kloster ud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos*, was considered as in Committee of the Whole. The bill is as follows:

Be it enacted, etc., That the claim of the New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and the claim of Bruusgaard Kloster ud Dampskibsaktieselskab, owner of the steamship *Hesperos*, for injuries alleged to have been suffered in collisions which occurred in Elizabeth River, Va., on October 18, 1915, between the U. S. S. *Arethusa* and said barges and U. S. S. *Arethusa* and the *Hesperos*, for and on account of the damages resulting to said barges and said steamship *Hesperos*, respectively, by reason of said collisions, may be submitted to the United States court in the district in which suit shall be filed by the United States to recover damages and losses by said collision, under and in compliance with the rules of said court sitting as a court of admiralty; and the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collisions, if any shall be found to be due either for or against the United States, upon the same principles and measure of liability, with costs as in like cases in admiralty between private parties, and with the same right of appeal.

SEC. 2. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES DRAINAGE & IRRIGATION CO.

The bill (H. R. 7248) for the relief of the United States Drainage & Irrigation Co. was considered as in Committee of the Whole. It proposes to pay to the United States Drainage & Irrigation Co., a corporation existing under the laws of the State of New York, $9,498.43, in full for additional work performed by said United States Drainage & Irrigation Co. under its certain contract with the War Department, dated December 15, 1911, for jetty work at the mouth of Broadkill River, Del.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMINISTRATOR OF H. B. GARTON.

The bill (H. R. 7502) for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased, was considered as in Committee of the Whole. It proposes to confer jurisdiction upon the Court of Claims to rehear, retry, determine, and finally adjudicate the claim of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased, No. 70075, Indian depredations, in the Court of Claims, and to award judgment therein as fully and completely as if the petition had not been dismissed, and also gives full jurisdiction and power to the Court of Claims to rehear and retry the claim upon all evidence that has been or may be presented upon a hearing in the case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The resolution (S. Res. 107) relative to leasing of Osage oil lands was announced as next in order.

Mr. CURTIS. Mr. President, I think that had better go over.

The VICE PRESIDENT. The resolution goes over.

The bill (S. 1093) to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands with the segregated coal area was announced as next in order.

Mr. LA FOLLETTE. I think that had better go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 1100) to pay the balance due the loyal Creek Indians on the award made by the Senate on February 16, 1903, was announced as next in order.

Mr. CURTIS. Mr. President, I desire to be present when this bill is taken up, and if it is in order under the rule, I move that the bill go to the Calendar under Rule IX.

The VICE PRESIDENT. Without objection, the bill will go to the calendar under Rule IX.

The bill (S. 1096) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nations of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians, was announced as next in order.

Mr. CURTIS. Mr. President, I make the same motion with respect to that bill which I made as to the bill just preceding it.

Mr. SMITH of Georgia. Mr. President, the Senator from Oklahoma [Mr. OWEN] is absent from the Chamber. He reported the bill, and seems to be in charge of the matter. I object to the bill going over under Rule IX. Indeed, I object to either of the bills being placed under Rule IX. Of course, that would cut them out of consideration entirely on this order of the calendar. We can pass them to-day.

Mr. CURTIS. Mr. President, these two measures have been before the Senate many times and have always been defeated. I wish to be present when they are taken up, as I do not desire to have them go through this body without opposition. They are very objectionable bills. I should, therefore, like to have them go to the calendar under Rule IX. Then they can only be taken up on motion. If it is in order, I move that Senate bill 1096 go to the calendar under Rule IX.

Mr. SMITH of Georgia. Mr. President, I make the point of order that the motion is out of order at the present time. We are proceeding under a motion, which we adopted, to call the calendar and dispose of those cases which are not objected to. That order is not broad enough to permit the change of position of these bills on the calendar.

The VICE PRESIDENT. Does the Senator from Georgia make a point of order, or does he object to the consideration of the bill?

Mr. SMITH of Georgia. I object to the immediate consideration of the bill, and I also object——

The VICE PRESIDENT. The bills will go over on the objection of the Senator from Georgia.

The bills referred to are as follows:

A bill (S. 1100) to pay the balance due the loyal Creek Indians on the award made by the Senate on February 16, 1903; and

A bill (S. 1096) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians.

The bill (S. 4251) to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe was announced as next in order.

Mr. HITCHCOCK. I ask that that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 1094) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. SMOOT. Mr. President, Orders of Business 218, 219, and 220 are all about the same class of bills, and I ask that they all go over.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The bills referred to are as follows:

A bill (S. 1094) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States;

A bill (S. 1098) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians; and

A bill (S. 4250) for the relief of the Ottawa Indian Tribe of Blanchards Fork and Roche de Boeuf.

CLAIMS OF INDIANS ON FORT BERTHOLD RESERVATION, N. DAK.

The bill (S. 4526) authorizing the Arikara, Gros Ventre, and Mandan Tribes of Indians, of the Fort Berthold Reservation, N. Dak., to submit claims to the Court of Claims, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which any or all of the tribes of Indians of the Fort Berthold Reservation, N. Dak., may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribes from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribes, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States to hear and determine all legal and equitable claims if any, of said tribe against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the said tribes or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribe the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said tribes or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians, under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fee shall be taken from any money in the Treasury of the United States belonging to such tribes or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY AND NAVY MEDAL OF HONOR ROLL.

The bill (H. R. 4701) to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll," and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I object to the consideration of that bill.

Mr. WARREN. Will not the Senator from Georgia withhold that objection for a moment?

Mr. SMITH of Georgia. I withhold my objection for a moment.

Mr. WARREN. I wish the Senator from Georgia to understand what the bill is. I feel some responsibility for the bill, Mr. President, because there are many poor men who might benefit by its passage who will expect me to represent them here, since I happen at this moment to be the only one whose duty it is to explain the measure. It is a bill which has twice passed the other House and has been favorably reported twice in this body. It is a bill which provides $10 per month for every man 65 years old who for exceptional gallantry in battle has been awarded the congressional medal of honor. The number of men who can receive the benefits of this bill is but few, and the total amount per annum can hardly exceed $12,000, which will most likely rapidly grow less. I think every nation provides special pensions or extra allowances to all those who have been thus honored, and in most countries the amount is greater than provided for in this bill.

Originally under the law only enlisted men—privates and noncommissioned officers—could receive the bestowal of the congressional medal, but later commissioned officers were included, and also the Navy was included with the Army. The conditions now imposed are very exacting, and but very few are recipients of the medal.

Heretofore I have hesitated about any monetary consideration being added to the exceptional distinction of possessing the highest national honor medal within the gift of any nation; but while very many may never apply for this pension, yet many others are poor, crippled, ill, and in need. They took their lives in their hands to perform feats of daring uncalled for in the way of regular assigned duty, and this in time of our Nation's great need.

Mr. SMITH of Georgia. This is a bill with reference to medals of honor. It excludes the bunch that came altogether from some one State?

Mr. WARREN. Yes.

Mr. SMITH of Georgia. Then, I do not object to its consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That there is hereby established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of 65 years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished without charge upon request made by any person claiming the benefits of this act.

SEC. 2. That it shall be the duty of the Secretary of War and of the Secretary of the Navy to carry this act into effect and to decide whether each applicant, under this act, in his department is entitled to the benefit of this act. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this act, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, records, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this act, and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for.

SEC. 3. That each such surviving person whose name shall have been entered on said roll in accordance with this act shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of $10 per month for life, payable quarter yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Such special pension shall begin on the day that such person shall file his application for enrollment on said roll in the office of the Secretary of War or of the Secretary of the Navy after the passage and approval of this act, and shall continue during the life of the beneficiary.

Such special pension shall not deprive any such special pensioner of any other pension or of any benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law, but shall be in addition thereto.

The special pension allowed under this act shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever.

SEC. 4. That in case any person has been awarded two or more medals of honor, he shall not be entitled to and shall not receive more than one such special pension.

Rank in the service shall not be considered in applications filed hereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. SMITH of Georgia. Mr. President——

Mr. SMOOT. This is a Civil War pension bill.

Mr. SMITH of Georgia. Is it confined exclusively to soldiers of the Civil War?

Mr. SMOOT. Yes.

Mr. SMITH of Georgia. Then I do not object to its consideration.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, line 7, before the words "per month," to strike out "$35" and insert "$40," so as to make the clause read:

The name of John A. Weaver, late of Company K, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 6, before the words "per month," to strike out "$27" and insert "$30," so as to make the clause read:

The name of David J. Ryan, late of Company I, Twenty-first Regiment, and Company D Forty-first Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 11, after the word "determine," to strike out:

And provided further, That in the event of the death of Margaret Weber, the name of said Charles Weber shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Margaret Weber.

So as to make the clause read:

The name of Margaret Weber, widow of Charles Weber, late of Company E, Fifty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles Weber, helpless and dependent child of said Charles Weber, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 7, after line 22, to strike out:

The name of John W. B. Huntsman, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the words "per month," to strike out "24," and insert "$20," so as to make the clause read:

The name of Elizabeth Smith, widow of Edward W. Smith, late of Company I, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 23, before the words "per month," to strike out "$27," and insert "$30," so as to make the clause read:

The name of John Wilson, late of Company B, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 17, before the words "per month," to strike out "$24," and insert "$30," so as to make the clause read:

The name of Stephen Johnson, late of Company C, One hundred and twenty-ninth Regiment, and Company H, Forty-fourth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 3, before the words "per month," to strike out "$24," and insert "$20," so as to make the clause read:

The name of Lucy F. Brown, widow of Latham A. Brown, late acting master United States ship *Kinco*, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to strike out:

The name of Ellen G. Roder, widow of Stephen Roder, late of Company I, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 7, after the word "Artillery," to insert "War with Mexico, and principal musician Fifty-fifth Regiment Kentucky Volunteer Infantry," so as to make the clause read:

The name of Charles C. Eckert, alias Conrad Eckert, late of Batteries A and B, Third Regiment United States Artillery, War with Mexico, and principal musician Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 13, after the name "Davis," to insert "widow of Joshua B. Davis, late first lieutenant and quartermaster Thirty-first Regiment Illinois Volunteer Infantry, and," so as to make the clause read:

The name of Martha J. Davis, widow of Joshua B. Davis, late first lieutenant and quartermaster Thirty-first Regiment Illinois Volunteer Infantry, and former widow of Samuel Benedict, late of Company B, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, line 4, before the words "per month," to strike out "$27" and insert "$30," so as to make the clause read:

The name of Miron Fellows, late of Company C, First Regiment New York Veteran Cavalry and Company K, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 2, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Eva M. Van Pelt, widow of William D. Van Pelt, late of Company A, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 21, after the name "Sholley," to insert "widow of Jacob H. Sholley, late of Company M, Second Regiment Missouri State Militia Cavalry, and"; and in line 23, before the word "nurse," to strike out "late a," so as to make the clause read:

The name of Sitha J. Sholley, widow of Jacob H. Sholley, late of Company M, Second Regiment Missouri State Militia Cavalry, and nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 1, before the words "per month," to strike out "$30" and insert "$20," so as to make the clause read:

The name of Helen D. Harrison, widow of George W. Harrison, late captain, assistant quartermaster, and brevet lieutenant colonel, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIMS OF SIOUX TRIBE OF INDIANS.

The bill (S. 4371) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Sioux Tribe of Indians may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribe from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribe, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the tribe or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribe the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Sioux Tribe or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fees shall be taken from any money in the Treasury of the United States belonging to such tribe or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, was announced as next in order.

Mr. CURTIS. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4722) for the relief of the occupants of the Tuttle town site, was announced as next in order.

Mr. CURTIS. I ask that the bill go over. I understand that an item covering that is in the Indian appropriation bill which was recently passed.

The VICE PRESIDENT. The bill will be passed over.

HOURS OF SERVICE OF RAILROAD EMPLOYEES.

The bill (S. 3769) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, after line 23, to strike out:

SEC. 2. That nothing in this act shall be held to affect or abate any violation of the act hereby amended or any suit or action pending because of such violation at the time of the approval of this act.

And in lieu thereof to insert:

SEC. 2. That nothing in this act shall affect, or be held to affect, any suit that may be instituted for recovery of penalty for violation of the act hereby amended occurring prior to the approval of this act, or any suit for such penalty or growing out of alleged violation of the act hereby amended which may be pending in any court at the time of the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. MOON.

The bill (S. 3539) for the relief of John L. Moon was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John L. Moon, of Opelika, Lee County, Ala., the sum of $200, as a reward for services rendered in the apprehension of criminals in the burglary of the United States post office at Auburn, Ala.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF FISHERIES.

The bill (S. 4401) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment to strike out all after the enacting clause and insert:

That the Commissioner of Fisheries be, and he is hereby, authorized and directed to conduct investigations and experiments for the purpose of ameliorating the damage wrought to the fisheries by dogfish and other predacious fishes and aquatic animals.

SEC. 2. That the said investigations and experiments shall be such as to develop the best and cheapest means of taking such fishes and aquatic animals, of utilizing them for economic purposes, especially for food and to encourage the establishment of fisheries and markets for them.

SEC. 3. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Commissioner of Fisheries to carry out the provisions of this act, the same to be immediately available.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

JAMES C. HILTON.

The bill (S. 606) for the relief of James C. Hilton was considered as in Committee on the Whole. It directs the Secretary of the Treasury to credit in the accounts of Passed Asst. Paymaster James C. Hilton, United States Navy, $6,033.61, being the amount stolen from United States funds by a person or persons unknown and charged against the accounts of James C. Hilton on the books of the Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSITS OF ASSETS OF INSOLVENT NATIONAL BANKS.

The bill (H. R. 3575) to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town was considered as in Committee of the Whole.

The bill had been reported from the Committee on Banking and Currency with an amendment, on page 2, line 4, before the word "for," to insert "with the Treasurer of the United States," so as to make the bill read:

Be it enacted, etc., That section 5234 of the Revised Statutes of the United States be amended by adding at the end thereof the following:

"*Provided*, That the comptroller may, if he deems proper, deposit any of the money so made in any regular Government depositary or in any State or National bank either of the city or town in which the insolvent bank was located or of a city or town adjacent thereto as practicable. If such deposit is made, he shall require the depositary to deposit United States bonds or other satisfactory securities with the Treasurer of the United States for the safe-keeping and prompt payment of the money so deposited. Such depositary shall pay upon such money interest at such rate as the comptroller may prescribe, not less, however, than 2 per cent per annum upon the average monthly amount of such deposits.

The amendment was agreed to.

Mr. HUGHES. Mr. President, I have no objection to what is evidently the purpose of the bill, but I want to call attention to the language of the proviso which reads:

That the comptroller may, if he deems proper, deposit any of the money so made.

I do not know what that language means, and I will inquire if any Senator can explain it?

Mr. NELSON. Mr. President, I desire to state that the purpose of the bill is to provide in the case of insolvent banks when they are placed in the hands of receivers that whatever money is collected may be deposited in banks in the neighborhood of the insolvent bank.

Mr. HUGHES. Is that what is meant by the words "deposit any of the money so made"?

Mr. NELSON. That means money made out of the receivership; that is all. The bill is designed to keep the money in the neighborhood instead of sending it off to some large city in a central point.

Mr. HUGHES. If the language is satisfactory to the Senator, it is to me; but I do not entirely understand it.

Mr. NELSON. That is the only purpose of the bill.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER.

The bill (S. 3927) for the relief of the legal representatives of Francis Busch, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The bill will be passed over.

MAINE CENTRAL RAILROAD CO.

The bill (S. 3405) for the relief of the Maine Central Railroad Co. was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,566 to the Maine Central Railroad Co. for a special train from Mount Desert Ferry, Me., to New York City conveying foreign mails from the steamship *Kronprinzessin Cecile*, per order of the acting superintendent of the Railway Mail Service at Boston, Mass., August 6, 1914.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATIONS, OREGON.

The bill (S. 1550) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment on page 1, line 6, after the word "Oregon," to insert "or the State of Washington," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed to establish two or more fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or the State of Washington for the propagation of salmon and other food fishes, and to make the necessary surveys, and purchase sites, construct ponds and buildings, construct, purchase, and hire boats and

equipments, and employ such assistance as may be required for the construction and operation of such fish-cultural stations at suitable points to be selected by the Secretary of Commerce, and the number of such stations to be determined by him; and for said purpose the sum of $100,000 is hereby authorized to be appropriated: *Provided*, That before any final steps shall have been taken for the construction of fish-cultural stations in accordance with this bill, the States of Oregon and Washington, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper: *Provided further*, That the operations of said hatcheries may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatcheries.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or the State of Washington."

BILL PASSED OVER.

The bill (S. 4418) to establish game sanctuaries in national forests, and for other purposes was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GILA RIVER, ARIZ.

The bill (S. 4655) authorizing and directing the Secretary of the Interior to determine the most suitable method of preventing further erosion and overflow on Gila River, Ariz., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to cause to be made by competent engineers the necessary examinations, investigations, and surveys for the purpose of determining the most suitable and practical method or methods of constructing levees, revetments, or other suitable works sufficient to prevent the Gila River from further eroding and wearing and washing away its banks and from further overflowing its banks at any point in Graham County, Ariz.; provides that said engineers shall also determine and report upon the most suitable, feasible, and practicable means of holding the said river within a fixed channel as it flows through said Graham County; provides that said Secretary shall submit to Congress the results of such examinations, investigations, and surveys, together with an estimate of the cost thereof, with recommendations thereon, at the earliest practicable date; and appropriates $15,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the purpose of conducting the investigations, examinations, and surveys.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4586) to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America and the Territory of Alaska during the closed seasons established was announced as next in order.

Mr. JONES. Mr. President, that is a bill I have not had an opportunity to give any consideration. I did not know it was pending before the Committee on Fisheries. I ask that it may go over until I can have a chance to examine it.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4884) for the relief of the estate of A. B. Denton was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8592) for the relief of the heirs of C. S. Barlee was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9291) for the relief of the estate of Thomas J. Mellon was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8787) for the relief of the heirs of Hundley V. Fowler, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9458) for the relief of the heirs of Santos Benavides was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9459) for the relief of the heirs of S. P. H. Williams was announced as next in order.

Mr. SMOOT. Let that bill go over. Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9555) for the relief of the estate of Thomas N. Aaron was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9556) for the relief of the heirs of John Faulkner was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9635) for the relief of the estate of Williamson Page was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5986) for the relief of the heirs of the late Peter Deel was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 10933) for the relief of the estate of Paul A. Swink was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3447) for the relief of the legal representatives of the estate of Robert B. Pearce was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

FLATHEAD INDIAN RESERVATION, MONT.

The bill (S. 1059) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with amendments, on page 1, line 7, after the word "June," to strike out "sixth" and insert "twenty-fifth"; on line 8, after the words "nineteen hundred and," to strike out "twelve" and insert "ten"; and on page 2, line 1, after the word "have," to strike out "heretofore settled upon or entered such lands" and insert "between August 26, 1910, and June 14, 1911, settled upon, or between said dates filed applications to enter such lands, and which applications have been or may hereafter be allowed," so as to make the bill read:

Be it enacted, etc., That in all cases where lands within the former Flathead Indian Reservation which were classified and appraised during the years 1912 and 1913 by the commission appointed for that purpose under authority of the act of June 25, 1910, have been appraised at an amount in excess of the amount at which similar lands were appraised by the Flathead Commission of 1907 and 1908, persons who have between August 26, 1910, and June 14, 1911, settled upon, or between said dates filed applications to enter, such lands, and which applications have been or may hereafter be allowed, shall not be required to pay more for the lands so settled upon or rented by them than the highest amount specified by the Flathead Commission of 1907 and 1908 for lands of like character and similar classification.

SEC. 2. That in all cases where patents shall be issued for land paid for under the foregoing sections of this act there shall be transferred, from any funds belonging to the United States not otherwise appropriated, to the credit of the Indians for whose benefit such lands are disposed of, such an amount as shall equal the difference between the amount so paid under said sections and the amount at which the lands so paid for have been appraised or reappraised by the commission of 1912 and 1913.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 1065) to provide for summer-residence homesteads, and for other purposes, was announced as next in order.

Mr. NORRIS. Let that bill go over.

Mr. MYERS. I hope the Senator who made that objection will at least wait until the bill is read, and see the nature of it. Under the rule I believe he can object at any time.

Mr. NORRIS. I have no objection to having the bill read, but I shall object to its consideration. I know what the bill is.

Mr. SMOOT. There is no need of wasting time.

Mr. NORRIS. I thought I would interpose the objection now, in order to save time.

Mr. MYERS. I do not make the request. Oen.

LANDS IN GLACIER NATIONAL PARK.

The bill (S. 1741) for the relief of certain homestead entrymen for land within the limits of the Glacier National Park was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 5, after the words

"Pat Doyle," to insert "Walter E. Barricklow," so as to make the bill read:

Be it enacted, etc., That the homestead entries heretofore made by Howard E. Jones, Ernest R. Henthorn, Daniel C. Doverspike, Ora Reeves, Louis N. Fournier, Pat Doyle, Walter E. Barricklow, and Frank Kelly for lands within the limits of the Glacier National Park, in the Kalispell, Mont., land district, which entries were allowed under an order issued by the Secretary of the Interior on May 21, 1910, based upon lists approved by the Secretary of Agriculture prior to the passage of the act of May 11, 1910 (36 Stat. L., p. 354), creating the said Glacier National Park, be, and they are hereby, excepted from the force and effect of said act of May 11, 1910: *Provided*, That should said entries not be perfected as required by law the lands embraced therein shall revert to and become a part of the said Glacier National Park.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELILAH SIEBENALER.

The bill (S. 1746) for the relief of Delilah Siebenaler was considered as in Committee of the Whole. It authorizes the Secretary of Agriculture to refund to Delilah Siebenaler the sum of $188.41, paid to the Department of Agriculture by said Delilah Siebenaler for certain timber which she cut from her homestead entry within the Cabinet Forest Reserve, Mont., prior to her receipt of patent therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATENTS AND SURVEYS OF PRIVATE LAND CLAIMS.

The bill (S. 1860) in reference to the issuance of patents and copies of surveys of private land claims was considered as in Committee of the Whole. It provides that upon the payment into the Treasury of the United States of one-half of the cost of surveying and platting, which may have heretofore been made and not paid for, or which may be hereafter made, of any private land claim in New Mexico which may have been confirmed, and in reference to which the survey and plat thereof may have been or may be reported to the General Land Office and approved, a patent shall be issued to the confirmee, his heirs or assigns, for such claim, and also copies of the field notes of such approved survey and plat thereof, when requested from the proper officer, the cost of the copies of such field notes of such survey and plat to be paid for by the confirmee, his heirs or assigns, in addition to paying the said one-half of the cost of surveying and platting said claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHNSTON-M'CUBBINS INVESTMENT CO.

The bill (S. 3257) for the relief of Johnston-McCubbins Investment Co. was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Johnston-McCubbins Investment Co., out of any money in the Treasury not otherwise appropriated, being settlement in full of an unpaid balance of rental due for discontinued terminal railway post-office premises used for terminal purposes in the city of Salisbury, N. C., from December 16, 1913, to July 1, 1914, the sum of $644.33.

Mr. SMOOT. Mr. President, is there a report on the bill?

The PRESIDING OFFICER. There is no report on the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATE SUITS AGAINST FEDERAL GOVERNMENT.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. SMITH of Georgia. Mr. President——

Mr. LODGE. Mr President, I hope the Senator from Utah will not object to the consideration of the bill. It simply gives certain States the right to sue; that is all. I do not see why those States should be deprived of the right.

Mr. SMOOT. I have no objection at all to the bill, but the last time the calendar was under consideration there was an objection.

Mr. SMITH of Georgia. Mr. President, I would suggest to the Senator that the Judiciary Committee, after having this matter under consideration for quite a length of time, worked on it until I think we all agreed that this bill was proper.

Mr. LODGE. My State has a claim, and other States have claims, and I think they ought to be allowed to go in like a private suitor to try the claims. This covers all of them.

Mr. SMOOT. Then I will not object to the consideration of the bill; and if the Senator who made the objection before wants to do so, he can ask for a reconsideration.

Mr. WORKS. Mr. President, I should not like to have the statement made by the Senator from Georgia passed by. He says that the whole Committee on the Judiciary was satisfied with the bill.

Mr. SMITH of Georgia. I was under that impression.

Mr. WORKS. I think the Senator is mistaken about that; but I am not going to object to the present consideration of the bill. My objection to the bill was that this litigation ought not in the first instance to go into the Supreme Court of the United States. The Senator may remember that I made that objection.

Mr. SMITH of Georgia. I was under the impression that when we finally passed upon it there was no objection. There were several objections at times. If I was mistaken about that, I thank the Senator for correcting me.

Mr. WORKS. My opinion about it is that the jurisdiction of the Court of Claims should be enlarged, and any suits of this kind should be commenced in that court. I object to loading up the Supreme Court of the United States with original jurisdiction.

Mr. CHILTON. Mr. President, I simply ask permission to print in the RECORD the report of the subcommittee to the Committee on the Judiciary, giving the history of this matter and the authorities.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The report is as follows:

The Committee on the Judiciary, to whom were referred S. 902, S. 4059, and S. J. Res. 68, all of which sought to give the consent of the United States that suits may be brought against it by the States, beg leave to report as follows:

In addition to the above, S. 3346, giving to the Court of Claims jurisdiction to adjudicate certain claims of the State of Massachusetts against the Federal Government, was also referred to the Committee on the Judiciary, but that bill was reported back to the Senate and the Committee on the Judiciary was discharged from further consideration thereof and the same was referred to the Committee on Claims. However, if the solution of the subject made by the Committee on the Judiciary shall be approved by the Senate, it is submitted that there may be no need of any further consideration by the Senate of that bill.

The committee recommend as a substitute for all the bills above mentioned and pending before it the following:

"*Be it enacted, etc.*, That any State which now has or hereafter shall have a cause of action against the United States, which, as between individuals, would be cognizable in a court of justice, is hereby authorized to sue the United States thereon in the Supreme Court of the United States. The United States shall have the right in any such suit to interpose any counterclaim, set-off, equitable, or other defense which could be made by the defendant were such suit between individuals.

"SEC. 2. Process against and notices to the United States in any such suit may be served upon the Attorney General."

And the same is now reported to the Senate with the recommendation that the same do pass as S. 5126, and that the said S. 902, S. 4059, and S. J. Res. 68 be indefinitely postponed.

The judicial power of the United States as fixed by the Constitution extends "to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

The Constitution further provides that—

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make." (Art. 3, sec. 2.)

By the eleventh amendment these powers were restricted as follows:

"The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State."

It has been held that the United States can sue a State in an original suit brought in the Supreme Court of the United States. (136 U. S., 211; 143 U. S., 621.)

In the latter case, on page 643, the court says:

"The words in the Constitution, 'in all cases * * * in which a State shall be party, the Supreme Court shall have original jurisdiction,' necessarily refer to all cases mentioned in the preceding clause in which a State may be made, of right, a party defendant, or in which a State may, of right, be a party plaintiff."

These cases settle beyond all question the constitutional power of the Supreme Court of the United States to determine any suit in which a State may be a plaintiff or defendant, as well as the proposition that the United States can sue a State in the Supreme Court of the United States. The anomalous rule of allowing the United States to sue a State without the reciprocal right of a State to sue the

United States rests upon the doctrine that a sovereign can not be sued without its consent, and that the States gave their consent to have suits brought against them by a sister State, or by the United States, when they came into the Union and ratified the Constitution. (143 U. S., 646.) But the United States has not given its consent to be made a defendant, and the purpose of the bills before us and of this substitute bill is to grant that consent.

The question presented is whether or not it is right, just, and expedient to grant that consent. In the above-cited case of the United States v. Texas the question at issue was the boundary line between Texas and the Territory of Oklahoma. It seems that the whole of Greer County governed by Texas was involved, Texas claiming that the county was within the boundary of that State and the United States claiming that it was within the Territory of Oklahoma. The Supreme Court decided that a proper running of the boundary line put Greer County within the Territory of Oklahoma, and thereupon the claim of Texas was held to be erroneous and she was deprived of the jurisdiction which she had theretofore exercised over the county. The effect of the judgment was to transfer the land and people of the whole county from the jurisdiction of the State of Texas to the jurisdiction of the Territory of Oklahoma. If it had happened, by a similar mistake of running the boundary line, that Greer County had been erroneously placed under the jurisdiction of the Territory of Oklahoma, the State of Texas would have been helpless, except by an appeal to congress, to correct the mistake. No reason has been assigned, and, as we think, no reason can be assigned, why, in this kind of a controversy, the State should not have the same right to appeal to the judicial power of the United States and to the jurisdiction of the Supreme Court for relief. If the sovereign State of Texas could be compelled to release its jurisdiction of a whole county by virtue of a judgment and decree of the Supreme Court, then it would seem only fair, if the position of the parties were reversed, that the Federal Government should be compelled, by the exercise of the same judicial power, to submit to a full legal investigation and to the decree and judgment which would follow the ascertainment of the facts.

The Senate has very recently passed an act granting to the State of Nevada a large tract of land for the benefit of its school fund. The same kind of grant has been made to other States. Under the terms of the grant to Nevada the State makes certain selections and locations under a plan set forth in the act. After the State shall make the selection and location it is entirely possible that there may arise a conflict due to one construction by an engineer or other subordinate officer of the Interior Department on the one side and a claim of the State on the other. If the State shall get upon the wrong side of any such controversy, the United States can fix the boundary and recover her rights by a suit in the Supreme Court of the United States against the State of Nevada. But if it should so happen that the United States through its officer should claim and occupy any part of the land granted to the State, the latter is left to the arbitrary judgment of the Department of the Interior, right or wrong, and has no recourse to any court.

A bill is pending in the Senate to provide for the development of water power and the use of public lands in relation thereto (H. R. 408). Section 13 of that bill provides:

"That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water."

But suppose rights are claimed by the State, which rights are, in fact, invaded by the execution of the law of Congress. This might make a controversy between the State and the United States. There would be no trouble for the United States to get relief by a suit in the Supreme Court; but the State, however much its rights might be trampled upon by an executive officer, will be relegated to the tedious processes of Congress for relief.

Instances could be multiplied of the need of this reciprocal right of the States to sue the Federal Government. When we recall that the United States has had dealings with States and that contractual relations exist by virtue of acts of Congress and grants of lands, and that controversies have already arisen over boundaries, trust funds, and mutual obligations arising out of these acts and out of actual contracts, it seems that the question whether or not the Federal Government should be compelled to give the States the right to bring suit against it on the grounds of fairness and justice must be answered in the affirmative.

The Federal Government is a sovereign, but so is each of the States. Except so far as they have by the Constitution granted powers to the Federal Government, the States are supreme. Therefore the same reasons which can be urged against compelling the United States to submit to being made a defendant in the Supreme Court could be urged on behalf of each one of the States.

In the case of the United States v. Texas (143 U. S., 648), in a dissenting opinion by Chief Justice Fuller and Mr. Justice Lamar, the position is taken that the United States can not sue a State in an original suit in the Supreme Court. This dissenting opinion makes no reference to the case of The United States v. North Carolina (136 U. S., 211), wherein the original jurisdiction of the Supreme Court was exercised without question; and the only significance to this dissenting opinion is that, as late as 1891, it was seriously denied that the United States could sue a State without the latter's consent.

But for the eleventh amendment the States would have been compelled to submit to suits brought by individuals, because the original grant of judicial power was broad enough to embrace such controversies. (Chisholm v. Georgia, 2 Dall., 419.) This latter decision, holding that a State may be sued in the Supreme Court by a citizen of another State and that judgment may be rendered in default of an appearance, was made in February, 1793. As a direct result of this decision, on the 5th of March, 1794, a resolution of Congress was passed submitting the eleventh amendment to the States for ratification. It is hardly worth while to consider to what extent the States then recognized the right of the Federal Government to sue them in an original suit in the Supreme Court of the United States; but it is altogether probable that had the right been then asserted the eleventh amendment would have contained a provision to compel the United States to submit to a suit by a State to the same extent that the State could be sued by the Federal Government. It must be borne in mind that nowhere in the Constitution is there an express consent given by the States to a suit brought by the United States. That consent is inferred from section 3, article 2. (143 U. S., 646.)

In the last case cited the Supreme Court held that the States, having adopted the Constitution, "agreed" to the grant of judicial power and original jurisdiction in the Supreme Court in all cases "in which a State shall be a party," without excluding those in which the United States may be the opposite party, and that, therefore, the exercise of original jurisdiction in a suit brought by the United States against a State was not infringing upon the sovereignty of the State, but was "with the consent of the State sued."

It is too late to argue that by the grant of judicial power the States did not mean to create the anomalous condition that if there were mutual accounts between them and the United States which could not be adjusted out of court the State must wait for the Federal Government to bring a suit before it could file its sets-off. The thought constantly recurs, however, that the decisions leave the relations between the Federal Government and the States in the position that if the United States should sue a State upon an account the State might file a set-off which would more than avail to defeat the claim of the United States, and yet might not have a judgment over for the difference between the claim of the plaintiff and that of the defendant. The above considerations make it clear that there are no constitutional reasons why this bill should not pass. The grant of judicial power extends to "controversies to which the United States shall be a party." The Supreme Court has held that because original jurisdiction is given in those suits "to which a State shall be a party" the United States may sue a State in the Supreme Court.

It is the opinion of this committee that justice is denied when one party can sue and the other can not. It can not long obtain that the United States can sue a State, denying the reciprocal right to the State, without engendering a feeling of distrust, suspicion, and envy which is not conducive to patriotism and cordiality. The sovereign dignity of the States is as much their pride as is the sovereign dignity of the United States. The judicial construction which has evolved an actual consent of sovereign States to be sued by the Federal Government by an interpretation of article 3, section 2, of the Constitution, has clearly created an anomalous and unfair, if not a dangerous, situation. We hear much these days of the rights of States. All admit that in so far as power has not been granted by the Constitution the States are supreme, but the fear is often expressed that gradually the Federal Government is encroaching upon the rights of the States. Is not this one-sided right to invoke the judicial power, in controversies between the Nation and the States, an instance of such an encroachment, as well as a needless denial of justice?

The suggestion is made that this Republic, composed of 48 sovereign States, each with equal dignity and right, and all, outside of the granted powers in the Constitution, sovereigns, has so construed the grant of judicial power and of jurisdiction to the Supreme Court as to leave the States, in their contractual relations with the Federal Government, but half sovereigns. A national tribunal has been created which has jurisdiction over all suits to which a State may be a party, and yet the States are in the humiliating position of being compelled to submit to a suit brought by the Federal Government without the reciprocal right of compelling the Government to submit to a suit brought by a State in the same kind of a controversy. In other words, the Federal Government, one sovereign, can compel the State, another sovereign, to keep the latter's obligations; but, no matter how solemn may be the duty and the obligation of the Federal Government, the State is powerless to enforce it. Does not such a condition imply a misconception of the purposes and objects to be attained in giving original jurisdiction to the Supreme Court? How can we expect the States to be satisfied, to feel that security which comes only with the consciousness of justice, when the enforcement of justice is one-sided and arbitrary?

The general grant of judicial power in suits in which the United States may be a party and the grant of original jurisdiction in the Supreme Court in a suit in which a State shall be a party have been so construed as to read that "the judicial power shall extend to suits to which the United States shall be a party plaintiff," whereas the Constitution meant to create a tribunal to try cases in which the United States is a "party."

The substitute bill will put into operation the full judicial power granted by the Constitution.

Upon the grounds of expediency, nothing can be urged against this bill except the possibility of the United States having to defend many suits. Such a claim is an indictment of each one of the 48 States of the Union. It is unfair to the States and entirely inconsistent with their sovereign dignity to presuppose that any of them will attempt to implead the United States except in a controversy which has received careful consideration and which can not be adjusted except by an appeal to the highest court in the land and is of such importance as to demand that judgment.

It might as well be argued that the United States would, upon slight cause, harass the States as it is to contend that the States would, except in the utmost good faith, sue the United States. The States act by the authority of their legislative bodies and through their executive departments. There is nothing in the past history of the government of the States to justify the belief that the legislature of a State would authorize a suit to be brought against the Federal Government unless it was concerning a matter of great importance which could be settled in no other way. If the Federal Government has not abused its right of suit against the States, so we may well conclude the States will not abuse the proposed legislation. The 48 sovereigns of the United States may well be trusted to conduct their suits brought under the proposed legislation to matters which comport with the dignity of the Supreme Court and the high regard which the people of the country have for that tribunal.

In the opinion of this committee, the proposed legislation will make for peace, contentment, and good feeling. The Supreme Court of the United States is the national tribunal. It now tries controversies between States involving all sorts of questions of boundary and mutual obligations. (N. J. v. N. Y., 5 Peters, 284; R. I. v. Mass., 12 Peters, 657; Mo. v. Iowa, 7 How., 660; Fla. v. Ga., 17 How., 478; Ala. v. Ga., 23 How., 505; Mo. v. Ky., 11 Wall., 395; Va. v. W. Va., 11 Wall., 39; Nebr. v. Iowa, 143 U. S., 359.)

An investigation of the record in those suits will show that they were not instituted for slight cause, but that the controversies embrace matters which were in good faith in dispute between the parties and were of such dignity and importance as to demand decision by the Supreme Court of the United States. There is nothing in any of these cases to warrant the suggestion that the States acted hastily in bringing the suits. It is submitted that to legislate upon the assumption that one sovereign State of this Union would abuse the jurisdiction of the United States court is entirely out of harmony with the history of this country, the conduct of the States in the past, and is almost insulting to the sovereign dignity of the States.

The proposed legislation limits the suits which can be brought under its provisions to those which would be cognizable in a court of justice "between individuals." That clause was intended to exclude

any chance of involving a political right or claim as the subject matter of a suit. There was inserted in the bill the right of the United States in any such suit to interpose any counterclaim, set-off, equitable or other defense, which could be made by the defendant were such suit between individuals. One of the purposes of that clause was to make it perfectly clear that where the questions involved would be the settling of accounts there could be no doubt of the right of the United States to interpose any matter which might make the settlement complete.

In the case of Virginia v. West Virginia (220 U. S., 27) the Supreme Court held that in suits between States—

"The case is to be considered in the untechnical spirit proper for dealing with a quasi-international controversy, remembering that there is no municipal code governing the matter, and that this court may be called on to adjust differences that can not be dealt with by Congress or disposed of by the legislature of either State alone."

And in Kansas v. Colorado (206 U. S., 46) the court said:

"In a qualified sense and to a limited extent the separate States are sovereign and independent, and the relations between them partake something of the nature of international law."

Inasmuch as the court announced this principle upon the ground that the parties to the suit were sovereigns, the same rule would apply in controversies between the United States and a State.

In the case of Virginia v. West Virginia (220 U. S.) it was held that in the exercise of its original jurisdiction the Supreme Court is not bound by any special rule or by any particular form of pleading, but that it could exercise its original jurisdiction in its own way. Suits brought under the proposed act would, of course, be governed by this rule.

Mr. NELSON. Mr. President, I simply desire to say that while I shall not object to the consideration of this bill at this time, I am opposed to the bill, and shall vote against it, and was not in favor of it in the committee.

Mr. BRANDEGEE. Mr. President, with reference to the statement of the Senator from Georgia as to the attitude of the committee, I will state that there was opposition to the bill in the committee, and there was a roll call on it, if I remember correctly. I think it was only reported favorably by a majority of one, but of that I am not quite sure. I voted against it in the committee, and I shall be compelled to vote against it if it comes up for action; but I do not object at all to its present consideration.

Mr. CHILTON. Mr. President, I should like just for a minute to make an explanation. I think the Committee on the Judiciary has put in more time upon this subject than probably upon any other matter that has been before it, certainly since I have had the honor to be a member of that committee. I do not wish to take up the time. Certainly this matter has been considered enough, and I do think the Senate ought to act now, and the bill ought to be passed. As the law now is the Government can sue a State, but a State can not sue the Government. In other words, only a part of the judicial power granted by the Constitution to the Supreme Court can be exercised. The report which I have filed explains the situation; and as we are working now under unanimous consent and the five-minute rule, I desist in the hope that a vote may be taken before the time shall expire.

Mr. STERLING. Mr. President, I do not know that I shall oppose this bill, but in view of the objections that are made I should like to give the subject a little further consideration. I think I shall object to its consideration at this time.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China was announced as next in order.

Mr. CHILTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, was announced as next in order.

Mr. CHILTON. Let that bill go over.

Mr. SMOOT. May I ask the Senator to give me an opportunity to explain the bill to him for a moment? Then, if he wants to object——

Mr. CHILTON. No; there is no use of taking further time with the calendar. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4256) to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located was announced as next in order.

Mr. CHILTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 55) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. CHILTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 5221) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates named:

Cornelius A. Ahearne, late acting assistant surgeon, United States Army, $12 per month.

Eliza J. Crittenden, widow of Charles Crittenden, late of Company I, Twenty-fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Delia Carey, widow of Michael Carey, late of Company I, Seventh Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Susan Bryant, widow of George Bryant, late of Company D, First Regiment Connecticut Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Lucy Babcock, widow of Aaron E. Babcock, late of Company B, Sixth Regiment Connecticut Volunteer Infantry $20 per month in lieu of that she is now receiving.

Walter H. Hutchinson, late first lieutenant Company A, Ninety-ninth Regiment United States Colored Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Joseph W. Crowell, late of Company D, First Battalion Nebraska Veteran Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Mary Megrady, former widow of Edward Haney, late of Company B, Fourteenth Regiment Michigan Volunteer Infantry, $12 per month.

Luther W. Garrett, late of Company D, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William M. Dern, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

James Cronan, late of Company C, Forty-seventh Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Jeremiah Cramer, late of Company D, One hundred and fifty-second Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Francisco Wadsworth, late of Company C, First Regiment Maine Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Sewell W. Hewett, late of Company C, Fourth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary F. Pulcifer, widow of Alfred H. Pulcifer, late captain Company D, Second Regiment Massachusetts Volunteer Heavy Artillery, $24 per month in lieu of that she is now receiving.

Nancy D. Morey, widow of Israel C. Morey, late of Company F, Seventh Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Austin L. Myers, helpless and dependent child of Thomas W. Myers, late of Company C, Thirty-ninth Regiment Illinois Volunteer Infantry, $12 per month.

John M. Jennings, late second lieutenant Company K, Seventy-fourth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George W. Parsons, late of Company K, One hundred and seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Richard Simpson, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Clinton Neligh, late of Company I, Sixty-seventh Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Cyrus Stephenson, late of Company I, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John P. Walker, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jesse Miller, late of Company L, Eighth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Mauris Summers, late of Company D, Eighty-second Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Withers, late of Company A, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Susan Backus, widow of Jerome Backus, late of Company D, Thirty-fourth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary McHenry, widow of Charles H. McHenry, late of Company H, Fifty-first Regiment Illinois Volunteer Infantry, $12 per month.

Johnathan B. Huffman, late of Company A, Thirty-fourth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Cyrus Bowman, late of Company B, McLaughlin's Squadron Ohio Volunteer Cavalry, and Company C, Fifth Regiment Ohio Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

William Green, late of U. S. S. *Rattler, Great Western*, and *Tyler*, United States Navy, $50 per month in lieu of that he is now receiving.

Asa Gatton, late of Company A, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Thomas O. Oliver, late unassigned, Twenty-second Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry S. Fargo, late of Company D, Third Regiment, and Company A, Fifth Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James Bosley, late of Company E, Sixty-seventh Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

May Vandiver, widow of Benjamin F. Vandiver, late of Company C, Sixty-sixth Regiment, and Company K, Seventy-third Regiment Pennsylvania Volunteer Infantry, $12 per month.

Luther H. Palmer, late of Company C, Third Regiment California Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William A. Willard, late of Company H, One hundred and forty-fourth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William L. Mayden, late of Company B, Thirteenth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Samuel Graham, late of Company A, Ninetieth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Parthenia Mattingly, widow of David C. Mattingly, alias Cosmas Mattingly, late of Company H, Sixth Regiment Kentucky Volunteer Cavalry, $12 per month.

William Hall, late of Company C, One hundred and thirty-first Regiment, and Company F, Twenty-ninth Regiment, Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John Lynn, late of Company A, Forty-eighth Regiment Kentucky Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John Penrod, late of Companies C and D, Twentieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Walter S. Gibson, late of Company D, Fortieth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Adam Pulley, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George C. Warrick, late of Company C, Eighty-sixth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary E. Corson, widow of John W. Corson, late of Company F, Twenty-fifth Regiment New Jersey Volunteer Infantry, and former widow of Alexander McCormick, late of U. S. S. *Shenandoah*, United States Navy, $12 per month.

Dolores Lucero de Salaz, widow of Vicente Salaz, late of Company G, First Regiment New Mexico Volunteer Infantry, $20 per month in lieu of that she is now receiving.

James McKinney, late of Company A, First Regiment Michigan Volunteer Engineers and Mechanics, $40 per month in lieu of that he is now receiving.

Thomas F. Rowley, late of Company A, Twelfth Regiment Massachusetts Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Francis M. Kenerson, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Nancy L. King, widow of John H. King, late of Company C, Ninety-third Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Samuel A. Hogue, late of Company G, Fortieth Regiment Illinois Volunteer Infantry, and captain Company H, Thirteenth Regiment Illinois Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Isaac F. Green, late of Company A, Osage County Regiment Missouri Home Guards, $27 per month in lieu of that he is now receiving.

William Etheredg, late of Company I, Third Regiment Iowa Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

William Roberts, late of Company H, Fifty-first Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Lydia A. Heatherly, widow of Elam T. Heatherly, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, $20 per month.

Charles W. Thornton, late of Company B, Eighth Regiment New York Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Charles E. Abbott, late of Company B, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William B. Dickey, late captain and assistant quartermaster, United States Volunteers, $36 per month in lieu of that he is now receiving.

James A. Gould, late of Company E, Sixteenth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edwin Bates, late of Company I, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Alonzo Newell, late of Troop F, Sixth Regiment United States Cavalry, $40 per month in lieu of that he is now receiving.

Joseph N. Foster, late of Companies B and D, Ninth Regiment New York Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Gilman P. Lombard, late of Company C, Twenty-first Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Arthur G. Sawyer, late of Company I, First Regiment Maine Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

George H. Stillman, late of Company G, One hundred and twenty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James S. Anderson, late of Company M, Fifth Regiment Illinois Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Mary E. Lindsay, former widow of Henry Schively, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, $12 per month.

Ella C. Moody, widow of Joel Moody, late captain Company H, Second Regiment Indian Home Guards, and former widow of John M. Porter, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, $20 per month.

Lars Isaacson, late of Company A, Second Battalion, Sixteenth Regiment United States Infantry, and Company K, Forty-fourth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John D. Vance, late of Company D, and sergeant major, Twenty-fourth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Stephen M. Teachout, late of Company F, First Regiment Michigan Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Adonirum C. Harper, late of Company A, One hundred and thirty-second Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Parley B. West, late of Company B, Sixty-fifth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel Campman, late of Company B, One hundred and eighth Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Shirley M. Nichols, widow of Edwin C. Nichols, late captain of Company G, Eighth Regiment New Jersey Volunteer Infantry, and first lieutenant of Company F, Twenty-fourth Regiment Veteran Reserve Corps, $24 per month in lieu of that she is now receiving.

Frank Seavey, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Kate A. Brown, widow of Thomas G. Brown, late major, Sixty-fifth Regiment Indiana Volunteer Infantry, $20 per month.

Louise M. Wilson, widow of William M. Wilson, late of Company C, Third Regiment Rhode Island Volunteer Cavalry, and former widow of Landric M. Holcomb, late of Company D, Fourteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Lloyd Roberts, late of U. S. S. *Sabine, Ohio*, and *New Hampshire*, United States Navy, $50 per month in lieu of that he is now receiving.

Marion K. P. Sellmer, widow of Charles Sellmer, late captain of Company B, Eleventh Regiment Maine Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Samuel Mercer, late of Company I, Second Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Harriet A. Mills, dependent mother of Charles B. Mills, late of Company B, Thirteenth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emily Thompson, widow of Jonah Thompson, late of Company I, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and former widow of Henry H. Brown, late of Company G, One hundred and eighteenth Regiment Indiana Volunteer Infantry, $12 per month.

Cora E. Gossin, widow of Andrew J. Gossin, late of Company A, Thirteenth Regiment United States Infantry, $12 per month.

George W. Fernald, late of Company C, Eighty-second Regiment New York Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Rollin O. Joslyn, late of Company I, Fifteenth Regiment Vermont Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Hester Ann Steel, widow of James M. Steel, late of Company A, Eighty-seventh Regiment Indiana Volunteer Infantry, and Company A, First Regiment United States Veteran Volunteer Engineers, $20 per month in lieu of that she is now receiving.

Samnella Goodrich, widow of John T. Goodrich, late of Company F, Twenty-third Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ruth J. McCann, widow of Thomas K. McCann, late captain and assistant quartermaster, United States Volunteers, $24 per month in lieu of that she is now receiving.

Morris P. Gossard, late of Company C, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James H. Isbell, late of Company H, Eighteenth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Henry D. Lockwood, late of Company E, Twenty-third Regiment Wisconsin Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Amos L. Griffith, late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Elvira H. Jackson, widow of Isaac Jackson, late unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and former widow of Daniel Miller, late of Company B, Third Regiment Michigan Volunteer Cavalry, $12 per month.

Henry M. Chase, late of Company A, Coast Guards, Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jeremiah Lloyd, late of Company C, One hundred and eighteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lidia M. Gosnel, widow of Simeon Gosnel, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

Janet Lamoreux, widow of Pardon B. Lamoreux, late second lieutenant Company K, First Regiment Wisconsin Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John Cook, jr., late of Company H, One hundredth Regiment, and Company A, One hundred and eighty-seventh Regiment, New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary Thibodo, widow of Stephen Thibodo, late of Troop G, United States Mounted Rifles, War with Mexico, and Company B, Twelfth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henrietta Thayer, former widow of Septimus Ireland, late of Company K, Thirty-third Regiment Wisconsin Volunteer Infantry, $12 per month.

Emma E. Keyes, widow of William T. Keyes, late of Company C, Tenth Regiment, and Company D, Twenty-ninth Regiment, Maine Volunteer Infantry, $12 per month.

Virginia Bailey, widow of Mark Bailey, late of Company D, Ninth Regiment United States Colored Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Lydia C. Locke, widow of Charles E. Locke, late of Company I, Eighth Regiment, and Company B, Sixty-seventh Regiment, Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD B. CRAIG.

The joint resolution (H. J. Res. 87) authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue of the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which, on the night of June 23, 1915, were, by an act of burglary, taken from the safe in which the same had been properly deposited while in the custody and care of said collector.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMITH of Georgia. Mr. President, it is nearly 2 o'clock. At that time we must take up the unfinished business. I am unwilling to pass from the call of the calendar without expressing an earnest dissent from the action of the Senate taking up the calendar under Rule VIII and limiting by motion action upon bills on the calendar to those bills to the consideration of which no objection is made.

Of course, the calendar can be called under Rule VIII, and by unanimous consent the consideration may be limited to bills to which there is no objection. The rule provides that at the conclusion of the morning business, unless otherwise ordered by the Senate, the Senate shall consider the calendar of bills until 2 o'clock, and that the consideration shall be of bills and resolutions not objected to, and "the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration."

The right by motion to continue the consideration of a bill objected to is expressly given in this rule of the Senate.

The right at any time under the rules is given at the conclusion of the morning business to move to proceed to the consideration of any measure ripe for consideration in the Senate, and this right can not be withdrawn over objection; it can only be withdrawn temporarily through a unanimous consent.

Is it not therefore clear that the rules of the Senate forbid the limitation of consideration of bills on the calendar to bills unobjected to, except where by unanimous consent the limitation is made?

Mr. SMOOT. Of course I have a precedent to which I could cite the Senate, but the Senator says he does not desire to discuss it, and I will not cite it.

Mr. GALLINGER. The Senator from Utah is right in saying that there is a precedent, but it is a very bad precedent.

Mr. SMOOT. I was going to refer to it.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 7617.

Mr. WORKS obtained the floor.

Mr. SMOOT. Will the Senator from California yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Utah?

Mr. WORKS. I yield.

Mr. SMOOT. I was going to ask the Senator having the bill in charge if he would not agree to lay aside the unfinished business for an hour in order to finish the calendar? I do not believe it would take over an hour, and then to-morrow, immediately after the routine morning business, he can call up the bill he has in charge for the balance of the day.

Mr. BANKHEAD. The Senator from Utah can call up the calendar to-morrow morning at the close of the routine business.

Mr. SMOOT. It would be very much easier to take up the unfinished business instead of the calendar at that time.

Mr. BANKHEAD. I hope the Senator from Utah will allow us to proceed with the bill. I do not feel that I can yield under the circumstances, and I must insist upon proceeding with it.

Mr. SMOOT. I regret that the Senator so decides.

GOOD ROADS.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The PRESIDING OFFICER. The Senator from California [Mr. WORKS] is entitled to the floor.

Mr. THOMAS. Will the Senator yield to me for a moment?

Mr. WORKS. I yield to the Senator from Colorado.

Mr. THOMAS. I had intended to speak upon the pending bill to-day, but I am not in a physical condition to do so. I wish to give notice that to-morrow, after the remarks of the Senator from Texas [Mr. SHEPPARD], I shall address the Senate upon the pending bill.

Mr. WORKS addressed the Senate. After having spoken for about an hour and a half, he said:

Mr. President, I expected to complete what I had to say this afternoon, but the interruptions that have occurred have taken much of the time, and I am feeling somewhat weary, so I will ask the Senate to allow me to complete these remarks to-morrow or at some later time. I desire next to go into the question of the legality of this effort to appropriate the public funds. I presume there are other Senators who are ready to go on, so that no time will be lost. For that reason I will suspend here and give notice that I will proceed with what I have to say to-morrow.

[Mr. WORK'S speech is printed in the Senate proceedings of the following day, April 21, 1916.]

The PRESIDING OFFICER. The question is upon the substitute reported by the committee.

Mr. SMOOT. I understand that the Senator from Colorado [Mr. SHAFROTH] desires to speak next. He is not in the Chamber. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	O'Gorman	Smoot
Bankhead	Kenyon	Overman	Sterling
Borah	Kern	Page	Stone
Brady	La Follette	Pittman	Swanson
Burleigh	Lane	Poindexter	Taggart
Chamberlain	Lee, Md.	Pomerene	Thompson
Chilton	Lewis	Ransdell	Tillman
Cummins	Lodge	Reed	Underwood
Curtis	McCumber	Robinson	Walsh
Gallinger	Martin, Va.	Shafroth	Warren
Gronna	Martine, N. J.	Sheppard	Williams
Hollis	Myers	Simmons	Works
Husting	Nelson	Smith, Ariz.	
Johnson, Me.	Newlands	Smith, Ga.	
Johnson, S. Dak.	Norris	Smith, Mich.	

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present.

Mr. SHAFROTH. Mr. President, I have offered an amendment to the bill, which I should like to present to the Senate at this time. The bill in the first part provides that the Nation shall pay half and that the States shall pay the other half for the construction of these roads. I have drawn a provision which fits into the bill very well. It is after the word "roads," on page 6, line 22, to insert these words:

By the payment of one-fourth of the total cost of any such road, in the manner and upon the condition hereinafter provided, whenever individuals, the county, and State in such such road is situate shall each have contributed an amount equal to one-fourth of the estimated cost thereof.

Mr. President, the object of this amendment is, first, to get twice as much road built with the money that is contributed by the National Government. Instead of the Government paying one-half it is to pay one-fourth, and the balance of the cost is made up by contributions of the State, the county, and individuals.

The second object of the amendment is to provide that individuals shall subscribe, and therefore have a personal interest in the construction of the road, which will prevent unworthy enterprises from being undertaken. When it comes to the pocketbook men will not agree to pay their own money to construct a road unless it is necessary.

So those are the two objects which it seems to me this amendment will serve in the bill.

Now, as to the first one, the one-fourth and the one-half contribution, I want to say that the tables that are shown in the report and the tables that are found in the World Almanac as to the amount of money that is contributed for road building are perfectly astonishing. Individuals, counties, and States now contribute enormous sums of money to road building. The report estimates that $300,000,000 last year was contributed for these purposes. The World Almanac shows in detail that there was contributed in the year 1914, $249,055,068 by States, counties, and individuals. The bill appropriates simply $5,000,000 for the first year, $10,000,000 for the second year, $15,000,000 for the third year, $20,000,000 for the fourth year, and $25,000,000 for the fifth year.

Mr. GALLINGER. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. GALLINGER. Has the Senator the aggregate amount contributed by individuals?

Mr. SHAFROTH. No; the total is not divided. I will state to the Senator that the experience we had in the State of Colorado——

Mr. GALLINGER. Before the Senator proceeds to give that information I wish to say I have had a little experience in trying to raise money for various public purposes, and my impression is that the amount which will be contributed by individuals will be negligible.

Mr. SHAFROTH. The experience in Colorado is directly contrary to that.

Mr. GALLINGER. I am glad to hear it.

Mr. SHAFROTH. It is true that individuals will not subscribe where they have to pay for all the road. That is true; but where they get a large contribution from the State, a large contribution from the county, they readily respond.

This is the experience which I had with the legislature of our State: It passed laws appropriating certain amounts of money in large sums for the construction of roads between certain points on condition that the counties should contribute a like amount and the individuals benefited would pay a like amount. For instance, there is one road I have in mind to which the State contributed $5,000. The county immediately contributed $5,000. The individuals found that $15,000 would not build the road and so they contributed $10,000, and did it readily.

Mr. GALLINGER. Will the Senator permit me?

Mr. SHAFROTH. I yield to the Senator.

Mr. GALLINGER. Were not those instances where the road was built to some resort or to some club or to some golf links where people of means were willing to put up some money to make it a little pleasanter to get there?

Mr. SHAFROTH. No, sir; it was built between two towns. The money that is to be subscribed by individuals need not be along the line of the road absolutely. It can be subscribed by citizens in each town to some extent, but the people who raise the money will do so all along the line and in towns also.

Mr. President, when you go to a farmer in the country or to an individual in a city and say, "We want you to contribute to build a road between certain points," he will ask, "What help do we get?" If there is no help, they do not do it. The result is that the road is not built. But as quick as you say that the State will help, that the Nation will help, that the county will help, then you will find that people will be eager to get those roads and eager to contribute their share to build them. It is on that account that I believe if you make it one-fourth that the Nation is to contribute you will get many times more roads where the people are willing to have them constructed under it, and in the end you are bound to get twice the length of road by reason of this provision.

Mr. President, I wish to call attention to the enormous amount spent upon roads in the various States. There are only two States in the Union that have their roads surfaced to the extent of 50 per cent. The State of Massachusetts has 51 per cent; the State of Rhode Island has a little over 50 per cent. The Western States have a very small percentage of their roads surfaced. But, Mr. President, it is marvelous how much has been contributed by individuals, counties, and States in the construction of roads. Take, for instance, Arizona. She contributed last year $1,009,733 for the construction of roads.

Mr. SMITH of Arizona. If the Senator will permit me, and the Government owning about 50 per cent in permanent reservations from which the State gets nothing.

Mr. SHAFROTH. I fully concur in the statement that there is a great outrage done to Arizona by reason of these permanent

reservations upon which the State can not raise a dollar by taxation.

Mr. SMOOT. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. SMOOT. Does not the Senator's amendment relieve the Government from paying for the roads proposed in the bill from one-half to one-quarter?

Mr. SHAFROTH. No; the amount appropriated is $5,000,000. Now, the question is how much road building can we get for that $5,000,000? If you make the United States Government put up half you will get only half the quantity of roads that you would get by making it a quarter. I should like to make it less, because I believe you could get that much more road building from this fund, but inasmuch as there are only about four organizations that could contribute, namely, the Government itself, the State, the county, and then the individuals, or cities on the road, it seems to me that we are getting as much as we can out of this bill in the shape of road building. Does the Senator from Utah desire to ask any further question?

Mr. SMOOT. I have not the bill before me, but on reading the amendment it looks to me as though the effect of the amendment will be just the opposite.

Mr. SHAFROTH. Oh, no; if you turn to the bill which I have here you can readily see that it is immaterial what proportion comes in. Section 3 provides:

That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1917, the sum of $5,000,000—

And so forth. That is the amount. Now, how far can we make that appropriation go? If you are going to make the General Government pay one-half of the cost of the road, then you can see you will have one-half as much of the road constructed, whereas if you make the division one-fourth you will have double the amount of road building.

Mr. LODGE. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. LODGE. The Senator was mentioning the percentage of State highway mileage. Did he mention Massachusetts?

Mr. SHAFROTH. Yes, sir; I did.

Mr. LODGE. It is 51 per cent.

Mr. SHAFROTH. Yes, sir. I have before me the amount of funds contributed by the States and by local contributions of all kinds to road building. Massachusetts spent $6,020,609 on roads in 1914. She has 8,908 miles of road surfaced. She has 17,272 miles of public roads, improved and unimproved, which makes 51.7 per cent of the roads of that State that are surfaced and in good condition.

Mr. LODGE. That is the amount of State highway mileage, what are called good roads.

Mr. SHAFROTH. Yes, sir.

Mr. WARREN. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. WARREN. Does not the Senator believe that he has afforded the Government too small a proportion? My idea is that many States would not accept the red tape and trouble and expense, and so forth, connected with having a partnership with the United States, where the United States paid only a quarter.

Mr. SHAFROTH. I do not think so. I think the result of this will be that you will get double the road building.

Mr. POMERENE. Mr. President——

Mr. SHAFROTH. Let me answer the suggestion of the Senator from Wyoming.

Mr. WARREN. If the Senator will allow me further, I am of the opinion that the Senator is going to defeat his own object in placing the percentages along the line which he has indicated.

Mr. SHAFROTH. No.

Mr. WARREN. I do not think the State of Colorado, and I am taking the States as they present themselves——

Mr. SHAFROTH. I can take any State here and demonstrate that the State is now putting up twenty times as much money as it will get from the Federal Government. Surely, if in the year 1914 it put up twenty times as much, there would be no trouble in putting up the balance of this money in the way of getting roads built partially by the Federal Government. I yield to the Senator from Ohio.

Mr. POMERENE. I desire to say, apropos of what the Senator from Wyoming has stated that nearly all the States are doing more or less road building. I can not conceive that it is possible that any State would ever refuse to aid the contribution from the Federal Government.

Mr. WARREN. In contribution, but what about the things that go with it by the terms of the bill, in the matter of management and consultation and delay, and so forth?

Mr. POMERENE. It requires no more expense to manage the building of a road which is built totally by the State authorities than it does when it is built in partnership with the Federal Government.

Mr. SHAFROTH. I want to call the attention of the Senator from Ohio to the fact that Ohio is a good illustration. Ohio built, in the year 1914, $11,261,880 worth of roads. The portion which would come to the State of Ohio by reason of this bill is inconsiderable compared to that sum. The amount which it would receive the first year under this bill would be simply $118,000. Is it possible when it gets $118,000 that it would not put up the other three-fourths in road building, and if it put up three-fourths would not the amount of construction be twice as much as if it put up only half? Certainly it would.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SMITH of Arizona. Then why not make it one-twentieth?

Mr. SHAFROTH. The trouble is when you make it one-twentieth the amount is so small you get from the Federal Government that it would be subject to the objection which the Senator from Wyoming [Mr. WARREN] just made, namely, the quantity of red tape and things of that kind would make obstacles so great as to make it undesirable to take the trouble.

Mr. BANKHEAD and Mr. POMERENE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Colorado yield?

Mr. SHAFROTH. I yield to the Senator from Alabama.

Mr. BANKHEAD. I simply wanted to ask the Senator from Colorado what would become of his amendment with the argument he makes in case the individuals he talks about as being so generous refuse to put up their share?

Mr. SHAFROTH. We have not had that condition.

Mr. BANKHEAD. I think we have it everywhere.

Mr. SHAFROTH. No; I do not think so, but I am perfectly willing in that contingency to say that these three—State, county, and individuals—shall do it. Now, what proportion the State wants to undertake or what proportion the county wants to take in that event, it seems to me, is immaterial to us, perhaps, although I think there ought to be an element here of the individual subscribing, because it is going to be a check upon the pork-barrel construction. Whenever you have individuals interested, then unquestionably you will get constructed a road that ought to be built. But if you are going to have simply the States contribute with the National Government it will depend upon who has got the best pull in order to get a road built, and roads may be built that are unnecessary by reason of that. The element of individual subscription is most valuable in getting a good road. Now I yield to the Senator from Ohio.

Mr. POMERENE. The Senator has answered the question which I intended to ask as to whether he would have these subscriptions voluntary or compulsory under the law.

Mr. SHAFROTH. Oh, voluntary.

Mr. POMERENE. In my own State the plan we have adopted, when it comes to the permanent construction of roadways, is that the State contributes 50 per cent, the county 25 per cent, the township 15 per cent, and the other 10 per cent is assessed against the property which may be benefited.

Mr. SHAFROTH. In our part of the country there has been no occasion for assessment against property. If you make the proportion small which the individuals must contribute, it will be that much easier for the individuals. I am not wedded to these particular proportions, although I do believe there ought to be an element of personal interest in individuals in order to get roads that are worth being constructed.

Mr. SMOOT. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. SMOOT. I thought the Senator from Colorado agreed to the statement made by the Senator from Ohio [Mr. POMERENE] that the roads could be built under the supervision of the Government as cheaply as they could under the supervision of the States. If that ever happens it will be the reversal of all the work that has been undertaken by our Government in the States.

Mr. POMERENE. Mr. President——

Mr. SMOOT. I want to say to the Senator that I do not believe the roads can be built under the supervision of the Government in the Western States as cheaply as they can be built under the supervision of the States.

Mr. SHAFROTH. I agree with you.

Mr. SMOOT. It seems to me that the provision of the bill is very much better than the amendment offered by the Senator from Colorado for this reason.

Mr. SHAFROTH. But that does not affect my amendment. It does not affect what you are going to do. I adopt the other provision of the bill.

Mr. SMOOT. I am perfectly aware of that; but I was going to tell the Senator why I think the half is better than the quarter plan. The State receives just so much money out of the proposed appropriation, and it takes just so much money to build a mile of road. If the Government of the United States pays the State of Ohio, for instance, $180,000 out of the first year's appropriation, they might just as well pay half as one-quarter, and complete the road as far as it will go upon that basis and then there would only be the control of the Government over that length of road. But if the State wants to extend its road building beyond what the Government appropriation will build, and can raise money in any way for the extension, as the State of Ohio has done in the past, the Government paying one-half the cost would not prevent it from doing so and the road so extended; the State would have control of the road and would not be under the Government supervision.

Mr. POMERENE. I think I failed to make myself clear or the Senator from Utah did not understand me. I do not mean to say that these roads are to be built under the control of the Federal Government. I think the State authorities should have general supervision.

Mr. SMOOT. But the bill does not provide that.

Mr. POMERENE. It does in substance. In any event, my thought is that these funds are only provided where the plans may be subject to the approval of the Government here.

Mr. SMOOT. Certainly.

Mr. POMERENE. But that the general work, the actual construction, shall be under the State or county authorities, as the case may be.

Mr. SHAFROTH. I think that is the provision of the bill. The work is to be done by the State under the supervision of the State. The general plan is to be approved by the Secretary of Agriculture.

Mr. SMOOT. The bill provides—

That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads.

Mr. SHAFROTH. That is true, but the actual work is to be done under the supervision of the State.

Now, Mr. President, I want to answer the objection just made by the Senator from Utah with respect to this one-half and one-fourth contribution. He says let the National Government contribute half on the highway construction and then let the individual, the county, or the State do the balance of the road. Suppose you have enough money by the National Government contribution to construct 10 miles of road and suppose the others contribute one-half. On that basis only 10 miles of road are constructed. When only one-fourth of the cost is contributed by the Nation out of its appropriation to that State it will construct 20 miles. Now that is a great advantage to the people of the State along the 20 miles. If the National Government pays one-half, then those persons who are living along that 10 miles of road will only have to put up a small part for their own private use and the people on the other 10 miles will have to pay double in order to get a road along their land.

Here is a proposition that by the payment of the National Government's one-half, 10 miles of road can be constructed. If that is true, the State and the counties and the people contribute only one-half of the amount. Suppose the Nation contributes one-fourth, then 20 miles will be constructed. If 10 miles only are constructed, as the Senator from Utah suggests, then the other 10 miles can be built by private subscription, but they will have to build it at their own expense, and they will not do it at all. Now, I yield to the Senator from South Dakota.

Mr. STERLING. Mr. President, I have been in vain endeavoring to understand the Senator's logic. He has asserted again and again that if the General Government contributes but one-fourth, twice as many miles will be constructed and paid for.

Mr. SHAFROTH. The reason is simply this, and it is very plain, it seems to me. Where the Nation contributes one-fourth and you require somebody else to contribute three-fourths, you will build twice as much road. If you pay one-fourth of it out of the National Treasury and compel the other people to contribute three-fourths, you can readily see that under this bill there will be twice as much constructed.

Mr. NORRIS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator means, as I understand him, that for the same amount of Federal cash you get twice as much road in one instance as you will in the other.

Mr. SHAFROTH. Certainly; that is my idea.

Mr. POMERENE. Mr. President, if I may——

Mr. SHAFROTH. I yield to the Senator from Ohio.

Mr. POMERENE. The question arose a moment ago as to whether this construction should be done by the State or the Federal authority. Let me call the attention of the Senator from Utah to that portion of section 6, on page 12, beginning with line 15, which reads:

The construction work and labor in each State shall be done in accordance with its laws, and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this act.

Mr. SMOOT. I think that is right, and that is as I understand it; but all the work will be subject to the inspection and approval of the Secretary of Agriculture.

Mr. SMITH of Arizona. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. I should like to ask the Senator from Colorado what difference it makes if we are going to build a road, say, from Tucson to Nogales, in Arizona? It is the scheme to build a road between two towns. They estimate immediately what the Government will give. We know before that road starts that we will have to give all that is necessary to build it except what the Government itself contributes. Then, in the scheme of every road you start it is absolutely immaterial. The only materiality is as to how much they get from the Government. So the mere proportion has nothing whatever to do with the amount of road that the State will build.

Mr. SHAFROTH. In answer to the Senator's inquiry I will state that, in my judgment, directly the contrary takes place. It seems to me to be plain that if 10 miles of road can be constructed by the Government under this bill upon a contribution of one-half, if it requires the people and the county and the State to contribute three-fourths and the National Government one-fourth, the result will be that they will get 20 miles of road constructed under this bill.

Mr. SMITH of Arizona. I fail to put my question fully. There are between a number of these towns nothing but Government reservations lying, and there is nobody living on them, and no one can live on them.

Mr. SHAFROTH. You will find that the condition will be that Nogales will want to contribute something under that. You will find that they will make a contribution without any trouble or without any difficulty.

Mr. NORRIS. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. NORRIS. Referring to the particular question put by the Senator from Arizona, would not this be the result: If we constructed roads hereafter from one town to the other and the Government contributed one half, there would be a part of the people, if there was a law similar to the one in Ohio, who would have to make up the other half?

Mr. SMITH of Arizona. There are no people there to pay.

Mr. NORRIS. The land is there; there is something to put the road on.

Mr. SMITH of Arizona. The Government owns the land.

Mr. NORRIS. Then, I suppose there will be an amendment that the Government will have to contribute something, and I am not sure but that it ought, in States where the Government owns the land. If we had a law similar to the Ohio law, that is what would take place. The result would be that the owners of land on that portion of a particular road would have more to pay than the owners of land on other portions that the Government had to construct.

Mr. SHAFROTH. It would be unfair as to them.

Mr. NORRIS. Exactly; it would be unfair. So, when the Senator spreads the Government contribution out over the entire length of the road, he makes everybody who has to contribute something equal in his contribution.

Mr. SHAFROTH. In some years past the only contributions that were made in the construction of roads were by individuals, by working upon the road. That was a great hardship upon the individuals. It is true it was mostly in labor, but, nevertheless, inasmuch as other people use the roads, it was proper and right that other people, living in distant parts even, should pay certain parts for the construction of the road. Then there was a township element that entered into the contribution. This whole country has been developed very largely by the contribution of individuals and counties. It has been only in recent years that at least any large number of States have been contributing anything to the construction of roads. This has grown so

that the States are contributing large amounts. In my State a constitutional amendment was adopted which provides for the levy of a certain number of mills upon the taxable property of the State, which brings a return of $600,000 each year. When you take into consideration what else is paid there, you will find that the State of Colorado spent in the year 1914 on roads $2,601,449. The amount which Colorado would get under this bill during the first year would be $86,000. What proportion is $86,000 to $2,601,449? Is it possible that if the contributions were divided into fourths, so that the National Government would contribute one-fourth only, that the other three-fourths would not be raised by those counties and individuals and States, when right now they are contributing twenty times as much as this bill would give to the States?

It seems to me there is no other difficulty. You will find that citizens have objected to putting money into roads because they had to do it all. That is the reason, and whenever they get an opportunity to receive some aid or some assistance in the way of a State or county contribution they have readily cooperated with the county. When you add one-fourth by the National Government you will find the success of this bill will be largely increased in enlarging and doubling the amount of road building there will be under this bill for the same amount of money that is contained in the appropriation made in the bill.

Mr. WORKS. I should like to ask the Senator from Colorado if Colorado is raising the amount of money he mentions, which she is able to do, why should the Government contribute at all to build her roads?

Mr. SHAFROTH. They are contributing a considerable amount of money it is true, and by the people taxing themselves for it. It is quite a burden, and I believe the Federal Government ought to assist. I think it is of benefit to the Federal Government. I think from the standpoint of post roads and of military roads and a number of standpoints, and for the interest of interstate commerce, it is a matter of concern in which the National Government ought to contribute. These States, of course, pay these amounts in preference to not having the roads. It simply shows their interest in the roads.

Now, Mr. President, I want to call attention to the fact that even in a rural district where you have a road that is to be constructed you will find that if the individuals have got to do it alone they will say no. Some enterprising individual may say "I will put the road through for a distance of 5 miles," and sometimes they do.

But, Mr. President, whenever you get cooperation, whenever you can make it so that a good road will pass a man's farm and he will pay but one-fourth of the amount for its construction, you will find that he will readily cooperate and join with the Government, and that you will have a good deal more road building than if you had to rely solely upon the individual. That being the case, it seems to me that to provide that the proportion which the United States Government shall pay shall be one-fourth instead of one-half is vastly to the advantage of good road building.

Mr. President, the logic of the position of the Senator from Utah [Mr. SMOOT] would be good if it were to the effect that you would get but half of the amount appropriated. That is true. If, for instance, we should say that we would appropriate only for two roads then, whether 50 per cent or 25 per cent would be paid for the roads, if the amount were limited by the division of one-fourth or one-half, the Senator's logic would be good; but here is the exact amount appropriated—$5,000,000 the first year. What is that? It is a mere bagatelle compared to what the State, by reason of the contributions by the State government, by the county governments, and by individuals——

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. I yield to the Senator.

Mr. SMOOT. Why does not the Senator from Colorado make the amount to be contributed by the Government one-twelfth or one-twentieth? I will say that the amount which will go from the Government to the States under this bill will not amount to more than one-twentieth of the amount which the States expend in road building.

Mr. SHAFROTH. Yes; that is so.

Mr. SMOOT. Then why not make the amount one-twentieth? If the Senator wants to cover more miles of road by his proposed amendment, that is the way to do it. Let us extend it as far as possible. I believe if the Senator will look at the figures showing the amount of money expended by the States in road building, he will ascertain that nearly every State in the Union has spent twenty times more than the amount which the bill, in case it becomes a law, provides shall go to the States.

Mr. SHAFROTH. That is true; but I want to answer that argument by a statement which the Senator from Utah made a little while ago. He said the reason the States will not contribute in this case and will not come into the plan is because of the red tape necessary in order to get money from the National Government; that for that reason they would not do it; and if you make the proportion too small, there is not any doubt but what that would be the case.

Mr. President, you can readily see what would be the result. Suppose a man owned a farm lying along a road which he desired improved, or on which rural postal service was desired, and the question arose as to whether or not the Government would contribute one-twentieth, he would say "that does not amount to much, and I will not go into it"; but if you say that the Government will pay one-fourth, that the State government will contribute one-fourth, and that the county government will contribute one-fourth, he would say "I will get a good road which passes my land for one-fourth of its cost; that will improve my land." It would then be to his interest financially to subscribe to the plan.

Mr. TAGGART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. SHAFROTH. I yield.

Mr. TAGGART. Under the Senator's amendment, as I understand, the State, the county, and individuals are respectively to pay a quarter of the expense of the construction of roads and the Federal Government the other quarter?

Mr. SHAFROTH. Yes, sir.

Mr. TAGGART. In some of the States which do not have highway commissions they have no right, as I understand, to levy a State road tax. In order to meet the requirements of the Senator's amendment, would it not be necessary that the constitutions of such States should be changed in order that the States might impose a State road tax? In our own State of Indiana we have a township tax and a county tax, but we have no right to impose a road tax on account of not having a State highway commission. So that the Senator's amendment for the building of roads there would not be applicable, so far as the State part of it is concerned.

The question I want to put to the Senator is whether, in case a State was not able to levy such a tax or had to change its constitution so as to get its quarter, and the individual should not pay his quarter, what would become of the Senator's amendment so far as the building of roads is concerned?

Mr. SHAFROTH. This bill contemplates that there will have to be legislation on the part of the State, and the State doubtless can arrange that. In the State of Colorado we have a constitutional amendment which permits a levy of a certain number of mills upon all taxable property of the State. That, however, was not true up to within six years ago. Until that time we had to rely upon general appropriations, just as appropriations are made by Congress here with respect to general matters. The legislature would appropriate so much for a certain road, provided that the county and individuals would subscribe a certain amount.

Mr. TAGGART. But suppose the States which have not at present the power to make the levy contemplated by the Senator's amendment should not pass the appropriate legislation, what would be the result?

Mr. SHAFROTH. Then, in such an event, they will not get the road; that is all. That is the very test. The test is as to whether the road is a good road, whether it is essential that it should be constructed; and you will find that there are enough people who want the advantage of securing the Government fund, who will be glad to get the benefit of it, and will subscribe for the road if it is needed. It is true that heretofore it has been in the richer communities of our State, where the people have been willing to subscribe to road building and where the counties and the States have been willing to subscribe.

Mr. SMITH of Arizona. Mr. President, I appreciate the patience of the Senator from Colorado in yielding to interruptions, but right at this point I should like to interrupt him.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Arizona?

Mr. SHAFROTH. I am very glad to yield to the Senator.

Mr. SMITH of Arizona. Mr. President, I desire to state a condition which I know applies in may of the Western States where there are but few individuals who could contribute. If they were required to contribute one-fourth, as the Senator's amendment provides, it would impose a burden upon the people which they are unable to bear by individual subscription. That is the condition in my State to-day.

Further, is it thought that the Government under any sort of supervision will permit any county or any State to receive a dollar of the Federal contribution for road construction unless the program for the building of the road, including its location and the points between which it is to be built, is determined and fixed by the Government? Would the amendment be of any benefit under those conditions? While it might help the State of Colorado, it would certainly be injurious to other States. Will it help a particle that Government assistance is based on mileage? The Government will not spend the money to build a road starting from a town and stopping perhaps so abruptly that it will be absolutely worthless.

The only question of any importance to us, so far as our road building is concerned, is the amount of money contributed by the Government. When the Government makes its contribution, and we lay out a plan for a road, and they agree to it, we know we have got by hook or by crook to raise all that the Government does not put up for the enterprise. It matters nothing in the world, except as an embargo on many of the Western States, to change the proportion from the one-half plan proposed by the committee.

Mr. SHAFROTH. By changing from the half plan to the one-fourth plan, if the amount of money which the Senator from Arizona has stated is to be appropriated, you could have two roads instead of one; that would be the difference.

The conditions in my State are almost identical with those described by the Senator from Arizona as existing in that State. There is not quite as much vacant land in Colorado, but we have large mountainous sections. Roads are built there principally by contributions from towns that want to get access to other parts of the State. Consequently there is no trouble with relation to that matter.

Mr. President, it seems to me that these are the two important things to be attained by this amendment, namely, getting twice as much road building for the same amount of money contributed by the National Government under the bill; and, the second is, getting an individual interest aroused which will prevent people from lobbying with and urging officials to construct roads which are not needed. You will find when an individual contribution is required, if the roads can not be obtained unless the contribution is made, that you will get good roads in every instance.

It is a small amount with which the Government is appropriating. As I have shown here, twenty times as much money is spent in every State in the Union by the State, county, and individuals as the States will get under the appropriations of the bill; yet the amount is going to grow, it is going to be larger and larger each year. If you start upon the basis of one-half, you will find that you will not get much road building. This amendment simply tends to increase the amount of road mileage which will be built.

Mr. BANKHEAD. Mr. President, I hope this amendment will not be adopted. To my mind, it spoils "the whole plan of salvation." So far as this bill is concerned, it is built upon different lines and upon a different theory from that contemplated in the amendment proposed by the Senator from Colorado; and I hope the Senate will promptly dispose of it by voting it down.

Mr. NORRIS. Will the Senator from Alabama yield to me?

Mr. BANKHEAD. I will.

Mr. NORRIS. Mr. President, I was under a misapprehension as to what part of the bill the amendment was offered. I supposed it was an amendment offered to come in on page 11 to strike out "50" and to insert "25." I want to ask the Senator from Alabama why it was or how it was that the committee reached the conclusion that a division on the basis of a 50 per cent contribution was the proper division? I refer to the language on page 11 of the bill, where it is provided that the payment by the Federal Government shall not exceed 50 per cent of the total estimated cost. Did the committee reach that conclusion after taking evidence or making investigation; and if so, what was it?

Mr. BANKHEAD. Mr. President, this question has been debated both in committee and in the Senate, and the general consensus of opinion has been, so far as I know, that the division provided for in the bill is a proper one; that the Government, if it is going to participate in the building of post roads at all—as the Government is certainly authorized to do, and as it is certainly its duty to do—then it ought to be willing to pay one-half of the cost of the construction. That is the theory upon which the proposition was based.

Mr. NORRIS. I understood that the committee had reached that conclusion, but I was asking my question purely for information, because I have wondered a good while what part of the contribution ought to be made by the National Government. I was wondering if the committee in its investigation had reached that conclusion after some tangible evidence or what their reasons were as to why the division should be made on that basis.

Mr. BANKHEAD. Our reason, as I have already said, was that, after very thorough discussion of the question, we thought it was a fair distribution between the States and the National Government.

Mr. NORRIS. Mr. President, I was temporarily out of the Chamber when the Senator from Colorado offered his amendment. From the conversation I had with him in regard to the proposed amendment I was under the impression that he was offering an amendment on page 11, line 21, to strike out "fifty" and insert "twenty-five."

Mr. SHAFROTH. I expect to follow the pending amendment with that amendment; but the amendment which is now pending comes in in the first part of the bill, after the first three lines.

Mr. NORRIS. Yes; I have had it pointed out to me.

Mr. SHAFROTH. Very well.

Mr. NORRIS. Mr. President, I told the Senator from Colorado in our conversation that I had made up my mind to offer an amendment on page 11, in line 21, to strike out "fifty" and insert "twenty-five." If the Senator is going to offer that amendment, of course I will not offer it; and I was under the impression when I came in and heard the debate that that was the pending amendment.

It seems to me that there are serious objections to the amendment of the Senator from Colorado now pending. I believe that the object sought to be accomplished could be fully met by such an amendment as I have indicated, and the questions I have asked the chairmen of the committee have been asked for the purpose of getting light on the subject.

Of course we must draw an arbitrary line somewhere. The committee has drawn it in the bill at 50 per cent. It may be that that is right; but to me it seems that we ought to make the contributions of the Federal Government just as small as we can make it, with a view of having all of the States take advantage of the appropriation. It seems to me that 50 per cent is entirely too large, and that if that were cut in two, and made 25 per cent, instead of 50 per cent, there is no State that would not take advantage of it, and it would result in more road building under the bill than though the bill were left as it is. I will have more to say, however, on that subject when the amendment is offered. At the time I took the floor I was under a misapprehension, and supposed that the amendment to which I have referred was pending. I do not care to take up the time of the Senate in discussing that amendment now, if the Senate is anxious to vote on the amendment which has been proposed by the Senator from Colorado, and which is now pending.

Mr. SMOOT. Mr. President, if this amendment is adopted, in my opinion, there will be little road building in any State in the Union.

Mr. GALLINGER. Under this bill?

Mr. SMOOT. Under this bill. It seems to me that it will be almost impossible to get the officials of the county, the officials of a State, and individuals to agree to provide $3 for the Government's $1 to build a road. The State may agree to it and the county not agree to it, or the State and the county may agree to it, and the individuals not agree to it. The amendment provides that each must contribute an amount equal to one-fourth of the estimated cost of the road. Under such a provision the State would not get $1 of appropriations from the Government for building roads unless all agree.

Mr. SHAFROTH. Would the Senator object to a provision that the State, the county, and individuals shall contribute three-fourths?

Mr. SMOOT. That certainly would be better than the present provision.

Mr. SHAFROTH. I think the element of money paid by individuals is an important element; but, of course, if the amount could not be obtained under the present provisions of the amendment, it would be better to make it three-fourths from the three sources instead of one-fourth from each source.

Mr. SMOOT. The Senator must admit that under the wording of the amendment individuals could prevent any appropriation from the Government for building roads in any State in the Union under this bill.

Mr. SHAFROTH. Certainly; but the individual, above all others, is the one who is interested and wants the road.

Mr. SMOOT. Well, Mr. President, who pays the taxes which the State will contribute? The individual. Who pays the taxes which the county will contribute? The individual.

Mr. SHAFROTH. Not a particular individual, but all the individuals.

Mr. SMOOT. Mr. President, no individual will contribute unless he is directly interested in the road and in the locality where it is going to be built. There is no question, of course, so far as the money paid by the State is concerned, that it may be contributed in the form of taxes by individuals in the various counties of the State; but so far as the money that is to be contributed by the county is concerned, nearly all of it will be contributed by individuals who have to contribute the other one-fourth of the amount, and to me it seems that it would be perfectly useless to adopt this amendment, and if it is adopted, in my opinion there will be no road building under this bill.

Mr. STERLING. Mr. President, let me ask the Senator from Utah a question. If a road should cost, for example, $10,000 a mile—and under this bill a road may cost $20,000 a mile and the Government would contribute half of it—but say that a road costs $10,000 a mile and the General Government contributes one-fourth, leaving $7,500 to be divided between the State, the county, and individuals, the individual to pay $2,500, how many individuals does the Senator think would be able to contribute that much as a road tax or how many roads would be built under such conditions?

Mr. SMOOT. Indeed, the question may be asked how many individuals will do that. The contributions will be voluntary; they are not compulsory; and I do not think it would be possible to secure a great many contributions from individuals under this plan.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Colorado [Mr. SHAFROTH] to the amendment reported by the committee.

The SECRETARY. After the word "roads," in line 22, page 6, it is proposed to amend the amendment of the committee by inserting:

> By the payment of one-fourth of the total cost of any such road, in the manner and upon the conditions hereinafter provided, whenever individuals, the county, and State in which such road is situate shall each have contributed an amount equal to one-fourth of the estimated cost thereof.

Mr. KENYON. Mr. President, I think this is such an important amendment that we should have a quorum present; and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak.	O'Gorman	Sterling
Bankhead	Jones	Overman	Stone
Brandegee	Kenyon	Page	Swanson
Chilton	Kern	Pomerene	Taggart
Cummins	La Follette	Robinson	Underwood
Curtis	Lewis	Shafroth	Walsh
Gallinger	Lodge	Sheppard	Warren
Hitchcock	Martin, Va.	Simmons	Williams
Hollis	Martine, N. J.	Smith, Ariz.	
Hughes	Nelson	Smith, Mich.	
Johnson, Me.	Norris	Smoot	

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] is unavoidably detained from the Chamber to-day.

Mr. SHEPPARD. I wish to state that the Senator from Mississippi [Mr. VARDAMAN] is absent on official business.

The PRESIDING OFFICER. Forty-one Senators have answered to their names. There is not a quorum present. The Secretary will call the list of absentees.

The Secretary called the names of the absent Senators, and Mr. LANE, Mr. MYERS, Mr. POINDEXTER, Mr. RANSDELL, Mr. SMITH of Georgia, and Mr. THOMPSON answered to their names when called.

Mr. CHAMBERLAIN, Mr. BECKHAM, and Mr. BURLEIGH entered the Chamber and answered to their names.

Mr. BECKHAM. I wish to announce that the junior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness in his family.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present. The question is on the adoption of the amendment proposed by the Senator from Colorado to the amendment reported by the committee.

Mr. SHAFROTH. Mr. President, I desire to perfect my amendment before it is voted upon. In line 5 of the printed amendment I desire to strike out the word "each," and in line 6 to strike out "one-fourth" and insert "three-fourths," so as to read:

> By the payment of one-fourth of the total cost of any such road, in the manner and upon the conditions hereinafter provided, whenever individuals, the county, and State in which such road is situate shall have contributed an amount equal to three-fourths of the estimated cost thereof.

It seems to me that that will bring about twice the road building that will be brought about under the bill in the form in which it was reported, and I offer the amendment in that form.

Mr. BANKHEAD. Mr. President, I hope the amendment will not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, as modified, to the amendment reported by the committee.

The amendment to the amendment was rejected.

Mr. CURTIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 9, in line 5, after the word "time," it is proposed to add:

> *Provided*, That in States where the constitution prohibits the State from engaging in any work of internal improvements, then the amount of the appropriation under this act apportioned to any such State shall be turned over to the highway department of the State or to the governor of said State, to be expended under the provisions of this act and under the rules and regulations of the Department of Agriculture, when any number of counties in any such State shall appropriate or provide the proportion or share needed to be raised in order to entitle such State to its part of the appropriation apportioned under this act.

Mr. BANKHEAD. Mr. President, I examined that amendment before the Senator offered it. I think it is a very proper amendment, and I hope it will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. NORRIS. Mr. President, on page 11, line 21, I move to strike out "50" and insert "25."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 11, line 21, it is proposed to strike out "50" and insert "25," so that, if amended, it will read:

> The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 25 per cent of the total estimated cost thereof.

Mr. NORRIS. Mr. President, it has seemed to me for some time that the Federal Government could well afford to contribute something toward the building of roads. As to just how the contribution ought to be made, as to just how much the contribution ought to be, as to the exact conditions under which the contribution should be made, there is a very wide difference of opinion, and I confess I have no well-defined idea in my own mind as to just what these conditions and these proportions ought to be. There are some reasons that have not yet been given in this debate, why it is perfectly legitimate for the Federal Government to make these contributions.

Originally, I think, roads, as a rule, were constructed by direct labor or by direct taxation in road districts, perhaps the smallest unit, and later on the unit was enlarged, and townships were required to look after the roads within the townships, and then counties, and then States; and now for several years there has been an agitation in favor of the Federal Government making some contribution. This bill is here in answer to that sentiment.

These changes in the road question have come about on account of the changed conditions of travel. When we had practically no travel, when the travel was confined to the oxcart and later on to the horse vehicle, there was not such a demand. There was more reason why the roads should be constructed and maintained by local authority. The development of the automobile, however, has enlarged the scope of the road question, and made it, to a certain extent at least, a national one.

I know it is argued by those who are opposed to Federal contribution that the States ought to build the roads. When it was first agitated that the States should build the roads, the opposition was on the ground that the counties ought to do it; and when it was first agitated that the counties should do it, the objection to that, at the beginning, was that it ought to be done by the townships. I think a fair examination and consideration of the question will lead the unbiased mind to the conclusion that all of these different geographical subdivisions ought to be taken into consideration, and that the Federal Government—not to all of the roads, but to some interstate highways, as I will call them—ought to contribute a share. The State ought to contribute, perhaps not to all of the roads within the State, but to those that are used for the purpose of connecting the counties or the business places in the counties of the State. It seems to me that the Federal Government ought to contribute something, the State ought to contribute something, the county ought to contribute something, and something ought to be contributed by those who receive a more direct benefit from the road.

We have no jurisdiction here over the State, over the county, or over the individuals, and we can only go as far as to say

what portion the Federal Government shall contribute and under what conditions the contribution shall be made; and, notwithstanding the views of some of those who object to this bill, I believe it is the object of this legislation for us to do that thing. The State, then, in raising its share of the funds can divide it up, for instance, as Ohio has done, by providing that the State shall pay, I believe, one-half and the county another proportion——

Mr. POMERENE. Mr. President, in Ohio the county pays 25 per cent, the township 15 per cent, and the property holders 10 per cent.

Mr. NORRIS. The county 25 per cent, the township 15 per cent, and those directly benefited the other 10 per cent. It seems to me that is a very fair division of it. But whatever that may be, so far as the State is concerned, each State will determine for itself; and this bill does not undertake to provide anything further than the division between the Federal Government and the State. I think the contribution of the Federal Government ought not to go to all of the roads in the country. It ought to be confined to a system of interstate highways; and, as I look at this bill, giving, as it does, to the Secretary of Agriculture power to say what the conditions shall be, what the specifications shall be, and where the roads shall be, it is intended to carry out that theory.

What proportion the Federal Government ought to pay is another question, as I said at the beginning, that is not well settled in my mind. Earlier in the day I asked some questions of the chairman of the committee with a view of getting some information on that subject, as to whether the committee had ascertained just what the proper division should be, whether it had taken any evidence or made any investigation to ascertain what the division should be; but, as I take it from the chairman's answer, the committee have just arbitrarily settled on the particular division of 50 per cent named in the bill because they believe it to be just, and I am not sure that the taking of evidence or further investigation would throw any additional light on the subject. It must necessarily be a question upon which minds will disagree.

To my mind this ought to be the basis: We ought to have the Federal Government contribute the smallest sum that will induce all of the States to take advantage of the law and get the Federal contribution. If we make the contribution too small, the States may not take advantage of it. If we make it too large, it becomes a Federal "pork-barrel" proposition, and puts upon the Federal Government too much of the burden of constructing the roads.

I believe most people will agree that the larger portion of the contribution made for the purpose of building good roads must be made by local authorities—State, county, and township, and those directly interested in the proposition. What the Federal Government ought to do is to make a contribution that would compensate for the interstate nature of the traffic, and, since the advent of the automobile, particularly, the interstate traffic upon what would be called interstate roads is quite an item.

You can go into almost any of the States and find highways bearing various names, upon which there is travel every day by people from almost every State in the Union. In my own State, on the great Lincoln Highway, passing through there, as it also passes through a large number of other States, you will find every day hundreds of automobiles from States outside of Nebraska. Where it passes through the State of Iowa you will find using the road hundreds of automobiles that are owned by people living outside of the limits of Iowa and who pay no tax in Iowa. Now, a contribution made by the Federal Government on the theory that the people of the entire Nation use these international highways, it seems to me, would be just and fair, providing the contribution were not unjust.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. The Senator says that automobiles pass through the State of Iowa and pay no tax. Do they not pay an automobile tax?

Mr. NORRIS. I think not: no—not unless they are owned in Iowa.

Mr. GALLINGER. It is very different, then, from what it is in other parts of the country. Take it in the District of Columbia. We pay an automobile tax in the District of Columbia, and if we cross over the Maryland border we have to pay another automobile tax.

Mr. NORRIS. Yes; so I understand.

Mr. GALLINGER. That is a great abuse, I think.

Mr. NORRIS. I think so, too.

Mr. CUMMINS. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. CUMMINS. I can suggest the dividing line with respect to the payment of tax by foreign automobiles.

There is in this country a system of reciprocity with regard to automobile taxes. If an automobile proposing to enter the State of Iowa comes from a State which allows an Iowa automobile to enter its territory without pay, the automobile can pass into Iowa without pay; but when there is no such reciprocity established by the laws of the respective States, then it must pay the regular automobile fee, just as here. For instance, take Maryland. Maryland and Iowa are reciprocal States, and an automobile bearing an Iowa license can enter Maryland without any further pay, just as an automobile from Maryland can enter Iowa without pay.

Mr. GALLINGER. I wish that might be extended to the District of Columbia. The automobiles from Maryland and Virginia pass over our streets without any tax being assessed against them, but if we cross the border, either north or south, we have to take out a State license.

Mr. NORRIS. We can remedy that very easily by prohibiting their entrance into the District without payment unless they grant the same privilege to the automobiles of the District.

Mr. GALLINGER. I have been hoping that might be done. I know that I paid an automobile tax in Maryland of $15 or thereabouts, and I think I have crossed the line twice.

Mr. NORRIS. I read very frequently of automobilists from the District being arrested if they pass over the line. It always seemed to me it was a hardship. I do not suffer directly, because I have not been able yet to buy even a Ford, so that I am not bothered in that way; but——

Mr. GALLINGER. In view of what has seemed to happen in the State of Nebraska, perhaps the Senator will be favored to some extent. [Laughter.]

Mr. NORRIS. I hope so. It may be that if I had been there and had contributed to the result I might have some claim for one; but as it is I have not.

Mr. President, I have talked with many people who have crossed the continent in automobiles, and have asked them whether they had any trouble, and almost invariably they say they passed from one ocean to the other without ever being interrupted or caused any inconvenience whatever.

What I have said about the automobile applies to the automobile truck as well. There are many places where there is a great deal of interstate traffic in produce from the farm. It applies also to the carrying of the mails; and I can see how it is going to be extended, it seems to me, greatly. All these things indicate to me that it is not unfair that the Federal Government should pay something toward the upbuilding of interstate highways.

I remember that when I was a boy and lived on a farm in Ohio we were compelled to work on the road to pay for the levy that was made against the land that we owned; and that was about the only attention that was given to the road. It was worked by the various people who lived in the community, and, of course, as a rule, very poor work was done. As I said a while ago, we passed from that era. The city man became interested in the country roads. He is interested in a great many ways, and by taxation he ought to be required to pay something toward the upkeep of the road and toward its building, and so we can carry it on clear through to the Nation. It has become a national question as well as a local one.

Mr. President, there is no system of constructing highways that is complete unless the law provides for the maintenance of the highway after it has been constructed. It would be folly, I think, for any legislative body, State or national, to provide for the building of highways unless there was a provision in the law for the maintenance of the highway after it was constructed. It has always seemed to me that the authorities—the State authorities, perhaps—ought to maintain men who do nothing else but look after the highways, just as the railroads maintain section men, because everybody knows that where a little damage is done to a road a little work done immediately after the damage will save the expenditure perhaps of hundreds of dollars—if the matter were neglected for a week or 10 days. This bill, it seems to me, makes a pretty good provision about the maintenance of the highways. I have sometimes wondered whether it would not be fair and whether it would not be right for the Federal Government to pay a portion of the maintenance fee. There is not any such thing provided in this bill, and I am not sure that the bill is right in that respect. The State that does not maintain the highway that has been constructed, where there has been a Federal contribution toward its construction, will immediately lose the right to get any further Federal contribution if the Secretary desires to enforce the law. I think in that respect the bill is

not exactly what it ought to be; and I expect later on to offer an amendment that will make it compulsory upon the Secretary of Agriculture to refuse any further contribution in case the roads constructed in any State are not properly maintained by that State. As the bill is now drawn, it seems to me it gives some leeway by which the Secretary might permit States to disregard their duties in this respect.

Now, Mr. President, coming down to the particular amendment I have offered——

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield to the Senator.

Mr. CUMMINS. Before the Senator from Nebraska passes to the amendment he has in mind, I should like to ask him a question that has rather a broad scope, and that presents at least one of the difficulties in my mind. I should like a little aid from him, if he is willing to give it.

Premising the question with a statement, I may suggest that in my State the aggregate length of the highways is, I believe, 107,000 miles. If all these highways were improved, as some time they must be, at a cost, we will say, of $6,000 a mile, the entire expense would be nearly $700,000,000. This bill proposes to give to my State, in the course of five years, a little more than $2,000,000. That, of course, is but a drop in the bucket, it is almost a negligible amount, as compared with the entire expense of improving all the highways of my State. Each State must have a system which ultimately will cover the improvement of all the highways of the State that are to be improved, the manner of their improvement, the kind of material that is to be used in the improvement, and everything of that sort.

Under this bill the Federal Government, represented by the Secretary of Agriculture, I believe, must be consulted with reference to the location of the highway to be improved and the kind of improvement that is to be put upon it. I have doubted the effect of that interference. I have wondered whether the amount proposed to be given to a State is compensation for the attempt to adjust what may be the policy of the State with regard to the improvement and the opinion of the Secretary of Agriculture with regard to the improvement. I should like to have the Senator's view about the conflict which may arise between the view of the State officials or the view of the State legislature and the view of the Secretary of Agriculture with regard to the improvement of highways, and whether, if that difference is not reconciled, it would be fair to make a State that can not adjust its system to the opinion of the Secretary of Agriculture pay any part of the tax which must necessarily be levied in order that other States that can so adjust themselves shall be benefited by the appropriation.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I should like to answer the Senator from Iowa before I yield further.

I can see how it is possible under this bill for very serious disagreement to take place between the State authorities and the Secretary of Agriculture. I should be glad to obviate that in the bill, if I could, but I do not know how it could be done. It seems to me that it is impossible to obviate that possible difficulty, although I do not think it is a probable one, if we retain, as I think we must, the right to say to the State what kind of road shall be built, providing the State gets Federal aid.

I can see how a Secretary of Agriculture and the authorities of the State of Iowa might get into a dispute and both be stubborn and unreasonable, or one of them be unreasonable, and not accomplish anything. As I said, on the other hand, I do not know how to obviate that possibility, but the probabilities are that there will be no such difficulty. I take it that the Secretary of Agriculture will be anxious to do what is fair and what is right, and that he will provide rules and regulations for the building of these roads that will apply alike to all of the States, and that he will treat Iowa the same as he will treat Illinois; that States having similar territory or similar conditions to meet in the construction of roads will be treated along the same line. On the other hand, the officials of Iowa, being anxious to get the Federal contribution, will necessarily pay some attention to the ideas of the Secretary of Agriculture. It means that we are leaving this matter to a board consisting of a State authority and a Federal authority, and there must be an agreement of those two authorities before any road can be constructed or Federal aid obtained. If there is any way to avoid the difficulty that may possibly arise, I should be glad, of course, to see it done.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska further yield to the Senator from Iowa?

Mr. NORRIS. Certainly.

Mr. CUMMINS. May I make the possible controversy a little more concrete? I think in many of the Western States—I know in my own—there is now going on a controversy with regard to the improvement of highways. One school of statesmen or engineers insist that gravel roads are all that are necessary and that the proposal to put down hard-surfaced roads at an expense of ten, twelve, or fifteen thousand dollars a mile is unwise and unnecessary. There is another body of men who are just as certain that the roads ought to be of some hard-surfaced variety, either macadam or brick or cement, or some material of that sort.

Now, suppose that my State was finally to conclude—and I am not saying that it will, and I am not suggesting that I hope it will—that the gravel road, which is fairly usable for 365 days of the year, is the best way, everything considered, to deal with the question. The Secretary of Agriculture says that a hard-surfaced road is the only true solution of the present difficulty. He could take money from the Federal Treasury and put down a little hard-surface road in some particular locality and leave all the rest of the State under the general policy that it might adopt for the gravel road. That is what I have in mind.

Mr. NORRIS. Yes. I can see, of course, there is a possibility of a dispute there that might be serious. That same possibility exists in the Senator's own State among the authorities of his State. If he were going to build a road in Iowa and this bill were not passed, he would have, as he says, some citizens of Iowa, some engineers who would say, "We must have a brick pavement." Other engineers would say, "We want a gravel road." Other engineers would say, "We must not only have a brick pavement, but we must have some certain specifications in regard to the foundations for the brick."

Mr. STERLING. Mr. President——

Mr. NORRIS. I will yield to the Senator in just a moment. There is endless opportunity for disagreement; but in Iowa, without any Federal aid, they would have to come to some conclusion at some time through some instrumentality or get no road; and of course it would be that way with the Federal conditions. I yield to the Senator from South Dakota.

Mr. STERLING. The Senator from Nebraska has answered partly my question in the last statement he made. It seems to me it rests within the State among the engineers in regard to the material of which the road shall be constructed or how it shall be constructed before Federal aid can be invoked. It must be settled by the State authority, by the highway commission of the State, for example.

Mr. CUMMINS. I am assuming just that; but suppose it does not suit the Secretary of Agriculture?

Mr. NORRIS. It would have to suit the Secretary of Agriculture.

Mr. CUMMINS. Precisely; and therefore all our roads would have to be built with the consent of the Secretary of Agriculture.

Mr. STERLING. While I agree, in the main, that it will have to suit the Secretary of Agriculture as to the plan of construction, the material of which constructed, and so forth, yet I think the Secretary of Agriculture must, in the various States with their different conditions, take into consideration the conditions in those States. For example, in Iowa or in South Dakota it would be impossible to get the material without too great a cost with which to build a hard road. He would agree to Federal aid with the construction of a road with such material as they had.

Mr. NORRIS. I have no doubt there would be no serious difficulty. The Secretary of Agriculture would be anxious, and so would the State authorities, to get the best possible roads for the money expended. We must remember that under this bill the amount that goes to any State is a definite fixed sum. I presume the Secretary of Agriculture, wanting to do what was right and to get the most good roads possible, would be guided a great deal by the opinion and the judgment of the engineers who represented the State authorities of a particular State where he was building a road.

Mr. SWANSON. If the Senator will permit me, I was on the subcommittee with the senior Senator from Alabama [Mr. BANKHEAD] and aided in preparing the bill, and I answered the very objection that has been presented by the Senator from Iowa. At the beginning of the bill the first section provides—

That the Secretary of Agriculture is authorized to cooperate with the States.

We think that language is as strong as could be made without absolutely surrendering the right of supervision. It is the

Mr. NORRIS. I think so, too.
Mr. CUMMINS. Mr. President——

financial toward its construction, will immediately lose the right to get any further Federal contribution if the Secretary desires to enforce the law. I think in that respect the bill is

Mr. CUMMINS. Mr. President——

absolutely surrendering the right of supervision. It is the

purpose of the bill to have cooperation and to aid the States in the initiation. If the Senator will consider the full force of the word "cooperation," he will see that it is about the strongest term we could use without absolutely surrendering the right to see that the money is properly expended.

Mr. CUMMINS. I agree that there is some difference between cooperation and coercion, but section 6 of the bill says specifically—

That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require.

And thereafter the bill says:

If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury.

I assume that the Secretary of Agriculture will exercise an honest judgment, but there is a great variety in honest judgment, and I can easily see how the controversy will arise, because it is in my State now in the most aggravated and intense form; neither side is willing to give up.

Mr. NORRIS. Now, right here suppose we have a Secretary of Agriculture to come in during this dispute that is existing in Iowa and decide the question?

Mr. CUMMINS. That would make it very much worse than it is now. The only way we can ever settle that dispute is in the Legislature of the State of Iowa, whose law or whose decision will not convince but control all the people of the State.

Mr. SWANSON. If the Senator will permit me——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. SWANSON. This bill was prepared with a view that the initiation in the plans and the character of the roads and the method of construction shall be with the States. The department can not originate a proposition; it must be brought here by the State authorities. Consequently there is no limitation as to the amount to be spent, except that it can not exceed $10,000. There is a limitation in the bill.

Mr. CUMMINS. A limitation on the Government.

Mr. SWANSON. On the Government. The Government can contribute no more than that.

Mr. CUMMINS. Do you contemplate having roads built that cost $20,000 a mile?

Mr. SWANSON. No; they can not exceed that. If the Senator from Nebraska will permit me, we have had the same discussion in every State near the cities where the travel is immense, and a gravel road is very quickly destroyed, and the State and county insist on a surfaced road. Where the travel is very small through Virginia and other States a gravel road or a sand-clay road is constructed by the State authorities, and those roads are being approved. When we had the appropriation of $500,000 for experimental purposes in the Post Office appropriation act, the Federal department approved various kinds of roads as were desired and needed by the State authorities.

Mr. CUMMINS. Personally——

Mr. SWANSON. I do not see how the Senator can have language stronger by leaving it to the States to initiate and making it cooperative without absolutely turning the money loose and with the chance that a great deal of it would be wasted.

Mr. CUMMINS. I am not in favor of that. I was originally in favor of what is known commonly as the Bourne plan, in which the Government loaned its credit to the State and assumed that it would enable the State in the course of 47 years to take advantage of the credit of the General Government to receive a great deal more money than is proposed here without costing the Federal Government anything and without any supervision as to the character of road that should be built by this loan. That seems to be impracticable at the present time. While I do not say I am going to vote against this bill, for I am very much in favor of Federal aid to roads, and I think it is due the country that the Federal Government should spend money in the improvement of the highways, my impression has been toward the selection of certain prominent roads in a State, and allowing the General Government to build those roads in any way it saw fit to build them. For instance, take the Lincoln highway. The Federal Government takes the Lincoln highway across Iowa and across Nebraska and builds it so that it would be an example of the best highway building in the country. In my judgment that would do very much more for the cause than to spend a similar amount of money through a State in this way.

Mr. SWANSON. If the Senator will permit me, this bill was drawn so that a thing of that kind can be done in Iowa or Nebraska. With the money you get under this bill, if it is desired by Nebraska and Iowa, and request is made to the department, and that is the proposition presented, and if the plans and specifications are proper, it can be approved. It was fixed so that the States themselves could determine the road upon which the money should be expended.

I think if the Senator from Nebraska will consider he will see why we could not adopt the amendment limiting it entirely to 25 per cent. There was a great deal of debate in the committee and in the subcommittee as to what sum should be fixed definitely that the Federal Government should pay. Some wanted it one-third, some wanted one-fourth, some wanted one-half, and, after much discussion and consideration, the conclusion was reached that not exceeding one-half should be the term used. That would allow latitude also to let the States adopt as they may see fit, one-fourth or one-third, but not exceeding one-half. There are some large States where there is a great deal of population, but there are other States where the population is sparse and the expense is large and they could not construct good roads if limited to one-fourth or one-third. There was a great deal of difficulty in getting some States to take hold of the $500,000 which was appropriated in the Post Office appropriation act, dividing it among the States. It provided for one-third, a specific sum, and some States would not even accept that, stating that rather than to be bothered with it they would let it go. With the specifications and all they gave it up and it went to other States. After considering this matter in all its phases——

The PRESIDING OFFICER. Does the Senator from Nebraska surrender the floor?

Mr. NORRIS. I do not intend to do so.

Mr. BANKHEAD. Will the Senator from Nebraska kindly yield to me to ask him a question?

Mr. NORRIS. I should like to have a chance to answer some of the questions, and then I will be glad to yield. I should like to get in a word myself before the Chair decides that I have lost the floor.

Mr. President, I think the objection made by the Senator from Iowa could be applied to any possible bill that could be brought before the Senate, not only on the building of roads but anything else. There must be some discretion somewhere. Somebody must be left to determine what is the proper plan, the proper conditions, the proper specifications. If we had a bill here to build a public building and we decided that it should be left, as we have often done, to a commission consisting of the Secretary of State, the Secretary of War, and the Secretary of the Treasury to decide on the plans, the objection might be made that those three men would never agree, and it is possible that after the money is appropriated and the law passed we would get no building because it would be possible for them to disagree. There is not a bill providing for a judgeship but what there is a possibility of some one being selected to carry out the provisions of the law who will be dishonest, who will be unreasonable, or who will be incompetent.

It seems to me that, in the first place, we ought not at least to pass a law that will turn money over to the State and let them build as they please, under any conditions that they see fit, and at any place that they may see fit. That is contrary to the theory on which we are trying to get aid to some of the interstate highways.

Mr. President, as to the particular amendment that I have offered, we must bear in mind that the amount we have appropriated for each State is specific, it is definite. This amendment has nothing to do with that. I see the Senator from Alabama [Mr. BANKHEAD] has returned to the Chamber. I yield to him now.

Mr. BANKHEAD. I understood the Senator from Nebraska to say that he intended to offer an amendment to the bill providing that the Secretary of Agriculture should withhold the appropriation made for a State unless the State maintained the road. Am I correct in that?

Mr. NORRIS. Yes; the Senator is correct.

Mr. BANKHEAD. Now, I want to ask the Senator if he has read section 7 of the bill?

Mr. NORRIS. Yes; I have read the entire bill.

Mr. BANKHEAD. If he has not, when he reads it, I ask him if he does not think that covers the ground entirely? I make the suggestion in order that we may avoid delay in discussing or voting upon amendments that are entirely covered by the bill.

Mr. NORRIS. The Senator is laboring under a misapprehension if he thinks I have not read the bill. He is laboring

under another misapprehension if he thinks I have not read section 7. I have one amendment pending on page 11, but I expect to offer an amendment to section 7 to strike out in section 7 the words "is authorized to" and insert in lieu thereof the word "shall," so that, if adopted, the bill will read:

That the Secretary of Agriculture shall withhold apportionment of funds to any State—

And so forth, instead of reading as it does now:

That the Secretary of Agriculture is authorized to withhold—

And so forth.

Mr. President, I am going back again to the amendment that is now pending. The effect of the amendment, as I started to say a while ago, if adopted, would be, from every dollar appropriated out of the Federal Treasury, to get just twice as much road under this bill as we would if the amendment were not adopted. In other words, suppose a State should receive a million dollars as its portion of the fund in any one year, instead of spreading that million dollars out over a length of road that could be built for $2,000,000, where the State would have to contribute the other half, it would spread it out over just twice that much road. In other words, the State would have to build 2 miles instead of 1 to get the same contribution.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. I yield to the Senator.

Mr. TOWNSEND. Why not put it down to one-tenth, then, and get ten times as much road.

Mr. NORRIS. I will answer that question, Mr. President. It is a proper question. It has been asked and answered before to-day, but I will take it up again. Why not put it down to 25 cents a mile or one-twentieth, as the Senator from Utah [Mr. SMOOT] said? Mr. President, this is the answer to it: It is because that would be no inducement to the State to make application for Federal funds. It would be no inducement to the State to construct a road under this bill. It would be so small that it would not pay to make the application and comply with the law, and hence no road would be built under the law. As I said at the beginning, if my judgment is right, we ought to fix the contribution as small as we can and yet get each State to take advantage of the provisions of the bill.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. Under the Senator's amendment, reducing from 50 per cent to 25 per cent, why not reduce the appropriation one-half?

Mr. NORRIS. That could be done.

Mr. KENYON. It is a little contrary to custom; but would not that be a good thing?

Mr. NORRIS. That might not be the proper thing to do. Of course, this division is arbitrary and the appropriation is arbitrary. I am not sure but that that might be a good idea. That, however, has nothing to do with the merits of this amendment.

Some Senators ask, Why not cut this down? Let us take the other view of it and ask, Why not raise it? Why not say that the States shall contribute 10 cents for each mile of road constructed out of funds from the Federal Treasury? Would we want that? Is there anybody here who would want to advocate that kind of a proposition? I think not. Immediately we would get on dangerous ground. That is an extreme. If we fix the amount to be paid by the Government at one-twentieth, that would be the other extreme. It may be that 25 per cent is right; it may be that 50 per cent is right; but I believe that every State would take advantage of the law if the amount were fixed at 25 per cent, the same as it would if the rate were fixed at 50 per cent. As has been shown here this afternoon by the Senator from Colorado [Mr. SHAFROTH], in the last year every State in the Union has expended twenty times—I believe those were the figures—more money for the construction of roads within its limits than it would have to pay to get the advantage of this bill if the amount were fixed at 25 per cent instead of 50 per cent.

Mr. President, is there anything sacred about this 50 per cent? Is it like the famous, time-honored, sacred, but rather abandoned, theory of 16 to 1, and that nothing else will do except 50 per cent? Would 49 per cent hurt? Would 51 per cent be criminal? It is possible that some other provision ought to be made than the one I have drawn in my amendment; I am not contending anything to the contrary. My own judgment is we could put it still lower, because, after all, this contribution is not going to be a drop in the bucket so far as the construction of the highways of the Union are concerned. Every State has got to build and will build and does build many times more highways than it would build under the provisions of this law; and so long as the States are going to build more roads anyway, it seems to me as to the contribution that the Federal Government makes, it would be wise to spread it out over as great a length of road as possible, and get what I think everybody will concede will be a first-class road, and require the States to properly maintain the road after it is constructed.

The nearer you put the Federal contribution to the total cost of the road, the nearer you come to making a "pork-barrel" proposition of the whole thing; and the nearer you approach the other limit, so low, but yet so high, that the State will consider it a benefit to take advantage of the law, you come that much nearer to perfection in the bill, as I look at it.

It seems to me, therefore, that we ought to adopt an amendment that would cut down the Federal contribution at least as far as the amendment I have proposed does so.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS] to the amendment reported by the committee. [Putting the question.] By the sound the Chair is unable to decide.

Mr. KENYON and Mr. NORRIS called for the yeas and nays.

Mr. BANKHEAD. Mr. President, I should like to know what the motion is.

Mr. VARDAMAN. Mr. President, I rise to a parliamentary inquiry. What is the exact question?

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the amendment reported by the committee. The Secretary will state the amendment to the amendment.

Mr. BANKHEAD. I hope the amendment will not be adopted.

The SECRETARY. On page 11 of the committee amendment, line 21, it is proposed to strike out "fifty" and to insert "twenty-five," so as to read:

The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 25 per cent upon the total estimated cost thereof.

The PRESIDING OFFICER. The yeas and nays are called for.

The yeas and nays were ordered, and the Secretary proceeded to call the roll:

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. In his absence I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SIMMONS (when his name was called). I inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. STERLING (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. SUTHERLAND (when his name was called). I wish to inquire if the Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. SUTHERLAND. I have a general pair with that Senator, and therefore withhold my vote.

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I announce the absence of my colleague [Mr. THOMAS] on account of illness.

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN], but I believe if he were present he would vote as I am going to vote, and therefore I will vote. I vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. In his absence I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WALSH (when his name was called). I inquire whether the Senator from Rhode Island [Mr. LIPPITT] has voted?

The PRESIDING OFFICER. The Chair is informed the Senator from Rhode Island has not voted.

Mr. WALSH. I have a general pair with that Senator, which I transfer to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. LEA] and vote "nay."

The roll call was concluded.

Mr. GALLINGER. I inquire if the senior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. GALLINGER. I have a general pair with that Senator, and in his absence will withhold my vote; but will be glad to be counted to make a quorum if necessary. I shall not object to that being done.

Mr. WARREN. I wish to announce the absence of my colleague [Mr. CLARK of Wyoming], who is paired with the Senator from Missouri [Mr. STONE], as stated by that Senator.

Mr. CHILTON. I have a pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. JAMES. I desire to announce that my colleague [Mr. BECKHAM] is unavoidably detained, and is paired with the Senator from Delaware [Mr. DU PONT].

I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Wisconsin [Mr. HUSTING] and vote "nay."

Mr. LA FOLLETTE. I wish to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. HUSTING], who is paired on this vote, under the statement of the Senator from Kentucky [Mr. JAMES], with the Senator from Massachusetts [Mr. WEEKS].

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. GALLINGER. I am requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK].

The yeas and nays resulted—yeas 11, nays 36, as follows:

YEAS—11.

Brandegee	Jones	Oliver	Shafroth
Cummins	Kenyon	Page	Wadsworth
Hughes	Norris	Pomerene	

NAYS—36.

Ashurst	La Follette	Ransdell	Stone
Bankhead	Lane	Robinson	Swanson
Burleigh	Lewis	Sheppard	Tillman
Chamberlain	Martin, Va.	Simmons	Townsend
Chilton	Martine, N. J.	Smith, Ariz.	Underwood
Gronna	Myers	Smith, Ga.	Vardaman
Hollis	Overman	Smith, Mich.	Walsh
James	Pittman	Smoot	Warren
Johnson, Me.	Poindexter	Sterling	Williams

NOT VOTING—49.

Beckham	du Pont	Lee, Md.	Sherman
Borah	Fall	Lippitt	Shields
Brady	Fletcher	Lodge	Smith, Md.
Broussard	Gallinger	McCumber	Smith, S. C.
Bryan	Goff	McLean	Sutherland
Catron	Gore	Nelson	Taggart
Clapp	Harding	Newlands	Thomas
Clark, Wyo.	Hardwick	O'Gorman	Thompson
Clarke, Ark.	Hitchcock	Owen	Weeks
Colt	Husting	Penrose	Works
Culberson	Johnson, S. Dak.	Phelan	
Curtis	Kern	Reed	
Dillingham	Lea, Tenn.	Saulsbury	

The PRESIDING OFFICER. On the amendment of the Senator from Nebraska to the amendment reported by the committee, the yeas are 11 and the nays 36. The Senator from Delaware [Mr. SAULSBURY], the Senator from Utah [Mr. SUTHERLAND], and the Senator from New Hampshire [Mr. GALLINGER] being present but not voting, a quorum is present, and the amendment is rejected.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 42 minutes p. m.), on motion of Mr. BANKHEAD, the Senate took a recess until to-morrow, Friday, April 21, 1916, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1916.

ASSISTANT SECRETARY OF WAR.

William M. Ingraham to be Assistant Secretary of War.

RECEIVER OF PUBLIC MONEYS.

Andrew J. Foster to be receiver of public moneys at Lakeview, Oreg.

POSTMASTERS.

GEORGIA.

Stephen B. Pace, Carrollton.
R. C. Thornton, Hartwell.

ILLINOIS.

Joseph H. Wagoner, Glenellyn.

MISSISSIPPI.

W. N. Guyton, Blue Mountain.

NEW JERSEY.

J. H. Barcklow, Moorestown.

VIRGINIA.

Sidney Sheltman, Christiansburg.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 20, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our Heavenly Father, we appeal to Thee with all the fervor of our soul in the present crisis and pray most earnestly that the strained relations 'twixt our Government and the Government of Germany may be justly and amicably adjusted without violence, for what affects one nation affects all nations for weal or for woe. Already the earth is reeking with the blood of innocent men, women, and children. Millions are dead and other millions are maimed for life. Thousands of homes have been destroyed and desolation stalks over the land where once peace and happiness reigned. Move, we beseech Thee, upon the hearts of those responsible for the awful conditions existing in half the world. Teach them and all mankind the art of living together in peace and harmony; that love may fill all hearts, all homes, all peoples, that Thy kingdom may indeed come and Thy will be done on earth as it is in heaven. In the name of the Prince of Peace. For Thine is the kingdom and the power and the glory forever. Amen.

CALL OF THE HOUSE.

The SPEAKER. The Clerk will read the Journal.

Mr. GARD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARD. I make the point that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point that there is no quorum present.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARD. Mr. Speaker, I withdraw the point of order.

Mr. MANN. It is too late.

The SPEAKER. It is too late. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anthony	Cooper, Ohio	Evans	Graham
Browne	Copley	Fairchild	Griest
Burnett	Dale, N. Y.	Farley	Griffin
Cantrill	Davis, Minn.	Flynn	Guernsey
Carter, Mass.	Decker	Foss	Hart
Cary	Dempsey	Frear	Heaton
Casey	Dewalt	Gallivan	Henry
Chandler, N. Y.	Dooling	Gardner	Hill
Chipperfield	Driscoll	Good	Jacoway
Coady	Dupré	Goodwin, Ark.	Johnson, S. Dak.

Johnson, Wash.	McCracken	Ragsdale	Switzer
Jones	McCulloch	Rauch	Tague
Kennedy, Iowa	McKinley	Reavis	Talbott
Kennedy, R. I.	Madden	Russell, Ohio	Thomas
Kettner	Maher	Sabath	Treadway
Konop	Moon	Scott, Pa.	Vare
Lazaro	Mooney	Scully	Watkins
Lever	Morgan, La.	Sears	Williams, W. E.
Lewis	Morin	Siegel	Wilson, Fla.
Liebel	Moss, W. Va.	Snell	Wilson, La.
Linthicum	Murray	Snyder	Winslow
Lobeck	Patten	Stafford	
Loft	Pou	Steele, Pa.	
Loud	Price	Stephens, Nebr.	

The SPEAKER. On this vote 340 Members, a quorum, have responded to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The Clerk will read the Journal.

THE JOURNAL.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5415. An act to authorize the construction of a bridge across the Fox River at Geneva, Ill.; and

S. 697. An act authorizing a credit in certain accounts in the office of the Auditor for the War Department.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 12766. An act to increase the efficiency of the Military Establishment of the United States.

CADETS AT WEST POINT.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4876, a bill to increase the number of cadets at the West Point Military Academy, and agree to the conference asked for by the Senate.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

Mr. HAY. Mr. Speaker, the Senate disagreed to the House amendments and asked for a conference.

Mr. MANN. The gentleman wants the House to insist upon its amendments and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take from the Speaker's table Senate bill 4876, insist on the amendments of the House thereto, and agree to the conference asked for by the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. KAHN.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Printing.

REVISION OF PRINTING LAWS.

Mr. BARNHART. Mr. Speaker, I call up House bill 8664.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8664) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Mississippi [Mr. SISSON] in the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8664, with Mr. SISSON in the chair.

On assuming the chair Mr. SISSON was greeted with applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8664. The Clerk will report it.

The title of the bill was again read.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. BARNHART. Mr. Chairman, I wish first to make an uninterrupted explanation of the provisions of this bill, after which I shall be glad to yield to any Member who desires to ask me any question in reference to it.

To the Members of this House who served in the Sixty-third Congress, and to many who served in previous Congresses, the revision of the Government printing laws is no new subject. Some 15 years ago abuses and recklessness in Government printing and binding procedure became so apparent that the Congress appointed a committee of experts to investigate and report, and the findings of this commission were so strikingly suggestive of needed reforms that a good many abuses and much of the carelessness in printing excessive and practically useless documents were abandoned. But the printing laws which permitted or encouraged this abuse or carelessness in Government printing have not been materially changed, and in both the Sixty-second and the Sixty-third Congresses diligent effort was made to enact a comprehensive and efficient public printing law, with the result that in the Sixty-second Congress the bill passed the Senate, but failed on account of time in the House, and in the Sixty-third Congress the bill passed the House, but failed in the Senate on account of lack of time necessary to consider it. The bill hereby presented is virtually the same that passed the House in the Sixty-third Congress after many days of diligent and painstaking consideration of the needs of the public service and the efficient organization of a force necessary to promote accurate, prompt, and economical Government printing, and dependable distribution of the same. It is the same as the one introduced by the Senate Committee on Printing. It carries, with one or two exceptions, the same wages of employees agreed upon in the bill which passed the House, and which are generally satisfactory to all concerned, the same being based on reports furnished by the Department of Labor and also by inquiry on the part of the committee for wage scales in printing establishments of the leading cities of the United States. Furthermore, the bill carries provision for furnishing Members of Congress the kind of public documents needed in their respective districts, rather than an assortment of documents for all districts alike, whereby all Members find more or less documents allotted to them which their constituents can not use to any advantage, and which policy of distribution is the cause of an enormous waste of public documents.

To the Members of the present session of Congress who were not Members heretofore I especially present some of the features of this bill and point out some of the causes that necessitated, as the committees of both branches of the Congress believe, the revision of the printing laws so as to conform to present needs. In presenting this bill to the House in the Sixty-third Congress I presented a brief carrying the fundamentals of the bill and some argument in favor of improved legislation for the public-printing service, and am pleased to resubmit it both for the edification of those not familiar with the bill and with the Government printing service, and that it may have place in the RECORD that new Members may gather therefrom a comprehensive grasp of the scope and purpose of the proposed legislation.

This bill is a plain business proposition in which every Member of Congress and every reading and thinking individual in our country is interested, for it has to do with their general information, their convenience, and their expenditures. And inasmuch as I am anxious to spend as little time as possible in general debate and give you the most intelligent and comprehensive outline of the proposed legislation possible, it will be a favor if I be spared from interruptions during the formal presentation, and after I am through with this I will try to answer any interrogatories which may suggest themselves to you.

FOREWORD.

As a matter of information, the Government has a public printing office the buildings and equipment of which are invoiced at $5,500,000, the annual expenditure for the operation of the establishment is approximately $7,000,000, and the output must be the mental and mechanical product of the best and most accurate skill in the printer's art. The building is a model in architectural arrangement, the equipment is modern and complete, and the four thousand and more employees have sanitary system, medical attention, and emergency hospital facilities highly creditable to the best Government in the world.

In addition, in comparison with the wage scales of printers, binders, and machinists in the printing industries of the large cities of the United States, as shown by the union wage scales officially compiled by the Department of Labor, our Government pays its Printing Office employees more than the average

wage scales, it gives them an annual leave of absence of 30 days with full pay, it guarantees stable wages whether prosperity or panic prevails in the country, it provides them with medical and surgical relief during working hours, and it assures them permanent employment if they are faithful. With these ideal conditions as a foundation for a public printing service the people have a right to expect helpful results, and they may have if Congress will systematize and economize to the end that a maximum of service in useful public documents be given at a minimum of expense.

Your Committee on Printing has carefully and impartially considered the necessity for better legislation for this branch of the Government service. It has given hearings to all who asked to be heard and to many whose knowledge and advice might aid in the preparation of a good bill. And it has gathered data from the hearings and investigations of preceding committees in both House and Senate, and comes to you with the fundamentals, at least, of a just and wholesome measure, in which every Member is interested.

The impression is abroad that Members of Congress—in both branches—are following long-established customs of grab-bag methods in printing and franking privileges not creditable to those big enough to make laws for our national welfare. It is doubtful if this impression is justified, as a whole, but that there is a tremendous waste in our methods of printing and distributing public documents there is not a doubt, as the official report accompanying this bill will readily show you. You would be amazed if I were to tell you that in public-document procedure alone we surely waste a half million dollars a year; and add to this the wrapping, franking, envelopes, leave to print, and other excesses which this bill aims to correct and it will amount to more than a million dollars a year that is absolutely wasted, except to those who profit by the production.

FEATURES OF THE BILL.

Most of this bill is reaffirmation of existing law. Whenever present law has been found conducive to good results, it has not been changed, but the advantageous new features of the bill, as the committee sees them, grouped into general subjects, are as follows:

Valuation system of allotment of documents to Members, so each may have the publications he needs for distribution in his particular locality.

Restrictions of departments in free-hand and duplicate document printing.

Limitation of printing frank slips and envelopes, correcting both printing and franking abuses.

Restricting leave to print extraneous matter in the CONGRESSIONAL RECORD.

More satisfactory plan for printing for committees.

Labor-saving method of folding, wrapping, and handling public documents.

Publication of morning bulletin of day's program of House and Senate business, showing advance program of congressional proceedings.

Rearrangement of Government printing officials and salaries.

More general supervision by joint committee and Public Printer over all public printing.

Requiring all printing and binding to be done at the Government Printing Office.

And providing fines and imprisonment for violations of franking and distribution privileges.

FAULTY DOCUMENT DISTRIBUTION.

Not only is our present system of printing and distributing extravagantly wasteful, but it does not give Members of Congress their allotment of the kind of publications that are most helpful to the people they represent. For instance, every Member of Congress sends out many publications to his people which are of little or no use to them, because they are allotted to him and he thinks it better to send them out than to let them lapse and be sold for junk paper. A Member in a purely agricultural district has little use for the publications useful in cities now allotted to him, and the Member representing the city has little or no use for much of the agricultural literature, and so forth, allotted to him. As it is now, Representatives from forest and prairie, from seacoast and interior, from cotton belt and wheat fields, from shop and live-stock ranch, and from city and country, are all given the same kind of free documents for their constituents, and, of course, much of it is useless because it has no relation to conditions in the locality to which it is allotted.

Hereafter each Member of the House will be allotted $1,800 worth of public documents for his district each year and each Senator $2,200 worth each year. This is practically the same expense per Member—a little more, indeed—as the Government is now incurring in printing documents. But the advantages of the new system are many. In brief, the Printing Office will issue limited-edition copies of documents from time to time as the demand requires, and this will save much waste in printing allotment stuff not wanted, as is now done; each Member will be given only what he orders, and many will therefore draw less than their allotment, which will be another saving; no Member can draw on his allotment after his term expires, and new Members can supply the wants of their constituents as soon as their term begins and not encounter an exhausted document list because the predecessor had drawn out everything available, both present and future; Members can order what they need, and nothing else will be printed and wasted for them, and thus the people will get that which is helpful in their vicinity and vocation, and there will be no excess printing of unwanted documents, as is always done where Members are given the same allotments of the various documents.

And so this provision will be a great saving in printing expense, a great convenience to Members, and a great help to those for whose benefit public documents are issued.

FRANKED STATIONERY PRINTING.

The franking privilege is much abused at much cost and without profit to any considerable number. True, this is a function of legislation not strictly within the province of this committee, but we can help by the regulation of frank slip and envelope printing, so that the possibility of excessive franking shall be limited. To say nothing of the number of frank slips and white document envelopes used by Representatives during the year 1914, the Public Printer reports that twenty-two and a half million manila document envelopes of various sizes were furnished to Representatives and Senators—an average of 41,500 each. In addition to this departments used millions, and committees of the House and Senate were furnished with hundreds of thousands of free white envelopes and letter sheets for correspondence purposes, and each Member had his liberal cash stationery allowance besides. You say this is only the custom established by years of precedents. That is true, but wrongdoing is not justified by all the precedents and customs of the ages, and that misusing public funds in this way is plainly and inexcusably wrong who will deny?

How will our limitation of printing document envelopes and forbidding their use under penalty by others than Members work economy in the franking expense, you ask. I will tell you: First, the abolition of the small-size document envelope will estop Members from using large quantities of them contrary to law in correspondence; second, it will stop the wholesale practice of inviting the public to pitch in for free public documents whether or not they are needed or used; third, it will stop the abuse of private interests promoting speeches in Congress, paying for the printing of large quantities of them and then using some Member's envelope, folding, and franking privilege to send them out; and, fourth, the curtailment of not-wanted document printing will discourage the practice that has long prevailed of some Members franking out any kind of useless document stuff just to show constituents on the mailing lists that they are not forgotten by their Representatives in Congress.

FRANK-PRIVILEGE ABUSES.

If I were to give you all the reports of abuses of the franking privilege which have come to the knowledge of members of this committee it would require a considerable extension of my time, and some of it might not be accurate, for evasion of the law is usually covered up; but if I were to tell you that 750,000 speeches of a Member of Congress were once sent to an agency in Philadelphia to be used by an organization to boost a high protective tariff, and that the Government paid for the folding, for the envelope printing, and for the franking through the mails, you would have a hint of the possibilities of abuse of the franking privilege. Or if I were to cite the alleged distribution of a million and a half of speeches by a Member of Congress through Government franked envelopes by an organization which sought to exploit its ideas of a combined moral and industrial question, all at Government expense, you would see evidence of the abuse of the franking privilege. Or if I were to cite you to part 65 of the hearings pursuant to Senate resolution 92 by a Senate subcommittee of the Committee on the Judiciary, you would be astounded at the evidence that 320,000 copies of a selfish interest pamphlet had been printed, wrapped, and franked at Government expense, and you would applaud the Post Office Department in its undertaking to recover from this selfish interest $57,600 postage expense which the Government incurred in transmitting this illegally franked document through the mails. Or if I were to tell you that a congressional campaign committee had more than 1,000,000 Government-printed speech envelopes left over after a campaign, which represented a large public

expense, and that these envelopes were disposed of as junk by some one unknown to a Government record, you would admit carelessness, to say the least. Or if I were to show you that a certain congressional exponent of a will-o'-the-wisp political propaganda had 2,000,000 speech envelopes printed at one time, and either sent them out carrying his hallucination or wasted them, you would be justified, after knowing these few instances of the many of the kind, in sidestepping your dignity far enough to exclaim, "Rotten!"

PENALTIES FOR VIOLATIONS.

I want to also call your attention to the fact that there are enough sharp teeth in this bill to protect the proposed law from imposition. Section 50 provides a fine of $1,000 as penalty for any Government distributing agent selling or disposing of for gain any public document printed for free distribution; and also provides a fine of $5,000 or imprisonment for 5 years, or both, for any officer or employee of the Government Printing Office who violates this section. Section 31 provides a fine of $3,000 or imprisonment for 7 years, or both, for the Public Printer if he shall by himself or in collusion with others defraud the Government. Section 32 provides a fine of $1,000 or imprisonment for five years, or both, for the Public Printer or any of his official subordinates if any such be interested in any industry which furnishes supplies for the Government Printing Office. And section 49 provides a fine of $1,000 for any Member of Congress or agent or employee of the Government who shall assist any private institution or individual to the unlawful use of franked envelopes or frank slips.

Furthermore, section 51 protects the CONGRESSIONAL RECORD from misuse by providing that any matter not spoken in order on the floor of the House or Senate shall first be offered, then considered by the respective Printing Committee, and passed on by the respective House before it be published. There is an exception, however, whereby leave-to-print matter germane to the subject under consideration may be inserted in the RECORD by unanimous consent, but it must be limited to four pages. And these provisions, the committee estimates, will greatly curtail the inconvenient bulk and the unnecessary expense of the CONGRESSIONAL RECORD, which ought to be a succinct reproduction of the proceedings of Congress and not the carryall for every Tom, Dick, and Harry in the country to exploit his ideas at the expense of the Government and to the inconvenience of everybody who would like to read the actual proceedings of Congress.

ECONOMY IN THE BILL.

To the casual observer the proposed changes might seem inconsequential, but to the investigator they show large possibilities of retrenchment and benefit to the public service. In the matter of economy alone this bill must attract your approval. Here is a table of estimates of curtailment and increases of expenses carried in the bill which we ask you to inspect. It specifies the provisions of the bill upon which the committee bases its estimates of economies to be effected:

Economies.

Section 2: Vesting Joint Committee on Printing with authority to prevent duplications and waste in printing and distribution of documents, and authority to investigate other abuses in the public printing (estimate based on actual savings effected by printing investigation commission under similar authority)	$25,000.00
Section 3: Compilation of memorial volumes and other documents by clerk of Joint Committee on Printing	900.00
Section 5: Reduction in salary of Deputy Public Printer	500.00
Section 8: Reduction in salary of purchasing agent	600.00
Section 10: Reduction in compensation of assistant superintendent of work in charge of night work	600.00
Section 15: Leave of absence at day rate paid at time granted instead of at rate earned	8,000.00
Section 34: Folding of documents for valuation distribution at Government Printing Office	25,000.00
Section 35, paragraph 1: Restriction of "unanimous-consent" printing of documents by either House (estimated)	25,000.00
Section 36: Elimination of departmental publications from numbered-document series of Congress, and thus preventing duplication	19,952.25
Section 38, paragraph 1: Elimination of print of private pension and war claims bills as introduced (cost, Sixty-first Congress, $172,554.80)	80,000.00
Section 43, paragraph 2: Restriction of use of embossed letterheads and envelopes by Members of Congress	33,132.71
Section 45: Restriction of committee binding	10,000.00
Section 48, paragraph 1: Franked document envelopes issued free to Members of Congress to be of manila stock instead of more expensive grade	43,560.00
Section 50, paragraph 1: Valuation plan for distribution of documents by Members of Congress	150,000.00
Section 50, paragraph 4:	
(2) Elimination of one edition of Congressional Directory in long session	4,187.52
(5) Substituting new process instead of engraving for memorial volumes	5,000.00
(8) Elimination of abridgment of messages and documents	13,847.83
(8) Limiting size of annual reports of departments and establishments (estimate)	10,000.00
Section 50, paragraph 4—Continued.	
(17) Elimination of list of patents from annual report of commissioner to Congress	$6,646.07
(20) Discontinuance of geological depository libraries	4,418.48
(22a) Elimination of Secretary's report from Agricultural Yearbook	16,029.00
(22g) Discontinuance of Annual Report from Field Operations, Bureau of Soils	17,310.66
(23) Discontinuance of annual list of officers of merchant steamers, etc	2,500.00
Section 51, paragraph 4: Restricting matter inserted in CONGRESSIONAL RECORD to subjects germane to proceedings of Congress (estimated)	100,000.00
Section 51, paragraph 6: Limiting remainder copies of CONGRESSIONAL RECORD to be bound for Members	72,588.00
Section 63:	
Paragraph (4): Limiting distribution of Decisions of Comptroller of the Treasury	8,712.00
Paragraph (10c)—	
Increasing subscription price of Patent Gazette from $5 to $10 per year	15,000.00
Patent Gazette from $5 to $10 per year	15,000.00
Eliminating Patent Gazette depository libraries	12,858.74
Paragraph (12): Sale of Daily Commerce Reports	30,000.00
Discontinuing publication of Commercial Relations	6,245.99
Section 64, paragraph 1: Requiring all printing and binding to be done at Government Printing Office (based on 10 per cent saving on $500,000 worth of such work now done outside)	50,000.00
Section 78, paragraph 4: Elimination of duplicate copies of documents sent to depository libraries	23,730.87
Section 79, paragraph 2: Selection of documents to be sent to depository libraries	110,000.00
Section 79, paragraph 6: Revising library mailing lists of departments	5,000.00
Total economies	936,320.12
Less increases	138,557.00
Net economies	797,763.12

Increases.

Section 4, paragraph 1: Salary of Public Printer, from $5,500 to $6,000 per annum	$500.00
Section 10: Salary of medical and sanitary officer, from $2,600 to $3,000	400.00
Section 10: Salary of assistant superintendent of work and foreman of printing, from $2,500 to $2,750	250.00
Section 14: Compensation of 320 printers and 270 bookbinders, from 50 to 55 cents an hour	75,120.00
Section 15: Leave of absence to 82 temporary employees	2,787.00
Section 40: Printing clerk for House of Representatives	2,500.00
Section 51, paragraph 2: Daily table of contents	10,000.00
Section 63 (10a): Copies of patents for sale to libraries	12,000.00
Section 72, paragraph 1: Division of publications in each department and independent establishment of the Government	10,000.00
Increase in miscellaneous publications (estimated)	25,000.00
Total increases	138,557.00

In most instances the figures in this list are based on unquestionable statistics of actual saving. Other estimates of probable economies are based on conclusions of clerks and heads of divisions who are familiar with present practices which they know to be excessive and uselessly expensive. And, besides, we can safely add another big item of economy in franking cost to the Postal Service by the limitation of the free-for-all use of franked envelopes in the lesser quantities of documents that will be sent out under the proposed allotment reform, in lesser number of documents of little or no interest to anybody, and in the reduction of bulk of the CONGRESSIONAL RECORD, Yearbooks, and many other publications carrying a superfluity of space filled with reports, and so forth, in which the public has little or no concern. For instance, the elimination of the annual report of the Secretary of Agriculture in the Yearbooks will amount to a saving per year of $16,000 worth of paper and printing and the weight of the book and consequent franking expense will be reduced proportionately. Many other similar instances of franking economy by reason of reduction in bulk could be cited, but you see the horse sense in the Yearbook illustration as well as the committee saw it and as the wayfaring man, though a fool, can see it.

GENERAL OBSERVATIONS.

Time forbids that I go into general details of the manifold merits of this bill. It has no politics in it, it has no favoritism in it, and it has no purpose except that Members of Congress be given a more useful and more economic public printing service than now. Of course, it is not satisfactory to all. No improved legislation was ever proposed which curtailed privileges or eliminated unnecessary expense that did not incur opposition from those who want to be let alone or those who want more than consistency and justice will permit.

There are, as we believe, so many advantageous features in this bill that no Member of Congress can vote against it and serve his constituents best. It may be improved by amendments, and to that end the committee invites sincere endeavor from any source. But opposition which arises because the bill provides for a faithful public service, rather than continue the present method of a service wide open to imposition, ought not to have much influence with Members who are here to serve the

public rather than the public serve them with advertising facilities.

It is high time that the people measure the merit of their Members of Congress by their work and votes in legislative endeavor rather than by the number of letters and the amount of free document stuff they frank out. But I would not be understood as opposed to the legitimate use of the franking privilege. The people have a right to know the nature of bills, what is being said of them, and what is being done in their Congress and by heads of their Government. They, too, have a right to Government helps in suggestions of experts in health, comfort, industry, and vocational endeavor. This is a people's Government, and they have a right to be liberally advised through free postage privilege what is being done for them or to them, so they may intelligently direct the future by their votes.

The present methods of misusing the public printing and franking privilege is not graft. It is a custom that has grown up because of lax and flexible regulations, which means most anything that precedent or differences of opinion have established. It has not been actual violation of law, for there has been no well-defined enactment, and officials and Members have placed their own interpretations on what they have a right to do and the people's Treasury has suffered accordingly.

But hereafter the law will be specific if you enact this bill; department heads, subordinate officials, and Members will all know what is proper and what improper, and Congress and the public can easily learn from official publicity if officials are overdoing in the matter of promiscuous document distribution.

Gentlemen, the citations in the committee report and in this presentation merely touch the high places of economic possibility in congressional printing and franking. Abuses that result from "everybody's business is nobody's business" are the bane of the public service. We can correct much that is wrong and wasteful by passing this bill, and we owe it to the country as exemplars of finance, of public trust, and of honor to do it.

There is an adage as old as honesty itself which says if we be true to ourselves we will not be false to others. Therefore, in fairness to Members of Congress and in justice to those whom they represent we ought to pass this bill and make clear what is right and what is wrong in public-document printing and distribution. The misuse of Government printing and franking has been the stalking horse of common scandal for years, and whether or not it is warranted we can here efface the cause, and I believe it is up to every Member of this House to aid in this legislation that this public service may be vastly improved and its use freed from criticism forever.

I now gladly yield to any who may want to submit interrogatories relative to the bill.

Mr. AUSTIN. May I ask the gentleman what will be the cost of the Yearbook under this new arrangement?

Mr. BARNHART. The bill as provided dispenses with the annual report of the Secretary of Agriculture in the Yearbook, which materially reduce its size, and while the Yearbooks now cost something like 82 cents, under this plan they can be reduced to something like 50 cents per copy. The present arrangement that I have referred to, carrying an allotment to each Member of about $1,800, covers the Yearbooks, agricultural bulletins, and things of that sort.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. SMITH of Michigan. Will the printing of these documents be submitted to public contract or bid, or be done by the Government Printing Office?

Mr. BARNHART. It will be done by the Government Printing Office, as at present.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. COOPER of Wisconsin. The gentleman from Indiana said this new arrangement would do away with the report of the Secretary of Agriculture. What does that consist of?

Mr. BARNHART. It comprises about 200 or 250 pages of prefix to each Yearbook that is published. It is the annual report of the Secretary of Agriculture, which the Secretary himself concedes can be put into a little pamphlet, with a great saving. This report is a matter in which the general public is not concerned.

Mr. COOPER of Wisconsin. Hereafter it will not appear in the Yearbook?

Mr. BARNHART. It will not appear in the annual Yearbook, and therefore the cost of both printing and carrying through the mail will be reduced, so that the total cost will be considerably less than it now is.

Another thing about this feature of the bill is that a new Member coming into Congress will have his annual allotment of $1,800 worth of documents available as soon as he is in. Under the present arrangement a Member going out of Congress if he sees fit, may take out with him all of the documents that are credited to his district, and the incoming Member, as most of you know, has a great struggle in order to secure anything in the way of documents that his district needs and to which it is entitled.

Mr. EMERSON. Is it not also a fact that the outgoing Member can claim his documents allotted to his district until the beginning of the next session of Congress, although he is out of Congress and has not been a Member for nine months?

Mr. BARNHART. I understand that ex-Members take them out. The new Congressman, not having been sworn in, has no authority to take them, even if there be any left for him.

Mr. HUDDLESTON. I should like to ask the gentleman if this practice of the outgoing Member claiming the documents allotted after his time has expired is not upheld by the rule of the folding room which is made under direction of the House Committee on Printing?

Mr. BARNHART. In reply to that I will say that there is something to that effect in the old law that is not very clear. It is subject to various constructions and has been carried along in that way. Whatever may be the fact about what has been, the provision of the new bill removes that objection fully, as we verily believe.

Mr. HUDDLESTON. Will the gentleman yield for a question?

Mr. BARNHART. Certainly.

Mr. HUDDLESTON. When does this bill go into operation?

Mr. BARNHART. On the 1st of July, 1916.

Mr. HUDDLESTON. What would the present Members lose under it?

Mr. BARNHART. Nothing at all. They would have all the allotment that is due them for the balance of the year.

Mr. HUDDLESTON. Who fixes the value of the documents?

Mr. BARNHART. That is determined by the actual cost of them.

Mr. WALSH. Why could not the allotment of a new Member be made available on and after his term begins on the 4th of March?

Mr. BARNHART. That is what the bill does.

Mr. WALSH. I understood the gentleman to say it was not available until he was sworn in.

Mr. BARNHART. I should have said it would be available when his term begins.

Mr. HUDDLESTON. On the 4th of March?

Mr. BARNHART. Yes; that is the provision.

Mr. RUSSELL of Missouri. Under your proposed plan there will, I presume, be no fixed number of public documents that will be printed? There will have to be, I should think, some elastic rule by which the number will be determined after the Congressmen select documents, as they will under the new law.

Mr. BARNHART. The Government Printing Office is authorized in the bill to keep on hand an adequate supply of these documents that are authorized by the Congress from time to time, and there will always be a stock on hand that you can draw against as long as you have any document value remaining to your credit.

Mr. RUSSELL of Missouri. I am in favor of the gentleman's bill, but it is probable that there will be a very much greater number of some documents desired under this plan than we are given under the present law. For instance, we now get about 800 copies of the Yearbook. There is no doubt in my mind that if this act is passed there will be more demand for Yearbooks and for horse books and for cattle books than are now printed, and therefore an increased quantity of those books will be required.

Mr. BARNHART. That will be taken care of by the Government Printing Office, so that the folding room will have a supply of those documents on hand all the time. It will be carefully regulated in the matter of editions, and a great saving will be effected. I will explain to the gentleman from Missouri that at the present time he has a great number of documents to his credit that no doubt he can not use, for which he has no demand, and they are left in the folding room, and every two years or so the Joint Committee on Printing makes a general housecleaning of obsolete publications. Some years ago we sold about $100,000 worth of paper junk which had cost probably ten times as much as we got for it.

Mr. RUSSELL of Missouri. I have found that to be the case. For instance, the books or documents of the Coast and Geodetic Survey I never have any use for, not a single copy of them. I

give them to the Members who do want them, because in my district there is no call for them.

Mr. SMITH of Idaho. I am very much in favor of this bill, but it seems to me it is hardly fair to retiring Members of Congress to cut them off on the 4th of March, when there are always a number of documents authorized during the term of such Members which have not yet been issued at the close of Congress on the 4th of March.

Mr. BARNHART. A retiring Member can take out every document to the extent of his $1,800, but he must get them out of the folding room before his term expires.

Mr. SMITH of Idaho. That is true; but it takes probably six months or a year to print some of these reports after they are authorized, and they may not be available during a Member's term——

Mr. BARNHART. Oh, no; not that long.

Mr. SMITH of Idaho. There are many documents in which a retiring Member may be especially interested which would not be available until the 1st of July or the 1st of September after his term has expired.

Mr. BARNHART. The gentleman is mistaken about that. It does not require six months or a year to get out an ordinary document. They get them out very much sooner than that.

Mr. SMITH of Idaho. Very often a retiring Member expects to get into the race for Congress again, and it seems to me it would be unfair to cut him off on the 4th of March from receiving documents authorized to be printed during his term.

Mr. BARNHART. It does not. Each Member of Congress will have his full allotment of documents, but he must take them out before the expiration of his term. Then he has the franking privilege until the opening of the next regular session of Congress in December.

Mr. REILLY. Is it not a fact that under the law, if a special session of Congress is called, the retiring Member of Congress loses the right to all books that are in the folding room as soon as the new Member takes his oath of office?

Mr. BARNHART. He may lose all his right then, but as a rule he sees to it that his documents are all out, especially if he is ambitious for the future, and he will send them home or elsewhere for his future use. As I understand it, public documents are not the personal property of the Congressman; they belong to the district which he represents, to all the people in the district, and not to the Member of Congress.

Mr. REILLY. The point I want to make is that under the gentleman's bill the outgoing Congressman would be in the same position that he is to-day if a special session of Congress is called and the new Member sworn in before the following December.

Mr. BARNHART. Yes; except that he can not impose upon the incoming Member by taking out all the documents credited to his district, as he does now, and transfer them to somebody else or use them for his own purposes. I recall that once in my experience I had a large number of documents transferred to me by an outgoing Member who did not like his successor; and, in order to play the game square, I transferred to the incoming Member what had been transferred to me by his predecessor; and the new Member thought ever afterwards that I was the finest Member of Congress with whom he was acquainted, notwithstanding the fact that he was under no obligations at all to me, because the documents belonged to his district and not to him individually nor to his predecessor.

Mr. FOCHT. I understand that the franking privilege now begins on the first Monday in December for a new Member?

Mr. BARNHART. No; on the 4th of March.

Mr. FOCHT. He is elected in November, and he can not frank documents until December.

Mr. MANN. No; I misunderstood; the franking privilege of the new Member begins right after his election, before his term commences.

Mr. FOCHT. And the franking privilege of an outgoing Member continues until the following December; is that it?

Mr. BARNHART. Yes.

Mr. FOCHT. As I understand it, this bill relieves a great injustice, with respect to publications that come out after a man is defeated. As I understand, a Member will have his full privilege, up to his $1,800 limit, for publications that come out during the existence of his franking privilege.

Mr. BARNHART. Yes; that is all simplified. Under the limitation of $1,800 he has anything that is available up to the time he goes out.

Mr. WHEELER. Will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. WHEELER. What is the cost of the yearbooks and the book on the diseases of cattle and horses?

Mr. BARNHART. Well, they differ, according to the number of copies and the number of pages printed.

Mr. WHEELER. What did they cost this year?

Mr. BARNHART. I have not inquired for 1915, but in 1914 I think it was about 78½ cents.

Mr. MANN. About 90 cents.

Mr. BARNHART. They probably sell for that at the document room. It depends, of course, on the number published, very largely. We are now publishing a new horse book, and there is a great deal of new copy going into it. After the type has once been set up and electrotyped the Government can run off extra volumes very much cheaper than the original print cost.

Mr. WHEELER. Suppose there is a large demand for horse books.

Mr. BARNHART. Well, suppose there is demand enough to take all your allotment in horse books and no requests for anything else. You are getting what you want for your district, and under the present plan you do not get what your people want, but you have a lot of junk on hand that you would like to trade for what you need.

Mr. KREIDER. Will the gentleman yield?

Mr. BARNHART. I will.

Mr. KREIDER. Will a Member be furnished with the value of each book, so that he may have some idea how fast he is drawing on his allotment?

Mr. BARNHART. Oh, yes; they will publish a catalogue with the prices of all the books, and you can select from that any Government publication you choose.

Mr. KREIDER. I think the gentleman is making a very desirable change. I know in my case I have, I suppose, a ton of stuff down there that I would be glad to send out, but I am afraid to send it out, for fear the people receiving it would consider it an insult.

Mr. BARNHART. I think some might take it at least as a joke.

Mr. BLACK. Will the gentleman from Indiana yield?

Mr. BARNHART. I will.

Mr. BLACK. Does the $1,800 allowed each Member include publications that are authorized by special resolution?

Mr. BARNHART. It provides for everything that now goes to the folding room, and, in addition, the farmers' bulletins.

Mr. BLACK. For instance, the report of the Industrial Commission. These reports are authorized by resolution of the House. Would they be included?

Mr. BARNHART. They would. They would be printed and catalogued and priced, and each Member could have as many as he wished. This goes into the allotment, which totals from $1,600 to $1,650 under the present plan.

Mr. BLACK. Is a Member allowed these different documents under the present law; is it fixed by act of Congress?

Mr. BARNHART. The allotment is fixed by the bill when it passes.

Mr. BLACK. I mean under the present law?

Mr. BARNHART. Yes; they are all provided as authorized by law.

Mr. BLACK. What is the status of the resolution passed by the House in regard to the report of the Industrial Relations Committee?

Mr. BARNHART. It has just passed the Senate, and the bill is now on my desk in the hope that I may call it up tomorrow and have it finally passed.

Mr. HOWARD. Will the gentleman yield?

Mr. BARNHART. I will.

Mr. HOWARD. Taking into consideration the value of the documents that are now allotted under the bill proposed by the gentleman's committee, will there be a decrease or increase in the allotment of documents?

Mr. BARNHART. An increase in allotment. The cost of the allotment now is about $1,650, and this bill adds to that the Farmers' Bulletins, which is, I think, $100 more, or a little less, depending on the number of pages in the bulletin. We have made that a part of the distribution plan so that you may have it all in bulletins if you wish, and then we have added $50 more so that there will be a little leeway, and thereby you can have it all in documents or bulletins.

Mr. HOWARD. The intrinsic value of the documents is $1,800, and under the present law it is $1,650.

Mr. BARNHART. Yes; but $100 of that $1,800 is Farmers' Bulletins. That is, as included in the present plan.

Mr. REILLY. Will the gentleman yield?

Mr. BARNHART. With pleasure.

Mr. REILLY. Is the gentleman not mistaken as to the cost of the 12,000 Farmers' Bulletins?

Mr. BARNHART. No; I think not; but I am not sure.

Mr. REILLY. You buy them of the Public Printer and they cost 5 cents apiece.

Mr. BARNHART. The average cost per year of the Farmers' Bulletins, I think, is about $100.

Mr. REILLY. And that is for the 12,000?

Mr. BARNHART. Yes.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. SMITH of Michigan. The Government prints occasionally special volumes, like the Colonial Debates and Messages of the Presidents and other special publications. Could a part of this allotment be used for any publications of that sort?

Mr. BARNHART. Yes; the provisions of the law cover every publication that the House or the Senate authorizes as a public document.

Mr. SMITH of Michigan. Or has authorized.

Mr. BARNHART. Yes; if they are ordered. In reference to these special publications to which the gentleman refers, they are included in the basis of the committee's estimate. We have taken the cost of all of the congressional publications for the past 14 years for the 392 Members, and it averages about $1,600.

Mr. TILSON. Will the gentleman yield?

Mr. BARNHART. With pleasure.

Mr. TILSON. Do I understand the gentleman to say that the Farmers' Bulletins can be bought hereafter at the rate of $8 a thousand?

Mr. BARNHART. I did not say that.

Mr. TILSON. You figure 12,500 bulletins to cost $100, and we are to pay only the cost; that is about what it figures out.

Mr. BARNHART. Yes; but I may be mistaken about the cost. It might be $200, but my recollection is that it is $100 for the 12,500. It is either $100 or $200.

Mr. TILSON. At any rate, the gentleman understands that we will be permitted to purchase under our allotment these Farmers' Bulletins at cost rates?

Mr. BARNHART. I would not say that. I understand that the joint committee or the Public Printer fixes the value of documents that are for sale to the public, and if you purchase as the public you will not get it for the same price as that at which they are allotted to Members of Congress for free distribution, because that is at actual cost, whereas in the sale of public documents to the public the price is fixed so as to cover costs of sale, storage, and other items incident to retailing publications.

Mr. TILSON. If a Congressman wished to go in now and get 5,000 extra Farmers' Bulletins, does the gentleman understand that he could get them at something like the rate he indicates?

Mr. BARNHART. If he would have to buy them through the Superintendent of Documents—I could not say as to that; but if the Agricultural Department wanted to order them at actual cost, that is what they would cost the Congressman, and that is the average price they have been costing, taking an average of several years.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. CANNON. I suppose, this being a public document, if a Member wanted farmers' bulletins he could go and get them. They are stereotyped.

Mr. BARNHART. Yes.

Mr. CANNON. He could go and get them at cost and have them folded for nothing.

Mr. BARNHART. Yes; I think so.

Mr. CANNON. So that he would buy 10 per cent cheaper than the public would?

Mr. BARNHART. I presume so, although the bill does not carry anything of that kind, because this provision for the sale of these documents is made by the Joint Committee on Printing and is not in this bill.

Mr. CANNON. Precisely.

Mr. BARNHART. We could not do that, because there is a variation in the cost of paper, and so forth. A permanent price could not be fixed here. Costs of production vary too much. The price of paper and ink is now higher than it was a year ago. Indeed, there are many things entering into variation of cost that we could not safely fix a standard price.

Mr. CANNON. I am speaking now touching speeches that we all send out. I get an estimate of the cost. The envelopes cost me nothing, the frank is printed. The speech is stereotyped and I can order any amount that I choose to order and pay for them.

Mr. BARNHART. Yes.

Mr. CANNON. At cost?

Mr. BARNHART. Yes.

Mr. CANNON. So that I apprehend the farmers' bulletins could be obtained in the same way?

Mr. BARNHART. I think so, or approximately so.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. ROGERS. In the bill as it passed the House a year ago there was a provision, section 50, paragraph 3, for the printing of daily reports of hearings of committees of Congress. I understand that the Senate eliminated that section?

Mr. BARNHART. Yes; but I will explain to the gentleman that, while the Senate has eliminated that section, if the House will stand by the committee we will put it in the bill again and make another effort to keep it in.

Mr. ROGERS. May I ask if it is the gentleman's plan to offer that as an amendment?

Mr. BARNHART. Yes; we have the copy of it already prepared.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. RUCKER. As I understood the gentleman's answer to the gentleman from Georgia [Mr. HOWARD], this bill fixes the value of documents which each Member may draw at substantially the value of the documents now allotted to each Member?

Mr. BARNHART. Yes; practically that.

Mr. RUCKER. I want to suggest this: Every year we find an increase in population in the country, and every year there is an increased demand for a great many publications—for instance, the Horse Book, the Cattle Book, and the Yearbook, and the five or six or seven hundred Farmers' Bulletins. Does the gentleman believe that with this increase of demand, which is a healthy demand and a proper demand, the House should bind itself to conditions in the past? Ought we not rather to keep abreast of the conditions of the present and increase the amount?

Mr. BARNHART. The committee decided that the thing to do in a matter of that kind would be for Congress to cross the bridge when it comes to it.

Mr. RUCKER. But we have already got to the bridge.

Mr. BARNHART. I think it is a safe proposition that the gentleman from Missouri [Mr. RUCKER] does not use one-fourth of the documents that are allotted to him.

Mr. RUCKER. This is true. I have run my face down here at the Agricultural Department I believe right now for 20,000 more Farmers' Bulletins than I was entitled to, and I have not a single one to waste. I have an almost unlimited demand from farmers and all the schools in my district. They are very greatly in demand and my opinion about it is that if you send forth to the country the word that a Member can get up to $1,800 worth of Farmers' Bulletins there will be a demand on him for substantially that amount, and, therefore, we will not be able to supply demands for other things. That is the fear I have.

Mr. CANNON. May I make a suggestion to the gentleman along that line?

Mr. BARNHART. Certainly.

Mr. RUCKER. I would be very glad to hear from the gentleman from Illinois.

Mr. CANNON. Somebody prompts demands from school children by round robins.

Mr. BARNHART. Yes.

Mr. CANNON. Frequently I get from one high school a request for as many as 200, plus, and I find that each boy and girl wants a copy of some particular document—100 or 200 of them.

Mr. RUCKER. May I ask the gentleman from Illinois a question in the time of the gentleman from Indiana?

Mr. BARNHART. Certainly.

Mr. RUCKER. If, as a matter of fact, there be 25 or 50 boys or girls or both in a school who are studying agricultural conditions, is it not well to furnish them with bulletins?

Mr. CANNON. But they do not know what they ask for. Somebody has prompted them to do it, because it is just like a round robin. Each boy and each girl asks for identically the same bulletin.

Mr. BARNHART. If the gentleman will permit, I will explain how I get through with difficulties of that sort. In my State of Indiana we do not have free textbooks, but the school boards furnish a great many charts and things of that sort which conduce to the general education of the pupils. When I have these requests from schools I, in substance, say to the teachers who make the requests, or the pupils, that the Government of the United States does not print enough bulletins to furnish to all schools in my district, but the school board can purchase them at about the cost of the actual printing by sending to the superintendent of documents at Washington, D. C.,

and I have never had any difficulty in getting out of my trouble in that way. I believe if these Farmers' Bulletins are used as textbooks, that the school boards in the several States ought to make provision to furnish them as they make provision for other documents which they use.

Mr. RUCKER. It looks to me, if the gentleman will pardon me, like reasoning in a circle. After all, the people pay the expense.

Mr. BARNHART. Yes; that is true.

Mr. RUCKER. It is immaterial, so far as the Government is concerned, whether it is paid through State or National channels—the people pay for it. Now, if there be a demand, such as I think exists, I believe we ought to supply it, because the Government can supply it more cheaply than the various States can supply, and especially, after all, as the people pay for it. My suggestion is this, in brief: I believe that along this line we can not be accused of prodigality or wanton waste. I believe the amount, instead of being $1,800, ought to be at least $2,500, for the reason that no gentleman will ask for publications that he does not want, and in this way we avoid the publication of thousands of documents which are expensive and which serve no useful purpose apart, probably, from the use of a few scientific men.

Mr. BARNHART. Has the gentleman ever heard of a professional document distributer in Congress?

Mr. RUCKER. A professional what? I do not know what the gentleman means. Who is it?

Mr. BARNHART. I am just asking. If the gentleman does not know, I will not say anything about it.

Mr. RUCKER. If the gentleman means to indicate that he is now talking to a professional document distributer I want to say frankly I have been at the service of the humblest citizen in my district to furnish any document furnished by Congress if it is available and I can get it, and I am not embarrassed in my pursuit of those documents, and get them if I can.

Mr. BARNHART. Just a word in reply to that. I certainly meant no reference to the gentleman from Missouri, but I knew of several instances which have come to my attention since I have been chairman of the Committee on Printing, and one is that a certain Member of Congress sent a full carload of documents, most of which were obsolete, into his district for distribution. I know that because I have a relative in the Railway Mail Service who told me that an entire carload of documents went into that district at one shipment. I merely called the attention of the gentleman from Missouri to that fact because I heard of this instance and have heard of other instances wherein a demand for public documents is created by writing all over the district and inquiring if they did not want this, that, or the other, and if the public understand they can get anything free they may be expected to ask for them, whether they use them or not. A legitimate demand for a public document certainly means when a man really needs it and writes for it in order to get some benefit out of it; but if they are sent all sorts of stuff in which they are not interested it is thrown into the waste basket, just as I used to do before I became a Member of Congress and as my friend from Pennsylvania and others here know newspaper men do, and the public does the same.

Mr. RUCKER. If the gentleman will pardon me for a moment, I will say I fully agree with the gentleman, but so far as the people getting something for nothing I get rather tired of that, and I am not criticizing the gentleman there, but a man can not get something for nothing if he pays for it, and the taxpayer in this instance pays for it. Now, I do not understand that a farmer in a district is going to ask for a horse book if he does not want it, or for a Yearbook if he does not want it, and I am trying to protect him from a whole lot of charts, figures, and a whole lot of stuff being put off on him which nobody wants, but it is a kind of imposition on a Member of Congress. He has got to do something to justify the people in sending him here, and as he can not do anything else he, unfortunately, sometimes makes mistakes and sends out a lot of stuff which sometimes justifies severe criticism, and what he wants to do is to get an adequate quantity of good stuff, that which the people really want and will use and will derive benefit from.

Mr. BARNHART. Now, the purpose of this bill—I think we can reach an understanding readily—the purpose of this bill is to do the very thing that the gentleman from Missouri has been suggesting and all the other Members have been suggesting, and that is to give to the people, for instance, of your district that which they actually want and not give you a whole lot of stuff for distribution in your district that nobody in your district will use, and thereby I say the amount we have now allotted to each Member, if he will use it, will be of vastly more benefit to his people.

Mr. RUCKER. I think the gentleman is absolutely right. I can see now that when your bill becomes a law—and I intend to vote for it—I can see now staring me in the face a demand in my district for so many Agricultural Year Books that I have got to say to them I can not furnish them, because Congress will not appropriate the money in some way.

Mr. BARNHART. I think Congress will take care of the wants of the people in the way of increased appropriation if they find it necessary. If you want to increase this allotment from $1,800 to $2,500 and have the majority, it can be done whenever occasion requires; but we are starting out on this basis because we believe it would furnish not only more documents than each Member is now getting, but it is taking these useless documents that are now being allotted to you and turning them into real live stuff for distribution.

Mr. RUCKER. I fully agree with the gentleman, and I think your bill is an admirable one, and I am for it; but I wish you would increase it by putting it $2,500.

Mr. BRITTEN. Has the gentleman's committee ever considered an exchange of publications for seed where the seed is not desired; in city districts, for instance? Has your committee ever considered making an exchange of agricultural bulletins for seed?

Mr. BARNHART. The law could hardly do that, but the Members can do what trading they desire to do, so far as the committee is concerned. You could, I presume, take the seeds allotted to you and trade them to Members from the rural districts who might want seeds rather than documents, and you could thus have documents, and both of you serve your constituents better thereby.

Mr. BRITTEN. Of course I understand that.

Mr. BARNHART. But the law, I think, ought not to undertake to authorize any transfers of that sort.

Mr. LITTLEPAGE. There seem to be many admirable features in your bill. I thought I would inquire of the gentleman if it provides for the stoppage of a leakage in reference to the public documents provided for Members of the House? Now, I will preface my question by these premises: When I was here four years ago I ran out of horse books, and cattle books, and farmers' agricultural books, and the necessity arose for buying some. I was informed that around on a certain street we could buy all we wanted at certain prices. I remember to have sent off a sack of these books to a certain postmaster, writing the name of the constituents on the books, but the sack did not reach the post office. I began to feel that there was a "nigger in the woodpile." The late Junior Brown and myself employed a man to look into the situation, and we discovered about 170 sacks of the books, but we did not know whether ours were among them or not, down here in a certain barn, and I could not find anybody who had directed the books to that barn. I do not know how they came there unless they were taken by some person. Now, what I want to know is, Does your bill provide for the stoppage of that leakage?

Mr. BARNHART. It provides for the fine of a Member of Congress who will indulge in it, and, further than that, the committee did not provide any detective service to apprehend violators, but it does provide what the present law does not, namely, a heavy fine for a Member of Congress, or any employee of Congress, or any employee of the Government Printing Office for selling these public documents or disposing of them in any other way except as provided by this law. [Applause.]

Mr. LITTLEPAGE. It is very gratifying to hear that much. Now, how about the people not in the Government service and who are not Members of Congress having these public documents for sale? What provision do you make to ascertain where they get them from?

Mr. BARNHART. I would not know of any other way except that you file a complaint of some sort and bring them before the court and compel them to answer.

Mr. LITTLEPAGE. I want to say to the chairman, and to the House as well, that I have had that experience and I have no doubt if the truth was known other Members of the House have had the same experience, and we do not know how many of our own books we have been buying heretofore.

Mr. BARNHART. And we do not know how many of the documents we have sent out that may have been sold to other Members and sent out by them.

Mr. LITTLEPAGE. They would hardly be sent back here and put in a barn.

Mr. BARNHART. I admit that.

I want a few minutes more, and I think it would be better to take these matters up when we come to the sections carrying these provisions or precautions. I have 20 minutes more and

the time is approaching when I shall have to yield the floor, and I want to make a few more statements.

Mr. LITTLEPAGE. I will not detain you but a few moments. If your bill does not provide taking care of that matter, would you object to an amendment along that line?

Mr. BARNHART. Not at all. I think it is covered sufficiently so that the gentleman from West Virginia will be entirely satisfied with it. We have it so strong that there may be some objection to it on the floor of the House because it may possibly seem to be a reflection on Members. On the other hand, the thing is happening continuously that the gentleman refers to, and the committee is fully aware of it. It seems to me there should be some protection against abuses like that and that people should be given the documents to which they are entitled.

Another feature of this bill is the regulation of the franking privilege. The bill does not seek to curtail the possibility of any Member of the House using the franking privilege to the largest extent consistent with efficient service. But it does seek to curtail the privilege of some outside interest sending a speech to some Member of the House or the Senate asking him to get time to deliver it on the floor in the interest of some special propaganda or some special interest, and then providing the money to have these speeches printed with the understanding—and under the present condition it is perfectly legitimate—that the printed speech shall be inclosed in an envelope furnished by the Government and carrying the frank of the Member who delivered the speech, so that the special interests or the individual who is interested in the propaganda may broadcast it all over the United States.

By reference to the report of this committee you will find that in some instances the privilege has been abused. Within my own knowledge it was abused in the case of one Member of Congress having delivered a speech and having 2,000,000 copies of it printed; and the interests that were back of this propaganda employed some 30 or 40 women here in Washington, rented rooms, and imposed on the Government of the United States to the extent of using free mails and free envelopes to broadcast that speech throughout the United States—a speech in which, if I understood the matter aright, the Member himself or his State was not greatly interested.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. HUMPHREY of Washington. I do not want the gentleman to give the name, if he thinks he should not; but it does seem to me, in fairness to this House, that he ought to give the name of the Member who did that.

Mr. BARNHART. I will say to the gentleman from Washington that if the committee were to start in and give the names of Members who have indulged in questionable practices of that kind it would be surprising. But I think it was not intentionally done. It is generally supposed that this is all right. The Member does not know exactly what he is entitled to, and the Member might say: "This is a matter of special interest to the world and to the United States." But I have in mind not only that one, but very, very many others. I gave that one as a particular instance. I recall this—and it was so reported to me by the Government Printing Office—that at one time a million copies of a Member's speech on prohibition were circulated to the people of the United States through misused franking privilege, and at another time a speech on high-protective tariff was sent here for delivery, and then there were printed and sent to an agency in a city not very far from Washington 750,000 copies of that speech, and those copies were distributed by this organization through misused franking privilege as a propaganda. Now, I am not saying that the same thing might not be done by an antiprohibition propaganda if the liquor interests of the country wanted a speech printed and distributed by a Member. Under the practice they would have the same privilege as the other propaganda enjoyed. But the bill seeks to stop all outside use and abuse of the franking privilege.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield again?

Mr. BARNHART. Yes.

Mr. HUMPHREY of Washington. Is it not a fact that an entire book or publication by Henry George was printed in the RECORD on one occasion and circulated through the mails free?

Mr. BARNHART. I have no personal knowledge of that, but I have heard a rumor that that was done. But it is not uncommon that these things are done, and I do not think that, as a rule, there has been any evil intention on the part of the Members who do it, because they feel that other Members have been doing it and that it has been a custom. We have all been engaged in it more or less, because we do not know what is the absolute dividing line of consistency with respect to the distribution of public documents.

Mr. HUMPHREY of Washington. As a matter of fact, it is not illegal under the laws as they stand. A Member is not violating the law.

Mr. BARNHART. That is true. It is a free pitch in.

Mr. TRIBBLE. May I interrupt the gentleman with a question there?

Mr. BARNHART. Yes.

Mr. TRIBBLE. There was one feature of the bill that was objected to in the previous Congress, and I trust that feature is not in the bill at the present time. It is on the question of envelopes. As a rule, when I send out a speech I take a leaf of the CONGRESSIONAL RECORD and print the speech on that. If you fold it and put it in these small envelopes, they go to the district and your constituents can conveniently put them in their pockets and read them. Now, the bill provides that speeches shall be sent out in great big envelopes. I think the Members of the House should be advised of that fact, that this bill provided last year that no small envelopes should be provided for speeches. Is that feature still in the bill?

Mr. BARNHART. It is still there.

Mr. TRIBBLE. You have got in this bill the provision for the large envelopes?

Mr. BARNHART. Yes.

Mr. TRIBBLE. Can you explain why I should not be allowed to send out a small envelope, take a leaf of the CONGRESSIONAL RECORD and fold it four times, or take a small speech of two pages and fold it three times? Now, to put that in a great big envelope would absolutely look ridiculous. Will not the gentleman agree to allow small envelopes to be used, of the same material as the big envelope? You have four times as much material in the large envelopes as in the small ones. Why not give us the small envelope?

Mr. BARNHART. That is an easy question.

Mr. TRIBBLE. It is not easy for me.

Mr. BARNHART. I will try to answer it. The provision was placed in the bill after long observation, both by the Government Printing Office and by the members of the Joint Committee on Printing, of the fact that the envelope privilege was being the most grossly abused, probably, of any privilege in the House. If I were to tell the gentleman of all the instances that I know of such abuse he would be surprised. I have in mind one specific instance of a Member of Congress, not now a Member—he has gone to his reward—and, as I recall it, he claimed he was proceeding all right. He gave an order at one time for 60,000 No. 6¼ white envelopes with his frank on it, and at the same time he gave an order for 60,000 white envelopes, No. 6, and in his misconception of the law he explained to the man to whom he gave the order that he was going to take the No. 6¼ envelope and put a Farmers' Bulletin in it and a letter and inclose a No. 6 envelope addressed to himself for reply; and while he did not know it, he was violating the law in inviting every voter in his district to violate the law in sending back to him a franked reply.

Mr. TRIBBLE. I was not inquiring about the good envelopes. I am speaking of the same material out of which you make your big envelopes.

Mr. BARNHART. I want to answer the gentleman's question, but I would like to be permitted to go ahead with my statement. It is so badly disconnected now by interruptions that I do not think I can get it cleared up. I will answer that there was a further motive in that, and that is that some Members of Congress draw their $125 stationery allowance in money, and then evidently go to the Government Printing Office and secure free the good white No. 6 and No. 6¼ document envelopes and use them in their private correspondence.

Mr. TRIBBLE. The gentleman is talking about good envelopes, and I am talking about manila envelopes.

Mr. BARNHART. I see that there could not be that objection in that case, but I was explaining what the committee had in mind. The man who did that in the case I have in mind did not do it, I take it, with any intention to violate the law. That was done just as other things are done under the present loose conditions. It was a free pitch in. But, as a matter of fact, it is an imposition upon the Public Treasury. Some Members of Congress do not do these things, and therefore they are discriminated against by Members who do indulge in these grab-bag methods. I do not say that as a reflection on Members, because it has been so common, and the law is so lax or indistinct in this matter of public documents and as to the franking privilege, that nobody, I presume, has specifically and intentionally violated the law; but the law has been violated by wholesale, and the committee has been fully advised of it. So that they have attempted to stop it in such a way as will prevent the accusation that is frequently made, that Members of Congress are engaged in franking graft and document graft at the expense of the people for which charges there may be at times some foundation, although not intentionally done.

Mr. FESS. Will the gentleman yield?

Mr. BARNHART. I yield to the gentleman.

Mr. FESS. A Member has the privilege of taking the money which is allowed him for stationery in lieu of the stationery?

Mr. BARNHART. Yes.

Mr. FESS. Why should that custom exist? Why should not that be corrected?

Mr. BARNHART. For this reason: Some Members of Congress desire to buy their stationery at home. I know some Members who spend their stationery allowance in their home districts, with their home printers. They prefer to do it in that way.

Mr. FESS. Surely it would not be cheaper to do it that way than to buy their stationery here, which is printed at the Government Printing Office.

Mr. BARNHART. I can not say as to that.

Mr. FESS. There is an allowance in money to each Member for stationery?

Mr. BARNHART. Yes; an allowance of $125 a year.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. BARNHART. I will yield for just one more question, and then I have agreed to yield a part of my time. How much time have I remaining?

The CHAIRMAN. Four minutes.

Mr. BARNHART. We were to have had two hours for the general debate.

Mr. CANNON. I ask unanimous consent that the gentleman may have another hour, or such time as he desires.

Mr. BARNHART. We have not been at work on this bill two hours. We have occupied only one hour.

Mr. KIESS of Pennsylvania. I have an hour.

Mr. BARNHART. The committee as a whole have two hours for general debate under the rule, and I certainly want to yield a part of that time.

Mr. CANNON. If the gentleman has used all of his time except four minutes, I ask unanimous consent that his time may be extended for an hour, or such part of it as he desires to use.

Mr. BARNHART. I thank the gentleman from Illinois for his courtesy, but I do not want to use that much time. I want to get to the reading of the bill.

Mr. CANNON. Then 30 minutes.

Mr. KIESS of Pennsylvania. I will yield out of my time such time as the gentleman desires.

Mr. BARNHART. That will be satisfactory.

Mr. HUMPHREY of Washington. I do not want to take up any time, but I wish to say to my friend from Ohio [Mr. FESS] that I am one of the Members who draw the $125 instead of drawing stationery from the House stationery room, and I would like to state why I prefer to do it. I do not want to take it out of the gentleman's time.

Mr. BARNHART. That is perfectly legitimate.

Mr. HUMPHREY of Washington. I do it because I have had trouble about my account on two or three occasions. I do not like to carry any account. I like to pay for things as I go along.

Mr. BARNHART. Many Members feel the same way about it.

Mr. HUMPHREY of Washington. I do not like to run accounts.

Mr. BARNHART. It is an allowance in money, just the same as a Member's clerk hire.

Mr. TILSON. As a matter of fact, it costs a Member fully that, or more, for his stationery during the year.

Mr. FESS. It costs me more than that.

Mr. COLEMAN. Has the gentleman from Indiana any objection to our using a small envelope, if made of the same material as the large one?

Mr. BARNHART. I apprehend there can be no serious objection to that. When we get to that section of the bill we can discuss that fully.

Mr. COLEMAN. I think it is an imposition upon the mail carriers of the District to make them carry thousands of these large envelopes when they can easily carry the smaller ones.

Mr. DILL. The gentleman suggested that the franking privilege was to be limited in regard to the sending out of speeches made by some one else and for certain purposes. Does this bill limit the number of a man's own speeches which he may send out?

Mr. BARNHART. Oh, no. It limits the privilege to the man himself or to one of the national campaign committees.

Mr. DILL. But if he sees fit to hire some one outside of his office, and let somebody outside of his office address them, does this bill prohibit that?

Mr. BARNHART. No; it puts him on his honor and under a penalty not to give this privilege to somebody to exploit a private propaganda at Government expense.

Mr. DILL. If it is the Member's propaganda, then what?

Mr. BARNHART. That is perfectly proper. That is his own privilege.

Mr. BENNET. Will the gentleman yield for a question?

Mr. BARNHART. Yes; I will yield to the gentleman from New York.

Mr. BENNET. I call the gentleman's attention to an instance of what has been done. A man not a Member of Congress sent down to the Government Printing Office and ordered 25,000 or 30,000 copies of a speech made by a man not now in Congress, and directed the Public Printer to put on the envelopes the frank of a Member of Congress who was not consulted, and by simply sending to the Public Printer the money to pay for the printing of those speeches had them shipped to him for distribution in the district. I wish to ask the gentleman from Indiana whether that is to be permitted?

Mr. BARNHART. I think the committee are unanimous in the belief that that would open the door very widely for abuse, and the fact is that any Member could secure those speeches through his national committee. We provide a means for taking care of that. In such a case it will all be charged up to the committee under the new bill, which will not permit individuals here, there, and everywhere to pay for the printing of speeches and then avail themselves of the franking privilege, which is a privilege that belongs exclusively to Members of Congress.

Mr. BENNET. I do not think the gentleman did me the honor to give very close attention to my question. I said that was done in 1915. My question was whether it would be possible to do it under this bill.

Mr. BARNHART. It would not.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. KIESS of Pennsylvania. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. MILLER], and I ask unanimous consent that Mr. MILLER may speak on a subject not related to the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Pennsylvania [Mr. MILLER] may speak on a subject not related to the bill. Is there objection?

There was no objection.

Mr. MILLER of Pennsylvania. Mr. Chairman, I desire to make some observations on the question of requiring claimants who ask to be compensated for property taken or destroyed by authority of the United States Government during the Civil War to prove the loyalty of the owner of such property at the time it was taken or destroyed. The observations, however, are only a prelude to reciting an incident which had its inception in the South during the progress of the war and its culmination in the North after the close of the war, in which a chivalrous and gallant citizen of Atlanta, Ga., was an active participant. I believe such incidents should be preserved, as they tend to unite more firmly the bonds of fraternity and loyalty of our common country.

Some days ago, in the discussion of a bill reported by the Committee on Claims, a motion was brought before the House to dispense with the proof by the claimant of the loyalty of the owner of goods taken or destroyed during the Civil War at the time such goods were taken. During the discussion the tragedy of the war was recalled, and, as I then and and now believe, some uncharitable and unnecessary remarks were made concerning the attitude of the people of the South at the time the war was in progress.

A few days later a Member on the side of the House to the Speaker's right made some equally unnecessary, mistaken, and uncharitable remarks about the attitude of the people residing at Gainsville, Tex., in 1862, in the thirteenth congressional district, now represented by a gentleman, Mr. STEPHENS, whom I am glad and proud to call my friend.

Prior to these occurrences I had formed and oftimes expressed the hope that the day for raking over the embers of the Civil War had passed. I confess that in the late sixties and early seventies, when engaged in the heat of a political campaign, I sometimes waved the ensanguined emblem; but I trust that time and age have softened the asperities of youth, and I can truthfully repeat the words of the sainted and immortal Lincoln, "With malice toward none and charity for all," and take by the

hand my friends who represent the thirteenth district in Texas [Mr. STEPHENS], the fifth of Georgia [Mr. HOWARD], the ninth of North Carolina [Mr. WEBB], and the third of Arkansas [Mr. TILLMAN] with the same feelings of friendship that I do my friend from the second of Illinois [Mr. MANN], of the second of New Hampshire [Mr. WASON], and of the eighth [Mr. WATSON], twenty-fourth [Mr. TEMPLE], twenty-ninth [Mr. PORTER], and thirty-second [Mr. BARCHFELD] of my own beloved Pennsylvania, and wish them each and all a fair journey through life and at the end a "crossing of the bar" in joy and peace.

But, as I said at the outset, I did not take the floor so much to say the foregoing as to relate an incident that should arouse the sensibilities of our better natures. On the same day on which the discussion first above referred to occurred I had occasion to repair to the House restaurant and took a seat at the same table with the courteous gentleman who so ably represents the fifth Georgia district [Mr. HOWARD]. We talked about the discussion just had in the House. We agreed that the North and South were now equally loyal to the Government and equally loved the common flag of our country. I remarked that the people of the South had the same justification in remembering, honoring, and revering the memories of the men who marched with Lee, and Jackson, and Pickett, and Longstreet, and other Confederate generals to victory and final defeat that the people of the North had to remember, honor, and revere the men who marched with Grant, and Sherman, and Thomas, and Sheridan, and Meade, and other Union generals to final victory. [Applause.]

My Georgia friend remarked that if any man could have a supposed grievance against the North he thought he could, but added, "I want you to believe that I have not." He then continued: "My father was a man of considerable means when the war broke out. In addition to his home in Atlanta, he was largely interested in manufacturing, and just outside the city he had a large farm stocked with horses, cattle, and other farm animals to the number of several hundred.

"When Atlanta was occupied by the Union Army, Gen. Sherman made my father's dwelling his headquarters, and during the time it was so occupied Gen. McPherson had been killed in battle and his body was brought to Gen. Sherman's headquarters and laid out for burial in my father's house on a davenport in one of the rooms, and was taken thence to his home for burial.

"After Gen. Sherman moved on south and his protection withdrawn the buildings of my father in town and country and his factories in the city were burned and the personal property on the farm seized and taken for the use of the Union Army. My father was left homeless and practically penniless.

"Some household furniture was saved from the fire, and among it the davenport, which was an heirloom and highly prized by the family."

Years passed by, the Society of Ohio, an organization formed inter alia to perpetuate the glory and memory of the soldiers from Ohio who had died in the Southland, heard of the incident of the davenport. They secured the address of the Atlanta gentleman who owned it. They wrote a letter of inquiry and learned that he still owned and possessed the relic. They then wrote a second letter, stating that they were collating mementos of Gen. McPherson and asked him if he would sell the davenport; and if so, to price it to them. He wrote back that the davenport was an heirloom; that as such he highly prized it; that he would not sell it, but that if the society would accept it as a gift he would make a present of it to them. With his own hands he crated it, delivered it to the railroad depot, paid the freight on it to its destination, and shipped it to the society, where, with other relics of the brave and gallant McPherson, it to-day graces the hall of the society. [Applause.]

Do you know, Mr. Speaker, I would like to have the opportunity to vote for a bill to reimburse the descendants of this gallant and chivalrous southern gentleman for some of the loss their ancestor sustained and dispense with proof as to his loyalty to the United States Government at the time of the loss. Perhaps such a bill would be inopportune, but we can all rejoice with his loved ones that they have inherited from this father a legacy richer than lands or gold or rubies, the memory of one who could so soon so far forget his own misfortunes as to aid in perpetuating the honor of the commander of those who had so lately despoiled him.

I hope that some day I may visit Atlanta and as a token of respect for gallantry and chivalry—may I not say to loyalty as he then saw it—plant a flower in the sod beneath which all that was once mortal now rests. Requiescat in pace! [Applause.]

Mr. KIESS of Pennsylvania. Mr. Chairman, I yield eight minutes to the gentleman from Missouri [Mr. BORLAND], and I ask unanimous consent that the gentleman may speak on a subject not related to the bill.

The CHAIRMAN (Mr. OLIVER). The gentleman from Pennsylvania asks unanimous consent that the gentleman from Missouri may speak on a subject not related to the bill. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, what is the present condition of affairs in Mexico? It was on or about October 9 last that Carranza was recognized by the United States as the head of the Mexican Government. With the moral force which this gave him he has been recognized by the other powers and has been enabled to resume diplomatic relations with the world. This carries with it the power of controlling the national forces and the pledging of the national credit as well as disposing of the national property, and it should carry with it the responsibility to maintain a reasonable degree of public order. The question which Americans are asking themselves to-day is, "Is there a responsible government in Mexico to whom foreigners can look for protection, or is there simply a de facto government with diplomatic rights but with no national responsibility?"

It may be said that the present government is a de facto one only, and that Carranza is not President or even provisional President, but only the first chief of a revolution. How long should a de facto government continue, and why? This one claims to have continued for more than three years, and was formally recognized by us more than six months ago. What duties and responsibilities, if any, to foreign residents and friendly powers does a de facto government escape by remaining in that nebulous condition?

The first chief of the revolution, since he was recognized as the head of the Government, has not even been directing his government from the City of Mexico, the national capital. On the other hand, it is averred that he has assumed the power of taxation, and possibly also of confiscation of property, and that he has bargained away concessions and franchises; that he deals with the national credit; that he enjoys a diplomatic standing which enables him to protest against the invasion of the national right or injury to the national dignity or the unauthorized use of the national railroads or other property. It does seem that the ruler who objects to the exercise of police power by neighboring States who have shown the most helpful and friendly spirit toward him should further show that he is not only willing but able to police the country himself. We have a right to expect that accompanying these protests of national dignity shall be a vigorous and sincere exercise of the national power for the protection of the rights of friendly nations and their citizens. Can it be possible that a government exists that is all rights and no duties, which has the power to protest but not to police, which can criticize but not cooperate?

For my own part I believe that American citizens have a right to be in Mexico and even to own property and to carry on industrial enterprises there. [Applause.] While there may be some large American interests in Mexico, there must be a very much larger number of interests which are of very moderate size, and an overwhelming majority of small interests and individual properties; but, big or little, American enterprise has a right to go abroad. [Applause.] American citizens and their business and property must be protected and respected in other lands. If we are to burst the shackles of provincialism and build up a foreign commerce our citizens and their business enterprises must be encouraged to seek foreign fields. While Americans who choose to locate abroad and to make investments in other countries must obey the law of the country where they are domiciled, must refrain from fomenting political discord, and, to some extent, must even bear with patience local troubles and vicissitudes, yet having done so they have the right to demand the protection of a stable and responsible government ready, able, and willing to respond to its national and international obligations. The existence of such a government ready to demonstrate its willingness and power to cooperate with this Government is the only permanent basis of peace in Mexico. [Applause.]

Mr. KIESS of Pennsylvania. Mr. Chairman, I yield to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a speech of the Hon. John J. Sullivan, on William McKinley.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing the speech referred to. Is there objection?

There was no objection.

Mr. KIESS of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, before commencing to read the bill I want to state very briefly that the committee has an understanding with several gentlemen who can not be here today that section 14, relating to wages in the Government Printing Office; section 15, relative to leave of absence; and section 20, relating to the printing of Government envelopes, be passed, and that we may consider those sections at a future time when the bill is under consideration. I ask unanimous consent that those three sections be passed over when we come to them and that we may return to them some time in the future.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. OGLESBY. Reserving the right to object. Do any of these sections cover the size of the Government envelope?

Mr. BARNHART. No; it relates to the stamped envelopes that the Government prints and sells.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that sections 14, 15, and 20 be passed for the present, and that they may be returned to in the future. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That there shall be a Joint Committee on Printing, consisting of three members of the Committee on Printing of the Senate and three members of the Committee on Printing of the House of Representatives, to be designated by the Committee on Printing of the Senate and by the Committee on Printing of the House of Representatives, respectively.

SEC. 1. Par. 2. The members of the Joint Committee on Printing who are reelected to the succeeding Congress shall continue as members of said committee until their successors are designated as provided for in this section: *Provided*, That the President of the Senate and the Speaker of the House of Representatives shall, on the last day of a Congress, appoint members of their respective Houses who have been elected to the succeeding Congress to fill the vacancies then about to occur on said committee, and such appointments shall continue until their successors are designated as provided for herein. The Joint Committee on Printing as constituted by this section shall exercise all the powers and duties devolving upon said committee under the law, and it may authorize one or more of its members to exercise such of its functions as necessity shall require when Congress is not in session.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 2, line 14, after the word "session," insert: "said committee shall elect from the members thereof a chairman and vice chairman, who shall not be Members of the same House.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. Par. 1. The Joint Committee on Printing shall have power to adopt and employ such measures as, in its discretion, may be deemed necessary to remedy any neglect, delay, duplication, or waste in the execution of the public printing and binding and the distribution of Government publications, and shall exercise general supervision over printing and binding for Congress as provided for in this act.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman what is the object of the peculiar structure of the bill—making separate sections and labeling them part paragraphs and part sections? For instance, here is section 2, paragraph 1, and section 2, paragraph 2, and later on there are a number of paragraphs all constructed in the same way.

Mr. BARNHART. The purpose was, and it is the practice in many legislative bills, to group the special items together, so that they may be under a common head, for the purpose of indexing them and convenience in reference.

Mr. TILSON. Is there any particular object in maintaining the section numbers? Why should not section 2, paragraph 2, be section 3?

Mr. BARNHART. It is a matter of convenience in indexing; for instance, to bring the Government employees under one head, so that it is an easy matter to refer to them. While they could all be put in one paragraph the bill was prepared in this way in order to classify them and make it clearer and easier as reference.

Mr. TILSON. The committee tried to cover all matter relating to one subject under one section, designating different subheads as paragraphs.

Mr. BARNHART. That is so that they can be readily referred to by paragraph. That would be especially true in the law when printed.

Mr. TILSON. It is rather an unusual construction and that was the reason that I called attention to it.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 3. The Joint Committee on Printing shall appoint a clerk, an inspector, and a stenographer, at $3,000, $2,000, and $1,000 per annum, respectively, to be appropriated for and paid one-half by the Secretary of the Senate and one-half by the Clerk of the House of Representatives. The clerk and the inspector shall give bonds for the faithful performance of their respective duties in the sum of $5,000 each, to be approved by the Joint Committee on Printing. The clerk of said committee shall perform such duties as shall be required of him by said committee and shall, unless otherwise provided for, edit and compile all memorial volumes and other documents printed under its direction. The inspector for said committee shall be a member of the boards of inspection and condemnation at the Government Printing Office, as provided for in this act, and shall perform such other duties as shall be required of him by said committee: *Provided*, That the Joint Committee on Printing may designate an employee of the Government Printing Office to act for said inspector for a period of not to exceed 30 days in any one fiscal year, without additional compensation therefor.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 8, strike out the word "appoint" and insert in lieu thereof the word "elect."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. CANNON. Mr. Chairman, just one word before the Clerk reads. I move to strike out the last word. I do not know much about the law as it now is or as it is proposed to be amended. This section provides, as amended, for the election of a clerk, an inspector, and a stenographer, at $3,000, $2,000, and $1,000, respectively, per annum. I see that the joint committee is to consist of three Members of each body—the Senate and the House. I suppose these clerks are to be divided up?

Mr. BARNHART. Mr. Chairman, that is the purpose in changing this word "appoint" to the word "elect." Heretofore the matter has been fairly divided; but the membership of the committee has always considered that the chairmanship of the Joint Committee on Printing belonged to the Senate, and when these clerks were appointed they were appointed by the chairman of the committee. The change in this language will give the entire membership of the committee the privilege of electing these officials, and that will make an equal distribution between the House and the Senate. That was the purpose in changing the word.

Mr. CANNON. How are they going to distribute three clerks evenly?

Mr. BARNHART. There are some others. There are several others to be appointed; for instance, the compiler of the Congressional Directory and the indexer of the RECORD. There is an equal number, and they have usually been divided satisfactorily. This change was suggested merely to facilitate the matter, that they may be elected rather than appointed.

Mr. CANNON. We will get the additional employees further on in the bill?

Mr. BARNHART. Yes.

The Clerk read as follows:

SEC. 10. There shall be appointed by the Public Printer a chief clerk, who shall act also as appointment clerk, at a salary of $2,500 per annum; an accountant, at $2,500 per annum; a superintendent of buildings and equipment, who shall possess a practical knowledge of mechanical, civil, and electrical engineering, at $3,000 per annum; a medical and sanitary officer, at $3,000 per annum; an assistant superintendent of work, who shall act also as foreman of printing and shall be a practical printer, at $2,750 per annum; a second assistant superintendent of work whenever required to supervise night work, who shall be a practical printer, at $2,500 per annum for the time so employed; a foreman of binding, who shall be a practical bookbinder, at $2,500 per annum; a foreman of presswork, who shall be a practical pressman, at $2,500 per annum; and a storekeeper, at $2,500 per annum; all of whom shall, under the direction of the Public Printer, perform the duties ordinarily attached to their respective positions and such other duties as this act or the Public Printer may require of them.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 8, line 14, after the word "annum" insert "and the additional amount paid for night work."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CANNON. Mr. Chairman, I would like to inquire what that means?

Mr. BARNHART. Mr. Chairman, if the gentleman will permit, I will briefly explain. The assistant superintendent of night work is now paid $3,000 a year. The assistant superintendent who has charge of day work, and who has much larger responsibilities, is paid $2,500 a year. The rule at the Printing Office is that for night work they pay an additional allowance of 20 per cent; and it is the judgment of the committee, and it was the intention, that the night man should have a less allowance than the day man, except that he should have his 20 per

cent extra for the night work. The day superintendent will now receive under the provisions of this bill $2,750, while the night superintendent will receive $2,500 plus the 20 per cent allowed for night work.

Mr. CANNON. Are these the same salaries they are getting now?

Mr. BARNHART. No; the man to which this refers now receives $3,600, and it is a reduction of $600 in his salary; but I think the gentleman from Illinois will agree with me that the man who is in charge of day work, including all of the job printing and everything of that sort, who has been receiving $2,500 a year, while his assistant, who has charge of night work, receives $3,600 a year, ought to have his salary increased, and that the present basis of pay is hardly fair. We therefore decided to increase the pay of the assistant day superintendent to $2,750 and reduce the night superintendent to $2,500 plus the 20 per cent, a total of $3,000.

Mr. CANNON. Otherwise, are these salaries increased or decreased generally along through the bill?

Mr. BARNHART. There is a change in the salary of the Deputy Public Printer from $4,500, now paid, to $4,000. I apprehend that the gentleman from Illinois will recall that at one time, when there was considerable disturbance in the Public Printing Office, when we had four different Public Printers in one year, the importance of having a competent man there was so clearly manifest that the salary of the Deputy Public Printer was increased so as to secure the services of such a man, and that Capt. Brian was at that time secured. He has proved an invaluable man, but after they got leveled down and started right again his wages were permitted to stand. The purpose is to increase the salary of the Public Printer, the responsible head, from $5,500 to $6,000, and, in order to be consistent with other departments of the Government and the Bureau of Engraving and Printing, reduce the Deputy Public Printer to $4,000.

Mr. CANNON. What is he getting now?

Mr. BARNHART. Four thousand five hundred dollars.

Mr. CANNON. And Capt. Brian is still the occupant of that position?

Mr. BARNHART. He is still there.

Mr. CANNON. He is still the Deputy Public Printer?

Mr. BARNHART. Yes.

Mr. CANNON. I do not believe that his salary ought to be reduced, at least as long as Capt. Brian remains there. I do not know where he comes from. He is certainly not a constituent of mine, but I do know about his competency. We may, it is true, increase the salary of the Public Printer, but the salary of as valuable an official as Capt. Brian I do not believe should be decreased.

Mr. BARNHART. I will say to the gentleman that it is not based upon any man, but it is based on the general average of employees in other departments and of other subordinate employees in the printing office. For instance, the superintendent of work, the most important man in the whole institution, is paid $3,600 a year. Now, the committee thought it was hardly fair to leave the salary of the Deputy Public Printer, whose duties, when the Public Printer is in charge, are not more important than the superintendent of work, at $4,500, while we leave the superintendent of work, necessarily a competent man, at $3,600; so in the adjustment we tried to get everything in the bound of reason and in harmony with the salaries paid in the other departments of the Government.

Mr. CANNON. The gentleman said that Capt. Brian was brought in there when there was confusion and there was necessity for him.

Mr. BARNHART. Since then there have been several branches of foremanship established, such as chief clerk, and so forth, the duties of which Capt. Brian formerly performed and which he is not performing now. For instance, superintendence of the building was formerly under his charge, and other duties he once discharged have been distributed to others, because of the increase in duties and the responsibility that necessarily followed.

Mr. CANNON. Well, I shall not offer an amendment. Capt. Brian is a most competent man. I recollect during the time I served on the Committee on Appropriations, having jurisdiction over the appropriations for this service, and without speaking less for any other man, I thought that he was one of the most competent men who ever appeared before that committee.

Mr. BARNHART. Yes; but we are making law for the future. However, if the Appropriations Committee should propose to give Capt. Brian an additional thousand dollars, or five hundred dollars, per year, it could have my vote to that end, because he has been since his connection with the Government Printing Office a very dependable, a very worthy, and a very efficient official. There was no disposition to cut the salary of Capt. Brian because he was Capt. Brian, but at the same time, as a legislative proposition, the committee went all over this and really felt this was what ought to be done; that this is what the law ought to be, without considering Capt. Brian or any other man in the position.

Mr. CANNON. This is the House bill.

Mr. BARNHART. This is the House bill. The Senate committee has reported the Senate bill, which is practically the same; the salaries in this instance are identical.

Mr. CANNON. Well, I am not inclined to offer an amendment.

Mr. CONRY. Will the gentleman yield?

Mr. BARNHART. I will yield, but I have no time to yield. The gentleman can move to strike out the last word in his own right.

Mr. CANNON. And then the gentleman can yield.

Mr. CONRY. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Indiana what the salary has been heretofore of the practical printer who is now receiving $2,750 per annum—the day man?

Mr. BARNHART. Two thousand five hundred dollars.

Mr. CONRY. And the gentleman's committee has increased the pay $250?

Mr. BARNHART. Why, we have just been all over that. Was the gentleman present?

Mr. CONRY. I was not present.

Mr. BARNHART. We have already passed that.

Mr. CONRY. For my satisfaction I should like to ask again.

Mr. BARNHART. I am willing to take the time to answer the gentleman.

Mr. CONRY. What was the reason for the increase?

Mr. BARNHART. For the reason we want to get it in harmony with other salaries, so there might not be a feeling prevail that some are getting too much and some too little. We tried, in a conscientious way, to equalize with the salaries paid in other departments of the Government.

Mr. CONRY. This increase is predicated upon the feeling that exists there, a feeling of dissatisfaction over the disproportion of salaries?

Mr. BARNHART. Yes; this is why the salary of foreman of printing was fixed as it was, and he is now designated as assistant superintendent of work. If the superintendent of work should not be able to be present, his duty devolves upon the assistant, and the committee decided that it was only fair to increase him to $2,750 a year. Furthermore, it seemed to the committee that as the other assistant superintendent is in charge at night and receives $2,500 under the bill, an amendment was passed giving him the additional 20 per cent that is given all employees who work at night, making his salary $3,000 a year.

Mr. CONRY. Heretofore his salary has been $3,600.

Mr. BARNHART. Yes, sir.

Mr. CONRY. Has the gentleman looked into the question to compare the salary received with the responsibilities that rest upon his shoulders?

Mr. BARNHART. We have.

Mr. CONRY. With salaries received by gentlemen occupying similar positions in the large printing establishments throughout the country?

Mr. BARNHART. Yes; we have gone very largely on recommendations from the Government Printing Office.

Mr. CONRY. Is it not true that the salaries of those people occupying similar positions in large business establishments throughout the country average $80 a week?

Mr. BARNHART. I have no information to that effect.

Mr. CONRY. Did you investigate that view of the situation?

Mr. BARNHART. We have had hearings on this bill from time to time for six years.

Mr. CONRY. Did the gentleman who occupies this position have an opportunity to be heard?

Mr. BARNHART. I can say to the gentleman from New York that his wages, at $3,600, are in excess of any other amount that the committee heard of as being paid to any man holding a like position.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CONRY. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for three minutes more. Is there objection?

There was no objection.

Mr. CONRY. Is it not true that the responsibilities he is compelled to assume justify this Government in paying him $3,600 a year?

Mr. BARNHART. We do not think so. If we did we would have left it in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BARNHART].

The question was taken and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. Par. 1. There shall be a superintendent of public documents in the Government Printing Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall give a bond in the sum of $25,000 for the proper accounting of all moneys received by him and the faithful performance of his duties. The superintendent of public documents shall receive a compensation of $3,500 per annum. He shall, under the direction of the Public Printer, have charge of the public documents office in the Government Printing Office and shall exercise general supervision over the distribution of all Government publications committed to his custody.

Mr. HAMILL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New Jersey rise?

Mr. HAMILL. To strike out the last word, and under cover of that fiction to ask a few questions. I would like to ask the chairman of the committee who it is that appoints the superintendent of documents at the present time?

Mr. BARNHART. The Public Printer appoints him.

Mr. HAMILL. And the purpose of this section is, then, to take from the Public Printer the power of appointment and to put it in other hands, is that so?

Mr. BARNHART. Yes; that is the purpose.

Mr. HAMILL. Well, gentlemen of the committee, I think that this a very unwise thing to do, and if I had been here when section 5 was being read I would have offered an amendment to that section which would have provided that the Deputy Public Printer be appointed by the Public Printer. I shall do so later. I think there is nothing so calculated to create discord in the running of a big shop like the Public Printing Office as taking out of the hands of the Public Printer the right to appoint his subordinates. Take, for instance, the case we are discussing, section 12, the superintendent of documents is appointed from an outside source. You do not have the harmony that you would have if the Public Printer appointed him. And there is another thing to be considered, and that is that you are taking this office out of the civil service. Now, none of us are against the civil service. At least, I never have found a gentleman yet, whatever his private intention, who had the temerity to stand in public and say he was a foe to the civil service, and when you are taking this important office, where a qualified man is needed, out of this system, you are dealing the system a blow which is very regrettable, indeed.

Mr. BARNHART. Mr. Chairman, the purpose of the committee in making these two changes was to relieve the Public Printer as much as possible from some of the rocks that proved so disastrous to other Public Printers in the past. It was done for that reason, and for the other, that the heads in other departments of the Government, the responsible heads, are appointed by the President. For instance, if this Deputy Public Printer and the superintendent of documents are appointed by the Public Printer, the Public Printer is the "whole works," and with our present Public Printer and with the one who preceded him, and whom I knew very well, I would not have any objection to such a condition prevailing. But nobody knows what the future may bring forth, and therefore the committee thought it would be safe that the President might have a representative in the Government Printing Office, here and there, that he could call on for information from time to time that might be helpful to the well-being of public service.

Mr. FESS. Will the gentleman yield?

Mr. BARNHART. I yield.

Mr. FESS. To whom will the superintendent of public documents be responsible?

Mr. BARNHART. Indirectly the superintendent of public documents is responsible to the Congress of the United States, and he is also to the Public Printer. But directly he would be responsible to the President of the United States. Heretofore, when these disturbances occurred in the Government Printing Office which precipitated a whole lot of trouble and more or less scandal, it was openly charged by Members on the floor of the House and the Senate, and by newspapers, that there was a one-man combination in the Government Printing Office which there was no means of breaking through; that everybody was subservient to the Public Printer himself, and therefore there was no means of having any other representation in the Government Printing Office as they have in other departments of the Government. And as I say, one scandal after another followed, some of them no doubt unjust and unfounded, I take it, but the fact that the organization was so one manned, and thereby different from other departments of the Government, caused much of the trouble.

Both the Committees on Printing of the House and of the Senate felt that such a danger might confront us in the future, and in order to conserve against such a possibility this plan was adopted of having a Deputy Public Printer, who would be the Public Printer during the disability or absence of the Public Printer, and responsible to the President of the United States. And this superintendent of documents, who handles very large sums of money, and so forth, we felt ought also to be selected by the President.

Mr. FESS. Mr. Chairman, I move to strike out the last word. Does the gentleman think the same efficiency will be subserved in this particular department?

Mr. BARNHART. Yes; larger efficiency, because of direct responsibility. And I call the attention of the gentleman from Ohio [Mr. FESS] to this condition: In the State Department the Assistant Secretary and the Counselor are appointed by the President. In the Treasury Department the Assistant Secretaries, the Treasurer, and Assistant Treasurer, the Commissioner of Internal Revenue, the Comptroller of the Treasury, the Assistant Comptroller, the Comptroller of the Currency, the Superintendent of the Public Health Service, the Superintendent of the Life-Saving Service, the Register of the Treasury, the Director of the Mint, and other heads of bureaus, are all appointed by the President. It is done for the purpose, I understand, of breaking up the possibility that there might be too much power in one of these departments with such large responsibilties and expenditures to be intrusted to one man's hands. I do not know what else, but what is true of the Treasury Department is true also of many others. I have here two full sheets of these instances of presidential appointments in departments.

Mr. FESS. Then this would not be setting a new precedent?

Mr. BARNHART. Oh, no. It is following other precedents that have doubtless proven very satisfactory, as they have not been abolished.

Mr. CANNON. Mr. Chairman, I offer a pro forma amendment to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. CANNON. What is the tenure of office? Does he hold one year or two years or four years?

Mr. BARNHART. It is in the discretion of the President, the same as other appointive officials.

Mr. CANNON. It is not under the civil service?

Mr. BARNHART. No; these two positions are not under the civil service.

Mr. CANNON. I know it is by and with the advice and consent of the Senate, but it is quite in the power of Congress to legislate that the appointment should be made by the President without the consent of the Senate. Yet the practice has grown up that it is by and with the advice and consent of the Senate. I have thought sometimes that this "by and with the advice and consent of the Senate," when unduly extended, running into thousand-dollar postmasters, for that matter, and a great many other places, tended to magnify the Senate when you came to distribute patronage and to minimize the House. I take it for granted that——

Mr. BARNHART. Mr. Chairman, will the gentleman yield just there? In these two particular instances these men are virtually the servants of the Congress, and if there is any place where there should be the approval of the Congress of appointees, it seems to me it is in the places held by these appointees who are to specially serve the Congress.

Mr. CANNON. But this has the approval of the Senate. However, there is much of printing done by the departments. I suppose that most of the printing that is done in the Government Printing Office is for the departments. I take it that is so.

Mr. BARNHART. The majority of it, I can assure the gentleman from Illinois, is for Congress.

Mr. CANNON. I am not informed as to that; and if the gentleman has investigated touching that, I would take his word for it a good deal quicker than I would any knowledge that I have. But I recollect on one occasion—and I will not mention names—where we had an Architect of the Capitol—always called "Architect of the Capitol"—and there was some jealousy amongst the architects outside, and they made a strong move to have him removed. He was a very competent man, an all-around man. For the work he has to do he is one of the most competent officials I have ever met. Yet the President appoints, and he was about to be removed and somebody else brought in. Now, if there is any official under the Government that the House and Senate are interested in, it is in the Architect of the Capitol. Finally a compromise was reached on an intimation that if this gentleman or employee for the convenience

of the House and Senate was to be at the mercy of the President without confirmation by the Senate maybe he would not get any salary. A compromise was finally made by which the word "Architect" was discarded and he was designated as "Superintendent of the Capitol." He is still a good architect. I do not know, but I suppose these superintendents and these officials, except Capt. Brian, have been in there a long time?

Mr. BARNHART. I think they are old-timers, most of them.

Mr. CANNON. They do not change when the administration changes?

Mr. BARNHART. Well, probably a shift is made of some man up and another down.

Mr. CANNON. I mean, out of the office entirely?

Mr. BARNHART. No; they could not do that. They are under civil service.

Mr. CANNON. The superintendent of public documents and the Public Printer are not under the civil service, I take it.

Mr. BARNHART. No; and it is not so provided here.

Mr. CANNON. Nor are any of these high-salaried people under the civil service, as I take it, especially those who are appointed by the President by and with the advice and consent of the Senate.

Mr. BARNHART. Everybody in the Government Printing Office now, as I understand it, except the Public Printer and the old "claybank horse" that they use down there, is under the civil service.

Mr. CANNON. They, then, can not be under the civil service because it is an appointment made by the President by and with the advice and consent of the Senate.

Mr. BARNHART. That is just what I have been trying to explain. This does take him out of the civil service. We have passed the Deputy Public Printer provision.

Mr. CANNON. He is not under the civil service.

Mr. BARNHART. No; and the purchasing agent.

Mr. CANNON. He is not under the civil service.

Mr. BARNHART. No; he was not, but he is now.

Mr. CANNON. Is he not appointed by the President?

Mr. BARNHART. No. This provision provides that he and the superintendent of documents and the Deputy Public Printer shall hereafter be appointed by the President.

Mr. TILSON. In other words, the effect of this bill will be to take those men out of the civil service.

Mr. CANNON. That may not be the intention, but that will be the effect of it.

Mr. BARNHART. The President will probably never go outside of the civil service for them, because he will probably find men in the Government Printing Office who are better fitted than anybody else for those positions. All the other departments of the Government have found by long experience that, the heads of departments being responsible to the President rather than to the Cabinet officer the system has worked advantageously. The Government Printing Office has had more or less trouble along this line, and all the committees that have had this printing bill up for some years have made this provision in it. It was first called the Smoot bill. It is the same thing carried on down. Mr. Landis, of Indiana, I think, had charge of the bill when it was originally drafted; at least he had charge of the investigations that resulted in the suggestion at that time of most of the changes that are contained in this bill. Other features have been added, but most of the bill came as the result of the investigation of the conditions of the Printing Office, and Mr. Landis, of Indiana, was chairman of the committee that made that investigation. They found mistakes in management, they corrected them, and the correction of those abuses created a large saving; and that prompted this bill. It ought to have been passed at once, but it was not done. While it passed the House once and the Senate once, it never got through the House and the Senate in the same Congress.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired on this paragraph.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

Mr. CANNON. It can not expire. Evidently the Chair is mistaken.

The CHAIRMAN. Debate on this paragraph has been closed.

Mr. TILSON. I move to amend the paragraph by striking out the last word.

Mr. HULBERT. I move to strike out the first word. I want to have the last word. [Laughter.]

Mr. TILSON. I offer a pro forma amendment, which I think is in order.

Mr. BENNET. Why not move to strike out the paragraph?

The CHAIRMAN. All time has expired on the paragraph.

Mr. TILSON. But it is subject to amendment, and I move to strike out the last word.

Mr. HULBERT. Does the Chair entertain my motion?

Mr. TILSON. I think I am entitled to the floor.

Mr. CANNON. Debate has not been closed.

The CHAIRMAN. By unanimous consent all the pro forma amendments are withdrawn, and the gentleman from Connecticut [Mr. TILSON] is recognized.

Mr. TILSON. Mr. Chairman, I offer this pro forma amendment for the purpose of trying to have the effect of this provision clearly defined. Is it not true that at the present time the deputy printer and the superintendent of documents are under the civil service, and protected thereby?

Mr. BARNHART. They are appointed by the Public Printer.

Mr. TILSON. Regardless of whom the President might appoint after this bill becomes a law, whether he should appoint these men or take men from outside, as soon as he made this appointment under the new law would not the effect of this bill be that the President, if he saw fit, might immediately remove these men and appoint others in their places?

Mr. BARNHART. Yes.

Mr. TILSON. In other words, the protection of the civil service would be taken from them? That is correct, is it not, and that is the purpose of it?

Mr. BARNHART. No; that is not the purpose of it. As I stated before, the purpose of it is to get the Government Printing Office on the same basis as all of the other departments of the Government are organized and operated, and that is that the head of the department shall not have sole charge of everything that is going on, but in order that we may have some other means of finding out what is going on, by having some independent appointees. We are only asking for these three, and they are very important. One is a purchasing agent, who, the committee feel, ought to be responsible to somebody else than the Public Printer. That is no reflection on the present Public Printer nor on any past Public Printer, as far as I know; but it is always better to play safe, and these other departments have found that it has proven entirely satisfactory that the President should have some one responsible to him in these large departments besides the one man at the head.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. BARNHART. I shall be glad to yield when I have finished answering the gentleman from Connecticut. I can not answer two questions at the same time.

Mr. TILSON. As I understand, I have the floor, and I am yielding to the gentleman from Indiana.

Mr. BARNHART. That is correct.

Mr. TILSON. I will yield later to the gentleman from New York, if I have any time.

Mr. BARNHART. I have no time of my own to yield, and I can not answer two men at the same time.

Mr. TILSON. What I wish to bring out is what effect this provision will have. What the gentleman says may be true as to the effect of the bill and what is being done here may be for the best interests of the service, but what I want to have understood is what the effect will be as far as the civil service is concerned.

Mr. BARNHART. The Government Printing Office is maintained very largely for the benefit of Congress. I did not answer his question before, but my information is that something over 60 per cent of the printing done in the Government Printing Office is done for Congress. Now, it seems to all of the committees that have had anything to do with this bill—and that has been in about five Congresses, as I remember it—that it is important that we have some executive control over a few of these subordinate places—for instance, the superintendent of documents. We ought to have a man in there whom we can approve or disapprove. As he is now appointed, nobody approves him. The Public Printer appoints him, and we have thought it best for the good of the service, for the hereafter, considering what has happened in the past, that this change be made, in harmony with all the other departments of the Government. It is not an attack on the civil service at all.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. HAMILL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HAMILL: Section 12, page 9, strike out all of line 5, beginning with the word "President," and the first five words in line 6, and insert the words "Public Printer."

Mr. HAMILL. Mr. Chairman, this puts before us the proposition we have been debating and gives us a chance to express an

opinion on it. I think it has been fully debated, and I will not discuss it any further.

Mr. BARNHART. Let us have a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey [Mr. HAMILL].

The amendment was rejected.

Mr. SMITH of New York. Mr. Chairman, I ask unanimous consent to return to section 10 for the purpose of offering an amendment. I was not here when that section was reached, and I want to offer an amendment to it if I can get unanimous consent to do so.

Mr. BARNHART. Is it an amendment correcting the phraseology of the bill?

Mr. SMITH of New York. No; it is not. It has to do with the salary of one of the men.

Mr. BARNHART. It has been taken up twice and decided twice. After we passed it once, the gentleman from New York [Mr. CONRY] called it up, and we took 10 minutes on it.

Mr. CONRY. I knew nothing about the situation. I understand my colleague Mr. SMITH is familiar with it. I think it is a matter of simple justice to consider it.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. SMITH]?

There was no objection.

Mr. SMITH of New York. I move to amend, on page 8, line 14, by striking out the figures "$2,500" and inserting in lieu thereof "$3,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 14, strike out the figures "$2,500" and insert "$3,000."

Mr. SMITH of New York. Mr. Chairman, the purpose of this amendment is to retain for the superintendent of work at night the salary he is now receiving. This salary placed in the bill is a reduction from $3,000 to $2,500, and I can see no reason for making that discrimination against a man who is performing a very important work. The superintendent of work at night is the foreman of printing, and he has charge of the other divisions; he has about 650 men at work under him, and on account of the character of his work and the necessity for knowledge of every phase of the Government Printing Office work it requires a man of special knowledge and special intelligence. In view of that fact, I believe the reduction should not be made.

Mr. CONRY. The gentleman from New York is a printer?

Mr. SMITH of New York. I understand the printing business.

Mr. CONRY. The gentleman knows that the salary of men occupying a similar position in the large printing establishments is much larger than that prescribed by law?

Mr. SMITH of New York. Yes; I have an official statement of the secretary of the New York Typographical Union, in which he says that in the New York Journal office, where 330 men are employed, the salary of the foreman of printing is $80 a week. In the New York Globe, where they have 85 men, the foreman's salary is $75 a week. In the New York Times the salary is $80; New York Tribune the salary is $80. So that a man in charge of 650 men in the Government Printing Office will receive a less salary than that received by the foreman of printing on a New York newspaper.

Mr. CANNON. Will the gentleman yield?

Mr. SMITH of New York. Yes.

Mr. CANNON. Do they get 30 days leave of absence with pay, and do they get sick leave with pay?

Mr. SMITH of New York. I believe in many cases they do.

Mr. BARNHART. And half a day off all summer?

Mr. SMITH of New York. I believe the New York printing offices give as good treatment to their employees as that given by the Government Printing Office.

Mr. BARNHART. Mr. Chairman, as some Members may have come in since this matter was gone over before, I will say that it was carefully investigated by the committee, and they increased the salary of the assistant superintendent, who has charge of the office in the daytime, from $2,500 to $2,750 a year. The salary of the assistant superintendent, who has charge at night—such work as getting out the CONGRESSIONAL RECORD—is allowed under the provisions of this bill $2,500, with an additional 20 per cent for night work, and that makes a total of $3,000. He is now being paid the same amount that the superintendent of work, the man in charge of the whole office, is paid—$3,600. The other assistant superintendent, who has charge of the Government Office in the daytime, certainly has larger responsibilities than the man in charge of the office at night, because of the great variety of work and because of the fact that at night there are 500 or 600 employees while in the daytime there are some 3,500.

In the readjustment of these salaries the committee thought it was only fair to increase the salary of the day assistant superintendent $250 and to give the night superintendent what they thought was a fair amount—$2,500, plus the 20 per cent, which makes $3,000, while the day assistant superintendent gets but $2,750.

Mr. FESS. And some part of the year the night superintendent is not continued when Congress is not in session.

Mr. BARNHART. Yes; but his regular salary will continue right along, although a part of the time he will not have to work at night, but will get $2,500 anyhow.

Mr. SMITH of New York. Does the gentleman from Indiana overlook the fact that in the daytime there is the superintendent of work, at $3,600, and the assistant superintendent, at $2,750, while the man at night is alone and absolutely responsible for every department; and, in addition to that, he is in charge of the printing force, with no assistant foreman?

Mr. BARNHART. The Public Printer is on duty in the daytime, and also the Deputy Public Printer. They are not supposed to work at night, but they are supposed to be on duty all the time and subject to call at any time the plant may need their services.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. CONRY) there were 7 ayes and 20 noes.

So the amendment was rejected.

The Clerk read section 13 of the bill.

The CHAIRMAN. Earlier in the day by unanimous consent sections 14, 15, and 20 were passed to be taken up at a later hour. So the Clerk will read section 16.

Mr. HAMILL. Mr. Chairman, I ask unanimous consent to include in that section 5.

The CHAIRMAN. Section 5 has been already read and passed.

Mr. HAMILL. Mr. Chairman, I ask unanimous consent to return to section 5 for the purpose of offering an amendment.

Mr. BARNHART. Mr. Chairman, I shall object to that. We have been over it fully, and I am certainly impelled to make the objection. We must make some progress. If these matters are to be considered and Members have a real interest in the bill they should be present when the bill is read. We have been over the matter, and I object.

Mr. HAMILL. Mr. Chairman, I make the point of no quorum.

Mr. BENNET. Oh, I hope the gentleman from New Jersey will not do that. We have been making good progress in the bill, and it is a good bill, and we ought to bear and forbear. Possibly an arrangement could be made by which section 5 could be taken up in connection with section 15, and I ask unanimous consent that the amendment of the gentleman from New Jersey [Mr. HAMILL] be taken up in connection with the sections that have been passed over.

The CHAIRMAN. The gentleman from New York and the gentleman from New Jersey ask unanimous consent that section 5 be returned to and passed over with the other sections that were passed by unanimous consent, for the purpose of offering an amendment.

Mr. HAMILL. Mr. Chairman, I merely want to make this remark: That that is probably the most important section in this bill, and it has been passed by a very small number of Members here, and if the request of the gentleman from New York is acceded to it will give us a chance and perhaps a larger House to take up this very vital matter.

The CHAIRMAN. Is there objection?

Mr. BARNHART. Mr. Chairman, I hope the gentleman from New York will withdraw his request, because this request for unanimous consent can come later. We have been over this, and if we turn back and reconsider each time a Member comes in who has not happened to be on the floor when a particular section was passed who does not like what has been done by the committee, we will not make very much progress.

Mr. BENNET. Let me call the attention of the gentleman to the fact that we have read 13 or 14 sections this afternoon, which is more than were read of the agricultural bill in three days. If he accedes to this request, and we all proceed in a brotherly way, I think he will make a good deal of progress.

Mr. BARNHART. So far as the point of order is concerned, Mr. Chairman——

Mr. BENNET. There is no point of order.

Mr. FINLEY. Mr. Chairman, I suggest an easy way out of it—that the gentleman from New Jersey let his request go over until the bill is read, and then we might recur to the section for the purpose of offering his amendment.

Mr. BARNHART. I am willing to enter into that sort of an agreement.

Mr. BARNHART. No; because some of the paper costs 2

Mr. HAMILL. That is all I want.

The CHAIRMAN. Does the gentleman from New York agree to the suggestion of the gentleman from South Carolina that section 5 be taken up at the end of the bill for the purpose of offering the amendment of the gentleman from New Jersey?

Mr. BENNET. That is my understanding.

The CHAIRMAN. The Chair will put the request of the gentleman from South Carolina that section 5 go over until the completion of the reading of the bill under the five-minute rule, at which time section 5 shall be taken up for the purpose of an amendment by the gentleman from New Jersey [Mr. HAMILL]. Is there objection?

Mr. GARRETT. Mr. Chairman, reserving the right to object, I suggest to the gentleman from New Jersey that he offer his amendment now.

Mr. HAMILL. I have not got it written out at the present time.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that it would require unanimous consent to do that.

Mr. GARRETT. Let us hear what the amendment is. I object.

Mr. HAMILL. Mr. Chairman, I will present the amendment after we read two or three more sections.

Mr. GARRETT. Then the gentleman will renew his request after that?

Mr. HAMILL. Mr. Chairman, I withdraw the point of no quorum, and will make the request for unanimous consent to return to section 5 at a later period.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 18. Par. 2. The Joint Committee on Printing shall fix upon standards of paper of every description which, in its judgment, will be required by the Government Printing Office for all the purposes of the public printing and binding for Congress, the Executive Office, the judiciary, and the several executive departments, independent offices, and establishments of the Government. The Public Printer shall, under the direction of the said committee, advertise in two newspapers or trade journals published in each of the cities of Boston, New York, Washington, Atlanta, Cincinnati, St. Louis, Chicago, San Francisco, and Seattle for sealed proposals to furnish the Government with paper as specified in the schedule prescribed by the Joint Committee on Printing. The advertisement shall specify the minimum quantity of each kind of paper estimated to be required for either three months, six months, or one year, as the Joint Committee on Printing may determine; but when the minimum so specified exceeds, in any case, 1,000 reams, it shall state that proposals will be received for 1,000 reams or more. The Public Printer shall furnish a schedule and samples of the standards of papers to applicants who may desire to bid.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 16, line 13, after the word "Government," insert: "*Provided*, That the standard of paper for the printing of postal cards shall be fixed upon by the Postmaster General."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to strike out the last word. May I ask why these particular cities were selected from which to receive bids? In other words, why not Detroit or Denver?

Mr. BARNHART. Mr. Chairman, it was the purpose of the Joint Committee on Printing in rearranging this schedule to distribute it over as wide an area as possible, and yet not put it in all of the newspapers of the United States for the reason that bidders are supplied generally by clipping bureaus and trade papers, and this was merely a form of establishing more of an assurance than anything else that we have advertised for bids. There were originally many more cities included in this list, but the advertisement is just a little short notice each year of the time of the letting, and it amounts to practically nothing. As a matter of convenience in giving it as broad a distribution as possible these cities were selected.

Mr. FESS. A change was made reducing the number?

Mr. BARNHART. Yes; from what it formerly was.

Mr. SMITH of New York. Mr. Chairman, I move to strike out the first word. I would like to ask the gentleman from Indiana if putting the proviso where he did in the middle of the section it will not look as though all of the rest of the paragraph were under that proviso?

Mr. BARNHART. There is a period at the end of the proviso, which makes it all right.

Mr. CANNON. Mr. Chairman, I rise to oppose the pro forma amendment. The advertisement is to specify the minimum quantity of each kind of paper estimated to be required for either three months, six months, or one year, as the Joint Committee on Printing may determine. What is the maximum?

Mr. BARNHART. Mr. Chairman, the Public Printer's estimate is considered the minimum, and if an emergency arises under which he should want a larger quantity it is specified in the contract and in the bid that the successful bidder will furnish this amount, more or less, at the same price, without another letting.

Mr. CANNON. Precisely. It seems to me that it ought to be for all that is required. Oh, we have seen paper go up and down——

Mr. BARNHART. It is doing that now, especially up.

Mr. CANNON. I saw a revolution almost in this House under the cry of free print paper and in the country, and, for that matter, we got free print paper, and I am told it has gone up, so that revolution was a useless one if it was a revolution.

Now, if this paper doubles in price, is the gentleman sure that all the paper required would be received at the bid?

Mr. BARNHART. The Joint Committee on Printing has that interrogatory in the hands of the Attorney General, and have not yet received a reply. In the recent letting of print-paper contracts, which I think was on the 20th of January, bids were made for a great quantity—the year's supply of paper. Since that time the price of paper has gone up by leaps and bounds, said to be due to the fact of the inability to get certain paper-making ingredients imported into this country. The price in some instances has gone up 50 per cent, and in some few instances 150 per cent.

Mr. CANNON. Not this kind of paper?

Mr. BARNHART. Some of these contractors who made these bids gave a bond of $5,000, filed their bonds at the time they made the bids, that they would make good the contract, yet a great many of them have notified the Joint Committee on Printing and the Public Printer that they are not prepared to make these contracts because they can not get the paper, and so they have been notified that they will have to forfeit the bonds given. It is the only way that the Joint Committee on Printing can possibly proceed. Now, with reference to the quantity of paper, it will be in pounds and not in value. If the Government Printer needs so many pounds of paper to print our valuable and more or less necessary speeches and he needs so much to print the CONGRESSIONAL RECORD, he specifies the quantity in pounds, because they have to have that many pounds of paper, and if the price goes up or the price goes down it is the fortune or the misfortune of the contractor, as the case may be, as we let the contract for the full year.

Mr. CANNON. Precisely; but there is no maximum here; there is a minimum.

Mr. BARNHART. No; we could either fix a maximum or a minimum by striking out the word "annually," because the contracts carry the words "more or less." It is utterly impossible for the Government Printer to estimate to the pound how much paper he is going to use, so he specifies what he considers to be the minimum, and the bids are taken and bidders agree to furnish so many pounds of paper, more or less, and then if it comes along toward the end of the year and the paper is not holding out and the Public Printer finds he is going to require more pounds of paper than contemplated in the contract, the contractor is required to furnish the excess amount of paper the Government Printer will need during the balance of the year.

Mr. CANNON. Does the gentleman understand that if the price of paper goes down the Government is bound?

Mr. BARNHART. It is bound under its full-year contracts. These bids are for a fiscal year. They agree to furnish so many pounds of paper within the fiscal year, and at the end of that fiscal year the contract is off.

Mr. CANNON. Precisely.

Mr. BARNHART. That is the way all Government material is bought, as we are informed.

Mr. CANNON. Print paper has a lifetime, I am told, of about 25 years. That is, print paper such as is used for a thousand speeches or ten thousand speeches.

Mr. BARNHART. Commonly called "news print."

Mr. CANNON. I suppose that is the case. Then, I understand, the paper used in the CONGRESSIONAL RECORD is better.

Mr. BARNHART. Yes; that used for the permanent RECORD is.

Mr. CANNON. For the permanent RECORD, but the paper used for the daily RECORD I suppose is print paper?

Mr. BARNHART. It is the same kind that is used in general job work of printing speeches, and so forth.

Mr. COX. Will the gentleman yield?

Mr. BARNHART. I will.

Mr. COX. As a matter of curiosity, I would like to ask the chairman one question, and that is, How much is annually expended by the Government in the purchase of paper?

Mr. BARNHART. One million two hundred thousand dollars.

Mr. COX. At the same rate per pound?

Mr. BARNHART. No; because some of the paper costs 2 cents a pound and some of it 25 cents a pound.

Mr. COX. And it all costs $1,200,000?

Mr. BARNHART. About that.

Mr. COX. Is this paper for use of all the Government establishments?

Mr. BARNHART. It is what the Government Printing Office uses.

Mr. BEAKES. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee why we advertise in two papers, in, for instance, Boston and Atlanta, and leave out such cities as Indianapolis and Detroit?

Mr. BARNHART. Mr. Chairman, it was not any reflection on the cities that they are dropped out, but it was due to the fact that the committee felt that really it was just a waste of money to broadcast this matter and let a lot of papers in the same locality publish the same thing.

Mr. BEAKES. Why did the committee put two in each locality which they picked out?

Mr. BARNHART. That has been the custom always heretofore, just as in many of the States; the public advertising is done in that way. I know it is in my State, and I think in the State of Michigan also. It is the law in our State that two of the leading newspapers of each county shall carry the public advertising. That is for the purpose of not giving any one newspaper a monopoly on public advertising.

But I think this was done, as it had been done for many years, because it is the custom to do it that way. I will say to the gentleman from Michigan [Mr. BEAKES] that the expense of it is merely nominal. The advertisements are about 5 inches long—a little notice of the letting of the Government paper contract that goes in these papers once a year. The fact of the matter is the cost of it is hardly worth as much as the time we have spent this afternoon in discussing the question of this newspaper advertising. It is nominal. It is distributed all over the United States and amounts, I am informed, to about $500 a year. The big newspapers do not care anything about it as a matter of business.

Mr. BEAKES. Mr. Chairman, I move that on page 16, after line 17, after the word "Chicago," the word "Detroit" be inserted.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 16, in line 17, by adding, after the word "Chicago," the word "Detroit."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 18. Par. 3. The sealed proposals to furnish paper shall be opened in the presence of the Joint Committee on Printing not later than the first Monday in February of each year, as determined by the Joint Committee on Printing, and the contracts shall be awarded by it, in its discretion, to the lowest and best bidder for the interest of the Government: *Provided*, That every proposal shall be accompanied by a bond in such sum as shall be fixed upon by the Joint Committee on Printing, with a corporate surety, which must be duly qualified as provided by law, as a guaranty that the bidder, if his proposal is accepted, will enter into a contract with the United States of America, by the Public Printer, to furnish the paper proposed for and will execute a bond for the faithful performance of such contract; and by satisfactory evidence that the bidder is a manufacturer of, or a dealer in, the description of paper which he proposes to furnish and is capable of complying with his proposal: *Provided*, That if no award is made for any lot of paper on the first or any subsequent opening of proposals therefor, the Joint Committee on Printing may direct the Public Printer to readvertise for new proposals on such lots in the manner it shall prescribe, or said committee may authorize the Public Printer to purchase such paper in the open market as required from time to time at the lowest and best market price therefor.

Mr. BARNHART. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Committee amendment: Page 18, line 4, after the word "therefor," insert:

"*Provided further*, That paper furnished under contracts awarded as provided herein shall be manufactured in accordance with the provisions of section 1 of the act approved June 19, 1912, entitled 'An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States.'"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

Mr. REILLY. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. Who prepares the specifications that are sent out for bids on paper?

Mr. BARNHART. They are prepared by a special committee of experts on paper.

Mr. REILLY. Have you ever had any complaint from paper manufacturers that the specifications so prepared interfered with the Government receiving lower prices for paper?

Mr. BARNHART. I do not recall in my experience of having had any such difficulty. At the lettings I have seen as high as 60 bidders present, indicating there was ample competition.

Mr. REILLY. I will say that what made me ask the question was that one of the largest paper manufacturers in my section of the State complained about the specifications, and he said the specifications as presented and sent out by the committee interfered materially with the Government getting paper as cheap as it could get it under more liberal specifications, and better paper also.

Mr. BARNHART. And I may further say to the gentleman from Wisconsin that that might be true, and I can give an instance. They make what is called "loft-dried" paper. The process of loft drying is slow, being dried by air. Then they have what is called "machine-dried" paper—dried by artificial heat—and that process is very much more rapid, and the "machine-dried" paper can be made cheaper than the "loft-dried" paper, and some commercial firms use it. But the Bureau of Standards and the experts that the Government has have decided there is no substitute for "loft-dried" paper that will endure as long as the genuine. What is true in that respect I have no doubt may be true in a good many others.

I have had some experience myself in purchasing paper, and I know that there is a quality that some mills can not make—do not have the machinery to make—while other mills have it. I admit there is a good deal of whimsicality about these things. It would be like my friend if he were to go out and buy a dress for his wife—if he had a wife—and he might select one piece of goods for his wife and I would select another piece for mine, costing different or the same prices, and in the outcome we would probably both have what we wanted. And what is true of things of that sort is true of the purchase of supplies of all kinds. There is a wide difference of opinion. But the Government found it necessary to fix a standard, and if the gentleman was present at the letting of these contracts he would find that a great many of the bids are qualified by saying they are willing to furnish it without being specific as to the tint of the paper or as to the texture of it or as to the thickness of it. In that way the first thing the Government would know it would have a great conglomeration of all sorts of paper. The committee established a fixed standard which they believed was liberal enough to invite large and wide competition, and we are trying religiously to follow it.

Mr. REILLY. Has the chairman had the experience of ordering one kind of paper from the purchasing department of this Government one month, and the next month ordering the same kind of paper and getting an entirely different kind of paper—inferior in quality?

Mr. BARNHART. If a carload ever comes in and does not fill the specifications and the sample that is submitted at the time they made the bid, the paper is rejected.

Mr. REILLY. If you order it from the stationery room in the House Office Building, you never get the same kind twice.

Mr. BARNHART. Well, the Joint Committee on Printing has not anything to do with that.

Mr. REILLY. They ought to have an expert to look it up.

Mr. BARNHART. They have no more to do with that than the gentleman from Wisconsin.

Mr. REILLY. Does not that come under your jurisdiction?

Mr. BARNHART. Oh, no.

Mr. REILLY. The joint committee ought to take jurisdiction and see that we get the same quality of paper each time.

Mr. BARNHART. That is exactly what is provided in this bill; but at present we do not get it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I make the formal amendment to strike out the last word. This amendment reads:

Provided, That paper furnished under contracts awarded as provided herein shall be manufactured in accordance with the provisions of section 1 of the act approved June 19, 1912, entitled "An act limiting the hours of service of laborers and mechanics employed upon work done for the United States."

I have sent for the act. I do not know what it is exactly. I want to get a copy of that act. Has the gentleman the act?

Mr. BARNHART. Yes; we have it.

Mr. CANNON. Has the gentleman the language of the act?

Mr. BARNHART. Yes; in full.

Mr. CANNON. This is an act entitled "An act limiting the hours of daily service of laborers and mechanics employed upon

work done for the United States or for any Territory or for the District of Columbia, and for other purposes."

Now, that is work done for the United States. This is proposed legislation for work done by the man who made the paper which he proposes under contract to deliver to the United States, as I understand it. So far as I know, no legislation of that kind has been enacted heretofore. In other words, has the gentleman knowledge as to how many paper mills employ hands that work more than eight hours a day?

Mr. BARNHART. Yes; in a general way. Quite a number of the principal paper mills of the country are going voluntarily to the eight-hour basis. I have a list of them here.

Mr. CANNON. How many paper mills are there in the country?

Mr. BARNHART. I can not say as to that.

Mr. CANNON. And in round numbers, how many are operating under the eight-hour law?

Mr. BARNHART. The majority of the mills that bid on these contracts are working under the eight-hour law.

Mr. CANNON. But how can the gentleman tell how many will bid?

Mr. BARNHART. We have nothing except the experience of how many have bid from year to year. All of those who did bid, or a great majority of them, are on an eight-hour basis, and in the recent past—on March 21, 1916—at Kalamazoo the hours were reduced to eight hours; on March 21, 1916, at Holyoke, Mass., and at Dayton, Ohio; and again, on February 29, another mill at Holyoke, Mass., went on the eight-hour basis. One after the other they are doing this.

Mr. CANNON. That is six of seven mills.

Mr. BARNHART. These are of recent occurrence. They include all paper manufacturers in these particular places.

Mr. CANNON. Precisely; in six or seven places. I do not know how many mills there are, but print paper is now on the free list. Now, would that prevent a man who made paper in Canada or in Norway from bidding, or a man who bought the paper that was made in Canada or Norway? Could that paper be used under this amendment?

Mr. BARNHART. Well, I apprehend the paper could be made anywhere. I do not know of any provision of law that would prohibit the United States from buying paper as it does other supplies.

Mr. CANNON. I know; but would it prohibit the man who makes the contract availing himself of the free paper that came from all over the world?

Mr. BARNHART. He could not do it unless it was made in an eight-hour mill, because the amendment provides that it shall be done in accordance with a certain enactment, which provides for an eight-hour day.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Chairman, I ask for a little further time. I want to understand this.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for how long?

Mr. CANNON. Five minutes or ten. I just want to inquire what this amendment does.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. Now, print paper is made from wood pulp. That is ground up. Is this language broad enough to cover the man who cuts down the pine trees and the man that hauls the pine trees to the mill?

Mr. BARNHART. It says the paper shall be manufactured. I think that limits it to the actual work of the manufacture of the paper. It seems to me that is as clear as language can make it. It would take a great stretch of imagination to hold that a man who goes out and cuts down the trees would be manufacturing the paper or that the man who hauls the wood to the market could be considered as manufacturing the paper. It seems to me it would be far-fetched to take that view of it.

Mr. CANNON. Well, why should it not?

Mr. BARNHART. Well, if anybody wants to put a construction of that kind upon it, they can.

Mr. CANNON. Well, the man that builds the truck that hauls the paper to deliver it, the transportation carrier that transports the paper, the man that sows the wheat and harvests it, upon which all these people subsist, or the man who produces the meat that they eat—why should it not apply equally to them? Why should paper makers be the only ones subject to this amendment?

Now, mind you, to get a cheap article paper was put on the free list. Anybody can import it. The Government is a tolerably small consumer of paper that is used. It seems to me that to do equal justice in God's chancery you ought to extend it all along the line. I think the gentleman had better, by unanimous consent, pass this section by and let us have a full committee present.

Mr. BARNHART. We have already passed the amendment.

Mr. CANNON. Oh, no.

Mr. BARNHART. All this talk is permitted purely out of courtesy.

Mr. CANNON. Oh, no. I do not so understand it.

The CHAIRMAN. The amendment has been adopted.

Mr. BARNHART. I appreciated that, and all this discussion is subject to a point of order; but it was going on by courtesy.

Mr. CANNON. I made the pro forma amendment, and I was recognized.

Mr. BARNHART. The amendment was adopted before the gentleman from Illinois spoke.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that this may be passed over, so that we can let a full committee take the responsibility of passing upon it. I ask unanimous consent to return.

Mr. CULLOP. If the gentleman wants it set aside, perhaps he could make that motion.

Mr. BARNHART. The gentleman from Illinois can reserve the right to have a separate vote in the House on this amendment. It has already gone into the bill.

Mr. CANNON. Well, I would rather the committee would pass upon it.

The CHAIRMAN. The Chair will state, for the information of the members of the committee who were not present at the time that the amendment was adopted, that several gentlemen made some pro forma amendments, and quite a discussion was had on the matter before the gentleman from Illinois [Mr. CANNON] was recognized. What is the request of the gentleman from Illinois?

Mr. CANNON. If the amendment has been disagreed to, I ask that that action may be vacated.

The CHAIRMAN. The amendment was agreed to.

Mr. CANNON. I ask that, by unanimous consent, that action may be vacated, and that it may be passed over until we have a larger attendance in the committee.

Mr. BARNHART. Mr. Chairman, I am not going to object to that, because the same thing has been done here before; but hereafter when we have passed a section, unless there is some extraordinary reason why the matter should not have been settled when the section was under consideration, I shall object to returning to it. I do not object in this instance.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the vote by which this amendment was agreed to be vacated, and that the section be passed—until what time?

Mr. CANNON. I do not care—until next Calendar Wednesday.

Mr. BENNET. Why not simply pass it over and take it up at a more convenient time?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment be passed. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 18. Par. 8. In case of the default of any contractor to furnish paper as provided in this section, he and his sureties shall be responsible for any increase of cost to the Government in procuring a supply of such paper which may be consequent upon such default. The Public Printer shall report every such default, with a full statement of all the facts in the case, to the Attorney General, who shall prosecute the defaulting contractor and his sureties upon their bond in the district court of the United States in the district in which such defaulting contractors reside or such suretyship is undertaken.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. I wish to ask a question of the chairman of the committee. This paragraph seems to put a limitation on the liability of the bond, that it shall only be the difference in price. Now, is not the bond to cover any other default that may be made in the contract except that one?

Mr. BARNHART. This makes the Government whole, and the committee thought that was all that was necessary. It did not intend to inflict any profit-making penalty on the surety.

Mr. CULLOP. But there may be other defaults, such as in quality or failure to deliver on time, and other things of that kind. Now, is this intended to fix a limitation so that it will apply only to the difference in price? It would appear that way from the language of it.

Mr. BARNHART. This is the custom of other departments, and the committee felt that all that the Government can consistently ask in matters of this kind is to be made safe from losses.

Mr. CULLOP. But this does not provide for making the Government whole except in one instance.

Mr. BARNHART. Oh, I call attention of my colleague to the language—

For any increase of cost to the Government in procuring a supply of such paper which may be consequent upon such default.

That covers the cost, whatever it may be.

Mr. CULLOP. It fixes the liability as the difference in cost. Now, suppose the quality is not up to the standard, or suppose the time of delivery is not complied with; would not the bond cover a loss of that kind?

Mr. BARNHART. It certainly does. It says—

For any increase of cost to the Government in procuring a supply of such paper.

Mr. CULLOP. But the difference in price is what is fixed as the limitation.

Mr. BARNHART. I think my colleague misunderstands that. This provision here is simply to protect the Government from any loss.

Mr. CULLOP. For any increase of cost——

Mr. BARNHART. Loss to the Government in securing the supplies. The purpose of the bond is to cover cases of the kind which I cited a while ago. First a man gives a bond that he will make the contract, and then when he makes the contract he gives a bond for the faithful performance of it, and his bond must be fixed in a sufficient amount to cover any extra cost to which the Government may be put in having the contract fulfilled.

Mr. CULLOP. Suppose a contractor did not furnish the quality stipulated in the contract?

Mr. BARNHART. His paper would be rejected. He would be notified of the rejection, and if he refused to fill the contract, the Government would go into the open market under the direction of the Joint Committee on Printing and purchase such supplies, and proceed against his surety.

Mr. CULLOP. If there was an increase in the cost?

Mr. BARNHART. Yes. The Government would not be a loser on anything else except the increase in cost.

Mr. CULLOP. Does the gentleman think that provision would enable the Government to recover for any other loss connected with the contract?

Mr. BARNHART. I think so, for any increase of cost. You might say, "for the increase of any cost," or "for any increase of cost." It seems to me either of them would cover it, and that the language is sufficient to cover any increase of cost.

Mr. CULLOP. Would it not be better if it said "for any loss or damage sustained" instead of "for any increase of cost," so that it would then cover any loss, and remove it from all doubt whatever?

Mr. BARNHART. These matters were submitted to the counselor for the Public Printer, who is detailed from the Attorney General's office. He went over these provisions in reference to the bonding, and this is the substance of his recommendation.

Mr. CULLOP. If the committee thinks it is sufficient, why, all right.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 18. Par. 9. The Public Printer may, when authorized by the Joint Committee on Printing, purchase paper not provided for by annual contract, in the open market at the lowest market price for the quality required, after due advertising; and, whenever they may deem the quantity required so small or the want so immediate as not to justify advertisement, the Public Printer may purchase the paper so required at the lowest and best market price after at least three competitive proposals have been requested.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. The Public Printer may, when authorized by the Joint Committee on Printing, purchase in the open market paper not provided for by annual contract, at the lowest market price for the quality required, after due advertising, and so on. This says "in the open market," although the paper may be made in Norway or Canada, or purchased in the United States. Does the gentleman mean to provide here that that paper purchased in the open market must necessarily have been made in a paper mill where the hours of labor were eight or less?

Mr. BARNHART. This paper is not purchased on an annual contract.

Mr. CANNON. Let that be as it may. Paper is paper, whether it is purchased in the open market or under an annual contract.

Mr. BARNHART. This provision is intended to cover emergencies, matters that might not be thought of at the beginning of the year, such as odds and ends. It has occurred frequently that a mill having the contract has burned down or flooded, and it was utterly impossible to procure the paper until they could rebuild. Under those circumstances the Public Printer would notify the Joint Committee on Printing, and they would authorize him to go into the open market for his emergent needs.

Mr. CANNON. Precisely, although it might have been made by 12-hour labor.

Mr. BARNHART. Yes; but it could not amount to much during the entire year.

Mr. CANNON. In other words, it is just a little baby. [Laughter.]

Mr. FARR. Mr. Chairman, I move to strike out the last word. I would like to ask if orders might not be withheld and this provision might not be taken advantage of.

Mr. BARNHART. That would be up to the Public Printer to ascertain whether any such trick were being pulled off on the Government. The contract is so clear and specific that he shall furnish this paper in such quantities and at such time as the Public Printer may require, that there would be no loophole of that kind. He could not withhold unless he could show to the satisfaction of the Government Printer and the joint committee that there was something unusual in the way of furnishing the paper which might be needed at the moment.

Mr. FARR. It might be an adult, rather than a little baby, as the gentleman from Illinois suggests.

Mr. CLINE. The Committee on Printing takes a bond; they purchase the regular supplies from a company, and if there is any delinquency on the part of the party contracting he would be liable on his bond for any loss sustained.

Mr. BARNHART. Certainly; but on the other hand, if something should occur so that a certain quality of paper could not be furnished, then this would tide them over. I remember when they issued the emergency currency that the demand for that sort of paper was so unexpected that the firm furnishing it was not prepared to make it as fast as needed, and it had to go to some other mill. Sometimes the need for paper arises for which no contract has been made, and that has to be purchased in the open market.

Mr. FESS. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. FESS. I think you had a case not long ago where it was impossible to get the paper under contract because the mill with which you had the contract had been flooded.

Mr. BARNHART. That occurs occasionally.

Mr. FESS. That occurred in the Ohio valley, and the parties came over here to see about it.

Mr. BARNHART. This provision merely protects the Public Printer and the Government and enables it to tide around emergencies that are unavoidable and to meet emergencies that could not be anticipated at the time of contract letting.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 19. Par. 1. The Public Printer shall prepare a schedule of the estimated quantity of all materials and supplies other than paper required by the Government Printing Office for the ensuing fiscal year, showing the description and quality of each article, and, under the direction of the Joint Committee on Printing, shall advertise for proposals for furnishing the same and enter into written contracts therefor with the lowest and best bidder for the interest of the Government: *Provided*, That should the Public Printer fail to receive any acceptable proposal after due advertising he may proceed to purchase such materials and supplies in the open market at the lowest and best market price after at least three competitive proposals have been requested, but such purchases shall not in any year exceed the sum of $500 for any particular article without the approval of the Joint Committee on Printing. The Public Printer shall report without delay to the Joint Committee on Printing the number of bidders, the amount of each bid, and the award in every instance.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 20, line 25, after the word "instance," insert:

"*Provided further*, That the Public Printer may, in his discretion, purchase any such supplies, or any articles enumerated in section 31 of this act, under contract included in the annual schedule of supplies prepared by the General Supply Committee when the interests of the service and economy would be thereby promoted; and nothing in this act shall be held to deprive any executive department, independent office, or establishment of the Government of its rights and privileges under the act of June 17, 1910, to purchase supplies other than printing, binding, and blank-book work in accordance with said act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

Mr. BENNET. Mr. Chairman, I want to say that that is a pretty long and important amendment to be taken up for consideration at this particular hour and time. It is not a part of the printed bill. Could not that be printed in the RECORD, and be permitted to go over?

Mr. BARNHART. I will say that this amendment is the result of the conflict of opinion between some heads of the departments and the general supply committee, and if the gentleman will notice the wording of the amendment, it simply provides

that this shall be done wherever economy can be conserved. It does not take away from the departments any right to specify what they want, but if two or three departments are handling the same kind and quality of supplies, together with the Government Printer, it is believed by the joint committee that by bunching these into one lot we will get better prices and effect a saving for the Government, rather than to let each one buy in small quantities.

Mr. BENNET. What is the act of June 17, 1910?

Mr. BARNHART. It created the supply committee of the Government.

Mr. BENNET. Mr. Chairman, may we have the amendment again reported?

The amendment was again reported.

Mr. BENNET. Mr. Chairman, let me see if I understand the amendment. There is a central committee of supplies created by the act cited. It is proposed to give the Public Printer the right to purchase a list of supplies if he desires other than those enumerated, covered by the sections of the bill, through the central committee of supplies, whenever, in his judgment, it will result in economy to the Government?

Mr. BARNHART. Hardly that. On the other hand, the purpose of the amendment, as the committee understands it, is to provide that these several departments of the Government shall submit to the Government Printer, who buys the paper in larger quantities than anybody, their schedule of needs for the year, and if it is found by this supply committee that the Government Printer can purchase these supplies by buying them in bulk, in common, at a saving to the Government, he is then by this amendment authorized to elect such purchase.

Mr. BENNET. I am frank to say that as I have heard the amendment read I do not think it effects what the gentleman from Indiana has just said. At any rate, it does not effect it clearly, and that is an additional reason, it seems to me, in view of its importance, why we ought to have some opportunity to see it in print. I understand the gentleman to say that it is the result of some conflict of opinion.

Mr. BARNHART. If the gentleman from New York were to stop at the semicolon after the word "promoted," his idea is in harmony with it, but taking that with what follows—

and nothing in this act shall be held to deprive any executive department—

And so forth, it clarifies the situation so that the purpose of the amendment is made clear that it is in the interest of economy, and whenever it is found to be in the interest of economy this plan shall be adopted, and otherwise not.

Mr. BENNET. Mr. Chairman, that language after the point indicated by the gentleman does not add anything to what might be called the probative force of the amendment at all. It says that nothing theretofore contained shall take away from any of the departments any of the rights secured under the act mentioned.

Mr. BARNHART. It simply gives the Public Printer this privilege.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, I think there is no misunderstanding in the committee as to what this means.

Mr. BENNET. It does not do what the gentleman thinks it does.

Mr. BARNHART. First it does this: It preserves the rights of all of the departments to select the sort of material that they want.

Mr. BENNET. They have that now.

Mr. BARNHART. Without this amendment the bill would deprive them of that privilege. Taking the amendment with the section just read, the gentleman will see that it means this, that if a Government department has a bid for paper and the Public Printer finds he can do better under that bid than he himself can do, he has the privilege of taking advantage of it, so the whole proposition is in favor of economy.

Mr. BENNET. The section reads:

SEC. 19. PAR. 1. The Public Printer shall prepare a schedule of the estimated quantity of all materials and supplies, other than paper, required by the Government Printing Office for the ensuing fiscal year, showing the description and quality of each article, and, under the direction of the Joint Committee on Printing, shall advertise for proposals for furnishing the same and enter into written contracts therefor with the lowest and best bidder for the interest of the Government.

And now comes the proviso:

Provided, That should the Public Printer fail to receive any acceptable proposal after due advertising, he may proceed to purchase such materials and supplies in the open market at the lowest and best market price after at least three competitive proposals have been requested, but such purchases shall not in any year exceed the sum of $500 for any particular article, without the approval of the Joint Committee on Printing. The Public Printer shall report without delay to the Joint Committee on Printing the number of bidders, the amount of each bid, and the award in every instance.

That relates to the Government Printing Office. This amendment, which possibly is not germane, though nobody wants to raise any points of order, does something in relation to the other departments of the Government. As I caught it from the reading, what it does is to permit the Public Printer to utilize this central supply board, I will call it, for the purpose of purchasing supplies if in that way he can get them at an advantage to the Government.

Mr. BARNHART. Yes.

Mr. BENNET. The gentleman says it means something else—that it allows the department to use the Public Printer for the purpose of purchasing supplies.

Mr. BARNHART. If the gentleman got such an impression from what I said, I surely did not mean to give it. What I tried to say was that with the grouping of these things, if the Public Printer could get the advantage of a better market thereby, this amendment authorizes him to do it through the General Supply Committee.

Mr. COX. Mr. Chairman, will the gentleman from New York allow me to ask a question?

Mr. BENNET. Certainly.

Mr. COX. Has this amendment been submitted to the supply committee?

Mr. BARNHART. The departments objected to the section which has just been read because they thought it took from them some of their rights, and they thought it might possibly curtail their ability to buy to the best advantage. This amendment preserves all of their rights and gives the Public Printer the opportunity of taking advantage of any extra price that may be made through the General Supply Committee.

Mr. COX. Have the departments passed on the amendment that is now under discussion?

Mr. BARNHART. All except what is excepted.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. COX. Mr. Chairman, I move to strike out the last two words. The reason I make the inquiry is this: About three months ago I met Mr. Wilmarth down here in the lobby, the chief clerk of the Treasury Department. If I remember correctly, he is the chairman of the supply committee. I had a whole lot to do with that supply committee three or four years ago. He called my attention to the fact that the bill as it was then prepared would interfere with their supply committee, and I advised him to go with the supply committee to the heads of the departments down there and prepare an amendment. I told him I felt sure that they would readily agree to it. He said the only thing he cared anything about was that the bill did not interfere with the supply committee. As I gathered from the reading of the amendment, I thought the gentleman preserved the integrity of the supply committee.

Mr. BARNHART. This section does. The latter part of this uses the language, "other than printing and binding and blank-book work," because that is Government Printing Office work. Otherwise it is their own language.

Mr. COX. The gentleman says the last part of the amendment was prepared by the supply committee?

Mr. BARNHART. It was approved by them.

Mr. COX. I do not think there is any danger at all.

Mr. CULLOP. If this amendment were not adopted, might not the construction be put upon this section that it repeals the act of 1910 creating the supply committee, and therefore this amendment is construing by statute this section of the bill, and that is why it is both pertinent and necessary, in order that there might not be any misconstruction of it?

Mr. BARNHART. That is the purpose, and there is no conflict of opinion.

Mr. BENNET. Mr. Chairman, I have submitted the amendment to three or four gentlemen on this side, and, without making any reflection upon either the collective intelligence of all of us or the individual intelligence of any of us, I am frank to say that we can not understand it. Now, I ask unanimous consent that this amendment may be passed over. We have not been obstructive on this bill, and we are entitled to fair treatment and consideration.

Mr. BARNHART. Mr. Chairman, with all due respect to the gentleman from New York, the committee took it upon themselves two months ago to write a letter to every Member of this House and to send a report on this bill and to send the bill and include therein copies of its findings in the matter of

wages and paper. That was issued about the first of January, as I remember, probably the 10th or 12th; and further than that, as a matter of fact, we have had this matter up with the departments and this amendment is now satisfactory. They have objected to it before, but it is now satisfactory, except we did not propose to have this supply committee purchase or supply to the Government Printer printing and binding, because that would be inconsistent with the whole scheme of the Government Printing Office.

Mr. BENNET. I will ask the gentleman if this particular amendment was contained in the letter which the gentleman so kindly sent to us?

Mr. BARNHART. No; I said the whole matter——

Mr. BENNET. Oh, no.

Mr. BARNHART. The whole matter as it was carried in the bill originally. I think this amendment simply clarifies the situation to the satisfaction of the departments.

Mr. BENNET. All I ask is unanimous consent that this particular amendment lie over to be printed in the RECORD, so that all the Members may see it. It is rather evident that we can not have a vote on this bill before next Wednesday afternoon, and I think the gentleman is really making some progress.

Mr. BARNHART. Well, Mr. Chairman, it is a lengthy bill. The House in the past has considered this bill twice. It was amended and passed the last Congress after a consideration of some 15 or 20 days. Every detail of it was gone over, and the department objected to the particular wording of this language, and as a result this amendment was arranged. If we have to turn back to every other page of the bill we will not get anywhere.

Mr. BENNET. The gentleman has made considerable progress. We are now on the twentieth page, and we have not been considering the bill for three hours.

Mr. BARNHART. The gentleman from New York unfortunately no doubt was not in Congress when the bill passed in its present form.

Mr. BENNET. I regret that as much as the gentleman. [Laughter.]

Mr. BARNHART. If he had he would have had from 15 to 20 hot days of service, for I know he would have been in the midst of it, when we went over and thrashed these things out to the fullest satisfaction of everybody. We have only two Calendar Wednesdays in which to consider this bill.

Mr. BENNET. I would vote to give the gentleman a third Wednesday.

Mr. BARNHART. I believe this bill is of so much importance to the general well-being of the membership of the House and their constituents, with the saving of almost a million dollars, that I think we ought to speed up if we can the consideration of the bill. This committee is not insisting on being obstinate or anything of that sort, but we would like to make progress.

Mr. BENNET. The gentleman has made excellent progress. Now, let me call attention to his amendment.

The CHAIRMAN. Gentlemen understand that all this is being done by unanimous consent. Unless there is some further discussion or amendment offered——

Mr. BENNET. Mr. Chairman, I move to strike out the words "Section 21" from the amendment. Mr. Chairman, if I can have the attention of the chairman of the committee just to indicate the difficulties of his amendment. In the first place he proposes to attach to section 19 an amendment which refers to something which is going to be defined later by section 21, which in itself is a rather unusual procedure, and then the gentleman provides that the Public Printer may in his discretion purchase, without any limit, such supplies of any of the articles enumerated in section 21 under this act—which section we have not read and which follows section 20, which the committee has not yet gone over and which of course will be subject to amendment when reached—"any such supplies," and none of us know officially what supplies are in section 21. Of course, we can find out when we reach it, but which apply to manifold blanks, books, and forms, required in duplicating processes; complete binding devices for filing uniform official papers, loose-leaf books of every description.

Mr. BARNHART. Will the gentleman yield just a minute?

Mr. BENNET. Yes.

Mr. BARNHART. Section 21 is existing law and has worked satisfactorily for all these years.

Mr. BENNET. Nobody is denying that.

Mr. BARNHART. The gentleman from New York was insisting that we did not know what section 21 was, but we do, because it is existing law.

Mr. BENNET. I said that "officially" we did not. Of course, it may be amended. And you are asking this committee, with not the most extreme limit of attendance and without any prior opportunity to consider it, to take off all the limit under which the Public Printer can buy any of these patented things

Now, the gentleman talks about scandals under the old régime. I know very well they can so draw specifications in any of these departments in connection with these patented articles, as has been provided for in section 21, so that only one person can bid. What the gentleman's amendment does is this, namely, it puts in the power of the Public Printer—and, so far as the amendment is concerned—without any supervision on the part of the Joint Committee on Public Printing——

Mr. BARNHART. The gentleman is mistaken about that.

Mr. BENNET. I am not. I hold the amendment in my hand.

Mr. BARNHART. These purchases are all under the supervision of the Joint Committee on Printing.

Mr. BENNET. All the others are, but this eliminates the Joint Committee on Public Printing. It says:

Provided further, That the Public Printer may, in his discretion,

There is no Joint Committee on Public Printing there.

Mr. BARNHART. If the gentleman will be fair and read on, he will see that he may purchase these through the General Supply Committee, which is under the Secretary of the Treasury.

Mr. BENNET. Mr. Chairman, I went up to the head of one of the departments one time and I laid before him specifications of his particular division, which read all right on their face, except they specified in one place a yellow card. I asked him if he knew what that was, and he said it was a specification for such-and-such an article. I said, "Yes; it is; but that provision is drawn, requiring that yellow card, there is only one concern in the United States that can bid." I went another time to another department and went over its specifications in relation to paint, and I explained to the head of that department what the specifications meant, and that only two concerns could bid. The gentleman from Indiana is one of the best men in the House, and I know in advance that he will absolve me from saying anything personal in reference to himself or his committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that this amendment go over and be printed in the RECORD and considered with some care.

The CHAIRMAN. The gentleman from New York asks unanimous consent that this amendment may go over.

Mr. BARNHART. Will the gentleman yield?

Mr. BENNET. I yield.

Mr. BARNHART. I do not know sure that the gentleman from New York is aware of it, but for the benefit of the committee and that it may go into the RECORD, I think the gentleman is aware of what the opposition to this amendment means. It means a fight of the loose-leaf binderies of the country and manufacturers of patented articles against the Government Supply Committee. These manufacturers of patented articles want the privilege of selling direct to the department without any supervision from anybody. I do not want to make any charges, but they might have friends in these departments, and certain institutions having these protected articles could see to it that they get their products into that department. It is a fight against standardization. That is what it is. The committee is aware whence it comes. These manufacturers do not want standardization; they do not care about economy. These manufacturers that are fighting this are fighting it because they want to maintain their own prices for these articles and do not want the Government Supply Committee to have any regulation of them. In other words, they want to control. Instead of permitting the Government to say what it will buy, they want to tell the Government what it must buy.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] asks unanimous consent that this amendment be passed over. Is there objection. [After a pause.] The Chair hears none.

The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TRIBBLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal of honor roll," and for other purposes;

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward

B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 5835. An act for the relief of James Stanton;

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Brunsgaard Kiosterud Dampskibsa-Ktieselskab, owner of the Norwegian steamship *Hesperos*; and

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles.

REVISION OF PRINTING LAWS.

The committee resumed its session.

The Clerk read as follows:

SEC. 19. Par. 2. The Public Printer may purchase materials and supplies, other than paper, not included in his annual schedule or otherwise provided for, in the open market at the lowest market price for the quality required, after due advertising, but such purchases shall not in any year exceed the sum of $500 without the approval of the Joint Committee on Printing; and, whenever they may deem it would not promote the public interests to advertise for proposals, the Public Printer may purchase the materials and supplies so required at the lowest and best market price after at least three competitive proposals have been requested, but such purchases shall not in any year exceed the sum of $300 for any particular article: *Provided*, That the Public Printer may purchase printing inks, rollers, and glue, or material for the manufacture thereof, and tapes, press blankets, and lubricating oils in the open market, without previous advertising, at the lowest market price for the quality required, but whenever directed by the Joint Committee on Printing, he shall advertise for bids, for such materials and supplies: *Provided further*, That the Public Printer is hereby authorized to manufacture printing inks and rollers for the use of the Government Printing Office whenever, in his opinion, it would be to the best interest of the Government to do so.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. I do this simply for the purpose of saying this: The gentleman from Indiana [Mr. BARNHART] has a perfect right to say, because he has a very thorough knowledge of the subject—the most thorough knowledge of any man in the House—that the opposition to his amendment comes from manufacturers of loose-leaf systems.

Mr. BARNHART. And other patented articles.

Mr. BENNET. The gentleman imputed to me knowledge that I do not possess. I did not know, until my attention was called to it by the gentleman from Pennsylvania [Mr. MOORE], that the gentleman's amendment referred to section 21, and I did not know what was in section 21 until I read it.

I am simply opposed to that blind style of blanket amendments coming in here without previous consideration, and I think it due really to the bulk of the House to have as important an amendment as that printed in the RECORD. And, without any apology at all, I shall at any time, whether I come under the censure of the gentleman or not, exercise my right as a Member of the House, even though it should inure to the benefit of the manufacturers of a patented article, to have the House know what it is doing when it does it.

I ask unanimous consent, Mr. Chairman, to withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from New York withdraws his pro forma amendment, and the Clerk will read.

Mr. CLINE. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last two words.

Mr. CLINE. This provision provides that "the Public Printer may purchase printing inks, rollers, and glue, or material for the manufacture thereof, and tapes, press blankets, and lubricating oils in the open market, without previous advertising, at the lowest market price for the quality required." That does not require any advertising. Is any limit put on the amount that the Public Printer may purchase without advertising, unless directed to advertise by the Committee on Printing?

Mr. BARNHART. Well, of course the Government Printer, under his bond, could not purchase unnecessary supplies of that kind and waste them; and he is given this privilege in this instance for the reason that this class of supplies is perishable, and the price fluctuates, so long-time contracts are not economical. Any printer on the floor—and there are several of them—will understand that of all the unstable markets we have the worst is that for ink, and so on. This plan has prevailed for several years without detriment.

Mr. CLINE. He would not purchase a great supply of these things under this provision?

Mr. BARNHART. No; he would not, because if he did some of it would spoil. It is mostly perishable

The CHAIRMAN. The gentleman from Indiana [Mr. CLINE] withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

SEC. 26. The Deputy Public Printer, the assistant superintendent of work, and the inspector for the Joint Committee on Printing shall constitute a board of condemnation, which, by direction of the Public Printer, shall ascertain the condition of presses and other machinery, equipment, material, and supplies in the Government Printing Office, when there is reason to believe that the same is no longer serviceable to the Government, and report its findings in writing to the Public Printer, who may proceed to condemn the same in accordance with such report: *Provided*, That whenever the superintendent of public documents shall report to the Public Printer an accumulation of Government publications in his possession for which there is no demand, the Public Printer may direct said board to examine such publications and submit a written report thereon, and, upon the recommendation of such board and the approval of the Joint Committee on Printing, he may proceed to condemn and dispose of said publications to the highest and best bidder as waste paper or make such other disposition of the same as the said committee shall direct.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. I happen to be one of the two members on the part of the House of the Committee on the Disposition of Useless Papers in the Executive Departments, and therefore I am familiar with the fact that before any paper in an executive department can be destroyed the Congressional Library must be consulted and must certify that such paper has no historical value.

Now, I notice in this section 26 this board can direct the destruction of any papers regardless of whether they have historical value or not. What differentiates them from papers in the executive departments?

Mr. BARNHART. I think the gentleman from New York is referring to his committee work, which pertains to records, while this section refers only to ordinary printed matter.

Mr. BENNET. Only blanks?

Mr. BARNHART. To public documents.

Mr. BENNET. Such matter as could have no historical value?

Mr. BARNHART. Undoubtedly.

Mr. BENNET. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 35. Par. 2. Every communication submitted to Congress, or either House thereof, by the Executive Office, the judiciary, or any executive department, independent office, or establishment of the Government shall have written thereon, or attached to the letter of transmittal, an estimate of the probable cost of printing the usual number thereof as a document, together with a recommendation as to whether the same should be printed, and, if accompanied by illustrations, the letter of transmittal shall so state: *Provided*, That if the estimated cost of printing a communication so transmitted is less than $100, it may be ordered printed by either House without reference to its Committee on Printing as herein provided; but, whenever a recommendation is submitted that a communication be not printed, it shall not be made a document by either House until reported upon by the committee to which it may be referred, and then only as provided for in this section: *Provided further*, That nothing in this section relating to estimates or reference to the Committee on Printing shall apply to printing the usual number of reports of committees of Congress; to addresses or messages of the President to Congress, when not accompanied by other papers; to communications submitted to Congress by any executive department, independent office, or establishment of the Government, the printing of which is provided for by law; to communications from the Court of Claims; to estimates of appropriations; or to matter printed for the use of either House in executive or secret session: *Provided further*, That all reports on examinations and surveys of rivers and harbors authorized by law which may be prepared during a recess of Congress shall, in the discretion of the Secretary of War, be printed by the Public Printer as documents of the following session of Congress.

Mr. LONDON. Mr. Chairman, may I ask the chairman of the committee a question? What is the meaning of the expression "independent office"?

Mr. BARNHART. Where is that?

Mr. LONDON. It occurs twice in this section. For example, you have on line 15 the words "independent office." What is the meaning of it?

Mr. BARNHART. The Interstate Commerce Commission and the Civil Service Commission are classed as independent offices.

The Clerk read as follows:

SEC. 37. Par. 5. Of the Senate reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Senate document room, not to exceed 150 copies; and to the House document room, not to exceed 200 copies. Of the House reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Senate document room, not to exceed 100 copies; and to the House document room, not to exceed 500 copies. Of both Senate and House reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Executive Office, 2 copies; to the Secretary of the Senate, not to exceed 10 copies; to the Clerk of the House, not to exceed 20 copies; to the Government Printing Office, for official use, 5 copies; to the Superintendent of Public Documents, 2 copies; to the Library of Congress, 2 copies: *Provided*, That reports on bills for the survey of rivers and harbors shall take the distribution of private reports.

Mr. BOOHER. Mr. Chairman, I would like to ask the chairman of the Committee on Printing what is meant by the provision in section 37, paragraph 5, lines 9 and 10?—

And to the House document room, not to exceed 200 copies.

That refers to copies of reports of the Senate on bills. That would not make one copy for each Member. There are 435 Members of the House——

Mr. MANN. This relates to private bills.

Mr. BARNHART. These are merely reports on private bills, and on simple and concurrent resolutions, and the fact is that 200 copies are seldom or never used. That is the widest possible range that the document room estimates that might ever be needed. We might print enough for every Member of the House, but most of them would lie in the document rom. It is very rarely that there is a call for a report on a private bill.

Mr. BOOHER. Then the gentleman thinks 200 copies are amply sufficient to cover all demands?

Mr. BARNHART. Yes; and this means quite a saving.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, and ask unanimous consent that I may proceed for five minutes on a matter not connected with the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed for five minutes on a mater not connected with the bill. Is there objection?

Mr. BARNHART. Mr. Chairman, I am perfectly willing to grant that, but the committee has been very anxious to get at least half of this bill read to-day, and I fear that if I agree to the gentleman's request to make a speech not germane to the bill now, somebody else will ask the privilege, and our time may all be taken. Would the gentleman object to waiting until we have read half the bill?

Mr. BENNET. I would have been nearly through by this time.

Mr. BARNHART. All right; go ahead.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. BENNET. Mr. Chairman, when I came to Congress on the 1st of December there were placed in my hands the papers relating to a man named Solomon Schwartz. Inasmuch as I have been trying to get action through the State Department during the intervening months, but without any success, I feel it my duty to lay the facts in relation to this American citizen before this House.

Solomon Schwartz, an Austrian born, was naturalized in 1901. When the war broke out in Europe he was in Great Britain, where he had been for some time on business. Because of his Austrian birth he was arrested as an unregistered alien enemy. He gave money to the officials of the British Government to send to this country to obtain the proofs of his instantly asserted American citizenship. They took the money, but made no attempt to obtain the proofs, and convicted him of being an unregistered alien enemy and sentenced him to six months' imprisonment under their act. While he was serving that sentence they were given the proofs that he was an American citizen.

That sentence expired in March, 1915, and it will doubtless surprise the Members of this House, as it has surprised me, to find that during that intervening year Solomon Schwartz, an American citizen, has lain in that foreign jail without a charge against him and without any effort on the part of our Government to obtain his release. I have seen the Secretary of State, who agrees with me that such a thing ought not to be; but nothing is done. I have been to the counselor, Mr. Polk, and he agrees with me that that man ought not to be permitted to remain there; but there he is. In pursuance of my duty as a Representative I desire to call the attention of this House to the following provisions of the Revised Statutes of the United States:

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensible to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign States, owing allegiance to the Governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed. Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign Government, it shall be the duty of the President forthwith to demand of that Government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

With those provisions on the statute books of the United States this American citizen has been permitted to remain in that foreign jail for a year, and I know of no remaining way open to me as a Representative of the district in which this man's people live except to lay these facts before the American Congress. I shall take such action as I may deem best to effectuate the purpose of securing his release, but before doing that it seemed to me only just and proper to lay before my fair-minded colleagues, equally insistent with me, I am sure, in protecting the rights of American citizens everywhere, the fact that this one lone American citizen, without friends, without influence, it is true, foreign born, it is true, without means, it is true, has been allowed to languish that length of time in that jail.

Mr. BOOHER. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. BOOHER. What reason do they give for not acting?

Mr. BENNET. The Secretary of State said he ought to be out.

Mr. BOOHER. What do they say as to why they take no action?

Mr. BENNET. Nothing; one man up there says this man is of immoral character. I told the Secretary of State, and he said, "Have any accusations been made against the man?" I said, "No." He said, "Under the common law every man is presumed to be innocent until proved guilty."

Mr. BOOHER. One question more. Does not the gentleman think he should introduce a resolution and have it reported to ascertain why they do not take action?

Mr. BENNET. I think that is the course I shall have to pursue. In my search of the records I am unable to find any precedent where an American citizen has lain for a year in a foreign jail where the matter has been called to the attention of the department for six months and nothing been done.

Mr. BOOHER. The man certainly ought to have a trial.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 44. Any committee or commission of Congress, or either House thereof, authorized to hold hearings or to conduct investigations, shall have printed for its use not to exceed 1,000 copies, in all, of any hearing before such committee or commission upon pending legislation; but no committee or commission shall have printed more than 500 copies, in all, of any other matter germane to its official business, and such matter shall not exceed 100 printed pages in any one instance, except as may be authorized by resolution of either House as provided in section 35 of this act: *Provided*, That if any of the hearings or other matter printed for the use of said committees or commissions are designated as "confidential," no additional copies shall be printed for such distribution as is otherwise provided for in this act; but if any committee or commission shall direct that the distribution of its hearings or publications be withheld until such time as it authorizes them to be made public, the Public Printer shall print and hold in confidence such additional copies as may be required until authorized to distribute them: *Provided further*, That hearings and other publications of committees or commissions of Congress shall be numbered consecutively throughout a Congress.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

Page 52, after line 5, insert:

SEC. 44. Par. 2. The Joint Committee on Printing is authorized and directed to publish, during the sessions of Congress, a daily bulletin of public hearings to be held by all committees and subcommittees of Congress, or congressional commissions, in such form and under such regulations as said joint committee shall prescribe. In addition to information concerning said hearings, the bulletin shall contain such other announcements relating to Congress, or either House thereof, or to the committees or commissions thereof, as the Joint Committee on Printing shall deem appropriate to publish therein. All commit-

tees, subcommittees, and officers of Congress, and all congressional commissions are directed to assist in the preparation of said bulletin by furnishing promptly to the Joint Committee on Printing such information as it shall require relating to public hearings held or to be held by said committees, subcommittees, or commissions, or to announcements which said joint committee shall deem appropriate to publish in such bulletin. Said bulletin shall be printed and distributed by the Public Printer to the number and in such manner as shall be determined by the Joint Committee on Printing.

Mr. MANN. I would like to ask the gentleman if that is the crazy proposition of last year for the publication of a journal? I think you had better let that go over.

Mr. BARNHART. No; it is not to publish a journal but a daily bulletin, perhaps in the back of the CONGRESSIONAL RECORD, regarding the proceedings of committees, and so forth, on succeeding days

Mr. MANN. I hope that the gentleman will let it go over so that we can see it.

Mr. BARNHART. I am willing to let it go over.

Mr. CANNON. Does this mean that the hearings are to be published?

Mr. BARNHART. Oh, no; it is a daily program published on the last page of the RECORD, or in some other way, that we may turn to it and ascertain what is going on before the committees, and so forth, on that day. It is a sort of a daily announcement. It is a difficult matter to keep in touch with the many committees, and several Members have introduced bills urging the importance of something of this kind being done.

Mr. MANN. It means that the newspaper boys, and they are a bright lot, want us to "let George do the work"—furnish them information so they can write letters in their office without coming up to the Capitol at all—something that they do now once in a while, instead of sending a boy around to the committee rooms to see if there is going to be a committee meeting.

Mr. BARNHART. I would like to read up to page 56 before I move that the committee rise.

Mr. MANN. The committee will rise in about 15 minutes.

Mr. BARNHART. I hope that we can read to the bottom of page 56.

Mr. CANNON. If the gentleman will yield, there are many hearings before committees, and it is supposed that the House is in possession of the hearings. But, lo and behold, when the bills come up for consideration the House has no knowledge of what the hearings contain. These hearings are printed. Are they public documents after they are printed?

Mr. BARNHART. No; they are printed under the authorization given to committees to have such printing and binding done as may be deemed necessary.

Mr. CANNON. Are they frankable?

Mr. BARNHART. Yes.

Mr. CANNON. After all, if it be about important current business, it seems to me that the House ought to have possession of the hearings, so that they can be informed as to what is going on. Does your bill treat of that in any way?

Mr. BARNHART. Not directly.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment just reported be passed over. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 48. Par. 1. The Public Printer shall furnish, without charge, to the Vice President, Senators, Representatives, Delegates, and Resident Commissioners, manila envepoles, not smaller than 6¼ by 10½ inches in size, ready for mailing the CONGRESSIONAL RECORD, or any part thereof, and other Government publications. Envelopes so furnished shall be printed in black ink only and contain in the upper left-hand corner thereof the following words: "United States Senate," or "House of Representatives, U. S.," "Part of CONGRESSIONAL RECORD," or "Government publication," "Free"; in the upper right-hand corner, the facsimile signature or the name of the Vice President, Senator, Representative, Delegate, or Resident Commissioner ordering the same, and the letters "V. P.," "U. S. S.," or "M. C."; in the lower right-hand corner the name of the State of Territory; and in upper left-hand corner may also be printed, in case of an extract from the CONGRESSIONAL RECORD, the name of the Member, the date, the topic or subject matter, and a quotation from the CONGRESSIONAL RECORD of not to exceed 30 words. No other words shall be printed thereon, except the title of a Government publication which may be mailed in such envelopes.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 54, line 14, strike out the word "free" and insert in lieu thereof the words "postage free."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I also offer the following committee amendment.

The Clerk read as follows:

Page 54, line 25, after the word "envelopes" insert:

"*Provided*, That any Member of Congress desiring white envelopes instead of manila envelopes as provided herein, may order the same by prepaying the cost thereof in excess of the amount that such manila envelopes would cost the Government."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TRIBBLE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out line 7, page 54, and the words "in size," in line 8, being the words "not smaller than 6¼ by 10½ inches in size."

Mr. TRIBBLE. Mr. Chairman, I think the membership of this House ought to understand what is being done in this paragraph, and I therefore make the point of order that there is no quorum present.

Mr. MANN. Mr. Chairman, I suggest to the gentleman that he withdraw the point of order of no quorum and let the amendment go over.

Mr. TRIBBLE. I am willing to do that, and I will make that request.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the amendment just offered may go over without prejudice. Is there objection?

Mr. TRIBBLE. Mr. Chairman, I would like to have some agreement about when it will be taken up—until the next time this bill is taken up, to be taken up then the first thing.

Mr. GARRETT. Will not the gentleman tell us now what it is?

Mr. BARNHART. Oh, there have been some other paragraphs that have been passed over, and I would not want to agree to take up the gentleman's amendment the first thing.

Mr. MANN. The gentleman himself will have to pass it over, because if he makes the point of no quorum it will be passed over.

Mr. TRIBBLE. That is true, but it would be the first thing to take up on next Wednesday.

Mr. MANN. Yes; that is true.

Mr. GARRETT. It might and might not. Several other things have been passed over.

Mr. TRIBBLE. I am willing that it should take its place after the other matters which have been passed over have been disposed of.

Mr. BARNHART. That is satisfactory.

The CHAIRMAN. Without objection, the amendment will be passed over.

There was no objection.

The Clerk read as follows:

SEC. 48. Par. 2. The Public Printer shall also furnish, without charge, to the Vice President, Senators, Representatives, Delegates, and Resident Commissioners blank franks printed on sheets and perforated, or singly, for mailing Government publications. Franks so furnished shall be printed in black ink only and contain in the upper left-hand corner thereof the following words, to wit: "Government Publication. Free," "United States Senate," or "House of Representatives, U. S.," and in the upper right-hand corner the facsimile signature or the name of the Vice President, Senator, Representative, Delegate, or Resident Commissioner ordering the same, and the letters "V. P.," "U. S. S.," or "M. C.," and in the lower right-hand corner the name of the State or Territory: *Provided*, That the Public Printer shall furnish to the Department of Agriculture such franks as the Secretary of Agriculture may require for sending out seeds on congressional orders, which franks shall be printed as provided herein and shall also bear the words "United States Department of Agriculture, Congressional Seed Distribution," or such other printed matter as the Secretary of Agriculture may direct, and be of such size and style as may be prescribed by him; the expense of printing the said franks shall be charged to the allotment of appropriation for printing and binding for Congress.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 55, line 8, after the word "publication" insert the word "postage."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman in charge of the bill if, under this section, it would be permissible to print the name of the city as well as the State or Territory? For instance, there are many Members from the large cities, like New York, Chicago, or Philadelphia, whose entire districts are within the city. They might wish to have not only the name of the State but the name of the city printed on their envelopes, and I would inquire whether that would be permitted under this provision, which states that the name of the State or the Territory may be printed?

Mr. BARNHART. It does not provide for the printing of post-office addresses on the envelope, and I doubt if it would be well to have that done, because it would necessitate so many changes.

Mr. MANN. Oh, no.

Mr. TILSON. This is the law now——

Mr. MANN. I do not think there is any change from existing law in this.

Mr. BARNHART. No.

Mr. TILSON. But it says, "the name of the State or Territory."

Mr. MANN. That the name of the State or Territory shall be printed on it. As a matter of fact, they put "Chicago" on for me because it is a great convenience and no cost. They do it under existing law, and undoubtedly they will do it under this.

Mr. BARNHART. I think there will be no question about that.

Mr. TILSON. I just noted it and wished to be assured.

Mr. BARNHART. If we put the provision in for all cities, with Representatives from districts that have a large number of post offices it might cost an enormous amount of money.

Mr. TILSON. I did not mean that.

Mr. BARNHART. We had better leave it as it is, and if we change it the other way we might leave the bars down to a very large amount of work.

Mr. TILSON. I happen to know a number of Members whose districts are entirely within one large city who have the name of the city printed on the envelopes they now use, and I did not wish to see this convenience taken away from them.

Mr. BARNHART. I think there will be no question about that.

The Clerk read as follows:

SEC. 49. It shall be unlawful for any person entitled to frankel envelopes or franked slips under the provisions of this act to furnish the same, either directly or indirectly, to any individual, committee, organization, or association for the use or benefit of such individual, committee, organization, or association: *Provided*, That the foregoing provision shall not apply to any committee or commission composed of Members of Congress: *Provided further*, That it shall be unlawful for anyone except the Public Printer to print franked envelopes or franked slips for the mailing of Government publications, and all such franked envelopes or franked slips shall bear the imprint of the Government Printing Office: *Provided further*, That the Public Printer shall include in his annual report to Congress a statement showing, by name, the number and cost of franked envelopes and franked slips furnished each Senator, Representative, Delegate, Resident Commissioner, or officer or committee of Congress, or either House thereof, during the preceding fiscal year, indicating separately those printed for the mailing of speeches and Government publications: *Provided further*, That any person who shall violate the provisions of this section shall be fined not more than $1,000.

Mr. BARNHART. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SISSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8664, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HEATON was granted leave of absence for one week on account of illness in his family.

DISPOSITION OF USELESS PAPERS.

Mr. TALBOTT, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted a report (No. 582) that the files and papers described in the report of the Acting Secretary of the Treasury in House Document No. 905, Sixty-fourth Congress, first session, dated March 15, 1916, were not needed in the transaction of the current business of such department and have no permanent value or historical interest, which report was ordered to be printed.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department of the Government.

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD on that part of the Agricultural bill relating to naval stores.

The SPEAKER. The gentleman from Georgia [Mr. PARK] asks unanimous consent to extend his remarks on that part of the Agricultural bill relating to naval stores. Is there objection? [After a pause.] The Chair hears none.

Mr. PLATT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from a National Guard officer.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. HELVERING. Mr. Speaker, I ask unanimous consent for a change of reference of H. R. 13477, which was referred to the Committee on Interstate and Foreign Commerce, whereas it should have been referred to the Committee on Military Affairs.

Mr. MANN. What is it?

Mr. HELVERING. It is a bill for the construction of a bridge at Fort Riley, Kans., on the military reservation.

Mr. ADAMSON. Mr. Speaker, this is a bill to build a bridge at Government expense on a military reservation on a stream that is not navigable.

Mr. HELVERING. Yes.

Mr. ADAMSON. Mr. Speaker, I do not understand that our committee deals with anything but navigable streams.

The SPEAKER. Evidently it ought not to go to the Committee on Interstate and Foreign Commerce.

Mr. ADAMSON. No, sir; if the Speaker will only give me those to which I am entitled, I will be satisfied.

The SPEAKER. The trouble with the gentleman is he claims too many. Without objection, the change of reference is ordered.

There was no objection.

Mr. ADAMSON. The Speaker will do me justice to say that I have bowed with sublime acquiescence to his ruling, and I acknowledge he has taken a great many away from me to which I thought I was entitled.

The SPEAKER. The Chair agrees to that.

ADJOURNMENT.

Mr. GARRETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned to meet to-morrow, Friday, April 21, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a supplemental estimate of appropriation for military post, Schofield Barracks, Territory of Hawaii (H. Doc. No. 1035); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, submitting estimates of appropriation as follows: For sanitarium, Fort Stanton, N. Mex.; post office, Glasgow, Ky.; Marine Hospital, New York, N. Y.; post office, Shelbyville, Ind.; and Treasury building, Washington, D. C. (H. Doc. No. 1036); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting a tentative draft of a bill for the extension, alterations, and repairs post-office building, Norristown, Pa. (H. Doc. No. 1037); to the Committee on Public Buildings and Grounds and ordered to be printed.

4. A letter from the Secretary of War ad interim, transmitting a report of the officer in charge of public buildings and grounds, presenting a comprehensive plan for the development of East Potomac Park as a public recreation ground (H. Doc. No. 1038); to the Committee on Appropriations and ordered to be printed, with illustrations.

5. A letter from the Director of the Carnegie Institution of Washington, D. C., transmitting memorandum concerning sites for a national archives building (H. Doc. No. 1039); to the Committee on Appropriations and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MAYS, from the Committee on the Public Lands, to which was referred the joint resolution (H. J. Res. 184) providing

for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr., reported the same with amendment, accompanied by a report (No. 578), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 13342) to improve and maintain certain public roads and parts thereof included within the limits of the national park at Gettysburg, as defined by the act of Congress entitled "An act to establish a national military park at Gettysburg, Pa.," approved February 11, 1895, and making appropriation therefor, reported the same without amendment, accompanied by a report (No. 576), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (S. 3581) authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street in the old city of Pensacola, in the State of Florida, reported the same without amendment, accompanied by a report (No. 579), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 3580) releasing the claim of the United States Government to lot No. 396 in the old city of Pensacola, Fla., reported the same without amendment, accompanied by a report (No. 580), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13835) to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian, reported the same with amendment, accompanied by a report (No. 581), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 11660) for the relief of Mathilda Hesteraan, reported the same with amendment, accompanied by a report (No. 577), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 14862) providing for the liberal construction of the pension laws and for other purposes; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 14863) to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create financial agents for the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. FERRIS: A bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869; and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; to the Committee on the Public Lands.

By Mr. EMERSON: A bill (H. R. 14865) to fix the pay of Federal jurors; to the Committee on the Judiciary.

By Mr. NORTH: A bill (H. R. 14866) to extend, reorganize, and classify the Rural Free Delivery Mail Service of the United States, to fix salaries of rural carriers, and to compensate rural free-delivery carriers who have faithfully performed their duties; to the Committee on the Post Office and Post Roads.

By Mr. MUDD: A bill (H. R. 14867) authorizing the purchase or acquisition of the aviation field at College Park, Md., and property adjacent thereto for aviation, maneuvers, and other military purposes; to the Committee on Military Affairs.

By Mr. SINNOTT: A bill (H. R. 14868) to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. McARTHUR: Joint resolution (H. J. Res. 205) authorizing the President of the United States to invite foreign nations to participate in the dedication of the Columbia River highway; to the Committee on Industrial Arts and Expositions.

Also, a joint resolution (H. J. Res. 206) providing for appointment of joint committee from House and Senate to attend formal opening of Columbia River highway; to the Committee on Industrial Arts and Expositions.

By Mr. BENNET: Resolution (H. Res. 208) relative to clerk hire of certain members of the House; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 14869) granting an increase of pension to Isaac McConnell; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 14870) for the relief of William A. Duff; to the Committee on Claims.

By Mr. BARNHART: A bill (H. R. 14871) granting an increase of pension to William B. Lewis; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 14872) granting a pension to Frank W. Tuttle; to the Committee on Pensions.

By Mr. CAREW: A bill (H. R. 14873) granting a pension to Florence E. Remington; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 14874) granting a pension to Charles J. Rosenecker; to the Committee on Pensions.

By Mr. CROSSER: A bill (H. R. 14875) granting a pension to Hattie Kinkade; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 14876) granting an increase of pension to James Derning; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 14877) granting an increase of pension to Charles E. Bemis; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 14878) granting a pension to Felix Karl; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 14879) for the relief of Edward P. Dyer; to the Committee on Military Affairs.

By Mr. HEATON: A bill (H. R. 14880) granting an increase of pension to Charles Christian; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 14881) granting a pension to Elsie M. Underhill; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 14882) granting an increase of pension to Adam K. Bayler; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 14883) granting an increase of pension to James P. Neikirk; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 14884) granting an increase of pension to Townsend Roberts; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 14885) granting an increase of pension to William Dolson; to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 14886) for the relief of Aquila Nebeker; to the Committee on the Public Lands.

By Mr. NORTH: A bill (H. R. 14887) granting a pension to Lena Demozzi; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 14888) granting a pension to William A. Kush; to the Committee on Pensions.

By Mr. PARK: A bill (H. R. 14889) for the relief of the estate of Jackson J. Mash, deceased; to the Committee on Claims.

By Mr. PARKER of New York: A bill (H. R. 14890) granting a pension to Sergt. John W. Deyo; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 14891) granting a pension to Elmer Bennett; to the Committee on Pensions.

By Mr. RIORDAN: A bill (H. R. 14892) for the relief of Maurice Spillane, alias Maurice Splan; to the Committee on Naval Affairs.

By Mr. SIMS: A bill (H. R. 14893) granting a pension to Louisa Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14894) granting a pension to Lydia B. Spence; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 14895) granting a pension to Wesley O. Staver; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 14896) granting an increase of pension to Gustavus Odor; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 14897) granting a pension to Eliza C. Spears; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 14898) granting an increase of pension to Charles H. Pomeroy; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 14899) granting a pension to Sarah M. Thompson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of Cincinnati Chamber of Commerce, favoring vocational education; to the Committee on Education.

Also, memorial of Hamilton County Memorial Association, favoring an adequate Army and Navy; to the Committee on Naval Affairs.

By Mr. BAILEY: Petition of sundry citizens of Pennsylvania, favoring preparedness; to the Committee on Naval Affairs.

Also, petition of sundry citizens, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Pennsylvania, in reference to excessive price of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. BEALES: Petitions of 500 people, of 556 people, of the Bethlehem Evangelical Church of 150 people, of the Men's Bible Class, of the Methodist Episcopal Church of 312 people, of the Evangelical Church of 206 people, all of York, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of residents of Gettysburg, Pa., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of the Lutheran Ministerial Association of York County, Pa., urging the passage of the Sheppard-Barkley bill; to the Committee on the District of Columbia.

By Mr. BRUMBAUGH: Papers to accompany House bill 14677, for relief of Mary A. Heinz; to the Committee on Invalid Pensions.

By Mr. CRAGO: Petitions of church organization at Connellsville, Reading, East Stroudsburg, and Philadelphia, all in the State of Pennsylvania, favoring a national constitutional amendment; to the Committee on the Judiciary.

Also, memorial of Eureka Grange, Scottdale, Pa., on preparedness; to the Committee on Military Affairs.

Also, memorial of Eureka Grange, Scottdale, Pa., in postalizing the wires; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Petition of 84 citizens of Lodi and Sacramento, Cal., against the passage of House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of 119 citizens of Lodi and Sacramento, Cal., against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of sundry citizens, favoring the Susan B. Anthony suffrage amendment; to the Committee on the Judiciary.

Also, petition of citizens of New York, in re preparedness; to the Committee on Military Affairs.

Also, memorial of National Grange legislative committee, Patrons of Husbandry, in re leasing of water powers; to the Committee on the Public Lands.

Also, memorial of Federated Trades Council of Colorado Springs, Colo., favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, memorial of New York State Millers' Association, in re grain-inspection legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Texas: Petitions of sundry citizens and organizations, in re foreign relations; to the Committee on Foreign Affairs.

By Mr. DENISON: Petitions of 69 members of First United Presbyterian Church of Sparta; Epworth League of Carbondale; 26 Presbyterian people of Baldwin; First Presbyterian Church of Carbondale; Baptist Young People of Carbondale; and Christian Endeavor Society of Christian Church of Carbondale, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Pinckneyville, Ill., and Cairo, Ill., opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. DILL: Petition of Mr. T. A. Hoover and other residents of Hassan, Wash., protesting against the passage of Senate bill 645 and House bill 645; to the Committee on the District of Columbia.

By Mr. DILLON: Petition of citizens of Turner County, S. Dak., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. FLYNN: Petition of citizens of New York in re preparedness; to the Committee on Military Affairs.

Also, memorial of New York State Millers' Association, in re grain-inspection legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Northern Illinois Telephone Co., protesting against House bill 563, to amend the interstate-commerce act; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Streator, Ill., protesting against House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. GARDNER: Petition of Harry C. Norton Camp, No. 129, Sons of Veterans, of Haverhill, Mass., favoring passage of bill to pension widows of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. GORDON: Letter of H. P. McIntosh, president Guardian Savings & Trust Co., of Cleveland, Ohio, in opposition to the duty of 4 cents per pound on chewing gum imposed by the emergency-revenue act and suggesting a reduction in the import duty on chicle of 10 cents per pound; to the Committee on Ways and Means.

Also, letter of Mr. Irving K. Heller, of Cleveland, Ohio, urging the establishment of a 1-cent letter-postage rate and an increase of 1 cent in the mailing rate of periodicals; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM: Memorial of general assembly of the Presbyterian Church in the United States of America, asking for the submission of an amendment to the Constitution forever forbidding polygamy in the United States; to the Committee on the Judiciary.

By Mr. GRAY of Indiana: Resolution by L. S. Bowman and other citizens of Richmond, Ind., favoring the Chamberlain military bill; to the Committee on Military Affairs.

Also, resolution by the American Bankers' Association, presented by George C. Flora, Connersville, Ind., favoring legal obligation of the Government for the payment of Philippine bonds; to the Committee on Insular Affairs.

Also, resolution by the Indiana State Council of Civil Service Employees, favoring House bill 5139 and other measures providing for civil-service retirement; to the Committee on Reform in the Civil Service.

Also, petition of W. A. Clements, of Richmond, Ind., and other citizens of the sixth congressional district of Indiana, opposing the enactment of House bill 8665; to the Committee on Labor.

Also, remonstrance by members of the First German Baptist Church, Indianapolis, Ind., against the enactment of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of New York: Petition of sundry citizens of Sheridan, N. Y., protesting against the passage of House bill 13048; to the Committee on the District of Columbia.

By Mr. HOLLINGSWORTH: Memorial of German-American Alliances at Bridgeport, Ohio, protesting against war on Germany; to the Committee on Military Affairs.

By Mr. KELLEY: Petition of Sixth Michigan District Woman's Christian Temperance Union, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of executive committee of the Society of the Chagres, favoring House bill 8828; to the Committee on Interstate and Foreign Commerce.

Also, petition of Baird-North Co., of Providence, R. I., favoring House bill 11621; to the Committee on the Post Office and Post Roads.

Also, petition of Screw Machine Corporation, of Providence, R. I., favoring bill for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. KONOP: Petitions of 50 people of Hortonville; Woman's Club, of 28 people, of Crandon; Woman's Christian Temperance Union, of 40 people, of Crandon; and 30 Baptist people of Hortonville, all in the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of General J. H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, San Francisco, Cal., favoring House bill 13671 and Senate bill 5115; to the Committee on Military Affairs.

By Mr. McARTHUR: Invitation from Rose Festival Association, of Portland, Oreg., to Columbia River highway opening; to the Committee on Rivers and Harbors.

By Mr. MORIN: Petition of Dr. Chevalier Jackson, of Pittsburgh, Pa., in favor of adequate provisions for Medical Corps and Medical Reserve Corps; to the Committee on Military Affairs.

Also, petition of Dr. John D. Mulligan, E. S. Morgan, and J. K. H. Tucker, all of Pittsburgh, Pa., in favor of investigation of Standard Oil Co. and export tax on gasoline; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petitions of sundry citizens of Rhode Island, in re military preparedness; to the Committee on Military Affairs.

Also, memorial of sundry firms, in re postal legislation; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Rhode Island, protesting against proposed bill for Federal censorship of moving pictures; to the Committee on Education.

Also, memorial of Boston Chamber of Commerce, in re tariff commission; to the Committee on Ways and Means.

Also, memorial on postalizing the wires; to the Committee on the Post Office and Post Roads.

By Mr. PRATT: Petition of South Pulteney Grange, No. 1288, Mr. George H. Schoeffler, master, and Mrs. Charles C. Potter, secretary, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of W. H. Baker, master, and sundry other members of Schuyler County Grange, No. 42, Beaver Dams, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of Seattle Chamber of Commerce on the subject of American control in the Philippines; to the Committee on Insular Affairs.

By Mr. RANDALL: Memorial of Methodist Episcopal Church of Baldwin Park, Cal., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Mrs. J. B. Davis and 12 others of Huntington Park, Cal., protesting against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of First Congregational Church of Los Angeles, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Board of Aldermen of New York, indorsing the Griffin bill; to the Committee on the Post Office and Post Roads.

Also, memorial of New York Young Republican Club, in re preparedness; to the Committee on Military Affairs.

Also, petition of Richey, Browne & Donald, of Maspeth, N. Y., in re the Tavenner bill; to the Committee on Labor.

Also, memorial of Congressional Union of the sixth congressional district of Brooklyn, favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. SCOTT of Michigan: Petition of citizens of Kalkaska County, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Memorial of General J. H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, of San Francisco, Cal., favoring House bill 13671 and Senate bill 5115; to the Committee on Military Affairs.

By Mr. STINESS: Petitions of Rhode Island Citizens' Historical Association, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of John E. Burke and Frederick W. Tillinghast, of Providence, R. I., favoring the Chamberlain bill, especially section 56; to the Committee on Military Affairs.

Also, petition of Baird-North Co., of Providence, R. I., favoring the Tague bill for 8-cents-a-pound rate of postage on catalogues, circulars, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Screw Machine Products Co., of Providence, R. I., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of the Presbyterian Church of Claysville, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of F. J. Parker and 22 citizens of New Castle, Pa., opposing House bill 13048; to the Committee on the District of Columbia.

Also, petition of the United Presbyterian Church of Claysville, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Claysville, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Westminister Church of Burgettstown, Pa., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of the First Presbyterian Church of Burgettstown, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the First Methodist Episcopal Church of Ellwood City, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Christian Church of Wampum, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of J. R. Bell, recording secretary, Patriotic Order Sons of America, Florence, Pa., opposing the juvenile court bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., for an amendment of the pure food and drugs act; to the Committee on Agriculture.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., favoring legislation to prohibit the sale of liquor in the Philippine Islands; to the Committee on Alcoholic Liquor Traffic.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., favoring legislation to prohibit the exportation of rum to Africa; to the Committee on Alcoholic Liquor Traffic.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., favoring a national antigambling law; to the Committee on the Judiciary.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., for a Federal motion-picture commission; to the Committee on Education.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Church of New Haven, Conn., urging legislation at once to prohibit the mailing of lottery advertisements from foreign nations; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., urging legislation to exclude gambling devices from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church of New Haven, Conn., for a Sunday rest law in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Woman's Foreign Missionary Society of the First Methodist Episcopal Church, to prohibit sectarian appropriations by constitutional amendment; to the Committee on the Judiciary.

SENATE.

FRIDAY, *April 21, 1916.*

(Legislative day of Thursday, April 20, 1916.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

GOOD ROADS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. WORKS. Mr. President——

Mr. STERLING. Will the Senator from California yield to me for a moment?

Mr. WORKS. I yield to the Senator from South Dakota.

Mr. BANKHEAD. I understand that the Senator from South Dakota has risen to suggest the absence of a quorum. I wish to give notice that when the roll has been called I shall ask unanimous consent, when we get a quorum, to fix an hour sometime this afternoon when we can vote on this bill.

Mr. STERLING. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Myers	Smoot
Bankhead	Hardwick	Nelson	Sterling
Beckham	Hollis	Norris	Stone
Brandegee	James	Oliver	Sutherland
Burleigh	Johnson, Me.	Page	Taggart
Chamberlain	Johnson, S. Dak.	Pomerene	Tillman
Chilton	Jones	Ransdell	Vardaman
Clapp	Kenyon	Saulsbury	Wadsworth
Clark, Wyo.	Kern	Shafroth	Warren
Curtis	La Follette	Sheppard	Weeks
Dillingham	Lane	Simmons	Works
Gallinger	Martin, Va.	Smith, Ariz.	
Gore	Martine, N. J.	Smith, Md.	

Mr. CHILTON. I wish to announce that the Senator from Texas [Mr. CULBERSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from Montana [Mr. WALSH], the Senator from New York [Mr. O'GORMAN], and the Senator from Georgia [Mr. SMITH] are engaged in an important hearing before the Judiciary Committee.

I wish to announce for the day that my colleague [Mr. GOFF] is absent on account of illness.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is absent on official business. This announcement may stand for the day.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Senator from Alabama presents a proposed unanimous-consent agreement, which will be read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 5 o'clock on the calendar day April 21, 1916, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 7617, the good-roads bill, through the regular parliamentary stages to its final disposition.

The VICE PRESIDENT. Is there objection?

Mr. OLIVER. Mr. President, I will have to object to that.

Mr. BANKHEAD. Does the Senator from Pennsylvania object?

Mr. OLIVER. I do.

Mr. POMERENE. I did not understand the statement made by the Senator from Pennsylvania.

Mr. OLIVER. It was simply an objection, Mr. President.

Mr. WORKS resumed and concluded the speech begun by him yesterday. The speech entire is as follows:

Mr. WORKS. Mr. President, I rise to oppose the pending bill. I appreciate the fact that it is an unpopular thing to do, as it is avowedly legislation in the interest of the States and particularly of the farmers of the several States. But the bill is so clearly vicious as a matter of policy and to my mind it is so clearly against the spirit if not the letter of the Constitution, that I feel it incumbent upon me to discuss the bill at some length.

I have had occasion to say heretofore that the present tendency of legislation in Congress is to wipe out almost completely the dividing line between the sovereignty and jurisdiction of the States and the Federal Government, and that this has been brought about largely by the desire of the States to secure appropriations of money from the National Government. To my mind it has become a serious situation. Some other Senators do not seem to regard it so.

But, sir, in order to show what the present tendency is in that direction, I am going to call the attention of the Senate to a list of the bills that have been introduced in this body and the House of Representatives with a view to securing appropriations by the Congress of the United States for the benefit of the individual States.

This bill appeals more strongly perhaps to Congress than any of the others, because every State represented by every Member of this body and of the other House of Congress is to have a part of the loot. But that, to my mind, only makes the situation worse.

The list to which I am about to call the attention of the Senate should not only attract the attention of this body but of the whole country as showing what is proposed to be done in the way of securing money out of the National Treasury.

I first call attention to bills introduced in the Senate, with a statement of what their purposes are.

SENATE BILLS.

CITRUS CANKER.

S. 1220 (Mr. FLETCHER). Arrest and eradicate citrus canker, appropriating $4,000,000

PUBLIC HEALTH.

S. 2214 (Mr. RANSDELL). Encourage rural sanitation, with special reference to prevention and suppression of malaria and typhoid fever 500,000

S. 3202 (Mr. NORRIS). Federal aid in caring for indigent tuberculous persons 2,000,000
(To be expended under direction of Secretary of the Treasury and supervision of the Surgeon General of the Public Health Service.)

S. 4086 (Mr. RANSDELL). Care of persons afflicted with leprosy and to prevent spread of leprosy $250,000
(Administered by United States Public Health Service.)

PUBLIC ROADS.

S. 46 (Mr. SMOOT). Granting State of Utah 1,000,000 acres of land to aid in construction and maintenance of public roads, to be sold at $1.25 per acre. Loss to United States 1,250,000

S. 731 (Mr. WARREN). Granting State of Wyoming 1,000,000 acres, for same purpose as above, to be sold at public auction.

S. 732 (Mr. WARREN). Granting to each of the States of Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Utah, and Wyoming 1,000,000 acres as above.

S. 815 (Mr. MCCUMBER). Granting State of North Dakota 300,000 acres of land to aid in maintenance of system of public roads, to be disposed of at public sale.

S. 1215 (Mr. SHAFROTH). Granting State of Colorado 1,000,000 acres of land to aid in maintenance and construction of public roads. Patent to be issued to State.

S. 1216 (Mr. SHAFROTH). Building and improvement of public roads by cooperation, equal amounts to be contributed by individuals, county, State, and Government, beginning with $10,000.

S. 1218 (Mr. BANKHEAD). United States to aid States in the construction of rural post roads. Secretary of Agriculture to cooperate with State highway department of each State, appropriating for year ending June 30—
1917 2,000,000
1918 5,000,000
1919 10,000,000
1920 15,000,000
Certain apportionment to be made to each State.

S. 2203 (Mr. SWANSON). United States to aid States in construction and maintenance of rural post roads, in amount not exceeding in any calendar year 25,000,000

S. 2381 (Mr. MYERS). Granting public lands to Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Utah, and Wyoming, each, 250,000 acres, to be sold at public auction.

S. 3398 (Mr. BRYAN). Create United States highway fund for good roads, now or hereafter needed for post roads, military, or interstate commerce. Bonds to be issued in denominations of $20 or multiples, payable in 50 years at 3 per cent, total issue not to exceed 500,000,000

S. 3517 (Mr. GORE). Cooperative highways act in aid of States accepting the act, for construction rural post and military roads, etc., for year ending June 30—
1917 7,500,000
1918, not more than 12,500,000
1919, not more than 17,500,000
And for next succeeding 6 fiscal years, not more than 25,000,000

S. 3591 (Mr. SHEPPARD). Aid States in the construction and maintenance of rural roads, to be appropriated in any fiscal year, not more than 25,000,000

S. J. Res. 31 (Mr. SHEPPARD). Survey Rio Grande border of United States to determine advisability of highway, either along entire border or certain sections, and to make estimate of cost; to defray cost of such survey authorized to spend 25,000

EDUCATIONAL.

S. 813 (Mr. MCCUMBER). Granting to the several States where there are unappropriated public lands, to each 500,000 acres for penal, charitable, and educational institutions; land to be sold for not less than $10 an acre.

S. 50 (Mr. SMOOT). Aid to establish school or department of instruction in mines and mining, to each State and Territory, from sales of public lands, year beginning July 1—
1912 5,000
1913 10,000
1914 15,000
1915 20,000
1916 25,000
And $25,000 for each succeeding year.

S. 703 (Mr. SMITH of Georgia). Vocational educational bill, appropriated to the States year ending June 30—
1916 500,000
1917 750,000
1918 1,000,000
1919 1,250,000
1920 1,500,000
1921 1,750,000
1922 2,000,000
1923 2,500,000
1924 3,000,000
And annually thereafter $3,000,000.

AGRICULTURAL.

S. 926 (Mr. BORAH). Agricultural capital act, to establish division of scientific distribution and marketing of agricultural and other products; separate branch of the Government, under board of directors of 15 members, to remain in power and control of agricultural producers of United States, each member to receive salary of $12,000 a year, except president and secretary, who shall receive $15,000 a year. Appropriation 5,000,000
And sum equal to $15,000 for each additional organization made part of this association after original 300 counties have been organized. This sum or sums to be repaid to the Treasury with interest at 2 per cent per annum, payable annually after the second year of completion of organization of association, provided repayments may be made in sums of $15,000, or duplicate thereof, at any time.

The Senator from Idaho [Mr. BORAH] says to me that that bill did not pass. Very few of these bills have passed.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I do.

Mr. BORAH. I will say also that the bill shows that it was introduced by request.

Mr. WORKS. Very few of these bills have passed, Mr. President. I am not submitting this list for the purpose of showing that they have passed. I am simply showing the tendency of the present legislation in the direction I have stated.

S. 450 (Mr. WILLIAMS). Drainage fund and reclamation of swamp lands, a certain proportion of sales of public lands in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, and Wisconsin, beginning with June 30, 1902, and in addition appropriates $2,000,000

S. 724 (Mr. WARREN). Aid to States establishing irrigation projects, approved by Secretary of Interior, United States to guarantee interest on bonds to be issued by district for that purpose.

S. 383 (Mr. ROBINSON). To investigate and survey swamp lands of Mississippi Valley, appropriation 500,000

S. 1922 (Mr. JONES). To aid States in forming irrigation districts, United States to guarantee bonds (duplicate of S. 724).

S. 1738 (Mr. MYERS). To promote instruction in forestry in States and Territories which contain national forests, 5 per cent of gross receipts from national forests during any fiscal year, not to exceed in any fiscal year to any State or Territory 7,500

S. 3318 (Mr. WALSH). Granting to State of Montana 100,000 acres of land for support of school of forestry at State university, to be sold for not less than $10 an acre.

S. 3329 (Mr. POINDEXTER). To purchase water rights in West Okanogan Valley irrigation district in State of Washington for Indian lands 105,000

Mr. President, those are the Senate bills. They are not all of them. They have not been brought down to the present date.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Iowa?

Mr. WORKS. I yield.

Mr. KENYON. Has the Senator a list of bills for public buildings that have been introduced? Are there not a vast number of those?

Mr. WORKS. Yes. Those are not included in the list I have. They come in every session of Congress. My purpose now is to show the way we are tending in legislation respecting the rights of the Federal Government and the States.

I have here a similar list of bills introduced in the House that I will ask to include in my remarks without reading. Some of them are duplicates; that is, they are the same bills that have been introduced in the Senate, but a good many of them are not.

The list referred to is as follows:

HOUSE BILLS.

CITRUS CANKER.

H. J. Res. 19 (Mr. RAKER). To prevent further spread and stamp out disease known as citrus canker $300,000

H. R. 256 (Mr. SPARKMAN). To arrest and eradicate citrus canker 4,000,000

FROST PREVENTION.

H. R. 366 (Mr. RAKER). For examinations and experiments for purpose of devising and perfecting system of frost prevention in citrus and deciduous fruit regions, appropriating 100,000

H. R. 9679 (Mr. TAYLOR of Colorado). Same for fruit-growing sections of Rocky Mountain region 50,000

EXTERMINATE PESTS.

H. R. 9687 (Mr. TAYLOR of Colorado). To prevent blight and exterminate pests destructive of potato and alfalfa 35,000

H. R. 370 (Mr. RAKER). To destroy coyotes, squirrels, and other animals injurious to agriculture and animal industry, and ground squirrels in national forests and California 380,000

H. R. 12483 (Mr. BURNETT). To exterminate boll weevils 15,000

H. R. 8048 (Mr. SMITH of Idaho). To destroy predatory animals, the additional sum of 250,000

H. R. 8232 (Mr. ROBERTS of Nevada). To exterminate coyotes in Nevada 100,000

H. R. 8674 (Mr. HOWELL). To destroy predatory animals 250,000

DISEASE IN ANIMALS.

H. R. 6045 (Mr. KING). To prevent and eradicate foot-and-mouth disease 2,000,000

H. R. 9128 (Mr. PARK). To treat and eradicate lung-worm disease in hogs, additional sum of 100,000

INDUSTRIAL ALCOHOL.

H. R. 11256 (Mr. CASEY). To provide commission to aid in developing denatured-alcohol production in farm distilleries and use for light, heat, and power, etc. Commissioner to receive $6,000 a year 40,000

PUBLIC HEALTH.

H. R. 193 (Mr. ADAMSON). To provide for care and treatment of persons afflicted with leprosy and prevent spread of leprosy 250,000

H. R. 352 (Mr. RAKER). To prepare and distribute free of cost antirabic virus to be used in the treatment of rabies 25,000

H. R. 5777 (Mr. MORGAN of Louisiana). To establish a national leprosarium 500,000

H. R. 6026 (Mr. EDWARDS). For use of Public Health Service in encouraging rural sanitation, with special reference to prevention and suppression of malaria and typhoid fever $1,000,000

H. R. 6802 (Mr. GALLIVAN). To provide care and treatment for citizens of the United States afflicted with tuberculosis, Government to pay $1 a day for each patient admitted to hospital.

H. R. 6890 (Mr. RAKER). To provide Federal aid for persons afflicted with tuberculosis in State institutions when such persons are not citizens of such State 2,025,000

H. R. 8627 (Mr. KENT). To standardize treatment of tuberculosis in United States and provide Federal aid for persons afflicted 2,000,000

(To be expended under direction of Secretary of Treasury and Surgeon General of Public Health Service.)

H. R. 8352 (Mr. KENT). Same, except there is no appropriation named, but provides "That within the appropriations made from time to time for such purposes," etc.

H. R. 9668 (Mr. STEAGALL). To create a department of the Public Health Service for the prevention, etc., of tuberculosis in prisons of United States, both Federal and State. Salary of head, $5,000 per annum and for expenses $5,000 per annum 10,000

H. R. 10928 (Mr. WATKINS). For use of United States Public Health Service in encouraging rural sanitation, with special reference to the prevention and suppression of pellagra and typhoid 100,000

H. R. 11864 (Mr. KENT). To provide Federal aid in caring for indigent tuberculous persons. (No specific appropriation. Same as H. R. 8352.)

PROMOTE FARM INDUSTRIES IN ARKANSAS.

H. R. 3062 (Mr. CARAWAY). To authorize 50 per cent of proceeds from sale of timber from national forest in Arkansas to be paid to State of Arkansas for promotion of agriculture, etc.

DEFENSE HIGHWAYS.

H. R. 3667 (Mr. STEPHENS of California). For national defense highway from Los Angeles through to New York City; then north to Portland, Me., and from New York west through Chicago, Minneapolis, Seattle, San Francisco to San Diego; 50-year bonds to be issued; total not to exceed 100,000,000

WATER DEVELOPMENT.

H. R. 3677 (Mr. ROBERTS of Nevada). For drilling and testing wells in Nevada to determine underflow of water available for irrigation by pumping 100,000

DRAINAGE OF SWAMP LANDS.

H. R. 6804 (Mr. WHALEY). To establish drainage fund to reclaim swamp lands, to prevent dissemination of malaria, etc 10,000,000

H. R. 10125. (Mr. KETTNER). To reclaim swamp lands through district organization and authorizing Government aid therefor. Bonds of district or contracts entered into with Government to become lien on legal subdivisions of lands in such district.

PUBLIC ROADS.

H. R. 237 (Mr. MCKELLAR). To aid States in construction and maintenance of rural post roads; not to exceed 25,000,000

H. R. 261 (Mr. SMITH of Idaho). Granting 50,000 acres timbered land in national forest reserves to State of Idaho for construction of public roads and bridges.

H. R. 264 (Mr. SMITH of Idaho). To use credit of United States to aid States in maintenance of roads and to create national highway commission; 50-year bonds at 3 per cent; total amount not to exceed 500,000,000

H. R. 269 (Mr. ROBERTS of Nevada). Granting State of Nevada 1,000,000 acres land to aid in construction of public roads in Nevada. To be sold at not less than $1.25 1,250,000

H. R. 299 (Mr. MCCRACKEN). Granting to each of the public-land States and Territories for public roads and highways fund, 1,000,000 acres of land to be sold for not less than $10 an acre.

H. R. 307 (Mr. ADAMSON). Rent for use of public roads traveled by mail carrier. $25 per mile, and $15 per mile each year hereafter.

H. R. 405 (Mr. FERRIS). To aid the States in construction and maintenance of rural post roads, not to exceed in any fiscal year 25,000,000

H. R. 479 (Mr. TILLMAN). To aid States in maintaining roads and to create a national highway commission, authorizing issuance of 50-year 3 per cent bonds; total not to exceed 1,000,000,000

(Commission to have 7 members; 4 to receive $10,000 annually each, 3, $5,000, and necessary expenses.)

H. R. 541 (Mr. ASWELL). To aid States in construction of rural post roads 25,000,000

H. R. 614 (Mr. KINCHELOE). To aid States in construction of rural post road (and same amount for each fiscal year thereafter) 48,000,000

H. R. 695 (Mr. AUSTIN). To construct, maintain, and improve post roads through joint action with States (of which $10,000,000 shall be available annually) 50,000,000

H. R. 714 (Mr. CANDLER of Mississippi). Joint action of Government and States for construction, etc., of public roads ($20,000,000 of which shall be available annually) 100,000,000

H. R. 3040 (Mr. LEE). To establish a bureau in the Department of Agriculture known as bureau of public highways, and to provide aid in improvement of public roads ($20,000,000 of which shall be available during the years 1916, 1917, and 1918) 60,000,000

H. R. 3047 (Mr. MOON). To aid States in construction of rural post roads 25,000,000

H. R. 3063 (Mr. BYRNES of South Carolina). To aid States in construction of rural post roads $25,000,000

H. R. 4706 (Mr. LANGLEY). Federal aid to States in construction of rural post roads for fiscal years 1917, 1918, 1919, 1920, each 25,000,000

H. R. 4706 (Mr. BYARS of Tennessee). To aid in construction, etc., of rural post roads 25,000,000

H. R. 4755 (Mr. HOBLAND). To provide a national ocean-to-ocean highway over pioneer trails of Nation. Warrants for one-half cost of construction to be issued to State on certification of completion of construction through such State.

H. R. 5775 (Mr. STEPHENS of Mississippi). To aid States in construction of rural post roads 25,000,000

H. R. 6065 (Mr. SELLS). To use credit of Government to aid States in making good roads and to create a national highway commission; 50-year 3 per cent bonds to be issued 500,000,000

H. R. 6425 (Mr. ANTHONY). Federal aid for improvement of public highways traveled by rural free delivery mail carriers 5,000,000

H. R. 7541 (Mr. TRIBBLE). To aid States in construction of rural post roads 20,000,000

H. R. 7551 (Mr. RUBEY). Providing United States to make compensation for use of highways for rural delivery, $30 per annum per mile for class A, $25 for class B, and $20 for class C.

H. R. 7614 (Mr. HAYDEN). National aid to States in construction of rural post roads 25,000,000

H. R. 7617 (Mr. SHACKLEFORD). To promote agriculture, etc., and to aid States in construction of roads used in interstate commerce, military, etc 25,000,000

(This bill has passed the House and is now in the Senate.)

H. R. 7641 (Mr. BELL). To construct national highway in Georgia 250,000

H. R. 8819 (Mr. HASTINGS). To aid States in construction of rural post roads 25,000,000

H. R. 9429 (Mr. TAYLOR of Colorado). Provides Secretary of Agriculture, on behalf of United States, shall aid States in construction of rural post roads 25,000,000

H. R. 9688 (Mr. TAYLOR of Colorado). Providing for expenditure of 25 per cent of receipts from national forests on road and trail construction.

H. R. 9804 (Mr. HENRY). Authorizing Secretary of Agriculture to cooperate with States in construction of highways. Appropriating for year ending June 30—

1917 7,500,000
1918 12,500,000
1919 17,500,000
and for next succeeding 6 fiscal years not more than 25,000,000

H. R. 9806 (Mr. MCKELLAR). To promote agriculture and better secure national defense and to aid States in construction of rural post roads 25,000,000

H. R. 9812 (Mr. ABERCROMBIE). To aid States in construction of rural post roads. Year ending June 30—

1917 25,000,000
1918 25,000,000
1919 25,000,000

H. R. 10111 (Mr. SMITH of New York). To construct two national multiroad highways from Atlantic to Pacific and from Canada to Mexico. Provides for two commissioners from each of named States, each of whom shall receive $100 a week salary (16 States represented, making 32 commissioners). Provides for second commission to consist of 1 commissioner from each of 32 States not named, to be called together only in case of war. Heavy bond issue authorized.

H. R. 11881 (Mr. HUMPHREY of Washington). Granting State of Washington public lands "all unreserved, nonmineral public lands within said State," to aid in construction of public roads, to promote forestry, horticulture, and vocational education.

H. R. 11258 (Mr. TAYLOR of Colorado). To provide for sale of 250,000 acres of public lands in certain States, one-half of all moneys received for same to be paid into a special fund in the Treasury known as "public-roads fund," to be used in construction of interstate public roads within limits of States named.

EDUCATIONAL.

H. R. 457 (Mr. HUGHES). Vocational education. Appropriating for year—

1916, in all 1,500,000
1917, in all 2,200,000
1918, in all 2,900,000
1919, in all 3,500,000
1920, in all 4,000,000
1921, in all 4,500,000
1922, in all 5,000,000
1923, in all 6,000,000
1924 and annually thereafter 7,000,000

H. R. 10571 (Mr. TILLMAN). To create national board of rural industrial schools for mountain children, to be composed of 3 members, at $4,000 per annum 300,000

H. R. 10589 (Mr. ABERCROMBIE). To investigate and promote rural education, industrial traning, and eliminate adult illiteracy 1,000,000

H. R. 11250 (Mr. HUGHES). Vocational education. Same appropriations as H. R. 457 and same bill with some additions and change of wording.

FRANKING PRIVILEGE.

H. R. 742 (Mr. CLARK of Florida). To extend the franking privilege to literature published by boards of health of States and Territories in United States.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Connecticut?

Mr. WORKS. I yield to the Senator.

Mr. McLEAN. Has the Senator the total amount of the appropriations called for by the bills that have been introduced?

Mr. WORKS. I have not footed up the total. For that reason I do not know what they amount to.

Mr. President, it is an age of extravagance in legislation. Both the political parties in their platforms declare against extravagance in the management of the affairs of the Government. The Democratic Party did so very properly in its platform of the last campaign. But I want to say, Mr. President, that I have never in my experience seen or heard of a more extravagant management of public affairs and a greater tendency toward extravagance in legislation than we have had under the present administration.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. I do.

Mr. BANKHEAD. Will it interrupt the Senator if I ask him a question?

Mr. WORKS. Not at all.

Mr. BANKHEAD. I will ask the Senator if both political parties have not emphatically indorsed in the two conventions the legislation contained in this bill?

Mr. WORKS. That may be, Mr. President. I think the political parties have exhibited exactly the same tendency that is being exhibited in legislation, but that does not help the matter; in fact, it only makes it worse.

I wish to call the attention of the Senate to an article that appeared in the San Francisco Chronicle of April 13 last showing the conditions and the tendencies in my own State. It is headed "Public indebtedness."

[From the San Francisco Chronicle, Apr. 13, 1916.]

PUBLIC INDEBTEDNESS—IT IS INCREASING AT AN ALARMING RATE IN THE MUNICIPALITIES OF CALIFORNIA.

In an address before a meeting of bankers recently held, State Controller John S. Chambers, after giving some figures of the increase of taxation in this State at a rate of 334 per cent faster than our increase of taxable property, and of the resulting abnormal increase of State, and especially municipal, debt in this State, made the following statements, which we assemble from a number of separated paragraphs, with an occasional change or omission of words to fit them to their new connection:

"The totals of our receipts and expenditures are huge and the percentages of increase alarming. As our population grows and our governmental problems multiply the legitimate cost of government will go up. But we should put the brakes on. Even legitimate expenditures can be held down or postponed. How long can we stand the present state of affairs? Should the present rate of increase continue, the burden will soon become unbearable. We vote away millions of dollars with scarcely a thought to the future. The bonds will run anywhere from fifteen to forty years or longer, with the bulk of the principal and interest to be paid by our children and children's children. But I protest not only in the name of posterity but in the name of the taxpayers of the present day. The burden is already too heavy. It is time to stop and think."

That is the end of the quotation from the controller, and the editorial proceeds:

Scattered through the address and in connection with figures presented there is much more of the same kind. In separating the expressions from their contexts, too long to quote, we have not in any case done violence to Controller Chambers's presentation or argument. It is a solemn warning from the State's highest fiscal official.

Controller Chambers gives many figures upon which to base his warning. They may be summed up by saying that during the last five years the bonded debt of the State has increased by 457 per cent, of the counties by 308 per cent, and of the cities 96.6 per cent, with large amounts of bonds authorized but not yet sold. Computed at 4 per cent, which is below the rate paid by the political subdivisions of the State, the interest on the total debt of the State and its subdivisions was last year $10,113,500, which was about the total cost of running the State government five years ago when we started on our orgy of debt and taxation.

As only the people can authorize public debt, they are, as Controller Chambers says, directly responsible. But the people do not initiate. They follow leadership and suggestion, and the misfortune of the people has been in too readily yielding to leadership which was unduly emotional and was possessed with the idea of doing everything at once.

It may be thought, Mr. President, that the State of California is an exception. To a certain extent it is. It has been growing with great rapidity; public improvements have been made largely on that account; it has expended a large amount of money upon the improvement of its roads; but what I am saying about the State of California extends to other States as well and to legislation in Congress.

Let me read this editorial from the Washington Post of only a few days ago, entitled "Where will it end?"

[From the Washington Post, Apr. 19, 1916.]

WHERE WILL IT END?

The State governments of Massachusetts and New York are devoting all their energy to the solution of the problem of raising sufficient revenue to take care of the steadily increasing expense of administration. In Massachusetts the legislature has been trying to work out a more equitable form of income tax, while New York has been trying to evolve other methods of making the inadequate revenues square with the excessive appropriations. Meanwhile the Ways and Means Committee of Congress is casting about for new means of raising revenue. It is

proposed to double the income tax, so that $100,000,000, in addition to the present revenue, may be raised each year from this source. It is proposed likewise to levy a tax on inheritances and munitions of war and to increase the taxes on beer and whisky.

Yet even $100,000,000 additional revenue will not solve the financial problem of the Government. Even since the estimates were made as to what sum would be needed, the Senate has passed the Government armor-plate bill, calling for an appropriation of $11,000,000, and has approved of a Government nitrate factory, calling for an expenditure of $15,000,000. These two items alone would add $26,000,000 to the appropriations of the present Congress.

The Government is steadily encroaching upon the functions of the States, and if the present tendency continues the people are not likely to be willing to support expensive State governments. Both the States and the Federal Government are going into the same field of taxation, and the burden of the people soon will be too heavy for toleration.

Where will it end? How long will it be before the people protest against paying taxes to the State and the Nation for precisely the same service? There is no doubt the States and the Nation are overlapping and duplicating public service. Isn't it time for some effort to be made toward ending the waste? Instead of the annual conference of governors, wouldn't it be better to call the chief executives of the various States to Washington and give them an opportunity to discuss the problem of taxation and expenditures with the national leaders?

Mr. President, the bill that is under consideration is one of the worst of its kind. It does not profess to legislate in the interests of the National Government or to carry out any governmental policy or function. Its title shows that quite clearly. The title is—

To provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The title to the act is significant.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield further to the Senator from Alabama?

Mr. WORKS. In just one moment. The actual purposes of the bill are stated in the first instance, and then follows the statement that these roads may be used in the transportation of interstate commerce, and so forth. I yield to the Senator from Alabama.

Mr. BANKHEAD. I wish to call the attention of the Senator from California to the fact that he has read what was the title of the bill as it came from the House. If he will look at the last page of the bill, he will find that the committee changed the title of the bill. I should like to have him read the present title of the bill.

Mr. WORKS. I have no objection to doing that. I have examined the Senate committee bill with a good deal of care, and the title of the House bill is quite accurate as showing the purposes of the bill, as I shall attempt to point out. But if the Senator desires me to read the title that is at the end——

Mr. BANKHEAD. On the last page of the bill.

Mr. WORKS (reading)—

Amend the title so as to read: "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes."

That is a better title in that it does not disclose the real purposes of the bill.

Mr. President, I am going to take up the time of the Senate to analyze this bill and see just what it does provide for. I have numbered the different provisions of the bill, I think, in such a way as to disclose just what it provides for and the real object of the proposed legislation. It provides:

The Secretary of Agriculture is authorized to cooperate with the States in the construction of rural post roads.

Right in the beginning I contend that the Government of the United States has no right to enter into any contract with a State to improve the rural roads as a governmental act. If the road is one over which the Government has jurisdiction and has the right to construct, that obligation rests upon the Government and not upon the States. The laws of the United States respecting it are supreme. The State has no right to control it by legislation or otherwise if it is a governmental procedure. Yet the very first step in this bill is to provide for practically a partnership between the States and the Government for the construction of rural post roads. The bill is confined undoubtedly to rural post roads upon the theory that the Government has jurisdiction only to deal with that kind of road, and, if it has, then, in my judgment, it must deal with it alone.

The next provision is:

2. No money apportioned under the act can be expended until the legislature of the State gives its consent.

Another very peculiar provision. The Government of the United States feels it incumbent upon it to expend money for the purpose of improving its rural roads, but it is prohibited from using that money unless the State in which the improvement is proposed to be made consents to it through its legislature.

3. Rural post road is defined as—

any public road over which the United States mails are or might be transported, except in cities having a population of 2,500 or more.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield.

Mr. BORAH. I wish to ask the Senator from California a question. I had intended to ask it of the chairman of the committee, but I should like to have the view of the Senator from California regarding it. The bill provides:

That for the purpose of this act the term "rural post roads" shall be construed to mean any public road over which the United States mails are or might be transported.

I do not understand the meaning of the phrase there "or might be transported," for I suppose the mails "might be transported" over almost any conceivable road.

Mr. WORKS. Mr. President, the evident intention of the bill was to cover everything in sight and yet keep within the Constitution, if that were possible. That is perfectly evident from the terms of the bill.

Mr. GALLINGER. Will the Senator permit me to make a suggestion?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. I yield to the Senator.

Mr. GALLINGER. It will be remembered that when this bill was under consideration yesterday I called attention to that phraseology in the bill, faulty as I think it is, and suggested that I should offer an amendment to it, which I propose to do at the proper time.

Mr. BORAH. Excuse me; but does the Senator from New Hampshire state that he is going to offer an amendment to this particular phrase to which I have referred?

Mr. GALLINGER. That is my purpose.

Mr. BORAH. Very well.

Mr. WORKS. Would the Senator from New Hampshire mind suggesting what his amendment is to be and the object of it?

Mr. GALLINGER. Mr. President, I do not know that I have the amendment properly formulated at this moment, but it occurred to me that the language, "any public road over which the United States mails are or might be transported," was as broad as the Senator from California has suggested; that it "covered everything in sight." The bill can be improved by changing the phraseology, I think, in several ways. It could be improved there if it should say "over which the United States mails now are or are likely to be transported," so that the Secretary of Agriculture or some other authority could ascertain whether the rural roads were likely to be extended in certain directions. Still, that is not satisfactory to me, and I am going to try to frame better phraseology.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from North Dakota?

Mr. WORKS. I yield to the Senator.

Mr. McCUMBER. The Senator from California has just called attention to the fact that the States must consent to the provisions of this act. Suppose a State does not consent to its provisions, can the State relieve itself from taxation to pay for the projects for building roads in other States?

Mr. WORKS. Not at all, Mr. President. That is one of the things upon which I am going to comment a little later; but while this bill is intended to benefit all of the States alike, under the rule established in the bill itself, if some State is unable or unwilling to pay for the other half that is provided in order to do the work, then it must still pay the taxes necessary to improve the roads in the other States.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. I yield to the Senator.

Mr. BANKHEAD. I desire to suggest to the Senator from California that the Senator from Kansas has prepared an amendment, which I think is a very proper one, covering that very point. I wish he was here to read it.

Mr. WORKS. It needs to be covered, Mr. President; there is no doubt about that.

Mr. BANKHEAD. There are a great many things that need to be covered.

Mr. WORKS. Mr. President, I want to call attention to the peculiar provision in No. 3, to which I was referring at the time I was interrupted. It will be seen that this legislation enters into the cities of the different States provided they have not

above a certain population. It is not only proposed to include rural routes outside of a city, but it is proposed to enter the cities themselves, and to improve their streets.

Mr. BANKHEAD. The Senator is mistaken about that.

Mr. WORKS. No. 4. The State highway departments are described as any organization having control of the highways of the State.

5. The term "construction" is defined to include reconstruction and improvement.

They are not willing to stop at the original construction of roads and streets, but it is extended to reconstruction and improvements.

6. "Properly maintained" is defined to mean in practically as good condition as when it was first built.

That provision relates to the duty and obligation of the States to keep the roads in proper condition or to properly maintain them, and it obligates the States to keep the roads in as good condition as when they were first built.

7. There is appropriated for the purposes of the act, $75,000,000; $5,000,000 June 30, 1917; $10,000,000 for the next year; $15,000,000 for the next year; $20,000,000 for the next year; and $25,000,000 for the last year, 1921, making a total of $75,000,000.

8. Five per cent of the appropriation for any fiscal year may be applied to administering the provisions of the act and deducted for that purpose.

9. The Secretary of Agriculture is authorized to apportion the remainder of the appropriation for each fiscal year among the several States according to area, population, and ratio of rural-delivery routes.

There has been objection made heretofore to this basis of apportionment. That is a matter to which I have given no attention.

10. The Secretary of Agriculture is required to certify to the Secretary of the Treasury and each State highway department and to the governor of each State having no highway department the amount deducted for administration and the sum apportioned to each State for the fiscal year.

11. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments may be made as the work progresses.

To that I want to call the attention of the Senate. The State can not act freely under this bill in determining what roads shall be constructed. It can only do it upon agreement with the Secretary of Agriculture. Neither can the Secretary of Agriculture determine for the United States what roads shall be improved under the bill, but it can only be done by agreement between the State and the Federal authorities, which is a limitation upon the powers of both of them. It is a limitation upon the power of the State to improve its own roads, and at the same time it is a limitation upon the power of the Government—if it has that power, which I think it has not—to construct a rural-route road. There can be no partnership as between the Government and the State, it seems to me, in determining the question as to what roads shall be improved and how they shall be improved.

12. Any State desiring to avail itself of the benefits of the act must submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein.

13. The Secretary of Agriculture must approve the project recommended.

Now, just think about it, Mr. President! The temptation on the part of the States will be to make only such improvements as are provided for in this act, because by acting under it they get one-half of the amount of the expenses paid by the Federal Government; but when they come to determine what roads shall be improved, they must submit their project to the Secretary of Agriculture, and they can not move until he approves it and the plans and specifications that are required to be presented to him for approval. So the temptation of the State is not to act at all unless it can act under this bill, and when it attempts to act under it its discretion as to what roads it shall improve may be controlled by the Secretary of Agriculture.

14. When the project is approved the State highway department must furnish the Secretary of Agriculture with such surveys, plans, specifications, and estimates therefor as he may require.

Showing that before any step can be taken at all in the matter the approval of the Secretary of Agriculture must be had at each step.

15. If the Secretary of Agriculture approve the plans, specifications, and estimates, he must certify the fact to the Secretary of the Treasury.

16. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under the act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof.

17. No payment on any money apportioned shall be made on any project until the statement of the project and the plans, specifications, and estimates are approved by the Secretary of Agriculture.

18. Nor until the State shall make available for expenditure by or on behalf of the State money, labor, and material in such amounts, at such prices, and such terms as may be agreed on between the Secretary of Agriculture and the State highway department, not less in the aggregate than the amount to be received from the United States.

That provision allows the State to contribute in money, labor, or materials; but those contributions must be passed upon by the Secretary of Agriculture. He determines what the value of the labor is, and what is the value of the materials that go into the roads. That is proper enough for the protection of the United States; but it is still tying the hands of the State in carrying on public works and internal improvements within the State, and it is objectionable to me for that reason.

19. Nor until an agreement shall have been made with the Secretary of Agriculture to his satisfaction that the rural post road or roads to be constructed will be properly maintained by the State or any subdivision thereof.

This is a portion of the bill to which I call especial attention. Provision is made that the States shall keep these roads in repair or shall maintain them, and the bill provides what shall constitute "maintenance"; that is, to keep the roads in as good condition as when they were first constructed.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield to the Senator.

Mr. BORAH. Would it interrupt the Senator if I should submit a question to him at this point?

Mr. WORKS. Not at all.

Mr. BORAH. I desire to ask the Senator from California a question as to the effect of this bill relative to that portion of the country which the Senator from California and I in part represent. This bill provides that the National Government shall appropriate and supply a certain fund, and that each State shall provide an equal fund, as I understand; and that constitutes the entire fund out of which the building of these roads in the particular State is to go forward and to be made?

Mr. WORKS. Yes.

Mr. BORAH. It is not so much so in the State of California, for the State of California has a vast amount of her State under cultivation, which is tax-paying property; but take a State like mine, for instance, where 80 per cent of it is not subject to taxation at all, but is withdrawn from taxation and withdrawn practically from entry. In the first instance, it is most difficult for that State to raise the amount which it is expected to raise. It must raise the entire amount on about 20 per cent of the property of the State. Twenty per cent of the property of the State must pay the entire amount of $900,000, or whatever it is, we will say, that the State of Idaho would be entitled to. Not only would it be difficult to raise the amount, but the burden would be put upon the State of maintaining those roads after they were built, and that burden also would rest upon 20 per cent of the property of the State. So far as the States are concerned, whose lands are withdrawn from public entry, are in reservations, and under the control of the National Government, this proposed law would be a tremendous hardship; it would be practically inapplicable.

Mr. WORKS. And, Mr. President, the Senator from Idaho has not stated all of the hardships that might result from it. It should be borne in mind, in that very connection, that the Secretary of Agriculture has the right to dictate where these roads shall be built.

Mr. BORAH. Exactly.

Mr. WORKS. And they may be built in the portion of the State where the National Government is particularly interested and where the State is less interested, and thus help to improve the public lands; and the State would be helpless against it.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. I yield.

Mr. STERLING. I should like to ask the Senator from California if he understands that, without the consent of the highway commission of a State, the Secretary of Agriculture may designate and determine absolutely where a road shall be constructed?

Mr. WORKS. Not at all. The Secretary of Agriculture, though, has the power to determine where it shall not be con-

structed; unless the State authorities are content to build the road where the Secretary of Agriculture wants it built, it can not be built at all. Of course, the Secretary of Agriculture can not compel the construction of the road at any one place.

Mr. BORAH. The practical effect is the same——

Mr. WORKS. The practical effect is the same.

Mr. BORAH. Because if the Secretary of Agriculture says, "I do not want it in this place," the State must come to his terms.

Mr. WORKS. Certainly.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. I yield.

Mr. NORRIS. I myself concede that the effect is just what the Senator from Idaho has said; yet does the Senator think that that part of the bill is objectionable which requires an agreement between the State authorities and the Secretary of Agriculture as to where a road shall be built?

Mr. WORKS. I regard it as exceedingly objectionable.

Mr. NORRIS. Would the Senator permit the State authorities to designate the road and then require the Secretary of Agriculture to pay the Government's share, without regard to where he thought the road ought to be located?

Mr. WORKS. Not at all.

Mr. NORRIS. Well, what would the Senator propose?

Mr. WORKS. I have stated as clearly as I could that I thought the whole system of going into partnership between the States and the Government was vicious in itself, and that it tied the hands of both parties, the States as well as the Government.

Mr. NORRIS. I understand the Senator objects to that; and I can see there is some ground for the objection, because I can easily appreciate, I think, that it might have the effect which the Senator has stated; but, assuming—of course the Senator is opposed to the bill—that we are going to devise some plan by which Federal aid shall be given, if the proposed plan is not a proper one, what would the Senator suggest in its place?

Mr. WORKS. I have no suggestion to make about it, Mr. President, because I think it is utterly impossible to draft a bill undertaking to carry out a system of this kind that would be legitimate or fair as between the States and the Government. I think it is impossible, because the whole thing is wrong in principle and can not be carried out by any kind of legislation, in my judgment. The remedy, as suggested in an aside by the Senator from North Dakota [Mr. MCCUMBER], is that the States build their own roads; and that is precisely what the States ought to do. My own State of California ought to be ashamed to take any of this money if it is offered by the National Government. The people of my State ought to have the independence to build their own roads and not ask a donation from the Federal Government.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield.

Mr. BORAH. Would the Senator make an exception with reference to those roads which are in every sense great interstate highways?

Mr. WORKS. I was expecting to mention that matter a little later on, but I may just as well do so now. I have always believed that the National Government might properly contribute to the construction of what might be called "a national highway" connecting the different States, because that would be interstate in its character, just the same as it may contribute to the construction of a railroad which passes through different States. I think that exception can fairly be made, but I myself have never been willing to go further than that.

Mr. NORRIS. Mr. President, I should like to ask the Senator another question.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. Certainly; I yield to the Senator.

Mr. NORRIS. I am not asking these questions in any critical sense.

Mr. WORKS. I am glad to be interrupted.

Mr. NORRIS. If we can get a bill, I should like to get one that is practical; but the suggestion the Senator has just made to the Senator from Idaho rather appeals to me as being a reasonable one. I want to ask the Senator if he does not believe that those who are behind the bill—I may be mistaken as to this; I am not one of those who drafted the measure—have not in view the very thing which the Senator has suggested—that this should be rather an interstate proposition, and that the agreement required between the Secretary of Agriculture and the State authorities would have the effect, so far as the Federal Government is concerned, of confining its assistance or making its donations to interstate highways? Of course the highways built under this bill, if it is passed, will only be a very small item compared with the highways that will be needed by all the States; and, as I understand, those who are behind this bill do not contemplate assisting any road except those which might become portions of an interstate network.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. WORKS. If the Senator will pardon me just a moment until I answer the Senator from Nebraska, I will then yield to him.

I wish I might be able to believe from the terms of this bill that the intention of its framers and its friends is such as the Senator from Nebraska [Mr. NORRIS] suggests, but any such idea as that, it seems to me, is excluded by the very terms of the bill itself. It can not by any possibility be construed in that way or as intending anything of the sort.

I now yield to the Senator from New Hampshire.

Mr. NORRIS. If the Senator will permit me, before we leave this point, to make a further suggestion, I wish to say that the very fact that the consent of an official of the Government, namely, the Secretary of Agriculture, is required, and by virtue of such requirement he can compel the State to build roads in particular localities, would seem to me an indication that what I have stated was the intention of the framers of the bill.

Mr. WORKS. I ask the Senator if that is the real intention of the bill, would it not have been a fair and honest thing to have said so in terms?

Mr. NORRIS. I think so myself; I agree with the Senator as to that.

Mr. WORKS. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, whatever difficulties there are in the way of passing this piece of legislation will not, it seems to me, be made less by the suggestion that the appropriation should be made to aid in the construction of interstate highways. The little State of New Hampshire is sandwiched in between Vermont and Massachusetts. The highways extending from New Hampshire into Massachusetts doubtless run into the hundreds, and there are nearly as many into Vermont. If we are simply going to make appropriations to improve those particular roads which run from one State into another, I apprehend that we will have more difficulty than the author of this bill contemplates under its present terms.

Mr. WORKS. I do not mean to be understood as favoring that kind of legislation. I was speaking with reference to the power of the Government to deal with the matter.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. WORKS. I yield.

Mr. JONES. I want to ask the Senator if the language in the first paragraph of the bill does not really itself refute the suggestion of the Senator from Nebraska, where it authorizes the Secretary of Agriculture to cooperate with the States "in the construction of rural post roads"?

Mr. WORKS. Every provision of the bill refutes it from beginning to end.

20. Nor shall any such payment be in excess of $10,000 per mile, exclusive of bridges, or more than 20 feet clear span.

I wonder if there are not a good many roads in the State of Idaho, for example, that can not be constructed for $10,000 a mile, which would be excluded by the provisions of this bill? There will be a good many in the State of California, I know.

21. The construction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department—now, mark the language—subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to the act.

How can the State regulate and control the construction of the roads if they are to be constructed in accordance with the rules and regulations of the Agricultural Department and in accordance with the direction of the Secretary of Agriculture? It takes away the right of the States to control the matter of the construction of their own roads.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. I yield.

Mr. STERLING. I should like to ask, if the State consents to the arrangement and accepts half of the cost of the improvement of the road from the Federal Government, is there any objection, and can there be any objection, to an inspection by the Federal Government of that road into which the Federal money goes?

Mr. WORKS. There is no objection from the point of view of the Federal Government. Of course, there is no reason why the Government should consent to put its money into any proposition unless it has some control over the investment; but that is not the vicious feature of it at all. It takes away from the States the right to control the construction of their own roads and forms a partnership between the National Government and the State that is entirely inconsistent with the functions of the two.

Mr. STERLING. I will just say, with reference to that, that it all comes back to the question of the consent of the States; if the State consents to it, it is not taking away the right of the State.

Mr. WORKS. The States are very likely to consent when they can get money out of the National Treasury, and that is the temptation that is presented here—for the State to do what it would not otherwise do in order to get money out of the Federal Treasury.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Jersey?

Mr. WORKS. I yield.

Mr. MARTINE of New Jersey. It seems to me the States would get results and the United States would get results from cooperation in this matter between the States and the Government. Let me ask, Is the Senator in favor of Federal aid at all?

Mr. WORKS. Not of Federal aid to the States; no.

Mr. MARTINE of New Jersey. For the construction of roads or highways?

Mr. WORKS. Not at all.

Mr. MARTINE of New Jersey. Well, therein we widely differ.

Mr. WORKS. Then I presume the Senator will hardly regard it as worth while to argue the question with me.

Mr. MARTINE of New Jersey. I realize the Senator's position, but I believe it is infinitely wise for the well-being of the country at large that the States and the United States Government should cooperate in the construction of highways and roads in our country.

Mr. WORKS. I understand the Senator feels that way about it, as do a great many other good people.

Mr. MARTINE of New Jersey. I can not see where any wrong would be done by the United States contributing a sum of money for the improvement of the highways in California any more than in appropriating money for a post office in Los Angeles.

Mr. WORKS. The post office, Mr. President, is a Government building, while the work that is proposed to be done under this bill is to be done upon roads which are not Government roads in any sense.

Mr. MARTINE of New Jersey. But the fact is that the erection of the Government building accrues to the benefit of private property around the city of Los Angeles.

Mr. WORKS. Suppose the Government should propose to construct a post office in Los Angeles under an agreement with the State authorities that the State authorities and the Government must agree on the building, as to when and how it should be constructed and the cost of it, would the Senator think that would be right?

Mr. MARTINE of New Jersey. I do not think that condition would ever prevail, or that there is any similarity between the two cases. One is a fixed building at a definite place, while highways serve entirely different purposes, having in view the general transit and travel of the people to and fro, facilitating trade and commerce and promoting the general welfare of the whole people. I look upon them as being widely different.

Mr. WORKS. Yes; they are different for an entirely different reason than the one stated by the Senator. One of them is a strictly Government function. A post-office building is constructed for the purpose of carrying on the business of the Government, and therefore is exclusively within the jurisdiction and power of the Government. There is certainly no comparison between that and aiding the States to build their roads.

Mr. MARTINE of New Jersey. I think there is a degree of similarity in some respects.

Mr. WORKS. Mr. President, No. 22 provides:

22. The Secretary of Agriculture is authorized to withhold apportionments of funds to any State which has failed to maintain roads previously constructed.

If the Secretary of Agriculture should determine that the roads already constructed had not been kept up to the condition that they were when they were completed, then the State is denied any participation in this fund. No. 23 provides that the Secretary of Agriculture is authorized——

Mr. NORRIS. Mr. President, before the Senator leaves No. 22, may I ask him a question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. Yes.

Mr. NORRIS. If a State fails to keep a road in repair, does not the Senator think that any further Federal aid ought to cease?

Mr. WORKS. Yes; I think it ought to cease in the beginning.

Mr. NORRIS. I understand the Senator holds that view.

Mr. WORKS. If the Senator is looking at it from the point of view of the Government, he and I do not disagree about that. I do not think the Government ought to put money in these roads without protecting itself; but that is not the trouble that I have suggested. The trouble is the combination between the two; that is the difficulty.

Mr. NORRIS. I know the Senator takes that view of it, and I am not criticizing him; he has the right to that view, of course; but assume now that we pass a bill extending Federal aid, ought there not to be a provision in it compelling the care of these roads after they are built? How else could the Government bring about that condition unless it was authorized to cease giving any more funds if the State did not keep the roads in repair?

Mr. BORAH. Mr. President, may I ask the Senator from Nebraska a question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield.

Mr. BORAH. How would it be possible, for instance, situated as we are in the State of Idaho and as some of the other States are situated, to keep up the roads when only 20 per cent of the property can be taxed?

Mr. NORRIS. The Senator from Idaho presents what to me is a very serious objection, and one which I think will have to be met in some way by some proper amendment as affecting his State and States similarly situated. I presume, if there were no change made, it would present a difficulty that would probably prevent Idaho from getting any part of the money under this bill.

Mr. MCCUMBER. Although it would be compelled to pay for roads in other States.

Mr. BORAH. I think the Senator from Nebraska is correct when he draws the conclusion that it would probably inhibit us from participating in this matter at all.

Mr. NORRIS. It might do that; yes.

Mr. BORAH. Because, in the first place, we could not afford, upon 20 per cent of the property in our State, to raise the fund, perhaps; but we certainly could not afford to keep up the road.

Mr. NORRIS. I was asking my question now on the assumption——

The PRESIDING OFFICER. Does the Senator from California further yield to the Senator from Nebraska?

Mr. WORKS. I yield.

Mr. NORRIS. I was asking my question on the assumption that we passed the bill now, doing away with the objection that has been made both by the Senator from Idaho and by the Senator from California. If we do decide that Federal aid shall be given, then ought there not to be a provision in the bill that these roads must be maintained by somebody or, as a penalty, the further payment of money will cease?

If the Senator will permit just this sentence, it seems to me that in any good-roads proposition, whether of State or National scope, the care of the road after it is constructed is just as important as the construction of the road. So far as I am concerned, that would be a sufficient objection to cause me to oppose any bill if proper provision were not made for the maintenance of the road after it was constructed.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from California further yield to the Senator from Idaho?

Mr. WORKS. I do.

Mr. BORAH. What is the provision of the bill with reference to keeping up and maintaining roads in case a State does not do so?

Mr. NORRIS. They get no further funds, as I understand this bill.

Mr. BORAH. Exactly; but what becomes of the road? Has the National Government no interest in the road, to keep it up if the State does not?

Mr. NORRIS. As I understand, the bill makes no provision on that subject excepting that the State is penalized, if it does not keep up the road, by not getting any further contribution.

Mr. WORKS. There is no provision in the bill to protect the Government against allowing the road to become out of repair except the one that has just been mentioned.

Mr. BORAH. Certainly if the National Government is going to put $75,000,000 into building roads—and, of course, that is just the beginning—if it is going to put this vast amount of money into it, the Government would have sufficient interest in the proposition, as an interstate matter, to keep up the road if the State did not. I am astonished to hear that there is no provision that in case the State does not act the National Government will act.

Mr. WORKS. The Senator from Nebraska has asked me a question that I think deserves an answer. I think the Senator is perfectly right in maintaining that the Government, in order to protect itself, should have some such control as this over the roads; but I suggest to the Senator that that is the vicious feature of the whole thing. The Government must step in and interfere with the affairs of the State in order to protect itself, and therefore the State authorities and Federal authorities necessarily come in conflict.

Mr. GALLINGER. Mr. President——

Mr. WORKS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I do not know how it may be in other parts of the country, and I presume this is a mere regulation of the Post Office Department; but in my State, unless the existing roads over which the star-route mail and the rural-delivery mail is carried are kept in good condition, they are under a threat from the department that the service will be discontinued. As a result, our roads are kept in pretty good repair, even though they are not macadamized as a good many hundred of miles of roads in New Hampshire are.

Mr. WORKS. 23. The Secretary of Agriculture is authorized to temporarily decline to issue warrants upon failure of the State to comply with the provisions of the act, or upon breach of agreements made with him pursuant to the act, and shall finally decline if within three months the failure is not corrected or the breach remedied to his satisfaction.

24. The Secretary of Agriculture must certify the reasons for withholding the apportionment to the Secretary of the Treasury and to the State highway department.

25. The Secretary of Agriculture is authorized to employ assistants, clerks, and other persons in the city of Washington and elsewhere, to rent buildings in the city of Washington and elsewhere, to purchase supplies, material, equipment, office fixtures and apparatus, and to incur such travel and other expenses as he may deem necessary for carrying out the purposes of the act.

That brings the matter of the conduct of this business into Washington, to be controlled by the Secretary of Agriculture, and permits him to rent buildings, and gather together employees, and do all of the things necessary to conduct the business in Washington.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WORKS. I yield.

Mr. BANKHEAD. I am sure the Senator wants to be perfectly accurate. The provision of the bill which authorizes the rental of buildings was stricken out yesterday.

Mr. WORKS. I was not aware of that. I am glad it has been improved to that extent.

Mr. President, I have tried to analyze the provisions of the bill so that they ought to be fairly well understood, and I have endeavored to do so in an impartial and fair way. Now I want to call attention to the provisions of the report of the committee, and analyze that just a little.

I do not know who prepared this report; but, whoever he was, he is a genius. He has tried in every way possible to convince Congress and the country that it is an awfully good thing to do, and to dispel the idea that it can by any possibility be in opposition to the Constitution of the United States. This I shall attempt to refute before I get through.

Referring to the question as to whether it is intended for the benefit of the Government or for the benefit of the States or for the benefit of the individual residents of the States, let me call attention to the first statement of the committee report as giving the reasons why this legislaion is alleged to be necessary. The Senate will notice that it is not because of the inability of the Government to transmit the mails or to perform any governmental function. There is no intention to legislate for any such reason as that.

Under the heading "Why Federal aid is needed—Present deplorable condition of public roads," it is said that the reason Federal aid is needed is that for three-quarters of a century the Federal Government has discontinued making appropriations for road construction, and that the States have failed to construct and maintain proper roads, although it is stated:

> This failure to accomplish results has not been due to lack of outlay in money and energy, for it is estimated that in 1904, $80,000,000 in money and labor was expended on the public roads, and that in 1914 the expenditure had grown to about $260,000,000.

The reason for making the appropriation is fairly well stated in that first clause of the report; and the reason why the Government is called upon to expend its money in that way is simply because the States have failed to do so. In other words, because the States have failed to perform their functions the Federal Government is called in to help them to carry out those functions by expending the money that belongs, not to any individual State, but to the whole country.

Under the head "Phenomenal traffic growth," which is equally significant, it is said the enormous increase in traffic on the public highways is set forth, indicating that it is not governmental purposes or the use of rural roads for carrying the mails that is the incentive for making this enormous appropriation.

Under the head "States and counties unable alone to meet new conditions," it is said that half of our population is living in cities, but they must be fed by the products from the country, and thus the cities are directly concerned with the conditions of the rural roads. The products of the cities are being sent out many miles into the country by huge delivery trucks, and this again gives to the city a direct pecuniary interest in the condition of the public roads.

Again it is said, under this head:

> It has become apparent, however, that the task of providing adequate public roads throughout the United States is a great enough task to demand participation by the Federal Government to the end that every unit, from the township to the Federal Government, shall carry out a well-ordered part in the great undertaking.

Now, what are we proposing to do? What are we proposing to initiate by this kind of legislation? It is clearly shown by that statement in the report that we are going to provide for a complete system of road construction throughout the whole United States; and the appropriation of this comparatively small sum of $75,000,000 must be only a beginning, because to carry out this vast scheme would cost billions of dollars instead of millions. The reason for it all is not that it is necessary in the interest of the Government as a government, but because the States are not able to carry on these improvements within their own borders; and therefore the Government of the United States is expected to go into the States and do for them what they are not able to do for themselves. I say it is utterly unjustifiable from any point of view as a matter of policy or as a matter of law, as I shall attempt to point out later on.

Under the heading "Direct bearing of roads upon national welfare," it is said:

> The building of an adequate system of public roads should not be regarded as merely a provision for the handling of a vast traffic, but it should also be considered as an essential to the balanced development of our great domain and of the furtherance of our welfare, physically and morally, as a people.

Then, under the head of "Propriety of Federal participation," it is said:

> Few critics of Federal aid now advance the objection that such aid is unconstitutional.

Mr. President, I am afraid I am one of the exceptions, for I shall attempt to show before I have done that the present effort to appropriate the moneys of the Government is in violation at least of the spirit of the Constitution, if not of its letter. The report proceeds:

> The provision in Article I, section 8, of the Constitution authorizing Congress to establish post offices and post roads, is most specific, even if sufficient authority could not be gleaned from the "general-welfare" clause in the preamble, and again in Article I, section 8, and from the clause authorizing the regulation of commerce among the several States.

I call the attention of the Senate to that clause, for there it is attempted to specify the provisions in the Constitution, some of which or all of which, it is claimed or assumed, will justify this expenditure of money within the States, and that I shall come to later.

The only authority noted upon this sort of internal improvement to the extent provided by the bill is the short extracts from distinguished statesmen of earlier days as follows:

> Thomas Jefferson, in a letter written in 1786, had a vision of a great internal development of the country, for he said:
>
> "I experience great satisfaction at seeing my country proceed to facilitate the intercommunication of its several parts by opening rivers, canals, and roads."

Evidently Mr. Jefferson had reference to the opening of canals to be used in interstate commerce, not the construction of local roads within a State.

> Alexander Hamilton said in 1801:
>
> "The improvement of the communications between the different parts of our country is an object well worthy of the national purse. * * * To provide roads and bridges is within the direct purview of the Constitution."

Mark the language there, Mr. President—"the improvement of the communications between the different parts of our country." It does not include local roads.

> President Madison, in a message to Congress, said:
>
> "I particularly invite again the attention of Congress to the expediency of exercising their existing powers and, where necessary, of resorting to the prescribed mode of enlarging them in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity."

Which is precisely like the other, and does not relate to local improvements.

> Henry Clay, speaking in Congress in 1818, said:
>
> "Of all the modes in which a Government can employ its surplus revenue none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways."

That also related to the question of transportation, and evidently to interstate commerce.

> Daniel Webster, in an address in the United States Senate in 1830, said:
>
> "They [meaning the United States Government] enjoy the revenues derived from commerce, and the States have no abundant and easy sources of public income. The customhouses fill the General Treasury, while the States have scanty resources except by resorting to heavy direct taxes.
>
> "Under this view of things I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the Government in regard to internal affairs, and I arrived at the conclusion that Government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as internal improvements."

Which is precisely to the same effect.

> Eight years later President Jackson, commenting on President Monroe's message, said:
>
> "No less than 23 different laws have been passed through all the forms of the Constitution appropriating to upward of $2,500,000 out of the National Treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor, since its commencement. The views of Mr. Monroe upon this subject were not left to inference. During his administration a bill was passed through both Houses of Congress conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland Road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the Government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by other specific grants of power according to a strict construction of them, but that on further reflection and observation his mind had undergone a change; that his opinion then was that Congress had an unlimited power to raise money, and that in its appropriation it had a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State, benefit, and this was avowed to be the governing principle through the residue of his administration."

This statement evidently relates to the construction of just one road. I will consider President Monroe's veto message, to which reference is made, further along. These quotations furnish a very slender foundation for this proposed legislation.

In this connection this remarkable and unfounded statement is made respecting the veto message of President Monroe, to which I shall call attention a little later:

> When President Monroe vetoed the Federal road act in 1822 he did not base his veto upon the ground that Congress had no right to make appropriations to aid in road improvement, but upon the establishment of the road as a turnpike upon which tollgates were erected and tolls collected and in which the enforcement of the tolls by penalties was involved.

That is a misstatement of what was actually said by President Monroe, as I shall show when I come to his veto message.

Then, under the head of "Federal aid to other public improvements," it is said:

> Attention has been directed again and again in connection with proposed Federal legislation in aid of road improvement, to the appropriations made by Congress for rivers and harbors, for the Panama Canal, and to aid in the establishment of transcontinental railroads. These citations would appear to be entirely justified, as the primary purpose of all those appropriations was to facilitate the development of the country and the transportation of people and products.

All of these are distinguishable from the present proposition, in that they were connected with interstate commerce or were the carrying out of Government functions.

It is further said under this head:

> The Federal Government has a direct pecuniary interest in the improvement of public roads, as it now has an annual appropriation of $53,000,000 for the maintenance of a rural mail delivery service, involving the employment of nearly 44,000 rural mail carriers.

But it should be borne in mind that the money expended by the Government, mentioned here, is under a provision for the carrying of the mails. It does not include the improvement of roads. The Government has never undertaken to construct rural roads for the benefit of the Government.

Again, it is said:

> The importance of an adequate system of public roads from a military standpoint will become increasingly evident with the development and more general use of the motor truck.

Then, under the head "Beneficial results to be expected from Federal aid—equalizing cost burdens," it is said:

> The farmer has been—

Now we come to the farmer.

> The farmer has been from time immemorial paying the bill for the building and upkeep of public roads. Appropriations of State funds in recent years have transferred a slight portion of this burden to the owners of city property, but it is probably conservative to say that at least 75 per cent of the money raised for road purposes at the present time is paid by the owners of country property.

Mr. President, I do not know how true that statement may be, but it does not in the least alter the situation. We are legislating here continually for the farmers, and probably as a class they need legislation for their benefit less than any other class in this country. There is no class of people in the United States to-day who are more prosperous as a whole than the farmers, and I happen to know that a good many of the intelligent farmers of this country are indignant at the use that is made of their name in the effort to procure legislation of this kind. Whatever may be the outcome, the farmer will have to bear his share of this burden, whether the money comes out of the National Treasury or the State treasury.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. I yield.

Mr. STERLING. The Senator from California has referred to objections on the part of farmers to legislation of this character. I should like to ask him if he has heard of any objection on the part of farmers to this particular piece of legislation?

Mr. WORKS. No; I have not. I was not referring to this particular legislation; but I have heard such objection to other legislation of a similar kind, and I think the Senator has also. I have no doubt he has.

Then, under the heading "Encouragement of systematic road management," it is said:

> Legislation by Congress requiring on the part of the States, as a condition to receiving Federal aid, that they provide for systematic and responsible supervision of the joint funds thus created, would be a long step in the direction of effective road management now so urgently needed. It is a self-evident proposition that in small communities the selfish influence of powerful individuals has greater opportunity to act counter to the public welfare than in the larger political communities.

This shows that the intention here is to carry out a general system and bring the Government into the construction of the roads to furnish the technical knowledge and skill that are necessary in order to construct them, and to relieve the States of that burden.

Then, under the heading "Higher standards of construction and maintenance," it is said:

> Federal legislation properly enframed should insure the formation of a Federal corps of highway engineers, representative of the best technical and practical ability obtainable in this country.

I remember that the Senator from Alabama yesterday called attention to the fact either that it was a body of engineers that first suggested legislation of this kind or that they have as a body encouraged it. That is quite natural. Probably there is no other set of men that will benefit or profit more by it than the engineers.

Under the heading of "Permanent improvements in lieu of temporary repairs" it is said:

> By confining the expenditures of the joint fund supplied by the Federal Government and the respective State governments to construction rather than to maintenance tangible and durable roads will be provided to take the place of those upon which untold millions have been expended for temporary patchwork in the past.

Under the heading "Government should require maintenance" it is said:

> While the primary purpose of the Government in entering upon the policy of Federal aid is to secure the construction of systems of highways which are urgently needed, it should not forego the opportunity and the duty to require on the part of the States that they adequately maintain every mile of road constructed with the aid of Federal money.

So, with reference to "Correlation of road improvement." Under that heading it is said:

> It is essential to the normal development of transportation facilities that the public roads of each State shall be coordinated and correlated with the public roads of the adjoining States. In the absence of the

agreement required between the Secretary of Agriculture and

to the arrangement and accepts half of the cost of the improve-

that they were when they were completed, then the State is not keep up the road, by not getting any further contribution.

Federal aid is needed is that for three-quarters of a century the

facilitate the intercommunication of its several parts by opening rivers, canals, and roads."

provement of public roads, as it now has an annual appropriation of $53,000,000 for the maintenance of a rural mail delivery service, involving the employment of nearly 44,000 rural mail carriers.

It is essential to the normal development of transportation facilities that the public roads of each State shall be coordinated and correlated with the public roads of the adjoining States. In the absence of the

correlating influence which Government participation may provide it is probable that the development of the road system of the Nation as a whole would be haphazard and uneconomical.

Under the heading "Roads would be improved in the order of their importance" it is said:

It has been repeatedly estimated that 20 per cent of the roads may be so designated and improved as to carry some 80 to 85 per cent of the traffic. It may be assumed that the highway department of each State, representing both county and State interests, acting in cooperation with the Federal Government representatives, will select for improvement those roads which will best serve the traffic needs of the State and its local subdivisions.

Under the heading "Fundamental considerations in framing Federal-aid legislation—The Federal Government should cooperate with the State governments" it is said:

It is manifestly important that the Federal Government shall deal with a definite and responsible agency in carrying out the policy of Federal aid to road improvement. There are, besides the Federal Government, four distinct governmental units, namely, the State, the county, the township, and the municipality. As the primary purpose of Federal aid is to improve country roads, the municipality need not be considered in this connection.

Under the heading "No disturbance of State control" this very remarkable statement is made:

No policy of Federal aid should be adopted which does not permit the retention by the States of the fullest measure of control consistent with the necessary inspection and safeguarding which is customary with all Federal appropriations.

Under the heading "Self-help should be encouraged and 'pork barrel' discouraged" it is said:

While the contribution on the part of the Federal Government should be substantial, so that results of some magnitude might be accomplished, such contribution should impose upon the States the duty of contributing in at least as large a measure, so that there may be no insidious paternalism established, which would stifle local initiative and self-help.

Under the heading "Factors of apportionment" it is said:

Some plan must be adopted at the outset for determining what proportion of Federal appropriation shall go to each State. In arriving at the most feasible and equitable plan, consideration must be given to those factors which are intimately related to the public roads. First, it must be considered that primarily the road is designed for the use of the people, and it would, therefore, seem more equitable that population should form a basic factor in determining the distribution of appropriations.

Now, under the estimate of apportionment provided, California would receive the following amounts:

First year	$155,750
Second year	311,500
Third year	467,250
Fourth year	623,000
Fifth year	778,750
or a total of	2,336,250

Friday, April 21, 1916.

Mr. WORKS. Mr. President, I have analyzed as best I could the provisions of the bill, with such comments as I desired to make upon it, and also the report of the committee. I pass now to a consideration of the constitutional question involved. I think it must be admitted that there is no direct or enumerated power in the Constitution that would authorize the United States to aid the States in the construction of local roads. The real question is whether there is any implied or incidental power that would justify legislation of this kind; and in dealing with it, Mr. President, we must bear in mind that this is not a proposition to aid in the construction of any particular highway that does or might connect States and therefore be interstate in character. It is proposed to enter upon a general system throughout the whole country of investing the money of the National Government in the improvement of local roads. I undertake to say that there is no provision in the Constitution, and no incidental or implied power resulting from any provision of the Constitution, which would justify legislation of this kind.

Mr. SHAFROTH. May I ask the Senator a question?

Mr. WORKS. Certainly.

Mr. SHAFROTH. Does not the policy which has been pursued in the last 20 years with respect to the withdrawal of lands from entry, the withdrawal of reservoir sites, the withdrawal of water-power sites, thereby preventing any taxation to be raised by the State for local purposes, almost of necessity require that there should be substantial aid by the Federal Government in matters concerning local affairs, especially when it must be considered as being constitutional in view of the fact that the object and purpose is primarily to have roads for the Postal Service, for military service, and for interstate-commerce service?

Mr. WORKS. Mr. President, nothing that Congress or the executive department has done in the past, however unjust or just it may be, could justify Congress in violating the Constitution of the United States. There is nothing, it seems to me, in anything the Government has done that is parallel to what is proposed to be done now or that could uphold any legislation of this kind.

I recognize fully the injustice to the Western States that is referred to by the Senator from Colorado, but this is a separate and distinct proposition which must be dealt with alone. It can not be affected by anything that has taken place in the past.

Mr. SHAFROTH. Does not the Senator think that the bill as framed, under the language which is used, would be upheld by the Supreme Court of the United States as being constitutional?

Mr. WORKS. No; I do not by any means. There is absolutely nothing in any decision of the Supreme Court or any other court down to the present time that I have been able to discover which can justify such legislation as this, and I am going to attempt to show it is in violation of the Constitution and can not be justified.

When a lawyer is called upon to deal with the question of incidental or implied powers of the National Government he turns almost instinctively to the opinion of Chief Justice Marshall in the case of McCulloch against The State of Maryland. It is a great opinion, delivered by a great judge, upon a great question. It has practically fixed the law of construction of the Constitution of the United States that has been followed by all of the decisions of the Federal and State courts from that time down to this.

Mr. KENYON. I wish to understand the Senator. Does he contend that the Federal Government could not under the Constitution appropriate money to assist in the development of interstate roads, or does he take the position that the pending bill is not for that kind of development?

Mr. WORKS. Mr. President, it is not necessary for me to take any position respecting the right of the Government to participate with the States in the construction of interstate highways. That question is not before the Senate by this bill. I contend that the bill is not for the purpose of constructing interstate highways at all. It does not purport to be any such thing. It is an effort to aid the States in the construction of local roads within the borders of the several States, and it does not deal with all the States together. It deals individually with each State, because any action that may take place under the bill is limited to cases where the legislature of the State assents to it. Therefore there may be some of them that would take advantage of the legislation and some that would not. As was suggested here yesterday, if one of the States should not assent to the provisions of the bill and take advantage of it, then that State is compelled to pay its share of the taxes to improve the roads in the other States, which is eminently unjust.

Mr. President, I think I need not apologize to the Senate of the United States for taking up some of its time in considering with some particularity and quoting at some length from the case to which I have referred.

The case of McCulloch *v.* State of Maryland (4 Wheaton, 316, 400) involved the power of Congress to pass "An act to incorporate the subscribers to the Bank of the United States." It was admitted that no express power to establish such a corporation was contained in the Constitution, and that the Federal Government was one of limited and enumerated powers. The effect of the decision was to give to Congress such incidental powers of legislation as is necessary to carry out the powers expressly given. The case is a leading one, the opinion being delivered by Chief Justice Marshall.

Now, in the beginning let me call attention to the situation and the question really involved here. It is perfectly evident that under this decision and others that have followed it there must be some direct power given to the Government of the United States to which some incidental power may be attached in order to entitle the Government to enter upon a scheme of this kind. Therefore we must necessarily stop to inquire what is the direct or enumerated power under the Constitution to which we can attach some incidental power that will justify this kind of legislation.

Let me quote from this opinion:

In discussing these questions the conflicting powers of the General and State Governments must be brought into view, and the supremacy of their respective laws, when they are in opposition, must be settled.

If any one proposition could command the universal assent of mankind, we might expect it would be this—that the Government of the Union, though limited in its powers, is supreme within its sphere of action. This would seem to result necessarily from its nature.

In that connection I want to again call attention to what I said yesterday—that it is absolutely necessary that we should divide the power as between the States and the National Government. If the construction of these roads as post roads is a Government function or is within the power of the National

Government, then the laws of the United States must be supreme respecting the work to be done or the power to be executed. There can be no division of power in a matter with which the National Government has a right to deal, as between the State and the Federal Government. I proceed with the quotation:

It is the Government of all, its powers are delegated by all, it represents all, and acts for all. Though any one State may be willing to control its operations, no State is willing to allow others to control them. The Nation, on those subjects on which it can act, must necessarily bind its component parts. But this question is not left to mere reason; the people have, in express terms, decided it by saying, "This Constitution and the laws of the United States which shall be made in pursuance thereof" "shall be the supreme law of the land," and by requiring that the members of the State legislatures and the officers of the executive and judicial departments of the States shall take the oath of fidelity to it.

The Government of the United States, then, though limited in its powers, is supreme; and its laws, when made in pursuance of the Constitution, form the supreme law of the land, "anything in the constitution or laws of any State to the contrary notwithstanding."

Among the enumerated powers we do not find that of establishing a bank or creating a corporation.

And I insist, Mr. President, that under the enumerated powers we find none authorizing the United States to aid in the construction of roads within a State.

But there is no phrase in the instrument which, like the Articles of Confederation, excludes incidental or implied powers and which requires that everything granted shall be expressly and minutely described. Even the tenth amendment, which was framed for the purpose of quieting the excessive jealousies which had been excited, omits the word "expressly," and declares only that the powers "not delegated to the United States nor prohibited to the States are reserved to the States or to the people," thus leaving the question, whether the particular power which may become the subject of contest has been delegated to the one Government or prohibited to the other, to depend on a fair construction of the whole instrument.

I insist in that connection again, Mr. President, that there can be no joint power respecting a matter of this kind. Of course, in certain instances the States and the Federal Government have coordinate jurisdiction; but that can not possibly be so here. Either the one Government or the other must have the right and jurisdiction to deal with this question; and if it has, that necessarily excludes the power and jurisdiction of the other.

The men who drew and adopted this amendment had experienced the embarrassments resulting from the insertion of this word in the articles of confederation and probably omitted it to avoid those embarrassments. A constitution to contain an accurate detail of all the subdivisions of which its great powers will admit and of all the means by which they may be carried into execution would partake of the prolixity of a legal code and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deducted from the nature of the objects themselves. That this idea was entertained by the framers of the American Constitution is not only to be inferred from the nature of the instrument but from the language. Why else were some of the limitations, found in the ninth section of the first article, introduced? It is also in some degree warranted by their having omitted to use any restrictive term which might prevent its receiving a fair and just interpretation. In considering this question, then, we must never forget that it is a constitution we are expounding.

Although among the enumerated powers of government we do not find the word "bank" or "incorporation," we find the great powers to lay and collect taxes, to borrow money, to regulate commerce, to declare and conduct a war, and to raise and support armies and navies. The sword and the purse, all the external relations, and no inconsiderable portion of the industry of the Nation are intrusted to its Government. It can never be pretended that these vast powers draw after them others of inferior importance merely because they are inferior. Such an idea can never be advanced. But it may with great reason be contended that a Government, intrusted with such ample powers, on the due execution of which the happiness and prosperity of the Nation so vitally depends, must also be intrusted with ample means for their execution. The power being given, it is the interest of the Nation to facilitate its execution. It can never be their interest, and can not be presumed to have been their intention, to clog and embarrass its execution by withholding the most appropriate means. Throughout this vast Republic, from the St. Croix to the Gulf of Mexico, from the Atlantic to the Pacific, revenue is to be collected and expended, armies are to be marched and supported. The exigencies of the Nation may require that the treasure raised in the North should be transported to the South; that raised in the East converted to the West; or that this order should be reversed. Is that construction of the Constitution to be preferred which would render these operations difficult, hazardous, and expensive? Can we adopt that construction (unless the words imperiously require it) which would impute to the framers of that instrument, when granting these powers for the public good, the intention of impeding their exercise by withholding a choice of means? If, indeed, such be the mandate of the Constitution, we have only to obey; but that instrument does not profess to enumerate the means by which the powers it confers may be executed; nor does it prohibit the creation of a corporation, if the existence of such a being be essential to the beneficial exercise of those powers. It is, then, the subject of fair inquiry how far such means may be employed.

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The power of creating a corporation is one appertaining to sovereignty, and is not expressly conferred on Congress. This is true. But all legislative powers appertain to sovereignty. The original power of giving the law on any subject whatever, is a sovereign power; and if the Government of the Union is restrained from creating a corporation, as a means for performing its functions, on the single reason that the creation of a corporation is an act of sovereignty, if the sufficiency of this reason be acknowledged, there would be some difficulty in sustaining the authority of Congress to pass other laws for the accomplishment of the same objects.

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The power of creating a corporation, though appertaining to sovereignty, is not, like the power of making war or levying taxes or of regulating commerce, a great substantive and independent power which can not be implied as incidental to other powers or used as a means of executing them. It is never the end for which other powers are exercised, but a means by which other objects are accomplished. No contributions are made to charity for the sake of an incorporation, but a corporation is created to administer the charity; no seminary of learning is instituted in order to be incorporated, but the corporate character is conferred to subserve the purposes of education. No city was ever built with the sole object of being incorporated, but is incorporated as affording the best means of being well governed. The power of creating a corporation is never used for its own sake, but for the purpose of effecting something else. No sufficient reason is therefore perceived why it may not pass as incidental to those powers which are expressly given, if it be a direct mode of executing them.

That suggests an idea, Mr. President. There must not only be an enumerated or express power from which you may infer or draw an indirect or incidental power, but that incidental power must be one that is reasonably necessary to carry out the enumerated or expressed power.

But the Constitution of the United States has not left the right of Congress to employ the necessary means for the execution of the powers conferred on the Government to general reasoning. To its enumeration of powers is added that of making "all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution, in the Government of the United States, or in any department thereof."

It was contended in argument that only such incidental or implied powers can be exercised as are absolutely necessary to carry out the expressed powers.

In discussing this contention the Chief Justice said:

But the argument on which most reliance is placed is drawn from the peculiar language of this clause. Congress is not empowered by it to make all laws which may have relation to the powers conferred on the Government, but such only as may be "necessary and proper" for carrying them into execution. The word "necessary" is considered as controlling the whole sentence and as limiting the right to pass laws for the execution of the granted powers to such as are indispensable, and without which the power would be nugatory. That it excludes the choice of means and leaves to Congress in each case that only which is most direct and simple.

Is it true that this is the sense in which the word "necessary" is always used? Does it always import an absolute physical necessity so strong that one thing to which another may be termed necessary can not exist without that other? We think it does not. If reference be had to its use in the common affairs of the world, or in approved authors, we find that it frequently imports no more than that one thing is convenient or useful or essential to another. To employ the means necessary to an end is generally understood as employing any means calculated to produce the end and not as being confined to those single means without which the end would be entirely unattainable.

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The word "necessary" is of this description. It has not a fixed character peculiar to itself. It admits of all degrees of comparison and is often connected with other words which increase or diminish the impression the mind receives of the urgency it imports. A thing may be necessary, very necessary, absolutely, or indispensably necessary. To no mind would the same idea be conveyed by these several phrases. This comment on the word is well illustrated by the passage cited at the bar from the tenth section of the first article of the Constitution. It is, we think, impossible to compare the sentence which prohibits a State from laying "imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws," with that which authorizes Congress "to make all laws which shall be necessary and proper for carrying into execution" the powers of the General Government without feeling a conviction that the convention understood itself to change materially the meaning of the word "necessary" by prefixing the word "absolutely." This word, then, like others, is used in various senses, and in its construction the subject, the context, the intention of the person using them are all to be taken into view.

Mr. President, there are some other things in this opinion, or in the extracts which I have taken from it, which I think are important to this question, but I shall ask to include them in my remarks without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The extracts referred to are as follows:

Let this be done in the case under consideration. The subject is the execution of those great powers on which the welfare of a nation essentially depends. It must have been the intention of those who gave these powers to insure, as far as human prudence could insure, their beneficial execution. This could not be done by confiding the choice of means to such narrow limits as not to leave it in the power of Congress to adopt any which might be appropriate, and which were conducive to the end. This provision is made in a constitution intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs. To have prescribed the means by which government should, in all future time, execute its powers would have been to change, entirely, the character of the instrument, and give it the properties of a legal code. It would have been an unwise attempt to provide, by immutable rules, for exigencies which, if foreseen at all, must have been seen dimly, and which can be best provided for as they occur. To have declared that the best means shall not be used, but those alone without which the power given would be nugatory, would have been to deprive the legislature of the capacity to avail itself of experience, to exercise its reason, and to accommodate its legislation to circumstances. If we apply this principle of construction to any of the powers of the Government, we shall find it so pernicious in its operation that we shall be compelled to discard it.

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Take, for example, the power "to establish post offices and post roads." This power is executed by the single act of making the establishment. But from this has been inferred the power and duty of carrying the mail along the post roads, from one post office to another; and from this implied power has again been inferred the right to punish those who steal letters from the post office or rob the mail. It may be said, with some plausibility, that the right to carry the mail and to punish those who rob it is not indispensably necessary to the establishment of a post office and post road. This right is indeed essential to the beneficial exercise of the power but not indispensably necessary to its existence.

Mr. WORKS. After fully considering the various questions raised, the court concluded:

We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

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After the most deliberate consideration, it is the unanimous and decided opinion of this court that the act to incorporate the bank of the United States is a law made in pursuance of the Constitution and is a part of the supreme law of the land.

Mr. President, the report on this bill has mentioned and attempted to construe the veto message delivered by President Monroe involving the very question that is involved here, except that that was legislation attempting to aid in the construction of a single road. It is said in the report, in substance, that the President did not veto the bill on the ground that Congress had no power to enact laws of that kind or to render aid such as was proposed or to construct roads in a general sense, but that it was only held by him that toll roads could not be established by the Government and tolls collected by it.

Mr. President, that is a mistake. The veto message goes much further than that. The fact of establishing a toll road and the collection of tolls were mentioned in the message, but the conclusion of the President was not founded on any such consideration as that, as a reading of the message will show. I look upon this message as one of the most important that has been delivered in the way of a message or of a decision of the courts of the country involving this question. It covers every conceivable ground upon which it is claimed that legislation of this kind may rest. It takes up the very things which are mentioned in the report of the committee as foundations for this legislation, refutes every one of them from beginning to end, and reaches the conclusion that no such legislation is competent on the part of the Government. It should be remembered in this connection that this veto message was delivered two years after the celebrated decision of the court in McCulloch against The State of Maryland, and it was in the light of the decision of Chief Justice Marshall that this veto message was delivered, although it is not mentioned in the veto message itself.

Now, in view of what has been said about it and of the importance of this message, I want to call particular attention to some of its provisions and its reasoning.

The veto message of President Monroe was upon a bill entitled "An act for the preservation and repair of the Cumberland Road," May 4, 1822, and will be found in Messages and Papers of the Presidents, volume 2, pages 142 to 144:

Having duly considered the bill entitled "An act for the preservation and repair of the Cumberland Road," it is with deep regret, approving, as I do, the policy, that I am compelled to object to its passage and to return the bill to the House of Representatives, in which it originated, under a conviction that Congress do not possess the power under the Constitution to pass such a law.

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It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which was specifically granted. The following are the powers from which it is said to be derived:

First, from the right to establish post offices and post roads; second, from the right to declare war; third, to regulate commerce; fourth, to pay the debts and provide for the common defense and general welfare; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth, and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States.

According to my judgment it can not be derived from either of those powers nor from all of them united, and in consequence it does not exist.

Following that broad statement, the message discusses generally the powers and jurisdiction of the States and of the National Government, and, after having done that, takes up specifically the different claims of power and discusses them all minutely. I am not going to take up time in reading these discussions, although I think they are most important and should receive the attention of the Senate. I am admonished by the desire of the Senator from Alabama [Mr. BANKHEAD] to push this bill along that I ought not to take up more of the time than is proper and necessary under the circumstances. I have no disposition, although I am very much opposed to the bill, to prevent action upon it. I will ask to be allowed to insert in the RECORD the extracts from the message which I have here in my hand.

The VICE PRESIDENT. Without objection, it is so ordered. The extracts referred to are as follows:

It may be presumed that the proposition relating to internal improvements by roads and canals, which has been several times before Congress, will be taken into consideration again either for the purpose of recommending to the States the adoption of an amendment to the Constitution to vest the necessary power in the General Government or to carry the system into effect on the principle that the power has already been granted. It seems to be the prevailing opinion that great advantage would be derived from the exercise of such a power by Congress. Respecting the right there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist it ought forthwith to be exercised. If it does not exist, surely those who are friends to the powers ought to unite in recommending an amendment to the Constitution to obtain it.

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The Constitution of the United States, being ratified by the people of the several States, became of necessity to the extent of its powers the paramount authority of the Union. On sound principles it can be viewed in no other light. The people, the highest authority known to our system, from whom all our institutions spring and on whom they depend, formed it. Had the people of the several States thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then nor is there anything now, should they be so disposed, to prevent it. They wisely stopped however at a certain point, extending the incorporation to that point, making the National Government thus far a consolidated Government and preserving the State governments without that limit perfectly sovereign and independent of the National Government. Had the people of the several States incorporated themselves into one community, they must have remained such, their constitution becoming then, like the constitution of the several States, incapable of change until altered by the will of the majority. In the institution of a State government by the citizens of a State a compact is formed to which all and every citizen are equal parties. They are also the sole parties and may amend it at pleasure. In the institution of the Government of the United States by the citizens of every State a compact was formed between the whole American people which has the same force and partakes of all the qualities to the extent of its powers as a compact between the citizens of a State in the formation of their own constitution. It can not be altered except by those who formed it or in the mode prescribed by the parties to the compact itself.

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There were two separate and independent governments established over our Union, one for local purposes over each State by the people of the State, the other for national purposes over all the States by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The State governments are independent of each other, and to the extent of their powers are complete sovereignties. The National Government begins where the State governments terminate, except in some instances where there is a concurrent jurisdiction between them. This Government is also, according to the extent of its powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

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I will now proceed to examine the powers of the General Government, which, like the governments of the several States, is divided into three branches—a legislative, executive, and judiciary—each having its appropriate share. Of these the legislative, from the nature of its powers, all laws proceeding from it, and the manner of its appointment, its members being elected immediately by the people, is by far the most important. The whole system of the National Government may be said to rest essentially on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move in the discharge of their respective functions.

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The next circumstance to be attended to is that the people composing this Union are the people of the several States, and not of the United States in the full sense of a consolidated government. The militia are the militia of the several States; lands are held under the laws of the States, descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States made under and in conformity with the powers vested in Congress and of the laws of nations, are regulated by State laws. This enumeration shows the great extent of the powers of the State governments. The territory and the people form the basis on which all governments are founded. The militia constitutes their effective force. The regulation and protection of property and of personal liberty are also among the highest attributes of sovereignty. This, without other evidence, is sufficient to show that the great office of the Constitution of the United States is to unite the States together under a Government endowed with powers adequate to the purposes of its institution, relating, directly or indirectly, to foreign concerns, to the discharge of which a National Government thus formed alone could be competent.

This view of the exclusive jurisdiction of the several States over the territory within their respective limits, except in cases otherwise specially provided for, is supported by the obvious intent of the several powers granted to Congress, to which a more particular attention is now due. Of these the right to declare war is perhaps the most important, as well by the consequences attending war as by the other powers granted in aid of it. The right to lay taxes, duties, imposts, and excises, though necessary for the support of the civil government, is equally necessary to sustain the charges of war; the right to raise and support armies and a navy and to call forth and govern the militia when in the service of the United States are altogether of the latter kind. They are granted in aid of the power to make war and intended to give effect to it. These several powers are of great force and extent, and operate more directly within the limits

and upon the resources of the States than any of the other powers. But still they are means only for given ends. War is declared and must be maintained, an army and a navy must be raised, fortifications must be erected for the common defense, debts must be paid. For these purposes duties, imposts, and excises are levied, taxes are laid, the lands, merchandise, and other property of the citizens are liable for them; if the money is not paid, seizures are made and the lands are sold. The transaction is terminated; the lands pass into other hands, who hold them, as the former proprietors did, under the laws of the individual States. They were means only to certain ends; the United States have nothing further to do with them. The same view is applicable to the power of the General Government over persons. The militia is called into the service of the United States; the service is performed; the corps returns to the State to which it belongs; it is the militia of such State and not of the United States. Soldiers are required for the Army, who may be obtained by voluntary enlistment or by some other process founded in the principles of equality. In either case the citizen after the tour of duty is performed is restored to his former station in society, with his equal share in the common sovereignty of the Nation. In all these cases, which are the strongest which can be given, we see that the right of the General Government is nothing more than what it is called in the Constitution, a power to perform certain acts, and that the subject on which it operates is a means only to that end; that it was both before and after that act under the protection and subject to the laws of the individual State within which it was.

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I shall conclude my remarks on this part of the subject by observing that the view which has been presented of the powers and character of the two Governments is supported by the marked difference which is observable in the manner of their endowment. The State governments are divided into three branches—a legislative, executive, and judiciary—and the appropriate duties of each assigned to it without any limitation of power except such as is necessary to guard against abuse in the form of bills of right. But in instituting the National Government an entirely different principle was adopted and pursued. The Government itself is organized, like the State governments, into three branches, but its powers are enumerated and defined in the most precise form. The subject has already been too fully explained to require illustration by a general view of the whole Constitution, every part of which affords proof of what is here advanced. It will be sufficient to advert to the eighth section of the first article, being that more particularly which defines the powers and fixes the character of the Government of the United States.

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Having shown the origin of the State governments and their endowments when first formed; having also shown the origin of the National Government and the powers vested in it; and having shown, lastly, the powers which are admitted to have remained to the State governments after those which were taken from them by the National Government, I will now proceed to examine whether the power to adopt and execute a system of internal improvement by roads and canals has been vested in the United States.

Before we can determine whether this power has been granted to the General Government it will be necessary to ascertain distinctly the nature and extent of the power requisite to make such improvements. When that is done we shall be able to decide whether such power is vested in the National Government.

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It may be urged that the opposition suggested by the owner of the land or by the States individually may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that way is no proof of a right in Congress, nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that Congress may, by the command and application of the public revenue, purchase the soil, and thus silence that class of individuals or by the accommodation afforded to individual States put down opposition on their part. Congress must be able rightfully to control all opposition or they can not carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury, its most be collected, offenders must be punished. With these culprits no bargain can be made. When brought to trial they must deny the validity of the law, and that plea being sustained all claim to the right ceases.

If the United States possess this power, it must be either because it has been specifically granted or that it is incidental and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources: First, the right to establish post offices and post roads; second, to declare war; third, to regulate commerce among the several States; fourth, from the power to pay the debts and provide for the common defense and general welfare of the United States; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth, and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States. It is to be observed that there is but little accord among the advocates for this power as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

The first of these grants is in the following words: "Congress shall have power to establish post offices and post roads." What is the just import of these words and the extent of the grant? The word "establish" is the ruling term; "post offices and post roads" are the subjects on which it acts. The question, therefore, is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens who had no connection with public affairs and whose minds were unprejudiced what was the import of the word "establish" and the extent of the grant which it controls, we do not think there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, courthouses, and other places throughout our Union at which there should be post offices the routes by which the mails should be carried from one post office to another, so as to diffuse intelligence as extensively and to make the institution as useful as possible, to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post offices and mails from robbery by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement, to take the soil from the proprietor by force, to establish turnpikes and tolls, and to punish offenders in the manner stated above would never occur to any such person. The use of the existing road by the stage mail carrier, or post boy in passing over it as others do is all that would be thought of, the jurisdiction and soil remaining to the State, with a right in the State or those authorized by its legislature to change the road at pleasure.

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If the United States possessed the power contended for under this grant, might they not in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them and preclude a right to interfere with or alter them? Might they not establish turnpikes and exercise all the other acts of sovereignty above stated over such roads necessary to protect them from injury and defray the expense of repairing them? Surely, if the right exists, these consequences necessarily followed as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every State might be taken from it, for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

From this view of the subject I think we may fairly conclude that the right to adopt and execute a system of internal improvement, or any part of it, has not been granted to Congress under the power to establish post offices and post roads; that the common roads of the country only were contemplated by that grant and are fully competent to all its purposes.

The next object of inquiry is whether the right to declare war includes the right to adopt and execute this system of improvement. The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

Under the last-mentioned grant a claim has been set up to as much of that system as relates to roads. Under this it extends alike to roads and canals.

We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual States and to vest it in the General Government. This has been done in clear and explicit terms, first, by granting the power to Congress, and, secondly, by prohibiting the exercise of it by the States. "Congress shall have a right to declare war." This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals. The following considerations, it is presumed, prove incontestably that this power has not been granted in that or any other manner:

The United States are exposed to invasion through the whole extent of their Atlantic coast by any European power with whom we might be engaged in war—on the northern and northwestern frontier on the side of Canada by Great Britain and on the southern by Spain or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power as it exists must apply to all the roads of the Union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations or mitigate the calamities of war along the coast or in any part of the interior they would be useful for military purposes, and might therefore be made. The power following as an incident to another power can be measured as to its extent by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

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The second number of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers, for had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a State, it would have been done as to fortifications, magazines, arsenals, dockyards, and other needful buildings. By specifically granting the right as to such small portions as might be necessary for these purposes and on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it as to any other portion on any condition for any purpose or in any manner whatsoever.

It may be said that, although the authority to exercise exclusive legislation in certain cases within the States with their consent may be considered as a prohibition to Congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power within a State as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a State can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes, except in fortifications, dockyards, and the like places. If the soldiers are in the field or are quartered in garrisons without the fortifications, the civil authority must precat where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the State. More freedom of action and a wider range of power in the military commanders, to be exercised on their own responsibility, may be necessary to the public safety; but even here the civil authority of the State never ceases to operate. It is also exclusive for all civil purposes.

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I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The reasoning applicable to the preceding claims is equally so to this. The mischief complained of was that this power could not be exercised with advantage by the individual States, and the object was to transfer it to the United States. The sense in which the power was understood and exercised by the States was doubtless that in which it was transferred to the United States. The policy was the same as to three branches of this grant, and it is scarcely possible to separate the two first from each other in any view which may be taken of the subject. The last, relating to the Indian

tribes, is of a nature distinct from the others, for reasons too well known to require explanation. Commerce between independent powers for communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations and to prevent any on the trade between the States was the only power granted.

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The fourth claim is founded on the right of Congress to "pay the debts and provide for the common defense and general welfare" of the United States. This claim has less reason on its side than either of those which we have already examined.

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An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the States and the General Government and consolidate the whole under the latter.

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I have dwelt thus long on this part of the subject from an earnest desire to fix in a clear and satisfactory manner the import of the second part of this grant, well knowing from the generality of the terms used their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to appropriate the public money raised under the other part. To what extent that power may be carried will be the next object of inquiry.

It is contended on the one side that as the National Government is a Government of limited powers it has no right to expend money except in the performance of acts authorized by the other specific grants according to a strict construction of their powers; that this grant in neither of its branches gives to Congress discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our Government, but on further reflection and observation my mind has undergone a change for reasons which I will frankly unfold.

The grant consists, as heretofore observed, of a twofold power—the first to raise, the second to appropriate, the public money—and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post offices and post roads, and with all the other specific grants to the General Government. In the discharge of the powers contained in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the Representative to his constituents.

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If then the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants according to a strict construction of their powers, respectively, is there no limitation to it? Have Congress a right to raise and appropriate the money, to any and every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes. A State government will rarely, if ever, apply money to national purposes without making it a charge to the Nation. The people of the State would not permit it. Nor will Congress be apt to apply money in aid of the State administrations for purposes strictly local in which the Nation at large has no interest, although the State should desire it. The people of the other States would condemn it. They would declare that Congress had no right to tax them for such a purpose, and dismiss at the next election such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offences of this kind there is much danger of the two governments mistaking their interests or their duties. I rather expect that they would soon have a clear and distinct understanding of them and move on in great harmony.

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The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

To this objection that the United States have no power in any instance which is not complete to all the purposes to which it may be made instrumental, and in consequence that they have no right to appropriate any portion of the public money to internal improvements because they have not the right of sovereignty and jurisdiction over them when made, a full answer has, it is presumed, been already given. It may, however, be proper to add that if this objection was well founded it would not be confined to the simple case of internal improvements but would apply to others of high importance. Congress have a right to regulate commerce. To give effect to this power it becomes necessary to establish customhouses in every State along the coast and in many parts of the interior. The vast amount of goods imported and the duties to be performed to accommodate the merchants and secure the revenue make it necessary the spacious buildings should be erected, especially in the great towns, for their reception. This, it is manifest, could best be performed under the direction of the General Government. Have Congress the right to seize the property of individuals if they should refuse to sell it, importers best adapted to the purpose to have it valued, and to take it at the valuation? Have they a right to exercise jurisdiction within those buildings? Neither of these claims has ever been set up, nor could it, as is presumed, be sustained. They have invariably either rented houses where such as were suitable could be obtained, or where they could not, purchased the grounds of individuals, erected the buildings, and held them under the laws of the State. Under the power to establish post offices and post roads houses are also requisite for the reception of the mails and the transaction of the business of the several offices. These have always been rented or purchased and held under the laws of the State in the same manner as if they had been taken by a citizen. The United States have a right to establish tribunals inferior to the Supreme Court, and such have been established in every State of the Union. It is believed that the houses for these inferior courts have invariably been rented. No right of jurisdiction in them has ever been claimed, nor other right than that of privilege, and that only while the court is in session. A still stronger case may be urged. Should Congress be compelled by invasion or other cause to remove the Government to some town within one of the States, would they have a right of jurisdiction over such town, or hold even the house in which they held their session under other authority than the laws of such State? It is believed that they would not. If they have a right to appropriate money for any of these purposes, to be laid out under the protection of the laws of the State, surely they have an equal right to do it for the purposes of internal improvements.

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The Cumberland Road is the only regular work which has been undertaken by the General Government or which could give rise to any question between the two Governments respecting its powers. It is a great work, over the highest mountains in our Union, connecting from the seat of the General Government the eastern with the western waters, and more intimately the Atlantic with the Western States, in the formation of which $1,800,000 have been expended. The measures pursued in this case require to be particularly noticed as fixing the opinion of the parties, and particularly of Congress, on the important question of the right.

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By an act of April 30, 1802, entitled "An act to enable the people of the eastern division of the territory northwest of the River Ohio to form a constitution and State government and for the admission of such State into the Union on an equal footing with the original States, and for other purposes," after describing the limits of the proposed new State and authorizing the people thereof to elect a convention to form a constitution, the three following propositions were made to the convention, to be obligatory on the United States if accepted by it: First, that section No. 16 of every township, or, where such section had been sold, other lands equivalent thereto, should be granted to the inhabitants of such township for the use of free schools. Second, that the 6 miles' reservation, including the salt springs commonly called the Scioto Salt Springs, the salt springs near the Muskingum River and in the military tract with the sections which include the same, should be granted to the said State for the use of the people thereof, under such regulations as the legislature of the State should prescribe; provided, that it should never sell or lease the same for more than 10 years. Third, that one-twentieth part of the proceeds of the public lands lying within the said State which might be sold by Congress from and after the 30th of June ensuing should be applied to the laying out and making public roads from the navigable waters emptying into the Atlantic, to the Ohio, and through the State of Ohio, such roads to be laid out under the authority of Congress, with the consent of the several States through which they should pass.

These three propositions were made on the condition that the convention of the State should provide by an ordinance irrevocable without the consent of the United States, that every tract of land sold by Congress after the 30th of June ensuing should remain for the term of five years after sale exempt from every species of tax whatsoever.

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I will now proceed to the fifth source from which the power is said to be derived, viz, the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof. This is the seventeenth and last of the enumerated powers granted to Congress.

I have always considered this power as having been granted on a principle of greater caution to secure the complete execution of all the powers which had been vested in the General Government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the General Government, it gives to Congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect.

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I come now to the last source from which this power is said to be derived, viz, the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States, which is contained in the second clause of the third section of the fourth article of the Constitution.

To form a just opinion of the nature and extent of this power it will be necessary to bring into view the provisions contained in the first clause of the section of the article referred to, which makes an essential part of the policy in question. By this it is declared that new States shall be admitted into the Union, but that no new States shall be formed or erected within the jurisdiction of any other State nor any States be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the United States.

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Since, then, it is manifest that the power granted to Congress to dispose of and make all needful regulations respecting the territory and other property of the United States relates solely to the territory and property which had been ceded by individual States, and which after such cession lay without their respective limits, and for which special provision was deemed necessary, the main power of the Constitution operating internally, not being applicable or adequate thereto, it follows that this power gives no authority, and has even no bearing on the question of internal improvements. The authority to admit new States and to dispose of the property and regulate the territory is not among the enumerated powers granted to Congress, because the duties to be performed under it are not among the ordinary duties of that body, like the imposition of taxes, the regulation of commerce, and the

like. They are objects in their nature special, and for which special provision was more suitable and proper.

Having now examined all the powers of Congress under which the right to adopt and execute a system of internal improvement is claimed and the reasons in support of it in each instance, I think that it may fairly be concluded that such a right has not been granted. It appears and is admitted that much may be done in aid of such a system by the right which is derived from several of the existing grants, and more especially from that to appropriate the public money. But still it is manifest that as a system for the United States it can never be carried into effect under that branch or under all of them united, the great and essential power being deficient, consisting of a right to take up the subject on principle; to cause our Union to be examined by men of science with a view to such improvements; to authorize commissioners to lay off the roads and canals in all proper directions, to take the land at a valuation if necessary, and to construct the works; to pass laws with suitable penalties for their protection; and to raise a revenue from them, to keep them in repair, and make further improvement by the establishment of turnpikes and tolls, with gates to be placed at the proper distances.

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The advantages which would be derived from such improvements are incalculable. The facility which would thereby be afforded to the transportation of the whole of the rich productions of our country to market would alone more than amply compensate for all the labor and expense attending them. Great, however, as is that advantage, it is one only of many and by no means the most important. Every power of the General Government and of the State governments connected with the strength and resources of the country would be made more efficient for the purposes intended by them. In war they would facilitate the transportation of men, ordnance, and provisions, and munitions of war of every kind to every part of our extensive coast and interior on which an attack might be made or threatened. Those who have any knowledge of the occurrences of the late war must know the good effect which would result in the event of another war from the command of an interior navigation alone along the coast for all the purposes of war as well as of commerce between the different parts of our Union. The impediments to all military operations which proceeded from the want of such a navigation and the reliance which was placed, notwithstanding those impediments on such a commerce, can not be forgotten. In every other line their good effect would be most sensibly felt. Intelligence by means of the Post Office Department would be more easily, extensively, and rapidly diffused. Parts the most remote from each other would be brought more closely together. Distant lands would be made more valuable, and the industry of our fellow citizens on every portion of our soil be better rewarded.

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If it is thought proper to vest this power in the United States, the only mode in which it can be done is by an amendment of the Constitution. The States individually can not transfer the power to the United States, nor can the United States receive it. The Constitution forms an equal and the sole relation between the General Government and the several States, and it recognizes no change in it which shall not in like manner apply to all. If it is once admitted that the General Government may form compacts with individual States not common to the others, and which the others might even disapprove, into what ridiculous consequences might it not lead? Such compacts are utterly repugnant to the principles of the Constitution and of the most dangerous tendency. The States through which this road passes have given their sanction only to the route and to the acquisition of the soil by the United States, a right very different from that of jurisdiction, which can not be granted without an amendment to the Constitution and which need not be granted for the purposes of this system except in the limited manner heretofore stated. On full consideration, therefore, of the whole subject I am of opinion that such an amendment ought to be recommended to the several States for their adoption.

Mr. WORKS. I desire to call particular attention to one of the subjects that he discusses, which I think is the only one that by any possibility can be used as a foundation for legislation of the kind that is now before the Senate. He says:

It is to be observed that there is but little accord among the advocates for this power as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of these above mentioned. I will examine the ground of the claim in each instance.

The first of these grants is in the following words: "Congress shall have power to establish post offices and post roads." What is the just import of these words and the extent of the grant? The word "establish" is the ruling term; "post offices and post roads" are the subjects on which it acts. The question therefore is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connection with public affairs and whose minds were unprejudiced, what was the import of the word "establish" and the extent of the grant which it controls, we do not think there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, courthouses, and other places throughout our Union at which there should be post offices, the routes by which the mails should be carried from one post office to another, so as to diffuse intelligence as extensively and to make the institution as useful as possible, to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post offices and mails from robbery by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement, to take the soil from the proprietor by force, to establish turnpikes and tolls, and to punish offenders in the manner stated above would never occur to any such person. The use of the existing road by the stage, mail carrier, or postboy in passing over it as others do is all that would be thought of, the jurisdiction and soil remaining to the State, with a right in the State or those authorized by its legislature to change the road at pleasure.

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If the United States possessed the power contended for under this grant, might they not in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them and preclude a right to interfere with or alter them? Might they not establish turnpikes and exercise all the other acts of sovereignty above stated over such roads necessary to protect them from injury and defray the expense of repairing them? Surely if the right exists these consequences necessarily followed as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every State might be taken from it, for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

It may be remarked in this connection, Mr. President, that it is recited in the report of the committee that for three-quarters of a century the United States Government has not enacted any such legislation as this; it has not aided States in the construction of roads within their borders. It has taken no action of that kind, presumably for the reason that the decision in the McCulloch case, to which I have called attention, and the veto message of President Monroe established beyond a doubt in the mind of anyone who had examined them the fact that the Government had no such power under the Constitution.

Mr. President, I have a few other decided cases here bearing upon this question, not so directly as the ones to which I have referred, but which, I think, embody the principles which should control and the limitation that should be placed upon the National Government in dealing with questions of this kind.

The case of Pensacola Telegraph Co. against Western Union Telegraph Co. (96 U. S., 1) is an interesting one, in which the respective rights of a State and the Federal Government in dealing with interstate commerce is considered. Congress by statute, approved July 24, 1866, granted—

to any telegraph company the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States.

On the 11th of December, 1866, the Legislature of the State of Florida by statute granted to the Pensacola Telegraph Co.—

the exclusive privilege and right of establishing and maintaining lines of electric telegraph in the counties of Escambia and Santa Rosa, either from different points within said counties or either of them from any point in this or any other State.

On the 5th of June, 1867, the directors of the Western Union Telegraph Co. by resolution accepted the provisions of the act of Congress above referred to.

On the 14th of February, 1873, the Legislature of Florida granted to the Alabama & Florida Railroad Co. certain rights to construct, maintain, and operate a telegraph line over the same territory embraced in the exclusive grant to the Pensacola Telegraph Co.

On the 24th of June, 1874, the Pensacola & Louisville Railroad Co. granted to the Western Union Co. the right to erect a telegraph line upon its right of way and also the rights and privileges conferred by the acts of 1873 and 1874.

The Western Union Co. immediately commenced the erection of the line, but before its completion this suit was brought by the Pensacola Telegraph Co. to enjoin the work and the use of the line on account of the alleged exclusive right of the company under its charter from the State of Florida, which raised directly the question of the powers of the State and Federal Government to control such use.

I quote extracts from the opinion of Chief Justice Waite:

Congress has power "to regulate commerce with foreign nations and among the several States" (Const., Art. I, sec. 8, par. 3), and "to establish post offices and post roads" (ibid., par. 7). The Constitution of the United States and the laws made in pursuance thereof are the supreme law of the land. (Art. VI, par. 2.) A law of Congress made in pursuance of the Constitution suspends or overrides all State statutes with which it is in conflict.

Since the case of Gibbons v. Ogden (9 Wheat., 1) it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress. Post offices and post roads are established to facilitate the transmission of intelligence. Both commerce and the Postal Service are placed within the power of Congress, because, being national in their operation, they should be under the protecting care of the National Government.

* * * * * * *

The Government of the United States, within the scope of its powers, operates upon every foot of territory under its jurisdiction. It legislates for the whole Nation, and is not embarrassed by State lines. Its peculiar duty is to protect one part of the country from encroachments by another upon the national rights which belong to all.

The State of Florida has attempted to confer upon a single corporation the exclusive right of transmitting intelligence by telegraph over a certain portion of its territory. This embraces the two westernmost counties of the State and extends from Alabama to the Gulf. No telegraph line can cross the State from east to west or from north to south within these counties except it passes over this territory. Within it is situated an important seaport, at which business centers and with which those engaged in commercial pursuits have occasion more or less to communicate. The United States have there also the necessary machinery of the National Government. They have a navy yard, forts, custom-

houses, courts, post offices, and the appropriate officers for the enforcement of the laws. The legislation of Florida, if sustained, excludes all commercial intercourse by telegraph between the citizens of the other States and those residing upon this territory except by the employment of this corporation. The United States can not communicate with their own officers by telegraph except in the same way. The State, therefore, clearly has attempted to regulate commercial intercourse between its citizens and those of other States and to control the transmission of all telegraphic correspondence within its own jurisdiction.

It is unnecessary to decide how far this might have been done if Congress had not acted upon the same subject, for it has acted. The statute of July 24, 1866, in effect, amounts to a prohibition of all State monopolies in this particular. It substantially declares, in the interest of commerce and the convenient transmission of intelligence from place to place by the Government of the United States and its citizens, that the erection of telegraph lines shall, so far as State interference is concerned, be free to all who will submit to the conditions imposed by Congress, and that corporations organized under the laws of one State for constructing and operating telegraph lines shall not be excluded by another from prosecuting their business within its jurisdiction if they accept the terms proposed by the National Government for this national privilege. To this extent, certainly the statute is a legitimate regulation of commercial intercourse among the States, and is appropriate legislation to carry into execution the powers of Congress over the Postal Service. It gives no foreign corporation the right to enter upon private property without the consent of the owner and erect the necessary structures for its business, but it does provide that whenever the consent of the owner is obtained no State legislation shall prevent the occupation of post roads for telegraph purposes by such corporations as are willing to avail themselves of its privileges.

It is insisted, however, that the statute extends only to such military and post roads as are upon the public domain, but this, we think, is not so. The language is, "through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States." There is nothing to indicate any intention of limiting the effect of the words employed, and they are, therefore, to be given their natural and ordinary significance. Read in this way, the grant evidently extends to the public domain, the military and post roads, and the navigable waters of the United States. These are all within the dominion of the National Government to the extent of the national powers, and are, therefore, subject to legitimate congressional regulation. No question arises as to the authority of Congress to provide for the appropriation of private property to the uses of the telegraph, for no such attempt has been made. The use of public property alone is granted. If private property is required, it must, so far as the present legislation is concerned, be obtained by private arrangement with its owner. No compulsory proceedings are authorized. State sovereignty under the Constitution is not interfered with. Only national privileges are granted.

The State law in question, so far as it confers exclusive rights upon the Pensacola Co., is certainly in conflict with this legislation of Congress. To that extent it is, therefore, inoperative as against a corporation of another State entitled to the privileges of the act of Congress. Such being the case, the charter of the Pensacola Co. does not exclude the Western Union Co. from the occupancy of the right of way of the Pensacola & Louisville Railroad Co. under the arrangement made for that purpose.

This sentence in the opinion is significant as limiting the power of the Federal Government:

These are all within the dominion of the National Government to the extent of the national powers.

And the extent of the national powers is confined to commerce between the States and not within a State. And it is expressly held and confined in Western Union Telegraph Co. v. Pennsylvania Railroad Co. (195 U. S., 540) that the act only applies "to commercial intercourse by telegraph among the States," and does not confer upon telegraph companies the right to enter upon private property without the consent of the owner.

As it applies to post roads, the right of the Government to control or maintain them is necessarily confined to the use for interstate commerce and not mere local traffic or transportation. In the later case emphasis is given to this paragraph of the opinion in the earlier decision:

It (the act of 1866) gives no foreign corporation the right to enter upon private property without the consent of the owner and erect the necessary structures for its business, but it does provide that whenever the consent of the owner is obtained no State legislation shall prevent the occupation of post roads for telegraph purposes by such corporations as are willing to avail themselves of its privileges.

The fact that the legal title to post roads established as such, as set out in the veto message of President Monroe, may be in the adjoining private owner and must be acquired under State laws by any company seeking to use it would prevent entry upon it under authority of the United States. And this was clearly established by the case of Western Union Telegraph Co. v. Ann Arbor Railroad Co. (178 U. S., 239).

The strongest support for the claim of unlimited power in the National Government to maintain and control post roads may be found in this statement of Mr. Justice Field in Ex parte Jackson (96 U. S., 727):

The power vested in Congress to establish post offices and post roads has been practically construed, since the foundation of the Government, to authorize not merely the designation of the routes over which the mails shall be carried, and the offices where letters and other documents shall be received to be distributed or forwarded, but the carriage of the mail, and all measures necessary to secure its safe and speedy transit, and the prompt delivery of its contents.

But the question involved related solely to the right of the Government to prescribe what should or should not be transmitted through the mail and had no reference to the right to build or maintain a road within a State.

To the same effect is Public Clearing House v. Coyne (194 U. S., 497).

That the power of Congress to control the operation of railroads over which mails are carried is confined to roads doing an interstate business is definitely determined in Gladson v. Minnesota (166 U. S., 427, 430), in which it was claimed that the State regulations were—

an attempt on the part of the State to regulate interstate commerce; and secondly, being an unlawful interference with and an attempt to regulate the United States mail.

Of this the court said:

The principles of law which govern this case are familiar and have been often affirmed by this court. A railroad corporation created by a State is for all purposes of local government a domestic corporation, and its railroad within the State is a matter of domestic concern. Even when its road connects, as most railroads do, with railroads in other States, a State which created the corporation may make all needful regulations of a police character for the government of the company while operating its road in that jurisdiction. It may prescribe the location and the plan of construction of the road, the rate of speed at which the trains shall run, and the places at which they shall stop, and may make any other reasonable regulations for their management in order to secure the objects of the incorporation and the safety, good order, convenience, and comfort of the passengers and of the public. All such regulations are strictly within the police power of the State. They are not in themselves regulations of interstate commerce; and it is only when they operate as such in the circumstances of their application, and conflict with the express or presumed will of Congress exerted upon the same subject, that they can be required to give way to the paramount authority of the Constitution of the United States. (Stone v. Farmers' Loan & Trust Co., 116 U. S., 307, 333, 334; Smith v. Alabama, 124 U. S., 465, 481, 482; Hennington v. Georgia, 163 U. S., 299, 308, 317; New York, New Haven & Hartford Railroad v. New York, 165 U. S., 628, 632.)

An entirely different rule is applied where such regulations affect interstate commerce, as held in Illinois Central Railroad Co. v. Illinois (163 U. S., 142), in which it was said:

Upon the state of facts presented by this record, the duties of the Illinois Central Railroad Co. were not confined to those which it owed to the State of Illinois under the charter of the company and other laws of the State, but included distinct duties imposed upon the corporation by the Constitution and laws of the United States.

The State may doubtless compel the railroad company to perform the duty imposed by its charter of carrying passengers and goods between its termini within the State. But so long, at least, as that duty is adequately performed by the company, the State can not, under the guise of compelling its performance interfere with the performance of paramount duties to which the company has been subjected by the Constitution and laws of the United States.

The State may make reasonable regulations to secure the safety of passengers even on interstate trains, while within its borders. But the State can do nothing which will directly burden or impede the interstate traffic of the company, or impair the usefulness of its facilities for such traffic. (Railroad Co. v. Richmond, 19 Wall., 584, 589; Stone v. Farmers' Loan & Trust Co., 116 U. S., 307, 334; Smith v. Alabama 124, U. S. 465.)

The opinion in re Debs (158 U. S., 564) is a most interesting and instructive one, as bearing on this question. The case was one of an attempted obstruction of transportation by railroad companies, thereby interfering with interstate commerce and the carrying of the mails. After quoting extensively from the opinion of Chief Justice Marshall in McCulloch against Maryland, to which I have already referred, Mr. Justice Brewer said:

Under the power vested in Congress to establish post offices and post roads, Congress has, by a mass of legislation, established the great Post Office System of the country, with all its detail of organization, its machinery for the transaction of business, defining what shall be carried and what not, and the prices of carriage, and also prescribing penalties for all offenses against it.

Obviously these powers given to the National Government over interstate commerce and in respect to the transportation of the mails were not dormant and unused. Congress had taken hold of these two matters, and by various and specific acts had assumed and exercised the powers given to it, and was in the full discharge of its duty to regulate interstate commerce and carry the mails. The validity of such exercise and the exclusiveness of its control had been again and again presented to this court for consideration. It is curious to note the fact that in a large proportion of the cases in respect to interstate commerce brought to this court the question presented was of the validity of State legislation in its bearings upon interstate commerce, and the uniform course of decision has been to declare that it is not within the competency of a State to legislate in such a manner as to obstruct interstate commerce. If a State, with its recognized powers of sovereignty, is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limits of that State has a power which the State itself does not possess?

As, under the Constitution, power over interstate commerce and the transportation of the mails is vested in the National Government and Congress by virtue of such grant has assumed actual and direct control, it follows that the National Government may prevent any unlawful and forcible interference therewith. But how shall this be accomplished? Doubtless, it is within the competency of Congress to prescribe by legislation that any interference with these matters shall be offences against the United States, and prosecuted and punished by indictment in the proper courts. But is that the only remedy? Have the vast interests of the Nation in interstate commerce, and in the transportation of the mails, no other protection than lies in the possible punishment of those who interfere with it?

* * * * * * *

But there is no such impotency in the National Government. The entire strength of the Nation may be used to enforce in any part of

the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care. The strong arm of the National Government may be put forth to brush away all obstructions to the freedom of interstate commerce or the transportation of the mails. If the emergency arises, the Army of the Nation, and all its militia, are at the service of the Nation to compel obedience to its laws.

See also State of Pennsylvania against Wheeling, and so forth, Bridge Co. (18 U. S., 421).

These cases, like all the others, rest upon the powers of the United States to deal with interstate transportation. I have no doubt, however, that the National Government has the power to protect the transportation of its mails within a State, subject to reasonable regulations by the State authorities and to private rights.

In Hepburn v. Griswold (8 Wall., 603, 615) the court said:

But the extension of power by implication was regarded with some apprehension by the wise men who framed and by the intelligent citizens who adopted the Constitution. This apprehension is manifest in the terms by which the grant of incidental and auxiliary powers is made. All powers of this nature are included under the description of "power to make all laws necessary and proper for carrying into execution the powers expressly granted to Congress or vested by the Constitution in the Government or in any of its departments or officers."

The same apprehension is equally apparent in the tenth article of the amendments, which declares that "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States or the people."

We do not mean to say that either of these constitutional provisions is to be taken as restricting any exercise of power fairly warranted by legitimate derivation from one of the enumerated or express powers. The first was undoubtedly introduced to exclude all doubt in respect to the existence of implied powers, while the words "necessary and proper" were intended to have a "sense," to use the words of Mr. Justice Story, "at once admonitory and directory," and to require that the means used in the execution of an express power "should be bona fide, appropriate to the end." The second provision was intended to have a like admonitory and directory sense and to restrain the limited Government established under the Constitution from the exercise of powers not clearly delegated or derived by just inference from powers so delegated.

* * * * * * *

It must be taken then as finally settled, so far as judicial decisions can settle anything, that the words "all laws necessary and proper for carrying into execution" powers expressly granted or vested have in the Constitution a sense equivalent to that of the words, laws, not absolutely necessary, indeed, but appropriate, plainly adapted to constitutional and legitimate ends, laws not prohibited, but consistent with the letter and spirit of the Constitution, laws really calculated to effect objects intrusted to the Government.

Mr. President, I have tried in the first instance to show that as a matter of policy the Government ought not to go into legislation of this kind. I believe it would be a great mistake. Everybody who stops to think about it knows that if we should enter into this field, as is proposed by this bill, and which carries an appropriation of only $75,000,000, it would be only a beginning. It would amount to practically nothing. In the State of California we would get, of the total amount that is provided for in the bill, only something over $2,000,000, which would amount to practically nothing to the State of California in dealing with the roads in that State. The temptation would present itself, after this money is expended, to go on and expend more and more for the purpose of improving the roads of the States; and if this legislation is justified and is necessary, it must be carried further in order to carry out the intent of Congress, as indicated by this bill and the report that is made by the committee.

Are we ready to undertake an enterprise of that kind on the part of the National Government that will mean the expenditure of millions of dollars, independently of any question of power in the Government so to legislate? I think it would be bad policy. I think it would be dangerous. I regard this bill as one of the worst and most vicious "pork-barrel" pieces of proposed legislation that has ever come before this body.

I do not say that, Mr. President, because I am opposed to the improvement of the roads. By no means. I am a great believer in the expenditure of money by the States and by the National Government, where it has a right to act in the matter, in the construction and improvement of highways. There is probably no State in the Union that has exhibited more enterprise and expended more money in the construction and improvement of its roads than the State which I represent in part on the floor of the Senate. I have myself approved of that course by the State. You can go to California to-day and ride from the city of San Francisco to the city of Los Angeles, nearly 500 miles, upon a road that is almost as smooth as a floor. They have established automobile bus lines that are traveling now, eight from each end, between those two cities, carrying passengers, and they are being well patronized, because it is a trip that anyone would like to take. But that is a question for the States to determine. It is a State function. The Government of the United States has no business to go into my State in any guise or for any purpose to expend the money of the National Government to build the roads of California.

Mr. SHAFROTH. Mr. President——

Mr. WORKS. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to call the attention of the Senator from California to the fact that in the year 1914 the total expenditure of State funds, joint funds, and local funds amounted to $14,670,614, and yet there are 48,000 miles of roads in the State, of which only 9,388 are improved.

Mr. WORKS. Mr. President, I desire to be as accurate as I can in dealing with the question of the expenditures in my own State for the purpose of constructing and improving the roads. With that object in view I wired the State highway commission, asking them to give me a statement of the amount of money expended by the State and by the counties for this purpose, and I have extracted from a telegram received in answer the following information:

Counties of State have spent per year in recent years from $7,000,000 to $9,000,000.

State appropriated under act of 1909 during past six years $18,000,000.

Counties have spent in highway bonds probably an equal amount, $18,000,000.

Averaging expenditure of counties at $8,000,000 per year for 6 years	$48,000,000
State	18,000,000
County bonds	18,000,000
Total	$84,000,000

Which would give an average expenditure per year for the last six years for roads in California of $14,000,000.

I ought to say, Mr. President, in justice to the State highway engineer, Mr. Fletcher, from whom I received this telegram, that he urges me to support the bill as being a good thing for the State of California. I am not at all surprised that a State engineer should support a bill of this kind. The State engineers in the different States throughout the country have been for the bill from the first. In fact, I think they were probably the first body that really agitated the idea of making these appropriations from the National Treasury to help the States in the construction of their roads. I have no doubt in the world that Mr. Fletcher believes that this would be a good thing for the State of California. I apprehend that he has not considered it from all sides, but is taking a naturally selfish view of the question as to what good may come from it to his own State.

But I hope I am not susceptible of being influenced by any such considerations in dealing with a great question of this kind. I know that the great part of the people of my State would like to have me support this bill. I have no doubt but that I shall be criticized by a good many people for opposing it; but I am thoroughly convinced that the bill is bad, and therefore I am trying to do what seems to be my duty as the representative not only of my State but of the United States.

Mr. President, I think I have said now all that I desire to say about this bill. As I said in the beginning, it is not a very popular stand to take. Most of the States—unthinkingly, I believe—are anxious to profit by the use of the money of the National Government; but I think it ought not to be done in this way, as a matter of policy. I believe that it can not be done constitutionally.

Mr. WORKS subsequently said: Mr. President, the veto message from which I quoted is so important a document that I ask that it may be printed in full in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The veto message referred to is as follows:

VETO MESSAGE.

WASHINGTON, *May 4, 1822.*

To the House of Representatives:

Having duly considered the bill entitled "An act for the preservation and repair of the Cumberland Road," it is with deep regret, approving as I do the policy, that I am compelled to object to its passage and to return the bill to the House of Representatives, in which it originated, under a conviction that Congress do not possess the power under the Constitution to pass such a law.

A power to establish turnpikes with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor on a valuation and to pass laws for the protection of the road from injuries, and if it exists as to one road it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money under the power vested in Congress to make appropriations, under which power, with the consent of the States through which this road passes, the work was originally commenced, and has been so far executed. I am of opinion that Congress do not possess this power; that the States individually can not grant it, for, although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution and in the mode prescribed by it.

If the power exist it must be either because it has been specifically granted to the United States or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power we do not find it among them, nor is it incidental to any power which has been specifically granted.

It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:

First, from the right to establish post offices and post roads; second, from the right to declare war; third, to regulate commerce; fourth, to pay the debts and provide for the common defense and general welfare; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States.

According to my judgment it can not be derived from either of those powers, nor from all of them united, and, in consequence, it does not exist.

Having stated my objections to the bill, I should now cheerfully communicate at large the reasons on which they are founded if I had time to reduce them to such form as to include them in this paper. The advanced stage of the session renders that impossible. Having at the commencement of my service in this high trust considered it a duty to express the opinion that the United States do not possess the power in question, and to suggest for the consideration of Congress the propriety of recommending to the States an amendment to the Constitution to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed is not such as I should have given it had it been intended for Congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance and which in many of its bearings has now become peculiarly urgent, I will communicate it to Congress, if in my power, in the course of the day, or certainly on Monday next.

JAMES MONROE.

WASHINGTON, *May 4, 1822.*

To the House of Representatives:

I transmit the paper alluded to in the message of this day on the subject of internal improvements.

JAMES MONROE.

VIEWS OF THE PRESIDENT OF THE UNITED STATES ON THE SUBJECT OF INTERNAL IMPROVEMENTS.

"It may be presumed that the proposition relating to internal improvements by roads and canals, which has been several times before Congress, will be taken into consideration again either for the purpose of recommending to the States the adoption of an amendment to the Constitution to vest the necessary power in the General Government or to carry the system into effect on the principle that the power has already been granted. It seems to be the prevailing opinion that great advantage would be derived from the exercise of such a power by Congress. Respecting the right there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist, it ought forthwith to be exercised. If it does not exist, surely those who are friends to the power ought to unite in recommending an amendment to the Constitution to obtain it. I propose to examine this question.

"The inquiry confined to its proper objects and within the most limited scale is extensive. Our Government is unlike other governments both in its origin and form. In analyzing it the differences in certain respects between it and those of other nations, ancient and modern, necessarily come into view. I propose to notice these differences so far as they are connected with the object of inquiry and the consequences likely to result from them, varying in equal degree from those which have attended other governments. The digression, if it may be so called, will, in every instance, be short and the transition to the main object immediate and direct.

"To do justice to the subject it will be necessary to mount to the source of power in these States and to pursue this power in its gradations and distribution among the several departments in which it is now vested. The great division is between the State governments and the General Government. If there was a perfect accord in every instance as to the precise extent of the powers granted to the General Government, we should then know with equal certainty what were the powers which remained to the State governments, since it would follow that those which were not granted to the one would remain to the other. But it is on this point, and particularly respecting the construction of these powers and their incidents, that a difference of opinion exists, and hence it is necessary to trace distinctly the origin of each government, the purposes intended by it, and the means adopted to accomplish them. By having the interior of both governments fully before us we shall have all the means which can be afforded to enable us to form a correct opinion of the endowments of each.

"Before the Revolution the present States, then Colonies, were separate communities, unconnected with each other except in their common relation to the Crown. Their governments were instituted by grants from the Crown, which operated, according to the conditions of each grant, in the nature of a compact between the settlers in each colony and the Crown. All power not retained in the Crown was vested exclusively in the Colonies, each having a government consisting of an executive, a judiciary, and a legislative assembly, one branch of which was in every instance elected by the people. No office was hereditary, nor did any title under the Crown give rank or office in any of the Colonies. In resisting the encroachments of the parent country and abrogating the power of the Crown, the authority which had been held by it vested exclusively in the people of the Colonies. By them was a Congress appointed, composed of delegates from each colony, who managed the war, declared independence, treated with foreign powers, and acted in all things according to the sense of their constituents. The Declaration of Independence confirmed in form what had before existed in substance. It announced to the world new States, possessing and exercising complete sovereignty, which they were resolved to maintain. They were soon after recognized by France and other powers, and finally by Great Britain herself in 1783.

"Soon after the power of the Crown was annulled the people of each colony established a constitution or frame of government for themselves, in which these separate branches—legislative, executive, and judiciary—were instituted, each independent of the others. To these branches, each having its appropriate portion, the whole power of the people not delegated to Congress was communicated, to be exercised for their advantage on the representative principle by persons of their appointment, or otherwise deriving their authority immediately from them, and holding their offices for stated terms. All the powers necessary for useful purposes held by any of the strongest Government of the Old World not vested in Congress were imparted to these State governments without other checks than such as are necessary to prevent abuse, in the form of fundamental declarations or bills of right. The great difference between our governments and those of the Old World consists in this, that the former, being representative, the persons who exercise their powers do it not for themselves or in their own right, but for the people, and therefore while they are in the highest degree efficient they can never become oppressive. It is this transfer of the power of the people to representative and responsible bodies in every branch which constitutes the great improvement in the science of government and forms the boast of our system. It combines all the advantages of every known government without any of their disadvantages. It retains the sovereignty in the people, while it avoids the tumult and disorder incident to the exercise of that power by the people themselves. It possesses all the energy and efficiency of the most despotic governments, while it avoids all the oppressions and abuses inseparable from those governments.

"In every stage of the conflict from its commencement until March, 1781, the powers of Congress were undefined, but of vast extent. The assemblies or conventions of the several colonies being formed by representatives from every county in each colony and the Congress by delegates from each colonial assembly, the powers of the latter for general purposes resembled those of the former for local. They rested on the same basis, the people, and were complete for all the purposes contemplated. Never was a movement so spontaneous, so patriotic, so efficient. The Nation exerted its whole faculties in support of its rights, and of its independence after the contest took that direction, and it succeeded. It was, however, foreseen at a very early stage that, although the patriotism of the country might be relied on in the struggle for its independence, a well-digested compact would be necessary to preserve it after it was obtained. A plan of confederation was in consequence proposed and taken into consideration by Congress even at the moment when the other great act which severed them from Great Britain and declared their independence was proclaimed to the world. This compact was ratified on the 21st of March, 1781, by the last State, and thereupon carried into immediate effect.

"The following powers were vested in the United States by the Articles of Confederation. As this, the first bond of union, was in operation nearly eight years, during which time a practical construction was given to many of its powers, all of which were adopted in the Constitution with important additions, it is thought that a correct view of those powers and of the manner in which they are executed may shed light on the subject under consideration. It may fairly be presumed that where certain powers were transferred from one instrument to the other and in the same terms, or terms descriptive only of the same powers, that it was intended that they should be construed in the same sense in the latter that they were in the former.

"Article I declares that the style of the Confederacy shall be 'The United States of America.'

"Article II. Each State retains its sovereignty, freedom, and independence, and every power and right which is not expressly delegated to the United States.

"Article III. The States severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them on account of religion, sovereignty, trade, etc.

"Article IV. The free inhabitants of each State, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States, etc. Fugitives from justice into any of the States shall be delivered up on the demand of the executive of the State from which they fled. Full faith and credit shall be given in each State to the records and acts of every other State.

"Article V. Delegates shall be annually appointed by the legislature of each State to meet in Congress on the first Monday in November, with a power to recall, etc. No State shall appoint less than two nor more than seven, nor shall any delegate hold his office for more than three in six years. Each State shall maintain its own delegates. Each State shall have one vote. Freedom of speech shall not be impeached, and the members shall be protected from arrests, except for treason, etc.

"Article VI. No State shall send or receive an embassy or enter into a treaty with a foreign power. Nor shall any person holding any office of profit or trust under the United States or any State accept any present, emolument, office, or title from a foreign power. Nor shall the United States or any State grant any title of nobility. No two States shall enter into any treaty without the consent of Congress. No State shall lay any imposts or duties which may interfere with any treaties entered into by the United States. No State shall engage in war unless it be invaded or menaced with invasion by some Indian tribe, nor grant letters of marque or reprisal unless it be against pirates, nor keep up vessels of war, nor any body of troops in time of peace, without the consent of Congress; but every State shall keep up a well-regulated militia, etc.

"Article VII. When land forces are raised by any State for the common defense all officers of and under the rank of colonel shall be appointed by the legislature of each State.

"Article VIII. All charges of war and all other expenses which shall be incurred for the common defense or general welfare shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all the land in each State granted to individuals. The taxes for paying each proportion shall be levied by the several States.

"Article IX. Congress shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into alliances, except, etc.; of establishing rules for deciding what captures on land and water shall be legal; of granting letters of marque and reprisal in time of peace; appointing courts for the trial of piracies and felonies on the high seas; for deciding controversies between the States and between individuals claiming lands under two or more States whose jurisdiction has been adjusted; of regulating the alloy and value of coin struck by their authority and of foreign coin; fixing the standard of weights and measures; regulating the trade with the Indians; establishing and regulating post offices from one State to another and throughout all the States, and exacting such postage as may be requisite to defray the expenses of the office; of appointing all officers of the

land forces except the regimental; appointing all the officers of the naval forces; to ascertain the necessary sums of money to be raised for the service of the United States and appropriate the same; to borrow money and emit bills of credit; to build and equip a Navy; to agree on the number of land forces and to make requisitions on each State for its quota; that the assent of nine States shall be requisite to these great acts.

"Article X regulates the powers of the committee of the States to sit in the recess of Congress.

"Article XI provides for the admission of Canada into the Confederation.

"Article XII pledges the faith of the United States for the payment of all bills of credit issued and money borrowed on their account.

"Article XIII. Every State shall abide by the determination of the United States on all questions submitted to them by the Confederation, the Articles of the Confederation to be perpetual and not to be altered without the consent of every State.

"This bond of union was soon found to be utterly incompetent to the purposes intended by it. It was defective in its powers; it was defective also in the means of executing the powers actually granted by it. Being a league of sovereign and independent States, its acts, like those of all other leagues, required the interposition of the States composing it to give them effect within their respective jurisdictions. The acts of Congress without the aid of State laws to enforce them were altogether nugatory. The refusal or omission of one State to pass such laws was urged as a reason to justify like conduct in others, and thus the Government was soon at a stand.

"The experience of a few years demonstrated that the Confederation could not be relied on for the security of the blessings which had been derived from the Revolution. The interests of the Nation required a more efficient Government, which the good sense and virtue of the people provided by the adoption of the present Constitution.

"The Constitution of the United States was formed by a convention of delegates from the several States, who met in Philadelphia, duly authorized for the purpose, and it was ratified by a convention in each State which was especially called to consider and decide on the same. In this progress the State governments were never suspended in their functions. On the contrary, they took the lead in it. Conscious of their incompetency to secure to the Union the blessings of the Revolution, they promoted the diminution of their own powers and the enlargement of those of the General Government in the way in which they might be most adequate and efficient. It is believed that no other example can be found of a Government exerting its influence to lessen its own powers, of a policy so enlightened, of a patriotism so pure and disinterested. The credit, however, is more especially due to the people of each State, in obedience to whose will and under whose control the State governments acted.

"The Constitution of the United States, being ratified by the people of the several States, became of necessity to the extent of its powers the paramount authority of the Union. On sound principles it can be viewed in no other light. The people, the highest authority known to our system, from whom all our institutions spring and on whom they depend, form it. Had the people of the several States thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then, nor is there anything now, should they be so disposed, to prevent it. They wisely stopped, however, at a certain point, extending the incorporation to that point, making the National Government thus far a consolidated Government, and preserving the State governments without that limit perfectly sovereign and independent of the National Government. Had the people of the several States incorporated themselves into one community, they must have remained such, their Constitution becoming then, like the constitution of the several States, incapable of change until altered by the will of the majority. In the institution of a State government by the citizens of a State a compact is formed to which all and every citizen are equal parties. They are also the sole parties and may amend it at pleasure. In the institution of the Government of the United States by the citizens of every State a compact was formed between the whole American people which had the same force and partaken of all the qualities to the extent of its powers as a compact between the citizens of a State in the formation of their own constitution. It can not be altered except by those who formed it or in the mode prescribed by the parties to the compact itself.

"This Constitution was adopted for the purpose of remedying all defects of the Confederation, and in this it has succeeded beyond any calculation that could have formed of any human institution. By binding the States together the Constitution performs the great office of the Confederation; but it is in that sense only that it has any of the properties of that compact, and in that it is more effectual to the purpose, as it holds them together by a much stronger bond; and in all other respects in which the Confederation failed the Constitution has been blessed with complete success. The Confederation was a compact between separate and independent States, the execution of whose articles in the powers which operated internally depended on the State governments. But the great office of the Constitution, by incorporating the people of the several States to the extent of its powers into one community and enabling it to act directly on the people, was to annul the powers of the State governments to that extent, except in cases where they were concurrent, and to preclude their agency in giving effect to those of the General Government. The Government of the United States relies on its own means for the execution of its powers, as the State governments do for the execution of theirs, both governments having a common origin or sovereign, the people—the State governments the people of each State, the National Government the people of every State—and being amenable to the power which created it. It is by executing its functions as a Government thus originating and thus acting that the Constitution of the United States holds the States together and performs the office of a league. It is owing to the nature of its powers and the high source from whence they are derived—the people—that it performs that office better than the Confederation or any league which ever existed, being a compact which the State governments did not form, to which they are not parties, and which executes its own powers independently of them.

"There were two separate and independent governments established over our Union, one for local purposes over each State by the people of the State, the other for national purposes over all the States by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The State governments are independent of each other, and to the extent of their powers are complete sovereignties. The National Government begins where the State governments terminate, except in some instances where there is a concurrent jurisdiction between them. This Government is also, according to the extent of its powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

"The history of the world affords no such example of two separate and independent governments established over the same people, nor can it exist except in governments founded on the sovereignty of the people. In monarchies and other governments not representative there can be no such division of power. The government is inherent in the possessor; it is his, and can not be taken from him without a revolution. In such governments alliances and leagues alone are practicable. But with us individuals count for nothing in the offices which they hold; that is, they have no right to them. They hold them as representatives, by appointment from the people, in whom the sovereignty is exclusively vested. It is impossible to speak too highly of this system, taken in its twofold character and in all its great principles of two governments, completely distinct from and independent of each other, each constitutional, founded by and acting directly on the people, each competent to all its purposes, administering all the blessings for which it was instituted, without even the most remote danger of exercising any of its powers in a way to oppress the people. A system capable of expansion over a vast territory not only without weakening either government, but enjoying the peculiar advantage of adding thereby new strength and vigor to the faculties of both; possessing also this additional advantage, that while the several States enjoy all the rights reserved to them of separate and independent governments, and each is secured by the nature of the Federal Government, which acts directly on the people, against the failure of the others to bear their equal share of the public burdens, and thereby enjoys in a more perfect degree all the advantages of a league, it binds them together by a bond altogether different and much stronger than the late Confederation or any league that was ever known before—a bond beyond their control, and which can not even be amended except in the mode prescribed by it. So great an effort in favor of human happiness was never made before; but it became those who made it. Established in the new hemisphere, descended from the same ancestors, speaking the same language, having the same religion and universal toleration, born equal and educated in the same principles of free government, made independent by a common struggle and menaced by the same dangers, ties existed between them which never applied before to separate communities. They had every motive to bind them together which could operate on the interests and affections of a generous, enlightened, and virtuous people, and it affords inexpressible consolation to find that these motives had their merited influence.

"In thus tracing our institutions to their origin and pursuing them in their progress and modifications down to the adoption of this Constitution two important facts have been disclosed, on which it may not be improper in this stage to make a few observations. The first is that in wresting the power, or what is called the sovereignty, from the Crown it passed directly to the people. The second that it passed directly to the people of each Colony and not to the people of all the Colonies in the aggregate; to 13 distinct communities and not to 1. To these two facts, each contributing its equal proportion, I am inclined to think that we are in an eminent degree indebted for the success of our Revolution. By passing to the people it vested in a community every individual of which had equal rights and a common interest. There was no family dethroned among us, no banished pretender in a foreign country looking back to his connections and adherents here in the hope of a recall; no order of nobility whose hereditary rights in the Government had been violated; no hierarchy which had been degraded and oppressed. There was but one order, that of the people, by whom everything was gained by the change. I mention it also as a circumstance of peculiar felicity that the great body of the people had been born and educated under these equal and original institutions. Their habits, their principles, and their prejudices were therefore all on the side of the Revolution and of free republican government.

"Had distinct orders existed our fortune might and probably would have been different. It would scarcely have been possible to have united so completely the whole force of the country against a common enemy. A contest would probably have arisen in the outset between the orders for the control. Had the aristocracy prevailed, the people would have been heartless. Had the people prevailed, the nobility would probably have left the country, or, remaining behind, internal divisions would have taken place in every State and a civil war broken out more destructive even than the foreign, which might have defeated the whole movement. Ancient and modern history is replete with examples proceeding from conflicts between distinct orders, of revolutions attempted which proved abortive, of republics which have terminated in despotism. It is owing to the simplicity of the elements of which our system is composed that the attraction of all the parts has been to a common center, and that every change has tended to cement the union, and, in short, that we have been blessed with such glorious and happy success.

"And that the power wrested from the British Crown passed to the people of each Colony the whole history of our political movement from the emigration of our ancestors to the present day clearly demonstrates. What produced the Revolution? The violation of our rights. What rights? Our chartered rights. To whom were the charters granted, to the people of each Colony or to the people of all the Colonies as a single community? We know that no such community as the aggregate existed, and, of course, that no such rights could be violated. It may be added that the nature of the powers which were given to the delegates by each Colony and the manner in which they were executed show that the sovereignty was in the people of each and not in the aggregate. They respectively presented credentials such as are usual between ministers of separate powers, which were examined and approved before they entered on the discharge of the important duties committed to them. They voted also by Colonies and not individually, all the members from one Colony being entitled to one vote only. This fact alone, the first act of our political association and at the period of our greatest peril, fixes beyond all controversy the source from whence the power which has directed and secured success to all our measures has proceeded.

"Had the sovereignty passed to the aggregate, consequences might have ensued, admitting the success of our Revolution, which might even yet seriously affect our system. By passing to the people of each Colony the opposition to Great Britain, the prosecution of the war, the Declaration of Independence, the adoption of the Confederation, and of this Constitution are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the State governments might be said to have emanated from it, and amendments of their constitutions on that principle be proposed by the same authority. In short, it is not easy to perceive all the consequences into which such a doctrine might lead. It is obvious that the people in

mass would have had much less agency in all the great measures of the Revolution and in those which followed than they actually had, and proportionably less credit for their patriotism and services than they are now entitled to and enjoy. By passing to the people of each Colony the whole body in each were kept in constant and active deliberation on subjects of the highest national importance and in the supervision of the conduct of all the public servants in the discharge of their respective duties. Thus the most effectual guards were provided against abuses and dangers of every kind which human ingenuity could devise, and the whole people rendered more competent to the self-government which by an heroic exertion they had acquired.

"I will now proceed to examine the powers of the General Government, which, like the governments of the several States, is divided into three branches—a legislative, executive, and judiciary—each having its appropriate share. Of these the legislative, from the nature of its powers, all laws proceeding from it, and the manner of its appointment, its members being elected immediately by the people, is by far the most important. The whole system of the National Government may be said to rest essentially on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move in the discharge of their respective functions. It will be proper, therefore, to take a full and correct view of the powers granted to it.

"By the eighth section of the first article of the Constitution it is declared that Congress shall have power—

"First. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States;

"Second. To borrow money;

"Third. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

"Fourth. To establish an uniform rule of naturalization and uniform laws respecting bankruptcies;

"Fifth. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

"Sixth. To provide for the punishment of counterfeiting the securities and current coin of the United States;

"Seventh. To establish post offices and post roads;

"Eighth. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

"Ninth. To constitute tribunals inferior to the Supreme Court, to define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations;

"Tenth. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

"Eleventh. To raise and support armies;

"Twelfth. To provide and maintain a navy;

"Thirteenth. To make rules for the government of the land and naval forces;

"Fourteenth. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

"Fifteenth. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be in the service of the United States, reserving to the States the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

"Sixteenth. To exercise exclusive legislation in all cases whatever over such district (not exceeding 10 miles square) as may, by the cession of particular States and the acceptance by Congress, become the seat of government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same may be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;

"Seventeenth. And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

"To the other branches of the Government the powers properly belonging to each are granted. The President, in whom the executive power is vested, is made Commander in Chief of the Army and Navy and militia, when called into the service of the United States. He is authorized, with the advice and consent of the Senate, two-thirds of the Members present concurring, to form treaties, to nominate and, with the advice and consent of the Senate, to appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers whose appointments are not otherwise provided for by law. He has power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. It is made his duty to give to Congress from time to time information of the state of the Union, to recommend to their consideration such measures as he may judge necessary and expedient, to convene both Houses on extraordinary occasions, to receive ambassadors, and to take care that the laws be faithfully executed.

"The judicial power is vested in one Supreme Court and in such inferior courts as Congress may establish; and it is made to extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority. Cases affecting ambassadors and other public characters, cases of admiralty and maritime jurisdiction, causes in which the United States are a party, between two or more States, between citizens of different States, between citizens of the same State claiming grants of land under different States, between a State or the citizens thereof and foreign States, are specially assigned to these tribunals.

"Other powers have been granted in other parts of the Constitution which, although they relate to specific objects unconnected with the ordinary administration, yet, as they form important features in the Government and may shed useful light on the construction which ought to be given to the powers above enumerated, it is proper to bring into view.

"By Article I, section 9, clause 1, it is provided that the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding $10 for each person.

"By Article III, section 3, clause 1, new States may be admitted by Congress into the Union, but that no new State shall be formed within the jurisdiction of another State, nor any State be formed by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned as well as of the United States. And by the next clause of the same article and section power is vested in Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, with a proviso that nothing in the Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

"By Article IV, section 4, the United States guarantee to every State a republican form of government and engage to protect each of them against invasion; and on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence.

"Of the other parts of the Constitution relating to power, some form restraints on the exercise of the powers granted to Congress and others on the exercise of the powers remaining to the States. The object in both instances is to draw more completely the line between the two governments and also to prevent abuses by either. Other parts operate like conventional stipulations between the States, abolishing between them all distinctions applicable to foreign powers and securing to the inhabitants of each State all the rights and immunities of citizens in the several States.

"By the fifth article it is provided that Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid as a part of the Constitution when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode may be proposed by Congress: *Provided*, That no State, without its consent, shall be deprived of its equal vote in the Senate, and that no amendment which may be made prior to the year 1808 shall affect the first and fourth clauses in the ninth section of the first article.

"By the second section of the sixth article it is declared that the Constitution, and laws of the United States which shall be made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land, and that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding. This right in the National Government to execute its powers was indispensable to its existence. If the State governments had not been restrained from encroaching on the powers vested in the National Government, the Constitution, like the Confederation, would soon have been set at naught; and it was not within the limit of the human mind to devise any plan for the accomplishment of the object other than by making a national constitution which should be to the extent of its powers the supreme law of the land. This right in the National Government would have existed under the Constitution to the full extent provided for by this declaration had it not been made. To prevent the possibility of a doubt, however, on so important a subject it was proper to make the declaration.

"Having presented above a full view of all the powers granted to the United States, it will be proper to look to those remaining to the States. It is by fixing the great powers which are admitted to belong to each government that we may hope to come to a right conclusion respecting those in controversy between them. In regard to the National Government this task was easy, because its powers were to be found in specific grants in the Constitution; but it is more difficult to give a detail of the powers of the State governments, as their constitutions, containing all powers granted by the people not specifically taken from them by grants to the United States, can not well be enumerated. Fortunately a precise detail of all the powers remaining to the State governments is not necessary in the present instance. A knowledge of their great powers only will answer every purpose contemplated, and respecting these there can be no diversity in opinion. They are sufficiently recognized and established by the Constitution of the United States itself.

"In designating the important powers of the State governments it is proper to observe, first, that the territory contemplated by the Constitution belongs to each State in its separate character and not to the United States in their aggregate character. Each State holds territory according to its original charter, except in cases where cessions have been made to the United States by individual States. The United States had none when the Constitution was adopted which had not been thus ceded to them and which they held on the conditions on which such cession had been made. Within the individual States it is believed that they held not a single acre; but if they did it was as citizens held it, merely as private property. The territory acquired by cession lying without the individual States rests on a different principle and is provided for by a separate and distinct part of the Constitution. It is the territory within the individual States to which the Constitution in its great principles applies, and it applies to such territory as the territory of a State and not as that of the United States. The next circumstance to be attended to is that the people composing this Union are the people of the several States, and not of the United States in the full sense of a consolidated government. The militia are the militia of the several States; lands are held under the laws of the States; descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States made under and in conformity with the powers vested in Congress and of the laws of nations, are regulated by State laws. This enumeration shows the extent of the powers of the State governments. The territory and the people form the basis on which all governments are founded. The militia constitutes their effective force. The regulation and protection of property and of personal liberty are also among the highest attributes of sovereignty. This, without other evidence, is sufficient to show that the great office of the Constitution of the United States is to unite the States together under a Government endowed with powers adequate to the purposes of its institution, relating, directly or indirectly, to foreign concerns, to the discharge of which a National Government thus formed alone could be competent.

"This view of the exclusive jurisdiction of the several States over the territory within their respective limits, except in cases otherwise specially provided for, is supported by the obvious intent of the several powers granted to Congress, to which a more particular attention is now due. Of these the right to declare war is perhaps the most important, as well by the consequences attending war as by the other powers granted in aid of it. The right to lay taxes, duties, imposts, and excises, though necessary for the support of the civil government, is equally necessary to sustain the charges of war; the right to raise and support armies and a navy and to call forth and govern the militia when in the service of the United States are altogether of the latter kind. They are granted in aid of the power to make war and intended to give effect to it. These several powers are of great force and extent and operate more directly within the limits and upon the resources of the States than any of the other powers. But still they are means only for given ends. War is declared and must be maintained an

army and a navy must be raised, fortifications must be erected for the common defense, debts must be paid. For these purposes duties, imposts, and excises are levied, taxes are laid, the lands, merchandise, and other property of the citizens are liable for them; if the money is not paid seizures are made and the lands are sold. The transaction is terminated; the lands pass into other hands, who hold them, as the former proprietors did, under the laws of the individual States. They were means only to certain ends; the United States have nothing further to do with them. The same view is applicable to the power of the General Government over persons. The militia is called into the service of the United States; the service is performed; the corps returns to the State to which it belongs; it is the militia of such State, and not of the United States. Soldiers are required for the Army, who may be obtained by voluntary enlistment or by some other process founded in the principles of equality. In either case the citizen, after the tour of duty is performed, is restored to his former station in society, with his equal share in the common sovereignty of the Nation. In all these cases, which are the strongest which can be given, we see that the right of the General Government is nothing more than what it is called in the Constitution, a power to perform certain acts, and that the subject on which it operates is a means only to that end; that it was both before and after that act under the protection and subject to the laws of the individual State within which it was.

"To the other powers of the General Government the same remarks are applicable and with greater force. The right to regulate commerce with foreign powers was necessary as well to enable Congress to lay and collect duties and imposts as to support the rights of the Nation in the intercourse with foreign powers. It is executed at the ports of the several States and operates almost altogether externally. The right to borrow and coin money and to fix its value and that of foreign coin are important to the establishment of a National Government, and particularly necessary in support of the right to declare war, as, indeed, may be considered the right to punish piracy and felonies on the high seas and offenses against the laws of nations. The right to establish an uniform rule of naturalization and uniform laws respecting bankruptcies seems to be essentially connected with the right to regulate commerce. The first branch of it relates to foreigners entering the country; the second, to merchants who have failed. The right to promote the progress of useful arts and sciences may be executed without touching any of the individual States. It is accomplished by granting patents to inventors and preserving models, which may be done exclusively within the Federal district. The right to constitute courts inferior to the Supreme Court was a necessary consequence of the judiciary existing as a separate branch of the General Government. Without such inferior court in every State it would be difficult and might even be impossible to carry into effect the laws of the General Government. The right to establish post offices and post roads is essentially of the same character. For political, commercial, and social purposes it was important that it should be vested in the General Government. As a mere matter of regulation, and nothing more, I presume, was intended by it. It is a power easily executed and involving little authority within the States individually. The right to exercise exclusive legislation in all cases whatsoever over the Federal district and over forts, magazines, arsenals, dockyards, and other needful buildings with the consent of the State within which they may be situated is of a peculiar character, and is sufficient in itself to confirm what has been said of all the other powers of the General Government. Of this particular grant further notice will hereafter be taken.

"I shall conclude my remarks on this part of the subject by observing that the view which has been presented of the powers and character of the two Governments is supported by the marked difference which is observable in the manner of their endowment. The State governments are divided into three branches—a legislative, executive, and judiciary—and the appropriate duties of each assigned to it without any limitation of power except such as is necessary to guard against abuse, in the form of bills of right. But in instituting the National Government an entirely different principle was adopted and pursued. The Government itself is organized, like the State governments, into three branches, but its powers are enumerated and defined in the most precise form. The subject has already been too fully explained to require illustration by a general view of the whole Constitution, every part of which affords proof of what is here advanced. It will be sufficient to advert to the eighth section of the first article, being that more particularly which defines the powers and fixes the character of the Government of the United States. By this section it is declared that Congress shall have power, first, to lay and collect taxes, duties, imposts, and excises, etc.

"Having shown the origin of the State governments and their endowments when first formed; having also shown the origin of the National Government and the powers vested in it, and having shown, lastly, the powers which are admitted to have remained to the State governments after those which were taken from them by the National Government, I will now proceed to examine whether the power to adopt and execute a system of internal improvement by roads and canals has been vested in the United States.

"Before we can determine whether this power has been granted to the General Government it will be necessary to ascertain distinctly the nature and extent of the power requisite to make such improvements. When that is done we shall be able to decide whether such power is vested in the National Government.

"If the power existed it would, it is presumed, be executed by a board of skillful engineers, on a view of the whole Union, on a plan which would secure complete effect to all the great purposes of our Constitution. It is not my intention, however, to take up the subject here on this scale. I shall state a case for the purpose of illustration only. Let it be supposed that Congress intended to run a road from the city of Washington to Baltimore and to connect the Chesapeake Bay with the Delaware and the Delaware with the Raritan by a canal, what must be done to carry the project into effect? I make here no question of the existing power. I speak only of the power necessary for the purpose. Commissioners would be appointed to trace a route in the most direct line, paying due regard to heights, water courses, and other obstacles, and to acquire the right to the ground over which the road and canal would pass, with sufficient breadth for each. This must be done by voluntary grants, or by purchases from individuals, or, in case they would not sell or should ask an exorbitant price, by condemning the property and fixing its value by a jury of the vicinage. The next object to be attended to after the road and canal are laid out and made is to keep them in repair. We know that there are people in every community capable of committing voluntary injuries, of pulling down walls that are made to sustain the road, or breaking the bridges over water courses, and breaking the road itself. Some living near it might be disappointed that it did not pass through their lands and commit these acts of violence and waste from revenge or in the hope of giving it that direction, though for a short time. Injuries of this kind have been committed and are still complained of on the road from Cumberland to the Ohio. To accomplish this object Congress should have a right to pass laws to punish offenders wherever they may be found. Jurisdiction over the road would not be sufficient, though it were exclusive. It would seldom happen that the parties would be detected in the act. They would generally commit it in the night and fly far off before the sun appeared. The power to punish these culprits must therefore reach them wherever they go. The must also be amenable to competent tribunals, Federal or State. The power must likewise extend to another object not less essential or important than those already mentioned. Experience has shown that the establishment of turnpikes, with gates and tolls and persons to collect the tolls, is the best expedient that can be adopted to defray the expense of these improvements and the repairs which they necessarily require. Congress must therefore have power to make such an establishment and to support it by such regulations, with fines and penalties in the case of injuries, as may be competent to the purpose. The right must extend to all those objects, or it will be utterly incompetent. It is possessed and exercised by the States individually, and it must be possessed by the United States or the pretension must be abandoned.

"Let it be further supposed that Congress, believing that they do possess the power, have passed an act for those purposes, under which commissioners have been appointed, who have begun the work. They are met at the first farm on which they enter by the owner, who forbids them to trespass on his land. They offer to buy it at a fair price or at twice or thrice its value. He persists in his refusal. Can they, on the principle recognized and acted on by all the State governments that in cases of this kind the obstinacy and perverseness of an individual must yield to the public welfare, summon a jury of upright and discreet men to condemn the land, value it, and compel the owner to receive the amount and to deliver it up to them? I believe that very few would concur in the opinion that such a power exists.

"The next object is to preserve these improvements from injury. The locks of the canal are broken, the walls which sustained the road are pulled down, the bridges are broken, the road itself is plowed up, toll is refused to be paid, the gates of the canal or turnpike are forced. The offenders are pursued, caught, and brought to trial. Can they be punished? The question of right must be decided on principle. The culprits will avail themselves of every barrier that may serve to screen them from punishment. They will plead that the law under which they stand arraigned is unconstitutional, and that question must be decided by the court, whether Federal or State, on a fair investigation of the powers vested in the General Government by the Constitution. If the judges find that these powers have not been granted to Congress, the prisoners must be acquitted, and by their acquittal all claim to the right to establish such a system is at an end.

"I have supposed an opposition to be made to the right in Congress by the owner of the land and other individuals charged with breaches of laws made to protect the works from injury, because it is the mildest form in which it can present itself. It is not, however, the only one. A State, also, may contest the right, and then the controversy assumes another character. Government might contend against government, for to a certain extent both the Governments are sovereign and independent of each other, and in that form it is possible, though not probable, that opposition might be made. To each limitations are prescribed, and should a contest rise between them respecting their rights and the people sustain it with anything like an equal division of numbers the worst consequences might ensue.

"It may be urged that the opposition suggested by the owner of the land or by the States individually may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that way is no proof of a right in Congress, nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that Congress may by the command and application of the public revenue purchase the soil, and thus silence that class of individuals, or by the accommodation afforded to individual States put down opposition on their part. Congress must be able rightfully to control all opposition, or they can not carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury, tolls must be collected, offenders must be punished. With these culprits no bargain can be made. When brought to trial they must deny the validity of the law, and that plea being sustained all claim to the right ceases.

"If the United States possess this power, it must be either because it has been specifically granted or that it is incidental and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources: First, the right to establish post offices and post roads; second, to declare war; third, to regulate commerce among the several States; fourth, from the power to pay the debts and provide for the common defense and general welfare of the United States; fifth, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof; sixth and lastly, from the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States. It is to be observed that there is but little accord among the advocates for this power as to the particular source from whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

"The first of these grants is in the following words: 'Congress shall have power to establish post offices and post roads.' What is the just import of these words and the extent of the grant? The word 'establish' is the ruling term; 'post offices and post roads' are the subjects on which it acts. The question therefore is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connection with public affairs and whose minds were unprejudiced, what was the import of the word 'establish' and the extent of the grant which it controls, we do not think there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, courthouses, and other places throughout our Union at which there should be post offices, the routes by which the mails should be carried from one post office to another, so as to diffuse intelligence as extensively and to make the institution as useful as possible, to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post

office and mails from robbery by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement, to take the soil from the proprietor by force, to establish turnpikes and tolls, and to punish offenders in the manner stated above would never occur to any such person. The use of the existing road by the stage, mail carrier, or post boy in passing over it as others do is all that would be thought of, the jurisdiction and soil remaining to the State, with a right in the State or those authorized by its legislature to change the road at pleasure.

"The intention of the parties is supported by other proof, which ought to place it beyond all doubt. In the former act of Government, the Confederation, we find a grant for the same purpose expressed in the following words: 'The United States in Congress assembled shall have the sole and exclusive right and power of establishing and regulating post offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office.' The term 'establish' was likewise the ruling one in that instrument, and was evidently intended and understood to give a power simply and solely to fix where there should be post offices. By transferring this term from the Confederation into the Constitution it was doubtless intended that it should be understood in the same sense in the latter that it was in the former instrument, and to be applied alike to post offices and post roads. In whatever sense it is applied to post offices it must be applied in the same sense to post roads. But it may be asked, If such was the intention, why were not all the other terms of the grant transferred with it? The reason is obvious. The Confederation being a bond of union between independent States, it was necessary in granting the powers which were to be exercised over them to be very explicit and minute in defining the powers granted. But the Constitution to the extent of its powers having incorporated the States into one Government like the government of the States individually, fewer words in defining the powers granted by it were not only adequate, but perhaps better adapted to the purpose. We find that brevity is a characteristic of the instrument. Had it been intended to convey a more enlarged power in the Constitution than had been granted in the Confederation, surely the same controlling term would not have been used, or other words would have been added, to show such intention and to mark the extent to which the power should be carried. It is a liberal construction of the powers granted in the Constitution by this term to include in it all the powers that were granted in the Confederation by terms which specifically defined and, as was supposed, extended their limits. It would be absurd to say that by omitting from the Constitution any portion of the phraseology which was deemed important in the Confederation the import of that term was enlarged, and with it the powers of the Constitution, in a proportional degree, beyond what they were in the Confederation. The right to exact postage and to protect the post offices and mails from robbery by punishing the offenders may fairly be considered as included in the grant, since without it the object of the grant might be defeated. Whatever is absolutely necessary to the accomplishment of the object of the grant, though not specified, may fairly be considered as included in it. Beyond this the doctrine of incidental power can not be carried.

"If we go back to the origin of our settlements and institutions and trace their progress down to the Revolution, we shall see that it was in this sense, and in none other, that the power was exercised by all our colonial governments. Post offices were made for the country, and not the country for them. They are the offspring of improvement; they never go before it. Settlements are first made, after which the progress is uniform and simple, extending to objects in regular order most necessary to the comfort of man—schools, places of public worship, courthouses, and markets; post offices follow. Roads may, indeed, be said to be coeval with settlements; they lead to all the places mentioned, and to every other which the various and complicated interests of society require.

"It is believed that not one example can be given, from the first settlement of our country to the adoption of this Constitution, of a post office being established without a view to existing roads or of a single road having been made by pavement, turnpike, etc., for the sole purpose of accommodating a post office. Such, too, is the uniform progress of all societies. In granting, then, this power to the United States it was undoubtedly intended by the framers and ratifiers of the Constitution to convey it in the sense and extent only in which it had been understood and exercised by the previous authorities of the country.

"This conclusion is confirmed by the object of the grant and the manner of its execution. The object is the transportation of the mail throughout the United States, which may be done on horseback, and was so done until lately, since the establishment of stages. Between the great towns and in other places where the population is dense stages are preferred because they afford an additional opportunity to make a profit from passengers; but where the population is sparse and on crossroads it is generally carried on horseback. Unconnected with passengers and other objects, it can not be doubted that the mail itself may be carried in every part of our Union with nearly as much economy and greater dispatch on horseback than in a stage, and in many parts with much greater. In every part of the Union in which stages can be preferred the roads are sufficiently good provided those which serve for every other purpose will accommodate them. In every other part where horses alone are used if other people pass them on horseback surely the mail carrier can. For an object so simple and so easy in its execution it would doubtless excite surprise if it should be thought proper to appoint commissioners to lay off the country on a great scheme of improvement, with the power to shorten distances, reduce heights, level mountains, and pave surfaces.

"If the United States possessed the power contended for under this grant, might they not in adopting the roads of the individual States for the carriage of the mail, as has been done, assume jurisdiction over them and preclude a right to interfere with or alter them? Might they not establish turnpikes and exercise all the other acts of sovereignty above stated over such roads necessary to protect them from injury and defray the expense of repairing them? Surely if the right exists these consequences necessarily followed as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every State might be taken from it, for there is scarcely a road in any State which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

"From this view of the subject I think we may fairly conclude that the right to adopt and execute a system of internal improvement, or any part of it, has not been granted to Congress under the power to establish post offices and post roads; that the common roads of the country only were contemplated by that grant, and are fully competent to all its purposes.

"The next object of inquiry is whether the right to declare war includes the right to adopt and execute this system of improvement. The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

"Under the last-mentioned grant a claim has been set up to as much of that system as relates to roads. Under this it extends alike to roads and canals.

"We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual States and to vest it in the General Government. This has been done in clear and explicit terms, first by granting the power to Congress, and secondly by prohibiting the exercise of it by the States. 'Congress shall have a right to declare war.' This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals. The following considerations, it is presumed, prove incontestably that this power has not been granted in that or any other manner.

"The United States are exposed to invasion through the whole extent of their Atlantic coast by any European power with whom we might be engaged in war—on the northern and northwestern frontier, on the side of Canada, by Great Britain, and on the southern by Spain or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power as it exists must apply to all the roads of the Union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations or mitigate the calamities of war along the coast or in any part of the interior they would be useful for military purposes, and might therefore be made. The power following as an incident to another power can be measured as to its extent by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

"If it had been intended that the right to declare war should include all the powers necessary to maintain war, it would follow that nothing would have been done to impair the right or to restrain Congress from the exercise of any power which the exigencies of war might require. The nature and extent of this exigency would mark the extent of the power granted, which should always be construed liberally, so as to be adequate to the end. A right to raise money by taxes, duties, excises, and by loan; to raise and support armies and a navy; to provide for calling forth, arming, disciplining, and governing the militia when in the service of the United States, establishing fortifications and governing the troops stationed in them independently of the State authorities; and to perform many other acts, is indispensable to the maintenance of war. No war with any great power can be prosecuted with success without the command of the resources of the Union in all these respects. These powers, then, would of necessity and by common consent have fallen within the right to declare war had it been intended to convey by way of incident to that right the necessary powers to maintain war. But these powers have all been granted specifically with many others, in great detail, which experience had shown were necessary for the purposes of war. By specifically granting, then, these powers it is manifest that every power was thus granted which it was intended to grant for military purposes, and that it was also intended that no important power should be included in this grant by way of incident, however useful it might be for some of the purposes of the grant.

"By the sixteenth of the enumerated powers, Article I, section 8, Congress are authorized to exercise exclusive legislation in all cases whatever over such district as may by cession of particular States and the acceptance of Congress, not exceeding 10 miles square, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other useful buildings. If any doubt existed on a view of other parts of the Constitution respecting the decision which ought to be formed on the question under consideration, I should suppose that this clause would completely remove it. It has been shown after the most liberal construction of all the enumerated powers of the General Government that the territory within the limits of the respective States belonged to them; that the United States had no right under the powers granted to them, with the exception specified in this grant, to even the smallest portion of territory within a State, all those powers operating on a different principle and having their full effect without impairing in the slightest degree this right in the States; that those powers were in every instance means to ends, which being accomplished left the subject—that is, the property, in which light only land could be regarded—where it was before, under the jurisdiction and subject to the laws of the State governments.

"The second number of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers, for had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a State, it would have been done as to fortifications, magazines, arsenals, dockyards, and other needful buildings. By specifically granting the right as to such small portions of territory as might be necessary for these purposes and on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it as to any other portion on any condition for any purpose or in any manner whatsoever.

"It may be said that, although the authority to exercise exclusive legislation in certain cases within the States with their consent may be considered as a prohibition to Congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power within a State as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a State can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes except in fortifications, dockyards, and the like places. If the soldiers are in the field or are quartered in garrisons without the fortifications, the civil authority must prevail where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the State. More freedom of action and a wider range of power in the military commanders, to be exercised on their own

responsibility, may be necessary to the public safety; but even here the civil authority of the State never ceases to operate. It is also exclusive for all civil purposes.

"Whether any power short of that stated would be adequate to the purposes of internal improvement is denied. In the case of territory, one Government must prevail for all the purposes intended by the grant. The jurisdiction of the United States might be modified in such manner as to admit that of the State in all cases and for all purposes not necessary to the execution of the proposed power; but the right of the General Government must be complete for all the purposes above stated. It must extend to the seizure and condemnation of the property, if necessary; to the punishment of offenders for injuries to the roads and canals; to the establishment and enforcement of tolls, etc. It must be a complete right to the extent above stated or it will be of no avail. That right does not exist.

"The reasons which operate in favor of the right of exclusive legislation in forts, dockyards, etc., do not apply to any other places. The safety of such works and of the cities which they are intended to defend, and even of whole communities, may sometimes depend on it. If spies are admitted within them in time of war, they might communicate intelligence to the enemy which might be fatal. All nations surround such works with high walls and keep their gates shut. Even here, however, three important conditions are indispensable to such exclusive legislation: First, the ground must be requisite for and be applied to those purposes; second, it must be purchased; third, it must be purchased by the consent of the State in which it may be. When we find that so much care has been taken to protect the sovereignty of the States over the territory within their respective limits, admitting that of the United States over such small portions and for such special and important purposes only, the conclusion is irresistible not only that the power necessary for internal improvements has not been granted, but that it has been clearly prohibited.

"I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: 'Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.' The reasoning applicable to the preceding claims is equally so to this. The mischief complained of was that this power could not be exercised with advantage by the individual States, and the object was to transfer it to the United States. The sense in which the power was understood and exercised by the States was doubtless that in which it was transferred to the United States. The policy was the same as to three branches of this grant, and it is scarcely possible to separate the two first from each other in any view which may be taken of the subject. The last, relating to the Indian tribes, is of a nature distinct from the others for reasons too well known to require explanation. Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations and to prevent any on the trade between the States was the only power granted.

"If we recur to the causes which produced the adoption of this Constitution, we shall find that injuries resulting from the regulation of trade by the States, respectively, and the advantages anticipated from the transfer of the power to Congress were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the States individually had commenced a system of restraint on each other whereby the interests of foreign powers were promoted at their expense. If one State imposed high duties on the goods or vessels of a foreign power to countervail the regulations of such power, the next adjoining States imposed lighter duties to invite those articles into their ports, where they might be transferred thence into the other States, securing the duties to themselves. This contracted policy in some of the States was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States, and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself and with it all hope of realizing those blessings which we had anticipated from the glorious Revolution which had been so recently achieved. From this deplorable dilemma, or, rather, certain ruin, we were happily rescued by the adoption of the Constitution.

"Among the first and most important effects of this great Revolution was the complete abolition of this pernicious policy. The States were brought together by the Constitution as to commerce into one community equally in regard to foreign nations and each other. The regulations that were adopted regarded us in both respects as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the States themselves no duties of any kind were imposed other than between different ports and counties within the same State.

"This view is supported by a series of measures, all of a marked character, preceding the adoption of the Constitution. As early as the year 1781 Congress recommended it to the States to vest in the United States a power to levy a duty of 5 per cent on all goods imported from foreign countries into the United States for the term of 15 years. In 1783 this recommendation, with alterations as to the kind of duties and an extension of this term to 25 years, was repeated and more earnestly urged. In 1784 it was recommended to the States to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for 15 years. In 1785 the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the States, explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786 a meeting took place at Annapolis of delegates from several of the States on this subject, and on their report a convention was formed at Philadelphia the ensuing year from all the States, to whose deliberations we are indebted for the present Constitution.

"In none of these measures was the subject of internal improvement mentioned or even glanced at. These of 1784, 1785, 1786, and 1787, leading step by step to the adoption of the Constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several States was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch has never been set up. In support of the claim under the second no reason has been assigned which appears to have the least weight.

"The fourth claim is founded on the right of Congress to 'pay the debts and provide for the common defense and general welfare' of the United States. This claim has less reason on its side than either of those which we have already examined. The power of which this forms a part is expressed in the following words: 'Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.'

"That the second part of this grant gives a right to appropriate the public money, and nothing more, is evident from the following considerations: First, if the right of appropriation is not given by this clause, it is not given at all, there being no other grant in the Constitution which gives it directly or which has any bearing on the subject, even by implication, except the two following:

"First, the prohibition, which is contained in the eleventh of the enumerated powers, not to appropriate money for the support of armies for a longer term than two years; and, second, the declaration of the sixth member or clause of the ninth section of the first article that no money shall be drawn from the Treasury but in consequence of appropriations made by law.

"Second. This part of the grant has none of the characteristics of a distinct and original power. It is manifestly incidental to the great objects of the first part of the grant, which authorizes Congress to lay and collect taxes, duties, imposts, and excises, a power of vast extent, not granted by the Confederation, the grant of which formed one of the principal inducements to the adoption of this Constitution. If both parts of the grant are taken together (as they must be, for the one follows immediately after the other in the same sentence), it seems to be impossible to give to the latter any other construction than that contended for. Congress shall have power to lay and collect taxes, duties, imposts, and excises. For what purpose? To pay the debts and provide for the common defense and general welfare of the United States, an arrangement and phraseology which clearly show that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated.

"Third. If this is not the real object and fair construction of the second part of this grant, it follows either that it has no import or operation whatever or one of much greater extent than the first part. This presumption is evidently greatly against it. In the first, because no part of the Constitution can be considered useless; no sentence or clause in it without a meaning. In the second, because such a construction as made the second part of the clause an original grant, embracing the same object with the first, but with much greater power than it, would be in the highest degree absurd. The order generally observed in grants, an order founded in common sense, since it promotes a clear understanding of their import, is to grant the power intended to be conveyed in the most full and explicit manner, and then to explain or qualify it, if explanation or qualification should be necessary. This order has, it is believed, been invariably observed in all the grants contained in the Constitution. In the second, because if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent; that there would have been no use for the special powers to raise and support armies and a navy, to regulate commerce, to call forth the militia, or even to lay and collect taxes, duties, imposts, and excises. An unqualified power to pay the debts and provide for the common defense and general welfare, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would in effect break down all the barriers between the States and the General Government and consolidate the whole under the latter.

"The powers specifically granted to Congress are what are called the enumerated powers, and are numbered in the order in which they stand, among which that contained in the first clause holds the first place in point of importance. If the power created by the latter part of the clause is considered an original grant, unconnected with and independent of the first, as in that case it must be, then the first part is entirely done away, as are all the other grants in the Constitution, being completely absorbed in the transcendent power granted in the latter part; but if the clause be construed in the sense contended for, then every part has an important meaning and effect; not a line, a word, in it is superfluous. A power to lay and collect taxes, duties, imposts, and excises subjects to the call of Congress every branch of the public revenue, internal and external, and the addition to pay the debts and provide for the common defense and general welfare gives the right of applying the money raised—that is, of appropriating it to the purposes specified according to a proper construction of the terms. Hence it follows that it is the first part of the clause only which gives a power which affects in any manner the power remaining to the States, as the power to raise money from the people, whether it be by taxes, duties, imposts, or excises, though concurrent in the States as to taxes and excises, must necessarily do. But the use or application of the money after it is raised is a power altogether of a different character. It imposes no burden on the people, nor can it act on them in a sense to take power from the States or in any sense in which power can be controverted, or become a question between the two Governments. The application of money raised under a lawful power is a right or grant which may be abused. It may be applied partially among the States, or to improper purposes in our foreign and domestic concerns; but still it is a power not felt in the sense of other power, since the only complaint which any State can make of such partiality and abuse is that some other State or States have obtained greater benefit from the application than by a just rule of apportionment they were entitled to. The right of appropriation is therefore from its nature secondary and incidental to the right of raising money, and it was proper to place it in the same grant and the same clause with that right. By binding them, then, in that order we see a new proof of the sense in which the grant was made, corresponding with the view herein taken of it.

"The last part of this grant, which provides that all duties, imposts, and excises shall be uniform throughout the United States, furnishes another strong proof that it was not intended that the second part should constitute a distinct grant in the sense above stated, or convey any other right than that of appropriation. This provision operates exclusively on the power granted in the first part of the clause. It recites three branches of that power—duties, imposts, and excises—those only on which it could operate, the rule by which the fourth—

that is, taxes—should be laid being already provided for in another part of the Constitution. The object of this provision is to secure a just equality among the States in the exercise of that power by Congress. By placing it after both the grants—that is, after that to raise and that to appropriate the public money—and making it apply to the first only it shows that it was not intended that the power granted in the second should be paramount to and destroy that granted in the first. It shows also that no such formidable power as that suggested had been granted in the second, or any power against the abuse of which it was thought necessary specially to provide. Surely if it was deemed proper to guard a specific power of limited extent and well-known import against injustice and abuse, it would have been much more so to have guarded against the abuse of a power of such vast extent and so indefinite as would have been granted by the second part of the clause if considered as a distinct and original grant.

"With this construction all the other enumerated grants, and, indeed, all the grants of power contained in the Constitution, have their full operation and effect. They all stand well together, fulfilling the great purposes intended by them. Under it we behold a great scheme, consistent in all its parts, a government instituted for national purposes, vested with adequate powers for those purposes, commencing with the most important of all, that of the revenue, and proceeding in regular order to the others with which it was deemed proper to endow it, all, too, drawn with the utmost circumspection and care. How much more consistent is this construction with the great objects of the institution and with the high character of the enlightened and patriotic citizens who framed it, as well as of those who ratified it, than one which subverts every sound principle and rule of construction and throws everything into confusion.

"I have dwelt thus long on this part of the subject from an earnest desire to fix in a clear and satisfactory manner the import of the second part of this grant, well knowing from the generality of the terms used their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to appropriate the public money raised under the other part. To what extent that power may be carried will be the next object of inquiry.

"It is contended on the one side that as the National Government is a government of limited powers it has no right to expend money except in the performance of acts authorized by the other specific grants according to a strict construction of their powers; that this grant in neither of its branches gives to Congress discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our Government; but on further reflection and observation my mind has undergone a change, for reasons which I will frankly unfold.

"The grant consists, as heretofore observed, of a twofold power—the first to raise, the second to appropriate, the public money—and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post offices and post roads, and with all the other specific grants to the General Government. In the discharge of the powers contained in any of these grants there is no other check than that which is to be found in the great principles of our system, the responsibility of the representative to his constituents. If war, for example, is necessary, and Congress declare it for good cause, their constituents will support them in it. A like support will be given them for the faithful discharge of their duties under any and every other power vested in the United States. It affords to the friends of our free governments the most heartfelt consolation to know—and from the best evidence, our own experience—that in great emergencies the boldest measures, such as form the strongest appeals to the virtue and patriotism of the people, are sure to obtain the most decided approbation. But united with the representative act corruptly and betray his trust, or otherwise prove that he was unworthy of the confidence of his constituents, he would be equally sure to lose it and to be removed and otherwise censured, according to his deserts. The power to raise money by taxes, duties, imposts, and excises is as much unqualified, nor do I see any check on the exercise of it other than that which applies to the other powers above recited, the responsibility of the representative to his constituents. Congress know the extent of the public engagements and the sums necessary to meet them; they know how much may be derived from each branch of revenue without pressing it too hard; and, paying due regard to the interests of the people, they likewise know which branch ought to be resorted to in the first instance. From the commencement of the Government two branches of this power, duties and imposts, have been in constant operation, the revenue from which has supported the Government in its various branches and met its other ordinary engagements. In great emergencies the other two, taxes and excises, have likewise been resorted to, and neither was the right or the policy ever called in question.

"If we look to the second branch of this power, that which authorizes the appropriation of the money thus raised, we find that it is not less general and unqualified than the power to raise it. More comprehensive terms than to 'pay the debts and provide for the common defense and general welfare' could not have been used. So intimately connected with and dependent on each other are these two branches of power that had either been limited the limitation would have had the like effect on the other. Had the power to raise money been conditional or restricted to special purposes, the appropriation must have corresponded with it, for none but the money raised could be appropriated, nor could it be appropriated to other purposes than those which were permitted. On the other hand, if the right of appropriation had been restricted to certain purposes, it would be useless and improper to raise more than would be adequate to those purposes. It may fairly be inferred these restraints or checks have been carefully and intentionally avoided. The power in each branch is alike broad and unqualified, and each is drawn with peculiar fitness to the other, the latter requiring terms of great extent and force to accommodate the former, which have been adopted, and both placed in the same clause and sentence. Can it be presumed that all these circumstances were so nicely adjusted by mere accident? Is it not more just to conclude that they were the result of due deliberation and design? Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided for it by a declaration to that effect. The omission of such declaration is therefore an additional proof that it was not intended that the grant should be so construed.

"It was evidently impossible to have subjected this grant in either branch to such restriction without exposing the Government to very serious embarrassment. How carry it into effect? If the grant had been made in any degree dependent upon the States, the Government would have experienced the fate of the Confederation. Like it, it would have withered and soon perished. Had the Supreme Court been authorized, or should any other tribunal distinct from the Government be authorized, to impose its veto, and to say that more money had been raised under either branch of this power—that is, by taxes, duties, imposts, or excises—than was necessary, that such a tax or duty was useless, that the appropriation to this or that purpose was unconstitutional, the movement might have been suspended and the whole system disorganized. It was impossible to have created a power within the Government or any other power distinct from Congress and the Executive which should control the movement of the Government in this respect and not destroy it. Had it been declared by a clause in the Constitution that the expenditures under this grant should be restricted to the construction which might be given of the other grants, such restraint, though the most innocent, could not have failed to have had an injurious effect on the vital principles of the Government and often on its most important measures. Those who might wish to defeat a measure proposed might construe the power relied on in support of it in a narrow and contracted manner, and in that way fix a precedent inconsistent with the true import of the grant. At other times those who favored a measure might give to the power relied on a forced or strained construction, and, succeeding in the object, fix a precedent in the opposite extreme. Thus it is manifest that if the right of appropriation be confined to that limit, measures may oftentimes be carried or defeated by considerations and motives altogether independent of and unconnected with their merits, and the several powers of Congress receive constructions equally inconsistent with their true import. No such declaration, however, has been made, and from the fair import of the grant, and, indeed, its positive terms, the inference that such was intended seems to be precluded.

"Many considerations of great weight operate in favor of this construction, while I do not perceive any serious objection to it. If it be established, it follows that the words 'to provide for the common defense and general welfare' have a definite, safe, and useful meaning. The idea that they forming an original grant, with unlimited power, superseding every other grant, is abandoned. They will be considered simply as conveying a right of appropriation, a right indispensable to that of raising a revenue and necessary to expenditures under every grant. By it, as already observed, no new power will be taken from the States, the money to be appropriated being raised under a power already granted to Congress. By it, too, the motive for giving a forced or strained construction to any of the other specific grants will in most instances be diminished and in many utterly destroyed. The importance of this consideration can not be too highly estimated, since, in addition to the examples already given, it ought particularly to be recollected that to whatever extent any specified power many be carried the right of jurisdiction goes with it, pursuing it through all its incidents. The very important agency which this grant has in carrying into effect every other grant is a wrong argument in favor of the construction contended for. All the other grants are limited by the nature of the offices which they have severally to perform, each conveying a power to do a certain thing, and that only, whereas this is coextensive with the great scheme of the Government itself. It is the lever which raises and puts the whole machinery in motion and continues the movement. Should either of the other grants fail in consequence of any condition or limitation attached to it or misconstruction of its powers, much injury might follow, but still it would be the failure of one branch of power, of one item in the system only. All the others might move on. But should the right to raise and appropriate the public money be improperly restricted, the whole system might be sensibly affected, if not disorganized. Each of the other grants is limited by the nature of the grant itself; this, by the nature of the Government only. Hence it became necessary that, like the power to declare war, this power should be commensurate with the great scheme of the Government and with all its purposes.

"If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants according to a strict construction of their powers, respectively, is there no limitation to it? Have Congress a right to raise and appropriate the money to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes. A State government will rarely, if ever, apply money to national purposes without making it a charge to the Nation. The people of the State would not permit it. Nor will Congress be apt to apply money in aid of the State administrations for purposes strictly local in which the Nation at large has no interest, although the State should desire it. The people of the other States would condemn it. They would declare that Congress had no right to tax them for such a purpose and dismiss at the next election such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offices of this kind there is much danger of the two Governments mistaking their interests or their duties. I rather expect that they would soon have a clear and distinct understanding of them and move on in great harmony.

"Good roads and canals will promote many very important national purposes. They will facilitate the operations of war, the movements of troops, the transportation of ammunition, of provisions, and every warlike store, much to our advantage and to the disadvantage of the enemy in time of war. Good roads will facilitate the transportation of the mail, and thereby promote the purposes of commerce and political intelligence among the people. They will, by being properly directed to these objects, enhance the value of our vacant lands, a treasure of vast resource to the Nation. To the appropriation of the public money to improvements having these objects in view and carried to a certain extent I do not see any well-founded constitutional objection.

"In regard to our foreign concerns, provided they are managed with integrity and ability, great liberality is allowable in the application of the public money. In the management of these concerns no State interests can be affected, no State rights violated. The complete and exclusive control over them is vested in Congress. The power to form treaties of alliance and commerce with foreign powers, to regulate by law our commerce with them, to determine on peace or war, to raise armies and a navy, to call forth the militia and direct their operations belongs to the General Government. These great powers, embracing the whole scope of our foreign relations, being granted, on what principle can it be said that the minor are withheld? Are not the latter clearly and evidently comprised in the former? Nations are sometimes called upon to perform to each other acts of humanity and kindness, of which we see so many illustrious examples between individuals in private life. Great calamities make appeals to the benevolence of mankind which ought not to be resisted. Good offices in such emergencies exalt the character of the party rendering them. By exciting grateful feelings they soften the intercourse between nations and tend to prevent war. Surely if the United States have a right to make war they have a right to prevent it. How was it possible to grant to Congress a power for such minor purposes other than in general terms, comprising it within the scope and policy of that which conveyed it for the greater?

"The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent.

"To the objection that the United States have no power in any instance which is not complete to all the purposes to which it may be made instrumental, and in consequence that they have no right to appropriate any portion of the public money to internal improvements because they have not the right of sovereignty and jurisdiction over them when made, a full answer has, it is presumed, been already given. It may, however, be proper to add that if this objection was well founded it would not be confined to the simple case of internal improvements, but would apply to others of high importance. Congress have a right to regulate commerce. To give effect to this power it becomes necessary to establish customhouses in every State along the coast and in many parts of the interior. The vast amount of goods imported and the duties to be performed to accommodate the merchants and secure the revenue make it necessary that spacious buildings should be erected, especially in the great towns, for their reception. This, it is manifest, could best be performed under the direction of the General Government. Have Congress the right to seize the property of individuals if they should refuse to sell it in quarters best adapted to the purpose to have it valued, and to take it at the valuation? Have they a right to exercise jurisdiction within those buildings? Neither of these claims has ever been set up, nor could it, as is presumed, be sustained. They have invariably either rented houses where such as were suitable could be obtained or, where they could not, purchased the ground of individuals, erected the buildings, and held them under the laws of the State. Under the power to establish post offices and post roads houses are also requisite for the reception of the mails and the transaction of the business of the several offices. These have always been rented or purchased and held under the laws of the State in the same manner as if they had been taken by a citizen. The United States have a right to establish tribunals inferior to the Supreme Court, and such have been established in every State of the Union. It is believed that the houses for these inferior courts have invariably been rented. No right of jurisdiction in them has ever been claimed, nor other right than that of privilege, and that only while the court is in session. A still stronger case may be urged. Should Congress be compelled by invasion or other cause to remove the Government to some town within one of the States, would they have a right of jurisdiction over such town or hold even the house in which they hold their session under other authority than the laws of such State? It is believed that they would not. If they have a right to appropriate money for any of these purposes, to be laid out under the protection of the laws of the State, surely they have an equal right to do it for the purposes of internal improvements.

"It is believed that there is not a corporation in the Union which does not exercise great discretion in the application of the money raised by it to the purposes of its institution. It would be strange if the Government of the United States, which was instituted for such important purposes and endowed with such extensive powers, should not be allowed at least equal discretion and authority. The evil to be particularly avoided is the violation of State rights. Shunning that, it seems to be reasonable and proper that the powers of Congress should be so construed as that the General Government in its intercourse with other nations and in our internal concerns should be able to adopt all such measures lying within the fair scope and intended to facilitate the direct objects of its powers as the public welfare may require and a sound and provident policy dictate.

"The measures of Congress have been in strict record with the view taken of the right of appropriation both as to its extent and limitation, as will be shown by a reference to the laws, commencing at a very early period. Many roads have been opened, of which the following are the principal: The first from Cumberland, at the headwaters of the Potomac, in the State of Maryland, through Pennsylvania and Virginia, to the State of Ohio (Mar. 29, 1806; see vol. 4, p. 13, of the late edition of the laws). The second from the frontiers of Georgia, on the route from Athens to New Orleans, to its intersection with the thirty-first degree of north latitude (Apr. 31, 1806, p. 58). The third from the Mississippi at a point and by a route described to the Ohio (same act). The fourth from Nashville, in Tennessee, to Natchez (same act). The fifth from the thirty-first degree of north latitude, on the route from Athens to New Orleans, under such regulations as might be agreed on between the Executive and the Spanish Government (Mar. 3, 1807, p. 117). The sixth from the foot of the rapids of the river Miami, of Lake Erie, to the western line of the Connecticut Reserve (Dec. 12, 1811, p. 364). The seventh from the lower Sandusky to the boundary line established by the treaty of Greenville (same act). The eighth from a point where the United States road leading from Vincennes to the Indian boundary line, established by the treaty of Greenville, strikes the said line, to the North Bend, in the State of Ohio (Jan. 8, 1812, p. 367). The ninth for repairing and keeping in repair the road between Columbia, on Duck River, in Tennessee, and Madisonville, in Louisiana, and also the road between Fort Hawkins, in Georgia, and Fort Stoddard (Apr. 27, 1816, p. 104, of the acts of that year). The tenth from the Shawnee town, on the Ohio River, to the Sabine, and to Kaskaskias, in Illinois (Apr. 27, 1816, p. 112). The eleventh from Reynoldsburg, on Tennessee River, in the State of Tennessee, through the Chickasaw Nation, to intersect the Natchez road near the Chickasaw old town (Mar. 3, 1817, p. 252). The twelfth: By this act authority was given to the President to appoint three commissioners for the purpose of examining the country and laying out a road from the termination of the Cumberland road, at Wheeling, on the Ohio, through the States of Ohio, Indiana, and Illinois, to a point to be chosen by them, on the left bank of the Mississippi, between St. Louis and the mouth of the Illinois River, and to report an accurate plan of the said road, with an estimate of the expense of making it. It is, however, declared by the act that nothing was thereby intended to imply an obligation on the part of the United States to make or defray the expense of making the said road or any part thereof.

"In the late war two other roads were made by the troops for military purposes—one from the upper Sandusky, in the State of Ohio, through the Black Swamp, toward Detroit, and another from Plattsburg, on Lake Champlain, through the Chatauga woods toward Sacketts Harbor, which have since been repaired and improved by the troops. Of these latter there is no notice in the laws. The extra pay to the soldiers for repairing and improving those roads was advanced in the first instance from the appropriation to the Quartermaster's Department and afterwards provided for by a specific appropriation by Congress. The necessity of keeping those roads open and in good repair, being on the frontier, to facilitate a communication between our posts, is apparent.

"All of these roads except the first were formed merely by cutting down the trees and throwing logs across, so as to make causeways over such parts as were otherwise impassable. The execution was of the coarsest kind. The Cumberland road is the only regular work which has been undertaken by the General Government or which could give rise to any question between the two Governments respecting its powers. It is a great work, over the highest mountains in our Union, connecting from the seat of the General Government the eastern with the western waters, and more intimately the Atlantic with the Western States, in the formation of which $1,800,000 have been expended. The measures pursued in this case require to be particularly noticed as fixing the opinion of the parties, and particularly of Congress, on the important question of the right. Passing through Maryland, Pennsylvania, and Virginia, it was thought necessary and proper to bring the subject before their respective legislatures to obtain their sanction, which was granted by each State by a legislative act, approving the route and providing for the purchase and condemnation of the land. This road was formed upon an article of compact between the United States and the State of Ohio, under which that State came into the Union, and by which the expense attending it was to be defrayed by the application of a certain portion of the money arising from the sale of the public lands within that State. In this instance, which is by far the strongest in respect to the expense, extent, and nature of the work done, the United States have exercised no act of jurisdiction or sovereignty within either of the States by taking the land from the proprietors by force, by passing acts for the protection of the road, or to raise a revenue from it by the establishment of turnpikes and tolls, or any other act founded on the principle of jurisdiction or right. Whatever they have done has, on the contrary, been founded on the opposite principle, on the voluntary and unqualified admission that the sovereignty belonged to the State and not to the United States, and that they could perform no act which should tend to weaken the power of the State or to assume any to themselves. All that they have done has been to appropriate the public money to the construction of this road and to cause it to be constructed, for I presume that no distinction can be taken between the appropriation of money raised by the sale of the public lands and of that which arises from taxes, duties, imposts, and excises; nor can I believe that the power to appropriate derives any sanction from the provision to that effect having been made by an article of compact between the United States and the people of the then Territory of Ohio. This point may, however, be placed in a clearer light by a more particular notice of the article itself.

"By an act of April 30, 1802, entitled 'An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes,' after describing the limits of the proposed new State and authorizing the people thereof to elect a convention to form a constitution, the three following propositions were made to the convention, to be obligatory on the United States if accepted by it: First, that section No. 16 of every township, or, where such section had been sold, other lands equivalent thereto, should be granted to the inhabitants of such township for the use of free schools. Second, that 6 miles reservation, including the salt springs commonly called the Scioto Salt Springs, the salt springs near the Muskingum River and in the military tract, with the sections which include the same, should be granted to the said State for the use of the people thereof, under such regulations as the legislature of the State should prescribe: Provided, That it should never sell or lease the same for more than 10 years. Third, that one-twentieth part of the proceeds of the public lands lying within the said State which might be sold by Congress from and after the 30th June ensuing should be applied to the laying out and making public roads from the navigable waters emptying into the Atlantic, to the Ohio, and through the State of Ohio, such roads to be laid out under the authority of Congress, with the consent of the several States through which they should pass.

"These three propositions were made on the condition that the convention of the State should provide by an ordinance, irrevocable without the consent of the United States, that every tract of land sold by Congress after the 30th of June ensuing should remain for the term of five years after sale exempt from every species of tax whatsoever.

"It is impossible to read the ordinance of the 23d of April, 1784, or the provisions of the act of April 30, 1802, which are founded on it, without being profoundly impressed with the enlightened and magnanimous policy which dictated them. Anticipating that the new States would be settled by the inhabitants of the original States and their offspring, no narrow or contracted jealousy was entertained of their admission into the Union in equal participation in the national sovereignty with the original States. It was foreseen at the early period at which that ordinance passed that the expansion of our Union to the Lakes and to the Mississippi and all its waters would not only make us a greater power but cement the Union itself. These three propositions were well calculated to promote these great results. A grant of land to each township for free schools, and of the salt springs to the State, which were within its limits, for the use of its citizens, with 5 per cent of the money to be raised from the sale of lands within the State for the construction of roads between the original States and the new State, and of other roads within the State, indicated a spirit not to be mistaken, nor could it fail to produce a corresponding effect in the bosoms of those to whom it was addressed. For these considerations the sole return required of the convention was that the new State should not tax the public lands which might be sold by the United States within it for the term of five years after they should be

sold. As the value of these lands would be enhanced by this exemption from taxes for that term, and from which the new State would derive its proportionable benefit, and as it would also promote the rapid sale of those lands, and with it the augmentation of its own population, it can not be doubted, had this exemption been suggested unaccompanied by any propositions of particular advantage, that the convention would, in consideration of the relation which had before existed between the parties, and was about to be so much improved, most willingly have acceded to it and without regarding it as an onerous condition.

"Since, then, it appears that the whole of the money to be employed in making this road was to be raised from the sale of the public lands, and which would still belong to the United States, although no mention had been made of them in the compact, it follows that the application of the money to that purpose stands upon the same ground as if such compact had not been made, and in consequence that the example in favor of the right of appropriation is in no manner affected by it.

"The same rule of construction of the right of appropriation has been observed and the same liberal policy pursued toward the other new States, with certain modifications adapted to the situation of each, which were adopted with the State of Ohio. As, however, the reasoning which is applicable to the compact with Ohio in relation to the right of appropriation, in which light only I have adverted to it, is equally applicable to the several compacts with the other new States, I deem it unnecessary to take a particular notice of them.

"It is proper to observe that the money which was employed in the construction of all the other roads was taken directly from the Treasury. This fact affords an additional proof that in the contemplation of Congress no difference existed in the application of money to those roads between that which was raised by the sale of lands and that which was derived from taxes, duties, imposts, and excises.

"So far I have confined my remarks to the acts of Congress respecting the right of appropriation to such measures only as operate internally and affect the territory of the individual States. In adverting to those which operate externally and relate to foreign powers I find only two which appear to merit particular attention. These were gratuitous grants of money for the relief of foreigners in distress—the first in 1794 to the inhabitants of St. Domingo, who sought an asylum on our coast from the convulsions and calamities of the island; the second in 1812 to the people of Caracas, reduced to misery by an earthquake. The considerations which were applicable to these grants have already been noticed and need not be repeated.

"In this examination of the right of appropriation I thought it proper to present to view also the practice of the Government under it, and to explore the ground on which each example rested, that the precise nature and extent of the construction thereby given of the right might be clearly understood. The right to raise money would have given, as is presumed, the right to use it, although nothing had been said to that effect in the Constitution; and where the right to raise it is granted without special limitation, we must look for such limitation to other causes. Our attention is first drawn to the right to appropriate, and not finding it there we must then look to the general powers of the Government as designated by the specific grants and to the purposes contemplated by them, allowing to this (the right to raise money), the first and most important of the enumerated powers, a scope which will be competent to those purposes. The practice of the Government, as illustrated by numerous and strong examples directly applicable, ought surely to have great weight in fixing the construction of each grant. It ought, I presume, to settle it, especially where it is acquiesced in by the nation and produces a manifest and positive good. A practical construction, thus supported, shows that it has reason on its side and is called for by the interests of the Union. Hence, too, the presumption that it will be persevered in. It will surely be better to admit that the construction given by these examples has been just and proper than to deny that construction and still to practice on it—to say one thing and to do another.

"Wherein consists the danger of giving a liberal construction to the right of Congress to raise and appropriate the public money? It has been shown that its obvious effect is to secure the rights of the States from encroachment and greater harmony in the political movement between the two governments, while it enlarges to a certain extent in the most harmless way the useful agency of the General Government for all the purposes of its institution. Is not the responsibility of the representative to his constituent in every branch of the General Government equally strong and as sensibly felt as in the State governments, and is not the security against abuse as effectual in the one as in the other government? The history of the General Government in all its measures fully demonstrates that Congress will never venture to impose unnecessary burdens on the people or any that can be avoided. Duties and imposts have always been light, not greater, perhaps, than would have been imposed for the encouragement of our manufactures had there been no occasion for the revenue arising from them; and taxes and excises have never been laid except in cases of necessity, and repealed as soon as the necessity ceased. Under this mild process and the sale of some hundreds of millions of acres of good land the Government will be possessed of money, which may be applied with great advantage to national purposes. Within the States only will it be applied, and, of course, for their benefit, it not being presumable that such appeals as were made to the benevolence of the country in the instances of the inhabitants of St. Domingo and Caracas will often occur. How, then, shall this revenue be applied? Should it be idle in the Treasury? That our resources will be equal to such useful purposes I have no doubt, especially if by completing our fortifications and raising and maintaining our Navy at the point provided for immediately after the war we sustain our present altitude and preserve by means thereof for any length of time the peace of the Union.

"When we hear charges raised against other Governments of breaches of their constitutions, or, rather, of their charters, we always anticipate the most serious consequences—communities deprived of privileges which they have long enjoyed, or individuals oppressed and punished in violation of the ordinary forms and guards of trial to which they were accustomed and entitled. How different is the situation of the United States! Nor can anything mark more strongly the great characteristics of that difference than the grounds on which like charges are raised against this Government. It is not alleged that any portion of the community or any individual has been oppressed or that money has been raised under a doubtful title. The principal charges are that a work of great utility to the Union and affecting immediately and with like advantage many of the States has been constructed; that pensions to the surviving patriots of our Revolution, to patriots who fought the battles and promoted the independence of their country, have been granted, by money, too, raised not only without oppression but almost without being felt, and under an acknowledged constitutional power.

"From this view of the right to appropriate and of the practice under it I think that I am authorized to conclude that the right to make internal improvements has not been granted by the power 'to pay the debts and provide for the common defense and general welfare,' included in the first of the enumerated powers; that that grant conveys nothing more than a right to appropriate the public money, and stands on the same ground with the right to lay and collect taxes, duties, imposts, and excises, conveyed by the first branch of that power; that the Government itself being limited, both branches of the power to raise and appropriate the public money are also limited, the extent of the Government as designated by the specific grants marking the extent of the power in both branches, extending, however, to every object embraced by the fair scope of those grants and not confined to a strict construction of their respective powers, it being safer to aid the purposes of those grants by the appropriation of money than to extend by a forced construction the grant itself; that although the right to appropriate the public money to such improvements affords a resource indispensably necessary to such a scheme, it is nevertheless deficient as a power in the great characteristics on which its execution depends.

"The substance of what has been urged on this subject may be expressed in a few words. My idea is that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, national, not State, benefit.

"I will now proceed to the fifth source from which the power is said to be derived, viz, the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof. This is the seventeenth and last of the enumerated powers granted to Congress.

"I have always considered this power as having been granted on a principle of greater caution to secure the complete execution of all the powers which had been vested in the General Government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the General Government, it gives to Congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect. My impression has been invariably that this power would have existed substantially if this grant had not been made; for what is any power granted unless it be to be executed when required, and how can it be executed under our Government unless it be by laws necessary and proper for the purpose—that is, well adapted to the end. It is a principle universally admitted that a grant of a power conveys as a necessary consequence or incident to it the means of carrying it into effect by a fair construction of its import. In the formation, however, of the Constitution, which was to act directly upon the people and be paramount to the extent of its powers to the constitutions of the States, it was wise in its framers to leave nothing to implication which might be reduced to certainty. It is known that all power which rests solely on that ground has been systematically and zealously opposed under all Governments with which we have any acquaintance; and it was reasonable to presume that under our system, where there was a division of the sovereignty between the two independent Governments, the measures of the General Government would excite equal jealousy and produce an opposition not less systematic, though, perhaps, less violent. Hence the policy by the framers of our Government of securing by a fundamental declaration in the Constitution a principle which in all other Governments had been left to implication only. The terms 'necessary' and 'proper' secure to the powers of all the grants to which the authority given in this is applicable a fair and sound construction, which is equally binding as a rule on both Governments and on all their departments.

"In examining the right of the General Government to adopt and execute under this grant a system of internal improvement the sole question to be decided is whether the power has been granted under any of the other grants. If it has, this power is applicable to it to the extent stated. If it has not, it does not exist at all, for it has not been hereby granted. I have already examined all the other grants—one only excepted, which will next claim attention—and shown, as I presume, on the most liberal construction of their powers that the right has not been granted by any of them; hence it follows that in regard to them it has not been granted by this.

"I come now to the last source from which this power is said to be derived, viz, the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States, which is contained in the second clause of the third section of the fourth article of the Constitution.

"To form a just opinion of the nature and extent of this power it will be necessary to bring into view the provisions contained in the first clause of the section of the article referred to, which makes an essential part of the policy in question. By this it is declared that new States shall be admitted into the Union, but that no new States shall be formed or erected within the jurisdiction of any other State, nor any States be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the United States.

"If we recur to the condition of our country at the commencement of the Revolution, we shall see the origin and cause of these provisions. By the charters of the several colonies limits by latitude and other descriptions were assigned to each. In commencing the Revolution the colonies, as has already been observed, claimed by those limits, although their population extended in many instances to a small portion of the territory lying within them. It was contended by some of the States after the declaration of independence that the vacant lands lying within any of the States should become the property of the Union, as a common exertion they would be acquired. This claim was resisted by the others on the principle that all the States entered into the contest in the full extent of their chartered rights, and that they ought to have the full benefit of those rights in the event of success. Happily this controversy was settled, as all interfering claims and pretensions between the members of our Union and between the General Government and any of these members have been, in the most amicable manner and to the satisfaction of all parties. On the recommendation of Congress the individual States having such territory within their chartered limits ceded large portions thereof to the United States on condition that it should be laid off into districts of proper dimensions, the lands to be sold for the benefit of the United States, and that the districts be admitted into the Union when they should obtain such a population as it might be thought proper and reasonable to prescribe. This is the territory and this the property referred to in the second clause of the fourth article of the Constitution.

"All the States which had made cessions of vacant territory except Georgia had made them before the adoption of the Constitution, and that State had made a proposition to Congress to that effect which was

under consideration at the time the Constitution was adopted. The cession was completed after the adoption of the Constitution. It was made on the same principle and on similar conditions with those which had been already made by the other States. As differences might arise respecting the right or the policy in Congress to admit new States into the Union under the new Government, or to make regulations for the government of the territory ceded in the intermediate state, or for the improvement and sale of the public lands, or to accept other cessions, it was thought proper to make special provisions for these objects, which was accordingly done by the above-recited clause in the Constitution.

"Thus the power of Congress over the ceded territory was not only limited to these special objects, but was also temporary. As soon as the Territory became a State the jurisdiction over it as it had before existed ceased. It extended afterwards only to the unsold lands, and as soon as the whole were sold it ceased in that sense also altogether. From that moment the United States have no jurisdiction or power in the new States other than in the old, nor can it be obtained except by an amendment of the Constitution.

"Since, then, it is manifest that the power granted to Congress to dispose of and make all needful regulations respecting the territory and other property of the United States relates solely to the territory and property which had been ceded by individual States, and which after such cession lay without their respective limits, and for which special provision was deemed necessary, the main power of the Constitution operating internally, not being applicable or adequate thereto, it follows that this power gives no authority, and has even no bearing on the question of internal improvement. The authority to admit new States and to dispose of the property and regulate the territory is not among the enumerated powers granted to Congress, because the duties to be performed under it are not among the ordinary duties of that body, like the imposition of taxes, the regulation of commerce, and the like. They are objects in their nature special, and for which special provision was more suitable and proper.

"Having now examined all the powers of Congress under which the right to adopt and execute a system of internal improvement is claimed and the reasons in support of it in each instance, I think that it may fairly be concluded that such a right has not been granted. It appears and is admitted that much may be done in aid of such a system by the right which is derived from several of the existing grants, and more especially from that to appropriate the public money. But still it is manifest that as a system for the United States it can never be carried into effect under that grant nor under all of them united, the great and essential power being deficient, consisting of a right to take up the subject on principle; to cause our Union to be examined by men of science, with a view to such improvements; to authorize commissioners to lay off the roads and canals in all proper directions; to take the land at a valuation if necessary, and to construct the works; to pass laws with suitable penalties for their protection; and to raise a revenue from them, to keep them in repair, and make further improvement by the establishment of turnpikes and tolls, with gates to be placed at the proper distances.

"It need scarcely be remarked that this power will operate, like many others now existing, without affecting the sovereignty of the States except in the particular office to be performed. The jurisdiction of the several States may still exist over the roads and canals within their respective limits, extending alike to persons and property, as if the right to make and protect such improvements had not been vested in Congress. The right, being made commensurate simply with the purposes indispensable to the system, may be strictly confined to them. The right of Congress to protect the works by laws imposing penalties would operate on the same principles as the right to protect the mail. The act being punishable only, a jurisdiction over the place would be altogether unnecessary and even absurd.

"In the preceding inquiry little has been said of the advantages which would attend the exercise of such a power by the General Government. I have made the inquiry under a deep conviction that they are almost incalculable, and that there was a general concurrence of opinion among our fellow citizens to that effect. Still, it may not be improper for me to state the grounds upon which my own impression is founded. If it sheds no additional light on this interesting part of the subject, it will at least show that I have had more than one powerful motive for making the inquiry. A general idea is all that I shall attempt.

"The advantages of such a system must depend upon the interests to be affected by it and the extent to which they may be affected, and those must depend on the capacity of our country for improvement and the means at its command applicable to that object.

"I think that I may venture to affirm that there is no part of our globe comprehending so many degrees of latitude on the main ocean and so many degrees of longitude into the interior that admits of such great improvement and at so little expense. The Atlantic on the one side, and the Lakes, forming almost inland seas, on the other, separated by high mountains, which rise in the valley of the St. Lawrence and determine in that of the Mississippi, traversing from north to south almost the whole interior, with innumerable rivers on every side of those mountains, some of vast extent, many of which take their sources near to each other, give the great outline. The details are to be seen on the valuable maps of our country.

"It appears by the light already before the public that it is practicable and easy to connect by canals the whole coast from its southern to its northern extremity in one continued inland navigation, and to connect in like manner in many parts the western lakes and rivers with each other. It is equally practicable and easy to facilitate the intercourse between the Atlantic and the western country by improving the navigation of many of the rivers which have their sources near to each other in the mountains on each side, and by good roads across the mountains between the highest navigable points of those rivers. In addition to the example of the Cumberland Road, already noticed, another of this kind is now in train from the headwaters of the River James to those of the Kanawha; and in like manner may the Savannah be connected with the Tennessee. In some instances it is understood that the eastern and western waters may be connected together directly by canals. One great work of this kind is now in its progress and far advanced in the State of New York, and there is good reason to believe that two others may be formed, one at each extremity of the high mountains above mentioned, connecting in the one instance the waters of the St. Lawrence with Lake Champlain, and in the other some of the most important of the western rivers with those emptying into the Gulf of Mexico, the advantage of which will be seen at the first glance by an enlightened observer.

"Great improvements may also be made by good roads in proper directions through the interior of the country. As these roads would be laid out on principle on a full view of the country, its mountains, rivers, etc., it would be useless, if I had the knowledge, to go into detail respecting them. Much has been done by some of the States, but yet much remains to be done with a view to the Union.

"Under the colonial governments improvements of this kind were not thought of. There was, it is believed, not one canal and little communication from colony to colony. It was their policy to encourage the intercourse between each colony and the parent country only. The roads which were attended to were those which led from the interior of each colony to its principal towns on the navigable waters. By those routes the produce of the country was carried to the coast, and shipped thence to the mercantile houses in London, Liverpool, Glasgow, or other towns to which the trade was carried on. It is believed that there was but one connected route from North to South at the commencement of the Revolution, and that a very imperfect one. The existence and principle of our Union point out the necessity of a very different policy.

"The advantages which would be derived from such improvements are incalculable. The facility which would thereby be afforded to the transportation of the whole of the rich productions of our country to market would alone more than amply compensate for all the labor and expense attending them. Great, however, as is that advantage, it is one only of many and by no means the most important. Every power of the General Government and of the State governments connected with the strength and resources of the country would be made more efficient for the purposes intended by them. In war they would facilitate the transportation of men, ordnance, and provisions, and munitions of war of every kind to every part of our extensive coast and interior on which an attack might be made or threatened. Those who have any knowledge of the occurrences of the late war must know the good effect which would result in the event of another war from the command of an interior navigation along the coast for all the purposes of war as well as of commerce between the different parts of our Union. The impediments to all military operations which proceeded from the want of such a navigation and the reliance which was placed, notwithstanding those impediments, on such a commerce can not be forgotten. In every other line their good effect would be most sensibly felt. Intelligence by means of the Post Office Department would be more easily, extensively, and rapidly diffused. Parts the most remote from each other would be brought more closely together. Distant lands would be made more valuable, and the industry of our fellow citizens on every portion of our soil be better rewarded.

"It is natural in so great a variety of climate that there should be a corresponding difference in the produce of the soil; that one part should raise what the other might want. It is equally natural that the pursuits of industry should vary in like manner; that labor should be cheaper and manufactures succeed better in one part than in another; that were the climate the most severe and the soil less productive, navigation, the fisheries, and commerce should be most relied on. Hence the motive for an exchange for mutual accommodation and active intercourse between them. Each part would thus find for the surplus of its labor, in whatever article it consisted, an extensive market at home, which would be the most profitable because free from duty.

"There is another view in which these improvements are of still more vital importance. The effect which they would have on the bond of union it affords an inducement for them more powerful than any which have been urged or than all of them united. The only danger to which our system is exposed arises from its expansion over a vast territory. Our Union is not held together by standing armies or by any ties other than the positive interests and affections of its members toward each other. Ambitious men may hereafter grow up among us who may promise to themselves advancement from a change, and by practicing upon the sectional interests, feelings, and prejudices endeavor under various pretexts to promote it. The history of the world is replete with examples of this kind—ambitious military commanders and demagogues becoming usurpers and tyrants, and of their fellow citizens becoming their instruments and slaves. I have little fear of this danger, knowing well how strong the bond which holds us together is and who the people are who are thus held together; but still, it is proper to guard against it, and it is not without the compass of human wisdom to make a more effectual provision than would be made by the proposed improvements. With their aid and the intercourse which would grow out of them the parts would soon become so compacted and bound together that nothing could break it.

"The expansion of our Union over a vast territory can not operate unfavorably to the States individually. On the contrary, it is believed that the greater the expansion within practicable limits—and it is not easy to say what are not so—the greater the advantage which the States individually will derive from it. With governments separate, vigorous, and efficient for all local purposes, their distance from each other can have no injurious effect upon their respective interests. It has already been shown that in some important circumstances, especially with the aid of these improvements, they must derive great advantage from that cause alone—that is, from their distance from each other. In every other way the expansion of our system must operate favorably for every State in proportion as it operates favorably for the Union. It is in that sense only that it can become a question with the States, or rather, with the people who compose them. As States they can be affected by it only by their relation to each other through the General Government and by its effect on the operations of that Government. Manifest it is that to any extent to which the General Government can sustain and execute its functions with complete effect will the States—that is, the people who compose them—be benefited. It is only when the expansion shall be carried beyond the faculties of the General Government so as to enfeeble its operations to the injury of the whole that any of the parts can be injured. The tendency in that stage will be to dismemberment and not to consolidation. This danger should, therefore, be looked at with profound attention as one of a very serious character. I will remark here that as the operations of the National Government are of a general nature, the States having complete power for internal and local purposes, the expansion may be carried to very great extent and with perfect safety. It must be obvious to all that the further the expansion is carried, provided it be not beyond the just limit, the greater will be the freedom of action to both Governments and the more perfect their security, and in all other respects the better the effect will be to the whole American people. Extent of territory, whether it be great or small, gives to a nation many of its characteristics. It marks the extent of its resources, of its population, of its physical force. It marks, in short, the difference between a great and a small power.

"To what extent it may be proper to expand our system of government is a question which does not press for a decision at this time. At the end of the Revolutionary War, in 1783, we had, as we contended and believed, a right to the free navigation of the Mississippi, but it was not until after the expiration of 12 years, in 1795, that that right was acknowledged and enjoyed. Further difficulties occurred in the bustling of a contentious world when, at the expiration of eight years more, the United States, sustaining the strength and energy of their character, acquired the Province of Louisiana, with the free navigation of the river from its source to the ocean and a liberal boundary on the western side. To this Florida has since been added, so that we now possess all the territory in which the original States had any interest, or in which the existing States can be said, either in a national or local point of view, to be in any way interested. A range of States on the western side of the Mississippi, which already is provided for, puts us essentially at ease. Whether it will be wise to go further will turn on other considerations than those which have dictated the course heretofore pursued. At whatever point we may stop, whether it be at a single range of States beyond the Mississippi or by taking a greater scope, the advantage of such improvements is deemed of the highest importance. It is so on the present scale. The further we go the greater will be the necessity for them.

"It can not be doubted that improvements for great national purposes would be better made by the National Government than by the governments of the several States. Our experience prior to the adoption of the Constitution demonstrated that in the exercise by the individual States of most of the powers granted to the United States a contracted rivalry of interest and misapplied jealousy of each other had an important influence on all their measures to the great injury of the whole. This was particularly exemplified by the regulations which they severally made of their commerce with foreign nations and with each other. It was this utter incapacity in the State governments, proceeding from these and other causes, to act as a Nation and to perform all the duties which the Nation owed to itself under any system which left the General Government dependent on the States, which produced the transfer of these powers to the United States by the establishment of the present Constitution. The reasoning which was applicable to the grant of any of the powers now vested in Congress is likewise so, at least to a certain extent, to that in question. It is natural that the States individually in making improvements should look to their particular and local interests. The members composing their respective legislatures represent the people of each State only, and might not feel themselves at liberty to look to objects in these respects beyond that limit. If the resources of the Union were to be brought into operation under the direction of the State assemblies, or in concert with them, it may be apprehended that every measure would become the object of negotiation, of bargain and barter, much to the disadvantage of the system, as well as discredit to both governments. But Congress would look to the whole and make improvements to promote the welfare of the whole. It is the peculiar felicity of the proposed amendment that while it will enable the United States to accomplish every national object, the improvements made with that view will eminently promote the welfare of the individual States, who may also add such others as their own particular interests may require.

"The situation of the Cumberland Road requires the particular and early attention of Congress. Being formed over very lofty mountains, and in many instances over deep and wide streams, across which valuable bridges have been erected, which are sustained by stone walls, as are many other parts of the road, all these works are subject to decay, have decayed, and will decay rapidly unless timely and effectual measures are adopted to prevent it.

"The declivities from the mountains and all the heights must suffer from the frequent and heavy falls of water and its descent to the valleys, as also from the deep congelations during our severe winters. Other injuries have also been experienced on this road, such as the displacing the capping of the walls and other works, committed by worthless people either from a desire to render the road impassable or to have the transportation in another direction, or from a spirit of wantonness to create employment for idlers. These considerations show that an active and strict police ought to be established over the whole road, with power to make repairs when necessary, to establish turnpikes and tolls as the means of raising money to make them, and to prosecute and punish those who commit waste and other injuries.

"Should the United States be willing to abandon this road to the States through which it passes, would they take charge of it, each of that portion within its limits, and keep it in repair? It is not to be presumed that they would, since the advantages attending it are exclusively national, by connecting, as it does, the Atlantic with the Western States, and in a line with the seat of the National Government. The most expensive parts of this road lie within Pennsylvania and Virginia, very near the confines of each State, and in a route not essentially connected with the commerce of either.

"If it is thought proper to vest this power in the United States, the only mode in which it can be done is by an amendment of the Constitution. The States individually can not transfer the power to the United States, nor can the United States receive it. The Constitution forms an equal and the sole relation between the General Government and the several States, and it recognizes no change in it which shall not in like manner apply to all. If it is once admitted that the General Government may form compacts with individual States not common to the others, and which the others might even disapprove, into what pernicious consequences might it not lead? Such compacts are utterly repugnant to the principles of the Constitution and of the most dangerous tendency. The States through which this road passes have given their sanction only to the route and to the acquisition of the soil by the United States, a right very different from that of jurisdiction, which can not be granted without an amendment to the Constitution, and which need not be granted for the purposes of this system except in the limited manner heretofore stated. On full consideration, therefore, of the whole subject, I am of opinion that such an amendment ought to be recommended to the several States for their adoption.

"I have now essentially executed that part of the task which I imposed on myself of examining the right of Congress to adopt and execute a system of internal improvement, and, I presume, have shown that it does not exist. It is, I think, equally manifest that such a power vested in Congress and wisely executed would have the happiest effect on all the great interests of our Union. It is, however, my opinion that the power should be confined to great national works only, since if it were unlimited it would be liable to abuse and might be productive of evil. For all minor improvements the resources of the States individually would be fully adequate, and by the States such improvements might be made with greater advantage than by the Union, as they would understand better such as their more immediate and local interests required.

"In the view above presented I have through it proper to trace the origin of our institutions, and particularly of the State and National Governments, for although they have a common origin in the people, yet, as the point at issue turned on what were the powers granted to the one Government and what were those which remained to the other, I was persuaded that an analysis which should mark distinctly the source of power in both Governments, with its progress in each, would afford the best means for obtaining a sound result. In our political career they are, obviously, three great epochs. The colonial state forms the first; the Revolutionary movement from its commencement to the adoption of the Articles of Confederation the second, and the intervening space from that event to the present day the third. The first may be considered the infant state. It was the school of morality, of political science and just principles. The equality of rights enjoyed by the people of every Colony under their original charters forms the basis of every existing institution, and it was owing to the creation by those charters of distinct communities that the power, when wrested from the Crown, passed directly and exclusively to the people of each Colony. The Revolutionary struggle gave activity to those principles, and its success secured to them a permanent existence in the governments of our Union, State and National. The third epoch comprises the administration under the Articles of Confederation, with the adoption of the Constitution and administration under it. On the first and last of these epochs it is not necessary to enlarge for any purpose connected with the object of this inquiry. To the second, in which we were transferred by a heroic exertion from the first to the third stage, and whose events give the true character to every institution, some further attention is due. In tracing in greater detail the prominent acts of a movement to which we owe so much I shall perform an office which, if not useful, will be gratifying to my own feelings, and I hope not unacceptable to my readers.

"Of the Revolutionary movement itself sentiments too respectful, too exalted, can not be entertained. It is impossible for any citizen having a just idea of the dangers which we had to encounter to read the record of our early proceedings and to see the firmness with which they were met and the wisdom and patriotism which were displayed in every stage without being deeply affected by it. An attack on Massachusetts was considered an attack on every Colony, and the people of each moved in her defense as in their own cause. The meeting of the General Congress in Philadelphia on the 6th of September, 1774, appears to have been the result of a spontaneous impulse in every quarter at the same time. The first public act proposing it, according to the Journals of the First Congress, was passed by the House of Representatives of Connecticut on the 3d of June of that year; but it is presumed that the first suggestion came from Massachusetts, the colony most oppressed, and in whose favor the general sympathy was much excited. The exposition which that Congress made of grievances, in the petition to the King, in the address to the people of Great Britain, and in that to the people of the several Colonies, evinced a knowledge so profound of the English constitution and of the general principles of free government and of liberty, of our rights founded on that constitution and on the charters of the several Colonies, and of the numerous and egregious violations which had been committed of them, as must have convinced all impartial minds that the talent on this side of the Atlantic was at least equal to that on the other. The spirit in which those papers were drawn, which was known to be in strict accord with the public sentiment, proved that, although the whole people cherished a connection with the parent country and were desirous of preserving it on just principles, they nevertheless stood embodied at the parting line, ready to separate forever if a redress of grievances, the alternative offered, was not promptly rendered. That alternative was rejected, and in consequence war and dismemberment followed.

"The powers granted to the delegates of each colony who composed the First Congress looked primarily to the support of rights and to a redress of grievances, and in consequence, to the restoration of harmony, which was ardently desired. They justified, however, any extremity in case of necessity. They were ample for such purposes and were executed in every circumstance with the utmost fidelity. It was not until after the meeting of the Second Congress, which took place on the 10th May, 1775, when full proof was laid before it of the commencement of hostilities in the preceding month by a deliberate attack of the British troops on the militia and inhabitants of Lexington and Concord, in Massachusetts, that war might be said to be decided on, and measures were taken to support it. The progress even then was slow and reluctant, as will be seen by their second petition to the King and their second address to the people of Great Britain, which were prepared and forwarded after that event. The arrival, however, of large bodies of troops and the pressure of war in every direction soon dispelled all hope of accommodation.

"On the 15th of June, 1775, a commander in chief of the forces raised and to be raised for the defense of American liberty was appointed by the unanimous vote of Congress, and his conduct in the discharge of the duties of that high trust, which he held throughout the whole of the war, has given an example to the world for talents as a military commander; for integrity, fortitude, and firmness under the severest trials; for respect to the civil authority and devotion to the rights and liberties of his country of which neither Rome nor Greece have exhibited the equal. I saw him in my earliest youth, in the retreat through Jersey, at the head of a small band, or rather in its rear, for he was always next the enemy, and his countenance and manner made an impression on me which time can never efface. A lieutenant then in the Third Virginia Regiment, I happened to be on the rear guard at Newark, and I counted the force under his immediate command by platoons as it passed me, which amounted to less than 3,000 men. A deportment so firm, so dignified, so exalted, but yet so modest and composed, I have never seen in any other person.

"On the 6th July, 1775, Congress published a declaration of the causes which compelled them to take up arms, and immediately afterwards took measures for augmenting the Army and raising a Navy; for organizing the militia and providing cannon and small arms and military stores of every kind; for raising a revenue and pushing the war offensively with all the means in their power. Nothing escaped the attention of that enlightened body. The people of Canada were invited to joint the Union, and a force sent into the province to favor the Revolutionary party, which, however, was not capable of affording any essential aid. The people of Ireland were addressed in terms manifesting due respect for the sufferings, the talents, and patriotism of that portion of the British Empire, and a suitable acknowledgment was made to the assembly of Jamaica for the approbation it has expressed

of our cause and the part it had taken in support of it with the British Government.

"On the 2d of June, 1775, the convention of Massachusetts, by a letter signed by their president, of May the 10th, stated to Congress that they labored under difficulties for the want of a regular form of government, and requested to be favored with explicit advice respecting the taking up and exercising the powers of civil government, and declaring their readiness to submit to such a general plan as the Congress might direct for the Colonies, or that they would make it their great study to establish such a form of government there as should not only promote their own advantage but the union and interest of all America. To this application an answer was given on the 9th, by which it was recommended to the convention 'to write letters to the inhabitants of the several places entitled to representation in assembly, requesting them to choose such representatives, and that the assembly, when chosen, should elect councilors, and that said assembly or council should exercise the powers of government until a governor of His Majesty's appointment will consent to govern the Colony according to its charter.'

"On the 18th October of the same year the delegates from New Hampshire laid before Congress an instruction from their convention 'to use their utmost endeavors to obtain the advice and direction of Congress with respect to a method for administering justice and regulating their civil police.' To this a reply was given on the 3d November, by which it was recommended to the convention 'to call a full and free representation of the people, and that the representatives, if they thought it necessary, should establish such a form of government as in their judgment would best promote the happiness of the people and most effectually secure peace and good order in the Province during the continuance of the present dispute between Great Britain and the Colonies.'

"On the 4th November it was resolved by Congress 'that if the Convention of South Carolina shall find it necessary to establish a form of government in that Colony it be recommended to that convention to call a full and free representation of the people; and the said representatives, if they think it necessary, shall establish such a form of government as in their judgment will best promote the happiness of the people and most effectually secure peace and good order in the Colony during the continuance of the present dispute between Great Britain and the Colonies.'

"On the 4th December, following a resolution passed recommending the same measure, and precisely in the same words, to the Convention of Virginia.

"On the 10th May, 1776, it was recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs had been established, 'to adopt such government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and America in general.'

"On the 7th June resolutions respecting independence were moved and seconded, which were referred to a committee of the whole on the 8th and 10th, on which latter day it was resolved to postpone a decision on the first resolution or main question until the 1st July, but that no time might be lost in case the Congress agree thereto that a committee be appointed to prepare a declaration to the effect of that resolution.

"On the 11th June, 1776, Congress appointed a committee to prepare and digest a plan of confederation for the Colonies. On the 12th July the committee reported a draft of articles, which were severally afterwards debated and amended until the 15th November, 1777, when they were adopted. These articles were then proposed to the legislatures of the several States, with a request that if approved by them they would authorize their delegates to ratify the same in Congress, and, which being done, to become conclusive. It was not until the 21st of March, 1781, as already observed, that they were ratified by the last State and carried into effect.

"On the 4th July, 1776, independence was declared by an act which arrested the attention of the civilized world and will bear the test of time. For force and condensation of matter, strength of reason, sublimity of sentiment and expression, it is believed that no document of equal merit exists. It was adapted to everything, and with a reach, perspicuity, and energy of mind which seemed to be master of everything.

"Thus it appears, in addition to the very important charge of managing the war, that Congress had under consideration at the same time the Declaration of Independence, the adoption of a confederation for the States, and the propriety of instituting State governments, with the nature of those governments, respecting which it had been consulted by the conventions of several of the Colonies. So great a trust was never reposed before in a body thus constituted, and I am authorized to add, looking to the great result, that never were duties more ably or faithfully performed.

"The distinguished characteristic of this movement is that although the connection which had existed between the people of the several Colonies before their dismemberment from the parent county was not only not dissolved but increased by that event, even before the adoption of the Articles of Confederation, yet the preservation and augmentation of that tie were the reverse of a new creation, taken altogether from the people of each Colony, into whose hands the whole power passed exclusively when wrested from the Crown. To the same cause the greater change which has since occurred by the adoption of the Constitution is to be traced.

"The establishment of our institutions forms the most important epoch that history hath recorded. They extend unexampled felicity to the whole body of our fellow citizens, and are the admiration of other nations. To preserve and hand them down in their utmost purity to the remotest ages will require the existence and practice of virtues and talents equal to those which were displayed in acquiring them. It is ardently hoped and confidently believed that these will not be wanting."

Mr. SHEPPARD obtained the floor.

Mr. RANSDELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Gallinger	Jones
Bankhead	Chilton	Gronna	Kenyon
Beckham	Clapp	Hollis	Kern
Borah	Clarke, Ark.	Husting	La Follette
Brandegee	Colt	James	Lane
Broussard	Curtis	Johnson, Me.	Lippitt
Burleigh	Dillingham	Johnson, S. Dak.	Lodge
McCumber	Page	Smith, Ariz.	Tillman
McLean	Poindexter	Smith, Md	Townsend
Martin, Va.	Pomerene	Smith, S. C.	Underwood
Martine N. J.	Ransdell	Smoot	Vardaman
Myers	Reed	Sterling	Wadsworth
Nelson	Robinson	Swanson	Weeks
Norris	Shafroth	Taggart	Works
O'Gorman	Sheppard	Thomas	
Oliver	Simmons	Thompson	

Mr. CHILTON. I wish to announce the absence of the following Senators, who are in attendance upon an important hearing before the Judiciary Committee: The Senator from Texas [Mr. CULBERSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. SMITH], the Senator from Utah [Mr. SUTHERLAND], and the Senator from Iowa [Mr. CUMMINS].

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present. The Senator from Texas will proceed.

TEXAS BICENTENNIAL AND PAN AMERICAN EXPOSITION.

Mr. SHEPPARD. Mr. President, on this the eightieth anniversary of the battle of San Jacinto, where the independence of Texas was achieved, I think it appropriate to address the Senate on the subject of the Texas Bicentennial and Pan American Exposition which is to be held at San Antonio in 1918. It will be an exposition dedicated to the history of Texas and the Southwest, to the relation of that notable history to the history of the Nation and of the world, and to the establishment of closer trade relations between the United States and the other countries of Pan America.

Mr. President, this exposition merits especial consideration from the Federal Government. It will be of national and international significance. It will reflect phases of American history and of world history that have never been fittingly commemorated. It will encourage a trade movement of untold value to this Republic. It will unite the peoples of the Western Hemisphere in a closer and more genuine fraternity. It will celebrate the two hundredth anniversary of the birth of San Antonio and epitomize the progress of that imperial area now known as Texas. It will have an educational, a patriotic, and a material meaning of such importance as to justify the active cooperation and indorsement of the Nation.

What other part of the American Union, sir, possesses a more historic, a more absorbing, a rarer interest than Texas? The land it embraces was known to Europeans nearly a century before Jamestown and Plymouth Rock came into being. It was part of a Province of the first European government on the Western Hemisphere. Only three decades after the first voyage of Columbus the Spanish conquerors of Mexico heard such tales of wealth and splendor in the country to the north of the Rio Grande, the country now called Texas, that the palaces of the Montezumas seemed rude and poor in comparison. Nay, sir, a few years later Cabeza de Vaca, who with three comrades had survived one of the most daring journeys ever made by mortals, gave the world a written account of that perilous trip from Florida along the Gulf coast to Mexico, thus introducing to authentic annals the region now designated as Texas more than a half a hundred years before Virginia and Massachusetts began.

To understand the political origin of Texas we must turn to what was perhaps the most remarkable treaty ever executed—a treaty which justly may be termed the most gigantic real-estate transaction ever known—the treaty of Tordesillas, made between Portugal and Spain on June 7, 1494. By that treaty Portugal was to have all the lands that might be discovered thereafter east of a certain meridian connecting the Arctic Circle with the Antarctic, the meridian running 370° west of the Azores. Thus Portugal acquired a claim to Greenland, St. Helena, Brazil, Africa, Malabar, Ceylon, Arabia, Persia, India, the Malay Archipelago, while to Spain was awarded all lands discovered at that time or thereafter west of such line, including North and most of South America. It was in order to reduce to permanent possession the hemisphere thus assigned her that Spain divided the two American Continents into four great vice royalties—New Spain, New Granada, Buenos Aires, and Peru. New Spain extended from Guatemala to what is now Vancouver Island, containing four divisions—Mexico, New Galicia, Nuevo Regno de Leon, and Provincias Internas, the latter including the territory that later became Texas and the Californias. In the New Spain, of which the present Texas was a part, the University of Mexico was established in 1553, nearly a century before Harvard, the oldest college in the United States, had its humble beginning.

The exposition of 1918 will not fail to typify the Texas and the New Spain of the sixteenth century, and will thus awaken a sense of ancient and historic unity in the two Americas. It will

picture the daring expeditions of De Soto, Oñate, Coronado, Mendoza, Cabeza, and others into various portions of the trans-Rio Grande. It will portray the planting of the picturesque settlements, composed of mission, presidio, and village, from the Rio Grande Valley, through what are now New Mexico, Arizona, and California, to the Pacific coast. It will present these and other phases of American history that have been but little emphasized in the ordinary narratives of the schools.

It will recall the workings of a mysterious power that blinded Charles V and Philip II to the possibilities of Spanish expansion above the Rio Grande. Had these monarchs devoted half the energy they expended in attempting to build a European empire to the development of their New World holdings, holdings which other countries could at that time have disputed but with the greatest difficulty, it is beyond any human mind to measure the changes that would have occurred in subsequent history.

This exposition will then recall to its visitors the seventeenth century, a century that marked the advent of the English and the French in North America, to contest with each other and with Spain the title to the new continent, initiating a struggle leading in one of its fundamental phases to the founding of San Antonio and the shaping of Texas. It will recall Joliet, Marquette, and La Salle on the St. Lawrence, the Great Lakes, the Fox, the Wisconsin, the Chicago, the Illinois, the Mississippi. It will recall La Salle christening the country Louisiana and claiming it for France. It will recall his hasty return to Paris to obtain from the ambitious Louis XIV a donation of ships and men with which to confirm this claim and drive the Spaniard from New Spain forever. It will recall that tragic voyage, beset by pirate and by storm, the end of which saw but a remnant of a once proud expedition pass the original destination, the mouth of the Mississippi, and reach at last a part of the Texas coast early in 1685 near Matagorda Bay. Then will be reviewed the planting of the lonely and ill-fated colony of Fort St. Louis near the head of that bay on a river they called La Vache, now known as the Lavaca. Then will be observed that little company of the doomed fighting all forms of danger, from privation and disease to massacre by savages, until the arrival of the Spaniards in 1689 to resist this intrusion found only empty, plundered houses and three dead bodies, one a woman's, on the adjoining plain. Could these lifeless lips have spoken, what tales of agony and hardship and distress they might have told? Two years before, the spirit of La Salle, who had set out to find again the Mississippi, released by the bullet of an assassin in the tangled forests of the Trinity, had flown from its earthly temple to join the brave of all the ages.

The documents and relics which the exposition of 1918 will assemble, on a scale never before attempted, supplemented by a pageantry, with a setting that only San Antonio can provide, will enable us to follow the march of events from the arrival of the Spaniard at Fort St. Louis with increasing interest. That arrival marked a distinct epoch in the history of Texas and the Southwest. The Spaniards found the colony of Fort St. Louis extinct, but they heard of Frenchmen among the Tejas Indians, a confederacy of native tribes inhabiting the section between the upper Neches and the Trinity, in what is now known as east Texas. They also saw all hope of restoring their ancient title to the country beyond the Sabine and the Red rapidly vanishing on account of the rapid spread of the English on the Atlantic coast and the advent of the French in the Mississippi Valley. They saw that even the territory between the Sabine and the Rio Grande was threatened unless prompt steps should be taken. This led to an active effort to combat further French settlement by the erection of the mission of San Francisco de los Tejas, about 45 miles southwest of the present city of Nacogdoches, Tex., among the Tejas Indians, and the change of the name of the country above the Rio Grande from New Philippines, which had been given it after the acquisition of the Philippines proper, to Tejas, or, to use the English pronunciation, Texas. Thus the name Texas came into existence, as a designation for the territory it still denotes, having developed out of the struggle between European nations for the control of American soil.

The mission of San Francisco de los Tejas, with its unsubstantial wooden buildings, lasted but three years, when it faded into the solitudes among which it had been erected. The danger of French invasion seemed to have disappeared, and the Spaniard lapsed into the old inactivity and neglect, so far as the colonization of Texas was concerned. In 1699 the French, under Iberville, began a permanent settlement at Old Biloxi, and in 1718 anchored Louisiana to France through the founding of New Orleans. For more than 20 years after the departure from east Texas the only effort of the Spanish to occupy territory in the direction of Texas was the building of the mission of San Juan Bautista and the presidio of the Rio Grande, on the Mexican side of that stream, about 55 miles below the present city of Eagle Pass. A sudden awakening was now in store.

One day in 1714 there appeared on the opposite side of the river from San Juan Bautista a band of soldier-traders led by the fearless Huchereau St. Denis. His coming sent a thrill of surprise and apprehension through all Mexico. The viceroy and his councilors shuddered as they thought how easily the expedition of this adventurous young Frenchman, who had marched in six weeks from the Sabine to the Rio Grande, could be repeated, not for trade, the guise in which he now pretended to come, but for French possession. While the Mexican authorities were making plans for the permanent occupation of Texas, an occupation which would bar the extension of the French boundary to the Rio Grande, while they were debating as to what to do with St. Denis, having placed him under virtual arrest, this chevalier of the prairies turned from his dream of territorial conquest to kneel at the feet of the lovely granddaughter of Capt. Diego Ramon, the commandant of San Juan Bautista, and deliver up his heart. This singular romance of that rugged time found a happy termination at the marriage altar.

The fear of French invasion inspired by the startling feat of St. Denis led to two expeditions, one of which reestablished in 1716 the settlements in east Texas that had been abandoned in 1693, and the other of which resulted in the founding of San Antonio in 1718. The first expedition revived the old mission of San Francisco de los Tejas, the name being changed to San Francisco de los Neches, and located five other missions in that vicinity, named as follows: Nuestra Señora de la Guadalupe, La Purísima Concepción de los Asinais, San Joseph de los Nazones, San Miguel de Linares, and Nuestra Señora de los Dolores. The second expedition was headed by Martin de Alarcón, governor of the adjoining Province of Coahuila. On an enchanting spot where two rivers, the San Antonio and the San Pedro, joined their crystal waters but a short distance from the sources of each in fountains that sprang full born from the foot of the escarpment of a vast table-land, he founded the presidio, or fort, of San Antonio de Béjar in the year 1718. Near the presidio he established the mission of San Antonio de Valero, headed by Padre Olivares. It was the chapel of this mission which more than 100 years later, under the name of the Alamo, became the scene of a martyrdom that will illuminate the annals and glorify the cause of human liberty forevermore. With the erection of this fort and mission San Antonio began an existence that has continued to the present hour, an existence which in 1918 will have spanned its second century. Let it not be forgotten that in the same year New Orleans was born, confirming the spacious reaches of Louisiana to France, just as the founding of San Antonio made certain the dominance of Spain and Mexico in Texas. In view of this noteworthy coincidence it would seem fitting that a day be set aside during the exposition in especial honor of New Orleans.

For more than 125 years San Antonio remained the military, religious, and commercial capital of Texas. Against the Indians on the west and the French to the east it presented a permanent barrier. To the original mission were soon added five others in the vicinity of San Antonio and under the protection of its presidio. Of these the mission of San José de Aguayo was established in 1720, that of San Xavier de Náxera in 1722. The other three were transplanted from east Texas in 1731. The mission of San Francisco de los Tejas of 1690, the first mission established in Texas, had its name again changed, on removal, to San Francisco de la Espada. La Purísima Concepción de los Asinais became known in its new home as La Purísima Concepción de Acuña, while San Joseph de los Nazones became San Juan Capistrano. The main buildings of some of these missions are standing to-day, the sole material remnants, with the exception of the Stone Fort at Nacogdoches, of Spanish rule in Texas, and monuments to the energy, the patience, and the genius of their erectors. They are stone structures of massive type. The church of mission Concepción de Acuña, with its Moorish dome and classic towers rising in graceful proportion above its serrated walls, presents a picture of symmetry and solidity amazing to the beholder. For 20 years the Franciscans of Querétaro, with primitive tools and untutored labor, at one of the remote outposts of civilization, in constant danger of extermination by savage foes, with the mallet in one hand and the sword in the other, slowly developed that artistic pile, which has defied the corrosions and the storms of 200 years. Of the mission San José de Aguayo, begun in 1720, named in honor of the Spanish governor of Texas, Marquis San Miguel de Aguayo, perhaps the ablest of all the Spanish governors

assigned north of the Rio Grande, let Sidney Lanier, the gifted Georgian who carefully studied the mission, speak. He says:

> San José Mission is the most beautiful of all, and its carving is surely "a joy forever." The hand that chiseled the wonderful façade at the main entrance of the church, the doorway, window, and pillar capitals of the smaller chapel, that now goes by the name of the Baptistry, was one of marvelous cunning. The façade is rich to repletion with the most exquisite carving. Figures of virgins and saints with drapery that looks like drapery, cherubs' heads, sacred hearts, ornate pedestals and recesses with their conchlike canopies, and cornices wonderful. The doorway, pillar and arch, is daring in its unique ornamentation—showing in its combination of form the impression of Moorish outlines. Otherwise the whole façade is rich Renaissance—figures and hearts alone with anything realistic about them. All other ornamentation is conventional, but with nothing stiff, every curve showing a free hand. The window above the archway is a simple wreath of such acanthuslike curves and conchoids of surpassing workmanship. The south window of the Baptistry is considered by good judges the finest gem of architectural ornamentation existing in America to-day. Its curves and proportions are a perpetual delight to the eye, and often as the writer has seen and examined it, it is of that kind of art which does not satiate, but ever reveals some fresh beauty in line or curve.

The chapels of San Juan Capistrano and San Francisco de la Espada, Mr. President, are not so well preserved, but are of compelling interest, and like the others by some mystic charm translate the visitor from the New World to the old. The erection of the mission buildings, and the maintenance not only of these but of presidio and village for more than a century in the face of the perpetual hostility of Apaches and Comanches, the fiercest of the Indian tribes of America—a hostility so inveterate that only a few settlements outside the immediate neighborhood of San Antonio were able to preserve an existence at best perilous and uncertain—compose one of the most impressive chapters in the records of human courage, endurance, sacrifice. It is appropriate, therefore, that in 1918 San Antonio should invite the Spanish-speaking peoples to visit the scene where representatives of their own race gave such superb illustration to these attributes and to join in an exposition commemorating such achievements.

The cession of Louisiana to Spain in 1762 removed France as a contestant for territory and pushed the Spanish boundary from the Sabine to the Mississippi, where Spain found a new neighbor in England—a neighbor to be replaced only two decades later by the new Nation which the English colonists had set up as the fruit of revolution—the United States of North America. Spain saw the first evidence of a new peril when, in 1800, 11 citizens of the United States were marched through the streets of San Antonio in chains, the survivors of an armed expedition into Texas led by Philip Nolan, who had been killed and his followers destroyed or captured. In the same year Louisiana was redelivered to France to be sold by Napoleon to the United States in 1803. So Spain again faced the United States, and this time at the Sabine instead of the Mississippi. From the first, friction arose as to the boundary, the United States later reviving the French claim that the rightful western border of Louisiana was the Rio Grande. From that time forward San Antonio, responding to the trend of events, took on a new and busier and more important life. The missions had been secularized and practically discontinued. New settlers were thronging in—Spaniards, Creoles, Mexicans, Frenchmen, Americans, Indians of both pure and mixed extraction. The city was beginning to develop that cosmopolitan character which to-day so emphatically distinguishes it—practically every race being now represented within its limits. Hundreds of troops were permanently quartered there—a recognition of the military and strategic value of the place, a value recognized to-day by the United States in maintaining at San Antonio one of the largest army posts in the Republic. Already its wonderful climate, health laden beyond description, its mild and sunny winters, its uniform and delightful temperature, had begun to attract people from all parts of the world. It is little wonder, therefore, that it has become to-day, nearly 120 years later, one of the notable tourist centers of the Nation, its hotels having an equipment and a hospitality that make them one of its most attractive features.

Shortly after the Louisiana Purchase uneasiness over the boundary quarrel caused the number of Spanish troops in Texas to be rapidly increased. The rumor of an invasion by Aaron Burr added to the excitement. A Spanish force crossed the Sabine and invaded American soil, but returned after a brief period to its own side of the river. There on the Sabine the Spanish and American armies confronted one another, the former under Gov. Cordero, of Texas, the latter under Gov. Wilkinson, commander in chief of the armed forces of the United States. An agreement was reached regarding the boundary, a neutral ground defined, and both armies retired. Then began the Mexican revolution against Spain, originated by Hidalgo in 1811. The example of the United States was spreading over the American hemisphere. San Antonio experienced a bloody introduction to the revolution when there appeared on a pole near the river between the Alamo and the main plaza the severed head of Col. Delgado, who had been one of her most prominent citizens and an adherent of Hidalgo. Bloody was to be the retribution and bloodier still the counter retribution. Bernardo Gutierrez, another follower of Hidalgo, escaping from Mexico after the execution of his chief, organized at Natchitoches, La., near the frontier, in confederation with Magee, an officer in the United States Army, who had resigned to take up this work, a band of Americans, rebel Mexicans, and Indians for the invasion of Texas. Driving the Spaniards from Nacogdoches and other Texas points, the invaders, numbering probably 1,200 men, defeated the Spanish army of probably 2,500 at the Battle of Rosillo, near San Antonio, with terrific slaughter, and two days later took the city itself. The city was given over to plunder and the spoils apportioned among the invaders. Then Capt. Delgado demanded vengeance on Gov. Salcedo and others for the murder of his father. He was put in charge of Gov. Salcedo and his staff, together with Gov. Herrara, of Nuevo Leon, and ex-Gov. Cordero, ostensibly to take them as prisoners to New Orleans. A mile and a half below the city Delgado and his company halted and deliberately cut the throats of his prisoners with ordinary camp knives. At this the best elements among the American officers and men, who had been moved by a sincere desire to aid in the revolution, withdrew to the United States, disclaiming further connection with the enterprise. For four months this crowd of adventurers held the city in a state of lawlessness and disorder. With wonderful coolness and skill they rallied from the surprise occasioned by the unexpected approach of Don Elisondo's army of 3,000 royalists from Mexico, which they defeated, administering a loss of over a thousand, while their own casualties were but 94. A few weeks later they were themselves defeated by another royalist force under Gen. Arredondo and practically cut to pieces, only 93 Americans finally getting back to the United States. A severe retaliation for the murder of Salcedo and his companions was then exacted. Seventy or eighty prisoners were set in turns by tens on a log laid across a huge grave, into which the victims fell as they were shot. In San Antonio 300 citizens were confined for a night in a single house, 18 dying from suffocation. Another Black Hole horror was thus registered. Four hundred women of republican families were imprisoned and compelled to cook for the royalist army. The work of plunder and destruction was carried from San Antonio to Nacogdoches and was so complete that these two communities, with the rest of Texas, were temporarily depopulated.

Then came the invasion of east Texas in 1819 by an expedition under James Long, of Natchez, a former officer in the United States Army. He set up a provisional government at Nacogdoches; but, while absent at Galveston Island to seek the aid of the celebrated pirate, Jean Lafitte, his settlement was broken up and his men scattered by the Spanish troops.

The success of the Mexican revolution in 1821 put an end to these filibustering expeditions. The new and independent Republic of Mexico looked with favor at first on immigration from the United States, and an influx of American settlers into Texas began. The pioneers in the work of American colonization were Moses Austin and his son Stephen. It was due principally to them that a plan was conceived and executed which accomplished in a comparatively few years what Spain had failed to bring about for 300 years, namely, the planting of a permanent and extensive agricultural population in Texas. As a result of their labors and the permanent American occupation came the revolution of 1836, the annexation of Texas, and the acquisition of California, Utah—where on Ensign Peak the pioneers of that great State lifted for the first time in that section the American flag—Arizona, Nevada, New Mexico, and part of Wyoming, Kansas, Oklahoma, and Colorado. It has been given to few men, working, as did the Austins, in the quietude of private life, far from halls of state and fields of battle, to set in motion events of such momentous consequence.

It was at San Antonio that the project of American colonization was initiated. Moses Austin arrived there in 1820 to interview Gov. Martinez, having ridden horseback 800 miles from Missouri through an almost trackless wilderness. Angrily ordered away at first, he finally succeeded, with the invaluable aid of Baron de Bastrop, in obtaining the sanction of the governor and his council, or ayuntamiento. It was from San Antonio that Stephen Austin, in 1822, undertook that perilous ride on horseback of 1,200 miles to the City of Mexico, with only one companion, to obtain, after difficulties and delays which only his own invincible patience could have survived, the approval of the central authorities.

It was in San Antonio that the Bowie brothers, Rezin P. and James, organized in 1831 an expedition to search for the silver

mines reputed to be near the site of the San Saba mission, during which expedition occurred the Indian fight that made the prowess of the Bowies forever memorable.

It was in San Antonio that Sam Houston, appeared in 1833, accompanied by James Bowie, to arrange with the Comanche chiefs for a consultation looking to a treaty of peace with the American colonists.

It was in San Antonio, in October, 1834, that the first revolutionary meeting was held in Texas to protest against the dictatorship of Santa Anna and the overthrow of the Mexican Federal constitution of 1824.

It was in San Antonio in December, 1835, that the Texan army of 300, after five days' fighting of the most desperate character, hand to hand and from house to house, using crowbars and picks to dig loopholes in the thick stone walls, compelled the capitulation of Gen. Cos with his force of 1,300. The Texans, under Burleson and Bowie and Fannin, had been fired with resistless enthusiasm for the assault by the ringing appeal of Col. Benjamin R. Milam, who set their spirits ablaze with the cry, "Who will go with old Ben Milam into San Antonio?"

It was in San Antonio that about three months later occurred the world-famous tragedy of the Alamo. The victory of December had apparently driven the usurper from the province, and only a small garrison was left to guard San Antonio. Late in February Santa Anna himself with an army of about 2,000 fell suddenly upon the city. The little body of 183 Texans, led by Travis and Bowie and David Crockett, retired within the walls of the Alamo, a stone rectangle 190 feet long and 122 feet wide, with the old church of the original mission of Valero in the southeast corner for quarters and magazine. The next day Travis sent out a call for help that has been pronounced "the most heroic document among American historical records." It was as follows:

COMMANDANCY OF THE ALAMO,
Bejar, February 24, 1836.

To the people of Texas and all Americans in the world:

Fellow citizens and compatriots, I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours, and have not lost a man. The enemy has demanded a surrender at discretion, otherwise the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat. Then I call on you in the name of liberty, of patriotism, and everything dear to the American character to come to our aid with all dispatch. The enemy is receiving reinforcements daily, and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or death.

WILLIAM BARRET TRAVIS,
Lieutenant Colonel Commandant.

Another pathetic document relating to this siege is the diary kept by David Crockett until the day before the Alamo was taken. I make the following partial quotations:

March 1: The enemy's forces have been increasing in number daily, notwithstanding they have already lost about 300 men in the several assaults they have made upon us. * * *

March 2: This day the delegates meet in general convention at the town of Washington to frame our Declaration of Independence. That the sacred instrument may never be trampled on by the children of those who have freely shed their blood to establish it is the sincere wish of David Crockett. * * * Some imagine independence to be a natural charter, to exercise without restraint, and to their fullest extent all the energies, both physical and mental, with which they have been endowed, and for their individual aggrandisement alone without regard to the rights of others, provided they extend to all the same privilege and freedom of action. Such independence is the worst of tyranny.

March 3: We have given over all hopes of receiving assistance from Goliad or Refugio. Col. Travis harangued the garrison and concluded by exhorting them in case the enemy should carry the fort to fight to the last gasp, and render their victory even more serious to them than to us. This was followed by three cheers.

March 4: Shells have been falling into the fort like hail during the day, but without effect. About dusk, in the evening we observed a man running toward the fort pursued by * * * Mexican cavalry. The bee-hunter immediately knew him to be the old pirate who had gone to Goliad and calling to the two hunters he sallied out of the fort to the relief of the old man who was hard pressed. I followed close after. * * * We dashed among them and a bloody conflict ensued. They were about 20 in number and they stood their ground. After the fight had continued about five minutes a detachment was seen issuing from the fort to our relief, and the Mexicans scampered off leaving eight of their comrades dead upon the field. But we did not escape unscathed, for both the pirate and the bee hunter were mortally wounded and I received a saber cut across the forehead. The old man died, without speaking, as soon as we entered the fort. We bore my young friend to his bed, dressed his wounds, and I watched beside him. He lay without complaint or manifestation of pain until about midnight when he spoke and I asked him if he wanted anything. "Nothing," he replied, but drew a sigh that seemed to rend his heart, as he added: "Poor Kate of Nacogdoches!" His eyes were filled with tears as he continued: "Her words were prophetic, Colonel." And then he sang in a low voice that resembled the sweet notes of his own devoted Kate:

But toom cam' the saddle, all bluidy to see,
And hame cam' the steed, but hame never cam' he.

He spoke no more and a few minutes after died. Poor Kate, who will tell this to thee?

March 5: * * * No time for memorandums now. Go ahead! Liberty and independence forever.

Mr. President, it is doubtful whether in the range of human literature a parallel may be found for this rarest and most tragic of memoirs. The fact that Crockett could pause amid such turbulence and despair, surrounded by the last agonies of expiring valor, the breath of the tomb on his brow, and with such calmness, such self-mastery, such precision and charm, such tenderness and sympathy, such insight into the philosophy of liberty, reduce such observations to manuscript, is a tribute of itself that can never be equaled or approached.

The siege of the Alamo lasted from February 23 to March 6, 1836. About three days before the end Col. Travis drew a line on the ground with the point of his sword. He invited every man who had resolved to stay and die to step across the line, giving all who might so desire the privilege of endeavoring to escape. Immediately Tapley Holland stepped across, followed by every man in the fort but one, who fled. Col. Bowie was ill, but asked his comrades to lift his cot across the line, and others who were ill did the same. On the morning of March 6, 1836, came the crowning catastrophe. Overwhelming the little band at last, the besiegers, thousands strong, swarmed over the parapets and into the fort. One by one the remaining Texans died, fighting to the last.

Thus was consecrated in the blood of patriots the new Texas, whose independence had been proclaimed a few days before at Washington, on the Brazos. The news of this slaughter and of a similar massacre at Goliad some three weeks later filled the Texans with such determination and fury that on April 21, at San Jacinto, 80 years ago to-day, their revolutionary army of 800, untrained, half-equipped, and poorly supplied, defeated the flower of Santa Anna's troops, a force of 1,400, in a single charge. The nature of the victory will be better understood when it is known that of the enemy 630 were killed, 208 wounded, 730 captured. Less than 60 escaped, Santa Anna himself being among the prisoners. The Texans had 2 killed and 23 wounded. It was one of the most signal triumphs in the records of battle. The power of the dictator was broken and Texas assumed its place among the nations of the world.

Twice during the decade in which Texas maintained an existence as a separate Republic San Antonio was occupied by Mexican armies, which, however, soon found their positions untenable and retired.

With annexation to the United States in 1845 began a development for San Antonio and for all Texas that has each year assumed a more rapid and comprehensive sweep.

To-day San Antonio has a population nearly six times as large as that of the entire Texas Province in 1836, a population rated by the census of last year at 115,000, now much beyond that number. It combines all the features of a modern and progressive city with an Old World flavor, rendering it doubly impressive and unique. It is a distributing center for a large part of Spanish America. One-fifth of its people is still Mexican and Spanish. Many of these trace their forbears to the San Antonio of departed centuries, and are united by ties of blood and business to nearly every part of Central and South America, or mother Spain herself. Texas, with an area more than a fourth larger than the German Empire, is fifth in population among American Commonwealths, coming next after New York, Pennsylvania, Illinois, and Ohio. It is the first State in cotton, cotton seed, cattle, mules, pecans, mohair, butter on farms, cotton-gin machinery, and winter vegetables. It is first in railway mileage, in the number of farms, cottonseed-oil mills, cotton compresses, and cotton gins. It is first in the size of ranches and farms. It is second in number of newspapers, in the growth and manufacture of rice, in quicksilver and asphalt, in length of coast line. It is capable of the widest and most diverse agricultural and industrial expansion.

With characteristic energy and happy foresight, San Antonio has determined to celebrate in 1918 the two hundredth anniversary of her birth by holding in conjunction with the State of Texas an exposition dedicated to her own history, to the history of Texas and the Southwest, and to closer economic and social relations between the United States and the other nations of Pan America. It is the first time that the people of San Antonio and of Texas have attempted a movement of this kind.

Expositions are the mirrors of progress. They possess an educational, patriotic, and material value, defying measure. Practically every other section of the Union has epitomized its own development and its relation to the Republic in expositions that have proved of lasting benefit.

Certainly no other section and no other city have a history more fundamentally related to that of the Nation and of the world, more replete with dramatic interest, more illustrative of the possibilities of human genius and achievement, of the versatility of human fortune, than the Southwest and San Antonio. American settlement in Texas and San Antonio meant the extension of the boundaries of liberty, of the jurisdiction of American institutions, of the field of American ideals to the Rio Grande and the Pacific. And the great States that were carved from the territory acquired by the treaty of Guadalupe Hidalgo, following the Mexican War, the direct result of the annexation of Texas to the Union, will be particularly requested to take part in this exposition. Finally, the part played by Spain and Spanish institutions in the history of San Antonio and of Texas and the fact that San Antonio is already one of the great commercial gateways to Spanish America will make this enterprise a peculiarly advantageous occasion for the extension of the Nation's commerce with the Spanish-American countries. These countries will feel more at home at San Antonio than anywhere else north of the Rio Grande.

The European war offers the United States an unrivaled opportunity for the cultivation of a more intimate association with the nations to the south. It is expected that at this exposition will be displayed not only the products of Texas and the rest of the United States but those of every country in Spanish America. Thus will be shown what we have to sell to them and what they have to sell to us. Thus a constructive Pan Americanism will be inaugurated, the result of which will be enormously beneficial to all concerned. The United States has, therefore, both a patriotic and material interest in this exposition, and should accord it active cooperation and indorsement.

We shall not ask the General Government for an appropriation with which to carry on this exposition. We do ask, however, that the Congress authorize the President to invite the other nations of Pan America to participate, and that the United States itself take part and make exhibits showing its own resources and products. We shall also ask that the Government aid in entertaining the delegates which the Latin American countries send to San Antonio as their special representatives at this exposition.

San Antonio and Texas have adopted this method of portraying their history, their progress, and possibilities not only to Latin America but to this Nation and to the world. We can not but believe that this project will meet the heartiest sympathy of the American Congress—that Congress will emulate the example of the President in according the warmest approval to this aspiration of the people of Texas, the State that Spain failed to settle during a possession of 300 years, the State which a power more than mortal must have preserved for the American citizen, the American Union, and the American flag.

Mr. ROBINSON. Mr. President, it may be of interest to the Senator from Texas and to other Senators to know that a lineal descendant of that remarkable man to whose memory and achievements the Senator from Texas has paid such a beautiful tribute, David Crockett, is an employee of the Senate. Mr. John W. Crockett, an honored citizen of Arkansas, is the great grandson of Davy Crockett, and is the clerk of the Senate Committee on Commerce. He has had the pleasure of hearing the very able address of the Senator from Texas.

Mr. SHEPPARD. I am glad to have this information from my able friend, the junior Senator from Arkansas [Mr. ROBINSON]. It may also be of interest to refer here to the fact that Stephen Austin was a circuit judge in the Territory of Arkansas during the greater part of 1819 and 1820, and that he located the land on which his brother-in-law, James Bryan, marked out the city of Little Rock, now the capital of the State of Arkansas and the home of its distinguished senior Senator [Mr. CLARKE]. It was at Little Rock that Stephen Austin and his father, Moses, met in 1820 to make plans for the colonization of Texas. The histories of Texas and Arkansas are intimately interlinked.

RESTORATION OF PEACE IN EUROPE.

Mr. NEWLANDS. Mr. President, I introduced yesterday Senate resolution 172, regarding the restoration of peace in Europe and gave notice that I would address the Senate upon the resolution to-day. I ask leave to postpone the intended remarks and give notice that I shall address the Senate upon this subject next Monday.

WOMAN SUFFRAGE.

Mr. SHAFROTH. Mr. President, I desire to give notice that following the address of the Senator from Nevada [Mr. NEWLANDS] on Monday, April 24, 1916, I shall submit some remarks on Senate joint resolution No. 1, proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage.

GOOD ROADS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. THOMAS. Mr. President, I shall cast my vote against this bill, whose passage may not be at all jeopardized thereby. I shall also recognize the public character of the object it is designed to subserve, and will not pause to challenge its constitutionality. The power of Congress to establish post roads may be sufficient to sustain the bill, and precedents can doubtless be found to support it if support be needed. Nevertheless, I am impressed with the criticisms of the bill by the senior Senator from California regarding its validity, some of which I think are not easily refuted.

The resulting benefit to the country at large which the advocates of the bill predict may also be conceded, even though the necessity for Federal appropriations for road construction be questioned. My opposition to the bill is grounded upon the sole proposition that we can not afford at this time to inaugurate, equip, and finance a national bureau for the construction of public highways, nor to devote the public revenue to any other than absolutely necessary demands.

Mr. President, the Democratic denunciation at Baltimore of Republican profligacy in expenditures has been recalled and repeated so often since the inauguration of Mr. Wilson that it has become stale and wearisome. I have so frequently referred to it upon this floor that I shrink from doing so again. Yet I am compelled to reassert that if it was justified when declared it is doubly justified now.

Mr. President, I have learned many things since my State honored me with a seat in the Senate. I have learned that partisanship disappears here when we look beyond our shore lines and confront problems of international concern. I have learned, too, that it disappears when we look toward the National Treasury. The compelling reason I have also learned. It is that the people are in each situation behind us, and are also without the domain of partisanship. All for each and each for all is the motto and unity the watchword.

Mr. President, there is no doubt of the reckless extravagance of previous Republican administrations. There is no doubt whatever that this one has followed the example and bettered the instruction. And there is no doubt that the next administration will be more extravagant than this one, through the constantly accelerating force of the pressure behind it. This has been so, and it will so continue until the people shall discontinue their demands for Federal appropriations and measure the merits of their representatives by their success or failure in securing them. And I confess with some reluctance that I perceive no present symptoms of any such reform.

Republican administrations were recklessly extravagant, and Democrats helped to make them so. This Democratic administration is recklessly extravagant and Republicans have helped to make it so. Behind both parties stands the hungry American public—men, women, and children—with arms outstretched and hands extended toward Washington, vociferating demands for appropriations, and Republicans and Democrats are fain to do its bidding. Let the parties refrain from mutual and fardeal recriminations regarding public expenditures if they can not join in a well-directed effort to save the people from themselves. Let us discourage instead of encourage the ever-expanding range of demands upon the national revenues and endeavor to convince our constituents that we are in very truth trustees of a great public trust of which they are the beneficiaries, and should administer the trust as all others should be administered.

Mr. President, the tendency to look to the National Government for financial relief for all financial ills had its origin partly in the vicious policy of protection, whereby one class of the people were directed by law to enrich themselves by taking the property of their neighbors and partly to the desire to escape direct taxation for local purposes by shifting the burden to the national revenues. If the manufacturer by national authority may put his hand in the pocket of the consumer of his product and transfer its contents to himself, why should not the Government also pay the consumer according to his needs and afterwards according to his desires? And if the

suggestions fall on willing ears, timed to catch the views and impulses of those who can mar as they have made, what wonder that suggestion is transformed into action? And action, once begun, bequeathed from bleeding sire to son, ripening into precedent, is making Uncle Sam the paymaster for everything which by any processes of refined reasoning can be tortured into a public purpose.

Every appropriation that has been made has encouraged applications for a dozen others, until the introduction of bills for relief has become a steady occupation, and each district and nearly every city have engaged in a scramble for aid from the National Treasury. I think it is safe to assert that 90 per cent of the bills introduced in the Senate and House are money bills, and fully 10 per cent of these refer to subjects which, once receiving favorable action, become permanent charges, requiring annual appropriations. I think, too, that the number of these bills enacted into law is constantly increasing, due to the tendency to which I have referred and to the inevitable system of logrolling, the inclusion of a number of bills for local relief into omnibus bills covering them all and commanding support as a whole, and always receiving it, so that each gets his own. Pork bills, as the public has determined to call them, are thus multiplying as well, and the term is quite as applicable to some of the general supply bills, as to those which it is designed to describe. He who tries to stem the tide of this pernicious system of money administration incurs the dislike of his associates, the animosity of the army of money grabbers, and the reprobation of his constituency, which is apt to feel that its own demands are obviously reasonable, just, and lawful, however outrageous all others may be. It is not surprising therefore that Senators and Members are reluctant to oppose that which overcomes all resistance, and sooner or later sweeps them aside forever. If they can not get what their constituents demand—above all, if they oppose or only give them a lukewarm support—they must step aside for successors with fewer scruples and greater driving power. And so, Republicans content themselves with advertising Democratic profligacy, while Democrats, with like complacency, denounce Republican extravagance. Both profligacy and extravagance continue, nevertheless, and the high priests of the parties, like the old Roman Augurs, wink at each other as they thunder their platform denunciations to the listening multitudes.

Our general pension bills, the most liberal in the world, providing compensation to every man and woman who could possibly deserve it, are easily overtopped by special legislation as demanded. If one may judge from the number of private bills for pensions and for increases, nearly everyone on the rolls and everyone wanting to get on them are before the appropriate committees. Pensions are no longer stipends; they must yield adequate support. The rolls long ceased to be rolls of honor. We are placing everybody upon them. Deserters petition for the removal of their disabilities, and we remove them. They then ask for pensions, and we give them. What man in either house dares vote against these committee bills or question the expediency much less the merits of the committee reports? Which party opposes a motion to take up these bills and consider them out of their order? I am painfully conscious of the result to myself of so much as propounding these queries, since it will be assumed that none but an enemy of the old soldier would have the temerity to ask them. They add hundreds of thousands to our annual disbursements, but the legislation is good politics. None of us would stoop to buying votes with our own money, but to use the public moneys to that end is not unusual, and therefore permissible.

Let me here say that the pension bills are, in my opinion, quite as commendable, if not more so, as those of which communities in the mass are the beneficiaries. Our river and harbor bills, our public building bills, which devote millions annually to the so-called improvement of petty streams and to the construction of stately public buildings in the little villages and crossroads hamlets of the land, are perhaps the most conspicuous although not the sole examples of the way in which the public revenues are squandered at the behest of communities and to obtain or perpetuate their political allegiance. And so of Army posts, which once established very naturally and properly clamor for maintenance and expansion.

I was much impressed with one of the dialogues which served to enliven one of the soliloquies of this discussion, wherein the junior Senator from Virginia directed attention to the lack of needed public buildings in Washington and the consequent housing of so many departments and bureaus in leased structures and apartments, for which the Government pays an annual rental of nearly $700,000, the Government rentals being also higher than those to private persons for similar accomodations. The Senator deplored this condition and recounted his unsuccessful efforts to rectify it. But he did not refer to the real cause of this situation. It lies in the fact that we are so busy in providing public structures for Sundance and Milldew, for Persepolis and Rising Sun, that we have no time to consider and no money to squander upon needed public buildings here. Moreover, some of Uncle Sam's Washington landlords have influence in the political world and would lose a good thing if we provided the Government with appropriate housings. But we can easily build bridges—aqueduct, memorial, and suspension—over the Potomac and into Virginia, and national highways in the other direction, and just as easily comfort ourselves with the delusion that the public needs imperatively demand them.

How much money do we intend to appropriate for the approaching fiscal year, exclusive of the usual supply bills? Does any Senator know? Has he sought to ascertain? Does he know anything about it?

We have recently passed two bills for what, I think, are very essential purposes and which must carry ultimate appropriations of $41,000,000. On April 18 the Senate Calendar contained measures favorably reported on and which will probably pass. These carry ultimate appropriations of $121,500,000, all outside of the ordinary expenditures. The House Calendar will probably disclose a much larger aggregate sum. Does any Representative know how much that body proposes to add to the annual budget of expenditure? Has he cared to investigate the subject?

Mr. President, the cry of preparedness is wrapped in a golden atmosphere of monetary possibilities. It has just enough of patriotism about it to make it pleasing to the eye and delightful to the ear. Its seductive syllables have arrested the attention and quickened the hopes of everyone who would save his country by drawing something from its Treasury. From the ponderous Steel Trust down to the most obscure promoter in the land, and embracing everything within the two extremes, the call for preparedness has found a ready response. Everything that has heretofore been used in war or in peace, everything else that the imagination can conjure into material form, from cannon to cradles, from battleships to nursing bottles, has volunteered for the occasion. They are in the training camps, and will soon be in the trenches, preparing to besiege Congress and march through its portals into the National Treasury. Men who view with terror the awful spectacle of The Battle Cry of Peace rush frantically to their typewriter and prepare bills for construction, destruction, erection, and demolition, all in the interest of defense and through the medium of appropriations. We are beset with schemes and devices which will keep us out of war, which will make our success certain in the event of war, which will preserve peace with honor and prevent peace with dishonor. Let us prepare while money is in the Treasury and prepare also to make the supply perennial.

Mr. President, if one-half of these assaults actual and contemplated upon the Treasury were successful, our people could make money by buying its security from other nations. We would save vastly by the process. I am not apprehensive of extreme results from this new avenue of approach to the public crib, yet I have no doubt that, pursuing our present methods of financial legislation, much additional money will be devoted to the demands of localities which can not very effectually subserve a military end. This, too, will become for the most part a permanent burden, tending to enlarge as the years accumulate.

And, Mr. President, the most conservative among us know that our inevitable Army and Navy increases will add from $200,000,000 to $250,000,000 per annum to our fixed expenditures, a sum to provide which added taxation is inevitable. How that money shall be raised is the problem of the majority. Taxation is always unpopular. None of our military and naval advisers have suggested any plan of revenue, but are not at all anxious that any plan should include them. Is this the time to commit the Nation to a system of public road building of which the sum of $75,000,000 provided by this bill is but the faint beginning?

We can not delude ourselves with the notion that this bill is or will be the last word upon the subject. It is the entering wedge. We propose to act conjointly with the States, which must contract for and assume their proportion of expenditure. But the States, or some of them, will surely assert before very long that the enterprise is national in scope and character; that the States are unjustly burdened with a financial responsibility for the development and maintenance of a continental project, and that all their resources are demanded for the payment of purely State obligations. The challenge will be heard all over the land. All the Commonwealths will join in the movement, and the road system of the country will become a part of the Federal administration upkeep and extension. This will mean,

not a paltry $75,000,000 but many times that amount, an obligation which can not be avoided, but ever increasing in its exactions. This may be the better method for the States and the people. If so let us frankly recognize it and then inquire whether on the threshold of the most lavish appropriations ever made by any nation in times of peace, we should now take up this work. What man of affairs, what nation but ours would even seriously consider such a fatuous proposition?

Moreover, Mr. President, we must remember that the administration of this bill will call into being a small and always growing army of Government engineers, inspectors, overseers, gang bosses, workmen, accountants, and office holders scattered like locusts over the face of the land drawing salaries and doing little else. Once called into existence they become immortal. We may create but we can not recall a public official. There he is a thing of beauty and a joy forever. And this bill is so framed as to require the creation of two sets of officers to perform the same duties, the one State the other National. They may clash but they will not resign. The law will not execute itself. The Federal Government can not execute that of the State, the State can not perform that of the Nation. They must cooperate. This is wasteful, extravagant, and inefficient, but it is the way we propose to do business if this bill shall become a law.

The House has passed two other measures, one for rivers and harbors, the other for flood prevention, carrying approximately a hundred millions in appropriations. Others will be launched in due season. Senators, do we not realize that revenue must be provided for these appropriations; that there is a limit to the burdens of taxation, and that the very interests clamoring for these expenditures will be the first to rend us when the day of reckoning comes?

Vast as our general supply bills are, we are compelled with every new session to supplement them with deficiency bills—some urgent, others when convenient. We have committees on expenditures in the various departments, which never meet. We neither know nor care how the public moneys are expended. I make no charges, even by indirection, although it is somewhat remarkable that we deem our duties at an end when we have voted the public moneys, and take it for granted that they are properly disbursed.

Economy in public affairs is the trite expression of a very salutary maxim. Both parties repeat it like parrots, or rather like children who are taken with catchy phrases, without comprehending their import. Economy in public affairs is dead everywhere. Nation, State, and city have turned it down. Our aggregate public debt may not be as large as that of England or Germany, but it is appalling. Our children must arrange for its liquidation. We have mortgaged them beyond redemption. They are helpless unless their sense of injustice shall become stronger than their sense of obligation and they shall refuse to perfom what others have imposed upon them. We declare that we will economize some time somewhere. Why not now? Why not here? There must be a commencement, and I am very sure that the people, informed of our purpose and the occasion for it, will commend and support us. They never fail to approve good public service when they perceive it to be courageous and genuine. They will follow when leaders exhibit the qualities of leadership and when they lead in the right direction. And leadership—genuine, disinterested, capable leadership—was never needed at the Nation's Capital more than it is now.

Mr. President, the most deplorable aspect of our political condition is the tendency, aye, the willingness, of the States to sell their birthright for a mess of pottage. Their sovereignty they barter away for appropriations to be expended within their boundaries upon objects of purely State concern. Their duties, so necessary to the independence and welfare of their citizens, they delegate to the Nation for money rather than assume the burden of their exercise. Their rights they willingly surrender in exchange for the Nation's gold. Time was when every reserved right was zealously cherished and respected; when every local duty was performed with ardent alacrity; when the Federal Government was confined to the sphere of its delegated authority. But our material development and the accumulation of enormous wealth has weakened the moral fiber of our sisterhood of sovereignties as it has changed the hearts and the spiritual natures of man. The Government has become a thing from which we may derive support and material advantage. We were created for it and it must care for us. We belong to it and it must therefore support us. It is paternal, protective, nourishing; no longer a means to an end, but an end in itself. This may be due to a law of political evolution from whose operation we can not escape, but if so the conceptions of the fathers were profoundly wrong.

Our late colleague, the distinguished Senator from Georgia, often spoke of himself as an ambassador from his State. I am prone to believe that this conception of a Senator's position is more accurate than it should be. We are, generally speaking, United States Senators when, and only when, we act upon or consider external problems. We are, generally speaking, Senators from our respective States when we act upon or consider affairs of domestic concern. We are more interested in what we can secure for our immediate constituencies from the Federal Government than we are in protecting and safeguarding the latter from the exactions of those who send us here. This means that we are becoming less and less the guardians and representatives of national authority and more and more the agents and attorneys of our respective constituencies. No man can serve two masters. Many have tried to do this and all have failed. What the country needs is Senators and Representatives whose first duty is to the Nation; whose vision reaches beyond their own localities and is bounded by the horizon of the Republic; whose fealty to the Federal Government is their strongest impulse; who place the general welfare, the national interests, the national affairs above and beyond all others; who serve their States by serving the whole people; who are neither ambassadors nor delegates, but everywhere and at all times the trustees and depositaries of a legislative function created and designed to subserve the East, the West, the North, and the South alike, each and all the equal and inseparable constituents of the same Republic. When this conception of duty shall have become the standard by which our actions and our policies are measured the Treasury will cease to be a grab bag for greedy schemes of greedy communities for public extravagance and private relief, and the money of the people, cheerfully paid through taxation for public purposes, will be wisely appropriated and honestly expended.

Mr. BANKHEAD. Are there any amendments pending to the amendment of the committee?

The PRESIDING OFFICER (Mr. POMERENE in the chair). The question is on the amendment of the committee reported as a substitute.

Mr. LODGE. Mr. President, I call for a quorum. I know the Senator from North Dakota [Mr. MCCUMBER] desires to speak, and also the Senator from Pennsylvania [Mr. OLIVER], and I am going to speak myself.

Mr. BANKHEAD. Mr. President, I desire to give notice that when a quorum appears I shall renew my request, perhaps in another form, for consent to vote upon the bill at a stated time.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Owen	Sutherland
Bankhead	Hollis	Page	Swanson
Borah	Husting	Phelan	Taggart
Broussard	Johnson, Me.	Pittman	Thomas
Burleigh	Johnson, S. Dak.	Pomerene	Thompson
Chamberlain	Jones	Reed	Tillman
Chilton	Kenyon	Robinson	Townsend
Clapp	Lane	Saulsbury	Underwood
Culberson	Lee, Md.	Shafroth	Vardaman
Cummins	Lippitt	Sheppard	Wadsworth
Curtis	Lodge	Simmons	Warren
Dillingham	Martine, N. J.	Smith, Ariz.	Works
Gallinger	Myers	Smith, Ga.	
Harding	O'Gorman	Smith, Md.	
Hardwick	Overman	Smoot	

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. BANKHEAD. Mr. President, I desire to renew my request to fix a time that the Senate shall vote on the bill and amendments. Inasmuch as my suggestion of 5 o'clock this evening was objected to, I am going to ask the unanimous consent of the Senate to agree to vote on the bill and amendments not later than 8 o'clock this evening.

Mr. LODGE. Mr. President, this bill is of very great importance; it carries an enormous appropriation; is has been discussed one day. There are a number of Senators on this side who desire to discuss it. I know the Senator from Nebraska [Mr. NORRIS] has amendments which he wishes to offer and the Senator from Iowa [Mr. CUMMINS] has an amendment. The Senator from Pennsylvania [Mr. OLIVER] desires to speak and the Senator from North Dakota [Mr. MCCUMBER] desires to speak. The Senator from New York [Mr. WADSWORTH] told me that he wishes to speak, and I should like to say a little myself. I do not think it is possible to agree to-day.

Mr. BANKHEAD. Then I suggest that not later than 12 o'clock this evening——

Mr. LODGE. Mr. President, I object. I can not agree to any agreement for a vote to-day.

Mr. SIMMONS. Before the Senator from Massachusetts objects I wish to suggest to the Senator from Alabama if he will make a request to vote on Monday, say, at 5 o'clock on Monday, I think very likely it will be agreed to.

Mr. BANKHEAD. I will make that request. I will ask that not later than 5 o'clock on Monday next the Senate shall vote on the bill.

The PRESIDING OFFICER. The Chair did not hear the hour indicated by the Senator from Alabama.

Mr. BANKHEAD. At 5 o'clock on Monday.

Mr. LODGE. Mr. President, I think this is too soon to undertake to fix a time for taking a vote on the bill. It is a bill of enormous importance. It is committing this country to a policy which is going to cost hundreds of millions, in my opinion, and I think we ought to have at least two or three days to consider it. I do not feel ready to agree to a time now.

Mr. GALLINGER. Mr. President, it is my present purpose to vote for this bill if it assumes a form that will commend itself to me, and I apprehend it will, but I think the Senator from Alabama is not wise in undertaking to get an agreement at the present time. I have a few inconsequential amendments myself that I want to offer to the bill and I may have a few words to say in support of them.

In fact, Mr. President, as I suggested the other day, I think we ought to know something about what the program is to be for this session before we continue to legislate by unanimous consent. If we are to be kept here, as I said, until July, we might as well remain here until December. I have noticed that in another place where our program of legislation seems to be made out for the Senate there are enough bills to keep us here certainly until harvest time. I think we had better look that over pretty carefully before we conclude to rush bills through at an inordinate speed.

Mr. BANKHEAD. Mr. President, I should like to have the attention of the Senator from Massachusetts. Can the Senator suggest a time when he would be willing to have the vote taken?

Mr. LODGE. No; Mr. President. I said that I think this is too soon. The bill has been up only one day. I am not willing to make any agreement at this time.

Mr. BANKHEAD. The Senator is mistaken. The bill has been before the Senate for three days.

Mr. LODGE. I was not aware that it had been under discussion for three days.

Mr. BANKHEAD. With to-day it is.

Mr. LODGE. There have been several other things done in the last three days.

Mr. BANKHEAD. Mr. President, of course we are in a situation where we can not help ourselves. I am going to ask the friends of the bill to stay in session to-night until we, perhaps, may be able to reach some sort of an agreement as to when a vote shall be taken.

Mr. GALLINGER. As one friend of the bill I will not stay in session to-night if I can prevent it; and I suggest to my good friend from Alabama that he is forcing this measure at too great a speed. I do not think he would gain anything by undertaking to hold us in session to-night.

Mr. BANKHEAD. I appreciate what the Senator says. He has suggested on one or two occasions that he would like to know what the program is. I will state and state very frankly to the Senate the difficulty that we are in. When the bill was taken up for consideration it was agreed by the steering committee and the Senator who has charge of the rural-credits bill that I should have three days in the Senate for the purpose of considering the bill, and if during the three days we were unable to get a vote on it then I agreed to lay it aside and give the right of way to the rural-credits bill.

Now, that is the situation we are in. If the bill is displaced owing to the continuous objection that is made, while I have no disposition to hurry it as far as I am concerned, I do not know when we will be able to get the consideration of the bill again in the Senate. That is the reason why I insist, as far as I can, that we shall have some disposition made of the bill during the three days.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. BANKHEAD. I do.

Mr. VARDAMAN. I wish to ask the Senator at what time did he consent to lay the bill aside?

Mr. BANKHEAD. At the end of this calendar day.

Mr. VARDAMAN. Of course, the Senator knows it is impossible to pass it to-night in that short length of time; but I wish to say that this bill is one of very great importance to the American people.

Mr. BANKHEAD. Mr. President, it is also known by the Senate that to-morrow is to be devoted to the consideration of the conference report on the sugar bill, and of course we would have no time to-morrow, even if I should get the consent of the Senator from New Hampshire [Mr. HOLLIS].

Mr. VARDAMAN. I was about to remark, Mr. President, that so far as my very limited influence goes I am going to insist that some legislation on this subject shall be enacted by this Congress, whether it be to-day or to-morrow or next week. It is a matter in which the people of the United States are very greatly interested. I do not know of any measure that would contribute more to the material well-being of that class of the American people, whose labor feeds and clothes the world, than legislation which tends to encourage and promote public-road building.

I shall have something to say on the bill a little bit later, but I do not care this afternoon to discuss at length the bill. I hope it may not lose its place to-day, but I do not think any special advantage will be gained by remaining in session to-night. The bill can not be passed until the Senate has an opportunity to discuss it, and loaf around it, and think on it, and consume time about it, as is the rule of procedure in the Senate. I see no necessity for trying to press it to final passage at this time, unless we had two or three days ahead of us. I want it understood that I am very much interested in the measure, and I think Congress ought to enact this measure, or a measure similar to this, before this session adjourns. Failure to do so will be falling far short of meeting what I regard an important duty.

Mr. LODGE. Mr. President, of course I have the greatest respect for the arrangements made by the steering committee of the Democratic Party, and I realize their power; but it is not to be pretended, of course, that their arrangements bind the Senate of the United States. Though I dislike extremely to interfere in any way with any agreements that have been made, I think the rest of us in the Senate have some rights still left—not many, but some.

I will say to the Senator from Mississippi [Mr. VARDAMAN] that there is not the slightest danger of this bill failing to pass. Any bill that takes as much money out of the Treasury as this bill proposes to do and distributes it to local interests and to different States, and for local purposes, never fails. It is certain to pass; there is no trouble about that.

Mr. VARDAMAN. I am in hopes that the Senator from Massachusetts is a prophet now.

Mr. LODGE. I did not catch the Senator's remark.

Mr. VARDAMAN. I say I am in hopes the Senator is speaking the words of prophecy. I hope the bill will pass.

Mr. LODGE. If I may quote something that happened to me when I was a new Member in the other House—more years ago than I care to define—I asked Mr. Hitt, of Illinois, when the river and harbor bill was brought in, if the bill would pass. He said, "Pass! Why, this is the one bill that is certain to pass; it is made to pass." The bills that are "made to pass," with great local appropriations in them to be taken out of the United States Treasury, always pass. There is no danger whatever to this bill; but there are some of us who would like to offer our feeble objections to it, and to point out what seem to us defects in the measure. There are several Senators also who desire to offer amendments to the bill, and I do not think we ought to be cut off from that privilege because some agreement has been made about another bill under a program of which we know nothing. All we know is that there are certain measures that must be passed to carry on the Government—the great appropriation bills and bills for additional taxation. Those bills must pass; but those bills seem to be pushed to one side, in order to get through a number of bills that are "made to pass."

Mr. UNDERWOOD. Mr. President, I did not intend to say anything in reference to this bill, for I wished to conserve time and give the bill an opportunity to get through to-day; but as it appears that it will not have the opportunity to pass the Senate to-day I wish to make a statement, in order that the RECORD may show that I favor the passage of the bill.

I think this is a good bill. It is well drawn, and it properly distributes the appropriations and the burdens between the local communities, the States, and the Federal Government. I do not think, however, that is the main problem that confronts the country. I believe in the State governments exercising those rights and powers which belong to them and that have not been delegated to the Federal Government, and I do not believe in the Central Government interfering with those powers.

On the other hand, the States, when this Government was organized, delegated certain powers to the Central Government at Washington. I believe that, so far as the exercise of those powers is concerned, this Government should be a virile, forceful Government; that it is just as much in violation of the rights of the individual States for the Federal Government to refuse to exercise in the interest of the American people a power that has been delegated to it by the States as it is an infringement of the rights of the States for the Federal Government to go within the jurisdiction of the several States and attempt to exercise powers that belong to the States.

There was a clear delegation of power when the Federal Constitution was adopted in the clause which authorized the Federal Government to establish post offices and post roads. If anyone should assume to say that the States of this Union should exercise the authority to carry on a postal system, or that the States of this Union should bear the burden of carrying on a postal system, the proposition would be repudiated at once; and yet the same clause that authorizes the Federal Government to establish post offices also gives it the authority to establish post roads.

That authority was recognized in the very beginning of the Government. In the early days of the Government one of the great questions that confronted the Congress of the United States was the establishment of Federal post roads. In fact, large appropriations for that time were made to build roads extending across the country, one running from the State of Maryland out to the Mississippi River through the Central Western States. So there can be no question that the Federal Government has the right to establish post roads, and that it has exercised that right in the past.

It is true that the invention of the steam engine and the building of railroads diverted the attention of the American people and of the Government from the necessity of having good post roads; the power was not exercised for many years by the Federal Government, and the interest in Congress languished in reference to this question.

I believe, Mr. President, that transportation is the key that unlocks the door of commerce, and that outside of the liberty of the American people there is no matter that is of such vital interest to them as a successful commerce. We have spent a great deal of money in this country in the regulation of railroads, a great deal of money in endeavoring to secure equitable and just rates of transportation on railroads. Why? Because it was in the interest of commerce and the development of commerce for the American people between the several States. If you destroy the facilities of commerce you destroy local development and local industry. If you facilitate the distribution of commerce you build up local industry and local development.

It has been shown that there is more commerce moved on local roads than there is nation-wide commerce. A great deal of the commerce that is moved on the local roads is moved over dirt roads. It has been stated in publications by the Agricultural Department some years ago that the average cost of hauling a ton of freight a mile on the average dirt road in the United States was 25 cents a ton. On good, hard macadam roads the cost can be reduced below 8 cents a ton. Therefore to encourage the building of hard roads for the transportation of the freight of the country is of vital importance to the people of the United States.

It has been said here in debate that the States themselves are building good roads; that there is no necessity for the Federal Government to intervene; that there is no requirement for Federal aid. Well, that may be true in some of the great, rich States in America; but even in those States it has been found that the State must grant aid, because there are poor communities in those States that can not bear the burden of carrying the roads through those communities, and they must have the aid of the State in order that the roads may reach the marts to which commerce is going.

The same is true as to the Nation. There are many States and many communities in which, without aid from the National Government or the State governments, it would be impossible for them to construct roads. If your roads are not going to be continuous and go through poor communities as well as rich ones, they will be of little value.

Mr. SHAFROTH. Mr. President——

Mr. UNDERWOOD. I ask the Senator not to interrupt me until I finish this thought.

Mr. SHAFROTH. Very well.

Mr. UNDERWOOD. If what I have stated is true, there is a very good reason for the passage of this bill or some other bill that will grant national aid for road building.

The whole history of the building of roads in the civilized world has demonstrated the fact that there has never been a great system of roads built in any country until the government of that country stood behind it in some way. In England for more than a century they attempted to develop their roads through local effort, but it was not until Parliament itself made supplemental appropriations—which, I am informed, now in most cases reach half of the cost of the road—that a great system of turnpikes was built. The same is true in France. The greatest system of good roads in the world is now in the Republic of France. It is true that in France the National Government does not appropriate for local roads, but the National Government carries the greater part of the burden for the national highways extending through that Republic.

The need for Government aid is equally apparent here today. If the Government of the United States makes an appropriation and holds it out to the States and the local communities that by giving State aid and local aid they can secure a part of the money to build these great highways, local communities will bid for the opportunity to get them. It will arouse a public sentiment. It is not the mere number of dollars expended that will be valuable, but you will awaken a public sentiment in each community that it may be served and aided with this Government appropriation instead of some other community. You will build up a sentiment, and it is the only way in which you can build up a sentiment that ultimately will build throughout all of the States in the Union a system of highways that can serve the interests of the people.

I do not intend to make any extended remarks to-day, Mr. President. I wish merely to register my approval of this bill and to state in a few sentences why I believe it should be passed now.

So far as the statement that was made a few moments ago by the Senator from Massachusetts [Mr. LODGE] is concerned, in reference to the great public bills that must be passed, the revenue bills and appropriation bills to carry on the Government, he is eminently correct; but to-day we have none of those bills on the calendar; there are none now waiting here for consideration. They will come from the other end of the Capitol; and when they do come they will have to be given consideration and bills of this kind will have to be pushed aside; but now, when they are not here, when they are not knocking at our door for consideration, I think the Government of the United States, acting through this Congress, will be neglecting its duty to the American people if it does not insist on the exercise of its constitutional power, which it has neglected in the past, by pushing this bill—one of the few bills now before the Congress of the United States which is intended not for the help of the great and the wealthy or strong corporations of great power, but for the upbuilding of local communities and for the aid of the men who, in the end, bear the great burdens of our Government and make our country, both in times of war and in times of peace, a possibility as a Republic.

This bill, if it becomes a law, will afford the men who live on the farm in many of the States of this Union an opportunity to live happy lives instead of hard lives; it will enable them readily to find profitable markets for the products of their labor and their soil; whereas to-day, by reason of their isolated condition on impassable roads, they are required to struggle in poverty and distress. I hope, if this bill can not be considered to-day, if the Senate of the United States is unprepared to continue the consideration of this bill, that an opportunity at some time when it will not be sidetracked for the great Government supply bills, will be given for its full and careful consideration, and its enactment into law before this session of Congress adjourns.

Mr. WILLIAMS. Mr. President, a good many years ago, when I was a Member of the House of Representatives, I introduced a bill appropriating $25,000,000 per annum out of the Federal Treasury to aid the States in the construction of good roads. The time was not then ripe for the legislation. Even at that time a great many things were said about the constitutionality of legislation such as this.

There are two bases upon which Federal jurisdiction for building good roads may constitutionally rest. One is the interstate-commerce clause of the Constitution. Very early in our history the Congress of the United States, at that time containing very many members of the then recent Constitutional Convention, passed an appropriation to construct the Cumberland Road, as it was called, which was intended to go from tidewater on the Atlantic to the Ohio River; and as strict a constructionist as John C. Calhoun took the position that the Federal Government had a right to build that road. James Madison, Jefferson, and a great many of the early fathers of Democracy also took the position that there was a Federal jurisdiction. Subsequently the Democratic Party, becoming somewhat more strict in its construction of the Constitution, took the position—under

Andrew Jackson's presidency, I believe—that the constitutional right did not exist, although Mr. Monroe prior to that vetoed one good-roads bill, but upon grounds which were not at variance with the position taken by the earlier fathers. That is one of the two bases to rest Federal constitutional authority upon. The other is upon the post office and post roads clause of the Constitution.

It is a curiosity of political literature that under the clause of the Constitution which gives to Congress the right to "establish post offices and post roads" it was very early contended that the right to construct a post office flowed necessarily from the right to establish it; that it not merely meant that the Government could rent a house for the purpose of keeping a post office in it and putting a postmaster there, but that the Federal Government could build the post office; and yet, although the language of the Constitution was "to establish post offices and post roads," both being in the same clause and running pari passu, a great many people who thus contended for the right to build or construct a post office denied the right to construct a post road.

This bill, Mr. President, so far as I have been able to examine it, contains nothing except provisions to improve the post roads and post routes; so that the constitutional power is undoubted, undeniable, obvious, plain, and palpable.

Now, having gotten the authority, I want to say just a few words about the connection between good roads and civilization. From the dawn of time every nation that ever reached anything like world power or ever approximated it or ever developed a civilization of its own was a country that was signalized in its time, in comparison with others, by the existence of good roads within its area. In the very early days the Assyrian Empire and the Persian Empire were celebrated amongst other peoples for their comparatively good roads. Babylonians and Assyrians went so far as to raise their roads in the Mesopotamian Valley, and to build them upon what we now call "levees." Everybody knows the history of good roads in the Roman Empire, and everybody knows that a great part of the weakness of Greece and of the Grecian or Macedonian Empire in Asia arose from the fact that they did not have good roads. Rome built good roads everywhere; and it was an old saying that "every road led to Rome."

There was a road that went all the way from Rome to Colonia, the Roman colony, the modern Cologne. I have myself walked afoot, not having money enough to ride at the time while traveling in Europe, over what is called the Koblenzer Strasse, which practically begins at Cologne, I think, but runs, at any rate, from Bonn along up to Coblenz, on the Rhine. That road has been kept in repair from time to time, but it is substantially the old Roman road.

I might refer to the old Appian Way, in Italy, and to a great many other roads in what was called the Provincia, in France, or ancient Gaul, now modern Provence, in southern France. The Romans built splendid roads everywhere very early in the history of their possession of southern Gaul, even before they had taken possession of middle and northern Gaul. So that wherever there has ever been any people who ever proximated a civilization, a self-developed civilization, a characteristic civilization of any sort, good roads have accompanied that civilization.

Good roads are all the more connected with civilization in modern times, because over them the children go to good schools; whereas in the old time that was one use for a modern good road that did then not exist. In the main, in the old times the roads were constructed for the purpose of enabling the armed forces in the empire to have ready access to the provinces and to be able to meet enemies upon the border. All the roads of Rome were strategic roads, and commerce grew up upon the road, so that the road was the cause of the commerce rather than the existence of the commerce the cause of the construction of the road. But with us we have not only the strategic military reason, which is national, the interstate-commerce reason, which is national, the post-road reason, which is Federal, but the other reason which I have mentioned, which is educational. In addition to that, we have the economic reason, which was so fully dwelt upon by the Senator from Alabama that I shall not dwell upon it any more. It is true that there can be no interstate commerce of any great power unless there be good roads for a local commerce forming connecting links upon which the interstate commerce is founded, nor can there be any great international commerce except for the intrastate commerce of the various countries which form the family of nations.

I wanted to say these few words in general commendation of the purposes of the bill.

Mr. JONES. Mr. President, I just want to ask the Senator from Alabama a question or two upon a point raised in a letter which I have received.

I have a letter calling attention to the language on page 11 of the bill from lines 19 to 22, and also the language on page 12 commencing in line 13 and ending after the word "span," in line 15. The letter says this, and I will just ask the Senator about it:

The proposed bill, as amended by the Committee on Post Offices and Post Roads, in section 6, page 11, commencing at line 19, contains the following:

"The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof."

In the same section, on page 12, commencing at line 13, it is stated:

"Nor shall any such payment be in excess of $10,000 per mile, exclusive of the cost of bridges of more than 20 feet clear span."

While it is true that there might not be possible a misinterpretation applied to the language, still, in order that there may be no possible meaning read into the bill other than what is intended, we are constrained to suggest that in order to make secure the meaning beyond the possibility of doubt, that the last above quoted lines be eliminated entirely, and that in lieu of the first above quoted language there be inserted in its place, commencing at line 19, page 11, section 6, the following, namely:

"The Secretary of the Treasury shall thereupon set aside as the share of the United States payable under this act on account of such project a sum not exceeding $10,000 per mile, and which shall not exceed 50 per centum of the total estimated cost thereof, exclusive of the cost of bridges of more than 20 feet clear span."

That is the amendment they suggest; and then they say this:

We wish to avoid a possible limitation of $10,000 per mile for the construction of roads under this bill, by the terms of which the Government will share in its cost.

I wanted to ask the Senator from Alabama whether he fears that there could be any construction of that sort of the language of the bill? As I understand the bill, it simply provides that no matter what the cost of the road may be, whether $25,000, $30,000, or $40,000 a mile, the National Government can contribute up to $10,000 a mile, but not beyond that; that anything beyond that the State would have to provide for.

Mr. BANKHEAD. That is the way I construe it.

Mr. JONES. I do not believe, myself, that there is any doubt in regard to the construction of the bill.

Mr. BANKHEAD. I do not think so.

Mr. JONES. But this letter came from some very responsible people, and I wanted to get the Senator's view about it.

Mr. BANKHEAD. I do not think there is a particle of doubt but that the Senator's construction is correct.

Mr. JONES. And that there is nothing in the bill that would prevent the State authorities, acting with the Secretary of Agriculture, from adopting the plan or project where the cost per mile would be more than even $20,000?

Mr. BANKHEAD. Oh, I think not.

Mr. JONES. There is just simply a limitation upon the amount which the Federal Government contributes toward it?

Mr. BANKHEAD. That is it.

Mr. JONES. All right.

Mr. POMERENE. Mr. President, the question as to the constitutionality of this bill has been raised, but I have never had any doubt about the power of the Federal Government to aid in the construction of public highways. I think it is fair to say that this authority will be conceded by most of those who have investigated the subject.

As a matter of policy I am also in favor of Federal aid. There is much force in the statement that if we are to rely wholly upon the local authorities the day when we can have improved highways to the centers of population is going to be long deferred. At the same time I believe that this country is so large, the road mileage so enormous, the interests of the various localities so great, that the larger part of this work must be done by the State and other local authorities.

My belief is that while we can not or ought not to set any particular limit as to the amount in dollars and cents which the Federal Government will spend, whatever of aid we do give should be upon such terms and conditions that it will encourage to the maximum the local authorities to make these improvements. As the Congress, we are interested not only in having good roads but in increasing the mileage of good roads, and I fear that if we should seek to make the entire improvement, or even to pay one-half the cost of an improvement, we would not be encouraging the local authorities to the same extent that we would if we should reduce the proportion of the cost which the Federal Government would invest in these several improvements.

I very much regretted that the amendment offered by the Senator from Nebraska [Mr. NORRIS] did not carry, because I believe that if this Government should pay only 25 per cent of the cost of permanently improved roads at the end of 10 years we would have more mileage of permanently improved highways than we will have if the Federal funds are so distributed as to pay 50 per cent of that cost; and at the proper time I propose to offer an amendment, in view of the fact that the amendment offered by the Senator from Nebraska failed, to change the 50 per cent limit to a 33⅓ per cent limit.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Ohio yield to the Senator from Alabama?

Mr. POMERENE. I do.

Mr. BANKHEAD. I should like to ask the Senator a question, so that he may consider it, if it is entitled to consideration. Is the argument of the Senator from Ohio from the standpoint that the counties and the States will not expend 3 or 5 or 10 times as much money, perhaps, upon their own account without any contribution on the part of the United States; or does he think that they are going to rely entirely upon the contribution made by the United States, and only put up their proportionate part of that?

Mr. POMERENE. Mr. President, I am very glad to say that many of the States, including my own, during the last four or five years have gone ahead regardless of any Federal aid.

Mr. BANKHEAD. That is true.

Mr. POMERENE. But there are localities that will not go on with these improvements unless they get a certain amount of encouragement; and my belief is that if we are going to go to the extent of furnishing one-half of the cost of an improvement, to that extent we are going to discourage permanent improvements.

Mr. BANKHEAD. If the Senator will pardon another suggestion——

Mr. POMERENE. Certainly.

Mr. BANKHEAD. The Senator, then, is proceeding on the theory that there are States that will content themselves with making an appropriation equal to that made by the Federal Government for the improvement of the roads, and there will stop, and they will not go any further than that, and that they will not make any appropriation outside of that. Is that the theory?

Mr. POMERENE. Mr. President, my thought, in brief is this: That, if I may use the word, we will tempt States to build more miles of road if we limit the proportion of the funds furnished by the Federal Government to 25 per cent of the cost than we will if we increase the limit to 50 per cent. That is my judgment. It is purely a problematical question. No one can say definitely that this is going to be the result or that is going to be the result. I am simply giving my individual judgment in this matter.

Mr. VARDAMAN. Mr. President, if the Senator will yield to me just one moment——

Mr. POMERENE. Certainly.

Mr. VARDAMAN. I should like to make a suggestion. I have the honor of representing in this Chamber, in part, a State that is not classed among the rich States of America. Our population is largely rural.

Mr. POMERENE. It is rich in its Senator.

Mr. VARDAMAN. That is very kind of the Senator from Ohio. I am glad he said that, whether he meant it or not.

Mr. POMERENE. I certainly meant it, otherwise I should not have said it.

Mr. VARDAMAN. It makes my soul blossom out like a cauliflower. But I want to say to the Senator that whereas under the terms of this bill the State of Mississippi will receive $91,000 the first year, one small county in that State, with a little city of 5,000 people, has recently issued bonds, I am advised, to the amount of a half million dollars to build roads. I relate that fact in order that the Senator may know that the States are not going to limit their appropriations or their disbursements proportionate to the amount of money that the Federal Government gives; but there are remote counties where the people are not able to pay the expense and far away from the railroads, most sparsely settled, where the States will use the money contributed by the General Government for the construction of a road. Whatever this Congress may do, it is not going to put a damper upon their enthusiasm in road building at all.

Mr. POMERENE. Mr. President, my thought is that if this Government were to give $100,000 to the State of Mississippi or to the State of Ohio, with a condition attached that they should build 25 miles of permanently improved highways, there would be 25 miles built. If it was to be expended upon 10 miles, the chances are that there would be 10 miles, and 10 miles only, built. Now, that is all I care to say upon that subject; but there is another thought I had in mind which I wish to call to the attention of the committee, and I think the Senator from Washington has referred somewhat to it, though I was not able to hear him distinctly.

A limitation of $10,000 per mile in cost is placed in the bill. In my own State we are building many highways and paving them with a vitrified shale street paving brick. The cost, as I was informed a few years ago, of these roads for a width of about 14 feet amounts to about $15,000 per mile. I am not quite sure that I understand the phraseology; but if this bill is to go through with the 50 per cent limitation it may be that these appropriations would not be available for the State of Ohio on these roads which cost in excess of $10,000 a mile. If that is true, I feel that there ought to be some modification of the bill in that behalf, so that every State may get the benefit of the funds intended for it.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. POMERENE. I do.

Mr. JONES. The point that was made in the letter I read from a moment ago and submitted to the Senator from Alabama was that there was some ambiguity in the language of the bill. The correspondent was afraid that under the language of the bill the United States would contribute $10,000 per mile, and that if the road cost more than, say, $20,000 a mile, it could not be built.

Mr. POMERENE. With Federal aid.

Mr. JONES. With Federal aid. My understanding of the language of the bill is that the United States contributes up to $10,000 a mile toward the construction of the road—that is the maximum contribution per mile—and that if the road should cost $25,000 per mile, then the State would have to put up the additional amount; but that the mere fact that it costs $25,000 a mile would not prevent its being taken up by the Government and the State under the terms of the bill, and in that the chairman of the committee concurs. Of course, if there is any doubt with reference to that, I think it ought to be made perfectly clear; and that is what my correspondent desired.

Mr. POMERENE. I hope the construction which the Senator from Washington has placed upon this language is correct.

Mr. BANKHEAD. Mr. President, I think that construction was not right. I have received many letters, as no doubt many other Senators have, from brick manufacturers who are very much interested in this question; and when I first began to receive these letters I replied and stated my view of it—that the provision in this bill, of course, limited the national appropriation to $10,000 a mile, but if the community, the State or the county, wanted to build a road that cost $30,000 a mile, there is nothing at all in this bill to prevent them from putting up $20,000 as against the $10,000 that the Government puts up. Recently I have received a number of letters from these gentlemen saying that they quite concur in my view of it. They thought that was the proper construction of the law.

Mr. POMERENE. The question has been raised and discussed very seriously by some of my correspondents.

Mr. BANKHEAD. Yes; no doubt.

Mr. POMERENE. And I am quite sure that the sentiment in my own State is such now that road building is going to go on whether they get Federal aid or not.

Mr. BANKHEAD. It is going on everywhere.

Mr. POMERENE. But I am heartily in sympathy with the purpose of this bill, and I am very glad to say that I think this is one of the best framed bills on this subject that I have seen.

Mr. BANKHEAD. I thank the Senator.

Mr. POMERENE. There is another feature, however, in which, it seems to me, the bill ought to be modified, and when I say this I recognize the fact that the language of the bill pretty well conserves the public funds. But we are interested in permanent road building. I am personally opposed to taking Federal funds to fill mudholes, as has been the object of some bills that have been before the Senate for consideration in the past. My thought is that this language should be further limited—it may be in general terms—so as to define the character and extent of the permanent improvement which is to be made before Federal funds will be available therefor. For instance, it may be a macadamized road. In the State of Massachusetts they have some peculiar rock, which they oil, and that forms practically a macadam. In different sections of the country there are different classes of material, and many of them high-class materials, but it seems to me that under the phraseology of this bill we are conferring absolutely upon the Secretary of Agriculture the authority to say the kind and character of improvement to which these funds may be applied. It might be, as I construe this language, that even if it were a mere scraping of the earth to the center of the highway and making a gutter on either side, that would be a roadway to which the

Secretary of Agriculture could apply Federal aid. If that is true, I think it is going further than we ought to go.

Mr. BANKHEAD. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Ohio further yield to the Senator from Alabama?

Mr. POMERENE. Certainly.

Mr. BANKHEAD. We discussed that very question very thoroughly, and we conferred more than once with the Secretary of Agriculture and the representatives of the Good Roads Division of the Agricultural Department, and we were unable to devise any plan or to use any language that we thought would be more easily understood than the language embodied in the bill.

In the first place, the State highway commission, or the road authorities of the State, must select the route for the road to be constructed under the provisions of this bill. They must make the plans for the road. They must declare what the material is to be, and how it shall be constructed. That is the first requirement. Then, after that is done, it is submitted to the Secretary of Agriculture for his approval. I do not think the Federal Government ought to appropriate money and turn it over to a State simply to be used as the State might care to use it for the construction of inferior roads or the repair of roads or anything of that sort. But when these plans and specifications and estimated costs are submitted to the Secretary of Agriculture by the road authorities of the State highway commission, where they have one, and where they have no State highway commission by the recognized road authorities of the State, and the Secretary of Agriculture passes upon them, I hardly think he would approve a plan that was not proper and that would not result in the construction of a reasonably good road, at least. And certainly, Mr. President, under the provisions of the bill none of this money can be appropriated or used for repairs of any sort. That is absolutely excluded from the provisions of the bill.

Mr. POMERENE. I appreciate that fact, and I think it is one of the very favorable points in the bill; but let me ask the Senator whether he does not agree with me that these appropriations should be limited to what might be classed as permanent improvements?

Mr. BANKHEAD. That would depend upon what the Senator thought were permanent improvements.

Mr. POMERENE. Very true.

Mr. BANKHEAD. If he thinks a macadam road is the only permanent improvement that can be made, I can not agree with him.

Mr. POMERENE. No; I simply gave that by way of illustration. There are many other kinds of road improvements which may be of a permanent and lasting character. But let me ask the Senator whether he does not feel that under the language of this bill, if the improvement intended to be made was simply scraping the earth up toward the middle of the highway and perhaps rolling it afterwards and leaving a gutter on either side, the Secretary of Agriculture would be justified in applying these Federal funds to an improvement of that kind?

Mr. BANKHEAD. I do not think so, Mr. President. In the first place, I do not think any State highway commission or the road authorities in any State will agree to appropriate their money for one-half of the cost of the improvement of such a road as the Senator suggests. In my State, and in nearly every other State, there are gravel roads, what we call sand and clay roads, and in a number of places, of course, there are surfaced roads or macadam roads; but that all depends upon the conditions and the requirements of commerce and the necessity for it. Of course the Senator understands that we can not build surfaced roads all over the country; and he does not expect that, and he says so.

Mr. POMERENE. I think the Senator and I perhaps are not very far apart in this matter, if I understand him correctly; but the difference between us is this: The Senator from Alabama is willing to leave to the Secretary of Agriculture the entire authority upon this subject.

Mr. BANKHEAD. Oh, no, Mr. President.

Mr. POMERENE. Let us see what the language of the bill is.

Mr. BANKHEAD. This thing must originate with the State authorities.

Mr. POMERENE. Oh, I understand that.

Mr. BANKHEAD. I am willing to leave it to them to initiate—that is my point—believing that they would not come to the Secretary of Agriculture with the suggestion that he appropriate half the money to build a road unless it is a properly built road, because they are going to spend their money upon the same project.

Mr. POMERENE. In view of the fact that the Senator entertains that high degree of faith in the State authorities, what objection is there to placing in the bill a limitation which will more carefully define their authority?

Mr. BANKHEAD. Mr. President, will the Senator be good enough to suggest the language that he could employ in this bill to meet his views? Will he suggest it?

Mr. POMERENE. Mr. President, it is apparent that this bill is not going to pass to-day.

Mr. BANKHEAD. I understand that.

Mr. POMERENE. And I wanted to get the views of the Senator, because I think I shall prepare an amendment along this line. It is true that under the plan of this bill the specifications and surveys and plans and estimates are to be furnished by the State authorities; but there is nothing placing any limitation upon the kind of plans, the kind of specifications, the kind of materials, or the character of the improvement which may be the subject of Federal aid; and the Secretary of Agriculture has these plans and specifications submitted to him under this language:

> That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein.

And he can approve them, and under the language of this bill every project for even a clay road might be approved by him, and this money could be expended for that purpose and for no other, if he wanted to be arbitrary about it. I do not believe he would be, but it seems to me there should be some further limitation defining the general character of the highways which might receive these appropriations from the Federal Government. Under the language of the bill he would be well within his authority if he decided to apply all the money to improvements of an inferior grade.

Mr. VARDAMAN. Mr. President, does the Senator from Ohio think it possible that the State highway commission and the Secretary of Agriculture would possibly agree upon the expenditure of money in the way that he has expressed fear that they might, for some temporary makeshift or unsubstantial kind of a road? If the Senator will permit me a moment further, you will have to trust somebody. There must be some latitude. Some discretion must be vested in somebody in order to make the law workable at all. I think that, in discussing this question all the way through, Senators make a mistake in indulging the presumption that the State authorities are not going to do their duty just as every other officer ordinarily does his duty. The Congress has not a corner on all the honesty, patriotism, and good judgment in America. Some of those good qualities are possessed outside of the sacred precincts of the National Halls of State.

Mr. POMERENE. Mr. President, I have enough faith in human nature to believe that if we would turn a portion of this money over to the State authorities without any limitation, without any security, they would be true to their trust. I would trust 90 per cent of the State, county, city, and township treasurers without any bond or security whatever, but I would regard it as most unwise legislation to say that because those men are honest we should not have any security from anyone.

Mr. BANKHEAD. I quite agree with the Senator, and if it would not disturb him I should like to make this suggestion: There is no provision in the bill, to my mind, which compels the State authorities to do what is proper for a good surface road, but after it has been built by the State and the Government, then the maintenance of the road devolves exclusively upon the State. Therefore when they make their plans and specifications and contract to build their road it is to their interest, of course, to see that the road is properly constructed, so that the maintenance will be as light as possible in the future.

Mr. POMERENE. That is an exceptionally good provision in the bill, but I still think it should go further and define in general terms the kind of road on which Federal funds may be expended so as to encourage to the utmost permanent road building.

Mr. VARDAMAN. Will the Senator permit me to interrupt him just there?

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Ohio yield?

Mr. POMERENE. I will yield to the Senator from Alabama if he has not finished his statement.

Mr. BANKHEAD. I wish to state that the committee having charge of the bill are perfectly willing to accept any amendment that will improve it and make it a better bill than it is. We are not particular as to the language of the bill; we want the best bill we can get, and if the Senator is not satisfied with

the provision of the bill as it is, let him prepare his amendment and we will consider it, and if it is an improvement we will be glad to accept it.

Mr. POMERENE. I thought it opportune to bring this subject up, so that all of us could consider it. I have no particular plan in mind, but I do think there should be some limitation upon this language.

Mr. VARDAMAN. If the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. POMERENE. I do.

Mr. VARDAMAN. Mr. President, I suggest to the Senator that it would not be wise to make the rule as to the material to be used in the construction of the roads inflexible, because there are certain materials that can be had with very much less cost, making practically as good a road as other materials that are remote. You have to take all those questions into consideration, and that is one reason why I said that great latitude ought to be given the road commission in cooperation with the Secretary of Agriculture, so that the question of topography, the formation of the soil, and all those things of vital concern may be taken into consideration. If you tie the hands of the commission and make the rule inflexible, you will find the law will be very difficult of operation.

Mr. POMERENE. Mr. President, I am not insisting on an inflexible rule. It would be wholly wrong to attempt to say that the roadways shall have a certain kind of material upon them. But I do want to make it perfectly clear to the State authorities and to the Secretary of Agriculture, who is clothed with this vast power, that it is the purpose of Congress only to encourage permanent road building; and if among us we can agree upon some language which will embrace that thought I shall be perfectly happy, and feel we have done a real public service.

Mr. MARTINE of New Jersey. Mr. President, I feel that the objection of the Senator from Ohio is hardly justified. I think it would be almost impossible to define just what character of roads you shall have in various sections. New Jersey has done a very great deal of road building, and there are various varieties. We have in some sections that which is known as the Telford paving. Telford paving is a sort of macadam. They first lay over the roadbed, after grading it, a great big angular stone, and then smaller stones are joined in and driven down with hammers, and it is rolled and finally surfaced down. Macadam is simply rolling the road over into good form and then sprinkling it with various grades of metal, as they call it, various grades of stone, the pieces becoming smaller and smaller until a fine dressing is had.

In some other sections we have built what is known as the Amesite, which is a marvelous road. Then we have what is known as the Tarvia Road, which is very good. In the southern part of the State those roads are very necessary, and they, too, withstand the rigid wear in the populous northern end of our State. When you go down to the southern end of our State, they resort to seashore pebbles and shells, which make a splendid road. The climate is not as rigid in the southern part as in the northern part, and the traffic is infinitely less. They make a splendid road of that. Then in some other parts they make roads of clay and gravel, and when it is oiled it makes a perfect road.

So it would seem impossible, to my mind, to define just how this money shall be expended, but we should trust it to a good engineer—a State or county engineer—and as I think of our own engineer, Col. Stevens, in the State of New Jersey, and of our State department, and think of the various county engineers, it seems to me it would be impossible to get men better fitted and more adapted to their splendid calling than the men we have. We have no monopoly of that, for that same condition exists in Georgia, or in South Carolina, or in North Carolina and in every other State.

I feel that we have got to be reasonably liberal and that we must trust to the judgment of these men. It seems to me that we can trust the State engineer and the Secretary of Agriculture, whoever he may be, to bring about the best results.

That we have to give State aid, it seems to me, no one will question. I know the argument that you can not appropriate money constitutionally is all very well, but we do appropriate for the Panama Canal, we appropriate for railroads, and for a million other things, and I believe we are justified in doing it. I believe the great fathers of our Republic—Thomas Jefferson and the rest, all the way along—would have stood by Congress in making appropriations for the betterment of the highways and the betterment of the privileges of the people in commingling with each other and coming in contact by means of good roadways.

I believe we shall enhance the happiness of our fellow men, that we will bring sections far apart closer together and make homes in the country more popular than they are to-day. We will break up the crowding and congregating in the great cities of our country and encourage the love of country life more perhaps by good roads and better means of communication than in any other way.

Mr. President, I have felt a good deal about this bill. Men from my own State have said to me, "I pray you will not stand for a measure that will take public money and send it to South Carolina, or Alabama, or North Carolina, for New Jersey has been very lavish in her expenditures for roads." I have said to them, "My friends, we have spent lavishly in New Jersey on roads and we have splendid roads; I think we have something like 4,000 or more miles of road; but we have 10,000 miles more of road yet to complete. We have done liberally and we paid for it, but that is no reason why the people of New Jersey should not be willing to pay their share of the great public funds that may go to aid road building throughout the country." I do not feel that I was elected as a Senator only to stand for New Jersey, but that I was elected for a broader, a greater, and a grander purpose, and that was to advance the welfare of my fellow men, whether men in South Carolina, Arkansas, or Texas, I care not, and I have answered all my critics and friends in that way.

I am on the committee from which this road bill emanated, and, as I said, I have given it a great deal of attention. I am very practical in my habits; very practical in my tastes. My life has been one of a practical nature. I have built and paid for many miles of road through my own place. I have built a Telford road, the most expensive, of the class I have just described. I have spent many thousands of dollars in fixing macadam roads. I have built some short sections of brick roads. I know what good roads mean. I know the splendid result they will bring to the country. It will come back a hundredfold to the Treasury of the United States by making happier and better the people of the United States. It will facilitate social intercourse, trade, and commerce. Every dollar that the United States will spend will be a blessing to our country and a monument to our splendid progress. I feel that this bill is about as near perfect as the measure can be made.

Mr. WADSWORTH. Mr. President, I desire to discuss briefly the bill and to discuss some things in connection with it which I think have not been dwelt upon as yet, which may not appeal to all Members of the body as being important, yet which appeal, I know, to a good many people of the country as being about the most important consideration in connection with the project. I refer in particular to the cost of the project as it is laid out by the bill and the sources from which the funds must come.

I should dislike very much to assume a narrow or provincial attitude in a discussion of this subject and to confine my consideration of it merely to its effect upon the taxpayers of the State of New York. Yet that State occupies such a peculiar position in the Union, particularly with respect to Federal appropriations and the method by which the money is to be spent and the purposes for which it is to be spent, that I think I am justified in calling the attention of the Senate to this particular feature of the case.

I need not remind my colleagues of the position of the State of New York with respect to its wealth and its population. It is well known that the State is the most populous and the most wealthy, and it is the best able to carry heavy burdens of taxation probably of any of the States.

I think I am correct in saying that the people of New York are not lacking in public spirit; that they are not lacking in enterprise; that they have as intense a desire as the people of any State to see the country developed from ocean to ocean; and that they are more than willing to bear their full share of the burdens of Federal taxation. In fact, I have heard little complaint from any of them when they have been called upon, as they are being called upon to-day, to bear more than their full share of Federal taxation.

In order that their situation may be understood a little more clearly, I want to call the attention of the Senate to the burdens which of necessity must be borne by the State of New York, due principally to its geographical position and also to the burdens which the people of the State have voluntarily undertaken and are pushing through with vigor and with success, as it turns out, not so much for their own benefit as for the benefit of the entire United States.

It so happens that nearly the entire immigration that comes into this country comes into the port of New York, and all the enormous influx of immigrants who are bound for America and

not for the State of New York in particular have a most profound effect upon the activities of the State government. Many of them have led unfortunate and terribly hard lives in the places from which they have come, and when they land on our shores find it exceedingly difficult to survive in the competition of business and to carry the burdens which this modern industrial system of ours imposes upon those who are heavily laden. They are peculiarly susceptible to an inability to maintain themselves. It has devolved upon the government of the State of New York to advance much further in its efforts and in its expenditure of money in order to obviate the conditions which arise from this peculiar condition than it has upon any other State in the Union.

It is partly due to this situation, with the enormous foreign-born population which is constantly crowding into the State of New York, that the institutions of the State now house 40,000 inmates, a considerable percentage of whom are foreign born. Those institutions are costing the people of New York millions and millions of dollars, a burden which they are bearing with the utmost cheerfulness, and which, I want to remind my colleagues, is being borne only by the taxpayers of New York for the people of the United States as a part of the national burden.

The people of the State have a great ambition to see the commerce of the country expanded and internal improvements extended far and wide, and of their own volition by a popular vote on a series of referendums since the year 1904 the people of New York have pledged themselves to spend something over $150,000,000 for the building of the so-called system of barge canals. They do not contend, nor will any other American citizen contend, that that expenditure is solely for the benefit of the people of New York. As a matter of fact much the greater proportion of that benefit will be for people outside of the State of New York, but the taxpayers of New York have undertaken this obligation freely and willingly by their own vote expressed in a referendum. The capital expenditures in this respect will exceed $150,000,000, and when the interest is paid up to the time of the maturity of the bonds the sum will approach $200,000,000, a burden assumed by the people of that State.

The State has assumed other burdens. I call the attention of the Senate to these things because I do think that there are some differences in the degrees of enterprise among the different States of the country, just as there is a difference in degrees of enterprise among the different communities inside of a given State.

In addition to the canal situation, in addition to the enormous sums that are carried by the people of the State in support of its institutions, we have gone ahead and invested outside of the sums invested by the cities of the State $25,000,000 in purely military facilities, and no Senator and no one outside of this body will ever contend that that sum has been invested and spent for the purpose solely of protecting the State of New York. In fact, I happen to know the spirit which has been back of that expenditure. The appropriations which have gone through the legislature were actuated by the idea that it is done as a part of the defense of the country, and to-day the State is spending $2,000,000 a year of its own volition, with the approval of the taxpayers, for the maintenance of these military efforts.

One could go on for some time describing the extraordinary expenditures of that great State, expenditures made in the interest of the United States; and when we come to this question of roads I think the matter may be emphasized even more sharply. Back in 1903 or 1904, I think it was, the people of the State of New York decided that they would systematically embark upon the building of a great system of State highways, and by a popular referendum the people agreed to bond themselves for $50,000,000. Since that time another referendum has been held and $50,000,000 more have been pledged by the people and the taxpayers of that State.

Now, we have adopted a dual system of building highways, one known as the State trunk-line system, under which a given mileage of road especially selected as being of trunk-line importance is segregated on a plan or map arranged by the State engineer and the State authorities; and those roads are built solely and entirely from moneys appropriated from the treasury of the State.

We have another system of State highways known as the county highways. Those roads are built according to suggestions made by the supervisors of the county in conference with the State highway commission. The roads are agreed upon by the State authority and the county authority. The State, as I remember it now, puts in 50 cents on the dollar, the county 35 cents on the dollar, and the township 15 cents on the dollar.

The result is that in addition to the $100,000,000 that the State itself is pledged to spend from its own treasury, about $50,000,000 more is coming out of the counties and the towns. All this is done by bond issues, and when the interest is paid upon the bonds it is safe to say the total assessment on the taxpayers of the State of New York, if the plan is not extended another mile beyond the present indications, will be $200,000,000.

The total mileage of permanently improved highways of the State of New York at present approximates 7,000 miles. It is more expensive for us to build a permanent highway than it is for the people living farther south on account of the severity of the winters which drive the frost far deep into the ground and make it necessary that the permanent highways shall have deep foundations in order to withstand the reaction and the upheaval which takes place every spring when the frost is coming out of the ground. The result is that our macadam roads have to be built 12 inches of crushed stone rolled down to 8 inches. When we do not build macadam, we build them out of solid concrete 8 inches thick, and we are even building brick paved roads, as described by the Senator from Ohio [Mr. POMERENE.]

The money that we are spending runs all the way from $8,000 a mile to $20,000 a mile. The history of the last 12 years shows that to maintain those roads it is necessary to expend an average of $1,000 per mile per year. The people of New York have undertaken that burden. The taxation as a result of the issue of those bonds, followed as it must be by the collection of a sinking fund and the payment of interest every year, is spread all over the State of New York and within a comparatively short period. As the result of this burden the people of that State will have a complete system of roads built, owing to their own enterprise, with money out of their own pockets, without ever asking a penny of assistance from any other community in the country.

Now, this bill confronts the taxpayers of that State as constituting a burden additional to the ones I have described with respect to the canal system, with respect to the State institutions, with respect to the military resources; and it would seem at first glance, and I think I can not be successfully contradicted, that as a result of their own enterprise in pledging millions of millions of dollars out of the pockets of the people of the State of New York they are to be penalized. Their own enterprise has gotten them apparently into a situation where now having provided for their own necessities without the slightest insinuation that they needed or ought to have help from anywhere else, they are called upon under this bill to contribute an amount which according to the closest calculation I can make will approximate 25 per cent of the total cost of the roads that are to be built by the Federal Government under the bill.

Mr. President, the people of New York are public spirited. They do not mind carrying their share of this burden. They are not, as I take it, instinctively or theoretically or on principle opposed to Federal aid being extended to highways in other parts of the country, and in extending assistance to other communities that find it difficult to establish permanent improvements within their borders on account of their comparative poverty or their lack of resources as yet undeveloped; but when they think of the money that they are to contribute under this bill they can not help thinking of the system of taxation imposed upon them by the Federal Government and under which they are led to suspect that they pay more than their share.

I have found it very difficult and in fact almost impossible in the very short time at my disposal to gather figures which would show what proportion of the Federal taxes are paid by the citizens of New York. I think no one will deny that the taxes paid by the citizens of that State to the Federal Government are above and beyond the proportionate wealth of the State. New York, I may say, is not alone in this situation. There are six or eight other States in the same position, comparatively speaking. But I have one figure in mind, and I think this point should be taken into consideration by the Senate and by the country, for it has to do with the peculiar methods of taxation which have been adopted in recent years, and in particular by the present administration. It is the assessment of taxes upon special and selected lines of business, apparently in such a way that the people of one portion of the country shall carry the overwhelmingly greater portion of the burden. Neither am I, nor so far as I know are any of my constituents, opposed to the imposition of an income tax. For myself I believe very thoroughly in the principle contained in the proposal and the imposition of an income tax. But surely, my colleagues, there is something strange in a law such as that

which requires the taxpayers of the State of New York to contribute approximately 40 per cent of all the money paid into the Federal Treasury under the individual income-tax law and which relieves 8 or 10 States south of the Potomac and east of the Mississippi to the extent of requiring them to pay, so far as my information goes, something less than 7 per cent of the entire amount.

We have been hearing proposals at various times during this session looking toward the imposition of new and special taxes, and it is a matter of genuine concern to the people of this great State to know how far this policy is going—the imposition of taxes upon especially selected lines of business, such as was proposed in the annual message of the President at the convening of Congress—how far this policy of apparently siphoning money from one portion of the country a thousand or two thousand miles away and spending it in some other portion.

In my humble judgment, in view of what might be termed the provincial outlook upon this matter—and I may be accused of being narrowminded in this respect, but I think these things should be called to the attention of the Senate—in addition to this consideration, there is growing up in the United States, if I am not very much mistaken, a spirit which leads men to think that the Government owes them a living and that they owe the Government next to nothing. There is growing up a spirit in the smaller communities of the country which leads those communities to think that if they can only reach Washington they can get all the money they want for purposes which they desire, to be spent within their own boundaries without taxing themselves. That is true in the Nation at large, and it is true, in my judgment, within the separate States. It is becoming a habit of mind. It is an indication of an old but well-known human weakness—a desire to get something for nothing.

We see bill after bill introduced into Congress for the spending of vast sums of money out of the Federal Treasury for purposes which could, at least in part and I think in great measure, be met by the communities themselves. As one bill passes there is an excuse for another. The procession gets longer and longer. The political influence, the demands of the people to get something from the Federal Government, a thousand miles away from their own scene of activities, grows day by day. The momentum is getting now so that I think Senators will agree with me that it has become exceedingly difficult to resist it. This bill, as I look upon it, is a part and parcel of this new public thought. In my judgment, it is an unhealthy tendency. It atrophies community enterprise; it leads people in communities to shift the burden of responsibility, which should rest upon them as citizens of the community, to some other and far-distant piece of machinery, impersonal in its nature, invisible to them, but apparently endowed with untold wealth, and, therefore, a source of supply which should always be taken into consideration and used to the limit.

Mr. President, I have stated something of the burdens of a great State, and I have endeavored in a very halting and inadequate way to express my thoughts of this tendency toward undue centralization of responsibility and the tendency of to-day, apparently the effort of to-day, evidenced in so many quarters, for people to regard the Government as something that owes them everything and to regard themselves as persons who do not owe the Government anything.

Mr. McCUMBER. Mr. President, I have received quite a number of communications from my State requesting me to support the Bankhead roads bill, and I wish that I could see my way clear to vote for it in its present form. I hope to be able to vote for it in some form.

I am wondering, however, if those who have written me and those who would like to have this bill enacted into law have fully considered its effects. If the people of my State were able to ascertain from a careful reading of the bill and a computation of the expenses involved that for every dollar received from the Federal Government in the State of North Dakota as a gift, the people of North Dakota would pay back to the Government for the building of roads in other States from $3 to $5, I wonder if they would then insist that I should vote to support the bill.

Mr. President, a wise Trojan once said: "Beware of the Greeks when they come bearing gifts." I wish that the people of my State and of the other Northern States, at least, would stop and consider this wise advice given many years ago.

One of the most dangerous, because the most enticing, baits that is ever thrown out to the people is the bait of Government appropriations, an assumed gift to the people. If we could always get the people to understand fully that the Government can give them nothing unless it first takes it from them, we would have less difficulty in securing their approval of our course in opposing "pork-barrel" legislation. I shall attempt very briefly to apply these suggestion to the present road bill, and I shall try to ascertain whether the State of North Dakota, which I in part represent, will in fact be benefited by this gift from the Federal Government.

By the terms of the bill the Federal Government is to furnish one half and the State the other half of the money required to construct any road in the State. Now, I make this declaration, which can easily be demonstrated, that for every thousand dollars which the State of North Dakota would receive under this bill to assist it in building roads, the people of the State of North Dakota would pay more than $2,000 to build roads in other States.

Let us look at the conditions as they are. We will take the Great Red River Valley as a basis for the discussion, because the conditions there are to a great extent applicable throughout the State.

Suppose we wish to build a good highway from Pembina or Cavalier at the northern end of the valley down through Grafton, Grand Forks, Hillsboro, Fargo to Wahpeton, at the southern end of the valley. Here is a deep alluvial soil without any rock foundation, without even a hard clay foundation, and no road material outside of the black earth itself for hundreds of miles. On account of the enormous expense of building a macadamized road, such a road would be entirely out of the question. Not even the State itself could put up a half or a quarter of the fund necessary to build such a road, and such a road must be built on a solid foundation. At my end of the valley you would have to go down a little over 1,100 feet in order to get that foundation. The road therefore would have to be purely a dirt road. The original cost of building such a road is not great. As a matter of fact those roads are nearly all now practically constructed. The only thing to do is to keep the dirt thrown up to the center and keep it smoothed down and ditched on both sides so that the rainfall will immediately run off and not soak in. The only way we can maintain this road is by going over it with a harrow and king drag after every important rain, because the soil is of such nature that no matter what the care, any considerable rainfall will saturate the road, and the first auto that goes over it will cut deep furrows. We have not been able yet to build a road in the valley that would stand up under these heavy machines after a hard rain. The ruts plowed by the autos will fill with water during the next rain unless they are immediately attended to. What is true of the valley is true to a great extent of the other sections of the State.

Now, just let us recall that there is a public road on every section line throughout the State. That means that we have about 100,000 miles of public roads in the State of North Dakota, a line sufficient to go around the earth four times; and every one of these roads is used to a more or less extent, although all are not open and kept in shape. So far, in the history of the State, the townships and the counties have taken care of the public roads. Except for a short time after these rains the roads of our State are in tolerably good shape, and nothing short of an enormous expense, so great that the State could not afford to indulge in the luxury, would make a road in the State that would withstand the rain. The principal expense of these roads is in keeping them in shape and not in the original construction. The money appropriated under the provisions of this bill by the Federal Government, in the first instance, is for the construction of the road.

Now, let us compare this with the process of road construction, we will say, in Virginia or any of the Southern States. The cost per mile of building roads through these States is great, but the rock foundation is there, the stone is there, the sand and the material for making a macadamized road is there. When the road is completed you will have a highway which will not be materially affected by any character of rain. So while the construction of a road in my State might cost from $200 to $250 per mile, the construction of a road in Virginia will cost $10,000 per mile, or about forty times as much. Now, remembering we still pay our proportionate share, not only in Virginia but over a vast section of the United States where roads have never been constructed, we can easily see that for a very little benefit in assisting to build a road in my State, which will not be a substantial one and which will not meet every condition of weather, our people will be called upon to pay ten times as much as they receive to build the more expensive roads and the better roads in other States; in other words, for a little assistance in building a dirt road in my State the people of my State will be called upon to build macadamized roads all over the South.

Nor is that all, Mr. President. Every State in the Union has its own peculiar wealth, its own peculiar assets which can be taxed for the purpose of the support of the State and the Nation. In North Dakota we have nothing but agriculture. In Minne-

sota you have agriculture, iron ore, and timber wealth. Colorado has its wealth of mines. California has mines, fruits, and tourist crops. Virginia has its oil and its vast coal mines. Other sections have their great cities, with their fabulous wealth. A road built through my State might be built through a section where the land would average $40 per acre or from $40 down to $10 per acre. A road put through Virginia might pass through the coal land and oil district, which might be worth $10,000 per acre. It might be built into cities whose wealth could well afford to be taxed to support that road. So that the section of country worth $10,000 per acre would call upon another section of the country worth $10 per acre to pay half the expense of building its roads.

Nor is this all. In the Northern States the principal roads, the great highways, have all been constructed without any Government aid whatever. The people have gone down into their pockets for hundreds upon hundreds of millions of dollars to construct their highways without Government aid. They are now by the terms of this bill invited to build the original highways in the other States that have never taxed themselves for such purpose.

An illustration of this will be found in the fact that until within the past few months there has never been a passable road from Washington to Mount Vernon, where lie the remains of the Father of our Country, a distance of only about 21 miles, I believe.

Again, every road built in the North has been free to anybody upon the face of the earth who has occasion to use it. If I should drive from here to Winchester over one of your roads I would find that it would cost me in tolls at the several toll-gates I must pass through about 5 cents per mile, so that the roads running through this section of the country have not been built by a tax laid upon the State itself. They have been built by private corporations, and the whole country is paying in tolls for the investment.

In the State of North Dakota the license fee for running an auto over the roads of the State is, I think, $2 per year. In Maryland it is from $20 to $40 per year, and as there are hundreds of thousands of these machines running over the Maryland roads, even though they may not pass into the State three times a year, they are building, or assisting in the building, of the roads of that State.

Can not anyone see at a glance how unequal, how unjust will be the operation of this bill? Can any one of the States which have already built their roads, or those States which may build theirs in the future, such as our prairie States, fail to see that for every dollar they obtain from the Federal Government for their locality they will be paying out hundreds of dollars to build the roads of other sections of the country? I can not see how it is possible to formulate a public-roads bill that will be fair to all of the States, and yet I wish that it might be done, for I believe that it would be well to have national aid for public highways; but I want any plan that is devised to be fair and just to all the people.

Mr. STERLING. Mr. President, will the Senator permit a question right there?

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Yes.

Mr. STERLING. Referring to the amount that the State of North Dakota would get in the first year under the operations of this bill if it becomes a law—namely, $78,400—I should like to ask the Senator if he has figured out how much of the $5,000,000 to be contributed by the Federal Government during the first year will be paid by the State of North Dakota during that first year?

Mr. McCUMBER. Mr. President, it would be a waste of time to figure out the exact amount that would be paid in the first year——

Mr. STERLING. Well——

Mr. McCUMBER. Let me finish the sentence—because before we get through with this matter we will be voting $500,000,000 for the construction of national highways; and remember that, while under this bill my State might receive $78,400, while it would receive, we will say, for a mile of road construction $200 or $250, the Government would be paying $10,000 a mile for a road in another State, and North Dakota would be paying her proportion of the amount for those roads.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further?

Mr. McCUMBER. I do.

Mr. STERLING. It hardly seems quite fair for the Senator to conclude, because we have here provided for a five-year period in which Federal appropriations shall be made aggregating $75,000,000, that we are going on indefinitely increasing the amount that is to be appropriated by the Federal Government for this purpose.

Mr. McCUMBER. Then, Mr. President, we ought to stop now, because the amount the Senator has named will not be a drop in the bucket to measure the necessities for public roads.

Mr. STERLING. I thought it a very practical suggestion, Mr. President to consider the amount each State will receive during the five-year period of the bill, and then ascertain how much each State will have to contribute to the amount which is to be appropriated by the Federal Government. Hence my question. I did not know—I asked the question for information—but that the Senator had made an estimate as to what his State would contribute to the fund.

Mr. McCUMBER. No one can know that, Mr. President, without first making an estimate of the entire cost, and then it would be necessary to make an estimate of all Federal taxes paid by the people of the State. As we could only ascertain those paid through internal-revenue exactions, it being impossible to make an estimate as to what we might be paying in the way of customs duties, and so forth, it would be impossible to tell just what the exact proportion of the State would be.

Mr. STERLING. Will the Senator allow me to make a further inquiry and suggestion?

The PRESIDING OFFICER. Does the Senator from North Dakota yield further?

Mr. McCUMBER. Yes.

Mr. STERLING. The Senator perhaps knows, at least in a general way, something of the Federal taxes collected in his own State.

Mr. McCUMBER. Yes.

Mr. STERLING. And the Senator would hardly suppose, from his knowledge of the resources of the State and the Federal taxes collected therein, that the State would contribute anything like $78,000 the first year. Receiving $78,000 the first year, the State would contribute nothing like $78,000 to make up the $5,000,000 appropriated the first year by the General Government, would it?

Mr. McCUMBER. Does the State have to take that $78,000?

Mr. STERLING. No; I do not think it does under this bill; but I am assuming that it does take it.

Mr. McCUMBER. Assume now for a moment that it does not take it, let us see where we will be. Suppose that the State takes $5,000, instead of $78,000, or suppose it takes nothing; it will still have to pay its proportion of the expense of building a $10,000 per mile road in Virginia.

Mr. STERLING. I am not contending otherwise than that. Whether the State avails itself of the benefits of this bill or not, it would still have to contribute to the Federal appropriation.

Mr. McCUMBER. Certainly; and, therefore, it is unjust; and the only way that the State could possibly get even would be by taxing its people to the limit in order to make up the other half. It is like an insurance proposition where one has to wait until he dies before collection can be made.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I yield.

Mr. NELSON. Mr. President, it seems to me that the Senator from North Dakota is overlooking the fact that the basis of this distribution of Federal money is not upon the quality or the cost of the roads. The distribution is based, first, on the area of the State; second, on population; and, third, on road mileage. Now, I take it that as to two of those matters, in area and in number of roads, the State of North Dakota has an advantage over the State of Virginia, and that Virginia would only excel North Dakota in one matter, and that is in the matter of population. According to the Senator's statement—and I have no doubt it is correct—as to the number of roads in North Dakota, that State undoubtedly has many more miles of road than has Virginia, and North Dakota certainly has a much larger territory, so that it would get its proportion, not upon the basis of the cost of the road, but on those three other foundations; and, if the State of North Dakota sees fit to build a cheaper character of road than Virginia builds, the result would be that North Dakota would get much more mileage and Virginia would get much less.

Mr. McCUMBER. That is assuming, Mr. President, of course, that the matter stops right here, and that we will not go any further than we are going now, and it is assuming several other important matters, one of the most important of which is that we will not stop there, and we can not stop there, but we will, when we have started a project to build a road across the Allegheny Mountains, for instance, complete it, and we will

complete it whatever the cost may be, the same as we completed the Panama Canal, without reference to its cost. If it is a Government road and has the object of reaching from one section of the country to another, it is going to be completed, and completed with Government funds. This bill is simply an entering wedge into an enormous project, and, as I have said before, the only way that we can possibly keep even and make the people of other States pay for a portion of our roads is to see that we vote enough taxation upon our own people to insure our getting a certain proportion of the money.

Again, suppose that our State, after looking the matter over carefully, and after ascertaining that the only roads the Government could build in our State would be dirt roads, while in other States it would build macadamized roads, should come to the same conclusion that I have arrived at, and should not desire to take advantage of the Government offer, or should desire to take advantage of only a small portion of the money it might be entitled to. It can not disengage itself from the responsibility of helping to build the other roads of the country by failing to take advantage of the offer of the Federal Government. As I have stated, the condition is something analogous to life insurance. You have got to die before you can get your capital invested, or even a portion of it. The State that expends the greatest amount of money will secure from the Government the greatest amount, and the other States can not even pay unless they are able and willing to call for the same amount.

A bill which appealed to me was introduced some years ago, I think it was the Bourne bill, for the construction of public highways. It provided for a loan to the State at 2 or 3 per cent interest. Then the State could accept just such portion of the loan as it should see fit, and if it did not take any it would not be compelled to pay interest on bonds issued for other States. Under this system provided for in this bill it is paying its equivalent of interest in taxes. The present conditions of the several States in reference to wealth, population, size, and character of soil, number of miles of roads, and so forth, are so different that it is an impossibility to enact a bill of this kind without most gross injustice to some of the States. And further than this, Mr. President, this bill in its operation and final result will be but another pork-barrel proposition, more disgraceful and less beneficial than the rivers and harbors proposition has ever been.

There has been some discussion as to the proper title of this bill. We all know the purpose of the bill; and as the title should always clearly indicate the purpose of the bill, we are all a little delicate about giving it its proper title. The committee has attempted to mislead itself in the matter of its title, which is, of course, perfectly innocent so long as it does not mislead the Senate or the country. But the title should be amended, and it should be amended so as to express definitely and clearly the real purpose and intentment of the bill. To meet that I suggest the following:

A bill to compel the people, who have taxed themselves to excess to build roads in their own States, to proceed to tax themselves to the limit to build roads for the people of other States who have failed to build their own roads.

Mr. President, we know that is the purpose of the bill. Why not be straight and honest in the matter and give it a title that corresponds to its only purpose? If every one of the States of the Union had paid as much attention to the question of public roads within its borders and had put in as much money as New York and Pennsylvania and Ohio and Indiana and all of these Northern States have done, there would then be no call for this legislation. We would have a sufficient number of miles of good roads, the best roads we could construct throughout the United States, for all practical purposes. So the real purpose is to reach those sections of the country that never have taxed themselves to build their roads and compel the other sections of the country, which have built their own roads, to build the other ones.

Senators may think this is fair. It does not seem to me to be just, however, and I believe the great majority of the people of my State, notwithstanding the bait that is thrown out to them that something is going to be given to them by the Federal Government, will realize that there is such an injustice in the bill that I ought not to vote for it in its present form.

I intend to offer some amendments to the bill that will make it more just, at least, before I can vote for it. I do wish to see good highways all over the country. I travel by automobile considerably in my own State, and in the spring of the year and after the rains I have appreciated the difficulty of traveling over those roads; but I say frankly that up to the present time we have not discovered any method except the macadam method—which is too expensive in my State—of constructing a road that will be lasting and will be safe to travel over with machines during the entire year.

We are perfectly willing to be taxed to pay for our proportion of the roads according to the benefits that we receive from the bill, but we do not wish to tax our people to build good roads for other States, at enormous expense, while we will have dirt roads which we can not use except during a small portion of the year.

Mr. STERLING. Mr. President, will the Senator from North Dakota permit me to ask him another question before he takes his seat?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Certainly.

Mr. STERLING. One thing that prompts the question is that my State is similarly situated to that of the Senator.

Mr. McCUMBER. In some respects it is quite similarly situated; in others, the road situation is not the same.

Mr. STERLING. As to the conditions under which roads shall be built, I think they are very much the same.

Mr. McCUMBER. Let me correct the Senator. I do not think they have anything in South Dakota—at least, very little—that corresponds to the soil and the difficulty of building roads in the Red River Valley.

Mr. STERLING. Well, it may be; but outside of the Red River Valley, and perhaps outside of what is known as the Black Hills country in our own State, the conditions are very much the same.

Mr. McCUMBER. Very similar.

Mr. STERLING. Now, I note that for the five years for which these appropriations are to be made, the State of North Dakota will have $1,176,000. Suppose it is thought desirable by the highway commission of North Dakota that roads be constructed costing $2,000,000, or something a little in excess of $2,000,000, just double the sum that you would get under all these five-year appropriations, would it not be most acceptable to the State if the General Government contributed the one-half of the $2,000,000 worth of roads that were constructed there, the State of North Dakota not having to pay nearly so much for each of the five years as it would receive from the Federal Government?

Mr. McCUMBER. Oh, yes; Mr. President, it might help out a State if it can get something for nothing, but this brings us right back to the first proposition. The Government has first got to get its money from the people before it can give it back to the people, and that is a little simple philosophy that no character of argument can escape.

Mr. STERLING. Yes; but the Government will not get back from the State of North Dakota nor from the State of South Dakota nearly as much as it gives to these two States.

Mr. McCUMBER. If it did not, then it is an unjust expense to the people of some other State.

Mr. STERLING. Oh, no, Mr. President.

Mr. McCUMBER. Why, Mr. President, there can be no such thing as getting money without somebody paying it. I can not understand the philosophy that will say that every one of the States will get more than it pays. Where are they going to get it from? They must get it from the States. Therefore the people of some State will have to pay more than their share if the people of my State get more money than they put up.

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from North Dakota a question before he takes his seat. How many miles of macadam road have been built in North Dakota?

Mr. McCUMBER. Not one mile; and there will not be one mile of macadam road built in the State, so far as I know.

Mr. GALLINGER obtained the floor.

Mr. OLIVER. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Norris	Smith, S. C.
Bankhead	Harding	Oliver	Smoot
Borah	Hollis	Overman	Sterling
Brandegee	Johnson, S. Dak.	Page	Swanson
Broussard	Jones	Poindexter	Thomas
Burleigh	Kenyon	Pomerene	Thompson
Chamberlain	Kern	Ransdell	Tillman
Chilton	Lane	Robinson	Vardaman
Clark, Wyo.	Lodge	Shafroth	Wadsworth
Colt	McCumber	Sheppard	Warren
Dillingham	Martin, Va.	Simmons	Williams
Gallinger	Martine, N. J.	Smith, Ariz.	Works
Gore	Nelson	Smith, Mich.	

Mr. MARTINE of New Jersey. I have been requested to announce the absence of the senior Senator from Montana [Mr. MYERS] on official business. He is paired with the junior Senator from Connecticut [Mr. McLEAN].

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. GALLINGER. Mr. President, I have several amendments to offer not of great consequence. I hope the Senator from Alabama [Mr. BANKHEAD] will listen to the amendments that I am going to offer; and if he thinks they ought not to be considered to-day, I will have them go over and be printed.

I send to the desk an amendment which I ask to have read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 7, line 9, it is proposed to strike out the words "or might be" and to substitute therefor the words "now or may hereafter be," so that, if amended, it will read:

That for the purpose of this act the term "rural post road" shall be construed to mean any public road over which the United States mails are now or may hereafter be transported.

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "construction," in line 6, page 7, it is proposed to strike out the period and insert a colon and add the following proviso:

Provided, That all roads constructed under the provisions of this act shall be free from tolls of all kinds.

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I send to the desk another amendment, Mr. President.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 20, page 7, after the word "improvement," it is proposed to add the words "of roads constructed under the provisions of this act."

Mr. GALLINGER. The bill says:

The term "construction" shall be construed to include reconstruction and improvement.

I propose to add the words "of roads constructed under the provisions of this act."

Mr. BANKHEAD. I have no objection to that.

Mr. POINDEXTER. Mr. President, may I make an inquiry of the Senator?

Mr. GALLINGER. Certainly.

Mr. POINDEXTER. I understand that the effect of the amendment just offered by the Senator would be to confine the operation of this act to new roads. Is that the intention of the Senator from Alabama? I think that will be the effect of the amendment.

Mr. GALLINGER. No; the improvement of the roads is to be "of roads constructed under the provisions of this act," so that they shall not take old, worn-out roads and receive this stipend from the Government and throw some dirt on those roads and say they have improved them.

Mr. POINDEXTER. I ask to have the Secretary state the amendment, so as to see how the bill will read as amended.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 7, line 19, it is proposed to amend the amendment of the committee so as to read as follows:

The term "construction" shall be construed to include reconstruction and improvement of roads constructed under the provisions of this act.

Mr. POINDEXTER. I understand that the effect of that would be to limit the work of improvement of roads or reconstruction of roads to roads which are constructed in the first place under this act?

Mr. BANKHEAD. I do not think so.

Mr. GALLINGER. No; I had more particular reference to the improvement of roads rather than the reconstruction of roads. However, let that amendment go over and be printed, Mr. President.

Mr. WORKS. Mr. President, I desire to suggest to the Senator from New Hampshire that there is not very much danger, I think, of the kind of improvement he has mentioned, in the case of old roads, because, I think, the bill provides in all cases for projects to be submitted to and approved by the Secretary of Agriculture.

Mr. GALLINGER. Yes; that is true.

Mr. WORKS. And it provides that plans and specifications must be supplied, and they must be approved by the Secretary of Agriculture.

Mr. GALLINGER. That is true.

Mr. WORKS. I think there is very little danger of the situation arising that the Senator is trying to meet.

Mr. GALLINGER. Just let the amendment be printed, Mr. President.

Then I suggest that the article "a" be stricken out, in line 22, after the word "good," so that it will read "as good condition" instead of "as good a condition."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 7, line 22, it is proposed to strike out the article "a," so that, if amended, it will read:

In practically as good condition as when it was first built.

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. On page 10, line 14, the bill reads:

That within 60 days after the final passage of this act.

I move to strike out the words "final passage" and substitute the word "approval," so that it will read "after the approval of this act."

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I should like to have the Secretary read the first few lines of section 8 as that section has been amended. I think an amendment has been made to that section.

The VICE PRESIDENT. It has not been amended.

Mr. GALLINGER. It has not been amended? I thought the provision about renting buildings in the city of Washington had been stricken out.

Mr. BANKHEAD. That was agreed to, Mr. President, but the Senate did not vote on it. I accepted it.

The VICE PRESIDENT. The RECORD discloses that the Senator from Mississippi [Mr. WILLIAMS] said that at the proper time he would offer an amendment to strike out, on page 13, line 21, the word "in" and insert the words "outside of," and in line 22, page 13, to strike out the words "and elsewhere," so that the clause as amended shall read:

To rent such buildings outside of the city of Washington.

But it has not been offered.

Mr. GALLINGER. I made that inquiry for the reason that the other day there was rather a heated discussion as to the rentals that were being paid in the city of Washington. I have taken the trouble to make a compilation, which will be found in the Journal of the American Institute of Architects for February, 1916, a recent publication, from which it appears that we are paying rentals in the city of Washington in one instance only one-half of 1 per cent on a small building, while in other instances the rentals run up to 15 per cent, 14 per cent, 11 per cent, and 10 per cent——

Mr. CLARK of Wyoming. On the valuation?

Mr. GALLINGER. On the valuation—and 12 per cent, the average being 8.73 per cent, which is not so very high. I thought that if we are going to provide here for renting more buildings we might limit it, but I will forego that for the present.

In line 21, page 13, where it reads "to rent such buildings in the city of Washington," I think the word "such" should be stricken out, because there is no provision for renting.

Mr. BANKHEAD. There is no objection to that.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, I am not a great stickler for the civil service. I always believed in the original civil-service act of 1883, but the manner in which it was enlarged, by Executive order and otherwise, and the manner in which it has been administered—perhaps not more by one administration than by another—has led me to have rather a contempt for the act. Young men and women are being called from their homes to the capitals of the different States for examinations. They pass. Their names are sent to Washington. They are placed on an eligible list, so called, but they never are reached for appointment. In my own State I will not venture to say how many such young men and women have been flattered with

the idea that they were going to get a Government position, but it never has materialized.

Now, it seems to me that whenever we can properly do so we ought to provide that the clerical help particularly shall be taken from these eligible lists. It is not fair to ask our young people to spend five or ten dollars apiece, more or less, in going from their homes to the place of examination, passing the examination and being certified, but never appointed, while we allow those who are in charge of certain work for the Government to go outside and appoint young men and women who have never taken an examination.

It occurred to me that here is an instance—it will not amount to very much—where we might at least give our approval to the principles of the civil-service law. While I am not going to make a speech about it, and I am not going to wrangle over it, I suggest to the chairman of the committee that after the word "elsewhere," in line 22, page 13, there should be inserted the words "to be taken from the eligible lists of the Civil Service Commission."

The provision is that they shall "employ such assistants, clerks, and other persons." It is mere clerical work, and here are these long lists in the hands of the Civil Service Commission. Boys and girls are waiting to be appointed. Some of them become worthless because they are waiting to be appointed. They think they will not take any other employment, because they imagine they are going to get a Government position, but they never get it; and we have passed at this session half a dozen bills which I might enumerate, whereby probably more than 100 employees of that kind have been taken from outside, and the civil-service lists have been entirely neglected.

I think the Senator from Alabama ought to be willing to have that amendment go in the bill. It will go to conference, anyway.

Mr. BANKHEAD. Mr. President, I quite agree with the Senator as a general proposition if he intends to have this provision apply only to the clerks. The Senator will understand that some of these appointees have got to be experts along certain lines. We might not be able to get them from the general list.

Mr. GALLINGER. The language is, "to employ such assistants, clerks, and other persons in the city of Washington." I feel sure that on those civil-service registers there must be men and women competent to perform all the duties that are required here. In the Agricultural Department they have an Office of Public Roads and Rural Engineering, and they have experts there to pass upon all these matters.

Mr. BANKHEAD. The Senator does not think his amendment would apply to engineers?

Mr. GALLINGER. I do not.

Mr. BANKHEAD. With that understanding, I have no objection to it.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment. Where does the Senator propose to insert it?

Mr. GALLINGER. After the word "elsewhere," in line 21, page 13, I move to insert "to be taken from the eligible lists of the Civil Service Commission."

Mr. WORKS. Mr. President, I attempted yesterday, I think, to comment upon that particular provision of the bill, and I was told by the chairman that it had been stricken out.

Mr. GALLINGER. No; it has not.

Mr. WORKS. Am I mistaken about that?

Mr. BANKHEAD. I think the Senator must have misunderstood me. I did not know that he was talking about this particular provision of the bill. I thought it was some other provision.

Mr. WORKS. It was that provision of the bill which authorized the Secretary of Agriculture to employ such assistants as he might need.

Mr. BANKHEAD. If the Senator will recall, it was the provision of the bill which authorized him to rent buildings in the city of Washington which I said had been stricken out.

Mr. WORKS. It was all included in that portion of it. I was not commenting alone upon the renting of buildings, but upon the employment of persons also.

Mr. BANKHEAD. I certainly did not intend to say that the whole provision had been stricken out. It was only that in reference to renting buildings.

Mr. WORKS. Then I misunderstood the Senator.

Mr. BANKHEAD. I misunderstood the Senator from California.

Mr. GALLINGER. Will the Secretary state the amendment?

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 13, line 21, after the word "elsewhere," it is proposed to insert "to be taken from the eligible lists of the Civil Service Commission."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. In line 1, page 13, the word "that" should be inserted after the word "department," to make better language of it.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 13, line 1, after the word "department," insert "that," so as to read:

State highway department, that such roads be not properly maintained by the State or any subdivision thereof.

Mr. BANKHEAD. I have no objection to that amendment.

Mr. LODGE. It ought to be "are" instead of "be."

Mr. GALLINGER. That is better. I think the suggestion of the Senator from Massachusetts, who always helps us out when we get in difficulties about proper language, is a wise one. He said that the word "be," in the second line, should be "are," so as to read "that such roads are not properly maintained."

Mr. BANKHEAD. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Now, Mr. President, this bill has one very grave defect. I do not know who prepared it, but the punctuation is very bad. However, I am not going through with it for the purpose of correcting the numerous instances of bad punctuation. Manifestly the comma after the word "that," in line 18, should be taken out, so as to read "that out of the appropriations."

Mr. BANKHEAD. There is no objection to that.

The VICE PRESIDENT. Without objection, the amendments suggested will be made to the amendment.

Mr. GALLINGER. That is all that I propose to suggest today. These are inconsequential amendments, but I think they improve the bill somewhat. I do not know that I shall say another word on the bill. The people of my State spend a great deal of money on public roads. Only two or three years ago the legislature appropriated a sufficient amount of money to build three highways from the Massachusetts line to the White Mountains. I think the appropriation was $1,000,000 at one time. We have tried to keep our roads in good repair, and next to Massachusetts, and perhaps New York and possibly one or two other States, I think our roads will favorably compare with those of any other State. But while the bill will not do much, and perhaps not anything, for New Hampshire, our people are so anxious to have good roads that whatever has come to me from the State has been to suggest that I ought to vote for the bill. My present intention is to vote for it, and I have no idea that I shall change my mind in that respect.

I shall not defer the consideration of it beyond insisting, as I did this morning, that we ought not to be too precipitate in considering it, because there are some pretty valid objections against it which have been urged by Senators, and doubtless other Senators will present their adverse views on the measure. But that will not do any harm. If the bill is a good one, it will not be halted or harmed by adverse criticism. So I will cooperate with the Senator from Alabama in all proper ways in getting the measure to a vote after it has had fair and full consideration.

Mr. LODGE. Before the Senator sits down I want to call his attention to section 7, where he put in the word "that." I had not read the rest of section 7. I thought that certainly it ought to read "roads are," but I see it relates to the future.

Mr. GALLINGER. Yes; it does.

Mr. LODGE (reading)—

SEC. 7. That the Secretary of Agriculture is authorized to withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof, if within six months after he has given notice in writing to the State highway department that such roads be not properly maintained by the State or any subdivision thereof.

Mr. GALLINGER. "Be" is a better word.

Mr. LODGE. I suggest to leave out the word "that" and make it read "shall not be."

Mr. GALLINGER. Very well; let that amendment be adopted.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HARDING. Mr. President, I desire to have an amendment read at the desk on which I wish to make some remarks.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, line 13, strike out the semicolon after the word "thereof" and insert a comma and add

the words "for a period of not less than 10 years from approved completion of construction."

Mr. GALLINGER. So that it will read——

The SECRETARY. So that it will read—

nor until an agreement shall have been made with the Secretary of Agriculture, to his satisfaction, that the rural post road or roads so to be constructed under such project will be properly maintained by the State, or any subdivision thereof, for a period of not less than 10 years from approved completion of construction.

Mr. BANKHEAD. I do not think there is any objection to that amendment. I am willing to accept it.

Mr. HARDING. Mr. President, I thank the chairman of the committee. I am not anxious to address the Senate on this subject in particular, but I desired to make this offer of an amendment and to call the attention of the Senate to what I believe to be the most important phase of the Federal aid to the good-roads movement in this country. I have been not a little impressed by the opposition suggested by the Senator from California [Mr. WORKS], and I recognize the force of some of the arguments offered by the junior Senator from New York [Mr. WADSWORTH]. I am sure I can understand the feelings expressed by the Senator from North Dakota [Mr. MCCUMBER].

In a small way we have been through all this in Ohio. The good-roads movement struck the Buckeye State a great many years ago. The county in which I live has expended on its own account approximately $5,000,000 for the construction of roads at our own direct expense. We joined in voting a State levy giving State aid to the construction of improved roads in the counties in Ohio, notably those which had no improved roads. So we have had this principle applied in a smaller way in our State.

I do not object to the bill on that account, Mr. President; but I think Senators, so far as I have been permitted to hear the debate, have overlooked the big question. It is not that of securing funds with which to construct these improved roads. It is not the relative contribution of the State and the relative acquisition of Federal aid by the State.

The biggest problem in improved roads to-day, Senators, is the maintenance thereof. I do not hesitate to say that the greatest crime in public expenditures to-day is the wanton waste of money in the construction of roads without ample provision for their maintenance.

So I have suggested this trifling amendment to call the attention of the committee and of other Senators to the importance of Federal encouragement for the proper maintenance of roads once they are built. This $75,000,000 in Federal aid does not mean very much in the actual construction of roads. I suspect the State of Ohio will spend that much money itself in less time than the bill provides for this appropriation. I am sure that it will.

If the Federal Government really wants to make a contribution to the good-roads fund, it can do nothing better than fix a policy of Federal aid that is based on a guarantee of maintenance. Much of this good-roads talk is of rather a far-fetched character, so far as the name is concerned. I do not hesitate to say to the distinguished chairman of the committee that we are not appropriating this money to encourage the building of post roads. Out in Ohio we call them market roads, and we do not mean anything seriously by that. The truth about it is the good-roads movement is the reflection of the automobile age. We are building them because humanity is on wheels nowadays, and roads must be built to meet the new requirements.

I have seen roads constructed costing from ten to sixteen thousand dollars per mile which were unfit to drive over the third year after their construction. I tell you, Senators, that was a wanton waste of money. I do not suppose it would be appropriate here to offer some personal experience, but we have been building macadam roads so long out in our State, where we were obliged to have them to get out of the black mud, that we have learned that you can construct a very excellent road for $3,500 to $5,000 per mile and maintain it as an ideal highway if it is given only a little attention every year. It has been demonstrated in Ohio that you can take a crushed limestone road—and I am not boosting any particular sort of highway construction—and with modern road machinery dig it up and reroll it every season and maintain that road in excellent order at a cost not to exceed $100 per mile. Yet we have no fixed policy in the State providing for such a thing. So I should like, if I could, to say something in this connection in support of this measure that shall lead the Federal highway department to make use of this Federal aid in inaugurating in this country a provision for the maintenance of our improved highways, so that the people shall get something for the enormous expenditure of money which we are proposing to make.

I shall be very glad to support the bill.

Mr. NORRIS. Mr. President, I desire to offer an amendment. On page 12, lines 21 and 22, I move to strike out the words "is authorized to" and to insert in lieu thereof the word "shall."

Mr. BANKHEAD. I see no objection to that amendment, and I accept it.

The amendment to the amendment was agreed to.

Mr. NORRIS. I wish to offer another amendment. On page 12, line 25, after the word "thereof," I move to strike out down to and including the word "thereof" on line 3, page 13. That is only carrying out the same idea as the other amendments I have offered.

Mr. BANKHEAD. Does the Senator propose to strike out without inserting anything?

Mr. NORRIS. I do.

Mr. BANKHEAD. I do not know about that.

Mr. SWANSON. How would it read?

Mr. NORRIS. Taking the amendment that the chairman has accepted, which strikes out "authorized to" and insert "shall," providing this amendment is agreed to, it would read:

That the Secretary of Agriculture shall withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof.

Under the bill as it is drawn, with the language in that I propose to strike out, the Secretary of Agriculture is compelled before he can withhold that money to give them six months' notice, and then, if at the end of six months they are still not maintaining the road, he is authorized to withhold any appropriation that may come later. It might occur, and probably would very often occur, with that language left in that at the time of the distribution of the funds by the Secretary of Agriculture, although the roads were not maintained in the State, six months' notice must be given before he could withhold the contribution, and another contribution would become due and would be made, when as a matter of fact the State was doing nothing to maintain the roads that had already been built. At the same time, if this language is stricken out, I can not for the life of me see that any hardship could come to the State. If the State does not maintain the road, then there ought to be in any proper bill that is passed some method by which it can be penalized, and the only method provided in the bill is to withhold any future apportionment of funds.

Mr. MCCUMBER. May I ask the Senator a question right here?

Mr. NORRIS. Yes.

Mr. MCCUMBER. Suppose the funds have already been apportioned. Suppose the road has been built and completed, and there is no more money to come from the Government, and the State fails to make good the improvement that is required?

Mr. NORRIS. That would be at the end of the last appropriation made in the bill, which I believe is five years. There would not be any way to compel the State; it would be all over. If the State wanted to neglect it, then there would not be any way in which the Federal Government, under the bill, could penalize the State.

Mr. MCCUMBER. And if the State did neglect it, what would the Government do?

Mr. NORRIS. It would not do anything.

Mr. MCCUMBER. There is no way of compelling the Government to go ahead and keep up the road. There is no way of compelling the State to keep up the road.

Mr. NORRIS. After the time has expired, that is true. The proposition here is that if the State does not maintain the road, that has been constructed partly out of Federal funds, then no further funds will be given to that State, but as the bill is drawn they have still six months after they have neglected it, and they must have that notice before you can withhold the money. The Secretary of Agriculture must give that notice. If he fails to give the notice, although the State never did a thing toward the maintenance of the road, they would be entitled to the next apportionment of funds.

Mr. SWANSON. If the Senator will permit me, this amendment was discussed by the subcommittee and the committee which prepared the bill. We think a State ought to have notice as to whether it has carried out its contract for maintenance, and if the Federal authorities are satisfied that that has not been properly done they ought to be given an opportunity to improve and maintain those roads to measure up to the conditions, so that they could get the money for the next distribution.

The six months' notice might be too long, but there ought to be some notice. We should not leave it absolutely to the discretion of the Federal Government to deprive the State of the fund entirely. We thought the best way was to deal fairly

with the States and give them an opportunity to improve their roads, so that they could get the next apportionment. I hope a notice of some time will be given. You can make it three months or shorter, but whenever they have not complied with their contract, and the only way you have to force them to do it is to withhold the money in order to get the road improved, notice ought to be given. Then they will improve the road. The subcommittee thought that this was the best way to handle that phase of the question.

Mr. NORRIS. I think I can see the reason that impelled the committee to take that view of it, but yet we will always come to a time somewhere when the principal authority must pass on the question as to whether the State has maintained the road.

Mr. SWANSON. If the Senator will permit me, it passes on it when gives the notice.

Mr. NORRIS. Of course it does, but suppose the notice is given, and then the State says, "Now, we have improved the road; we will maintain it"; and at the end of six months the Secretary says, "No; you have not," still the Secretary decides the proposition. We can not get away from that. The Secretary of Agriculture will decide it some time. So if that is a hardship, it is not removed by putting in a notice that must be given to the State. In the first place, there would be cooperation between the engineers on the part of the Government and the State authorities. The State authorities would know all the time whether they were keeping this road in repair, the Federal authorities would also know it, and the Secretary of Agriculture would pass on the matter.

It may be said that that is a hardship; he might be wrong; but to leave the bill as it is does not remove this hardship; it is still there; still he decides the matter. I think it is conceded that somebody must decide it, and so far as I am concerned I think the committee has it right, that the Secretary of Agriculture ought to do that; but it takes away almost everything that is left in the bill in regard to maintenance.

As I said the other day—and several other Senators reiterated it, notably the Senator from Ohio [Mr. POMERENE] has done so to-day—a bill which does not provide for the proper maintenance of roads when built is a criminal expenditure of public funds. The maintenance of a road once built, is just as important as is the original building of the road. Everybody concedes that; I believe that is agreed to. When we say to a State, "if you are going to get a portion of the public funds to construct a road within your boundaries, you must maintain the road," and that is defined in the bill as meaning to keep it practically in as good condition as it was when it was first made; but there is no way to penalize that State if it does not comply with its agreement, except to withhold funds from it from future apportionments. We say that even after a State has violated the law and has absolutely ignored the matter, has paid no attention to maintenance, has done nothing toward keeping the road in repair, yet before we can prevent more funds from being put into that rat hole we must say to the State, "We will give you six months' notice now," then they would start in and do something to get another apportionment, and then stop again, and so on continually. That would be possible; I do not say that that would happen; that is the extreme limit perhaps; but it would enable a State to violate the most important provision that is in this bill, and that is the provision for proper maintenance of the roads.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. SWANSON. The Senator from Nebraska seems to be mistaken, to my mind, as to what would be the effect of leaving out this notice. There has not been any bill which has been drawn and presented to Congress that required maintenance more vigorously, rigorously, and insistently than does this bill.

Mr. NORRIS. But, if the Senator will just permit me there, it is like defining a crime. If you define a crime in a statute and provide no penalty, no matter how clear the definition may be, you have not accomplished any good by it.

Mr. SWANSON. But before the project is approved the Federal Government must be satisfied that the road will be maintained, and sureties must be given.

Mr. NORRIS. What sureties?

Mr. SWANSON. An agreement must be made.

Mr. NORRIS. That is all it is—an agreement.

Mr. SWANSON. Well, it is a serious agreement of the State, which is something; but if it is not a bona fide agreement and one which the department is satisfied will be complied with, the project will not be approved. Now, to make it sure, an amendment has been inserted requiring the department to be satisfied that the maintenance will be continued for 10 years. To enforce that the money is withheld from the State if the condition is not complied with and if, according to the judgment of the Agricultural Department, the roads have not been properly maintained.

There might be a difference between the judgment of the State highway authorities and the Federal department as to whether or not a road had been maintained; and if this notice were not required, the department might, without giving notice to anybody, withhold all the money. The State may have made arrangements to improve its roads next year and may come to Washington to ascertain what can be done, whereupon the department would say, "You have forfeited your half of the funds, for you have not maintained your roads according to your agreement." To obviate that difficulty, which, it seems to me, might occur, and in order to promote improvements, we require notice to be given, so that a State can first be satisfied as to whether it is entitled to this money and make arrangements accordingly; and, second, to see that the roads are maintained or improved.

Mr. NORRIS. Now, let me ask the Senator a question. Suppose the Secretary of Agriculture neglects to give the notice?

Mr. SWANSON. Then, this whole bill would be violated, if you presume the Federal Government is not going to discharge the duties appertaining to it.

Mr. NORRIS. Why should a Government official be required to give notice to a State official that the State official is not performing his duty?

Mr. SWANSON. He is required to give notice, because the State has agreed to maintain the roads when the Federal Government furnishes it the money.

Mr. NORRIS. Exactly; and when the State fails to maintain a road that has been built partially through Federal aid, it has lost all right to future contributions from the Federal Government under this bill.

Mr. SWANSON. But I think the State should be given notice and have an opportunity to correct its failure.

Mr. NORRIS. The opportunity has existed ever since the road was built. Of course, I agree with the Senator from Virginia that changing the time would vastly improve the bill. At the same time it seems to me that the language ought to be stricken out entirely.

Mr. SWANSON. I think we should change the notice to three months.

Mr. NORRIS. I agree that that would be better.

Mr. LIPPITT. Will the Senator from Nebraska yield to me?

Mr. SWANSON. I agree to the amendment fixing the time at three months.

Mr. LIPPITT. Mr. President, I do not know who has the floor.

Mr. NORRIS. Did the Senator from Rhode Island propound a question to me?

Mr. LIPPITT. I do not want to interrupt any of the private conversation between Senators.

Mr. NORRIS. I beg pardon. My attention was diverted, and I did not hear the question, if the Senator asked me one.

Mr. LIPPITT. I did not get the attention of the Senator. The Senator was discussing just now the question of substituting three months for six months in line 25, at the bottom of page 12, as the time in which a State is to be able to put its roads in a condition of being properly maintained. I should like to say to the Senate that it seems to me that if the roads of any State are in such shape that they have to be reconstructed or put into a condition of proper maintenance, three months would be an utterly insufficient time, probably, to accomplish such a result. When a macadam road, for instance, has gone to pieces, it is not easy nor is it a rapid matter to reconstruct that road.

Mr. SMITH of Michigan. That is true, especially if it be a very inclement season.

Mr. LIPPITT. I was about to add the suggestion which the Senator from Michigan has made, that in my section of the country and in many other parts of the United States there is a very limited time in the year when roads can be reconstructed, and there is only a limited amount of road machinery, stone crushers, and the other paraphernalia, and they might be employed in various other ways.

Mr. NORRIS. Mr. President, will the Senator from Rhode Island yield to me?

Mr. LIPPITT. I thought the Senator from Nebraska was yielding to me. If I have the floor, I yield to the Senator.

Mr. NORRIS. I think the Senator from Rhode Island has the floor. I am making no claim to it; I was through. I want to ask the Senator if he thinks six months' notice would be long enough?

Mr. LIPPITT. I do not think it would be any too long.

Mr. NORRIS. Does the Senator think we ought to require the State to maintain the roads after they have been built?

Mr. LIPPITT. I absolutely do.

Mr. NORRIS. Then the Senator ought to favor striking all this out, ought he not? If we give them notice, how much notice should we give them?

Mr. LIPPITT. I think if we are to give them notice, they ought to have six months; but I am not at all sure that I do not agree with the Senator's idea that the provision should be entirely stricken out. Of course if it is going to be stricken out and if the Senator is going to substitute the word "shall" for the words "is authorized" in line 21——

Mr. NORRIS. That has been done.

Mr. LIPPITT. He should also make the same amendment in lines 3 and 4, on page 13. It is not consistent to say to the Secretary of Agriculture in one place that "he shall" and in another that "he is authorized."

Mr. NORRIS. In the second place, to which the Senator refers, merely temporary authority is granted, and although I would have no objection to the same amendment being made there, I will not offer the amendment, for I can see a difference between that provision and the provision which I have moved to amend.

Mr. LIPPITT. Mr. President, I did not take the floor to discuss the general features of the bill, but simply to call attention particularly to the suggestion of the Senator from Nebraska in regard to three months' notice instead of six months' notice. However, so far as the bill itself goes, it is of very great importance to the State which I in part represent here. It is of such great importance that I do not feel that I have yet had sufficient opportunity to give the bill proper consideration. It has only been brought to my attention within the last two or three days. I have not been able to devote all my time during that period to its consideration, and I find so many things in it that are of very great importance to Rhode Island that I certainly hope it will not be rushed to final passage to-day or within a day or two.

Mr. BANKHEAD. We do not count upon that.

Mr. LIPPITT. Very well. Then, in a very brief way I should like to say that the matter which has been brought up by the junior Senator from New York [Mr. WADSWORTH] in regard to the method of payment for this work as affecting his State is also of very great importance to the State of Rhode Island. We are not as large a State as is New York, but the effect of the present method of raising funds for the National Government becomes proportionately, as compared with other States, a very great burden upon the State of Rhode Island.

We have also spent very large sums of money in proportion to our size upon our highway system. We have already constructed in Rhode Island a large mileage of very expensive highways, and we are finding great difficulty with the problem of maintenance. We find that is becoming a very expensive thing to keep the roads in the condition in which they should be maintained.

I also find in the bill provisions in regard to population. I refer particularly to section 2, in which exceptions are made, excluding streets and roads in a place having a population of 2,500 or more. I should like to ask the Senator in charge of this bill what is meant by "a place."

Mr. BANKHEAD. Mr. President, I do not know what the situation is in Rhode Island, although I presume it is the same there as it is elsewhere in the country; but there are a great many little villages and small towns which have been incorporated for school and other purposes. Under the provisions of this bill none of the money appropriated can be expended in an incorporated city where they have a system of streets, but in a place, such as indicated by the bill, where the houses are more than 200 feet apart, it was thought that that rule really ought not to apply. A small village, containing only a few hundred people, incorporated for school or other purposes, may have no funds with which to build roads, and may never have, and if you stop the construction of the road at the line of that incorporated village, the result will be that you will have a hiatus through the town of a half mile or a mile which will absolutely destroy the value of the road for almost every purpose. That provision was inserted to enable the funds to be applied to a situation like that in order that a road might be constructed through or along the streets of an incorporated village where the houses were 200 feet apart. The supposition was, of course, that where there was a dense population and the houses were close together they would be able, perhaps, to construct their own roads.

Mr. LIPPITT. Perhaps I have failed to grasp the real significance of the language. I have read it over two or three times without being satisfied in my own mind exactly what it does mean. In the first place, it says "in a place having a population"——

Mr. SWANSON. To what portion of the bill does the Senator refer?

Mr. LIPPITT. Section 2, on page 7.

Mr. BANKHEAD. Perhaps we might say "town" or "village," instead of "place," but the purpose of the provision is as I have indicated.

Mr. LIPPITT. I will ask Senators to remember that Rhode Island is the most thickly settled State in the Union, and I was just wondering whether the provision would not exclude the whole of Rhode Island from the provisions of this bill.

Mr. BANKHEAD. I think it would admit the whole of Rhode Island under the construction which I give to it.

Mr. LODGE. Mr. President, if the Senator from Rhode Island will allow me, I have a letter from the chairman of the Highway Commission of Massachusetts, in which he says that the provisions of the House bill would practically cut out all of New England from the benefits of the bill.

Mr. LIPPITT. The Senator does not refer to the pending bill?

Mr. LODGE. No; the writer of the letter refers to the House bill. He says:

> This cutting out would be done if the bill were worded to say that the money was to be spent outside of any incorporated town or city. I think the same result would be accomplished if they use the word "borough, village," etc., because, as you know, and they do not, the geographical limits of our cities and towns are all within the incorporated town or city, and all the roads are under their jurisdiction unless they are State highways.
>
> In the bill that the highway officials recommended I got them to put in the clause that the money might be spent inside of an incorporated village or town of more than 2,000 inhabitants, provided the houses averaged more than 200 feet apart, that being our definition of "thickly settled" in the automobile law. I think that will enable us to spend some of the money in the New England States.

Mr. BANKHEAD. That was the purpose of it when we put in the provision.

Mr. LODGE. The bill uses the word "place" instead of "incorporated village or town," and reads "having a population of 2,500 or more."

Mr. LIPPITT. It seems to me that the idea sought to be conveyed might be made more definite.

Mr. SWANSON. Mr. President, I will say to the Senator that this provision was inserted to meet the conditions in New England; and I understand it meets the approval of the highway commissions of the different States of New England. If it does not meet the conditions which it is sought to cover, the Senator can offer an amendment to take care of any situation which he has in mind.

Mr. OLIVER. Mr. President, if the Senator from Rhode Island will allow me, I will state that it is purely an academic question, because the amount of money that the New England States will get under this bill would be so small that there is not much use talking about it.

Mr. LIPPITT. I beg to differ from the Senator from Pennsylvania; it is not an academic question at all. The amount of money that New England and Pennsylvania will be taxed for this bill will be the same in either case.

Mr. OLIVER. I am speaking of the amount they will receive, and not the amount they will contribute.

Mr. LIPPITT. They might as well get a little something out of it, and not have the bill so drawn that they will have to do all the paying and absolutely be unable to receive a dollar in return, under the language of the bill. I did not really understand from the language what was meant.

Mr. BANKHEAD. The purpose was the one I have indicated.

Mr. LIPPITT. After the explanation I will examine the language a little more carefully, because I think it can be improved somewhat by being made clearer.

Mr. GALLINGER. Mr. President, I think the Senator had better be careful about using the word "town." The word "town" in New England is synonymous with township in the Western States; indeed in New Hampshire in the town, which is an area covering six or seven miles square, there are half a dozen villages in many cases, each village having perhaps as large a population as is named in the bill. So that if you use the word "town" it might exclude the entire area from any benefit.

Mr. BANKHEAD. The Senators who are interested in it, if they prefer some other language, may offer an amendment, and we will have no objection to it.

Mr. GALLINGER. Mr. President, the Senator from Rhode Island can look into it, but if a change is made I fear the result I have stated.

Mr. LIPPITT. Mr. President, as I understand the intent of this language is that in figuring the proportion of this fund any

particular State may have, all roads may be included where the houses are not closer than 200 feet to each other.

Mr. BANKHEAD. I think that is correct.

Mr. LIPPITT. If that is so, I do not see why it is necessary to put in anything about this place having a certain population. It seems to me that all you have to do is to say that the money can be expended anywhere where the houses are not closer than 200 feet to each other.

Mr. BANKHEAD. Mr. President, to fully express my opinion about this matter, I will say that this provision in the bill was insisted upon by the State highway commissions of the New England States for their protection, as the Senator from Massachusetts has indicated in the letters he has just read.

Mr. LIPPITT. I am in sympathy with that desire. I only wanted to be sure that the language accomplishes the intention.

Mr. BANKHEAD. The Senator can examine it, and if he does not think that fully covers the ground the way it is——

Mr. LODGE. Mr. President, the change that has been made in the bill from what is recommended by the highway officials raised it from two thousand to twenty-five hundred or more. That enlarges the scope.

Mr. SWANSON. It enlarges it by five hundred.

Mr. BANKHEAD. We thought that was better.

Mr. LODGE. Yes; that raises the limitation.

Mr. BANKHEAD. Yes.

Mr. LODGE. We have used the word "place," which is, of course, very general, but, I dare say, it will cover what is needed. Of course, it means an incorporated town, village, city, or anything of that sort, and I suppose it would be interpreted——

Mr. BANKHEAD. Down in Alabama we would say "town or village."

Mr. LODGE. In Massachusetts a village is part of a town.

Mr. SWANSON. We thought the word "place" could be so construed as to meet the conditions except in New England, so as to mean boroughs, cities, or incorporations.

Mr. LODGE. That is it; any place that is occupied by 2,500 people, whether under a borough government or otherwise.

Mr. BANKHEAD. It does not make any difference about the government.

Mr. LODGE. No.

Mr. BANKHEAD. Just so it is a place.

Mr. LODGE. I think that covers it.

Mr. McCUMBER. Mr. President, I call the attention of the Senator from Alabama to this fact: The Senator has just signified that he would be satisfied with the amendment suggested by the Senator from Ohio that would provide for the care of the roads by the State, after they had been completed, for a period of 10 years. Does the Senator recognize that that is imposing a limitation and not granting an extension of the duty to care for these roads, and would the Senator wish so to limit the operation of the bill?

If the amendment suggested should be agreed to, then all the duty of the State is to maintain the road and keep it in shape for a period of 10 years. Under the bill as it is drawn, it is the duty of the State to maintain it at all times and under all conditions.

What I was going especially to call the Senator's attention to was this: On page 12, which relates to the duty of the State to maintain the road, it reads:

> Nor until an agreement shall have been made with the Secretary of Agriculture, to his satisfaction, that the rural post road or roads so to be constructed under such project will be properly maintained by the State.

The Senator will see that that is without any limitation whatever.

Mr. BANKHEAD. I understand that. I do not think the amendment——

Mr. McCUMBER. And that is what it ought to be, in my opinion, if we are going to put the money into it; but I am going to ask the Senator if he would have any objection to changing the word "agreement" to "guarantee"?

Mr. BANKHEAD. None in the world.

Mr. McCUMBER. "Agreement" is rather broad, and possibly an agreement might be made which would depend entirely upon the good faith of the State to maintain its agreement. If we should say "nor until a guarantee shall have been made with the Secretary to maintain these roads," I think we would at least have gotten it in better shape than we had it before.

Mr. SWANSON. What does the Senator mean to imply by "guarantee"? Some Secretary might construe it to mean that you would have to put up bonds and security and sureties.

Mr. LODGE. That would be a very good thing.

Mr. McCUMBER. I would leave that with the Secretary of Agriculture. I think he would have a written guarantee passed by the legislature of the State, or an agreement whereby they guarantee to maintain the road for an indefinite time.

Mr. BANKHEAD. I do not think there is very much difference in the two terms.

Mr. LIPPITT. "Agreement" is the best.

Mr. LODGE. This agreement may be purely verbal.

Mr. McCUMBER. If there is a verbal agreement made with the governor——

Mr. SWANSON. Say "satisfactory agreement."

Mr. LIPPITT. That is implied.

Mr. LODGE. You have got that.

Mr. McCUMBER. The main reason why I would change the word "agreement" to "guarantee" is that we ought not to put in the limitation suggested by the Senator from Ohio, a 10-year limitation.

Mr. LIPPITT. I should like to suggest to the Senator from North Dakota that if the amendment of the Senator from Ohio, which, I understand, now reads "for a period of 10 years," were made "for a period of not less than 10 years," it would accomplish the object of the Senator from Ohio and remove the objection of the Senator from North Dakota.

Mr. McCUMBER. No; because then you would have it so much weaker. If it is not less than 10 years, that places it within the authority of the State to make an agreement that will last not less than 10 years, while we wish the agreement to be for all time.

Mr. HARDING. Mr. President, while the Senator from North Dakota is on his feet, may I ask him a question?

Mr. McCUMBER. Certainly.

Mr. HARDING. I should like to ask the Senator if he does not believe that after maintenance is established for a period of 10 years it is essentially made permanent?

Mr. McCUMBER. No; Mr. President, I do not think that would necessarily follow; and certainly if it would follow, there is no objection to making it specific.

Mr. NORRIS. Mr. President, it seems that the amendment I have offered, to strike out the language indicated in the amendment, does not meet with the views of the Senator in charge of the bill. I desire, therefore, to withdraw that amendment and to offer an amendment to strike out "six" and insert "three," in line 25, page 12, so that it will read "three months" instead of "six months."

Mr. SMITH of Michigan. Three months for what—repairs?

Mr. NORRIS. To give notice for repairs. I understand that is satisfactory to the committee.

Mr. WILLIAMS. Mr. President, may I ask the Senator where that amendment would come in?

Mr. NORRIS. On line 25, page 12, I move to strike out "six" and insert "three."

Mr. BANKHEAD. Mr. President, I would not like to accept that amendment. I do not think it is a proper one. I do not think the States ought to be just hopped down upon without sufficient notice to improve their roads. I feel that six months is as little time as should be given.

Mr. NORRIS. I understood from that the Senator from Virginia said that it would be satisfactory to the committee. If that is not satisfactory, I want my original amendment to stand and to have a vote on it.

Mr. McCUMBER. Mr. President, I just want to suggest to the Senator, if the chairman please, that possibly it might necessitate the action of the State legislature in many instances to raise the money or otherwise to complete the work, and therefore I do not believe six months is any too long.

Mr. NORRIS. The facts are that there ought to be no notice, in my judgment, because this comes long after the first road has been constructed. Let us see how it would operate.

When the first apportionment of funds was to be brought about there would be no road constructed, of course, that had been partially paid for by Federal funds, and then we would build a road in some State partially paid for out of the Federal Treasury. Now, the State has agreed to maintain that road in practically as good condition as it is in when it is completed, but the State violates its agreement. It does not do it.

Mr. BANKHEAD. Mr. President, perhaps the State has not recognized that it has not kept its agreement. It may feel that it has kept it, that it has properly maintained the road. It is a question of difference of opinion between the Secretary of Agriculture and his supervising engineer, on the one hand, and the engineer of the State highway department on the other hand.

Mr. NORRIS. I wish the Senate would get that idea right in its mind. It seems to me the Senator is opposing this motion now on the ground that there might be a disagreement between the Federal authorities and the State authorities as to whether the State had maintained the highway. That is true; there

might be that kind of a disagreement; there might be an honest one. But if we permit it to remain in the bill just as it is that disagreement is just as likely to occur then as though it went out of it, because at the end of six months, when notice has been given, the State authorities may say, "Why, we have complied with our agreement and we have kept this road properly in repair."

Mr. BANKHEAD. Then the Secretary of War is authorized to withhold all future appropriations if they do.

Mr. NORRIS. And the Secretary of Agriculture could say then: "You have not, and I withhold the appropriation." So, as far as that part is concerned, this amendment does not change it one way or the other. That condition may still be brought about just as well with the language that I want to strike out in the bill as though it were out.

Mr. BANKHEAD. Mr. President, I just want to ask the Senator one further question. Does he believe that three months' notice is sufficient time to permit the State authorities to put their roads in such condition as would meet the approval of the Secretary of Agriculture after notice has been given?

Mr. NORRIS. It depends upon the condition of the road at the time he went there. It may be that six months' notice would not be enough. Perhaps it would take two years' time; but if you do that you may just as well strike out of the bill everything that is in it about maintenance and say: "We will build these roads and require no agreement about maintenance." If you require an agreement for maintenance and then say that when that agreement is violated you have got to give so much time and they can get the money anyway, you might just as well leave it out at the beginning.

It strikes me that we ought to get away from this idea that there may be a disagreement between the State authorities and the Federal authorities. Let me emphasize that point. The language of this amendment has nothing to do with that. It will be just the same whether this amendment is voted up or voted down. If we want to assume that the Secretary of Agriculture will say to the States before any notice is given, "You have not maintained the road properly"—if you are going to assume that he is going to be unfair or that there is an honest disagreement, then it is just as reasonable to assume that after he has given the notice and the six months have expired that same disagreement is just as likely to exist then as though no notice were given; and if it exists then, the Secretary will withhold future contributions.

The danger is that during the six months that must elapse after the notice is given another contribution of Federal funds will be made to a State that does not maintain the roads that have already been built; and thus the money is gone, and there is no help for it. There is not any way then in which to get the money back. You have permitted the State to violate the agreement; you have permitted the State to get the money without maintaining the highway. If the law is emphatic, as it seems to me it ought to be, it is no hardship on anybody to say: "If you do not maintain this road, you can not have the next contribution." That is what the law means, and, in fact, that is what it says; but you evade the law by compelling the Secretary of Agriculture to give six months' notice before he can withhold the money.

If that were left just in that way, without any notice, and it came time to parcel out the funds for another year, it would be the duty of the Secretary of Agriculture to withhold the funds from any State that had not maintained the road during the preceding year. If you leave it in, he will give them the money and the six months' notice besides, and they could go on that year and not maintain it and get the money, and when the next apportionment came around he would give another six months' notice, and before that expired another apportionment would be made, and thus on to the end of the five years with absolutely no maintenance on the part of the State, and all the money gone out of the Federal Treasury.

Mr. OLIVER obtained the floor.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Rhode Island?

Mr. OLIVER. I do not yield.

I think the Senator from Nebraska [Mr. NORRIS] is entirely right in his contention. If the States are to receive money under this legislation, they ought to receive it under the agreement and with the distinct understanding that they are from the very beginning to maintain the roads that are constructed under the provisions of this proposed legislation. Therefore I think that the Secretary of Agriculture, immediately he discovers that a State is not maintaining any of the roads that are constructed by virtue of this legislation, should notify the State authorities that they will not get any further apportionment for additional road building until they arrange properly to maintain the roads already built, and let the burden be upon the State to arrange from the very beginning for properly maintaining its roads.

As I understand the amendment of the Senator from Nebraska, it is to omit, on line 25, page 12, everything after the word "thereof." Am I correct?

Mr. NORRIS. Yes.

Mr. OLIVER. Then I would suggest, as an amendment to that amendment, that in place of the words so omitted something like the following be added:

> But upon satisfactory evidence that such failure of maintenance no longer exists, he may resume the contributions to which the State would be entitled under the provisions of this act.

Mr. NORRIS. Mr. President, I am very glad to accept that and modify my amendment accordingly. I think myself that improves it.

The VICE PRESIDENT. Now, let us see how it reads.

Mr. OLIVER. I suggest that that part of the bill be read with the addition that has been suggested, Mr. President.

The SECRETARY. On page 12, line 25, after the word "thereof," it is proposed to insert:

> But upon satisfactory evidence that such failure of maintenance no longer exists, he may resume the contributions to which the State would be entitled under the provisions of this act.

So that, as amended, it will read:

> The Secretary of Agriculture shall withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof, but upon satisfactory evidence that such failure of maintenance no longer exists he may resume the contributions to which the State would be entitled under the provisions of this act.

Mr. NORRIS. And then strike out the language that is——

Mr. BANKHEAD. Mr. President, I want to understand this proposition. Do I understand that the motion of the Senator from Nebraska to strike out notice has gone out of the bill?

Mr. NORRIS. Oh, no. I have made a motion to strike out, commencing after the word "thereof," in line 25, page 12, down to and including the word "thereof," in line 3, page 13.

Mr. BANKHEAD. Yes.

Mr. NORRIS. I have accepted and modified my amendment by including, upon the suggestion of the Senator from Pennsylvania [Mr. OLIVER], the insertion of the words that have been read instead of that language.

Mr. BANKHEAD. Then the Senator's proposition is to accept the amendment of the Senator from Pennsylvania in lieu of his own?

Mr. NORRIS. No; I add it to mine.

Mr. LIPPITT. It is a motion to strike out and insert.

Mr. NORRIS. I move to strike out and insert.

Mr. BANKHEAD. Then, in doing that the Senator strikes out the six months' notice.

Mr. NORRIS. Yes; I strike out the same language. I have only modified my motion by including the language suggested by the Senator from Pennsylvania [Mr. OLIVER] in lieu of that which I seek to strike out.

Mr. BANKHEAD. Mr. President, we could not accept an amendment like that, because in that case you would strike out the notice entirely. We do not give them any notice.

Mr. OLIVER. They ought not to get any notice. They ought to maintain the road.

Mr. STERLING. Mr. President, just one word. I hope this amendment will not prevail. I think there is a reason, and a very sound reason, for the six months' notice. The highway authorities in the States, I think we may presume, will follow out the requirements and the spirit of this law. But it may be that now and then we will have a highway commission or highway authorities within a State who are delinquent in the performance of their duty toward the maintenance of a road. The real parties interested in the road are not the officials or a commission, but they are the people, and in order that the people themselves may be protected this notice should be given, so that in case of a delinquency on the part of the highway commission in a State the people on receipt of the notice could stir the commission to action, and thus the people themselves will be protected by reason of this notice.

Mr. President, I think this is safely guarded. On page 13, beginning in line 3, there is this provision:

> The Secretary of Agriculture is also authorized temporarily to decline to issue warrants under this act upon failure on the part of any State, or its State highway department, to comply with the provisions of this act or upon breach of agreement made with him pursuant to this act.

That will protect the Federal Government. It will prevent the payment of any money by the Secretary of Agriculture to

the State until the road is properly maintained. The effect of the notice will be to inform the public that the State authorities have not been doing their duty, and they in turn will urge the necessary action on the part of the authorities.

Mr. GALLINGER. Mr. President——

Mr. NORRIS. Before the Senator from South Dakota takes his seat——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. Mr. President, we have been in session six hours. The heat is very severe. I do not think the few of us who have attended diligently and tried to forward the legislation ought to be kept here any longer to-day. I will ask the Senator from Alabama if he is ready to adjourn?

Mr. SMOOT. Will the Senator from Alabama yield to me just a moment?

Mr. BANKHEAD. I yield to the Senator.

Mr. SMOOT. I offer the following as a substitute for the amendment offered by the committee, and I ask that it be printed, and printed in the RECORD.

The amendment was ordered to lie on the table and be printed and to be printed in the RECORD, as follows:

> That in order to establish, construct, improve, and maintain public roads that are now or may hereafter be needed for use as post roads, military roads, or for interstate commerce, there be, and hereby is, created a fund to be known as the United States highway fund. Said fund shall be raised in the manner herein provided; but the Treasurer of the United States is hereby authorized to receive and place to the credit of said fund any money that may be contributed from other sources, and to expend the same upon the order of the United States highway commission or in accordance with the conditions of the contribution.
>
> SEC. 2. That for the purpose of providing money for the United States highway fund the Secretary of the Treasury is hereby authorized and directed to issue and sell, on and after July 1, 1918, at par with accrued interest, coupon or registered bonds of the United States, in such form as he may prescribe and in denominations of $20 or multiples of that sum, said bonds to be payable in coin 50 years from date of issue, and to bear interest, payable in coin semi-annually, at the rate of 3 per cent per annum, the total amount of said bonds not to exceed $500,000,000, and the issue and sale of same not to exceed such amounts as may be necessary from time to time to enable the Treasurer of the United States to make payments from the United States highway fund to the several States in accordance with the provisions of this act. Bonds issued under authority of this act, or the income therefrom, shall not be subject to taxation of any kind for any purpose. Bonds authorized by this section shall be first offered at par as a popular loan, under such regulations, prescribed by the Secretary of the Treasury, as will give opportunity to the citizens of the United States to participate in the subscriptions to such loan; and in allotting said bonds the several subscriptions of individuals shall be first accepted, and the subscriptions for the lowest amounts shall be first allotted. Any portion of any issue of said bonds not subscribed for as above provided may be disposed of by the Secretary of the Treasury, at not less than par, under such regulations as he may prescribe but no commissions shall be allowed or paid thereon; and a sum not exceeding one twenty-fifth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the expense of preparing, advertising, and issuing the same.
>
> SEC. 3. That before any State shall be entitled to take advantage of the provisions of this act it shall establish by law a State highway commission, which said commission shall have general supervision of road construction and improvement in that State and of the expenditure of money received from the United States highway fund, subject only to the provisions of this act and of State laws not inconsistent herewith. It shall be the duty of each State highway commission annually, on or before the 1st day of January, to make to the governor of the State in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, copies of which said report shall be sent to the Treasurer of the United States and to the United States Highway Commission.
>
> SEC. 4. That the United States highway fund shall be apportioned and credited to the several States in the following manner: The United States Highway Commission, hereinafter created, shall ascertain in the most practicable manner from the best information available the total land area, the population according to the last Federal census, the total assessed valuation of all taxable property, and the total mileage of public roads in each of the several States, and shall compute the percentage of the total of each of these four items possessed by each State. They shall then compute the average of the four percentages for each State, and this average shall be the per cent of the $500,000,000 United States highway fund that shall be apportioned and credited to each State. Said commission shall notify the Treasurer of the United States of the result of their ascertainment and computation, which shall be made as of a date to be fixed by the commission. Such fund so apportioned shall be paid to the States only in accordance with the provisions of this act.
>
> SEC. 5. That whenever any State, through its duly authorized agents, shall apply for any part of its share of the United States highway fund, but not exceeding 20 per cent thereof in any year, and shall deposit with the Treasurer of the United States its bonds for such amount payable in 50 years and bearing interest, payable semiannually, at the rate of 4 per cent per annum, the Secretary of the Treasury shall issue and sell, at par and accrued interest, in the manner prescribed in section 2, United States highway bonds to the amount that may be necessary to pay to said State the amount of money applied for, and upon the sale of said bonds shall pay over the proceeds to the custodian of the public funds of the State: *Provided*, That the bonds of any State shall not be accepted if the total amount of bonds of such State, including the bonds issued to take advantage of the provisions of this act, shall exceed 10 per cent of the amount of the assessed valuation of all taxable property in such State: *Provided further*, That any State desiring to do so may deposit with the Treasury of the United States its 4 per cent bonds maturing in not less than 20 years, or may redeem its 50-year bonds at any time after 20 years from date of issue, but upon redemption of such bonds, whatever the period for which issued such State shall pay to the Treasurer of the United States, in addition to the balance due on the principal after deducting the accumulated sinking fund, a premium of 2 per cent on such balance due on bonds redeemed, together with accrued interest. When the Treasurer of the United States shall receive any payment of interest on State bonds deposited in the manner above provided he shall devote three-fourths thereof to the payment of the interest due on the corresponding United States highway bonds, and one-fourth, herein designated as a sinking fund, he shall deposit in the Treasury of the United States to be used from time to time for the redemption of United States highway bonds as provided herein. The Treasurer of the United States shall keep an account with each State that shall deposit bonds and receive funds under the provisions of this act, and shall credit said State with interest compounded annually at the rate of 3 per cent per annum on the sinking funds paid in. Money received upon the principal of State bonds shall also be credited to the sinking fund, but no interest credit shall be allowed the State thereon. At the time of the maturity of the bonds deposited by any State, if all payments have been made when due, the Treasurer of the United States shall cancel said bonds and return them to the State issuing the same. Whenever and each time the sinking-fund accumulation shall amount to $1,000,000, then the Secretary of the Treasury shall, and he is hereby, directed to go into the open market and purchase, at par if possible, $1,000,000 par value of the United States highway bonds. If unable to purchase all or any at par then he is authorized and directed to pay such premium as necessary determined by competition after public notice of not less than 30 days, but not exceeding a premium of 2 per cent and accrued interest. If he be unable thus to secure the full amount of bonds necessary to comply with this provision, then he is authorized and directed to call at par, plus premium of 2 per cent and accrued interest, such bonds, determined by drawing of bond numbers from among the largest denominations outstanding, as will make up the $1,000,000 purchase. These bonds thus purchased out of the sinking-fund accumulation shall be retained in the United States Treasury, being stamped by the United States Treasurer "Nonnegotiable," but "kept alive," in order that the United States Government may receive for the sinking fund the benefit of the interest payments on the bonds thus purchased.
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> SEC. 6. That on the 1st day of February of each year, after the year 1918, the Treasurer of the United States shall pay to the custodian of the public funds of each State, from any funds in the Treasury not otherwise appropriated, an amount of money equal to one-half the amount such State has expended out of its own funds for the maintenance of public roads during the preceding calendar year, but in no case to exceed 2½ per cent of the amount of State bonds said State has deposited with the Treasurer of the United States under the provisions of this act. The money so paid shall be expended by said State only in the maintenance of public roads. The Treasurer of the United States shall withhold the payment of moneys to any State under the provisions of this section in the event that such State shall default in payment of any interest or principal due.
>
> Whenever the United States Highway Commission shall certify to the Treasurer of the United States that any portion of the amount expended by any State for the maintenance of public roads, during the preceding calendar year, has not been expended with reasonable effectiveness, one-half of such amount shall be deducted from the next succeeding annual appropriation to such State: *Provided*, That if any State shall fail to issue bonds as provided in section 5 hereof, it shall nevertheless be entitled, during the period such failure to issue bonds shall continue, subject to all the conditions and limitations set forth in this section, to receive the maintenance fund provided for in this section; but in no case shall such maintenance fund exceed the amount which such State would have been entitled to receive if it had issued the bonds authorized by section 5 hereof.
>
> SEC. 7. That there is hereby created a United States Highway Commission, to be composed of the chairman and ranking minority member of the Senate Committee on Post Offices and Post Roads, the chairman and ranking minority member of the House Committee on Roads, the Director of the Office of Public Roads, and a United States Army engineer to be detailed from time to time by the Secretary of War. Such commission shall have only an advisory voice in the expenditure of the United States highway fund in the several States. It shall have its head office in the District of Columbia, but may create highway divisions, never exceeding in number one for each State, and may maintain a division office in charge of a United States highway engineer in each division. Said commission shall have power to employ such clerical and expert assistance as may be provided for by appropriations made by Congress from time to time, and may require the assistance and cooperation of the officers and employees of any department in its work.
>
> Amend the title so as to read: "An act to provide for Federal aid to good roads, to permit the several States to utilize the superior credit of the United States in raising road-construction funds, to aid the States in maintenance of roads, and to create a national highway commission."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 4876) to provide for the increase in the number of cadets at the United States Military Academy, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department of the Government;

S. 1294. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States District Court for the Middle District of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy; and

S. 4480. An act providing for the establishment of two additional terms of the District Court for the Eastern District of North Carolina, at Raleigh, N. C.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of 17 citizens of Unity, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of Mrs. Samuel Augustus Stevens and of Muriel A. Weed, of Portland, Me., praying for an investigation into the practice of vivisection, which were referred to the Committee on Agriculture and Forestry.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Penobscot Valley Dental Club, of Bangor, Me., praying for an increase of the Dental Corps of the Army, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Richmond, Me., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. TAGGART presented a petition of the congregation of the Presbyterian Church of La Porte, Ind., praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of the Protestant Women's Association of Indianapolis, Ind., praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Chamber of Commerce of Niles, Cal., praying for an appropriation of $300,000 for the Yosemite National Park and for the creation of a national-park service, which was referred to the Committee on Appropriations.

He also presented a petition of the city council of Los Angeles, Cal., praying for the establishment of a naval base and a free port of entry at Los Angeles Harbor, in that place, which was referred to the Committee on Naval Affairs.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Jersey, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Westwood, N. J., praying for prohibition in the island of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry citizens of New Jersey, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Atlantic City, N. J., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Columbus, N. J., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. STONE presented a petition of sundry citizens of Kansas City, Mo., praying for national prohibition, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 5687) to establish the National Chamber of Agriculture of the United States; to the Committee on Agriculture and Forestry.

By Mr. GALLINGER:

A bill (S. 5688) authorizing the purchase or acquisition of the aviation field at College Park, Md., and property adjacent thereto for aviation, maneuvers, and other military purposes (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5689) granting an increase of pension to Nellie A. Sanborn (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5690) granting a pension to Anna L. Warren;

A bill (S. 5691) granting an increase of pension to Henry Schlobohm;

A bill (S. 5692) granting an increase of pension to Irvin Dickison;

A bill (S. 5693) granting an increase of pension to William Hanger (with accompanying papers);

A bill (S. 5694) granting an increase of pension to George W. Hupp (with accompanying papers);

A bill (S. 5695) granting a pension to Mabel McCauley (with accompanying papers);

A bill (S. 5696) granting a pension to Henry C. Smither (with accompanying papers); and

A bill (S. 5697) granting an increase of pension to Dyer B. McConnell (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 5698) granting an increase of pension to Pleasant Williams (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 5699) granting a pension to Edward Keegin (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 5700) granting an increase of pension to Thomas E. Cruess;

A bill (S. 5701) granting a pension to Raymon M. Smith; and

A bill (S. 5702) granting a pension to John Heikkila; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5703) granting an increase of pension to James Withers; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193); which was referred to the Committee on Commerce and ordered to be printed.

Mr. PHELAN submitted an amendment proposing to appropriate $10,000 to enable the Secretary of Agriculture to make a survey and location of a public highway within the Sequoia National Forest, State of California, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. GRONNA submitted an amendment intended to be proposed by him to the bill (S. 1217) to provide a civil government for Porto Rico, and for other purposes, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

HARBOR IMPROVEMENTS.

Mr. O'GORMAN submitted the following resolution (S. Res. 173) which was referred to the Committee on Commerce:

Resolved, That the Secretary of War be, and he hereby is, authorized and directed to report to Congress at the earliest practicable date, not later than December 4, 1916:

First. Specific plans for improvement of the harbors and connecting channels which, in his judgment, after consultation had with the Secretary of the Navy, will best provide adequate facilities for operations of the fleet for defense of the harbors of Portland, Me.; Boston, Mass.; Providence, R. I.; New London, New Haven, and Bridgeport, Conn.; New York, N. Y.; Norfolk, Va.; Savannah and Brunswick, Ga.; Charleston, S. C.; New Orleans, La.; Galveston, Tex.; San Diego and San Francisco, Cal.; and Seattle, Wash.

Second. The feasible extensions requisite to make existing approved projects for improvement of the aforementioned harbors available for the purposes stated in the foregoing paragraph.

Third. The cost of each such several improvement, calculated upon the basis of completion thereof, under contract, within five years.

Fourth. The percentage, not exceeding 30 per cent, of the cost of each such improvement which, in the judgment of the Secretary of War, should be contributed by the several cities or State governments, in consideration of the completion within five years of the improvement recommended by the Secretary of War.

Fifth. The replies of the local authorities and State governments to the propositions to them submitted by the Secretary of War to contribute to the carrying out and the cost of such several improvements.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on April 20, 1916, approved and signed the following acts:

S. 4889. An act to renew patent No. 21053;

S. 3984. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4399. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. BANKHEAD. In view of the fact that this is Good Friday and we have been at work since 11 o'clock, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m. Friday, April 21, 1916) the Senate adjourned until tomorrow, Saturday, April 22, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 21, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer.

Infinite and Eternal Spirit, all love excelling, pour out upon us of Thine inexhaustible treasures the things which shall quicken us to larger, nobler life, that we may go forward to greater victories intellectually, morally, spiritually, as individuals and as a Nation, under the spiritual leadership of Thy Son Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. McARTHUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a copy of a letter which I have this day written to the Antisaloon League of Oregon in answer to certain charges preferred against me by that organization.

The SPEAKER. The gentleman from Oregon [Mr. McARTHUR] asks unanimous consent to extend his remarks in the RECORD by printing a letter which he has written to the Antisaloon League of Oregon in answer to certain strictures which they have made upon him. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1162. An act authorizing the President to appoint Col. James Jackson, United States Army, retired, to the rank of brigadier general on the retired list;

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzos";

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble;

S. 509. An act for the relief of the heirs of Joshua Nicholls;

S. 4371. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims;

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907;

S. 3539. An act for the relief of John L. Moon;

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals;

S. 606. An act for the relief of James C. Hilton;

S. 3405. An act for the relief of the Maine Central Railroad Co.;

S. 1550. An act to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or the State of Washington;

S. 4655. An act authorizing and directing the Secretary of the Interior to determine the most suitable method of preventing further erosion and overflow on Gila River, Ariz.;

S. 1059. An act to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana;

S. 1741. An act for the relief of certain homestead entrymen for land within the limits of the Glacier National Park;

S. 1746. An act for the relief of Delilah Siebenaler;

S. 1860. An act in reference to the issuance of patents and copies of surveys of private land claims;

S. 3257. An act for the relief of Johnston-McCubbins Investment Co.;

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 4526. An act authorizing the Arikara, Gros Ventre, and Mandan Tribes of Indians of the Fort Berthold Reservation, N. Dak., to submit claims to the Court of Claims.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town; and

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

CHANGE OF REFERENCE.

Mr. LITTLEPAGE. Mr. Speaker, I ask unanimous consent for a change of reference of the bill H. R. 12455, from the Committee on Military Affairs to the Committee on Rivers and Harbors.

The SPEAKER. What is the bill about?

Mr. LITTLEPAGE. The bill provides for the lease by the Secretary of War to the Charleston-Dunbar Traction Co. of its right of way across the Government property on the Great Kanawha River improvement at Lock and Dam No. 6. The company constructed its line over the Government property and have been using it for five years, but they were notified by the Secretary of War that they would have from September next on to get the right by a bill through Congress.

The SPEAKER. Now, does it go on Government land?

Mr. LITTLEPAGE. Yes, sir. On the United States Government property along the banks of the Kanawha River.

The SPEAKER. How did the Government come to have any land along the banks of the Kanawha River?

Mr. LITTLEPAGE. At Lock and Dam No. 6 they own about four or five acres along the banks of that river. This proposed arrangement does not interfere with the operation of the lock. In fact, it is of benefit to the Government property.

Mr. GARRETT. Mr. Speaker, it seems to me, as I caught the reading of the title, that the bill was properly referred in the first instance.

Mr. LITTLEPAGE. Let me make this statement. I thought it was, and the Committee on Military Affairs took it up and acted on it.

The SPEAKER. The easiest way to dispose of it is to withdraw temporarily the request and let the gentleman from Tennessee [Mr. GARRETT] read it. It will save the time of the House.

Mr. SPARKMAN. Mr. Speaker, may I say just a word? My attention was called to that bill by the War Department, and the Chief of Engineers is decidedly of the opinion that it should have gone to the Committee on Rivers and Harbors.

The SPEAKER. But the trouble about it is he does not know anything about the rules of the House.

Mr. SPARKMAN. I was going to say that his opinion does not control here. But this deals with some land that was purchased by money furnished by the Committee on Rivers and Harbors.

The SPEAKER. What has the Committee on Rivers and Harbors to do with this thing now?

Mr. SPARKMAN. It had everything to do with it in the first place. It furnished the funds with which the land was purchased for the use of the Government in building locks and dams. They are not using this land now for that purpose, it is true, but it was bought with funds furnished through the Rivers and Harbors Committee of the House of Representatives, and part of this land—although I do not know—may be used in the future for that purpose.

Mr. LITTLEPAGE. Mr. Speaker, let me say that the bill is entirely satisfactory to the Secretary of War, and he suggests in his report that the Committee on Rivers and Harbors act on it. It is satisfactory to both committees. It is satisfactory to the Secretary of War.

The SPEAKER. I know, but the Secretary of War has absolutely nothing whatever to do with where a bill shall be referred. Now, he is a very great and good man, no doubt——

Mr. GARRETT. It is perfectly evident to me that this bill was properly referred in the first instance. I object, Mr. Speaker.

Mr. LITTLEPAGE. I regret very much that the gentleman objects.

REPORT OF THE COMMISSION ON INDUSTRIAL RELATIONS.

Mr. BARNHART. Mr. Speaker, I desire to submit a privileged resolution and ask for its present consideration, and pending the reading of it, Mr. Speaker, I would like to ask that the title of the resolution be read, and a brief report accompanying it also be read.

The SPEAKER. Is it a privileged resolution?

Mr. BARNHART. Yes.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the title of the resolution be read and that the report be read in lieu of reading the rest of the resolution.

Mr. BARNHART. I have not any objection to reading the resolution.

Mr. MANN. We can not have a vote upon the resolution without having it read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (No. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

Resolved, etc., That the final report of the United States Commission on Industrial Relations, including the report of Basil M. Manly, director of research and investigation, and the individual reports and statements of the several commissioners, together with all the testimony taken at its hearings, except exhibits submitted in printed form, which shall be appropriately referred to in said testimony, be printed as a Senate document under the direction of the Joint Committee on Printing; and that 10,000 additional copies be printed and bound in cloth, of which 2,500 copies shall be for the use of the Senate and 7,500 copies for the use of the House of Representatives; and that of the final report of said commission 100,000 additional copies be printed, of which 30,000 copies shall be for the use of the Senate and 70,000 copies for the use of the House of Representatives: *Provided*, That the superintendent of documents is hereby authorized to reprint copies of the same for sale or distribution as provided by law.

The SPEAKER. Without objection, the report will be read.

There was no objection.

The report (H. Rept. 583) was read, as follows:

Mr. BARNHART, from the Committee on Printing, makes the following report (to accompany S. J. Res. 98):

The Committee on Printing, having had under consideration the Senate joint resolution (S. J. Res. 98) providing for the printing of the final report, complete testimony, and exhibits of the Commission on Industrial Relations, reports the same back to the House with a recommendation that the resolution do pass. The resolution provides for the printing of 100,000 copies of the final report of the Commission on Industrial Relations in one volume, as originally passed by the House of Representatives, except that the binding shall be in paper instead of cloth. In addition thereto the resolution provides for the printing of 10,000 copies of the complete testimony taken by the commission at its various hearings, together with all the exhibits submitted with such testimony, except its exhibits which are in printed form. It is intended that the printed exhibits shall be referred to in the testimony by title, author, and publisher, so that they may be properly identified, and thus made available to any person who desires to obtain such printed exhibits from libraries or publishers that have copies of the same on hand.

The estimated cost of the printing proposed by this resolution is as follows:

100,000 copies final report	$9,729.88
10,000 copies complete testimony (7 volumes of 1,008 pages each)	54,978.84
10,000 copies of exhibits, except those heretofore printed (3 volumes of 1,008 pages each)	27,979.53
Total cost	92,688.25

While this committee unanimously agrees that it is a mistake to bind the report in paper, as the publication is intended as a reference book, and will doubtless be used as such for many years to come, and ought, therefore, to be bound in cloth, representatives of the Industrial Commission and representatives of organized labor, especially interested in the prompt publication of these reports, signified their willingness before the Senate committee to have the publication bound in paper, and in order to expedite the matter it is the decision of this committee that the provisions of the resolution as it comes to the House shall stand unchanged.

The unencumbered balance of the allotment for printing and binding for Congress for the fiscal year ending June 30, 1916, is $177,268.26. The said Senate joint resolution is as follows:

Resolved, etc., That the final report of the United States Commission on Industrial Relations, including the report of Basil M. Manly, director of research and investigation, and the individual reports and statements of the several commissioners, together with all the testimony taken at its hearings, except exhibits submitted in printed form, which shall be appropriately referred to in said testimony, be printed as a Senate document under the direction of the Joint Committee on Printing; and that 10,000 additional copies be printed and bound in cloth, of which 2,500 copies shall be for the use of the Senate and 7,500 copies for the use of the House of Representatives; and that of the final report of said commission 100,000 additional copies be printed, of which 30,000 copies shall be for the use of the Senate and 70,000 copies for the use of the House of Representatives: *Provided*, That the superintendent of documents is hereby authorized to reprint copies of the same for sale or distribution as provided by law.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The resolution was read a third time.

The SPEAKER. The question is, Shall the joint resolution pass?

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to ask the gentleman from Indiana how much was appropriated for the purposes of the Commission on Industrial Relations altogether?

Mr. BARNHART. Four hundred and fifty thousand dollars.

Mr. MOORE of Pennsylvania. For the work done in conducting investigations throughout the country?

Mr. BARNHART. Yes. There was originally appropriated, as I understand, $350,000, and afterwards an additional $100,000, this latter with the proviso that it should be used for finishing the investigation and the publication of the report, and the commission did publish 10,000 copies of its report.

Mr. MOORE of Pennsylvania. But they did not receive a sufficient amount of money to complete the publication?

Mr. BARNHART. No. They did not have enough money to publish the evidence or the exhibits.

Mr. MOORE of Pennsylvania. Four hundred and fifty thousand dollars has already been expended in conducting the investigations and in such printing as has been done?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. Now this resolution provides for the expenditure of $90,000 additional?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. That is correct, is it?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. That would make a total of $540,000 for the purposes of the commission and to complete publication of its reports?

Mr. BARNHART. Yes; $540,000.

Mr. MOORE of Pennsylvania. Is there any reason to believe that this will be the end of the appropriations for this purpose?

Mr. BARNHART. Well, the Committee on Printing can give no assurance of what some other committee might do. The fact of the matter is, the Committee on Printing has had nothing whatever to do with the Commission on Industrial Relations, that had authority for making the expenditures, except to report this resolution for the publication of their findings.

Mr. MOORE of Pennsylvania. This $90,000 comes out of the common printing fund?

Mr. BARNHART. Out of the congressional printing fund.

Mr. MOORE of Pennsylvania. And reduces its availability to that extent?

Mr. BARNHART. Yes, sir.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether these 100,000 copies of the report are to be separate volumes?

Mr. BARNHART. The report itself is in one volume.

Mr. MOORE of Pennsylvania. We have had a number of requests; most of the Members of Congress, I assume, have had requests, coming largely in a stereotyped form, for this publication. As originally presented to Congress, if I recollect aright, the report was so extensive that it would have required numerous volumes to comprehend everything in print?

Mr. BARNHART. Not the report. The gentleman is mistaken as to that. The report has been all the time in one volume, but the evidence as it came in here, together with the exhibits, was not classified, had not been edited, and it contained a great many references, such as whole volumes of printed books, and sometimes two or three volumes in a reference, that were made a part of the exhibits. But these have all been edited out and the publication as it appears will merely carry citations to the references that are omitted—those that have already been published and which are available in libraries and book stores.

Mr. MOORE of Pennsylvania. How many volumes are there of the evidence?

Mr. BARNHART. Seven; and three of the exhibits.

Mr. MOORE of Pennsylvania. Is it the idea that they will go to the Members of Congress or to libraries, and that the single volume report shall contain index references?

Mr. BARNHART. Well, first of all, the usual number of all of these publications—1,316—will be printed, enough to supply public libraries, and so forth, as provided by law.

Mr. MOORE of Pennsylvania. I want to know what Members of Congress will now have to distribute. Will they have the seven volumes in sets, or will they have to distribute them in single volumes?

Mr. BARNHART. They will have to distribute but one volume, if they want to send out only the report of the commission; but if they want to send out the evidence, they will have to send seven volumes of 1,008 pages each; and if the exhibits, three volumes of 1,008 pages each.

Mr. MOORE of Pennsylvania. How many volumes will there be available for distribution by Members of Congress?

Mr. BARNHART. There will be 10,000 copies of the testimony printed—7,500 for the House and 2,500 for the Senate—and if the gentleman will divide 7,500 by 443 he will get the

number that will go to each Member of the House, the fraction over going to the superintendent of documents for sale.

Mr. MOORE of Pennsylvania. We shall have so many copies of the industrial hearings. Does that mean that I shall send seven volumes of testimony and one volume of the report?

Mr. BARNHART. If they ask for the report of the commission, you would send only one volume; but if they asked for the evidence and the exhibits with the report, you would have to send the report in one volume, the evidence in seven volumes, and the exhibits in three volumes.

Mr. MOORE of Pennsylvania. The gentleman from Wisconsin [Mr. STAFFORD] suggests to me that each Member will have about 170 copies of the hearings.

Mr. BARNHART. No; about 160 copies of the report and about 16 sets each of the testimony and the exhibits in addition. There will be distributed for the House 70,000 copies of the report. It will be about 160 copies to each Member, as I compute it mentally.

Mr. MOORE of Pennsylvania. It will be a matter of convenience for Members to know what they will have to send out. Now, if there are only 17 complete copies of the hearings it will be well to send those to the libraries, for instance.

Mr. BARNHART. The gentleman from Wisconsin [Mr. STAFFORD], you say, figures that there would be 170 copies of the hearings?

Mr. MOORE of Pennsylvania. But there will be a greater number of those single volume reports?

Mr. BARNHART. Well, we will have about 160 each of those, and about 16 sets each of the exhibits and evidence, as nearly as I can estimate it here.

Mr. STAFFORD. There will be about 165 copies of the individual reports.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken, and the joint resolution was passed.

On motion of Mr. BARNHART, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

For silvicultural, dendrological, and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, $78,728.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what is the total amount of the expense and also the receipts for the past year of the Forest Service? The gentleman read it once, but I did not succeed in getting it.

Mr. LEVER. I have read that into the RECORD several times.

Mr. HUMPHREY of Washington. I know the gentleman did, but there was so much confusion at the time that I did not get it.

Mr. LEVER. In round numbers, the receipts were $2,900,000 and the total expenditure in this bill, in round numbers, is $5,500,000.

Mr. HUMPHREY of Washington. I remember it that way. The other day, Mr. Chairman, when we were considering this bill the distinguished Speaker of the House propounded a very interesting query when he wanted to know why it was that these forests cost so much more to administer than they produced in the way of revenue. I recall that in 1907 Mr. Gifford Pinchot, then at the head of the Forest Service, appeared before a committee of the Senate and made the statement that in five years the forests would be self-sustaining. I find that during the five years following that statement, including 1907, the total cost was $23,382,000 and the total revenue $11,495,000, or, to state it in round numbers, ever since we have had these forest reserves it has cost the Nation $2 for every dollar's worth of timber that it has taken off them. I would like to know how it is going to profit this country to continue to expend twice as much in reference to these forest reserves as we receive from them, and in making that statement I include what is received in the way of rents for pasturage. The difference would be still greater if it was confined only to the forests. The distinguished Speaker said at the time that he was in favor of having a special committee to investigate this subject go to Europe and study conditions over there in relation to their forests. I think perhaps it might be well to have a special committee, but I hope if such a committee is appointed that it will go out West and study our own forests. If they will do that, they will find that practically one-half of the so-called forests have no timber on them; that they are sheep and cattle pastures. I notice in reading through the hearings that a portion of the appropriation is to be used by the Forest Service in experimenting how to economically raise cattle. We also expend quite a sum in regard to raising and pasturing sheep. I would like to know what the raising of cattle and the pasturing of sheep have to do with the national forests. Ever since I have been a Member of this House I have tried unsuccessfully to get a statement from the Forest Service as to how much of the land included in the Forest Service actually was timbered land, but I have never yet been able to receive such information, and I wonder whether the gentleman in charge of the bill has that information now so that he could give it to the House?

Mr. LEVER. Mr. Chairman, my understanding is that about one-third of the total area is really grazing land, not forestry land at all.

Mr. HUMPHREY of Washington. That is in round figures. One reason why it costs so much to run the Forest Service in proportion to the revenue received——

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I would not have asked for this additional five minutes if there had not been so much confusion. One reason why it costs so much to administer the Forst Service is because of the tremendous tracts they have that ought not to be in the forest reserves. They have some 20,000,000 acres in Alaska. There is no excuse whatever for having that vast tract in the forest reserve. It is expensive to administer, and it has no trees upon it that are of any marketable value, or at least very few. Three-fourths of that forest reserve in Alaska have no merchantable timber on it whatever. It consists of glaciers and icebergs, and yet we are put to the expense annually of care for it. Take it out all through the West, and they have vast regions in these forest reserves that they administer where there is no necessity of having them at all. They are not cutting the timber.

Just let me give the House an illustration as to how these forest reserves are administered. Take it in the State of Washington, where they have 12,000,000 acres, and at the rate they have been cutting over that forest reserve it would take 35,000 years to cut over it once, and yet Washington is one of the States of which they boast of the great progress they have made in forestry. One-fifth of all of the money that is appropriated for the Agricultural Department goes to forestry. It constantly increases in expense and does not increase proportionately in revenue. To show the difference in the way we conduct the forest reserves in this country and how they do it in other countries, not going to Europe, just cross the line into British Columbia, and it will be found that they can so conduct their forest reserves that they are a source of revenue. Neither can it be argued that it can not be done in this country. Take it in my own State. The State, as I recall, has some 2,000,000 acres of timbered land, 600,000 acres of which are within the limits of the national forests and can not be used or handled, while the Government has 12,000,000 acres. Yet the State has so administered its portion of our forests that they have now, as I recall, realized on it some $60,000,000. They are a source of great wealth to the State, yet the Government can not conduct its portion of the same forest in that State so as to get more than one-half of the expense of administering it. The other day one of the departments, I think the Department of

the Interior, submitted a letter in reporting on a bill that had been introduced in the Senate, similar to the one that I introduced into the House, and the Secretary gave as one of the reasons why certain portions of the public lands should not be turned back to the State that the State of Washington had so administered its forests and its other public lands that it had accumulated a great fund and made much money out of it, and for that reason the Government ought not to permit them to handle any more of the public lands, but that the Government should keep them because the State was becoming wealthy on what it had received!

So it is not necessary for us to go to Europe to find out that there is something wrong in regard to the administration of the Forest Service; and if we could have a committee appointed that would make a report, we could probably eliminate a great portion of these forest reserves that are a constant expense and of no value to the Government, we might put this Forest Service upon a paying basis, and it would be to the advantage of the Forest Service and to the whole country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I do not join in the criticism of the Forest Service or of the method of management of the national forests. It seems to me be an unjust criticism to say that the national forests are not a source of profit at present but are a source of expenditure over the receipts. The men who own virgin timber in the United States can not cut it all off at once. If we should cut all the mature timber in one year, the product would be valueless and we would be left exhausted, so far as timber is concerned, in the following years. Everybody who owns virgin timber that is mature does not cut it off now. While he holds it, it is a source of expense and not a source of revenue, because he has the taxes to pay, and the interest runs against the investment. One of the very reasons for the national forests is that the Government can afford to carry these forests without cutting the timber all off now, while private owners can not so well afford to carry the private forests.

We shall want timber in the future years. Our children will want timber, and it is idle to say that it is the duty of the General Government to throw upon the market all of the material timber in the national forests at the present time and leave nothing for the future. I think the national forest management are to be commended rather than to be criticized. They do cut some of the mature timber, prodded as they are by gentlemen in whose States these national forests are located. If anything, I think there has been undue haste in cutting the timber rather than in keeping it back, and if the Government should cut all the timber in the national forests it could sell, the gentlemen who now criticize their management would then be insisting that the Government was destroying the value of all the private timber lands in the United States and putting upon the market such a flood of lumber as could not be absorbed and ruining not only the prospects of the future but the ownership of the present time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For estimating and appraising timber and other resources on the national forests preliminary to disposal by sale or to the issue of occupancy permits, and for emergency expenses incident to their sale or use, $60,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I have listened to the argument of the gentleman from Illinois [Mr. MANN] in defense of the Forest Service and of the rate of cutting. I would not undertake to say that my distinguished friend from Illinois is not correct, but I will put against his statement some of the statements that have been made by the Forest Service itself. Now, no one, so far as I know, argues that we ought to cut all of the mature timber; but I do not know anyone who objects to cutting all the timber that is ripe and that will soon decay. The Forest Service themselves estimate that they could cut $65,000,000 worth of timber from the forest reserves in the Pacific Coast States without in any degree reducing the supply. Or, in other words, they estimate to-day that they are cutting only 7 per cent of the ripe timber, and that 93 per cent of it is rotting in the forests. Let me read some specific statements that show how rapidly they are cutting the timber in that country. I will take for my text a statement made by Mr. Gifford Pinchot in Pearson's Magazine on May 19, 1913. He says:

For the last three years the cut has averaged a little over 30,000,000 feet, and for last year it reached 37,000,000 feet—

Referring to my State of Washington——

Mr. KAHN. Will the gentleman yield for a suggestion?

Mr. HUMPHREY of Washington. Yes.

Mr. KAHN. I am informed that the men who get the contracts for cutting the timber in the national forests are generally the men who have large timber holdings themselves, because they are the only ones who can carry on these large operations. Is that the gentleman's information?

Mr. HUMPHREY of Washington. That is largely true, according to my information.

Mr. KAHN. And that naturally enhances the value of the privately owned timberland, does it not?

Mr. HUMPHREY of Washington. The distinguished gentleman from Illinois [Mr. MANN] sought to convey the impression that they were cutting all the timber, and sought to convey the impression that he did not want them to cut the timber in such a way as to deplete the forests. We all agree upon that theory. What we are criticizing is the fact that they let this vast quantity of timber rot in the forests. Now, what do these figures mean which I have quoted? They mean that in the most densely forested region of the world, where 150,000 feet are frequently cut from a single acre, the Forest Service annually is cutting from each acre less than 1½ feet. They mean that in the year 1912, when the Forest Service was forced to sell some fire-killed timber, they actually sold from the forests of Washington at the rate of one plank 12 inches wide, 3 feet long, and 1 inch thick from each acre. That means that in a great empire containing 23,000 square miles, a region greater than Rhode Island, greater than Delaware, greater than Connecticut, greater than New Jersey, and greater than Massachusetts, greater than all of those States combined, the Forest Service in the name of conservation is annually cutting 350 acres of timber. Or to make the calculation in another way, as I said a while ago, at the rate they are cutting the timber in my State it would take them 35,000 years to cut over it once. I wonder if my distinguished friend from Illinois [Mr. MANN] thinks that the forests would reproduce themselves in 35,000 years. We are not contending that they should cut all of the timber that is ready for the market. We are contending that they should cut a portion of what otherwise will rot in the forests. Upon the one hand we have complaint made of the high price of lumber. We hear from the Middle West the complaint that lumber is so high that it becomes a burden upon the people to use it. And yet out on the Pacific coast there is annually rotting in the forests $65,000,000 worth of timber, according to the estimate made by the Forest Service itself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I have listened with all the patience I could summon to the attacks of the gentleman from Washington [Mr. HUMPHREY] upon a former officer of the United States Government, Mr. Gifford Pinchot. I do not know anything about the quarrel of the gentleman from Washington with Mr. Pinchot. I have no interest in it. I do not know how true the charges which he makes may be, but I suspect that they are probably as true as one would expect them to be when delivered against a man who has no place on this floor and no opportunity to answer them and present the facts upon which they are based. I have no doubt that there has been and are errors of administration in the Forest Service. It is in a large measure a new service; it is very largely in the experimental stage, and we are just attempting to work out a policy which shall be pursued. The gentleman from Washington is exceedingly impatient with respect to the working out of this policy. He would like to have us go into these forests and cut down all the ripe timber and flood the market, I presume, in order that he may take the other horn of the dilemma and charge that the Forest Service was attempting to break down the lumber business of the country. I say I do not know how true the charges which he is making may be, but I do know this—that Mr. Pinchot has done as much to establish upon a sound basis the principles upon which these forests should be handled and the water power of the country administered as any man in this country. I know he has done as much as any man can do to place this policy upon sound principles, and I think he is at least entitled to the thanks of the American people. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For other miscellaneous forest investigations, and for collating, digesting, recording, illustrating, and distributing the results of the experiments and investigations herein provided for, $33,140.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] is undoubtedly very familiar with forests, and I have no doubt at all very familiar with the forests in Washington, with which I am not personally familiar at all, and yet everyone knows that when people are lumbering they do not go into a mature forest for the purpose of cutting down the rotting trees to make lumber out of, as suggested by my friend from Washington. You go into the forest to cut down the mature trees, and if you go into the forest with the idea of cutting down the mature trees generally throughout the country you would cut down all the forests in the land. It is not sufficient to say that all he wants is to have cut down the rotting timber and trees which may blow down or rot down. If you are going to cut the forests for lumber, you cut the mature timber in the forests and many a private owner of forests has trees which have reached the point of maturity, gone past it, which are now on the decay, and you would think that he were foolish if he started in to lumber simply the decaying trees, the ones which have gone past maturity, and leaves the mature trees. You can not lumber in that way, either in Washington or anywhere else. The policy of the Government must be either to cut off its mature trees throughout the country in its national forests or else to conserve for future generations some of the forests which it has which have already reached maturity. Many of these forests probably reached their maturity a thousand or more years ago. They have had trees decaying ever since the first tree reached the point and passed maturity. You can not cut them all off at once. We have gotten past the point generally in the country where we cut off trees for the purpose of getting rid of them so that we may cultivate the soil beneath them. That was the case in the early days in Ohio and Indiana and many of the other States, but we can not afford now to destroy all the mature timber on the land for the purpose of realizing upon that in order to destroy the forests which the Government owns and will hold for the benefit of those who come after us.

Mr. RAKER rose.

Mr. LEVER. Mr. Chairman, I would submit a request for unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, much has been said here about going into the forests and cutting out or selecting to cut out all the matured timber. It seems to me that anyone who understands anything about timber would not state to the committee that you can go and select what they talk about as mature timber and leave the forest in any condition at all. Trees that range from a thousand to 6,000 years old and over, according to the best estimates of their age, are the best-looking, the most healthy, and the best-growing trees in the forests to-day. The pines range from 2 to 20 feet in diameter and 250 feet in height. The redwoods range from 2 to 34 feet in diameter and 380 feet in height and they are growing right along, and when you go into one of these forests you destroy everything in sight. In regard to the spruce trees, which are from 2 to 15 feet in diameter, scattered over these large territories, when they go in everything has to be swept off when the lumbering operations begin. Anyone who has been over that country realizes and knows that there are only a few places that you can select the larger trees, cut them off, and leave the smaller one growing. In the redwood country you make arrangements and then commence to cut, and you cut down everything in sight, and then after it has been cut down you set fire through it and burn up the brush before you even commence your logging.

That is what some gentlemen would have done with the forests, which simply means an absolute destruction. That privately owned timberland is being used in that way, and it will continue, although there should be some means devised to check it if possible. The Forest Service in their policy of cutting or doing all they can to have the cutting done where they have control so as to leave as many of the younger trees stand, disposing of the brush by piling it up and burning it, so that the younger trees may have a chance to grow. Those of us who can look back in California for 40 years and see what was once destroyed, can see now that by a little care and attention, by keeping out the underbrush, new trees are started. Proper logging and proper handling will help advance this good work and assist in reforesting the land.

It has been stated that the holding of the forests and holding of the timber by the Government raises the price. Now, the contrary is the result. Otherwise those who are directly interested in cutting the timber would not propose any reservations and control over this timber by the Government. The result is, from actual experience and demonstration, that the Forest Service advertises and fixes its price to-day according to the market value of timber or stumpage at that time fixed upon what is being sold by the lumbermen in that community. So it is an advantage to the Government. It does not ruthlessly slaughter the timber, and there can be no question on earth but that this Government should not destroy this remaining timber, that it should not flood the market, that it should not permit its timber to be ruthlessly destroyed simply because some individuals are holding large tracts and want large profits out of it. They are entitled to proper return for their investments. The Government should receive a like consideration and not permit a great natural resource to be destroyed or needlessly cut. There is no disposition to prevent its use by the citizens of this country to the fullest extent. Use, proper use, is what we want.

The CHAIRMAN. The time of the gentleman from California has expired. The gentleman from Washington [Mr. HUMPHREY] is recognized.

Mr. HUMPHREY of Washington. Mr. Chairman, my friend from Minnesota [Mr. ANDERSON] says that he does not know whether the statements I made in regard to Mr. Gifford Pinchot were true or not. That is the trouble with gentlemen like him. They never take the pains to inform themselves and find out whether the statements are true or not. If he would investigate a little, he would not have been in doubt as to whether or not the statements were true. He belongs to that class that follows along blindly because somebody makes an assertion and never investigates to find out. What I said about Mr. Gifford Pinchot has been in the RECORD since the 2d day of June, 1913, and has been repeated several times on the floor of this House. If it is of any interest to the gentleman, I will put it in writing and give it to him, so that he can see whether or not it is true; and if he does not believe it he can ask Mr. Pinchot himself and see if it is not true. If it is not true, I hope some gentleman will find it out and have the courage to stand here on the floor and say so. And then I will bring the RECORD, and if all I have said is not true I will apologize to Mr. Pinchot and to the House and country.

My friend from Illinois [Mr. MANN] wants to place me in the position of cutting all the ripe timber. I go back again to the report of the Forest Service. I know my friend from Illinois knows about the forestry. I wish I could say that for the Forest Service. In the report for 1914 I believe it is estimated that 5,700,000,000 feet of timber can annually be cut from the national forest reserves without decreasing their value. In other words, that is what is estimated to be the crop that ripens each year for the harvesting, and if not cut, like any other crop, is forever lost. The amount of this crop harvested for the benefit of the people, for those who are to-day protesting against the high price of timber products, is only 7 per cent of the whole.

Now, that is what I have been trying to call attention to, and I am taking the report of the Forester for my statement. He said that 5,700,000,000 feet of timber could be annually cut from the national forests without in any way depleting them; that the natural increase was that much, and if the timber was cut off there would be nothing lost; and yet they cut only 7 per cent of the annual crop. And it might be interesting for the House to know that for many years the gross value of the timber cut from our national forests, and add to it what they get for sheep pasture and cow pasture, has never amounted to a cent and a half an acre.

Now, they may think that is rapid cutting, but we have in our State two or three sawmills, any one of which will cut the entire product of the national forests on 23,000 square miles running three months of the year. And I called attention a while ago to the fact that we have a great empire out there, great as several of the New England States, and they have been cutting off that great domain at the rate of 350 acres a year.

As I said a while ago, I wonder how long my good friend from Illinois thinks it would take to reproduce the forests of my State? At the present rate of cutting it would be 35,000 years. Certainly a couple of centuries ought to be sufficient, or a thousand years, and if they cut it that fast they would be cutting thirty-five times as fast at they are now.

Mr. BORLAND. Will the gentleman yield?

Mr. HUMPHREY of Washington. I will.

Mr. BORLAND. Is not the method of cutting exercised by your private owners there destructive of the forests? Is it not exactly contrary to the methods attempted to be pursued by the national forest regulations?

Mr. HUMPHREY of Washington. When a tree is cut it is cut, but the men out there in the lumber business know infinitely more about it than this Forestry Service ever did.

Mr. MADDEN. Early in the history of the Forestry Service it was understood by the House that that service would begin to yield an annual profit. The first year it showed an enormous loss, and then it was said that next year it would show a profit; and the next year it showed a greater loss. The next year it was said it would show a profit, and then it showed a still greater loss.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from Washington be given five minutes to answer my question.

The CHAIRMAN. The committee, by unanimous consent, limited the debate on this paragraph and all amendments thereto, and the time has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forest, $400,000: *Provided*, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: *And provided also*, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public. In all, for general expenses, $3,188,616.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

Mr. MANN. This is the road paragraph.

Mr. MADDEN. I want to know something about this Forest Service.

Mr. RAKER. I would like to have some time.

Mr. LEVER. Then, Mr. Chairman, I will make it 20 minutes.

Mr. MANN. I want to get some information on the road proposition.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that all debate on this paragraph and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from South Carolina desire to have any special ones designated to occupy that time?

Mr. LEVER. The gentleman from Illinois, Mr. MADDEN, desires time, and the gentleman from Illinois, Mr. MANN, and the gentleman from California, Mr. RAKER.

Mr. MADDEN. Mr. Chairman, I will say that for a number of years promises were made that the Forest Service would show a better condition, and yet every year we have had a larger deficit to pay. We were looking toward the time when the Forest Service would show a profit, considering the promises that were made. What does the gentleman from Washington [Mr. HUMPHREY] know about the situation now?

Mr. HUMPHREY of Washington. From 1907 to 1912 the total cost was $22,280,000, and the revenue during that time was $11,405,000. Then, the chairman of the committee gave the figures for last year, showing probably a little better condition. I took those years because they were the years immediately following the statement made by Gifford Pinchot in 1907, that in five years they would be at least paying expenses.

Now, the gentleman from Missouri [Mr. BORLAND] asked me about the cutting of timber in my section of the country. I want to call attention to the letter that I referred to the other day, where the Secretary of Agriculture now calls attention to the fact that it has become unprofitable for private owners to own timber in my country, and is urging that as a reason why some of these forests should be taken into the forest reserves, because private owners can not afford to carry them.

When I first came to Congress the statement made by the Forest Bureau in regard to the amount of standing timber in the United States was probably less than the amount of standing timber in the district that I then represented—the amount that they estimated in the entire United States. It has been a source of great pleasure to me to know that within the last two or three years, according to the report of the Forestry Service, the standing timber in the United States has increased something over one-third, probably doubled. Of course, that is only the doubling of the figures in the department, not an increase in the amount of timber.

If the gentleman from Illinois [Mr. MANN] wants to use the rest of my time, he can have it.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, I wish later to make some inquiry about these roads.

Mr. MADDEN. Mr. Chairman, I have always been anxious to see the Forest Service made a success from a business standpoint, and I have been looking forward to a realization of the promises made by those in charge. But it seems that every year we run behind more than we did the year before, giving evidence either of bad management or lack of knowledge of the situation when the promises were originally made.

It seems to me that the time has come when a thorough investigation of this Forest Service, of its management, of the methods pursued in cutting and selling timber, in the leasing of lands for grazing purposes, and in advertising what it does in the magazines, ought to be made; and if I recall, during the consideration of this bill in the last Congress the chairman of the Committee on Agriculture promised that such an investigation would be made. I suggested that a special committee be appointed. My recollection is that the chairman of the committee thought that would be unnecessary.

I now want to inquire of the chairman of the committee, if he is on the floor, what has been done in connection with the proposed investigation? Is there any person here on the Committee on Agriculture who can inform the House or give information with respect to the condition of the Forest Service? I am waiting to hear some man on that committee tell the House whether the promises made last year have been fulfilled and whether there is any outlook for anything like an evening up of the expenses with the receipts of the department with respect to this bureau.

Mr. LEE. Mr. Chairman, in answer to the gentleman's inquiry, I will say that no special investigation has been made, except the extensive hearings that were had on the bill.

Mr. MADDEN. Does the gentleman from Georgia recall the fact that during the consideration of the bill last year the chairman of the committee, of which he is a distinguished member, promised that such an investigation would be made and that a report would be made to the House?

Mr. LEE. I do not recall it, but I have no doubt it is true if the gentleman says so.

Mr. MADDEN. I am sorry the chairman of the committee is not on the floor.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MADDEN. Yes.

Mr. RUBEY. I will say that the very question which the gentleman has asked has been repeatedly asked from the Forest Service, and we have been endeavoring in every possible way to find out when this service would get to be on a paying basis. We are unable absolutely to know, but we hope that within the next few years by economical administration it will be placed on a paying basis and will become self-supporting.

Mr. MADDEN. I had hoped that the Committee on Agriculture would have taken enough interest in this matter to have gone in the past summer over this Forest Service personally.

Mr. LEE. I think it will take about 10 years to put it on a paying basis. We think we can decrease the expenditures by about $200,000 a year.

Mr. MADDEN. I would like to have the chairman of the Committee on Agriculture state to the House what he did during the last summer to get information so that the House might become informed with respect to the Bureau of Forestry. He promised to look into it last year.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAKER. Mr. Chairman, this is one of the items that ought to convince the House, and even the Members from the West, that we are getting some service, some return, from these great resources that belong to this country.

There is an appropriation here of $400,000 for roads and trails through the forest lands. The only objection I can make to the item is that it is not large enough.

I want to include as a part of my statement at this time the splendid bill presented by the gentleman from Colorado [Mr. TAYLOR], House bill 10400, which will give the Government and the States the present use of some of the value in these reserves for the purpose of building roads so that the land within the reserves may be more accessible, and at the same time connect up other parts of the States and counties with proper roads through the forest reserve.

The CHAIRMAN. The gentleman asks to incorporate in his remarks House bill 10400. Is there objection?

There was no objection.

The bill is as follows:

A bill (H. R. 10400) to provide for the advancement of funds to survey, construct, and maintain roads and trails within any State or the Territory of Alaska within which national forests are located.

Be it enacted, etc., That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000, for the fiscal year ending June 30, 1917, and each fiscal year thereafter up to and including the fiscal year ending June 30, 1926, in all $10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county, for the survey, construction, and maintenance of roads and trails within, or only partly within, the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county, and the United States; *And provided further*, That the aggregate expenditures in any State, Territory, or county shall not exceed 10 per cent of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed, and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

SEC. 2. That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended within any State, Territory, or county thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall pay to the State or Territory within which the road or trail is to be constructed only 10 per cent of the gross receipts from the national forests in the respective county or counties in which the said roads or trails are constructed until advised by the Secretary of Agriculture that the remaining 15 per cent of the receipts to which such State or Territory would otherwise be entitled under the act of May 23, 1908 (35 Stat. L., 251, 260), is sufficient to reimburse the United States for expenditures made under all contracts in pursuance hereof for the construction and maintenance of roads and trails within such State, Territory, county or counties, and thereafter the reduction in the per cent paid to the State or Territory for the benefit of such county or counties shall no longer apply.

Mr. RAKER. This bill will permit the use of an appropriation, and then as the money is provided for use roads are to be built. Then as the timber is sold the money will be repaid from the localities from which it comes.

There is no more important enterprise that could be entered into by this Government with its property, because this is its property, and a wonderful property. It is a great resource of this country that but few of us, I believe, properly appreciate at the present time. It ought to be made accessible. While the Government retains these reserves and handles them, it ought to make them accessible to the rest of the country in which they are situated. The privately owned land is assessed and pays its taxes, and those taxes in proper proportion go to make up a fund to build proper roads, in which we are all so much interested, to the end that we may get to our cities to trade, and so that the products of the country may be brought to market and that the citizens of the United States may have the opportunity of getting the benefit of these reserves in every way. In addition to building up the roads, in addition to the fact that we are improving these forests, they are valuable in holding back the water for the purpose of making the watershed better. They prevent floods. They give us a supply of water, and if this water is properly stored it will enable us to irrigate our arid lands.

Mr. MANN. Mr. Chairman, I should like to ask the gentleman from South Carolina [Mr. LEVER], with reference to this item which appropriates $400,000 for roads, trails, and so forth, in the national forests, does the gentleman happen to know how many miles of trails and also how many miles of roads were constructed in the last fiscal year?

Mr. LEVER. Mr. Chairman, the purpose of this item is fully set out in the item itself.

Mr. MANN. I know what its purpose is.

Mr. LEVER. That is to improve the national forests and make them more accessible.

Mr. MANN. How many miles of roads and trails did we build last year?

Mr. LEVER. I want to make this statement by way of preliminary: So far the Forest Service have constructed 2,000 miles of roads at a cost of about $2,000 a mile. They have constructed 22,000 miles of trails at an average cost of $53 per mile of trail. They have constructed in addition to that about 1,000 miles of fire breaks, also 330 lookout structures, little places from which forest rangers may scan the forests in search of fires.

Mr. MANN. What is the character of these roads?

Mr. LEVER. Of course, the roads that cost $2,000 a mile are fairly good country roads.

Mr. MANN. That is the average?

Mr. LEVER. Yes.

Mr. MANN. Are they all about alike or are there some good roads and some ordinary dirt roads or roads where they just cut out the timber?

Mr. LEVER. The character of the roads depends on the character of the country through which they run.

Mr. MANN. I understand that, and I am trying to get information as to what is the character of these roads.

Mr. LEVER. That is what I am trying to tell. A road costing $2,000 a mile, in the average situation in my country, would be a very good road, but in a mountainous country it would not be what you would call an automobile road.

Mr. MANN. I have only five minutes and I want to get information.

Mr. LEVER. What does the gentleman want to know?

Mr. MANN. How many miles of good road—macadam road—have been constructed?

Mr. LEVER. Oh, these are just dirt roads.

Mr. MANN. They have not constructed any automobile roads?

Mr. LEVER. Absolutely none.

Mr. MANN. I think they have made a mistake, and I think the gentleman is mistaken, too.

Mr. LEVER. There might be an automobile road in some show place, in some national park, or something like that, but certainly for $2,000 a mile you could not build——

Mr. MANN. No; but the $2,000 is the average per mile for all the 20,000 miles. I imagine they construct a good many roads where they just cut down the timber and leave a place through which a wagon can go. That kind of a road does not cost $2,000 a mile.

Mr. LEVER. Oh, no; the large majority of the roads are roads that simply open up the forest to its uses.

Mr. MANN. How many miles of roads were built?

Mr. LEVER. Twenty thousand.

Mr. MANN. In the last fiscal year?

Mr. LEVER. No; in all.

Mr. MANN. That was the gentleman's statement. I do not know whether it is correct or not.

Mr. LEVER. There have been built in the national forests about 20,500 miles of roads. Twenty-two thousand miles of trail, 20,000 miles of telephone lines, more than 1,000 miles of fire breaks——

Mr. MANN. How many miles did they build in the last fiscal year out of the $400,000 appropriation?

Mr. LEVER. I do not know how many they built the last fiscal year.

Mr. MANN. Has the gentleman no idea?

Mr. LEVER. I have no idea.

Mr. MANN. I would like to know how this $400,000 has been spent.

Mr. LEVER. I think the general statement that I have made would show the manner in which it has been spent.

Mr. MANN. Yes; but it does not give any indication of how much for roads or how much for trails or how many miles of road were built in a year, or how many miles of trail were built in a year.

Mr. LEVER. The last report shows that 22,000 miles of trail have been constructed at a cost of $1,173,000.

Mr. MANN. That is not during the last fiscal year.

Mr. LEVER. No; that is the total.

Mr. MANN. I understood the gentleman to say that he could give us how much had been spent in the last fiscal year.

Mr. LEVER. I did not mean to state that, for I do not have those figures.

The pro forma amendment was withdrawn.

The Clerk read as follows:

To enable the Secretary of Agriculture more effectively to carry out the provisions of the act of March 1, 1911 (36 Stats., 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $15,000 of the moneys appropriated therein shall be available for the employment of agents, clerks, assistants, and other labor and for the purchase of supplies and equipment required for the purpose of said act in the city of Washington.

Mr. MOORE of Pennsylvania. Mr. Chairman, it is proposed to appropriate $15,000 in this paragraph, and I would like to know whether the amount is in excess of appropriations made heretofore.

Mr. HAWLEY. Will the gentleman yield to me?

Mr. MOORE of Pennsylvania. Certainly.

Mr. HAWLEY. When the appropriation was made for the purchase of land in the Appalachian and White Mountains no

provision was made in the bill for clerical services in Washington in connection with purchases made. The last bill and this bill have made available out of the money formerly appropriated enough money to pay for the necessary clerical services in Washington. The $15,000 is not additional, but it takes $15,000 out of the $8,000,000 appropriated for the purchase of the land, and they use it for this clerical work in the city of Washington. The reason for this is that all expenses connected with the purchase of these lands may be paid out of the appropriation and charged thereto.

Mr. MOORE of Pennsylvania. Does the gentleman know how much was used last year?

Mr. HAWLEY. I think about this amount.

Mr. MOORE of Pennsylvania. I have here a statement of expenditures in the Department of Agriculture for the year ending June 30, 1915, in which it appears that the amount spent in Washington was $150, which is quite a different amount from $15,000.

Mr. HAWLEY. I do not know what the gentleman is reading from, but apparently it refers to a different matter. There are in the Forestry Service here in the Atlantic Building a number of employees who do work in connection with the purchase of the land—preparing maps and reports.

Mr. MOORE of Pennsylvania. On page 60 in the document, under appropriations for the Weeks forestry law, I find, under the head of "Salaries," $150 only was expended on account of the Appalachian National Forest Reserve Commission.

Mr. HAWLEY. That is another item. There was a sum of $25,000 set apart for the expenses of the commission, who were authorized to visit the land and make their investigation on their own account to determine the value of the land and the propriety of their purchase. Last year there was expended for such purposes a small amount.

Mr. MOORE of Pennsylvania. Going further into the appropriations, as stated in this report of the department, I find that the travel, station, and field expenses were $54.23, and $118.80 was expended for furniture. There is nothing here about an expenditure of $15,000, or anything like that sum.

Mr. HAWLEY. I do not know where the gentleman is reading from in that document, but I think these sums are not part of the item under discussion.

Mr. MOORE of Pennsylvania. Was $15,000 actually expended?

Mr. HAWLEY. In the Atlantic Building there is a gentleman who has charge and general supervision of this work, and a number of men are employed with him, and, in my judgment, the $15,000 was expended. I had some talk with him a little while ago about the expenditures, and, while he did not give me any definite figures, I am satisfied that that amount, or nearly that much, was expended.

Mr. MANN. The items that the gentleman from Pennsylvania has read relate to the expenses of the commission, and they have practically ceased, while the item in the bill relates to the expenses of administration here in Washington.

Mr. MOORE of Pennsylvania. For that work.

Mr. MANN. Connected with the administration, but not with the commission.

Mr. MOORE of Pennsylvania. It seemed that attention should be called to the matter.

Mr. MANN. When the land is acquired it goes under the control of the Agricultural Department.

Mr. HAWLEY. When the surveys are made in the field the field notes are written up by the men who make the estimates of the timber and the valuation of the land, these papers are sent to Washington and maps, charts, and reports are prepared from them by employees here.

Mr. MANN. These expenses are in connection with the acquirement of the land.

Mr. HAWLEY. Yes; and the $15,000 is used for that purpose.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. Last year at this place we carried a legislative provision authorizing the Navy Department to obtain timber and stone from the national forests and requiring a report each year of the amount in the annual estimates. Does the gentleman from South Carolina have the figures in reference to any report?

Mr. LEVER. When the Forester was before the committee he had a telegram from the forester in Alaska saying that 170,000 ties had been sold to the Navy Department, worth about $5,000. That is the only report we have had, and there was but one sale.

Mr. MANN. I do not understand that under the item of last year there was any sale about it.

Mr. LEVER. It was to make a report of how much the Navy Department took.

Mr. MANN. They were to report the quantity taken, but there was no sale about it.

Mr. LEVER. They made a report of the quantity and the value of it.

Mr. MANN. But the Navy Department was not charged with it.

Mr. LEVER. Oh, no.

Mr. MANN. Did they make a report in the estimates?

Mr. LEVER. They did not, because they had no sales up to that time.

Mr. MANN. That made no difference. It was their duty to make a report.

Mr. LEVER. And the fiscal year, I may say to the gentleman, had not closed at that time. They made a report of the only sale they had made—175,000 ties.

Mr. MANN. Why does the Navy Department buy ties?

Mr. LEVER. I do not remember. I think it was ties.

Mr. MANN. They are not engaged in the construction of railroads.

Mr. LEVER. I am speaking from recollection. I think it was ties or timber of some description—probably timber. It is in the hearings.

Mr. MANN. Where we require a report of this sort to be made they ought to make it.

Mr. LEVER. I take it that they will make it during the fiscal year.

Mr. MANN. I think they will after this conversation.

Mr. LEVER. I think they will do it, anyway.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

That hereafter deposits may be received from timber purchasers in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other debris resulting from cutting operations in sales of national forest timber. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost.

Mr. MOORE of Pennsylvania. I reserve the point of order on the paragraph.

Mr. MANN. Mr. Chairman, may I ask the gentleman from South Carolina whether in the hearings before the committee there was any statement made as to how far people had availed themselves of the privilege of building summer hotels and summer homes in the national forests under the law of last year?

Mr. LEVER. I think not. I do not recall any such statement as that before the committee. It is a new act, as the gentleman knows, and probably has not been availed of very much so far.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have reserved the point of order on the paragraph.

Mr. LEVER. Mr. Chairman, the paragraph is subject to the point of order, but I hope the gentleman will not make it.

Mr. MOORE of Pennsylvania. It involves rather an important question. This paragraph proposes to turn over to the disposition of the Secretary of Agriculture such funds as may be received from timber purchasers and to do it without a time limit, so far as the disposition of it is concerned. It reads:

Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended.

Mr. LEVER. I think the gentleman is misunderstanding the object of this paragraph. Let me read the language:

That hereafter deposits may be received from timber purchasers—

And here is the important part of it—

in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other débris resulting from cutting operations in sales of national forest timber.

The object of that provision is to permit the Federal Government to accept from lumber operators in the national forests a sum sufficient to cover the cleaning up of the brush and débris after the cutting has taken place, and it is done for two reasons. First, the lumber companies themselves prefer it done in this way, and, second, and more important, the department itself would rather do the work of cleaning up the débris and the brush, because they can do it under their own methods and make more certain the assurance that the brush and the like will not be a fire trap for the forests. That is the reason for it.

Mr. MOORE of Pennsylvania. Why not have a time limit as to when the refund shall be made? Why should the money be left in the Treasury at the discretion of the Secretary indefinitely?

Mr. LEVER. The committee did not take that matter into consideration, believing, of course, the Forest Service would make use of these funds at such times as were best suited to the cleaning up.

Mr. MOORE of Pennsylvania. I will say to the gentleman that it is so difficult to get any money back out of the Treasury after it is once taken from the people and put there that it may be well to put limitations upon the discretion of the officers of the Government who have control over these funds.

Mr. LEVER. There might be this difficulty about the gentleman's suggestion: That if you put a time limit it might be about to expire just at the time when it would not be best suited to make the cleaning up, and thereby handicap the very purpose of the paragraph.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HAWLEY. I know of a number of instances where lumber operations have been carried on under contracts with the Forest Service and the timber operators made this kind of an agreement with the Forest Service, to pay over to them the estimated cost of cleaning up the land, as is required by the service in every contract they make. They do not want to take their employees skilled in logging operations and other men away from such logging operations. It is too expensive to them. The Forest Service employs men who are homesteaders or who may be found near by, available for short-term employment. I never have heard any complaint on the part of the operators who have advanced the money that they had any trouble in having any balance returned to them when the cleaning up was done.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, this discussion is on a point of order. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Without objection, the gentleman will proceed for five minutes more.

There was no objection.

Mr. MOORE of Pennsylvania. I do not want to make the point of order if it is satisfactorily explained. What objection would there be to an amendment, on line 5, page 43, which would provide that the money is hereby appropriated and made available for two or three years, rather than "until expended"?

Mr. HAWLEY. That would do no service to the people who put up the money, because the cleaning up of the land will, I think, undoubtedly be made during the season, and the balance of the money, whatever there may be, is never out of the hands of the men advancing it for any such period as that.

Mr. MOORE of Pennsylvania. When this deposit is covered into the Treasury in accordance with this paragraph is it wholly within the discretion of the Secretary of Agriculture as to when it shall be paid out, or is the order of the Secretary of Agriculture always sufficient to pay it out?

Mr. LEVER. It will be under this paragraph, undoubtedly, and it would be discretionary, and the committee took the position that the Secretary would use these funds when it was most convenient or opportune in the interest of the service to use them, and to put a limitation on it either way I think would probably defeat the very purpose of the paragraph.

Mr. HAWLEY. Undoubtedly the men who take the cutting contracts would not advance the money if it is to be held indefinitely.

Mr. MOORE of Pennsylvania. Suppose there is a difference between the Forestry Bureau and the contractor as to the amount?

Mr. HAWLEY. It is still in the hands of the contractor. He can do one of two things. He can either clean up the land himself, as the Forest Service requires in its contract, or he can say to them, "How much will you do it for?" and if he thinks the price asked is reasonable he can say, "Here is the amount of money."

Mr. MOORE of Pennsylvania. Is there such a condition here as might require the contractor to come to Congress for relief?

Mr. HAWLEY. Not at all.

Mr. MANN. If the gentleman from Pennsylvania will yield, I can explain the reason.

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois.

Mr. MANN. Under the existing law, of course, when you put money into the Treasury it can only be paid out by appropriation. The result of that is the Department of Agriculture, if it makes a sale of timber, makes some kind of an agreement, under which either the operator is to burn the brush or pays the money over to men who do it under the direction of the Department of Agriculture in the Forest Service.

Mr. LEVER. That is absolutely correct.

Mr. MANN. Of course it is. If it were not true, I would not say so. Under that there is no accounting in the Treasury Department; there is no accounting at all. They can not pay it into the Treasury because there is no way of getting it out of the Treasury and the purpose of putting this into the law is to permit the department to have this money paid and receipt given, turning it into the Treasury and paying it out on the expenses as they accrue, and then if there is any money left over, as in many cases there will be, pay it back to the man who paid it in—the excess—without coming to Congress for an appropriation; and it is to add to the efficiency of the accounting to the Government in the main.

Mr. MOORE of Pennsylvania. If I understand the gentleman, the term "shall constitute a special fund" is sufficient to enable a settlement in the department?

Mr. MANN. "Which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the costs of such work and to make refunds to the depositors of amounts deposited by them in excess of such costs." They are doing the thing now, but in an irregular way.

Mr. MOORE of Pennsylvania. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One Chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,500; 3 executive clerks, at $2,000 each; 8 clerks, class 4; 11 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 23 clerks, class 1; 12 clerks, at $1,020 each; 13 clerks, at $1,000 each; 1 clerk, $960; 34 clerks, at $900 each; 1 clerk, $840; 1 clerk, $720; 1 food and drug inspector, $2,500; 2 food and drug inspectors, at $2,250 each; 12 food and drug inspectors, at $2,000 each; 13 food and drug inspectors, at $1,800 each; 1 food and drug inspector, $1,620; 11 food and drug inspectors, at $1,600 each; 9 food and drug inspectors, at $1,400 each; 1 assistant, $1,600; 4 laboratory helpers, at $1,200 each; 1 laboratory helper, $1,020; 4 laboratory helpers, at $1,000 each; 4 laboratory helpers, at $960 each; 3 laboratory helpers, at $900 each; 6 laboratory helpers, at $840 each; 2 laboratory helpers, at $780 each; 21 laboratory helpers, messenger boys, or laborers, at $720 each; 2 laboratory helpers, messenger boys, or laborers, at $660 each; 28 laboratory helpers, messenger boys, or laborers, at $600 each; 1 laboratory assistant, $1,200; 1 toolmaker, $1,200; 1 sampler, $1,200; 1 janitor, $1,020; 1 mechanic, $1,400; 1 mechanic, $1,200; 1 mechanic, $1,020; 1 mechanic, $960; 1 mechanic, $900; 2 student assistants, at $300 each; 2 messengers, at $840 each; 1 skilled laborer, $1,050; 1 skilled laborer, $840; 2 messenger boys or laborers, at $540 each; 11 messenger boys or laborers, at $480 each; 3 messenger boys or laborers, at $420 each; 2 messenger boys or laborers, at $360 each; 9 charwomen, at $240 each; in all, $315,590.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order on the paragraph. My information is there are some new stenographers and clerks provided for in this paragraph.

Mr. LEVER. Mr. Chairman, I would say to the gentleman from Pennsylvania that there are no new clerks or stenographers provided here. I see the point the gentleman is making, and that is explained by the fact that there are transfers from the lump-sum roll to the statutory roll.

Mr. MOORE of Pennsylvania. There are some new food and drug inspectors.

Mr. LEVER. There is an increase in the salary of one drug inspector of $250.

Mr. MOORE of Pennsylvania. That is in line 19, page 43?

Mr. LEVER. Line 19, page 43; yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the point of order against that item.

Mr. LEVER. Mr. Chairman, I would ask that all debate on this close in seven minutes, and all amendments thereto.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in seven minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have reserved the point of order for the purpose of making a statement for the information of my colleagues of the House. I have never, so far as I recall, opposed an appropriation for an increase in the clerical force of any one of the departments or bureaus in Washington if the service warranted it, and ordinarily I have not opposed increases in salary where they were worthily bestowed. I have had an experience with one of the bureaus, however, which has led me to believe that sometimes we may make appropriations unnecessarily, or that we could dispense with some clerks or assistants; possibly with some of the heads of bureaus, for whom special duties of an inquisitorial nature have to be found.

Recently, in order to oblige a constituent, I had occasion to visit the Bureau of Chemistry. I called at the office of the chief and was referred, because of his absence, to the next in command. I was asked if I had an appointment to see the gentleman. When the preliminaries were over and I was finally intro-

duced into the presence of the assistant chief I started to state the object of my visit as a Representative, my constituent being with me. I noticed that certain clerks were being assembled around about me as I spoke. Then I also observed that one of these clerks was taking stenographic notes of my statement. I asked the assistant chief the reason for all this activity. "Is this man taking notes of what I say?" I asked. The reply was, "Yes." "Is it the custom of this bureau to have stenographers take down statements of Members of Congress introducing their constituents?" I inquired. He said it was; that they took down the statements of Senators also. I then informed the gentleman that this was a new experience for me and that so far as I was concerned the interview was over.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The committee limited this debate on this paragraph to seven minutes.

Mr. MOORE of Pennsylvania. I am in the midst of a statement——

Mr. LEVER. I have no objection to the gentleman continuing for five minutes. I would like two minutes myself, however.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that the debate on this paragraph may be prolonged for seven minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. MOORE of Pennsylvania. The reply of the gentleman for whom we are now providing money, was that they took the statements of Senators as well as of Members of the House.

Now, I bring this statement to the House. I have no special fault to find with the Secretary of Agriculture nor, in general, with the bureaus in the Department of Agriculture, because usually, so far as my business with them is concerned, they are extremely courteous and prompt. I do not recall that I have ever been treated more courteously nor with greater dispatch than in certain bureaus of this department. But this experience in the Bureau of Chemistry, I confess, was a brand new experience to me as a Member of the House.

Mr. MANN. Would the gentleman complain of this assistant, who knew he lacked the intelligence himself to pass upon the question, but desired a stenographic report so that his principal, who is intelligent, might pass upon it?

Mr. MOORE of Pennsylvania. If you put it solely on the ground of intelligence, I will say that the gentleman was quite "cocky" in his attitude. He acted like a prize college student throughout the transaction. He held to his ground after the discourtesy was explained to him. He said it was the practice with respect to Members of both Houses.

Mr. LONGWORTH. Did he state what was the object?

Mr. MOORE of Pennsylvania. He said the stenographer was there because it was customary.

Mr. LONGWORTH. For what purpose was the statement used?

Mr. MOORE of Pennsylvania. I will put the correspondence in the RECORD. Since the time is running, I will read only an extract from a letter of the Secretary in response to one from me. Mr. Secretary Houston says:

> It is by no means the universal practice to take down stenographically the statements of Members of Congress, or of other interested parties, concerning matters pending before the department. It is an invariable rule in the Bureau of Chemistry, however, to make a record of all statements made in connection with cases under the food-and-drugs act. The statements made by Members of Congress, of course, constitute an important part of the record and should receive careful consideration before final action is taken. You will appreciate that it is impossible for the officials to keep in mind all the representations that are made.

Now, what I called for was to say that my constituent, who was about to be penalized to the extent of $200 or $300 for alleged delay in completing a small contract in fitting up a chemical laboratory in New York, ought to have a fair hearing. That was the statement I had to make merely by way of introduction. I do not know whether the statement of my constituent was taken down or not, for I did not wait to hear what he said. What I objected to was that I should be treated as a witness.

Mr. HAMILTON of Michigan. Is it not probable that the department wanted to preserve some record of the statements of the gentleman from Pennsylvania to enlighten them as to their future action?

Mr. MOORE of Pennsylvania. That may be. The bureau may have wanted light. I was there to accompany and introduce a constituent, and then to go about my business.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask leave, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MOORE of Pennsylvania. The following is a letter to Secretary Houston and reply thereto:

LETTER TO SECRETARY HOUSTON.

MARCH 17, 1916.

Hon. DAVID F. HOUSTON,
Secretary of Agriculture, Washington, D. C.

DEAR MR. SECRETARY: This is an unusual letter, called forth by an occurrence rather unusual. I accompanied one of my constituents, Mr. W. S. P. Shields, a well-known Philadelphian, to the Chemistry Bureau this morning to introduce him to Dr. Alsberg so that he might be heard with respect to the assessment against him of so-called liquidated damages on a furniture contract for a chemical laboratory, which, I believe, you are constructing in New York. Dr. Alsberg was not in, so I undertook to put the matter up to Dr. Emerson, next in charge. Several of the office force were called in while I was explaining to Dr. Emerson what I had called for. I told him and them I had looked over Mr. Shields's papers and was of the opinion that the Government was as much at fault for any delay that had occurred as was Mr. Shields, and that it seemed to me the matter should be carefully considered before he was fined. I asked for him a fair hearing.

This introduction of the matter occupied but a moment or two, but I observed that what I was saying was being taken down by a stenographer, who had been called to Dr. Emerson's desk. I asked if he had been stationed there to take my statement and Dr. Emerson said that he had, adding that it was customary in matters of this kind to take stenographically what Senators and Representatives said. The proceeding was so unusual as to a Representative, it being the only experience of the kind I recall during my service of 10 years in Washington, that I told Dr. Emerson I would withdraw at once and leave Mr. Shields to do the best he could, advising him to ask for equity and justice.

Having spoken to several of my colleagues about the incident and finding them surprised to learn of this practice in the Bureau of Chemistry, I write to inquire whether it has the sanction of the department, which, I am frank to say to you, is generally most courteous in its correspondence with me.

Dr. Emerson told me I might have a copy of the stenographer's notes so far as my introduction of Mr. Shields was concerned. I will be glad if you will look them over and direct that they be forwarded to me.

Very truly, yours, J. HAMPTON MOORE.

THE SECRETARY'S REPLY.

DEPARTMENT OF AGRICULTURE,
Washington, March 22, 1916.

Hon. J. HAMPTON MOORE,
House of Representatives.

DEAR MR. MOORE: I have your letter of March 17 with reference to your call at the Bureau of Chemistry in company with Mr. W. S. P. Shields regarding the assessment of liquidated damages on a contract for furniture for the New York laboratory.

It is by no mean the universal practice to take down steongraphically the statements of Members of Congress, or of other interested parties, concerning matters pending before the department. It is an invariable rule in the Bureau of Chemistry, however, to make a record of all statements made in connection with cases under the food-and-drugs act. The statements made by Members of Congress, of course, constitute an important part of the record and should receive careful consideration before final action is taken. You will appreciate that it is impossible for the officials to keep in mind all the representations that are made. A complete record serves to refresh their memory and insures consideration of all the facts presented. So far as I can ascertain, there has been no objection to this procedure in the past when it was fully explained. The same course is followed to a certain extent in other important matters in the Bureau of Chemistry and other branches of the department so that a record of all the facts may be available to the officials in arriving at a decision. The only object in reporting your statements and those of Mr. Shields was to make the record complete and to insure consideration of them in the final disposition of the matter.

In accordance with your request, I take pleasure in sending you herewith a copy of the stenographer's notes containing your statement so far as it was reported.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Mr. Chairman, I can understand the desire of the Secretary to protect his subordinates and therefore shall not criticize the stand he has taken in this regard. Neither do I desire to reduce or take away the salary of anyone employed in the Bureau of Chemistry. For that reason I withdrew the point of order, which doubtless would have been sustained. Secretary Houston, in answer to my request, sent me the stenographic notes, consisting of 23 lines, part of which appear to have been spoken by me and part of which appear to have been uttered by the assistant chief after my departure. As they throw no new light upon the correspondence, I shall not embarrass the stenographer by inserting them, for I am quite sure, and the notes show it, that the stenographer did not enjoy his task. I am satisfied to leave the matter as it is for the benefit of whom it may concern.

Mr. LEVER. Mr. Chairman, the gentleman from Pennsylvania some weeks ago called my attention to this matter about which he has been speaking.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. I ought to have said that it seemed to me that if any one of these bureaus have so many clerks or stenographers as to enable them to play detective on the Members of Congress, the practice ought to cease.

Mr. LEVER. Mr. Chairman, I took occasion to make some little investigation of the case, because I agree with the gentleman from Pennsylvania that if the stenographers and clerks of these various departments are being used in such a way as secretly to take statements of Members of Congress, it is a bad practice. In this case the explanation of the department to me is just about what the gentleman from Pennsylvania has stated, and I presume he will publish the letter of the Secretary of Agriculture which he has on the subject.

Mr. MOORE of Pennsylvania. Yes; I will publish both his letter and my letter.

Mr. LEVER. The situation is this: It seems that the gentleman from Pennsylvania and one of his constituents called at the department, as he states. The Chief of the Bureau of Chemistry was absent at the time, and the acting chief, Mr. Emerson, received these gentlemen. The gentlemen called in reference to a contract for the purchase of some supplies by the department. That whole matter was to be passed upon finally by the Solicitor of the department. Mr. Emerson's statement is that on account of the fact that the statements of these gentlemen were in reference to a matter which had to go to the Solicitor, he called in the stenographer for the purpose of making a record of the statements of the gentlemen, and making these statements a part of the testimony, with no attempt and no thought on his part at all of being rude or discourteous to the gentlemen. He did it in the natural course of his business—that is, it was a matter of evidence, as he thought—and he wanted it for the purpose of transmitting it finally along with the other papers in the case to the Solicitor of the department, and he made absolutely no effort to conceal the fact that a stenographer was taking the testimony or the statement of the gentleman from Pennsylvania and his constituent. That is the case, as I understand it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. The gentleman does not think that an altogether dignified practice for a bureau chief or a department chief, to set a stenographer at the elbow of a Member of Congress?

Mr. LEVER. I agree with the gentleman on that point as to such a general practice.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein; and for all necessary expenses in connection with such inspection and studies of methods of analysis in foreign countries, $4,280.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Is this new work?

Mr. LEVER. No. This has been carried in the bill for quite a while.

Mr. MOORE of Pennsylvania. It is for inspecting the methods employed in foreign countries for testing the purity of food products, as I understand?

Mr. LEVER. No; the gentleman is mistaken. This is for the purpose of furnishing to the exporters of food products certain certificates as to the purity of the food before exportation is had; that is, when the exporter requests a certificate as to the purity of the food or product he is exporting. Under this item the certificate is given.

Mr. MOORE of Pennsylvania. Is there any provision in this bill covering the inspection of imported meat products?

Mr. LEVER. The gentleman is referring to beef and the like of that?

Mr. MOORE of Pennsylvania. I am referring to such meat supplies as come from the Argentine Republic and other foreign countries.

Mr. LEVER. There is no inspection at the port of entry of imported meat or food products, but the method of the department is to accept the inspection of foreign countries of those products if the department regards the methods of the foreign country from which they come as being sufficient to guarantee the purity of the food. Otherwise it is not allowed to be imported at all.

Mr. MOORE of Pennsylvania. This $4,280 is in the interest of the American exporter of meat?

Mr. LEVER. Entirely so.

Mr. MOORE of Pennsylvania. It is to give a sort of certificate, so far as his foreign trade is concerned?

Mr. LEVER. Yes; the same kind of a certificate that we require of importers of the same kind of products.

Mr. MOORE of Pennsylvania. Provision is made for that?

Mr. LEVER. It may not be a certificate, but it is in the line of the remark I made a little while ago, that inspection of food products in foreign countries shall be of such a character as to justify the department here in trusting to the purity of the food imported.

Mr. MOORE of Pennsylvania. The other day the gentleman made a statement in regard to the importation of foreign meats, such as the carcasses of animals afflicted with the foot-and-mouth disease, and he promised to tell us about the inspection of it.

Mr. LEVER. There is no provision for the inspection of such imported meats. We take the inspection of the foreign country from which the product comes, if we accept it at all.

Mr. MOORE of Pennsylvania. If we take care of the foreign consumer of beef that we export, why not take care of the American consumer of beef that we import?

Mr. LEVER. We take care of the foreign exporter only at his own request, and then make the examination at his expense.

Mr. MOORE of Pennsylvania. Would the gentleman object to having consideration given to an amendment here that would provide for some such inspection as I have indicated, that would protect the American meat consumer from the possible ravages of disease in foreign countries?

Mr. LEVER. I am inclined to think, without having given it very much thought, that there is probably no necessity for it, because the department now requires that the inspection service in foreign countries from which we are getting these products shall be of such a character as to guarantee reasonable safety against infectious importations.

Mr. MOORE of Pennsylvania. It was stated here the other day that Dr. Melvin, Chief of the Bureau of Animal Industry, had said that beef would be infected if the animal had died of the foot-and-mouth disease. That was the question I was trying to get an answer to. Some one on the floor said that Dr. Melvin was authority for that statement, and the gentleman from South Carolina indicated that he would have something to say on it later on.

Mr. LEVER. I have looked into it as thoroughly as I could in the limited time I have had.

Mr. MOORE of Pennsylvania. I wish the gentleman would look into it so far as he can before we reach the paragraph relating to the foot-and-mouth disease.

Mr. LEVER. I will say to the gentleman that, as far as the spread of the foot-and-mouth disease or any other infectious disease is concerned, through the disease being in the body of the imported product, I think there is comparatively little danger; and as far as affecting the health of human beings is concerned, the foot-and-mouth-disease germ is killed by cooking, as I understand.

Mr. MOORE of Pennsylvania. Do they make this appropriation to protect the foreign consumer at the instance of foreign Governments?

Mr. LEVER. I am informed that foreign Governments desire this kind of a certificate.

Mr. MOORE of Pennsylvania. That is what I thought; and it seems to me that, if such regulations are imposed upon our exporters, there ought to be similar regulations applying to importations of meat.

Mr. LEVER. We do have regulations, but probably not such strict ones.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For investigating the handling, grading, packing, canning, freezing, storing, and transportation of fish, and for experimental shipments of fish, for the utilization of waste products, and the development of new sources of food, $14,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee just how this appropriation is expended. During the hearings before the subcommittee of the Committee on Appropriations on the sundry civil bill we heard the Secretary of Commerce with regard to the expenditures and operations of the Bureau of Fisheries, intended to develop new food supplies in fish. They gave us a very interesting account of the development——

Mr. LEVER. Of the dogfish.

Mr. MONDELL. The gentleman says of the dogfish. The fish that they had reference to is known as the tilefish, said to be a very valuable and useful article of food. Quite common years ago, it disappeared from the waters of the sea for some years, reappeared, and has been reintroduced by the activities of the Department of Commerce, through the Fisheries Bureau, as a staple article of food, and is, I am told, now being quite widely used. A sample of the fish was very kindly sent me by the Secretary of Commerce, and we found it very good. Now, it occurs to me that the work that the Department of Commerce is doing, through the Bureau of Fisheries, is along the line of the work that is being done under this item; and my query is, Is there not a duplication of effort along these lines, and is there not likely to be a conflict?

Mr. LEVER. The gentleman's inquiry is a very natural one. The members of the committee made inquiry of Dr. Alsberg, who had this matter in charge, and we questioned him along the very line of the gentleman's inquiry. His answer to the committee was that there was no duplication whatever, although the character of the work was very similar. His statement was that the Bureau of Chemistry takes up the work where the Bureau of Commerce puts it down. In other words, the Bureau of Chemistry investigations have to do with the proper method of handling, packing, freezing, and transporting of the fish. As I understand it, the Bureau of Fisheries of the Department of Commerce has more to do with the production side of the fishing business in this country, while the work that the Bureau of Chemistry does under this item is to try to devise some method by which fish may be preserved without hurting the flavor of the fish. They have made some very interesting experiments along that line, which, if they prove successful, will be a very great advance in the way of preserving the fish supply of this country, and preserving its food value and its fish flavor.

Mr. MONDELL. I realize that there are two distinct fields. The statement made to the Committee on Agriculture, to which the chairman of that committee has just referred, was the same statement made before our committee, that the two services did not conflict, that one took up the work where the other concluded it. As long as they adhere to that policy there need be no conflict, no duplication; but I think it is very important that both bureaus understand that Congress is not appropriating with a view of having both of them occupy the same field or overlap in their efforts.

Mr. LEVER. The gentleman can not make that statement too strong or emphatic for use. I agree with it very fully.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigating the packing, handling, storing, and shipping of oysters and other shellfish in the United States and the waters bordering on the United States, $5,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee what, if anything, is being done toward investigating the oyster industry, especially in its relation to polluted waters? I have heard much from men engaged in the oyster industry in my State in regard to the pollution of waters, and the objection on the part of the Government to shipping the oysters grown in these alleged polluted waters.

Mr. LEVER. I will say to the gentleman from Connecticut that the matter to which he refers is under the jurisdiction of the Public Health Service. Under this item we are doing with shellfish exactly the same character of work that I have described as being done with reference to other fish under the item just preceding. In other words, it is a study of the best methods of handling, transporting, and so forth, of shellfish, so as to preserve them, and so that they may be put on the market in the best condition.

Mr. TILSON. It was in connection with the shipping of oysters that this matter was brought to my attention, and this reference to the shipping of oysters attracted my attention.

Mr. LEVER. I myself asked Dr. Alsberg in the hearings:

I want you to make that very clear, because the question is likely to arise. How does this line of work differ from the work done by the Public Health Service? You say you do the chemical work and the shipping end of it?

Dr. ALSBERG. You see the Public Health Service is concerned merely with the question of what areas are likely to transmit typhoid, and while we are concerned with that question we also take action under the food and drugs act against shipments of oysters we find to be polluted. In addition to that, there are certain other chemical problems. In the first place, there is the problem of how oysters should be feed and shipped and handled; how long they should be washed in order to get the best effect, and the like.

Now, it seems that the line of demarcation is about this: If the Bureau of Chemistry find waters polluted with typhoid germs, then under the pure-food act they take jurisdiction; but as to the locating of the polluted waters and their area, that is a matter for the Public Health Service.

Mr. TILSON. What I am most interested in is the increase in the production of oysters; because, as the gentleman knows, oysters are a very important article of food very largely used. As the population of cities increases and there is more pollution of the waters, the area in which these oysters may be grown will be reduced.

It seems to me there ought to be study and investigation of this subject going on to prevent, if possible, the diminution of the supply of oysters.

Mr. LEVER. Let me make two statements. When this item was first suggested to the Committee on Agriculture the question of the jurisdiction of the Public Health Service arose, and we had the department define very clearly just what line of work they expected to do, and we have been trying in the examination of witnesses before the committee to confine that work to the area mapped out, namely, the handling, packing, and transportation of shellfish and the like of that.

A further statement is made that probably there is no food product in the world in which there is so much waste in the matter of transportation and handling and packing, and necessarily so, as there is in reference to fish and oysters. We believe that under the investigations and better method of handling we can save to the consuming public an immense waste now going on, and to that extent the production along these lines will be increased.

Mr. TILSON. So far so good; but I would like to ask if any department of the Government is interesting itself in this great question which enters so materially into the cost of living—the increased production of oysters.

Mr. LEVER. While I have not looked into the matter—the gentleman from Wyoming may give perhaps more information—the Bureau of Fisheries is engaged all the while in investigating the methods of increasing the production of fish and shellfish.

Mr. HARRISON. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Mississippi.

Mr. HARRISON. I notice that the paragraph above the one now being discussed refers to fish, and the one now being discussed refers to oysters and other shellfish. May I ask if shrimp are included in the term "fish"? The reason I ask is that on the coast of my district the shrimp as well as the oyster industry is great, and I was wondering if they are studying shrimp as well as oysters and fish.

Mr. LEVER. The department classes shrimp as fish.

Mr. MONDELL. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I ask unanimous consent to close debate on this paragraph and all amendments thereto in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MONDELL. Mr. Chairman, along the line of inquiry made by the gentleman from Connecticut [Mr. TILSON], I will say that the Public Health Service has for a number of years been conducting investigations relative to the pollution of waters producing shellfish with a view of determining conditions and studying methods of avoiding such pollution and its spread. Last year a very thorough investigation was made of the Potomac waters and the adjacent waters of Chesapeake Bay.

An interesting bulletin—interesting from the standpoint of those who are interested in that sort of thing—was recently issued by the Public Health Service touching these matters.

Mr. TILSON. Necessarily their work is largely restrictive—that is, to prevent the shipping of oysters grown in polluted waters. I am particularly interested in something to remedy the situation and give more relief from the standpoint of diminishing the field of pollution in which oysters are grown.

Mr. MONDELL. That is one of the objects of the work of the Public Health Service. Its primary object might be said to be to inform people as to conditions existing, but an important object is to have the facts ascertained and stated in order that there may be the necessary legislation, either Federal or State, or both, which may be required to remedy the conditions which these investigations develop. The gentleman realizes that we can not cure these conditions under appropriations on the agricultural bill, but the conditions have been and are being developed by the Public Health Service. It may be that legislation will be necessary to cure the unsatisfactory conditions.

Mr. DALLINGER. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. DALLINGER. I would like to ask the gentleman from Wyoming if this bill is not the proper bill for an appropriation to be made to investigate the diseases of the oyster? We have

provisions in this bill for investigating the diseases of other animal life.

Mr. MONDELL. In answer to the gentleman from Massachusetts I will say that that line of work is done by the Bureau of Fisheries. The Appropriations Committee has had some very interesting hearings on the subject of the diseases of the oyster and other shellfish quite recently. The committee has not reached the point of passing upon the requests for additional appropriations, but they have been very urgently made, and my hope is that we will so increase the appropriation of the Bureau of Fisheries that they may extend their work along that line and thoroughly extend the study of the diseases which have so disastrously and unfortunately affected the oysters, particularly in the transplanted regions. They have discovered that in waters where oysters did very well for a few years after being planted they have not of late years reproduced, and where they formerly had a crop annually there is now reproduction only once in three or four years. I believe that with such increased appropriation as Congress may give this year the work would be carried on thoroughly and systematically.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 46, line 8, after the word "the," insert the word "planting," and in line 10, same page, after the word "States," strike out the figures "$5,000" and insert "$10,000."

The CHAIRMAN. The Chair will state that under the order of the committee there still remain five minutes of debate.

Mr. LEVER. If the gentleman from Pennsylvania will yield me one minute of the time, I will be satisfied.

Mr. MOORE of Pennsylvania. I can get through in four minutes, I think. Following up the suggestions already made by the gentleman from Connecticut [Mr. TILSON], the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Massachusetts [Mr. DALLINGER], I have offered this amendment. It is undoubtedly true that something has been the matter with oysters during the last year. Some people who are experts say they have been sick all along the coast. It is a matter of great importance commercially, and an investigation of the planting of oysters to this limited extent would do no harm. I think planting would come within the jurisdiction of this department and probably answer the questions raised by the gentleman from Wyoming [Mr. MONDELL]. You propose here to investigate the packing, handling, storing, and shipping of oysters. Why not go one step further and provide for the planting of oysters? If that be inquired into by those who are competent to make the inquiry, it would be very helpful all along the coast. I care not whether a separate inquiry is being made by the Bureau of Fisheries.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; but I suggest to the gentleman that only one minute remains.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the order heretofore made be revoked and the time extended for five minutes. Is there objection?

There was no objection.

Mr. MONDELL I desire to suggest that the Committee on Appropriations has had quite extensive hearings upon this subject of oyster diseases and oyster sicknesses, as my friend styled it, and my belief is that such sum as may be necessary to enable the Bureau of Fisheries to investigate and examine and go into the question of planting and the conditions of planting will be made in the sundry civil appropriation bill. It occurs to me, therefore, that we should not cross the line in this bill and go into the domain of the Bureau of Fisheries.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MOORE of Pennsylvania. If the gentleman's suggestion is to be carried in the sundry civil appropriation bill I will not insist upon this here, but it is time something was done. This is an important industry and it ought to be cared for.

Mr. MONDELL. Mr. Chairman, of course I am only one member of the committee, and a humble minority member at that, and, of course, I can not bind the committee.

Mr. MOORE of Pennsylvania. But so long as we have specialists engaged in the work of investigating the packing, handling, storing, and shipping of oysters, why not go a step further and expend $5,000 to try out planting?

Mr. MONDELL. The matter of planting is one that comes under the jurisdiction of the Bureau of Fisheries. It is a work they have done to a certain extent, and it is a work they can do, and it seems to me we ought to confine that class of work to the Bureau of Fisheries.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TILSON. There is a very important work in planting, transplanting, and also an experiment is being carried on of washing oysters; that is, taking them up from the ground where they have grown, where the water may be more or less polluted, and carrying them out to cleaner water beyond the harbor line and there subjecting them to a washing. Whether that is sufficient we do not know, but it seems to me that the Bureau of Chemistry, better than anyone else, should determine whether that is the proper thing.

Mr. MOORE of Pennsylvania. Would not these experiments necessarily enter into the packing and handling and storing of oysters?

Mr. TILSON. It seems to me that this is the proper paragraph of the bill and the proper bill.

Mr. MONDELL. It is never wise to duplicate the work of bureaus. If the Agricultural Department undertook this work it is possible that the Bureau of Fisheries would feel that they had no obligation in the matter, and instead of helping the matter it might retard it.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. LEVER. Mr. Chairman, I recognize that this is an important matter, but from the statements made by the gentleman from Wyoming [Mr. MONDELL] a member of the Committee on Appropriations, and from my own personal knowledge of what the Bureau of Fisheries is doing with reference to fish, I take it that the amendment offered by the gentleman from Pennsylvania only sets up duplicate machinery to do this work. In other words, if I understand the gentleman from Wyoming correctly, the Bureau of Fisheries is now doing the very kind of work that the gentleman from Pennsylvania would propose to do with his amendment.

Mr. MONDELL. Mr. Chairman, if the gentleman will yield, I admit that they have not been doing as much in that line, perhaps, as they should have done, but I have no doubt that under their appropriations for the coming fiscal year they will be able to largely extend that work. Our attention has been called to the importance of it.

Mr. LEVER. The gentleman's statement is even stronger than I had understood it myself. In other words, the Committee on Appropriations has recognized the importance of this work and is going to increase the appropriation for the Bureau of Fisheries to do more extensive work along these lines. Therefore it seems to me that, out of good business and practice, we ought not to set up here in the Agricultural appropriation bill a separate piece of machinery to do duplicate work.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. In just one second. More than that, I take it that the Department of Agriculture, Bureau of Chemistry, is not nearly so well equipped to do this kind of work. It has not the experts that the Bureau of Fisheries has, and if we are going to do it at all, we ought to select the most efficient machinery that we have existent to do the work, and I trust that the gentleman from Pennsylvania, who is always alert, will be on the job when the sundry civil bill comes up to see that this work is cared for.

Mr. MOORE of Pennsylvania. I expect to be, but I would like to ask the gentleman if we can not include "planting" in this item—why he has the item in at all? Something ought to be done in regard to this matter; a bird in hand is worth two in the bush. That is the situation.

Mr. LEVER. The province of the Department of Agriculture, as these gentlemen have segregated its province, is to deal with the proposition after and not before production. We are engaged with the transportation and such problems.

Mr. WALSH. Will the gentleman yield?

Mr. LEVER. I do.

Mr. WALSH. Is it not true this item has more to do with the marketing of oysters as a product, whereas the other item has more to do with the propagation and culture of the oysters?

Mr. LEVER. The work of the Department of Agriculture is purely a marketing or distributing proposition. The work of the Bureau of Fisheries is absolutely, as I take it, a proposition of propagation and production.

Mr. HARRISON. Will the gentleman yield?

Mr. LEVER. I will.

Mr. HARRISON. I want to say to the gentleman from Pennsylvania that one place in my district is a great oyster center, Biloxi, and I know that one of the departments of the Government, I can not say which one, has made an investigation relative to the pollution of the oyster, as it was claimed that the

oysters were not healthy and suitable to be shipped in interstate commerce. The city health officer of that city came up here and remained for a month studying the proposition so that he could go back and tell those packers and the people who owned the oyster reefs how to preserve them in such condition that the oysters would be healthy. There can be no question that one of the departments of the Government has carefully investigated this matter. I do not know which one it was.

Mr. LEVER. The Department of Commerce.

Mr. HARRISON. So the situation is not as bad as some people pretend it to be.

Mr. LEVER. Mr. Chairman, I ask for a vote, and I hope the amendment may be voted down.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For investigation and experiment in the utilization, for coloring purposes, of raw materials grown or produced in the United States, $50,000.

Mr. MONDELL and Mr. FOSTER. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. LEVER. Mr. Chairman, this is a very important item, the discussion of which might possibly last for 15, 20, 30, or 40 minutes. If gentlemen are going to make the point of order, I would like them to do it notwithstanding what I may be able to say, so as to save time, but if the gentlemen are not going to insist on it, I think we had better discuss it.

Mr. FOSTER. Mr. Chairman, I did not know whether I would or not, but it seems this is intended for an investigation in reference to dyestuffs.

Mr. LEVER. Yes.

Mr. FOSTER. On the theory it might have to do with the coloring of food products. Is that the idea?

Mr. LEVER. I will say to the gentleman the information is that the Bureau of Chemistry in enforcing the pure food and drug act has developed a great many very expert chemists in the matter of dyes. In other words, the chemists of the department must be really expert in the dye business in order to detect coloring matter in certain foods put upon the market, and therefore we have to some extent the machinery for doing this work in the department, and it is in this bureau.

Mr. FOSTER. I see the committee provides in the next paragraph for the purchase and equipment of a traveling laboratory, $7,500.

Mr. LEVER. That has to do with something entirely different.

Mr. FOSTER. It has nothing to do with this?

Mr. LEVER. No.

Mr. BOOHER. Mr. Chairman, before the next paragraph is discussed I want to reserve a point of order on it.

Mr. LEVER. It is already reserved.

Mr. BOOHER. No; not on that.

Mr. FOSTER. Can the gentleman give any idea—I suppose the Agricultural Department officials had something in view where they could experiment in reference to these coloring materials or dyestuffs. Now, we know this, that the dyestuffs are made largely from coal-tar products. Is it the intention of the Agricultural Department, through its chemists there, to take up the study of the coal products of the country?

Mr. LEVER. If the gentleman will permit me to make just a connected statement on this for the benefit of the whole committee, the Secretary in his written estimate asked for $20,000 for this item and later he submitted a supplemental estimate for $30,000, making a total of $50,000. The Committee on Agriculture had the experts of the department before the committee and examined them rather carefully. Since that time I have had the department furnish me with a more comprehensive statement of what is proposed to be undertaken through this item. First of all, they wish to investigate the dyes which we have in agricultural products in this country, and we know we have some out of which we may get some dyes. I take it that is going to be rather unimportant as compared with the other line of work. Their next line of work is to study methods of producing dyes from coal-tar products. Now, there are some concerns in this country that produce dyes, but they are not producing nearly so large a number from coal-tar products as are the German people.

It is the belief of the Department of Agriculture, through its Bureau of Chemistry, that by a proper study, by a concentrated effort along these lines, there is enough brain in this country, enough experts, enough initiative, enough power to do things to bring about a situation which will put this country on a self-sustaining basis in time with reference to dyestuffs.

Now, understand, the Department of Agriculture has a building at Arlington Farm which is suitable for a laboratory in which to make these studies. It is proposed by the department to utilize this building, establish a laboratory there, and go into a complete and comprehensive study of the entire proposition of producing dyes in this country, either from natural products or from coal-tar products through the synthetic method of producing dyes. I have a statement here which gives in detail just how this money is to be expended. I shall read it to the committee, if they desire. If not, I will insert it in the RECORD at the proper place.

Mr. FOSTER. The sole purpose, as I understand from the gentleman's remark, of this provision is to investigate coal-tar products, largely for the investigation of coal-tar products for the production of dyes?

Mr. LEVER. I think that would be their first line of work; yes.

Mr. FOSTER. Can the gentleman inform us what connection there may be between the food products of the country and the products of coal tar to be made into dyes?

Mr. ANDERSON. The Department of Agriculture is constantly making investigations relative to coal-tar products, and it is the only department of the Government that is making any investigation in regard to dyes.

Mr. FOSTER. As I understand, this is to determine the use of coal-tar dies in manufacture and not for food products. I want to know if that is the intention?

Mr. LEVER. Let me say this to the gentleman, that the Department of Agriculture in enforcing the pure-food law must necessarily be acquainted with the various coloring matters that go into the food, and it is necessary for them frequently to make in their laboratory the colors themselves, and they have been doing that, so that they themselves may have a standard by which they can work. Now, that is the laboratory matter. They tell us that they know the laboratory methods of producing dyes now. It is a question, however, of getting a little bit beyond the test-tube work they have been doing.

Mr. FOSTER. I do not know whether I have made myself plain or not, but what I am getting at is this: Is the investigation to develop the dyestuffs to be confined to food products or is it for the purpose of developing dyes for the industry to be used in the manufacture of cotton and woolen and other goods?

Mr. LEVER. Now, I will answer the gentleman's question. I am glad he brought that out, because I thought it was understood. The purpose of this item is to enable the department to investigate the dyestuff industry, if possible, and find some method of developing it to such an extent that will take care of the entire dye situation in this country and take care of the great industrial concerns which must necessarily use a great deal of it, like the cotton and woolen manufacturing.

Mr. FOSTER. Does the gentleman really think that is the duty of the Department of Agriculture? The other day in a bill we gave $10,000 for the purpose of developing these dyes in another branch of the Government. Now, here comes along the Agricultural bill with an appropriation of $50,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Does the gentleman really think that the Department of Agriculture ought to have this appropriation to start into the development of dyes for use commercially?

Mr. LEVER. Now, let me answer that question, because it is important. We do not want to build up duplicating machinery here. I do not think myself that the item in the other appropriation bill to which the gentleman refers is going to give the authority, or duplicate the authority, that we are conferring here. Now, this is a fact, that the work of the Bureau of Standards with reference to color is a physical work entirely. Their work looks to the measurement of color, not to the production of color; not to the production of dyes, but to the work of fixing and finding out the amount of color, the standard of color, and the like of that, in various dyes. For instance, they are working out a method by which they can ascertain the amount of color in oleomargarine and cottonseed oil and a number of other products. Now, that is their line of work—to study measurements and standards and do the physical end of the work. The Bureau of Chemistry, on the other hand, is equipped to do it, and it is the only bureau in the Government which is confessedly, on all sides, equipped to do the chemical side of this work.

Mr. FOSTER. The gentleman is mistaken about that. We have in one department of the Government a bureau equipped for making these tests, and where they have to do with coal from the time it comes out of the ground until it is finally disposed of. I refer to the Bureau of Mines. Now, that laboratory is equipped for doing all this work. All they need is money with which to do it. They have a chemist there who is the equal of any in the United States.

Mr. LONGWORTH. One of the very best.

Mr. FOSTER. One of the very best, as the gentleman from Ohio says.

Mr. LEVER. I agree to that.

Mr. FOSTER. And now we start out here with $50,000, to enable the Department of Agriculture to commence with this work. It seems to me this matter probably belongs in that bureau of the Government which is doing that kind of work, and not in the Department of Agriculture.

Mr. BOOHER. Will the gentleman yield?

Mr. LEVER. I will.

Mr. BOOHER. I would like to ask the gentleman if this matter of dyes is not being considered now by the Ways and Means Committee, with a view to bringing in some kind of legislation to encourage the manufacture of dyes?

Mr. LEVER. I understand that is true, but their proposition is a tariff proposition, and this is a production proposition.

Mr. BOOHER. In other words, this is an attempt to put in the Agricultural Department a purely manufacturing proposition connected in no way with agriculture, is it not?

Mr. LEVER. We do not think so, and I will tell you why.

Mr. HAUGEN and Mr. LONGWORTH rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. LEVER. I will yield to my friend from Iowa [Mr. HAUGEN].

Mr. BOOHER. I would like to have an answer to my question.

Mr. LEVER. The committee does not think so. The committee thinks this item would be justified if for no other reason than that there are a number of products, both of the field and of the forest, that could be manufacured in this country, if the necessary information regarding the methods and processes were worked out and made known, but we do not believe, as business men, that we shall be successful enough with that line of operations to plant this country on a self-sustaining basis with respect to its dyestuffs. Therefore we believe, after all, that our biggest field will be in the study of the methods by which dyes are made from coal-tar products, just as they are made in Germany.

Mr. BOOHER. Why not wait until we see what legislation the Ways and Means Committee suggests before appropriating $50,000 along the same line? It may save duplication. I am not opposed to this legislation, but do not approve putting it on this bill. It should be taken up on its merits and thoroughly discussed.

Mr. LEVER. I will say to my friend from Missouri frankly that I feel this way about it, and probably I am a little old-fashioned in that respect: If we can build up an industry here through productive methods, I would prefer to do it rather than to build it up through protective methods. It may be that we shall have to consider some legislation which may come from the Committee on Ways and Means, and probably there will be some legislation passed from that Committee on the subject; but I would very much prefer if we could put this country on a self-sustaining basis through its own efforts in the production of anything, rather than to do it through protective duties and on protective lines, and the like of that, which will keep competition out.

Mr. MOORE of Pennsylvania. What will protective duties have to do with this, anyhow?

Mr. LEVER. The gentleman knows that I do not discuss the tariff.

Mr. MOORE of Pennsylvania. The gentleman is arguing against the creation of new enterprises here.

Mr. LEVER. I do not think that is a valid reason.

Mr. HAUGEN. When this item was up in the committee for consideration my recollection is that some member of the committee suggested that some other committee might make appropriations, or report favorably upon appropriations, for this purpose, and that it is possible that this work might be assigned to the Bureau of Standards or the Bureau of Mines. Has the gentleman conferred with members of other committees to ascertain if this work will be provided for and taken care of?

Mr. LEVER. The only committee that would have jurisdiction of an item of this kind would be the committee that carries the appropriations for the Bureau of Standards.

Mr. HAUGEN. And the committee that carries the appropriations for the Bureau of Mines, and also the Ways and Means Committee.

Mr. LEVER. I understand the bill is about ready for report from the Committee on Ways and Means.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. LONGWORTH. I think there is a good deal in what the gentleman from Missouri [Mr. BOOHER] says. It is a matter that is now before a committee of the House. It is receiving consideration—the question of the establishment of the coal-tar dye industry in this country. Personally I am very much in hopes that some legislation will be originated in that committee which will provide for the establishment and maintenance of the coal-tar dye industry. In the meantime it occurs to me that it might not be wise to appropriate as much as $50,000 for mere experimentation purposes, for, after all, we can not learn anything more by experimentation in this country than has already been learned by Germany, which has been manufacturing these dyes for many years, and which now produces 1,800 different colors, whereas the largest number we have ever produced in this country practically is about 15 dyes.

Mr. LEVER. I thought it was more than that.

Mr. LONGWORTH. Less than 20 colors are being made in this country.

Mr. LEVER. No matter how high the protective duties may be on dyestuffs, the situation, to my mind, is so critical that the Congress of the United States is justified in taking advantage of every line of inquiry possible to see if we can not better the condition.

More than that, I will say to my friend, you may make the tariff duties as high as you may, and still that does not eliminate the sound reason for putting on foot an investigation for the study of the best methods of doing these things. I am inclined to think myself, if my friend will permit me, that there is not in this country at this time that thoroughness of understanding of the methods of producing dyestuffs that the German people have.

Mr. LONGWORTH. The gentleman is perfectly right about that, but——

Mr. LEVER. And therefore we feel that we ought to have a sufficient sum to put our experts at work and train them to bring about relief from this situation.

Mr. LONGWORTH. The gentleman realizes that the American Chemical Society has gone into this matter very thoroughly. It is upon their report that the Committee on Ways and Means is now considering the question, and in their report it is unanimously decided that there is no possible way to create that industry in this country, to make a substantial industry, except by means of legislation which, particularly after the war, will prevent the sort of competition that we have had from the German dye manufacturers.

Mr. LEVER. I will not admit it, although I have not studied it; yet I have read the hearings of the committee on that subject. But in any event it may be necessary, whatever else may be done here, to raise the duties on dyestuffs. But I do know this, that we can not afford to let pass the opportunity here to put on foot an investigation of this entire situation, and if it costs $50,000, good and well; if it costs more than that, good and well. It is not money badly spent; it is not money wasted, in my judgment.

There is no duplication of work between the gentleman's line of thought and mine at all. The work of each is supplemental to the other, and we can not do too much, in my judgment, along this line of promoting the dyestuff industry, and likewise promoting the fertilizer industry of this country. I do not believe, gentlemen of the committee, that any great people, much less a Nation of 100,000,000 people, ought to feel itself dependent at any time upon foreign nations for things that enter into its commercial life. [Applause.] I am willing to spend money along this line.

Mr. LONGWORTH. I agree absolutely with the gentleman. It is for that reason that I support the proposition to create a dye industry. It is for that reason that I shall support the amendment which the gentleman will introduce, to have a Government experimental plant, to investigate the extracting of potash from seaweed, or something else. But I am afraid that this might be considered in some way or other as a substitute for legislation which the Ways and Means Committee are now considering.

Mr. LEVER. Of course, I do not know what kind of a bill the Ways and Means Committee will report.

Mr. LONGWORTH. The gentleman would not say that this is in any sense a substitute?

Mr. LEVER. I would not be willing to say by any means that this appropriation here is the last word or the best thought of Congress on the subject of developing the dyestuff industry in this country.

Mr. LONGWORTH. Nor would the gentleman say that it would obviate the necessity for legislation such as the Ways and Means Committee are now considering?

Mr. LEVER. Until I see the gentleman's bill, I would not like to commit myself to that proposition, although if a good proposition is brought in here, I shall support it.

Mr. LONGWORTH. If I felt that the gentleman believed that this would obviate the necessity for the legislation which the Ways and Means Committee will bring in, I would at once raise a point of order against this.

Mr. LEVER. I think the gentleman will admit that I do not pay much attention to politics, and that I do not know much about that end of it.

Mr. LONGWORTH. I shall not make the point of order, but I want it understood that this provision does not in any way take the place of the legislation which the Ways and Means Committee are considering.

Mr. BORLAND. Has the point of order been reserved on the paragraph?

The CHAIRMAN (Mr. HAMLIN). The Chair understands that it was reserved. The present occupant of the chair was temporarily absent.

Mr. LEVER. The point of order has been reserved, and I think the debate has gone far enough to develop whether the point of order will be made.

Mr. STAFFORD. Mr. Chairman, I should like five minutes.

Mr. ANDERSON. If the point of order is withdrawn, I should like to make a suggestion with reference to the form of the paragraph.

Mr. LEVER. I will say to the gentleman from Missouri [Mr. BORLAND] that there will probably be 30 minutes of debate on this; and if the point of order is going to be made in the end, I think it ought to be made now. The paragraph is subject to a point of order; and if it is going to be made, it will save the time of the committee to make it now. I have made about the best statement that I can on this section.

Mr. BORLAND. If the gentleman will yield to me for about two minutes, I will tell him what my point of order is.

Mr. LEVER. I ask unanimous consent to proceed for two minutes so that this question of the point of order may be settled one way or the other.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BORLAND. My point of order is not to the investigation of vegetable dyestuffs by the Agricultural Department, but to an investigation that would overlap the investigation now provided for by the Bureau of Standards of mineral dyes. I do not think there ought to be any duplication of this work, and I am quite sure that the words "of raw materials grown or produced in the United States" are broader than contemplated by the organic law of the Department of Agriculture. If it was "grown in the United States" it would be a different proposition, but "grown or produced" gives them a roving commission to investigate all kinds of dyestuffs. That is the point in a nutshell.

Mr. LEVER. I will say to the gentleman from Missouri that I thought I had here a letter from the Secretary of Agriculture in which it was stated that the Secretary of Commerce and the Secretary of Agriculture through their bureaus had had a conference on this matter, and that they had agreed upon the line of work that each should do, but I do not find that letter here.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, when the item providing for investigation of dyestuffs was under consideration in the legislative, executive, and judicial appropriation bill I offered an amendment to extend the work of that bureau so as to investigate the manufacture of dyestuffs.

Mr. LEVER. I recall that.

Mr. STAFFORD. Shortly after I offered that amendment, with the idea that the Bureau of Standards should alone have jurisdiction of the scope of this work, but not wishing to interfere in any way with the work of the Agricultural Department if it was separate and distinct, I addressed a letter to the Chief of the Bureau of Standards, Dr. Stratton, inquiring as to what was the real scope of the work under his bureau. I received a reply from the Secretary of Commerce, as well as a letter from the Secretary of Agriculture, stating that the two works were entirely distinct.

Mr. LEVER. That is my recollection of the letter which I received.

Mr. STAFFORD. That the Bureau of Standards was merely to investigate as to color standards. The letter from Secretary Redfield, as well as the letter from Secretary Houston, convinced me that there was a distinct need of this investigation by the Agricultural Department.

Mr. LEVER. And a distinct line of work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to proceed for three minutes to complete this statement, so that the committee may have full acquaintance with the facts as I know them.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. LEVER. As I understood the gentleman, he concedes that there is not only a distinct need for it, but also that there is a distinct line of demarcation in their work.

Mr. STAFFORD. That there was a distinct need for the investigation; that the Bureau of Standards was to investigate standards of color, whereas it was proposed by the Agricultural Department to investigate the character of materials, and largely agricultural materials, from which dyestuffs could be produced. It is well known that we are suffering from a shortage of dyestuffs in this country. It is well known that Germany possesses a knowledge of processes of manufacture of dyestuffs with which our American manufacturers have no acquaintance whatsoever. The purpose of this provision is to establish some Government agency which will be an aid to our manufacturers, so that they will know how to extract colors from raw materials and products developed in the United States and give that knowledge to the manufacturers when the industry is established here, as it should be, and I hope will be, under the protecting influence of the bill that will shortly, I hope, be reported by the Committee on Ways and Means. Now I yield to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Has the gentleman the letter he referred to in which it is claimed the director said that he was not going to investigate the methods of production?

Mr. STAFFORD. I received a reply from Secretary Redfield, in which he said that the work was entirely distinct and that he had had a conversation with the Secretary of Agriculture, Mr. Houston, in which they agreed that they were entirely distinct, and no overlapping whatever—that the Bureau of Standards was doing one line of work as to standards and the Agricultural Department was investigating as to what materials could be utilized.

Mr. BORLAND. That might be all true, and still the Bureau of Standards might be investigating methods of manufacture; it might be that the two departments can work in harmony.

Mr. STAFFORD. There was no question between Secretary Redfield and Secretary Houston, as was stated in the letter, that the work was entirely distinct and that they were going to work in harmony.

Mr. LEVER. I have the letter here, or a part of it, which I will read.

This is a letter from Dr. Stratton, of the Bureau of Standards, to Dr. C. L. Alsberg, Chief of the Bureau of Chemistry:

As to the development of the processes involved in the manufacture of coal tar and mineral dyes I would state that there may be a difference of opinion as to where that work belongs. However, I can assure you that, as far as I am personally concerned, I am entirely agreeable as to its being done in your bureau in case the Government decides to undertake it, and should you do so, I will be pleased to render every possible assistance.

That carries a strong inference that the Government is not now undertaking it.

Mr. BORLAND. The difficulty is that you are carrying the Bureau of Chemistry outside of its organic work when he gets into the investigations of coal-tar products.

Mr. LEVER. We are doing it every day.

Mr. MONDELL. Mr. Chairman, I reserve a point of order.

Mr. BORLAND. I make the point of order.

Mr. MONDELL. Will the gentleman reserve it? I want five minutes.

Mr. BORLAND. If I reserve it, I want to talk five minutes myself.

Mr. MONDELL. In view of what has been said I would like to make a few observations.

Mr. LEVER. If the gentleman from Wyoming has any hope of convincing the gentleman from Missouri on this important matter, I should be willing that he took the time; but if the gentleman from Missouri is adamant, it will be wasted.

Mr. BORLAND. I will reserve the point of order.

Mr. GARRETT. Will the gentleman from Missouri permit me to offer a suggestion?

Mr. BORLAND. Yes.

Mr. GARRETT. Whatever may result in the way of revenue legislation growing out of the dyestuff question, I want to suggest to the gentleman from Missouri that, in my opinion, there is a necessity for investigation into the processes of the manufacture of dyestuffs by some Government agency. If there be revenue legislation initiated by the Committee on Ways and Means under which there will be a development of dyestuff products in this country, that development will come under processes, unless there is some such investigation, that will be developed by private individuals upon which there will be patent or trade-mark rights. My opinion is that, in view of this fact, the instrumentalities of this Government should be utilized to obtain the action which will give to the public and every man and every individual alike, and I very much hope the gentleman will not press his point of order.

Mr. MONDELL. Mr. Chairman, I believe I was recognized by the Chair.

Mr. GARRETT. But the gentleman from Missouri made the point of order.

Mr. MONDELL. Yes; after I had been recognized.

The CHAIRMAN. The gentleman from Wyoming is mistaken. The Chair did not recognize the gentleman.

Mr. MONDELL. He mentioned my name.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman from Wyoming have five minutes and that I have five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he have five minutes and that the gentleman from Wyoming have five minutes. Is there objection?

Mr. EDWARDS. Mr. Chairman, reserving the right to object, I shall not object provided the debate shall end at the expiration of 10 minutes.

Mr. ANDERSON. Mr. Chairman, if the gentleman from Missouri intends to make the point of order, I think an opportunity should be given to make an argument on the point of order itself.

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is it not a fact that the point of order was made?

The CHAIRMAN. The point of order was made, but the Chair understood the gentleman from Missouri to afterwards reserve it.

Mr. MOORE of Pennsylvania. What is the present parliamentary status?

The CHAIRMAN. The point of order is reserved against the paragraph. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, there is no question as to the advisability under present conditions of an investigation such as is contemplated by the item under discussion. Some investigation and some experiments along these lines should, in my opinion, be carried on by some Government agency, and the question is, What Government agency should carry on that work? It is true, as the gentleman from Wisconsin [Mr. STAFFORD] stated a moment ago, that there has been no duplication between the Bureau of Standards and the Bureau of Chemistry in the Agricultural Department touching their work on coloring matter. Up to this time the Bureau of Standards has examined the question from the standpoint of standardization, and the Bureau of Agriculture up to this time has been examining the subject from the standpoint of the effect of coloring matter on food.

It is proposed in this item to undertake an entirely new work, and it is suggested that the Agricultural Department has a corps of chemists and a building over at Arlington that can be fitted up for the purpose, and I presume that a large part of the $50,000 will be spent in fitting up the building necessary for the work. Query, Is there not somewhere in the Government a bureau or department that is already prepared to do the work? Can not the Bureau of Standards without additional buildings or new equipment widen the scope of its work, and is not that the bureau to undertake it? If not, is not this work a work that could properly be taken up by the chemists of the Bureau of Mines? Our dyes are no longer largely made from agricultural products. My understanding is that the bulk of the dyes are made from coal tar and coal.

Mr. LONGWORTH. Mr. Chairman, if the gentleman could have half an hour's conversation with Dr. Parsons, the chemist of the Bureau of Mines, he would learn more about dyes and the coal-tar industry than he can in reading volumes.

Mr. MONDELL. Mr. Chairman, I think that is true. That is in the line of their work. They have been engaged for a considerable length of time in working out processes for the production of dyes, and an official of the Bureau of Mines recently patented some inventions which are now held by the Secretary of the Interior, as trustee, for the production of dyes and various by-products from oil or coal. It seems to me that this is a work that could be more properly undertaken by the Bureau of Mines or by the Bureau of Standards. However, if there was danger that it would not be undertaken unless it was undertaken by the Agricultural Department, I should not want to see this item go out. I think the work should be undertaken.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. How much activity have we had in the past in discovering different varieties of colors which we can produce?

Mr. MONDELL. The Federal Government, I think, has been doing practically nothing along the line of experimenting in the development of coloring matter or with a view of developing processes; but my suggestion is that it is not a proper agricultural activity, because coloring matter of this day and generation is obtained almost wholly from mineral products. We are no longer using butternut and juniper berries and things of that kind for coloring to any considerable extent, except in some of the country districts.

Mr. FESS. It has been stated on the floor that we produce probably 20 varieties, and that there are about 1,800 known.

Mr. MONDELL. I think there would be no objection to the Agricultural Department developing coloring matter from agricultural products.

Mr. FESS. There certainly is a great work for some one.

Mr. MONDELL. I want to say to the chairman of the committee that if the point of order should not be made the word "raw" should by all means be taken out of this item, because coal-tar dyes are not raw material.

It is highly important that every encouragement and aid should be given the dye industry of the country, or for the development of the dye industry of the country, as is proposed under the item we are discussing. But after all this is done, our final success will depend upon the protection of the new and growing industry by tariffs. Dr. H. D. Gibbs, chemist in charge of the color laboratory of the Bureau of Chemistry of the Agricultural Department, made the following statement in answer to an inquiry made by the chairman of the Agricultural Committee, as recorded on page 852 of the committee hearings:

The CHAIRMAN. Has there ever been any attempt in this country to put the dye industry on its feet?

Dr. GIBBS. There was a serious attempt by a number of manufacturers who were almost driven out of the business by foreign competition; that is, the same dyes which they made were shipped in here and sold at such a rate that they had to stop the manufacture of the particular dyes in question. There is one firm in this country that at various times in its existence in the last 25 years or so has manufactured about 130 different dyes, and they were driven from one dye to the other by this kind of competition.

This statement of Dr. Gibbs clearly illustrates the handicap under which our people would operate even after they got started; and whatever else we may do, we must also protect the dye industry after it is started or it will be throttled by foreign competition.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. BORLAND. Mr. Chairman, there is no one who more heartily agrees than I do with all that has been said about the necessity of finding additional supplies of dyestuffs for this country in developing our home production. We have seen in almost all of the appropriations we have had to make recently, even for the departments of the Government, the excessive cost that is now being paid for these dyestuffs, as, for instance, printer's ink and things of that sort in the Bureau of Engraving and Printing. We formerly imported all of that, and we are purchasing it now at greatly increased prices. And, of course, we know the condition of the textile industry in this country. We know the urgent need at this time of a domestic supply of dyestuffs. There is no use of basing an argument on that proposition. There is no use, either, of basing an argument on the proposition that we ought to have some scientific bureau of this Government equipped to develop processes of manufacturing. We ought to have one; and if we ever become a great manufacturing nation in competition with Germany and other scientifically developed nations, we shall have to have some department of this Government equipped to continually develop scientific methods. My understanding is that the Bureau of Standards comes nearer filling that field as a universal bureau than any other department of the Government.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes; for a question.

Mr. LEVER. I think I am entitled to make this statement. The gentleman was not here when I made my statement. He happened to be attending to business on another committee. But the statement is made that the Bureau of Standards is not doing any of this kind of work, and it does not want even to

undertake the work of producing dyestuffs. The Bureau of Standards is engaged in the work of measuring color, standardizing color.

Mr. BORLAND. I was about to refer to that matter. It is not so that the Bureau of Standards simply makes standards or decides on standards of color as well as standards of other things. That may have been its original object, but anybody who has seen the growth of that bureau knows that they have progressed beyond that and that they now test material as to its adaptability to certain lines of manufacture.

Mr. LEVER. The gentleman knows that the item under which the Bureau of Standards is making these color studies has not been in the legislative bill except this year?

Mr. BORLAND. Of course; because this whole agitation is new.

Mr. LEVER. So that they have not been doing any of that kind of work.

Mr. BORLAND. And here we want the Department of Agriculture, which happens to have a chemical laboratory, to engage in work entirely foreign to the Department of Agriculture simply because they have that laboratory; no other reason advanced. It is not contended—in fact, it is admitted that the material they are going to work on is not agricultural.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. I am sorry that I can not yield.

Mr. STAFFORD. Just to correct a misapprehension under which the gentleman is laboring.

Mr. BORLAND. Oh, I desire to make my own statement. It is urged here that they have a chemical laboratory and, therefore, it is convenient at this time to turn this work over to them. If you continue to put into the Department of Agriculture all kinds of work, manufacturing, nonagricultural, mining, and everything else, you will soon have it overtopped. This Bureau of Chemistry is confined to the investigation of food products, and it ought to be confined to that, and we ought not to put any manufacturing processes in there, mineral or otherwise. If they have any way of examining vegetable dye for coloring food or otherwise that is going to be useful, they may need to have an increased appropriation for that purpose, but as to going into the analysis of mineral dyes and equipping practically a new section of their laboratory for that purpose, it ought not to be done in this bill.

It is not in the organic act creating the Agricultural Department and ought not to be attempted under a passing notion or excitement that we want more dyestuffs.

Mr. HELVERING. Will the gentleman yield?

Mr. BORLAND. I do.

Mr. HELVERING. The gentleman understands that there is a bill, and looked upon favorably, for the protection of the manufacturers of dyestuffs in this country?

Mr. BORLAND. Yes.

Mr. HELVERING. Does not the gentleman think that should be engaged in by the Government rather than left to private individuals?

Mr. BORLAND. I do not think it is needed. I have talked with men in the paint business in this country, the largest paint manufacturers in the country, and they tell me when the shortage of coloring matter occurred they sent to Switzerland and Austria and imported scientists into this country, and to-day they are making reds and other colors, aniline dyes, equal to if not superior to the Austrian and German dyes. They are supplying their own needs and are beginning to supply printing manufacturers and they are on the point of soliciting orders from textile manufacturers. I asked them whether they needed any protection, and they said they did not. Mr. Chairman, I make the point of order on this paragraph.

Mr. LEVER. Mr. Chairman, I would like to be heard briefly on the point of order. A casual examination of this item, I think, would lead anyone to conclude that it was subject to the point of order as it led me to conclude that it was subject to the point of order. But a more careful investigation has convinced me that the paragraph is not subject to the point of order. Now, I want to call the attention of the Chair, as I have done at other times, to the language of the organic act creating the Department of Agriculture:

> There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture.

Now, on that proposition I want to call the attention of the Chair to this fact, that the testimony which has already been read in the hearing of the Chair during this discussion from the scientists of the Department of Agriculture is to the effect that there are a great many agricultural products, that there are a great many forest products, out of which dyes of all description have been made and are being made at this time, and out of which a great many other dyes may be made with proper investigation and the development of proper processes. That is the first proposition, and it is that the full utilization of the agricultural products of the country may make it necessary that we inquire into the processes of dyeing and coloring these articles of the farm. If so, then the language of the organic act is broad enough in my judgment to meet this situation. The second proposition I call the attention of the Chair to is this: The Department of Agriculture under the law is intrusted with the enforcement of the pure food and drugs act. The experts from the chemistry division of the Department of Agriculture tell us that it is absolutely necessary in the proper enforcement of the pure food and drugs act that they be in position to know the amount of coloring in given food products. Not only that, but they must be in position to know the composition of the coloring matter in those food products, so that it has been found necessary in the chemical department to manufacture a number of aniline dyes, to which the gentleman from Missouri refers, which are there made by certain processes from coal-tar products in order that the Bureau of Chemistry may fully, completely, and wisely enforce the act which Congress has put upon them to enforce, the pure food and drugs act.

Now, then, it seems to me, under the organic act, we should have the right to appropriate in this bill for the purpose of investigating the processes and methods by which we may make farm products more valuable and useful to the public and by which we may gather information touching those agricultural products that may be diffused to the people of the country under the wording of the organic act. It seems to me that we not only have that right, but we go one step further and say we must have the right in the enforcement of the pure food and drugs act, if we are going to enforce it properly, to ascertain the methods of developing and producing aniline dyestuffs in this country which go into coloring matter. I want to call the attention of the Chair to a rule of construction laid down by the great Chief Justice of the United States, Chief Justice Marshall, in the interpretation of a statute, and I take it that the Chair, in interpreting the meaning of statutes and their application to points of order on appropriation bills and in the interpretation of the rules of the House, would be guided largely by the principles that are laid down by the courts in interpreting the statutes that come before them. In the case of McCulloch versus Maryland, Chief Justice Marshall said:

> Let the end be legitimate, let it be within the scope of the Constitution and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional.

Now, of course, this is not a constitutional question; it is a question of order, but if the Chair can make up his mind that the work we are undertaking to do here is incidental to the carrying out of the powers that have been conferred by law, then these incidental rights certainly accrue and the point of order will not lie.

Mr. BORLAND. Mr. Chairman, the rule is that if any portion of a paragraph is out of order the entire paragraph is out of order. If we admit the argument of the gentleman from South Carolina, there would be absolutely no limitation upon the powers of the Department of Agriculture, and we could appropriate and consign to them any work within the sphere of human endeavor. The fact that they may have occasion to test aniline dyes entering into the coloring of food matter, if we give them power to go to the question of the process of the manufacture of aniline dyes, why, it could be argued with equal strength that the fact that they have occasion to use buildings in connection with the Department of Agriculture would give them unlimited power to test building materials, fireproofing, structural material, and structural strength of all kinds.

If they need coal to heat their buildings or to engage in laboratory work, it would enable them to go into all the processes of mining and distributing coal. The fact that they might occasionally need gas in their processes or in the work of their department would give them the entire field of gas investigation. The fact that they need electricity occasionally in their work would give them the entire electrical field. And so there would be no limit whatever to that process of argument. You have got to confine it to what is germanely and reasonably connected with the development of the agricultural industry.

Now, it has been pretty generally understood in this debate that the moving cause of this particular appropriation is to find dyestuffs for manufacturing purposes, not for the coloring of food, and the chief of those dyestuffs are mineral productions and not agricultural at all; but it is assumed that the two can be lumped conveniently. Whether they can be conveniently

lumped together is not the question before the Chair. The question before the Chair is whether the part they propose to engage in is beyond the power of the organic law. If it is, then the paragraph is subject to a point of order. They may be able to introduce a paragraph that is not subject to a point of order——

Mr. FOSTER. The gentleman from South Carolina [Mr. LEVER] quoted the Agricultural act. This comes under a different act, the pure-food act, and the Bureau of Chemistry comes under that.

Mr. LEVER. There is no statutory provision establishing the Bureau of Chemistry.

Mr. BORLAND. There is no statutory provision establishing the Bureau of Chemistry. If the gentleman says they have got any such warrant of law it is up to him to point it out, but he would in so doing prove there was no necessity for this paragraph.

Now, here is what I want to call the Chair's attention to. They say:

> For investigation and experiment in the utilization, for coloring purposes, of raw materials grown or produced in the United States.

Now, the word "grown" is clearly identified with agricultural pursuits. "Grown in the United States" would include almost any vegetable product. But they have very carefully enlarged that language, and I think with a good deal of care and skill, so that it is absolutely unlimited in its scope. They say, "Grown or produced in the United States." Now, "produced in the United States" means any possible line of human activity, and there is no question but that it is beyond the powers of the organic act.

If Congress were to legislate in that way, to create by an organic act one department, and then by its construction enlarge its activities into every department over which Congress has power to legislate, the limitations of law would be ropes of sand. Congress puts limitations upon the Agricultural Department and it confines it to agriculture—to matters grown within the United States—but they say, "grown or produced within the United States," and the minute they say "produced in the United States" they have usurped the entire field of human activity—manufacturing, mining, and all other forms. Now, there is no question about that; and if that is true, and it is practically admitted in the argument that preceded this argument on the point of order, then it is certainly beyond the organic power of the act.

Mr. ANDERSON. Does the gentleman contend that the investigations of the Department of Agriculture are necessarily limited, or are limited by the act creating the department, to the investigation of raw products—products of the soil in their natural state—and those investigations can not go beyond the investigations or the dissemination of information in regard to agricultural products in their raw state?

Mr. BORLAND. No; that argument is not necessary.

Mr. ANDERSON. That seems to be a necessary sequel to the gentleman's argument.

Mr. BORLAND. The gentleman will readily concede, I think, as he is a pretty clear thinker, the words "produced in the United States" comprise about as wide a term as could be used.

Mr. ANDERSON. That is true; but it does not seem to me that the mere fact that that may include articles which are not strictly raw products of agriculture necessarily would lead to the conclusion that this amendment goes beyond the authority of the enabling act, and is consequently not in order.

Mr. BORLAND. As a matter of fact, it has been pointed out here to the Chair that the Bureau of Chemistry is a "by-product" of the pure food and drug act. There is not any organic law creating it. It is a part of the necessary and incidental machinery for enforcing the pure food and drug act. That further limits the activities of the Bureau of Chemistry, because clearly by that line of argument the Bureau of Chemistry has not the full sweep and power of even the organic act of the Department of Agriculture. It may be used conveniently and tacitly by the department for all sorts of purposes, but if it is a "by-product" of a special law for the enforcement of the pure food and drug act, its powers are much more narrowly defined than the powers of the department itself. In other words, it may be possible to provide for an additional chemical laboratory for the purpose of dyestuffs under the organic act, provided we are limited to agricultural products, but not necessarily to confer that power upon the Bureau of Chemistry.

Now, the fact that the Bureau of Chemistry exists in the Department of Agriculture seems to be the only argument that has been advanced why any of these powers should be conferred upon it, and I submit that is not, on a question of the point of order, on a question of law, a controlling feature. It is not a question of convenience; it is a question of whether the organic act extends to that line of activity.

The CHAIRMAN. The Chair might regret that a point of order is made to this paragraph, but that is not a question for the Chair to take into consideration in passing on the point of order. As has been stated here, and it appears undisputed that this Bureau of Chemistry is an incident made necessary now by the passage of the pure food and drugs act. The Chair can not agree entirely with the gentleman from South Carolina [Mr. LEVER] that because the investigation of the dye industry might involve and take in some of the products of agriculture and in that way help that industry, therefore the paragraph would be in order on a bill of this kind. It is a fact of which we are all conscious, that there is scarcely any industry in this country that does not touch agriculture somewhere along the line, and if we were to apply the rule invoked by the gentleman from South Carolina, the Chair could conceive of scarcely anything that could not be made in order on an Agricultural appropriation bill.

But I repeat that it appears undisputed—and the Chair thinks that is true—that this Bureau of Chemistry is an incident to the pure food and drugs act. It has been treated as such in all the Agricultural appropriation bills, so far as the Chair knows, and is so treated in this bill. You will observe that provisions are made for conducting an investigation relative to the application of chemistry to agriculture; for an investigation of the character of the chemical and physical tests applied to American food products; for the investigation of the preparation for market, handling, grading, packing, freezing, drying, storing, transportation, and preservation of poultry and eggs; the handling and grading and packing and transportation of fish; the packing, handling, storing, and shipping of oysters, and other shell fish; and for the biological investigation of food and drug products and substances used in the manufacture thereof—recognizing all along that the activities of this bureau are confined to things embraced in the pure food and drugs act.

Now, the Chair was very much interested in the debate upon this particular paragraph, and it seemed to be conceded upon all sides that the real purpose of this provision is to go into a general investigation as to the production of dyes which would not only include agricultural products but, as the gentleman from Missouri [Mr. BORLAND] says, using the broad term, "materials grown or produced in the United States," that might and likely would go entirely outside the realm of agriculture. It seems to the Chair that to hold this paragraph in order would be to go far afield of the original purpose in establishing this bureau. Therefore the Chair feels constrained to sustain the point of order.

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment as a new paragraph.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] offers an amendment as a new paragraph, which the Clerk will report.

The Clerk read as follows:

> Insert, as a new paragraph, on page 46, after line 16, the following: "For the employment of chemists and other scientific assistants for investigation and experiment in the utilization of coloring materials, $50,000."

Mr. BORLAND. Mr. Chairman, I reserve a point of order on that.

Mr. ANDERSON. If the gentleman thinks it subject to a point of order, he might as well make it. I do not care to debate it.

Mr. BORLAND. I make it.

The CHAIRMAN. Does the gentleman from Minnesota want to be heard?

Mr. ANDERSON. Just one moment, Mr. Chairman. The enabling act, or the act creating the Department of Agriculture, authorizes the employment of "chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture." This amendment merely authorizes the employment of chemists and other scientific assistants for the purpose of making investigations of coloring material.

It seems to me that that is clearly in order. It is a mere appropriation for the employment of persons for the purposes designated, and in that case it seems to me it is in order and not subject to a point of order.

The CHAIRMAN. The Chair will ask the gentleman to read that paragraph again. The Chair could not catch it.

Mr. ANDERSON. This is in the original act. I read:

> And he shall, as Congress may from time to time provide, employ other persons for such times as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

Now, the question of coloring matter is a natural science which pertains to agriculture.

The CHAIRMAN. Would the gentleman permit the Chair to ask him this question? There is no doubt about the authority of the Secretary of Agriculture to employ chemists under that act, but would the Secretary of Agriculture have or has the Secretary of Agriculture got authority to use these chemists for the purpose of making an investigation into the production of dyes for general manufacturing purposes?

Mr. ANDERSON. That is a matter of the general interpretation of the language. I say he may employ chemists for the purpose of investigating coloring materials. It is a fact that the Bureau of Chemistry now does investigate the question of coloring matter in foodstuffs, both in respect to coal-tar dyes and other kinds of dyes. I can see no reason why an investigation of this kind is outside of the purview of the Department of Agriculture. It seems to me to be clearly within the authority of the department.

Mr. BORLAND. Mr. Chairman, it need only be said about that amendment that it is a little bit broader, if possible, than the amendment that was ruled out. It is a little less confined in its operations.

This Bureau of Chemistry under which this amendment is offered is a creature of the pure food and drugs act. The gentleman can not get away from that, and he can not get away from the proposition that, even if the powers of the department were broad enough to create a laboratory for the investigation of the general production of coloring matter, it certainly would not be under this particular bureau. He has not confined his language by any means, by direction or indirection, to the primary purpose of this section of the bill, which is the enforcement of the pure food and drugs act, in relation to food and materials. He is just simply given a roving commission to investigate coloring matter; and it is not only subject to all the objections referred to in the decision of the Chair a moment ago, but to the further objection that it is much broader than the Bureau of Chemistry, where it is placed.

Mr. ANDERSON. Mr. Chairman, may I point out the fact that there is nothing in this amendment which confines the persons employed in the Bureau of Chemistry to any particular line?

Mr. BORLAND. That is exactly the trouble.

Mr. ANDERSON. And consequently the proposition is not limited to any authority which may be conferred upon the Bureau of Chemistry. If it has any jurisdiction at all, it gets it from the organic act.

Mr BORLAND. But the gentleman has offered it in this place.

Mr. ANDERSON. That does not affect that situation.

Mr. BORLAND. The gentleman has offered it as a part of the Bureau of Chemistry appropriation.

Mr. HELVERING. As a matter of fact, you are arguing that the Bureau of Chemistry is incidental. His amendment is introduced under the organic act providing for the employment of chemists in the Agricultural Department. The provision under which he has introduced the amendment as a new paragraph is under the provisions of the organic act making it possible to hire chemists, and you are trying to confine it to the Bureau of Chemistry, which is incidental to the pure-food act.

Mr. BORLAND. The gentleman will see that he has offered his amendment to the Bureau of Chemistry appropriations. He offered it at the place where the Bureau of Chemistry appropriations are taken care of, and I say that is one point against it; but, in addition to that, the decision of the Chair on the previous point of order also applies. There are two points against this particular amendment.

Mr. STAFFORD. Mr. Chairman, the amendment that is proposed is considerably different from the original paragraph carried in the bill. I quite agree with the ruling of the Chair that the original paragraph was subject to a point of order, but I have serious doubts whether this amendment is subject to a point of order. From the face of the amendment you can not conclude that it is not for use in connection with agriculture. We have in the department a Bureau of Chemistry, authorized to investigate and to employ chemists to ascertain whether foods are adulterated or not. These chemists might be employed for the ascertainment of coloring material that could be utilized in the adulteration or misbranding of foods or drugs. In considering whether this amendment is in order, the Chair can not ask himself what is the purpose behind this amendment. The Chair can only consider the bald fact as to whether under the law creating the Department of Agriculture, coupled with the organic act creating the Bureau of Chemistry, there is authority that will warrant the employment of these men. I contend that there is authority.

The pure-food act authorizes an investigation by the Bureau of Chemistry as to whether food has been misbranded or adulterated. It is known to the Chair, and he must take cognizance of the fact, that foods are adulterated by means of coloring matter. There is nothing in this amendment to show that the investigation along these lines will not be utilized for that very purpose. The pure-food act passed in 1912 authorized the establishment of a Bureau of Chemistry, and I direct the attention of the Chair to section 4, which reads that examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry and under the direction and supervision of such bureau for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act. Here we are providing an agency whereby the department may be empowered to ascertain as to coloring matter, as to whether it may not be so utilized. If there is this warrant, as I am trying to show the Chair that there is; if the Bureau of Chemistry, inquiring as to the adulteration or misbranding of foods or drugs, is authorized to do this, then this is in order. I want to emphasize the wording of the original pure-food act authorizing the Bureau of Chemistry to inquire as to the misbranding of foods and drugs. The Chair must know that foods and drugs are adulterated by the utilization of coloring matter. But how can the department ascertain whether there is coloring matter in those drugs and foods unless they have chemists to analyze the component parts of the material?

Mr. BORLAND. How does that include the investigation of the production of these coloring matters? You are investigating now as to whether there is coloring matter in the food.

Mr. STAFFORD. There is nothing in the amendment before the committee as to production; but even if there were, it would be connected with the original scope of the investigation. If the gentleman has read the original authorization creating the Bureau of Chemistry, he will see that there is——

Mr. BORLAND. I have it right before me.

Mr. STAFFORD. I hope the gentleman has considered it.

Mr. BORLAND. It does not cover the question of the investigation of how coloring matters are made or produced. It covers the question whether they exist in the food.

Mr. STAFFORD. It covers examination of specimens to ascertain whether they are adulterated or misbranded, and I consider this amendment as carrying out the law creating the Bureau of Chemistry.

The CHAIRMAN. This amendment proposed by the gentleman from Minnesota [Mr. ANDERSON] provides for the employment of chemists and other scientific assistants for investigation and experiment in the utilization of coloring materials. It occurs to the Chair that the Bureau of Chemistry has that authority now. The Chair does not think that the amendment changes existing law, and therefore overrules the point of order.

Mr. BORLAND. How much is the appropriation carried in the amendment?

The CHAIRMAN. Fifty thousand dollars. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The amendment was agreed to.

The Clerk read as follows:

For enabling the Secretary of Agriculture to carry in effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia; and to cooperate with associations and scientific societies in the revision of the United States Pharmacopœia and development of methods of analysis, $632,951.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Does this appropriation cover investigations made under the Harrison Antinarcotic Act?

Mr. MANN. It does not cover the Harrison law.

Mr. LEVER. I will say to the gentleman from Pennsylvania that this is the appropriation for the enforcement of the pure food and drugs act. I do not think it has anything to do with the Harrison Act, as I understand it.

Mr. BORLAND. The antinarcotic act is enforced by the Department of Justice.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks on dyestuffs.

Mr. HICKS. I ask unanimous consent to extend my remarks on oyster culture.

The CHAIRMAN. If there be no objection, the two requests will be granted.

There was no objection.

The Clerk read as follows:

For investigating the grading, weighing, and handling of naval stores, the preparation of definite type samples thereof, and for the demonstration of improved methods or processes of preparing naval stores, in cooperation with individuals and companies, including the employment of necessary persons and means in the city of Washington and elsewhere, $10,000.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee why this provision for demonstration of improved methods or processes of preparing naval stores is put in this particular place?

Mr. LEVER. It was carried in last year's bill under miscellaneous items. The Bureau of Chemistry has been doing the work, and we thought we had better bring it back into the bureau itself.

Mr. BORLAND. Is this done for the public vessels of the United States or for all the naval stores? I understand naval stores is the general term that applies to the merchant marine——

Mr. LEVER. Yes; it applies to turpentine and rosin for the entire country.

Mr. BORLAND. For private parties as well.

Mr. LEVER. The bureau establishes a standard and these standards are available to the country just as much as to the Navy Department.

Mr. BORLAND. I do not see any objection to it.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Chairman, I hope the paragraph just read will remain in the bill. It is as follows:

For investigating the grading, weighing, and handling of naval stores, the preparation of definite type samples thereof, and for the demonstration of improved methods or processes of preparing naval stores, in cooperation with individuals and companies, including the employment of necessary persons and means in the city of Washington and elsewhere, $10,000.

This is good legislation and will benefit an industry representing investments of over $100,000,000 and which produces over $40,000,000 worth of products annually. The purpose of the appropriation is set out in the reports on this bill, on pages 864 and 865.

It is conservatively estimated that through improved methods of manufacturing rosin and spirits of turpentine a waste of over $4,000,000 annually can be saved. It is indeed worth saving, and will mean much to the operators and to the industry as well as to the consumers of these products.

The Secretary of Agriculture has very ably set out the need and purpose of this appropriation in a letter addressed to me, which I insert in the RECORD at this point and which is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, April 13, 1916.

Hon. CHARLES G. EDWARDS,
House of Representatives.

DEAR MR. EDWARDS: In compliance with your telephone request of April 11, the following statement is made concerning the work of the Department of Agriculture on the weighing, grading, and handling of naval stores:

Definite provision was made in the appropriation act of 1915, through amendment in the Senate, for the continuance of the work on naval stores which had been conducted for several years under the general appropriation to the Bureau of Chemistry for agricultural investigations. In the estimates for the fiscal year 1917 the department recommended that $5,000 be appropriated for continuing the work during 1917. It is estimated that about $3,000 of this sum will be returned to the Treasury through the sale of the glass-type samples.

An additional $5,000 is provided in the appropriation bill, as reported to the House, for the demonstration of improved methods or processes of preparing naval stores. If this sum is made available, it will be used to demonstrate methods of making higher grades of rosin; for saving material having a value of approximately $4,000,000 yearly, which is now being wasted at the stills; for demonstrating better methods of handling at the still and more efficient and economical conduct of the business.

This work will not only benefit the naval-stores industry, with its capitalization of $100,000,000 and an annual production valued at $40,000,000, but will also benefit directly the enormous industries of paint, varnish, soap, paper, textile, and ink making.

The work on naval stores has already yielded results of direct benefit both to the producers in the South and to the users of turpentine and rosin, the paint and varnish makers, soap makers, size and rosin-oil makers, and to all who use these products, by providing definite glass types which serve as the standards for the grading of rosin. The result is that there is closer agreement between sets of these rosin types, which are used in grading every barrel of rosin, than there has ever been before.

The opinion of the naval-stores industry, producers, and users on the glass types is indicated by a statement recently made by the supervising inspector of Georgia and concurred in by the supervising inspector of Florida—

"That there is no question about it, but that the adoption of the standard types, which went into effect the 14th of June, was the best step toward progression in this business that we have ever taken"—

and by the statement of the naval-stores committee of the Oil, Paint, and Varnish Association that—

"It is our opinion that the efforts of the Government along these lines (the preparation of definite glass types, standardization of grades of rosin and turpentine, etc.) will inure to the benefit of both the buyer and seller."

It is desired during the coming fiscal year to prepare a sufficient number of sets of the glass types, that they may be used exclusively in grading rosin, replacing the types of rosin now used which do not hold their color, thus leading to inaccurate grading, and are easily broken and become useless. Many requests, which the department can not yet meet, are being received from producers and users alike for the permanent glass types. These will be supplied next year at the cost of production if the funds are available for the purpose.

Not a single objection to the glass types as permanent standards for rosin nor to the department's preparation of and responsibility for them has come to the department's attention from either producers or users of rosin. These types, which are made to duplicate as closely as possible the average of the rosin types employed for years in grading rosin, were heartily indorsed by a representative gathering of producers, factors, dealers, exporters, and users at a meeting held in Washington in March, 1914, and have since been formally adopted by the boards of trade, chambers of commerce of the producing sections, as well as by the New York Produce Exchange. Their use promotes fair and confident dealing in rosin.

Producers and users of naval stores have long held that rosin is often seriously misgraded, and that turpentine is adulterated with mineral oils. The work of this department confirms these statements, and is continuing to develop the underlying causes. Help from the department through permanent glass types, instructions in improved methods of grading, and the use of better apparatus in grading will greatly reduce unintentional errors, but will, of course, not decrease fraudulent practices.

By the beginning of the next fiscal year the department will have its information on this subject in available form and will be ready to demonstrate to inspectors and the trade generally more accurate and reliable methods of grading rosin.

In addition to the cordial support of the naval-stores industry as developed at the naval-stores conference in March, 1914, the National Oil, Paint, and Varnish Association, annual meeting, October, 1914, passed the following resolution:

"That the secretary of the association be instructed to write to the Department of Agriculture approving the investigation now being made by the department and expressing the hope that the time will come when rosin can be bought on a net-weight basis."

Very truly, yours,

D. F. HOUSTON, *Secretary.*

The Clerk read as follows:

Total for Bureau of Chemistry, $1,153,801.

Mr. GILLETT. Mr. Chairman, I offer the following amendment as a separate paragraph.

The Clerk read as follows:

Page 47, after line 21, insert as a new paragraph the following:

"To enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the National Dairy Show Association to be held at Springfield, Mass., during the fiscal year ending June 30, 1917, illustrative of the boys and girls' club work and other features of the cooperative agricultural extension work carried on in the North Atlantic States, including labor and all expenses in the city of Washington and elsewhere, $15,000."

Mr. LEVER. Mr. Chairman, to that I reserve a point of order.

Mr. GILLETT. Mr. Chairman, I appreciate that this is subject to the point of order which the gentleman has made because last year a similar point of order was made on an amendment in relation to the dry-farming congress, and the point of order was sustained. I can see that this is subject to the same point of order, but I hope possibly the conditions here are so meritorious that the gentleman from South Carolina may be persuaded to relent and withdraw his point of order.

I appreciate the evil of the Nation appropriating to local projects. But this is not a project where the people themselves have not dug deep down into their pockets before they appealed to the Nation for assistance. There has been organized in Springfield an agricultural and industrial exposition, and the national dairy show, which for years has exhibited in the West, is to come to Springfield this year. Springfield is a city of only 100,000 people, and yet it has only been a month or two since they raised $535,000 right in the city for this exposition, and the remaining $200,000 is to be raised in the Eastern States. This exhibition is for the six New England States and the four Middle States—New York, New Jersey, Pennsylvania, and Delaware.

Mr. MANN. Will the gentleman from Massachusetts yield?

Mr. GILLETT. Certainly.

Mr. MANN. If we should make this appropriation of $15,000, has the gentleman from Massachusetts, now the ranking minority member of the Committee on Appropriations, and likely to be chairman of the committee in the next Congress [applause on the Republican side], made any estimate of how much this would incidentally cost the Government—how many millions of dollars?

Mr. GILLETT. No; Mr. Chairman, I have not entered into that very large and speculative field. [Laughter.]

Mr. MANN. Has the gentleman made any estimate of how many times it would be thrown up at him?

Mr. GILLETT. Yes; I have thought of that.

Mr. LONGWORTH. Does the gentleman think this would have a tendency to enforce the civil-service laws?

Mr. GILLETT. I do not think it would have any effect on those. I think they would still keep their pristine vigor.

But there is this argument in answer to what the gentleman from Illinois has said: My section is discriminated against in present appropriations of this kind. If we were in the same condition as is the South under present appropriations we would not need the $15,000, for I believe there is $600,000 appropriated for the 13 Southern States where there is only $500,000 appropriated for the other 35 States. In the Southern States the work is going on with the present appropriation, but we have not an appropriation in our locality, and therefore it seems that to a certain extent that answers the objection of the gentleman, and shows that we are only trying to equalize in a very small measure the disparity of the appropriations at present.

Mr. SLOAN. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. SLOAN. Are these the same 10 States from whence comes the 50 immortals of the American Academy of Letters and Arts?

Mr. GILLETT. No; they are not. Mr. Chairman, when I was diverted by the irrelevant question of my friend from Nebraska I was stating that the boys' and girls' clubs for home and agricultural work are engaged in a development of very great usefulness in all sections of the country. This appropriation is exclusively to further their exhibit at this great exposition of the national dairy show.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

[By unanimous consent Mr. GILLETT's time was extended five minutes.]

Mr. GILLETT. Mr. Chairman, this money is to be appropriated exclusively to the exhibits of the boys and girls' clubs. This exposition is going to put up a building to cost from $35,000 to $50,000 for the exclusive purpose of these exhibits. The $15,000 the Secretary of Agriculture says will be used exclusively by the department in going through these 10 States, sending out leaders and stimulating the interest of boys and girls' clubs to have special exhibit there, in order to weed out and select the best exhibits for the national exhibition. So the value is not simply the exhibition, but the chief value is the stimulant that it is going to have upon these clubs, that already are doing so much good.

The county of Hampden, in which the city of Springfield is located, you in the West would not consider an agricultural region at all, but purely industrial; and yet in the last few years there has been formed there the Hampden County League, whose purpose is just in line with this appropriation, to stimulate the interest in agriculture. The business men have contributed to it, not out of philanthropy but because they appreciate that building up the surrounding region will help their industrial life. There was raised the first year about $10,000 by private subscription, which was used to instruct and help the farmers and lead them into the new methods of production. Through its organized efforts it has induced farmers to introduce modern and improved methods in their orchards, their soil, and their stock. The next year they nearly doubled that amount, and then we had an act passed in the legislature allowing the county to tax itself $10,000 a year, and that has been done regularly and cheerfully, so that now we are raising about $25,000 a year by taxation and subscription, about half and half from each, to develop the agriculture which I suppose you from the West would think was very petty and impossible in our barren fields. We are raising stock and produce dairy products, and the boys and girls are developing a very great interest in this new life. The national dairy show which is to be held there this fall is going to appropriate $3,000 in prizes for these boys' and girls' exhibits. It is for that purpose that I have offered this amendment. I had some suspicion that the gentleman from South Carolina [Mr. LEVER] might raise the point of order, and perhaps that mitigates the danger which the gentleman from Illinois [Mr. MANN] thinks I am encountering in offering the amendment; but it is possible that the gentleman will appreciate——

Mr. MANN. Oh, I want the gentleman to understand that I hope the point of order will not be made and that the appropriation will be made.

Mr. GILLETT. I thank the gentleman. I hope the gentleman from South Carolina will be of the same mind and withdraw his point of order. I am sure everyone admits the importance of the purpose aimed at; and considering the relatively insignificant appropriation of national funds which our section receives for these purposes compared with what you get in the South and the large amounts which our local enterprise is raising and spending, I submit whether this is not a case where this small appropriation might wisely be granted.

Mr. LEVER. Mr. Chairman, I regret exceedingly much that I am constrained under the circumstances to make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For chemical investigations of soil types, soil composition and soil minerals, the soil solution, solubility of soil and all chemical properties of soils in their relation to soil formation, soil texture, and soil productivity, including all routine chemical work in connection with the soil survey, $20,610.

Mr. SISSON. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may be permitted to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. SISSON. Mr. Chairman, the item now under consideration is the most important item in the bill; that is, the preservation of the soil of this Republic. This matter was discussed fully in 1849, and so far as I have been able to discover it was at that time that the first report was made to Congress in reference to the condition of agriculture in the United States, and that may be considered the beginning of the Department of Agriculture. That report is a most illuminating one. It will be most interesting to any Member of Congress who will take the time to investigate it. The vast amount of learning and talent displayed by those gentlemen in that early day is most remarkable, especially their scientific knowledge of the soil and soil improvement, what and how much it means to this Republic, what it means to the business of the country, and what it means to the city and to the future of the human race. The report is not only a scientific one, but is most beautifully prepared, and prepared in the most beautiful language. This report to which I refer was made by one Mr. Daniel Lee to Mr. Thomas Ewbanks, who was the Commissioner of Patents at that time, and the Department of Agriculture had its birth in the Patent Office and from this report. I shall not weary the committee by endeavoring to read or to put into the RECORD all of this report. It is entirely too long. But the reasons why our Government should foster and encourage agriculture are most convincing. Some of these I want to call to your attention. Before doing this, however, I want to congratulate the chairman of the Committee on Agriculture for his zeal, his earnestness, and his ability in the management of this great bill. The country is extremely fortunate in having the service of such a man to guard the interest of agriculture. If the Department of Agriculture can be successful in carrying into effect the provisions of this bill and can secure the results that should flow from the expenditure of the money carried in the bill, it will do the country more good than the money expended through any other bill passed by Congress.

Mr. Chairman, Mr. Lee in the report pleads for agricultural education, and states that the greatest tax the farmer pays is a lack of proper knowledge of the great science of agriculture, and it is a great science. He refers also to the fact that the great Government of the United States was in the habit back in those days of expending vast sums of money in the development of transportation in the country and great sums of money in the development of all other lines of industry, and that the Halls of Congress were filled with great debates on the industries of the country and the development of manufacture, but that little was said and nothing done by Congress for agriculture, the basis and foundation of all these things, and the basis of all civilization. In speaking of the development of the rural life he calls attention to the fact that where rural life was developed, where they had proper schools, where the soil was properly cultivated there was thereby developed a strength and a virility which will be stronger and better in its effect upon the preservation of the Republic than any other activity, and that if the Federal Government was to be enduring it should devote some of its activities to the development of the farms as well as the development of factories. He calls attention to the fact that if a pirate on the high seas shall destroy a few hundred dollars' worth of property the United States Government instantly expends millions of dollars in order to put down the insects of the sea, but that millions—yea, untold millions—might be destroyed by the insects in the field and forest—and he enumerates the very insects many of which we are battling with to-day—and Congress did nothing about it; and he urged upon Congress the necessity of performing that duty, as it was one of those duties which a single State could not perform. One State might eliminate one insect, and the very next year the invasion would come from the other side.

Therefore it was a proper activity for the Federal Government. In discussing the results that would follow from it he uses this sentence:

The continued fruitfulness of the earth is an interest far greater and more enduring than any form of government.

And that is true, because it is by the fruitfulness of the soil that all human beings must exist. He called attention to the fact that in many instances the people most interested in the development of agriculture were the people who would laugh at and make fun of any man who advocated the Federal Government having anything to do with agriculture, and he also refers to the fact that we should be thankful that the time is at last reached in the development of the Government where they no longer laugh when this subject is discussed, and he hopes the time will soon come when Congress will be so impressed by it that it will act. He says that these men from the cities, who are prone to laugh at Congress taking steps to aid agriculture, will be the first people to suffer in a dearth of food, because the farmer only sells his surplus to the cities. He says:

A great principle is involved in the science of agriculture, which reaches through indefinite generations, and forms the basis of all possible improvements and of the highest hopes of our race. All advancement is impracticable in a country that closely approximates the condition of a desert.

Mr. FESS. Will the gentleman yield for a question?

Mr. SISSON. I do.

Mr. FESS. Did I understand the gentleman to say the report was made in 1849?

Mr. SISSON. It was prepared in 1849 and actually submitted in 1850.

Mr. FESS. And in 1849 also the Department of the Interior was created, and I was wondering whether it included the Department of Agriculture later, and I was wondering whether this report led to the creation.

Mr. SISSON. I have not had an opportunity to investigate that matter. That is a matter of history that I would like to inform myself about, and will as soon as I have the leisure. Now, in reference to the development of rural life, Mr. Lee says, in this report to Mr. Ewbank:

A lack of mental culture and discipline is the most serious impediment to the diffusion of agricultural science among the mass of farmers. Its language is to them an unknown tongue. Hence the most sublime truths in the economy of nature are shut out from the popular understanding. It is feared that this will ever be the case until schools designed to teach those branches of learning which the practical farmer greatly needs, but does not possess, are established and maintained throughout the United States. So long as we refuse to plant the seed it is folly to expect a rich harvest of knowledge.

I am glad that this eloquent appeal of Mr. Lee has been heard and that the States have made a beginning by establishing agricultural colleges and that the Federal Government has granted some aid. But when we see the many billions that have been spent for pensions and for Army and Navy and other purposes we can but be astonished at the backwardness of Congress in its effort to develop agriculture, which is the very first essential to our national life. O, gentlemen of the House, your Army and Navy will be developed in vain if you do not properly cultivate your fields to feed your Army and Navy.

Since I have been a Member of this House I have at all times and whenever I had an opportunity plead for the farmers of the country. In being their friend and one of their humble champions, I have been the champion of all the people of the cities and towns. If agriculture fails, the mighty brick and mortar of our cities that tower in their beauty, as the lives of busy industry will become charnel houses of idleness and want and misery and death. It is the shoulders of the honest, industrious, and patient farmer that uphold all this vast structure. Without him the music of busy factories would be hushed; the great ships that fleck the ocean by the thousands would be rotting at the wharves, and the scream of the locomotive would be heard no more in the land.

So I take occasion now, as I have done repeatedly before on this floor, to appeal to you to do all in your power to encourage and advance the productiveness of our farms. Let this Congress not adjourn until we have passed a good rural-credits bill that will give the farmer money at a low rate of interest and for long time, so as to lighten his burden and care and encourage him in soil improvement and better cultivation of his crops, thus increasing his return from every acre of land. This will enable him to educate and train his boys and girls, improve his home and farm, to build better roads, and to make happy and joyous country life. The desire of our boys and girls to leave the farm will cease, and soon the Republic will be upon a foundation that can not be shaken.

Now, Mr. Chairman, to return to this report. I want to call your attention to his discussion of soil improvement. In discussing soil improvement he analyzes what is lost to the people at large of the amount of matter essential to plant life which is and will be taken out of every acre of land by every crop unless you can by diversifying the crops improve the soil; and he says that in 100 years, unless there is a change in the methods of agriculture in the United States, you would make all the tillable land in America absolutely a desert and plant life would disappear. He also refers to the history of the deserts in Asia, which were once fertile fields and covered with forests and abounding in fertility, but now worthless to man, caused by neglect and ignorance in taking from the soil year by year its substance and returning nothing to it. If the Federal Government fails in its duty to the farmer, we may see the same condition here. He urges that Congress perform this duty to the people of the Republic. Let me insist that we take this advice to-day and urge upon our great Agricultural Department the prime importance of the preservation of our soil, which is not ours but is ours in trust for future generations. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. SISSON. I do.

Mr. FESS. I am interested to know whether Mr. Lee at that early time suggested the possibility of increasing the fertility of the soil instead of wearing it out?

Mr. SISSON. He does, and the report is a voluminous one. In other words, every acre of land which has been under cultivation one year ought to be the cheapest acre, and land that has been cultivated two years ought to be better than it was the preceding year; and when land has been under cultivation, as it is in some portions of Indiana and Illinois, where they have applied some scientific agriculture and some diversified farming, the land not only has increased in value, not only on account of the increased demand for the land, but it has increased in value by virtue of its productiveness.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. Mr. Chairman, the gentleman from Mississippi is making a very interesting and instructive speech, and I ask that he be given five minutes more.

The CHAIRMAN. The committee fixed the time for closing debate on this paragraph.

Mr. LEVER. How much more time does the gentleman need?

Mr. SISSON. I would like the gentleman to give me 10 minutes if it be possible.

Mr. MANN. Mr. Chairman, I think the gentleman ought to be allowed to proceed until he concludes.

Mr. SISSON. I would not wish to ask that, but I do wish to call attention to some other matters.

Mr. LEVER. I will yield the gentleman the balance of my time, which is five minutes.

Mr. SISSON. I would like to have 10 minutes, and I will conclude within that 10 minutes whether I have said all I desire or not.

Mr. MANN. Will the gentleman from Alabama ask for 10 minutes?

Mr. HEFLIN. Mr. Chairman, I asked that the gentleman have five minutes, but I would ask that he have 10 if he desires.

Mr. SISSON. I would like to have 10 minutes, and then I shall conclude my remarks whether I get all that I wish in the RECORD or not.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Mississippi may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. I will.

Mr. HICKS. And that is, does the gentleman realize that in Japan and China land has been for a thousand years under cultivation and to-day it is worth more than it was at any other period in its history, and that this is because they continually improve their soil?

Mr. SISSON. That is true; that is true in France and in Germany. You know as a historical fact the present territory occupied by the German Empire was the poorest portion of Europe, the most unproductive, and yet by the scientific improvement of the soil they have made it the most productive. I pause long enough to say that there has not been a people on earth that has been as ruthless with their treatment of the soil and the natural productiveness that God has placed upon it as have the people of the United States.

Mr. FESS. Referring to Germany, when Germany had but 38,000,000 population, with the same amount of territory, she

did not produce what she consumed. To-day, with 65,000,000 on the same territory, she was exporting up to the time of the war.

Mr. SISSON. And the great German Government gave to the German farmer assistance, gave to him information, and gave to him demonstrations, gave to him the knowledge of the chemist, and informed him of great scientific principles which the farmer, busy in his field, does not have the time nor the ability nor the opportunity to study out. [Applause.] And I warn the great cities, not in this immediate generation but the one to come, that unless they turn their attention to and give their mind somewhat to the improvement of the soil in America, they will be the first that will suffer. And as has been stated here by Mr. LEE, it may become too late after your lands have approached almost a desert condition to be able to produce upon the land that which is necessary to give back to the soil what it needs.

Mr. Chairman, our people should give their immediate attention to the great question of soil improvement and postpone to a future day—Congress should insist that the Agricultural Department give its very best and most scientific efforts to this question and render to the American farmer this much-needed information so that he may at once begin this soil building.

I was diverted somewhat from what I intended to say. I referred to it incidentally a moment ago. Now, if we want to always be prepared for war, there is something more important than battleships, something more important than the Army, and that is something to feed and to produce the Army and Navy. And if this country should be girdled by a circle of mighty battleships, as long as we are capable of living within ourselves, as long as we are as well prepared—and we ought to be infinitely better prepared than Germany in reference to foodstuffs—it is necessary that this Government shall look to it that there is everything needed to make the wheels of our factories run, to make the locomotive engines run, to feed, and clothe, and house our people; and when we have that we have taken the first, the greatest, and the most permanent steps toward preparedness. Guns, cannon, ships, all amount to nothing unless you have food. [Applause.] Why, everybody who has studied the history of the Civil War knows that it was the lack of food that first caused the Confederate Government to weaken and was the final cause of its downfall. I say without hesitation that if we had bent our energies as much and had said as much about the great agricultural interests of the country—and by that I do not mean the farmers' interests alone, but I mean it in no mere occupational sense, but in the broadest sense of the word—if we had given the time and attention and spent one-tenth of the money in giving the people information as we have on Army, Navy, and pensions, our hills and valleys would be teeming with a fertility little dreamed of. [Applause.] And it is the duty of every patriotic citizen, as long as the expenditure of a dollar is for the purpose of dispensing information in reference to the great secrets of agriculture, locked up, as all secrets of science are, and require patience and toil to find, to spend the dollar to find the truth.

I know of no better way of closing these remarks than to read a quotation from this marvelous report. Speaking of what we have wasted, speaking of what is wasted in the cities, of the products that go in trainloads to them, and that which has been called refuse there, but which Cleveland, Ohio, is beginning to take care of, that which this Government ought to take care of here in the city of Washington as a demonstration to all the other cities of what might be accomplished by it, Mr. Lee says:

There has been enough of the elements of bread and meat, wool and cotton, drawn from the surface of the earth, sent to London, and buried in the ground or washed into the Thames, to feed and clothe the entire population of the world for a century, under a wise system of agriculture and horticulture. Down to this day great cities have ever been the worst desolators of the earth. It is for this that they have been so frequently buried many feet beneath the rubbish of their idols of brick, stone, and mortar, to be exhumed in after ages by some antiquarian Layard. Their inhabitants violated the laws of nature which govern the health of man and secure the enduring productiveness of the soil.

Skipping the balance of what he says about it, that if the cities would scientifically take care of that refuse—we call it garbage—and would take out of the garbage of the great cities those elements of cotton destroyed and food destroyed, and would gather it up in the cities so that it could be returned to the land from which it had been taken. It would mean in course of time billions of dollars. Do not you think there is enough wasted? In concluding the introduction to his report, he says this:

Both pestilence and famine are the offsprings of ignorance. Rural science is not a mere plaything for the amusement of grown-up children. It is a new revelation of the wisdom and goodness of Providence—a humanizing power, which is destined to elevate man an immeasurable distance above his present condition.

That is why it was, in the appropriation bill which provided a small sum for the purpose of endeavoring to discover the causes of the prevalent diseases of the country, that I advocated, worked for in the House—but a point of order was made upon it—and finally secured in the Senate a small appropriation for the purpose of investigating rural sanitation. I think it is worth at least a billion dollars annually to the people of the United States to stamp out typhoid fever, the hookworm, pellagra, and consumption. [Applause.] The physicians now have determined what these germs are and now know how to prevent these diseases. When you come in contact with them you are liable to become infected with disease, and when you eradicate the germ and make it impossible for the human system to come into contact with it those four diseases can be absolutely destroyed. Dr. Blue told me that they could be literally stamped out of existence.

I say to you there is absolutely nothing more worthy of the attention of the American Congress than the subject of rural sanitation. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I want to read three sentences by unanimous consent.

The CHAIRMAN. Without objection, the gentleman will proceed for one minute.

There was no objection.

Mr. SISSON. I read:

To achieve this result, the light of science must not be confined to colleges; it must enter and illuminate the dwelling of every farmer and mechanic. The knowledge of the few, no matter how profound or how brilliant, can never compensate for the loss incurred by neglecting to develop the intellects of the many. No government should be wanting in sympathy with the people, whether the object be the prevention of disease, the improvement of land, or the education of the masses. One per cent of the money now annually lost by reason of popular ignorance will suffice to remove that ignorance.

[Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For exploration and investigation within the United States to determine possible sources of supply of potash, nitrates, and other natural fertilizers, $35,000.

Mr. SINNOTT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oregon moves to strike out the last word.

Mr. LEVER. Mr. Chairman, may I inquire how much time the gentleman desires?

Mr. SINNOTT. Five or 8 or 10 minutes.

Mr. LEVER. I ask unanimous consent that the debate on this paragraph and all amendments thereto shall conclude in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the debate on this paragraph and amendments thereto shall conclude in 10 minutes. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Chairman, I desire to approve the remarks made by the chairman of the committee a few moments ago, that a great Nation like ours should not buy from foreign countries what we can produce and manufacture in this country, and I particularly desire to refer in that connection to the subject of mixed fertilizers for the soil, to potash, phosphate, and to nitrates used also in the manufacture of munitions.

I desire to call the attention of the House and of this committee to an elaborate presentation of tentative plans and estimates of water-power projects in the Columbia River Basin made by John H. Lewis, State engineer of Oregon, in conjunction with L. F. Harza, Garfield Stubblefield, and E. J. McCaustland. This report I hold in my hand. It is Bulletin No. 5, office of State engineer. It shows the enormous water-power possibilities of the State of Oregon with tentative plans for developing 2,000,000 horsepower in Oregon and in the Columbia River Basin.

Mr. Lewis in his report states that in 1913, when conditions were normal, about $125,280,000 worth of commercial fertilizers were used in the United States. Of this amount the farmers paid $48,330,000 for nitrogenous substances, $56,000,000 for phosphates, and $20,000,000 for potash salts. Potash is now eight or twelve times its normal price. He further states in his report that practically all the potash salts were imported from Germany, and the entire quantity of nitrates came from Chile, while some electrically made nitrates of lime came from Norway. He states that the phosphates were obtained largely from Florida and other Southern States.

Then he goes on to speak of the enormous water powers in the Northwest going to waste, which should be used for the purpose of manufacturing these fertilizers and nitrates for munitions, and which especially should be used in the fixation of nitrogen. He shows that the essential condition for the establishment of such industries are cheap water power, necessary raw resources, and convenient rail and water transportation to the markets of the world.

Now, we in Oregon and in the Northwest think that we have all these essentials for the purpose of manufacturing fertilizers and nitrates for munitions of war. I want briefly to call to the attention of the committee some of the enormous water-power possibilities that we have upon the Columbia River. The drainage basin of the Columbia River at The Dalles, where I live, is 236,800 square miles. The drainage of the Mississippi River at Quincy, Ill., is 135,000 square miles. The water power of the Columbia River Basin equals that of the 26 States east of the Mississippi River. We in the Columbia River Basin, if the reports of the Geological Survey may be relied upon, have one-third of the total available water power in the United States. We have at this point, the Columbia River at The Dalles, a mean annual flow of 235,000 second-feet of water. The Mississippi River at Keokuk has a mean annual flow of 73,000 second-feet. At Niagara there is a mean annual flow of 222,000 second-feet. At the mouth of the Mississipi River there is a mean annual flow of 664,000 second-feet. So we have at The Dalles of the Columbia one-third of the mean annual flow they have at the mouth of the Mississippi. This record has been computed over a period of 33 years, and in that period of 33 years our lowest water during the winter months was 50,000 second-feet, in comparison with 20,000 second-feet at Keokuk, where the great Keokuk Dam is located.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SINNOTT. Now, the maximum flow at Keokuk is 200,000 second-feet. At The Dalles on the Columbia it is 1,390,000 second-feet. In 500 miles on the Columbia River you reach an elevation of 680 feet. It takes 2,000 miles on the Mississippi to reach that same elevation.

Now, this enormous flowage of the Columbia River, draining an area of 237,000 square miles, almost double that of the Mississippi at Quincy—this enormous volume of water, coming down that watershed, contracts at The Dalles of the Columbia River, where the river is 1,600 feet wide, contracts at the narrows to a width of 150 feet, between solid basalt walls. Here we can get a low-water head of 105 feet for the entire flow of the Columbia River.

We can develop at this point for eight months out of the year 800,000 horsepower, and for the entire year a continuous production of 480,000 horsepower. This can be done at a cost of $50,000,000. The Dalles is 190 miles from the Pacific Ocean and the river is navigable the entire distance.

At the cascades of the Columbia River, 40 miles below this point at The Dalles, we can produce a continuous 200,000 horsepower during the entire year, and for eight months of the year 420,000 horsepower, at a cost of $20,000,000. We have near at hand the phosphates in Idaho and Montana. We have the lime in Oregon and Washington. We have the kelp on the Oregon and Washington coast.

For the benefit of the committee I would like to show you these pictures which I hold in my hand of narrows of the Columbia River near The Dalles. Right above this narrow gap in the river which I am pointing to it is 1,600 feet wide. It narrows down to 150 feet between these solid walls. The State engineer of Oregon and other competent engineers who have investigated this project say that this is one of the greatest water-power projects in the world. We can produce at this point twice the horsepower now developed at Niagara for a cost of $50,000,000.

Mr. BORLAND. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. BORLAND. Will the gentleman tell us whether this power site is in private ownership or whether it is on public land?

Mr. SINNOTT. The water at this power site has been withdrawn from appropriation by the State, and the State of Oregon owns the shore line between high and low water mark.

Mr. BORLAND. It is not in the ownership of the United States, however?

Mr. SINNOTT. No; it is not in the ownership of the United States, but the river is a navigable one, and the State will gladly surrender its rights for the purpose of developing this power.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. LONGWORTH. I do not want to depreciate the water power that the gentleman has been talking about, but I want the gentleman to realize that water power is not essential to the production of nitrogen out of the air. The gentleman advocated it on that ground.

Mr. SINNOTT. I understand that; but this is the plan approved by all engineers. The nitrates which we get from Norway are produced by water power.

Some of the other projects discussed in this Bulletin No. 5 are—

	Minimum horsepower.
Deschutes River	504,000
Metolius River	98,000
Umatilla Rapids	120,000
Snake River projects:	
Palouse Rapids	50,000
Asotin	54,000
Coon Hollow	200,000
Cherry Creek	200,000
Mountain Sheep	120,000
Salmon River	200,000
Addition to Mountain Sheep	80,000
Rogue River projects	25,000
Klamath River	70,000

This bulletin, which I will furnish to anyone interested in these projects or which anyone may secure by writing to John H. Lewis, State engineer, Salem, Oreg., gives tentative plans and estimates of costs for the various projects aggregating 2,401,000 continuous horsepower.

In addition to the employment of this enormous water power for manufacturing purposes of all kinds, it could also be used for irrigation purposes in the States of Oregon, Washington, and Idaho. In my district alone, the second Oregon district, the Reclamation Service has gathered data showing potential irrigation projects covering 1,028,000 acres.

Mr. LEVER. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The gentleman from South Carolina offers an amendment as a new paragraph, which the Clerk will report.

The Clerk read as follows:

Page 49, after line 11, insert the following as a new paragraph: "For investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, including the purchase or rent of lands and buildings and the erection of buildings and other structures necessary therefor, $150,000.

Mr. MANN. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the amendment.

Mr. LEVER. Mr. Chairman, this is the amendment which, a few days ago, I gave notice that I would offer as a committee amendment at this time. This provides the appropriation and the necessary authority for investigating the best method of producing potash in this country on a commercial scale. It has already been determined by the Bureau of Soils of the Department of Agriculture that there are several sources of potash in this country, and that there is enough potash in this county, if made available, to supply the demand indefinitely.

In the first place we have an almost unlimited quantity of potash along the Atlantic seaboard, from Maine to the upper boundary line of Florida, in deposits of feldspar. It has been found, however, by the experts that thus far it has not been practicable to extract potash from feldspar cheaply enough to make it a commercial proposition for fertilizer purposes.

Then, we have discovered recently in Utah large deposits of potash in the alunite of that country, and one or two private concerns there are now manufacturing potash profitably under the abnormal price conditions existing at the present time. It is entirely possible that some process may be developed in the course of time, under thorough investigation, for extracting potash from feldspar cheaply enough to make it a commercial proposition for fertilizer. I do not know. That line of work is being pursued under the item which has just been read. Thus far no process has been found to extract potash from feldspar upon a basis cheap enough to make it available for agricultural purposes. I understand that some large cement companies are making, or probably have installed, machinery for the purpose of extracting potash from feldspar as a by-product to their cement plants; but my information is that the machinery is exceedingly expensive, costing something like $50,000 or $75,000, and that thus far, under normal conditions, it can not be produced cheaply enough to make it a commercial proposition.

Mr. MANN. Will the gentleman yield, if he is through with his preliminary statement?

Mr. LEVER. Let me finish my preliminary statement. Just what may come of the alunite situation in Utah, and other Western States probably, I am not able to say. I feel this way about it, however, at this time, that on account of the long haul from that country across to the Atlantic seaboard, where 60 per cent of all the fertilizer of the country is used, the expense of the haul will probably preclude that as a commercial proposition from a fertilizer point of view. There are now, as I understand it, one or two companies manufacturing potash on a profitable basis under the existing abnormal price conditions.

That brings up for consideration, in my judgment, the only other immediate source of potash supply namely, the giant kelp or seaweed of the Pacific coast. Our information is that we have an unlimited quantity of potash in that seaweed. They grow 60 or 90 feet tall, hook themselves onto rocks at the bottom of the sea. They may be cut 6 or 10 feet beneath the water, and in three or six months time they have reproduced themselves so that it seems to be an inexhaustible supply of potash.

Now the statement is made to the committee that each wet ton of seaweed contains 85 per cent of water, the balance of it would consist of the dry kelp, and this dried kelp consist of 16 to 25 per cent of potash. There seems to be an unlimited quantity of this very necessary ingredient to a complete fertilizer.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

[By unanimous consent the time of Mr. LEVER was extended five minutes.]

Mr. LEVER. Dr. Cameron, formerly with the Bureau of Soils, but now not with it, whom I regard as one of the greatest chemists along these particular lines, in his statement before the committee two years ago estimated that it was entirely possible to manufacture potash from kelp on the Pacific coast, take it around to the Atlantic seaboard by way of the Panama Canal, land it at Charleston, S. C., in competition with the potash from the Strassburg mines in Germany. In fact, he said—I think his estimate was a little too rosy—we could do that on a basis of $6 a ton cheaper than we could get our potash in Germany.

The gentlemen who have lately been before the committee—Dr. Whitney and Dr. Turrentine—have not been so optimistic as to the saving, but they both agree that there is no question but that there is a strong possibility of our being able to develop a considerable potash industry; and to do it on a scale that would compete with the German potash, and upon a scale sufficient to make this country absolutely independent of that ingredient of the commercial fertilizer.

The purpose of this amendment is to enable the Government to install a plant on the Pacific coast with sufficient capacity to handle 500 tons of wet kelp a day, and with such a plant the department believes that it can develop and decide whether or not there is a possibility of manufacturing this potash out of kelp upon a commercial scale. I say frankly that we may find that we can not do it, and that we shall apparently throw away $175,000; but, to my way of thinking, the proposition is so enormously big that I think that we can well afford to make the investigation even though we get nothing but negative results.

I would call the committee's attention to this fact: German kainit, which is used largely in the South as a fertilizer, contains nitrogen and phosphoric acid which ordinarily sells for $4.50 a ton, and sells to the farmers for $12 a ton, in December was selling at $40 a ton—and that is a product containing only 12 per cent of potash. It is a low-grade potash which we are using in cotton farming.

Now, then, the better grade of potash, the sulphate of potash, which ordinarily sells for $60 a ton, is now selling anywhere from $450 to $600 a ton. The fact is that you can not get it at any price. I notice in some fertilizer advertisements in my paper that they advertise fertilizer 8:4:0, which means 8 per cent of phosphoric acid, 4 per cent of nitrogen, and no potash.

In all the sand-hill belt of the South it is almost impossible to grow cotton profitably without potash, and it is almost impossible to grow truck and potatoes along the entire belt northward to Maine and including Maine without the use of potash. This proposed amendment is to undertake to see if we can develop the potash industry.

Mr. MANN. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. MANN. Do I understand the gentleman to say that potash is an essential to raising green vegetables?

Mr. LEVER. I understand that it is necessary in truck and potato growing.

Mr. MANN. Potash is essential in seed making; that is the necessity for potash.

[The time of Mr. LEVER having expired, by unanimous consent it was extended five minutes.]

Mr. LEVER. The gentleman from Illinois is entirely right as to potash. As we understand it, it is the fruiting ingredient in the fertilizer.

Mr. MANN. The green plant does not have much potash in it. What is it proposed to do with this appropriation if it goes through?

Mr. LEVER. I can give the gentleman the complete statement. For instance, it is proposed to use $15,000 for the land and building. It is proposed to use $5,000 for the building of a wharf. It is proposed to use $500 for a harvester—a mowing machine. Ten thousand dollars is to be used for the purchase of two barges, $3,000 for the erection of conveyances for the wet kelp, $6,000 for a motor transmission, $4,000 for evaporating tanks, $5,000 for three boilers, and $6,500 for freight. These various items of machinery are based on the prices at the place of manufacture, and the freight will have to be included to San Diego where there is already a plant.

Mr. MANN. What has become of the plant at San Diego?

Mr. LEVER. It is manufacturing potash.

Mr. MANN. Successfully?

Mr. LEVER. The statement before the committee was by Dr. Turrentine that it was almost impossible to say from the figures they were able to get from private sources what that cost of manufacture was.

Mr. MANN. I suppose the private concerns know.

Mr. LEVER. Yes.

Mr. MANN. If they have a plant out there operating now, would not the people who own it know whether they are making a profit? What is the necessity of our putting up an experimental plant?

Mr. LEVER. Exactly; and I am glad the gentleman asked me that question. The statement before the committee was, and I have no doubt that it is true, that these men who are running these private plants, and there are two or three or four of them—I can recall two—are doing it upon a basis of the prevailing price of potash. In other words, they are selling a product that ordinary sells at from $40 to $50 a ton for from $450 to $500 a ton, and they are paying very little attention to the cheapness of their process, and therefore the department by study of their process could not very well get anything like accurate data upon which to base a conclusion for the manufacture of potash under normal conditions.

Mr. MANN. The department may not get the information, but the men who manufacture the potash have the information, and if they have a soft thing and can make a lot of money out of this all they need to do is to show it to somebody, for there is plenty of money in the country—the banks do not know what to do with the money they have—and why should the Government have to put up an experimental plant to teach the men who are running plants whether they are running them profitably or not.

Mr. LEVER. Mr. Chairman, my response to the gentleman on that proposition is this: One official of the department, Dr. Whitney, as I recollect, says that they were absolutely unable to get cost figures from private manufacturers at this time.

Mr. MANN. What do they need the cost figures for? It is the men who are in the business who need the cost figures.

Mr. LEVER. That is very true.

Mr. MANN. And they have their cost figures. They know whether it will be profitable to invest additional money in the business better than they will ever find out from an agricultural experiment station.

Mr. LEVER. As we understand it—and I am not sure that this is in the hearings—I have an impression, and I am satisfied I get it correctly, that it is the belief of the department that as soon as normal conditions are restored in this country these concerns that are now manufacturing at a profit under these abnormal conditions are going to close up their establishments.

Mr. MANN. In other words, the department after it has advertised all over the world and throughout the United States that it would be commercially profitable to produce potash from kelp now say that they have not discovered any method yet by which it will be profitable under normal conditions?

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. The department make the statement that their figures are necessarily rough estimates, because they have absolutely nothing upon which they can base anything like an accurate estimate as to whether or not you can manufacture potash from this kelp on a commercial scale. It is true, as the gentleman has said, that a few years ago when they discovered this potash business a great many statements were published—I do not know whether they were inspired by the department or not—to the effect that we had a gold mine in potash in that country, and I believe we have.

Mr. MANN. Well, the gentleman can put his money into it.

Mr. LEVER. I have none; I wish I had.

Mr. MANN. Oh, yes; put your money on it.

Mr. LEVER. I believe we have a good proposition, and if not, I would like to know it. I would like to know whether we have a good proposition or no proposition so that the country will not be dreaming about something that is never going to happen.

Mr. MANN. Can the gentleman tell us anything about this work with alunite? There is a plant out there using alunite, is there not?

Mr. LEVER. They have a plant out there, and as to just what progress they are making, the committee does not have information, except that they are manufacturing something.

Mr. MANN. Has the committee made any effort to get any information about it?

Mr. LEVER. No; the gentlemen who appeared before the committee did not seem to have much information about that plant.

Mr. MANN. I read in the newspapers last summer that the people connected with Armour & Co.—and they have some capital—are engaged in the production of fertilizers and were going to establish or had established a potash-manufacturing establishment to make potash out of alunite. The gentleman said awhile ago that they could not afford to bring that East on account of the freight; but evidently Armour & Co. did not look at it in that way, because they produce fertilizer to sell in the East and South in the main, and that is what they want the potash for.

Mr. LEVER. This is the only statement we have on that proposition:

Mr. HAWLEY. As a matter of fact, two companies are engaged in the manufacture of potassium from this now. I understand?

Mr. WHITNEY. There are two companies. The difficulties have been rather great. The deposits are in rather inaccessible mountainous places. Railway tramways have to be constructed. Six or 8 miles of rough country have to be overcome before this can be done.

It goes on to say there is a great deposit there.

Mr. MANN. The gentleman does not know whether that is profitable or not?

Mr. LEVER. It is profitable under these abnormal conditions.

Mr. MANN. But nobody has put up a plant to run under abnormal conditions.

Mr. LEVER. But some of these plants have been put up under these abnormal conditions.

Mr. MANN. That may apply to small plants out on the Pacific coast.

Mr. LEVER. I think in these alunite regions and on the Pacific coast they have done it recently.

Mr. MANN. Has the gentleman any information about it?

Mr. LEVER. I am not sure.

Mr. MANN. My information is directly to the contrary.

Mr. LEVER. My information is that a St. Louis company in the last six months has gone into the business with a capitalization of $100,000 to manufacture potash out of kelp. Just what the capitalization of these companies in the alunites is I do not know.

Mr. MANN. Now, does the gentleman believe with the very high price of potash and with unlimited capital in the country—capital that is seeking investment—that it is better for the Government to go into the manufacture of potash, practically shut out or scare out private capital, or to let private capital go in and compete with it?

Mr. LEVER. I will answer the gentleman's question very frankly. If I thought that private capital would continue in this business—the present private capital—I would be perfectly willing to say, "Let them go into it," and I would be very glad for them to do so; but the information the committee has casts a doubt upon the proposition whether or not these people will continue to do it. I think the members of the committee will bear me out in that statement, and therefore we have felt that we ought to try this out and see if there is anything in it.

Mr. MANN. Mr. Chairman, I reserve the point of order——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman from Iowa.

Mr. HAUGEN. Mr. Chairman, the chairman of the committee has referred to an estimate of the cost, I believe, of a harvester. Will he state whether that was for one harvester or several?

Mr. LEVER. One harvester.

Mr. HAUGEN. At $7,500?

Mr. LEVER. One harvester at $7,500. It says:

This amount will be sufficient to construct a simple type of harvester, such as are now in use on the coast.

Mr. HAUGEN. Mr. Chairman, I do not care to take up the time of the committee except to reply to the question of the gentleman from Illinois [Mr. MANN]. I might state the committee made an honest effort to get the information sought. The first witness we had was unable to give the information. Later another young man appeared before us. I do not now recall his name. He estimated the cost of harvesting the wet kelp at 55 cents a ton; drying and grinding it at 38 cents a ton. It requires 6¼ tons of wet kelp to make 1 ton of dry kelp; this makes the dry kelp cost $6.05 a ton. Add the freight from coast to coast, which is $6, makes it $12.05 on the other coast. It is estimated that it requires 4 tons of dry kelp to produce 1 ton of potash, which makes the potash cost $24.20, plus freight of $6, a total of $30.20 a ton on the other coast.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. STAFFORD. What information has the committee that these private plants which are now in operation will not be able to continue when normal prices obtain?

Mr. HAUGEN. I do not believe they can do so at normal prices. I believe that potash can be produced and sold at a profit at the present abnormal prices, but the department holds out no encouragement for the production of potash from kelp at normal prices.

Mr. STAFFORD. What investigation has the department made on which to predicate that opinion?

Mr. HAUGEN. Merely visiting the plants. They do not claim to have much information.

Mr. STAFFORD. Then it is a mere surmise, as far as that is concerned?

Mr. HAUGEN. The appropriation is based on the ground that it is necessary to investigate further in order to ascertain the facts.

Mr. STAFFORD. And yet private capital has been invested and is going ahead and the plants are not closing down, yet the department wishes for some reason or other to inquire, because private capital has felt warranted in going ahead and investing their money——

Mr. HAUGEN. The private enterprises are operating under present abnormal prices.

Mr. STAFFORD. Will the gentleman yield further?

Mr. HAUGEN. I will.

Mr. STAFFORD. How many plants have been established, and when was the first put in operation?

Mr. HAUGEN. They have been established within the last year or two. I believe that the evidence before the committee shows that we had two plants. The chairman of the committee states five. The information that we had, as I remember it, was that two plants were in operation. I take it that the chairman has further information.

Mr. STAFFORD. Does not the gentleman think that five plants established in one year is very fair evidence that private capital can get a fair return even under normal prices?

Mr. HAUGEN. My understanding was that they were under construction; that two have been built recently and are now operating.

Mr. STAFFORD. Whether under construction or in operation, private capital has seen fit to invest its funds, based upon the prospect of getting a return when normal prices will prevail. You can not conclude that private capital is foolhardy in its investments and is just taking a header without any prospect of return.

Mr. HAUGEN. I concede private concerns can ascertain much better than a department can as to the actual cost, but that information is not likely to be available. After all it is a matter of importance, and if there is anything in it, the information is well worth the $175,000 to be expended.

Mr. HICKS. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. HICKS. Perhaps I will ask the question of the chairman, and that is if anything has been done to indicate an endeavor to make potash or make fertilizer out of the ordinary seaweed, not kelp, but seaweed on the Atlantic and Gulf coasts?

Mr. LEVER. The information before the committee was that the seaweed from the Atlantic coast did not contain as high a degree of potash as the Japanese seaweed.

Mr. HICKS. That is what I was going to say, that the Japanese seaweed is entirely different from the Atlantic seaweed.

Mr. LEVER. They are entirely different.

I may say, as a matter of information, they are going to make an effort to see if they can transplant the Pacific seaweeds over here.

Mr. LONGWORTH. Mr. Chairman, I am greatly in favor of this amendment, and trust that no point of order will be made against it. Of course, I realize the trouble about it as brought out in the questions of the gentleman from Illinois [Mr. MANN]. If there is a great "gold mine" in this proposition, it will be idle for the Government to spend a good deal of money in experimenting when private capital will do just as well. But I tried to find out something about the extraction of potash from kelp when I was in California this year, and talked it over with a number of men who were interested in a small way, or in the possibilities of it, but none of them could tell what the various costs were. They have not proceeded far enough to know how much it is going to cost to extract potash from kelp. They have not yet gone far enough to know whether they can profitably use the by-products that come from that extraction. But I think that almost any amount of money would be well spent if only in taking the risk of finding out whether this country could not be self-sustaining, so far as its fertilizers are concerned.

The situation is to-day that we, and practically every other country in the world, are dependent entirely on Germany for all of our potash. The only commercial potash that exists, practically, is that which is produced in Germany from a certain ore they have there. And, as in most of these great operations, in Germany the various mines are controlled under one syndicate, of which the Government is the practical head, and they not only dictate the price that we and other nations have to pay, but they limit the output. We are absolutely in their hands.

Now, as a matter of fact, the United States takes about 50 per cent of the entire amount exported by Germany—about 20 per cent, I believe, of the entire amount produced in Germany. And we are in the same situation in this country with regard to potash, substantially, as we are in regard to dyes. We have not gone far enough in either to provide ourselves in time of peace or in time of war with these two absolute necessities of everyday American life. I say, therefore, that it is worth while to take a risk, even if nothing practical will develop out of this investigation, because it will do, if successful, more good to more people in this country than any other proposition almost that this Congress could adopt. [Applause.]

The Government has not yet gone far enough to ascertain the amount of kelp and the commercial availability of extracting potash therefrom. But at least we do know this, America imports from Germany—I have only the figures for 1912 and 1913—in round numbers, about 1,000,000 tons of various potash substances annually, valued at something like fourteen or fifteen million dollars.

Mr. LEVER. That is the import value?

Mr. LONGWORTH. That is the import value under conditions before the war. And, by the way, the gentleman from Iowa [Mr. HAUGEN] stated in tons what I have heard in pounds; that is, that potash—80 per cent chlorate of potash, which is commercial potash—normally costs 2 cents a pound and to-day it is hard to procure at 20 cents a pound. It has gone up 1,000 per cent. Now, of this approximately 1,000,000 tons, the average import, about 400,000 tons is 80 per cent chlorate of potash, which is the commercial potash.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HAUGEN. I might state that I stated the price of potash such as is produced from kelp.

Mr. LONGWORTH. It is about an 80 per cent solution, as I understand; that is, the commercial potash. So 400,000 tons represents the normal demand in this country for this necessity for fertilizers.

It is estimated by the Government that there is in sight on the coast, beginning at Alaska and running down to Lower California, more than 60,000,000 tons of wet kelp. The potash content of that would amount to about two million and a quarter tons. In other words, there is enough potash in sight on the Pacific coast alone to about six times supply the American demand.

Mr. MANN. In sight or under water?

Mr. LONGWORTH. Under water. It is in sight, because we know how many tons of dry kelp can be produced from it.

Mr. STAFFORD. A supply for how long a period?

Mr. LONGWORTH. Per year and renewable at least annually. I have said that the American demand amounts to about 400,000 tons of potash a year. There is in sight two and a quarter million tons. In other words, nearly six times as much as we normally consume.

Mr. HAWLEY. And reproduced twice a year?

Mr. LONGWORTH. And reproduced from twice to three times a year. The Government estimates that this amount reduced to dry kelp, and reduced from dry kelp to potash and nitrogen, would be worth over $150,000,000 at the old price—the before-the-war price. Now, that is going to waste. We are getting no benefit from it whatever.

Mr. MONDELL. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. MONDELL. How rapidly does the kelp grow? How soon does it reproduce?

Mr. LONGWORTH. The Government report shows that there are three kinds of the giant kelp, some of it a little better than the rest; but, generally speaking, the whole crop will reproduce itself twice a year if it is properly gathered, if the parent stem is not cut; and sometimes will reproduce itself three or four times a year. Commercially 1 ton of dried kelp contains about 600 pounds of 80 per cent potash salt, formerly worth 2 cents a pound, but to-day worth 20 cents a pound. It contains 2 per cent of nitrogen and one-half of 1 per cent of phosphoric acid, and another element, which I believe is a recent discovery—between 3 and 4 pounds of iodine, worth $2 a pound.

Mr. LEVER. And some nitrogen worth $5 or $6.

Mr. LONGWORTH. I mentioned the percentage of nitrogen. It is possible that this production of iodine, which is a recent discovery, I believe, will be sufficient practically to pay for the main part of the production of potash salts from dried kelp. A factory which could turn out 750 tons a day of wet kelp would produce 122 tons of dried kelp. Therefore it would produce 366 pounds of iodine per day. That is an element that is well worth experimenting on.

Mr. LEVER. That is true. It is only limited by the fact that the market for iodine in this country is very limited.

Mr. LONGWORTH. Yes.

Mr. LEVER. I think a more profitable by-product will be nitrogen.

Mr. LONGWORTH. Probably that will be the most profitable individual by-product. As the gentleman stated there are four plants now in process of building or in operation, but none of them has gone far enough to be able to make an intelligent estimate as to whether they can succeed under normal conditions.

Now, Japan at the time the European war began had about four plants in operation, they having the same sort of kelp there that we have on the Pacific coast. To-day they have 60 plants in operation. I know nothing in detail about it; but the Japanese Government has probably developed by experimenting, as I hope we will do, a method of profitably making potash out of kelp because in a year and six months they have increased their plants in number from 4 to 60.

It seems to me that underlying this proposition is what is to me an all-important question, namely, that this country should be prepared at all hazards and at all times and under all circumstances to produce here everything necessary to supply the demand for the necessities used in the daily life of the American people. [Applause.]

Mr. MOSS of Indiana. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I wonder if we can reach an agreement as to time. We have been discussing this item at some length. I wonder if the gentleman from Illinois is going to make his point of order?

Mr. STAFFORD. I believe the point of order will be made at the conclusion of the debate. Of course, it is a very interesting debate, and the gentleman from Ohio [Mr. LONGWORTH] has advanced some information that was not advanced before, which might sway the gentleman to withdraw the point of order.

Mr. LONGWORTH. I feel certain that the gentleman will not make the point of order after the argument is all developed.

Mr. LEVER. Acting upon that theory——

Mr. MANN. I do not ask the gentleman to act upon that theory. I will make no promises.

Mr. LEVER. I can not get unanimous consent while the point of order is pending.

Mr. MANN. Oh, yes.

Mr. LEVER. Then, I ask unanimous consent, Mr. Chairman, that all debate on this paragraph and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. MANN. Do I understand I can have 10 minutes if I want it?

Mr. LEVER. The gentleman can have all that is left. Yes; I think the gentleman can have 10 minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. I understand that out of that time I shall have 10 minutes and the gentleman from New Jersey [Mr. HUTCHINSON] shall have 10 minutes.

Mr. LEVER. The gentleman from Alabama [Mr. HEFLIN] says he wants five minutes. I will make it 35 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama wants how much?

Mr. LEVER. Five minutes.

The CHAIRMAN. Is there objection to the gentleman's modified request?

There was no objection.

[Mr. SAUNDERS addressed the committee. See Appendix.]

Mr. MOSS of Indiana. Mr. Chairman and gentlemen, I shall offer no objection whatever to the placing of this item in the bill, but I have no faith that any good result will come from it.

I had the pleasure of going through the great potash mines of Germany in connection with Prof. Houston, of my own State, who represents the German kali works in this country. After this personal experience and observation, I can not escape the conviction that the price at which potash is sold here will always be the price that the German Government wants to charge for it. They have fixed the price in the past—a price which varies in accordance with the competition and with the demand. There is enough potash in Germany, possibly, to supply the world for a thousand years at the present rate of consumption of potash.

And with them it is simply a question of mining and loading. If we were to produce potash for commercial purposes, and were to fix a standard price which would represent a living rate to our producers, Germany could lower the price below our cost price and yet sell at a handsome profit. Unless we can find a vast supply of stored-up potash—some rich deposit of potash—we will remain at a hopeless commercial disadvantage to the German potash mine owner.

The standard price for potash salts, 50 per cent pure, delivered at the wharf at New York was about $26 per ton until the outbreak of the present world war. It will be recalled that a few years ago a German mine owner contracted the output of his mine to the American Chemical Co. at approximately $20 per ton. This was the lowest price ever given an American purchaser of German potash. The price was a remunerative one to the mine owner, and the parties were quite willing to sell their potash for the contract price, but the German Government vetoed the contract and compelled a modification of its terms. So will it be if an American producer of potash were to come into active competition with the German output. If it were known that American potash could be sold at $30 per ton, unless you put an import duty on potash, undoubtedly the German Government would reduce the price and sell it below the price at which we could produce it here.

I would fain believe it were possible that we have plenty of potash and that, as a Nation, we were independent, but when God Almighty has placed at one point on another hemisphere enough potash to supply the whole world for an indefinite period, the prospect of successful competition is not promising. You may go through the German mines and see potash in solid deposits 50 feet in depth, extending over areas as large as whole townships. There is nothing required of the German potash merchant except to blast it loose and bring it to the surface, as cheaply as coal can be mined in this country. It may not be a pleasant prospect to the rest of the world, but the fact is that the German Government has control of the goods and fixes the price of potash for the world. They can fix this price so low as absolutely to destroy competition to any nation which would undertake to manufacture what they have only to mine.

There is no question in my mind as to that. The German Government is very sensitive over the charge that it maintains a monopoly of potash and fixes an arbitrary price. To meet this charge and to explain fully their method of price control Germany went to the expense of sending Prof. Houston, of New York, to Germany with our party in order to make it plain to the American delegates that there was no monopoly on potash; that they had no purpose whatsoever of preventing the free use of potash; and that the supply was ample for the whole world. I fully agree as to the vastness of the supply, but it seemed to me, as a matter of fact, that they do set the price of it, and will, in my judgment, control the potash unless that control is broken by domestic source, protected by an import duty, to prevent German competition. It is my opinion that with the great advantage they have of possessing practically an inexhaustible supply they will be able to name a price cheaper than you can get it at any other point, unless we should be so fortunate as to discover a natural supply such as Germany has. That is my own judgment about this potash question. Unless this country is willing to fix the price of potash by levying a heavy import tax on potash we will have to permit the German Government to name the price and hence to continue to control the trade. Under such conditions we will not be able to develop the manufacture of potash from seaweed or feldspar rocks upon such a basis as to overcome the advantage which nature has given Germany through their practically inexhaustible supply, ready to be mined and put out for use as cheaply as coal, if necessary, to meet competition and hold the trade of the world.

Mr. HUTCHINSON. Will the gentleman from Indiana yield for a question?

Mr. MOSS of Indiana. I yield to the gentleman from New Jersey.

Mr. HUTCHINSON. With the knowledge that Germany now has of the demand for potash, I would like to ask the gentleman whether he thinks Germany will ever sell potash as cheaply as she has in the past?

Mr. MOSS of Indiana. I can not tell you what will be the future policy of Germany. Germany herself uses half of the potash consumed in the world. In the United States we use one-fourth of the world's supply, and the rest of the world uses the remaining one-fourth. In view of the fact that Germany has a monopoly because of the practically inexhaustible supply at the present rate of consumption, I take it that Germany will sell her goods at the best price she can get and will continue the same policy of controlling the potash prices to the world. Germany at present uses twice as many tons as the United States. The United States uses as much as all the rest of the world put together except Germany.

I have no objection to our Government going into the experimental business; but does any reasonable man have any ground for believing that the Agricultural Department can go over on the Pacific coast and gather the seaweed, float it, dry it, manufacture potash, and distribute it in this country as cheaply as the German, who has simply to mine it out and send it by water transportation from the mines to the shores of the United States? Do you believe you can beat such competition as that? That is the proposition you are up against; and then if you will remember that they have practically an inexhaustible supply, you will realize that their situation is a very advantageous one and which will, in my opinion, enable them to control the market. For the last two years conditions have been abnormal. Transportation has been broken off between the potash mines in Germany and this country, but that is a temporary condition and not a permanent one. You will finally have to face the actual fact that Germany has more potash than any other country in the world.

Mr. LONGWORTH. If the gentleman is correct in his statement that probably we would not be able to produce it in competition with Germany, at least if we could provide some competition, that would result in the production of lower prices to the farmers of the United States, would it not?

Mr. MOSS of Indiana. I think the only competition possible would be this, that if the United States could produce potash at a certain given price, and Germany was not permitted by law to reduce her price below that and so drive our people entirely out of business, then we might manufacture our own potash, or a part of it; but I would not wish to predict lower prices.

Mr. LONGWORTH. But the farmers of the country would be getting the potash more cheaply.

Mr. MOSS of Indiana. I doubt that. Let me call your attention to the fact that when the German potash syndicate expired one time at midnight, just the moment after the contract expired, the American Chemical Co. at once made a contract at $20 a ton with one of the mines in Germany. The German Government interfered, and it became a diplomatic question between this country and Germany whether that contract should be enforced or not. Although that price was lower than that at which potash had been sold to anyone in this country before, it was still immensely profitable for the mine owners in Germany, and if permitted they would have gladly complied with their contract and at a price at which the German Government forbade them to sell it.

Mr. LONGWORTH. But if a situation should again arise where potash would go up 1,000 per cent, would it not be wise for this Government to develop by a system of experimentation such a production of potash as would keep the price down?

Mr. MOSS of Indiana. I am not objecting to experimentation, but I do not want to go into it with any false hopes. If the price of potash has gone up 1,000 per cent since the war began, it will go down again when the war is over. The war is temporary; but the German potash mines are permanent.

Mr. CLINE. Mr. Chairman, I want to refer to the export of Chilean nitrate. There is no question but what the necessity exists for commercial fertilizers. Any man who travels out over the exhausted lands of western Maryland and Virginia can easily ascertain that the farmers in those sections are wide awake to the proposition. In the reduction of nitrate products the chemical elements that are precipitated are largely necessary in the manufacture of munitions, and when the European war broke out, of course, a great deal of attention was given to the export of Chilean nitrate. I want to call attention to the present conditions. The Chilean nitrate beds are located along the west coast of Chile for 450 miles. Ten years ago these beds were so valueless than anybody could get a nitrate bed by asking for it. To-day the Government has taken possession of all the nitrate beds, limited the amount that can be leased to an individual or corporation, and has laid an export tax on nitrate, because, so far as now known, it is the only natural deposit of any magnitude existing anywhere in the world.

Mr. MANN. Will the gentleman yield?

Mr. CLINE. Yes.

Mr. MANN. What is the character of the nitrate deposit in Chile?

Mr. CLINE. It is something similar to the phosphate rock that is broken up and crushed and submitted to hot-water treatment. The salts are precipitated in that way. In 1912 we bought 4,200,000 quintals, in round numbers, the quintal, you know, weighing about 101 pounds. We paid $16,000,000 for that. In 1913, the next year, we bought 5,721,000 pounds, and paid $23,000,000 and over, so that our contribution to the Chilean Government for the export of Chilean nitrate in 1913 by the United States Government was equal to more than $23,000,000.

Mr. Chairman, I believe that this experiment should be undertaken for the reason that we do not want to depend on foreign governments or foreign institutions for all of the commercial fertilizer that we use. These Chilean nitrate beds are under the control largely of England and Germany. England takes 40 per cent of the production, we take 20 per cent, Germany 20 per cent, and France 10 per cent, and the other countries take the balance. The serious question, or one of the serious questions, is that the ownership of chemical fertilizers has drifted into the hands of a few persons who control the production. Take the phosphate rock in this country, and one parent organization is manufacturing the phosphate with about 42 or 43 subsidiary corporations. They undertook to purchase all the rock of the entire region in Tennessee, northern Florida, and the western Carolinas, and they are manufacturing that fertilizer now and shipping it abroad themselves at very expensive prices. Mr. Chairman, I ask leave to incorporate a table in my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana.

There was no objection.

The table is as follows:

Chile.

EXPORTATION OF NITRATES (SALITRE).

Exported to—	1912		1913	
	Amount (quintals).	Value (pesos).	Amount (quintals).	Value (pesos).
Great Britain	9,746,288	111,031,570	9,808,747	112,794,320
Germany	5,397,607	63,153,055	6,323,456	72,564,770
United States	4,264,811	49,863,540	5,721,855	65,334,708
France	1,296,080	15,164,136	1,626,640	18,438,153
Belgium	959,772	11,228,804	1,235,080	14,139,947
Netherlands	930,911	10,891,694	995,626	11,382,986
Other countries	2,389,734	28,030,987	950,502	10,789,629
Total	24,985,286	292,337,816	26,660,006	305,354,513

Quintal=101.4 pounds
Peso=$0.365.

Revenue from export duties.

Year.	Pesos.	Dollars.
1911	82,971,162	30,284,475
1912	84,450,268	30,824,347
1913	90,110,322	32,890,450

Source: Estadística Comercial de la República de Chile. (Año 1912, p. 282, Table 2, appendix; año 1913, pp. 212, 312.)

The CHAIRMAN. The gentleman from New Jersey [Mr. HUTCHINSON] is recognized for 10 minutes.

Mr. HUTCHINSON. Mr. Chairman, potash is one of the most important elements of plant food; it improves the soil and provides that element that all plants require to be able to bring forth large and properly matured crops. Germany is the sole producer of potash to-day in any large quantities. In normal times we use about 3,000 tons a day in this country, but at present we are entirely cut off from any supply of this, and the price has risen from $40 per ton to $500 per ton, and some has even been sold for as much as $600; this price has prohibited the farmers from using it as a fertilizer. Last year our supply of potash was reduced and the most of our crops were reduced accordingly. The cotton-growing States produced about 5,000,000 less bales of cotton than usual and our potato crop was short nearly 50,000,000 bushels. This year we are practically without potash and we can look for reduced crops of all kinds as a result, where potash is an essential element. Potatoes are so scarce that seed to-day is selling for $4.50 and $5 per sack, and other crops are affected in about the same ratio.

We have potash in this country in large quantities, but it is locked up in its natural elements and we have not yet discovered any process to make it in a soluble form and at reasonable prices. We have on the Pacific coast and Alaska in the kelps or seaweeds, in the alunites in Utah, and the large amount of feldspar in the Eastern States large quantities of potash, but small effort has been made to develop these sources of supply of this article.

This amendment provides money for research, investigation, and manufacture of potash in a soluble form and at reasonable prices, which will aid the farmer in growing larger crops and keep the cost of living within reasonable bounds.

We see by the papers that England is facing a famine because we are unable to ship our crops to that country. No country is safe to-day that has to depend upon some other to feed her people. We hear every day of the very high prices that the countries at war are paying for food, and this country can not do more toward preparedness and reducing the cost of living than to expend a reasonable amount for the research and investigation of potash and nitrogen.

Preparedness does not stop at furnishing men, but we must be prepared to feed our men and not be dependent upon any other country for our supply.

Potash is also an important factor in the manufacture of munitions of war, and the entire supply is practically being used for that purpose at present. While we are not anticipating war, if war should come at this time we would be entirely cut off from any supply of both potash and nitrogen, two of the most important essentials of ammunition manufacture.

For the purpose of showing the value of potash to our crops, I will give you some statistics covering the past 25 years: The German Kali Works have spent thousands of dollars educating our farmers to the use of potash, and you can see the general increase in our crops as a result, but it is not yet up to the increase in population.

POTATOES.

Year.	Acres.	Yield (bushels).	Yield per bushel per acre.
1890	2,652,000	148,290,000	55.9
1900	2,611,000	210,927,000	80.0
1910	3,720,000	340,320,000	90.8
1914	3,708,000	405,921,000	109.5
1915	3,761,000	359,103,000	95.5

CORN.

Year.	Acres.	Yield (bushels).	Yield per bushel per acre.
1890	74,819,021	1,742,450,800	23.3
1900	83,329,872	2,105,102,516	25.3
1910	104,035,000	2,886,260,000	27.7
1914	101,135,000	2,672,894,000	25.8
1915	108,321,000	3,054,535,000	28.2

WHEAT.

Year.	Acres.	Yield (bushels).	Yield per bushel per acre.
1890	37,199,024	443,847,400	11.9
1900	42,495,385	522,229,505	12.3
1910	45,681,000	635,121,000	13.9
1914	53,441,000	891,017,000	16.6
1915	59,898,000	1,011,505,000	16.9

Mr. Chairman, I have here gathered statistics for 25 years or four important crops. Twenty-five years ago very little potash was brought to this country. In 1890 there were planted 2,652,000 acres of potatoes, and the yield was 148,290,000 bushels, or an average of 55.9. Ten years after that, in 1900, there were planted 2,611,000 acres, and the yield was 210,927,000 bushels, or an average of 88 bushels per acre. In 1914 we planted 3,708,000 acres, and the yield was 405,921,000 bushels, or an average of 109.5. Last year, when potash was so scarce, we planted 3,761,000 acres, and the yield was 359,103,000 bushels, or a yield of 95.5 bushels per acre.

Our yield all the way down on the four main crops of this country shows that much increase by the use of potash.

Corn, in 1890 we planted 74,810,000 acres, and the yield was 1,742,450,800 bushels, or an average of 23.3. In 1915 we planted 108,321,000 acres, and raised 3,054,535,000 bushels, or an average of 28.2. Wheat is on the same line. In 1890 we planted 37,199,024 acres of wheat, and the yield was 443,847,400 bushels, or an average of 11.9 bushels. In 1915 we planted 59,898,000 acres, and the yield was 1,011,505,000 bushels, or an average of 16.9 bushels per acre.

Potash is not so essential for wheat as to other crops.

Next take oats. In 1890 we grew 652,124,600 bushels, or an average of 25 bushels to the acre. In 1915 we had 40,780,000 acres planted, with a yield of 1,540,362,000 bushels, or an average of 37.8 per acre. Our population has grown since 1890 from 62,947,714 to about 100,000,000 in 1915, so it will readily be seen that with the use of potash and the education that our farmers have had we have not produced in the same proportion as our population has increased.

In the district which I represent in New Jersey if we grew those average crops, we would not think they were worth gathering—that it would not pay us to gather them. Where we use a large percentage of potash we get very good results. I am going to give you now a statement from my own farm, under my own supervision. Last year we had no potash, or a very reduced quantity. I used four kinds of fertilizer in this experiment. I measured off four different acre plots. On the first plot I used 4 per cent of ammonia, 8 per cent of phosphoric acid, and no potash in the fertilizer, and produced 164½ bushels per acre; so you see that with no potash I had a yield away above the general average. In the second plot I used the fertilizer with 4 per cent of ammonia, 8 per cent of phosphoric acid, and 1 ton of feldspar, ground as fine as flour, and I produced 209 bushels on that acre. On the third plot I used 4 per cent of ammonia, 8 per cent of phosphoric acid, and 400 pounds of feldspar in the ton and produced 236½ bushels.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. MANN. Mr. Chairman, I yield the gentleman two minutes more.

Mr. HUTCHINSON. On the fourth plot I used the regular potato goods—ammonia, 4 per cent; phosphoric acid, 8 per cent; potash, 10 per cent—and produced 264 bushels, or 100 bushels more with potash than where there was no potash. [Applause.] I yield back the remainder of my time.

Mr. HEFLIN. Mr. Chairman, I should regret very much to see this amendment fail. It is one of the most important steps taken by the Government in a long, long time. As the gentleman from Indiana [Mr. CLINE] has said, if we should become embroiled in war with some foreign power we are absolutely cut off from our nitrate supply. There is no better time for this Government to take steps to provide itself with all of the necessary ingredients that go to make up fertilizer and gunpowder in this country. [Applause.] This is the step to take. The amendment provides for this experiment. It has been found that by using these seaweeds in this way potash can be obtained. The gentleman from New Jersey [Mr. HUTCHINSON] has shown the value of potash in farming. He has shown how the yield per acre in corn and potatoes fell off when the potash supply was reduced. I make the prediction now that that same result will obtain this year with regard to cotton in the United States. The acreage may be increased in some places, although I do not think it will be; but if it is increased, there are six States in the cotton belt that will require 4 acres without potash and nitrogen to make as much as 2 acres make ordinarily with potash and nitrogen. The yield is going to be small this year, because we have not got the potash and other necessary fertilizer. A great deal of stuff is being sold down there, or offered for sale, that has not any potash in it, and the farmers are not going to use it. They are not going to try to produce cotton on a large scale without potash.

We are absolutely up against a serious condition in the cotton belt, as well as the farmers in other sections, as the gentleman from New Jersey has said, and it does seem to me that this is a wise provision and a wise step for us to take. Let us try out this experiment. If that does not work, let us try another one and keep on until we get on a footing like Germany is on to-day. We ought to be as independent of the nations of the earth with regard to our fertilizer and powder supply as Germany is. [Applause.] There she stands, walled in by the British Navy, and yet she is supporting herself, producing upon her farms food supplies, meat, 95 per cent and 85 per cent of her bread supply. Germany produces that, and she is making her nitrogen from the air now, as no nation on earth is making it. Germany is dependent on no power for her fertilizers, she is dependent on no outside source for her gunpowder, she is fighting her own battles, and she commenced to prepare for it years and years ago, and we have gone on neglecting the soil and failing to obtain knowledge of the chemical composition of the soil and plant food until we find ourselves confronted by a very serious condition. Our nitrate supplies are in Chile, our potash supplies are in Germany, and here we are, thousands of miles away, and in case of war between our Government and some foreign power we would be cut off from those supplies. It seems to me, Mr. Chairman, that this is a wise step, that this is a patriotic step for this House to take, and I should like very much to see this amendment adopted. It means good for our country. Let us keep on experimenting and working until we do provide these supplies for ourselves. [Applause.]

Mr. MANN. Mr. Chairman, the gentleman from South Carolina [Mr. LEVER] has offered an amendment to the bill to have the Government engage in the process of manufacturing potash from kelp. I remember when the potash question first came up before the House in an acute form. A few years ago a syndicate in Germany which controlled the potash mines over there was to end at 12 o'clock at night on a certain day. The fertilizer makers in Chicago—Armour & Co. and some of the others—either directly or through the name of some other company were "Johnny on the spot." They had made preliminary arrangements with some of the owners of some of these mines, and at 12 o'clock and 1 minute they signed contracts for the entire output of some of the mines by the individual members of the syndicate which had been dissolved at 12 o'clock and obtained these contracts for the supply of potash at a very much reduced rate from what they had been charged before and what they are paying now. The German Government interfered and threatened to forbid the export of potash or to levy a very high export tax on potash, which would make the potash cost the American producer more than it had before when they purchased it from the syndicate, and they forced a revocation or a cancellation of those contracts and forced all the mine owners over there to join in a new syndicate, practically under the domination of the German Government. These facts were brought to the attention of Congress at the time. It was not very much that could be done by the State Department, because they were wholly within their rights. We put in the Agricultural bill a provision to have the Agricultural Department endeavor to find a supply of potash in the United States and at the same time put into the sundry civil bill, or the deficiency—I think the sundry civil bill—an appropriation to have the Geological Survey see if they could find a supply of potash in the United States. A supply of potash here that is of any value must be cheap.

As described by the distinguished gentleman from Indiana [Mr. CLINE], the mining of potash in Germany is a good deal like the mining of coal or the mining of iron ore up in Minnesota. The process of production is exceedingly cheap. Of course, with a monopoly they can charge what they please. They can charge just as much for half the amount that the United States consumes as for the entire amount we consume, and if we furnish a small amount of potash through our own supply at home the German Government can require us to pay just as much for what they furnish as if they furnished the whole supply. Unless we can find a supply of potash which will furnish the United States in the end we will have to pay for potash from those people over there what they say we will have to pay. Now, I do not know whether potash can ever be profitably produced from kelp or not. I doubt it. I doubt whether it will not cost more to gather together the kelp, without regard to any process on it, than it will cost to have the German potash laid down on the Atlantic seaboard. But I do know this—at least I think I do—that with the knowledge already obtained in reference to the manufacture of potash from kelp, if it is ever to amount to anything it must be through the development of private capital, and as long as the Government is monkeying with it private capital will not invest in it to any extent. The only way you can get private capital interested in this is to say to them, "Here is a field wide open to you. We have given you information enough under which you can make this potash. Go to it."

As long as you say to them that we are going to learn something more in the dim and distant future and going to have the Government keep on experimenting with it, or perhaps manufacture it for sale, you can not expect to get men to invest money in it, and they will not. They know how to make potash out of kelp now. Nobody knows whether they can make

know how many tons of dry kelp can be produced from it.

amendments thereto close in 30 minutes.

it commercially profitable on a large scale or not, and nobody will find out through a plant that costs $170,000.

The Agricultural Department told me years ago that they could make print paper out of cornstalks that were going to waste. I said, "Certainly, but it will cost more to collect cornstalks before you commence to manufacture them than it will to lay the print paper made out of spruce wood down at the door of the printing office. Hence, you will never make print paper out of cornstalks."

Some are trying to make potash out of alunite. Armour & Co. are said to be interested in it. If they are, they will find out more about it from a commercial point of view than the Government will ever learn, and you may be sure if it is ever possible to produce potash from alunite the Armour people and others will go into it. I do not think the Government ought to stand in their way. But I think this is what this would do. If you want the money to really make experiments, so far as I am concerned, I would be willing to vote a million dollars in a minute, even if I only got negative results, because if we can find potash or nitrates on our own soil it would be worth more than we can contemplate by the imagination. So far as discovery is concerned, I am willing to go to the limit. But we are furnished the information as to these things, and all that is necessary to learn is whether it can be made a commercial success. The Government can never find this out. The Government can not ascertain that. We must be for the private manufacturer unless we entirely abolish the theory of private manufacture and expect the Government to do the whole thing. Nobody has proposed that yet. For that reason I think it is an error to engage upon this, and I doubt whether it meets the approval even of the Secretary of Agriculture, although I am not authorized to speak for him. Therefore I make the point of order.

Mr. LEVER. If the gentleman will permit, the Secretary of Agriculture made that recommendation in his report on the fertilizer situation to the Senate on about January 26.

Mr. MANN. Well, I am sorry he did.

The CHAIRMAN. The gentleman from Illinois makes the point of order. Does the gentleman from South Carolina desire to be heard?

Mr. LEVER. The paragraph is undoubtedly subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 49, after line 11, insert the following paragraph:

"For investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, $175,000."

Mr. MANN. I reserve a point of order on that.

Mr. LEVER. I do not care to have it reserved, Mr. Chairman. I only care to call the attention of the Chair to the difference in the two amendments. This amendment provides only for investigation and demonstration, while the other amendment went further.

Mr. MANN. I am willing, so far as I am concerned, to give them money, provided they are not to construct a building. I think under this provision they would be authorized to construct buildings.

Mr. LEVER. The gentleman and I are fully agreed on that, but the department does not take the same view. Therefore the amendment was offered in the form on which it has gone out on the point of order, but I believe under the general authority they have the right to erect this building.

Mr. MANN. Well, Mr. Chairman, there is no authority in the Agricultural Department at all, so far as that is concerned, to investigate the subject of potash or the production of potash. That is not an agricultural product. It may be an agricultural necessity, but it is not within the provision of the enabling act.

Mr. LEVER. I am inclined to think the gentleman is right.

Mr. MANN. There is no question about it.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

BUREAU OF ENTOMOLOGY.

Salaries, Bureau of Entomology: One entomologist, who shall be chief of bureau, $4,500; 1 chief clerk and executive assistant, $2,250; 1 administrative assistant, $2,250; 1 financial clerk, $1,800; 3 clerks, class 4; 3 clerks, class 3; 9 clerks, class 2; 9 clerks, class 1; 10 clerks, at $1,000 each; 4 clerks, at $900 each; 5 clerks, at $840 each; 2 entomological draftsmen, at $1,400 each; 1 entomological draftsman, $1,080; 4 foremen, at $1,080 each; 1 entomological preparator, $1,000; 4 entomological preparators, at $840 each; 5 entomological preparators, at $720 each; 7 entomological preparators, at $600 each; 2 messengers or laborers, at $900 each; 4 messengers or laborers, at $840 each; 3 messengers or laborers, at $720 each; 1 messenger boy, $480; 5 messenger boys, at $360 each; 1 mechanic, $1,080; 1 mechanic, $900; 1 mechanic, $840; 1 laborer, $600; 1 laborer, $540; 1 laborer, $480; 1 laborer, $420; 3 charwomen, at $480 each; 1 charwoman, $240; in all, $99,180

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I assume that these additional places involving an increase of the appropriation over that of last year of nearly $30,000 are transfers from the lump-fund list?

Mr. LEVER. They are each and every one of them transfers from the lump fund to the statutory roll, and the lump fund has been reduced accordingly. The transfers are made at the same salary, except in one place.

Mr. STAFFORD. That was the point I wanted to ascertain, whether they were transferred at the same salary or not.

Mr. LEVER. Yes; the transfers were made at the same salary.

Mr. STAFFORD. Except in one instance, as the gentleman says?

Mr. LEVER. Yes; except in the case of a messenger at $480.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MANN. I renew it.

This is an increase of nearly $30,000 on the statutory roll in the Bureau of Entomology. While the gentleman from South Carolina says—and he knows—that these are transfers from the lump-sum appropriations, the lump-sum appropriations, in fact, are not reduced. They are increased, although they may have been reduced from what the department would have asked for.

Mr. LEVER. That is what I meant, of course.

Mr. MANN. I understand what the gentleman means, and I am not seeking to criticize that. But what is the reason for these increases in the actual cost? Here is an increase of nearly half in the statutory roll over what we supposed it was last year. We make an appropriation in a lump sum for the investigation of insects affecting deciduous fruits, and so forth, and we supposed—and we had the right to suppose—that the statutory roll did the clerical work for these lump-sum appropriations in Washington. There is nothing else for them to do. All the appropriations for this bureau are lump-sum appropriations, except the statutory roll in Washington. All the statutory roll has to do is to use that lump-sum appropriation.

They pay absolutely no attention to Congress. We appropriated $69,000 for the employees in Washington. Then we appropriated certain amounts for work outside of Washington; and then they use it to increase salaries and pay salaries in Washington to the extent of $30,000. I think we have got to stop the Agricultural Department sometime from fooling Congress about these things, because that is what it is doing. The gentleman knows that I always defend the Department of Agriculture when anybody attacks it except myself.

Mr. LEVER. That is true, too.

Mr. MANN. I think it is a great department; but as long as they have the power to do these things they will do them. When we appropriate $114,660 for the investigation of insects affecting cereal and forage crops, an item which we put in a few years ago at the instance, I think, of the gentleman from Indiana [Mr. CULLOP], we supposed that that money was being used for that purpose. We had the right to suppose it, because we make an appropriation for the Washington employees in addition. Well, they just take what money of it they want. It is not excessive; I do not think they are grossly extravagant; but they take as much of that as they want of it for clerks, charwomen, messengers, or anything else they please in Washington.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. LEVER. The committee was assured by those people appearing before it from the department that they were endeavoring to transfer from the statutory roll two classes of people, in accordance with the expressed wish of Congress, expressed here on the floor of the House in the discussion of this bill. One class is that of purely clerical service. The other class is that class of employees that has become permanent, as they designate it, and they are endeavoring, as they tell us, to retain under the lump-sum appropriation the purely scientific force. There is not any law that compels that at all. I agree with the gentleman that if we can work out a plan by which we can get greater control of these lump-sum appropriations and these transfers, it would be very well for us to do so. As I stated on another item, the gentleman from Minnesota [Mr.

ANDERSON] and myself are trying to work out an amendment which I hope will be effective, although I am not sure.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words, for the purpose of obtaining some information. I notice that during the fiscal year 1915 there was expended on the statutory roll the sum of $68,400, and out of the lump fund $98,000 in Washington and $256,000 outside of Washington. This year you have increased the amount of the statutory roll $30,000. I wish to inquire specifically whether the committee asked the heads of the bureaus, when they appeared before the committee, as to whether all those persons who are performing clerical service, and not technical service of the character referred to by the gentleman, will be provided for on the statutory roll in this bill?

Mr. LEVER. I will say to the gentleman from Wisconsin that our information was that in every case where a transfer was made from the lump fund it was either of a clerical position or a position that had become permanent in its nature.

Mr. STAFFORD. The gentleman does not answer my question. I am inquiring whether all the clerks who are now being paid out of the lump-sum appropriation for performing purely clerical services have been provided for on the statutory roll in this bill.

Mr. LEVER. Our information is to that effect; yes.

Mr. STAFFORD. Not only in this bureau but in all the other bureaus.

Mr. LEVER. Yes. We understand that they have transferred all of their clerical force to the statutory roll, and the only other problem we have to deal with—I will say to the gentleman that it is a hard one—is to provide some way of limiting the number of temporary employees who can be paid out of the lump-sum appropriation, where those positions may become or may be permanent in the future.

Mr. STAFFORD. Why in that particular should this department be considered any different from any other one of the departments that are provided in the legislative, executive, and judicial appropriation bill? Why can not the committee bring in here a provision restricting in the future the utilization of any of these lump-sum appropriations for clerical services, so that Congress may know that when it votes money for use in the field it will be used exclusively for that purpose.

Mr. LEVER. As I said to the gentleman——

Mr. STAFFORD. There is nothing here that restricts them.

Mr. LEVER. I know that.

Mr. STAFFORD. And they go on year after year employing persons for clerical work and paying them out of the lump-sum appropriation, when the intention of Congress is to limit them to the amount carried in the statutory roll.

Mr. LEVER. As I said to the gentleman from Illinois [Mr. MANN]—the gentleman from Wisconsin probably did not hear my statement—the gentleman from Minnesota [Mr. ANDERSON] and myself are working on an amendment which we hope to offer to this bill before we finish it, to accomplish that result.

Mr. STAFFORD. I hope the gentleman will do that, so as to restrict these abuses, which have been continually called to our attention.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a statement as to the present German method of extracting nitrogen from the air. This statement was made up for me by Dr. William Beckers, president of the W. Beckers Aniline Chemical Works, and former director of the German Syndicate, probably the most competent man on the subject in this country. I introduce this for the purpose of showing that to-day the Germans are extracting nitrogen from the air, not only without the use of water power but much more cheaply than when they were using water power in Norway, and more cheaply than it is produced out of Chilian saltpeter.

Mr. LEVER. I am very glad the gentleman is going to print that.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by publishing a certain statement. Is there objection?

There was no objection.

The statement is as follows:

Nitric acid is being produced in Germany at the present time without depending on electric energy, the developing of which would necessitate large water-power establishments such as at Niagara Falls and in Norway. The Badische Co., after having completed the experiments in regard to the process to be mentioned further below, sold their shares in the Norwegian Co. This process makes Germany not only independent from other countries regarding its nitrogen compounds, especially nitric acid, but also yields a cheaper product.

According to the Badische process the first step for the manufacture of nitric acid is the production of ammonia, which chemical is obtained by the so-called Haber process. The elements of ammonia, hydrogen, and nitrogen are combined under high pressure and temperature by the aid of certain catalysers, yielding chemically pure ammonia. Hydrogen is obtained from so-called water or Dowson gas, which is a mixture of CO, CO_2, and H. Co and CO_2 are absorbed by different chemicals, leaving pure hydrogen. Dowson gas is manufactured by driving steam through burning coal in a generator. Nitrogen is obtained from so-called generator gas, which is produced by burning coal in a generator, and which is a mixture of CO, CO_2, and N. CO and CO_2 are disposed of in the above-mentioned way, thus leaving pure nitrogen.

Furthermore, nitrogen can be produced very cheaply by the Linde process; that is, by liquifying air—which is a mixture of nitrogen and oxygen—and distilling the oxygen off first.

The pure ammonia produced by the Haber process is mixed with air and conducted over platinum gauze heated by electricity to about 700°, at which temperature a complete oxidation of ammonia takes place, leaving nitric oxide and water. Nitric oxide is used further for the manufacture of nitric acid according to well-known methods.

The amount of electrical energy necessitated for heating the platinum gauze is comparatively small and can be produced from coal, thus showing that the entire process does not require electricity developed by water power.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

General expenses, Bureau of Entomology: For the promotion of economic entomology; for investigating the history and the habits of insects injurious and beneficial to agriculture, horticulture, arboriculture, and the study of insects affecting the health of man and domestic animals, and ascertaining the best means of destroying those found to be injurious; for collating, digesting, reporting, and illustrating the results of such investigations for salaries and the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, freight, express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, and electric current, in connection with the following investigations:

Mr. SISSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question.

Quite a number of items have been carried in the bill in the past for the purpose of investigating the boll weevil that has been so destructive of cotton in the South. Up to date neither the Government nor the State, so far as I know, nor any of the agricultural colleges, have been able to discover any method of destroying the weevil. The only thing they have been able to do is to devise some cultural methods which may or may not succeed, in accordance with the season. Sometimes if the season is right the cultural methods succeed and sometimes they fail. What I wanted to ask the gentleman is, Is this the item that investigates on the part of the Government the method of destroying this insect?

Mr. LEVER. The gentleman from Mississippi will find the item which carries the boll weevil in lines 14, 15, and 16 on the page that we have not reached.

Mr. SISSON. I will say now what I intended to say on that item. I do not believe that anything can be done in a general way by the expenditures of large sums of money with the present information that you have about the destruction of the weevil. We know the effect of it, we feel the effects of it; but up to date nothing has been devised that has been practical for the destruction of the weevil. But I do insist that the Government of the United States, as a scientific proposition, should continue the scientific investigation which, of course, would not be expensive to ascertain some method of destroying the weevil.

Another thing we must continually keep in mind is that if the weevil is destroyed in one State and another State is not willing to adopt the methods of destruction it would be useless, because the weevil travels with such rapidity from one State to another. So when the method has been ascertained which can be used practically for the destruction of the weevil, then I hope that Congress will aid the States in such a scheme as will destroy the weevil throughout the cotton belt.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MOSS of Indiana. Is there any reasonable probability of the destruction of the boll weevil?

Mr. SISSON. Personally I do not know. I know the agricultural college of my own State and that of Texas and other States have spent a great deal of money, counties have spent a great deal of money, States have spent a great deal of money, the Federal Government has spent a great deal of money, and they have had experts from all over the country to study the habits of the weevil, caught them and kept them in cages, watched them day and night, and they never have been able to find anything that will destroy them. They have devised some poisons which destroyed the hands that endeavored to distribute the poison, but not the weevil.

Mr. MOSS of Indiana. That is my own opinion; we have been working for 100 years on the Hessian fly, and that destroys more grain than the boll weevil destroys cotton.

Mr. SISSON. I doubt that, because the weevil gets all the cotton when he gets any.

Mr. MOSS of Indiana. Has not the boll weevil been of some benefit to the South?

Mr. SISSON. I should say he had not.

Mr. MOSS of Indiana. In the way of reducing the crop which they say ought to be reduced.

Mr. SISSON. Perhaps that is true, but I do not want it reduced on my plantation when it is not reduced on some other plantations. I do not want the cotton crop reduced in that way.

Mr. MOSS of Indiana. The boll weevil is impartial.

Mr. SISSON. No; he has not got all over the cotton belt. He has not got over to South Carolina yet. The Hessian fly is referred to in this report, and this gentleman insists that the Federal Government ought to devise a scheme of destroying it—this was in 1849—and on account of the number of failures, he says, is no reason to quit, because you do not make an oak out of an acorn in a day. So I do not want the Agricultural Department to quit until it has found how to kill the boll weevil, for he will get over into Georgia, into the land of my friend, Mr. CRISP, or to South Carolina, to the plantation of my good friend, Mr. LEVER.

Mr. CRISP. I want to say that he entered my district last fall.

Mr. SISSON. Well, he has not got in his work yet.

Mr. BORLAND. The boll weevil does not believe in State rights.

Mr. SISSON. He ignores the Federal Constitution and State rights.

The Clerk read as follows:

For investigations of insects affecting cereal and forage crops, $144,000.

Mr. RUSSELL of Missouri. Mr. Chairman, I desire to ask the chairman of the committee whether the amount carried in this item is the same as heretofore carried?

Mr. LEVER. Exactly the same amount; there is a difference by way of transfer.

Mr. RUSSELL of Missouri. Two years ago, as the chairman no doubt remembers, there was established in my district a new field station under this bureau.

Mr. LEVER. I beg the gentleman's pardon; there is an increase in this item of $5,000.

Mr. RUSSELL of Missouri. As I said, two years ago there was a new field station established in my district. I should like to know whether the appropriation carried in this bill takes into consideration the proper maintenance of that field station, so that it will be continued as heretofore.

Mr. LEVER. Undoubtedly, although it was not specifically provided for in the item. The item covers all of the field stations.

Mr. RUSSELL of Missouri. There is, I see, no field station especially mentioned.

Mr. LEVER. We never mention any of the field stations.

Mr. RUSSELL of Missouri. The farmers of my district believe that this station has been a great benefit to that section of the country.

Mr. LEVER. I have no doubt of it.

Mr. RUSSELL of Missouri. They want to be certain that the station there is going to be continued, and I desired to know whether this item in the bill would furnish the necessary funds to maintain that station as heretofore.

Mr. LEVER. It certainly will do so.

Mr. RUSSELL of Missouri. I want to thank the chairman of the committee for this assurance. My constituents are deeply interested in its continuance and are perfectly convinced of the great benefit that it has been and will be to the farmers of the district and the surrounding country.

Mr. CULLOP. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

Page 51, after line 13, insert as a new paragraph the following:

"For investigating a method for the eradication of the Hessian fly in wheat by the process of spraying, $50,000."

Mr. CULLOP. Mr. Chairman, the wheat crop is one of the largest of all crops that are grown on the farm. It is the third, if not the second, most remunerative in production, the corn crop being first, recently the cotton crop being second, and now the wheat crop third.

Mr. MANN. Mr. Chairman, is the gentleman going to press his amendment?

Mr. CULLOP. I hope to; yes.

Mr. MANN. I think that there ought to be a fuller attendance to hear the gentleman and vote upon his amendment, and I therefore make the point of order that there is no quorum present.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FARLEY, indefinitely, on account of illness in his family.

To Mr. WILSON of Florida, at the request of Mr. CLARK of Florida, for 10 days, on account of important business.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 5835. An act for the relief of James Staton;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Brusgaard Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos*;

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the Juvenile Court of the District of Columbia;

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll," and for other purposes;

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.; and

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 12027, an omnibus pension bill, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The Clerk announced the following conferees:

Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that to-morrow morning, immediately after the reading of the Journal, the gentleman from Kentucky [Mr. JOHNSON] be allowed to address the House for 15 minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that to-morrow morning, after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Kentucky [Mr. JOHNSON] be permitted to address the House for not to exceed 15 minutes. Is there objection?

There was no objection.

ADJOURNMENT.

Then, on motion of Mr. LEVER (at 5 o'clock and 33 minutes p. m.), the House adjourned until to-morrow, Saturday, April 22, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows.

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of

Tuckerton Creek, N. J. (H. Doc. No. 1040); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Missouri B. Ordway, widow of Albert Ordway, v. The United States (H. Doc. No. 1041); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jane O'Dwyer, widow of John O'Dwyer, deceased, v. The United States (H. Doc. No. 1042); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry S. Brannaman v. The United States (H. Doc. No. 1043); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ellen B. Alexander, widow of Robert M. Alexander, v. The United States (H. Doc. No. 1044); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Barnet W. Prescott v. The United States (H. Doc. No. 1045); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph V. Kendall v. The United States (H. Doc. No. 1046); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harrison H. Boyes v. The United States (H. Doc. No. 1047); to the Committee on War Claims and ordered to be printed.

9. A letter from the Acting Secretary of the Treasury, transmitting a copy of communication from the acting president of the Board of Commissioners of the District of Columbia, submitting a supplemental estimate of appropriation required for the service of the District of Columbia for the fiscal year ending June 30, 1917, under the title of "Contingent and miscellaneous expenses" (H. Doc. No. 1048); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WISE, from the Committee on Military Affairs, to which was referred the bill (S. 3344) to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes, reported the same without amendment, accompanied by a report (No. 584), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 1068) relating to desert-land entries, reported the same without amendment, accompanied by a report (No. 585), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12099) granting a pension to Esther Opher, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 14900) to amend section 6 of the act of June 17, 1910, providing for enlarged homestead entries in the State of Idaho; to the Committee on the Public Lands.

Also, a bill (H. R. 14901) providing for the disposition of lands restored to the public domain which have been segregated under the provisions of the act approved August 18, 1894 (28 Stat. L., pp. 372–422), and acts amendatory thereof and supplemental thereto; to the Committee on the Public Lands.

Also, a bill (H. R. 14902) to provide for the erection of a Federal building at Bonners Ferry, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. GOODWIN of Arkansas: A bill (H. R. 14903) to establish the National Chamber of Agriculture of the United States; to the Committee on Agriculture.

By Mr. SELLS: A bill (H. R. 14904) for improvements and repairs necessary for the preservation and protection of the tailor shop of ex-President Andrew Johnson, at Greenville, Tenn.; to the Committee on Appropriations.

By Mr. HULBERT: A bill (H. R. 14905) for the improvement of East Potomac Park as a public recreation ground; to the Committee on Appropriations.

By Mr. RUSSELL of Missouri: A bill (H. R. 14906) authorizing the Secretary of War to donate to the city of Kennett, Mo., two cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 14907) authorizing the Secretary of War to donate to the city of New Madrid, Mo., two cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 14908) authorizing the Secretary of War to donate to the city of Benton, Mo., two cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. CLARK of Florida: A bill (H. R. 14909) to provide for the purchase of a site upon which to erect a post-office building in the city of Perry in the State of Florida; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14910) to provide for the purchase of a site upon which to erect a post-office building in the city of Monticello, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. EMERSON: Joint resolution (H. J. Res. 207) authorizing the issuing of a medal to Joseph David; to the Committee on the Library.

By Mr. NEELY: Joint resolution (H. J. Res. 208) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MORRISON: Joint resolution (H. J. Res. 209) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes; to the Committee on Patents.

By Mr. DYER: Joint resolution (H. J. Res. 210) directing that veterans of the Grand Army of the Republic be given the regulation salute from the enlisted men of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

By Mr. DILL: Concurrent resolution (H. Con. Res. 31) providing for the printing of 1,000 copies of Moore's Digest of International Law; to the Committee on Printing.

Also, concurrent resolution (H. Con. Res. 32) providing for the printing of 1,000 copies of Hinds' Precedents of the House of Representatives; to the Committee on Printing.

By Mr. BENNET: Resolution (H. Res. 210) requesting the President to furnish certain information in relation to the case of Samuel Schwartz; to the Committee on Foreign Affairs.

By Mr. PARK: Resolution (H. Res. 211) to print 1,250 copies of the Soil Survey of Decatur County, Ga.; to the Committee on Printing.

Also, resolution (H. Res. 212) to print 2,000 copies of the Soil Survey of Tift County, Ga.; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 14911) granting an increase of pension to John Critchfield; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 14912) granting an increase of pension to Lucy A. Manrose; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 14913) to refer to the Court of Claims the record in the case of William M. Farrington v. Rolfe S. Saunders, heretofore pending in the Circuit Court of the United States for the District of West Tennessee, with instructions to hear, try, and determine the same and enter judgment on the law and facts; to provide for appeal or writ of error to the Supreme Court of the United States by the Government or any part interested; to confer jurisdiction upon both of said courts, and to prescribe the method of procedure; to the Committee on War Claims.

Also, a bill (H. R. 14914) granting an increase of pension to Addie P. Shoffner; to the Committee on Invalid Pensions.

By Mr. COLEMAN: A bill (H. R. 14915) granting an increase of pension to F. Isabelle Lawrance; to the Committee on Pensions.

By Mr. CONRY: A bill (H. R. 14916) granting an increase of pension to Benjamin R. Hubbell; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 14917) granting an increase of pension to Robert Gilmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14918) granting an increase of pension to Pleasant D. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14919) granting a pension to James M. Wilson; to the Committee on Pensions.

By Mr. EAGAN: A bill (H. R. 14920) granting an increase of pension to Mary Ann Conroy; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 14921) granting a pension to Margaret Gray; to the Committee on Pensions.

By Mr. HELGESEN: A bill (H. R. 14922) granting a pension to Bruce Friend; to the Committee on Pensions.

By Mr. HILLIARD: A bill (H. R. 14923) granting a pension to George F. Taylor; to the Committee on Pensions.

By Mr. HULBERT: A bill (H. R. 14924) granting a pension to Loretta A. Bradley; to the Committee on Pensions.

By Mr. MILLER of Delaware: A bill (H. R. 14925) granting an increase of pension to Margaret Baylis; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 14926) granting a pension to Mary A. Winsor; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 14927) to correct the military record of William H. Böyer; to the Committee on Military Affairs.

Also, a bill (H. R. 14928) to correct the military record of Robert M. Mann; to the Committee on Military Affairs.

Also, a bill (H. R. 14929) to correct the military record of James C. Sedam; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 14930) granting an increase of pension to Emily Jane Hilton; to the Committee on Pensions.

Also, a bill (H. R. 14931) granting a pension to Albert Jeffries; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 14932) granting an increase of pension to Elizabeth W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14933) granting an increase of pension to Sarah Rogers; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 14934) granting an increase of pension to Mary Dodge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14935) granting an increase of pension to William M. Spann; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 14936) for the relief of Lawrence Collins and Edward J. Flanigan; to the Committee on Claims.

By Mr. STEENERSON: A bill (H. R. 14937) granting an increase of pension to William H. Wharton; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 14938) granting an increase of pension to William G. Jackson; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 14939) granting an increase of pension to John W. Wahl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14940) granting a pension to Mrs. Sarah A. Staley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14941) granting a pension to Frederick Noyes; to the Committee on Pensions.

By Mr. VENABLE: A bill (H. R. 14942) granting an increase of pension to Julia A. Ueltschey; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Memorial of Republican County Convention of Reno County, Kans., favoring national woman suffrage; to the Committee on the Judiciary.

By Mr. DALE of New York: Petitions of sundry men and women voters of the State of Kansas, protesting against the action of the Judiciary Committee relative to the suffrage amendment; to the Committee on the Judiciary.

By Mr. DARROW: Petitions of 156 citizens of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILL: Petition of C. S. Barnhart and other residents of Loomis and Hassan, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Charles G. Miller and other residents of Ione, Wash., protesting against the passage of Senate bill 645; to the Committee on the District of Columbia.

Also, petition of Charles G. Miller and other residents of Ione, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Charles G. Miller and other residents of Ione, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of L. J. Artman and other residents of Colville, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DOOLITTLE: Petition of 11 members of the Ministerial Association of Emporia, Kans., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DYER: Petition of the First National Bank of Kansas City, Mo., favoring the citizens' army; to the Committee on Military Affairs.

Also, petition of farmers of St. Francois County, Mo., favoring law providing for standardization of agricultural products; to the Committee on Agriculture.

By Mr. EAGAN: Memorial of National Grange legislative committee, Patrons of Husbandry, in re legislation; to the Committee on Military Affairs.

By Mr. EDMONDS: Petition of Manufacturers' Club of Philadelphia, Pa., against the passage of the armor-plate bill; to the Committee on Naval Affairs.

Also, petition of Manufacturers' Club of Philadelphia, Pa., against passage of the Philippine bill; to the Committee on Insular Affairs.

By Mr. ELSTON: Petition of Women's Missionary Society of First Presbyterian Church, of Berkeley, Cal., favoring passage of a bill to prohibit sale of alcoholic liquors in Hawaii, Porto Rico, and Philippine Islands; to the Committee on Insular Affairs.

Also, petition of Women's Missionary Society of First Presbyterian Church, of Berkeley, Cal., favoring bill to prohibit sale, etc., of Alcoholic liquors in Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. FLYNN: Memorial of National Grange Legislative Committee, in re legislation; to the Committee on Military Affairs.

By Mr. FOCHT: Evidence in support of House bill 8973, for the relief of Thomas D. Hummel; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7070, for the relief of John W. Ferguson; to the Committee on Pensions.

Also, evidence in support of House bill 9733, for the relief of John A. Boggs; to the Committee on Invalid Pensions.

Also, statement in support of House bill 8871, for the relief of George D. Jones; to the Committee on Military Affairs.

Also, petition of citizens of Greencastle, Pa., favoring Emerson condensed-milk resolution; to the Committee on the Judiciary.

By Mr. FULLER: Petitions of Pettibone, Mulliken Co. and the Union League Club of Chicago, Ill., relative to preparedness; to the Committee on Military Affairs.

Also, petition of the Western Military Academy, of Alton, Ill., favoring House bill 11086, concerning appointments to the West Point Military Academy; to the Committee on Military Affairs.

Also, petition of the Toledo (Ohio) Scale Co., against passage of House bill 9323, relative to weights and measures; to the Committee on Weights and Measures.

By Mr. GARNER: Petition of sundry citizens of the State of Texas, favoring reenactment of the Smith-Lever bill, omitting section 11, etc.; to the Committee on Agriculture.

By Mr. HAMILTON of New York: Petition of sundry citizens of Lakewood and Jamestown, N. Y., in opposition to House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: Papers to accompany House bill 13186, for relief of John D. Shick; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13185, for relief of John Hickey; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11739, for relief of Caroline M. Anthony; to the Committee on Pensions.

Also, petition of Minnie Robbins and 19 others, of Denver, Colo., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of William E. Sweet, of Denver, Colo., against increased military or naval appropriation by this Congress; to the Committee on Appropriations.

By Mr. HULBERT: Memorial of Board of Aldermen of New York City, favoring passage of House bill 6915, relative to pensions for aged postal-service employees; to the Committee on the Post Office and Post Roads.

By Mr. LESHER: Petition of 76 citizens of Northumberland County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LONDON: Petition protesting against the sending of the military forces of the United States into Mexico and asking the withdrawal of such forces, from F. W. Kirk and 20 other citizens of Louisville, Ky.; to the Committee on Foreign Affairs.

Also, petition indorsing a bill proposed by Mr. Fred Warren "providing that those who make war shall do all the fighting," from C. W. Busby and 17 other citizens of Eustace, Tex.; to the Committee on Military Affairs.

Also, telegram opposing any action by Congress that would cause a state of war and urging Congress to prevent that calamity, from Waiters' Union No. 30, San Francisco, Cal.; to the Committee on Foreign Affairs.

By Mr. LOUD: Petitions of Archie Sanger and 14 other citizens of Edenville, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of C. C. McDonald and 3 other citizens of Blanchard, Mich., favoring the Ashbrook bill, relative to increase in pensions to Civil War widows; to the Committee on Invalid Pensions.

By Mr. NORTH: Petition of 40 citizens of Indiana County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of Lula C. Smith and others, of Rockport, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Richard Burch and others, of Eldred, and Ida E. Staley and others, of Tallula, Ill., against a juvenile-court act; to the Committee on the District of Columbia.

By Mr. RANDALL: Memorial of the commission on temperance of the Congregational Churches of the United States, urging the passage of the Sheppard District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of 545 people of Pomona, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Nevada Hulbart and 32 other citizens of Los Angeles, Cal., protesting against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. SANFORD: Papers to accompany House bill 13371, for the relief of Matthew J. McDermott; to the Committee on Claims.

By Mr. SIMS: Petition of sundry citizens, favoring rural credit legislation; to the Committee on Banking and Currency.

By Mr. SLOAN: Petition of Alexander A. M. Bulgrin and 72 others, against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEENERSON: Petition of citizens of Pipestone County, Minn., protesting against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Resolution of Franklin Printing Trades Association, San Francisco, Cal., favoring an embargo on export of materials for manufacturing paper; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. A. Hunter and 41 others, all of Los Angeles, Cal., protesting against the juvenile court bill—House bill 13048; to the Committee on the Judiciary.

Also, letter from Simon Levy Co., Los Angeles, Cal., favoring the Keating bill; to the Committee on Interstate and Foreign Commerce.

Also, resolution from Chamber of Commerce, Venice, Cal., favoring a naval base in Santa Monica Bay, Cal.; to the Committee on Naval Affairs.

Also, letter from Central Labor Union, Santa Barbara, Cal., protesting against preparedness; to the Committee on Military Affairs.

Also, letters from Henry S. Cahn, Los Angeles, Cal., and A. C. Rudolfson, San Francisco, Cal., favoring 1-cent postage on drop letters; to the Committee on the Post Office and Post Roads.

Also, communications from Mrs. H. Salkey and the Jewish Sisterhood of Los Angeles, Cal., protesting against the Burnett immigration bill; to the Committee on Immigration.

Also, communication from St. Antonius Society, protesting against the sale and export of munitions of war; to the Committee on Interstate and Foreign Commerce.

Also, communications from C. E. Chamberlain and 10 others, favoring the Warren bill; to the Committee on Military Affairs.

Also, letters favoring the construction of highway up Mount Whitney, Cal., from Howard Huntington and M. J. Connell, of Los Angeles, Cal., and Kern County Board of Trade, Bakersfield, Cal.; to the Committee on the Public Lands.

Also, petition signed by Mrs. C. C. Clay, president California Division, United Daughters of the Confederacy; Mrs. T. J. Douglas, president Los Angeles Chapter, United Daughters of the Confederacy; Mrs. Samuel Cary Dunlap, past president of California Division, United Daughters of the Confederacy; Mrs. Grantland S. Long, State vice president, and Mrs. Allen W. Ellington, second vice president, Los Angeles Chapter, United Daughters of the Confederacy; Mrs. W. B. Scarborough, recording secretary Los Angeles Chapter; Miss Lulie McGoodwin, corresponding secretary Los Angeles Chapter; Miss Cora A. Mathews, historian Los Angeles Chapter; Mrs. John C. McCay, custodian of the flag, and 68 others, all of Los Angeles, Cal., favoring the passage of House bill 478; to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *April 22, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Creator of all things, Thy will is law. We bless Thee that we have come to know that the law of Thy will is love and grace and truth. We come to Thee to-day under the inspiration of this season of the year. We see once more the challenge of life to the force of death. That which was dead is alive again. Thou dost give to us the pledge of our own immortality. We have about us the intimations of the life which is yet to be. We bless Thee for the assurance that wholeness of life is the conqueror over death. Thou wilt not suffer Thy holy one to see corruption. Grant us this day the especial inspiration of Thy spirit that we may enter profoundly into the meaning and message and intimation of this season and come to measure life by its infinite length and depth and height and breadth. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, April 20, 1916, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE NAVY (S. DOC. NO. 413).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of April 12, 1916, certain information relative to a communication dated August 3, 1914, from the General Board of the Navy warning the Navy Department of the necessity of bringing the Navy to a state of preparedness, and also of a communication dated November 9, 1914, from Rear Admiral Bradley A. Fiske, senior adviser to the Secretary, warning the Navy Department of the unprepared state of the Navy, which was referred to the Committee on Naval Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the concurrent resolution (S. Con. Res. 20) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal-of-honor roll," and for other purposes;

H. R. 5835. An act for the relief of James Stanton;

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Brunsgaard, Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos*;

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of convictions for crime of record against them in the juvenile court of the District of Columbia; and

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary.

PETITIONS AND MEMORIALS.

Mr. SMITH of Michigan. Mr. President, I have a number of petitions from citizens of Sebewaing, Mich., and also from Detroit and other points in my State, bearing upon the question of an embargo upon the shipment of arms. If the Chair will indulge me, I will call attention to one of them, in which the petitioner says:

As I am very anxious to see our country maintaining a position of neutrality so definite and absolute that it can not be questioned by anyone whose sympathies are for either of the belligerents of Europe, I am appealing to you, my representative in the upper House of Congress, to support the resolution ordering an embargo upon further shipments of war material, when it comes up for consideration.

These petitions are generally in the same form and come from patriotic citizens, and I desire that their zeal may be properly considered by the committee.

The VICE PRESIDENT. The petitions will be referred to the Committee on Foreign Relations.

Mr. HARDING presented petitions of sundry citizens of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of the City Council of Cleveland, Ohio, remonstrating against any change in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Ohio, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented petitions of F. E. Everett, State highway commissioner, of Concord, and of the Auto Club, of Nashua, in the State of New Hampshire, praying for Federal aid in the construction of good roads, which were ordered to lie on the table.

He also presented the petition of Dr. Benjamin W. Baker, superintendent of the New Hampshire School for Feeble-Minded, of Laconia, N. H., praying for the establishment of a home for feeble-minded in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TAGGART. Mr. President, I ask unanimous consent that I be permitted to present and have printed in the RECORD a letter in the nature of a petition addressed to my colleague, Senator KERN, which would have been presented by him but for the fact that he is unavoidably absent from the city.

This letter is signed by a score or more of the leading business men of Indianapolis, all of whom have been for many years identified with every movement for the growth and development of that city.

All are of German birth or ancestry, but every one a loyal American citizen.

While many may not agree with the views expressed, these men are of such high character and standing as to entitle their utterances to respectful consideration.

I ask that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INDIANAPOLIS, IND., *April 12, 1916.*

Hon. JOHN W. KERN,
United States Senate, Washington, D. C.

DEAR SENATOR: As your neighbors, friends, and constituents, we feel that we can appeal to you in this critical hour of our country's negotiations with Germany and ask your calm and unbiased consideration of a few statements which we beg herewith respectfully to submit.

We feel confident it is not necessary to protest our loyalty to our common country to you who have known us for years, and submit that it is no test of our patriotism to entertain opinions and form judgments in good faith which may differ from those of our fellow citizens.

If, because of our blood relationships, we have sympathized with Germany in the awful contest which has been raging since August, 1914, it seems to us that this is quite natural, indeed it would be unnatural and perhaps worse, rank hypocrisy, if it were otherwise. We would resent the imputation that because we hold sympathies for Germany we have violated any of the requirements of a good faith loyalty to our country.

It is our sincere judgment that there has been no provocation by Germany, or any violation of international law by it, that would justify the severance of diplomatic relations or the declaration of war. It is our sincere judgment that the Government of Germany, as well as the German people, do not court the enmity of our Government or of our people, and would not intentionally commit any avoidable act that would bring on the ill will of our country. It is our sincere judgment that Germany would not knowingly commit the slightest act which, by any possible stretch of imagination, could be construed as an attack upon our national honor.

We submit if it should be proven that we are right in our contentions, as set out in the preceding paragraph, it would be worse than a calamity to break off relations with a country with whom we have always been at peace and with whom our relations have always been upon a basis of mutual respect and confidence.

Perhaps we have no legal foundation for advancing our ties of blood relationship as an argument against the break of diplomatic intercourse with Germany—others, no doubt, in the past, in similar emergencies, have asked for consideration because of mere financial interests—but the best instincts of a common brotherhood, it seems to us, furnishes a valid excuse for an appeal to our fellow citizens to consider our sufferings in the event of a situation such as is now threatening.

We appeal to you, as our trusted representative, to use the power of your great influence against the proposition to break diplomatic relations with Germany. With great respect,

Yours, truly,

Louis Nodroez; Fred Fahnley; Albrecht Kipp; G. A. Schnull; Wm. F. Piel; Albert Sieber; Very Rev. Ant. Scheideler, V. G., pastor of St. Mary's Church; Charles Mayer; H. O. Pantzer; F. J. Meyer; John P. Frenzel; Otto N. Vonnyer; S. E. Rauh; Jos. Keller; Lorenz Schmidt; Albert C. Zahn; Herman P. Lieber; J. C. Peters; Herman Frenzel; Theo. Stempfel; Hugo Wuelling.

Mr. TAGGART. I also ask unanimous consent that I be permitted to present two telegrams which I have received and that they may be printed in the RECORD. One is from the German-American Democratic Club of Indianapolis, consisting of about 800 members, and the other telegram is from the Indiana Branch of the American Rights Committee, consisting of about 180 names. I ask that these two telegrams be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

INDIANAPOLIS, IND., *April 20, 1916.*

Hon. THOMAS TAGGART,
Washington, D. C.:

Senator, this is Good Friday. It brings home to us good thoughts, kindly feelings, a reverence strengthened anew for our Savior, who died that we might live, and through this reverence is born anew the grand, the ennobling sentiment, peace on earth, good will to men. Let us, then, hope and pray that this may become a living reality and that to this end nothing will be left undone to prevent a severance of the peaceful, kind, and neighborly relations existing between ours, the grandest Nation on earth, and the German Empire. May we courteously prevail on you, our friend, to urge upon our great and good President and the Nation's Congress, commemorative of this good day, to sound the slogan to a grateful constituency, Peace on earth, good will to men.

By order of the German Democratic Club.

ALBERT SAHM, *President.*
CARL VIEHMAN, *Secretary.*

INDIANAPOLIS, IND., *April 21, 1916.*

Hon. THOMAS TAGGART,
United States Senate Chamber, Washington, D. C.:

Indianapolis Branch American Rights Committee consists following members:

George Ade, E. W. Arnold, M. L. Addington, Charles E. Andrews, W. C. Bobbs, George Briggs, John T. Brandon, Charlton G. Eden, Harry R. Ellis, Bert Essex, Frank S. Fishback, M. K. Foxworthy, John S. Fishback, Frank C. Fishback, Frank H. Blackledge, Austin H. Brown, Henry W. Bennett, Stanley C. Brooks, Paul H. Birdsall, Willitts A. Bastian, Hays H. Buskirk, H. J. Barnard, Fred E. Barrett, Hervey Bates, jr., P. Bandy, Demarchus C. Brown, T. I. Foster, Arthur Grover, Harry C. Gilbert, Ralph Gregory, A. Bennett Gates, Albert H. Gisler, Lee R. Garber, Paul Gregory, Thomas J. Cameron, Alexander R. Holliday, William W. Hampton, Blythe Q. Hendricks, Col. John T. Barnett, Edward T. Branham, Harry Behrmann, Alex Barry, Dr. John H. Ball, Garvin M. Brown, Edward J. Bennett, R. T. Byers, Henry C. Chamberlin, E. E. Cotharin, Charles Clark, C. J. Cooper, jr., H. Foster Clippinger, Smiley A. Chambers, Dr. E. D. Clark, John N. Carey, Christopher R. Coleman, Jefferson Caylor, William Coull, John R. Coull, James I. Dissette, Ward H. Dean, Richard A. Henry, John H. Holliday, jr., Jacquelin S. Holliday, B. S. Hawkins, A. M. Higgins, R. A. Heitbrink, C. L. Harrell, Ray E. Harris, Ward H. Hackleman, L. A. Hardin, P. A. Havelick, James O. Humbert, George B. S. Hah, J. I. Holcomb, J. Guy Haugh, R. D. Harper, John W. Heit, John T. Jameson, Fred E. Johnson, Sylvester Johnson, F. E. Jordan, William E. Day, Frank T. Dennerly, F. T. Davenport, Samuel Dowden, F. S. Douglass, Sol H. Esarey, Ernest Kneller, Otto H. Kalf, Charles S. Lewis, Edward R. Lewis, Elmer E. Locke, Eli Lilly, Ernest W. Levering, Arthur V. Lamme, Montgomery P. Lewis, Daniel B. Luten, George J. Marott, Samuel D. Miller, Clarence Martindale, H. C. Mitchell, Joseph A. Mince, John M. Judah, William P. Kappes, J. Edward Kamps, William W. Knight, Henry Knauf, John E. Kinsley, Charles E. Richards, William T. Rausmussen, F. S. Rundell, R. G. Sumner, David Shreyer, Joseph K. Sharpe, James T. Stewart, Wallace C. Stoneman, Jesse S. Shields, W. R. Sinclair, Lucius B. Swift, Charles C. Sloan, Samuel B. Sutphin, Thomas Stevenson, W. T. Steele, Henry J. Martin, William H. H. Miller, A. H. Morris, Alfred H. Moore, Horace A. Morgan, Harry L. Mott, Donald McGibney, Felix McWhirter, Judge Robert W. McBride, Dr. Charlton McCullough, R. A. McGregor, Russell A. McNair, Clare McTurnan, Edward L. McKee, jr., Meredith Nicholson, Nicholas H.

Noyes, Clarence W. Nichols, Frank W. Olin, L. J. Osborn, J. B. Parsons, M. J. Price, Thomas D. Sheerin, Edward C. Simpson, Harry G. Sargent, Newton Booth Tarkington, Maurice E. Tennant, Harry S. Taylor, Newton Todd, Henry M. Talbott, A. W. Thomson, John S. Tarkington, Preston C. Trusler, Charles J. Taylor, Fred I. Tone, M. E. Vinton, Fred Wallick, Dr. Arthur L. Walters, Will H. Wade, James A. Walsh, William R. Wimmer, Charles N. Williams, Phil C. Pfenninger, Lafayette Perkins, Maxwell O. Parry, Walter P. Pfaff, A. L. Rigsbey, H. C. Riggs, R. L. Resener, Ralph M. Reard, Alex Taggart, W. Morton Herriott, Romney L. Willson, D. P. Williams, John V. Willson, Lewis Watson, Ryland H. Wolcott, Edmund Zerner, Frank Hendrickson, Dr. David Layman, Dr. Henry Jameson, Charles W. Warren, and D. Lawrence Chambers.

I am directed to send you following: We earnestly approve position taken by President in his message to Germany and oppose any measure which may tend to weaken the force of that message.

BOOTH TARKINGTON, *Chairman.*

Mr. MARTINE of New Jersey. I present a telegram from one of my constituents. I have received many of similar purport, and I respectfully ask that this one may be read.

There being no objection, the Secretary read the telegram, as follows:

HOBOKEN, N. J., *April 19, 1916.*

Hon. JAMES E. MARTINE,
Senate Chamber, Washington, D. C.:

The propaganda which has been carried on with the avowed purpose of inflaming the American people with a desire to enter this European war has never been equaled by any propaganda carried on in this or any other country. The undoubted will of the American people is that we maintain peace.

DANIEL P. TOOMEY,
East Orange, N. J.

Mr. MARTINE of New Jersey. I have received from citizens of my State. I am safe in saying, 100, possibly more, of similar import.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from sundry citizens of San Antonio, Tex., and petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Hill County, Tex., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Grand Prairie, Tex., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Corpus Christi, Tex., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Oglesby, Tex., remonstrating against the adoption of section 11 of the so-called cotton-futures bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of New Mexico, praying for an investigation into the methods of handling public lands, etc., which was referred to the Committee on Public Lands.

Mr. BRADY presented petitions of sundry citizens of Idaho, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Nez Perce, Idaho, praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. LIPPITT. I have a resolution in the form of a memorial of the General Assembly of the State of Rhode Island, protesting against the imposition of a Federal inheritance tax, which I ask to have printed in the RECORD.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

[H. 266, January session, A. D. 1916. Mr. Sumner, of Providence.]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

Resolution requesting the Senators and Representatives in Congress from Rhode Island concerning House resolution 8929, providing for a Federal inheritance tax.

Whereas there has been introduced in the House of Representatives of the Congress of the United States House resolution 8929, authorizing the imposition of a Federal tax on gifts, legacies, and inheritances; and

Whereas it is held by ample and eminent authority that this form of taxation belongs properly to the several States and should be reserved strictly as a source of State revenue and not made a source of revenue by the Federal Government; and

Whereas the taxation of inheritances is already an established part of the revenue systems of 43 of the United States, a fact which would render the position of a Federal inheritance tax an unjust burden and result in double taxation in an aggravated and unwarranted degree: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island hereby declares its firm conviction that the interests of the State and of the public generally would not be conserved by the passage of said resolution, and that the imposition of a Federal tax on gifts, legacies, and inheritances would be inimical thereto.

Resolved, That the Senators and Representatives in Congress from Rhode Island be, and they hereby are, requested to use their efforts to prevent the passage of said House resolution 8929, and the secretary of state is hereby instructed to forward a copy of these resolutions to each of them forthwith.

A true copy.

Attest:

[SEAL.] J. FRED PARKER, *Secretary of State.*

Mr. SMOOT. I present a telegram in the nature of a petition and ask that it be printed in the RECORD. I will not take the time to have it read. Let it be printed without the names.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALT LAKE, UTAH, *April 21.*

Senator REED SMOOT, *Washington, D. C.:*

We believe that the American people are absolutely against war with Germany. Under the present circumstances and conditions they consider such a war the greatest calamity which could befall our country and a crime against our own people and against humanity. Millions of hearts will be broken and inexpressible suffering will be the lot of ourselves and our brethren. We firmly believe that this is the sentiment of the majority of the American Nation, and we trust and hope from the bottom of our hearts that you will do all you can to keep us out of an unjust war.

Mr. McLEAN presented a petition of the Literary Club of Cheshire, Conn., praying for the creation of a national-park service, which was referred to the Committee on Public Lands.

He also presented petitions of Virginia Dare Council, No. 25, Sons and Daughters of Liberty, of Norwich; of Banner Council, No. 54, Sons and Daughters of Liberty, of Norwalk; of Lady Fowler Council, No. 58, Sons and Daughters of Liberty, of Milford; of Goddess of Liberty Council, No. 3, Sons and Daughters of Liberty, and of Quinnipiack Council, No. 61, Sons and Daughters of Liberty, of New Haven; of Betsy Ross Council, No. 19, Sons and Daughters of Liberty, of Bridgeport; and of Lady Sherman Council, No. 15, Sons and Daughters of Liberty, of Shelton, all in the State of Connecticut, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Willimantic, Conn., praying for the prohibition of the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Portland, Me., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Portland, Oreg., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. LANE presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation to provide a firemen's relief fund for the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Oregon, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. POINDEXTER presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Colville and Granger, in the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Granger and Hassan, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Rice and Centralia, in the State of Washington, praying for Government ownership of telephone and telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Rice and Centralia, Wash., remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Lewis County, Wash., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was ordered to lie on the table.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying for the creation of a tariff commission, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Worcester, Mass., praying for an increase in the Dental Corps of the Army, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of North Attleboro, Mass., praying for the enactment of legislation to provide Federal aid for vocational education, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Haverhill, Mass., praying for the enactment of legislation to grant pensions to certain widows of veterans of the Civil War, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Massachusetts, praying for an increase of armaments, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Worcester, Mass., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Melrose, Mass., praying for the prohibition of the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

Mr. COLT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Grange, Patrons of Husbandry, of Moosup Valley, R. I., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution, in the nature of a memorial, from the General Assembly of the State of Rhode Island, remonstrating against the imposition of a tax on gifts, legacies, and inheritances, which was referred to the Committee on Finance.

Mr. PHELAN presented petitions of sundry citizens of San Jose, Sacramento, and Los Angeles, all in the State of California, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Eureka, Sacramento, and Bakersfield, all in the State of California, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

RED CROSS SUPPLIES.

Mr. BRANDEGEE. Mr. President, I send to the desk a telegram which I have received from my State, and I ask that the Secretary may read it.

The Secretary read the telegram, as follows:

[Telegram.]

NEW HAVEN, CONN., *April 20, 1916.*

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.:

Red Cross has just issued circular announcing British Government refuses to pass Red Cross supplies for central powers. Would beg that you will protest in the Senate against virtual overthrow of Geneva principles and will not tacitly allow Red Cross to be used as aid for one side only.

YANDELL HENDERSON.

Mr. BRANDEGEE. Mr. President, I am not particularly familiar with any order that Great Britain may have made prohibiting the supplies of the Red Cross from reaching the central powers. I think I remember to have seen in one of the newspapers the other day that such action had been taken and it was claimed by the British authorities that it was done, if I recall the reading correctly, because of fear on their part that some of these hospital supplies might be used for war purposes. It seemed to me at the time that that was a somewhat forced excuse. I had supposed hitherto that supplies to relieve the suffering of wounded soldiers could be sent into any country by the Red Cross, and I assumed that it was recognized by all belligerents that the Red Cross was sent upon an errand of mercy. I do not know what supplies the Red Cross is sending in that could be used for war purposes to any extent. I conceive that what cotton or chemicals they use for hospital purposes would not go very far in maintaining attacks about Verdun at least. Not knowing any more about it than I do I am not prepared to say anything more about it.

I have presented the telegram, and it will appear in the RECORD, hoping that the attention of the State Department may be drawn to the subject.

Mr. WORKS. Mr. President, I have received a number of telegrams from various people and different organizations relating to our present relations with Germany. That is a matter which is in the hands of the executive department of the Government, and the situation is somewhat critical. I have not felt it to be wise or prudent to bring those matters before the Senate. I think the responsibility rests now with the President, and that he should be allowed to conduct negotiations as seems right to him.

I have therefore advised my correspondents who have been sending these telegrams that I do not think it is a time when we should indulge in criticisms; that we had better await developments and see what comes of the negotiatons that are being carried on by the proper department of the Government.

I say this because similar telegrams have been submitted here, and some of the people who have been appealing to me in various ways may feel that it is my duty to present the telegrams I have received. I want my position to be understood in that respect. I think it is a time when we should be careful about what we say, and careful about what we bring before the Senate calculated to inflame the public mind. There is agitation enough about it now, Mr. President, and I think we ought not to contribute to it. When the matter comes before the Senate, if it ever does, it should be ready to act upon it freely and independently.

REPORTS OF COMMITTEES.

Mr. BROUSSARD, from the Committee on Claims, to which was referred the bill (S. 5672) for the relief of sundry building and loan associations, reported it without amendment and submitted a report (No. 384) thereon.

Mr. HARDING, from the Committee on Claims, to which was referred the bill (S. 4212) for the relief of W. E. Thomas submitted an adverse report (No. 380) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 1293) to reimburse the Farmers' Savings Bank of Brandon, Iowa, for currency destroyed by fire, submitted an adverse report (No. 379) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 1429) for the relief of Artemus W. Pentz, reported it with an amendment and submitted a report (No. 383) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 147) for the relief of John W. Cupp (Rept. No. 381); and

A bill (S. 2543) for the relief of the State of Kentucky (Rept. No. 382).

Mr. MARTINE of New Jersey, from the Committee on Education and Labor, to which was referred the bill (S. 4060) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory, reported it with amendments and submitted a report (No. 385) thereon.

MISSOURI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9909) to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River, and I submit a report (No. 378) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SNAKE RIVER BRIDGE, IDAHO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11320) granting the consent of Congress to the Counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across

Snake River, and I submit a report (No. 377) thereon. I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. ROY C. SMITH.

Mr. SMITH of Michigan. From the Committee on Naval Affairs I report back favorably with an amendment in the nature of a substitute Senate resolution 106, authorizing an investigation into the case of Lieut. Roy C. Smith, and I submit a report (No. 386) thereon. I ask unanimous consent for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was to strike out all after the word "*Resolved*" and to insert:

That the Secretary of the Navy be, and he is hereby, requested to reopen and review the findings of the court of inquiry made in re Lieut. Roy C. Smith, formerly of the Asiatic Fleet, United States Navy, dated July 25, 1911, with the object of ascertaining whether these findings were based upon facts of established record, and to take and consider any additional evidence or facts which may be presented bearing on this case, and to render his findings on the whole record so made.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN (by request):

A bill (S. 5704) to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes; to the Committee on Public Lands.

By Mr. HARDWICK:

A bill (S. 5705) granting a pension to Polly Giddens; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 5706) for the purchase of a post-office site at Bucyrus, Ohio; to the Committee on Public Buildings and Grounds.

A bill (S. 5707) providing for leaves of absence for clerks and employees in first and second class post offices; to the Committee on Post Offices and Post Roads.

By Mr. SIMMONS:

A bill (S. 5708) for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise; to the Committee on Finance.

By Mr. WADSWORTH:

A bill (S. 5709) for the relief of the owners of the British steamship *Clearpool;* to the Committee on Claims.

By Mr. HARDING:

A bill (S. 5710) granting an increase of pension to William A. Greene; and

A bill (S. 5711) granting a pension to Margaret Burwell; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 5712) for the relief of Ralph Deremer; to the Committee on Military Affairs.

By Mr. SMITH of Michigan:

A bill (S. 5713) granting an increase of pension to Louis Hines (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 5714) granting an increase of pension to James S. Sisson (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 5715) granting an increase of pension to Lorenzo D. McClain (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska; to the Committee on Territories.

By Mr. PHELAN:

A bill (S. 5717) granting a pension to William Lynch (with accompanying paper); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 5718) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona; to the Committee on Irrigation and Reclamation of Arid Lands.

STOCK-RAISING HOMESTEADS.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, which was referred to the Committee on Public Lands and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. POMERENE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

GOOD ROADS.

Mr. LEE of Maryland submitted an amendment intended to be proposed by him to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, which was ordered to lie on the table and be printed.

RENTAL OF BUILDINGS.

Mr. GALLINGER. Mr. President, I submit a table carefully prepared showing the rentals by the Government for public buildings in the District of Columbia, which I ask to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Rentals for public buildings in the District of Columbia.

[From Journal of the American Institute of Architects, February, 1916.]

	Real value.	Annual rental.	Net return to owner.
			Per cent.
Agricultural Department, Willard Building	$270,000	$9,500	1.50
Agricultural Department, 215-217 Twelfth SW	19,250	600	3.50
Agricultural Department, 216 Thirteenth SW	148,000	16,000	9.00
Agricultural Department 220 Fourteenth SW	180,000	20,000	9.25
Agricultural Department, 200-202 Fourteenth SW	28,000	3,000	8.75
Agricultural Department, 212-214 Thirteenth SW	13,000	960	5.50
Agricultural Department, 929 Seventh SW	24,400	600	.50
Agricultural Department, 221 Linwood Place NW	46,274	5,400	9.75
Agricultural Department, 339 Pennsylvania Avenue NW	45,700	4,800	8.50
Agricultural Department, 1316 B SW	19,000	3,000	15.00
Agricultural Department, rear 915 E NW	2,700	300	9.67
Agricultural Department, rear 215 Twelfth SW	5,225	600	10.75
Agricultural Department, rear 215 Linworth Place SW	750	120	14.00
Agricultural Department, 929 F NW	209,000	18,000	(1)
Agricultural Department, 818 Four-and-a-Half SW	5,650	360	8.00
Agricultural Department, 224 Twelfth SW	26,000	2,500	7.75
Agricultural Department, 220 Thirteenth SW	26,000	3,000	9.50
Agricultural Department, 215 Thirteenth SW	32,580	4,000	10.50
Agricultural Department, 1358 B SW	274,000	35,300	11.00
Agricultural Department, 1304-1306 B SW	24,250	2,500	7.50
Civil Service Commission, 1724 F NW	181,000	12,000	4.67
Commerce Department, Pennsylvania Avenue and Nineteenth NW	666,000	65,500	7.75
Department of Justice, 1000 Vermont Avenue NW	77,500	6,800	6.75
Department of Justice, 1435-1439 K NW	140,000	12,400	7.00
Department of Justice, 1014 Fifteenth NW	11,800	1,800	14.25
Department of Justice, 6, 8, 10 Jackson Place NW	91,000	6,000	4.67
Interstate Commerce Commission, 1319 F NW	460,000	39,024	6.50
Interior Department, Eighth and E NW	108,750	7,800	5.00
Interior Department, 710 E NW	128,000	12,000	7.50
Labor Department, Pennsylvania Avenue and Seventeenth NW	510,000	20,000	3.88
Navy Department, New York Avenue and Eighteenth NW	285,000	40,000	12.00
Navy Department, 730 Seventeenth NW	820,000	31,200	4.00
Post Office Department, First and K NE	500,000	32,000	8.75
State Department, 1633 Pennsylvania Avenue NW	86,400	4,500	3.25
Treasury Department, 450 Nineteenth NW	16,000	1,200	5.50
Treasury Department, New York Avenue near Eighteenth	24,000	2,150	7.00
War Department, 1710 Pennsylvania Avenue NW	28,800	2,100	5.25
War Department, Eckington Place NE	40,500	4,938	11.00
War Department, 1729 New York Avenue NW	113,000	7,200	4.50
War Department, Seventeenth and F NW	33,000	2,500	5.50
Total	4,721,538	412,012	8.73

(1) Entire building not taken.

AFFAIRS IN MEXICO.

Mr. GALLINGER. Mr. President, I have a letter from ex-Senator Blair, of New Hampshire, dealing with certain public questions in a very moderate and candid way. It is brief, and I ask permission to have it read.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

COLORADO BUILDING,
Washington, D. C., April 21, 1916.

MY DEAR SENATOR: The military forces of the United States should not be withdrawn from Mexico until peace and order are fully restored and firmly reestablished throughout the whole territory of that Republic.

Political, industrial, and social conditions were never so bad as now in that distracted country. They have been constantly growing worse for the last five years, and during all that time we have been morally responsible for these conditions—to Mexico, to our own people, and to the world. This is true whether the obligation grows out of the Monroe doctrine, the duty which a prosperous and powerful neighbor owes to its less fortunate neighbor under the general obligations of international law, or the dictates of the paramount sentiments of humanity which are the strongest of all laws.

These 12,000,000 people and 3,000,000 chivalrous, cultured governing classes are our brethren. God only has made us to differ. We can help them, and must help them, even though they may not desire it and perhaps for a time will resent it.

Our southern boundary is Panama. With the Central American States we have and shall forever preserve relations of amity.

But with Mexico as she now is we can never reach the Isthmus by land until the full right of peaceable intercourse with the Isthmus by our military forces is perpetually secured to us.

With no adequate Navy (as yet), we are confronted by hostile nations or possible combinations of nations of greater sea power than our own on both the Atlantic and Pacific coasts, and unless we have a navy on each ocean sufficiently powerful to stand off the navies of the world on both oceans how are we to defend and hold the canal if we can not march or transport our forces through Mexico, safe from the big guns of enemies on either or both oceans? And how if the canal is blockaded or closed by slides?

What Mexico might do we know from the way she deals with us in our effort to capture the bandit invader Villa.

We have watched and waited through the Taft mediation policy, and so far under the present administration, enduring murder and pillage of foreigners, and especially of our own citizens, until finally our own country was invaded and our trusty slumbering soldiers and civilians were shot down in midnight murder and their property and habitations looted and destroyed.

By every law, human and divine, it was our plain duty to pursue and capture the bandit and his men. It was nothing but an excess of politeness, approaching the serio comic, to ask the consent of Carranza at all; and now it is suggested that we get out and go away back home and sit down, leaving everything that has occurred and accumulated in the past unsettled and the future of Mexico and our relations with her ten times worse than ever.

No; it may prove to be a serious crisis, but we can not leave Mexico now without Villa, nor, in fact, without a complete and honorable settlement of everything involved in the past, with just indemnities and safeguards for the future. I have no fear of war with Germany. Let us prove to Mexico that we are her greatest and best friend. Put a common-school department into the Army bill and let Pershing establish one everywhere that he encamps until the war, if we have one, is over. That will do it, and will hasten the day when the intelligence of the people of all nations will abolish war—and there is no other way to do it. People will fight until the majority of them know better. God hasten the day when the children of all nations are in the common school.

Truly, yours,

HENRY W. BLAIR.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House disagreeing to the amendments of the Senate to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had on the 21st instant approved and signed the following act:

S. 5229. An act granting the consent of Congress to the county commissioners of Warren County, Pa., to construct a bridge across the Allegheny River in the borough of Warren, county of Warren, in the State of Pennsylvania.

PENSIONS FOR SURVIVORS OF INDIAN WARS.

The VICE PRESIDENT. If there be no further morning business, the calendar under Rule VIII is in order.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of Order of Business 264, being House bill 655, to pension the survivors of certain Indian wars—we will thereby begin with the Order of Business where we stopped when the calendar was last under consideration—and that the Senate proceed to the consideration of unobjected cases, under Rule VIII.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, in section 1, page 2, line 10, before the word "days," to strike out "ninety" and insert "thirty," so as to read:

That the provisions, limitations, and benefits of an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," approved July 27, 1892, as amended on February 19, 1913, be, and the same are hereby, extended from the date of the passage of this act to the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State against Indian depredations from January 1, 1859, to January 1, 1861, inclusive, and from the year 1866 to the year 1876, inclusive, and to the surviving officers and enlisted men, including militia and volunteers of the military service of the United States, who have reached the age of 62 years, and who served 30 days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada from 1865 to 1868, inclusive, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 9, before the words "Black Hawk Indian," to insert "campaigns in the," so as to read:

The campaigns in the Black Hawk Indian war in Utah from 1865 to 1867, inclusive.

The amendment was agreed to.

The next amendment was, on page 3, line 23, after the word "remarried," to insert the following proviso:

Provided further, That this act shall extend also to the surviving officers and enlisted men of the organization known as Tyler's Rangers, recruited at Black Hawk, Colo., in 1864, for services against the Indians.

The amendment was agreed to.

The next amendment was, on page 4, line 4, before the word "days," to strike out "ninety" and insert "thirty," so as to read:

Provided further, That if any certain one of the said campaigns did not cover a period of 30 days, the provisions of this act shall apply to those who served during the entire period of said campaign.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 20, after the words "military service," to insert:

Provided, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

That section 4716 of the Revised Statutes, relating to loyalty during the Civil War, is hereby repealed so far as the same relates to this act or to pensioners under this act.

And insert:

That the provisions of section 4716 of the Revised Statutes shall not apply to applicants for pension under this act.

Mr. OVERMAN. Mr. President, I should like to know what are the provisions of section 4716 of the Revised Statutes which this amendment proposes shall not apply to applicants for pension under this act.

Mr. SMOOT. It simply means that the statute in reference to the loyalty of citizens shall not apply.

The VICE PRESIDENT. In the absence of objection, the amendment is agreed to.

Mr. JOHNSON of Maine. In section 1, page 2, line 6, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, page 2, line 6, after the word "year," it is proposed to strike out the date "1876" and to insert "1877."

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, before we finally act on this bill, I think that those of us who do not know what it covers should be informed as to how many persons are likely to be affected by it.

Mr. JOHNSON of Maine. Mr. President, in 1892, I think, the first pension bill was enacted relative to the survivors of Indian wars. That bill applied to all the survivors of the Modoc War. Later similar provisions were extended to the survivors of the Seminole War, and still later similar provisions were applied to survivors of other Indian campaigns. In this bill provisions similar to those which were enacted in 1892 in regard to the survivors of the Modoc War are made to apply to the survivors of other Indian campaigns.

It is impossible to ascertain the number of pensioners who would be covered by this bill, but the number of such survivors

who are now pensioned under acts which have been passed in favor of the survivors of Indian campaigns is very small. My recollection is that it embraces only some 700 or 800 pensioners. Inquiry at the Bureau of Pensions elicited no information as to the number who would be likely to be covered by this proposed legislation. It extends to all who took part in any of the campaigns on the western frontier.

Mr. OVERMAN. Mr. President, I should like to ask the Senator if there is an enrollment any place to show who these men were?

Mr. JOHNSON of Maine. I will say to the Senator that they are all enrolled either in the archives of the department at Washington or in the archives of the respective States. We have made the provisions of the bill apply not only to those who are shown to have been enrolled by the Government records but also to those shown to have been enrolled in the different States.

Mr. OVERMAN. They must either, then, have been enrolled according to the records of the Government or of the States?

Mr. JOHNSON of Maine. Yes.

Mr. OVERMAN. And none of the survivors can draw pensions under this bill if they are not enrolled in one place or the other. Is that the fact?

Mr. JOHNSON of Maine. The matter of enrollment must be shown either by the Federal archives or by the State archives.

Mr. SMITH of Georgia. Is the right to secure pensions under this bill limited to those who are enrolled?

Mr. JOHNSON of Maine. I so understand; yes.

Mr. SMITH of Georgia. Is there any limitation as to the length of time they must have served? Suppose a man only served a week?

Mr. JOHNSON of Maine. The man must have served for 30 days or during the campaign for which he enlisted.

Mr. THOMAS. Mr. President, may I make an inquiry of the Senator having charge of the bill?

Mr. JOHNSON of Maine. Certainly.

Mr. THOMAS. What amount of money from the Treasury will this bill require?

Mr. JOHNSON of Maine. Mr. President, I have already stated, in answer to that question——

Mr. THOMAS. I just came into the Chamber a moment ago and did not hear the Senator's explanation.

Mr. JOHNSON of Maine. That we are unable to state the amount, but the number of pensioners under similar acts to-day is only about 800. The Pension Bureau, however, is unable to make any estimate as to the number who would be covered by this bill.

Mr. SMOOT. Mr. President, I will say to the Senator from Colorado that as to some of the wars or campaigns mentioned in the bill, it is known that there are only two or three survivors living to-day.

Mr. THOMAS. I merely want to ascertain how we are legislating, whether we are legislating intelligently or whether we are appropriating money without any information, definite or otherwise, as to the amount to be required from the Treasury to meet this added obligation. In other words, are we proceeding with regard to this bill as we seem to be proceeding with regard to other bills appropriating money from the Treasury for private purposes?

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. JOHNSON of Maine. I yield.

Mr. VARDAMAN. I was detained from the Chamber until just this moment. I should like to ask the Senator in charge of the bill if the men who served during these wars who were not enlisted by the General Government but were in the service of the States are to partake of this bounty?

Mr. JOHNSON of Maine. I will say, in answer to the question of the Senator from Mississippi, that not only those who were enrolled as shown by the Federal archives but also those who were enrolled as shown by the State archives will receive the benefit of this bill.

Mr. VARDAMAN. What will be the amount paid under the bill? I regret I have not had an opportunity to examine it.

Mr. JOHNSON of Maine. I find that the committee in the House estimated—I do not know that they had any information from the department, because we asked for information but could not obtain any—that the number of names to be added to the pension roll under this bill would be 5,000, and that the expenditure would not exceed a million dollars.

Mr. VARDAMAN. What will be the per capita payment?

Mr. JOHNSON of Maine. It is impossible to state.

Mr. VARDAMAN. I mean at what rate will they be paid? Will they be paid as other pensioners are paid?

Mr. JOHNSON of Maine. Twenty dollars a month is the amount of pension allowed.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole, and open to amendment. If there are no further amendments the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The VICE PRESIDENT. If there are no further amendments, the amendments concurred in will be ordered engrossed——

Mr. SMITH of Georgia. Mr. President, I should like to have a little more information about the extension of the benefits of this bill to men other than those who enlisted in the Federal service. The limitation provided seems to be a very indefinite one.

Mr. SMOOT. Mr. President, I will say to the Senator that the bill is safeguarded in every way, so far as it is possible to safeguard it. It applies to Indian war veterans who served in the early days, when Indian uprisings occurred and the Indians went on the war path. I know of one case where there are only two or three survivors left of the whole number who were engaged in the war. These men, Mr. President, in order to protect the citizens of the State during Indian uprisings entered the service. The State has a record of their service and of the organizations in which they served, and no man can get a pension under the bill unless it is shown from the archives either of the War Department or of the State that he rendered service. The bill simply grants pensions to a few veterans of Indian wars who are not pensioned at the present time. The veterans of all the other Indian campaigns have been pensioned.

Under this bill a service of 30 days is required. We have exactly followed in this bill former pension laws, and I ask the Senator, because I know that the bill is just, not to object to its consideration.

Mr. SMITH of Georgia. Mr. President, the bill involves a million-dollar charge upon the Federal Treasury, not merely for one year, but to continue for quite a length of time, as long as these men live. They are to be granted pensions for 30 days' service, not a service to the National Government in all cases, but they can be pensioned if their names appear on the lists in the archives of the State. I do not understand that the bill really limits the service required to 30 days.

Mr. SMOOT. Yes: the bill says that 30 days' service must have been rendered.

Mr. JOHNSON of Maine. Mr. President, the bill requires a service of 30 days, or a service during the campaign. If the campaign lasted less than 30 days, that is covered by the bill.

Mr. SMITH of Georgia. Then, it applies to a man who has served 10 days, if that was the length of time of the campaign.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator a moment to say that many of these campaigns only lasted 30 days? In some of them—in Oregon, for instance, where the Indians went through the State with lightning rapidity—the men who rendered service against them were enlisted in the State's service and supplemented the efforts of the Federal troops, and sometimes acted without the assistance of the Federal troops. No set of men ever rendered their country a more patriotic service than these pioneer Indian fighters, and I think I can safely say, without disparagement to the Regular Army, that in many cases it could not have prevailed but for the assistance it received from the Volunteers. Many of them were young men at the time. Most of them were men in middle life.

It was suggested awhile ago that they were simply defending their own homes. That is not true. They were called from every portion of Oregon to the eastern part of the State, where they not only had no personal interests, but where they did not even know the people. They simply answered the call of the State authorities for volunteers to go and take care of the interests of the people there.

Mr. SMOOT. I will say to the Senator, also, that so far as the Black Hawk War was concerned, Gen. Sherman telegraphed and told the State authorities to call out the troops. The force was organized under his orders. They had no United States soldiers there to defend them.

Mr. CURTIS. Mr. President, I should like to state for the benefit of the Senate that this bill only covers two regiments who served from the State of Kansas. The Eighteenth Kansas, which served from June 13, 1867, to November 15, 1867, and had full four months' service. The Nineteenth Kansas were mustered into the United States service October 20, 1868, and served

until April 18, 1869, and had full six months' service; both regiments served on the frontier and in the suppression of Indian hostilities. The reports of the War Department showed that they served in all kinds of weather, and that their supply trains were stampeded, and that they were in a number of engagements with the Indians. Several Indian chiefs were taken prisoners, and the Indians were forced to return to their reservations. These statements are based upon the reports in the War Department, and not from the State alone, and are based upon the reports of the Government officers who were in charge of these two regiments. I know that the shortest service was four months, and the other regiment served six months.

Mr. SMITH of Georgia. Mr. President, as I understand, this is not a pension for injury in the line of duty. This is a service pension. It is in no way limited to men who received injuries in the line of duty.

Mr. SMOOT. I will say to the Senator that there is not an Indian war pension that is any different than this. It was a reward for a service that was rendered for those parts of the country that were infested with Indians. I want to say to the Senator that, as far as the lives were concerned, there were more lives lost in those Indian wars in proportion to the number that were engaged than there were even in the Civil War.

Mr. SMITH of Georgia. If lives were lost, I believe in liberally providing for their widows. If they were really injured in the service, I believe in compensating them; but because a man enlisted and went out for 10 days, I do not believe in putting him permanently on a service roll to be a charge at $12 a month on the rest of the people of the country for the remainder of his life.

Mr. SMOOT. I will say to the Senator that the department reports that there is only one case where the service was under 30 days, and, as I remember, that was 29 days. I will ask the Senator from Maine if that was not the case?

Mr. JOHNSON of Maine. That is true. The only campaign that lasted less than 30 days lasted 29 days.

Mr. SMITH of Georgia. But they did not have to be out in it all the time. They may have enlisted in the latter part. They may not have gotten really close enough to the Indians to be shot at.

Mr. SMOOT. I will say to the Senator that I think they did.

Mr. SMITH of Georgia. If it were just a million dollars, and then were over, I would not object to it; but they come on our roll permanently, at an expense of a million dollars a year, as long as they live. I understood from the Senator from Maine that it had been calculated that it would cost a million dollars a year.

Mr. JOHNSON of Maine. If the Senator will pardon me, I said that we got no information from the department, which is true, but the House estimated that it would cost a million dollars.

Mr. THOMAS. The Senator from Georgia is away behind the times if he objects to paying a pension to a man unless he was wounded or became disensed. We are now removing the disabilities of deserters and putting them upon the pension rolls.

Mr. GALLINGER. Mr. President, I should like to ask the chairman of the committee, or any other Senator who has information on the subject, if they have reason to believe that this will be the last bill for Indian-war survivors who rendered some service to the Government a great many years ago?

Mr. JOHNSON of Maine. Mr. President, in answer to the inquiry I will say that it would seem that we have covered all the Indian campaigns by name in this bill. Of course I can not give assurance as to what may be asked in the future.

Mr. GALLINGER. I asked the question for the reason that I feel quite confident that while I served as chairman of the Committee on Pensions we passed at least three bills, in each case having the assurance that that took care of all the remaining survivors of these Indian campaigns.

Mr. SMITH of Georgia. Then I think this bill had better go over, and let us find out whether or not this is the last.

Mr. CHAMBERLAIN. Mr. President, I hope the Senator will not object.

Mr. SMITH of Georgia. I am very much opposed to paying it.

Mr. SMOOT. I will guarantee to the Senator from Georgia that it will be the last, because the department has named all of the campaigns.

Mr. GALLINGER. I do not say this in hostility to the bill. I have voted very liberally for pensions, as everybody knows, and I have wanted to be generous toward these men, who undoubtedly did imperil their lives for 30 days without authority of law; but we ought to stop somewhere. I will make the further observation that I have always had a suspicion that there were some industrious men gathering up these names and creating these rolls for the purpose of getting what we sometimes call a "rake-off." As we have guarded other bills against that class of men, I am going to offer an amendment to this bill to the effect that no part of the appropriation shall be used for the payment of commissions to pension attorneys or others.

Mr. SMOOT. There is such a provision already.

Mr. JOHNSON of Maine. If the Senator will pardon me, there is already such a provision in the bill. It appears on page 4:

> That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

Mr. GALLINGER. Very well; that covers the matter.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Georgia. Mr. President, I think we ought to know what names are on these rolls from the State, and know what we are voting, before we vote for it. I do want to know these things before the bill is acted upon; and as I have the power now to stop it for the present, I stop it by objecting.

The VICE PRESIDENT. The bill will be passed over.

DIRECTORS OF NATIONAL BANKS.

The bill (S. 4256) to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located, was considered as in Committee of the Whole.

The bill has been reported from the Committee on Banking and Currency with amendments, on page 2, line 12, after the word "within," to strike out "ten" and insert "fifty"; in line 16, after the word "director," to strike out "unless the capital of the bank shall not exceed $25,000, in which case he must own in his own right at least five shares of such capital stock"; and in line 19, after the words "owner of," to strike out "the required number of" and insert "ten," so as to make the bill read:

Be it enacted, etc., That section 5146 of the Revised Statutes of the United States be amended and reenacted so as to read as follows:

"SEC. 5146. Every director must, during his whole term of service, be a citizen of the United States and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located for at least one year immediately preceding their election and must be residents therein during their continuance in office; *Provided*, That whenever an association is located in a place within 5 miles of the boundary line of an adjoining State, the Comptroller of the Currency may, in his discretion, authorize such association to select, if it desires so to do, instead of three-fourths, only a majority of its directors from the State in which it is located: *Provided further*, That at least one-fourth of the other directors are residents of the said adjoining State and reside within 50 miles of the corporate limits of the city, town, or village in which the said bank is located. Every director must own in his own right at least 10 shares of the capital stock of the association of which he is a director. Any director who ceases to be the owner of 10 shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SUTHERLAND. Mr. President, I do not know whether or not the Senator who reported the bill is present; but I suggest that, in line 20, page 2, the words "at least" should be inserted, so that it will read "any director who ceases to be the owner of at least 10 shares of the stock." I make that motion.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SINKING FUND FOR REDUCTION OF NATIONAL DEBT.

The bill (S. 55) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was considered as in Committee of the Whole. It proposes to repeal all provisions of existing law requiring the establishment and maintenance of a sinking fund for the reduction of the debt of the United States, and in lieu thereof authorizes the Secretary of the Treasury to use at his discretion the surplus moneys in the Treasury, from time to time, or such portion thereof as he may deem proper, in the purchase or redemption of the outstanding interest-bearing obligations of the United States, and provides that the obligations so purchased or redeemed shall be canceled and retired and their respective amounts shall be deducted from the outstanding principal of the public debt.

Mr. THOMAS. Mr. President, may I inquire of the Senator from Utah whether there are any surplus funds in the Treasury that are not yet appropriated?

Mr. SMOOT. No, Mr. President; the object of the bill is to repeal a law that has been violated from the day it was enacted. I suppose the Senator knows what the law is that we are undertaking to repeal. It requires that 1 per cent of all the revenues collected in our customhouses should be set aside as a fund to redeem the indebtedness of the United States. I will say to the Senator, however, that there has been a great deal more than 1 per cent of the national debt paid since that time, but it never has been done in conformity with the law; and the department wants this law repealed so that it will not hereafter be violated for 365 days in the year.

Mr. THOMAS. From what the Senator says I think we ought to pass the bill. His explanation is plausible.

Mr. SHEPPARD. Mr. President, I will ask the Senator from Utah if this applies to the sinking fund?

Mr. SMOOT. The law that we are undertaking to repeal provided a sinking fund, requiring 1 per cent of the customs receipts to be set aside as a sinking fund to pay the debt of the United States; but from the day it was passed it has never been lived up to. In other words, they paid no attention to the 1 per cent or the 2 per cent, and whenever they have had the money to do so they have paid the obligations of the Government. The department therefore believes the law ought to be repealed.

Mr. WEEKS. Mr. President, I want to ask the Senator from Utah if there is any reason for repealing the existing law except that it has been violated?

Mr. SMOOT. There is no necessity for it to-day. The law was passed at a time when the Government of the United States had very little credit, and the people who loaned money to the United States insisted that there be a sinking fund established, and the law was passed with that in view. As I say to the Senator, there is no real necessity for it now. The Government pay no attention to it. If they have the money, they pay the obligations of the United States; and there is no necessity, as far as the credit of the Government is concerned, for having it remain on the statute books. Not only has the present Secretary of the Treasury asked that it be repealed, but former Secretaries of the Treasury have asked to have it repealed.

Mr. WEEKS. Mr. President, I have no doubt that that recommendation has been made; in fact, I know it has been made; but I think the law is a good one, and one that should be carried out by the Secretaries of the Treasury. No indebtedness should be issued by the Government, or by a municipality, payment of which is not provided for when the indebtedness is issued.

I not only think this law ought to remain on the statute books, but I think it ought to be enforced. Otherwise, we may from time to time go on incurring indebtedness and making no provision for its payment, and pile up in the end an indebtedness which might be embarrassing to the Government.

Indebtedness is always incurred for a specific purpose. As time goes on, instead of continuing it it should be paid off in some way, and there is no better way known than by establishing a sinking fund or issuing serial bonds.

Mr. WARREN. That old indebtedness has all been paid. The indebtedness of to-day is paid in the regular way, and the purpose for which this fund was created no longer exists. In following out this now we would have to appropriate, say, $60,000,000 a year, and it would, if the law were strictly construed, lie in the Treasury unused, because it does not specifically pay any particular bonds, while the repeal of this law would leave funds so that they could be used in any proper manner.

Mr. SMOOT. And they always have been used by the department.

Mr. WEEKS. Let me ask the Senator from Wyoming a question. Would he be in favor of the passage of a bill which would apply to the present national indebtedness and would pay off a certain percentage of it every year?

Mr. WARREN. Not unless it became due or unless the action of Congress required it.

Mr. WEEKS. Oh, well, there are something like three hundred millions of our indebtedness that can be called at any time, bearing 3 per cent interest.

Mr. WARREN. If we have a surplus that is unused, it can be paid from that. Does the Senator mean that we should immediately levy a tax to pay a debt that is not yet due and at a time following the low-tariff legislation of the Democratic Party and now in the face of greatly increased military expenditures?

Mr. WEEKS. I think that should be done. I think every year some part of our income should be set aside to pay our debts. I do not think there is any other course that conforms to good finance.

Mr. SMOOT. If that were necessary to give the United States credit in order to borrow money at a low rate of interest, I would be in favor of it, but the position of the United States to-day and for the last 40 years has been such that no such necessity exists in order that she may borrow money at the lowest possible rate of interest. Therefore, Mr. President, I think myself that the existing law is useless. It does no good. It does not strengthen the credit of the United States, and if it were lived up to it would work a detriment to the United States.

Mr. WARREN. It would result in having a lot of idle money.

Mr. SMOOT. Because there would be piled up in the Treasury of the United States every day a lot of money as the customs dues are collected.

Mr. WEEKS. Mr. President, there could be piled up in the Treasury money that could be used to retire the 3 per cent bonds which are outstanding. I object to the consideration of the bill at this time.

The VICE PRESIDENT. The bill will be passed over.

H. P. BALDWIN AND OTHERS.

Mr. GRONNA. Mr. President, the other day when we were considering the calendar I made some objection to House bill 6241, Order of Business No. 145, and entered a motion to reconsider the vote by which the bill was passed. I wish to state that I have no objection to the enactment of this legislation. I wanted to insert a provision giving Congress at any time the power to repeal the act; but upon examination of the law, I find that the following provision is in the original act, which, with the permission of the Chair, I will read:

> SEC. 11. That Congress, or the Legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act.

I therefore ask to withdraw my motion.

The VICE PRESIDENT. The Senator from North Dakota withdraws his motion to reconsider, and the bill stands passed.

DUTY ON SUGAR.

The VICE PRESIDENT. It is so near the hour of 1 o'clock that under the unanimous-consent agreement the Senate will proceed to the consideration of the motion entered by the Senator from North Carolina [Mr. SIMMONS] that the Senate recede from its amendment to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

Mr. SIMMONS. Mr. President, I simply rose to ask that under the unanimous-consent agreement the order of the Senate may be proceeded with.

Mr. HARDWICK. Mr. President, I am opposed to the motion of the Senator from North Carolina that the Senate shall recede from its amendment to the House bill, and because I am so opposed and expect to vote against it I feel it incumbent upon me to undertake to give to the Senate and to the country some of the reasons which impel me to adopt that course.

Mr. President, when the Underwood-Simmons tariff bill was passed three years ago it contained among its provisions a provision reducing the duty on sugar 25 per cent, and providing that at the expiration of three years from May 1 following its passage, or from May 1, 1916, sugar should be admitted to the United States free of duty.

Previous to that time in the so-called schedule bills of the preceding Congress the House of Representatives by an overwhelming majority, by a vote in which many Republicans had joined with practically every Democrat, had placed sugar on the free list. That bill came to this body, then in the control of the Republican Party, and here, of course, it died an untimely death.

So when the Underwood-Simmons bill undertook to provide for the admission of sugar free of duty, with the single exception of the proviso for delay, it followed not only the lead of the Democratic House of the previous Congress but also, as I propose to show, it followed express and explicit Democratic pledges.

To the delay of three years carried in that bill I was opposed. It did not rest, according to my opinion then and according to my judgment now, on sound grounds. If we had promised such relief to the consuming masses of this Republic, if we had promised to leave untaxed this great necessity of life, then there was absolutely no good and valid reason suggested or urged at the time for a three years' postponement of the redemption of the pledge.

It was not insisted then that necessity for governmental revenue afforded such reason. The delay did not rest then on any such basis. It rested, according to the statements and argu-

ments of its proponents, upon a different proposition, namely, that certain interests in this country, some in the South and some in the West, that had long enjoyed the benefits of this protective duty, should have a reasonable time to prepare themselves to do without it, a reasonable time to adjust their private affairs to the policy that the Government of the United States was unwilling to continue a tax upon this food necessity.

The three years have come and gone. Late in the summer or early in the fall the present Secretary of the Treasury announced, disposing of the subject in a phrase almost, that the governmental necessity in the way of revenue required that the tax on sugar should be retained, undertaking to set up his will, his opinion, and his judgment against the express and explicit pledges of a great party. That he should be permitted to carry out such a policy not only surprises me but shocks me. That he should be allowed to so lightly set aside the pledge and plighted word of the Democratic Party is beyond my comprehension.

When the House bill, framed in accordance with his recommendations, reached this body it seemed that the very best thing that could be done by Senators who were opposed to such a surrender was to put another time limitation on it. So the Senate amended this bill so as to provide that there should be another postponement of four years of time before sugar should be admitted free of duty. It was not a pleasant thing for some of us who had labored long and hard in this country for free sugar to consent to this further delay. There were reasons why we did not regard it as necessary. There were other sources from which the needed revenue could be obtained for the Government, and there was another way in which a double amount of revenue could be obtained from this very article with no additional burden on consumption. We thought that one or the other of those two plans ought to be followed, but Democratic Senators generally, feeling that nothing better than the Senate amendment could be secured out of this Congress, proposed the amendment from which the Senator from North Carolina now proposes to recede.

What has happened? The Senator from North Carolina and his conferees and the Senate met exactly the expected opposition, faced exactly the situation we all understood when we agreed to the Senate amendment, and were exactly in the position that they knew they were to start on. Yet, without firing a shot, without a battle for the Senate position, deliberately—of course, I am not personally criticizing; I presume it was their right—but deliberately surrendered the position that the Senate had taken only a few days before. Why did we take that position if we were so ready to quit it? Why did we assert such a proposition if we were so eager to abandon it?

Mr. President, I read from the San Francisco Chronicle of March 17, 1916, an editorial headed "A unanimous Congress":

The repeal of the free-sugar clause in the Underwood-Simmons Tariff Act is now on its smooth and joyful course through Congress, with the approval of practically the entire membership.

Two or three middle of the readers raised feeble voices of protest in the House, which, however, were drowned in the general acclaim. Congressman BAILEY, of Pennsylvania, said to especially represent the views of William Jennings Bryan, lamented that while it was true that the money from the sugar duty was sadly needed it would not have been needed at all if the Democrats had reduced the national expenses to the size of the national income.

And that is, of course, true, and, in view of the lurid denunciation of Government extravagance which appeared in the Bryan-written platform on which President Wilson was elected, perhaps Congressman BAILEY had reason to jab his brother Democrats.

A Colorado Congressman—probably not from a beet-growing district—

By the way, the paper was wrong about this, for, be it said to the enternal credit of this Congressman, his was one of the largest beet-growing districts in the West and the second largest in his own great State—

declared that it was an outrage to levy a tax which would be divided evenly "between the Government and the Sugar Trust."

The poor Sugar Trust does not seem to have any friends. If there is one thing which the Sugar Trust has fought and is still fighting, tooth and nail, it is a duty of any kind on sugar.

By the way, Mr. President, I pause here just a moment to say that at the proper time I shall demonstrate the utter ignorance or willful falsity of the man who made that statement.

Mr. GALLINGER. Mr. President——

Mr. HARDWICK. If the Senator will pardon me, I have certain ground that I want to cover and then I will yield to him.

Mr. GALLINGER. All right.

Mr. HARDWICK (reading)—

In the bad old days it contributed oodles of money to the Democratic campaign funds in the forlorn hope of getting sugar on the free list.

Another willful misrepresentation. As a matter of fact, the Sugar Trust did contribute money to the Republican Party in at least one campaign, and also attempted to contribute to the Democratic Party, but had its contribution to the Democratic Party returned unaccepted, as the sworn evidence before a special committee of the House of Representatives demonstrated.

Mr. SMOOT. They contributed to the last campaign.

Mr. HARDWICK. The American Sugar Refining Co.?

Mr. SMOOT. Not the American Sugar Refining Co., but Mr. Spreckels and his associates.

Mr. HARDWICK. I have let the Senator interrupt me. That is one of the fallacies that his speech proposes to disclose. The Sugar Trust is the American Sugar Refining Co. Mr. Spreckels is one of the independent refiners, and he has always fought the Sugar Trust and has always contended for free sugar. Somehow or other I am never suspicious of an alleged so-called or miscalled trust that does not want the Government to let it put its hands in the pockets of the people by levying a tax. I am not suspicious of a man who asks no governmental favors and needs no tax to support his industry or run his business. He certainly is not asking any special favor at the hands of Congress.

Mr. SMOOT. His representatives, however, have asked for half a cent a pound duty on sugar, I will say to the Senator.

Mr. HARDWICK. I beg the Senator's pardon. This is one subject I am absolutely familiar with, and I must correct the Senator when he is in error. On the contrary, Mr. Spreckels himself always contended for free sugar.

Mr. SMOOT. So that the record may——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Georgia yield to the Senator from Utah?

Mr. HARDWICK. I yield.

Mr. SMOOT. So that the record may appear as it has been presented to the Senate, I want to say that Mr. Lowry, the representative of Mr. Spreckels, has time and again appeared before the Finance Committee in hearings and asked that a duty of half a cent a pound be put upon sugar. I do not want to take the time now, but——

Mr. HARDWICK. I would rather yield after I get through, but if the Senator insists I will yield as I go along.

Mr. SMOOT. I will not take the time because it would take too long, but I will state that it is well understood why they want one-half cent per pound duty.

Mr. HARDWICK. Mr. President, the Senator from Utah is usually accurate in any statement he makes to the Senate. The Senator is partially incorrect in the statement he now makes. It is true that on at least one occasion the gentleman to whom he refers did say that his personal opinion was that half a cent a pound duty on sugar would be better, but he has never advocated it, he has never urged it, and every time I have heard the subject discussed before any committee of Congress before whom he testified he has insisted on letting Congress or the committee know that that was his individual opinion and did not reflect the sentiment of the concern by whom he was employed. Mr. Spreckels, as the Senator from Utah knows, has long stood out as the most conspicuous advocate of free sugar on the American continent. In other words, he asks no bounty at the hands of the American Government, he asks no tax with which to run his business or to make his profit. Yet these gentlemen speak of him as the Sugar Trust. The Sugar Trust, as I shall demonstrate to the Senator from Utah later, has always demanded a duty on sugar and stands to-day, if my advice is correct for a duty on sugar. So the Senator need not console himself with the pleasing reflection that if he favors the House bill without amendment he is parting company with the Sugar Trust. He is with them still.

This article from the San Francisco paper continues:

Now that at last its fondest hopes seemed to have been realized it is cruel that a brother Democrat should accuse it of being a beneficiary of their blasting. The Congressman from Colorado, however, was in error. The Government will get the entire duty on sugar, and will not divide with anybody.

The Sugar Trust fights all duties on sugar solely from an unholy desire to put an end to the beet-sugar industry once for all. If beet sugar continues—

Just here let me pause to say that that statement is made out of the profound depths of an ignorance that is amusing. I should not have read the editorial at all if it had not had something later in it to which I wish to refer. The Sugar Trust owns a large per cent of the stocks of the western beet-sugar companies, not as large as they once did, I admit, yet a very material percentage of the stocks of most of those companies when the totals are footed up. So the paper makes the absurd mistake of saying the Sugar Trust, the American Sugar Refining Co., wants to destroy the beet-sugar industry, of which it is the principal stock owner.

If beet sugar—

The article continues—

is to be encouraged as it has been under Republican administration the Sugar Trust magnates well know that internal competition will within a few years make their own business extremely precarious.

I invite the attention of the Senator from Utah to that statement. As a matter of fact, in 1830 we produced twice as much of the consumption of sugar in this country in continental United States as we produce to-day. With all your forcing of the beet industry you neither lowered the price, compared to other countries and conditions in other parts of the world, nor have you increased the volume of the product relative to the consumption of the country. The very reverse is true. The article continues:

Upon the whole, however, our Democratic friends in Congress are to be commended for the cheerfulness and even gusto with which nearly all of them tackle their dish of crow. We all know they do not hanker for it. Indeed, they hate the very sight of it. They eat it simply because they must eat it or starve.

And when we see them almost as one man step briskly and smilingly to the counter and jab their forks into the detested bird, one hardly knows whether he should express tearful sympathy for suffering martyrs or uproarious admiration for dead game sports.

Anyhow, the beet sugar industry is to go on.

Mr. President, without burdening this body with a purely theoretical discussion of tariff principles, there are one or two fundamental and ancient Democratic tariff principles which I think ought to be called to the attention of this body and to the attention of the country, not that I have any hope that it can now change the situation here or can alter the immediate result, but in the hope that it may bring Democrats everywhere back once more to the solid ground of the fundamentals upon which their faith on this question rests, because for one I do not believe, for one I do not concede, that the Democratic Party is afraid of its position on the tariff question and finds it necessary to avoid issue with the Republicans on that question in order to win this or any other election. If there is one distinctive issue on which the parties are at variance, it is the tariff, and if there are fundamental principles that are utterly and irreconcilably at variance between the parties on any one question it is on this tariff question. The issue can neither be dodged nor soft-pedaled, and why any Democrat should wish to do either is more than I can understand. The Democratic tariff position is right, and if we abandon it we will court a certain defeat, and, what is more, will deserve it.

And yet to-day, Mr. President, sometimes in this body and sometimes elsewhere, we hear echoed such sentiments as this: "Oh, while we are levying a tariff for revenue, of course we have got to take care of the industries and business of the country"—not accidental protection, hardly incidental protection, but protection on purpose, protection meted out not for governmental purposes and not for revenue purposes, but for selfish purposes.

Ah, gentlemen, I beseech my colleagues on this side, yield to no such heresy. Do you think the consumer at home will care what reason you give when you vote for these protective duties? What does the man at home who has to build a house care if I stand on this side of the Chamber and vote, for instance, for a $2 duty on lumber, and say, "I do it for revenue purposes," and a Republican stands on the other side of the Chamber and votes for the same identical amount of duty and says he does it for protection purposes? The man who has to pay the bill will care precious little for the reasons that animate you or me or for the motives that control your vote or mine. It is results he is looking for.

So I say, for one, although I should stand absolutely alone, I repudiate any such doctrine as this incidental and accidental protection that we hear nowadays once in a while proclaimed from high sources. It is not the ancient faith of my party; it is not its fundamental doctrine.

Mr. President, the first time after the Civil War that the fires of sectional hate and of sectional prejudice were low enough to permit a real political battle in this country, on the first occasion when we got far enough away from reconstruction and its horrors and its prejudices to have a real political battle in this country, we nominated a great Democrat, whom every Democrat in this country believes we elected President in 1876—Samuel J. Tilden. Let me read you, my party associates on this floor, just one short sentence from the ringing declaration of principles upon which we made that great fight for that great Democrat. I read from the Democratic national platform of that year as follows:

We denounce the present tariff, levied upon nearly 4,000 articles, as a masterpiece of injustice, inequality, and false pretense. It yields a swindling, not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture—an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all customhouse taxation shall be only for revenue.

There is no incidental protection or accidental protection there.

Again in 1892, when the first Democrat that we had elected since the Civil War had been defeated after serving one term, we renominated that great Democrat for President—Grover Cleveland. We made a distinctive tariff fight. I want to read you from the declaration of principles upon which we then went to the American people.

SEC. 3. We denounce Republican protection as a fraud—a robbery of the great majority of the American people for the benefit of the few. We declare it to be a fundamental principle of the Democratic Party that the Federal Government has no constitutional power to impose and collect tariff duties except for the purposes of revenue only, and we demand that the collection of such taxes shall be limited to the necessities of the Government when honestly and economically administered.

There is no incidental or accidental protection there. Ah, gentlemen, I can go to an even later period. I can refer you to the platform of 1912, upon which we won the last election. You will find substantially repeated—I will not stop to read it now—the same declaration of principles that we made when we elected Tilden in 1876; that we made when we first elected Cleveland in 1884, and again made when we reelected him in 1892.

Not only that, but there is another latter-day heresy that I wish to combat as far as my feeble powers will permit. Gentlemen are saying in both Houses of Congress and outside of Congress—and especially outside of Congress—and especially those who think they will profit thereby, that they believe in some protection on everything; that they could write the free list for which they are willing to vote on their thumb nails. And that is said to be sound Democratic doctrine. If it is, I shall have to unlearn on this question all the Democracy I was ever taught, for I was taught that one of the fundamental Democratic principles was that a tariff should be levied in this way: First, either no tax at all, or the very lightest possible tax upon the food necessities and upon all the necessities of life generally; second, a moderate tax, and a moderate tax only, upon the comforts of life; and, third, the highest tax consistent with revenue purposes upon the luxuries of life. I think I can demonstrate, Mr. President, to the Senate and to the country that that is not only my individual view, but that it is ancient and fundamental and accurate Democratic faith. I am not going back any further than recent platforms to show authority for that proposition. Here is what we advocated in 1884, when we elected Grover Cleveland:

Sufficient revenue to pay all the expenses of the Federal Government, economically administered, including pensions, interest and principal of the public debt, can be got under our present system of taxation from the customhouse taxes on fewer imported articles, bearing heaviest on articles of luxury and bearing lightest on articles of necessity.

In the Democratic Campaign Book, prepared for the campaign of 1912, which was sent out through this country, especially to Democratic speakers and Democratic newspapers, in referring to the record of the preceding House of Representatives, a majority of which was Democratic, we said:

It—

Referring to the House of Representatives—

has made an excellent record in revising the tariff downward to a revenue basis, having passed measures thus affecting the schedules of most vital moment to the people, namely, wool, cotton, metal, chemical, and has placed sugar and other necessary food products on free list.

It was on that declaration of principles that we asked the American people to support us in the last election.

Mr. President, in 1914 there was another general declaration on this subject in the campaign book we then sent out to the American voters. We said by way of encomium upon ourselves:

It—

The Democratic tariff law—

reduces the duties formerly paid on sugar and abolishes the duty entirely in 1916.

That was when we were asking to have this very Congress elected. We said again:

It abolishes all duties on meats, fish, dairy products, flour, potatoes, coal, iron ore, lumber, and upon many classes of farm machinery and office equipment.

In other words, we were boasting that we had carried out the ancient Democratic doctrine of placing articles of prime necessity upon the free list.

Mr. President, no man acquainted with the industry can dispute for one moment the proposition that sugar is an article of prime food necessity. Without undertaking to go at length into a dissertation upon that subject, I think I can show that all medical and health experts agree to that proposition. It has been insisted in some quarters, in this Chamber and elsewhere, that a great percentage of the sugar consumed in this country went into the manufacture of confectionery, ice-cream

soda, and such articles as that, and gentlemen therefore sometimes assert that sugar is not one of the articles of prime necessity of life.

It is not a fact that the larger per cent of our sugar goes into these manufactures. As a matter of fact, two-thirds of the sugar consumed in this country—or practically that percentage—is consumed directly upon the table, and in its direct refined form, the people eating it, whereas about one-third of the total consumption of sugar enters into the manufactures I have mentioned and other kindred manufactures. For instance, the per capita consumption of sugar in the United States in 1910 was 81 pounds; and the greatest experts in this country say that careful investigation shows that of the 81 pounds consumed per capita in that year 53 pounds were directly consumed and the remainder only went into manufactures. Senators can figure the percentage for themselves.

Now, Mr. President, I want to call the attention of the Senate to recent Democratic utterances on this subject of sugar.

First, I read from the platform of 1912. In commending the schedule bills that had been passed by Congress, which was in session at the time the Baltimore convention convened, our party in its national platform used this language:

> We call the attention of the patriotic citizens of our country to its record—
>
> Referring to the House of Representatives—
>
> of efficiency, economy, and constructive legislation.
>
> It has, among other achievements, revised the Rules of the House of Representatives. * * *
>
> It has passed bills for the relief of the people and the development of our country; it has endeavored to revise the tariff taxes downward in the interest of the consuming masses, and thus to reduce the high cost of living.

Mr. President, there can be no doubt that the Democratic national platform in 1912 indorsed the free-sugar bill passed that year by the House of Representatives. Gentlemen may contend that certain transactions that occurred in the privacy of a committee room might tend to show otherwise; but I dispute the soundness of that view or the accuracy of that conclusion. In the first place, all the convention knew and all the great masses of the American voters knew was the Democratic platform as it was written and as it read; and, in rebuttal of the statement made by my good friend, the distinguished senior senator from Louisiana [Mr. BROUSSARD], the other day on the subject, I called attention to the fact that during the last session of Congress the distinguished senior Senator from Kentucky [Mr. JAMES], himself a distinguished and prominent member of our party and chairman of the Baltimore convention, gave testimony in direct contravention to the understanding of the Senator from Louisiana, and stated to this body and to the American people that there could be no doubt that that convention had pledged the Democratic Party to the cause of free sugar. Not only that, but I will refer to the contemporaneous construction of Congress and call to mind that the Congress which passed the Underwood-Simmons bill as soon as the election was over, while the platform pledges were fresh in our minds, put sugar on the free list, although this vexatious delay of three years was agreed to. When the delay of three years was proposed I warned my colleagues then that if they acceded to that delay the chances for free sugar would be very much less; that either something would happen or some pretext would be given to renew this fight in the interest of the people who get a bounty out of this system of taxation on this great article of food necessity; and you see what has happened.

Mr. BROUSSARD. Mr. President, will the Senator permit an interruption?

Mr. HARDWICK. I will yield to the Senator briefly or I will yield to him later at any length as soon as I can cover some ground which I desire to cover.

Mr. BROUSSARD. Mr. President, I merely want to say——

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. HARDWICK. I yield; yes, sir.

Mr. BROUSSARD. What I desire to say will take only a minute. I merely wish to call the attention of the Senator to the fact—I know he does not want to make any statement that is not borne out absolutely by the facts—that the Senator from Kentucky, while a very prominent member of the convention at Baltimore, being permanent chairman of that convention, in his address declared for free sugar specifically by name, following that declaration of the chairman of the convention the committee on resolutions reported the platform, the chairman of the convention, the Senator from Kentucky, at no time taking part in either the drafting of the platform or in the preliminaries or the argument in behalf of the platform to be submitted and adopted by the convention.

Mr. HARDWICK. That is true enough, Mr. President; but the distinguished Senator from Kentucky, the permanent chairman of that great convention, ought at least to have had as much ordinary comprehension of what was happening and what the platform meant as the average Democratic masses or as the average American voter had; and if the Senator from Kentucky, the chairman of that great convention, could not know about these cloak-room conferences, how on earth could the Democratic masses or the American voters know about them, and of what real importance are they?

Now, let us see. Not only that, but one of our greatest achievements—the one that we boasted most about—was the routing of the sugar lobby here in the last Congress. Why, when we went to the people of the United States in 1914, in the congressional election, we devoted page upon page to the exploitation of that great achievement. We told about how they had misused the franks of distinguished and illustrious Senators who are still Members of this body. We told about how a gentleman named Mr. Oxnard had gotten rich out of capitalizing the tariff and turning his watered stock into good, hard cash at the expense of the consuming public. We told all the details about the feverish and unnatural and reprehensible activities of this lobby that was here to fight free sugar.

Ah, Senators, I have been informed that many years ago a great Senator from Missouri stood on this floor, when Jackson had beaten one of the bank bills, and there was exultation on the Democratic side of the Chamber over the accomplishment of that much-desired result, and the boast was made: "We have driven this beast to the jungle." Benton replied: "Yes; you may have driven her to the jungle, but she will return from the jungle with all her whelps."

His words were prophetic in that case; and without change they could well be applied to all we have said and boasted about the sugar lobby, and our exposé of it, and our relief of the people of the United States from the enormous burdens and exactions that are imposed upon the consuming public by means of the tax on sugar.

Mr. President, it is insisted that we must have this duty because the Government needs it, because the Government can not get along without it; that we must prepare for war in order that we may maintain peace; that we must have a larger Army and a greater Navy, and can get the needed revenue in no other way. Sir, if that were true, and absolutely true, however much I regretted to do it, I would vote for the motion now presented by the distinguished Senator from North Carolina. But I insist that it is not true, either in form or in substance, that we are obliged to levy this tax for the purpose of governmental revenue, and I will tell you why.

Do we need revenue, and revenue only, with no incidental or accidental protection, from schedule E, the sugar tariff? If we do, why is it that we have not followed the example already given us by Germany, by France, by Belgium, by Russia, by Austria-Hungary, by Spain, yea, by every important country on this earth that raises any considerable amount of revenue out of sugar—Great Britain raises only a small amount—except the United States? In those countries, and every one of those countries, they levy a tax on consumption, direct and professed; not indirect and insincere.

Is a tariff a tax on consumption? Every Democrat so contends; so, after all, when we lay a tariff tax we are levying a tax on consumption. But there is this difference between the two kinds of taxes, consumption taxes both. Under one plan, the European plan, every dollar of the tax levied goes into the Government till. Under our plan, the so-called American plan—and I am not proud of it—one half of it only goes into the Government Treasury, while the other half goes to enrich the domestic producers of sugar, both in continental United States and in its insular possessions.

Why do I say that? Because sugar in many respects is one of the most highly illustrative items to which tariff principles and tariff theories can be applied. What is the situation to-day with reference to the production and consumption of sugar in this country? We consume almost 4,000,000 long tons a year. It is estimated for this year, I think, that our consumption will be three million eight or nine hundred thousand tons. Of that amount, we produce one-fourth, 25 per cent, in continental United States—cane sugar in Louisiana and beet sugar in the West—25 per cent more in our insular possessions, Hawaii, Porto Rico, and some small amount from the Philippines. The other 50 per cent we import from abroad, through the customhouse, nearly all of it, over 99 per cent, coming from the island of Cuba, justly called the sugar bowl of the world.

We levy at present a tax of 1 cent a pound at the customhouse door. Every pound of Cuban sugar pays that tax. No pound of Louisiana sugar, of western beet sugar, of Hawaiian

sugar, of Porto Rican sugar, or of Philippine sugar up to 100,000 tons per year pays a cent; and yet every pound of Louisiana sugar, of Hawaiian sugar, of Porto Rican sugar, of Philippine sugar—every pound of domestic sugar, in other words—costs the American consumer just as much as every pound of Cuban sugar, on which the duty is paid. What is the result? We levy on American consumption, upon the stomachs of our people—yours and mine, Senators—a burden of $86,000,000 a year, and of that amount we put $43,000,000 in the Treasury of the United States and at the same time we put $43,000,000 more in the pockets of the sugar producers.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. I yield.

Mr. THOMAS. The statement was made the other day, I think by the Senator from Michigan, that $100,000,000 was invested in the beet-sugar business in the United States. That was an extravagant statement of the amount, as I shall try to show before this debate is over; but assuming, for the sake of the statement, the correctness of the amount, and then doubling it so as to represent the amount invested in the cane-sugar production—say, $200,000,000 or $250,000,000—the percentage of $43,000,000 which is thus given to this industry is enormous, and of itself represents a profit that is far and away beyond the average profit derived by capital invested in ordinary business.

Mr. HARDWICK. I quite agree with the Senator; and I say another thing to the Senator, and I measure my words: Since we have had this tariff duty on sugar, beginning with the Dingley bill—I am willing to go only back that far—beginning with the Dingley bill, the consuming masses of the United States have paid ten for one for every dollar invested in any branch of the sugar industry in the United States and in all of its insular possessions. We had far better buy them out and stop the profit if we would put it on plain business principles.

Now, my fellow Democrats, if we want revenue and nothing but revenue, why do we not get the most revenue that we can get with the least burden? Do you say to me now that it is a new and an untried thing, and that our people do not like excise or consumption taxes? My reply is twofold. In the first place, this tax, a consumption tax on sugar, will be paid by the great refiners of the country and possibly a few of the great beet factories; actually, in my judgment, less than 100 people would pay it—fully as few people as pay the tariff tax to-day—so there would be no groaning, no burdening, no protestations from the American people, if you are afraid of that.

Ah, but they say it is a new and untried thing. I say not. It has been tried in the most highly civilized countries of this earth, and in nearly all of them. We do not have to tread a new and untrodden path. We have the laws already written by the great nations of Germany and Austria-Hungary and France and all these other great European countries. We have their experience in the administration of the laws. We can give no such paltry excuse as that. A 1-cent tax on all the sugar, domestic as well as foreign, would double the amount of revenue that the Government gets, and would not increase the burden on the consumer one single penny, for the reason I have already explained.

If so—and no Senator who investigates the question can deny it—why do we not levy the tax in that way? If we must have it, and we must have it out of sugar—a food necessity of life—for Heaven's sake let us levy it so that when we tax the stomachs of our people, so that when we charge them a tax on this prime article of food necessity, no private, selfish interests will be subsidized in the process, but every penny of this hard-wrung money will go into the Public Treasury.

Mr. President, in that connection I ask unanimous consent to include in my remarks a carefully prepared table or plan showing exactly how this consumption tax can be adjusted to each degree of raw and refined sugar and what the result would be.

The PRESIDING OFFICER. Without objection, that may be done.

The matter referred to is as follows:

The rate on sugar testing by the polariscope 75° would be 0.568 cent per pound.

The rate on sugar testing by the polariscope 76° would be 0.588 cent per pound.

The rate on sugar testing by the polariscope 77° would be 0.6096 cent per pound.

The rate on sugar testing by the polariscope 78° would be 0.6304 cent per pound.

The rate on sugar testing by the polariscope 79° would be 0.6512 cent per pound.

The rate on sugar testing by the polariscope 80° would be 0.672 cent per pound.

The rate on sugar testing by the polariscope 81° would be 0.6928 cent per pound.

The rate on sugar testing by the polariscope 82° would be 0.7136 cent per pound.

The rate on sugar testing by the polariscope 83° would be 0.7344 cent per pound.

The rate on sugar testing by the polariscope 84° would be 0.7552 cent per pound.

The rate on sugar testing by the polariscope 85° would be 0.776 cent per pound.

The rate on sugar testing by the polariscope 86° would be 0.7968 cent per pound.

The rate on sugar testing by the polariscope 87° would be 0.8176 cent per pound.

The rate on sugar testing by the polariscope 88° would be 0.8384 cent per pound.

The rate on sugar testing by the polariscope 89° would be 0.8592 cent per pound.

The rate on sugar testing by the polariscope 90° would be 0.88 cent per pound.

The rate on sugar testing by the polariscope 91° would be 0.9008 cent per pound.

The rate on sugar testing by the polariscope 92° would be 0.9216 cent per pound.

The rate on sugar testing by the polariscope 93° would be 0.9424 cent per pound.

The rate on sugar testing by the polariscope 94° would be 0.9632 cent per pound.

The rate on sugar testing by the polariscope 95° would be 0.984 cent per pound.

The rate on sugar testing by the polariscope 96° would be 1.0048 cents per pound.

The rate on sugar testing by the polariscope 97° would be 1.0256 cents per pound.

The rate on sugar testing by the polariscope 98° would be 1.0464 cents per pound.

The rate on sugar testing by the polariscope 99° would be 1.067 cents per pound.

The rate on sugar testing by the polariscope 100° would be 1.088 cents per pound.

The application of such a tax for 1916 would work out about as follows:

	Test.	Production (long tons).	Rate per pound.	Revenue realized.
	°		*Cents.*	
Philippine raw sugars	88	175,000	.8384	$3,286,528
Hawaiian raw sugars	96	575,000	1.0048	12,941,824
Porto Rican raw sugars	96	350,000	1.0048	7,877,632
Louisiana and Texas raw sugars	96	175,000	1.0048	3,938,816
United States refined from Cubans, etc.	100	1,575,000	1.088	45,696,000
Domestic beet refined	100	750,000	1.088	18,278,400
Estimated consumption		3,900,000		92,019,200

Mr. HARDWICK. Now, if we do not do that—and we did refuse to do it; I presented such an amendment and urged it upon the Senate committee, and they would not accept it—will not the people of this country be driven into the irresistible and irrefutable conclusion that we did not do it simply because we wanted to give a certain amount of protection to the beet and cane producers of this country? Undoubtedly. They can arrive at no other just conclusion. There is no escape from it. You can twist it as you will, you can get off all the sophistry you please about it, you can argue until we are all blue in the face, but, after all, the common, sober sense of the American people will be strong enough to understand that we retain this tax in its present form because we found it necessary not to raise a certain amount of revenue for the Government but to afford a certain amount of protection to certain interests in this country. We had just as well understand what we are doing. I have studied this question a great many years. I am not going blindly into any vote on it. I know what my actions about it mean, and I know what my vote on it spells. Therefore I find myself utterly unable to support the motion made by the distinguished Senator from North Carolina.

Mr. BROUSSARD. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. HARDWICK. I yield.

Mr. BROUSSARD. I understood the Senator from Georgia to say, first, that no duty should be imposed upon sugar because it is a prime necessity of life, entering into the daily consumption of the people.

Mr. HARDWICK. The Senator understood me correctly.

Mr. BROUSSARD. And that if there must be some revenue derived from sugar, that revenue should not be collected at the customhouse, but should be collected just before it enters into consumption, or at the factory. Now, would the Senator carry that doctrine to other necessities of life? For instance, second in importance in Louisiana to the sugar industry is the rice industry of that State. Upon that article there is a duty imposed under the Underwood bill. Would the Senator carry out his theory of abstention from the imposition of taxes upon the necessities of life so as to extend it to rice as well as to sugar?

Mr. HARDWICK. I think I understand the Senator's suggestion, and I am going to reply to it with candor.

Mr. BROUSSARD. I should like, while the Senator is replying——

Mr. HARDWICK. Will the Senator pardon me just a moment? After I cover the ground I have set out, I will yield with pleasure to the Senator, but——

Mr. BROUSSARD. Just in the same connection I want to continue the question.

Mr. HARDWICK. Very well; I yield to the Senator.

Mr. BROUSSARD. Would the Senator then, if he would apply that to rice as well as to sugar, apply it to cotton cloth and other manufactured articles upon which a duty is now imposed? Would he also put a production tax upon these things, so as to obviate the necessity of collecting any duties at all at the customhouses of this country?

Mr. HARDWICK. Replying to the Senator's question, I wish to say that wherever it was necessary to levy a tax on a food necessity of life, and that article was a competitive article—namely, an article produced in considerable degree in this country, and to a considerable degree imported from a foreign country—the course I have suggested here ought to be followed. My answer to it is, in a broader and a more general way, that I can not see to save my life why we should not levy, from my standpoint and from my view of the tariff, a tax solely on noncompetitive products graded, as I have said, heaviest on luxuries, more moderate on comforts, and lightest on necessities. That would be my answer to every suggestion involved in the Senator's question.

The Senator has anticipated just a little the very argument I was to about to make. I say that we do not have to get this revenue from sugar at all. If we did, we ought to get it so that all of it would go into the Government Treasury and none of it into private pockets, but we do not have to get it from sugar at all.

It appears from the last monthly summary of the foreign commerce of the United States, that during eight months ending January, 1916, we imported nearly $65,000,000 worth of coffee into this country; that during the same period of time we imported fifteen and a half million dollars worth of tea into this country; and during that same period of time our sugar importations amounted to a little less than $80,000,000—$65,000,000 of coffee, fifteen and a half million dollars of tea, and $79,000,000 of sugar. What Democratic reason can you give for letting sugar be taxed while coffee and tea come in free? If I were a Republican I could answer you. I would say, "I let the sugar be taxed because I want to build up an American industry with a protective tariff, and I did not tax coffee and tea because there is no industry to stimulate in this country of that sort, and besides they are necessities of life, and I dislike to tax them." But what Democrat can answer that question? They are all breakfast foods—coffee, sugar, and tea. There is no coffee and there is no tea produced in this country. Half the sugar we consume is produced in this country. Yet it is proposed under Democratic principles, forsooth, to tax one necessity of life produced in this country and not to tax the other two that are not produced in this country and in the other two instances, to wit, coffee and tea, if you did tax them every dollar of the tax would go into the Public Treasury. Now why do you not do it? If you want to be consistent, if you want to be logical, if you want to be Democratic about this thing, coffee and tea are not any more necessities of life than sugar and why not tax them all? Are you afraid of the cry that you are taxing the breakfast table? If that is it, why do you tax sugar and leave coffee and tea untaxed?

Then again let us take another article. During this same period of time ending January, 1916, we imported into this country $73,802,459 worth of crude India rubber. Crude India rubber is a noncompetitive product, largely used in this country, although not entirely, in making articles of luxury and not of necessity. Yet crude India rubber comes absolutely untaxed into this country although most of it is used in the luxuries of life, and sugar that every poor man as well as every rich man must have is taxed, and crude india rubber is untaxed. Why this difference? A Republican will answer that crude india rubber is not produced in this country and therefore the imposition of a tax would not aid American industry. What answer, however, can a Democrat who does not believe in protection make?

Now, let me make one more illustration. I concede it is the most extreme one, in all probability, that can be made in the schedules. During this same period of time, eight months, ending January, 1916, we imported into this country a little over $65,000,000 worth of raw silk, absolutely untaxed, free of duty. Raw silk is a noncompetitive product. If you levy a tax on it you foster no industry, you benefit no local industry. Therefore I can understand why Republicans do not tax raw silk, but why Democrats should not I do not know. If it is true that our silk factories could not stand foreign competition without free raw material, then why could we not afford to increase the duties on manufactured silk, the same being a luxury? I ask the Senate and I ask the country, Under what Democratic theory do we leave raw silk untaxed and raw sugar taxed? Are the backs of the rich to go unburdened, while the stomachs of the poor pay the bill?

I wish next to invite the attention of the Senate and of the country as briefly as may be to certain facts and conditions relating to our domestic sugar, both cane and beet, both continental and insular, prior to the breaking out of the European war, and then I want to undertake to tell you as briefly as I can what has happened since then and the result of that war. I am going to take up, first, the case of Louisiana and the production of cane sugar there, because it is nearest my home; and, of course, I love my Louisiana friends a little better than people not quite so close to me and not so nearly related by ties of blood and affection. So I take the Louisiana case first. The facts I am going to give are undisputed facts, not only proven by the testimony of witnesses through long and laborious investigation but agreed to by the unanimous report in most instances, in fact, of a committee, almost half Republican, of the other House of Congress.

The cost of producing a pound of cane sugar—that is, raw sugar—in Louisiana is 3¾ cents. The cost of producing a pound of raw cane sugar in Java is 1½ cents; in the Philippines, 1¾ cents; in Porto Rico, Cuba, and Hawaii, about 2 cents. I hope the Senate will have those figures fixed in its attention. There is no dispute whatever about these facts, as will be seen on examination of the evidence submitted to the special committee on sugar and from the report of that committee and from recent hearings before the Ways and Means Committee of the House of Representatives. From the above figures it is perfectly apparent that, so far as the production of cane sugar in Louisiana is concerned, it is nothing more nor less than a hothouse proposition. The cost of production is being gradually but surely lowered in Cuba, the Philippines, Porto Rico, Java, and, I think, in Hawaii. In Louisiana I do not believe that it is being lowered at all, but, if anything, is increasing. It is my judgment that the Louisiana sugar-cane industry can not and will not long survive free sugar. Indeed, I do not believe, as I have stated more than once, that the industry can continue and prosper in Louisiana even under our present rate of duty, and that it is practically certain that its doom is already decreed by the fixed and unalterable laws of nature. Let me state some of the reasons for this opinion. In Louisiana the sucrose in the cane is from 6 per cent to 7 per cent. In Hawaii it is from 14 per cent to 15 per cent; in Cuba, from 10 per cent to 11 per cent, occasionally 14 per cent. In Cuba the cane is only planted once in every 10 years, and in Louisiana it must be replanted, or practically replanted, every year. In Cuba frost never interferes with the maturing of the crop, whereas in Louisiana the cane has to be cut early in October; hence its sucrose contents are low, as I have already shown. It seems to me that for these reasons it is perfectly apparent why Louisiana can not profitably continue to produce cane sugar in competition with tropical countries; and if she is driven out of the sugar business it will not be the unkindness of the Democratic Party that accomplishes this result, but the stern decree of the God of nature, for sugar cane is the natural product of a strictly tropical country, and Louisiana is located too far to the north for its successful cultivation in competition with tropical countries. Great and insuperable as are these natural disadvantages, Louisiana labors under certain other disadvantages growing out of inefficiency, which contributes to the high cost of production in that State. Antiquated machinery and open-kettle mills might be mentioned in this category, for as a whole the industry in Louisiana is inefficiently organized, nor is it well equipped. This will be readily seen when it is remembered that in Louisiana 210 mills produce an annual average of 330,000 tons, whereas in Cuba 174 mills produce annually 2,328,000 tons.

Mr. THOMAS. What are the figures?

Mr. HARDWICK. Three hundred and thirty thousand tons in Louisiana, against 2,328,000 tons in Cuba. The labor cost in factories in Cuba and Louisiana is practically the same, and for field labor Louisiana pays hardly as much as is paid in Cuba. It appeared in the sworn testimony before the special committee that in Louisiana the sugar planters pay the following rates for field labor: Seventy-five to 80 cents per day to men; 75 cents per day to women and $1 per day in harvesting time; whereas

in Cuba for the same class of labor the planters are paying from $1 to $1.25 per day, and in Cuba the women do not work in the fields.

Mr. President, I am not going to elaborate that; Louisiana is too far north; there is not enough sucrose content in her sugar. The frost comes there too early and the cane has to be cut too soon. She can not and never will compete successfully with the tropical countries. Her cost of production, 3¾ cents a pound, according to the sworn evidence of best citizens and most successful planters, is almost double that of Cuba, almost double that of Hawaii, and more than double that of Java.

What are we to do? That a few planters in Louisiana may maintain a hothoused industry, are we to forever tax 100,000,000 American people?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. GALLINGER. I know the Senator from Georgia does not want to be interrupted, but——

Mr. HARDWICK. I will yield to the Senator.

Mr. GALLINGER. I wish to ask him a question for information merely. If the labor cost is substantially the same in Cuba and Louisiana, how does the Senator account for the greatly increased maximum cost of production in Louisiana?

Mr. HARDWICK. The Senator has just come in?

Mr. GALLINGER. Yes.

Mr. HARDWICK. It is on account of the difference in the sucrose content of the sugar cane and the differences in season. There is not as much sugar in the cane they raise. That is the trouble.

Mr. GALLINGER. That accounts for it?

Mr. HARDWICK. That is it. It is just the law of nature, that is all; a decree of nature entered in due and regular form. You will have to repeal a law of nature if you are going to enable Louisiana to compete successfully with these tropical countries. To use a familiar illustration, you can raise bananas or oranges in the State of my friend from New Hampshire if you put a hothouse there and make the American people pay the cost of it; but I do not believe that is right, I do not believe it is democratic, I do not believe it is American to take a few people and for their sake make 100,000,000 people pay more for every pound of this food necessity that they must eat.

The situation is not vastly different with reference to the sugar-beet industry, and I shall endeavor to demonstrate it.

Mr. THOMAS. I think the Senator can also demonstrate that the natural advantages which the sugar beet has in the arid and semiarid regions of the United States will make it a still more dangerous competitor of the Louisiana industry as time passes.

Mr. HARDWICK. I quite agree with the Senator about that. He has stated it so well that I shall not undertake to elaborate it here, especially as I have much ground to cover.

Mr. President, I am going to ask the permission of the Senate to insert in my remarks certain newspaper articles and certain observations relating to the stock watering of the beet-sugar companies.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

According to the last statement issued by Mr. Truman G. Palmer, representing the beet-sugar factories, it appears that there are now located in the United States 76 factories engaged in the production of beet sugar. These factories are located in the following States: Colorado, 17; Michigan, 16; California, 13; Utah, 6; Idaho, 5; Wisconsin, 4; Nebraska, 2; Montana, 1; Minnesota, 1; Kansas, 1; Iowa, 1; Illinois, 1; Indiana, 1; and Arizona, 1. From the reports of Bradstreet's Commercial Agency it appears that the total capitalization of these 76 factories is $141,410,000, and that their combined capacity for slicing beets in tons per day is 63,550 tons.

These figures demonstrate beyond all question the extent of overcapitalization of the companies that operate these factories.

Why? Let us see what the beet-sugar men have themselves sworn before several of the House committees. In the hearings on the Payne tariff bill before the House committee Mr. F. R. Hathaway, secretary and treasurer of the Michigan Sugar Co., estimated the cost of a beet-sugar factory to be $1,000 per ton of daily beet-slicing capacity. At the hearings before the special committee on sugar during the last Congress, Mr. Henry T. Oxnard, of the American Beet Sugar Co., made exactly the same estimate, as did Mr Charles W. Nibley, of the Amalgamated Sugar Co. of Utah. While Mr. Oxnard at a subsequent time did seek to raise his figures, and while some others testified to a slightly higher figure than $1,000 per ton, yet other witnesses swore to even lower figures, notably Mr. E. N. Combs of Colorado, fixing the figure at $600.

On the whole, therefore, I believe we may safely take $1,000 per ton of daily slicing capacity as the true basis of cost and the real value of a beet-sugar factory. On that basis the true value of all the beet-sugar factories in the United States does not exceed $63,550,000. Indeed, according to the unanimous report of the special committee of the House on sugar during the last Congress, we estimated the amount of this investment at a somewhat smaller figure, $60,712,500, and the gentleman from Michigan [Mr. FORDNEY] agreed to that figure, along with his other Republican colleagues on the committee. So that it appears the beet-sugar factories of this country as a whole are capitalized at from two to two and one-half times their actual value. While we are considering this question of the overcapitalization of the beet-sugar factories, it might be as well to call the attention of the committee to the facts about the three largest of the beet-sugar companies and to see exactly to what extent this mania for overcapitalization has affected them.

First, let us take the Great Western Sugar Co., a Colorado concern, but chartered "under the laws of New Jersey"; but that charter, Mr. Chairman, was granted before the days of New Jersey's regeneration. [Laughter and applause.]

It was capitalized at $30,000,000, one-half preferred and the other half common stock, but of this stock only about $24,000,000 was issued. Its nine factories, all located in Colorado, have, according to its last statement a total daily beet-slicing capacity of 10,600 tons, which ought to represent a real value of approximately $10,600,000—on the basis of $1,000 per ton. So that its stock is more than one-half water, except so far as it may, perhaps, now represent accumulated and undistributed earnings. Under oath the company returned its property for taxation in the State of Colorado at $2,500,000 as late as 1910 or 1911. Although its stock, under its New Jersey charter, was originally more than half water, yet it manages to pay 7 per cent interest per annum on its preferred stock, or $1,050,000, and 5 per cent interest per annum on its common stock, or $750,000. This means a total annual dividend of $1,800,000 on a real investment of $10,600,000, as already explained, or about 17 per cent dividend on the actual investment. Nor do these dividends represent anything like the total net earnings of this largest and greatest of the beet-sugar factories, as I will now proceed to show the committee. It must be recalled that the American Sugar Refining Co., commonly known as the Sugar Trust, owns 26 per cent of the common stock and 38 per cent of the preferred stock of the Great Western (report of special committee, p. 13) according to the admissions of both the Great Western and the trust.

During the recent investigation of the Sugar Trust in the United States District Court for the Southern District of New York, among the letters of the Sugar Trust was discovered a most interesting letter from Mr. Chester S. Morey, of Denver, Colo., president of the Great Western Sugar Co., to Mr. Washington B. Thomas, then president of the American Sugar Refining Co. This letter was dated March 19, 1910, and read as follows:

"MY DEAR MR. THOMAS: Inclosed herewith I hand you copy of the financial exhibit and income statement. This is the form in which we expect to publish these statements, and they will also be used when we make application to list our stock on the New York Exchange.

"You will notice that this year, in addition to the regular 2½ per cent depreciation which we have been deducting for the last three years, we have set up $1,000,000 in depreciation reserve. I do not want this year's earnings to appear as large as they would if we had not made this entry. Of course this can be changed if the board of directors does not approve of it.

"You will note that our total surplus is shown by these statements as a little over $5,000,000. This does not include any surplus from the Billings Co., the Great Western Railway Co., and other corporations, which really add nearly $2,000,000.

"Our sugar is invoiced at 4 cents, and judging from present market indications there is at least $1,000,000 profit that will show up in next year's business. The value of our real estate and railroads over and above the amount at which they are carried is at least $5,000,000, so that the actual surplus is nearer $9,000,000 than $5,000,000.

"Am pleased to say that at some of our factories the farmers are signing up acreage and feel more encouraged than I did a week ago.

"The details of these statements I will bring with me when I come to the stockholders' meeting."

When it is recalled this company was chartered in 1905 and it is seen by the above letter that in five years, by 1910, it had accumulated a surplus of $9,000,000, besides paying dividends for fully that amount, as I have already shown, and also allowing the regular 2½ per cent for depreciation, it will be seen that this company's annual net profit on its real investment during these five years was 36¾ per cent—17 per cent for dividends, 17 per cent for surplus, and 2½ per cent for regular depreciation. It thus appears that in the short space of five years it made a total of 182½ per cent on the actual capital invested. No wonder that its president, Mr. Morey, juggled the entries, according to his own letter; no wonder that he said, never expecting his letter to become public, "I do not want this year's earnings to appear as large as they would be if we had not made this entry."

Let us next look into the American Beet Sugar Co., a concern operating six factories, two in California, three in Colorado, and one in Nebraska, with a total beet-slicing capacity of 5,300 tons per day. According to the standard of $1,000 per ton of daily beet-slicing capacity, the factories of this corporation represent a real value of $5,300,000, and yet we find this company, with the water injected into it somewhat more freely than usual, capitalized at $20,000,000—$5,000,000 preferred stock and $15,000,000 common stock. And it appears that in seven years from the time of its organization it had paid annually 6 per cent interest on the actual investment and had cleared seven and one-half millions besides, for at the end of that time its common stock, which had no value whatever in the beginning, was selling at $50 per share, while its preferred stock, with a guaranteed dividend of 6 per cent, was selling above par. In seven years it paid $2,100,000 in interest on its preferred stock, and its earnings created a value of 50 cents on the dollar for its common stock—pure water—or $7,500,000. This is a total of $9,600,000 on the investment of $5,000,000 in seven years, or a little over 190 per cent, or 24.3 per cent per annum on the actual investment. It must be remembered also that we have not been able to learn the whole truth about the profits of this company in any such way as we discovered it in Mr. Morey's case. Personally I do not doubt that their profits have been fully as great as those of the Great Western, if we could find out just how they have kept their books, as we did in the other case, but it seems to me that the showing is strong enough as it is.

In reference to the earnings of this company, I next invite your attention to an article in the Beet Sugar Journal of April, 1911, as follows:

"American Beet Sugar Co. sets new high record. The report of the American Sugar Co. for the year ended March 31, 1911, shows total income of $8,357,012, an increase of $1,347,368 over the previous year, and a surplus, after preferred-stock dividends, of $1,643,659, equal to 10.95 per cent earned on the $15,000,000 of common stock, compared with $1,097,252, or 7.31 per cent, earned in the previous year. The common stock has not yet paid any dividends. The preferred pays 6 per cent. Comparative results for the past three years follow."

"Then are given the figures for 1911, 1910, and 1909. For 1909 the gross receipts were $7,135,326; total income, $7,156,855; expenses, interest, tax, etc., $5,863,713; balance, $1,293,143. Well, now, we will take 1910: Gross receipts, $8,985,772; total income, $7,009,644; expenses, tax, interest, etc., $5,612,391; balance, $1,397,252. For 1911: Gross receipts, $8,344,792; total income, $8,357,012; expenses interest, tax, etc., $6,413,353; balance, $1,943,659. Preferred dividends, $300,000 in each of the years 1911 and 1910 and $215,100 in the year 1909, leaving a surplus of $1,643,659 in the year 1911, $1,097,525 in the year 1910, and $1,047,743 in the year 1909. The general balance sheet as of March 31 shows total assets of $22,577,371.

"The reserve for working capital is $1,825,637, against $832,151 a year ago, and there is a reserve for betterments and improvements of $377,246, a new item. Bills payable to the amount of $1,266,000, which appeared in the previous balance sheet, have been paid off. H. R. Duval, president, says: 'The surplus has been applied to working capital, which is now adequate for ordinary operations. The company is now free of all debt. There was an increased production of 196,741 bags, exceeding that of any former year. The increase was principally due to California, though Grand Island increased 31,704 bags. In Colorado the decrease was 88,624 bags. Due largely to increased efficiency of the plants, the cost of making sugar, as compared with previous campaigns, was somewhat diminished. Taxes increased $39,989, of which $25,569 was the Federal corporation income tax. Depreciation and maintenance cost $344,842—was $13,119 less than last year.' The design of this expenditure (included in the above statement in expenses) is to keep the plants up to their original condition."

It appears from the above that during the year 1911 the American Beet Sugar Co., after paying its preferential dividend of 6 per cent on its preferred stock (real value) earned 10.91 per cent on $15,000,000 of common stock—water. This represents in all an earning of $300,000 (interest on preferred stock) plus $1,643,659 (surplus), or $1,943,659, which, in turn, is almost 39 per cent profit during the year ending March 31, 1911, on the real investment.

I next invite your attention to a statement in the American Sugar Industry of March, 1912, in reference to the profits of this same company—the American Beet Sugar Co.—for the year ending March 30, 1912:

"The net earnings of the American Beet Sugar Co. for the fiscal year ending March 31, 1912, will probably not exceed 12 per cent, instead of the 15 per cent estimated last December. The reason assigned for this is that the company began to sell its 1911 crop too early. Sales were made in advance of production in order to take advantage of what seemed a very flattering profit. Sugar prices advanced and it is estimated the difference to the company amounted to between $300,000 and $500,000. The company then went to the other extreme and held back the remainder of the 1911 crop on a declining market."

As the dividends on the preferred stock are fixed at 6 per cent and are paid before any other dividend and before any surplus is laid aside it is quite evident that the 12 per cent "net earnings" refers to the amount of surplus set aside, which is figured from the basis of the amount of the common stock, so that it appears that for the year ending March 31, 1912, the American Beet Sugar Co. earned $300,000, interest at 6 per cent on its preferred stock, plus $1,800,000, surplus, the equivalent of 12 per cent on $15,000,000 worth of common stock, or $2,100,000, which is a little more than 40 per cent on its real investment.

One more illustration of this mania for overcapitalization among the beet-sugar factories and of the excessive profits they hope to conceal by this operation, and I shall pass on. We will next take the Michigan Sugar Co., from the State of my friend Mr. FORNEY.

The present capitalization of the Michigan Sugar Co. consists of $3,703,500 preferred stock and $7,471,197 common stock, a total of some more than eleven millions. Here, again, we find "the trail of the serpent," for it appears from its own statement that "the trust"—the American Sugar Refining Co.—owns 35 per cent of all the common stock and 55 per cent of all the preferred stock of the Michigan Sugar Co. This company operates six factories, all located in the State of Michigan, with a total beet-slicing capacity of 5,450 tons per day. This represents, according to the rule laid down by Mr. Hathaway, its own secretary, an investment of approximately $5,450,000, and yet, as we have already seen, its present capitalization is more than double that amount. It was chartered in 1906, with an authorized capital of $9,000,000, one-half preferred and one-half common stock, not all of which was issued. It simply represented at the time of its charter an attempt to form a small, local beet-sugar trust among a number of Michigan factories that had been previously independents and competitors of each other. It was simply a Michigan manifestation of the prevailing "trust-organizing" mania with which the country was then mad, and was attended by the one invariable symptom of the disease, to wit, overcapitalization.

Let me now call your attention to certain reliable trade reports in friendly journals touching the profits this company has made.

I quote, first, from the Beet Sugar Journal of May, 1910:

"The Michigan Sugar Co. reports a profitable year. The regular annual meeting of stockholders of the Michigan Sugar Co. was held at the Eddy Building, Detroit, Mich., Wednesday afternoon, May 25, 1910. There was a representative attendance to hear the statement of the officers as to the year's business. The year was a profitable one, the company being able to show a surplus of $3,025,000 after expending $3,500,000 for labor and beets, and also paying regular dividends, not only on the preferred, but on the common stock as well. As the Wednesday meeting was the regular annual meeting, no dividend was declared."

I next invite your attention to an extract from the Beet Sugar Journal of July 6, 1910:

"Offers of 121 for stock in the Michigan Sugar Co. have been made within the last month, and the stock is now considered one of the best on the Detroit or, for that matter, any market. The enormous profits, coupled with the favorable prospects, are the causes for the increase in interest and price in stock. The net profits of the Michigan Sugar Co. in 1909 exceeded $1,500,000, and the financial statement submitted at the annual meeting last month showed a surplus of $3,000,000. By a person in close touch with the workings of the company it is stated that the earnings from the sale of the by-products is almost enough to meet the dividend payments. The stock has trebled in value in little more than a year.

"'Michigan sugar stock is now one of the best investments possible,' says a local broker who has been prominent in handling the stock; 'there are more buyers for it than there is stock for sale, and probabilities are an even higher mark than already touched will be reached before the break comes. All Michigan sugar companies are prospering. When the "trust" came into the State some years ago it smashed many independent companies, but in recent years, due to the improved methods of growing and manufacturing, which permits large profits to the farmer and extraordinary profits to the factory, several independent companies have been rehabilitated and are now sharing in the general prosperity.'"

It appears from the above that from 1906 to 1910 the Michigan Sugar Co., besides paying 6 per cent on its preferred stock, made three millions in profits, "trebled the value of its stock in little more than a year," and made almost enough money from its by-products to pay its dividends. In four short years it paid back every dollar of real money invested in it, or fully 25 per cent per annum.

Mr. HARDWICK. I am going to discuss now the practical situation that the beet-sugar people faced prior to the breaking out of the European war.

But the beet-sugar companies insist that, even if they have prospered marvelously under the Dingley and Payne rates, this does not prove that they can stand alone without any aid whatsoever, and they further insist that after three years, when this great necessity of life shall be untaxed, that they will perish beneath an avalanche of German and Cuban sugar. Let us look into that a little. In the first place, let me call your attention to the fact that our American beet-sugar factories have one great advantage over their foreign beet competitors in that while our factories produce refined sugar, ready for table and trade uses without further process of manufacture, that is not true of the German or any other foreign beet factories. In foreign factories the manufacture is not carried so far, and the sugar produced by them has to go through a process of refining, as our cane sugar does, before it is ready for table and trade uses. This process of refining costs the foreign beet-sugar man fully 0.4 cent per pound.

Nor is the difference in the cost of factory labor, if any, a serious handicap to the American factory, as the total labor cost of manufacturing does not exceed 14 cents per 100 pounds.

Fuel, relatively a far more important item of expense, is more abundant here than abroad and is much cheaper, especially in the West, where this industry is located, and oil is largely used as fuel.

Besides these considerations it must be remembered that the difference in geographical extent between this country and Germany gives to our domestic sugar factories a natural protection growing out of freight rates, which is most important and to which I will advert later. All of those considerations are important, however, and must not be overlooked.

Now, let us consider the freight-rate question just a moment, and then I will pass to a discussion of the question from the standpoint of the producer of sugar beets, the farmer, if you please. When the Brussels convention, after agreeing on everything that affected the production, importation, and exportation of sugar as in and between the various European countries that were the powers signatory—by the way, let me say that there was a very ludicrous statement made on the floor the other day about the Brussels conventions. It has been years since the Brussels convention has been in effect, yet some gentleman the other day in discussing this question insisted with an air of solemnity that the Brussels convention had something to do with the present situation. Now, let us see.

When the Brussels convention came to consider the protection that their beet sugar needed against tropical cane sugar, the sugar scientists of the world agreed that a tariff duty of one-half cent a pound, or, to be exact, 0.47 cent per pound on raw sugar and 0.53 cent per pound on refined sugar was sufficient.

Let me say to my friend from Utah that is the reason why Mr. Lowry has always insisted that that was the amount of duty that they should have.

Mr. SMOOT. I did not hear the Senator's remark.

Mr. HARDWICK. I say when the Brussels Convention was in session all the European scientists agreed that the natural advantage of cane over beets amounted to 0.47 cent on raw and 0.53 cent on refined, and therefore Mr. Lowry, the gentleman to whom the Senator referred, always contended as his personal view that there ought to be a duty of half a cent a pound.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. HARDWICK. I do.

Mr. SMOOT. Since the Senator has referred to this question, if he will allow me a moment I will state my opinion as to the reason why Mr. Lowry wanted half a cent a pound duty on sugar.

Mr. HARDWICK. Would the Senator rather do that later? I will yield before I get through.

Mr. SMOOT. If the Senator does not want to be interrupted——

Mr. HARDWICK. I will yield now. I have wandered from that point and I do not think it is important. That is just my own opinion of Mr. Lowry's view.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. SMOOT. I will wait and state it in my time.

Mr. HARDWICK. I will yield to the Senator in my time, but a little later if he will permit me.

To continue: This decision was made after the most careful estimates as to the cost of production of beet sugar in Europe and of cane sugar in the various tropical countries, and after carefully considering the cost of transporting the cane sugar across the seas and finally to the consuming centers of the various European countries.

Now, so far as the latter element, namely, the cost of transportation, is concerned we must remember that it is practically negligible when compared to similar cost of transportation in our great country. So highly developed are these European countries in the matter of transportation that canals and water routes of all kinds intersect and traverse every part of the more important of them. On these canals the rates on heavy freight, like sugar, are so low that they are almost a negligible factor. As a result, German beet sugar has very little, if any, more protection over tropical cane than the amount of the duty—one-half cent per pound. On the other hand, even after foreign sugar, cane or beet, reaches our coast there are large parts of our great territory that it can not reach at all without paying a far greater freight rate than the differential that the Brussels convention has fixed between European beet and tropical cane sugar. The territory which this freight-rate protection would preserve to the beet factories is far greater than they can possibly supply with sugar if they will supply all of the territory in which a reasonable profit on actual investments will enable them to sell.

There are great regions of the country in the very vicinity of many of these factories where the freight rate on sugar is from 70 to 80 cents per hundred pounds, and this is the natural territory in which these factories can best operate and sell their product at a reasonable profit on the actual investment and yet as cheaply as the consumer could buy it from anyone else.

Now, let us see how German beet or Cuban cane could drive the American beet factory out of business, provided the American beet factory is willing to content itself with a fair and reasonable profit on the actual investment. Let us first take German beet sugar. Its cost of production, refined, is 2.415 cents per pound. The cost of ocean freight, Hamburg to New York, and insurance is 0.12 cent per pound. This would make a cost of laying it down at New York, duty free, 2.535 cents per pound.

To this figure, according to the sugar experts, should be added 0.18 cent per pound to make up the difference in grade between the Hamburg sugar and our beet sugar. This makes a total cost of 2.715 cents per pound delivered in New York. Now, take our beet sugar. The Spreckles Sugar Co. (beet), of California, admits that it is producing it at a cost of 2.70 cents per pound. The Oxnard (Cal.) factory of the American Beet Sugar Co. is admittedly producing it at a cost of 2.81 cents per pound, and according to the testimony of Mr. E. U. Combs, of Colorado, the Great Western Sugar Co. has produced it at a cost of 2.56 cents per pound.

Most of these figures can be verified by consulting page 23 of the report of the sugar committee. Mr. Combs's figures can be verified from the testimony taken by the committee. Now, let us go one step farther. The report of the sugar committee, taking the figures submitted by the beet factories themselves, found the average American cost of production to be 3.54 cents per pound. The difference between that figure and the German cost, laid down at New York, is only 0.735 cent per pound, and I submit that even this difference is more than equalized by advantages in freight rates that our domestic producers will have in a territory far greater than they can supply. Besides, in considering these questions, we must remember that the cost figures I have given to-day are simply the ex parte statements of the beet-factory people, made while they were battling to uphold the tariff, made while they were urging that there was a large difference in the cost of production here and abroad, and hence, from their standpoint, an absolute necessity to maintain the protective duties. Under these circumstances, I insist that, without reflection on any of these gentlemen, we are bound to take their statements with at least one grain of salt, to construe their evidence most strongly against themselves, to accept the lowest rather than the highest or even the average figures they gave us.

Again, our domestic beet factories insist even if they could survive competition with German beet sugar they could not survive the competition with cane from Cuba. The cost of producing a pound of raw cane sugar in Cuba is about two cents a pound. I have stated that already.

Mr. NORRIS. Mr. President——

Mr. HARDWICK. I yield to the Senator from Nebraska.

Mr. NORRIS. I should like to inquire of the Senator if these are not the cost figures given by the select House committee on sugar, of which the Senator was chairman?

Mr. HARDWICK. They were given by witnesses before the committee and they were agreed to by the committee.

Mr. NORRIS. It was the conclusion of the committee?

Mr. HARDWICK. It was the conclusion of the committee.

Mr. NORRIS. I should like to ask the Senator where the committee got the information or upon what testimony did it base its conclusion as to the cost of foreign sugar?

Mr. HARDWICK. I will tell the Senator with pleasure. We had there the greatest experts in the world, for instance, Mr. Wallace P. Willett, of New York, said to be the greatest sugar expert in the world, and who had expert knowledge on that question. We had other gentlemen before the committee testifying under oath who had large plantations and operated them in Cuba, Porto Rico, and Hawaii.

Mr. NORRIS. I should like to say to the Senator that my object was simply to bring out the source of information as to the cost of foreign sugar, inasmuch as the Senator had already given that information as to domestic sugar.

Mr. HARDWICK. We had absolute and direct proof. We had the greatest experts we could secure. We had people who claim to have engaged in the business either in Porto Rico, Cuba, or Hawaii. I think in all cases there was sworn evidence. I will state to the Senator that the figures I am giving have been the result of the most exhaustive and elaborate congressional investigation of this question that was ever undertaken.

Mr. NORRIS. I hope the Senator does not get the idea that I am questioning his figures. I only asked for the purpose of bringing out all the information. I am somewhat familiar with that investigation.

Mr. HARDWICK. I am glad the Senator gave me an opportunity to do it. I understand the Senator knows that. I just want to make an observation now. Let us take the situation in Cuba. The cost of producing a pound of raw cane sugar in Cuba is around 2 cents (report sugar committee, p. 230). This is raw sugar, and to it should be added 0.5 cent per pound, cost of refining (report, p. 23), also approximately 0.12 cent per pound, cost of freight and insurance to New York, or a total of 2.62 cents per pound, not materially or substantially different from the figure at which German sugar can be laid down at New York, and there is therefore no more danger that Cuban competition will overwhelm any properly located, honestly managed, fairly capitalized American factory than that German competition will do so. Indeed, if the American cost of production is what I firmly believe it is, somewhere around 2.75 cents per pound, the difference in cost of production between American beet sugar, on the one hand, and German beet and Cuban cane, on the other, is so small as to be almost if not wholly negligible.

Mr. SMOOT. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. SMOOT. The Senator knows, however, that in the hearings before the Committee on Finance of the Senate it was testified that they could produce sugar at $30 a ton, which would be a cent and a half a pound, and as far as San Domingo is concerned, wherever they received an offer of $30 a ton they sold as little as they could; when they received an offer of $35 a ton, of $1.75 a hundred, they sold very freely, and when over $35 a ton was offered them they always sold ahead as far as they could.

Mr. HARDWICK. I suppose the Senator is quite right about that. That is human nature. People, I take it, in all lines of industry do that. They try to sell at the highest prices they can get and they hold back as long as they think they can get any more. That is true of cotton, corn, sugar beets, wheat, and everything else.

Mr. SMOOT. I made the statement because of the fact that the Senator was basing his estimate on the sugar cost of 2 cents a pound, which is $40 a ton in Cuba. I doubt very much whether sugar costs 2 cents a pound in Cuba.

Mr. HARDWICK. If the Senator will pardon me, I am afraid he has misapprehended my statement. I was giving the cost of production. Of course they all, foreign and domestic producers, make as much profit as they can out of the sale of their product all the time. I am merely showing whether or not they could compete.

Mr. SMOOT. The Senator, in showing the cost to the beet-sugar companies, had the books of the company before the com-

that it appears the beet-sugar factories of this country as a whole

per cent. Comparative results for the past three years follow:

mittee; they were thrown open; all the information was given that could possibly be given; no information was kept back; the cost to the company was given to the committee; but such is not the case in Cuba nor in any other part of the world. I may take occasion, if I have time to-day, to quote from Mr. Willett, because I think he is one of the greatest experts in the world on the sugar question.

Mr. HARDWICK. He is one of the greatest experts in the world on that question.

Mr. SMOOT. I know the gentleman very well, and I repeat, I consider him one of the best experts in the world on the sugar question.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. I yield to the Senator from Colorado.

Mr. THOMAS. I think there is one element entering into the question of the cost of the production of beet sugar, information as to which was held back from the committee. My recollection now is that I was not able to find anything upon the subject in the testimony. That element has reference to the by-products from the manufacture of beet sugar, which amount to about 47½ cents per ton of beets for sirup, and so forth.

Mr. HARDWICK. The Senator from Colorado is right in a way and he is wrong in a way. Testimony of that nature was before the committee, but I did not include it in my estimate. It probably ought to be included.

Mr. THOMAS. The Senator's recollection regarding the testimony is much better than mine; but in estimating the cost of the production of anything allowance should be made for everything that is of value either by way of a by-product or otherwise.

Mr. HARDWICK. I quite agree with the Senator. Probably the cost of producing beet sugar could be slightly lowered when that is taken into consideration.

Mr. SMOOT. Mr. President, in the statement made by the sugar companies, in arriving at the cost of sugar, I see that all of their expenses and all of their receipts of every name and nature are taken into account. The books are balanced, showing actual cost, and if beet pulp is sold for 25 cents a ton and the sirup is worked over, and a profit is derived from it, the amount goes into the treasury of the company just the same as receipts derived from original sugar production. Then the production of the plant is considered in connection with the receipts of the company and a showing is made of exactly what the cost of production of a hundred pounds of sugar beets is to the factory.

Mr. HARDWICK. Of course, the committee was not infallible; we may have made mistakes, and we may have left out some of the items of receipts from by-products suggested by the Senator from Colorado [Mr. THOMAS]; but I think, in the main, the Senator will find that the figures we gave in regard to the cost of production are substantially accurate both for this country and foreign countries. I think if the Senator will look into that matter carefully he will find that to be the fact.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. I yield to the Senator.

Mr. THOMAS. The Senator will pardon me for calling his attention at this point to the statement of Mr. Oxnard. In 1889, when speaking of the cost of the production of sugar, he said:

> Greater than all of the above assurances of the permanency of the sugar industry in the country is the fact that sugar can be produced cheaper here than it can be in Europe

Mr. HARDWICK. I thank the Senator from Colorado for the reminder.

Mr. President, there is one other phase of this beet-sugar question to which I want to refer before I pass on to something else.

But our beet-sugar factories insist that even if it be granted that fuel is cheaper here than abroad, and that their machinery is better than that of their foreign competitors, and that the factory labor cost is so small a proportion of the total cost of producing a pound of sugar as to be almost negligible, and therefore that any difference in factory wages is not an important factor, that still there is one overwhelming and unanswerable reason why they should have a protective tariff on sugar, and that reason is to enable them to pay the American farmer a higher price for his beets than he could otherwise get or than the farmer of any other country gets for his beets. It is therefore insisted that, after all, the man the duty protects is the American farmer, and in his name the beneficiaries of the duty attempt to call a halt on this movement to untax one of the great necessities of life. Let us look into this question and weigh it carefully. Mr. President, I sometimes think that there are more appeals to ignorance, to passion, to prejudice, in the name of the American farmer than of any other name that I can think, unless it be possibly that of the American laborer. Why the intelligence and honesty of both of them should be so often affronted is more than I can comprehend, and yet it does seem to me that this particular appeal "in the name of the American farmer" is the most unjust and unjustifiable one that I have ever heard, and I protest against it as emphatically as I can in behalf of the great masses of the American farmers throughout the country, who constitute the very backbone of its prosperity and well-being, and who demand no more than a square deal and an even chance to earn their living in the sunshine of the Almighty, unhampered by unnecessary burdens and unfair discriminations against them, and demanding neither discriminations in their favor against other people, nor special privileges of any kind whatsoever.

In the first place, take the whole body of American farmers everywhere. Have you no regard for their rights and their interests? Do you propose to make fish out of one kind of farmer and fowl out of another kind? I do not believe, as I will undertake to show you later, that the removal of this duty will make it necessary for the factories to pay the farmer any smaller price for sugar beets, nor do I believe the beet factories will be able to get the beets at a lower price, nor that the farmers will stand for such unnecessary reduction in price, but even if it did mean that the farmer must take a lower price for his sugar beets, which I utterly dispute, what then? It appeared from the testimony of many witnesses who were sworn by the sugar committee and were engaged as farmers in the production of sugar beets in the various Western States that the net profits per acre of the sugar-beet farmers varied from $19.20 to $76. Taking the average of the figures given by the first 14 witnesses on this subject, it would appear that the average net profit per acre of the sugar-beet farmer throughout the West was about $43.37 in the year 1911. According to the figures of the Department of Agriculture, the average net profit of the American farmer in the production of wheat was $3.07 per acre, and the average net profit of the American farmer engaged in the production of corn was $8.15 per acre. The above averages do not include any allowances whatever for rent of land. These are given by the department for the year 1909, but I do not believe that the figures of 1911 or 1912 will materially vary from them. The estimate of the average net profit of the American farmer engaged in the production of cotton is not above $6 per acre. It is often much less, but certainly never much larger. Now, is the American farmer who makes $3.07 on his acre of wheat, or $6 on his acre of cotton, or $8.15 on his acre of corn, to be taxed in order that other American farmers, infinitely smaller in number, shall be allowed to make $43.37 on an acre of beets? It is not right; it does not appeal to our sense of fairness and of justice between man and man.

Now, I will put into the RECORD, Mr. President, certain foreign and domestic prices paid to the farmers for their product during the year 1911, if I may have the permission of the Senate to do so.

The PRESIDING OFFICER. Without objection, permission to do so will be granted.

The matter referred to is as follows:

> In California the price of beets in 1911 was $5.30 per ton of beets grading 16 per cent, and a contract has been made for an increase of 75 cents per ton for the year 1912. (Hearings, p. 3853.)
>
> In Utah and Idaho the ruling price is $5 per ton and freight, which makes the beets cost, delivered at the factory, over $5.60 to $5.65 per ton. (Hearings, p. 797.)
>
> In Colorado and Nebraska the price averages from $5.50 per ton to $6.50 per ton. (Hearings, pp. 490, 888.)
>
> In Michigan and Ohio the customary contract calls for a payment by the factory of $4.50 per ton for beets testing 12 per cent sugar with 33⅓ cents per ton for each additional per cent of sugar in the beets, with a minimum guaranty of $5 per ton. (Hearings, p. 719.)
>
> Compare these prices with the prices paid in Europe. Mr. Czarnikaw, of London, one of the most eminent authorities on sugar conditions in the whole world, states that the usual price paid for beets in countries that are parties to the Brussels convention—and that includes most of the beet-sugar producing countries in Europe—was $5.11 to $5.48 per ton. Messrs. L. Behrens & Son, of Hamburg, fix the price at from $5.32 to $6.70 per ton. Messrs. H. J. Merck & Co., of Hamburg, reporting for the district of Stettin, fix the average price at $5.78 per ton. In Posen the price varied from $5.59 to $6.49, the average being $6.27 per ton. In Belgium and Holland the average in 1911 was $5.79 per ton.
>
> It will be noted that the American figures I first gave were those of the beet-sugar factory people and that it is difficult if not impossible to find the average price paid throughout the country from those figures. I therefore call your attention to the last annual report of the Department of Agriculture of the United States, in which it is stated that the average price paid to the farmers of the United States for sugar beets for the year 1911-12 was $5.50 per short ton, and for the three previous years $5.35 per short ton.

Mr. HARDWICK. In that connection, and for the present edification of Senators from beet-sugar States, I wish to refer to the following letter addressed to the Senator from Colorado [Mr. THOMAS], and used by me, with his permission.

In this connection, I may state that the French Government has fixed the price by statute as a war measure:

NEW YORK, *April 19, 1916.*

Senator CHARLES S. THOMAS,
Washington, D. C.

MY DEAR SENATOR: The Weekly Statistical Sugar Trade Journal of April 6, quoting from the "Centralblatt," states that a price for sugar beets in Holland has been decided upon as 24 florins ($9.65 per ton) for 14 per cent beets, with an allowance of 1½ florins (60 cents) for each degree of sugar contents above 14 per cent.

The Statistical Sugar Trade Journal has now given us the following sugar-beet prices for the campaign of 1916:

	Per ton.
Holland—	
For 14 per cent	$9.65
For 16 per cent	10.85
Austria-Hungary	8.12
French Government	9.65
German Government in Belgium	8.49
United States	5.54

Respectfully, yours,

FRANK C. LOWRY.

Mr. President, I think I shall soon be able to conclude what I wish to say on this subject. The situation that I have just been outlining to the Senate and to the country with reference to sugar conditions, sugar prices, was the situation prior to the outbreak of the European war. At the outbreak of the European war conditions changed in the twinkling of an eye, because the great bulk of European beet sugar was withdrawn from the export markets of the world.

England, for instance, the greatest sugar-consuming country in the world, next to the United States, and sometimes ahead of the United States in that respect, bought her supply of sugar from Germany and Austria-Hungary; but with the withdrawal of several million tons of German and of Austria-Hungarian, Belgian, and French beet sugar, a different condition came. We have been face to face with a condition like this: A consumption as great as ever, and possibly greater—because soldiers require an unusual amount of sugar—and a decreased production. German and other European beet fields have been planted in wheat and other food supplies. The great reservoirs of export beet sugar from Austria-Hungary, Germany, and other central European countries are no longer available. So prices have soared; and yet, because of that condition, thoughtless gentlemen are fond of flippantly saying: "Well, you reduced the tariff on sugar 25 per cent, but in spite of that reduction the price of sugar rose." Ah, gentlemen, what an insult to the intelligence of the people to whom such observations as that are addressed. No matter how much the price rose, it would have risen that much if the duty had not been reduced. If the duty had been 25 per cent higher, the price would have been just 25 per cent higher also.

Not only that, Mr. President, but I propose to put into the RECORD the prices taken from Willett & Gray's Sugar Journal, the recognized American authority and one of the recognized world authorities, showing that from the time the Underwood-Simmons bill went into effect until the war broke out the price of sugar did fall, and that it fell correspondingly with the reduction of the duty. Of course, after the war broke out normal conditions no longer prevailed; the conditions became abnormal, and the duty was so small a relative factor in price fluctuations that it was hardly appreciable. I ask permission to put that in the RECORD, Mr. President.

The PRESIDING OFFICER. Without objection permission is granted.

The matter referred to is as follows:

	Period of weeks.	Average in-bond price, 96° raws.	Cuban duty, 96°.	Duty-paid price, raws.	Average net price, refined.
		Cents.	*Cents.*	*Cents.*	*Cents.*
1904	5	2.091	1.348	3.439	4.35
1905	2	2.092	1.348	3.41	4.45
1906	14	2.072	1.348	3.42	4.375
1907	6	2.085	1.348	3.433	4.566
1911	3	2.102	1.348	3.45	4.566
1913	16	2.089	1.348	3.437	4.229
1914	(1)	2.04	1.01	3.05	3.819

(1) Mar. 1 to June 1.

Mr. HARDWICK. Now, Mr. President, I wish to call the attention of the Senate to some things connected with the people for whose benefit, to the extent of 50 per cent at least, we are going to retain the duty on sugar, their present situation, the lack of present necessity for it, and the lack of present justification for the imposition of such duty. I read first from the San Francisco News Bureau of Monday, March 6, 1916:

> HAWAIIAN SUGAR STOCKS.
>
> Honolulu.—While stocks continue to climb, investors, speculators, and all persons interested in Hawaiian sugar stock or its profits, which means practically all the business men in the Territory, are wondering how large a part of the millions now held in reserve will be paid out in special dividends. That extra dividends will be declared by most of the companies is generally conceded on all hands, though no intimation of any official nature has been given out that any such plan is in the wind. Dividends of from 20 to 30 per cent and even higher in some instances were paid by the sugar companies during 1915—

This refers to the Hawaiian companies—

> but without exception those on a paying basis piled up huge reserves—

That is in addition to the dividends paid—

> because of the then uncertain prospect of the sugar tariff. Free sugar is not even a remote danger, and there is no prospect of an early termination of the European war to reduce prices.

They are gloating over the soaring prices which our consuming masses must pay—

> With land and mills in the best condition ever known in the history of the industry on these islands, and with bulging treasuries, it is held certain that big dividends will be paid—

Paid when?

> as soon as the bill repealing the free-sugar clause has safely passed Congress and been signed by the President.

As soon as the bill repealing the free-sugar clause has safely passed Congress and been signed by the President they will cut the melon, and not until then, for fear that we might have a glimmer of intelligence, an interval of sanity, and not do this thing.

> Sixteen companies had on hand cash balances totaling $8,751,000 at the end of 1915, according to the best obtainable information.

Here is another melon that is almost ripe; and as soon as this bill "speeds on its joyous way through this Capitol to the other end of the Avenue" and receives there the Executive approval, doubtless this melon also will be cut. I quote from the New York News Bureau of March 30, 1916:

> It is understood that the Great Western Sugar Co. has been ripening a melon that is almost ready for plucking. This company, one of the largest beet-sugar producers in the world, has prospered enormously since the war lifted raw-sugar prices to the highest level of years. The common stock, of which there is $10,544,000 outstanding—

And, by the way, according to the testimony every dollar of this $10,544,000 common stock is water—

> has advanced from 50 last September to the present market of 200.

Mr. THOMAS. It is 206 now.

Mr. HARDWICK. The Senator from Colorado informs me that it is 206 now.

> There is likewise $13,630,000 7 per cent preferred outstanding, the authorized amount of each issue being $15,000,000. The American Sugar Refining Co. is a substantial minority stockholder.
>
> Great Western Sugar has paid common dividends of 5 per cent since January, 1910.

Not one dollar of that common stock is real value; it is all water.

> The company issues no financial statements, but it is said on authority that the 1915 earnings were safely over 50 per cent on the common stock. For the current year, if sugar prices hold, the company may easily earn $70 a share. Therefore, so far as earnings alone count, the company could easily multiply its present dividend, but because of the uncertainty regarding possible tariff reduction directors have so far stifled the temptation.

Here it is again—

> But, because of the uncertainty regarding possible tariff reduction, directors have so far stifled the temptation.

They also were afraid that we might have an interval of reason, that we might return to sanity and hesitate about this thing.

> Great Western had approximately $10,000,000 cash on hand at the beginning of the present year and about the same amount in sugar. It is likely that current liabilities were small, so that the excess current assets were probably equal to $200 per share on the common stock, setting off plants against the preferred stock issue.
>
> Great Western Sugar is in a position to pay a handsome extra dividend in cash or to capitalize part of its bulky surplus by the declaration of a stock dividend. The belief is prevalent that some such action is a near-by probability.

When? When this bill passes; after the motion of the Senator from North Carolina [Mr. SIMMONS] shall prevail and this bill completes its joyous way through this Capitol to the other end of the Avenue to receive the Executive approval.

I desire now to refer to the Hawaiian sugar companies. I quote from the San Francisco News Bureau, March 10, 1916:

> HONOKAA SUGAR EARNINGS.
>
> Honolulu-Honokaa Sugar Co. and the Pacific Sugar Mill, by the purchase of 175,000 shares of stock in the Hawaiian Irrigation Co. (Ltd.), the price totaling more than $95,000, now own practically all the shares in the latter corporation, according to reports presented to Honolulu and Pacific Sugar shareholders at their annual meeting.

is the American farmer, and in his name the beneficiaries of the | the three previous years $5.35 per short ton.

I am not going to read all of this article, but I ask permission to print the remainder of it in the RECORD. It shows very large earnings.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

The annual report of F. A. Schaefer, president of Honokaa, follows in part:

"The cost of producing a ton of sugar was considerably reduced, viz, from $65.136 to $54.242, these figures not including bond interest, etc., while the net profit on the crop over and above all charges was $161,819, which includes a charge of $17,720 sinking fund on the bonds, which is payable to the trustees during this year. During the year the directors, on the authorization of the stockholders, purchased a four-sevenths interest in 122,500 shares of the Hawaiian Irrigation Co. (Ltd.) for the sum of $81,473, paying for the same in cash. This purchase gives to this company and its neighbor, Pacific Sugar Mill, practically all of the shares of the Hawaiian Irrigation Co. (Ltd.) and is expected to prove very advantageous."

Referring to the annual report of F. A. Schaefer, president of Honokaa Sugar Plantation, refers to the fact that the cost of production was reduced approximately $11 per ton.

Mr. HARDWICK. Furthermore, Mr. President, I ask permission to present and have printed a table showing that the 16 Hawaiian companies during 1916 made dividends of $8,751,000, as per the list attached.

The PRESIDING OFFICER. Without objection, the matter will be printed as requested.

The matter referred to is as follows:

[San Francisco Chronicle, Mar. 15, 1916.]

SIXTEEN HAWAIIAN COMPANIES HAD $8,751,000 CASH ON HAND.

(By Charles Remington.)

Sixteen Hawaiian sugar plantations, according to actual figures in some instances and estimates in others, closed the year with $8,751,000 cash on hand. This fund has been built up during the past two or three years in anticipation of free sugar. Now, that the likelihood of free sugar in the next few years is practically past, the fund will be kept nearly intact for the purpose of meeting this or other unforeseen vicissitudes. The fund, however, is deemed large enough by most of the plantations, so that stockholders in most instances can reasonably expect a full distribution of 1916 earnings, which promise to break all records. The amount of the cash balances on hand December 31, 1915, were:

Ewa	$593,000
Hawaiian Agricultural	600,000
Hawaiian C. & S. Co.	1,316,000
Hawaiian Sugar	550,000
Honomu	240,000
Kekaha	390,000
Kohala	90,000
Maui Agricultural	1,122,000
McBryde	71,000
Olaa	453,000
Oahu Sugar	1,000,000
Onomea	715,000
Pepeekeo	400,000
Pioneer	415,000
Waialua	398,000
Wailuku	400,000
Total	8,751,000

Mr. HARDWICK. I will next call attention to some of the stock quotations and show how they have jumped since it has been found that we are going to stick to this policy of protecting the sugar industry and since the war began.

The preferred stock of the American Beet Sugar Co.—and the preferred stock, of course, has a guaranteed income attached; it is pretty nearly a fixed value—was selling at $65 on March 1, 1914, while on February 1, 1916, I think that is the date meant to be given, it was selling for $95. The common stock of the American Beet Sugar Co. sold for $20 a share on March 1, 1914, and for $68 on February 1, 1916.

Mr. THOMAS. And it is selling for $74 now.

Mr. HARDWICK. And it is selling for $74 now, my friend from Colorado suggests.

The preferred stock of the Great Western Sugar Co., which has a guaranteed income to it, rose from $91 on March 1, 1914, to $112 on February 1, 1916, and the common stock of the same company, during the same period, rose from $45 to $140, and is selling now for $200, indeed, for $206, as the Senator from Colorado [Mr. THOMAS] advises me.

The Michigan Sugar Co. common stock rose from $35 a share March 1, 1914, to $102 a share on February 1, 1916, and now it is $112, as my friend from Colorado states.

So they all have a share in this thing. There are "melons" enough for all of them, but lemons only for the consumers of the country.

Now, I will refer to some of the Porto Rican sugar companies. The South Porto Rico Sugar Co. common stock sold for $30 March 1, 1914, and for $170 on February 1, 1916.

Central Aguirre Sugar Co. preferred stock sold at $35 on March 1, 1914, and at $165 on February 1, 1916. The common sold for $15 on the first date and $167 on the second.

Mr. THOMAS. And it is now selling for $181.

Mr. HARDWICK. And it is now selling for $181, my friend from Colorado suggests.

I am not going to detain the Senate any longer on this phase of the question. The "melon" is ripe; it is to be cut, and, although the war has increased immensely the price of sugar, we are going to add to it just a little bit more by retaining the duty of 1 cent a pound. If we take it off, no matter to how high a level the war may send the price, we would reduce it from that high level at least 1 cent a pound——

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. HARDWICK. I yield.

Mr. NORRIS. Does the Senator think so long as the war conditions exist the tariff has any effect on the price of sugar?

Mr. HARDWICK. Yes, sir; absolutely. That has been demonstrated mathematically. Let me give the Senator a further answer to that question, and I am glad he has asked it, for, perhaps, I have not made that plain. There are many other considerations besides the tariff that determine the price of a product, such as supply and demand, and a number of other considerations of that character. I think I have named the most important. With the great reduction in the supply and no corresponding increase in the demand, but, on the contrary, if anything, an increase in the demand for sugar, of course the price must soar, even if the tariff remains stationary; but no matter how high it goes, the price will go just that much higher if you raise your tariff duty. The tariff duty is just that much more added to the price.

On the other hand, no matter how high the price is, if you take the duty off sugar will go down in price that much, even from the high level where other conditions send it. That has been repeatedly and mathematically demonstrated with special reference to the sugar tariff; it has been proven by undisputed figures by all the greatest sugar experts in the world that that is true and that that has been the effect on the price of sugar of every tariff change that this country has made respecting that commodity. Of course, sugar will be high as long as the war goes on, because the world has not the supply of beet sugar from central Europe from which to draw; but if the tariff is raised, the price will be that much higher, and if the tariff is lowered the price will be that much lower.

Well, there may be two or three views of that. The practical politician might say, "Well, the war has carried the price of sugar so high anyhow that, even if you take the duty off, the price of sugar will still be higher than it was before the war broke out, and therefore the people will not know that you have done anything for them by reducing or removing the duty." But is that the logical way of looking at it? Is that the statesmanlike way of looking at it? Is that the way the American Senate, the American Congress, and the American President ought to look at it? If war conditions have made the price of this great article of food necessity higher than it was before the Underwood-Simmons bill passed, then there is all the more reason why we should reduce it as much as we can and lay no tax whatever upon it.

Mr. President, there are only one or two things more I desire to say about this matter before I am ready to vote on the motion of the Senator from North Carolina.

It has been one of the favorite statements of gentlemen who opposed free sugar that the trust will be benefited by it. Some of them may not know any better. I think, however, that some of them ought to be informed once and for all time on that subject.

Of course before you start out on an undertaking like that you must have it clearly and definitely understood what is means by "the trust." I do not think the Senator from Utah, for instance, would disagree with me that in the common acceptation of that term as applied to the sugar industry "the trust," commonly called and generally known as such in this country, is the American Sugar Refining Co.

Mr. SMOOT. I agree with that.

Mr. HARDWICK. It is by far the largest of the refiners, larger than all of its competitors combined, unless my memory of the figures is in error; and while it has some active competition and some tolerably strong competition and some honest competition, yet after all it towers head and shoulders above them all, and as Mr. Atkins, its president, said—he coined that famous phrase—"it holds the umbrella for all the rest."

I have heard the statement made in this debate by Senators who ought to know better and who ought not to make it that "the trust favors free sugar." I want to refer gentlemen of that kind to the testimony, and I am going to read it right here in the Senate now. I read from the hearings before the

Ways and Means Committee of the House of Representatives on the Underwood-Simmons bill when that bill was pending before the committee of that body.

Mr. Atkins, vice president of the American Sugar Refining Co.—the trust, and the only trust, I want to say to the Senator, after two years' investigation, that I have been able to discover in this industry—in testifying before the Ways and Means Committee on January 15, 1913, stated as follows:

Mr. HARRISON—

Mr. Francis Burton Harrison, of New York, then a Member of the House of Representatives and now Governor General of the Philippine Islands, was conducting the hearing, or this part of it—

Mr. HARRISON. I would like to ask the witness a question. Mr. Atkins, you are vice president of the American Sugar Refining Co., which is popularly known as the Sugar Trust?

Mr. ATKINS. It is sometimes referred to as that.

Mr. HARRISON. Do you appear here representing the sentiment of the directors of that company?

Mr. ATKINS. Yes, sir; with their authority.

Mr. HARRISON. Are you in favor of free sugar?

Mr. ATKINS. I am not and my company is not.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. HARDWICK. I yield to the Senator from Utah.

Mr. SMOOT. At that same hearing I think the Senator must admit that Mr. Charles R. Heike, secretary of the American Sugar Refining Co., testified——

Mr. HARDWICK. This was the testimony of Mr. Atkins before the Ways and Means Committee of the House.

Mr. SMOOT. Mr. Heike was secretary of the American Sugar Refining Co.

Mr. HARDWICK. I do not want to yield to the Senator for that, because I can state it. I am perfectly acquainted with the facts.

Mr. SMOOT. So am I.

Mr. HARDWICK. Mr. Heike was the secretary.

Mr. SMOOT. That is what I say.

Mr. HARDWICK. He said his personal opinion was in favor of free sugar, but that he did not undertake to speak for his company; he knew his company opposed it. They always opposed it, and he stated he wanted it distinctly and clearly understood that this was only his personal opinion. By the way, he was at outs with them then. He was not in their employ at that time. He had been their secretary. His connection with the company had been severed then.

Mr. SMOOT. He testified that he was the secretary.

Mr. HARDWICK. I think he had severed his connection with it at that time. If I am in error I shall be glad to be corrected. He died soon afterwards. He had a whole lot of trouble, and was indicted about some of the frauds in connection with the weighing of sugar.

Mr. SMOOT. He without doubt died after he testified.

Mr. HARDWICK. Of course he did not die before he testified, but I think that at the time he testified he was no longer the secretary of the American Sugar Refining Co. He died soon after that, and my recollection is—the Senator can go back to the hearings and verify that——

Mr. SMOOT. I have them here.

Mr. HARDWICK. I know; I have them, too. The Senator says he has the hearings. Do they say that he was at that time the secretary?

Mr. SMOOT. I will turn to the testimony.

Mr. HARDWICK. All right. The Senator can correct me if I am in error. My recollection of it is that he said he had been secretary, and that he was no longer the secretary; that he no longer had any connection with the company. I think I am right about that, but if I am wrong it does not matter. The Senator can correct me either now or later on. But I know I am right about this; if my recollection was not correct about the other matter, it is about this—that when Heike expressed his individual opinion, he said, "Why, I am a free trader about everything, but I want you gentlemen to understand that this sentiment does not represent the position of my company at all, and nobody on this earth but me is bound by it." Now, there is no need of talking about whether the trust wants free sugar or not. Here it is. The trust swore, through its vice president and its acting executive—it had no president, or no active one, at that time—that he was speaking by authority of the directors and for his company, and that he was opposed to free sugar; so I do not think that the statement ought ever to be made again, in this body at least, that the "trust" favors free sugar. The exact reverse is true. The trust opposes free sugar now, and has always done so.

Now, Mr. President, just one other thing. We are about to pass on this motion of the Senator from North Carolina, and I find myself utterly unable to vote for the motion, although I know it is to prevail. I am willing to vote against it even if there is no vote but mine against it. I find myself unable to agree to the course that a majority of my Democratic colleagues on this side, from the very depths of their ignorance of this question, I think, in all charity to them, feel impelled to adopt. I believe if they understood it, as I think I know it after years of study, they would suffer almost any penalty. I have such a high opinion of each and every one of them, before they would do any such thing as this. In my judgment they surrender the very citadel of the Democratic tariff position by any such action as this; and, feeling that way about it, it is impossible for me to join in any such surrender.

I have spoken all over my State in favor of free sugar. At the request of the Democratic National Committee I was sent during the last campaign to many places where it was thought that a sugar argument would prove potent, to plead for the election of a Democratic President and a Democratic Congress, and to give free sugar as one of the reasons why we ought to elect both. I find it impossible, therefore, to yield my convictions on this subject. They are as strong as it is possible for human convictions to be. They are matured after years of study and years of investigation. I have no criticism and no feeling of unkindness toward my colleagues, Democratic or Republican, who feel that they must join in this movement and help "speed this bill in its joyous passage" through this body. For one, I simply can not do it; and I would that we still had in this body, on both sides of this aisle, more Senators who would join me in this effort to stand by the real interests of the consuming masses of the American people.

When this same Mr. Atkins was testifying before the special committee of the House, of which I had the honor to be chairman, and we asked him why not have free sugar, he ventured this observation:

They have never been able to get a reduction of the duties on sugar for this reason. There are 17 States in the Union producing beet sugar. Every one of these States has two Senators. There are 34 Senators, and every one of these Senators is a Republican. * * * They have never had an opportunity to get that reduction down. The probability is that they can not get any reduction now (1911) in the face of such strong opposition as that is.

So that the head of the Sugar Trust said at that time, in 1911, that there were 34 reasons why we could neither get free sugar nor get a material reduction in the duty on sugar from this Congress—34 reasons, 2 Senators each from 17 beet-producing States. That was his observation. Is he right?

Ah, Mr. President, the great men of this country, the men who have written its great tariff laws in the past, even when they did not agree with my party, even when they did not hold the views that I hold and occupy the position that I occupy on this great question, were not insensible of the country's real interests in respect to it.

When William McKinley reported the McKinley bill to the House of Representatives he said on the floor of that body on May 20, 1890:

I would have preferred, Mr. Chairman, if the article of sugar could have been left in the tariff schedule upon the dutiable list. This, however, was not practicable in the presence of an almost universal sentiment in favor of the removal of the entire duties upon this article of universal family use.

McKinley said he would like to keep it on the dutiable list, but it was not practicable, because the American people would not permit it—even then, in 1890.

In the same debate the gentleman from Maine, Mr. Dingley, used this expression:

The duty collected on sugar and molasses the last fiscal year was $55,975,610, or nearly 2 cents per pound. Adding to this the increased cost of 275,000,000 pounds of sugar produced in this country, equivalent to the duty of 2 cents per pound, and the duty imposed on these articles was practically a tax of $63,500,000, or $1 per head, on the people of this country.

Inasmuch as there is scarcely another article of common use not now on the free list which can not be promptly produced or made here nearly or substantially to the extent of our wants, the transfer of sugar and molasses to the free list will afford conspicuous relief to the people of this country.

Mr. President, Mr. Dingley was frank. He admitted that you added the amount of duty to the price of every pound of sugar, domestic as well as foreign, that was consumed in this country.

Again I read from another distinguished Republican of long and honorable service at the other end of this Capitol, Hon. JOSEPH G. CANNON, of Illinois, who on May 20, 1890, said, when the McKinley bill was up:

Mr. Chairman, the placing of sugar on the free list will relieve each inhabitant, rich and poor, of $1 per annum of tax, and at least 50 cents of extortion levied by the sugar refiners.

The gentleman from California asks, Why give a bounty to the producers of sugar in the United States? Well, I answered my friend, I am not anxious to give a bounty if you do not want it. My principal anxiety is to place sugar on the free list and relieve the people from this great burden of taxation.

In 1894, when the Senate amended the Wilson bill, the late Senator Allison, of Iowa, said on this floor on June 8, 1894:

If I had my way, I would strike from this bill every vestige which provides a duty on sugar.

Mr. President, if I stand alone in this matter I am opposed to the motion made by the Senator from North Carolina. If we need revenue, we can go to many other places with far more fidelity to Democratic principles to raise it than to this common necessity of life. If we need a revenue and can get it nowhere else except from sugar, then we ought to provide that every dollar that we wring from the necessities of our people shall go into the Public Treasury, and not a penny of it into private pockets.

Mr. OWEN. Mr. President, I believe the Government of the United States will be obliged to raise a very large amount of additional revenue in carrying out the policy of preparedness; but in doing so I believe it is the duty of the Representatives of the people in Congress assembled to raise this revenue where it will be felt the least, to raise it from the gigantic fortunes which under our system of government have grown up in this country. I think we should have a progressive inheritance tax, as they have in every one of the European countries, and from that source we ought to raise not less than two hundred millions per annum, and in that way meet the cost of preparing to defend this country and the wealth of this country.

It is a character of tax which will fall without oppression upon any person in the Republic. It certainly will not wound the feelings of the individual who has accumulated a gigantic fortune from whatever source, be it from the unearned increment or from the development of monopolies or the manipulation of the stock exchange, because he is dead; certainly it will not wound the feelings of the man who leaves the estate, because he has passed beyond the point where he has any care one way or the other for the possession of property. He has gone to a country to which he can not transfer his control over material things. It will not wound the feelings of his heirs, for the reason that when a man receives an inheritance of a million dollars he will not very closely measure whether or not the Government has taken over a small percentage of that vast inheritance.

We have in this country estates which go into the hundreds of millions of dollars; and I believe we ought to impose a tax, not upon the food of the people of this country but upon these gigantic estates. I do not wish to see this tax levied upon the breakfast table—to use that figure of speech—when just to that degree it relieves great estates from a tax which a wise public policy would impose upon them in any contingency. These estates have been growing so large that we have already reached a point in this Nation where a just public policy ought to abate them as containing within themselves and their prospective growth a menace to the peace and to the liberty of other men.

When a man has in his estate a thousand million dollars and can transfer it to a single individual, it is difficult for the human imagination to look forward and ascertain how great these fortunes will grow under a law permitting the perpetual life of corporations; and when they grow in this way they involve the material domination by their owners over the lives and over the happiness of hundreds of thousands and of millions of other people without any adequate control by law. I think the liberty of the world and the happiness of the world require that there shall be some decent limitation put upon the dangerous accumulation of property.

I regret very much that this issue has arisen; and I believe that the country ought to understand that we can raise these funds from these gigantic estates and remove this tax from the food of the people of this country; and I want to express my earnest opposition to any tax on sugar, though I realize that the demands on the Treasury are so great that many of my colleagues are persuaded they can not escape the demand for the tax on sugar.

Mr. KENYON. Mr. President, I want to say only a word. I understand other Senators desire to speak on this subject, but I can not let this opportunity go by without paying tribute to a very distinguished Member of this body, in view of this vote about to be taken.

Men of various attainments secure seats in the Senate. Some are particularly noted for wisdom, others for oratory, a few for looks [laughter]; but there is one Senator here, able, affable, brilliant, and likable, who, when this vote is taken to-day, must be crowned as the only really successful prophet of the Senate.

I remember a very warm September evening when the distinguished Senator from Kentucky [Mr. JAMES] was referring to the record of the Democratic Party and taking to task rather severely the distinguished senior Senator from Louisiana [Mr. RANSDELL], who is the Senator I have in mind, because of the position the distinguished Senator from Louisiana was taking at that time as to the sugar tariff. The Senator from Louisiana said:

In conclusion, Mr. President, without claiming the gift of prophecy, I say unhesitatingly that in my judgment, before the three years have rolled around which will place sugar upon the free list, dismantle the factories of Louisiana, condemn thousands of people there who are now in easy circumstances to poverty and distress, and bring ruin upon a great many engaged in sugar production in our Western States, Hawaii, and Porto Rico, the Democratic Party will hear from the people of this Nation in no uncertain tones.

Mr. President, the three years have not as yet expired, but the prophecy made at that time by the distinguished Senator from Louisiana is now to be fulfilled. The brilliant and oratorical Senator from Kentucky [Mr. JAMES] at that time referred to the fact that the Senator from Louisiana was headed toward the Republican Party, and now it appears that the Democratic Party almost en masse on this protective-tariff question is headed toward the Republican Party. While the Republican Party has not as much room now as it had in 1912 and is becoming more crowded every day, it still has plenty of room to welcome all these distinguished converts to the protective-tariff policy.

I wish I had time in this connection to refer more in extenso, in a perfectly good-natured way—because I am rather enjoying this matter—to the speech made by the distinguished Senator from Kentucky [Mr. JAMES]. He is one of the great orators of this body and of the country. He referred that evening, with the galleries crowded, to the speech of the temporary chairman at Baltimore for free sugar, and to his own speech at Baltimore in which he referred to free sugar, which seemed to have been received with applause from the convention. He said, in substance, as I remember, that the Democratic Party was going to lift one hundred and forty millions of taxation from the backs of the people by giving them free sugar; that this meant 140,000 homes for the poor laboring men of this country, homes valued at a thousand dollars each—and now what is going to become of all these 140,000 homes that our good Democratic friends were going to save to the laboring people of this country?

He said, among other things:

For 125 years—

Referring, I suppose, to the sugar people—

they have had their hands in the pockets of the American consumer, taking just a little; that is all. Just a little from each of 20,000,000 breakfast tables; just 2 cents upon each pound of sugar that the poor man carried home; that is all. "But it is just a little, and therefore you ought not to stop us from petty pilfering."

That is the language, he assumed, of those who were pilfering.

There are many interesting parts to this speech, which is worthy of the careful perusal of every one. I am surprised that the Senator from Kentucky has not appeared, before this terrible outrage is consummated and sugar restored to a protective tariff basis, in time to "save the child."

The Senator from Montana [Mr. MYERS] also elucidated, in a speech previous to that time, some views on this subject. It seemed he had received a telegram from the Commercial Club of Moore, Mont., advising him to stand pat for a proper protection of the sugar and wool industries. The telegram says:

Standing pat for a proper protection of the wool and sugar industry will be appreciated by your constituents in this vicinity.

The Senator from Montana put in the RECORD of that date, May 16, his reply to this commercial club.

I assure you—

He said, among other things—

that I am standing pat, but I am standing pat for the people. I must respectfully decline to stand pat for the protection of the wool or sugar industry or any other special interest enjoying special privileges for the benefit of the few at the expense of the many. * * * I can not surrender my convictions.

In one of the speeches of the distinguished Senator from Kentucky [Mr. JAMES] on this subject he referred to the position of the President on this matter. He said also that this infant was 124 years old; that it was ready to be weaned. Now, they have added three years more to its age; it is 127 years old, and why should it not be weaned now? And he referred to the President writing upon the color lance of the Democratic Party:

No compromise; I am seeking none; I ask none; I want none. I am for free sugar and I am for free wool.

Oh, consistency, thou art a jewel! but thou art not found in the Democratic Party.

He also said:

The President, Woodrow Wilson, has been denounced as a dictator. Why? Because he has dared to stand for the faith as written in our platform. * * * Because he believed in and advised in favor of free meat and free bread and free sugar and free wool he is denounced as a dictator. But the American people will answer at the ballot box and say, "If that be dictation, then long live the dictator who stands for that doctrine in our American life."

Where is that doctrine now? Ask of the winds that far and near strew the broken planks of the Baltimore platform.

And so, Mr. President, I might go on and refer to the other parts of these speeches. They are worth reading. And we find our Democratic friends now embracing protection to sugar. I say this in no spirit of criticism. I am glad they have discovered that changing conditions in life call for changed economic policies; that free trade, while beautiful in theory, is not best for our country—and we have had a great many doctrines along the lines of the "new freedom" set aside. We find free tolls in the Democratic platform set aside; free sugar now set aside; free silver sometime ago set aside; free trade, which will probably be hereafter entirely set aside.

All these children of Democracy seem lost in the wilderness of the "New Freedom." No more should their platforms denounce all protection as fraud and robbery. Let the St. Louis platform at least except sugar. They can not be blamed for what they are doing. They are acting wisely; and when Democracy acts wisely let us give them due credit. We ought to congratulate them and not find fault with them, and I am sure we do not. We join with them because we believe in the doctrine of a protective tariff; and as they are becoming converted in great numbers and marching down the aisle to the mourners' bench—"hitting the trail," so to speak—we can almost in imagination hear the choir as it sings:

While the lamp holds out to burn
Protection Democrats may return.

Mr. THOMAS. Mr. President, I have enjoyed the remarks of my distinguished friend from Iowa [Mr. KENYON] quite as much as any Republican possibly could. Indeed, I have been cheered by the fact that the Senator has found a prophet in Israel upon this side of the Chamber.

I remember the debate very well to which the Senator referred. I was much interested in it, and deprecated it somewhat as a controversial matter between two good Democrats. I confess I did not at the time pay much attention to the prophecy of my friend from Louisiana, and it had not dawned upon me that he was inspired until my attention is called to it by the Senator from Iowa.

That prophecy, however, Mr. President, has had its fulfillment in a great world-wide calamity, the causes of which have been a subject of some speculation to me until now. In view, however, of what the Senator has said, I perceive in the European war a manifestation of divine displeasure against the Democratic tariff, for it is that which prompts the action which the Senate is about to take. It is somewhat remarkable, too, that the U-boat controversy between the United States and Germany culminated at a psychological moment, thereby forcing the hand of the Democratic majority and requiring it to continue the duty upon sugar indefinitely, because the Government needs the revenue.

Verily my friend should rejoice, not only because he thinks Democrats are coming to the attenuated Republican fold but also because of this providential interference in behalf of protection, forcing the hand of its Democratic opponents and impelling them to assume the inconsistent but, in the opinion of the Senator from Iowa, the very happy position of protection apostasy.

But, Mr. President, there is another unexpected outcome in this situation, not a fulfillment but the overthrow of prophecies monotonously uttered upon the other side of the Chamber. I recall that during the discussions over the tariff in 1913 the Democratic caucus received constant and universal denunciation at the hands of Republicans who abhor caucuses but delight in conferences. Then and many times since they predicted that the people would rise up against the caucus and consume it in the fierce fires of their indignant wrath. But no such catastrophe has occurred or is likely to occur. Quite the contrary.

We have had two caucuses recently upon this subject. The first committed the Democratic Party to the extension of the duty for four years, and we acted accordingly. Almost immediately after the conference committee had its meeting with the House Members, who did exactly what we knew they would do. They insisted upon their own provision and refused to recede. Thereupon another caucus was called and informed of the situation. Thereupon we abandoned our stand and gracefully or otherwise accepted that of the House conferees.

Mr. SIMMONS. If the Senator will permit me, he certainly does not want to misrepresent the matter in saying that we had one conference.

Mr. THOMAS. Certainly not.

Mr. SIMMONS. We had repeated meetings for a week.

Mr. THOMAS. I accept the Senator's correction. Several meetings were held, but they all began and ended the same way. We did not stand by our guns.

However, what I wish to emphasize is that Republican prophecy regarding the outcome of Democratic caucuses has not only miscarried, but we have reached a period when the Republican minority proposes to accept the dictates of a Democratic caucus and vote in accordance with its requirements. Whether the fulfillment of the prophecy of the Senator from Louisiana is worse than the miscarriage of the oft-repeated prophecy of the other side I will not attempt to determine.

Mr. OLIVER. Mr. President——

Mr. THOMAS. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I simply wish to ask the Senator whether the measure as now proposed emanated from a Democratic caucus. I was not aware of it.

Mr. THOMAS. I supposed everyone knew that.

Mr. OLIVER. We do not know anything that happens in the caucus on the other side.

Mr. THOMAS. Not always, but frequently; and when we act agreeably to the Republican purpose the news is apt to travel pretty fast.

Mr. President, I simply have a word to add. I did not intend to speak at all again upon this subject, but inasmuch as I am upon my feet I will refer to the capitalization of the beet-sugar companies, and I do that in view of certain statements made by my very genial friend, the senior Senator from Michigan [Mr. SMITH], a few days ago. I may concede, so far as the principle of the thing is concerned, that it makes no difference whether $1 or $100,000,000 is invested in the enterprise, although the larger the amount the more serious would be the evil consequences of a given line of legislation if injury were to flow from it. It must have been upon that theory that the sum total grew so largely in the vision of the Senator from Michigan. If my memory serves me aright, he told the Senate that something like $100,000,000 had been invested in the sugar-beet industry in the United States. The Senator from Utah [Mr. SMOOT] made the suggestion that it was very much more than that. I made some inquiry of the Senator from Michigan as to the foundation for this statement, because my own investigations in regard to the subject did not justify the conclusion.

I think that unless all the water that has been poured into beet-sugar capitalization is to be considered as money actually invested, the assertion of the Senator from Michigan can not be sustained by the facts. I investigated this subject thoroughly some three years ago, and in a speech in September, 1913, upon the general subject of protection to sugar I considered that as of prime importance to the general proposition. I then stated my conclusion, as follows:

The cost of beet-sugar mills was formerly placed by manufacturers of sugar-mill machinery and by the sugar men at $1,000 per ton of slicing capacity. There was no question about it 10 or 15 years ago. That figure then seemed to be sufficiently large, notwithstanding the fact that most of the machinery then employed in the industry was imported from Germany. Our manufacturers at that time had not reached the point in production where they were able to supply the demand for such machinery. A thousand dollars per ton slicing capacity, therefore, seemed then to be ample. But since then other sugar men have estimated the cost of sugar factories at $1,250 to $1,500 per ton of slicing capacity.

I then referred to Mr. Blakey, who was and is a standard author on the subject, and quoted from him as follows:

The capitalization per ton of daily slicing capacity in 1889 was $1,097; in 1904, $1,502; and in 1909, $2,458.

This progressive increase of cost occurred in the estimates notwithstanding the fact, Mr. President, that the cost of machinery to the beet-sugar manufacturers was decreasing instead of increasing, the demand being supplied more and more, and finally altogether, by American manufacturers.

There were 76 companies at this time, as reported by the Hardwick committee. This was January, 1913. Their total daily slicing capacity was 63,550 tons. This represents an investment of capital, at $1,000 per ton, of $63,500,000; at $1,250 per ton, $79,437,500; at $1,500 per ton, $95,325,000. The total capitalization was $141,410,000.

Mr. President, I think there can be no question but that 50 per cent of the capitalization of one hundred and forty million and odd dollars then invested in beet-sugar factories was water, pure and simple, and I have no doubt in my own mind that the proportion is really greater. For example, the Great Western

Sugar Co., capitalized for $15,000,000 preferred stock and $15,000,000 of common stock, which last is admittedly water, represents as preferred stock the capitalization of the constituent companies at the time of their consolidation in the present organization.

To show how this preferred stock was watered through the subsidiary concerns I need only to refer to one of them, the Sterling Sugar Co., of Colorado. Its equipment was second hand and secured from a Saginaw factory in Michigan. It cost the Sterling Co. $300,000. Its slicing capacity was 600 tons per day, and probably cost $600,000 originally. That concern was thrown into the combination at one and a half million dollars; that is, one and a half million dollars of the $15,000,000 of the preferred stock of the Great Western Co. The $600,000 was increased 150 per cent before it was merged into the preferred stock of the existing company, which regards that stock as representing money actually invested.

The notorious disproportion between the preferred and the watered stock of the American company is, of course, familiar to every Senator.

Now, let me refer for a moment to the United States Sugar & Land Co., located at Garden City. That represents an actual investment of $900,000, but it is capitalized for $8,000,000, an amount so far in excess of the actual investment as to be startling even in these days. I have the word of a very prominent official of the Great Western Co. regarding the subject to which I am now referring. Speaking of the attempt of the same people to establish a factory at Sheridan, Wyo., and of his desire to do away with the possible competition resulting from such an establishment Mr. Boettcher, in writing to Mr. Morey, says:

But I fear I will not be able to do anything with them, as they tell me they have sold their common stock of the Garden City plant, which they are now building, at $50 per share and upward. They frankly admit that this common stock is all water and does not represent anything; that is the way they are making their money. They feel they can do the same thing in Sheridan and claim they have a ready sale for their common stock. Most of their stock is sold.

Now, let me refer for a moment to the Michigan Sugar Co., which is one of the organizations in the Senator's own State and in which the American Sugar Refining Co. is a large stockholder. It has a daily slicing capacity of 5,450 tons. Its actual cost was about $5,500,000. It is capitalized at $12,500,000, and the company's balance sheet for 1913 gives good will as a consideration for $5,000,000 of its water. Its good-will item was valued in previous years at $500,000 only.

I think, Mr. President, I have called attention to enough specific instances to justify the contention that instead of $100,000,000 or $141,000,000 of actual cash invested in this business 50 per cent of that amount is a very liberal estimate. This capital has been paid back twice over since these companies were formed and their water is selling above par. We are now about to donate to these companies, so richly watered and well endowed, the power to levy a tax indefinitely hereafter upon the consuming millions of the United States of 1 cent per pound on sugar manufactured by them, or $43,000,000 per year, an amount of money equivalent to 43 per cent of $100,000,000 and 30 per cent of $141,000,000, the only compensation for which is the collection of a similar amount upon the sugar that is imported from other countries to make up the deficiency and which is paid into the Treasury of the United States. This is unnecessary. It is wrong. It is without justification.

For my part I can not afford to cast my vote now differently from the manner in which I cast it in September, 1913, upon this question. For my part, Mr. President, I can not resist the conclusion that the governing motive for this legislation is not a necessity for revenue, because if it were so we would substitute for this act an excise tax of 1 cent a pound upon all sugars, domestic and foreign, and thereby realize a revenue of $86,000,000 pear year to meet our constantly increasing needs, every dollar of which would go to the Government.

Mr. President, I can not by any system of reasoning of which I am capable of understanding justify the necessity of changing our position simply because conditions are changed which require a continuation of this revenue. If that position is correct, we ought to restore the duties on wool because we need the money. If our position is correct, we ought to restore the duty on iron and steel and upon all the other additions we have made to the free list. It is not correct, Mr. President, and the masses of this country will not accept it as correct, albeit my friend the Senator from Iowa is so ready and so willing to welcome to the depleted ranks of his own party the former conquering hosts of democracy. But he will not get them.

Now, Mr. President, I have said all I care to say. I have already trespassed too long upon the patience and the time of the Senate. I had occasion to express my views upon this subject when the bill was before the Senate for consideration. There are other Senators who wish to be heard and who have a greater claim than myself upon the remaining time for this discussion.

Mr. SMOOT. Mr. President, I do not intend to-day to enter into a general discussion of the necessity of the tariff upon sugar, nor will I take the time of the Senate to state the reasons why the sugar industry of this country is more than prosperous at this time. I am not going to deny that the sugar companies of the United States are making exorbitant profits at this time, more than they ever dreamed of making, and that the dividends they will pay in the near future will be such that the American people would not submit to if the American people did not know the actual reason for it.

There is not a Senator who does not know that the condition of the world brought about by war is the cause of the extreme high prices asked for sugar. It is for that reason, Mr. President, and that only, that the sugar companies of this country are as prosperous as they are to-day.

I believe that all the sugar companies of the country ought to divide a part of the profits that they are making to-day with the farmers who raise the beets, and I am very proud to say that the sugar companies of my own State and of Idaho have given to the beet growers a part of the extra profits that have been made by them brought about by the conditions existing in the world to-day, for they declare——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. I think that the States the Senator has mentioned constitute honorable exceptions to the general rule. There are no increases that I know anything about in my State.

Mr. SMITH of Michigan. While the Senator from Colorado is giving his testimony I desire to give mine. They are paying the highest prices for beets in my State ever paid.

Mr. SMOOT. The way the officers of the Utah and Idaho sugar companies proceeded to give the beet grower a part of the profits was to give each grower a given number of pounds of refined sugar for every ton of beets produced by him during the year. That was done without solicitation, and I hope to see it continued as long as the price for sugar continues as high as it is at the present time.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I yield.

Mr. HARDING. I only want to ask the Senator from Utah if he is aware that all contracts with the cane growers of the Hawaiian Islands are fixed on a basic price of sugar in New York according to the advance in the market?

Mr. SMOOT. I will state to the Senator from Ohio that I am aware of it. I was only speaking of the beet-sugar industry in this country at present, and I have not the time to go into the question of production of cane sugar in Hawaii.

Mr. President, the Senator from Georgia [Mr. HARDWICK] has tried to make it appear that Mr. Claus A. Spreckels is working for the interest of the people and wanted the duty on sugar removed because of his love for the people. On July 21 and 22, 1913, in addressing the Senate on the subject of sugar, I quoted from the testimony of Mr. Spreckels in substance as follows:

The beet-sugar growers make the competition severer all the time. I have been carrying on a campaign to reduce the tariff, which is not beneficial to the cane-sugar refiners. I want free trade.

On August 12, 1913, Mr. Spreckels addressed a letter to me, as follows:

FEDERAL SUGAR REFINING CO.,
SMITH & SCHIPPER, AGENTS,
118 Front Street, New York, August 12, 1913.

Hon. REED SMOOT,
Senator from Utah, Washington, D. C.

SIR: I note in a speech that you made in the United States Senate on July 21 and 22 you quote me as saying: "The beet-sugar growers make the competition severer all the time. I have been carrying on a campaign to reduce the tariff, which is not beneficial to the cane-sugar refiners. I want free trade."

Kindly state your authority for making this assertion.

Respectfully,

C. A. SPRECKELS.

I answered that letter August 14, 1913, as follows:

WASHINGTON, D. C., *August 14, 1913.*

Mr. C. A. SPRECKELS,
Federal Sugar Refining Co.,
118 Front Street, New York, N. Y.

SIR: I am in receipt of your letter of August 12, 1913, stating that you note in a speech that I delivered in the United States Senate on July 21 and 22 I quote you as saying: "The beet-sugar growers make the competition severer all the time. I have been carrying on a campaign to reduce the tariff, which is not beneficial to the cane-sugar

refiners. I want free trade." You ask me to kindly state my authority for making this assertion. I gladly do as you request, and refer you to your testimony given before the Hardwick committee, with reference to the sugar tariff.

On page 2269 the following questions were asked you by Mr. HINDS, and your answer likewise appears:

"Mr. HINDS. And they [the beet-sugar people] make the competition severer, if it is competition?

"Mr. SPRECKELS. Yes.

"Mr. HINDS. Continually?

"Mr. SPRECKELS. Yes, sir. They have frequently come as far as Pittsburgh." (C. A. Spreckels, 2269.)

On page 2275 appears the following:

"Mr. HINDS. Mr. Spreckels, you have been carrying on a campaign to reduce the tariff as beneficial to the cane-sugar refiners?

"Mr. SPRECKELS. I have.

"Mr. HINDS. Of course, that will be damaging to the beet-sugar refiners?

"Mr. SPRECKELS. To some extent it will." (C. A. Spreckels, 2275.)

The following appears on pages 2277 and 2278:

"Mr. HINDS. In other words, perhaps, you would take it [the tariff] off, would you not, and have free trade?

"Mr. SPRECKELS. I would have free trade.

"Mr. HINDS. You would have free trade in sugar?

"Mr. SPRECKELS. Absolutely." (C. A. Spreckels, 2277 and 2278.)

This is my authority for making the statement I did in my speech.

Respectfully,

REED SMOOT.

Mr. SMITH of Michigan. Who signed the letter?

Mr. SMOOT. I signed the letter in answer to the demand of Mr. Spreckels to know by what authority I made the statement attributed to him in the Senate on July 21 and 22, 1913. The Senate will notice that I quoted his exact words. I never received a letter from Mr. Spreckels in answer to my letter of August 14, 1913.

Mr. SMITH of Michigan. If the Senator will permit me, I think it is notoriously true that every shipment of sugar made by the Spreckels concern for a long period preceding the free-trade bill contained a circular in favor of free sugar.

Mr. SMOOT. There is not any question about that, Mr. President.

Mr. SMITH of Michigan. I saw a number of them myself, and I think they were sent out pretty generally.

Mr. SMOOT. I will say to the Senator from Colorado that I suggested that the amount of capital invested in the sugar companies of the United States was over $100,000,000 because I had seen that statement so many times, and I thought it was well understood; and I find in the hearings before the Ways and Means Committee of the House a statement of Mr. Lowry giving the exact figures quoted by the Senator from Colorado. Mr. Lowry says:

I call attention to the fact that the cost of erecting a beet-sugar factory is based on $1,000 per ton slicing capacity.

He gives the names of the companies, the location of the plants, the capitalization, including bonded indebtedness, and the daily slicing capacity, showing that their capitalization, including bonded indebtedness, was $141,410,000.

Mr. THOMAS. Will the Senator from Utah permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Yes.

Mr. THOMAS. I will say that I obtained my figures from the Hardwick committee, from Mr. Blakey, and from two other sources also. Those were the principal ones. They are practically identical.

Mr. SMOOT. These are identical with the figures which the Senator quoted; for I followed him very closely in his statement as to the capitalization of the different sugar companies to which he referred in his remarks this afternoon.

Mr. President, Mr. Lowry may know more about the construction of a sugar mill than do the men who put up the money for constructing it; he may know more about the cost of operating a sugar factory than does anybody else in the United States; but I doubt it. Mr. Lowry acted as an agent for Mr. Spreckels. There was an organization formed called the Wholesale Grocers' Association of America.

Mr. HARDWICK. The committee of the Wholesale Grocers' Association of America was the title.

Mr. SMOOT. Yes; the committee of the Wholesale Grocers' Association of America. It consisted of Mr. Lowry and Mr. Spreckels.

Mr. SMITH of Michigan. They constituted the total membership.

Mr. SMOOT. The amount of money collected to make that propaganda was $12,000. Not a single soul paid a dollar of the $12,000 but C. A. Spreckels. Nobody spent a cent but Mr. Spreckels's henchman, Mr. Lowry.

I made the statement, in an interruption of the Senator from Georgia, that Mr. Lowry had testified before committees of Congress that he was in favor of a duty of 50 cents a hundred on sugar. Let us see if I was correct. I can refer not only to one place, but I can refer to half a dozen places, where he testified that——

Mr. HARDWICK. Will the Senator pardon me just there?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Yes.

Mr. HARDWICK. I do not think that that fact was disputed. The difference between the Senator from Utah and myself came about in this way: He said Mr. Lowry expressed it, that that was his individual view, and that the concern for which he worked had also favored free sugar.

Mr. SMOOT. Well, Mr. President, he is speaking here as the secretary of the Association of Wholesale Grocers. Mr. FORDNEY asked him this question:

Mr. FORDNEY. You said the duty you recommend on sugar is higher than the duty collected by foreign countries generally?

Mr. LOWRY. Yes.

Mr. FORDNEY. The duty you recommend?

Mr. LOWRY. The duty that gives a certain bounty——

Mr. FORDNEY (interposing). Let me get this right. I understood you to say that the duty you would recommend be placed on sugar, which is a reduction, is a higher rate than that collected by lots of foreign countries on imported sugar?

Now, I turn to Mr. Lowry's direct testimony, and he says:

In amplification of this I desire to file the attached statements, one under the caption of "Our high tariff on sugar from the consumers' standpoint" and the other a "Protest," which directly refers to the majority report of the Senate Finance Committee.

The statements filed are as follows:

"Our high tariff on sugar from the consumers' standpoint."

This gives the rate of duty that was then enforced. Then this follows:

Rates we propose—

Not what Mr. Lowry proposes, but the "rates we propose."

While he was testifying he was in the employment of Mr. Claus A. Spreckels. Nobody paid him a cent while he acted as secretary of that association but Mr. Claus A. Spreckels.

These are the "rates that we propose"——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Certainly.

Mr. THOMAS. I have no doubt the Senator's statement is true; but does the Senator not recall that in the testimony before the lobby committee it appeared that the beet-sugar association also had a means of raising money, consisting of a levy of 2 cents a bag upon sugar, and producing many more than $12,000 every year for use in Washington?

Mr. SMOOT. Mr. President, there is no question at all about it. The beet-sugar people have donated to a fund for the purpose of offsetting, if possible, the efforts on the part of Mr. Spreckles and other sugar-refining concerns to destroy the sugar industry of this country.

Mr. HARDWICK. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I will do so in a moment.

I am going before I close to tell the Senate just why Mr. Spreckels and most of the sugar-refining companies—perhaps to be technically correct I should say Mr. Lowry instead of Mr. Spreckels, although Mr. Lowry was representing Mr. Spreckels, and meant Mr. Spreckels when he referred to "rates we propose," and this includes the so-called independent refineries. Free sugar was not wanted, but they wanted about one-half a cent per pound duty imposed on sugar. If Senators will have patience with me, I will tell them why they desired this ideal rate, and it was for no love they had for the people. It was for a selfish purpose.

Mr. HARDWICK. Will the Senator from Utah yield to me right there?

Mr. SMOOT. Yes.

Mr. HARDWICK. Mr. President, if the Senator will yield right there, he uses the expression "so-called independents." The Senator will not dispute the unanimous conclusions of the committee which under specific authority investigated this very question, and on which his party had distinguished representation, to the effect that Mr. Spreckels was a real competitor of the trust, will he?

Mr. SMOOT. Mr. President, I can show by the quotations of sugar in the New York market that there was scarcely a day that Mr. Spreckels did not follow the American Sugar Co.'s prices up or down. The quotations were identical nearly every morning in the year. If you will take Willett & Gray's reports to-morrow morning, you will find that the quotations for to-day will be exactly the same, whether there be an advance over the

prices of the day before or whether a reduction. I do not believe that if they are truly independent and want to compete with the Sugar Trust, so called, that they would always be following it in its prices as they have done in the past.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. HARDWICK. Will it bother the Senator for me to have a little colloquy with him on that point?

Mr. SMOOT. Not at all.

Mr. HARDWICK. I shall not take up much time. As a matter of fact, if the Senator will take the Weekly Sugar Journal of Willett & Gray, will he not find, or has he not found, that many times first one and then the other cut their prices? Finally, of course, there is an equilibrium of prices, but I challenge the Senator to prove the statement that he has just made. He can not do it to save his immortal soul. In my opinion, if the Senator will look a little further, he will find that on various occasions, first one and then the other of all the refineries put the price down; but gradually, of course, there is an equilibrium restored.

Mr. SMOOT. If I were a betting man, Mr. President, and the Senator from Georgia were the same, I would challenge him now for a bet that I could take to-morrow morning's quotations from Willett & Gray, of New York, and the quotations of every one of the refineries of the United States would be found to be exactly the same.

Mr. HARDWICK. Mr. President, I am surprised that the Senator should make any such statement as that. The proposition of the Senator is very attractive, and if I were not so religiously minded I think I would accept it and stake a large sum on that proposition; but I will say to the Senator——

Mr. SMOOT. I am not a betting man, but I will assure the Senator that if I were a betting man I would accept his proposition, and I would place no limit on the amount.

Mr. President, I have referred to the rates on sugar and was about to call the attention of the Senate to that matter, when I was interrupted. Now, practically, these are the rates that "we propose," quoting from Mr. Lowry: Refined sugar, per pound, sixty-two hundredths of a cent; raw sugar, 96 per cent test, 60 cents per hundred, or six-tenths of a cent a pound. He then goes on and says that—

> Under reciprocity treaty, importations from Cuba pay 20 per cent less in both cases.

Or, in other words, the 96-test sugar that comes from Cuba would be 60 cents less 20 per cent, which would make it 48 cents per hundred. All sugars that come from Cuba are 96 per cent sugars. See how clever the sugar refiners of this country are! They know if they can get a 50-cent rate on sugar, with a 20 per cent reduction from Cuba—and all of our importations, with the exception of a few thousand tons of sugar comes from Cuba—that that would be a protection of 40 cents a hundred pounds. With that 40 cents a hundred the refiners know that they can destroy the sugar industry of this country, and when it should be destroyed they would impose an exorbitant price for sugar upon the people of this country, as they did in 1911, when they had the power to do so, and raised sugar until it reached, in New York City, 7½ cents a pound and remained so until the beet sugar produced that year came into the market.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. The Senator certainly knows that at the time of which he speaks the beet-sugar men had disposed of their sugar in October at prices much less than that figure and delivered at the price for which they had contracted. So, instead of being an act of philanthropy, it was simply poor business.

Mr. SMOOT. The Senator from Utah does not know any such thing. The Senator from Utah knows that the price in New York began to advance in July, 1911, when there was no beet sugar on the market, and he knows that the price increased to 7½ cents a pound, and the Senator further knows that just as soon in October as the beet sugar entered the market the price of sugar began to drop. The Senator knows another thing——

Mr. THOMAS. The Senator says I "know better." I want to tell the Senator that I know what I state to be a fact, that beet sugar was sold prior to the rise and delivered after the rise, because the beet-sugar people could not help themselves. "Philanthropy" and "beet sugar" are inconvertible terms.

Mr. SMOOT. I do not know anything about what the Colorado sugar companies did——

Mr. THOMAS. I am talking about the entire situation.

Mr. SMOOT. But I do know that other companies did not sell their sugar earlier, and I know that the entry of beet sugar on the market brought down the price of sugar in New York, and it began to drop just as soon as the beet sugar was offered for sale. Furthermore, that is not the only time, Mr. President, that conditions similar to those of 1911 have happened. It happens nearly every year, but not to so marked an extent.

The sugar-refining companies do not want free sugar. If they had free sugar, they would have to compete with the sugars of Austria, the sugars of Germany, the sugars of France, and the sugars of the other countries of the world. They want the duty just high enough so that they can control the American market and secure the advantage they have always enjoyed of the preferential rate granted to Cuba of 20 per cent reduction; they want it low enough so that they can destroy the American sugar industry and at the same time handle only Cuban sugars. The committee hearings are full of testimony showing that the sugar refiners of this country were apprehensive of the growth of the sugar industry in this country, for every pound of domestic sugar produced took from them the opportunity to bring in from Cuba and refine an equal amount of sugar.

The beet-sugar factories were interfering with their trade. Even Mr. Atkins, of the American Sugar Refining Co., the trust, so called, testified to that effect. He wanted a reduction of the duty on sugar, but he did not want free sugar. Mr. Atkins and his predecessor conceived the idea that if they bought a controlling interest in all of the beet-sugar factories of the country they could see to it that there would be no further extension of the beet-sugar industry in the United States, and they undertook to acquire a controlling interest, and in many States did acquire such an interest. They are not, however, holding as much stock in beet-sugar companies as in the past. They are selling it just as fast, I understand, as they can. I will say that while at one time they owned a majority of the stock of the sugar companies of Utah and Idaho they do not own a cent in those companies to-day.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Yes; I yield.

Mr. THOMAS. According to the last annual statement of the American Sugar Refining Co., their investments in beet-sugar stocks are nearly as large as ever, and 50 per cent of their income is derived from the profit upon that stock. I think, with the exception of the sales of their holdings in the Utah companies, their interest in the beet-sugar companies of the country is practically what it was in 1913.

Mr. SMOOT. Mr. President, I know that every dollar of stock they owned in the sugar factories of Utah and every dollar of stock they owned in the sugar factories of Idaho has been sold. I know that Mr. Warren, testifying as to the Michigan factories, stated that most of the holdings of the American Sugar Co. in Michigan factories had been sold.

Mr. THOMAS. May I ask the Senator when the testimony of Mr. Warren, to which he has referred, was given?

Mr. SMOOT. I should not have used the word "testimony."

Mr. THOMAS. Was it in 1913?

Mr. SMOOT. No; it was not at that time; it was in a statement made to a newspaper, as I remember it. I think it was less than a year ago.

Mr. SMITH of Michigan. Mr. President, I think I may say upon Mr. Warren's authority—for he ought to know, and he told me—that the sugar refining company does not own a dollar's worth of stock in the Michigan company.

Mr. SMOOT. Mr. President, I must proceed. I am not finding fault at all with the position taken by the Senator from Georgia [Mr. HARDWICK] or the position taken by the Senator from Colorado [Mr. THOMAS]. They are consistent in their position. They believe in free sugar, and always have believed in free sugar, no matter whether or not the removal of the duty would wipe out the sugar industry in the United States.

How often have we heard upon the floor of the Senate the expression "hothouse industries"! Why, Mr. President, we have heard it not only in regard to sugar, but in regard to many other articles; we have heard it in regard to dyestuffs; and now it is almost the unanimous opinion of the American people that there was a mistake made in not protecting dyestuffs sufficiently to enable the establishing of the industry in this country.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. I think the Senator knows better than I do that the chief opponents of the establishment of a dye industry in this country were the great textile manufacturers of America.

Mr. SMOOT. Mr. President, I am perfectly willing to admit that the textile manufacturers of this country opposed an increase of the duty upon dyestuffs; and, when I say "dyestuffs," I refer to the coal-tar products.

Mr. LIPPITT. Mr. President, I think the Senator from Colorado is in error when he says that the manufacturers are opposed to a duty upon dyestuffs at the present time.

Mr. THOMAS. I did not say anything about the present time; I was talking about the past, and the reason why the industry had not been established. The statement was made by the Senator from Alabama [Mr. UNDERWOOD] and admitted by the Senator from Massachusetts [Mr. LODGE] several days ago.

Mr. SMOOT. Mr. President, I admit now that in the past the textile manufacturers did not want to increase the rate of 30 per cent on coal-tar products.

Mr. THOMAS. Not only did they not want an increase, but they prevented the regulation of the duties upon the intermediate products so as to make an industry of that kind impossible here.

Mr. SMOOT. I will not go that far. I think the Senator has gone too far when he says that. I will admit this——

Mr. THOMAS. I can only appeal to the result. We have not any such industry.

Mr. SMOOT. I am perfectly aware of that. How many times have I stood upon this floor when we have had the question up and told the Senate of the United States of the only way that a dyestuff industry could be established in this country? I said the other day, and I say now, that under the present duties on dyestuffs it is impossible to establish such an industry in this country and maintain it.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Rhode Island?

Mr. SMOOT. I yield.

Mr. LIPPITT. I should like to ask the Senator from Utah if the real facts in the case are not that, under the condition of German trust control in dyestuffs the year before the war, it was the universal sentiment, not only of the manufacturers, but of almost everyone else who had studied the subject, that it would be impossible to impose a duty that would establish a dyestuff industry in this country? And is it not true that under present war conditions a proper duty would almost inevitably establish and maintain this industry and that the manufacturers of this country are almost a unit in demanding such a duty?

Mr. SMOOT. I do not think there is any question about that.

Mr. SIMMONS. Mr. President, I understood the Senator from Utah to say—I think he must have made the statement inadvertently—that a mistake was made in not providing a sufficient protection for the dye industry. I do not know whether the Senator meant to say that the mistake was made by the Republicans or made by the Democrats, because the Senator knows, as a matter of fact, that no material change in the duty on coal-tar products was made in the present law as compared to the rates under the Payne-Aldrich bill.

Mr. SMOOT. The Senator is mistaken there.

Mr. SIMMONS. I say there has been no material change.

Mr. SMOOT. The present law imposes a duty of 30 per cent upon coal-tar products.

Mr. SMITH of Michigan. Some coal-tar products.

Mr. SMOOT. Some coal-tar products—that is well said—but the intermediate products have been placed upon the dutiable list at 10 per cent, and we know that it is impossible to get many of them anywhere except from Germany.

Mr. SIMMONS. I was only speaking about the finished product, Mr. President.

Mr. SMOOT. We were talking about establishing the industry, and if you impose a duty upon the things that enter into the finished product you impose that much of a burden upon the manufacturer; and that burden was not upon him when the Republican tariff act of 1909 was in force.

Mr. SIMMONS. That is the only material difference, namely, the duty on the intermediate products.

Mr. THOMAS. Mr. President, the duty on coal-tar dyes is the same as under the preceding tariff law, and the duty upon the intermediate products was placed as it was at the insistence of the representatives of the textile manufacturers of the United States.

Mr. LIPPITT. Mr. President, will the Senator from Utah allow me a moment?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Rhode Island?

Mr. SMOOT. Yes.

Mr. LIPPITT. In order that there may be no misconception in regard to those duties, allow me to say that the duty on synthetic indigo and the duty on alizarin, one being the foundation of the very important color blue——

Mr. THOMAS. Mr. President, if the Senator will pardon me, I was speaking of coal-tar dyes only.

Mr. LIPPITT. Those are coal-tar dyes.

Mr. THOMAS. Oh, no.

Mr. LIPPITT. Of course they are. Alizarin is an extract, and so is synthetic indigo. They are both coal-tar colors.

Mr. THOMAS. I am obliged to the Senator for the information. My impression was that they were not coal-tar dyes.

Mr. LIPPITT. I was going to say that synthetic indigo, which is the color used in dyeing blue, and alizarin, which is the color used in dyeing red, are both on the free list while aniline oil, which is the foundation for black, is dutiable at 10 per cent. Those three colors, and other coal-tar derivatives, such as anthracine and indanthrine, constitute a very large proportion of the total colors that are used in the United States. There is a catch-all clause in the schedule on dyestuffs, stating that on all coal-tar products not otherwise provided for there shall be collected a duty of 30 per cent, but there are very few things of any importance that come in under that part of the schedule.

Mr. THOMAS. But the Senator knows that under the duties provided by the Payne-Aldrich law and previous laws there was no established dye industry in the United States of any consequence.

Mr. SMOOT. The Senator from Utah knows that, following the passage of the tariff act of 1913, a number of chemical industries which had lived in this country before, particularly in the city of St. Louis, had to go out of business, because of the reduction in the tariff upon their products. I know of an industry—and I think the senior Senator from Missouri [Mr. STONE] would corroborate me if he were here—which had to close its doors, and all its machinery was thrown into the junk heap. That is not all. The Senator from Utah knows that the manufacture of oxalic acid in this country has a remarkable history worthy of repeating; but I have not the time now to go into that, except to say that under the duty imposed by the Underwood law it has been found impossible to maintain that industry in this country.

Mr. SIMMONS. Mr. President——

Mr. SMOOT. I could go on and enumerate a great many items, Mr. President, in the chemical schedule, but we are discussing the sugar duty, and it is now 35 minutes after 4.

Mr. SIMMONS. That is what I was going to suggest to the Senator. I understand that other Senators desire to speak upon the sugar question.

Mr. SMOOT. If other Senators desire to be heard, I do not want to prevent them. I simply want to state, in conclusion, that I am in full accord with the statement made by the Senator from Georgia [Mr. HARDWICK], that the man who knows more than any other living man about the sugar conditions in the world is Mr. Willett; and I want to briefly call the attention of the Senate to the testimony of Mr. Willett in regard to the sugar industry of this country. I wish the Senate to know that he, like every other American citizen, who has studied this question from every point of view, knows that domestic sugar reduces the cost of all sugar consumed to the people of the country. Mr. Sulzer asked a question of Mr. Willett during the hearings before the Ways and Means Committee of the House, as follows:

> What, in your judgment as an expert, would bring about a permanent reduction of the cost of manufactured sugar to the consumers of the United States?
>
> Mr WILLETT By increasing the amount of domestic production and in Porto Rico and Hawaii; that is, by increasing the quantity of sugar within the United States to the extent that we would be required to purchase no sugar whatever at world prices. Last year we bought only 77,000 tons at the world price. We were as near as that to that condition in 1910. We did come within 77,000 tons of being entirely free and independent of the world's prices, whereas a few years before we had been importing 6,700,000 tons.

Now, Mr. President, I want to state once more that if the present rate of duty upon sugar could be maintained without a question and the people of the United States knew that it would remain for 20 years, long before the 20-year period expired we would be producing every pound of sugar consumed by the American people. I can point to four States in this Union that can produce sufficient sugar not only to supply all the demand of the American people to-day, but produce sugar enough to supply the demand if the consumption in the United States were three times what it is to-day. I may be asked why do they not do it. Simply because they do not know what is going to happen to their industry; and I tell you that it is impossible to produce sugar in this country as cheaply as it can be produced in the

tropical countries of the world or as cheaply as it can be produced in Austria or in Germany or in Russia.

Mr. SMITH of Michigan. Mr. President, will the Senator permit me?

Mr. SMOOT. I will.

Mr. SMITH of Michigan. What would be the situation in this country to-day with reference to that article of necessity, sugar, if it were not for the domestic production that our friends upon the other side say was artificially stimulated and unconstitutionally protected? What would be our situation, in view of the present European war, with reference to that product, especially with the usual and ordinary sources of their supply cut off?

Mr. SMOOT. Why, the situation would be about like this: Instead of paying the exorbitant price we are paying to-day—$7.10 a bag, I believe, for the last sack that I bought here in Washington—instead of being $7.10 in Washington, more than likely it would be $12 or $15 a bag. Not only would that apply in the United States but it would apply to all the peoples of the world.

Not long ago I called the attention of the Senate of the United States, right after the beginning of the war, to the fact that the first advance that was made upon sugar, the advance of 2 cents a pound on the sugar that was consumed by the American people, and was being paid, was sufficient for the Government of the United States to erect factories enough to produce all the sugar that the people consumed. I say so now, Mr. President; and as the price has increased from that time, the statement can apply to it with more force than when I made it here immediately following the beginning of this war.

Mr. SMITH of Michigan. Mr. President, is it not a fact that that country is being penalized most in the present price of sugar which produces none, and those countries are benefiting by the lowest price of sugar which produce most?

Mr. SMOOT. Mr. President, that is an economic question, and it is just as sure to be the case as that the night follows the day; so there is no necessity for me to discuss it further now. I will yield the floor, therefore, because I know there are other Senators who desire to speak.

Mr. SMITH of Michigan. Then, Mr. President, I will address myself to the Senate in my own time.

I just want to say this—and I am not going to occupy more than a moment, because I know the Senator from North Carolina [Mr. SIMMONS] expects to get a vote in a few moments, and perhaps the Senator desires to say something himself before the vote is taken.

I think it is perfectly safe to say that the price of sugar in England, which was about 9 or 10 cents, the last quotation I saw, is higher than here because they produce none themselves. They are buying their sugar in large quantities from Cuba, paying a huge penalty for their neglect. The heavier the burden that is put upon Cuba the higher the price of sugar will be. If we were dependent upon Cuba and had no domestic production of our own we would be at the mercy of the sugar producer. That would be a most undesirable situation for our country to be in, and a policy of national dependence does not commend itself to thinking people; and I rejoice that even at this late day there is some evidence upon the other side of the Chamber that they are forsaking their false idols and coming to our view upon the question of protection to this industry.

I have no word of criticism to offer. Indeed I rather rejoice that the industry is to be partially saved through this belated act of repentance. All Senators know that if this free-trade law had been permitted to go into full effect May 1 it would have marked the beginning of the end of the domestic sugar industry.

I am glad that my honored friend from North Carolina [Mr. SIMMONS], whose motives are always good and whose patriotism can not be questioned, has shown the courage and good judgment not only to take this action but to take it gracefully, admitting by his course the untenable position which his committee and himself occupied in connection with the present tariff law, for which Senators upon the other side were responsible. That the Underwood-Simmons law is a failure all should admit; that the sugar schedule has proven a failure all now admit.

Mr. SIMMONS. Mr. President, I do not know of any other Senator who desires to speak. If so, I will yield. What I have to say will not take over 10 or 15 minutes. I do not desire to enter into any discussion of the sugar question further than to make a few general observations with reference to the present status of the matter and the attitude of the party to which I belong with respect to it.

The Senator from Michigan [Mr. SMITH] was good enough to speak kindly of me in connection with the action of the conference committee in receding from the Senate amendment. The Senator need not have complimented that action on my part, because I assure the Senator it was taken very unwillingly, and the bill as passed by the House was accepted not because the conferees desired to accept it, but because they were led to believe that with the conditions in the House it was improbable that body would accept the Senate substitute.

Mr. President, upon this question of sugar, as I took occasion to say when this bill was before the Senate on the 10th day of this month, both the Democratic Party and the Republican Party, so far as their legislation goes and so far as the public utterances of the leaders of these two parties in the House and Senate illustrate the positions of the parties they represented, have been on both sides of this question. The Senator from Iowa [Mr. KENYON] has read some speeches from Democrats, some of them favoring a duty upon sugar and some of them advocating free sugar.

Mr. President, following the example of the Senator from Iowa, I could entertain the Senate for hours in reading declarations on the part of leading Republicans of this body and of the House in 1890, 1894, and 1897 in favor of free sugar, a principle of the Republican Party, and declaring that a tax upon sugar was an outrage against the people. I could read from speeches of that great leader of the Republican Party, probably the greatest authority in his day in that party, upon the subject of tariff taxation, Senator Aldrich—expressions with reference to this question made in 1890 and 1894 on the McKinley and Wilson bills of the most extreme character against any tax on sugar, denouncing it as an unjustifiable and indefensible outrage upon the American people and declaring if he could find a stronger term of condemnation he would employ it. I could read also similar utterances at that time from such great Republican leaders as Hale, Allison, and Morrill. I could also read from the speeches of Senator Aldrich in 1897, while he was Republican leader of this body, when the Dingley bill was passed, declarations to the effect that it was with great reluctancy he was willing to give up the old position of the Republican Party, yielded its position in favor of free sugar, but that the revenue necessities of the Government seemed to make it possible to put it on the free list at that time.

I think, to be frank about it—and I do not want to play any politics upon this subject—both of the great political parties of to-day in their legislation with reference to sugar have been governed very largely by the revenue necessities of the Government. I do not say altogether, but largely.

Mr. GALLINGER. Mr. President, the Senator knows that no politics are being played on either side of the Chamber on this matter.

Mr. SIMMONS. I said I did not think that was the case.

Mr. GALLINGER. The Senator did say that; but I want to ask the Senator, in all seriousness, if the extreme utterances to which he alludes on the part of Republican leaders can be found since the beet-sugar industry became an accomplished fact?

Mr. SIMMONS. I find them uttered in 1894 and 1897. The beet-sugar industry antedated both of those dates.

Mr. GALLINGER. There was some beet sugar produced in this country before that time.

Mr. SIMMONS. In 1890 and in 1897 the beet-sugar industry in this country had assumed quite considerable proportions, though not so large as now.

Mr. GALLINGER. But does the Senator find anything as late as 1897?

Mr. SIMMONS. Since 1897 the Republican Party has stood, so far as I know, for a duty upon sugar; but a few days ago, when I called up the sugar bill, I read to the Senate an extract from the speech delivered in 1897 on the Dingley bill by Senator Aldrich, then the leader of the Republican Party, upon this question, expressing great regret that, on account of the revenue necessities of the Government, the old-time principle of the Republican Party of free sugar could not be adopted.

Mr. GALLINGER. And at that time a bounty was placed on sugar.

Mr. SIMMONS. No; there the Senator makes a great mistake. The bounty was placed on sugar in 1890, when the McKinley bill was passed; but when Senator Aldrich made the speech to which I have referred, in which he declared that a tax upon sugar was an outrage, and when he made the speech a few years later in which he declared that on account of the revenue necessities of the Government he regretted that the party was unable to apply the Republican doctrine of free sugar, there was no proposition on either of those occasions to put a bounty upon sugar. The Senator from New Hampshire knows perfectly well that in 1894, when we were considering the Wilson bill, which placed a duty on sugar—the Senator was a Member of this body at that time——

Mr. GALLINGER. Yes.

Mr. SIMMONS. He knows that Senator Peffer, a Populist Republican Senator, offered an amendment to put sugar upon the free list, and every Democrat voted against that amendment, and every Republican voted for it. He knows there was not at that time any suggestion or expectation that the Democratic Party, which then was in possession of both branches of Congress, would put a bounty upon sugar.

Mr. GALLINGER. But there was very little sugar being manufactured in this country, except in Louisiana, at that time.

Mr. SIMMONS. Oh, I think the Senator is entirely mistaken about that.

Mr. GALLINGER. Very little.

Mr. THOMAS. What are the dates to which the Senator refers?

Mr. SIMMONS. Eighteen hundred and ninety-four and eighteen hundred and ninety-seven, when the Wilson and Dingley bills were before Congress. The question when the Wilson bill was up was not free with a bounty but free sugar, or dutiable sugar. And the Republicans under these circumstances voted for free sugar on the motion offered by Senator Peffer, under the leadership of Aldrich, Hale, and Allison.

Mr. THOMAS. Oh, the beet-sugar industry was introduced here in 1889.

Mr. SIMMONS. I can not submit to further interruptions, because, as the Senator knows, this is to be voted on in a few minutes and my time is very short.

Mr. GALLINGER. Just one word. I want to say simply that the Republican Party placed a bounty on sugar to protect the domestic industry, and the Republican Party is not responsible for having repealed that law.

Mr. SIMMONS. Yes; and in answer to that I say that for seven years after the beet-sugar industry was started in this country the Republican Party apparently, at least, stood for free sugar.

Mr. GALLINGER. With a bounty.

Mr. SIMMONS. No; not with a bounty in 1894, because you knew when you voted for the Peffer amendment to the Wilson bill that you would not get any bounty upon sugar, and you did not at that time suggest any bounty upon sugar.

Now, Mr. President, one other thing. Senators on the other side are twitting us with the suggestion that the present duty on sugar which the pending bill proposes to make permanent is a Republican protective duty. They are taking the sweet unction to their souls that we, in the vote we are going to cast to-day, are following them and voting with them. We will vote not for a duty placed on sugar by the Republicans but for a duty placed on it by the Democrats. It is neither a protective duty nor a Republican imposed duty. We found a high protective duty upon sugar when in 1913 we went to write the present tariff. As we found a high protective duty upon many other things; but we revised these duties, and to reduce them to a revenue basis according to the standard of a revenue tariff established in the act of 1913.

Mr. LIPPITT. Mr. President, will the Senator yield?

Mr. SIMMONS. I can not yield until I finish what I wish to say; if the time for debate has not expired, I will yield to the Senator. We made the same ratio of reduction in the present tariff act in the duty on sugar that we made in the duties that the Payne-Aldrich Act imposed upon other things of like character and importance. We made substantially the same ratio of reduction from the Republican protective rates upon sugar that we made upon woolen goods, substantially the same ratio of reduction that we made upon cotton goods, and substantially the same ratio of reduction that we made upon iron and steel and other staple commodities.

SEVERAL SENATORS. How about wool?

Mr. SIMMONS. I want to ask my friends upon the other side this question: Do you claim that our duties upon woolens, our duties upon cotton goods, and our duties upon steel and iron are protective duties?

Mr. SMOOT. You have no duty upon wool.

Mr. SIMMONS. I said upon woolens, not upon wool. You have habitually denounced the duties we placed on woolens, cotton goods, iron, steel, and so forth, as free-trade duties; and though we made the same ratio of reduction upon sugar that we did upon them, you now pretend to think and claim the duty retained on sugar is a protective duty. You know if under these circumstances the duties we retained on these things are free-trade or revenue duties, then by the same token the duty retained on sugar is a free-trade or revenue duty.

Mr. GALLINGER. You put wool on the free list.

Mr. SIMMONS. I did not say wool; I said woolens. We put wool and some other things on the free list, just as you put over 50 per cent of all imports in your law on the free list.

Mr. President, I repeat, we claim that the duties which we imposed in the present tariff act upon woolens, and upon iron and steel, and upon cotton goods, and other things of like character, were revenue duties; and as we reduced the duty upon sugar in the same ratio, applying the same principle, the duty we wrote on sugar is likewise a revenue duty, and not a protective duty. I say to the Senator from New Hampshire that was the contention of his party when the present tariff act was under discussion in Congress. Your party opposed that bill upon the ground that the duties it imposed were not protective; and you denounced them all, including sugar, as free-trade duties.

Mr. LIPPITT. Mr. President, does the Senator prefer not to yield this afternoon?

Mr. SIMMONS. I would prefer not to yield just at this time. I will yield to the Senator in a minute, if I have time.

Now, Mr. President, the Senators say we are following them. They are wrong. We are voting to continue the very identical duty that we fixed upon sugar; and we fixed it upon the idea that as we were going to continue sugar on the dutiable list for three years we ought to reduce the rate to a revenue basis, just as we sought to reduce the rates of the articles I have referred to.

Mr. GALLINGER. Mr. President——

Mr. SIMMONS. Just one minute. If the present duty upon sugar was not a protective duty then, it is not a protective duty now.

Mr. GALLINGER. Mr. President, just one word. I want to ask the Senator if, when the party to which he belongs fixed the present rate—and he was a very prominent actor in that economic tragedy——

Mr. SIMMONS. I tell the Senator that the "economic tragedy," as he calls the Democratic tariff act, aided by our Democratic financial legislation, lifted the business of the country out of the depressed condition in which we found it when we came into power and restored prosperity before the war. I could read from clippings I have before me hundreds of extracts from great trade agencies and great metropolitan newspapers and declarations of great captains of industry, proclaiming that prosperity was not coming but had already arrived, and to stay.

Mr. GALLINGER. May I finish my sentence? When that duty was placed on sugar, and the reduction was agreed to, did the Senator expect that two or three years afterwards he would be in favor of repealing that part of the law?

Mr. SIMMONS. No; I will say to the Senator that I expected that in two or three years sugar would go upon the free list.

Mr. GALLINGER. Yes.

Mr. SIMMONS. But as we temporarily continue the duty, we fixed the duty in the meantime according to the Democratic idea and the Democratic standard of a tariff for revenue, just as we did with respect to these other things; and it is this revenue duty we now propose to further continue and not the protective duty of the Payne-Aldrich Act.

Mr. GALLINGER. You provided to take it all off. That was your idea.

Mr. SIMMONS. We provided that at the end of three years sugar should be untaxed. And in the meantime we repealed the high protective rates of the Payne-Aldrich Act and put sugar upon the same basis as other dutiable articles.

Mr. GALLINGER. Does the Senator really contend that when we join with him in passing the bill he is contending for there will be no protection in the law?

Mr. SIMMONS. I contend this: That we believe in free sugar.

Mr. GALLINGER. Yes.

Mr. SIMMONS. That if conditions would permit, we would have free sugar.

Mr. GALLINGER. Yes.

Mr. SIMMONS. That we did not put it on the free list immediately because of the conditions; that in continuing it we applied to it the same Democratic standard of what is a revenue duty that we applied to other articles placed on the dutiable list in the bill, and that now, when we vote to make this duty permanent, we are not voting with you or for protection on sugar.

Mr. GALLINGER. The old fellow in Maine said he was "for prohibition, but agin' its enforcement." That is about the attitude of the Democratic Party.

Mr. SIMMONS. That is an old gag that has no application here, and I think, with deference to the Senator, requires no answer. It does not apply to me. I am in favor of free sugar, so far as that is concerned, and if the circumstances would permit I would be in favor of letting it go upon the free list on the 1st day of May. But they do not permit, and I am happy that in continuing this duty we are continuing it upon the basis of

a tariff for revenue, according to the standards which we fixed in our present tariff law.

Mr. SMOOT. The standard of free trade.

Mr. SIMMONS. The Senator says "the standard of free trade." Are the duties upon the other schedules of that bill upon a free-trade or revenue basis? If they are, this duty on sugar must be upon a free-trade or revenue basis also, because we made like reductions, as I repeatedly said, on sugar as on the other articles taxed in it.

Does the Senator from Rhode Island wish to interrupt me now?

Mr. LIPPITT. The Senator from North Carolina has only five minutes. As some of the subject matter about which I wanted to ask him has been gone over by the Senator from New Hampshire [Mr. GALLINGER], I will not take his time unless he has finished.

Mr. SIMMONS. I have only four minutes left and I will not longer occupy the floor, but yield it to the Senator from Rhode Island.

Mr. LIPPITT. Mr. President, I listened with a great deal of interest to the Senator's descriptions of free-trade and protective duties. The duty on sugar under a Republican tariff was 1.33 cents a pound. The duty on sugar under a Democratic tariff was 1 cent a pound, and it was to go on the free list on the 1st day of May, 1916. The Senator from North Carolina seems to consider that a duty is a revenue duty if it is 1 cent a pound, that it is a revenue duty if it is nothing a pound, but that if it goes above 1 cent a pound it immediately becomes a protective duty. He describes the reduction in the duty on sugar as being exactly in the same ratio that woolens were reduced, that cottons were reduced, and I suppose perhaps if he had thought of it he would have said silks, because he referred to other textiles. There was a duty of 50 per cent left on silks, there was a duty of 35 per cent left on woolen goods, and there was only a duty of less than 20 per cent or about 18 per cent left on cottons, and sugar was to have gone on the free list entirely.

I fail, myself, to understand how duties of percentages of that kind can all be revenue duties. As a plain matter of fact, everybody in the Senate knows that the reason why this duty is put upon sugar is because the Democratic tariff, which was described as having for its sole object the raising of revenue, only succeeded in producing $127,000,000 less revenue than the same amount of imports would have produced if the Republican tariff that it supplanted had been left in force.

Mr. GALLINGER. Mr. President, before the Senator from North Carolina leaves the Chamber, I should like to ask him just one question. Suppose the revenues of the Government should become sufficient to meet the requirements of the Government, would the Senator then be in favor of putting sugar on the free list again?

Mr. SIMMONS. I undoubtedly would, Mr. President.

The VICE PRESIDENT (at 5 o'clock p. m.). The question is on the motion of the Senator from North Carolina [Mr. SIMMONS] that the Senate recede from its amendment to House bill 11471.

Mr. SMOOT and Mr. THOMAS called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. UNDERWOOD (when Mr. BANKHEAD's name was called). My colleague [Mr. BANKHEAD] has been called away from the city on official business. If he were here, he would vote "yea."

Mr. SHEPPARD (when Mr. BECKHAM's name was called). The Senator from Kentucky [Mr. BECKHAM] is absent on official business. He has a general pair with the Senator from Delaware [Mr. DU PONT].

Mr. BRADY (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER], and I therefore withhold my vote. If privileged to vote, I would vote "yea."

Mr. CHILTON (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL]. I transfer my pair to the Senator from New York [Mr. O'GORMAN] and vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent, but I am informed that if present he would vote "yea" on this question. I therefore feel at liberty to vote. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], but on this bill I am privileged to vote, and I vote "yea."

Mr. TAGGART (when Mr. KERN's name was called). The senior Senator from Indiana [Mr. KERN] is unavoidably absent to-day. If present, he would vote "yea."

Mr. SMITH of Michigan (when his name was called). I have a pair with the junior Senator from Missouri [Mr. REED]. I understand, however, that he would vote the same way I intend to vote. I vote "yea."

Mr. SHEPPARD (when the name of Mr. SMITH of South Carolina was called). I wish to state that the Senator from South Carolina [Mr. SMITH] is absent on official business.

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "yea."

Mr. TOWNSEND (when his name was called). I am informed that the Senator from Florida [Mr. BRYAN], with whom I have a general pair, would vote as I intend to vote on this question. I vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I am not sure how he would vote on this question. Therefore I will withhold my vote. If I were at liberty to vote, I would vote "yea," and I think the Senator from Kentucky would vote the same way.

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I understand from his colleague that if he were present he would vote as I am about to vote. I therefore vote "yea."

The roll call was concluded.

Mr. OWEN (after having voted in the negative). I should like to ask whether the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I am paired with that Senator and therefore withdraw my vote.

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness.

Mr. BRADY. I am advised that the senior Senator from Florida [Mr. FLETCHER], with whom I am paired, would vote "yea" if present. I am therefore at liberty to vote, and I vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I wish to inquire whether the Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a general pair with that Senator, which I transfer to the Senator from Maryland [Mr. SMITH] and let my vote stand.

The result was announced—yeas 59, nays 10, as follows:

YEAS—59.

Ashurst	Harding	Oliver	Smoot
Borah	Hollis	Overman	Stone
Brady	Johnson, Me.	Page	Sutherland
Brandegee	Jones	Phelan	Swanson
Bronssard	Kenyon	Pittman	Taggart
Burleigh	La Follette	Poindexter	Thompson
Chamberlain	Lippitt	Pomerene	Tillman
Chilton	Lodge	Ransdell	Townsend
Clark, Wyo.	McCumber	Robinson	Underwood
Colt	McLean	Saulsbury	Wadsworth
Culberson	Martin, Va.	Shafroth	Walsh
Cummins	Myers	Sheppard	Warren
Dillingham	Nelson	Simmons	Williams
Gallinger	Newlands	Smith, Ariz.	Works
Gronna	Norris	Smith, Mich.	

NAYS—10.

Gore	Husting	Martine, N. J.	Vardaman
Hardwick	Johnson, S. Dak.	Smith, Ga.	
Hughes	Lane	Thomas	

NOT VOTING—27.

Bankhead	du Pont	Lea, Tenn.	Sherman
Beckham	Fall	Lee, Md.	Shields
Bryan	Fletcher	Lewis	Smith, Md.
Catron	Goff	O'Gorman	Smith, S. C.
Clapp	Hitchcock	Owen	Sterling
Clarke, Ark.	James	Penrose	Weeks
Curtis	Kern	Reed	

So the Senate receded from its amendment.

Mr. CHILTON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until Monday, April 24, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 22, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art infinitely wise, all powerful, whose love encircles all, we thank Thee that under the dispensation of Thy providence we are brought once more to the anniversary of the greatest event in all history, the resurrection of the "Son of Man," confirming the longings, hopes, and aspirations which have filled the hearts of men in all generations in the unbroken continuity of life, which will adjust all wrongs, clear away misunderstandings, fill all hearts with love, and unite mankind into one family.

There's a wideness in God's mercy,
Like the wideness of the sea;
There's a kindness in His justice,
Which is more than liberty.
There's no place where earthly sorrows
Are more felt than up in heaven;
There's no place where earthly failings
Have such kindly judgment given.
For the love of God is broader
Than the measure of man's mind,
And the heart of the Eternal
Is most wonderfully kind.

Help us, we beseech Thee, to add life unto life, strength unto strength, love unto love, that we may be prepared for the transition which waits on all. It is written "Eye hath not seen, nor ear heard, neither have entered into the heart of man the things which God hath prepared for them that love Him. For I am persuaded that neither death nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God, which is in Christ Jesus our Lord." Amen.

The Journal of the proceedings of yesterday was read and approved.

CELEBRATION OF LANDING OF SIR FRANCIS DRAKE ON THE COAST OF CALIFORNIA.

Mr. KENT. Mr. Speaker, I would like to have taken from the Speaker's table Senate concurrent resolution No. 20, now as amended by the Senate Senate joint resolution 121, and have the Senate amendment concurred in.

The SPEAKER. The Chair thought this was a House resolution.

Mr. KENT. It was originally passed in the House and amended in the Senate. It was entirely my fault——

The SPEAKER. But how did it get another number in the Senate?

Mr. KENT. Because it was a concurrent resolution and was amended to be a Senate joint resolution, and the Senate has given it a new number.

Mr. MANN. It being amended to be a joint resolution, they did not feel authorized to change the number, but they have amended our amendment by changing the number.

The SPEAKER. The Clerk will report the amendments.

The Clerk began the reading of the amendments.

Mr. MANN. Mr. Speaker, those are the House amendments. The Clerk should read the Senate amendment to the House amendments.

The SPEAKER. Those are the House amendments.

Mr. MANN. There is a Senate amendment to the first House amendment, and undoubtedly it is there, if the Clerk will find it.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Resolved, That the Senate agrees to the amendment of the House to the concurrent resolution (S. Con. Res. 20) authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California, with a further amendment, as follows: Strike out the numerals "20" after "S. J. Res." and insert "121."

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration. Is there objection?

Mr. MANN. It is a privileged matter.

The question was taken, and the Senate amendment was agreed to.

EXTENSION OF REMARKS.

Mr. SCHALL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Philippine question.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks on the Philippine question. Is there objection? [After a pause.] The Chair hears none.

CALL OF THE HOUSE.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not——

Mr. KITCHIN. Mr. Speaker, I move the call of the House.

The SPEAKER. The gentleman from North Carolina moves the call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Adair	Dyer	Johnson, S. Dak.	Phelan
Bacharach	Eagan	Jones	Platt
Barchfeld	Eagle	Kearns	Porter
Beales	Edmonds	Keating	Pou
Bennet	Edwards	Keister	Price
Browne	Fairchild	Kelley	Roberts, Mass.
Browning	Farley	Kennedy, R. I.	Rogers
Bruckner	Finley	Kettner	Rowland
Brumbaugh	Fitzgerald	Kless, Pa.	Russell, Ohio
Burnett	Flynn	Kreider	Saborath
Butler	Focht	Lafean	Sanford
Byrnes, S. C.	Foss	Lazaro	Scott, Pa.
Caldwell	Frear	Lehlbach	Sears
Caraway	Freeman	Lewis	Sherley
Carew	Gallagher	Liebel	Siegel
Carlin	Gallivan	Linthicum	Small
Carter, Mass.	Gardner	Lobeck	Snell
Casey	Gillett	Loft	Snyder
Chandler, N. Y.	Glass	McClintic	Stedman
Chiperfield	Godwin, N. C.	McCulloch	Steele, Pa.
Clark, Fla.	Goodwin, Ark.	McKinley	Swift
Coleman	Graham	Maher	Switzer
Conry	Gray, N. J.	Miller, Minn.	Taggart
Cooper, Ohio	Griest	Moon	Tague
Costello	Griffin	Mooney	Talbott
Dale, N. Y.	Guernsey	Moores, Ind.	Thomas
Darrow	Hamill	Morgan, La.	Treadway
Davis, Minn.	Harrison	Morin	Vare
Decker	Hart	Moss, W. Va.	Venable
Denison	Haskell	Mott	Ward
Dewalt	Heaton	Mudd	Watkins
Dies	Heflin	Murray	Whaley
Dill	Henry	Nelson	Williams, W. E.
Doughton	Holland	Nichols, Mich.	Wilson, Fla.
Driscoll	Hood	O'Shaunessy	Wilson, Ill.
Drukker	Humphreys, Miss.	Padgett	Winslow
Dupre	Husted	Patten	

The SPEAKER. On this roll call 286 gentlemen have answered to their names—a quorum.

Mr. KITCHIN. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12766, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

H. R. 12766. An act to increase the efficiency of the Military Establishment of the United States.

Mr. JOHNSON of Kentucky. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. Would that interfere with my privilege?

The SPEAKER. Not a particle.

Mr. MANN. Would the gentleman be willing to let his request go over until Monday?

Mr. HAY. Will the gentleman say if it does go over until Monday there will be no objection to it?

Mr. MANN. Oh, no.

Mr. HAY. I do not see that there is any use of letting it go over if there is going to be objection

Mr. MANN. I stated to the gentleman yesterday morning that I had not had a chance to examine the Senate amendments, and I have not had a chance yet, but I will have a chance to do so before Monday.

Mr. HAY. I take it, Mr. Speaker, that the ranking member of the Committee on Military Affairs on that side of the House has had ample opportunity to look into it. I do not want to press the gentleman. If the gentleman will say there will be no objection to this request on Monday, I will withdraw it now.

Mr. MANN. If I say there will be no objection on Monday, I might as well say there will be no objection now, for the very reason I want to examine the Senate amendments and see whether there will be any effort made for some vote in the House on the subject.

Mr. HAY. I am perfectly willing, if the gentleman desires it, to let the bill be called up, and if the gentleman wants to do so he can make a motion to concur in the Senate amendments.

Mr. MANN. I will be very frank with the gentleman and say that I will have to object this morning to unanimous consent on it. Whether I would object Monday or not I do not know. I have not examined the Senate amendments, and I expect to do so before Monday.

The SPEAKER. What does the gentleman say?

Mr. HAY. I insist on my request.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. Then it is referred to the Committee on Military Affairs.

BRIDGE ACROSS FOX RIVER AT GENEVA, ILL.

Mr. COPLEY. Mr. Speaker, may I ask the Speaker to take from the desk the bill S. 5415 and lay it before the House?

The SPEAKER. The Chair lays before the House the Senate bill, a similar bill being on the House Calendar.

Mr. COPLEY. This is exactly similar to the bill H. R. 14387.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

An act (S. 5415) to authorize the construction of a bridge across the Fox River at Geneva, Ill.

Be it enacted, etc., That the Chicago & North Western Railway Co., a corporation organized and existing under the laws of the States of Wisconsin, Illinois, and Michigan, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge across the Fox River at a point suitable to the interests of navigation in the city of Geneva and State of Illinois in accordance with the act of Congress entitled "An act to regulate the construction of bridges across navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COPLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the House bill of similar tenor, H. R. 14387, will be laid on the table.

There was no objection.

CHANGE OF REFERENCE.

Mr. OGLESBY. Mr. Speaker, I ask for a change of reference of the bill H. R. 14822 from the Committee on the Judiciary to the Committee on the District of Columbia.

The SPEAKER. The Chair could not understand what the gentleman was saying, there being so much noise.

Mr. MANN. This may be very interesting, but we can not hear it.

Mr. OGLESBY. Mr. Speaker, I ask that the bill H. R. 14822, which was referred to the Committee on the Judiciary, be referred to the Committee on the District of Columbia. This same bill was referred to the Committee on the District of Columbia.

Mr. MANN. What is the bill?

Mr. OGLESBY. It is a bill to prevent the desecration, mutilation, or improper use of the flag within the District of Columbia. The Committee on the District of Columbia had the bill under consideration, and suggested a number of changes, and in order that it might not be in position where we had too many amendments I reintroduced the bill, and I think it was an error when it was referred to the other committee.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

EXTENSION OF REMARKS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of suffrage.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD on the subject of suffrage.

Mr. BARNHART. Mr. Speaker, reserving the right to object, this is not a communication by some other individual than the Member?

Mr. CRAMTON. In part, and part a communication by me—both very brief.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. ALMON. Mr. Speaker, the bill H. R. 14345, for the relief of J. P. Patterson, has been referred to the Committee on the Post Office and Post Roads. I ask that it be referred to the Committee on Claims.

The SPEAKER. If it is a private bill the chairman of the committee to which it is referred can change it himself. The Speaker has nothing to do with it.

Mr. ALMON. The chairman of the Committee on the Post Office and Post Roads suggested that I make the request.

The SPEAKER. It does not make any difference what the committee requested. It is a private bill, and all the gentleman has to do is to write on the back of the bill where he wishes it to go.

JUVENILE COURT, DISTRICT OF COLUMBIA.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON], under a special order, is entitled to speak not to exceed 15 minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker: Since the Menace, a paper published at Aurora, Mo., a paper which would rather be a religious bigot than be right, has preferred to be an alarmist rather than truthful concerning the House bill known as "the juvenile court bill," I have concluded to make a short statement relative to the bill.

After having laid down the general principle that the bill is of Catholic origin and has for its principal purpose the placing of Protestant children in "Roman Catholic prisons," that hysterical paper then complains of other alleged wrongs in the bill. One of these is that persons under 17 years of age who violate the law may be placed in institutions "other than public institutions." Another complaint is that the hearing or trial of youthful offenders may be "private" instead of public. And another is that the records of the court proceedings may be withheld from the public.

I wish to say that the proposition to place youthful offenders in institutions "other than public institutions" is conceded by the world over to be better than placing them in public institutions with hardened criminals. Forty-four States out of the forty-eight which compose the United States have a similar law. Such a law has been enacted in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

In each and every one of those States that law was enacted by a non-Catholic legislative body.

The second complaint is that no hearing against a youthful offender should be "private." Such hearings are permitted to be private or in chambers in the States of Alabama, Arizona, Delaware, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, New Jersey, New York, North Carolina, North Dakota, Rhode Island, and Washington—17 in all. Non-Catholic legislatures enacted that law in those States.

The third objection made by this hysterical alarmist is that the "records" of hearings concerning youthful offenders may be withheld from the public. All modern trend of humane and charitable thought is now in that direction. A similar law is upon the statute books of Georgia, New Jersey, New York, Oregon, Rhode Island, and Virginia. The Virginia law was adopted only year before last, while that of New York was adopted as late as last year.

The bill about which this religious bigot complains so bitterly, and with so little reason, extends clemency and mercy and at the same time holds out hope to the childish offender, yet redeemable from a life of crime, instead of dealing with him or her as a hardened, professional criminal of mature years, for whom there is no hope and for whom there should be little or no clemency.

The Menace, the bigoted critic of the bill, boldly makes the assertion that under its provisions Protestant children will be committed to "Roman Catholic prisons," notwithstanding the fact that section 25 of the bill provides in plain language that the judge of the court, in committing children to institutions "other than public institutions," shall commit them to a "custodial agency" holding the same religious belief as the parents of the child or to some institution or association governed by persons of like religious faith. Therefore, the judge of the court could not send a Protestant child to either a well-conducted Catholic institution, to a Catholic home, or to the alleged "Roman Catholic prison," of which the Menace speaks just as though such a thing really existed. Under the provisions of the bill the judge of the juvenile court would be required to select a Presbyterian "custodial agency" for a Presbyterian child, a Methodist "custodial agency" for a Methodist child, a Baptist "custodial agency" for a Baptist child, a Jewish "custodial agency" for a Jewish child, an Episcopalian "custodial agency" for an Episcopalian child, a Congregationalist "custodial agency" for a Congregationalist child, and a Catholic "custodial agency" for a Catholic child only.

As I have already said, similar laws, enacted by non-Catholic legislative bodies, are now upon the statute books of 44 out of the 48 States of the Union.

If a girl of 12 or 14 years should be arrested for an unchaste offense against the law, can any person charitably inclined tell me or anybody else why her trial should be opened to the morbidly curious and the scandal monger? If a girl of like age should be rescued from a bawdy house and placed in a Masonic orphan asylum, or in a Methodist orphan asylum, or in a Baptist orphan asylum, or in a Presbyterian orphan asylum, or in a Catholic orphan asylum, and there be reformed and afterwards become a good woman, can anyone tell me why the legal record which committed her to the custody of any of these institutions should be held for all time as a public record against her past life, a life which she has left behind? Why should any wicked man, either for the purpose of lustful or pecuniary blackmail or for any other purpose, be permitted to go and get the record of her past, which could not possibly be used for any good purpose but of necessity could be used only for an evil purpose?

As I have said, the most modern thought is upon the charitable and merciful side of this question; and the States of Georgia, New Jersey, New York, Oregon, Rhode Island, and Virginia have already enacted laws to shield reformed girls and boys, rather than to have them forever confronted with a record against which they could not stand in any new community to which they might go.

As already said, neither of the three complained-of provisions of the bill is a pioneer one. The people of every civilized land have come to treat youthful offenders with more charity and less severity than is meted out to the confirmed criminal who, by his many and repeated unlawful acts, has put himself beyond the sympathies of tolerant men and women.

The proposed law for the District of Columbia is not an ice-breaking, pioneer one for the District of Columbia as the incendiary impostor would have his uninformed readers to believe.

Complaint is made against the bill because a child can be "summoned" to appear before the court instead of being dragged there by force. Further complaint is made that a child may be "summoned" to appear in court "without the consent of the father or mother or guardian." Without a considerate juvenile court law the lawbreaking child would be forcibly arrested and taken into court without the consent of the father, mother, or guardian. I ask which is the more humane, and which is better for the future of the child, and even more considerate of the father and mother?

Unless the law make a difference in the manner of arrest, trial, and commitment of the youthful offender and those of mature years, then the youthful offender instead of being quietly "summoned" to appear before the court would be dragged through the streets by uniformed officers, just as is done with the hardened, shameless criminal.

I am constrained to believe that all this furor has been raised by this religious bigot simply because it has happened that the bill was introduced by a Catholic, and because it makes it possible for offending children of Catholic parents to be put into Catholic institutions, just as the offending children of parents of any other religious denomination may be placed in institutions of their faith.

The same bigot prefers to mislead rather than to enlighten when undertaking to convey the apprehension and grave fear that the trial of youthful lawbreakers behind doors closed to the uncharitable traducer is for some mean and debasing purpose rather than a shield between the unfortunate boy or girl and the scandal monger, whose principal pastime is to tell from man to man the frailties and misfortunes of others, even those of the youth of our land.

The same self-constituted guardian of liberty which peddles its false alarms at 25 cents a year to every gullible who can be found to buy them would have it believed that the bill now before Congress is the first to make provision for "private" instead of public hearings of charges against youthful breakers of the law, while in fact, as I have said, substantially the same law is upon the statute books of 17 of our States, put there by non-Catholic legislatures.

If it is true, as this religious bigot would have you believe, that the purpose of the bill is to commit youthful offenders to "Roman Catholic prisons," let us see who these Menace-made, villainous plotters against our boys and girls are.

I introduced the bill at the request of those who prepared it. The bigoted alarmist may say that because I, a Catholic, introduced the bill is sufficient proof of itself of its unholy purpose. I was asked to introduce the bill because I happened to be chairman of the Committee on the District of Columbia, to which committee all District bills are referred for consideration. Among those who asked me to introduce the bill is Judge J. W. Latimer. Is he a Catholic, taking orders from the Pope to fill "Roman Catholic prisons"? No; Judge Latimer, whose post-office address is at the Municipal Building, Washington, D. C., is not only a non-Catholic, but a Mason in good standing.

Next, let us see whether or not Catholics drafted this bill so that "Roman Catholic prisons" might be filled.

A Presbyterian Attorney General of the United States selected a committee of five persons who were deemed competent to draft the bill, and fair-minded enough and broad enough to write a bill free from both religious prejudices and religious preferences, in keeping with the Constitution of the United States. The five persons selected were Miss Julia C. Lathrop, Washington, D. C.; Bernard Flexner, Chicago, Ill.; Dr. William J. Kerby, Washington, D. C.; Mr. Walter C. Clephane, Washington, D. C.; and Mr. William H. Baldwin, Washington, D. C.

Are they Catholics doing the bidding of the Pope? Let us see what and who they are.

Miss Julia C. Lathrop in religious belief is a Congregationalist, not a Catholic; Mr. Flexner is a Jew, not a Catholic; Mr. Clephane is a Presbyterian, not a Catholic; Mr. Baldwin is also a Presbyterian, not a Catholic. Dr. Kerby is the only Catholic among them all.

Miss Lathrop was appointed by President Taft as Chief of the Children's Bureau of the United States and was reappointed to that responsible and honorable position by President Wilson.

The Board of Trade of Washington appointed a committee to look into the merits of the bill. That committee carefully considered it, item by item, and with a few minor changes approved it.

Was that committee made up of Catholics in order to run people into "Roman Catholic prisons"? Again, let us see. The chairman of that Committee was Mr. Louis A. Dent, an Episcopalian and Mason, not a Catholic. Another member of that committee was Mr. Merritt O. Chance, also an Episcopalian and Mason, not a Catholic. Another member was Mr. George A. Shinn, a Presbyterian and a Mason, not a Catholic. Another member was Mr. Thomas W. Smith, a Methodist and a Mason, not a Catholic. Another member was Mr. J. Lawrence Solly, a Baptist, not a Catholic. Another member was Mr. S. W. Curriden, a Presbyterian, not a Catholic. Another was Mr. Mathew E. O'Brien, a member of no church, but an Odd Fellow, a Knight of Pythias, and a Mason, not a Catholic. Another member was Mr. Edward S. Schmid, a Lutheran and a Mason, not a Catholic. Another member was Mr. D. W. Thayer, a Presbyterian and a Mason, not a Catholic. Another member was Mr. William H. Baldwin, a Presbyterian, not a Catholic. Another member was Mr. Walter C. Clephane, a Presbyterian and the son of a Mason, not a Catholic. Another member was Mr. John H. Zabel, the only Catholic out of the whole lot.

Can any sane man be made to believe that that committee connived at a proposition to fill "Roman Catholic prisons" with American citizens?

Congressman TINKHAM, who is in charge of the bill upon the floor of this House and who is its principal advocate, is a thirty-second degree Mason. Is he, too, trying to fill "Roman Catholic prisons" with the children of his fellow Masons?

When this bill becomes law the execution of its provisions will be with Judge Latimer, a Mason, not a Catholic. Is it true of him that he will violate his oath to support and defend the Constitution of the United States and use his high office to fill "Roman Catholic prisons" with Protestant children?

I ask the Masons of this House and the Masons of this country if they believe, in view of all of the facts, that this bill, written by non-Catholics, will place American citizens in "Roman Catholic prisons"? [Applause.]

LOCK AND DAM, NO. 6, GREAT KANAWHA RIVER, W. VA.

Mr. LITTLEPAGE. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from West Virginia [Mr. LITTLEPAGE] asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. LITTLEPAGE. Mr. Speaker and gentlemen of the House, I want to crave your indulgence for a few moments. Yesterday morning I asked unanimous consent that the bill H. R. 12455, which I had prepared and introduced in the House, and at my instance was referred to the Committee on Military Affairs, be transferred to the Committee on Rivers and Harbors. One of the ablest parliamentarians in this Chamber, I believe, misconceiving the purport of the bill, objected, and it was therefore passed over.

I want to read the bill to the House. I feel that I am entitled to this relief; that my constituents are. It is a private bill that does not hurt the Government, does not cost the Government one cent, but pays the Government an annual rental. It will afford a great accommodation to a vast number of people, in fact many thousands of by best people. It is a local measure affecting my district only, and no other Member of the House is directly or indirectly interested in the matter except as a matter of public policy. The bill reads:

A bill (H. R. 12455) authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or piece of land owned by the United States Government on the Great Kanawha River in West Virginia.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to lease, at a nominal rental value of not exceeding $25 per year, to the Charleston-Dunbar Traction Co., a corporation, its successors or assigns, the strip of land 15 feet wide and 601.8 feet long, or approximately twenty-one one-hundredths of an acre, which said strip of land is situated at or near United States Government Lock and Dam No. 6 of the Great Kanawha River improvement, near the city of Charleston, in the State of West Virginia, which said strip of land said Charleston-Dunbar Traction Co. is now occupying with its track: *Provided*, That said annual rental shall be promptly paid as required by the Secretary of War, and that the United States Government shall sustain no loss or expense by reason of said lease to said traction company: *And provided further*, That said traction company shall not fence up said strip of land unless required to do so by the Secretary of War, and shall, at its own expense, keep up and maintain the existing crossings over said traction company's line on the Government's property: *And provided further*, That said traction company shall not remove its station or stop upon or near the Government's said property as said stop and station is at present located.

This bill, as stated, was referred to the Committee on Military Affairs. I thought at that time that that was the proper committee, and some of our oldest Members say so yet. I do not want my bill destroyed by their differences of opinions. The Committee on Military Affairs considered the bill, was in favor of the bill, and directed me to so report it, but it was suggested by one of the most distinguished and best Members of this House, Mr. KAHN, of California, that the War Department be consulted. I acted on his suggestion and consulted the War Department. The Secretary of War, through Col. Taylor, approved the bill, but suggested in a letter, with his report, that the Committee on Rivers and Harbors should as well act on the matter, doubtless his opinion being based on the fact that the original bill authorizing the appropriation for the improvement of the Great Kanawha River, in which this lock is situated, came from that committee. That committee, through its chairman, Mr. SPARKMAN, still feels that it should be consulted and should consider the bill. The Secretary of War feels so. I am helpless unless this House comes to my relief, and have sought this opportunity to confer with you. I am entitled to have you help me to help and protect my people. Now, the chairman of the Committee on Military Affairs, Mr. HAY, of Virginia, one of our very ablest Members, a man of splendid qualities, whom every member of his committee loves, Democrats and Republicans alike, said it was all right with him to make the reference. Mr. SPARKMAN's committee, the Committee on Rivers and Harbors, meets Monday. If I do not get this permission to-day to refer it to that committee, I can not get the bill acted upon in time.

Judge Grosscup and his associates of Chicago, Ill., and Hon. Fred Paul Grosscup and his associates of Charleston, W. Va., have expended nearly $600,000 in the Great Kanawha River Valley. They are all fine, in fact noble, people, and are materially assisting in the development of my section. This interurban line connects Charleston with the town of Dunbar. Lock No. 6, about midway between the two cities, where the Government owns about 6 or 7 acres of land, having purchased it at the time the locks were put in there. The land occupied by the traction company is on a hillside. It will not bring 20 bushels of corn to the acre. It is very poor land and steep. It is within 3 miles of my home. The strip occupied is approximately 1,200 feet from the lock chamber and 300 or 400 feet away from the dam. Does not in the slightest interfere with or injure the Government property.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Wisconsin?

Mr. LITTLEPAGE. Yes.

Mr. COOPER of Wisconsin. By what authority did the railroad company get the use of that land in the first place?

Mr. LITTLEPAGE. By permission of the Secretary of War, he having leased it to the traction company. I thank the gentleman for that question. The Secretary of War now claims that having leased it for five years, and having no authority to lease it longer than five years, expiring August 1, 1916, he must now have the permission of Congress that he may continue or renew the lease.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. LITTLEPAGE. I ask unanimous consent, Mr. Speaker, that this bill be referred to the Committee on Rivers and Harbors. This is a personal matter to me, relating to a matter in my own district—local in its very nature and of vital interest to me and mine——

The SPEAKER. The gentleman from West Virginia asks unanimous consent to take the bill named from the Committee on Military Affairs and refer it to the Committee on Rivers and Harbors. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, H. R. 12717.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. When the committee rose on yesterday afternoon the gentleman from Indiana had pending an amendment which, without objection, the Clerk will again report.

The Clerk read as follows:

Amend, page 51, after line 13, by inserting as a new paragraph the following:

"For investigating a method for the eradication of the Hessian fly in wheat by the process of spraying, $50,000."

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] is recognized.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto may conclude in 20 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. LEVER. I will make it 25 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina modifies his request and asks unanimous consent that debate on this paragraph and amendments thereto conclude in 25 minutes. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Chairman, this amendment is addressed to one of the most important industries connected with agriculture. The wheat crop of last year was worth more than a billion dollars. The farmers produced a billion dollars of new wealth. In the previous year the wheat crop was also worth approximately a billion dollars. And yet in spite of that fact there was a greater loss of wealth through the destructive ravages of the Hessian fly in the wheat crop of those two years than occurred in any other business in this great country.

The growth of wheat is adapted to every State in the Union. Yet there is less effort on the part of the Agricultural Department, it seems to me, to eradicate the Hessian fly and stop its ravages than is devoted to any other subject connected with the Department of Agriculture. The reasonable and practicable way to exterminate this pest is by some insecticide sprayed upon the growing plant. The eggs are deposited upon the blade of the growing plant, the life is germinated there, and then the insect works its way into the stalk of the plant, destroys the joint, and the wheat becomes worthless. The advice of the department, as given in bulletins, is for the farmer to wait until after the frost season has set in, so that the frost will kill the germs of life in the eggs laid on the plant. If that plan had been followed last year in the great Mississippi Valley south of Lake Michigan, there would have been no wheat sown there until too late in the season for it to germinate. There is no better wheat-producing soil in the world than in the Delta of the Mississippi, in Louisiana, and Mississippi. Yet if the farmers there should wait each year under the instructions of the Agricultural Department they would not be able to sow their wheat until long after the sowing season had passed, and frequently after Christmas or New Years. An insecticide can be prepared, either in a powder or a liquid form, and sprayed upon the growing wheat, destroying the life of this insect, or the life germ in the egg, and so protecting wheat from the ravages of this pest. In comparison to the great loss sustained annually by the farmers of this country from the ravages of this pest, the appropriation of $50,000 for experiments by scientists to discover some method along this line is a very moderate sum indeed, when we take into consideration the amount that would be saved to this industry in this country each year. It is a matter of vital interest to the farmers of the country. I may add it is not alone of interest to them but to the entire population of the country, who are concerned in the food supply. We should here do all we can to encourage the industry of farming and particularly the branch of wheat culture. It is not enough to say we are trying some plan to rid the plant of this enemy, but should make it possible for the department to avail itself of every opportunity to discover some more effective means than it has so far discovered.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. CULLOP. I yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. I think we are all of us very much interested in what the gentleman is saying. What I want to inquire is whether the Government has made any experiments along this line, and if not, then whether experiments have been made by private parties?

Mr. CULLOP. I thank the gentleman very much for asking that question. The Government has made no experiments along this line, as I have been informed by it. I called the attention of Prof. Webster to it last December when Congress convened. He was very much interested, and I told him about an experiment made by a farmer in my district. He assured me that the matter would be taken up by the department with Purdue University.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I would like three or four minutes more. I want to give this illustration, which I think is important.

The CHAIRMAN. The committee has fixed the limit of debate.

Mr. CULLOP. I ask unanimous consent to proceed for two or three minutes to answer the question of the gentleman from Michigan. I think I have some valuable information on this subject.

Mr. LEVER. I presume the Chairman has reserved five minutes for me, and I ask the gentleman to take two minutes of my time.

The CHAIRMAN. The gentleman from Indiana is recognized for two minutes out of the time of the gentleman from South Carolina [Mr. LEVER].

Mr. CULLOP. Prof. Webster promised me that he would take up the matter without delay, and have it investigated through Purdue University; but shortly after that Prof. Webster, unfortunately, died, on January 3, 1916, before anything had or could be done in the matter.

A farmer living in Monroe County, Ind., a tenant on what was known as the Dunn farm, adjoining the campus of the State university, some years ago had a field of wheat in an orchard on the farm. In the spring he sprayed the orchard in order to kill the insects on the fruit trees and some of the spray fell upon the growing wheat. The rest of the wheat in that field was destroyed by the Hessian fly, but on the part around the fruit trees which had been sprayed there was an abundant yield. It was the purpose of the department, under the direction of Prof. Webster, to look up this man, through the aid of Purdue University, and find out what insecticide he had used.

Now, science is able to conquer the evils with which agriculture is compelled to contend; but unless some appropriation is made to direct the attention of the department it will not take the necessary interest and make the investigation which is required. There is no more important matter than this in the Agricultural appropriation bill; and I ask the adoption of this amendment. [Applause.]

I am informed by the department that of the appropriation proposed in this bill only $5,000 is proposed to be devoted to this important subject. This, I contend, is wholly inadequate when we consider the magnitude of this industry, its importance to 8,000,000 farmers who yearly suffer from the ravages of this pest, and the welfare of the people of this country. I urge for these reasons its adoption, believing, as I do, that conditions existing require it and that if adopted it will serve a most useful purpose to the entire country.

We should do what we can here to promote the great farming industry, because upon it the country's welfare depends, and this matter is of such vital importance that it deserves serious consideration in order that this great industry may be encouraged.

Mr. BORLAND. Mr. Chairman, I am ready to support any appropriation which looks to the eradication of the pest that destroys the wheat crop, the great basic crop of our country. I have no more knowledge than most Members of the House of the method by which the destruction of this pest can be accomplished. If it is possible to destroy it by means of spraying, and that information can be given out to the farmers, there is no doubt that the money will be well spent.

The wheat crop of this country last year was 900,000,000 bushels. It is one of our biggest crops, our basic crop, probably the most widespread crop that we have. I think it is now claimed that the production of corn exceeds that of wheat in value and that wheat has dropped to second place, but that can only be a temporary condition, and eventually and permanently wheat must be the great basic staple crop of the Mississippi Valley and of the farming regions of this country. As I have said, last year we produced 900,000,000 bushels of wheat. That wheat was not only the stock in trade of the farmer, but it was the raw material of the country mill. Every small town has its flour mill, which manufactures flour from the wheat grown in the vicinity. Wheat used to be, and still ought to be, one of the great export crops of this country; and if it were not for the cheap wheat lands of Canada I doubt not that wheat would be one of the great export crops of this Nation. To-day the American wheat farmer is confronted with competition which is world-wide. Every bushel of wheat raised in Kansas or Missouri comes in competition not only with every other bushel of wheat raised in those States but with the wheat of Canada, with the wheat of Argentina, with the wheat of Australia, with the wheat of Siberia, and of all the other great wheat-producing regions of the world. The price of wheat is fixed in the strongest competitive market under the strongest competitive conditions of world-wide competition. No man who produces wheat can figure on fixing the price of his own product. It is normally fixed at Liverpool under world-wide competition, and the only things that we can improve are the conditions of production at home and the cost of transportation to the great markets of the world.

I have voted repeatedly for items in this bill for the eradication of pests which afflicted only a very small section of our agricultural industry, pests relating to the citrus-fruit crop, which is a very trifling thing compared with the great agricultural interests of the West; pests relating to the chestnut-tree blight; and things of that kind, which are insignificant compared with the great basic crops of the Nation. But here is a great wheat crop of 900,000,000 bushels, worth over a billion dollars, affected by this widespread pest; and, as I say, I do not know whether the spraying proposition is a good one or not, but, so far as I know, no way has been found of controlling the Hessian fly. I believe, however, that science can find a way to control it. I know in the country at large last year, even with the 900,000,000 bushels, we produced an average of less than 13 bushels per acre. I do not believe that a country in Europe produced less than 20 or 25 bushels an acre, and we must bring our standard of farming up by scientific methods in the Department of Agriculture until we have fuller returns for the agricultural products to the tiller of the soil. [Applause.]

Mr. BARKLEY. Mr. Chairman, I am very much in favor of this amendment, because it makes it possible for the Government to institute investigations by which it may be determined whether there is a remedy for this great evil to the wheat growers of the United States. Under present conditions and circumstances, there practically is no way for the farmer to provide against the evil of the Hessian fly. He does not know that the Hessian fly is on his wheat crop until the crop is practically ruined. Therefore it is necessary for him to be advised and informed in advance of some remedy that he may apply to the wheat that will be there, ready on the approach of the Hessian fly when he does come on the scene.

Now, as has been suggested by the gentleman from Missouri and others, last year the wheat crop amounted to more than 900,000,000 bushels, valued at more than a billion dollars. I notice, within the last two or three weeks, that according to the forecasts of the Department of Agriculture and of the bureaus of the State departments of agriculture over the country the prospects are that this year there will not be more than 75 per cent of a crop of wheat raised, and a large proportion of this decrease is due to the Hessian fly, of which we are complaining to-day.

I do not know that it is possible, any more than I knew on yesterday it was possible, to manufacture potash out of kelp; but if it is possible for the Government of the United States by investigation to provide some remedy so that the farmer can protect his wheat crop against the ravages of the Hessian fly, so that this great crop of 900,000,000 bushels may be saved to the people, this is a very paltry sum to be provided for the investigation and demonstration of that remedy.

The wheat crop is a peculiar crop. In some States they raise winter wheat, in some spring wheat; but whether it be winter

wheat or spring wheat, it is always subject to the ravages of the Hessian fly, because the fly can come in the fall of the year or the spring of the year, and whenever it does come it secretly bores its way into the stalk of wheat, and before the farmer knows there is anything wrong his wheat is ruined, and there is no help for it.

Mr. RAKER. Will the gentleman yield?

Mr. BARKLEY. Certainly.

Mr. RAKER. This item is not in the bill?

Mr. BARKLEY. No, sir.

Mr. RAKER. Can the gentleman or the gentleman from Indiana or the gentleman from Missouri give any explanation of why it was not included in the general bill?

Mr. BARKLEY. I can not.

Mr. LEVER. The item is in the bill, as a matter of fact. It is in the item for the investigation of insects affecting cereals and forage crops.

Mr. RAKER. I asked the question because the committee has been so willing, and the gentleman from Kentucky and others have presented the matter so well, that it seems strange that it was not in the general bill.

Mr. BARKLEY. I appreciate the gentleman's compliment.

Mr. CULLOP. There is no provision in the bill for the process of spraying or the discovery of a process by spraying.

Mr. BARKLEY. While it is in the item in gross for all cereals, of course there are many cereals besides wheat, and the appropriation that would be devoted to wheat out of the $114,000 would be very small. This amendment applies especially to wheat.

Mr. RAKER. I am in hearty sympathy with the amendment, and I think there should be this additional sum for this particular purpose.

Mr. McLAUGHLIN. Mr. Chairman, there has never been any disposition on the part of the Committee on Agriculture to refuse to recommend appropriations for any good purpose to enable the department to make investigations in important matters of this kind. The committee did consider very carefully the question and the amount of money needed by the department for work in connection with the diseases of cereals and forage crops, and money has been provided in the item that carries $114,000.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. GREEN of Iowa. I understand that some of this other money, the $114,000, could be used for this purpose if the bureau thought proper?

Mr. McLAUGHLIN. Yes.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. HAMILTON of Michigan. If the attention of the bureau is not specifically called to the Hessian fly, will they be apt to conduct investigations for that purpose?

Mr. McLAUGHLIN. I will say to the gentleman from Michigan that the attention of the department was called to the Hessian fly years ago, and it has been carrying on systematic work, bending every energy, using every known means for its eradication or control since 1905. There is a misapprehension in regard to this matter. Members seem to labor under the impression that the department has been doing nothing in the matter of the Hessian fly. Sprays have been used, and with some measure of success, but the department has reached the conclusion, and says it without hesitation, that their investigations have enabled them to apprise the farmers of the coming of the Hessian fly so they can prepare against it. They say, further, that if the instructions given by the department, the suggestions made, are followed, the farmers will avoid any serious damage.

Mr. HAMILTON of Michigan. What do they do to avoid serious damage? Everyone who is familiar with farming knows that the Hessian fly is a serious pest.

Mr. McLAUGHLIN. The methods and times of sowing the wheat are set forth, and directions are given for each particular locality, and the department tells us that if their directions are followed the injury will not be serious. Of course it is barely possible that some gentleman in Indiana has discovered a material for spraying which is something new and cheap enough to justify its use, something the officials of the department have not in their 11 years been able to discover, but I doubt it very much. Spraying will kill the Hessian fly, of course, but it is expensive to spray a wheat field. There are some wheat fields in this country which contain several acres, and spraying would be an expensive operation.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. CULLOP. Has the department at any time ever made any effort to discover a remedy for the Hessian fly by spraying?

Mr. McLAUGHLIN. Sure, and while they have reached some measure of success, they recommend the other method, and they have issued a bulletin giving directions and offering suggestions to farmers, apprising them each year whether or not the fly is coming or is liable to come, and the methods to be employed and particularly the times of sowing to prevent serious damage.

Mr. CULLOP. Mr. Chairman, will the gentleman yield further?

Mr. McLAUGHLIN. Yes.

Mr. CULLOP. Is not the only method that the department proposes for the treatment of this subject to advise the farmers by means of its natural enemies in connection with the campaign, and induce farmers to plant the wheat at a fly-free date; that is, after the frost season occurs?

Mr. McLAUGHLIN. That is just what I have said, that after all investigations made by the officials of the Bureau of Entomology and by other bureaus, they have found this matter of the time and manner of planting to be the most helpful, and they make a recommendation to that effect, and have practically given up, after a full investigation, the matter of using a spray or of finding a spray which can be recommended.

Mr. CULLOP. The gentleman is aware that the fly occurs in the spring of the year after the frost season is over?

Mr. McLAUGHLIN. The principal damage was at first, and I believe is yet, to the winter wheat, and there was no trouble to the spring-wheat area; but lately the fly has infested the spring-wheat area as well.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LEVER. Mr. Chairman, the Department of Agriculture since 1905 has been making investigations to find a remedy against the ravages of the Hessian fly. They propose, out of this appropriation of $114,000, to expend $5,000 during the coming fiscal year for a continuance of these studies.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I have only three minutes, and I decline to yield. It is now argued by the gentleman from Indiana [Mr. CULLOP] and others supporting his amendment that this is a mere bagatelle as compared to the total value of the wheat crop. That is true. No one controverts that, but I want to call the attention of members of the committee to this fact, that the Department of Agriculture through its 10 years of study has not as yet reached a definite conclusion as to what is the best method of controlling the ravages of the Hessian fly. In other words, this whole proposition is still in a scientific and experimental stage. Five thousand dollars is all that the department asks to continue its scientific investigation. It is not a question of going out into the field to employ means and men and material to eradicate the Hessian fly; if it were, a larger appropriation might be justified, but this is an appropriation to enable the department to continue its scientific investigation.

Mr. HAMILTON of Michigan. Does this mean laboratory investigation?

Mr. LEVER. Laboratory and field—chiefly field investigation.

Mr. HAMILTON of Michigan. What is the extent of the field investigation?

Mr. LEVER. They have some six or eight field stations scattered throughout the country.

Mr. HAMILTON of Michigan. Will the gentleman state where they are?

Mr. LEVER. That takes my time, but I will put it in the RECORD. The stations are located in North Carolina, Virginia, Maryland, Indiana, Kansas, Tennessee, South Dakota, Missouri, and Oregon.

Mr. BARKLEY. And also what they can do at these stations with $5,000.

Mr. LEVER. Oh, the gentleman is wrong in that. This is not a question of eradicating the fly, it is a question of gathering scientific information, and you can do as much at six or eight stations in getting fundamental, basic facts as you could at 100 stations.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I must ask the gentleman not to interrupt as I have only a few minutes. If we can find a remedy the Committee on Agriculture is willing to appropriate money to apply the remedy, but until we have the remedy, let us not appropriate $50,000 here, of which the only use we could make would be to employ a number of additional scientific experts—boys who have graduated in chemistry at some college—students just out of college. The department through this amendment would be directed to spend this money, and the department would spend the money. They would put these youngsters on the road and eat up the $50,000, when the same results can be had, according

to their own estimates, for $5,000 by concentrating it in the hands of one or two genuine trained scientists and experts. I hope that the amendment will be defeated.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. LEVER) there were—ayes 24, nays 58.

So the amendment was rejected.

Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. The Chair will state to the gentleman that by unanimous consent all debate on the paragraph and all amendments thereto was closed. The Clerk will read.

The Clerk read as follows:

For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, etc., and the cigarette beetle and Argentine ant, $64,400.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The Bureau of Entomology gets $868,880, which is a large sum, for the investigation of bugs or insects. It is a great deal more in the aggregate than we get for some very worthy projects in the river and harbor bill; twice as much, at least, as went this year to all the States of New England for the improvement of their ports and rivers; but notwithstanding that, I think it is proper we should have a careful investigation of all these bugs and that there should be scientists employed by the Government to see that we get rid of them as rapidly as possible.

Mr. HAWLEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I really have not the time. I am with the gentleman and shall support the item; I am not antagonizing it. I am in favor of the removal of bugs that affect the health of man or that tend to destroy the health and happiness of animals. To prove the necessity for the appropriation for the proper control of our bugs and insects and germs, I send to the Clerk's desk a bit of verse attributed to Mr. Roy Atwell, a comedian, who seems to have given deep thought to this subject.

The CHAIRMAN. The Clerk will read in the time of the gentleman from Pennsylvania.

The Clerk read as follows:

In these days of indigestion
It is oftentimes a question
As to what to eat and what to leave alone,
For each microbe and bacillus
Has a different way to kill us,
And in time they always claim us for their own.
There are germs of every kind
In any food that you can find
In the market or upon the bill of fare.
Drinking water's just as risky
As the so-called deadly whisky,
And it's often a mistake to breathe the air.

Some little bug is going to find you some day,
Some little bug will creep behind you some day;
Then he'll send for his bug friends
And all your earthly trouble ends;
Some little bug is going to find you some day.

The inviting green cucumber
Gets 'most everybody's number,
While the green corn has a system of its own;
Though a radish seems nutritious,
Its behavior is quite vicious,
And a doctor will be coming to your home.
Eating lobster cooked or plain
Is only flirting with ptomaine,
While an oyster sometimes has a lot to say,
But the clams we eat in chowder
Make the angels chant the louder,
For they know that we'll be with them right away.

Take a slice of nice fried onion
And you're fit for Dr. Munyon;
Apple dumplings kill you quicker than a train.
Chew a cheesy midnight "rabbit"
And a grave you'll soon inhabit—
Ah, to eat at all is such a foolish game.
Eating huckleberry pie
Is a pleasing way to die,
While sauerkraut brings on softening of the brain.
When you eat banana fritters
Every undertaker titters,
And the casket makers nearly go insane.

Some little bug is going to find you some day,
Some little bug will creep behind you some day;
With a nervous little quiver
He'll give cirrhosis of the liver;
Some little bug is going to find you some day.

When cold-storage vaults I visit
I can only say what is it
Makes poor mortals fill their systems with such stuff?
Now, for breakfast, prunes are dandy
If a stomach pump is handy
And your doctor can be found quite soon enough.
Eat a plate of fine pigs' knuckles
And the headstone cutter chuckles,
While the gravedigger makes a note upon his cuff.
Eat that lovely red bologna
And you'll wear a wooden kimono,
As your relatives start scrapping 'bout your stuff.

Some little bug is going to find you some day,
Some little bug will creep behind you some day;
Eating juicy sliced pineapple
Makes the sexton dust the chapel;
Some little bug is going to find you some day.

All these crazy foods they mix
Will float us 'cross the River Styx,
Or they'll start us climbing up the milky way;
And the meals we eat in courses
Mean a hearse and two black horses,
So before a meal some people always pray.
Luscious grapes breed 'pendicitis,
And the juice leads to gastritis,
So there's only death to greet us either way;
And fried liver's nice, but, mind you,
Friends will soon ride slow behind you,
And the papers then will have nice things to say.

Some little bug is going to find you some day,
Some little bug will creep behind you some day;
Eat some sauce, they call it chili,
On you breast they'll place a lily;
Some little bug is going to find you some day.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the chorus be read.

Mr. MILLER of Pennsylvania. Mr. Chairman, I think we have had enough of that now. I shall have to object to that.

Mr. HAWLEY. Mr. Chairman, I desire to oppose the motion of the gentleman.

Mr. LEVER. Mr. Chairman, may I ask unanimous consent that debate close on this paragraph and all amendments thereto in 10 minutes?

Mr. SAUNDERS. Mr. Chairman, reserving the right to object, suppose the gentleman let the debate develop on this a little, and then see whether it is desirable to close it.

Mr. LEVER. I do not think there is going to be any difficulty in reference to this.

Mr. SAUNDERS. I do not know, but I want to get a little information.

Mr. LEVER. I will make it 15 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes. Is there objection?

Mr. KINCHELOE. Mr. Chairman, reserving the right to object, there seems to be some ridicule on the other side, and this is a very important matter to some of us gentlemen here——

Mr. LEVER. Let me say to the gentleman from Kentucky that when he has been here as long as I have he will find the best way to handle an item of this kind is to say as little as possible.

Mr. KINCHELOE. I do not want to say anything unless it is necessary, but I did not want to be precluded from saying something if it be necessary.

Mr. LEVER. This is an exceedingly important item, and I am satisfied there is no opposition to it.

Mr. SAUNDERS. Will the chairman answer a question before the request is put, because I want to see whether I shall desire to offer an amendment or not? I notice in line 14 it is merely for the "investigation of insects."

Mr. MANN. Mr. Chairman, whose time is this?

The CHAIRMAN. The gentleman from Virginia has not been recognized. The Chair was waiting to see whether there would be any agreement.

Mr. SAUNDERS. Mr. Chairman, I would ask that the gentleman from South Carolina withhold his motion in that connection.

The CHAIRMAN. There is no motion pending.

Mr. SAUNDERS. I reserved the right to object just to get a little information from the gentleman from South Carolina.

The CHAIRMAN. There has been no proposition really put before the Chair.

Mr. LEVER. Mr. Chairman, let me modify my request. I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes.

Mr. SAUNDERS. Mr. Chairman, reserving the right to object, I would like to ask the gentleman——

Mr. LEVER. Mr. Chairman, I am trying to save time.

The CHAIRMAN. Wait until the Chair puts the proposition. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

Mr. SAUNDERS. Mr. Chairman, reserving the right to object, I do not know that I will want any time, but I notice in line 14 the language is "for investigation of insects," and in line 23 "for investigations and demonstrations."

Now, what I am interested in, and what the representative of every tobacco State is interested in, is this: We are interested in the demonstration of the method of destroying, for instance, the tobacco hornworm by insecticides, and I want to

Mr. McLAUGHLIN. Yes.

Mr. CULLOP. Has the department at any time ever made any effort to discover a remedy for the Hessian fly by spraying?

know whether under the language used that can be done or whether it will be necessary, following the analogy of line 23, to put in the word "demonstrations"?

Mr. LEVER. No; I will say to the gentleman from Virginia under the language in the item at line 14 the department would do the demonstration work the gentleman has in mind. The department would not do it as demonstration work, but it would have the same practical effect. The department says that its investigations of the hornworm in tobacco have not been completed, and the demonstration work in connection with it is only incidental, but in that investigation the practical result is just the same.

Mr. SAUNDERS. The demonstrations we are interested in will be performed under the present language?

Mr. LEVER. Without a doubt in the world.

Mr. BYRNS of Tennessee. This carries some more money for that purpose.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, how is this time to be divided?

Mr. LEVER. The gentleman from Illinois desires five minutes, the gentleman from Oregon [Mr. HAWLEY]——

Mr. MANN. There are six or eight gentlemen asking for time.

Mr. LEVER. The gentleman from Missouri [Mr. BOOHER] wants five minutes——

Mr. SAUNDERS. I want five minutes.

Mr. KINCHELOE. And I want five minutes.

The CHAIRMAN. Is there objection?

Mr. LEVER. Gentlemen who have asked for time would consume nearly an hour, and I am satisfied there will be no motion to strike out this proposition at all, and I feel satisfied if such a motion were made it would not carry. I would like to get along with this bill to-day. If the gentlemen desire to discuss it rather than have it expedited, of course the chairman is helpless to close debate on these small items. He realizes that.

Mr. SAUNDERS. I want five minutes. I have not consumed any time in this debate, and I have never consumed any time on the Agricultural bill. I would like to have five minutes.

Mr. LEVER. That is very true.

The CHAIRMAN. As the Chair understands the proposition of the gentleman from South Carolina, it is to allow 20 minutes' debate, 5 minutes to the gentleman from Oregon [Mr. HAWLEY], 5 minutes to the gentleman from Illinois [Mr. MANN], 5 minutes to the gentleman from Missouri [Mr. BOOHER], and 5 minutes——

Mr. LEVER. Mr. Chairman, I temporarily withdraw the request.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] is recognized for five minutes.

Mr. HAWLEY. The gentleman from Pennsylvania called attention to the size of this appropriation. I rise to remark that the Department of Agriculture finds there are some 20,000 different kinds of bugs and other pests that infest the crops of this country. Not all of these are active at any given period. There are about 600 that are active at a time, but not always the same 600. The solution of the problem in any one section of the country does not settle it for every other section, for the reason that climatic conditions will change the life history of a pest in a new section of the country—that is, a section new to it—and create a new problem. Although the appropriation runs very close to $900,000, the amount of work that is to be done under it, and the enormous loss every year to crops by reason of the destruction occasioned by these pests is so large, that the amount is small in comparison with what will be saved to the agricultural interests of the country.

Mr. TILSON. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. TILSON. These are all for investigations, as I understand it. What steps are taken to bring the results of these investigations home to the people who suffer from the ravages of these insects?

Mr. HAWLEY. Information given to the public as a result of these investigations.

Mr. TILSON. How is it given to the public?

Mr. HAWLEY. There are two separate appropriations in the bill for demonstration work—one for the crops of the South and one for the crops in the North—under which agents are sent out to inform the people. And under the Lever-Smith agricultural extension bill this extension work will be very largely increased. The purpose of the whole investigation is to get information, sound and accurate, to be given to the farmers for their benefit, and put it in such a form and present it in such terms that they can readily understand it and make use of it.

Mr. BOOHER. Mr. Chairman, I am not opposed to this paragraph, and I would not be opposed to it if the appropriation were greater than it is. But I desire to call the attention of the House to the fact that this is only for one section of the country. It includes only certain things as specifically set out in the paragraph, and no one of these things is more important than the amendment offered by the gentleman from Indiana [Mr. CULLOP] that was defeated just a few moments ago.

Now, we were told by the chairman of the Committee on Agriculture that it was not necessary to set out in the appropriation a specific item to investigate the ravages of the Hessian fly and to determine some means for eradicating it. Then I would like to know why it is necessary in this provision of the bill to use language, "For investigation of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane," and so forth.

There are at least four paragraphs in this bill that provide for the investigation of insects that are injurious to cotton. There is one provision in this bill that gives $500,000 for the further investigation of the boll weevil and its effect upon the cotton crop. We have carried that appropriation for 10 years. Five million dollars has been expended, and year after year, notwithstanding the fact that the department has told Congress that there is no remedy for this boll weevil except crop rotation, notwithstanding they have published bulletin after bulletin upon that subject, they tell us that this appropriation must be made to keep up the boll-weevil investigation. You can not get $50,000 to investigate a subject that causes more loss to this country every year than the boll weevil does to the cotton crop.

Now, I want to reply to a statement that was made by the chairman of the committee in reference to the ravages of the Hessian fly. Why, they seem to think that the Hessian fly does all the damage in the fall of the year, and the department has recommended that the farmer sow wheat after the frost has come and killed the larvæ of the Hessian fly. If you wait in some sections of this country to sow your wheat after the frost comes, the wheat will not come up, and you will have none. More crops are destroyed by this insect in the months of March and April than in any other month of the year, and the ravages of the fly are so great in those months sometimes that the farmers plow up their wheat fields and plant them to corn.

This appropriation is no more necessary for these insects—the tobacco insects and the cotton insects—than for the investigation of the Hessian fly, and not nearly so important, yet we appropriate only $5,000 to prevent the destruction of that great wheat crop by the Hessian fly! And now you give $500,000 for the boll weevil in one section, and in three other sections of this bill they provide the money to investigate the insects affecting the cotton crop. It is not a fair division of this money. It is not a fair division of the investigation of the Department of Agriculture. It seems to me that no one who voted against the appropriation of $50,000 for the investigation of the Hessian fly can vote for this proposition and claim to be consistent.

That is all I care to say about it.

Mr. SLOAN. Mr. Chairman, I rise to answer the metric argument, the poetic logic, of the gentleman from Pennsylvania [Mr. MOORE], who, in his original poetic effusion, has a purpose which has perhaps escaped a great many of the producers on the floor, his evident purpose being to discourage generous consumption of farm products. I want to say that the gentleman is entirely consistent in this matter, because if he were personally filed as an exhibit in the case he would demonstrate the fact that he has taken his own advice and consumed as little as possible.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Very briefly.

Mr. MOORE of Pennsylvania. The gentleman does not want his words taken down, does he? [Laughter.]

Mr. SLOAN. I am willing that you should do anything with the words so long as you will spare me personally. [Laughter.]

Mr. MOORE of Pennsylvania. I will not move that the gentleman's words be taken down this time.

Mr. SLOAN. I will say that the gentleman from Pennsylvania is endeavoring to discourage consumption, so that production will not be so remunerative——

Mr. MOORE of Pennsylvania. I am very much opposed to tuberculosis, if the gentleman pleases. [Laughter.]

Mr. SLOAN. I will say that the gentleman, in order to make an impression on the scales—and this is for the public, not for the particular membership here—I want the public to know that in order to make any impression on the scales at all you must take him to the jewelry store and weigh him on the troy scales, where 12 ounces instead of 16 make a pound. [Laughter.]

Mr. MANN. That is because he is of great value. [Laughter.]

Mr. SLOAN. Oh, yes; he is very valuable. Tied up in a small package. He has splendid qualities. If his general physique were developed as his brain has been, he would be walking alongside the giant from New Hampshire, Mr. SULLOWAY, casting a shadow on the splendid form of the man who, we understand, walks in the valleys of the White Mountains and drops a shadow on the peak of Mount Washington. [Laughter.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. MANN. Mr. Chairman, how much time remains?

The CHAIRMAN. The debate on this paragraph has been exhausted.

Mr. MANN. I ask unanimous consent that the gentleman from Pennsylvania may proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have been anticipating this personal attack for some days. [Laughter.] Ever since the river and harbor bill was under discussion I have looked forward to that sad moment when I should become the victim of the wit and cruel sarcasm of the gentleman from Nebraska [Mr. SLOAN]. It is a misfortune that my avoirdupois does not come up to the standard of the gentleman from Nebraska. As it is I must fall back for defense upon those lines so familiar to bugologists and so appropriate to the incident and the paragraph:

> Big bugs have little bugs upon their backs to bite 'em,
> And little bugs have lesser bugs, and so ad infinitum.

[Laughter.]

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph close in 10 minutes.

Mr. MANN. I have an inquiry to make.

Mr. LEVER. Then I withdraw my request, Mr. Chairman.

Mr. MANN. Will the gentleman give me some information about this paragraph? What is the cigarette beetle?

Mr. LEVER. It is an insect that attacks tobacco, cigars, and cigarettes.

Mr. MANN. It does not confine its attention solely to cigarettes?

Mr. LEVER. No. It bores a little hole in the cigar and cigarette.

Mr. MANN. Well, while I do not smoke cigars, I have no objection to gentlemen going after bugs who bore holes in them or bugs who smoke them, for that matter.

Mr. LEVER. The little bug bores out of the tobacco.

Mr. MANN. If it is simply to protect the cigarette, I do not know but what it would be a good thing to strike it out and make an appropriation to increase the number of cigarette beetles.

Mr. LEVER. Oh, that is but a name given to it.

Mr. MANN. What is the Argentine ant?

Mr. LEVER. That is an insect that attacks sugar cane. We brought it in from Mexico some years ago, I understand, in the hope that it would be an enemy to the boll weevil.

Mr. MANN. Are they still investigating with that?

Mr. LEVER. It is a small appropriation, I believe—$3,000 in the bill.

Mr. MANN. Mr. Chairman, I had thought, when the Agricultural bill was up, I would make a reference to the work that is being carried on in Hawaii in discovering one kind of insect that attacks another.

Mr. LEVER. That comes on the next page.

Mr. MANN. It is not under the Agricultural Department, by the way. I am not going to take the time of the House to do that. I did not know what the Argentine ant was. But, in a word, I may say that in Hawaii the organization of sugar planters there, through the aid of the entomologists, by a world-wide search that took a number of years, discovered an insect that fed upon another that was absolutely destroying the sugar industry of Hawaii. In another case they did the same thing, and where they were giving up sugar plantations in Hawaii and devoting them to other purposes which were not successful they now find that they can control these insects. They keep a supply of the enemy insects on hand, so that they can send them to any place, where they rapidly breed and attack the plant-destroying insect. The history of that discovery is one of the most entertaining stories that ever was told. It is more interesting than a brilliant detective novel.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SAUNDERS. Mr. Chairman, the gentleman from Missouri [Mr. BOOHER] is mistaken in saying that this paragraph for the investigation and demonstration of insects affecting tobacco, relates to only one section of the country. For instance, if he will look to the paragraph he will see that it relates to an investigation of insects affecting tobacco without any limitation as to locality. This investigation concerns and is of interest to many sections of the United States, including the State of Missouri.

Mr. BOOHER. That comes under the item for the investigation of insects affecting southern field crops.

Mr. SAUNDERS. Read a little further and you will find these words: "including insects affecting cotton, tobacco, sugar, rice," and so forth. Tobacco is raised in quite a number of States, and as far north as the State of Connecticut.

Like these other crops, tobacco has its own peculiar and distinctive pest. What the boll weevil is to cotton, the army worm to corn, the Hessian fly to wheat, the San Jose scale to the apple and other fruits the insect known as the tobacco horn worm, is to tobacco.

Every one who is at all acquainted with the growth and production of tobacco, knows that the tobacco worm is a very serious pest. While the Agricultural Department, and scientific investigation generally, has failed to develop an effective treatment for the Hessian fly, they have been more successful with respect to the horn worm. These worms come from the eggs of a large moth which are deposited on the leaf of the tobacco plant. The young worms grow rapidly, and may be styled the original tobacco chewers, since they live entirely upon the tobacco leaves, attaining full size in a comparatively short time. Until a few years ago the method of keeping the growing tobacco plants, free of worms, was by hand picking. When labor was abundant, and cheap, this method was inexpensive and comparatively effective. But these conditions no longer prevail in the tobacco sections. Labor is scarce and high, so that hand picking which has always been a tedious, laborious, and dirty work, owing to a gummy exudation on the tobacco leaves, has become a very serious problem for the tobacco raisers. Coincident with the shortage and high price of labor, the tobacco raisers turned to the insecticides which had been so effective in the warfare upon other insects. Having before them, as an object lesson, the distinctive effect of Paris green upon the potato bug, the tobacco planters in some sections, notably in Tennessee and Kentucky, experimented with considerable success, with that poison. But the trouble with Paris green, is that while it is an effective insecticide, its use has certain attendant features that render it undesirable.

Mr. BYRNS of Tennessee. I want to say to the gentleman that in Tennessee they are now using arsenate of lead to a great extent.

Mr. SAUNDERS. I had not completed my statement.

Mr. BYRNS of Tennessee. I make this remark in reply to the statement that they use Paris green.

Mr. SAUNDERS. I had not completed what I set out to say. As I said, the planters have been using and for that matter still are using to some extent Paris green as an insecticide for the tobacco worm in the States of Tennessee and Kentucky, but there are very grave objections to its use, and the agents of the department have discovered another insecticide, powdered arsenate of lead, which is equally as effective, in fact, more effective than Paris green, and is free from its objectionable features.

The use of Paris green is objectionable for the following reasons. First, it has an irritating and slightly injurious effect upon the operator, sometimes causing bleeding at the nose. Second, it causes dead or burned areas on the leaves, known as burn or Paris green burn. At times this burning is so serious that the damage done to a crop on which Paris green has been used for insecticidal purposes amounts to as much as 25 per cent of the gross value of the crop. Under very bad conditions, the loss from burn sometimes exceeds this figure. Third: Light rains wash the Paris green, after it has been applied, to the base of the leaves, weakening the strength of the stems to such an extent that many leaves either drop off before cutting time, or else during the process of cutting. Fourth: Paris green can not be applied to tobacco when it is nearly ripe, in sufficient quantities to do satisfactory insecticidal work, without grave danger of burning at this critical stage of the crop. The satisfactory use of this insecticide is very dependent upon weather conditions. Hot summers, and low humidity for an extended period, may produce a condition of the tobacco plant, very susceptible to Paris green burning. However, at other times, Paris green has been applied when weather conditions have been favorable, with eminently satisfactory results. But upon the whole, for the reasons that have been given, the planters using Paris green have taken large chances, and at times have suffered considerable losses, when the weather conditions have been unfavorable. Arsenate of lead causes none of these troubles. It neither

they can readily understand it and make use of it.

where 12 ounces instead of 16 make a pound. [Laughter.]

weakens the leaf stems, nor burns the leaf surface. It may be applied to the tobacco plant in any kind of weather, and at any stage of growth, without injury. Moreover its use and application is not objectionable to the operator, and requires no special dress, or outfit. These are very distinct advantages, and while arsenate of lead is more expensive than Paris green, yet comparing the advantages and disadvantages of the one, with the advantages and disadvantages of the other, the balance, on the whole inclines very decisively in favor of arsenate of lead.

Mr. TILSON. Will the gentleman yield for a question?

Mr. SAUNDERS. Certainly.

Mr. TILSON. How is this arsenate of lead applied to the tobacco plant?

Mr. SAUNDERS. It is applied with a dust gun. The powdered arsenate of lead must be mixed with a carrier. This carrier may be powdered lime, or dust, but preferably finely sifted, freshly burned wood ashes, and it is applied by means of the dust gun to the leaves of the plant. This application may be made at any stage of the tobacco growth. It may be made, as I have indicated either in wet, or dry weather. It has no injurious effect whatever upon the tobacco. This paragraph is intended to enable the Agricultural Department to extend the knowledge and the use of arsenate of lead, and to inform the tobacco raisers of the most approved and effective methods of application through agents who will be sent into the tobacco areas, to conduct tests and afford instruction to the planters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS. I will ask five minutes more, Mr. Chairman.

Mr. LEVER. I hope we may conclude this debate in five minutes, and I ask unanimous consent that debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. With pleasure.

Mr. CAMPBELL. What is the expense per acre of the application of this lead arsenate?

Mr. SAUNDERS. According to careful experiments the cost of keeping an acre of tobacco hand-wormed in a year when worms are plentiful, is from $6 to $10. A like number of worms can be killed by the use of arsenate of lead at a cost of from $3 to $5 an acre. The same relation of cost exists, when the worms are not so abundant.

Mr. CAMPBELL. Is it necessary that people have further instructions in order that they may properly treat tobacco with this insecticide?

Mr. SAUNDERS. Yes; this insecticide has not come into universal use, and the appropriation provided will enable the Department of Agriculture to bring the benefits and advantages of this particular agent to the attention of the planters, and instruct them in detail as to the most improved methods of application. Experience has shown that the use of new devices is much expedited, if instruction is directly afforded by competent agents. The new dust guns are provided with an 8-inch fan, and two refillings of these guns will be sufficient to dust an acre. The best results will be secured, if the arsenate is applied on a still morning, or evening, when the dew is upon the tobacco plants.

Mr. TILSON. May I ask the gentleman one other question?

Mr. SAUNDERS. Certainly.

Mr. TILSON. This includes tobacco which is grown in my own State?

Mr. SAUNDERS. Yes.

Mr. TILSON. Nevertheless at the beginning of the paragraph it says:

Southern field crops.

Just where does Connecticut tobacco come in on that?

Mr. SAUNDERS. This appropriation is for investigations, including demonstrations, of insects affecting crops, commonly known as southern field crops, but the investigations and demonstrations are not limited to the South. They may be conducted wherever these crops are raised. For instance tobacco is a southern field crop, and might almost be called a Virginia field crop, but tobacco is raised in Connecticut, New York, Pennsylvania, Wisconsin, Ohio, Indiana, Missouri, and possibly in some other States outside of the South. The purpose of this appropriation is universal, and is intended for the benefit of the tobacco farmers, wherever they may be found.

Mr. BOOHER. Mr. Chairman, part of the State of Kentucky raises a great deal of tobacco. There is a great deal raised in my district.

Mr. SAUNDERS. Yes.

Mr. BOOHER. Under the peculiar language of this paragraph would the department be allowed to expend a portion of this money for the benefit of the tobacco raisers in Connecticut and Missouri?

Mr. SAUNDERS. Oh, absolutely.

Mr. BOOHER. Then, ought not the words "southern field crops" to be stricken out?

Mr. SAUNDERS. I do not think that is at all necessary.

Mr. BOOHER. The department usually construes these laws very strictly.

Mr. SAUNDERS. I have never heard that the Department of Agriculture has limited its investigation, and instruction relating to tobacco raising, and the insects preying on tobacco, to the South, or excluded Missouri, Ohio, West Virginia, or Indiana, or any other State from the benefit of its work.

Mr. BYRNS of Tennessee. I think a great deal of the credit for discovering the use of arsenate of lead is due to Mr. A. C. Morgan, who is connected with the Agricultural Department, and I understand the purpose of this increased appropriation in this bill is to extend the demonstration of it.

Mr. SAUNDERS. Yes, for the purpose of extending the knowledge, and developing the use of this great discovery—because it is a great discovery. For instance, in my own district, the universal use of this insecticide would remove a burden of at least $500,000 a year from the tobacco raisers.

Mr. BOOHER. I am in favor of the appropriation, but I want to be sure that under this paragraph it can be used in other tobacco fields besides those of the South.

Mr. SAUNDERS. The gentleman may add the words—

That the language used shall not exclude demonstrations in the State of Missouri.

Mr. BOOHER. Oh, no; why not strike out the words "southern field crops"?

Mr. SAUNDERS. Personally, I have no objection to that. The omission of these words would leave the meaning of the paragraph precisely the same with respect to cotton, tobacco, rice, and sugar cane.

Mr. BARKLEY. Does not the word "southern" there describe the crop, and not the location?

Mr. SAUNDERS. Undoubtedly. These crops are properly described as southern field crops, but there is nothing in the language used to confine the investigations to any particular locality.

Mr. CLARK of Missouri. You understand that, and the gentleman from Kentucky understands that, and I understand that, but it is not at all certain that these people over here in the Agricultural Department understand it, so it ought to be made perfectly plain.

Mr. SAUNDERS. Yes, I think it ought to be made plain, if it is not plain already. But to my mind, the meaning of this paragraph is entirely clear.

There is one great advantage in connection with the use of arsenate of lead, to which I should like to call attention.

Mr. CULLOP. Tobacco was originally a southern crop, was it not?

Mr. SAUNDERS. Yes, we claim it for Virginia.

Mr. CULLOP. That is where it was first raised or discovered in this country?

Mr. SAUNDERS. Yes, so history tells us.

Mr. CULLOP. Now, is it not called a southern field crop simply by way of description, but not limiting it to crops in the South?

Mr. SAUNDERS. I do not think the language limits it to the South at all. The words "southern field crops" are descriptive, and the application of the appropriation would be made to every crop mentioned in the paragraph, wherever found, or raised. The tobacco horn worm is an insect of very rapid growth; he lives about 20 days. To show you how highly advantageous it is to use this poison, when the worms are small, the following facts are given. Approximately speaking, in the first 10 days of the insect's life the worm consumes about 8 square inches of leaf surface, while in the latter half of his existence he consumes about 200 square inches of leaf surface, or in other words, eight times as much in the last half, as in the first half of his destructive activities.

When the worms are small it is difficult for the hand picker to find them all. They are easily overlooked. He finds the same difficulty with the larger worms during the hot hours of the day. They crawl down into the "ruffles" at the base of the leaves, and thus escape observation. Of course in the exercise of the most painstaking diligence by making a careful search of each leaf, all the worms large and small, may be discovered, but the time required for this process would add materially to the already high cost of hand picking.

Mr. TILSON. How long does the effect of the arsenate of lead last on the leaf?

Mr. SAUNDERS. About 6 days, possibly a little longer; it is more enduring than Paris green, and that is one great advantage in the use of this poison.

Some interesting experiments have been conducted by the Department of Agriculture in relation to the arsenate of lead. Two fields were taken for these experiments. On the first field Paris green was used, on the second diplumbic arsenate of lead, in powdered form. This form contains about 33 per cent of arsenic acid, and is the one recommended. On the day of application about one-third of an inch of rain fell in dashing showers. Two days after the application of the poisons, the tobacco plants in the respective fields were examined. It was found that 91 per cent of the worms had been killed by the arsenate and 83 per cent by the Paris green. On the fourth day after application the number of worms on the arsenate of lead plat was further reduced. The arsenate of lead continued to be effective after the Paris green ceased to be operative. An experimental acre of tobacco near Clarksville, Tenn., was kept free of worms in the summer of 1913, by the use of arsenate of lead, from the time that the worms appeared, until they ceased to appear. Four applications were made. The first dosage was applied when the worms were small, and later dosages were made from time to time. There was no hand worming, and no tobacco was injured either by the worms, or the arsenate. When conditions are favorable tobacco may be kept free of worms by two, or three applications of the poison in a season. The department recommends a thorough application of the arsenate. The number of pounds required per acre depends upon the size of the tobacco plants. When the tobacco is small 3½ pounds to the acre is recommended, while 5 pounds should be used when the plants have attained full size. The advantage in using this poison when the worms are small, is clearly afforded by the figures given showing the prodigious increase in the voracity, and destructive capacity of the worms after they attain full size. Moreover the toxic effect of the poison upon the worms is greater in the early days of their life period, than in their later stages. On the whole it may be said that the experience and investigations of the Agricultural Department are altogether favorable to the use of arsenate of lead in the tobacco fields. It has been proved to be as efficient for the destruction of the horn worm as Paris green for the potato bug, and as the various toxic sprays, for the destruction of the insect life that preys upon the apple, and other varieties of fruit trees.

The one thing that remains is to bring this agent into universal use, so that in time the tobacco grower will as little think of hand worming his tobacco, as a gardener of attacking the bugs on his Irish potatoes, by the same tedious and unsatisfactory process. The work that the Agricultural Department is doing in aid of better and less laborious farming, should be introduced directly to the farmers. It is not sufficient to distribute literature relating to the discoveries that scientific investigators are annually making in this department. This distribution of bulletins is well enough in its way, and has performed a great service, but we must not stop at this point. Properly trained, and equipped men should be sent out to make demonstrations, and afford full instructions. Men may disregard a good thing that is only brought to their attention through the medium of print, but they are always impressed by a successful demonstration. Nor should we be niggardly in this matter. These are the things that really concern and interest the farmer. Annually he produces billions of dollars of wealth, yet the appropriations for the benefit of agriculture do not exceed $25,000,000 a year. The same budget that carries this pitiful sum for agriculture, carries hundreds of millions for our military establishments, with a constant and clamorous demand for even greater sums. How much longer shall this gross disparity continue?

Mr. BOOHER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 51, lines 14 and 15, strike out the words "affecting southern field crops."

The question was taken, and the amendment was lost.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 51, line 17, after the word "ant," strike out the figures "$64,400" and insert the words "and for the the elimination of the mosquito, $64,400."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

Page 51, after line 17, insert a new paragraph, as follows:

"For the investigation and devising means for the reduction of insects affecting watermelon and cantaloupe plants, $25,000."

Mr. CULLOP. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. CULLOP. Mr. Chairman, this amendment might have been more appropriate perhaps under the provision beginning at line 19, but that seems to affect only truck farming. Formerly the growing of watermelons and the cantaloupes was practically truck business, but in the last few years it has grown enormously beyond that condition, and now it is one of the growing and most important industries of the country. A vast amount of money is invested now in the business, and as the industry has grown the pest came to destroy it. It works upon the plant and vines after they have been cultivated for some time, and as a rule invariably kills them or so affects them that they become unproductive.

Now, the importance of this industry which seems to be practically a new one, the department has not kept step with the growth of the industry, either in the treatment of the enemies of the plant or the crating, refrigerating, and shipping of the fruit after it has been matured and ready for market. This matter is of so much importance that I hope if this amendment is adopted young boys will not be sent out to spend this money, but that it will be placed into the hands of experienced and competent men, where every dollar appropriated for the department should be placed, to be expended because of the great interest it affects throughout the entire country, and the treatment of this pest be made by the most experienced talent the department can secure.

This industry affects nearly every section of the country—the Atlantic coast, the Mississippi Valley, the Pacific coast, the entire country from the Lakes to the Gulf and from ocean to ocean. A large amount of capital and a vast amount of labor every year is expended in this industry, but frequently when the crop is about to be harvested this pest comes along and destroys the entire crop.

In the section from which I come this is a most important industry, and a large amount of capital in my district is invested in it. We produce a cantaloupe equal to the Rocky Ford, which is one of the most celebrated varieties in the country.

Mr. MANN. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. MANN. Does the gentleman want to make a real proof to the Members of the House?

Mr. CULLOP. When the season comes I will be glad to, for I have done it before on former occasions.

Mr. MANN. Now the gentleman is talking real business.

Mr. CULLOP. If the gentleman will help us get this appropriation through, so as to preserve the crop and prevent the pest from destroying it, no doubt the producers would be glad to furnish all the gentleman from Illinois desires and make proof of their superior quality.

Mr. MANN. Oh, we do not know yet whether it is worth preserving.

Mr. CULLOP. If the gentleman from Illinois will examine the statistics of the country he will find that it is and well worthy of all its friends ask here. He will find it is worth many millions every year. People engaged in this industry yearly suffer great loss from the ravages of the enemies of these plants, and as a consequence the consumer suffers because of the shortage of the crop and the increased price charged for the limited supply. It is the province of this department to promote the business of those engaged in tilling the soil, encourage those employed in this useful line of business, and in so doing it assists the consumers as well as the producers. It improves thereby opportunities of all the people. I hope the amendment will be adopted.

Mr. MANN. Statistics are a poor substitute for cantaloupes. [Laughter.]

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments thereto close in three minutes.

The CHAIRMAN. The Chair was about to put the question. The gentleman from South Carolina asks unanimous consent that all debate on this proposed paragraph and amendments thereto be closed in three minutes. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I would like to state for the benefit of the committee that the Department of Agriculture is now doing work along the line suggested by the gentleman from Indiana [Mr. CULLOP]. There are two items in this very bureau under which this character of work is being done—the

my district.

already high cost of hand picking.

item on page 51, beginning at line 19, and then the item beginning at line 4 on page 52. It is purely a scientific research work, and the department has been given all estimated for on this proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For investigations of insects affecting forests, $50,770.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 51, line 18, after the word "forests," strike out the figures "$57,770" and insert the words "and for the elimination of the mosquito, $50,770."

Mr. LEVER. Mr. Chairman, I make the point of order that the amendment is not germane to the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to be heard upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MOORE of Pennsylvania. Mr. Chairman, it is true that the paragraph reads "For investigation of insects affecting forests" and that the amendment proposes the elimination of the mosquito; and it is also true that in the paragraph just passed provision was made for a variety of projects, including an investigation of the southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, and so forth, and to that was added the cigarette beetle and also the Argentine ant—all of these in the same paragraph. If they were germane in that instance, it seems to me that this is germane in this instance.

Mr. MANN. Mr. Chairman, may I have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. MANN. Mr. Chairman, the Chair will notice that this is a specific item which comes in, however, under a general heading. It is all under the heading "general expenses, Bureau of Entomology," and among other things provided for in the general heading—the general heading being applicable to each of these items—is the following:

And the study of insects affecting the health of man and domestic animals * * * in connection with the following investigations.

This is one of the items of "the following investigations," so that the paragraph itself in the bill now provides for the study of insects affecting the health of man and domestic animals in connection with the investigation of insects affecting the forests, and undoubtedly we can specifically add the study of mosquitoes, and while it might seem on the surface, and would be the case if it were an item by itself, that the study and investigation of insects affecting forests could not be held to include mosquitoes, because they do not affect forests, yet, at the same time, they do affect the health of man, and under the bill they must study, in connection with the investigation of insects affecting forests, insects affecting the health of man.

Mr. MOORE of Pennsylvania. That is existing law.

Mr. McLAUGHLIN. Mr. Chairman, if it is the wish of the gentleman from Pennsylvania to provide money for the extermination of mosquitoes beyond anything that the river and harbor appropriation bill did not take care of, it would be better to take up the item on page 52, beginning with line 7. It seems to me that this is not germane to the item under consideration.

Mr. LEVER. Mr. Chairman, the Chair has always held on this bill that these forest items segregated in the bill constituted separate and distinct paragraphs. That is true, I know, with reference to the forest unit items, and while it is true that these items themselves if in order at all are in order under the general language which precedes them, at the same time I think the universal ruling of the Chair has been that these are separate paragraphs, and my colleague on the committee [Mr. McLAUGHLIN] is entirely correct. The gentleman's amendment would undoubtedly be germane to the paragraph to which the gentleman from Michigan referred a moment ago, but I do not feel that it is germane to this item.

Mr. MANN. The gentleman wants the Chair to determine what the functions of mosquitoes are. That is not for the Chair to determine; that is for the committee to determine. The language of the bill authorizes the study of insects affecting the health of man. It is not for the Chair to say that a particular insect affects forests and does not affect the health of man unless he knows more than all of the Agricultural Department combined.

Mr. LEVER. We have an item on the next page to which this is germane.

Mr. MANN. I understand, but all of these items, by the language, are under the general heading for the study of insects affecting the health of man and domestic animals in connection with certain investigations.

Mr. LEVER. Let me ask the gentleman this question in good faith, because I would like to get the information myself. I suspect that the gentleman's amendment, as a separate paragraph, would be in order, but as an amendment to the segregation which the committee has made and which Congress is making, it seems to me that it is not germane.

Mr. MANN. I think it is germane under the general language. I doubt the propriety of inserting that kind of general language and then endeavoring to hold it down.

Mr. MOORE of Pennsylvania. Mr. Chairman, under the circumstances, in view of the explanation made, I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TRIBBLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River;

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii, and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder; and

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For investigations and demonstrations in bee culture, $20,000.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I am pleased to note that the Agricultural Committee is recognizing the importance of the bee industry. We are certainly a wasteful people, but there is no instance that I know of where there is so great a waste as that going on with respect to the valuable food product produced by bees.

Mr. Chairman, it is estimated by competent authorities that the value of the honey now produced in this country is from $20,000,000 to $25,000,000, and that that amount might easily be doubled with very little work and almost no expense in addition if the manner of handling the bees and the subject of bee culture were better understood. I observe that the intention of the increase in this appropriation is evidenced by the use of the word "demonstrations," and evidently it is intended that some of this appropriation should be used for demonstration work. I wish the appropriation were larger, and yet I would have to confess, perhaps, it might be difficult to use a very large sum of money in this connection, owing to the fact that the subject is so little understood and competent demonstrators can not be easily obtained at this time, but as the agricultural colleges have taken up this subject and in the course of time they will be able to get competent demonstrators and probably a larger sum will be expended in that direction.

I have here a pamphlet in my hand issued by the bee-keepers' association of my own State, in which there is a picture of a very comfortable farmhouse which was built with the proceeds of one year's production of honey by the owner thereof. My State produces very large quantities of honey, though not so large as some of the other States. Many of the Southern States produce but very little honey, and yet I will say for the information of the gentlemen from the South that the experts of the department say that it is that portion of the country where the greatest amount of honey ought to be produced, where it will be easiest to produce a large amount of honey if proper attention were given to it.

Some little demonstration work has been done in this connection with very beneficial results, but so careless are methods at the present time and so little is this subject understood that they have found many persons engaged in this industry who

only get 10 pounds of honey to a hive, whereas some get 50 pounds, 60 pounds, and some even get 100 to 110 pounds. This business not being now well understood a great deal of honey goes to waste. People should get, as I have said, with very little expense, a larger result from their work. One of the prominent bee keepers in my State is a man 85 years of age. He pursues this work possibly as a mere matter or recreation because it does not require any great amount of strength but principally headwork to carry it on. He has been very successful with it and each year gets a large amount of honey, which in itself is a demonstration of how easily this work may be carried on. I hope that this appropriation will continue to increase, because there is no way, I think, that the money could be used more profitably. The Bureau of Entomology has accomplished much by its investigations, and has already saved to the bee keepers of this country more than the cost of carrying on the whole bureau. It has shown that there is a great loss in the care of bees in the winter. Sometimes bee keepers lose 25 per cent of their hives, and as a rule about 10 per cent. A greater portion of this might be avoided. There is a great loss also from what is called "foul brood," which attacks the bees, but which with proper care could be avoided. I think right here is a place where the money is well expended; perhaps more profitably than any other part of the bill. [Applause.]

Mr. LEVER. Mr. Chairman, may I ask unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes?

Mr. ANDERSON. I might want a minute or two.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, I have no doubt the committee did a wise thing in increasing this appropriation, but I very greatly regret that the committee inserted the words "and demonstrations." As a matter of fact, I will confess that if my attention had not been for the moment diverted I should have made the point of order against the new language. I think it is a very great mistake for the Government to enter into the work of demonstrations along lines of agricultural investigation unless such demonstrations are absolutely essential. My opinion is—I am not an expert on bee culture—but my opinion is that there are a great many people in the country who know very much more about the raising of bees than anyone in the Department of Agriculture. I have no doubt but what there are a great many people in this country who are abundantly qualified to demonstrate the proper methods of bee culture. It is wise and proper for the department to make investigations and to publish the results of those investigations to inform the people as to the methods that seem to bring success, to inform them as to the nature of the diseases and the difficulties met with in bee culture, but to spend Government money for the purpose of making actual practical demonstrations—which I assume is what is intended—when there are thousands of intelligent people doing that is in my opinion a waste of public money.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. GREEN of Iowa. Is the gentleman aware of the fact that the bee-culture associations of the various States universally indorse this appropriation and recommend that it be made?

Mr. MONDELL. I have no doubt but what that is true. If the gentleman had listened to what I said he would have understood that I am in favor of the appropriation and of the investigation as it has been carried on in the past and as it would, I assume, be carried on in the future. I think it is probably wise to increase the appropriation, but I think it is well-nigh a waste of public money for the Government to start a demonstration bee farm somewhere and embark on that line of endeavor. The same amount of money spent in investigating the methods of those engaged in bee culture and in the dissemination of information regarding the facts will do very much more good than it will in carrying on actual demonstrations.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. MONDELL. Yes.

Mr. GREEN of Iowa. I understand it is not the purpose of the department nor the wish of the association who ask for this additional appropriation to have any experimental bee farm or colony or anything of that kind established, but rather that there should be a field worker go out and impart knowledge to the people, which, as the gentleman says, would be quite appropriate and entirely proper.

Mr. MONDELL. I think that is entirely proper, but it is not necessary to enlarge the language of the appropriation in order to do that. I take it for granted that is what the department is doing now.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from South Carolina [Mr. LEVER] what is intended to be done under this annual demonstration?

Mr. LEVER. I will be glad to give the gentleman information. The department for 10 or 15 years has been investigating bee culture in this country, and they have gathered a great many facts that the bee keepers of this country—800,000 of them—think are very valuable to them. They have discovered that during the winter anywhere from 10 to 25 per cent of the bees of the country are lost on account of improper care of the bee during the wintertime. Now, the department has also through its investigation found that a great many bees are dying on account of certain diseases known as American and European foul-brood diseases, which are causing a great deal of destruction. This matter was brought to the attention of the committee by the president of this National Bee Keepers' Association, and there was urged upon the Members individually necessity for this appropriation.

Mr. MANN. What I want to get at is as to the process they propose to adopt.

Mr. LEVER. Now, this is what they are going to do. They are going to take the information that they have been gathering and which has accumulated in the department and go out to the beekeepers and educate them just exactly as they do demonstration work along other lines. They are coming in personal contact with the bee people, and with the $5,000, of course, they are going to make an experimental demonstration in one or two States.

Mr. MANN. That is what I wanted to know. They used to keep bees over here in the Agricultural Department——

Mr. LEVER. I think there is no purpose to establish a bee farm, or anything like that.

Mr. MANN. I do not know of any other way in which they will demonstrate.

Mr. LEVER. They will do it in cooperation with individuals.

Mr. MANN. Well, $5,000 will employ two or three men. They can not do much demonstration in connection with other people. They may at some one place.

Mr. LEVER. That is very true. They can not do a great deal of it, but the committee felt that they would let them see if they could get some good results from the demonstration work, and if so, then it would be in the province of Congress to enlarge the work.

Mr. MANN. I judge from what the gentleman says that they do not know what they are going to do.

Mr. LEVER. That is largely true. They want to see what they can do.

Mr. GREEN of Iowa. My understanding is that they know what they propose to do——

Mr. MANN. Is not the process they propose to adopt what the gentleman from Iowa knows?

Mr. GREEN of Iowa. Yes. I know what they propose and what they expected. They said that the ordinary field demonstrators that went out to demonstrate with reference to crops and animals did not understand this subject; that they expected to send a man out to go along with them and give them instructions on it, and talk at these meetings that they had with the farmers, and to spread this knowledge as far as they could with this small appropriation. Of course it would depend on the amount of the appropriation.

Mr. MANN. If that is what they are going to do, it is a waste of money.

Mr. GREEN of Iowa. There is not any conflict in the gentleman's statement and mine. The process is to go out in the field and in cooperation with the individual beekeeper try to get him to adopt certain methods as to better control of the diseases of the bees and as to their wintering that the department has worked out. Whether or not that method of teaching is to be successful I do not know.

Mr. MANN. They can do that all by the bulletins which they send out. A man who keeps bees can read the bulletins, and will know just as much by what they teach as by a man talking to him.

Mr. GREEN of Iowa. The gentleman ought to be aware——

Mr. MANN. I used to keep bees and know something about them. Did the gentleman ever keep bees?

Mr. GREEN of Iowa. No, I did not; but I am speaking on the authority of the highest expert in this country.

Mr. MANN. On the theory, then, that the man who goes out knows more about it than the man who keeps the bees.

Mr. GREEN of Iowa. I suppose the gentleman would not accept the information of the head of the bee association on this subject?

Mr. MANN. That is what I will. But the gentleman does not say it will do any good unless you send a man to go to another and talk to him.

Mr. ANDERSON. Mr. Chairman——

The CHAIRMAN. Debate has expired on this paragraph.

Mr. ANDERSON. I understood I was to have two minutes.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate be extended for five minutes in order that the gentleman, a member of the committee, may have that time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, one important feature of the value of bee culture has apparently been overlooked in this debate. That is the relation of bee culture to fruit growing. There are, as I understand, some varieties of fruit that are sterile to their own pollen.

In other words, unless some of the pollen from trees near by can be carried to them there will be no fruit. The bee serves that purpose. It carries the pollen from one tree to another, and there are many well-authenticated instances where the production of fruit orchards has been very materially increased by the use of bees in the orchard.

Now, with reference to the purpose for which this appropriation is to be used, I have a communication here from Mr. Root, representing the National Bee Keepers' Association, which gives his idea of the purpose for which the additional appropriation is to be used. He says:

County agents are already at work in all of the States carrying on extension work, but these men are not posted in regard to beekeeping, for the agricultural colleges where they were trained only began teaching beekeeping within the past five years. With an increased appropriation the Bureau of Entomology could send trained men to instruct these agents, who could in turn inform the bee keepers how to increase the production of honey materially and at the same time prevent the spread of bee diseases and the work of the moths.

The purpose, as I understand it, is not to send men out to demonstrate directly to beekeepers, but to coordinate the work through the regular county agents. In other words, the idea is to instruct the county agents in order that they may carry on the bee cultural instruction in connection with their other work. The difficulty is not that the men who make a business of keeping bees do not understand the industry; the difficulty is that thousands of men keep bees as an incident to their regular farming, and those men do not know, many of them, how to take care of the bees and how to get the largest production from them. The purpose is to carry this information to that class of men.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigations of insects affecting tropical and subtropical fruits, including insects affecting the orange, lemon, grapefruit, mango, etc., $17,100.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. Mr. Chairman, this item is one that will be of interest and has been of much value. There are other matters also in connection with the fruit industry in this country, not only in California, but elsewhere, that are of much interest and in which the fruit growers are vitally interested, and one of those is the matter of frost prevention.

On the 16th of December I presented the following bill:

A bill (H. R. 366) making an appropriation for a series of thorough and elaborate investigations and experiments for the purpose of devising and perfecting a system of frost prevention in the citrus and deciduous fruit regions, and for other purposes.

Be it enacted, etc., That the sum of $100,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for a series of thorough and elaborate examinations and experiments for the purpose of devising and perfecting a system of frost prevention in the citrus and deciduous fruit regions in the United States, to be considered by and under the direction and control of the Agricultural Department of the Government.

The committee did not see its way clear to place this item on the bill this year; but I feel satisfied, with the data and evidence that will be presented at the hearing on the next bill, that we shall be able to have at least $100,000 placed upon that bill for this work.

I have a letter here from Mr. W. D. Tidwell, secretary of the Western Jobbers' Association of America, on this subject. He says:

THE WESTERN FRUIT JOBBERS' ASSOCIATION OF AMERICA,
Denver, Colo., March 4, 1916.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

MY DEAR MR. RAKER: Acknowledgment is made of yours of February 29, inclosing several copies of House bill 366. I sincerely trust that this bill will be approved by the Committee on Agriculture.

When we think of the enormous amount of money invested in the deciduous and citrus fruit industry in the United States, and the great losses that have been caused by frost, the amount of money appropriated is indeed very, very small; but nevertheless, I believe, would be one of the best investments that the United States Government could make, for it would mean the saving of millions of dollars to the fruit industry of the country.

Wishing you every success, I am,
Yours, very truly, W. D. TIDWELL, *Secretary.*

I have received other telegrams and letters from California and Colorado on the same subject, as follows:

LOS ANGELES, CAL., *January 7, 1913.*

Hon. JOHN E. RAKER,
Representative Second Congressional District California,
House of Representatives, Washington, D. C.:

The Los Angeles Examiner believes as a first step toward securing the application of human ingenuity to solving the frost problem that has just been so acutely presented that the Agricultural Department should take a hand. The Examiner believes that Congress should make a generous appropriation for the purpose of having the United States Agricultural Department make a series of elaborate experiments for the purpose of devising and perfecting a system of frost prevention in the citrus-fruit region. The most thoughtful men of this region are firmly convinced that if the United States Government, through the Agricultural Department, will, through experiments, provide a system of frost prevention that a repetition of our recent experience will be impossible. May we ask you to use your influence to secure an adequate appropriation to conduct this work?

LOS ANGELES EXAMINER.

SAN BERNARDINO CHAMBER OF COMMERCE,
San Bernardino, Cal., January 17, 1913.

Hon. JAMES P. ROBINSON,
Chairman of House Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: As you are probably aware, the orange industry of southern California has been greatly damaged by frost within the last two weeks, the present orange crop in most sections being an entire failure, the trees also being greatly damaged, and the loss to the grower running into millions of dollars.

Mr. JOHN E. RAKER, our Representative from California, has introduced a bill in Congress asking for an appropriation of $100,000 to be used for experimental purposes for the prevention of the destruction of citrus fruit by frost. We ask that you kindly give this bill your favorable consideration and support, and we assure you that no appropriation made by Congress during this session will be of greater advantage to any industry than this one.

Thanking you in advance for what you may do for us, I am,
Yours, very truly,
W. M. PARKER,
President Chamber of Commerce.

DENVER, COLO., *January 18, 1913.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your favor of January 14, I herewith inclose a copy of an article I have prepared for The Fruit Grower, of St. Joseph, Mo.

In this article I have suggested the general lines along which I believe the investigations should be carried out. I would very much appreciate if you would inform me about the passage of your bill, and, if passed, how the work will be organized. I am much interested in such work and hope to take part in it at least as a corresponding coworker.

Wishing for a speedy passage of your bill, I am,
Respectfully, yours, W. V. CEDERBORG.

WHAT WE DO NOT KNOW ABOUT FROST.
[By G. V. Cederborg, Ch. E., Denver.]

After the disastrous freeze in the citrus districts of California January 8 this year, the problem of frost prevention is brought before us stronger than before. The freeze came as a link in a cold wave that enveloped the whole country and broke low-temperature records in many places. The orange and lemon groves of California are generally fairly well supplied with modern frost-fighting appliances, but this cold wave was too much for the orchard heaters. The papers have told us that the crop was completely annihilated. Probably the first report will be modified and we after some time find that a not inconsiderable part of the crop was saved by those using heaters. Be that as it may, the loss runs in many millions and something must be done to prevent its recurrence if it is possible for human efforts to do so.

To persons interested in frost prevention it was therefore good tidings to hear that Mr. JOHN E. RAKER, Congressman from California, has introduced a bill asking for appropriation of $100,000 for the perfection of a system of frost prevention in the fruit-growing districts of the country. Mr. RAKER will undoubtedly get his appropriation; he ought to, by all means. One hundred thousand dollars is a small amount compared with the enormous sum lost in California, not only in the loss of this year's crop but in the loss of vitality of young trees.

Supposing that the bill carries, what can the Government do to aid in the perfection of the desired system of frost prevention?

Naturally the Weather Bureau will come in for the lion's share of the work; in fact this institution is always doing work along this line. We will look to the Weather Bureau for information about the causes of frost, the general causes producing such extensive temperature disturbances as the last one, of which the California freeze was a part, and also the local causes affecting only limited areas. We want to hear from our agricultural experiment stations and colleges in regard to various problems that confront the fruit growers in the different localities. We want to draw on the ingenuity of our inventors and engineers as to the perfection of frost-fighting apparatus. Last, but not least, we want to enlist every fruit grower in the country in the work.

There will be no lack of willing workers; what we need is a leader. We want a general staff to prepare the plans for the campaign and we want an organization so that the work of the various investigators can be made to cooperate and the results be given to the whole people. I would suggest that an eminent meteorologist be appointed leader of the work, and that this leader will gather around himself a staff of active or corresponding associates from the agricultural colleges, from the fruit growers, and from the manufacturers of frost-fighting appliances. This "frost board" should apportion the work; it should

call upon the Weather Bureau for statistical information; it should send out field parties of trained investigators to make careful frost surveys of typical fruit sections; it should also endeavor to create cooperation with the growers by inducing these to organize locally for fighting and studying the frost.

In the report from this frost board we would want a complete statement from the Weather Bureau on all that is known about the general and local causes of frost. We want to know what phenomena it is that occasionally send cold waves over the whole continent, and we want to know if there is a possibility that we ever will be able to prevent or moderate the same. The climate depends to a great extent on absorption and radiation of the solar heat, and over this absorption and radiation we have a certain influence through the cutting or planting of forests and crops, through the draining of swamps, etc. Isn't it possible that succeeding generations will be able to regulate the climate through such means and eliminate the danger of cold waves?

One thing is certain, if we can not make the general changes that would alter the climate of a continent we can make changes that would affect local weather conditions. Isn't it possible that by changing the covering of the mountains and waste lands surrounding many of our orchard districts we could create conditions that would materially lessen the danger of frost?

We all know what the topography has to do with the liability of frost in a locality. We know that an orchard with good air drainage will seldom or never get frost, while certain orchards, poorly located, will be damaged every time there is the least bit of chance. Many of our fruit districts are located in valleys surrounded by mountains; the orchards on the slope will escape while those on the valley floor will be damaged by the frost. If a land is troubled by poor water drainage we would dig ditches for the water and possibly dam it up in other places. Can not we do the same in regard to the air drainage—remove obstructions in some places and create artificial obstructions in others?

The frost problem is in many ways the same as the flood problem. A bare mountain offers no obstructions to the rapid downflow of water; a heavy rainstorm will drain off immediately and possibly flood the valley below. In the same way the cold air produced by radiation on the mountain meets no obstructions, but trickles down the mountain side very rapidly. On a forested mountain the rain water is delayed on the down course by the vegetation, and so is the cold frost-producing air. Couldn't we by planting trees and shrubs delay the bulk of the frost drainage above the orchard until morning, when the sun would destroy it? And when a stream of cold air comes down in the valley isn't it possible that we could find out means to make it change its direction to a certain degree? The fruit growers often tell us that the frost moves in streaks. Couldn't we make the cold streak fall outside the orchard and the warm streak through the orchard?

Isn't it possible that by lighting fires in places where the currents of cold air are known to descend these could be broken up then and there, so that we wouldn't need to light that particular body of cold air all over the valley? Isn't it possible that by the judicious distribution of orchard heaters over an entire district a much greater protective effect could be produced than when every grower works only for himself?

When everything is boiled down together the question is: Couldn't the work of frost fighting be made much more efficient through organization? Couldn't State or local authorities compel each grower to do his share of the work? As it is now, one man who smudges his orchard must heat not only the cold air that by rights belongs to his land, but also that of his non-smudging neighbors.

In each district there should be a "frost chief," a man chosen not only for his knowledge of meteorology but for his qualities as a leader. He should be in cooperation with or possibly in the employ of the Weather Bureau. His business should be not only to lead the actual fight, but also to make such preliminary work as could be done between seasons to lessen the danger of frost.

In regard to the carrying out of field experiments, it is of course desirable that these should be made during the regular smudging season. It is, however, possible that a considerable part of the work could be done between seasons. The study of radiation phenomena and of local air currents could possibly be done during the whole year. Instead of spreading the work over a great number of places it would possibly be of advantage to select one typical district and study that thoroughly before extending the work to all the many different fruit districts.

Another phase of the frost problem that should be the object of investigation is frost insurance. It will be many years before we will be able to eliminate all danger of frost; meanwhile something should be done to distribute the loss of such calamities as the last freeze in California.

SAN BERNARDINO, CAL., *February 6, 1913.*

Hon. JOHN E. RAKER,
United States Congress, Washington, D. C.

MY DEAR JUDGE: Mr. W. M. Parker, of this city, asked me to write to Congressman Lamb in re your bill for prevention of injury from frost, etc., and also to send you a copy of the letter. This I am doing herewith.

At any time that I can be of any service, it goes without saying that you have but to command me.

Sincerely, yours, BENJ. F. BLEDSOE.

SAN BERNARDINO, CAL., *February 6, 1913.*

Hon. JOHN M. LAMB,
Chairman Committee on Agriculture,
United States Congress.

DEAR SIR: I am advised of the pending consideration of a bill introduced by Hon. JOHN E. RAKER, of California, for the appropriation of the sum of $100,000 for experimental investigation in the matter of frost prevention, or prevention of injury to citrus fruits by frosts.

I regard this bill as of vital importance to an industry representing over $500,000,000 by way of investment in California alone. The loss to the industry in California this year because of our recent freeze is incalculable; its repetition, at least within a decade, would prove calamitous in the extreme. Many communities will feel its baneful effects for twice that length of time.

If some preventive means can be discovered, no stone should be left unturned in order that such discovery may be made. The importance of the citrus industry justifies this appropriation; the future of the industry would seem to require it. As a loyal Democrat I urge its favorable consideration by your committee.

Very respectfully, yours, BENJ. F. BLEDSOE,
Judge of the Superior Court.

While much good is being accomplished in many localities and some crops are entirely saved, yet in nearby places the crops sometimes are entirely ruined. It is manifest that there should be a systematic investigation and determination of some proper method or means by which millions of dollars' worth of fruit in this country could be saved. While we are providing for destroying insects, in some years after you have expended your money and engaged your corps of assistants and got ready to do your work, Jack Frost has come along in the spring and destroys your entire crop. That is not only applicable to the State of California—and I suppose there is less there to affect the crops ordinarily than in any other State in the Union—nevertheless we find that in other fruit-growing States the condition is certainly serious and many times the entire crop is lost. Sometimes those frosts have occurred after an interval of three years, and sometimes after an interval of two years, and then, again, a longer period may elapse before they return. I am hoping and believing, and not without good reason, that in the next bill such an item will be placed.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. I ask unanimous consent that I may insert in connection with my remarks these letters and telegrams that I have on this subject.

The CHAIRMAN (Mr. FOSTER). The gentleman from California asks unanimous consent to extend his remarks in the RECORD by inserting certain letters and telegrams. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigations and control, in cooperation with the Federal Horticultural Board, of the Mediterranean and other fruit flies, $33,200.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I remember we created or provided for a Federal Horticultural Board a year or so ago. I wish the gentleman from South Carolina would tell us what constitutes the Federal Horticultural Board?

Mr. LEVER. The Federal Horticultural Board is composed of a number of gentlemen in the department selected from the various bureaus serving for that purpose. The Chief is Dr. Marlatt. There are five members, I believe.

Mr. MANN. Have they any legislative authority over the importations into the United States?

Mr. LEVER. Well, I do not know just what the gentleman means by legislative authority.

Mr. MANN. They are authorized by an act of Congress?

Mr. LEVER. Yes; they are authorized by an act of Congress.

Mr. MANN. Do they have any controlling authority over the quarantine of fruits, and so forth, brought into the country?

Mr. LEVER. Yes; they have full control over that. This work is being done in cooperation with them.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For investigations, identification, and systematic classification of miscellaneous insects, including the study of insects affecting the health of man and domestic animals, household insects, and the importation and exchange of useful insects, $57,980.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 52, line 8, after the words "miscellaneous insects," strike out the word "including," and at the end of the same line, same page, after the word "insects" insert the words "including mosquitoes."

Mr. MOORE of Pennsylvania. Mr. Chairman, I think almost every Member of the House in his sober moments will agree with me that the mosquito is a pest that ought to be eliminated if it is possible to do it. For a number of years we have been making efforts to get a provision of this kind in the Agricultural bill, but the chairman of the committee and his fellow members have usually insisted that the mosquito is an insect that pertains more to the human kind than to brute animals. But I think that question is now pretty well disposed of when we consider the opening paragraph with reference to the general expenses of the Bureau of Entomology, which provides that there shall be a study of insects affecting the health of man and domestic animals, and so forth.

I am not asking by this amendment to have any change in the appropriation, but simply to have a direction made to the bureau to study the mosquito with a view to its ultimate elimination. There should be some action by the Federal Govern-

ment in this regard, because in view of the universality of the pest it is impossible for the States alone to rid themselves of this nuisance. Mosquitoes are not restricted to State lines.

Mr. RAKER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. RAKER. Does not the gentleman think the language included here—

affecting the health of man and domestic animals—

would include mosquitoes as well? Mosquitoes affect the health of man in our country. If a mosquito gets hold of you he affects you very materially.

Mr. MOORE of Pennsylvania. The gentleman is right about that. The mosquito also affects the health of animals. I think there is no question about that. Animals do not enjoy the mosquito any more than humans do. Therefore it is pertinent to the general purposes of the bill and pertinent to the purpose of this particular appropriation.

Mr. RAKER. What I was asking the gentleman was whether or not under this language the department would not have the power and does not now have the power, and, as a fact, has it not been investigating the mosquito as well as the house fly?

Mr. MOORE of Pennsylvania. It may be that the chairman of the committee will have something to say on that subject. If the Department of Agriculture now takes any interest at all in this subject, it is to a very limited extent.

Mr. RAKER. There has been a bulletin issued on the house fly, and I suppose it was done under this item. That bulletin is certainly of much value to every housewife, and to every person in the country.

Mr. LEVER. If the gentleman from Pennsylvania will permit——

Mr. MOORE of Pennsylvania. I yield to the gentleman from South Carolina.

Mr. LEVER. The investigation of the mosquito has been going on in the Department of Agriculture since 1913, and the program for next year contemplates the expenditure of $7,010 in the study of the mosquito, in its relationships to the health of both man and of animals.

Mr. MOORE of Pennsylvania. Does not the gentleman think it is time we make a start on the work of eradicating this mosquito pest?

Mr. LEVER. We have been started since 1913.

Mr. MOORE of Pennsylvania. The gentleman will help a little more if he will permit this amendment to go through.

Mr. LEVER. I do not think the amendment affects the situation at all. It only leads to trouble, because if you set out the mosquito somebody else will set out red bugs or something else.

Mr. MOORE of Pennsylvania. I think that is not altogether fair. We have gone very far in the investigation of these many kinds of bugs that the gentleman from Oregon [Mr. HAWLEY] refers to. The gentleman from Oregon said that scientists had discovered as many as 20,000 varieties of bugs. He did not undertake to name them all.

Mr. LEVER. If there is anyone who can do it, he can.

Mr. MOORE of Pennsylvania. Yet I venture to say that there is not one of the 20,000 that is such an infernal nuisance as the mosquito. There is no exception of locality; no State of this Union is immune. The mosquito is found in Michigan, California, and New Jersey. Let me say that many States are doing the best they can to meet this situation. I know that New Jersey makes an appropriation for this purpose. Pennsylvania, or at least Philadelphia, does the same thing, and it is done in other States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

Mr. LEVER. I ask unanimous consent that the debate close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. If there be no objection, the gentleman from Pennsylvania [Mr. MOORE] is recognized for five minutes.

Mr. RAKER. Will not the gentleman state that what has been done has consisted of the draining of swamps or, where that was impracticable, in the pouring of oil on the surface of the water, and have not those means been effective?

Mr. MOORE of Pennsylvania. Those two means have been used. Oil was used to clean up Panama, under Dr. Gorgas.

Mr. RAKER. In our State they have been doing that for six years.

Mr. MOORE of Pennsylvania. And I think it was California oil that was used in Panama. I understand it was a very deadly brand of oil.

Mr. RAKER. And where the mosquito has been exterminated we have been able to lessen and to a great extent to eradicate malaria in those districts.

Mr. MOORE of Pennsylvania. It helps in that regard. Let me say this, that where a State in good faith is undertaking to meet this situation, which is undoubtedly a nuisance and which is unquestionably prejudicial to the health of the people, why should not the Federal Government, so far as it is necessary, assist to the extent of cooperating with the States? That is about all this suggestion is. If New Jersey, for instance, is making appropriations—and it had an excellent entomological board some years ago, and that board cleaned up swamps, in an effort to make the seaside resorts more attractive—if New Jersey makes an appropriation, how is it possible for that State to control the mosquitoes which pass across the river and over the borders of the State? There must be some cooperation on the part of the Federal Government. A number of States are doing the best they can, and they need this Federal assistance. In my judgment there is no reason why they should not have it. If we can afford to spend money for the eradication of the cattle tick—and we have done that lavishly—if we can afford to spend money for the eradication of the potato bug—and that ought to be done—if we can spend money for the extermination of the house fly, why not spend money for the elimination of this worst of all insect pests?

Mr. TILSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. TILSON. As a matter of fact, does not the United States Government now cooperate with the States experimentally—I know it does in Connecticut—in the investigation of other things?

Mr. MOORE of Pennsylvania. Yes; but here is something everyone acknowledges—the conditions that prevail everywhere in regard to the mosquito are known to all of us—everyone is afflicted alike—and yet we hesitate to make provision that there shall be Government cooperation with the States.

Mr. MANN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. I come from a place where they do not have mosquitoes.

Mr. MOORE of Pennsylvania. Oh; I have been bitten by mosquitoes in Chicago.

Mr. MANN. Nearly all such get bitten [laughter], but what I wanted to inquire is whether the object of the appropriation is to discover if mosquitoes will bite; and, secondly, if the way to get rid of them is to abolish the water courses of the country because that is where they all breed.

Mr. MOORE of Pennsylvania. If you keep your water courses clear—if the channels are deep—you will help to eliminame the mosquito, because a mosquito thrives where water is stagnant, where the water is not moving, and where there is miasma.

Mr. MANN. Dry up the water courses and you get rid of the stagnant water.

Mr. MOORE of Pennsylvania. Oh, but brush will remain, and old tomato cans will fill up with rain water, and mosquitoes breed in them.

Mr. McLAUGHLIN. Mr. Chairman, the department has been doing some work with the money appropriated for the purpose. I do not know really how we can meet the situation submitted by the gentleman from Pennsylvania. He says the States seem to be able to take care of the mosquitoes while they are in the States, but they have no control over mosquitoes coming from other States. I do not know how he can meet that situation unless he will propose and secure passage of an amendment of the migratory bird law and make it include mosquitoes. I suppose the gentleman from Pennsylvania is equal to that task, because he has been able to engraft a mosquito provision on the river and harbor bill. [Laughter.] I believe, by his persuasive eloquence, he could get a mosquito amendment on the migratory bird law to take care of the migratory mosquito.

Mr. TILSON. The interstate commerce law has been made to do duty in everything else; might he not use that?

Mr. McLAUGHLIN. Evidently a good way to take care of the mosquitoes has been found. The gentleman from Pennsylvania speaks of it—putting oil on the water and taking care of the stagnant places. With the aid of the Federal Government, the difficulty has been located and a remedy has been found, and nothing remains to be done except to spend a little money and use a little effort, and it is up to the States and the people of the localities to furnish the money and do the work themselves. It is not incumbent on the Federal Government to follow either one of these troubles in the States, to find not only the cause and discover the remedy, but actually furnish the

money to do the work of overcoming the trouble and eradicating this difficulty. There is surely a limit to the kind and amount of work the Federal Government should be asked to do, and a limit to the amount of money it should be asked to contribute for the relief of troubles existing in the States. After a remedy for evil conditions has been found the people of the States ought to spend their own money in applying it.

Mr. TILSON. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. TILSON. One trouble is that the mosquitoes refuse to respect State lines; they do not hesitate at all to go from one State which may eradicate a part of them into another State which takes no means to eradicate them at all.

Mr. MANN. Forbid them by law.

Mr. McLAUGHLIN. Well, the gentleman will have to have something like the migratory-bird law. I can not think of anything better. The remedy suggested is as reasonable as the question which the gentleman asked.

I wish to state what is being done with the $7,000 of this appropriation.

The department says the object is to determine the requirements for the protection of individuals on plantations and elsewhere against malarial mosquitoes.

The procedure is as follows: An estate of 20,000 acres situated at Mound, La., has been selected for an intensive study of mosquitoes of that region and their relationship to agricultural problems. Comparative studies will be made at other points.

As to the result, a careful preliminary survey has already been made of the plantation and the past malarial history correlated with the productiveness of the plantation. A careful estimate has also been made based upon observations of the actual cost of malaria to one of the plantation units in the reduction of productiveness.

That is a statement in general terms of what the department has done and is doing. Perhaps the gentleman from Pennsylvania can understand it better than I can, but that is what the department says about it.

Mr. MOORE of Pennsylvania. Is there any specific appropriation in this bill for mosquito investigation?

Mr. McLAUGHLIN. Out of this appropriation the department proposes to expend $7,010 on the mosquito proposition.

Mr. MOORE of Pennsylvania. There is nothing here to show it.

Mr. McLAUGHLIN. That is what the department says it will do with the money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken; and on a division (demanded by Mr. MOORE) there were—ayes 14, noes 21.

The Clerk read as follows:

For general administrative expenses connected with above lines of investigation, and for miscellaneous expenses incident thereto, $3,000.

Mr. RAKER. Mr. Chairman, in 1912 I introduced a bill in regard to the investigation of rubber, again in December, 1915, and I will read it. It is as follows:

A bill (H. R. 369) making an appropriation for the investigation, study, and testing of sagebrush and greasewood which may be used for producing rubber, and for other purposes.

Be it enacted, etc., That the sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the investigation and study of methods and testing sagebrush and greasewood which may be used for producing rubber, alcohol, and acetic acid, including their utilization.

Mr. Chairman, this subject has been taken up with the Department of Agriculture in the Bureau of Chemistry. I have furnished to the department on several occasions the raw sagebrush and raw greasewood from the West, also samples of rubber extracted from sagebrush and greasewood. This country at the present time is paying exorbitant prices for rubber of all kinds to make rubber goods, tires for automobiles, which are exceptionally high and expensive. The field from which this material can be produced, if a proper process is found, is enormous. Practically all of the Rocky Mountain and the Pacific coast States have millions of acres of sagebrush lands, which brush is not only of no present known value, but a detriment to the country, so far as we have been able to discover at the present time. It can be cleared, and it reproduces itself in a year and a half or two years. In other words, the supply is enormous. There is practically no limit to it. The samples presented to the Bureau of Chemistry produce a fair quality of rubber. We have no rubber plants in this country, and it is well worth a small expense in making investigations to find out a process by which this product can be extracted from the sagebrush and the greasewood, the quantity of which is so enormous in the Western States.

I am getting further data also of material, and believe that by the time the committee again takes up this subject under the proper head I will be able to get a favorable report from the Department of Agriculture and a report of the committee to the end that this enormous product, so extensive, might be utilized instead of going to waste, as is the fact to-day.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MONDELL. Is it not true that private parties have been making investigations along these lines for quite a number of years and is it not also true that some rubber or product resembling rubber has been produced from these plants?

Mr. RAKER. Yes. There are men at the University of Nevada and in Carson and down in the southern part of my State who have sent me samples, and who believe that if the Government, through its many agencies, with its ability, would investigate the subject, they would be able to devise some method by which this valuable and now extensive product might be taken from what to-day is a useless thing, scattered over so many million acres in the West.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; I yield to the gentleman from Illinois.

Mr. MANN. In view of the probability of the investigation resulting favorably and supplying this very much needed article, does not the gentleman think that we ought to quit giving away these public lands that are covered with sagebrush?

Mr. RAKER. Oh, no; because——

Mr. MANN. Then the gentleman does not have much faith in the experiment, I am sure.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, in answer to the distinguished gentleman from Illinois [Mr. MANN] in regard to giving away the public domain, in the first place, it would be an incentive to place hundreds of millions in the West, because the product is becoming valuable, from which we could extract rubber, would result in clearing the land and in helping the settler. In other words, he would get some return from the clearing of the sagebrush and the greasewood, and thereby make it answer two purposes. After the land has been once cleared of sagebrush and plowed, in two years you will find a growth again of sagebrush 2 or 3½ feet high covering the entire tract, and in three years, except for the old stock, you would not even know that the land had ever been cleared. So, as a matter of fact, it will answer to the advantage of the Government, first, in assisting in clearing the land, and, second, in getting a by-product that now is destroyed, and hence it would be an incentive to fill these arid and semiarid tracts of land in the West and bring about crops of wheat and rye and hay, whereby we might increase our food supply and reduce the price; and I have such unlimited confidence in the chairman and the members of this committee that upon the presentation of the facts at their next consideration of this bill, knowing the importance of it and what it means to the development of the West, I believe we will eventually have an item in the bill that will authorize the department to go into this great enterprise.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I believe the paragraph is new in the bill?

Mr. LEVER. Yes.

Mr. STAFFORD. What is the purpose of providing specifically for general administrative expenses connected with these various lines of investigation, when the department now has authority to expend any or all sums out of the preceding items for a like character of work?

Mr. LEVER. The committee and the department felt that the administrative expenses ought to be set out in this bureau as it is in practically all other bureaus. Heretofore this amount and this authority have been carried in the item immediately preceding, and we felt that we ought to know what they are spending from time to time in general administrative work.

Mr. STAFFORD. Will this item in the bill prohibit the bureau from expending any sums whatsoever from prior sums for administrative work?

Mr. LEVER. It will not change existing law.

Mr. STAFFORD. As I understand the ruling of the Comptroller of the Treasury, when an item is carried in an appropriation bill specifically designating the character of work for which the appropriation may be used, no other item may be utilized for that same character of work. I am in sympathy

with that construction and with the purpose of this amendment, if that is the intention.

Mr. LEVER. The intention of this item is to provide a specific appropriation for general administrative expenses of the bureau itself. As I understand it, in the item above, for instance, where you have a $57,000 appropriation, there may be expended from that item certain administrative expenses, but they are not general administrative expenses, and all general administrative expenses for the bureau; that is, for work immediately connected with the chief of the bureau and which is not carried elsewhere must be carried in this item.

Mr. STAFFORD. I take it this is a limitation on the bureau's activities for expending any of the foregoing appropriations for administrative expenses?

Mr. LEVER. Yes.

Mr. STAFFORD. And that the comptroller will not visé any appropriation out of the other respective items?

Mr. LEVER. It would not be authorized by the appropriation.

Mr. WINGO. May I ask the gentleman a question?

Mr. STAFFORD. I yield to the gentleman.

Mr. WINGO. Does the chairman think that $3,000 will be sufficient to cover the general administrative expenses of this department?

Mr. LEVER. That is all they estimated for; that is, for this bureau.

Mr. WINGO. I think there is something in the suggestion of the gentleman that where you specifically put out an appropriation for general administrative expenses, then they could not use, for instance, any preceding amount authorized for the general expenses of the work, such as, for instance, paying the salaries of employees.

Mr. LEVER. No; they would not have authority under this item, and I do not think they should have it.

Mr. WINGO. I agree with the chairman——

Mr. LEVER. I think it ought to be segregated.

Mr. WINGO. I agree with the chairman that you ought to segregate and specifically limit the amount of expenditure for administrative purposes, but it occurred to me possibly in connection with the idea that they could use, for instance, some of the preceding item of $57,000, they might be led into a position where it would be such as they would not have sufficient funds.

Mr. LEVER. I think we can risk the department's judgment on that, and they only ask for $3,000.

The Clerk read as follows:

Preventing spread of moths, Bureau of Entomology: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths by conducting such experiments as may be necessary to determine the best methods of controlling these insects; by introducing and establishing the parasites and natural enemies of these insects and colonizing them within the infested territory; by establishing and maintaining a quarantine against further spread in such manner as he shall deem best, in cooperation with the authorities of the different States concerned and with the several State experiment stations, including rent outside of the District of Columbia, the employment of labor in the city of Washington and elsewhere, and for medical supplies and services and other assistance necessary for the immediate relief of foremen, scouts, and laborers, and other employees injured while engaged in hazardous work under this item of appropriation, and all other necessary expenses, $305,050.

Mr. MONDELL. Mr. Chairman, I reserve the point of order against the language in lines 4 to 7, page 53. Mr. Chairman, I was very much interested, as I have no doubt other Members were, in the statement made a few moments ago by the gentleman from Michigan [Mr. MCLAUGHLIN], a member of the committee, giving his views as to the proper limit of governmental activities under the appropriations carried in this bill. He expressed the opinion that the Government should investigate thoroughly, should disseminate information, should inquire into causes and develop remedies, and should leave the States and individuals to apply the remedies. Now, I am wondering why the committee in considering this matter of the brown-tail and gypsy moths, are not following up the policy thus outlined or suggested by the gentleman from Michigan? As I understand it, in the case of this appropriation the Federal Government has not only sought the cause, determined the remedy, but proceeded to apply it. As I understand it, under this appropriation the Federal Government for a number of years has hired large forces of men to destroy the moths, and actually entered upon the work of applying the remedy.

Mr. LEVER. If the gentleman will permit, let me say that the department has cooperated with the States in which the gypsy and brown-tail moth occur. The States involved are appropriating, according to my recollection, almost the amount appropriated by the Federal Government. The statement was made before the committee by Dr. Howard, who has charge of this work, that they had about determined in their own minds that there was no hope in the immediate future of exterminating or eradicating the brown-tail or gypsy moth and that the present plan was to continue their quarantine and control of this as much as possible, with a view of holding it in check, in status quo, as it were. Now they have discovered, however—and they think it is promising—a parasite for the gypsy moth, I think it is, and last year they turned loose upon the gypsy moth 17,000,000 of these little parasites, and the result so far, in my judgment, from the testimony before the committee, is promising; and it is possible, if we can keep up the control over and a strict quarantine with this appropriation, that the time may come when the parasite will take care of the gypsy and brown-tail moths. It is a curious thing in insect life that nearly every insect has an enemy which will in time prevent or destroy it. That is the thought of the committee in this matter.

Mr. MONDELL. But at the present time and under the appropriation carried in the bill the department does actually engage in the work of destroying these moths?

Mr. LEVER. That is true.

Mr. HAWLEY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAWLEY. This particular problem is one of the most serious that we have to deal with in this bill. These moths eat the leaves on the trees, multiply in great numbers, and can reproduce themselves in every section of the United States. We are endeavoring strictly to limit the territory which they may infest. If we should relax our diligence and these moths should be spread by vehicles, such as wagons or automobiles, or on lumber or through materials in transportation, or by other means, and should get into the southern forests and then out into the western forests, they would not only destroy the great timber product of the United States, but they would destroy the fruit-growing industry.

Mr. MONDELL. That is a pretty broad statement——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. How many varieties of trees do these moths attack?

Mr. HAWLEY. They attack all deciduous trees, and they attack the evergreens when there are no deciduous trees for them to live upon.

Mr. MONDELL. Has that latter fact been determined?

Mr. HAWLEY. I asked that question of the representative of the department when he was before the committee at this last hearing, and he made that statement. Some of the evergreen trees are attacked more readily by them than others.

Mr. MONDELL. Well, does the gentleman believe that we should continue to appropriate something like $300,000 indefinitely on this work, in view of the fact stated by the chairman of the committee, that it has now been demonstrated that it was impossible to eradicate the moths?

Mr. HAWLEY. I believe we should appropriate the money necessary to confine these moths to the localities where they now are until such time as the parasites may be multiplied in sufficient quantities to reduce them below the harmful point, as they have been reduced in the European countries from which they came, or until the moths have been reduced by other means.

Mr. MONDELL. And as they probably would be here if the moth got out of this particularly favored locality into a region less favorable, where nature would develop the parasite.

Now, as an illustration, I think we sometimes get overexcited about these things. I remember when Western States proposed appropriations of $1,000,000 a year for the eradication of the Russian thistle. Well, we did try to eradicate the Russian thistle, but we did not make very much headway, and it spread all over the country. It has not proven such a terrible pest as we had supposed it would be, although it is bad enough, in all conscience. The migratory grasshopper develops in the Rocky Mountain region, along the foothills of the eastern slopes of the Rockies, and when we have a few favorable seasons, warm, dry springs, those insects increase in such numbers that they migrate in great numbers to the eastern regions. But as soon as they reach humid territory nature develops in these migratory creatures certain parasites that kill them. While they may do great harm for a year or two, and formerly, when our fields were few and far between, the grasshopper frequently cleaned up great communities, in later times, when our grain fields are more widely extended, the damage is not so great. In no case do these hoppers flourish more than two or three seasons when they reach the humid regions.

Now, we might have started in to expend millions of dollars annually to exterminate the migratory Rocky Mountain grasshopper. We would not have gotten anywhere. By leaving him alone, nature provides a remedy. Would not nature provide a remedy for this moth before its ravages become extensive.

Mr. HAWLEY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAWLEY. The two illustrations the gentleman has chosen, I think, are not apt in their application to the difficulty raised by these two moths.

Mr. MANN. Well, are they not very apt to show that if you find the proper parasite and develop it, it will destroy much trouble from these insects, and is not that what we are trying to do here?

Mr. MONDELL. Nature develops these parasites whenever the creature gets out of the favorable environment.

Mr. MANN. Not unless the parasite is inherent in the locality.

The CHAIRMAN. The time has expired.

Mr. LEVER. Mr. Chairman, may I ask to close debate on this in 12 minutes?

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to close debate on this paragraph and all amendments thereto in 12 minutes? Is there objection?

There was no objection.

Mr. HAWLEY. The gentleman from Wyoming [Mr. MONDELL] referred to the Russian thistle as possibly to be comparable in destructive agency to the moths which this paragraph relates to. The Russian thistle does not go out throughout the country and live on trees by eating the leaves off.

Mr. MONDELL. I think "the gentleman from Wyoming" made no such suggestion as that.

Mr. HAWLEY. But I was going to prove to the gentleman that his illustration was not valid.

Mr. MONDELL. But the grasshopper illustration is.

Mr. HAWLEY. I will come to the grasshopper.

Mr. RAKER. Will the gentleman yield?

Mr. HAWLEY. In a moment. These moths migrate for a considerable distance, and they spread, if not hindered, with considerable rapidity, and they live on the leaves of the trees and kill the trees. A gentleman who was formerly a Member of this House, now a United States Senator from Massachusetts, said to the committee during the hearing on this subject that despite his best efforts a number of trees on his own estate had been killed by these pests.

Mr. MONDELL. Will the gentleman yield right there?

Mr. HAWLEY. Yes.

Mr. MONDELL. A large number of beautiful pines on my place at home have been killed recently by a beetle, but I do not believe the Federal Government should be called upon to come out there and exterminate those pests.

Mr. HAWLEY. Now, if the gentleman will allow me to proceed, if these moths are not confined to the territory where they now are, but spread throughout the Appalachian region, which will be a native habitat for them in a short time, they will destroy all the deciduous trees and the fruit trees, including the great peach orchards in Georgia and other Southern States. They have been found in a few instances far West, according to the statements that have been received. They are sent there on nursery stock.

Mr. RAKER. Will the gentleman inform the committee whether or not the spread of the gypsy and brown-tail moths has been practically stopped by virtue of the bill that passed your committee and finally became a law? I refer to the quarantine bill.

Mr. HAWLEY. The danger from it has been reduced, but you can not say they have been absolutely stopped. It depends on the efficiency of the enforcement of the law.

Mr. RAKER. Could the gentleman inform the committee whether or not there is considerable nursery stock going from State to State that does contain the gypsy and brown-tail moths, which is not prevented by the present quarantine bill?

Mr. HAWLEY. We have only had one or two instances that I now recall where there was a little outbreak in any place, but it was readily detected and the trees all destroyed and the place cleaned up.

Mr. RAKER. Does the same condition apply to some importation of foreign stock?

Mr. HAWLEY. They originally came with the importation of foreign stock, but there is now no more of that being delivered in the United States from infected districts abroad.

Mr. RAKER. It is practically eliminated?

Mr. HAWLEY. They are not allowed to ship infected stock from infested districts in the Old World unless there is no danger of the stock being infested, and when it reaches here it is examined again, and if there has been any moths overlooked in the preparation of the shipment those shipments are seized and destroyed.

Mr. RAKER. Then the importation of these various insects, by virtue of the various quarantines, so far as the imported stock is concerned, is practically eliminated?

Mr. HAWLEY. I think it is practically eliminated.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. HAWLEY. I had some more remarks to make in answer to the gentleman from Wyoming [Mr. MONDELL].

Mr. MANN. Mr. Chairman, I may want a little more than five minutes.

This is an appropriation for the control of the gypsy and brown-tail moths. I am not familiar with those moths, and I hope I will never have the privilege of seeing either one of them in my own section of the country. They are exceedingly destructive. Nothing in the way of trees can live against them unless you can destroy the moths and in some way prevent their propagation.

Now, that is true of a good many insects that are destructive of certain plants. Those insects which are native in the country never bother us very much, because it is the law of nature that wherever a pest occurs, it must either become supreme and kill everything within its range, or else it must be controlled by some pest, which attacks the first pest; and throughout the world, wherever there is any animal life which is a pest or dangerous, it has an enemy which attacks it in its native habitat. But you can move the pest animal or insect from one country to another without carrying with it its enemy, and whenever you do that you are liable to get to the point where the pest becomes of such destructive power that there is hardly any way to control it unless you can find the parasite which attacks it.

I spoke a moment ago of the experience in the Hawaiian Islands, and I am going to say a word more about it. The brown-tail moth and the gypsy moth are imported. They have in this country no natural parasite which attacks them. The Agricultural Department has been engaged in a search in the original habitat of these moths endeavoring to find and bring here and acclimate a natural parasite enemy. Whether they have yet succeeded they do not know. They have the parasites. They have introduced a number of parasites here. Whether they will prove successful in exterminating the gypsy moth and the brown-tail moth I do not know.

I am going to narrate very briefly a fairy story. The gentleman from Wyoming [Mr. MONDELL] referred to the grasshopper. The sugar planters out in Hawaii were met with what is called a leaf hopper, a very small insect, which propagated rapidly and threatened the absolute destruction of the sugar cane in the Hawaiian Islands. They tried every method they could, and they could not control it. They commenced to give up their sugar plantations. They finally found an entomologist who said that he thought the only course to pursue was to ascertain the original habitat of the leaf hopper and there find the leaf hopper's parasite. They did not know where the leaf hopper had come from.

This entomologist went to China, and went all through China in the regions where sugar cane is produced, and found parasite after parasite which lived upon a leaf hopper somewhat similar, and he sent the parasites to Hawaii. It was not the parasite of this leaf hopper, and it did no good. He went to the East India Islands and met with the same experience. He worked at this year after year, incurring all the dangers that a white man could incur in tropical jungles, looking for a leaf hopper, not merely upon the sugar cane, but upon various other things that leaf hoppers live upon, as, for instance, various kinds of palms. He went to Australia, and went beyond Australia, and in a little island some distance from Australia he found the original habitat of this leaf hopper that was absolutely destroying the sugar cane in Hawaii.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I ask for five minutes, notwithstanding the limit of time fixed.

The CHAIRMAN. The gentleman from Illinois asks to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MANN. He started home with the parasites; he was taken down with typhoid fever in Australia and nearly died, and lost his parasites. He went back the next year and obtained more of the parasites, but found that he could not probably take them as far as Hawaii without their dying on the way. He obtained the consent of the Australian Government to propagate those parasites in Australia and set up a plant there and

propagated them and obtained a new brood, and landed finally in Hawaii with a small number of the parasites of this leaf hopper.

By that time the planters in Hawaii had given up hope. They had tried parasite after parasite with no effect, but they had finally found the real parasite. This little incident discloses the value of entomological work, because this man's discovery of this parasite has saved hundreds of millions of dollars' worth of land and sugar-cane land and sugar cane in Hawaii which they had given up as practically lost. They could not have continued the production of sugar cane in the Hawaiian Islands with success if they had not found the parasite of this leaf-hopper, so small that it can hardly be detected by the naked eye; the leaf hopper itself is so small that it is hardly noticeable. They have done that by scientific research and study along scientific lines, and have demonstrated the possibility of controlling all of these natural enemies imported from another country if we can only find in the original habitat the enemy which followed each enemy and killed it off—the parasite. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

BUREAU OF BIOLOGICAL SURVEY.

Salaries, Bureau of Biological Survey: One biologist, who shall be chief of bureau, $3,500; 1 chief clerk and executive assistant, $1,800; 1 administrative assistant, $2,250; 1 financial clerk, $1,600; 3 clerks, class 3; 5 clerks, class 2; 1 clerk, $1,260; 5 clerks, class 1; 1 clerk, $1,080; 3 clerks, at $1,000 each; 2 clerks, at $900 each; 1 clerk, $840; 1 clerk, $720; 1 preparator, $1,200; 1 preparator, $900; 1 messenger, $720; 1 photographer, $1,300; 1 game warden, $1,200; 1 draftsman, $900; 2 messengers, messenger boys, or laborers, at $480 each; 1 messenger boy, $360; 1 laborer, $600; 1 charwoman, $240; in all, $44,030.

Mr. DILL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word. The Chair desires to state that the gentleman from Wyoming [Mr. MONDELL] reserved a point of order on the new words on page 53.

Mr. MONDELL. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. DILL. Mr. Chairman, I rise for the purpose of asking the chairman of the committee a question in regard to the salaries mentioned in this particular paragraph. I find it also running all through the bill—for a laborer at $600 and at another place a laborer at $480. What is the explanation of such low salaries for laborers?

Mr. LEVER. As the gentleman will notice, there are "two messengers, messenger boys, or laborers at $480 each" and one laborer at $600. One is a laborer, and the others have a dual capacity. They may be laborers or messengers.

Mr. DILL. I understand that; but as to the other one there is no limitation. It says "laborer."

Mr. LEVER. Yes.

Mr. DILL. Do I understand by that that the man draws only $50 a month?

Mr. LEVER. That is true.

Mr. DILL. And he works a full day?

Mr. LEVER. He works eight hours a day.

Mr. DILL. Mr. Chairman, I notice running all through this bill that there are provisions for the payment of just such low wages to laborers.

Mr. LEVER. I wish the gentleman would say "and through every other bill."

Mr. DILL. I think that is true; through every other bill also. Now, I understand from reports that an investigation is going on before one of the committees of the House as to the wages received by Government employees, and the testimony adduced before that committee shows that this Government is paying wages on which it is practically impossible to support a family. It seems to me that such a condition ought to be remedied, and I think that a Government with the wealth, power, and standing of the United States, when it pays employees at the rate of $40 or $50 a month is doing a thing that it ought not to do. It seems to me this condition should be remedied, and we should begin in this bill.

Mr. BAILEY. Will the gentleman yield?

Mr. DILL. Yes.

Mr. BAILEY. Does the gentleman believe that an increase of wages on the part of the Government would tend in any way to increase the wages that are paid generally over the country.

Mr. DILL. I am not certain that it would increase wages over the country, but it seems to me it would have a good effect. At any rate it does not seem to me that this Government ought to set the example of paying wages as low as the wages mentioned here when we criticize corporations for paying the same wages.

Mr. BAILEY. If the Government should increase wages, would not that have the effect of decreasing the wages of the people who furnish the money to pay the wages of Government employees?

Mr. DILL. Gentlemen who criticize great corporations for paying such low wages would certainly stand in a much better light than they do now when they vote for appropriation bills which authorize the payment of wages so low that no one can support a family on those wages.

Mr. BAILEY. Would not the gentleman prefer to do something that would tend to advance wages in general?

Mr. DILL. Certainly.

Mr. BAILEY. How would the gentleman do that?

Mr. DILL. That opens up a great question, and I think the gentleman from Pennsylvania will agree with me that this is hardly the place to discuss that great economic problem; but I do want to register my protest against the payment of salaries so low as some of those contained in this bill to men who work six days a week and regular hours every day. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

General expenses, Bureau of Biological Survey: For salaries and employment of labor in the city of Washington and elsewhere, furniture, supplies, traveling, and all other expenses necessary in conducting investigations and carrying out the work of the bureau, as follows:

Mr. HAWLEY. Mr. Chairman, I should like the attention of the chairman of the committee [Mr. LEVER].

I have assisted in the preparation of nine appropriation bills in support of the Department of Agriculture for the promotion of the agricultural development of the United States. During that time the distinguished gentleman from South Carolina [Mr. LEVER] has been a member of the Committee on Agriculture, and in the preparation of the last three bills, including the one now pending, he has been its chairman. By reason of his vigor and ability he has been an important member and worthy of study. In addition to the appropriation bills several measures of general legislation of great importance have been considered by the committee, and a number of them reported to the House and passed. Others are pending and active. Mr. LEVER has been a decided factor in all this legislation. While he has always shown a commendable and effective interest in the solution of problems affecting southern agriculture, and deserves the everlasting gratitude of that portion of our people for his services to them, he has been friendly to the study of and taken an intelligent interest in the problems confronting all other sections of the country.

He has the love, confidence, and admiration of every member of the committee, as he has of the House, because of his ability, diligence, efficiency, and broad sympathies.

Several laws of great value bear his name or owe their existence to his indefatigable energy.

If statesmanship consists in a painstaking analysis of questions relating to the public welfare and in submitting solutions that will result to the public good and securing their adoption, Mr. LEVER is a statesman. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the maintenance of the Montana National Bison Range and other reservations and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," $21,000, of which sum $2,500 may be used for the purchase, capture, and transportation of game for national reservations.

Mr. RAKER. Mr. Chairman, I would like to ask the chairman of the committee if this provision includes the bird reserves as well?

Mr. LEVER. Yes; this provision takes care of them.

Mr. RAKER. There are 69 of these bird reserves, created for the purpose of protecting native birds. The first Executive order creating a reserve for the protection of native birds was dated March 14, 1903, when the Pelican Island Reservation in Florida was established. Native birds in the Canal Zone were protected by Executive order of date March 19, 1913. These 69 bird reserves are scattered all the way from Midway Island in the Pacific to Alaska and Porto Rico.

I ask unanimous consent that I may insert at this point an article prepared by Mr. Frank Bond, chief clerk, General Land Office, on the subject of bird reservations.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert in the RECORD the article to which he refers. Is there objection?

Mr. MANN. Reserving the right to object, is this article already published?

Mr. RAKER. It has not been published in the daily papers.

Mr. MANN. I mean by the department.

Mr. RAKER. No; this is not a department matter. This article was inserted in the Reclamation Record for April, 1916. It is only a column and a half long.

The CHAIRMAN. Is there objection?

There was no objection.

The article is as follows:

BIRD RESERVATIONS: THEIR PURPOSE AND FUTURE.

[By Frank Bond, Chief Clerk, General Land Office.]

Beginning with the first Executive order creating a reservation for the protection of native birds, dated March 14, 1903, when the Pelican Island Reservation, Fla., was established, there have been created by action of the President 69 reserves for this purpose, and in addition the birds upon the Canal Zone were protected by an Executive order of March 19, 1913. These 69 reservations are scattered all the way from the Midway Islands in the Pacific and Alaska to Porto Rico, and are divided among States and possessions as follows: Alaska, 10; Arizona, 1; Alabama and Mississippi, 1; Arkansas, 2; California, 3; California and Oregon, 1; Florida, 10; Hawaii, 1; Idaho, 2; Louisiana, 4; Michigan, 2; Minnesota, 1; Montana, 2; New Mexico, 2; Nebraska, 1; Nevada, 1; North Dakota, 2; Oregon, 3; Porto Rico, 2; South Dakota, 1; Utah, 1; Washington, 11; Wisconsin, 2; Wyoming, 3.

The purpose of some of these reserves is to furnish safe winter refuges or refuges for migrants, both spring and fall; of others to provide breeding grounds and their protection. Roughly speaking, the kind of birds protected are the plume birds and the edible waterfowl and shore birds. There are also protected upon some of the reserves waterfowl that may not be classed either as edible, for they are not edible, or as plume birds, strictly speaking, although millions have been slaughtered for their quills and wings. These birds embrace the sea birds, whose usefulness as scavengers makes them economically worthy of protection. From an economic standpoint the most important reservations are those which protect the edible waterfowl during the winter, breeding and migrating periods. These birds of course are the prey of the cold-storage and market hunters, and their winter feeding resorts became in the past veritable slaughter grounds.

Among the breeding reserves, which also are resting places for migrants in large numbers, are Klamath Lake and Malheur Lake, in California and Oregon, and among the reservations, used largely by birds which have gone South to spend the winter season, are some of those along the Gulf coast, such as Breton Island Reservation, northward from the mouth of the Mississippi River. Prior to the creation of the Breton Island Reservation in 1904 reports of special agents of the Audobon societies and others indicated that upward of 200,000 wild ducks were slaughtered during the winter seasons for cold-storage purposes. This, of course, has all been stopped within the limits of the several reservations where edible waterfowl winter. The two greatest slaughter grounds in the West—Malheur and Lower Klamath Lakes—were covered by reservation orders in 1908, and one of the purposes of this article is to call especial attention to these two, because they are fields of great local activity to secure the abandonment of the reservations or such modifications of their boundaries as will render them practically useless for the purposes for which they were created. It should be borne in mind that territory of value for bird-reservation purposes is becoming more and more rare, and it is probable that comparatively few new reservations of any great value will be created hereafter, especially reservations for the protection of the edible waterfowl. There can be no doubt that reserves of this character, while valuable now, can be made very much more valuable in the future by proper care and administration, and it is the belief of all who have made a study of the bird-protection movement that the reservations now created should be maintained without the surrender of any territory or further modifications of their boundaries unless there are very grave reasons therefor. It is not believed that throwing open any part of such reservations for the use of a few settlers, who probably without exception will be required to supplement what they can raise in the way of farm products by what they can collect with their guns and traps, is in any degree a fair exchange for what the people of the United States, as a whole, have a right to expect and will receive if these reservations are maintained intact and properly administered.

Special effort is now being made to throw open to settlement large tracts of the tule lands within the Klamath Lake Reservation, and the propaganda therefor indicates that as a preliminary step toward such action, which will destroy the usefulness of the reserve as such, a considerable number of persons have gone within the reserve, and it is now proposed to give them the marsh lands which they have unlawfully entered. Of course these people are not interested in the birds except to the extent that they may be able to hunt and kill them when they get a footing within the reservation, but a wise public policy will not permit a very few persons thus to destroy a reservation which is not only a valuable source of food supply for thousands at the present time but is bound to become much more valuable in the future.

Mr. RAKER. This article shows the purposes of these bird reserves. We appropriate $21,100 for these 69 reserves, 2 of which are in my immediate locality. This appropriation is wholly inadequate to carry out the purposes of the Executive orders. I have been in communication with the departments having charge of these bird reserves, in the hope that we may get an adjustment in some 35 to 45 homestead claims located in what is known as the Klamath Lake Reservation. These claimants insist that this land is valuable for agricultural purposes. Most of them are living upon the land. My purpose is not to destroy game preserves at any time or under any circumstances, if they are necessary for that purpose, but when the land is more valuable for agricultural purposes, for homesteading, it should be so used. I have great hope that the Department of Agriculture, and in this particular instance the Biological Survey, who have control of the bird reserves, in connection with the General Land Office, may be able to have a commission appointed from that department to make an investigation to determine this question.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask for five minutes more.

Mr. LEVER. Mr. Chairman, I can not afford to object, but I will ask unanimous consent that debate on this paragraph and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from California asks for five minutes more. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, a part of this article relates to the territory in my district. Some 35 settlers have gone on the land where the reserve has been created, and some onto reclamation projects. I want to take this opportunity, without any criticism of the department, to the end that my people may be properly sustained in their rights to say that behind them stands the entire body of citizens of Siskiyou County—the judge, the board of supervisors, the grand jury, and the people—believing and insisting that this land is valuable for agricultural purposes and that no part of it will be used or taken from the bird reserve that might be necessary for that bird reserve.

Personally whatever land is necessary for the bird reserve and for the protection and propagation of edible fowl, ought to be maintained, and that which is not necessary but is more valuable for agricultural purposes, ought to be used for that purpose.

But I do not feel justified in submitting to this article, to the indictment of my people and those who are desiring to obtain a homestead upon Government land, that their one object and purpose is that they may destroy the edible wild fowl and thereby destroy a bird reserve or a proper location for a bird reserve.

Some might desire the land, thinking it is located in a good position, but the department I am satisfied is trying to arrange this matter without any antagonism either for or against the settlers, and that they will be able to come to some adjustment. I felt as though I could not let this pass without calling it to the attention of the committee.

In discussing the matter with the department they say that one of the reasons, and I am satisfied that it is true, that a proper result has not been had at the present time is a lack of funds. There are 69 reserves from Alaska to Florida, some of them covering a territory of a hundred thousand acres, and sometimes one man has to look after a reserve of a hundred thousand acres, and you can readily see that this wild life that ought to be protected, which is of value to the country, should have, if we are going to maintain this reserve, sufficient men to maintain them properly, give them proper protection, proper regulations, and a sufficient number of men, so that the regulations may be enforced and the bird preserves, because of their great value, properly looked after by the general public. Many thousands and even millions of edible fowl are reared on these preserves.

Mr. PLATT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 55, in line 1, after the word "States" strike out the figures "$21,000" and insert "$25,000."

Mr. PLATT. Mr. Chairman, the appropriation carried in this item for which it is expected to accomplish is ridiculously small. It is something like $300 for each reservation, and the reservations are not all bird reservations. The item includes the big-game preserves at Dixon, Mont.; Wind Cave National Park, S. Dak., and Jackson Hole, Wyo. On one of these preserves the United States Government has spent $50,000, and one of the bird preserves is a large group of islands in the Hawaiian group called the Laysan Island Reserve, which covers 5 degrees of longitude.

A year ago poachers got on the islands and killed over 300,000 albatrosses for their breasts, leaving the bones and dead birds strewn around over acres of ground. This great reservation has no warden and the devastation was not discovered until an expedition went there some time after. There were some birds left, and in the course of time I suppose they will repopulate the islands if not again destroyed.

Mr. MANN. Will the gentleman yield?

Mr. PLATT. I yield to the gentleman from Illinois.

Mr. MANN. Of what economic value are these birds when they are off on this island where nobody can see them?

Mr. PLATT. I do not know what the economic value may be of the birds on this particular preserve. The geese and ducks on the great Laysan reserves are of immense value.

Mr. MANN. Oh, I understand that; but I am speaking of these birds that you say were killed on this island.

Mr. PLATT. They had an economic value to the people who killed them, or they would not have gone there after them.

Mr. MANN. Were they of any economic value living? Do they add anything to beauty or anything else? What value is it to have a lot of birds on an island that no one visits, and these birds do not go anywhere else but stay there?

Mr. PLATT. I do not think it is true that they go nowhere else.

Mr. MANN. Where do they go?

Mr. PLATT. Some of them may not be migratory, but others fly back and forth between the islands of the Hawaiian group, and perhaps farther.

Mr. MANN. Oh, the island to which the gentleman refers is a little island five or six or seven hundred miles away from the large island of Kawaihae. I do not understand that those birds go anywhere else.

Mr. PLATT. The reserve includes a number of small islands extending over 5 degrees of longitude. The birds go back and forth among that group of islands, and some of them farther.

Mr. MANN. They may go back and forth among some of the smaller islands in the group where no one lives. They do not go to any island where anybody lives. That is my information, though I may be wrong about it.

Mr. PLATT. The gentleman from Illinois knows much more about the Hawaiian Islands than I do, for I have never visited them. I am not sure about the habits of the albatross, but I know some of the birds of those islands fly considerable distances.

Mr. MANN. Oh, I quite agree with the gentleman generally.

Mr. HICKS. Mr. Chairman, does the gentleman refer to Laysan Island?

Mr. PLATT. Yes.

Mr. HICKS. Those birds, I understand, travel all over the South Sea Islands.

Mr. MANN. Oh, they do not go anywhere. They go out in the ocean and fish and then go back home.

Mr. PLATT. The economic value of the bird reservations lies largely in the reservations along our coasts or off the Delta of the Mississippi, where thousands and thousands of ducks and geese which nest in Canada and North Dakota and other Northern States, but mostly in Canada, congregate in the wintertime. There are a few of these bird reservations on the Atlantic seacoast. There is one in Wisconsin, which is a rock in Lake Michigan, I believe. Some of the reservations are small and some of them large.

Mr. McLAUGHLIN. The gentleman suggests an increase of $4,000 for what particular purpose?

Mr. PLATT. To provide wardens for a few of these reservations which have no protection at all now. Anybody who wants to go and kill the birds can do it without let or hindrance.

Mr. McLAUGHLIN. Has the gentleman any communication from the bureau to know whether they can use the money for that purpose?

Mr. PLATT. Yes; I will say to the gentleman from Michigan that I have talked with the bureau officials. I am very well acquainted with several of the officials of the Biological Survey, and they have told me that they have been severely criticized for not protecting the birds on these reservations, though it was impossible to do more than they have done with the appropriation set aside for this purpose.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more. He is the only authority in this House on birds.

The CHAIRMAN. The Chair will suggest that the time is limited.

Mr. MANN. Then I ask unanimous consent that that time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Does the gentleman know at what places these wardens would be put?

Mr. PLATT. Some on the Atlantic coast reservations, which are generally barren marsh islands where no one lives, and they need patrolling. There is no money now to provide anybody to go from one to the other except at long intervals. They need a motor boat, among other things, so that they can get from one island to another.

It is not necessary that each island in the coast reservations should have a separate warden, but they should be visited frequently to see whether any damage has been done and to punish those who kill the birds. I may say that the bird reservations are all mapped in one of the Biological Survey bulletins, though it does not include the last few established. There were two or three new reservations put in within the past year or two, and one which was adopted last year had to be abandoned for lack of funds. Another has been turned over to another bureau. It will be noticed that there is a little variation between the report of the committee, which says there are 69 bird reservations, and the hearings, which put the number at 68. There were 70. One had to be abandoned and another was turned over to another department because of lack of funds. They have done a great deal of good. There is no doubt that some birds are actually being saved from extermination by these bird reservations. Take, for instance, the heath hen, which used to be abundant all over the East. It is now to be found only on the island of Marthas Vineyard, where it is under stringent protection by the State of Massachusetts and is slowly increasing. A good many other birds are being saved in the same way where they can collect in the winter or at certain times. Most of them are winter reservations, though a few reservations in the North are nesting reservations. The birds concentrate closer together in the wintertime, and they need places where they can not be slaughtered.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Certainly.

Mr. MANN. The gentleman knows a great deal about birds, and his information has a good deal of weight with me. Does the gentleman think that this additional money can be used profitably so as to save and protect birds?

Mr. PLATT. I am very sure that it can. I am sure that this little increase of only $4,000 more will do a good deal of good. It will just about provide salaries for the three or four wardens who are most needed.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. GOOD. Will the gentleman state whether or not the committee reported the number of wardens or made an appropriation for the full number of wardens that the department estimated for?

Mr. PLATT. I know that the Biological Survey asked for more money than the committee gave it, as will be seen from the hearings.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. GREEN of Iowa. I would like to inquire if there is anything being done looking to the destruction of squirrels, that are the greatest enemy of song birds that we have?

Mr. PLATT. The greatest enemy of the song bird is the domestic cat, which ought to be destroyed.

Mr. GREEN of Iowa. Oh, I beg the gentleman's pardon, because the domestic cat has to be somewhere near a house, while the squirrels are scattered all around. For example, take the Capitol grounds. We have lots of squirrels here, with the result that you can not find a bird's nest in all these trees.

Mr. PLATT. Oh, yes, you can. I think there are too many red squirrels that are destructive of birds. The gray squirrel does occasionally destroy birds, but not generally, if my information is correct.

Mr. McCRACKEN. Mr. Chairman, I would like to ask the gentleman what is the aggregate area included in the various bird reservations throughout the United States?

Mr. PLATT. I shall have to refer the gentleman to the bulletin of the Biological Survey for that. I do not remember the figures. I think perhaps the gentleman from North Dakota can tell him.

Mr. YOUNG of North Dakota. Mr. Chairman——

The CHAIRMAN. The gentleman from North Dakota is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, I ask that the time of the gentleman from New York be extended five minutes.

The CHAIRMAN. The Chair has announced that he recognizes the gentleman from North Dakota for five minutes.

Mr. YOUNG of North Dakota. I desire to ask a question of the gentleman from New York. Is it not a fact that the item of $21,000 provided in this paragraph also includes work in respect to wild animals?

Mr. PLATT. Yes.

Mr. YOUNG of North Dakota. In addition to all this work about which the gentleman has been talking in connection with the preservation of bird life?

Mr. PLATT. It does. The item includes the work of hedging, ditching, telephone lines, and all sorts of things in connection with the preservation and maintenance of the Montana National Buffalo Range. It is not only a matter of bird preservation, but is spread over these thousands of acres in reference to animals.

Mr. MANN. The gentleman expects the $4,000, if he gets it, to be used specially for bird preservation.

Mr. PLATT. That is what the Biological Survey wants it for.

Mr. MANN. I will not vote for it unless that is the expectation.

Mr. YOUNG of North Dakota. The buffalo, which once thickly populated the western plains, has became almost extinct. The Biological Survey is entitled to much credit for the excellent work done in picking up and caring for the few remaining specimens. The buffalo in the various herds in the United States and Canada number a little more than 4,000. About half of them are in Canada, and of the Canadian supply most of it was obtained from herds purchased in Montana. It was a mistake to let them get out of our country. Those we have left are receiving the most careful attention and every effort is being put forth to guard against losing them through disease or otherwise. For that reason the buffalo have been cared for in more than one park, so that an epidemic could not carry off all of them. That was the chief reason for the establishment of Sullys Hill National Park, located on the shores of Devils Lake, N. Dak. It was also recognized that North Dakota was a portion of the region where the buffalo thrived before the advent of the white man. It is the habitat of the buffalo, and the herd to be transferred there from Montana will doubtless increase rapidly, and later help fill the growing demand for buffalo in the municipal parks of our country.

Mr. Chairman, I hope the committee will act favorably upon the amendment offered by the gentleman from New York. With proper care and encouragement the time will come when the buffalo will be found outside of the parks. They will be found on the farms, helping to take care of the meat supply and furnishing those delightful robes which contributed so much snugness and pleasure to the sleigh rides of long ago.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico [Mr. HERNANDEZ].

Mr. HERNANDEZ. Mr. Chairman, what I desire to inquire is in connection with the next paragraph.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to offer an amendment.

Mr. MANN. There is an amendment pending.

The CHAIRMAN. The question before the committee is on the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced the ayes seemed to have it.

Upon a division (demanded by Mr. LEVER) there were—ayes 39, noes 16.

So the amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 55, in line 3, after the word "reservation," insert:

"For the purchase of what is known as the 'Scotty Phillips' herd of buffalo of South Dakota for distribution among the national parks and national monuments, $100,000, or so much thereof as may be necessary, such purchase to be made by and in the discretion of the Secretary of the Interior."

Mr. LEVER. Mr. Chairman, I reserve the point of order on the amendment.

The CHAIRMAN. All debate on this amendment and paragraph is closed.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that I may be allowed to address the committee for five minutes on this amendment.

Mr. HAWLEY. Mr. Chairman, I rise to a question of information. Some time was reserved for gentlemen on this subject who did not use that time, and there must be five or six minutes left under the original arrangement.

The CHAIRMAN. If gentlemen did not use that time it is not the fault of the Chair. The gentleman from Colorado asks unanimous consent to proceed for five minutes. Is there objection?

Mr. LEVER. Mr. Chairman, I wonder if the gentleman from Colorado would not offer on this proposition a separate paragraph to the bill?

Mr. TAYLOR of Colorado. I have sent it up as a separate paragraph to come in at this place.

Mr. LEVER. Debate has been concluded on this paragraph.

Mr. TAYLOR of Colorado. Let me say to the chairman of the committee that I have not taken any time on this bill.

Mr. LEVER. That statement has been made by dozens of men on the floor——

Mr. MANN. I understand this is offered as a separate paragraph.

Mr. TAYLOR of Colorado. It is offered as a separate paragraph to go in at this point.

Mr. MANN. Then debate is not closed.

Mr. LEVER. Then I ask unanimous consent that debate on the amendment of the gentleman from Colorado and all amendments thereto shall close in 12 minutes, and I am reserving the point of order.

The CHAIRMAN. The Chair understands the gentleman from Colorado offers this amendment as a separate paragraph?

Mr. TAYLOR of Colorado. Yes, sir.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 12 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer this amendment for the purpose of making sure of the preservation and perpetuation of the American bison. I have all my life been a very great admirer of the buffalo. When I was a small boy I lived for several years at my father's cattle ranch on the plains of western Kansas. There were hundreds of thousands of buffalo in that country at that time, from 1870 to 1874, and I used to lasso buffalo calves. My father sent several pair of them to the various parks of Chicago, Cincinnati, and other places. We raised quite a little herd of them with our cattle. They are a noble animal of which I have always been fond. At the present time the only fine herd of pure buffalo in the world, or at least the best one, is at Fort Pierre, S. Dak., what is known as the "Scotty Phillips" herd of buffalo, of about 500 head. They are pure-bred, fine specimens of buffalo, and there will be about 100 calves this spring. Mr. Phillips died several years ago and, I understand, his heirs desire to dispose of this herd and close the estate. I have understood that unless they are purchased by the Government or somebody within some reasonable time that the animals, or many of them, may be butchered.

They can butcher and sell them for more than the price they offer to sell them to parks; but the owners naturally want to see them preserved. They hold them at $250 a head.

Mr. STAFFORD. I understand there is a demand for pure buffalo from zoological societies. Do you understand in spite of that demand that these buffalo would be butchered by this family who own the herd?

Mr. TAYLOR of Colorado. I have no personal knowledge or direct information, but I have several times heard that the family has been trying for several years to wind up the estate, and the demand from the various zoological gardens and parks is only for a small number for each place, which amounts to comparatively little, and that they want to close out the entire herd. The State of South Dakota purchased 24 head of them in the spring of 1915 and placed them in a State game park in the Black Hills. The State paid $250 a head for them. And I may say that a number of public-spirited citizens throughout the country have contemplated making a purchase of the entire herd and presenting it to the Government of the United States. That certainly would be a very patriotic and noble thing to do. And if the United States Government does not buy that buffalo herd I certainly hope some admirer of the buffalo will do so, because it would be the most colossal loss and grievous mistake of this entire generation if the American people would allow that herd of pure buffalo to be slaughtered. It might result in the extermination of the buffalo species. I do not suppose $100,000 would be enough to buy the entire herd, but that would buy enough to preserve them for all time if they are properly cared for.

Now, it seems to me that the Government of the United States ought to purchase them, if it can, at a reasonable figure. The amendment I offer would give the Secretary of the Interior discretion to go and buy that herd, or buy the major portion of it, and preserve them in the various national parks throughout the United States and breed them up and supply them to all the buffalo parks of the world. As a matter of fact, it would be an immensely profitable transaction for the Government of the United States to engage in, and we would at the same time preserve the buffalo. If I was a wealthy man I would buy the herd and present them to Uncle Sam.

I might say that I have a bill providing for the purchase of a few of them for our Colorado national parks, but, of course,

I do not know that we can pass a bill of that kind. My bill reads as follows:

A bill to authorize the establishment of game preserves and sanctuaries in the State of Colorado, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to reserve and set apart for a game preserve and sanctuary public and reserved lands of the United States in and adjacent to the Rocky Mountain National Park and the Arapahoe National Forest, in Grand County, Colo., and in and adjacent to the Colorado National Monument, in Mesa County, Colo., said reserves to be of suitable area and character to carry out the purpose and intent of this act.

SEC. 2. That the Secretary of the Interior is hereby authorized to purchase, either at private or public sale, not exceeding 200 buffaloes from the "Scotty Phillips" buffalo herd in South Dakota, or from such other herd or herds as may be for sale within the United States, and to transfer and remove one-half of the buffaloes so purchased to each of the game preserves and sanctuaries herein authorized.

SEC. 3. That the sum of $75,000, or so much thereof as may be necessary to carry out and administer the provisions of this act, is hereby appropriated.

It is something that I think the Agricultural Committee, instead of spending so much money on some bird island in some place, ought to take up. There are dozens of items in this bill calling for more than I ask for, and scarcely any of those items are as important as this. If we can preserve the American bison we would be doing a hundred times more for the American people and future generations than we are by preserving some bird sanctuary out in some ocean.

Mr. PLATT. Does the gentleman know that the United States Government owns 12 per cent of the American buffalo and that the Canadian Government owns 50 per cent of them?

Mr. TAYLOR of Colorado. Our Government ought to own more than Canada does. The western part of the United States was the native home of the American bison, and the last wild buffalo in this country was killed about 20 years ago in one of the remote and wild mountainous parts of Colorado. Colorado was, I believe, their last native stamping ground.

Mr. YOUNG of North Dakota. It is a fact that the Canadian Government gets most of their buffaloes from Montana, is it not?

Mr. TAYLOR of Colorado. I think that is true. And at the same time the Canadian Government is breeding up buffalo in the same manner that the American Government ought to breed them up and preserve them. I want sometime to address the House more at length on this subject. The robes of these animals are worth over $100 apiece, and the heads are worth from $100 to $400 apiece. The females bear a calf every other year.

Mr. McLAUGHLIN. Why provide in the Agricultural bill for $100,000 to be expended by the Secretary of the Interior? Why not by the Secretary of Agriculture?

Mr. TAYLOR of Colorado. Oh, that is a mere matter of detail. I would just as soon the Secretary of Agriculture would buy them. I do not care anything about that. I am thinking about preserving the American bison. I do not care who buys them. My thought is that they ought to be preserved, and this bill is the place where Congress ought to consider it.

Mr. LEVER. The gentleman in his amendment is taking it away from the Agricultural Department and putting it in the Interior Department.

Mr. TAYLOR of Colorado. The Interior Department has charge of the national parks, generally speaking, and I thought these animals, if they were put in those parks, would naturally come under his jurisdiction. But I want to preserve the buffalo, and I do not care who does it. I would be perfectly willing to have the chairman of the Agricultural Committee do the purchasing and have full discretion in regard to it. The only question is, I think, the committee ought to give attention to this matter, which is more important than the matter of some insects, where we are spending $400,000 on a blue-tailed coddling moth, where we could preserve the best buffalo on earth for $100,000. I earnestly feel that my amendment ought to be adopted, Mr. Chairman. [Applause.]

Mr. LEVER. Mr. Chairman, I make the point of order that this amendment is not in order on this bill and is not authorized by any existing law.

The CHAIRMAN. Does the gentleman from Colorado [Mr. TAYLOR] want to be heard on the point of order?

Mr. TAYLOR of Colorado. No, sir. I do not care to argue the point, if the chairman insists upon it, because I presume that possibly it is subject to a point of order.

The CHAIRMAN. The point of order is sustained. The clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Let the next paragraph be read.

The CHAIRMAN. The last word went out on a point of order. The Clerk will read.

The Clerk read as follows:

For the improvement of the game preserve in Sullys Hill National Park, in the State of North Dakota, including the construction of all fences, sheds, buildings, corrals, roads, and other structures which may be necessary, in addition to the amount heretofore appropriated, $5,000, the same to be available until expended.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order for the purpose of obtaining information. I notice in the wording of the paragraph there is some money now available for that purpose. Will the gentleman inform the committee how much is available and what is the purpose of this additional amount that will remain available until expended?

Mr. LEVER. I will give the gentleman the information by reading from the report.

In the appropriation act for the fiscal year 1915 an appropriation of $5,000 was made for the improvement of the game preserve in Sullys Hill National Park, N. Dak.

That amendment was put on in the Senate.

A similar sum was included in the appropriation act for the present fiscal year. It was thought at the time that $10,000 would be sufficient to provide for the fencing of the preserve and the construction of the necessary buildings, corrals, roads, etc. It was found, however, that the fencing alone would cost nearly $10,000. The contract has been let for the construction of the fence, which will be completed by June 30, 1916, but no funds are available for making improvements on or for stocking the preserve. An item of $5,000 accordingly has been included in the bill for the fiscal year 1917 to provide quarters, barns, animals, warden service, and maintenance expenses for one year.

Mr. STAFFORD. That is sufficient information, Mr. Chairman, and I withdraw the point of order.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman a question. What was the original estimated cost of the fence?

Mr. LEVER. There was no estimate at all on this. The original item was put in the bill in the Senate and was held in conference. Then an appropriation of $50,000 was carried in the bill, again put in in the Senate. The department says that $10,000 has been found necessary for the fence alone. It is a tract of land of some 800 acres, as I recall.

Mr. MANN. My recollection is that it was stated at first that the whole thing would not cost over $10,000. I may be mistaken about that, but that is my impression.

Mr. LEVER. I think the gentleman is correct about that.

Mr. MANN. I do not know whether the Agricultural Department made an estimate or not.

Mr. LEVER. The Senate item was originally $10,000, and it was reduced to $5,000 in conference.

Mr. MANN. It would seem to be more than passing strange if the Department of Agriculture were not able now, with the enlightenment of the present day, to come within 50 per cent of the actual cost of constructing a simple fence.

Mr. LEVER. I do not think the Agricultural Department has ever made an estimate on the proposition.

Mr. MANN. Very likely.

Mr. LEVER. The committee took the matter into its own hands and put the sum in.

Mr. MANN. That estimate may have been made by a distinguished United States Senator; and if so, I think that, coming from that source, they did pretty well.

Mr. LEVER. I am inclined to think so.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying wolves, coyotes, prairie dogs, and other animals injurious to agriculture and animal husbandry, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $400,540: *Provided*, That of this sum $15,000 shall be used for the destruction of ground squirrels on the national forests and other public lands: *Provided further*, That of this sum not more than $5,000 may be used in investigating the disease of wild ducks in the Salt Lake Valley region of Utah: *And provided also*, That of this sum not less than $125,000 shall be used on the national forests and the public domain in destroying wolves, coyotes, and other animals injurious to agriculture and animal husbandry: *And provided further also*, That of this sum not less than $125,000 shall be used on the public lands, national forests, and elsewhere in the Western and Northwestern States for the protection of stock and other domestic animals through the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals.

Mr. COX. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. LEVER. Mr. Chairman, I have a couple of amendments to offer.

Mr. MANN. The gentleman can not offer amendments when a point of order is pending.

Mr. COX. Am I recognized, Mr. Chairman?

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. COX. Mr. Chairman, I want to call the attention of the chairman to this language:

Provided further That of this sum not more than $5,000 may be used in investigating the disease of wild ducks in the Salt Lake Valley region of Utah

That is a new item, is it not?

Mr. LEVER. That item has been in the bill for two years.

Mr. COX. What on earth can anybody find out about the disease of wild ducks?

Mr. LEVER. I will ask the gentleman from Utah [Mr. HOWELL], who is more familiar with that subject than I am, to answer that question.

Mr. HOWELL. Mr. Chairman, I will say for the information of the House that for several years past there has been a very destructive disease appearing among the wild ducks in Salt Lake Valley. In one year alone it was estimated that over 4,000,000 wild ducks had died as the result of this disease. Our game warden and our gun clubs were baffled in their efforts to determine the cause of the disease. Finally, an appropriation of $5,000 was obtained, and the work of investigation was undertaken by the Biological Survey. Representatives of the department were sent out, and for two seasons they have been investigating the cause of this mysterious disease which has wrought so much havoc among the ducks in the Salt Lake Valley.

Mr. COX. What have they found out?

Mr. HOWELL. They have not yet determined positively as to the cause, but their investigations lead them to the conclusion that it is not a disease, but that it results from alkali poisoning, and the remedy for it is an abundant supply of fresh water for the ducks.

Mr. COX. Where do they get the alkali? Is the alkali in the water?

Mr. HOWELL. Oh, yes. The main cause of the trouble has been the alkaline pools of water along the shores of the lake.

Mr. COX. Have they brought to that section of the country any remedy at all for the destruction of the wild ducks?

Mr. HOWELL. As I said, the results of the investigation have shown that where the ducks can be placed on fresh water they rapidly recover from the effects of this alkaline poisoning. I will say to the gentleman, further, that it is a very interesting fact that the investigation of ducks in Salt Lake means, in effect, an investigation of the ducks of a vast region of country which assemble at Salt Lake.

Mr. COX. Suppose they do finally determine that the disease is due to the alkaline poisoning. That will not do any good unless you change the ducks to some other place, will it?

Mr. HOWELL. Let me finish the statement. The ducks that gather in Salt Lake Valley are found by actual experiment to have a region of flight extending to southern California, Oklahoma, and all of the surrounding States and Territories. The Great Salt Lake is the gathering place or rendezvous of the wild ducks of that great intermountain country and as far south as southern California and Oklahoma.

The Bureau of Biological Survey have also been investigating the effect of lead poisoning upon ducks. It has been ascertained that upon the hunting grounds that ducks frequently die from the effects of absorbing the leaden pellets left on the hunting grounds from the ammunition fired at them by sportsmen. Ten pellets of No. 6 shot will cause the death of a Mallard duck. They are trying to find a remedy to relieve the poisoning resulting from this cause.

Mr. COX. That is two diseases, then, that they have probably discovered. What are they going to do with the ducks after they have discovered them and have announced the fact of these two diseases?

Mr. HOWELL. The department has already done a great deal of good through these investigations, and a great improvement in the situation has been effected.

Mr. COX. Has it prolonged the life of any of the ducks or saved any additional ducks?

Mr. HOWELL. The department has had the hearty cooperation of sportsmen's clubs, whereby artificial ponds of fresh water have been made in proximity to the alkaline waters, and in that way the disease has been very materially checked and the great loss of wild fowl materially diminished in that region.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. MANN. I ask that the gentleman have more time if he wishes it.

The CHAIRMAN. If there be no objection, the gentleman's time will be extended five minutes.

Mr. HOWELL. I do not think there is any appropriation of $5,000 in this bill that will be productive of greater benefit to the wild fowl than this appropriation. As I have said before, the Salt Lake Valley is a rendezvous of the wild fowl from all the intermountain country, and as far as California and Oklahoma. They assemble there in the fall by the million. Any steps that will protect wild fowl is of prime public importance. If it can be done to a very limited extent by the expenditure of a paltry $5,000, it would be foolish economy to withhold it.

Mr. COX. Will the gentleman yield for a question?

Mr. HOWELL. Yes.

Mr. COX. No doubt the gentleman has taken this matter up thoroughly with the department. Did the department give him any assurance whatever that it would ever be able to determine just the cause of this disease of the wild duck, and the remedy that will really help the people by keeping the wild ducks alive?

Mr. HOWELL. I think the department has already about reached the conclusion that so far as this malady that has appeared in the Salt Lake Valley is concerned, it is the result of alkali poisoning, and about the only remedy necessary is an abundance of fresh water. When the ducks are taken from these alkaline ponds and placed in fresh-water ponds they recover very rapidly.

Mr. COX. There will be no necessity for continuing this appropriation next year, will there?

Mr. HOWELL. I hardly think so. The department would like to continue the experiment another year. That is the statement made; but all their investigations lead them to the conclusion that the main remedy for this particular disease is an abundance of fresh water. When the ducks are taken from the alkaline waters and given access to fresh water, they rapidly improve and get well; but the department wishes to investigate this subject of lead poisoning, which they have found to exist quite widely in the ducks on sporting grounds.

Mr. MANN. What does the gentleman propose to do with his point of order?

Mr. COX. I withdraw the point of order.

Mr. BOOHER. I renew the point of order on the last paragraph, and proviso on page 56, which reads as follows:

Provided further also, That of this sum not less than $125,000 shall be used on the public lands, national forests, and elsewhere in the Western and Northwestern States for the protection of stock and other domestic animals through the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals.

The CHAIRMAN. The point of order is reserved on the proviso.

Mr. BOOHER. I want to get some information from the chairman of the committee. I would like to ask how it is intended to use this $125,000 for the destruction of wolves, coyotes, and so forth?

Mr. LEVER. I will say to the gentleman from Missouri that the gentleman from Oregon [Mr. HAWLEY] has handled this particular matter in the bill, and I will ask him to explain it.

Mr. BOOHER. This proviso proposes to appropriate $125,000 for the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals. Is it proposed to hire hunters to destroy these animals, or what?

Mr. HAWLEY. Will the gentleman allow me to make a preliminary statement?

Mr. BOOHER. Yes.

Mr. HAWLEY. Rabies appeared in the southern part of the State of Washington about three years ago and spread very rapidly from there through eastern Oregon into northern California, into Nevada and Idaho, and over onto the borders of Utah in the last year. The coyotes bite one another and spread the disease. They bite other wild animals, dogs, cows, sheep, and horses, and thus spread the disease among domestic animals. Thirty-five persons have had to take the Pasteur treatment at the University of Nevada, and I understand that some 12 persons, who came from eastern Oregon, and some others from other parts of that section had to take the same treatment. Now we propose to destroy the coyotes by systematic extermination—by hunting, trapping, poisoning, or in any other way in which they can kill them.

Mr. BOOHER. Do the department expect to use the people now engaged in the Forest Service as guards and supervisors to do this work?

Mr. HAWLEY. They have armed a number of these forest rangers and supervisors, and they have employed a few experienced trappers.

Mr. BOOHER. I see by the bill that we have 168 forest supervisors, 82 deputy supervisors, 240 rangers, and 80 guards. Now, are all those men armed when they are out upon their work?

Mr. HAWLEY. I think all of them in the regions where there are predatory animals carry guns. That may not be so in every case; but, speaking generally, I think it is.

Mr. BOOHER. Does the State of Nevada appropriate any money to pay a bounty for the destruction of the animals?

Mr. HAWLEY. I understand the State of Nevada has appropriated $100,000, the Wool Growers' Association has appropriated $10,000, the other States will also make appropriations, and other stock growers will also supply sums of money and arm their own men with the idea of aiding in the extermination of these animals.

Mr. BOOHER. Is there any bounty paid by your State for the scalps of these animals?

Mr. HAWLEY. Yes; we pay some bounty.

Mr. BOOHER. How much is the bounty for a coyote scalp?

Mr. HAWLEY. I can not tell the gentleman. The legislature appropriates a flat sum to be expended in bounties, but I do not recall how much the bounty is.

Mr. SMITH of Idaho. In the State of Idaho we pay $2.50 for each coyote head that is brought into the county seat, and I have a telegram here from the governor, that came yesterday, in which he states that Idaho paid out $60,000 last year in cooperation with the Federal Government toward the extermination of these rabid animals.

The telegram is as follows:

BOISE, IDAHO, *April 19, 1916.*

Hon. ADDISON T. SMITH,
House of Representatives, Washington:

Idaho paid bounty on predatory animals from March 10 to January 1, $47,222.50. Claims accumulated since January 1 but not yet adjusted amount to about $15,000, making over $62,000 for 12 months. Levy on all stock animals produces approximately $30,000 revenue annually for payment of bounties, and direct appropriations from general fund of $25,000 annually produces annual bounty revenue exceeding $55,000.

M. ALEXANDER, *Governor.*

Mr. BOOHER. Then the State is doing all it possibly can?

Mr. SMITH of Idaho. Yes. I think every State is doing that, and the Stock Growers' Association are contributing money for the same purpose.

Mr. BOOHER. Is this appropriation intended to be expended in killing these animals in forest reserves or outside of them?

Mr. SMITH of Idaho. In the forest reserves and on the public lands.

Mr. HAWLEY. The intention is to exterminate the animals. The coyotes and wolves that have rabies are a menace to the people of that large area, and to the horses, sheep, and cattle, particularly to sheep and cattle, and large numbers have been destroyed through them. It is proposed to kill these coyotes and wolves on the forest reserves, on the public lands, and elsewhere, wherever they can be found.

Mr. BOOHER. The money carried in this appropriation would be expended on Government lands, would it?

Mr. HAWLEY. Not necessarily. It says "and elsewhere" in line 2.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOOHER. I withdraw the point of order.

Mr. SMITH of Idaho. Mr. Chairman, in view of the great sums of money appropriated in this bill for the eradication of insect pests, fruit diseases, the brown-tail moth, boll weevil, gypsy moth, wheat rust, and so forth, amounting to several millions of dollars, all of which pertains to land in private ownership, it comes with poor grace for Members of this House from eastern districts to oppose this appropriation for destroying these rabid animals on the public lands.

Not only is the presence of these animals destructive of domestic animals, but human beings are in constant danger of being attacked by them. Their bite is so venomous that animals attacked communicate the disease to other animals, and human beings attacked invariably succumb unless the Pasteur treatment can be applied immediately.

The prevalence of this disease among wild and domestic animals throughout the central portion of the intermountain country calls for the most active cooperation on the part of the Federal Government with the States, counties, and the various live-stock organizations if it is to be eliminated. I have numerous clippings from newspapers in southern Idaho containing accounts of the damage which is being done by rabid animals and the effort that is being made to eradicate them, which I will not take time to read, but which show a most deplorable situation. Dogs, cats, hogs, cattle, and horses, made insane by rabies, their whole nature changed, are intent on biting any object within their reach.

The coyote, naturally a timid creature, avoiding a human being, becomes ferocious and fearless when suffering from rabies, and the cow, naturally tame and gentle, is transformed into a most dangerous beast, with the characteristics of a tiger. The urgent necessity of making the appropriation must be evident to any unprejudiced person. The Federal Government owns the larger portion of the country infested, and Congress should help to protect the lives and property of the people who are endeavoring to settle up the West and make its resources available to those living in the more thickly populated sections of the country.

Mr. BOOHER. Mr. Chairman, I withdraw the point of order.

Mr. STAFFORD. I renew the point of order. I would like to inquire what is the necessity of providing separately $125,000 for the suppression of rabies when we are carrying in a prior item $125,000 for the destruction of these very same animals on the national forest and public domain? Why not increase the appropriation that has been carried, as it is one that we all are interested in.

Mr. HAWLEY. If the gentleman will yield, I think the division of the item arose in this way: The first proviso, on the bottom of page 55, was put in the bill in the Senate last year, and certain methods will be used by the department in the expenditure of that money. The last proviso is new in the bill this year, the situation having become acute, and the department may want to use a somewhat different method or process of eliminating the animals having rabies than they would use under the preceding proviso. That is the history of these items.

Mr. LEVER. I think there is another explanation. If the gentleman will turn to page 55, line 23, he will see $125,000 shall be used on the national forest and public domain. Then on page 56, lines 1 and 2, the provision is that it shall be used on the public lands of national forests and elsewhere in the Western and Northwestern States.

Mr. STAFFORD. My point is this, whether under the authorization carried in the first proviso authorizing the destruction of wolves, coyotes, and other animals injurious to animal husbandry the department has the authority to destroy these animals when they are infected with rabies on private land.

Mr. LEVER. Undoubtedly.

Mr. MANN. They could go to New York City and do it.

Mr. STAFFORD. Why do you make an appropriation of $125,000 in two places, simply changing the phraseology as far as other private lands are concerned? Is it the purpose to pursue these coyotes and wolves on private land?

Mr. LEVER. My understanding of the situation is this: Under the first proviso the operations of the Department of Agriculture will be confined to public lands and national forests, but the national forests are harboring places and breeding places for these animals of all descriptions. In the northwest country they have had recently an outbreak of hydrophobia among the animals, which has caused a great deal of damage, and, as my friend from Oregon has said, 40 or 50 people have been bitten by these mad animals. So the committee felt that inasmuch as the national forests, as a public domain, was the harboring place and the breeding place, that we ought to broaden the authority and say that if a hunter found one of these animals just beyond the confines of the forest land he would have the right to kill him.

Mr. HAWLEY. There is another explanation, if the gentleman will yield. The first $125,000, at the bottom of page 55, can be spent anywhere in the national forests from the Canadian boundary south—all over that area. The second $125,000 in the proviso, at the top of page 56, is limited to that portion of the public land and forest and other lands where the animals are affected with rabies. It is intended to clean them out and then drop this appropriation.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. STAFFORD. Is there any other part of the country than the Western and Northwestern States where this appropriation could be utilized?

Mr. HAWLEY. It applies to all the national forests in which there are predatory wild animals that prey on domestic animals.

Mr. STAFFORD. What other part of the United States except in the northwestern country could the appropriation be used for the purposes stated?

Mr. LEVER. There are large areas in the Northwest that are not in the public domain or the national forests. In the gentleman's State, I take it, there is much land which is neither public land or forest land. This proviso confines the operations used to public land and elsewhere in the West and Northwest.

Mr. STAFFORD. My point is whether or not you are appropriating $125,000 for the purpose of eradicating animals on private lands and not on the national domain.

Mr. LEVER. We are doing both. As far as possible, we are providing for the destruction of animals in the national forests and on the public domain, and at the same time to destroy them on private lands; and I think rightfully so, because the information of the committee is that the national forests and the public domain are constant breeding places and harboring places for these predatory animals; and if so, it seems to me that there is the duty on the part of the Federal Government to help eradicate the animals although they are now on private land.

Mr. STAFFORD. Let me ask this question: If the National Government appropriates funds for the eradication of these animals in the national forests and on the public domain, is it not doing its full duty, and why should we take upon ourselves the work of the States by eradicating these animals upon private lands?

Mr. LEVER. The gentleman will note that in reference to the appropriation for the elimination of the ground squirrel, which carries the flea whose bite gives the bubonic plague, we provide for the eradication of the squirrel not only in the national forests and on the public domain, but on the territory surrounding, because we have felt that inasmuch as the national forests become the breeding place and the harboring place from which they go onto private property there was a duty incumbent on the Federal Government to help destroy them. The gentleman understands that the deficiency bill carries an item of $75,000 for that purpose.

Mr. STAFFORD. I am aware of that.

Mr. LEVER. And the increase of $125,000 comes to the committee as a supplementary estimate in the regular way from the Secretary of Agriculture.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. TAYLOR of Colorado. I would like to say that in the first place there are no predatory wild animals bred on private land. It is the forest reserves that are the breeding places, and that is where they come from. They swoop down on the lower valley in great herds.

Mr. STAFFORD. Why should not the Government eradicate them in the national forests, and in doing that would it not be doing its whole work?

Mr. TAYLOR of Colorado. Yes; but they come down from the forest reserves onto the private lands. The farmer can exterminate all of the squirrels on his farm but not upon the surrounding public domain, and it is the squirrels that come from the public domain that go in and destroy the crop, and they feel the Government ought to join with them in helping exterminate them. In western Colorado they are paying as high as $100 apiece for scalps of gray wolves and $20 apiece for coyotes.

Mr. MANN. Would it not be better for us to kill the squirrels on the public domain first, if that is where they come from?

Mr. TAYLOR of Colorado. That is true.

Mr. MANN. But that is not what they intend to do.

Mr. STAFFORD. That is what I have in mind, whether it should not be our duty to exterminate them completely, provide ample funds for their extermination in the national forests and on the public domain.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HAWLEY. Mr. Chairman, the gentleman from Wisconsin [Mr. STAFFORD] has analyzed the situation very well, as is usual with him. The first proviso, containing the appropriation for the destruction of predatory animals, found on the bottom of page 55, applies to all of the forest regions, containing 167,000,000 acres of national forests, and probably as much or more of public lands. It is proposed to make a systematic warfare on the wild animals that are breeding in those forests and on the public lands and to destroy them. In order to meet an emergency situation and to do intensive work on that portion of the lands infested with mad animals, in addition to the other work, it is necessary to have this second appropriation if we are going to do it while it can be done. If the animals are allowed to roam at large and bite large numbers of other animals, the area infested by the animals subject to rabies will very largely increase and thousands and tens of thousands of dollars' worth of stock will be destroyed. And so the second proviso, on the top of page 56, for an appropriation for this kind of work was inserted. The work will be confined to these particular localities—southern Washington, eastern Oregon, Nevada, Idaho, and the border of Utah—with the idea that surrounding this area and working in toward the center and cleaning up all of the animals infected with rabies we will not only kill the predatory animals that destroy the flocks, but destroy the animals that spread the disease, endangering human life.

In eastern Oregon, as reported in the press, a mad coyote chased a man in an automobile for a considerable distance, and he was fortunate when it approached the automobile to have a gun or a revolver with which to kill the animal. A rough and steep road favored the approach of the animal. They are in constant danger in that section from these animals that come into the towns and attack domestic animals tied in the stalls. The mad animals are absolutely without fear, without the natural instincts of self-preservation. There are a great many of them. This second appropriation applies only to a very small portion of the entire domain and in order to clear it up. Since the animals make no distinction between private and public lands it was necessary to add the words "and elsewhere," so that the hunters and trappers can follow an animal when on the trail of one through a forest or public land or onto private land until they could kill him. They will be authorized to put their traps anywhere, otherwise it might have been construed that they would have to keep off the private lands, and their activities would thereby be diminished and curtailed.

Mr. MADDEN. How long have we been carrying an appropriation for this character of work?

Mr. HAWLEY. The appropriation for the destruction of predatory animals was put on the bill in the Senate last year. The second proviso is new in this bill.

Mr. MADDEN. If all of this that the gentleman has been describing is happening and has been happening for a number of years, why is it that it was never discovered until now? What makes it important now as compared with the years that have gone by?

Mr. HAWLEY. The rabies situation.

Mr. MADDEN. The whole situation?

Mr. HAWLEY. We have been endeavoring to cope with the situation ourselves, and we have appropriated in the West a great deal of money. This has been done by the individual growers of stock and the associations of growers of stock and by the States and counties, but the forests and the public lands, as has been stated, are the breeding places of these animals.

Mr. MADDEN. There were more wild animals years ago than there are now.

Mr. HAWLEY. No; there were more many years ago than there are now. Then they were largely destroyed, and then with the creation of the forests——

Mr. MADDEN. Who destroyed them?

Mr. HAWLEY. The hunters.

Mr. MADDEN. The Government did not?

Mr. HAWLEY. No.

Mr. MADDEN. Why is it the Government is called upon to do the very thing that the people in the States ought to do? In every conceivable activity in which the States ought to indulge, for the promotion of their own interest, wherever a way can be found to take money out of the Public Treasury for that purpose it is done, and new discoveries are made every year and every day.

Mr. TAYLOR of Colorado. But when the people are paying as high as $100 for gray wolves and $20 for coyotes, does the gentleman not think that the State is doing very well, when these things are bred in the forest reserves?

Mr. MADDEN. The forest reserves have always been there, and they will continue to be there, and it is only another way of getting money out of the Public Treasury.

Mr. HAWLEY. The gentleman may be assured that if the national forests and the public lands can be rid of these wild animals we will be very glad to drop the appropriation from the bill.

Mr. MADDEN. But did the gentleman ever hear of a case where an appropriation was dropped after it was once started?

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask that debate——

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment.

Mr. RAKER. Will not the gentleman at least——

Mr. LEVER. There is no use in reserving the point of order if it is going to be made.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. I understand the gentleman from Illinois made the point of order against the entire paragraph.

Mr. MADDEN. Yes.

Mr. MONDELL. Then, Mr. Chairman, I make the point of order that that comes too late.

Mr. LEVER. Mr. Chairman, I make the same point of order. The point of order was reserved against the last proviso.

The CHAIRMAN. The point of order was reserved against another proviso and then withdrawn, and the Chair's recollection is that the only point of order reserved is against the last proviso in the bill.

Mr. MADDEN. All this discussion that has been going on was with the understanding that the point of order was pending.

The CHAIRMAN. Against a certain proviso.

Mr. MADDEN. Then I make the point of order against the paragraph to which it was pending.

The CHAIRMAN. The gentleman makes the point of order against the last proviso.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Would not the gentleman from Illinois permit us who are somewhat interested and have some personal knowledge of these conditions——

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. RAKER. Before the Chair rules, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. When a point of order is made there is nothing else for the Chair to do except rule.

Mr. MADDEN. If those gentlemen who are interested in this proviso wish to be heard upon it, I do not want to cut them off, so I will reserve the point of order.

Mr. LEVER. Just one minute. I know the gentleman from Illinois so well that when he makes up his mind he makes it up to stay and he is going to make this point of order, no matter what may be said, and he has heard the discussion——

Mr. MADDEN. I intend to make it.

Mr. LEVER. Then it is an utter waste of time for the committee to continue the discussion of it. Now, if the gentleman will permit us to proceed and let the Chair rule on this, I will offer an amendment here which may be in order, I am not sure.

Mr. RAKER. I understood the gentleman from Illinois to reserve the point of order.

Mr. COX. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is to pass on the point of order raised by the gentleman from Illinois. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer this amendment, the same language in the bill at the same point in the bill, if the Clerk can follow me.

After the word "forests," in line 2, page 56, strike out the words "and elsewhere," so that the language will read:

That of this sum not less than $125,000 shall be used on the lands—

And the word "and" ought to be in there—

and national forests in the Western and Northwestern States—

And so forth.

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Clerk will first report the amendment.

The Clerk read as follows:

Page 55, at the end of line 25, insert the following:

"*And provided further also*, That of this sum not less than $125,000 shall be used on the public lands and national forests in the Western and Northwestern States for the protection of stock and other domestic animals through the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals."

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment.

Mr. LEVER. I would ask the Chair to rule. I do not care to be heard.

The CHAIRMAN. The Chair would like to know the reasons on which the gentleman from Illinois bases his point of order.

Mr. MADDEN. Why, Mr. Chairman, there is no authority of law for any such provision in the bill, and the expenditure of this money is just another addition to the taxation upon an already overburdened people.

Mr. LEVER. That last statement is not in response to the Chair's request in reference to the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Then, Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, if the gentleman will permit, if he is going to offer another amendment I was going to ask him whether he would not be willing to increase the amount in one of the other items?

Mr. LEVER. I am going to do that. Mr. Chairman, I move to amend, on page 55, line 23, by striking out "$125,000" and inserting in lieu thereof "$250,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 23, strike out "$125,000" and insert "$250,000."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto shall close——

Mr. MONDELL. I desire to offer an amendment——

Mr. LEVER. In 45 minutes. That is a long time.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 45 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS of Nevada. Mr. Chairman, I will be very brief. I want to state earnestly and emphatically to this House that the people of the district I represent are very much interested in this subject. We do not care in what form you give us the money, whether in two separate items or in one. We want the appropriation because we need it. Up to date in my State 57 people have been treated at the State university for rabies occasioned primarily by coyote bites. That is to say nothing of thousands of live stock that have been bitten and have died. The counties and the State and the different live-stock associations have spent a vast amount of money, and they are continuing to spend it for the eradication of that dread disease. It is becoming alarming. From the Idaho line to the Colorado River it is dangerous for a man, woman, or child to go out in these desert wastes unprotected. In that State there are some 70,000,000 acres of land. They talk about private ownership. Fifty-six million acres of that 70,000,000 acres are in public ownership to-day, and, of course, that does not include the land that is in the forest reserves. Those reserves are the breeding places of the coyote.

I will admit the coyote is not very popular in the West. Even Mark Twain in his time said of him that he was so long, lean, lank, and hungry that even a flea would desert him for a velocipede. He got along very well though until the tame dogs listened to the call of the wild and became associated with him and gave him the rabies. And now he is spreading the rabies everywhere. Even the badgers, skunks, and wildcats have it. I received a paper just now while on the floor of this House giving an account of the death of a man who was bitten by a rabid coyote.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. ROBERTS of Nevada. Certainly.

Mr. SHALLENBERGER. Is the rabies sure death to the coyote?

Mr. ROBERTS of Nevada. It is, undoubtedly.

Mr. SHALLENBERGER. Will not the disease itself result in the eradication of the coyote more rapidly than by the hunter himself?

Mr. ROBERTS of Nevada. No. It is resulting in the death of others than the coyote. It is a serious matter.

Mr. SHALLENBERGER. Do I understand you to inform us that these persons have died from rabies contracted from the coyote himself?

Mr. ROBERTS of Nevada. From the coyote himself. This paper was just brought to me in the House. It is the Elko Independent, which states that an Elko man had died from hydrophobia, caused by being bitten by a rabid coyote while sleeping in the sagebrush. Another paper tells of a child that died a short time ago from hydrophobia. Every paper records some new attack. In one of the school districts of my State they had to close the school. Congressman SINNOTT, of Oregon, whose district lies adjacent to mine, stated to me not long ago that some of the schools in his district were obliged to close. It has been going on for some time, perhaps a year. I have not exaggerated the condition at all.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. ROBERTS of Nevada. Yes.

Mr. SMITH of Texas. In reference to the condition the gentleman is describing about the spread of rabies, does the gentleman think this appropriation should be confined to the public reserves and the public domain? Would it not be better to apply it to all areas where these coyotes live?

Mr. ROBERTS of Nevada. That was one reason I wanted the gentleman from Illinois [Mr. MADDEN] not to make the point of order that he raised. I believe that these coyote hunters should be employed to destroy coyotes anywhere they are found, whether on the public domain or on private ranges or ranches.

Much of the privately owned land in the State of Nevada is unfenced. I trust the additional $125,000 will not be stricken out.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. MADDEN. I ask unanimous consent that the gentleman be given one minute more.

The CHAIRMAN. The committee has already fixed the time for debate.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, this disease has existed but a short time in the West. It commenced about a year and a half ago in Oregon, at which time people died, schools were closed, and thousands and tens of thousands of sheep died from being bitten by coyotes; also cattle and horses have died. It extended to Nevada and California, until last fall, from my own personal observation these animals infected with this disease entered my own town. Men from there were sent to the Berkeley Pasteur Institute for treatment. Tens of thousands of dollars' worth of property, not only on the forest reserves, on the public land, but in private ownership, have been destroyed by virtue of this disease. The towns have been hampered in dealing one with the other. Schools in California and Nevada have been closed by virtue of it. Nevada and California, where the disease is prevalent, and in Oregon they raised a fund of money for the purpose of offering a reward for these coyotes, and they were killed off by the thousands; and the disease is being eradicated as fast as it possibly can be by virtue of the assistance of the States and counties. The State of California, with its public-health service, has spent every dollar, practically, that has been appropriated for other health purposes to protect the health of its citizens. The stockmen and farmers, not only in the State of California but in Nevada, and in Utah and in Oregon, are spending money for this purpose. We have large areas of public land upon which these animals breed, and when they are grown they may go a hundred miles in a day, and there is no telling where you can find them. And it is such a menace that no man who has not been in the midst of it can tell what it means.

You can defend yourself against a robber; you can defend yourself against a bear; you can defend yourself against a roaring lion or a tiger; but you can not defend yourself against a rabid coyote, for whenever the slime from the teeth strikes any part of your body, death, worse than any other that can come upon a human being—death from hydrophobia—follows on the bite of these animals. Three men of my town—one a banker and one a merchant and another a stockman—were afflicted with this disease. One of them had a cow that was bitten by a coyote, and in removing the head of the cow to send away for examination, they got some of the saliva from the cow's mouth, and they had to go to Berkeley to take the Pasteur treatment or they would have been in their graves to-day.

This is not a matter affecting only one community. It sweeps over that entire region of territory. We appeal to you, gentlemen of the House, as the committee, listening to the experts from the department, have approved this amount in the bill, to retain the amount that is herein recommended. We trust and hope that in the interest of human life, in the interest of the protection of property of those people in the Western States, you may see your way clear, after you have allowed upon this appropriation bill these items for protection against all kinds of insects, many of which do not affect human life—we appeal to you to help us fight a disease that can be carried by one coyote to the dog, to the cat, and other animals. The life of the wife and the child are in danger. Even the schools, where the children are gathered, are and have been in great danger. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WALSH. Mr. Chairman, I have listened with considerable horror to the harrowing description of the terrible and frightful conditions that exist throughout some of the Western States as just related by the gentleman from California [Mr. RAKER], the last speaker.

This appropriation of a quarter of a million of dollars is a considerable amount of money to be expended in the destruction of wild animals, and from reading the report of the hearing before the Committee on Agriculture, I have grave doubts whether it is being expended wisely or well. I notice they pay the hunters $75 a month, and if a hunter has an outfit he is allowed $10 a month for that, and if he has a couple of horses he is allowed $15 each per month for them, making in all $115 a month for one hunter with an outfit and two horses.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. MADDEN. And, of course, the more of these men there are to be appointed, the more patronage the gentlemen will have in their districts?

Mr. WALSH. I assume that may follow, possibly, and without civil-service examinations. One of these hunters, Mr. Chairman, killed one coyote while he was employed—quite an expensive animal. Another killed 37 coyotes and 13 bobcats in a month—50 animals for $115—and the carnage still continues.

Mr. HOWELL. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Utah?

Mr. WALSH. I do not yield at this time. Furthermore, I find that one of the Members of this House related his experience to the committee in eradicating the coyote from a range of 20,000 acres in a manner which seemed to be not only perfectly satisfactory but economical as well, perhaps too economically for the western Members. That was by the use of hounds.

The gentleman from Iowa [Mr. STEELE] had a number of hounds on his ranch which killed several coyotes, 15 or 20, and he thereafter found out where their breeding place was, and hunted them out and dug them up and exterminated them, and he said there were no coyotes within 10 miles of that ranch afterwards. I find upon reading the hearings that some other members of the committee also recommended that hounds are successful in eradicating the coyote. It is but fair to say, however, that the gentleman from Iowa [Mr. STEELE] was in favor of the appropriation of $125,000 to exterminate the animals afflicted with rabies.

Mr. RAKER. Mr. Chairman, will the gentleman yield there for one question?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from California?

Mr. WALSH. Yes.

Mr. RAKER. Does the gentleman know that no man who has a pack of hounds that has cost him from $50 to $100 a head would ever think of turning them loose on a coyote because of the danger of infection?

Mr. WALSH. I know that the gentleman from Iowa [Mr. STEELE] used hounds on the coyotes, and used them successfully on his range. I do not know whether they were worth $50 apiece or $100 or not, but they did the work. I would like to ask why it is that the western section of the country should be so alarmed about the coyote? When we in the eastern section of the country have animals that, while they do not chase an automobile for miles on the public highway, as related by the gentleman from Oregon [Mr. HAWLEY], do commit great depredations upon our live stock and poultry, and we are not asking the National Government for $250,000 to eradicate the woodchuck or the skunk or the polecat. [Laughter.]

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I will yield to the gentleman from Missouri.

Mr. MEEKER. Are you aware that where this coyote chased that automobile it was prohibition territory?

Mr. WALSH. I assumed when the statement was being made that it all occurred in a dry country. [Laughter.]

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. LEVER. Does the gentleman know that we are appropriating in this very bill $300,000 to kill insect pests up in Massachusetts? [Applause.]

Mr. WALSH. I know that you are appropriating money to kill bugs, but I apprehend that very little of that $300,000 will find its way into Massachusetts or even New England, but our section will contribute in full proportion of the appropriation. There is one thing that I noticed, after reading the reports of the hearings and the report of the proposed work of the department, as outlined in pamphlet form, and that is that in some of these sections the coyotes have decreased in number, and as they decrease in number the number of hunters increases in, I suppose, corresponding ratio. They are going to have 140 hunters and 14 inspectors this coming year, and the number of coyotes has decreased, as a result of the brave and death-defying work of these brave hunters at $115 per.

Mr. MILLER of Delaware. Mr. Chairman, I desire to follow the gentleman from Massachusetts [Mr. WALSH], because most of the gentlemen or in fact all of the gentlemen who have spoken in favor of this proposition are from the far Western States, where these coyotes abound. In explanation of my reason for taking the time of the House this afternoon on this proposition I want to state that for four years I rode the range out in the State of Nevada, and I am familiar with the depredations committed by these animals and their danger to live stock, to say nothing of humans.

With all due respect to my friend from Massachusetts, he should learn how to pronounce the name of that animal before he comes in here and attempts to tell us about it.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. MILLER of Delaware. I have only five minutes.

Mr. WALSH. I should like to ask the gentleman to give the correct pronunciation.

Mr. MILLER of Delaware. These animals, according to the pronunciation in the country where they live and where they are best known, are called ki-otes.

Mr. STAFFORD. The gentleman will not yield his pronunciation to classical New England?

Mr. MILLER of Delaware. No; I can not yield to anyone. Mr. Chairman, the debate on this question seems to have developed into a joke on both sides—and it is no joke to the people of the West.

Mr. MADDEN. Is the gentleman serious about it?

Mr. MILLER of Delaware. In the remaining few minutes I should like to be serious about it. With all due respect to my friend from Illinois [Mr. MADDEN], who has been in this House far longer than I will probably ever be here, I wish to say that gentlemen who are not familiar with this subject do not know how dangerous these animals are, not only to live stock, but to human life. You have heard that in the State of Nevada 57 people have had to be treated because of being bitten by these animals. I think the proponents of the measure made a mistake when they brought before us the illustration of a coyote following an automobile, or of a coyote biting a man behind a sagebrush—no doubt true, but rather incredible to those who are ignorant of these beasts.

Mr. RAKER. Will the gentleman yield right there?

Mr. MILLER of Delaware. No; I can not yield.

Mr. WALSH. Mr. Chairman, I make the point of order that the gentleman is not pronouncing the name of the animal correctly.

The CHAIRMAN. The point of order is overruled. [Laughter.]

Mr. MILLER of Delaware. I am pronouncing the name of the animal according to the way it is pronounced in the country where it lives, and I do not care for any "dictionary" on the subject. [Applause and laughter.] My pronunciation was infected by the gentleman from Massachusetts.

I was saying to the House that I did not think the proponents of this provision helped it any by bringing in the illustration of the man who was bitten behind the sagebrush. If he had taken enough alcohol before he lay down there to sleep he probably would have gotten over the effects of that bite. [Laughter.]

Mr. HAMILTON of Michigan. Where did the gentleman say the man was bitten? [Laughter.]

Mr. ROBERTS of Nevada. In answer to the gentleman's question with reference to the condition of the man behind the sagebrush, I ask unanimous consent to insert in the RECORD the article from the newspaper describing the occurrence.

Mr. MILLER of Delaware. Mr. Chairman, is this being taken out of my time?

The CHAIRMAN. It is.

Mr. MILLER of Delaware. I am trying to show the House that people who do not live in this coyote-infested country and who do not happen to be directly interested in this proposition can still see some good in this measure, for, coming from Delaware, it does not concern me directly. I think it is as good a provision as there is in the bill and is just as much called for as dozens of other items in the bill that concern particular localities where it happens that your own ox is gored and the other fellow's is not. [Applause.]

Mr. MANN. If the gentleman will permit me, I will say that I have been looking at the dictionary, and both pronunciations are correct.

Mr. HERNANDEZ. Mr. Chairman, as to the pronunciation of the word coyote I am supposed to be an authority, because it is a Spanish word.

Mr. MANN. We do not speak Spanish, though.

Mr. HERNANDEZ. It is pronounced neither "ki-ote" nor "ki-o-te," but it is pronounced "coy-o-te." [Applause.]

Mr. BLACK. Will the gentleman yield?

Mr. HERNANDEZ. Yes.

Mr. BLACK. How long has this appropriation been carried in this bill?

Mr. LEVER. This is the second year.

Mr. MADDEN. This is the first year, is it not?

Mr. HERNANDEZ. Mr. Chairman, the main point I want to make is this, that we ought to support this appropriation on the part of the Federal Government toward the destruction of these wolves, because they are wolves and nothing else. There are two classes of wolves out in that western country. One is called the gray wolf, which is larger than the coyote. The coyote is supposed to be a cross between the gray wolf and the fox, and therefore is more foxy than the regular wolf. [Laughter.]

The wolf in my part of the country was little known until recently. He came there from Texas, and we will charge him up to Texas.

Mr. BORLAND. He did not come from Wall Street, did he?

Mr. HERNANDEZ. No; he came from Texas. He is down there, and the Federal Government, in my opinion, should cooperate with the Western States in the destruction of these, the most destructive of predatory animals, since they have embraced within the national forests large areas of land and are keeping from one to four men all the year round. It is my opinion that they should be employed in killing wolves, if nothing else.

The appropriation provided for in the paragraph is simply to cooperate with the States in the destruction of these animals, and nothing more. The methods that shall be used in the destruction of the animals I do not know, but I suppose they will hire hunters for the purpose. They could offer a head bounty, as we do in my State, where we pay $15 for a wolf and $2 to $2.50 for a coyote.

Mr. OVERMYER. Will the gentleman describe to the committee the conduct of the coyote who is afflicted with rabies?

Mr. HERNANDEZ. In my State we are not bothered with rabies; we are simply bothered with the coyote.

Mr. RAKER. If the gentleman from New Mexico will yield, in answer to the gentleman's question, the coyote with the rabies loses all sense of danger and fear. He starts down the road, biting the tin cans, biting the fence, biting the horse, biting the automobile, biting the cow and the sheep, and he keeps on biting until he is dead. He may bite 20 dogs and he may bite other coyotes and cattle.

Mr. HERNANDEZ. I never saw a coyote with the rabies, but I have seen a dog with the rabies.

Mr. McCRACKEN. Mr. Chairman, surely there can be no objection to the retention of this clause in the bill. When American citizens will brave the dangers and hardships which they must encounter in order to establish a home upon some mountain side they should have all the encouragement that the Government can give to them. In order that you may have some proof that rabies exist among some of the wild animals of the Mountain States, I want to read from a letter which I have received from a constituent of mine, Mrs. Lula M. Gaddy, of Mountain Home, Idaho, who writes under date of February 1, 1916, as follows:

One thing I think you can do for our locality in Idaho is to agitate the mad-coyote conditions which prevail there. I was one of those whom it was hard to convince that there were mad coyotes, but we learned to our sorrow that there were. Many animals have been bitten in our community during the last year, and several people. My brother's two children were bitten and by only a miracle and the goodness of God did one of them escape. They were playing in the yard close to the house when a mad coyote jumped the fence, attacked the baby, 2 years old, who was playing with his little shovel in the sand, and bit him in the top of the head, the fangs sinking deep into the skull; hearing his screams, the older brother rushed to the rescue of the baby only to be attacked by the creature and bitten in the leg. Their father, who was working in the field not far away, hearing the commotion, left his team and, seizing a club, killed the brute as it left the children and rushed at him. Upon examination it was found the coyote was mad, and the family spent three weeks right in the planting time in town having the treatment administered to the children. Fifty-five dollars apiece for the treatment, to say nothing of the local doctor's charges, board in town, loss of valuable time on the farm, etc., saying nothing of the anxiety. This added to an already immense doctor's bill caused by both parents having spotted fever the year before, made the father wonder why he had tried to hold a claim in Idaho. So talk up this thing. The ticks and consequent spotted fever are bad enough, but the mad coyotes are worse. All last summer and fall I never dared step out of doors to go to a neighbor's, or to the mail box, without a gun or club.

Get the Government to put a big bounty on coyote heads or do something to kill off the pests.

I am willing to rest my case upon the appeal of this woman, who is only one among thousands of worthy citizens of the West who have braved the dangers of wild animals for many years past and who have paid into the Treasury of the United States millions of dollars for their homes. The sum should be increased to twice the amount provided for in this bill.

It seems a strange thing that so little has ever been done by this Government to aid the pioneer of the West. In the early days he fought the Indians in order that he might build a habitation for himself and his family. Now he is obliged to fight wild animals infected with a fearful disease, and although he has blazed the way for the generations which have followed and has done more than any other class in the country to increase our food supply, has given his sons to the Army and the Navy and done much else to make this country great, yet some gentlemen on the floor of this House doubt the wisdom of making a small appropriation to enable him to defend himself against attack of ferocious and infected wild beasts.

I therefore urge in all seriousness that the sum provided for in this bill, to wit, $125,000, be appropriated for the protection not only of our stock, but that which is still more important, the lives and health of our people in the Northwest by an early and vigorous fight on the part of the Agricultural Department to suppress rabies, which can only be done by the destruction of wolves, coyotes, and other predatory animals. I know that the Members of this House are in sympathy with the homestead entrymen in the far West, and let us show our appreciation of

him in a substantial way by retaining the provision of the bill. [Applause.]

Mr. TILSON. Will the gentleman yield?

Mr. McCRACKEN. Yes.

Mr. TILSON. How is your State spending money to eradicate the animals?

Mr. McCRACKEN. The legislature has made an appropriation for the payment of a bounty on the animals killed.

Mr. TILSON. They consider it the best way to offer a bounty of so much a head for those killed rather than to employ hunters by the month.

Mr. McCRACKEN. I will say that the stock associations and the State board of health have cooperated, and they have employed people to go out and kill coyotes. They also use poison and other means of destruction.

Mr. MONDELL. Mr. Chairman, for many years the Western States have paid bounties for the extermination of predatory wild animals. Those bounties have run all the way from two to five dollars for wolves and from 75 cents to about $2 for coyotes. In addition to that, the stock associations, particularly in former times, when the range stock industry flourished, gave bounties also. In some parts of my State the bounty on the gray wolf has been at times as high as $15—State and local bounty combined. Our people have expended a very great deal of money attempting to exterminate these animals. We have had some success. We have kept the numbers down to a point where the destruction of stock has been far less than it would have been without the great expenditure that has been made. Of late years, since the creation of the forest reservations and since conditions have changed in the live-stock industry, so that we no longer have the big concerns to pay the supplementary bounties, we have found it more and more difficult to cope with these animals. Last year an amendment was placed in this bill to aid these Western States in that regard, and I think it is a wise provision. A small sum is here appropriated for this purpose, compared with the sums the people of the Western States are expending annually for the same purpose. It was said in the matter of the brown-tail moth that Massachusetts and other States were spending quite as much as the Federal Government. I think it may safely be said that the States and communities and individuals in the West have expended $10 at the very least for this work of extermination to $1 proposed in this appropriation.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TILSON. Has any good been discovered in any of these animals, either alive or dead, from their carcasses, their skins, or their fur? Are they good for anything whatsoever, so as to induce any private individual to kill them?

Mr. MONDELL. The skins are worth a little something. The coyote skin is worth from 50 cents to a dollar, depending upon its quality, but a wolfskin anywhere from 75 cents to a dollar and a half, but the animals in the main are of the character with which some people formerly invested the Indian. They are good under certain conditions—after they are dead.

Mr. HOWELL. I would like to state that in the hearings before the Committee on Agriculture a gentleman representing the Bureau of Biology made a statement that during the last two months there had been returned to the Treasury the sum of $1,300 for the pelts of animals that had been killed by the Government hunters.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BORLAND. I want to ask the gentleman a question on this matter of State cooperation. Are not the Western States somewhat hampered on the question of cooperation by the fact that they not only lose the taxable value of the national forests, but the national forests are themselves somewhat responsible for the conditions which they have to combat?

Mr. MONDELL. The gentleman is correct. The national forests are the great breeding grounds for these predatory animals.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. I will ask the gentleman whether we made an appropriation last year for this purpose?

Mr. MONDELL. Yes.

Mr. FESS. Have we received any report of the work done under this appropriation?

Mr. MONDELL. I think there was something in the hearings about it. I have some information myself on the subject I will be glad to give the committee if I have the time.

Mr. LEVER. Mr. Chairman, my information is that they have killed something like 3,000 of these predatory animals, excluding those infected with rabies.

Mr. MONDELL. The gentleman from Connecticut [Mr. TILSON] has raised a question as to the propriety and advisability of following the method of employing hunters rather than paying bounties. The officials of the Biological Survey, after very careful consideration of the situation and examination of the conditions, came to the conclusion that it would not be wise for the Government to join with the States and with individuals in the payment of bounties; that the best results would be obtained in the long run by the careful selection of hunters, paying them a salary and not allowing them to secure anything from the pelts or from bounties. With a part of this appropriation the bureau is doing very effective work in the destruction of prairie dogs. I have taken the trouble to keep informed in regard to this work, and I can say from personal knowledge that not only has the work done by the bureau been very effective, but it greatly stimulated the killing of prairie dogs by individuals. I am of the opinion that the increased yield of grass on account of the killing of prairie dogs by employees of the bureau and by individuals as a result of the influences of the bureau had a value in the single season far in excess of this entire appropriation.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The time limit has already been fixed.

Mr. MADDEN. Mr. Chairman, it is an old saying that fat dogs will not hunt, and I fear that the man who is put on the pay roll to hunt these coyotes will get so fat that he will not do anything but lie around, the muzzle of his gun in the sagebrush, and draw his pay. If you need men to kill these coyotes, or whatever you want to call them, why not take the army that will soon be coming back from their hunt after Villa? They might as well be hunting these things as Villa.

Mr. HAMILTON of Michigan. Mr. Chairman, I raise the point on the gentleman's pronunciation of "Villa."

Mr. MADDEN. We have had so much Spanish education here this afternoon——

Mr. SIMS. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. SIMS. The gentleman asked the gentleman from California about wanting jobs for constituents. Knowing the gentleman to be liberal, would he not be willing for Democrats to be appointed as dog killers?

Mr. MADDEN. I would be willing if they worked at the dog-killing business, but the trouble is they will not.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MADDEN. I can not in two minutes. This appropriation is going to pass, there is no doubt about that, and perhaps it ought to, but the thing that alarms me is that next year you will have a million dollars in this appropriation, and the number of coyotes will grow and the necessity for employing more men will grow.

Mr. HAMILTON of Michigan. I want to inquire if they are rapid breeders?

Mr. MADDEN. They are. An appropriation once made by the Federal Government never ceases; it always increases. If you make it $10 to-day it will be $100,000 to-morrow; make it $100,000 to-morrow and it will be $1,000,000 the next day. It does not make any difference whether there is need for it or not, and I think it is wrong to load the taxpayers with unnecessary burdens of this sort and impose upon them as you do. These men from the Western States know very well that there is no more need for this appropriation to kill these wild animals than the man in the moon. They will still be there, as they have been since the beginning of time. Why, gentlemen, they have just discovered another way of putting a few more men on the pay roll. Now, we have to give them a shotgun and a horse and a saddle and a tent and all the other paraphernalia in order to make them eligible for the pay roll. Coyotes, oh, coyotes, what crimes are committed in their name! [Laughter and applause.] The gentleman from California [Mr. RAKER] weeps. You can see the tears running down his face lest the item will not pass and a few more men get on the pay roll to kill coyotes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask for a vote.

The question was taken, and the amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment:

On page 55, line 22, after the word "sum," strike out the words "not less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 22, after the word "sum," strike out the words "not less than."

The question was taken, and the amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment:

Line 23, page 55, after the amount "$250,000," strike out the word "shall" and insert "may."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 23, after the amount "$250,000," strike out the word "shall" and insert the word "may."

The question was taken, and the amendment was agreed to.

Mr. BAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. SMITH of Idaho. Mr. Chairman, I make the same request.

Mr. MAYS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CULLOP. Mr. Chairman, in one of the recent daily papers is the following article of news which clearly shows the upward trend of business and confidence displayed in the future by business men:

SEVEN MILLION DOLLAR RAIL ORDER IS PLACED—PENNSYLVANIA AND READING ROADS DISTRIBUTE HUGE STEEL CONTRACTS.

PHILADELPHIA, *April 15.*

Orders aggregating between $7,000,000 and $7,500,000 were placed with various steel concerns by the Pennsylvania Railroad and the Philadelphia & Reading Railway.

What is said to be the largest single order for steel rails in the history of the road was placed by the Pennsylvania Railroad. The order calls for 205,000 tons for 1917 delivery, and will cost approximately $6,000,000. The Reading's orders are for 26 locomotives for freight service. They will be built by the Baldwin Locomotive Works at a cost upward of $1,000,000.

The rail order will be distributed among the United States Corporation, Bethlehem, Lackawanna, Cambria, and the Pennsylvania companies.

It would, therefore, appear that the railroads giving this big order are not alarmed about the business distress over which some of the Republicans seem to exhibit so much worry. They do not see either in the present or future any occasion for alarm. If they did, they would not place such an enormous order for supplies for equipping their roads. The calamity, it appears, so frequently rehearsed on the floor of this House only exists in the worried and overtaxed imaginations of a few who refuse to realize the marvelous wave of prosperity sweeping over the land.

Our country is to-day enjoying the greatest era of prosperity it has ever known, and our business institutions are taxed to their limits to care for the business the requirements exact of them. Nearly every line of industry is taxed beyond its capacity to fill the unsolicited orders flowing in on it. This is a strong commendation of the present administration. It demonstrates beyond cavil or doubt that the business world has confidence in it and approves its policies.

Money is plentiful and can be had for legitimate purposes on reasonable terms; labor is employed at remunerative wages and industry was never more profitable. This strikes terror to the prophets of evil, who only a short time ago were crying calamity and distress, predicting idleness, shutdowns, lockouts, and every other business evil the ingenious mind could conceive. But lo and behold their disappointment! Instead of calamity and distress, we witness the most marvelous prosperity the country has ever known, our people are happy and contented, the country forging to the front by leaps and bounds, and reaping rich rewards as the result of the wise and economic business policies adopted by this administration.

Prosperity has come to stay, business is now on a safe foundation, panics are things of the past, and opportunities are equal for all. Special privilege no longer exists for a favored few, and the whole people are the beneficiaries of these beneficent policies. These conditions have been brought about under the administration of the Democratic Party, the only party in this country which could bring them about for the people.

The Republican Party could not do so because it was so obligated to the special interests, so absolutely dominated by them that it was powerless to enact remedial legislation for the best interests of the people. It had ample opportunity to do so, but failed. It has been weighed in the balance and found wanting. The Democratic Party was intrusted with power, fulfilled the expectations of the people, and will be continued in power for another four years.

Railroads are placing large orders for supplies, manufacturers are building additions to their plants, new lines of business are springing up, necessary to meet the demands made upon them by the ever-increasing public and private requirements. This is a great time, the greatest ever known in the history of our great Republic.

The Clerk read as follows:

For all necessary expenses for enforcing the provisions of the act approved March 4, 1913 (37 Stat. L., 847, 848), relating to the protection of migratory game and insectivorous birds, and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, $50,000.

Mr. COX. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. DOOLITTLE. Mr. Chairman, I move to strike out the paragraph.

Mr. LEVER. Mr. Chairman, this is not subject to the point of order. There is a statute which covers this, and the gentleman from Kansas is going to move to strike it out.

Mr. COX. I want to get some information on this. I recall the statute very well. I know the Federal court has held it to be unconstitutional. I will make the point of order on it, because there is no law for it. The law has been held unconstitutional at least by one Federal court in the United States, if not two.

Mr. LEVER. It has been held constitutional.

The CHAIRMAN. Perhaps one court has held it unconstitutional, but other courts have not.

Mr. COX. I do not know that any court has held it as constitutional.

Mr. LEVER. The court in Arkansas held it constitutional.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. LEVER. Will the gentleman permit the gentleman from Kansas to offer an amendment and have it pending?

Mr. MANN. Yes.

Mr. DOOLITTLE. Mr. Chairman, I move to amend by striking out the paragraph.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 56, strike out the paragraph included in lines 11 to 18, inclusive.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon

HOUR OF MEETING MONDAY.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House, under its previous order, adjourned until Monday, April 24, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting estimates of deficiencies in appropriations required by the Navy Department to complete the service of the fiscal year ending June 30, 1916, and for prior years (H. Doc. No. 1049); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Hempstead Harbor, N. Y. (H. Doc. No. 1050); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required for the service of the War Department for the fiscal year ending June 30, 1917, for camps of instruction for civilians (H. Doc. No. 1051); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting estimate of urgent deficiency appropriation in the sum of $25,000 for operating force for public buildings, 1916 (H. Doc. No. 1052); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, submitting information relative to time studies and premium payments in Government employment (H. Doc. No. 1053); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 11623) to permit the use of certain refined products of petroleum as stores on steam vessels carrying passengers, reported the same with amendment, accompanied by a report (No. 586), which said bill and report were referred to the House Calendar.

Mr. LA FOLLETTE, from the Committee on the Public Lands, to which was referred the bill (S. 3132) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, reported the same with amendment accompanied by a report (No. 587), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2043) granting a pension to Seymour McDonough; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9203) granting an increase of pension to Homer E. Mills; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Florida: A bill (H. R. 14943) to amend the civil-service laws of the United States; to the Committee on Reform in the Civil Service.

By Mr. DILLON: A bill (H. R. 14944) authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14, of the southeast quarter of section 21, township 107, range 47, Moody County, S. Dak., to the city of Flandreau, to be used as a public playground; to the Committee on Indian Affairs.

By Mr. SHALLENBERGER: A bill (H. R. 14945) to fix the sizes of baskets or other open containers for small fruits or berries; to the Committee on Coinage, Weights, and Measures.

By Mr. KINKAID: A bill (H. R. 14946) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Affairs.

By Mr. LLOYD: A bill (H. R. 14947) providing for carrying in the mails reply letters and postal cards without prepayment of postage; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: A bill (H. R. 14948) to repeal section 3 of an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," approved August 1, 1888 (25 Stat. L., p. 357), and as amended in Twenty-eighth Statutes at Large, page 814, approved March 2, 1895; to the Committee on the Judiciary.

By Mr. NORTON: A bill (H. R. 14949) authorizing the Secretary of the Interior to make investigation of lignite coals to determine the practicability of their utilization in producing benzol and other commercial products; to the Committee on Appropriations.

By Mr. HULBERT: Resolution (H. Res. 209) directing the Secretary of the Treasury to report to Congress as to the advisability of establishing free ports, etc.; to the Committee on Appropriations.

By Mr. LEVER: Resolution (H. Res. 213) providing for the consideration of H. R. 12717; to the Committee on Rules.

By Mr. FERRIS: Resolution (H. Res. 214) providing for investigation of and relating to the high price of print paper and other products; to the Committee on Rules.

By Mr. HAY: Resolution (H. Res. 215) to provide for the discharge of the Committee on Military Affairs from the consideration of H. R. 12766, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 14950) granting an increase of pension to Rebecca A. Munson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14951) granting a pension to John Groth; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 14952) for the relief of Mrs. John A. Fox; to the Committee on Claims.

By Mr. HAYDEN: A bill (H. R. 14953) granting a pension to Mrs. Martha Ellen Sellers; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 14954) granting a pension to R. L. Rhodes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14955) for the relief of R. L. Rhodes; to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 14956) for the relief of the heirs of Thomas Byrne; to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 14957) granting a pension to Frank O. Stevens; to the Committee on Pensions.

Also, a bill (H. R. 14958) granting an increase of pension to Cornelius McCafferty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14959) to remove the charge of desertion from the military record of Joseph P. Brady; to the Committee on Military Affairs.

By Mr. MOSS of Indiana: A bill (H. R. 14960) granting a pension to Abbie Shanks; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 14961) granting a pension to Sarah E. Crockett; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 14962) granting a pension to William McCarthy; to the Committee on Pensions.

By Mr. REILLY: A bill (H. R. 14963) granting an increase of pension to John Everets; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 14964) granting an increase of pension to James W. Gamble; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 14965) granting an increase of pension to Lynn J. Heldreth; to the Committee on Pensions.

By Mr. WICKERSHAM: A bill (H. R. 14966) to appropriate $10,000 to compensate Thomas H. Jeter for property taken by the United States; to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 14967) granting a pension to John Sawicki; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of women voters of Pueblo, Colo., favoring action by Congress on suffrage amendment at this session; to the Committee on the Judiciary.

By Mr. ALLEN: Petition of sundry citizens of Cincinnati, Ohio, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petition of citizens of Atchison, Horton, and Rossville, Kans., favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BROWNE: Petition signed by residents of Clintonville, Wis., protesting against House bill 13048; to the Committee on the District of Columbia.

Also, petition of residents of the eighth congressional district of Wisconsin and residents of Marion, Wis., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition signed by residents of the cities of Embarrass, Shawano, and Clintonville, of the eighth congressional district of Wisconsin, against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition signed by residents of Manawa, in the eighth congressional district of Wisconsin, against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition signed by residents of Mosinee, in the eighth congressional district of Wisconsin, against House bill 652; to the Committee on the District of Columbia.

Also, petition signed by residents of Marathon County, in the eighth congressional district of Wisconsin, against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Resolution by the Richmond Chamber of Commerce, of Richmond, Cal., indorsing site offered by John H. Nicholl for the location of a naval academy on the Pacific coast; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of the Defiance (Ohio) Machine Works, relative to Government munitions plant in Defiance; to the Committee on Military Affairs.

Also, memorial of envoys of nonsuffrage States and women voters of Colorado and citizens of Albuquerque, N. Mex., protesting against action of the Judiciary Committee relative to suffrage amendment; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Petition of the Christian Endeavor Union of Honolulu, favoring prohibition in Hawaii; to the Committee on Insular Affairs.

By Mr. ELSTON: Petition of L. C. Nelson and other citizens of Alameda County, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of L. C. Nelson and other citizens of Alameda County, Cal., against bills to close barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. ESCH: Petition of M. E. Cassity and 27 others, of Tomah, Wis., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Thorp, Wis., relative to Government developing water power; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars, favoring the Madden bill, House bill 13671; to the Committee on Military Affairs.

Also, petition of Young Republican Club, of New York, protesting against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, petition of McNeil & Higgins Co., of Chicago, Ill., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: Petition of sundry citizens and organizations of the State of Arizona, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of E. S. Beall and 11 other citizens of Phoenix and Buckeye, Ariz., opposing the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of citizens of San Jose, Santa Clara County, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Christian Temperance Union of Campbell, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Campbell, Cal., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HILLIARD: Petition of J. C. Wallace and 21 others of Denver, Colo., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Frank C. Goudy, G. W. Brown, Caldwell Martin, Frazer Arnold, Kenaz Huffman, C. F. Heath, F. B. Richmond, H. S. Peregrine, Thomas F. Azpell, and J. H. Hillyard, of Denver, Colo., urging appropriations for national defense; to the Committee on Appropriations.

By Mr. LINTHICUM: Petition of sundry citizens and organizations of the United States, favoring House resolution 137, for Government inspection of dairies; to the Committee on Rules.

By Mr. MILLER of Delaware: Evidence in support of House bill 14925, granting an increase of pension to Margaret Baylis; to the Committee on Invalid Pensions.

By Mr. MORIN: Petition of the Pittsburgh Builders' Exchange, of Pittsburgh, Pa., favoring reconsideration of bill granting permission to build proposed power plant in close proximity to Mall in the District of Columbia and selection of a site having the approval of the Fine Arts Commission; to the Committee on the District of Columbia.

Also, petition of the Building Construction Employers' Association of Pittsburgh, Pa., favoring reconsideration of bill granting permission to build power plant in close proximity to the Mall in the District of Columbia and selection of a site having the approval of the Fine Arts Commission; to the Committee on the District of Columbia.

Also, petition of Pittsburgh Builders' Exchange, of Pittsburgh, Pa., protesting against passage of House bill 11876; to the Committee on Labor.

Also, petition of the Building Construction Employers' Association, of Pittsburgh, Pa., protesting against passage of House bill 11876; to the Committee on Labor.

By Mr. NOLAN: Petition from Patriots' Day celebration mass meeting, San Francisco, Cal., requesting legislation to prohibit the President from severing diplomatic relations with any foreign power without the consent of Congress; also to prevent American citizens from traveling on ships of belligerent nations; also a request that the Committee on Foreign Affairs report a bill placing an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. NORTH: Petition of A. E. Longwill, of Indiana, Pa., asking for the assistance in the placing of a tax on all exportations of gasoline; to the Committee on Ways and Means.

By Mr. ROWE: Petition of sundry citizens of New York City, favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of the State of New York, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of the board of trustees of the Cape May Yacht Club, against bills relative to numbers on motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of New York Young Republican Club, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. SANFORD: Papers to accompany House bill 14455, granting a pension to Joseph P. Weis; to the Committee on Pensions.

By Mr. SMITH of Idaho: Papers to accompany House bill 14896, granting an increase of pension to Gustavus Odor; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Papers to accompany House bill 11523, for the relief of Harriet S. Upright; to the Committee on Invalid Pensions.

By Mr. STEENERSON: Petition of Alf. Anderson and 9 other citizens of Kennedy, Minn., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SULLOWAY: Petition of Mrs. E. M. Chase and other citizens of Manchester, N. H., favoring passage of House bill 2238, relative to ransom of Miss Ellen M. Stone; to the Committee on Claims.

By Mr. TAYLOR of Arkansas (by request): Petition of C. D. Curry and sundry other citizens of Hot Springs, Ark., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of Harry B. Bezanson and 100 others, of New Haven, Conn., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WALSH: Petition of New England Conference of Evangelical Association, by Samuel P. Spreng and Charles W. Locke, its president and secretary, respectively, indorsing Sheppard-Gallinger resolutions, so-called; to the Committee on Alcoholic Liquor Traffic.

SENATE.

MONDAY, *April 24, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that with the returning springtime we have the token of Thy will and Thy purpose to supply all our needs. We thank Thee that we know that back of the rains, the fields, the flowers, and the sunshine is the Father's will, and we look to Thee with praises in our hearts for all the gifts of life. We come to Thee that the higher needs of our spiritual life may also be supplied. We pray that Thou wilt out of the unmeasured resources of Thy grace give to us all the nobler aspirations and ambitions of life, leading us to look at life from God's point of view, measuring its possibilities and its responsibilities by Thy revealed will. Guide us this day in the discharge of the duties that come to us. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

LANDS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, the Attorney General, the president of the Board of Commissioners of the District of Columbia, and the chairmen of the Committees on Public Buildings and Grounds of the United States Senate and of the House of Representatives, transmitting a map showing the title of the United States to lands in the District of Columbia, which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a memorial of sundry citizens of Avinger, Tex., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Presbyterian Church of St. Petersburg, Fla., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Concord, N. H., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of Wentworth Grange, Patrons of Husbandry, of West Rumney, N. H., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. OWEN. I present a telegram in the nature of a resolution adopted by the Southern Sociological Congress, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NEW ORLEANS, LA., *April 16, 1916.*

Senator ROBERT L. OWEN,
Washington, D. C.:

Please present the following official recommendation of the Southern Sociological Congress offered in session now at New Orleans: Six hundred thousand citizens of the United States die annually of preventable disease and 6,000,000 are needlessly sick. The economic loss per year from the last item alone is a half billion dollars. State and local health authorities have grappled but are overwhelmed with conditions which germinate such destructive and costly maladies as tuberculosis, typhoid, malaria, hookworm, pneumonia, cancer, syphilis, inebriacy. It is the deliberate sense of this congress that the greatest possible act of constructive economic legislation is the establishment of an adequate separate national department of health. The Southern Sociological Congress begs to present with our most constant and loyal respect the earnest petition to the President and to each Senator and Representative in the National House that such legislation be enacted at current Congress session.

C. H. BROUGH,
Governor Elect of Arkansas and President.
J. E. MCCULLOCH,
General Secretary.
Mrs. ANNA RUSSELL COLE,
Founder.

Mr. MARTINE of New Jersey. I present a resolution adopted by the National Democratic Club, of New York City, largely embodying a thought that I believe in. I ask that it may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

NATIONAL DEMOCRATIC CLUB,
New York, April 4, 1916.

At a general meeting of the National Democratic Club, held April 4, 1916, presided over by President John M. Riehle, the following resolution was offered by the Hon. Robert L. Luce, indorsing the Alexander shipping bill and unanimously adopted:

RESOLUTION.

"Four years ago the Democratic Party in its national platform pledged itself to enact three great measures vital to the Nation's progress and prosperity. These were reform of banking and currency, tariff reform, and the development of a merchant marine.

"Two of these pledges have been redeemed and a Democratic Congress is about to renew its efforts to give the country the benefit of the third of these great constructive reforms.

"Since the adoption of the platform pledge to rebuild and develop a merchant marine an added importance was attached to this policy by reason of its intimate relation to the subject of national preparedness.

"An adequate auxiliary merchant marine for the transport of men, munitions, and supplies is absolutely essential to an effective navy. Utilizing all available home resources, any real emergency would find our Navy with a shortage of at least 400,000 tons in auxiliary vessels. This deficiency must be made up.

"Owing to American standards of wages, safety at sea, and decent and humane conditions of labor for American seamen, private enterprise can not be relied upon to provide the ships, because experience has demonstrated that private capital can not successfully compete against the handicap of lower standards maintained by other maritime nations.

"Government aid is therefore necessary to overcome this handicap and provide the necessary tonnage. The old-fashioned subsidy system has failed, and it is not only discredited but undemocratic. The policy of loaning Government funds to private individuals and corporations, as the transcontinental railroads were financed, however laudable the object, tends to corruption and control of the Government by special interests, and will not be tolerated while the memory of the Credit Mobilier persists. Neither will public sentiment approve a change in our shipping laws that will tend to relegate us to lower standards of wages, of safety, and of conditions of labor.

"There remains only the policy embodied in the administration's shipping bill, which provides for the immediate purchase by the Government, at an expense of $50,000,000, of a tonnage sufficient to make up for the existing deficiency, and the utilization of these vessels in time of peace, either by private corporations under lease or, if necessary, by the Government, in developing new trade routes to South America and the Far East, and thus taking advantage of the unexampled opportunity pressing upon us for the expansion of our foreign commerce.

"This policy will not only provide for the present emergency but will, when gradually extended, give us the foundation of a real national merchant marine. Coupled, as it is in the pending bill, with the creation of a shipping board that will have the same power to enforce fair practices in ocean freights that the Interstate Commerce Commission has over railroad freights, this measure of constructive statesmanship will not only make for preparedness for war but also for preparedness for peace and commerce.

"Therefore, recognizing these conditions, be it

"*Resolved*, That the National Democratic Club, of the city of New York, heartily supports the President and the Democratic Congress in their efforts to solve constructively this great national problem."

Mr. THOMPSON presented a petition of sundry citizens of Independence, Kans., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. LANE presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a memorial of sundry citizens of Lewiston, Me., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Walla Walla and Tacoma, in the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. THOMAS presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Colorado, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Denver, Colo., and of Bisbee, Ariz., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. WEEKS presented a petition of sundry citizens of Waban, Mass., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of Local Branch New England Conference of the Evangelical Association, at New Bedford, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Italian American Citizens' Club of Massachusetts, remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. WARREN. I present resolutions adopted at a meeting of envoys from nonsuffrage States held at Cheyenne, Wyo., on April 15, 1916, favoring the adoption of an amendment to the Constitution providing for woman suffrage. I ask that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

CHEYENNE, WYO., *April 15, 1916.*

Resolved, That this meeting for the envoys from the nonsuffrage States, at Cheyenne, Wyo., April 15, 1916, calls upon the members of the Judiciary Committee to reconsider and report favorably to the House of Representatives the Sutherland-Mondell resolution: Be it further

Resolved, That a copy of this resolution be sent to each member of the Judiciary Committee of the House of Representatives, and also that it be sent to each Member of the congressional delegation of Wyoming, and that it be read into the CONGRESSIONAL RECORD by Representative FRANK W. MONDELL, of the House, and Senator FRANCIS E. WARREN, of the Senate.

Mrs. R. A. MORTON, *Chairman.*

This resolution was seconded by Judge N. S. Metz, of Sheridan, Wyo., Democratic floor leader in the Wyoming Legislature of 1915.

Mr. PHELAN presented a resolution adopted by the California State Congress of Mothers, held at Berkeley, Cal., favoring the establishment of a home education division in the Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Eureka and Oakland, in the State of California, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of the congregation of the Grace Methodist Episcopal Church, of South Clovis, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 64, International Union of Steam and Operating Engineers, of San Francisco, Cal., praying for the printing of the report of the Commission on Idustrial Relations, which was ordered to lie on the table.

Mr. THOMAS. I present resolutions adopted at a mass meeting of citizens of Colorado Springs, Colo., favoring the adoption of the Susan B. Anthny woman suffrage amendment to the Constitution, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD as follows:

Resolved, That this mass meeting of citizens assembled in Colorado Springs, Colo., in the opera house, April 16, 1916, in response to the appeal of women from nonsuffrage States, calls upon Congress to pass forthwith on to the State legislatures for ratification the Susan B. Anthony amendment, and protests against the action of the Judiciary Committee in unjustly blocking the Susan B. Anthony amendment and demands an immediate and favorable report of this amendment to the House.

Resolved also, That copies of this resolution be sent to the President, Speaker CLARK, the Senate and House leaders of all parties, and to the two Senators and the Representatives from Colorado; and be it further

Resolved, That the chairman of this meeting be empowered in forwarding copies to request that the resolutions be read into the CONGRESSIONAL RECORD.

PORT OF DELIVERY, WINSTON-SALEM, N. C.

Mr. SIMMONS. From the Committee on Finance I report back favorably, without amendment, the bill (S. 5708) for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise, and I ask unanimous consent for its present consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be extended to the port of Winston-Salem, in the State of North Carolina.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 5719) to construe certain acts as constituting prima facie evidence of a combination and conspiracy in restraint of trade as defined and prohibited in the act of July 2, 1890 (26 Stat. L., p. 209), and acts amendatory thereof; to the Committee on Interstate Commerce.

By Mr. McCUMBER:

A bill (S. 5720) granting an increase of pension to Francis E. Pellett (with accompanying papers); and

A bill (S. 5721) granting an increase of pension to Ole Olson (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5722) granting an increase of pension to Rose L. Gibbon (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 5723) granting an increase of pension to Garrett G. Seger (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5724) authorizing the construction of a public building in the city of Durango, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5725) to grant an honorable discharge to Patrick Sullivan; to the Committee on Military Affairs.

A bill (S. 5726) granting a pension to Calista A. Carpenter; and

A bill (S. 5727) granting a pension to Ed M. Deemer; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5728) for the relief of the Alaska Steamship Co. (with accompanying papers); to the Committee on Claims.

By Mr. BURLEIGH:

A bill (S. 5729) granting an increase of pension to Hannah A. Holden; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 5730) granting a pension to Arelia Gleason; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 5731) to increase the pay of United States penitentiary guards; to the Committee on Appropriations.

By Mr. CURTIS:

A bill (S. 5732) granting an increase of pension to James E. Sipes (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5733) granting an increase of pension to Iva O. Shepardson; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 5734) to amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court; to the Committee on the Judiciary.

By Mr. HUGHES:

A bill (S. 5735) amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures; to the Committee on the District of Columbia.

Mr. NEWLANDS. I introduced a bill and ask that it lie on the table.

The bill (S. 5736) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies, and for other purposes, was ordered to lie on the table.

By Mr. OWEN:

A joint resolution (S. J. Res. 123) for the erection of a monument to Thomas Jefferson within the Louisiana Purchase and in the State of Oklahoma, on the proposed international Jefferson Highway; to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STERLING submitted an amendment providing that the bulletins issued by State boards or departments charged with the enforcement of laws regulating the distribution and sale of food, dairy, and drug products, shall be admitted to the mails as second-class matter, intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also submitted an amendment proposing that of the appropriation of $75,000 for all necessary expenses for the investigation, treatment, and eradication of dourine, $40,000 thereof shall be made immediately available upon the passage and approval of the Agricultural appropriation act for June 30, 1917, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $25,000 to enable the Bureau of Mines to make a special investigation of the lignite coal fields of North Dakota with reference to their utilization in producing liquid fuels for internal-combustion engines, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

M. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

NATIONAL DEFENSES IN OREGON AND WASHINGTON.

Mr. CHAMBERLAIN submitted the following resolution (S. Res. 174), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is hereby directed to furnish the Senate the following information:

First. What military force we now have in the States of Oregon and Washington, and to what branch or arm of the service they belong, giving the strength of each and at what places in the States they are stationed.

Second. What coast defenses there are in the States and how they are manned, giving the number and kind of guns in each fort or other fortification and the force of men in each.

PRICE OF PRINT PAPER.

Mr. OWEN submitted the following resolution (S. Res. 177), which was considered by unanimous consent and agreed to:

Resolved, That the Trade Commission is hereby requested to inquire into the increase of the price of print paper during the last year and ascertain whether or not the newspapers of the United States are being subjected to unfair practices in the sale of print paper.

EMPLOYMENT OF CLERK.

Mr. REED submitted the following resolution (S. Res. 175), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures be authorized to employ an additional clerk at a salary of $100 per month for a period lasting until the beginning of the second session of the Sixty-fourth Congress, the same to be paid out of the contingent fund of the Senate.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. CHILTON submitted the following resolution (S. Res. 176), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the provisions of the resolution of the Senate of March 8, 1916, authorizing the Committee on the Census to employ an additional clerk for 60 days are hereby extended for a period of 90 days from and after May 10, 1916.

CHOCTAW AND CHICKASAW INDIAN LANDS (S. DOC. NO. 414).

Mr. OWEN. Mr. President, I ask to have printed as a public document a memorial of the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation in regard to the sale of the segregated coal and asphalt deposits belonging to the Choctaw and Chickasaw Tribes, and that it be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

SPEECH OF SENATOR CHILTON (S. DOC. NO. 416).

Mr. SMITH of Georgia. I desire to ask unanimous consent to have printed as a public document a very interesting speech delivered by the Senator from West Virginia [Mr. CHILTON] a few days ago at Charleston, W. Va.

The VICE PRESIDENT. Without objection, it is so ordered.

RURAL CREDITS.

The VICE PRESIDENT. The morning business is closed.

Mr. HOLLIS. I move that the Senate proceed to the consideration of Senate bill 2986, the rural credit bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which had been reported from the Committee on Banking and Currency with amendments.

Mr. HOLLIS. I observe that there are notices on the calendar for addresses to be made by Senators this morning, and if they care to proceed now I will give way.

Mr. SHAFROTH. Mr. President, I gave notice that I would address the Senate this morning, but the Senator from New Hampshire desires very much to proceed with the bill. He says he will yield to me to-morrow morning. So I wish to give the notice for to-morrow morning after the morning business, extending the notice which I have already given.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Myers	Smith, Mich.
Bankhead	Harding	Nelson	Smith, S. C.
Beckham	Hitchcock	Newlands	Smoot
Brady	Hollis	Norris	Sterling
Brandegee	Hughes	Overman	Stone
Burleigh	Husting	Owen	Thomas
Chamberlain	Johnson, Me.	Page	Thompson
Chilton	Johnson, S. Dak.	Phelan	Tillman
Clapp	Jones	Pittman	Vardaman
Clark, Wyo.	Kenyon	Poindexter	Wadsworth
Colt	La Follette	Ransdell	Walsh
Culberson	Lane	Saulsbury	Warren
Cummins	Lodge	Shafroth	Works
Curtis	McCumber	Sheppard	
Dillingham	Martin, Va.	Simmons	
Gallinger	Martine, N. J.	Smith, Ga.	

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. HOLLIS. I do.

RESTORATION OF PEACE IN EUROPE.

Mr. NEWLANDS. I will ask the Secretary to read the resolution which I offered the other day relating to the restoration of peace in Europe.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the resolution.

The Secretary read Senate resolution 172, submitted by Mr. NEWLANDS on the 20th instant, as follows:

Resolved, That the people of the United States, composed for the most part either of natives or the descendents of natives of the warring countries in Europe, have viewed with distress the existing war, involving, as it does, the universal destruction of the fit and courageous and the general impairment of condition. They have observed with satisfaction the recent announcements of the English and German Governments regarding a possible peace.

Whilst the announcement of each Government contains phrases intended to encourage its own people yet having the effect of irritating the opposing peoples, it is observed that each announcement practically involves the restoration of the status quo ante.

It is to be regretted that on each side phrases have been used which were likely to be misunderstood on the other side, such as the demand of England that German militarism should be destroyed, a phrase which means, to the German people, that German nationalism should be destroyed.

Without going into the contentions of the ancient Empires which have been inherited by the peoples descended from them, or elaborating upon the modern contentions of existing Empires, it is clear that the immediate cause of the existing war was that one of the two Teutonic States, surrounded by hostile Slavs on the one side and hostile Latins on the other, felt that its national life was threatened by the destruction of its Crown Prince through a conspiracy organized in a Slav State, and insisted upon its right to punish this Slav State without foreign intervention, that from this small commencement an almost universal war has arisen, more destructive than any which the world has hitherto witnessed, that, as a result of this war, the Teutonic allies have won on land, whilst the entente allies have won on the sea, and that the result is a deadlock of forces destructive and paralyzing to all.

The Teutonic allies have accomplished the declared purpose of the war—the punishment of Servia. This has been done. It can not be undone. The people of all the warring countries desire peace. Their Governments undoubtedly wish to gratify this aspiration, but in a way that will not involve the impairment of national sovereignty and prestige. Each regards this contest as one for national life. Each disclaims the idea of aggression or conquest. The enthusiasm of the war is over. A grim determination upon the part of each to maintain its national life unimpaired, alone animates the courage and steadies the purpose of all.

The rage of the conflict makes diplomatic parley impossible. The governmental announcements of England and Germany indicate a harmony of view as to many things, such as that no indemnity shall be demanded, that Belgium shall be restored as an independent State, that the portion of France recently occupied by Germany shall be restored, that the status of Alsace and Lorraine, settled over 40 years ago by treaty between Germany and France, shall not be disturbed.

Just as England and France demand that they should be secured by buffer States and proper boundaries against Teutonic aggression in the west, Germany demands that she should be secured against Slav aggression in the east. The disposition of Poland therefore becomes important. Might it not be possible by mutual concessions of existing rights by both Teutons and Slavs to reestablish the ancient Kingdom of Poland, or at least a part of it, as a sovereign buffer State?

Austria demands security on the south. The Teutonic States, in conjunction with Bulgaria, have destroyed the sovereignty of Servia. May it not be possible to restore that sovereignty, or, if that is impossible, may not Servia's prosperity be made more secure in the future through a modified autonomy established under Austrian sovereignty?

Germany's colonial possessions have been wrested from her. May they not be restored, or, at all events, compensated for through some favorable readjustment of her boundaries or sphere of influence in Turkey and Asia Minor?

Russia, locked in by icebound ports, demands access to the southern seas. She has won her way to the Persian Gulf. Why should not this, or free access to the Mediterranean through the Dardanelles, be secured to her?

There remains the question of German militarism and English navalism, the one dominant on land, the other dominant on sea. Why may it not be possible, without irritating phrases, for each of these Governments to state publicly its views not regarding disarmament, but a gradual reduction of armament on land and sea, and a gradual approach toward the adjustment of international disputes, as domestic disputes are adjusted, through international tribunals organized and proceeding as do domestic tribunals, according to the orderly forms of law, with power to enforce their decrees? Surely the progress which has been made in the substitution of law and order for violence in the settlement of incividual disputes through domestic tribunals created for the purpose justifies the hope that a similar international evolution will spring from the blood of the heroes whose valor and courage on land and sea, unequaled in the history of the world, have been fruitless of result, except deterioration of race and impoverishment of condition.

The Senate of the United States, profoundly impressed by the solemnity of the hour, urges upon the warring nations a calm consideration of these views.

Mr. NEWLANDS. Mr. President, from the small beginning of a movement made by a Teutonic State to punish a Slav State for an alleged offense against its national life, resulting in the assassination of its crown prince, the most gigantic and calamitous war in history has arisen.

The distinguishing characteristics of this war include the disclaimer by each of the warring nations of responsibility for its commencement and continuance, the assurance by each that it is not animated by a desire for conquest, the agreement by all participants that it is a senseless war, the declaration of each that it is fighting for its national life and not for aggression or increased dominion, and protests by all against dominant individual militarism either on land or sea.

The frightfulness of the past two years has already surpassed the predictions of the most sinister imagination. May it not be well to seize this moment of deliberation, when the

relations of Germany and America are in the balance, and consider whether, by following the spirit of The Hague tribunal encouraging friendly intervention between contending nations, the United States Senate may not, through some expression, lead European thought toward a statement of the terms that will restore peace?

The warring nations are dimly conscious of the frightful consequences that follow each hour through the sacrifices that have preceded, but can nations locked together in a death struggle stop to deliberate? Must not some nation outside of the belligerent forces come to their aid with friendly suggestion? And if this is not successfully done, can any mind measure the calamitous finality that will be written down in history affecting not only this but unborn generations?

If the war continues as it has progressed, the only hope of peace lies in the ruin of all the contending parties, and victory will be given to that power whose exhaustion is least complete.

I do not propose to invade the jurisdiction of the State Department nor to put any obstacles in the way of the President, whose cares it is our desire to lighten; but as the Senate shares the responsibility for our foreign relations, and as we have reached a crisis which is hourly drawing us closer to the European vortex, I entertain the hope that this body can yet gain the attention of the combatants and induce those now conducting the world's tragedy to state in some concrete form, without taunt, acrimony, or threats, what proposals can be made the basis of a desired peace. If the dead could plead, would they not say to those who perpetuate the race, "It is the time to live and let live"?

The settlement of the all-inclusive contention as to the war itself will adjust the minor contentions that now exist between the belligerent countries and our own, and will be the surest means of solidifying a permanent friendship.

Which Government will make the declaration, England, dominant on sea, or Germany, dominant on land, the allied forces of each interlocked in the deadly and indeterminate struggle of the trenches?

May not the Teutonic powers, having accomplished the declared purpose of the war—the punishment of Servia—see their way clear to end it by offering to restore the status quo with such reasonable modifications as changed conditions may necessitate and at the same time to declare their willingness to join the other powers in a reduction of armaments, both military and naval, and the substitution of international tribunals for force in the settlement of disputes between nations?

Such action at the very height of their military power would bring honor to them and peace to the world.

Mr. President, I ask that the resolution be referred to the Committee on Foreign Relations for its consideration.

The VICE PRESIDENT. Without objection, it is so ordered.

RURAL CREDITS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. Mr. President, modern farming requires capital in large amounts. The American farmer has the best security in the world—productive land. This bill enables the farmer to obtain capital for productive purposes at low rates and for long terms on the security of his farm.

NECESSITY FOR FARM CAPITAL.

The successful farmer becomes more of a business man each year. He must use more machinery, buy more fertilizer, and sow better seed. He must erect better buildings, raise better stock, and grow better crops. He must store his produce in order to sell in a high market. He must pay cash in order to buy cheap. If he wishes to keep his children on the farm he must make his home attractive. All of this costs money. He must have ready cash.

Commercial banks are not suited to the requirements of the farmer. Their deposits are mainly on demand or on short time, so that they can not safely tie their funds up in long-time loans. Those who loan to the farmer on mortgage must have access to funds that are seeking long-term investment.

MONEY SEEKING LONG-TERM INVESTMENT.

Of money seeking long-term investment at low rates there is an abundant supply. It includes the ordinary savings of the school-teacher, clerk, minister, and wage earner; the proceeds of life insurance in the hands of widows and other beneficiaries; funds belonging to estates, minors and wards in chancery, in the hands of executors, guardians, and trustees; funds of insurance companies, benevolent orders, and societies of various kinds; endowments of colleges, hospitals, museums, and other institutions; and assets to be invested by receivers, courts, and governments. The aggregate of these is enormous. They require an investment that is absolutely safe and reasonably liquid in the sense that it may be converted into cash upon moderate notice; in other words, that it may find a ready market. A safe investment of this character need not carry a high rate of interest.

INVESTOR AND FARMER BROUGHT TOGETHER FOR MUTUAL PROFIT.

We may picture the owners of this vast wealth grouped on one side of a river, the farmers desiring loans grouped on the other side. It is evident that each has what the other wants. We are asked to furnish the bridge which shall bring them in touch, or, rather, to grant a franchise to those who will build the bridge if we will construct the approaches. Such we conceive to be a proper function of the Government.

It is evident that the school-teacher in Vermont with $500 to invest can not be sure that the Nebraska farm mortgage offered her is a sound investment. The title of the mortgagor may be defective; the farmer may be improvident; the land may not be productive. She has no way to ascertain these primary facts. But if she is able to buy a long-term bond, with semi-annual coupons sure to be promptly paid, secured in common with thousands of like bonds on millions of dollars' worth of farm lands, guaranteed by 12 banks with an aggregate capital of not less than six millions, with selected borrowers of known character, with titles examined and all details attended to by trained men, and with Government examination and supervision, she may invest with confidence on a moderate-income basis.

The pending rural credits bill (S. 2986) provides for a farm-loan board, which shall have general control over the system; twelve or more land banks which make loans on mortgage to the farmer; and many farm-loan associations which represent the farmers in their dealings with the land banks.

The farm-loan board is nonpartisan, consisting of four members, in addition to the Secretary of the Treasury.

Each land bank must have a capital of at least $500,000. If the public does not subscribe the entire amount, the Government will take the balance.

The farm-loan associations are purely cooperative, made up entirely of borrowing farmers. Ten or more farmers may apply to the land bank of the district for a charter. Every farmer who wishes to borrow must become a member of the loan association, taking stock to the amount of 5 per cent of the face of his loan. The loan association takes out an equal amount of stock in the land bank, forwarding the money at once to the land bank. The land bank sends an official appraiser to examine the land, and if the loan is made, forwards the funds to the farmer through the loan association.

When the land bank has mortgages on hand to the amount of $50,000, it may issue a like amount of farm loan bonds on the security of the mortgages as collateral. The land bank is limited in its issue of bonds to 20 times its capital and surplus. But as each borrower puts up 5 per cent of his loan in cash for capital stock, the issuing power of the land bank increases automatically.

The loan associations are purely cooperative and may be of limited (double) liability, or unlimited liability. All mortgages taken by the land bank from the members of a loan association are indorsed by it. The mortgages from the two classes of associations are kept separate, and bonds issued on the unlimited liability mortgages should sell on a better basis than the others.

Farm loan bonds issued by any land bank are guaranteed by all the other land banks, so that they have a broad insurance.

SECURITY OF BONDS.

Every farm-loan bond is secured as follows:

1. By the capital, reserves, and earnings of the land bank which issues it.

2. By the capital, reserves, and earnings of the 11 other land banks.

3. By the collective security of all the mortgages in its division (limited or unlimited) of the land bank, the mortgages pledged being at least equal in amount to the outstanding bonds.

Every mortgage pledged as collateral is secured as follows:

1. By the personal undertaking of the borrower.

2. By the security of the mortgaged land at least double in value to the amount of the loan.

3. By the capital, reserves, and earnings of the local association indorsing the loan.

4. By the individual liability of the members of the indorsing association.

It is believed that these bonds will be marketed at par on a 4 per cent basis. The maximum charge for expenses and profits of the system is 1 per cent on the face of outstanding mortgages, so that the farmer should get his money at 5 per cent. All the profits go to the loan associations in dividends, and thus to the borrowers who are the shareholders in the local associations.

Loans to farmers are on long term, and may be as long as 36 years. They are on the amortization plan, so that with each interest payment the borrower will pay in a small amount on his principal. If he pays in 1 per cent of the principal yearly, he will pay out in 36 years.

Loans must be on first mortgage and may not exceed 50 per cent of the appraised value of the land. The loan committee and the board of directors first pass on the value of the land and the character of the farmer. Before the land bank makes the loan, its board of directors passes upon it and has the land appraised by a land-bank appraiser, who is a Government official. In this way absolute safety is secured for each loan.

The interest of the members of the local association is secured by their ownership of stock, and by their double or unlimited liability, as the case may be. Most of the local work of investigation, collecting payments, and forwarding funds is done by them without expense. Their expenses will be very light.

The mortgages and farm loan bonds will be exempt from taxation and the bonds will be a legal investment for trust funds.

It is believed that the system of land banks outlined affords a safe and attractive farm-loan bond for the investing public; low interest rates, long-term mortgages, and easy payments for the farmers; low cost of administration; simplicity of organization and operation; adaptability to the needs of every section; and stimulation to the spirit of generous cooperation among farmers.

The bill is the outgrowth of much study at home and abroad. I wish to emphasize at the outset that it is not in the slightest sense a partisan bill; and on that subject I may say that a year ago I believe that, if I had been willing to subordinate my own views of what the bill should be to others who are supposed to be in control, the bill would have passed at that time; but those of us who have investigated the subject have stood out for our individual views, irrespective of party.

The Republican members of the various committees, which I will presently outline, have given as much thought and attention and as much help in framing the bill as any of the Democrats, and those of you who are acquainted with the personnel of the Republicans on the Banking and Currency Committee of the Senate will know that those men would give as much attention and as much intelligent consideration to the subject as any one could give.

Mr. OLIVER. Mr. President, will the Senator allow me to interrupt him?

Mr. HOLLIS. I yield to the Senator.

Mr. OLIVER. In connection with the Senator's statement that the bill is entirely nonpartisan in character—a statement with which I agree, in the main—I desire to call his attention to the provision found at the foot of page 5 that, "All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registers and appraisers shall be appointed" without regard to the civil-service act. Will not the Senator acknowledge that there is something partisan in that?

Mr. HOLLIS. Mr. President, I am very glad to have the Senator bring that question up now. The same provision is found in the Federal reserve act; and with me it was a test of how it worked out in the case of the Federal reserve act. I find that in starting a new system, where special qualifications are required, there is tremendous delay involved in waiting for the Civil Service Commission to recommend, and there is also a great limitation on the field. The Federal Reserve Board started outside of the Civil Service Commission, but as soon as they were fairly started, they referred all applications to the Civil Service Commission, and they are to-day voluntarily appointing all their clerks and officials that correspond to those under the civil-service rules in other departments, under the rules and the direction of the Civil Service Commission. I should not object to having this system under civil-service rules, but I know that to start a great Nation-wide system, to start new such a comprehensive system as this, and undertake to get the appointments from an eligible list furnished by the Civil Service Commission, would delay us for months, and then the results would not be satisfactory. I think the Senator will see a very great difference between starting a new system and running an old department and drawing on the Civil Service Commission for recruits.

Mr. OLIVER. I can see some difference, but I am hardly convinced by the Senator's statement that there is an entire absence of partisanship in this provision.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator if it is not true that the members of the Federal Reserve Board made their examinations and made their selections without regard to political recommendations? That is my experience.

Mr. OLIVER. I will acknowledge that the strong probability is that the gentlemen who may be appointed upon this Federal farm loan board will act with an entire absence of partisanship; but that does not remove the sting of partisanship from this provision in the bill, which provides that the clerks and laborers shall be appointed without regard to the civil-service act, but that nothing shall prevent the President from placing such employees in the classified service. Why, it is full of partisanship.

Mr. HOLLIS. I wish to say further that this provision was not put in by a party vote. It was recommended unanimously by the joint committee, composed of Democrats and Republicans. As I recall, there was only one vote against it in the Senate Banking and Currency Committee, and it was not considered as partisan in any of those committees. To waste three or four months until even a laborer can be certified by the Civil Service Commission would certainly delay the effective operation of this law; and, as suggested, the appointing power—the farm-loan board—is nonpartisan. However, the same objection was made to the Federal reserve act, and if it was valid then it is valid now, but not more so.

The first serious investigation of the subject of rural credits resulted in sending abroad in 1913 representatives of the United States and representatives of the various States and Canada. They went together—one called the United States Commission, the other called the American Commission. Those commissions investigated the subject very thoroughly in Egypt and in most of the European countries. They made a very comprehensive report in the shape of evidence and testimony taken, containing a thousand very large pages, as large as a family Bible; and it is very fortunate that that information was secured before the war broke out, as it would be impossible to secure it now. As a result of that investigation, three of the members recommended a bill—Senator FLETCHER, of Florida; Congressman Moss, of Indiana; and Dr. Coulter, then belonging to the Census Department. That bill was known as the Fletcher-Moss bill. It involved the most elemental and fundamental principles of rural credits, and all those principles have been preserved in the present bill; but the present bill has gone on much further than the original bill.

Two years ago, in December, the Banking and Currency Committee, by its chairman, Senator OWEN, appointed a subcommittee on the subject of rural credits. Mr. GLASS, chairman of the House Banking and Currency Committee, appointed a similar subcommittee. Those subcommittees had joint hearings and conferences for three months, sitting nearly every day and studying this question very, very carefully. The result was the introduction of a bill in both branches of Congress two years ago. The principal advance of that bill over the Fletcher-Moss bill was this: The Fletcher-Moss bill provided for a great number of small banks of small capital, each of which could make loans to the farmers and issue bonds based on those loans as collateral. Of course sporadic instances of this sort would not give much strength, and the bonds probably would not find much of a market. Therefore the joint subcommittees recommended a bill in substantially the form of the present bill, with a farm-loan board to supervise, 12 strong land banks to make loans and to issue bonds, and numerous local associations—as many as the circumstances called for, to represent the farmers in their dealings with the land banks.

A year ago, in March, Congress authorized a joint congressional committee to investigate the subject and report. That committee was made up of three members of the Banking and Currency Committee of the Senate, three members of the Banking and Currency Committee of the House, three members of the Agricultural Committee of the Senate, and three members of the Agricultural Committee of the House. Mr. GLASS was made chairman of the joint committee, and he divided it into two sections—one to consider personal credits, the other to consider land-mortgage credits. The personal-credits division has not yet reported. The land-mortgage division reported the bill which is now before the Senate. I need not emphasize further the nonpartisan character of the deliberations. No charge was made that anything else was attempted; and, as the chairman of that subdivision of the joint committee, I feel under great indebtedness to the Republican members for their very patriotic and useful work on the committee.

Most of us, and especially those of us who were born in New England, have been brought up to think that a mortgage on a farm is more or less of a disgrace. It is hard to realize that the farmer needs quick capital just as much as the average manu-

facturer or merchant. For instance, a good farmer, intelligent and able-bodied, ought not to be asked to work with cheap instruments, poor tools, no fertilizer, and poor stock, when by borrowing at a fair rate of interest he can double his earning capacity. The amount that he may have to pay in interest may be only a tenth or a twentieth of what that additional money will earn for him. It is just as necessary for a farmer to have capital to carry on operations upon an extended scale as it is for the manufacturer or for the storekeeper.

There are three kinds of capital that are available. In the first place, there are commercial deposits, demand deposits; in the second place, short-time deposits, such as the ordinary savings deposits, found in the ordinary savings bank; and, in the third place, long-term investment capital. I pointed out that the commercial deposits are subject to call, or on very short notice, and therefore ought not to be put into long-term investments. The savings-bank deposit lies midway between the commercial deposit and the long-term investment. The committee believes that short-time deposits properly should go to long-term personal loans or to short-term mortgage loans. The joint committee recommended a savings department for these land banks. Personally I favored it, but the Senate Banking and Currency Committee did not favor it, the idea being to build up a savings department in the land bank and permit the savings department to loan on short-term mortgages, not to exceed five years; but it was feared by some of the other members that that would needlessly complicate the system, and therefore it was stricken out. I need not enlarge on the difficulties of establishing new, without precedent in this country, a comprehensive system of land banks. It is a most difficult subject at best, and I sympathize largely with those who thought that it should be made as little complicated as possible.

As to rates of interest, there has been a good deal of criticism recently because rates of interest have been so high, particularly interest to farmers. But interest is governed mainly by two laws: One the risk and the other the supply of capital. The supply of capital includes also the earning capacity of the money. If the earning capacity is large, there will be a large supply coming in to fill the demand. Now, investigation has shown that where the farmer is charged his highest rates on personal loans, running up to one or two or three hundred per cent a year, the risk is not greater than with the average commercial loan. The farmer pays his debts. Now the reason he is charged so much is that frequently the amount he borrows is very small, and the banker does not want to bother with it, and so he charges a lump sum. A further reason is that the farmer usually borrows in a district where capital is not plentiful, where the earning powers of a bank are very much circumscribed, and in order to meet the overhead charges the bank has to charge a high rate of interest to do business at all. Of that the farmer can not well complain. Investigation has shown, moreover, that in the same State the rate of interest steadily increases the farther you get from the commercial center of the State. To take an illustration, in Kansas, for instance, on the eastern side, near Kansas City, the rates are very much lower than on the western side, where you get further away from banking facilities.

Under the present bill it is intended to make every loan absolutely safe to begin with. That eliminates the risk. It is expected that through a Government system the money can be taken from the investor and transferred to the borrower anywhere in the country at a small cost, and therefore that item should be eliminated; but the committee are rational on this subject. It may be that they are mistaken, and it may be that if they had formed one great land bank to cover the whole country, the rate for all the farmers would have been kept high in accordance with the money that is loaned on the least advantageous terms. Therefore it was thought best to divide the country into 12 districts, so that the interest factors might operate independently.

We hope to find that money may be loaned in the South and West just as cheaply as in the North and East. My own opinion is that it will approximate uniformity very closely, just as it does in the Federal reserve banks under the Federal reserve act; but that is something that no man can control by passing a law. We have made the system just as flexible as possible, so as to take advantage of any principles that may work for our benefit.

The farmer has no grievance. He does not come and say, "You have discriminated against me." All he says is this, "Fifty years ago you established national banking associations. You have been catering to the commercial and manufacturing needs of the country. Now, all we ask is that you will furnish a system that will give us the same facilities—have Government banks, have them Government supervised, put them under a farm-loan board, as you have put the national banks under a Federal Reserve Board. Give us the same chance. We will pay what the money is worth if you do not charge us too much for the expenses of the middleman."

That is where the chief disadvantage has come to the farmer. It is through the middleman. There is a table published in the report that accompanies this bill showing the average rates in different parts of the country, showing the straight rate for interest and the commission or other expense. I am told that in many sections of the country the first mortgage is given to the insurance company, or whoever loans the money, and then the middleman takes the second mortgage for half or 1 or 2 or 3 per cent interest for his commission, and that is where the great expense comes. In this bill we have prohibited any commissions or bonuses of any sort. The entire expense and profit must come out of the 1 per cent difference between the amount that the farm-loan bonds carry and the amount at which the money is loaned to the farmer.

Underlying this whole subject of rural credits is the question of cooperation among farmers. That was one of the things that the United States commission found most common in Europe. In Europe, nearly all over the hemisphere, we found all sorts of cooperation. We found cooperative creameries, which we have in great numbers in this country; cooperative buying of farm machinery and fertilizer, and along with that a guarantee that the fertilizer is up to the composition prescribed. In that way the farmer avoids being cheated in what he buys. Then we found cooperative selling, under which the farmer is taught to standardize his product so that it will come to market in attractive shape and command the going market price. Cooperative credit has developed in Europe as we can hardly hope to develop it in this country. It is perfectly easy to have cooperative credit in this country, but we do not need any more laws to enable the farmer to take advantage of it. It is merely a lack of knowledge on his part.

There is a very interesting experiment being conducted with entire success, in the State of Idaho, at a town called Weiser. The merchants in Weiser formed a cooperative association. Every one of them was permitted to join the association if he wished to do so. They appointed a trustee to represent them. Every farmer who desired personal credit went to the trustee and made a statement of what he had. He had so much stock, so much machinery, so much land, all incumbrances stated; he intended to raise such crops, and the trustee decided how big a letter of credit he would give to that farmer. On the back of the letter of credit was a list of the merchants who were willing to give credit under the scheme. The farmer would go to the grocer and get credit for a certain amount, and the grocer would indorse on the back of it how much that was. Then he would go to the hardware man and get his fertilizer, his machinery, and so on. When the letter of credit was entirely exhausted the last man would take it up and turn it over to the trustee. When the first year closed the loans had been made to the farmers at 7 per cent and not a dollar had been lost.

That shows what can be done under methods as they are now if you understand them. It is well known at every bank that you can not get better security than a note signed, say, by 30 farmers. Some farmers have found it easy to get credit in that way to their cost, but it is hoped that under the present bill the farmers would form the local associations and get accustomed to each other and in that way learn to obtain individual personal credit by becoming liable for each other. It is in the hope that farmers will learn to adopt unlimited liability of this nature that the committee has recommended that they be given an opportunity to form their local associations with unlimited liability. They are given their choice. They may have limited liability, in which case the liability is double, as in the case of a national bank, or it may be unlimited. If a substantial number of them will form unlimited associations, they will give a safer mortgage and will be able to place their bonds at a lower rate, and therefore be able to loan to themselves—that is, to the farmers—at a lower rate. It was the opinion of some members of the committee that that would be availed of. Others thought that it would not, but we felt we ought to give each plan a chance and by actual experience determine the question.

Mr. WALSH. Let me make an inquiry of the Senator. The farm-loan bonds, of course, secured by these two different classes of securities, are differentiated in some way?

Mr. HOLLIS. Yes. The land banks have two departments. One is the limited department, the other the unlimited department. When a bank wants to make an issue of bonds it must put up the mortgages of one class, either limited or unlimited, and bonds are so issued, and will be known as farm-loan bonds limited or farm-loan bonds unlimited, the unlimited bonds selling at a lower rate of interest.

Mr. WALSH. Will the Senator express his own view as to which of these systems will ultimately prevail, or is it his opinion that they would run together?

Mr. HOLLIS. My opinion is that they will always run along side by side as they do in the different countries in Europe. Joint stock mortgage banks and associations of limited liability and associations of unlimited liability go along together. They fulfill their own special functions. Some farmers would never go into unlimited liability associations. Others would be glad to if they knew the other members well. We provide in the bill that one-fifth of the members of the unlimited liability association can blackball, so to speak, any member who wants to come in. They control that.

Then we have another provision of the bill, and it is the joint stock bank run by private capital and in the private interest.

Mr. HUGHES. How does a man get out of the unlimited liability association?

Mr. HOLLIS. Unless he is willing to stand on the proposition that he must get one-fifth of the members to join him, he would be estopped in a case of that kind. Therefore he should be very careful that he does not go into an association unless all the members are satisfactory to him. It does not look as if an American would go into it, but they have been organized in Europe, and that accounts for the low rate of interest they get in Europe, particularly in Germany.

Mr. WALSH. Before the Senator passes to that, I do not quite understand him there. It seems to me that a man having once gone in ought to be at liberty to draw out so far as future liabilities are concerned whenever he wants to. Of course, he can not escape responsibility for past obligations.

Mr. HOLLIS. All mortgages must run for at least five years. That is for the reason that there are considerable overhead expenses. Every mortgage issued must therefore run at least five years. After five years a man may cease to be a member of an individual unlimited liability association by paying up his loan and withdrawing.

Mr. SMITH of Georgia. He can not get out until he pays his loan.

Mr. HOLLIS. He must pay his loan.

As to the reasons for having a joint-stock land bank the Government charters national banks which are purely of a joint-stock character. The typical national bank, all national banks, in fact, are capitalized by individuals, and they are run to make a profit. There seems to be no reason why the Government should not afford to those who wish to invest in a mortgage bank the same facilities now afforded to those who wish to invest in a commercial bank. We have therefore provided that private joint-stock land banks can be started with a capital of not less than $250,000, to loan to farmers and to issue bonds subject to the approval of the farm-loan board. In States having a population exceeding 3,000,000 the capital must be $500,000.

There is good reason for this. It may be that a farmer will not want to assume any individual liability for the sake of borrowing money. It may be that they will not be willing to contribute 5 per cent of his loan to the capital stock. It may be that farmers will not want to subject themselves to the scrutiny that is involved in cooperative association. Therefore we provide that a private joint-stock land bank may be organized and may make loans to farmers without requiring them to contribute to the capital or to assume individual liability. Banks of that character exist all over Europe side by side with cooperative banks. There seems to be a field for both.

Mr. THOMPSON. Will the Senator state the amount of the capital?

Mr. HOLLIS. It is to be not less than $250,000 for joint-stock banks. That is for the reason that mortgage banks to issue bonds ought to have a large capital in order to be entitled to the confidence of the investing public. They are limited in the amount of bonds they issue to fifteen times the amount of capital stock, so that there is always a guarantee fund there of one-fifteenth of the liability on the bonds. To many people it seems unnecessary and harsh that a man who wants to borrow must first take stock in an association.

Mr. SIMMONS. Before the Senator passes to that, let me ask him what security will there be for the bonds issued by the joint-stock bank he has just described?

Mr. HOLLIS. Exactly the same security. They must, in the first place, have a guarantee fund of one-fifteenth of the amount of the liability. That is the guarantee fund. They can only loan on farm lands in a State in which they are chartered or in an adjoining State, and the appraised value must be at least double the amount of the loan. Their profits and expenses are limited to the 1 per cent margin. Just like the Federal banks. They are supervised and examined in just the same way, and they will be constantly under the supervision of the farm-loan board.

Mr. SIMMONS. The regional banks, so to speak, do not indorse.

Mr. HOLLIS. No.

Mr. SIMMONS. As to the others?

Mr. HOLLIS. Not at all. Each joint-stock land bank must stand on its own feet and rise or fall according to the banking ability and good judgment of the directors.

Mr. HITCHCOCK. Will the Senator state how the loans are inspected for these private joint-stock banks?

Mr. HOLLIS. The joint-stock bank, in order to make a loan, must apply to the farm-loan board for the services of a land-bank appraiser, who is a Government official. This land-bank appraiser must appraise the land and make a regular report on it, and the loan can only be made for one-half the appraised value. The joint-stock bank has to pay for the services of the official appraiser, and the same appraiser is used by the cooperative banks, and they also have to pay for his services.

If we could permit a mortgage institution to loan to the farmers and take mortgages, and then put up those mortgages as security for an issue of farm-land bonds, without any guaranty fund, it would be very simple and easy; but it would not work, because, in spite of the greatest care, there are bound to be bad loans. Some man will have bad luck; his farm will be washed into the river; there are certain to be breakdowns; and it is the same with mortgages. For that reason it is absolutely essential to have a guaranty fund to furnish a margin. There seems to be a consensus of opinion in running savings banks or mortgage institutions that there should be a guaranty fund of 5 per cent of the obligations of the institution, and that ratio has been adopted in this bill.

Now, how to get it. There are four and a half billions of dollars of loans on farm lands in the United States. A very large part of that amount would be refunded under this system if it is a success. Not only that, but there will be a great many more loans issued where the farmers can not get accommodation now. Therefore we are likely to have four or five billion dollars in mortgage loans. If we were to raise all the capital by Government contribution or by subscription from individuals we would have to have a twentieth for the capital stock of our land bank—$250,000,000—and that is an enormous amount. I for one should not favor having the Government put up all that capital stock. There is only one way to get it, and that is to have the farmers who get the benefit of the system contribute themselves, and it is not so hard on them when the matter is considered. To begin with, we assume that a farmer wants to borrow $2,000. He is obliged to put up $100 in order to take $100 worth of stock of the farm-loan association. The farmer who can not get $100 in order to borrow $2,000 is not the sort of man whom it will be safe to have in our system. Any farmer who is fit to borrow $2,000 can get $100 somewhere, and that is an indication of the character of the man—some test of whether he is a good man to have in this cooperative system. But if he has not $100 himself and must borrow, as quickly as he gets his $2,000 he can repay it. The bill so provides. Then he has an investment of $100 in the system, and if there are earnings, as we expect there will be, he will get his regular dividends. When the loan is fully paid, his stock is paid back to him in full and he gets the cash.

None of the committees that have worked on this bill have been able to devise any other plan for raising a guarantee fund except this, that each man who wishes to borrow must contribute 5 per cent of the face of his loan toward the stock of the local association. The local association turns the money over to the land bank and takes an equal amount of stock in the land bank. The farmers contribute all the earnings and get all the profits. The local association owns the stock in the land bank, the land bank pays all its earnings to the loan association, and the loan association distributes the profits to the farmers.

Mr. STONE. And he must loan the bank $100.

Mr. HOLLIS. Not exactly. He contributes $100 to the stock of the bank, and receives $2,000.

Mr. LA FOLLETTE. Mr. President, I wish to inquire if that provision applies to private associations?

Mr. HOLLIS. No, not at all.

Mr. LA FOLLETTE. Cooperative?

Mr. HOLLIS. To the cooperative banks only. But many farmers will wish to avail themselves of the ordinary method, and they will go to a joint-stock land bank and get the loan. I am inclined to think the joint-stock land bank will charge a considerably higher rate of interest than the cooperative system. If so, the thing will correct itself because when the farmer sees his neighbor or his cousin is getting a lower rate by join-

ing a cooperative association he will join a cooperative association.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I do.

Mr. BORAH. I wish to ask the Senator a question which is somewhat fundamental yet I think it is perhaps relevant at this particular point. The thing which has been difficult for me to work out in my mind is how this bill will result in the farmer realizing on his security at a lower rate of interest than he must now pay. There is plenty of money now, there is no difficulty about the money, but the difficulty has been that the farmer has never been able to get the man who had the money to look upon farm security with the same favor that the man who has the money looks upon other kind of security, railroad securities and such as that. Unless the farmers join and make an entire group of farmers the basis of security, unless there is practically an unlimited liability in which all the securities which they have joined is put up as a protection for the money loaned, how is this going to work a cheaper rate of interest? Does it not all result in the proposition as to whether or not they will go into this proposition and make one liable for all and all liable for one?

Mr. HOLLIS. In the first place, investigation has shown that the man who loans money originally, who actually puts the cash in that gets to the farmer, does receive in the main a low rate of interest now, and that the increased interest comes in the commission and the charges that are placed on the farm loan by the agent who places the loan under the second-mortgage system that I have already outlined. Then there will be the inertia of capital. I will explain it. A man in the East with money to loan has to employ an agent. It is a good deal of bother to find a reliable agent in the West. He has to place his loan through him, and it is right to do that, whereas if we have a Government system, with all the expense and profit limited by statute to 1 per cent, and it can not be more than that, the Government supervises it, so that a man can step into any bank and buy the farm-loan bonds carrying 4 per cent and guaranteed in the way I have indicated. He has a security that he knows his Government supervises. His bonds rest on the security of millions and millions of mortgages, and are insured in a country-wide system, and he knows they are strong.

As suggested by the Senator from Georgia [Mr. SMITH], he does not buy the individual loan, merely. He merely takes his share of an enormous amount of loans based on an enormous amount of mortgages.

Mr. BORAH. That is true, but those of us in the West have had some experience with what is in a sense a similar proposition. For instance, farmers have gone in together and voted bonds upon an entire territory—say, 250,000 or 300,000 acres—and issued bonds upon that for the purpose of purchasing a large irrigation enterprise, and so forth. Now, notwithstanding the fact I have in mind about that particular enterprise, notwithstanding those bonds were voted upon, the body of land irrigated, and fertile, of exceptional capacity for production, we have never been able to satisfy the eastern purchaser that that is as good a security to him as some railroad enterprise which has its bonds to sell, and while the railroad enterprise will get its money at 4 and 5 per cent the mortgage based upon the farm will not command that rate.

Mr. HOLLIS. That is undoubtedly for the reason that value of the land there depends upon the success of a single project If that one project does not turn out well, if the farmers are not able to market their crops, the value is gone. Under our system three, four, five, or six States are all in one great district, and all the mortgages in that district are up for collateral security for the bonds. If there is a drought in one place, there is not likely to be a drought everywhere. If one project fails, it is not likely that all will fail. They get a much broader insurance. That is the result in Germany under the landschaft system which has been discussed and which will be much more discussed.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. HOLLIS. I do.

Mr. HITCHCOCK. Is there not another reason why the instance of the Senator from Idaho is not a parallel case? Irrigation is to some extent experimental. Some projects have failed, and there is no governmental system provided for inspecting the particular project the Senator has in mind, whereas this bill does provide a governmental system of inspection.

Mr. BORAH. There was nothing for the Government to inspect except the real estate which was supposed to be mortgaged for about one-tenth of its value. It was the land which had been under irrigation. The water right had been passed upon by the courts, the title had been settled by the courts. It was adjudicated and determined that the water right belonged to this land and to no other land, and it had been under irrigation for some 40 years. There was no possible reason why it should be impeached for want of title, and there was nothing to inspect in it, because the mortgage covered the entire group of lands and covered the water also. Any business man who would have gone there would have passed upon it and been better satisfied than if some agent had passed upon it.

Mr. HOLLIS. There is a lurking fear underneath any scheme that is going on a long way off that has resulted in keeping investors from going to remote places. That is a part of the inertia of capital. There is no doubt about that, and it is because of this realization that we have not put the Nation into one great land district, because we believe that the rate of interest would have a tendency to go to the highest point throughout the whole system.

It may not work out so; the committee hopes it will not; but no one has yet succeeded in putting the natural laws relating to interest entirely at defiance. I am more optimistic on that than are many other members of the committee.

I was about to illustrate by the success of the landschaft system in Germany. The landschaft is not an organization; it is a district which embraces a whole province. There is no guaranty fund until the landschaft has been in existence long enough to build up a reserve. Each farmer who wants to borrow produces his mortgage to the officers of the landschaft; he states the rate of interest he wants the mortgage to carry and he receives from the landschaft a bond based on that mortgage which he must sell. If it carries a low rate of interest, it will carry a low price; he will have to sell it at less than 100 cents on the dollar. That is all left to him.

There have been cases of losses in those loans, though they have been rather rare, because they are Government supervised, and, to take up the slack, there is power to levy an assessment on every other piece of land in the whole Province. That is why it is not possible for the United States Government to put the landschaft into operation, because the United States Government has no right to impose on any piece of land that it does not actually own a liability for assessment to pay for losses. But the landschaft has worked out in operation so successfully that its bonds carry a higher rate of interest than the Government bonds whenever there is a war or stress of any kind. That, in a way, answers what the Senator says. When you have a broad insurance base on productive lands, the experience of other countries shows that you can get plenty of money at a low rate of interest.

Mr. CUMMINS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Iowa.

Mr. CUMMINS. My observation is that the two great sources for farm loans in our part of the country are, first, the savings banks, and, second, the insurance companies. The Senator from New Hampshire has already spoken about the feature of the savings bank. What is his opinion as to the possibility of reaching the accumulation of insurance companies through his system? In other words, will the insurance companies that are compelled to earn a certain rate of interest in order to preserve their solvency invest their money in the land-bank bonds?

Mr. HOLLIS. The committee believes that they will. Every insurance company that invests in farm mortgages has to have an expensive department; they have to look after them very carefully. We took the testimony of some of the insurance experts. One of them, I recall, stated that his company had loaned 30 per cent of their assets on farm mortgages and had never lost a dollar, the business had been conducted so carefully. If we can do it as carefully as that—and it seems to me that we ought to—then, by doing the mortgage business of the country, and having the information about every section, knowing what section is good and what section is not so good, we ought to be able to do the business cheaper than the insurance companies can do it for themselves, and thereby get their business.

We have another advantage which the committee believes will settle the matter. The bill provides that these farm-loan bonds shall be tax exempt. In many localities of this country that will determine the scale in favor of our farm-loan bonds over mortgages taken by the insurance companies on which they will have to pay taxes.

Mr. POMERENE. And, Mr. President, the farmers in this way will be relieved from the payment of the large commissions which are paid to the representatives of the insurance companies all the while.

Mr. HOLLIS. I believe it is a fact that the testimony showed that even insurance companies had to pay some commissions.

Mr. POMERENE. And very large ones, too.

Mr. CUMMINS. Mr. President, the Senator from New Hampshire stated that farm-loan bonds were to bear 4 per cent interest, I think?

Mr. HOLLIS. We hope they will, but they can not bear to exceed 5 per cent. Under the bill, if they can not borrow money at 5 per cent they can not borrow at all.

Mr. CUMMINS. My inquiry was intended to develop this question: Whether the insurance companies would loan their money at 4 per cent?

Mr. HOLLIS. Some of them thought they would and some thought they would not. That was our experience. I believe that, if tax exempt, they will loan their money at 4 per cent, and be very glad to do so.

Mr. CUMMINS. Most of them are tax exempt now, are they not?

Mr. HOLLIS. I think not.

Mr. CUMMINS. Are they not permitted to set off their liabilities against their assets, so that the real taxable portion of their property is rather small?

Mr. HOLLIS. I should be very much surprised if every State that has an insurance company within its borders does not succeed in getting a very large tax out of it.

Mr. CUMMINS. One more question. Who fixes the interest that the land-bank bonds shall bear?

Mr. HOLLIS. The farm loan board has supervisory control over that, just as the Federal Reserve Board has in cases under its jurisdiction. The land banks themselves, through their board of directors, would probably be allowed a pretty free hand in that regard.

Mr. CUMMINS. Who fixes the rate of interest that the mortgages shall bear? Is that fixed by agreement between the borrower and the land bank?

Mr. HOLLIS. The rate of interest fixed by the farm loan board is determined by the market; that fixes the maximum which can be charged to a farmer, for you can not charge a farmer more than 1 per cent in excess of the rate carried by the current issue of farm-loan bonds.

Mr. CUMMINS. But are all of the mortgages in a certain territory to bear the same rate of interest?

Mr. HOLLIS. Yes.

Mr. CUMMINS. Without regard to the extent or size of the mortgage?

Mr. HOLLIS. Yes; there must be uniformity.

Mr. CUMMINS. So that all the mortgages that will be deposited as a basis for a particular issue of bonds would bear the same rate of interest?

Mr. HOLLIS. Yes.

Mr. CUMMINS. And does the rate of interest which the mortgages bear determine in any degree the rate of interest which the bonds shall bear?

Mr. HOLLIS. No; that rate must be determined by the market that takes the bonds. If the market should take the bonds at 4 per cent, well and good; if they did not take them at less than 4½ per cent, then the farmer has got to pay 5½ per cent. If the bonds sell at 5 per cent, the farmer will pay 6 per cent. The farm-loan board conducts its business and makes its earnings out of a margin of 1 per cent. In Europe they do it on a margin of one-third of 1 per cent.

Mr. CUMMINS. Can the bonds be issued at 3½ per cent and the mortgages bear 5½ per cent?

Mr. HOLLIS. No; there can not be a difference of more than 1 per cent between the two. There may be a less difference, but not a greater difference; that is true as to all the mortgages and all the bonds.

Mr. SMITH of Georgia. And the bonds sold can not carry a rate of over 5 per cent?

Mr. HOLLIS. No.

Mr. SMITH of Georgia. So that the farmer can not be charged more than 6 per cent?

Mr. HOLLIS. They can not do business beyond that rate.

Mr. SMITH of Georgia. And the rate may be as much less than that as it can be made?

Mr. HOLLIS. As much less as the traffic will bear.

Mr. SMITH of Georgia. But unless the land banks can carry the farmer at 6 per cent they can not do business?

Mr. HOLLIS. That is it exactly.

Mr. THOMPSON. At what rate does the amortization proceed?

Mr. HOLLIS. Obviously, the amount of amortization depends upon the length of time that the loan will run, because if you pay in 1 per cent on a loan that bears a 5 per cent rate it will take 36 years for it to pay out. If you pay in 2 per cent a year it will pay out in something like 22 years. Therefore, the amount that a farmer pays in each year depends entirely on the length of time his loan runs.

Mr. THOMPSON. But the amortization may be completed in a shorter time, if the farmer so desires, by paying a higher rate?

Mr. HOLLIS. Oh, yes; if the farmer wants to pay out in five years he would have to pay approximately 12 per cent a year for the amortization payment, of course.

Mr. DILLINGHAM. Mr. President, I want to ask the Senator from New Hampshire a question regarding the rate of interest. I understood the Senator from New Hampshire to say a few minutes ago that the rates of interest were governed wholly by the supply of money; that is, by the opportunities for borrowing money.

Mr. HOLLIS. No; I did not mean to say that. I meant to say—and I think I did say—that there are three factors: First, risk; second, the earning power of money in that particular locality; and, third, the supply of capital, which depends largely on the earning power.

Mr. DILLINGHAM. Yes; but what about the security? The security offered in each individual case has a bearing upon that question.

Mr. HOLLIS. That is the same thing as risk.

Mr. DILLINGHAM. Well, I understood the Senator to say that the rate would be the same, for instance, in eastern Kansas and western Kansas, other conditions being the same.

Mr. HOLLIS. No. At present the rates are very different in eastern Kansas and western Kansas, but with absolutely safe loans——

Mr. DILLINGHAM. Mr. President——

Mr. HOLLIS. If the Senator will allow me to finish—with absolutely safe loans in both places, under a mortgage, and where the Government furnishes the machinery to bring them in contact, the rates ought to approximate—I do not believe they will ever quite come together; but they ought very nearly to approximate.

Mr. DILLINGHAM. I desire to ask the Senator if he does not understand that experience has shown that the insurance companies of the country confine their loans in Kansas very largely to the eastern half of the State, rather than to the western half of the State?

Mr. HOLLIS. That is because they find that they are safer there.

Mr. DILLINGHAM. They are safer there because there is a greater rainfall in that locality.

Mr. HOLLIS. But with the same degree of safety, you will eliminate that risk.

Mr. DILLINGHAM. But if there is not an equality of security the mortgage on land in the western part of the State must of necessity bear a much higher rate of interest because of the increased risk.

Mr. HOLLIS. That would be true to some degree, but the land would be worth something, and that would be governed by the amount that the land bank would loan on the land.

Mr. DILLINGHAM. Then, I understand the Senator to say that the land bank in fixing the rate would take into consideration the question of the quality of the land and the risk involved?

Mr. HOLLIS. It certainly must; that can not be avoided.

Now, the amortization payments are very important, because they persuade the farmer to pay up his loan at some time. I have no doubt some of us have had the experience that we did not save any money until we took out life insurance. Where a man has to meet a fixed payment at a certain time he will get the money in some way. In my part of the country the farmer can borrow money on his farm, if he can borrow at all, at 5 per cent, but he has to give a demand note, so that the mortgage is likely to be foreclosed at any time. That makes him uneasy. Then he is ashamed to go in and offer to pay $10 or $20 when he owes $2,000, and he will not do that; he will wait until he can pay $200 or $300, and that time never comes.

The experience in Europe is that if the loan is amortized, so that the farmer has to pay in a little every six months, he will complete the payment at the end of the term; and in Europe mortgages run for as long a term as 75 or 80 years. I think there are some amortization payments of only a quarter

of 1 per cent a year, which would enable the borrower to pay out in something under a hundred years. It is in order to encourage the farmer not only to get his money at a low rate and to use it for productive purposes, but at some time to pay off his loan that this system is devised.

As to the purposes for which loans can be made, it is not proposed under this bill to allow a farmer to borrow money to pay his living expenses; he can only borrow to purchase land or to buy stock or machinery or equipment for his farm, or to erect buildings, to improve his farm in some such way as building drains or roads or fences or clearing up the land, or to pay existing indebtedness.

Mr. JOHNSON of Maine. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Maine?

Mr. HOLLIS. I do.

Mr. JOHNSON of Maine. May I inquire of the Senator if it is not true that a man can only borrow from the proposed land bank by giving a mortgage upon his land?

Mr. HOLLIS. Yes.

Mr. JOHNSON of Maine. No matter what other security he may have?

Mr. HOLLIS. Yes.

Mr. JOHNSON of Maine. In order to obtain any money he must mortgage his farm?

Mr. HOLLIS. Yes; that is for the reason that, in order to get money at the lowest rate, he must give the best security there is, and that is a first mortgage on productive land. If it is not land that is capable of being cleared so as to produce crops and help pay up the loan it can not come in under this system.

Mr. BORAH. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I do.

Mr. BORAH. I desire to ask the Senator this question: Suppose that one of these loan associations is formed, say in my State, which is very far on the western border, and the farmers put up their mortgages, and bonds are issued, and so forth, and the bonds are put in the eastern market; and suppose a farm-loan association in the State of Iowa, or a State farther East, a better settled State, an older community, does the same thing, and puts its bonds in the eastern market; does the Senator doubt that the bond purchaser would take the Iowa bonds at a lower rate of interest rather than bonds secured by mortgages on the less-developed portion of the country?

Mr. HOLLIS. Mr. President, I am inclined to think that the rate would be a little lower, but a very little lower, for this reason: All the farm-loan bonds issued by any bank are guaranteed by all the other banks. This system is helped into being by the Government; the Government contributes the capital to the land banks, and in return for that it was thought nothing more than fair that every land bank should become responsible for the bonds of all the other banks. Therefore, relying on the capital and resources of these land banks, the bonds ought to sell the same; but I agree with the Senator that in some remote parts of the country it is impossible to force interest rates to exactly the same level as they are elsewhere. I think they will approximate the same level; I hope so, at any rate.

Mr. BORAH. I entertain the opinion that without Government aid, distinct and substantial, we will never get that uniformity of treatment which the country should have, and neither will we get that low interest rate which is necessary for the man who is acquiring a farm or developing a farm to have.

Now, has the Senator considered the Government passing upon these securities and guaranteeing these bonds, something on the same principle as the Government stands behind the notes issued by the Federal reserve banks?

Mr. HOLLIS. The two cases are entirely different. The Senator now refers to the Federal reserve notes.

Mr. BORAH. Yes.

Mr. HOLLIS. They are Government obligations; there is no practical guaranty about them; they are promises of the Government to pay. The Government merely loans them on security to the Federal reserve banks, and the Federal reserve banks have to put up back of them short-term notes that are based on actual commercial transactions, and they have in addition to put 40 per cent of gold back of them before they can issue them. The Government believes that sufficient advantage is secured to the country by putting currency of that kind in circulation, so that it is willing to do it and run the risk. Therefore I have insisted that it is fair in this case that the Government should put itself back of this system to a reasonable extent, as it will do if this bill passes. I may say that this bill is much more radical in that regard than the bill which has been reported by the House Committee on Banking and Currency.

Mr. BORAH. I do not quite agree with the Senator as to the Federal reserve notes. But to what extent does the Government put itself back of the land banks other than in the way of supervision and the checking up of the bond transactions?

Mr. HOLLIS. In the first place the Government furnishes $6,000,000 of capital to start these 12 land banks. I think, of course, that is a very important thing, because in order to get farmers to join something you have got to have something for them to join. You can not wait for a system to spring up spontaneously, and so it is that the Government pays all salaries and expenses of the farm-loan system; it pays the salaries of the special examiners who investigate the mortgages before bonds are allowed to be issued, and the Government exempts from the income-tax law and from all Federal, State, and local taxes the capital stock of the Federal land banks—not of the joint-stock land banks—and the mortgages and the bonds. The Government under this bill will advance to a land bank money if it gets in temporary difficulty just as it advances the money to commercial banks that get into difficulty by placing Government deposits in certain localities, as it has done repeatedly. Now, to that extent the Government gets back of this system.

Mr. BORAH. Does not the bill contemplate the Government finally securing a return of its $6,000,000 and retiring from the business? Does not the bill contemplate that ultimately the Government is to have no investment?

Mr. HOLLIS. Yes, it does; and I think that is very desirable. In Europe in many instances where the Government has furnished the capital stock in the first place the associations have voluntarily paid the money back, because they would rather do so, and get along on their own feet than to be under Government supervision and control.

This bill provides that after the contributions from the local associations, 5 per cent of the amount borrowed, equals $500,000, thereafter 25 per cent of all such increase shall be paid back to the Government until the Government is entirely repaid. The Government gets no dividends and no interest at all on the money that it employs for this purpose.

Now, this question of how much Government aid should be given is a question of some judgment on the facts stated. The Senator and I might agree pretty well, and we might not. I rather think we would agree pretty well, more so than I might agree with some one more conservative; but we have to look at a great many different things, and my judgment is that this bill goes as far in that direction as it is safe to go, because the scope of this bill is so enormous, and the billions of money that might become a burden on the Government would be so serious a load. Now, that does not settle it, but it gives my view.

Mr. BORAH. I agree with the Senator as to the extent to which the bill goes. I presume it goes as far also as it could go and be reasonably certain of being passed.

Mr. HOLLIS. I am rather inclined to think so. Therefore I am very well satisfied with what I have to take.

Of course, the center of the system, so far as safety is concerned, rests on the carefulness with which the appraisal is made. The local association, of course, is interested in getting cheap money for its members—that is, for the borrowing farmers in the vicinity. There is a temptation to increase the values in that locality and one fellow will help the other fellow get a large loan. Therefore we provide that the recommendation of the loan committee of the local association must be unanimous and in writing. Then the report comes up to the land bank. The land bank also represents the local associations. It has five directors, three of whom are elected by the local associations and two appointed by the farm-loan board. Therefore we put in a Government official at that point to make sure that there is a safe appraisal. He is appointed by the farm-loan board. His services are paid for by the land banks, for he performs an official function, and he goes to every piece of land and examines it himself and passes upon it; and these land-bank appraisers ought to become very expert.

The land bank has made the mortgage, but the mortgage is not of its greatest value in the land bank unless it is permitted to put it up as part security for an issue of farm-loan bonds. Therefore, the land bank, having got a mortgage on its hands through its own efforts, has to run one more gauntlet before it can put that mortgage up for an issue of farm-loan bonds. When it wants to issue farm-loan bonds, it turns over to the registrar of the district, who is a Government officer, the mortgages that it proposes to put up as collateral. The registrar looks them over and checks them up and sees that they are

all there. Then he refers the application to the farm-loan board. The farm-loan board must then refer those mortgages to a special examiner, and the special examiner will look the mortgages over and make such investigation as the farm-loan board thinks is necessary to assure itself that it is safe to allow farm-loan bonds to be issued. The registrar acts as trustee for all parties concerned. He takes the securities and actually keeps them in his hands.

Mr. SMITH of Georgia. What is the subdivision which the registrar represents?

Mr. HOLLIS. There is a registrar in each land-bank district. There are to be 12 districts, or not less than 12. There may be more, if the farm-loan board thinks it is wise to have more. My judgment is that there never will be more than 12. Those districts are to be carved out of the continental United States with regard to the farm-loan needs of the districts—not population, nor commercial activity, but farm-loan needs. My own opinion would be that they would not conform very closely to the Federal reserve districts. For instance, instead of New England having one, I should expect that New England, New York, Pennsylvania, Delaware, New Jersey, and Maryland would probably be all in one district. That would make them more frequent in the West and South, where they are more needed. Each registrar has his own district to look after. He acts as trustee for all parties interested.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Wisconsin?

Mr. HOLLIS. I do.

Mr. LA FOLLETTE. Will the Senator state whether the bonds issued by the joint-stock banks are exempt from taxation as the bonds of the cooperative banks are?

Mr. HOLLIS. Yes. The mortgages and the bonds are exempt in each instance; and the Senator knows that there is very good reason for that, because experience shows that the farmer has to pay all the taxes that are levied on the system. Now, we do not exempt from taxation the capital stock of the private banks. They have to pay on them just as national banking associations do; but if we permitted these mortgages and bonds to be taxed, the farmer would be paying three taxes. He would have to pay on his farm; then the land bank would make him pay in his interest rate enough to pay the taxes on the mortgage, and then the investor who furnishes the money in the first place would have to charge enough in his interest rate to pay the taxes he would have to pay on the bonds. Therefore the farmer would have to be paying three interest rates. Moreover, there is a better reason than that, possibly, and that is that if the States have a right to tax, they have a right to destroy; and if there should arise a jealousy of these Federal land banks in any State, they could tax them, if we did not provide otherwise, so that they would have to go out of existence.

Mr. THOMPSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. HOLLIS. I do.

Mr. THOMPSON. What provision is made for the payment of the salaries of these registrars and other officials? Are they paid by the Federal Government, or is the 1 per cent the Senator speaks of to take care of that?

Mr. HOLLIS. The Government pays the farm-loan boards' salaries and expenses. It pays the registrars' salaries and the special examiners' salaries; but the banks themselves have to pay the salary of the land-bank appraiser, and he will be a much more numerous citizen than anybody else. It seems that there is no other way to provide that very well, because we do not want to have the Government pay for the services of the land-bank appraiser when he is working for the private bank; and therefore we charge the private bank and also the cooperative bank for his services.

The assistance to be obtained from the borrowers is a very important part of the plan. Wherever you have to go into a locality and pay for everything that is done, it is expensive; but the farmers, in order to obtain low-interest rates, join the local association, and then they undertake to do for nothing this appraising and the ordinary work of running the local association. They are called associations because they are not banks. A bank, as we all know, is an institution to receive deposits, loan money, and transmit funds, and these are not banks. They will not have any money on hand. They will keep their deposits in the land bank. They are merely loaning associations, quite comparable to the building and loan associations that are common in our larger cities. They need not keep open for banking hours. After they once get started they probably will not have to meet oftener than once in two or three weeks, or possibly months. They can have their office in an insurance agent's office. The local insurance agent or some such man would probably be the secretary-treasurer, and do nearly all the work. He could do it quite inexpensively, because it would not take very much of his time.

It is feared that in some parts of the country the farmers will be slow to organize local associations and joint-stock banks may not start. We have therefore provided that in districts where local associations do not form within a year the farm-loan board may permit loans to be made through existing banks under Federal or State charters. The banks will then act as agents. If a farmer wants to borrow he will go to a bank and be required to take his 5 per cent of stock in the land bank itself. The bank making the loan, as agent for the land bank, will be required to indorse in place of the loan association, and they will get not to exceed half of 1 per cent to pay them for doing so. You see, they embark none of their capital in the enterprise, so that they can afford to do it for the expense of the transaction and a little profit.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I do.

Mr. BRADY. What becomes of the 5 per cent of stock which the farmer subscribes for at the time he makes this loan when he pays off the loan? I should like to have the Senator explain that to me a little more fully.

Mr. HOLLIS. Certainly. When the loan is paid off the farmer gets his money back in full, 100 per cent, when the stock is retired. As quickly as the farmer ceases to be a contributor he ceases to be a sharer in the earnings. That is entirely right; and the land bank is given authority to retire that stock even faster. If it has more capital than is actually earning, it can retire it faster, and it ought to.

Mr. SMITH of Georgia. And in the meantime, if it has made anything, he gets his part of the profits on it?

Mr. HOLLIS. Yes; he gets his share of the profit, in exact proportion to the amount he has contributed toward the earnings.

Mr. SMITH of Georgia. So that, instead of paying 5 per cent commission to somebody to get him a loan, he makes an investment of 5 per cent, on which he gets the interest until he pays off his loan, and then he gets his money back?

Mr. HOLLIS. That is it exactly. That is admirably stated.

Mr. SMITH of Arizona. Mr. President, what is to become of these mortgages in case of a transfer of the realty? I was thinking whether or not it would lay an embargo on the free transfer of the real estate covered by those mortgages.

Mr. HOLLIS. No; it is just as it is now. If a farmer sells his farm, the land bank may accept the new purchaser in his stead, if they care to do so.

Mr. SMITH of Arizona. But suppose he wants a clear title without going into the system at all, can he pay this mortgage as I could pay a private one when due?

Mr. HOLLIS. He can pay it after five years. As I have explained, the overhead charges of making the loan are rather large, and it seems fair to those who borrow on long term that they should be required to give us five years' earnings on it. At any rate, that is the European system, and there did not seem to be any reason to change it.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. HOLLIS. I do.

Mr. SHEPPARD. Suppose the capital of one of those banks becomes impaired, and it is necessary to levy an assessment on the stockholders, have you provided for that?

Mr. HOLLIS. Of which banks? One of the land banks?

Mr. SHEPPARD. Any of them. Suppose any of them fails to pay expenses.

Mr. HOLLIS. Any of the land banks?

Mr. SHEPPARD. Yes.

Mr. HOLLIS. If one of the land banks impairs its capital so that it is insolvent it will have to be wound up and go out of business. That is the idea of the committee. If, with all the aid that is given, they can not go along without failing, we think they should be wound up and ended.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire further yield to the Senator from Idaho?

Mr. HOLLIS. I do.

Mr. BRADY. What liability would there be on the 5 per cent of stock that the farmer takes at the time he makes his loan?

Mr. HOLLIS. The farmer may take it with either double liability, like a national bank, or unlimited liability. If he goes in on the unlimited-liability basis he would naturally expect to get his loan at rather lower rates of interest, and we hope it will work out in that way. He may assume either that he cares to assume.

Mr. BRADY. And at the time he makes his loan he has the privilege of electing whether he will take the unlimited liability or the double liability?

Mr. HOLLIS. It is not quite that. The associations must be organized on one plan or the other, and according as he joins one association or the other he will assume double liability or unlimited liability, but that is determined when he goes in.

Mr. BRADY. The association could determine that when it organizes?

Mr. HOLLIS. When the association gets its charter it takes it on either the double-liability or the unlimited-liability plan.

Mr. BRADY. And as a matter of fact the farmer would not have to go into the association if he did not like the plan under which it was organized?

Mr. HOLLIS. Oh, not at all; he need not go in at all. He would probably look around for one of the joint-stock banks, then.

Mr. BRADY. So he has the privilege of saying whether he shall accept the double liability or the unlimited liability?

Mr. HOLLIS. Yes; that is true.

The individual liability that the farmer assumes serves two objects. It makes the loan safer; it makes the bonds safer to the investor, and it also insures the interest of the farmer in the system, so that he will see that bad loans are not made. He will be anxious to see that everything is run right and the association stays solvent, so that he will not have to pay up. That is one of the objects of the plan.

The plan has been criticized because it is cumbersome and complicated and because the bill is long. The bill is 72 pages long. The bill providing for a delegate from the District of Columbia, which has been recently reported by the District Committee, is 50 pages long, and on that basis this bill ought to be 1,000 pages long. But the bill is not really long. It is as long as it is in order to make the operation simple and certain. It is not cumbersome. There could not be anything simpler than this bill. You want Federal supervision, and you would not have a board of less than five. You must have banking brains somewhere in order to run a banking system and to make safe loans intelligently, and that is run by five directors of each land bank. The land bank makes the loans. In order to get local touch it makes them through local associations that know the farmer and the circumstances. Now, if a farmer in my county wants to form an association and get nine other farmers to join with him, they send to the land bank, wherever it is, and get a charter, and then they are entitled to borrow from the land bank. It is very simple. The costs are made as low as it is possible to make them and have safety.

Mr. SMITH of Georgia. Under the bill as it is now reported you do not require a land bank in each State?

Mr. HOLLIS. Oh, no.

Mr. SMITH of Georgia. You do not require now a separate organization in each State?

Mr. HOLLIS. No.

Mr. SMITH of Georgia. There is one land bank now for the district?

Mr. HOLLIS. That is it.

Mr. SMITH of Georgia. And the farmer, or the local association, deals directly with that land bank?

Mr. HOLLIS. That is it.

Mr. SMITH of Georgia. And that land bank is supervised by this Government board, which has no interest in the bank except, as Government officers, to see that it does business wisely and intelligently and that the benefits of the scheme reach to the farmers and borrowers?

Mr. HOLLIS. That is it exactly.

There are, of course, two schools of thought on this subject. One believes that the Government ought not to "butt into" the land-mortgage field at all; that it ought to stay out, and leave it entirely to private enterprise. I should agree to that if the farmers all over the country were getting sufficient accommodation at a low rate of interest. I would not have the Government do it just for the sake of having the Government do it; but there is a need for it, and therefore I believe the Government should do it.

The other extreme is to have the Government loan public money directly to the farmer on the security of his farm, and then have the Government borrow money on its bonds. My objection to that is that in the first place, as I have stated, it would involve the Government in an enormous indebtedness that would run into the billions, and it does not seem right to do that for one class of citizens. If you do it for the farmers, the mechanics would ask for it next, and then all of us would ask for it, and the result would be that the Government would be furnishing money cheaply, and it would probably never be foreclosing, which would break down the system. In the early part of the last century, as I recall, the Government loaned a lot of money to the States. It has never collected any of it. The States have never paid it back. And a political party that would undertake to foreclose on a thousand farmers, through the farm-loan board or through any other board, preceding a campaign, would stand very little chance of staying in office. I do not think that is practicable, but I do not want to quarrel with those who believe it is. It merely means that they are on the other extreme, and they are doubtless honest and intelligent in their views. I do not believe that plan will commend itself to the Congress.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. HOLLIS. I do.

Mr. SIMMONS. The Senator has devoted the most of his time to discussing the farmers' associations and their connection with the land banks which the bill creates. The Senator has not given quite as much time to the discussion of the connection of the joint-stock land banks for which this bill provides. I want to suggest to the Senator that it seems to me from his statement—I may be mistaken about it—that the connection between these joint-stock land banks and the land banks is very, very slight.

Mr. HOLLIS. There is no connection whatever.

Mr. DILLINGHAM. Mr. President, we can not hear on this side of the Chamber what is being said.

Mr. SIMMONS. I said that it seemed to me, from the Senator's statement, that the connection between these joint-stock associations and the land banks was very, very slight; that the Government, through the banks, had very little to do with them; and under the system he has outlined they are not very much more than purely private institutions.

Mr. HOLLIS. They are no more than that. I will go over it and make it plain. It is very easy to do.

Mr. SIMMONS. I would like to have the Senator give attention to that point and make a more elaborate explanation of it, first, as to the interest. I understood the Senator to state that the associations fix their own rate of interest. I also understand that the bonds they may issue based upon the land mortgages as collateral will have no security behind them except the mortgage and the liability of this private association.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. HOLLIS. I ask unanimous consent that the unfinished business be laid aside.

The PRESIDING OFFICER. Without objection, that course will be pursued.

Mr. HOLLIS. I ask that the Chair lay before the Senate the rural credits bill, and that its consideration may be proceeded with.

The PRESIDING OFFICER. The Chair lays before the Senate Senate bill 2986, the rural credits bill.

Mr. SIMMONS. The bonds that may be issued by these joint-stock associations will have no security except that of the land and the liability of the association itself.

Mr. HOLLIS. Yes; and the capital. That is right.

Mr. SIMMONS. And the capital. But there will be that much.

Mr. HOLLIS. Yes.

Mr. SIMMONS. And that is about as much as the loan-association bonds would have but for the indorsement of these 12 banks. Now, would it be feasible to admit these private associations to a closer connection of the bank by permitting them to take stock in the bank at the rate of 5 per cent upon each loan, just as is provided with reference to the loan associations, upon their becoming members of it and contributing to this

fund to the same extent as the loan association, to become responsible for their bonds, and as a result of that responsibility prescribe a maximum rate of interest that they may charge, just as you prescribe in the case of a loan through the farmers' association?

If the Senator will pardon me, I somewhat agree with him that it is possible that this private association may run along with the other; but, not only that, it may absorb it, and most of the business may be done through that. I think it is possible to provide in this bill so as to limit the rate of interest that those private institutions may charge, and by increasing the security for the bonds they may issue you would provide a very strong system.

Mr. HOLLIS. The fundamental difficulty in permitting the joint-stock land banks to become a part of the cooperative land bank system is this: The cooperative land bank system is built on the cooperative plan. The members are all borrowing farmers. The borrowing farmers furnish all the earnings to the system, and the borrowing farmers get all the earnings—if there are any—paid back to them like a participating life-insurance policy. The joint-stock land banks are formed for private enterprise entirely, just as I might organize a national bank. They furnish private capital, and they furnish none of the earnings themselves because they do not borrow. They merely set up a joint-stock enterprise that they hope will earn money. They do not require the borrower to take any stock; they do not require the borrower to assume any individual responsibility. They occupy exactly the same field in the mortgage system that the average national bank occupies in the commercial system. It is purely a private, speculative, money-earning institution, under Government supervision, to extend to farmers the facilities of a land-mortgage system. They do not touch the Federal land banks at all. They ought not to touch them, because as soon as they do we come to the question of apportioning the earnings between the contributors to the joint-stock capital and the borrowing farmer. They are merely organized to meet the demand that is made by men who are now in the mortgage-loan business. There are a great many of them who are performing very useful functions. They see that they will be driven out of business if our cooperative plan works, and they say, give us a chance to come in now and do our business on honor, under Government supervision. Give us just the same facilities that you have given to the national banks in the commercial field.

We have done it. We discriminate against them only in allowing them to issue bonds to 15 times their capital and surplus, while the cooperative system may issue bonds to 20 times the capital and surplus. We have tried, by an adjustment of the burdens and advantages, to give them each a chance. If it turns out that the joint-stock banks charge a higher rate of interest than the cooperative system, then the cooperative system will have a better chance to occupy the field. The result will be that the joint-stock banks will have to pull their interest rate down to compete with the cooperative system.

Originally, I was not in favor of allowing the joint-stock banks to come in, but I was finally persuaded that there are parts of the country where you can not get the farmers to go into the cooperative system and these districts would be without facilities. I was satisfied that there were many farmers who would not go into the cooperative system and put up 5 per cent and assume any individual liability, and I wanted to extend to those men the facilities that are extended through the Government system of commercial banks to merchants and manufacturers.

Mr. BORAH. As I understand from the reading of the bill, it does not assume to reach anyone except a landowner.

Mr. HOLLIS. A landowner or one who desires to become a landowner. For instance, a man who is a tenant farmer wants to purchase a farm. You would hardly expect the Government to furnish facilities so that the man could borrow without any security. Therefore, a farmer who wishes to buy a farm worth, say, $2,000 has, perhaps, $500 to pay in on it. He can borrow half of the $2,000 under our system at a very low rate of interest. Then he can put a second mortgage on it for the other $500 at a rate of interest enough higher to induce money to come in and make up for the risk. Under the amortization plan, with the first six months' interest, there will be a reduction of the principal. So the second mortgage ought to be a pretty good and attractive investment. In that way we think the tenant farmer will be helped, if that is what the Senator has in mind.

Mr. BORAH. I understand the Senator. I think that answers the question.

Mr. SHEPPARD. Suppose there is a default in interest payment, what becomes of the entire debt?

Mr. HOLLIS. If there is a default in the interest payment, it is carried to the suspension account for two years. That is where the guaranty fund comes in to take up the slack. But at the end of two years the local association must be called on to pay that mortgage in full or produce another one for an equal amount. If the association is small, it is entirely possible it might be wiped out by one payment, but after it has grown to a substantial size with a proper reserve it may very well meet the payment of one or more mortgages.

Mr. SHEPPARD. In other words the association must foreclose the entire mortgage within two years of its default.

Mr. HOLLIS. Yes; the association must do that within two years. Then would come into play the individual liability of the other members of the association, either double liability or unlimited as the case may be.

Mr. THOMPSON. I wish the Senator would explain in reference to the limited and unlimited liability of the farmers who are in the association. I do not quite understand how he distinguishes the liability of one man from that of another.

Mr. HOLLIS. The farmers in a certain locality know each other pretty well, and if they are satisfied that the mortgage loans are safe and want to get the benefit of the very lowest rates that are available, they will organize a farm-loan association of unlimited liability, and that loan association will not have members of any other character. Every one who joins that association will assume unlimited liability for the debt of the association.

When the mortgages go before the land bank, they are all kept in one division for unlimited liability. There will be loan associations of limited liability and associations of unlimited liability. The mortgages of limited liability will be kept by themselves and the mortgages of unlimited liability will be kept by themseves. When an issue of bonds is desired the bank has to put up mortgages of one kind. If they are for unlimited liability they will be the best sort of security in existence, and will get the very lowest rate of interest from those who invest in farm lands. If they carry merely double liability they will not be of such undoubted character and they will probably sell on the market at less favorable rates.

Mr. THOMPSON. There may be both associations in one locality?

Mr. HOLLIS. There may be in some town a limited and an unlimited association, and there may be in that same town a private joint-stock bank, and all three of them may have useful functions to perform and fulfill certain requirements.

Mr. WILLIAMS. Unlimited liability means merely unlimited for that association?

Mr. HOLLIS. It means unlimited liability for that particular association.

Mr. WILLIAMS. But could he go out and take one farm for the whole thing?

Mr. HOLLIS. Yes; but he would have a right to make all the others contribute as was equitable. That is so, of course, under any liability statute with which I am familiar.

Mr. SIMMONS. Will the Senator allow me to interrupt him?

Mr. HOLLIS. Certainly.

Mr. SIMMONS. I can see from the Senator's statement, and in reply to the question I asked a little while ago, a good reason why it might not be advisable to require the private joint-stock companies to come in under the plan that is provided in the bill, but I can not see any reason why if one of the joint-stock companies does desire to come in under the bill, and conform to all the requirements of the bill, it should not be permitted to do so. The mortgage that they would issue would have behind it just as much as security, probably a little better security, than the mortgage which a farmers' association would present. The mortgage of the farmers' association would have behind it nothing but the land and the limited or unlimited liability of the members. The mortgage that the private joint-stock association would offer would have behind it the land and the liability of the association and the individual liability of the stockholders in that association. It would be therefore just as good security as the other.

Now, if one of those institutions comes to the land bank and says, "Here are my mortgages indorsed by my association, I want to issue bonds on them; I am willing to comply with the provisions of your law if you will accept these mortgages and indorse our bonds that we desire to issue upon it"; why is not that feasible? Why the bank issuing these bonds would not be just as well protected as in the case of the bonds issued at the instance of the farmers' association I am unable to see. Therefore, I suggest to the Senator that there would seem to be no reason why, if these private associations desire to come into this system and comply with its terms as to interest, their bonds

should not be indorsed by the bank just as the bonds of the private farmers' association.

Mr. HOLLIS. I can only add to what I have said—that no mortgage man has suggested that he would want to raise capital for a joint-stock land bank and then split the earnings that would possibly come to him with the Federal land bank and come in on the cooperative plan. What the mortgage men want to do is to raise the capital and go into business and have all the margin for themselves without dividing it with the Federal land bank. I have not heard of anyone who suggested it, but what the Senator says is perfectly true; they would have greater responsibility, they would have much greater value to their indorsement than the little farm-loan association; but we would still have the mixture of private capital and the cooperative plan contributing all the earnings, and if there is a surplus, dividing it in proportion to the amount each contributes.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. Certainly.

Mr. BRADY. The Senator is certainly giving us a very lucid and intelligent analysis of the bill, and I have given the measure considerable thought and study. Following the thought of the Senator from North Carolina [Mr. SIMMONS], speaking of the joint-stock bank, I have been wondering if there is not liable to be a great deal of confusion by including all three of these systems in the one bill. As the Senator has given the matter a great deal of study I should like to have an expression from him, if he feels so disposed, as to what he thinks about leaving the joint-stock bank feature out of the present bill and incorporating it into another bill if the Senate should see fit to write it into law.

Mr. HOLLIS. I can see great advantages in what the distinguished Senator from Idaho suggests. It would be very much easier to frame a bill of this kind if the conditions in this country were like those in the countries of Europe, with a homogeneous population, speaking the same language, rooted in the same soil, generation after generation, accustomed to going to the same church and having the same social organizations.

If we had that condition I should be very clear that we ought to insist on merely the unlimited-liability cooperative plan. I think we should impose that plan, and I know that it would be the cheapest and the most desirable to the farmer in the long run. But we have a great diverse country, with a shifting population, with neighbors living miles apart, not knowing or caring about each other, not willing to undertake liability for each other. Therefore I think we are forced into complications that would not be necessary if we had a smaller and a more homogeneous country. But in trying to select between the three different systems, the private joint-stock bank, the limited-liability plan cooperative, and the unlimited-liability plan cooperative, I could not risk my judgment as to which of the three was best or whether there was any best in the three. I felt that in this measure, without needless complications, we could give the people of all parts of the country a chance to select one of the three systems, or to absorb all three of the systems in the same locality if it seemed to them wise to do it. Nothing but experience can demonstrate in this country whether all three will exist side by side as they do successfully in Europe. Nothing but experience will show whether one of the three systems will outstrip the other. The committee felt that the only proper way was, without needless complication, to give them all a fair chance—a fair start—and see which comes out a winner at the end of the race. That is the only answer I can give.

Mr. JOHNSON of South Dakota. What amount of bonds can the private joint banks issue?

Mr. HOLLIS. The private joint-stock banks may issue bonds up to fifteen times their capital and surplus. The cooperative land banks can issue bonds up to twenty times their capital and surplus. There is a very good reason for that. The joint-stock bank can get its capital and its bond issue out without any trouble, but the only way for the cooperative bank to get its capital out in loans is to loan to the farmers. The very first loan it makes, the farmer contributes 5 per cent more capital, so that in getting the loans out you are getting more capital in all the time. The result is that it is not possible for cooperative banks to get out a ratio of more than 15 to 1 at any one time. Therefore it seemed fair to me that this difference in ratio should exist.

Mr. JOHNSON of South Dakota. I understand, in order to issue the bonds, each of the banks must hold an amount of first mortgages equal to the bonds they issue. Is that correct?

Mr. HOLLIS. Yes; that is right. There must at all times be existing in the hands of the registrar for the district mortgages equal in face value to the outstanding bonds issued by the land bank; and whenever they fail to do that, if they have used up the capital and surplus so that they can not furnish other securities to take their places, then it must go out of business.

Mr. SHEPPARD. May the bondholder under any circumstances bring suit to foreclose an individual mortgage?

Mr. HOLLIS. No; the bondholder has no interest in any one mortgage or any lot of mortgages. All he has is a right to have the trustee who is the registrar foreclose the mortgages for him and the other bondholders collectively.

Mr. SHEPPARD. Has he a right to have the trustee selected and the mortgage foreclosed in the event of default by the bank association?

Mr. HOLLIS. No; it would work in this way. We will assume that there is $100,000 in mortgages put up as collateral security for $100,000 in bonds. One of those mortgages is defaulted and the security is only, say, $90,000. The land bank is then obliged, under the terms of the bill, to put up another mortgage, a good mortgage, of that amount, or United States bonds, or cash, or farm-loan bonds carrying the same rate of interest as the bonds that are imposed upon that security. If the land bank can not do that, it is insolvent and must be closed.

Mr. SHEPPARD. What becomes of the right of the bondholder to make his bond good?

Mr. HOLLIS. When the assets are liquidated for the benefit of all the creditors, then each creditor gets his percentage with the others; they share alike.

Mr. SHEPPARD. Has he not a right, then, to hold the others responsible for his loss?

Mr. HOLLIS. Yes; that works in this way. If the bondholder presents a coupon at the land bank that issued a bond and that land bank does not pay on demand of the bondholder, he has a right to present the coupon at any other land bank, and they must pay on demand. They can then call on the other land banks to contribute. But so far as the principle of the bond is concerned it must wait until the land bank that issued the bond is liquidated and the further liability is determined. Then the other land banks are assessed their amount of the deficiency based on the aggregate of the farm-land bonds that each has outstanding at the time.

Mr. BRADY. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. BRADY. As I understand it, the failure of an individual borrower to pay his interest or even his loan would in no direct way affect the holder of a bond issued by the cooperative bank.

Mr. HOLLIS. Oh, not at all. That is what the capital—the 5 per cent guarantee fund—is for. That is in the form of capital to take up the slack.

Sometimes there will be a mortgage which will have to be foreclosed. Experience has shown in this country and abroad that a 5 per cent margin is safe. We further provide that there shall be 25 per cent of earnings of both the loan association and the land bank applied to the reserve every year until the reserve equals 20 per cent of the capital, and after that 5 per cent of the earnings go to the reserve, no matter how large it is. If we can escape drought and bad fortune and get by two or three years we will have a reserve built up that will be safe, comparable, perhaps, to the European system that has been running for many years.

Unless some one else cares to ask a question, Mr. President, I ask that the bill be read.

The PRESIDING OFFICER. The Chair would like to inquire of the Senator who has charge of the bill whether he wishes to have it read in full or for amendment?

Mr. HOLLIS. I will ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. And that it be read for amendment?

Mr. HOLLIS. No; I will make that request later. I simply ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HOLLIS. I will inquire if there is anyone who desires to speak on the bill this afternoon?

Mr. SHEPPARD. I wish to submit merely a few remarks.

The PRESIDING OFFICER. The Senator from Texas.

Mr. SHEPPARD. Mr. President, it is a well-established principle that the land itself may be so mobilized as to be entirely sufficient security for the bonds it supports without the intervention of a bank. The officers of a land district may be given authority to collect the interest and sinking-fund payments and the creditor may have the right to have that authority exercised in his behalf in the event of a default. It is the same

principle that has made school and drainage district bonds so successful.

These are demonstrable facts. If you must have a bank to guarantee the bonds the creditor looks primarily to the bank and not to the land. The best results can be obtained by relying on the land alone, with as little scaffolding as possible.

The system proposed by the joint committee is an adaptation of the profit-banking system simply and not a genuine application of the cooperative principle.

The success of the joint-committee system will depend on the skill with which the banks are conducted. No more skill or special ability is required in a cooperative land district system than is required to conduct a drainage district. The duties of the officers are largely ministerial.

Then I wish to ask this question: Why encumber the land with the expense and risk of 12 great land banks, with the burden of their proper management, when the land itself may be combined under a simple district system issuing its own bonds and collecting the necessary money? Why put the farmer in the banking business when his land can be so handled as to form a satisfactory security without it?

These are the questions which have addressed themselves to my mind while considering this bill, which has been framed with such labor and such creditable zeal by the members of the joint committee. I would not say that the bill which they have suggested is unworkable. I want to call attention to the fact that I do not think it is necessary to build up an enormous bank superstructure which the farmer himself must conduct and manage when he possesses a security that is capable of being mobilized in simple district or landschaft system, providing adequate security for the bonds.

Mr. BRADY. Mr. President, before the Senator sits down, let me ask him is it his suggestion that, instead of organizing these cooperative banks, nine or more farmers may organize their land into a district and bond the district and sell the bonds of the district on the same principle as a drainage district is organized?

Mr. SHEPPARD. The same principle on which drainage districts or school districts are organized, but a landschaft district would never contain as few as 9 or 10 members. It would contain hundreds of thousands and might well embrace an entire State.

Mr. BRADY. And the Senator feels that that would be a more economical system than the organization of banks?

Mr. SHEPPARD. Undoubtedly. I think the farmer is entitled to the best system, one which will most successfully mobilize his lands as the basis of credit and also which shall be the least expensive to him.

Mr. HOLLIS. Mr. President, the observations made by the Senator from Texas are entitled to every consideration. They were, however, in the minds of the joint committee. It was not desired to plunge the farmer into any unnecessary trouble to get his loans, but the only other system that was suggested was the landschaft system, which would require the Government to impose on the lands in the States certain conditions as to liability for assessments, and that is something that the Federal Government has no right to do. If there were any other way of accomplishing this end that offered a prospect of giving the farmer the relief to which he is entitled, either with less expense to him or less risk to anyone, the committee would be delighted to adopt it, but this is the only system which has been proposed which seems to offer a reasonable prospect of attaining that end.

Mr. SHEPPARD. Mr. President, under my view of the matter, it is entirely within the power of Congress to organize a corporate body within the District of Columbia which shall have the power to organize land districts in the District of Columbia and in any territory immediately subject to the jurisdiction of the United States; and also with the power to organize such districts in such States as will give permission to the corporate body to do business within the limits of the respective States. In that way the stamp of State authority will be put upon the system and its assessment powers. Insurance companies organize in the District of Columbia under the District corporation laws, with directing headquarters at Washington, and with power to operate in any State which will admit the organization to do business. In that way I think the Federal Government could authorize a district system and give it a Federal head. After all, the assessment power of the landschaft would operate with far less hardship than the foreclosure power conferred by the joint committee bill. Under the latter a borrower may be made to pay his entire debt within two years after default of interest. This could not happen in the landschaft.

Mr. HOLLIS. Mr. President, it would be a very interesting experiment to see the landschaften tried in the District of Columbia or in any other place where the Government has a right to impose assessments on the land; but it is not a function of this bill to provide a system particularly for the District of Columbia, and it would certainly not be advisable to provide a system which must wait for the States to change their laws in order to have it become operative. The committee feels that the suggested plan will work practically all over the United States at once without waiting for laws to be changed. For that reason, and understanding fully the objections and suggestions of the Senator from Texas, they recommend the passage of this bill.

Mr. SHEPPARD. Mr. President, all that would be necessary would be for the States to admit this organization to do business within their limits.

Mr. SMITH of Arizona. How could you do that without an act of the legislature?

Mr. SHEPPARD. That would be very easy. The parent body could be admitted to the States either by a special act or under general incorporation laws.

Mr. HOLLIS. Mr. President, unless some other Senator is ready to speak this afternoon, I ask unanimous consent that the bill be——

Mr. SHEPPARD. Just a moment. I do not mean to say that it is my unchangeable intention to vote against the measure proposed by the committee. Perhaps it may be amended so as to be made more satisfactory. I am so anxious to see legislation of some kind enacted on the subject that I may be willing to concede that this measure, developed after so much labor and so much investigation, should have a trial. I deem it my duty to say, however, that I do not believe that it represents the fundamental and scientific solution of the land credit question. If the landschaft system can not have a directing Federal head, let a bureau be established by the Federal Government to furnish model landschaft laws to the States, and to aid the States both in the enactment of such laws and in the marketing of landschaft bonds. I think, however, that the system I have suggested, with a directing head in the District of Columbia, is entirely feasible.

Mr. HOLLIS. Mr. President, if no other Senator is ready to address himself to the bill this afternoon, I desire to ask Senators to prepare themselves so that they may speak on the bill beginning to-morrow, if there is opportunity, so that we may proceed and read the bill for amendment. I do not think, perhaps, that it would be fair to ask that the bill be read for amendment this afternoon. I therefore ask unanimous consent that the bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered, and the bill will go over until to-morrow.

THE CALENDAR.

Mr. CHILTON. I ask unanimous consent that the calendar under Rule VIII be taken up, beginning at Order of Business 262, where we left off several days ago.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of Georgia. And that we consider only unobjected bills.

Mr. CHILTON. That is all right. I accept the suggestion of the Senator from Georgia.

Mr. SMITH of Georgia. I am not willing to consider only unobjected bills down to the point where we last ended the consideration of the calendar and then go forward without making the same restriction as to the remaining bills on the calendar.

Mr. TOWNSEND. Mr. President, I am a little curious to know how long we are going to continue the practice of considering unobjected bills, and going back and beginning over again, and thereby preventing the consideration of other bills that might be brought up on motion.

Mr. CHILTON. We are not going back to the beginning; we are going back to Order of Business 262.

Mr. TOWNSEND. Is that where the consideration of the calendar was left off?

Mr. CHILTON. Yes; practically it is a little ahead of that point.

Mr. SMITH of Georgia. I was about to raise the same objection which the Senator from Michigan has raised. I simply yielded when it was stated that the intention was to resume the consideration of the calendar at the point we reached when we last discontinued its consideration.

The PRESIDING OFFICER. The question is on the request for unanimous consent preferred by the Senator from West Virginia. Is there objection? The Chair hears none, and it is so ordered.

BILLS PASSED OVER.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was announced as first in order.

The PRESIDING OFFICER. The Chair is informed that that bill was read the last day the calendar was under consideration.

Mr. CULBERSON. Mr. President, let that bill go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. CHILTON. Mr. President, I hope the Senator from Texas will not make that objection. The bill could have been disposed of the other day had the consideration of the calendar been continued. Those Senators who had opposed it in committee, who were then here, stated that they had no objection to the bill being brought up and being considered. I sincerely hope that the Senator from Texas will not now take the position of objecting to the consideration of the bill.

Mr. CULBERSON. Mr. President, in view of the absence of so many Senators who are members of the Committee on the Judiciary, I insist on the bill going over.

Mr. CHILTON. Mr. President, if the Senator from Texas had been here the other day he would have seen that there was then present comparatively more than the average number of Senators who are ordinarily present when the calendar is being considered.

Mr. CULBERSON. The bill was reported by the Committee on the Judiciary by a vote of only 8 to 7.

Mr. CHILTON. That fact was stated the other day in the Senate, and those Senators who were here on the opposite side from me as to the bill made the statement that they were perfectly willing for the matter to be considered. Is the Senator from Texas opposing the bill?

Mr. CULBERSON. Certainly, I am, Mr. President. I opposed the bill in committee and I oppose it here. I insist that it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. CULBERSON subsequently said: Mr. President, a moment ago I objected to the consideration of Calendar No. 262, being Senate bill 5126, because of the small attendance in the Senate at that time. There being rather a full attendance now, I withdraw my objection to its consideration, though I am opposed to its passage.

The PRESIDING OFFICER. The bill has been read twice.

Mr. HARDWICK. Mr. President, I think I will have to object to that bill.

The PRESIDING OFFICER. The Senator from Georgia objects. The bill will be passed over.

The bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China was announced as next in order.

Mr. SMITH of Georgia. I object to the consideration of that bill, Mr. President.

The PRESIDING OFFICER. The bill goes over.

The bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. I object to the consideration of that bill, Mr. President.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. SMOOT. Mr. President, there are so few Senators in the Chamber that I suggest the absence of a quorum, because some Senators who are not now present may be interested in bills on the calendar.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Myers	Smith, S. C.
Bankhead	Hardwick	Norris	Smoot
Brandegee	Hitchcock	Overman	Sterling
Broussard	Hollis	Page	Thomas
Burleigh	Hughes	Phelan	Thompson
Chamberlain	Husting	Poindexter	Tillman
Chilton	Johnson, Me.	Pomerene	Townsend
Clapp	Johnson, S. Dak.	Ransdell	Underwood
Clark, Wyo.	Jones	Saulsbury	Vardaman
Culberson	Kenyon	Sheppard	Wadsworth
Cummins	Lane	Sherman	Walsh
Curtis	Lewis	Simmons	Warren
Fall	Lodge	Smith, Ariz.	Williams
Gallinger	McCumber	Smith, Ga.	
Gore	Martine, N. J.	Smith, Mich.	

Mr. LEWIS. Mr. President, I desire to announce the absence of the Senator from Tennessee [Mr. SHIELDS], who is detained by illness in his family.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. TOWNSEND. Mr. President, there was so much confusion in the Chamber a moment ago that I did not know what was done with Calendar No. 263, House bill 54.

The PRESIDING OFFICER. The present occupant of the Chair is informed that that bill went over under objection.

Mr. TOWNSEND. Who objected?

The PRESIDING OFFICER. The Senator from Georgia [Mr. SMITH].

Mr. JOHNSON of Maine. Let me inquire whether we are proceeding now with the consideration of bills to which there is no objection?

The PRESIDING OFFICER. Yes.

Mr. JOHNSON of Maine. By what agreement?

The PRESIDING OFFICER. The present occupant of the chair is informed that unanimous consent was given to proceed to the consideration of unobjected bills on the calendar, beginning with Calendar No. 262.

SINKING FUND FOR REDUCTION OF NATIONAL DEBT.

The bill (S. 55) to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was considered as in Committee of the Whole.

The PRESIDING OFFICER. This bill was read on Saturday last.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. WAGNER.

The bill (S. 1296) for the relief of John P. Wagner was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John P. Wagner shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a captain of Company H, Two hundred and second Regiment Pennsylvania Volunteer Infantry, on the 12th day of November, 1864; but no pension shall accrue prior to the passage of this act.

Mr. SMITH of Georgia. Mr. President, I should like to hear some explanation why this gentleman is to have his present disabilities removed.

Mr. WARREN. Mr. President, the purpose of the bill, of course, is to give Mr. Wagner a pensionable status. I will say in regard to the case that he served three months with honor and was honorably discharged. He entered the Army a second time, served honorably, was promoted through the different grades to second lieutenant and then to first lieutenant, and again was honorably discharged. During a third service he unfortunately imbibed too much drink on one occasion, and on that account was dishonorably discharged. He is a very old man, and I think ought to be pardoned now in order that he may have a pension for the few months that he has yet to live.

Mr. SMITH of Georgia. I will not object to the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

METROPOLITAN POLICE OF THE DISTRICT.

The bill (S. 4479) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," was considered as in Committee of the Whole, and the Secretary read the bill, as follows:

Be it enacted, etc., That the act of Congress approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," be, and the same is hereby, amended as follows:

Strike out the last clause of paragraph 2 and insert in lieu thereof the following: "All original appointments of privates shall be made to class 1, and promotions shall be made from class 1 to class 2 in order of appointment to the force after three years' service as privates in class 1, and from class 2 to class 3 after two years' service as privates of class 2, in all cases where the conduct and intelligent attention to duty of any private shall justify such promotion."

Strike out paragraph 3 and insert in lieu thereof the following:

"PAR. 3. The said Metropolitan police force shall consist of 1 major and superintendent, who shall continue to be invested with such powers and charged with such duties as is provided by existing law; and also of 1 assistant superintendent with the rank of inspector; 4 surgeons for the police and fire departments; 3 inspectors; 11 captains; 18 lieutenants, 1 of whom shall be harbor master; and such number of sergeants, privates of class 3, privates of class 2, privates of class 1, mounted inspectors, captains, lieutenants, sergeants and privates, and such others as said commissioners may deem necessary within the appropriations made by Congress: *Provided*, That the inspectors shall perform such duties as may be prescribed by the Commissioners of the District of Columbia; that the captains shall command police precincts and perform such duty or duties in connection therewith as the laws and regulations of the said commissioners may prescribe: *Provided further*, That the said Metropolitan police force shall continue as at present constituted until the offices created hereby are filled and promotions are made by said commissioners as provided in this act."

Strike out paragraph 8 and insert in lieu thereof the following:

"PAR. 8. The salaries of the officers and members of the Metropolitan police of the District of Columbia, herein provided, shall commence with the fiscal year beginning July 1, 1916, and shall continue thereafter annually, unless changed by Congress, as follows: The major and superintendent shall receive an annual salary of $4,000; the assistant superintendent shall receive an annual salary of $2,500; inspectors shall each receive an annual salary of $2,000; police surgeons shall each receive an annual salary of $720; captains shall each receive an annual salary of $2,000; lieutenants shall each receive an annual salary of $1,600; sergeants shall each receive an annual salary of $1,400; privates of class 3 shall each receive an annual salary of $1,200; privates of class 2 shall each receive an annual salary of $1,080; privates of class 1 shall each receive an annual salary of $900; members of said police force who may be mounted shall each receive an extra compensation of $300 per annum; and members of said force who may be mounted on bicycles shall each receive an extra compensation of $50 per annum."

Mr. GALLINGER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following proviso:

Provided, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator from New Hampshire what condition his amendment is designed to cover? I do not perceive anything about the bill which indicates the necessity for any such contracts, and I am really a little curious in regard to the matter.

Mr. GALLINGER. Mr. President, the bill increases the salaries of the members of the Metropolitan police force. I have knowledge that on former occasions when salaries have been increased in this district certain enterprising claim agents and attorneys have had an interest in the matter and have profited to some extent because of the legislation. I have no knowledge at all as to the present case.

Mr. THOMAS. I think the amendment is very desirable in this case.

Mr. GALLINGER. If the Senator knew what I know, he would think it desirable.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator from New Hampshire a question. Does this bill place the police officers at crossings upon the same basis as other policemen?

Mr. GALLINGER. I will say to the Senator that, not being a member of the committee, I can not speak authoritatively, but I think it does not do so. I believe, however, that officers at crossings should have the same salary as paid to the ordinary policeman.

Mr. SMITH of Georgia. I have understood that there is a discrimination between the crossing policemen and other policemen, and it occurred to me that the policeman who stands at a crossing in the center of the city has harder work to perform than the ordinary policeman, and really ought to be a selected man. It is a most dangerous and important place.

Mr. GALLINGER. There is this to be said about the crossing policemen. They are paid by the railroad companies. They are under the jurisdiction of the chief of police, but they are not properly members of the Metropolitan police force. I think on a former occasion I endeavored to remedy that by making them members of the Metropolitan police force and giving them all the rights and privileges of members of that force, but I failed in my effort to accomplish that. I will say to the Senator, however, that there is the distinction, to which I have referred, that the crossing policemen are paid by the street railroad companies and not from the Federal Treasury.

Mr. SMITH of Georgia. The District collects from the railroads and pays them I presume. The District does not make the railroads themselves carry the crossing policemen on their pay rolls, does it?

Mr. GALLINGER. I confess I do not know what the modus operandi is.

Mr. HUGHES. Mr. President, I will say that I understand the railroad companies pay the crossing policemen direct.

Mr. GALLINGER. I will say to the Senator from Georgia that I think to bring about the result desired will require additional legislation of Congress; but beyond a question the crossing policemen should have all the rights, privileges, and emoluments that go to any other class of policemen in this city.

Mr. SMITH of Georgia. That is true; and they ought to be entitled to promotion. Certainly as good men are required for that position as any other position on the police force.

Mr. GALLINGER. It will require some additional legislation to bring that about.

Mr. SMITH of Georgia. They are selected, I understand, by the commissioners and appointed by the chief of police.

Mr. GALLINGER. They undoubtedly undergo an examination, and they are appointed by the chief of police.

Mr. BRANDEGEE and Mr. TOWNSEND addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, will the Senator from New Hampshire be kind enough to let me ask him a question? I do not know what the bill is to which he has offered the amendment, and I came in the Chamber just as the amendment was being read; but, as I understand the amendment, it seeks to declare invalid a contract, and I was wondering, inasmuch as the Constitution says that Congress shall pass no law impairing the obligations of a contract, whether or not the amendment violated that provision of the Constitution.

Mr. GALLINGER. The amendment is in the form which has been used in a great many similar bills. I will say to the Senator. Perhaps we could say that "all agreements."

Mr. BRANDEGEE. An agreement is a contract, I will say to the Senator.

Mr. GALLINGER. Yes.

Mr. BRANDEGEE. I do not wish to interfere in the matter at all, but as read the amendment, it seemed to me, would probably be unconstitutional.

Mr. GALLINGER. The Senator understands that the contracts referred to are contingent contracts.

Mr. BRANDEGEE. I can see readily that such a provision could apply to the future, to prevent such contracts being made; but if there is now an existing valid contract, I do not think that Congress can declare it void. However, I do not wish to interfere with the bill, because if the provision is unconstitutional it will not have any effect.

Mr. TOWNSEND. Mr. President, I had in mind what the Senator from Connecticut [Mr. BRANDEGEE] has said. It seems to me that if the Senator from New Hampshire desires to accomplish this purpose it can be done by stating that no part of the money shall be paid for such a purpose. That might possibly avoid the objection which has been raised. It seems, however, very clear to me that such an amendment will be unconstitutional if a valid contract exists. I do not believe that Congress can make a legal contract void.

Mr. GALLINGER. This matter is peculiar in this respect—of course, I can not argue it from the legal point of view, but such contracts are made upon a contingency. They are contingent agreements with certain men whose salaries are increased by legislation that the attorneys or claim agents shall get a percentage, pretending that they have been the means of securing the legislation. Whether or not that is a contract under the terms of the Constitution I do not know.

Mr. TOWNSEND. Mr. President, I am in sympathy with the object the Senator desires to accomplish; but I can not believe that that can be done if there is such a contract in existence, but it seems to me that we might say that "no part of the appropriation made shall be applied to such a purpose."

Mr. GALLINGER. I wrote it in that form first, but on turning to the CONGRESSIONAL RECORD I found two recent instances where the phraseology which I employ has been used in other bills. However, if the matter may be passed over for a moment, I will draft the amendment in the other form.

The PRESIDING OFFICER. Does the Senator from New Hampshire withdraw his amendment?

Mr. GALLINGER. I withdraw the amendment, and ask that the bill may go over for a few moments until I can draft the amendment.

Mr. BRANDEGEE subsequently said: Mr. President, the Senator from Texas [Mr. CULBERSON] has called my attention to the fact that section 10 of Article I of the Constitution provides that—

No State shall * * * pass any * * * ex post facto law, or law impairing the obligation of contracts.

I think that is what I had in mind, probably. I think I am mistaken in what I said about the amendment of the Senator from New Hampshire. It did seem to me, and does seem to me still, that Congress ought not to have the power to pass a law declaring a valid contract to be void; but I have had no time to look it up, or to see whether there is any constitutional amendment which would prohibit it. I think, however, I was clearly wrong in what I stated, and I had in mind what the Senator from Texas has called to my attention.

Mr. GALLINGER. Mr. President, I will again offer the amendment; and I will make the suggestion that even if this should be found to be an unconstitutional act it will have served, to a large extent, the purpose I have in view. There have been things done here in this direction that ought to be corrected, and possibly a notice served upon certain parties will accomplish the result quite as well as legislation. I think we would better add

lumbia or in any other place where the Government has a right to

bill was read the last day the calendar was under consideration.

this amendment to the bill—the amendment I submitted a moment ago.

The PRESIDING OFFICER. Does the Senator from New Hampshire offer the amendment that he previously offered?

Mr. GALLINGER. I do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF MASSACHUSETTS.

The bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, after the words "Treasury Department," to strike out:

And in making said adjudication the court is hereby directed to apply the provisions of the act of Congress approved July 27, 1861 (12 Stat., 276), and the joint resolution of Congress approved March 6, 1862 (12 Stat., 615), as interpreted and applied by the Supreme Court of the United States in the claim of the State of New York (160 U. S., 590), which legislation so interpreted is hereby extended to include the aforesaid claims. And the proofs in support of said claims now filed by the State with the accounting officers are hereby declared to be sufficient to authorize the court to make said adjudication under the provisions of said act and joint resolution.

And insert:

The evidence of the amount of said expenditures and of the computations of premium made by the accounting officers of the Treasury, on file in the Treasury Department, may be considered by the court, so as to relieve the State of the necessity of duplicating the same.

So as to make the bill read:

Be it enacted, etc., That the Court of Claims is hereby given jurisdiction to adjudicate the claims of the State of Massachusetts for money paid as premium for gold with which it paid the interest and principal on money borrowed and used to equip its troops for the service of the United States during the Civil War and for interest and premium paid for gold wherewith it paid such interest on money borrowed and expended during said war in protecting the harbors and fortifying the coast, which claims for interest and premium were disallowed by the accounting officers of the Treasury Department. The evidence of the amount of said expenditures and of the computations of premium made by the accounting officers of the Treasury, on file in the Treasury Department, may be considered by the court, so as to relieve the State of the necessity of duplicating the same.

Mr. SMITH of Georgia. Mr. President, I wish that some Senator would give a brief explanation of that bill.

Mr. LODGE. Mr. President, the bill is to allow the State of Massachusetts to go before the Court of Claims to recover for money paid as premium for gold with which it paid the interest and principal on money which it borrowed to equip troops during the Civil War. The State of Massachusetts paid all its debts during the Civil War and all the interest in gold. There have been some similar cases in connection with one or two other States.

Mr. SMITH of Georgia. I understand what it is now.

Mr. OVERMAN. Does this bill provide that the Court of Claims shall proceed to judgment or merely find the facts? This claim has been before the Committee on Claims a dozen times. It came before the committee while I was a member of that committee—and I served on that committee seven or eight years—but I do not think we have ever allowed a claim to go through within my recollection providing that the Court of Claims shall proceed to judgment. Ordinarily we merely allow the court to find the facts and certify the facts to Congress, and then the claim is paid by appropriation in one of the appropriation bills.

Mr. LODGE. Certainly this matter will have to come before Congress for an appropriation.

Mr. OVERMAN. That is what I wanted to understand. It does not authorize the Court of Claims to proceed to judgment.

Mr. LODGE. I understand that after the Court of Claims acts the matter will have to come here and be paid like every other judgment of the Court of Claims.

Mr. OVERMAN. That is what I want to understand.

Mr. LODGE. I do not think it is different in that respect from any other bill of this kind.

Mr. OVERMAN. Of course, Mr. President, judgments have to be paid; but I understand that these cases usually go to the Court of Claims to find the facts; then the facts come up here before Congress, and then the Court of Claims recommends the bill for passage.

Mr. LODGE. Certainly; it is exactly the same——

Mr. OVERMAN. And this takes the same course as others.

Mr. LODGE. It takes the same course as all other claims.

Mr. TOWNSEND. No; I do not understand that it does take the same course as others. If you permit this bill to pass, you submit this matter to the Court of Claims for a judgment there, which would be a judgment in favor of the State of Massachusetts.

Mr. OVERMAN. That is what I asked.

Mr. TOWNSEND. Of course we will have to appropriate the money to pay it, the same——

Mr. OVERMAN. I will not object to it if that is the form of the bill. If it proceeds to judgment, then I would object to it.

Mr. CLAPP. Let us have it read.

Mr. OVERMAN. I ask to have the bill read again.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Secretary will read the bill again.

The Secretary again read the bill.

Mr. OVERMAN. I want to ask the Senator from Massachusetts if he will not strike out the word "adjudicate," and say that it is referred to the Court of Claims "to find all questions of law and fact, and report to Congress." That is the way they usually read, instead of saying "adjudicate."

Mr. LODGE. I supposed this bill was in the usual form.

Mr. OVERMAN. No; they are referred to the Court of Claims to find the questions of law and fact and report to Congress.

Mr. LODGE. Mr. President, I am perfectly willing to make that change if the Senator is going to object unless it is made. Of course in that event I have no choice except to accept it; but similar claims have been paid to other States.

Mr. OVERMAN. I understand that. They passed through our committee.

Mr. LODGE. Yes.

Mr. OVERMAN. I understand all about this claim, because it has been before the committee time and again. Some of them have been referred to the Court of Claims to find the facts and the law and report to Congress. They make reports here every year, as the Senator knows, upon these cases, and we pass upon them.

Mr. LODGE. Very well, Mr. President.

Mr. OVERMAN. I move to strike out the word "adjudicate" and have it read "referred to the Court of Claims to find the law and facts and report to Congress."

Mr. OLIVER. Mr. President, I should like to ask the Senator from Massachusetts a question.

The PRESIDING OFFICER. Let the Secretary state the amendment.

Mr. OLIVER. First, I should like to ask the Senator from Massachusetts if this is not an exactly parallel case to the case that was decided by the Supreme Court with regard to the State of New York?

Mr. LODGE. Precisely the same.

Mr. OLIVER. I do not think it ought to go before the Court of Claims. This question was before the Committee on Claims when I was a member of it, and I think the Committee on Claims ought to report a bill making an appropriation to pay this debt.

Mr. OVERMAN. The committee has never done that, Mr. President. We have had it up there every year.

Mr. LODGE. Of course, Mr. President, it is a just debt. Of that I have no doubt whatever; but the United States Congress, particularly, will never pay any attention to whether or not a debt is a just debt. The only way to get it paid is to try to get a judgment from a court.

Mr. OVERMAN. As I recollect, the Government has paid Massachusetts the principal of every cent she paid out. This, as I understand, is a question of the premium she had to pay for gold in getting this money.

Mr. LODGE. That has been decided.

Mr. OVERMAN. I know it has in a Pennsylvania case; but I think the Court of Claims ought to find the facts and the law in this case and report back.

Mr. LODGE. There is not any question about the facts. It ought to be paid, as a matter of fact, as the Senator from Pennsylvania [Mr. OLIVER] says, by appropriation; but, of course, I have no choice, if the Senator from North Carolina is going to object, except to take the amendment. It simply delays it still further.

The PRESIDING OFFICER. Does the Senator propose the amendment?

Mr. OVERMAN. I do; but in order that the Senator may have the bill passed I will say that I do not propose to delay it. It will not delay it at all. If you got a judgment, it would

have to come here and be appropriated for. There really will be no delay in it.

Mr. CLAPP. Mr. President, I think possibly I can straighten this out. There are cases where it is difficult to ascertain the amount, and we send such cases to the Court of Claims to report a finding of fact. Where there is no question of the amount, and the claim is a just one, we very often send it there for a judgment, and I should think in a case of this kind it ought to be for a judgment.

Mr. LODGE. Let me say to the Senator from Minnesota that there is no question about the amount.

Mr. CLAPP. No.

Mr. LODGE. It is provided in the bill by the amendment that the State shall not have to duplicate the returns or figures of the Treasury Department. We accept the figures of the Treasury Department itself.

Mr. CLAPP. Yes. I say I do not see the necessity of sending it there for a mere finding of fact.

Mr. LODGE. There are no facts to find. Those are admitted.

Mr. CLAPP. We ought to send it there for a judgment.

Mr. OVERMAN. I do not know whether it is exactly the same case as the Pennsylvania case or not. I do know, however, that the Committee on Claims time and time again refused to pass it. I do not know why. Let us have the facts from the court.

Mr. LODGE. The Committee on Claims has refused to pass a good many just claims.

Mr. OVERMAN. Why, certainly; I agree to that.

Mr. OLIVER. I would say that some years ago, when I was a member of that committee, I investigated this case, which was referred to me as a subcommittee, and I reported to the committee in favor of it.

Mr. OVERMAN. Will the Senator yield?

Mr. OLIVER. Certainly.

Mr. OVERMAN. But the full committee did not report it.

Mr. OLIVER. At that time the full committee was dominated by the late Senator from New Jersey and a lot of others who would not report anything.

Mr. OVERMAN. It may be a meritorious case; I do not know.

Mr. LODGE. I think it is meritorious. Other States have received the same.

The PRESIDING OFFICER. Does the Senator from North Carolina propose an amendment?

Mr. OVERMAN. I do.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 1, line 4, it is proposed to strike out the word "adjudicate" and insert "to find the law and facts."

Mr. LODGE. Of course I hope that amendment will not be adopted. I do not think there are any facts to find. If the Senator is going to object, however, I have no choice except to accept it.

Mr. SMITH of Georgia. Mr. President, is there a provision in this bill carrying interest?

Mr. LODGE. No; it is the premium on the interest.

Mr. SMITH of Georgia. The premium on it?

Mr. LODGE. On the interest paid by the State.

Mr. SMITH of Georgia. There is no provision for interest on the amount due?

Mr. LODGE. Oh, no; there is no provision whatever for interest on the amount.

Mr. THOMAS. Mr. President, I think the word "adjudicate" covers everything that could be covered by the amendment offered by the Senator from North Carolina. The requirement that the court shall adjudicate the claim involves the necessity of inquiring into it, or else there can be no adjudication.

Mr. OVERMAN. It may be construed that they are to render judgment. I have proposed the language of all these bills where Congress has required the matter to go to the Court of Claims to find the law and the facts and then report to Congress; and Congress takes the law and facts as found by the court and determines whether it will appropriate to pay the judgment.

Mr. THOMAS. I can not conceive how a court can adjudicate any controversy before it without inquiring into it and then passing upon it. Its conclusion, either favorable or adverse, presupposes an inquiry as to the facts as well as the law.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina.

The amendment was rejected.

Mr. HUGHES. I shall object to the bill, if that is done.

The PRESIDING OFFICER. The Senator from New Jersey objects to the further consideration of the bill. Under the rule, it will be passed over.

GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

The bill (S. 5044) to continue in effect the provisions of the act of March 9, 1906, was announced as next in order.

Mr. CHAMBERLAIN. Mr. President, I ask that that bill may be indefinitely postponed, because a House bill having the same object in view was passed by the Senate some days ago.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

BILL PASSED OVER.

The bill (S. 3012) for the relief of Elizabeth T. Wells was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The bill will be passed over.

GEORGE T. HAMILTON.

The bill (S. 28) for the relief of George T. Hamilton was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 5, to strike out "$5,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to George T. Hamilton, as full compensation for wounds received at the hands of soldiers of the United States in the year 1863.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I have looked for the report on that bill, but I do not see it. It is a long time since that accident happened, and I should like to see some of the evidence.

Mr. SAULSBURY. Mr. President, I may say that the report is No. 297, but I can give the Senator and the Senate the facts in this case, and I desire to do so.

In 1863 a young lad 16 years old was standing at the door of his mother's house near Stanton, Del. A trainload of United States troops was being sent southward——

Mr. SMOOT. Mr. President, I remember the bill very well upon the statement the Senator has just made, and I have no objection to its consideration.

Mr. SAULSBURY. Mr. President, as I have started I should like to continue the statement, because I wish to offer an amendment to the bill increasing the amount, and I hope the Senate will agree to it. This is a case that I think resembles some of the horrors with which we have been familiar in the European war, and it is a case that I know about personally, as far as one can after this length of time, knowing one of the witnesses who testified, and having visited this man.

As I was saying, in 1863 a 16-year-old boy was standing at the door of his mother's house near Stanton, Del. A trainload of United States troops had stopped on a siding there as it was passing south. One of the soldiers, never identified, shot this boy through both legs, so affecting the nerves of one that for 53 years that man has suffered from running sores in that leg, unable to work except now and then temporarily; and it is one of the tragedies of which you find so many in the simple annals of the poor.

Mr. President, if I represented this man in a court of justice, with a defendant whom I could sue for this claim, I should expect to get almost the highest punitive damages ever awarded in a damage case. For 53 years this man has suffered from those injuries, inflicted by a soldier of the United States who very possibly is to-day drawing a pension, and has done so for many years.

I desire to offer an amendment increasing the amount which the committee allowed. They cut down the amount named in the bill which I offered, $5,000, to $1,000, saying that there was no real legal liability and $1,000 was simply an amount which they had agreed upon; but the acting chairman of the committee told me he would not object and would be very glad if I could obtain an increase in that amount from the Senate.

Mr. SMITH of Georgia. Mr. President, is this a $1,000 pension, to be paid to him annually?

Mr. SAULSBURY. No; it is a lump sum of $1,000 which the committee recommend.

Mr. LODGE. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Massachusetts?

Mr. SAULSBURY. Surely.

Mr. LODGE. The Senator has stated that the boy was 16 years old in 1863.

Mr. SAULSBURY. In 1863; yes.

Mr. LODGE. It is stated here by the Committee on Claims that he is now 53 years of age.

Mr. SAULSBURY. The Senator will observe that that is an old report on this case, which was made to the Senate a great many years ago.

Mr. SMOOT. In the Fifty-sixth Congress, I believe.

Mr. LODGE. Oh, I see; it is an old report.

Mr. SAULSBURY. Yes. The man is now 69 years old, Mr. President, from the record.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Michigan?

Mr. SAULSBURY. Surely.

Mr. TOWNSEND. Do I understand that this man has been pensioned by the Government for this?

Mr. SAULSBURY. He never has had one cent from the Government during his whole time, and has suffered for 53 years.

I may say that I personally know one of the physicians whose affidavit is shown by this report, and he is one of the finest country doctors that anyone can well imagine. He is one of those men who simply go about doing good and charity, and he has attended this man. I have talked with him. I have seen this man myself. I think it is one of those pitiful cases where the Government could very well afford to pay the man a pension, and I should be glad to have them do it. If he should live longer than it takes to consume this money, I shall try to get the Congress to make an appropriation again; but I move, Mr. President, that in line 6, as amended, the $1,000 be changed to $2,000, and I give notice that I shall ask for more if he lives longer than this amount lasts.

The PRESIDING OFFICER. Is there objection to reconsidering the vote by which the former amendment was agreed to?

Mr. SAULSBURY. I will propose the amendment when the bill comes in the Senate from the Committee of the Whole.

The PRESIDING OFFICER. Are there further amendments to be proposed as in Committee of the Whole? If not, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. SAULSBURY. Now I offer my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On line 6 it is proposed to strike out "$1,000" and in lieu thereof to insert "$2,000."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN Q. A. BRETT.

The bill (S. 2541) to authorize the President of the United States to appoint John Q. A. Brett captain in the Quartermaster Corps of the Army, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs, with an amendment, in line 6, after the words "grade of," to strike out the words "captain in the Quartermaster Corps" and insert "first lieutenant," so as to make the bill read:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint John Q. A. Brett, pay clerk, Quartermaster Corps, United States Army, to the grade of first lieutenant, United States Army.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I should like to know why it is proposed to take this action?

Mr. LODGE. Mr. President, if the Senator will allow me, I will give the reason for it. It is stated in a letter of the former Secretary of War, Mr. Garrison:

I regard the case of Pay Clerk Brett as an exceptional one, and believe that he is entitled to special consideration for the unusually arduous and intelligent work which he has performed. His unusually exact knowledge not only of the Quartermaster Corps but of the other bureaus of the War Department as well is personally known to me by reason of extremely important official work extending over several months which he has done under my immediate direction.

Before this work was completed, and when his absence would probably have made it impossible of completion, his medical officers ordered him into the hospital. Realizing the serious situation that his absence would create, and entirely from a sense of devotion to duty, he continued at this harassing night-and-day work until it was finished, although to the serious prejudice of his health.

Pay Clerk Brett is a highly educated, well-bred gentleman. I doubt if there are half a dozen officers in the Army as well versed in all the details of the Quartermaster Corps.

Then there are letters here of a similar purport from Gen. Bliss, Col. Huggins, and other officers under whom he served, and Gen. Abshire. His health is very much impaired. He has been in the service a long time as pay clerk.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the President of the United States to appoint John Q. A. Brett a first lieutenant in the United States Army."

KATE CANNIFF.

The bill (S. 798) for the relief of Kate Canniff was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "$5,000" and insert "$1,345," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Canniff the sum of $1,345, out of any money in the Treasury not otherwise appropriated, in full compensation for the death of her husband, James Canniff, who received injuries April 15, 1901, while in the service of the United State on the lighthouse tender *Haze*, and as a result of which he died on October 26, 1909.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I think we ought to have an oral explanation of the bill from whoever is responsible for it.

Mr. WALSH. Mr. President, I am the author of the bill, and I shall be very glad to explain it.

The husband of the beneficiary of the bill was employed in the Lighthouse Service of the Government, operating in the harbor of Detroit, Mich. While in that service he was caught by a chain and thrown overboard and his leg crushed so that it had to be amputated twice. He suffered for a long time from these injuries, but recovered sufficiently so that eventually he was appointed a watchman and discharged some duties of that character for a while. He eventually died, in 1909, as his family claims as the result of the injury; that is to say, not directly, but that his general health was so impaired and his vitality so undermined that he succumbed to the illness from which he eventually died, and the bill was framed upon the basis of recovery for his death.

The matter was referred to the Department of Commerce for a report, and the report from them is found in the record. They are not able to trace any direct causal connection between the injury which he thus sustained in the service and his death; but they set out in the report that a large amount of expense was incurred by him for medical attendance and loss of time and that sort of thing during the time he was injured, and they recommend that payment be made to him of that amount—$1,345. The claim is a very just one.

I might say that I am interested in the matter because of some family connections of the lady with people in my State.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2530) for the relief of the Buffalo River Zinc Mining Co. was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

BRIDGE ACROSS SALT FORK OF ARKANSAS RIVER, OKLA.

The bill (S. 3423) to provide for the construction of a bridge across the Salt Fork of the Arkansas River near White Eagle Agency, in the Ponca Indian Reservation, Okla., was considered as in Committee of the Whole. It appropriates, out of any money in the Treasury not otherwise appropriated, the sum of $6,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, for the purpose of paying one-third of the cost of the construction of a bridge across the Salt Fork of the Arkansas River, between sections 3 and 10, township 24 north, range 2 east, Indian meridian, near White Eagle Agency, in the Ponca Indian Reservation, Okla., provided that no part of the money appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of Kay County and Noble County, in Oklahoma, satisfactory guaranties of the payment by said counties of at least two-thirds of the cost of such bridge, and that the proper authorities of the said counties assume full responsibility for and will at all times maintain and repair said bridge and the approaches thereto.

Mr. THOMAS. Mr. President, may I inquire from the Senator who introduced the bill and reported it why this $6,000 should be appropriated from the general funds instead of from the Indian funds?

Mr. OWEN. Mr. President, I will say to the Senator that adjacent to this point a number of different Indian tribes have been located, and the land is nontaxable. The white people who own lands in the vicinity appealed to the Interior Department with regard to it, showing that those Indian lands, which were scattered and not paying taxes, would be benefited in this proportion, and for that reason the Secretary thought it

was fair that the Government should make provision for the payment of one-third of the amount.

Mr. THOMAS. I notice that the bill refers to the White Eagle Agency in the Ponca Indian Reservation. The impression I had in my mind was that this was a bridge connecting the Indian reservation with the territory on the other side of the river.

Mr. OWEN. No; it runs across the Salt Fork and connects a lot of territory which has land belonging to white people, but also has Indian allotments which are nontaxable, and this is intended to meet the Indian proportion of it.

Mr. THOMAS. I should think that would be a proper State charge, or a proper charge against the Indian funds.

Mr. OWEN. The United States made this land nontaxable in the State of Oklahoma.

Mr. SMOOT. I will ask the Senator if the Indians who will be benefited by the building of this bridge have a credit in the Treasury of the United States?

Mr. OWEN. These allotments belong to members of the tribe. Whether these individuals have any available funds or not, I do not know; but the Secretary of the Interior in his letter of February 17 stated that he thought it was fair that this should be done.

Mr. SMOOT. I see that the Secretary of the Interior on February 12, 1916, says that considerable Indian land in these counties is not subject to taxation, and this appropriation is asked for by the county authorities because of this condition. He further says that he is submitting the facts in the case, leaving the question of the propriety of making the appropriation to the determination of Congress.

It seems to me that if this is wholly to benefit the Indians, and the lands are not taxable, the amount which should be paid by the Government ought to be charged to the Indian account, if they have one here.

Mr. OWEN. The apportionment is against the individual allottees who have the lands in contiguous territory. They are at different distances from the bridge. The Secretary in this paragraph of his letter says:

I have to state that all the information at my command indicates that it is only fair that the Government should assist the counties in the construction of the proposed bridge.

Mr. WALSH. The idea suggested by the question propounded by the Senator from Colorado has not been developed at all.

Mr. OWEN. The only question involved in the question of the Senator from Colorado was, Why should not the tribal funds provide this? The answer is that the benefits are going to individual allottees, according to their respective distances from the bridge.

Mr. WALSH. But that is always the case with a bridge on or adjacent to a reservation. Those nearest the bridge, in all probability, derive the greatest amount of benefit from it.

Mr. OWEN. That is true.

Mr. WALSH. Yet in all our operations of government we take a territory reasonably adjacent and subject it to the charge.

Mr. OWEN. I should have no objection if charged to the Ponca Tribe, to the individuals who have special benefit from it, of course, those in proximity to the bridge; but in the Ponca lands there have been various apportionments, these allotments have been made, and United States citizens are now paying taxes upon them.

Mr. WALSH. I speak of this because attention has been called to the fact that some of these Oklahoma Indians have enormous revenues. We have frequently endeavored to get the Government to aid in the construction of bridges very largely beneficial to reservations in our State out of Indian moneys and we have not been quite as successful as we hoped to be. It never addressed itself to me as a very proper expenditure of General Government funds to build those bridges, but, of course, if Congress gives approbation to a measure of this kind we shall be compelled to introduce a number of bills for the erection of such structures.

Mr. OWEN. I shall ask leave to amend the bill, in line 4, after the word "Treasury," by striking out "not otherwise appropriated" and inserting "to the credit of the Ponca Tribe of Indians."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 4253) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 4086) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States was announced as next in order.

Mr. THOMAS. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

BARKENTINE "MABEL I. MEYERS."

The bill (S. 3270) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 2, line 14, to insert "*Provided*, That no award or judgment shall be made for prospective profits," so as to make the bill read:

Be it enacted, etc., That the claim of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and the claim of the owners of the cargo of molasses late on board said barkentine, in alleged collision with the U. S. S. *Nebraska* about 30 miles southeast of Cape Cod, Mass., on the 30th day of July, 1915, for and on account of the losses alleged to have been suffered in said collision by the owners of said barkentine and by her master and crew, and by the owners of said cargo, may be submitted to the United States Court for the District of Massachusetts, the district nearest to which the collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty. And that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages, including interest, sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principles and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That no award or judgment shall be made for prospective profits.

SEC. 2. That should damages be found to be due from the United States to the owners or master or crew of said barkentine, or any or either of them, or to the owners of said cargo, or either of them, the amount of the final decree or decrees therefor, including interest and costs, shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit or suits shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The amendment was agreed to.

Mr. SMITH of Georgia. If there is any Senator here who has charge of the bill or knows about it——

Mr. OWEN. I should like to have an explanation of the bill.

Mr. SMOOT. Let the bill go over.

Mr. SMITH of Georgia. Yes; let it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMITH of Georgia. I objected a few moments ago to Senate joint resolution 114, withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes. I did not know that the joint resolution had been called at that time. I did not mean to object.

Mr. SMOOT. . have not read the joint resolution. Another Senator wants it to go over, and I will have to object on his account.

The PRESIDING OFFICER. The joint resolution will be passed over.

MIKE G. WOMACK.

The bill (S. 3533) for the relief of Mike G. Womack was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$20,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mike G. Womack, the sum of $1,000, in full compensation for injuries received by him on July 28, 1914, while in the performance of his duties as an employee of the United States Government in connection with the construction of roads within the Crater Lake National Park, in the State of Oregon.

Mr. SMITH of Georgia. I think we ought to have a word of explanation of the bill.

Mr. CHAMBERLAIN. The report on the bill is very short. The man was injured in a powder explosion upon a Government road through the carelessness of a coemployee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VOLUNTEER OFFICERS' RETIRED LIST.

The bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War Volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

ANATASIA HOGAN.

The bill (H. R. 4881) to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars was considered as in Committee of the Whole. It proposes to appropriate $88.27, for the purpose of reimbursing Anatasia Hogan, postmaster at Kegg, Bedford County, Pa., for money and stamps stolen from that office by burglars March 7, 1910, the said Anatasia Hogan having made good the loss to the Post Office Department out of her own funds by payment of the aforementioned sum to an inspector of the said department February 28, 1912.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPORTATION OF ALCOHOL.

The bill (S. 2304) concerning the exportation of alcohol and other distilled spirits was considered as in Committee of the Whole. It provides that under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, alcohol or other distilled spirits of a proof strength of not less than 180° intended for export free of tax may be drawn from receiving cisterns at any distillery, or from storage tanks in any distillery warehouse, for transfer to tanks or tank cars for exportation from the United States, and all provisions of existing law relating to the exportation of distilled spirits not inconsistent herewith shall apply to spirits removed for export under the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. DANIEL H. POWERS.

The bill (S. 746) to remove the charge of desertion from the military record of Capt. Daniel H. Povers was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Capt. Daniel H. Powers, late of the Sixth Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment, but other than as above set forth no pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. COL. EDWARD W. WHITAKER.

The bill (S. 2517) for the relief of Edward W. Whitaker was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, on page 2, line 14, after the word "extent," to insert:

Provided, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward W. Whitaker (late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general, United States Volunteers, who enlisted as a private April 15, 1861, in Company A, First Regiment Volunteer Infantry, on President Lincoln's first call for volunteers, and served in the field during the war from Bull Run to Appomattox, receiving promotion through every grade to lieutenant colonel for gallantry in action on recommendations of his commanding officers and then specially brevetted brigadier general of United States Volunteers over many senior officers for skill and gallantry displayed in the three last and decisive battles that ended the war, he having participated in 82 engagements, and being so disabled in the last that he declined to accept an appointment issued to him as captain in the Seventh Regiment United States Cavalry, on which he could have been retired as lieutenant colonel, the rank held when disabled) a lieutenant colonel of Cavalry in the Army of the United States; and, when so appointed, he shall be placed upon the retired list of the Army, unlimited, with the pay and emoluments of a retired officer of that grade, the retired list being thereby increased in number to that extent: *Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.

The amendment was agreed to.

Mr. CLARK of Wyoming. What is the historical reference there that we are enacting into law?

Mr. BRANDEGEE rose.

The PRESIDING OFFICER. The Senator from Connecticut can undoubtedly explain it.

Mr. BRANDEGEE. It is a bill that I introduced and it comes from the Committee on Military Affairs. Why the committee included in the bill for passage the historical reference I do not know, and I have no objection to that part being stricken out.

Mr. CLARK of Wyoming. I move that that part be stricken out because it savors more of a vote of thanks by Congress than anything else. Of course it served to explain the legal status but I move to strike out, beginning with the words "who enlisted as a private" in line 7 on page 1, down to and including the word "disabled" in line 10, page 2.

Mr. BRANDEGEE. Before the motion is put, Mr. President, as the part of the bill to which the Senator from Wyoming has alluded is printed, I wish to make a very brief statement about the case. I have been here in the two Houses of Congress for 14 years now, and I have introduced a great many pension bills during that time, as, of course, other Senators have done. In all my experience this is the most deserving and the most remarkable case I have ever had.

I hold in my hand the record of this soldier, which I secured from the office of the Secretary of the Senate. It is certified to by The Adjutant General of the Army. This soldier enlisted as soon as the war broke out. He came from my own county in Connecticut. He was about 18 years old, I believe, at the time; I do not remember exactly; he was under 20 anyway. He participated in 82 engagements. He fought during the entire war from the first Battle of Bull Run, and was the first man within the lines of the enemy at the surrender at Appomatox. He has been awarded the medal of honor by the President of the United States.

I have here all the official papers from the War Department, the indorsement of his old commanders, Gens. Wilson, Grant, and Sheridan. He served under Custer. He repeatedly penetrated the enemy's lines bearing dispatches, at the head of a company of Cavalry, and carried the most important dispatches during the war. I am going to read just one testimonial by Gen. James M. Wilson, late major general of Volunteers, which will show the kind of service this man rendered.

STOCKBOND, WILMINGTON, DEL.,
February 27, 1895.

JAMES R. DURHAM, Esq.,
Washington, D. C.

DEAR SIR: Absence from home has prevented an earlier acknowledgment of your favor of February 24.

I note with regret that my letter in regard to Gen. E. W. Whitaker's distinguished services in cutting his way through from Reams Station to headquarters, near Petersburg, with dispatches for Gen. Meade has been mislaid or lost, and my regret is all the keener as I find I failed to keep a copy of the letter in question.

I now beg to replace it by what follows:

E. W. Whitaker, then a captain of the First Connecticut Cavalry, served on my staff as an aid-de-camp while I was commanding the Third Division, Cavalry Corps, Army of the Potomac, and at all times and upon many occasions showed himself to be a very able and conspicuously gallant officer, but he rendered peculiarly valuable and courageous service in carrying dispatches through the enemy's lines from me to Gen. Meade.

As the officials records will show, the command, after destroying the railroads between Petersburg and the Roanoke River and inflicting great injury upon the Confederate cause, had got back to the immediate vicinity of Reams Station, where it found itself confronted by a strong force of rebel cavalry and infantry. On arriving on the field in the early morning a reconnoissance of the enemy's lines convinced me that we should have to cut and run for it unless Gen. Meade should speedily send a relieving force to open the road for us, but inasmuch as Gen. Meade could have no means of knowing the perils which surrounded us it was necessary for me to open communication with him. Headquarters were not over 5 miles away, but a strong force of veteran Confederate Infantry lay straight across the way, and was supported by Fitzhugh Lee's cavalry. Their position was a strong one, and the oldest cavalrymen regarded it as impregnable for our jaded force. Upon indicating my desire to get information through to Gen. Meade, Capt. Whitaker volunteered to take it and his offer of services was accepted. A single troop of Cavalry was selected to escort him, and as soon as the necessary dispatch could be written he set out upon his perilous mission, and within an hour he had cut his way through the Confederate lines and delivered his dispatch at Army headquarters. The details of his exploit will be found in the official records, but no one except himself and those who saw him ride so gallantly into and through the rebel lines can promptly appreciate the dangers he ran or the value of the services rendered by him. It is true that Gen. Meade did not succeed in getting any part of his force to Reams Station till after noon and after we had retired, but that was no fault of Capt. Whitaker's. He did his whole duty with rare skill, dash, and courage, and I trust may be rewarded by the medal of honor and the proper acknowledgment of his distinguished services upon that occasion.

Yours, very respectfully,

JAMES H. WILSON,
Late Major General Volunteers.

Mr. President, this soldier was repeatedly mentioned in reports for conspicuous gallantry on the field of action; he was wounded; and if ever a soldier is entitled to this small congressional recognition this man is.

Mr. CLARK of Wyoming. Mr. President, certainly in making a motion to amend by striking out the words in parentheses I had no desire or thought of reflecting on the gallantry of this very gallant officer, but it seems to me the record contained in the bill ought not to be enacted into the body of the law. The record is contained in the department and it is a historical record. The Senator from Connecticut has been here a great many years and I have been here perhaps an equal number of years. I think probably this is the only instance where an historical record of this sort has been sought to be embodied in a law. Therefore I make my motion to strike out.

Mr. BRANDEGEE. As I stated to the Senator, I have no objection to his amendment. On the contrary, I rather feel grateful to him for having made it, as it gives me opportunity to insert in the RECORD some of the things that ought to be said about this gentleman.

Mr. MYERS. Mr. President, I served upon the subcommittee of the Committee on Military Affairs that considered this bill, and it was the opinion of the subcommittee, after thoroughly investigating the bill and the circumstances attendant upon it, that this is a very worthy, meritorious, and deserving case of a very brave and gallant soldier who had not been treated right and had not been properly recognized nor sufficiently rewarded by his country. The subcommittee was so deeply impressed with the soldier's service and the merits of the bill that the subcommittee thought it fit and proper to indorse the gracious little tribute to his worthy and gallant services to his country which is found in the bill in the recital of the soldier's deeds. The subcommittee felt that if everyone knew the circumstances as well as the subcommittee did, no one would object to this little tribute to this old soldier's worth and merit. I feel that it but feebly makes amends for the poor treatment which he has received at the hands of his Government and that no one understanding it would object to it, nor to the passage of the bill.

Therefore the subcommittee very heartily recommended for passage the bill as it appears before the Senate to-day, and I believe the full committee likewise was unanimous in favor of it. It is tardy justice in small measure to a gallant old soldier, and I trust the bill may pass just as recommended by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. I ask permission to insert as a part of my remarks the record of this soldier.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

CASE OF EDWARD W. WHITAKER, LATE CORPORAL, COMPANY A, FIRST REGIMENT CONNECTICUT INFANTRY VOLUNTEERS; FIRST LIEUTENANT, COMPANY C, AND CAPTAIN COMPANY D, SECOND NEW YORK CAVALRY VOLUNTEERS; CAPTAIN COMPANY E AND LIEUTENANT COLONEL, FIRST CONNECTICUT CAVALRY VOLUNTEERS; AND BREVET BRIGADIER GENERAL, UNITED STATES VOLUNTEERS.

Reports in the case of this officer have been furnished to Congress by this department on dates and in connection with measures as follows: June 29, 1906, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 20388, Fifty-ninth Congress, first session, proposing to appoint Gen. Whitaker as captain, United States Army, and place him on the retired list; January 27, 1908, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 4193, Sixtieth Congress, first session, of the same import as the measure referred to, and in connection with this measure supplementary data were furnished on February 12, 1908, to the same committee; January 16, 1911, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 9998, Sixty-first Congress, first session, of the same import, with the recommendation by this department that the bill do not receive favorable consideration; February 26, 1912, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 18540, Sixty-second Congress, second session, proposing to appoint him as lieutenant colonel of Cavalry, United States Army, and place him on the retired list; May 13, 1912, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 6274, Sixty-second Congress, second session, of the same import; and February 6, 1913, to Hon. J. L. Bristow, for use in connection with Senate resolution No. 348, Sixty-second Congress, second session, proposing to authorize and direct the Secretary of War to furnish the Senate with a full and detailed statement of his military history, with the recommendation by this department that the resolution be not adopted.

Although the reports referred to hereinbefore set forth the information ordinarily furnished in connection with proposed legislation of this character, yet Gen. Whitaker has been dissatisfied with those reports, because they do not furnish all the details of his military service, and he has repeatedly importuned this department to supply Congress with a full and detailed statement of his military career. The Secretary of War has finally directed that a full report be furnished in the case, setting forth every record found regarding the military services of the officer. Such a report, based upon the official records in the War Department, is set forth hereinafter, and this report includes every item that has been found in those records relative to the military services of this officer.

Edward W. Whitaker was enrolled April 19, 1861, at Hartford, Conn., and was mustered into the military service of the United States April 22, 1861, as a corporal of Company A, First Connecticut Infantry Volunteers, to serve three months, his age at the time being stated on the records as 20 years. It appears that he served faithfully as a member of the organization until July 31, 1861, when he was mustered out and honorably discharged from service with the company, at New Haven, Conn., as a corporal.

The said Whitaker was again enrolled August 21, 1861, at Hartford, Conn., and was mustered into service, August 29, 1861, at Camp Lyon, N. Y., as a sergeant of Capt. Thornett's company, Harris's Light Cavalry, which was also known as Company D, Second New York Cavalry Volunteers, to serve three years. It appears that he was present for duty with the company as a sergeant until January 10, 1862, when he was promoted to be quartermaster sergeant thereof in a regimental order bearing that date. He was accounted for on the rolls of the company as quartermaster sergeant thereafter until August 14, 1862, when, upon the recommendation of the captain in command of the company, he was promoted to be first (or orderly) sergeant thereof. He performed duty as such until September 24, 1862, when he was detailed as sergeant major of the regiment, and while so serving an order was issued from the headquarters of the organization, on November 16, 1862, in which it was announced that he was thereby appointed regimental sergeant major, to date from September 24, 1862. By reason of this appointment, he was transferred from Company D to the noncommissioned staff of the regiment, and it appears that he served therewith from September 24 to November 16, 1862, to take effect from which last-named date he was mustered out as regimental sergeant major, near Belle Plain, Va., to enable him to accept promotion.

On January 10, 1863, the commanding officer of the Second New York Cavalry Volunteers addressed a communication to the adjutant general of the State of New York, forwarding for the consideration of the governor of that State a recommendation that Whitaker be promoted to be second lieutenant, vice another officer who was promoted to a higher grade November 16, 1862. The recommendation made by the regimental commander was favorably considered, and on January 22, 1863, a commission was issued by the governor, in which it was recited that Whitaker was thereby appointed to be a second lieutenant in the Second New York Cavalry Volunteers, to rank as such from November 16, 1862.

On February 10, 1863, Whitaker received a leave of absence, and it appears that he remained absent from the regiment thereafter until on or about February 27, 1863, when he was mustered into service as second lieutenant of Company C, same regiment, entries appearing upon the muster-in roll purporting to show that the muster in was to date from November 16, 1862. He was accounted for as present for duty with Company C on February 28, 1863; as officer of the guard March 2, 1863, and as officer of the day March 13, 1863. Shortly thereafter he was detailed as acting adjutant of the regiment and signed orders as such from March 26 to April 12, 1863.

On April 9, 1863, the commanding officer of the regiment addressed a communication to the adjutant general of the State of New York, in which he recommended that Whitaker be promoted to be first lieutenant of Company C, Second New York Cavalry, vice another officer promoted to a higher grade on March 16, 1863. The recommendation was considered favorably and he was duly appointed by the governor of New York as of that grade, to rank as such from March 16, 1863. He was not formally mustered into service as first lieutenant until September 10, 1863, when he was so mustered in to date from June 11, 1863. It appears, however, that he actually performed the duties of a first lieutenant from March 16, 1863, and upon application for recognition as first lieutenant from that date, under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was and is recognized by the War Department as having been in the military service of the United States as first lieutenant from March 17, 1863, the earliest date on which a vacancy existed for him as first lieutenant in the organization mentioned.

It appears from the records that the officer was performing the duties of first lieutenant with Company C, or was acting as adjutant of the regiment, thereafter until on or about June 13, 1863, when he was detailed as aid-de-camp on the staff of Brig. Gen. J. Kilpatrick, who was then in command of the Second Brigade, Second Division, Cavalry Corps. While so serving he made application, in a letter dated at Aldie, Va., June 18, 1863, for permission to take home to Connecticut the bodies of his brother and one other officer, killed in an engagement on the preceding day. The application was approved and forwarded through military channels, but nothing has been found of record to show specifically whether the leave asked for was granted.

The officer was accounted for on the company records dated June 30, 1863, and for the month of July, 1863, as absent, aid-de-camp to Gen. Kilpatrick. On July 30, 1863, he was admitted to the Seminary General Hospital at Georgetown, D. C., suffering with intermittent fever, and the records of the hospital indicate that he remained in that institution and was under treatment continuously thereafter, for the disease mentioned, until August 31, 1863, when he was pronounced fit for duty and ordered to rejoin the command to which he belonged.

In a report dated August 10, 1863, relative to the part taken by the Third Division in the Maryland and Pennsylvania campaign (the full text of which report is printed in the Official Records of the Union and Confederate Armies, Series I, Vol. XXVII, pp. 991 996), Gen. Kilpatrick, then in command of the division, mentioned Whitaker, in referring to an engagement of July 6, 1863, near Williamsport, Md., as follows:

"* * * I can not pass over this engagement without mentioning a few among the many individual cases of gallantry that came under my own observation: * * * The officers of my regular staff, * * * Lieut. Whitaker * * *, all did their duty in this engagement, as they have in all others, like brave and gallant gentlemen."

On August 16, 1863, an order was issued, a pertinent extract of which is as follows:

[General Order No. 7.]

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
Hartwood Church, Va., August 16, 1863.

The following-named officers are hereby announced as the staff of the brigadier general commanding division. They will be obeyed and re-

spected accordingly: * * * Lieut. E. W. Whitaker, Second New York Cavalry, aid-de-camp * * *.

By command of Brig. Gen. J. Kilpatrick.

L. G. ESTES, *A. A. A. G.*

On records of the Third Division, Cavalry Corps, Army of the Potomac, for the months of August and September, 1863, Whitaker was accounted for as an aid-de-camp on the staff of the officer in command of the division, Gen. Kilpatrick.

In a report dated October 26, 1863, printed in the Official Records of the Union and Confederate Armies, Series I, Volume XXIX, Part 1, Brig. Gen. Henry Prince mentioned Whitaker three different times as the representative of Gen. Kilpatrick, and again in a report printed on pages 328–329 of the same volume he was referred to as having furnished information to the commanding officer of the One hundred and twentieth Regiment, New York State Volunteers.

On October 29, 1863, Whitaker was detailed as judge advocate in an order, a pertinent extract of which is as follows:

[General Orders, No. 24.]

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
October 29, 1863.

* * * Lieut. E. W. Whitaker, A. D. C. to Brig. Gen. Kilpatrick, is hereby detailed as judge advocate, general court-martial, convened by General Orders, No. 22, Headquarters, Third Cavalry Division, October 28, 1863.

By command of Brig. Gen. Kilpatrick.

L. G. ESTES, *A. A. Genl.*

In a report of Brig. Gen. H. E. Davies, jr., dated November 18, 1863, the full text of which is printed on pages 656 and 657 of the volume last mentioned hereinbefore, Whitaker was referred to as follows:

"Last evening I received instructions from Gen. Custer to detail from this command an escort to accompany Lieut. Whitaker and another officer in a reconnoissance to be made this morning at daylight to Elys Ford. In pursuance of this an order was sent Capt. Kingsland to furnish Lieut. Whitaker with 60 men for that purpose. Capt. Kingsland had also been previously instructed at daylight this morning to move his main reserve camp nearer to Stevensburg, leaving 50 men at the position he was holding. Lieut. Whitaker reached the headquarters of the regiment before daylight, and reveille was sounded and the whole command aroused. Lieut. Whitaker and an orderly from my headquarters who accompanied him both concur in saying that the horses in the camp were all saddled and bridled. * * *

"The party in charge of Lieut. Whitaker, which I have mentioned, had proceeded nearly 2 miles on the road to Germanna Ford, when they heard the firing and countermarched. On nearing the camp of the regiment they encountered what all concur in stating was a regiment of cavalry drawn up in a field on the right of the road, which charged them. The men retreated into the woods on the left of the road and skirmished for some time, but were obliged to fall back. The majority of them succeeded in reaching their regiment."

The officer was accounted for on November 3 and 30, 1863, as aid-de-camp on the staff of the officer in command of the Third Division, Cavalry Corps, Army of the Potomac, Gen. Kilpatrick, and on December 1, 1863, reported to The Adjutant General of the Army, as follows:

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
ARMY OF POTOMAC,
Stevensburg, Va., December 1, 1863.

ADJUTANT GENERAL UNITED STATES ARMY.

GENERAL: I have the honor to report, pursuant to General Order No. 244, current series, A. G. O., 1863, that I am an aid-de-camp on personal staff of Brig. Gen. Kilpatrick by virtue of General Order No. 7 these headquarters August 16, 1863, and am at present performing the duties of the office in the field. I am General,

Very respectfully, your obedient servant,

E. W. WHITAKER,
First Lieutenant, Second New York Volunteer Cavalry,
Aid-de-Camp.

On December 27, 1863, Whitaker applied for leave of absence in a letter of which the following is a copy:

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
ARMY OF POTOMAC,
Stevensburg, Va., December 27, 1863.

Capt. E. B. PARSONS,
Assistant Adjutant General.

CAPTAIN: I have the honor to apply for a leave of absence for 35 days to accompany my company of veteran Volunteers to Connecticut. I hereby declare my intention and willingness to serve for the new term of three years. Furloughs accompany this for three-fourths of my company, which reenlisted and were mustered previous to the 21st instant. I am, Captain,

Very respectfully, your obedient servant,

E. W. WHITAKER,
First Lieutenant Company C, Second New York Cavalry,
Aid-de-Camp.

The application was forwarded by Gen. Kilpatrick, approved, and the leave asked for was granted in an order dated December 29, 1863. On December 31, 1863, he was reported as absent on leave under the terms of that order, and on a record of the command to which he belonged, dated January 31, 1864, his name is borne without entry as to his presence or absence.

On February 23, 1864, an order was issued as follows:

[Special Orders, No. 12.]

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
February 23, 1864.

4. Lieut. E. W. Whitaker, aid-de-camp, is hereby announced as A. A. A. G. of this division during the absence of Capt. L. G. Estes, A. A. G.

By command of Brig. Gen. Kilpatrick.

L. G. ESTES,
Capt. and A. A. G.

From February 24 to April 1, 1864, Whitaker signed orders issued from the headquarters of the Third Division, Cavalry Corps, Army of the Potomac, "By command of Brig. Gen. Kilpatrick."

In a report of Brig. Gen. Henry E. Davies, jr., relative to the part taken by the First Brigade, Third Division Cavalry Corps, in a raid to Richmond, dated April 4, 1864, and printed on pages 190–194, Volume XXXIII, of the publication referred to, Whitaker was referred to in connection with military operations on March 1, 1864, as follows:

"* * * I then moved toward Richmond, passing Ashland station about a mile to my left and crossing the Richmond & Fredericksburg Railroad some 2 miles below Ashland. At this point the telegraph and railroad were destroyed and a party sent, in charge of Lieut. Whitaker, aid-de-camp on the staff of the general commanding division, to destroy a bridge on the line of the road, which object I believe was accomplished. * * *"

In a letter dated March 11, 1864, printed on page 242, same volume, Whitaker was mentioned as follows:

HEADQUARTERS CAVALRY EXPEDITION,
March 11, 1864.

BRIG. GEN. WISTAR,
Commanding Expedition.

GENERAL: Col. Onderdonk and Lieut. Whitaker, of my staff, have returned. Lieut. Whitaker reports having met some 15 of the enemy at King and Queen Courthouse yesterday. He drove them from the town and destroyed a large amount of government stores, consisting of grain and arms stored at the place. A company of rebel infantry was found stationed opposite Frazlers Ferry. At 2 p. m. Lieut. Whitaker joined Col. Onderdonk, who had been sent to attack the enemy at Carlton's store. The enemy, some 1,200 strong, was found encamped just beyond. The enemy was driven from his camp, his camp destroyed, several of the enemy killed and wounded, and 12 taken prisoners. Col. Onderdonk pursued the enemy until dark, when orders reached him to return.

* * * * * * *

Very respectfully,

J. KILPATRICK, *Brigadier General.*

Whitaker reported under date of April 10, 1864, as follows:

BEALETON, *April 10, 1864.*

Brig. Gen. KILPATRICK,
Commanding Third Division Cavalry:

Have reached here all right. Lost some men in crossing Mountain Run. Capt. Judson was at this point to-day for forage; had no news from Morrisville. The command from Second Division has just passed—6.15 p. m.

E. W. WHITAKER,
Lieutenant, Aid-de-Camp.

Whitaker was afterwards detailed as aid-de-camp on the staff of Brig. Gen. Wilson, in command of the Third Division, Cavalry Corps, and on April 24, 1864, signed an order by command of that officer.

On April 25, 1864, the adjutant general of Connecticut addressed The Adjutant General of the Army by letter, of which the following is a copy:

GENERAL HEADQUARTERS, STATE OF CONNECTICUT,
ADJUTANT GENERAL'S OFFICE,
Hartford, April 25, 1864.

Brig. Gen. L. THOMAS,
Adjutant General, Washington, D. C.

GENERAL: By direction of his excellency the governor I have the honor to request that First Lieut. Edward W. Whitaker, Second New York Cavalry, aid-de-camp to Gen. Kilpatrick, may be discharged, in order to enable him to accept a commission as captain in the First Connecticut Cavalry.

Very respectfully, your obedient servant,

H. J. MORSE, *Adjutant General.*

Thereupon an order was issued as follows:

[Special Orders, No. 162.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, April 29, 1864.

[Extract.]

* * * * * * *

3. At the request of the governor of Connecticut First Lieut. E. C. Whitaker, Company C, Second New York Cavalry, is hereby honorably discharged the service of the United States, to enable him to accept a commission in the First Connecticut Cavalry.

* * * * * * *

By order of the Secretary of War,

W. A. NICHOLS,
Assistant Adjutant General.

Apparently before receiving notice of his discharge in the order of April 29, 1864, Whitaker tendered his resignation in a letter, of which the following is a copy:

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
May 1, 1864.

Lieut. Col. C. KINGSBERY, Jr.,
Assistant Adjutant General.

COLONEL: I have the honor to herewith tender my resignation as first lieutenant Company C, Second New York Cavalry, to enable me to accept promotion as captain in First Connecticut Cavalry.

I am, Colonel, very respectfully, your obedient servant.

E. W. WHITAKER,
First Lieutenant Company C, Second New York Cavalry.

The resignation of the officer was accepted in Special Orders, No. 123, paragraph 7, issued from the headquarters of the Cavalry Corps on May 2, 1864, a copy of which is as follows:

[Special Orders, No. 123.]

HEADQUARTERS CAVALRY CORPS,
ARMY OF THE POTOMAC,
May 2, 1864.

[Extract.]

* * * * * * *

7. First Lieut. E. W. Whitaker, Second New York Cavalry, having tendered his resignation, is hereby discharged the service, to enable him to accept commission as captain in First Connecticut Cavalry, his discharge to date April 30, 1864.

* * * * * * *

By command of Maj. Gen. Sheridan.

C. KINGSBERY, Jr.,
Assistant Adjutant General.

After the close of the war, with a view to fix the date of discharge of the officer as a member of this organization, an order was issued as follows:

[Special Orders, No. 198.]

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, August 19, 1868.

[Extract.]

* * * * * * *

9. By direction of the Secretary of War so much of Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, as relates to First Lieut. E. C. Whitaker, Second New York Cavalry, is hereby amended to read "First Lieut. E. W. Whitaker."

10. By direction of the Secretary of War so much of Special Orders, No. 123, paragraph 7, May 2, 1864, from Headquarters Cavalry Corps, Army of the Potomac, as discharged First Lieut. E. W. Whitaker, Second New York Cavalry, to date April 30, 1864, to enable him to accept a commission in First Connecticut Cavalry, is hereby revoked, he having been previously discharged for the same reasons by Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, amended by Special Orders, No. 198, paragraph 9, August 19, 1868, from this office.

* * * * * * *

By command of Gen. Grant.

E. D. TOWNSEND,
Assistant Adjutant General.

In the meantime, the colonel commanding the Second Regiment New York Cavalry Volunteers, in a letter dated March 20, 1864, addressed to the adjutant general of New York, recommended certain promotions in the regiment, among them being a recommendation that Whitaker be commissioned as a captain in the regiment, referring to him in terms as follows:

"* * * The above-named commissioned and noncommissioned officers are all well deserving their promotion, and none of them more than Lieut. Whitaker, who is one of the ablest and most trustworthy officers of this command; and I would most respectfully request that the above recommendations be confirmed."

Whitaker was duly appointed by the governor of New York as a captain in the Second New York Cavalry, in a commission issued April 29, 1864, to rank as such from January 30, 1864, which commission, it will be observed, was issued on the date of his first discharge order as a member of that organization. He was not mustered into service as of that grade and organization in the Civil War, but under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was, and is, recognized by the War Department as having been in the military service of the United States in the grade of captain of Company D of the regiment from January 30, 1864, and as having been discharged from service as such instead of as first lieutenant, the grade set forth in his discharge order.

It is stated on the records of the Second New York Cavalry that the officer was 20 years of age at the date of his enlistment; that he was born in Killingly, Conn., and was by occupation a teacher; that he was 6 feet high; and that he had light complexion, blue eyes, and light-brown hair.

The said Whitaker was duly appointed by the Governor of Connecticut to be a captain in the First Regiment Connecticut Cavalry Volunteers, to rank as such from April 23 or 25, 1864, and the receipt of the commission, as such, as indicated by a certificate, of which the following is a copy:

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
ARMY OF THE POTOMAC,
OFFICE AID-DE-CAMP OF MUSTERS,
May 2, 1864.

I certify on honor that E. W. Whitaker, first lieutenant Company C, Second Regiment New York Cavalry, received May 1 from the governor of Connecticut a commission as captain in the First Regiment Connecticut Cavalry, bearing date April 25, and can be mustered in to date, May 1, 1864.

JACOB BRISTOL,
First Lieutenant, Fifth Michigan Cavalry,
Aid-de-Camp of Musters, Third Division Cavalry Corps,
Army of the Potomac.

Whitaker was mustered into service as captain in the First Connecticut Cavalry Volunteers May 3, 1864, at Stevensburg, Va., to serve three years, and entries appearing upon the individual muster-in roll, as such, show that he entered upon the performance of duty as captain on May 3, 1864, the date of the muster. He was assigned to Company E of the regiment, and on the records of the company he was accounted for as on detached service from May 3, 1864 (the date of his muster in as captain), as acting aid-de-camp on the staff of Gen. Wilson, then in command of the Third Division, Cavalry Corps, Army of the Potomac. On a record of the latter command for the month of May, 1864, Whitaker was accounted for as an acting aid-de-camp on the staff of the general commanding; in a communication dated June 2, 1864, he was referred to as such; and in a report dated July 4, 1864, relative to the part taken by the Cavalry Division in the expedition to destroy the Richmond & Danville Railroad, Brig. Gen. Kautz stated that during the night of June 23, 1864, "Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands opposing his advance."

In a report relative to the part taken by troops under his command in an expedition against the South Side and Danville Railroads, dated July 3, 1864, and printed on pages 625–630, series I, volume 40, part 1, of the publication mentioned hereinbefore, Gen. Wilson referred to Whitaker as follows:

"* * * The First Brigade was held on the road to Hungarytown in order that when Kautz's position became known exactly I might have choice of roads and the certainty of forming a junction with him. Capt. Whitaker, of my staff, was detached, with a squadron, to communicate with him. He carried orders for Kautz to join by the road from the railroad junction to Lewiston, in case he found it necessary to leave the railroad.

* * * * * * *

"The advance reached Wyllieburg by daylight on the morning of the 26th and halted. * * * Early the next morning the march was resumed, the column crossing the Meherrin at Saffold's Bridge and going thence east to Great Creek, on the Boydton Plank Road. From this place it moved to Poplar Mountain, in Greensville County, crossing the Nottoway at the Double Bridges, near the mouth of Hardwood Creek. I arrived there about noon on the 28th, where I learned that the enemy had a small force of infantry at Stony Creek Depot, on the Weldon road, and two small detachments of cavalry which had been cut off from Lee's division when we marched southward. The most diligent inquiry from the negroes and captured pickets gave me information of any other force. This, together with the fact that the road from Double Bridges to Prince George Courthouse passes two miles to the westward of Stony Creek Depot, induced me to take that route, and accordingly the advance was pushed forward with the utmost rapidity, with orders to drive in the reserve picket at the crossing of the road just mentioned and the one from Stony Creek Depot to Dinwiddie Court House and clear the road for the main column. This order was handsomely executed under the directions of Capt. Whitaker, of my staff, and state of affairs found to be nearly as represented. * * * In the meantime, anticipating difficulty of a serious nature, I endeavored to open communication with the infantry in front of Petersburg, and finally detached Capt. E. W. Whitaker, First Connecticut Cavalry, of my staff, with about 40 men of the veteran Third New York Cavalry. I have since learned he succeeded in reaching Army Headquarters about 10 a. m. On his way he gallantly rode through the enemy's cavalry and infantry columns in motion, escaping with 20 men. * * * The greatest credit is due to officers and men for their endurance, sleepless exertion, and gallantry. * * * My own staff, particularly Capt. Whitaker, First Connecticut Volunteers; * * * did their duty with great intelligence and unceasing industry."

With regard to military operations on June 24–29, 1864, Gen. Wilson in a report dated February 18, 1865 (published on pp. 620–625, same volume), referred to Whitaker as follows:

"* * * Just before daylight of the 24th, having heard of Kautz's success at Burkeville through Capt. Whitaker, of my staff, whom I sent to communicate with him, I withdrew from the position near Nottoway Court House and by a rapid march through Hungary, we soon struck the Danville Railroad near Meherrin Station. * * * I determined, therefore, to lose no time, but push on with rapidity to that place, drive the pickets back to the Stony Creek Depot, and under cover of darkness march the whole command as rapidly as possible toward Prince George Court House. The advance guard, under the direction of Capt. Whitaker, of my staff, found the picket posted, as I expected, at the church, and by a spirited dash drove it toward the depot. This success had scarcely been reported before the enemy received reinforcements, and in turn drove back the advance guard to the head of the column. * * *

At 7 a. m., June 29, Gen. Kautz's advance arrived in the neighborhood of that place, but instead of finding it in the possession of the infantry of the Army of the Potomac found Hoke's division of rebel infantry strongly posted. He attacked them at one, but after capturing about 60 prisoners was compelled to withdraw his troops. By 9 a. m. the entire command was united. Having remained with McIntosh throughout the night, I did not arrive until about 8 a. m. I had previously sent Capt. Whitaker, of my staff, forward with instructions to make his way with the utmost rapidity to Gen. Meade's headquarters. * * * I confidently hoped that either the firing of our artillery or the message of Capt. Whitaker would bring troops to our assistance * * *."

Whitaker was also mentioned in other reports, pertinent extracts of which are as follows:

HEADQUARTERS ARMY OF THE POTOMAC,
June 29, 1864—10.40 a. m.

Maj. Gen. MEADE,
Commanding Army of the Potomac,
at Gen. Burnside's Headquarters:

Capt. Whitaker, of Gen. Wilson's staff, reached here some 15 or 20 minutes ago. * * * Capt. Whitaker thinks that Wilson succeeded in following the trains and that his whole force is in the vicinity of Reams's Station and that the whole force of the enemy's cavalry have probably concentrated there. Will you send an infantry force there?

A. A. HUMPHREYS,
Major General and Chief of Staff.

—

HEADQUARTERS ARMY OF THE POTOMAC,
June 29, 1864—(Sent 11.30 a. m.)

Maj. Gen. MEADE,
Commanding Army of the Potomac,
at Gen. Burnside's Headquarters:

I should have added in my dispatch that Capt. Whitaker informs me that seeing an opening in the dust of the enemy's columns moving along a road near Reams's Station he forced his way through it, losing half his escort, 40 in number.

A. A. HUMPHREYS,
Major General and Chief of Staff.

(Reports printed in Official Records of the Union and Confederate Armies, Series I, vol. XL, pt. II, p. 493.)

—

HEADQUARTERS ARMY OF THE POTOMAC,
June 29, 1864—1.40 p. m.

Maj. Gen. WRIGHT,
Commanding Sixth Corps:

Your dispatch received. The commanding general wishes you to follow your division with your whole corps as promptly as possible, leaving your pickets as they are posted. Capt. Whitaker, of Gen. Wilson's staff, who reported this morning, states that the cavalry that followed Wilson and opposed him on the Meherrin were commanded by W. H. F. Lee, and were composed of Chambliss's, formerly Lee's; Barringer's, formerly Gordon's; and Dearing's brigades; that besides this command another was concentrated at the crossing of Stony Creek (10 miles north of Reams's Station), which had been two days collecting from Petersburg, according to the statement of the people of the country. They took a prisoner from Rosser's brigade.

A. A. HUMPHREYS,
Major General and Chief of Staff.

(Report printed, p. 507, same volume.)

—

CITY POINT, *July 1, 1864—2 p. m.*
(Received 8.20 a. m.—20.)

I have just seen Gen. Kautz and have obtained from him a clearer idea of the disaster to Wilson's Cavalry. It seems Wilson had been led to believe by a dispatch from Gen. Meade that our lines had extended around to the Appomattox, or at least across the Weldon Railroad. He was, accordingly, confident of finding our pickets at Reams's Station or near there. After he crossed the Sappony, on what is called

the stage road, he was attacked by Hampton's Cavalry; fought them Tuesday afternoon and night between that stream and Stony Creek, relying all the while on aid from the Army of the Potomac, which he supposed to be in hearing of his cannon. One of his aides, Capt. Whitaker, also cut his way through with a company and reported the case at Gen. Meade's but succor could not be got up in season. * * *

C. A. DANA.

Hon. E. M. STANTON, *Washington.*

(Report printed, Part I, same volume, p. 29.)

—

HEADQUARTERS SIXTH ARMY CORPS,
June 30, 1864—11.30 a. m.

Maj. Gen. HUMPHREYS:

* * * * * * *

Capt. Whitaker, who is out with the Cavalry on the Dinwiddie Road, reports that at least four guns were carried off by the enemy, and prisoners claim to have seen seven on the way to Petersburg. Capt. W can find no guns, but has discovered three or four limbers, which I have sent for. * * *

H. G. WRIGHT,
Major General, Commanding.

(Report printed, Part II, same volume, p. 526.)

—

HEADQUARTERS CAVALRY DIVISION,
Camp near Jones Neck, Va., July 4, 1864.

CAPTAIN: I have the honor herewith to submit my report of the operations of the division under my command in the expedition to destroy the Richmond & Danville Railroad. * * * During the night Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands, opposing his advance. * * * Capt. Whitaker, of Gen. Wilson's staff, volunteered to go through the enemy's lines with a company of Cavalry, and other scouts were started to go into our lines. * * *

Very respectfully, your obedient servant,

AUGUST V. KAUTZ,
Brigadier General of Volunteers, Chief of Cavalry.

Capt. L. SIEBERT,
Assistant Adjutant General, Third Division, Cavalry Corps.

(Report printed, Part I, same volume, pp. 730–733.)

Copies of reports made by Whitaker on June 29 and 30, 1864, are as follows:

REAMS' PUMP, PETERSBURG & WELDON RAILROAD,
June 29, 1864—8.25 p. m.

[Gen. A. A. HUMPHREYS,
Chief of Staff.]

GENERAL: Gen. Wright's advance is now here and not engaged anywhere. The enemy's infantry are out 1 mile on the Dinwiddie Courthouse Road, reported to be one brigade strong, the other brigade that was here having gone toward Petersburg from here. All the enemy's cavalry have gone after Gen. Wilson, who, I believe, has been obliged to retire a long way, as I have heard a gun very distant west. I can not devise any way to find Gen. W[ilson]. Gen. Wright has a few Cavalry, but by night I can not take them through. Would respectfully beg that professional scouts be sent to communicate with him and his pursuers engaged in rear early. Knowing the exhausted and encumbered condition of his command and the force about him, I have the greatest anxiety for his safety.

I beg pardon for this irregularity, and am,

Very respectfully, your obedient servant,

E. W. WHITAKER,
Captain and Aid-de-Camp.

(Printed, Part II, same volume, pp. 508–509.)

—

REAMS STATION, *June 30, 1864—12.30 p. m.*

Maj. Gen. HUMPHREYS,
Chief of Staff, Army of the Potomac.

GENERAL: In a reconnoissance toward Dinwiddie Courthouse, I have just learned that a train of 200 empty wagons passed the courthouse at 9 this a. m. going from Petersburg to Stony Creek after forage, "guarded by North Carolina infantry, eight men to a wagon, with front and rear guard." The enemy's infantry have all moved toward Petersburg. Their cavalry have followed the road to left and south of Dinwiddie Courthouse, in which direction Gen. Wilson went. I have taken charge of the Cavalry with Gen. Wright, at his request, and am covering all roads on his front and flanks. Should you have no further orders for me, shall I not remain here, do and learn all I can, and report through or to Gen. Wright? My escort I left at your headquarters, being worn out; if now rested, they could be valuable with me. I am, General,

Very respectfully, your most humble and obedient servant,

E. W. WHITAKER,
Captain and Acting Aid-de-Camp.

(Printed, same volume, p. 526.)

On a record of the Third Division, Cavalry Corps, Army of the Potomac, for the month of June, 1864, Whitaker was reported as acting aid-de-camp on the staff of the commanding general, and on July 4, 1864, report was made to the Adjutant General of the Army, a pertinent extract of which is as follows:

HEADQUARTERS, THIRD DIVISION, CAVALRY CORPS,
July 4, 1864.

Brig. Gen. L. THOMAS,
Adjutant General, United States Army,
Washington, D. C.

GENERAL: In pursuance of General Order No. 244, War Department, series of 1863, I have the honor to report the following-named officers on duty with me as aids-de-camp:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Cavalry.

* * * * * * *

I have the honor to be, General,

Very respectfully, your obedient servant,

J. H. WILSON,
Brigadier General Commanding Division.

Chief of Staff.]

On July 9, 1864, an order was issued as follows:

[Special Orders, No. 53.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., July 9, 1864.

1. Capt. E. W. Whitaker, of the Third Division, Cavalry Corps, Army of the Potomac, will proceed to Washington, D. C., and report to Brig. Gen. Casey, president of the Examining Board for Officers of United States Colored Troops, for examination.

* * * * * * *

By command of Lieut. Gen. Grant.

E. S. PARKER,
Assistant Adjutant General.

On the same day Hon. C. A. Dana, then Assistant Secretary of War, telegraphed to the War Department as follows:

FROM GRANT'S HEADQUARTERS, *July 9, 1864.*

Col. J. A. HARDIE:

Capt. Whitaker, of Wilson's staff, goes up to Washington, under orders from Gen. Grant, that he may present himself for examination before Casey's board; he wants to be a colonel of a black regiment, and from my own observation of him and the testimony of his officers he would make a first-rate one. If colonels are wanted for Burbridge's regiments in Kentucky, I would recommend him; you will oblige me by giving the necessary order for his examination or by speaking to the Secretary about him.

C. A. DANA.

It appears that Whitaker proceeded to Washington, D. C., and on July 11, 1864, an order was issued in his case as follows:

HEADQUARTERS DEPARTMENT OF WASHINGTON,
Twenty-second Army Corps, July 11, 1864.

* * * * * * *

Whitaker, Capt. E. W., First Connecticut Cavalry.

* * * * * * *

To the above, sir:

The major general commanding directs that you report for duty without delay to Col. William Gamble, Camp Stoneman.

Very respectfully, your most obedient servant,

C. H. RAYMOND,
Assistant Adjutant General.

Copies of communications relating to duties performed by Whitaker on July 13–16, 1864, are as follows:

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON,
Camp Stoneman, July 13, 1864.

Respectfully referred to Maj. Gen. Doubleday, in reference to communication just received.

In compliance with within order, 100 mounted men are about to march from here to Col. Lowell.

This takes every available mounted man in my command, save the 100 under Capt. Whitaker on picket in front of Forts Mahon and Meigs, whom I would respectfully ask to have relieved to enable me to comply with Gen. Augur's orders.

W. GAMBLE,
Colonel, Commanding Cavalry Division.

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON, D. C.,
Camp Stoneman, July 14, 1864.

Lieut. Col. B. R. G. STONE,
Acting Aid-de-Camp and Chief of Staff.

COLONEL: Since the receipt of Gen. Doubleday's communication of this morning, saying that Capt. Whitaker and command had disappeared from in front of Forts Mahon and Meigs, the bearer of this has brought a dispatch from the captain asking for forage and rations. The orderly says that Capt. Whitaker is where he has been all the time, and that his line has not been changed. If you will send him duplicate of the orders sent by the orderly, who could not find him, this man will deliver them direct to the captain. Let him report here and I will supply him forage and rations.

I remain, very respectfully,

W. GAMBLE,
Colonel, Commanding Cavalry Division.

HEADQUARTERS CAVALRY DIVISION,
Camp Stoneman, 11 a. m.—July 14, 1864.

Respectfully forwarded.

I know nothing of the whereabouts of Capt. Whitaker and his men. When last heard from, was in front of Forts Mahon and Meigs.

W. GAMBLE,
Colonel, Commanding Cavalry Division.

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON, D. C.,
Camp Stoneman, July 15, 1864.

Lieut. Col. J. H. TAYLOR,
Chief of Staff, Assistant Adjutant General.

COLONEL: Capt. Whitaker, First Connecticut Cavalry, having returned with 100 mounted men sent out on the line of the Baltimore & Ohio Railroad by orders of Gen. Halleck, will proceed with the above men to Washington City this morning and report for orders to department headquarters.

The above are all the mounted men in this camp able to do mounted duty, except orderlies.

Very respectfully, your obedient servant,

W. GAMBLE,
Colonel, Commanding Cavalry Division.

On July 16, 1864, Whitaker asked to be relieved from the duty on which he was then engaged, in a letter of which the following is a copy:

HEADQUARTERS CAVALRY DIVISION,
DEFENSES OF WASHINGTON, D. C.,
Camp Stoneman, July 16, 1864.

Hon. CHARLES H. DANA,
Assistant Secretary of War:

Having served four days commanding 100 mounted men in the defense of the Capital, and learning that the emergency which demanded

my services is passed, I would be pleased to be released from duty and allowed to act in obedience to orders from Lieut. Gen. Grant, dated July 11.

I am, with great respect,

Your most humble and obedient servant,

E. W. WHITAKER,
Captain and Acting Aid-de-Camp to Gen. J. H. Wilson,
Third Division, Cavalry Corps, Army of the Potomac.

The letter was referred to The Adjutant General of the Army, by indorsement, as follows:

WAR DEPARTMENT, *July 16, 1864.*

Respectfully referred to The Adjutant General.

The officer will be relieved from the temporary service alluded to, to the end that he may be at liberty to attend his examination before the board for examination of applicants for commissions in the colored troops.

By order.

JAS. A. HARDIE,
Colonel, Inspector General.

On July 18, 1864, an order was issued in the case of this officer as follows:

[Special Orders, No. 175.]

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON,
Camp Stoneman, D. C., July 18, 1864.

* * * * * * *

3. The following-named officers are hereby relieved from duty in this camp and ordered to report to their respective regiments in the Army of Potomac for duty, viz:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Cavalry.

The Quartermaster Department will furnish the necessary transportation.

* * * * * * *

By order of Col. William Gamble.

L. L. RAMEY,
Captain and Acting Assistant Adjutant General.

But on July 19, 1864, an order was issued from the War Department, as follows:

[Special Orders, No. 242.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, July 19, 1864.

[Extract.]

* * * * * * *

13. Capt. E. W. Whitaker, acting aid-de-camp to Brig. Gen. Wilson, commanding Third Division, Cavalry Corps, Army of the Potomac, is hereby relieved from temporary duty within the defenses of Washington, to enable him to appear for examination before the board for the examination of applicants for commissions in the United States colored troops, in obedience to orders from Lieut. Gen. Grant.

* * * * * * *

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant General.

A memorandum on file, apparently in the handwriting of Hon. C. A. Dana, but not signed, reads as follows:

WAR DEPARTMENT,
Washington City, July 19, 1864.

Will Maj. Foster oblige Mr. Dana by giving Capt. Whitaker any information he may require respecting the examination for commissions in the colored regiments?

About the same time permission was granted as follows:

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, D. C., ——, 186—.

SIR: Under authority of the Secretary of War, you are hereby permitted to appear for examination before the board now sitting at No. 212 F Street, Washington, D. C., of which Maj. Gen. Silas Casey is president.

The Government makes no allowance on account of traveling or other expenses in consequence of this permission.

Very respectfully, your obedient servant,

C. W. FOSTER,
Assistant Adjutant General.

To Capt. EDWARD W. WHITAKER,
First Connecticut Cavalry.

Under date of July 20, 1864, recommendation for a leave of absence in the case of this officer was made in a communication of which the following is a copy:

BOARD OF EXAMINERS,
No. 212 F Street, Washington, July 20, 1864.

I recommend that Capt. E. W. Whitaker Third Division, Cavalry Corps, be granted leave of absence for 20 days to enable him to attend the Free Military School at Philadelphia for applicants for command of colored troops.

SILAS CASEY,
Major General, President Board.

The recommendation was approved, by order of the Secretary of War, and an order issued on July 20, 1864, as follows:

[Special Orders, No. 243.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, July 20, 1864.

[Extract.]

* * * * * * *

56. Leave of absence for 20 days is hereby granted Capt. E. W. Whitaker, First Connecticut Cavalry, to enable him to attend the Free Military School at Philadelphia.

* * * * * * *

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant General.

The next record found relating to the officer is an order of which the following is a copy:

[General Orders, No. 36.]

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
July 21, 1864.

1. The following-named officers are announced as composing the staff of the brigadier general commanding:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Cavalry, aid-de-camp.

* * * * * * *

They will be obeyed and respected accordingly.

By command of Brig. Gen. Wilson.

L. SIEBERT,
Assistant Adjutant General.

In a report dated February 18, 1865, and printed on pages 516–20, Volume VLIII, Part I, of the publication mentioned hereinbefore, relative to the part taken by the Third Division in the Shenandoah Valley campaign, Gen. Wilson referred to Whitaker as follows:

* * * * * * *

"In closing this report I have the honor to commend the zeal, gallantry, and soldierly conduct of both officers and men of the division throughout the entire period they remained under my command. * * To * * * Capt. E. W. Whitaker, First Connecticut Cavalry, always prompt and gallant in the discharge of their duties, I am greatly indebted for the valuable assistance they have rendered me * * *."

From a report of Gen. Wilson, dated August 16, 1864, it appears that on the morning of that day Whitaker was directed to proceed to the headquarters of the Middle Military Division, then at or near Winchester, Va.

On August 20, 1864, an order was issued as follows:

[Special Orders, No. 78.]

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
August 20, 1864.

* * * * * * *

II. In accordance with instructions from the brigadier general commanding Cavalry forces of the Middle Military Department, Capt. E. W. Whitaker, First Connecticut Cavalry, A. A. D. C., is hereby detailed to collect and return to their regiments all the detached men of this division serving with this army. He will report without delay to Brig. Gen. Torbert for detailed instructions.

By command of Brig. Gen. Wilson.

L. SIEBERT,
Acting Adjutant General.

On August 21, 1864, another order was issued, as follows:

[Special Orders, No. 11.]

HEADQUARTERS MIDDLE MILITARY DIVISION,
Charlestown, Va., August 21, 1864.

* * * * * * *

2. Capt. E. W. Whitaker, First Connecticut Cavalry and A. A. D. C. to Brig. Gen. Wilson, will proceed to Washington, D. C., for the purpose of collecting and conducting to their regiments men of the Third Cavalry Division, on detached duty in this command, returning to his proper station with the least practicable delay. One enlisted man can accompany him as orderly. The Quartermaster's Department will furnish the necessary transportation, to include two horses.

* * * * * * *

By command of Maj. Gen. Sheridan.

E. B. PARSONS,
Assistant Adjutant General.

Several letters, dated August 12, 1864, from officers of various commands, in which requests were made that certain men then on detached duty be returned to their regiments, were received at the headquarters of the Middle Military Division on August 23, 1864, and were returned to the writers on August 24, 1864, with indorsements as follows:

"Capt. Whitaker, of Gen. Wilson's staff, has been ordered to collect all detachments and forward them to their regiments."

With reference to the duties of Whitaker at this time, a communication, of which the following is a copy, is pertinent:

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
August 27, 1864.

Brig. Gen. MCINTOSH,
Commanding First Brigade.

GENERAL: The following extract from a letter from Capt. Whitaker, acting aid-de-camp, is furnished you for your guidance:

"WASHINGTON, *August 24, 1864.*

"Gen. Augur offered me all facilities in his power, with which I now only need a complete list, giving full names and whereabouts of every man in the forts and hospitals about this city. I obtained papers containing this list, but the same was in the form of applications for their return formally through Army headquarters, which were thus retained awaiting indorsements when I left."

The general desires you to have these lists made out as soon as possible and forward them. He also desires you to detail a commissioned officer to take charge of the guard stationed at the pike near the bridge, to examine papers of commissioned officers, and to order back all those without authority.

I am, General, very respectfully, your obedient servant,

L. SIEBERT,
Assistant Adjutant General.

A record of the Third Cavalry Division, Middle Military Division, dated August 31, 1864, near Berryville, Va., accounts for Whitaker as acting aid-de-camp on the staff of the general commanding, and he was so accounted for on a record of the same command, dated September 30, 1864, then stationed at Bridgewater, Va., but on the latter record he was also accounted for as "absent on duty at Camp Stoneman."

On October 1, 1864, an order was issued as follows:

[Special Orders, No. 45.]

HEADQUARTERS MIDDLE MILITARY DIVISION,
Harrisonburg, Va., October 1, 1864.

1. The following named officers of his staff will accompany Brig. Gen. Wilson to the Military Division of the Mississippi for duty:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Volunteer Cavalry.

* * * * * * *

By command of Maj. Gen. Sheridan.

C. KINGSBURY, Jr.,
Assistant Adjutant General.

In a communication dated October 28, 1864, Brig. Gen. Kilpatrick casually mentioned Whitaker as the bearer of reports showing the condition of the former's command.

In the meantime Whitaker was appointed by the governor of Connecticut to be a major in the First Connecticut Cavalry Volunteers, the commission reciting that he was to rank as such from September 14, 1864. He remained absent from the regiment in performance of duty as aid-de-camp on the staff of Gen. Wilson until relieved in an order of which the following is a copy:

[Special Orders, No. 7.]

HEADQUARTERS CAVALRY CORPS,
MILITARY DIVISION OF THE MISSISSIPPI,
Nashville, Tenn., November 6, 1864.

[Extract.]

* * * * * * *

X. Capt. E. W. Whitaker, First Connecticut Cavalry, having been promoted to the grade of major is, at his own request, detached from the staff of the major general commanding and will rejoin his regiment in the Shenandoah Valley.

The distinguished zeal, activity, and ability which Maj. Whitaker has displayed upon every occasion entitles him to the thanks and commendation of the major general commanding.

* * * * * * *

By command of Bvt. Maj. Gen. Wilson.

E. B. BEAUMONT,
Captain and Acting Assistant Adjutant General.

On November 7, 1864, Whitaker addressed a communication to superior authority, as follows:

HEADQUARTERS CAVALRY CORPS, M. D. M.,
November 7, 1864.

Capt. L. SIEBERT,
Assistant Adjutant General.

CAPTAIN: I have the honor to make application for muster out as captain, Company E, First Connecticut Cavalry, and a special muster in as major, to date October 1, 1864, by virtue of receipt of commission as major in First Connecticut Cavalry, and being taken away when in act of reporting for duty by provisions of Special Order No. 45, Headquarters Middle Military Division dated October 1, 1864. I am, captain,

Very respectfully, your obedient servant,

E. W. WHITAKER,
Captain Company E, First Connecticut Volunteer Cavalry,
Acting Assistant Division Commander.

An indorsement appears upon the foregoing communication, as follows:

HEADQUARTERS CAVALRY CORPS, M. D. M.,
Nashville, November 7, 1864.

The statement of Maj. Whitaker herein is correct. He should be mustered to date from October 1.

J. H. WILSON,
Brevet Major General.

On November 17, 1864, Whitaker addressed the Assistant Secretary of War as follows:

WAR DEPARTMENT,
Washington, D. C., November 17, 1864—5.00 p. m.

Hon. CHARLES A. DANA,
Assistant Secretary of War.

DEAR SIR: I am en route to rejoin and assume command of my regiment in "Valley." Left Gen. Wilson at Nashville, Tenn. In consideration of the fact that my accompanying him West prevented my muster in in the grade of major under the usual muster regulations, he kindly advised me to apply to you for a special order, for which I make application in the inclosed communication bearing the general's indorsement. Permit me to note there is nothing complicated or any strife in this, as the vacancy has been long open, the regiment strong enough, etc. I am at present the only major in the regiment. I simply desire my muster to date when I should have reported if not for obeying an order of same date transferring me West. Perhaps the commissary of musters (it being more simple) could be ordered to muster me in for said date, providing other circumstances in the case admit.

Hoping you will pardon me for this intrusion on your valuable time,

I shall ever remain your most humble and obedient servant,

E. W. WHITAKER,
Major, First Connecticut Cavalry.

An indorsement appears upon the foregoing communication, as follows:

"Referred to Maj. Gen. Torbert, commanding Cavalry Corps, Middle Military Division, to direct the muster in of Maj. Whitaker, according to his request.

"By order of the Secretary of War.

"C. A. DANA,
"Assistant Secretary of War.

"WAR DEPARTMENT, *November 18, 1864.*"

Whitaker joined the First Connecticut Cavalry Volunteers; entered upon duty as major thereof on November 22, 1864, and in a report of the commanding officer of the regiment dated December 9, 1864, and printed on pages 535–6, Volume XLIII, Part I, Series I, of the publication already mentioned, he was referred to as follows:

HEADQUARTERS FIRST CONNECTICUT CAVALRY,
December 9, 1864.

CAPTAIN: In obedience to orders from the colonel commanding the brigade, I have the honor to submit the following report of the operations of the First Connecticut Cavalry since the 18th of October, 1864:

* * * * * * *

On the 13th the regiment went with the division on a reconnoissance toward Cedar Creek, returned the same day, and continued in camp till the 17th, when Capt. Merchouse was ordered to make a reconnoissance to Middletown. Finding no enemy, he returned to camp and remained till the 21st instant. He then started for Remount Camp, Pleasant Valley, Md., having in his charge the unserviceable horses of the brigade. He camped near Martinsburg that night and reached the camp on the 22d instant. Here Maj. Whitaker assumed command of the regiment, and worked diligently for the next three days in providing the men with such articles as they required.

* * * * * * *

Very truly, your obedient servant,

BRAYTON IVES,
Lieutenant Colonel Commanding Regiment.

On November 25, 1864, Whitaker telegraphed the Assistant Secretary of War, as follows:

HEADQUARTERS FIRST CONNECTICUT CAVALRY,
PLEASANT VALLEY, MD.,
November 25, 1864.

Hon. C. A. DANA,
Assistant Secretary:

Please inform by telegraph—Yes—if my muster was order to date October 1, 1864.

E. W. WHITAKER,
Major Commanding Regiment.

A letter was addressed to Whitaker on November 26, 1864, as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, D. C., November 26, 1864.

Capt. E. W. WHITAKER,
First Connecticut Cavalry.

SIR: I am directed to inform you that upon application to the proper commissary of musters he will muster you into service as major, First Connecticut Cavalry, to date October 1, 1864, provided the following conditions be complied with:

First. You will satisfy the commissary of musters that you were in receipt of your commission at the date from which muster is requested.

Second. You will furnish him with a copy of Special Orders No. 45, Headquarters M. M. D., under which you were detached from your regiment, and show clearly that it was not from negligence or delay on your part that you failed to be mustered at that time.

Third. This muster must not in any way conflict with the provisions of General Orders No. 182, series of 1863, from this office.

If the muster be made in accordance herewith, the commissary of musters will file a copy of this communication and your replies hereto with the muster-in rolls.

I am, very respectfully, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant General.

In connection with the foregoing, Whitaker wrote a letter on December 3, 1864, as follows:

HEADQUARTERS, FIRST CONNECTICUT CAVALRY,
FIRST BRIGADE, THIRD CAVALRY, DIVISION M. M. D.,
December 3, 1864.

Capt. BARNHARD,
Assistant Commissary of Musters.

CAPTAIN: I have the honor, in compliance with requirements of communication from The Adjutant General's office, dated November 26, 1864, of which a copy is herewith appended, to state that I received my appointment before October 1, 1864, by mail via Washington, D. C., where I was serving on detached duty under the provisions of Special Orders, No. 11, Ex. 2, from Headquarters Mid. Mil. Div.

Having completed the duties assigned me in Washington, I was en route to rejoin my command in the "Valley," October 1, 1864, and was within a few miles of my regiment when met by Gen. Wilson bearing Special Orders, No. 45, from Headquarters M. M. D., dated October 1, 1864, of which a copy is appended.

I certify that I made every effort to get mustered, but could not be granted time to go to mustering officer, as I was not given even time to dismount at the front which I had reached by a four days' march and compelled to return at once en route west in obedience to inclosed orders.

I am, Captain, very respectfully, your obedient servant,

E. W. WHITAKER,
Captain First Connecticut Cavalry.

The records of the First Connecticut Cavalry Volunteers account for Whitaker as captain of Company E thereof until December 5, 1864, when he was mustered out of service as such, to date from September 30, 1864, to enable him to avail himself of promotion; and on the same day, December 5, 1864, he was mustered into service as a major of the regiment, at Kernstown, Va., to date from October 1, 1864. However, under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was, and is, recognized by the War Department as having been in the military service of the United States as a major of the First Connecticut Cavalry Volunteers, to take effect from September 14, 1864.

On December 8, 1864, Whitaker was detailed for duty in an order, as follows:

[General Orders, No. 43—Extract.]

HEADQUARTERS THIRD CAVALRY DIVISION,
December 8, 1864.

1. A general court-martial is hereby appointed to meet * * * on the 10th day of December, 1864 * * *. Detailed for the court

* * * * * * *

Maj. E. W. Whitaker, First Connecticut Cavalry.

* * * * * * *

By command of Bvt. Maj. Gen. Custer.

L. SIEBERT,
Assistant Adjutant General.

It appears that Whitaker continued on court-martial duty until relieved in an order as follows:

[General Orders, No. 6—Extract.]

HEADQUARTERS THIRD CAVALRY DIVISION,
January 6, 1865.

1. Maj. E. W. Whitaker, First Connecticut Cavalry, is relieved from duty as a member of a general court-martial, of which Lieut. Col. M. B. Birdseye, Second New York Cavalry, is president, held at Winchester,

Va., and convened by General Orders, No. 43, of December 8, 1864, from these headquarters.

* * * * * * *

By command of Col. A. C. M. Pennington, commanding division.

L. SIEBERT,
Assistant Adjutant General.

In the meantime Whitaker was appointed by the governor of Connecticut to be lieutenant colonel of the regiment to rank as such from January 11, 1865. He was mustered out of service as major to date from January 16, 1865, to enable him to accept promotion, and on January 17, 1865, he was mustered into service as lieutenant colonel of the same regiment, at Winchester, Va.

Copies of communications dated January 27, 1865, relating to this officer, are as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
January 27, 1865.

Col. A. M. RANDOL,
Commanding First Brigade.

COLONEL: In compliance with orders from the acting chief of Cavalry, you will detail from each of your regiments 50 good men with the proper complement of officers, armed with sabers and revolvers only, to be ready with three days' rations and the usual amount of forage to march at 7 o'clock a. m. to-morrow from brigade headquarters under command of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, who has already been notified from these headquarters. The horses will be selected with a view to their being fit for travel, rough shod, etc., and the men will be warmly clad.

By command of Col. Pennington, commanding division.

L. SIEBERT,
Assistant Adjutant General.

HEADQUARTERS THIRD CAVALRY DIVISION,
January 27, 1865.

Col. A. M. RANDOL,
Commanding First Brigade.

COLONEL: Pursuant to instructions from the acting chief of Cavalry, you will detail a major from your brigade to take command of the 200 men, to start out to-morrow morning, in place of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry. You will instruct the major to report immediately for orders at headquarters Cavalry M. M. Division and will please send his name up to these headquarters.

By command of Col. Pennington, commanding division.

L. SIEBERT,
Assistant Adjutant General.

He signed a record as lieutenant colonel commanding the First Connecticut Cavalry Volunteers, near Winchester, Va., January 31, 1865; served as field officer's court on February 2, 1865; and on February 3, 1865, was detailed on duty indicated by communications as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
February 3, 1865.

COLONEL: In accordance with orders from the chief of cavalry, you will detail from your command 100 men, with the proper complement of commissioned and noncommissioned officers, to be in readiness to march with a detachment of 200 men from the Second Brigade at an early hour to-morrow morning.

The horses selected will be well shod and in a good condition to travel. The men will take three days' rations and the usual amount of forage, and will be armed with pistols and sabers only.

Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, will take command of the entire party. You will direct him to report in person at once to the chief of cavalry for instructions.

The place of rendezvous and the hour of march will be designated hereafter.

By command of Col. W. Wells, commanding division.

L. SIEBERT,
Assistant Adjutant General.

Col. A. M. RANDOL,
Commanding First Brigade.

HEADQUARTERS FIRST BRIGADE, THIRD CAVALRY DIVISION,
February 3, 1865.

COMMANDING OFFICER,
First Connecticut Cavalry:

The detail for special service from your regiment will report at these headquarters at 6 a. m., precisely, to-morrow the 4th instant.

You will please direct Lieut. Col. Whitaker to report at the above hour to take command of the detail.

Surg. G. A. Hurlbut will accompany the expedition.

By command of Col. A. M. Randol, commanding brigade.

JOHN J. PIKE,
Lieutenant and Acting Assistant Adjutant General.

HEADQUARTERS THIRD CAVALRY DIVISION,
February 3, 1865.

Col. JOHN J. COPPINGER,
Commanding Second Brigade.

COLONEL: The colonel commanding division directs that the 200 men ordered from your command to start out to-morrow morning with Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, report at 6 o'clock, precisely, in front of First Brigade headquarters, where Col. Whitaker will take command of them.

* * * * * * *

Very respectfully, etc.,

L. SIEBERT,
Assistant Adjutant General.

In his report of the Shenandoah Valley campaign, dated February 3, 1865, and printed on pages 40–57 of the volume last mentioned hereinbefore, Gen. Sheridan mentioned Whitaker in terms as follows:

* * * * * * *

"On the 5th of February Harry Gilmor, who appeared to be the last link between Maryland and the Confederacy, and whose person I desired in order that this link might be severed, was made prisoner near Moorefield, his capture being very skillfully made by Col. (error, major and my guide only) Young, my chief of scouts, and a party under Lieut. Col. Whitaker, First Connecticut Cavalry, sent to support him. Gilmor and Mosby carried on the same style of warfare, running trains off railways, robbing the passengers, etc."

Again, Whitaker was mentioned in connection with the same incident, as follows:

WINCHESTER, VA., *February 6, 1865.*
(Received 1.50 p. m.)

Maj. Gen. H. W. HALLECK,
Chief of Staff.

A small party, under command of Lieut. Col. Whitaker, sent out by Gen. Merritt to break up Harry Gilmor's band, at a point south of Moorefield, was quite successful. Maj. Young, of my staff and chief of scouts, captured Harry Gilmor and (did not bring him in) brought him in.

P. H. SHERIDAN,
Major General, Commanding.

Whitaker made a report of the affair as follows:

CAMP OF FIRST CONNECTICUT CAVALRY,
NEAR WINCHESTER, VA.,
February 8, 1865.

MAJOR: I have the honor to report that, pursuant to instructions from general commanding corps, I collected my command for special duty, armed with sabers and pistols, and numbering 300, all from the Third Division Cavalry, at headquarters First Brigade, at 6 a. m., the 4th instant, and moved out on the Moorefield Pike for our destination. After halting three-quarters of an hour for feed and coffee at Wardensville, organized the detachments into a regiment, and having a short drill resumed the march at a rapid gait, striking the enemy's scouts, which Maj. Young quickly drove off the pike toward Harper's; column moving fast as possible, intending to surprise the enemy's camp by moonlight, but at 12.30 at night when we had reached a covered point within 4 miles of Moorefield, the sky clouded up, which induced me to halt for rest and feed until 4 a. m. the 5th instant. In the meantime Maj. Young, who had been a short distance in my advance, was to send his scouts into town and ascertain the exact location of Gilmor's camp, which I had decided to strike at daylight. On moving out at 4 a. m., Capt. Hamilton, Eighth New York Cavalry, reported to me the loss of two men by desertion during the halt; the men being recent recruits from rebel States. I deemed it a more unfortunate event than the next fact which was reported by Maj. Young, i. e., his scouts had not been able to learn the exact whereabouts of Gilmor or his camp. Reaching the outskirts of Moorefield before light during a heavy snow squall, I halted to await news from Maj. Young, who entered town with all of his party in search of information. I here became anxious about the loss of time and moved on, sending word to the major that he should go on down the South Fork till I found the enemy. I left a detachment from the Second Ohio Cavalry to search the town for soldiers, and moved at once across the stream and turned to the left down the South Fork, Maj. Young taking the advance, when, as it had become light enough, I discovered several of the enemy mounted and rapidly moving across the fields and hills on our right flank, taking the same direction as my column.

On communicating the fact to the scouts a lively race set in, I following with my column in hopes of reaching their camp before the alarm, which it would appear had not before been given. The houses on the banks of the fork were being hastily searched by the scouts, when the large number of horses in the stable next the road to Mr. Randolph's house, 3 miles from Moorefield, excited much suspicion; and as Maj. Young asked the colored woman sternly, "What soldiers were in the houses?" she at once replied, "Maj. Gilmor is upstairs." Maj. Young immediately surrounded the house and seized the major and his cousin Gilmor, late from Baltimore, both in bed. On my learning that our prize had been found I halted column and prepared to resist the attack of the enemy collecting on the bluff over the house and river and on my right flank and rear. Finding the position untenable and deeming it impossible to get more of Gilmor's band from their skillfully selected position, we made haste in getting out, before which Maj. Gilmor had been brought to me and placed at the head of the column; and as his men were firing into us, he shouted encouragement to them, feeling, as he afterwards said, confident of release. On the return march I placed Lieut. Brown, First Connecticut Cavalry, with 28 men who had been doing good service on the Petersburg Road, in the rear, he having 15 Spencers for that use, with which he successfully checked each dash of the enemy. I took the Romney Pike by advice of Maj. Young, who took the advance, and turned over to me at different points on the route 12 men captured about houses. The enemy last troubled my column as we were feeding at a point 35 miles from Moorefield and 8 from Romney. Though night had come on I did not think it wise to halt with prisoners, but resumed the march in passing Hanging Rock Gap and reached Big Capon Bridge after midnight, when we halted for rest until daylight, the 6th instant, on the forenoon of which I reached Winchester with prisoners, having ridden near 140 miles in a little over 48 hours, over a mountainous country, across swollen streams filled with floating ice, and within the enemy's lines, fully accomplishing the object of the expedition without the loss of a man.

I can not commend too highly the zeal and hearty cooperation evinced by Maj. Young, commanding Gen. Sheridan's scouts, who accompanied me. To his personal gallantry is due the successful "bearding of the lion in his den."

To the officers commanding the detachments from the Second Ohio, Eighth New York, First New Hampshire, Twenty-second New York, and First Connecticut Cavalry Regiments, I desire to express my thanks for prompt obedience to orders and strict attention to the care of their commands, on which I confidently relied in anticipation of a better test than was offered. To Surg. G. A. Hurlbut, First Connecticut Cavalry, who accompanied me with ambulance, attendants, etc., I owe much for valuable assistance rendered outside of his duties. He safely brought in two sick men and one accidentally wounded, who were unable to ride.

Respectfully submitted.

E. W. WHITAKER,
Lieutenant Colonel First Connecticut Cavalry,
Commanding Expedition.

Maj. WILLIAM RUSSELL, Jr.,
Assistant Adjutant General.

Whitaker was recommended for special duty in a letter, as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
February 11, 1865.

Maj. WILLIAM RUSSELL, Jr.,
Assistant Adjutant General, Cavalry M. M. Division.

MAJOR: In accordance from instructions from the Chief of Cavalry just received, I have the honor to recommend Lieut. Col. E. W. Whit-

aker, First Connecticut Cavalry, to the position of division inspector, in place of Maj. E. M. Pope, ordered on recruiting service.

Very respectfully, etc.,

G. A. CUSTER,
Brevet Major General Commanding.

On the same day an order was issued as follows:

[Orders.]

HEADQUARTERS THIRD CAVALRY DIVISION,
February 11, 1865.

Division field officer of the day, February 12, 1865: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, to report at 10 o'clock a. m.

By command of Bvt. Maj. Gen. Custer.

L. SIEBERT,
Assistant Adjutant General.

The officer was detailed for special duty in an order as follows:

[Special Orders No. 145.]

HEADQUARTERS CAVALRY, MIDDLE MILITARY DIVISION,
February 12, 1865.

1. Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, is hereby detailed as assistant adjutant inspector general, Third Cavalry Division, vice Lieut. Col. E. M. Pope, detailed on recruiting service. Lieut. Col. Whitaker will report in person without delay to Bvt. Maj. Gen. Custer, commanding.

By command of Bvt. Maj. Gen. Merritt.

WM. RUSSELL, Jr.,
Assistant Adjutant General.

On February 13, 1865, a regimental order was issued in the name of this officer, as lieutenant colonel commanding First Connecticut Cavalry, and he signed orders issued on February 16, 18, 19, and 23, 1865, from the headquarters of the Third Cavalry Division, as lieutenant colonel of the First Connecticut Cavalry Volunteers and acting assistant inspector general.

In a communication dated February 21, 1865, Whitaker was mentioned as follows:

HEADQUARTERS THIRD DIVISION CAVALRY,
February 21, 1865.

Col. PENNINGTON,
Commanding First Brigade:

Gen. Crook, Gen. Kelley, and other officers were captured last night by about 60 men belonging to McNeill's command. The force were hurrying toward Romney. The chief of cavalry directs that a force be sent immediately from this division to intercept them, if possible. Have 300 of your best mounted men get ready at once, with two days' rations and one of forage. I would suggest that the men be selected from the different regiments. Do not detail an officer of higher rank than major to accompany the expedition, as Lieut. Col. Whitaker will go in command. Have the men rendezvous at your headquarters.

Very respectfully, etc.,

G. A. CUSTER,
Brevet Major General, Commanding.

The result of the attempt to recapture the general officers is set forth in a report as follows:

HEADQUARTERS THIRD DIVISION CAVALRY,
MIDDLE MILITARY DIVISION,
February 23, 1865.

CAPTAIN: I have the honor to report that pursuant to instructions from general commanding division to recapture general officers taken by enemy at Cumberland, Md., early the 21st instant, I moved at 9 a. m. that day, with 340 men, for Moorefield, Va., which point I reached at 1.30 p. m. the 22d instant, and there learned that the enemy, with important prisoners, had crossed the Moorefield and Winchester pike 2 miles from town at about 1 p. m. the 21st instant, and that a party of Federal cavalry from New Creek were in the town immediately after but had returned. I at once sent an officer to communicate with the latter force—the camp fires could be seen about 5 miles out of Moorefield—and then returned to the trail of the enemy, which I carefully examined and found to have been made by about 50 mounted men in crossing my route, apparently in haste, obliquely, and from northwest to southeast, from a wooded path on my right down a steep declivity into woods on my left. Here obtaining conclusive proof that the trail was made at or about 1 p. m. the previous day, giving the enemy over 12 hours in my advance, I decided not pursue, my horses having been badly jaded in breaking a foot of snow over the mountains and in consideration of the prospects of not overtaking the enemy till he had reached assistance in the valley. The citizens stated he had discovered the near approach of the New Creek Cavalry. The prospect of rain induced me to return rapidly campward, via the Back Creek road.

The officer whom I sent to communicate with the New Creek Cavalry soon rejoined me, with verbal statement from Col. Greenfield, Twenty-second Pennsylvania Cavalry, to the effect that his advance, 400 men, under a major, had seen the enemy with prisoners between 1 and 2 p. m. the day previous moving off from the Romney and Moorefield pike, with such an accession to their numbers as to make an attack on them hazardous; therefore he had not attacked them, but desired to cooperate with me if I was about to pursue. I had moved out too far to return a reply, and still continued march, with occasional annoyances from bushwhackers in rear, to Cacapon bridge, where bivouacked last night, arriving in camp at noon to-day after much trouble in crossing the rapidly swelling streams.

My loss was none except in horses, a few. Four of enemy taken prisoners en route.

I desire to express my thanks to Maj. McClong, Third New Jersey Cavalry, and Lieut. Haswell, Gen. Custer's escort, First Vermont Cavalry, for zealous aid and hearty cooperation in efforts to accomplish the object of the expedition, which I much regret to report a failure.

I am, Captain, very respectfully, your obedient servant.

E. W. WHITAKER,
Lieutenant Colonel First Connecticut Cavalry,
Acting Assistant Inspector General Third Division Cavalry.

Capt. L. SIEBERT,
Assistant Adjutant General.

A record of the Third Cavalry Division, Middle Military Division, for the month of February, 1865, accounts for this officer as acting assistant inspector general on the staff of the general commanding.

In a report of Gen. Merritt relative to operations of Cavalry forces, dated May 7, 1865, and printed on pages 484 to 488, part 1, Volume XLVI, same publication, as the one referred to hereinbefore, Whitaker was referred to as follows:

* * * * * * *

"March 2, the command arriving at Staunton, a force was detached from the First Division to go to Swoopes Station, where it was reported the enemy had stored supplies of war. This expedition found immense quantities of commissary, quartermaster's, and ordnance stores, which it destroyed. The main column, the Third Division in advance, moved toward Waynesborough, where the enemy was found, strongly posted behind barricade and rifle pits. Gen. Custer, after engaging the enemy's artillery with his own for a short time, moved three regiments, under direction of Col. Whitaker, First Connecticut, to the left flank and rear of the enemy, and routed him, with the loss of but 3 or 4 men to our command, capturing over 1,000 prisoners, the enemy's artillery and wagon train, containing all the wardrobe, papers, etc., of the officers of Early's depleted army. This event opened the roads for unresisted advance on the James River and all the roads and means of supply north of Richmond. All the captures which could not be carried away were destroyed. The prisoners and some few pieces of artillery were ordered back to Winchester, under a mounted guard of about 1,500 mounted and dismounted men, under Col. Thompson, First New Hampshire Cavalry."

* * * * * * *

Gen. Custer, in a report dated March 20, 1865, and printed on pages 501 to 504, same volume, stated as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
MIDDLE MILITARY DIVISION,
White House, Va., March 20, 1865.

I have the honor to submit the following report of the operations of my command since February 27, 1865. * * * On the 2d we moved to Staunton, where the command was halted for a short interval. In accordance with verbal orders received from the major general commanding the expedition I then marched toward Waynesborough. * * * Our march was necessarily slow. Upon reaching Fishersville, 6 miles from Staunton, our advance struck the enemy's pickets and drove them in the direction of Waynesborough. Upon arriving at the latter point we found the enemy in force, posted behind a formidable line of earthworks. * * * A careful reconnaissance along his entire line convinced me that the enemy had a heavy force of infantry behind his work, while 10 pieces of artillery were in position and completely covered his front. But one point seemed favorable for attack. The enemy's left flank, instead of resting on South River, was thrown well forward, leaving a short gap between his left and the river. The approach to this point could be made under cover of the woods. I directed Lieut. Col. Whitaker, of my staff, to conduct three regiments of Pennington's brigade to our extreme right. Selecting three regiments armed with Spencer carbines, they were moved, dismounted under cover of the woods, to the point previously indicated, where they were held in readiness to charge the enemy's left. * * * With reference to the conduct of the officers and men of my command throughout the entire expedition, both when engaged with the enemy and while on the march, I have nothing but words of the highest praise and commendation to offer. As a special report will be made, making mention of those who are particularly deserving and meritorious, none of the many instances of personal gallantry and merit as displayed on the late expedition, are mentioned in this report.

I am, very respectfully, yours, etc.,

G. A. CUSTER,
Brevet Major General.

Capt. E. M. BAKER,
Acting Assistant Adjutant General,
Cavalry, Middle Military Division.

In a report dated March 19, 1865, and printed on pages 504–508, same volume, the officer is referred to as follows:

HEADQUARTERS FIRST BRIGADE,
THIRD DIVISION, CAVALRY CORPS,
Near White House Landing, Va., March 19, 1865.

CAPTAIN: I have the honor to submit the following report of the operations of my brigade during the recent cavalry expedition from February 27 to present date: * * * The First Connecticut Cavalry, commanded on this occasion by Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, Third Cavalry Division, sent out a reconnaissance of one squadron toward the enemy from the right of my line, while a battalion of the Second New York moved down the Telegraph Road. The squadron of the First Connecticut, accompanied by Lieut. Col. Whitaker, was ambushed by infantry and cavalry, losing one officer (Lieut. J. W. Clark) killed and two men missing. This reconnaissance ascertained that the enemy were in force, and that they had both infantry and cavalry. * * *

I am, sir, very respectfully, your obedient servant,

A. C. M. PENNINGTON,
Colonel Commanding Brigade.

Capt. L. W. BARNHART,
Acting Assistant Adjutant General,
Third Division, Cavalry Corps.

Whitaker applied for leave of absence in a letter as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
White House, Va., March 23, 1865.

Lieut. Col. F. H. NEWHALL,
Assistant Adjutant General.

COLONEL: I have the honor to make application for five days' leave of absence to visit Georgetown, D. C., and permission to apply for five days' extension, should it be necessary, and my command unengaged. Reason: The most important private business, which if longer postponed will compel me to leave the service. Have not received the benefit of leave of absence since January, 1864.

I am, Colonel,

Very respectfully, your obedient servant,

E. E. WHITAKER,
Lieutenant Colonel First Connecticut Infantry,
Acting Assistant Inspector General.

The application was returned with indorsement: "Not granted for the present."

A record of the Third Cavalry Division, Middle Military Division, for the month of March, 1865, accounts for Whitaker as acting assistant inspector general on the staff of the general commanding.

On April 16, 1865, Whitaker applied for leave of absence for 15 days. The leave was granted, and on April 19, 1865, an order was issued as follows:

[Special Orders, No. 20.]

HEADQUARTERS THIRD CAVALRY DIVISION,
April 19, 1865.

(Extract.)

* * * * * * *

2. During the temporary absence of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, the duties of

that department will be performed by Col. E. M. Pope, Eighth New York Cavalry. He will be obeyed and respected accordingly.

* * * * * * *

By command of Bvt. Maj. Gen. Custer, acting adjutant general.

Gen. Sheridan, in a letter to the Secretary of War dated April 19, 1865, and published on pages 1111–1114 of the volume last mentioned hereinbefore, recommended that certain officers be promoted or brevetted, Whitaker being referred to as follows:

* * * * * * *

"Lieut. Col. E. W. Whitaker, First Connecticut Cavalry [acting], assistant inspector general, Third Cavalry Division, to be brevet brigadier general of Volunteers for gallantry and skill displayed in turning the enemy's left flank at Waynesborough March 2, 1865, and for gallantry and uniform good conduct at the Battles of Five Forks, April 1, and Appomattox Station, April 8, 1865, and throughout the entire campaign."

* * * * * * *

An order was issued on April 21, 1865, as follows:

[General Orders, No. 22.]

HEADQUARTERS THIRD CAVALRY DIVISION,
April 21, 1865.

The brevet major general commanding hereby announces the following staff officers of the division: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general. * * * They will be obeyed and respected accordingly.

By command of Bvt. Maj. Gen. Custer, Assistant Adjutant General.

On April 28, 1865, the governor of Connecticut addressed a letter to the Secretary of War as follows:

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
Norwich, April 28, 1865.

SIR: I am informed that Lieut. Col. E. W. Whitaker, of the First Connecticut Cavalry, has been strongly recommended by Gens. Sheridan and Custer for promotion to the rank of brevet brigadier general.

I take great pleasure in adding my testimony as to the valor and merits of Col. Whitaker.

I am, with high consideration,

Your obedient servant,

WM. A. BUCKINGHAM,
Governor of Connecticut.

Hon. E. M. STANTON,
Secretary of War.

(NOTE.—No record has been found of the recommendation referred to as having been made by Gen. Custer.)

Hon. L. F. S. Foster, then Senator from the State of Connecticut, addressed the Secretary of War on April 29, 1865, by letter as follows:

NORWICH, CONN., *April 29, 1865.*

SIR: I would respectfully recommend Col. E. W. Whitaker, of the First Connecticut Cavalry, for promotion to the rank of brevet brigadier general. He enlisted as a private in the first regiment raised in this State, served out his three months, reenlisted, and has worked his way to his present position by sheer merit. He is well educated, thoroughly versed in his duties, and of excellent character. As an officer he is bold and dashing without rashness; in a word, an accomplished soldier. Gens. Sheridan and Custer both recommend him strongly. May I not hope that he will be recommended? With great respect, I am,

Your obedient servant,

L. F. S. FOSTER.

Mr. Secretary STANTON.

On May 19, 1865, Whitaker was appointed brigadier general of Volunteers, by brevet, apparently upon the recommendation of Gen. Sheridan of April 19, 1865, as set forth hereinbefore, and he was notified of the appointment in a letter as follows:

WAR DEPARTMENT,
Washington, May 19, 1865.

SIR: You are hereby informed that the President of the United States has appointed you, for gallantry and uniform good conduct, a brigadier general of Volunteers, by brevet, in the service of the United States to rank as such from the 13th day of March, 1865. Should the Senate at their next session advise and consent thereto you will be commissioned accordingly.

Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and with your letter of acceptance return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

EDWIN M. STANTON,
Secretary of War.

Bvt. Brig. Gen. E. W. WHITAKER,
United States Volunteers (through Maj. Gen. Sheridan).

Upon receipt thereof Whitaker forwarded the usual oath of office and a statement as to his age, birthplace, and residence, with a letter, of which the following is a copy:

HEADQUARTERS THIRD CAVALRY DIVISION,
ARMY OF THE POTOMAC,
May 22, 1865.

Brig. Gen. E. D. TOWNSEND *Adjutant General.*

GENERAL: I have the honor to acknowledge receipt and acceptance of the appointment of brigadier general of Volunteers, by brevet, under date of May 19, 1865, and to forward herewith the oath of office subscribed and attested together with report giving age, birthplace, etc.

I have the honor, General, to be,

Very respectfully, your obedient servant,

E. W. WHITAKER,
Lieutenant Colonel First Connecticut Cavalry,
Brevet Brigadier General Volunteers.

It appears that in the meantime Whitaker was on duty as Acting Assistant Inspector General on the staff of the general commanding the Third Cavalry Division from April 21, 1865, until the issue of an order as follows:

[General Orders, No. 2.]

HEADQUARTERS CAVALRY CORPS,
DEPARTMENT OF WASHINGTON,
May 25, published May 30, 1865.

The major general comamanding announces the following-named officers as composing his staff:

Bvt. Brig. Gen. E. W. Whitaker, Assistant Inspector General and Chief of Staff.

* * * * * * *

By command of Bvt. Maj. Gen. Davies.

THOS. C. LEBO,
Acting Assistant Adjutant General.

On May 25, 1865, an order was issued as follows:

[Special Orders, No. 33.]

HEADQUARTERS THIRD CAVALRY DIVISION,
May 25, 1865.

Bvt. Maj. M. A. Stone, First Vermont Cavalry, is hereby detailed for duty at these headquarters as acting assistant inspector general of the Third Cavalry Division. He will report to Bvt. Brig. Gen. Whitaker, Acting Assistant Inspector General, Cavalry Corps, to-morrow morning at 8 o'clock a. m. for instructions.

By command of Brig. Gen. Capehart.

H. M. BERLEIGH,
Assistant Adjutant General.

In a letter dated May 30, 1865, Whitaker wrote to Brig. Gen. Wells, commanding the Third Division of Cavalry, making inquiry as to the name of an officer "whom you spoke of to me as one who would make a good staff officer."

A record of the Cavalry Corps, Department of Washington, for the month of May, 1865, dated near Alexandria, Va., June 19, 1865, accounts for this officer as acting assistant inspector general on the staff of the commanding general, with entries showing that he was appointed May 25, 1865, and joined the same day.

On June 11, 1865, the officer received leave of absence in an order as follows:

[Special Orders, No. 18.]

HEADQUARTERS CAVALRY CORPS,
DEPARTMENT OF WASHINGTON,
June 11, 1865.

* * * * * * *

3. Leave of absence is granted to the following-named officers:

Bvt. Brig. Gen. E. W. Whitaker, Assistant Inspector General and Chief of Staff, Cavalry Corps, for five days.

* * * * * * *

(NOTE.—Order not signed, but previous order, dated June 10, 1865, signed by command of Bvt. Maj. Gen. Davies, W. Harper, jr., Major and Acting Assistant Adjutant General.)

A record of the Cavalry Corps, Department of Washington, for the month of June, 1865, dated at Clouds Mill, July 1, 1865, accounts for Whitaker as Assistant Inspector General and Chief of Staff of the general commanding.

On July 11, 1865, Whitaker addressed a communication to superior authority, as follows:

HEADQUARTERS CAVALRY CORPS,
DEPARTMENT OF WASHINGTON,
July 11, 1865.

Col. T. S. BOWERS,
Assistant Adjutant General, United States Army.

COLONEL: I have the honor to apply for assignment to duty with brevet rank in any division, department, or district it may please the Lieutenant General Commanding the Armies of the United States to designate.

Would respectfully beg leave to state that I have served during the whole war in extreme front; that I am taking steps to enter the regular service with recommendations from Gens. Sheridan, Custer, Wilson, Kilpatrick, Davies, Crook, and Kautz; and that the duties of attending the muster out and breaking up of the Cavalry Corps, on which I have been retained by order of Gen. Auger, is nearly complete.

I am, Colonel, very respectfully, your obedient servant,

E. W. WHITAKER,
Brevet Brigadier General, United States Volunteers,
Acting Inspector General and Chief of Staff,
Lieutenant Colonel First Connecticut Cavalry.

The letter of July 11, 1865, was forwarded, recommended, by the commanding officer of the Cavalry Corps, Department of Washington, and was forwarded to the Headquarters of the Army by the department commander without recommendation. Nothing has been found of record to show the action finally taken on the application.

On July 18, 1865, an order was issued, a pertinent extract of which is as follows:

[Special Orders, No. 173.]

HEADQUARTERS, DEPARTMENT OF WASHINGTON,
Washington, D. C., July 18, 1865.

* * * * * * *

7. The Cavalry Corps having been discontinued by the muster out of regiments composing the same, all officers and enlisted men heretofore on detached duty with said corps, unless otherwise ordered, will at once joint their proper regiments.

Under the provisions of General Orders, No. 106, of June 2, 1865, War Department, Adjutant General's Office, all general and General Staff officers heretofore serving with the Cavalry Corps of this department, unless otherwise ordered by higher authority, will proceed to their respective homes, and thence report by letter to The Adjutant General of the Army.

The commanding officer of the Cavalry Corps will report to these headquarters the names and residences of the officers relieved by this order.

By command of Maj. Gen. C. C. Augur.

R. CHANDLER,
Assistant Adjutant General.

Following is a copy of an order relative to this officer issued on July 20, 1865:

[Special Orders, No. 175.]

HEADQUARTERS DEPARTMENT OF WASHINGTON,
TWENTY-SECOND ARMY CORPS,
Washington, D. C., July 20, 1865.

Leave of absence for 10 days is granted to Bvt. Brig. Gen. E. W. Whitaker, of the First Regiment of Connecticut Cavalry, to enable him to proceed to Connecticut on important private business.

At the expiration of this time he will report to the chief mustering officer of his State.

By command of Maj. Gen. Augur.

R. CHANDLER,
Assistant Adjutant General.

Whitaker reported, as directed in the second paragraph of the foregoing order, in a letter, as follows:

ALLYN HOUSE,
Hartford, Conn., July 28, 1865.

Lieut. Col. C. C. GUMBER,
Chief Mustering Officer, State of Connecticut.

COLONEL: I have the honor to report to you, in compliance with a paragraph from a special order No. 175, dated July 20, 1865, from headquarters, Quartermaster's Department of Washington, which grants me a leave of absence for 10 days. At the expiration of the 10 days, which is day after to-morrow, the 30th instant, it was expected that the First Connecticut Cavalry would have arrived here for muster out. That regiment is still detained on duty, from which it may be relieved any day.

I would respectfully request orders or instructions at your earliest convenience.

I am, Colonel, very respectfully, your obedient servant,

E. W. WHITAKER,
Brevet Brigadier General,
Lieutenant Colonel First Connecticut Cavalry.

The letter of July 28, 1865, was duly received at the office of the chief mustering officer for Connecticut. Nothing has been found of record to show what action, if any, was taken thereon, but, as recited hereinafter, it appears that Whitaker remained in the State until the arrival there of the First Connecticut Cavalry.

In a letter dated at Ashford, Conn., August 3, 1865, Whitaker reported to the War Department for orders, and on August 19, 1865, he was advised that as his regiment had been mustered out of service he should apply to the chief mustering officer for the State for his discharge papers.

The regiment was mustered out of the military service of the United States August 2, 1865, at Washington, D. C. The muster-out roll of the field and staff accounts for Whitaker at the time as absent from the regiment with leave, but, nevertheless, under the terms of orders then in force, he was honorably discharged from the military service of the United States on that date by reason of the muster out of the regiment, and information furnished by the Treasury Department shows that he was finally paid on the muster-out roll mentioned at New Haven, Conn., August 17, 1865.

On August 22, 1865, an order was issued from the War Department, pertinent extracts from which are as follows:

[General Orders, No. 133.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, August 22, 1865.

Appointments by brevet in the Armies of the United States made by the President since the publication of General Orders, No. 97, of May 26, 1865.

* * * * * * *

Volunteer force.

* * * * * * *

To be brigadier generals by brevet.

* * * * * * *

Col. E. W. Whitaker, of the First Connecticut Cavalry, for gallantry and uniform good conduct, to date from March 13, 1865.

* * * * * * *

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

The nomination of the officer as brevet brigadier general of Volunteers was presented to the United States Senate for consideration; was confirmed by that body on March 12, 1866, and thereupon the usual commission was issued on April 9, 1866, entries appearing thereon showing that the appointment was to date from March 13, 1865, and was granted "for gallantry and uniform good conduct." The commission was sent to the governor of Connecticut May 12, 1866, for delivery to the officer.

Gen. Whitaker alleges that he participated in 82 different engagements of the Civil War, and has submitted to this department a list of such engagements, a few less in number, but it is impossible to ascertain from the records in the department whether or not he participated in all of those engagements, because the official records do not, as a rule, show all the engagements in which an officer or enlisted man participated, and no such complete data have been found of record in the case of this officer. When specifically mentioned in connection with any particular engagement, such mention is, of course, evidence of participation, but as the records pertaining to military services in that war were usually made out monthly or bimonthly and do not show engagements in which individuals took part, the department has no means of obtaining definite information regarding individual participation in engagements, even though the organization took part therein, unless the individual is specifically mentioned in connection therewith, or unless it should happen that the organization engaged in some action on the very date of the monthly or bimonthly record, in which event the presence of a man with the organization on that date would indicate participation. Then the fact that an organization engaged in certain battles, coupled with the additional fact that there is nothing in the records to show that the officer or enlisted man was absent at the time, is also an indication of individual participation, although not conclusive.

Following is a list of engagements submitted to this department by Gen. Whitaker in which he alleges that he took part. Opposite each engagement will be found the letter A, B, C, or D; the letter A indicating that the officer is mentioned specifically as having participated in that engagement; the letter B indicating that, by reason of his stations or duties, he probably participated in that engagement; the letter C indicating that nothing has been found of record in this department showing or tending to show that he was a participant in that engagement; and the letter D indicating that no record has been found in the War Department of any engagement at the time and place mentioned.

First Bull Run, July 21, 1861. (B.)
Action near Spotted Tavern, Virginia, April 17, 1862, and capture of Falmouth. (B.)
First raid Virginia Central Railroad, July 19 (capture of Mosby at Beaver Dam Station, Va.) to 22, 1862. (B.)
Action near Carmel Church, July 22, 1862. (B.)
Second raid on Virginia Central Railroad, July 24, 1862. (D.)
Third raid on Virginia Central Railroad, August 6-7, 1862. (B.)
Cedar Mountain, August 9, 1862. (B.)
Fords of Rapidan, August 18-19, 1862. (B.)
Brandy Station, August 20, 1862. (B.)
Rappahannock Station, August 20 to 23, 1862. (B.)
Thoroughfare Gap, August 27 and 28, 1862. (B.)
Groveton, August 29, 1862. (B.)
Bull Run, August 30, 1862. (B.)
Sudley Church, November 3, 1862. (C.)
White Plains, November 8, 1862. (D.)
Fredericksburg, December 13, 1862. (B.)
Chancellorsville campaign, April 26 to May 6, 1863. (B.)
Stoneman's raid, April 29 to May 7, 1863. (B.)
Louisa Court House, May 2, 1863. (B.)
Fortifications of Richmond, May 4, 1863. (B.)
Ayletts Ferry, May 5, 1863. (B.)
Brandy Station, June 9, 1863. (B.)
Aldie, June 17, 1863. (B.)
Hanover, Pa., June 30, 1863. (B.)
Gettysburg, Pa., July 1 to 3, 1863. (A.)
Monterey, Md., July 4, 1863. (A.)
Williamsport, July 6, 1863. (A.)
Funkstown, July 9, 1863. (A.)
Jones Cross Roads, July 10, 1863. (B.)
Falling Waters, July 14, 1863. (B.)
Culpeper Court House and Brandy Station, Va., September 13, 1863. (B.)
Rappahannock River, September 15 and 16, 1863. (B.)
Robertsons River, September 17-24, 1863. (B.)
Wheles Ford, at Liberty Mills, September 22, 1863. (B.)
Hazell River, October 7, 1863. (C.)
James City, October 9 and 10, 1863.
Rappahannock River, October 11 to 15, 1863. (B.)
Buckland Mills, October 19, 1863. (B.)
Morton's Ford, November 15, 1863. (D.)
Raccoon Ford, December 5, 1863. (B.)
Ellis Ford, January 18, 1864. (B.)
Stephenburg, January 19, 1864. (D.)
Raid on Richmond, February 28 to March 4, 1864. (B.)
South Anna River, February 29, 1864. (B.)
Fortifications of Richmond and Ashland, March 1, 1864. (B.)
Old Church at Walkerstown, March 2, 1864. (B.)
Craig's Meeting House, May 5, 1864. (B.)
Todd's Tavern, May 6, 1864. (B.)
Spotsylvania Court House and Wilderness, May 8, 1864. (B.)
Sheridan's Raid to Haxhall's Landing, May 9 to 29, including Beaver Dam Station, May 9 and 10, 1864. (B.)
Yellow Tavern, May 11, 1864. (B.)
Meadow Bridge and Fortifications of Richmond, May 12, 1864. (B.)
Mechums Creek, Hanover Court House, May 31, 1864. (B.)
Ashland, June 1, 1864. (B.)
Hawes Shop, June 2, 1864. (B.)
Old Church, June 10 and 11, 1864. (B.)
Long Bridge, June 12, 1864. (B.)
White Oak Swamp, June 13, 1864. (B.)
St. Mary's Church, June 15, 1864. (B.)
Raid on Danville and Weldon Railroad Junction, June 22 to 29, including Nottaway Court House, June 23, 1864. (A.)
Roanoke Station, June 25, 1864. (B.)
Stony Creek, June 28, 1864. (A.)
Reams Station, June 29, 1864. (A.)
Defense at Washington, July 11 to 13, 1864. (A.)
Summit Point, August 21, 1864. (A.)
Charlestown, August 24 and 25, 1864. (A.)
Kearneyville, August 25 and 26, 1864. (A.)
Lacys Springs, December 21, 1864. (B.)
Capture of Harry Gilmore, February 6, 1865. (A.)
Sheridan's Raid from Winchester to Petersburg, February 27 to March 19, including Waynesboro, March 2, and Ashland, March 15, 1865. (A.)
Dinwiddie Court House, March 31, 1865. (B.)
Five Forks, April 1, 1865. (A.)
Deep Creek, April 3, 1865. (B.)
Sailors Creek, April 6, 1865. (B.)
Appomattox Station, April 8, 1865. (A.)
Appomattox Court House, April 9. At head of charge receiving surrender of Lee's Army, 1865. (A.)

On April 4, 1866, Maj. Gen. P. H. Sheridan addressed the Secretary of War as follows:

HEADQUARTERS, MILITARY DIVISION OF THE GULF,
New Orleans, La., April 4, 1866.

To the Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

DEAR SIR: I have the honor to transmit herewith a list of officers of the Regular and Volunteer service whose promotion or appointment in the Regular Army upon its reorganization, I would suggest and recommend for gallant and meritorious services during the Rebellion.

I am, sir, very respectfully, your obedient servant,

P. H. SHERIDAN,
Major General, United States Army.

Accompanying the letter of April 4, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

In a letter dated October 13, 1866, Gen. U. S. Grant addressed the Secretary of Was as follows:

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, October 13, 1866.

Hon. E. M. STANTON,
Secretary of War.

SIR: I have the honor to forward herewith lists of recommendations for company officers of Infantry and Cavalry.

Very respectfully, your obedient servant,

U. S. GRANT, *General.*

Accompanying the letter of October 13, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

Again, on October 17, 1866, Gen. Grant addressed the Secretary of War as follows:

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, October 17, 1866.

Hon. E. M. STANTON,
Secretary of War.

SIR: In view of the facts that the Seventh Regiment of Cavalry is already nearly full and yet is almost without company officers, that

the men will desert rapidly unless company officers are appointed, and that the regiment is needed at once for service against the Indians, I would urgently recommend that the company officers be appointed without delay. I submit a special list of recommendations for company officers of this regiment herewith.

Very respectfully, your obedient servant,

U. S. GRANT, *General.*

In the list accompanying the letter Whitaker was once more recommended for appointment as captain of cavalry.

The letter of October 17, 1866, was referred to the President by the Secretary of War, on October 18, 1866, and the recommendations made therein were approved by the President on the same day.

Thereupon a notification of appointment was prepared, as follows:

WAR DEPARTMENT,
Washington, October 18, 1866.

SIR: You are hereby informed that the President of the United States has appointed you captain in the Seventh Regiment of Cavalry, in the service of the United States, to rank as such from the 28th day of July, 1866. Should the Senate at their next session advise and consent thereto, you will be commissioned accordingly.

Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and, with your letter of acceptance, return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed, and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

You will report for examination to the board convened to meet in this city on the 24th instant, and of which Bvt. Maj. Gen. David Hunter, colonel, United States Army, is president; and so soon as notified by the president of the examining board that you have passed a satisfactory examination you will proceed without delay to join your regiment at Fort Riley Kans.

EDWIN M. STANTON,
Secretary of War.

Capt. E. W. WHITAKER,
Seventh Regiment United States Cavalry,
Hartford, Conn.

The notice of his appointment was sent addressed to Gen. Whitaker, at Hartford, Conn., November 6, 1866. No response having been received from him, on April 27, 1867, a communication was on that date addressed to the postmaster at Hartford, Conn., by this department, in which a statement was requested showing whether the appointment had been delivered to Gen. Whitaker or remained in the post office uncalled for. In response the postmaster informed this department that Gen. Whitaker was then a resident of Hartford, and with the Connecticut General Life Insurance Co., and that without doubt his letters would be placed in the drawer of that company. It does not appear from the records that he accepted or acknowledged the receipt of the appointment, or that he appeared before the board for examination, or that he declined it in any manner other than the declination that was presumed by his failure to acknowledge the receipt of it.

The matter was presented to the Secretary of War by The Adjutant General of the Army in a communication of which the following is a pertinent extract:

* * * * * * *

"List of full appointments issued prior to December 1, 1866, which have not been accepted, although every endeavor has been made to ascertain the addresses of the appointees. Agreeably to the orders of the Secretary of War, these persons were also notified of their appointment through the press March 8, 1867, and that if not accepted on or before May 20 the appointments would be canceled.

"Name: 7. Whitaker, E. W.

"Appointment: Captain Seventh Cavalry.

"Recommended by: Gen. Grant on Army record; no residence stated.

* * * * * * *

"Respectfully submitted to the Secretary of War with the recommendation that the appointments of the above-named persons be canceled

"J. C. KELTON,
"Assistant Adjutant General."

The recommendation was approved, as indicated by indorsements appearing on the communication, as follows:

"The recommendation of The Adjutant General is approved and submitted to the President, with the recommendation that the appointments be canceled for want of acceptance in due time, and that other applicants be appointed in their stead.

"EDWIN M. STANTON,
"Secretary of War.

"Approved:

"ANDREW JOHNSON."

On June 20, 1867, the appointment of Gen. Whitaker, as set forth in the letter of October 18, 1866, hereinbefore, was canceled.

With regard to the statement in the accompanying bill to the effect that Gen. Whitaker "declined to accept an appointment issued to him as captain in the Seventh Regiment United States Cavalry" because of disability incurred in the last engagement in which he participated, it should be remarked that nothing has been found in the official records of the War Department showing or tending to show that he incurred any disability whatever in the engagement referred to or that he was under treatment for any wound, injury, or disease, other than in the Seminary General Hospital in the months of July and August, 1863, as set forth hereinbefore.

In a letter addressed to President Grant on July 12, 1876, Gen. Whitaker solicited an appointment in the Regular Army. The letter, with accompanying papers, was referred to the Secretary of War for consideration, and it appears from the records that on July 26, 1876, Gen. Whitaker was advised that there was no law under which he could be appointed as requested.

On July 12, 1898, Gen. Whitaker submitted his name to the President for an appointment as additional paymaster of Volunteers, but his application for the appointment desired was not favorably considered, because all vacancies in the Paymaster's Department had been filled.

In the year 1895, application was made for the award of a medal of honor to Gen. Whitaker for gallantry at Reams Station, Va., in June, 1864. In connection with the application documents were submitted of which the following are copies:

STOCKPORT, WILMINGTON, DEL.,
February 27, 1895.

JAS. R. DURHAM, ESQ.,
Washington, D. C.

DEAR SIR: Absence from home has prevented an earlier acknowledgment of your favor of February 24.

I note with regret that my letter in regard to Gen. E. W. Whitaker's distinguished services in cutting his way through from Reams Station to headquarters near Petersburg with dispatches for Gen. Meade has been mislaid or lost, and my regret is all the keener as I find I failed to keep a copy of the letter in question.

I now beg to replace it by what follows:

E. W. Whitaker, then a captain of the First Connecticut Cavalry, served on my staff as an aid-de-camp, while I was commanding the Third Division, Cavalry Corps, Army of the Potomac, and at all times and upon many occasions showed himself to be a very able and conspicuously gallant officer, but he rendered peculiarly valuable and courageous service in carry dispatches through the enemy's lines from me to Gen. Meade.

As the official records will show, the command, after destroying the railroads between Petersburg and the Roanoke River and inflicting great injury upon the Confederate cause, had got back to the immediate vicinity of Reams Station, where it found itself confronted by a strong force of rebel cavalry and infantry. On arriving on the field in the early morning, a reconnoissance of the enemy's lines convinced me that we should have to cut and run for it unless Gen. Meade should speedily send a relieving force to open the road for us, but inasmuch as Gen. Meade could have no means of knowing the perils which surrounded us, it was necessary for me to open communication with him. Headquarters were not over 5 miles away, but a strong force of veteran Confederate infantry lay straight across the way and was supported by Fitzhugh Lee's cavalry. Their position was a strong one, and the oldest cavalrymen regarded it as impregnable for our jaded force. Upon indicating my desire to get information through to Gen. Meade, Capt. Whitaker volunteered to take it, and his offer of services was accepted. A single troop of cavalry was selected to escort him, and as soon as the necessary dispatch could be written he set out upon his perilous mission, and within an hour he had cut his way through the Confederate lines and delivered his dispatch at Army headquarters. The details of his exploit will be found in the official records, but no one except himself and those who saw him ride so gallantly into and through the rebel lines can properly appreciate the dangers he ran, or the value of the services rendered by him. It is true that Gen. Meade did not succeed in getting any part of his force to Reams Station till after noon, and after we had retired, but that was no fault of Capt. Whitaker's. He did his whole duty with rare skill, dash, and courage and I trust may be rewarded by the medal of honor and the proper acknowledgment of his distinguished services upon that occasion.

Yours, very respectfully,

JAMES H. WILSON,
Late Major General, Volunteers.

[Special Orders, No. 135.]

GENERAL HEADQUARTERS STATE OF CONNECTICUT,
ADJUTANT GENERAL'S OFFICE,
Hartford, September 15, 1864.

1. Capt. Edward W. Whitaker, of the First Regiment Connecticut Cavalry, is hereby promoted to be major, for meritorious services in cutting through the enemy's lines on the 29th of June, and reporting the perilous condition of Gen. Wilson's cavalry at Reams Station, Va., to Maj. Gen. Meade, with rank from the 14th day of September, 1864, vice Blakeslee promoted.

By order of the Commander in Chief.

HORACE J. MORSE,
Adjutant General.

The application was considered favorably and on March 22, 1898, a medal of honor was awarded to Gen. Whitaker for most distinguished gallantry in action at Reams Station, Va., June 29, 1864, the action taken being based upon a decision of the Secretary of War, as follows:

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
March 22, 1898.

By direction of the President a medal of honor is presented to Gen. Edward W. Whitaker.

At Reams Station, Va., June 29, 1864, this officer, then captain First Connecticut Volunteer Cavalry, in command of a troop, hearing of an expressed wish of the general in command to get information to Gen. Meade through the line of the enemy, volunteered to carry the dispatches. In the most distinguished manner he forced his way through an infantry division of the enemy and delivered the dispatches to Gen. Meade, but lost half his escort in the desperate ride.

R. A. ALGER,
Secretary of War.

Respectfully submitted.

GEO. ANDREWS,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
March 16, 1914.

The honorable the SECRETARY OF WAR.

EDWARD STEWART.

The bill (S. 1274) for the relief of Edward Stewart was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Edward Stewart shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company C, Second Regiment Michigan Volunteer Infantry, on the 31st day of March, 1863, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPORTATION OF OPIUM.

The bill (S. 4764) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved January 17, 1914, was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment, on page 1, line 3, to strike out the words "section two of" and to strike out from line 7, page 1, to line 13, on page 2, and insert:

That after the 1st day of April, 1909, it shall be unlawful to import into the United States opium in any form or any preparation or derivative thereof: *Provided*, That opium and preparations and derivatives thereof, other than smoking opium or opium prepared for smoking, may be imported for medicinal purposes only, under regulations which the Secretary of the Treasury is hereby authorized to prescribe, and when so imported shall be subject to the duties which are now or may hereafter be imposed by law.

SEC. 2. That if any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any opium or any preparation or derivative thereof contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such opium or preparation or derivative thereof after importation, knowing the same to have been imported contrary to law, such opium or preparation or derivative thereof shall be forfeited and shall be destroyed, and the offender shall be fined in any sum not exceeding $5,000 nor less than $500 or by imprisonment for any time not exceeding five years nor less than two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have, or to have had, possession of such opium or preparation or derivative thereof, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.

SEC. 3. That on and after July 1, 1913, all smoking opium or opium prepared for smoking found within the United States shall be presumed to have been imported after the 1st day of April, 1909, and the burden of proof shall be on the claimant or the accused to rebut such presumption.

SEC. 4. That any person subject to the jurisdiction of the United States who shall, either as principal or as accessory, receive or have in his possession, or conceal on board of or transport on any foreign or domestic vessel or other water craft or railroad car or other vehicle destined to or bound from the United States or any possession thereof, any smoking opium or opium prepared for smoking, or who, having knowledge of the presence in or on any such vessel, water craft, or vehicle of such article, shall not report the same to the principal officer thereof, shall be subject to the penalty provided in section 2 of this act. Whenever on trial for violation of this section the defendant is shown to have, or to have had, possession of such opium, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury: *Provided, however*, That any master of a vessel or other water craft, or person in charge of a railroad car or other vehicle, shall not be liable under this section if he shall satisfy the jury that he had no knowledge and used due diligence to prevent the presence of such article in or on such vessel, water craft, car, or other vessel, and any such article shall be forfeited and shall be destroyed.

SEC. 5. That no smoking opium or opium prepared for smoking shall be admitted into the United States, or into any territory under the control or jurisdiction thereof, for transportation to another country, nor shall such opium be transferred or transshipped from one vessel to another vessel within any waters of the United States for immediate exportation or any other purpose.

SEC. 6. That hereafter it shall be unlawful for any person subject to the jurisdiction of the United States to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any opium or cocaine, or any salt, derivative, or preparation of opium or cocaine, to any other country: *Provided*, That opium or cocaine, and salts, derivatives, or preparations thereof, except smoking opium or opium prepared for smoking, the exportation of which is hereby absolutely prohibited, may be exported to countries regulating their entry under such regulations as are prescribed by such country for the importation thereof into such country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

The Secretary of State shall request all foreign Governments to communicate through the diplomatic channels copies of laws and regulations promulgated in their respective countries which prohibit or regulate the importation of the aforesaid drugs, and when received advise the Secretary of the Treasury and the Secretary of Commerce thereof; whereupon the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce shall make and publish all proper regulations for carrying the provisions of this section into effect.

SEC. 7. That any person who exports or causes to be exported any of the aforesaid drugs in violation of the preceding section shall be fined in any sum not exceeding $5,000 nor less than $50 or by imprisonment for any time not exceeding two years, or both. And one-half of any fine recovered from any person or persons convicted of an offense under any section of this act may be paid to the person or persons giving information leading to such recovery, and one-half of any bail forfeited and collected in any proceedings brought under this act may be paid to the person or persons giving the information which led to the institution of such proceedings, if so directed by the court exercising jurisdiction in the case: *Provided*, That no payment for giving information shall be made to any officer or employee of the United States.

SEC. 8. That whenever opium or cocaine or any preparations or derivatives thereof shall be found upon any vessel arriving at any port of the United States which is not shown upon the vessel's manifest, as is provided by sections 2806 and 2807 of the Revised Statutes, such vessel shall be liable for the penalty and forfeiture prescribed in section 2809 of the Revised Statutes.

Mr. THOMAS. Mr. President, I am going to ask the Senate to strike out the entire italicized part of the bill and to pass the bill as originally introduced.

My reason for doing that is that the only change in this law is found in the words "exceeding five years nor," on page 3, line 10. It seems to be superfluous to reenact a statute merely for the purpose of inserting therein four words regarding punishment. The bill was reported in this state because the Treasury Department desired it for administrative purposes, it being easier to refer to an entire measure than to a series of laws consisting of the main statute and the amendments. It seems to me that it is not a necessary method of legislation, and that the enactment of the bill as introduced will cover every purpose.

Mr. SMOOT. Mr. President, I thought I had a copy of the report from the Treasury Department in my calendar book on my desk, but I find I have not. I want to ask the Senator from Colorado if he is sure that the change which he has suggested is the only change made in the present law?

Mr. THOMAS. I am very sure of it; but I shall not insist upon the suggestion.

Mr. SMOOT. I know that the amendment suggested by the Senator is of vital importance; but, as I remember, there were some other changes made.

Mr. THOMAS. The Senator will find the other matter which he has in mind in order of business 295.

Mr. SMOOT. I remember Senate bill 3526, which is calendar No. 295, but I have not had time to read it to ascertain whether it covers the matter or not.

Mr. THOMAS. I will say to the Senator that as the subcommittee, of which he and I were members, reported these bills to the Senate, we reported them as one bill, the error being mine. I assumed the two proposed amendments to refer to the same statute; but my attention was afterwards called to the fact that they were different statutes, and so we have now reported two separate bills.

Mr. SMOOT. Mr. President, that may account for it, because I remember when we agreed upon the report we agreed——

Mr. THOMAS. I misled the Senator at the time by my assumption that the two proposed amendments related to the same statute.

Mr. SMOOT. I will say that if the Senator from Colorado has given this matter as careful consideration in this instance as he has done in the past, and as we have done together, I shall not object to the bill being now considered, and that the amendment be disagreed to, as has been suggested by the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to on page 1, line 3, will be reconsidered, and the amendment will be disagreed to. The Chair hears none.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF DRUGS.

The bill (S. 3526) to amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert:

That section 1 of an act entitled "An act to provide for the registration of, with collector of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, be, and is hereby, amended so as to read as follows:

"That on and after the 1st day of March, 1915, every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away opium, anhalonium (mescale or mescale buttons, pellote), or cocoa leaves, or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of business, and place or places where such business is to be carried on: *Provided*, That the office, or if none, then the residence of any person shall be considered for the purposes of this act to be his place of business. At the time of such registry and on or before the 1st day of July annually thereafter every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid drugs shall pay to the said collector a special tax at the rate of $1 per annum: *Provided*, That no employee of any person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid drugs, acting within the scope of his employment, shall be required to register or to pay the special tax provided by this section: *Provided further*, That the person who employs him shall have registered and paid the special tax as required by this section: *Provided further*, That officers of the United States Government who are lawfully engaged in making purchases of the above-named drugs for the various departments of the Army and Navy, the Public Health Service, and for Government hospitals and prisons, and officers of any State government, or of any

county or municipality therein, who are lawfully engaged in making purchases of the above-named drugs for State, county, or municipal hospitals or prisons, and officials of any Territory or insular possession or the District of Columbia or of the United States who are lawfully engaged in making purchases of the above-named drugs for hospitals or prisons therein shall not be required to register and pay the special tax as herein required.

"It shall be unlawful for any person required to register under the terms of this act to produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away any of the aforesaid drugs without having registered and paid the special tax provided for in this section.

"That the word 'person' as used in this act shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person; and all provisions of existing law relating to special taxes, so far as applicable, including the provisions of section 3240 of the Revised Statutes of the United States are hereby extended to the special tax herein imposed.

"That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying the provisions of this act into effect."

Mr. THOMPSON. Mr. President, by reference to the report on this bill the Senate will see that there is no change in the existing law, which is section 1 of the Statutes at Large of the United States, volume 38, page 785, passed at the last session, with the exception of the addition of the word "anhalonium," commonly referred to as mescal or muscale buttons, from which is made "peyote," a drug used by the Indians for intoxication and resulting in other injurious effects. That is the only change in the existing law.

I note, however, that in copying the language of the statute "coca," referring to coca leaves, in both the title and in the body of the bill is misspelled. I should like to have that amended, because there is a great difference between "coca" and "cocoa."

Mr. OWEN. Mr. President, I should like to understand the amendment of the statute proposed to be made by this bill. It deals, as I understand, with "peyote."

Mr. THOMPSON. If the Senator pleases, it simply adds the words "anhalonium (mescal or mescale buttons, pellote)," and requires persons selling that drug to register and to pay a tax the same as do those who sell opium and other harmful drugs of similar nature.

Mr. OWEN. It simply proposes that those who sell these drugs shall register?

Mr. THOMPSON. Yes, sir; and it imposes a tax upon them.

Mr. OWEN. But it does not prohibit the use of the drug?

Mr. THOMPSON. It restricts its use to that extent by having the parties who sell it register and pay a small tax to the revenue officer.

Mr. OWEN. And having the sales accounted for?

Mr. THOMPSON. I presume so.

Mr. SMOOT. Mr. President, it is impossible for us to hear what the Senator from Kansas has said.

Mr. THOMPSON. Mr. President, I merely stated that this bill simply amends the existing law on this subject by the addition of the words in italics, as shown by the report—"anhalonium (mescal or mescale buttons, pellote)"—and by requiring those who sell these drugs to register and pay a tax, the same as is required of those selling opium and coca leaves, or any compounds of that character, and to account for the sales.

Mr. SMOOT. Mr. President, when the original law on this subject was being considered in the Senate there were so many amendments offered on the floor of the Senate without due consideration that we virtually destroyed the effect of the law. If the Senator from Kansas does not mind, I should like to have the bill to go over, and then I will see what the effect of his amendment would be.

Mr. CLARK of Wyoming. What is the Senator's amendment?

Mr. SMOOT. I can not now understand what it is.

Mr. THOMPSON. It can not possibly have any effect except that it requires those selling this particular drug to register and to pay a tax for it.

Mr. SMOOT. That is provided for in the amendment.

Mr. OWEN. I feel impelled to ask that this bill go to the calendar under Rule IX.

Mr. THOMPSON. I object to that, Mr. President.

Mr. SMOOT. Under what rule does the Senator from Oklahoma desire the bill placed?

Mr. OWEN. Under Rule IX.

Mr. SMOOT. I do not want it to go under Rule IX. I want to assure the Senator from Oklahoma that this is a bill which should pass. We do not, however, want the bill passed unless we are absolutely sure of accomplishing what the Government desires.

Mr. OWEN. I differ from the Senator from Utah with regard to the advisability of the passage of the bill; I object to its consideration now for that reason; but I have a right to move that it go under Rule IX, because I do not wish the bill to come up in my absence.

Mr. SMOOT. We are under a unanimous consent agreement, considering bills on the calendar to which there is no objection. If there is objection, the bills goes over. After we get through with the consideration of the calendar the Senator can make his motion.

The PRESIDING OFFICER. Does the Senator from Oklahoma object to the consideration of the bill?

Mr. OWEN. I object to its consideration at this time.

The PRESIDING OFFICER. The bill will be passed over.

MANUFACTURE OF NITRATES.

The bill (S. 4971) to authorize the designation and withdrawal of water-power sites, and the construction of water-power and other plants by the United States for the manufacture of nitrates, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

Mr. SMOOT. That bill has been attached to the Army reorganization bill, and I ask unanimous consent that it be placed under Rule IX. It has already been passed.

Mr. SHEPPARD. I desire to say, in the absence of the Senator from South Carolina [Mr. SMITH], who reported the bill, that I object to it going under Rule IX.

Mr. SMOOT. If there is any objection to my request, I will not urge it, but I made the request because, as I have stated, the bill has been put upon the Army reorganization bill.

Mr. WALSH. I wish to say that disposition would be quite satisfactory, but I do not see the Senator from South Carolina in the Chamber, and in his absence I think that such action ought not to be taken.

Mr. SHAFROTH. This bill was reported from the Committee on Agriculture, and almost word for word it has been put on the Army reorganization bill.

The PRESIDING OFFICER. Being objected to, the bill goes over.

EXTENSION OF PAYMENTS ON LAND ENTRIES.

The bill (H. R. 6057) to amend section 14 of the reclamation extension act, approved August 13, 1914, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation of Arid Lands with an amendment, on page 2, line 10, after the words "upon the," to strike out "construction charge affecting said lands being increased 1 per centum" and in lieu thereof to insert "applicant's paying an amount equal to 1 per centum of the installment of the construction charge which he would have been required to pay had he accepted this act within the time limit hereinabove fixed," so as to make the bill read:

Be it enacted, etc., That section 14 of an act entitled "An act extending the period of payment under reclamation projects, and for other purposes," approved August 13, 1914, be amended so as to read as follows:

"SEC. 14. That any person whose land or entry has heretofore become subject to the reclamation law, who desires to secure the benefits of the extension of the period of payments provided by this act, shall, within six months after the issuance of the first public notice hereunder affecting his land or entry, notify the Secretary of the Interior, in the manner to be prescribed by said Secretary, of his acceptance of all the terms and conditions of this act, and thereafter his lands or entry shall be subject to all of the provisions of this act: *Provided*, That upon sufficient showing the Secretary of the Interior may, in his discretion, permit notice of acceptance of all the terms and conditions of this act to be filed at any time after the time limit hereinbefore fixed for filing such acceptance shall have expired, conditioned, however, upon the applicant's paying an amount equal to 1 per cent of the installment of the construction charge which he would have been required to pay had he accepted this act within the time limit hereinabove fixed for each 30 days or fraction thereof which may elapse between the expiration of the time limit hereinabove fixed, and the date of filing, or making application to file, acceptance under this proviso and thereafter the lands or entry of any such persons so filing such notice of acceptance shall be subject to all the provisions of this act."

Mr. JONES. Mr. President, I think a mistake was made in reporting that amendment. It does not carry out just what the committee really decided upon. The committee decided to require the applicant who came in under the act after the time had expired to pay 1 per cent of the installment that he would have had to pay if he had complied with the act, instead of paying 1 per cent for every 60 days. In order to carry out that idea we should strike out, after the word "fixed," on page 2, line 14, the words "for each 30 days or fraction thereof which may elapse between the expiration of the time limit hereinabove fixed, and the date of filing, or making application to file, acceptance under this proviso." I move that amendment.

Mr. SMOOT. Mr. President, I call the attention of the Senator from Washington to the fact that the Assistant Secretary

of the Interior suggested that that amendment be incorporated in the bill.

Mr. JONES. I know he did, but that is certainly an error; and I should like to get the matter in conference, at any rate, so as to accomplish just exactly what was intended. The Assistant Secretary of the Interior said that that provision in the bill as it passed the House was too onerous; and that is certainly true; but I think the amendment he has suggested, that the committee really put in, carries out what the House provided.

Mr. SMOOT. The proper way to do that, Mr. President, is to accept the amendment just as it is, and then it will be in conference.

Mr. JONES. No; the part that is not stricken out will not be in conference. I want to strike out in line 14, beginning with the word "for" down to and including the word "proviso" in line 18. Then the whole matter will be in conference. I think that will carry out the idea the Secretary had and the idea the committee had in adopting the amendment. At any rate, it will go to conference.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

NONMETALLIC MINERAL LANDS.

The bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WALSH. Mr. President, that is a very proper disposition of that bill, as it will take some little time, as a matter of course, for its consideration and passage; but I do not think that it would be possible to overestimate or overstate the importance and the urgency of the bill, which undertakes to deal with valuable lands containing deposits of coal, oil, gas, phosphates, and other similar nonmetallic deposits, most of which are now withdrawn from entry and practically tied up, while money in large quantities is ready to go into the development of these lands.

Mr. HARDWICK. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH. I do.

Mr. HARDWICK. I merely want to ask the Senator if this measure deals with the different substances mentioned only where they exist on Government land?

Mr. WALSH. That is all.

Mr. OVERMAN. Mr. President, I only objected because I knew the bill would take some time.

Mr. WALSH. I understand that, and I merely desire to say that upon the conclusion of the bill which is now the unfinished business I shall ask the Senate to devote itself to the consideration of this measure.

Mr. SMOOT. Regular order!

The PRESIDING OFFICER. The Chair understands objection is made, and the bill will go over.

SALARIES OF LIGHTHOUSE KEEPERS.

The bill (S. 4426) to regulate the salaries of keepers of lighthouses was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 10, after the word "average," to insert "of $700 per annum," so as to make the bill read:

Be it enacted, etc., That section 4673 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 4673. The Secretary of Commerce is authorized to regulate the salaries of the respective keepers of lighthouses in such manner as he deems just and proper, but the whole sum allowed for such salaries shall not exceed an average of $700 per annum to each keeper; and the authority herein granted to regulate the salaries of keepers of lighthouses shall not be abridged or limited by the provisions of section 7 of the general deficiency appropriation act approved August 26, 1912, as amended by section 4 of the legislative, executive, and judicial appropriation act Approved March 4, 1913.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I should like to ask the Senator reporting the bill if the present law gives the Secretary of Commerce authorization "to regulate the salaries of the respective keepers of lighthouses in such manner as he deems just and proper"?

Mr. CUMMINS. Mr. President, the only change in the law, I will say, as the report shows, is simply increasing the salary from $600 to $700 a year. I think if the Senator will look at the report he will find that the present law is left practically the same, with that exception.

Mr. SMOOT. If it is I have no objection to the consideration of the bill, but I thought it was a rather broad authority to give to the Secretary. I see, however, on reading the bill closer, that there is a limitation upon that authority by placing the salary not to exceed $700.

Mr. CUMMINS. The report shows that the only change is to increase the salary $100 per annum.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF OFFICERS AND EMPLOYEES OF THE LIGHTHOUSE SERVICE.

The bill (S. 4425) to provide for the retirement of officers and employees of the Bureau of Lighthouses and the Lighthouse Service was considered as in Committee of the Whole, and the Secretary read the bill as follows:

Be it enacted, etc., That all officers and employees of the Bureau of Lighthouses and the Lighthouse Service who shall have reached the age of 65 years, after having been 30 years in the active service of the Government, may, at their option, be retired from further performance of duty; and all officers and employees of the Bureau of Lighthouses and the Lighthouse Service who shall have reached the age of 70 years shall be compulsorily retired from further performance of duty: *Provided*, That the annual compensation of persons so retired shall be one-fortieth of the last annual pay received for each year of active service in the Government, not to exceed in any case thirty-fortieths of the last annual pay received: *Provided further*, That such retirement pay shall not include any amount on account of subsistence or other allowances.

Mr. WALSH. Mr. President, I must confess I do not understand the proviso, which reads:

Provided, That the annual compensation of persons so retired shall be one-fortieth of the last annual pay received for each year of active service in the Government, not to exceed in any case thirty-fortieths of the last annual pay received.

It seems to me that the first part of that sentence is quite inconsistent with the last part.

Mr. CLAPP. Mr. President, the measure is one introduced by my colleague [Mr. NELSON], and I note it has been reported by him. If the Senator from Montana feels that it is necessary to have the bill amended, I will ask that it be passed over for a moment until I can send for my colleague.

Mr. WARREN. Let the bill go over.

Mr. CLAPP. I do not ask that it go over, except temporarily.

Mr. CHILTON. Let it be passed over temporarily.

The PRESIDING OFFICER. The bill will be passed over temporarily.

Mr. NELSON subsequently said: Mr. President, during my temporary absence the Senate passed over Order of Business 301, Senate bill 4425. I ask that it may be returned to.

The PRESIDING OFFICER. Without objection, the Senate will return to Senate bill 4425.

Mr. NELSON. I want to say in relation to that bill that it provides for the retirement of superannuated employees of the Lighthouse Service. Some four or five years ago we made provision for the Revenue-Cutter Service, and two years ago we made provision for the Life-Saving Service. This is for the Lighthouse Service, the poorest paid service among all the Government employees. Their average salary has been only $600 a year, in addition to which they have been getting a ration estimated at 30 cents a day.

A good many of these employees have been getting old, and this bill proposes to retire them compulsorily when they are 70 years of age, and they may retire on their own motion at 65, and it gives them simply three-fourths of the pay they were getting at the time they retired. It is a very meritorious bill, and I trust there will be no objection to it.

Mr. WALSH. Mr. President, the passage of the bill was interrupted by a suggestion of myself, made out of no spirit of hostility to the measure at all, because as a boy I knew of the sacrificing services of these very worthy public servants. I will say to the Senator from Minnesota, however, that I directed the attention of the Senate to the language of the proviso, which I was quite unable to comprehend.

Mr. NELSON. It provides that their annual compensation shall be one-fortieth of the salary they are receiving at the time they are retired multiplied by the number of years they have been actually in the service, but in no case is it to exceed thirty-fortieths, or three-quarters, of their full pay. If the Senator will read the full proviso, he will see that it is very fair. It is based on service. That is, if the man is, say, 70 years old and retires, and he has served only one year, he would get only one-fortieth of the salary that he was getting from the

Government that year. If he had served 10 years, he would get ten times that amount. It is multiplied by the years of his service, but with that qualification that in no instance shall it exceed three-fourths of the full pay.

Mr. WALSH. If that is the purpose it certainly is not expressed in the bill.

Mr. NELSON. That is the object of the bill. I want to say to the Senator that it is a bill carefully considered and prepared by the department; and if the Senator will examine the report he will find the reasons for it and an explanation of it in full.

Mr. WALSH. I will say to the Senator that I have examined the report, and that there is apparently no reference in the report to this feature of the bill at all. The purpose suggested is a very worthy one, but it certainly is not expressed in the bill.

Mr. CLARK of Wyoming. I think, upon reflection, the Senator will see that it is properly expressed:

The annual compensation of persons so retired shall be one-fortieth of the last annual pay received for each year of active service in the Government.

One-fortieth of the pay for each year of active service in the Government.

Mr. SUTHERLAND. It should not include the word "last," then——

"That the annual compensation of persons so retired shall be one-fortieth of the *last* annual pay."

Mr. CLARK of Wyoming. That is exactly right. It is one-fortieth of the salary for the last year that he served for each year that he has been in the service.

Mr. NELSON. With the limitation that it must not exceed three-fourths.

Mr. WALSH. I do not want to be understood as opposing this bill at all; but I submit that the language does not at all express the idea, and I regret very much——

Mr. NELSON. It is the language prepared by the department.

Mr. WALSH. I think I could improve on the department's language.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. CHILTON. Mr. President, I suggest to the Senator from Minnesota that the difficulty can be obviated if, in line 12, after the word "be," he will insert the words "a sum equal to," so that the proviso will read:

That the annual compensation of persons so retired shall be a sum equal to one-fortieth of the last annual pay received for each year of active service.

Mr. NELSON. I have no objection to that amendment. The effect of it is the same.

Mr. CHILTON. What we mean to do is to provide for taking the pay for one year divided by 40 and then multiplying it by the number of years that he has been in the service.

Mr. SMOOT. That is right.

Mr. CLARK of Wyoming. That is what it says.

Mr. CHILTON. It was not clear to me when I read it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from West Virginia.

The amendment was agreed to.

Mr. SHAFROTH. I should like to ask the Senator from Minnesota the construction which he places upon the 70-year provision. Is there any requirement that there shall be 30 years of service?

Mr. NELSON. Oh, no. The provision is for compulsory retirement at 70 years, and at 65 they may retire on their own application.

Mr. SHAFROTH. Could a person who was 69 years of age serve one year and retire and get this pension?

Mr. NELSON. No; he could not, unless he was 70 years of age.

Mr. SHAFROTH. Yes; I know.

Mr. NELSON. If he were 70 years of age, he could be compelled to retire, and then he would get only one-fortieth of his salary for that one year.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHICAGO, MILWAUKEE & PUGET SOUND RAILWAY CO.

The bill (S. 3101) authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, State of Montana, and for a right of way thereto for the removal of gravel and ballast material" was considered as in Committee of the Whole. It authorizes the Secretary of War, in his discretion, to extend the area covered by the lease issued under the act approved August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way for the removal of gravel and ballast material," so as to include 241.67 acres, with necessary rights of way, for a term of 10 years from the approval of this act, in the name of the Chicago, Milwaukee & St. Paul Railway Co. a corporation of the State of Wisconsin (the grantee and successor in interest of the former lessee) for the purposes and under the conditions imposed by the provisions of the act of August 23, 1912.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VALIDATION OF PUBLIC-LAND ENTRIES.

The bill (S. 3929) validating certain applications for and entries of public lands, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with amendments.

The first amendment was, on page 3, after line 20, to strike out:

Homestead entry, Great Falls, Mont., No. 027,141, made by William Liskey on May 10, 1912, for the north half of the south half, section 9, township 24 north, range 2 west, Montana meridian.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 23, at the beginning of the line, to strike out the word "scribed as lot 2, northeast quarter of the northeast quarter," and in line 25, after the word "quarter," to strike out "north half of the southwest quarter of the northeast quarter," so as to read:

Homestead application, Roseburg, Oreg., No. 010040, made by William E. Hosford on March 9, 1915, for 99.17 acres of land, described as lot 2, northwest quarter of the northeast quarter, north half of the southwest quarter of the northeast quarter.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to insert:

Homestead application, Fairbanks, Alaska, No. 6262, filed by George Kolde, on February 24, 1915, for lot 12, section 10; lots 1 and 6, section 15; and the south half of the northwest quarter, section 14, township 1 south, range 1 west, Fairbanks meridian.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to insert:

Homestead application, Boise, Idaho, No. 012019, filed by Gertrude Kelley Gilbert on January 4, 1912, for the south half of the northwest quarter of section 26, in township 3 north, range 4 west of the Boise meridian.

The amendment was agreed to.

The next amendment was, on page 7, after line 9, to insert:

Allotment application, Glasgow, Mont., No. 014028, filed by Anna Campbell Valentine, for the east half southeast quarter section 7, the northeast quarter northeast quarter section 18, and northwest quarter northwest quarter section 17, township 34 north, range 35 east, Montana principal meridian.

The amendment was agreed to.

The next amendment was, in section 3, page 8, after line 23, to insert:

Homestead entry, Havre, Mont., No. 12299, made by Hubert Schroeder on June 10, 1901, for the south half of the southeast quarter of section 13 and the east half of the northeast quarter of section 24, township 32 north, range 21 east, Montana meridian.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to insert:

Homestead entry, Pierre, S. Dak., No. 012604, made by Frank Olsen, on May 5, 1910, for the northwest quarter of the southeast quarter of section 32, township 128 north, range 53 west.

The amendment was agreed to.

The next amendment was, on page 9, after line 11, to insert as a new section the following:

SEC. 4. That the entries hereinafter named be, and the same are hereby, validated as though allowed after two and within five years from the opening of the lands to entry under the provisions of the act of Congress approved March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect":

Homestead entry, Lander, Wyo., No. 06824, filed by William E. Duncan, on February 17, 1915, for the south half of the northwest quarter, southwest quarter of the northeast quarter, and northeast quarter of the southwest quarter, section 26, township 8 north, range 3 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 06907, filed by Ralph E. Kelly, on March 15, 1915, for the west half of the southeast quarter, and southeast quarter of the southwest quarter, section 36, township 8 north, range 3 east, and the northeast quarter of the northwest quarter, section 1, township 7 north, range 3 east, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 06928, filed by Charles Granger, on March 17, 1915, for the southeast quarter of the northeast quarter, section 5, township 6 north, range 1 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07185, filed by Jay K. Smith, on June 18, 1915, for the northeast quarter of the northeast quarter, section 18, north half of the northwest quarter, and the northwest quarter of the northeast quarter, section 17, township 8 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07102, filed by Charles A. Clifton, on May 12, 1915, for the southwest quarter of the northeast quarter, and the south half of the northwest quarter, section 20, and the southeast quarter of the northeast quarter, section 19, township 6 north, range 4 west, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 07103, filed by Ralph E. Allen, on May 13, 1915, for the northeast quarter of the southwest quarter, section 30, township 1 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07104, filed by John E. Woodson, on May 15, 1915, for lot 4 and the southeast quarter of the southwest quarter, section 30, township 1 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07120, filed by Mabelle G. Hays, on May 24, 1915, for the southwest quarter of the southeast quarter, and the south half of the southwest quarter, section 1, and the northeast quarter of the northwest quarter, section 12, township 3 north, range 2 west, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 07129, filed by Morris M. Alexander on May 29, 1915, for the northeast quarter of the northeast quarter, section 29, township 5 north, range 4 west, Wind River meridian.

Homestead application, Lander, Wyo., No. 07113, made by Lawrence J. Kirch, on May 15, 1915, for the northwest quarter, section 16, township 2 north, range 4 east, Wind River meridian.

The amendment was agreed to.

The next amendment was, on page 12, after line 13, to insert as a new section the following:

SEC. 5. That the homestead claim of John Kehoe for unsurveyed lands near Tanana, Alaska, for which he recorded a location notice August 5, 1908, be, and the same is hereby, validated.

The amendment was agreed to.

The next amendment was, on page 12, after line 17, to strike out:

Homestead application, Fairbanks, Alaska, No. 0292, filed by George Kolde, on February 24, 1915, for lot 12, section 10, lots 1 and 6, section 15, and the south half of the northwest quarter, section 14, township 1 south, range 1 west, Fairbanks meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTIAN FREDRICKSON.

The bill (S. 4025) to grant patent to certain lands to Christian Fredrickson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment on page 2, line 1, after the word "filed," to insert "provided he shall have paid the price of 15.17 acres at the rate of $1.25 per acre, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to Christian Fredrickson, of Kay, N. Dak., upon homestead entry No. 01299, made at Williston, N. Dak., on October 27, 1908, for the northwest quarter of the northeast quarter of section 32 in township 157 north, of range 96 west, of the fifth principal meridian, upon which satisfactory proof of compliance with law has been filed, provided he shall have paid the price of 15.17 acres at the rate of $1.25 per acre.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD ENTRIES IN RECLAMATION PROJECTS.

The bill (H. R. 384) to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," was considered as in Committee of the Whole. It proposes to amend the act of June 23, 1910 (Pub. 243, 36th Stat., p. 592), entitled "An act providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," by adding the following proviso:

Provided, That in the absence of any intervening valid adverse interests any assignment made between June 23, 1910, and January 1, 1913, of land upon which the assignor has submitted satisfactory final proof and the assignee purchased with the belief that the assignment was valid and under the act of June 23, 1910, is hereby confirmed, and the assignee shall be entitled to the land assigned as under the act of June 23, 1910, notwithstanding that said original entry was conformed to farm units and that the part assigned was canceled and eliminated from said entry prior to the date of final proof: *Provided further*, That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation act and acts amendatory thereof or supplemental thereto, and all of said assignees whose entries are hereby confirmed shall, as a condition to receiving patent, make the proof heretofore required of assignees.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The bill (S. 5172) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C., was considered as in Committee of the Whole. It provides that the property situated in square 173 in the city of Washington, D. C., described as lots 23, 24, 25, 26, 27, and 28, inclusive, occupied by the Daughters of the American Revolution, shall be exempt from and after May 23, 1914, from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property, and acts amendatory thereof.

The bill was reported to the Senate without amendment.

Mr. SHEPPARD. Mr. President, I ask the author of the bill if it refers to the particular piece of property now in the possession of the Daughters of the American Revolution?

Mr. CLAPP. Yes; it is a piece that they bought adjoining the original purchase. The original purchase was exempted from taxation some time ago, and this will become a part of the site of their building.

Mr. SHEPPARD. It does not refer to any property that may hereafter be acquired?

Mr. CLAPP. Oh, no, no! It describes it specifically.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR PUBLIC BUILDING, NOGALES, ARIZ.

The bill (S. 5086) amending section 4 of the public-building act approved March 4, 1913, providing for the purchase of a site for a building for post office and customhouse at Nogales, Ariz., was considered as in Committee of the Whole. It proposes to amend so much of section 4 of the public-building act approved March 4, 1913 (37 Stats., 873), as authorizes the acquisition of a site and the erection of a suitable building thereon for the United States customhouse at Nogales, Ariz., at a cost not exceeding $110,000, and so much of section 5 of said act (37 Stats., 877) as authorizes the acquisition of a site for the United States post office and other governmental offices at Nogales, Ariz., at a cost not exceeding $10,000, so as to authorize and direct the Secretary of the Treasury to acquire by purchase, condemnation, or otherwise, one site and to erect thereon one building for the accommodation of the United States post office, customhouse, and other governmental offices in Nogales, Ariz., at a cost not exceeding $120,000, of which limit of cost not exceeding $15,000 shall be expended for such site; and the appropriation of $16,000 made by the act of Congress approved July 29, 1914 (38 Stats., 563), in pursuance of said authorization of March 4, 1913, for a site and building for said customhouse is made available for the acquisition of the site and the commencement of the erection of the building hereinbefore authorized for said post office and customhouse.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CORVALLIS, OREG.

The bill (S. 4974) to provide for the purchase of a site and the erection of a building thereon at Corvallis, in the State of Oregon, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds, with an amendment, on page 2, line 2, to strike out "$100,000" and insert "$70,000," and to strike out all of sections 2, 3, and 4, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office, land office, and other Government offices at Corvallis, in the State of Oregon, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $70,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COWLITZ TRIBE OF INDIANS, STATE OF WASHINGTON.

The bill (S. 2458) authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. JONES subsequently said: Mr. President, when Senate bill 2458 was reached the Senator from Utah asked that it might go over. It is a bill relating to the Cowlitz Tribe of Indians. I should like to have the RECORD show why the Senator wished to have it go over.

Mr. SMOOT. I will simply say that I have a request from a Member of the House to ask that that bill go over, and stating that he will write me a letter to-day about it. I am perfectly willing to let the Senator see the letter as soon as I receive it.

FEDERAL BUILDING SITE, NEWARK, DEL.

The bill (H. R. 6442) to provide for the exchange of the present Federal building site in Newark Del., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury, in his discretion, to acquire by exchange for the present Federal building site in Newark, Del., a new site for said building, and to convey the present site to be given in exchange therefor by the usual quitclaim deed. Such new site shall be centrally and conveniently located and of such size that an open space of such width, including streets and alleys, as the Secretary of the Treasury may determine may be maintained about the Federal building when constructed for the protection thereof from fire in adjacent buildings, provided that the United States Government be placed to no additional expense should the aforesaid exchange be consummated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. ROBINSON AND JOHN DOWS.

The bill (S. 4810) for the issuance of a patent for certain Government lands to Benjamin F. Robinson and John Dows was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 9, after the word "application," to strike out "thereof" and insert "therefor," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be issued to Benjamin F. Robinson and John Dows a patent for lots 8, 9, 10, and 11, in section 22, township 99 north, range 32 west of the fifth principal meridian, Iowa: *Provided*, That within three months after the approval hereof they shall have presented their application therefor and made payment for said tract at the rate of $1.25 per acre: *Provided further*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to the land or to any part thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN PORTLAND, OREG.

The bill (H. R. 4746) granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes was considered as in Committee of the Whole. It grants to the city of Portland, Oreg., the right to purchase the northeast quarter and the north half of the northwest quarter of section 18, in township 1 north, of range 6 east, of the Willamette meridian, Oregon, for public park purposes, and a patent for same is authorized to be issued by the proper officers to the said city of Portland, Oreg., upon payment of $1.25 per acre by the said city to the United States, provided that the lands so authorized to be purchased shall be held and used by or for the said grantee for the purposes herein specified, and in the event the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACKSON LAKE RESERVOIR, WYO.

The bill (S. 5348) to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes, was considered as in Committee of the Whole. It provides that upon delivery of deeds conveying to the United States good title to certain lands near the outlet of Jackson Lake, Wyo., needed by the United States in connection with the construction of the Jackson Lake Dam, and sought to be condemned, and more particularly described in the complaint on file in the case of United States against B. D. Sheffield and others, now pending in the district court of the United States in and for the district of Wyoming, then in exchange for such lands so conveyed to the United States lot 10 of section 19, township 45 north, range 114 west, sixth principal meridian, in the State of Wyoming, containing approximately 21.38 acres, as shown on the amended plat of said section 19, approved by the Commissioner of the General Land Office on January 20, 1916, and filed in the United States Land Office, shall be granted and conveyed by the United States to said B. D. Sheffield, his heirs, executors, administrators, or assigns, and upon delivery of satisfactory evidence of title to the said lands to be conveyed to the United States and the delivery of deeds conveying the same to the United States patent to said lot 10 shall be issued to said B. D. Sheffield.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BINGHAM CANYON, UTAH.

The bill (S. 4) to provide for the purchase of a site and the erection of a public building thereon at Bingham Canyon, in the State of Utah, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other governmental offices in the city of Bingham Canyon and State of Utah, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $75,000.

Mr. SMITH of Georgia. Mr. President, is this a $75,000 building?

Mr. OVERMAN. It is a site and a building.

Mr. SUTHERLAND. What is the inquiry of the Senator?

Mr. SMOOT. We just passed a bill providing for one for Nogales, Ariz., at a cost of $120,000.

Mr. ASHURST. Mr. President, I should like to explain the Arizona bill.

SEVERAL SENATORS. Oh, no!

Mr. OVERMAN. I call for the regular order.

Mr. SUTHERLAND. Does the Senator from Georgia object to the consideration of the bill?

Mr. SMITH of Georgia. I desire to know the size of the business of the place before we pass it.

Mr. SUTHERLAND. Last year the business was something over $12,000; and it is for other governmental offices as well as the post office. It is one of the very important towns in the State of Utah. It is where, among other mines, the Utah Copper Mine is situated—probably one of the biggest copper mines in the world.

Mr. WALSH. Mr. President, I should like to ask the Senator from Utah what is the population of this place?

Mr. SUTHERLAND. The population of Bingham Canyon proper to-day is something over 3,000, but, as the Senator very well understands, coming from a mining State, there are people living all about, receiving mail at Bingham Canyon. There is a rural free delivery in active operation carrying the mails in different directions from the town of Bingham. Tributary to the post office there is a population of several thousand. I can not tell the Senator the exact number.

Mr. WALSH. I am moved to make these inquiries, because I was led to believe that these appropriations for public buildings were all going to be found in an omnibus bill.

Mr. SUTHERLAND. They will, ultimately.

Mr. WALSH. I will ask the Senator from Utah whether that is his understanding about the matter?

Mr. SUTHERLAND. Yes; they will ultimately go into a general omnibus bill. I will say to the Senator that that has always been the practice in the Senate.

The PRESIDING OFFICER. If the Chair may be pardoned, he will say here that the receipts of the post office at this point for the last year—1915—were $12,314.78. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAL LANDS, KAYCEE, WYO.

The bill (S. 3986) granting certain coal lands to the town of Kaycee, Wyo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, to strike out lines 3 to 12, inclusive, on page 1, and the word "conditions," on line 1, page 2, in the following words:

That the following-described coal land, or so much thereof as the town of Kaycee, Wyo., may apply for within six months after the approval of this act, is hereby granted to said town as a source of coal supply for the use of said town and for the use therein of the inhabitants and industries thereof, to wit:

In section 26, the southeast quarter of the northeast quarter, in township 44 north, range 81 east of the sixth principal meridian, containing 160 acres, more or less, upon the following conditions.

And to insert:

That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to sell, or to lease, to the town of Kaycee, Wyo., the following described coal land, to wit, southeast quarter of the northeast quarter, in section 26, township 44 north, range 81 west, sixth principal meridian, as a source of coal supply for the use of said town and for the use therein of the inhabitants and industries thereof, upon the following express conditions:

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to sell, or to lease, to the town of Kaycee, Wyo., the following described coal land, to wit, southeast quarter of the northeast quarter, in section 26, township 44 north, range 81 west, sixth principal meridian, as a source of coal supply for the use of said town and for the use therein of the inhabitants and industries thereof, upon the following express conditions, that is to say: That said town shall, within two years from the approval of this act, open a workable vein of coal upon said land and shall continuously thereafter develop and operate a practical coal mine thereon for the purpose aforesaid; shall not assign or transfer said land or any interest therein; shall comply with such rules and regulations as may from time to time be prescribed by the United States Bureau of Mines and approved by the Secretary of the Interior for safeguarding the health and safety of the employees engaged in mining or handling coal therein; for the prevention of waste of the mineral resources thereof; for securing full reports from the town to the Secretary of the Interior as to the mining and disposal of coal mined in said lands, including construction, maintenance, and operation costs, amounts used for municipal purposes, amounts sold, purchasers, and amounts of receipts from sales: *Provided*, That if the said town shall at any time neglect or fail to perform any of the conditions aforesaid or any part thereof, and shall continue such neglect or failure after reasonable notice by the Secretary of the Interior, the said land hereby granted shall revert free and clear of all incumbrances to the Government of the United States.

The amendment was agreed to.

Mr. WALSH. Mr. President, I should like to ask the Senator from Wyoming whether the town has signified its desire to have the bill enacted, and whether it will avail itself of the opportunity granted it by the act?

Mr. CLARK of Wyoming. Whether or not it has officially signified it, I am unable to say; but it has unofficially done so, and the Senator will observe the amendment which was inserted at the suggestion of the Secretary of the Interior.

Mr. WALSH. Yes; I observe that. If the town is desirous of acquiring this property, Mr. President, I shall be very glad to aid it in securing it. I wanted to say to the Senator, however, that I observe that the discretion given to the Secretary is unlimited. He may sell or lease; he may sell at any price or lease at any price.

Mr. CLARK of Wyoming. Yes. I will say to the Senator that the town of Kaycee is probably 75 or 100 miles from any railroad. It is simply a small inland town. It is a small settlement. This is the only available source of supply that they have. It would not pay anybody to open a mine or to enter the coal lands for this purpose. It is simply to provide a supply for the town for fuel purposes.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN DURANGO, COLO.

The bill (H. R. 28) to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

The bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as next in order.

Mr. OVERMAN. In the absence of the Senator from South Carolina [Mr. SMITH] I ask that the bill may go over. Its consideration will take some time.

The PRESIDING OFFICER. The bill will be passed over.

STEAMBOAT-INSPECTION SERVICE.

The bill (H. R. 449) to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10 was announced as next in order.

Mr. SMOOT. If I remember correctly, this was taken care of in another bill.

Mr. OVERMAN. I think it was. Let it go over.

The PRESIDING OFFICER. The bill will go over.

LANDS IN WYOMING.

The bill (H. R. 177) authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT ASSINNIBOINE MILITARY RESERVATION.

The bill (S. 3646) to amend the act of February 11, 1915 (38 Stat. L., 807), providing for the opening of the Fort Assiniboine Military Reservation, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, on page 2, line 2, after the word "east," to insert "and fractional townships 29 north, ranges 14 and 15 east," and in line 5, after the word "approximately," to strike out "thirty thousand nine hundred" and insert "fifty-six thousand and thirty-five," so as to read:

SEC. 10. That fractional townships 28 north, ranges 15 and 16 east, and fractional townships 29 north, ranges 14 and 15 east, Montana principal meridian, within the boundaries of said reservation, embracing a total area of approximately 56,025 acres, are hereby set apart as a permanent reservation for Rocky Boy's Band of Chippewas and such other homeless Indians in the State of Montana as the Secretary of the Interior may see fit to locate thereon, and the said Secretary is authorized, in his discretion, to allot the lands within the reservation hereby created under the provisions of the general allotment act of February 8, 1887 (24 Stats. L., 388), as amended.

The amendment was agreed to.

The next amendment was, on page 2, line 22, after the words "section 26," to strike out "and the northeast quarter northwest quarter, northwest quarter northeast quarter, section 36"; on page 3, line 1, after the words "numbered one," to insert "and embracing an area of approximately 480 acres"; and on line 8, after the words "numbered two," to insert "and embracing an area of approximately 440 acres: *Provided*, That the city of Havre shall pay for said land the sum of $1.25 per acre: *Provided further*, That if the said city of Havre shall at any time hereafter abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States," so as to read:

SEC. 11. That the Secretary of the Interior be, and he is hereby, authorized and directed to patent to the city of Havre, Mont., for reservoir purposes the following-described lands lying within said reservation: The west half southeast quarter, west half section 25, and the southeast quarter northeast quarter, northeast quarter southeast quarter, section 26, township 31 north, range 15 east, Montana principal meridian, comprising reservoir site No. 1 and embracing an area of approximately 480 acres; and the northwest quarter, west half northeast quarter, north half southwest quarter, northwest quarter southeast quarter, section 23; and the southwest quarter southeast quarter, southeast quarter southwest quarter, section 28, township 30 north, range 16 east, Montana principal meridian, comprising reservoir site No. 2, and embracing an area of approximately 440 acres: *Provided*, That the city of Havre shall pay for said land the sum of $1.25 per acre: *Provided further*, That if the said city of Havre shall at any time hereafter abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "the," to strike out "southeast quarter, southwest quarter northeast quarter, east half northeast quarter, southeast quarter northwest quarter, northwest quarter northwest quarter, section 36"; and on page 5, line 6, after the word "meridian," to insert "embracing an area of approximately 8,880 acres," so as to read:

All of section 5; the northeast quarter section 6, township 30 north, range 16 east; and the southwest quarter section 32; the south half northwest quarter, southwest quarter northeast quarter section 31, township 31 north, range 16 east; and the east half southeast quarter section 25; southeast quarter southwest quarter, northwest quarter southeast quarter, northeast quarter northeast quarter, west half northeast quarter, east half northwest quarter, northwest quarter northwest quarter, section 26; south half southwest quarter, south half southeast quarter, section 23, township 31 north, range 15 east, Montana principal meridian," embracing an area of approximately 8,880 acres.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STOCK-RAISING HOMESTEADS.

The bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, was announced as next in order.

Mr. ASHURST. I have an amendment which I want to offer to the bill.

Mr. SMOOT. I know of a number of amendments that are to be offered to the bill. It will take some time to discuss the measure. For that reason I ask that it may go over.

The PRESIDING OFFICER. The bill will go over.

CRUM RIVER, PA.

The bill (S. 5053) authorizing abutting owners upon Crum River, a navigable stream, where the same empties into the Delaware River, to straighten, widen, and deepen the same, and substituting such straightened course and channel for the present channel thereof, and abandoning and vacating a portion of the present channel, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and to insert:

That Alba B. Johnson and Samuel M. Vauclain and the Baldwin Locomotive Works, abutting property owners upon Crum River, where the same empties into the Delaware River, be, and they are hereby, authorized to change and divert the present course and channel of Crum River and to straighten same, under the direction and supervision of the Secretary of War, so that the channel hereafter shall exist according to the following courses and distances, to wit: Beginning at the point of intersection of the east line of the right of way of the Philadelphia & Reading Railway Co. with the center line of Crum River, south 16° 42' 13", east, 154.5 feet thence south 25° 34', east, 1,500 feet, more or less, to the low-water line in the Delaware River, and that the said river shall be of the width of 50 feet at mean low water on each side of the said center line and that hereafter the said Crum River shall be taken to exist as a navigable stream as so straightened, and the present course and channel of the said river below the point of diversion according to the following courses and distances: Beginning at the point of intersection of the east line of the right of way of the Philadelphia & Reading Railway Co. with the center line of Crum River, south 12° 11', east 479.2 feet; thence south 23° 21' east 307.5 feet; thence south 2° 16', east 331.8 feet; thence south 42° 52', west 148.7 feet; thence south 79° 4', west 429.3 feet; thence south 29° 44', west 200 feet; thence south 28° 5', east 594 feet, more or less, to the low-water line in the Delaware River, shall be abandoned and vacated when the above-mentioned channel shall have been completed to a depth of 4 feet at mean low water, with a bottom width of 62 feet and with a width of 100 feet at mean low-water level, and all the right, title, and interest of the United States in and to the land which is in the old channel and bed of said Crum River shall revert to and become the property of Alba B. Johnson, Samuel M. Vauclain, and the Baldwin Locomotive Works, their heirs, assigns, and successors: *Provided*, That the said Alba B. Johnson and Samuel M. Vauclain and the Baldwin Locomotive Works shall construct and maintain at their expense a bridge, satisfactory to the Secretary of Commerce, over the new course of Crum Creek, available for the passage of persons and vehicles for purposes of the United States, said bridge to take the direction of the present right of way of the United States at the place where the same is to be cut by the proposed new course of Crum Creek, and to be maintained so long as title to the property now owned by the United States at the mouth of Crum Creek remains in said United States.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 5244) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce, with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of Commerce be, and he is hereby, authorized and directed to grant and convey to Alba B. Johnson and Samuel M. Vauclain all that certain lot or piece or parcel of land granted and conveyed to the United States of America by the president and company of the Philadelphia & Reading Railroad Co. by deed dated December 29, 1879, situated in Tinicum Township, in the county of Delaware and State of Pennsylvania, described according to a recent survey as follows: Beginning at a point in the south side of the entrance gate to the basin (for the storage of canal boats in winter) on the upper side of the mouth of Crum Creek and running thence along the cross bank dividing said basin from the meadow at the mouth of Crum Creek south 4° west 157 feet; thence south 13° 55' east 100 feet; thence south 26° east 319 feet, more or less, to low-water line in the Delaware River; thence by the low-water line of the Delaware River and Crum Creek to the place of beginning, containing 5 acres, more or less, being part of a certain larger tract or parcel of land which the "president, managers, and company of the Schuylkill Navigation Co.," by a certain indenture dated the 12th day of July, A. D. 1870, recorded, etc., granted, and conveyed unto the Philadelphia & Reading Railroad Co., their successors and assigns, together with the free and uninterrupted use, right, liberty, and privilege of passage in and along a certain roadway 16 feet wide next to the line of Crum Creek and upon the bank extending along and following the course of the said creek from the railroad of the Philadelphia & Wilmington Railroad Co. to the herein-described premises as now in use; for and in consideration of the said Alba B. Johnson and Samuel M. Vauclain granting and conveying to the United States in fee simple the following-described premises and rights of way situated on Crum Creek, after its course shall have been changed, in the county of Delaware, State of Pennsylvania, now belonging to them, to wit: A certain piece or parcel of land whose boundaries shall form a parallelogram containing 1 acre, more or less with 200 feet frontage on the east side of the new course of Crum Creek, Pa., which frontage shall be intersected by the axis or center line of Chester Range, at a point to be approved by the Secretary of Commerce, together with the full and uninterrupted use, right, liberty, and privilege of passage for persons and vehicles over an accessible, direct, and improved right of way 16 feet wide, wholly above high-water mark, from the premises above described to the right of way of the Chester branch of the Philadelphia & Reading Railroad Co., the said right of way to be used in common and wholly maintained by the said Alba B. Johnson and Samuel M. Vauclain, their heirs, executors, administrators, and assigns, and kept in passable condition at all times; also a suitable and sufficient right of way for beams of light on the Chester Range Line over all the property on said range line between the proposed permanent front and rear lights of Chester Range, and to the southward and westward of said front light: *Provided*, That the Attorney General shall first examine the title of said Alba B. Johnson and Samuel M. Vauclain to premises to be conveyed to the United States as aforesaid and shall furnish his written opinion in favor of the validity thereof: *Provided further*, That the said Alba B. Johnson and Samuel M. Vauclain, within such reasonable time after the passage of this act as may be determined by the Secretary of Commerce, shall deed to the United States the premises herein described to be conveyed by them: *And provided further*, That the conveyance of the herein-described lot or parcel of land now owned by the United States of America shall not be made and the title thereto shall not pass to the said Alba B. Johnson and Samuel M. Vauclain until the following shall have been done by said persons without expense to the United States and to the satisfaction of the Secretary of Commerce: First, erect a bulkhead of permanent construction on the easterly side of the new course of Crum Creek along the entire frontage of the premises to be conveyed to the United States of America, which shall consist of a timber pile foundation supporting a timber platform and a gravity section concrete retaining wall of the same construction as approved by the United States Engineer office and now being erected on the southwest side of the mouth of Crum Creek; second, fill the entire plot of land to be conveyed to the United States with sand, earth, or other suitable material to an elevation of 12 feet above mean low water; third, dredge a channel from the premises to be conveyed to the United States to the main channel of the Delaware River having a depth of not less than 6 feet at mean low water; fourth, construct and make available for the purposes of the United States the improved right of way for the passage of persons and vehicles provided for herein: *And provided further*, That the conveyance shall not be made by the United States and title shall not pass from the United States until the permanent tower and dwelling proposed to be built by it on the land to be conveyed to it shall be ready for occupancy, nor until all valuable lighthouse property is removed by the United States from the site to be conveyed by it: *And provided further*, That the existing lights now in use shall continue, without interference by said Alba B. Johnson and Samuel M. Vauclain, until the establishment by the United States of permanent lights on Chester Range.

SEC. 2. That the said Alba B. Johnson and Samuel M. Vauclain, upon the passage of this act, and after the rendition by the Attorney General of his opinion in favor of the validity of the title to be conveyed to the United States and the conveyance to the United States of such title, shall have the right to proceed with improvements upon the tract to be conveyed by the United States, except upon such portions as are actually required for lighthouse purposes, under conditions to be prescribed by the Secretary of Commerce.

SEC. 3. That all expenses incurred by the United States in making the exchange of property herein authorized, including the cost of such abstracts, official certifications, and evidences of title as the Attorney General may deem necessary, and all expenses incurred in removing such lighthouse property on the present site as may be advantageous to the interests of the Government shall be payable from the appropriation "General expenses, Lighthouse Service," for the fiscal years in which such expenses are incurred.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of Commerce to exchange the land now occupied by the Schooner Ledge Range Front Light Station at the mouth of Crum Creek, Pa., for other lands adjacent thereto which are intersected by the axis of the Chester Range Line of the Delaware River, and authorizing the Secretary of Commerce to remove said Schooner Ledge Range Front Light Station after certain conditions have been complied with."

JAMES F. COLE.

The bill (S. 739) to remove the charge of desertion from the military record of James F. Cole was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMITH of Michigan. Is there objection to the consideration of the bill?

Mr. OVERMAN. Yes; when 50 years after the war it is proposed to remove the charge of desertion against him. I do not know anything about the man, but—

Mr. SMITH of Michigan. It is never too late to do justice. Let me have the Senator's attention for a moment, if he will withhold his objection.

Mr. OVERMAN. I will withhold it.

Mr. SMITH of Michigan. This soldier, Mr. President, served honorably and was wounded, and the bullet is still in his body. This technical desertion has really no validity in fact. It ought not to appear on the record. It is a very worthy case. I happen to know something about it personally.

Mr. OVERMAN. I have not had time to read the report. Will the Senator let the bill go over?

Mr. SMITH of Michigan. I am very glad to have it go over. I should like also to have the Senator look at the next bill on

the calendar, the bill (S. 743) to remove the charge of desertion from the military record of Moses Chauncey.

Mr. OVERMAN. I will look at both. I see this bill is not recommended by the department, or rather the recommendation is against it, I think. I want to look at the merits of the case.

Mr. SMITH of Michigan. If the Senator will go through with the report, that is all I ask him to do.

The PRESIDING OFFICER. Senate bill 739 and the next bill, the bill (S. 743) to remove the charge of desertion from the military record of Moses Chauncey, will go over.

OLLALA SLOUGH, OREG.

The bill (S. 1697) to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable, was considered as in Committee of the Whole. It declares that all of that portion of Ollala Slough in Lincoln County, Oreg., above a point where a line that is 120 rods south and running east and west and parallel with the section line between sections 8 and 17 in township 11 south, range 10 west of the Willamette meridian, crosses said stream to be a nonnavigable stream.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GEORGETOWN, DEL.

The bill (S. 5503) to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del., was announced as next in order.

Mr. POMERENE. I ask that the bill may go over.

The PRESIDING OFFICER. It will be passed over.

MAIL CONTRACTORS.

The bill (S. 331) for the relief of mail contractors was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. It will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 4, to strike out:

The name of Adolf Hartmann, late of Troop A, Fifth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to strike out:

The name of Martin W. Ryan, late of Company D, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

Mr. POMERENE. I ask that that committee amendment be disagreed to, and I wish to make a very brief statement with respect to it.

Martin W. Ryan enlisted during the Spanish-American War. He served from June 20 to October 26, 1898. He reenlisted December 12, 1898, and served in the Philippines until he was honorably discharged December 11, 1901. He served over three years. There were two enlistments, and evidently he underwent two examinations by physicians. His services were accepted, the country had the benefit of them for three years and more, and it seems that some examiner reported that a disease of the stomach which he had began prior to the time of his service. It was not so severe that he was not on two occasions accepted, the country had the benefit of his services, and now because the disease had an origin antedating his service, as this examiner now claims, he is to be deprived of the benefit of a pension.

There was a good deal of testimony in this case, and I want to read very briefly from the report of the House committee. I wish to call the attention of the Senate especially to the following:

With the bill the petitioner files an affidavit in which he states that he is in part unable to earn a living, because of disease of stomach (indigestion and dyspepsia), and that he owns no property.

His allegations as to physical and financial condition are sustained by the testimony of lay witnesses.

A physician testifies that the soldier suffers most severely from disease of digestive organs—can not eat any solid food and usually vomits almost any food that he does eat—and is thereby rendered unable to perform manual labor.

From the evidence submitted in this case it is believed by your committee that a pension of $12 per month to this soldier is fully justified, and it is so recommended.

His claim was allowed in the House, but when the bill came to the Senate the Senate committee felt called upon to reject the claim because his difficulty had an origin antedating the date of his two enlistments. It may be that that is within the letter of the law, but I submit there is no pension granted in this bill which is more deserving than this particular case. Evidently he is in a very much worse condition than he was at the time he enlisted.

I have two other affidavits which have been sent to me, which just arrived within the last hour. I do not like to take the time of the Senate to read them, but I hope the chairman of the committee may see fit to recede from the position of the committee and let this claim be restored.

Mr. JOHNSON of Maine. Mr. President, the Senator from Ohio, of course, understands that in the matter of the claims for pensions of the survivors of the Spanish-American War the rules established are entirely different from those in the case of survivors of the Civil War. The survivors of the Spanish-American War are required to prove that they suffered from disability contracted in the service and in line of duty. The committee of the Senate having this case under consideration found in the long hospital report of this soldier that there was no record of any treatment for dyspepsia or indigestion, although he had quite a long record, as set out on page 9 of the report, extending from June 26, 1899, to July 9, 1901. But this report also shows that the field examiner, who made the examination of this soldier, found that he had suffered from indigestion and dyspepsia prior to his first enlistment. That was not only found to be the case but the pensioner himself admitted it to be true. That appears in the report on page 9, where it reads:

However, the claim was sent to the field for special examination, by which means it was ascertained from good and credible witnesses that the soldier had suffered from the said indigestion and dyspepsia prior to his enlistment, the first time in 1898. He himself admitted this to be true. The claim was therefore rejected.

The Committee on Pensions felt that the claimant did not bring himself within the rule, and for that reason we reported adversely upon his application for pension.

Mr. POMERENE. Mr. President, may I ask the chairman of the committee whether the committee received any statement from this claimant in reply to what was stated by the field examiner?

Mr. JOHNSON of Maine. We did not, I will say to the Senator.

Mr. POMERENE. I have here a statement, as I have stated, which has come to me within the hour, the soldier's own letter; and I will take the time of the Senate to read it, because I feel that a very great injustice is being done in this case.

Mr. SMITH of Georgia. If the Senator will allow me, I am going to object to the consideration of this entire bill.

Mr. OVERMAN. Regular order!

Mr. SMITH of Georgia. This bill embraces Spanish-American War pensions. I have objected to all such bills, for I want to take part in their consideration and discussion.

The PRESIDING OFFICER. Objection being made, the bill will go over.

BILL PASSED OVER.

The bill (S. 1308) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1911, was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

PHILIP H. HEBERER.

The bill (H. R. 7239) for the relief of Philip H. Heberer was considered as in Committee of the Whole. It proposes to pay to Philip H. Heberer $634 for injuries sustained while employed as a lineman in the United States telegraph corps near Valdez, Alaska, in June, 1914.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF PATRICK J. FITZGERALD.

The bill (H. R. 2235) for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased, was considered as in Committee of the Whole. It proposes to pay to the widow and heirs at law of Patrick J. Fitzgerald, deceased, $2,000, in full compensation for his death, on January 3, 1907, caused by injuries received on December 31, 1906, while employed as a chain maker, fourth class, in the navy yard of the United States at Boston, Mass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMON M. PRESTON.

The bill (S. 1288) for the relief of Simon M. Preston was considered as in Committee of the Whole. It proposes to pay to Simon M. Preston, of Seattle, Wash., $5,838.36, that being the amount of the defalcation of D. C. Kearns, a deputy collector under Simon M. Preston, who was collector of internal revenue for the first election district of Mississippi from the 1st of June, 1869, to the 22d of May, 1873, which sum was repaid to the United States Government by Simon M. Preston, and its collection by him from D. C. Kearns having been hindered and prevented by the pardon of D. C. Kearns by the President of the United States and the remission of the fine equivalent to said sum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. CROSS.

The bill (S. 4807) for the relief of James W. Cross was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the name "James W. Cross," to strike out "$660" and to insert "$892," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James W. Cross, $892, as full compensation to said James W. Cross for personal injuries received as a result of an accident October 26, 1914, without negligence on his part, while he was engaged in the performance of his duties as a laborer at the State, War, and Navy Department Building.

Mr. WADSWORTH. Mr. President, I desire to call attention to a comparatively unimportant mistake in the printing of that bill as proposed to be amended. The amount named in the amendment should be $92 instead of $892, and I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. OLIVER. Mr. President, I must confess when I saw this bill I thought a streak of liberality must have struck the Committee on Claims. I have never known it to do anything of this kind before.

Mr. SMOOT. We have a different Claims Committee now, I remind the Senator.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED SJOSTROM.

The bill (S. 1056) for the relief of Alfred Sjostrom was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$5,000" and to insert "$720," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred Sjostrom the sum of $720 for injuries sustained by him while in the performance of his duties as an employee of the Government at Battle Mountain Sanitarium, Hot Springs, S. Dak., on December 3, 1910, in an accident, in which he lost all the fingers of his right hand.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VICTOR A. ERMERINS.

The bill (S. 4581) for the relief of Victor A. Ermerins, was considered as in Committee of the Whole. It proposes to pay to Victor A. Ermerins, of San Francisco, Cal., $1,465.05 for the loss of his furniture, clothing, and personal effects, which, while stationed at Puerto Mexico, State of Vera Cruz, Mexico, in the discharge of his official duties as inspector of the United States customs service and acting American consular agent, he was compelled to abandon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAST GUARD STATION ON COAST OF LOUISIANA.

The bill (S. 4085) to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay, was considered as in Committee on the Whole. The bill had been reported from the Committee on Commerce with an amendment, in line 6, after the words "point as," to strike out "the Captain Commandant of the Coast Guard may recommend," and to insert "he may deem best," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Louisiana in the vicinity of Barataria Bay, at such point as he may deem best, and the station shall be manned during the entire year.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was on page 4, line 6, before the words "per month" to strike out "$30" and insert "$20" so as to make the clause read:

The name of Mary Ballinger, widow of John Ballinger, late of Company G, First Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The next amendment was, on page 7, after line 10, to strike out:

The name of Sarah E. Stroup, widow of Uriah Stroup, late of Company H, Sixty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 24, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of George L. Eyestone, late of Company E, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 2, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Ruth J. McCann, widow of Thomas K. McCann, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 18, before the words "per month," to strike out "$50" and insert "$30," so as to make the clause read:

The name of Nelson L. Gravlin, late of Company E, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 2, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Martha A. Thompson, widow of Justin G. Thompson, late surgeon, Seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 19, to strike out:

The name of Inez M. Craig, widow of Jacob A. Craig, late of Company F, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 23, to strike out:

The name of William A. Pullen, late of Company G, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 10, to strike out:

The name of Simon V. Fritcher, alias Simon Fritcher, late of Company C, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 9, after the word "Cavalry," to insert "and lieutenant colonel Third Regiment United States Cavalry," so as to make the clause read:

The name of Ida C. Wilcox, widow of John A. Wilcox, late captain, Fourth Regiment, United States Cavalry, and lieutenant colonel Third Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 12, to strike out:

The name of George W. Comer, alias George W. Pierce, late of Company B, First Regiment Tennessee Volunteer Cavalry, and Company A, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 21, to strike out:

The name of Mandana C. Thorp, widow of Thomas J. Thorp, late of Company E, Eighty-fifth Regiment, and lieutenant colonel One hundred and thirtieth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 17, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Eliza Smith, widow of Clinton D. Smith, late of Company C, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 1, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Meredith Fletcher, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 13, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Mary E. Jolly, widow of John H. Jolly, late major, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to strike out:

The name of Ella J. Brewster, former widow of John Brewster, late of Company B, Eighty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 25, line 21, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Peter H. Baker, late of Company E, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 10, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Martha J. Todd, widow of Robert N. Todd, late surgeon, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 13, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Samuel Patterson, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, was announced as next in order.

Mr. SMOOT. That bill will take too long to discuss before adjournment to-day, and therefore I ask that it go over.

Mr. SMITH of Georgia. Does the Senator not think we can finish that in a half an hour?

Mr. SMOOT. I do not.

Mr. OVERMAN. I hardly think we could finish it in 30 days.

The PRESIDING OFFICER. Objection being made, the bill will go over.

The bill (S. 4866) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co. was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

D. A. BARBOUR AND ANDREW P. GLADDEN.

The bill (S. 4368) for the relief of D. A. Barbour and Andrew P. Gladden was considered as in Committee of the Whole. It proposes to pay to D. A. Barbour and Andrew P. Gladden, copartners, of Clarksburg, W. Va., $758, due Barbour & Gladden for material furnished by them in the performance of a certain contract between that firm and the Quartermaster of the United States Army for repairing barracks and constructing bathhouse and closets at Fort Monroe, Va., in compliance with the findings of the Court of Claims reported to Congress February 26, 1907.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS UNDER NAVY DEPARTMENT.

The bill (H. R. 6651) providing for the payment for certain services arising under the Navy Department was announced as next in order.

Mr. SMOOT. Mr. President, I see the Senator who reported the bill is not in the Chamber at the present moment, but I should like to inquire from some Senator who is familiar with the matter why this class of claims is reported at this time in a separate bill? In the past they have always come in on an appropriation bill upon recommendation from the Navy Department, and I can not see why these claims should be picked out from all the others and a special bill reported in their favor. For that reason I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

The Senate proceeded to consider the resolution (S. Res. 41) reported from the Committee on Claims on the 20th instant, which was read, as follows:

Resolved, That Senate bill No. 1414, providing for the adjudication by the Court of Claims of the claims of Hardt, Von Vernuth & Co.; F. A. Straus & Co.; Albert Bekstein; Barthels Manufacturing Co.; Dieckerhoff, Raffloer & Co.; Dieckerhoff, Raffloer & Co. (a corporation); G. Hirsch's Sons; Ludwig Littauer; Moeller & Littauer; Naday & Fleischer; William Jonas & Co.; Charles E. Hertlein; G. Robison & Co.; G. Robison, jr.; Paul Puttmann; Imperial Braid Co.; F. B. Vandegrift & Co.; and G. Robison & Son, together with all papers accompanying said bill, be, and is hereby, referred to the Court of Claims to find the facts relating to their claims for refund of import duties paid by them upon artificial silk in excess of the legal duties imposed by law upon artificial silk during the years 1901 to 1909, inclusive, and also to find the conclusions of law and equity applicable to the facts.

Mr. OVERMAN. Mr. President, I desire to say that the resolution merely asks for a finding of facts in connection with the claims referred to. I say that to show that I am entirely consistent. I do not ask in the resolution for any adjudication of these claims, but, as will be observed from the resolution itself, it merely asks for a finding of facts in these cases; that is all.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

LESTER A. ROCKWELL.

The bill (S. 1362) for the relief of Lester A. Rockwell was announced as next in order.

Mr. SMOOT. I see there is no report from the department accompanying that bill, and therefore I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

HEIRS OF MYRA CLARKE GAINES.

The bill (S. 3294) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana, was announced as next in order.

Mr. GRONNA. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN W. CUPP.

The bill (S. 147) for the relief of John W. Cupp was considered as in Committee of the Whole. It proposes to pay to John W. Cupp, late postmaster at Galion, Ohio, $229.48, to reimburse him for the payment of that sum, which, as postmaster, he had deposited as funds of the post office at Galion, Ohio, in the Galion National Bank, and which funds were lost by reason of the insolvency and failure of the bank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIM OF KENTUCKY.

The bill (S. 2543) for the relief of the State of Kentucky was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ARTEMUS W. PENTZ.

The bill (S. 1429) for the relief of Artemus W. Pentz was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the name "Artemus W. Pentz," to strike out "$15,000" and to insert "$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Artemus W. Pentz, $2,000, as full compensation to said Artemus W. Pentz for the loss of left foot, dislocation of right arm at elbow, laceration of chin, and other bodily injuries, which resulted in partial paralysis, which occurred as the result of an accident January 5, 1914, without negligence on his part, while he was engaged in the performance of his duties as conductor of a dirt train on the Panama Canal excavation.

Mr. OLIVER. Mr. President, I move to amend the amendment proposed by the committee in this case by inserting "$4,000," instead of "$2,000." This is a case where a man in the performance of his duty in connection with work on the Panama Canal was injured by turning a hand brake, which was found to be defective, on a car belonging to the United States. As a result of that the car ran over him, he lost a foot, and is practically paralyzed, as the committee states. The committee states that there was an entire absence of anything in the way of negligence on his part, and it seems to me that for a man who has received such an injury, $2,000 is entirely inadequate. I think that we ought to be, if not liberal, at least just, to the men who meet with accidents of this kind in the service of their country.

Mr. SMOOT. Mr. President, does the Senator know what was the annual compensation or wage of this man?

Mr. OLIVER. I do not know. The committee report does not state that.

Mr. SMOOT. Mr. President, there is a general law granting employees of the Government engaged on the Panama Canal one year's salary in case of injury. Most of the claims of that nature are based upon the annual salary of the employee, and it seems to me that the amount proposed by the Senator from Pennsylvania would be even more than he was receiving as a wage.

Mr. OLIVER. I have no doubt it would be; but this is an extraordinary case. I will read the conclusion of the committee report. The committee says:

The committee believes that the extent of claimant's injuries, which have left him with one foot and partially paralyzed and wholly unfit to follow his accustomed occupation of railroading, entitle him to further compensation.

Then it recommends the payment of $2,000. I think, Mr. President, that $2,000 is not enough under the circumstances.

Mr. SMOOT. The Government does not pay at any time what the courts would allow.

Mr. OLIVER. I do not care as to that; I am talking in behalf not of what the Government does, but of what the Government ought to do, and I think it ought to do better in this case than the committee reports, and I therefore make the motion to amend.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. OLIVER. I yield.

Mr. SHAFROTH. It seems to me that we ought not to amend this bill when the Senator who reported the bill is not present and the chairman of the committee is not present. If the Senator insists upon any modification of the report, I shall feel compelled to object.

The PRESIDING OFFICER. Does the Senator ask that the bill go over?

Mr. SHAFROTH. Yes; that it go over if the amendment is insisted upon.

Mr. OLIVER. Mr. President, I hope the Senator will not have it go over. I should like to have my amendment put to a vote, and if the Senate does not favor it, it can vote it down.

Mr. SHAFROTH. There is nobody here to take the other side. No one here knows the reasons which induced the committee to make the recommendation which they did.

Mr. OLIVER. The Senate can vote down my amendment, but I certainly have a right to offer it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania to the amendment reported by the committee.

Mr. SHAFROTH. I insist that the bill go over until some Senator is here who knows something about the bill.

Mr. OLIVER. I hope the Senator will not compel me to withdraw my amendment.

The PRESIDING OFFICER. Objection having been made, the bill will go over.

Mr. SHAFROTH subsequently said: Mr. President, a little while ago I made an objection to the request of the Senator from Pennsylvania [Mr. OLIVER]. He has since explained the matter to me, and I withdraw my objection to the consideration of the bill, although I am opposed to its passage.

The PRESIDING OFFICER. Without objection, the Senate, as in Committee of the Whole, will resume the consideration of Senate bill 1429.

The Secretary will state the amendment to the amendment of the committee proposed by the Senator from Pennsylvania.

The SECRETARY. In line 6, page 1, it is proposed to strike out the committee amendment inserting "$2,000" and to insert "$4,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment. [Putting the question.] The Chair is in doubt.

Mr. SMITH of Georgia. Mr. President, how much is the increase?

The PRESIDING OFFICER. Two thousand dollars.

Mr. SMITH of Georgia. What was the extent of the injury?

The PRESIDING OFFICER. A limb paralyzed, a foot cut off, and sundry other dilapidations.

Mr. SMITH of Georgia. Mr. President, we have not approved of an increase to that extent to-day.

Mr. GRONNA. Mr. President, I simply want to state that this is a deserving case. I am a member of the Committee on Claims. We did treat this case different from others. There are thousands of cases before the committee now. We can not, under the law, allow any more than $2,000, and I therefore trust that the Senate will vote down the amendment offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment reported by the committee to strike out "$15,000" and insert "$2,000."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5672) for the relief of sundry building and loan associations, was announced as next in order.

Mr. OLIVER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4060) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor, or in any prison or reformatory, was announced as next in order.

Mr. OLIVER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GOOD ROADS.

Mr. BANKHEAD. Mr. President, I inquire if the calendar has been completed?

The PRESIDING OFFICER. The Senate has completed the consideration of the calendar.

Mr. BANKHEAD. Mr. President, eight years ago to-day I addressed the Senate on the subject of national aid, in cooperation with the States and counties, in building post roads. During the time that has elapsed since the delivery of that speech I have grown more firm in the conviction that I was right at that time.

In order that I may economize time, and not take the time of the Senate during the future consideration of this bill to deliver a speech, I ask unanimous consent of the Senate to print in the RECORD the speech just as I delivered it eight years ago to-day; and I should like to have it printed in the ordinary type in which the RECORD is printed; that is, in brevier. I send to the desk two copies of the speech, for the convenience of the printer.

The PRESIDING OFFICER. Without objection, the request of the Senator from Alabama will be granted.

The matter referred to is as follows:

"Mr. BANKHEAD. Mr. President, the question that I am about to discuss is not a new one. The speedy delivery of the mails and the transportation and distribution of production has claimed the attention of our most enlightened and constructive statesmen since the organization of the Government. The transportation and distribution of products is of more importance than production itself. It is the surplus which we sell

that makes us richer, adds to the bank accounts, and cancels the mortgage. What the producer consumes at home adds nothing to our wealth. It is that which he sells and transports to the market that makes him rich. If the cost of transportation to the producer is equal to the difference between the cost of production and the selling price there is no profit. Indeed, he is poorer, because his land is being exhausted, his team and his wagon wearing out, the deposits of his mine are being removed, his timber is being consumed, and his manufacturing plant is undergoing wear and tear, all without net results. In all classes of agriculture and in all lines of manufacturing and trade economy of transportation is an important item in the amount of profit. There are three methods for the transportation of commerce—the railroads, waterways, and the common highways or dirt roads. I need not discuss the first method. It has been the subject of extensive discussion, legislation, and judicial construction, with which we are all familiar. Transportation by water has been liberally provided for by Congress. The dirt roads, over which 90 per cent of the internal commerce of the country must be moved first or last, have been sadly neglected.

"The time has arrived when Congress must meet the great question of national road improvement fairly and squarely and give it that thoughtful and serious consideration which it deserves. The farmers are being aroused, and already the National Grange, with a membership of more than a million farmers, is calling upon us for action in this matter. Another great organization, the Farmers' Educational and Cooperative Union of America, is urging legislation in the same direction. Mr. President, the hordes of southern Europe and the menace of alien races may cast their sinister shadows over our great cities, but, sir, that great, silent, patient element of our population, the American farmer, is American through and through. The very citadel of American liberty and its most cherished traditions are guarded by the farmers, who are 91 per cent native born and constitute more than one-third of our population.

"These men have contributed to the wealth of the United States to an extent which staggers the imagination. The corn crop of 1907 alone was worth $1,350,000,000; the hay crop was worth $660,000,000; the cotton crop was worth $675,000,000; and the wheat crop was worth over $300,000,000. Mr. President, it will be observed that either one of these great agricultural crops has produced more actual wealth in one year than the combined output of all the gold and silver mines in the world and $100,000,000 more. The grand total of all crops for 1907 was nearly seven and one-half billion dollars, and it is estimated that the farmers of this country have created during the last nine years $53,000,000,000 worth of wealth. The value of agricultural crops exported in 1906 was $969,457,306, or 56¼ per cent of the total exports, and but for the export of agricultural products the balance of trade would have been against the United States by $523,127,533. When the machinations of Wall Street, the dangerous practices of high finance, and the injustice of our tariff system bring upon us the woes of financial stringency, industrial depression, and hard times, we must realize that the tillers of the soil form the real basis of our wealth, and that to the creation of real wealth we should lend our aid.

"But it is not only the rural population that demands aid from the Government in the upbuilding of our public roads. The numerous resolutions of the boards of trade, chambers of commerce, associations of manufacturers, and the open advocacy of many of our great railroad companies indicate clearly that it only needs an organization of all these forces to bring about the united and effective efforts of city and country. Modern inventive genius is responsible for a new factor in the problem of transportation, which must be reckoned with in legislating for public roads. The automobile industry has now reached $110,000,000 per annum, and the makers and users of automobiles will soon find a plane upon which they can mutually press forward with the farmer in his efforts to obtain better roads. The time will come, during the lifetime of Senators who do me the honor to listen, when the traction engine and the automobile will be utilized on the improved dirt road in hauling to the market farm and forest products at a minimum cost, supplying the place of millions of horses and mules now employed in transportation.

"Mr. President, it is sufficient to call attention to resolutions passed by the legislatures of Maine, Tennessee, Minnesota, Missouri, Nebraska, Alabama, New York, and other States, with reference to national aid, to show how widespread is the sentiment among our State legislatures upon this subject. When all these powers and factors unite their efforts there will be such an era of internal improvement, of home building, of home beautifying, of wealth creation, that the waste places will be filled, squalid huts will give place to beautiful homes, the desert will blossom as the rose, and all the shocks and crashes of frenzied finance will fall harmless from the bulwarks of our splendid prosperity.

"The objection is made that such legislation would be unconstitutional. Fortunately, for our guidance, the question of national aid is not a new one. We have the precedent of national-aid legislation by Congress while the founders of our Government lived to know and approve of it. The first appropriation made was in 1806, when $30,000 was set aside for the purpose of commencing work on the famous old Cumberland Road. These appropriations then continued, with but little interruption, until May 25, 1828, when the last appropriation of $150,000 was made, which made the total amount expended on road construction during this period about $7,000,000.

"On March 14, 1818, the House of Representatives passed the following resolution:

"*Resolved*, That Congress has power under the Constitution to appropriate money for the construction of post-roads, military and other roads, and of canals, and for the improvement of waterways.

"Mr. President, what was the attitude of the leading statesmen in the early days of the Republic? Thomas Jefferson said, in a letter to Mr. Lieper, in 1808:

"Give us peace till our revenues are liberated from debt, and then, if war be necessary, it can be carried on without a new tax or loan, and during peace we may checker our whole country with canals, roads, etc. This is the object to which all our endeavors should be directed.

"James Madison, in a message to Congress, said:

"I particularly invite the attention of Congress to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements and by increasing the share of every part in the common stock of national prosperity.

"Henry Clay advocated the building of national roads in a speech made in Congress in 1818, in which he said:

"Of all the modes in which a Government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened $2, the producer of the article would receive that $2 more now than formerly.

"Daniel Webster, speaking in the United States Senate in 1830, used the following language:

"Under this view of things I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the Government in regard to internal affairs, and I arrived at the conclusion that Government had power to accomplish sundry objects or aid in their accomplishment, which are now commonly spoken of as internal improvement.

"While it is true that Presidents Madison, Jackson, and Monroe vetoed acts of Congress relating to public roads, it is beyond dispute that the veto of President Monroe was due to a provision giving to the General Government the right of eminent domain and of general superintendence, and this is practically true of the other veto message. President Jackson held that the right of appropriation was not limited by the specified powers of the Constitution. In his veto message he said:

"I have not been able to consider these declarations in any other point of view than as a concession that the rights of the appropriation are not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

"On May 4, 1822, President Monroe, in a veto message to Congress, used the following language:

"That in whatever sense the term established is applied to post offices it must be applied in the same sense to post roads.

"John C. Calhoun was a staunch advocate of the doctrine of State rights and believed in a strict construction of the Constitution, but he was equally as pronounced in his belief that the Federal Government should take a hand in building and improving our common highways, rivers, and canals. In 1817 he introduced a bill in Congress to provide a fund for the construction of roads and canals, and in support of this bill he spoke in part as follows:

"Let it not be said that internal improvements may be wholly left to the enterprise of the State and of individuals. I know that much may justly be expected to be done by them, but in a country so new and so extensive as ours there is room enough for all the General and State Governments and individuals to exert their resources. Many of the improvements contemplated are on too great a scale for the resources of States or of individuals and many of such a nature that the rival jealousy of the State, if left alone, might prevent. They require the resources and general superintendence of the Government to effect and complete them.

"But there are higher and more powerful considerations why Congress should take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals, it might indeed admit of some doubt whether they ought not to be left alone wholly to individual exertion, but when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject we find the most urgent reasons why we should apply our resources to them. Good roads and canals, judiciously laid out, are the proper remedy. Let us, then, bind the Republic together with a perfect system of roads and canals.

"While Secretary of War in 1819 Mr. Calhoun made a report to the House of Representatives on roads and canals, in which he said:

"No object of the kind is more important, and there is none to which State or individual capacity is more inadequate. It must be perfected by the General Government or not perfected at all.

"It is not necessary for the exercise of a power by the Federal Government that it should be expressly granted in the Federal Constitution, or that it should be 'clearly and directly traceable to some one of the specified powers' granted. Any number of powers granted, or all of them, may be combined and considered together, and any power necessary to carry out the general purposes of any or all of the power specified will be considered granted by implication, and as an incidental means of executing the powers specifically granted. (Pennsylvania v. Wheeling Bridge Co., 18 How. (U. S.), 421.)

"The Constitution, Article I, section 8, clause 1, provides in part that—

"The Congress shall have power to lay and collect taxes, duties, imports, and excises to pay the debts and provide for the common defense and general welfare of the United States.

"An appropriation of money for the improvement of the public roads of the country would certainly be for the general welfare of the United States, and it would seem that the Congress is clothed with ample authority under this clause of the Constitution to appropriate money for that purpose.

"In addition to this, Congress has a stronger and more specific warrant for making this appropriation under the authority conferred by the Constitution 'to establish post offices and post roads.' Cooley, in his book on constitutional law, says:

"Every road within a State, including railroads, canals, turnpikes, and navigable streams, existing or created within a State, becomes a post road whenever, by the action of the Post Office Department, provision is made for the transportation of the mails upon or over it.

"This provision of the Constitution is growing every year in practical importance and in its relation to the public roads, owing to the extension of the Rural Delivery Service.

"On August 1, 1882, President Arthur vetoed a bill making an appropriation for rivers and harbors; but the commercial interests of the country, through organizations of boards of trade, chambers of commerce, and other business associations, had brought such pressure to bear upon Congress that sentiment was developed in favor of reviving appropriations for rivers and harbors, and this bill was promptly passed over the President's veto.

"From that time on Executive favor and all constitutional argument seem to have yielded in favor of appropriations for river and harbor improvements; but by a sort of passive acquiescence it seems to have gone against public roads and highways, and yet the arguments accompanying each of the veto messages, from President Monroe to President Arthur, admitted that the principle of appropriating money for roads and rivers and harbors was the same, and the same arguments were urged against each. If, then, appropriations for improving our rivers and harbors, involving the same principle as appropriations for improving our roads, is constitutional, why will not an appropriation for roads be constitutional? What valid constitutional objection is there to the one which does not lie against the other?

"Post roads and public highways are highways of commerce, as much so as are railroads or rivers and harbors. They are the small arteries of our commercial body, which extend out into the country and gather up and bring to the market, railroad station, and wharf the great volume of the raw products of the country, which are the real constituent elements of our commerce. They are equally indispensable to our commercial growth and welfare, and are equally deserving of the fostering care of our Government.

"It is argued by many that the question of road improvement should be left entirely to the people of the States. It is argued that Federal aid savors too much of paternalism, and therefore the General Government should leave it alone; but this objection is irrational and without foundation. It is not proposed to appropriate money out of the National Treasury to aid the people in their private business. It proposes to appropriate public funds for a public purpose, which is not paternalism. Before any State can secure its share, or any portion of its share, of the money appropriated under the Federal-aid proposition, it must first show an equivalent amount of self-help and invite the cooperation of the Government. This will be a direct stimulus to the States to put forth their very best efforts. Federal aid, therefore, instead of stifling and causing a relaxation of the efforts of the people of the States, places a premium upon their efforts.

"If the Government should undertake to furnish us, without cost or individual effort, the necessaries of life, that would be paternalism. If we were asking the Federal Government to prescribe our daily bread, or to provide us raiment to clothe our bodies, that would be paternalism pure and simple. Such a function of the Government would be enervating; it would destroy individuality and repress all energy and ambition; but we ask no such fatherly care at the hands of our Government. We only ask that it contribute a portion of the cost of improving our public roads, and, in making this contribution, it will, so far from committing an unwholesome act of generosity, open up new and improved channels to the marts of trade and commerce, stimulate industrial enterprise, inspire every citizen of the rural districts with a brighter hope and a higher ambition, and add a new tie to bind him with increased loyalty and patriotism to his country.

"Congress has been exceedingly generous in its appropriations for Cuba, Porto Rico, and the Philippines. It has spent large sums in these island territories for internal improvements, and much of it has been expended on the construction and improvement of the public roads. These appropriations were made to an alien people who add but a meager contribution to our national revenues, have but little more than humanitarian claim upon our Government, and have shown no thrift, no spirit of progressiveness, and no industrial enterprise or aptitude.

"These appropriations, it would seem, have found a sanction under our Constitution and general public policy. If so, then what valid objection can be interposed to appropriating money for a similar purpose to our own people? Our own people deserve the first consideration at our hands. They have demonstrated to the world their superior thrift, energy, industry, and enterprise. It is from them that we derive our national greatness and our national revenues, and they have a right to expect to be first considered and to receive even-handed justice from our Government of its benevolence and the distribution of its revenues.

"Another reason for national aid is to be found in the fact that nearly all of the great appropriations made by Congress are for projects that do not benefit the rural districts. The shipping interests have had the rivers and harbors improved to expedite their business; the cities have been supplied, at a cost of $300,000,000, with post offices and customhouses; the railroads have received large appropriations, and have made use of the credit of the Government; millions collected from the people have been loaned to the banks without interest, and ironmasters have depended upon the Government to construct great locks and dams for facilitating the assembling of materials at cheap rates for making iron. The tariff laws have been shaped to benefit the manufacturers, but none of them are intended to benefit the great American farmer. Some of our ablest statesmen, and many of those most solicitous of the public welfare, often oppose measures which ultimately prove the greatest boon to the people. On the other hand, it has frequently happened that Congress, in its zeal to extend the blessings of our Government to the greatest number, has given its sanction to projects which savor more or less of futile experimentation. Congress, however, and I might say wisely so, has been slow to stamp its approval upon such legislative projects, but after they have once been inaugurated and have met with popular favor and proved a benefit to the people it has been equally slow to take any step which would cripple their action or retard their development.

"Mr. President, let us now consider the Rural Free Delivery System, which is so intimately connected with roads. What has been the history of this service? The friends of this measure were a long time gaining the ear of Congress, and the question was agitated many years before it received legislative approval. It was regarded by many as an impractical theory, an iridescent dream; so, to give it a trial, Congress in 1897 appropriated the sum of $40,000, only $10,000 of which was used the first year. This appropriation met with such popular favor, and there was such a demand for rural delivery, that it was not only renewed, but increased by 25 per cent in 1898. The appropriation of 1898 was increased by 200 per cent for 1899, and an equal rate of increase has continued for each of the 11 years the service has been in operation. During these 11 years they have increased in the aggregate from $40,000 in 1897 to $34,985,000 in 1907. It is stated in the last annual report of the Fourth Assistant Postmaster General that on June 30, 1907, there were 37,728 rural delivery routes in operation, the average, or standard, route being 24 miles.

"The carriers on the 37,728 routes traveled daily over 901,068 miles of the roads of the country, which is nearly half of the total

mileage of the public roads of the United States. Every road over which these mails go is a United States post road, and, under the Constitution, Congress has authority, and in equity and justice should contribute to their improvement and maintenance. While the extension of this service has been marvelous, it has yet encountered no serious obstacle. It has been confined to communities blessed with good roads. Such communities, however, have been very largely supplied, and the future extension of the service must needs be mostly to communities not having good roads. The Fourth Assistant Postmaster General, in his annual report for June 30, 1907, to which I have already referred, has this to say with reference to the bearing of good roads on rural delivery:

"The maintenance of good roads not only insures an early and more expeditious delivery to the patrons residing on that portion of the route last to be served, and from whom most complaints come, but lessens the liability of irregular or suspended service on any part thereof.

"It was estimated that the carrier who travels a 24-mile route daily, over bad roads, could, with much more ease, travel from 10 to 15 miles additional over good roads. But suppose we take a more restricted estimate and say that the average carrier could travel 6 miles more if we had good roads. This would increase the average or standard route to 30 miles, and would eliminate every fifth carrier now employed, and would also abolish all the crossroads post offices, both of which would be a direct saving to the Government. By increasing the average or standard route to 30 miles, and eliminating every fifth carrier, we would reduce the force of carriers by 7,516, which at their salary of $900 per year would be a direct annual saving of $6,764,400, to say nothing of the abolition of the numerous star routes and local post offices, thereby saving to the Government many more millions. It is necessary for the continued growth of this service that something be done toward improving our roads. We can not permit it to be checkmated in its growth. No service rendered by the Government is dearer to the hearts of the whole American people than the free-delivery mail service in our cities and in the rural districts. Our people want this service continued and extended. We want to see rural delivery reach its highest degree of efficiency, so as to add to the charms of our country life. We want it so improved and extended that it will reach out into the remotest corners of our country.

"The Government sends its mails over 925,248 miles of dirt roads every day in the week. The Rural Delivery Service would extend over 2,000,000 miles if the roads were improved. As pointed out in the recent report of the Fourth Assistant Postmaster General, its efficiency and perfection depends upon the system of roads over which the carrier is required to go. No class of men in the Government service performs more arduous duties and are more poorly paid. They are required to drive their team and wagon over miserably poor, muddy, and oftentimes almost impassable roads, through all kinds of inclement weather, they are required to furnish their own team and equipment and to make an average of 24 miles daily, for which they are paid only $900 a year. An investigation made by the Post Office Department, about 18 months ago, shows a moderate estimate of the original cost of horses and vehicles to be about $275, and that an average cost of maintaining an outfit was about $250, making the average annual cost of a carrier's outfit from $300 to $350. They carry with them a traveling fourth-class post office, so to speak; they sell stamps, register letters and packages, receive money orders, and, in a measure, perform all the duties of a postmaster. I believe when we come to increase the salaries of Government employees, these should be among the first to receive our consideration. Why should they not be as well paid as the city carrier, who goes over paved streets, and is not required to supply any team or vehicle? I have introduced an amendment to the pending Post Office bill, increasing their salary to $1,000 per year, with 30 days' leave of absence, which I think should pass.

"Mr. President, the Government has been generous in its donations to railroads in and through many States. There have been patented to the railroads 44,464,719 acres of public lands. Grants to railroads of a much larger number of acres have been forfeited. The Government has in this way aided in the construction of 14,930 miles of railroads, and the bonds of railroads, amounting to $64,623,512, have been guaranteed, both principal and interest.

"The Government has from time to time donated for wagon roads 2,014,084 acres of public lands; for canals, 4,500,724 acres, and for river improvement 1,980,593 acres; in all, 53,055,121 acres. The Government has, in cooperation with the States on the lower Mississippi River, appropriated $16,500,000 to aid in the construction of levees and to prevent overflows and the destruction of life and property. No well-informed person would say that the building of levees on the Mississippi River is to improve navigation.

"I do not want any Senator to suppose for one moment that I do not heartily approve all these appropriations. They have my full sanction. I believe they were wise and prompted by the most enlightened and constructive statesmanship.

"These benefits, to a degree, have been local in their application. What I am insisting upon is a continuation of this wise and beneficial legislation in such a way as to extend its benefits to all the people in every section of our country.

"Mr President, upon the rural population has fallen the entire cost and responsibility of constructing and maintaining our public roads. It is only to a limited extent, and locally, that there has been legislation which at the present day in any way shifts this burden, and it still rests upon the people of the rural districts. This is inequitable, undemocratic, and in direct violation of the express principles upon which we boast our Government was founded.

"No country has good roads, except where the general government has shared in the cost and responsibility of creating and maintaining them. All the countries of Europe which have improved roads have a national system whereby the national government shares in the cost and assists in the supervision of building and maintaining them.

"Our present system of road administration is largely modeled after that abandoned by other progressive nations more than a century ago. In England road administration began, like our present system, with the smallest unit of government, which originated by an act of Parliament in 1555 and provided for the election of a road surveyor for each parish and for the working of the roads by compulsory labor. The parish was found to be too small as an administrative unit. A history of highways, appearing in the Edinburgh Review, January–April, 1864, contains this statement:

"From the days of Elizabeth the inconveniences resulting from the maintenance of highways by single parishes have been constantly apparent, and accordingly successive governments, without distinction of politics, made the attempt to combine parishes into highway districts and to transfer the superintendence of their roads to boards employing the services of professional engineers.

"The decided trend of road administration in England has continued away from localization. Subject to the formation of road districts, it was provided that one-half of the expense of maintaining the roads should be borne by the county, and, finally, in 1882, Parliament provided that one-fifth of the expense of the county authorities should be refunded by a parliamentary grant. This is also true in its essentials of the development of road administration in the other nations of Europe, but with us we have continued in vogue a system of penurious localization.

"We can not escape responsibility for our miserable highways by contending that our Government is young and that we have not been a Nation long enough to make the comparison with the nations of the Old World possible, because road building did not begin in France until the great Napoleon inaugurated the system of national highways, which is to-day giving France the most superb roads in all the world. England struggled with roads almost impassable until the latter part of the eighteenth century, when the teaching of Macadam, Tresaguet, and Telford began to be effective, and we may say that the present road system of England is attributable to the direct aid granted by Parliament. The advocates of national aid can have no stronger testimony in support of this policy than the following statement made by Commercial Agent Loomis, of St. Etienne, in 1891:

"The roads of France are now practically all built, and they are substantial monuments to Napoleonic foresight and shrewdness. The work of the engineers in the department of public works in France to-day is not to build new roads, except in rare instances, but to keep those already constructed in a state of high efficiency. There have been no important new roads opened in France for a dozen years, and the country is so traversed with excellent roadways that no more lines of communication are likely to be exploited save in the case of military necessity. The wagon roads of France, always passable and reaching all centers of population, no matter how small, are the chief competitors of the railways, as means of communication by water are not numerous.

"The road system of France has been of far greater value to the country as a means of raising the value of lands and of putting the small peasant proprietors in easy communication with their markets than have the railways. It is the opinion of well-informed Frenchmen who have made a practical study of economic problems that the superb roads of France have been one of the most steady and potent contributions to the material development and marvelous financial elasticity of the country. The far-reaching and splendidly maintained road system has distinctly favored the success of the small landed proprietors, and in their prosperity and the ensuing distribution of wealth lies the key to the secret of the wonderful financial vitality and solid prosperity of the French nation.

"Our national wealth for 1907 was placed at $116,000,000,000, while that of France was placed at $42,000,000,000; yet we have improved only 150,000 miles of our public roads, while France has improved 340,554 miles.

"Is this condition of our public roads an enviable reputation for this great country? After laying claim to superiority over all other nations along almost all other lines of development should we be content to drop to the bottom of the list in road improvement? Can we, at the peril of our commercial interests, afford it? Can we, at the sacrifice of the general well-being and comfort of the great body of our rural population, tolerate it?

"Some of the opponents of this proposition would lead us to believe that the macadamizing of all the 2,151,000 miles of roads in the United States would bankrupt the Government. It would be just as absurd to macadamize all the roads in the United States as it would be to build a railroad or dig a canal through every man's farm. It is well known among highway engineers that a horse can, for a short time, exert about four times his average tractive force without injury. By reason of this fact a team of horses can draw for 2 or 3 miles as much on a common earth road as they can draw all day on good macadam, gravel, or sand-clay roads.

"It should be apparent to any rational being that this 2,000,000 miles of public road would be classified according to the traffic and the requirements in each section of country, and only the main arteries of travel would require so expensive a form of construction as broken-stone macadam. It would be entirely feasible and proper to improve many thousand miles with gravel, many more thousand miles by a mixture of sand and clay, and probably more than one-half of this great total would be adequate if maintained as first-class earth roads. So that it is absurd to figure on the cost of improving our public roads at $5,000 per mile for the entire mileage, or at $4,000, or even at $2,000.

"The burden of inadequate transportation facilities falls not alone upon the farmer, but upon the consumer. If it costs 25 cents per ton per mile to haul the products of the farm to the railroad station the consumer must pay this additional cost without increasing the farmer's profits one penny, and the farmer must pay the increased price for the finished product which he obtains from the cities, because the same facts hold good both going and coming. Some years ago corn was burned as fuel in the Mississippi Valley because it would not bear the cost of transportation, since the margin was insufficient. The railroads lost the freight and the markets the product.

"It may be argued that if the advantages to follow road improvement are so great, the States should take action and levy sufficient taxes to improve them. Some of our States have already passed road laws, providing for a road-tax levy on their taxable property. Such laws, however, are necessarily confined to the wealthier States, whose taxable property is sufficient to raise the large sum from a small levy. All of our States are not able to levy such a tax. For instance, a tax of 1 mill, levied by the State of Pennsylvania, would raise more money than a tax of 100 mills levied by the State of Nevada. So it is not from a lack of interest in good roads, nor from a want of progressiveness, that all of our States have not passed highway laws, but it is because the taxable property of most States is so small that to raise a sufficient amount of money for practical results would require an exorbitant rate of taxation.

"Furthermore, to undertake by State taxation to raise all the money necessary to build and improve our roads will continue the burden upon those upon whom it has so long rested. The State revenues are raised by direct taxation, and the levy is upon visible property. The farmer's property is all visible, and, therefore, never escapes taxation; while a large per cent of the property of the people of the cities is represented by stocks and bonds, is easily removable from place to place, or concealed, and is rarely ever subjected to taxation. The farmers have thus always been forced to bear a disproportionate share of the burden of taxation, which is an injustice which should be relieved against.

"Mr. President, of all the civilized countries on earth this country has the poorest roads. In all else that is progressive it stands first. In material wealth, in varied resources, in the products of agriculture, in the making of iron and steel, in the number of miles of railroad, in the wealth and opulence of its cities, we stand first, and yet the farmers, who largely contribute to this wealth and greatness, have had less done for them than any other class of our people. Good roads are avenues of progress, the best proof of intelligence; they aid the social and religious advancement of the people; they increase the value of products; they save time, labor, and money; they are the initial sources of commerce, which swell in great streams and flow everywhere, distributing the products of our fields, forests, and factories. The highways are the common property of the country; their benefits are shared by all, and they are needed by all; they benefit all, and all should contribute to them. What fair-minded man will say that the people who live on the public roads should be required to build and keep them in repair for the use of the general public? They could not if they were willing. The burden is more than they could bear. No Government on earth has ever enjoyed good roads where compulsory labor is relied on to build and maintain them.

"The effects of good roads reach everybody. Both city and country share in their benefits. In justice and equity, therefore, everybody should contribute to the cost of their construction and maintenance, but an equal distribution of this cost can not be secured under State laws and methods of taxation. Our national revenues are raised largely from duties, paid on consumption, and are thus more equally distributed among the people. Hence, an appropriation of money from the Federal Treasury to build and improve our roads would force every consumer to bear a proportion of the cost. It is not asked that the Government bear the whole cost, but only a part of it; and this is the only method whereby we may hope to secure a national system of improved roads, with an equitable distribution of their cost among those sharing in their benefits and blessings.

"What are the savings to be effected by good roads? Investigations conducted by the United States Office of Public Roads and by various State commissions have established that the average cost of hauling over wagon roads in this country is 25 cents per ton per mile, and that the average haul is over 8 miles. The cost of hauling in Europe has, in many cases, been reduced to as low as 7 cents per ton per mile, and it has been established that good roads will reduce the cost to the farmers to as low as 10 cents per mile in this country. This means a reduction by half of the annual cost of transportation to the farmers. It is only necessary to consider the fact that the immense tonnage of farm products is hauled over the common roads to the railroad stations to realize what a tremendous saving is possible when we reduce the cost of transportation even 12½ cents per ton per mile. The importance of this saving is all the more evident when we compare the cost of hauling on wagon roads with the cost of rail and water transportation.

"In 1906 the average freight rate by rail was a little over seven one-thousandths of a cent per ton per mile. For the same year the mean ocean freight rate on wheat, corn, and rye from New York to Liverpool, a distance of 3,100 miles, was a little more than $1 per ton, or three ten-thousandths of a cent per ton per mile. Thus we see that railroad and water transportation rates have been continually reduced, until they have reached a marvelously low figure, while the cost of transportation over our common roads has remained practically unchanged for more than a generation, and will continue so until we can inaugurate some national system of improving our roads.

"This duty devolves upon our National Government. It has abundant surplus in the Treasury to accomplish this purpose, and how better could this surplus be used? It has money, and can afford it; while the States and the people have not the money, and can not afford it. Why allow our national revenues to lie idle in the banks when they might be stimulating our internal improvement and giving employment to thousands of the unemployed?

"Mr. President, the amendment I have offered does not increase the amount of the appropriation made in the Post Office bill. It merely proposes to divert from the sum appropriated for the Rural Delivery Service the small amount of $500,000, to be used as provided in the amendment. I do not undertake to lay down any rule, or prescribe any of the details by which the money may be expended. It is proposed to leave that to the cooperation of the post-office and agricultural authorities. They were selected in order to have the benefit of the experiments that have been made by the good-roads divisions of the Agricultural Department and the experience and knowledge of the rural delivery division in the Post Office Department. The methods and means of putting into operation the Rural Delivery Service was left to the Postmaster General, and so were the means of putting into effect and operation the irrigation system left to the Interior Department.

"This appropriation seeks to ascertain a practical demonstration of the effect of road improvement in the Rural Delivery Service in cooperation with the States and counties, and the benefits and advantages to the service by reason of the improvement. I do not believe any effort as to details in the execution of this plan could be prescribed by law.

"A number of States, under their constitutions, are not permitted to make appropriations for road construction and maintenance. The State of Alabama is in this situation; but the last legislature, realizing the great importance of public roads and the inadequacy of present methods to improve and maintain them, submitted an amendment to the constitution authorizing

appropriations for road construction, which will doubtless be adopted by the people at the polls in November. In that event Alabama will at once be able to contribute its share, in co-operation with the National Government, along the lines of the amendment I have submitted to the pending Post Office bill, in the improvement of the roads in every county in that State. The State of Kentucky will vote this year on a similar amendment to their constitution, and perhaps there are other States where the constitution does not permit the use of public funds for internal improvement.

"No government owes more to its people than does ours. No people in the world are more loyal, more patriotic, or more devoted to their government than our people. In time of war they have successfully defended it against every foe, and in time of peace their efforts at industrial advancement and intellectual attainment have reared a commercial empire which excels all competitors, and a civilization which is unsurpassed.

"These virtues merit substantial recognition from the Government. Our people should receive governmental assistance in their struggles, as far as the legitimate functions of government will permit. No more urgent and acceptable aid can be extended than a liberal appropriation for improving our roads. This would prove a benefit to our cities and a blessing to our rural districts. Many modern improvements have contributed to the amelioration of the hardships of farm life, but much remains yet to be done. Good roads will add more than any other one thing. Give our farmers good roads, and with the telephone and rural delivery bringing him in easy contact with the outside world, and with his daily intercourse with nature, he will prove the most prosperous and contented and patriotic citizen on the American continent.

"Mr. President, I am making a plea for the farmers, not because they are better than any other class of our people, but because they are as good. They do not ask for special favors, but demand a square deal and fair treatment.

"The distinguished Senator from Maine [Mr. Hale], chairman of the Naval Committee and an active and influential member of the Appropriations Committee, declared a few days ago in this Chamber that 70 per cent of the appropriations made at this session of Congress were in preparation for war or reparation of past wars. A most startling statement when we consider that the United States is at peace with all the world and no strained relations exist between this and any nation on the globe.

"I ask the Senate to pause long enough to consider the importance of agriculture and its wealth-producing power, and compare the appropriations made by this Congress in aid of agriculture with those made in preparation for and reparation of war. The appropriations for war amount to the round sum of $400,000,000, while for agriculture we grudgingly appropriate about $10,000,000. One is designed to kill and maim, make widows and orphans, and fill the land with sorrow and mourning; the other is to feed the hungry and clothe the naked, bring joy and happiness to our people, the building of peaceful homes, and the encouragement of patriotism and love of country.

"The toiling millions engaged in agriculture last year produced more than $7,000,000,000 worth of products; they fed and clothed 90,000,000 people at home and shipped abroad $1,000,000,000 worth of the products of their labor, or 56½ per cent of the total exports of the country. These farmers, for whose benefit and encouragement Congress will this year appropriate only $10,000,000, as against $400,000,000 for purposes I have just mentioned, are not receiving the consideration they deserve.

"The internal commerce of the country last year was about $20,000,000,000, nearly all of which must first and last be hauled over the dirt roads at an average cost of 25 cents per ton per mile, or more than 30 times the cost of transportation by rail, the average rail haul being less than 7 mills per ton per mile.

"In order to show the immense burden imposed by the dirt roads, I have selected five of the leading staple farm products to prove my contention—wheat, corn, cotton, hay, and tobacco.

Corn crop, 1905–6.

Total tonnage marketed	19,083,000
Average weight of load ... pounds	2,696
Total number of loads hauled	14,156,528
Average length of haul ... miles	7.4
Average cost of hauling per ton per mile ... cents	.19
Total cost of marketing crop by wagon	$26,830,698
Average cost over hard roads per ton per mile ... cents	.10
Saving due to hard roads	$12,709,278

"The railroads charged for hauling 100 pounds of corn from St. Louis to New Orleans, a distance of 647 miles, 16 cents. To haul 100 pounds of corn over the Missouri dirt roads a distance of 8.8 miles costs the farmer 10 cents.

Wheat crop, 1905–6.

Total tonnage marketed	12,123,000
Average weight of load ... pounds	3,323
Total number of loads hauled	7,296,418
Average length of haul ... miles	9.4
Average cost of hauling per ton per mile ... cents	.19
Total cost of marketing crop by wagon	$21,651,678
Average cost over hard roads per ton per mile ... cents	.10
Saving due to hard roads	$10,256,058

"The railroad charge for 100 pounds of wheat from Chicago to Buffalo, a distance of 525 miles, is 12 cents. To haul 100 pounds of wheat a distance of 5⅞ miles over the dirt roads of Illinois costs the farmer 7 cents.

Cotton crop, 1905–6.

Total tonnage marketed	2,530,000
Average weight of load ... pounds	1,702
Total number of loads hauled	2,973,560
Average length of haul ... miles	11.8
Average cost of hauling per ton per mile ... cents	.27
Total cost of marketing crop by wagon	$8,062,173
Average cost over hard roads per ton per mile ... cents	.10
Saving due to hard roads	$5,076,183

"To send a bale of cotton by rail from Birmingham, Ala., to Norfolk, Va., a distance of 763 miles, costs $2.55. To haul a bale of cotton a distance of 11 miles over the dirt roads of Mississippi costs 95 cents. If the railroad haul cost as much per mile as the dirt road, the cost of sending a bale of cotton from Birmingham to Norfolk would amount to $88.32, or about twice its value at the average price. It costs 18 cents per hundred pounds to haul cotton seed a distance of 13 miles on a dirt road in Alabama, or one-third of its market value.

"The rail haul for tobacco from Durham, N. C., to Richmond, Va., a distance of 161 miles, is 25 cents per hundred pounds. It costs 20 cents to haul a hundred pounds of tobacco over the dirt roads of Virginia for a distance of 11½ miles.

"The average farm price of hay December 1, 1905, was $8.52, and the value of an average load in the United States at that time was $11.87. The cost of hauling the load to market was $2.33, or one-fifth of its value.

"The gross earnings of the railroads in 1906 were $2,082,482,406 and the operating expenses were $1,532,163,153. The ratio of operating expenses to earnings was 62½ per cent. Against these earnings was charged for interest, rents, betterments, taxes, and miscellaneous items the sum of $590,386,554 and for dividends $229,406,598, leaving a surplus of $100,000,000. These large sums collected from the public were returned to the people for labor and material, and the money is now in the channels of trade and commerce. It is estimated that the annual cost of hauling over the dirt roads exceeds the total gross income of the railroads. What has become of this enormous sum? It has not gone for material or labor and has paid no dividends. It is merely a tax collected by the roads, none of which can ever be returned to those who paid it. It is a contribution to the miserable roads over which the commerce of the country is carried.

"The cotton crop in Alabama last year was 1,200,000 bales, and the cost of delivering it to market was 95 cents per bale, or a total cost of $1,140,000. This was $540,000 more than the cost would have been over hard roads. Bad roads in Alabama, therefore, wrung from the pockets of the farmers in that State in one year on one article alone $540,000, every cent of which was an absolute loss. It is worse than loss, for they paid it in time and wear and tear of their wagons and teams.

"Mr. President, I ask permission of the Senate to insert in the RECORD an illustration, showing the benefit of good roads in Montgomery County, Ala.

"The PRESIDING OFFICER (Mr. Bacon in the chair). Without objection, permission is granted.

"The illustration is as follows:

[Illustration omitted.]

"Mr. BANKHEAD. If I have established my contention that the Constitution does not prohibit but expressly authorizes Congress to appropriate money in aid of road construction; if I have shown that there is no invasion of the rights of the States and that the scarecrow of paternalism does not anywhere show its face, the only questions remaining to be settled are: Is it good governmental policy? Is it a good investment, and will it yield a return to the people sufficient to justify the outlay? Will it materially reduce the cost of transporting the vast internal commerce of the country? Will it increase the profit of the producer and also benefit the consumer? If the expenditure will result in a saving directly to this large number of our citizens, and, indirectly, to all our people, and they are willing for the Government to make the expenditure, why not now begin this long-delayed but beneficial legislation?

"It is not the rural population alone that would be benefited; if so, it would be in the interest of a class, and this I could not approve. Those in the city are equally interested, and will enjoy equal benefits and results. The merchant exchanges his goods and wares for farm products, either by barter and purchase or sale. If the farmer can deliver his products at a reduced cost to himself, his profits are larger, he is enabled to buy more goods, and carries home with him more of the luxuries and necessities of life, and adds to the happiness and contentment of the family.

"Mr. President, the educational side of the question is sufficient to control my action, if no other interests were involved. A system of efficient public schools can never be maintained until the roads in the rural districts are improved, until the disgraceful cabin, now used as a schoolhouse, gives place to a more imposing structure, located in centers of population, over which waves the flag of our country, inspiring confidence and patriotism. A wide-awake, progressive school in every township, in a comfortable building, and provided with the necessary libraries, apparatus, and equipment, would do more than any other one thing to inspire confidence and respect in the hearts of our young American manhood and womanhood, and it then could be said of America, as was once said of Rome, 'All roads lead to the schoolhouse.' This Republic must depend for its future greatness upon an intelligent and home-loving people. The religious and social life of our people is largely influenced by the conditions where they reside.

"Good roads are the most potential and successful immigrating agents in this country. The most desirable farmers and the best wives and helpmeets are the young men and the young women raised on the farms. Under existing conditions they are continually drifting to the towns and cities. They are progressive and social in their nature, and will not remain on the farm unless they can have those benefits and pleasures that association and companionship afford. The loneliness of the country home, away from neighbors and friends, where the schools and the churches are poorly maintained, where the farmer and his wife and children are denied the advantages of educational and religious training, are the principal causes for the removal of large numbers of our people from the country to the towns and cities. The farmer is seeking better advantages for his family, and unless the country can be made to supply, in some measure, these benefits, there will continue to be a congestion of population in the cities.

"We send a commission to Europe to investigate the question of immigration, and many States maintain immigration bureaus in order to secure desirable farm and industrial labor. The question is often asked by the intelligent and thrifty immigrant, Have you good roads? The most desirable immigrant comes from a country where he is accustomed to good roads, and if he is located where the roads are almost impassable for a great part of the year, he will remain no longer than to make and harvest the first crop.

"One of the problems in connection with the transportation system of the country, and one which has in many ways been the subject of discussion, is the congestion of traffic and the inability of the railroads, during certain periods of the year, to move promptly the products of the farm, factory, and mine. Great inconvenience, and oftentimes enormous losses, are sustained both by the producer and the consumer because of the inability of the railroads to deliver freight to its destination at times when it was most needed and commands the best prices. The railroads have not been able to expand and enlarge their carrying facilities in proportion to the increase in production. At certain periods they do not have sufficient locomotives and cars to meet the demands of commerce, while at other periods thousands of cars and locomotives, representing an investment of millions of dollars, stand idle. During the harvest season, and before the rain, snow, and freezes come which render the roads in many sections of the country impassable and useless, the farmer is compelled to rush his products to market, which results in an overflow, depreciates prices, and severely taxes the capacity of the railroads.

"It has been urged as a probable means of relief the improvement of the waterways of the country, which would, in a large measure, assist the railroads in moving articles ready for transportation, in addition to many other benefits, but it would not avoid the congestion. It would only assist in relieving it. An improved road system, permeating the country districts, would remove the principal cause, would enable the farmer and small producer to place his products on the market at such times when the price is commensurate with their value, or when most convenient to him, and his time could not be better employed. The American farmer is more prosperous to-day than at any time in his history and in a better position to dictate the price at which he will sell the products of his labor by withholding it from the markets. If the internal commerce of the country could be delivered to the railroad stations at any time during the year, and as the market required, the railroads could properly handle the entire freight of the country. If farm products must be delivered within a limited time, owing to the condition of the roads, the market is congested, the railroads are overtaxed, prices fall, the producer's profit is greatly reduced, and the consumer is greatly inconvenienced.

"The result of road improvement, wherever tried, has been largely to increase the value of farm land, for the homeseeker prefers to locate where improved roads provide their many advantages. Indeed, I have been assured that lands have even doubled and quadrupled in value along and adjacent to improved dirt roads.

"We hear a great deal being said about the destruction of our timber supply. Mr. President, I do not hesitate to say that, in my opinion, there is sufficient timber, composed of small tracts, belonging to farmers and other landowners, in this country to-day, and which is now considered worthless, because of its distance from the railroad, that could be placed on the market were the roads sufficiently improved, that would supply the timber demand in the United States for 75 years, the value of which alone would improve the dirt roads of this country.

"Mr. President, in closing I wish to touch upon a question which I consider of vital importance. It is a question not so much of dollars and cents, not of constitutionality, but one which affects our morality, our character as individuals and as a Nation, and the stability of our free institutions. Year after year the human tide flows from the country to the city, and the day may come when the words of the poet may apply to this Republic:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.

"Do not let us have great mobs of the unemployed, combining the scum of Europe with the misled boys from our American farms, so long as there are millions of acres of land waiting to be tilled and homes waiting to be built. Good roads will make farm life attractive; they will bring the isolated dweller closer to his neighbor, and I feel confident they will check the movement of our rural population to the great cities."

EXECUTIVE SESSION.

Mr. BANKHEAD. Mr. President, there are quite a number of appointments on the Executive Calendar which ought to be referred, and it will take just a minute to do that. Therefore, in order to get these appointments before the proper committees, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were opened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 25, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 24, 1916.

PROMOTIONS IN THE NAVY.

Ensign Alfred T. Clay to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Jay K. Esler to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Eugene P. A. Simpson to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Ensign Herbert G. Gates, jr., to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Ensign Alexander W. Loder to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Assistant Naval Constructor Robert B. Hilliard to be a naval constructor in the Navy from the 24th day of March, 1916.

Assistant Naval Constructor Lee S. Border to be a naval constructor in the Navy from the 24th day of March, 1916.

Gunner Alvin E. Skinner to be a chief gunner in the Navy from the 21st day of December, 1915.

POSTMASTERS.

ARIZONA.

L. L. Ferrall to be postmaster at Grand Canyon, Ariz., in place of Louisa Ferrall. Incumbent's commission expired April 20, 1916.

W. B. Kelly to be postmaster at Clifton, Ariz., in place of E. J. Lehmann. Incumbent's commission expired April 11, 1916.

CALIFORNIA.

Adelia F. Brown to be postmaster at Walnut Grove, Cal., in place of Adelia F. Brown. Incumbent's commission expired February 8, 1916.

Virginia Mason to be postmaster at Suisun City, Cal., in place of Warren A. Woods. Incumbent's commission expired March 8, 1916.

H. E. Meyers to be postmaster at Yuba City, Cal., in place of Harry E. Meyers. Incumbent's commission expires May 20, 1916.

ILLINOIS.

Thomas W. Daly to be postmaster at Witt, Ill., in place of William Folkerts, removed.

Charles J. Paar to be postmaster at Warsaw, Ill., in place of Milton T. Hunt. Incumbent's commission expired February 13, 1916.

Jessie J. Wesse, to be postmaster at Dolton, Ill. Office became presidential April 1, 1916.

Dixon C. Williams to be postmaster at Chicago, Ill., in place of D. A. Campbell. Incumbent's commission expired January 15, 1916.

INDIANA.

Alden H. Baker to be postmaster at Westfield, Ind., in place of Charles Smith. Incumbent's commission expires May 10, 1916.

George P. DeHoff to be postmaster at Winona Lake, Ind., in place of John O. Motto. Incumbent's commission expires May 23, 1916.

Simeon L. Frost to be postmaster at Orleans, Ind., in place of William R. Elrod. Incumbent's commission expires May 23, 1916.

William F. Wake to be postmaster at Roanoke, Ind., in place of Preston B. Settlemyre. Incumbent's commission expires May 10, 1916.

Daniel A. Riley to be postmaster at Greentown, Ind., in place of Francis H. Manring. Incumbent's commission expires May 10, 1916.

KANSAS.

George W. Long to be postmaster at Galena, Kans., in place of George W. Rains. Incumbent's commission expires May 23, 1916.

MAINE.

Theresa L. Higgins to be postmaster at Woodland, Me., in place of Vesta P. Carle. Incumbent's commission expires May 17, 1916.

Silas T. Lawry to be postmaster at Fairfield, Me., in place of H. K. Purinton. Incumbent's commission expired April 5, 1916.

MARYLAND.

G. W. Etchison to be postmaster at Gaithersburg, Md., in place of Richard H. Miles. Incumbent's commission expired April 3, 1916.

MICHIGAN.

H. A. Cole to be postmaster at Paw Paw, Mich., in place of Frank N. Wakeman. Incumbent's commission expires May 23, 1916.

Joseph M. Dodge to be postmaster at Cass City, Mich., in place of John C. Corkins. Incumbent's commission expires May 24, 1916.

William B. Howlett to be postmaster at Jonesville, Mich., in place of David L. Powers. Incumbent's commission expires May 15, 1916.

MINNESOTA.

A. M. Loberg to be postmaster at Cokato, Minn., in place of Seth J. Swanson. Incumbent's commission expired December 21, 1915.

MISSISSIPPI.

Jefferson D. Fogg to be postmaster at Hernando, Miss., in place of Alfred B. Clifton. Incumbent's commission expired April 17, 1916.

MISSOURI.

J. Kelly Joiner to be postmaster at Richmond, Mo., in place of Mary E. Black. Incumbent's commission expires May 8, 1916.

NEBRASKA.

J. R. Cooper to be postmaster at Holdrege, Nebr., in place of Gust Abrahamson. Incumbent's commission expires May 17, 1916.

NEW JERSEY.

Oliver R. Kugler to be postmaster at Frenchtown, N. J., in place of James E. Sherman. Incumbent's commission expired June 8, 1915.

NEW YORK.

Michael Daly to be postmaster at Rye, N. Y., in place of A. M. Harriett. Incumbent's commission expires May 8, 1916.

Frank M. Evans to be postmaster at Fredonia, N. Y., in place of W. E. Clark. Incumbent's commission expired April 17, 1916.

J. Frank Lackey to be postmaster at Tannersville, N. Y., in place of Charles Voss. Incumbent's commission expired April 17, 1916.

B. F. Lent to be postmaster at Ithaca, N. Y., in place of James Lynch, deceased.

Robert A. Lundy to be postmaster at Ray Brook, N. Y., in place of Robert A. Lundy. Office became presidential October 1, 1914.

Paul E. McManus to be postmaster at Hartsdale, N. Y., in place of W. H. Secord. Incumbent's commission expired March 13, 1916.

James McNamara to be postmaster at Ravena, N. Y., in place of Arthur Hartt, removed.

Garrett D. Roche to be postmaster at Perry, N. Y., in place of J. E. Cole. Incumbent's commission expires May 8, 1916.

George Sinnott to be postmaster at Tarrytown, N. Y., in place of J. M. Requa. Incumbent's commission expired February 21, 1916.

Robert F. Wagner to be postmaster at New York, N. Y., in place of E. M. Morgan. Incumbent's commission expired December 14, 1915.

Fred G. Worden to be postmaster at Lake George, N. Y., in place of F. F. Hawley. Incumbent's commission expired April 3, 1916.

Llewellyn W. Yawger to be postmaster at Union Springs, N. Y., in place of G. S. Fordyce. Incumbent's commission expires May 24, 1916.

PENNSYLVANIA.

Otis S. Quinby to be postmaster at Springboro, Pa., in place of Bert L. Venen. Incumbent's commission expires May 20, 1916.

TENNESSEE.

John M. Jones to be postmaster at Newport, Tenn., in place of O. L. Hicks. Incumbent's commission expired April 23, 1916.

WEST VIRGINIA.

J. H. Long to be postmaster at Huntington, W. Va., in place of Jerry W. Dingess, resigned.

Stanhope McClelland Scott to be postmaster at Terra Alta, W. Va., in place of Buckner F. Scott, deceased.

WISCONSIN.

Dennis F. Blewett to be postmaster at Fond du Lac, Wis., in place of George Watson. Incumbent's commission expires May 10, 1916.

Joseph Le Fevre to be postmaster at Pulaski, Wis. Office became presidential January 1, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 24, 1916.

POSTMASTERS.

COLORADO.

Anna C. Vaughan, Castle Rock.

IDAHO.

O. P. Jensen, Shelley.

INDIANA.

Grover C. Luther, Clay City.

IOWA.

T. V. Barnard, Schaller.

KANSAS.

Irma J. Collopy, Turon.

MAINE.

Wilbur F. Goodwin, Kennebunk Port.
Gertrude S. Henneberry, Fort Fairfield.

MICHIGAN.

E. S. Dyckman, South Haven.
Miles L. Hadsall, Birch Run.
George H. Roblyer, Fennville.

MONTANA.

Clara D. McDonel, Philipsburg.

NEBRASKA.

W. G. Lawrence, St. Edward.

NEVADA.

M. A. Macfarlane, Winnemucca.
Sam Tidball, Ruth.

NEW HAMPSHIRE.

Archie M. Swett, Antrim.

SOUTH CAROLINA.

Clinton G. Rowland, Central.
W. B. Wright, jr., Shelton.

SOUTH DAKOTA.

J. E. Burns, Timber Lake.

WYOMING.

Thomas B. Scott, Greybull.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 24, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, that though there are wide differences of opinion among men upon questions of theology there is great unanimity of opinion upon pure religion and questions of ethics, since long before the ten great commandments were written on the tables of stone they were written in the hearts of men, so that, above the value of all that is temporal, a premium is set upon honesty, integrity, sobriety, virtue, and nobility of soul. There is nothing stronger than faith, purer than virtue, warmer than love, nor more enduring than hope; and we pray that these may live and grow until pure and undefiled religion shall be shed abroad in every heart. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, April 22, 1916, was read and approved.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to discharge the Committee on Military Affairs from the further consideration of House bill 12766, disagree to the Senate amendment, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I want to have a vote on two or three propositions in the Senate amendment, and if the gentleman is willing I will be very glad to confer with him during the day and see if I can arrange with him to that end, or have him, if he will, confer with the gentleman from California [Mr. KAHN].

Mr. HAY. I will ask the gentleman how, under the parliamentary situation, he can select out any particular part of the Senate amendment and get a separate vote on it? It comes here all as one amendment.

Mr. MANN. It does not seem to me that there is any difficulty at all about it, I will say to the gentleman. I will be very glad to go over it with him during the day if we can make an arrangement.

Mr. HAY. Let the gentleman object.

Mr. MANN. I am perfectly willing to object.

Mr. HAY. If the gentleman can point out to me, under the parliamentary situation, how we can get at a vote on any particular provision on this Senate amendment, I would be very glad to know it now.

Mr. MANN. I think I know six different ways of doing it.

The SPEAKER. Does the gentleman object?

Mr. MANN. Yes; I object.

The SPEAKER. The gentleman from Illinois objects.

JUVENILE COURT, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8348—the juvenile court bill.

The motion was agreed to.

The SPEAKER. The gentleman from Missouri [Mr. DICKINSON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8348, the juvenile court bill, with Mr. DICKINSON in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

SEC. 35. That the court shall have power to devise and use a seal, to devise and publish rules and regulate the procedure for cases coming within the provisions of this act, and for the conduct of all probation and other officers of the court, and such rules shall be enforced and construed beneficially for the remedial purposes embraced herein. The court may devise and cause to be printed for public use forms of process and other papers and reports connected with the cases coming within the provisions of this act.

Mr. GARD. Mr. Chairman, when the bill was last under consideration an amendment was proposed, I think, to section 33, which amendment was pending at the time of the recess in the consideration of this particular bill. At that time it was thought that the amendment should be perfected, and it has been perfected, and the amendment has now been taken up by the gentleman from Massachusetts [Mr. TINKHAM], who has charge of the bill, from the Committee on the District of Columbia, and will be offered with the consent of the House, I understand, at the close of section 31. I have seen the amendment, I will say, and it seems to be a better amendment than the one I proposed, and therefore I will ask that when the gentleman from Massachusetts comes he will have the privilege of returning to section 31.

Mr. MANN. He is here.

Mr. GARD. Then I will ask that we may return to section 31 for the purpose of offering an amendment relative to the jury system in connection with this pending bill.

The CHAIRMAN. The gentleman has an amendment pending to section 31.

Mr. GARD. It is suggested, Mr. Chairman, that we now go ahead with the reading of the bill, and we will procure the amendment and have it incorporated later.

The CHAIRMAN. Very well. Without objection, that will be done.

There was no objection.

Mr. WALSH. I would like to ask the gentleman, who says we will go ahead with the reading of the bill, if the amendment suggested by the gentleman from Massachusetts [Mr. TINKHAM], if adopted, would not debar further amendments to the section?

Mr. GARD. I think not.

Mr. WALSH. I am inclined to think it would.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. IGOE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had receded from its amendment to the bill (H. R. 11471) to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles, disagreed to by the House of Representatives.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4256. An act to amend section 5146 of the Revised Statutes of the United States so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located.

JUVENILE COURT, DISTRICT OF COLUMBIA.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 39. That the accounts of the clerk of the said court shall be rendered quarterly and shall be transmitted to the Attorney General, examined under his direction, and referred to and settled by the Auditor for the State and Other Departments as in the case of accounts of clerks of United States district courts.

The salaries of the judge, clerk, and other officers of the court specially provided for shall be paid by the disbursing clerk of the Department of Justice from funds advanced by the Secretary of the Treasury from an appropriation for that purpose.

The compensation of jurors, rental of quarters for the court and its officers, and the incidental and miscellaneous expenses thereof, as well as the board of children in institutions to which the court may commit them, shall be paid from the same appropriations and in the same manner as the same or similar expenses for the Supreme Court of the

District of Columbia are now paid, and the authorization of such expenses and the examination and settlement of the accounts therefor shall be controlled by the statutes and regulations in force at the time regarding the same or similar expenses of the Supreme Court of the District of Columbia: *Provided, however*, That all expenses of the juvenile court and its officers for the fiscal year 1917 shall be paid by the United States marshal for the District of Columbia from the appropriations for those purposes made in the act providing for the expenses of the District of Columbia for the fiscal year 1917, and the Secretary of the Treasury is hereby authorized to advance, upon requisition of the Attorney General, funds from such appropriations to the United States marshal for payments in accordance with this proviso.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. BORLAND. Mr. Chairman, I have been very much interested in the success of this bill. I have not heretofore had anything to say upon its terms and provisions, because it has been so thoroughly discussed and so splendidly presented by the gentlemen who have been instrumental on the committee in getting up the terms of the bill.

I want to compliment the committee upon the drafting of this bill and the splendid provisions it contains. It is a long step in advance for the city of Washington and the District of Columbia. It seemed to me when I was serving on the District Committee—during the brief time I served on that committee was under the Republican régime, and I was a minority member—that there was much that could be done toward modernizing the conditions in the District of Columbia. With other members of the minority I tried to get some progressive legislation adopted. Unfortunately, there was a time in the history of that committee when all of its time was taken up with property rights of property owners in the District of Columbia, street openings, and improvements of that kind, which benefited some particular section of the city and some group of property owners. I am glad to say that a complete change has come over the attitude of the committee legislation toward the District of Columbia. They are really legislating now, under the present conditions, as if the District were composed of human beings, citizens with rights, children, and other problems that a great municipality has. I am glad to see that the dollar element in legislation for the District is dropping below the human element, and that the human element is being put above the dollar element.

Thus for the first time we have begun to legislate for the District along lines of real progressive human improvement. Now, we have had for many years, why I do not know——

Mr. CAMPBELL. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman from Kansas.

Mr. CAMPBELL. Long before the gentleman from Missouri came to Congress we legislated for progressive human measures in the House of Representatives. We passed laws preventing children from working in shops and factories, and that became a model for legislation throughout the country. We passed a model law for fire escapes; requiring all buildings that had human beings in them in the nighttime to be provided with suitable fire escapes, and much other legislation of a similar kind, so that the gentleman's statement is not well measured.

Mr. BORLAND. I am going to give the gentleman credit—because he chanced to serve on the committee at the same time I did—with being an earnest advocate of the fire-escape law. I do not know of any other progressive legislation that occurred at that session, but I am going to give him credit for that.

Mr. CAMPBELL. That law was passed before the gentleman became a member of the Committee on the District of Columbia.

Mr. BORLAND. The gentleman recollects that the only fight we had on that subject in that committee was to keep the fire-escape law from being repealed at the demand of the big property owners of the District of Columbia.

Mr. CAMPBELL. But the enactment of the fire-escape law came before the committee of which I was chairman——

Mr. BORLAND. I am giving the gentleman credit for that; but the gentleman probably recalls that the gentleman from Kentucky [Mr. JOHNSON], the gentleman from Tennessee [Mr. SIMS], and myself fought all night here for two nights on the 3d and 4th of March, 1911, to keep the fire-escape law from being repealed.

Mr. CAMPBELL. I remember that very well.

Mr. BORLAND. But we are now legislating for the children, and are putting the District of Columbia on a modern plane in the treatment of its children. During all the time that the gentleman from Kansas [Mr. CAMPBELL] speaks of, a conviction in the Juvenile Court of the District of Columbia was a criminal conviction, and branded the child as a criminal, and destroyed the political, social, and civil rights of that child. Now, for the first time that brand is taken off the children, and they are being treated as delinquents, as wards of the State rather than as criminals. There was then no distinction between the neglected child and the vicious child. They were all herded together under the same law that branded them as criminals, and a conviction in that court made them criminals in the eye of the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask for three minutes more. I have been interrupted.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. FESS. Will the gentleman yield for a question?

Mr. BORLAND. I yield to the gentleman from Ohio.

Mr. FESS. The juvenile court procedure is rather an innovation, anyway, is it not, all over the country?

Mr. BORLAND. Yes; the gentleman is right. The juvenile courts are a product of modern thought and modern conditions. They treat the child not as a criminal but as one who has not yet a fair chance in life, and that is the attitude in which the child ought to be treated. Heretofore our legislation with regard to juvenile offenders has been such as to confirm their criminality, such as to make them a constant menace and liability upon the State, and in later years we had them to deal with as criminals. We had to provide at the expense of the taxpayers jails, police officers, and courts to take care of criminals, who in many cases had been manufactured by society itself. Now, society is undertaking to remove the cause, and is giving the delinquent child an opportunity in life, one of the best things that democracy can do for its citizens—giving them an equal chance in life. When a man has reached years of discretion, hold him responsible for discharging his duties of citizenship. I hope this bill will pass. I hope it will put the Juvenile Court of the District of Columbia on the plane of the juvenile courts of all the other great, progressive cities of the United States. I think it is a long step in advance in legislation for the District of Columbia, and when we can get away from legislating purely for the opening of streets and alleys and the improvement of private real estate in the District of Columbia, and can legislate for the great citizenship of the District of Columbia, American citizens living in the Capital of the Nation, then we have made a long step in advance in legislating for our National Capital. [Applause.]

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I regret exceedingly that a Member on the other side of the aisle has cast reflections on this committee after five years of control by his party by saying that this is the first time in its history that any progressive legislation for human welfare has been reported by that committee to this House. I want to compliment the gentlemen who, not only while he was a member of the committee but since then, has been greatly concerned to give all consideration to questions relating to property so far as District matters are concerned. Why, even those of us who have short memories can remember his activity on the question of assessments for street improvements, and also to compel the citizens employed in the departments here to work not only eight hours but to work longer than eight hours by cutting down 10 per cent of the Government's employees. At this late day he has seen a new light, and he wishes to pass humane measures, and in that way he casts a reflection upon a committee that has been doing good service by reporting bills here limiting the hours of women's employment and other measures of like humane purpose. I am glad that at last he has taken a change of heart and has publicly confessed that his position in the past, which only concerned property rights——

Mr. BORLAND. I am glad to welcome the gentleman as a recruit. He does not have to welcome me.

Mr. STAFFORD. I do not yield to the gentleman. I am glad he has made his confession of bad faith in the past, and that he sees a new light. [Laughter.]

But I rose, Mr. Chairman, to ask the gentleman having this bill in charge whether any provision has been made for compelling delinquent parents, when these children are taken over by institutions, to reimburse the District for the money expended by it for the sustenance of these delinquent children? In this item you compel the District and National Government to pay for the board of these delinquent children. I can conceive of many instances where parents are in a position to support the child and have been delinquent, more or less, in making proper provision in their home. I have not been able to discover any provision where you compel the parents, in case they are able, to reimburse the Government for the expenses entailed in the care of these wards.

Mr. TINKHAM. There is such a provision in this bill.

Mr. STAFFORD. It may have escaped my attention. I was reading the latter half of it and did not see any provision covering that point, but if the gentleman from Massachusetts says there is I will accept that, and the gentleman can direct my attention to it later on. It just came to my mind whether the committee had taken that matter under consideration.

Mr. TINKHAM. Mr. Chairman, I believe section 22 provides for that feature which the gentleman from Wisconsin speaks of. Section 22, line 19, says:

The court may, upon petition of any person interested and after service of an order to show cause upon the parent or parents or other person having the duty under the law to support said child, and a hearing, adjudge that the expense of caring for said child by said Board of Children's Guardians, or other custodial agency or institution, or such part thereof as may be fixed by the court, shall be paid by the person or persons bound by law to support said child, in which event such person or persons shall be liable to pay to the Board of Children's Guardians, or other custodial agency or institution, and in such manner as the court may direct, the money so adjudged to be payable by him or them; and willful failure to pay said sum may be punished as a contempt of court.

Mr. STAFFORD. That section, I think, covers the point that I had in mind.

Mr. TINKHAM. It seems to me that it is complete.

Mr. TOWNER. Mr. Chairman, I desire to oppose the pro forma amendment for the purpose of saying a few words in regard to this juvenile court bill. It is not a subject of very great satisfaction to us who inherit Anglo-Saxon law to remember that it was only but yesterday that the child was considered on an equality with regard both to his responsibility and punishment with adults under the law. It is only but a little while ago, as history goes, that a child convicted of petty larceny was executed under the English law. Consequently it is a subject of congratulation that the belated moral sense of the great Anglo-Saxon people everywhere is demanding separate consideration for the child because of any delinquency or violation of the code laid down by man as his written law.

Now, it certainly ought to be within the desire of every Member of this House to further the consideration and the passage of such beneficent legislation as is here proposed. I am not altogether in favor of all the provisions of this juvenile court act, I will say, as a whole, it is a most beneficent and admirable piece of legislation. I congratulate the author of the bill on introducing it and the chairman of the committee on reporting it. I sincerely hope that if there are no material changes, or at least no vital changes, that will injuriously affect the efficacy of the bill, it will receive consideration and be passed by this House. [Applause.]

Mr. GARD. Mr. Chairman, I ask unanimous consent to return to section 31 of the bill for the purpose of perfecting the clause which was pending when the bill was last under consideration.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to section 31 of the bill. Is there objection?

There was no objection.

Mr. GARD. Mr. Chairman, when the bill was last under consideration an amendment offered by me was pending to section 33, which amendment I now desire to withdraw, and also to amend section 31 by adding the following language, which I will send to the Clerk's desk.

The Clerk read as follows:

Amend section 31 by adding at the end thereof the following: "Persons charged under this section shall be entitled to a jury trial on demand therefor, or the judge upon his own motion may call a jury."

Mr. TINKHAM. Mr. Chairman, the committee will accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 41. That all fines, penalties, costs, forfeitures, and other money judgments imposed or taxed by said court shall be paid to the clerk thereof, to be covered into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia, and the juvenile court may issue execution in default of payment thereof: *Provided*, That this section shall not apply to cases arising under the act of March 23, 1906, referred to in the succeeding section of this act.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the members of the committee or the chairman how the fees or money judgments are divided at the present time and whether this makes any change.

Mr. TINKHAM. Mr. Chairman, in reply to the honorable Representative from Massachusetts, I will say that it is our understanding that there is no change made in the way the money received by the court is divided.

The Clerk read as follows:

SEC. 42. That said juvenile court shall have original and exclusive jurisdiction of all cases arising under the act entitled "An act to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," approved July 26, 1892, and all acts amendatory thereof. So much of section 2 of said act aforesaid as provides for the appointment and removal of said board by the judges of the police court and the judge holding the criminal court of the District is hereby amended so that said section 2, as amended, shall read as follows: "That the members of the Board of Children's Guardians shall be appointed by the judge of the juvenile court: *Provided*, That there shall always be at least three representatives of each sex upon the board. All appointments to the said board, except such as shall be made for the remainder of unexpired terms, shall be for the term of three years. The judge of the juvenile court may remove for cause any member of the board: *Provided*, That such member shall be given an opportunity to be heard in his own defense. The members of said Board of Children's Guardians in office at the time this act becomes effective shall continue in office for the respective terms for which such persons shall have been appointed, unless sooner removed as herein provided. Said juvenile court shall have concurrent jurisdiction with the Supreme Court of the District of Columbia in all cases involving children arising under the act entitled 'An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute and necessitous circumstances,' approved March 23, 1906. The court may, in its discretion, order payments under this act to be made through the Metropolitan police of the District of Columbia, who shall make daily returns to the clerk of said court of all such receipts; and it shall be the duty of the clerk, within 48 hours after the receipt thereof, to disburse, by check, all moneys collected under said act to the parties entitled; and said juvenile court shall continue to have and exercise the jurisdiction conferred upon it by the act entitled 'An act to provide for the support and maintenance of bastards in the District of Columbia,' approved June 18, 1912. Nothing in this act shall be construed to modify, abridge, or repeal any portion of the acts establishing the National Training School for Boys and the National Training School for Girls, or any act supplementing said acts or amendatory thereof, except as provided in section 20 hereof."

Mr. HOWARD. Mr. Chairman, there is one proposition in this section that strikes me with some degree of doubt as to whether it ought to be in there, and that is the provision that refers to the wife. It seems that under the provisions of this bill, whether the wife of a neglectful husband has children or not, she can come into the juvenile court and get redress. I do not think the wife ought to bring into the juvenile court, that is created for the purpose of being the guardian and protector of children of the District, who has differences with her husband, if she has no children that were dependent on the father for support. I think it would give a good deal of leeway to the court to determine what in other jurisdictions would be alimony proceedings, and so forth. I think it is perfectly proper where the wife has children for the mother to be looked after by the juvenile court, but where she is childless it gives a good many women power to go into the juvenile court without a full and free hearing and exact unreasonable sums from the husband through the instrumentality of this juvenile court. I do not know what the committee's reason may be, but it occurred to me that the wife herself ought to go to the proper court and keep the juvenile court free from adults only.

Mr. TINKHAM. Mr. Chairman, in reply to the honorable gentleman from Georgia, I would state that his theory is absolutely correct and is followed and worked into this act in the language found at the bottom of page 26, as follows:

Said juvenile court shall have concurrent jurisdiction with the Supreme Court of the District of Columbia in all cases involving children arising under the act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute and necessitous circumstances," approved March 23, 1906.

An act passed March 23, 1906, devolved upon the juvenile court the jurisdiction over cases of nonsupport where no children were involved, and also cases of nonsupport where children were involved. The language of this bill does exactly what the honorable Representative from Georgia desires, namely, it devolves upon the juvenile court only the consideration of cases of nonsupport where there are children involved. Where a child is not involved the bill by its very words, which I have read, leaves the disposition of the case to the Supreme Court of the District of Columbia, as the words at the bottom of page 26 say that the juvenile court shall only have jurisdiction in cases involving children.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. GARD. I desire to ask the gentleman if at the present time the Juvenile Court of the District of Columbia does take up cases involving the nonsupport of a wife, there being no children the issue of the marriage?

Mr. TINKHAM. Mr. Chairman, it does.

Mr. GARD. Is it intended now by this bill to take such jurisdiction away from the juvenile court?

Mr. TINKHAM. Where there is no child that is the intention.

The Clerk read as follows:

SEC. 43. That prosecutions in adult cases shall be on information by the corporation counsel of the District of Columbia.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill what is the purpose of making a different form of prosecution in section 43? In this section you place in the hands of the corporation counsel of the District of Columbia the authority upon his own motion to charge a person with a crime and bring such person into court. We have grand juries in this country for the purpose of making criminal investigations in felony cases. When misdemeanors are not presented to the grand jury, there is always required a sworn affidavit of the prosecution to bring a man into court. In this bill you propose to bring charges in court simply upon the operation of the corporation counsel without authority from any person except himself. He is authorized to charge crime upon information not sworn or in writing.

Mr. TINKHAM. Mr. Chairman, in reply to the question of the honorable Representative from Georgia [Mr. TRIBBLE] I desire to say that he will find in the beginning of the bill that no process can be started before this juvenile court without a petition which is sworn to.

Mr. TRIBBLE. That section applies to children; but the rule is changed in section 43, where you exclude all those previous provisions of the bill and you simply authorize the corporation counsel upon his own motion to arrest any person, without a warrant, affidavit, or anything.

Mr. TINKHAM. There is no authorization, it seems to me, in section 43 which allows of anything more than the prosecution in the court after the individual has been brought there—the adult—by due process of law, under some law which brings him properly before that court.

Mr. TRIBBLE. Let us read that provision—

That prosecutions in adult cases shall be on information of the corporation counsel of the District of Columbia.

That is just as plain as language can make it. It could not be any plainer. These prosecutions shall be upon the information of whom? Upon the action of the corporation counsel alone; and he is not even required to disclose the information that prompted his action.

Mr. TINKHAM. Mr. Chairman, as I understand it, anyone to-day can apply to a court of minor jurisdiction making a complaint and ask for a warrant. If the court issues the warrant, the warrant goes into the hands of the officer, and the person is arrested and brought before the court, and there is prosecuted by the private individual.

Mr. TRIBBLE. Yes; and that is exactly what I stated; that is what I contend for now, but section 43. I have just read, nullifies the existing law and provides for criminal prosecutions by action of corporation counsel.

Mr. TINKHAM. It seems to me that this is more modern and better in protecting the rights of the individual citizen, by not giving the right to anyone or everyone to go in and make a complaint, but providing that that person must and shall go, if he has a complaint, to the corporation counsel, a public officer, and unless the public officer approves the complaint shall not be filed or information made to the court. It seems to me that that is a protection rather than opening the doors wider.

Mr. TRIBBLE. The gentleman certainly never has been a prosecuting counsel. As a matter of fact, whenever you require a prosecutor to sign his name to an affidavit and swear that another man has committed a crime, in half of the cases they refuse to do it. The gentleman knows that all kinds of charges are made before grand juries by anonymous communications. Prosecutors bring information to the grand jury room by sticking a notice under the doors and various ways, except by going to the front themselves and signing their name to the proposed indictment. If the juries notice this information an investigation is held. But this bill proposes that the district corporation counsel upon his own motion shall proceed to prosecute a man and put him in jail if he sees fit to without anyone swearing or stating under oath that he has violated the law. I can not support this bill. There are several serious objections to this bill, and I am here to aid in exposing them and defeat the bill, if possible.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. TOWNER. If the gentleman will look at section 31 he will see that these prosecutions against adults—and this section which he refers to only refers to prosecutions against adults——

Mr. TRIBBLE. Yes; all of these prosecutions except this class that is enumerated in section 43.

Mr. TOWNER. This provision in section 31 says that whenever in the course of any proceeding it shall appear to the court that the adult, the parent, or the guardian is guilty of some violation of the law he may order a prosecution. The section to which the gentleman refers, and with which he finds fault, only provides who shall have charge of that prosecution. I see no difficulty such as the gentleman suggests.

Mr. TRIBBLE. Why use the word "information" if the gentleman's contention is right? It is provided here that the prosecution in adult cases shall be on the information of the corporation counsel. Why use that word, if there is to be an affidavit? The language is plain.

Mr. TOWNER. I will state to the gentleman that that is for the reason that no person is ever placed on trial under our law except upon definite statement of a charge.

Mr. TRIBBLE. That is true, and that is what I am contending for now.

Mr. TOWNER. If in the course of the proceeding it shall be found that this person ought to be prosecuted, then it is made the duty of the corporation counsel to file the information specifying the child and put the adult on trial.

Mr. TRIBBLE. The gentleman states the law correctly.

Mr. TOWNER. The gentleman's idea and objection, it seems to me, are entirely imaginary.

Mr. TRIBBLE. And the gentleman from Massachusetts states the law correctly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TRIBBLE. Why, gentlemen, that language is just as plain as can be. There is nothing to do under this statute, except the corporation counsel of the District simply calls on you or me to answer in a court for any crime he may see fit to charge us with.

Mr. TINKHAM. Mr. Chairman, I do not see why the honorable Representative from Georgia should object to a public official making a complaint rather than a private individual, when the disposition of the merits of the complaint must be made before a court, an open court, a court with a jury.

Mr. TRIBBLE. I object to it because I refuse to allow any man to charge another with a crime without disclosing his identity. When a citizen is charged with crime and called upon to give bond, go to jail, and stand trial in the court, there should be a record in writing showing the authority of prosecuting counsel. Mr. Chairman, this bill provides trial of all children under 17 years of age and the manner of placing them in institutions of corrections. No provision is made for separating the white children from the negro children. Provision is made for the appointment of officials, both men and women, and yet no regulation is provided to prevent white girls or boys from being turned over to a negro official. The judge of the court and his officials have too much authority in disposing of children who are so unfortunate as to not have parents capable of protecting them. The judge of the court appoints his board and removes the members at will. If the board refuses to do his bidding, they may be discharged. Furthermore, Mr. Chairman, this juvenile court is given exclusive jurisdiction of all class of criminals under the age of 17 years. Murder, arson, and rape may be charged, and yet the courts are forbidden to take charge of the criminal without direction of the juvenile judge. The murderer or rapist under 17 years may be sent to the institution for correction on the action of the juvenile judge. I am not willing to make a place of refuges for hardened criminals in the same institution with helpless little girls.

Mr. Chairman, this court will deal with numberless little girls and boys of tender years, helpless, motherless, fatherless, and orphans. I have carefully studied the authority granted to officials in this bill. I am afraid the helpless will not be protected and the guilty go unpunished. Therefore I oppose the bill.

Mr. GARD. Mr. Chairman, I am inclined to think there is some merit in the contention advanced by the gentleman from Georgia [Mr. TRIBBLE], and therefore I desire to offer the following amendment: In section 43 I move to strike out the language contained therein and substitute the following language:

That all prosecutions shall be conducted by the corporation counsel of the District of Columbia.

I will say that is for this reason, Mr. Chairman——

The CHAIRMAN. Will the gentleman send his amendment to the desk?

Mr. GARD. I will repeat it.

In line 21, page 27, as a substitute for section 43, I offer the following language:

That all prosecutions shall be conducted by the corporation counsel of the District of Columbia.

Mr. JOHNSON of Kentucky. Or one of his assistants.

Mr. GARD. It is suggested "or by one of his assistants," but I think the words "corporation counsel" will cover.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 27, after "43" lines 21 and 22, by striking out lines 21, 22, and 23 and inserting: "That all prosecutions shall be conducted by the corporation counsel of the District of Columbia."

Mr. GARD. Mr. Chairman, the reason for my offering this amendment——

Mr. TOWNER. Will the gentleman yield?

Mr. GARD. Will the gentleman kindly allow me to state my reason and then I will yield?

Mr. TOWNER. I thought the gentleman omitted to state in adult cases.

Mr. GARD. No; I did not. Section 10 of this act provides that no child shall be brought into the Juvenile Court of the District of Columbia unless there be filed a verified petition stating the facts that bring such child within its provisions. Now, section 31 of the same act provides that once a child having been in the court, having been properly brought into court, that the court itself has plenary jurisdiction and included within the jurisdiction and proper order is any person who has contributed in any way to the delinquency of the child. Now, it would seem to me that the entire language of section 43 might possibly be construed as being another and additional and uncalled-for means of bringing an adult person into the juvenile court.

I think the proper intention of the bill is to have the prosecution of any and all cases in the juvenile court conducted by the corporation counsel of the District. It is surely not the intent of the framers of the bill or any juvenile court bill to have conduct of the prosecutions. The corporation counsel is to stand in the relation of a friend to the child and to the court and to conduct entirely in an unprejudiced and unbiased and nonpartisan way the cases, always in the interest of the child and always in the interest of the administration of justice.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GARD. I do.

Mr. GREEN of Iowa. I would like to ask the gentleman whether he thinks that the general provisions of the law and the provisions of section 31 would make it unnecessary to provide in this section anything in reference to the manner in which the prosecution should be begun? The gentleman left out of his amendment, I understand, the words "on information."

Mr. GARD. Yes; I left out the words concerning "adult cases" and "on information."

Mr. GREEN of Iowa. Does the gentleman think that is unnecessary?

Mr. GARD. It seems to me that when the adult is brought into court he should have the same procedure against him that the child has; that there should be filed a verified petition against him. I do not know the case should be thrown so widely open as to permit the corporation counsel upon mere information to file in the juvenile court some sort of paper and have a man brought in without any process, but I do think it is the intention of the bill to have the corporation counsel appear in all necessary prosecutions in the case.

I think the situation is covered by the language of sections 10 and 31.

Mr. TINKHAM. Mr. Chairman——

Mr. GREEN of Iowa. Will the gentleman from Ohio yield further?

Mr. GARD. Yes.

Mr. GREEN of Iowa. If I understand the gentleman correctly as to his intention, I do not think his amendment is at all sufficient. There is no other provision in the bill for commencing a prosecution against adults by petition, if I remember the provisions of the bill correctly, and his amendment would simply leave the whole matter in the air as to how the prosecution should be commenced.

Mr. GARD. I do not desire to do that.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GARD] has expired.

Mr. TINKHAM. Mr. Chairman, the honorable Representative from Ohio [Mr. GARD], I think, has for a moment forgotten the language of this bill in previous sections, and its intention and purpose principle. He will realize as soon as I have spoken that there are no prosecutions of children under this act; that the very purpose of this enactment is that there shall be no prosecutions; that the criminal law shall not be worked against the child, nor even its language used. I will say that this section was put in simply that there might be a method, as has been well indicated by the honorable Representative from Iowa [Mr. GREEN], for beginning actions allowed by the bill, such as bastardy, nonsupport, and contribution to delinquency against adults. Unless there was a provision as to how these adult cases should begin and proceed, how they should be brought in to the machinery of the court by such language as is contained in section 43—and it is the prosecution of the adult, the child can not be prosecuted under this act—there would be no adequate method for their pursuit. I therefore hope that section 43 will not be amended, but will stand as recommended by the committee.

Mr. EMERSON. I think something should be added in there, as has been suggested by the gentleman from Georgia [Mr. TRIBBLE] and others, requiring the filing of an affidavit by somebody who makes the complaint.

Mr. TRIBBLE. What about the words "sworn information" in there?

Mr. TINKHAM. Mr. Chairman, if an amendment is offered by the honorable Representative from Georgia [Mr. TRIBBLE] to effect the purpose he has indicated, I shall not object for the committee.

Mr. TRIBBLE. I offer that amendment.

Mr. TOWNER. Will the gentleman allow me a moment? Let me call the attention of the gentleman having charge of the bill, and the gentleman offering this amendment, to this fact, that there can be no prosecution against an adult except upon order of court, and therefore an affidavit is unnecessary. It would be perfectly ridiculous to require an affidavit.

Section 31 provides:

That whenever in the course of any proceeding instituted under this act it shall appear to the court that a parent, guardian, or person having the custody, control, or supervision of any child coming within the provision of this act.

And then subsequently it says the court shall have plenary jurisdiction in such matters, and shall cause such parent, guardian, or other person, as the case may be, to be brought before it, upon either a summons or a warrant for such order in the premises as the court may see fit to make.

And then this subsequent provision, section 43, is put in justly, as I think, and properly, as I think; that the charge of the prosecution shall be made against this adult by the corporation counsel and shall be made on information.

Now, what else do gentlemen want? No prosecution can be made under any circumstances against any adult except upon order of the court as disclosed in the proceedings against the juvenile. Gentlemen, if amendments like this are adopted, you will destroy the efficacy of this bill.

Mr. EMERSON. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. EMERSON. Does not section 31 refer to cases wherein in the examination of a child for the commission of some crime it developed that some adult was brought into it? Is not that the case?

Mr. TOWNER. Yes; I will say to the gentleman from Ohio, and I call his attention to the fact that no adult can be prosecuted except in that manner and under the provisions of section 31. In other words, he can not be prosecuted except upon order of the court. No information can be filed under any circumstances, and no punishment can be inflicted under any circumstances except upon the order of the court.

Mr. JOHNSON of Kentucky. Mr. Chairman, I think the gentleman from Iowa [Mr. TOWNER] is exactly right about this proposition. This language occurs in every bill that comes in regarding offenses committed in the District of Columbia. Every bill that comes here contains a provision that these prosecutions shall be upon the information of the corporation counsel of the District of Columbia or upon the information of the United States attorney for the District of Columbia. In other words, this language determines jurisdiction between those two courts. If it were unusual language it might bear more scrutiny, but this language is used in every bill that comes before this House in reference to criminal prosecution.

Mr. EMERSON. Is it true, I would like to ask the gentleman from Kentucky, as the gentleman from Iowa states, that there can be no prosecution against adults under this law except on motion of the court? I understood he made that statement.

Mr. JOHNSON of Kentucky. I agree with the statement made by the gentleman.

Mr. TOWNER. Certainly.

Mr. EMERSON. Why is this section 43?

Mr. TOWNER. This is only necessary because it ought to specify some person to conduct the prosecution, and in justice to the defendant it ought to give him notice of what the specific charge is.

Mr. EMERSON. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. EMERSON. But it does not say that. Section 43 says that prosecutions in adult cases shall be made on information.

Mr. TOWNER. And section 31 says that the only prosecution against adult cases and the only place where there is any

penalty to be inflicted is in these cases as specified in the section as arising upon the hearings and order of the court.

Mr. GARD. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. GARD. Does not the gentleman think——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, may we have the amendment read again?

Mr. GARD. I will ask unanimous consent to be recognized for three minutes, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The gentleman from Ohio [Mr. GARD] asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. GARD. Mr. Chairman, the question I desired to ask was whether or not the gentleman from Iowa [Mr. TOWNER] thought the words "on information" applied to the manner of beginning a proceeding against an adult charged with the violation of any part of this law, or whether it was just the means of setting in motion the conduct of a case by the district attorney as the prosecuting officer.

Mr. TOWNER. No. I will say to the gentleman if he will read carefully the language of section 31 he must see that this prosecution must be ordered against the adult by the court. That is the only way an adult can be brought into court.

Mr. GARD. I am frank to say that if that is the purpose of it, I concede that the argument of the gentleman is good.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for two minutes, in which to ask the gentleman from Iowa a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HOWARD. Does not the gentleman from Iowa [Mr. TOWNER] think there is quite a conflict between section 43 and section 31 as they stand now?

Mr. TOWNER. I will say to the gentleman, no. If the two sections are taken in connection—and they must be, because they refer to each other—section 43 provides that in prosecutions against adults the information shall be filed by the corporation counsel. Now, the only place in the whole bill where any kind of penalty is stated as against adults is in section 31.

Mr. HOWARD. I see that.

Mr. TOWNER. And the only place where there is any penalty or punishment inflicted is under section 31, so that it is proper, as the gentleman will understand, when the court determines that prosecution shall be made against an adult for violation of this section 31 that the statute should provide who shall conduct the prosecution, and it is certainly right and proper that it should state that it be done by information which shall specify the particular charge.

Mr. GARD. I desire, Mr. Chairman, to withdraw the amendment proposed by me.

The CHAIRMAN (Mr. BAKER). The gentleman from Ohio [Mr. GARD] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. TOWNER. So that there can be no opposition in the terms.

Mr. HOWARD. Does not the gentleman think that from the language of section 31 the sole language in section 43 would be that "prosecutions in adult cases shall be conducted by the corporation counsel of the District of Columbia"? Would not that accomplish the same purpose that the gentleman wants to accomplish by this provision, and there would be no confusion?

Mr. TOWNER. I do not see any objection, but I do not think it would strengthen it.

Mr. HOWARD. I think it would eliminate all doubt.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. GREEN of Iowa. I think the gentleman is overlooking the fact that no adult can be fined or punished or sent to jail unless there is a written charge against him of some kind, and this simply provides for the written charge.

Mr. HOWARD. Why do you want in here the language that "all prosecutions in adult cases shall be on information by the corporation counsel of the District of Columbia," when the gentleman knows——

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for one minute longer.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HOWARD. The word "information" is used in about 35 States of this Union as the modus operandi of getting the case to the grand jury in the different courts of the country. Why do you use it if you do not mean it in the accepted sense?

Mr. GREEN of Iowa. The word "information" is used simply as applying to a minor charge or misdemeanor.

Mr. HOWARD. Not in court procedure. "Information" in court procedure means that upon which a prosecution is predicated in nine cases out of ten. It is so in the State of Texas and in a dozen of other States that I might mention. They use the word "information" instead of the word "indictment" or "warrant." It is the initial step to put into operation the prosecution.

Now, Mr. Chairman, I move to amend section 43 by striking out the word "information," so that said section when amended will read as follows:

That prosecutions in adult cases shall be conducted by the corporation counsel of the District of Columbia.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. HOWARD].

The Clerk read as follows:

Page 27, amend section 43, as follows: Strike out the words "on information" and insert the word "conducted," so that the section will read: "That prosecutions in adult cases shall be conducted by the corporation counsel of the District of Columbia.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HOWARD. A division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 29.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 44. That the judge and other officers holding office at the date of the passage of this act shall continue in office until the terms for which they were appointed shall expire and until their successors are duly appointed and qualified.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. HOWARD. Mr. Chairman, before this bill is completed I would like to ask the chairman of the committee or the gentlemen having charge of this bill this question for my own satisfaction. I think the question I am going to propound to the gentleman will determine to a very large extent whether I shall support this bill or not. Under section 4, I believe it is, of the bill, I notice that the juvenile court has jurisdiction of all classes and conditions of crimes that are committed in the District of Columbia by a child not less than 17 years of age. I want to ask this gentleman whether this section applies or the juvenile court can retain jurisdiction in cases of murder, criminal assault, arson, and the like, if they are committed in the District of Columbia by a child under 17 years of age?

Mr. TINKHAM. Mr. Chairman, in reply I will say it is in the discretion of the court to refer any case of which it gets jurisdiction under section 4 to the grand jury to have proceedings taken in the usual way.

Mr. HOWARD. I want to ask the gentleman one other question. Is it obligatory on the court to transfer cases of that character to the Supreme Court of the District of Columbia?

Mr. TINKHAM. It is merely discretionary, Mr. Chairman.

Mr. HOWARD. If this bill gives the discretion to the juvenile court to retain jurisdiction in cases of this sort over 17-year-old boys or girls, as the case may be, when every other State in the Union holds males and females of this age to the strict accountability of the law in such cases, I shall not vote for this bill. It is with some degree of reluctance that I want to lay before this House a condition that exists in the District of Columbia that, in my judgment, does not exist in any other place of its size in the civilized world.

There is more money per capita spent in the District of Columbia upon the education of all classes of our citizens than there is in any other city in the United States of America. Every available instrumentality is employed in the District of Columbia for the education and the refinement of all classes, white and black alike. They have their training schools, their technological schools, their high schools, their practical colleges here, where young people can get an education way above that

given to those in the most liberal States in the Union, and in this city of 385,000 people, one-third of whom are black and two-thirds of whom are white, 75 per cent of the crime in the District of Columbia is committed by the one-third element of the population.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. I ask for three minutes more.

Mr. EDWARDS. I ask unanimous consent that my colleague be allowed five minutes.

Mr. MANN. Is this a filibuster?

Mr. HOWARD. I do not know that I will use the time.

The CHAIRMAN. The gentleman from Georgia [Mr. EDWARDS] asks unanimous consent that his colleague be allowed five minutes. Is there objection?

There was no objection.

Mr. HOWARD. A good many gentlemen from some sections of the country are always ready and glad to criticize the section from which I come on the subject of crime, when if you will go to your court records here you will find that 75 per cent of the crimes of all kinds committed in the District of Columbia are committed by one-third of the population, although they are in an environment and they are afforded all the facilities to train this class of our citizens, to advance them in civilization, to teach them to become law-abiding citizens, to teach them to be better and more helpful citizens. In this District, where the Government of the United States with generous hand has dealt with them, we find that the cold records of the courts show that 75 per cent of all crimes, including felonies, are committed by a little less than one-third of the population of this city. Seventy-five per cent of the time of this juvenile court will be consumed in the trial of cases concerning one class of citizens in this District.

Mr. MADDEN. How many classes of citizens have we in the United States?

Mr. HOWARD. Two.

Mr. MADDEN. I thought we had only one.

Mr. HOWARD. In what State?

Mr. MADDEN. In the United States.

Mr. HOWARD. Oh, I mean white and black, if the gentleman wants to know. That is what I am talking about. I am comparing the negro and the white man. Why, take the great Federal prison in Atlanta. The number has been reduced now, thank God, but formerly we got a great number of them sent to that prison from the District of Columbia. At one time all of that class from the District of Columbia were dumped into that one prison. Now they divide them up, and Fort Leavenworth is getting some of them. The negroes of the District reduced the "good-conduct" records in these institutions 25 per cent. And I want to call your attention to the national training school out here on which we expend thousands of dollars annually, and to the girls' training school on which we are spending thousands of dollars annually. You go out there and see who is there.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HOWARD. In just a minute. I am not jealous of the expenditure of this money. If you can reform them, for God's sake double the sum, but you can not "make a silk purse out of a sow's ear."

Mr. MADDEN. I wanted to ask the gentleman whether he was opposed to the education of American citizens?

Mr. HOWARD. Not at all. I am very heartily in favor of it; but I am opposed to taxing my people in Georgia to give all sorts of hifalutin curleycues in the way of education to a crowd of Washington niggers that is of no benefit to them. That is what I am opposed to.

Mr. TRIBBLE. I should like to say to the gentleman from Georgia that since the war there has been no distinction made between white and black as to the public fund appropriated for the education of the citizens of the State of Georgia.

Mr. HOWARD. Of course not; but I am just bringing this matter home.

Mr. MADDEN. I was not raising any question about Georgia.

Mr. HOWARD. When it comes to exempting a 17-year-old young nigger buck from prosecution for criminal assault in the District of Columbia I will sit here till the ants drag me out before I will vote for such a bill.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. HOWARD. Yes.

Mr. TOWNER. Is it not the policy of the gentleman's own State and of all the better elements of the South that the more you can educate and improve the condition of the black race the better it is for society in general?

Mr. HOWARD. And we are doing it, and 375,000 of them this very minute are in the public schools of Georgia, and 95 per cent of the taxes are borne by the white citizens of that State. [Applause.] I am getting tired——

Mr. TOWNER. I am glad that that is true, and I want the gentleman to help here in the District of Columbia just as much as his own people are helping down in Georgia.

Mr. HOWARD. I am helping here. I get ashamed that I do help to the extent that the money is being wasted in the District of Columbia upon certain lines of education inaugurated by a crowd of fanatics. What you want here, as elsewhere, is to teach negroes and white folks, too, to learn to work their hands as well as their heads.

Mr. MADDEN. What is the per capita expenditure for education in the District?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, there is, as it seems to me, no point, no strength of argument in the remarks of the gentleman from Georgia unless it shall be this, that inherently the black man is incapable of improvement and education, and therefore what we do for him is money thrown away. Now, he does not mean that, because his own action, his own conduct, the action of the people of his own State has been directly contrary to that proposition. They understand that if the black man is educated he will make a better citizen than uneducated. They understand that if the black man is sober he will make a better citizen than if he is drunken. They understand that everything that is done to improve the intelligence, elevate the character, Christianize the colored man is just as much an improvement to him as it is to the white man.

If money is wasted in the District of Columbia for any purpose, we ought to see to it that no waste occurs. It is not a legitimate argument to make that because we do expend money for the education and improvement of the colored man in the District of Columbia that that money is thrown away unless you take this absolutely indefensible position that to improve the colored man is not to improve his condition or make him a better member of society.

Mr. HOWARD. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. HOWARD. I do not want gentlemen to understand that I meant to convey the impression that I did not believe in education. I want gentlemen to understand that it was the inequality of the distribution of the fund that will be expended under this particular section of the juvenile court that I was speaking of.

Mr. TOWNER. Oh, I think the gentleman knows that this fund will not be drawn on color lines but upon the lines that this bill specifies, namely, the lines of delinquency. It is unfortunate, Mr. Chairman, unfortunately we all know that the colored man has not yet achieved such a high place in civilization as the white man has. We all know the reason for that, and we all ought to sympathize with it; we ought to redouble our efforts in his behalf; we ought to make any sacrifice necessary to secure the accomplishment; that certainly we ought to desire for the elevation of the black man as an American citizen to what we demand as the standard of the best American citizen.

Mr. FESS. Mr. Chairman, I ask unanimous consent for 10 minutes upon this theme.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to address the committee for 10 minutes upon this theme. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I want the time to say something about the possibility of the education of the race about which we have been listening from two eloquent Members.

There happens to be within 7 miles of my home the famous Wilberforce University, an institution that was opened some time before the war, and which attracted a good deal of attention because at that time there was much speculation as to the capacity of the people of this race to be educated.

I am not desirous of saying anything that would indicate that I was speaking for any particular locality, nor that I am speaking for any particular institution, but I do happen to know something about what has been done there and I believe that it is quite typical of what can be done elsewhere.

Aside from the Wilberforce University there are others I have visited, including Howard out here in the Capital, and Hampton, Va. I do not believe that any American citizen, unprejudiced, can find himself in the locality of such institutions mentioned, and especially Tuskegee, for example, without feeling like taking his hat off in honor of the men and women who have done such wonderful work. When I think of the inspiration that must come from the study of a life like that of the late Booker Washington, who earned and deservedly bore the title of "Doctor"—I do not believe anyone who studies that life can

refuse to show a proper appreciation that must be manifested when an opportunity is made possible by the Government to do a great work. I remember distinctly that when Tuskegee Institute was opened there were only two old tumbledown buildings. I happen to know that it is now pretty nearly a university of buildings in itself. When you go there and look into the faces of more than 1,000 young people whose faces are as black as your hat and recall the status of their parents but a generation removed, then, and only then, you will realize what they have accomplished in so short a time. The proper education is suggested by their commencements, which demonstrate as an object lesson the real work of the institution; it is not simply a professional, but rather an industrial education. Its motto is, "Get ready to produce a better article than is yet made, and your place is secure."

When I think of that, it seems to me that the country can not do any better thing than to espouse with encouragement and approbation the education of the right character of these people. We must not increase their embarrassments, but we should multiply their opportunities. I certainly share with what has been said not only by these who have fugitively spoken of what has been accomplished in certain localities and by those who have studied and made reports of the burdens of the people of the Southland in supporting a dual education—a burden growing out of the presence of two races to be educated—I appreciate the burden, and I am one of the Members that want to openly express my gratitude to all sections of the country for what has been done. It is difficult for me to understand the source of racial difference expressed here. I think, however, that we in certain sections are able to appreciate what seems to be—what I would hesitate to call prejudice, and yet that seems, in a sense, to be what it is. Too frequent are the attempts in this body to deride the efforts of the colored race. I have had the opportunity of seeing what can be done in our section for these people in the way of education so well carried on that is being done in institutions like Tuskegee. It will be difficult to comprehend fully the great work done by the Wilberforce University.

In its more than half century of existence it has extended hope and self-helpfulness to thousands of youth of the black race who are now filling every avenue of achievement to the great credit of their race and generation.

I want to again say that I do not think there is any function of this Government that is more warranted, that ought to receive warmer approval than the function of lifting out of the degradation of human chattelhood into the bracing atmosphere of American citizenship a race of people. This can not be done by constant racial heckling. It must be done through the system of education, which enlarges opportunity rather than increases discrimination.

I happen to be the head officer of an institution that was wondrously criticized because it opened its doors to the education of the black as well as the white. This was done as early as 1853, when it required a peculiar courage to do it. One of the traditions that appeals to me of the early beginnings of that epoch was when distinguished citizens came from the Southland, men interested in education, members of my race, and said to the famous Horace Mann, who was then the president of the institution, "You can not secure funds needed for this institution so long as you admit members of both races"; and added that if he wanted to build, it would be necessary to make it exclusive and not to admit the members of the black race.

The tradition says that Mr. Mann stood out in front of the building and listened intently to the utterances of the two distinguished men, from Cincinnati, as I remember it. To them he said, "There is nothing I need so much to-day as funds with which to build this institution, but rather than sacrifice this principle of opening the doors of opportunity to a race that is now excluded from educational privileges I would see those buildings crumble into dust." It will be recalled that this prospect for a race was one of the incentives for the great educator that led him to decline the governorship of Massachusetts to accept the presidency of that institution. That is the institution where our distinguished and much-beloved Gen. SHERWOOD was educated, and he understands the sentiment that prevailed at that time. Last year one of the members of the graduating class was a colored boy. He was universally respected for his manly traits and splendid scholarship. You may criticize me, if you please, but that black boy was admitted into the president's home upon all annual occasions equally and with the same respect that any member of my race was admitted. There was absolutely no discrimination. He was treated as all other members were. He sat at the senior dinner table, and when some one suggested that some may object to it, my own son, the president of the class, replied, "Put Herman by my side; I will see that he is respected." That colored boy graduated last June, and he fills a position to-day in Texas at a salary higher than my own son commands, a member of the same graduating class. I took more pleasure in securing for him through public-spirited people his position than anything else that was accomplished.

I do not believe that any man needs to apologize to any people at any place or at any time for standing for the open door of opportunity to the colored boy and the colored girl. [Applause on the Republican side.] Speaking as an independent Representative on this floor, not because there are colored voters in my district—and there are, of course—but because I believe it is my duty, I want to say that I join in the utterance of every Member, on whatever side he sits, in the recommendation that educational influences shall work continually upon the class that up to a certain time was denied the privileges of education. I shall oppose all discriminations that attempt to hinder any race in its efforts to better itself. [Applause on the Republican side.]

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I think it should be the duty of every strong man of every race to help every weak man of every race to help himself, and I know no better work that man can do than to furnish means for the education of those who are unfortunate in not having the means to find education for themselves. It will not do to say that one class of our citizenship commits more crime than any other, and therefore that we ought not to educate them. It will not do to say that one class of Americans who are fortunate ought to stand out against another class who are less fortunate. No race in all the history of civilization has given greater evidence of advancement since the day of their freedom than has the colored race. They were totally illiterate the day they were declared free, and to-day there is not to exceed 30 per cent of illiteracy in the race in America. They are engaged in every activity in the land. They are doctors, lawyers, preachers, scientists, physicians, artists, manufacturers, bankers, farmers, and educators. Our duty should be, if they are less virtuous or less law-abiding than others, as you say, to lift them up to that high standard that will make them realize that something is being done for them which is worthy of the plaudits of civilization.

No one knows whether the figures given by the gentleman from Georgia [Mr. HOWARD] are true or not. I do not think he knows. He said 75 per cent of the crimes in the District of Columbia are committed by the black people. A statement like that should not be made unless it is known to be true. All statements of that kind injure the community, injure the race, and our duty here is to upbuild the moral standard of every community in the land, to enact laws that will encourage the negroes to realize that they are human beings, and to surround them with every protection within our power, to make them realize that they have a place in the land of their birth, to give them an equal opportunity in the race for life. This is a struggle for existence for every man who lives, and there ought not to be any handicap placed on the less fortunate of those who live in our midst. Let them start out in the race for life on even terms, and if they can win let them win. If some one else wins, then all glory to the winner. Educate them, treat them decently, give them as much consideration as you would the Filipino, to whom you propose to grant self-government, while at the same time objecting to the exercise of the constitutional rights of the negroes who live within our midst and who were born here. Two hundred and fifty thousand dollars was appropriated by this House to kill coyotes Saturday because they are a menace to the community where the gentleman who presides lives, and yet it would be objected to by you gentlemen from the South if $250,000 were appropriated to educate the black man, who is a citizen of the United States. [Applause on the Republican side.]

Mr. DAVENPORT. Mr. Chairman, I do not think there is a man who lives who is more strongly in favor of educating the races than I am. I am not prejudiced against the negro race, and no man can truthfully say so. Yet I was born and reared in the South until I was almost grown. Since the Civil War closed we have had the negro there, and it was our duty to do the best we could for him, and the greater number of the States began to educate the negro as soon as they did the white, and in doing that I want to say to this committee that we conceded to each State the right to enact laws for separate or joint schools, and to each individual of that State the right to select his own company and to go to school with a negro if he so desired, but in doing so we did not delegate to the individual the right to select for us our company or to compel us to go to school and to be educated with the negro. My State educates the negro, but in doing so we believe, as did Dr. Washington, to whom reference has been made, who often said that it is better to educate him amongst his own race in separate schools,

and to teach him to be useful in his own race. Oklahoma not only has separate schools, but we have the separate coach and waiting room, which we find to be very satisfactory. And I say to-day that you can educate the negro all you please, and you can associate with him all you want to; you can sit at the same table and eat with him as often as you desire, but it is a physical and mental impossibility to raise him to the standard of the white man. The best negro that ever breathed can not be raised to as good a moral standard as the commonest of the common white man, and you can try it all you want. The more you educate him and the more you, a white man, associate with him the less respect he will have for you. [Applause on the Democratic side.] It is not possible to educate him up to the standard of the white race. Mr. Lincoln said, in 1858, that he was of an inferior race and could not be elevated to the standard of the white man, and I borrow that expression, and I say to you, educate the black to be a useful man and useful woman in their own race, and teach them that at the very moment they undertake to bring about social equality with the white race in these United States they are making the mistake of their lives, and when they do they will go on and be a race that will not receive the respect of any nation, but will be looked upon as an unreliable and inferior race. They are a separate race, and must remain so, and the white man or woman who starts out in these United States to teach social equality, to teach that the negro can be elevated and have a right to take his position in society in this country with the white race is not as good as the negro he is seeking to elevate and is misleading, and I say ought to be banished from the United States. [Applause on the Democratic side.]

Mr. HEFLIN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama.

Mr. HEFLIN. Mr. Chairman, my father owned more slaves than any man in our section of the country. I know that those negroes were treated well by my father and his family and there existed a very warm attachment between the slave and the master. There was a mistaken idea among many people in the North as to the treatment of the slaves by the masters. The slave was property, recognized as such by the Constitution. These slaves were sold to our people by our northern friends at magnificent figures [laughter], and we cared for them and provided for them in every way. The negro's best friend now is the southern white man. We teach him to be industrious and law-abiding, but we do not recognize him as the social equal of the white man. God Almighty made the great white race the superior race. Mr. Lincoln said so in his debate with Douglas in 1858. He said "the white man is superior" and "as long as the negro race and the white race remain together there must be the position of the superior and the inferior. I as much as any man favor the white man occupying the superior place." Mr. Lincoln said that he was opposed to intermarriages between the races. He said that he was opposed to political and social equality between whites and negroes. Did you know that Mr. Lincoln said that? The gentleman from Ohio [Mr. FESS] talks about his boy going to school with a negro boy. Well, every fellow to his taste; that could not and would not happen with us. [Applause.] We believe in educating the negro along practical lines and we believe in educating them in separate schools. You gentlemen mistake the temper of your own white constituents when you believe they favor educating negroes and whites in the same schools. You are going to wake up to this fact sometime when somebody makes a campaign in your district that you ought to have white schools for the whites and separate schools for the blacks. Republicans, Democrats, and Progressives all will favor that idea, and when you gentlemen talk about throwing them together in the same schools, opening wide the doors with negro boys and white boys sitting side by side at the same desk, you do not speak for the rank and file of the white race in your districts. [Applause.] It is not best to mix negro and white children in the same school.

A few of you Republicans over there who want to ride into office on the negro vote misrepresent the feelings of your own race upon this matter in order to get the negro vote. [Applause.] Treat the negro right! Why, they tell a story about a man in Mississippi—a shrewd Illinois Yankee—who went down there to live, and called the negro men "mister" and the negro women "mistress," and at the end of the year he beat them out of everything that they made [laughter]; but the southern white man called the negro man "Rastus" and he called the negro woman "Mandy," and he treated them well, and paid them what he owed them. And these negroes said to him, "We don't like dat white man what comes from way up yonder in Illinois and calling us niggers 'mister' and 'mistress,' and shaking hands around here and then beating us out of de last cent we made during de year. We had rather for you white folks to call us 'Rastus' and 'Mandy' and pay us what you owes us; dat's what we likes." [Applause.] Mr. Chairman, every time the race question is mentioned here the gentleman from Illinois [Mr. MADDEN] rises and rushes to the rescue. He represents a district so dark-hued with buck negroes, and of such "ransome" rank odor that you can see the kinks on it from the Capitol and smell it across the continent. [Laughter and applause.] I understand that marriage between white persons and negroes occurs in the gentleman's district.

Mr. MADDEN. I want to say, if the gentleman will allow me——

Mr. HEFLIN. Is that true?

Mr. MADDEN. There is no negro in my district or in the United States, as far as I know, who is in favor of intermarriage. I am opposed to it and they are opposed to it; and they are opposed to the licentious cohabitation of black women and white men and of black men and white women, as the case may be, and so am I.

Mr. HEFLIN. Mr. Chairman, Jack Johnson, a negro as black as melted midnight, married a white girl in Chicago. Is not that true?

Mr. MADDEN. I do not know.

Mr. HEFLIN. Did not the gentleman vote against the bill here to prevent marriages between whites and blacks in the District of Columbia?

Mr. MADDEN. Yes.

Mr. HEFLIN. I thought the gentleman did. The proof of the pudding is in the chewing of the bag. The RECORD shows how the gentleman stands on this matter.

Mr. MADDEN. Just wait a moment. I voted against a bill that made it a crime for black men and white women to marry. I would vote against it to-day if it were up for consideration.

Mr. HEFLIN. I can not yield further.

Mr. MADDEN. The gentleman asked me a question.

Mr. HEFLIN. And the gentleman has answered it. He can explain it some other time. I voted for that bill to prevent marriage between the races here, and I would vote to prevent it anywhere in the United States. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, this discussion has nothing to do with the merits of this bill, and I ask unanimous consent that all debate be closed upon this section in five minutes, after the gentleman from Missouri [Mr. RUCKER] has spoken.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that debate on this paragraph close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. Mr. Chairman, I am afraid somebody misunderstands somebody here to-day. For fear that my attitude of silence, if I remain silent, might be misunderstood, I want to add just a few words to what has been said.

Let me say in the very beginning that nobody will question my attitude toward the negro man. I was born in a slave State, reared there until I was old enough to leave home, have associated with negro children, and, like my eloquent friend from Alabama [Mr. HEFLIN], have "sopped from the same skillet" with negro boys, as I expect he has; and let me say in this connection that I expect I hold in as respectful reverence the memory of an old colored woman as any man on this floor, from any section. I was nursed in the arms of a negro "mammy," and I am proud now to stand on the floor of the Congress of the United States and say that that old black woman, acting under the inspiration of a suggestion from my father, was the first subscriber to the fund out of which was erected that splendid monument to President Lincoln out here in Lincoln Park. Her name is inscribed upon it. She nursed my mother, my brothers, and my sister, and she nursed me.

But we who were raised among negroes know more about them than you people do who were not raised among them. Like them? Certainly we like them. Would I help them in every way I can in every noble effort to improve the condition of their race? Of course I will. Educate them? Of course. Vote taxes on the property owners of this country to educate them? Unquestionably. But there is where I stop. Surely, those of you who advocate their sitting in the same schools—boys and girls, white and black—and sitting around the same festal board—white boys and black girls and black boys and white girls—do not contemplate the ultimate goal to which you are drifting. Is there a man in this whole broad land whose face is white who would for one moment tolerate the idea of social equality between his daughter and a negro man, whoever the negro might be? I am in favor of educating the negroes of our country, but I would educate them in separate institutions; I believe it means a degrading and lowering of the standards of civilization and of education and of moral refinement when-

ever you invite the black boy and the white boy and the white girl and the black girl into the same school. It is absurdly harmful.

It is not necessary to fondle and hug the negro in order to be his friend. I am his friend, but I know his place. I have but one boy, and I would rather have him grow up in gross ignorance than to enter any school on earth that opens its doors to white and black alike. And when you do it you are doing the negro himself an incalculable harm.

The old-time darky is generally a good citizen; but I tell you, gentlemen, that the negro of the present age—the young negro—speaking broadly, is the most complete upstart and abominable nuisance that God Almighty ever allowed to walk the earth. It is not the old darky, reared among the southern people, but it is the new product that is a menace to civilization and to the happiness of his race. There is only one thing to do, and that is to keep them to themselves. So far as I am concerned, I am unalterably in favor of separate schools. Suggest something for the benefit of the negro, and I will go with my friend from Ohio [Mr. FESS] and my friend from Illinois [Mr. MADDEN], just as far as they will go; but I will not open the door and invite the black and the white into the same school. It would demoralize the white and make bad "niggers" of the black.

Mr. MADDEN. All we have asked is for them to have an equal opportunity before the law.

Mr. RUCKER. I am in favor of giving them an equal opportunity before the law, but not in the household or in the school or in the church or in any social relation.

The CHAIRMAN. The time of the gentleman has expired, and the Clerk will read.

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent that the committee may return to section 18, in order that an amendment, agreed to by the committee, may be submitted by the honorable Representative from Kentucky [Mr. BARKLEY].

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the committee return to section 18. Is there objection?

Mr. MANN. Reserving the right to object, what is the amendment?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 11, line 12, at the end of the line, insert the following:

"*Provided, however*, That when such child shall be charged with an offense punishable by death or imprisonment for life it shall be the duty of the juvenile court to refer such case forthwith to the Supreme Court of the District of Columbia for proceedings under the common law governing such cases."

Mr. MANN. Reserving the right to object, how does this change the fact? This juvenile court has no jurisdiction over such cases.

Mr. TINKHAM. The bill as it now lays before the committee gives complete discretion to the judge as to what disposition he shall make of any case which comes before him. The act provides specifically in section 18 that the judge has discretion to refer any case which is of a criminal nature to the Supreme Court of the District of Columbia to be prosecuted in accordance with usual criminal procedure. The amendment just offered makes it obligatory upon the judge to report and certify to the Supreme Court of the District of Columbia, where higher criminal prosecutions are pursued, all cases of children under 17 years of age who have committed an offense punishable by life imprisonment or death. The amendment takes away the discretion of the judge in these cases.

Mr. MANN. Suppose a child 3 years old committed murder.

Mr. TINKHAM. A child 3 years old could not commit murder in contemplation of law.

Mr. MANN. Can not?

Mr. TINKHAM. No.

Mr. MANN. It could not commit murder, but it could commit the act.

Mr. TINKHAM. In contemplation of law, a child under 7 is presumed to have no criminal intent.

Mr. MANN. Supposing a child was 7 years old or 10 years old, and nobody thought the child should be punished for murder. The juvenile court would have no jurisdiction of it at all.

Mr. TINKHAM. Under the proposed amendment, the judge would have no discretion; the case would have to be certified to the Supreme Court of the District of Columbia to be prosecuted in the usual manner.

Mr. MANN. In other words, if a child 8 years old, who possibly was non compos mentis, should commit an act which might be murder, under this amendment the juvenile court could do nothing at all with the child except to turn it over to the supreme court for indictment or failure to indict. It could not do anything at all with the child. Is that the desire of the gentleman?

Mr. TINKHAM. I will say to the honorable Representative from Illinois that I believe the proposed amendment would accomplish just that result. The amendment, however, was not proposed by me, and there is doubt of its soundness as a matter of public policy.

Mr. BARKLEY. Mr. Chairman, if the gentleman will permit me, in the case of an 8-year-old child, under this amendment the juvenile court would have jurisdiction to determine whether or not the child had committed murder, and in case it had committed murder, it would turn the child over to the court having jurisdiction to try that case.

Mr. MANN. Very well; but suppose no one wanted to try the child accused of having committed murder. Then the juvenile court has no jurisdiction whatever.

Mr. BARKLEY. If the child was guilty of murder the juvenile court would have no jurisdiction.

Mr. MANN. The juvenile court could only determine whether a certain act is alleged to have been murder.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARD. Is it not true that section 10 of this existing act provides that no petition—and that is the petition that brings the child in—no petition shall charge the child with the commission of any crime or misdemeanor as such? In other words, there is no charge of crime in the juvenile court. Therefore there could be no consideration of crime in the juvenile court. If there is consideration of a crime as a crime, necessarily it must be begun in another jurisdiction.

Mr. MANN. So far as crime is concerned, the juvenile court has no jurisdiction. Under the Constitution, if I recollect rightly, the charge must be made by a grand jury under formal indictment. There is no such process in the juvenile court. Here the child is brought into the juvenile court because the child has killed somebody. Well, if this amendment means anything at all, it means in such a case that the juvenile court must send the case to the grand jury when perhaps no one desires that to be done. But the juvenile court might properly have this child committed to the care of some one where the child would be brought up properly. This amendment would cut that out.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. HOWARD. Does not the gentleman think it would be entirely cured by fixing the minimum age from 12 to 17 for offenses, and that all children charged with offenses punishable by death between the ages of 12 and 17 should be transferred to the Supreme Court? A common-law rule, as I understand it, limits the age to 9 years.

Mr. MANN. That is not involved in this bill. As I understood the gentleman from Kentucky [Mr. BARKLEY], his idea was that this bill was too stringent against the child. That was the notion that I got the other day. I do not know whether I was correct or not.

Mr. BARKLEY. I made no statement about the bill the other day at all.

Mr. MANN. I thought it was the gentleman from Kentucky. The matter was discussed that way the other day. We had quite a discussion of it.

Mr. BARKLEY. The object I had in view was this: Where the juvenile court brings in children informally, which it always does, more or less—having presided over a juvenile court myself, I know that is true—these children are brought in in an informal way, an investigation is held by the judge of the juvenile court, and if it is determined that the child has committed a crime for which death or life imprisonment would be the punishment, the practice is not to leave it to the judge's discretion; but it is that he should turn it over to the court to make it obligatory on the juvenile court that he should turn it over to the Supreme Court.

Mr. MANN. The gentleman understands that the juvenile court could not punish for such an offense.

Mr. BARKLEY. I understand the juvenile court has no jurisdiction of murder.

Mr. MANN. It can not punish for the offense. Now, does the gentleman believe that there is no conceivable case where a child of tender years may commit some act for which he might be charged with a crime, possibly punishable by death, where no one would contend that the child should be tried at all for the offense?

Mr. BARKLEY. I think that is true, but the investigation of the juvenile court would bring that out.

Mr. MANN. Oh, but under the gentleman's amendment the juvenile court would have no jurisdiction except to transfer the case to the Supreme Court of the District of Columbia for investigation by the grand jury, and the juvenile court itself could do nothing with the child, when very likely that would be the very case where the juvenile court would prove its value.

Mr. BARKLEY. The gentleman knows that, as a matter of law, a child of 8 can not commit murder.

Mr. MANN. I do not know that at all.

Mr. BARKLEY. It is presumed not to be able to commit murder.

Mr. MANN. In some places I think the limit is fixed at 7 years. I do not know what it is in the District of Columbia. A child might be weak-minded. That is a matter of proof. A child might be insane. That is a matter of proof.

Mr. BARKLEY. That would all be developed in the investigation.

Mr. MANN. Oh, no; the juvenile court could not try that question, under the gentleman's amendment.

Mr. BARKLEY. The juvenile court could not try it, of course, but the juvenile court could investigate the circumstances.

Mr. MANN. Not at all. As soon as the offense is presented, where the offense is punishable by death or imprisonment, the juvenile court must send the case to the Supreme Court of the District of Columbia for investigation by the grand jury, and the juvenile court can not do anything with the child.

Mr. BARKLEY. What would be the object in bringing such a child before the juvenile court at all then, if it could make no investigation of the matter?

Mr. MANN. The object would be to bring the child before the juvenile court in order that the juvenile court might take a child that was weak-minded perhaps, and put the child in a school, or in a home somewhere.

Mr. BARKLEY. Of course; but what would be the object in bringing before the court a child who had done something which in an adult would be a capital offense, punishable either by death or imprisonment, unless the juvenile court had the jurisdiction to investigate the circumstances connected with the offense, to determine whether the child was guilty of that offense, and if he found that it was guilty, turn it over to the Supreme Court of the District of Columbia?

Mr. MANN. Of course, the juvenile court can not determine the guilt, where it is a matter of crime.

Mr. TOWNER. Mr. Chairman, reserving the right to object to the request, let me make to gentlemen this suggestion for their consideration: Of course, the act of killing a human being by a child of immature years would be an act of delinquency. That act would make it proper for the juvenile court to consider the case. Now, if you made it compulsory that the juvenile court should turn that child over to the Supreme Court of the District, even if the child was only 8 or 9 years old, when, as the gentleman from Illinois [Mr. MANN] says, of course, he could not by anybody be considered as responsible—if you make it compulsory to turn that case over to the supreme court, then you oust the jurisdiction of the juvenile court entirely.

Mr. BARKLEY. Oh, no.

Mr. TOWNER. And you make it so that if the case is not indictable, if it shall be determined that there shall be no prosecution for murder, then you can not even have the child brought before the juvenile court to be dealt with as a delinquent. Now, is it not better to leave it as it is in the bill, in the discretion of the juvenile court, so that if it is an act of killing of a human being which can not be considered as murder but only an act of delinquency because of immaturity, then the juvenile court can deal with the case as is proper; but if the child is 15 or 16 years old, or very near the age where the question of responsibility would properly enter, then within its discretion the juvenile court may send the case to the Supreme Court of the District of Columbia for its consideration?

Mr. BARKLEY. Under the present language of the bill would we not meet a situation where conflict of jurisdiction would be likely to arise? Because if somebody 16 years old, for instance, has committed an offense for which he ought to be punished by imprisonment for life or for some other long term, the juvenile court would say, "We will not certify this case to the supreme court, but will take charge of it ourselves; we will put the child on probation or in some private or public institution which is not a penal institution." Then the grand jury institutes an original proceeding and indicts that person for the criminal offense. Now, what would be the situation there, where there was a conflict of jurisdiction between the juvenile court and the criminal court of the District of Columbia?

Mr. TOWNER. To suppose a case of that kind is to suppose that your juvenile judge would not act reasonably upon the case.

Mr. BARKLEY. Those cases do arise in the States.

Mr. TOWNER. I know that is very true.

Mr. GARD. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is demanded. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 46. That this act shall take effect from and after the 1st day of July, 1916, and all provisions of law inconsistent with or repugnant to this act shall be considered inapplicable to the cases arising under this act.

Mr. TINKHAM. Mr. Chairman, I move to strike out the last three words.

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Massachusetts, a member of the committee.

Mr. TINKHAM. Mr. Chairman, I should not at this time dignify with notice by word or act a most unjustifiable and untruthful attack made upon this bill unless I had been requested so to do by many Members of this body.

This attack has been published in a paper which has a circulation in many States of the Union, and has been, evidently, read by many people who, misled by its untruthful assertions, have communicated with their Representatives requesting them to vote against the bill. This article is as follows:

A BILL WORTHY OF RUSSIA—A BILL THAT WILL ENABLE THE ROMANIZED OFFICIALS TO PUT PROTESTANT CHILDREN IN PAPAL PRISONS—AS UN-AMERICAN, UNJUST IN CHARACTER AND PROVISIONS AS IT IS IN HARMONY WITH OLD WORLD DESPOTISMS AND HIERARCHIES—URGENT DEMAND FOR EVERY PATRIOT TO PROTEST TO HIS CONGRESSMAN WITHOUT A DAY'S DELAY.

WASHINGTON, D. C., *March 31, 1916.*

Juvenile court bill H. R. 13048 enables judge to bring any child before him and to proceed against it secretly in chambers without notice to parent or guardian. The record may be withheld from all but guardian ad litem, appointed by court, and who may be faithless to the child. Court can commit child to any private or sectarian institution and by severe punishment extort support from parent. Neither appeal of habeas corpus releases child, who is denied presumption of innocence and jury trial guaranteed adult criminals.

Immediate protests should be poured into Congressmen from patriotic Americans from every section of the land. Do not delay an hour; write your Congressman, and then quickly circulate petition signed by your friends and neighbors and let it follow your letter.—G. O. Nations.

Judge Gilbert O. Nations wires the above facts and calls for prompt action from all patriotic citizens.

This measure is so thoroughly un-American, unjust, and undemocratic in many features that the good it might do is far overbalanced by the despotic provisions.

It would give Romanized officials opportunities for greatly increasing the number of inmates in papal prisons, known as Houses of the Good Shepherd, without there being any redress from Protestant parents.

The bill has too many features of the star chamber to appeal to true Americans and is far more despotic than democratic in spirit and character.

It should be defeated.

(Cut out the following petition; paste it on a sheet of blank paper and get as many of your friends as possible—adult citizens—to sign the same and mail to your Congressman. If you find that you can secure more signatures than can be placed on the blank sheet, paste a second blank sheet under the first. This is important and should receive your attention.)

PETITION TO CONGRESS.

To the honorable the Senate and House of Representatives of the United States:

Believing (1) that H. R. 13048 is a thoroughly dangerous bill, depriving the accused child of just rights and even rights accorded to criminals;

(2) That it marks the return of star-chamber methods, which foster despotism and injustice;

(3) That it might easily be used to recruit sectarian institutions in defiance of the religious convictions of parents; and

(4) That the bill is another step in a general movement to substitute reactionary theories and practices of Old World despotisms for the time-honored democratic provisions of our Government; Therefore

We, the undersigned, adult residents of ——— ———, State of ———, earnestly petition your honorable body not to pass the bill (H. R. 13048) entitled "An act to create a juvenile court in the District of Columbia," or any other like measure.

I have stated to you that the accusations are completely false and totally misleading, and I submit to you the following reasons for my assertions:

The first charge that is made in the beginning of the article is that the bill enables a judge to bring a child before him and to proceed against it secretly in chambers without notice to parent or guardian. This charge is false. Section 10 of the bill provides

that no person, including the judge, can summon a child into court without filing a petition. Sections 11 and 12 provide in clear and explicit language that no child shall be summoned before the court without notification to its parent or guardian, except where the petition alleges that some penal law or regulation partaking of the nature of a crime has been violated, and then the child can only be summoned at the discretion of the judge upon the facts presented without notice, which is a power in such cases that all courts have had from time immemorial. Section 15 gives the judge the right to exclude the general public from the room where the case of the child is being heard, but, in accordance with the exact provision of this section, any persons having a direct interest in the case are entitled to be present. Such a provision to exclude the general public from a room where a child's case is being heard is found in the juvenile-court laws of Alabama, Arizona, Delaware, Georgia, Hawaii, Indiana, Iowa, Kansas, Kentucky, Massachusetts, city of Boston (Mass.), Michigan, Mississippi, Montana, New Jersey, New York City, Monroe County (N. Y.), North Carolina, North Dakota, Rhode Island, and Washington. All recent juvenile-court laws passed by enlightened Commonwealths give this protection to the child, its reputation, and its future welfare.

The next charge made is that the record may be withheld from all but the guardians ad litem appointed by the court. This is false. The words of the bill found in section 15, are as follows: " * * * and the records of all cases may be withheld from indiscriminate public inspection in the discretion of the court; but such records shall be open to the inspection of such child, his parents, guardians, or his authorized representatives." This provision is not a novel one, as the withholding of a child's record from indiscriminate public inspection is provided for in laws of the States of Georgia, New Jersey, New York City, Monroe County (N. Y.); Oregon, Rhode Island, and Virginia, all recent laws passed by enlightened Commonwealths for what is the true benefit and protection of the child and its future.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JOHNSON of Kentucky. I ask unanimous consent that the gentleman from Massachusetts be permitted to conclude his remarks. He desires to speak only a few minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Massachusetts be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. TINKHAM. The next charge is that the judge can commit a child to any private or sectarian institution. The intent of this statement is to excite in the mind of the reader the thought that the child could and would be placed in surroundings antagonistic to the religious beliefs in which they had been brought up by their parents. This statement is also false, because section 25 provides that any child placed under private guardianship or in a private institution, shall be placed, as far as practicable, with an individual or institution having the same religious belief or practices as that of its parents. It is the law in 44 States of this Union that children may be committed to private institutions in the discretion of the court. Section 22, part A, provides that the Board of Children's Guardians, consisting of nine persons, residents of the District of Columbia, and, consequently public officials, shall visit as often as twice a year all institutions receiving children under the act, and section 22 provides that every child under the jurisdiction of the court shall be subjected to a visitation of a probation officer, or other agent of the court, at the discretion of the judge.

The next charge is that neither appeal nor habeas corpus proceedings lay to release the child from custody. The complete falsity of this statement is found in the clear and explicit language of section 30, which gives full and adequate appeal from all orders and decisions of the court. There are no words in the bill which refer to any proceedings of habeas corpus; a habeas corpus would lay for the release of a child as a matter of constitutional right, which could not be abridged by any act of Congress.

The final charge is made that the child is denied the presumption of innocence and of a jury trial, which is guaranteed criminals. The whole theory of modern juvenile court law is that the child shall not be charged with a crime and thus have its self-respect destroyed, its future blasted, and a criminal record established against it. Any other theory in relation to the correction and restriction of children is barbaric and cruel. The constitutionality of this treatment of children and the abolition of a jury trial has been established by decisions of the supreme courts of Pennsylvania, Illinois, Florida, North Carolina, and Michigan.

Democracy will not brand its children with criminality where none exists, but leaves such methods to despotisms, autocracies, and other agencies of evil.

The publication of this article was made for one of the most evil and reprehensible purposes which can actuate the mind of man, to excite religious prejudice and sectarian antagonism, and I desire publicly to brand and indelibly stamp the publication or circulation of false statements with a purpose to kindle religious prejudice and inflame sectarian or racial antagonisms as being, next to treason, the highest crime which can be committed in the American Republic. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CLARK of Florida: Add as a new section at the end of the bill the following:

"SEC. 47. That in the administration of this act the white and negro children shall be kept entirely separate, and under no condition shall they be sent to or kept in the same institution, and that no probation officer shall be appointed to deal with or in anywise look after any child of a different race to that of which such probation officer is a member.

Mr. MANN. Mr. Chairman, I make the point of order.

Mr. TINKHAM. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. CLARK of Florida. It is absolutely germane, Mr. Chairman.

Mr. MANN. I make the point of order that the amendment is not germane to this part of the bill.

Mr. CLARK of Florida. I am offering the amendment as a separate section, as an additional section. It is germane to the matter contained in the bill. It goes to the administration of the bill itself, and there can not be any question as to its being in order at this time.

Mr. MANN. The provision in relation to the probation officers and the services that they perform——

Mr. CLARK of Florida. Mr. Chairman, have I not the floor?

Mr. MANN. I made the point of order and I have the floor, but I am willing to yield to the gentleman.

Mr. CLARK of Florida. No; I will yield to my distinguished friend over there. The gentleman from Massachusetts [Mr. TINKHAM] made the point of order, and I think he is entitled first to the floor.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I made the point of order as well as the gentleman from Massachusetts. It is well settled that an amendment to a bill must be not only germane to the provisions of the bill but to that portion of the bill to which it is offered. The provisions in the bill in relation to the probation officers are partly in section 7, in relation to service and summons, and section 13 and various other sections in the fore part of the bill. An amendment of this sort would, I think, have been germane to that portion of the bill, and it would have been in order if then offered. But Members are not permitted to wait until certain portions of the bill relating to probation officers and the selection of homes for children have been passed over with no amendment offered, and then at the end of the bill offer an amendment which relates to these sections in the bill which have been passed over in the early part of the bill.

The CHAIRMAN. The gentleman from Illinois concedes that the amendment would be germane to certain portions of the bill?

Mr. MANN. I see no reason why the amendment would not be germane to that portion of the bill which provides as to what shall be done with the children and how they shall be taken in hand by the probation officer. Those provisions of the bill have been passed by, been agreed to by the committee. Now it is proposed at the end of the bill to insert something that has no relation to the provision in the fore part of the bill, but to put it in at the end of the bill, relating to provisions which have been passed over where it would, if it had been offered, have been germane.

The CHAIRMAN. The Chair wishes to ask the gentleman from Illinois a question. The gentleman concedes that it would be germane to a certain part of the bill where these subjects were provided for. What the Chair would like to know is, Is not this a general provision which goes back and takes care of all other provisions of the bill by disposing of the two classes of people because of race?

Mr. MANN. Certainly it is, but I do not think it is in order at this place. That is what it does on its face. It controls and changes the provisions of the bill which have already been

agreed to. That is what it is designed for. Of course, it affects the provisions of the bill that have already been agreed to, and my point is that it should have been offered when these matters were under consideration; that it is too late after the committee has perfected the bill relating to one particular matter in the bill to offer an amendment to that at a subsequent place in the bill, although it happens to be offered as an independent section it does not make any difference, in my opinion.

Mr. HOWARD. Mr. Chairman, the only point made against the amendment is as to its germaneness. The amendment of the gentleman from Florida simply seeks to provide a separate and distinct machinery of two separate and distinct classes of people being dealt with by the juvenile court. In other words, it tends to strengthen the administrative features of the bill. I submit in view of the wording of the amendment that it is germane.

Mr. CLARK of Florida. Mr. Chairman, I can not understand the reasoning which goes to the effect that the amendment offered in the form of a new section would have been in order in another part of the bill and when offered as a new section, undertaking to define the administration of the bill, is not in order.

Now, Mr. Chairman, so far as the probation officers are concerned, the act provides in another part of it for the appointment of probation officers. This amendment at the close of the bill, for one purpose, seeks to declare what kind of probation officers shall be appointed. It seeks to do one other thing, it seeks to declare the manner in which what has gone before shall be administered. I submit that bills have passed here time after time and this question has never been raised before on a proposition of this character.

When the bill is practically completed and a new section is offered describing the manner in which it shall be administered it certainly must be germane; there is no question but that it is absolutely in order.

The CHAIRMAN. Without further comment on the matter, the Chair will overrule the point of order.

Mr. CLARK of Florida. Mr. Chairman, I want to say now with reference to the amendment—and I say it in all good faith—this bill makes no provision at all for the separation of these children with reference to the institutions where they are to be kept and who are to manage them. The gentleman from Massachusetts, a moment ago in his speech vindicating this bill, alluded to the fact that arrangements were made in the bill for the visitorial power of the Board of Children's Guardians in the District of Columbia.

I want to inform this House—and it may be the gentleman does not know it, and perhaps he does—of the fact, as I am informed, that the Board of Children's Guardians in the District of Columbia has a physician, and their physician is a negro woman; that white children who are farmed out in the District under the practice—when they find a child unable to be cared for by its parents they go to some private citizen and say, "We want you to take this child, and we will pay you $12 or $15 a month," or whatever the amount, and he takes charge of the child.

When that little white girl is taken sick the custodian is forced, under the law, to telephone for this negro woman doctor to come and minister to her wants. That is the procedure of the Board of Children's Guardians of the District of Columbia. If this bill passes as it is we are going to behold the spectacle in the Capital City of this Nation of white girls and negro boys being housed in the same reform institution, just as sure as you live. I am not against the negro and I have no desire to raise any race issue, but a white man who has no pride of ancestry and who has no hope for his race and no pride in his race, I have very little respect for. If the races of this country are to get along and live together in peace and harmony under that flag they must be kept separate. There is no other way to do it, and it acts the same in one part of the United States as it does in the other. We are no different in the section from which I come than are the people in the other sections of the country. Gentlemen from the border States, where the negro votes hold the balance of power, may stand upon this floor and for political purposes make speeches such as we frequently hear, but their people at home entertain the same sentiments upon this question that we do, and they will never submit to an admixture of the races. I am appealing now for the adoption of this amendment in order to treat these negro children right and treat them fairly, to take care of them, and take care of them separately from the others, which will have to be done if you want peace in this country as between the two races.

Mr. TINKHAM. Mr. Chairman, I sincerely trust, as a true and sincere believer in the principles of our Constitution and in its assertion of the equality of all men of whatever race or whatever color, that this amendment will not be adopted.

Does the honorable Representative from Florida [Mr. CLARK] think he is upon the soil of Florida and legislating for it? Does he think he is in the South? Does he think he is upon territory the inhabitants of which believe in the proscription and persecution of any race or creed, or upon territory which denies the equality of man because of race or color? Does he not know that he is upon national territory which denies any such difference; upon which there is no such difference? Does he not know such legislation as this House should pass for this territory which belongs to the Nation should represent national ideas; should represent not sectional thought and sectional prejudice but national ideals?

He may legislate in Florida as Florida public opinion may allow, but he can not legislate upon national territory except as national public opinion will permit, at least without a most powerful protest and the strongest contest with all of the real Americans, the true Americans in this House who recognize and believe that an American citizen is entitled to every American right without any inequality or discrimination, whatever his color may be or his creed, whatever his wealth is or his poverty, or whatever his strength is or his weakness.

To a little further develop the principle involved, I assert that upon this national territory, the District of Columbia, which does not belong to Florida any more than it does to Massachusetts, which does not belong to Illinois any more than it does to Oregon, when this House passes legislation for it that legislation should and must be in conformity with national spirit, national principles, and national thought.

If you adopt this proposed amendment and segregate by law the negro and the white, you will upon this national soil recognize differences of race and of color which the Constitution in its spirit and in its words has said should never again be done by the National Government or by national legislation. You will be making law for national territory which is unnecessary, uncalled for, and offensive to a majority, perhaps to at least two-thirds of the States of this Union, to whom belongs this national territory, the District of Columbia. This amendment should be decisively and overwhelmingly defeated. This Congress, in 1916, so many years after the national question involved in this amendment has been decisively and forever settled, should by the defeat of this amendment place the seal forever against any retrocession into medievalism, against any race persecution, and announce to the States of this Union that never again shall a Member of this National House propose by any law to proscribe, needlessly offend, or publicly outrage a race which is as truly American and entitled to every American consideration in law and in treatment under the law as any man who sits upon the floor of this House, or who has ever sat upon the floor of this House, or who ever will sit upon the floor of this House representing a great, free, liberty-loving American constituency.

Mr. TILSON. Mr. Chairman, what the gentleman from Massachusetts [Mr. TINKHAM] has so well said seems to me a sufficient argument why the amendment as a whole should be defeated. An attempt at segregation, such as is here made, should not be permitted to succeed in this House. It is unwise, uncalled for, and as the amendment is written can not be enforced. I call the attention of the committee to the last half of the amendment, which is as follows:

That no probation officer shall be appointed to deal with or in anywise look after any child of a different race to that of which such probation officer is a member.

If it were definitely settled how many different races make up the population of the District of Columbia, we should then of necessity have a different probation officer for every race, for if we did not no probation officer could handle any children of a particular race unless he were a member of it. What an absurd proposition that would be. Suppose it should be decided just what are the different races of mankind. Representatives of them all probably would be found in this city. If this amendment should prevail, we should be compelled to have one probation officer for the Caucasian race, one for the Mongolian, one for the Negro race, one for the Indian race, one for the Malay race, and one for every other race that could be distinguished. We should have some difficulty in distinguishing what are races and what are branches of races, tribes, and nationalities; and when we had decided those difficult questions, then we should have to appoint a probation officer for each race represented in the District of Columbia. This portion of the amendment is absurd and would be entirely incapable of enforcement.

Mr. MADDEN. Mr. Chairman, if this amendment is adopted, the Congress of the United States will be taking a backward

step, and I believe that the American people are not ready for that sort of action. The enactment of the amendment of the gentleman from Florida [Mr. CLARK], if it could be enforced at all, would require a probation officer for an Irishman; another for an Englishman, another for a Jew, another one for a German, another for a Swede, another for a Yankee, and then would come the question of how you would classify a Yankee, whether he would be classed as black and white or as black or white, for I apprehend that these men who live in the South are Yankees, if anyone can be so classed. They have been there long enough to be called Americans, and if anybody in America can be called Americans these men certainly can be.

It is a humiliating spectacle to witness the Congress of the United States seeking to enact a law to prevent the brand of crime being placed upon a child in the District of Columbia, and in that law at the same time attempting to segregate the races, and saying on the face of the law that no man can be appointed a probation officer except he be of the race with which he is called on to deal. I have always believed that we were Americans acting in the Congress of America for America and Americans, but it does not look like it. It would seem, according to the gentleman from Florida [Mr. CLARK] that we are divided according to races, and the division is sought to be made by those who claim to be Americans speaking for America. Oh, it is a humiliating spectacle to witness! It is an outrage upon the sentiments of the American people to have such an amendment proposed, to say nothing of its being adopted. If we were dealing with the question of what was to be done with the people of Florida, that might be one thing, for they have views that they may have a right to express, perhaps, within the borders of their own State, but I presume to say that we are speaking for all the States of the Union, and not for Florida, and not for the States south of the Mason and Dixon line any more than for those north of the Mason and Dixon line. When we seek, on the floor of this House, to restrict the rights of Americans we go beyond our constitutional privileges. I thought the war of 1861 to 1865 settled the question of what American rights were, but it seems not, for the spirit of secession seems to be just as strong here to-day as it was before the war. They talk about the feeling of amity existing between the people of the States, but every time a question comes before the House, where a question of race can be raised, it is raised on the Democratic side of the House by some Member occupying a place on the floor from the Southern States, where more than half the citizens living in that State are not allowed to exercise their constitutional privileges. The negroes are good enough to count as part of the population which gives you men from the South representation here, but they have no right to speak or vote, and no one here to speak for them——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I hope, however, the time will soon come when the people of America will rise in their might and protest vigorously against any such attitude on your part. [Applause.]

Mr. RAGSDALE. Mr. Chairman, I am especially sorry to hear such utterances from any man on the floor of this House——

Mr. MADDEN. Of course the gentleman is.

Mr. RAGSDALE. Yes; I am. I am ashamed to hear them.

Mr. MADDEN. It does not make any difference whether the gentleman is ashamed or not—nobody cares.

The CHAIRMAN. Gentlemen will not refer to each other personally.

Mr. RAGSDALE. The gentleman from Illinois continued to speak, Mr. Chairman, when the Chair admonished him he was going beyond his time; and now, with the same characteristic method, without asking permission to interrupt me, utterly disregarding me and other southern Members on this floor in their rights, he rises on the floor and, without addressing the Chair, he breaks in at this time. Mr. Chairman, what is it we ask? Is it any innovation here in the District of Columbia? Oh, no, Mr. Chairman. We have a Republican here—one, sir, who is known to be as good a Republican as the gentleman from Illinois or any in this House—who is chairman of this school board. Who was it made him chairman of this school board; was it the Democratic Party? No, Mr. Chairman, the Republican Party made him chairman of the school board, and this board, composed of negroes and whites, has instituted a system in this city that separates the negroes from the whites, and then gentlemen come here and rant about the discrimination against the poor blacks here in the District of Columbia. [Applause.] Oh, Mr. Chairman, that is politics; it is purely politics. It is, of course, for home consumption. [Applause.] It is political; it is an effort to bring the minority back into power, because they know only by such petty politics as these they have any chance for getting back the control of the destinies of this country.

Mr. Chairman, this bill provides merely that there shall be a separation of the whites and the blacks. We provide for the instruction of these children while they are detained. How long will they be detained? Your school board provides for their separation here, sir. Your school board provides they shall be taught in separate schools and provides that they shall be taught by people of their own race. Why should these little children be brought into the schools of detention of the juvenile court and not be segregated, as they are in the other schoolrooms of the District? They are taught in their respective segregated rooms and they are taught by teachers of their own race. Why, now, when they are detained shall those who need teaching the most, who need the greatest amount of instruction, why should they not be segregated? The gentleman from Massachusetts gets up and talks about the Constitution. It is not at all surprising to me that they should arrogate this to themselves as a party, especially when they are put in charge of the bill, the Democrats showing that much courtesy, and this is their return, sir, for putting men who are not of their own kind in charge of this bill. Mr. Chairman, I hope this amendment will pass. I believe, sir, without this amendment this law can not pass. I for one declare that without some restriction of this kind we are not doing right to the taxpayers of the people of South Carolina, who contribute to the support of this national territory, this national ground of which gentlemen speak so much. My people, who are taxed to maintain the schools of this District, have got a right to be heard here, and their opinion to some extent should obtain in its consideration. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes.

Mr. CLARK of Missouri. I would like to have five minutes.

Mr. RAGSDALE. I object, Mr. Chairman.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that all debate on this section close in 20 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimouse consent that all debate on this amendment close in 20 minutes. Is there objection?

Mr. HULBERT. Mr. Chairman, reserving the right to object, I would like to ask the gentleman if he will give me 5 minutes out of that 20?

Mr. STAFFORD. Mr. Chairman, did not the Chair recognize me before the gentleman from Kentucky interposed?

Mr. CLARK of Missouri. I will give the gentleman from New York my five minutes.

The CHAIRMAN. The Chair will state that the Chair recognized the gentleman from Wisconsin first.

Mr. STAFFORD. Mr. Chairman, I regret exceedingly that the color question has been projected into this debate. During my service here I have always refrained in any way from trying to precipitate the color issue so far as the solution of that question concerned the Southern States, but when it comes to determining what should be the policy on the color question in the District of Columbia, then I will not surrender my rights in advocacy of what I believe should be the policy that should be adopted.

I need make no apology to this House or to any constituency that I have gone to school in my younger days with colored persons and have served in college with colored persons. It was a privilege indeed to be associated with such a man as former Assistant United States District Attorney Lewis when he was attending Harvard Law School. He had the ways of a perfect gentleman that made him popular with the student body generally.

But what are you trying to do by this proposed amendment? You are seeking to force by legislation something that is entirely uncalled for. It is not the color of the skin that will determine the criminality of these unfortunates who are assigned to these respective institutions. They will be segregated not according to color, but they will be segregated according to their habits and the delinquency with which they are charged. Can you not leave it to the heads of the institution to determine how this beneficent law shall be administered, rather than by arbitrary legislation prescribe that one with perhaps a little colored blood shall be segregated by himself or shall be refused admission to an institution, unless it is maintained separately and distinctly for that race?

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. DAVIS of Texas. I just wanted to ask the gentleman, if his doctrine is correct, why we have a Chinese and Japanese exclusion act in the United States?

Mr. STAFFORD. Because the Chinese and the Japanese are not native to our soil. The colored people are native and have a right to be here. They were brought here in many instances

against their will. They are our wards. We should not attempt to continue this racial prejudice 50 years after the war. By this legislation you are attempting to revive the old animosity which I had hoped had been long forgotten. Leave it to the administration of the officials of this beneficent law how it shall be carried out. They are not going to mix promiscuously large numbers of persons who are afflicted with loathsome diseases, or criminal taint, or anything of the like with those, either white or colored, charged with minor offenses. What is the purpose of this amendment here unless it is to unduly hamper the officials in the administration of the law, and prevent the delinquents from being assigned to the institutions where they can receive the proper attention that they deserve? Can you not trust the one who has charge of the administration of the law, in charge of the detention home, that he will properly administer the law and not offend the sensibilities of any class? Leave it to him to determine what is right and proper.

Mr. HOWARD. Is the gentleman in favor of the wisdom of the separation of the races in the schools in the city of Washington?

Mr. STAFFORD. In my own community there is no separation, and in northern communities generally with which I am acquainted there is no objection to the work of segregation, and I doubt the need of the separation of the races in the District of Columbia.

Mr. RAGSDALE. Will the gentleman permit a question?

Mr. STAFFORD. I will be glad to do so.

Mr. RAGSDALE. Do you not think that when the representation on the school board is 33⅓ per cent of the negro race, when their taxable property is only 28 per cent, and that representation agrees with the balance of the board, the majority of which is Republican, that they should be segregated, they know what they are trying to do?

Mr. STAFFORD. By this amendment you are taking discretion away from those in control, and enforcing separation which can not be justified. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I offer this as a substitute for the other amendment and ask unanimous consent to withdraw the other amendment.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to withdraw his former amendment and now offers another amendment in lieu thereof. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend on page 28 by adding a new section, as follows:

"SEC. 47. That in the administration of this act the white and negro children shall be kept entirely separate, and under no condition shall they be sent to or kept in the same institution, and that no negro probation officers shall be appointed to deal with or in anywise look after any white child, nor shall any white man be appointed as probation officer to deal with or look after any negro child."

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 35 minutes.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that all debate on this amendment close in 35 minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Florida [Mr. CLARK] is recognized.

Mr. CLARK of Florida. The gentleman from Kentucky [Mr. JOHNSON] has the time, and I have entered into an arrangement with him that I shall wait on him. [Cries of "Vote!" "Vote!"]

Mr. CLARK of Florida. Let us vote, then, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CLARK].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CLARK of Florida. Division!

The committee divided; and there were—ayes 49, noes 53.

Mr. CLARK of Florida. Tellers, Mr. Chairman.

Tellers were ordered, and Mr. CLARK of Florida and Mr. TINKHAM took their places as tellers.

The committee again divided; and the tellers reported—ayes 58, noes 63.

So the amendment was rejected.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as a separate section on page 28:

"That all crimes involving capital punishment or life imprisonment, where the child so charged has attained the age of 12 years, shall be committed to the Supreme Court of the District of Columbia for such action as is prescribed by law: *Provided*, That should no action be taken in the said case the child shall be returned to the juvenile court for such action as may be necessary for the proper care of said child or disposition of said case."

Mr. HOWARD. Mr. Chairman, the object of this amendment was to meet an objection offered by the gentleman from Illinois [Mr. MANN] to the amendment of the gentleman from Kentucky [Mr. BARKLEY]. The old common-law rule, as I understand, as to infancy is 10 years. This bill makes amenable to the Supreme Court of the District of Columbia directly any child that has attained the age of 12 and is between the ages of 12 and 17 that has committed any crime which involves capital punishment or imprisonment in the penitentiary for life.

I can not consistently support this measure unless this provision is added. I think it is an important provision. It gives exclusive jurisdiction to the supreme court in this class of cases where the child has attained the age of 12.

Now, to meet the objection offered by the gentleman from Illinois [Mr. MANN], if this child is committed to the supreme court, being over 12 years of age, and the supreme court, after an investigation of the facts surrounding the commission of the crime, decides that the child is not guilty of a crime which carries with it a punishment equivalent to capital punishment or life imprisonment, the case is retransferred to the juvenile court, for the juvenile court to take such action in the premises as it may deem meet and proper.

Now, it does not take a single, solitary right away from the juvenile court that it should properly exercise. I think the distinguished gentleman from Iowa [Mr. TOWNER], who is a friend of this bill, will agree that this amendment does not work any hardship upon the children. I think the gentleman from Massachusetts [Mr. TINKHAM] in charge of the bill will admit that this amendment ought to go in for the purpose of meeting the objections that have been interposed by several gentlemen on the floor of the House.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Georgia [Mr. HOWARD].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOWARD. A division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 41.

So the amendment was rejected.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Missouri moves to strike out the paragraph.

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, about the pending bill and amendments I know little and will say nothing. I regret exceedingly that this debate has strayed off into a futile discussion of the race question. You might just as well be discussing the great question as to who hit Billy Patterson, or who fired the Ephesian dome, or how old is Ann, or who was the man in the iron mask as to be discussing this color question. [Laughter.] It is gradually and slowly settling itself, and all the talk Congress can do will not expedite the settlement. At any rate, it has no proper place in the consideration of the pending bill.

The suggestion I want to make is this: You have wasted three mortal hours on a question that is absolutely immaterial; that is, most of the talk was about one that was immaterial. If you gentlemen keep on wasting time in this way, we are going to be in session when the frost comes next fall. As we all want to get away from here, my advice to all, on both sides of the Chamber, is, leave out these superfluous debates. [Applause.] Stick to the business before the House and get away from here. I wish Congress could adjourn to-night. [Applause.] Because as long as we stay here some gentleman with an inflammable temper is liable to precipitate a debate that will ring around the world and will do a wonderful amount of devilment. [Applause.] Of course, there is no danger of most of the Members doing that. But you can never tell what anybody is going to do when he is in a close personal contest in a debate.

You Republicans are just as much interested in getting away from here as the Democrats are, because you have to look after your fences as well as the Democrats have. [Laughter.] You have not the world by the tail with a downhill pull by any means. [Laughter.]

A MEMBER. Pretty nearly. [Laughter.]

Mr. CLARK of Missouri. Oh, no; you have not. Your tail hold will slip. [Laughter.]

Having said that much, I am going to say something about this educational question. I have a perfect right to talk about it. I was born and reared in Kentucky. When a child I played with the negro children as well as with white children. I worked with the negroes. I ate with them sometimes out in the fields by the big springs at harvest time. These

things did not alter our social relations one whit—a fact thoroughly understood by both the Caucasians and the Negroes. I live among them now. There are 5,000 of them in my district that vote, and most of them, unfortunately, vote the Republican ticket [laughter], although in increasing numbers they are accumulating sense enough to vote the Democratic ticket. [Renewed laughter.] There is another reason. Some of the hardest fights that ever I made in court have been, by appointment of a judge, generally to defend some poor, friendless negroes, and I have made just as hard a fight for them as I would have made for the President of the United States, or the Governor of Missouri, or anybody else, and I would do it over again. [Applause.] Many of my southern brethren here have done likewise. If they get into trouble in my town they come to see me when I am at home, and I aid them just as much as I would the white unfortunate. Personally they are friendly to me and mine and we are friendly to them. Another reason why I talk about it is that from the very beginning Missouri has given negro children precisely the same school facilities that she has given her own white children. [Applause.]

I will tell the gentleman from Massachusetts [Mr. TINKHAM] a thing that he does not know. If Missouri were to adopt the Massachusetts qualifications on suffrage, the Vermont qualifications on suffrage, or the Mississippi qualifications on suffrage, which Mississippi copied verbatim from Massachusetts and Vermont, it would not disfranchise 10 per cent of the negroes in Missouri. You have to get old ones, who were grown up past school age before they were made free, to find negroes in Missouri who can not read and write, and, as a matter of fact, a good many of them in Missouri and in Kentucky and other border States could read and write before the war.

Now, what is all this hullabaloo about that you have been carrying on here for three hours, when you ought to have passed this bill two hours and a half ago? [Laughter.] It is about a question that is as dead as the men who lived before the flood. This color question is working itself out, and it is got to be worked out, as Mr. Speaker CANNON knows—because he was born down there—it must be worked out by individual communities and States. [Applause.] That is the way it must be worked out; and the trouble is—and I say it with all kindness—that you Northern people do not know half as much about it as we do. [Applause.] That is the truth. Nobody who has any sense, Democrat or Republican, wants to mistreat the negroes. We give them work; we treat them in a kindly way; and what is more important, we pay them full wages. The idea that we maltreat them is absolutely preposterous. We want to give them a fair chance in the race of life, and I have always said that Dr. Booker T. Washington did a great work. His advice to them was to go to work and prepare themselves at what are called vocational-training schools in order to make a living. If I had my way about it, that would be the principal feature in all the schools of America, white as well as black. [Applause.] The Germans have what they call bread-and-butter sciences, and all of us, with a few exceptions, so few that it is not necessary to mention them—your children, my children, and the children of nearly everybody else in this country, black, white, yellow, or red, must spend the most of their lives in learning and in practicing the bread-and-butter sciences. [Applause.] To sum the whole discussion up: We have 11,000,000 negroes in this country. We are tied to them and they are tied to us. Certainly it is best for the country to make the best citizens that it is possible to make of them. Increase their virtue and intelligence and the Republic will be better off. Some of you Republicans made speeches for political effect, and I have a lurking suspicion that some of these Democrats did, too, for local effect. [Laughter.] I leave off where I began by urging you, one and all, without regard to political affiliations, to cease from wasting time in useless and unnecessary debate and go to work and get ready to get away from here at the earliest possible moment consistent with the proper transaction of the public business. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MANN. There is but one amendment.

Mr. JOHNSON of Kentucky. One amendment.

The CHAIRMAN. The gentleman from Kentucky moves that the committee do now rise and report the bill and amendment to the House with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes," and had directed him to report the same back to the House with an amendment in the nature of a substitute, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. CLARK of Florida. Mr. Speaker, I move to recommit the bill with instructions.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. CLARK of Florida moves to recommit the bill (H. R. 8348) to the Committee of the Whole House on the state of the Union with instructions to report the same back instanter with the following amendment: Add to the bill as an additional section the following:

"SEC. 47. That in the administration of this act the white and negro shall be kept entirely separate, and under no condition shall they be sent to or kept in the same institution, and that no negro probation officer shall be appointed to deal with or in anywise look after any white child, nor shall any white man be appointed as probation officer to deal with or look after any negro child.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. The bill which the House had under consideration was H. R. 8348, and the House simply took the provisions of H. R. 13048 and substituted that as one amendment. Now, the gentleman's motion is to recommit H. R. 13048 instead of H. R. 8348.

Mr. CLARK of Florida. That is true. I ask that that correction be made.

The SPEAKER. The gentleman asks that that correction be made. Without objection, it will be so ordered. The question is on the motion to recommit.

Mr. CLARK of Florida. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 197, answered "present" 5, not voting 119, as follows:

YEAS—112.

Abercrombie	Dickinson	Igoe	Saunders
Adamson	Dies	Jacoway	Sears
Aiken	Eagle	Johnson, Ky.	Sells
Alexander	Estopinal	Kincheloe	Shallenberger
Almon	Ferris	Lazaro	Sims
Aswell	Finley	Lee	Slayden
Austin	Flood	Lever	Small
Barkley	Garner	Linthicum	Smith, Tex.
Bell	Garrett	McClintic	Steagall
Black	Goodwin, Ark.	McKellar	Stephens, Miss.
Blackmon	Gray, Ala.	McLemore	Stephens, Nebr.
Britt	Gregg	Martin	Stephens, Tex.
Buchanan, Tex.	Hamlin	Mays	Sumners
Burgess	Hardy	Montague	Taylor, Ark.
Byrnes, S. C.	Harrison	Nicholls, S. C.	Taylor, Colo.
Byrns, Tenn.	Hastings	Oldfield	Thompson
Callaway	Hay	Oliver	Tillman
Candler, Miss.	Heflin	Park	Tribble
Caraway	Helm	Pou	Venable
Carter, Okla.	Hensley	Powers	Vinson
Church	Hilliard	Quin	Walker
Clark, Fla.	Holland	Ragsdale	Watson, Va.
Coady	Hood	Rayburn	Webb
Collier	Howard	Rouse	Whaley
Crisp	Huddleston	Ruley	Wilson, La.
Davenport	Hughes	Rucker	Winge
Davis, Tex.	Hull, Tenn.	Russell, Mo.	Wise
Dent	Humphreys, Miss.	Sanford	Young, Tex.

NAYS—197.

Allen	Conry	Edmonds	Hadley
Anderson	Cooper, W. Va.	Ellsworth	Hamilton, Mich.
Anthony	Cooper, Wis.	Elston	Hamilton, N. Y.
Ashbrook	Copley	Emerson	Haskell
Bailey	Cox	Esch	Haugen
Barnhart	Crago	Evans	Hawley
Beakes	Cramton	Farr	Hayden
Britten	Curry	Fess	Hayes
Browne	Dale, N. Y.	Foster	Helgesen
Bruckner	Dale, Vt.	Frear	Helvering
Brumbaugh	Danforth	Freeman	Hernandez
Buchanan, Ill.	Dempsey	Fuller	Hicks
Burke	Denison	Gandy	Hill
Butler	Dillon	Gard	Hinds
Campbell	Dixon	Glynn	Hopwood
Cannon	Dooling	Good	Howell
Capstick	Doolittle	Gould	Hulbert
Carew	Doremus	Gray, Ind.	Hull, Iowa
Cary	Dowell	Green, Iowa	Humphrey, Wash.
Charles	Dunn	Greene, Mass.	Husted
Cline	Dyer	Greene, Vt.	Johnson, Wash.
Connelly	Eagan	Griffin	Kahn

Keating	Mann	Ramseyer	Stout
Kelley	Mapes	Randall	Sulloway
Kennedy, Iowa	Matthews	Rauch	Sweet
Kent	Meeker	Reavis	Swift
Kettner	Miller, Minn.	Reilly	Taggart
Key, Ohio	Miller, Pa.	Ricketts	Tavenner
King	Mondell	Roberts, Nev.	Temple
Kinkaid	Moore, Pa.	Rodenberg	Tilson
Konop	Moores, Ind.	Rowland	Timberlake
La Follette	Morgan, Okla.	Schall	Tinkham
Langley	Morrison	Scott, Mich.	Towner
Lehlbach	Moss, Ind.	Scully	Van Dyke
Lenroot	Mott	Sherley	Volstead
Lieb	Neely	Sherwood	Walsh
Littlepage	Nelson	Siegel	Ward
Lloyd	Nichols, Mich.	Sinnott	Wason
London	North	Sloan	Watson, Pa.
Longworth	Oakey	Smith, Idaho	Wheeler
Loud	Olney	Smith, Mich.	Williams, T. S.
McAndrews	Overmyer	Smith, Minn.	Williams, W. E.
McArthur	Paige, Mass.	Smith, N. Y.	Williams, Ohio
McCracken	Parker, N. Y.	Snyder	Wilson, Ill.
McDermott	Peters	Stafford	Wood, Ind.
McFadden	Phelan	Steele, Iowa	Woods, Iowa
McGillicuddy	Platt	Stephens, Cal.	Young, N. Dak.
McKenzie	Pratt	Sterling	
Madden	Rainey	Stiness	
Magee	Raker	Stone	

ANSWERED "PRESENT"—5.

Dill	Fordney.	Glass	Miller, Del.
Page, N. C.			

NOT VOTING—119.

Adair	Dupré	Kearns	Patten
Ayres	Edwards	Keister	Porter
Bacharach	Fairchild	Kennedy, R. I.	Price
Barchfeld	Farley	Kless, Pa.	Riordan
Beales	Fields	Kitchin	Roberts, Mass.
Bennet	Fitzgerald	Kreider	Rogers
Booher	Flynn	Lafean	Rowe
Borland	Focht	Lesher	Russell, Ohio
Browning	Foss	Lewis	Sabath
Burnett	Gallagher	Liebel	Scott, Pa.
Caldwell	Gallivan	Lindbergh	Shackleford
Cantrill	Gardner	Lobeck	Shouse
Carlin	Garland	Loft	Sisson
Carter, Mass.	Gillett	McCulloch	Slemp
Casey	Godwin, N. C.	McKinley	Snell
Chandler, N. Y.	Gordon	McLaughlin	Sparkman
Chiperfield	Graham	Maher	Stedman
Coleman	Gray, N. J.	Moon	Steele, Pa.
Cooper, Ohio	Griest	Mooney	Steenerson
Costello	Guernsey	Morgan, La.	Sutherland
Crosser	Hamill	Morin	Switzer
Cullop	Hart	Moss, W. Va.	Tague
Dallinger	Heaton	Mudd	Talbott
Darrow	Henry	Murray	Thomas
Davis, Minn.	Hollingsworth	Nolan	Treadway
Decker	Houston	Norton	Vare
Dewalt	Hutchinson	Oglesby	Watkins
Doughton	James	O'Shaunessy	Wilson, Fla.
Driscoll	Johnson, S. Dak.	Padgett	Winslow
Drukker	Jones	Parker, N. J.	

So the motion to recommit was rejected.

The following pairs were announced:

Until further notice:

Mr. SABATH with Mr. SELLS.

Mr. PATTEN with Mr. FAIRCHILD.

Mr. JOHNSON of South Dakota with Mr. MILLER of Delaware.

Mr. MOON with Mr. CHIPERFIELD.

Mr. DOUGHTON with Mr. WINSLOW.

Mr. DEWALT with Mr. COLEMAN.

Mr. LANGLEY with Mr. CANTRILL.

Mr. GALLAGHER with Mr. HOLLINGSWORTH.

Mr. DUPRÉ with Mr. FOSS.

Mr. TAGUE with Mr. MCKINLEY.

Mr. THOMAS with Mr. NORTON.

Mr. STEDMAN with Mr. COSTELLO.

Mr. O'SHAUNESSY with Mr. GRAHAM.

Mr. GORDON with Mr. MOONEY.

Mr. MORGAN of Louisiana with Mr. DARROW.

Mr. GRAY of Indiana with Mr. LAFEAN.

Mr. TALBOTT with Mr. SCOTT of Pennsylvania.

Mr. BOOHER with Mr. BENNET.

Mr. SISSON with Mr. FORDNEY.

Mr. DILL with Mr. GARLAND.

Mr. LIEBEL with Mr. VARE.

Mr. LEWIS with Mr. BEALES.

Mr. FITZGERALD with Mr. GILLETT.

Mr. KITCHIN with Mr. BROWNING.

Mr. BORLAND with Mr. TREADWAY.

Mr. BURNETT with Mr. DRUKKER.

Mr. HENRY with Mr. DALLINGER.

Mr. LESHER with Mr. SWITZER.

Mr. FIELDS with Mr. STEENERSON.

Mr. CALDWELL with Mr. ROGERS.

Mr. SHACKLEFORD with Mr. KREIDER.

Mr. CARLIN with Mr. FOCHT.

Mr. JONES with Mr. CHANDLER of New York.

Mr. AYRES with Mr. SNELL.

Mr. WATKINS with Mr. MUDD.

Mr. FARLEY with Mr. RUSSELL of Ohio.

Mr. DRISCOLL with Mr. BACHARACH.

Mr. HART with Mr. CARTER of Massachusetts.

Mr. CULLOP with Mr. GRAY of New Jersey.

Mr. LOBECK with Mr. MCLAUGHLIN.

Mr. WILSON of Florida with Mr. ROBERTS of Massachusetts.

Mr. SHOUSE with Mr. MORIN.

Mr. FLYNN with Mr. JAMES.

Mr. DECKER with Mr. HEATON.

Mr. RIORDAN with Mr. MCCULLOCH.

Mr. LOFT with Mr. PARKER of New Jersey.

Mr. MAHER with Mr. SLEMP.

Mr. GODWIN of North Carolina with Mr. COOPER of Ohio.

Mr. CROSSER with Mr. KENNEDY of Rhode Island.

Mr. GALLIVAN with Mr. KIESS of Pennsylvania.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. OGLESBY with Mr. DAVIS of Minnesota.

Mr. ADAIR with Mr. PORTER.

Mr. MURRAY with Mr. KEARNS.

Mr. PRICE with Mr. HUTCHINSON.

Mr. EDWARDS with Mr. KEISTER.

Mr. HAMILL with Mr. GRIEST.

Mr. CASEY with Mr. LAFEAN.

Ending May 18:

Mr. SPARKMAN with Mr. BARCHFELD.

Mr. FORDNEY. Mr. Speaker, I voted "no." I am paired with the gentleman from Mississippi, Mr. SISSON, and I wish to vote "present."

The name of Mr. FORDNEY was called, and he answered "Present," as above recorded.

Mr. GLASS. Mr. Speaker, I voted "aye," but I want to withdraw my vote and answer "present."

Mr. GLASS's name was called, and he answered "Present," as above recorded.

The SPEAKER announced the vote as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was being taken when Mr. TRIBBLE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 219, nays 87, answered "present" 3, not voting 124, as follows:

YEAS—219.

Alexander	Edmonds	Konop	Rodenberg
Allen	Ellsworth	La Follette	Rouse
Anderson	Elston	Lehlbach	Rowland
Anthony	Esch	Lenroot	Rubey
Ashbrook	Evans	Lieb	Rucker
Austin	Farr	Linthicum	Russell, Mo.
Ayres	Ferris	Lloyd	Sanford
Bailey	Fess	London	Saunders
Barkley	Foster	Longworth	Scott, Mich.
Barnhart	Frear	Loud	Scully
Beakes	Freeman	McAndrews	Shackleford
Britten	Fuller	McArthur	Shallenberger
Browne	Gard	McCracken	Sherwood
Bruckner	Garrett	McDermott	Siegel
Brumbaugh	Glynn	McFadden	Sims
Buchanan, Ill.	Good	McGillicuddy	Sinnott
Burke	Gould	Madden	Slemp
Butler	Gray, Ind.	Magee	Sloan
Campbell	Green, Iowa	Mann	Small
Cannon	Greene, Mass.	Mapes	Smith, Idaho
Capstick	Greene, Vt.	Matthews	Smith, Mich.
Carew	Gregg	Mays	Smith, Minn.
Carter, Okla.	Griffin	Meeker	Smith, N. Y.
Cary	Hadley	Miller, Minn.	Snyder
Casey	Hamilton, Mich.	Miller, Pa.	Stafford
Charles	Hamilton, N.Y.	Mondell	Steele, Iowa
Church	Hamlin	Montague	Stephens, Cal.
Cline	Haskell	Moore, Pa.	Sterling
Coady	Hastings	Moores, Ind.	Stiness
Connelly	Hawley	Morgan, Okla.	Stone
Conry	Hay	Morrison	Stout
Cooper, W. Va.	Hayden	Moss, Ind.	Sulloway
Cooper, Wis.	Helvering	Mott	Sutherland
Copley	Hensley	Neely	Sweet
Cox	Hernandez	Nichols, Mich.	Swift
Crago	Hicks	North	Taggart
Cramton	Hill	Oakey	Tavenner
Curry	Hinds	Oglesby	Taylor, Colo.
Dale, N. Y.	Hopwood	Olney	Temple
Dale, Vt.	Howell	Overmyer	Tilson
Danforth	Hulbert	Paige, Mass.	Timberlake
Davenport	Hull, Iowa	Parker, N. Y.	Tinkham
Dempsey	Humphrey, Wash.	Peters	Towner
Denison	Igoe	Phelan	Van Dyke
Dickinson	Johnson, Ky.	Platt	Volstead
Dill	Johnson, Wash.	Pratt	Walsh
Dillon	Kahn	Rainey	Ward
Dixon	Keating	Raker	Wason
Dooling	Kelley	Ramseyer	Watson, Pa.
Doolittle	Kennedy, Iowa	Randall	Watson, Va.
Doremus	Kent	Rauch	Williams, T. S.
Dowell	Kettner	Reavis	Williams, W. E.
Dunn	Key, Ohio	Reilly	Wilson, Ill.
Dyer	King	Ricketts	Woods, Iowa.
Eagan	Kinkaid	Roberts, Nev.	

House Rules on the State of the Union, reported that that com- | Connelly | Eagan | Gillett | Kahn

Mr. AYRES with Mr. SNELL.

NAYS—87.

Abercrombie	Eagle	Jacoway	Smith, Tex.
Adamson	Edwards	Kinchloe	Stengall
Aiken	Emerson	Lazaro	Stevenson
Allgood	Estopinal	Lee	Stephens, Miss.
Averill	Finley	Lever	Stephens, Tex.
Bell	Flood	McClintic	Sumners
Black	Gandy	McKellar	Taylor, Ark.
Blackmon	Garner	McLemore	Thompson
Britt	Goodwin, Ark.	Martin	Tillman
Buchanan, Tex.	Gray, Ala.	Nicholls, S. C.	Tribble
Burgess	Hardy	Oldfield	Venable
Byrnes, S. C.	Harrison	Oliver	Vinson
Byrns, Tenn.	Haugen	Page, N. C.	Walker
Callaway	Heflin	Park	Webb
Candler, Miss.	Helm	Pou	Whaley
Caraway	Hilliard	Powers	Wheeler
Clark, Fla.	Holland	Quin	Williams, Ohio
Collier	Hood	Ragsdale	Wilson, La.
Crisp	Howard	Rayburn	Wingo
Davis, Tex.	Huddleston	Schall	Wise
Dent	Hughes	Sears	Young, Tex.
Dies	Humphreys, Miss.	Slayden	

ANSWERED "PRESENT"—3.

Fordney	Houston	Miller, Del.

NOT VOTING—124.

Ainey	Fields	Keister	Parker, N. J.
Bathrach	Fitzgerald	Kennedy, R. I.	Patten
Batchfield	Flynn	Kiess, Pa.	Potter
Beales	Focht	Kitchin	Price
Bennet	Foss	Kreider	Riordan
Booher	Gallagher	Lafean	Roberts, Mass.
Borland	Gallivan	Langley	Rogers
Browning	Gardner	Lesher	Rowe
Burnett	Garland	Lewis	Russell, Ohio
Caldwell	Gillett	Liebel	Sabath
Cantrill	Glass	Lindbergh	Scott, Pa.
Carlin	Godwin, N. C.	Littlepage	Sells
Carter, Mass.	Gordon	Lobeck	Sherley
Chandler, N. Y.	Graham	Loft	Shouse
Chipperfield	Gray, N. J.	McCulloch	Sisson
Coleman	Griest	McKenzie	Snell
Cooper, Ohio	Guernsey	McKinley	Sparkman
Costello	Hamill	McLaughlin	Stedman
Cresser	Hart	Maher	Steele, Pa.
Callop	Hayes	Moon	Stephens, Nebr.
Dallinger	Heaton	Mooney	Switzer
Darrow	Helgesen	Morgan, La.	Tague
Davis, Minn.	Henry	Morin	Talbott
Decker	Hollingsworth	Moss, W. Va.	Thomas
Dewalt	Hull, Tenn.	Mudd	Treadway
Doughton	Husted	Murray	Vare
Driscoll	Hutchinson	Nelson	Watkins
Drukker	James	Nolan	Wilson, Fla.
Dupré	Johnson, S. Dak.	Norton	Winslow
Eaton	Jones	O'Shaunessy	Wood, Ind.
Farley	Kearns	Padgett	Young, N. Dak.

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FIELDS with Mr. SNELL.

Mr. STEPHENS of Nebraska with Mr. GARLAND.

Mr. HULL of Tennessee with Mr. LAFEAN.

Mr. SHERLEY with Mr. ROWE.

Mr. GLASS with Mr. MCKENZIE.

Mr. STEELE of Pennsylvania with Mr. MOSS of West Virginia.

Mr. MAHER with Mr. HAYES.

Mr. SEARS with Mr. HUSTED.

The result of the vote was announced as above recorded.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House joint resolution 91, authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled joint resolutions of the following titles:

S. J. Res. 121. Joint resolution authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California; and

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii; and extending the control of the public utilities commission of the Territory of Hawaii to said franchise and its holder;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River; and

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River.

ENROLLED JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following enrolled joint resolution and bills:

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary;

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal of honor roll," and for other purposes;

H. R. 5835. An act for the relief of James Stanton;

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Brunsgaard Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos*; and

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4256. An act to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located; to the Committee on Banking and Currency; and

S. 606. An act for the relief of James C. Hilton; to the Committee on Claims.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. GARRETT. Mr. Speaker, I present a privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The SPEAKER. That is preferential, and the Clerk will report it.

The Clerk read as follows:

House resolution 215.

The Committee on Rules, to which was referred H. Res. 215, respectfully report the same to the House with the recommendation that it do pass.

Resolved, That upon the adoption of this resolution the Committee on Military Affairs be, and hereby is, discharged from the consideration of H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, with the Senate amendments thereto; that the said Senate amendments be, and hereby are, disagreed to by the House and a conference asked by the Senate on the disagreeing votes of the two Houses on the said bill; and the Speaker shall immediately appoint the managers on the part of the House, without intervening motion.

Mr. MANN. Mr. Speaker, I make the point of order that this is not a privileged rule.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Mr. Speaker, the rule provides that the Committee on Rules shall not report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI.

Paragraph 4 of Rule XVI provides:

When a question is under debate, no motion shall be received but to adjourn, lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend or postpone indefinitely.

Further:

After the previous question shall have been ordered on the passage of a bill or joint resolution, one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

There is no distinction between a motion to recommit and a motion to refer, so that paragraph 4 of Rule XVI provides in two places for a motion to refer or a motion to recommit. This matter was before the House on October 9, 1913 (p. 5520 of the RECORD, vol. 50, pt. 6), at which time a rule was reported from the Committee on Rules in reference to the urgent deficiency bill providing:

Resolved, That immediately upon the adoption of this order the bill (H. R. 7808) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes, together with the amendments of the Senate thereto, be taken from the Speaker's table, that the amendments of the Senate thereto be disagreed to in gross, that the conference asked by the Senate be agreed to, and that the Speaker, without intervening motion, appoint managers on the part of the House.

The present rule is drafted, I think, upon that rule in all probability. I made the point of order at that time that that resolution was not privileged. The Speaker finally overruled the point of order and held that the motion was privileged and that there was no right to make the motion to recommit. As far as I can gather, the Speaker based his decision upon these grounds: That the right in the minority to move to recommit would still exist when the conference report was made to the House. That is what the Speaker stated.

The SPEAKER. If the gentleman will permit, the other day when these questions were floating around here in the air, and, being threatened, the Chair took particular pains to investigate that question. And the Chair has no doubt in his mind whatever that you can make a motion to recommit a conference report, and make it with instructions, at that.

That case was where the rule provided that the House should agree to a conference asked for by the Senate, and under the practice of the two bodies the House that has asked for a conference acts last upon the report and the House that agrees to a conference acts first upon the conference report. Therefore, when the Speaker stated at the time this matter was up before that the rights of the minority would still be preserved to make a motion to recommit the conference report, it was based upon that proposition, but the right to move to recommit a conference report does not exist after one of the bodies has acted upon the report and the conferees are discharged, and if this bill comes back to the House with a conference report it will be after the Senate has acted upon the conference report, and if the Senate agrees to the conference report it would be too late to make the motion in the House to recommit the bill to the conference committee, because the conferees on the part of the Senate will have been discharged, and the rules provide that you can not make the motion to recommit a conference report to the conferees after the managers on the part of either the House or the Senate have been discharged.

There is no chance for the minority to make a motion to recommit this bill except at this time, if the conferees agree upon a report, as we have the right to assume that they will, and if the Speaker holds that you can bring in a rule to send a bill to conference by disagreement, cutting out the motion to recommit, then you absolutely destroy the right of the minority to make the motion to recommit. In the argument on that question on October 9, 1913, Mr. SHERLEY, on page 5521, said:

If the Speaker will permit, I should like to suggest another matter. The Senate having asked a conference and the conference being ordered, the matter will have to come to this House before the Senate can act on it, and therefore the condition that the gentleman presents when a motion to recommit would not be in order on a conference report can not arise as to this particular matter.

Mr. Speaker, as I understood at that time, and as I understand from the reading of what took place at that time, the Speaker put his decision upon the proposition that the Senate having asked for a conference, the House agreeing to the conference, the conference report would have to come before the House when the conferees were not yet discharged, and when the motion to recommit the conference report would be in order. But under this rule before the conference report comes to the House the Senate must have acted upon the conference report and it is too late to make a motion to recommit the bill to the conference committee.

Mr. GARRETT. Mr. Speaker, I do not know that I understood fully the argument of the gentleman from Illinois [Mr. MANN]. The situation here is not a complex one nor is it an unusual one. On the 23d of March the House of Representatives passed a bill to increase the efficiency of the Military Establishment of the United States. That bill in the regular course went to the Senate, and it has been acted upon by the Senate, the Senate having adopted two amendments. One is an amendment which strikes out all of the House bill and inserts an entirely new bill. The other amendment amends the title. The Senate action in the regular course has been reported to the House in the usual way, and an effort was made by the chairman of the Committee on Military Affairs to secure, by unanimous consent, a disagreement to the Senate amendments and to ask for a conference. That was objected to by the gentleman from Illinois [Mr. MANN], and under the rules of the House the House bill as it was amended by the Senate went to the Committee on Military Affairs, where it now rests. The resolution which is presented here is in accordance with numerous precedents. It provides for the discharge of that committee, a disagreement to the Senate amendment, and a request for a conference. The motion to recommit, to which the gentleman from Illinois referred, does not apply, nor can it, in my opinion, by any possible construction of the rules be brought to apply to a situation such as that which we have before us now. If this matter can not go to conference in this way, how else can it go to conference? There is only one other way—that is, by unanimous consent—and that has been tried.

Is it possible, Mr. Speaker, that by any sort of construction of any rule of the House this House can be said to have so tied its hands as that it can not ask for a conference upon a bill? The motion to recommit, to which the gentleman refers, applies to an entirely different situation. It is true that the general rules of the House prevent the Committee on Rules from bringing in any special rule which would deprive the minority, whether a partisan minority or a numerical minority, or whatever it might be, of the power to make the motion to recommit, and thereby to make a record of what it desires. The minority had that opportunity and it exercised it when this bill was before the House. That general rule which the gentleman from Illinois read was never intended to apply to a situation such as this. It was intended to apply to a bill up before the House for consideration in the regular way under the general rules of the House. It had its application when this bill was before the House at a previous time. If the Speaker has before him volume 4 of Hinds' Precedents and will turn to paragraph 3246——

The SPEAKER. What is the paragraph?

Mr. GARRETT. The particular paragraph to which I would call his attention at this particular moment is 3246, page 230. There is a resolution which with a change of verbiage so as to make it applicable to this particular bill is in the exact language of the resolution which is now before the House——

Mr. MANN. Will the gentleman yield for a question?

Mr. GARRETT. Certainly.

Mr. MANN. The gentleman knows that was before this rule was adopted preventing the Committee on Rules from reporting a bill closing a motion to recommit.

Mr. GARRETT. It was before the adoption of this particular general rule.

Mr. MANN. At that time, of course, it was in order.

Mr. GARRETT. Yes; and the argument which I am making is that there is nothing in this general rule which was ever intended to change, or which does change in any way, the procedure there had and adopted. The general rule does prevent the Committee on Rules from bringing in a special resolution which would avoid a motion to recommit where a bill is under consideration under the general rules. The so-called preparedness bill is not under consideration now. That bill is in the Committee on Military Affairs. This is a resolution brought in under the general paragraph which gives power to the Committee on Rules to report at any time an order of business.

Mr. MANN. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. MANN. Does the gentleman think the Committee on Rules could report a rule, Resolved, that upon the adoption of this rule House bill so-and-so shall be considered as passed, and thereby cut out the motion to recommit?

Mr. GARRETT. Well, that question is not before the House at this time.

Mr. MANN. Well, it looks to me as though it were quite on all fours.

Mr. GARRETT. I do not care to express an opinion on that at this time, but the point is, this bill has been before the House——

The SPEAKER. The Chair would like to call the attention of the gentleman from Tennessee to the last words in this rule:

And the Speaker shall immediately appoint managers on the part of the House, without intervening motion.

And now as near as the Chair can find out that is what the gentleman from Illinois is objecting to. The Chair simply desired to call the attention of the gentleman from Tennessee to the discrepancy or difference between this present rule and this one that is set forth in section 3246 of Hinds' Precedents.

Mr. GARRETT. Then, Mr. Speaker, suppose that expression "without intervening motion" were left out; the gentlemen from Illinois could not then make a motion to recommit. He could make a motion to instruct, but he places his whole argument upon the proposition that the rules provide that you can not prevent a motion to recommit. Even if that language "without intervening motion" were stricken from it neither the gentleman from Illinois nor any other gentleman could make a motion to recommit under the rules.

The SPEAKER. He could not make a motion to recommit now, but if that language were stricken from the rule he could make a motion to recommit the conference report.

Mr. HAY. No; there is no conference report.

Mr. GARRETT. There is no conference report, Mr. Speaker. This is an effort to bring about a conference report.

The SPEAKER. The Chair knows, and it is to be hoped there will be a conference report.

Mr. MANN. Nobody objects to a conference.

The Speaker will remember that this matter came up when the present distinguished occupant of the chair was in the chair, on the Post Office appropriation bill, which came before the House with Senate amendments. On a rule from the committee that did not cut out the motion to recommit, the Speaker held I was in order in offering a motion to recommit. That is the way the parcel post got into the law, one of the greatest reforms that has been accomplished during the days of the Speaker in the chair.

The SPEAKER. The Chair does not wish to interrupt the gentleman, except to call his attention to that one thing.

Mr. GARRETT. Mr. Speaker, I have said all that I really have to say. When the conference report returns here, of course, a motion to recommit that will be a different proposition. The Speaker is not called upon to speculate about what may happen on the adoption of a conference report or what may happen to a conference report when it is brought back. The immediate thing before the Speaker of the House is an effort to bring about a conference. The right to make a motion to recommit, to which the gentleman has referred, does not apply to a conference or to a request for a conference. It may apply to a conference report, but it does not apply to a request for a conference, nor does it apply to a rule providing for a conference. It applies to a bill, of course, and probably may apply to the conference report when it comes back.

The SPEAKER. If the gentleman from Tennessee will permit, the gentleman from Illinois [Mr. MANN] is anticipating and looking forward to what will happen, and that is that a conference report will be brought in here, and under the ordinary practice he would have the right to make a motion to recommit it, but that under the peculiar circumstances under which this one will come back here, if it ever comes, under this rule he would be cut out from that forthwith.

Mr. GARRETT. Mr. Speaker, under this proposed resolution I respectfully submit, if that is the Speaker's understanding—I do not think it is the understanding of the gentleman from Illinois—that he would be prevented from making a motion to recommit by reason of this resolution when the conference report comes back. It was speculating upon a contingency, if I understood the gentleman from Illinois correctly, that he then might be cut out. The gentleman from Illinois did not argue that under this rule, when the conference report was returned, he would be prevented from making a motion to recommit. May I ask the gentleman from Illinois if I am right in my understanding of his argument?

Mr. MANN. That is right. I am always frank with the House on a parliamentary proposition. The effect of the rule would be to prevent a motion to recommit ever being made.

Mr. GARRETT. The gentleman does not speak of the technical effect. He speaks of what might happen.

Mr. MANN. I speak of the technical effect.

Mr. GARRETT. If the gentleman insists that this rule would prevent a motion to recommit upon a conference report when it comes in, I do not agree with the gentleman.

Mr. MANN. I do not think there is any disagreement between us at all. This rule prevents a motion to recommit now, and if this rule be agreed to the House asks for a conference, and when the conference report comes in it must have been acted upon by the Senate first, and it is not in order then to move to recommit.

Mr. GARRETT. Will the gentleman submit to an inquiry?

Mr. MANN. Certainly.

Mr. GARRETT. If the gentleman were permitted now to make a motion to recommit, to where would he move to recommit it? Do I make myself clear?

Mr. MANN. I will answer that when I reach it. [Laughter.] I have the motion prepared.

Mr. GARRETT. The bill is now before the Committee on Military Affairs.

Mr. MANN. But if this rule be adopted, or any other rule, it will not then be before the Committee on Military Affairs, allow me to remind my distinguished friend from Tennessee.

Mr. GARRETT. That is very true. It will be in conference.

Mr. MANN. No; it will not. It will be in the House, and the Committee on Military Affairs discharged. That is the process. I know that the Speaker wants to uphold the rights of the minority in these matters. In the old days, on a motion to recommit, there was a conflict between the majority and the minority as to which should make the motion. After a long contest, lasting over years, on this subject the House in the revision of the rules put the provision in that the motion to recommit would be preserved and given to the minority. Now, of course, if you are going to cut that out by a rule, a technical construction, you can do it by a ruling of the Speaker. If you can send this bill to conference and cut out the motion to recommit, the Committee on Rules could have brought in a rule that the Committee on Military Affairs be discharged from the consideration of the bill H. R. 12766 and that it be considered as passed by the House, and thereby cut out the motion to recommit. The gentleman from Tennessee [Mr. GARRETT] was frank enough not to want to answer that question; and yet, if you can do the one you can do the other. No one desires to prevent this bill from going to conference. All we desire, as far as I know, is to have the House express its opinion upon some of the propositions involved in the Senate amendment.

Mr. GARRETT. Mr. Speaker, of course the gentleman recognizes the fact that, so far as this matter is concerned, there is practically but one amendment. There is an amendment amending the title, of course, but the real amendment is the Senate bill, which was substituted for the House bill.

Mr. MANN. I recognize that fact, and I recognize there are various ways by which you can test the sense of the House upon the subject.

Mr. GARRETT. It would probably require a special rule even to do that.

Mr. MANN. I do not think it would. I have five ways prepared, at least. [Laughter.]

Mr. GARRETT. I wish again to call the attention of the Speaker to the language to which the gentleman referred in his opening remarks. I read:

After the previous question shall have been ordered on the discharge of a bill or joint resolution, one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

Now, there is another rule which provides that the Committee on Rules may not bring in a special rule which will cut off the power to move to recommit being given to a Member under that general rule. That applies on the passage of a bill or joint resolution. It does not apply to an order of procedure proposed from the Committee on Rules to get a bill into conference.

Mr. LENROOT. Mr. Speaker, I submit that this is an attempt on the part of the Committee on Rules to do by indirection that which it could not do directly.

The gentleman from Tennessee [Mr. GARRETT] asked the Chair in his opening remarks if this bill could not be sent to conference in the way it is proposed in this rule; how could it be sent there, unanimous consent having been objected to? Why, Mr. Speaker, it would have been perfectly easy for the Committee on Rules to have brought into this House a rule providing that it should be in order to move that the Senate amendment to this bill be disagreed to, and that a conference be asked for. Does the gentleman say, if that had been done, it would not have brought the question directly before the House and the right of the minority to recommit would have been preserved? Of course it would, and the only purpose of the Committee on Rules in bringing in this form of rule—an unnecessary form of rule—is to cut out the right of the minority to make the motion to recommit.

Mr. MANN. Mr. Speaker, will the gentleman yield there?

Mr. LENROOT. Yes.

Mr. MANN. The gentleman spoke of bringing this bill before the House by a rule. Under the rules, is it not in order for the gentleman from Virginia [Mr. HAY], by direction of his committee, to report this bill back, and to move that the House go into Committee of the Whole House on the state of the Union, and after five minutes' debate, close all debate?

Mr. HAY. Mr. Speaker, the gentleman knows that this is not a privileged bill, and if the Committee on Military Affairs reported it back, it would go on the calendar, and it could not be called up except on Calendar Wednesday, when the Committee on Military Affairs was called.

Mr. MANN. Yes; the gentleman could get it up on unanimous consent.

Mr. HAY. The gentleman could not get it up by unanimous consent.

Mr. MANN. The gentleman did not try.

Mr. HAY. The gentleman tried, but the gentleman from Illinois [Mr. MANN] objected to it.

Mr. MANN. I was willing for it to go before the House.

Mr. HAY. The gentleman says I can get it into conference. I can not get it into conference except by unanimous consent.

Mr. MANN. The gentleman says he knows he can not get it into conference.

Mr. HAY. As the gentleman has pointed out, he has demonstrated that I can not get it except by unanimous consent.

Mr. LENROOT. There is no question but that the Committee on Rules could have brought in a rule making the motion of the gentleman in order, and then the motion to recommit would not and could not have been cut off by the Committee on Rules.

Mr. HAY. Why did not the gentleman offer that amendment to the rule?

Mr. LENROOT. The gentleman would have if he had not been notified beforehand that any suggestion of the minority would not have any weight in the Committee on Rules. I make that answer, if the gentleman desires to know.

Now, Mr. Speaker, in reference to the discussion which took place upon the rule that has been referred to by the gentleman from Illinois [Mr. MANN], the Chair will observe that that was a running discussion, and the Chair, in finally making the ruling, did not give an opinion upon it, but it must be gathered from the various remarks of the Chair throughout the discussion.

Mr. POU. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from North Carolina?

Mr. LENROOT. I would like to close this statement, and then I will yield to the gentleman. I would like to offer for the Chair's consideration the note in the Manual upon that ruling, giving the understanding of the compiler of the Manual of the Chair's decision. I read from the note under section 725:

Ruled by Speaker CLARK (Oct. 9, 1913, 1st sess., 63d Cong., p. 5522) that a special rule providing that a House bill with Senate amendments shall be taken from Speaker's table, Senate amendments disagreed to, conference agreed to, and that Speaker shall without intervening motion appoint conferees, is not in violation of clause 56 of Rule XI, since the motion to recommit may be made on the conference report.

That was true in respect to the question that was then before the House, but it is not true with reference to this case, for the reason suggested by the gentleman from Illinois.

The SPEAKER. Why not?

Mr. LENROOT. Because in the case that was before the House then, the Senate had asked for a conference, and the Senate would act upon the conference report last. Therefore both sets of conferees would be in existence at the time the motion to recommit would be made. In this case the House asks for the conference, and the Senate will act first, agreeing to the conference report; the Senate conferees will be discharged, and therefore a motion to recommit would not be in order, because there would be no Senate conferees to recommit to.

Mr. HAY. Can not the House vote down the conference report?

Mr. LENROOT. It could vote it down. But it was, on the motion to recommit, which the Speaker and the compiler of the Manual so understood, ruled that the point of order was not well taken, because the right to make the motion to recommit was preserved upon the conference report.

Mr. POU. Awhile ago the gentleman spoke of a notice that he received. I will say to him that he certainly did not receive it from any of the majority members of the Committee on Rules.

Mr. LENROOT. Oh, I am not going into what occurred in that meeting, but I was forced to say what I did by what the gentleman from Virginia said. I could repeat it if necessary, but I shall not do so.

Mr. POU. I do not think the gentleman ought to intimate that something occurred that certainly did not occur.

Mr. LENROOT. I will say this in general language, that the minority members of this committee were given plainly to understand that this rule was to be passed exactly as it stood. I do not say the gentleman or any other member of the committee said so, but we understood that perfectly, and the gentleman understood it also.

Mr. POU. I wish to say that it was purely an inference on the part of the gentleman from Wisconsin, without anything at all being said upon the subject.

Mr. LENROOT. I do not mean to say that any gentleman said, "Now, Mr. CAMPBELL or Mr. LENROOT if you offer any amendments they will be voted down, so it is no use to offer them," but I do say that we gathered such an inference as any Member would gather from things that occurred there

Mr. GARRETT. Mr. Speaker, let me ask my friend, who is always frank, if he is not confusing the matter of instruction with the matter of recommittal?

Mr. LENROOT. Not at all. This does cut off a motion to instruct as well as a motion to recommit, of course.

Mr. GARRETT. It cuts off a motion to instruct.

Mr. LENROOT. It cuts off both. The motion to instruct, however, is one that the Committee on Rules are not compelled to preserve. They might bring in a rule cutting off that motion, but the Committee on Rules are expressly prohibited from depriving us of the motion to recommit.

Mr. GARRETT. That is on the passage of a bill. This proposition is one to discharge the committee from consideration of a bill in order to get it to conference.

Mr. LENROOT. Yes.

Mr. GARRETT. Now let me ask the gentleman, where would he move to recommit this bill at this particular moment, if there were nothing else in the way?

Mr. LENROOT. I can not make the motion at this moment, because it is in the committee.

Mr. GARRETT. Precisely.

Mr. LENROOT. But I want to call the attention of the Chair to this fact, that while the gentleman from Tennessee [Mr. GARRETT] says this bill is now in committee, and that is correct, when we vote upon this rule as it now stands we not only take the bill out of committee, but consider it upon the floor of the House and send it to conference, by one vote and one motion to discharge the committee, so that the House has the bill before it when it votes on this rule, but is deprived of the motion to recommit.

Mr. SHERLEY. Mr. Speaker, suppose that instead of any rule, an ordinary motion was made to send the bill to conference, and the minority did what it is now really fighting for, that is make a motion to instruct the conferees, and that motion was not agreed to and the bill went conference, would you be in any different position touching the motion to recommit after it got back from conference, through that method, than you will be under this method?

Mr. LENROOT. After it got to conference?

Mr. SHERLEY. Yes.

Mr. LENROOT. No; there would be no motion to recommit then, but——

Mr. SHERLEY. That is just it.

Mr. LENROOT. But the gentleman will see that the House has the right preserved to it at sometime in the stage of the consideration of this Senate amendment to express its views upon the features of that bill, which this special rule deprives us of, and which right the rules of the House compel you to preserve.

Mr. SHERLEY. Now, what the gentleman really wants is to have the privilege, under a motion to instruct, to bring about what is ordinarily accomplished by a motion to recommit; but while that may be desirable from the standpoint of the gentleman, that has nothing to do with the parliamentary situation. The only limitation on the Committee on Rules is that it shall not deny the motion to recommit. Now, if this bill went to conference by any process, and the Senate had agreed to the conference report, the motion to recommit would not be possible, because part of the conferees would not exist, and you could not recommit to them; so that it would not be the action of the rule sending it to conference that would prevent a motion to recommit, but it would be the action after it had gotten into conference. Now, it may be that by this method we do prevent you from having now the privilege of moving to instruct, but the rules do not say that the Committee on Rules have not the right to do that.

Mr. LENROOT. Mr. Speaker, in reply to the gentleman from Kentucky, he is correct in saying that this rule cuts off the right of the motion to instruct. That is true, but there were two methods by which the minority under the rules of the House had a right to express its views on this bill. One was by a motion to recommit. The other was by a motion to instruct the conferees. We admit that the Committee on Rules have the right to bring in a special rule and cut off the right to instruct the conferees. We deny that they have the right to bring in a special rule that will deprive the minority of the opportunity to express itself by a motion to recommit.

Mr. SHERLEY. But if the gentleman will permit, the rule does not do that. It is the circumstance attending the conference. The gentleman will acknowledge that if this bill should go to conference now and the Senate should act first on the conference report, his motion to recommit, while technically existing, would not actually exist, because there would be no committee of conference to which it could be recommitted. Now, that is the misfortune of the gentleman's position.

Mr. LENROOT. If the gentleman will permit me to ask him a question, I will ask him if it was not for the language of this rule and a motion was made to send this bill to conference, would the gentleman say that the minority would not have the right to make a motion to recommit with instructions?

Mr. SHERLEY. But that is not the proposition.

Mr. LENROOT. That is exactly the proposition.

Mr. SHERLEY. It is not the proposition at all. The proposition simply is this: By this rule we are denying you the right to instruct the conferees.

Mr. LENROOT. And also the right to move to recommit the bill.

Mr. SHERLEY. Oh, we are simply preventing you from instructing the House conferees. Now, the final motion to recommit, which is the only motion that the rules undertake to preserve from action by the Rules Committee, is not affected by what we do. It is affected by the circumstance that, the Senate acting first, the Senate conferees have ceased to exist at the time when the motion to recommit might be made.

Mr. LENROOT. I will ask the gentleman, suppose a motion was made to disagree to the amendments. Will the gentleman say that under the rules of the House paragraph 4 of Rule XVI would not give the minority the right to make a motion to recommit the Senate substitute with instructions?

Mr. SHERLEY. I am not at all prepared to admit that it would.

Mr. LENROOT. Nothing could be plainer.

Mr. SHERLEY. I think a good many things could be plainer than that.

Mr. POU. I should like to ask the gentleman a question. If this bill had gone to conference by unanimous consent this morning, could the gentleman have made a motion to recommit?

Mr. LENROOT. That would have depended entirely upon whether the conference had been asked for by the House or the Senate.

Mr. POU. Under the same circumstances.

Mr. LENROOT. I say no.

The SPEAKER. Suppose this rule was not in existence, and we had the bill before the House with a motion to recommit to the Committee on Military Affairs, what kind of instruction would the gentleman give it in acting on the Senate amendment?

Mr. LENROOT. It could instruct the committee to report the substitute back with any amendment we chose to incorporate in the instruction.

The SPEAKER. With the recommendation that the House agree to it?

Mr. LENROOT. Yes; and then the House could disagree to the substitute as amended or agree to it.

The SPEAKER. Does the gentleman from Virginia wish to be heard?

Mr. SAUNDERS. Yes, briefly. The rule under consideration is not intended to interfere, and does not interfere, with the right to make the motion to recommit provided for in paragraph 4 of Rule XVI. This will be clearly perceived by reference to the language of the paragraph, which provides in terms that the motion shall be in order after the previous question shall have been ordered on the passage of a bill, or joint resolution. Rule XI, subsection 56, provides that the Committee on Rules, shall report no rule which shall operate to prevent the motion to recommit being made, as provided in paragraph 4. The right secured by this paragraph, is the right to make the motion to recommit, not generally, but after the previous question has been ordered on the passage of a bill, or joint resolution. This situation is not presented under the operation of the rule. The bill to which it relates will not be before the House on its passage. The rule proposes to take the bill from the committee, bring it before the House, and send it to the conference. That is the full cycle of its intended operations, the full effect which it is designed to secure. If the rule brought the bill before the House for passage, it could not provide that the previous question should be considered as ordered—and the bill put on its passage—to the exclusion of the right to make the motion to recommit. Such an attempted exclusion of the right to make this motion, under the situation last presented, would be plainly contrary to the intent, and terms of the rule, which is designed to secure this right, whenever the conditions arise to which it is designed to relate. The concluding sentence of Rule XI, subsection 56, imposes a limitation upon the authority of the Committee on Rules. Whenever the state of facts predicated in paragraph 4, of Rule XVI, is created, or comes to pass, a barrier is thereby erected against the authority of the committee to exclude the exercise of the right to make the motion in question, but apart from this particular state of facts, there is no obstacle in the way of the committee. There are various motions including the motion to recommit, which a Member has the right to make under the rules, but all of these rights may be taken away by a rule from the Committee on Rules, provided of course it is adopted. There is no exception or saving in the case of the motion to recommit, save under one set of circumstances, that is, the case of a bill, or joint resolution on its passage, after the previous question has been ordered. The test is easy of application.

The rule proposed creates its own situation. Under its operation the bill is not brought before the House for passage. It is merely in the House, in transit, on its way to the conference committee. No Member has been deprived of the right to make the motion to recommit, for the simple reason that the state of facts has not arisen affording the indefeasible right to make this motion. When the bill comes back from the committee on conference for some final action the right to make this motion to recommit will be an integral part of the motions that will be in order. The rule proposes to do what might be done by a motion to suspend the rules, take the bill from the committee, and send it to conference. This motion, when made in order, would be efficient, if sustained, to accomplish precisely these results, and no point of order would lie against it. The rule proposes to do the same thing. It is in the interest of public business that the Committee on Rules should have the authority to report a rule, accomplishing the result intended, a rule designed to bring the two legislative bodies into agreement without the destruction of any essential right. The Member insisting upon the right to make the motion to recommit, and complaining that he has been deprived of this right, should be required to point out when the state of facts necessary to afford this right, will arise under the operation of this rule, at what stage of this operation will the bill in question be before the House for passage. As soon as the bill goes to conference, the rule will cease to operate, and the proceedings thereafter will be conformable to the general rules of the House. This question should be decided upon what is before this body, not upon the contingencies suggested by the gentleman from Illinois. There is no reason why the motion to recommit should be preserved to any greater extent than is provided for by the very terms of our rules, and in order to effect this saving, it is not necessary to hold that the Committee on Rules is inhibited from reporting a rule which will accomplish the same result that would be effected by the appropriate motion to suspend the rules, the only difference being that the one would require a two-thirds, and the other a majority vote of the House.

Mr. COOPER of Wisconsin. Mr. Speaker, in my judgment this whole controversy turns on whether the word "shall" in Rule XI of the general rules of the House ought in this instance to be interpreted to mean "may." Rule XI reads in this way:

Nor shall it report any rule or order which shall operate to prevent a motion to recommit.

Strictly speaking, this language might be held to mean that the committee shall report no special rule which shall necessarily operate to prevent a motion to recommit. Now, it is not claimed that this special rule, if adopted, would necessarily prevent the minority from making a motion to recommit, but only that it may or might prevent it, this possibility depending entirely upon what action the Senate might take on the conference report. If the Senate should adopt the report and discharge its conferees, this House would then be deprived of the right to make a motion to recommit, because there would then be no conference committee. Therefore, in order to preserve the right of the minority to make that very important motion, the Speaker ought to interpret the word "shall" as used in the rule to mean "may," as if the rule read:

Nor shall it report any rule or order which may operate to prevent a motion to recommit.

Such an interpretation is necessary in this instance, in order to do justice to the minority, because of the unusual circumstances under which the special rule is presented. These circumstances are that the House asks for the conference and the Senate will first take a vote on the conference report. If the Senate shall discharge its conferees, it will then be too late for the House minority to make the motion to recommit. The real intent and spirit of Rule XI will have been ignored and the plain right of the minority to make this motion done away with. Therefore, to preserve this right, the word "shall" ought to be construed as "may" as has often been done when similar lan-

guage in statutes has been brought before courts for interpretation.

Mr. GARRETT. Mr. Speaker, after all, the entire argument that is presented in the attempt to sustain the point of order goes into the realm of speculation as to what may happen. I respectfully submit once more to the Speaker that the provision of the rule which insures the right to the motion to recommit applies to a bill or a joint resolution when it is upon its passage in the House. That is the sacred right insured by the general rules of the House, and the Committee on Rules can not bring in a special rule which will prevent it—that is, such a special rule would not be privileged. But it does not apply to such a situation as we have before us now. This House has certain business to do. It can vote up this rule of the committee, or it can vote it down. If it votes it down, then other processes will have to be found in order to secure the conference which is desired. But it is technical—a technicality without a basis—undertaking to take a general rule which applies to the passage of a bill or joint resolution and make it apply to a proposition of taking a bill away from a committee in order to get it to conference. If that should be held to be good, I confess, Mr. Speaker, I do not see just where the end of the embarrassment that will arise to confront the House will come. The rules of this House are supposed to be made, supposed to be construed, with the idea of doing business. They are not supposed to be given technical construction. They are not written in such a technical way as to tie the hands of this House except in certain fixed circumstances that are specifically set forth in the rules themselves. The hands of the House are tied in certain instances because the Committee on Rules, which is the initiating force on procedure in the House, has its hands tied in the matter of bringing in a rule that will prevent a motion to recommit on a bill which is on its passage. But that rule is a limitation specifically and clearly defined and is to be strictly construed. That rule never was intended to tie the House, except as therein fixed. There is nothing in it which even by implication can justify a construction that would so paralyze this House as to prevent it sending a bill to conference in this way.

Mr. LENROOT. Will the gentleman yield?

Mr. GARRETT. I will yield to the gentleman from Wisconsin.

Mr. LENROOT. Mr. Speaker, I want to ask the gentleman whether there would be the slightest difficulty in the Committee on Rules bringing in a motion to disagree to this Senate amendment, sending it to conference, and that upon that the previous question should be considered as ordered?

Mr. GARRETT. Mr. Speaker, I do not know what difficulties might arise on that proposition, but I do know this, that the Committee on Rules in the drafting of this rule has followed the spirit of the rules that have been adopted here again and again for long, long years under all administrations—a plain, simple rule that works quickly and does business. [Laughter on the Republican side.] Oh, that is precisely what rules are for, and they have always been used for that purpose and always will be used for that purpose; and I do know, at least I think I know, that there is absolutely nothing in any of the amendments to the general rules since the time those special rules were brought in that in any way changes the principles that were upheld at that time.

Mr. MANN. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] said they were following the practice which had been followed in the House for many years, and that is the trouble with it all. That is what we put this new provision in the rules for, so that the old practice could not be followed any longer. I remember when this question first came before the House on a Senate amendment. It was on the tariff-commission bill. The Senate sent the tariff-commission bill, which had passed the House, back to the House with a Senate amendment about 10 o'clock in the morning of March 4, when the House stood to adjourn at 12 o'clock by operation of law. It might have been a little earlier than 10 o'clock. A filibuster was started on the Democratic side of the House. The Committee on Rules was hastily convened, and brought a rule into the House which disposed of the Senate amendments to the tariff-commission bill, and the gentleman from New York [Mr. FITZGERALD] made the motion to recommit the Senate amendment to the Committee on Ways and Means. Every one knew that if that motion should prevail that ended it. In fact, if the motion was put to a vote that ended it, unless the clock should be turned back so as to extend the life of the House. Mr. Speaker CANNON was in the Chair at the time. He had been charged by the Democrats in the House and throughout the country with being arbitrary and partisan. They charged that he made partisan rulings. He was in favor of having the House agree to the Senate amendments, but when this rule was cited to him he held that under the rules of the House the motion to recommit the House bill with Senate amendments to a committee of the House was in order, although it was not a vote on the final passage of a bill at all. I never have seen in the House in my term of service a more excited membership than sat and stood here that morning. Half the Members nearly were on their feet. It is the only time in the House since I have been here when I thought there was danger of fights and bloodshed. There never was such intensity in the House as on that morning. Both sides of the House were bitter, partisan, determined; and yet the Speaker, preserving his coolness and his fairness, ruled in favor of the Democratic side of the House, because he thought right was on their side. [Applause on the Republican side.]

The SPEAKER. The matter in controversy is the following resolution:

Resolved, That upon the adoption of this resolution the Committee on Military Affairs be, and hereby is, discharged from the consideration of H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, with the Senate amendments thereto; that the said Senate amendments be, and hereby are, disagreed to by the House and a conference asked of the Senate on the disagreeing votes of the two Houses on the said bill; and the Speaker shall immediately appoint the managers on the part of the House, without intervening motion.

As the Chair understands it, no one is objecting to any part of this rule except the last three words, "without intervening motion." By reason of those three words the gentleman from Illinois [Mr. MANN] makes the point of order against the rule. Subdivision 4 of Rule XVI provides:

When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a certain day, to refer, or to amend or postpone indefinitely; * * *.

After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or resolution.

The gentleman from Illinois [Mr. MANN] claims that the proposed rule deprives Members from the right to move to recommit. He bottoms his contention on Rule XI, section 725, of the Manual, which is as follows:

It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members present—

That refers to Calendar Wednesday—

nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI.

On the 4th of March, 1911, Mr. Speaker CANNON, in ruling on a point of order raised by Mr. DALZELL to a motion of Mr. FITZGERALD to commit the Senate amendments to the bill to create a tariff commission to the Committee on Ways and Means, said:

The Chair has ruled out, and in the opinion of the Chair properly so, all dilatory motions, as was his duty under the rules of the House. There are certain motions, there are certain demands, that can not be held as dilatory. One is a demand for the yeas and nays. The rules of the House govern the House, and the Chair finds a precedent in this case exactly in point, which the Chair believes to be sound in principle. The Chair reads from page 287, volume 5, of Hinds' Precedents:

"The previous question having been ordered on a motion to agree to a Senate amendment to a House bill, a motion to commit is in order. On November 1, 1893, the House was considering the Senate amendments to the bill (H. R. 1) to repeal a part of the act of July 14, 1890, relating to the purchase of silver bullion.

"Mr. Leonidas F. Livingston, of Georgia, submitted the question of order whether, after the previous question should have been ordered on the motion to concur in a Senate amendment, it would be in order to commit the bill and amendment to a committee with instructions.

"The Speaker expressed the opinion that the motion to commit would in such case be in order."

That is the ruling by Mr. Speaker Crisp, and the Chair, therefore, overrules the point of order made by the gentleman from Pennsylvania to the motion to commit the Senate amendments to the Committee on Ways and Means.

The gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. LENROOT] and others contend that this rule, if adopted, cuts out the right of any gentleman to move to recommit the Senate amendment. That is one branch of this discussion. That seems to have been settled by these two decisions.

Jefferson's Manual provides:

And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them they were left on the table in the conference chamber.

The present occupant of the chair has passed substantially on both of those questions. When the first Underwood tariff bill was in process of passage the Senate conferees were entitled to the papers, which would enable them to pass on the conference report first, but Mr. UNDERWOOD came in here with the papers in his hand and the gentleman from Illinois [Mr. MANN] raised the point that we were not required, or had no right as

tleman understood it also.

tunity to express itself by a motion to recommit.

is designed to relate. The concluding sentence of Rule XI, I construed as "may" as has often been done when similar lan-

the rules of the House the motion to recommit the House bill raised the point that

far as that is concerned, to pass on the conference report first, because the Senate conferees were entitled to the papers. The Chair interrogated the gentleman from Alabama [Mr. UNDERWOOD] as to how he got possession of the papers. Of course, the Chair did not suspect he had used violence or had purloined them, but he wanted to know how he got them for the purpose of deciding, and the gentleman from Alabama [Mr. UNDERWOOD] stated that the Senate conferees threw the papers down on the table and intimated they did not care what was done with them. So under that set of circumstances the Chair ruled that the House would pass on the conference report first. That has been done on other occasions.

This very question came up here once before, October 9, 1913, but on a different presentation. In that case the House was entitled to pass on this question first and the Senate afterwards, and after a long wrangle the Chair overruled the point of order against the special rule, because the situation was different from what it is now and such that a motion to recommit could be made. The situation now, stated briefly, is as follows: If this rule is adopted the minority can not make a motion to recommit this Senate amendment, with or without instructions, and if the conference report is finally made up, then the Senate, under the practice, not the universal practice but the general practice, passes on it first, and usually when one body agrees to a conference report, or whatever it does to it, the conferees of that body are discharged automatically. In this case under the practice the Senate passes on the conference report first; that leaves the House in a position where we can not make a motion to recommit the conference report because the Senate conferees have been discharged.

Usually these special rules provide that the Speaker shall do thus and so "without an intervening motion, except one motion to recommit."

The rule to recommit was one of the most troublesome that ever pestered the House. The gentleman from Illinois did not state it fully. It was used as a sort of legislative trick frequently. The chairman, or whoever had charge of the bill, simply moved to recommit, because only one motion to recommit is permissible—just like the motion to reconsider—and the Chair would recognize the gentleman in control of the bill, and he would make the pro forma motion to recommit and thereby cut the minority out of making a motion to recommit that had some substance in it. So, finally, after much tribulation the rule was changed so that it makes one motion to recommit in order, and makes it imperative on the Speaker to give first recognition to the minority, if the minority member qualifies. That does not necessarily mean a minority politically in the House. It means a minority as to that particular bill, and it may not be improper to refresh the mind of the House of the ruling this Speaker made in an earlier Congress about recommitment, and that was that he would recognize a Member of the minority who said he was opposed to the bill to make the motion to recommit, and he would recognize Members of the minority—minority Members of the committee having the bill in charge—seriatim, if they qualified; and if they did not qualify, any gentleman who would qualify would be recognized.

The provision of the rule requiring the Speaker to give preference to the minority in recognitions for motions to recommit was placed there after profound deliberation, and is of great importance for the purpose intended. The proposed rule deprives the minority of the privilege and right to move to recommit and is therefore, in the judgment of the Chair, obnoxious to subdivision 4, Rule XVI; also to that subdivision of Rule XI which says: "Nor shall it"—that is, the Committee on Rules—"report any rule which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI."

Now, taking all these things into consideration, the Chair sustains the point of order that the proposed rule is not in order.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent to consider the resolution, adding the words at the end thereof "except one motion to recommit."

The SPEAKER. The gentleman asks unanimous consent to amend the rule by placing the words at the end "except one motion to recommit."

Mr. MANN. Reserving the right to object, why not make an agreement to consider the bill without the rule?

Mr. HAY. To do what?

Mr. MANN. To consider the bill without the rule.

Mr. HAY. To consider the whole Senate amendment?

Mr. MANN. Of course. There could not be any great delay. I am willing to waive the reading of it, so far as that is concerned.

Mr. HAY. I will say to the gentleman I am perfectly willing, as I said before, for the gentleman to move to concur in the Senate amendment or to concur with an amendment to the Senate amendment, which, I take it, are the only two parliamentary motions that can be put. Or, if the gentleman wants to move to instruct the conferees to concur in the Senate amendment he has a right to do that, but I do not think it would be in order to make a motion to instruct the conferees to concur in a part of an amendment, it not being proper to divide it into two parts or three parts or four parts.

Mr. MANN. I will say to the gentleman frankly that some one desires to make a motion either to instruct the conferees directly or indirectly through a motion to recommit and agree to the substance of certain sections in the Senate amendment, one relating to the enlargement of the Army, one relating to the Volunteer Army, and also one relating to the so-called nitrate amendment.

Mr. HAY. Does the gentleman desire to put that all in the same instruction?

Mr. MANN. I suppose it would be all in the same instruction and subject to division.

Mr. HAY. I should be compelled to make a point of order on that, because I do not believe it is competent for the House to instruct the conferees to agree to a part of the Senate amendment and disagree to some other part of it.

Mr. MANN. I am perfectly willing to leave that for the Chair to rule on. So far as I am concerned——

Mr. HAY. More than that, I do not believe the House desires its conferees to be so bound up that it will be impossible for them to confer upon any fair terms with the conferees of the Senate.

Mr. MANN. Such a motion can be made either directly or indirectly through a motion to recommit.

Mr. HAY. I am perfectly willing to consent that the gentleman from Illinois or any other gentleman shall make one motion to recommit, and put it in any shape he pleases provided it is one motion.

The SPEAKER. Is there objection?

Mr. MANN. I shall object to the rule unless——

Mr. HAY. Mr. Speaker, I do not want to take this matter away from the Committee on Rules, but I understood the gentleman from Tennessee [Mr. GARRETT] asked unanimous consent for the present consideration of this rule striking out the words "without intervening motion" and adding "except one motion to recommit."

Mr. GARRETT. Not striking out "without intervening motion."

Mr. HAY. Add the words, at the end of the rule, "except one motion to recommit." Do I understand the gentleman to object to that?

Mr. MANN. I shall object to that. I want, if I can, to have the right to move to instruct.

Mr. HAY. The gentleman now says he wants to move to instruct.

Mr. MANN. And I have never denied that I wanted to move to instruct.

Mr. HAY. You made the point of order on the motion to recommit.

Mr. MANN. I made the only point of order that I could.

Mr. HAY. I do not think it was good, so far as I am concerned. The Chair, however, having ruled that way, I bow very humbly to the decision of the Chair.

Mr. MANN. When the gentleman reaches the chair, which he sometimes will, as Speaker——

Mr. HAY. I have no such anticipation. However, I am much obliged to the gentleman. I anticipate that the present occupant of the chair will occupy it for a long time to come. [Applause on the Democratic side.]

Mr. MANN. We hope he will occupy it as long as any Democrat can. [Applause on the Republican side.]

The SPEAKER. Is there objection?

Mr. MANN. I object.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering House joint resolution No. 91.

Mr. LEVER. Mr. Speaker——

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER rose.

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. LEVER. To offer a preferential motion. I move that the House resolve itself into Committee of the Whole House on the

state of the Union for the further consideration of the Agricultural appropriation bill (H. R. 12717).

The SPEAKER. The Chair thinks that the motion of the gentleman from South Carolina is a preferential motion.

EXTENSION OF REMARKS.

Mr. BARKLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. BARKLEY. Pending that motion, I wanted to ask unanimous consent to extend my remarks in the RECORD by printing a resolution adopted by a mass meeting of the citizens of Paducah, Ky., indorsing the President's course in regard to Germany.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I question the propriety at this time, in the critical condition of our foreign affairs, of incorporating resolutions either pro or con on the President's conduct. We are receiving, all of us, resolutions on one side or the other, and I think it is better not to have this incorporated at the present time. It can be presented in the regular way through the basket.

Mr. CLINE. I object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana objects.

Mr. STAFFORD. And I object, Mr. Speaker.

The SPEAKER. And also the gentleman from Wisconsin.

LEAVE OF ABSENCE.

Mr. HOUSTON. Mr. Speaker, I desire to ask that my colleague [Mr. PADGETT] be excused from attendance on the sessions of the House on account of illness.

The SPEAKER. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that his colleague [Mr. PADGETT] be excused from attendance on the sessions of the House on account of illness. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. BARNHART rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. BARNHART. I rise to inquire if the gentleman from South Carolina [Mr. LEVER] would be willing to withhold his motion to go into the Committee of the Whole House on the state of the Union until the House might consider three printing bills which have been urged very strongly on the Committee on Printing?

Mr. LEVER. I ask for the regular order, Mr. Speaker. I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from South Carolina to go into the Committee of the Whole House on the state of the Union to consider the Agricultural appropriation bill. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. JOHNSON of Kentucky. A division, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky calls for a division.

The House divided; and there were—ayes 124, noes 27.

So the motion was agreed to.

The SPEAKER. The gentleman from Missouri [Mr. HAMLIN] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. When the committee rose last Saturday there was pending a motion to amend by striking out the paragraph, an amendment offered by the gentleman from Kansas [Mr. DOOLITTLE].

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that debate on this paragraph and amendments thereto close in 15 minutes. Is there objection?

Mr. RAKER. Reserving the right to object, Mr. Chairman, I would like to have two minutes on the migratory-bird paragraph.

Mr. HAUGEN. My colleague from Iowa [Mr. GREEN] wants some time, Mr. Chairman.

Mr. LEVER. Mr. Chairman, I modify my request and ask unanimous consent that all debate on this paragraph and amendments thereto close in 40 minutes.

The CHAIRMAN. The gentleman from South Carolina modifies his requests and asks that all debate on this paragraph and amendments thereto shall close in 40 minutes. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, Mr. Chairman, I shall want five minutes. I suppose I will be taken care of.

Mr. LEVER. I think the gentleman is accounted for. The Chair will take care of the time. Mr. Chairman, I make that request that debate on this paragraph and amendments thereto shall close in 40 minutes, one-half of the time to be controlled by the gentleman from Iowa [Mr. HAUGEN] and one-half by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. WM. ELZA WILLIAMS. Mr. Chairman, I shall have to object unless some provision can be made here for giving me five minutes.

Mr. LEVER. I will give the gentleman five minutes of my time. I will not reserve any time for myself.

Mr. WM. ELZA WILLIAMS. I am going to favor the motion of the gentleman from Kansas. I am opposed to the paragraph in the bill.

Mr. HAUGEN. The gentleman from South Carolina says he will give the gentleman five minutes.

Mr. DOOLITTLE. Mr. Chairman, reserving the right to object——

Mr. CULLOP. Reserving the right to object, Mr. Chairman——

Mr. DOOLITTLE. We have requests for a good deal of time on this side, Mr. Chairman, and I suggest that the gentleman from South Carolina put another request for unanimous consent.

The CHAIRMAN. Is there objection?

Mr. CULLOP. Reserving the right to object, Mr. Chairman, I would like to ask the Chair if I can have some time. I am in favor of the motion.

Mr. DOOLITTLE. I shall object to 40 minutes, Mr. Chairman.

Mr. LEVER. Then I ask unanimous consent, Mr. Chairman, that the debate shall close in 50 minutes, one-half to be controlled by the gentleman from Iowa [Mr. HAUGEN] and the other half to be controlled by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MANN. I wish gentlemen to take notice that the filibuster is not on this side of the House, but on that.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. DOOLITTLE].

The CHAIRMAN. The gentleman from Kansas [Mr. DOOLITTLE] is recognized for five minutes.

Mr. DOOLITTLE. Mr. Chairman and gentlemen, I have made this motion to strike out this paragraph for the purpose of cutting off the appropriation of $50,000 for the enforcement of the Federal migratory game and bird law.

This law has been declared by the United States district court of Arkansas and by the United States district court of Kansas and the Supreme Court of the State of Kansas to be unconstitutional, and, so far as my information goes, I think it has been declared unconstitutional by every court of record where that point has been raised. The Arkansas case is now pending in the Supreme Court of the United States, and I believe there is not a lawyer on the floor of this House who thinks that the Supreme Court will do anything except sustain the United States district court for the eastern district of Arkansas. The case of United States against Shauver—the Arkansas case I have referred to—is a test case, and its final outcome will govern throughout the country.

Mr. TRIBBLE. Will the gentleman yield right there?

Mr. DOOLITTLE. Yes.

Mr. TRIBBLE. The gentleman is making a pretty broad statement. Now, is it not a fact that the Supreme Court are divided upon that question and that they have asked for a reargument?

Mr. DOOLITTLE. I do not know that they are divided.

Mr. TRIBBLE. Well, it is a fact.

Mr. DOOLITTLE. I do know that the Supreme Court have asked that the case be reargued.

Mr. Chairman, this law has practically wiped out duck hunting in the interior of the country. It has made it so that in Kansas and other Central States duck hunting is a matter of the past, because wild ducks are migratory birds in our section. We have no fall shooting there to speak of, and in the spring, when under the game laws of the State of Kansas we have the right to shoot up until the 16th of April, this law steps in and makes it a crime to shoot ducks or geese after the 1st day of February, before any ducks or geese have come in.

Mr. Chairman, it is an unjust infringement upon the right of the State to control its peculiarly inherent matters. Wild game within the borders of a State belongs to that State and not to the Nation. This is not disputed. In the short time I have I can not go into details, but the stock raisers and feeders of the State of Kansas, as well as the hunters and sportsmen, are opposed to the Federal law. I am going to read a very short communication from a large and intelligent cattleman. His views are extreme but show his feeling against this law. He fears, as other farmers and stockmen have claimed, that these ducks spread the foot-and-mouth disease, hog cholera, and the like. This letter is written by Mr. John A. Edwards, an extensive rancher and cattle raiser of Greenwood County, Kans., and other places in the State. He says:

DEAR MR. DOOLITTLE: I wish you would secure the right for me to kill all the ducks (that is, shoot at them) which light on my ranches. I do not like to have them feed on my kafir nor wheat, nor in my feed lots, nor to take the chances of them bringing to my herds foot-and-mouth disease or black leg or hog cholera, and other communicable diseases.

It would be no trouble to get a volume of complaint versus the duck. It would be a great advantage to Kansas if they were exterminated.

Hurriedly. JNO. A. EDWARDS.

ENGLEWOOD, KANS., *March 24, 1915.*

Mr. RAKER. Will the gentleman allow me——

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DOOLITTLE. I ask that I may proceed for two minutes.

The CHAIRMAN. The time is in control of the gentleman from South Carolina [Mr. LEVER] and the gentleman from Iowa [Mr. HAUGEN.]

Mr. LEE. I yield to the gentleman two minutes.

Mr. RAKER. The main objection raised by the gentleman's friend is that the ducks and geese carry the foot and mouth disease, and he wants to shoot them because of that fact, and not for eating purposes?

Mr. DOOLITTLE. He wants to keep them from the possibility of spreading disease.

Mr. RAKER. Then your people are not objecting to this law because they want the game as it comes over.

Mr. DOOLITTLE. Yes; we want the right to shoot under the laws of the State of Kansas, and we want the other States to have the same right, which is their legal right. [Applause.]

Mr. Chairman, the game laws of the different States are very strict; in Kansas they are strict enough for any reasonable purpose. I never have been accused of being too much of a State-rights man. I am a pretty strong nationalist, but there are some things that I think the Government should permit the States to legislate on, and this is one of those things which they have the right to legislate upon; that is, the right to control the hunting and killing of wild game within their borders. [Applause.]

Mr. LEVER. I yield three minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, I am opposed to the motion to strike out this provision. While at the present time some of the rules and regulations may be somewhat stringent and may not apply exactly to each locality or each State as they ought to apply, the same complaint has been made in the States in regard to the State game laws, that the opening and closing of the open season did not apply exactly as they ought to apply. This is only a matter of detail. It can be readily remedied. The law should not be struck down this way. It is not fair. In our State we adopted a constitutional amendment dividing the State into districts, to the end that the open and closed seasons for ducks, geese, quail, and other game birds might be properly subdivided. In this way we get proper protection, while at the same time proper use may be made and had of the game.

We have destroyed the greater part of the wild birds of this country. On Saturday we heard here the statement that there are only a few of the buffalo left. We know from personal experience that most of the deer have been destroyed. Twenty-five years ago we rode over the plains in Nevada and southern Oregon and northern California and saw tens of thousands of antelope that produced meat for the people of this country. They have been ruthlessly slaughtered and destroyed.

The same thing is being done with the ducks and other wild life which should be protected. A reasonable and proper administration of the law for the purpose of protecting this game is a great asset to this country. Each state ought to have a reasonable time in which to get some of the fruits of it. We have now 69 bird reserves covering a great territory of country. We are expending money for the purpose of saving these birds that are valuable and supplying many homes with the meat that otherwise they would not be able to get.

While we have the reserves and while we are protecting the birds we ought not to allow them to be killed indiscriminately if we can avoid it, and at the same time adjust the regulations with the State laws so as to give all the people a fair and proper opportunity. I am satisfied that there is practically no member of the committee or the House who desires to destroy completely the remaining ducks and wild life and other birds provided for in the act to which this appropriation relates, namely, the act of Congress approved March 4, 1913 (37 Stats., 847). We ought to provide for the enforcement of this law until it has been disposed of by the Supreme Court. We should provide the necessary funds to enforce this law. It would be a serious mistake to strike out this provision of the bill. I feel satisfied the motives will be defeated.

[Mr. RAKER had leave to extend his remarks.]

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WM. ELZA WILLIAMS].

Mr. LEE. Mr. Chairman, I yield five minutes to the gentleman from Illinois also.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, I am in favor of this motion to strike out the paragraph which provides an appropriation of $50,000 for the enforcement of the migratory-bird law. A great deal of complaint comes to me from Illinois, and I understand the same complaint arises in Missouri relative to the operation of the rules adopted by the Agricultural Department fixing a closed season and regulating the killing of migratory birds on certain named waterways.

The law itself, believed by many to be unconstitutional—now near judgment in the Supreme Court—is practically harmless, for all the law does is to authorize the Department of Agriculture to adopt rules and regulations for the preservation of wild game. The whole mischief arises in the department which promulgates the rules. I call attention of gentlemen to that portion which applies to my State and to the upper Mississippi River:

On and after January 1, 1915, a closed season shall continue between January 1 and December 31, both dates inclusive, of each year, on all migratory birds passing over or at rest on any of the waters of the main streams of the following navigable rivers, to wit: The Mississippi River between Minneapolis, Minn., and Memphis, Tenn.; the Missouri River between Bismarck, N. Dak., and Nebraska City, Nebr.; and on the killing or capture of any of such birds on or over the shores of any of said rivers, or at any point within the limits aforesaid, from any boat, raft, or other device, floating or otherwise, in or on any of such waters [as amended Oct. 1, 1914].

That is the rule which affects the section of the country I represent. The State of Illinois is 750 miles in a north and south line and follows the course of the Mississippi River, and constitutes the greater portion of that area between Minneapolis and Memphis where the killing of migratory birds is prohibited. South of Memphis the rule does not operate and north of Minneapolis the rule does not operate. So that north of Minneapolis the killing may be indiscriminate and south of Memphis the same. But the rule does operate the entire course of the Mississippi, a distance of 500 miles on the west border of Illinois. Hunters in my State justly complain of the rule which prohibits them from killing game along the river where the birds are accustomed to fly. There was a time a good many years ago, before the operation of drainage laws, when there were lakes and swamps through Illinois, where birds would light to feed and hunters could find them. Since the operation of the drainage law the lakes and swamps have been drained, and there is no water in the State where these birds can come to feed and rest. These birds in their flight between Minneapolis and Memphis are accustomed to follow the course of the Mississippi River. They do not vary from the river any great distance. They follow the course of the river going north in the spring and south in the fall. As a consequence, we in the State of Illinois are prohibited from killing migratory birds at any season of the year, unless by chance we can get a stray bird out on the prairie which has lost its course. We are virtually prohibited from hunting in season or out, while our friends to the south of Memphis are at liberty at any season of the year to hunt and place birds on the market

under the regulation of State laws. That is equally true in the north above Minneapolis and in Canada, where birds migrate for the summer season.

In these sections birds may be hunted at will, but we in the State of Iowa, in the State of Illinois, and in the State of Missouri are prohibited at any season of the year from availing ourselves of these opportunities and privileges. The fault is not in the law. The law does not prohibit it. The law simply authorizes the Department of Agriculture to make rules regulating and fixing seasons, and it is the rule that inflicts a hardship on us of which we complain. We can not in these proceedings here undertake to amend the law itself which delegates this authority to the Department of Agriculture. We can not here by amendment to this bill amend the rule. Our hands are tied. We have no recourse except to repeal the law itself, which no one seems disposed to do.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. WM. ELZA WILLIAMS. Yes.

Mr. SISSON. The gentleman has his remedy right here. I agree very heartily with him that this law ought to be repealed. Under the Holman rule he can offer to amend and repeal the law.

Mr. WM. ELZA WILLIAMS. The law may be repealed here, but does the gentleman mean that it may be amended in this appropriation bill?

Mr. SISSON. Yes; in the appropriation bill. That is the only purpose of the Holman rule—to offer an amendment reducing the amount carried in the bill, and the gentleman can introduce an amendment to repeal this, which would reduce the amount carried in the bill.

Mr. WM. ELZA WILLIAMS. Yes; but no one cares to repeal the law. It is the rule of which we complain.

Mr. RUSSELL of Missouri. This is a motion to strike out.

Mr. WM. ELZA WILLIAMS. Yes; and I doubt the power to either repeal or amend the law on the consideration of a motion to strike out the appropriation.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. WM. ELZA WILLIAMS. Yes.

Mr. GOOD. What attempt is being made now, in view of these adverse decisions of the courts holding that the law is unconstitutional, to enforce the law in any part of the country?

Mr. WM. ELZA WILLIAMS. I only know it is being enforced.

Mr. HAUGEN. I can state that, if the gentleman will yield.

Mr. WM. ELZA WILLIAMS. Yes.

Mr. HAUGEN. Notwithsanding the fact that the law has been declared to be unconstitutional, it is still being enforced, and people are being held up to the extent of about a hundred dollars. They are hauled into court, and if they plead guilty, of course they are fined $100. That has been done in a number of instances.

Mr. GOOD. Notwithstanding that the law has been held unconstitutional in every court where the question has been tried?

Mr. LENROOT. Oh, no; I understand that one court has held it to be constitutional.

Mr. HAUGEN. I would like to have the gentleman cite me to that decision.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, it is pending in the Supreme Court of the United States, and so long as it is pending there we have no right to assume that it is unconstitutional. There is no final judgment in the case, and, as I understand it, the court has asked for a reargument of the case for reasons with which I am not familiar.

Mr. GOOD. Does the gentleman mean to say that under the rules of the Agricultural Department hunters in Illinois are restricted from hunting ducks, we will say, any place where ducks may be found?

Mr. WM. ELZA WILLIAMS. Virtually, because hunting is prohibited along the Mississippi River, which is the only course ducks pursue in passing Iowa and Illinois. They follow the course of the Mississippi River; there is no water for feeding or lighting purposes elsewhere.

Mr. RAKER. Is it not a fact that under the rules and regulations of the department in Illinois they have the open season for plover, snipe, yellow legs, ducks, geese, and brant from September 2 to December 16?

Mr. WM. ELZA WILLIAMS. Yes; we have in Illinois; but the gentleman must understand my point—that we are prohibited by rule 5 from killing them along the course of the Mississippi River, and there are few ducks migrating from the North to the South except along that stream.

I have carefully examined the briefs in the Shauver case, filed with the clerk of the Supreme Court, and I find that many sportmen's clubs in all parts of the country concern themselves very much in that case and have filed briefs amicus curiæ in support of the law and its strict enforcement under the rules of the Department of Agriculture. Among these clubs are the American Game Protective Association, New York City; the Rocky Mountain Interstate Sportsman's Association, Denver; Marshepaug Forest Club, Connecticut; Shoshone Rod and Game Club, Idaho; the Grand Island Club, Chicago; the Delta Duck Club, New Orleans; Roland Park Bird Club, Maryland; Adirondack League Club, New York; Oswego Rod and Gun Club, New York; Newport Gun and Game Association, Rhode Island; Rod and Gun Club, Rhode Island; Campfire Club of America, New York; Boone and Crocket Club, New York; and many other concerns whose membership consists of men of means and leisure, who are able to spend a season in the South in the winter and in the North in the summer, where the birds may be found in abundance. It is organizations such as these, who wish to preserve the game for their own convenience and sport, that influence the adoption of rules prohibiting the people along the course of migration, who are engaged in their daily vocations and legitimate pursuits, from the killing of birds that they may be preserved for the pleasure and sport of men who are prepared to spend idle seasons North and South. These organizations have both the time and the means at their disposal, and hover about the bureau and secure the adoption of the rules pertaining to the killing of migratory birds, while those against whom the rules so unjustly operate are engaged in attending to their legitimate affairs. I am not hostile to a migratory-bird law, but I do condemn as unjust the rules which have been adopted at the instigation of sportsmen of means and leisure, whose only object and purpose is to conserve the game for their own convenience and use. If there is no other way to defeat the operation of these rules than by defeating the appropriation for their enforcement, then I favor and shall vote for the motion to strike out of the appropriation bill that provision appropriating $50,000 for the enforcement of the law.

I will avail myself of the privilege of inserting here and incorporating in the RECORD a memorial addressed to the Members of the Senate and the House of Representatives on the part of the Interstate Sportsmen's Protective Association, and the officers of the Illinois Sportsmen's League, and others interested in this subject:

To the Members of the honorable United States Senate and House of Representatives, assembled at Washington, D. C.

HONORABLE SIRS: Your petitioners respectfully ask that we be given consideration regarding an injustice being perpetrated against us by the Bureau of Biological Survey, Department of Agriculture, under certain regulations provided for in the migratory-bird law.

We have appealed in vain to that bureau, but are unable to obtain redress affording "equal and exact justice to all, with special privileges to none," which we therefore request your honorable body to accord to us, through the power of Congress.

When this law was enacted, provision was made therein for the very relief which we are now compelled to ask you to insist upon in the name of justice.

Seasons for hunting migratory birds have been so arranged by the Biological Survey officials that hunters residing in the Middle Western States are authorized to hunt magratory game only during such seasons of the year when the migrants are practically absent, and they prohibit us from hunting them during the seasons when they are present in our locality.

The migratory fowl begin passing over our States going southward from their breeding zone in the North according to variable climatic conditions.

The flight begins about September 1 to October 1 and is spread out until the period of our autumn storms, but the dry fall weather affords no attraction, and they do not tarry with us, but continue on to the South.

In the winter months they are farther south.

They begin their return migration to the North in February, and periodically arrive here, and again depart southward, upon alternate warm or cold weather changes of a few days' duration at a time.

This process continues during February and March.

Our ideal period for hunting waterfowl begins February 1 and ends March 31, but at this opportune time we are legally prohibited from hunting.

The season established by the Biological Survey for us to hunt these waterfowl is during our dry fall months, but when our wet season arrives, and likewise the waterfowl, we are denied the hunting privilege.

In the dry fall season the large watercourses afford the main resort for the fowl, but the biological officials prohibit hunting on the upper Mississippi River, above Memphis, Tenn., but at no period do they prohibit hunting upon the Mississippi River by citizens residing farther south.

We have offered positive physical evidence, contained in the dead bodies of the ducks, to prove that they are not even approximating the breeding or nesting period, in February and March, nor do they at any other season breed in this section of the Nation.

Our facts about climatic conditions, topography of the country, and natural habits of the birds are not disputed, and yet we receive no redress.

The biological officials even admit they have made no scientific collection of evidence such as we have done, nor have they accepted our offer to furnish them dead specimens of the fowls killed each week, for their own investigation and information.

The sole reason given us for not correcting these errors is, that should our just claims be recognized, it would probably cause a protest by other sections of the Nation, whose residents, they claim, would object to our proper seasons, though presumably satisfied with what the Biological Survey had decreed for the alleged objectors.

There has been created a so-called "advisory board" for consultation about this subject by the Agricultural Department, though we are aware of no congressional authority for the same.

However, the members of this board are not representative of the various sections of the Nation; in fact 5 of them out of 12 reside in a single eastern city.

This law has prevailed since 1913, during which time three United States district courts have held it to be unconstitutional, and no other court has sustained it. Its constitutionality is now before the United States Supreme Court for final decision.

Large sums of money have been appropriated by Congress for the enforcement of this law, but in numerous instances the Biological Survey has positively refused to prosecute violators.

The law has been flagrantly disregarded, and we offered proof of this statement to those intrusted with its enforcement.

In every instance the issue has been evaded. We have since been informed by one of the administrative officers in the Biological Survey that, pending the decision of the United States Supreme Court upon its constitutionality, no further cases would be received by the Department of Justice for prosecution.

Notwithstanding this statement, notices have been recently circulated in the daily press by the Department of Agriculture which announced that "the law would be vigorously enforced."

Our best citizens had hoped that the law would be enforced and that the unjust season would be corrected. This has not been done.

The unruly element has regaled itself in hunting liberties which are alone denied to the better element through its conscience about law observance.

Their conscience, and not the vigilance of the law officials, is the only restraint produced by this deplorable state of affairs.

We are being deprived of our rights without any compensation on behalf of wild life conservation.

If the migratory fowl are the property of all of the people of the Nation, the residents of the Middle West are part owners therein and should be accorded their constitutional rights in its use and enjoyment without any excuse or subterfuge being offered.

Article IV, section II of the United States Constitution declares: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

All other means having been denied us, we earnestly petition that no further public funds be appropriated for the enforcement of this migratory-bird law, and that our Senators and Representatives oppose it in every form and manner, even to its repeal.

Investigations into the transactions of the Bureau of Biological Survey will disclose that in connection with the administration of this law there have been many irregularities.

One official who was in immediate charge of framing the aforesaid regulation has so conducted himself that it was deemed necessary to dismiss him from his high position.

Several officers have either been removed or are now under investigation, and one Federal inspector has been indicted for falsifying his expense accounts.

The latter individual while under annual salary and expenses as Federal game inspector also during the same period occupied a position as deputy State game warden in Missouri and received as salary and expenses large sums of money during two years from the Missouri State Game and Fish Commission.

The letters on file in the Biological Survey, and likewise the replies thereto, will disclose correspondence calling attention to this condition over a year ago, but only very recently has it been deemed of sufficient importance to verify the true state of affairs which caused the Federal indictments.

We respectfully submit our plea for such action as your good judgment and regard for justice deems adequate to meet the conditions named herein.

In support of our position, and to show that the residents of Missouri, Illinois, Iowa, Kansas, and Nebraska are not seeking special privileges, nor are they antagonistic to modern methods of wild-life conservation, we with pride call attention to the fact that our State game laws are the most perfect and restrictive legislation of any of the various States.

The Federal regulations also produce such conditions in conflict with our State laws as to sadly deplete our hunting license revenue, necessary to protect not only our native wild game but also protection of our public fishing waters, as well as the nongame song and insectivorous birds of great value to our agricultural interests.

The Federal law affords no substitute for this material damage.

Most respectfully submitted.

THE INTERSTATE SPORTSMEN'S PROTECTIVE ASSOCIATION,
By Dr. S. H. RAGAN, *President*.
W. L. MOORE, *Secretary-Treasurer*.
(Headquarters, Kansas City, Mo.)

Other signatures and addresses: H. C. Norcross, Carlyle, Ill., president Illinois Sportsmen's League; James Haldous, Alton, Ill., president Madison County Sportsmen's League; F. L. Pfeiffer, Centralia, Marion County Sportsmen's League; Robt. Bethmann, East St. Louis, St. Clair County Sportsmen's League; W. A. Jacobs, president Johnstone City Sportsmen's League; John Loos, president St. Clair County Sportsmen's League, Belleville, Ill.; Jas. N. Browne, president Illinois Sportsmen and Game Protective League, Quincy, Ill.; T. V. Brannan, president Cass and Schuyler Counties Association; W. T. Gordley, secretary Cass and Schuyler Counties Association, Virginia, Ill.; F. I. Trunnell, White Hall, Ill., Greene County.

Mr. HAUGEN. Mr. Chairman, I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

[Mr. FERRIS addressed the committee. See Appendix.]

Mr. HAUGEN. Mr. Chairman, I yield one minute to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL of Missouri. Mr. Chairman, I simply want to state that I am opposed to this migratory-game law and will vote for this amendment. I have never missed an opportunity to vote against it when it has been before this House. I believe that the States ought to control the hunting and the killing of game. It is peculiarly the function of the State governments to control the matter of game protection and not the duty of the Federal Government. The citizens of the States are interested in this subject, and the legislatures of all the States, so far as I am acquainted, have by proper legislation undertaken to protect the game throughout the country, and I have no doubt they will continue to do so.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. RUSSELL of Missouri. I regret that I can not; I have only one minute. I have never doubted for a moment that this law is unconstitutional, and that it will be so decided by the Supreme Court of the United States whenever it finally passes upon that question. So far as I am advised, all of the Federal courts of the country that have passed upon it have decided that it is unconstitutional, and I have no doubt that will be the final result in the Supreme Court, but whether it is or not I insist that the States should control this mattter and not the Federal Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEE. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Chairman and gentleman of the committee, I rise to oppose this amendment and I hope the amendment to strike out the appropriation will not prevail. Several Federal courts have passed on the constitutionality of this law, and the Arkansas case, the Shauber case, held it unconstitutional. The case was appealed to the Supreme Court of the United States and was argued before the Supreme Court on February 28, and the Supreme Court ordered a reargument, and the case is now awaiting decision. The Congress of the United States passed this act, and in my judgment, while it is on the statute books, until the court of last resort has passed upon it and held it unconstitutional, the presumption is that it is constitutional.

Mr. FERRIS. Will the gentleman yield?

Mr. CRISP. I can not; I have only three minutes. And I think this House should make the appropriation to carry it into effect. Now, I am from a section of the country that believes in State rights, and I believe in State rights as well as any Member of this House, but this migratory-bird law deals with migratory birds, and it is a well-known fact that the game of this country is rapidly becoming extinct on account of pothunters.

Now, one State in an effort to preserve its game may pass the most stringent, the most perfect law for the preservation and protection of the birds and a State adjoining it, from whence the birds are migrating, can have an open law, and in that State they can kill and destroy them, but the citizens of another State that has a good, wholesome game law can get no benefit or privilege of these birds because they are killed out in another State.

Now, I would not for a moment deprive friends in Indiana, Iowa, and Illinois, and other States from the splendid sport of shooting and killing game birds in season. But, as I understand the law, it allows the Department of Agriculture to regulate and fix the rules and regulations for the enforcement of this law, and if the rules and regulations are such as to deprive citizens of those States from the privilege of shooting game, I think the place to go is to the Department of Agriculture and see if they can get that remedied.

Mr. Chairman, the bird law is a wholesome one and should be retained on the statute books and should be executed. It is well known by the farmers that birds are their good friends, for birds destroy millions of worms, bugs, and insects which destroy crops; so, gentlemen of the House, you who have the interest and welfare of the farmers at heart should vote against the amendment of the gentleman from Kansas. I hope the committee will vote down the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I hope this motion to strike out this paragraph will prevail.

I have listened to a discussion on this subject in this House now several times. I never have heard any lawyer contend that this provision was constitutional. I never have heard any reasons given why it ought not to be held constitutional. The only reasons we have ever heard for maintaining this provision in this bill are the same that have been stated by the gentleman from Georgia [Mr. CRISP], namely, that until there was some decision on the subject we ought not to legislate it out as being unconstitutional by the method of cutting off the appropriation. That argument prevailed the last time this question was before the House for consideration. Perhaps it ought to have prevailed then, but since that time we have had decisions by two different Federal district courts, holding that this law under which the authorities are now acting is unconstitutional, and there has not been any doubt about it in the minds of the court. I do not think there is any doubt about it in the mind of one lawyer out of a hundred. I do not care to argue the legal question, because it seems to me so plain and so clear that there is no tenable theory under which this Government could get constitutional jurisdiction over wild game. It has no property in them, and there is no principle under which this law could be sustained.

Mr. RAKER. Will the gentleman yield right there?

Mr. GREEN of Iowa. Yes.

Mr. RAKER. Now, on the statement that the gentleman has made, that the Government has no property in this wild game, how do you answer the question that we have bird preserves owned by the Government, where the birds are protected and reared? Has not the National Government just as much interest in wild game on its lands as the States have in wild game?

Mr. GREEN of Iowa. I am not talking about the jurisdiction of the United States over its game preserves. It has jurisdiction in the same way over the navigable waters and over the banks of the rivers up to the high-water mark, and to that extent, probably, this law is constitutional, but no more.

Mr. WM. ELZA WILLIAMS. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. WM. ELZA WILLIAMS. I want to illustrate the point in answer to the gentleman. There are no public lands in the State of Illinois or in Iowa, and yet on the theory that the birds will fly across the Mississippi River from Illinois to Iowa, the Government has jurisdiction. That is the theory.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. GREEN of Iowa. I am sorry, but I have not the time to yield.

Mr. SMITH of Minnesota. Had you spring shooting in Iowa before this law went into effect?

Mr. GREEN of Iowa. I could not say, but I think we did before this law went into effect. I want to say further as to why this House ought to cut off this appropriation. It is not merely a matter of killing wild game. The deprivation of that right is not so serious that I would care to stand up here and make any contention about it. But it is a fact that among Federal officials there is a disposition to exercise an authority after it has been held unconstitutional by the court.

Mr. REILLY. Is not the policy of the United States Government as to all laws to assume that they are constitutional until declared unconstitutional by the highest court?

Mr. GREEN of Iowa. I am talking about that very policy.

Mr. REILLY. It would look as if you were referring to the policy of this law entirely. That is the general policy of the United States Government.

Mr. GREEN of Iowa. I was going on further to say how this idea is carried on.

Mr. RAKER. Will the gentleman yield further for just one word?

Mr. GREEN of Iowa. I have only five minutes, and I have not got into the matter I wanted particularly to discuss. Now, in the case of the oleomargarine law with reference to the adulterated butter, there are certain parts of those laws that have been held unconstitutional by the courts. Notwithstanding that, the Government officials undertake to go on and impose penalties in the hope that people are unable to contend against them in the Federal courts, using this law as an engine of oppression, and this manner of acting on the part of Federal officials ought to be restrained by this House.

Mr. HAUGEN. I yield to the gentleman from Washington [Mr. HUMPHREY] four minutes.

The CHAIRMAN. The gentleman from Washington is recognized for four minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I regret that the time has been limited on so important a measure as this. I happen to be one of the Members of the House who belong to that great class known as "sportsmen." I think I know something about this law. The demand for its repeal is simply the old question of human greed and human selfishness that we saw exhibited in regard to the buffalo and which we saw exhibited in regard to the passenger pigeon. Everybody wants to keep on killing until the game is wiped out, without regard to rapid extinction.

My good friend from Illinois [Mr. WM. ELZA WILLIAMS] complains, and complains bitterly, that they do not permit shooting upon certain rivers. Then he tells us his idea of the reason why. He says that the migratory birds must stay on the rivers, because the rivers are their resting grounds. The State of Washington, long before this law was passed, enacted a State law forbidding the shooting of water fowl within 1 mile of either bank of the Columbia River. That is where the birds congregate. We do not want them destroyed. That is why the birds are not permitted to be killed upon the rivers the gentleman from Illinois [Mr. WM. ELZA WILLIAMS] mentions. It is their resting place. The record shows that during the brief time this Federal law has been in existence these migratory birds have been rapidly increasing. As has been said, if you are going to permit one community to shoot out of season during this time of migration, all these birds will be destroyed.

My good friend from Iowa [Mr. GREEN] says he never heard any lawyer say that this law is constitutional. I beg to remind the gentleman of the fact that an able lawyer, once a Member of this House, has written a strong brief on this matter. I refer to Mr. George H. Shiras, 3d. He takes the other side of the case and makes a very strong showing to the effect that the law is constitutional. But there is one thing certain, and that is that whether the law is constitutional or unconstitutional, it has been doing a great deal of good.

You take it in several of the States, they have not attempted to dispute its constitutionality, but have enacted State laws to correspond with it. My good friend from Oklahoma [Mr. FERRIS] says it is very annoying and a great outrage. It is not annoying and it is not an outrage to those who obey it. It is only annoying to those who do not wish to obey the law. They are the only ones who have trouble with it. The law is always annoying to those who wish to disregard it.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. DOOLITTLE. Does the State of Washington permit hunting on the Columbia River at any time?

Mr. HUMPHREY of Washington. No; we do not permit shooting within 1 mile of either bank of the Columbia River. Also in Puget Sound there are some islands where shooting is not allowed. That is to permit these birds to have a resting place. On Lake Washington, one of the largest lakes in the State, shooting is entirely prohibited and also within 1 mile of its shores. These birds must follow the watercourses; there they must rest; and if you are going to permit shooting on these rivers, and especially during the migratory season, these birds will soon be destroyed.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, may I interrupt the gentleman there?

Mr. HUMPHREY of Washington. Yes.

Mr. WM. ELZA WILLIAMS. Tell me the reason of a rule that would prohibit the killing of birds between Minneapolis and Memphis and permit the killing indiscriminately above Minneapolis and below Memphis?

Mr. HUMPHREY of Washington. The reason given by the experts is that that is the great migratory path followed by these birds during their flights north and south. That is where they congregate. If you permit the shooting there, they will soon be exterminated.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. AYRES. Why does not this law prohibit the robbing of the nests in the feeding grounds?

Mr. HUMPHREY of Washington. The gentleman is very much mistaken if he thinks that the rules and regulations of the department do not in every way possible prohibit that.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. LEE. Mr. Chairman, I yield three minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. HAUGEN. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Iowa has consumed 17 minutes.

Mr. CULLOP. Mr. Chairman, I hope the motion of the gentleman from Kansas [Mr. DOOLITTLE] will prevail.

The law has been held to be unconstitutional by the nisi prius courts, for which this appropriation of $50,000 is proposed for the enforcement. An appeal has been taken from the decision of the lower court and it is now pending in the Supreme Court of the United States for final adjudication. Why should we appropriate $50,000 here to enforce a law in which the presumption now under the precedents of this country is that it is unconstitutional? It has been so decided by the lower courts, and that decision is binding until it is reversed by the higher court. Its operation would have been suspended except for the appeal to the Supreme Court of the United States.

Now, what is the condition? The enactment of the law received much censure and it was charged the sole object of it was in the interest of the rich sportsman and against the poor one. It does afford amusement for the sportsmen who can hire a private car and take a vacation in the South in the winter season and in the North in the summer season, and go to the places where they may hunt and shoot game; but as to the man on the farm in the interior of the country, less fortunate, it has taken from him his pleasure and deprived him of a right, and he must be content with keeping his gun in his house while his richer neighbor may enjoy the sport which the Federal law of this country denies to him because of his unfortunate financial condition.

Here is an attempt by the department, under a law already held unconstitutional, to employ men and undertake to deprive the people of the country of a right to which they ought to be entitled under the decisions of the courts of this country. A department seeking to have an appropriation to enforce a law which the courts have held invalid is exhibiting more zeal than is becoming. Further than that, this is a question that the States themselves can better regulate than the Federal Government, and it is one of the rights which the Federal Government in its centralization of power ought not to be permitted by Congress to usurp from the States. The States can control this matter, and it is entirely within their province. They can control it more cheaply than the Federal Government, and they ought to be permitted to do it in the way their citizens prefer.

Mr. Chairman, here is a practical example of the Federal Government encroaching on the rights of the States, usurping a function of the States in the exercise of the police powers which properly belong to the States in better equipping them in the conduct of their local self-government. When the Federal Government takes from the several States functions of their police regulation, it is entering upon a dangerous procedure and one that, if carried to its last analysis, will strip the States of the need of local self-government and transfer to the Federal Government a very difficult and cumbersome duty to regulate the local affairs of the people of the several States. It will require much work and entail enormous expense. In the very nature of such an administration it would require a large force of officials, and would make the private possessions of the individual a game preserve of the Federal Government to be patrolled by a Federal police force, which would prove most distasteful to the citizen. Again, the wishes of the people of all the States are not uniform on this matter. The people of a crop-producing State may have one desire, while those of a stock-producing State may, and doubtless would, have altogether a different one. It is from this viewpoint that we find logical reasons for the argument that this matter should be left to the several States for regulation, where, in my opinion, it properly belongs.

In the stock-raising sections farmers want the right to shoot and kill certain birds which feed among the stock, because they disseminate contagious diseases; carry the same on their feet from one herd to another, and thereby do incalculable injury. In another section, where grain and other farm products are alone raised by the farmer, they do not want them killed, because they feed upon worms and insects which destroy crops. Hence the diversity of wishes about this matter. If left to the States to regulate, each can regulate to the best advantage of its citizens; but if the Federal Government regulates it, it will then be uniform all over the Union, because a law of Congress operates the same throughout the Republic.

But the law gives the opportunity for one class of citizens to exercise a privilege which another class of citizens less fortunate can not exercise, and is, therefore, for this reason discriminatory. Legislation should not, if possible, thus discriminate among our people if it could be avoided, and in this case it can be. Legislation should not take from the States the exercise of police powers if the States can exercise such powers as advantageously for the public, which they can do in this case, and hence here is the basis for denying the appropriation for the enforcement of the law provided for in this paragraph. The department, it seems, is unduly hasty in asking the appropriation for this purpose, when the law has been held invalid by the courts and the appeal is pending for final adjudication. I hope the amendment will be adopted and the paragraph stricken from the bill.

Mr. HAUGEN. Mr. Chairman, so far as the informant of the migratory game birds act is concerned, that is not the question at issue. If that were the question I should vote to support it. I voted for the passage of the bill, and I shall be glad to have it held constitutional; but, as has been admitted here, the law has been declared unconstitutional, and we are now asked to appropriate $50,000 to enforce an act which the courts have held to be unconstitutional; and, so far as I know, no lawyer of any standing will stake his reputation upon an opinion asserting that the law is constitutional. In view of that fact, I believe that the $50,000 can be appropriated to better advantage.

Mr. HUMPHREY of Washington. Mr. George Shiras, a former Member of this House, one of the best lawyers in this country, who has given this subject as much study as any man living, has written a brief upholding the constitutionality of this law.

Mr. HAUGEN. Mr. Chairman, I have so many requests for time that, in order to yield time to others, I shall not take any further time myself, but will insert in the RECORD extracts from the hearing.

The CHAIRMAN. Are there any further questions on that item?

We will now take up 28, pertaining to the migratory-bird law. There is an increase there, Doctor, of $50,940.

Mr. NELSON. I would like to explain, Mr. Chairman, that that increase is required from the fact that the present appropriation of $50,000 is totally inadequate to accomplish the purpose. We are supposed to enforce the migratory-bird law over the entire United States, and $50,000 gives us only 17 inspectors. Seventeen inspectors go a very small way in covering the United States and preventing violations of the law. We have been bombarded by the bitterest kind of criticism and complaint because we were not enforcing that law.

Mr. HOWELL. How many adverse decisions have there been against the constitutionality of the law?

Mr. NELSON. The Shauver decision was the first one, and since then there have been several more. Perhaps Dr. Palmer can tell you more definitely about that.

Dr. PALMER. There have been two adverse decisions by the Federal courts—one in the eastern district of Arkansas and one in the district of Kansas. There was an adverse decision by the Supreme Court of Maine last July, when the question of Sunday hunting was injected, with the idea of setting aside the State law; and very recently—within a few weeks—the Supreme Court of Kansas rendered an adverse decision which was an outgrowth of the same case that was taken into the United States district court of Kansas.

Mr. MCLAUGHLIN. Have any decisions been upheld?

Dr. PALMER. One of the decisions was appealed to the Supreme Court of the United States and argued on the 18th day of last October, but a decision has not been handed down.

Mr. MCLAUGHLIN. Where from?

Dr. PALMER. From the eastern district of Arkansas.

Mr. RUBEY. What are you doing where the decision was appealed from? Are you still enforcing the law in the districts where the appeals are pending?

Mr. NELSON. The law is being enforced the same as ever, until the status of the law is decided by the Supreme Court of the United States.

The CHAIRMAN. They had one decision upholding the law?

Dr. PALMER. There was one case in South Dakota in which the defendant entered a plea of guilty and the court imposed a fine of $100.

Mr. CANDLER. The court held it was unconstitutional in Arkansas?

Dr. PALMER. Two Federal district courts have held the law unconstitutional.

Mr. CANDLER. What courts?

Dr. PALMER. The Federal courts in the eastern district of Arkansas and the district of Kansas. Several other district courts, however, have imposed fines.

Mr. MCLAUGHLIN. The question of the constitutionality of the law was not raised in those cases?

Dr. PALMER. The constitutionality of the law was not raised.

Mr. HAUGEN. Is it the practice of the department to try and enforce laws declared unconstitutional by the district courts and the circuit courts?

Mr. NELSON. We are now warning the public, through the press and otherwise, that they are liable to prosecution if they break the regulations, and are gathering evidence of violations for future use in case the law is declared constitutional.

Mr. HAUGEN. I was trying to get at the general policy of the Government. I happened to know that a few other decisions of the courts held certain rulings of the department to be unconstitutional, notwithstanding the prosecutions continued and people were held up to the extent of a thousand dollars. I should like to know if that is the policy of the Government in general or only that particular department—if that policy is being generally pursued?

Mr. NELSON. The policy that we are carrying out is to gather the evidence and not to institute prosecutions.

Mr. HAUGEN. Enforcing the law, notwithstanding the declaration by the district courts holding departmental rulings unconstitutional?

Mr. NELSON. We are notifying the people that the declaration by the district court that the law is not constitutional does not kill the law. The law still stands to be settled by the Supreme Court of the United States.

Mr. HAUGEN. That is the very thing. But it has in a decree been declared unconstitutional by the lower court and is now up to the Supreme Court.

The CHAIRMAN. What are you going to do if one court holds it constitutional and another court of equal jurisdiction holds it unconstitutional?

Mr. HAUGEN. That does not happen to apply to these cases, as I understand it.

The CHAIRMAN. Yes; the district court of South Dakota held it unconstitutional. Did you not say that, Dr. Palmer?

Dr. PALMER. South Dakota has only one district court. Arkansas has two, the eastern district and the western district. Now, we had some cases in the western district of Arkansas and the judge dismissed some cases, and in other cases, where two or three pleas of guilty were entered, the court let them off with nominal fines, then suspended sentence. It practically resulted in the western district following the eastern district.

The CHAIRMAN. What happened in South Dakota?

Dr. PALMER. A fine of $100 was imposed in one case and one or two cases were dismissed.

The CHAIRMAN. In this case in South Dakota the party pleaded guilty?

Dr. PALMER. The party pleaded guilty and the court filed no formal opinion.

Mr. HAUGEN. Then, so far as that court goes, the law has not been held to be unconstitutional.

That question is now for the Supreme Court to determine, of course. Who is prosecuting the case in the Supreme Court?

Mr. NELSON. The Department of Justice. It appears to me that the fact that one of the Federal courts has declared the law unconstitutional does not set aside or nullify the act of Congress until the Supreme Court has passed on the question.

Mr. HAUGEN. That is one way of construing it. Who is prosecuting the case in the Supreme Court?

Mr. NELSON. The case is being prosecuted by the Department of Justice.

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Mr. NELSON. In that way—that we furnish the information.

Mr. HAUGEN. So it is in the power of the department to suppress or to expedite prosecutions?

Mr. NELSON. By suppressing them, which would not be discharging our duty.

Mr. HAUGEN. If it is found by the Supreme Court that the law is unconstitutional, the fines imposed, referred to as nominal fines, would amount to nothing less than a holdup. You would be fining people or compelling people to pay fines under a law that did not exist?

Mr. NELSON. That law exists so far as the constitutionality——

Mr. HAUGEN (interposing). If it is declared unconstitutional by the higher court?

Dr. PALMER. That happens all the time. A case is tried and determined, but a later decision that the law is unconstitutional does not affect that case. That case is out of the way altogether.

Mr. HAUGEN. In what way? You hold a man for $500 and he pays it?

Mr. MCLAUGHLIN. Yes; and that disposes of the case.

Mr. HAUGEN. And if the courts hold the law to be unconstitutional, do you claim, in justice, that he should have paid the $500?

Mr. MCLAUGHLIN. He has already paid it.

Mr. HAUGEN. Was it justly collected?

Mr. MCLAUGHLIN. It is disposed of, and you can not go back and rake over all those other cases to pay back that man his money.

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Mr. STEELE. I agree with Mr. RUBEY that you are imposing a hardship upon the hunters of the country; that you are collecting this evidence with the purpose, in case the Supreme Court holds it is legal, that you will go on and prosecute these people, when the court now, as far as we know, has decided it is unconstitutional. I think that is a fair construction of the effect of this action upon the hunters of this country.

Mr. NELSON. We are merely carrying out our duty as required by the law. We are not trying to impose extra hardships upon anyone.

Mr. HAUGEN. It was stated a few minutes ago that where nominal fines were imposed they were paid. I have no knowledge of your bureau, but I happen to have knowledge of some other departments of this Government having made certain rules and regulations, the question was brought to the court, and the court held that the department had not the power to make such rules and regulations; and, notwithstanding the decision of the court, it went on and imposed fines in accordance with rules and regulations made. Now, I want to know if that is the practice of this department. I know it to be the practice of another department.

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The CHAIRMAN. If there is any criticism of the bureau at all, Congress must bear its proportionate share of that criticism. These decisions, to which Dr. Palmer called attention, in Arkansas were declared two or three years ago, and since those decisions appropriations for the fiscal year 1915 were passed by Congress, so that we are participes criminis to this crime, if it be a crime, and we can not escape our responsibility in it.

Mr. HAUGEN. I want to say that I concur with and agree with the chairman in what he has stated. I was not criticizing the department. I was asking the question as to what was the practice of the department.

Mr. HAUGEN. I yield three minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, it may be that this act will be held unconstitutional by the Supreme Court. That is not, however a settled question, and I have no hesitation in saying that if it shall be held unconstitutional it will be a public misfortune.

I was very much surprised at the speech of my good friend, the gentleman from Oklahoma [Mr. FERRIS], in which he said this was an idiotic law. I am sure he would not have said that had he had anything but a superficial knowledge of what the law is and what it accomplishes. So far the discussion has gone along the line of the preservation of game; but does the gentleman realize the economic value to every farmer in this country of the migratory birds other than game birds? I used to be very familiar with that subject when that question was before the House. I can not state the figures now, but a single meadow lark upon a farm is worth several dollars to a farmer. Does the gentleman know that at the time this law was passed there were States in this Union that had no laws prohibiting the killing of song birds or birds of any kind? Does the gentleman know that prior to the passage of this law the robin was considered a game bird in some of the States of this Union? Does the gentleman know that since this law was passed a majority of the States, because of the passage of this law, have so amended their laws as to standardize them with the rules and regulations of the Department of Agriculture, made under this Federal law? It is not alone the preservation of game. It is the preservation of the other birds of this country that are of so much value to the farmers from an economic standpoint.

If the gentlemen upon this floor who are now opposed to this law realized the economic value to this country of the birds, there would not be a vote in favor of the motion to strike out this provision. Gentlemen say it is a State matter. Will you tell me how a farmer in one State who is benefited by the birds, as all farmers are, can receive any protection from his State laws if another State permits the indiscriminate slaughter of those birds on their annual journey? Is there any other way by which this subject can be reached except through Federal regulation?

Mr. WM. ELZA WILLIAMS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. WM. ELZA WILLIAMS. In the State of Wisconsin you have many lakes which serve as resting places for the ducks, where they stop in the fall on their way South, so that this law does not operate against hunters in your State. Will you not concede it is an unfair discrimination to a State like Illinois?

Mr. LENROOT. Oh, the gentleman's argument is not against the law but against the regulations. His argument should not be made upon this floor but before the Department of Agriculture. [Applause.]

Mr. LEE. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. OVERMYER].

Mr. OVERMYER. Mr. Chairman, I think the State of Ohio will yield to no other State in the Union in its desire to preserve the game birds of this country; but I wish to remind the committee that so far as my district, which borders on Lake Erie, is concerned, the only time in the year when we have any wild ducks is during the time we are prohibited from shooting them by operation of this law. The State Legislature of Ohio some years ago adopted the provisions of this Federal statute, but at the last session of the legislature the act was repealed. I have had a number of letters and personal interviews with citizens of my district who are protesting against the operation of this law, for the reason that it deprives citizens of northern Ohio of any opportunity to shoot wild ducks, because the only season of the year when they are present is when they are prohibited from shooting by this act. I hope that this motion will prevail, as I do not believe that money should be expended seeking to enforce a law that has been declared unconstitutional by a number of Federal courts. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. SMITH].

[Mr. SMITH of Minnesota addressed the committee. See Appendix.]

Mr. HAUGEN. Mr. Chairman, I yield what time I have remaining to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, I presume that all remember how this finally became a law. It was placed on the Agricultural bill in the Senate. It came back here on the 3d of March, 1911, in the closing hours of Congress when there was no time to explain it and no way to defeat the bill.

Mr. MANN. Will the gentleman yield?

Mr. COX. Yes.

Mr. MANN. Was not that after the House had passed the bill?

Mr. COX. No; it went on over in the Senate. Some one near me says it was after we had defeated the bill. I read the opinion that the bill was unconstitutional, and as a Member of this House and as a lawyer I shall watch with a great deal of interest the decision in that case. If the Supreme Court of the United States upholds this law then so far as I am concerned I will be imbued and endowed with the hope that we can finally get a tariff commission that will go as far as I would like to see it go, and that is to the point of enabling the commission to fix the rate of duties upon goods imported into this country. I do not believe that the law is constitutional, but, of course, we have a right to presume that it is until the court of last resort has spoken on the question. [Applause.] But, Mr. Chairman, to my mind, we are occupying a peculiar position, not only the Committee on Agriculture but the Members of this Congress in appropriating $50,000 a year for a law that every supreme court in the various States, as well as Federal, that have spoken on the subject have declared to be unconstitutional. [Applause.]

Mr. LEVER. Mr. Chairman, the situation is this: Some years ago we passed what was known as the migratory bird law, a law protecting migratory birds from pothunting and indiscriminate killing. The item in this bill carrying $50,000 is intended to enforce the provisions of that law. The department estimated for $99,000 for that purpose. The committee allowed $50,000, which is the amount carried by the current law.

Mr. ADAMSON. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. ADAMSON. If the Supreme Court should hold this unconstitutional the appropriation would be safe in the Treasury?

Mr. LEVER. Without doubt.

Mr. ADAMSON. And if unconstitutional, we will do a little good before that happens.

Mr. LEVER. Yes; several Federal courts have passed on this proposition, one holding it constitutional and two holding it unconstitutional. The case is now before the Supreme Court of the United States for reargument, and it does seem to me that until the case is passed upon by the highest legal authority in the

land we ought to provide the machinery and the appropriation with which to enforce the law as it exists. I am not arguing this from a legal standpoint, because I am not a lawyer, and I know nothing about the constitutionality of this proposition, but I stand here to say, as a student of agricultural economics, as a friend of the farmer in this country, that the farmer of the United States has no better friends in the United States than the birds of the country. [Applause.] Nature works in mysterious ways, and nature provides our bird life for us not only the asthetic pleasure it gives us but for the value of the bird in the economic world. If you destroy the bird life of America to-day, I venture to assert that within six months' time this country will be overrun with worms, bugs, and insects ad infinitum and galore. [Laughter and applause.]

The CHAIRMAN. The question is on the motion to strike out the paragraph.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the juvenile court bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRISP. Mr. Chairman, I ask unanimous consent to extend my remarks on the migratory-bird provision.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the juvenile-court bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. AYRES. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the juvenile-court bill by inserting an article that is written in the Presbyterian Standard.

The SPEAKER. Is there objection?

Mr. BARNHART. I object.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the migratory-bird provision.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Minnesota. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the juvenile-court bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the so-called Susan B. Anthony suffrage amendment.

The SPEAKER. Is there objection?

There was no objection.

Mr. FARR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the migratory-bird provision.

The SPEAKER. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent that my colleague Mr. LINDBERGH may be excused for a few days on account of the sickness of his daughter.

The SPEAKER. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the bill (H. R. 14536) for the extension of the Army remount system by the purchase of pure-bred stallions of a type and breed adaptable to military uses, which has been referred to the Committee on Military Affairs, may be referred to the Committee on Agriculture.

The SPEAKER. Without objection——

Mr. STAFFORD. May I ask the gentleman has that the approval of the chairman of the Committee on Military Affairs?

Mr. LEVER. I did not see the chairman of the Committee on Military Affairs, but I would say to the gentleman from Wisconsin——

The SPEAKER. This bill has always been handled by the Committee on Agriculture, but in some way it got to the other committee. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes) the House adjourned to meet to-morrow, Tuesday, April 25, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Texas City Harbor, Tex., with a view to enlargement and protection (H. Doc. No. 1054); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting final report of the commission to investigate the title of the United States to lands in the District of Columbia, created by the act approved May 30, 1908 (H. Doc. No. 1055); to the Committee on the District of Columbia and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 14426) to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, reported the same without amendment, accompanied by a report (No. 589), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAY of Indiana, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9548) to regulate the wages of certain employees employed in or under the Navy and War Departments of the Government, reported the same with amendment, accompanied by a report (No. 590), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FOCHT, from the Committee on War Claims, to which was referred the bill (H. R. 7182) for the relief of William S. Rote, reported the same without amendment, accompanied by a report (No. 588), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 9737) for the

relief of John A. Bingham, reported the same without amendment, accompanied by a report (No. 593), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 7883) for the relief of Charlotte M. Johnston, reported the same with amendment, accompanied by a report (No. 591), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1443) for the relief of Joe T. White, reported the same with amendment, accompanied by a report (No. 592), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 4880) for the relief of James Bookhamer, reported the same without amendment, accompanied by a report (No. 594), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 9202) for the relief of Joshua Banks Nicholson, reported the same adversely, accompanied by a report (No. 595), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 8384) granting a pension to Ella L. Blondell and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVIS of Texas: A bill (H. R. 14968) to make classifications for military and naval service; to promote preparedness; to provide for adequate and efficient national defense; to require that in all naval and military service of the United States, whether in time of peace or war, wealth shall bear and perform its proportional part of the service, and that money shall be made to fight for its country the same as men; to the Committee on Ways and Means.

By Mr. STEDMAN: A bill (H. R. 14969) for the establishment of Winston-Salem, N. C., as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

By Mr. WEBB: A bill (H. R. 14970) to enlarge the jurisdiction of the municipal court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: A bill (H. R. 14971) to repeal all laws and parts of laws embodied in the statutes of the United States relating to examinations of applicants for positions in the civil service of the United States, commonly called the "civil-service laws"; to the Committee on Reform in the Civil Service.

By Mr. TAYLOR of Colorado: A bill (H. R. 14972) to authorize the establishment of game preserves and sanctuaries in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. TAGGART: A bill (H. R. 14973) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, and amended April 5, 1910; to the Committee on the Judiciary.

By Mr. WEBB: A bill (H. R. 14974) to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota: A bill (H. R. 14975) for the remodeling of the United States Federal building at Aberdeen, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. HILLIARD: A bill (H. R. 14976) to fix the sizes of baskets or other open containers for small fruits or berries; to the Committee on Coinage, Weights, and Measures.

By Mr. SHOUSE: A bill (H. R. 14977) authorizing the Secretary of War to donate to the Grand Army of the Republic post at Hutchinson and the city of Hutchinson jointly, in the county of Reno and State of Kansas, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

By Mr. HAY: Resolution (H. Res. 216) to provide for the discharge of the Committee on Military Affairs from the consideration of H. R. 12766, and for other purposes; to the Committee on Rules.

By Mr. TAYLOR of Colorado: Concurrent resolution (H. Con. Res. 33) authorizing the printing of the bulletin prepared by the Department of the Interior on "Glimpses of our national parks"; to the Committee on Printing.

By Mr. KENNEDY of Rhode Island: Memorial of the General Assembly of Rhode Island, protesting against the passage of H. R. 8929, providing for an inheritance tax; to the Committee on Ways and Means.

By Mr. STINESS: Memorial of the General Assembly of Rhode Island, protesting against the passage of H. R. 8929, providing for an inheritance tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII private bills were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 14978) for the relief of Ida Turner; to the Committee on Claims.

By Mr. BOOHER: A bill (H. R. 14979) granting an increase of pension to James P. Reynolds; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 14980) granting an increase of pension to Margaret Eckstine; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 14981) granting an increase of pension to Albert Flanagan; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 14982) granting an increase of pension to Della W. Smith; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 14983) granting an increase of pension to George Fawn; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 14984) granting an increase of pension to Malcolm W. Sweet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14985) granting an increase of pension to Edward L. Swem; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 14986) granting a pension to Virgil A. Phillips; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 14987) granting an increase of pension to Edward J. Harshman; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 14988) granting an increase of pension to Charles Robinson; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 14989) granting a pension to Nina H. Love; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 14990) granting an increase of pension to Henry E. Garber; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 14991) granting a pension to Sarah T. Welsh; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 14992) authorizing the President to appoint Frank B. Lawson a first lieutenant in the Regular Army; to the Committee on Military Affairs.

By Mr. REILLY: A bill (H. R. 14993) granting a pension to Minnie Hansen; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 14994) authorizing the Secretary of the Interior to cancel abandoned homestead entry of Franklin P. Forsyth (Serial No. 04885), made on February 7, 1911, for Island No. 23 in the Missouri River, it being further described as the fractional section 13, 53, 20, containing 96 $\frac{3}{100}$ acres, and sell said land to John P. Randolph at the Government price and issue a patent to him therefor; to the Committee on the Public Lands.

By Mr. RUSSELL of Missouri: A bill (H. R. 14995) granting an increase of pension to Acan Misplay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14996) granting an increase of pension to Samuel N. Gibbs; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 14997) granting an increase of pension to William W. Mowl; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 14998) reinstating Maj. Benjamin M. Koehler to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. STINESS: A bill (H. R. 14999) granting an increase of pension to Abbie E. Austin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also (by request), memorial of citizens of Colorado Springs, Colo., protesting against action of Judiciary Committee in regard to suffrage amendment; to the Committee on the Judiciary.

Also (by request), petition of Belmont Street Christian Endeavor Society of Watertown, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of sundry citizens and societies of the State of Kansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of C. B. Fish and 36 others, of Knox County, Ohio, favoring pensioning civilians who were employed in the Canal Zone; to the Committee on Appropriations.

By Mr. BAILEY: Petition of sundry citizens of the State of Pennsylvania protesting against bill to create juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CANDLER of Mississippi: Petition of Mrs. S. E. Stanley and others, of Booneville, Miss., favoring House bill 10224, prohibiting rum exports to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. CURRY: Petitions by H. D. Frederick and Thomas A. Evans, of Crockett, Cal., favoring section 56 of the Chamberlain bill providing for a Volunteer Army; to the Committee on Military Affairs.

By Mr. DALE of New York: Memorial of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, memorial of men and women voters of Williams, Ariz., and Elko (Nev.) Civic League, relative to action of Judiciary Committee in regard to suffrage amendment; to the Committee on the Judiciary.

Also memorial of National Democratic Club of New York City, favoring a merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. A. Christie, of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. DAVENPORT: Petition of various citizens of Barnsville, Okla., favoring the passage of House bill 6915, being a bill to grant indefinite leave to superannuated employees of the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Vinita, Welch, Lenapole, Pryor, Broken Arrow, and Hulbert, all in the State of Oklahoma, favoring the passage of House bill 270 or 712; to the Committee on Ways and Means.

By Mr. DILL: Petition of Mr. J. W. Robertson and other residents of Alstown, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. Thomas Burnett and other residents of Wenatchee, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. Thomas Burnett and other residents of Wenatchee, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. J. W. Robertson and other residents of Alstown, Wash., protesting against the passage of House bill 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. T. C. Lammon and other residents of Wenatchee, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. T. C. Lammon and other residents of Wenatchee, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. W. B. Randolph and other residents of Omak, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. W. B. Randolph and other residents of Omak, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. D. M. Gammon and other residents of Dayton, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. G. A. Weeks and other residents of Conconully, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. G. A. Weeks and other residents of Conconully, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. W. E. Schnebly and other residents of Chattaroy, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Miss Mattie L. Sutherland and other residents of Newport, Wash., urging the passage of the joint resolution providing for the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Mr. W. W. Whalen and other residents of Spokane, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. ELSTON: Petition of John Young and other citizens of Berkeley, Cal., against Sunday-observance bill for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of John Young and other citizens of Berkeley, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Benefit Association of the Maccabees, favoring House bill 9329, relative to beneficiary societies and insurance companies; to the Committee on the Post Office and Post Roads.

By Mr. FARR: Petition of United States penitentiary guards at Leavenworth, Kans., relative to increase in pay; to the Committee on Appropriations.

By Mr. GARDNER: Petition of 15 citizens, and Young People's Society of Christian Endeavor, of Amesbury, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAY of Indiana: Petition of Karl B. Davis, of Middletown, Ind., against House bill 563, relative to common carriers, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fred Huckery and others, of Richmond, Ind., against bill for juvenile court in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Fred Huckery, of Richmond, Ind., and others, against bills to amend the postal laws; to the Committee on the Post Office and Rost Roads.

By Mr. HADLEY: Petition of sundry citizens of Port Angeles, Wash., against bill to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HOPWOOD: Petition of guards at Leavenworth (Kans.) Penitentiary, for increase of pay; to the Committee on Appropriations.

By Mr. HOUSTON: Petition of citizens of Hillsboro, Tenn., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hillsboro, Coffee County, Tenn., against act to create juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HILLIARD: Petitions of Mrs. Rose Goodman Chamberlain and 8 others, G. W. Hubbell and 22 others, W. A. McCammon and 14 others, all of Denver, Colo., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HINDS: Petition of 25 citizens of New Gloucester, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota: Petition of sundry citizens of Watertown and Waubay, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of C. W. Jones, of Saylesville, R. I., favoring the passage of Senate bill 4874; to the Committee on Agriculture.

Also, petition of the Ashway Line & Twine Manufacturing Co., of Ashway, R. I., favoring the bill for 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petition of citizens of Williamsport, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of sundry business concerns, favoring bill for the standardization of the lime barrel; to the Committee on Coinage, Weights, and Measures.

By Mr. LOUD: Memorial of Woman's Christian Temperance Union of Coleman, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McDERMOTT: Papers to accompany bill for relief of E. J. Harshman; to the Committee on Invalid Pensions.

By Mr. McFADDEN: Memorial of Methodist Episcopal Church, Woman's Christian Temperance Union, and 29 citizens of Hamlin, 50 of Springville, and 45 of Great Bend, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McKENZIE: Petition of citizens of Dixon, Ill., protesting against passage of House bill 13048, to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MEEKER: Petition of 70 citizens of St. Louis, Mo., favoring Hay bill relative to National Guard; to the Committee on Military Affairs.

Also, petition of 23 citizens of St. Louis, Mo., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of First National Bank of Alturas, Cal., favoring amendment of the Federal reserve bank act; to the Committee on Banking and Currency.

Also, protest against the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, protest against a bill to amend the postal laws by citizens of Hammonton, Cal.; to the Committee on the Post Office and Post Roads.

By Mr. ROUSE: Petition of citizens of the State of Kentucky, protesting against House bill 13048, to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SLOAN: Petition of John H. Freeman and 16 others, of Omaha, Nebr., favoring resolution for increase in pay of custodian employees; to the Committee on Labor.

By Mr. SMITH of Michigan: Papers to accompany House bill 14897, for the relief of Eliza C. Spears; to the Committee on Invalid Pensions.

By Mr. SNELL: Memorial of Henry H. Paradis, George Hensby, S. W. Mayne, A. B. Jamieson, Smith Jamieson, Charles J. Locke, David H. Hesselgrave, F. G. Briggs, Truman R. Griffith, Herbert Washburn, Clark F. Nichols, Henry G. Waddell, F. S. Lawrence, E. R. Johnston, and Roy A. White, of Ogdensburg, N. Y., protesting against the passage of the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Resolution of the Chamber of Commerce of Wilmington, Cal., favoring House bill 4726, for the appointment of a tariff commission; to the Committee on Ways and Means.

Also, petitions protesting against House bills 491 and 6468, to amend the postal laws, from C. F. Morgan and 47 other citizens of Los Angeles, Cal., and William F. Miller and 9 other citizens of Watts, Cal.; to the Committee on the Post Office and Post Roads.

Also, letter from Herbert Edward Law, of San Francisco, Cal., protesting against a power plant being erected on the river boulevard in Washington; to the Committee on the District of Columbia.

Also, petition from George H. Fardo and 45 other citizens, of Los Angeles, Cal., protesting against House bill 13048, entitled "An act to create a juvenile court in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. STINESS: Petition of Ashaway (R. I.) Line & Twine Manufacturing Co., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of Hon. William M. P. Bowen, M. E. Littlefield, Dr. M. M. Blumer, George E. Crowle, George A. Halliwell, and Frank Chapman, all of Providence, R. I., favoring the Chamberlain military bill, especially section 56; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Memorial of citizens of Colorado Springs, Colo., against the delay in House Judiciary Committee reporting suffrage amendment; to the Committee on the Judiciary.

By Mr. TILLMAN: Petition of sundry citizens of Arkansas, favoring amending rural-credit bill; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Fayetteville, Ark., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Gentry, Ark., against bill to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

SENATE.

TUESDAY, *April 25, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the Ruler of the Universe, our highest and first allegiance is to Thee. We would have no part in life apart from Thee. Thou art the giver of every good and perfect gift. We come praying that Thou wilt, through all the manifold ministries of Thy grace, incline our hearts to keep Thy law. Put high and noble thoughts into our minds. Inspire our hearts with all that is purest, highest, and best. We would not have friendship except that which can be sweetened and refined by the divine companionship. We would not have patriotism that is not sanctified by divine grace. Enable us to be true first to our obligations to God and to ourselves. If we are true to Thee and to ourselves, we feel that we can never be untrue to our fellow men. Guide us in the discharge of the duties of this day. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Public Utilities Commission of the District of Columbia, stating that balance sheets for the year ended December 31, 1915, had been forwarded, pursuant to law, to the Speaker of the House of Representatives February 1, 1916, and that additional balance sheets submitted subsequent to February 1 had also been transmitted to the Speaker of the House of Representatives, which was referred to the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 8348) to amend an act entitled "An act to create a Juvenile Court in and for the District of Columbia, and for other purposes," in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district, on the island of Maui, Territory of Hawaii; and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River;

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River;

H. R. 11471. An act to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles;

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations; and

S. J. Res. 121. Joint resolution authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California.

PETITIONS AND MEMORIALS.

Mr. JONES presented memorials of sundry citizens of Pasco and Hoquiam, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of South Dakota. I present a memorial of sundry citizens of Hayti, S. Dak., remonstrating against the United States becoming involved in the European war, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

HAYTI, S. DAK., *April 21, 1916.*

To the Hon. E. S. JOHNSON,
United States Senate, Washington, D. C.:

Whereas we, the undersigned citizens in and about Hayti, Hamlin County, S. Dak., believe that the acts of any of the European nations up to date do not justify the United States to enter the European war, therefore we respectfully petition and request you to exert your influence as a United States Senator to prevent war or anything that leads toward war with any of the European nations.

F. J. BENTHIN
(And many others).

Mr. HUSTING presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Ocean View and Harrington, in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Harrington, Del., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry patriotic societies of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Shillington, Pa., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Allegheny County, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Pittsburgh, Pa., remonstrating against the proposed location of a power plant in the city of Washington, D. C., which was ordered to lie on the table.

He also presented petitions of Capt. Francis P. Siviter Post No. 87, Veterans of Foreign Wars, and of the Allegheny County Central Committee, Veterans of Foreign Wars, of Pittsburgh, Pa., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which were ordered to lie on the table.

Mr. POINDEXTER presented petitions of sundry citizens of King County, Wash., praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of W. D. Schmuck and sundry other citizens of Dolphin, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Dolphin and Sunset, in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Marion Grange No. 276, Patrons of Husbandry, of Buckley, Wash., remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. PHELAN presented a petition of sundry citizens of San Rafael, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Rotary Club of Oakland, Cal., praying for an appropriation of $1,000,000 for the construction of a new Federal building at Oakland, Cal., which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Chamber of Commerce of Coalinga and of the Woman's Club of Carpinteria, in the State of California, praying that an appropriation of $300,000 be made for the improvement of the Yosemite National Park, etc., which were referred to the Committee on Appropriations.

He also presented a petition of the Sacramento Valley Development Association, of Sacramento, Cal., praying for the establishment of the Lassen Volcanic Park district, which was referred to the Committee on Public Lands.

Mr. BURLEIGH presented a memorial of sundry citizens of Rumford, Me., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. ASHURST. I present resolutions adopted by the Central Labor Council, of Globe, Ariz., which I ask may be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

GLOBE CENTRAL LABOR COUNCIL,
Globe, Ariz., April 16, 1916.

Hon. HENRY F. ASHURST,
Washington, D. C.:

Whereas there is a bill (H. R. 456) before Congress for the creation of a Federal commission to preexamine and censor all motion pictures;
Whereas we believe no group of five men are great enough or divine enough to determine what pictures 100,000,000 people should see or should not see, and would naturally be influenced in their decisions by their own petty views on public morals and questions;
Whereas we believe that it is contrary to the fundamental principles of our Government, guaranteeing the freedom of expression; and
Whereas institutions of the same class as the motion pictures, such as the public press, the drama, literature, and art are immune from such censorship; Therefore be it

Resolved, That we, the Globe Central Labor Council, are unalterably opposed to motion-picture censorship and H. R. 456; and be it further

Resolved, That copies of these resolutions be sent to Congressman CARL HAYDEN and Senators ASHURST and SMITH, and that we urge these gentlemen to do all in their power to oppose and prevent the passage of any censorship bills.

Mr. THOMAS. I present resolutions adopted at a meeting of women voters of Colorado in mass meeting assembled in Denver, April 15, 1916, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas President Wilson declared yesterday in his speech in New York that the Democratic Party controls the Government; that he personally is interested in lifting the load depressing humanity: Be it

Resolved, That we, the women voters of Colorado, in mass meeting assembled in Denver, April 15, 1916, in the Broadway Theater, agree with the President, and now demand that the Democratic Party fulfill this responsibility that has been laid upon it by its leader and give at once the necessary aid and facilities for the passage during this session of Congress of the Susan B. Anthony amendment, proposing to enfranchise the women of the Nation; be it further

Resolved, That we protest against the undemocratic methods now being used against this measure to free humanity and the continued blocking of the submission of it to the various States for ratification; be it finally

Resolved therefore, That we call upon the President and all his colleagues to pass the Federal suffrage amendment on to the States without further delay, and that a copy of this resolution be sent to all the administration leaders and to the members of the House Judiciary Committee and to the entire Colorado congressional delegation, to be read into the CONGRESSIONAL RECORD in the Senate and in the House.

Ida Kruse McFarlane, chairman of the mass meeting; Margaret Long, chairman Denver District Congressional Union; Mrs. James B. Belford, First Vice President; Louise Mellen, Second Vice President; M. Jean Gale, Third Vice President; Garnet Isabel Pelton, Fourth Vice President; Ida B. Blakemore, Secretary; Mrs. Helen T. Miller, Treasurer; Kate Russell, Third Vice President State Executive Committee; Frances Wayne, Fourth Vice President State Executive Committee; Mrs. L. M. Culbert and Dora Phelps Buell, National Advisory Committee.

Mr. THOMAS. Mr. President, I ask to have printed in the RECORD copies of two short telegrams passing on the 21st of April between the Senator from Wisconsin [Mr. HUSTING] and certain citizens of the State of Wisconsin.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

[Telegram.]

OCONOMOWOC, WIS., *April 21, 1916.*

Hon. PAUL O. HUSTING,
Washington, D. C.:

We urge upon you to use every effort to keep this Nation at peace.

FERD PABST.
OTTO L. HUEBNER.
ADOLPH VONMOOTEN.
D. G. ENDGERTON.
H. J. FISKE.
FRANK WINTERBOTTOM.
FRANK K. BOYLE.
EDWIN J. WILCOX.
CRISTINE PAWLIK.

[Telegram.]

APRIL 21, 1916.

Mr. FRED PABST AND OTHERS,
Oconomowoc, Wis.:

Answering your telegram, will say that no one is more desirous of keeping this country out of war than I am; but war can best be avoided by wrong yielding to right and not by right yielding to wrong. Would therefore respectfully suggest that you also wire the German ambassador of the fervent desire of all Americans that their country remain at peace, and that peace can best be preserved by the strict observance on the part of the Imperial Government of the provisions of international law governing naval warfare. Would further suggest that you wire the ambassador that all Americans, regardless of their ancestry or sympathies, stand solidly back of their Government in this crisis.

PAUL O. HUSTING,
United States Senator.

SOUTH CAROLINA NAVAL MILITIA.

Mr. SMITH of South Carolina. From the Committee on Immigration I report back favorably without amendment the joint resolution (H. J. Res. 79) authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith, and I ask for its immediate consideration. The joint resolution has been recommended by the Bureau of Immigration and also was unanimously passed in the House. I ask that it be read with a view to its immediate consideration.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of Labor is authorized to permit the South Carolina Naval Militia to occupy the Charleston immigration station and the dock therewith connected and use them as an armory and place of landing under such conditions as may be prescribed by him: *Provided*, That the State of South Carolina shall make, at its own expense, such repairs as may be necessary on said building and dock, ordinary wear and tear excepted, so long as the same is used for the purposes set forth in this resolution: *Provided further*, That the Secretary of Labor may take possession of and reoccupy said immigration station and dock whenever in his judgment he may deem such possession and reoccupancy desirable.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. SMOOT. I should like to ask the Senator for what purpose the buildings are now used?

Mr. SMITH of South Carolina. They are Government buildings, lying there useless. The occupancy for this purpose will tend to preserve them.

Mr. SMOOT. Just one more question. Suppose the buildings were destroyed by fire, who would be responsible for the loss?

Mr. SMITH of South Carolina. I suppose that they are insured as Government buildings.

Mr. SMOOT. They are insured by the Government?

Mr. SMITH of South Carolina. I presume that the Government would not leave that property uninsured there in the fire zone.

Mr. SMOOT. I suppose there may be less risk now, the buildings being unoccupied, than there would be by the occupation of them. I was wondering whether the Senator from South Carolina really knew that the Government has insurance upon them.

Mr. SMITH of South Carolina. I do not think they would be uninsured in view of the fact that they are within the fire zone.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND:

A bill (S. 5737) granting an increase of pension to Lewis B. Cront (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5738) granting an increase of pension to Catherine E. Wilson; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 5739) for the relief of Thomas E. Philips (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5740) granting an increase of pension to Frances A. Knitlin (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5741) granting an increase of pension to John Condon (with accompanying papers);

A bill (S. 5742) granting an increase of pension to Stanford H. Chase (with accompanying papers);

A bill (S. 5743) granting an increase of pension to Mary Lynch (with accompanying papers);

A bill (S. 5744) granting an increase of pension to Simeon H. Haskell (with accompanying papers);

A bill (S. 5745) granting an increase of pension to Henry M. Bennett (with accompanying papers); and

A bill (S. 5746) granting a pension to Charles W. Spencer (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 5747) to provide for the purchase of a site and the erection of a building thereon at the town of Flagstaff, in the State of Arizona; to the Committee on Public Buildings and Grounds.

By Mr. GORE:

A bill (S. 5748) to authorize the issuance of patent to Oscar R. Howard, and for other purposes; to the Committee on Public Lands.

By Mr. O'GORMAN:

A bill (S. 5749) providing for the refund of certain duties incorrectly collected on joss sticks; to the Committee on Finance.

By Mr. MARTINE of New Jersey (by request):

A bill (S. 5750) to regulate the thickness of walls in buildings in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLARK of Wyoming:

A bill (S. 5751) authorizing the addition of certain lands to the Wyoming National Forest, Wyo.; to the Committee on Agriculture and Forestry.

By Mr. TILLMAN:

A bill (S. 5752) granting to the widow of Col. David Du B. Gaillard authority to place, in his memory, a tablet in the memorial amphitheater at Arlington, Va.; to the Committee on the Library.

By Mr. STONE (for Mr. REED):

A bill (S. 5753) granting an increase of pension to Lucy M. Settle (with accompanying papers); and

A bill (S. 5754) granting an increase of pension to John W. Moore (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5755) to reimburse Le Grand C. Cramer for amount of damages to his motor launch *Winminish* by the U. S. launch *Gunedmertrix* at Morris Heights, N. Y., on March 31, 1911; and

A bill (S. 5756) to reimburse A. S. Rosenthal Co., New York City, N. Y., for the nondelivery and loss of a case of silk, the property of the said company, while said case of silk was in the custody of the United States at the United States appraisers' stores at 641 Washington Street, New York City, in October or November, 1914 (with accompanying papers); to the Committee on Claims.

By Mr. OWEN:

A joint resolution (S. J. Res. 124) providing national publicity pamphlets, and for other purposes; to the Committee on Privileges and Elections.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment authorizing the President of the United States to designate such lands which have been or which may hereafter be purchased by the United States in the western part of the State of North Carolina under the provisions of the act of March 1, 1911, as should, in his opinion, be set aside for the protection of game, animals, birds, or fish, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. OLIVER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

OFFICERS ON THE RETIRED LIST.

Mr. DU PONT submitted the following resolution (S. Res. 178), which was read and referred to the Committee on Military Affairs:

Whereas the act approved March 4, 1915, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916" (38 Stat. L., 1068), provides that retired officers of the Regular Army who shall stand a satisfactory medical and professional examination for promotion as now provided for by law, shall be restored to the active list of the Army as supernumerary officers: Therefore be it

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate as to the number of retired officers of the Regular Army who have applied for restoration to the active list of the Army

under the above mentioned act, as to the number who have passed the necessary examinations, and as to the cause of the delay in acting upon their cases.

REPORT ON INDUSTRIAL CONDITIONS IN EUROPE.

Mr. JONES. I have the report of the commissioners of the State of Washington on the work of the American commission that went to Europe to study industrial conditions, rural credits, and so forth. Quite a large edition of this report was printed by the State of Washington, but it is now exhausted, and there is quite a demand for it. It is a very valuable report, in my judgment, and I submit it with the request that it be referred to the Committee on Printing to consider the question of printing it as a public document.

The VICE PRESIDENT. That action will be taken.

NATIONAL DEFENSE.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. CHAMBERLAIN, Mr. BECKHAM, Mr. BROUSSARD, Mr. DU PONT, and Mr. WARREN conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 8348. An act to amend an act entitled "An act to create a Juvenile Court in and for the District of Columbia," and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

WOMAN SUFFRAGE.

The VICE PRESIDENT. The morning business is closed.

Mr. SHAFROTH. Mr. President, I send to the desk Senate joint resolution No. 1 and ask to have it read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read Senate joint resolution 1 proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage, which had been introduced by Mr. SUTHERLAND December 7, 1915, and reported by Mr. THOMAS, from the Committee on Woman Suffrage, January 8, 1916, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said legislatures, shall be valid as part of said Constitution, namely:

"ARTICLE —.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have power, by appropriate legislation, to enforce the provisions of this article."

Mr. SHAFROTH. Mr. President, in the determination of a great question involving the rights and liberties of human beings, the first and most important inquiry is, Is it right? If that question is determined in the affirmative, it should settle all doubts as to the policy of adopting the measure. But, inasmuch as there are those who will not let the righteousness of the cause determine the policy, I wish to discuss this question from the standpoint: First, Is it right? Second, Is it expedient? Third, Is it practicable?

I.

IS EQUAL SUFFRAGE RIGHT?

Mr. President, previous to modern times the prevailing form of government in the world was that of monarchy, which was founded upon the doctrine of the right of one person by force to govern others. The only way such a doctrine maintained its supremacy was through the ignorance of the masses and the appeal to their extreme religious fears in the declaration that the powers of government descended from God to the monarch and that they who did not accept it were heretics. This doctrine was called the "divine right of kings." At times when the rule of the monarch became very oppressive to the lords and barons, the king was required to surrender some of his power, which concessions incidentally gave rights to the people. The government was then called a limited monarchy and was administered chiefly in the interest of the aristocracy.

In the formation of our Republic we put forth to the world new principles of government which seemed so plain to us that we declared them to be self-evident truths. We declared "that all men are created equal," not in intellect, not in color, not in height, not in strength, and not in many other respects, but equal in rights. We declared that man is entitled as an inalienable right to life, liberty, and the pursuit of happiness—that is, that these rights are so sacred that they not only shall not be invaded by others, but that they can not be bartered away even by ourselves. We further declared as our fundamental principle that in order to secure these inalienable rights "governments are instituted among men, deriving their just powers," not from kings, not from presidents, not from parliaments, not from congresses, but "from the consent of the governed."

These principles, according to our ideas of right, constitute the ethics of organized society called government.

While men of our Republic acknowledge these principles of government as applicable to all men, many refuse to recognize them as applicable to women. They cling to their power like the monarchs and the aristocracy clung to theirs. They invoke the divine right of sex as the monarchs asserted the divine right of kings.

An eminent writer has said that all powers of government are either delegated or assumed; that all powers not delegated are assumed, and all assumed powers are usurpations.

Mr. President, the powers of government by which men exercise control over women are not delegated powers, because the women never granted such authority to them. Such powers by men, then, are assumed; and as all assumed powers are usurpations, the exercise of the powers of government by men over women is usurpation. Men condemn usurpation in other men. Why will they not condemn their own usurpation over women?

What right have I to make all the laws which shall govern not only myself but also my wife, sister, and mother, without giving to them any voice in determining the justice or wisdom of those laws, when they are just as intelligent as I? It can only be on the assertion of an assumed or usurped authority—that which we have condemned as being not the source of rightful power.

Lincoln's statement that "no man is good enough to govern another without that other man's consent" even the antisuffragist recognizes as a truth when applied to men. As women are human beings—part of the people—why is it not applicable to them?

All remember Lincoln's declaration that "when the white man governs himself, that is self-government; but when he governs himself and also governs another man, that is more than self-government—that is despotism."

The exercise of any power of government not emanating from the consent of the governed, therefore, is despotism. After men, by the usurpation of power, have attached the elective franchise to themselves, is it an answer to the demand of women for equal suffrage to say that we men have concluded now since we alone have the franchise and no extension of it can be made except with our consent, that suffrage is a privilege which attaches neither to man nor to woman by nature? Is it not as great a usurpation to assume the right to dictate who shall be permitted to vote as it is to seize any other power?

Even if superiority of intellect were a justification for usurpation of human rights, which I deny, man would utterly fail in establishing his superiority. The test of scholarship in all coeducational schools and colleges demonstrates that the girls on an average are equal, if not superior, to the boys. In Colorado more girls attend school than boys, and many more girls graduate from high schools than boys.

Politics is the science of government and men are honored for endeavoring to establish and maintain good government. As the sovereignty of government extends over women, why should not their efforts in the same cause be equally as commendable?

HALF THE PROPERTY OF THE UNITED STATES TAXED WITHOUT REPRESENTATION.

Mr. President, there was a time when all the property of women became their husband's on marriage, and in many countries the law of primogeniture prevailed. Since women now, in the United States, have the right to hold and convey property in their own names, and as women under the laws of inheritance acquire equal estates with men, fully one-half of the real and personal property of the country in each generation becomes vested in women. Their property is annually taxed for the maintenance of government in which they are not permitted to participate.

Have we forgotten the cry of our forefathers, which stirred the blood of every patriotic American, that "taxation without representation is tyranny"? Why is it tyranny to men but not to women? Should women be denied the right to protect, by their votes, their property from excessive tax encumbrances, when the right to encumber it by vote is given to men, some of whom can not read or write our language? Is it sufficient to

say that "they are not the only persons taxed as property holders from whom the ballot is withheld," when the only persons from whom it is permanently withheld are lunatics, idiots, illiterates, and criminals? How would men like to be denied the franchise for such reasons?

WOMAN'S SPHERE.

The arrogance with which men assert that women have a sphere to which they should be confined must be irritating to women of thought and action. Who gave man the right to determine woman's sphere without even consulting her? How chivalrous it is in him to determine for her such a momentous question. How easy it is to have it disposed of by the statement that "it is a mistake to suppose that any human reason or argument is needful or adequate to the assignment of the relative positions to be assumed by man and woman in working out the problems of civilization. This was done long ago by a higher intelligence than ours."

A question of importance has rarely ever been presented but some people have sought to foreclose any argument by claiming that it was settled by the Almighty. How can this claim be reconciled with the fact that it has also been settled in Colorado, Wyoming, Idaho, Kansas, Montana, Washington, Oregon, California, Utah, and Arizona, and in Australia, New Zealand, Norway, Iceland, Finland, Denmark, and in the Canadian Provinces of Alberta, Manitoba, and Saskatchewan? Had God nothing to do with settling it there?

In the days of slavery everyone heard the argument that the negro was not capable of taking care of himself; that it was better for him to have a master, who would care for and protect him; that the patriarchs of old, the chosen men of God, had slaves, and therefore slavery had received the sanction of God and was a divine institution.

Abraham Lincoln said:

> Whenever I hear anyone arguing for slavery I feel a strong impulse to see it tried on him personally.

So whenever I hear men advocating the denial of rights to others, I feel an impulse to see how they personally would appreciate the denial of those rights to themselves.

WOMEN WANT EQUAL RIGHTS.

Mr. President, many assume that women do not want equal suffrage. That is no argument against a woman's right to vote, even if it were true. Even prisoners become satisfied with their conditions. Byron's Prisoner of Chillon says:

> My very chains and I grew friends,
> So much a long communion tends
> To make us what we are:—even I
> Regain'd my freedom with a sigh.

After the Civil War many of the slaves did not want their freedom. They dreaded a change and were satisfied with their condition. Will anyone contend that they should not have had their freedom, even if a majority of them had been satisfied with slavery? Can we justly wipe out the principle of the inalienable rights of a human being by any such false reasoning?

If a majority of the men of a State or of the United States should not care for the elective franchise, would the other men be willing to be deprived of it and of all the benefits that flow from it? There was a time when the suffrage movement was ridiculed so much that it made many women less insistent upon their rights, and no doubt a considerable number were indifferent as to voting; but now the cause of woman suffrage *has made a progress, stimulated by their desire for the franchise*, that is marvelous, contrasted with the sentiment of even 10 years ago. If a woman for any reason should prefer not to vote, she will always have that privilege. Equal suffrage does not force the exercise of it upon anyone. On the other hand, the denial of the franchise deprives not only the one who does not want it, but also the one who does want it and who believes it is her right.

Do women want equal suffrage? Ask the women of Colorado. Submit the question to those who have tried it and scarcely a small minority can be found to vote against it. Whenever a law is disapproved by the people, expression of that sentiment is found in appeals for its repeal. Colorado has had equal suffrage for 23 years, yet no petitions for repeal have ever been presented.

The fact that no member of the General Assembly of Colorado has ever even introduced in that body a bill to resubmit the question to the people shows that there is no demand for any change in the elective franchise of that State. The principle of equal rights for women is as irrevocably determined in Colorado as the freedom of the negro is determined in the Nation.

SUFFRAGE NOT DEPENDENT UPON ABILITY TO FIGHT.

Mr. President, it is contended that woman can not bear arms, therefore, she is not entitled to participate in the affairs of the government of her country. I do not believe the right to vote should be dependent upon the ability to kill. No such distinction is made among the men of the Nation. The strong and the weak, the youthful and the aged, the active and the decrepit are upon an equality in the exercise of their franchise.

It is said that Elizabeth Cady Stanton was once urging woman suffrage when Horace Greeley, invoking this same contention, asked her if there were a call by the Government upon the women for troops what she would do. Instantly she replied, "I would do exactly as you did in the Civil War, Mr. Greeley, hire a substitute."

Even if a woman could not bear arms, she does bear loyal sons, who are ever ready to enlist for the defense of her country. She has a high sense of honor and courage, which for a just cause makes her willing to sacrifice all for her country. The European war has demonstrated that the women of this day have a courage equal to that of the Spartan mothers, who bade their sons on departing for battle to return with their shields or upon them. In case of necessity I am confident that thousands would enter the field, as many have done in the present world's conflict. But it is an outrage that woman should have no voice in the determination as to whether her country should go to war, when the sacrifice of her sons may be required by the Nation, and when her property to the limit of its value may be taken by taxation to prosecute the war. She is not swayed by the same motives as are some men. She does not become a jingo from a selfish desire for promotion or for glory. The thought of wearing epaulets and gold lace does not affect her judgment. She suffers for her loved ones more than does the soldier on the field of battle. She realizes better than man how horrible and destructive is war, both in victory and defeat, and how much the progress of the human race is retarded thereby. It is for these reasons she would act as a balance wheel in the machinery of government.

Mr. THOMAS. Mr. President——

Mr. SHAFROTH. I yield to my colleague.

Mr. THOMAS. Mr. President, I assume that my colleague has not overlooked the fact that during the great conflict in Europe women have taken the places of men in all the industrial departments of life, and are conducting the industries and the ordinary pursuits which are inseparable from existence with a devotion, a courage, and an efficiency equal to that which prevailed prior to the outbreak of the war, and that also in the hospital work and in some lines of field duty, notably in organizations for reserve service in Great Britain, women have been doing and are doing men's work and doing it well. They have done it so well in Great Britain that Mr. Sidney Brooks, one of the leading English writers of this generation and heretofore a strong opponent of woman suffrage in England, has recently declared that woman has earned her right to the enjoyment of political equality and political privilege—a right which he asserts will be freely conceded to women in the British Empire as soon as peace shall have returned and normal conditions again prevail.

Mr. SHAFROTH. Mr. President, I thank the Senator for the statement; and I can go a little further by saying that I have noticed in the newspapers a number of instances in which women have gone into the trenches in the European war by the side of the men where they are fighting in defense of their country.

Mr. President, civilization demands that international disputes shall not continue to be determined by the amount of death and destruction which can be wrought, and woman's influence backed by a vote is greatly needed in the work of creating a tribunal to settle such disputes by arbitration. It is absurd to say that questions of honor can not, as in lawsuits, be settled by international arbitration tribunals. That was the argument that prevented for centuries the passage of laws prohibiting dueling, an institution which sacrificed, under the pretense of maintaining honor, thousands of the most brilliant men of the world; yet no one would now sanction for a minute a return to that destructive practice.

IS IT WRONG TO ADOPT THE CONSTITUTIONAL AMENDMENT?

Mr. President, vigorous objection is made to adopting an amendment to the Federal Constitution providing for equal suffrage on the ground that the elective franchise is a subject inherently within the province of a State, and the adoption of such a constitutional amendment would force upon some States a franchise which they might believe was detrimental to their people. The same objection can be made to the adoption of any constitutional amendment when opposed by even one State.

Some people believe that the United States Government has no right to place an embargo upon what the people of a State shall drink and they regard a prohibition amendment to the Constitution as an infringement of their personal liberty.

It is true the United States Government is one of enumerated, delegated powers, and those powers not delegated are reserved to the States. When applied to a law of which the power to enact

has not been delegated, the argument is invincible, but the adoption of a constitutional amendment is the very delegation of the power to the Federal Government. There is, therefore, as against the adoption of an amendment to the Federal Constitution, no such thing as a "subject inherently within the province of a State."

The Constitution prescribes that—

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution * * * which shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States.

All concede that the adoption of such an amendment in the manner prescribed is legally right. Then, wherein is it morally wrong? The States adopted the Constitution knowing full well of this provision. The safeguard protecting the interest of a State is in the provision requiring such a large majority vote of the Members of each House of Congress to adopt an amendment and in the legislatures of the States to ratify the same. The fact that the people of three-fourths of the States want an amendment is the best evidence that it is morally right.

To us of Colorado who believe that woman's influence in government has always been and is sure to continue to be for the enactment of all good and moral legislation and the enforcement of the same, it is inconceivable that her right to vote could do any harm or wrong to any State.

For these reasons I contend that equal suffrage by State or National constitutional amendment is right.

II.

IS WOMAN SUFFRAGE EXPEDIENT?

Mr. President, the statement is made that even if every woman should exercise the suffrage, "the votes of the thoughtful and conscientious would almost certainly be largely outweighed by the votes of the disreputable, the ignorant, the thoughtless, the purchased, and the coerced."

In that declaration the assumption is made either that the disreputable and ignorant women are in the majority or that the good women will not vote, both of which I most emphatically deny.

The contention that the immoral women in large numbers are eager to vote is refuted by experience. Not more than one-half of 1 per cent of the women are immoral—that is 1 out of every 200—and hence their votes could never constitute a large factor in elections. Women of the red-light district are never eager to vote. They know that their business is unlawful and is liable to be closed if they should take an active part against the candidates who win. It is for that reason they shrink from casting any vote whatever and would not ordinarily participate in elections unless urged to do so by the police force of their city. They dislike to register or give any facts concerning themselves or their names and addresses; they are, therefore, usually unwilling voters, and many are disqualified by reason of the frequent change of habitation.

On the other hand, the good and intelligent women are equally interested with men in good government and respond in about the same proportion as men in performing their duty as citizens.

They are even more interested than men in all movements in behalf of moral uplift and of humanity.

There have been a few instances in which a woman has been guilty of fraud in an election in Colorado. The antisuffragists seemed to have gone into spasms over the occurrence and have urged it as a sure indication of the corrupting influence of women in politics. In reading of the exposure they have totally ignored the fact contained in the same news item that there were 10 or more men implicated with the woman in the fraud, and that the men procured her participation in order to divert suspicion from themselves.

Mr. OWEN. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Oklahoma.

Mr. OWEN. What is the proportion of criminals confined in Colorado of the feminine sex as compared with men?

Mr. SHAFROTH. About one-twentieth. It varies a fraction above or below that; but the average is about one-twentieth.

Mr. OWEN. Then, men would appear to be twenty times as bad as women?

Mr. SHAFROTH. Yes, sir; that seems to be the fact from the criminal court records.

The majority of the press of the country has always been unfair to women in the publication of such incidents. They have always put in headlines the part derogatory of women and have seldom referred to the fact, which usually existed, of more than ten times as many men being implicated in the same fraud. A clipping from a Washington paper contained headlines, in capitals, as follows:

WOMEN'S VOTES AT $1 EACH—THREE FAIR KENTUCKIANS INDICTED FOR FRAUDS AT A SCHOOL ELECTION.

The text of the dispatch, in small type, was as follows:

PIKEVILLE, KY., *February 6, 1915.*

Three women have been indicted on charges of selling votes in the last school election. They will be tried with the 1,100 men who are accused of having committed fraud at the primary election here last August. It was alleged in the indictment that the women sold their votes for $1 each. The trials of those indicted will be resumed on Monday.

What an injustice it was to refer in the headlines to only the fraud of 3 women when the startling fact existed of the commission of election frauds by 1,100 men!

If it is so potential an argument against woman suffrage that a few women have been implicated in election frauds, why is it not ten times as strong an argument against manhood suffrage when the facts will show that there were at least ten times as many men implicated in the same frauds? Since the conviction and disfranchisement on account of election frauds of nearly all of the men of Adams County, Ohio, it seems to me such an argument against woman suffrage would never be urged.

Mr. THOMAS. Mr. President, may I ask my colleague right there whether every argument that is advanced against equal suffrage, if sound and if carried to its logical consequences, would not disfranchise the male citizens of America?

Mr. SHAFROTH. Unquestionably it would. If the argument is valid that because one woman commits a fraud in an election, therefore all the women should not be permitted to vote, it would disfranchise, of course, the men, because ten times as many men as women are guilty of such frauds.

Mr. THOMAS. I suggest whether the arguments of incapacity, of indifference, of ignorance, and the like are not equally conclusive, if conclusive at all, when applied to men?

Mr. SHAFROTH. That is true in almost every instance. I have some statistics here, to which I will refer, as to the number of women who vote. Some say they do not vote, but the statistics show the contrary.

Mr. President, who are these women who, many seem to fear, will have a corrupting influence on elections if given the right to vote? They are our mothers, our wives, our sisters, and our daughters. Is there a man good or bad in high life or low who believes his mother, wife, sister, or daughter would be more corrupt than he in exercising the elective franchise?

Woman's influence has always been for good, and in no sphere has this been better demonstrated than in politics. The election polls, since the advent of woman suffrage in Colorado, with the exception of a few in the low parts of the cities, have been transformed into as respectable places of meeting as dry goods stores or public halls. Laws have been enacted for the very purpose of preventing disturbances. No electioneering is permitted within 100 feet of the voting place. The rowdy element, which was once wont to assemble at and remain around the polls all day, is wanting. There is absolutely no danger of an insult to a woman at the polls where neighbors and friends vote.

The precinct primaries and elections are conducted by local authorities and at public expense and are held at residences or other respectable places. The restraining influence of the presence of women has greatly improved the tone of political conventions and meetings.

PRODUCES BETTER NOMINATIONS.

Mr. President, the influence of women has been felt most, perhaps, in the character of nominations made by each political party. Many men, after denouncing a candidate as dishonest and immoral before his nomination, support him at the election because they believe they must have a consistent party record in order to get subsequent recognition from their party.

Women have no political records to keep consistent. Only in rare instances are they candidates for office. In no instance has a woman in Colorado sought the nomination for any State office, except that of superintendent of public instruction, and able and highly educated women have been elected to that position ever since equal suffrage was adopted. A small percentage of women is elected to the house of representatives and the senate of the general assembly, all of whom have made excellent records.

To such an extent is the moral influence of women felt that if a disreputable candidate is mentioned the argument is urged by men that the women will not support him, and he is generally defeated for nomination or his name by reason of failure of support is not placed upon the primary ballot. Thus,

woman's presence in politics has introduced an independent element which compels better nominations and better officials.

Some fear has been expressed by those who have not observed the operation of the law that women will spend most of their time in politics and thereby neglect their home duties. Ninety-nine per cent of the women in Colorado devote no more time to politics than to attend one or two political meetings every year and go to the polls near their homes on election day and cast their votes. Not one-hundredth part of the time is spent by women in political affairs as is spent by the average woman in social duties.

WILL WOMAN SUFFRAGE PRODUCE DISCORD IN THE FAMILY?

Mr. President, it was predicted by many that equal suffrage, by the discussion of political questions and the merits of candidates for office, would produce dissension in the home which would often culminate in separation and divorce. There is no instance known in Colorado where it was even claimed in a divorce case that the difficulties between the husband and wife arose over disputes as to politics.

A short time before the vote in the United States Senate was taken upon the adoption of the Susan B. Anthony amendment to the Constitution in March, 1914, I wrote a letter to each of the 19 judges of the district courts in the State of Colorado, those being the courts in which nearly all of the divorce actions are brought, which letter was in the following form:

WASHINGTON, D. C., *February 17, 1914.*

Judge GEORGE W. ALLEN,
Courthouse, Denver, Colo.

DEAR JUDGE: There is pending in the Senate a joint resolution for a constitutional amendment granting equal suffrage to women. There has been some contention among those who are opposed to woman suffrage that the passage of such a constitutional amendment would have a tendency to produce quarrels among husbands and wives.

I would thank you very much if you would let me know whether in any divorce case which you have tried it was claimed upon either side that the cause of any dissension or disagreement among the parties to the suit originated from or was caused by differences as to politics or candidates. If there have been any such, I would thank you very much if you would indicate the proportion where such disagreements and difficulties arose as contrasted with the number of divorce cases which you have tried. By giving me this information you will greatly oblige.

Yours, truly, JOHN F. SHAFROTH.

The answer of each of the judges was substantially that given by Judge Allen in the following reply to my communication:

CHAMBERS, DISTRICT COURT,
Denver, Colo., February 24, 1914.

Hon. JOHN F. SHAFROTH,
Washington, D. C.

DEAR SENATOR: I take pleasure in answering your inquiry of the 17th instant.

During my experience on the bench, which has covered a period of approximately 20 years, I have never known of a divorce case among the many as such wherein it was claimed or suggested that political differences in any manner had been the cause of troubles between husband and wife. I know of no divorce case brought in the court wherein it was claimed or alleged upon either side that political differences had caused any dissensions to disturb the marital relations between husband and wife.

Universal suffrage has existed by law in our State since 1893.

Sincerely, yours,

GEO. W. ALLEN,
Judge District Court.

The answers of the other district judges of Colorado to the same effect can be found in a speech I delivered in the Senate on March 2, 1914, printed on page 4141 of the CONGRESSIONAL RECORD of that date.

In view of this unanimous testimony of men who know, what a base slander it is to say that equal suffrage in Colorado causes political quarrels between husbands and wives, resulting in cruelty, which often produces grounds for divorce.

The States of Maine and Colorado are about equal in population. Between 1887 and 1906, according to the only census statistics available, there were granted in Maine 14,194 divorces, of which 4,844 were on the charge of cruelty; while in Colorado, during the same period, there were 15,844 divorces granted, of which 2,717 were on the charge of cruelty. Thus it can be seen that in Colorado woman suffrage has not produced political quarrels resulting in cruelty between husbands and wives.

It may be true that some more divorces have been granted in the far Western States than in some other parts of the country, but that is not due to woman suffrage, for the percentage of divorces was just as great during the years before such States adopted equal suffrage as now. That condition is due to the fact that so many people from the other parts of the Union desiring to avoid the publicity at their home cities and communities of the scandals which grow out of such proceedings go to these far Western States to commence and prosecute their divorce actions.

HIGHER WAGES FROM SUFFRAGE.

Mr. President, that equal suffrage opens to women more positions and occupations, which fact, according to the principle of supply and demand, must produce better wages, it seems to me no one can deny.

There was a time when it was considered unseemly for women to accept employment other than in the factory or in the household. To be a clerk in a store or an office was considered almost scandalous. With such a public sentiment closing the door of opportunity for positions, what chance had women of obtaining employment at remunerative wages? The very agitation for equal suffrage has forced public sentiment to recognize, at least, the right of women to work in any vocation that is honorable.

If it were not that many honorable women in past years persistently advocated equal rights the sphere of labor for women would likely still be principally in the household and factory. The right to exercise the franchise in determining the important questions of city, State, and National Governments, as well as in the selecting of the officers of the same, gives woman that important consideration and respect which everyone possessing power receives.

Deprive any class or nationality of men of the elective franchise, and its detrimental effect would be felt almost immediately. Their petitions for legislation would no longer receive prompt and careful consideration; and if the proposed legislation conflicted with laws favorable to a class of voters, it would be almost impossible to get a legislator or Congressman to introduce and urge such a measure.

Mr. President, while a Member of Congress I appeared with Miss Susan B. Anthony, Dr. Anna Howard Shaw, and others before a committee of the National House of Representatives every session for nine years, begging for a favorable report on the Susan B. Anthony amendment which I had introduced. The most favorable expression we were ever able to obtain from the committee was that the members would give the matter their careful consideration. No report was ever made.

If persons representing one-tenth as many voters had made an appeal for some important legislation affecting their rights, do not we know that those same Congressmen would almost have fought with each other for the privilege of writing a favorable report?

Nor would such effect be produced upon legislators only. A prejudice against a class or nationality deprived of the franchise exists among the masses, and when conflict of interest arises it manifests itself often in violence, which even the officers of the law are powerless to prevent.

Does anyone suppose the Chinese would have received the treatment accorded them had they been voters? Would not their allegiance to a political party have procured the friendship and protection of the members of that party? Would not more positions of employment have been opened to them under that protection, and would not that demand for their labor have produced better wages for them?

If this franchise is so important to men, why is it not equally important to women? If it is so instrumental in getting legislation for men, why would it not be equally effective for women? If it lessens the number of positions available to a class of men to be deprived of their franchise, and consequently affects their wages, why does it not produce the same effect on the positions open to women and their wages?

RESPECT FOR WOMEN.

Mr. President, the contention that women will lose the respect of men has been urged against every advance made by women. From the modifications of the old unjust laws against them to the admission of women to the best colleges and universities of our land the same contention has been made. But is not there as much respect for women now as when under the law the husband had the right to chastise his wife, and when they were debarred from entering colleges and universities?

The respect for woman is based upon her intelligence and morality. Is there anything calculated to degrade her in the act of going to the polls on election day, where she will find in line her neighbors and friends, and casting her vote to determine State and National questions and who shall administer the affairs of the Government? Does any man believe that he has been degraded by casting an honest vote? Why should we assume that it will degrade women and not men?

In Colorado I find no tendency in men to omit the acts of courtesy and respect which women have always commanded.

During the last 20 years I have lived about half the time at Washington City and the other half at Denver, Colo. I have observed the women of those two cities to ascertain, if possible, whether the elective franchise of Colorado has either lowered woman's ideals or changed her refined, womanly qualities. In education, in culture, and in her home influence the Colorado woman is surpassed by none, and her ideals are as lofty and as pure as our own glorious mountains, by which she is surrounded.

These facts, it seems to me, conclusively show that equal suffrage is expedient.

III.

IS EQUAL SUFFRAGE PRACTICABLE?

Mr. President, the contention that equal suffrage is impracticable because women will not vote is flatly contradicted by the election returns in the equal-suffrage States of the Union.

The women in those States, in proportion to their number, cast about as many votes as do the men. This is demonstrated by contrasting the vote in the equal-suffrage States with that of other States of equal population. The assumption that there are as many qualified voters in a State as the census report shows there are inhabitants over 21 years of age is erroneous. The census enumerators do not see each inhabitant, and are encouraged by the people of each city and community to make the enumeration as large as possible, and usually, by duplications and incorrect reports, the number is considerably increased. The enumeration contains all the unnaturalized population as well as those who by statute are permanently disqualified from voting. It contains those who have not resided in the State, county, or precinct long enough to be entitled to vote. Even the registered voters can never all vote. The changes in the addresses of those not having homes is always considerable. The absence from the polls on registration days or election days of voters on account of business, visits, sickness, and so forth, is always large in all States.

The population of Colorado in 1910 was 799,024, and of Maine was 742,371, yet the vote cast in 1912 for presidential electors was 266,871 in Colorado and only 129,636 in Maine.

The population of Kansas in 1910, where woman suffrage now prevails, was 1,690,949, and the population of Oklahoma in 1910, where woman suffrage does not prevail, was 1,657,155, yet the total vote cast in 1914 for governor in Kansas was 530,206, while in Oklahoma it was only 253,682.

The population of the State of Washington in 1910 was 1,141,990 and of Connecticut 1,114,756. The total vote cast in the State of Washington in 1914, where equal suffrage prevails, was 345,279, while in Connecticut, where equal suffrage does not prevail, the vote cast in 1914 was 181,108.

Mr. JONES. Mr. President, I desire to direct the Senator's attention to the fact that there was no election in the State of Washington for governor in 1914; there was in 1912. But in 1914, of course, we had a congressional election, and prohibition resolutions were voted upon. My recollection is that about 350,000 votes were cast on that issue.

Mr. SHAFROTH. Three hundred and forty-five thousand two hundred and seventy-nine is the exact figure given by the World Almanac. I supposed the governor was elected.

Mr. JONES. No.

Mr. SHAFROTH. If he was not elected, of course, it would not have been so important an election as it would if the governor had been elected, and, consequently, it is more favorable to the position I take.

Mr. JONES. Yes; that is true.

Mr. SHAFROTH. Perhaps the clearest demonstration that women do vote when given the franchise is shown in the election returns of such States immediately preceding and immediately after equal suffrage has been adopted. It must be borne in mind also that in all the equal-suffrage States there are many more men of voting age than women. In Colorado there are 85,940 more men.

The vote cast in Arizona in 1912 for President was 23,722. At that election the people of that State adopted an equal-suffrage constitutional amendment. At the next election, in 1914, the total vote cast was 51,007.

In the State of Kansas the total vote cast in 1912 for presidential electors was 305,444. At that same election a constitutional amendment was adopted granting suffrage to women. In the election of 1914 there were cast for governor in that State 530,206 votes.

In the State of Oregon the total vote cast in 1912 for presidential electors was 137,040. At that same election a constitutional amendment was adopted granting suffrage to women. In the election of 1914 there were cast for governor in that State 248,052 votes.

In the State of Washington the total vote cast in 1908 for presidential electors was 183,630. In 1910 woman suffrage was adopted in that State, and in the election of 1912 there were 322,790 votes cast.

Compare the total vote of 1912 with that of 1914 in any State having male suffrage only and you will find that the increase is very inconsiderable if any.

Presidential elections nearly always bring out a larger vote than State elections.

The officers of very few counties in Colorado tabulate the vote at elections by sex, there being no law requiring it, but those of the city of Denver make such tabulation in presidential years.

In the city of Denver there were registered, in 1908, 41,530 men, of whom 36,891 voted, and 35,620 women, of whom 29,085 voted.

In the city of Denver there were registered, in 1912, 46,010 men, of whom 34,632 voted, and 34,170 women, of whom 25,315 voted.

The registrations are very complete, and represent practically all the voters in the city.

It seems to me that these statistics should determine conclusively that women will and do vote at elections in about the same proportion as men.

DO WOMEN VOTE AS THEIR HUSBANDS?

Mr. President, it is said that if women vote they will support the same candidates for office as their husbands, and thereby the vote will be doubled at considerable expense without any gain in result. The sons of a household usually belong to the same political party as their father, but no one would think for that reason the sons should be disfranchised. Perhaps in a majority of instances women do vote the same as their husbands, but when they do not, it is generally because of some reprehensible or immoral conduct upon the part of the candidate which the husband, for party expediency or to keep his own political record straight, may overlook. In such instances her vote is the better for good government.

Women have had equal suffrage in school elections in 28 States of the Union for many years. Has anyone ever contended that the exercise of that right has contaminated school elections or the women who participated therein, or made less efficient the teaching or moral instruction in such States?

It is universally recognized in Colorado that the women who have filled official positions in that State have made excellent records. While only one State elective office has been filled by a woman, namely, superintendent of public instruction, yet women have been appointed on many State boards, and such boards have been better managed than they ever were by men alone.

LAWS IN COLORADO URGED BY WOMEN.

Mr. President, women have materially assisted in having enacted many excellent laws, among which are the following:

Establishing a juvenile court and a code for the treatment of juvenile delinquents and for the punishment of those who contribute to their delinquency, and for the redemption of offenders; a State industrial school for girls; a State home for dependent children; a State home for mental defectives; compulsory education for all children from 8 to 16 years of age; a law preventing child labor during terms of school; establishing parents as joint heirs of deceased children; making it a misdemeanor for adult children to fail to support aged or infirm parents; increasing the age of consent of girls and protecting them by criminal statutes (the age of consent of girls in some States is as low as 12 years); creating a State traveling library commission of women; establishing a pure-food bureau and providing for the enforcement of laws as to pure food; preventing husbands from mortgaging household goods without signature of the wife; providing for examination of teeth, eyes, and ears of school children; creating a bureau for prevention of cruelty to dumb animals; abolishing the sweat box in getting confessions from prisoners; authorizing commutation of sentence for prisoners so that by good conduct and work they can earn their liberty in much shorter time; establishing a board of charities for the supervision of all public prisons and eleemosynary institutions; prohibiting men from taking the earnings of immoral women; providing for protection of children by forbidding publicity in cases in which they are involved; providing for minimum wages for women and minors; providing minimum salary for teachers; providing eight-hour law for miners; creating a public-utilities commission; prohibiting employment of children in certain unhealthy and dangerous occupations; and adopting a State-wide prohibition constitutional amendment.

Every moral law or movement has had the support of a large majority of the women. It was the Interparliamentary Union at London which declared that Colorado has "the sanest, most humane, most progressive, most scientific laws relating to the child to be found on any statute books in the world."

The money raised by taxation for school purposes in Colorado is greater in amount, considering the population, than that raised in any other State of the Union.

EQUAL SUFFRAGE SURE TO WIN.

Mr. President, it is one of the truths verified by history that nearly all the movements in behalf of freedom and liberty have

originated in the mountains or high altitudes. It was in the Alps that freedom was first established in Continental Europe and it was in the Highlands of Scotland that Bruce and Wallace laid the foundation of English liberty—

When Freedom from her mountain height
Unfurled her standard to the air,
She tore the azure robe of night
And set the stars of glory there.

So it was in the Mountain States, the birthplace of freedom, that equal suffrage was first given to women in this Republic. It is as certain to extend to every State in the Union as is the certainty of the ultimate triumph of every principle of right.

Women have in their hearts as much love of liberty and freedom as men. They now have full suffrage in 10 of the States of the Union and have full school suffrage in 18 other States. Giving them limited suffrage will not and should not satisfy them. It is one of the peculiar traits of human nature that palliative measures tending toward liberty simply whet the appetite for absolute freedom.

Mr. President, the advance in the establishment of equal suffrage is simply the progress of evolution in our form of government. It can no more be arrested than can the world's progress in democratic government. Our Declaration of Independence has produced a republic in nearly every country in the Western Hemisphere and has had a modifying influence in behalf of human rights upon every monarchy of Europe and Asia. Education and love of liberty, the solid foundation of all republics, are preparing the world for governments "of the people, for the people, and by the people."

For these reasons, I maintain that equal suffrage is right, expedient, and practicable, and that the highest considerations of the public welfare demand its adoption.

Both of the great political parties are soon to assemble in national convention. May they by strong declarations approve this Senate joint resolution No. 1 and thereby take an advance step in the progress of human rights and good government.

Mr. OWEN. Mr. President, I wish to take only a moment. The argument made by the Senator from Colorado [Mr. SHAFROTH] on woman's suffrage looks to the sovereignty of the people, for when he speaks of the people he speaks of all the people, women as well as men. I regard this recognition of women as most important to the welfare of the American people. Woman's suffrage is a final culmination of the triumph of the people in self-government, and for that reason I take a deep interest in it.

I wish to put in the RECORD the secret treaty of Verona of November 22, 1822, showing what this ancient conflict is between the rule of the few and the rule of the many. I wish to call the attention of the Senate to this treaty because it is the threat of this treaty which was the basis of the Monroe doctrine. It throws a powerful white light upon the conflict between monarchical government and government by the people. The Holy Alliance under the influence of Metternich, the Premier of Austria, in 1822, issued this remarkable secret document:

[American Diplomatic Code, 1778–1884, vol. 2; Elliott, p. 179.]

SECRET TREATY OF VERONA.

The undersigned, specially authorized to make some additions to the treaty of the Holy Alliance, after having exchanged their respective credentials, have agreed as follows:

ARTICLE 1. The high contracting powers being convinced that the system of representative government is equally as incompatible with the monarchial principles as the maxim of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to the system of representative governments, in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known.

ART. 2. As it can not be doubted that the liberty of the press is the most powerful means used by the pretended supporters of the rights of nations to the detriment of those of princes, the high contracting parties promise reciprocally to adopt all proper measures to suppress it, not only in their own States but also in the rest of Europe.

ART. 3. Convinced that the principles of religion contribute most powerfully to keep nations in the state of passive obedience which they owe to their princes, the high contracting parties declare it to be their intention to sustain in their respective States those measures which the clergy may adopt, with the aim of ameliorating their own interests, so intimately connected with the preservation of the authority of the princes; and the contracting powers join in offering their thanks to the Pope for what he has already done for them, and solicit his constant cooperation in their views of submitting the nations.

ART. 4. The situation of Spain and Portugal unite unhappily all the circumstances to which this treaty has particular reference. The high contracting parties, in confiding to France the care of putting an end to them, engaged to assist her in the manner which may the least compromit them with their own people and the people of France by means of a subsidy on the part of the two empires of 20,000,000 of francs every year from the date of the signature of this treaty to the end of the war.

ART. 5. In order to establish in the Peninsula the order of things which existed before the revolution of Cadiz, and to insure the entire execution of the articles of the present treaty, the high contracting parties give to each other the reciprocal assurance that as long as their views are not fulfilled, rejecting all other ideas of utility or other measure to be taken, they will address themselves with the shortest possible delay to all the authorities existing in their States and to all their agents in foreign countries, with the view to establish connections tending toward the accomplishment of the objects proposed by this treaty.

ART. 6. This treaty shall be renewed with such changes as new circumstances may give occasion for, either at a new congress or at the court of one of the contracting parties, as soon as the war with Spain shall be terminated.

ART. 7. The present treaty shall be ratified and the ratifications exchanged at Paris within the space of six months.

Made at Verona the 22d November, 1822.

For Austria: METTERNICH.

For France: CHATEAUBRIAND.

For Prussia: BERNSTET.

For Russia: NESSELRODE.

I ask to have printed in the CONGRESSIONAL RECORD this secret treaty, because I think it ought to be called now to the attention of the people of the United States and of the world. This evidence of the conflict between the rule of the few versus popular government should be emphasized on the minds of the people of the United States, that the conflict now waging throughout the world may be more clearly understood, for after all said the great pending war springs from the weakness and frailty of government by the few, where human error is far more probable than the error of the many where aggressive war is only permitted upon the authorizing vote of those whose lives are jeopardized in the trenches of modern war.

Mr. SHAFROTH. Mr. President, I should like to have the Senator state whether in that treaty there was not a coalition formed between the powerful countries of Europe to reestablish the sovereignty of Spain in the Republics of South and Central America?

Mr. OWEN. I was just going to comment upon that, and I am going to take but a few moments to do so because I realize the pressure of other matters. This Holy Alliance, having put a Bourbon prince upon the throne of France by force, then used France to suppress the constitution of Spain immediately afterwards, and by this very treaty gave her a subsidy of 20,000,000 francs annually to enable her to wage war upon the people of Spain and prevent their exercise of any measure of the right of self-government. The Holy Alliance immediately did the same thing in Italy, by sending Austrian troops to Italy, where the people there attempted to exercise a like measure of liberal constitutional self-government; and it was not until the printing press, which the Holy Alliance so stoutly opposed, taught the people of Europe the value of liberty that finally one country after another seized a greater and greater right of self-government, until now it may be fairly said that nearly all the nations of Europe have a very large measure of self-government.

However, I wished to call the attention of the Senate and the country to this important history in the growth of constitutional popular self-government. The Holy Alliance made its powers felt by the wholesale drastic suppression of the press in Europe, by universal censorship, by killing free speech and all ideas of popular rights, and by the complete suppression of popular government. The Holy Alliance having destroyed popular government in Spain and in Italy, had well-laid plans also to destroy popular government in the American colonies which had revolted from Spain and Portugal in Central and South America under the influence of the successful example of the United States. It was because of this conspiracy against the American Republics by the European monarchies that the great English statesman, Canning, called the attention of our Government to it, and our statesmen then, including Thomas Jefferson, took an active part to bring about the declaration by President Monroe in his next annual message to the Congress of the United States that the United States would regard it as an act of hostility to the Government of the United States and an unfriendly act if this coalition or if any power of Europe ever undertook to establish upon the American Continent any control of any American Republic or to acquire any territorial rights.

This is the so-called Monroe doctrine. The threat under the secret treaty of Verona to suppress popular government in the American Republics is the basis of the Monroe doctrine. This secret treaty sets forth clearly the conflict between monarchial government and popular government and the government of the few as against the government of the many. It is a part, in reality, of developing popular sovereignty when we demand for women equal rights to life, to liberty, to the possession of property, to an equal voice in the making of the laws and the administration of the laws. This demand on the part of the women is made by men, and it ought to be made by men as well as by thinking, progressive women, as it will promote human liberty and human happiness. I sympathize with it, and I hope that all parties will in the national conventions give their approval to this larger measure of liberty to the better half of the human race.

PRICE OF PRINT PAPER.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7617.

Mr. GORE. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Alabama yield to the Senator from Oklahoma?

Mr. BANKHEAD. I do.

Mr. GORE. I will say to the Senator from Alabama that I merely ask unanimous consent to offer a Senate resolution, and I ask that it may lie on the table.

Mr. BANKHEAD. I yield for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. OWEN. I should like to know what the resolution is.

Mr. GORE. I ask that it be read.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 179), as follows:

Resolved, That the Federal Trade Commission be, and is hereby, directed to investigate the recent rapid and unprecedented advance in the price of print paper, and to ascertain and report to the Senate the causes and forces which have brought about such advance of prices.

Mr. GORE. Let the resolution go to the table.

Mr. SMOOT. Let it go over one day.

The PRESIDING OFFICER. The resolution will lie over under the rule.

Mr. GORE. Mr. President, I addressed the Presiding Officer on yesterday for the purpose of offering this resolution, but at the instance of the Senator from West Virginia I deferred its introduction to facilitate the consideration of other business. The adoption of a similar resolution, however, dispenses with the necessity of the passage of the resolution which I have offered.

GOOD ROADS.

Mr. BANKHEAD. I believe when the Senate adjourned last Friday the amendment of the Senator from Nebraska [Mr. NORRIS] was before the Senate.

Mr. SMOOT. Has the bill been presented to the Senate?

The PRESIDING OFFICER. It has not. The Senator from Alabama moves that the Senate proceed to the consideration of House bill 7617.

Mr. OLIVER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McCumber	Saulsbury
Bankhead	Gore	Martin, Va.	Shafroth
Beckham	Hardwick	Martine, N. J.	Sheppard
Borah	Hollis	Myers	Sherman
Brady	Hughes	Nelson	Smith, Ariz.
Burleigh	Husting	Norris	Smith, Ga.
Chamberlain	Johnson, Me.	Oliver	Smoot
Chilton	Johnson, S. Dak.	Overman	Sutherland
Clark, Wyo.	Jones	Owen	Swanson
Culberson	Kenyon	Page	Vardaman
Cummins	Lane	Phelan	Wadsworth
Curtis	Lippitt	Poindexter	Walsh
Dillingham	Lodge	Ransdell	Williams

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day. I wish also to announce the absence of the Senator from Arkansas [Mr. ROBINSON] for unavoidable reasons.

Mr. BECKHAM. I wish to announce that the Senator from Tennessee [Mr. SHIELDS] is absent on account of illness in his family.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Alabama that the Senate proceed to the consideration of House bill 7617.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. LODGE. I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The Senator from Nebraska [Mr. NORRIS] offers the following amendment, which is pending:

On page 12, line 25, after the word "thereof," strike out the comma and the words down to and including the word "thereof," on line 3, page 13, and insert: "but upon satisfactory evidence that such failure of maintenance no longer exists, he may resume the contributions to which the State would be entitled under the provisions of this act."

Mr. NORRIS. Mr. President, I wish the Secretary would read the text of the bill as it will stand if the amendment is agreed to.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. Section 7, if amended as proposed, will read as follows:

SEC. 7. That the Secretary of Agriculture is authorized to withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof; but upon satisfactory evidence that such failure of maintenance no longer exists he may resume the contributions to which the State would be entitled under the provisions of this act.

Mr. BANKHEAD. Mr. President, I understand from hearing the reading of the amendment proposed by the Senator from Nebraska [Mr. NORRIS] that it strikes out the provision of the bill which requires that the Secretary of Agriculture shall give notice that the roads have not been properly maintained. Is that correct?

Mr. NORRIS. Yes.

Mr. BANKHEAD. Mr. President, I hope the Senate will not adopt an amendment like that. I do not think the Secretary of Agriculture ought to be permitted to pounce on the government of a State without the permission of the State, and cut off the State's appropriation because, in his opinion, obtained perhaps from second-hand or some other source, the roads have not been properly maintained. I think it is but fair and just and right that the States should have notice that they have not maintained their roads properly under the provisions of the bill, and that unless they do so within a given time their appropriations will be discontinued.

I hope the amendment will not be adopted. Indeed, I hope my friend from Nebraska will not insist upon it, because it is so unjust and so unfair to the State that I can not conceive any reason why it should be adopted.

Mr. NORRIS. Mr. President, I do not care to again discuss this amendment at any length, because I went over it with some particularity the other day when we had the bill before us. I simply want to call the attention of the Senate to what I believe all students of the subject will give their adherence—that is, that any road bill, whether it be Federal or State, that does not provide for the maintenance of roads after they are built is simply throwing public funds into a rat hole.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield for a question.

Mr. BANKHEAD. Does not the Senator from Nebraska realize that the provisions of the bill for maintenance are just as emphatic and mandatory as they could possibly be written?

Mr. NORRIS. Yes; and I am going to discuss that briefly, since the Senator from Alabama has asked that question. The bill does provide for the maintenance of roads, and that is one reason why I feel inclined to support it. I would not vote for any road bill which I did not believe provided for the maintenance of roads after they were constructed; but while this bill in another place does provide for road maintenance, if we leave in the bill the language which I propose to strike out, it, in my judgment, nullifies the provision of the bill for road maintenance. It would be a legislative crime to use public money to build roads unless we did provide for their maintenance. Everyone knows that, although you may build a perfect highway, if there is no provision for its maintenance it will only be a short time until that highway may become impassable. When you undertake to spend public funds you have no excuse for using them for the purpose if the public highway, or whatever other thing you construct with those funds, is not going to be maintained after it is built. If we, representing the Federal Government, in providing for the building of roads want to see that those roads are maintained it is necessary for us to put something into the bill in the way of a penalty which the Federal Government can inflict if those roads are not maintained. The penalty hurts nobody if the law is complied with; the State loses nothing if the State maintains the road; but if the State does not maintain the road the only thing the Federal Government can do is to suspend future payments. We can not go into court and ask for

the issuance of a mandamus against a State to compel it to comply with an agreement to maintain a highway. That would be an impossibility.

While I am not presuming that a State will violate its agreement, I know that there are public roads which have been built, into the construction of which thousands of dollars have been put, as to which no provision was made for their maintenance; and in a few years they had become worse than nothing. As to any bill for the construction of a road which does not contain any provision or any machinery for the maintenance of the road, that condition will naturally follow, because it will be nobody's business to look after the road after it shall have been constructed. We all know that if we have a road constructed in any locality, very often $1 expended in its maintenance will save $100 of expense a few weeks later. In other words, if the roads which are proposed to be constructed are not maintained, in a short time they will be worse than no roads, whereas by the expenditure of a comparatively small amount of money we can keep them in good condition all the time.

A State that shall not have the machinery for road maintenance and a State that does not keep such machinery actively in operation to maintain the roads ought not to have Federal assistance in building other roads. It is true that when the roads are all built, if the State does not maintain them they would go to ruin, and the Federal Government could not help itself. About the only thing we can do is to say to the State, "If you do not maintain this road, which we in part construct out of the Federal Treasury, then we will give you no more money to help construct other roads." No such notice is necessary. The State knows whether or not it is maintaining the road. If we leave the bill as it is and provide that we must give the State six months' notice, then let us look at it as a practical proposition and see what might happen. Suppose we constructed a road and made it a perfect highway, but nothing was done about its maintenance; that it began to wear out and became worse than no road at all; then, the next year, when the Secretary was going to make another distribution of public funds, he should give notice to the State authorities, that notice must run for six months, and suppose before the expiration of that six months the time comes to make another distribution of Federal money, the Secretary will have no right under this bill to withhold it from that State, although the State may be doing absolutely nothing to maintain the highway which had been constructed with public funds? Do we want that? Is that fair? Will that result in good roads? Will that upbuild the country? Is that the kind of a law that Congress wants to enact?

Why, Mr. President, if the State has not maintained the road, the Secretary of Agriculture ought to be allowed to say—and my amendment would make it his duty to say—"You have not maintained this road and we will give you no further money"; but, in order to save the State, even if that should occur, the amendment provides that afterwards if the State goes to work and maintains that road, then the Secretary of Agriculture, when he comes to distribute more funds, may give the State its proportionate part.

Mr. President, it is argued by the Senator from Alabama, as it was argued by other Senators the other day, that there might be an honest dispute between the Secretary of Agriculture and his engineers and the State engineers. That is true; I admit that. There might be an honest dispute; but if we leave the bill as it is there is just the same probability of that honest dispute existing at the end of the six months. Then, let us see what might happen if that honest dispute is going to take place. We have constructed a road out of Federal funds, the State has not maintained it, and the matter runs along, we will say, until within three months of the next occasion when there must be more money distributed; the State is about to get more money, and the Secretary of Agriculture then gives that State notice, and says, "Unless you maintain this road I will not pay you any more money." That notice must run six months before it is legally effective, and before that time passes the State gets another contribution, but it has not yet commenced to maintain the road, and the matter runs on for another year. As the period for the distribution approaches the State puts its engineers to work and commences to maintain the road, and when the time comes for the distribution it says to the Secretary, "We are now maintaining this road according to law"; but the Secretary says, "No; you are not; my engineers say not." I can conceive of a case where both sides may be honest; but I do not know any way to avoid that difficulty. That difficulty exists in the bill as it stands now, and I do not change it by my amendment; I make it no worse and no better by my amendment. There may be an honest dispute, and, unless you provide some other machinery or make some one supreme above the Secretary of Agriculture, it will remain in that way, whether or not my amendment is adopted.

Mr. President, I have offered this amendment in the best of faith. I am in favor of this bill; I am just as earnestly in favor of it as is any other Senator; but I want the bill to be put in such shape that it can not justly be charged against us that this is a "pork-barrel" proposition. If, however, we throw the money into roads and do not have any way to stop the continued payment of Federal money for roads, whether they are maintained or not, it could then be rightly said that this is a "pork-barrel" measure.

Suppose the amendment is adopted, what will happen? Assuming now, as it is fair to assume, that the Secretary of Agriculture and his engineers are honest; that they are trying to do the best they can; and that the State engineers and the State highways board are equally honest and are trying to do the best they can—if we assume that, and I believe we ought to so assume, for I imagine that would be the general rule, whether this amendment is adopted or not; each side perhaps in most cases will want to do what is right—here we have constructed a piece of road as to the condition of which the engineers of the State and the engineers of the Government know. They know whether it is being maintained or not. The words "properly maintained" are defined in the bill, so that it would not be necessary for an engineer to go out and see whether or not a road is properly maintained. If one went out and found holes as big as that desk, or smaller or bigger, it would not be necessary to send an engineer to decide whether that road was properly maintained. If it were found that an embankment was washed away in one place and not replaced, it would readily be known that that road was not properly maintained. So it seems to me that it is not going to be a very difficult matter to decide whether a State is properly maintaining a road, for everybody on both sides of the proposition would know whether or not the State was maintaining the road. If the State had the machinery to maintain its roads it would maintain them; there is not any doubt about that; and the real place where this amendment would be applicable, Senators, would be in case some State had no such machinery and made no attempt to maintain its roads, and when that is evident, then we ought to stop paying out the public money for the construction of roads in that State. It seems to me that it would be only fair that we should do that, and that as a practical defense of the Treasury of the United States we ought to do that.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. NORRIS. I yield to the Senator.

Mr. WORKS. The bill provides that the word "maintenance" shall be construed as requiring the road to be kept in as good condition as when it was originally constructed. Does the Senator think that is a possible thing to do?

Mr. NORRIS. Yes; I think so. I have not examined into that question, and of course I do not claim to be a road expert, so that I may be mistaken about it; but however that may be, my amendment does not change that definition. If it is an impossibility to do that, then this bill, if it is strictly enforced, means that there will be only one payment, unless the distribution of the next payment comes before the six months' notice expires, as I have described a few moments ago.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to the Senator from California?

Mr. NORRIS. I yield.

Mr. WORKS. And it means that upon the slightest excuse the Secretary of Agriculture can prevent any State from getting an additional appropriation, because the slightest deviation from that requirement of keeping the road in absolutely perfect condition would furnish a reason for refusing the State a share in any more money paid for this purpose.

Mr. NORRIS. Of course, the Senator assumes by that question that the road is perfect when it is built. I do not suppose there will ever be one built that is perfect. I presume, however, that these men will be reasonable about it; and, so far as my amendment is concerned, the question of the Senator from California has nothing to do with it. It would be just the same one way as the other, except that, if it is impossible to comply with that definition, then, with the provision for the six months' notice left in the bill, we will only throw away so much more money than we would if we exclude a State that is not properly maintaining its roads, as I undertake to provide by the amendment I have offered.

I do not believe there is going to be any difficulty between the Federal authority and the State authorities. I know that

there is a possibility of such difficulty, and I do not see how we can frame a law that will entirely avoid that possibility. I do not believe we pass any laws that do not contain such possibilities. As to every law that we pass, and every one that we will pass in the future, if some one in carrying out its provisions fails to do his duty, if a dishonest official has charge of the construction, or a dishonest official has charge of the maintenance of a public building or a public work, of course things will go wrong, and we may expect imperfections. We can not reach perfection; but I take it that these men, imbued with an honest and patriotic desire to carry out the provisions of the bill according to their spirit and intent, will have no difficulty whatever in doing so. I can not conceive how the State engineers and the Government engineers are going to disagree as to whether or not a road is being maintained.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. BANKHEAD. I should like to ask the Senator from Nebraska if he has even a suspicion that the Secretary of Agriculture, under the provisions of this bill, would at any time make a second or a third or any other allotment or appropriation to any road where there was a contention or dispute going on between the Secretary of Agriculture and the road authorities as to its proper maintenance?

Mr. NORRIS. Probably not.

Mr. BANKHEAD. Then that is the whole question.

Mr. NORRIS. Yes; and if that be true, then the bill as originally drawn will compel him to do that very thing if the six months' notice has not expired. It may be admitted by the State—you can put it that strongly—that it is not complying with the law, and still the Secretary is compelled to give that State its proportionate share of the distribution, unless the six months' notice has expired.

Mr. President, I do not care to take the time of the Senate further in the debate.

Mr. VARDAMAN. Mr. President, I am greatly interested in the proposed legislation. I think it is going to be far-reaching in its good effects. I think the enactment of a law of this character at this time is going to give an impetus and encouragement to road building, which we all concede to be a matter of very vital importance to that class of our population who live in the rural sections of this country. It not only means saving in the wear and tear of the vehicles and economizing of time, lessening cost of transporting the products of the farm to the market, but there is an ethical side to the question which has heretofore been overlooked. Good roads mean good schools; better schools mean widening the range of the mental vision, developing to higher and nobler manhood and womanhood the boys and girls of the country. It facilitates social intercourse; social intercourse always begets more generous and sympathetic interests in each other, and as a natural consequence promotes the spirit of cooperation and mutual help. That country is strong and great whose rural population is prosperous and contented.

Daniel Webster once said:

> When the tillage begins, other arts follow. The farmers, therefore, are the founders of human civilization.

And he voiced the distilled wisdom of all the generations of observant statesmen.

Lord Chatham observed that—

> Trade increases wealth and glory of a country, but its real strength and stamina are to be looked for among the cultivators of the land.

I know of no greater service this Government could render itself than to offer encouragement and help in building good roads throughout the rural districts of America.

Of course the amount appropriated by the General Government is comparatively small, and it should be comparatively small. The States should bear the larger part of the expense. In Mississippi the good-roads movement has progressed very rapidly. Within the last few years the counties of the State have invested more than $10,000,000 in this direction, and the good work is hardly begun. I stated on the floor of the Senate a day or two ago that the county in which I live, in 1904, in the great Yazoo-Mississippi Delta, had recently issued bonds to the amount of half a million dollars. I was inaccurate in that statement. I should have said $600,000. This, together with what has already been expended, aggregates more than $1,000,000 invested in that county alone in the last half decade in road building.

I do not share the apprehension of Senators that the States are going to be careless and negligent in the maintenance of the public highways. It is an unreasonable, unnatural, unjustifiable apprehension to entertain, it seems to me. The amount the General Government will have invested will be only a tithe of the total investment, and I think the Congress can safely rely upon the people of the States to protect their own interests and not permit their property to go to wreck by neglect just simply because the General Government has contributed a few dollars toward building the roads. But really I have no objection to an amendment similar to the one proposed by the Senator from Nebraska. I do not object to any reasonable requirement on the part of the General Government of the State to maintain the roads. I want them maintained, and if this stipulation by the General Government in the law shall encourage the States in maintaining their roads, no harm at all will come of it. I do feel, however, and that which I most desire to impress upon my colleagues is that the Democratic Party has promised such legislation as is embodied in this bill; the American people are expecting such legislation, and this Congress will fall far short of its duty if it adjourns without enacting this bill or some similar measure.

Senators if they will may vote to spend millions of dollars for preparation for wars which, in my judgment, will never come, but that fact will not excuse them for a failure to pass this bill. The truth is the larger the appropriation for so-called "preparedness" the greater the necessity for legislation of this character, for the reason that the farmer must be helped. He needs assistance to enable him to bear the increased burden of taxation which preparation for war will impose upon him, for after all the entire burden at last rests upon the aching stoop of the man who cultivates the soil. A great deal has been said on the floor of the Senate since this bill was up for discussion about certain States of the Republic being compelled against their interests to contribute an undue proportion of the amount that is going to be invested in public roads should this bill become law.

The able and eloquent junior Senator from New York [Mr. WADSWORTH] a few afternoons ago had a good deal to say about the large amount—the disproportionate amount—that New York would be called upon to contribute to this fund. With all due respect to the able Senator, New York will not contribute any more proportionately to her wealth than any other State of this Republic. If New York is rich, if her people are fortunate, if they have amassed great wealth, which they have, somebody outside of New York has contributed to that wealth. As a matter of fact, Mr. President, there is not a rood of land in the United States that does not pay tribute to New York. The money barons of New York have forced the business of the Republic to pay heavy tribute to their princely fortunes. A veritable Pactolian stream has been running at full tide in that direction for three-quarters of a century and emptying into that great commercial reservoir the gold coined of the sweat and toil of the millions of American laborers, and the stream continues to run. It seems to me that it is hardly the graceful thing for the representative in this Chamber of that great State, so extraordinarily favored, to object to returning in the way which this bill provides a small part of its enormous profits. No; New York is not called upon by this bill to contribute any more, I repeat, than any other State in this Union in proportion to its wealth; and the total amount which New York will contribute, while large, is no reason why this bill should not be passed. If the building of good roads will benefit the American people, it will be good for New York. If it is good for the American people, it is good for Mississippi. If it contributes to the well-being of the agricultural sections of America, the entire country and the men and women of every other vocation will be benefited by the disbursements under this bill, because we all realize that as the agriculturists prosper all the other business interests of the country prosper. Agriculture is the source of all wealth in this Republic, and whatever adds to the happiness, to the comfort, to the productive capacity of the land of the farmer will benefit the entire population of America.

I hope the bill may not be amended so as to impair its usefulness; but, as I said a moment ago, I have no objection to any reasonable condition upon the appropriation or any requirement by the General Government that the States shall carry out the terms and purposes of the bill.

Mr. OLIVER. Mr. President, I can not clearly understand why the Senator from Alabama [Mr. BANKHEAD] objects so strenuously to the amendment offered by the Senator from Nebraska [Mr. NORRIS]. It seems to me that it is of the most extreme importance. If we are going to adopt this kind of legislation, the utmost safeguards should be set up in order to compel the maintenance of the roads that are constructed under this proposed legislation. It seems to me that the provision in this bill whereby a State is allowed to let its roads run down before further contributions of the Government can be stopped is lamentably weak; and the amendment proposed by the Senator from Nebraska is intended to make it certain that the State

will provide from the very outset for the maintenance in good order and repair of all the roads, under the fear that the moment it ceases to do so further contributions on the part of the Government will be withheld.

Suppose the provision is left in the bill allowing this six months' notice—six months' notice, remember, after the roads have run down, and after the Secretary of Agriculture ascertains that they have run down and are not being properly maintained—in all probability the community will suffer for a year or two years from bad roads before such notice is given.

Mr. President, I am opposed to this legislation altogether, and I propose before the discussion is finished to state my reasons at somewhat greater length than I can do now; but if the legislation is to be had, and if you are determined to pass this revolutionary measure, by all means let us set up the safeguards that are necessary to prevent the waste of the money which the Government is going to place in the hands of the several States.

I hope the Senator from Alabama, who is in charge of the bill, upon full consideration will see his way clear to accept this amendment; and if he does, it will at least make the bill more palatable to us representatives of States that will, as we think, be penalized by the legislation.

Mr. HUGHES. Mr. President, I should like to have the amendment of the Senator from Nebraska stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. Beginning on line 25, page 12, it is proposed to strike out "if within six months after he has given notice in writing to the State highway department such roads be not properly maintained by the State, or any subdivision thereof" and to insert:

> That upon satisfactory evidence that such failure of maintenance no longer exists, he may resume the contributions to which the State would be entitled under the provisions of this act.

Mr. HUGHES. I take it, then, that the objection that is being made is to that part of the amendment of the Senator from Nebraska which seeks to strike out; not the language that he seeks to insert.

Mr. NORRIS. I think so; yes. That is my understanding of the objection.

Mr. HUGHES. Mr. President, I feel myself constrained to agree with the Senator from Nebraska in this matter. It is an attempt on his part to take the precautions that a reasonable man would take if this were a personal project of his own, and he were dealing with his own money. I doubt if the Senator from Alabama [Mr. BANKHEAD] would object to a clause of this kind in a construction contract which he was making.

It is quite possible that without this amendment the alleged purpose of the legislation will be defeated. It is assumed in this bill that we are attempting to encourage the States in road building. It seems to me that the prime object of the bill, however, is to allow politically corpulent gentlemen to waddle back to Washington; that it is for building good roads to the Capital rather than for building good roads into the interior of the country.

I have no political ideas that would prevent me from voting for a good-roads bill if the Treasury of the United States were in a position to permit us to indulge in a pastime of this kind; but it seems to me that when we are, or ought to be, at our wits' end looking for new sources of revenue, and when we have shown to the country that we will not tax anything that can vote, it is a poor time to be looking for new ways of spending money.

I sincerely hope that this attempt on the part of the Senator from Nebraska to safeguard this measure in some degree will prevail.

Mr. VARDAMAN. Mr. President, may I ask the Senator from New Jersey a question?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. HUGHES. I do.

Mr. VARDAMAN. Is the Senator in favor of the bill?

Mr. HUGHES. No; I am not in favor of this bill. I tried to make it plain. I expect to vote against this bill because I do not think we have the money to spend; and I do not think the Senator from Mississippi, any more than the Senator from New Jersey, has a right to vote to spend money that we can not afford.

Mr. VARDAMAN. Mr. President, if the Senator will permit me, I want to say that I think the money to be expended under the provisions of this bill will be very much more beneficial to the American people than the money that is going to be spent to build battleships that are not needed, and organize and equip armies which will be a charge upon the taxpayers for all the years to come, as well as a malign influence upon republican institutions. I do not think this is the time to economize when you are going to benefit the class of people that this bill is intended to benefit. Taking them as a class, the American farmers enjoy fewer privileges, gets less help from the General Government than any other class of our population. And to their credit let it be said they have never demanded any special privileges and are not doing it to-day. Heretofore the men of America who till the soil have been willing to contribute to the material wealth of the country, to feed and clothe the world by their labor, maintain the Nation's commerce in time of peace, and in time of war defend the Nation's flag. The labor upon the farm is not only the source of the greater part of the material wealth, but the men who live close to the soil by reason of their peculiar environments furnish the patriotism which shall save this Republic, if indeed it shall be saved, from the corroding and debauching influence of sordid materialism which is eating out the hearts of some of our people in the congested centers. I protest with all the fervor of my soul against any proposition that will limit the building of public highways because of the enormous outlay which this Congress is to make to buy unnecessary implements of war.

RURAL CREDITS.

Mr. LODGE. Mr. President, I do not know whether it is the intention of the Senator from New Hampshire to go on with the rural-credits bill at 2 o'clock.

Mr. HOLLIS. At 2 o'clock I shall ask the Senate to proceed with that bill.

Mr. LODGE. I have something I want to say about this amendment, but I would have only a minute in which to say it. I think there is a great misconception as to the nature of it.

The PRESIDING OFFICER. If the Senator from Massachusetts will indulge the Chair, the Chair will state that it is so near the hour of 2 o'clock, unless objection is urged, the Chair will lay before the Senate the unfinished business.

Mr. LODGE. I am much obliged to the Chair. I would prefer to go on later.

Mr. HOLLIS. I do not think we need to do that. I ask that the rural-credits bill be now laid before the Senate.

Mr. LODGE. The Senator does not have to make the request. It comes up automatically.

Mr. HOLLIS. If anyone cares to renew the discussion on the good-roads bill, of course that is his right.

Mr. LODGE. I do not want to go on now.

Mr. HOLLIS. Then I ask that the rural-credits bill be laid before the Senate.

Mr. BANKHEAD. Mr. President, I desire to make a short statement in explanation to the Senator from New Hampshire. It is true the calendar shows that the good-roads bill is the unfinished business, but an agreement was reached that the bill was to be taken up in the beginning and we were to have three days, and if we failed to dispose of the bill at the end of that time I would yield to the rural-credits bill. As far as I am concerned I will keep that agreement.

The PRESIDING OFFICER. The Chair asks the Senator from Alabama whether there was a unanimous-consent agreement to that effect.

Mr. LODGE. No; there was no unanimous-consent agreement.

Mr. BANKHEAD. There was no unanimous-consent agreement that the good-roads bill should be taken up. I asked that it be taken up, with an agreement with the Senator from New Hampshire and others interested in the rural-credits bill, and I might add, with the steering committee, that if within three days we were unable to pass the bill we would let it be laid aside temporarily and take up the rural-credits bill, and I am standing by that agreement.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2986.

Mr. SMITH of Georgia. I beg to call the attention of the Chair to the fact——

Mr. BANKHEAD. Will the Senator from Georgia yield to me? It being 2 o'clock I ask now that the good-roads bill be temporarily laid aside.

Mr. SMITH of Georgia. I rise to a question of order.

The PRESIDING OFFICER. The Chair has ruled that Senate bill 2986 automatically comes before the Senate at 2 o'clock. The Senator from Georgia is recognized.

Mr. SMITH of Georgia. The calendar shows that the good-roads bill is the unfinished business of the Senate. We have never displaced it as the unfinished business with anything else. We have temporarily laid aside the unfinished business

to take up the rural-credits bill. I beg that the Chair consult the RECORD of the Senate on that subject before the Chair commits himself to the proposition that the rural-credits bill is the unfinished business.

Mr. LODGE. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. LODGE. I was under the same impression as the Chair. I supposed that the unfinished business was the rural-credits bill. It was my supposition that it came up automatically at 2 o'clock. I find by looking at the calendar that the unfinished business is the good-roads bill. Therefore we can only take up the rural-credits bill by unanimous consent or on motion.

Mr. SMITH of Georgia. That is what I was urging.

Mr. LODGE. I wish to say that I think we should not have these shifting, interlacing, kaleidoscopic bills that are running in and out one behind the other, first as unfinished business and then as something else. If we are going to take up the rural-credits bill it must be taken up on motion and be made the unfinished business.

Mr. HOLLIS. I think the Senator from Massachusetts is misinformed. It is true the calendar states that the good-roads bill is the unfinished business but the calendar does not settle it. It is the RECORD that settles it. Yesterday——

Mr. LODGE. If I am mistaken about it, it is because I supposed, of course, that the calendar is accurate.

Mr. HOLLIS. Yesterday when the unfinished business, the good-roads bill, was laid before the Senate I moved that it be laid aside, not temporarily but that it be laid aside.

Mr. LODGE. Then the rural-credits bill is the unfinished business.

Mr. HOLLIS. I then moved that the rural-credits bill be laid before the Senate for consideration.

Mr. VARDAMAN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Mississippi will state his point of order.

Mr. VARDAMAN. The Senator from Alabama [Mr. BANKHEAD] asked unanimous consent to lay aside the good-roads bill. That is the question that ought to be before the Senate.

The PRESIDING OFFICER. The Chair understands that the question before the Senate is the point of order the Senator from Georgia raised, as to whether Senate bill 2986 is properly laid before the Senate. The Chair was listening to the remarks of the Senator from New Hampshire upon the point of order now suggested by the Senator from Mississippi. The Senator from New Hampshire will proceed.

Mr. HOLLIS. The good-roads bill having been displaced by the action of the Senate in favor of the rural-credits bill, yesterday afternoon at the end of the consideration of the rural-credits bill, I moved that the rural-credits bill be temporarily laid aside. Thereupon it became the unfinished business no matter what the calendar says. I do not think there is any need to discuss it. I think the majority of the Senate will vote to proceed with the rural-credits bill if necessary.

Mr. LODGE. Of course the Senator from New Hampshire can move to take it up, but if it is the unfinished business the calendar is wrong.

Mr. HOLLIS. I think the situation is as I stated it.

Mr. LODGE. The rural-credits bill comes up at 2 o'clock automatically, as I said. There can be no question of that.

Mr. HOLLIS. The Senator from Alabama and I have an understanding.

Mr. MYERS. Mr. President, I wish to ask a question of the Senator from New Hampshire. Was it before or after 2 o'clock yesterday when the Senator from New Hampshire moved to proceed to the consideration of the rural-credits bill?

Mr. HOLLIS. It was at 2 o'clock. The unfinished business was then laid aside and the rural-credits bill was taken up.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. HOLLIS. I do.

Mr. NORRIS. I rise at this time because I want to say something that I think will be of interest to the Senator from New Hampshire. The other day we took up the good-roads bill, and we had up this very amendment that is pending now, and we debated it. The Senator from Alabama said about what he said to-day, and I said then about what I said, and some others said about the same thing, and we were about ready to vote on it when we adjourned. We have again had the amendment up, and we have debated it; and if we lay it aside, perhaps to-morrow we shall take it up and have the same debate over again.

The PRESIDING OFFICER. The Chair feels that he is not being advised as to the point of order.

Mr. NORRIS. If that is not giving the Chair the information he wants on the point of order, I will subside.

Mr. SMOOT. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Utah will state it.

Mr. SMOOT. I wish to ask first if the Chair has laid the rural-credits bill before the Senate?

The PRESIDING OFFICER. The Chair has done so, but the point of order was raised that the Chair erroneously laid the rural-credits bill before the Senate. The Chair is now prepared to rule upon the point of order. The Chair finds that he was in error in the conclusion he arrived at that the rural-credits bill is the unfinished business.

Mr. BANKHEAD. Mr. President, anxious as I am to proceed with the good-roads bill, we have to keep our word and our agreement about it. I hope the Senate will proceed with the consideration of the rural-credits bill.

The PRESIDING OFFICER. The Chair finds, however, upon an examination of the RECORD that he was in error about the matter. It appears quite clearly from the RECORD that when the hour of 2 o'clock arrived on yesterday the Senate, having theretofore taken up for consideration the rural-credits bill, the Senate temporarily laid aside the then unfinished business, being the good-roads bill, and the further consideration of the rural-credits bill was proceeded with in that situation. Accordingly the good-roads bill has preserved its character as the unfinished business before the Senate, and the Chair has erroneously laid before the Senate Senate bill 2986, and the order laying it before the Senate is now revoked.

Mr. HOLLIS. I agree with the Senator from Nebraska that it is desirable to vote on his amendment. I therefore state that I now intend to move that the rural-credits bill be taken up by the Senate for consideration and I will then ask that it be temporarily laid aside until 3 o'clock, hoping that the amendment offered by the Senator from Nebraska may be voted upon before that time. If not voted upon by 3 o'clock I shall ask the Senate to proceed with the rural-credits bill. With that explanation, I move that the Senate proceed to the consideration of Senate bill 2986.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. I ask unanimous consent that the rural-credits bill be temporarily laid aside until 3 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. LODGE. Yes, Mr. President. I desire to speak on the amendment of the Senator from Nebraska, and I much prefer not to go on now. I did not intend to proceed at this time. I supposed the rural-credits bill was coming up and I object.

The PRESIDING OFFICER. The Senator from Massachusetts objects.

Mr. HOLLIS. I ask that Senate bill 2986 be read for action on the committee amendments, unless some one is prepared to speak upon the bill.

Mr. NORRIS. Mr. President, I wish to finish what I desired to say awhile ago when I found I had enlightened the Chair sufficiently on the point of order that was bothering his mind and desisted at his suggestion. I rise now to call the attention of the Senator from Alabama and the Senator from New Hampshire to the fact that we are wasting time in jumping from one bill to the other. I am a friend of both bills; I should like to join with either one of the Senators for any reasonable expedition; but it must be apparent that we shall never make progress if we are going to consider one of the bills until 2 o'clock and then the other one the balance of the day. What has happened illustrates it. We will run on until 2 o'clock, and the next day when we get up the bill at the same hour we will consider the same ground and have practically the same debate until 2 o'clock, and we will make no progress.

I have nothing to say about the legislative program. It seems that the caucus or some other power has appointed a steering committee on the other side, and it decided to go on in this way. I only want to call attention to the fact that you would only be killing time by doing it. Why not take up one of these bills and finish it? We would have had this amendment voted on in less than 10 minutes the other day if we had not stopped its consideration, and now we will have this thing repeated every day and perhaps this evening. We will get to some amendment in the rural credits bill, and it will be thoroughly debated and we will be about ready to vote on it. Then we will stop and adjourn, and the next day, instead of going back to that, we

will take up the good-roads bill and debate over some amendment that we had the day before and forget all about the rural-credits amendment that was debated at one time, and when we get back to that bill again debate that amendment over again.

I do not see why it is not perfectly apparent that we are losing time in this kind of an arrangement. I understand it is the intention of the majority to have both these bills voted on finally. If that is going to be the program, it is very immaterial which one we vote on first, but we will always lose time if we consider one for an hour or two and then consider the other for an hour or two and then go back again to the first one. You will find that this amendment which we debated the second time to-day on the good-roads bill will be debated the third time.

The PRESIDING OFFICER. The Secretary will proceed with the reading of Senate bill 2986 for amendment.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Banking and Currency was, on page 2, line 8, under the heading "Federal farm-loan board," to strike out section 3, in the following words:

SEC. 3. That there shall be established at the seat of government a Federal farm-loan board, which shall be charged with the execution of this act and of all acts amendatory thereof.

The Federal farm-loan board shall consist of five members, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate. Not more than three of said members shall be appointed from one political party. They shall be citizens of the United States and shall devote their entire time to the business of the Federal farm-loan board and shall each receive an annual salary of $12,000, payable monthly, together with actual necessary traveling expenses.

And in lieu thereof to insert:

SEC. 3. That there shall be established at the seat of government in the Department of the Treasury a bureau charged with the execution of this act and of all acts amendatory thereof, to be known as the Federal farm-loan bureau, under the general supervision of a Federal farm-loan board.

Said Federal farm-loan board shall consist of five members, including the Secretary of the Treasury, who shall be a member ex officio, and four members to be appointed by the President of the United States, by and with the advice and consent of the Senate. Of the four members to be appointed by the President, not more than two shall be appointed from one political party, and all four of said members shall be citizens of the United States and shall devote their entire time to the business of the Federal farm-loan board; they shall receive an annual salary of $10,000, payable monthly, together with actual necessary traveling expenses.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JONES. Are the amendments to be passed upon now?

The PRESIDING OFFICER. The Chair so understands. The bill is being read for amendment.

Mr. JONES. I ask that the amendment be passed over for the present.

The PRESIDING OFFICER. The Chair had already announced that the amendment was adopted in the absence of objection.

Mr. JONES. I was listening, and I did not hear the Chair state to the Senate that it would be agreed to without objection. I did not know just how the bill was being read.

The PRESIDING OFFICER. Since there is objection, the Chair will regard the vote as reconsidered.

Mr. JONES. I desire to ask that it be passed over.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. STERLING. Mr. President, this is a very important bill, and the reading of the bill for action on the committee amendments is an important proceeding. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Lippitt	Smith, Ariz.
Bankhead	Gore	Martin, Va.	Smith, Mich.
Beckham	Gronna	Martine, N. J.	Smoot
Borah	Harding	Myers	Sterling
Broussard	Hardwick	Norris	Swanson
Burleigh	Hitchcock	O'Gorman	Thomas
Chamberlain	Hollis	Oliver	Thompson
Chilton	Hughes	Owen	Tillman
Clapp	Husting	Page	Townsend
Clarke, Ark.	Johnson, Me.	Pittman	Underwood
Culberson	Johnson, S. Dak.	Poindexter	Vardaman
Cummins	Jones	Pomerene	Wadsworth
Curtis	Kenyon	Ransdell	Walsh
Dillingham	La Follette	Shafroth	Warren
du Pont	Lane	Sheppard	Williams

The PRESIDING OFFICER. Sixty Senators have answered to the roll call. A quorum is present. The Secretary will proceed with the reading of the bill.

Mr. JONES. I asked that the amendment known as section 3 might be passed over. I am now going to withdraw that request. I simply want, however, to call the attention of the Senate to the fact that the amendment provides for the establishment of a bureau and for the purpose of supervising that bureau a Federal farm-loan board consisting of five persons, who are to be paid a salary of $10,000 apiece. I have looked through the bill hurriedly and I do not find anything in it that requires the exercise of any particular judicial discretion on the part of this board. I can see no reason myself why one man as chief of this bureau can not do whatever is desired to be done under the bill. It seems to me that to have a board of five individuals at a salary of $10,000 a year is useless. It is a very great expense and it will have to be borne by somebody—by the Government or by the people who take advantage of this act. It appears to me that it is wholly unnecessary. I should like to see the amendment rejected and provide for a chief of bureau, and pay him whatever salary seems wise. Let us have a chief of a bureau and then whatever bureau force is necessary, and let that bureau carry out the provisions of the act without forming such an expensive board.

I will therefore move to amend the amendment of the committee in order to get the matter clearly before the Senate. It is rather hard to do it the way the section is framed, but I move to strike out the word "five" in line 3 and insert "one," and if that should be adopted we can change it so as to make that officer the chief of the bureau.

Mr. HOLLIS. Mr. President, the question raised by the Senator from Washington is an eminently fair one. If he will look on page 50 of the bill, section 20, where the powers of the Federal farm-loan board are defined, he will see that there is a great deal of supervisory work to be done, many judgments to be made that will affect all parts of the country, judgments that ought not to rest in the discretion of any one man.

This farm-loan system is for the benefit of the farmers, and it should be considered as somewhat commensurate with the dignity and standing and power of the Federal Reserve Board. There are seven members of that board, and there are none too many. This board will have to deal with interest rates, with the question of issuing charters to land banks, and permitting land banks to open branches. It has to establish a land-bank system and to review and alter interest rates, to give authority to issue farm-loan bonds that will undoubtedly be issued in billions, to make rules and regulations respecting loans and borrowing, and about land titles and recording, to supervise the examination of the various banks, to prescribe the forms for application and report on titles and the forms of the bonds, to look after the surety bonds by the various people who are employed in the system, to look after the payment of coupons and when one bank has to pay for another.

Although the board has been considered by four committees, in which I have taken part, this is the first suggestion that has been made that one man ought to be given the power to perform these judicial functions. On the motion of the Senator from Colorado [Mr. SHAFROTH] the board was cut down from five members at $12,000 each to four members at $10,000 each, with the Secretary of the Treasury added to make the fifth. The Senate committee thus saved the Government $20,000 in that way.

I am afraid it would cripple the system and be considered by the farmers as a slight on them if it were cut down as the Senator from Washington suggests, and I shall be obliged to resist his motion to amend.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. HOLLIS. I yield.

Mr. CURTIS. I notice on page 50 the bill provides the powers of the board, and much of it is in regard to the organization of banks. Why could not the 12 reserve banks that now exist do this work, instead of having it done by new farm-loan banks?

Mr. HOLLIS. Because the Government does not own the Federal reserve banks. The Federal reserve banks are owned by the national banks. They are the only stockholders in them. The national banks have their own system and have their own assets, and they have contributed the stock to the Federal reserve banks. They are for an entirely different purpose, and it would mix matters to impose upon them duties of this sort.

Mr. CURTIS. Why would it be necessary to mix the funds? Could they not be separately kept? These officers are paid by the General Government.

Mr. HOLLIS. If it appears to the Senate that we should load the Federal Reserve Board and the Federal reserve system with the farm-loan business of the country, I, of course, will have to yield, but this also is the first time I have heard a suggestion of that kind.

Mr. CURTIS. Again the other duties to be performed by this board, it seems to me, could be performed or provided for by rules and regulations of the head of the department or the

bureau, as suggested by the Senator from Washington [Mr. JONES].

Mr. HOLLIS. It might be done in 50 other ways. The committee preferred this method, and all committees that have dealt with the bill have subscribed to it.

Mr. CURTIS. May I ask the Senator in charge of the bill if he has made any estimate as to what the putting in operation of this plan will cost and then what the annual cost will likely be thereafter?

Mr. HOLLIS. The bill provides for an organization expense of $100,000.

Mr. CURTIS. Does the Senator have any idea that $100,000 will come anywhere near paying the expenses of the organization?

Mr. HOLLIS. I have no doubt it will.

Mr. CURTIS. Does not the Senator know that the organization of 12 reserve banks cost over $450,000?

Mr. HOLLIS. No; I do not know that, but that would not be the slightest indication as to how much this would cost.

Mr. CURTIS. Are you not in this bill providing for many more agents, examiners, and lawyers than were provided for in the reserve bank system?

Mr. HOLLIS. Certainly; because all the branches, the real banking element of the Federal reserve system, were in existence and all we did was to superimpose the structure of the Federal Reserve Board and 12 banks on it. This is of a vastly different nature. No one can tell how much it will take. It will depend on how many banks are organized, on how many farmers want loans. No one can estimate that. I believe that $100,000 will fully cover the organization expenses.

Mr. JONES. Mr. President, of course I would not want to put any slight upon the farmers, but I do not believe that the farmers of the country would feel that they were slighted if we should find it unnecessary to create three or four positions here in Washington City paying a salary of $10,000 each. I do not believe any of the taxpayers of the country would rise in rebellion against any such act as that. Of course, there is not very much indication of attempting to prevent the establishment of any offices of that sort in the city of Washington; but I recognize that the committee has given this matter very long and careful consideration, and I have a great deal of confidence in their judgment as to what is proper to do, if we are to establish any system of this kind. I had myself thought that we ought to be able to work this out in connection with the Federal Reserve Board, as was suggested by the Senator from Kansas [Mr. CURTIS]. It seems to me that the machinery there ought to be of such a character, and that it is of such a character, that it could take whatever supervisory charge as may be necessary to be exercised over this by the Federal Government; but the committee has not deemed it wise to do that.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield to the Senator from Idaho.

Mr. BORAH. Does not the Senator from Washington think that, if we should put this under the control of the Federal Reserve Board, it would ultimately be dominated by the spirit of—well, that which has more concern with the commercial interests of the country, the banking interests of the country, rather than the farming interests of the country?

Mr. JONES. That is possible.

Mr. BORAH. I think that ultimately the farm credits would be drawn to and controlled by the same forces and influences which would tend to control the commercial credits of the country; and that it would be utterly useless to have a farm-credit system at all if it were dominated and controlled by the same interests. I think the salaries too high and the officers too many, but I would not want to see the system linked up with commerce and credits.

Mr. JONES. Certainly, Mr. President——

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Oklahoma?

Mr. JONES. I shall yield to the Senator in just a moment. Certainly we would not want anything of that sort. What I had more in mind was this: There is certain administrative machinery that we are going to have here in Washington City to supervise this system, which is going to be worked out partly in the country districts through these organizations formed by the farmers. It occurred to me that, so far as the supervisory system here in Washington City is concerned, we ought to be able to use some of the machinery which we now have here to do that. I may be mistaken about it, but I would not want, of course, the system referred to by the Senator from Idaho to get control. I doubt if that would occur if we confined the supervision here in Washington City, or provided for it through the Federal Reserve Board, without connecting it with the various bank organizations throughout the country. I did not have that in mind at all.

I yield to the Senator from Oklahoma.

Mr. OWEN. Mr. President, I merely rose to confirm the suggestion which was made by the Senator from Idaho [Mr. BORAH] that in reality the Federal Reserve Board is dealing with a line of credits which were intended to be kept constantly available, and where the funds were only employed for a very short time, not exceeding 90 days, except in extraordinary cases—usually such securities being handled only for 30 days—from 10 to 20 and 30 days. This volume of commercial bills coming in, their whole mind is set upon the idea of keeping their resources constantly liquid, constantly available, and they have just the contrary point of view from the character of loans which are to be made by the farm-loan board, which contemplates a long period of time and an amortization plan, and is exactly the reverse of the quick liquid assets of the Federal Reserve Board. So their point of view is quite different, and I think it would be very difficult to charge one set of men with the work of keeping a large volume of resources constantly liquid and at the same time pursuing a policy with regard to another set of resources where exactly the contrary policy is to be pursued. I think it is better to have the human brain that is dealing with a long-term loan separate entirely from the personnel which deals with liquid assets.

Mr. JONES. Mr. President, of course if the men at the head of the Federal Reserve Board have to keep their minds in one particular channel, all the time going in one direction, I suppose that will have to be done; that we will have to provide for another system and for a lot of ten or twelve thousand dollar offices. It looks as though when we establish one thing, that is made a sort of precedent or excuse for providing something else, especially if there are any offices connected with it. So here we have provided a Federal board system for a certain purpose and provided a good many officers who must keep their minds going along in the same general direction, and we do not dare to interfere and call them off on something else. Here is another proposition that needs solution. So we must provide for another board here in Washington City, consisting of four or five different persons, and pay them each a salary of $10,000 a year. Possibly we shall find some other line of credits after we enact this law that we have not taken care of, and then we shall have to provide for another board of four or five officers at a salary of $10,000, $12,000, or $15,000 each, and get them to take up that line and keep their minds working along in that direction.

But as to this bureau, I do not know just what it is to do. This bureau is to be supervised by the farm-loan board. As a matter of fact this bureau will do most of the work. If we had one good, level-headed business man at the head of it as chief, and provided him the necessary help, in my judgment, he would work this matter out far better than would four or five different persons working on it, and especially with a Cabinet officer connected with it, appointed for political reasons and for political purposes, who is liable to change from time to time. That is another objection to this board.

I do not believe that any Cabinet officer ought to have any position upon the board of any kind or character. If we are going to provide for a board of five men, let us provide for a board of five men who will keep their positions as provided in this bill, without the changes that come in a Cabinet officer's life, and make the board just as nearly free from political influences as we possibly can. I do not care what administration is in power, the Secretary of the Treasury ought not to be a member of the board. While I feel very much as though I would be compelled to defer largely to the judgment of the chairman of the committee, who has given this matter much more thought and consideration than have I, I do regret that it seems to be necessary to establish a board like this with these high-salaried positions, and especially with a Cabinet officer made a member of it.

Mr. SMOOT. Mr. President, I sincerely hope that the Senate is not going to agree to the provision to pay the members of the Federal farm-loan board $10,000 per annum. I have been thinking, since the motion of the Senator from Washington [Mr. JONES] has been made, of the amounts that have been paid to some of the officials in other departments of the Government. As I remember, the Comptroller of the Treasury is paid $6,000 per annum; the Assistant Secretaries of the Treasury, $5,000 each; the Director of the Mint, $5,000; the Assistant Secretary of War, $5,000; the Assistant Secretary of the Interior, $5,000; the Commissioner of the General Land Office, $5,000; the Commissioner of Indian Affairs, $5,000; the Commissioner of Education, $5,000; the Assistant Postmasters General, $5,000 each; the

Director of the Census, $6,000; United States circuit judges, $7,000 each; and here we are providing in this bill to pay members of this board $10,000 per annum.

I will say to the Senate now that if the bill is passed in this form, providing salaries for members of this board at $10,000 each, it will be pointed to as a precedent by nearly every man holding any of the important positions in the Government to which I have referred as being unjust to him; and I do not see, if we are going to give these men, whoever they may be, a salary of $10,000 a year, that it would be an injustice to the men who are serving in the positions which I have indicated.

Mr. President, the Senator from Washington has not offered an amendment reducing the salaries of the members of the board, but, from what he said, I judge that after the question of the number of members of the board has been determined he intends to offer an amendment to decrease the salaries to be paid them.

The PRESIDING OFFICER. The Chair will advise the Senator from Utah that the Senator from Washington has offered an amendment to strike out the word "five" at the end of line 3, on page 3.

Mr. SMOOT. I understand that the Senator has offered such an amendment, but I simply stated, from what the Senator from Washington had said, that he would no doubt follow that amendment by offering another amendment reducing the amount of compensation to be paid annually to each member of the board.

Mr. President, I am going to ask the Senator in charge of the bill to allow the amendment to go over, for the reason that I have a meeting which I must attend at 3 o'clock, at which I promised to be present, and I desire to say a little more upon the amendment. I ask the Senator, therefore, to let the amendment go over to-day without being acted upon.

Mr. POMERENE. Mr. President, may I ask the Senator just this one question? As I recall, after considerable discussion we made the salaries of the members of the Federal Reserve Board $12,000 per annum. I think I am correect as to that. The amount was cut to $10,000 in the committee. I realize that $10,000 is a pretty good salary, but I also realize that this is a position of very great responsibility, and that we are all interested in having the system made a success, if it is possible to make it a success. I further recognize the fact that success does not depend upon the amount of salary offered; but at the same time there is some reason why there should be substantially the same salary paid to the members of this board that is paid to the members of the Federal Reserve Board.

Mr. SMOOT. Mr. President, I think there is a great difference between the two positions. One reason why, it seems to me, that we should not be so extravagant at this particular juncture is that it will take some time after this bill becomes a law before it can accomplish much—I mean in the volume of business. I am satisfied that we can get just as good men as members of the board at $7,500 per annum as we can at $10,000. Take the Commissioner of Indian Affairs, Hon. Cato Sells. There is no Senator here who does not know that he can make more than $5,000 a year in the practice of his profession. He did not accept the honorable position he holds for the amount of money there is in it, but from a sense of public duty; nor will the men who are appointed to the farm-loan board accept the position because of the amount of compensation provided, even though it be $10,000. I say this, of course, believing that the President of the United States, no matter who he may be, whether the present President or a future President, in appointing members of the board will appoint men in whom he has absolute confidence, men whose past experience has been such that he can trust them to fill such a responsible position.

Mr. President, I repeat my request that the Senator having the bill in charge allow the amendment to go over for the present.

Mr. HOLLIS. Mr. President, I am entirely willing that this amendment be passed over. We will at some future time take up those that are passed over.

Mr. SMOOT. Yes.

The PRESIDING OFFICER. The amendment will be temporarily passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, on page 3, line 15, after the word "one," to strike out "member of said board" and insert "of the members to be appointed by the President"; in line 17, before the words "to serve," to strike out "the President" and insert "him"; in line 18, before the word "one," to insert "and"; in the same line, after the word "years," where it occurs the second time, to strike out "and one for 10 years"; in line 20, before the word "years," to strike out "10" and insert "8"; and in line 22, after the words "as the," to strike out "Farm Loan Commissioner" and insert "farm-loan commissioner"; so as to make the clause read:

One of the members to be appointed by the President shall be designated by him to serve for two years, one for four years, one for six years, and one for eight years, and thereafter each member so appointed shall serve for a term of eight years, unless sooner removed for cause by the President. One of the members shall be designated by the President as the farm-loan commissioner, who shall be the chairman and the active executive officer of said board. Each member of the Federal farm-loan board shall within 15 days after notice of his appointment take and subscribe to the oath of office.

The amendment was agreed to.

The next amendment was, on page 4, line 5, after the words "fixed by the," to strike out "chairman of said board" and insert "Secretary of the Treasury," so as to make the clause read:

The first meeting of the Federal farm-loan board shall be held in Washington as soon as may be after the passage of this act, at a date and place to be fixed by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 6, after line 11, to insert:

The Federal farm-loan board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

The amendment was agreed to.

The next amendment was, on page 6, line 23, after the word "supervision," to insert: "It shall by suitable rules and regulations require all offenses and delinquencies under this act to be forthwith reported to it and to the United States district attorney for the district in which any such offense or delinquency shall occur, and shall institute immediate proceedings in the proper court for the prosecution of any person committing an offense under any provision of this act," so as to make the clause read:

The Federal farm-loan board shall from time to time require examinations and reports of condition of all associations and banks established under the provisions of this act, and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this act, and shall prepare and publish amortization tables which shall be used by associations and banks under its supervision. It shall by suitable rules and regulations require all offenses and delinquencies under this act to be forthwith reported to it and to the United States district attorney for the district in which any such offense or delinquency shall occurr, and shall institute immediate proceedings in the proper court for the prosecution of any person committing an offense under any provision of this act.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to insert:

It shall be the duty of the Federal farm-loan board to prepare from time to time bulletins setting forth the principal features of this act and to distribute the same, particularly to the press, to agricultural journals, and to farmers' organizations; to prepare and distribute in the same manner circulars setting forth the principles and advantages of amortized farm loans and the protection afforded debtors under this act, instructing farmers how to organize and conduct farm-loan associations, and advising investors of the merits and advantages of farm-loan bonds; and to disseminate, in its discretion, information for the further instruction of farmers regarding the methods and principles of cooperative credit and organization. Said farm-loan board is hereby authorized to use a reasonable portion of the organization fund provided in section 36 of this act for the objects specified in this paragraph, and is instructed to lay before the Congress at each session its recommendations for further appropriations to carry out said objects.

The amendment was agreed to.

The next amendment was, under the subhead "Federal land banks," in section 4, page 8, line 24, before the word "directors," to strike out "nine" and insert "five," so as to make the clause read:

Each Federal land bank shall be temporarily managed by five directors appointed by the Federal farm-loan board. Said directors shall be citizens of the United States and residents of the district. They shall each give a surety bond, the premium on which shall be paid from the funds of the bank. They shall receive such compensation as the Federal farm-loan board shall fix. They shall choose from their number, by a majority vote, a president, a vice president, a secretary, and a treasurer. They are further authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as they may deem necessary, and to fix their compensation, subject to the approval of the Federal farm-loan board.

The amendment was agreed to.

The next amendment was, on page 11, line 15, after the word "hereinafter," to strike out "created" and insert "authorized," and in line 18, before the word "provided," to strike out "herein" and insert "hereinafter," so as to make the clause read:

After the subscriptions to stock in any Federal land bank by national farm loan associations, hereinafter authorized, shall have reached the sum of $100,000, the officers of said land bank shall be elected and appointed as hereinafter provided and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers appointed and chosen under this section.

The amendment was agreed to.

The next amendment was, on page 11, line 23, before the word "members," to strike out "nine" and insert "five"; in

line 24, before the words "of said," to strike out "Six" and insert "Three"; and, on page 12, line 1, before the word "directors," to strike out "three" and insert "two," so as to make the clause read:

The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of five members, each holding office for three years. Three of said directors shall be known as local directors, and shall be chosen by and be representative of national farm loan associations; and the remaining two directors shall be known as district directors, and shall be appointed by the Federal farm-loan board and represent the public interest.

The amendment was agreed to.

The next amendment was, on page 12, line 12, before the word "local," to strike out "six" and insert "three," so as to make the clause read:

Farm-loan associations limited and farm-loan associations unlimited shall, respectively, have representation on the board of directors in proportion to the amount of unpaid principal on loans made to their members by the land bank and actually outstanding three months before each election. If the amount unpaid on the principal of loans outstanding in either division shall amount to less than $1,000,000, all associations in the district shall vote together for all three local directors.

The amendment was agreed to.

The next amendment was, on page 12, line 16, before the word "local," to strike out "six" and insert "three," and in line 25, before the word "persons," to strike out "twenty" and insert "ten," so as to make the clause read:

Two months before each election the farm-loan commissioner shall determine the proportional representation of each division as herein prescribed, and shall allot to each division its respective proportion of the three local directors. He shall forthwith notify each farm-loan association in writing that such election is to be held, giving the number of directors to be elected by each division, and requesting each association to nominate one candidate for each director to be voted for in its division. Within 10 days of the receipt of such notice each association shall forward its nomination to said farm-loan commissioner. Said commissioner shall prepare a list of candidates for local directors, the 10 persons receiving the highest number of votes in each division from farm-loan associations making such nominations to be placed on the list for such division. One month before said election said farm-loan commissioner shall mail to each association the list for its division. The directors of each association shall cast the vote of said association for as many candidates on said list as there are vacancies to be filled, and shall forward said vote to the farm-loan commissioner within 10 days after said list of candidates is received by them. The candidates receiving the highest number of votes from associations making choice in each division shall be elected respectively as local directors. In case of a tie the farm-loan commissioner shall determine the choice.

The amendment was agreed to.

The next amendment was, on page 13, line 15, before the word "years," to strike out "three" and insert "two"; in line 18, before the word "serve," to strike out "It shall designate one of said directors to serve for a term of two years and one to" and insert "The other district director shall"; and in line 20, before the word "years," to strike out "three" and insert "two," so as to make the clause read:

The Federal farm-loan board shall designate one of the district directors to serve for two years and to act as chairman of the board of directors. The other district director shall serve for a term of one year. After the first appointments each director shall be appointed for a term of two years.

The amendment was agreed to.

The next amendment was, on page 13, line 23, after the word "designate," to strike out "two" and insert "one"; in line 25, after the word "meeting," to strike out "two" and insert "one"; and on page 14, line 1, before the word "whose," to strike out "two" and insert "one," so as to make the clause read:

At the first regular meeting of the board of directors of each Federal land bank it shall be the duty of the local directors to designate one of the local directors whose term of office shall expire in one year from the date of such meeting, one whose term of office shall expire in two years from said date, and one whose term of office shall expire in three years from said date. In making such designations an equitable allotment shall be made between directors chosen in the two divisions in accordance with the proportional representation determined by the farm loan commissioner. Thereafter every director of a Federal land bank chosen as hereinbefore provided shall hold office for a term of three years. Vacancies that may occur in the board of directors shall be filled in the manner provided for the original selection of such directors.

The amendment was agreed to.

The next amendment was, under the subhead "Capital stock of Federal land banks," in section 5, page 15, line 10, before the word "each," to strike out "$10" and insert "$5," so as to make the clause read:

The capital stock of each Federal land bank shall be divided into shares of $5 each, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States.

The amendment was agreed to.

The next amendment was, on page 16, line 11, after the word "notice," to strike out "subject to" and insert "with," so as to read:

If within 90 days after the opening of said books any part of the minimum capitalization of $500,000 herein prescribed for Federal land banks shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the balance thereof on behalf of the United States, said subscription to be subject to call in whole or in part by the board of directors of said land bank upon 30 days' notice, with the approval of the Federal farm-loan board; and the Secretary of the Treasury is hereby authorized and directed to take out shares correspondingly to the unsubscribed balance as called, and to pay for the same out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 16, line 22, after the word "held," to insert "therein," so as to read:

After the subscriptions to capital stock, exclusive of Government subscriptions, shall amount to $500,000 in any Federal land bank, said bank shall apply semiannually to the payment and retirement of stock held by the United States, one-quarter of all sums thereafter subscribed to capital stock, until all stock held therein by the United States is retired at par.

The amendment was agreed to.

The Secretary resumed the reading of the bill, and read to the bottom of page 18.

Mr. CURTIS. Mr. President, I should like to ask the chairman of the committee if they discussed or considered the advisability of making loans to farmers without requiring them to organize?

Mr. HOLLIS. Yes; that was very carefully considered.

Mr. CURTIS. Did not the committee think it would be better to let owners of farms borrow money directly, rather than to require them to go into the associations?

Mr. HOLLIS. No; that would be entirely outside of the plan that the committee adopted. In the first place, if the farmer borrows directly from the Federal land bank, we lose the indorsement of the loan association, which strengthens the loan very much, and therefore strengthens the security of the bonds; we lose the individual liability of the other members of the association, and have not as good a security. We do not secure the interest of the borrower in the system, in the first place, to see that none but good loans are made, and to help carry on the local business. We lose the entire cooperative feature of the plan, which we think it is very essential to secure. But we have provided for private joint-stock banks which can do exactly what the Senator suggests—loan directly to the farmer without forming any association. If the farmer does not want to go in on the cooperative side and do part of the work and furnish part of the additional security, then he may have recourse to the private joint-stock bank, where he does not have to do any of that work, and does not have to pay for any of it.

Mr. CURTIS. But he must join or become a stockholder in a bank?

Mr. HOLLIS. Not at all. If he does not care to join the association, then he borrows directly from one of the private banks, and does not become a stockholder or a shareholder in any sense. He is provided for either way he wants to be.

Mr. CURTIS. Does he pay any more interest?

Mr. HOLLIS. That depends. He ought to pay more, because he does not undertake the liability that the others do. My judgment is that he will have to pay more interest. He will have to pay such rates as the joint-stock banks find it necessary to require in order to do business.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. HOLLIS. Yes.

Mr. KENYON. Take the case of John Smith, who owns a quarter section of land, and wants to borrow, say, $5,000. Can he pursue one of two plans under this bill?

Mr. HOLLIS. Yes; he may pursue one of three plans.

Mr. KENYON. Will the Senator briefly explain what John Smith, who wants to borrow $5,000 on 160 acres of land, can do under this bill?

Mr. HOLLIS. Yes; very gladly. If he prefers to get his money in the cheapest possible way, and is willing to undertake unlimited individual liability, he will join an association that has that feature. If he does not care to trust his neighbors and go into an unlimited liability association, he may join one where the liability is double, as in the case of a national bank. If he does that—if he joins either association of that sort—he will do it expecting to get a lower rate of interest than he would if he went directly to a private joint-stock bank. In order to get his lower rate of interest he would have to subscribe to stock in the loan association to the extent of 5 per cent of the face of his loan. He will have to assume individual liability, either double or unlimited. Now, if he is not willing to do that, but prefers to borrow from a bank straight and not contribute to the capital and not assume individual liability, he then will go to a private joint-stock land bank and probably will have to pay somewhat more for interest. So the three methods are open to him.

The reading of the bill was resumed, beginning on page 19, line 1, and the Secretary read to line 22, page 22, the last paragraph read being as follows:

Upon receipt of such articles of association, with the accompanying affidavit and cash, the directors of said Federal land bank shall determine whether in their judgment a charter should be granted to such association, and they shall send a representative to investigate the solvency and character of the applicants and the value of their lands. They shall forward such articles of association and the accompanying affidavit to the Federal Farm Loan Board with their recommendation. If said recommendation is unfavorable, the charter shall be refused.

Mr. CURTIS. Mr. President, I should like to ask the chairman of the committee, in case the charter is refused, what becomes of the 5 per cent which is required to be deposited in lines 5, 6, and 7 of the bill on page 22?

Mr. HOLLIS. It would undoubtedly be returned, exactly as if I should send a $10 bill down to the store to buy something and they did not have it; they would send back the $10.

Mr. CURTIS. But, Mr. President, I notice in other parts of the bill that there is a provision requiring the return of the money deposited under similar conditions. I also notice in one part of the bill that there is authority for the board to return it, or to retain certain expenses and then return the balance; and I wondered whether it was an oversight that the committee had not put in a provision there that all the money should be returned in case the charter was refused.

Mr. HOLLIS. No. It might be called an oversight. It might be stated, as a great many other things might be stated in the bill. It did not occur to any of the committee that it was necessary to state that. It will do no harm to state it. It could be very easily done by providing that the charter shall be refused and the cash returned without deduction. I think it should be inserted, probably.

Mr. CURTIS. On page 28 it is provided:

If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned, less such deductions as may be authorized by regulations of the Federal farm-loan board.

Then there is another provision later on in the bill—I can not turn to it just this second—which simply provides for the return of the money, without any authority to withhold any part of it.

Mr. HOLLIS. That was all debated carefully in the committee. In some cases it seemed fair to make charges, and in others it did not, and we governed ourselves accordingly. If the Senator desires to amend, in line 22, by adding "together with the cash forwarded, without deduction," I shall have no objection. I should expect that to follow, whether it is here or not.

Mr. CURTIS. I offer the amendment, Mr. President—that after the word "refused," on line 22, page 22, there be inserted "and the 5 per cent deposited as required herein shall be returned without deduction."

Mr. HOLLIS. If the Senator will allow that to be passed for the present, I shall prepare an amendment which will correspond to the other provisions, and offer it later.

Mr. CURTIS. Very well.

The reading of the bill was resumed, beginning on line 23, page 22; and the Secretary read to line 3, on page 24, the last paragraph read being as follows:

National farm loan associations may be organized with limited or with unlimited liability, and each shall be designated as a national farm loan association limited, or a national farm loan association unlimited, as the case may be. Associations with limited liability may be also designated as division A associations; associations with unlimited liability as division B associations.

Mr. CUMMINS. Mr. President, may I ask the Senator in charge of the bill whether the farm loan associations have any source of profit except the dividends which they receive from the land banks?

Mr. HOLLIS. They have no source of profit except the dividends they receive from the land banks; but they are required to accumulate reserves, and they will have returns from the investment of the reserves.

Mr. CUMMINS. What is the source of profit open to the farm loan associations?

Mr. HOLLIS. I have just stated that the only source of profit is the dividends on the stock which it owns in the land banks; but it is required to accumulate reserves out of those dividends, and the reserves would be invested, so that it would get income out of the invested reserves.

Mr. CURTIS. But, Mr. President——

Mr. CUMMINS. And if there is no profit arising to a given association, then the stockholder in the association has simply deposited his money there without any return?

Mr. HOLLIS. Yes; that is true.

Mr. CUMMINS. And his deposit amounts to $5 upon each $100 that he borrows?

Mr. HOLLIS. Yes; and if he is not charged enough for interest on his loans so that there are profits in the system, then he has gotten his loan at cost and must not expect any profits; but if the 1 per cent is too much, so that the expenses are all paid and there is a dividend, then he will get whatever that surplus is, exactly like a member owning a participating life-insurance policy.

Mr. CUMMINS. But this is the point I do not fully understand and about which I should like to have an explanation: The borrower wants to get $10,000. He deposits with the farm-loan association $500 for stock in that association. He gets his $10,000, and finally pays the mortgage. How does he get back his $500?

Mr. HOLLIS. The bill provides that when he pays his loan the amount that he has subscribed for stock shall be paid to him in full.

Mr. CUMMINS. Suppose the association has no money with which to pay it to him?

Mr. HOLLIS. The land bank pays it back to him. It retires it and pays the money to the loan association and the loan association pays it to him.

Mr. CUMMINS. But it is the farm association that has the stock in the land bank?

Mr. HOLLIS. Yes.

Mr. CUMMINS. Not the borrower?

Mr. HOLLIS. Yes.

Mr. CUMMINS. Does the Senator say that under those circumstances the land bank must take up his stock in the farm association?

Mr. HOLLIS. No; the land bank must pay out to the loan association the stock that was issued at the time his loan was made, and the loan association must pay it out to the borrower.

Mr. CUMMINS. That is, the land bank must pay it to the association?

Mr. HOLLIS. The land bank pays it to the association, and the association turns it over to the borrower.

Mr. CUMMINS. But there is nothing in the bill that gives to the borrower the right to the money which is in that instance paid by the land bank to the association.

Mr. HOLLIS. Why, yes. There is just as much in the bill as entitled him to get his money when he has been awarded a loan and has forwarded his papers. In that case he forwards his papers to the loan association and the land bank forwards the money through the association to him. The bill provides that when his loan is paid off the cash for the stock taken in the land bank by the loan association shall be forwarded to the loan association and the loan association shall pay him off.

Mr. CUMMINS. But it does not say that that money must be paid by the land association to the borrower. It is true that it goes into the hands of the association and there may be an obligation upon the part of the association to reimburse the borrower.

Mr. HOLLIS. The bill so provides as specifically as anything can be. It belongs to him.

Mr. CUMMINS. I have not found that particular provision.

Mr. HOLLIS. We have not gotten to it yet, but we shall come to it later on.

Mr. CURTIS. Mr. President, lines 21 and 22 provide:

Which shall be paid off at par and retired upon full payment of said loan.

But that does not give him any profit. It simply gives him back his money at par.

Mr. HOLLIS. He has been getting his dividends, if there are any earnings, every six months.

Mr. CUMMINS. But what I am trying to discover is whether there is anything in the bill which makes it obligatory upon the land bank, when it takes the pay of the borrower for the mortgage, to give the borrower credit for the money which he has deposited with the farm association?

Mr. HOLLIS. There is.

Mr. CUMMINS. There may be. I do not say there is nothing of the kind, but I do not see it.

The reading of the bill was resumed, beginning on line 4, page 24.

The next amendment was, on page 24, line 6, after the words "value of," to strike out "$10" and insert "$5," so as to read:

SEC. 8. That the shares in national farm loan associations shall be of the par value of $5 each.

The amendment was agreed to.

The next amendment was, on page 24, line 16, after the word "thereof," to insert "for the purchase of stock at par," so as to read:

Any person desiring to borrow on farm-land mortgage through a farm-loan association shall deposit with the secretary-treasurer thereof for the purchase of stock at par an amount equal to 5 per cent of the face of the desired loan.

Mr. HOLLIS. Mr. President, that amendment should be perfected. The word "its" was omitted after "purchase of"; and I will ask unanimous consent to insert the word "its" at that point.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the words "purchase of," in the amendment of the committee, it is proposed to insert the word "its," so as to read, "for the purchase of its stock at par."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 24, line 20, after the word "each," to strike out "$200" and insert "$100," and on line 21, after the word "loan," to strike out "or any fractional part thereof" and insert "which shall be paid off at par and retired upon full payment of said loan," so as to read:

If the loan is granted, the applicant therefor shall thereupon become the owner of one share of capital stock in said loan association for each $100 of the face of his loan, which shall be paid off at par and retired upon full payment of said loan.

The amendment was agreed to.

Mr. CUMMINS. Mr President, is the provision just read by the Secretary the provision which the Senator from New Hampshire had in mind when he answered my question?

Mr. HOLLIS. It is half of it. We will come to the other part a little later. This requires the loan association to pay it off at par when the loan is paid up; and the other provision is that when the loan is paid off the land bank shall pay it out to the loan association. They go together.

The reading of the bill was resumed.

The next amendment was, on page 25, line 1, after the word "may," to insert "at any time," so as to read:

Said capital stock shall be held by said association as collateral security for the payment of said loan, but said borrower shall be paid any dividends accruing and payable on said capital stock while it is outstanding. Such stock may at any time, in the discretion of the directors and with the permission of the directors of the land bank, be paid off at par and retired.

The amendment was agreed to.

The next amendment was, on page 26, line 9, after the word "each," to strike out "$200" and insert "$100," and in line 10, after the word "loan," to strike out "or any fractional part thereof," so as to read:

After a charter has been granted to a division A association, any natural person who is the owner, or about to become the owner, of farm land qualified under section 12 of this act as the basis of a mortgage loan, and who desires to borrow on a mortgage of such farm land, may become a member of a division A association by a two-thirds vote of the directors upon subscribing for, and paying for in cash, one share of the capital stock of such association for each $100 of the face of his proposed loan.

The amendment was agreed to.

The next amendment was, on page 26, line 16, after the word "returned," to strike out "without deduction" and insert "less such deductions as may be authorized by regulations of the Federal farm-loan board," so as to read:

If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned, less such deductions as may be authorized by regulations of the Federal farm-loan board.

The amendment was agreed to.

The next amendment was, in division B, subhead "National farm-loan associations unlimited," in section 10, on page 27, line 12, before the word "member," to insert "provisional"; in line 15, after the word "loan," to strike out "or any fractional part thereof"; on page 28, line 2, before the word "member," to insert "regular"; in line 6, after the word "section," to insert "or if the loan applied for is for any reason rejected"; and in line 8, after the word "returned," to strike out "without deduction" and insert "less such deductions as may be authorized by regulations of the Federal farm-loan board," so as to make the clause read:

After a charter has been granted to a division B association, any natural person who is the owner, or about to become the owner, of farm land qualified under section 12 of this act as the basis of a mortgage loan, and who desires to borrow on a mortgage of such farm land, may become a provisional member of a division B association by unanimous vote of the directors upon subscribing for, and paying for in cash, one share of the capital stock of such association for each $100 of the face of his proposed loan. He shall at the same time file with the secretary-treasurer his application for a mortgage loan, giving the particulars required by section 12 of this act. The secretary-treasurer shall thereupon notify each member of such association of the application for membership, giving the name and post-office address of the applicant, and the amount he desires to borrow, describing briefly the land proposed to be mortgaged. Unless at least one-fifth of the members of such association shall file with said secretary-treasurer within 10 days of the mailing of such notice written objection to the application, it shall be granted, and the applicant shall thereupon become a regular member; but his admission to membership shall not entitle him to borrow any sum in excess of the amount to which the appraisal of his property shall entitle him. If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned, less such deductions as may be authorized by regulations of the Federal farm-loan board.

The amendment was agreed to.

The next amendment was, under the subhead "Powers of national farm-loan associations," in section 11, page 29, line 3, after the words "multiple of," to strike out "$100" and insert "$25"; in line 9, after the words "provided for in," to strike out "section 23" and insert "section 22"; in line 10, before the words "of this act," to strike out "section 25" and insert "section 24"; and in line 15, after the word "under," to strike out "$100" and insert "$25," so as to make the clause read:

Fourth. Against deposits of current funds, to issue certificates in any amount, bearing interest at not to exceed 4 per cent per annum after six days from date, convertible into farm-loan bonds when presented at the Federal land bank of the district in any multiple of $25. Such deposits, when received, shall be forthwith transmitted to said land bank and be invested by it in the purchase of farm-loan bonds or in first mortgages, as defined by this act. The mortgages thus taken may be hypothecated with the farm-loan registrar of the district against an issuance of farm-loan bonds, as provided for in section 22 and section 24 of this act; but such bonds when received, either by purchase or for issuance, shall not be delivered or issued except in exchange for and upon the presentation for redemption and cancellation of an equal amount of convertible certificates issued by a farm-loan association, any difference under $25 in such exchange being adjusted in cash. When thus redeemed and canceled such certificates shall be returned to the farm-loan association which issued them.

The amendment was agreed to.

Mr. CUMMINS. I should like to ask the Senator from New Hampshire a question with regard to the fourth paragraph. Is it the intention that the farm-loan associations shall become savings banks or depositaries for funds other than those that are to be invested in the bonds of the land banks?

Mr. HOLLIS. That was my personal hope. The bill as prepared by the joint congressional committees provided that there should be a savings department which should take savings and invest them in short-term mortgage loans; but the Senate Banking and Currency Committee cut out that section, which is section 18, found on page 42. That cut out the savings department. But this paragraph to which the Senator directs my attention acts as a savings feature of the bill. It permits individuals to make deposits and to take convertible certificates which may be turned into farm-loan bonds when any person owns as much as $25 worth. The Senate committee believed that this was as far as this banking system ought to go in that direction. That is the purpose of it. It is a savings-bank feature, and it is quite limited in scope.

Mr. CUMMINS. It seems to me that it is quite unlimited——

Mr. HOLLIS. It is quite limited.

Mr. CUMMINS. Although I may not grasp the full meaning of it. It says that "such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm-loan bonds or first mortgages as defined by this act." There would seem to be no limit to the amount of deposits that might be taken by association nor any other limit upon the investment save that the land bank must invest the money either in its own bonds or in first mortgages. But that is all that any savings bank does, if it confines itself to real estate securities.

Mr. HOLLIS. I wish to call attention first to the fact that the farm-loan association merely acts as agent for the land bank in taking the deposits and forwarding them. It is the land bank that becomes the savings bank in this connection. The land bank, according to the experience in Europe, will find it necessary at various times to buy in farm-loan bonds, and in order to stabilize their value they may use this money for one of two purposes, either in buying farm-loan bonds issued by that bank or by some other Federal land bank or in buying first-mortgage loans; that is, to loan the money on first mortgages.

There is no limit in the bill. The committee did not think it was desirable. They hope there will be a very large amount of money procured in this way. I am doubtful about it myself; but I hope so, and I see no harm in taking a very large amount of money.

Mr. CUMMINS. It seems to me there ought to be a limit to the amount of interest the farm-loan association is to pay.

Mr. HOLLIS. There is. It is limited to 4 per cent. It is so limited at the bottom of page 28, where it reads "Bearing interest at not to exceed 4 per cent per annum."

Mr. CUMMINS. That is the interest on the certificates.

Mr. HOLLIS. Yes.

Mr. CUMMINS. But what about the interest on the mortgages in which the money would be invested? They could bear any rate of interest, could they not?

Mr. HOLLIS. The rate of interest is never permitted to exceed 1 per cent more than the amount the last issue of farm-loan bonds carries.

Mr. CUMMINS. Is the Senator sure that that applies to this proceeding or transaction?

Mr. HOLLIS. Yes; I am very sure of that. I can direct the Senator's attention to the place where it is provided.

Mr. CUMMINS. It seems to me the bill simply authorizes national savings banks in every community to be operated in competition with the ordinary savings banks that are created under the laws of the States.

Mr. HOLLIS. Not at all, because no one can withdraw his money. All he can do is to get a bond with it, and then if he wants to get his money he has to sell that bond. He can not go to any farm-land association and withdraw his money; all he can do is to get scrip convertible into bonds.

Mr. CUMMINS. I would see no great objection to it if the bill limited the investment of the deposits to the farm-loan bonds of that district, but when it gives the land bank the authority to invest the deposits in any mortgages that may be presented to it for negotiation or purchase I fear the Senator is extending the institutions that he is creating much beyond the scope that most of us have had in mind.

Mr. HOLLIS. I would be very much pleased, indeed, if a large amount of money is gathered in this way and invested in farm-loan bonds because we are calling on the public to subscribe to our farm-loan bonds. The success of our system depends on the readiness with which the public will take our farm-loan bonds and the question whether they will take them at a low rate of interest. If we can gather in in this way all over the country or in any part of it a large sum of money that we can loan to farmers on first mortgages or invest in farm-loan bonds which are based upon first mortgages, then a very large part of the problem will be solved. My fear is that we shall not get very much.

Mr. STERLING. Mr. President, I should like to have the attention of the Senator from New Hampshire. The bill provides for two classes of national farm-loan associations: First, those where the liability of the member is a limited liability; and, second, those where the liability of the members of the association is unlimited. I should like to ask what is the difference between the rights of these members in the matter of securing loans through the association of the farm-land banks if the Senator will explain it.

Mr. HOLLIS. The mortgages taken by any Federal land bank from associations carrying an unlimited liability are kept altogether. When an issue of farm-loan bonds is to be made the mortgages of one class—that is, limited or unlimited liability—must be kept together. A group of mortgages, $50,000 in value, which carry unlimited liability of the farmer, ought to float bonds bearing a lower rate of interest than a group of mortgages carrying merely double liability. Therefore we hope and expect that the unlimited liability mortgages will be able to float bonds at a lower rate of interest, and that the farmer will get the benefit of the lower rate. It is perfectly clear in my mind if I have succeeded in conveying the thought.

Mr. STERLING. The Senator thinks that would be an inducement to form associations with unlimited liability?

Mr. HOLLIS. I think so, and I hope so very much, because I believe that eventually the way the farmers will get the lowest rate of interest is by assuming unlimited liability. This bill is intended to give that plan a fair trial.

Mr. CUMMINS. Mr. President, one more question. The interest on farm-loan mortgages is by the bill limited to the rate that may be charged by a national bank, as I understand it.

Mr. HOLLIS. It is limited to 6 per cent.

Mr. CUMMINS. The deposits of which I have been speaking may be invested in any mortgages, and, of course, those mortgages need not be represented finally by land-bank bonds; they may be held simply as mortgages. Does the Senator from New Hampshire think it is fair to put such savings banks as are here contemplated in competition with the savings banks established under the laws of the several States and relieve the property or transactions of the national savings bank from taxation? What will become of the savings banks of the States which must pay taxes?

Mr. HOLLIS. If I did not believe that the bill would give the farmer a lower rate than he is now getting I should not think it would be worth while to pass the bill. It is because we feel the farmer is not now getting loans at as low a rate as he is entitled to that we are passing the bill. If it has that result I shall feel that we have achieved our object.

Mr. SMOOT. Even if it drives out the national banks?

Mr. CUMMINS. Is it not the rule that somebody must pay taxes? Somebody must support the Government. The institutions that are now in business are helping to pay the taxes of the country and support both the State government and the Federal Government. I have not thought much about it, but it impresses me at first as very unjust to establish in a community a national savings bank and relieve it of the burden of taxation under the guise of affording special privileges to the farmer.

I am sure that I have as much concern for those who till the soil as has the Senator from New Hampshire, for the agricultural interest in my State is quite as important as that of any State in the Union; but if I understand the temper of the people of Iowa they would rather resent being made the objects of special privilege. They have always insisted that the Government should be administered without favor to any class and without privilege to any class that is not accorded to every other.

I would like very much to hear at some convenient time the views of the Senator from New Hampshire upon that point, for I have no doubt he considered the subject carefully before reaching a conclusion.

Mr. HOLLIS. It is a subject that is susceptible of being treated very simply and very clearly. The same objection that the Senator raises was raised to the postal-savings deposits. It was said then that the deposits by the Government would come in competition with banks and would drive them out of business, just as was suggested by the Senator from Utah [Mr. SMOOT]. That, of course, is beside the mark, because national banks do not loan on farm mortgages to any substantial extent. They ought not to do so; it is not good banking.

Mr. SMOOT. But the State banks do.

Mr. HOLLIS. Yes; the State banks do.

Mr. SMOOT. Of course——

Mr. HOLLIS. If the Senator will pardon me, I will answer the Senator from Iowa. My remark was addressed merely to national banks, which was the remark made by the Senator from Utah. Unless we can give under this bill lower rates than the farmers are now getting it is useless to try to give aid to them.

There are several schools of thought. Many Senators believe that the Government should borrow the money on obligations of the Government at 2 or 2½ per cent and loan directly to the farmer at 3 per cent. That would certainly drive all the savings banks out of their business, and that is one answer to that proposition.

Another school of thought is that the Federal Government ought not to engage at all in rural-credit business. All three political parties are committed to rural-credit legislation, and this is the recommendation of a joint congressional committee based on the promise that was made by the parties.

This is the first suggestion. The bill lies midway between the two. I have no idea that it will drive any substantial amount of banks out of business. It will not drive any out if they are charging a fair rate, in my judgment, because I firmly believe that private enterprise will always be able to compete to advantage with public institutions. But when there is a great need we must embark, so far as we constitutionally and properly may, on that plan. I believe the present bill is a medium bill lying between the two extremes. I believe it will come in competition with the local savings bank, and where they are charging too much it will either force them to lower their rates or to go out of business. I hope it will have that result.

The reasons why I am asking to have these bonds and mortgages exempt from taxation are, first, that if we do not do that it will be in the power of the States to drive these banks out of business by imposing an excessive tax. In the second place, if we permit it the land will be taxed, the mortgage will be taxed, the bond will be taxed. The result of those three successive taxes would be that the farmer would have to pay them all; he would have a triple taxation, and then the system would not work to the farmer's advantage.

Mr. CUMMINS. Mr. President, another question. I was very much impressed the other day when the Senator from New Hampshire was stating the case on opening the argument for the bill by the illustration which he used, that the people who have the money to loan were on one side of the river and the people who wanted to borrow the money were on the other side of the

river, and the purpose of this bill—I am not hostile to the bill, to the general object to be accomplished, at all—but that the purpose of the bill was to bridge the river so that those who wanted money would be face to face with those who had money. Now, does the Senator from New Hampshire think that it is necessary to bestow this privilege upon this particular business in order to build a bridge that will enable loaners and borrowers to meet each other?

I agree that the question of taxation ought not to be left entirely with the State, but the Senator is familiar with the provision made with regard to national banks. It can easily be provided that no greater rate of taxation shall be laid than is laid upon other property of a similar character. That will produce absolute equality without establishing what might be unfair competition.

I fear if the savings banks were driven out of business the farmer instead of being benefited by the bill we have now under consideration would be very seriously injured, for the savings banks of the country are integral parts of our commercial and industrial life, and especially so in the part of the country from which I come, where the farmers own the savings banks, except those in the large cities, where they own not only the stock of the savings banks in large measure but own the deposits in the savings banks as well. In Iowa I think that 90 per cent of the deposits in her banks—and she has more than any other State in the Union—outside of three or four large cities, are the deposits of farmers, and to set up a rival system that would conduct business upon an entirely different basis might injure the very persons whom the Senator from New Hampshire is trying faithfully, I know, to assist.

Mr. POMERENE. If I may ask the Senator from Iowa a question, to what extent are the farmers of his State borrowers?

Mr. CUMMINS. They are very large borrowers. There are many farms in Iowa mortgaged, not because the people there are impoverished——

Mr. POMERENE. Oh, no; not at all.

Mr. CUMMINS. But for the reason stated the other day by the Senator from New Hampshire; they desire to do business, and they very often secure their capital in that way.

Mr. POMERENE. I asked the question because of this thought in my mind: Assuming for the sake of the argument that to some inappreciable extent this might interfere with the building and loan associations that we have as deposits for the farmers' money, are they not going to be correspondingly benefited by a system which is going to give them long-time loans at what we believe is going to be a more reasonable rate of interest?

I conceive that the chief benefit of this system is the creation of an institution which is going to provide a long-time loan for the farmers. Under present conditions they are not able to make long-time loans. There may be a period of one or two years when crops have been only a partial success, if not a failure, and just at that particular time the banker who has made the loan becomes disturbed and insists upon calling the loan, or at least he refuses to renew it if it should have matured. Now, we are meeting that condition by providing a loan that can be extended over a period of 36 years, and at any time after 5 years the borrower can pay it all off if he desires.

It seems to me that the benefits which are provided for in this system are very much greater than any incidental injury the farmer may sustain, if he would sustain any, by trespassing upon the functions of the savings banks.

Mr. CUMMINS. Mr. President, in answer to the Senator from Ohio I want to say that I have no doubt a great many people would be benefited by a provision of the character we have just been discussing. I take it, however, that the test of a wise law is the general good, the general welfare, rather than the advantage arising to comparatively few people in any community.

I am not even suggesting hostility to the proposal that in some proper way the loaner of money shall be assured of the validity and the safety of the security that is offered to him and be relieved of the burden of collecting the interest upon a mortgage or the principal when it matures. That is the great benefit of a bill of this sort, and I think it is practically its sole benefit. It is well worth accomplishing, however.

I hope that before the bill passes it will be rid of some objectionable provisions and be strengthened in some of its very beneficial provisions. It is not expected, however, that the land banks will become the sole loaners of money in this country upon farm mortgages. I think the general welfare requires that the business of the land banks shall be done under such conditions as that other business of similar character honestly conducted may survive, for it is impossible to believe that we would be benefited if all the business of this character and kind were concentrated in this system.

Mr. President, this is nothing new in my State. We have had this system for years. Our State organized loan and trust companies which have accumulated mortgages, consolidated them in a trust or deposit, and upon the basis of the deposit issued bonds bearing a lower rate of interest than the mortgages bore.

The farmers and all other borrowers, in so far as loans on farms in Iowa were concerned, were greatly benefited by the system. This bill is simply an adaptation of a plan which has long been recognized.

The loan and trust companies in my State have largely gone out of business. Why? Because the insurance companies of the country a few years ago came to the conclusion that they would deal directly with the farmers and with other borrowers, and they gave to the farmer and to other borrowers a lower rate of interest than the loan and trust companies could give and maintain themselves.

Mr. POMERENE. Mr. President, may I ask at what rate do those companies loan?

Mr. CUMMINS. There is no uniformity in the rate.

Mr. POMERENE. What is the average rate?

Mr. CUMMINS. The rate in Iowa has been, taking a few years into consideration, all the way from 4½ to 6 per cent.

Mr. POMERENE. What commissions do the farmers have to pay for the loans that they get?

Mr. CUMMINS. That also is not uniform. Some of them pay no commission whatever. Some insurance companies have established places of business in our State for making loans, and loans are so made directly to the borrower in many instances, and there is no commission. There are other instances in which capitalists—insurance companies among them—have offices conducted by agents—brokers—and they charge a commission. It is not at all uniform.

Mr. DILLINGHAM. Mr. President, if the Senator from Iowa will permit me, in answer to the question of the Senator from Ohio [Mr. POMERENE], I have before me a table, which has been very carefully prepared, showing that as to 126 American life insurance companies, whose total mortgage loans amounted to 97 per cent of all the mortgage loans held by American companies, the average rate of interest was 5.55 per cent.

Mr. POMERENE. On what size loans?

Mr. DILLINGHAM. On all sized loans. They held 97 per cent of all the mortgages held by all the insurance companies of America, and the average rate was 5.55 per cent.

Mr. POMERENE. My experience has been that a good many of these loans by the insurance companies are made through agents, who charge a very substantial commission for their services.

Mr. DILLINGHAM. The great majority of such loans owned by insurance companies are purchased by dealers in the State, who are dealing directly with the borrowers. These loans are all taken subject to inspection by the companies' agents. I think the table which has been presented by the committee shows that in the State of Iowa, on an estimate made by Dr. Thompson, specialist in charge of rural organization in the Department of Agriculture, the average rate in Iowa was 5.6 per cent, and that the annual commission to the agents was only three-tenths of 1 per cent. I think that is too high. My experience with Iowa farm loans is such that I do not think the rate of interest upon the average issuance of farm loans in Iowa can be as high as he states it—5.6 per cent—because, according to this report, the average of all the loans owned by the insurance companies of America is only 5.5 per cent.

Mr. CUMMINS. Mr. President, I have not consulted the statistics with regard to the loans in Iowa. I speak only from a personal observation of many transactions of which I have known in the last few years. The fact is that in our State the two insurance companies which loan more money than any others—possibly as much as all others—are represented in the State by agents of the insurance companies, and the loans are made directly from the companies to the borrower, without the intervention of any third party, and, in the main, without any commission.

Mr. POMERENE. Mr. President, is it not——

Mr. CUMMINS. If the Senator from Iowa will allow me, I have been instancing these things simply to show that there are other interests to be conserved and to be recognized. I want the farmers to secure a lower rate of interest; and if I believed it to be fair to the people of the country generally I would favor the Government entering the business directly and purchasing the mortgages at an interest not to exceed 4 per cent; but while in that way I should be able to secure a low rate of interest to the farmers, I feel that I would be inflicting a great injury upon a business which, if destroyed, would in the end result in disaster to the farmers.

For these reasons I have been disposed to favor, and to favor very heartily, the general plan proposed by the Senator from New Hampshire [Mr. HOLLIS]; but in carrying out that plan we must not forget that the business of this country is a complicated one, and in the effort to assist the farmers we must not impair the rights and destroy the business of other people.

Mr. LODGE. Mr. President, will the Senator from Iowa allow me to interrupt him?

Mr. CUMMINS. I yield to the Senator.

Mr. LODGE. I was very much struck by what the Senator from Iowa said about the effect of this legislation on the savings banks. I have here the figures which show that there are deposits in private savings banks of $4,997,000,000, practically $5,000,000,000; in building and loan associations, $1,257,000,000; and there are 14,915,000 depositors and members. As suggested by the Senator from Iowa, we should touch cautiously such a great system as that, involving, as it does, 14,915,000 depositors. I believe that such a proposition ought to have very careful consideration.

Mr. President, if the Senator from Iowa will allow me, I will ask that the report, which I hold in my hand, of the committee on rural credits of the Chamber of Commerce of the United States be printed as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The report refered to is as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA.

The committee on rural credits held meetings at Washington on February 14 and 15, a majority being present, and Mr. Myron T. Herrick in the chair. The only one of the measures pending in Congress discussed was bill 2986, which Senator HOLLIS introduced in the Senate on February 15, 1916.

OUTLINE OF THE HOLLIS BILL.

This bill proposes to create through a bureau at Washington a farm-mortgaging system composed of Federal land banks, national farm loan associations, national joint-stock land banks, and such other institutions as the bureau may admit to the system.

The bureau shall consist of the Secretary of the Treasury and four appointees of the President and Senate of the United States. The bureau shall divide continental United States, exclusive of Alaska, into 12 districts and establish a Federal land bank in each district. The bureau may establish as many more Federal land banks and charter any number of national farm-loan associations and national joint-stock land banks, as it pleases and grant licenses to mortgage companies and moneyed corporations organized under any National or State law to act as agents of the Federal land banks.

The bureau may appoint the receiver and administer the affairs of a dissolved land bank or association without the intervention of the courts, and no dissolution shall take place except upon its written consent. It shall appoint a registrar and one or more appraisers for each district, and any necessary examiners and employees for the system, and all such appointees shall be public functionaries. It shall supervise the system and render periodical reports to Congress.

Each Federal land bank shall have a capital stock of at least $500,000, which may be increased indefinitely. The shares shall be $5 apiece, and may be held by any individual, firm, association, corporation, or by the Government of the United States or of any State. But only the United States and national farm-loan associations may vote. The United States shall select two and affiliated national farm-loan associations the three other directors composing the board. One of the directors shall be a person experienced in practical farming.

Ten per cent of the capital stock shall be invested in bonds of the United States. Twenty-five per cent of the net profits shall be set aside each year for a reserve until that fund equals 20 per cent of the capital stock. The Federal land banks may maintain branches. They may serve as depositaries and financial agents of the United States. They may receive savings and deposits from shareholders, and circulate bonds up to twenty times capital stock and surplus. They may contract debts in other ways without any limit as to amount.

The bonds shall be prepared by the Secretary of the Treasury and Comptroller of the Currency after the manner of national-bank notes, and issued only when approved by the bureau, countersigned by its executive officer, and secured by mortgages valuated by the appraisers and trusteed with the district registrars. The smallest series shall be $50,000, the lowest denomination $25, and the highest interest rate 5 per cent per annum. The bonds shall have a maturity of at least 10 years, and be lawful investment for public and fiduciary funds. Postal banks may invest 30 per cent of their deposits in them. Any member bank of the Federal reserve system may buy or sell them or use them as security for acceptances or 60-day direct obligations; and such paper shall be eligible for discount by Federal reserve banks. The Federal land banks shall guarantee the bonds of one another.

The bonds and the mortgages shall be instrumentalities of the Government of the United States, and, together with the capital stock, reserve, surplus, and income, shall be exempt from all taxes, Federal, State, municipal, and local, except taxes on real estate. The United States shall, if ordered by the bureau, advance the Federal land bank $6,000,000 a year, and also subscribe for all the minimum capital stock remaining unsubscribed for by other parties 90 days after books have been opened. The United States shall receive only 2 per cent per annum for its advances, and no dividends at all upon its shares.

As many national farm-loan associations may be formed in a district as its Federal land bank and the bureau deem advisable. The incorporators of each shall be 10 or more natural persons applying for loans, and they must tender mortgages aggregating at least $20,000 executed and recorded in favor of such bank. Only borrowers may become shareholders. Each borrower must subscribe for shares up to 5 per cent of the amount of his loan and may hold as many more shares as he pleases.

The shares shall be $5 apiece and withdrawable under rules prescribed by the district Federal land bank. The liability of members shall be unlimited or double the face value of their shares, according to the plan selected. No member may cast more than 10 votes. Each association shall have a board of five directors selected by members, and a president, vice president, and secretary-treasurer selected by the board from members. But neither directors nor officers need be members.

A national farm-loan association can not issue bonds. Its powers shall be to receive money by the sale of shares and 4 per cent certificates of deposit, and to invest its funds in loans to members or in bonds of the United States or of Federal land banks. It may also receive money from its Federal land bank for making loans; but in this case it must buy shares in such bank up to 5 per cent of the amount so received, pledge the shares, and further secure the advances by an equal amount of mortgages indorsed and guaranteed to such bank. The total of the advances must never exceed twenty times the face value of the shares held in the bank. An association may also borrow sums from its bank at 6 per cent per annum to meet current expenses and losses. Twenty-five per cent of net annual profits must be set aside for a reserve until such fund equals 20 per cent of outstanding share capital. The reserve shall become the property of the district Federal land bank in the event of a dissolution. The associations, like the Federal land banks, shall be exempt from taxation.

As many national joint-stock land banks may be formed as the bureau deems advisable. The incorporators of each shall be 10 or more natural persons. Its territory shall be confined to a State or to contiguous States. The minimum for capital stock shall be $500,000 when headquarters are in a State with a population of 2,000,000 or more; in other States the minimum shall be $250,000. The shares shall involve double liability. The board shall consist of five or more directors. The bonds may bear any legal rate. They shall have a distinctive form and color and the amount in circulation must never exceed fifteen times capital stock and surplus. Tax exemptions are accorded only on the mortgages. In other respects national joint-stock land banks would have an organization similar to that of the Federal land banks, except the United States could not be a stockholder nor participate in the management.

These three kinds of institutions composing the proposed system shall make loans only on farm land. No restrictions as to amount, period, or purpose are imposed on national joint-stock land banks. But the loans in which Federal land banks and national farm-loan associations may invest their funds shall run for not less than 5 nor more than 36 years and be paid off by half-yearly annuities. Only sums divisible by $100 may be accepted in prepayment. The interest rate shall not exceed that fixed for national banks, nor shall it ever go higher than 1 per cent over that current on the bonds of the district Federal land bank. This ratio between interest on bonds and loans must also be observed by national joint-stock land banks. The only objects for lending shall be to purchase, improve, or equip a farm for a home. The minimum for amount shall be $200. The maximum shall be $10,000, but in no case ever exceed one-half the value of the mortgaged farm. The value shall be determined by the loan committee and a public appraiser.

The borrower must be or become the resident and actual cultivator of the farm. He must give a first mortgage and undertake not to sell or otherwise dispose of the farm until his loan has been paid in full. He must also buy shares in the Federal land bank or national farm-loan association up to 5 per cent of the sum borrowed and pledge the shares as additional security. If he should die, default, or violate the terms of his mortgage, the loan may be recalled, with 6 per cent interest.

Such mortgage loans are the only loans against which the Federal land banks may issue bonds. The mortgages, trusteed with the registrar as security for the issue, must always equal in amount the bonds outstanding. The Federal land banks may not make loans directly. They may acquire them only by indorsement from national joint-stock land banks or from national farm-loan associations, preferably from the latter. If a sufficient supply can not be obtained in this way, then a Federal land bank may buy such mortgages from any bank, trust company, or mortgage institution organized under National or State laws and approved by the bureau. Mortgages so acquired shall be guaranteed by the seller. The aggregate of the guarantles shall not exceed its capital stock and surplus.

OBJECTIONS TO THE HOLLIS BILL.

1. Powers of the bureau too extensive: The bill contravenes the spirit of American Government by proposing to enact special as distinguished from general laws and to create a bureau clothed with both executive and judicial powers through which, while Congress is not in session, money for the use of a special class of private individuals may be abstracted from the Public Treasury at 2 per cent, or for no interest, and the good faith and honor of the United States be involved in the issue of unlimited millions of bonds bearing interest at a rate as high as 5 per cent per annum and running for indefinite periods, even to future generations. The bureau may establish any number of Federal land banks in addition to the first 12, and, since no maximum is prescribed for capital stock, it may authorize continual issue of bonds that may be endless so long as qualified mortgages are supplied.

The bureau may withhold the benefits of the proposed system from any State or from any group of farmers. It may shift the public funds and, through its registrars, certain other funds of the land banks, and direct such funds to any section of the country, as it pleases. It may entirely forbid bond issues and fix different rates of interest for bonds and loans, according to district, and even fix the rate after the bonds have been issued, and thus it can favor one land bank to the detriment of any other land bank, and force the latter to suspend business. It has absolute authority to grant or disallow charters, to dissolve any land bank or association, to appoint the receiver, compound debts and claims, cancel even obligations to the United States, and dispose of assets in any way it sees fit. The courts can not intervene if it acts first, and no dissolution shall occur without its written consent. No appeal can be taken from any of its decisions. The bureau is a supreme autocratic body, with its great powers absolutely unrestrained except by its own discretion and prejudices. This bureaucracy is not American.

2. Government institutions: The Federal land banks, being established by Government, managed in part and entirely dominated by Government functionaries, and empowered to use the cash, good faith, and credit of Government are Government institutions to the extent that investors in their shares and bonds would have a moral, if not a legal right, to look to the United States for the return of their money. The establishment of such Government institutions for the private purposes for which they are intended presents a grave constitutional question. The Hollis bill avoids this by authorizing them to act as Government depositaries and financial agents, and by declaring their bonds and mortgages to be instrumentalities of the Government of the United States.

But this is subterfuge. If Congress can render doubtful legislation constitutional by such evasive devices, then the Constitution has be

come a mere scrap of paper, the principals of fair play and equal rights upon which the Republic is based have disappeared, and Congress may legislate for any religion, race, or class without regard to the rest of the people. The Constitution vests in Congress the power to borrow money on the credit of the United States and requires all bills for raising revenues to originate in the House. Such powers can not be delegated. Nevertheless, the Hollis bill plans to empower the Secretary of the Treasury and four appointees of the President and the Senate to utilize the credit of the United States and to borrow money without any limit as to amount or time and at a rate as high as 5 per cent per annum.

It is claimed that the Government's connection as a stockholder would be only temporary, since the bill provides for the retirement of the shares held by the United States in a Federal land bank. But this retirement can not begin until the holdings of other parties amount to $500,000, while even after that event only one-fourth of such subscriptions may be used for the retirement. These other shares would probably be those for which borrowers are obliged to subscribe up to 5 per cent of their loans. So, assuming that the United States supplies the initial capital stock, as is intended, the Federal land banks in the aggregate must have $12,000,000 of capital stock, and there would probably be $240,000,000 of loans and a corresponding amount of bonds outstanding before the United States could withdraw as a stockholder. This does not include any other than the first 12 Federal land banks which the bureau may establish.

Unqualified and unlimited State aid: Financial assistance follows the establishment of Government institutions, as a matter of course. The exemption from all taxes, the use of about one-third of postal savings, and the right to obtain Government funds as deposits at 2 per cent interest and as subscriptions to shares without dividends, and to issue bonds prepared by the Secretary of the Treasury and Comptroller of the Currency and certified and approved by Federal officials are State aid of any unqualified type and absolutely unlimited, for the reasons stated.

The possible extent is appalling, and yet it would not be available for many persons in need of it, i. e., tenant farmers and landless homeseekers in the town as well as in the country. The United States surely could not afford to take the risk of financing poor persons inexperienced in farming. But this is the usual excuse foreign nations have for a resort to the Government aid proposed by the Hollis bill.

In nearly every foreign country where the Government has intervened in land credit the State has suffered heavy losses from the defaults of borrowers and from being compelled to pay the bonds in order to protect its honor and financial standing. The United States also has suffered similar experiences. The reclaiming of the arid regions in the West is a great and necessary undertaking. It ought to have been financed, like the Panama Canal, by bond issues. The assessment on the tracts improved ought to have been paid into a sinking fund to redeem the bonds. But the United States financed its 25 projects through receipts from the sale of public lands. These millions of receipts, which otherwise would perhaps have been devoted to general educational and agricultural purposes, were used for the benefit of a relatively small number of individuals.

The United States has invested over $100,000,000 in the projects, has arranged to borrow $21,000,000, and must have $75,000,000 more to complete the work; and part of the investment represented in the Yuma project is a total loss. The settlers are not charged interest. They enjoy gratis this third largest instance of State aid in the world; and although their principal payments have been divided into 20 annual instalments, many are in default. One of the reasons for this is that the intervention of Government created such high fictitious values that the dues on mortgages given for the purchase price of the land, with the taxes, consume most of the settlers' profits.

The free use of money or the artificial reduction of interest rates is invariably compensated in this way by increase of the purchase price of land. The framers of the Hollis bill have overlooked the bitter experiences of the United States and of the settlers in these irrigation projects. Also they have overlooked the disastrous end of the private enterprises and banks with which many States became identified during the period beginning with the year 1836, and as a result of which nearly every State inserted in its constitution a clause forbidding the use of the cash or credit of government, except for strictly public purposes. The crazes for greenbacks and subtreasury warehouses are now happily dead, but they were more intense than the present demand for Government land banks.

The exemption of mortgages used as security for bonds is not objectionable since it would prevent double taxation. But to exempt bonds and shares without limiting the amount in the hands of one holder, as in the Hollis bill, can not be justified, because it would relieve from taxation the surplus of wealth of persons not farmers or even residents of the United States, and simply shift the inevitable burden of taxes to other kinds of real and personal property.

4. A Government savings bank system: Besides the United States, any individual, firm, association, corporation, or State could place time or demand deposits in a Federal land bank simply by becoming the holder of one share of stock. Since a share has a face value of only $5 and may be withdrawn under rules prescribed by the bureau, this converts the Federal land banks into Government savings banks. A national farm-loan association could issue any number of shares and 4 per cent certificates of deposit to members; it could issue the certificates also to nonmembers. The various associations in a district must transmit the deposits to their Federal land bank, and thus serve as agencies for it. In this network fashion the Hollis bill plans the creation of a great Government savings bank system for gathering up savings for public institutions remote from the localities of the depositors and dominated by a bureau at Washington. This nation-wide system would be completely tax exempted, without limit as to the amount standing to the credit of a depositor.

The demand deposits received from associations could not draw interest, but deposits of any kind from other depositors could draw interest. This would be unfair to members of the associations. Savings and deposits may be invested by the Federal land banks in mortgage loans, but the claims of bondholders shall be prior to that of depositors on the deposits as well as on capital stock and surplus. The investment of deposits in loans which must run for 5 and may run for 36 years is dangerous finance. It would also be equally wrong and dangerous to permit savings institutions to pyramid on their credit and encumber assets with debt through bond issues. Such methods brought the public savings banks of Italy so near to ruin a few decades ago that they would have become bankrupt if the Government had not come to their assistance, repealed the laws, and refunded their obligations on terms which it compelled creditors to accept.

Institutions financed through the cash and credit of Government do not need savings, nor do they need capital stocks. Nevertheless, the Hollis bill provides for both, and, in order to obtain them, would subject farmers to compulsory share subscriptions, but permit investors having no need of loans to enjoy the benefit of the Government's bounties and tax exemptions. In foreign countries, especially where royalty reigns, the highly centralized Governments require abundant funds for their warlike and other purposes, so they have established public savings banks and they discourage private savings banks. The more funds the State brings under its control the greater, of course, becomes its temptation to engage in private enterprises. The United States, following European practices, would probably invest in its own securities the deposits collected through the numerous associations for its 12 or more Federal land banks and thus enlarge its business ventures while diminishing the present volume of ready cash in country districts.

Recent statistics show that in the United States there are deposits and savings of $4,997,706,013 in private savings banks and of $1,357,707,900 in building and loan associations. The 14,915,104 depositors and members, comprising farmers and city dwellers and constituting over one-seventh of the population, have accumulated $6,355,413,913. With these funds and largely under their own management they have built up a system surpassing in assets and profits the combined public and private system in any other country. The postal savings banks have $65,684,708 of deposits. This moderate growth, contrasted with the enormous development of the private savings banks and building and loan associations, indicates that the people of the United States prefer a decentralized private system of cooperative or mutual local units that will keep their money circulating at home. The people have never expressed the least desire for a change. Their splendid system of mutuality and cooperation ought not to be disturbed by Government without their full knowledge and consent. Moreover, the postal savings banks ought to be given a fair chance to prove their worth before a second Government system is placed in competition with it.

5. Not cooperative: The report which Senator HOLLIS signed and the Senate published with the bill asserts that the proposed system is cooperative and that all profits would revert to the borrowers. The bill itself contains a clause authorizing the bureau to propagate the principles and practices of cooperative credit and cooperative organization. This report and provision are glaringly inconsistent with the plan of the bill. The basic principle of cooperation is organized mutual self-help resting upon individual initiative and private enterprise. The essentials of a cooperative association are that the management shall consist of members elected by members and that any distribution of profits shall be confined to members.

Nevertheless, the bill provides for Government initiative, aid, and direction; authorizes national farm-loan associations to be managed by directors and officers not members; prevents them from making any loans except with the consent of outsiders—a Federal land bank and official appraisers; and permits any individual, firm, association, corporation, or State, whether a member or not, to participate in the profits through ownership of dividend-paying stock in the land banks. Similarly, also, the Federal land banks may divert from borrowers and turn over to agents one-half of 1 per cent of the profits on loans made through them. The bill, it is true, requires collective liability, either limited or unlimited, but the effect of this would be to subject the borrowers to all the risk of loss while allowing them only a part of the profit. So the system not only violates cooperative principles, but would operate toward borrowers contrary to promises.

There is no country where cooperative associations and capitalistic companies work side by side under the same act. The reason is that they are entirely different the one from the other, and each requires statutory provisions especially designed for its peculiarities. For a similar reason public and private institutions have never been successfully conducted in the same system. Invariably wherever such a combination has been attempted the joint-stock companies have crowded out the cooperative associations, and the public banks have overmatched all. This would also be the case with the Hollis bill. Its Government intervention and assistance would render individual initiative, private enterprise, and mutual self-help unnecessary; and the final outcome would be only those willing to take and able to get the Government favors that a bureaucratic body would have the arbitrary power to bestow or withhold, and the system would degenerate into nothing but Government ownership and State aid.

6. Too complicated: The Hollis bill proposes by one and the same act to establish public land banks and public savings banks, to authorize national cooperative savings and loan associations, and national joint-stock land banks; to utilize postal savings banks and any kind of mortgage concern or moneyed corporation chartered by national or State laws, and to form out of these incongruent public and private elements a grand centralized system subject to the same rules and regulations, subsidized by Government, and controlled by a Federal bureau at Washington, for extending credit to a special class of landowners. Confusion has naturally arisen.

Under the bill, private individuals may participate with Government in the management of the public banks. The so-called cooperative associations may be assisted by Government, managed by outside parties, and divested of mutual self-help and all other cooperative features except collective liability of members. The private land banks may use public funds, must submit to Government intervention, practice cooperative methods, and prefer the interests of their borrowers to those of the holders of their stocks and bonds. Short-term deposits may be used to finance long-term loans, and the profits on the cash and credit of the United States be distributed as dividends among individuals who are neither borrowers nor farmers, while the tax exemptions would be enjoyed by those who are not the intended beneficiaries of the system.

The friends of the bill justify its plan from the Federal Reserve System. But, in adopting the features of centralization, bureaucratic domination, and Government intervention of that act for their special purpose, they ignore the facts that the Federal Reserve System is available for all and was established by the United States Government in accord with its sovereign and constitutional right to create currency, while they utterly fail to realize that the machinery for giving liquidity to personal credits is not the proper machinery for mobilizing land values. The bill can not be said to reflect matured thought on land credit. Rather, it indicates, when the high discretionary powers of its autocratic Federal bureau are considered, that the framers were seeking some safe way to utilize the cash and credit of Government, and that they followed models devised by foreign countries for poor and ignorant peasants.

7. Inconsistencies: The bill forbids bonds from being recalled for 10 years, but allows the underlying loans to be paid off 5 years after date. It allows land banks to retain defaulted loans on their books for 2 years, but requires national farm-loan associations to make good all defaults

within 30 days after notice; this, of course, is impractical since no mortgages can be foreclosed within such a short time. The loans must be paid by annuities, but the annuities may be larger than the income of the mortgaged land—a dangerous practice in long-term lending.

The lenders can charge no commissions, but must stand all the cost of making renewals, although borrowers may pay off their loans in bonds and so, in the event of a depreciation, throw the loss upon shareholders; this also permits a borrower who can buy bonds to take profit away from his less fortunate fellow borrowers, and to interfere with the accumulation of a reserve to protect their investments and liabilities. Since the loans must be made in cash, the lenders—at least, the national farm-loan associations—ought to be able to exact payment in cash, as a matter of justice to their members, particularly to small borrowers.

The arrangement by which the Hollis bill obligates all borrowers to assume collective liability for any loan used for securing bonds is unjust. Especially would it be unjust for national farm-loan associations in which the liability is unlimited. In spite of the fact that one-fifth of the members of such an association may prevent it from admitting a loan applicant, nevertheless, every member must stand good for loans made without his knowledge or consent by any other association or Federal land bank anywhere in the United States. This inconsistency practically eliminates the associations from the system, since farmers would avoid them. The bill, it is true, provides that membership shall cease with the payment of the loan, and that the shares (which the association must compel the borrower to take up to 5 per cent of his loan) may then be retired.

But, on the other hand, the bill requires the association to purchase a corresponding amount of the capital stock of its Federal land bank and to pledge the borrower's obligatory shares with such bank. It is in this way that a Federal land bank is expected to obtain capital stock after the shares of the United States have been paid off. The capital stock, however, must always be maintained (with surplus) at twenty times the bonds in circulation, and never fall below the minimum of $500,000, while the bonds can not be redeemed before 10 years from date, and may run for much longer periods. Consequently, the amount of the obligations for which a borrower may become liable is practically unlimited; and, since no time is fixed by the bill, the borrower's liability would continue for 5 or 6 years (or the statutory period set by State laws) after he had paid up his own loan and had exercised his remote right to withdraw.

8. Defects: The scheme for amortizing loans and for issuing and redeeming bonds is not well coordinated. Although providing for periodic payment of the loans, the bill does not provide for periodic retirement of bonds, and so there is no automatic sifting of bad from good securities, so necessary in long-term mortgaging. Moreover, since amortization is obligatory, there should be provisions permitting prepayments to be applied to increase the size of the annuities and shorten the loan period, as well as to reduce their size without changing the period. Such alterations, however, affect both the interest and principal installments in the annuity. In the absence of statutory clauses allowing such alterations, the courts might adjudge the loan to be usurious if a corresponding recalculation of the annuities was not made; or, again, if such recalculation was made, the courts might construe the rearrangement as an entirely new contract having no lien on the mortgaged property against intervening third parties.

The Hollis bill is obscure on these points. It does not permit the land banks or associations to charge any fees for renewals, while it lacks even the clauses which enable American building and loan associations to impose dues for withdrawals and aggregate interest and principal in instalments, and thus extend long-term credit without running the risk of usury. The bill provides that only sums divisible by $100 and applicable for reducing principal (as distinguished from interest) may be paid in advance of the due date, while no loan under any model text shall draw interest at a rate higher than that legal for national banks. The only exception is the national joint-stock banks. Prepayments and defaults would present troublesome problems under these clauses and lack of proper clauses. The right to pay off a loan could not be postponed for 5 years. Payment in whole or in part should be allowed at any semester, and this would occasion no trouble if the land banks had the power, as they should, to recall their bonds at will or were compelled to retire them by periodical drawings.

Although the bill prescribes a statutory limit for the output of bonds, nevertheless it permits the land banks to contract debts in other ways without any limit as to amount, while their obligations may draw interest at a higher rate than that of the underlying securities. Thus, interest received from loans and other investments may be used to consume principal on the obligations and impair capital stock and assets. The trusteeing of mortgages with district registrars would be cumbersome, expensive, and totally unnecessary on the assumption that the officers of the land banks would be as capable and honest as anybody else. Moreover, such a requirement could add nothing to safety, because the loss or theft of recorded instruments, like mortgages, can occasion only an inconvenience.

9. Terms too severe for borrowers: The regulation of the borrower's affairs and expenditures naturally follows the State-aid features of the bill. The United States should have the say, of course, as to what may be done with Federal supplies. But this paternalism would put in question the undoubted intelligence and integrity of the average American farmer, while it would be difficult and expensive to carry out, besides making foreclosure possible at practically the will of the lender. There are many good reasons for borrowing, such as to educate one's children or to increase the size of a farm so as to meet the needs of a growing family or to leave an estate to heirs, but the Hollis bill excludes all these.

The mortgaged farm must have a value equal at least to twice the principal of the loan. But since 5 per cent of the money borrowed must be spent in share subscriptions, this cuts the actual credit of the farm down to 45 per cent of its value. If the money comes through a Federal land bank, the borrower must live upon and personally cultivate the mortgaged farm and use the loan only for some specified and sworn-to purpose. He can not dismortgage the farm for five years, nor freely sell it as long as any of the loan remains unpaid, while foreclosure may be brought at once if he dies, defaults, or dissatisfies some secret inspector. Moreover, he must become a member of some national farm-loan association and assume double or unlimited liability for all other loans made through the system. These terms are more harsh and onerous than now exacted from borrowers.

10. Could not operate with uniformity and fairness: This plan to establish a nation-wide system by beginning at the top without due regard to the foundation has naturally evolved a fragile superstructure unnecessarily elaborated in details. The bill proposes to legislate on matters ordinarily taken care of by by-laws or resolutions of boards of directors, while, on the other hand, it lacks indispensable clauses. Its scheme to unite all varieties of land-credit institutions into one harmonious whole is pleasing to the eye, but not logical nor practical. The more it is studied the less it satisfies the advocates of any kind of institution. Indeed, nothing but continual violation of correct principles can be expected of such a centralized, complicated, and subsidized system. The 45 per cent of the value imposed as the lending limit on land would make it useless in thickly settled and improved sections. Its lending restrictions would interfere with its extension to Texas, whose constitution prevents the waiver of homestead rights, and to other States whose laws do not conform to the standards prescribed by the bureau.

There is no possibility that the system would operate with fairness and uniformity throughout the country nor improve land credit to any noticeable degree. Its method of finance, through deposits attracted and bonds sold upon the forced guaranty of 12 or more Government banks and upon the good faith and honor of the United States, eliminates land-credit features. The mortgages lose their character as securities and become simply a gauge for the output of bonds and a means for doling out funds supplied through Government. The unfortunate outcome of this substitution of the credit of Government for the credit of the land by the arrangement proposed would be that reforms now under way would be discouraged, while loans could be made only to special classes in outlying districts, and the profits of the system would be distributed as dividends and tax exemptions accorded to persons who are not farmers or borrowers.

11. Dangerous possibilities: Failing to satisfy the land-credit needs of the average farmer, the system would perhaps inordinately develop its savings-bank and other features. There is no forecasting the time when the enormous funds which might be attracted by the tax exemptions and by the promise of Federal officials to pay 4 or 5 per cent a year. The bureau may prescribe any kind of Government security for investment and define as it pleases the words "improvement" and "equipment" in the bill.

This opens the door for land-reclamation projects and for an endless variety of Government activities. The distinction between private and public enterprise would become obscured, with the ability of the Government, thus indefinitely increased, to embark on business and financial ventures.

RECOMMENDATIONS.

In view of these minor and important defects the Hollis bill does not present a workable plan. Instead of passing a special act for utilizing the cash and credit of the United States and for creating a centralized system composed of such incompatible elements as public banks, capitalistic companies, and cooperative associations, it would be better for Congress to pass a law, general in its nature (like the national banking act), under which plural competitive companies might be formed for granting loans to any class of landowners selected by their charters.

The specific essentials of such a law are few and simple, their purpose being to regulate bond issues, enforce rigid supervision, and safeguard borrowers from oppression and investors from losses, and to require enough capital stock to assure a strong financial standing. Inasmuch as farm loans are more expensive to make than other kinds of loans, it might be advisable to exempt from taxation all farm mortgages when used as security for bonds. But special legislation should not go beyond this favor until a fair trial had proved that properly regulated and officially supervised companies, operating on correct principles, were not able to find the farmers all the money they need at long-term and reasonable interest rates.

The so-called associations of borrowers in their purity have no capital stock nor do they take in money on shares or as deposits or savings. They are known as landschafts, and they are created, officered, and managed very much like drainage, sewer, improvement, or school districts in the United States. The liability of the landowners in both is collective and unlimited. In consequence of assessments which may be levied in order to maintain a sinking fund at a balance with outstanding bonds. The issuance of bonds by a landschaft, however, is resorted to only for raising money for individual loans. This is its chief difference from the American districts. Landschafts are the best institutions for according long-term credit on farm lands, but it would be well to leave the legislation for them to the States where they might be serviceable.

MYRON T. HERRICK, *Chairman.*

CLEVELAND, OHIO, *March 31, 1916.*

Mr. POMERENE. Mr. President, may I ask the Senator from Massachusetts what are the average earnings of the various institutions to which he has referred?

Mr. LODGE. I have not the figures here and can simply state those earnings offhand. I think our banks in Massachusetts made 3 per cent.

Mr. POMERENE. My thought is that these mortgage-loan bonds will be very largely taken by such institutions as the Senator from Massachusetts has in mind.

Mr. LODGE. I should not think they would be taken if they were well-managed institutions.

Mr. POMERENE. If these securities will be as good as we believe they are going to be—and I see no reason why they may not be just as secure as law and safe administration can make them—I can not understand why we should distinguish between them and any other institutions.

Mr. LODGE. Under the laws of the State—at least, under the laws of my State—the officials are very strict in regard to savings-bank investments. I do not believe they are permitted to invest in securities because the Senate and House of Representatives may think they are going to be good securities.

Mr. POMERENE. I imagine that they will use their sound judgment in the matter.

Mr. LODGE. I fancy so.

Mr. POMERENE. I think we have legislated with a reasonable degree of intelligence with regard to the banks of this country, and I see no reason why we may not use that same intelligence in this matter.

Mr. LODGE. I think we can hardly cite that as an authority.

Mr. POMERENE. I am entirely content with it.

Mr. CUMMINS. Mr. President, I am not questioning the intelligence of the committee; I think it has performed a very difficult task in a very creditable way; but it must not be assumed that the result of its labors can not be improved in the debate and the consideration which the Senate will give upon these very indirect propositions.

Mr. POMERENE. I hope the Senator from Iowa does not think that I was objecting to any amendments. I shall have several to offer myself later on.

Mr. CUMMINS. I did not, even in my mind, accuse the Senator from Ohio of any such treason to this very honorable body. I earnestly desire to aid the Senator from New Hampshire in opening the road for the farmer to the sources of capital in this country, and to procure for him the readiest access possible for the money that he needs to supply his wants; but I am still of the opinion that the farmer does not desire, and ought not to have if he does so desire, an advantage over other classes of the country.

I began by suggesting that the exemption from taxation in such a case as is proposed for the deposits made with the farm-loan associations was unequal and unfair, and I still believe so. I have no doubt that the thing in the mind of the Senator from New Hampshire was the exemption of the bonds from taxation, because they were, in a certain sense, governmental instrumentalities. I have no question but that he has been assiduously looking for constitutional pegs upon which to hang this very important measure. I think he will find them without difficulty, and still remove some of the objectionable things that I believe are now in the bill.

I shall offer no amendment at this time, but when the reading of the bill shall have been finished, there are certain suggestions that I desire to make to the Senator from New Hampshire and to the Senate.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. The Senator from Montana.

Mr. DILLINGHAM. Mr. President, before this bill is put upon its passage, I hope the Senator who has charge of it will very fully discuss the question which has been suggested by the Senator from Iowa [Mr. CUMMINS].

The VICE PRESIDENT. The Senator from Montana [Mr. WALSH] has been recognized by the Chair.

Mr. WALSH. I yield to the Senator from Vermont.

Mr. DILLINGHAM. I beg pardon. I did not know that the Senator from Montana had been recognized. I thought I was recognized.

I find in section 29 of the bill this language:

SEC. 29. That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act.

That is a very broad proposition, and when we consider the number of institutions in the country that are dealing in farm mortgages, and are dealing directly with the farmers and between them and large investors, we can see at a glance what such a provision as this means.

If I carry the figures correctly in my mind—and I think I do—the last census shows that the amount of farm loans in this country was substantially $2,000,000,000. If this act is to stimulate farm loans and place them upon a basis that will induce a larger measure of relief to the farmers, there is no reason why the number of farm mortgages in this country may not double. It is not a simple question of poverty; it is a simple question, as the Senator from New Hampshire [Mr. HOLLIS] has said, of securing money under conditions that will enable them to do business upon a better basis. If the amount of mortgages, we will say, in the next 10 years is to double and one class of them is to be exempted from taxation, which must run from 1 to 2 per cent, it will be seen at a glance that anybody in competition with this system must suffer extremely.

I do not know how it is in other sections of the country, but in New England I think our taxes average from 1½ to 2 per cent, and if they stand at either of the figures which I have given, this aggregation—that is, the aggregation provided by this bill—it seems to me, will be able to drive all others out of business, and we will find a double cause of trouble in it from the fact that we will be taking money from the people in the form of taxes, the benefit of which they have a right to enjoy. It will take a large amount of property out of taxation, and when that is taken out other classes in the community will have to pay the deficit that has been thus created. In addition to that, it is a direct attack upon established institutions in which there has been invested a vast accumulation of money.

I hope that the Senator will take that matter up very carefully. It is a subject to which I had given very little attention until I heard the reading of the bill; but I should like to see if there is any way of explaining away what seems to me to be a very great injustice both to that portion of the public not covered by the benefits of this bill, and to the other portion of the public that are engaged in legitimate business.

Mr. WALSH. Mr. President, it may be of some service to direct the attention of the Senate at this time to the clause in the bill which has given rise to this discussion, which has departed widely from the matter to which the provision of the bill under consideration relates. It reads as follows:

Such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm-loan bonds or in first mortgages as defined by this act.

The discussion was precipitated by the Senator from Iowa who might be interested in what I have to say.

Mr. SMITH of Michigan. From what page of the bill has the Senator read?

Mr. WALSH. Page 29. Of course if the land bank were at liberty to invest such deposits in any mortgages which it might find on the market, coming from any source whatever, those mortgages might bear any rate of interest; but quite obviously the land bank is restricted in the use of its funds to the purchase of mortgages negotiated by the local land association, for the language is not general that it may purchase mortgages, but that it may purchase farm-loan bonds or first mortgages "as defined by this act."

Mr. HOLLIS. Mr. President, I might supplement what the Senator is saying by adding that there is a provision in the bill that land banks can not buy in any other way, except through the local associations. They can only invest in regular mortgages, in loans to the farmers who belong to farm-loan associations.

Mr. WALSH. The term "first mortgage" is defined by section 2 of the act, as follows:

That wherever the term "first mortgage" is used in this act it shall be held to include such classes of first liens on farm lands as shall be approved by the Federal Farm Loan Board, and the credit instruments secured thereby.

The Federal loan board does not approve any loans on farm land except those made by the local associations, and the local associations are prohibited by the act from charging any more upon loans made by them than 1 per cent in excess of the rate at which the last issue of farm-land bank bonds was issued, and that, as provided by the act, shall never be in excess of 5 per cent. So the amount of interest which the mortgages in which the deposits may be invested shall bear is limited by the terms of the act.

Reference has been made to the exemption from taxation feature. That, as pointed out by the Senator from Vermont [Mr. DILLINGHAM], is the subject of a distinct subhead in this bill, which will be encountered in due course of time, and when it is, doubtless that subject will be debated with some earnestness, because it is quite obvious that in that provision of the bill is found the feature which has provoked whatever antagonism has yet developed to the measure.

I desire, however, to say in this connection, inasmuch as the Senator from Iowa [Mr. CUMMINS] has referred to the competition with savings banks, that the ideal savings bank is not subject to taxation. The ideal savings bank has no property; it is simply an agency for the investment of the money deposited with it by its depositors. The local associations are in character much the same, and, so far as they are concerned, there is no discrimination in this bill against the savings banks strictly so called. Of course, many banks go under the name of savings banks which have a capital stock, as the ideal savings bank has not, but those are operated for profit. Savings banks of that character will, of course, compete under such disadvantage as arises from the exemption given to the land banks; but, so far as the savings bank itself is concerned, the institution that is analogous to it is the local land association.

Mr. CUMMINS. Mr. President, a word in reply to the suggestion of the Senator from Montana. It may be that there are provisions in the bill with which I have not become familiar, but I think it can not be safely asserted that the only mortgages which a land bank can acquire are mortgages which are presented to it by farm-loan associations. It is true that in section 14 we find this provision:

That no Federal land bank shall have power * * * to loan on first mortgage except through national farm-loan associations as provided in section 7 of this act, or through agents as provided in section 17.

Turning to section 17, we find this provision:

That whenever, after this act shall have been in effect one year, it shall appear to the Federal farm-loan board that national farm-loan associations have not been formed, and are not likely to be formed, in any locality, because of some peculiar local conditions, said board may,

in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board.

While I think that is a good provision, yet it opens the door to loans made by the land banks in every locality in which farm-loan associations have not been organized as an original authority; in other words, the land banks under those circumstances simply become general loaners of money to whomsoever desires to secure loans from the bank.

Mr. HOLLIS. Mr. President, if the Senator will pardon me, it is quite evident on a reading of section 17 that the agents are confined to chartered banks, trust companies, or mortgage institutions, and they are only permitted to place loans of that kind up to, I believe, 1 per cent of their capital and surplus, which restricts that amount very much. It is only intended to offer facilities to some remote regions where they can not form loan associations, in order that the farmers there may not be entirely without accommodation. It would be a very restricted form of loan.

Mr. WALSH. Mr. President, I will add that these agencies making the loans in lieu of the local associations, where there is no association, are under exactly the same restrictions as though the loan were made by the local association. Section 17, to which the Senator has referred, reads as follows——

Mr. CUMMINS. I am quite aware of the restriction; but it is no restriction at all when compared with the ordinary rules for loaning money. No loaner, I think, of reputation and standing, loans money in excess of 50 per cent of the value; and the only requirement here is that the borrower shall subscribe to the stock of the Federal land bank.

Mr. WALSH. I think not. I think it clearly appears that the loans made by the local agent are restricted in the matter of the interest charge just the same as the local association would be. I can not read the language in any other way. The language is:

Such loans—

That is, loans made by this local agent, instead of the association—

shall be subject to the same conditions and restrictions as if the same were made through farm-loan associations.

Now, clearly, that means that they can charge no higher rate than could the local association, if there were a local association.

The reading of the bill was resumed, beginning on line 19, page 29.

The next amendment was, under the subhead "Restrictions on loans based on first mortgages," in section 12, page 30, line 1, after the word "agreement," to strike out "for the payment of interest, and," so as to make the clause read:

Second. Every such mortgage shall contain an agreement for the payment of a fixed number of semiannual installments sufficient to provide for an agreed rate of interest during the term and for the payment of the principal during and at the end of the term, on what is known as the amortization plan.

The amendment was agreed to.

The next amendment was, on page 30, line 21, after the word "amounts," to strike out "and of the proper series," and in line 23, after the word "amounts," to strike out "and of the proper series," so as to make the clause read:

(b) By advance payments in cash in sums of $100, or any multiple thereof. In such case the Federal land bank receiving such payments shall purchase for its own account and credit at par upon the mortgage farm-loan bonds in suitable amounts; said land bank may call, as may be necessary, farm-loan bonds in suitable amounts, and when such calls shall have become effective shall credit such payments on such mortgage.

The amendment was agreed to.

The next amendment was, at the top of page 31, to insert:

Provided, That farm-loan bonds of any Federal land bank, tendered or purchased under the foregoing two paragraphs to extinguish the whole or any part of a mortgage loan, shall bear the rate of interest current on farm-loan bonds issued by such bank at the time such mortgage loan was made.

The amendment was agreed to.

The next amendment was, on page 32, line 3, after the word "section," to strike out "twenty" and insert "nineteen," so as to make the clause read:

Seventh. No such loan shall exceed 50 per cent of the value of the land mortgaged, said value to be ascertained by appraisal, as provided in section 19 of this act. In making said appraisal the actual earning power of said land shall be a principal factor. A reappraisal may be permitted at any time in the discretion of the Federal land bank, and such additional loan may be granted as such reappraisal will warrant under the provisions of this paragraph. Whenever the amount of the loan applied for exceeds the amount that may be loaned under the appraisal as herein limited, such loan may be granted to the amount permitted under the terms of this paragraph without requiring a new application or appraisal.

The amendment was agreed to.

The next amendment was, on page 32, line 16, before the word "shortly," to insert "who does not in his application promise," so as to read:

Eighth. No such loan shall be made to any person who is not at the time or who does not in his application promise shortly to become engaged in the cultivation of the farm mortgaged. In case of the sale of the mortgaged land the farm loan association may, in its discretion, declare the mortgage thereon due and payable or permit said mortgage to be assumed by the purchaser.

The amendment was agreed to.

Mr. SMOOT. Mr. President, may I ask the Senator having the bill in charge a question in relation to the amendment which was just agreed to? Suppose the person states that he does intend shortly to become engaged in the cultivation of the farm mortgaged and secures the loan and never does carry out his intention. Is there any penalty attached to it in any way?

Mr. HOLLIS. Yes; in section 12 the bill provides that if a borrower expends the money for any other purpose than the one specified in the application the land bank may immediately foreclose.

Mr. SMOOT. That is all?

Mr. HOLLIS. That is all; yes.

Mr. SMOOT. Simply the foreclosure of the mortgage on the property on which the loan is made?

Mr. HOLLIS. We discussed this matter, and it seemed that it might be a little harsh to hold a man too closely in order to give the land bank power to foreclose if he did not comply with his promises.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from New Hampshire if the word "shortly," in line 16, has a distinct meaning in his mind? I suppose the committee are endeavoring to avoid being imposed upon and desire the applicant to be really engaged in the cultivation of the soil. I suppose that word has been used advisedly. Does the Senator think it is sufficiently restrictive?

Mr. HOLLIS. It seems to me that it is, because it would be left very largely to the discretion of the directors of the Federal land bank who had to deal with him. In one part of the country "shortly" might be pretty quick and in other parts of the country "shortly" might be a long time. We felt that it would not be wise to insist upon any particular time, because it might work hardship in some cases.

We went all over this matter two or three years ago in discussing the phrase "unfair competition." Many of us wanted to define it or try to define it, and many of us thought that we could not. Something has to be left to the decision of the bank and of the tribunal before whom it seeks to enforce its rights.

Mr. SMITH of Michigan. Does not the Senator think that the eighth subdivision, if relieved of the condition in lines 15 and 16, would be more effective? Then it would read:

No such loan shall be made to any person who is not at the time engaged in the cultivation of the farm mortgaged.

It seems to me that that would be far better than "or who does not in his application promise shortly to become." It seems to me that the latter expression opens the door for more or less speculation, and makes very indefinite the actual cultivation of the soil by the applicant.

Mr. HOLLIS. My own idea was exactly that of the Senator. As it was drawn in the bill recommended by the joint committee, it was left that way; but the Senate Banking and Currency Committee thought that those who were not actually cultivating the soil, but were going to buy a farm, and who promised that they would engage in the cultivation of it themselves, ought to be allowed to come in. I think it would obviate the difficulty that seems to be rather widespread if we should fix some time—say, six months. It is more proper to do it, and it makes it definite.

Mr. SMITH of Michigan. It seems to me the word "promise" is rather elastic.

Mr. SMOOT. I was going to suggest to the Senator, why not make the amendment read in this way:

Or who does not in his application promise to become, within six months after his application is made, engaged in the cultivation of the farm mortgaged.

Mr. SMITH of Georgia. "Six months after the loan is made."

Mr. SMOOT. "Ninety days after the loan is made," if you are going to make the loan the basis.

Mr. SMITH of Georgia. No.

Mr. HOLLIS. If it is left "within six months," to date from the time of the promise, which would be the application, I think that would be definite enough.

a direct attack upon established institutions in which there has been invested a vast accumulation of money.

shall appear to the Federal farm-loan board that national farm-loan associations have not been formed, and are not likely to be formed, in any locality, because of some peculiar local conditions, said board may,

I ask unanimous consent that the word "shortly" be stricken out and that, after the word "become," there be inserted the words "within six months."

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator in charge of the bill whether that language means that the applicant must himself be physically engaged upon the farm, or through employees or tenants?

Mr. SMOOT. It applies in the same way that the eighth paragraph applies, in the beginning of the paragraph:

No such loan shall be made to any person who is not at the time—

And so forth. So it certainly would apply to the person himself. The person must be engaged in the cultivation of the farm mortgaged.

Mr. SMITH of Arizona. He does not have to be engaged with his own hands in actually working it himself.

Mr. SMOOT. It says so. It says—

No such loan shall be made to any person who is not at the time engaged in the cultivation of the farm mortgaged.

Mr. HOLLIS. I can easily explain what the committee meant. Whether they have adequately expressed it or not is for the Senate to determine.

The reason for the restriction, in the first place, is to avoid land speculation. We wanted to limit it to actual producers. If a man is personally engaged in the cultivation of his farm, either with his own hands or supervising those who are doing the work with their hands, the committee believed that the purpose would be fulfilled; and I think that is what a fair construction of the act would carry.

Mr. CLAPP. Mr. President, if the Senator will pardon me——

Mr. HOLLIS. I yield to the Senator from Minnesota.

Mr. CLAPP. I happened this morning to take up the bill offered by the senior Senator from North Dakota [Mr. McCUMBER], and it strikes me that he has that matter well arranged:

That any owner of agricultural land within the United States who is living upon and farming such land, desiring a loan—

That could easily be accommodated to the situation where a man was about to buy a farm, the contract, of course, depending upon the loan going through. I think it would be more likely to prevent any possible speculation, which the committee was desirous of avoiding, than even the amendment which the Senator has just accepted.

Mr. SMITH of Michigan. From what is the Senator from Minnesota reading?

Mr. CLAPP. I am reading from a bill offered by the senior Senator from North Dakota [Mr. McCUMBER].

Mr. SMITH of Michigan. Oh, I see. I thought that language was in this bill somewhere.

Mr. CLAPP. In looking it over I noticed that this morning, and it occurred to me that the Senator from North Dakota had covered that point about as well as it could be covered:

That any owner of agricultural land within the United States who is living upon and farming such land, desiring a loan—

And so forth.

Mr. SUTHERLAND. Mr. President, as I understand the language which the Senator from Minnesota has read, that would restrict the loans to persons who were actually engaged in farming their own land, would it not?

Mr. CLAPP. It would not. It would not restrict the loan to the man who is actually doing the work, but he must be in fact a farmer.

Mr. SUTHERLAND. I do not mean by that that he shall necessarily do the work with his own hands, but that he is really engaged in operating a farm.

Mr. CLAPP. Really engaged in farming.

Mr. SUTHERLAND. The provision to which the Senator from Michigan [Mr. SMITH] directed attention will permit of a loan being made to a person who not only is not engaged in the cultivation of a farm, but who never will engage in it, because it is only necessary that he shall promise to become engaged in the cultivation of the farm mortgaged; and if afterwards he does not carry his promise into effect no penalty is prescribed. The loan continues just the same.

Mr. CLAPP. I understand that the object of the committee was to limit this to men who were actually farmers, and to avoid cases where a man could use the assumed contemplated purchase of land as the basis of securing a loan under this bill. Now, if that is true—I assume, of course, that it is; I did not mean it in the form of a question—it strikes me that the Senator from North Dakota has put it in very good shape.

Mr. SUTHERLAND. I think I agree with what the Senator says about it. I think I agree that the language which the Senator has read from the other bill is the more appropriate language.

Mr. CLAPP. I was going to ask the Senator from New Hampshire if it did not occur to him that it would be a better form than the language which he has? If so, he can accept it.

Mr. HOLLIS. It seems to me that the language as it is now is as clear and definite as it can be made and still be workable:

No such loan shall be made to any person who is not at the time, or who does not in his application promise to become within six months, engaged in the cultivation of the farm mortgaged.

We went over this matter at different times. This language was the result of a good deal of colloquy among men who had made farm loans. I remember that the Senator from North Dakota [Mr. GRONNA] and the Senator from Minnesota [Mr. NELSON] were discussing it at that time and this was the result. I should rather hesitate to accept on the spur of the moment something that I had not had a chance to study.

Mr. SUTHERLAND. Let me ask the Senator from New Hampshire a question: Suppose some real estate speculator acquires a farm or two farms, or a dozen farms, for that matter, on which he desires to obtain a loan or loans, and in his application he makes the promise that within six months he will himself engage in the cultivation of the farm or farms mortgaged and then fails to redeem his promise. Is there any way of enforcing it? Is there any penalty prescribed?

Mr. HOLLIS. The only penalty is that if he fails to expend the money for the purpose indicated, the loan may be at once foreclosed. We discussed that matter, and at first we thought of annexing a penalty if a man made a false promise, punishing him for making a false promise. Upon reflection, however, it seemed to the committee that that was being a little too harsh with a man who might be used to making promises in his applications for loans and who was a little careless about fulfilling them. It did not seem to the committee that real estate speculators could impose on the land banks very often, and if they did in a case now and then no great harm would be done, because the security is good, and could be taken and used to collect the money.

Mr. SUTHERLAND. But let me make a suggestion to the Senator. As I understand, the officers of the Federal land bank are to pass upon these applications.

Mr. HOLLIS. Yes.

Mr. SUTHERLAND. Instead of the provision that the Senator has inserted—

Who does not in his application promise within six months to become engaged in the cultivation of the farm mortgaged—

Why not say—

Any person who is not at the time engaged in the cultivation of the farm mortgaged, or whom the officers of the land bank, upon investigation, are not satisfied will engage within the period—

Leaving the discretion with the officers of the land bank instead of having it based upon the mere promise of the individual borrowing the money?

Mr. HOLLIS. I get the idea of the Senator.

Mr. SUTHERLAND. The officers of the land bank can very readily determine by a little investigation whether the man is making the application in good faith and really intends to farm the land or not.

Mr. HOLLIS. I think they will undoubtedly do that. If he makes a promise, then they will decide whether or not he is going to keep the promise. I will consider that; or, if the Senator cares to present it in the form of an amendment, I shall be glad to examine it carefully.

Mr. WALSH. Mr. President, before this matter is passed I desire to suggest to the Senator from New Hampshire that there is very considerable doubt as to whether a foreclosure could be had for failure to carry out the promise provided in subdivision the twelfth, to which he has called our attention. There is quite a little difference between using the money which he borrows for some purpose other than that for which he borrows it and his failure to carry out his promise to engage in the farming business. I do not think a foreclosure would be justified under the provisions of subdivision twelfth for a failure to observe the promise contemplated in subdivision A. I do not think any penalty is attached; and, accordingly, I think the language of the bill as it originally stood is to be preferred to that as it would be if the amendment proposed by the committee were adopted. It would improve it, I think, to put in the words "who does not intend," so that it shall read:

No such loan shall be made to any person who is not at the time, or who does not intend shortly to become.

In the application he will be obliged to state either the one thing or the other; either that he is actually engaged or that he intends to become engaged. Now, foreclosure would not follow, but there is a penal provision later on making him answerable for any false statement that he makes in his application; and while it would be difficult to prove that he did not intend to

engage in it, that would be the only recourse that could be had. It is my opinion that it would be unwise to penalize a man who made a loan expecting to go into the business himself, but who in the meantime, we will say, transferred his land, so that after he got the money, and before he went into the business, he sold the land, and thus abandoned his purpose.

It occurs to me that it would be unwise, as well as unjust, to make the mortgage subject to forfeiture; and so I think it is wise that it was not provided in subdivision twelfth that foreclosure should follow as a penalty for failure to observe the promise. I believe, though, that the whole purpose would be subserved by making the language as I have indicated:

Or who does not intend shortly to become.

Making him penally liable if he was fraudulent in making the representation concerning his purpose.

I make that suggestion to the Senator.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Montana a question. Does he think that a person who would state in his application that he intended within six months to become engaged in the cultivation of the farm mortgaged, and failed to redeem his promise, would be liable as for making a false statement?

Mr. WALSH. Oh, no; certainly not, if there was nothing further. If he made it in perfect good faith, and something afterwards intervened making him change his mind, he could not be made personally liable. That is the point I am making—that he ought not to be made either penally liable nor civilly liable.

Mr. SUTHERLAND. I agree with the Senator that he ought not to be made liable, and I do not see upon what theory he could be made liable.

Mr. SMITH of Michigan. He might be prevented from doing it by sickness or inability from some other cause.

Mr. SUTHERLAND. I think the Senator from Montana makes an excellent suggestion, and I think it might be amplified by saying:

Or who does not establish, to the satisfaction of the land bank, that he will become, within six months, engaged—

And so forth.

Mr. HOLLIS. The suggestion of the Senator from Utah is practically allowing the original language to stand.

Mr. SUTHERLAND. I think that is true. I think that would be the proper construction of the original language.

Mr. HOLLIS. That was my own idea, and that was the way the bill was drafted in the first place; but in the committee some one wanted the promise, and so it was inserted. I think if we reverted to the original language we would get it as nearly as we could get it for practical purposes. In that case the land bank would have to make up its mind whether or not the man did intend shortly to become engaged in farming the land mortgaged. That would be a fact. Does he intend? That is a fact which they can decide. Now, they may be wrong in their decision, and he may change his mind; but I think that is as near as they can come to it.

I suggest that this amendment be passed over, and I will bring it up at some later time.

Mr. SMITH of Michigan. Mr. President, if the Senator will permit me, I notice in line 20, paragraph 8, that the provision which was intended to give some status of protection to the heirs of the mortgagor is stricken out.

Mr. HOLLIS. But it is replaced by another one that immediately follows.

Mr. SMITH of Michigan. Does the Senator mean at the bottom of this page?

Mr. HOLLIS. Yes. That was done at the suggestion of the Senator from North Dakota, providing for the death of the mortgagor.

Mr. SMITH of Michigan. I do not think that is the same. Then, the Senator thinks, does he, that where the discretionary power is left with the board to terminate the loan that gives all the protection that is needed?

Mr. HOLLIS. It seems to me so. I drew it the other way originally, but this was a committee amendment, and I believe the committee amendment is wise. We float farm-loan bonds based on mortgages as security. We do that on the representation that these bonds are absolutely safe; they are backed by mortgages that are perfectly sound. The land bank, in case of the death of a mortgagor, will be very anxious to keep its money out and allow his family to carry it on as long as they do so properly; but the right to foreclose must rest with the land bank, because if its mortgages are not sound, if those who are in possession are not carrying on the farm properly, and waste is being committed, then the land bank ought to be allowed to foreclose in order to save its own creditor; and after a great deal of discussion this language was finally agreed upon. I am aware that the two sides of it can be stated with great clearness and cogency, but this is the one that is usually found to prevail in all communities—that in case of death the mortgagee must have the right to decide whether he wishes to foreclose or to allow others to carry on the farm.

Mr. SMITH of Georgia. I do not believe that it would be satisfactory to the American farmer. I do not think many farmers would like to make a mortgage upon their farms under the provision that if they should die, although the interest was met and the debt had not matured, somebody would have the privilege of foreclosing it.

Mr. HOLLIS. Under this provision there must be a default before they can foreclose. As long as the interest is paid and the conditions are met they can not foreclose. There must be a default and there must be a necessity to protect the loan.

Mr. SMITH of Georgia. "In case of the death of the mortgagor, the mortgagee may, on default and if necessary to protect the loan."

Mr. SMITH of Michigan. That does not meet the situation. The clause "if necessary to protect the loan" puts into the hands of the mortgagee the power to entirely disregard the right of the heirs of the mortgagor.

Mr. HOLLIS. But there must be both a default and a necessity to protect the loan. If there is a default and if it is necessary to protect the loan, they may foreclose. If there is no default, they can not foreclose.

Mr. SMITH of Michigan. Do the heirs become ipso facto successors of the mortgagor in the loaning company?

Mr. HOLLIS. They do.

Mr. SMITH of Michigan. I do not find anything in the language to justify that statement.

Mr. HOLLIS. That is what it says, as I understand it.

The next amendment was, on page 32, line 20, after the word "purchaser," to strike out "In case of the death of the mortgagor, his heir or heirs, or his legal representative or representatives, shall have the option, within 60 days of such death, to assume the mortgage obligations of the deceased and carry on the mortgaged farm" and to insert "In case of the death of the mortgagor, the mortgagee may, on default and if necessary to protect the loan, declare the mortgage due and payable and take all steps necessary for its collection."

Mr. SMITH of Georgia. I should like to have that amendment passed over.

Mr. HOLLIS. I am willing to have it passed over.

Mr. WALSH. Before we pass from this subject I wish to inquire of the Senator from New Hampshire what is the purpose of the preceding clause, "in case of the sale of the mortgaged land, the farm-loan association may, in its discretion, declare the mortgage thereon due and payable, or permit said mortgage to be assumed by the purchaser." Why penalize a man for selling his land? Why not invite him to do so, and why should any permit be given to foreclose?

Mr. HOLLIS. He might sell to a drunkard or a man of bad character, and the bank might feel that the farm would run down in the hands of such a man. Therefore there ought to be an option of foreclosure, if they did not care to have this security handled by that sort of a man.

Mr. WALSH. Does not the Senator feel that that will be a very serious restriction upon alienation.

Mr. HOLLIS. I should think not, because as long as the purchaser is all right the land bank will be entirely willing to permit the mortgage to be assumed.

Mr. WALSH. Of course, I appreciate that this scheme is to a large extent cooperative, and each member of the local association in a way assumes some kind of a liability for all of the mortgagors, and inasmuch as they may exercise discretion in admitting strangers to membership, it might be proper to refuse to permit the assignment; but it occurred to me, when my attention was first directed to it, that it would be an unjustifiable restriction on alienation.

Mr. HOLLIS. That was carefully considered by the committee and discussed at some length, and they decided that this was the best way to put it.

Mr. CURTIS. Would not a provision of that kind prevent the sale of property? Would it not affect the price the seller might get for it? It seems to me that it would.

Mr. HOLLIS. I should think not. It would be perfectly easy to write to the land bank and say I want to sell to such a man; have you any objection? And the local association to whom the loan was made would report that the man is all right; there is no objection to it. It seems to me it is a very simple provision.

Mr. CURTIS. Why not provide that the property shall not be sold without consent?

Mr. HOLLIS. Consent of whom? He can pay up his mortgage if he wants to, and then he can sell to anyone he pleases, but as long as his land is mortgaged the land bank ought to have some choice as to whose hands it should go into.

Mr. SMITH of Georgia. Does not the Senator think it would handicap very much a transaction of this kind? Take the case of very long loans on the amortization plan. A large part of the loan may be paid off. The privilege of selling them and letting the loan continue becomes an asset that is very valuable. Of course no amendment has been offered yet to make a change.

Mr. HOLLIS. If the man is all right, it is such a man as is wanted in the association. If anything is the matter with him, the land bank ought to have the decision.

Mr. SMITH of Georgia. It ought to be a matter of right with the owner of the land to sell with the continuation of his mortgage, unless there should be some objection to the man.

Mr. HOLLIS. I think that discretion must rest with some one, and under any workable mortgage plan I think it must rest with the mortgagee. I should not put it anywhere else.

Mr. SMITH of Georgia. Is there not a general right on the part of the loan association to foreclose on default?

Mr. HOLLIS. The land bank is always the one that forecloses. The land bank loans the money, and there is a general right in it to foreclose.

Mr. SMITH of Georgia. I can not see the necessity of putting in a clause that "in case of the death of the mortgagor, the mortgagee may on default and if necessary to protect the loan," can "declare the mortgage due" and foreclose it. They could do it anyhow.

Mr. HOLLIS. I think that is so, but that expresses the idea of the framers of the bill that it should not be done without default. If we did not handle the subject at all people might claim that it might be done without default. When we state that it may be done on default and if necessary to protect the loan, we have declared ourselves on that subject.

Mr. SUTHERLAND. If it be true, as I think it is, as suggested by the Senator from Georgia, that the mortgagee would have the power upon default to declare the mortgage due and proceed to enforce it; in other words, that the power would exist if this clause is omitted, then have you not introduced a clause which is apt to lead to some confusion, namely, taking that clause by itself, when you say that in case of the death of the mortgagor the mortgagee may on default declare the mortgage due and payable, and so on, the implication at once arises that in any other state of facts, even upon a default, you could not declare it to have failed? It seems to me that by putting in that amendment you have introduced an element of confusion in the bill and it would be better to omit it. It really adds nothing to the general provision of the bill which is contained in the twelfth subdivision and which gives the mortgagee the option upon a default to declare the mortgage due and payable, whether the mortgagor is living or not.

Mr. HOLLIS. The situation which the bill is in illustrates the difficulty of handling a complicated subject like this even in committee, and it is much worse on the floor of the Senate. I drafted the clause that has been stricken out by the committee. I drew it myself thinking that that was the best one, and I gave it careful consideration. After we had had it in committee and discussed it for two or three hours we finally agreed on the other proposition. I did not like it as well as the original, others liked it better, and the result is that it does state something that would follow without the statement of it.

I think it should be, now, perhaps, in this way, that in case of the death of the mortgagor the mortgagee may foreclose only in case of default and if necessary to protect the loan; that is, that the death of the mortgagee alone would not be sufficient to place the mortgage in default.

Mr. SUTHERLAND. It seems to me that the language now suggested by the Senator from New Hampshire does not alter the sense. It is simply another way of stating the same thing.

Mr. HOLLIS. If the Senator will pardon me, I think in many States in the case of the death of the mortgagor the debt becomes due and the mortgagee could instantly foreclose. If we provided in the bill that a foreclosure in case of death shall only be when in default we should be stating something that is positive and means what is intended. That is my thought.

Mr. SUTHERLAND. It seems to me that the original language which the Senator used in the bill is preferable.

Mr. HOLLIS. I should be very glad to see it restored, but that is, of course, for the Senate to determine. If anyone cares to move that the amendment of the committee be not agreed to, I shall not object.

Mr. CURTIS. I understood that it was to go over.

Mr. SMITH of Georgia. If the Senate is ready to vote on it I would very much prefer the language of the original bill to the amendment of the committee. I still do not know what the amendment means. The Senator from New Hampshire suggests that in some States a mortgage becomes due on the death of the mortgagor.

Mr. CURTIS. I think the Senator must be mistaken in that.

Mr. SMITH of Georgia. I never heard of such a rule anywhere. I do not think that is the case.

Mr. HOLLIS. When a man dies the debts that he owes, whether a mortgage or not, are due and payable and collectible against the estate. If the security is not sufficient they will collect out of his other assets; they are not obliged to wait to foreclose. I state what I know to be the fact in my own State, because I have had experience.

I observe Senators shaking their heads, but that is so in some States.

Mr. SMITH of Georgia. A note due five years from date in New Hampshire would mature upon the death of the man who gave the note?

Mr. HOLLIS. Certainly; and he would be allowed discount for the time it had to run. It must be so; that is the only way that you can settle an estate. You can not settle an estate in any other way.

Mr. CURTIS. Does not the mortgage provide that the heir shall pay the mortgage in case of death?

Mr. HOLLIS. Some mortgages do and others do not. I can draw a mortgage in a hundred different ways.

Mr. SMITH of Georgia. My own view of the meaning of the amendment of the committee would be that it was a limitation upon the right to foreclose. In case of default the association would have to prove not only that there was default but that it was necessary to protect the loan. I ask the Senate to disagree to the amendment of the committee and retain the language in the bill.

The VICE PRESIDENT. The Chair understood that some one a few moments ago asked that it might go over.

Mr. HOLLIS. That was the preceding amendment in lines 14, 15, and 16.

The VICE PRESIDENT. The question is on agreeing to the amendment striking out and inserting.

The amendment was rejected.

The reading of the bill was continued, as follows:

Ninth. The amount of loans to any one borrower shall in no case exceed a maximum of $10,000.

Tenth. Every applicant for a loan under the terms of this act shall make application on a form to be prescribed for that purpose by the Federal Farm Loan Board, and such applicant shall state the objects to which the proceeds of said loan are to be applied, and shall afford such other information as may be required.

Mr. LEWIS. May I ask the Senator from New Hampshire a question? The paragraph just read, I may say to the Senator from New Hampshire, gives me concern in its application. Examining the bill I discover that it prohibits loans in an amount of more than $10,000.

Mr. TOWNSEND. Mr. President, I should like to have order in the Chamber.

Mr. LEWIS. It is my fault. It did not occur to me that other Senators would be interested in my confusion on this phase. This is my confusion. I will say to the Senator from Michigan, which I am submitting to the Senator from New Hampshire. A provision limits the loan to $10,000, but suppose there are three brothers, suppose there is a large family, suppose there is a partnership, and they all own a fee out in the West, a tract of land, jointly. Can each of those borrow $10,000?

Mr. HOLLIS. The limitation is here strictly to any one borrower. If I were to construe that as a member of the court, I would say that if there were three borrowing jointly they could borrow $30,000, but I might be wrong.

Mr. LEWIS. But that surely can not be the object. The object was merely to allow any one piece of land to raise $10,000, was it not?

Mr. HOLLIS. No; not the land. That was intended for the borrower. For instance, the borrower might have three or four different parcels of land, and it was not intended that there should be a loan of $10,000 on one, but the same farmer, as long as he personally attended to the cultivation, might include in the maximum of $10,000 as many tracts as he wanted.

Mr. LEWIS. If I am not disturbing the Senator, this is the point: Suppose one man has three tracts of land. If he could borrow then $10,000 on each he would borrow $30,000. Suppose, on the other hand three brothers or three partners or three associates would own one tract of land, could each of them borrow $10,000?

Mr. HOLLIS. That would be my opinion. It might be wrong.

Mr. LEWIS. I thank the Senator.

Mr. JOHNSON of South Dakota. Mr. President——

Mr. HOLLIS. I yield to the Senator from South Dakota.

Mr. JOHNSON of South Dakota. May I ask the Senator the object in specifying the limit on the loan at $10,000?

Mr. HOLLIS. The idea is to prevent land speculation. When a large fund is made available for the purchase of land it tends to increase speculation. That has been the experience in Europe. It is expected that a man who has security sufficient for more than $10,000 can get an accommodation from private persons—from a private bank—at a low rate without resorting to this system. This system is intended more particularly to help a small farmer to get a small loan. In the first bill drafted the maximum was fixed at $4,000, but it has steadily grown to $10,000. The aggregate composite idea of the committee was $10,000 in each case.

Mr. JOHNSON of South Dakota. My reason for asking the question is because in my State there are many large farms and many large borrowers, and this provision would eliminate a man wanting to borrow in excess of $10,000.

Mr. HOLLIS. There is no restriction as to the amount of the loan on a private joint-stock bank, and I should expect that men of that type could get accommodation at a private bank for larger sums at a low rate of interest.

The next amendment was, on page 33, line 12, after the word "shall," to strike out "undertake" and insert "pay simple interest on defaulted payments at the rate of 6 per cent per annum, and by express covenant in his mortgage deed shall undertake," so as to read:

Eleventh. Every borrower shall pay simple interest on defaulted payments at the rate of 6 per cent per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes, etc.

Mr. CURTIS. Mr. President, before we reach that paragraph I should like to ask about paragraph 10. If a man is going to borrow money and is permitted to borrow only 50 per cent of the value of his farm and must state that he is going to live on the farm himself and operate it, why should he state what he wants the money for?

Mr. HOLLIS. Because the object of the bill is to furnish money for productive purposes only. It is not intended to allow a man to borrow money for living expenses; it is only for productive purposes. It is to prevent speculation, as I have explained in regard to other provisions. It is intended to help people borrow for certain specified purposes, and that is the reason why they are asked to state what those purposes are.

Mr. CURTIS. After the man gets his money he can do as he pleases with it?

Mr. HOLLIS. If he spends it for some other purpose, the land bank may foreclose it, if they care to do so.

Mr. TOWNSEND. Suppose a farmer wanted money to educate his boy and send him to college, or to educate his daughter, or for any other worthy purpose such as that, he could not borrow money for that purpose under the bill?

Mr. HOLLIS. No. The reason, if I may explain further, is this: It is intended under this plan to loan money to the farmer so that he may pay it back at some time, so that it will earn money with which he can pay it back. That is why it is limited to productive purposes; that is the thought and intention and scope of the bill. However worthy it may be to educate a boy at college or to loan money to a sick neighbor, this bill does not intend to permit that; but this bill will have this effect: It will furnish a great deal of new money, so that money that is now loaned will be available to these other purposes at a lower rate of interest; and I think it will have a tendency in the direction the Senator suggests.

Now, as to the pending amendment, which reads:

Eleventh. Every borrower shall pay simple interest on defaulted payments at the rate of 6 per cent per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes.

The rate of 6 per cent seems to me not to be enough. I think in many cases a farmer would say: "Well, I would rather be in default and pay 6 per cent than to pay out." I think it should be as high as 10 per cent; and I am going to ask unanimous consent that in line 13 the word "six" be stricken out and the word "ten" substituted.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Michigan. How would it read then?

Mr. HOLLIS. It will read "10 per centum" instead of "6 per centum."

Mr. SMITH of Michigan. But how will the context read?

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

Every borrower shall pay simple interest on defaulted payments at the rate of 10 per cent per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes or assessments which may be lawfully assessed against the land mortgage.

Mr. TOWNSEND. Mr. President, I have not looked into the matter carefully, but in some of the States, for instance, in the State of Michigan, the legal rate of interest is 6 per cent. The law provides that a loan shall be forfeited in case a larger rate is charged. This, for instance, would permit the charging or levying of 10 per cent where the legal rate in the State would be 6 per cent. Does the Senator think there would be any conflict there that would affect the validity of the act?

Mr. HOLLIS. No; Congress has authority to annex any condition it wishes if it has authority to pass the act at all.

Mr. TOWNSEND. Well, does the Senator think that any money would be borrowed under those conditions and with those restrictions placed upon it?

Mr. HOLLIS. Oh, certainly. Assume that I had a mortgage on which the regular rate was 6 per cent—that would be the maximum under this bill—and the time comes around to pay; the land bank has got to pay the interest on the bonds that have been issued by it. If it does not receive its interest promptly, it can not pay the interest that it owes. Therefore it must be able in some way to stimulate the borrower to pay promptly. Assuming that all the borrower has got to pay on his defaulted payment is 6 per cent, he would say, "I would a good deal rather let it run and take it out of the land bank; that is all I have got to pay anyhow, 6 per cent." So we must annex something that will stimulate the borrower to pay back. My experience is that that rate is usually fixed at 10 per cent in the States—it is in my State—and if a man does not pay his taxes on his personal property he is charged 10 per cent by the State on the default. That is done to force payment.

Mr. TOWNSEND. I was thinking of what the effect would be in the State of Michigan, for instance. Men with good security there can borrow 50 per cent on that security at 6 per cent anywhere in the State, and they do not have to pay 10 per cent if there is any default. I am wondering what inducement there would be for a Michigan farmer to join the banking system which is proposed in the bill.

Mr. HOLLIS. If the Michigan farmer is fortunate enough to be getting his money now at as low a rate as this bill will provide, the only advantage he would get would be in an amortized long-term loan, so that he would know he would not have to renew within two or three or five years, and that he could make small payments, having an opportunity to pay out. I hope, of course, that we are going to get the rate as low as 5 or 4½ or even 4 per cent eventually, but I was stating a case. Of course, the bill provides a maximum rate.

Mr. SMITH of Georgia. What does the Senator think of this suggestion: Leave the rate at 6 per cent, and after the words "per annum," in line 14, insert the words "together with a penalty of 4 per cent"?

Mr. HOLLIS. I do not think that would change it at all; and I think it would be objectionable, because it does not make a plain statement of what could be more plainly stated. It would have exactly the same result in either case.

Mr. SMITH of Georgia. I was thinking about the building and loan associations in connection with the administration of which penalties under certain conditions are enforced, because the imposition of additional interest charges would be illegal; and, it occured to me that, as perhaps the farm-loan associations might be regarded as being similar in character, the amendment might meet the situation.

Mr. HOLLIS. The reason the building and loan associations provide penalties is because they have not the right to impose a higher rate than the legal rate; but we have a right to impose any rate of interest we see fit in this bill. I feel very confident of that. I would rather have it at a flat 10 per cent per annum, which would accomplish the same result as would be accomplished by the suggestion of the Senator from Georgia.

Mr. SMOOT. Mr. President, it is now nearly half past 5 o'clock; the conferees of the House and the Senate meet tonight for the consideration of the legislative appropriation bill——

Mr. SMITH of Georgia. Can we not finish this paragraph?

Mr. SMOOT. I was going to ask the Senator if, after we finish the paragraph we are now on, he would not agree to adjourn?

Mr. HOLLIS. That is entirely agreeable to me.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, on page 33, line 15, after the word "taxes," to insert the words "or assessments," so as to read:

To pay when due all taxes or assessments which may be lawfully assessed against the land mortgaged.

The amendment was agreed to.

Mr. HOLLIS. Mr. President, the next amendment may provoke considerable discussion, and I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 26, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 25, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, Source of Life and Light and Love, impart unto us strength for the duties before us and guide our thoughts that we may control our will and render unto Thee and our fellow men faithful and efficient service in the things which make for good government, that we may be worthy servants of the people, that Thy will may be done and Thy purposes fulfilled, to the glory and honor of Thy holy name. In Jesus Christ, our Lord, who taught us the way and the truth and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF CALENDAR—RELIEF OF MAIL CONTRACTORS.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent, by direction of the Committee on Claims, that the bill H. R. 11150, now on the Private Calendar, a bill for the relief of mail contractors, be placed on the Union Calendar, as it is a public bill and does not belong on the Private Calendar.

The SPEAKER. Without objection, the change of calendar will be made.

There was no objection.

REMAINS OF THE LATE ELSIE M'CAULLEY.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to take up and consider the bill S. 2290. There can not be any objection to it. It is simply to remove the remains of a person who died 12 or 15 years ago with diphtheria, and the health department has said that the removal now would be all right.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2290) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, D. C., to Philadelphia, Pa.

Mr. MANN. Reserving the right to object, this bill was in order yesterday.

Mr. JOHNSON of Kentucky. It was, and on the calendar.

Mr. MANN. And the gentleman intended to call it up when the House went into consideration of the Agricultural bill?

Mr. JOHNSON of Kentucky. I did; yes, sir.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, D. C., to Philadelphia, Pa.

The bill was ordered to be read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5708. An act for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise;

S. 1286. An act for the relief of John P. Wagner;

S. 4479. An act to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901;

S. 3423. An act to provide for the construction of a bridge across the Salt Fork of the Arkansas River near White Eagle Agency, in the Ponca Indian Reservation, Okla.;

S. 3533. An act for the relief of Mike G. Womack;

S. 2304. An act concerning the exportation of alcohol and other distilled spirits;

S. 2517. An act for the relief of Edward W. Whitaker;

S. 1274. An act for the relief of Edward Stewart;

S. 4425. An act to provide for the retirement of officers and employees of the Bureau of Lighthouses and the Lighthouse Service;

S. 3101. An act authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material;

S. 3929. An act validating certain applications for and entries of public lands;

S. 4025. An act to grant patent to certain lands to Christian Frederickson;

S. 5172. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

S. 5086. An act amending section 4 of the public-building act approved March 4, 1913, providing for the purchase of a site for a building for post office and customhouse at Nogales, Ariz.;

S. 4974. An act to provide for the purchase of a site and the erection of a building thereon at Corvallis, in the State of Oregon;

S. 4810. An act for the issuance of a patent for certain Government lands to Benjamin F. Robinson and John Dows;

S. 5348. An act to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes;

S. 3986. An act granting certain coal lands to the town of Kaycee, Wyo.;

S. 3646. An act to amend the act of February 11, 1915 (38 Stat. L., p. 807), providing for the opening of the Fort Assiniboine Military Reservation;

S. 5053. An act authorizing abutting owners upon Crum River, a navigable stream, where the same empties into the Delaware River, to straighten, widen, and deepen the same, and substituting such straightened course and channel for the present channel thereof, and abandoning and vacating a portion of the present channel;

S. 4581. An act for the relief of Victor A. Ermerins;

S. 4085. An act to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay;

S. 4368. An act for the relief of D. A. Barbour and Andrew P. Gladden; and

S. 1429. An act for the relief of Artemus W. Pentz.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. When the committee rose on yesterday all debate on the amendment offered by the gentleman from Kansas [Mr. DOOLITTLE] had been exhausted. The question now is on the amendment.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. COX. Division. Mr. Chairman.

The committee divided; and there were—ayes 10, noes 56.

So the amendment was rejected.

The Clerk read as follows:

For general administrative expenses connected with the above-mentioned lines of work, including cooperation with other Federal bureaus, departments, boards, and commissions, on request from them, $12,560.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

This is the item that provides for general administrative expenses under the items which have preceded it, and therefore debate on any of those items is in order on the motion I have made. I voted for the appropriation for the enforcement of what is known as the migratory-bird law. I have voted for that appropriation ever since it has been carried in the bill, because I am of the opinion that the best way to defeat a bad law is to enforce it. If this law had been rigidly enforced,

there would have been not three judicial decisions against its constitutionality, but a score. If it were necessary in order to protect migratory birds in these United States to override the fundamental law of the land to extend Federal police power into every part of the Union, if it were necessary in order to afford better hunting for a few sportsmen to have a Government of orders in council formulated by a clerk in the Agricultural Department promulgated by an executive officer—if this were necessary for the protection of birds, then it would be infinitely better that the birds should decrease in number and absolutely perish from the earth than that American liberty should be destroyed and that the foundation of the Government should be undermined.

It is not necessary to do these things in order to reasonably and properly protect bird life in the United States. It is not necessary to legislate along the lines of the migratory-bird law. It is true that lawless people, seeking to accomplish their purposes, largely selfish, always desire to take a short cut to reach the object sought; and the curious thing about it is that these people do not seem to have any regard for the effect of the legislation they propose or approve upon their country or upon its institutions. Never in all the history of the American Congress has legislation been proposed which was so dangerous, and which in the long run, if enforced, would be so utterly repudiated by the people of the country as the migratory-bird law—a law under which an order promulgated by an executive officer determines what shall be a felony, and prescribes the punishment for a law under which, for the protection of the robin, the wren, the sparrow, and the peewee, we allow a Federal officer to go into the States of the Union and exercise absolute and arbitrary police power to drag a barefoot boy that robs a blackbird's nest before a Federal court and, if found guilty, incarcerate him in a Federal dungeon. Of course, the Supreme Court will overturn this law when the court reaches it; and the surest way to have the law pronounced unconstitutional, the most certain and effective way to arouse public sentiment against the effort to extend Federal police power throughout the country, is to enforce the law. Therefore I am in favor of the appropriation.

We hear much about the importance of protecting insectivorous birds as a defense for this legislation; but if one looks into the matter carefully he will find that most of the support for this Federal control comes from duck hunters who want the Federal Government to improve the duck hunting.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PLATT. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, I do not know whether the migratory-bird law is going to be declared constitutional or unconstitutional by the Supreme Court, but if declared unconstitutional it seems to me it would be a crime and a tremendous shame unless some equally effective national law that will stand the test can be enacted. This ought to be one great Nation, so far as migratory-bird life is concerned, and we ought to recognize that this law does not have anything to do with grouse or quail or other birds that are not migratory. It refers to birds that nest in one State or country and winter in another—to the ducks and geese that rear their young, most of them, in Canada, and to a great many insectivorous birds. Sometimes birds which have never been regarded as game birds in one State are allowed to be shot in others. A few States have no game laws at all, or did not have any until recently, and the only way that these birds can be given protection is to regard the United States as a Nation and to protect them by national policy and national effort. Even that will not save some of them from extermination. As I stated the other day, protected bird refuges are absolutely necessary to give some of them nesting places and wintering places where they will not be slaughtered in large numbers.

I have no doubt whatever but that the House of Representatives will stand by the migratory-bird law, as it already has done, but I thought the remarks of the gentleman from Wyoming [Mr. MONDELL], who says that he has always voted for it in order to defeat it ultimately, ought to have some answer.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. PLATT. Yes; I yield to the gentleman.

Mr. BORLAND. Is there any real, practical way of protecting migratory-bird life in this country except through some national legislation?

Mr. PLATT. I do not believe there is.

Mr. BORLAND. Is it possible to protect migratory birds by any form of State legislation in the several States?

Mr. PLATT. No; I do not believe it is.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. AYRES. Does the gentleman think the present law protects the migratory birds?

Mr. PLATT. I have no doubt it does, so far as it is enforced.

Mr. AYRES. While some localities permit them to be taken for the market, other localities do not give that permission?

Mr. PLATT. The gentleman means in the States?

Mr. AYRES. Yes.

Mr. PLATT. I do not know very much about the details of the enforcement of the law within the States, but it makes a great deal of difference how closely the birds are congregated and how they are killed, especially when they are massed together in the winter time, when they roost. There are some places where they should not be allowed to be killed at all.

Mr. COX. Will the gentleman yield there?

Mr. PLATT. Yes.

Mr. COX. As I understood the gentleman to say, it is wholly impracticable to protect birds otherwise than by Federal statute?

Mr. PLATT. Migratory birds; yes.

Mr. COX. Does not the gentleman believe that if the States should enact proper laws and the grand juries and prosecuting attorneys of those States would see to it that the laws were enforced, the birds could be adequately protected in that way?

Mr. PLATT. Well, in Chesapeake Bay, where canvasback and red-head ducks used to gather from Canada and from the Dakotas and northern Michigan and Minnesota and Wisconsin, they were killed off until very few were left.

Mr. COX. They were killed in Chesapeake Bay?

Mr. PLATT. Yes; and in the adjacent waters of Maryland and Virginia.

Mr. COX. Was it not practicable for the States of Maryland and Virginia, having jurisdiction over those waters, to protect those birds exactly as other States protect the quail—by having an open and a closed season?

Mr. PLATT. To some extent, yes; but the sentiment of the people in local communities and neighborhoods where many migratory birds gather is often to let them be killed as long as there are any left.

Mr. COX. Is it not just as practicable to protect the ducks in that way as it would be to protect the quail through the enforcements of the State laws?

Mr. PLATT. No. The trouble is, the State laws differ greatly and are not uniformly enforced. If one State enforces the law and others do not, it would be practically impossible to save the ducks. One State might save its quails, although all were destroyed in adjoining States; but no one State could save ducks and geese in that way, because the same birds saved by enforcement of a good law in one State might all be killed in another.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FESS. Would the gentleman permit a personal question?

Mr. PLATT. I will.

Mr. FESS. I would like to know what effect the gentleman's tramping the woods with John Burrough in the study of birds has had on his love for bird life?

Mr. PLATT. It has had a good deal to do with it. That is where I got a great part of it.

Mr. FESS. I think the House ought to know that the gentleman has some knowledge beyond what simply comes from general training through the woods.

Mr. PLATT. John Burrough happens to live within 7 miles of my home, and I used to see a good deal of him before I came to Washington.

Mr. FESS. And it is not only a personal matter with the gentleman, but a national matter with him, as it is with me, that the law ought to protect these birds?

Mr. PLATT. It certainly is.

The CHAIRMAN. The time of the gentleman has again expired. The pro forma amendments are withdrawn. The Clerk will read.

The Clerk read as follows:

In all, for general expenses, $530,209.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, that the debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. Mr. Chairman, the gentleman from Missouri [Mr. BORLAND] made inquiry of the gentleman [Mr. PLATT] who was addressing the House as to whether there is any other way than by Federal statute by which we could protect the migratory birds of the country. Evidently the gentleman believes that there is no other way. I should exceedingly regret it if that were true.

I do not believe it to be true; but if it were true, we should not attempt in this way, contrary to the spirit of our institutions, to protect those birds. This country has a most sad and unhappy record of homicides. In no civilized nation on earth is human life held so lightly as in this "land of the free and home of the brave." Our record of violent deaths, of homicides, excesses that, as I recall it, of almost any other civilized people of the world, and I have no doubt but there are people who believe the only way to cure this awful evil, this terrible stain on the public name, is by extending Federal police power over the country at large. No one is proposing it, however much as at times it seems necessary and effective, as it undoubtedly would be. But for the protection of the sparrow and the wren and the blackbird and the waterfowl we do a thing that is almost as dangerous as it would be to extend Federal police control and authority over all the Union for all purposes.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Missouri?

Mr. MONDELL. I do.

Mr. BORLAND. I think the gentleman is thoroughly agreed that as to bird life, as well as insect life, there is no such thing as State lines, and the gentleman is thoroughly——

Mr. MONDELL. Well, as to crime there is no such thing as State lines, except as to the jurisdiction within which it may be punished.

Mr. BORLAND. That is a different question. But as to insect life, such as insect pests, the cattle tick, the boll weevil, and so on, the gentleman believes that the Federal Government should use the most effective power to exterminate the pests?

Mr. MONDELL. Yes; as to inquiring into causes and into methods of extermination; but to defend the establishment of absolute police power throughout the Union for the protection of birds, when no one would attempt to justify it for the protection of human life, requires a lame and crooked logic that I can not understand.

Mr. BORLAND. If the gentleman's argument were carried out it would involve the abandonment of the control of the cattle tick by the General Government.

Mr. MONDELL. Not at all; that is a very different matter. I am voicing no complaint of the people of my State against this law. I have heard little complaint of it. I do not think it has been enforced there. I take the same position of opposition in regard to it now that I did when it was passed—that it is contrary to the spirit and genius of our institutions, and that eventually, if it were enforced, this kind of bureaucratic control would breed contempt of law and anarchy throughout the Union.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

DIVISION OF PUBLICATIONS.

Salaries, Division of Publications: 1 editor, who shall be chief of division, $3,500; 1 editor, who shall be assistant chief of division, $2,500; 1 chief clerk, $2,000; 2 assistant editors, at $2,000 each; 4 assistant editors, at $1,800 each; 1 assistant editor, $1,600; 1 assistant editor, $1,400; 1 assistant editor in charge of indexing, $2,000; 1 indexer, $1,400; 1 assistant in charge of illustrations, $2,100; 2 draftsmen or photographers, at $1,600 each; 2 draftsmen or photographers, at $1,500 each; 2 draftsmen or photographers, at $1,400 each; 1 draftsman or photographer, $1,300; 7 draftsmen or photographers, at $1,200 each; 1 assistant photographer, $900; 1 assistant in charge of document section, $2,000; 1 assistant in document section, $1,800; 1 foreman, miscellaneous distribution, $1,500; 1 forewoman, $1,400; 1 clerk, class 3; 1 clerk, class 2; 9 clerks, class 1; 16 clerks, at $1,000 each; 40 clerks, at $900 each; 18 clerks at $840 each; 2 skilled laborers, at $900 each; 7 skilled laborers, at $840 each; 4 skilled laborers, at $780 each; 1 chief folder, $1,200; 17 skilled laborers, at $720 each; 1 folder, $1,000; 2 folders, at $900 each; 2 skilled laborers, at $1,100 each; 1 skilled laborer, $1,000; 2 messengers, at $840 each; 2 messengers, at $720 each; 3 messengers or messenger boys, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 1 laborer, $840; 2 laborers, at $600 each; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all, $177,880.

Mr. COX. Mr. Chairman, as I recall this bill, two years ago it provided for the publication of so many farmers' bulletins, to be distributed to each Member of Congress and each Senator. Am I correct about that?

Mr. LEVER. The gentleman is mistaken about that. The appropriation for the publication of farmers' bulletins as such is carried in the sundry civil bill, an item of $400,000. I understand there is an increase of $100,000 estimated for this year.

Mr. COX. Is the same plan for the distribution of farmers' bulletins to be carried out in the future as in the past?

Mr. LEVER. Yes.

The Clerk read as follows:

Total for Division of Publications, $197,530.

Mr. FESS. Mr. Chairman, I move to strike out the last two words. I will ask the chairman if the committee has made an estimate as to the use of these various publications, so as to know whether the general public appreciates the receipt of them.

Mr. LEVER. I will say to the gentleman from Ohio that I read as many of the farmers' bulletins as I have time to read, and judging them by these readings I take them to be very valuable publications; and judging from my own mail, and the request for these publications, I think the public very generally appreciate the value of them.

Mr. FESS. Are they generally sent out promiscuously to all the people, or just to those who have written for them?

Mr. LEVER. That depends on the individual Member of Congress himself. Each Member is allowed 15,000 of these farmers' bulletins. I try to carry out the policy myself of placing a little notice in each of the papers in my district, stating that I have a certain list of farmers' bulletins, which I will be glad to send to those who request them. That usually brings me a very large number of requests for certain bulletins. I feel that that is the better plan of making the distribution, rather than to send out the bulletins indiscriminately.

Mr. FESS. Is there anything in the suggestion that a publication received without paying for it is regarded as worthless and thrown into the wastebasket without reading?

Mr. LEVER. That has not been my experience.

Mr. FESS. Personally, I think the Government is publishing some very valuable bulletins.

Mr. LEVER. There is no doubt about that.

Mr. FESS. And if the public could discriminate, so as to know that they are of great value, it seems to me that there could be a wonderfully large amount of good done; but I have been a little in doubt as to just how to proceed to get these publications into the hands of the people who would appreciate them, and how to get them to read them.

Mr. LEVER. My plan has worked out very well in my own district. I send to the newspapers the statement that I have for distribution bulletin number so-and-so, dealing with such and such a subject. Probably I will attach to that list a dozen or fifteen bulletins on various subjects, and I state that I will be very glad to supply anyone writing to me for any of those bulletins. That usually brings a large demand, the result being that I get a demand for certain kinds of bulletins that the people want. I think the indiscriminate distribution of the bulletins probably does not bring the best results.

Mr. FESS. The department is increasing the number of bulletins all the time, is it not?

Mr. LEVER. I understand that there is an estimate for $100,000 additional appropriation to be carried in the sundry civil bill for the publication of additional farmers' bulletins. For a number of years the appropriation has been $500,000, which gives each Member approximately 15,000 bulletins a year.

Mr. FESS. Now and then they publish one for which there is an unusual demand. For example, there is the bulletin on Fifty Common Birds, for which I have had very many applications and of which the supply is exhausted.

Mr. LEVER. The department has the right to reprint that bulletin, and I hope that they will do it, because it is a very valuable bulletin for which there is great demand.

Mr. FESS. I simply wanted to say that I think the proper expenditure of this particular fund is justifiable many, many times, and my only question is as to how to get a better use of it.

Mr. LEVER. I am glad the gentleman has made that statement.

Mr. SMITH of Michigan. Will the gentleman from South Carolina yield for a question?

Mr. LEVER. I yield to the gentleman from Michigan.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SMITH of Michigan. After a person has exhausted his allotment of farmers' bulletins can he exchange any of his other documents for farmers' bulletins, or how can he proceed to secure an additional number?

Mr. LEVER. The only way to do that would be to take up the matter with the superintendent of documents. I know of no way by which a Member could make a direct exchange with the Agricultural Department. It might be done through the superintendent of documents, although I am not informed as to that.

Mr. SMITH of Michigan. The superintendent of documents would have the authority, and he would negotiate an exchange, would he?

Mr. LEVER. He probably would. I am sure he has authority to sell some of these publications and probably all of them.

The Clerk read as follows:

Salaries, library, Department of Agriculture: One librarian, $2,000; 1 clerk, class 3; 1 clerk, class 2; 5 clerks, class 1; 3 clerks, at $1,080 each; 3 clerks, at $1,020 each; 3 clerks, at $1,000 each; 6 clerks, at $900 each; 1 clerk, $840; 1 junior library assistant, messenger, or messenger boy, $720; 1 junior library assistant or messenger boy, $660; 3 junior library assistants, or messenger boys, at $600 each; 1 messenger, messenger boy, or laborer, $480; 1 messenger, messenger boy, or laborer, $360; 2 charwomen, at $480 each; in all, $31,520.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee what on earth they do with all these employees in the library in the Department of Agriculture?

Mr. LEVER. The library of the Department of Agriculture contains something like 137,000 volumes. These employees are necessary to meet the demands of various departmental chiefs and others who use the library in carrying on the work of the department.

Mr. BORLAND. Is that purely a technical library—137,000 volumes?

Mr. LEVER. Purely a technical library; yes.

Mr. BORLAND. And it is solely for the use of the department?

Mr. LEVER. It is solely for the use of the department, except that they have the right to loan their books to agricultural experiment stations for a limited time. I will say to the gentleman that this is undoubtedly the greatest technical library of the kind in the world.

Mr. BORLAND. But it is not open to the public in any sense?

Mr. LEVER. No.

Mr. BORLAND. It is just for the use of the department?

Mr. LEVER. It is for the use of the department and for agricultural experiment stations.

Mr. BORLAND. That seems to be a pretty large amount simply to keep up a technical library in a department of the Government.

Mr. LEVER. I would think not. This appropriation has run for a good many years without any increase at all, although the work of the library has increased—that is, the number of volumes has increased.

Mr. BORLAND. Mr. Chairman, I have always been pretty strongly against the increase of overhead charges in the departments in Washington. I think if we pretend to spend any money for the farmer we ought to get it as near the farmer as we can. The sums we spend for overhead charges are in some cases unjustifiable, and the more we spend for them the less we are spending for the real benefit of the farmer. That has been my general theory on all these propositions. That was my theory a little while ago when I tried to get Congress to adopt a proposition to get a full day's work out of the clerks. I believe the overhead charges are too heavy and too much of this money such as we have here for clerical force is an unjustifiable increase in the overhead charges for the department. I can not understand how they can have $31,000 for employees for a purely technical library. This is not for the increase of the library itself, simply for the employees. It is only one of the score or more of technical libraries in Washington. Every department has built one for its use. They are not open for the public generally, but for the people who happen to be in that particular department. That is the case here, and it seems to me a pretty high overhead charge that we are supposed to appropriate for agriculture throughout the country.

Mr. COX. The gentleman would not vote to reduce it?

Mr. BORLAND. I will not move to reduce it, for I do not think it would do any good.

Mr. LITTLEPAGE. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I ask that all debate on the paragraph and amendments thereto close in seven minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. LITTLEPAGE. Mr. Chairman, for the purpose of information I want to direct the attention of the chairman to page 67, line 22, five charwomen at $240 each.

Mr. LEVER. We have not reached that point in the bill yet; we are seven pages away from it.

Mr. LITTLEPAGE. The items have been read.

Mr. LEVER. But the gentleman said page 67.

Mr. LITTLEPAGE. I got the wrong page. I want to know as a matter of justice to these poor women who likely do more hard work than most any person there, and especially work harder than the messenger boys, if the gentleman would not be willing to make that compensation $300 each per year?

Mr. LEVER. I will say that these employees who receive the salary of $240 are only employed half of the time. Instead of being employed eight hours a day they are employed four hours. They come in the morning and again in the afternoon, and the balance of the day they are free to do such work as they please to do.

Mr. LITTLEPAGE. If they can get it to do. They come in the morning, and that spoils the best part of the day. Now, I am in favor of economy, but it strikes me that that is worth the consideration of the House.

Mr. LEVER. I will say that the Agricultural Committee, about four years ago, did probably what very few committees of this House have done, namely, they brought in a recommendation to increase or consider the salaries of a number of these lower-grade employees affecting 100 or 150, I think. No proposition has been made to increase the salaries of the charwomen and messenger boys, and the like of that. I will say that I understand a bill is pending in the proper committee to reclassify the lower-grade clerks, messenger boys, charwomen, and the like of that, and, in general, I may say that I sympathize with the gentleman's position. This is not the bill, however, to do that. It would have the effect of making the salaries of this class of employees unequal in the various departments of the Government. You ought to have a general proposition covering all the departments in the Government, instead of one bureau.

Mr. LITTLEPAGE. How would it do to fix it here and not take any chances on what will be done in the future?

Mr. LEVER. I think it would be inequitable to other employees in other departments.

Mr. LITTLEPAGE. That is my purpose; I think it is inequitable to these people who are doing a valuable service and getting too little pay. I would be very glad of an opportunity to vote an increase in their wages, and I was in hopes that I might appeal to the magnanimity of the gentleman in charge of the bill not to object to an amendment along that line to provide for these charwomen.

Mr. LEVER. The difficulty of the gentleman's position is that we are on the last part of the bill, and to increase the salary of the charwomen in this bureau and not in the other bureaus that we have already passed would be a manifest injustice.

Mr. LITTLEPAGE. Why not let it apply to all the charwomen mentioned in the bill?

Mr. LEVER. If the gentleman will prepare his amendment we will consider it when we get to it.

The Clerk read as follows:

General expenses, library: For books of reference, technical and scientific books, papers and periodicals, and for expenses incurred in completing imperfect series; for the employment of additional assistants in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cards, supplies, and for all other necessary expenses, $18,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 12 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, on some subsequent paragraph I desire to seek information from the chairman of the committee with reference to the purchase of supplies. I think we ought to know something about the manner in which these supplies are purchased, but for the present I would like to

know whether the supplies referred to in line 8, page 61, include ink?

Mr. LEVER. In answer to the gentleman, I would say that I have made some personal investigation within the last few days as to the system which the Government has in buying its various and sundry supplies, and if the gentleman will permit me——

Mr. MOORE of Pennsylvania. I think the gentleman from South Carolina did not get my question. At present I do not want to raise the question of the purchase of supplies. I want to know whether the supplies referred to in line 8, page 61, include ink?

Mr. LEVER. Yes; I think so.

Mr. MOORE of Pennsylvania. As to inks, I wish to say this: The dyestuffs question enters into ink. The Speaker yesterday, in a very eloquent address, urged that the House speed up on legislation, with which I think most of his colleagues here agree, but the difficulty has not been altogether with the House itself. To a certain extent it may be due to some of the committees, which have a large amount of work to do. The Ways and Means Committee is one of these. The Ways and Means Committee has not gone far into revenue questions yet. In the investigation of the dyestuffs question by this committee, for instance, it developed that the Government itself was subject to high prices for ink and other commodities, just as private enterprises are. In the course of time, unless there is some legislation coming from the Ways and Means or some other committee with reference to dyestuffs, the Government is going to feel the pinch, if it does not feel it already. The Government is in the same boat with individual manufacturers and merchants throughout the country.

It may be interesting to the House at this time to know that the people are paying enormously high prices for certain merchandise because of the lack of legislation to enable us to develop the dyestuffs industry in the United States. I have now in my possession papers which give a fair idea as to the pressure in commercial lines with respect to the lack of dyestuffs. One concern advises me that it has just paid more than $4,400, or at the rate of $9 per pound for a certain kind of dye which prior to the war could readily be had for 20 cents a pound. Another concern which manufactures carpets has been obliged to pay $12,500 for one barrel of 500 pounds of dyestuffs, which could readily have been purchased before the war for $600.

The point I want to make is, that that increased cost to the man who buys the dyestuff is passed on to the consumer. The purchaser of the carpets has to pay that bill. By the same token the Government of the United States which is itself at fault in the matter of legislation just now, will be obliged in the matter of all these supplies, to pay this increased cost for everything. At the present time we seem to be at the mercy of the British Government which is holding up the supplies that we might obtain from Germany. It is publicly announced that Germany has proposed to let loose 15,000 tons of dyestuffs to relieve the situation in the United States, but until our State Department develops enough influence with the British Government which controls the seas, that dyestuff can not come into the United States for the relief of our people. [Applause.]

Mr. FESS. Mr. Chairman, this item carries $18,000 for the purchase of technical and reference books pertaining to the work of the Agricultural Department. I want to commend in the most hearty terms this sort of expenditure. I probably would agree with my friend from Missouri [Mr. BORLAND] that the overhead expenditure should not, I would not say, be so much, but too much; we ought to guard that expenditure. I do not think we ought to economize upon the expenditure of money in this research work. I was pleased to hear the chairman say that this technical library was probably the best of its kind in the world.

On making an investigation in another field last year I sought information here in the Capital as to the number of technical libraries that were open to investigators—to scholars if they would care to enter them. I was surprised to learn that there are 137 libraries in the city of Washington, each one standing out unique in its line of investigation, and I presume many of them the greatest of their kind in the world. I believe it is true that Washington is the greatest center of research work, with the greatest group of scholars in special lines of research of any place in the world, unless it be Berlin. I think it is true also that the laboratory facilities for research work in this Capital City are the rarest and most extensive of any place in the world.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. LEVER. I think probably the greatest danger to the future effectiveness of the Department of Agriculture is the desire, which seems to be growing more and more each day in Congress, to have the department do too much field work without a sufficient regard to its investigational and research work. We must keep a proper balance between the two lines of work. We can not educate unless we have the basis for education.

Mr. FESS. If the Chairman would permit, I would remind him of the statement he made the other day right along that line, that the research is probably more important than the demonstration work, for the demonstration will come anyway. I agree with him in that statement. Dissemination of knowledge is sure to come when the valuable knowledge is once made known, but the group of men who are in the laboratory doing the research work, discovering what is not known, finding out things that need to be known, is the big work to which the country should give its warmest support. The expert or research worker should be encouraged to push the work in new fields. This may be done frequently at small outlay of expense and within narrow compass. I happen to know of a geologist who has won a name in two continents, and he confined his study to a glen not more than three-quarters of a mile in length. There in that laboratory of nature he made sufficient research so that his name is known in two worlds as a great geologist. He did not have to go out all over the world. The same thing can be said of a botanist who confined himself to a narrow gorge, studying the plant life, and he has made a name that is known in two continents. I mention this item to indicate the character of the research worker, and I want to commend not only this committee but every committee that looks into the business of research, for that is the big work, and $18,000 is not too much to expend in this great field of agriculture.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Miscellaneous expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $115,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Here is an item where we may fairly raise the question about the purchase of supplies, because it not only includes the purchase of supplies of one kind or another, but the payment of duties on imported articles, indicating that the Government is put to it sometimes to go abroad to purchase those things it needs. All through this Agricultural appropriation bill it appears that we spend large sums of money, first, for salaries which are specified, and then we appropriate large lump sums for purposes which necessitate the employment of men whose salaries are not specified and whose places are not specified, and who may be appointed at the discretion of the Secretary of Agriculture; and we also appropriate large sums, generally in excess of the amount appropriated for salaries, for the purchase of supplies.

These appropriations for supplies are generally in the lump. They are not specified as they are in other appropriation bills, and apparently there is a very wide discretion left to the Secretary or to somebody in the department to deal with those who have commodities to sell.

Mr. BORLAND. The gentleman realizes that they have a General Supply Committee, does he not?

Mr. MOORE of Pennsylvania. That is what I am coming to.

Mr. BORLAND. They buy in quantities and at a uniform price and on uniform contracts. They intend to do that. There are some instances where they can not do it.

Mr. MOORE of Pennsylvania. The gentleman from Missouri states that the General Supply Committee buys at uniform prices in some instances. Now, occasionally a case arises where it appears that this General Supply Committee does not make its awards to the lowest bidder as in other instances. I have in mind one set of proposals that involve the expenditure of probably $200,000, where some men in the South have bidden and some men in the North, and where the practice seems to be to award to the highest bidder. Now, as we vest unusual discretion in the department in the purchase of agricultural supplies, which we do not seem to vest in other departments, I should like to know something about the method of purchase and the authority that is conferred by law upon those charged with responsibility.

Mr. LEVER. Mr. Chairman, I have asked the Department of Agriculture to furnish me a memorandum as to its methods of purchasing supplies; that is, those supplies that are not covered by the awards of the General Supply Committee, of which the gentleman from Missouri spoke. I think the statement furnished by the department is probably clearer than I can make it myself, and I am going to ask the gentleman that, in his time and mine together, I may read this statement. It says:

IN WASHINGTON.

Bureau chiefs are authorized to issue requisitions for supplies where the amount does not exceed $100, except in the case of the Forest Service and the Weather Bureau, where the limit is $500; all other requisitions for supplies in Washington are issued by the Secretary of Agriculture. The Secretary reserves the right, moreover, to approve all purchases of cameras and lenses, motor-driven vehicles or boats, and medicines for personal use, irrespective of the amount involved. In the case of all ordinary supplies for use in Washington, D. C., the General Supply Committee—

To which reference has been made—

under existing law, advertises annually for quotations and prepares a general schedule, a copy of which is herewith appended.

This is a volume containing a couple hundred of pages.

The Department of Agriculture makes its purchases from this schedule whenever practicable. When articles are needed which are not listed in the general schedule of supplies they are purchased in the open market by the Secretary or the bureau chief, as already indicated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to proceed for five minutes, and then I ask unanimous consent that all debate conclude in seven minutes on this paragraph and amendments thereto.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in seven minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. It says, further:

If the amount involved is less than $50, such purchases may be made without competition, but where the amount exceeds $50 the department requires that bona fide competition be secured by three or more dealers; if the estimated cost of the supplies to be purchased in the open market exceeds $2,500, advertising in newspapers is resorted to to secure proper competition. All competitive bids received are passed upon by a departmental board of survey and all acceptances of bids are approved by the Secretary, except that the Chief of the Weather Bureau and the Forester have authority from the Secretary to accept bids that do not exceed $500.

Mr. MOORE of Pennsylvania. Is that the board which the gentleman from Missouri referred to?

Mr. LEVER. No; the board referred to here, I take it, is a board within the Agricultural Department. The board to which the gentleman from Missouri refers is a board which includes membership from all the departments of the Government.

The communication says further:

The only departure from the rule that competition must be secured in all open-market purchases in excess of $50 occurs when one of the following exigencies is shown to exist: (a) When articles required for immediate use are not provided for in existing contracts and there is not time to obtain them through advertisement by any of the methods heretofore named; (b) when, under a formal contract for construction, there arises a necessity for additional work practicable of performance only by the contractor; (c) when the articles required are patented or copyrighted and not on sale by dealers, but by the owners of the patent or copyright or their agents or assigns alone at a fixed and uniform price; (d) when there is only one dealer within a practicable distance from whom the articles can be obtained; (e) when prices or rates are fixed by Federal, State, or municipal legislation, or by competent regulation; or (f) when previous advertising for the identical purchase has been followed by the receipt either of no proposals or only of such as were unreasonable, and under circumstances indicating that further advertising would not alter results.

OUTSIDE OF WASHINGTON.

Whenever possible, advantage is taken of the prices established in the general schedule of supplies. Otherwise, when the estimated price is in excess of $50 competition must be obtained in the same manner as provided in the case of purchases for use in Washington. Minor supplies may be purchased by employees on proper prior authority issued to them, but when the amount involved is of some consequence the supplies are purchased by requisitions issued from the offices in Washington. On account of the needs of the field service of the Forest Service that bureau maintains a distributing supply depot at Ogden, Utah. It secures competition annually for its stock supplies in a manner similar to that under which the General Supply Committee in Washington establishes its general schedule.

Now, that is the system that prevails in the city of Washington. The same system prevails outside of the city of Washington.

Mr. MOORE of Pennsylvania. That obtains, Mr. Chairman, except as to patented articles and certain specialties, to purchases of supplies where the amount is small; that is, $100, and so forth. But this appropriation bill carries provision for the expenditure of hundreds of thousands of dollars for supplies, and I am not sure that those regulations the gentleman has read would apply definitely to these enormous purchases.

Mr. LEVER. Any purchase above the amount stated in the memorandum which I have read would be covered by the General Supply Committee.

Mr. MOORE of Pennsylvania. The General Supply Committee? I want to know what the Secretary of Agriculture knows about these purchases.

Mr. STAFFORD. If the gentleman will permit, the general supply committee is an adjunct of the Treasury Department, and consists of one representative from each of the departments, which prepare the necessary estimates for supplies and then advertise for bids for the supplies and award the contract for the ensuing fiscal year to the respective bidders whom they believe are the lowest and most responsible.

Mr. MOORE of Pennsylvania. Let me ask the gentleman a question.

Mr. STAFFORD. With the permission of the gentleman from South Carolina.

Mr. LEVER. Certainly.

Mr. MOORE of Pennsylvania. Suppose two concerns were bidding for supplies involving the expenditure of $200,000 during the course of a year, and one concern already had the contract through this General Supply Committee, and another concern which had outbid it the year before had bid low again the second year, who would make the award, the Secretary of Agriculture or the supply committee?

Mr. STAFFORD. The General Supply Committee determine the award for these supplies. The final test as to the character of supplies that shall be furnished to the respective departments, each department having a representative on this board to pass upon such questions as the gentleman has propounded, is with this committee.

Mr. MOORE of Pennsylvania. Can the gentleman tell us who the individual members of the Supply Committee are and how they are appointed?

Mr. STAFFORD. Oh, I can not tell the gentleman who the individual members are, but the head of each of the respective department appoints a representative of that department—some person connected with the department who is versed in the purchase of supplies and having direct connection with the supplies of his respective department.

Mr. MOORE of Pennsylvania. Suppose a department desired to secure a number of automobiles, and the agent of those automobiles, who had put in his proposal, was invited out to discuss the matter at dinner or did the inviting out himself. Does the gentleman think there should be some right of appeal from an award made under such circumstances?

Mr. STAFFORD. Oh, if a person submits to the temptations of a good dinner or a theater party and does not attend to business, he should not complain because he is not entitled to supreme consideration; but in that particular, so far as automobiles are concerned—and I mention this because it is a matter of live interest—this board asked for bids on certain characters of automobile delivery cars, and——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STAFFORD. This board determined the character of car to be accepted. During the past year the board accepted the Studebaker car, and that was the car that was purchased for such departments as had authorization granted them in the appropriation bill for the purchase of delivery cars. There was no privilege granted to the heads of respective departments to select any other car.

Mr. MOORE of Pennsylvania. Is this Supply Committee created by law or is it a creature of the departments?

Mr. STAFFORD. It is a creature of law.

Mr. SMITH of Michigan. The law of 1910.

Mr. STAFFORD. Yes; the law of 1910. It has worked very efficiently, and a large saving has resulted in the purchase of supplies. It is the central supply depot for standard supplies for all the departments.

Mr. MOORE of Pennsylvania. Are the men constituting this committee already under salary?

Mr. STAFFORD. They are heads of bureaus or occupy some other responsible position in the respective departments, where they come directly in contact with the needs of their respective departments as to supplies that are needed.

Mr. MOORE of Pennsylvania. Do they receive any extra compensation for their services?

Mr. STAFFORD. They do not. Their service occupies but a part of their time the year round, but there is a division con-

nected with the Treasury Department, with a special chief, who has charge of the administration of this Supply Division of the Treasury Department.

Mr. MOORE of Pennsylvania. It is centralized in the Treasury Department?

Mr. STAFFORD. Yes; it is centralized in the Treasury Department as to bids and awards on supplies necessary for each department.

Mr. SMITH of Michigan. And is it not true that each representative of every department passes on every award?

Mr. STAFFORD. That is a correct statement.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The Clerk will read.

The Clerk read as follows:

Rent of buildings, Department of Agriculture: For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, $123,680: *Provided*, That the Secretary of Agriculture shall submit annually to Congress in his estimates of appropriations a statement showing what proportion of this appropriation is paid for the quarters occupied by the various branches of the department.

Mr. STAFFORD. Mr. Chairman, I rise to enter a protest against the extravagant amounts paid by the Department of Agriculture for rent of private quarters.

Mr. LEVER. Mr. Chairman, will the gentleman yield a moment?

Mr. STAFFORD. Yes.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and amendments thereto shall close in 25 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STAFFORD. In no other department of the Government are such extravagant rates being paid for the rental of quarters as in the Department of Agriculture. It will surprise this committee when I say that the rentals aggregate in some instances the enormous return of 15 per cent on the value of the property used for these quarters, and the average rentals for the use of these buildings is 10 per cent, whereas in other departments the rental is as low as 5 per cent and 4 per cent on the value for a standard building. The committee says in their report that they have investigated this subject. I will read the exact language of the report. I read:

The committee investigated the matter thoroughly and is convinced that the sum appropriated is being wisely expended.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Missouri?

Mr. STAFFORD. Yes; I yield.

Mr. BORLAND. My recollection is that recently the subcommittee, of which the gentleman is a member, authorized a lease for quarters for the Department of Commerce, and they are very fine quarters, but they are based upon the price of about 31 cents a square foot.

Mr. STAFFORD. The department is authorized to make a contract at 40 cents, and the contract is 36.3 cents.

Mr. BORLAND. That is the building on Pennsylvania Avenue occupied by the Department of Commerce?

Mr. STAFFORD. Yes. But since the hearings of the subcommittee were concluded it appears that the return on that investment is something in the neighborhood of 8 or 9 per cent. Yet as to the buildings occupied by the Department of Agriculture, modern buildings, the net return on the value of the property is as high as 15 per cent, and still nothing is being done to curtail the rentals that these private owners are exacting of the Government, because this great department has grown so fast that the Government could not provide other quarters in which to house them.

Mr. BORLAND. Is the Department of Agriculture paying more than 36 cents a square foot?

Mr. STAFFORD. Yes. In some instances it is paying as high as 40 cents. For one building it is paying 41.6 cents. That is for the building used by the Office of Markets, a building where the space occupied is 85,000 square feet, and the annual rental is $35,360, where the assessed valuation of the property, according to the Book of Estimates, is $182,744. There has been prepared by the American Institute of Architects a list showing the rentals and the per cent of return to the owners received from the rental of these respective buildings used by the Government, and in no instance do you find such outrageous returns on the investment as in the case of the Department of Agriculture. I do not wish to criticize this heavily overworked committee. We all know that they work many days of the year continuously from early morn until late in the afternoon preparing this very important agricultural bill, and they have not time to go into details of this administrative feature that has been called particularly to the attention of the Appropriations Committee.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I believe that something should be done not only by the Appropriations Committee but by all the committees that authorize rentals, whereby there shall be fixed a rate that will not permit the owner to receive more than a certain return on his investment. Who can justify such a return as 15 per cent year after year, when in the course of eight years the building will have paid for itself? We all know that a building will be occupied for eight years by the Government after the Government once moves in.

Mr. CULLOP. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CULLOP. Who is it that makes the contract for the rentals of these buildings—what officer in the department?

Mr. STAFFORD. The matter is under the jurisdiction ultimately of the Secretary, the head of the department. I presume the head of the bureau negotiates the contract, subject to the approval of the chief clerk, and then the decision of the chief clerk is ultimately approved by the Secretary of the department.

Mr. CULLOP. I would like to know, if the gentleman can tell me, what particular person in the Agricultural Department negotiates the contract with the lessor?

Mr. STAFFORD. I can not give the gentleman that information, I regret to say.

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman.

Mr. FESS. Has the gentleman's investigations led him to any definite conclusion as to the relative economy of the Government owning the buildings or renting them?

Mr. STAFFORD. If we would but pay a rental that would net a return of, say, 5 per cent to the owner, as, for instance, we do in the Mills Building, occupied by the Department of Labor, I think it would be more economical for the Government to rent. But bear in mind this fact: When the Government rents a building at a rate, as we have provided in the legislative, executive, and judicial appropriation bill, of 36.3 cents per square foot rental of available floor space, that does not include the upkeep of the building. The upkeep of the building is in addition.

I was curious during the hearings on the legislative bill to ascertain what was the average cost per square foot for maintenance when the Government undertakes to care and provide for the upkeep of a building. The Secretary of Commerce at that time could not give the information, but appended it later in a detailed statement. It shows that the cost for maintenance, in addition to the rental, of 36.3 cents, is 18.5, making a total of 54.8 per foot. It may be interesting to know what the renters of office buildings pays and the Government pays for offices such as those in the Southern Building and the Woodward Building, which run up to 90 cents, and some to over $1. It is much more economical for the Government to rent large quarters in buildings occupied entirely by itself than to rent small quarters in buildings like the Woodward Building. Where we rent the entire building we are paying a rent that nets a return to the owner of 10 per cent, and that is the average to the owners of all buildings rented by the Agricultural Department, as shown by the compilation. In reply to the question propounded by the gentleman from Ohio I would say that it is more economical for the Government to rent a building if it only paid a return of 5 per cent to the owner. Taking into consideration the upkeep, there would be a saving of 4 or 5 per cent to the Government, even when the net return to the owner is 10 per cent.

I believe that some definite policy should be inaugurated by the Government. The Agricultural Department, I believe, does not enter into a long-term lease, but makes them from year to year. But we should make some definite rates whereby the Government would authorize the leasing based upon a fixed rental that would not deprive the owner of a fair return on his investment, taking into consideration the depreciation, the risk of the quarters or the building being vacated or abandoned by the Government, so that he would receive a fair return and no more—not a return that no one could justify, like a rate yielding 15 per cent.

Mr. BORLAND. Mr. Chairman, the rent roll of the Government for private quarters in the District of Columbia is something enormous. It does not confine itself to this particular bill, but extends to every activity of the Government. That is not the fault of the committees who have these bills in charge. The activities of the Government have been growing. Every time Congress asks the Government to pursue some new line of activity—at the demand of the people, of course—it is necessary to provide headquarters in the city of Washington for that purpose. That is the first thing necessary. Usually, when the demand comes it is a sudden demand, and quarters must be had in order that the department be opened. That was exemplified when we passed the law providing for the physical valuation of railroads—some quarters had to be found for that particular branch of the Interstate Commerce Commission. When we provided for the Federal Trade Commission some quarters had to be found for them. When the Department of Labor was separated from the Department of Commerce they had to be provided with quarters. The Government in these cases is more or less helpless; it must take the quarters it can get at a price that the owner is willing to take. But the question is always coming up whether it would be cheaper for the Government to rent or own the building. The answer to the question is that if the Government rented the same class of buildings that it built it would be more expensive, but if the Government would erect the same class of buildings that it rents it would be cheaper for the Government to build. That is, we build monumental buildings, and we build them under a little different theory than that of the man who is building for commercial purposes. We do not make available as much of the space as we could, and we give a good deal to ornamentation, so that you can scarcely compare the two propositions. But what I want to call attention to is this, that the committee in charge of the legislative, executive, and judicial appropriation bill this year put in, as it had to do, certain limitations of law providing that the heads of the departments where they needed additional space should be allowed to enter into a businesslike lease for a definite length of time with the owner, four years, I think, being the time allowed. Under that they could get a commercial rate on the space rented. For some reason or other that provision went out on a point of order. I think that was a mistake.

I do not see how appropriating committees can deal with this subject unless they are enabled to put in a legislative provision giving the heads of departments power to enter into leases for a definite time, within definite limitations. Then the committee can control the price. We have found that we can get a building as good as the Department of Commerce is now occupying at a flat rate of 36 cents and a fraction per square foot, and we pay the cost of janitor service, light, and elevator service. That amounts to 18 cents a square foot, making 54 cents a square foot in all, but that can be done only where the department is given legislative power to enter into a lease on business terms.

Mr. LEVER. Do I understand the gentleman to say that the Department of Commerce are paying 54 cents?

Mr. BORLAND. About 54 cents a square foot, including the cost of janitor service, cleaning, lighting, elevator, and upkeep. We pay 36 cents and a fraction per square foot for the space occupied and provide the cost of caretaking in addition.

This is the only practical solution. We can not build buildings fast enough in Washington to house the activities of the Government. We must always depend to some extent on rented quarters, and we either ought to have a general provision of law, common to all the departments, fixing the terms upon which leases may be made, or we ought to permit these appropriating committees to put in legislative provisions providing for leases for a definite length of time. No man who owns property is going to lease it to the Government for a short-time lease, or upon an uncertain tenure, on the same terms that he will lease it for a certain tenure and for a long-time lease; and four years or even five or six years time is not too long to lease a piece of property in the District of Columbia.

Mr. LEVER. Mr. Chairman, this matter was referred to a subcommittee which made a very thorough investigation, the chairman of which subcommittee was the gentleman from Arkansas [Mr. JACOWAY], who will now take charge of this matter.

Mr. JACOWAY. Mr. Chairman and gentleman of the committee, some two years ago I went into the matter of the rents paid by the Agricultural Department, and investigated the subject with some care and as exhaustively as I could in the time which I had. In order that Congress might be definitely advised in regard to the matter I have made up a table giving the name or location of the building, its character, the number of rooms, by whom occupied and for what purpose; the floor space in square feet, net and gross; the annual rental; the annual rental per square foot, net and gross; the date of the first lease; the name of the owner or lessor; and the assessed value of the building. I thought that under these subheads the committee could ascertain the reasonableness of rent paid by the Agricultural Department as compared with the rents paid by other departments of the Government.

In the report which I made at that time, I suggested to the House two years ago that it was my judgment that all of these rents paid by the different activities of the Federal Government were too high; but after comparing the rents paid by the Agricultural Department with the rents paid by other departments of this Government, I state to-day, as a result of that investigation, that the rents paid to-day by the Agricultural Department are lower than the rents paid by any other branch of the Government's activities. The table to which I refer is as follows:

Statement showing data in relation to rented buildings of the Department of Agriculture, Feb. 23, 1916.

Name or location of building.	Character of building.	Number of rooms.	Occupied by.	Occupied as—	Floor space (per square foot).		Annual rental.	Annual rental (per square foot).		Date of first lease.	Owner or lessor.	Assessed value of building.
					Net.	Gross.		Net.	Gross.			
950 F Street NW. (Atlantic Building).	Old brick office building, 5-story and basement.	148	Forest Service	Offices	35,658	54,600	$18,000	$0.504	$0.329	July 1, 1901	Atlantic Building Co., M. M. Parker, president, 1418 F Street NW.	$138,670
914 E Street NW. (rear).	1-story shop building in alley.	1	do	Workshop	1,470	1,470	270	.18	.18	Nov. 1, 1902	Jeremiah O'Connor, owner, T. D. Walsh, agent, 1312 F Street NW.	400
915 E Street NW. (rear).	2-story brick building in alley.	2	do	Storage	1,150	1,150	300	.26	.26	June 15, 1915	Jos. R. Williams, 915 E Street NW.	300
216 Thirteenth Street SW. (Chemistry Building).	6-story and basement modern fireproof laboratory building.	132	Bureau of Chemistry.	Offices and laboratories.	50,350	59,000	16,000	.319	.271	Mar. 8, 1909	Peter J. Campbell and John J. Shea, 632 Pennsylvania Avenue NW.	98,776
212 214 Thirteenth Street SW.	Old 3-story brick residences.	37	do	Supply rooms and storage.	7,200	8,600	960	.175	.111	Dec. 1, 1891	Nicholas H. Shea, 632 Pennsylvania Avenue NW.	8,758
215 Twelfth Street SW. (rear).	2-story brick garage building.	8	do	Storage	2,353	2,682	600	.254	.223	Aug. 1, 1915	Geo. P. Eustis; Frederic May, agent, 806 Seventeenth Street NW.	3,483
513 to 515 Fourteenth Street NW. (Willard Building).	Modern 8-story office building.	76	Office of Public Roads.	Offices and laboratories.	25,116	36,224	9,500	.263	.261	Apr. 12, 1915	H. K. Willard (Kellogg Building) and National Savings & Trust Co., trustees.	182,100
1228 C Street SW. (rear).	Old 1-story and loft stable.		do	Storage	1,000	1,195	144	.14	.12	Aug. 1, 1907	Heirs at law of J. A. Harvey; C. A. Harvey, 1228 C Street SW.	400
215 Thirteenth Street SW.	4-story basement brick building for warehouse purposes.	17	Division of Publications.	Offices, storage and mailing.	15,340	19,200	4,000	.26	.206	Mar. 1, 1905	Terrell & Little, agents, 1413 H Street NW.	21,721

Statement showing data in relation to rented buildings of the Department of Agriculture, Feb. 28, 1916—Continued.

Name or location of building.	Character of building.	Number of rooms.	Occupied by—	Occupied as.	Floor space (per square foot). Net.	Floor space (per square foot). Gross.	Annual rental.	Annual rental (per square foot). Net.	Annual rental (per square foot). Gross.	Date of first lease.	Owner or lessor.	Assessed value of building.
1316 B Street SW...	Modern 3-story brick building.	34	Office of Solicitor.	Offices, files, and storage.	8,773	10,427	$3,000	$0.341	$0.286	May 1, 1904	John M. Beavers, owner, H and Water Streets SW.	$12,647
220 Thirteenth Street SW.	3-story brick warehouse, remodeled.	27	Insecticide and fungicide board.	Offices and laboratories.	8,470	9,900	3,000	.35	.30	Apr. 14, 1913	Frank J. Hogan, owner, Evans Building.	17,424
929 Seventh Street SW.	Old warehouse....	7	Exhibits and Bureau of Soils.	Storage.....	8,110	8,280	600	.074	.072	June 1, 1915	George E. Walker, owner, 501 Seventh Street SW.	16,393
200-202 Fourteenth Street SW.	4-story and basement brick building, remodeled and fireproof.	37	Plant Industry, States Relations Service, Biological Survey, Forest Appeals.	Offices and laboratories, storage.	13,100	15,140	3,000	.229	.198	July 1, 1900	R. Harrison Johnson, 306 Seventh Street SW.	20,167
339 Pennsylvania Avenue NW. (Globe Building).	Old 4-story brick building, warehouse construction.	27	Bureau of Plant Industry.	Congressional seed distribution and storage.	33,000	40,000	4,800	.145	.12	Sept. 1, 1912	R. W. Shoppell, Warder Building.	30,476
1301-1305 B Street SW.	Double brick structure, 3-story and basement.	36	....do.....	Offices, locust crop, seed distribution.	11,386	13,590	2,500	.218	.185	Sept. 1, 1901	Tyler & Rutherford, agents, 817 Fifteenth Street NW.	18,169
215 Twelfth Street SW.	Old 3-story brick residence.	10	Farm Management.	Offices.....	1,746	2,771	450	.257	.162	Apr. 8, 1914	A. G. Belt, agent, 1309 G Street NW.	3,868
217 Twelfth Street SW.	....do.....	13	Plant Industry: Farm Management; exhibits.	....do.....	1,746	2,771	450	.257	.162	Aug. 1, 1914	....do.....	5,491
220 Fourteenth Street SW.	Modern fireproof 6-story, basement, office building.	138	Plant Industry; States Relations Service.	Offices and storage.	51,000	65,000	21,000	.392	.33	Aug. 28, 1912	Western Investment Co., F. H. Smith Co., 815 Fifteenth Street NW.	120,925
221 Linworth Place SW.	Modern brick and concrete fireproof 5-story and basement building.	31	Bureau of Animal Industry, Office of Markets.	Offices, warehouse, cotton and paper work.	19,500	21,000	5,400	.284	.215	June 1, 1906	Sidney Bieber, owner, Riggs Building.	30,849
224 Twelfth Street SW.	3-story brick double building.	41	Office of Farm Management.	Offices.....	8,380	12,360	2,500	.298	.20	Dec. 29, 1902	American Security & Trust Co., Fifteenth and Pennsylvania Avenue NW.	17,332
Munsey Building, rooms 919 and 920.	Modern granite, fireproof office building.	2	Bureau Animal Industry (Field Service).	Offices, meat inspection.	366	366	420	1.15	1.15	July 1, 1909	T. C. Willis, agent, Munsey Building.	655,820
215 Linworth Place SW. (rear).	1-story building of frame construction.	2	Bureau Animal Industry (Meat Inspection).	Storage.....	297	297	120	.40	.40	Aug. 1, 1915	Mrs. M. E. Winfield, 215 Linworth Place SW.	(1)
1358 B Street SW...	Modern fireproof 8-story basement office building.	216	Markets, Animal Industry, Library, Biological Survey, Publications, Seed Laboratory, Plant Industry.	Offices and laboratories.	76,501	85,000	35,380	.462	.416	Dec. 3, 1914	Mrs. Henrietta M. Halliday, owner; F. H. Smith Co., agents, 815 Fifteenth Street NW.	182,741
818 Four-and-a-half Street SW.	2-story brick warehouse.	4	Office of Markets.	Storage of cotton.	5,120	5,600	360	.07	.064	Dec. 1, 1911	R. H. Johnson, 306 Seventh Street SW.	3,767
1315 C Street NW...	....do.....	2	....do.....	....do.....	4,000	4,100	1,000	.25	.243	Dec. 20, 1915	W. D. Sullivan, 817 Fifteenth Street NW.	.....
Total.....					250,631	279,353	132,734	.338	.278			

(1) Not assessed.

Bureau of Animal Industry, Meat Inspection, appropriation pays rental for:

Rooms in Munsey Building	840
Rear of 215 Linworth Place SW	120
Portion of rent for building 1358 B Street SW	10,000
Total	10,960

Office of Markets appropriation, "Determining cotton standards and spot markets, 1916" (continuing appropriation):

818 Four-and-a-half Street SW	360
1315 C Street NW	1,000
Total	1,360

I want to call the attention of the committee to the fact that this report shows that we are paying as low as 40 cents per square foot, gross, up to as high as $1.15 per square foot in the Munsey Building, a modern, fireproof eight-story office building. I believe that if you will make a comparison of other rents paid, such as the Post Office Department, the Interior Department, and other departments, you will find that from the statement I made some two years since, which is found in the CONGRESSIONAL RECORD on page 4852, Sixty-third Congress, second session, under date of March 14, 1914, that the rent paid by the Department of Agriculture is much less than the rent paid by any other branch of this Government. It is useless to encumber the records with comparison. The tables showing the rents paid by other branches of the Government departments have been incorporated into the record, and reference to same can be had by any who may be interested in the subject.

Mr. COX. What does the gentleman mean by "gross"?

Mr. JACOWAY. That is for the number of square feet in the whole building, not counting the net square feet actually used. The Bureau of Plant Industry and the States Relations Service pay 33 cents per square foot. The Office of Public Roads pays, for storage, 12 cents per square foot. The Office of Markets pays, for storage, as low as 6.4 cents per square foot.

Now, in the Interior Department the rate paid per square foot is 39.9 cents, 38 cents, 35 cents, 31.9 cents, 57.5 cents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. How much more time is there remaining, Mr. Chairman?

The CHAIRMAN. Eight minutes.

Mr. LEVER. I ask unanimous consent that the gentleman from Arkansas may proceed for three minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Arkansas may proceed for three minutes. Is there objection?

There was no objection.

Mr. JACOWAY. In conclusion, Mr. Chairman, I want to state, as I did two years since, when this matter was before the House, that I am of opinion, after the investigation I have been able to make, that the Government, from the standpoint of the Government and not from the viewpoint of the individual, is paying too much rent for all of those buildings. But I state and assert that the rent paid by the Government for the buildings for the use of the Agricultural Department is the cheapest rent paid by the Government for any of its great departments. Beyond question I feel this assertion is true. It is my hope that soon all branches of the Agricultural Department can be housed under one roof. Certainly no department of this Government is more important than that of agriculture. As has often been asserted—and it is a true statement—that agriculture is the basis of all wealth, then that source from which this wealth emanates should receive every encouragement. Besides its house the Agricultural Department in its own building would be a saving to the Government.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. JACOWAY. For a question.

Mr. STAFFORD. Can the gentleman inform the committee on what term of lease the Agricultural Department rents these respective buildings?

Mr. JACOWAY. It is from year to year, as a rule, generally.

Mr. STAFFORD. Yes; it is from year to year rather than for a term of years?

Mr. JACOWAY. It is from year to year, and the gentleman will find all this discussed in the report that I made some time ago, and to which I have made reference to-day.

Mr. STAFFORD. Whereas in the other departments, where they get much more economical rent, the term of lease being for from 5 to 10 years.

Mr. JACOWAY. I think there are some branches of the Department of Agriculture where they enter into leases for from 5 to 10 years, as just suggested by me.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. JACOWAY. Yes.

Mr. LEVER. Some years ago the committee tried to get the same authority the gentleman speaks of, but it was objected to on the floor of the House, and it went out on a point of order.

Mr. STAFFORD. Has the gentleman's attention been called to the compilation of the American Institute of Architects which gives the returns on the valuations of the respective properties and which shows that for these modern buildings the net return to the owners is 15 per cent and the average return of all of the rentals is 10 per cent?

Mr. JACOWAY. Mr. Chairman, the gentleman is in error about that. In discussing this question two years ago I said in answer to a question from Mr. HAWLEY:

> No; I did not state that. I said that assuming the assessed value of the property in the District of Columbia as shown on the tax books complied with the law, which requires it shall be assessed at 66⅔ per cent of its value, and arguing from that premise, then the rent paid on all these buildings occupied amounts to about 10 per cent. If the assessment is erroneous, then, of course, the per cent would vary.

I also stated in those remarks that the Federal Government can house the activities of the Department of Agriculture under one roof, completing the building down here that is not now completed—and you can get the money at 3 per cent—and in that way it would be a saving to the Federal Government to do so, and in my report I recommended that that be done, and to me it appears to be good business judgment on the part of the Government to do so. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MANN. Mr. Chairman, I desire to ask the gentleman from Arkansas a question or two. Last year we provided at this place in the bill that the Maltby Building and all the buildings in that block might be used by the Agricultural Department. I understand that the Department of Agriculture has never made use of those buildings.

Mr. JACOWAY. It has not.

Mr. MANN. Does it require further legislation to strike that order out? The language of the law last year was:

> Until otherwise ordered the Maltby Building, etc., may be used for governmental purposes by the Agricultural Department.

The design, of course, has been to tear down those buildings.

Mr. JACOWAY. I will state in answer to that question that the Department of Agriculture has not used that building this year.

Mr. MANN. I understand that it has never used it at all. The department never took possession of it.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. LEVER. The inspector of the Department of Agriculture looked over the Maltby Building and made a report to the Secretary of Agriculture that the building was unfit for use; that it was dangerous to use it.

Mr. MANN. I am not questioning that part of it. What I want to know is, if I can find out, whether there should be legislation now repealing this provision or whether these buildings are to stand there indefinitely, subject to being used by the Agricultural Department, which does not intend to use them?

Mr. LEVER. I will say to the gentleman that unless there is legislation the provision in the bill last year, I take it, will stand until repealed. The matter was not brought to the attention of the committee at all.

Mr. MANN. I think that provision ought to be repealed.

Mr. LEVER. I do also.

Mr. MANN. There is no earthly reason for keeping in the law a provision for the use by the department of a building which it can not, and I think properly does not, use.

Mr. LEVER. I am glad the gentleman called that to our attention.

Mr. MANN. Mr. Chairman, the gentleman from Wisconsin [Mr. STAFFORD], who has given a good deal of attention to the question of rents for buildings, especially in connection with the legislative appropriation bill and otherwise, stated that the Agricultural Department was paying very excessive rents for buildings; that the average was very high. I notice, however, that the other day in the Senate there was inserted in the RECORD what purported to be the rentals received from public buildings in the District of Columbia, being an extract from the Journal of the American Institute of Architects, of February, 1916. In that statement the information is given that the rental paid for the Willard Building, opposite the Willard Hotel, which used to be occupied by the Department of Commerce and by the Department of Labor and is now occupied by the Department of Agriculture, amounts to 1¼ per cent on the value. Certainly no one would complain that a rental of 1¼ per cent on the value was a high rate of rental.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MANN. For a question, I have only a little time.

Mr. STAFFORD. Is the gentleman aware that that is merely a temporary arrangement because they could not obtain another tenant, that that is not the real rental the Government has been paying heretofore?

Mr. MANN. I am aware that the statement is made here that the Agricultural Department is now paying 1¼ per cent on the value of the building. I do not imagine that they will be allowed to continue indefinitely upon that basis, but it does not indicate any extravagant desire on the part of the Department of Agriculture.

Now, I want to say, Mr. Chairman, while there is always a great demand in Washington and from the outside that all the buildings occupied by the various bureaus and departments in Washington shall be Government buildings, and the ground of economy is constantly advanced, I have not the slightest doubt myself with some observations and experiences in Washington with the Government buildings, that if we erect public buildings to put all these offices in it will cost the Government a great deal more than it does now.

The CHAIRMAN. The time of the gentleman from Arkansas has expired. All time has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

> To carry into effect the provisions of an act approved March 16, 1906, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," the sums apportioned to the several States and Territories, to be paid quarterly in advance, $720,000: *Provided*, That not to exceed $15,000 shall be paid to each State and Territory under this act.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to publish a letter from Dr. Melvin, the head of the Bureau of Animal Industry, in regard to experimental stations in two counties in Indiana.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by printing a letter from Dr. Melvin in relation to experimental stations in Indiana. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., April 15, 1916.

Hon. W. A. CULLOP,
House of Representatives.

DEAR MR. CULLOP: Receipt is acknowledged of your letter of April 13, asking for information concerning hog cholera work by the bureau during the past two years.

Under the appropriation for work in the field experiments have been conducted in districts consisting of about one county each in 14 States, to determine the possibility of controlling hog cholera by quarantine and sanitary measures and the use of the serum preventive treatment, under some feasible plan which might permit of extending the work over large areas. Two of these experiments have been conducted in Indiana, one in Hendricks County and the other in Montgomery County, which cost the department during 1915, including the use of free serum, approximately $32,000.

In connection with these various experiments to December 31, 1915, there were treated 234,136 hogs in infected herds, with a loss of only 13.1 per cent, even though 85,547 of this number showed evidence of cholera at the time of treatment. During the same period 19,208 hogs were treated in well herds for protection, in which the loss was two-tenths of 1 per cent.

In addition to these experiments, educational, and demonstrational hog-cholera work was conducted in 10 States. This work has been more or less State-wide in advising farmers, through organizations and otherwise, of measures which may be taken to reduce losses and prevent cholera from reaching their herds.

The information obtained from these two classes of work indicates that the first, even though it has resulted in a saving of more than the amount expended, may be too expensive, and the other class does not afford a sufficient opportunity to place any one district in a position to control the disease.

It is believed that with a reasonable appropriation and a combination of these two methods, intensified work may be extended to larger sections of the country, and that with the support of the proper State officials, and the farmers themselves, the disease may be controlled and ultimately eradicated.

Very truly, yours, A. D. MELVIN,
Chief of Bureau.

The Clerk read as follows:

To enable the Secretary of Agriculture to enforce the provisions of the above acts and the act approved May 8, 1914, entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," relative to their administration, including the employment of clerks, assistants, and other persons in the city of Washington and elsewhere, freight and express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, electric current, and rent outside of the District of Columbia, $58,500; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said acts, and make report thereon to Congress.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point by inserting a letter written to me from the director of the Connecticut Agricultural Experiment Station on the subject of pine blister rust.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD on the subject which he indicates. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

THE CONNECTICUT AGRICULTURAL EXPERIMENT STATION,
New Haven, Conn., April 19, 1916.

To the Hon. JOHN Q. TILSON,
New Haven, Conn.

DEAR SIR: The Agricultural appropriation bill soon to come before the House of Representatives contains an item of $30,000 for the suppression of the pine blister rust. The danger which confronts the lumber interests of the country from this source will no doubt be fully explained by the committee chairman.

I need only say that this station has made inspections and is now preparing for a third inspection of all white-pine plantations in this State. We could not do this effectively without the cooperation of the United States, made possible by the appropriation of $20,000 previously in the urgent deficiency bill. We are using every means which our State appropriations supply to detect and destroy this dangerous disease, but to do it effectively there will be needed further help from the General Government, and I hope you may be ready to give the item of the bill referred to your support.

Very truly, yours, E. H. JENKINS, *Director.*

The Clerk read as follows:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $661,300: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers, and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

Mr. MANN. Mr. Chairman I move to strike out the last word. I notice there is a very slight decrease in the appropriation. I suppose that grows out of transfer, the intention being to keep the appropriation the same as it was before?

Mr. LEVER. Exactly. There is no change at all.

Mr. MANN. Did the committee consider increasing it?

Mr. LEVER. We did not. It was not estimated for. We did increase the preceding appropriation $100,000.

Mr. MANN. I noticed that. The appropriation above is mainly for demonstration work in the Northwest?

Mr. LEVER. In the Northern and Western States; yes, sir; 33 States outside of the cotton belt. The one which we are considering now is for the 15 States in the cotton belt.

Mr. MANN. I was under the impression that a few years ago we made the amount about the same.

Mr. LEVER. No; the gentleman's impression is wrong. A few years ago there was no amount carried for demonstration work.

Mr. MANN. I know. A few years ago there was and a few years ago there was not.

Mr. LEVER. The amounts have not been the same at any time, but we are trying to build up the item above as rapidly as we think it would be wise to do so. The committee on its own initiative increased this appropriation $100,000 after, of course, taking it up with the Secretary of Agriculture and after he had told us that he could use $100,000 wisely and economically.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. LEVER. I yield.

Mr. McLAUGHLIN. The chairman will remember that these amounts at one time were about the same, but the appropriations used by the South were supplemented by donations made by the General Educational Board, the Rockefeller fund, and Congress in considering that matter decided it was not wise longer to receive donations from that fund. And in order that the work should not be interfered with Congress added to the original appropriation enough to make up the amount that the General Educational Board had been in the habit of contributing.

Mr. MANN. My recollection was that at one time the items were almost the same.

Mr. McLAUGHLIN. They were about the same.

Mr. LEVER. If the gentleman from Michigan will permit, I was in error when I said the items were never together. They were together for about one or two years, as I remember it.

Mr. McLAUGHLIN. And the addition to the southern item——

Mr. LEVER. By the outside fund.

Mr. McLAUGHLIN. By the outside fund.

Mr. LEVER. The gentleman from Michigan has stated the case accurately.

Mr. McLAUGHLIN. The House refused, and the Senate offered the amendment and the House accepted it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $143,000, as follows: Alaska, $48,000; Hawaii, $40,000; Porto Rico, $40,000; and Guam, $15,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam: *Provided*, That of the sum herein appropriated for the experiment station in Hawaii $5,000 may be used in agricultural extension work in Hawaii.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. LEVER. Mr. Chairman, if the gentleman will withhold that for a moment. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. POU. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 216 (H. Rept. 599).

Resolved, That upon the adoption of this resolution the Committee on Military Affairs be, and is hereby, discharged from the consideration of H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, with the Senate amendments thereto; that the said Senate amendments be, and are hereby, disagreed to by the House and a conference asked of the Senate on the disagreeing votes of the two Houses on the said bill; and the Speaker shall immediately appoint the managers on the part of the House, without intervening motion, except one motion to recommit.

Mr. MANN. Mr. Speaker, I make the point of order that the Committee on Rules has no jurisdiction to report this rule, and that it is not a privileged rule.

The Speaker yesterday ruled that the Committee on Rules could not report a rule which would prevent the exercise of the right to make the motion to recommit. In the discussion the Speaker referred to the last clause of the rule reported yesterday, which was, "without intervening motion," and intimated that if that were stricken out, or if that were left in and a provision were inserted, "except one motion to recommit," the rule would be in order. But the decision that the Speaker made yesterday was that the right to move to recommit under the rules of the House could not be taken away by a rule reported from the Committee on Rules.

Now, this rule provides, first, that the Committee on Military Affairs is discharged from further consideration of the bill. No exception can be taken to that. Second, it provides that the "Senate amendments be, and are hereby, disagreed to by the House and a conference asked of the Senate on the disagreeing votes of the two Houses." That disposes of the Senate amendments. That is final action on the Senate amendments. The motion to recommit can not be made until the rule is adopted and the Committee on Military Affairs is discharged.

But the rule provides that when the Committee on Military Affairs is discharged at the same time the Senate amendment is disagreed to and a conference is asked. What can you do with a motion to recommit then? That is like offering a right to offer a motion to recommit after a bill has passed and a motion to reconsider has been laid on the table. What good is it? It has passed beyond further action by the House. It provides that the Senate amendment is already disagreed to and a conference asked for.

Now, if the Speaker would hold that at that stage of the proceedings, before the conferees are appointed, it would be in order to recommit to the committee with instruction to the committee to report a recommendation to the House that the conferees be instructed, it leaves something to be done; but unless that motion should be in order there is nothing that can be done. The matter has been disposed of before the motion to recommit can be offered. If the motion to recommit, which the Speaker held we were entitled to make under the rules of the House, is to be offered at all, it must be offered with the purpose of accomplishing something by it. It is too late to move to recommit, to recommend a concurrence in the Senate amendment or an amendment to the Senate amendment after the amendment has been disagreed to and a conference asked. You can not move to concur after you have disagreed. You can not move to amend after you have disagreed. The only thing you can do in the House, after disagreement and conference is asked, is to move to instruct the conferees. If that motion is in order at that time, then this rule is in order. But if that motion is not in order at that time, then this rule is in violation of the rules of the House offering the right to make a motion to recommit, because it can not be said that the motion to recommit can be made when it can not possibly under any circumstances accomplish anything.

The SPEAKER. The Chair is ready to rule. This particular phase of this aggravated question has been passed upon once or twice before by eminent Speakers; that is, the question as to what takes this matter in controversy away from the House. On July 27, 1886, section 6380 of Hinds' Precedents, in a comparatively long decision, a ruling was made upon it which it is not necessary to read, except as to one sentence of it. The decision was made by Mr. Speaker Carlisle. I read:

But the Chair thinks even if the present motion of the gentleman from Kentucky prevails, at any time before the Chair actually appoints the conferees, which takes the matter away from the House, resolutions of instructions are in order, and the Chair will entertain them after this motion is disposed of.

The pending rule cuts out the privilege to instruct the conferees. But evidently Speaker Carlisle thought, and evidently Mr. Speaker CANNON thought, later on, because he quoted Speaker Carlisle's conclusion approvingly, making a very short decision, that the matter is not taken away from the House until the conferees are appointed.

In rendering that decision yesterday, the Chair never guaranteed to the gentleman from Illinois [Mr. MANN] or anybody else that they would get a chance to offer a motion to instruct the conferees. What the Chair did decide was that the Committee on Rules could not cut out the privilege of offering the motion to recommit, with or without instructions. That is a correct decision, I think. The more I think about it the more certain I am. Everybody knows that I try to treat them all fairly. [Applause on the Republican side.]

If the gentleman from Illinois [Mr. MANN] can rig up a motion to recommit at the proper time—a motion that would be in order as an amendment—then the Chair will rule his motion in order, and if he does not do that, he will rule it out of order. The Chair overrules the point of order.

Mr. POU. Mr. Speaker, the majority and minority members of the Committee on Rules had an agreement that there should be an hour's debate on the resolution, one-half to be controlled by myself and one-half to be controlled by the gentleman from Kansas [Mr. CAMPBELL]. I ask unanimous consent that that be ratified by the House.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks that there be an hour's debate on this rule, 30 minutes to be controlled by himself and 30 minutes by the gentleman from Kansas [Mr. CAMPBELL].

Mr. POU. I would like to get an arrangement, if possible, that at the end of that time the previous question shall be considered as ordered.

Mr. MANN. I shall have to object to that.

Mr. POU. Then I will not ask for that. It is not in the agreement.

The SPEAKER. Is there objection to the request that there be one hour debate, if desired, one-half to be controlled by the gentleman from North Carolina [Mr. POU] and one-half by the gentleman from Kansas [Mr. CAMPBELL]

There was no objection.

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. POU. I will reserve my time and ask the gentleman from Kansas to consume some of his time. I will say that in all probability we will not consume our 30 minutes on this side.

Mr. CAMPBELL. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I hope the previous question may be voted down so that the rule can be amended in order to give the House an opportunity to express its opinion upon at least one phase of the Senate amendments to the bill. No one desires to keep this bill from going to conference or to prevent its early enactment into law.

Mr. Speaker, I am against our country entering into war [applause], but I am in favor of a sufficient preparation now so that if under any conditions we are forced into war we will have something to fight with. [Applause.] We can not determine the force of events which may settle the question whether we shall enter into war or not, but we can determine now whether we will endeavor to make preparation for that which may come, though I shall do everything in my power, so long as I am a Member of this House, to prevent our country entering into war except under the most extreme circumstances. [Applause.]

The Senate amendment contains section 2, which provides for an army of 250,000 men. It is not excessive. There are many other provisions in both the House and Senate bills which in course of time would absorb, in the main, the officers provided for, with the schools throughout the country; but at present we ought to provide an army of 250,000 men, put them in training, and be prepared, if events shall force it, so that we may have them to use as a first line of defense. If, when peace is really again hovering over the world and the cloud of war is dissipated, we want to reduce the Army, I should favor that. I think we are foolish beyond description if, in the present situation of the world, we hesitate to spend a little money in order that we may have trained men ready if war should come from causes beyond our control. [Applause.]

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. Mr. Speaker, I am in favor of our country going to war whenever it is necessary to uphold human liberty and to fight for the right, and I am in favor of being prepared for that event, let it come when it may; but I am also in favor of sending this bill to conference, and sending it there at once. Many things have been injected into this bill in the Senate that I would like to see voted out of it before it goes to conference, but under the parliamentary situation I understand that is impossible, and that it is necessary that this bill go to conference without tying the hands of our conferees, in order that they may take out some of the bad things in this bill and insert some of the good things left out. If they fail to do that, we have the power in our hands to vote down the report when it comes in here, and to continue to vote it down until such a report is brought in as we feel justified in supporting.

While I am on my feet, however, I want to say one word. The gentleman from Illinois [Mr. MANN] says he is in favor of an army of 250,000 men now, to be maintained in time of peace. You understand my position. I am opposed to a large regular army in our country in time of peace or war. I believe in a small regular army sufficient to perform the functions of an army, and I believe in depending upon reservists and trained

men to fight our battles when war comes. [Applause.] To say that we can fasten this army of 250,000 men on our shoulders and then release it when the emergency has gone by is idle talk. The Senate bill provides for the officers for an army of 250,000 men, but to write that bill into law as it comes from the Senate would simply mean a fraud and a deception upon the American people.

If it were possible to do so, I would offer an amendment here providing that hereafter the private soldier, the enlisted man in the Army of the United States, shall receive $30 per month, and I would provide that within 30 days after this bill becomes a law the President of the United States shall by a proclamation notify the governors of the various States of their quota necessary to fill up the Army to 250,000 men, and if they were not forthcoming within 60 days I would provide for a draft. If we want an army of 250,000 men, let us be honest and get that Army and not put it on paper simply, but take the steps necessary to give the people an Army of 250,000 men. I have grown weary listening to men talking about an Army of 250,000 men on paper, when last week, at a time when in every post office in this country there are advertisements urging men to enlist to help catch Villa, notwithstanding that fact, the great city of Boston, the metropolis of the State from which comes our good friend from Massachusetts [Mr. GARDNER], furnished one man for the Army. [Laughter and applause.] Talk about an Army of 250,000 Americans in time of peace at $15 a month! You can not get them, gentlemen. Let us be honest. Let us bring out this bill from conference, this war dog with some teeth in it, and not hand them out a piece of buncombe pure and simple. [Applause.]

Mr. Speaker, I wish to insert in my remarks an article published in the Chicago Tribune on April 22, showing that for the week ending April 22 there were 772 men who enlisted in the United States Army.

The SPEAKER. The gentleman asks unanimous consent to insert the article referred to by him. Is there objection?

There was no objection.

The article is as follows:

ONLY 772 JOIN ARMY IN WEEK—RECRUITING SLACKENS ALL OVER NATION—CHICAGO LOSES LEADERSHIP—BOSTON SENDS ONE MAN.

WASHINGTON, D. C., *April 22.*

The week's recruiting figures were compiled to-day and displayed to the chief officials of the War Department and to others interested in the administration program. They were read with consternation and a degree of discouragement, which few of the Army men made any effort to conceal. Only 772 men were accepted.

Even Chicago, which has been leading the cities every week, with the exception of one occasion, when it fell below San Francisco, produced only 60 new men for the Army, falling below not only San Francisco, with its 84 acceptances out of 406 applications, but below New York, with 63 acceptances out of 322 applications.

Philadelphia, the third largest city of the land, produced only 22, and Boston contributed just one soldier to the colors.

ROLL IN MIDWEST CITIES.

Here are the figures for Chicago and near-by cities:

	Applications.	Acceptances.
Chicago	273	60
Peoria	32	8
Detroit	64	9
Grand Rapids	17	2
Indianapolis	110	27
Evansville	53	9
Terre Haute	29	13
Davenport	21	6

These acceptances total 134 out of 772 from the whole country. The total for the preceding 30 days was 3,927. This total of 4,700 men represents all that have been accepted at the station since the authorization of war strength regiments was passed by Congress.

MORE MAY BE DECLINED.

Probably 15 per cent of them will be declined at the receiving depots. At this rate the Army will have to wait close to a year to reach war strength.

War Department reports indicate that attendance at the Army instruction camps for civilians this summer will approximate 28,500. Secretary Baker, reporting to Congress to-day on the department's plans for the camps, asked for an appropriation of $454,085 for their expenses.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, I rise to support the resolution and to favor sending the bill to conference at the earliest possible moment. [Applause.] It is very seldom that I disagree with the minority leader on this side of the House, but in this instance, if Congress is to put the country in a greater condition of military preparedness at the earliest possible date, I believe he is not proceeding along the proper line. I believe it would be a mistake for this House to indorse the proposition contained in the Senate bill to increase the Army to 250,000 men at this time. I believe that the adverse vote which the House might give at this time would handicap the conferees on the part of the House in subsequently obtaining from the conferees on the part of the Senate an adequate and reasonable increase in the Regular Establishment, which I favor and which I believe this House will eventually favor.

I believe, furthermore, that if we seek to place the country in a state of defense now that we can not attain it by indorsing the Senate proposition of making the Regular Army 250,000 men, for when you refer to the language of the Senate amendment you will find that they propose to take five years to attain that end. I favor a policy which will more quickly accomplish an increase in our military strength.

If this country should go into a great war, that war will be fought, as the gentleman from Illinois [Mr. MCKENZIE] says, not by the Regular Army, but by the hundreds of thousands of volunteers of the country who will rise to fight the battle.

Mr. MADDEN. How many years does it take under the Hay bill to get the number?

Mr. ANTHONY. Four years. Let me say to the gentleman that I stand for a Regular Army of practically the size named in the Senate bill as it was reported from the Senate committee, a Regular Army of 150,000 or even 175,000 men. I do not believe the country is in the slightest danger of invasion by a European enemy. [Applause.] The enemy in Europe of whom they speak would be utterly unable to reach us for purely physical reasons for at least a year after any declaration of war or severance of diplomatic relations. In the meantime we could arm and equip an army of a million volunteers to defend our shores.

In my opinion, our most pressing need for troops to-day is upon the Mexican border, and what we really need more than troops in Mexico is a well-defined policy on the part of our national administration as to what we shall do in that country. [Applause.] So far, the present administration has utterly failed to outline any definite policy as to our relations with Mexico. In my opinion, what we should do, or what the President of the United States should do now, is to issue a proclamation very similar to that we put forth at the time of the second intervention of Cuba and say to the Mexican people that we come to reestablish and restore law and order and a stable Government, and that upon the establishment of such a Government we intended to withdraw our soldiers; but I would also flatly say that if hostile shots were fired at these soldiers we would stay there and ourselves set up a stable Government as a duty which we owe to humanity as well as to afford protection to the lives and property of American citizens, and if war results we should take in return such territorial payment as would remunerate us for the bloodshed. I believe that such a clearly defined policy put forth at this time would absolutely make unnecessary the use of any great army in Mexico and cause the people of that country to recognize us as benefactors instead. I hope the House will send the bill to conference, believing as I do that a good bill will be the result. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield to the gentleman from Michigan [Mr. KELLEY] five minutes.

Mr. KELLEY. Mr. Speaker, much as I regret the necessity of disagreeing with the minority leader, I find that I am in that position now. When the Kahn amendment, providing 220,000 men, was before the House a few days ago, I voted for it, but when I did that I stretched my judgment to the uttermost. I thought perhaps that an emergency was at hand and that it might be wise because of the situation on our border on the south of us to have this authorization given to the President to recruit the Regular Army up to 220,000 men. But when it comes to increasing it to 250,000 men and making that the permanent policy of the Government, I can not see my way clear to support it. [Applause.] I take this position, first of all, because I do not believe that a great army is the natural or normal or most effective protection of the people of the United States. Because of our geographical location the natural and normal protection of this country, in case of war, is the Navy, and if we are going to enlarge our Military Establishment let us put the bulk of the money in the Navy, where it will give us the greatest measure of protection. [Applause.]

In this connection, I believe that England has taught us the way in this great war now raging in Europe. She is separated from her neighbors by only a narrow stretch of water 20 miles wide, but for a year and a half that narrow stretch of water has been a barrier between her and the marching millions of her enemies in arms. Not only that, but for a thousand years no hostile foot has been planted on English soil from across the English Channel against the will of Great Britain. Why? Because the Navy of Great Britain has been her protection and defense. Probably at this hour

she can hear the boom of her enemy's guns across the English Channel. Her people can almost hear the tramp of mighty armed forces on the Continent, yet the English Channel, 20 miles wide, controlled by the English Navy, constitutes a perfect protection from attack. We have 3,000 miles of the same kind of water to protect us from possible invasion by any great power, and it seems to me, Mr. Speaker, that we should take advantage of our natural location in determining upon the best means for our defense.

Why, Mr. Speaker, the Senate bill proposes to add practically a hundred thousand men in excess of the number provided in the bill recently passed by this House. A hundred thousand additional men for the Navy would man a navy equal to that of Great Britain, a thing, of course, which we do not need. But if we are ever going to fight, and I trust we never may, let us fight upon the sea, where the total loss of life would be reduced to the minimum. It would take money to build an adequate navy, but I am in favor of spending the money and saving the lives of the youth of America. [Applause.] In the Spanish-American War our Navy destroyed two Spanish fleets without the loss of a single American ship or a single American life, while thousands of lives were lost in land operations in that brief war in camp and in battle. In the Old World thousands of the best youth of Europe are being sacrificed daily in the great struggle now going on over there. What we should do in this Congress is to increase the size and strength of our Navy so that it will be large enough and powerful enough to prevent the landing of troops on our soil by any great military country. It will be a great deal easier and a great deal safer to provide the necessary means to prevent the landing of any possible enemy than to drive him off once he has landed.

So, Mr. Speaker, I am in favor of sending this bill to conference. Let the conference committee reach an agreement, if possible, on all points of difference between the House and the Senate. I sincerely hope that in no event will provision be made for a greater permanent standing Army than that provided in the amendment offered to the House bill by the distinguished Member from California, Mr. KAHN. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from California, Mr. KAHN.

Mr. KAHN. Mr. Speaker, I am for a substantial Army. The gentleman from Michigan [Mr KELLEY]. In speaking of the defenses of the country, said truly that our first line of defense must be a great Navy; but, according to the program that has been proposed for the upbuilding of our Navy it will take five years before we can have an adequate Navy. In the meantime we ought to have an adequate Army. [Applause.] I am not frightened by figures. The fact that the Congress fixes the line of the Army at 250,000 men or 220,000 men does not thereby mean that they must be immediately enlisted. It is simply an authorization. That is all that it is.

The existing law is an authorization for 100,000 men. It has been on the statute books since 1901. But up to the present time we have not had the 100,000 men. Suppose we fix the figures at 250,000. It then rests with the President, as Commander in Chief of the Army, to instruct the recruiting officers of this country to fill up the ranks to that number. But in the final analysis Congress has to pay for them. The President can not have them enlisted unless Congress is willing to pay for them. I can conceive of conditions under which it will be absolutely necessary to have the authorization. Take a case like this: Congress expires by limitation of law upon the 4th of next March. If there is no extra session, it will not be convened again until the following December. There is an interim of nine months between the short session and the new regular session of Congress. Suppose an incident should occur in our relations with a foreign Government that may make it possible or probable there will be a break. The President might not deem it advisable to call Congress together, and yet he ought to have the authority, in my judgment, to begin to enlist his regiments to full statutory strength, so that when the break comes our country will be ready for the emergency.

All this talk about enormous appropriations is simply begging the question. The law, if enacted, will simply be an authorization. There ought to be an authorization. The House of Representatives, in my judgment, ought to be willing to give the President an Army of sufficient strength that will enable us to be prepared in case we get into hostilities with any foreign Government. I feel that the time has come when we ought to tell the world emphatically that the United States of America stands ready to defend the life and the property of her citizens in every quarter of the globe. [Applause.] Notes between nations—why, enough notes have been exchanged between our Government and the various belligerent nations to make a tune! You can not expect results unless you have force behind your notes. [Applause.] I am ready to vote for a large substantial army, and I sincerely hope that the House itself will vote for an authorization for a large substantial army. [Applause.]

Mr. POU. Mr. Speaker, I yield four minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker and gentlemen of the House, the doctor told me not to come here this morning. I am a sick man—hardly able to stand on my feet, but I feel that when the military policy of my country is being changed, as it evidently is by this bill which the Senate has passed, I can not sit idly by and not have my voice go up in protest against any such proceeding. I wish to reply to my distinguished colleague on the committee, Mr. KAHN, from the State of California. He says that this country needs force to back up its notes; that enough notes have already been sent to play a tune. My friend, according to the policy that you believe in the taxpayers of this country will be called on to pay for a tune that will keep them burdened for all time to come, while countless thousands of Army officers in idleness will dance in glee, drawing big salaries for life. Once you venture out on that sort of policy there is no end to it. This House passed a bill almost unanimously, a bill that the President was satisfied with, which he said was his bill, and yet the Senate has put a standing army of 250,000 soldiers on the people. Section 56 in this bill I consider an outrage. You have now a great number of recruiting stations trying to get men to fill out the special 20,000 that are ordered. They get nowhere. One hundred and forty thousand men are provided for in the Hay bill, and it will take a long time to get them. I want to say to the gentleman from California [Mr. KAHN] that if the citizenship of the American Republic at any time is outraged by any other Government, it will not be the force of the standing army that will protect the people of this country in their rights; it will be this great force of patriots—the volunteers, the honest citizens of the country—who will rise up to protect our Republic and back up the notes of the President. [Applause.] The standing army is nothing but a bagatelle. You can not fool anybody with that. We know that in the case of a real war your standing army will amount to nothing but chaff before the wind. You must go out with that flag and the love of country that we know beats in the heart of every true American, regardless of the position that he may occupy, and they will come to the defense of American rights and honor. [Applause.] When our country really needs soldiers to defend her, millions of patriots will rush to arms and rally to the flag. They do not believe in the burden and oppression of a big standing army in peace times. It comes, in the last analysis, to the volunteer soldier, and that is what I want, and not this dangerous and expensive policy of a standing army of 250,000 men to burden the taxpayers with. Let this bill go to conference without any handicap. We can rely on the House conferees taking care of the views of this great body expressed in thunder tones in passing the Hay bill. [Applause.]

Mr. POU. Mr. Speaker, I will state to the gentleman from Kansas that we have but one more speech on this side, and I will state to the Chair that by agreement between the gentleman from Kansas and myself I yield to him five minutes, and I will now ask him to conclude the debate upon his side.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, there are new and important provisions in this Senate substitute involving millions of dollars of appropriations and important questions of public policy that, with the adoption of this rule—and I concede it will be adopted—will never receive any discussion whatever in this House, and there will be no opportunity for a separate vote on those matters unless the conferees who shall be appointed shall see fit before agreeing to the propositions contained in the bill or any amendment thereof to bring those propositions back to the House for a vote upon them, and one of those propositions, Mr. Speaker, is section 122 of this amendment, known as the nitrate-plant section. A similar section was voted out of the House bill without a debate by a substantial majority, and if it had been debated and the lobby behind it had been exposed, as I now wish it had been, I undertake to say there would not have been 50 votes for it in the House, and yet, Mr. Speaker, this amendment, section 122, has from beginning to the end the earmarks of this same lobby, a lobby as persistent and pernicious as any lobby I have ever known since I have been a Member of Congress.

This lobby has gone before the Committee on Rivers and Harbors and urged this proposition as a navigation proposition. They have gone before the Committee on Military Affairs and

urged it as a preparedness proposition. They have gone before the Committee on Agriculture and urged it as a fertilizer proposition, and they have now been successful in getting this thing in a very ingenious form in the amendment that is now before us, very innocent appearing upon its face, although they have not all that they want nor what they hope to secure at the hands of these conferees. There is a paragraph in this section that provides that when these plants are erected by the Government they shall be operated by the Government and that there shall be no private cooperation. These lobbyists, no doubt some of them sitting in the galleries at this moment, fully expect these conferees to strike out that proposition, and when they do it they will get exactly what they have been working for, at the hands of Congress for the past two or three years, namely, a dam at Muscle Shoals, at an expense to the Government of $20,000,000, and giving them 200,000 horsepower for the paltry sum of $3 per horsepower per year. That is what is involved in this proposition.

Even though they do not get that, there are only two processes of fixing nitrogen, one owned by the American Cyanimide Co. and the other the Du Pont Powder Co., and charges have been made by each against the other as to this very legislation, charges which are so broad and so serious that there is now pending before the Committee on Rules a resolution to investigate this lobby, and I sincerely hope it will be investigated before this session is over. Before any proposition of this kind is incorporated in this or any other bill that lobby ought to be investigated. There ought to be an opportunity to expose that lobby upon the floor of the House, so that when the House votes upon this proposition, whether contained in a conference report or otherwise, the House may know exactly what it is doing. Even if the section should remain as it is, the water-power lobby will get practically what it wants in the end.

If it was a preparedness proposition, and that is the only excuse it has for being in this bill, why is it confined to water power? Why was not the Secretary of War given the discretion to secure the manufacture of nitric acid in any manner he thought best? The only reason is because if it was secured in any other manner than by the creation of water power the water-power lobby that is behind this section would have no interest in the bill, and they would be cut out of the benefit of millions and millions of dollars that they expect to receive at the hands of this Congress. As I say, there are only two and they are controlled by patented processes. True, this section provides for the securing of those processes by eminent domain, but if this was to go in a bill, before a dollar should be expended upon a dam those processes should first be secured. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Speaker, I yield four minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I desire to say just a word, supplementing what the gentleman from Wisconsin [Mr. LENROOT] has just said, and to call the attention of Members of this House to section 122 of the Senate amendment.

I think that the first poem I ever committed to memory, one that I heard when I was a very young boy, and which went the rounds of this country during a presidential campaign, was this:

If 'tis a sin to steal a pin,
How much more great to appropriate
The electoral vote of a sovereign State.

Proceeding by analogy in this case, gentlemen, if it is a sin for one individual to obtain money from another individual on false pretenses, how much more great a sin it is for an individual, or a sovereign State for that matter, to obtain the people's money out of the Public Treasury on false pretenses. [Applause.] This matter is the old wolf in sheep's clothing. It is brought in as a preparedness measure, and I say to you, gentlemen of the House, and I say it advisedly, that the fiction about preparedness in this case is used as an effort to take money from the people under false pretenses. It is all based upon the false premise that water power is necessary for developing nitrogen out of the air, and is therefore something that this country must have in time of war in case we should be deprived of our supply of Chile saltpeter.

I do not intend, and I have not the time, to speak of the very large number of processes that are being used and can be used in this and other countries for extracting nitrogen out of the air without the use of water power. But I simply submit this to you without going into detail: Germany to-day is manufacturing an unlimited quantity of high explosives. To make those high explosives she is extracting an unlimited quantity of nitrogen out of the air, and doing that without the use of an ounce of water power. More, the German chemical interests owned the water power of Norway, the best and cheapest water supply ever developed in the world. They recently sold their stock—their controlling stock—in the Norway water power. Why? Because they had invented a far cheaper method of extracting nitrogen out of the air. We can do it in this country by a number of methods for much less than we could do it with water power.

I tell you, gentlemen, water power as an instrument for making nitrogen is obsolete. You might just as well, as a preparedness measure in the naval bill, build a lot of battleships of the *Oregon* class as to submit to this Senate proposal to spend $15,000,000 of the American people's money in the development of water power for this alleged purpose. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Speaker, these are abnormal times throughout the world. This is not, therefore, a good time in which to adopt a normal policy. Why, within my short memory I have seen this country thrown into a fury by men advocating the adoption of policies that, it was shown, in a few years would have been ruinous to the country. There was a contraction of money. Policies of inflation were advocated that would have made our money worth 50 cents on the dollar. A very few years ago a number of bank failures led others to advocate throughout the country the Government guaranty of bank deposits—that was done on this floor and upon every stump throughout the country.

To-day half the world is at war. The war sentiment is in the United States, but we shall not always be influenced by a sentiment for war. The war spirit will not always control the world nor the United States.

The Senate bill proposes the establishment as a normal, permanent policy a large standing army in the United States. There is no possibility of using the army that is provided for in the Senate bill in any emergency that might arise in the immediate future. Under that measure an army of 250,000 men could not be recruited for the immediate use of the country. If we are in immediate danger, if the sparks are flying all around and are liable to start a conflagration here any minute, what the President should do and what the Congress should do would be to call for half a million volunteers. [Applause.] They would respond within 10 days to the demands of the country.

So, Mr. Speaker, I am opposed to the Senate proposition to give to the United States a permanent policy of a standing army of 250,000 men. If the President, if the Congress, wants men for immediate service for the defense of the honor, for the preservation of the liberty of the United States, the men can be secured within 10 days for immediate training, and they will differ from those who would enlist in the Regular Army. They will be men from every walk of life, such men as enlisted in 1898 and in the sixties, such men as made up the Nebraska regiment that made itself famous throughout the country and the world [applause]; such men as enlisted in the Twentieth Kansas, which made every regiment in the Regular Army look like toy soldiers when it came to action; such men as fought in every battle of the Civil War. These men are everywhere in the United States, ready to serve their country when their country needs them. They are not ready to enlist in a regular army such as is proposed by the Senate amendment, which amendment, I repeat, would saddle permanently on the country a large standing army in time of peace if the Senate amendment were agreed to. [Applause.]

Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. MANN]. [Applause.]

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, if opportunity is offered, the gentleman from California [Mr. KAHN] will make a motion that the House agree to the substance of section 2 of the Senate amendment, that section fixing the maximum of the Regular Army at 250,000 men, leaving the question of the details of its organization and raising for disposition by the conference committee in the remaining portions of the bill.

This is an authorization, 250,000 men. The gentleman from Kansas [Mr. CAMPBELL] just said that the President can call for half a million men and receive them at once. But the President is not authorized to make such a call. The President can not make the call. What we want to do is to give the President the authority to call for 250,000. [Applause.]

My friend from Kansas says the President can call for half a million and receive them at once. He has not that authority, and then the gentleman votes against the proposition to give the President authority to call for only 250,000.

Mr. CAMPBELL. We can give him the authority to call for half a million.

Mr. MANN. We can, but we have not done so. All we are asking is to give him the authority for a quarter of a million. Now, gentlemen say this means a permanent Army of 250,000 men. Mr. Speaker, all wisdom will not cease when this Congress ends or when the Members of this Congress have passed on to other duties, either in this world or the next. [Applause.] Congress has the power at any time to increase or decrease the Army. All the older Members of this House know that for years I have stood here opposing a large Navy or a large Army. I do not believe that under normal conditions either one is essential to our peace or our preservation.

I wish that I had the power of expression to make you see what is so clear in my mind. We are sitting on the top of an earthquake in the world. We are the only great, rich, powerful country that is not engaged in war and the only one without a method of defense. We may become at any time involved in war through our notions of our rights or because of the cupidity of other nations. I would rather spend a little money now than to spend oceans of American blood later. [Applause.] I think we ought to prepare for the worst now. [Applause.] I want to keep out of the war; I am opposed to even breaking off diplomatic relations with any of the countries at war in Europe. [Prolonged applause.] I think we ought to remain at peace, to stand even insult and injury. But there is a limit beyond which no one goes; and while in my opinion we have not reached that limit, and I hope we will be able to restrain ourselves so that we will never reach the limit, I am in favor now of preparing men who may be ready and trained to fight, if necessary, before we pour out the blood of the volunteers, unprepared and untrained. [Prolonged applause.]

Mr. POU. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 11 minutes.

Mr. POU. I yield 10 minutes to the gentleman from Virginia [Mr. HAY].

The SPEAKER. The gentleman from Virginia [Mr. HAY] is recognized for 10 minutes.

Mr. HAY. Mr. Speaker, I do not care to appeal to anybody's passion. I only want to appeal to the good sense of this House and to the fairness of the House. [Applause.]

The gentleman from Illinois [Mr. MANN] has talked about his great desire that this country shall be prepared for any emergency which may arise. He has no greater desire than I that the country should be prepared; but I do not want to put upon the country a proposition which will not prepare us, and this Senate bill is an attempt to fool the country into believing that we are doing something to make preparations when we are not. [Applause.]

This amendment provides for an Army in the discretion of the President of 250,000 men. But will they come when he calls for them? Has it ever been known in the history of this country that the Regular Army, when war came, was recruited?

What men have fought the wars of this country? During the Civil War did you rely upon your Regular Army? Did you recruit up your Regular Army? Gentlemen, if war should be declared to-morrow, or next week, or next month this legislation would be thrown aside as worthless for preparation for that war. If gentlemen have the courage of their convictions, if we believe that this is preparation, and the kind of preparation that they claim we ought to have, why did not the gentleman from Illinois [Mr. MANN] offer an amendment to the House bill when it was before this House, providing for compulsory military service? Then he would have gotten the men which he says he wants. When that bill was before the House, why did not the gentleman offer an amendment to increase the pay of the soldiers of the Regular Army, so that he might induce men to enlist in the Army? He did neither one of those two essential things. We have had trouble in Mexico. In the last few days we have had much said about the possibility of war with Germany. Yet, where are the 20,000 men that we authorized to be recruited? How many have been recruited in the last six weeks? Just 4,669 men; and all the time that those men were being recruited, other men were going out of the Army by reason of the expiration of their terms of enlistment. If you are going to rely on the Senate bill, if you are ready to believe that by voting for these 250,000 men you are going to prepare for an emergency, you believe what is not true, and what you know is not true. [Applause.] You are voting for it in response to a sentiment, and in response to a fear of your constituents, and not because you believe you are going to get the men under it. The very bill itself provides that they shall not be raised except in five annual increments, and even so they can not be raised at all. The first annual increment can not be raised within a year. To show you what the War Department thinks about this proposition, they have sent to the Committee on Military Affairs an estimate of the men they believe it necessary to appropriate for for the next fiscal year. They could have asked for 120,000 men. They have only asked for 105,000 men for the Regular Army for the next fiscal year. That shows that they know they can not get these men; and when you go home to your constituents and tell them that you have provided them with an Army of 250,000 men, you are telling them something which you ought to know and which I now tell you is not a fact. [Applause.]

The gentleman from Wisconsin [Mr. LENROOT], who, unlike the gentleman from Illinois [Mr. MANN], is opposed to a certain provision in the Senate bill, seems to assume that the House conferees are not going to do their duty by this House. I have been in this House a good many years. I have been a conferee on many bills, and this is the first time that I have ever been charged with any intention to defeat the purposes of this House. [Applause.] I know as well as the gentleman from Wisconsin [Mr. LENROOT] knows that this House voted down an amendment for a nitrate proposition, and until I get a further instruction from the House on that proposition I will not depart from the instruction that I consider the House has given me on that. [Applause.]

Mr. MAPES. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Michigan?

Mr. HAY. Yes.

Mr. MAPES. Then, if this resolution is adopted, the gentleman gives the House his assurance that the conferees will not agree to section 122 of the Chamberlain amendment as it passed the Senate?

Mr. HAY. Until the House instructs me further; yes.

Mr. MAPES. Further than by the adoption of this resolution?

Mr. HAY. Exactly. Now, as I was going on to say, the conferees are entitled to the confidence of the House. Not one of them, so far as I know, has ever violated that confidence; and why should we now have our hands tied by the proposition of the gentleman from Illinois [Mr. MANN] and go into a conference with the Senate conferees unable to do our duty as we ought to do it by this House. It is a most unusual proposition for conferees to be bound in the first conference. It has happened but few times in this House, and I am not sure but that an instruction would be subject to a point of order for that reason. So I want to assure these gentlemen who come from the great cities of the country, and who are actuated by the panic of great riches, who have heard fairy tales about a German army being landed upon the shores of this country within two weeks after a declaration of war—I want to assure these gentlemen that they can possess their souls in patience, and that if the conferees on the part of the House are left untrammeled they will bring back here a better measure of preparedness than is contained in the Senate amendment. [Applause.]

Mr. RAGSDALE. Will the gentleman permit one question?

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. POU. I move the previous question, Mr. Speaker.

The SPEAKER. The gentleman from North Carolina moves the previous question.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. MANN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 207, nays 144, answered "present" 1, not voting 81, as follows:

YEAS—207.

Abercrombie	Burgess	Davenport	Foster
Adamson	Burke	Davis, Minn.	Gandy
Aiken	Butler	Davis, Tex.	Gard
Alexander	Byrnes, S. C.	Dent	Garner
Allen	Byrns, Tenn.	Dewalt	Garrett
Almon	Callaway	Dickinson	Glass
Anthony	Candler, Miss.	Dies	Goodwin, Ark.
Ashbrook	Caraway	Dill	Gray, Ala.
Aswell	Carlin	Dillon	Gray, Ind.
Ayres	Carter, Okla.	Doolittle	Green, Iowa
Bailey	Casey	Doremus	Greene, Vt.
Barkley	Church	Eagle	Gregg
Barnhart	Cline	Edwards	Hamlin
Beakes	Coady	Ellsworth	Hardy
Bell	Collier	Estopinal	Harrison
Black	Connelly	Evans	Hastings
Blackmon	Cox	Ferris	Hay
Booher	Crago	Fess	Hayden
Borland	Cramton	Fields	Hefin
Brumbaugh	Crisp	Finley	Helgesen
Buchanan, Ill.	Cullop	Flood	Helm
Buchanan, Tex.	Dale, Vt.	Fordney	Helvering

Hensley	Littlepage	Quin	Steele, Pa.
Hilliard	Lloyd	Ragsdale	Stephens, Miss.
Holland	Lobeck	Rainey	Stephens, Nebr.
Hood	London	Raker	Stephens, Tex.
Houston	McClintic	Ramseyer	Stout
Howard	McGilliicuddy	Randall	Sumners
Huddleston	McKellar	Rauch	Taggart
Hughes	McKenzie	Rayburn	Tavenner
Hull, Iowa	McLaughlin	Reilly	Taylor, Ark.
Hull, Tenn.	McLemore	Ricketts	Taylor, Colo.
Humphreys, Miss.	Mapes	Rouse	Temple
Igoe	Mays	Ruby	Thompson
Jacoway	Miller, Pa.	Rucker	Tillman
Johnson, Ky.	Mondell	Russell, Mo.	Tilson
Jones	Montague	Saunders	Towner
Kahn	Morgan, La.	Scott, Mich.	Tribble
Keating	Morgan, Okla.	Scott, Pa.	Van Dyke
Kelley	Morrison	Sears	Venable
Kennedy, Iowa	Moss, Ind.	Shackleford	Vinson
Kettner	Neely	Shallenberger	Walker
Key, Ohio	Nicholls, S. C.	Sherley	Watson, Va.
Kincheloe	Oldfield	Sherwood	Webb
Kitchin	Oliver	Sims	Whaley
Konop	Olney	Sisson	Williams, W. E.
Lazaro	Overmyer	Slayden	Wilson, La.
Lee	Page, N. C.	Small	Wingo
Lesher	Park	Smith, N. Y.	Wise
Lever	Phelan	Smith, Tex.	Young, N. Dak.
Lieb	Pou	Steagall	Young, Tex.
Lindbloom	Price	Steele, Iowa	

NAYS—144.

Anderson	Focht	Lehlbach	Rowe
Austin	Fregr	Lenroot	Rowland
Barchfeld	Freeman	Longworth	Sanford
Beales	Fuller	Loud	Schall
Britt	Garland	McAndrews	Sells
Britten	Glynn	McArthur	Siegel
Browne	Good	McCracken	Slauott
Bruckner	Gould	McDermott	Slemp
Campbell	Graham	McFadden	Sloan
Cannon	Gray, N. J.	Madden	Smith, Idaho
Capstick	Greene, Mass.	Magee	Smith, Mich.
Carew	Griffin	Mann	Smith, Minn.
Cary	Hadley	Martin	Snyder
Chandler, N. Y.	Hamilton, Mich.	Matthews	Stafford
Charles	Hamilton, N. Y.	Mecker	Steenerson
Coleman	Haskell	Miller, Del.	Stephens, Cal.
Conry	Hawley	Miller, Minn.	Sterling
Cooper, W. Va.	Hayes	Moore, Pa.	Stiness
Cooper, Wis.	Hernandez	Moores, Ind.	Stone
Copley	Hicks	Moss, W. Va.	Sulloway
Costello	Hill	Mott	Sutherland
Curry	Hinds	Nelson	Sweet
Dale, N. Y.	Hopwood	Nichols, Mich.	Swift
Danforth	Howell	North	Timberlake
Darrow	Hulbert	Onkey	Tinkham
Dempsey	Humphrey, Wash.	Ogleaby	Vare
Denison	Husted	Paige, Mass.	Volstead
Dooling	James	Parker, N. Y.	Walsh
Dowell	Johnson, Wash.	Peters	Ward
Drukker	Keister	Platt	Wason
Dunn	Kennedy, R. I.	Porter	Watson, Pa.
Dyer	Kent	Powers	Wheeler
Edmonds	King	Pratt	Williams, T. S.
Elston	Kinkaid	Reavis	Williams, Ohio
Emerson	Kreider	Roberts, Nev.	Wilson, Ill.
Farr	La Follette	Rodenberg	Woods, Iowa

ANSWERED "PRESENT"—1.

Eagan

NOT VOTING—81.

Adair	Fitzgerald	Lafean	Roberts, Mass.
Bacharach	Flynn	Langley	Rogers
Bennet	Foss	Lewis	Russell, Ohio
Browning	Gallagher	Liebel	Sabath
Burnett	Gallivan	Lindbergh	Scully
Caldwell	Gardner	Loft	Shouse
Cantrill	Gillett	McCulloch	Snell
Carter, Mass.	Godwin, N. C.	McKinley	Sparkman
Chiperfield	Gordon	Maher	Stedman
Clark, Fla.	Griest	Moon	Switzer
Cooper, Ohio	Guernsey	Mooney	Tague
Crosser	Hamill	Morin	Talbott
Dallinger	Hart	Mudd	Thomas
Decker	Haugen	Murray	Treadway
Dixon	Heaton	Nolan	Watkins
Doughton	Henry	Norton	Wilson, Fla.
Driscoll	Hollingsworth	O'Shaunessy	Winslow
Dupré	Hutchinson	Padgett	Wood, Ind.
Esch	Johnson, S. Dak.	Parker, N. J.	
Fairchild	Kearns	Patten	
Farley	Kless, Pa.	Riordan	

So the motion for the previous question was agreed to.

The following pairs were announced:

For the session:

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. PADGETT with Mr. BACHARACH.

Mr. MURRAY with Mr. HEATON.

Mr. O'SHAUNESSY with Mr. HUTCHINSON.

Mr. FLYNN with Mr. MORIN.

Mr. SABATH with Mr. KEARNS.

Mr. WILSON of Florida with Mr. COOPER of Ohio.

Mr. WATKINS with Mr. LAFEAN.

Mr. SPARKMAN with Mr. RUSSELL of Ohio.

Mr. LOFT with Mr. ROBERTS of Massachusetts.

Mr. FITZGERALD with Mr. GILLETT.

Mr. DRISCOLL with Mr. NOLAN.

Mr. CROSSER with Mr. JOHNSON of South Dakota.

Mr. CLARK of Florida with Mr. GRIEST.

Mr. CALDWELL with Mr. MCCULLOCH.

Mr. BURNETT with Mr. SNELL.

Mr. MOON with Mr. CHIPERFIELD.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. GALLIVAN with Mr. KIESS of Pennsylvania.

Mr. HART with Mr. CARTER of Massachusetts.

Mr. TAGUE with Mr. MCKINLEY.

Mr. GORDON with Mr. MOONEY.

Mr. GALLAGHER with Mr. HOLLINGSWORTH.

Mr. LANGLEY with Mr. CANTRILL.

Mr. PATTEN with Mr. FAIRCHILD.

Mr. HAMILL with Mr. HAUGEN.

Mr. THOMAS with Mr. NORTON.

Mr. DUPRÉ (for previous question) with Mr. FOSS (against previous question).

Mr. SHOUSE (for previous question) with Mr. BENNET (against previous question).

On this vote:

Mr. DECKER (for previous question) with Mr. RIORDAN (against previous question).

Mr. EAGAN (for previous question) with Mr. PARKER of New Jersey (against previous question).

Mr. LIEBEL (for previous question) with Mr. MUDD (against previous question).

Mr. DIXON (for previous question) with Mr. ESCH (against previous question).

Mr. DOUGHTON (for previous question) with Mr. WINSLOW (against previous question).

Mr. ADAIR (for previous question) with Mr. WOOD of Indiana (against previous question).

Mr. STEDMAN (for previous question) with Mr. TREADWAY (against previous question).

Mr. HENRY (for previous question) with Mr. DALLINGER (against previous question).

Mr. EAGAN. Mr. Speaker, I am paired with the gentleman from New Jersey, Mr. PARKER. I voted "aye." I wish to withdraw that vote and answer "present."

The name of Mr. EAGAN was called, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the adoption of the rule.

The question was taken, and the resolution was agreed to.

Mr. KAHN was recognized.

Mr. LONDON rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. LONDON. I move to recommit.

The SPEAKER. The Chair has already recognized the gentleman from California. Is the gentleman from California opposed to the bill?

Mr. KAHN. I am opposed to the Senate amendment as it stands.

The SPEAKER. The Clerk will report the motion of the gentleman from California.

The Clerk read as follows:

Mr. KAHN moves that the bill H. R. 12766 be recommitted to the Committee on Military Affairs with instructions to that committee to report the said bill back to the House forthwith with a recommendation that the Senate amendment to the text of the bill be concurred in with the following amendment: "Strike out all of the said amendment except section 2."

Mr. HAY. I make a point of order on that.

The SPEAKER. What is the gentleman's point of order?

Mr. HAY. As soon as I can inspect the motion to recommit I will state it.

Mr. HARRISON. Mr. Speaker, the gentleman from California stated that he was opposed to the Senate amendment. I submit to the Speaker that that does not come within the rule. He must say that he is opposed to the bill, and the bill being considered is the House bill and not the Senate bill.

The SPEAKER. Is the gentleman correct?

Mr. HARRISON. I think I am.

The SPEAKER. Is not the very thing being considered the Senate amendment?

Mr. HARRISON. It is the Senate amendment to a House bill, but the bill being considered is the House bill.

The SPEAKER. The Chair is inclined to the opinion that the matter in controversy here is the Senate amendment, and that it is the only thing in controversy.

Mr. FOSTER. Mr. Speaker, this is a House bill with a Senate amendment, and we are now considering the House bill with a Senate amendment.

The SPEAKER. It is not reasonable to suppose that the House will go back on its own bill.

Mr. MANN. It can not.

Mr. FOSTER. They are not going back on the House bill, they are disagreeing to the Senate amendments, and it is a House bill with Senate amendments.

Mr. HARRISON. Mr. Speaker, the very amendment that the gentleman proposes to concur in is a Senate amendment to the House bill.

Mr. HAY. With an amendment?

Mr. HARRISON. With an amendment.

The SPEAKER. It strikes out all of the Senate amendment.

Mr. HARRISON. The message came back from the Senate as a House bill with Senate amendments.

Mr. MANN. Mr. Speaker, of course this is a House bill pending before the House, a House bill that has passed the House. A motion to reconsider the vote by which the bill was passed was made and that motion was laid on the table, and it is not within the power of the House itself under the rules of the House to change a word in the House bill of its own motion. The only way that it can make a change in the House bill as it passed the House is by agreeing to some proposition which the Senate proposes or which comes to the House as a result of a conference between the House and the Senate. The House can not take any vote upon the House bill now. The only thing that the House can dispose of now are the Senate amendments. To ask whether a Member is opposed to the original House bill upon which the House can not act would be ridiculous, as it seems to me. The question is, What will the House do with the Senate amendments? That is the question that has to be put when the Speaker asks whether the Member making the motion is opposed to the proposition.

Mr. HAY. Mr. Speaker, the House can dispose of the whole bill by concurring in the Senate amendments.

Mr. MANN. Certainly. That is what I said. The House can not change a line in the House bill except by acting upon the Senate amendments.

Mr. HAY. And the gentleman from California [Mr. KAHN] is making a motion to recommit this bill to the Committee on Military Affairs with instructions to that committee to bring back a recommendation to concur in the Senate amendments with an amendment. He is actually moving to take affirmative action on the Senate amendments with an amendment.

Mr. HARRISON. Mr. Speaker, the gentleman from New York [Mr. LONDON] is opposed to the Senate amendments and to the House bill. He voted against the House bill when it was up here before, and the gentleman from California [Mr. KAHN] voted for the House bill, and I submit that the gentleman from New York comes within the rules more than does the gentleman from California.

The SPEAKER. No doubt the gentleman from New York [Mr. LONDON] would vote against any proposition that could be made with reference to this military preparedness. [Laughter.]

Mr. CRISP. Mr. Speaker——

The SPEAKER. In a moment. The gentleman from New York has stated that courageously, honestly, and fairly, but the only question is whether or not the gentleman from California [Mr. KAHN], the leading minority member of the Committee on Military Affairs, brings himself reasonably within the rule. The Chair will now hear the gentleman from Georgia.

Mr. CRISP. Mr. Speaker, if the Chair has made up his mind, I do not care to be heard.

The SPEAKER. The Chair never makes up his mind so that he can not change it by sufficient argument. [Laughter and applause.]

Mr. CRISP. Mr. Speaker, I know that statement to be absolutely true, for I never knew a man in the chair who wanted to do what he thinks is right more than the present occupant of the chair. [Applause.]

The SPEAKER. The Chair will hear the gentleman.

Mr. LONGWORTH. Mr. Speaker, may we have the motion again reported?

The SPEAKER. The Clerk will again report the motion of the gentleman from California to recommit.

The Clerk again reported the motion to recommit.

Mr. CRISP. Mr. Speaker, all I desire to present to the Chair is my view as to which of the two gentlemen—the gentleman from California [Mr. KAHN] or the gentleman from New York [Mr. LONDON]—is entitled to preferential recognition for the purpose of making the motion to recommit. Under the rules of the House, for the purpose of protecting the rights of the minority and for the purpose of giving the minority the right to go on record as to its views regarding the legislation before the House, the rules provide that when a Member states he is opposed to the bill or to the measure before the House he is entitled to preferential recognition to make that motion. With this exception, recognition for a motion to recommit is discretionary with the Speaker. What is the condition the House is in, or, rather, what measure is now up for consideration before the House? Certainly, Mr. Speaker, the House is not considering by itself standing alone a Senate amendment. The question before the House is a House bill with Senate amendments. The proposition before the House is the House bill. We passed the bill and it went to the Senate, and the Senate passed it with two amendments, one of them striking out all after the enacting clause and substituting a new text, and the other amendment being simply to the title of the bill. That bill was messaged back from the Senate to the House, stating that the Senate had passed the House bill with certain amendments, in which the concurrence of the House was asked. That bill, the House bill with Senate amendments, is now before the House, and the gentleman from California [Mr. KAHN] makes a motion to recommit, stating that he is opposed to the Senate amendment, or to certain parts of it, and he offers to concur in the amendment with an amendment striking it all out save the part dealing with the size of the Army, which motion is an admission by the gentleman from California that he favors the legislation before the House.

The gentleman from New York [Mr. LONDON] is opposed not only to the Senate amendments, but is opposed to the bill in its entirety. He is opposed to the bill before the House, to wit, the House bill with Senate amendments, and it seems to me that under the rule he is entitled to preferential recognition for the purpose of making the motion to recommit. [Applause on the Democratic side.]

The SPEAKER. The Chair is inclined to think, after reflection, that the gentleman from New York [Mr. LONDON], who is opposed to the whole business from start to finish, and who not only speaks for a minority but is the whole minority in himself, is entitled to recognition to make that motion.

Mr. BRITTEN. Mr. Speaker, I move to recommit upon the ground that I voted against the original bill.

Mr. MANN. Mr. Speaker, the gentleman from Illinois [Mr. BRITTEN] voted against the original bill in the House and is also against the Senate amendments, and I submit, all things considered, the Republican minority is entitled to recognition to make the motion to recommit in preference to some one who represents only himself on the floor of this House.

The SPEAKER. Is the gentleman from Illinois on the Committee on Military Affairs?

Mr. BRITTEN. No.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. LONDON]. The situation is this: The Chair first recognized the gentleman from California [Mr. KAHN], the ranking Republican on the Committee on Military Affairs, but he failed to qualify under the practice and was ruled out; then the gentleman from New York [Mr. LONDON] arose and addressed the Chair. He was recognized by the Chair because he is notoriously opposed to the increase of military and naval forces and was fairly entitled to recognition; after he had been recognized by the Chair, the gentleman from Illinois [Mr. BRITTEN], who also voted against the bill and is opposed to it, demanded recognition, but he was too late, as the gentleman from New York had already been recognized.

Mr. MANN. Mr. Speaker, I think that is an unfair recognition.

Mr. LONDON. I offer the amendment and offer the motion to recommit.

The SPEAKER. There will be no debate on it. The Clerk will report the motion.

The Clerk read as follows:

Mr. LONDON moves to recommit the bill to the Committee on Military Affairs, and on that he moves the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 161, answered "present" 3, not voting 83, as follows:

YEAS—186.

Abercrombie	Ashbrook	Bell	Buchanan, Tex.
Adamson	Aswell	Black	Burgess
Aiken	Ayres	Blackmon	Burke
Alexander	Bailey	Booher	Byrnes, S. C.
Allen	Barkley	Borland	Byrns, Tenn.
Almon	Barnhart	Brumbaugh	Callaway
Anthony	Beakes	Buchanan, Ill.	Candler, Miss.

Mr. FITZGERALD with Mr. GILLETT.

I with a Senate amendment.

to go on record as to its views regarding the legislation before

Caraway	Glass	Lever	Sears
Carlin	Goodwin, Ark.	Lieb	Shackleford
Carter, Okla.	Gray, Ala.	Littlepage	Shallenberger
Casey	Gray, Ind.	Lloyd	Sherley
Church	Greene, Vt.	Lobeck	Sherwood
Cline	Gregg	London	Sims
Collier	Hamlin	McClintic	Slayden
Connelly	Hardy	McGillicuddy	Small
Cox	Harrison	McKellar	Smith, N. Y.
Crago	Hastings	McLemore	Smith, Tex.
Cramton	Hay	Mays	Steagall
Crisp	Hayden	Miller, Pa.	Steele, Iowa
Cullop	Heflin	Mondell	Steele, Pa.
Dale, Vt.	Helgesen	Montague	Stephens, Miss.
Davenport	Helm	Morgan, La.	Stephens, Nebr.
Davis, Minn.	Helvering	Moss, Ind.	Stephens, Tex.
Davis, Tex.	Hensley	Neely	Stout
Dent	Hilliard	Nicholls, S. C.	Sumners
Dewalt	Holland	Oldfield	Taggart
Dickinson	Hood	Oliver	Tavenner
Dies	Howard	Olney	Taylor, Ark.
Dill	Huddleston	Overmyer	Taylor, Colo.
Dillon	Hughes	Page, N. C.	Thompson
Doolittle	Hull, Iowa	Park	Tillman
Doremus	Hull, Tenn.	Pou	Towner
Eagle	Humphreys, Miss.	Price	Tribble
Edwards	Igoe	Quin	Van Dyke
Ellsworth	Jacoway	Ragsdale	Venable
Estopinal	Johnson, Ky.	Rainey	Vinson
Evans	Jones	Raker	Walker
Ferris	Keating	Ramseyer	Watson, Va.
Fess	Kennedy, Iowa	Randall	Webb
Fields	Kettner	Rauch	Whaley
Finley	Key, Ohio	Reilly	Williams, W. E.
Flood	Kincheloe	Ricketts	Wilson, La.
Foster	Kitchin	Rouse	Wingo
Gandy	Konop	Rubey	Wise
Gard	Lazaro	Rucker	Young, Tex.
Garner	Lee	Russell, Mo.	
Garrett	Lesher	Saunders	

NAYS—161.

Anderson	Fordney	Longworth	Sanford
Austin	Frear	Loud	Schall
Bacharach	Freeman	McAndrews	Scott, Mich.
Barchfeld	Fuller	McArthur	Scott, Pa.
Beales	Garland	McCracken	Sells
Britt	Glynn	McDermott	Siegel
Britten	Good	McFadden	Slemp
Browne	Gould	McKenzie	Sloan
Bruckner	Graham	McLaughlin	Smith, Idaho
Butler	Green, Iowa	Madden	Smith, Mich.
Campbell	Greene, Mass.	Magee	Smith, Minn.
Cannon	Griffin	Mann	Snyder
Capstick	Hadley	Mapes	Stafford
Carew	Hamilton, Mich.	Martin	Steenerson
Cary	Hamilton, N. Y.	Matthews	Stephens, Cal.
Chandler, N. Y.	Haskell	Mecker	Sterling
Charles	Hawley	Miller, Del.	Stiness
Coady	Hayes	Miller, Minn.	Stone
Coleman	Hernandez	Moore, Pa.	Sulloway
Conry	Hicks	Moores, Ind.	Sutherland
Cooper, W. Va.	Hill	Morgan, Okla.	Sweet
Cooper, Wis.	Hinds	Moss, W. Va.	Swift
Copley	Hopwood	Mott	Temple
Castello	Howell	Nelson	Tilson
Curry	Hulbert	Nichols, Mich.	Timberlake
Dale, N. Y.	Husted	North	Tinkham
Danforth	James	Oakey	Vare
Darrow	Johnson, Wash.	Oglesby	Volstead
Dempsey	Kahn	Paige, Mass.	Walsh
Denison	Kelster	Parker, N. Y.	Ward
Doolling	Kelley	Peters	Wason
Dowell	Kennedy, R. I.	Phelan	Watson, Pa.
Drukker	Kent	Platt	Wheeler
Dunn	King	Porter	Williams, T. S.
Dyer	Kinkaid	Powers	Williams, Ohio
Eagan	Kreider	Pratt	Wilson, Ill.
Edmonds	Lafean	Reavis	Woods, Iowa
Elston	La Follette	Roberts, Nev.	Young, N. Dak.
Emerson	Lehlbach	Rodenberg	
Farr	Lenroot	Rowe	
Focht	Linthicum	Rowland	

ANSWERED "PRESENT"—3.

Esch	Houston	Morrison

NOT VOTING—83.

Adair	Foss	Langley	Roberts, Mass.
Bennet	Gallagher	Lewis	Rogers
Browning	Gallivan	Liebel	Russell, Ohio
Burnett	Gardner	Lindbergh	Sabath
Caldwell	Gillett	Loft	Scully
Cantrill	Godwin, N. C.	McCulloch	Shouse
Carter, Mass.	Gordon	McKinley	Sinnott
Chipperfield	Gray, N. J.	Maher	Sisson
Clark, Fla.	Griest	Moon	Snell
Cooper, Ohio	Guernsey	Mooney	Sparkman
Crosser	Hamill	Morin	Stedman
Dallinger	Hart	Mudd	Switzer
Decker	Haugen	Murray	Tague
Dixon	Heaton	Nolan	Talbott
Doughton	Henry	Norton	Thomas
Driscoll	Hollingsworth	O'Shaunessy	Treadway
Dupre	Humphrey, Wash.	Padgett	Watkins
Fairchild	Hutchinson	Parker, N. J.	Wilson, Fla.
Farley	Johnson, S. Dak.	Patten	Winslow
Fitzgerald	Kearns	Rayburn	Wood, Ind.
Flynn	Kless, Pa.	Riordan	

So the previous question was ordered.

The Clerk announced the following additional pairs:

On this vote:

Mr. DIXON (for previous question) with Mr. ESCH (against previous question).

Mr. DECKER (for previous question) with Mr. RIORDAN (against previous question).

Mr. LIEBEL (for previous question) with Mr. MUDD (against previous question).

Mr. SHOUSE (for previous question) with Mr. BENNET (against previous question).

Mr. DOUGHTON (for previous question) with Mr. WINSLOW (against previous question).

Mr. ADAIR (for previous question) with Mr. WOOD of Indiana (against previous question).

Mr. STEDMAN (for previous question) with Mr. TREADWAY (against previous question).

Mr. DUPRÉ (for previous question) with Mr. FOSS (against previous question).

Mr. HENRY (for previous question) with Mr. DALLINGER (against previous question).

For balance of day:

Mr. SISSON with Mr. FORDNEY.

Until further notice:

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. PARKER of New Jersey with Mr. LEWIS.

Mr. RAYBURN with Mr. SINNOTT.

Mr. PADGETT with Mr. GRAY of New Jersey.

Mr. MAHER with Mr. ROGERS.

Mr. MORRISON. Mr. Speaker, is the gentleman from Washington [Mr. HUMPHREY] recorded?

The SPEAKER. No.

Mr. MORRISON. I am paired with him, and I desire to withdraw my vote of "yea" and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. MORRISON was called and he voted "Present."

The result of the vote was announced as above recorded.

Mr. HOUSTON. Mr. Speaker, on the motion of the previous question on the adoption of the rule, I voted "yea," overlooking the fact that I was paired with the gentleman from Maine [Mr. GUERNSEY]. I ask unanimous consent to change my vote on that proposition from "yea" to "present."

The SPEAKER. The gentleman asks unanimous consent to have the RECORD and Journal corrected. Is there objection? (After a pause.) The Chair hears none.

The question is on agreeing to the motion of the gentleman from New York to recommit.

The question was taken; and the Speaker announced that the "noes" seemed to have it.

Mr. MANN. I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks for a division.

The House divided; and there were—ayes 1, noes 248.

So the motion to recommit was rejected; and the Speaker announced as the conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. KAHN.

EXTENSION OF REMARKS.

Mr. OVERMYER. Mr. Speaker, I would like to ask unanimouse consent to extend my remarks in the RECORD on the subject of the establishment of the first-year united service school, under the bill H. R. 12487, by inserting an article by Commodore R. G. Denig, United States Navy, retired.

The SPEAKER. The gentleman from Ohio [Mr. OVERMYER] asks unanimous consent to extend his remarks in the RECORD by inserting an article by Commodore Denig, United States Navy. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD by inserting a resolution passed by the Chicago Federation of Labor in opposition to the President's propaganda for preparedness.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a resolution passed by the Chicago Federation of Labor against the preparedness propaganda——

Mr. BUCHANAN of Illinois. As presented by the Illinois Manufacturers' Association.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments bills of

the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 6057. An act to amend section 14 of the reclamation extension act approved August 13, 1914.

The message also announced that the Senate had passed without amendments bills of the following titles:

H. R. 7239. An act for the relief of Philip H. Heberer;

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.;

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars;

H. R. 4746. An act granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes;

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act";

H. R. 177. An act authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished; and

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 147. An act for the relief of John W. Cupp;

S. 746. An act to remove the charge of desertion from the military record of Capt. Daniel H. Powers;

S. 55. An act to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States;

S. 28. An act for the relief of George T. Hamilton;

S. 4. An act to provide for the purchase of a site and the erection of a public building thereon at Bingham Canyon, in the State of Utah.

S. 1288. An act for the relief of Simon M. Preston;

S. 1056. An act for the relief of Alfred Sjostrom; and

S. 798. An act for the relief of Kate Canniff.

S. 4807. An act for the relief of James W. Cross;

S. 5244. An act authorizing the Secretary of Commerce to exchange the land now occupied by the Schooner Ledge Range Front Light Station, at the mouth of Crum Creek, Pa., for other lands adjacent thereto which are intersected by the axis of the Chester Range Line of the Delaware River, and authorizing the Secretary of Commerce to remove said Schooner Ledge Range Front Light Station after certain conditions have been complied with.

S. 4426. An act to regulate the salaries of keepers of lighthouses;

S. 4085. An act to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay;

S. 2544. An act to authorize the President of the United States to appoint John Q. A. Brett a first lieutenant in the United States Army; and

S. 1697. An act to declare Ollala Slough in Lincoln County, Oreg., nonnavigable.

The message also announced that the President had approved and signed joint resolution and bills of the following titles:

On April 19, 1916:

S. J. Res. 24. Joint resolution authorizing the Librarian of Congress to return to Williamsburg Lodge, No. 6, Ancient Free and Accepted Masons, of Virginia, the original manuscript of the record of the proceedings of said lodge.

On April 20, 1916:

S. 4889. An act to renew patent No. 21053;

S. 3984. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4390. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On April 21, 1916:

S. 5229. An act granting the consent of Congress to the county commissioners of Warren County, Pa., to construct a bridge across the Allegheny River in the borough of Warren, county of Warren, in the State of Pennsylvania;

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith;

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12843, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

Mr. MANN. Mr. Chairman, when the committee rose I had a point of order pending against a paragraph of the bill.

The CHAIRMAN. The gentleman from Illinois is correct. A point of order was reserved.

Mr. MANN. I will ask the gentleman from South Carolina what is the provision of law in reference to these experiment stations in the islands and in Alaska?

Mr. LEVER. There is no law except the appropriation bill from year to year.

Mr. MANN. It is proposed this year to make a considerable increase, or some increase, in the appropriation.

Mr. LEVER. We make an increase, I will say to the gentleman from Illinois, in all of these stations except one.

Mr. MANN. Yes.

Mr. LEVER. We did that for this reason: The gentleman will remember that in the consideration of the bill last year a point of order was made against that provision which was carried in this item, which enabled the Secretary to sell the products of these stations and use those funds in the work of the stations. I think the gentleman himself made the point of order, which was well taken. I am glad he made it.

Mr. MANN. Yes. That is not in this bill.

Mr. LEVER. No; that is not in this bill. It was found in the case of the Alaska station, for instance, that the proceeds during the past year from the sale of products amounted to about $8,000, and the committee thought that inasmuch as the station had been using these products in the past, we ought to make their funds what they were in the past.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws his point of order. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to investigate the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, with the cooperation of other bureaus of the department, and to disseminate useful information on this subject, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $24,220.

Mr. WALSH. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the paragraph.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WALSH. Mr. Chairman, I am opposed to this paragraph in the bill, because it is an instance of research run wild. This provision is under the home economics investigation of the bureau, and it is supposed to provide for an investigation of the use of agricultural products for food and clothing.

I find, upon looking up the program of the department, that they have been engaged in ascertaining the digestibility of certain kinds of agricultural products as foods; and with reference to the adaptability of agricultural products for clothing, the department has disseminated some general information pertaining to spots and stains on clothing and their removal. The gentleman who appeared before the committee states also the department under this item is engaged in considering the finishing of walls and ceilings, the proper height of work tables, sinks, and so on, the arrangement of household furniture, and the choice of house furniture. I suppose they would have the country believe that the farmers and their wives are anxious to know whether they ought to have rocking-chairs in the kitchen or couches in the woodshed.

Mr. MOORE of Pennsylvania. Was the gentleman reading from the hearings before the Rivers and Harbors Committee, or before the Committee on Agriculture?

Mr. WALSH. I happened to be reading from page 1225 of the hearings before the Committee on Agriculture, from the testimony of the chief of this particular office or branch.

Mr. MOORE of Pennsylvania. Are we spending $24,200 a year to find out how to remove stains from clothing?

Mr. WALSH. I think they have spent $29,980 on this and like problems.

Mr. MOORE of Pennsylvania. Does the gentleman think that is an economical expenditure?

Mr. WALSH. I do not think so. I do not think the farmers of this country are anxious to know how they can remove from their clothing the spots and stains that come from honest toil upon the farm. Yet the committee propose to expend $24,000, or $2,000 a month, to tell the farmers and the farmers' wives how they can remove spots from clothing, and whether squash, pumpkins, sweet potatoes, and other agricultural products are digestible. I submit that here is an item in this bill where the committee can practice economy. I submit that there is no justification for any such research or any such investigation on the part of a department of this Government. Think of it! The farmer's wife can write to the Department of Agriculture and ask this great Government how she can remove an ink stain from clothing, or how she can put up preserves, dried apples, or other agricultural products. I submit that a department as important as this ought to be spending its time and energies in the expenditure of Government funds on more important problems. I think it is time that we cried halt on such research as that which is proposed in this item. It is only another item of the bill which tends to deepen the impression that prevails, that Uncle Sam's highest ambition is to be a national Santa Claus.

Mr. MANN. Will the gentleman yield for a question?

Mr. WALSH. I will yield for a question or I will yield the floor.

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. Mr. Chairman, in my part of the country it is considered quite the proper thing to remove ink stains and grease stains, which do get on clothing, and I had supposed it would not be improper to do that even in Massachusetts. [Laughter.] We have to learn how it is done. I have seen fakers on the street, with some kind of preparation that purported to do this, and they were surrounded by a large crowd. I remember seeing that particularly in Boston; but I judge from the remarks of the gentleman from Massachusetts that it is purely academic information there. They want to learn from the faker, but do not want to know how to remove the stain. What is the use! [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Chairman, will my colleague yield?

Mr. MANN. I have yielded the floor.

Mr. LEVER. Mr. Chairman, how many minutes remain?

The CHAIRMAN. There are three minutes remaining.

Mr. LEVER. Mr. Chairman, the gentleman from Massachusetts [Mr. WALSH] entirely misunderstands the situation in the country. There is no more important problem before the American public to-day than the problem of the country woman. Two years ago we passed what was known as the agricultural extension act. Among its provisions is one requiring the teaching of home economics. Home economics has to do with the work of the farm woman and the farm children. This item carries the appropriation which furnishes the foundation upon which the teaching of home economics is to be done in the future. Of course it may not appear to the gentleman from Massachusetts [Mr. WALSH] that the matter of removing stains, or the preparation of proper cooking recipes, or of looking into the comparative digestibility of certain articles of food common to the people of the country is a matter of any moment, but that is due to the fact that the gentleman does not know anything about the country. He does not know anything about rural economics. [Applause.] We are spending in this bill to-day hundreds of thousands of dollars to teach the people of this country the best ration for a pig or a cow or a horse. The gentleman has not raised his voice against these items, but when we want to give information as to the best kinds of food for our wives and our children, and the proper way to prepare them, the gentleman from Massachusetts objects. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts to strike out the paragraph.

The amendment was rejected.

The Clerk read as follows:

Salaries, Office of Public Roads and Rural Engineering: One director, who shall be a scientist and have charge of all scientific and technical work, $5,000; 1 draftsman or clerk, $1,920; 1 chief clerk, $1,900; 1 model maker, $1,800; 2 clerks, class 4; 5 clerks, class 3; 1 clerk or editorial clerk, $1,600; 1 clerk, $1,500; 1 clerk or photographer, $1,440; 1 clerk or instrument maker, $1,440; 1 clerk or tabulator, $1,440; 1 clerk, class 2; 1 clerk, $1,380; 2 clerks, at $1,320 each; 4 clerks, at $1,260 each; 6 clerks, class 1; 1 clerk or editorial clerk, $1,200; 1 draftsman, $1,320; 1 clerk or draftsman, $1,200; 1 clerk or draftsman, $900; 1 clerk or photographer, $1,200; 1 clerk or photographer, $1,000; 2 clerks, at $1,140 each; 2 clerks, at $1,080 each; 1 clerk, $1,020; 7 clerks, at $1,000 each; 1 clerk or skilled laborer, $1,000; 3 clerks, at $900 each; 1 mechanician, $1,680; 1 clerk or instrument maker, $1,200; 1 lantern slide colorist, $1,320; 1 mechanic, $1,200; 1 carpenter, $1,200; 1 messenger, laborer, or laboratory helper, $840; 1 messenger or laborer, $840; 2 messengers, laborers, or laboratory helpers, at $720 each; 2 messengers or laborers, at $660 each; 5 messengers, laborers, or messenger boys, at $600 each; 7 laborers, messenger boys, or charwomen, at $480 each; 5 charwomen, at $240 each; in all, $88,880.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I notice that the committee has recommended an increase in the salary of the Director of Public Roads and Rural Engineering from $4,500 to $5,000. My attention has also been called to other increases in the salaries of heads of bureaus and divisions of $250 and $500. I should like to inquire of the chairman of the committee what was the reason for making these increases in the salaries of the heads of these respective offices? For instance, here is an item which we have passed which provided an increase in the salary of the editor of the Division of Publications from $3,250 to $3,500, and there are other instances. Will the chairman indicate to the committee the number of salaries of head officials that have been increased, and what was the reason that prompted the committee in recommending these increases?

Mr. LEVER. There have been only two increases, one in the Division of Publications, $250, and this item of $500. The committee, in recommending the increase in the Division of Publications, took into consideration the fact that the present chief of that bureau is one of the most efficient men in the Government service. He has been in the service for a great many years, and has had no increase in salary in some time. That increase was not recommended by the Secretary of Agriculture.

Mr. STAFFORD. What member of the committee recommended it?

Mr. LEVER. I do not mind telling the gentleman. It was the gentleman from Missouri [Mr. RUBEY].

Mr. STAFFORD. I do not wish to embarrass the gentleman at all, but I assumed that if the department did not recommend it there was some one in the committee who was interested in looking after this most worthy official.

Mr. RUBEY. Will the gentleman yield to me?

Mr. STAFFORD. I yield to the gentleman.

Mr. RUBEY. I will say to the gentleman from Wisconsin that I made the motion in the committee for this increase, and I did so because the gentleman to whom the committee voted this increase has been in the department for 25 years. I made the motion without consulting him. He did not know anything about it. In the 25 years that he has been connected with the department he has never asked for an increase. I did not even know from what State he came. I did not know anything about him, except that he was an efficient man and an accommodating gentleman who had rendered valuable service and has been in the department year after year and has never had an increase. I felt that we ought to make this increase of $250, bringing his

salary up to $3,500 and placing him upon a par with other gentlemen in the Agricultural Department who hold similar positions and who receive that amount. This man does not come from my State. I have since learned that he comes from the State of Indiana.

Mr. STAFFORD. I assumed that he was a very efficient man, else I would have made a point of order or reserved a point of order against the item. I assumed that he was a very worthy official and that there must be some good reason that prompted the committee to make that recommendation. Now, what is the purpose of increasing the salary of the director of the Public Roads Division from $4,500 to $5,000? Of course, there are other chiefs that receive $4,500, but when you once raise the salary of one chief it is an incentive when the committee commences to prepare the bill again to have the committee raise every other salary accordingly, as instanced by the gentleman from Missouri in the case at hand.

Mr. LEVER. The Secretary of Agriculture two years ago and, I think, three years ago insistently recommended an increase of $500 in the chief of the Office of Public Roads and Rural Engineering. The committee has each time allowed the increase. The present head of the service is one of the great road engineers of the world. We have felt that the road question is becoming more acute each day, and the demands on his service each day are growing larger and larger. His responsibility is greater, he is being called upon from time to time to advise the various legislative agencies in States and is endeavoring to provide, as far as possible, a uniform and useful system of roads and roads maintenance in this country, and we think such a man ought to be the highest type of man, a man of peculiar information, good judgment, sound business ability.

Mr. STAFFORD. How long has he held the position?

Mr. LEVER. I do not know. He has been there ever since I have been connected with the department.

Mr. STAFFORD. What was the initial salary?

Mr. LEVER. I do not remember. He has been holding this salary, I think, six or eight years.

Mr. STAFFORD. Mr. Chairman, I presume there is good warrant for the committee making an exception of these two cases, but I thought the committee might be prompted to do it in view of the possible Federal legislation involving heavier work on this official.

Mr. LEVER. We did have that in mind.

Mr. STAFFORD. I withdraw the reservation of the point of order.

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. STAFFORD. Mr. Chairman, I wish to inquire further, so that I may have a true concept of the policy of the committee in framing the bill, as to whether the committee when they transferred from the lump-sum appropriation to the statutory rolls they transferred all clerks who are performing work other than of a scientific character, so that next year the committee will be in a position, when confronting the heads of the respective bureaus, in case they divert the lump-sum appropriation that Congress intends for field service, that they will have no excuse and can not abuse or use it as a ruse to justify their utilizing it for some other purpose than Congress intended.

Mr. LEVER. In every case the information the committee has from the bureaus is that all their clerks carried on the lump-sum rolls not of a scientific character and whose employment is of a permanent nature have been transferred to the statutory roll.

Mr. WALSH. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. WALSH. As I understand the chairman, the committee took into consideration the likelihood of Federal legislation in road making?

Mr. LEVER. We did.

Mr. WALSH. If there is no Federal legislation, does the gentleman still think the increase would be warranted?

Mr. LEVER. I think it would.

Mr. BORLAND. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. BORLAND. I want to ask the gentleman when it was—I do not recollect—that this road bureau was called the Office of Public Roads and Rural Engineering?

Mr. LEVER. One year ago, under an authorization to rearrange and reorganize the department.

Mr. BORLAND. And it was then that the swamp drainage was put under the Road Bureau.

Mr. LEVER. Yes; transferred from what is known as the Office of Experiment Stations.

Mr. BORLAND. Is it the intention to separate this department and have a department purely for roads if the Federal legislation becomes a law?

Mr. LEVER. I would think that it would remain generally as it is, although I have no information about that.

Mr. MANN. How many bureau chiefs, may I ask, who receive $5,000 in the Department of Agriculture?

Mr. LEVER. I think we can name them: The Weather Bureau, the Bureau of Animal Industry, the Bureau of Plant Industry, the Forest Service, and the Bureau of Chemistry—five.

Mr. MANN. How many bureaus are there whose heads receive less than $5,000?

Mr. LEVER. The Bureau of Soils, the Bureau of Entomology, the Biological Survey, the Office of Roads, the Division of Publications, the Division of Accounts and Disbursements, the Bureau of Crop Estimates, the States Relations Service, the Office of Markets, and the Library.

Mr. MANN. The Bureau of Markets?

Mr. LEVER. The chief of that office receives $4,500.

Mr. MANN. Nearly all of these bureaus have just as much money expended under them and a great deal more diverse work done under them than under the chief of this bureau.

Mr. LEVER. Well, the Bureau of Markets is a new service. The gentleman in charge of that work is one of the ablest men in the department, but he has been in charge of this work only a few years.

Mr. MANN. The chief of the Bureau of Soils has $4,000 and the chief of the Bureau of Crop Estimates $3,500.

Mr. LEVER. But I do not regard either of these bureaus as equal in importance to the Office of Roads.

Mr. MANN. I judged from the efforts my friend has made in reference to the crop estimates that he thought that was the most important of all.

Mr. LEVER. My efforts had to do with the Census Bureau.

Mr. MANN. The Bureau of Markets is probably the most difficult bureau in the department. Now, if we consider building Federal roads, if that bill becomes a law, and the Government spends a large amount of money, under the control of this chief of the bureau, I think his salary ought to be increased; but it is quite certain, it seems to me, that you can not increase this salary from $4,500 to $5,000 without increasing the salaries of $3,500 and $4,000, and without increasing the other salary of $4,500, because this work has not expanded recently to any extent, and there is nothing very difficult about it. I agree that the gentleman is undoubtedly an efficient chief.

Mr. BYRNES of South Carolina. I would like to ask the chairman of the committee if it is not true that placing the rural engineering work under this bureau has not increased the duties of the chief?

Mr. LEVER. The duties of the chief of the bureau have somewhat increased; we have added to it irrigation investigation and also some work with reference to rural engineering. Notwithstanding that fact, however, the committee before that time recommended to the House here once or twice an increase in this gentleman's salary.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. SLOAN. Is it not a fact that the activities of this particular bureau have expanded and multiplied more than those of almost any other bureau in the department?

Mr. LEVER. This bureau has increased in its work and activities probably more than any other bureau in the Department of Agriculture, with the exception of the Bureau of Markets, which is a new bureau.

Mr. SLOAN. Is it not a fact that this particular bureau is now sending throughout the United States, wherever called for, efficient men to aid in the work of advising and assisting in ideal road building everywhere, where called upon, and is, in fact, doing a great deal more than it has ever done before and is being called upon for more work all of the time?

Mr. LEVER. I think that is true, and it is true.

Mr. MANN. The gentleman speaks of the increase. Is it not a fact that the appropriation proposed this year is $599,000 for this bureau, while last year it was $586,000; practically the same?

Mr. LEVER. It is an increase of about $13,000, but that is a considerable increase over what it was three years ago.

Mr. MANN. An increase of 2 per cent in a year—not very much.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired. Does the gentleman from Illinois withdraw the point of order?

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. Against just what is the point of order directed?

Mr. MANN. It is against the figures "$5,000," in line 26, page 66.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I move to amend by inserting the figures "$4,500" at the place where the other figures are stricken out.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 66, line 26, after the word "work," insert "$4,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I make the same request.

Mr. BAILEY. Mr. Chairman, I make the same request.

Mr. SLOAN. Mr. Chairman, I make the same request.

Mr. SIEGEL. Mr. Chairman, I make the same request.

Mr. HASTINGS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to these several gentlemen extending their remarks in the RECORD?

There was no objection.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I called attention in the previous paragraph to the method of making the estimates and appropriations for certain minor employees. On page 67 there are various items, and I will read a few of them:

One draftsman or clerk, one clerk or instrument maker, one clerk or photographer, one clerk or tabulator, one clerk or editorial clerk, one clerk or draftsman, one clerk or draftsman, one clerk or photographer, one clerk or photographer, one clerk or skilled laborer, one clerk or instrument maker—

And so forth.

It does seem to me that the department ought to be able to determine whether they want instrument makers or clerks. I do not imagine that the average clerk is a very good instrument maker and I am quite sure that a good instrument maker is not much of a clerk.

Mr. LEVER. Mr. Chairman, as I said to the gentleman on a previous occasion, the explanation of the department, of course, was accepted by the committee, and that is, that they make these dual designations, as it were, in order to give them more flexibility in getting their clerks and employees from the civil service.

Mr. MANN. There would be still more flexibility if we just said, "Employees in this bureau, $88,880."

Mr. LEVER. That is very true.

Mr. MANN. But we have found through long experience that too much flexibility adds to the number of employees and the expense without adding to the efficiency.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words. I would like to know what there is that this Roads Bureau does which requires so many clerks. Just what do they do?

Mr. LEVER. The story of what the Office of Roads does is a long story.

Mr. MADDEN. Let us hear it.

Mr. LEVER. I am sure it is too long for me to tell in even five minutes. The Office of Roads, of course, is engaged in investigations along a number of lines that have to do with the technical question of road building, road maintenance, the question of the best kinds of material for road building and binders, and things of that kind; and in addition to that it also has to do with the irrigation problems in the West.

Mr. MADDEN. What has that to do with roads?

Mr. LEVER. It is in this bureau.

Mr. MADDEN. How much money is appropriated altogether for the Road Bureau?

Mr. LEVER. Five hundred and ninety-nine thousand dollars.

Mr. MADDEN. Do they build any roads?

Mr. LEVER. They have built a few experimental roads. They have one out here at Chevy Chase and one in the direction of Alexandria, and one in Maryland, where they are making investigations of the best types of roads to build, and what is the best material to be used in the way of binders, and so on.

Mr. MADDEN. Does any community in the United States ever adopt the suggestion they make as to the character of materials to be used?

Mr. LEVER. I think so, without a doubt.

Mr. MADDEN. Does not the gentleman know that every community has a particular material close by that it can move to the road to be built economically, and that that is used in preference to all other materials regardless of what the Department of Agriculture determines—that the cost always determines the question?

Mr. LEVER. That is very true, but the gentleman will realize that almost every community not only has one road material but several road materials that can be used.

Now, the work of the department in some of its aspects is to determine for that community which is the best of the road materials it has at hand with which to build a local road under local conditions, and they frequently send an engineer for that purpose.

Mr. MADDEN. What are the engineer departments of the various States and counties for? Are they not organized for the same purpose?

Mr. LEVER. A great many of the States do not have these departments, I will say to the gentleman.

Mr. MADDEN. All States have some kind of road organization.

Mr. LEVER. Of course, the department here works in close cooperation with such States as have road-engineering features.

Mr. HAWLEY. I wanted to ask the chairman of the committee a question.

Mr. MADDEN. Go ahead.

Mr. HAWLEY. Did not the director say before the committee this year and last that they were devoting a great deal of attention to the construction of dirt or earth roads?

Mr. LEVER. More attention this year than they have ever done in the past.

Mr. HAWLEY. And there is more demand for the construction of dirt roads than ever before?

Mr. LEVER. There is more demand for the construction of dirt roads than ever before, and there is more agitation for road building in this country than ever before.

Mr. MADDEN. I know, but it is not all done through the Bureau of Roads in the Agricultural Department.

Mr. LEVER. Let me illustrate. In one of the counties in my district there was a bond proposition on. It was lost, I may say, but the people down there asked me to send a road man to talk over the situation with the progressive men in the community. He went and suggested to them under their local situation what would be the best type of road that might be built there and what it would probably cost, according to his judgment. That is being done all over the country, and it is really a bureau of education coupled with investigation.

Mr. MADDEN. What proportion of the total amount appropriated is used, as a matter of fact, for the building of roads?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I ask for three minutes more.

Mr. LEVER. Make it five minutes.

Mr. MADDEN. Then I will ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. What proportion of the total appropriation is expended in the real construction of roads?

Mr. LEVER. I would say a very small proportion of the entire appropriation is spent for the building of roads as such. Sixty thousand dollars, I am informed, is the total, which is about 10 per cent.

Mr. TILSON. May I ask the gentleman a question?

Mr. LEVER. Certainly; when the gentleman from Illinois [Mr. MADDEN] is through.

Mr. MADDEN. Does the gentleman from South Carolina really believe that the work done by the Bureau of Roads in the Agricultural Department justifies the department?

Mr. LEVER. I think the appropriation for the maintenance of the Office of Public Roads in the Department of Agriculture is one of the best dividend-paying investments that this committee makes.

Mr. MADDEN. Does the gentleman know any particular case where roads have been built as the result of the investigation made by the Bureau of Roads in the Agricultural Department, and on the recommendations of the department?

Mr. HAWLEY rose.

Mr. LEVER. My friend from Oregon [Mr. HAWLEY] is about to give you an instance, I think.

country. There is no more important problem before the Ameri- | I felt that we ought to make this increase of $250, bringing his

legislation becomes a law? | withdraw the point of order?

Mr. HAWLEY. In a certain section of the South there was a road that ran through a gumbo swamp. It became impassable during certain seasons of the year. It was a very essential part of a great road, and they had planked it with cypress, but the base was so soft it was out of repair a great deal of the time during the winter months. They appealed to the Director of Public Roads in Washington, and he sent some experts down there to investigate the question. As a result they built a road through that swamp, and when it was reported on about two years ago, after having been in use for two or three years, it was in good repair, and could be used the entire year around. That is one instance out of a very great many that can be cited.

Mr. LEVER. If the gentleman will permit, I can give him another that has just been brought to my attention. About two or three years ago the department built a model road in Chaighead County, in Arkansas. It is said to be one of the finest gravel roads ever built in that county. The result has been to greatly stimulate interest in that county and in that State for better roads, and that is the general result from this work throughout the country.

Mr. HAWLEY. There were constructed later many roads, I might add, like that which was built through this gumbo swamp.

Mr. LEVER. And we could pile these illustrations up very high.

Mr. MADDEN. I was wondering whether, in view of the fact that in all the States I know anything about, they have efficient organizations for road building in both the counties and townships, whether a bureau of roads in the department was needed at all.

Mr. HAWLEY. If the gentleman will yield——

Mr. MADDEN. Yes.

Mr. HAWLEY. These State departments, as I recall, are continually applying to the office here for expert advice and counsel, and the better the road engineers are in the State the more they appreciate the advice and counsel given by the department, and they apply to them continually.

Mr. MADDEN. Does the committee believe that the knowledge possessed by the men in charge of the Bureau of Roads in the Department of Agriculture is better than that possessed by the engineers in the State road organizations?

Mr. LEVER. I would not like to commit myself to the proposition that they were a higher class of men or a higher class of scientists, but I may say this, however, that the men in the Department of Agriculture have an advantage in reference to roads just as the Bureau of Plant Industry men have advantage over the State scientists. They get the benefit of all the best in all the States in the Union.

The CHAIRMAN. The gentleman's time has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. In other words, the Office of Roads, just like all these other various activities in the Department of Agriculture, is in a measure a gathering place for the best of the various things that are being done along certain lines.

Mr. MADDEN. So that, as a matter of fact, instead of the State depending upon the Bureau of Roads in the Department of Agriculture for information, the Bureau of Roads in the Department of Agriculture is getting the information from the States and then disseminating it in other directions.

Mr. LEVER. No; that does not necessarily follow. The Office of Public Roads, like all the bureaus of the Department of Agriculture, is getting its information wherever it can, and from the fact that its work is scattered all over the country it is given opportunities that the State road systems would not have.

Mr. MADDEN. The gentleman thinks that the money appropriated is properly expended and ought to be continued?

Mr. LEVER. Yes; we think so.

Mr. GARNER. Mr. Chairman, may I ask the gentleman a question in that connection?

Mr. LEVER. Yes.

Mr. GARNER. Does the gentleman know of any item in this entire bill where the money is doing more good to the people throughout the country than this good-roads appropriation?

Mr. LEVER. I think this is the best dividend paying of all the appropriations that we make.

Mr. MANN. The gentleman says "throughout the country." Does not the gentleman mean this Chevy Chase road out here—not throughout the country, but right here, and the road to Alexandria—not throughout the country, but right here where we ride?

Mr. LEVER. The Government built both of those roads.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. LEVER. I yield to the gentleman from Oregon.

Mr. HAWLEY. The Bureau of Public Roads stands as a clearing house for information for all the bureaus of public roads in the several States of the Union, and instead of every State in the Union maintaining a bureau that would be compelled to go all over the country to get information at great expense to each State, we gather it all together here in one bureau, from which that information is furnished without great expense to the States.

Mr. LEVER. Yes. The theory underlying the Office of Roads is exactly the same as the theory underlying the work of the entire Department of Agriculture.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. TILSON. I wish to ask a question in regard to the building of sample roads, as distinguished from the dissemination of engineering information. The gentleman from Illinois [Mr. MANN] has spoken of the roads in the vicinity of Washington, and the gentleman from South Carolina [Mr. LEVER] has referred to a road down in Arkansas as being built under the supervision of this department. I wish to ask the gentleman how extensively has work of this kind been carried on, realizing the fact that the climatic and soil conditions are different in different parts of the country, and that the same kind of material that is used in Arizona, for example, might not be the best material in Connecticut or in Pennsylvania, and vice versa.

Mr. LEVER. The gentleman must have misunderstood my statement, or I did not make it entirely clear. The roads actually built by the Office of Public Roads in the Department of Agriculture are those roads near at hand, to which the gentleman from Illinois [Mr. MANN] has referred; one out here by the District line, at Rockville, Md., and one at Bradley Lane, Md.; and then they have one under way in Alexandria County, Va. These roads that have been built in this vicinity have been constructed for the purpose of testing out various and sundry kinds of materials that are recommended for road building.

Mr. TILSON. But you can only test them out under the climatic and other conditions that prevail in the vicinity of Washington.

Mr. LEVER. Let me go a little further. These roads are really the field laboratory of the Office of Public Roads, and they have been concentrated here so that they can be under the closest observation at the least expenditure of money. The roads to which the gentleman refers, such as I referred to a moment ago in Arkansas, are not, in fact, built by the Office of Public Roads at all. That is to say, they are not actually constructed by the Office of Public Roads. The construction is under the supervision—the complete supervision—of the Office of Public Roads, but the actual work and the actual money put into the roads, aside from the salaries of the supervisory force, are all furnished by the local authorities of the States.

Mr. TILSON. In those cases they are simply gathering information which is developed by the work of the States?

Mr. LEVER. We are doing both. We are not only gathering information, but at the same time we are disseminating that information in that community.

Mr. TILSON. Then, as a matter of fact, we have not built roads at any place except in the vicinity of Washington?

Mr. LEVER. No.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, has all time expired?

The CHAIRMAN. No; there is no limit fixed.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to ask the gentleman from South Carolina [Mr. LEVER] what is being done by the Road Bureau with a view of connecting up good roads with railroad and waterway terminals?

Mr. LEVER. Well, if they have any work of that kind under consideration it was not brought to the attention of the committee.

Mr. MOORE of Pennsylvania. They have or have not?

Mr. LEVER. I would say that if they have any project which in itself looks to the linking of the country road with the terminal and the railroad and the water facilities of the country, the committee is not advised of it. Of course, the ulti-

mate aim of all the work of the Office of Roads is to furnish better transportation facilities from the farm to the market.

Mr. MOORE of Pennsylvania. That is what I am inquiring about.

Mr. LEVER. But they are making no general survey of that situation. Their whole plan looks to that, of course, ultimately.

Mr. MOORE of Pennsylvania. We are spending a large sum of money to spread information in regard to road construction. If the road is to be of any great value to the farmer in helping him to get to the market it ought to connect up with terminals somewhere, either a railroad terminal or a water terminal. At the proper time I will introduce an amendment which will suggest to the bureau the advisability of giving special consideration to the matter of terminals. A road that begins nowhere and ends nowhere is of no general service, of course.

Mr. LEVER. I will say to the gentleman from Pennsylvania that I take it that no man in charge of building the roads would fail to take into account the fundamental purpose of road building that the gentleman has suggested, namely, to connect up the man who has something to sell by cheaper road facilities with the man who wants to buy something.

Mr. MOORE of Pennsylvania. If we considered the matter of the transportation of farm products in relation to freight rates it would be conceded by most people who have studied the subject, I think, that the road leading to a waterway terminal would facilitate the transportation of the farm products to the market at a cheaper rate than could be attained otherwise. The development of waterways has been discouraged to a large extent, for reasons which it is not now necessary to explain; but I think when the time comes for offering this amendment, I can show to the Agricultural Committee and the chairman that if roads lead up to terminals on waterways, the farmers of the country will be very greatly advantaged. One of the farmer's difficulties now is in getting to market. I understand provision is made in this bill for an appropriation which will further the dissemination of information with respect to markets. It seems to me the one practical way to help the farmer is to link up his avenues of communication; that is, to make his roads lead somewhere where they will be of special advantage to him. That will apply to cotton, which now has to take the railroad to get to the sea, and which has no special advantage from inside waterways, because they are not sufficiently improved. It would apply to food products which are now often permitted to go to waste because there are no intermediate transportation facilities by water. I mention this now, in the course of these five minutes, in order that the chairman may think it over before the time comes for offering the amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ADAMSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its Clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. BECKHAM, Mr. BROUSSARD, Mr. DU PONT, and Mr. WARREN as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For inquiries in regard to systems of road management throughout the United States and for giving expert advice on this subject, $39,540.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the Committee on Agriculture whether there is very much interest throughout the country manifested by inquiries coming to the department as to the proper kinds of material for road building?

Mr. LEVER. I understand that the chemical and physical laboratory of the Office of Roads is kept busy investigating the materials sent to them from time to time from different portions of the country to determine whether or not they are good road materials.

Mr. FESS. Just last week I received a communication from a town in my own immediate vicinity, stating that they were about to rebuild the roads throughout the town, and making some inquiry about the material glutrin, saying that it had been used here about Washington, and wanting to know whether I could get any information about it. I thought it was a perfectly legitimate inquiry, so I took it up with the department and asked them whether they had any bulletins upon this matter. The chief of that bureau kindly stated that they not only had bulletins, but that he would write a letter giving specific information to the member of the council of this particular town. Now, while some people might think that is not the business of the Government, it seems to me that it is distinctively a legitimate realm of Government service for the Government to give this information.

Mr. LEVER. I agree with the gentleman most heartily.

Mr. FESS. And these roads about the city here are really the field laboratory by which the department determines whether this or other material is good or bad.

Mr. LEVER. That is very true, and without such investigation, of course the gentleman's inquiry would have been unanswered. There would have been no information to give.

Mr. BAILEY. Will the gentleman yield for a question?

Mr. LEVER. I yield to the gentleman from Pennsylvania.

Mr. BAILEY. I was very much interested in the statement of the chairman in regard to the county which had up a bonding proposition that failed. I wanted to know if the failure of that proposition was due in any degree to the hope that at some time the road would be built for the county, instead of the county having to build it for itself?

Mr. LEVER. I will say to the gentleman, as to the road proposition to which I referred a moment ago, that the reason for the defeat of the bond issue involved a good many propositions, but not the one the gentleman suggests.

Mr. BAILEY. Not at all?

Mr. LEVER. No.

Mr. BAILEY. I just wanted to know, because I believe there are cases where the prospect of getting something for nothing would have that effect.

Mr. LEVER. In this case the county was going to put up the funds, of course.

Mr. HICKS. Will the gentleman yield for a question?

Mr. LEVER. With pleasure.

Mr. HICKS. Mr. Chairman, I feel that this is a very important item in the bill. I come from a district that expends and has expended vast sums in road building. We were virtually pioneers in that work, and built many miles of macadam roads. Within a few years after they were built these roads began to deteriorate, and then additional sums were expended in rebuilding them. This was made necessary because we lacked the knowledge as to what was the best material. We used gravel, concrete, and macadam, with various kinds of binders.

It seems to me that in road building there are four things which ought to be taken into consideration: First, the weight of the traffic which goes over the road; second, the temperature; third, the rainfall; and, fourth, the accessibility of the material from which to make the road. When we built our first roads the traffic was comparatively light, but now, with heavy motor trucks, often weighing 7 or even 10 tons, it is necessary to build far heavier roads than formerly. My friend from Oregon, Mr. HAWLEY, suggests that the speed of traffic is a factor, and I agree with him that it is, and a very important one.

I desire to ask whether or not the department in Washington in experimental roads takes material from other parts of the country and makes the roads of the material from different States, with a view of ascertaining the best and cheapest material for each particular section.

Mr. LEVER. As I understand, any community which desires to have material tested, either chemically or physically, can send it to the department and they will have the tests made.

Mr. HICKS. Will they have a piece of road built?

Mr. LEVER. Not necessarily, but they have the physical and chemical tests, and the department will be able to give an accurate judgment as to whether it is good road material for that particular community.

Mr. HICKS. Has that information been availed of by different communities?

Mr. LEVER. Undoubtedly.

Mr. CARAWAY. Will the gentleman yield? I want to supplement what the chairman has stated. Two years ago when the department was building experimental roads one was built leading out of my town to the agricultural school. It has proven to be the most successful road that I ever saw built of gravel. The county has built about 150 miles of gravel road. A part of it was built before and a part since that time. The road completed since that time has given nearly twice as good service as that which was completed before, and the county has saved thousands of dollars by that one experimental road.

Mr. LEVER. The department has what is called a traffic census, through which it makes note of the amount of wear and tear that results to certain particular pieces of road material, and another kind of road material and another kind of road material, and through these investigations and the census they are enabled to accurately judge what is the best material for a given community.

The CHAIRMAN. The pro forma amendment is withdrawn and the Clerk will read.

The Clerks read as follows:

For investigations of the best methods of road making, especially ordinary sand-clay and dirt roads, and the best kinds of road-making materials, and for furnishing expert advice on road building and maintenance, $142,780.

Mr. SLOAN. Mr. Chairman, I move to strike out the last word in order to say that under this particular paragraph I believe some excellent work is being done, especially so this year, by this bureau. Perhaps this year witnesses more activity throughout the country in what is called "good-road building" than in any year in our history. It is a recognized fact that 80 or 90 per cent of all the roads in the United States are dirt roads. Probably for a great many years, although the percentage will decrease, yet to the end dirt roads will be the principal roads over which the public will travel. These will include not only roads between cities, but between the States and between the oceans. It becomes an important problem not only to the States and communities but to the Government.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SLOAN. I will.

Mr. MOORE of Pennsylvania. Does the gentleman from Nebraska now see that it would be of some advantage to open up the waterways in order to get connected with the good roads of the country?

Mr. SLOAN. I do see that there is a good deal of relation, but the trouble is the gentleman from Pennsylvania insists on connecting the roads with the waterways, while our great difficulty is in disconnecting the water from the roadways. [Laughter.]

Mr. MOORE of Pennsylvania. Has the gentleman read one or two paragraphs subsequent to this where we find a great deal of water in the bill?

Mr. SLOAN. Yes; the bill is a good deal like some of the industrial plants in the vicinity of the gentleman's home—very highly watered, I understand, especially since the war began.

I desire to say further that this bureau is doing an excellent work in cooperation with the State, county, and municipal highway authorities. A great deal of money is being expended on that work in the different States. There is a well-founded opinion that a good deal of the money is rather unwisely expended. It is important, if money be spent, that it be spent not only under the direction of engineers, but of engineers that will try to work out not only good roads but uniform roads. Uniformity can be better obtained through the engineering department of the United States than through any of the States.

In my own district there are 13,000 miles of public highway, practically all earth roads. This is all we can expect and all we desire. The bureau is at present engaged in cooperating with the authorities in several counties in my district constructing what they call ideal earth roads, giving the advice and direction that is important; so that once they have been made the counties will follow out that plan until the roads will be better and more uniform. That uniformity will extend throughout the State and from that to the whole country. This must prove of great advantage to interstate highway travel.

Mr. COX. I never was over the gentleman's territory, but do the roads in the gentleman's district get muddy in the wintertime?

Mr. SLOAN. Like all other roads, they become muddy when the snow melts and when there is a heavy rain. That is true, but if the roads are raised through the middle, are properly smoothed and sloped, and are worked at a proper time after rains or thaws with the King drag, they become hardened and are easily maintained. A very short time after the water has flowed away we have good, sound roads.

Mr. COX. They dry up quickly.

Mr. SLOAN. Yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman believe in removing the mud from the roads in his own country?

Mr. SLOAN. No; we do not remove the mud in our country. I do not know how it is in Pennsylvania, but out West mud is made up of two elements, one is dirt or clay and the other is water. We do not remove the mud. We remove the water. [Laughter.] Out there it has a penchant for flowing off, however sluggish it may be in other parts of the country. We do not remove the mud, but we wait for the water to flow, just as eloquence is permitted to flow from the lips of the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. I have been waiting for a long time to have this admission from the gentleman from Nebraska [Mr. SLOAN]. Many times he has very eloquently expatiated upon this floor against the development of certain rivers and harbors of the country. Now, he indicates his entire willingness to have the roads of the country constructed so that they may be useful to the farmers of the country, by being led up to the waterways, in order that shipments of grain, and so forth, may pass on to the consumer.

Mr. MADDEN. He has even gone further than that. He is willing that the water should flow.

Mr. MOORE of Pennsylvania. Yes; he concedes that if we remove the water from the roads, we may, through the medium of the river and harbor bill, be permitted to remove the mud from the rivers.

Mr. SLOAN. I am in favor of that very largely, because our roads will "dry up," and that never occurs with some streams back East or with the gentleman from Pennsylvania. [Laughter.]

Mr. MOORE of Pennsylvania. It never does, and that is the reason I wanted to hear from the gentleman. Now, Mr. Chairman, I ask the indulgence of the Chair and of the House while I resort to a method that is as old as the hills in reply to an adversary "worthy of one's steel." This morning in the dawn, thinking of the pleasantries the gentleman had made in his references to my great State and to the rivers of my country, I concluded to embalm him in verse. I have done so as calmly and as kindly as I can, for he is worthy of it.

Mr. SLOAN. Mr. Chairman, I rise to a point of order. I object to the reading of this verse until I know the gentleman is recognized as the poet laureate of this House or the official spring poet of the Committee of the Whole.

Mr. MOORE of Pennsylvania. Mr. Chairman, I can not yield my precious rhyme for a point of order in my time. [Laughter.] I would like the committee to be patient for a moment, as I hope my friend from Nebraska will be, because I wish to pay him a special tribute. This poem has no title:

My colleague from Nebraska is a very able man;
He can make about as fine a speech as anybody can.
He's a scholar on bugology, agronomy, and grain,
And he studied navigation—on a local railroad train.

When my colleague from Nebraska takes the center of the stage
Everybody stops to listen, from the Speaker to the page;
For they know "there's something doing," and they want to see the fun,
As my colleague from Nebraska puts the rivers on the run.

Oh, my colleague from Nebraska talks about the river "pork."
You can see Iowa titter; consternation in New York!
What a joke to spend our money on those sluggish little creeks,
When the dear old cows of Kansas can not sleep for cattle ticks!

Cargle rivers with our money! Make a roadway for a ship!
When our hogs are down with asthma and our pullets have the pip!
"Never!" quoth Nebraska's hero; "Never," echoes down the line.
"Never," while appropriations may be had to help our swine.

What's the use of transportation—on the water, anyway?
Spend the cash for irrigation, and we'll make our deserts pay.
Talk about your ships and harbors, that's an old New England fake.
What we want are prairie schooners like our Henry Ford can make.

[Laughter and applause.]

So my colleague from Nebraska keeps the galleries astir;
Every point is porcupinish as a bristling chestnut burr;
Every little fibrous plantlet, technological or plain,
Every drought-resistant croplet knows he does not speak in vain.
When at last the fight is over, and my colleague takes his seat,
Twenty thousand little buglets yell and stamp their little feet;
Twenty thousand experts echo "Swat the pork," and things like that,
While the waves "roll up like thunder" all along the roaring Platte.

[Laughter and applause.]

Mr. SLOAN. Mr. Chairman, some days ago I entered a serious objection to the organization of the American Academy of Arts and Letters. If that organization, which has been completed, will only find a place for my friend MOORE as one of the 50 immortals I shall withdraw all objection and all prejudice. [Applause.] I know what it means now to go up against real preparedness. He coins this in the morning. A veritable "little early riser poet of the Delaware." I thought he could do it on his feet; but in answer to that I shall have to suggest what was said once of these spontaneous speeches by an Irish statesman. I think it was Richard Brinsley Sheridan. He said that his adversary "depended upon his imagination for his facts and upon his memory for his wit." [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $60,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 68, line 20, after the word "preparations" insert the words "for investigating road approaches to railroads and waterway terminals."

Mr. MOORE of Pennsylvania. Mr. Chairman, as this does not affect the appropriation at all, but simply adds a new feature to the work of investigation by the Road Bureau, I hope the committee will in its wisdom see fit to accept it. The question of reaching the terminals is one of the most important to the farmer of this country—not only to the farmer but to the man who is selling the finished products to the farmer. It is important in the matter of fertilizer. I have had some experience in the matter of freight rates along the Atlantic seaboard, where we have been agitating for the opening up of the waterways about which my friend from Nebraska [Mr. SLOAN] and I have disputed pleasantly on one or two occasions; and I think the House ought seriously to consider whether, if we expend $600,000 accumulating and disseminating information with regard to roads, we ought not to see to it that some of it is applied to this very practical matter of assisting the farmers to get to the market through available terminals.

And when it comes to shipping things from the so-called market centers to the farmer, let me call this to the attention of the committee. Some time before the European war broke out, before the present abnormal conditions with regard to freight rates and railroad embargoes, and things of that kind, I made inquiry as to the cost of the shipment of a ton of fertilizer from the city of Philadelphia to a point in North Carolina—Wilmington, I think it was. I found that if the water route was used a ton of 2,200 pounds could be sent through from Philadelphia to Wilmington for $1.30, but if the railroad route was used a ton of 2,000 pounds would cost $4.80. Now, that is a very marked difference, and in the long run the farmer has to pay. He pays the freight. On the other hand, in shipments coming from the South to the North, the shipment of lumber, for instance, the difference between the inside and outside cost for 1,000 feet of lumber as between the North Carolina forests and a distributing point like Philadelphia was the difference between $2 a thousand feet and $3 a thousand feet.

Now, there is a difficulty with regard to the farmer or the shipper maintaining these rates. So far as the main points are concerned, competition prevails and can be successful, but if that ton of fertilizer going from Philadelphia to Wilmington for $1.30 per ton of 2,200 pounds was intended for a destination 20 miles or so inland from Wilmington and had to be hauled by rail, so far as the general charge to the farmer was concerned there would probably be no difference between the all-rail rate and the figures that would be put up to him, including the short haul by rail. Now, if the farmer can get to the waterway terminal by good roads, he has a method of competition, he has a means of communication, which would enable him to take advantage of the water rate between important terminals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I hope the committee can see fit to accept this amendment.

Mr. LEVER. Mr. Chairman, I do not think the amendment offered by the gentleman from Pennsylvania confers any greater authority on the Office of Roads than it now possesses; and, as I said heretofore this afternoon, of course the work of the Office of Roads in its investigations and demonstrations must of necessity look to the general purpose of connecting up the farmer, who has things to sell, with his markets, whether they be water fronts or whether they be railroad stations. And the entire work of the department is in that direction already, and I think this would only add superfluous language to the bill.

Mr. MOORE of Pennsylvania. The gentleman's answer to my question a little while ago indicated that there was no specific direction to the office to take up this work of reaching terminals.

Mr. LEVER. No. I said this to the gentleman, namely, that there was no special project as such. I remember using the words "as such." There is no special project such as the gentleman has proposed, but the whole fundamental work of the office itself looks to that very thing.

Mr. MOORE of Pennsylvania. We are going to spend about $600,000 for the Road Office, and in addition to that I think $150,000 for information in regard to marketing crops. Nothing can be more important than giving the farmer a good market. It is important for those of us who live in the cities, because we want to get the advantage of cheaper rates and cheaper produce.

Mr. LEVER. The gentleman from Pennsylvania and I do not disagree on that. There is no bigger problem before the country in the distribution of farm products than that of better roads, because that is one of the elements that enters into the distribution of farm products. The only objection I have as chairman of the committee, and as an individual on the committee, is that we would simply be adding language to the bill which does not confer any greater authority than that now possessed.

Mr. MOORE of Pennsylvania. The gentleman has pride in his bill; that is natural, and I do not want to interfere, but here is a suggestion he does not combat and which does not interfere with the appropriation at all and which would give specific direction to a bureau which ought to do this kind of work. I think the gentleman will concede that.

Mr. LEVER. I do not concede it would give any direction, because the department is doing already the very work the gentleman has in mind. My objection to it is that it adds to the bill unnecessary language.

Mr. MOORE of Pennsylvania. I think it covers a point not already covered by the bill.

Mr. LEVER. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigating and reporting upon the utilization of water in farm irrigation, including the best methods to apply in practice; the different kinds of power and appliances, and the development of equipment for farm irrigation; the flow of water in ditches, pipes, and other conduits; the duty, apportionment, and measurement of irrigation water; the customs, regulations, and laws affecting irrigation; for the purchase and installation of equipment for experimental purposes; for the giving of expert advice and assistance; for the preparation and illustration of reports and bulletins on irrigation; for the employment of assistants and labor in the city of Washington and elsewhere; for rent outside of the District of Columbia; and for supplies and all necessary expenses, $103,400.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, the work which the Department of Agriculture is carrying on under this appropriation is highly important. One feature of that work has been carried on for a number of years in the State which I have the honor to represent, namely, a study of the customs, regulations, and laws affecting irrigation. We have not for any considerable time been an irrigation people. We inherited our water laws from those who laid down the rule of riparian rights. We had no practice or experience in the use of water for irrigation. We had no rule of appropriation. We had no customs relative to the practice of irrigation. These things we have had to develop. We have had many things to learn that other peoples knew very well a long time ago, for agriculture was perhaps first practiced on this earth on an extensive scale under irrigation.

It is highly important, therefore, that the work to which I refer should be continued. I regret to see that the appropriation is somewhat reduced, because I understood that the department questioned its ability under the appropriation to carry on this work, as it had hoped to carry it on, to completion.

Mr. LEVER. Let me say to the gentleman that there is no actual reduction. The reduction is only apparent, arising from the transfer of positions from the lump fund to the statutory roll.

Mr. MONDELL. I am very glad to know that, because the work to which I have reference is a very highly important work. I hope to see it continued with the necessary funds to make it thorough and complete.

Now, I desire to take advantage of this opportunity to refer for just a moment to a class of work carried on by the department that is entirely different and distinct from this irrigation work; in other words, the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions. I want to pass for just a moment from irrigation investigations to dry-land investigations and dry-land demonstrations. At the time the appropriation for that work

was under consideration I was unable to be in the House. I did not know at that time that during the hearings in the committee there was a considerable discussion of dry-farming development in our country. I think it important, in view of what was said in the discussions had at the hearings and the opinions expressed by members of the committee relative to dry-farming development in the West, that something should be said here in regard to it. I was very much surprised to notice that one member of the committee, interrogating the expert who has charge of the dry-farming investigation, asked him this question, "Is it not a fact that this dry farming is a delusion and a snare?" I am very much surprised that any member of the committee should entertain such erroneous views as to what has been accomplished under what is termed dry farming.

The West has developed some of the finest and most thorough and most capable experts that are known to agricultural science, in connection with dry farming, for dry farming is a real science, and a science which has been largely developed in our country in the past few years.

Something has been said during the discussion of the bill relative to the wheat production in the United States, and in regard to future opportunities for increase of production. I wonder if gentlemen have stopped to think that the opportunity for a large increase of wheat production in this country is to be found almost wholly in the semiarid regions?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. Mr. Chairman, as time passes, as the land in the older portions of the country becomes more and more valuable, it finally reaches a price where the growing of cereals at the ordinary price, except in rotation with other crops, is not ordinarily profitable, at least not as profitable as other crops for which there is a ready market. Intensified farming on very rich land lends to other classes of production. So it is under irrigation. The irrigated lands finally become so valuable that they must be utilized almost wholly, except as they are utilized in rotation with other crops, for other production than cereals. So that our increase and growth along the line of rye and barley and wheat production, must come very largely in the future, almost wholly, I may say, from the lands which in years past were considered valuable only for stock ranges. During the hearing one member of the committee suggested that it would be better to leave these lands as range lands rather than to utilize them for wheat growing, when, as he said, so many of them produce only a small annual yield—he said 10 bushels of wheat to the acre. I wonder if the gentleman remembered—I am sure he did not—that under ordinary range conditions range lands produce at the most not above 50 cents per acre per annum? That is as much as we are able to secure in income from them.

The same land placed under the plow, if it produce only 10 bushels of wheat per annum, is from 10 to 20 times as productive as it was when used only for range purposes. But under scientific methods of dry farming we are growing on these dry lands, not 10 bushels of wheat per acre, but by means of thorough tillage and biennial cropping, or by the growing of two crops in three years and the conservation of the moisture, we are producing 20, 25, 30, and as high as 40 bushels of wheat per acre on these lands. Of course these higher yields are infrequent. They are not the ordinary yields; but any of those semiarid lands that can be utilized to advantage at all can under proper methods of moisture and soil and fertility conservation, be made to produce every other year, or two years out of three, on an average, 20 to 24 bushels of wheat per acre. And the cost of growing that wheat on those cheap lands, under the conditions under which it can be grown, is less per bushel than the growing of the same wheat anywhere else in America. That being the case, these lands will, as I have suggested, add very largely to our cereal production in the future. I think it can be truthfully said that of the 900,000,000 bushels of wheat produced last year, at least 100,000,000 bushels were grown on lands that 20 years ago were not considered of any use or value except as a stock range. In my opinion there are still at least 100,000,000 acres of land in the semiarid region in this country that have not been touched by the plow that can be utilized successfully in the growing of agricultural crops.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MONDELL. I would like about two minutes more.

The CHAIRMAN. Without objection, the time of the gentleman will be extended two minutes.

There was no objection.

Mr. MONDELL. It is highly important that we should continue this development. It has not been a failure. It has been a marvelous success. Of course there are some people who are not successful anywhere, and dry farming does require attention and effort and some failures are inevitable.

It is also true that all the lands in a given region are not suitable or available for these purposes, and men make mistakes and go on the wrong land, and sometimes lose all they have; but the experiment must be made, and eventually we develop areas and regions that are valuable. In my State in the last 20 years we have established numerous agricultural communities—and that is also true of Colorado, true of the Dakotas, and true of Montana—communities that are permanently prosperous, on lands hitherto believed to be of value only for pasture. It is true that many of these communities had a hard struggle. It took them some time to learn the proper methods. It required constant effort and perseverance and self-sacrifice to obtain success there, just as it has in every other part of the Union. As a boy I remember northwestern Iowa, now rich and splendid, was considered by many a very, very poor place in which to make a living in agricultural pursuits. Now the land is worth $100 to $125 an acre. At a time that I can recall that conditions were not much more satisfactory there in many respects than they now are in some of these dry lands of the far West. No part of our history of development is finer than this work of conquering that semiarid territory and the conversion of the great range areas, so far as they may be utilized for this purpose, into farms, and filling with happy homes those areas where once roamed the buffalo and the Indian and later the cattle and the cowboy. [Applause.]

During the discussion before the committee, when there was evidenced a disposition to criticize some one for the alleged failure of the efforts to conquer the semiarid West, officials of the department hastened to assure the committee they had not encouraged people to go out there and engage in this development. To those who know this confession was not necessary, although one would think that the people who have been spending large sums of the people's money to study and develop dry-farming methods would have had a little more loyalty to their work and the region in which it is being carried on.

It is true those at the head of the dry-land experiment work of the Government have not encouraged people to go into the semiarid region and attempt the conquest of that section. I stand ready to exonerate them of any blame, if blame there be, of any part in the encouragement of that great and glorious movement which has already conquered millions of dry acres and will conquer millions more. That wonderful development of thorough and scientific agriculture, that inspiring conquest has been carried on with but little help, scant encouragement, and almost in spite of some of those who the Government has paid to point the way. I do not wish to be understood as suggesting that good work has not been done at the stations or in the field, on the contrary splendid work has been done and encouraging demonstrations have been made, but those responsible for the interpretation of these results have seemingly been so biased, so full of prejudice as to be unable or unwilling to admit, much less to fairly announce the facts thus demonstrated.

It is a most unfortunate situation when those in position of responsibility in a great work like this are at odds as to facts, at outs as to methods, and in an attitude of antagonism toward practically all the men who as scientists, experts, and practical demonstrators have for years been the leaders of the great dry-farming movement.

The CHAIRMAN. The time of the gentleman has again expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigating and reporting upon farm drainage and upon the drainage of swamp and other wet lands which may be made available for agricultural purposes; for preparing plans for the removal of surplus water by drainage, and for giving expert assistance, by advice or otherwise, in the drainage of such lands; for conducting field experiments and investigations concerning the construction and maintenance of farm-drainage work; for investigating and developing equipment intended for the construction and maintenance of farm-drainage structures; for the purchase of materials and equipment; and for preparing and illustrating reports and bulletins on drainage; and for the employment of assistants and labor in the city of Washington and elsewhere; for rent outside the District of Columbia, and for supplies and all necessary expenses, $94,720.

THE SUSAN B. ANTHONY AMENDMENT.

Mr. TIMBERLAKE. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD by printing some resolutions of constituents in my district relative to the Susan B. Anthony amendment.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

STADIUM IN POTOMAC PARK.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a bill introduced by my colleague Mr. HULBERT, with some comments thereon, in regard to the stadium in Potomac Park.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The department is doing some valuable work under this item. I desire to emphasize that in view of the fact that certain irrigation engineers have complained that the department was interfering with their business, that the experts of the department were furnishing the farmers with information and outlining methods of drainage when that work should be left to private enterprise.

I think it is true that the Federal Government should not interfere with private enterprise in this line or any other any more than it may be necessary in order to carry out the useful work the department is engaged in. The department engineers do not take the place of irrigation engineers in this development; but there is a highly important and valuable work which the department engineers can do for the farmers, and which they are doing and should continue to do. That is particularly true in irrigated regions where we are beginning to suffer from seepage and alkali, where farmers are having a hard time with their land, in localities where it is becoming water-logged and almost worthless. They have received valuable aid from the agents of the department in planning drainage systems, and I hope the work will be continued to be carried on in the future, as in the past, under this appropriation.

The problems of drainage in irrigated regions are difficult and peculiar. They require knowledge of and experience in this particular line of work. The engineers of the department, who are trained in this particular line of engineering, are capable of giving the farmers advice and information, plans and suggestions, that it is difficult for them to secure elsewhere.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. This item includes:

Preparing plans for the removal of surplus water by drainage and for giving expert assistance, by advice or otherwise, in the drainage of such lands.

The appropriation is $94,720. Will the gentleman inform us whether the preparation of plans and giving expert advice and assistance applies to individual cases? Can the individual farmer apply for plans and for assistance to drain his land and have it attended to by the Government under this appropriation?

Mr. LEVER. Yes; under certain conditions. The conditions would be that the work in cooperation with the farmer would be in the nature of a demonstration for the community around him.

Mr. MOORE of Pennsylvania. Suppose I own 100 acres of land lying on the coast of New Jersey that happens to have swampy places in it, can I apply to the Department of Agriculture and under this appropriation have an expert sent there to prepare plans by which I may properly drain that swamp land?

Mr. LEVER. That could not be done indiscriminately. It could be done only under the conditions that I mentioned, namely, that the land was so located and the problems involved were of such nature as to make it a model for other work and a demonstration for the community or the entire county.

Mr. MOORE of Pennsylvania. If the department should decide to prepare plans and make a demonstration on my farm, it could only be done with the understanding that it would be done in such a way as to benefit the community?

Mr. LEVER. The work would be only incidental to the larger work of the department.

Mr. MOORE of Pennsylvania. Would I have to pay anything?

Mr. LEVER. The gentleman would have to pay all the costs of the drainage.

Mr. MOORE of Pennsylvania. That is, for the employment of the labor. But the item calls for the employment for labor in the city of Washington and elsewhere.

Mr. LEVER. Yes; that is the usual language.

Mr. MOORE of Pennsylvania. That means that the Government could employ labor to dig the trenches on my farm?

Mr. LEVER. Oh, no; that is never done. The only thing the Government would do would be to work out the plans and furnish the plans to the individual or the community, which is formed into a drainage district.

Mr. MOORE of Pennsylvania. Mr. Chairman, to the extent to which the gentleman says this work may be done in individual cases by the Government I have no special fault to find, except that it illustrates one of the truths that is often denied here and elsewhere, that we do a great deal for the farmer in our national legislation. I am the farmer's friend and I want to see everything done for him that can be done. The farmer does not want for friends in Washington. A very vigilant committee of farmers' very particular friends take care of the farmer in a very particular way. I am rather glad to see it.

Mr. LEVER. The gentleman, of course, knows that there are 6,000,000 farmers in the United States and that $94,000 would not go very far.

Mr. MOORE of Pennsylvania. I know that; but in this very bureau we are appropriating $600,000 of public money, coming in from all sources, for the specific purpose of aiding the farmer in individual matters. If the preparation of these plans and the demonstration which involves the digging of ditches and trenches to carry off surplus and stagnant water——

Mr. LEVER. Oh, the department does not do that latter part at all.

Mr. MOORE of Pennsylvania. Evidently that is the purpose of the appropriation.

Mr. LEVER. No; the gentleman is mistaken.

Mr. MOORE of Pennsylvania. What do the plans provide for?

Mr. LEVER. The Government makes an investigation. It draws the plans and the specifications and turns those plans over to the community that forms itself into a drainage district or in circumstances which I have already described to an individual, and the community or the individual does the actual work, pays for the labor.

Mr. MOORE of Pennsylvania. Very well; it comes down to the individual after all.

Mr. LEVER. And not the Government.

Mr. MOORE of Pennsylvania. And I just wanted to call the attention of the individual to the fact that in these cases he is well provided for by Congress and has no special complaint against any other branch.

Mr. LEVER. I do not think the farmer is complaining.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For general administrative expenses connected with the above-mentioned lines of investigations and experiments, $12,600.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Are there any salaries provided for in this $12,600?

Mr. LEVER. Yes; there are some salaries provided for.

Mr. MOORE of Pennsylvania. Salaries for scientists or experts?

Mr. LEVER. Some. I will give the gentleman the details. In the city of Washington, one assistant director, $4,000; part of the time, temporary assistants, $2,500; estimated traveling expenses, $700; supplies and equipment, $5,000; miscellaneous expenses, $3,500.

Mr. MOORE of Pennsylvania. How are those salaries determined?

Mr. LEVER. They are determined by the Secretary in collaboration with the chiefs of the different bureaus.

Mr. MOORE of Pennsylvania. Are the persons employed under an item like this certified by the Civil Service Commission?

Mr. LEVER. They are.

Mr. MOORE of Pennsylvania. Is any discretion lodged in the Secretary to make appointments in a case of this kind?

Mr. LEVER. The Secretary under some conditions might make a temporary appointment pending a civil-service examination.

Mr. HAWLEY. Oh, I think the gentleman is wrong about that.

Mr. MOORE of Pennsylvania. I asked the gentleman a question based on this very item, which is a very small one, although it brings out the entire question I am interested in. I want to know to what extent individuals may be appointed under these lump-sum appropriations by the Secretary apart from the civil service?

Mr. LEVER. I will answer the gentleman's question, and I think I answered it correctly a moment ago. The scientists of the Department of Agriculture are appointed through civil-service examination. There are instances and times when a

temporary appointment is made pending an examination and certification from the Civil Service Commission when there is not an eligible on the civil-service list.

Mr. MOORE of Pennsylvania. But having been appointed temporarily, the appointee may perfect himself while in the service for the civil-service examination, and in that way he obtains a permanent appointment?

Mr. LEVER. That is true, if he passes an examination and is certified in the regular way.

Mr. MOORE of Pennsylvania. I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Total for Office of Public Roads and Rural Engineering, $599,700.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers sailors; to the Committee on Invalid Pensions.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11471. An act to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles.

JOHN E. JONES.

The SPEAKER. A bill for the relief of John E. Jones was sent to the Speaker as having been passed by the Senate. It has not been passed by the Senate. The Speaker signed it, but has since canceled his name.

LEAVE OF ABSENCE.

Mr. SHOUSE, by unanimous consent, was granted leave of absence indefinitely, on account of serious illness in his family.

EXTENSION OF REMARKS.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. On what subject?

Mr. DOOLITTLE. On the Agricultural appropriation bill.

The SPEAKER. On the Agricultural appropriation bill. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING TO-MORROW.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent that the House meet to-morrow at 11 o'clock a. m.

The SPEAKER. The gentleman from Indiana asks unanimous consent that when the House adjourns to-day, it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. MANN. I object.

Mr. BARNHART. We could have gotten almost through with our bill to-morrow. I have nothing to say if the gentleman from Illinois insists on his objection, but I might say something if he will withhold it.

Mr. MANN. I will reserve the objection.

Mr. BARNHART. I wanted to explain to the House that we made excellent progress in the reading of the printing bill on last Thursday, and we have only one more day under Calendar Wednesday rule. I believe very many Members of this House are much interested in the passage of the bill. We have a caucus to-morrow evening, as I see by some notices which have been received, and there probably will be a motion made to rise earlier than this hour. If we could meet at 11 o'clock we could get that hour in addition to the regular afternoon, and it would help us so much that I apprehend we might get some arrangement then with the leaders of the House that we could finish the printing bill, to which the Printing Committee has given much time, and the House also. The gentleman from Illinois and myself worked on it 19 days two years ago; and owing to the fact that the House was generous this time, and thinking that we had thrashed it out, whipped it into shape, and made it a good bill, we read 56 pages last Calendar Wednesday.

Mr. MANN. I hope the gentleman can read 56 pages to-morrow, so far as I am concerned, and, if he can, I can see no reason why the House should not, by a two-thirds vote, practically by unanimous consent, give the gentleman a third day.

The SPEAKER. Is there objection?

Mr. MANN. I object. If I was not sick abed I would not.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 26, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of State submitting an estimate of deficiency in the appropriation for the relief and protection of American seamen in foreign countries and shipwrecked American seamen in the Territory of Alaska, the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands for the fiscal year ending June 30, 1916 (H. Doc. No. 1057); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimates of appropriations for expenses of the Bureau of Engraving and Printing required for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 1058); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a copy of a letter from the Chief of Engineers, report on reexamination of project for reconstructing pier in Delaware Bay near Lewes, Del. (H. Doc. No. 1059); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (S. 4432) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, reported the same with amendment, accompanied by a report (No. 600), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11616) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912, reported the same with amendment, accompanied by a report (No. 601), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 4476) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912, reported the same without amendment, accompanied by a report (No. 602), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River, to be known as the Dixie Highway Bridge, reported the same with amendment, accompanied by a report (No. 603), which said bill and report were referred to the House Calendar.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 119) to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period, reported the same without amendment, accompanied by a report (No. 604), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill (H. R. 6156) for the relief of the heirs of George W. Croft, reported the same with amendment, accompanied by a report (No. 596), which said bill and report were referred to the Private Calendar.

Mr. COOPER of West Virginia, from the Committee on War Claims, to which was referred the bill (S. 1425) for the relief of D. M. Carman, representing the estate of Luis R. Yangco, deceased, reported the same without amendment, accompanied by a report (No. 597), which said bill and report were referred to the Private Calendar.

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 12650) to authorize the change of name of the steamer *Normania* to *William F. Stifel*, reported the same without amendment, accompanied by a report (No. 598), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13157) granting a pension to Edward G. Fetsch; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13799) granting an increase of pension to D. O. Root; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SLOAN: A bill (H. R. 15000) to provide for the purchase of a site and the erection of a public building thereon at David City, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15001) to provide for the purchase of a site and the erection of a public building thereon at Seward, in the State of Nebraska; to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER: A bill (H. R. 15002) to amend an act to adopt regulations for preventing collision upon certain harbors, rivers, and inland waters of the United States, by allowing certain fog signals to be used by vessels at anchor; to the Committee on the Merchant Marine and Fisheries.

By Mr. AYRES: A bill (H. R. 15003) to acquire additional site, enlarge, extend, remodel, and modernize the post office and Federal building at Wichita, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. MOSS of Indiana: A bill (H. R. 15004) to provide capital for agricultural development; to create standard forms of investment based upon farm mortgage; to equalize rates of interest upon farm loans; to furnish a market for United States bonds; to create financial agents for the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. CRAGO: A bill (H. R. 15005) to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia; to the Committee on Military Affairs.

By Mr. WOOD of Indiana: A bill (H. R. 15006) to authorize the Board of Commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15007) to authorize the Board of Commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS: Joint resolution (H. J. Res. 211) for the erection of a monument to Thomas Jefferson within the Louisiana Purchase and in the State of Oklahoma, on the proposed international Jefferson Highway; to the Committee on the Library.

Also, a joint resolution (H. J. Res. 212) authorizing the Trade Commission to inquire into the increase of the price of print paper, to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15008) for the relief of William A. Duff; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 15009) granting an increase of pension to Elizabeth Cole; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15010) for the relief of Basil A. Embrey; to the Committee on War Claims.

By Mr. CASEY: A bill (H. R. 15011) granting a pension to Catherine Burke; to the Committee on Pensions.

Also, a bill (H. R. 15012) granting a pension to Mary Degnan; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 15013) for the relief of George Payton; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 15014) granting an increase of pension to Susan C. Hines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15015) granting a pension to Sarah B. Mitchell; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 15016) for the relief of Assistant Paymaster John D. P. Hodapp, United States Navy; to the Committee on Naval Affairs.

By Mr. DOOLITTLE: A bill (H. R. 15017) granting a pension to Nelson Pennington; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 15018) granting an increase of pension to Andrew Applegate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15019) granting an increase of pension to Daniel R. Hughes; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 15020) for the relief of Charles Allen, alias Allen Cleckner; to the Committee on Military Affairs.

By Mr. GRIFFIN: A bill (H. R. 15021) for the relief of the estate of Samuel C. Reid, jr.; to the Committee on Claims.

By Mr. HELVERING: A bill (H. R. 15022) granting an increase of pension to Minerva Bilsland; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15023) granting an increase of pension to Samuel W. Dallam; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 15024) granting a pension to Emma B. (McDonald) Stockton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15025) granting an increase of pension to Lucy Tarsney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15026) removing the charge of desertion from the name of George A. McKenzie, alias William A. Williams; to the Committee on Military Affairs.

By Mr. KENT: A bill (H. R. 15027) granting a pension to John Ed. Sevenoake; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 15028) granting an increase of pension to Virgil A. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15029) granting an increase of pension to Frederick H. Ferris; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15030) granting an increase of pension to Laura V. Croll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15031) granting an increase of pension to Maggie Sponsler; to the Committee on Invalid Pensions.

By Mr. LAZARO: A bill (H. R. 15032) granting a pension to Henry P. Nicholas; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 15033) granting a pension to Hortense Cremer; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 15034) granting an increase of pension to Ransom Smith; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 15035) granting an increase of pension to Uriah E. Jones; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 15036) granting an increase of pension to Minnie Schrader; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 15037) granting a pension to Sophia Johnson; to the Committee on Invalid Pensions.

By Mr. PAGE of North Carolina: A bill (H. R. 15038) granting a pension to Fletcher J. Conder; to the Committee on Pensions.

By Mr. PORTER: A bill (H. R. 15039) granting an increase of pension to Robert Walker; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 15040) granting an increase of pension to Clay Jackson; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15041) granting a pension to Flora Turcott; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 15042) granting a pension to Joseph J. Margott; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 15043) granting a pension to Anna Delong; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 15044) granting a pension to William T. Slemmons; to the Committee on Pensions.

Also a bill (H. R. 15045) granting a pension to Robert W. Gilkison; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 15046) to remove the charge of desertion from the military record of George E. Miller; to the Committee on Military Affairs.

By Mr. WATSON of Pennsylvania: A bill (H. R. 15047) granting a pension to Mary Hallman, and for other purposes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Ash Grove Lime & Portland Cement Co., Kansas City, Mo., favoring a bill to standardize the barrel of lime; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of Christian Endeavor Society of Los Angeles, Cal., against manufacture and sale, etc., of liquors in the island of Porto Rico; to the Committee on Insular Affairs.

Also (by request), memorial of American Association of Masters, Mates, and Pilots, against House bill 8495, relative to governing Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

Also (by request) memorial of Grand Army of the Republic, Department of Vermont, favoring national defense; to the Committee on Military Affairs.

Also (by request), petition of Zwiazek Sokolow Polskich w Ameryce, favoring bill for relief of starving people of Poland; to the Committee on Foreign Affairs.

Also (by request), memorial of women voters of Colorado, relative to Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany House bill 11799, for relief of Delos Johnson; to the Committee on Invalid Pensions.

By Mr. BEAKES: Petition of Rev. J. Wulfmann and 135 citizens, of Manchester, Mich., favoring Emerson resolution, House joint resolution 127; to the Committee on Foreign Affairs.

Also, petition of Alfred O. Forbes and 6 citizens of Jackson, Irene E. Dingman and 13 citizens of Mackinac City, Mrs. Ural H. Baker and 12 citizens of Grand Traverse and Kalkaska, all in the State of Michigan, protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of union evangelistic meeting of 350 people of Parma and Baptist Young People's Union of the Memorial Baptist Church, of Jackson, Mich., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. CARLIN: Deposition of Basil A. Embrey in re Civil War claim; to the Committee on War Claims.

By Mr. CASEY: Petition of sundry citizens and organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CHARLES: Petition of various residents of the thirtieth New York district, against war with Germany on the submarine issue; to the Committee on Foreign Affairs.

Also, petition of various residents of Schenectady, N. Y., against any declaration of war by the United States; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of men and women voters of Arizona, favoring suffrage for women; to the Committee on the Judiciary.

Also, petition of executive committee of the Republican County Committee of New York County, favoring House bill 6915, relative to pensioning aged employees of Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. EMERSON: Petition of German Evangelical Lutheran Zion congregation, near Bedford, Ohio, against war with Germany; to the Committee on Foreign Affairs.

By Mr. FESS: Petition of 15 citizens of Springfield, Ohio, favoring House bill 8665; to the Committee on Naval Affairs.

Also, memorial of Methodist Episcopal Church of St. Paris, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FLYNN: Memorial of New York State Retail Jewelers' Association, indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: Papers to accompany House bill 7084, for relief of Daniel Pope; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14691, for relief of Robert J. Bingaman; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7082, for relief of Henry C. Wolfe; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7072, for relief of Mary Stahl; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8544, for relief of Henry S. Rider; to the Committee on Invalid Pensions.

Also, petition of citizens of Marysville, Pa., favoring the Emerson condensed-milk resolution; to the Committee on the Judiciary.

By Mr. FULLER: Petition of sundry citizens of Kernan, Ill., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of New York Young Republican Club, relative to the question of national preparedness; to the Committee on Military Affairs.

Also, petition of P. D. Keller, jr., secretary Christian Endeavor Union of Territory of Hawaii, favoring prohibition in Hawaii; to the Committee on the Territories.

Also, petition of Joseph Cummins, of Chicago, Ill., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Chicago (Ill.) Federation of Labor, against preparedness; to the Committee on Military Affairs.

By Mr. GARDNER: Petition of 48 citizens of Haverhill, Mass., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. GRIFFIN: Memorial of the Defiance Machine Works, of Defiance, Ohio, in reference to establishing munitions plant at Defiance; to the Committee on Military Affairs.

Also, memorial of the National Society Scabbard and Blade, of Madison, Wis., in re preparedness; to the Committee on Military Affairs.

Also, petition of New York State Millers' Association, in re the grain-grades bill; to the Committee on Agriculture.

Also, memorial of National Grange legislative committee, in re water-power legislation; to the Committee on the Public Lands.

Also, memorial of General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, of San Francisco, Cal., in re legislation; to the Committee on Military Affairs.

Also, petition of Technology Sales Co., of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. GUERNSEY: Petition of citizens of Mars Hill, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of T. H. Gordon Circle of the Grand Army of the Republic of Salt Lake City, Utah, in favor of widows' pension bill; to the Committee on Invalid Pensions.

Also, communication from Hon. John Derm, Hon. F. J. Kiesel, and 10 other members of Austro-Hungarian Society of Utah, entreating against war with Germany; to the Committee on Foreign Affairs.

By Mr. KAHN: Memorial of Franklin Printing Trades Association, of San Francisco, Cal., favoring an embargo on export of all manufactured paper; to the Committee on Foreign Affairs.

By Mr. LAFEAN: Memorial of Merchants' Association of New York, relative to relations of the United States with the Philippine Islands; to the Committee on Insular Affairs.

By Mr. LOUD: Petition of Ernst Walther and 29 other citizens of Bay City, Mich., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MAGEE (by request): Petition of citizens of Onondaga County, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of Herman L. Grote, of Pittsburgh, Pa., opposed to United States becoming embroiled in European wars; to the Committee on Foreign Affairs.

Also, petition of Isaac W. Frank, of Pittsburgh, Pa., in opposition to House bill 8665; to the Committee on Labor.

Also, petition of E. B. Rockwell, Esq., Washington, D. C., in favor of section 13671 of Hay bill; to the Committee on Military Affairs.

Also, petition of General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, of San Francisco, Cal., in favor of House bill 12671 and Senate bill 5115; to the Committee on Military Affairs.

Also, petition of Frederick M. Hohman, of Pittsburgh, Pa., in support of House bill 14576; to the Committee on Military Affairs.

Also, petition of Chamber of Commerce of Pittsburgh, Pa., in favor of reconsideration of bill granting permission to build proposed power plant in close proximity to Mall in the District of Columbia and selection of a site having the approval of Fine Arts Commission; to the Committee on the District of Columbia.

Also, petition of W. G. Chambers, of University of Pittsburgh, Pittsburgh, Pa., in favor of House bill 13606; to the Committee on the District of Columbia.

Also, petition of Pittsburgh Shoe Retailers' Association, of Pittsburgh, Pa., in favor of establishing a merchant marine controlled and managed by United States Government; to the Committee on Interstate and Foreign Commerce.

Also, petition of Duncan N. Hood, of New York, in favor of more adequate shipping facilities to South America; to the Committee on Interstate and Foreign Commerce.

By Mr. OAKEY (by request): Petition of Dr. J. F. Barton, of Hartford, Conn., for enactment into law of the Gillett bill, House bill 10924, prohibiting rum exports to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. RANDALL: Petition of Ada C. Jenkins and 20 citizens of Los Angeles, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of First Christian Church of Whittier and Woman's Christian Temperance Union of Glendale, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Ira Freeman and 30 other citizens of Los Angeles, Cal., against creation of a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROWE: Petition of sundry citizens of New York City, favoring the Stevens standard price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Produce Exchange, against grain-trades bill; to the Committee on Agriculture.

Also, petition of General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars of the United States, relative to relief from inadequate salaries for headquarters, etc., clerks; to the Committee on Military Affairs.

Also, memorial of American Association of Masters, Mates, and Pilots, United Harbor, No. 1, New York City, against House bill 8495, relative to Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROWLAND: Petition of citizens of Bloom Pike and Union Township, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of S. N. Chidester and nine citizens of Battle Creek, Mich., favoring House bill 10484 (Hardwick bill), for benefit of rural mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Petition of Mrs. Claude Kinne, Frances L. Lewis, Lucy E. Washburn, Wesley C. Kinne, Dora A. Kinne, H. L. Washburn, Mrs. J. E. Ross, James Rose, Mr. Newell E. Rose, Mrs. F. J. Penfield, Mrs. W. T. Powell, W. T. Powell, Essie M. Rose, and Fred E. Gibbons, all of Ogdensburg, N. Y., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petitions of William Langly, K. Williams, James Clark, Mrs. Ira Clark, and Frank Clark, of Saranac Lake; Israel Kent, of Vermontville; E. M. Rounds, D. E. Moxley, K. L. Moxley, Frank Schiff, Asia Williams, Arthur Minfield, H. Williams, and A. M. Langley, of Bloomingdale, all in the State of New York, protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, resolution of Ladies' Aid Society of the First Baptist Church, of Plattsburgh, N. Y., in favor of national preparedness measures; to the Committee on Military Affairs.

Also, resolution of Ethan Allen Grange, of Crown Point, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of John B. Riley, Ernest C. Gordon, Victor F. Boire, G. M. Lobdell, William M. Lucy, John Haughran, G. A. Butler, C. E. Freeman, M. Miller Son, J. D. Davern, Arthur S. Hogue, A. Sharron, O. G. Laskin, F. A. Stone, G. B. Fitch, J. E. McGregor, G. T. Wood, H. C. Graves, John H. Moffitt, Robert E. Healey, Wallace E. Pierce, Allen I. Vosburgh, G. F. Little, Charles McClennen, E. N. Dominy, T. B. Cotter, J. S. Shedden, William J. Smith, G. H. Smith, John P. Myers, R. L. Signor, C. E. Devenburgh, James McKeefe, A. L. Lapham, Ross P. Lobdell, George W. Southwick, Clark W. Howe, F. L. Carroll, William F. Jordan, Leo Balsam, H. T. Kellogg, Henry Brault, F. H. Deland, Charles Renauld, Martin I. Traynor, H. E. Spear, M. Spear, J. H. McGaulley, F. P. McGaulley, L. Wolfe, A. Wolfe, Howard Brewster, Edward McMartin, J. T. Murnane, W. J. Howard, Archie O. Smith, Lewis Miller, E. G. Prumer, S. S. Kempner, Frank G. Thompson, Leo H. Judd, W. B. Jaques, Charles M. Warrington, Robert N. Robinson, John H. Moffitt, jr., John Rivere, William J. Leonard, C. M. Ollivette, H. L. Barber, W. B. Eddy, C. B. Tillson, C. Johnson, P. H. Barber, O. V. Turner, Joseph L. Mark, W. E. Haley, M. Schiff, A. N. Carpenter, and G. S. Nice, all of Plattsburgh, N. Y., urging that section 56 of the Chamberlain bill be retained; to the Committee on Military Affairs.

By Mr. STEPHENS of California: Letter from the Pacific Kissel Kar Co., of San Francisco, Cal., protesting against revenue stamp on checks; to the Committee on Ways and Means.

Also, petition signed by Frederick William Farr and 95 others, of Los Angeles, Cal., protesting against House bill 13048; to the Committee on the District of Columbia.

Also, letter from the Western Meat Co., San Francisco, Cal., concerning the Philippine bill; to the Committee on Insular Affairs.

Also, letter from Gen. Charles Forman and Emil Firth, of Los Angeles, Cal., favoring the Mount Whitney Road; to the Committee on the Public Lands.

By Mr. STINESS: Petition of E. F. Mann, of Coventry, R. I., against action by Congress tending to involve the United States in the European war; to the Committee on Foreign Affairs.

Also, memorial of Prescott Post, No. 1, Grand Army of the Republic, of Providence, R. I., and petition of Joseph R. Burgess, of Providence, R. I., favoring the Chamberlain military bill; to the Committee on Military Affairs.

Also, petition of James H. Young, of Providence, R. I., favoring the passage of Senate bill 4784, for the establishment of an engineering experiment station at each of the land-grant colleges; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: Memorial of women voters of Colorado, adopted at mass meeting held in Denver April 16, 1916, protesting against the delay in House Judiciary Committee reporting suffrage amendment; to the Committee on the Judiciary.

Also, memorial of citizens of Archuleta County, Colo., against the delay in House Judiciary Committee reporting suffrage amendment; to the Committee on the Judiciary.

By Mr. VARE: Petition of citizens of Pennsylvania against Taylor system in Government offices; to the Committee on Labor.

By Mr. WARD: Resolution adopted by citizens of Kingston, N. Y., signed by J. Stumpf, secretary, in reference to warning of American citizens against traveling on armed merchantmen, that an embargo be placed on export of munitions of war, embargo placed on gasoline, etc., and Emerson resolution passed; to the Committee on Foreign Affairs.

By Mr. WASON: Petition of Mrs. E. M. Chase and 46 other residents of Manchester, N. H., favoring the passage of a bill to reimburse parties who contributed money to pay the ransom of Miss Ellen M. Stone, the American missionary who was abducted by brigands on September 3, 1901, while traveling in Turkey; to the Committee on Claims.

SENATE.

WEDNESDAY, *April 26, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the Author of our being, Judge of all men, we come into Thy presence with a full assurance that Thou dost understand us altogether, that Thou dost read the secrets of our hearts. We would not dissemble nor cloak our sins. We call upon Thee with an open confession of sin and with a sense of unworthiness. We have come short of Thy glory. We come, we trust, humbly and earnestly desiring to find Thy favor and to receive Thy forgiveness. We pray for the inspiration of Thy spirit, that we may discharge the duties of this day. Look Thou upon us in the tenderness of a father's love. Take us by the hand and lead us wheresoever Thou wouldst have us go. May the result of the day's work be to the honor and glory of Thy name and to the further establishment of the great ideals of our national life. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. SMITH of Michigan. Mr. President, the right of petition is a constitutional right, and in the exercise of that privilege I present several memorials this morning and ask the indulgence of the Senate while they are noted and properly referred.

I desire to present a petition from the city of Detroit, through its city clerk, and ask that it may be printed in the RECORD without reading.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

DETROIT, *April 24, 1916.*

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.

DEAR SIR: As directed by the common council, I beg to call your attention to a resolution adopted by the legislative body of the city at the last session.

The resolution, which is attached herewith, is self-explanatory. I believe, but I beg to add that the matter is of great interest to the citizens of Detroit generally, and your assistance in making it possible for the city of Detroit to acquire this historic property for use as a city park will be needed and appreciated.

Yours, sincerely, RICHARD LINDSAY,
City Clerk.

Whereas there is in circulation a report that the United States Government will, on recommendation of the Secretary of War, abandon the military post familiarly known as Fort Wayne, now in the environs of our city; and

Whereas the addition of the ground and buildings located thereon would constitute a magnificent park and units for hospital purposes for our citizens generally: Therefore be it

Resolved, That the city clerk be, and is, instructed to communicate with the United States Senators representing the State of Michigan, together with the Congressmen, and especially our Representatives from the first and thirteenth congressional districts, requesting them to exert their best endeavors to acquire the said Fort Wayne grounds and buildings for the use and benefit of the citizens of Detroit.

Mr. SMITH of Michigan. I desire to introduce a memorial from the officers of Grand Castle, Michigan Knights of Luther, of Ann Arbor, Mich., in opposition to the Fitzgerald postal bill and the Siegel postal bill. I should like to have it printed in the RECORD without reading.

There being no objection, the memorial was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

GRAND CASTLE, MICHIGAN KNIGHTS OF LUTHER,
Ann Arbor, Mich., March 27, 1916.

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.

DEAR SIR: The Grand Castle, Michigan Knights of Luther, in State convention assembled at Jackson, Mich., February 22, 1916, did instruct its executive committee to urge the Congressmen and Senators from the State of Michigan, to use every means in their power to defeat, either in committee or on the floors of Congress, the un-American Fitzgerald postal bill (H. R. 6468) and the Siegel postal bill (H. R. 491).

Free institutions depend on a free press. We believe in our free institutions, as do 80,000,000 of the American people, and we will not countenance any tampering with the free press. We count on you to be loyal to the highest interests of the great majority of your constituents and are carefully watching your action on the above bills.

Very respectfully, yours,

L. B. BISSELL,
Detroit, Mich.,
PERCY SNELL,
Cadillac, Mich.,
J. B. SAUNDERS,
Ann Arbor, Mich.,
Executive Committee.

Mr. SMITH of Michigan. I also have a resolution of the Association of Commerce of Grand Rapids, Mich., in favor of Federal aid for vocational education, and I should like to have it printed in the RECORD without reading.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

GRAND RAPIDS ASSOCIATION OF COMMERCE,
Grand Rapids, Mich., April 19, 1916.

Hon. WILLIAM ALDEN SMITH,
Washington, D. C.

DEAR MR. SMITH: At a joint meeting of the committee of one hundred of the Grand Rapids Association of Commerce and the Builders and Traders' Exchange of this city, held Wednesday noon, April 19, for the purpose of discussing the proposed bill relative to Federal aid for vocational education, the following resolution was unanimously adopted, and with instructions to convey this action to you, seeking your immediate support to this measure, viz:

"The committee of one hundred of the Grand Rapids Association of Commerce and the Builders and Traders' Exchange of Grand Rapids, in joint session this date for the purpose of considering referendum No. 14 from the Chamber of Commerce of the United States of America regarding Federal aid for vocational education, heartily indorse the report of the special committee created by the National Chamber of Commerce favoring a Federal appropriation for the promotion of vocational education in the United States. Be that end we invite the cordial support of the Senators of Michigan and the Congressmen from this district, urging that they align with this movement and give such immediate attention to the furtherance of the bill as may insure its passage."

In conjunction with the foregoing we submit this action to you and commend the same for your favorable consideration. We would appreciate an expression from you on this subject, and we are of the opinion that in voting on referendum No. 14 the membership of our association will be practically unanimous in acting in the affirmative regarding Federal aid for vocational education.

Yours, sincerely, W. K. PLUMB, *Secretary.*

Mr. SMITH of Michigan. I have a communication from Local Union No. 97, National Brotherhood of Operative Potters, of Mount Clemens, Mich., which I think ought to be read. I ask unanimous consent that it may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the communication.

The Secretary read as follows:

NATIONAL BROTHERHOOD OF OPERATIVE POTTERS,
Mount Clemens, Mich., March 29, 1916.

Whereas there is a movement on foot to have Congress increase the Army and Navy, thereby increasing the cost of living to the working class: Therefore be it

Resolved, That Local No. 97, National Brotherhood of Operative Potters, is opposed to any increase in the United States military organizations, and call upon our representatives in Congress to use their voice and vote against all bills calling for an increased military organization; further

Resolved, That we use all honorable means in our power to discourage the working class from enlisting; further

Resolved, That if necessary to prepare for war, that we recommend that all citizens who have an income of $10,000 a year be drafted and placed in the first line of defense; further

Resolved, That a copy of these resolutions be sent to our representatives in Congress.

E. W. SOUTHERN, *President.*
JAMES S. MYLES,
[SEAL.] *Recording Secretary.*

The VICE PRESIDENT. The communication will lie on the table.

Mr. JAMES. I present resolutions adopted at a mass meeting of citizens of McCracken County, Ky., indorsing the foreign policy of the President. I ask that they may be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF PUBLIC AFFAIRS,
Paducah, Ky., April 21, 1916.

Hon. OLLIE M. JAMES,
United States Senator, Washington, D. C.

DEAR SENATOR: Inclosed you will please find copy of resolutions which were passed at a mass meeting of the citizens of McCracken County yesterday, indorsing the action of the Government in its foreign-relation policy, and which expresses the views of the citizens of McCracken County and—I feel no hesitancy in saying—the views of western Kentucky.

From the newspaper reports, and from our faith in you, I know you have already announced your position as being absolutely for the policies of the Government, but, in furtherance of the confidence we have in you, I have seen fit to call the people of McCracken County together for the purpose of an expression of their belief and the passage—the unanimous passage—of the resolutions inclosed to you expresses their sentiment more fully than in any other way.

Trusting that the policies of the Government will be crowned with success, and that we may be kept out of the threatened international complications now before us, but again assuring the Government that that portion of western Kentucky which I represent will stand back of it in whatever course it may pursue in the defense of the honor and integrity of the Government, even to the extent of personal sacrifice, I beg to remain.

Very truly, yours, ERNEST LACKEY, *Mayor.*

Whereas the President of the United States, the Hon. Woodrow Wilson, did, on the 19th day of April, 1916, deliver to the Congress of the United States a resumé of the relationship between the United States and the Imperial Government of Germany, thereby disclosing the real condition of affairs existing between the two nations, and by his utterances to said Congress depicted that situation to be one of grave import at this time, in view of the demands of this Government in the interests of humanity and in the upholding of those principles of international law and international intercourse, which have been recognized by all the nations of the earth in the years that have passed as applicable, right and just in their intercourse one with the other; and

Whereas in his wisdom, based upon his own interpretation of the affairs as they exist, and sustained by his Cabinet, after due and proper consideration, he deemed it expedient and wise to, at this time, issue a statement to the Imperial Government of Germany outlining to it the policy of the people of the United States, and demanding of it a compliance with those recognized laws of humanity; and

Whereas he has seen fit in such declaration to Congress to, in effect, issue to Germany an ultimatum, which means, if complied with by Germany, a peaceable continuance of the relationships with that country, but, if disregarded, a severance of the relations, which may or may not mean the necessity upon the part of this country enforcing such demands; and

Whereas we have implicit confidence in his wisdom, in his integrity, and in his patriotism, and in the honesty, integrity, and patriotism of those upon whom he has a right to, and does, rely for advice, for counsel and guidance: Be it therefore

Resolved by the people of McCracken County, Ky., That we heartily indorse, and enthusiastically commend, the action of our President in the position assumed by him in his utterances delivered to the Congress of this country, publicly and without reservations, implied or otherwise, on the 19th day of April, 1916; and be it further

Resolved, That we extend to our representatives in both branches of the Congress of the United States our declaration that we do concur in, indorse, and appreciate the stand taken by our President, and urge each Member of both branches of Congress to uphold his hands in this crisis of our Nation's history in every manner possible, to carry into effect the policies as enunciated by him, pledging our support to such policies absolutely. Be it further

Resolved, That we indulge the hope that the Imperial German Government may accede to the just demands of the President of the United States, in the hope that the friendly relations heretofore existing between the two great nations may continue. Be it further

Resolved, That a copy of these resolutions be forwarded to the Hon. OLLIE M. JAMES and the Hon. J. C. W. BECKHAM, Senators from Kentucky in the United States Senate, and to the Hon. ALBEN W. BARKLEY, our Representative in the lower House of Congress.

ERNEST LACKEY, *Chairman.*
S. REED CAMPBELL,
W. HERNDON LACKEY, *Secretaries.*

Mr. JAMES. I present a telegram in the nature of a petition signed by Alfred Reinhardt, president of the German-American Alliance, Newport, Ky., praying that the Government may continue at peace with the world. I ask that it may be printed in the RECORD.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Telegram.]

COVINGTON, KY., *April 24, 1916.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.

DEAR SIR: The eyes of all fair-minded people and your constituents who are against breaking off diplomatic relations with Germany are directed to your action in Congress. For humanity's sake and justice your constituents most earnestly urge you to oppose any and all attempts that may lead to such a break with Germany, the best friendly nation we have. On account of a mere technicality our country should not be degraded into a war.

Most respectfully, yours,

ALFRED REINHARDT,
President the German-American Alliance of Newport, Ky.

Mr. SHERMAN. I present certain communications in the nature of petitions, one of them dated April 22, 1916, from Ross G. Harrison, professor of comparative anatomy, Yale University. They all concern the refusal of the allies to permit Red Cross supplies to reach the central powers and further concern the proposed branch of the Geneva convention. I ask that these communications be printed in the CONGRESSIONAL RECORD at length without reading.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

NEW HAVEN, CONN., *April 22, 1916.*

Hon. L. Y. SHERMAN,
Washington, D. C.

DEAR SIR: I inclose a copy of an official circular of the American Red Cross and also a copy of a letter of protest which my wife, an active Red Cross worker, has sent to the members of the central committee.

The only publicity which this virtual nullification of the Geneva convention has received has been through the present efforts of myself and several friends, and this has been, of course, wholly inadequate. I therefore appeal to you not to let the matter pass unnoticed in Congress.

A most sinister phase of the situation is that, as president of the American Red Cross, the President of the United States must have known of the matter at the very time when he read his message to Congress on Wednesday last and constituted himself before the world as spokesman for humanity.

I can not believe that the American people will tolerate having their well-deserved reputation for fair play thus thrown to the winds or that they will stand for that particular kind of humanity and neutrality which sees one side only. Nor can I believe that they will permit themselves to be dragged into a futile and senseless war simply because the President has got himself into a dilemma by handling a complicated and far-reaching situation in an utterly one-sided and uncompromising way.

I urge you to throw the whole weight of your influence to divert the disaster of a country divided against itself, which is what our participation in the war on either side would mean, and to stand firmly against the President's policy which holds but one side to account.

Very respectfully, yours,

ROSS G. HARRISON,
Professor of Comparative Anatomy, Yale University.

AMERICAN RED CROSS OFFICIAL ANNOUNCEMENT.

The American Red Cross has received notification through the State Department of the decision of the British Government that Red Cross supplies destined to enemy countries will not be passed through the blockade established by the entente allies. An exception is made of supplies intended for the use of hospital units maintained by the American Red Cross in these countries, but as these have been all withdrawn the prohibition is in fact absolute.

In view of this fact not only is the further contribution of supplies to the Teutonic allies not practicable, but it becomes necessary to make other distribution of those now on hand at the receiving and shipping station of the American Red Cross, Bush Terminal, Brooklyn, N. Y.

It is proposed to ship these supplies, or such of them as may be appropriate for the purpose, to Siberia, to be distributed to German, Austro-Hungarian, and Turkish prisoners in the prison camps of that country. It is therefore requested that you authorize the Red Cross to make this disposition of them, or, if for any reason this becomes impossible, to use these supplies for military preparedness at home or for relief work in disasters in neutral countries. If neither of these dispositions is acceptable, please authorize their shipment, at your expense, to such address in this country as you may indicate.

Please sign the authority given below and return to the Receiving and Shipping Station, American Red Cross, Bush Terminal, Brooklyn, N. Y., in the inclosed envelope.

Very respectfully,

J. R. KEAN,
Colonel, Medical Corps, United States Army,
Director General of Military Relief.

APRIL 18, 1916.

PROTEST TO CENTRAL COMMITTEE AMERICAN RED CROSS.

NEW HAVEN, CONN., *April 22, 1916.*

SIR: I submit for your earnest consideration a copy of an official announcement of the American Red Cross. It states that the British Government refuses to pass Red Cross supplies hereafter from America to the central powers and indicates that the American Government has submitted to this decision without protest or publicity.

This, as you will recognize, is a nullification of the Geneva Convention. It strikes at the foundation of those principles of humanity in warfare of which the Red Cross has been the bulwark and for which the President now stands before the world as spokesman.

I wish to enter an earnest protest against an acquiescence by the American Red Cross in the action of the British Government and also against the policy of the American Government in concealing such important matters from the general public. I would lodge this protest particularly, because at this critical time allegations of inhumanity against the opponents of Great Britain are the basis of an ultimatum of which the natural outcome is war and for which the support of public opinion is sought.

As an active worker for the Red Cross, I urge, therefore, that this matter be given immediate reconsideration by the central committee and that the public be authoritatively informed of what has been done in order that public opinion may assert itself.

Very truly, yours,

IDA HARRISON,
For the New Haven Sewing Circles.

Address: Mrs. Ross G. Harrison, 142 Huntington Street, New Haven, Conn.

Mr. BRADY presented a memorial of sundry citizens of Rathdrum, Idaho, remonstrating against the passage of the so-called rural-credits bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Orofino, Idaho, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Gilbert, Idaho, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of 675 farmers in the State of Michigan, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Wyandotte, Mich., praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of Bay City, Mich., remonstrating against the enactment of legislation to

limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Woman's Club, of Alma, Mich., remonstrating against the proposed power-house site in the city of Washington, D. C., which was ordered to lie on the table.

Mr. MYERS. I present a resolution adopted at a regular meeting of the Silver Bow Trades and Labor Council, of Butte, Mont., which I ask may be printed in the RECORD, together with the signatures.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

SILVER BOW TRADES AND LABOR COUNCIL,
Butte, Mont., April 11, 1916.

To Montana Representatives in Congress.

GENTLEMEN: The following resolution bearing on "child labor" was adopted at a regular meeting of the Silver Bow Trades and Labor Council, the representative body for some 5,000 members of organized labor in Silver Bow County, Mont., to wit:

Whereas there is now pending in the United States Senate a bill known as the Keating child-labor bill; and

Whereas we believe it is to the best interests of the workers and citizens of this country that this bill should pass: Therefore be it

Resolved, That we, the delegates from the various locals to the Silver Bow Trades and Labor Council, in regular meeting assembled, do hereby request our Senators and Representatives from Montana to work for the immediate passage of the Keating bill.

Respectfully submitted.

[SEAL.] SILVER BOW TRADES AND LABOR COUNCIL,
F. A. RIGELOW, *President.*
O. C. PARTELOW, *Secretary.*

Mr. BURLEIGH presented a memorial of sundry citizens of Richmond, Me., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of Excelsior Lodge, Knights of Pythias, of Stamford, Conn., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of 2,661 members of various German societies of the German American Alliance, of Hartford; of the German American Alliance, of Bridgeport; and of the Trades Council, of New Haven, all in the State of Connecticut, remonstrating against the severance of diplomatic relations with Germany and also against the United States becoming involved in the European war, which were referred to the Committee on Foreign Relations.

Mr. STONE presented a memorial of the Interstate Sportmen's Protective Association, of Kansas City, Mo., remonstrating against the adoption of certain provisions of the so-called migratory-bird law, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. LANE presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Weston County, Wyo., praying for the adoption of certain amendments to the so-called stock-raising homestead bill, which were ordered to lie on the table.

Mr. PHELAN presented a petition of sundry citizens of Patterson, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce, of Eureka, Cal., praying for the passage of the so-called Newlands-Broussard river regulation bill, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce, of Eureka, Cal., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of Los Angeles District California Congress of Mothers, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BECKHAM, from the Committee on the Library, to which was referred the bill (H. R. 8351) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto, reported it with amendments and submitted a report (No. 387) thereon.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (S. 4802) to exclude intoxicating liquors from national parks and national forest reserves, reported it without amendment and submitted a report (No. 388) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 13486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 389); and

H. R. 13620. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors (Rept. No. 390).

Mr. LANE, from the Committee on Claims, to which was referred the bill (S. 2852) for the relief of John F. Considine, reported it with an amendment and submitted a report (No. 391) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 5757) to enlarge the jurisdiction of the municipal court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

By Mr. PITTMAN:

A bill (S. 5758) to amend sections 1 and 94 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. BROUSSARD:

A bill (S. 5759) for the relief of James Dodds; to the Committee on Military Affairs.

A bill (S. 5760) granting an increase of pension to Paul Sullivan, alias Matthias G. Clark; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 5761) authorizing the Flandreau Band of Sioux Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. GALLINGER (for Mr. GOFF):

A bill (S. 5762) granting an increase of pension to George W. Dawson (with accompanying papers);

A bill (S. 5763) granting an increase of pension to Nancy E. Gatrell;

A bill (S. 5764) granting an increase of pension to William S. Clark; and

A bill (S. 5765) granting an increase of pension to Eliza Jane McCoy (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 5766) granting a pension to Sarah J. Cone (with accompanying papers); and

A bill (S. 5767) granting an increase of pension to Ezra A. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5768) for the relief of Frank Carpenter (with accompanying papers); to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 5769) granting an increase of pension to Joseph Burton (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A joint resolution (S. J. Res. 125) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes; to the Committee on Patents.

By Mr. GORE:

A joint resolution (S. J. Res. 126) authorizing the Postmaster General to ascertain the effect upon postal receipts on first-class mail matter in certain post-office delivery districts of reduction of the rate to 1 cent per ounce or fraction thereof; to the Committee on Post Offices and Post Roads.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SHAFROTH. I submit an amendment intended to be proposed to the river and harbor appropriation bill (H. R.

12193), which I ask may be read at the desk and referred to the Committee on Commerce.

The proposed amendment was read and referred to the Committee on Commerce, as follows:

By adding a new section thereto, as follows:

SEC. 6. That each of the appropriations herein made shall become available only in the event States, counties, cities, or individuals shall pay into the Treasury as part of the same 20 per cent of the amount thereof.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. WILLIAMS. I wish to offer an amendment to House bill 6918, to relieve Congress from the adjudication of private claims against the Government, to be pending when the bill to which it refers comes up for consideration.

The VICE PRESIDENT. The proposed amendment will be printed and referred to the Committee on the Judiciary.

THE JUDICIAL CODE.

Mr. GALLINGER (for Mr. GOFF) submitted an amendment intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

THE AQUEDUCT BRIDGE.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, which was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5415) to authorize the construction of a bridge across the Fox River at Geneva, Ill.

The message also announced that the House had passed a bill (H. R. 10750) permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 10750. An act permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana was read twice by its title and referred to the Committee on Commerce.

GOOD ROADS.

The VICE PRESIDENT. Morning business is closed.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7617, commonly known as the good-roads bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Nebraska [Mr. NORRIS].

Mr. BANKHEAD. I am sorry the Senator from Nebraska is not in the Chamber. I was going to suggest to him that if he would be satisfied with striking out "six months" and inserting "four months" I thought the committee would be willing to accept that modification. He stated the other day that he would agree to it. Since then, however, there has been a great deal of discussion on it, and I do not know what his attitude would be now. I suggest that the amendment be passed over for the present until the Senator from Nebraska returns to the Chamber.

The VICE PRESIDENT. It will go over, without objection. The bill is as in Committee of the Whole and open to further amendment.

Mr. GALLINGER. Mr. President, I wish to ask the chairman of the committee a question. I notice, on page 12, lines 13, 14, and 15, that the maximum amount which may be paid for the construction of a road is fixed at not to exceed $10,000 per mile. I think that is wise, although in some parts of the country it may cost more than that. But what I wish to inquire of the Senator is whether the minimum might not likewise well be fixed. Is the Senator sure that we will not get some dirt roads in the country under this bill?

Mr. BANKHEAD. As to the first inquiry, I will say to the Senator the purpose is that the Government shall not appropriate more than $10,000 a mile on any road; but there is no reason why the State, county, and locality may not appropriate $20,000 if they desire.

Mr. GALLINGER. I understand; but what is troubling my mind is this: If the Government and the States are going jointly into the matter of building roads, we ought to have good roads.

Mr. BANKHEAD. I quite agree with the Senator.

Mr. GALLINGER. There is no minimum fixed; and may we not find after a while, unless we fix a minimum amount, that some pretty cheap roads are being constructed that will not stand the wear and tear of the modern vehicles?

Mr. BANKHEAD. Mr. President, the committee and the Secretary of Agriculture discussed that matter very fully, and we did not quite see how we could fix a minimum. The conditions are so different in different portions of the country that we thought it would be very difficult to do that. For instance, there are sections of the country where a good road can be built for from $1,200 to $1,500 a mile, a sand and clay road, and they have proved to be very excellent. There are other sections where it will cost more, where they will build gravel roads; and in some others it will cost a great deal more if they undertake to build a surfaced road. The committee thought after investigating it that the best thing would be to leave the question to the State highway commission and the Secretary of Agriculture to pass upon it.

Mr. GALLINGER. If the Senator thinks it is safe in the hands of other officials I am not going to say another word, but I should very much dislike if, after we have appropriated this large sum of money and this good-roads movement is well in progress, we should find that very inferior roads are being built in some sections of the country.

Mr. BANKHEAD. I quite agree with the Senator as to that.

Mr. GALLINGER. I have seen bills presented to Congress where, among other things, they provided for sand roads—dirt roads. I think we ought to get rid of dirt roads nowadays as far as possible. But if the Senator is satisfied that it is safely guarded I shall say nothing further.

Mr. SMITH of Georgia. I only wish to say to the Senator from New Hampshire that there is a sand and clay road now made which is one of the very best roads that can be built. It is a road that is durable in many sections, where the land is not too hilly.

Mr. CLAPP. In some cases it lasts longer than these high-priced concrete roads for which vast sums are paid.

Mr. OVERMAN. I wish to say that that is my experience. In North Carolina some of our best roads are what are known as sand-clay roads. They last longer.

Mr. GALLINGER. It is a novel thought to me that dirt roads are better than more substantial roads.

Mr. OVERMAN. They last longer. They do not tear up like other roads.

Mr. GALLINGER. I think likely that is true.

Mr. OVERMAN. I will say that in my county we spent $3,600 for what is known as a macadam road, and it is found that they are not as good as the sand roads, because the macadam roads are torn up by automobiles.

Mr. GALLINGER. That would not be the case if they were properly examined from time to time and repaired.

Mr. OVERMAN. They repair them, but it does not do any good. They are discarded for sand-clay roads. That is our experience. They are better than the macadam.

Mr. GALLINGER. All right.

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to amendment.

Mr. JONES. Mr. President, there are two or three Senators away who I know are very much interested in some features of the bill, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Myers	Smith, Mich.
Bankhead	Hitchcock	Nelson	Smith, S. C.
Beckham	Hollis	Norris	Smoot
Brady	Hughes	Overman	Sterling
Brandegee	Husting	Owen	Sutherland
Broussard	James	Page	Swanson
Burleigh	Johnson, Me.	Pittman	Thomas
Clapp	Johnson, S. Dak.	Poindexter	Thompson
Clark, Wyo.	Jones	Pomerene	Tillman
Culberson	Kenyon	Ransdell	Townsend
Curtis	La Follette	Saulsbury	Underwood
Dillingham	Lane	Shafroth	Wadsworth
du Pont	Lippitt	Sheppard	Walsh
Gallinger	Martin, Va.	Sherman	Williams
Gronna	Martine, N. J.	Smith, Ga.	

Mr. OVERMAN. Mr. President, I wish to announce that my colleague [Mr. SIMMONS] has been called away on important business and is therefore unavoidably detained from the Senate.

Mr. BECKHAM. The Senator from Mississippi [Mr. VARDAMAN] is absent on official business.

The roll call was concluded.

Mr. BECKHAM. I wish to announce that the Senator from Tennessee [Mr. SHIELDS] is absent on account of death in his family. I desire that this announcement shall stand for the day.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is unavoidably detained on public business.

I also desire to announce that the Senator from Arkansas [Mr. ROBINSON] is unavoidably detained from the Senate. I ask that both of these announcements shall stand for the day.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

Mr. BANKHEAD. Mr. President, I see that the Senator from Nebraska [Mr. NORRIS] is now in the Chamber.

The VICE PRESIDENT. The pending amendment is the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the amendment of the committee.

Mr. BANKHEAD. I want to ask the Senator from Nebraska, as his amendment to the amendment was temporarily passed over until he could be present, if he will not consent to an amendment striking out "six months" and inserting "four months"?

Mr. NORRIS. Mr. President, in the first place, I wish to thank the Senator from Alabama for delaying the matter until I could be present. I was unavoidably detained this morning and came as soon as I could.

While I do not like the suggestion made by the Senator from Alabama nearly so well as I do the amendment to the amendment which I have proposed, yet, so far as I am concerned—and, of course, I can only speak for myself, for the amendment may be offered by some one else—I feel constrained, after talking with several Senators who have favored the amendment to the amendment, to accept the proposition of the Senator from Alabama. I am willing to do that.

Mr. TOWNSEND. What is the modification now proposed of the amendment of the Senator from Nebraska to the amendment of the committee?

The VICE PRESIDENT. The Secretary will state the amendment to the amendment as now proposed to be modified.

The SECRETARY. The Senator from Alabama moves to amend the committee amendment as follows: On page 12, line 25, before the word "months," to strike out "six" and to insert "four," so that it will read:

SEC. 7. That the Secretary of Agriculture shall withhold apportionment of funds to any State in which roads constructed under the provisions of this act have not, in his judgment, been properly maintained by the State, or any subdivision thereof, if within four months after he has given notice in writing to the State highway department such roads be not properly maintained by the State or any subdivision thereof.

The VICE PRESIDENT. The amendment to the amendment will be agreed to without objection. The bill is still before the Senate, as in Committee of the Whole, and open to further amendment.

Mr. SMOOT. Mr. President, if there are no further amendments to be proposed to perfect the committee amendment——

Mr. NORRIS. Mr. President, if the Senator from Utah will yield, I have another amendment to the amendment which I should like to offer, and to which I think the committee will agree.

Mr. SMOOT. I yield to the Senator from that purpose.

Mr. NORRIS. On page 12, line 24, I move to strike out the words "in his judgment." I do not think that will change the meaning of the bill, but it seems to me it would be much better that those words should be stricken out. It is not customary in legislation to insert phrases of that kind, as I understand, and such language certainly does not add anything to a law.

Mr. BANKHEAD. I have no objection to that amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 12, line 24, after the word "not," it is proposed to strike out the words "in his judgment."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate, as in Committee of the Whole, and open to further amendment.

Mr. NORRIS. I have no further amendment to offer, Mr. President.

Mr. SMOOT. Mr. President, if the amendment suggested by the committee to the House bill is perfected, I wish to offer a substitute for the Senate amendment.

The VICE PRESIDENT. Are there any further amendments to be proposed to the committee amendment?

Mr. POMERENE. Mr. President, on page 11, line 21, after the word "exceed," I move to strike out the word "fifty" and to insert in lieu thereof the words "thirty-three and one-third," so that the text will read:

The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 33⅓ per cent of the total estimated cost thereof.

Mr. President, several days ago this same subject matter was discussed somewhat at length in connection with an amendment offered by the Senator from Nebraska [Mr. NORRIS]. When we recognize the fact that there are practically 2,300,000 miles of public highways in the United States—at least those are the figures furnished us by the committee in its report—I think we must all come to the conclusion that the burden of public-road improvement must be borne by the States or the local geographical subdivisions thereof.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me a moment, what did he say was the road mileage of the United States?

Mr. POMERENE. The figures given in the report show the road mileage to be 2,300,000. All who favor legislation of this kind are interested in the subject not only of good roads, but permanent good roads, and my thought is, the project being so large, the portion of this expense which should be borne by the Federal Government must be substantially less than that which is borne by the States or the subdivisions thereof. My belief is that the policy adopted by the Federal Government should be such that it will encourage public-road building to the utmost. If we make the proportion which may be expended by the Federal Government not to exceed one-third of the total cost, I believe more miles of public highway will be permanently improved by the State authorities than will be improved if we agree to pay not to exceed 50 per cent thereof, and it was with that thought in mind that I offered this amendment.

Mr. GALLINGER. Mr. President, the Senator's amendment reduces the proportion to be paid by the Government from 50 per cent to 33⅓ per cent?

Mr. POMERENE. That is the amendment.

Mr. GALLINGER. May I say a word?

Mr. POMERENE. Certainly.

Mr. GALLINGER. Mr. President, I am not at all sure that that is a wise amendment. After all, the whole amount comes from the taxpayers of the country. The 50 per cent which the Government will pay will come from the men, women, and children of the country who pay tribute to the Government through impost duties and other forms of taxation. So, after all, it is taking it out of one pocket and putting it into another. The cities, towns, and counties are very heavily taxed at the present time, not only in reference to good roads, but in reference to all other matters. The people of the country are looking with a feeling of certainty, as well as with some degree of trepidation, upon increased taxes in the near future. If such taxes must be levied, doubtless the people of the country will submit to them with good grace, as they always have done; but, nevertheless, they have considerable anxiety about that matter.

If this burden could be lifted from the people directly to the extent of 50 per cent, I think there would be less tendency for faultfinding on the part of the taxpayers of the country than there will be if we so arrange the bill that the Government will pay less than is to be exacted from the cities and municipalities. That is the thought running in my mind, and I think possibly the Senator will admit that there is some force in it.

Mr. POMERENE. Mr. President, I recognize the fact that some Senators are imbued with that idea, and I am not here to say absolutely that they are wrong and I am right in the matter; but it must be borne in mind that the drafts upon the Federal Treasury are very great, too. I am satisfied in my own State, whether or not there is any Federal aid, we are going to have a system of good public highways. Our people have been bitten by the good-roads microbe, and they are appreciating now more than ever before the benefit to be derived from good roads. Many of the New England States have an excellent road system. Some of the States are rather further behind than either the New England States or my own State; but I am still of the opinion that the burden of this work must be borne by the local authorities, and I feel that we will be doing more for the cause of good roads if we reduce this amount to 33⅓ per cent than we will if we retain it at 50 per cent.

Mr. SMITH of Georgia. Mr. President, it is not to be supposed that all the good roads that are to be built will be those constructed under this form of cooperation between the Government and the States. The roads constructed under this bill, I trust, will be a very small part of the roads that are to be constructed, and constructed in the near future. It is rather a movement to give an example of and to afford an inspiration for good road building. The theory has been that when the Government takes part in a local enterprise, so far as that local enterprise goes, the expense shall be borne half by the Government and half by the locality; and I think it would be a great mistake in this instance if this bill were changed as the Senator from Ohio proposes. I feel sure that it in no sense means that the expenditures for good roads are to be only half and half, but that the good roads built under this bill will be an illustration of what good roads may accomplish and afford an example for road construction by adopting the best methods which may be possible.

Mr. LIPPITT. Mr. President, I should like to say to the Senator from Georgia that my thought concerning this bill has been just the opposite of the idea he has expressed. It seems to me that the tendency of the States will be not to build any good roads until they have arranged for the National Government to participate in their construction. That is only ordinary human nature. If a community finds that somebody else will pay 50 per cent of the cost of some improvement which they want they will endeavor so to arrange their matters that they will get that 50 per cent before they spend the money themselves. I know what has happened in States where the State itself has given aid to the construction of State highways so far as the respective activities of the State and the towns are concerned. The towns have stopped building roads; they have stopped making improvements until they can arrange that the State shall pay its proportion of the cost of the improvement.

It seems to me, if I understand this bill aright, that it is only the first step toward an enormous expenditure of money by the National Government for the construction of roads all over the United States. I expect that the instant this principle has been established the application of it will grow enormously. I think we shall have continual demands from all over the country to have this appropriation increased, and the tendency in the States will be to withhold and delay any improvement until such time as they can be sure that the National Government is going to participate in it. I really can not take the view the Senator from Georgia has expressed.

Mr. SMITH of Georgia. Mr. President, if I agreed with the views of the Senator from Rhode Island and believed that within the next 20 years we would have no road development in my section, except that which came from the cooperation of the Federal Government and the States, the counties, and other subdivisions, I would vote against this bill without a moment's hesitation. I do not anticipate anything of the kind. I think it will be a stimulus to improve roads. You can only reach a very small portion of your roads—one in a county, a portion of one in a county—when they are developed in this way; but all of the balance of the people will be aroused and interested in the direction of additional good roads. I look to see these roads an example and an inspiration of good roads.

Mr. LIPPITT. Mr. President, of course the Senator from Georgia knows the enormously active lobby which is now advocating the passage of this bill, and which has been advocating it for some time.

Mr. SMITH of Georgia. No; I do not know anything about any lobby. If the Senator does, he knows something I do not know. I have had no suggestion made to me through anybody outside.

Mr. LIPPITT. I can only say that I know how well informed the Senator is, and if he has not had his attention called to the tremendous amount of literature which is being distributed in this country in favor of national good roads——

Mr. SMITH of Georgia. That literature is in opposition to this bill.

Mr. LIPPITT. I have not happened to see any that was in opposition to it. Every two or three days I am receiving the most expensive maps, showing the proposed system of nationally aided good roads—maps which would mean the expenditure of an enormous amount of money for their production, and which are being circulated with the statement underneath that by the aid of the National Government the States are going to get these roads built largely without expense to themselves. There is no statement on those maps as to where the money is coming from that is to be expended for these roads. The implication is carried by these publications that it is going to be a free gift to each and every State from some unknown source; and from reading them I rather got the idea that the money was going to come something like the manna from heaven in the olden times—that the money just grew.

Mr. SMITH of Georgia. Did the Senator read this literature with any care?

Mr. LIPPITT. I looked over some of those maps.

Mr. SMITH of Georgia. Did he not observe that they were hostile to this bill, and hostile to this kind of road construction? Did he not recognize the fact that the literature was in opposition to this legislation?

Mr. LIPPITT. I understood that it was in favor of national aid to State roads.

Mr. SMITH of Georgia. A few great automobile highways.

Mr. BANKHEAD. Mr. President——

Mr. LIPPITT. I yield to the Senator from Alabama.

Mr. BANKHEAD. I have not seen the literature to which the Senator refers. The only literature I have received has been literature advocating great national highways, boulevards, mainly for the use of automobiles. I am not opposed to national highways. I am not opposed to roads upon which automobiles can travel. I should like to see them all over the country. I should like to have our friends from Rhode Island and New York and Pennsylvania get in an automobile and come down to Alabama and see us, and we would make it delightful for them. There is no question about that.

Mr. LIPPITT. I should like to go with the Senator.

Mr. BANKHEAD. But it is a very different kind of roads that we seek to build under the provisions of this bill. We want to improve the country roads over which the mails are carried, and the country roads over which the farmers can send their products to market. That is the object of this bill—not to build great national highways and boulevards.

Mr. LIPPITT. I understand the subterfuge in this bill. The purpose, as described in the bill, is to aid the States in building roads over which the mail is being sent, or over which the mail might be sent; and, of course, when you include roads over which the mail might be sent, that practically includes every road.

Mr. BANKHEAD. The Senator will remember that the Senator from Connecticut has had that expression, "might be sent," stricken out.

Mr. LIPPITT. If the Senator will remember, I asked him a few minutes ago if he had a copy of the bill as amended. I was aware that several amendments had been suggested, but I did not recall exactly what they were. I really had in my mind the purpose of this bill as it was indicated in the bill at the start. I am also aware, as the Senator says, that there are different theories upon which this national aid to State roads may be established; but I think I am absolutely correct in saying that there is an enormous movement going on in this country which, from the way it is conducted, is manifestly very liberally financed. The purpose of it is to obtain national aid, money from the Treasury of the United States, to construct a purely local implement of commerce and trade and transportation.

I am also aware that some of the States, including my own, have already spent enormous amounts of money out of their own treasuries for the construction of such roads. I am aware that if this bill is put into operation the State of Rhode Island will have to pay something like $750,000, which will be a contribution from the taxable property of the people of Rhode Island to the construction of roads at distant points, where they probably never will have any opportunity of using them at all. They will be obliged to do that although they have constructed their own roads entirely at their own expense. In fact, the operation of this bill is taking away from the State of Rhode Island a source of taxation which they would like themselves to use for the construction of their own roads. They have already spent so much money on them that they are hesitating as to how much further they can go in that direction without imposing undue charges on the people; and now this movement comes along which is going to deprive them of something like three-quarters of a million dollars which they would like very much to spend on their own roads, and which is to be distributed in other parts of the country.

I realize that a large number of the States are going to receive large sums from the operation of this bill, from sources outside of their own borders, which they will have for the construction of these roads; and it seems to me the inevitable tendency of the States will be to find that it is a very good thing, and to come back for more.

Mr. MARTINE of New Jersey. Mr. President, if the Senator will permit me, it seems to me, of course, that the line of argument advanced by the Senator from Rhode Island is applicable to the State of New Jersey. We have spent many millions of dollars in the matter of good roads. We are fortunate in the possession of a comparatively small State geographically, and a very compact settlement, and fortunate in being a wealthy State, and we have spent a very great deal of money on our roads. But, as I said the other day, I advocate this bill; and while I have had some criticism of my advocacy of it, I can not believe that I was elected a Senator from New Jersey or that the Senator from Rhode Island was elected a Senator from Rhode Island simply to look to the interests of our own States, and to look no further than our borders. I feel that we are here for a broader and a bigger purpose, to do that which shall enhance the general welfare and benefit of the whole country. I can understand that our good roads in New Jersey would amount to but little if we had a barrier placed at the State line, and were not permitted to extend over into Pennsylvania and across into New York, and ultimately, mayhap, over into Rhode Island.

So I believe that it is an unwise policy, and it is an unfortunate argument for us to argue simply because we have them, and because we, through the blessings of a Divine Providence, and mayhap fortunate circumstances and surroundings, may have acquired a little more wealth than some of the more sparsely settled communities, that we should be satisfied with ourselves and shut ourselves up in our own shell and say, "To the devil with the hindmost." I do not believe that should be the policy of a Representative or a Senator, for I believe it is not a statesmanlike policy.

Of course, the matter of roads affects us more than directly. It affects us indirectly as well. If Rhode Island is improved, hence the next State is improved, Connecticut is more or less improved, and we catch the drippings of the wealth that comes to us. You can not construct a great public highway system selfishly. We were about the first in this country to start out with a good roads system. We have spent many millions of dollars on roadways. We have seen direct results from it. It has multiplied the value of our acres. It has made homes in the country desirable, which we are all arguing for. We are all seeking to do something that shall prevent the congestion in the great cities and shall cause people to seek rural homes. We have solved the problem very largely, though we have 10,000 miles more to improve. Not only has it directly affected us but it has affected the communities all around us; and for us to stand out in this way, with this idea advanced by the Senator, it seems to me would be most unfortunate.

I feel that the Senator is decidedly unfortunate when he refers to the documents or the literature that have come to us as being a lobby. That is not my idea of a lobby. I had an idea—it may be a mistaken one; I have never had my buttons pulled off by a lobbyist since I have been here—but I had an idea that a lobbyist was a genial, suave, glib-tongued fellow who would gather me in the corners of yonder corridor and tell me that there was "something in it for me." I have had none of that sort of thing. I have had no uncanny methods or unreasonable methods or unjustifiable methods practiced on me. I, in common with the Senator from Rhode Island, have received document after document, map after map, giving me a portrayal of the ramifications of the road system of the country; and I say that I am thankful to the authors, whoever they were—and I do not know who they were—for having sent me such documents. I have gained from them an idea of the roads through Rhode Island, the roads through Georgia and Alabama and South Carolina and Kentucky, if you choose, which I never would have gained otherwise, for I am not one of those blest citizens who happen to own a five-thousand-dollar automobile and can go practically and see these localities. I have taken these lines and delineations that have been presented on these maps. There has been nothing uncanny in that. They have been sent quite broadcast. I have gained from them wisdom and knowledge; and if that be called lobbyism, then Godspeed lobbyism! I do not care how much may come of it.

I am in favor of this bill because I believe that the ramifications of a great road system can never come in this country without Government aid; and I believe that the people of the State of New Jersey, even with all that they have spent, will willingly bear their share in order that they may aid Mississippi, and that they may aid Rhode Island and Pennsylvania and the Southern States, if you choose.

I hope the bill will pass.

Mr. LIPPITT. Mr. President, I did not bring up the question of lobbying on this bill, if the movement may be so described, because I objected to it. I do not. I thoroughly agree with the Senator that it is the privilege and the duty of American citizens who are interested in any project, whether it is good roads or something else, to have their views presented before the Members of Congress and to take all legitimate means to do so. I do not sympathize in the slightest degree with the criticism which has been frequently levied in this body in regard to what has been called, as a convenient name for it, lobbying. I think it is a proper movement, and that without it we should be carrying on a great part of our business in ignorance of the facts.

What I brought the matter up for was because the Senator from Georgia [Mr. SMITH] had made the remark that he did not think this appropriation would mean that the States were going to rely in the future upon national aid. Now, he may be correct; I do not know; but it seems to me that this is simply the entering wedge for an enormously expensive expenditure by the Government of the United States. I believe that the very remarks which the Senator from New Jersey [Mr. MARTINE] has just made in favor of this movement indicate the great lengths to which it will ultimately go. I think it is only reasonable and proper that in the consideration of this initial movement we should have in our minds the probable extent and the probable result of it; and I think it is eminently proper that I should call to the attention of the Senate the effects which it will have on my own community and that I should present those facts in such a way that they will realize exactly what it means to us.

Mr. TOWNSEND. Mr. President, I hope the amendment offered by the Senator from Ohio will not prevail. It occurs to me that there has been no question that has been more intelligently urged by the people of the United States than has the one referring to good roads. In practically all of the States, at least in most of them, they have commissions which have made a very careful and a very thorough study of this subject. They are asking that this legislation be enacted. They have a right to ask for it.

The Federal Government is directly charged, under the Constitution, with the construction and maintenance of post roads. That language is more clear than is the language under which the Government proceeds with the development and improvement of rivers and harbors. It is true, of course, that under the river and harbor provision only a few States, comparatively, get the appropriations, but those appropriations are made for the benefit of commerce. The appropriations here are proposed for the benefit of post roads, in which all of the people are interested. Now, most of these State organizations, practically all of them, have decided that the half-and-half proposition was a practicable and an equitable one. That is arbitrary, of course. We could decide on paying one-third, possibly, as well as one-half; it would make no difference as to new mileage; but all of the arguments, all of the propositions which have been considered by the States have been based upon this 50 per cent division.

I agree with the Senator from Georgia that national aid is not going to prevent the building of roads. The movement is on. I confess that I have hesitated sometimes about starting this matter—not that we have not a right to do it, but because it might ultimately lead to very enormous expenditures on the part of the Government. I have also thought that possibly this was not a good time to begin. The Government is incurring unusual expenses; the Treasury is embarrassed. But the sentiment for Federal aid is abroad in the land. Nothing is more clearly settled on the part of the people than the question of Government aid for good roads.

I believe the bill of the Senate committee as here presented is the best under all the circumstances which has been conceived and brought to the attention of either House. It means good roads, in my judgment. I do not believe that the money will be squandered. The experimental period for building roads, as to material and method of construction, has passed. It has cost a good deal for the States to learn how to build roads, but to-day that question is practically settled. The Secretary of Agriculture will be surrounded by experts who understand the situation.

We are in reality, as the Senator from New Hampshire has said, spending the people's money. Whether it is taken from the individual States or a part from the Federal Government, it all belongs to all the States. Therefore, inasmuch as this plan has been worked out, inasmuch as it has become the settled conviction of the States that this is the proper proportion, it seems to me that it would be wise to follow the recommendation of the committee and adopt the bill as presented by it.

Mr. NORRIS. Mr. President, I sincerely trust that the amendment offered by the Senator from Ohio may be adopted. It is true, as the Senator from Michigan [Mr. TOWNSEND] and the Senator from Georgia [Mr. SMITH] have said, that the States will build a great deal of road, regardless of Federal assistance; that the roads built in the State with Federal assistance will be small in comparison with the roads the States will build on their own account. At the same time, it seems to me that those very facts constitute a good and valid argument why the amendment of the Senator from Ohio should be

Mr. NORRIS. Does the Senator contend that if the amend-

Mr. LANE. Mr. President, the argument reminds me of the

the bill provides. But the 50 per cent basis has this advantage:

adopted. It means, if it is adopted, that under this bill, if it becomes a law, there will be one-third more mileage of road constructed than though it were not adopted.

I would not want to make any Federal contribution so small that the State would not take advantage of the Federal statute and provide the necessary supervisory machinery to get Federal aid, but when we fix a proportion that will bring the States in to get this aid we ought to fix it at just as small an amount of Federal contribution as will have that effect. Nobody denies but that one-third is amply sufficient to accomplish that. As the Senator from Rhode Island [Mr. LIPPITT] says, it spreads the appropriation out a good deal wider and further.

It does not affect, Senators must remember, the amount of Federal contribution. That will be just the same. If this amendment prevails, instead of applying a Federal contribution over a road, say, 9 miles in length, it will add a third to it. The fact that the States are going to build roads in addition to Federal-aided roads, as the Senator from Michigan and the Senator from Georgia say, is a convincing proof that they will take advantage of the Federal statute if the proportion is fixed at 33⅓ per cent of the Federal contribution.

I offered an amendment the other day making the per cent 25 instead of 50, and we debated that at length. It seemed to me that that amendment ought to have been adopted, but the Senate in its wisdom thought otherwise and voted it down.

Mr. LANE. Mr. President——

Mr. NORRIS. I yield to the Senator from Oregon.

Mr. LANE. With all due deference to the Senator, I do not understand the logic of his reasoning when he supposes that the States will build more roads if they receive only 33⅓ per cent contributions from the Government than they will if they receive 50 per cent. It does not seem reasonable on the face of it. If you increase the contribution, it would seem to me that they would build more roads; that the more money they receive the more they will build. If by reducing the appropriation from 50 per cent to 33⅓ per cent and by doing so get more roads, why do you not cut it down to about 10 per cent and secure still more roads?

Mr. NORRIS. I answered that argument the other day when the Senator was not here, but I will answer the suggestion he made now, and I will convince him that I am right. Let us take an actual case. Suppose that as an actual contribution to the State of Oregon under this bill after it becomes a law the State is apportioned $200,000. The bill as it stands now provides that the State of Oregon must put in $200,000, and that the $400,000 will be used to build roads in Oregon. That is the Federal contribution on the 50 per cent basis.

If the amendment of the Senator from Ohio prevails, then the State of Oregon will get the same $200,000. It does not change the amount that the State gets. But instead of the State of Oregon being compelled to put up $200,000 to meet that $200,000, it will have to put up one-third more, and with that they will construct a road that is one-third longer.

Mr. LANE. That is all right, but I do not think it will appeal to the practical people of Oregon that they will get more at 33⅓ per cent than if it were 50 per cent or 60 per cent or 70 per cent. They would like it much better if you would put it all in.

Mr. NORRIS. Certainly.

Mr. LANE. The people of Oregon are building on the half-and-half principle harbors and other improvements. They are quite used to that system, and they put up more than any other State in the Union in proportion to their population and the amount of improvements carried on in the way of harbors. If you cut it to 33⅓ per cent I do not think they will look upon it as an extra inducement to build roads. In fact, I think you will get more miles of road if you keep it at 50 per cent. The argument is a little erratic.

Mr. BANKHEAD. Mr. President——

Mr. NORRIS. Just a moment. It can not be possible that we will get more roads built if we let it remain at 50 per cent instead of 33⅓ per cent, unless you assume that the State will not take advantage of the Federal statute. If the State takes advantage of the Federal statute, then, with this amendment of the Senator from Ohio, it follows, just as the night follows the day, it is mathematically true that there will be one-third more roads constructed under Federal supervision than though the amendment were defeated. I yield to the Senator from Alabama.

Mr. BANKHEAD. I should like to know by what process of reasoning the Senator from Nebraska concludes that 33⅓ per cent is as much as 50 per cent and that the State will get just as much money from an appropriation of 33⅓ per cent as it would from an appropriation of 50 per cent?

Mr. NORRIS. Does the Senator contend that if the amendment of the Senator from Ohio prevails the amount of money that goes to the State will be cut down?

Mr. BANKHEAD. The Senator contends that it would be cut from 50 per cent to 33⅓ per cent.

Mr. NORRIS. The Senator has not examined the amendment or the bill where the amendment applies. It has nothing whatever to do with the Federal contribution paid to the States. If the Senator will examine the bill he will find that it can not be otherwise. If it is as he states, then the Senator from Ohio will be willing to withdraw his amendment. But the bill provides that a certain appropriation, $5,000,000 for the first year, shall be divided up between the States on a certain proportion, one third according to population, one third according to the geographical division of the State, and the other third of it in proportion to the roads that are already in existence in the State compared with the roads all over the country. So it is definitely determined just to a cent how much each State will get. But the proposal also provides that when the Federal Government contributes something to the State it will contribute only 50 per cent. That is, if it puts in $100,000 the State must put in $100,000. The same amount goes in every case. You can take any State in the Union and tell now from the statistics already in the record just to a cent what each State in the Union will get.

Mr. McCUMBER. Mr. President——

Mr. NORRIS. The only question is whether we shall compel the State to build one-third more road in order to get its contribution or whether we shall leave it as it is in the bill. I yield to the Senator from North Dakota.

Mr. McCUMBER. Putting it down to a practical proposition, under the present bill the Government pays for one mile of road provided the State pays for another mile.

Mr. NORRIS. That is right.

Mr. McCUMBER. Then you have 2 miles.

Mr. NORRIS. Yes.

Mr. McCUMBER. Under this amendment the Government will pay for 1 mile provided the State pays for 2 miles.

Mr. NORRIS. Exactly.

Mr. McCUMBER. And you will have 3 miles instead of 2.

Mr. NORRIS. Yes; that is the effect of it.

Mr. McCUMBER. That is the sum and substance of it.

Mr. SMOOT and Mr. BANKHEAD addressed the Chair.

Mr. NORRIS. I yield to the Senator from Utah.

Mr. SMOOT. That would be absolutely true if the Government was going to provide one-half of the money to enable the State to build all the roads the State desired to build, or, in other words, if the State had a desire to build a thousand miles of road and the Government of the United States would pay half of the expense. Then the statement of the Senator from Nebraska would be absolutely true. But that is not the case under this bill. For the first year there is $5,000,000 appropriated. The State of Utah gets under the apportionment only $57,950. The State of Nebraska gets only $110,700.

Mr. NORRIS. Nobody disputes that. Everyone knows that that is true.

Mr. SMOOT. Now, if the State of Nebraska was going to build roads to the value of only $220,000 during the year, then the statement would be absolutely true. But the State of Nebraska is going to spend more money than that in building roads. The State of Utah is going to use more money than she will get by three or four times the amount. Therefore, it makes no difference in the amount appropriated under the bill as to the amount of roads that she will build, and no difference whether the Government pays one-third or one-half, the amount of appropriation will be exactly the same.

Mr. NORRIS. Let me take up the Senator's objection that far. Everyone has said that the States are going to build more roads than the bill provides shall have Federal aid. There is no one who has denied that. But the fact that the State of Utah is going to get a certain amount of money under the bill is not changed to a farthing by the amendment of the Senator from Ohio. It will spread that money out over a road that is one-third longer than though the amendment were not adopted. So the effect will be to get more Federal-aided roads in the State than though the amendment were not adopted. That is true, mathematically. There is not any possibility of a successful contradiction of it.

Mr. SMOOT. I would rather have a State-controlled road, if the State has to pay for it, than a Federal-controlled road in the State.

Mr. NORRIS. If the Senator feels that way, then we ought to vote against the bill entirely and not have any Federal aid.

Mr. LANE. Mr. President, the argument reminds me of the elderly maiden lady who kept a boarding house, who stated "that she sat pensively by the kitchen window stretching beefsteak for supper." Of course it would go further, but there was less beefsteak for the individual boarder. [Laughter.]

Mr. NORRIS. There will be exactly the same amount of beefsteak. That is not changed by this amendment. The beefsteak to the very ounce will remain the same, but there will be a longer slice of beefsteak than though the amendment were not adopted. Its form will be changed. In other words, there will be more Government-aided roads in every State of the Union by one-third if this amendment is adopted than though it were not adopted. Now, why should not that be the case? It seems to me that we are representing here the Federal Government. The contribution of the Federal Government in making roads in a State is liberal. It seems to me if we contribute 33⅓ per cent it is a very liberal contribution. It is arbitrary, no matter what figure you put it on, and no man can say exactly what will always be just. We necessarily have to agree upon an arbitrary figure, but the use of the road as an interstate proposition will not be, in my judgment, on the average one-tenth as much as the use of the road for a local, State, or county proposition. Therefore we ought to contribute, it seems to me, from the Federal Government something in proportion to the value of the road as an interstate proposition. Therefore it appears to me that the amendment ought to be adopted.

Mr. SMOOT. Mr. President, when the Senator from Nebraska offered his amendment to reduce the amount provided by the Government of the United States for the building of roads from 50 per cent to 25 per cent I opposed that amendment and gave my reasons for my opposition. Those reasons are exactly the same as I would advance to-day in opposition to the amendment of the Senator from Ohio. It seems so simple to me that I can not conceive how there can be any misunderstanding as to the result. The bill, if it becomes a law, will provide an appropriation for the first year of $5,000,000 of Federal aid for building roads in the different States. That $5,000,000 is apportioned to the different States based upon the population of the State, the area of the State, and the number of miles of rural-delivery and star-service routes. The apportionment is made upon those three heads.

Mr. President, I will not take the time of the Senate to name the amount of appropriations in each State under that apportionment, but it is so small that it will build in my own State 4 miles of road. In the State of Massachusetts, I think, it would build 7 miles of road. So I might name all the States, and the result would be in the same proportion.

Mr. POMERENE. Does not the Senator from Utah refer to the small amount which is carried by the bill for the first year? Does not the Senator realize that this is just the beginning of a system of road improvement, and that the policy which is adopted now is going to be more or less permanent in character? In view of the fact that there are so many thousands of miles of roads to be built, and in view of the further fact that the Senator concedes that the greater portion of this road building is going to be done by the State authorities themselves, or by the authorities of the smaller geographical divisions thereof, is not that a reason why, if we determine that the Federal Government shall appropriate only $5,000,000, it should be so distributed and so expended as to result in the building of the largest possible number of miles of highway?

Mr. SMOOT. The very argument that the Senator makes is the very thing that I am trying to contend against. There is no question but that the money apportioned to each of the States, if they take advantage of it at all, will be exactly the same whether it is one-third or whether it is one-half. Nobody denies that.

This is the proposition, Mr. President: Every mile of road that is built in the State in which the Government appropriates money for the building is virtually under the control of the Secretary of Agriculture. If the State takes advantage of this law, there is no question but that it will get the full apportionment, and there is no question that the apportionment will not be one-tenth of what any one State will build. So it will make no difference whatever if the Government provides 50 per cent of the cost of the road within the appropriation, for the amount of the appropriation will build only a certain number of miles of road. If the Government pays only one-third of the cost, the amount of money received by the State will not affect the number of miles of road the State will build. The State of Utah has to provide for building not only the 4 miles of road or the 7 miles of road in Massachusetts provided for under this bill, but many times the number of miles named. Therefore it makes no difference at all, Mr. President, as to what percentage of the cost the Government pays, providing the appropriation is limited as the bill provides. But the 50 per cent basis has this advantage: When the State provides the money for the building of additional roads, the State will control the roads built entirely by it; and when the Government of the United States makes a part payment upon their construction, the Secretary of Agriculture will virtually control them. It is wrong in principle, and I can not see but that it is as plain a proposition as a, b, c.

Mr. GALLINGER. Mr. President——

Mr. SMOOT. I yield to the Senator from New Hampshire.

Mr. GALLINGER. There are times when the people of the country take some interest in the proceedings of the Congress of the United States and when they refer to the CONGRESSIONAL RECORD. I think this debate will be read by the people of the country largely, and I ask the Senator from Utah if he will not include in his remarks the table showing the amount which will be distributed to each State under this bill?

Mr. SMOOT. I shall be glad to do so, and I now ask consent, Mr. President, that the apportionment of the appropriation carried by the Senate committee bill on the basis as named by me, be inserted in the RECORD, without reading, as a part of my remarks.

Mr. POMERENE. Does the Senator from Utah refer to the table accompanying the report of the committee on the bill?

Mr. SMOOT. That is what I had reference to.

The VICE PRESIDENT. In the absence of objection, permission to insert the table referred to by the Senator from Utah will be granted. The Chair hears none.

The table referred to is as follows:

Apportionment of appropriation carried by Senate committee bill on basis of area, population, and rural-delivery and star routes.

State.	Apportionment of—				
	$5,000,000.	$10,000,000.	$15,000,000.	$20,000,000.	$25,000,000.
Alabama	$107,200	$214,400	$321,600	$428,800	$536,000
Arizona	71,750	143,500	215,250	287,000	358,750
Arkansas	84,880	169,700	254,550	339,400	424,250
California	155,750	311,500	467,250	623,000	778,750
Colorado	86,800	173,600	260,400	347,200	434,000
Connecticut	31,900	63,800	95,700	127,600	159,500
Delaware	8,200	16,600	24,800	33,200	41,500
Florida	56,050	112,100	168,150	224,200	280,250
Georgia	138,650	277,300	415,950	554,600	693,250
Idaho	62,750	125,500	188,250	251,000	313,750
Illinois	228,800	457,600	686,400	915,200	1,144,000
Indiana	140,600	281,200	421,800	562,400	703,000
Iowa	150,700	301,400	452,100	602,800	753,500
Kansas	148,750	297,500	446,250	595,000	743,750
Kentucky	100,600	201,200	301,800	402,400	503,000
Louisiana	67,950	135,900	203,850	271,800	339,750
Maine	48,750	97,500	146,250	195,000	243,750
Maryland	44,150	88,300	132,450	176,600	220,750
Massachusetts	76,400	152,800	229,200	305,600	382,000
Michigan	150,650	301,300	451,950	602,600	753,250
Minnesota	146,050	292,100	438,150	584,200	730,250
Mississippi	91,400	182,800	274,200	365,600	457,000
Missouri	175,350	351,100	526,650	702,200	877,750
Montana	100,550	201,100	302,550	403,400	504,250
Nebraska	110,700	221,400	332,100	442,800	553,500
Nevada	66,950	133,900	200,850	267,800	334,750
New Hampshire	21,650	43,300	64,950	86,600	108,250
New Jersey	60,800	121,600	182,400	243,200	304,000
New Mexico	82,350	164,700	247,050	329,400	411,750
New York	258,500	517,000	775,500	1,034,000	1,292,500
North Carolina	116,400	232,800	349,200	465,600	582,000
North Dakota	78,400	156,800	235,200	313,600	392,000
Ohio	193,700	387,400	581,100	774,800	968,500
Oklahoma	118,250	236,500	354,750	473,000	591,250
Oregon	81,450	162,900	244,350	325,800	407,250
Pennsylvania	239,050	478,100	717,150	956,200	1,195,250
Rhode Island	12,050	24,100	36,150	48,200	60,250
South Carolina	74,100	148,200	222,300	296,400	370,500
South Dakota	83,750	167,500	251,250	335,000	418,750
Tennessee	118,250	236,500	354,750	473,000	591,250
Texas	301,050	602,100	903,150	1,204,200	1,505,250
Utah	57,950	115,900	173,850	231,800	289,750
Vermont	23,600	47,200	70,800	94,400	118,000
Virginia	102,000	204,000	306,000	408,000	510,000
Washington	73,250	146,500	219,750	293,000	366,250
West Virginia	55,050	110,100	165,150	220,200	275,250
Wisconsin	132,200	264,400	396,600	528,800	661,000
Wyoming	63,750	127,500	191,250	255,000	318,750
Total	5,000,000	10,000,000	15,000,000	20,000,000	25,000,000

Mr. GALLINGER. If the Senator from Utah will permit me just one remark—I have not taken much time and do not intend to do so in this debate—I want to say to the friends of the bill that, if the Federal appropriation is reduced, I think we are going to be confronted with the proposition that a great many States will refuse to accept this law which States might otherwise accept it.

Mr. SWANSON. Mr. President, will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I yield to the Senator from Virginia.

Mr. SWANSON. The provision which was included in the Post Office appropriation bill for $500,000 seven years ago, was apportioned among the States, providing for a one-third payment by the Government, and a great many States refused to take their apportionment on account of the small proportion which was given. That action satisfied me that a great many States, if we appropriate but one-third, will not avail themselves of the law.

In addition to that, I should like to say that the subcommittee which prepared this bill discussed and considered the matter very carefully whether this proportion should be one-third or one-fourth or one-half and then inserted "not exceeding one-half." A great many roads that are expected to be improved under this legislation are roads which go through poor communities, and in most of the States roads do not have State aid, but have local aid. Very frequently there is a part of a road which is good and then you will come to points where it is very bad; places where there is a length of 5 or 10 miles of road which is very bad. That occurs because the community is very poorly off, taxes can not be raised, and the State law does not permit the road to be improved. Consequently the entire road is no better than the poorest link in it. We thought if we framed the legislation to read "not exceeding one-half" it would be more effective, because it would enable the Federal Government to aid the places where there are small links of road which are so bad that they ruin the entire road. The contribution is not compelled to be one-third. If any State wants it to be one-third, it makes application for one-third, or if the application be for one-tenth, one-tenth may be allowed under this bill. I think it would be a mistake to fix the amount at "not exceeding one-third."

The committee has discussed that matter fully and examined the conditions in the various States, and I think it would seriously hurt the bill if the amount should be reduced from one-half.

Mr. SMOOT. Mr. President, in that connection I wish to call the Senator's attention to a situation in road building. Roads outside of the limits of small towns, both county and State, are generally found to be better than the roads of said towns. We find that it is impossible for the small town to keep the roads in a condition they ought to be kept or to construct proper roads in the first place. I believe that situation is found in small towns all over the United States. The best constructed roads in the United States are those built and controlled by the counties and State, because of the fact that the counties and the State can raise sufficient money to build first-class roads in the first instance, whereas in the little towns, with but a limited amount of property on which to raise taxes, it is an impossibility for them to construct such roads as should be constructed.

I sincerely trust, Mr. President, that the amendment offered by the Senator from Ohio [Mr. POMERENE] will not be adopted.

Mr. LODGE. Mr. President, before the Senator from Utah takes his seat—I do this with great timidity, because I know the Senator's power when he is dealing with figures, for I have seen him figure percentages too often to feel any confidence in asking him a question—I wish to state that the point which troubles me is this: Under this bill a State can only get the Government apportionment by building an equal amount of road with that constructed by the Government. It is quite true that most of the States—perhaps all of the States—will build more roads in a year than the Government apportionment may demand; but suppose a case; suppose we build a good road in Massachusetts and our allotment is $76,000. In round numbers, that is 7½ miles of road at the price which our State roads cost us. Now, suppose we build no more roads after the apportionment has been made except what are necessary to get our apportionment, we should have to build, as I understand, under this bill 7½ miles of road; we should have to build an equal amount with that built by the Government in order to get the apportionment.

Mr. SWANSON. The States would have to either build or repair the roads.

Mr. SMOOT. Then, that is worse than ever.

Mr. LODGE. Yes; that is worse than ever.

Mr. TOWNSEND. The bill does not say "repair."

Mr. SWANSON. To keep in repair. As I understand the bill, if you have a macadam road that has absolutely run down, which is in real bad shape, you can improve that road up to a certain condition if you will agree to maintain it after that.

Mr. TOWNSEND. To rebuild it?

Mr. SWANSON. To rebuild it.

Mr. LODGE. That is equivalent to the same thing as building. We have to either rebuild or to build the road. I do not mean we have to build a new road, but to build our part of it. This confines it to doing over old roads, as a matter of fact, but the State will have to spend an equal amount with the Government. Now, if you make it one-third, you have to build 15 miles of road.

Mr. SMOOT. That is true.

Mr. LODGE. That is the whole proposition with me—that if you make it a third for the United States, then you compel the State to build 2 miles for 1, instead of 1 mile for 1.

Mr. SMOOT. That is true.

Mr. LODGE. The Senator does not question that?

Mr. SMOOT. Not in the least.

Mr. LODGE. I am glad to find that I was not mistaken. The Senator's proposition is that it is all idle what ratio we put in the bill, because every State will build a good deal more than its allotment will be under this proposed law.

Mr. SMOOT. That is my position.

Mr. LODGE. I do not know how true that is, of course.

Mr. SMOOT. The Senator can get some idea of the correctness of my statement by simply referring again to the figures to which he himself has referred; that is, those affecting the State of Massachusetts with her area, her population, and the length of her roads. Under the apportionment of $5,000,000 Massachusetts will get $76,000. That means, as the Senator says, 7½ miles of road for the Government and 7½ miles of road for the State, or, in other words, 15 miles of road for the first year.

Mr. STERLING. Mr. President, if the Senator will permit me, I should like to ask if it is the Senator's understanding of the bill that it will require an equal number of miles of road to be built by the State and by the National Government?

Mr. SMOOT. Certainly.

Mr. STERLING. Is not this the provision——

Mr. SMOOT. That is, a certain amount of money must be contributed by the State; I did not mean to say "miles of road."

Mr. STERLING. A project is submitted by the highway commission of the State for the building of a certain road. The proposition is not that the Government and the State shall build an equal number of miles of road, but the Government will contribute 50 per cent of the amount required for that project. It is not contemplated, as I understand, that the Government shall double the number of miles of road constructed by the State.

Mr. SMOOT. It is virtually the same thing, I will say to the Senator.

Mr. STERLING. It is not quite the same thing. If the Senator will allow me a further suggestion, I conceive this to be the situation—it will be the situation in many of the States, at any rate: The highway commission will select a particular stretch of road in the building of which they will say, "We should like Federal aid, to the extent of 50 per cent." They will submit that project to the Secretary of Agriculture for his approval. That will leave them money to devote to the building of other roads than this particular project. That is the proposition, I think, involved in the bill—not that the State shall build one-half of the road and an equal number of miles of road be built by the Federal Government, but that both will contribute one-half to one certain project.

Mr. SMOOT. This is the language, Mr. President, of the amendment reported by the committee to the House bill:

> If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof.

Mr. STERLING. Yes; that is it.

Mr. SMOOT. That means that if the plans and specifications for building 15 miles of road, we will say, or 100 miles, or whatever it may be, are approved, and if the cost of that project is not more than double the amount of the State's apportionment, the Secretary of the Treasury extends the Government's credit for half of the amount, and the State is to pay the other half, but it must be devoted to work on that project, not for building roads on the part of the State in some other county or in some other part of the State. The money has to be expended on that particular project which has been approved; otherwise the State can not get one cent of the apportionment.

Mr. SMITH of Arizona. Mr. President, if the Senator will allow me to make a suggestion, I do not claim to understand this bill very well; but my impression is that the Government, before it contributes anything, requires the State to contribute an equal amount at least. Suppose the State engineer of the State road authority, whatever it is, concludes to build 50 miles of road, and the Government's contribution would not build, say, 10 miles of it. On the showing by the State that it

has not only equaled the Government's contribution but has sufficient funds itself to complete the project, does the Senator feel that the State, under the bill, would be prevented from building 50 miles of road, even though the Government's contribution was adequate only to build 10 miles of the road?

Mr. SMOOT. Mr. President, the provisions of the bill are such that after the Secretary of Agriculture has approved the plans and specifications for a particular project the Government controls only the length of the road that falls within the apportionment made under this bill to the State. If a certain project requires the full amount of a State's apportionment, it has to be devoted to that one project. If a certain project does not call for the full amount, then the Government could contribute to two projects or three projects, but each project must be approved by the Secretary of Agriculture and the plans and the specifications must be submitted to and approved by him before the work is undertaken by the State. After the plans and specifications are approved and after certification is made to the Secretary of the Treasury he then gives to the State the credit for one-half of the amount, but the money must be expended upon that particular project and no other.

Mr. President, it does seem to me that we ought, at least, if we are going to provide any aid at all from the Government, make the amount to be contributed by the Government 50 per cent, particularly when the Government has absolute control of the road constructed.

Mr. TOWNSEND. Mr. President, does it not also occur to the Senator that, inasmuch as the Government has to supervise that part of the road which it helps to construct under this apportionment, the shorter the mileage it has to look after, the better it will be for the Government?

Mr. SMOOT. Yes; the better it will be for the Government, and the better it will be for the State, as I have said before.

Mr. President, I do not want to be misunderstood about this subject. I do not think the method provided by this bill is the proper method for the Government to pursue in aiding the building of roads in States. I have already presented, and will offer just as soon as I have an opportunity to do so; that is, when the amendment reported by the committee is perfected, what is known as the Bourne bill as a substitute. I am not going to discuss it at this time, but will offer it as a substitute for the pending amendment reported by the committee. I hope the Senate will give attention to the provisions of the amendment which I shall offer. It completely solves the road question, in my opinion, and it does not call for a dollar from the Treasury of the United States, but it does provide that the Government of the United States lend its credit to the States; and that credit being greater than the credit of the States interest will be lower, the difference in the rate of interest in 50 years will pay all the expense of building roads in the States, and the Treasury of the United States will not be called upon to pay one dollar.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio [Mr. POMERENE] to the amendment reported by the committee.

Mr. LODGE. Mr. President, I should like to ask the Senator from Utah if it is his intention to offer his amendment after the pending amendment is disposed of?

Mr. SMOOT. I expect to offer it immediately after the pending amendment is disposed of.

Mr. LODGE. I will wait until that amendment is offered.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Ohio [Mr. POMERENE] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. SMOOT. Now, Mr. President, I ask that——

Mr. POMERENE. Mr. President, may I ask the Senator if he intends to offer the Bourne bill as a substitute for the pending measure?

Mr. SMOOT. That is my intention.

Mr. POMERENE. I have another amendment which I desire to offer to the bill as reported by the committee, if I may do so at this time.

Mr. SMOOT. Then I will withhold for the present the amendment I intend to offer.

Mr. POMERENE. Mr. President, on page 11, line 13, after the word "require" and before the period, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, line 13, after the word "require" and before the period, it is proposed to insert:

> *Provided, however*, That the Secretary of Agriculture shall approve only such projects as may be permanent in character, and the expenditure of funds hereby authorized shall be applied only to such improvements.

Mr. SMOOT. I will ask the Secretary to read the text as it will read if the amendment be adopted.

The Secretary read as follows:

> If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however*, That the Secretary of Agriculture shall approve only such projects as may be permanent in character, and the expenditure of funds hereby authorized shall be applied only to such improvements.

Mr. POMERENE. Mr. President, this matter was discussed somewhat at length the other day, and I do not know that I can add very much to what was then said. I suggested at that time that I thought a wise policy would require the Government to limit Federal aid to permanently improved highways. Of course, when this thought is suggested, necessarily it may appear that there are various kinds of road material in the several parts of the country and various characters of highways, and that we ought not to place any improper limitation upon the authority which is given to the Secretary of Agriculture.

The committee that reports this bill has seen fit to provide $5,000,000 of Federal aid the first year, $10,000,000 the second, $15,000,000 the third, $20,000,000 the fourth, and $25,000,000 the fifth year. That, of itself, is convincing proof that there must be a limit upon the character and extent of the improvements in which we must participate. Under the language of this bill, if a State highway department presents a plan, no matter what the character of the improvement, and it meets the approval of the Secretary of Agriculture, then the conditions precedent are complied with, and this money can be expended upon the project thus approved. It may be for the building of a brick road, it may be for the building of a macadam road, it may be for the graveling of a highway, or it may be simply to fill a series of mud holes in some unfrequented section of the country, and in the nature of mere temporary repairs.

That is my objection to the bill as it is reported to the Senate. I recognize the fact that these roads must be improved; but the burden of repairs must be borne, under any system that we can devise now, by the State and local authorities.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Ohio yield to the Senator from Michigan?

Mr. POMERENE. I yield.

Mr. TOWNSEND. What do I understand the Senator to mean by the words "permanent in character"?

Mr. POMERENE. Mr. President, the question is a very pertinent one. I do not know that I can specifically define those words. I have used language which, it seemed to me, would convey to the Secretary of Agriculture the thought that this money was to be expended in improvements other than those of a mere temporary character. For instance, those of us who are familiar with the construction of roads in the rural districts know that the local authorities get out in the spring and perhaps throw the earth up into the center of the highway and make gutters along the sides, and that lasts probably for the season, and the next season the same program is to be followed out again.

I do not think the Federal Government ought to undertake the building of a road of that kind. What we are interested in is, first, permanently improved highways, and, secondly, the greatest possible amount of mileage of that kind.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. POMERENE. I yield.

Mr. OWEN. I suggest that the language used in the Senator's amendment, "permanent in character," necessarily means relatively permanent in character, because nothing is permanent in any final, critical sense.

Mr. POMERENE. I think the Senator's suggestion is a very good one.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio further yield to the Senator from Michigan?

Mr. POMERENE. Pardon me just a minute. We all recognize that even in Massachusetts, where they have a splendid system of highways—and I am sure they would class them generally as permanent—they are nevertheless required to make constant repairs, as will be the case with any system of road building we may adopt, because there is not any kind of a highway that can permanently resist the elements and the constant travel. So that the suggestion of the Senator from Oklahoma is a very wise one. The phrase means something that is relatively permanent.

I recognize the fact that what might be a relatively permanent highway in the State of Michigan might not be relatively permanent in character in the State of Mississippi or in the State of Florida, and that we must give a great deal of latitude to the Secretary of Agriculture; otherwise we will be doing an injustice toward certain localities, and I would not have that done for one moment. I do feel, however, that we would be going a long distance if we were to attempt to say that in certain localities we will make these temporary improvements. Why, ordinarily, in merely plowing up the gutters and scraping the earth into the center, as we do in many sections of the State of Ohio, I dare say that from $20 to $25 a year would pay for that character of improvements, but they are only temporary in character; and if we agree to give Federal aid for improvements of that character, the people living in the vicinity would lose interest, and they would never have a permanent system of highways, but they would be content to go along in the same shiftless kind of a way, allowing the Federal Government to pay one-half of this temporary expense. There can be no question, under the phraseology of this bill as reported by the committee, that the Secretary of Agriculture would be within his full powers if he saw fit to devote this money exclusively to temporary road improving of the kind I have indicated.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. POMERENE. I do.

Mr. STERLING. Under the definition of what is permanent in character given by the Senator from Ohio, in which he speaks of the brick road, the macadamized road, the gravel road, and so forth, I fear he would exclude from the operation of this bill many States of the Union. Take it in my own State, for example, as well as in the neighboring State of North Dakota, and I think the same is true largely in Nebraska and in Iowa, it is often very difficult to get material out of which to build a permanent road, according to the Senator's definition of what constitutes a permanent road.

Mr. POMERENE. Mr. President, may I ask the Senator whether they do not have, in certain sections of the State, material which they use in making what I am pleased to call a road of a permanent character?

Mr. STERLING. Very little of it; and I will say that in the State of South Dakota that is in a very remote section of the State. Perhaps in the Black Hills region of the State of South Dakota some road-building material can be obtained, but outside of that I think there is very little.

Let me say to the Senator that there is science in the building of the good dirt road, as we term it. Great progress has been made within the last few years in that respect; and there are whole stretches of roads in our State for the building of which Government aid would be most acceptable. It is often a hardship upon the people of the community, a burdensome tax, to construct the roads in the first place, and to keep them in repair afterwards, even though they be dirt roads.

Mr. POMERENE. Mr. President, I have no doubt the Secretary of Agriculture, in trying to provide equitably under this authority for the different States, would have due regard to the character of the highways and the materials in use in those several States; and I can hardly conceive that there would be any State in this Union which could not get its proportion of the funds under this law and under the amendment, as I have proposed it.

Mr. STERLING. And for that very reason, Mr. President, I see no necessity for the use of the term "permanent in character" in this amendment. If the Secretary of Agriculture will take into consideration the conditions existing in different States, he will say, with reference to Massachusetts for example: "Considering the material you have at hand, the kind of roads you build there, and can build, you should macadamize or build of a particular material"; and he will take into consideration our conditions in the Northwest, and say: "Since other than dirt, as a material for building roads, can not be procured without excessive cost, you will be allowed to formulate your project and submit for approval here one which contemplates the building of the best dirt roads."

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE. Surely.

Mr. SMOOT. I want to ask the Senator from South Dakota if it is not a fact that the native sod of South Dakota makes the best road of any material that the people of that State have found?

Mr. STERLING. No; I will not say that it makes the best road of any material that they have found. I think perhaps in certain localities recently, under the impetus of the good-roads movement, they have, at considerable expense, procured gravel and used it in the construction of a few roads.

Mr. SMOOT. The reason why I asked the question was that I have heard, in the discussion on the side among Senators, the statement made that the very best roads and the most permanent roads they had in North Dakota and South Dakota were the roads build on the natural sod; that they never wanted it plowed up; they wanted it as a base. Now, I may be mistaken, or the person making the statement may have been mistaken.

Mr. STERLING. So far as taking the sod as the basis of the road is concerned, I do not think that can be true.

Mr. SMOOT. I thought it could not be when I heard it. That is the reason why I made the inquiry.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. POMERENE. Yes.

Mr. McCUMBER. The very best and the most reliable roads we have in the State of North Dakota and all over that State are those that have never been worked in the slightest degree, where we still retain the old sod. No kind of traffic ever seems to cut through that sod; but, of course, there are dips here and there where the road has to be made, and it is necessary in many instances to throw up the road to the center. But if we could retain it and get the drainage the old sod is better than any road that was ever made in the State.

Mr. STERLING. That will apply, I think—and I think the Senator from North Dakota will agree with me—to roads on the highland only, where there never is any bad road at all, where water never settles; but this applies only to very limited parts of the State.

Mr. POMERENE. Mr. President, may I ask the Senator whether that applies to the State of South Dakota as well?

Mr. STERLING. Oh, we have that; yes; where there is no need at all for any road building.

Mr. POMERENE. Then I am quite sure that if my amendment is adopted it will not prejudice the rights of the citizens of the good State of South Dakota.

Mr. STERLING. I fear it would, Mr. President, because there, throughout most of the country, no such condition prevails.

Mr. BANKHEAD. Mr. President, every road engineer in this country, every man who has any reputation at all at stake, understands perfectly well what is meant by a permanent road. It means brick, macadam, or concrete, or material of that kind. You could not find a road engineer, and I do not think you could find a Secretary of Agriculture who had sense enough to sit in his seat in the department, who would say that anything below that could be construed as a permanent road.

There are large sections of the country that can not build roads of that character. No engineer would say that a sand and clay road, which answers every purpose in sections where they can be properly built, was a road permanent in construction; and if this amendment is adopted I predict now that not more than one-half, and perhaps not more than one-third, of the States in the Union will ever take advantage of it or build a mile of road under it.

The bill carefully describes the character of roads to be built. It provides, in the first place, that the State authorities, the State highway commission, shall select the routes on which the roads are to be built. They shall make the plans and the specifications and the estimate of cost. When that has been done, they submit that to the Secretary of Agriculture for his approval. I am free to confess, Mr. President, that in preparing this bill we tried to steer as far away from the Federal Government as we could; but we recognized, and I think every Senator on the floor recognizes, that if the Federal Government is called upon to put up half the money, it ought to have something to say about the character of the roads that are to be built. With the veto power, you might say, of the Secretary of Agriculture as to the character of the road, we ought to have some confidence and trust in the State authorities; and when they have agreed upon the location, the construction, and the cost, it seems to me that Senators ought to be willing to trust that matter to them.

Mr. POMERENE. Mr. President, if the Senator has unlimited faith in these officials—and I have great faith in them, too—why does he go to the trouble in this legislation of providing that the plans and the specifications shall be prepared and submitted to this scrutiny? Why not just leave the whole thing to these different officials, and turn over the money bodily, in the faith that it will be expended so as to get one hundred cents of return for every dollar of Federal money that is put into it?

Mr. BANKHEAD. Mr. President, the answer to that question is so obvious that I shall not consume the time of the Senate in

answering it. I am willing to leave that to their own good sense and judgment.

The Senator from Ohio is distressed for fear that the State highway commission, owing their position, their authority, and their responsibility to their several States, and that the Secretary of Agriculture, in his high place, will consent to the expenditure of money under the provisions of the bill to fill up mudholes somewhere. I can not understand why the Senator from Ohio every time he gets on the floor insists that his fear is this money will be spent somewhere in filling mudholes along some road.

Mr. POMERENE. We had the assurance of the Senator from Alabama the other day that he did not expect to have any of this money expended in that way.

Mr. BANKHEAD. I do not.

Mr. POMERENE. If that be true, then there is not any reason why there should not be some inhibition in the bill against that practice.

Mr. BANKHEAD. The objection I have to the amendment is what I have stated. It makes it impossible and impracticable to operate the bill. I would not say that that is the purpose of it; I do not think it is; but what I fear is that the Senator from Ohio has not considered all the provisions of the bill.

I observe that the hour of 2 o'clock has arrived, Mr. President.

RURAL CREDITS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2986.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McCumber	Smith, S. C.
Bankhead	Gronna	Martine, N. J.	Smoot
Borah	Harding	Myers	Sterling
Brady	Hitchcock	Nelson	Stone
Broussard	Hollis	Norris	Sutherland
Burleigh	Hughes	Owen	Thomas
Chamberlain	Husting	Page	Thompson
Clapp	James	Phelan	Townsend
Clark, Wyo.	Johnson, Me.	Pittman	Wadsworth
Clarke, Ark.	Johnson, S. Dak.	Pomerene	Walsh
Culberson	Jones	Ransdell	Warren
Cummins	Kenyon	Robinson	Williams
Curtis	La Follette	Saulsbury	Works
Dillingham	Lane	Shafroth	
du Pont	Lewis	Sheppard	
Fall	Lippitt	Smith, Ariz.	

Mr. LANE. I wish to announce that my colleague [Mr. CHAMBERLAIN] is absent in attendance upon a committee hearing.

Mr. JAMES. I desire to announce that the senior Senator from West Virginia [Mr. CHILTON] is unavoidably absent. He is paired with the Senator from New Mexico [Mr. FALL]. This announcement may stand for the day.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present. The pending amendment will be stated.

The SECRETARY. The next amendment of the Committee on Banking and Currency is, on page 33, after line 16, to insert:

TAXES OR ASSESSMENTS NOT PAID WHEN DUE, AND PAID BY THE MORTGAGEE, SHALL BECOME A PART OF THE MORTGAGE DEBT AND SHALL BEAR SIMPLE INTEREST AT THE RATE OF 6 PER CENT PER ANNUM.

Mr. HARDING. Mr. President, I think I have some conception of the importance of the pending measure, and I think I can speak for one Member of this body who knows his lack of qualifications to discuss it in detail. We have in Ohio one of the ablest bankers in the State who has made a study of rural credits a very special matter. I refer to ex-Gov. Myron T. Herrick, who also served his country with great credit to himself as ambassador to France. During his stay in Europe Col. Herrick in the time that he had at his command made a very thorough and a very sincere study of the practice and system of rural credits in Europe. I know that he is very earnestly in favor of some plan of rural credits.

Out of the abundance of his knowledge Col. Herrick has contributed to the New York Sun a criticism of the pending measure. I do not venture to offer his opinion as my own, but I believe it will be helpful to the Members of the Senate if I trespass upon the time of this body to read somewhat from the contribution of Col. Herrick to the Sun. It is a criticism not only of a very eminent and able banker but it is the criticism of one who is very deeply and sincerely interested in this proposition.

I may say for myself before entering upon the reading, that I am not opposed to a practical measure which does not go too far in fixing upon the Government a function that is paternally socialistic. I am trying to learn from Members of this body the real reason, however, for pressing a measure of this kind. I will not assume to say that conditions in Ohio are altogether like those of other States in the Union, but I believe I state an absolute truth when I say that there is no more need for a measure of this kind for the agriculturalists of the State of Ohio than for the Government to step in and take charge of all our industrial and productive affairs in that State.

I know something about the banking business in what is termed an interior county seat, and I know from personal contact with the problem that the average Ohio farmer can secure money more readily than any other person in the State, and he can secure it on less credit than any man in a mercantile or manufacturing enterprise. The rates of interest are not high. I doubt if there is a loan made in the State of Ohio at more than 6 per cent interest, and it can be made for a short or long time, to suit the convenience of the customer.

I only speak of this in passing, because to those of us in Ohio there seems to be no occasion for the passage of such a measure. However, I wanted to present to the Senate the very valuable suggestions of the distinguished banker who has written to the New York Sun somewhat as follows——

Mr. SHEPPARD. Before the Senator proceeds, I wish to ask him if it is not a fact that they have a system of farm building and loan associations in Ohio that have proven very successful so far?

Mr. HARDING. We have a great building and loan system in Ohio. I have never known it designated particularly as a farm building and loan association. Ohio has millions upon millions on deposit in its building and loan societies, and they belong very largely to farmers of the State. As a matter of fact, our building and loan system in Ohio permits loans on collateral security.

Mr. SHEPPARD. I was under the impression that in Ohio they have one form of association adapted particularly to farmers.

Mr. HARDING. No; I think not.

Quoting from Col. Herrick:

The Hollis bill is a defective, useless, and dangerous measure. It is full of flaws, inconsistencies, loopholes, jokers, and meaningless verbiage, besides lacking indispensable clauses, while it flagrantly violates basic principles by substituting the credit of Government for the credit of the land and by clothing land-credit institutions with savings-bank powers and allowing them to pyramid on their credit and encumber their assets with liabilities through bond issues.

In almost every section of the bill there is error on some important point or in respect to minor details, and its general plan is rendered utterly vicious by two monster objects, which are an unjustifiable use of the cash and credit of the United States Government for a special class of private individuals and the creation (too soon after the postal banks) of another Government savings-bank system, absolutely unnecessary and fraught with grave dangers because of wrongful combination with long-term operations. The bill is so bad and faulty that it would not have the ghost of a chance in Congress were it not for the fact that a presidential campaign is near.

The bill includes in its plan such incompatible elements as Federal and private land banks, cooperative associations, so called, and various kinds of mortgaging institutions, whether organized under National or State laws. The latter, however, by the adroit wording of an apparently insignificant clause, must have capital stocks. This deprives life insurance companies, mutual savings banks, and building and loan associations (which are without capital stock) of the tax exemptions, privileges, and benefits of the system. The obvious purpose of this joker is, of course, to place these greatest of mortgaging concerns at a disadvantage as competitors with the new Government institutions to be formed.

This complicated and disorderly system would be, in fact, a bureau of the Treasury Department, supervised and directed by a board consisting of the Secretary of the Treasury and four other appointees of the President and Senate of the United States, and possessing both executive and judicial powers, with the right to regulate interest rates under a prescribed maximum, to take away charters granted by it, and to dissolve the land banks and associations without intervention of the courts. No appeal would lie against any of its acts, its authority being autocratic and supreme, subject only to the general control of Congress.

The provisions relating to private land banks and mortgage institutions organized under State laws and existing national laws are apparently an afterthought, inserted perhaps as a sop to bankers and mortgage men. They are imperfectly worded, however, and have tangled up the proposed system so badly that they satisfy nobody. Their effect would be to confuse Government intervention with private enterprise, and to allow companies conducted for gain to enjoy tax exemptions

and to operate with free or cheap money supplied by the United States. This defect ought to be sufficient in itself to defeat the bill.

The 12 Federal land banks for which the bill provides would be but the start of this State-aided and Government-controlled long-term mortgaging and savings-bank system. The bureau could establish as many more such banks as it deemed advisable. These banks shall each have exclusive districts and capital stocks of at least $500,000 apiece, capable of indefinite increase. The United States shall appoint the first directors and all the appraisers and registrars. If ordered by the bureau the United States must supply the minimum capital stocks and $6,000,000 a year. The United States may require the banks to serve as its depositories and financial agents.

The bonds shall be instrumentalities of the Government of the United States. They shall be prepared by the Secretary of the Treasury and the Comptroller of the Currency, and they may be issued only upon the approval of the bureau and when countersigned by its executive officer and secured by mortgages valuated by public appraisers, selected by public functionaries and trusteed with public registrars. The bonds shall be lawful investment for public and fiduciary funds, for deposits of the postal banks and for funds of the Federal Reserve System, and may be used as security for short-term paper discountable through that system.

The associations for which the bill provides can be formed only by the permission of the bureau and of the Federal land bank of the district. The incorporators must be applicants for loans from such bank, and tender mortgages aggregating at least $20,000 executed and recorded in its favor. Although designated as cooperative, the associations are not cooperative, for the reason that their directors and officers may be nonmembers, that their loans can not be made except with the consent of public functionaries, that the profits of the system to which they belong may be distributed among outsiders, and that their dissolution can not be effected at the will of the members. The associations would be simply adjuncts for acquiring mortgages and savings from farmers for transmission to the Federal land banks. After a certain number of associations shall have been formed in a district they may join with the United States in electing the directors of the Federal land bank. No other stockholders in such bank shall be entitled to vote.

Manifestly this is far from being a land-credit system. Resting upon the good faith and honor of the United States, it is machinery for utilizing the cash and the credit of the Government and for doling out public funds and granting special favors to a particular class of private individuals. Its purposes are so restricted that its facilities would be useless to the great majority of the farmers. Nobody believes that the establishment of such Federal land banks would be constitutional. The framers admit the unconstitutionality by departing from a true land-credit aim and by empowering such banks to be depositories and financial agents of the United States and components of a Government savings-bank system and by making the bonds the credit instruments of the United States Government.

Senator HOLLIS promises that these clauses would be a dead letter. But this legerdemain renders the proposed system doubly dangerous and unjust, because, while lulling the taxpayers into a false feeling of security, it would make the United States the guarantor in fact of the deposits, savings, shares, and bonds of the system. Investors would not bother themselves about the mortgages or borrowers. They would look to the United States Government for the return of their money, with every logical and legal right to do so, and all land-credit features of the system would disappear.

Congress and the people have failed to grasp the full significance of this Hollis bill and the appalling extent of the State aid to be granted and the liabilities to be incurred under it by the United States. Misled into believing that the proposed system is cooperative and would be managed by the farmers at their own risk and expense, and deceived by assurances that only 12 Federal land banks are to be established, that the shares of the United States may be withdrawn, and that only $6,000,000 are to be advanced a year out of the United States Treasury, they have closed their eyes to the fact that a use of Government cash and Government credit is contemplated for private purposes on a scale never attempted in any other country.

The tax exemptions to be accorded are unparalleled. Every Federal land bank and every association, its capital stock, shares, reserves, surplus, and income, together with the bonds of the Federal land banks and the mortgages of the private land banks, shall be exempt from Federal, State, municipal, and local taxation, except taxes on real estate. The exemption of mortgages when used as security for bonds is not objectionable, since it would prevent double taxation.

But to exempt bonds, shares, and deposits without limiting the amount in the hands or name of one person, as in the Hollis bill, can not be justified, because it would relieve from taxation the wealth of those who are not the intended beneficiaries of the system and simply shift the inevitable burden of taxes to other kinds of real and personal property. The object of this total tax exemption is, of course, to divert funds from existing savings banks and building and loan associations and, if possible, to put these private mutual and cooperative concerns out of business.

The $6,000,000 of 2 per cent money which the bill calls for would be a very minor part of the eventual investment of the United States in the proposed system. The Secretary of the Treasury could deposit unlimited sums at the same low interest rate in the Federal land banks. The bureau could establish hundreds of Federal land banks, if it chose, and compel the United States to supply the minimum capital stocks of all by subscribing to shares yielding no dividends. And this would but open the way for still further outlays, by reason of certain remarkable clauses which would deprive the Federal land banks of most of the cash profits and require the United States to stand good for practically all the losses of the associations and to put $1 into the system for every $20 of loans made.

This astounding result would come from the peculiar and impracticable arrangement whereby an association, if it need money for current expenses, may borrow the same from its Federal land bank, to be paid back only from dividends belonging to the association. Again, the associations must subscribe for shares in their Federal land bank up to 5 per cent of any funds obtained from it for making loans to their members. The associations shall, in their turn, require subscriptions for their own shares by borrowers up to a like percentage of their loans.

Then comes the joker, which is that the borrowers could compel the Federal land banks to advance them the money necessary for buying their obligatory shares in the associations and for meeting all the costs of the loans. The United States would, of course, take this burden upon itself, because private investors would not be so benevolently inclined as to tolerate the use of their funds by farmers for buying shares and meeting deficits in the associations of an experimental system.

In this roundabout and absurd way the profits, reserves, and surpluses of the Federal land banks would be consumed in creating the system and meeting the costs and losses of its business. The United States would have to supply all the initial share capital of the associations, as well as the capital stocks of the land banks, while any individual member, however humble he be in private life, could force the United States to put up $1 for every $20 of loans made through the system.

This places the capstone on this State aided and centrally controlled Government system. The possible drain on public resources is incalculable. Senator HOLLIS, in keeping with his designs, has very properly taken the lock off the doors of the United States Treasury and backed the tax exempted credit instruments by the mutual liability of all the land banks and the guaranty of the United States Government, in order to supply the never ending and continually increasing demand for funds. However, if State aid must be granted it would be far better for Congress to appropriate fixed annual sums for giving bonuses to rural landowners than to involve the credit of the United States indefinitely through the indirect, cumbersome, and expensive way proposed by the Hollis bill.

In order to allay alarm Senator HOLLIS assures the public that the connection of the United States with the proposed system would be only temporary. But a fair interpretation of the bill constrains us to construe these assurances in a strictly Pickwickian sense. True, there is a clause providing for the retirement of the United States as a stockholder in the Federal land banks, but it is nullified by other clauses.

The retirement is to begin when the holdings of other parties amount to $500,000, but only one-fourth of new subscriptions are to be used for the purpose. The $500,000 would probably come from the obligatory shares of borrowers, and so represent the initial $10,000,000 of loans. Such shares must be pledges until the loans be fully paid; this could not be less than 5 years and might be 36 years. The capital stock must be maintained, with surplus, at one-twentieth at least of the bonds in circulation, while no bonds could be recalled before 10 years from date.

In the face of these inconsistencies and of enormous liabilities piled up in the system the Government's retirement becomes a remote and shadowy right which could hardly be exercised with honor. The Government's connection as a stockholder, however, is a comparatively insignificant matter. It is the establishment and participation in the management of the system, together with the governmental quality given to the credit instruments, which would make the United States responsible for the obligations, whether a stockholder or not.

The savings-bank features of the proposed system result from the following clauses: Deposits of any amount may be received by a Federal land bank from the holder of one share of its capital stock. The shares shall be $5 apiece, withdrawable under rules prescribed by the bureau, and may be held without limit as to number by any individual, firm, association, corporation, or the Government of the United States or of a State. Deposits of any amount for transmission to its Federal land bank may be received by an association from anybody, member or outsider. The shares of an association are also withdrawable, and only $5 apiece, and may be issued without limit as to number to any member. Because of the withdrawal right, the shares are simply time-deposit certificates. The deposits received may consist of current funds—that is, be checked out in cash of demand.

Thus the Hollis bill plans to give to this long-term mortgaging system not only direct aid from Government but to finance it with short-time and even demand deposits coming from public and private sources. The Secretary of the Treasury could deposit in the Federal land banks all the cash which the United States had on hand. States and private concerns and individuals could deposit in such banks all their funds and relieve them from every kind of taxation. There is no foretelling the amount that might be attracted by this total tax exemption and the promise of Federal functionaries to pay high interest rates. In his report Senator Hollis revels in the dream of a never-ending flow of savings and deposits. Exulting over the enormous possible supply, he says:

"It includes the ordinary savings of the school-teacher, clerk, minister, and wage earner; the proceeds of life insurance in the hands of widows and other beneficiaries; funds belonging to estates, minors, and wards in chancery in the hands of executors, guardians, and trustees; funds of insurance companies, benevolent orders, and societies of various kinds; endowments of colleges, hospitals, museums, and other institutions; and assets to be invested by receivers, courts, and Governments."

The aggregate of these has a value exceeding that of all farm property, and its annual income is greater than that of agriculture, while it represents more people than there are farmers in the United States. Much of this vast wealth is already lent to farmers or invested for the benefit of agriculture. And perhaps there is not one intelligent borrower from these conservative, considerate, and respectable lenders who would not say that the terms and interest rate on his loan are fair and reasonable. Moreover, the owners of this wealth are content, although normally its average return is under 4 per cent a year. Justice and wisdom require that these facts be carefully weighed and the parties most interested be consulted before legislating changes.

But Senator HOLLIS has not consulted even the farmers. Many of the granges view him with suspicion, and rightfully so, because all that he offers a farmer is a loan up to 45 per cent of the value of a small farm for one of four specific purposes, under an agreement that would prevent him from making prepayments for five years; that might oblige him to live upon and cultivate the mortgaged property and not to sell it or obtain any more money on it for 36 years; and that would impose double or unlimited liability on him personally for all loans made to other borrowers. The cooperative building and loan associations and the mutual and other kinds of savings banks, now having 14,915,104 members and $6,355,413,915 of the wealth that the Senator dreams of absorbing, are not friendly, because they realize that their very existence would be jeopardized by the total tax exemptions and Government guaranties of 5 per cent for any sums, large or small, in his new institutions.

For a like reason opposition is spreading among the fraternal orders and life insurance companies, with their millions of members and assets. The American Federation of Labor also passed resolutions contrary to the Hollis plans, evidently because it believes that if Government bounties are to be distributed they should be enjoyed by the industrial workman as well as by the tiller of the soil.

Depositors and investors are not evincing any keen desire to substitute their present holdings by bonds unrecallable for 10 years and by shares which must stand good for the losses of innumerable associations. Farmers do not like the idea of immobilizing 5 per cent of their loans in

such shares and of having their taxes increased in order to finance the Senator's grand back-to-the-land movement. So complaints are arising on all sides against the Hollis bill.

The fact is Senator HOLLIS has shot beyond his land-credit mark and become a social reformer, moral uplifter, and an agrarian of the old Populist sort. His benevolence and enthusiasm have colored his vision in respect to economics and finance. He is not trying to mobilize land values; he is trying to subsidize the farmers. In framing a bill for this purpose he has copied clauses in European laws enacted for the lowest and most ignorant peasants and then added other clauses which violate basic principles by an attempt to combine cooperative associations with joint-stock companies and to use savings and deposits in long-term operations through a system aided and controlled by Government.

The scheme is so impracticable and the benefits offered to the farmers are so slight that the question may be seriously asked if the creation of Government banks for savings and deposits is not now the main object of the bill. Some foreign nations, with centralizing and socialistic tendencies, have supplied the financial needs of state in part by establishing such institutions and restricting their investments to Government stock and bonds. The program of the present Democratic administration embraces enterprises of a private nature to be done by the United States Government. The more funds the Government can bring under its control the more readily these enterprises can be undertaken. The Hollis bill points the way.

MYRON T. HERRICK.

CLEVELAND, OHIO, *April 21.*

[The Sun, Monday, April 24, 1916.]

I want to repeat that I have read these criticisms of this distinguished banker and this earnest student of the question of rural credits, because I think they are a very valuable contribution to the discussion of the pending measure.

Mr. HOLLIS. Mr. President, the first argument advanced by the distinguished Senator from Ohio [Mr. HARDING] against the pending bill is in the form of a query, asking what reason there is for pressing a bill of this nature. The reason is found in the three national platforms of the campaign of 1912—the Democratic, the Republican, and the Progressive—all declaring in favor of a rural-credits bill. This bill is in response to the promise that was then made and in response to the needs that made those pledges necessary.

I have no quarrel with anyone who thinks that a bill of this kind is not needed. Anyone who thinks it is not needed ought to vote against it. I believe, however, that nine-tenths of the Members of the Senate believe that the bill is needed.

The letter that is signed by Gov. Herrick—and I have not the least idea that he wrote it—is one that has become very familiar to me, because it has been sent to me in one shape or another every two or three weeks for the last year. Gov. Herrick takes the very conservative, "standpat" attitude on this subject. He thinks that the National Government ought not to interfere in any way in the banking business. He himself is the head of the Society for Savings in Ohio, the largest savings bank in the State and the largest loaner to farmers. Doubtless Gov. Herrick prefers not to be interfered with in his savings-bank business, and with that I do not quarrel.

Mr. DILLINGHAM and Mr. HARDING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield, and, if so, to whom?

Mr. HOLLIS. I yield, first, to the Senator from Vermont, and then I will yield to the Senator from Ohio.

Mr. DILLINGHAM. Mr. President, I simply wish to ask the Senator from New Hampshire whether either of the political platforms to which he refers indorsed this plan of Government aid; and, if so, which one?

Mr. HOLLIS. In the first place, this is not a "plan of Government aid." The bill has been more severely attacked because it is not a Government-aid plan than because it is so. It has been attacked on both sides; and, as I have tried to explain to the Senate, it gives Government aid in the sense of establishing a system and furnishing the initial capital, but later withdrawing the initial capital after the system shall have been built up.

Mr. HARDING. Mr. President, I think I ought to say to the Senator from New Hampshire, who suggests the selfish interest of Col. Herrick in this matter, that the Cleveland Society for Savings, which is the largest institution of its kind in the world, is distinctly a mutual institution, in which there is no private stockholder and no selfish interest to be served.

Mr. HOLLIS. I am very well aware of that; but no doubt Gov. Herrick, if he is fit to be the head of that institution, wants it to flourish, and he would be very sorry to see any part of its business taken away from it. I do not think that is selfish; I think it is moderate self-protection.

Mr. McCUMBER. Mr. President——

Mr. HOLLIS. I yield to the Senator from North Dakota.

Mr. McCUMBER. Is it not a fact that Gov. Herrick has formulated a rural credits bill that has been printed as a public document and that he has written a whole volume upon that subject explaining it? I think probably every Senator has received a copy of his work on rural credits. I simply ask that question to meet the proposition of the Senator from New Hampshire that Col. Herrick was selfish in the matter and probably did not wish any character of rural-credits legislation.

Mr. HOLLIS. Mr. President, I am very glad, indeed, to answer the Senator. Mr. Herrick did not write such a book as the distinguished Senator from North Dakota suggests. That book was written by a young man named Ingalls, a son of the late Senator Ingalls. His name is Ralph Ingalls. His name appears with that of Gov. Herrick as coauthor. I have no doubt he wrote substantially all the book and that Gov. Herrick lent his name to it.

As to a rural-credits bill having been drafted by Gov. Herrick, that is the first I have ever heard of it. If such a bill has been prepared, I have no doubt it was drawn by this same Mr. Ralph Ingalls.

Ever since the joint committees of the Senate started this proposition Gov. Herrick has been bombarding them with communications. I have received at least half a dozen from him, with the request that I reply and criticize. The fact is that he is opposed to the Government going into the mortgage business itself or giving franchises to any banks to go into the business. He believes that the rural-credit business should be handled by the States, and he gives his reasons for so believing.

The letter which was just read by the distinguished Senator from Ohio [Mr. HARDING] is practically the same letter that was introduced by the Senator from Massachusetts [Mr. LODGE] in the RECORD of yesterday. It is all found there. It contains rather a hysterical attack on the pending bill, a great deal of misinformation, a tremendous amount of misinterpretation, and some sound advice. In the first place, he says there are incompatible private banks and cooperative associations. That has been fully explained to the Senate. All over Europe private banks exist side by side with cooperative banks. Each fulfills its own special mission; each is successful. They compete with each other. In framing this bill the joint committee felt that it would be presumptuous to try to impose on all parts of the country any one of the systems. The committee has, therefore, provided that there may be joint-stock banks, cooperative associations with a limited liability, and cooperative associations with an unlimited liability. If we had provided any one system, Gov. Herrick would doubtless have attacked it and said that we ought to have provided the other two. When anyone is opposed to a measure it is easy enough to get up an argument that sounds convincing. Whether or not it is convincing, however, depends largely upon the intelligence and information of those to whom it is addressed.

Gov. Herrick speaks of "jokers," and points out two provisions that he calls "jokers." The first one that he calls a "joker" is the tax exemption. There is no joke about that. It is put right in the bill flatly; attention has been called to it in the report of the committee; I have called attention to it on the floor of the Senate; and there is no "joker" about it. A man is either in favor of exempting a farmer of taxation on mortgages or on bonds, or he is not. Each one will have to decide that for himself. It is a very fashionable way, if you want to ridicule anything nowadays, to call it a "joker"; but that does not fit this particular case.

Mr. TOWNSEND. Mr. President, does the bill which the Senator from New Hampshire has reported exempt the farmer from taxation, or does it exempt the man who owns the mortgage or the mortgage-loan bond from taxation, which may not be held by the farmer?

Mr. HOLLIS. It is the mortgage itself and the bond itself. As I explained the other day, experience shows that where the farmer borrows money on his farm and the mortgage is taxed, the farmer has to pay enough more interest on his mortgage to pay that tax. Any economist will admit that. Here we have the land which must pay its taxation locally; we have the mortgage; and we also have the farm-loan bond. If the farm-loan bond is taxed and the mortgage is taxed, the farmer will have to pay those taxes in addition to the tax on his land, which would be triple taxation.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I yield.

Mr. BORAH. Is it not true, in line with the suggestion of the Senator, that in most of the States farm mortgages are exempt from taxation?

Mr. HOLLIS. It is so in many States. In my own State any mortgage on land owned in New Hampshire is exempt if the rate is 5 per cent or under. The result of that is that all money loaned on mortgage in New Hampshire is at 5 per cent, and I think that is generally the case, but I can not say accurately, because I have not examined the laws of all the States.

Mr. BORAH. I do not know that it is true entirely throughout the country; but I know that a great many of the States exempt such mortgages upon the theory that the tax can finally be transferred back and charged to the farmer.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. HOLLIS. I yield.

Mr. POMERENE. I regret to say that what the Senator from Idaho [Mr. BORAH] says is generally true; it does not apply to the State of Ohio. Unfortunately, in that State we have had for years double taxation. All our property, real, personal, and intangible, is taxable according to a uniform rule under the constitution. We have tried repeatedly to get rid of it, but up to today we have not succeeded. So if a $10,000 farm has upon it an $8,000 mortgage, under the constitution of the State of Ohio, the farm pays a tax according to its real value in money, and the mortgage must be returned for taxation; so that in that instance there would be taxes paid upon $18,000.

Mr. HARDING. Mr. President——

Mr. HOLLIS. I yield.

Mr. HARDING. It will only add information on the subject to say, in addition to what my colleague has just related, that in Ohio we tax all our municipal bonds, and we have repeatedly submitted to the people of the State a proposition to exempt such bonds from taxation, but the rural vote in particular is unalterably against such a proposition.

Mr. POMERENE. Perhaps I should add to what my colleague has just said that we did some years ago adopt an amendment making municipal bonds nontaxable, but within three or four years thereafter another amendment was submitted under which that provision was rescinded, and they are now taxable, as my colleague says.

Mr. HARDING. And, in addition, two later attempts to exempt them have failed.

Mr. POMERENE. I think that is true.

Mr. HOLLIS. If such is the state of the law in Ohio——

Mr. SUTHERLAND. Mr. President——

Mr. HOLLIS. Just a moment. If such is the state of the law in Ohio, that the bonds will be taxed, the mortgages will be taxed, and the farmer's land will be taxed, so that the farmer will pay triple taxation, I venture the prediction that under this system, if the bill is passed, the land banks would do a very substantial business at lower rates than now exist in Ohio.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. HOLLIS. I yield.

Mr. CUMMINS. Is it not true that under the plan of this bill the only way in which the farmer gets the benefit of the exemption of the bonds and other securities from taxation is through the assumption that the interest on capital will be reduced by the amount of the exemption?

Mr. HOLLIS. Certainly.

Mr. CUMMINS. What does the Senator think of the present situation? There are some States in which capital, moneys, and credits are not taxed at all. There are other States in which there is a definite tax much lower than the ordinary rate of taxation laid upon moneys and credits. If, therefore, we get our capital from a State where it is exempt from taxation, why should we not get it at a lower rate of interest than when we get it from a State that imposes a tax upon it; and is the Senator at all sure that the exemption from taxation will be reflected in the rate of interest which the farmer pays for his loan?

Mr. HOLLIS. I am absolutely sure of it, and every economist who has written on the subject will so state. That has been the result in my own experience. I know that in New Hampshire, when mortgage loans were exempt from taxation, when the rate of interest was not more than 5 per cent, the rates dropped on such mortgage loans to 5 per cent almost at once.

Mr. CUMMINS. That is not my conclusion from the study I have given to the subject. If we had a uniform rule throughout the United States in regard to the matter, the conclusion might follow, or it might not, depending upon the demand for money; but, with no uniformity respecting the taxation of capital, I question very much whether the result would follow.

Mr. CURTIS. Mr. President——

Mr. HOLLIS. If the Senator from Kansas will pardon me, I should like first to answer the Senator from Iowa.

Uniformity under this plan would extend over the United States, because all mortgages and all bonds under this system would be exempt from all taxation. Therefore, in States where there was that exemption from taxation on the mortgages and the bonds, the farmers would already be getting the benefit of the low rate of interest. Possibly in such States the land banks established under this system would not be able to much underbid the local banks, but in States——

Mr. CUMMINS. Mr. President——

Mr. HOLLIS. If the Senator will pardon me—but in States where there was a triple taxation imposed, I think the banks organized under this system could hardly fail to give a considerably lower rate of interest than the local banks now give.

I now yield to the Senator from Iowa.

Mr. CUMMINS. But I was suggesting, if the Senator will allow me, that in Iowa, for instance, if we borrow money from one who lives in a State that exempts credits from taxation we do not get the benefit of that exemption.

Mr. HOLLIS. That is true.

Mr. CUMMINS. And, inasmuch as I assume that this system is not intended to be a substitute for all the loaning instrumentalities, I doubt whether our farmers would get any benefit from the exemption under this system.

Mr. HOLLIS. The Senator is mistaken in one particular, if I correctly understand him. He says that if the owner of capital lives in a State outside of Iowa which exempts money loaned at interest from taxation, and that owner should loan his money in Iowa, Iowa would not get the benefit of it. I think Iowa certainly would, because if the man did not have to pay taxes at home he could certainly afford to loan his money at a lower rate in Iowa.

Mr. CUMMINS. That is the fallacy of the whole argument. The man who has a mortgage that he is not compelled to pay taxes upon will not give the borrower the benefit of that exemption from taxation if he can loan his money at a greater rate of interest; and he can loan his money at a greater rate of interest if his rival loaners who must pay taxes charge a higher rate of interest. No man who has money loans it at any lower rate of interest than he is compelled so to do under the laws of competition, I think.

Mr. HOLLIS. That is true; but the level rises or falls, according to the tendency of money. If money is in plentiful supply at a cheap rate, the rate will go down; if money is scarce, the rate will go up. Now, if there are enough men who have money tax exempt to lend, the rate will inevitably fall; if there are very few, they will not affect the market. That all depends on how great is the supply. Under the present bill we expect to have the supply plentiful enough so that it will lower the interest rate.

Mr. CURTIS. Mr. President, I should like to ask the Senator in charge of the bill a question.

Mr. HOLLIS. I yield.

Mr. CURTIS. I ask if the residence of the owner of the mortgage does not control the question of taxation? For instance, in a State like Kansas loans are made practically by loaning companies. They sell the mortgages; and if a mortgage is purchased by a man in the State, he pays taxes on it in the State; but if the mortgage is sold to a man in Ohio or in Massachusetts or in any other State, no taxes are paid on the mortgage in Kansas, and it depends upon the law of his own State whether or not he pays a tax on it there.

Mr. HOLLIS. That is perfectly true. That is what I said in response to the Senator from Iowa.

Mr. WILLIAMS. Mr. President, if the Senator will pardon an interruption, as shedding some light upon this, we had some experience in Mississippi. Money was being loaned at 8, 9, and 10 per cent. The legislature finally, in order to encourage capital to come into the State, passed a law exempting from taxes all loans at 6 per cent or under 6 per cent. Nearly every long-time loan in the State of Mississippi since then has been reduced to 6 per cent; in fact, when a 6 per cent untaxed loan comes to vie with an 8 per cent taxed loan, if you take the taxes into consideration, it is better for the lender to lend at 6 per cent; he gets more net revenue. A great many people who were loaning at even 9 and 10 per cent were willing to accept the lower rate, because they do not have to pay taxes, and because they do not have to be bothered with the tax collector, with making out returns, and all that sort of thing. I think in all public legislation less attention is paid than the matter really deserves to the desire of men not to be bothered with having to make out statements for taxing purposes. At any rate, the fact in my State has been that nearly every long-time loan in the State has been reduced to 6 per cent.

Mr. HOLLIS. Mr. President, I have discussed one so-called "joker" which has been suggested by Gov. Herrick, and I now desire to discuss another one.

Mr. McCUMBER. Mr. President, before the Senator proceeds to that, upon the matter of taxation of mortgages I should like to ask him a question.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. HOLLIS. I yield.

Mr. McCUMBER. Under the provisions of the bill no mortgage can draw a greater rate of interest than 6 per cent. Therefore, no matter whether or not the mortgages and the bonds are taxable in the hands of the purchasers, you could not make that react against the mortgagor, because he can not be required to pay more than 6 per cent.

Mr. HOLLIS. But if you can not get the money in the first place from a long-term investor at 5 per cent, you would not be able to make any loans, because you could not get money to loan. Unless we can borrow the money on farm-loan bonds at 5 per cent, we can not borrow any, and therefore we will have none to loan to the farmer.

Now, the other "joker" that is suggested——

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. Yes.

Mr. SUTHERLAND. Before the Senator proceeds to another branch of the subject, I should like to ask him a question about the taxing feature. I agree with the Senator that, generally speaking, at any rate it is unwise to impose taxes upon farm mortgages, or, indeed, upon any kind of mortgages, because I think that generally the amount of the tax is shifted to the borrower, and it really amounts to double taxation; but I wanted to ask the Senator whether or not he felt quite sure that Congress has the power to exempt from State and municipal taxation within the State mortgages which are of course a species of property? I suppose the theory upon which the Senator proceeds is that the mortgages taken by the land banks would be regarded as instrumentalities of the Government; but, if the Senator has thought about that, I should very much like to have his view as to the power of the General Government to declare to be a governmental instrumentality a thing which is essentially private property and which the State, when that species of property is held by a private citizen, can tax.

Mr. HOLLIS. Mr. President, that question was settled in 1819 in an opinion by Chief Justice Marshall, which is familiar to the Senator, the case of McCulloch *v.* The State of Maryland (4 Wheat., 316). In that case there was involved the right of the State of Maryland to insist that notes issued by a branch of the United States Bank should be on stamped paper. The State of Maryland undertook to collect a penalty for failure to use stamped paper for that purpose, but the Supreme Court of the United States, in a long opinion by Chief Justice Marshall, decided that the Government had a right to incorporate a bank; that it had a right to exempt the bank from taxation; and that it had a right to exempt its instrumentalities from taxation. I think that opinion covers the point fully. That case is the authority under which the present national-bank act is sustained in the case of Van Allen against The Assessors, in Third Wallace, 573.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield further to the Senator from Utah?

Mr. HOLLIS. Yes.

Mr. SUTHERLAND. It has been quite a long time since I have had occasion to examine the case which deals with the United States bank legislation. My recollection, however, is that the Supreme Court of the United States held that the State was powerless to tax the franchise of the bank, but that it had the power to tax its property.

Mr. HOLLIS. It was just the other way. It was powerless to tax the instrumentality issued by the bank, to wit, the bank note. That was directly involved; but I would rather not argue that now. At some other time I shall be very glad to argue the question with the Senator, and I will have the authorities here; but if he will examine the McCulloch case, I think he will see that it is exactly parallel with the case at issue. I should like very much to finish my reply to the Senator from Ohio.

The second "joker" suggested by Gov. Herrick is that the borrower is allowed to borrow enough from the land bank to pay for his shares and to pay the expense of placing his loan. That would include the expense of examining the title and drawing the papers. There, again, if you want to stigmatize something, you call it a "joker" or a "pork-barrel" measure; and Gov. Herrick has availed himself of that privilege. But there is no "joker" about that. Here is the situation:

In order to have a successful mortgage-bank system, it is necessary to have a guarantee fund to take up the slack of the bad loans. If you just loan the money on the mortgages, and then put up the mortgages as security for an issue of farm-loan bonds, some day there will appear a bad mortgage and you will not have anything to take that out of, because you have all your mortgages up to support the loan, and when one drops out you are just so much short.

Now, it is recognized all over this country and in Europe that in a land-mortgage system you should have a guaranty fund of 5 per cent. You may call it capital. We do in this instance. In this case we have to have a 5 per cent capital, 5 per cent on the amount of our mortgages, 5 per cent on the amount of our bonds. The Government starts out the 12 banks with a capital of $500,000 each, but that would not be enough to support mortgages and bonds of over $6,000,000 each. Therefore we must have some way of getting additional capital in order to impose an issue of bonds upon it. The only way to do that under a cooperative system, as this is, is to get it from the borrower himself.

The first bill, which was drawn two years ago, provided that the stock of the local associations should come from private contributors. Under that bill we had to call on private investors at three points: First, to subscribe to the stock of the farm-loan associations; second, to subscribe to the stock of the land banks; and, third, to buy the farm-loan bonds. If we did that and were successful—and it is very doubtful whether the investors would subscribe for these three different classes—but if we were successful, that meant that we would have to turn the control of the system over to those who invested their money, because men will not invest their money in something where they do not control the votes.

Therefore in the present bill we have avoided that. We get from the Government the original capital, and then we sell the bonds to the investors so as to get more money to loan, but we have the borrower himself furnish his own guaranty fund. If he wants to borrow $2,000, he must take stock in the loan association to the amount of 5 per cent, or $100. We think that is useful, because it gives somewhat of an index to the character of the man. The man who can not produce $100 in order to borrow $2,000 probably is not a desirable man to have in a cooperative system.

In the second place, by requiring him to take stock we secure his interest in the success of the system; we get him interested to make it a success, and we also get him to watch other borrowers and see that cheap men, men who are not likely to pay, do not come in. But when you say to a man, "We will loan you 50 per cent of the value of your farm," and then require him to put up $100, 5 per cent of the amount he borrows, toward the guarantee fund, it is rather rough not to allow him to borrow that $100 additional; and under this bill we do. If he wants to borrow $2,000, if he will send us the $100 to give us an index that he is a man who can command $100 locally, then we will permit him to borrow $2,100, and he can pay back the $100 he has had to borrow out of it.

It did not seem to us that that was a "joker." It would be a very helpful thing to a farmer who needed to borrow. In the same way we have provided that he might borrow whatever expense he had to pay to get the loan made; that is, for looking up the title and having the papers drawn; and it did not seem to us that we were doing anything out of the way in that regard.

But I am encouraged at this sort of criticism. When a man of Gov. Herrick's standing and experience can not find anything more serious to say against the bill than that it contains two "jokers" of this character, it shows that the bill must be pretty tolerably sound, or he would not waste an 11-inch shell in going after such small game.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. HOLLIS. I yield.

Mr. SHERMAN. I should like to make an inquiry.

In a land-bank district of the kind referred to by the senior Senator from Iowa [Mr. CUMMINS], or some of the other States where funds are capable of being found at a very fair rate, say 5 per cent, and applications are readily filled, does the Senator think that in such districts—which shall comprise States, if I understand the bill correctly, without breaking the boundary lines of States—a land bank would be organized beyond the minimum amount of capital? Or would it, if organized with the minimum amount, be subscribed by private individuals as an investment?

Mr. HOLLIS. I myself do not believe that private individuals will subscribe anything. If I had my way I would not permit them to do so. I would have the Government put up the $500,000 and then have it paid back as the capital increased from the borrowers. But the bill provides that the districts shall be apportioned in accordance with the farm-loan needs

of the country. Now, take a State like Iowa—that is admirably served; take a State like Ohio—that is admirably served. I should think their farm-loan needs were not very great. I should think that one land bank could cover that whole great section where the rates are so low, and that would leave more banks in the parts of the country South and West where the rates are high and where they are more needed. That is my own feeling about it.

Mr. SHERMAN. May I make a further inquiry?

Mr. HOLLIS. I yield to the Senator from Illinois.

Mr. SHERMAN. In the event that the minimum capital for a land bank in a district of the kind just referred to would be $500,000 and would be paid by the Government—which might be assumed for the purposes of my inquiry——

Mr. HOLLIS. I think so.

Mr. SHERMAN. In another district, say a district composed of Alabama and Mississippi, the capital stock of a land bank in that district would be solely within the discretion of the farm-loan board here at Washington, would it not?

Mr. HOLLIS. Does the Senator mean the limit?

Mr. SHERMAN. It might be $500,000, or it might be much in excess of that?

Mr. HOLLIS. That would depend entirely on whether farmers borrow money. Every time a farmer borrows money 5 per cent would be added to the capital. That is true.

Mr. SHERMAN. Suppose only a comparative small number of shares were subscribed by private individuals. In that event the Government would subscribe, and the Treasury here would furnish the remainder of the capital stock in that district. In that event, in the latter district named, the Government would in reality furnish the funds for the loans.

Mr. HOLLIS. They would in the first instance; but when the subscriptions from the borrowers, the 5 per cent of the face of the loans, amount to $500,000, then, beginning at that time, 25 per cent of all further subscriptions is paid over to the Government until the Government gets it all back. If the system is a success, the Government ought to get it all back in two or three years.

Mr. SHERMAN. I will make a further inquiry. It depends, then, upon the success of the investment, does it not?

Mr. HOLLIS. Absolutely. It depends on how many loans the farmers want on good land.

Mr. SHERMAN. And in order to obtain further funds it would be necessary to deposit the mortgages and, under the provisions of the bill, to issue what we commonly call another line of debenture bonds based on the mortgages?

Mr. HOLLIS. Yes.

Mr. SHERMAN. In that event the land bank in the first district I had in mind would stand responsible for every bond in Alabama, would it not?

Mr. HOLLIS. Yes.

Mr. SHERMAN. Because, when the bonds are once issued, the land banks of all the 12 districts are not only jointly but severally responsible for them.

Mr. HOLLIS. Not severally; jointly.

Mr. SHERMAN. That is, if the assets of 11 of the district banks were exhausted, and the twelfth bank had assets enough to pay it, it would take all of its assets to pay the bond issue.

Mr. HOLLIS. That is what I call "jointly." There is a difference between "severally" and "jointly," as the Senator well knows. They would not be severally liable; they would be jointly liable for the principal of the bonds.

Mr. SHERMAN. Does not the Senator think that that fact alone, in all agricultural districts where land values have arrived at a settled state, such as Iowa, Illinois, a large part of Missouri, and similar parts of the Union, would deter private individuals from embarking in a land bank by subscribing for stock—the fact that their resources, so devoted to that purpose, would stand good for the bonds issued upon the underlying mortgages in every land bank in the country?

Mr. HOLLIS. No; I do not think so. I think they would be deterred from the fact that they were asked to invest without having any voting power. I have already explained that; but in those districts where the land is not so valuable the interest rate charged would undoubtedly be high enough to make up for that extra risk. That is why we have divided the country up into districts instead of having it all one great district. We feared that if we had it all one great district the interest rate would be fixed at the highest rate of interest which was required to be paid, say, in the weakest portion; and, therefore, we thought it should be cut up into sections so that the risks would be substantially the same in each section, and the rate of interest over a particular district should be substantially the same.

Mr. SHERMAN. Another inquiry, Mr. President, and then I will close.

Mr. HOLLIS. I am very glad to answer questions if I can.

Mr. SHERMAN. Therefore appropriations made by the agency of this bill, to be drawn from the Treasury, in a Government undertaking, are depended upon to lower the rates of interest on these investments. Is that correct?

Mr. HOLLIS. I do not want to subscribe to its being a Government undertaking. It is a Government undertaking so far as establishing the system is concerned, but that is merely for the start, and we have provided that the capital advanced shall be returned. If it is a success, it will be returned, but the Government is helping all over the country. That is the reply; and in those sections where they need it most they will get the most help. That is inevitable.

Mr. SHERMAN. And in that event, where we are now getting 5 per cent money and no complaints, we contribute by taxes or otherwise to the just rates in the second district that I have supposed as an illustration?

Mr. HOLLIS. The Senator is now using the very admirable argument which the junior Senator from New York [Mr. WADSWORTH] made on the good-roads bill the other day. I do not think it is entirely justified, because the great vice of the mortgages in Illinois, as the Senator knows, is that they are not on long term; they are not on amortized payments; the farmer is not encouraged to pay them off. He has to renew every little while. Every time he has to renew there are new papers to be made out, new commissions to pay, and he still has the same old debt owing. Under this system the chief merit is the amortization loan feature, which will compel the farmer to pay off the principal of his loan, almost insensibly, 1 or 2 per cent a year. That is what we hope will be established in this country, and I believe the State of Illinois will be very, very much benefited by it.

Mr. SHERMAN. Mr. President, that is what I am trying to ascertain. In certain areas—I do not refer to my own State, but to many surrounding States where real estate values are substantially the same—there is little or no complaint about the cost of renewing the loan, the preparation of papers, the examination of titles or the extension of abstracts. In such States, where there are no complaints, where loans are now made running from 5 to 15 years, if desired—I know of loans now, in business enterprises in which I have been interested myself, having been made for 15 years with an option to pay any sum at any time, providing the borrower makes it out of the land—in areas of the United States where loans are in that condition and where 5 per cent money is accessible at all times upon a 50 per cent margin of security, what advantage would it be to have such a bill as this?

Mr. HOLLIS. I have just tried to explain that to the Senator. If I did not convince him at the first attempt, I probably could not at the second. I say that the amortized-loan feature alone ought to be enough to induce the farmers of Illinois to go into it, so that they will get their loan paid off a little at a time by paying a small amount each year.

Mr. SHERMAN. I have just stated, Mr. President—possibly I did not make myself clear——

Mr. HOLLIS. Oh, if the Senator eliminates all the advantages, of course there will be no advantages; but I have sketched the advantages that I think will follow. If the Senator eliminates them one after another, I shall finally be left without any. But I can not think that even in Illinois the farmers are so fortunate now in the way their loans are made that they can not be helped under this bill.

Mr. SHERMAN. Vast sums of life insurance money are loaned in the States I have referred to where there are privileges of prepayment at annual intervals. There are some loans of this kind made from private sources, and it is the universal rule in what we call the corn belt to give the prepayment privilege at any time if the borrower makes it out of the land. I know personally of many millions of dollars loaned at 5 per cent, with the prepayment privilege to the farmer, to be made at any time, providing he makes it out of the land. It is a better prepayment privilege than in the case of any building loan on city property. I am trying to ascertain if, to people living in such areas of the United States, there is any inducement whatever to support or to ask us to support the bill with the idea that any benefits will come to that population?

Mr. HOLLIS. I am giving the Senator my private opinion—that they will, and the great party to which he belongs thought that, on the whole, such benefits would result, and declared in favor of a rural-credits measure. Now, it may be that the State of Illinois does not want it, and it may be that they would secede from the Republican Party on that proposition, but I believe the Republican Party all over the United States wants it, just as the Democratic Party all over the United States wants it, and I am trying to get the best possible bill for national application that

we can get. It will not help them as much in Illinois as it will in some States where the rate is higher, but I think it will help substantially, for the reasons I have already explained. If the Senator does not believe it will, he naturally will not vote for the bill, but I hope there will be enough who will vote for it to pass it.

Mr. McCUMBER. Mr. President, I desire to ask the Senator just one or two questions.

What inducement is there in this bill for the private citizen who has capital of his own to invest to inaugurate this system and to start one of these banks?

Mr. HOLLIS. There are bankers in South Dakota who have been to see me and who say that they want to operate one of the joint-stock banks as provided for in the bill. There are bankers in Indiana who want to do it. The mortgage bankers of Chicago have sent circulars asking to have certain things put in the bill so that they can come in.

Mr. McCUMBER. I am not asking so much as to who wishes to do it. I want to know the inducement that the bill holds out to them so that I may understand it; and all of my questions will be for the purpose of getting a better understanding of the bill.

Mr. HOLLIS. Just the same inducement that there is for the private capitalist to organize a national bank instead of a State bank. Some capitalists think there is enough advantage in having a national bank to come in under the national system with the extra restrictions that there are. Now, we think it will be an inducement to a capitalist who wishes to engage in the mortgage business to organize one of the joint-stock banks in order to be under the national system of land banks; and, moreover, I think they will do it in order to get tax exemption of the mortgages and bonds that they issue.

Mr. McCUMBER. Of course, Mr. President, when any man goes into any kind of a business he goes into that business for the profit there is in it. If I understand this bill correctly, all the profits must lie between what the farmer pays on his mortgage and what the bond draws.

Mr. HOLLIS. Yes.

Mr. McCUMBER. And that spread can not be more than 1 per cent.

Mr. HOLLIS. Not 1 per cent on the capital, because the banker can issue fifteen times the amount of his capital in bonds; so he will get 1 per cent on fifteen times his capital, which ought to be enough.

Mr. McCUMBER. It is 1 per cent upon the mortgages that are given under this bill.

Mr. HOLLIS. Yes.

Mr. McCUMBER. Then he must make all of his expenses; he must build his bank building; he must pay all of the charges connected with the business——

Mr. HOLLIS. I do not see why the Senator says he must build a bank building. We have 12 Federal reserve banks in this country, enormous institutions, and not one of them has built a bank building. They have very modest quarters.

Mr. McCUMBER. If they do not build it, they will have to rent it, I presume.

Mr. HOLLIS. Yes.

Mr. McCUMBER. Which is practically the same thing.

Mr. HOLLIS. But the Senator's argument the other day was that these banks which we provided would spend all their $500,000 capital in building a bank building. I wanted him to see that that is not probable.

Mr. McCUMBER. The point I want to get at is the real inducement, and the methods by which the parties operating the banks are to receive their profit. If I understand the Senator correctly, that profit must come out of the difference between the 4 per cent which the bonds will draw and the 5 per cent which the mortgage will pay.

Mr. HOLLIS. That is absolutely accurate.

Mr. McCUMBER. And if the number of mortgages and the amount handled were not sufficient to pay the expenses between those two, then the inevitable result would be that that bank would soon have to go out of business, would it not?

Mr. HOLLIS. There is no doubt of it. I will say, further, that in Europe these banks conduct their business on a margin of one-third of 1 per cent on the mortgages and pay dividends.

Mr. McCUMBER. They probably could do it if they had a great quantity of them. The officers of these banks are to be selected through the farming organizations, are they not?

Mr. HOLLIS. If the Senator will pardon me, we have been talking about the private joint-stock banks, which are separate institutions. Now, the Senator is proceeding to talk about the cooperative banks, which are very different. One is called the joint-stock land bank and the other the Federal land bank. We are now talking about the Federal land bank.

Mr. McCUMBER. I am speaking now of the Federal land bank.

Mr. HOLLIS. Yes; I want that clear.

Mr. McCUMBER. The Federal land-bank officers are selected through the loan organizations, are they not?

Mr. HOLLIS. Two of them are appointed by the farm-loan board and three of them are elected by the farm-loan associations.

Mr. McCUMBER. My own opinion is that with the many officers and the salaries and the immense machinery there will not be enough to cover the overhead expenses that will be provided; but that is a mere matter of opinion.

Mr. HOLLIS. Right there, let me say that the Senator has said that, but I can enumerate to him what they are and show him that they are very slight. To begin with, there is the farm-loan board. If it is established as the bill provides there will be four of them paid $10,000 each. That is paid by the Government. Each of these great land banks, with an initial capital of $500,000, has only five directors, and that is all the bill provides.

Mr. McCUMBER. And what are the directors paid?

Mr. HOLLIS. The compensation of the directors of the land bank is subject to the approval of the farm-loan board. Their compensation must come out of the 1 per cent. Now, you can not run any bank anywhere without paying for banking brains. I believe it will cost something to run these banks. If they are not well paid they will not be well run, and they will not make any money. But you might as well ask me how the Standard Oil Co., or any other concern, can make money when it pays its officers liberal salaries. Take the banks in New York: Some of those great banks in New York pay $100,000 salaries, and the men earn them. I do not know what it will cost, or how much they will pay. They will pay just as much as they have to pay to get efficient service, and I hope they will get very efficient service and pay very well for it.

Mr. McCUMBER. I agree with the Senator.

Mr. HOLLIS. That is all there is to the Senator's criticism that this system is loaded down with highly paid officials. That is all there is to it; and if that is the best criticism there is of the bill, I feel very much reassured.

Mr. McCUMBER. I will say to the Senator that my own judgment is that if it can be made a profitable business to the organizers of the bank, you can get men to go into it that have the brains and the capacity to run the institutions; but you will not get them to devote their talents to the purpose unless there is a profit that justifies the exercise of those talents.

Mr. HOLLIS. That amount of profit is found in Europe at one-third of 1 per cent, and I believe we can find it at 1 per cent margin in this country. I may be wrong. If we can not, we shall never know it until we try it.

Mr. McCUMBER. After the Government is entirely eliminated, the stock then will be owned by the loaning associations, will it not?

Mr. HOLLIS. That is true.

Mr. McCUMBER. When the stock is owned by the loaning associations, they, of course, will have the management of the bank?

Mr. HOLLIS. No; the Government will still have two of the five directors, and they will still be under the farm-loan board.

Mr. McCUMBER. Although the Government may own none of the stock, the Government can still exercise its control as to who shall be directors?

Mr. HOLLIS. Certainly; just like the Federal reserve banks.

Mr. McCUMBER. Must the directors be stockholders?

Mr. HOLLIS. It is not necessary; no.

Mr. McCUMBER. The Government may employ them anywhere it sees fit?

Mr. HOLLIS. Why, the Government will do exactly as the Government does with the Federal reserve banks now. There are nine directors for every Federal reserve bank. Six of those are elected by the member banks and three are appointed by the Federal Reserve Board. It works out splendidly. We get the very best men all over the country to do that work practically for nothing. They consider it an honor to be connected with one of these Federal reserve banks. There is a great push by first-class men to get the appointments.

Mr. McCUMBER. I hope the Senator's optimism is justified.

Mr. HOLLIS. It is not optimism; it is facts. I am stating facts now. I am not dealing in speculation at all. I am stating just what has occurred under a system that the other side of this Chamber attacked much more viciously than they are attacking this.

Mr. McCUMBER. As I understand, the Senator wishes to discuss this matter further——

Mr. HOLLIS. Yes; but I am not particular. I expect to have to answer a great many questions. I am on tap at any time.

Mr. McCUMBER. I will wait until the Senator has finished, and then I will consider the matter to some extent.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. HOLLIS. I do.

Mr. SHEPPARD. Is not this stock also open to private subscription?

Mr. HOLLIS. The stock is open to private subscription. If I had my way, I would not have permitted it, however. I do not think anyone will subscribe, because any individual who does subscribe has no vote. I think the Government will take substantially the whole of it.

Mr. SHEPPARD. After the Government stock has been retired, private parties, firms, or corporations will still have the privilege, as well as the farm-loan association?

Mr. HOLLIS. Yes; that is true; and one of the criticisms made by Gov. Herrick is, because we permit the Federal land banks to receive deposits from stockholders, that private individuals may subscribe, and thereby get the right to deposit money with the land banks. I hope they will do it, and deposit a great deal, because if they do they can not get one cent of interest, and the bill so provides. If Gov. Herrick wrote the letter that is over his signature, and if he has read the bill, it was very unfair of Gov. Herrick not to state that these depositors could not draw any interest; and anyone who knows that they can not get interest would know that they would not deposit. I hope they will. If they do, they will solve the whole problem. We will get their deposits for nothing, and we will loan them to the farmers cheaply, too.

He also says there is no appeal from the farm-loan board. There is no appeal from the Federal Reserve Board. There is no appeal from any one of these various boards, from license commissioners, railroad commissioners, and so forth. You have to have final judgment somewhere; and it is not necessary, every time you want to get a loan, to go to the Supreme Court of the United States. There will not be any disposition on the part of the farm-loan board to crowd anybody or to rob anybody or to discriminate against anybody. As soon as they do the one who is hurt will howl, and his howl will be heard all over the country. The idea of having an appeal provided from the farm-loan board arises from a hypocritical attitude toward the system from one who is an enemy of it.

He says that this is an instrument for turning the public funds over to the farmer. Anyone who heard the letter read by the Senator from Ohio to-day would think that this bill provided for making a loan of Government money to the farmer; but that is not so. We do not propose to loan Government money to farmers at all, but to get long-term investors to buy our bonds based on mortgages as collateral and then loan the money to the farmers.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. HOLLIS. Certainly.

Mr. SHERMAN. I am greatly interested in the Senator's last statement. Does the Senator think that Government credit will be used instead of Government money?

Mr. HOLLIS. No; I know it will not, and that is the next point I will come to. Gov. Herrick says the Government guarantees these bonds. It does nothing of the kind. There is no Government guaranty anywhere in the bill, and that is one of the things farmers complain of. They say the Government should get behind this business and it ought to guarantee the bonds. If I had my way it would do it, because I believe personally that is a proper Government function. I think the majority of the Members of this body are against that. Therefore, this is what is provided. I will have to lay a foundation before I come to the point. As the Senator well knows, under the national banking act every national bank is now a Government depositary. Whenever there is a panic or trouble in any particular locality the Secretary of the Treasury loans Government money to the bank in order to help out. That has been done in all parts of the country. It was done right here in Washington. It averted a great panic in Washington about two years ago. But the Secretary of the Treasury can not deposit Government funds for temporary use without requiring security. Government bonds or otherwise. That is what the national-bank act provides. Now, I borrowed that for this bill, and I take the full responsibility for it. It is from the national-bank act, and it provides that the Secretary of the Treasury may on the application of the farm-loan board loan temporarily to the Federal land banks not to exceed $6,000,000 in any one year, taking Government bonds or other good security of twice the value of the deposit, with interest at 2 per cent. That is all the Government aid there is in it. It is limited to $6,000,000 in any one year. It must be loaned to land banks on the security of bonds or other security satisfactory to the Secretary of the Treasury. That is all the Government aid there is here. I wish it were more. I wish I could get more, but I believe that is as much as I can get.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield further to the Senator from Illinois?

Mr. HOLLIS. I yield further.

Mr. SHERMAN. If there is no Government credit used or Government money beyond the sum stated——

Mr. HOLLIS. And the original contribution of capital. I have stated that several times.

Mr. SHERMAN. It might be subscribed by the Government in an indefinite amount under the order of the farm-loan board.

Mr. HOLLIS. No.

Mr. SHERMAN. What would be the limit?

Mr. HOLLIS. I think it would be possible only to have $500,000 for each bank. It has never occurred to me that the farm-loan board would authorize more than the 12 banks originally established.

Mr. SHERMAN. Let me put this query to the Senator: Suppose in the second district, which I gave a moment ago, of Alabama and Mississippi, to illustrate, the minimum capital of the loan bank in that district would be fixed at $500,000. There is no maximum in the bill as written, and does not the farm-loan board have the right or the power to fix the capital stock in the district of Illinois and Iowa, for instance, at $10,000,000? Is there anything in the bill to prevent that?

Mr. HOLLIS. Nothing.

Mr. SHERMAN. In that event the whole $10,000,000, or $9,500,000 of it, at least, I think under the bill could be properly transferred to the first district supposed and loaned there.

Mr. HOLLIS. There is no power in the bill which permits the transfer of capital from one district to another as there is in the Federal Reserve System.

Mr. SHERMAN. Not directly; but let me make a further inquiry. The capital stock to be fixed in the land bank of the district is in the discretion of the board; that is, the central governing board has unlimited power in that particular.

Mr. HOLLIS. That will be controlled by the amount of loans that are taken in the other districts. After the first $500,000 is subscribed, then all the other increases come from the 5 per cent received from the borrowers. That is automatic. It rises with additional needs and it falls with them. That is not fixed by the farm-loan board. It is fixed by the needs of the borrowers. But assume that it is large, and I think it will be large in all the districts.

Mr. SHERMAN. Let me assume that in the one instance money is a little more difficult of procurement and the rates are higher, could not mortgages be written on application made under the provisions of the bill through the national farm-loan association, say, in the sum of $10,000,000, to have some concrete illustration?

Mr. HOLLIS. Yes; probably several hundred million dollars.

Mr. SHERMAN. Then the money would be raised as soon as those loans are made by issuing bonds in the sum of $10,000,000, which would be a charge on all the 12 districts of the United States, including all the country.

Mr. HOLLIS. That is perfectly true. If we assume that we have but one great land bank to cover the whole country, as we would have a perfect right to do, and it has been urged by many people, then the different sections of the country would have to take their chances with all the other sections just as they do under the bill. The Government sets them up in business and requires that there shall be a universal guaranty all around as a return for that. It is perfectly true, as the Senator says, that a rich district might be called on to pay for a poor district; but the bank in the rich district may be badly managed and the bank in the poor district may be called on to make up for its deficiency. It is reciprocal.

Mr. SHERMAN. In other words, let me inquire, in the older States of the Union and some of the Mississippi Valley States north land values have been reaching toward their present condition for more than 100 years. Agricultural development has gone there during that time. In effect does not the bill transfer a portion of our land values or our accumulations through the power of taxation and make an involuntary loan so far as we pay direct taxes——

Mr. HOLLIS. I do not think so.

Mr. SHERMAN. Let me complete it—to the area where the land values have not yet reached the level in the northern Mississippi Valley country that I have supposed?

Mr. HOLLIS. We are dealing now with the question of the liability of one bank to another. On that point, before one district can be called on to answer for the default of another, first, the capital, reserve, and earnings of the one land bank must be exhausted; second, all the mortgages that have been put up as the basis for bonds must be exhausted; third, all the individual liabilities of farm-loan associations must be exhausted; all the reserves and the capital of the farm-loan associations must be exhausted; and if the banks are properly run and properly supervised, there is no chance for a failure such as the Senator indicates. If it does come, the Senator is perfectly right that wherever it comes the people who have loaned to that section on farm-loan bonds will be allowed to go on other sections that come in and get the benefit of the system. There is no doubt about that. I do not try to conceal it. I want the Senate to understand it. I do not believe that you can make such a national system unless you have a broad insurance.

Mr. SHERMAN. If what the Senator says is likely to be worked out in practice both by the borrower and by the investing public, will the Senator explain why such an investment can not now be sold on the market at a fair rate?

Mr. HOLLIS. Very easily. In the first place, they are not Government supervised. In the second place, they do not have this broad Government insurance that I have outlined. In the third place, there has never been in this country any cooperative system with the individual liability of the cooperating borrowers. Those are the three brief answers. The pending bill is to provide a system to give these facilities to the farmers on farm loans just as we have given them to the merchants and manufacturers through the national banks. To accomplish this result we recommend the system.

Mr. THOMAS and Mr. CLAPP addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from New Hampshire yield?

Mr. HOLLIS. I yield first to the Senator from Colorado.

Mr. THOMAS. I merely wish to make a suggestion to the Senators in view of one or two of the questions propounded by the Senator from Illinois. Land values are not dependent upon the age of the sections of the Union. There are many older sections where land values are less than in some of the newer sections. I think I am safe in saying that in such States as my own, in Idaho, Utah, and adjoining States land values are in places as high if not higher than they are in the generally rich section of the Mississippi Valley. So far, therefore, as the transfer of values in the operation of this bill is concerned, if it becomes a law, there is an equation growing out of the desirability of different sections as to differing soils and crops. That would certainly equalize conditions and in any event make the question of the transfer of land values comparatively unimportant in the operation of the bill.

Mr. HOLLIS. I now yield to the Senator from Minnesota.

Mr. CLAPP. If I understood the Senator a moment ago, the resources of both the banks and the cooperative association are involved in the payment of the loan made by either. Is that correct?

Mr. HOLLIS. No; not as I think the Senator understands it. The private joint-stock banks are organized for profit, and their capital, which is not exempt from taxation, stands entirely by itself. There is under the supervision of the farm-loan board a cooperative system of 12 land banks with their subsidiary associations.

Mr. CLAPP. I so understood it, but I think if the Senator will look at his remarks later he will see that possibly they bear the other construction.

Mr. HOLLIS. Very likely. It is very easy to confuse two characters of banks and to use the wrong word.

The point raised by Gov. Herrick's article that there will be numerous land banks formed I hardly believe is candid, but if anyone has a fear that there will be more than 12 I personally should not have the least objection to having the number limited to 12. That was one of the question which was up under the Federal reserve act, and we finally fixed on not more than 12, and 12 were organized. I have not the remotest idea that there ever will be more than 12 or any less than 12. They very soon settle into their environment and the connections formed are solidified, so that it is disadvantageous to give up the bank with its connections and start another. But if that criticism is made in good faith and anyone wants to offer an amendment that the number be limited to 12, I shall be very glad indeed, so far as I am concerned, to have it adopted.

Another suggestion by Gov. Herrick is that the capital is advanced by the Government and will not be returned. If these banks do a substantial business, it will run into the hundreds of millions. As soon as a bank has loaned ten million it will have a new capital of $500,000. When it increases its loans further, then 25 per cent of the new subscription will be returned to the Government. It will all be returned when the land bank has loaned $50,000,000. I should suppose the country will be divided into 12 districts, so that $50,000,000 may be loaned in each within two or three years.

Mr. WILLIAMS. Fifty million dollars by all?

Mr. HOLLIS. No; $50,000,000 by each one. When you consider that the farm loans already existing in this country are four and a half or five billion dollars, and we need only to have 1 per cent of the amount taken out on each land bank, it seems very probable that the limit will soon be reached.

These points which have been submitted in a broadside through Gov. Herrick's letter will doubtless be raised seriatim later in the debate by various Senators, and as they come up one by one I shall be very glad to give my answer to them, such as it may be.

Mr. McCUMBER. Mr. President, I am one of those who favor a rural-credits system. I am in hopes that we may be able to establish a workable one. I have given this matter considerable consideration, and of one thing I have become satisfied, and that is that we can not inaugurate any system that will give substantial benefit to the agricultural class without entering to some extent into the field of paternalism. I wish that we could avoid it, but I am satisfied that it is impossible. I have therefore drawn a substitute for the bill offered by the committee, a substitute that is simple, that is workable, that will certainly prove to be a success. It can not be otherwise.

The bill that has been introduced by the committee is paternalistic in all its tendencies. The substitute which I will offer does not avoid that criticism. The bill as it is proposed requires the Government to invest $6,000,000 in a business that may be profitable or it may not be profitable, according to the operation of the banks and the conditions. If it is a success, the Government may get its money back. If it is not a success, it is the Government that loses, and we who pay the taxes, of course, pay for that loss. The Government is establishing the institutions; the Government is creating the corporations; the Government is officering the corporations and conducting the business for a class of American citizens. Now, to do that and to accomplish the ends that are sought, the committee has reported what they admit is a very complex and a very cumbersome bill. To my mind it is so top-heavy that it will not be workable.

The committee has attempted to formulate a bill that will reach the diverse conditions in the several sections of the United States and apply with approximate justice to all. The Senator from Illinois [Mr. SHERMAN] has shown how it must fail to work justly to every section. I shall submit a substitute that will apply justly, because it will not require the Government to expend any money whatever except for a few additional clerks in the bureau which will be created.

Let us suppose this condition: Suppose the Government Treasury would buy up $100,000 worth of mortgages this year; that the Government would take those mortgages, bearing 4½ per cent interest, payable in 5 or 10 years, the interest payable annually; that the Government would then issue its debentures, bearing 4 per cent interest, payable in 20 years, with privilege of redeeming in 10 years if it was found that the demand of the country did not justify the continuation of this system. Then it sells those bonds bearing 4 per cent interest. The Government then has immediately received the money back that it paid for the mortgages it purchased.

Now, next year we will suppose that the Government takes another hundred thousand dollars and sells another hundred thousand dollars of debentures. This continues for 20 years, the Government selling the debentures just to the amount of the mortgages that it takes. The Government becomes the owner of the mortgages. They therefore would not be taxable.

Mr. SHERMAN. Mr. President——

Mr. McCUMBER. The Government in selling its own bonds can provide that they will not be taxable. I yield to the Senator from Illinois.

Mr. SHERMAN. I am following the statement of the Senator, and I wish to make an inquiry. Are those 4 per cent debenture bonds the obligation of the Government or simply secured by the undivided profits?

Mr. McCUMBER. They are the absolute obligation of the Government, and the mortgage securities which are owned by the Government are held as the basis of the bonds. Therefore, the Government has a dollar for every dollar it issues, and it has a security valuation equivalent to $2 upon every dollar of the mortgage which it takes.

Now, you will see that by following that system the Government puts itself in the position of a factor who has the property in his own hands and guarantees the payment of it. The Government would receive one-half of 1 per cent upon the mortgages to cover its expenses.

Under such a system as that there could be no question of any difference in the rates between any one section of the country and another. The rates would be 4½ per cent to the farmer, no more, no less. The farmer could pay off the mortgage under the provisions of the bill which I have offered at the end of 5 years, if he saw fit to pay it, or he could allow it to run the 10 years.

Now, here is a simple, easy proposition, unquestionably workable, because the moment the Government issues an untaxable bond for 4 per cent there will be any quantity of capital ready to take up those 4 per cent bonds of the Government. Then I provide that those 4 per cent bonds may be used in Federal banks for the issuance of currency, absolutely as good a security as it is possible to obtain, because it is the Government security itself.

Under the bill which I offer as a substitute the Government does not have to build a single other bank building. It does not have any of these overhead expenses. It utilizes the national banks of the country now in existence. It utilizes every State bank or trust company in the United States that is willing to act as the agent of the Government. It has its officials already in these banks in every town and village in the United States. It brings the farmer to his own home bank to do his business.

Mr. SHEPPARD. May I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. SHEPPARD. Suppose the banks should decline to perform this service?

Mr. McCUMBER. There are generally two or three banks in every little town of 400 inhabitants in my State, and if one should decline there will be others that would accept. I can not imagine that a bank would decline to act if it wanted to have the business of the farmer, because the moment that the bank declines to act for this customer the customer goes to another bank and the first bank has lost that customer. That fact would assure an agency in every town in the agricultural sections of the United States.

Mr. SHEPPARD. What provision would the Senator make for the examination of title?

Mr. McCUMBER. I will explain that.

Mr. CLAPP. Just a moment, if the Senator will pardon me. I think at this time some Senators may not be familiar with the proposed substitute. Making it clearer as to the willingness of the banks to act, it is not supposed that the banks take any responsibility except that of carrying, and surely where they did not have any responsibility imposed upon them they would be very glad to perform the mere duty of comparing papers and examining them for the compensation that is provided. I suggest to the Senator that to those who had not read his substitute the question as to whether the bank would act or not might involve the thought that the bank itself was assuming a responsibility for these debts.

Mr. McCUMBER. No; all that the bank is responsible for is good faith. Let me just apply it to the practical method of doing business. Suppose I want to make a loan upon a farm in my State. Of course under the provisions of this bill I could not have the advantage of it, and I could not have the advantage of it under the provisions of the substitute which I have offered, because I am not living upon the farm and I am not doing the farming myself, except through tenants and hired help. But suppose I was an actual farmer, doing business as such, and I wanted to borrow $5,000 upon a section of land. I would go to the bank in my own town. The probabilities are that that bank would be the agent for the Travelers' Insurance Co. or some other loan agency which loans a great amount of money in my State. As a farmer, I would go to that bank and tell the banker I wanted to make a real estate loan of $5,000. He would draw up an application for me to sign. That application would describe my land; it would show how many acres are under cultivation, what was the assessed value of the land, what land of that character was worth, the number of horses and cattle and sheep and hogs and farm machinery that I would have, the number of boys I might have upon the farm who could help me in operating it. After I had answered 40 or 50 of those questions which are in the application blank, that banker, if he did not already know my land—and the chances are a thousand to one that he would know all about it in an agricultural section of the country—would pass his judgment upon its value. He would then draw the mortgage for me, phone to an abstract office and have my abstract continued to date, or I would send over my own abstract, possibly, or phone and have a new abstract made. He would pass judgment upon my title. In addition to my own statement in my application, I would probably have the statement of two of my neighbors signed to it verifying what I had said in reference to it, verifying my answers to the many questions in that application. He would then take those and, in all probability, he would advance me the money on them. He would not even wait until he had received the money from the Travelers' Insurance Co. He would send the papers on, with a draft accompanying them. I would have my money the very day that I went into the bank to borrow; there would be no red tape about it. It may be he would charge $5 or $10 for drawing the papers; but ordinarily he would make no charge, as his fee would be paid—1 or one-half per cent—from the Travelers' Insurance Co. for acting as its agent.

Why not utilize that same system here? What objection is there to it, except the objection, which I admit is valid, as to those who believe that the Government itself ought not to do any kind of business for the benefit of any class of its citizenship? That is a valid objection to those who have that belief; but those who believe in this bill can certainly have no qualms of conscience concerning the paternalistic effect of it. It is the difference between an unworkable bill and a workable bill.

After I have dealt with the bank the coupons will be sent by the Travelers' Insurance Co. to that bank for collection. If I am a little late in my harvest the bank will advance me the money. When I sell my grain I will deposit the proceeds of the sale in that bank. I am doing business all the time with a Government agency already created and with no expense whatever attached to it.

Now, I am going to consider a few of the provisions of this bill to demonstrate, if I can, what a complex, heavy, expensive piece of machinery it is. The bill reported in a certain way duplicates the Federal Banking System. We start out with 12 of these regional land banks. We first have a Federal farm-loan board, and we pay its members each $10,000 a year. There are four of them, so their salaries amount to $40,000 annually.

Mr. CLAPP. Mr. President, the Senator from North Dakota some days ago analyzed his substitute for the pending bill, but I think now, as we are getting nearer to a conclusion of the matter, there is more interest in his substitute. Though it may be plain to all, I think while the Senator suggested, after describing the manner of this loan on the part of the bank acting as an agent of the Travelers' Insurance Co., he would make the bank the agent for the Government instead of the agent for the company; at that point it would make it plainer if the Senator had suggested that the security taken by the bank, instead of being sent to the Travelers' Insurance Co., should be sent to Washington, the authorities at the Treasury here honoring the draft, thus making at that particular point a complete analysis of that transaction.

Mr. McCUMBER. Exactly the same. The Travelers' Insurance Co. would then sell either its bonds or its mortgages; and, in order to secure money at a cheap rate, the Travelers' Insurance Co. would probably guarantee those mortgages in the hands of the purchaser. That is what the Government, in effect, would do. Its guaranty, however, would be in the form of a long-term debenture.

I want to see whether or not this proposed bill will be an expensive affair. We start out with the Federal loan board, composed of four members, having a term of eight years, with a salary of $10,000 each. That is the initial cost. Then, this board is to have supervision over a bureau. The number of employees in that bureau is absolutely unlimited—no one knows how many there will be—but we may get some kind of an idea of the number that will be required when we take the statistics and show therefrom that there are estimated to be over $5,000,000,000 of farm loans in the United States. If this system is going to be workable at all, if it would be adopted all over the country, it would require enough clerical force to handle the business to take care of four or five billion dollars worth of mortgages. The force is unlimited.

Then, again, they are to appoint one registrar in each district. There are only 12 of them; but those are 12 more employees. We will suppose that they will probably be paid $5,000 a year each; so the cost for their salaries would be $60,000.

Then, we are to appoint as many land-bank appraisers as may be necessary. Let us stop and think of that. Remember, that under the provisions of the bill the land-bank appraiser must go out, examine, and pass judgment upon every piece of land involved. If this legislation is a success, you certainly would need as many as one land appraiser in each congressional district, would you not? You certainly would require three of them in my State, and it would keep them mighty busy traveling in order to cover the State: First, to examine one piece of land down in the southwest corner, and then to travel 400 miles to examine another piece of land in the northeastern corner of the State. So you can be certain that there will be needed at least 435 appraisers.

In addition to those 435 appraisers, you are also to have another number of assistant appraisers. All of their expenses must be paid out of this system; they will have to hire teams; they will have to hire automobiles; they will have to travel by rail in order to get out to this land and to examine it. By the time a piece of land has been examined for the purpose of passing judgment on it by that one appraiser of loans you will have enough expenses to make 1 or 2 per cent upon the amount of mortgage which the average farmer would be desirous of making.

You have land-bank appraisers to be paid by the banks. Then, the farm-loan board must employ attorneys, experts, assistants, and laborers, and again their number is absolutely unlimited. The probabilities are the compensation paid will be the usual amount paid for Government employees, because the very system itself is inaugurated, it seems to me, for the purpose of finding places for your political friends without going to the Civil Service Commission, and after you have found those fine places for them, then they will be covered under the civil-service rules by the order of the President.

Nor do we stop there. The bill then provides for five directors for each land bank. That would make, at least, 60 in number, and if they have a salary of $5,000 a year apiece, that would be $300,000 for their salaries.

Mr. CURTIS. Mr. President, I should like to call the Senator's attention to the fact that, on page 47, the bill provides that the loan committee shall examine the land and all three members must sign the report, and it also imposes the condition that after the mortgage comes in the Federal land bank shall send out one or more of the appraisers to examine the land.

Mr. McCUMBER. Yes; it has to be looked after carefully, doubly appraised, and so forth.

Now, again, these land banks are authorized to employ as many attorneys, experts, and assistants as are necessary, and to fix their compensation. Here, again, the number of employees is absolutely unlimited. There is not a Senator here who does not know that the Government generally requires about three men to do as much work as would be done by one man in any kind of private employment; in other words, it will cost about two or three times as much as it would if a private individual was operating his own bank.

Mr. POMERENE. Mr. President, may I interrupt the Senator?

Mr. McCUMBER. Yes.

Mr. POMERENE. Of course, I think we will all agree that there ought not to be more attorneys or employees than are absolutely necessary to properly manage this system or any system which may be adopted. What limitations would the Senator from North Dakota suggest in that behalf? If there is likelihood of this provision being abused, what limitation would the Senator place upon it?

Mr. McCUMBER. I would not suggest any limitation; I am simply attempting to point out that it will require very expensive machinery to carry this bill into effect.

Mr. POMERENE. Of course, the Senator from North Dakota realizes that as no one can anticipate how many of these different farm-loan associations may be formed, it would be next to impossible to say that either 1 or 2 or 10 or 20 would be sufficient. I realize the fact that if you get a venal board, or a board that is incompetent or does not pay any attention to the business, there might be some abuse along the line that the Senator indicates if there are not any checks imposed upon them.

Mr. McCUMBER. Does not the Senator from Ohio also realize that whenever the Government attempts to operate any kind of business it employs a great many more persons to conduct that business than would be employed by a private individual conducting the same business?

Mr. POMERENE. Well, there is great force in that; and that would apply equally to the number of Senators who are in this Chamber. The business might be conducted with one-half the number of Senators; but we have a system, which prevails. I recognize the general truth of the statement that is made that public business is somewhat more expensive in certain lines and in certain departments than is private business, and that it is more expensive than it ought to be.

Mr. McCUMBER. Whatever these expenses may be, the Senator agrees with me that the expenses would be considerably in excess of what they would be to perform the same functions under private management.

Mr. POMERENE. No, Mr. President, I do not concede that. I say that it may so happen; but I am not conceding in advance that this board would be reckless or extravagant.

Mr. McCUMBER. I am not saying it would be; but I say generally that would be so.

Mr. POMERENE. As a general proposition, I think it is true that it is more expensive to have a given amount of service rendered by a given department of the Government than it would be where the men at the head of the department are not handicapped by having forced upon them certain employees who may have no adaptability whatsoever for the work which they are trying to perform.

Mr. McCUMBER. Well, I do not see that there is any difference between the opinion of the Senator and myself. We agree upon the fact that ordinarily it costs the Government more to do business than it would cost a private individual.

Mr. POMERENE. My thought was this——

Mr. McCUMBER. And if it costs more ordinarily, the chances are that it will cost more in the operation of this business.

Mr. POMERENE. The Senator from North Dakota is criticizing this particular bill because of a weakness which he discovers in it. I think anybody would concede that there is a possibility that there may be some difficulty along that line. For my own information, not only as a Senator but as a member of the committee, if the Senator from North Dakota has any suggestion to make which will reduce to a minimum the possibility of extravagance along this line, I should be very glad to hear it.

Mr. McCUMBER. I have poorly expressed myself if——

Mr. CLAPP. Mr. President——

Mr. McCUMBER. One moment. I have poorly expressed myself if I have not made the Senator from Ohio understand that, if we use the present facilities of the Government through its banks, with officers already established and already paid by the banks, we shall save all of this expense, which must in the end either be paid by the farmer in greater interest or which must be paid by the taxpayer; and the farmer is one of the taxpayers. Now I yield to the Senator from Minnesota [Mr. CLAPP].

Mr. POMERENE. I simply want to suggest, if I may——

Mr. CLAPP. I yield to the Senator.

Mr. POMERENE. That that involves the other question of the wisdom or the unwisdom of combining this system of rural credits with the Federal banking system, and I think it is a pretty serious proposition as to whether or not the two should be combined, because they are so essentially different.

Mr. CLAPP. Mr. President, I rose before the Senator from North Dakota had completed his statement simply to ask him if my understanding is not correct that his objection on account of the expense, or, if I may use the word, the "extravagance" involved in the committee bill, would not be remedied automatically by entirely eliminating it; but before I could ask the question he had already answered it.

Mr. McCUMBER. The amendment which I shall offer as a substitute does away with all of the banks, their officers and appointees, and heavy expenses.

I have not yet gotten through with the question of expenses. Each loan association must have directors and other officers, and the salaries and expenses of the loan associations are to be paid out of the general funds of the association. Those expenses will have to be paid. I can imagine that if farmers in my State enter into a farm-loan association along about the month of January, they will not hold their meetings in the streets; they will require some place in which to hold their meetings. They will either have to hire halls and pay for them or else buildings will have to be erected for the purpose of housing their records and their officers and conducting their business. That must all be paid for by the borrower or else it must be paid for as a loss to the Government.

Again, let us stop and think of the size of the districts. If only 12 districts are provided for the United States, and the bank of each district, if it handles its proportionate share of farm mortgages, must handle about $500,000,000 worth of farm mortgages, provided there are between $5,000,000,000 and $6,000,000,000 of such mortgages in the United States. To do that character and volume of business there must be quite an army of employees.

Now, suppose a bank were to be located in the city of Minneapolis for a district running to the Pacific Ocean through the western section of the country. It would have to be a bank of some considerable magnitude, and it would require a building compatible with the importance of such an institution as that. I can not imagine the possibility of constructing such a bank

building in any one of our great cities that would cost less than $500,000, and that would take, for the building alone, all of its capital stock. Suppose, however, they did not wish to erect a building. Very well, they would have to pay rent on the equivalent of a building that would cost about that much, and they would have to use so much of their capital invested in order to get the money to pay the rent.

Mr. SHERMAN. Mr. President——

Mr. McCUMBER. I yield.

Mr. SHERMAN. Has the Senator considered, or would he pursue the speculation into, the very large field it would open for appropriations for public buildings? There is quite a large field at present in that direction; and does the Senator think it ought to be enlarged?

Mr. McCUMBER. I do not. If the Government owns all the stock, it must provide the building. We have had no argument at all along this line, and no explanation of this feature has been given; some one must furnish the bank a building; the Government must either construct a building or rent one, or else the bank must take its capital stock to build it.

Mr. POMERENE. Mr. President——

Mr. McCUMBER. I yield.

Mr. POMERENE. I understand from the Senator's argument that his objection is that the districts are too large to attend to this business?

Mr. McCUMBER. Yes and no. The system is wrong. If you make the districts smaller, you add to the expense; if you leave them as they are, the bank will be so far away from the borrower doing business with the bank that it will be necessary to have a great class of middlemen between the farmer and the bank and a great amount of red-tapism that would disgust any farmer in the United States.

Mr. POMERENE. Of course if the system is wrong it ought to fail; if it is right, it ought not to be defeated because it requires either large districts or large bank buildings. My recollection is that when the Federal reserve act was before the Senate the Senator then favored the Hitchcock plan, which provided for only four, or perhaps five, districts in the United States. The business, of course, connected with the commercial banks is infinitely more complex, more involved, and more extensive than the business required under a plain mortgage system, so that I do not quite understand how, in this instance, the provision for 12 districts makes each district too large, when it was thought by the Senator and others that under a provision for four or five districts in the Federal reserve act the district would not be too large.

Mr. McCUMBER. I have not made any comment upon whether the districts are too large or too small. I insist that the system is wrong and you can not make it right by increasing or decreasing the number of banks.

Mr. POMERENE. Perhaps I misunderstood the Senator.

Mr. McCUMBER. One of the purposes of this bill is to bring the farmer who wants to borrow just as closely as possible to the individual who has the money to loan, and to cut out all unnecessary expenses that the farmer is now paying to get money through a somewhat complex system.

Mr. POMERENE. Does the Senator understand that the farmer would have to go to the central bank in order to get his loan?

Mr. McCUMBER. No; the farmer has first got to deal with an agent in his own section—or, rather, the first thing he has to do is to organize a community of debtors.

Mr. POMERENE. Certainly.

Mr. McCUMBER. That is the first thing he has got to do. Then those debtors must appoint an agent; then that agent will operate through the land bank; the land bank will operate through the central board; and the central board will be the connecting link between the Treasury of the United States and the several banks, and also, to some extent, indirectly the connecting link between the loaner and the system.

Now, let us consider just for a moment whether or not the difference of 1 per cent will in all probability take care of all of this expense. There are expenses of buildings, of traveling, of an army of registrars, special land appraisers, attorneys, experts, assistants, land-bank directors, presidents, vice presidents, secretaries, land-bank officials, and of all the vast machinery which will have to be paid out of 1 per cent of the business.

The expenses of the Federal Reserve Board last year were $216,000; the salaries of its employees last year were $108,650; and the salaries of the examiners who examined the banks in the Federal Reserve System were $396,000. The expenses of the Federal reserve banks last year were $1,490,729, and the estimated expenses for the same banks for this year are $1,611,000. Remember that one of the heavy items of the expense in our banking system is the bank examiners. Under the system proposed by this bill there must be an immense number of appraisers who will have to travel over the country and examine the lands on which the mortgages are to be made.

I want to call attention to one or two of the statements made by the Senator from New Hampshire [Mr. HOLLIS] in his address the other day. He said:

> In Europe mortgages run for as long a term as 75 or 80 years. I think there are some amortization payments of only a quarter of 1 per cent a year, which would enable the borrower to pay out in something under a hundred years. It is in order to encourage the farmer not only to get his money at a low rate and to use it for productive purposes, but at some time to pay off his loan that this system is devised.

Mr. President, I may not know the farmers of this country very well, but any system that is devised to allow a farmer to buy a farm and pay off his mortgage in 70 or 80 years will not be taken advantage of by many farmers in this country.

Mr. HOLLIS. Mr. President, I have no doubt the Senator means to be entirely fair about this matter, and I presume he knows perfectly well that under the pending bill a loan can not run for more than 36 years. What I said the other day applied to the European system; and the committee has discarded the idea of so long a term.

Mr. McCUMBER. Yes. I am inclined to think that, if you would take any farmer and show him a piece of land and tell him that if by working 36 years he could earn enough to pay for that piece of land, he would decline your offer.

Mr. HOLLIS. He is not obliged to do that if he does not want to do so.

Mr. McCUMBER. He would not want to buy a farm when it would require him 36 long years of toil—two-thirds of his working life—to pay for it.

Mr. HOLLIS. He is not obliged to borrow for 36 years. He can fix his own time after five years. But, of course, he would have to pay more each year if he wanted to pay out earlier.

Mr. McCUMBER. I am simply taking issue with the Senator by stating that, if this bill is devised to meet the demands of farmers who want even 36 years to pay for their loans, I do not think there are many farmers who would wish to take advantage of it. Most of the farmers that I know anything about, when they buy a piece of land, expect to pay for it in ten or a dozen years at least, as any merchant who goes into business expects ordinarily to have his stock clear in that many years.

Mr. HOLLIS. Mr. President, does the Senator understand that most merchants pay for their stock and for all the capital they use after the expiration of any period of years? Does not the Senator know that nearly all merchants are continually borrowing money to be used in their business as capital?

Mr. McCUMBER. I know that a great many are doing so, because doing business on a large scale it is cheaper to do business with other men's money than it is to furnish your own or to do it only in the limited way in which you would have to do it if you had to depend upon your own capital. A mercantile business grows; a farm does not increase in acreage. In a very few years the merchant is supposed to have the original value of his stock of goods clear.

Again, the Senator says:

> The Government under this bill will advance to a land bank money if it gets in temporary difficulty, just as it advances the money to commercial banks that get into difficulty by placing Government deposits in certain localities.

I had hoped, Mr. President, that we had outlived that system which has been adopted by the Treasury Department for a number of years to back up speculations in Wall Street and other places, and that we would not have to use it anywhere in the United States. The Senator undoubtedly has some suspicion about the success of this bank, and therefore he very cautiously provides that the Government may come to its rescue if it finds itself in straits. I should hope for a system that would be so sound, so certain, that it would not be necessary to have a provision in the bill which would provide for difficulties in which the Government would be called upon to help out.

Again, he says:

> The Government gets no dividends and no interest at all on the money that it employs for this purpose.

Mr. President, every dollar that the Government puts into this business it has to draw out of some one's pocket, and the chances are 10 to 1 that that some one is also paying interest upon money that he is borrowing; and thus you provide that you can tax certain of the people to furnish money for a private enterprise which you say can make money out of this 1 per cent. You tax me and you tax yourself to furnish the money to give to John Doe to operate a bank.

Mr. President, I am inclined to think that if the vote of the people of my States, all of them agricultural, could be had as to whether they would accept from the United States a gift of

money for use with no interest, they would not have the cheek to do it; and yet you are providing in this bill that they shall furnish at least a portion of the money that will go into this enterprise without any charges whatever, and if the Government loses the people that furnish the money lose in the enterprise. If it is a good, paying enterprise, the private individuals who constitute the directors or those owning the stock will have the benefit of it. That is scarcely just to the people.

Again, the Senator says:

His—

That means the appraiser's—

> services are paid for by the land banks, for he performs an official function, and he goes to every piece of land and examines it himself and passes upon it.

Suppose, now, that you were to send examiners to every farm in the United States that has a mortgage on it where the farmer desires to renew that mortgage. Have you stopped to contemplate what it would cost? Why, it is almost beyond computation. The expense necessarily would be enormous. Some one must pay that expense. If the Government pays it all, then the Government has to pay millions upon millions of dollars for these expenses. If the borrower pays them, it must add to his interest rates.

Again, the Senator says:

> The Government exempts from the income-tax law and from all Federal, State, and local taxes the capital stock of the Federal land banks—not of the joint-stock land banks—and the mortgages and the bonds.

I have some doubts myself about this bill being so carefully drawn that it can make that provision constitutional. I doubt if under the real purposes, at least, of this bill—purposes that are not hidden in any way—the Government of the United States can prevent the State of North Dakota from levying a tax upon mortgages within its jurisdiction or upon bonds within its jurisdiction, other than the bonds of the Government itself; and in this instance they will not be Government bonds.

Mr. President, I have an amendment which I should like to offer at this time, or at least to have read at this time, and I can ask for a vote upon it later. If there be no objection, I should like to have it read at this time.

Mr. HOLLIS. Mr. President, I think amendments are not in order at this time.

Mr. McCUMBER. Of course, I appreciate that the Senator's position is correct.

Mr. HOLLIS. I wish to finish the reading of the bill for committee amendments first. Of course, the Senator can offer the amendment, but it would not be advisable to vote on it as late in the afternoon as this; so I will ask the Senator to present it at some other time.

Mr. McCUMBER. That will be entirely agreeable; but I wish to describe it just for a moment.

Mr. CUMMINS. Mr. President, before the Senator proceeds to discuss his own bill or amendment I should like to ask his opinion on this question; and I ask it purely for information, because I have been unable to reach a satisfactory conclusion myself:

Suppose that the system were in effect, 12 land banks had been established, and in the aggregate they had loaned, we will say, $1,200,000,000. The profit, or the difference between the rate of interest on the bonds and the rate of interest on the mortgages, would aggregate $10,200,000. What would be the expense of operating the system when it had reached the extent I have described?

I should like to know something about how much it would cost to do this work for the purpose of ascertaining whether or not the 1 per cent would be sufficient to cover it.

Mr. McCUMBER. I think I can point out the pathway, at least, through which the Senator will be able to form some kind of a conjecture, and that is all that we can possibly do.

If the banks were doing a billion dollars' worth of business a year, and there were about $5,000,000,000 worth of mortgages, they would be doing a business that would cover at least one-fifth of all the mortgages in the United States during a year; and, assuming that those mortgages and renewals ran about five years—and they run from two to five, but give a five-year average—that would necessitate an examination of one-fifth of all the farms in the United States that have mortgages upon them. That would necessitate sending men from some part of the United States—we will suppose from one of the 12 central banks—to the land in question; and, as I stated, I can not conceive that it would be possible for four or five hundred men to do it. If you take 500 men—and probably you will need a thousand of them, in my opinion—if you take a thousand, and pay but $1,000 a year to each, there would be $1,000,000 that it would cost to cover that. I do not know how much it would cost; but I believe that if you carry out that appraisement idea and send men to appraise and visit and inspect the land on which the loan is to be made, pay their salaries and traveling expenses and all other expenses of the system, the spread of 1 per cent will not cover them.

Now, turning to my amendment:

Section 1 creates a bureau, to be known as the bureau of farm mortgages, in the Treasury Department. In that respect it is the same as the bill under contemplation.

Second, it makes an appropriation for advances until Government debentures are sold to cover the advances; that is all. If the Government would lose anything, it would lose the interest upon the money that it had advanced until it could sell the bonds that would cover the mortgages.

Third, the proceeds of the debentures are used for the purchase of other mortgages. A million dollars would certainly be all that it would be necessary for the Government ever to advance before it sold its debentures, and probably $100,000 would be sufficient.

Section 4 provides that every national bank or State bank coming under the provisions of the act is a governmental agency.

Section 6 provides that the farmer can borrow for any purpose. He is not limited. Under the provisions of this bill he can only borrow for the purpose of buying a farm, paying up an indebtedness on a farm or purchasing farm implements. Now, as long as the security is not above 50 per cent of the value of the land, why not allow the farmer to borrow the money for whatever purpose he sees fit to use it? It is the security that you must look to in every instance. If he happened to run in debt to the doctor because of some serious operation on his wife or a member of his family, why not allow him to borrow the money to pay for that, if he saw fit to do it? Why limit it to these few purposes? Again, suppose a farmer borrows for the purpose of buying farm machinery and other things of that kind, and he fails to do so, what are you going to do about it? The chances are, I think, that you would not attempt to enforce the mortgage and foreclose it as long as he kept up his interest. So, under the provisions of the bill, that is left in reality to the honor and integrity of the man borrowing.

Again, under the provisions of my bill the mortgage is to run for 10 years, with the privilege of paying it in 5 years; but I really believe it would be safe if it provided that it might be paid on any interest-paying date after three years. I believe there would be enough of a demand to keep mortgages coming in all the time, and due at different times, so that the farmer could pay it off whenever he saw fit.

May I ask the Senator a question here, as I am not certain about one feature of the bill under consideration?

Mr. HOLLIS. Certainly.

Mr. McCUMBER. Does it provide for annual or semiannual interest?

Mr. HOLLIS. Semiannual interest.

Mr. McCUMBER. Let us apply that to all of the Northwestern States. I think that is a provision, above all, that should not be in the bill, and my reason for that statement is this:

In every farming community where they have only one crop in a season the farmer pays the interest on his mortgages at the time he has his crop ready for market. If a farmer in my State should have to pay interest on a mortgage in June, he either would have had to keep that interest idle from the fall, or else he would have to pay interest on that interest until the next fall; and in the end, with your semiannual interest and your penalty of 8 per cent, which I think you have provided, you will have the farmer paying as much as or more than he would if he got the money from some loaning agency.

Under the provisions of my bill the mortgage can not carry a higher rate of interest than 4½ per cent. That mortgage will be accompanied by an abstract, an application, an appraisement of neighbors, and an appraisement by the banker himself; and in addition to this, to make it doubly secure, it will be the duty of the bank examiner, who generally goes to the banks two or three times a year, to report upon it.

In an agricultural community, in order to pass upon bank paper, our present bank examiner must know the value of the lands in that section. Therefore, under this system the Government would require him, in addition to his usual duties, to report upon the general value of lands in the vicinity of the banks which he examines, so the Government would have the assessment value, all of the facts that would be contained in the application verified by the farmer and by two of his neighbors; it would have the estimate and the report made by the banker himself, who would be held responsible if he did not act in good faith in giving the values; and under this system it would be impossible to impose upon the Government unless all of these officers were negligent in their duty.

The banker would be entitled to charge 1 per cent. If a farmer was borrowing $500, he would pay $5 to the banker for drawing his mortgage, examining his abstract, and conducting the business for him. If the mortgage was for $1,000, he would receive $10. That is probably the same amount that he would pay an attorney for doing the same kind of business.

Again, section 7 provides that when the Government receives a million dollars of mortgages it shall issue bonds or debentures, payable in 20 years, bearing 4 per cent interest, payable annually—not semiannually—so that the payments may be made at the same time that the farmer pays his interest; and the debentures that would be used in the Northern States would undoubtedly be so dated, as a rule, that they would mature in the fall of the year. Then these debentures would be sold for their face value. I know there was some criticism in the other Chamber upon that provision because it did not allow the Government to get a bonus if it could get it; but the object of this bill is to help out the small investor. It is not for profit. It is not to furnish the big banks with a means of loaning their surplus. It is simply to bring the investor—the widow, the trust estate—to the farmer, where the one can loan a small amount of money to the other. The debentures can not be for more than $500 nor less than $100; and the bill provides that the Government shall give preference in the sale of the debentures to the small investor, and if they are all taken up they will go into the hands of those people who must depend on some one else to keep their little capital invested.

Section 7 provides that the commissioner has the right of a mortgage under the laws of the State wherein the land is situated.

Section 9 provides for the payment of taxes, and for foreclosure of mortgage, or sale in lieu of foreclosure. That authorizes the commissioner to foreclose under the laws of the State wherein the land is situated; or, if he sees fit, and can secure the amount due, he may sell the mortgage instead of foreclosing it.

Section 10 provides that the bonds may be purchased and sold by Federal reserve banks under the provisions of sections 13 and 14 of the Federal reserve act. This hitches up the whole system to the present banking system of the United States, and I think would answer any objection as to its constitutionality.

Section 12 provides that the Secretary of the Treasury shall make all needful rules for carrying into effect the provisions of the act.

Now, just a word on why this system which is proposed for the United States—a system that has followed European customs—will not be applicable in America.

First, we must remember that farmers do not live in communities in the United States. In Europe they do. In Europe, if you take any one of those communities, you will find that through marriages and intermarriages the people in that community are about all related to each other. They are uncles and cousins and brothers and sisters and aunts, and brothers-in-law, and so forth, and each one knows all about the business of the other and knows his responsibility; and the entire community undoubtedly, where they have to buy land at such enormous prices that it takes them a lifetime to pay for it, are willing to act together and to protect the interest that belongs to the entire relationship in that community. That is not the nature or condition of the American farmer. He lives by himself. In our part of the country he lives on quite a good-sized farm, often several miles from his nearest neighbor. He does his business in his own way, and scarcely knows his neighbor, except when he talks to him over the telephone. Those conditions require entirely different kinds of systems in order that they may be a success.

Why, from the arguments that have been made here one would think that the farmers of the United States were properly described in these "Squash Center" articles in the comic supplements. As a matter of fact, the farmers of America are not sitting around a grocery store on barrels and discussing things. They are at their own homes, reading their papers, reading their magazines, and attending to their own business.

Again, the farmer wishes to conduct all his business independently of his neighbors. The matter of the cooperative creameries, and so forth, has been mentioned here. A creamery is part of the farmer's business, and he understands the general working of it. It is right at his very door. He may be willing to go in with a number of other farmers and take chances on that creamery. I think in a great many instances in my State, where they have proven a failure, you could not induce him to go into one of those schemes again. He prefers, ordinarily, to let some one else run the creamery, and he will sell him his cream and his milk. Well, then, if he even sometimes suspicions those institutions and does not like to incur responsibilities for their conduct, what hope have you to get him to enter into an agreement to take care of all the mortgages in the State of North Dakota and become a party to all of the liabilities connected with such an extensive and complex system the workings of which he can not hope to fully understand? If he is a good, sensible farmer, I do not think he would like to take that chance. He is averse to any liability other than his own.

Again, lands in the old country are held for life, and they pass from heir to heir. Now, as a matter of fact, in our part of the country a farmer will sell his farm about as readily as he will sell a horse or a colt or a steer. Whenever he thinks he can promote his welfare by doing so he will sell it, and he does not want it tied up by any 36-year mortgage, nor does he want it tied up in a system of liability for all of the debts, not only of his neighborhood but throughout his State.

As a rule, the farmers of the Northwest are opposed to long-term mortgages. The shorter the farmer can have the term of his mortgage the better it suits him. He would prefer borrowing from one year to the other; and if he is sensible he knows he would be better off to pay 7 per cent. with a right to pay any part of it in one year, and to pay his interest annually, than he would to tie it up for a number of years at 6 per cent and pay his interest semiannually. So I do not think that system would appeal to him.

Again, when a farmer under this bill wants a loan he has first to submit the question to all this community of debtors and they are to pass judgment on it. Then he puts the matter in the hands of the agent. He then must deal with a bank that may be a thousand miles from where he is located. Then the bank must send out an appraiser and examine that land after the application has been received. Do you know of any farmer in North Dakota, or South Dakota, or Iowa, or Minnesota who would go to that trouble to secure a loan when he can go to his bank and get money about as cheaply as he would get it under this provision, and get it the very day he wishes it, because, as I have said, the bank will generally advance money for its customers?

Again, there would be no conflict with the local banks. Under the provision which I have in my substitute there are banks enough in the country to do all the business, to take care of all the farm loans. All that a farmer is interested in is that he shall get his interest at the lowest possible rate, and through the system of these banks without any of these overhead expenses you can bring the farmer of the West into communication with the money loaner of the East.

The bill under consideration, Mr. President, assumes that it will not invite consideration from good business men. It assumes that the good business men will not go into the business; and, therefore, in order to force the system upon the Government, whether there is a demand for it or not, it provides for the creation of this board, and the board must then create these banks, without first knowing whether there will be use for them, without knowing whether they will be a success or not. Inasmuch as it assumes, as stated by one of the authors of the bill, that no private person would enter into it in the first instance, it compels the Government to take every dollar of the stock issued by that bank. Then if it fails because no one wishes to go into the business, you have a bank building that may have been built at an expense of $500,000 or you have entered into a 10 or 15 year lease for $20,000 or $30,000 a year for a great bank, and you have no business for it. But it is the Government's money; and, of course, it does not make so much difference. I admit frankly that this substitute is somewhat paternalistic; but you must either cross over the paternalistic line or else you will not get the kind of rural-credits bill that will suit the farmers in the entire United States, and without it, in my candid judgment, you will not secure a bill that will operate successfully. I used to be a little more afraid of the paternalistic idea than I am now. I am getting rather used to it here during the time I have been in Congress. When I find that the Government is building railroads over in Alaska for three or four thousand white people in the whole section, when I find that it is guaranteeing the bonds of a railway built in the Philippine Islands, when I find thousands of other instances where the Government is financing different institutions, I can see no serious objection to its becoming the guarantor of paper that is backed by property twice the value of the paper.

Now, under the proposed system the Government will risk the loss of its entire capital. Under my system it can not lose a cent. Why? Because land as capital can not blow away. You can not lose that capital. That land has a definite and stated value. Business may be valuable or it may not; but the land, if it is productive land, will always have a value; and what is more important, as population grows, and as acres can not grow, in the United States the acres will become more and

more valuable. Therefore there is no chance of loss on the part of the Government, and there can be no possibility that this substitute will not operate successfully.

It will give the farmer 4½ per cent money. It will give the money lender of the East who has but a few dollars to lend 4 per cent interest, and without being taxed upon the bonds held by the individual.

Mr. President, as I have stated before, the two parties agreed that they would give the farmers relief in a rural-credits bill. All right; make that promise good, but give them real relief. They did not ask that you should put upon the statute books something which you call a rural-credits bill, which they can not use and will not use, and which, in my opinion, will not be workable.

I furnish in this amendment the opportunity to give the farmers a rural-credits bill that will reduce all farm mortgages to 4½ per cent interest. You can vote it in and give the real relief demanded or you can vote it down and give a bill which will not meet the agricultural demands of the country.

NOMINATION OF JOHN RANDOLPH THORNTON.

Mr. RANSDELL. Mr. President, I ask unanimous consent that the appointment of former Senator Thornton, made by the President to-day, be laid before the Senate by the Vice President at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and lays before the Senate the following appointment.

The Secretary read as follows:

WHITE HOUSE,
Washington, April 26, 1916.

To the Senate of the United States:

I nominate John Randolph Thornton, of Louisiana, for appointment as civilian member of the Board of Ordnance and Fortification vice Francis M. Cockrell, deceased.

WOODROW WILSON.

Mr. RANSDELL. I ask unanimous consent that the appointment be considered as in executive session, and that the nomination be confirmed without reference to a committee.

The VICE PRESIDENT. In open session. Is there any objection?

Mr. SMITH of Michigan. Mr. President, the request made by the Senator from Louisiana is a very unusual one but this is a very unusual man. He served his country faithfully in the Senate and he made a lasting impression upon all his associates. As far as I am concerned, I am perfectly willing to give consent to the immediate consideration of this nomination.

Mr. RANSDELL. I thank the Senator for his consent, but I wish to say that it is not without precedent.

On March 3, 1911, President Taft sent to the Senate the nomination of former Senator William Warner, of Missouri, to be civilian member of the Board of Ordnance. On motion by the Senator from Wyoming [Mr. WARREN], with the Senate in open session, but proceeding as in executive session, the nomination was confirmed without reference to a committee.

Mr. SMITH of Michigan. I am well aware of the instance cited by the Senator from Louisiana, but it is nevertheless an unusual request. However, the high character and excellent attainments of the distinguished former Senator from Louisiana amply justify this compliment at the hands of the Senate.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the nominee is confirmed. The President will be notified.

RURAL CREDITS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. Mr. President, I have listened with great interest to the address of the Senator from North Dakota [Mr. MCCUMBER]. In the main it is the same address that he made a week or so ago. I wish it were as easy and as simple as the Senator doubtless thinks it is. I wish that every farmer in the country might get his land appraised by two of his neighbors and go to the nearest bank and get half its appraised value as a loan. I wish that could be done and be safe. But it would load the Government of the United States with billions and billions of indebtedness. I fear that the Government would never be ready to foreclose on a farmer who was in default. The plan suggested is simple. It has been worked out by the Senator from North Dakota with great care. Those who believe that the Government should borrow four or five or ten million dollars and reloan it to the farmers and take the risk that the farmer would not pay up as he might to a private bank will doubtless vote for it. I do not think that a majority of the Senate will approve a measure of that kind.

Before I finish what I have to say now I wish to state that the committee does not admit that the plan proposed in the committee bill is either cumbersome or complex. It considers that, in view of the vastness of the subject and of the number of loans to be treated, the system is very simple and very inexpensive.

Mr. President, unless some one is prepared to speak, I would like to continue the reading of the bill for action on committee amendments until a quarter to six, and then have a short executive session.

Mr. SMOOT. Mr. President, there are very few Senators here, and I am quite sure those who are away did not expect any further business to be transacted to-night after the address of the Senator from North Dakota. If we proceed with the amendments, there might be some agreed to to which Senators would object. I do not want to suggest the absence of a quorum, because it is very doubtful if we could get one at this time of the evening.

Mr. HOLLIS. Very well. I will state to the Senator and to those Members who are present that if any committee amendment had been adopted in the absence of those who wished to be heard on it, I would not object to having it reconsidered so that every one would have a fair chance. However, in view of the Senator's suggestion I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 7 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 27, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 26, 1916.

MEMBER OF THE BOARD OF ORDNANCE AND FORTIFICATION.

John Randolph Thornton, of Louisiana, to be civilian member of the Board of Ordnance and Fortification, vice Francis M. Cockrell, deceased.

PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Ernest A. Sweet to be surgeon in the Public Health Service, to rank as such from May 10, 1916. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Passed Asst. Surg. Francis H. McKeon to be surgeon in the Public Health Service, to rank as such from May 13, 1916. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 26, 1916.

MEMBER OF THE BOARD OF ORDNANCE AND FORTIFICATION.

John Randolph Thornton to be civilian member of the Board of Ordnance and Fortification.

PUBLIC HEALTH SERVICE.

Surg Louis L. Williams to be senior surgeon.
John Davis Reichard to be assistant surgeon.

POSTMASTERS.

MASSACHUSETTS.

William F. Kelley, South Acton.

MINNESOTA.

N. J. Enquist, Isanti.
Robert M. Mills, Maple Plain.

MISSOURI.

J. Kelly Joiner, Richmond.

NEW YORK.

Frank M. Evans, Fredonia.
J. Frank Lackey, Tannersville.
Paul E. McManus, Hartsdale.

OKLAHOMA.

G. H. Crittenden, Rush Springs.
Willard P. Morris, Hooker.

PENNSYLVANIA.

John C. Wiegel, Aliquippa.

REJECTION.

Executive nomination rejected by the Senate April 26, 1916.

POSTMASTER.

Adam Hersperger to be postmaster at Mayville, N. Y.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 26, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for this beautiful spring day, with all its hopes and promises for an abundant harvest in its season. Quicken, we beseech Thee, all that is truest, noblest, best in us, that the soul, responsive to the heavenly vision, may spring into new life and bear fruits abundantly of the spirit, that we may glorify Thee and be worthy of Thy care and protection. After the manner of the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. CAPSTICK rose.

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. CAPSTICK. To ask unanimous consent to extend my remarks in the RECORD on the appropriations for the Department of Agriculture.

The SPEAKER. Is there objection?

There was no objection.

Mr. HELVERING. Mr. Speaker, I desire to make the same request, to extend my remarks on the Agricultural appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

CALL OF THE HOUSE.

Mr. BEAKES rose.

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. BEAKES. I rise to make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. The Chair will count. Evidently there is no quorum present.

Mr. BARNHART. Mr. Speaker, I move a call of the House.

Mr. MANN. Is this a filibuster on that side?

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Foss	Lindbergh	Rowland
Anthony	Gallivan	Linthicum	Russell, Ohio
Bacharach	Gardner	Lobeck	Sabath
Barchfeld	Gillett	Loft	Scott, Pa.
Bennet	Godwin, N. C.	Loud	Scully
Brumbaugh	Gordon	McCulloch	Sears
Burnett	Griest	McFadden	Sells
Caldwell	Griffin	McKinley	Shouse
Cantrill	Guernsey	Maher	Siegel
Chiperfield	Hamill	Moon	Smith, N. Y.
Church	Hart	Mooney	Snell
Coady	Hay	Morin	Snyder
Cooper, Ohio	Heaton	Moss, W. Va.	Sparkman
Cooper, W. Va.	Helm	Murray	Stephens, Nebr.
Crosser	Henry	Nicholls, S. C.	Sumners
Dallinger	Hinds	Nolan	Switzer
Davis, Minn.	Hollingsworth	Norton	Tague
Decker	Hulbert	Oakey	Talbott
Denison	Hutchinson	O'Shaunessy	Thomas
Dill	James	Padgett	Tinkham
Dixon	Johnson, S. Dak.	Patten	Treadway
Doremus	Kearns	Phelan	Vare
Doughton	Kettner	Platt	Watkins
Driscoll	Kless, Pa.	Porter	Wilson, Fla.
Fairchild	Kinkaid	Price	Wilson, Ill.
Farley	Konop	Reavis	Winslow
Flynn	Lafean	Riordan	Wise
Focht	Langley	Roberts, Mass.	
Fordney	Liebel	Rogers	

The SPEAKER. On this roll call 319 Members—a quorum—are present.

Mr. KITCHIN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

PERMISSION TO ADDRESS THE HOUSE.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. About what?

Mr. BARNHART. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman if it is important that these remarks be made at this time?

Mr. RAKER. I will answer the gentleman's question. It seems to me that in consideration of the fact that the immigration bill passed the House with so many votes, and considering the sentiment of the country and of the West, as expressed in messages received from men of all parties, it is worth while to show to our President that the sentiment of the country today is in favor of this immigration bill.

The SPEAKER. Is there objection?

Mr. BARNHART. I object.

Mr. MANN. Reserving the right to object——

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] objects.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the restriction of immigration by inserting an article published in the Yreka Journal, edited by W. Earl Smith.

Mr. MANN. Does that identify the gentleman?

The SPEAKER. Is there objection?

Mr. BARNHART. I object.

The SPEAKER. The gentleman from Indiana objects.

CALENDAR WEDNESDAY—REVISION OF PRINTING LAWS.

The SPEAKER. This is Calendar Wednesday, and the House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 8664, with the gentleman from Mississippi [Mr. SISSON] in the chair.

Accordingly the House resolved itself into Committee of the Whole on the state of the Union for the further consideration of the bill H. R. 8664, with Mr. SISSON in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read the title, as follows:

A bill (H. R. 8664) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

SEC. 50. Par. 1. The Vice President and each Senator shall be entitled to order of the superintendent of public documents such Government publications, for free public distribution, as are authorized by this section to the value of not to exceed $2,200 annually; and each Representative, Delegate, and Resident Commissioner shall be entitled to likewise order Government publications, for free public distribution, as authorized by this section to the value of not to exceed $1,800 annually: *Provided*, That on the 4th day of March of 1916, and of each succeeding year, the superintendent of public documents shall credit the valuation account of each person entitled thereto with the annual amount as herein authorized; but no such valuation accounts or credits shall be available or used for any other publication, purpose, or person than as authorized by this section, and they shall not be subject to transfer or assignment from one person to another or in anywise held to be a personal asset of the individual in whose name such accounts or credits may be recorded: *Provided further*, That the superintendent of public documents shall distribute on the order of the Secretary and the Sergeant at Arms of the Senate, and the Clerk, the Sergeant at Arms, and the Doorkeeper of the House of Representatives, not to exceed 10 copies each of any publication printed for congressional valuation distribution: *Provided further*, That in event of a vacancy in any position designated in this act as entitled to a valuation account or quota of Government publications, the valuation amount or documents remaining to the credit of the person who held such position shall go to the credit of his successor, as provided for herein: *Provided further*, That said superintendent shall not supply publications on any valuation account in excess of the amount lawfully credited to the person having such an account with him; nor shall said superintendent sell, charge to any valuation account, or otherwise dispose of any publication in his charge, except as authorized by law, at less than the price fixed therefor by the Public Printer, which price shall be sufficient to cover the cost of paper, printing from plates, and binding.

Mr. BARNHART. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Indiana offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 57, line 7, after the word "that," strike out down to and including the word "shall," in line 9, and insert in lieu thereof the following: "The superintendent of public documents shall, on the 1st day of July 1916, credit the Vice President and each Senator with Government publications, as provided in this section, to the amount not to exceed $1,470, and shall likewise credit each Representative, Delegate, and Resident Commissioner with such publications to the amount not to exceed $1,200, and said superintendent shall, on the 4th day of March of each succeeding year."

Mr. SULLOWAY. Mr. Chairman, we would like to know where that amendment comes in. In the confusion we could not hear.

The CHAIRMAN. The amendment is offered to line 7, page 57.

Mr. MANN. May we have the amendment reported again, Mr. Chairman, so that we can hear it?

The CHAIRMAN. Without objection, the Clerk will again report the amendment. The committee will be in order. This is an important amendment, and the Members of the House are all personally interested in this bill, because it will affect all of them if it becomes a law. The Chair will ask the committee to be in order and listen to the reading of this amendment.

The amendment was again read.

Mr. MANN. Mr. Chairman, the gentleman has fixed the date as July 1 next.

Mr. BARNHART. Yes.

Mr. MANN. It is absolutely certain that this bill will not become a law by the 1st of July.

Mr. BARNHART. I will say to the gentleman from Illinois that the committee had that under advisement this morning. Evidently it will have to be changed in conference, in any event, but we fixed that time so as to have a starting point.

Mr. MANN. Would it not be practicable to arrange it so that these sections shall not take effect until a certain time in the future, the existing law to remain until that time?

Mr. BARNHART. I agree with the gentleman.

Mr. MANN. I think we will get it all mixed up in this way.

Mr. BARNHART. Not necessarily so.

Mr. MANN. Perhaps not.

Mr. BARNHART. Sometimes the Senate does things with surprising rapidity, and we wanted to fix it so that the membership of the House, in the coming campaign, would have as much benefit as they could under the law without mixing the matter up, so we fixed it at that time. If the gentleman thinks it better, we can fix it at some future date. Evidently it will have to be changed, whatever is done now.

Mr. MANN. I suggest that we change these sections of the bill to take effect on the 4th of next March. Then everyone would have notice of its being enacted into law.

Mr. BARNHART. We talked that over in the previous consideration of the bill, and at that time we fixed it at the 1st of January. I do not recall now just what the suggestion was as to that, or the reason why we did not fix it at the 4th of March, but there was some reason that I do not recall now. I do not know that there will be any objection to fixing it at the 4th of next March, except that if the bill should pass at an earlier date than that, the Members ought to have the advantage of the allotment of the law, which we believe is vastly superior to the existing law and of greater benefit to the people in their districts.

Mr. MANN. I think there is a good deal of doubt on the part of the membership whether this provision is of any special advantage to them personally. I am willing to try it.

Mr. SIMS. Will the gentleman yield for a question?

Mr. BARNHART. Yes.

Mr. SIMS. The gentleman speaks of this allotment, and of the Members having the benefit of it in the approaching campaign. Is it not a little unfortunate to give out the impression that we are appropriating money for these documents to help us in our campaign? I thought these documents were to be used for the benefit of the public, our constituents, and not ourselves.

Mr. BARNHART. Certainly I had nothing in my mind except the benefit to the public.

Mr. SIMS. The gentleman used the language, and I thought it was unfortunate.

Mr. BARNHART. I think the gentleman from Tennessee is fully aware of the fact that I have taken the position all the time that these public documents belong to the people of the districts and not to the Members of the House.

Mr. SIMS. But the gentleman did use the language I am speaking of, that he thought Members ought to have it for the benefit of their approaching campaigns, and I was satisfied the gentleman did not mean to leave that kind of an impression.

Mr. BARNHART. I did not mean that. Some Members hold the documents to use them in their campaigns, and it is their privilege to do so.

Mr. SIMS. But the gentleman's remark was that they were entitled to the benefit of it, and that he wanted them to have it.

Mr. BARNHART. What I had in mind was the benefit to the public resulting from a better distribution.

Mr. SMITH of Idaho. Will the gentleman yield for a question?

Mr. BARNHART. I yield to the gentleman from Idaho.

Mr. SMITH of Idaho. I would inquire of the gentleman whether or not the amendment will reduce the quantity of documents to each Member?

Mr. BARNHART. Not in the least. The purpose of the amendment is to protect the membership of the House fully.

Mr. SMITH of Idaho. You are reducing the value of the documents allotted.

Mr. BARNHART. Not at all. This is only for two-thirds of a year.

Mr. KINCHELOE. Will the gentleman from Indiana yield?

Mr. BARNHART. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. The gentleman's statement partly explains what I wanted to know. If I understand the bill correctly, the allotment of each Member for a full year is $1,800?

Mr. BARNHART. Yes.

Mr. KINCHELOE. And this is simply to pro rate it for the remaining part of the year?

Mr. BARNHART. Yes; that is all. It fully protects a Member in his present allotment and in the new one also.

Mr. BORLAND. Mr. Chairman, I desire to oppose the amendment, if the gentleman from Indiana has concluded what he wished to say.

Mr. BARNHART. Yes.

Mr. BORLAND. Mr. Chairman, I think the House ought to consider this section pretty seriously before it adopts any part of it. I think one of the most unfortunate things about the whole section is this division by valuation in money to each Congressman. It can not help but have the effect of producing the impression upon the public mind that in some way or other this is a personal privilege to the Members of Congress. The public will get the impression, in spite of any explanation you can make, that this is just as much a personal perquisite as your mileage or your stationery allowance. In my judgment, you will have just exactly the same trouble in explaining what you did with this $1,800 worth of books as you have in explaining these other alleged privileges that are constantly being criticized. As a matter of fact, public documents are issued for the public and not for the Members of Congress. They do not belong to the Member. They are given to him by allotment, if the allotment feature is followed at all, simply as a convenient method for getting them out into general distribution. The Member, as such, has no claim on them. It is possible that an evil has grown up in the past, fostered by the fact that a man had a certain definite number of documents to his credit.

It is considered that this is in some way a Member's personal asset. That charge has been made often, and is being repeated, and I do not know but it has been repeated by the chairman of this committee, that in some way or other these public documents have been treated as private assets of Members of Congress.

Mr. RAKER. Has there been any complaint that Members have sent out too many documents to their constituents, and is it the purpose of the bill to prevent the public from getting information that is furnished through these various publications?

Mr. BORLAND. That is the point that brings up the whole inquiry. Of course, if the volumes are valuable to the public, there ought not to be a limitation placed on it.

Mr. RAKER. Are you going to foreclose a man because his constituents want to be informed?

Mr. BORLAND. Certainly not. In my own district they are interested in a vast number of subjects. In the district I represent, a commercial city of the West, there are business men interested in every branch of governmental activity, and a good many activities not carried on in our neighborhood. They are interested in irrigation; one of the biggest irrigators of Colorado is a banker in Kansas City. They are interested in the Geological Survey; they are interested in the underground watercourses of the Western States; they are interested in the timber letting; they are interested in the Indian allotment; they are interested in oil and gas; and they are interested in the coal strata. I have never found a single, solitary subject, not even the Coast and Geodetic Survey, but there were not some business men in my district who were interested in it. I do not know that I would be limiting myself to $1,800; but if I could, I see no reason why I should limit the people who live in my district.

Mr. BARNHART. Will the gentleman yield?

Mr. BORLAND. Not just now. There is now a limited allotment of documents to my credit. I can feel free to say to a man who writes me for documents that I do not have, that my allotment of that book, which was only for the purpose of preliminary distribution, has been exhausted, but he can write to the Public Printer and buy at cost of printing and binding. I feel free to tell him that. But suppose I told him that, when, as a matter of fact, I had an undrawn allowance of $1,500 or $1,800 to my credit at the Printing Office.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BORLAND. I might have an undrawn allotment of $1,000 or more to my credit under this section. Some man might write me for this book on International Law if that were a document issued—I think it rates at $10 or $12—and I might not want to send it to him, I might not want to use $10 on that particular constituent—it might be some student or some casual visitor in my district who chanced to write me rather than some one else, or it might be a curiosity seeker or an agitator. I would write him back a polite letter of refusal. I would say that the document was not available, but if he would leave his address and name with me I would be glad to send it to him if I could in the future. He would find out afterwards that I had $1,000 to my credit at the Government Printing Office. He looks at my allotment and says "BORLAND had $1,000 to his credit," and he would immediately conclude that either I was playing favorites in the distribution of the documents, doing it for political purposes solely, or I had some unscrupulous way of disposing of them, and he would have a basis for that kind of argument. Suppose there was a demand for a certain class of book fostered by newspaper and magazine articles. Hundreds of people will write you about some work on the cure of babies or a book on birds, hundreds write for the same book, practically at the same time from the same neighborhood. How much of your allotment are you going to give them? To-day you are free to say "go to the Public Printer and buy them." But suppose they say "Why, BORLAND has $1,800 worth of books to his credit with the Government Printer. Why does he not send us these books?" They would be sending to the Public Printer to get a certified statement of how much there was to my credit. Not long ago a man running against me in my district wrote to the Treasury to find out whether I had drawn my mileage for several years, and he wanted a certified copy. I told the Treasurer to give it to him if it could be given under the rules of the Government. Some man will want a certified copy of the credit that you have at the Government Printer's. The whole thing is vicious. I would very much prefer that all the allotments would be taken away from Members of Congress and make every constituent buy the book at the cost of printing and binding. [Applause.]

There is not a particle of reason why that could not be done. That is the custom in most civilized countries. This thing of having allotment to Members of Congress is difficult to handle, and if you put it on a money basis and allow a man $1,800 worth of books, I do not say that you will find some man who will not draw the $1,800 and distribute them. I will assume that you will be charged with that sort of a condition and would have to explain it. You will not only be called on to explain but perhaps explain also corroborating facts that you are guilty of that thing. Take a district where there is a large demand for a book, a commercial city, and a Member will not be able to keep within the $1,800 limit. They may be districts purely agricultural where the inquiries are limited to a certain class and where they are divided up, and the Member might keep within the $1,800 limit, but if there is a diversified demand and everybody understands that you are entitled to $1,800 worth, the Member never will be able to explain when he can not furnish the book.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SMITH of Idaho. Why not allow the Department of Agriculture to distribute the documents instead of the Members?

Mr. BORLAND. I would be willing to agree to that. I would be willing to strike out the whole section. I never would undertake to explain to a constituent of mine that he was not one of my constituents that was entitled to a free book out of my valuation.

Mr. BARNHART. What does the gentleman do now?

Mr. BORLAND. As it is now, it is first come first served. Every man would assume that I had $1,800 worth of books to give away, and I would never be able to convince anyone that that seemingly princely fortune had already been sent out.

Mr. FINLEY. Mr. Chairman, almost every argument the gentleman from Missouri [Mr. BORLAND] has advanced against this section can be advanced against the present method of distribution of public documents. There is nothing hidden or concealed as to the purpose of the section proposed here. The law at present provides that so many copies of each public document shall be allotted to each Senator and Representative. The number is necessarily limited because it covers the whole field of Government publications. The fact is that fully one-half or two-thirds of the public documents issued to-day are of no value to the people of Massachusetts, say, to the people of Kentucky or to those of Illinois or South Carolina, because they treat of subjects in which the people of those various States are not particularly interested or about which they do not desire to receive information. In its last analysis this section intends to give to each congressional district, to each State, to the Members of the House and the Senate for their districts and for their States, such documents as suit the demands of the particular locality.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FINLEY. Yes.

Mr. COX. How much is each Member supposed now to get under the present system, in value?

Mr. FINLEY. I believe it is nearly $1,600. So, Mr. Chairman, I say there is no necessity in Georgia for information respecting deep-water borings, to ascertain the condition of the earth a thousand or five hundred feet down into the bowels of the earth, respecting minerals or oil or the flow of water underground, and so forth. Yet I have hundreds of those documents allotted to me. I have no use in the world for them. The people of South Carolina do not need them. Under this system if a man wishes his entire allotment in Horse Books or Cattle Books or Agricultural Yearbooks or in any other publication or publications that are public documents he can have it, and he can get it to the amount of the number that he orders. There is nothing in the argument of the gentleman from Missouri [Mr. BORLAND] so far as the distribution goes. There is every reason in the world to correct the present system, which is faulty in every respect and does not meet the demand of the public generally.

As to whether the gentleman would be charged with favoritism for not giving to this man something that he gave to another, that charge can be made with a great deal more force and effect under the present system. Some one mentioned maps. Suppose the gentleman from Ohio [Mr. FESS] were to send out a map to some prominent man. If he should do that without a special request, he would do more than I would. I send out those maps to schools, every one of them, where they can be used and where they are needed, and no prominent man or other person in my district gets a map unless he makes a special application for it. This provision is a wise one, and it is a necessary one. It is one that will serve the House and the Senate and give to the people of the various States and districts what they ought to have, publications that will be of interest, that will be of benefit to the various States and to the various congressional districts. The allotment of documents will be made on a valuation basis. The documents belong to the people of the States and districts, and this seeks to distribute the same in this way.

Mr. HOWARD. Mr. Chairman, I desire to oppose this amendment. It is apparent, to my mind, that this is a very dangerous provision to adopt. Here is the truth about this thing as I see it. For instance, take it in the district that I have the honor to represent. I have one very large city of over 200,000 inhabitants and four counties that are purely agricultural. There is a great deal of criticism of Members of Congress indulged in by people who do not understand the exact situation. There is a great deal of misunderstanding in the country about what a Congressman gets in the way of pay and perquisites. For instance, you let some blatherskite, some demogogue run against you, and he gets up and charges that you have $125 allotment for stationery, that you get 20 cents a mile for mileage, that you get this, that, and the other.

From the day I came to Congress up to the present time never has my stationery allowance met more than one-half of the actual demand upon the stationery room, and never has there been a surplus penny left from mileage after I have paid the mileage of myself and family to this city. Yet they think that is extra pay; and now you are proposing to hang a millstone around the neck of every man on the floor of this House by having it said that you get $1,800 a year for public documents, and what is the result? Take the subject of maps. We have 31 maps allotted to us. They come to us through the Secretary of the Interior, and I understand the actual cost of those maps is $2.25 each. I do as the gentleman from South Carolina [Mr. FINLEY] does, distribute them to my schools, first, to the schools in the country districts, and I have, in my five years and a half service, with six allotments of these maps, not yet gotten around to all of my country schools. The minute you put this $1,800 allotment to my credit I can not say to those people, "I can not furnish you with a $2.25 map," but I have got to go and simply take up my entire allotment in United States maps at $2.25 each. Let us take the Diseases of the Horse; the Diseases of Cattle. They are the most expensive public documents that I know anything about. Every man wants to know how to doctor a sick cow or a colicky horse, and he wants one of these books in his house. This thing of the distribution of public documents

spreads like the smallpox. If John Jones sees on Sam Smith's mantelpiece Diseases of the Horse, he says, "Where did you get it?" "Oh, I got it from my friend HOWARD. You write to him," and he writes.

The first thing you know you are overwhelmed here with requests for Diseases of the Horse, and your $1,800 is gone, and your opponent next year will say, "Is he not a pretty Congressman? He could not even get a Horse Book."

Mr. BORLAND. Suppose you had sent a Horse Book to John Smith, and were unable to send one to John Brown, would not Brown feel he was not in the class with Smith?

Mr. HOWARD. It would be a fare-you-well for Brown. [Laughter.]

Mr. MANN. What does the gentleman do about it now?

Mr. HOWARD. Here is the way I do. I do not like to talk about myself, but I have developed into one of the best traders on the floor of this House. This thing adjusts itself now. The gentleman has talked about useless documents. I get a lot of them. What do I do? I study the geography of my country, and I go to some good smiling Republican or Democrat and I say, "I have a lot of documents here that you need, but I am hard pressed for Horse Books and Cattle Books. Let you and me strike a mutually beneficial trade." The trade is struck. He gets what he wants and I get what I want.

Now, gentlemen, you are mistaken about this thing. I think $1,800 is a pretty liberal allowance for books, but I do not want to be put in a position to be criticized for getting something I do not get. [Laughter.] That is what will happen to every one of you.

Now, gentlemen, this proposition is dangerous. You hear this mileage business here every year. The newspapers are full of it. They discuss it. Now, instead of having two propositions with which to go before the country and criticize the Members of the House and Members of the Senate, you are adding another vicious proposition about which we can be criticized, and I for one do not propose to support it. [Applause.]

Mr. RAKER. Mr. Chairman, I am in accord with what the gentleman from Missouri [Mr. BORLAND] and the gentleman from Georgia [Mr. HOWARD] have said in regard to this matter. I think it would be unfortunate to have an amendment of this kind upon this bill for many reasons. I can only recapitulate in substance what the gentlemen have said, but it seems to me that this provision of the bill will not bring about good results. If the people of the country desire publications, desire documents that have been prepared by the best talent in this country, and the Government has made provisions for them, the men of the Congress ought to be able to send them out in such quantities as they are able to procure; and there is no loss of material. There is no duplication, and there is not this proposition hanging over your head that there is $1,800 for the Senate and $1,500 for the Members of the House, and that they should have this as a perquisite, to distribute as they please. At the present time first come first served. There are many valuable documents that we would like to send out, and if this becomes a law you can not make the people believe but that you are showing favoritism to one as against the other, and that many will be applied for, and your whole stock will be exhausted before you can get out the necessary information that you ought to get out.

This is not a matter of the individuality of the Congressman and for his benefit. It is not his property. It is intended that it should not be for political purposes. It is intended to give the people of this country the information which the Government has collected, and they are entitled to it. Send it out where you please and when you please, and certainly there should be no restriction. The provisions of the bill upon their face show that it can not have the effect the committee intended it should have. It says that you can not transfer this assignment to anyone else. Now, let me ask the committee just one question. Suppose I find I have exhausted my entire supply of public documents. I could go to some of my friends from New Jersey and say, "Here are 5,000 names that I can not supply this document to, and as a courtesy to the people of California, not to me, but as a Representative of this Congress and of this country, send these documents out to these people." Is there any inhibition against it? Would you say it could not be done? Would it be violating the law, if there were 5,000 people desiring and seeking information, if a Member from New Jersey should send to California this information if he wanted to do so, when as a matter of fact mine have been restricted and limited and prohibited by virtue of the amount fixed at $1,800 or $1,500, as the bill may provide? The present adjustment is very, very good, indeed. Exchanges can be made and are made all the time. People are writing and asking for these maps, these books, horse books and cattle books, and other documents, that furnish really valuable information to the people who like to learn.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent for five minutes more, and then I will be through on this subject.

The CHAIRMAN. The gentleman from California asks unanimous consent that he may proceed for five minutes more. Is there objection?

There was no objection.

Mr. RAKER. There are many people that have not had the advantage of the schooling that they would like to have. They are in the shops, they are in the stores, they are on the farms or in the mills, and I find requests from thousands of people for information and bulletins and speeches upon subjects that would help them along in their business. It makes them better citizens. It puts the country in better shape. It leaves the Members of the House free and clear to distribute this literature to those who desire it, those who ask for it, those to whom it would do the most good.

I feel as though it is a mistake to say that you have $1,800 credited to your account and that you can send it out in the form of documents until that $1,800 is gone. This is what will occur: There are a dozen books; I have been asked a dozen times for books on immigration; how much would they cost? How much would Moore's Digest cost, and books of that character? Eight or ten would exhaust your supply. The way to do would be to send out all you can, and then you would find that other people would exchange with you, and you would get results, and good results. If they are exhausted, as my distinguished friend the chairman of the committee says, if the public wants them, if there is a sufficient demand for the Horse Book and the Cattle Book—which there is—they could be procured by exchange. I suppose I have 500 applications on file for the Horse Book and the Cattle Book from people who want them and will use them, and make good use of them. It is the same way with the report and hearings of the Industrial Relations Commission. There are more requests for those documents than for any other, and it would exhaust the entire supply of a man's allotment here—that one publication itself. This publication should be republished, so that the people who want it might have the opportunity to obtain it.

But the most serious feature of this is that provision that you have $1,800; that it is yours; that you will dispose of it. If you do not use it, of course some one will say something about it. That does not make any difference; but there is no necessity of passing legislation to put Congress—to put the Members of the House—in an unhappy position by enabling people to say, "I don't suppose he will send me that; he is drawing it for his own use, or he wants to supply his own library and those of his special friends." That is how the present provision of this bill will work as it is in its present form. The whole section should be stricken out.

Mr. BARNHART. Do not look in that way.

Mr. RAKER. I could not look in any other way than to the chairman of this committee, whom we all love and admire; and even then, with all those good qualities that he has, I find sometimes that he makes a mistake, and in this particular instance this dear and beloved chairman of ours has made a mistake.

Mr. SMITH of Idaho. Mr. Chairman, I wish to offer an amendment.

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. There is an amendment pending before the House, offered by the committee, to perfect the paragraph. Is there not?

The CHAIRMAN. Yes.

Mr. BORLAND. Any amendment offered now would have to be to perfect that amendment?

Mr. BARNHART. Mr. Chairman, I would like to have the pending amendment disposed of, and that will clear the way for any other amendments to follow. That is simply to fix the date different from what it is in the bill.

Mr. HULBERT. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. BARNHART. Mr. Chairman, I ask for a vote.

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. Is it not in order to offer a substitute for the amendment offered by the committee at this point?

The CHAIRMAN. Yes; it is.

Mr. BARNHART. The gentleman from Georgia [Mr. HOWARD] would not object to getting this amendment out of the way, I think?

Mr. HOWARD. It is the shortest route; that is all.

Mr. BORLAND. Mr. Chairman, as I understand it, this committee amendment goes to the perfecting of the text in the original paragraph, and will not prevent any gentleman from making a motion to strike out the whole paragraph after it is perfected?

The CHAIRMAN. No.

Mr. BORLAND. Then the whole paragraph will be subject to amendment and to strike out?

The CHAIRMAN. Yes.

Mr. HOWARD. I wish to be recognized, Mr. Chairman, at the proper time, to offer an amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. BARNHART].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MANN. That is on the committee amendment?

The CHAIRMAN. Yes.

Mr. MANN. Let us have a division.

The CHAIRMAN. The gentleman from Illinois demands a division.

The committee divided; and there were—ayes 26, noes 14.

Mr. BEAKES. I make the point of order, Mr. Chairman, that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. BEAKES. I withdraw my point of order, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn.

So the amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BORLAND: Page 56, line 23, strike out section 50, paragraph 1, and insert in lieu thereof the following:

"The distribution of public documents shall be carried on as heretofore provided by law."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

Mr. SMITH of Idaho. Mr. Chairman, I want to offer a substitute for that amendment.

The CHAIRMAN. The gentleman from Idaho offers a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Idaho: Strike out section 50, paragraph 1, lines 23 and 24, on page 56, and lines 1, 2, 3, 4, 5, 6, and the word "annually," on line 7, page 57, and insert in lieu thereof the following:

"That the superintendent of documents is authorized to keep an exchange account with each Senator, Representative, and Delegate, in order to as far as possible furnish such documents as are desired by each Senator, Representative, and Delegate in exchange for documents not desired for distribution."

Mr. BORLAND. Mr. Chairman, I make the point of order that the gentleman's amendment is not a substitute. His amendment is to perfect the text and is not a substitute for the amendment I have offered. He leaves in the valuation of $1,800 and seeks to perfect the text in some way.

The CHAIRMAN. The gentleman from Idaho will observe that the motion of the gentleman from Missouri is to strike out the entire paragraph and substitute another provision. The amendment of the gentleman from Idaho is to perfect the text of the paragraph. The substitute of the gentleman from Idaho, being a motion to perfect the text, would take precedence over the motion of the gentleman from Missouri to strike out.

Mr. BORLAND. That is true, Mr. Chairman, if he had offered it as an amendment, but he offered it as a substitute for my amendment. I make the point of order that it is not germane as a substitute.

The CHAIRMAN. On the face of the amendment it shows—not the statement that the gentleman himself makes, but on the face of the amendment itself—it is to perfect the text.

Mr. SMITH of Idaho. I will offer it as an amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

Mr. RAKER. On account of the confusion, may we have the amendment of the gentleman from Idaho reported again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. SMITH of Idaho. Mr. Chairman, what I desire to accomplish by this amendment is simply to continue the present law as it is, as far as the apportionment is concerned, but to establish in the Government Printing Office, under the superintendent of documents, a sort of clearing house, and to keep an account with each Senator, Representative, Delegate, and Commissioner, and permit them to turn in to the superintendent of documents such documents as they do not desire, and to take in exchange documents they may desire as nearly as possible of equal value. I understand that in some instances that system is in vogue. Occasionally a Member can turn in a certain class of documents to the superintendent of documents that he does not desire, and take others in exchange. It seems to me that we would all be glad to get the sort of documents of special interest to our constituents, and to surrender those that are not desired or not of interest to them.

Mr. MANN. Will the gentleman yield for a question?

Mr. SMITH of Idaho. Certainly.

Mr. MANN. If an exchange service is to be had here, would it be more effective under the superintendent of documents than in the folding room of the House?

Mr. SMITH of Idaho. I have proposed that it be under the superintendent of documents because he has entire charge of documents in the Government Printing Office.

Mr. MANN. But the superintendent of documents does not have charge of the documents in the folding room. Now, the gentleman's amendment is to strike out——

Mr. BARNHART. If the gentleman will look on page 34, which we have already passed, he will find the identical provision that the gentleman is now trying to incorporate in this amendment. Look at the bottom of page 34:

Provided further, That the superintendent of public documents is hereby authorized to exchange publications which he may have available for those of equal value which a Member may have to his credit in his respective folding room, and, for the purpose of facilitating such exchanges, the superintendent of each folding room shall advise the superintendent of public documents, on request, as to the number of any documents that a Member may have to his credit therein.

Mr. MANN. That does not answer the question. The gentleman from Idaho has offered an amendment to strike out the valuation plan entirely, and to provide for an exchange department in the hands of the superintendent of documents. But if the valuation plan is to be stricken out, then the folding room is to remain, and have charge of the documents, which would involve various amendments to the bill. If the folding room is to remain, and we are to receive our quota of documents in the folding room, is not that the place to have the exchange department?

Mr. SMITH of Idaho. Possibly that is so.

Mr. MANN. The superintendent of documents has nothing whatever to do with the documents which we receive through the folding room. Of course you might have an exchange department over there if you adopt the valuation scheme suggested by the gentleman from Indiana, but the amendment of the gentleman from Idaho [Mr. SMITH] strikes out the valuation scheme, as I understand.

Mr. SMITH of Idaho. Yes; I want to do that.

Mr. MANN. The gentleman from Idaho wants to retain the present quota system, and to authorize the making of exchanges of the documents we now receive.

Mr. SMITH of Idaho. It seems to me it might be a good idea to consolidate the folding rooms with the superintendent of documents, instead of having these separate establishments up here, as far as the apportionment of documents is concerned.

Mr. BORLAND. Will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. BORLAND. The gentleman evidently thinks he is striking this valuation scheme out of this section.

Mr. SMITH of Idaho. That is what I want to accomplish.

Mr. BORLAND. That is what we want; but the gentleman will find that the words in line 7, page 57, which he has left in the paragraph, go on to speak of this valuation account that the superintendent of documents is required to keep. The amendment does not fit into the text.

Mr. SMITH of Idaho. I drew this amendment hastily, and I am perfectly willing to have the whole paragraph stricken out.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. MILLER of Delaware. Is the gentleman aware of the fact that his amendment makes no provision whatever for the Philippine and Porto Rico Commissioners? They are included in the act, where Delegates, Representatives, and Senators are mentioned, and I suggest that he modify his amendment so as not to leave them out.

Mr. SMITH of Idaho. I shall be glad to do that.

Mr. BARNHART. Mr. Chairman, if the amendment of the gentleman from Missouri [Mr. BORLAND] should prevail, then we have on page 34 the exact provision that the gentleman from Idaho [Mr. SMITH] is now trying to insert as an amendment to the amendment of the gentleman from Missouri. The provision on page 34 was put in there for the specific purpose of providing

for the exchange which is desired by the gentleman from Idaho [Mr. SMITH].

Mr. SMITH of Idaho. I was not aware of the provision on pages 34 and 35 when I offered my amendment, and I desire to withdraw it.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from Idaho is withdrawn, and the question is on the amendment of the gentleman from Missouri [Mr. BORLAND].

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to discuss this amendment. I would like to ask the gentleman from Missouri [Mr. BORLAND], with whose general proposition I sympathize, whether it is necessary, in view of the clause to which the gentleman from Indiana [Mr. BARNHART] has called our attention on page 34? Whatever is existing law will continue to be existing law.

Mr. BORLAND. The gentleman from Indiana [Mr. BARNHART] called attention to a provision in the bill providing for an exchange of documents, which is a new provision. My amendment has nothing to do with that. I put into my amendment, out of excess of caution, the provision that the distribution of documents should be in accordance with the law as heretofore existing; but my amendment has nothing to do with the exchange system which the chairman of the committee [Mr. BARNHART] says is in another portion of the bill.

Mr. MOORE of Pennsylvania. I understand the gentleman has made a motion to strike out and insert that whatever is existing law shall continue to be existing law.

Mr. BORLAND. No; I say the distribution shall be according to existing law.

Mr. MOORE of Pennsylvania. I suggest to the gentleman that that is provided for on page 34.

Mr. BORLAND. Let us see about that.

Mr. MOORE of Pennsylvania. If you move to strike out the paragraph simply, many of us will vote for that.

Mr. BORLAND. The gentleman from Pennsylvania thinks that a simple motion to strike out paragraph 50 would accomplish the result without the addition of reference to existing law?

Mr. MOORE of Pennsylvania. I do.

Mr. BORLAND. What harm does the language that the distribution shall be according to existing law do?

Mr. MOORE of Pennsylvania. I think it would be unnecessary. Whatever is existing law will remain existing law, and so far as the distribution is concerned, that is provided for on page 34. I am ready to vote to strike out with the gentleman, and I think his motion should prevail; but I do not see the advisability of inserting anything in place of the paragraph.

Mr. BORLAND. I am inclined to think that the gentleman from Pennsylvania is right, and inasmuch as the motion is divisible, I will ask unanimous consent to withdraw that part of it, and then the chairman, who is more familiar with this matter than I am, can move to insert if necessary. We are agreed that paragraph 50, with the valuation, should go out. Mr. Chairman, I ask unanimous consent to withdraw the matter inserted and leave the amendment simply a motion to strike out section 50, paragraph 1.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that his amendment be modified by striking out the paragraph, withdrawing that part which inserts certain language. Is there objection?

Mr. MANN. Reserving the right to object, may we have the amendment reported?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 56, line 23, strike out section 50, paragraph 1, and insert in lieu thereof the following:

"The distribution of public documents shall be carried on as heretofore provided by law."

Mr. MANN. Mr. Chairman, I object to the modification at present. All a vote upon the pending amendment would do would be to express the opinion of Members of the House. Under the existing law there is a quota fixed for the various annual publications of the Government. The law provides the number of copies which shall be printed—so many for the Senate, so many for the House, and in some cases so many for the departments. If section 50, paragraph 1, should be simply stricken from the bill and the rest of the bill should be enacted into law, you would get no documents at all, because this bill provides for the repeal of the existing law, which fixes the number of copies which shall be printed of various documents and simply provides for the printing of the documents, without fixing the number. The result would be that if you simply struck out this paragraph and leave the rest of the bill in we would authorize the printing of documents and would not authorize any of them to be turned over to Members of Congress for distribution. I am quite sure that is not the desire of the gentleman from Missouri or of anybody else in the House.

It is true that if paragraph 1 of this section should be stricken out when we come over to the other pages, beginning, I believe, on page 60, we could insert the number of copies which should be printed for the use of the Senate and the use of the House, but that would involve a great many amendments. But to take the sense of the House, the gentleman offers an amendment to strike out paragraph 1—the valuation distribution—and, I think, it would be wise to have the amendment cover what he has already provided for, that the distribution shall be in accordance with existing law. That would be a direction at least to the Committee on Printing to have these amendments inserted in the bill in the proper place.

Mr. BORLAND. I was going to ask whether the gentleman was in favor of the amendment as originally offered, whether he thought it was better than the modified amendment, but he immediately followed it up by saying that the original amendment was the better.

Mr. MANN. I think if you wish to take the sense of the House that it would be better taken on the amendment as originally offered.

Mr. BORLAND. I intended to follow it up with subsequent amendments. Mr. Chairman, I think I will withdraw the request for unanimous consent which was suggested by the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I am not quite as clear upon this as the gentleman from Illinois is on matters of this kind. It seems to me that there is existing law for the distribution of documents.

Mr. MANN. Yes; but if the bill should be passed as it stands now you would not have any provision at all. For instance, here is a provision on page 62, line 15, "Laws of each session of Congress in pamphlet form." We get a quota of that now. If we do, then the law now in existence provides the number of copies which shall be printed and the number which shall be furnished to the Senate folding room and the number which shall be furnished to the House. This does not provide any number at all unless it should be by an amendment. Now, as I say, if the House wants to express its opinion that the distribution should be in accordance with existing law, it might be well to vote on that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Does the gentleman understand that this bill repeals existing law with respect to distribution?

Mr. MANN. Oh, certainly it does.

Mr. MOORE of Pennsylvania. Just one more question. It would not repeal existing law if section 50 were taken out?

Mr. MANN. Oh, yes; it would.

Mr. BARNHART. Mr. Chairman, will the gentleman yield for a moment?

Mr. MANN. Certainly.

Mr. BARNHART. I believe a word of explanation on the matter of the amendment would be wise. I would say for the information of the House that it will require, to perfect the bill, if this amendment goes out, 31 distinct amendments.

Mr. MANN. I should think at least that, or possibly more.

Mr. MOORE of Pennsylvania. If you do not include the amendment to be inserted under the motion of the gentleman from Missouri [Mr. BORLAND].

Mr. MANN. Even if it be inserted, the rest of the bill would have to be amended, but that tests the sense of the House. That is the only reason.

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman can not take a Member off his feet to make a parliamentary inquiry.

Mr. MANN. I will yield, so that the gentleman may make it.

Mr. BORLAND. I wanted to adopt the suggestion and the idea of the gentleman from Illinois [Mr. MANN] and withdraw my request to modify the amendment, so that the gentleman can discuss the merits of the amendment.

The CHAIRMAN. The gentleman has not withdrawn it, because the gentleman from Illinois objected.

Mr. BORLAND. I just want to put it in that shape.

Mr. MANN. I would not object after I make the explanation, if the gentleman desires to withdraw it.

Mr. CULLOP. I would like to ask the gentleman from Illinois if striking out section 85, on page 120, which purports to be the

section which repeals existing law, would not cover the matter he speaks of in reference to the distribution of documents?

Mr. MANN. I would say it would not, because you do not have to specifically repeal a law. Where you provide in the bill, for instance, with respect to the report of the Comptroller of the Currency, there is existing law covering that point, and this is a repeal by implication. I think there is no question about that.

I want now to discuss for a moment the valuation scheme. I shall not vote for the amendment offered by the gentleman from Missouri [Mr. BORLAND], though I have no particular feeling on the subject. I have given a good deal of study to the valuation scheme and was originally quite opposed to it. I recognize the difficulties which exist where gentlemen find some newspaper or magazine has published a statement that the Government has issued a very interesting document, which you can get by writing to your Member of Congress, and that you then get a large number of requests for that document—most of them out of idle curiosity—with which you can not comply because you do not have the quota. You say to your correspondent, "I can not send you the document, because my quota is exhausted; the Government fixes the number, and I have sent those out;" and in the main that is a satisfactory explanation. I do not know what we would have to say if the valuation scheme should be adopted. Doubtless we would find some method of taking care of ourselves in a reasonable manner. As it is now, there are a large number of annual publications. Those do not include the Horse Book and the Cow Book or books printed by special resolutions of Congress.

So far as the valuation scheme is concerned, if we desired in the future—and I think that would be the course adopted—we could provide for those special publications in addition to the valuation fixed by law, if it should go into effect. For instance, Congress, by joint resolution, as it will do, I have no doubt, when we need more books on the diseases of cattle and the diseases of the horse, could provide for the publication of a number of those documents, and, whether the Committee on Printing desires it or not, could provide that they shall be distributed to the Members pro rata. We now get these annual publications under the existing law, fixing the quota to be delivered to the House, and in the main those go to the folding room. There are a few of them where the quota is very small and they go to the document room, and you never have discovered, not one in fifty, that you have them to your credit. Nobody wants them; there is no demand for them. The gentleman from Georgia [Mr. HOWARD] says that he is a good trader and that he can trade them off. I will guarantee that he gets lots of documents that he can not give away unless he sends them to his constituents and gets them out before they know what they are. There are a lot of these things that you can not get enough of. I never have yet gotten enough ethnological reports; I never have gotten enough Smithsonian Institution reports; I never have gotten enough National Museum reports. I get a lot of bulletins from the National Museum about the languages of Indians, and so forth, that I have no earthly use for and that nobody else has. We get a lot of geological reports. It used to be in six volumes, and they have finally gotten it down, I believe, to one volume. I have a great university in my district and still I can not dispose of my geological reports. I usually give them to the Bureau of Geology. I get a lot of water-supply reports—used to get a large number of them. I do not know what has become of them in recent years, and nobody ever used them. Those reports we get that we can not make use of we can not trade, because no one wants them. Only a few people in the country want them, and if they want them they do not apply to their Member of Congress, as a rule, for them.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, if somebody wanted these reports we could provide for their exchange through an exchange department. An exchange department in the folding room would be a good thing anyway, in any event. The scheme that is proposed is that you get the value of all the documents we now receive as annual documents placed to your credit, including those that are good and those that are worthless to you, add a little bit to that and then fix this sum as the amount which you can use in getting such documents as you desire. There can be no question but that you will get more documents that you desire under this scheme than under the existing scheme.

Whether you will create a greater demand for documents which you can not supply I can not tell, and nobody else can tell, except time. It is immaterial to me from my personal point of view how the House looks at it. I have been able to take care of myself for years. I believe that it would be wise for the House to try this plan. I think they will get more good documents to the credit of their constituents in that way than they will now, and I feel absolutely assured that the House is quite able to take care of itself and its proper interests in the future as it orders extra publications issued.

Mr. RAKER. I would like to ask the gentleman how it happens that so many documents like the ones to which the gentleman refers that are absolutely of no use can be continued to be printed by the Government and by the departments?

Mr. MANN. That is one of the mysteries I can explain only in this way——

Mr. RAKER. I know the gentleman knows.

Mr. MANN. These documents have to be published. They are reports which are properly published. Certain people in the country are interested in them, but not a large number. We have to publish these things, and Congress has always manifested a desire whenever they ordered anything published to see that Members of Congress had their share for distribution.

Mr. SMITH of Idaho. I wish to say to the gentleman from Illinois that all of the documents that he mentions as useless in his district are valuable to the people out in the Rocky Mountain country.

Mr. MANN. Well, you have nothing to trade to me for them.

Mr. RAKER. I will trade with the gentleman.

Mr. MANN. Yes; you would take all I have and send them out with a letter. I will not give them to you. What have you to trade? I have sent any quantity of these documents back to the departments, where people apply for them. Sometimes they have more there than they are asked for.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. KREIDER. Mr. Chairman, I believed that when the chairman of this committee, Mr. BARNHART, explained this provision in the bill it would meet with almost universal approval, and I think that the bill as it now stands should be adopted. I think we should not be afraid to go on record to correct any evil that exists. There is no question but that the Government to-day is spending thousands upon thousands of dollars in publishing various publications that are of no earthly use. I want to say to the Members of the House I have what I believe to be about 5 tons of various publications, and any Member can go over the list and pick out anything he wants, provided he can send the publications to any person who will read them.

Mr. RAKER. I will be pleased to visit the gentleman's office.

Mr. KREIDER. I want to say to the gentleman that I shall be glad to have him do so. Now, many of these publications cost anywhere from $1 to $5 to print, and I doubt if anyone has ever read a dozen pages of any one of them. I want to say that here is a loss of thousands of dollars, I believe, that we ought to stop. Now, it seems to me that the only objection that has been offered——

Mr. BARNHART. Will the gentleman permit me to give him the exact figures. There is $125,000 a year lost on junk paper.

Mr. KREIDER. That money should be spent for useful publications that people really want and will read when they get them.

Mr. GOOD. Will the gentleman yield?

Mr. KREIDER. Yes.

Mr. GOOD. How are you going to tell whether a publication is useful or not until you have first published an edition? These editions are small, as a rule.

Mr. KREIDER. What I refer to are not very small editions. They are books that weigh some tons.

Mr. RAKER. In answer to the question propounded by myself to the gentleman from Illinois, which seems to me to settle the question, I want to ask you this. The Government must publish these documents for the purpose of giving information and comply with the law. Now, it becomes necessary to publish a document and a report, so that the man who wishes to enforce the law must know what has been done, and would it be any extra expense to print a few extra copies so that the public, if it desires, may know what is being done?

Mr. KREIDER. Mr. Chairman, I do not refer particularly to department publications or reports. But I do refer to those books that are being published and allotted to each Congressman and which are not being used. Now, I am not prepared to name each one, but I want to say that the very fact that

there is a loss of $125,000 along that line is of sufficient importance to receive proper consideration.

Mr. RAGSDALE. Mr. Chairman, will the gentleman permit a question there?

Mr. KREIDER. Not now. I have only five minutes.

The point that has been made in all the arguments against this new proposition is that each Congressman will possibly be accused or charged with having received $1,800 worth of documents for distribution, and the proposition seems to bother some, how they are going to get by on that proposition without supplying everyone with all the documents they want. I do not think there has been a reasonable argument presented along that line that does not present itself under the present methods. But if that is the only objection, I believe it could be overcome in this way: Instead of specifying $1,800, or whatever the amount may be, so many dollars' worth of these documents being credited to each Representative, provide that a certain number of farm bulletins and a certain number of books, or its equivalent in value, shall be allotted to each congressional district, and do away with the dollars-and-cents feature. I believe we ought to perfect this bill in some way that will effect the saving that we are trying to accomplish and let only those publications be printed and distributed that are demanded and are of practical use and value. [Applause.]

Mr. BORLAND. Mr. Chairman, I want to ask unanimous consent that all debate on this amendment close in five minutes.

Mr. STAFFORD. The gentleman from Missouri does not mean to say that he is preempting the privileges of the chairman of the committee, does he?

Mr. BORLAND. No; I happen to be the author of the amendment, that is all.

Mr. BARNHART. Mr. Chairman, I hope the gentleman from Missouri will withdraw that request. The committee has not yet been heard at all on the amendment.

Mr. BORLAND. I thought I was aiding the committee, but if the chairman wants the debate to run on indefinitely, all right.

Mr. BARNHART. It would be unfair to the committee and to the Members of the House, and I ask the gentleman to withdraw that request for limitation of debate.

Mr. BORLAND. Does the chairman think that it would be possible to agree upon a division of time?

Mr. FINLEY. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina objects.

Mr. TAVENNER. Mr. Chairman, I thoroughly believe that this valuation clause is in the interest of constituents of Members, and in the interest of Members themselves, and I know it is in the interest of the Government, because it will save about $125,000 a year right at the start, as soon as it goes into operation.

Now, there is an important weakness in the argument that hundreds of people are liable to write in for some given document and swamp the Members of Congress. The weakness of it is that it is a fiction. The truth of the matter is that the ordinary Member of Congress does not receive on the average, for the 365 days in the year, outside of the requests for farmers' bulletins, more than five bona fide requests for Government documents. For the last few days I have been interviewing the secretaries of Members, and have asked them how many bona fide requests they receive on the average, each day, for documents, and they say not more than five. Some may receive more than that, some less; but on the average I do not believe Members receive more than five. I know I do not, and I try to stir up my constituents on this question of public documents as much as I can.

Now, if you were to put in a page advertisement in each of the newspapers of your district and advertise such documents, you could not get more than 200 people to write for those documents to save your life. I have tried that myself. I did not insert a page advertisement, but I did put an advertisement or notice in nearly every paper in my district about this Horse Book, which is perhaps the most sought for of all the public documents, and in that advertisement I stated that I had some at my disposal, and said that it was an excellent book, and that I would be glad to send out copies as long as the supply lasted. I received only 75 requests, after inserting that notice in nearly all the newspapers of my district; and I know that my people, collectively, had never been told about that document before.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield there for an interruption?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. TAVENNER. Yes.

Mr. RAGSDALE. About how many publications did the gentleman send out on his Navy League proposition?

Mr. TAVENNER. That has nothing to do with this proposition.

Mr. RAGSDALE. Yes, it has. How many requests did the gentleman get for its distribution?

Mr. TAVENNER. I could not say offhand how many I have received.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. TAVENNER. I regret I have not the time.

Mr. RAKER. I will try to see that the gentleman gets more time.

Mr. TAVENNER. Very well.

Mr. RAKER. By what method does the gentleman arrive at the conclusion that there would be a saving of $125,000 by this provision, to start with?

Mr. TAVENNER. Because that is the value of the books that are being wasted now every year in the document and folding rooms—documents that are not sent out, but which are sold as junk.

Now, assuming that each Member would receive five actual, bona fide requests for public documents, exclusive of farmers' bulletins, each day in the year for 365 days, that would be a total of 1,825 requests for documents; and assuming that the average cost of these documents would be about 40 cents apiece—and that is a fair approximate average cost of these documents—a Member would receive in an entire year requests for $730 worth of documents. This bill gives each Member $1,800 worth of documents, which would leave approximately $1,000 worth of documents outside of the average bona fide requests.

Members of Congress say they do not want to be in a position to have some one in their district write for documents and not be able to send the documents to them. That is a position they will not be in under this bill, because, unless they unwisely give them away en masse, they will always have plenty of documents to their credit so that they can send out the documents requested and the people in their districts will get the documents they desire.

As a general proposition I believe that 70 per cent of all the documents that are sent out now are not sent to people who request them, but are sent by Members who take a chance that some document will interest some one, and perhaps Members do not figure it out very carefully. They just send them out in that way and a large number of them are misfits. Under the proposed plan a larger percentage of documents will go to people who are actually interested in them and who want them.

Now, this provision is not original with this committee. It has been recommended by every Committee on Printing for the last seven years, and also by the special committee appointed by the House and Senate to investigate the question of the printing of useless documents. Every one of the printing committees has recommended the valuation system. This plan has been discussed in every Congress every year for the last seven years, and so far as we know no newspaper in the United States has ever criticized it or said that it would be "pork" or anything like that, and on the other hand quite a number of papers have spoken favorably of the idea.

Mr. FESS. Mr. Chairman and gentlemen of the committee, I wanted to support the committee on this bill, and am going to do it as far as I can, but here is a feature that I fear I can not support. I admit that the theory of this valuation scheme is correct. If we are publishing documents that are useless, that is a distinct loss to the Government, and unnecessary and ought to be stopped; and if this method would stop it and there was no other way to do it, I would readily vote for it, even though I think we are inviting a good deal of embarrassment. I think the theory of this plan is good, in that it gives to the Congressman an opportunity to study the needs of his district and then make his order in accordance with it, and it will entail a good deal of intelligent consideration to find out the requirements of the district.

Mr. BARNHART. Will the gentleman yield?

Mr. FESS. Yes.

Mr. BARNHART. I know the gentleman wants to be fair.

Mr. FESS. Absolutely.

Mr. BARNHART. The gentleman would ascertain what documents were desired by the requests that came to him. There would always be a stock in the folding room on which Members could draw. A Member would not have to make any estimate of how many documents he was going to use. He might draw out all his allotment on one single document.

Mr. FESS. This was not a criticism. It was in commendation of the plan.

Mr. BARNHART. I thought the gentleman misunderstood that feature of it. I thought he said the Member would have to make an estimate.

Mr. FESS. I meant that he would have an opportunity to make an investigation of what people wanted, and that this plan would probably further it more than the old plan.

But now, seriously, there is another side of this matter that I do not want to invite, and that is that I am sorry to say we are the subject of unfair criticism on the part of a great many people who are much inclined to find fault. I confess that that is one reason why I have always opposed the present mileage system. In my own State we had a great contest on that and I could not get the consent of my mind, after taking a position at home, to come here and take a position apparently in opposition to what I have stood for at home, although it would not be in opposition, for this was an allowance that is more than simply the payment of mileage for an individual Member.

But no Member can close his eyes to the fact that a lot of people are talking about the perquisities that a Congressman receives; and I do not like the idea of the statement going out to the country that we have an allotment of $1,800, which is not true. The allotment is not to a Congressman. The allotment is to the district that the Congressman represents; but you will find that throughout the country there will be a charge that the Congressman has received $1,800 in perquisites; and then, if some one wants a publication that you can not get, he will say, "Did you put the money in your pocket, or what did you do with it?" Now, I do not want to invite that criticism, and I think I am about as courageous in the refutation of demagogic criticism as the average Member on the floor. I do not want to invite that, and it seems to me this is an invitation of that sort of criticism.

Mr. GOOD. Mr. Chairman, I move to strike out $2,200 in line 3 and insert $1,800.

The CHAIRMAN. The amendment of the gentleman from Missouri [Mr. BORLAND] is to strike out. The amendment of the gentleman from Iowa [Mr. GOOD] would take precedence.

Mr. BORLAND. I suppose that would be true if the amendments had been offered at the same time; but after a motion to strike out and insert has been offered and debated, is it then in order to offer an amendment to perfect the text?

The CHAIRMAN. The Chair understands the rule is that the motion to strike out is voted on last and that amendments intended to perfect the text are first in order. If the understanding of the Chair is correct, the amendment of the gentleman from Iowa [Mr. GOOD] is in order.

Mr. BORLAND. Does the Chair rule that a pending amendment under debate can be displaced at any time by another amendment to perfect the text?

The CHAIRMAN. It can, for the manifest reason that if the gentleman's motion to strike out should prevail the committee would have no opportunity to amend the text, and if the text could be amended the legislation might be favorably regarded by the committee and might pass.

Mr. BORLAND. What is the parliamentary situation of the amendment that is pending?

The CHAIRMAN. It will be displaced temporarily, until the amendment to perfect the text is disposed of. The Chair does not think there can be any question about that rule, and so the Chair will hold that the amendment of the gentleman from Iowa [Mr. GOOD] is in order.

Mr. GOOD. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. Would the amendment I have offered be in order after the motion of the gentleman from Missouri [Mr. BORLAND] is disposed of?

The CHAIRMAN. It would be in order as a new paragraph.

Mr. GOOD. I do not care to offer it as a new paragraph.

The CHAIRMAN. The Chair understands the gentleman to ask unanimous consent to withdraw his amendment.

Mr. GOOD. No; I do not care to withdraw it.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment for the purpose of perfecting the text. I move to strike out "$1,800," where it appears in line 6, on page 57, and insert in lieu thereof "$2,200."

The CHAIRMAN. The clerk will report the amendment.

The Clerk read as follows:

On page 57, strike out in line 6, the figures "$1,800" and insert "$2,200."

Mr. GOOD. There is an amendment pending to perfect the text.

The CHAIRMAN. What amendment?

Mr. GOOD. The amendment that I have offered.

The CHAIRMAN. The Chair understood the gentleman to ask to withdraw his amendment.

Mr. GOOD. No; I said I did not care to do that.

The CHAIRMAN. The Chair then submitted a request for unanimous consent that the amendment be withdrawn, and there was no objection. The Chair recognizes the gentleman from Georgia [Mr. HOWARD] who has offered an amendment which the Clerk has just reported.

Mr. HOWARD. It is the reverse of the amendment offered by the gentleman from Iowa. Is this amendment debatable?

The CHAIRMAN. It is.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I do not want to be selfish for my colleagues on the floor of this House at all, and I do not want to be ungenerous to the distinguished gentlemen at the other end of this Capitol. The function of a Senator is to deal with such momentous questions that he has but little time to fool with the distribution of horse books and seeds and the little things that this great Government is doing for a great people. I think the chairman of this committee, one of the most generous and lovable men in Congress, certainly overlooked the discharge of his duties, which he, as a rule, always performs faithfully, by being a little too modest, and practiced a little bit of false generosity when he made up this bill. The truth of the matter is, and the gentleman from Indiana knows it, that a Congressman gets 10 requests for public documents where a Senator gets 1. In other words, it has been recognized for 100 years in this country that a Congressman is the direct representative of the whole people, and when they want anything, when they want quick action, they know that small particles move rapidly and large bodies move slowly, and so they address that request to their Congressman. The result is—I do not know how it is with others, but as far as I am concerned, I find myself at the end of the year wending my way to the other end of the Capitol to beg my Senator to give me a few documents when I have exhausted mine, and I find that he has always an ample supply on hand.

Now, there is no reason in the world why we should give the Senate $400 the best of the bargain. I believe in being generous. If the people want this literature, let them have it. Here is $2,200 of documents to go to the district represented by the gentleman from Indiana. What folks in this country need light more [laughter] than the people that are asking for a little free book from this Government in order that they can learn something?

Now, Mr. Chairman, is there a man on the floor of this House who can get up and give a good reason why a Congressman should be discriminated against in such a manner as this? I want this House to repudiate the action of this committee in giving a United States Senator $400 more for public documents than we are getting.

Mr. WALSH. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. WALSH. I would like to know why a Senator should have any quota of documents at all?

Mr. HOWARD. Oh, Senators have to get to the people sometimes, as we do all the time. It is a great body, but I think they are human. They have friends scattered over the States. I admit it is a duplication, because they can not find a man in my district that wants anything that has not got it. [Laughter and applause.] I know of no reason why a Senator should not have some documents. Far be it from me to take them away from him. I want them to have some; I want them to have just what they ought to have and no more, because I do not get enough now. [Laughter.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARNHART. Mr. Chairman, my friend from Georgia is always illuminating and his positions are frequently well taken, but in this particular instance, Mr. Chairman, the House has been deciding all these years that a Member of the United States Senate, who represents his entire State rather than a fractional part of it as Members of the House do, shall be entitled to a certain quota. The proportion given to Senators has been even larger than this. When the bill passed the Senate it provided that the House should have $1,600 and the Senate $2,500 in document value. They are satisfied with this proportion, and it is a fair division. It is not the proportion that now is given to the Senate in public documents; they now take 30 per cent and the House 70 per cent.

Mr. HOWARD. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. HOWARD. I want to ask if it is not a fact that a Senator drew this very provision in this bill about this distribution?

Mr. BARNHART. No; the Senator drew a provision which gave the House $1,700 and the Senate $2,500 in value.

Mr. HOWARD. My opinion is——

Mr. BARNHART. No; I am incorrect about that. It was $1,600 for the House and $2,500 for the Senate.

Mr. HOWARD. I wonder he did not take more. [Laughter.]

Mr. BARNHART. Mr. Chairman, I realize that some of the remarks and some of the amendments offered to this section are really against the bill. I trust, however, that this amendment will not prevail because I know that when the bill goes to the Senate, unless we try to be fair with the Senate, as we ought to be, the probability is we will get the worst of it in the outcome and we will not get anything but present unsatisfactory ratio. I say that with all due respect to the Senate and to the merits and just deserts of the House.

Mr. Chairman, the proposed change for the amount of this allowance has been gone over time and time again. As I said in my opening statement on the bill, and I again say it for the benefit of new Members, this bill is not the sole baby of the Committee on Printing in the House; it is the outcome of 12 or 14 years of industrious work by members of the committee of both the House and the Senate, and by a commission that was authorized way back, I think, in 1906, and possibly 1904, to try and discover some remedy for the abuses that have grown up in printing documents. They investigated it, and they realized that something had to be done in order to give to the people the documents for which they are paying and not waste $125,000 a year, as we have been doing for many years in the past.

As the gentleman from Illinois has well said, there is a wealth of old documents printed now that nobody can use. They are printed under existing law, and we are trying to remedy that and prevent the great waste that is going on by printing documents that the public can not use but which it is paying for.

Mr. HOWARD. I would like to ask the gentleman if he has made any calculation as to how many bookkeepers and clerks it is going to take in addition to what we now have to keep these accounts?

Mr. BARNHART. I do not think it will take any more than now.

Mr. HOWARD. It will be just like the postal savings-bank law. Somebody sends to me for a bulletin which costs 5 cents, and there has to be a separate and individual charge of that. The consequence will be that you will load the department down with bookkeepers to keep these books.

Mr. BARNHART. Oh, no; the gentleman is mistaken.

Mr. HOWARD. It will waste the money just as certain as it will produce more jobs.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. RAKER. In this estimate that it will cost $125,000—that is, that we spend that much money a year—is there a list of the documents that have been destroyed which goes to show that about the same kind and character of documents each year have been issued?

Mr. BARNHART. Yes; and the gentleman from California has had them each year. They are sent to him each year by the Public Printer.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I would like to ask the gentleman another question. If that is true, and I know it is, because the gentleman has stated it, why does the Printing Office print these documents of the same class and character each year?

Mr. BARNHART. Because existing law requires that the Printing Office do that, and that is why we are trying to change this law.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. BORLAND. I want to ask the chairman of the committee if it is true that the Government has been printing so many useless documents for so many years, and that absolutely no one wants them, if nobody would use them under the plan which the chairman has advanced, and nobody uses them under the present plan, would they continue to be printed?

Mr. BARNHART. Mr. Chairman, the gentleman's question convinces me of just what I have thought from all his statements, namely, that he does not understand the bill at all. Of course they would not be printed as now. They would be printed and kept in stock like a stock of goods in a store is kept, in such editions as the joint committee might authorize from time to time, and when they are exhausted additional copies will be printed as fast as they are needed; and you never would have present accumulation of these useless documents, because the joint committee would not permit it.

Mr. BORLAND. Then the gentleman has answered and admitted, as I knew he would have to, that the prevention or the reduction in the printing of these useless documents is not an essential feature of the change of plans.

Mr. BARNHART. We are trying to abolish the plan, and give the gentleman the documents he would like to have for his people, instead of having these printed up, not used, and sold for junk each year.

Mr. BORLAND. The gentleman can prevent printing them now.

Mr. BARNHART. How can he prevent it? Can the gentleman from Missouri tell me any way except by changing the law?

Mr. BORLAND. They are printed under some provision of law now?

Mr. BARNHART. Certainly; and the chairman of the Committee on Printing can not arbitrarily change the law. We are here before the House at the present time asking that it change the law as it ought to be changed.

Mr. BORLAND. The gentleman insists, then, that the law is going to remain as it is and these documents must be printed, and yet under his plan nobody is going to draw them to their credit, and what is to become of them?

Mr. BARNHART. Oh, they will be printed in such quantity that there will be comparatively no waste. They would not be printed each year, they would not be printed at all except when needed and in very limited editions, and if there was no call for them they would not be printed any more.

Mr. BORLAND. That can be done now.

Mr. BARNHART. You can do it by changing the law, and that is what we are asking.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. SHERLEY. Is not that what you can do now without involving this proposition of money value to each Member? Change the maximum that has now to be printed and make it very much smaller, and when there is an extra demand have a reprint and thereby get rid of the waste.

Mr. BARNHART. But the difficulty about these matters suggested from time to time to-day is this: Some documents are in demand in one district in the United States that are not wanted at all in another district, and any plan that proceeds upon the basis that we are now going, that prints a certain amount of documents for each and every district in the United States, gives to many districts that which they can not use and denies to other districts that which they can use.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. GOOD. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Georgia [Mr. HOWARD]. There certainly can not be any good reason advanced why the allotment of these various publications should be greater to Members of the Senate than to Members of the House. No good reason has been advanced and none can be.

The argument of the gentleman from Indiana [Mr. BARNHART] that in order to prevent waste we must place a valuation on Government documents is to my mind ludicrous. Here is a document that is worthless. No one wants to read it. It is not proposed now to stop its publication, but it is only proposed that it will be valuable after we set a money value upon it and charge somebody with it. It is thought that there will then be a demand for it. If it is valueless, why do you publish it? If it is worthless and no one wants it, why do you want to charge it up to a Member of Congress, in order that he can send it out so that it may find a place in some one's wastebasket?

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. FINLEY. That is exactly what is done now, and we are trying to correct that.

Mr. GOOD. But you can make the correction without charging it up to a Member of Congress.

Mr. FINLEY. It is charged up to him now.

Mr. GOOD. Let us eliminate the waste. All that is necessary is to stop publishing useless publications. The gentleman from Illinois says that we will save $125,000, and then he goes on to say in his argument that if a certain number of requests came in each day it would exhaust only $700 worth of bulletins a year for each Member of Congress, and he figures that that would be a normal request.

If that is the case and you are looking for economy, why did you not allow each Member only $700 and save over $500,000

a year on Government publications instead of attempting to save $125,000?

Mr. FINLEY. I would like to ask the gentleman a question. He is familiar with the present law by which documents are allotted?

Mr. GOOD. It is not proposed to cut out entirely some of these publications that are useless. How do you know whether a publication would be a proper publication or not? Who is to be the judge of a publication? It is only by a trial.

Mr. FINLEY. Will the gentleman yield?

Mr. GOOD. I can not yield further. I have only five minutes.

Mr. FINLEY. The gentleman can get further time.

Mr. GOOD. Then I will yield to the gentleman.

Mr. FINLEY. Now, just there. The method of printing public documents as proposed in the bill here is that there will be a limited number of publications ordered by law to be published. To the extent that these publications are called for, of course, they will be printed, and the first print, small in number so to speak, will be raised or increased to meet the demand. Under the present law you can not do that. You get your allotment of irrigation bulletins and geological reports, and you must take them. You can not go to any department of the Government and say that you do not wish those, but that you want some other publication.

Mr. GOOD. And now you propose you must take them and must pay for them.

Mr. FINLEY. No; I do not.

Mr. GOOD. Then what are you going to publish them for at all?

Mr. FINLEY. Until it is demonstrated that certain publications are uncalled for you will not know what is necessary to publish.

Mr. GOOD. You are going to publish them anyway, to test their value, and you are going to have $125,000 worth of junk, just as we are now having at the end of each year.

Mr. FINLEY. The gentleman must know this, that if a publication is limited to 100 copies that would not compare in cost to a publication where there are 500,000 published under the present law.

Mr. GOOD. Does the gentleman mean to say that publications will be authorized where only 100 copies will be printed?

Mr. FINLEY. I will say that is the present law.

Mr. GOOD. The gentleman knows that of all the publications more than 100 copies are printed in every case.

Mr. FINLEY. Under the present law, yes; and the allotment is made to you whether you want them for distribution or not.

Mr. GOOD. I will ask the gentleman a question.

Mr. FINLEY. Yes.

Mr. GOOD. Can we not limit the edition to 100 copies of documents without this provision in the bill fixing a price upon it?

Mr. FINLEY. Under the present law?

Mr. GOOD. No. I mean if we struck out this provision fixing a price upon the document.

Mr. FINLEY. I will say to the gentleman the publication will be limited to a very small edition, and then as they are called for by Members of Congress the printing will be continued and the documents increased in number.

Mr. GOOD. That could be done whether the price was fixed on that document or not?

Mr. FINLEY. We say that in this bill.

Mr. GOOD. That could be done if we eliminated this section?

Mr. FINLEY. If the gentleman is in favor of that, he is in favor of the bill.

Mr. GOOD. I am in favor of eliminating this section entirely.

Mr. FINLEY. Then you are against this part of the bill.

Mr. GOOD. Is that all there is in this bill? Is it bottomed on the proposition of simply fixing a price on these documents and charging them to Members of Congress at that price?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARNHART. I would like to ask the author of this amendment, the gentleman from Georgia [Mr. HOWARD] if we can not close debate in five minutes?

Mr. HOWARD. I am ready to close it right now.

The CHAIRMAN. The Chair will put the request that at the end of five minutes the debate be closed. Is there objection?

Mr. SHERLEY. I amend that by adding debate on this amendment and all amendments to the paragraph.

Mr. McLAUGHLIN. I object.

Mr. BARNHART. Mr. Chairman, I move that all debate close on the amendment to the paragraph in five minutes.

The CHAIRMAN. On the amendment to the paragraph, in five minutes?

Mr. BARNHART. On amendment and the paragraph in five minutes.

The CHAIRMAN. On the two pending amendments?

Mr. SHERLEY. I offer as an amendment to that motion that all debate close in five minutes on the paragraph and all amendments thereto.

Mr. BARNHART. On this I would like to be heard, Mr. Chairman.

Mr. SHERLEY. It is not a debatable motion.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] moves to amend the motion of the gentleman from Indiana closing all debate on this amendment in five minutes.

The amendment was agreed to.

Mr. BARNHART. Now, Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Indiana [Mr. BARNHART] as amended.

The motion was agreed to.

Mr. BARNHART. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARNHART. What is the status of the situation now?

The CHAIRMAN. The status of the situation is that the gentleman from Iowa [Mr. GOOD] is recognized for five minutes, and at the expiration of that five minutes all debate on this paragraph and all amendments thereto is concluded.

Mr. BARNHART. Now, Mr. Chairman, I want to submit to the membership of this House——

Mr. GOOD. Mr. Chairman, I believe I have been recognized.

Mr. BARNHART. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes.

Mr. BORLAND. I shall have to object, Mr. Chairman.

Mr. RAGSDALE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAGSDALE. The gentleman from Iowa [Mr. GOOD] has been recognized and is now on the floor.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] submitted a parliamentary inquiry; but that, of course, can not take the gentleman from Iowa off his feet. The gentleman from Iowa is recognized for five minutes.

Mr. BARNHART. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GOOD. I will yield to the gentleman two minutes, if he wants to make a statement.

Mr. BARNHART. I thank the House for permitting the gentleman from Iowa to yield to the chairman of this committee two minutes in which to make an important statement.

Mr. MANN. Will the gentleman from Iowa yield to me for a moment?

Mr. GOOD. Yes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the chairman of the Committee on Printing [Mr. BARNHART] may have five minutes at the conclusion of the time for which the gentleman from Iowa [Mr. GOOD] has been recognized.

The CHAIRMAN. Does the gentleman from Iowa consent?

Mr. GOOD. Yes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that at the conclusion of the remarks of the gentleman from Iowa [Mr. GOOD] the gentleman from Indiana [Mr. BARNHART], the chairman of the Committee on Printing, may have five minutes. Is there objection?

Mr. BORLAND. Reserving the right to object, Mr. Chairman——

Mr. McLAUGHLIN. Reserving the right to object, Mr. Chairman, several gentleman have been on their feet several times asking for recognition, and the gentleman from Indiana moved to cut off debate and limited the time to five minutes.

Mr. BARNHART. I did nothing of the sort.

Mr. RAGSDALE. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RAGSDALE. The gentleman from Iowa [Mr. GOOD] has the floor. I demand the regular order.

The CHAIRMAN. The gentleman from Iowa yielded the floor for the sole purpose of allowing the gentleman from Illinois [Mr. MANN] to make a request for unanimous consent in behalf of the gentleman from Indiana [Mr. BARNHART].

Mr. CLARK of Florida. Regular order!

The CHAIRMAN. The regular order is, Is there objection to the request of the gentleman from Illinois, that the gentleman from Indiana [Mr. BARNHART] shall have five minutes at the conclusion of the remarks of the gentleman from Iowa [Mr. GOOD]?

Mr. BORLAND. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri objects.

Mr. GOOD. I will yield two minutes of my time, Mr. Chairman, to the gentleman from Indiana.

The CHAIRMAN. The Chair will state to the gentleman from Iowa that it will require unanimous consent for him to yield under the five-minute rule.

Mr. GOOD. I ask unanimous consent, Mr. Chairman, that I may yield to the gentleman from Indiana one-half of my five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to be allowed to yield to the gentleman from Indiana one-half of his five minutes. Is there objection?

Mr. BARNHART. I trust gentlemen will not object to that request. I want to thank the gentleman from Iowa for according to the chairman of this committee, which has worked so long and arduously during all these years on this bill, the privilege of explaining in two and one-half minutes the details of the proposition of why we should not abolish this section of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa, that he may yield two and one-half minutes to the gentleman from Indiana?

There was no objection.

Mr. BARNHART. Mr. Chairman, I might repeat what I have already said, that the Committee on Printing feels that, at least, it ought to have the privilege of presenting the importance of this proposition as to whether or not this section of the bill shall become a part of the bill.

It is charged on the floor that I have made the motion that all debate be closed. I made the motion that the debate be closed on the amendments, but not on the section. The motion that the debate be closed on the section was made by some other Member.

I trust that the membership of this House will be fair to this committee that has been working so earnestly to bring in a bill that will be of benefit to the people and to the public service; and I submit that we should at least be given an opportunity to be heard on this matter. I hope our committee will at least be given that privilege.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The gentleman from Iowa [Mr. GOOD] is recognized for two and one-half minutes.

Mr. GOOD. Mr. Chairman, I do not want to say anything to detract from the great work that has been done by the Committee on Printing, which has reported this bill. I think they have tried to bring before the House a workable proposition and that in many respects they have succeeded. But on the proposition involved in the amendment of the gentleman from Missouri [Mr. BORLAND] I think they have failed. I think we are inviting trouble that will arise every year to embarrass Members of the House when it comes to sending out bulletins and other Government publications that have a value fixed upon them. These bulletins and Government publications that are valuable ought to be given to every man, woman, and child in the United States that wants them; they ought to be sent to them without cost, and they ought to be had for the asking.

When you come to fixing a valuation upon them, as provided for in this bill, and the gentleman from South Carolina [Mr. FINLEY] says that that is the principle upon which this bill is bottomed, you are inviting trouble. I do not believe that the gentleman understands——

Mr. FINLEY. I made no such statement.

Mr. GOOD. I do not believe that the gentleman understands the provision of the bill his committee has reported if that is his contention.

Mr. FINLEY. I repeat, Mr. Chairman, I made no such statement.

Mr. GOOD. The gentleman does not seem to understand the principle upon which this bill is bottomed. The idea that there are hundreds of thousands of Government publications that are useless, and that $125,000 will be saved every year by not publishing them, simply charging them up to Members of Congress, is the most foolish proposition that was ever submitted to this House. Think of it! A publication is valueless and uncalled for when it can be had for the asking, only becomes valuable when a price is put on it at which Members can secure it.

Why, gentlemen, we are going to have here, as was said by the gentleman from Georgia [Mr. HOWARD], thousands of publications with values of 2 or 3 cents placed upon them. There will be bookkeepers galore keeping the accounts of every Member of Congress every day, charging them 3 cents for this publication and 5 cents for that publication and some other amount for another publication; and you will have, when the end of the year comes, the same amount of junk to sell to the junk dealer as you have had heretofore, and in addition you will have paid thousands of dollars for bookkeepers.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes; I yield to the gentleman.

Mr. BARNHART. I know the gentleman wants to be fair.

Mr. GOOD. Certainly.

Mr. BARNHART. Do we not have these clerks now keeping the record of what you order?

Mr. GOOD. Yes; a given number of bulletins are credited to each Member, and as he orders out bulletins they are charged to him; but we do not have an account charging us 3 cents for a bulletin on "The Care of Babies," and so forth, do we?

Mr. MILLER of Pennsylvania. They charge you with the number of bulletins.

Mr. GOOD. Yes; they charge the Member with the number of bulletins only, but they do not fix a value on them and charge you with so many dollars and cents. The amendment of the gentleman from Georgia [Mr. HOWARD] ought to prevail. There ought to be no discrimination between Members of the House and Members of the Senate when it comes to the distribution of Government publications. Likewise the amendment of the gentleman from Missouri should be adopted.

The CHAIRMAN. The time of the gentleman from Iowa has expired. All time has expired.

Mr. SHERLEY. Mr. Chairman, I desire, as I made the motion to cut off debate, to ask that five minutes be given to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. I thank the gentleman from Kentucky, but the chairman of this committee can not present an argument on this proposition in five minutes, and I refuse to accept the time.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Georgia.

Mr. MILLER of Pennsylvania. Will the clerk report the amendment?

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The Clerk read as follows:

Page 57, line 6, strike out "$1,800" and insert "$2,200."

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Missouri [Mr. BORLAND], to strike out and insert.

Mr. BORLAND. I ask that the amendment be reported again.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The Clerk read as follows:

Amend by striking out the paragraph beginning with line 23 on page 56 and ending with line 12 on page 58, and inserting the following:
"The distribution of public documents shall be carried on as heretofore provided by law."

Mr. SHERLEY. A parliamentary inquiry, Mr. Chairman. Is that motion divisible?

Mr. MANN. No; the motion to strike out and insert is not divisible.

The CHAIRMAN. The motion to strike out and insert is not divisible.

The question being taken, on a division (demanded by Mr. BORLAND) there were—ayes 57, noes 41.

Mr. BARNHART. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. BARNHART and Mr. BORLAND.

The committee again divided; and the tellers reported—ayes 61, noes 49.

Accordingly the amendment of Mr. BORLAND was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. McKELLAR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4764. An act to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved January 17, 1914.

REVISION OF PRINTING LAWS.

The committee resumed its session.

The Clerk read as follows:

SEC. 50. Par. 2. The superintendent of public documents shall supply, wrap, and mail or otherwise dispatch all publications subject to valuation distribution upon the written order of the person entitled to the same, who shall furnish addressed frank slips or envelopes therefor; and said superintendent shall promptly furnish each person entitled to a valuation account or document quota under this section with information and the prices of all publications available for such distribution in advance of printing the first edition thereof, if possible, and he shall also render statements from time to time to each person entitled to the same concerning the condition of his valuation account: *Provided*, That any person credited with a valuation account or quota of Government publications as provided for in this act, or any employee or agent of such person, or any officer or employee of Congress or either House thereof, who shall sell or dispose of for gain or profit any publications obtained either directly or indirectly under the provisions of this section, shall be fined not more than $1,000: *Provided further*, That, if the Public Printer, the superintendent of public documents, or any other officer or employee of the Government Printing Office shall permit or knowingly be party to any violation of this act, whereby the Government shall suffer any loss therefrom, he shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. BEAKES. Mr. Chairman, I move to strike out, on page 58, in line 19, the words "a valuation account."

The Clerk read as follows:

Amendment offered by Mr. BEAKES: Page 58, line 19, strike out "a valuation account."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. BEAKES].

The amendment was rejected.

Mr. BEAKES. Mr. Chairman, I move to strike out, in lines 23 and 24, after the word "same," the words "concerning the condition of his valuation account."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 58, in lines 23 and 24, by striking out the words "concerning the condition of his valuation account."

Mr. BEAKES. Mr. Chairman, I am opposed to this printing bill, for the reason that I believe it will cost the Government of the United States much more money than the present system costs. I am in favor of reforms in the present system, but I do not believe that this printing bill accomplishes reforms in the present system.

Let me give you two or three examples of what this bill does. When I give them to you I do it in the belief that the Printing Committee are laboring under the impression that they can handle the printing of this Government better than any other committee can.

The Post Office Department of this country has a large number of continuing contracts, made when paper cost less than it does to-day, and contracts which this bill would void.

Mr. BARNHART. Will the gentleman yield?

Mr. BEAKES. Yes.

Mr. BARNHART. Has the gentleman any contractors for Government supplies in his district who would be interfered with in any way by this bill?

Mr. BEAKES. So far as I know there is not a contractor for Government printing in my district, and there is not a contractor with whom I am acquainted.

Mr. BARNHART. Nor in the State?

Mr. BEAKES. Nor in the State of Michigan. There is a contract for the printing of facing slips. I do not know whether the Members of this House know what facing slips are or not. They are slips that are placed by the postal clerks on the back of each package of letters. They contain the name of the post office to which they are addressed, and the name of the post office from which they come, the railroad, and the name of the clerk. Those slips are printed for this Government by special machinery at a cost to the Government of less than 5 cents a thousand. The Government Printing Office has bid on them at various times, and the last time that it bid upon them its bid was eight or nine times what the Government gets them printed for.

Mr. KEATING. Will the gentleman yield?

Mr. BEAKES. I yield to the gentleman from Colorado.

Mr. KEATING. Can the gentleman give the House any information as to the labor conditions prevailing in the offices which are handling these contracts, which the gentleman says are effecting such a material saving to the Government of the United States?

Mr. BEAKES. I know nothing whatever about them.

Mr. KEATING. Does not the gentleman think that before he advises the House as to what it should do under the circumstances he ought to investigate as to the labor conditions where this work is done under these contracts?

Mr. BEAKES. Let me say to the gentleman that the reason that this price can be made so low is that the shops that print these facing slips do nothing else.

Mr. KEATING. But the gentleman says he knows nothing about the labor conditions in those shops.

Mr. FINLEY. They are "scab" shops. We have affidavits here to that effect.

Mr. BEAKES. I do not yield any further.

The CHAIRMAN. The gentleman from Michigan declines to yield.

Mr. BEAKES. The Government has a contract for the printing of postal cards, and if it had to make that contract over again, as it would have to do under this bill, it would cost the Government several hundred thousand dollars more, because, mind you, the European war has sent up the price of paper.

I am talking about the Post Office Department, because I know something about that department. The Government has a contract for printing money-order blanks, and that contract was let for $101,000 less than the Government Printing Office bid on it. The reason is that the people who do this sort of work have special machinery, which the Government Printing Office has not. And I want to say to you that instead of this bill saving the Government $125,000 a year in the printing of useless documents you will find before you get through that you will have fastened upon yourselves a system which will trouble you and which will not properly distribute what you have to distribute, and which will cost the Government more money. [Applause.]

Mr. STAFFORD. Mr. Chairman, I would not take the floor if the gentleman had not referred to conditions in the printing of postal supplies. He criticizes the policy of the Government in recent years in taking from private contractors the printing of postal cards and other necessary postal supplies and having them printed in the Government Printing Office. It was my good fortune and privilege to serve for 10 years altogether on the Post Office Committee, and during that service I took considerable pleasure in looking into the details of that work and of the conditions in the administration of that great department. It is easy for the committee to understand why the Government should control the printing of all of its supplies that partake of the nature of currency or of any value whatever. The gentleman will have to admit, as he is acquainted with postal affairs by reason of his service as postmaster or assistant postmaster in his city for many years, that the character of the postal card is much superior both in its material and in its printing since the Government Printing Office has taken charge than before, when it was printed by private contractors. Bids were called for, and the bid of the Government Printing Office was almost the same as that of the private contractor, but if it is fundamental that postal supplies should be printed at the Government Printing Office because we can get better service, better returns, is it fair for gentlemen to compare the conditions on an eight-hour basis, where men receive good living wages, with contracts from private establishments, where children may be employed and where the contract price must necessarily be less?

It is a question of policy, and department officials generally agree that so far as postage stamps, postal cards, Treasury notes, and everything partaking of value in connection with the Postal Service or Government is concerned they should be printed at the Government establishment, and it needs little explanation to show the committee why that should be so.

Now, as to the valuation plan. The chairman of this committee has labored on this bill more assiduously than many a man could have been expected to labor. The gentleman has intimated that the chairman does not understand the provisions of the bill that has been brought in here. Why, this bill was considered in the United States Senate for several weeks in the Sixty-second Congress. It was considered in this House for five or six weeks—it may have been seven Calendar Wednesdays—in the last Congress.

Mr. BARNHART. It was 19 Calendar Wednesdays.

Mr. STAFFORD. The gentleman from Indiana corrects me and says it was 19. I remember that I was here most of that time considering the details of the various provisions. If the gentleman from Michigan will study the bill item by item he will find it is a logical, scientific measure and will save the Government hundreds of thousands of dollars. And yet a minute ago, under a bugaboo fear that we would be charged with having something of value to our credit for distribution to our constituents, the House was railroaded, on the spur of the moment, to strike out a section without any opportunity being given to the

deserving chairman, who has worked hours and hours on this bill, to defend the vital provision of it. [Applause.] I say it was not fair play. Never before within my service in this House have I seen such methods adopted against the protest of the chairman of the committee, a man who has labored on it long hours and brought us something that would be of value and of service and will protect the interests of the Government and of Members. I say it was only fair that we should have given the chairman an opportunity to explain this provision.

A moment ago some Members were swayed with the belief that it would result in great expense by having a large number of bookkeepers to keep the books. That is a ridiculous proposition when the bookkeepers are already employed. They affected to believe that which every Member knows is an excuse. Here is a workable provision to have public documents credited to the Member, documents which he knows would be the most desirous and suitable for his district.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STAFFORD. It is enough to say that our constituents are already advised that we have documents to our credit for distribution. What is the criticism from constituents when we send out publications of little interest? We are sending them something that they have no use for whatever. You can not have any exchange bureau under those conditions. You can not exchange something which few Members have calls for. If the gentleman will study the bill he will find that there is a limited edition printed and the recurring editions are not to be printed unless there is a demand made on the part of Members for additional copies.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SMITH of Michigan. I was going to ask along the line suggested by my colleague [Mr. BEAKES] whether or not the gentleman would think that, in view of the fact that the Agricultural Year Book costs possibly $400,000 to print, it would be a proper item to submit for public bids and get competitive bids, if it could be shown that there would be a saving of $50,000 on that one item alone?

Mr. STAFFORD. If the gentleman had studied the conditions he would know that the private contractors would offer a bid cutting down the public-printing price the first year, and after they got the contract would raise it so that the Government would ultimately pay the burden. We know when we contract for the printing of a publication which the Government prints we are getting full value and only asking the employees of the Government printing establishment a fair return for the employment which we demand of them.

Mr. SMITH of Michigan. The gentleman does not answer my question whether or not he would be in favor of that?

Mr. STAFFORD. No; I am not in favor of having the printing done at private establishments where working conditions may be different, where workmen may be worked 10 or 12 hours a day, and where children may be employed to do the work of men, while it is the policy of the Government to have its printing done at its own establishment.

Mr. SMITH of Michigan. Then the gentleman is against economy?

Mr. STAFFORD. I am not against economy, but I am not in favor of sweatshop printing establishments over which the Government has no control [applause] while it is the Government's policy of having all supplies of value printed in an office under its own control.

Mr. SMITH of Michigan. Have not people outside of the Government Printing Office a right to live as well as those in the Printing Office?

Mr. STAFFORD. Oh, yes; but the Government has the right to conserve its interests, and with a fully equipped plant it is a business proposition as to whether it should be kept running.

Mr. SMITH of Michigan. The gentleman is in favor of the Government printing everything, all of its supplies for its own use?

Mr. STAFFORD. I have already said that the Government established the policy of having its printing done in matters of value at its own establishment. We have been applying that policy in later years, and it would not be good business policy to now let that work out to private contract.

Mr. KREIDER. Mr. Chairman, I rise in opposition to the amendment. I want to say that I hope ways and means will be found before this bill is enacted into law whereby the paragraph providing for the valuation plan of all printed documents of every name and nature which has been stricken from this bill will be restored. I wonder whether every Member of this House realizes that the bill as framed will give each Member just what he wants and needs for distribution in his district, will give him such publications that are of real value to his constituents and at the same time save to the Government not less than $125,000 per annum. I can not believe that this House, on a purely business proposition, is ready to go on record as unwilling to correct a waste that has existed for years, which it is now purposed to rectify. There is not a Member of this House who would permit a waste of $125,000 per annum in his private business if he knew of it and knew how to stop it; if so, then why not stop it in governmental affairs and save so much of the people's money. The chairman of this committee has given this matter careful and intelligent thought, and there is no question but that the provision affecting this saving ought to be retained in the bill. The only possible excuse that anyone can have, and the only one advanced for voting against this section, is the fact that some Members are afraid their constituents will find out that he has to his credit $1,800 worth of printed material—documents, books, pamphlets, bulletins, and so forth—and that he has failed to send each constituent his proportionate share. I anticipate no such trouble. In fact, in order to distribute my allotment and place them into the hands of those who would benefit by them I sent out these little printed folders, which you all know we have, to thousands of my constituents and have asked them to mark what they would like to have.

Mr. SMITH of Michigan. A catalogue of bulletins?

Mr. KREIDER. Yes; and I did it because I felt that those bulletins were really valuable and that my constituents were not aware of the fact that they were compiled and printed at great expense to the Government and that they were available and could be had for the mere asking. I do not object to printed matter, if it is such as the people want, will read, and be of some use, and benefit those who receive them, but I have a number of documents and publications placed to my credit that I have no earthly use for, and unless I can give them to some one who has use for them it is evident that the expense of printing them is a total loss. In order to get rid of them I offer them here and now in a public way to anyone who will take them and read them or send them to some one who will read them, but I do not want to give them to any Congressman who is going to send them out under his frank and let the man who receives them sell them for waste paper at a fraction of a cent per pound. I do not want to put the Government to the expense of transporting them in the mails if they are not going to be of any use to those who receive them.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. KREIDER. Oh, I am going to give you a list of them. I have some thirty-odd agricultural experiment station reports for 1903, 1904, 1907, 1908, 1909, 1910, 1911.

Mr. SMITH of Idaho. I will take them.

Mr. KREIDER. I will give them to the gentleman. I am perfectly sincere in trying to find some one who has use for them. I am glad to get rid of them, to have them go out and serve the public and the use for which they were intended.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman permit an inquiry?

Mr. KREIDER. Yes.

Mr. SMITH of Idaho. The gentleman has frequently stated that these documents were worthless. Is not that a reflection upon the intelligence of Congress and the administrative officers of this Government when he says that they are spending public money for printing worthless documents?

Mr. KREIDER. I wish to say it is a reflection not only in this respect, but I can point to a number of instances where the Government has expended money foolishly—thrown it away deliberately, almost—and this is only one of the cases where I have raised my voice in an effort to stop such an uncalled-for and needless waste of the people's money.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. KREIDER. Yes.

Mr. JOHNSON of Washington. I want to say that in my district last summer I found in one house a baby sitting on the compiled laws of Alaska instead of a high chair and the screen door kept closed with a Smithsonian report. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. KREIDER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KREIDER. Mr. Chairman, I have 29 Agricultural Secretary's reports.

Mr. SMITH of Idaho. What year?

Mr. KREIDER. 1907, 1908, 1909, 1910, 1911, 1912.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. KREIDER. Yes.

Mr. EDWARDS. I want to know if the gentleman has any Horse Books to his credit?

Mr. KREIDER. No; and that is why I am in favor of this bill. I would like to have more horse books, cattle books, bird books, agricultural books, and farmers' bulletins and such things whereby I could impart useful information to my constituents instead of this uninteresting and dry reading that nobody wants or looks at. I have some Alaska laws of 1913. Possibly somebody might want them. I have some Alaska reports; anyone can have them. I have some Army Registers of 1909, 1910, and 1911. Those of you who would like to have those hold up your hands.

Mr. SMITH of Idaho. The gentleman may not be aware of the fact that he is reflecting on the industry of his predecessor.

Mr. KREIDER. I do not care on whom I am reflecting. I am giving the facts, and that is why I think the chairman of this committee and his committee have given us a good bill when they provide that this waste shall continue no longer, and they should be supported and commended, and I am going to raise my voice in favor of it, and the reason I do it is to call attention to the fact of existing law and why this bill should become a law; why that paragraph should not have been stricken from the bill. I have some reports of the Attorney General for 1907, 1908, 1909, 1910, and 1911—46 in all. Do you want them? I have some canal reports, interoceanic, 1901, Senate report; some Senate reports of the Isthmian Canal, of 1899 and 1901—34 of them. I have a lot of civil-service reports of 1907 to 1912—45 of them. I have been trying to get rid of this stuff, but I could not find anybody who would take it and read it.

And I have some commerce reports of 1913. I will pass over a number of these. Also, Reports on Commerce and Labor, 1909, 1910, 1911; Reports on Commercial Relations, 1906 to 1912—about 30 of them. I have some forty-odd reports on Commerce and Navigation. I have a number of Congressional Directories of the Sixtieth and Sixty-first Congresses. I have 222 reports on the cotton tare—a special consular report. Some of the Members from the South may be able to use them.

Mr. EMERSON. How many of those old Congressional Directories have you?

Mr. KREIDER. About 90.

Mr. EMERSON. I will take those.

Mr. KREIDER. All right. I have 27 education reports of 1909, 27 of 1910, 14 of 1911, and 21 of 1912. Does anybody want them? I also have some copies of the Annual Report on Ethnology of 1896 and 1897, the eighteenth and nineteenth annual reports, in two volumes—15 in all. So I might go on and enumerate. I have 6 copies of Ethnology Bulletins No. 46, Choctaw Dictionary—a good book for anyone who desires to speak the Choctaw language correctly. I have also 5 reports of the Physiography of the Rio Grande Valley, N. Mex., in Relation to Pueblo Culture, and some 11 Bulletins No. 56, Ethnozoology of Tewa Indians; 6 Bulletins No. 57, Introduction to the Study of Maya; also 55 Reports on Finance, from 1906 to 1912.

I also have about 600 Geological Bulletins of every name and nature, which I do not seem to have any call for. Also, about 90 Geological Annual Reports, from 1908 to 1912. I have over 500 geological water-supply papers. I do not know what to do with them. So I might go on and enumerate hundreds, perhaps thousands, of other publications, all of which has cost the Government thousands of dollars to compile and print. I am speaking in all seriousness. It is because of the actual waste that is now going on which this bill, if enacted into law, will stop that I favor the bill, and I regret that it should meet this serious and seemingly determined opposition. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. FESS. Mr. Chairman and members of the committee, I would like to call attention to some of the publications that my friend from Pennsylvania has referred to as worthless.

Mr. KREIDER. I do not say they are worthless, but I have not found anybody who wants them.

Mr. FESS. I can not complete my set of geological reports——

Mr. BARNHART. Mr. Chairman, I do not like to make a point of order on this matter, but it seems to me, with the amount of work we have to do, we ought to confine our remarks to the subject that is pending.

Mr. FESS. I have never made a point of no quorum; I have never objected to anybody or anything; and I do not intend to do so now.

Mr. BARNHART. Does the gentleman from Ohio [Mr. FESS] mean to threaten?

Mr. FESS. No; I was just wanting to say that I have never obstructed. I am sweet-spirited. I do not object to anybody, and I think there ought to be something said in connection with what has just been said in regard to the value of certain reports that have been suggested are without value.

Mr. Chairman, I will take it for granted, however, that the House understands what I was going to say, and in the interest of procedure and my respect for the chairman of the committee I will desist.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. BEAKES].

Mr. FINLEY. Mr. Chairman, I move to strike out the last two words. In answer to what the gentleman from Michigan said to the effect that the Government Printing Office bid for printing a small contract was eight or nine times higher than the bill of the private contractor secured to do the work he mentioned, I want to read this. It is only a paragraph from a letter from the Public Printer. He says:

> An examination of the original estimate made here shows the price to have been 11 cents and not $1.11.

So the gentleman from Michigan is mistaken in the figures and the percentages that he gave to the House. His amendment is based on what he states. Here is a letter from the Government Printing Office——

Mr. BEAKES. Will the gentleman yield?

Mr. FINLEY. Certainly.

Mr. BEAKES. Has the gentleman seen a letter sent by the Postmaster General to Senator FLETCHER, chairman of the Joint Committee on Printing, in January last?

Mr. FINLEY. This letter, or the part of the letter I have read, is in answer to that letter, where the Post Office Department states the bid of the Government Printing Office to have been $1.11, and it should have been 11 cents.

Mr. BEAKES. The department does not state how much it was a thousand. It does not say anything about 11 cents.

Mr. FINLEY. I am giving the facts here.

Mr. BEAKES. You are referring to something different from what I am referring to.

Mr. FINLEY. I am referring to a positive statement made by the Government Printing Office.

Mr. BEAKES. I doubt if it has any reference to what I have been referring to.

Mr. FINLEY. There is no question about its referring to it and being a complete answer.

The CHAIRMAN. The question is on the amendment stated by the gentleman from Michigan.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BEAKES. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Michigan makes the point of no quorum. The Chair will count. [After counting.] One hundred gentlemen are present—a quorum.

Mr. BEAKES. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Five gentlemen have come in since the Chair counted 100 present, and therefore the Chair is absolutely sure that a quorum is present. The Clerk will read.

The Clerk read as follows:

> SEC. 50. Par. 3. The Public Printer is hereby authorized, upon the requisition of the superintendent of public documents, to print or reprint from time to time a sufficient number of copies of such publications as shall be necessary to carry out the provisions of this section: *Provided*, That in the printing of any document or report, or any publication authorized by law to be printed, or hereafter authorized to be printed, for congressional valuation distribution, which shall not have been ordered within two years from the date of the first publication, the authority to print shall lapse, except as orders for subsequent editions may be approved by the Joint Committee on Printing.

Mr. BEAKES. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

> Amend, on page 59, by striking out the section beginning with line 14 and ending with line 25.

Mr. EDWARDS. Mr. Chairman, I make the point of order that that paragraph is already passed, and the Clerk was reading the next paragraph.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that the gentleman from Michigan [Mr. BEAKES] was on his feet trying to get recognition, and the Chair's attention

was momentarily diverted. The gentleman from Michigan is recognized.

Mr. BEAKES. Mr. Chairman, I move to strike out the paragraph for the purpose of answering the gentleman from South Carolina [Mr. FINLEY]. He produced a letter from the Public Printer in which he said the Public Printer stated that the price for facing slips was 11 cents a thousand.

Mr. FINLEY. I will read exactly what he stated in his letter.

Mr. BEAKES. The price now paid for the printing of facing slips by the Post Office Department is 4.99 cents per thousand. I was not talking about facing slips, exactly, when I said that there was a case where the Government Printing Office bid eight or nine times the rate at which the work could be done under contract. What I was talking about was this: That on September 3, 1914, the Public Printer bid on a contract for furnishing 1,375,000 card labels, and the Fiest Printing Co., of White Haven, Pa., got the contract for $101, while the Public Printer's bid was $962.89.

Mr. BARNHART. They work girls over there 12 hours a day. Is the gentleman through?

Mr. BEAKES. I will yield to the gentleman.

Mr. BARNHART. Let the gentleman finish his speech. I have a few remarks to make about the conditions in the factory over there. Probably the gentleman is not aware of these conditions.

Mr. BEAKES. I do not know anything about the factory. I do not know anything about the Fiest Printing Co. I hold no brief for any concern on earth.

Mr. BARNHART. Does not the gentleman know that they work girls 12 hours a day? The gentleman would not make a comparison between a shop in which they work girls 12 hours a day and the men in the Government Printing Office that are paid from 50 to 60 cents an hour and are given an eight-hour day and annual leave?

Mr. BEAKES. I am not doing that.

Mr. BARNHART. That is what the gentleman is doing.

Mr. BEAKES. I want to call attention to the fact that instead of this bill saving money, it is going to cost you more money, and I think that every word these gentlemen are saying proves that my contentions are correct.

Now, I do not believe in sweatshop labor, and I do not believe in men working over eight hours a day; but many of these firms which bid on Government contracts and get the contracts at less money than the Government Printing Office bid are union firms, employing union printers, and working under union laws and regulations.

Mr. SMITH of Michigan. Where is the factory located that the gentleman refers to?

Mr. BEAKES. This particular firm, of which I know nothing, is located at White Haven, Pa.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. BEAKES. Yes.

Mr. PLATT. Is it not true that the printing industry is more generally unionized than any other industry in the country, most of the employees working under the eight-hour system?

Mr. BEAKES. The printing industry is the best organized industry in this country. I know something about the printing business. That has been my business all my life; and I want to say to you that when you come to these special things that require special machinery, private contractors having that machinery can do them much more cheaply than the Government can.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on agreeing to the motion of the gentleman from Michigan [Mr. BEAKES] to strike out the paragraph.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to proceed for five minutes. Or I can speak to the amendment, in opposition to it?

The CHAIRMAN. Yes.

Mr. BARNHART. I am quite sure, Mr. Chairman, that the gentleman from Michigan [Mr. BEAKES] does not realize that he is standing on the floor of this House as a champion of manufacturing industries that are doing in these shops what these affidavits that I hold in my hand say they are doing. If, as a matter of course, Mr. Chairman, the Government of the United States desires to go out and seek to have this work done in sweatshops, the Government Printing Office can not compete with them, and it ought not to compete with them because the Government of the United States ought to stand——

Mr. PLATT. Mr. Chairman, will the gentleman yield there?

Mr. BARNHART. No; not now. The Government of the United States ought to stand as a champion of the interests of labor.

I do not like to say it, but I know what I am talking about. The opposition to this proposition comes from men who are representing manufacturing industries such as the one in which this one employee says:

> I was employed with the understanding that I was to receive 25 cents per hour, and work 12 hours—from 7 p. m. until 7 a. m.—seven days per week. This condition prevailed for a while until one night the electric power company cut off the power for the purpose of installing power in another plant in the neighborhood. This caused the presses to stand idle for a while and——

Mr. BEAKES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Michigan?

Mr. BARNHART. I do not yield now.

The CHAIRMAN. The gentleman from Indiana declines to yield.

Mr. BARNHART. The affidavit continues:

> When Mr. Young saw this condition he remarked that hereafter he would pay the man that did the work, and that also the pressmen were to receive 6 cents per thousand impressions instead of the 25 cents per hour. Knowing that meant a decrease in wages several of the pressmen refused to work, as we knew that it was almost impossible to make 25 cents per hour when the presses would not average 4,000 impressions per hour for the 12 hours.

Mr. Chairman and gentlemen of this House. I am sure that no Member of this Congress is willing to subscribe to a policy that will give the work of the Government to a manufacturing institution that goes into competition with grown-up men at the head of families, who have a right to the wages that the Government is paying them, by employing girls and adopting sweatshop methods in their broadest possible sense. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. BEAKES].

The amendment was rejected.

The Clerk read as follows:

> SEC. 50. Par. 4. Documents specifically ordered by Congress for congressional valuation distribution and the following publications shall be printed and subject to distribution by the superintendent of public documents under the provisions of this section: *Provided*, That said superintendent shall supply, on the request of the Vice President, or any Senator, Representative, Delegate, or Resident Commissioner, not to exceed two copies each of any publication of the Government not provided for by this section which he may have available in stock and charge the same against his valuation account; and if the publications so furnished were printed for sale, the Public Printer shall credit the amount charged therefor to the reprint account of said superintendent by transferring a like sum from the allotment for printing and binding for Congress: *Provided further*, That this section shall not be construed to include the speeches of any Senator, Representative, Delegate, or Resident Commissioner in whatever form printed.

Mr. BEAKES. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of this committee——

Mr. EDWARDS. I make the point of order that the section has not been concluded.

Mr. BEAKES. Then, Mr. Chairman, I make the point of order that there is no quorum present.

Mr. EDWARDS. I have no objection to the gentleman speaking, but let us finish the paragraph.

Mr. BEAKES. I want to ask the chairman of the committee a question.

Mr. EDWARDS. I withdraw the point of order.

Mr. BEAKES. I want to ask the chairman if the Printing Committee does not intend to perfect this bill by striking out words referring to the valuation provision which the Committee of the Whole has stricken from the bill?

Mr. BARNHART. Mr. Chairman, that was not a committee amendment. The committee is not interested in perfecting that feature of the bill.

Mr. BEAKES. Then the Committee on Printing is not willing to accept the action of the Committee of the Whole?

Mr. BARNHART. Why, certainly; but the Committee on Printing does not feel under obligations to perfect the bill by offering 30 or 40 amendments, because it is up to the opponents of the bill, who are changing it, to submit those amendments. If the Committee on Printing can agree with them the committee will do so, but it is not up to the committee to formulate those amendments, now that the Committee of the Whole have taken it into their own hands to change this whole plan.

Mr. BEAKES. The question I want to ask the gentleman is whether or not, if the House cuts out this valuation scheme when the bill comes into the House, that will entirely destroy the value of this bill?

Mr. BARNHART. Gentlemen can answer that question for themselves. They will have to read the bill.

Mr. BEAKES. I notice that the chairman of this committee has been opposing amendments here that were intended to perfect the text. We have stricken out the valuation scheme, and

yet all these sections have reference to the valuation scheme. If the gentleman wants his bill to pass, he ought to try to get it into some shape.

Mr. BARNHART. The gentleman from Michigan can not dictate to the chairman of the Committee on Printing as to what the committee must do. It is up to the gentleman from Michigan himself to make the bill the way he wants it. If the House decides to adopt his theory, all right. If the House refuses to stand by the committee, we will go along and read the bill and do the best we can, and see what can be done when we get back into the House. That is a fair and open proposition.

Mr. BEAKES. I am fair with the gentleman. I am opposed to the whole bill.

Mr. BARNHART. I understand that, and I know why.

Mr. BEAKES. I wish the gentleman would tell the House why.

Mr. BARNHART. Because of the statement that the gentleman has already made.

Mr. BEAKES. What is that statement?

Mr. BARNHART. He has informed the House what objection he has to the bill, and there might be some other objections, in addition to that, which the gentleman has not yet given to the House. The chairman of the committee can not anticipate all that, but I understand what the gentleman's objections are so far.

Mr. BEAKES. Mr. Chairman, the gentleman by inference said something about some one representing some manufacturing interests here. I tried to get that inference brought out plainly, but the gentleman refused to yield to me. I want the gentleman to state fairly if he thinks I represent any manufacturing interests?

Mr. BARNHART. Well, Mr. Chairman, whether the gentleman is representing the interests of these sweatshops or not, it seems to me—and that is only my own opinion—that the gentleman is working in the interest of those shops. I may be mistaken about it, but the gentleman is taking that side of the question.

Mr. BEAKES. The only element that I represent here is the Post Office Department of the United States, which is opposed to this bill.

Mr. BARNHART. The gentleman referred to some slips that were being printed in a Washington sweatshop.

Mr. BEAKES. Mr. Chairman, there is no Washington——

Mr. BARNHART. Both in Pennsylvania and in Washington, and we have the affidavits here. If the gentleman would like to have the statement of the Public Printer and the affidavits of the employees of that shop introduced into the RECORD, I will ask unanimous consent that it be done on his request, and then the House and the country will understand what the gentleman from Michigan is fighting for. If the gentleman will suggest that I do so, I will ask unanimous consent that they be placed in the RECORD. I do not want to do it of my own accord, because I admire the gentleman from Michigan, and I know he does not want to be put in the situation in which these documents would place him.

Mr. BEAKES. They could not place me in any bad position, because I know nothing about them. I only used that as one illustration of a very large number of cases, and the other cases this firm have nothing whatever to do with.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

Mr. BORLAND, Mr. McLAUGHLIN, and Mr. PLATT rose.

The CHAIRMAN. Does any gentleman desire to offer an amendment?

Mr. BORLAND. I want to offer an amendment to this paragraph.

The CHAIRMAN. To the paragraph that has just been read?

Mr. BORLAND. Yes.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri.

Mr. TILSON. I make the point of order that the paragraph has not been completed and that we have only suspended the reading by unanimous consent without having completed the paragraph.

Mr. BORLAND. I think that is strictly correct, and I am willing to hold my amendment until the paragraph is read.

The Clerk read as follows:

(1) Addresses and messages of the President to Congress: *Provided*, That the annual message of the President shall be printed in pamphlet form immediately upon its receipt by Congress.

(2) Congressional Directory: *Provided*, That there shall be prepared, under the direction of the Joint Committee on Printing, not to exceed two editions of the Congressional Directory during each session of Congress. The first edition shall be distributed to the President, the Vice President, Senators, Representatives, Delegates, Resident Commissioners, the principal officials of Congress, and the heads of the executive departments, independent offices, and establishments of the Government on the first day of the session, and shall be ready for distribution to others within one week thereafter. The number and disposition of such directories shall be under the control of the Joint Committee on Printing, except as otherwise provided in this section. Official correspondence concerning the directory may be had in penalty envelopes, under the direction of the Joint Committee on Printing. The compiler of the Congressional Directory shall be appointed by the Joint Committee on Printing and shall receive $1,600 per annum for compiling, preparing, and indexing the Congressional Directory, to be payable as ordered by said committee and disbursed one-half by the Secretary of the Senate and one-half by the Clerk of the House.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent to offer an amendment to this paragraph, page 61, line 1.

Mr. BARNHART. Might not we read the whole section through and then refer back for these amendments? I think in that way we will make better progress.

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Are we proceeding by section or by paragraph?

The CHAIRMAN. The general rule is to proceed by sections. This bill has been peculiarly arranged; they have printed the bill so that each one of these paragraphs might be under the parliamentary rule considered as a section, because many of them are disconnected as sections of a bill would usually be. The Chair will hold that the different subdivisions marked as paragraphs are subject to amendment.

Mr. BORLAND. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. I rose to offer an amendment to the first paragraph.

The CHAIRMAN. The gentleman from Missouri will not lose any of his rights.

Mr. FESS. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FESS. These paragraphs are numbered. The one we are considering is paragraph 4, and it runs to the bottom of page 73.

The CHAIRMAN. The Chair thinks that each of these paragraphs is subject to amendment. For convenience the bill was printed in this way, and the Chair thinks that each paragraph is subject to amendment. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Page 61, line 1, after the word "Congress," strike out the period and insert the following: "Containing a small cut or photograph of each Representative in Congress on the margin accompanying the biographical sketch of such Representative."

Mr. EDWARDS. Mr. Chairman, I think this is a good provision, otherwise I would not have offered it. I have offered it in good faith, and I hope the Members will so consider it. With a body of men of over 400, with considerable changing every two years, it is hard for the Members of the House or the public to know and point out a new Member of Congress. This often applies to older Members also. I have offered the amendment in the form it is for the reason that I understand the Members of the Senate do not care for the photographs of Senators to become a part of the Congressional Directory. It is not so badly needed in the Senate, as there are only 96 Senators and not so many changes every two years.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. EDWARDS. Certainly.

Mr. GREEN of Iowa. That is all right for a good-looking man like the gentleman from Georgia, but where does it apply to a man like myself? [Laughter.]

Mr. EDWARDS. I think the gentleman from Iowa would bring up the average very well.

Mr. COX. How much would this cost?

Mr. EDWARDS. I have not estimated the additional cost.

Mr. BARNHART. It would depend on the size of the photograph. If you used the miniature, it would cost for the cut itself about a dollar. Then there would be a little space required, which would make the volume larger by a few more pages.

Mr. EDWARDS. I understand the cost would not exceed $200.

Mr. COX. For each Directory?

Mr. EDWARDS. For each issue of the Directory. The additional cost in a single copy of the Directory would be very small, and it would add very materially to the usefulness of the Directory.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. EDWARDS. Certainly.

Mr. MILLER of Delaware. Is the gentleman aware that the Delegate from Hawaii, one of our most striking Members, as well as the Delegate from the other Territory and the Commissioners from the Philippine Islands and Porto Rico would not have their photographs in the Directory under the gentleman's

amendment? In other parts of this bill the words "Delegates and Resident Commissioners" are used in connection with the Representatives in Congress, and, for conformity's sake, I suggest the amendment.

Mr. EDWARDS. I should be happy to have them included, because I think it would add to the appearance and usefulness of the Directory. I will ask unanimous consent that my amendment be modified in that particular.

Mr. MILLER of Delaware. Mr. Chairman, I move to amend the amendment of the gentleman from Georgia by inserting, after the words "Representatives in Congress," the words "Delegates and Resident Commissioners."

Mr. EDWARDS. I will include that in my amendment, if there is no objection.

Mr. FINLEY. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. FINLEY. The motive of the gentleman in offering his amendment is to have the Congressional Directory contain these photographs so that a person looking at the photographs would be able to recognize a Member of the House?

Mr. EDWARDS. Yes; largely for the purpose of identification.

Mr. FINLEY. Then the gentleman would discriminate against me. Eighteen or twenty years ago I thought I was good enough looking to have a photograph taken. Since then I have not had one taken, and never expect to have another. I should have to stand on my photograph of 20 years ago.

Mr. EDWARDS. Well, I think the gentleman is better looking now than he was 20 years ago, and I am not saying that with any reflection on his appearance 20 years ago. [Laughter.]

Mr. WALSH. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. WALSH. Is this to aid in the identification of Members of the House?

Mr. EDWARDS. Yes.

Mr. WALSH. Would it not be better to have their finger prints? [Laughter.]

Mr. EDWARDS. No; I think in some cases it would not be. As I have stated, Mr. Chairman, I offered the amendment in all seriousness, and I hope the House will consider it in that light. It will serve a good purpose. You take the office of the Sergeant at Arms to-day, and he has there the picture of every Member of the House for the purpose of identification, and I believe they should go with a sketch in the Directory so that when the sketch is read it will be considered along with the face of the Member so that those using it will recognize at once the man they are reading about, especially as the sketch and the picture will be associated in the thought and mind of the reader. It will facilitate the business of Congress, and in the long run be in the interest of economy. It will also tend to bring about a closer and earlier acquaintanceship in the early part of each Congress and materially aid new Members in becoming known among their fellows.

Mr. SMITH of Idaho. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from Georgia. When the old method prevailed of having desks in this House, and each Member sat in his own seat, it was an easy matter to examine the sketch in the Congressional Directory of the seats and locate the individual Member, but since the desks have been abolished that is impossible.

There was published by a private concern during the Sixty-second and Sixty-third Congresses a book containing the photographs of the Members by States and their names, and in that way the Members could by examining this booklet soon be able to recognize the faces and the names of Members and the States from which they came. There is no doubt in my mind but that it is very greatly to the advantage of the disposition of public business for the Members to know each other, and it certainly contributes to their pleasure to become acquainted. Without a list of photographs of Members such as was published in the previous Congresses, and as the Members do not sit in the same seat all of the time, the pages of the House are hindered in the performance of their duties because they do not know the Members by sight, and the new Members are handicapped in getting acquainted.

I have no doubt that if you were to ask any old Member of this House how many of the new Members he knows he would say he probably did not know one-half of them by sight, while the new Members do not know one-fourth of the membership. It would certainly be very much to the advantage of the transaction of the business of the House if the individual Members knew each other personally, and when a Member rises to speak to know who he is and where he comes from. By having the photograph of the Member inserted opposite the corresponding biography of the Member you could read the biographies and look at the photographs and in that way be able to identify the Members when you meet them on the floor or elsewhere.

Mr. RAGSDALE. Mr. Chairman, will the gentleman permit a question?

Mr. SMITH of Idaho. Yes.

Mr. RAGSDALE. Does the gentleman think that he could also arrange by putting these photographs on several pages and by twirling them rapidly with the thumb to produce a sort of moving picture so that you could recognize the Member while he is walking on the street?

Mr. SMITH of Idaho. Oh, this is a serious matter. It is a matter of very great importance that the Members know each other, and the only way they can speedily know each other is to be able to identify them by means of photographs.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. WALSH. I would like to ask the gentleman if it would not be a little less expensive to have a plush-covered photograph album containing the photographs at the Clerk's desk?

Mr. SMITH of Idaho. That is another jocular inquiry that I do not care to take the time of the House to answer.

Mr. FESS. Mr. Chairman, I think there is a good deal in what the Member is saying. How expensive would it be to have the printed book we had in another Congress?

Mr. SMITH of Idaho. That would be more expensive than this. That would cost at least 25 cents a copy. Under the method I propose the cost of an edition of the Directory would be increased only a couple of hundred dollars, possibly less.

Mr. FESS. The other would be more convenient for the Members.

Mr. SMITH of Idaho. No; I do not think so, because you can take your Directory and read about a man, and you examine the photograph at the same time. When you see him you are instantly reminded of some information you have gleaned from his biography—what college he was graduated from, where he was born, and so forth, and you may have something in common about which you can talk with him, and in this way make his acquaintance, which would be mutually enjoyable and advantageous.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. COX. Why not also include the photographs of the Corps of Official Reporters? We deal with them every day. Why not also include the newspaper reporters?

Mr. SMITH of Idaho. Mr. Chairman, that is another effort to say something funny. I have discussed this matter informally with about 65 Members of the House, practically all of whom favor the idea, and I have a petition addressed to the Joint Committee on Printing, containing signatures of a large number of Members, asking that this action be taken, which I ask unanimous consent to have inserted in the RECORD in connection with my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

The petition referred to is as follows:

We, the undersigned Representatives, believe that the placing of a small photograph of the Senators and Representatives besides their respective sketches in the Congressional Directory would be very desirable for the following reasons, and recommend that this be done in the next edition of the Directory:

First. New Members would be enabled to more quickly identify their colleagues by studying their features while perusing their biographical sketches.

Second. In a body of more than 400 men it is difficult to learn their names and identity, and frequently when a Member arises to speak many inquiries are made by Members of each other as to who the Member is before the fact can be ascertained.

Third. Officials in the departments could more easily recognize the Members and make frequent introductions unnecessary.

Fourth. The Directory would be more valuable from a historical standpoint, and be more attractive and desirable as a public document.

Fifth. The extra expense would be nominal, as many of the cuts would not need to be replaced at the beginning of a new Congress.

Respectfully submitted.

Addison T. Smith, Denver S. Church, John E. Raker, William Gordon, Dan V. Stevens, A. S. Kreider, Hunter H. Moss, Jr., Patrick H. Kelley, S. J. Tribble, Edmund Platt, Cyrus Cline, Alfred G. Allen, Dick T. Morgan, John Jacob Rogers, J. M. C. Smith, C. R. Davis, T. H. Caraway, W. J. Fields, Scott Ferris, James P. Buchanan, M. P. Kinkaid, Charles Lieb, Warren Gard, J. W. Fordney, C. W. Fairchild, Carl Hayden, John J. Eagan, Charles M. Stedman, Louis C. Cramton, John W. Abercrombie, Charles P. Coady, Dudley M. Hughes, Guy T. Helvering, H. W. Temple, Thomas L. Rubey, John J. Casey, Fred A. Britten, William L. La Follette, Charles F. Booher, A. Johnson, H. M. Jacoway, Thomas M. Bell, William J. Cary.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I be permitted to proceed out of order for five minutes.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. On what subject?

Mr. RAKER. I just want to say a few words on the question of the restriction of immigration and to insert a small article in the RECORD, with a few comments upon it.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, I have an article here printed by the Yreka Journal, published at Yreka, Cal., on April 19, 1916. This journal was established in 1860. It is now published by W. Earl Smith, editor, and F. C. Pollard, manager. The heading of the editorial is "Restricting immigration," and it reads as follows:

For the third time the House of Representatives at Washington has passed the literacy test for immigrants, and now the public is curious to know whether for the third time the bill will be vetoed.

It is well known that both President Taft and President Wilson vetoed the former bills largely on the ground that, in their estimation, Congress did not reflect public opinion in the restriction imposed. But that can no longer be a valid excuse, for there is no doubt that Congress does voice public sentiment.

Much has happened since Congress last passed the literacy test. Europe is at war, and that makes a great difference to this country. Events have shown that a very large percentage of immigrants remain unassimilated, that they are not in full sympathy with American institutions, and that they give to our Government but a qualified allegiance. A nation that fails to assimilate its immigrants suffers from an acute attack of indigestion. This is no fault of the Government, but is due, probably, to too great an influx in a given time of foreigners. It is in the position of a man who has eaten more than he can digest. When a man thus suffers he abstains from eating for a time, or eats but sparingly. It is this fact that leads an increased number of American citizens, anxious for the country's welfare, to ask if it is not better to check immigration for a time, and do it by imposing a literacy test.

Under ordinary conditions the question is important, but it is now of unusual moment in view of the fact that the close of the war will make the immigration problem even more acute than ever. The prospect now is that the end of the war is nearer than seemed possible a few weeks ago, and when it comes it is altogether likely that millions of peasantry and others will seek to escape the burden of crushing taxation by coming to this country. The United States likes to be hospitable, but present conditions make it necessary, judging from congressional action, that the Nation guard its own safety.

Mr. Chairman, these views accord with mine, and I believe it is as clear a presentation as any man could possibly make. And I want to compliment these editors in presenting what seems to me to be the sentiment of the American people upon the present attitude of the Burnett immigration bill.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment. The Chair will ask the Clerk to report the amendment and the amendment to the amendment.

The amendment and the amendment to the amendment were reported.

Mr. MILLER of Delaware. Mr. Chairman, I would like to suggest to the gentleman from Georgia that those same words "Delegates and Resident Commissioners" be added at the end.

Mr. EDWARDS. I consented to that, and unanimous consent was granted that it be done.

The CHAIRMAN. Without objection, the words indicated by the gentleman from Delaware will be added to the amendment.

The question is, Shall the amendment offered by the gentleman from Georgia [Mr. EDWARDS] be adopted?

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SMITH of Idaho. Division, Mr. Chairman.

The committee divided; and there were—ayes 35, noes 16.

Mr. WALSH. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] demands tellers.

Mr. WALSH. I raise the point of no quorum.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eight gentlemen are present—a quorum.

Mr. RAGSDALE. I demand tellers, Mr. Chairman.

Mr. WALSH. I demand tellers.

The CHAIRMAN. In the first place, the request comes too late; in the second place, it is in the discretion of the Chair. There is no question about there being a quorum

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman. The gentleman from Massachusetts [Mr. WALSH] demanded tellers, and immediately thereafter made the point of no quorum. He having made the demand for tellers, the question recurs to the demand for tellers.

Mr. HEFLIN. Mr. Chairman, my recollection is that the call for tellers was not sustained.

The CHAIRMAN. The call for tellers was not sustained. There were not enough to get tellers, and the gentleman raised the point of no quorum.

Mr. STAFFORD. Mr. Chairman, as the record will show, the question was not submitted to the committee as to whether there was a sufficient number to warrant tellers.

Mr. LONGWORTH. The Chair never submitted the question to the committee.

The CHAIRMAN. In order that there be no question about it, the Chair will now entertain the motion for tellers.

Those in favor of tellers will rise and stand until counted. [After counting.] Eighteen gentlemen have arisen, not a sufficient number.

Mr. COX. The other side, Mr. Chairman.

The CHAIRMAN. There is no other side. The rules provide that 20 Members, one-fifth of a quorum, can demand tellers.

Mr. BORLAND. Mr. Chairman, if that amendment is disposed of, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. BORLAND. I desire to offer an amendment, on page 60, lines 10 to 15, to strike out all after the word "stock," in line 10, down to and including the word "Congress," in line 15.

Mr. BARNHART. Mr. Chairman, I make a point of order that the paragraph has been passed.

The CHAIRMAN. The Chair will state to the chairman of the committee that it was understood at the time that the amendment could be offered.

Mr. BARNHART. Then I withdraw that, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, line 10, after the word "stock," strike out all the language down to and including the word "Congress," in line 15.

Mr. BORLAND. Now, Mr. Chairman, I assume that the chairman of the committee and the other members of the Committee on Printing who have this bill in charge are perfectly willing, even if they be not particularly anxious, to perfect the bill in accordance with the vote of the House striking out the valuation clause. We all recognize, and recognized at the time that vote was taken, that there would be incidental amendments scattered through the bill. I think the chairman of the committee said there would be about 31 incidental amendments necessary to carry out that principal amendment.

This is one of those amendments, as it strikes me. I have not any pride of opinion or technical knowledge as to whether this is the exact wording that ought to come out, but this is the wording that refers to a charge against the valuation account, which valuation account by the vote of the committee has been eliminated; so that there is now no valuation account to which these particular documents can be charged.

I take it that this particular amendment, therefore, ought to prevail without question. But in order to save the time of the committee, and in order to be fair with the Committee on Printing, it seems to me that the question might resolve itself down into changes to be from time to time suggested by the committee itself as to what is necessary in that regard.

I find here a provision that certain documents shall be charged against a valuation account. The valuation account that was carried in the preceding page has been eliminated. There is now no valuation account to which that particular charge might be carried; so that as to this particular amendment, it seems to me the House is in a position to adopt it, if it adheres to its own views on that subject of valuation account.

I have not any other argument to advance in favor of the language except that; but I will ask the chairman of the committee whether that would not be his view, that the committee itself could make and offer these amendments as we went along?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BARNHART. Mr. Chairman, the gentleman from Missouri [Mr. BORLAND] has asked the question of the chairman of the Committee on Printing, and in reply it is only fair to the members of the committee to say to the gentleman from Missouri, who will probably stand sponsor for the bill in its present condition, he being one of the comparatively few men who have been the means of defeating this bill providing for giving the House what it wants and giving the people the documents they need, and besides saving $125,000 a year. The committee would not be true to itself if it did not feel, after having formulated a plan whereby all these things could be accomplished, while the gentleman from Missouri has stood in opposition, that it will be necessary for the gentleman from Missouri to go ahead and perfect his plan along this line; and if the House decides that is the course, the Committee on Printing will certainly agree to it. The Committee on Printing, having gone into this undertaking as far as it has and believing that the plan is right, can not consistently be a party to any other course.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. Mr. Chairman, a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. The gentleman from Missouri can not proceed, except by unanimous consent. He has already had five minutes, speaking to his amendment.

Mr. BORLAND. I want to reply to what the gentleman from Indiana has said. It seems to be a personal matter.

Mr. STAFFORD. I would like to expedite the consideration of the bill, but——

Mr. BORLAND. I would like to do so, too. I would not make a personal matter of legislation. I would resign my seat in Congress if I thought I would ever make a personal matter of public legislation. I never have done so, and I do not for a moment admit the imputation that I have prevented this House from doing what it chose to do in public business. I could not do anything in this House unless a majority of the Members who saw fit to come here and vote voted with me. I deny that I have prevented anybody from saving $125,000 or any other sum for the Government or that I have ever voted against a proposition of economy that seemed to be a genuine proposition of economy. Never knowingly have I ever done so, and I deny that I insisted on the House defeating a bill that the House did not want to defeat. [Applause.]

It is utterly impossible for me to do so. As a matter of fact, every Member of this House knows that the chairman of a committee in charge of the bill has all of the weight of precedents and votes on his side, and that a man who opposes a chairman of a committee has thrust upon him the burden of proof and the laboring oar to make the slightest change against the wishes of the chairman of a committee. That has been universally true in this House. To say that a man can, alone and single-handed, defeat the will of this House, as against the will of the chairman of the committee, is contrary to all of the precedents that have existed in the eight years I have been here, and, so far as I know, for a century before that.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. No; I can not yield. A chairman of a committee, by virtue of the long precedent established here, has the deciding voice in case of doubt, and Members who know nothing of a matter and who come in for the first time to vote are inclined in case of doubt to sustain the chairman in all cases, and only in a very clear case will they vote against a chairman.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. No; I will not yield at this time. And yet the chairman of the Committee on Printing, having all the advantage of support on this side, having an organized committee, says that I can, single handed, get this House to defeat its own will. It is the most astounding statement I ever heard of. Now, the gentleman attributes virtues to his bill that it does not possess. That is the only difficulty about him.

I recognize the fact that he has been very much interested in the framing of this legislation and has put into it a great deal of mental effort and physical toil, and I recognize and am willing to concede to him, whether he is willing to concede to me or not, that he is perfectly sincere in his advocacy of his side of the proposition. But legislation is a matter of agreement of minds, and the gentleman must recognize that if other minds do not agree with him, they may have reasons that are sufficient unto themselves.

Now I call for a vote.

Mr. McLAUGHLIN. Mr. Chairman, I hope the committee will adopt the amendment offered by the gentleman from Missouri [Mr. BORLAND] as one of the steps necessary to be taken in the perfection of the bill, in view of the action of the committee in striking out the first paragraph of section 50. I fully agree with him that the duty devolves upon the chairman of the committee to make these corrections, and I am surprised that the chairman of the committee shows ill feeling and is refusing to be guided by the action of the committee. It is in keeping, though, with the statements he made a few moments ago in reply to the gentleman from Michigan, my colleague [Mr. BEAKES], who pointed out that this method of proceeding, as outlined by the bill, would not result in economy. The chairman of the committee charged my colleague with representing sweatshops, and charged him with representing private interests, and otherwise indulged in a cheap kind of talk. It seems to me that the Committee of the Whole can control this bill, and if the chairman of the committee does not choose to follow its direction, the committee itself can do it.

Mr. BLACK. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLACK. When this bill is reported to the House from the Committee of the Whole, will it not then be in order to call for a separate vote on the Borland amendment?

The CHAIRMAN. Yes; it will.

Mr. BARNHART. Mr. Chairman, the chairman of this committee feels that the castigation just delivered by the gentleman from Michigan [Mr. McLAUGHLIN] is not worthy of his attention, because the chairman of the committee understands, and the members of the committee understand, what this opposition from certain members of the Michigan delegation means. They know and I know what it means. I do not know that there is anything wrong about it. They are probably standing up for the interests of some citizens of the State of Michigan, and that is their own privilege. So far as the reference of the gentleman from Missouri [Mr. BORLAND] is concerned to what I have said, I did say that the gentleman from Missouri had led the opposition which terminated in what the members of the Committee on Printing felt was a lack of courtesy to them, for the reason that the intervening motion made by the gentleman from Missouri cut out the possibility of the committee presenting to the House the real merits of the amendment which was cut out, or of the section of the bill. Therefore I said, without any disrespect to the gentleman from Missouri [Mr. BORLAND], that it looked to me that the effort of the gentleman from Missouri to defeat this section meant an effort to defeat the thing for which the bill stands. I do not believe that there was any personal offense. I surely did not mean it. I have nothing to say in reply to the remarks of the gentleman from Michigan [Mr. McLAUGHLIN]. I have always considered him a friend and I want to continue so to consider him. I hope that the chairman of this committee has been patient and enduring, and I know that the committee itself has been industrious in trying to perfect this bill; and if the chairman of the committee has said anything in the course of this proceeding that has been personally offensive to anyone, he certainly did not mean it so. He does not believe that he has, because he has tried to be guarded and fair and gentlemanly, both in the consideration of the bill for some 19 days at a preceding session, and in what was done last Thursday, when the chairman yielded to the unusual request of all who asked it to turn back to sections of the bill which had already been passed.

The chairman does not understand how he could have been any fairer than he has been in the presentation of this bill, but he does insist that the motion made and industriously supported by the gentleman from Missouri [Mr. BORLAND] forestalled the members of this committee and prevented their presenting the real merits of this bill, and cut us out of the possibility of presenting them.

Mr. BORLAND rose.

Mr. BARNHART. I must decline to yield.

Mr. BORLAND. The gentleman will be fair enough to state that I voted against the motion to close debate.

Mr. BARNHART. The gentleman did not yield to me, and I can not yield to him.

Mr. BORLAND. The gentleman from Indiana made the motion that debate on the amendment of the gentleman from Iowa [Mr. GOOD] close in five minutes.

Mr. BARNHART. I voted for the motion that debate on the amendment of the gentleman from Iowa [Mr. GOOD] should terminate in five minutes, but not on the motion that debate on the whole paragraph should end in five minutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. BEAKES. Mr. Chairman, there is no man in the House of Representatives for whom I have more respect than the chairman of this committee, the gentleman from Indiana. I have been a printer in my lifetime, and I know what printing is. When I stood up here and placed my opinion against his as to whether this bill saved or lost money, he charged, first, that I represented a contractor in my district. When I told him I did not, he said that I represented one in my State.

Now, Mr. Chairman, I want to make it plain to this House and plain to the gentleman from Indiana that I know of no contractor for printing Government supplies in the State of Michigan. There may be, but I do not know of him. I have never seen or been approached in any shape or form by any contractor that has a contract with the Government for printing. Furthermore, the gentleman from Indiana has been a printer himself. He probably has a different idea of what the word "sweatshop" means than have I; but I would like to ask him to point out where in this broad land of ours in the printing trade there is what is known as a sweatshop. A sweatshop is a place in a tenement, where work is taken home to be done under distressing conditions.

The printing trade has the most highly organized trade-union in the country, and many of these bids which have been made for the Government and which the Government has accepted

have been made by contractors who are working under union printing laws with union printing labor. The only reason why they can make a better contract with the Government than the Government can with itself is because special work requires special machines operated by specially trained men. Now, if the Government gets the machinery it has got to obtain specially trained men. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. BORLAND) there were 15 ayes and 21 noes.

So the amendment was rejected.

The Clerk read as follows:

(7) Navy Yearbook: *Provided*, That not to exceed 1,000 copies may be printed for the Navy Department and not to exceed 500 copies for the Committees on Naval Affairs of the Senate and the House of Representatives.

Mr. BEAKES. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee, now that the valuation clause is stricken from the bill, if it is possible under this provision for a Member of Congress to get a Navy Year Book or obtain one outside of the Naval Committee?

Mr. BARNHART. That has been provided for and is covered by the Borland amendment.

Mr. BEAKES. This provides for extra Year Books over the present law?

Mr. BARNHART. That is the misfortune of the gentleman from Michigan that I was not allowed to make a further explanation. A Member of Congress under the valuation plan, which the committee did not believe in, would give the gentleman from Michigan or any other Member any kind of a public document he wanted.

Mr. BEAKES. The gentleman does not understand my question. This committee has knocked out the valuation scheme, and we have the old law established. We are talking about the old law. Here is a provision that 500 books shall be printed for the Naval Committee; is that an increase or a decrease?

Mr. BARNHART. That is the same number the committee has had heretofore.

Mr. BORLAND. These are the copies given to the Navy Department and the Naval Committees of the House and Senate. It does not refer to the copies for the Members of the House.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last two words. Since the valuation clause has been stricken out, is it the policy of the chairman to strike out other portions that refer to that clause and return to the old system or to leave the bill in such fix that there will be a conflict of provisions?

Mr. BARNHART. For the information of the gentleman from Georgia, I will say that it is the intention of the committee, when we go back into the House, to have the membership of the House vote on the Borland amendment. That is the fair way to reach an understanding on this matter of valuation. If it is all stricken out, the law would evidently stand as it does now, because nothing would be done in another branch of Congress, but inasmuch as I stated once before—I do not know that the gentleman from Georgia was present—if the Committee of the Whole wishes to perfect the bill in relation to the valuation, the committee will offer no objection. If this should be all changed and we go into the House and reestablish the section providing for the valuation plan, then in the House we would have to take up 30 or 40 amendments.

Mr. TRIBBLE. The gentleman is operating on the idea that the House, when he gets a record vote, will go back to the gentleman's system and refuse to reform the bill in accordance with the wishes of the House at the present time.

Mr. BARNHART. If the House should reestablish it, it would involve less work, and if it does not, the probability is that the bill would be lost.

Mr. TRIBBLE. If you leave this bill in the Committee of the Whole in the shape it is now, conforming to the valuation plan, then you will have the section providing for the valuation plan stricken out and the balance of the bill providing for the machinery for the valuation plan instead of the present law system.

Mr. BARNHART. The gentleman from Georgia is hardly consistent in insisting that the committee knows what will be done.

Mr. TRIBBLE. I will tell the gentleman what I think the committee should do. I think the committee should follow the instructions of the House at this time and perfect it in Committee of the Whole.

Mr. BARNHART. Mr. Chairman, the Committee on Printing is willing to proceed. It has offered no obstruction whatever.

Mr. FESS. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Georgia [Mr. TRIBBLE]. I want to call the attention of the committee to the method under which we are proceeding here. We voted awhile ago by a vote of 61 to something less than 50 to change the method of publication allotment proposed in the bill, the valuation method, and leave it as it is under the old method. That is an amendment upon which, when we get into the House, we can have a separate vote. If the House reverses the work of the Committee of the Whole by refusing to adopt that amendment, and we proceed here as we did a little while ago, refusing to make changes in accordance with the vote of the committee, when we voted to cling to the old method—if we refuse to perfect this bill in accordance with that change, then we are in the House unable to do a single thing with this bill. It fails if in the House you refuse to accept the work of the Committee of the Whole. I want to ask the chairman a question. Is it the purpose of the chairman upon that parliamentary maneuver to make the work of this committee absolutely nugatory?

Mr. BARNHART. Certainly not.

Mr. FESS. What will the gentleman do in case the House adopts the amendment referred to?

Mr. BARNHART. The gentleman from Ohio [Mr. FESS] must remember that this Committee of the Whole has within the last hour taken two directly opposite positions, and, according to what the gentleman from Missouri [Mr. BORLAND] said, the Printing Committee can not prevent the Committee of the Whole House on the state of the Union from doing it. The Committee of the Whole House voted to strike out the section providing for the valuation plan, and since that time twice this same Committee of the Whole House has voted to refuse to make these changes.

Mr. FESS. And the chairman voted with that side of the committee.

Mr. BARNHART. Oh, I beg the gentleman's pardon. The chairman remained sitting in his seat, and did not vote at all on a standing vote.

Mr. FESS. Mr. Chairman, we have no record; but I looked to see whether the chairman voted on that measure, and if the chairman says he did not vote, then I will specifically state that my eyes failed me.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. TRIBBLE. I will ask the gentleman if he does not think it would be a great deal better and more magnanimous on the part of the chairman of this committee, after the Committee of the Whole House has instructed that this valuation plan be stricken from the bill, to go ahead and tell the House what is in the bill that should be stricken out to conform to the old system.

Mr. FESS. I will state to the gentleman that the truth about the matter is that we are proceeding, according to this last vote, upon the plan to make all of the work of this committee nugatory. We can not do anything when we get back into the House if when we get there we refuse to accept this amendment, if in committee we refuse to perfect the bill in accordance with the amendment. I am wondering whether that is the purpose. There is no possible object in getting this bill adopted in the House if you refuse now in the committee to perfect it in accordance with the amendment which we have adopted, unless you reject that amendment in the House; and I want to know whether that is the procedure to be followed.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. We can recommit it and go back to the committee if we want to; but that is a most unusual procedure and not at all probable.

Mr. BARNHART. Mr. Chairman, it is my purpose to move to rise in a few moments, and pending the motion to rise, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, the chairman of the Committee on Printing wants to again impress on the membership of the House that he said that since the vote was taken on the elimination of the section referred to the Committee of the Whole House has twice refused by vote to strike out these provisions that the gentleman from Ohio [Mr. FESS] said would have to go out. That leaves the Committee on Printing as helpless as it does the gentleman from Ohio, who wants to strike out the whole provision. If the Committee of the Whole now goes ahead and leaves the bill as it is, and the vote of the House reestablishes the provision for the valuation, well and good, and we are all right. If it does not, then we are all wrong. If we go ahead and perfect it upon the other plan and then the House decides to reestablish the valuation plan, then we will have to go over the whole matter in the House, a

probable impossibility. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SISSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8664) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals; to the Committee on the Merchant Marine and Fisheries.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars;

H. R. 7239. An act for the relief of Philip H. Heberer;

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907;

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith;

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 177. An act authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus reliquished;

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.;

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act"; and

H. R. 4746. An act granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii; and extending the control of the public-utilities commission of the Territory of Hawaii to said franchise and its holder;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River;

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River; and

H. R. 11471. An act to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles.

ORDER OF BUSINESS.

Mr. BARNHART. Mr. Speaker, owing to the fact that the next call on Calendar Wednesday carries a committee that has an important matter, I am going to ask unanimous consent that the Committee on Printing may have Calendar Wednesday of two weeks from to-day for the further consideration of this bill.

Mr. BEAKES. Mr. Speaker, I object.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Thursday, April 27, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for expenses incident to the enrollment of the Militia of the District of Columbia (H. Doc. No. 1060), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 15005) to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia, reported the same without amendment, accompanied by a report (No. 606), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9132) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, reported the same with amendment, accompanied by a report (No. 608), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 605), which said bill and report were referred to the Private Calendar.

Mr. BURKE, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 607), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. HELGESEN: A bill (H. R. 15049) providing for the erection of a public building at Fargo, in the State of North Dakota; to the Committee on Public Buildings and Grounds.

By Mr. LITTLEPAGE: A bill (H. R. 15050) increasing the cost of erecting a public building at Hinton, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. LOBECK: A bill (H. R. 15051) authorizing the Secretary of War to deliver to Lee Forby Camp, No. 1, United Spanish War Veterans, of Omaha, Nebr., two condemned bronze or brass cannon with their carriages and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. MADDEN: Resolution (H. Res. 217) to provide one additional employee for the use of the House minority; to the Committee on Accounts.

By Mr. DYER: Resolution (H. Res. 218) to authorize and empower the Secretary of the Interior immediately to investigate

ment of the gentleman from Georgia [Mr. TRIBBLE]. I want to

we will have to go over the whole matter in the House, a

Mr. BARNHART. Mr. Speaker, owing to the fact that the next call on Calendar Wednesday carries a committee that has an important matter, I am going to ask unanimous consent

Committee on Accounts.

By Mr. DYER: Resolution (H. Res. 218) to authorize and empower the Secretary of the Interior immediately to investigate

motorzine, a certain substitute for gasoline, and to authorize an appropriation therefor; to the Committee on Appropriations.

By Mr. LEVER: Resolution (H. Res. 219) providing for the consideration of House bill 12717; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BURKE [from the Committee on Invalid Pensions]: A bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. BACHARACH: A bill (H. R. 15052) granting a pension to Charles Harris; to the Committee on Pensions.

By Mr. BEALES: A bill (H. R. 15053) granting a pension to John Richstein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15054) granting an increase of pension to James O. Whorl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15055) to correct the military record of Charles King; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 15056) granting an increase of pension to Daniel Newby; to the Committee on Invalid Pensions.

By Mr. DALE of Vermont: A bill (H. R. 15057) granting an increase of pension to Cutler D. Sanborn; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 15058) granting a pension to Milton K. Jenkinson; to the Committee on Pensions.

Also, a bill (H. R. 15059) granting an honorable discharge to Patrick William O'Donnell; to the Committee on Naval Affairs.

By Mr. DAVIS of Minnesota: A bill (H. R. 15060) for the relief of Stephen A. Randolph; to the Committee on Military Affairs.

By Mr. DUPRÉ: A bill (H. R. 15061) for the relief of I. C. Johnson, jr.; to the Committee on Naval Affairs.

By Mr. EDWARDS: A bill (H. R. 15062) for the relief of the legal heirs of Michael and Elizabeth Wolf, deceased; to the Committee on War Claims.

By Mr. HASTINGS: A bill (H. R. 15063) to correct the military record of Hulbert Bean; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 15064) granting a pension to Elizabeth Kimball; to the Committee on Pensions.

By Mr. HELGESEN (by request): A bill (H. R. 15065) granting a pension to George J. Beam; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 15066) granting a pension to George W. Johnston; to the Committee on Pensions.

By Mr. KELLEY: A bill (H. R. 15067) to correct the military records of the United States as to the date of muster in of Timothy L. P. Miles in the service of the United States Army; to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 15068) granting an increase of pension to Kathrine Hake; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 15069) granting an increase of pension to Eliza I. Quick; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 15070) granting a pension to Lewis Zacher; to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 15071) for the relief of the Pennsylvania Lumbermen's Mutual Fire Insurance Co., of Philadelphia, Pa.; to the Committee on Claims.

By Mr. MORGAN of Oklahoma: A bill (H. R. 15072) granting a pension to Nathan W. Willcox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15073) granting a pension to Norah M. Oberlender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15074) granting an increase of pension to Calice Bondreau; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 15075) granting an increase of pension to John L. Morgan; to the Committee on Invalid Pensions.

By Mr. NICHOLLS of South Carolina: A bill (H. R. 15076) granting to the widow of Col. David Du B. Gaillard authority to place, in his memory, a tablet in the Memorial Amphitheater at Arlington, Va.; to the Committee on Military Affairs.

By Mr. NORTH: A bill (H. R. 15077) for the relief of Benjamin F. Johnson; to the Committee on Military Affairs.

By Mr. OLNEY: A bill (H. R. 15078) granting a pension to Rachel S. Flood; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 15079) granting an increase of pension to Oscar D. Culver; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 15080) granting an increase of pension to Henrietta N. Rose; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 15081) granting an increase of pension to Agnes B. Thomson; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 15082) granting a pension to Rosella MaGee; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 15083) granting an increase of pension to Melvina J. Jarvis; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 15084) granting an increase of pension to Johanna Covert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15085) granting an increase of pension to Joseph L. True; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 15086) granting an increase of pension to Lydia M. McGowan; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15087) granting an increase of pension to Luman G. Heusted; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 15088) granting an increase of pension to Lucy A. Cornell; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 15089) granting an increase in pension to Annie T. Barclay, widow of Charles J. Barclay; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15090) granting an increase of pension to James Cranmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15091) granting a pension to Mrs. Catlirine Parmalee West; to the Committee on Invalid Pensions.

By Mr. WATSON of Pennsylvania: A bill (H. R. 15092) granting a pension to Emma Vanderslice; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 15093) granting a pension to George A. McAmis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Nevada Women's Civic League, relative to favorable report of suffrage amendment by Judiciary Committee; to the Committee on the Judiciary.

By Mr. AIKEN: Petition of citizens of Easley, S. C., favoring investigation of high price of gasoline; to the Committee on the Judiciary.

By Mr. BACHARACH: Memorial of Merchants' Association of New York City, against Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, memorial of the New Jersey Society of Daughters of the Revolution, relative to preparedness; to the Committee on Military Affairs.

By Mr. BEALES: Petition of Sieling Furniture Co., Railroad Pa., against passage of House bill 4770; to the Committee on Railways and Canals.

By Mr. BOOHER: Petition of D. E. Hotchkiss and 21 members of the First Presbyterian Church of Maryville, Mo., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of R. E. Snodgrass, Carl F. Rash, and 460 other citizens of the fourth congressional district of Missouri, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Evidence to accompany House bill 14872, granting a pension to Frank W. Tuttle; to the Committee on Pensions.

By Mr. CAREW: Petition of United Brotherhood of Carpenters and Joiners of America, in re wages on Canal Zone; to the Committee on Labor.

Also, petition of Cotton Goods Export Association of New York, in re Philippine Islands; to the Committee on Insular Affairs.

By Mr. COSTELLO: Petition of employees of Frankford Arsenal, Philadelphia, Pa., favoring passage of House bill 11168, relative to 30 days' leave for employees of United States navy yards, etc.; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of Cotton Goods Export Association of New York, against Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, petition of New York State Retail Jewelers' Association, favoring Stephens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of William S. Myers, relative to North America's need for Chilean nitrate; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Merchants' Association of New York, favoring pneumatic tubes in Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of men and women voters of Arizona and Nevada, favoring suffrage for women; to the Committee on the Judiciary.

Also, memorial of District Council of Greater New York, relative to wages of employees in Canal Zone; to the Committee on Appropriations.

By Mr. ELSTON: Petition of Samuel Smith and others, of Alameda County, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. EMERSON: Petition of citizens of Cleveland, Ohio, for impartial neutrality; to the Committee on Foreign Affairs.

Also, petition of citizens of the twenty-second district of Ohio, against war with Germany; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of Albert Hendrickson and 23 others, of Alma Center and Hixton, Wis., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. FLYNN: Petition of Cotton Goods Export Association of New York and the Merchants Association of New York, against Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, petition of Merchants' Association of New York, relative to pneumatic tubes in Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of Republican county committee, New York, favoring bill to pension aged employees of the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of District Council of Greater New York, relative to wages of employees in the Canal Zone; to the Committee on Appropriations.

By Mr. FULLER: Petition of sundry citizens of Argyle, Ill., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of legislative committee of the E. R. Nota Club, of Streator, Ill., favoring House resolution 137, for Government inspection of dairies; to the Committee on Rules.

Also, petition of Rockford (Ill.) Central Labor Union, favoring House bill 8665, relative to regulating work of Government employees, etc.; to the Committee on Labor.

By Mr. GALLIVAN: Petition of Italian-American Citizens' Club of Massachusetts, against Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GLYNN: Petition of H. A. Carrigan and sundry other citizens of Ansonia, Conn., favoring passage of House bill 8665; to the Committee on Labor.

By Mr. GOOD: Petition of First Presbyterian Church of Toledo, Iowa, against polygamy in the United States; to the Committee on the Judiciary.

Also, petition of citizens of Linn County, Iowa, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HUDDLESTON: Petition of T. G. Brobston and others, in re House bills 491, 6468, and 13778; to the Comimttee on the Post Office and Post Roads.

Also, petition of R. I. Keates and others, in re House bill 652; to the Committee on the District of Columbia.

Also, petition of R. I. Keates and others, in re House bill 6468; to the Committee on the Post Office and Post Roads.

By Mr. MORGAN of Oklahoma: Memorial of citizens of Tuttle, Okla., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Arapaho, Okla., favoring Federal motion-picture commission; to the Committee on Education.

Also, memorial of sundry citizens of Oklahoma, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Electrotype Moulders and Finishers Union No. 17, of Washington, D. C., in favor of House bill 8664; to the Committee on Printing.

Also, petition of John Z. Speer, of Pittsburgh, Pa., in favor of adequate preparedness against foreign invasion of United States; to the Committee on Military Affairs.

Also, petition of Max I. Amdursky, Philip Gettman, William V. Fischer, C. V. Witt, William E. Heeren, Otto Heeren, T. A. Kinman, Edward Schuck, Richard F. Krumm, John Logiodice, and K. F. Stahl, all of Pittsburgh, Pa., opposed to United States becoming embroiled in European war; to the Committee on Foreign Affairs.

By Mr. NORTH: Memorial of D. B. McCreary, of Saltsburg, Pa., favoring a tax on all exportation of gasoline; to the Committee on Ways and Means.

By Mr. PRATT: Petition of Casper G. Decker, of Elmira, N. Y., favoring appropriation of $250,000 for Government schools for Sioux Indian children, and also favoring military preparedness; to the Committee on Military Affairs.

Also, petition of William H. Bilbrough, of Elmira, N. Y., favoring a large body of citizen soldiery, as embodied in section 56 of the Chamberlain military bill; to the Committee on Military Affairs.

Also, petition of Charles Gaiss, Henry Otto Hauptmann, Joseph Sidoti, David Wasson, John C. Meyer, J. W. Eyesenberger, Rudolph Buckinger, Valentine Remmel, Cassius G. Andrew, Ed. Keice, G. J. Seibel, Otto F. Vollgruf, Edward Palmer, jr., Valentine Rettig, W. Campbell, Miles T. Terrill, F. J. Bantley, William W. Arland, John N. Illig, Frank K. Gaiss, John S. Edminster, M. L. Russ, and Joseph Eck, all of Corning, N. Y.; E. E. Rogers and H. J. Swartwood, of Painted Post, N. Y.; and W. A. Caveney, Fred G. Johnson, F. A. Abbey, A. Hohl, and Leonard R. Bell, all of Brookton, N. Y., in favor of peace; to the Committee on Foreign Affairs.

Also, petition of H. C. Rietmann, F. I. Lyons, P. G. Schug, William J. Finnegan, John Hammerstrom, N. H. Cooper, Grant Nelson, L. H. Brunt, and John J. Henley, all of Elmira, N. Y., favoring House bill 8665; to the Committee on Labor.

By Mr. RANDALL: Petition of sundry citizens and organizations of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Andrew Jackson Democratic Club, of Brooklyn, N. Y., favoring the Penrose and Griffin bills; to the Committee on the Post Office and Post Roads.

Also, memorial of committee on military lectures, in re preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens of Brooklyn, N. Y., indorsing the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Clifton Motor Works, of Cincinnati, Ohio, in re House bill 9411; to the Committee on the Merchant Marine and Fisheries.

By Mr. SANFORD: Papers to accompany House bill 14936, for the relief of Lawrence Collois; to the Committee on Claims.

By Mr. SULLOWAY: Petition of sundry citizens and organizations of the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of residents of Boulder County, Colo., protesting against the passage of House bill 652, to provide for the Sunday closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

SENATE.

THURSDAY, *April 27, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee amid the abounding light of this springtime. Open our hearts to Thee for the more abounding light of Thy grace. We remember the fruit of the spirit that is righteousness, joy, and peace. We pray that all of the fullness of Thy spirit may be revealed in us, that we may have all the qualities that will impart and maintain the diviner and higher life among men. Guide us this day. Through us do Thou fulfill Thy purpose in this great Nation. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Almeron E. Calkins *v.* The United States (S. Doc. No. 417);

Henry T. Whitaker *v.* The United States (S. Doc. No. 418); and

Claude L. Holt, son and sole heir of Lucius E. B. Holt, deceased, *v.* The United States (S. Doc. No. 419).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BRADY. I present resolutions adopted by the Chamber of Commerce of Coeur d'Alene, Idaho, regarding arbitration of

Hubert S. Foote, to the Committee on Invalid Pensions.

Philippine bill; to the Committee on Insular Affairs.

Kinman, Edward Schuck, Richard F. Krumm, John Logiodice, and K. F. Stahl, all of Pittsburgh, Pa., opposed to United States

Mr. BRADY. I present resolutions adopted by the Chamber of Commerce of Coeur d'Alene, Idaho, regarding arbitration of

the railway strike in the Northwest. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE,
COEUR D'ALENE, IDAHO.

Resolution regarding arbitration between railroads and their employees adopted by Coeur d'Alene Chamber of Commerce, April 17, 1916.

Whereas the public of the Pacific Northwest will suffer great inconvenience and disastrous effect will fall upon the lumber, mining, grain, and other industries in the event of interruption of public service by a general strike, such as is threatened by the railway trainmen's organization; and

Whereas the Chamber of Commerce of the United States has taken action looking to an adjustment by arbitration of the issues in controversy: Therefore be it

Resolved by the Coeur d'Alene Chamber of Commerce, That in the interest of public convenience and the welfare of the Pacific Northwest industries, we urge that both parties to the controversy adjust their difficulties without recourse to extreme measures that will suspend the public service; and be it

Resolved, That we commend the effort of the Chamber of Commerce of the United States to indorse arbitration, and the attitude of the railway managers in signifying their willingness to submit to arbitration; and be it

Resolved, That the secretary of the Coeur d'Alene Chamber of Commerce be, and is hereby directed, to communicate this resolution to the Chamber of Commerce of the United States.

H. A. SAMPSON, *President*.

Approved:

C. L. DITTEMORE, *Secretary*.

Mr. BRADY presented petitions of sundry citizens of Idaho, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMITH of South Carolina presented petitions of sundry citizens of South Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SAULSBURY presented a petition of sundry citizens of Harrington, Del., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. STERLING presented petitions of sundry citizens of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of Major Frank M. Foots Camp, No. 3, United Spanish War Veterans, of Wyoming, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. PHELAN presented a memorial of sundry citizens of Oakland, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Local Union No. 380, International Longshoremen's Association, of San Diego, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Juvenile Protective Association of Los Angeles, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented a petition of sundry citizens of Harrington, Del., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Battle Creek, Mich., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Battle Creek, Mich., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Colonel H. C. Gilbert Camp, No. 50, Sons of Veterans, of Coldwater, Mich., praying for an increase in armaments, which was ordered to lie on the table.

Mr. ROBINSON presented memorials of sundry citizens of Arkansas, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of De Queen, Ark., praying for the enactment of legislation to improve the Rural Delivery Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. PITTMAN. I present a petition of the Civic League of Reno, Nev., favoring the adoption of the Susan B. Anthony woman-suffrage amendment. I ask that the petition may be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution adopted by Reno Women's Civic League, April 18, 1916.

Whereas we, as women voters of Nevada, realize the injustice done to the women of the Nation, to whom political rights are denied, and the necessity that this wrong should be righted by the Nation in the quickest possible way: Therefore be it

Resolved, That we, the members of the Reno Civic League, at a meeting held at Reno on Tuesday, April 18, call upon the Judiciary Committee of the House for an immediate and favorable report of the Susan B. Anthony amendment, and urge Congress to submit the same to the States during the present session: And be it further

Resolved, That the secretary of the meeting be instructed to send a copy of this resolution to the President of the United States; Senator KERN, the majority leader of the Senate; and Senator GALLINGER, the minority leader; Hon. CHAMP CLARK, the Speaker of the House; Hon. CLAUDE KITCHIN, majority leader of the House; Hon. JAMES MANN, minority leader; to every member of the House Judiciary Committee; and our Representatives in Congress.

MINNIE FLANIGAN, *President*.
BESSIE MOUPER, *Secretary*.

Mr. BURLEIGH presented a petition of the Central Labor Union of Portland, Me., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

ACTIVITIES OF AMERICAN EMBARGO CONFERENCE.

Mr. HUSTING. Mr. President, I have here some letters and some telegrams sent to me which I think might be of interest to the Senate and to the people. I first want to offer about a thousand letters which I received some time in February and ask to have the Secretary read one of them. They are all identical.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. What is the request?

The VICE PRESIDENT. To read one. The Chair hears no objection, and the Secretary will read.

The Secretary read as follows:

MONTELLO, WIS., *February 14, 1916*.

Hon. PAUL O. HUSTING,
United States Senator, Washington, D. C.

DEAR SIR: As a citizen of the State of Wisconsin, I am addressing this appeal to you, as my representative in the upper House of Congress, to support the resolution placing an embargo upon the further shipment of arms and ammunition to the belligerent nations of Europe.

I note in the public prints that you are pointing to the speech delivered by United States Senator REED on January 10 and that you are quoted as writing to your constituents that the position he (Senator REED) takes on the question of an embargo "exactly expresses" your sentiment in the matter and that the arguments he advances appear to you to be unanswerable.

May I call your attention to the editorial printed in the Milwaukee Free Press Wednesday morning, January 12, and may I take the liberty of asking you to point out to me where the Free Press and not Senator REED is in the wrong?

May I also ask, as the Free Press asks, why Senator REED did not point out that the Wilson administration had all along the weapon with which to bring Great Britain to time—the threat of an embargo on arms and ammunition?

May I also call your attention to the fact that Senator REED is reported as saying in his Milwaukee speech that "unless England makes reparation for confiscation of American goods" and unless this "will have effect within 60 days" he will be one of the first to vote for an embargo, and may I ask if you are joining with Senator REED in voicing this declaration?

I would point out to you that the large majority of the Wisconsin congressional delegation is in favor of the embargo resolution. Senator LA FOLLETTE is for it and Congressmen CARY, BROWNE, STAFFORD, BURKE, ESCH, KONOP, and COOPER are reported for it, and I feel that these men are convinced that their constituents want an embargo, and with this the situation in our State, I repeat my request that you give the embargo resolution your support.

I am very earnest in making this plea to you and ask that you be good enough to favor me with a reply. If you will do so I would like to have you give me some facts supporting your stand against the embargo other than your general reference to general statements that may have appeared in the newspapers.

Thanking you for an early reply, I am,

Very truly, yours,

GUSTAV WESSLOB.

Mr. HUSTING. Mr. President, I also received in due course of mail a letter which I hold in my hand not addressed to me but evidently sent to me by some one whose name appears in the left-hand corner. I should like to have the Secretary read it, omitting the name in the left-hand corner.

ALL READY FOR THE SIGNATURE.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

THE AMERICAN EMBARGO CONFERENCE,
139 North Clark Street, Chicago, February 9, 1916.

DEAR SIR: Taking the liberty of assuming that you are heartily in favor of any move that might hasten the end of the war and the slaughter of humans in Europe, and that therefore you are in favor of the movement to have an embargo declared upon the further shipment of arms and ammunition to any of the belligerents, we are taking the liberty of writing to you and asking whether you will join with us in the effort being made to induce United States Senator PAUL O. HUSTING

of your State, to join with practically all of the other members of the Wisconsin congressional delegation in their work to bring about such an embargo.

Believing that you feel with the hundreds of thousands of our members that the United States should at least have no hand in the war, and should not be reaping a harvest of blood-stained money, and that you stand for a real and genuine neutrality for this Nation, we are sending you with this letter some letters addressed to Senator HUSTING.

These letters are ready to be dated and signed and then should be placed in separate envelopes and mailed as personal letters to Hon. PAUL O. HUSTING, United States Senator, Washington, D. C.

We would be glad if you were able to get some of the voters to write personal letters, but the big thing is to have all letters possible sent to Mr. HUSTING at the earliest possible moment.

If you think it would be a better plan to have all of the letters signed and then left with you and you would then have them forwarded in separate envelopes to Senator HUSTING, we would consider this a very great assistance on your part and would be very glad to reimburse you for the postage and envelopes.

We sincerely hope that you are with this effort to secure the embargo and that you will do all in your power to aid the movement. If you could use more of the letters, please let us know, and we will forward you as many as you think you can have signed. We are sending you a circular letter showing you the latest developments in the campaign.

Will you please be good enough to let us know just what assistance in this manner you can give us?

Thanking you for giving this your attention, we are, with best wishes,

Very sincerely, yours,

THE AMERICAN EMBARGO CONFERENCE,
WILL R. MACDONALD, *Secretary*.

Mr. HUSTING. Mr. President, I received these letters in February, and also this one. I did not then appreciate the full significance of it. I did not believe, or at least I thought it would not be advisable for me to bring it to the attention of the Senate. I thought perhaps that the matter might die out; that there was no need of stirring up the undertow of our foreign relations with another country. I understood it was the policy not to discuss these matters. I am in hearty accord with that policy; but, in connection with what has been happening recently and is happening now, I consider it quite relevant now to discuss the matter, especially because of this telegraphic campaign that is now being carried on in opposition to the Government's position.

In this letter it will be noticed there are several things which are quite significant, especially that part calling on the Wisconsin Senator to make him line up and work with the rest of the Wisconsin delegation; and it shows that that campaign was carried out with some thoroughness, because I have had about 1,000 identical letters sent to me. These letters are printed with my address on them. They are all identical. There is no difference between them, even to the crossing of a "t" or the dotting of an "i." The date and the place of signature are left blank, but aside from that the letter is absolutely complete, and the purpose is quite clearly stated in this letter; that is, to get me to line up with the rest of Wisconsin's representatives.

This emanated from Chicago, not from Wisconsin; and thus these thousand letters were placed in the hands of Wisconsin citizens for them to express, not their own sentiments, but the sentiments of some bureau or bureau clerk in Chicago, and back of him the person or institution or influence fomenting the propaganda and paying the bills.

Further he states as follows:

These letters are ready to be dated and signed, and then should be placed in separate envelopes and mailed as personal letters to Hon. PAUL O. HUSTING, United States Senator, Washington, D. C., designating them as "personal letters."

It shows the intention to deceive the representative from Wisconsin in the belief that he was getting the personal sentiments of Wisconsin citizens.

I must confess that they were not paying their representative a very good compliment when they thought he would be deceived into the belief that they were personal letters, because these thousand letters were all printed on the same paper, with the same contents, and with the same appearance, and sent in envelopes duly stamped and which were identical in appearance and substance. The clerks in my office knew the contents before they ever opened them by the appearance of the envelopes; but at least the intent was there to deceive.

Now, they also

urged you to get some of your neighbors to write personal letters to the Senator, but the big thing is to have all the letters sent to Mr. HUSTING at the earliest possible moment.

At that time there was a good deal of talk about an embargo. I think it was about the time when the embargo petitions were exhibited here in the Senate, and it was considered to be a good time to influence and overwhelm a representative of Wisconsin. Now, they make a further suggestion:

If you think it would be a better plan to have all of the letters signed and then left with you, and you would then have them forwarded in separate envelopes to Senator HUSTING, we would consider this a very great assistance on your part, and would be very glad to reimburse you for the postage and envelopes.

All they wanted was to have our citizens express the sentiments of the propagandists, and they were willing to pay the bills! All they asked of the citizens of Wisconsin was their cooperation in attempting to deceive their Senator!

The supply of letters was inexhaustible. As you will observe from the letter, they agree to send as many more as their correspondents might be able to secure signatures for. The supply was equal to the number of all citizens who were willing to put their hand down to a manufactured letter which they could sign and put it into an envelope which had already been addressed and with a stamp that had already been paid for.

Here is more that is significant:

We are sending you a circular letter showing you the latest developments in the campaign.

What campaign? The campaign of the American Embargo Conference and those back of that conference, a campaign of intimidation, a campaign to influence a representative of the people of the United States to vote against his own convictions!

THE SUBSIDIZED TELEGRAMS.

Now, as I said, these letters date back as far as February. I did not think it worth while to bring that to the attention of the Senate then, but some things are now occurring which come from the same malevolent source as the letters, which bear the same label, are of the same handiwork, initiated by the same influences, paid by the same money.

I have been favored with a great many telegrams from constituents in Wisconsin, and when I know that those telegrams are sent in good faith and are an honest expression of an honest opinion I think they are entitled to a great deal of respect and consideration. This is a country where everyone has a right not only to believe but to express his personal belief and to petition Congress at all times. But I began to receive these telegrams in such numbers and found such striking similarity between them, notwithstanding identical dates and from places far distant from one another, that I took the trouble to have my secretary inspect telegrams of other Senators. I took the liberty of having my secretary examine hundreds of telegrams received by Senators all over the United States, and there have been plenty of them introduced here, and I found this to be the fact, that telegrams emanating from places thousands of miles apart and dated on the same day were identical in form even to repeating an error which I found in the telegraphic forms which I shall hereafter show you.

These were dated April 24 from States like Wisconsin, and, for that matter, from many points in Wisconsin, 200 or 300 miles apart, from Illinois, from Missouri, from Indiana, from New York, from Ohio, are not only similar in character but absolutely identical word for word, and as I have said before, repeating grammatical errors in the original form. I have assorted these telegrams and have taken them from the above-named States and find them in the various forms in identical terms. I have them here, and for the purpose of not confusing them I have numbered them. Here is No. 1. It comes from Norwalk, Wis., dated April 25, addressed to "Hon. PAUL O. HUSTING, House of Representatives, Washington, D. C.":

[Telegram No. 1.]

Your constituents urge and expect you to stand like a rock against the passing frenzy of insane and criminal folly on the part of the small portion of interested persons who are clamoring for war. We want peace. Nothing warrants any other action.

Apparently a spontaneous conviction passing into the mind of some constituent, and, in the absence of any proof to the contrary, it would naturally indicate his own sentiments. But here we have one from Fond du Lac, bearing the same date, saying:

Your constituents urge and expect you to stand like a rock against the passing frenzy of insane and criminal folly on the part of the small portion of interested persons who are clamoring for war. We want peace. Nothing warrants any other action.

Here is one from another part of the State to the same effect. I will read some a little later.

Here is No. 2, from West Salem, Wis.:

[Telegram No. 2.]

Will you let me reassure you that the great majority of your constituents stand for peace, believe war now unnecessary and uncalled for, and will resent being participated into the European conflict?

Here is one from Fond du Lac, same date, 250 miles away:

Will you let me reassure you that the great majority of your constituents stand for peace, believe war now unnecessary and uncalled for, and will resent being participated into the European conflict?

Here are two others with the word "participated," repeating the mistake of the man who sat in his office in Chicago and made a slip over the typewriter or did not know how to spell "precipitated."

Here is No. 3:

As to-day's reports indicate that this country is likely to be rushed into the European war, let me assure you that I and your constituents who will be the real sufferers will bitterly resent anything but calm action, and calm action means peace continuing.

That was on April 25. Here is one from St. Louis, dated April 25, which I shall read—telegram No. 3:

As to-day's reports indicate that this country is likely to be rushed into the European war, let me assure you that I and your constituents will be the real sufferers, and will bitterly resent anything but calm action, and calm action means peace continuing.

St. Louis and Wisconsin! Fond du Lac and Missouri!

Here is No. 4: I want to call your attention to it. I will read these telegrams, because of all of the telegrams coming from most small towns no two are alike. They did not give the same telegram to the same man in the same small town, but had a collection of telegrams, and gave each one to a different man in the same town, of course, so that their representatives could not discover that there was any concerted action there; but to make it appear that these telegrams were a spontaneous expression of something that had just occurred to each separately because of recent events. Before I get through I want to show the Senate how these things were provided and arranged for. Now, here is another:

Other constitutents of yours join with me in informing you that we believe the great masses of the people resent being dragged into war, that we must consider unnecessary. We appeal to you to lift your voice in opposing steps leading to war.

Here is another from another State far away:

Other constituents of yours join with me in informing you that we believe the great masses of the people resent being dragged into war, that we must consider unnecessary. We appeal to you to lift your voice in opposing steps leading to war.

Here is form No. 5 from Milwaukee; here is one from Fond du Lac; here is another one from a State far away, in identical language:

Your constituents joining with me in sending this message are deeply alarmed by rumors that this country is near to being plunged into the European war. You know your constituents want peace, and we emphatically urge that you so express our sentiments. We know we can depend upon you

That is from Kewaunee; another one from Fond du Lac; one from St. Nazianz; one from Wausau; one from Ripon, Wis., and one from Illinois and several from other States. I will just read one:

Your constituents joining with me in sending this message are deeply alarmed by rumors that this country is near to being precipitated into the European war. You know your constituents want peace, and we emphatically urge that you so express our sentiments. We know we can depend upon you.

I want to call the Senate's attention particularly to this question of rumors, because the rumors, apparently from the text of these telegrams, are of recent origin. There is another telegram from Fond du Lac containing form No. 6. Here is another one in what are called forms No. 7 and No. 8.

I have refrained from reading all of these telegrams, but those sorted according to number are absolutely identical in form, and I am informed by other Senators that telegrams identical in form have come from points all over the United States.

MADE-TO-ORDER "RUMORS OF WAR."

It is true that if the people of the United States were suddenly alarmed by rumors that were being spread by an intention on the part of this Government to plunge us into war, it might be alarming, and we would not be surprised to be overwhelmed with telegrams expressing the sentiment of the people—and it is the sentiment of the people—that they do not want any war. But the cruelty and the cunning of these telegrams is that they were framed perhaps weeks ahead of this crisis, so I shall show you later, and the foul thought is being implanted in the minds of United States citizens, and citizens of my State, and I have no doubt in the minds of other citizens, that this administration is, in fact, seeking to plunge this country into war. *But what will you say of conduct, what will you say of a practice, which puts into the mouths of honest, decent citizens of my State and of the United States words and suspicions that are not founded on fact, but founded on something that has been handed to them by some one else living away out of the State, by some party, hired by who knows what or whom?*

After all, I want to cover this matter as fully as possible, and I hope that I shall not say anything that will in any way embarrass our Government in this matter. The only purpose of my dwelling upon this subject at all is merely in the interest of peace. I believe that the best way to preserve peace is for the people of the United States to get right squarely back of their Government and to sustain that Government in every crisis which comes to it; and I am only talking now in the hope of exposing a plot which, in its very nature, if long continued must bring us into serious trouble—if not with foreign countries, with the people of our own country. *It is high time that the people who are being duped should know that they are being duped; that the masks be torn from the faces of those who pretend to be in the interest of peace, and in the garb of a peacemaker are endeavoring to stir up dissension and insurrection in our own country by these methods; and these methods are calculated to bring about that very result.*

After collecting these telegrams, thinking that I had made a fairly satisfactory showing, at least to myself, I was fortunate enough to have presented to me some things which throw additional light on this campaign which is being now carried on. You have seen the articles in the World, in the Times, and in some of the other papers—the Herald, I believe, the Sun, and other New York papers—you have seen there that a certain secretary of the American Embargo Conference asked the newspaper men to give him publicity. I understand that the very man who asked them to give him such publicity is the man who stated that he was going to "pull off," so I have been reliably informed, "the biggest publication stunt that was ever pulled off in the United States." This secretary is the secretary, or at least is connected with the concern which I hope to show you not only sends out these telegrams, but which does something more, namely, pays for them.

I hold in my hand an original copy of blank-form telegrams. From a letter which I shall hereafter read you will learn that this blank telegraphic form was sent from the American Embargo Conference, located at Chicago. I am going to read this blank telegraphic form together with the directions at the top, and by comparing these forms with telegrams I have just read you will observe that Telegram No. 1 is identical with Form No. 1, that Telegram No. 2 is identical with Form No. 2, and so forth.

THE FORM TELEGRAMS.

Now, telegrams that have been received by various Members of Congress almost invariably follow the form of the "form" telegrams on the following sheet, even repeating typographical and grammatical errors of the form.

Here is the sheet of blank-form telegrams:

Please sign one of these telegrams and have voters each sign one telegram. Cross off the telegrams that are not signed and then hold this sheet until we wire you to telegraph it. Then please send it without delay.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,

House of Representatives, Washington, D. C.:

Your constituents urge and expect you to stand like a rock against the passing frenzy of insane and criminal folly on the part of the small portion of interested persons who are clamoring for war. We want peace. Nothing warrants any other action.

_____ _____,

(Address) _____ _____.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,

House of Representatives, Washington, D. C.:

If warlike rumors coming from Washington are true, will you let me assure you that the great majority of your constituents stand for peace, believe war now unnecessary and uncalled for, and will resent being PARTICIPATED into the European conflict.

_____ _____,

(Address) _____ _____.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,

House of Representatives, Washington, D. C.:

As to-day's reports indicate that this country is likely to be rushed into the European war, let me assure you that I and your constituents, who will be the real sufferers, will bitterly resent anything but calm action, and calm action means peace continuing.

_____ _____,

(Address) _____ _____.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,

House of Representatives, Washington, D. C.:

Other constituents of yours join with me in informing you that we believe the great masses of the people will resent being dragged into a war that we must consider unnecessary. We appeal to you to lift your voice in opposing steps leading to war.

_____ _____,

(Address) _____ _____.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,

House o' Representatives, Washington, D. C.:

Your constituents, joining with me in sending this message, are deeply alarmed by rumors that this country is near to being plunged into the European war. You know your constituents want peace, and we emphatically urge that you so express our sentiments. We know we can depend upon you.

_____ _____,

(Address) _____ _____.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,

House of Representatives, Washington, D. C.:

The wives and mothers in your district, who will suffer most if the war comes, urge me to appeal to you to do all possible to block warlike sentiment agitated by those who will not suffer. Your constituents see no reason for ending our peace.

_____ _____,

(Address) _____ _____.

NIGHT LETTER.

_____ _____, 1916.

Hon. _____ _____,

House of Representatives, Washington, D. C.:

Your constituents, joining with me in sending this message, are deeply alarmed by rumors that this country is near to being plunged into the European war. You know your constituents want peace, and we emphatically urge that you so express our sentiments. We know that we can depend upon you.

_____ _____,

(Address) _____ _____.

Mr. THOMPSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. HUSTING. I yield.

Mr. THOMPSON. Mr. President, in line with the argument of the Senator from Wisconsin, I want simply to state in this connection that I received this morning a number of telegrams dated at Kansas City, Mo., but evidently most of the signers residing in Kansas City, Kans., 35 of the telegrams being identical with No. 1, which the Senator has read; 27 of them being identical with No. 2; 15 of them being identical with No. 3; 9 being identical with No. 4; 30 identical with No. 5; and 20 corresponding identically with No. 6, showing clearly that they were inspired from the same source as those received by the junior Senator from Wisconsin.

Mr. HUSTING. I should like to ask the Senator whether, in the telegrams coming from small towns, he found any two alike or whether they were not different telegrams?

Mr. THOMPSON. These all came from the same place, being dated at Kansas City, Mo.; but I am acquainted with most of the signers, and they reside in Kansas City, Kans. I have only one little, lone telegram from an outside town, evidently voluntarily sent by the sender himself, as it is couched in entirely different language.

Mr. GORE. No. 5 seems to be the favorite.

WHO HAS KEPT THE PEACE?

Mr. HUSTING. Yes; No. 5 seems to be the favorite.

It was rumored that the Republic might be plunged into war. Rumored when? To read these telegrams it would appear that the rumor had just started; that word had just gone out that the President of the United States desired to plunge this country into war, when, as a matter of fact, the telegrams had been lying on the desks of the senders for weeks, and perhaps months, waiting for the time when they should be rushed to the telegraph office and be sent to Senators and Representatives in Congress at a time which they then already anticipated would come, as though they were the creation of the moment, as though they were expressing the opinion of the moment.

The President had kept us out of war under the most trying and difficult circumstances for nearly a year and a half. Who else has helped to keep us out of war thus far? Certainly not the belligerent powers, who have trampled upon our rights, who have killed our citizens on the high seas, and who are now obstructing our commerce. Nor have their sympathizers kept us out of war. Our rights have been violated by all of the belligerent nations, by the entente allies as well as the Germanic allies. Suffice it to say that our rights have been trampled upon and a hundred things have occurred, each one of them sufficient under ordinary circumstances and conditions to have precipitated us into war, if instead of a peace-loving President we would have had an impulsive and warlike President, and yet we have had no war. Who kept us out of war? Who was here from March 4, 1915, until December, 1915, to bear the heavy responsibility of maintaining our honor and keeping the peace? Congress was not in session. There were no warning resolutions; there was no necessity to warn the President; there is no necessity to warn him now to keep us out of war. There was an attempt made here to warn our citizens from traveling on the high seas, because such action on their part might perchance get us into trouble with Germany; but I should like to know whether the same men—and I am speaking of the country at large—who favored warning our citizens not to travel upon the high seas for fear we might thereby become involved in trouble with some foreign Government would have been or are now in favor of issuing a warning to the shippers of the products of this country—cotton, wheat, wool, anything, if you please—not to ship their goods across the high seas for fear that it would get us into trouble! Who would have had us warn our citizens to abandon all of our commerce for fear we might get into trouble with the other powers? It was the administration now representing our Government that has kept us at peace, as all the world knows!

POISONERS OF PUBLIC OPINION.

I am only saying this in passing, because the President of the United States has exerted every patriotic effort that he could to keep us out of trouble, and I resent it as a base insinuation and foul slander upon our Government for anyone to intimate or charge that the President of the United States has any idea in his mind except to preserve the peace of this country, if he can do so with honor to ourselves.

And what shall we say of a conspiracy financed by money from some mysterious source to slander and to bring the President of the United States into the hatred and contempt of his fellow citizens in the manner referred to?

So I say we have a peace-loving President, who has been criticized, on the one hand, because he is too peace loving, who has kept us out of war all this time, and, on the other hand, we find him charged, through the instrumentality of some organization, using the citizens of this country as its messengers, with attempting to plunge this Nation into the maelstrom of war. Here we find a deep-laid plot to poison the minds of his fellow citizens all over the country into the belief that the President wants war when every fact gives the lie to such assertion!

I say this is being done by this mysterious "embargo conference," this embargo conspiracy, I have not gotten through with it yet; and I want to come to the point now of showing conclusively to any fair mind that this propaganda, these 200,000 telegrams, are not only being sent out from a common head but they are being paid for by this same head.

THE TELL-TALE LETTER.

You will notice at the head of this blank form the holders are instructed to procure signers at once and hold the same subject to further orders, and I have already shown that these must have been in the hands of holders, who appear to have been part of the organization, for weeks or perhaps months. The word came to these procurers in the letters of April 24, namely, Monday of this week, as will appear from one of these letters which I will read into the RECORD and comment on in detail.

[The American Embargo Conference (Incorporated), Room 905, 139 North Clark Street (City Hall Square Building), Chicago. Telephone, Randolph 3189. Col. Jasper Tucker Darling, president, chairman of the executive committee; W. R. McDonald, general manager; J. H. Forrest, secretary; C. Hjalmar Lundquist, secretary; William D. Falk, treasurer.]

APRIL 24, 1916.

DEAR SIR: Feeling confident that as one of the patriotic citizens of the United States you are anxious to see this country held out of the present terrible war in Europe, we are making this extraordinary appeal to you because we know from the most positive information that it is possible to be obtained at this time that the situation warrants it.

We can not find words strong enough to tell you of the gravity of the situation, and we assure you in the most earnest manner possible that the only way in which this country can keep from becoming involved is an immediate and great expression of the real sentiment of the people of the country who want peace.

We also most solemnly assure you that it is too late to mail an expression of this sentiment to Washington. It must be telegraphed. We have prepared night-letter telegrams that are ready to be signed by the voters. At the top of these sheets we asked that you hold these sheets until we give you notice to telegraph them. Now, we ask that you have the night letters signed as rapidly as possible and that you send them from the telegraph offices without a moment's delay.

Do not wait for any further word from us. Conditions are now even more serious and the messages should be sent at once. They should all be in Washington by Wednesday.

We beg that you will realize how grave we consider the situation to be when we assure you that we are to pay for all of the messages. All that we urge you to do is to get the telegrams signed and send them at once. Then send the bills to us and a check will be mailed to you immediately. We know what you have done in the past to help keep this country in a neutral position, and we know that at this, the most critical time in the diplomatic negotiations, you will not fail to act for us.

Only believe that our information is of the best and send the telegrams now. Please let us depend upon you in this crisis.

Thanking you for what we know you will do and repeating the assurance that we will pay for all expenses incurred, we beg to remain,

Most earnestly, yours,

THE AMERICAN EMBARGO CONFERENCE.

You will observe that the letterhead on the above letter is the same as the letterhead on the letter I received in February. Now you have heard the letter read. Let me call your attention to some of the details of this letter.

Let me call your attention to this:

We can not find words strong enough to tell you of the gravity of the situation, and we assure you in the most earnest manner possible that practically the only thing that will keep this country from becoming involved is an immediate and great expression of the real sentiment of the people of the country who want peace. We also most solemnly assure you that it is too late to mail an expression of this sentiment to Washington. It must be telegraphed—

I am reading now from this circular letter dated April 24, 1916, last Monday. It says, "It is too late to mail"—

It must be telegraphed. We have prepared night letter telegrams that are ready to be signed by the voters. At the top of these sheets we asked that you hold these sheets until we gave you notice to telegraph them.

Let me read further:

We also most solemnly assure you that it is too late to mail an expression of this sentiment to Washington. It must be telegraphed. We have prepared night-letter telegrams that are ready to be signed by the voters. At the top of these sheets we asked that you hold these sheets until we gave you notice to telegraph them. Now we ask that you have the night letters signed as rapidly as is possible and that you send them from the telegraph offices without a moment's delay. Don't wait for any further word from us. Conditions are now even more serious and the messages should be sent at once. They should all be in Washington by Wednesday—

The flood of telegrams that came in yesterday was in response to the American Embargo Conference, sitting at Chicago, and directing the transmission of hundreds of thousands of telegrams all over the United States, identical in terms, and all prepared in advance and held subject to order as directed. I read further:

We beg that you will realize how grave we consider the situation to be when we assure you that we are to pay for all of the messages. All that we urge you to do is to get the telegrams signed and send them at once. Then send the bills to us and a check will be mailed to you immediately. We know what you have done in the past to help keep this country in a neutral position, and we know that at this the most critical time in the diplomatic negotiations you will not fail to act for us.

Now, just for a moment let us take up this expression:

We know what you have done in the past to help * * * us.

What does that indicate? It indicates that previous orders of this kind have gone out and have been duly executed by these same men who are now procuring the execution and sending of these telegrams.

We know what you have done in the past * * * the most critical time in the diplomatic negotiations.

Now, listen to this, Senators:

Only believe that our information is of the best and send the telegrams now. Please let us depend upon you in this crisis.
Thanking you for what we know you will do and repeating the assurance that we will pay for all expense incurred, we beg to remain,
Most earnestly, yours,

THE AMERICAN EMBARGO CONFERENCE.

WHO PAYS THE BILLS?

Now, just note this phrase:

We know what you have done in the past to help keep this country in a neutral position, and we know that at this, the most critical time in the diplomatic negotiations, you will not fail to act for us.

Who is "us"? I want to say now that it should be determined, by an investigation of some kind, who is "us." Who pays for these telegrams? Who pays for this bureau? Who pays for the man they get to fetch and carry in every little hamlet in the country? Who is "us" who puts this foul stuff into the mouths, the hearts, and the hands of the President's fellow citizens? I want to know who "us" is. I want to know who is paying for the couple of hundred thousands of telegrams. If there is any proper tribunal, any proper department, any proper committee of any kind, let them find out who "us" is, and find out who is paying these bills, and find out how they are acting for "us"—American citizens employed to act for "us," as though there were some outside force wanted to be helped at the hands of American citizens.

I shall not stop to read these newspapers, but one of them says here:

"By noon to-day," said one of the officers, "50,000 telegrams will have been sent from Chicago, 25,000 from St. Louis, 20,000 from Cincinnati, 20,000 from Milwaukee, 15,000 from Detroit, 15,000 from Cleveland, and lesser amounts from smaller cities throughout the country."

Messages running up into the hundreds of thousands of dollars are being sent out of Chicago from the embargo conference, expressly worded to give them the appearance of a spontaneous expression of public sentiment, when in fact they have been deliberately procured and have been lying in cold storage for a month or more.

WHY THIS PROPAGANDA?

There are some other things that I should like to know. I should like to know what this person means by saying "our information is of the best." The United States had sent its message to Germany. There was nothing more to be given out from Washington, from the White House, and here they say that this is "the gravest crisis in the history of all our negotiations," and that their "information is of the best." Are they already foretelling, I want to know, the reply that we are going to get to our note? Do they pretend to know what Germany is going to do in reply to our note? Why, what is the object, I ask, of sending these telegrams here after our message has been transmitted to Europe and before we have received a reply? What useful purpose is it going to serve?

If, as I said before, these letters were the spontaneous expression of hundreds of thousands of people who wanted to keep us out of war, would this Chicago headquarters cause their telegrams to come in at a time when the decision is hanging in the balance over in Berlin? Do they think for a moment that two hundred or three hundred thousand telegrams that have been sent here by citizens of the United States protesting, in effect, against our Government's action are going to persuade a foreign Government to yield to our rightful and just demands? Or are they better calculated, I want to ask, to strengthen another country in the belief that we, as Americans, recognize the justice of their claims and thus to give them timely advice that they need not yield to us, because, in the event that they do not yield to us, then we will yield to them?

I say I can not see what useful purpose these telegrams can serve at this time. I can see, perhaps, that they might have served a useful purpose if an unfavorable answer had been returned to the message of the President and when it was a question of war or peace, but the immediate question that is up now is not war or peace. The immediate question that is up now before us is whether Germany is going to yield or whether we are going to yield; and here we have two or three hundred thousand citizens of the United States, by procurement of a hostile agency, publicly expressing in effect the idea that we are in the wrong and that Germany is in the right. I want to ask whether they believe, when they sent those telegrams here, that they are going to be helpful to the country in keeping us out of war and in maintaining peace? Or is it perhaps the case that these procurers and some of the senders even wish or hope that the submarine warfare may be continued in order to compel us to yield to the universal sentiment for peace and let a foreign country go on with its shocking and horrifying work?

WHAT IS THIS EMBARGO CONFERENCE?

I should like to know how this organization was initiated, how it was and is being financed, and what powers or influences are back of it. Remember that the letter dated April 24, which I have read to you, declared that it was necessary to have these telegrams in the hands of Senators and Representatives by Wednesday. April 24 was Monday, and these telegrams were received here on Wednesday to the number of two or three hundred thousand. I am informed that these telegrams came from every nook and corner in the United States and arrived here on schedule time according to the directions on the top of the blank telegraphic forms.

In other words, the string was pulled in Chicago on Monday. The response came on Wednesday in the shape of hundreds of thousands of telegrams from every part of the United States. What organization in the United States can equal that record? Is it even possible for either of the great political parties or for the United States Government itself to equal it?

Now, Mr. President, this is no common, irresponsible organization, but one carefully and scientifically organized. There is more to this than the names of the insignificant men appearing on the letterhead; and so I say I want to know who is the builder of this organization, who or what is the moving spirit of it, and what is its sinister end.

I should like to have the roster of American citizens who are lending themselves to the execution of the ultimate design and purpose of this organization, and I should also like to have their names published in the press of the Nation so that we may know who they are.

These are among the thoughts that have occurred to me. No good can come of this publication of American differences; and I want to say, at least, as one Member of the Senate—and I hope I am expressing the unanimous sentiment—that this is no time to make a public exhibition of our differences to Germany. If we are sincere in our efforts to have peace we can only get it by keeping the respect, at least, of those with whom we are now negotiating. But if our citizens, either thoughtlessly or otherwise, are intent upon showing and disclosing to the European countries that they need not be afraid, that our notes mean nothing, if we mean to assure them in advance that we do not want even to hurt their feelings, what respect have they or will they continue to have for our notes? If they know that we are merely indulging in sending notes and that there is no force or strength back of that diplomacy backed and sustained by a united Nation, I wonder and I ask how do you expect to get any different results than a disagreement, and thus you bring about the very thing you are trying to avoid and to save us from? If you want a real crisis, all that is necessary is to inform those foreign countries with whom we are now negotiating that, no matter what they do or say they need have

no fear; that we want peace; that we will talk and will not fight, no matter what the cause—in short, that they may work their will on us; that they are safe, no matter what they do!

A good many hundreds of our citizens have been sent to the bottom of the sea. Of course we have resented it and have protested against it, but many of our citizens thought that we should warn our people to keep off the sea. Here the other day a man was arrested with papers upon his person, it is reported, which indicate that he may be a party to the work that is going on, and immediately there is talk to the effect that Germany will break off relations with us because we arrested her man!

Part of the press of the United States and some of our citizens who had favored the warning of our own citizens thought Germany might have just cause for breaking diplomatic relations because of the arrest of a German subject. Is it more hazardous to put a citizen of a foreign country in jail than it is to send hundreds of American citizens down to the bottom of the sea?

I say that I want these letters and these telegrams referred to the appropriate committee. I should like to have a sample of each one put into the RECORD for the purpose of enabling other Members of Congress to compare theirs with these, in order to convince themselves of the fact that the protests came not from their people, but from an influence beyond their State.

I want to say now that my sole object in discussing the matter to-day is to call the attention of the country and the Senate to the things that are going on in this country. I for one can not look with complacency or tolerance on any movement that seeks to poison the people of this country against their own Government. This is no time for taking chances; and I for one think that this Government may well take notice of these movements that are going on, and follow them up to their poisonous sources. I do not believe that any respectable Government will want to admit that it is carrying on a propaganda in this country. If it is, however, this Government should stop it once and for all. This Government can not afford to suffer any foreign Government to incite or attempt to incite our people, and any such attempt, if attempt there is, should immediately and promptly be made an end of. I believe that this country should waste no time before trying to put its finger on the heart of this sinister activity.

We can only have one end eventually, no matter how many crises we may pass. We may pass this crisis, we may pass another crisis, and still another, and still a hundred more; but it must be plain to everybody that if this war continues for another year or two, and incidents like those of the past against our rights continue, it can lead only to one end. No person or influence or power can make our people continue indefinitely to endure it.

THE MAIN ISSUE.

We all want peace. I hope that as long as I am a Member of this body I may never have to vote for a declaration of war. I do not want to vote for any declaration of war. I want peace, and I know every other Senator in the Chamber wants peace. It is only a question of how you are going to keep it. How are you going to get it? Are you going to get it by permitting this kind of business to go on in this country, unrebuked and unpunished? Are you going to have peace by debating in an academic way who is doing us the most injury—the allies of Great Britain or the allies of Germany? Instead of considering the question of our rights as against Germany, the controversy seems to have shifted as to which of the two belligerents are doing us the greatest injury. Which of these combinations is doing its best to drive us into war; which of these countries is most—I will not say insolent—but most regardless of our rights; which one is trying to put the barb into us the deepest?

I say we have lost sight of the main issue and are engaging in academic discussions instead of digging out the main issue. And what is the main issue? At this time the main issue for our citizens is this: Are we right or are we wrong in our controversy with Germany, and are you with or are you against the United States? If we are right, can we afford to abandon the right and condone a wrong, or shall we admit that we are mistaken, even though we know we are right, and thus condone a wrong and repudiate our rights?

We must settle these things one at a time; and I want to take occasion in just a few words to state my position.

I am for the United States against Germany or Austria or Great Britain or Russia or France or Japan or Turkey or any other nation on the face of the earth when opposed to us; I do not care what they are or who they are. I want each and every nation to respect our rights, as we propose to respect theirs; and I will not conceal the fact that I was in hopes long ago that Germany would yield and recognize our rights, so that we might straightway and promptly turn our undivided attention to other flagrant violations of our rights on the part of other countries. I believe that Germany has been standing in her own light. I believe that in her refusal to bow and yield to the rightful demands of the United States she has in a way hindered and obstructed herself, because I believe there is a sentiment in this country which is that we shall play no favorites, but defend our rights, no matter how or by whom invaded. There is also a belief prevailing in this country that as long as the lives of our citizens are the issue that must be settled first; and then, I say, I believe there is a further sentiment in this country that when that is settled, and settled right, we should turn our attention to those who are wronging us in other ways, and make them see the right also.

That is the attitude that I want to take in this body, and the attitude that I think is the proper and just and right one. In this controversy that lies nearest to our right hand I believe it is absolutely necessary, in order to convince Germany that we mean business, that the country as one man should put themselves back of a President who has used his talents, his genius, his time, his energy, and all his other qualities of hand and heart with which Nature has so richly endowed him, to keep us out of war and preserve our honor. I say such a President as that deserves the support, in my humble opinion, of the humblest citizen in the land, as well as that of every Senator in this body.

NOT SENTIMENT OF NATION.

Now, I have said that these hundreds of thousands of telegrams might have the effect of encouraging Germany to maintain its position and put us in a position where we must yield or break off diplomatic relations. I want to remind, however, those whom it may concern that the expressions of these telegrams in the main are not the spontaneous utterances of our people, but as it clearly appears from what has already been said these are merely the repetition of some force, by some "us," seeking to hinder, delay, and obstruct the peaceful negotiations of this country with Germany. These are, therefore, not in the main the expression of the sentiment of the people whose names are attached to these telegrams except in so far as they reflect the universal desire on the part of our countrymen for peace, but a peace that must be consistent with honor and with American traditions of preserving American lives and American rights.

Let no foreign nation be deluded or deceived into the belief that American citizens will not support their American Government always. Let every foreign country be duly advised that if the time should come, which God forbid, when the American Government must take a stand which may involve a breach of diplomatic relations or involve us in even worse than that, that America as one man will leap to the defense of our flag, to the defense of our Government, to the defense of the lives of our citizens and of our sacred honor.

Mr. WORKS. Mr. President, I have received something over a hundred of the telegrams to which the Senator from Wisconsin has referred so feelingly. It had not occurred to me to take exception to the contents of the telegrams or to criticize the American citizens who sent them. My constituents in California have a perfect right to express their views to me upon any public question. I have never resented it at any time. So has any American citizen in any State of the Union the right to express his sentiments to me or any other Senator.

There is no question before the Senate now. This whole matter is in the hands of the executive department. That department is responsible for whatever may be done. Until it comes in proper course before Congress I myself have felt that it ought not to be agitated under the present conditions. I think the President of the United States should be left to determine what shall be done under existing conditions, and that the Congress of the United States should be free when any responsibility is cast upon it to deal with this matter independently and freely. I am, therefore, astonished that any Member of this body should make such a speech as we have just listened to.

Mr. President, this is a solemn occasion. Everyone who stops to think about it realizes that the situation is a delicate one and that something may happen at any time that would precipitate a most unfortunate conflict with one or the other of the belligerent nations. Certainly we, as representatives of the people of this Republic, should not aid by anything that we may say or do to agitate the public mind and bring about any such consequences.

Therefore, Mr. President, I have not felt it to be any part of my duty to bring these telegrams before the Senate. They come properly to me. I have no sense of criticism of the people who have sent them. It does not make any difference to me whether they have been sent voluntarily and without suggestion by any single citizen or whether they have been suggested by somebody else. I assume that whenever a citizen attaches his name to one of the telegrams he is expressing his own sentiments, no matter who suggests it to his mind.

I think, Mr. President, the conditions are such that a Senator might well be admonished, as the Senator from Wisconsin has admonished the people who sent these telegrams, that it is a good time to be silent until we are called upon to act and speak.

Mr. POMERENE. Mr. President, I had not intended to say a word upon this subject, but, in view of the discussion to which we have listened, I simply desire to say this: I have received four or five hundred of these telegrams. Their character was such that it was evident to the merest tyro they were sent from some inspired source.

I am always glad to hear from my constituents on every subject that is attracting the attention of the public. I am particularly pleased to hear from them when I know that their messages contain their real sentiments and that they are not the mere conveyors of the sentiments or thoughts which may inspire the breast of some one who is actuated by some ulterior purpose.

Mr. President, I very much regret this campaign for this reason: The method which has been adopted casts a suspicion upon the motive of the man who started it. Evidently the telegrams themselves indicate a purpose of hostility against this Government. A campaign of this kind can not serve either the cause of truth or the cause of peace. It is for that reason that I regret that it has been started.

I do not care to occupy the attention of the Senate further in this matter, except to express my disapproval of the methods which have been adopted by those who are back of the movement.

Mr. HUSTING. Mr. President, I hope the Senate will indulge me a moment in reply to the remark of the senior Senator from California [Mr. WORKS].

Mr. ROBINSON. Will the Senator from Wisconsin permit me to suggest that this subject might well be left until after the close of morning business?

Mr. HUSTING. I shall take only a moment.

Mr. ROBINSON. Very well; I shall not make any objection.

Mr. HUSTING. Mr. President, I merely wish to say in reply to the remark of the Senator from California, who admonishes me that my remarks may have been out of order, or, rather, not in place at this time, that, of course, as a younger Member of this body, I am glad many times to defer to the opinions of senior Members, but I do want to say further that the Senator from California has made remarks here in regard to this administration and this Government at other times that would have impelled me to admonish him if I considered it proper to admonish a Senator from another State, who, I take it, is primarily answerable for his conduct to his State and country.

I want to conclude by remarking that I have spoken at length this afternoon because I thought it high time to bring this movement out into the open air where it can best be treated, and that with all due deference to the senior Senator from California he will have to permit me as long as I am a Member of this body as the representative, in part, of a great State to exercise my own judgment as to the propriety of any action which I may take or of making any remarks which I choose to make within parliamentary limits.

Mr. SHERMAN. Mr. President, I present a telegram on the same subject referred to by the junior Senator from Wisconsin [Mr. HUSTING]. I do not ask to have it read, but that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram is as follows:

MAYWOOD, ILL., *April 24, 1916.*

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

If warlike rumors coming from Washington are true, will you let me reassure you that the great majority of your constituents stand for peace. Believe war now unnecessary and uncalled for, and will resent being participated into the European conflict.

CHARLES BROBERG,
1618 South Seventh Avenue.

Mr. SHERMAN. The telegram of itself is unobjectionable. It is the number and circumstances that are out of the ordinary.

If the Senate will indulge me for a few moments, I wish to say that I have on the same subject about 4,000 similar telegrams in my office. It is inexpedient to take much time this morning. The Senator from Wisconsin has gone into the matter at length, and to some degree he, as well as the Senator from Ohio [Mr. POMERENE], voices my sentiments.

These telegrams, under the conditions, I wish to say will not change in any manner my vote or my conduct in this body. The right of petition is a sacred one in a republican form of government and is respected by the Senate. This is evidenced by the time taken and the extreme liberality with which the Senate regards such communications.

But, Mr. President, the right of petition is always one that ought to present the volition as well as the initiative of the petitioner. In my judgment, the great number of telegrams that have come to certain Members of the Senate do not represent either the initiative or the volition of the person signing such petitions or telegrams. They indicate, in my opinion, so far as I can collect evidence on that subject, the activities of the American Embargo Conference, which seeks to close the neutral markets of our country against the belligerents in the European war.

I probably will not suit either side on pending controversies relating to our foreign affairs. I shall vote, Mr. President, against closing our markets to the purchase of war supplies by any belligerents that can enter our markets and arrange satisfactory terms of purchase with our people. I do that because I wish to defend the rights of my own country to purchase in the markets of the world if we unfortunately are at war. The defense of the right to sell to belligerents as a neutral nation constitutes the defense of our right to buy when we are belligerents in a neutral market wherever it may be deemed advantageous to us.

I do not agree with many of the matters in which this administration is called on to act, but I regard the American Embargo Conference, which I regard as the responsible author of these communications, as having misplaced its activities. Whatever I may do hereafter in voting upon peace or war or in sustaining or opposing the administration, if it should break off its diplomatic relations with foreign powers, will be decided when it is reached, if unhappily it must. On any existing ground at this time I am opposed to war and shall vote for peace.

I am an American and a neutral, and so being neutral I deplore the ex parte activities of those who are not neutral in arousing this flood of petitions. The excitement caused among our people by such procedure is harmful to our neutrality and our continued domestic peace.

I wish to say, Mr. President, in the few moments that I shall take, that these communications are, in my judgment, an abuse of the right of petition. They are thrusting upon this body those communications in a way that is intended to be a menace and not a legitimate argument, and whatever my views may be, and to some degree I sympathize upon other questions with these petitioners or with those who are active in the American Embargo Conference, I regard these numerous petitions as not only a perversion of the right of petition, but as an unworthy menace upon the liberty of action and of judgment of the Senate, and to that degree I regret its occurrence.

MIGRATORY BIRD REGULATIONS.

I wish to offer further, Mr. President, upon another matter, a petition presented to me by certain citizens of the State of Illinois relating to the United States Biological Survey relative to a revision of the migratory bird regulations for Illinois, and I wish to add in addition a few words. I am aware with what relief it falls upon the Senate like a blessed benediction. I did it designedly in order that the tension might be relieved.

Mr. ROBINSON. Mr. President, a parliamentary inquiry.

Mr. SHERMAN. Just a moment, on the last petition I have presented.

Mr. ROBINSON. Will the Senator permit me to indulge the hope that we may proceed with the morning business in a very short time?

Mr. SHERMAN. Very well; I shall certainly take but a moment. The complaint of the petition is that the Biological Survey has interfered with the legitimate rights of a number of sportsmen in various rivers, either the Mississippi or the tributary rivers, and the complaint is upon that ground. They regard the bureau as having become somewhat ossified in its conduct and very dictatorial in its regulations.

The VICE PRESIDENT. The petition will be referred to the Committee on Forest Reservations and the Protection of Game.

ARMED MERCHANT SHIPS (S. DOC. NO. 420).

Mr. NELSON. Mr. President, I have in my hand a statement issued by the State Department defining the attitude of the United States toward armed merchant ships in neutral ports and on the high seas. It was published in full in last night's Star. On account of the importance of the subject, I ask that it may be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BRANDEGEE subsequently said: The Senator from Minnesota [Mr. NELSON] asked to have printed as a document a moment ago the statement which was issued by the Department of State in relation to the question of armed merchantmen. I should like to ask that it be printed in the RECORD also. It is a statement from a department of the Government on a very important matter. While the Senator from Utah [Mr. SMOOT], from the Committee on Printing, usually objects to both these courses being taken, I am quite certain that it would be much

more serviceable if printed in the RECORD than printed as a document, and I hope he will waive his objection to both being done in this instance.

Mr. SMOOT. I wish to say to the Senator that I understood the request of the Senator from Minnesota was that it be printed in the RECORD.

Mr. BRANDEGEE. No; that it be printed as a document. If I had had my way and could have made a suggestion to the Senator I would have asked him to request that it be printed in the RECORD, where it would have a much wider circulation.

Mr. SMOOT. I will ask the Senator to defer his request until I confer with the Senator from Minnesota. I have no doubt he will agree to the suggestion.

Mr. LODGE. I thought the Senator from Minnesota asked that it might be printed in the RECORD.

Mr. BRANDEGEE. The Senator from Utah takes the ground that the Committee on Printing will not allow or does not advocate the printing in both the RECORD and as a document.

Mr. GALLINGER. Mr. President, I am a member of the Committee on Printing, and that matter has never been before the committee.

Mr. SMOOT. I wish to state that the Joint Committee on Printing has time and again discussed the question as to whether matter should be printed in the RECORD and printed as a public document, and the position taken by the Joint Committee on Printing is that any particular article could be printed either in the RECORD or as a public document. If it is printed in the RECORD, it can be circulated exactly the same as a public document. It virtually becomes a public document, because it can be printed by itself or it can be taken as a part of the RECORD and sent through the mails in that way. That is the reason why the committee has taken this position. I believe it is the right one, and as long as I can object I am going to object.

Mr. BRANDEGEE. I will say to the Senator that it seems to be purely a technical objection on his part, because anybody can read it into the RECORD, and it may as well be printed in the RECORD and not take up the time of the Senate to read it.

Mr. SMOOT. I have no objection to printing it in the RECORD, I will say, if the Senator desires it.

Mr. NELSON. I have no objection to that course, but I want to have it printed also as a document.

Mr. LODGE. There is no reason why it should not be printed in both forms.

Mr. CLARK of Wyoming. Mr. President, a parliamentary inquiry. Does a single objection bar the request?

The VICE PRESIDENT. To print in the RECORD?

Mr. CLARK of Wyoming. Yes.

Mr. BRANDEGEE. I assume that a vote of the Senate could be taken on the question, but I hardly thought it was necessary to make a motion. I was simply asking the Senator from Utah to agree in this case that an important communication from the Department of State might be printed in the RECORD.

Mr. SMOOT. I have no objection, as far as the subject matter is concerned, to have it printed both ways, but I have been trying to be consistent in this matter.

The VICE PRESIDENT. It is very easy to settle the question. Is there objection to printing the statement in the CONGRESSIONAL RECORD? The Chair hears none, and it is so ordered. The Senator from Minnesota requests that it be printed as a public document.

Mr. NELSON. That has already been ordered.

Mr. SMOOT. I understand that the Chair was asking whether it should be printed in the RECORD, and that it was not going to be printed as a public document.

The VICE PRESIDENT. We can settle that question. All in favor of printing the article as a public document will say aye, contrary no. [Putting the question.] The ayes have it, and it is so ordered.

The statement referred to is as follows:

A statement from the State Department defining the attitude of the United States toward armed merchant ships in neutral ports and on the high seas was made public to-day by the State Department by direction of President Wilson. It originally was prepared as a circular note to other powers, but it later was decided to issue it as a statement.

TEXT OF STATEMENT.

The statement is as follows:

"The status of an armed merchant vessel of a belligerent is to be considered from two points of view: First, from that of a neutral when the vessel enters its ports, and, second, from that of an enemy when the vessel is on the high seas.

"FIRST. AN ARMED MERCHANT VESSEL IN NEUTRAL PORTS.

"(1) It is necessary for a neutral government to determine the status of an armed merchant vessel of belligerent nationality which enters its jurisdiction in order that the Government may protect itself from responsibility for the destruction of life and property by permitting its ports to be used as bases of hostile operations by belligerent warships.

"(2) If the vessel carries a commission or orders issued by a belligerent government and directing it under penalty to conduct aggressive operations, or if it is conclusively shown to have conducted such operations, it should be regarded and treated as a warship.

"(3) If sufficient evidence is wanting, a neutral government, in order to safeguard itself from liability for failure to preserve its neutrality, may reasonably presume from the facts the status of an armed merchant vessel which frequents its waters. There is no settled rule of international law as to the sufficiency of evidence to establish such a presumption. As a result a neutral government must decide for itself the sufficiency of the evidence which it requires to determine the character of the vessel. For the guidance of its port officers and other officials a neutral government may therefore declare a standard of evidence, but such standard may be changed on account of the general conditions of naval warfare or modified on account of the circumstances of a particular case. These changes and modifications may be made at any time during the progress of the war, since the determination of the status of an armed merchant vessel in neutral waters may affect the liability of a neutral government.

"SECOND. AN ARMED MERCHANT VESSEL ON HIGH SEAS.

"(1) It is necessary for a belligerent warship to determine the status of an armed merchant vessel of an enemy encountered on the high seas, since the rights of life and property of belligerents and neutrals on board the vessel may be impaired if its status is that of an enemy warship.

"(2) The determination of warlike character must rest in no case upon presumption, but upon conclusive evidence, because the responsibility for the destruction of life and property depends on the actual facts of the case and can not be avoided or lessened by a standard of evidence which a belligerent may announce as creating a presumption of hostile character. On the other hand, to safeguard himself from possible liability for unwarranted destruction of life and property the belligerent should, in the absence of conclusive evidence, act on the presumption that an armed merchantman is of peaceful character.

"(3) A presumption based solely on the presence of an armament on a merchant vessel of an enemy is not a sufficient reason for a belligerent to declare it to be a warship and proceed to attack it without regard to the rights of the persons on board. Conclusive evidence of a purpose to use the armament for aggression is essential. Consequently an armament which a neutral government, seeking to perform its neutral duties, may presume to be intended for aggression might, in fact, on the high seas be used solely for protection. A neutral government has no opportunity to determine the purpose of an armament on a merchant vessel unless there is evidence in the ship's papers or other proof as to its previous use, so that the government is justified in substituting an arbitrary rule of presumption in arriving at the status of the merchant vessel. On the other hand, a belligerent warship can on the high seas test by actual experience the purpose of an armament on an enemy merchant vessel and so determine by direct evidence the status of the vessel.

"SUMMARY OF CONTENTIONS.

"The status of an armed merchant vessel as a warship in neutral waters may be determined, in the absence of documentary proof or conclusive evidence of previous aggressive conduct, by presumption derived from all the circumstances of the case.

"The status of such vessel as a warship on the high seas must be determined only upon conclusive evidence of aggressive purpose, in the absence of which it is to be presumed that the vessel has a private and peaceable character, and it should be so treated by an enemy warship.

"In brief, a neutral government may proceed upon the presumption that an armed merchant vessel of belligerent nationality is armed for aggression, while a belligerent should proceed on the presumption that the vessel is armed for protection. Both of these presumptions may be overcome by evidence—the first by secondary or collateral evidence, since the fact to be established is negative in character; the second by primary and direct evidence, since the fact to be established is positive in character."

II.

The character of the evidence upon which the status of an armed merchant vessel of belligerent nationality is to be determined when visiting neutral waters and when traversing the high seas having been stated, it is important to consider the rights and duties of neutrals and belligerents as affected by the status of armed merchant vessels in neutral ports and on the high seas.

"FIRST. THE RELATIONS OF BELLIGERENTS AND NEUTRALS AS AFFECTED BY THE STATUS OF ARMED MERCHANT VESSELS IN NEUTRAL PORTS.

"(1) It appears to be the established rule of international law that warships of a belligerent may enter neutral ports and accept limited hospitality there upon condition that they leave, as a rule, within 24 hours after their arrival.

"(2) Belligerent warships are also entitled to take on fuel once in three months in ports of a neutral country.

"(3) As a mode of enforcing these rules a neutral has the right to cause belligerent warships failing to comply with them, together with their officers and crews, to be interned during the remainder of the war.

"(4) Merchantmen of belligerent nationality, armed only for purposes of protection against the enemy, are entitled to enter and leave neutral ports without hindrance in the course of legitimate trade.

"(5) Armed merchantmen of belligerent nationality under a commission or orders of their government to use, under penalty, their armament for aggressive purposes, or merchantmen which, without such commission or orders, have used their armaments for aggressive purposes, are not entitled to the same hospitality in neutral ports as peaceable armed merchantmen.

"SECOND. THE RELATIONS OF BELLIGERENTS AND NEUTRALS AS AFFECTED BY THE STATUS OF ARMED MERCHANT VESSELS ON THE HIGH SEAS.

"(1) Innocent neutral property on the high seas can not legally be confiscated, but is subject to inspection by a belligerent. Resistance to inspection removes this immunity and subjects the property to condemnation by a prize court, which is charged with the preservation of the legal rights of the owners of neutral property.

"(2) Neutral property engaged in contraband trade, breach of blockade, or unneutral service obtains the character of enemy property and is subject to seizure by a belligerent and condemnation by a prize court.

"(3) When hostile and innocent property is mixed, as in the case of a neutral ship carrying a cargo which is entirely or partly contraband, this fact can only be determined by inspection. Such innocent property may be of uncertain character, as it has been frequently held that it is more or less contaminated by association with hostile property. For example, under the declaration of London (which, so far as the provisions covering this subject are concerned, has been adopted

by all the belligerents) the presence of a cargo which in bulk or value consists of 50 per cent contraband articles impresses the ship with enemy character and subjects it to seizure and condemnation by a prize court.

"HAVE THE RIGHT TO ARM.

"(4) Enemy property, including ships and cargoes, is always subject to seizure and condemnation. Any enemy property taken by a belligerent on the high seas is a total loss to the owners. There is no redress in a prize court. The only means of avoiding loss is by flight or successful resistance. Enemy merchant ships have therefore the right to arm for the purpose of self-protection.

"(5) A belligerent warship is any vessel which, under commission or orders of its Government imposing penalties or entitling it to prize money, is armed for the purpose of seeking and capturing or destroying enemy property or hostile neutral property on the seas. The size of the vessel, strength of armament, and its defensive or offensive force are immaterial.

"(6) A belligerent warship has, incidental to the right of seizure, the right to visit and search all vessels on the high seas for the purpose of determining the hostile or innocent character of the vessels and their cargoes. If the hostile character of the property is known, however, the belligerent warship may seize the property without exercising the right of visit and search, which is solely for the purpose of obtaining knowledge as to the character of the property. The attacking vessel must display its colors before exercising belligerent rights.

"(7) When a belligerent warship meets a merchantman on the high seas which is known to be enemy owned and attempts to capture the vessel, the latter may exercise its right of self-protection either by flight or by resistance. The right to capture and the right to prevent capture are recognized as equally justifiable.

"RIGHT OF CAPTURE LIMITED.

"(8) The exercise of the right of capture is limited, nevertheless, by certain accepted rules of conduct based on the principles of humanity and regard for innocent property, even if there is definite knowledge that some of the property, cargo as well as the vessel, is of enemy character. As a consequence of these limitations, it has become the established practice for warships to give merchant vessels an opportunity to surrender or submit to visit and search before attempting to seize them by force. The observance of this rule of naval warfare tends to prevent the loss of life of noncombatants and the destruction of innocent neutral property which would result from sudden attack.

"(9) If, however, before a summons to surrender is given a merchantman of belligerent nationality, aware of the approach of an enemy warship, uses its armament to keep the enemy at a distance, or after it has been summoned to surrender it resists or flees, the warship may properly exercise force to compel surrender.

"(10) If the merchantman finally surrenders, the belligerent warship may release it or take it into custody. In the case of an enemy merchantman it may be sunk, but only if it is impossible to take it into port, and provided always that the persons on board are put in a place of safety. In the case of a neutral merchantman the right to sink it in any circumstance is doubtful.

"(11) A merchantman entitled to exercise the right of self-protection may do so when certain of attack by an enemy warship; otherwise the exercise of the right would be so restricted as to render it ineffectual. There is a distinct difference, however, between the exercise of the right of self-protection and the act of cruising the seas in an armed vessel for the purpose of attacking enemy naval vessels.

"WHEN THEY LOSE STATUS.

"(12) In the event that merchant ships of belligerent nationality are armed and under commission or orders to attack in all circumstances certain classes of enemy naval vessels for the purpose of destroying them, and are entitled to receive prize money for such service from their Government or are liable to a penalty for failure to obey the orders given, such merchant ships lose their status as peaceable merchant ships and are to a limited extent incorporated in the naval forces of their Government, even though it is not their sole occupation to conduct hostile operations.

"(13) A vessel engaged intermittently in commerce and under a commission or orders of its Government imposing a penalty, in pursuing and attacking enemy naval craft, possesses a status tainted with a hostile purpose which it can not throw aside or assume at will. It should, therefore, be considered as an armed public vessel and receive the treatment of a warship by an enemy and by neutrals. Any person taking passage on such a vessel can not expect immunity other than that accorded persons who are on board a warship. A private vessel engaged in seeking enemy naval craft, without such a commission or orders from its Government, stands in a relation to the enemy similar to that of a civilian who fires upon the organized military forces of a belligerent, and is entitled to no more considerate treatment."

REPORTS OF COMMITTEES.

Mr. ROBINSON, from the Committee on Interstate Commerce, to which was referred the bill (S. 3069) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce,"' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1913, reported it with an amendment and submitted a report (No. 394) thereon.

He also, from the Committee on Claims, to which was referred the bill (H. R. 3794) for the relief of Thomas S. Johnson, reported it without amendment and submitted a report (No. 393) thereon.

Mr. SHEPPARD. For the senior Senator from Louisiana [Mr. RANSDELL], who is detained from the Senate, I report from the Committee on Commerce the bill (S. 4760) to authorize the change of name of the steamer *Normania* to *William F. Stifel*, and I submit a report (No. 400) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 3618. A bill authorizing the Secretary of the Interior to subdivide the southeast quarter of section 18, township 46 north, range 4 west, Boise meridian (the same being that portion of the town site of Plummer, Benewah County, Idaho, not yet platted), into 5-acre tracts for sale, and for other purposes (Rept. No. 398); and

S. 4287. A bill to grant unsurveyed islands to the State of Minnesota for forestry purposes (Rept. No. 399).

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3617. A bill for the relief of Elizabeth Davis (Rept. No. 395); and

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes (Rept. No. 397).

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 113) for the relief of Fred White, reported it without amendment and submitted a report (No. 396) thereon.

G. B. DICKSON.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 8067) to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes, and I submit a report (No. 392) thereon.

Mr. ROBINSON. Mr. President, I ask unanimous consent for the present consideration of that bill. My physical condition is such that I have been unable to be in the Senate for the last few days, and after to-day I expect to be absent for some time. I should like to have the bill disposed of before leaving the city. It is a private bill, and of no great importance, except to the claimant.

Mr. GALLINGER. Let the bill be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to that portion of land, the title of which is now in the United States of America, comprised in section 16, township 14 north, range 6 east, in the county of Craighead, State of Arkansas, to G. B. Dickson, the present occupant of the land, upon proof by him that there are no adverse claimants and that he has continuously occupied the land since January 1, 1882.

Mr. ROBINSON. If unanimous consent be given for the present consideration of the bill, I desire to offer an amendment which has been suggested, namely, after the word "land," in line 10, to insert the words "in person or by tenant." This is done to relieve the bill from the possibility of ambiguity. I do not think the amendment is necessary, but it has been thought to be so by others.

Mr. CLARK of Wyoming. How will the bill read if amended as proposed by the Senator from Arkansas?

The VICE PRESIDENT. The Secretary will read the language as proposed to be amended.

The SECRETARY. If amended as proposed by the Senator from Arkansas, the language will read:

And that he has continuously occupied the land in person or by tenant since January 1, 1882.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMPSON:

A bill (S. 5770) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Pensions.

A bill (S. 5771) for the relief of Sylvester P. Hill (with accompanying papers); to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 5772) to provide for the sinking of artesian wells, and for other purposes; to the Committee on Public Lands.

A bill (S. 5773) for the relief of G. W. Kates; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 5774) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, and amended April 5, 1910; to the Committee on Interstate Commerce.

A bill (S. 5775) granting a pension to J. A. Swaim; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5776) to amend certain public-utility company franchises in the Territory of Hawaii; and

A bill (S. 5777) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. CHAMBERLAIN:

A bill (S. 5778) granting an increase of pension to Emma E. Boswell (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 5779) granting a pension to Alonson V. Dean (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5780) granting an increase of pension to Kate K. Henry (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5781) to amend an act entitled "An act to regulate commerce"; to the Committee on Interstate Commerce.

By Mr. PAGE:

A bill (S. 5782) granting a pension to Delia L. Trask (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. MYERS submitted an amendment proposing to appropriate $50,000 to enable the Secretary of the Interior to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid portions of northern Montana, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RURAL CREDITS.

Mr. STERLING submitted two amendments intended to be proposed by him to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which were ordered to lie on the table and be printed.

GLIMPSES OF OUR NATIONAL PARKS.

Mr. SAULSBURY submitted the following resolution (S. Res. 180), which was read and referred to the Committee on Printing:

Resolved, That the Public Printer be, and he is hereby, authorized and instructed to cause to be printed 1,000 copies, for the use of each Senator, of National Park Service bulletin known as "Glimpses of our National Parks."

RURAL CREDITS.

Mr. THOMPSON. Mr. President, I desire to give notice that on Saturday next, the 29th instant, following the routine morning business, I shall address the Senate on the pending Federal farm-loan bill.

GOOD ROADS.

The VICE PRESIDENT. The morning business is closed.

Mr. BANKHEAD. Mr. President, I move that the Senate proceed to the consideration of House bill 7617, commonly known as the good-roads bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from Ohio [Mr. POMERENE].

Mr. LODGE. Mr. President, the amendment proposed by the Senator from Ohio [Mr. POMERENE], it seems to me, is an eminently sensible one. It has met with an opposition which is very illuminating in regard to the main purposes of this bill. The Senator from Ohio described the character of roads with which we are all extremely familiar—we can see them by going a very few miles from this Capitol—roads which are annually repaired by the town or the county or the neighborhood. The repairing consists in digging out in springtime the washings of the winter on either side, piling them up in the middle of the road, and putting the road in such condition that it is fairly open to travel for that locality during the summer and autumn seasons. The work has no permanent quality whatever; it does not mean the building of good roads in any sense by the production of something permanent, while the purpose of this bill ought to be the development of good highways and main traveled roads extending between different States; that is, it should have a national character, a real value to all the people of the United States, who have to pay the bill. But this bill is a proposition to get the United States to dump in a certain amount of money annually for the temporary improvement of some local road—very local—which has no part in the great system of highways throughout the country. It is exactly like expecting the United States to come into a town which is not very well off to spend money to remove the snow or the mud in the spring, or something of that kind. This kind of temporary work has no relation to the building of good roads, as properly understood.

The opposition to the amendment proposed by the Senator from Ohio, as I have said, illustrates what I have felt from the beginning from an examination of this bill—that its primary purpose is the distribution of a large sum of money from the Treasury of the United States among deserving States and deserving voters.

I am as heartily in favor of good roads and of everything that can be done to develop good roads as anyone can possibly be. I have supported the development of good roads in my own State, and the State has done an immense work in building good roads. We have already resurfaced and put in splendid condition over half the roads in the State. For that very reason I dislike very much to see $75,000,000, a large sum of money even for this country, taken out of the United States Treasury and spent nominally on roads, with results so trifling, even if we assume that the money will be spent in the best possible way, that this great amount should be practically wasted.

Take this amount with which we are dealing and make some comparisons. The State of New York has spent $82,000,000 on its roads. It has a total road mileage of 80,000 miles, in round numbers, and by the expenditure of $82,000,000 it has improved, put in proper conditon, and made really good roads of 22,000 miles, 27 per cent of the roads of New York. To improve those roads alone within the boundaries of the State of New York, 22,000 miles in length, the State has spent $82,000,000, and we are asked to improve the roads of the United States with an expenditure of $75,000,000.

The roads of the United States, in round numbers, represent 2,227,000 miles, and if this money is spent upon them in the best possible way—and a large part of it will undoubtedly be wasted—it would not affect 1 per cent or one-tenth of 1 per cent of the roads in the United States; and yet it is an enormous sum of money to take out of the United States Treasury, especially at a time when we need the money of the United States for other and, to my mind, far more important purposes, and at a time when the expenditures in all directions are very heavy.

The $75,000,000 if spent in the best possible way, as I have said, will accomplish little or nothing so far as the roads of the United States as a whole are concerned; but, Mr. President, we begin by taking 15 per cent of the money, about $11,000,000, I presume, and expending it on another bureau, to build up another great administrative department here in Washington.

We are overridden with bureaus now. We are creating so many, and we have so many, that the practical administration of the country is passing rapidly into their hands. They control Congress. By that I mean, for instance—to give an example which I have used before, and which I will use again—we have five surveys going on in this country, in many cases duplicating the work. An effort was made some years ago to

try to consolidate these surveys and save money to the country, but it was perfectly useless; the bureaus hopelessly beat those back of the effort, both in the Senate and in the other House, although we could get better work and save much money to the Government by organizing them purely on a business basis. This has been demonstrated here in regard to those surveys in past years, not once, but again and again. The late Senator from Colorado, Mr. Wolcott, a very brilliant Senator and a very brilliant man, devoted years to making a fight on the subject of the surveys, but gave it up in absolute despair because we were so controlled by the bureaus here in Washington.

We have at least three navies—I think four, perhaps; but certainly three. We have the Navy of the United States; we have the Coast and Geodetic Survey with a little navy; we have the Coast Guard Service with a little navy; and I think the Army has a little navy of its own. Attempts were made years ago, when I first came to Congress, to bring those naval forces under one head. It would, of course, have been infinitely better in administration, and it also would have strengthened our naval forces in time of war. Even then, as many years ago as that, the effort was hopelessly beaten by the bureaus.

Now, it is proposed to build up a new great bureau here to spend money on good roads. As a trifling beginning, $11,000,000, I believe, in five years is to be devoted to the purposes of administration—a mere nothing. Mr. President, if you inaugurate the system of appropriations provided by this bill, the fact that will impress the States and the people who receive it will be that the amount is so small that it does not really do any good; but you will have taught them to come to the United States Government for money to do the work which they ought to do themselves, and you will still further destroy the spirit of local self-government, the spirit of independence of the States in their own field of action. Appetite will grow by what it feeds upon, and out of this $75,000,000 which it is proposed to give to the States as a beginning will come annual appropriations which will make the worst river and harbor bill we ever had look wan and pale and slight and attenuated in comparison. It will reach such a point, when you once hold out to the people of the States that they can get money here in Washington, that they will come here with clamors, which can not be resisted, and this $75,000,000 will look like a trifle, a bagatelle; and yet $75,000,000 taken out of the Treasury is a huge sum of money to be added to the expenditures of the present time, some of which are vital.

Mr. President, the maintenance of a road is quite as important, if not more important, than the original building of the road. If you have a bad road and spend no money on it, you fail to get a good road, and save your money; that is all; but if you spend a good deal of money on a road and do not maintain it, you have lost an immense amount of money and still have a bad road. There is no sufficient provision in this bill for the maintenance of the roads. The clauses in regard to maintenance are slack, and it does not seem to me that those supporting this bill can possibly understand what the maintenance of a road means.

Of course it is sheer waste to spend money on a road, as is proposed by those who oppose the amendment of the Senator from Ohio, in digging out the spring washings and piling them into the middle of the road. That is not maintenance; that is temporary repair; but to keep the road really a good road, really a main traveled road, a national highway, it must be attended to constantly.

We have 8,000 miles of as good roads in Massachusetts as I have met with anywhere in the world. I have traveled on the beautiful roads of France and England and elsewhere, as well as in this country, and I know of no better roads than the State roads of my own State. They are extremely expensive to build. They cost $10,000 a mile, and if you double the width—as is the case in some places—$20,000 a mile. But the average running cost of the State roads is $10,000 a mile, built with tar, crushed stone, gravel, and so forth. Those roads cost $800,000 a year to maintain; that is, to keep the whole system up to the condition in which it was when first built involves an expenditure, on an average, of a thousand dollars a mile a year. I do not mean, of course, that a thousand dollars is spent on each of the 8,000 miles every year. The road will go for many years without needing repairs, and then you will have to spend two or three thousand dollars a mile on it; but, on an average, it costs a thousand dollars a mile a year to keep those roads in Massachusetts in proper order, and there is not any provision made in this bill sufficient to insure the maintenance of a road in the condition in which it will be when the Government money has been spent on it.

One last point, Mr. President, which I think is to be considered, but which is not likely to have much effect in the votes against the bill, because it represents only injustice to a minority.

It is always a pleasant thing to get something for nothing. There is no money so easy, so agreeable to spend as other people's money, and it is the money that is most surely wasted. Now, the State of Massachusetts—I will take my own State to illustrate—out of the last $25,000,000 to be expended under this bill will receive $380,000, and she will pay in taxes, based on the direct taxes levied by the Government, $1,400,000. Of that $25,000,000 the States of New York, Pennsylvania, Connecticut, and Massachusetts, and I think New Jersey—those five States—will pay half. Now, that is pleasant for the other States, but it is extremely unjust to the States from which the money is taken. The Senator from Mississippi [Mr. VARDAMAN] said the other day that New York was a rich State, and ought to pay for her own roads and pay for other people's roads because it is a rich State. That seems to me a strange doctrine, Mr. President. The framers of the Constitution of the United States took great pains to endeavor to make taxation as equal as possible, and the fact that one State has more money than another or is more prosperous than another is no reason why that State should pay the bills of the less prosperous States; but that is just what this bill does.

Let me take as an illustration the emergency-tax receipts for the fiscal year ended June 30, 1915. The total amount collected in the United States, in round numbers, was $52,000,000. Thirty-one million of the $52,000,000 was paid by Connecticut, Illinois, Indiana, Massachusetts, New Jersey, New York, Ohio, and Pennsylvania. Twenty-one million of the $52,000,000 was paid by the other 40 States. Those are direct taxes, falling on articles of consumption in the form of stamp taxes. We have no complaint to make about paying those taxes if our consumption and our use of stamps justifies it; but when you go beyond that and make us pay also for roads in distant parts of the country, under a bill from which we get no real benefit, it seems to me that it is extreme injustice, and I do not believe that laws rooted in injustice can or ought to prevail in the United States.

The first year of this bill my State will receive $76,000 in order to improve its roads. Mr. President, the annual expenditure for roads of Massachusetts by the State—which is over two million—counties, and towns is $6,600,000, and we are keeping our roads up not only for our own benefit but for the benefit of the whole country. New England is the great point of travel all through the summer, and those roads are open to the world free of charge. We get a reward no doubt in the travelers who are attracted by the fine roads, but none the less we are paying $6,600,000 a year to build those roads. Now the United States comes along and offers to give us $76,000 as an installment of five-year payments, and at the end of five years we shall have received $1,100,000 and paid to the Government $2,800,000. I really do not see why that money should be taken from us, because we pay a larger share of taxes than 40 other States.

These figures are used merely to illustrate what I consider the inherent injustice of the bill. That, as I have said, will have, I suppose, little or no effect on the vote of the Senate, but I wish to enter them as my protest against an injustice. The most serious objection, however, to the bill is, to my mind, that it will in no way advance the cause which we all have at heart. It will be a prodigious waste of Government money, with no corresponding result.

It is not as if we could spend $75,000,000 in five years in building certain great trunk lines of road through the country in different directions, as in the old days of internal improvements, when they built the great Cumberland Road, I think it was, over the mountains. That was a national improvement, and gave the whole country a great artery of commerce, and all the States, whether they benefited by it directly or not, or whether they paid a larger share of money or not, were ready and willing to contribute their full part to the construction of the road. But this is a proposal to take the money paid by a few States—in its result, that is where it comes out—in the form of a huge sum of money from the National Treasury, and then scatter it about in small sums here and there, helping a bit of local road here and another bit there, ninety-nine one-hundredths of the value being only to the immediate locality, of no national value whatsoever. This huge sum is to be taken for that purpose.

I think I am justified in saying that the primary purpose of this bill is the distribution of money from the United States Treasury, to be distributed, no doubt, to deserving localities and deserving voters; but the result in good roads will be negligible. It will keep a good many people busy, I have no doubt; and, if I may return for a moment to what I said at the beginning, it will stimulate the appetite for appropriations which are for local purposes, the appropriations which go where the votes are lying thickest. Already they are a terrific drain on the

United States. Now you are opening up another source of drain on the Treasury which will go beyond anything that ever has been undertaken. The river and harbor bill will be nothing to it. The public-buildings bill will be nothing to it. Before you get through with this business, the Panama Canal will look like a cheap enterprise; because, if the people in the various localities once see that they are getting money from the Treasury of the United States, the demand will come up to Congressmen and to Senators that they must have more and ever more money for roads, and they will all get together in order to get the money for the roads, for with the roads go votes; and the bill will assume proportions which will stagger even the wealth of the United States.

It is to my mind most dangerous legislation in that way. It is entering on these vast expenditures without any thought of the future, and with results in the direction at which the bill is supposed to aim which will be perfectly trivial. There is an idea abroad—all of us must have seen it in our correspondence and elsewhere—there is an idea abroad in many localities that you can take money out of the United States Treasury, and that it is like a conjurer picking silver dollars out of the air. Nobody has to pay it; that seems to be the idea. Our taxes are laid on the theory that they must not hurt anybody. We try to impose the taxes where the votes are fewest, which makes a clumsy, ill-balanced, bad system, without any regard for the laws of economy or sound taxation; and our expenditures, as I have said, are based on the exactly opposite doctrine of spending the money where the votes are lying thickest.

I am no crazy economist. I never have been. I always have believed in liberal but intelligent Government expenditures. But we are now plunging into a course of expenditure, apart from those which we must make for the defense, the protection, and the government of the country, which are colossal, outrunning anything that ever has been dreamed of before. I think some of these expenditures for the present time at least can well wait; but I believe this bill is unsound economically, I believe it will do no good to the roads, and I believe it is going to end in a frightful waste of the money of the United States, which is all taken out of the pockets of the people sooner or later. You can not devise a tax that does not end by being distributed among all the people of the country, and the money which you are spending from the United States Treasury will all come out of the people. It will seem to the States that get $3 for one that they are profiting at the expense of the States that are getting $1 for three; but the net result will be a tremendous drain on the Treasury of the United States, and there is nothing in this bill that can ever justify the expenditure. You never will get out of this bill and out of an expenditure of $75,000,000 any result except a trivial one, although the draft on the Treasury is so huge.

Mr. SMOOT obtained the floor.

Mr. BANKHEAD. Mr. President——

Mr. SMOOT. I yield to the Senator from Alabama.

Mr. BANKHEAD. It is now within two minutes of 2 o'clock, when this bill must be laid aside. I simply want to say to the Senate that I shall not ask the Senate to consider this bill during the morning hour to-morrow or next day, in order that we may have a little time for the calendar and other matters; but I hope that on Monday the Senate will resume the consideration of this bill and make some disposition of it as soon as possible.

I desire to ask, Mr. President, for a reprint of the bill, including, of course, the amendments which have been agreed to by the Senate, in order that we may have that before us when we next consider the bill.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Without objection, it will be so ordered.

Mr. GALLINGER. And the Senator will have the amendments printed either in brackets or in italics, so that they can be distinguished?

Mr. BANKHEAD. Yes; I should like to have that done.

Mr. POMERENE. May I suggest also that that order may include the pending amendments—the proposed amendments—so that they may be before the Senators?

Mr. BANKHEAD. The suggestion I made was that the reprint should include the amendments that have been adopted. The Senator's amendment is printed, and is here on everybody's desk.

Mr. POMERENE. The bill, of course, could be so printed as to indicate those which had been adopted and those which were proposed and pending.

Mr. BANKHEAD. The Senator's amendment is the only one that is pending.

Mr. POMERENE. Is it?

Mr. BANKHEAD. I should not like to include that in the bill which we are printing to show the amendments that have been agreed to.

Mr. VARDAMAN. Mr. President, if the chairman of the committee will let me make a suggestion, the amendments which have been adopted could be put in italics, and if the Senator wants his amendment to appear in the print, it could then be incorporated in brackets.

Mr. BANKHEAD. Really, I do not see any necessity for including that in a reprint of the bill to show the amendments, when the amendment has not been adopted.

Mr. POMERENE. My only object was this, that while this amendment was being discussed a good many Senators were absent.

Mr. BANKHEAD. It is on every Senator's table, Mr. President.

Mr. POMERENE. I hope Senators have seen it.

Mr. BANKHEAD. I have no doubt that they have read it. I would rather not have the reprint include amendments that have not been agreed to.

Mr. POMERENE. Well, all right.

The order as agreed to was reduced to writing, as follows:

Ordered, That the bill (H. R. 7617) "An act to promote agriculture * * * and encourage the development of a general system of improved highways, etc.," be printed showing the bill as reported in italics; the part to be omitted in line type; new matter agreed to in small capitals; and the pending amendment in bold-face type.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I am going to ask a question, and then I will yield. Has the unfinished business been laid before the Senate?

The PRESIDING OFFICER. It has not.

Mr. SMOOT. I understand that there was an agreement that the Senate should go into executive session at 2 o'clock to-day.

Mr. HOLLIS. That is perfectly true. I was going to suggest that the unfinished business be laid before the Senate, and then I shall make the motion.

Mr. SMOOT. It comes up automatically at 2 o'clock.

RURAL CREDITS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. I ask unanimous consent that the rural-credits bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, that will be the order.

EXECUTIVE SESSION.

Mr. HOLLIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the hour of 2 o'clock having arrived, the Senate proceeds to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 3 hours and 30 minutes spent in executive session the doors were reopened.

RECESS.

Mr. HOLLIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Friday, April 28, 1916, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 27, 1916.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Ensign Alfred T. Clay to be a lieutenant (junior grade).

Ensign Jay K. Esler to be a lieutenant (junior grade).

Ensign Eugene P. A. Simpson to be a lieutenant (junior grade).

Ensign Herbert G. Gates, jr., to be a lieutenant (junior grade).

Ensign Alexander W. Loder to be a lieutenant (junior grade).

Asst. Naval Constructor Robert B. Hilliard to be a naval constructor.

Asst. Naval Constructor Lee S. Border to be a naval constructor.

Gunner Alvin E. Skinner to be a chief gunner.

The following-named assistant surgeons of the Medical Reserve Corps of the Navy to be assistant surgeons:

John Harper,
Richard H. Miller,
Paul Richmond, jr.,
Forrest M. Harrison,
Lawrence F. Drumm,
George W. Taylor,
Walter A. Vogelsang,
Elphege A. M. Gendreau,
Grover C. Wilson,
Russell J. Trout, and
Virgil H. Carson.

Chaplain Hugh M. T. Pearce, with rank of lieutenant (junior grade), to be a chaplain in the Navy with rank of lieutenant.

John A. Nelson to be a lieutenant (junior grade).

Alfred J. Toulon to be a passed assistant surgeon.

POSTMASTERS.

ARIZONA.

L. L. Ferrall, Grand Canyon.
W. B. Kelly, Clifton.

CALIFORNIA.

Ardella F. Brown, Walnut Grove.
Virginia Mason, Suisun City.
H. E. Meyers, Yuba City.

ILLINOIS.

Thomas W. Daly, Witt.
Frank Johnston, Charleston.

KANSAS.

George W. Long, Galena.

MAINE.

Theresa L. Higgins, Woodland.
Silas T. Lawry, Fairfield.

MISSISSIPPI.

Jefferson D. Fogg, Hernando.

NEBRASKA.

J. R. Cooper, Holdrege.

NEW YORK.

Michael Daly, Rye.
B. F. Lent, Ithaca.
Robert A. Lundy, Ray Brook.
James McNamara, Ravena.
Garrett D. Roche, Perry.
George Sinnott, Tarrytown.
Fred G. Worden, Lake George.
Llewellyn W. Yawger, Union Springs.

REJECTION.

Executive nomination rejected by the Senate April 27, 1916.

EXCISE BOARD, DISTRICT OF COLUMBIA.

Robert G. Smith to be a member of the Excise Board for the District of Columbia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 27, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We wait upon Thee, our Father in heaven, with open minds and hearts for the inspiration of Thy spirit, that with clear vision, honest hearts, and patriotic devotion our sacred rights and hallowed traditions may be subserved.

We are confronted ever and anon by the civil, political, and religious rights of freemen; plutocracy and democracy are the opposing forces, each striving for supremacy. "No man can serve two masters; for either he will hate the one and love the other or else he will hold to the one and despise the other. Ye can not serve God and mammon." Help us to serve Thee with all our mind, heart, and strength, under the spiritual leadership of the Prince of Men, who died for the liberty of all mankind. Amen.

The Journal of the proceedings of yesterday was read and approved.

SAFETY OF EMPLOYEES AND TRAVELERS UPON RAILROADS.

Mr. DEWALT. Mr. Speaker, there is reported from the Senate a bill in regard to a minimum fine for violations of the act to promote the safety of employees and travelers upon railroads. That bill is on the Speaker's table. There is a House bill, reported from the Committee on Interstate and Foreign Commerce, of the same purport.

The SPEAKER. What is the number of the Senate bill?

Mr. DEWALT. I do not have the Senate bill number. The number of the House bill is 9132. We desire to substitute the Senate bill for the House bill.

The SPEAKER. Yes; but the main thing is to find the Senate bill, and it would be easier if you had the number.

Mr. DEWALT. I will defer it, then, until I can get the number.

The SPEAKER. It will be necessary, first, to secure unanimous consent, anyway, because the Senate bill came over here before the House bill was put on the calendar. The Senate bill is No. 3769, an act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907. Is that it?

Mr. DEWALT. Yes, sir; that is it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table Senate bill 3769 and consider it now.

Mr. MANN. The House bill that the gentleman refers to was reported to the House only yesterday. I would like to have a chance to look over it. I hope the gentleman will postpone his request until to-morrow.

The SPEAKER. Does the gentleman object?

Mr. MANN. No; I do not object.

Mr. DEWALT. I withdraw my request, Mr. Speaker, at this time.

The SPEAKER. The gentleman from Pennsylvania withdraws his request.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HEATON, for one week, on account of illness in his family.

To Mr. SMITH of Texas, for two days, on account of illness.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

Salaries, Office of Markets and Rural Organization: One chief of office, $4,500; 1 chief clerk, $2,000; 1 administrative assistant, $1,980; 5 clerks, class 4; 8 clerks, class 3; 14 clerks, class 2; 1 clerk, $1,380; 1 clerk, $1,320; 20 clerks, class 1; 1 clerk, $1,140; 10 clerks, at $1,000 each; 1 clerk, $1,080; 10 clerks, at $900 each; 1 clerk, $840; 2 clerks, at $720 each; 1 mechanical assistant, $1,800; 1 mechanical assistant, $1,380; 3 laboratory aids, at $900 each; 4 laboratory aids, at $720 each; 2 laboratory aids, at $600 each; 1 photographer, $1,400; 1 photographer, $1,200; 1 telegraph operator, $1,400; 1 telegraph operator, $1,200; 1 map tracer, $900; 1 map tracer, $720; 1 map tracer, $600; 1 map tracer, $480; 1 laborer, $720; 1 laborer, $660; 4 messenger boys or laborers, at $600 each; 4 messenger boys or laborers, at $540 each; 8 messenger boys or laborers, at $480 each; 1 messenger boy, $420; 2 charwomen, at $480 each; 1 charwoman, $300; 2 charwomen, at $240 each; in all, $129,880.

Mr. HUGHES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. HUGHES. Mr. Chairman, we can sometimes best understand the purpose of legislation if we make a practical application of its expected results, and I hope you will pardon me for giving this little incident. There was a large cotton farmer in my district who raised home supplies. On one occasion he planted 20 acres in turnips, arranging with a commission house in Macon to ship and sell wherever he could find a market. When he was shipping his turnips he stopped at a store in a

little city and saw several barrels of turnips. He asked the merchant where the turnips were grown, and learned that they came from Canada. He said to the merchant, "I have larger and better turnips than those. Let me send you some of mine so that you can sell Georgia turnips instead of Canadian, as you can afford to sell them cheaper by saving the freight charges from Canada here." The farmer sent these turnips over to the merchant. After an absence of 10 days, he stopped by the merchant's on his way home and saw what he thought was another lot of his turnips, and remarked, "I see you have ordered another lot of turnips from the farm." The merchant answered, "No; these are the same you sent over before leaving home. The people will come in and look at them, admiring them in every instance, but they always buy from the Canadian barrel."

The farmer commented on this fact to his commission merchant, telling him of his experience. The commission merchant advised "not to offer for sale direct from the farm. Ship all to me. I will repack, reship to your town, then they will sell there." This was done and the consumers were so delighted with the new variety of "Canadian" turnips that they bought them entirely, excluding altogether those from Canada. We see from this that the Biblical statement "a prophet is not without honor save in his own country and his own home" may be applied to so ordinary a thing as turnips.

I merely relate this incident to show the need of perfecting some method of organization which will enable the consumer and the producer to get together. Marketing and rural organization are among the foremost items in this bill, and I heartily indorse them, and trust that the great Department of Agriculture may be able to solve this important problem which now confronts the consumer as well as the producer, and every man, woman, and child is a consumer.

The farmers of the South have been criticized, and justly so, for relying on one money crop, namely, cotton. I assert that diversification would not be the exception but the rule if a market could be found for other products than cotton. The southern farmer has relied upon cotton from the fact that it has a ready market. It could be sold for six days in the week at any crossroads store until 1914, when the European war broke out, and when for the first time in history cotton was without a market. From the very fact that the southern farmer was dependent upon cotton as his only money crop this condition brought consternation, and almost bankruptcy, throughout the broad limits of the South. In 1915 the cotton acreage was reduced, less fertilizer was used, and a small crop was the result, bringing fairly good prices, which held up though the war was still in progress. In that year the farmers of the South diversified their crops more than any year during their history. Many farmers made quite a surplus of cereals and large amounts of meat. Many of them had a prosperous year, comparatively, but they had no way of disposing of this surplus crop so that they might enjoy the financial advantage which their satisfactory crops should have brought them. The Department of Agriculture has this great question to solve, and I am earnestly in favor of the proposed appropriation and such other appropriations as may be necessary to make their effort a success.

The fruit growers of Georgia for many years shipped their fruit regardless of supply and demand. The majority of this fruit was shipped to the city of New York with the result that the New York market was greatly overstocked. Their crops brought barely enough to pay the freight charges, and, in fact, in some instances did not bring enough. Fruit speculators would buy the fruit, place it in cold storage, then ship to other markets and sell at tremendous profits. The growers saw that the continuation of this plan meant ruin and they formed a fruit-growers' association, which now dictates the destination of every carload of fruit shipped by members of the association, frequently diverting a car in transit. The result is that the fruit growers of the South by this method have protected themselves and are reaping a profit from this great summer crop.

In May, 1913, Congress appropriated $50,000 for the purpose of acquiring and diffusing information connected with the marketing and distribution of farm products. This resulted in the establishment of the Office of Markets. Later the appropriation which was made for the investigation of cooperation among farmers was transferred to that office, the name of which was changed to the "Office of Markets and Rural Organizations." This office was created because of the recognized need for improvement in the processes of marketing and distributing the agricultural products of the country and for solving many vital problems inherent in life in our rural communities. The Department of Agriculture for years has devoted much time, thought, and work in teaching the farmers how to produce more and better crops; he must now be helped to market these to advantage, for it is of little use to increase the quantity and improve the quality if this can not be done.

I received a marked copy of the Farmers' Open Forum at my office which had an interesting article on better marketing methods, I wish to read only a few lines from this article:

This is the idea upon which the farmers of Maine have been working. They first organized local unions, having in mind the organization of a State central body. After eight of these small unions had been organized, a State-wide meeting was held and the representatives from these eight locals organized the Farmers' Union of Maine, which is the State central body. There are now 78 of these locals, all working independent of each other, but through the central body. This central body acts as the selling and buying agency for the locals. Twenty-two warehouses have been erected. There are 25 grain stores and 6 grocery stores. In addition, a wholesale grain house has been started, a distributing house in Boston and New York City, and they contemplate establishing a wholesale grocery store.

The farmers of Maine believe that it is just as important to buy right as it is to sell right. We find that we are able to save about $40 on a carload of grain. We save the farmers $2 per ton on commercial fertilizer, which meant a total saving of $400,000 to the farmers of the State.

This is the result of cooperation. Rural organization is an important factor in the great effort now being made to get the farmer back to the farm for it makes farming a successful business. In my opinion there should be county, district, or township units, with a central organization in each State, and the Office of Markets and Rural Organizations in Washington City the general or national head. By some such method all products for sale could be known and distributed directly from the producer to the consumer. [Applause.]

Mr. HASTINGS. Mr. Chairman, I was born on a farm just after the Civil War, when everyone was poor and when times were hard. I am, therefore, familiar with farming and farm life. My sympathies have always been with the farmer, and I have always looked at things from his viewpoint.

I represent in part a great agricultural State, and it is natural that I should take a deep interest in the consideration of this bill. I have been both gratified and instructed by the discussion of the various items in this measure during the past 10 days. I have frequently wished the past few days that many, if not all my constituents, could be present in the gallery and witness the very deep interest that Members of Congress take in the welfare of the farming class of this country. Many of them are not aware of what the Federal Government is doing to assist the farmer.

AMOUNT APPROPRIATED FOR AGRICULTURE.

This bill carries an appropriation of $24,501,993 in addition to a standing appropriation of about $6,000,000, so that in round numbers $30,000,000 is annually spent through the Department of Agriculture in aid of the farmers throughout the Union. In my judgment no money is better spent by the General Government.

The records show that about six and one-half million farmers live in the United States, and that about 45,000,000 people, including women and children, are dependent on them. The entire country is largely dependent upon them for prosperity. When the farmer's acres yield fair returns and the markets are good, the proceeds of his crops go into the channels of trade, and not only is the farmer and his family benefited, but the business of the entire community is stimulated. When his funds are plentiful the farmer beautifies and enlarges his home, builds a bigger and better barn, puts out an orchard, repairs his fences, spends more money for family conveniences and comforts, insists on better educational facilities for his children, and contributes liberally to the building of schools and churches in the community in which he lives. The money derived from the sale of abundant crops goes to the blacksmith, the carpenter, the laborer, the merchant, and into the banks of the community, so that everyone shares in his prosperity. The General Government should do everything it legitimately can through legislation to help this industry—the leading one of the country.

I am gratified to know that this bill is not sectional. Some of the appropriation bills which we are called upon to consider make large appropriations for certain localities. Every section of the country will be benefited by this bill.

I congratulate the House and the country upon the splendid committee which has spent days and weeks in preparing this measure, carefully examining every item going into it. I am sure that I voice the sentiment of every Member of the House and of the committee when I specially commend the chairman of the committee for the great work he has done in the interest of scientific and practical agriculture. From the discussion of the various items of the bill he has shown that he is in deep sympathy with the purposes of it and that he understands the reasons for the insertion of every item. In answering inquiries propounded in debate, he has always been courteous and con-

siderate, and has deservedly won the confidence of both sides of the Chamber.

The Department of Agriculture was established in 1887. At first the appropriation for it was small, but the amount has been gradually increased from year to year.

BUREAU OF ANIMAL INDUSTRY.

The Bureau of Animal Industry is one of great importance to the entire country. The bill appropriates for this bureau the aggregate amount of $2,222,777. Of this sum, large amounts will be used for the detection, prevention, treatment, and cure of the various diseases of domestic animals and communicating the results to the people throughout the United States. The sum of $360,000 is carried in the bill for the investigation, control, and eradication of hog cholera. Few people know the immense loss caused by this disease. The records show that from January 1 to November 1, 1915, a period of 10 months, Oklahoma sustained a loss of $632,874 from it, and the entire United States shows the enormous loss of $75,000,000 caused by hog cholera the past year. Reports show that a serum has been found which when properly used in the vaccination of hogs prevents their taking the cholera. The Department of Agriculture is not only interested in finding the remedy, but by means of bulletins and articles in agricultural papers and through demonstrators the department is educating the farmers how to protect their hogs from this disease.

My home paper, just received, contains a local item showing the work of the Government agent in demonstrating to farmers how to use the serum in the vaccination of their hogs.

Other items under this head contain adequate appropriations for the investigation and study of diseases of every kind or character of horses, mules, and cattle.

BUREAU OF PLANT INDUSTRY.

Under this head there is appropriated the sum of $2,511,620, providing in detail for the study of every disease of plant life. Of this appropriation there will be used for the investigation of diseases of fruit trees the sum of $63,615, and the sum of $59,000 for the investigation of diseases of cotton, potatoes, truck crops, and forage crops. Special attention is given to the testing of seed samples, grasses, clover, alfalfa, lawn grass, or other seeds. Farmers are protected through this appropriation against adulterated seeds.

The bill carries an item of $252,540 for the purchase and congressional distribution of valuable seeds and plants. There is much discussion annually leveled against this item. Similar items have been carried in appropriation bills for a great number of years. In my opinion, the distribution of these seeds and plants serves a useful purpose. They stimulate the farmer's boy and girl, as well as their father and mother, to take extra pains in preparing beds and planting them. A package of seed does not cost much, and because of the special care taken with them I feel sure they serve a useful purpose in encouraging the boy and girl, as well as their parents, to more carefully study gardening.

I remember when a boy living across the Arkansas line in the Indian Territory when by some chance the name of my father was given the Department of Agriculture and he received a package of seed. Every member of the family took great pains in seeing that the seed bed was carefully prepared, enriched, and cultivated. Again, the sending of these seed, which cost the Government but little, serves to remind the people at home that their Member of Congress has them in mind and acts as a remembrance card from him. We do not prize an Easter card so much for its value or beauty as we do for the kindly remembrance of a friend.

BUREAU OF SOILS.

Under the heading of Bureau of Soils there is appropriated the sum of $328,735 for investigating the composition and productivity of soils and for ascertaining and determining the best possible sources of fertilizers, including potash and nitrates. In a new fertile State, like Oklahoma, not much attention has been paid in the past to enriching the soil. The allotment of the land has brought individual ownership and the people are beginning to study the best methods of improving it. Nothing should be permitted to go to waste about the barnyards, but everything conserved and properly distributed. The same land should not be planted to cotton and corn from year to year, but the crops should be rotated—planted to forage crops, sown to small grain, peas, alfalfa, and the grasses. Some soils need commercial fertilizers, and the Government, through the Department of Agriculture, is doing a great work in educating the farmers as to the things necessary to build up certain weak soils. The farmers are beginning to appreciate also that all soils are not adapted to raising the same crops, and that some land may be profitably planted to one crop, while a crop of another kind would prove a total failure on the same land. Hence the study of the different kinds of soil is of great value to the farmers.

Large appropriations are carried in the bill for the investigation of insects affecting cotton, including the boll weevil, and, in fact, the study of all insects which destroy the crops grown in the garden or field and the fruits in the orchard.

FARMERS' BULLETINS.

This bill not only appropriates money for the use of the Department of Agriculture to study and find out the remedies but items are carried appropriating adequate sums for the carrying of this information to the farmers. This is the point that I want to emphasize. The information would serve but little purpose if it were not turned to practical use. I want to do everything possible to press upon the attention of every farmer in the country the results of the investigation of agents of the department, published in bulletins carefully prepared upon practically every subject in which the people are interested. There is not a crop grown upon the farm, a vegetable planted in the garden, or a fruit grown in the orchard but what valuable information is collected regarding it. These bulletins also deal with every other subject in which the citizen is interested. Whether you live upon the farm or in the city, if you will take time to look over the list, many bulletins will be found in which you are interested, the reading of which will be of benefit.

I can not too strongly commend them to the people of my district, and in order to advise them of the benefits that may be derived from them, I have taken pains to invite their attention to the bulletins and supply, so far as I could, all requests for them.

FARM DEMONSTRATORS.

While very much valuable information is communicated to the farmers of the country through bulletins, the metropolitan press, and agricultural journals, I want to testify to the great work that is being done by the farm demonstrators throughout the country. The people of Oklahoma keenly appreciate the importance of their work. We have one of the best agricultural colleges in the United States, largely attended, and while comparatively new, Oklahoma having been admitted to statehood in 1907, we are beginning to feel the good effects of the great work being done at this college.

In addition we have six district agricultural schools, and by a provision of our constitution agriculture is taught in all the schools throughout the State, so that through the agricultural college, district colleges, normal schools, city schools, and rural schools scientific farming is being taught and practical information disseminated. Notwithstanding this great work I want to attest to the valuable work being done by the farm demonstrators, who go among the people upon their farms and bring the results of the study of agriculture in a practical way to the farmers themselves. They test the soils for the farmers, advise them what to plant upon this tract or upon that one, and give them information as to how best to cultivate farm crops, as well as to harvest and take care of them. They encourage them to produce more and better live stock and instruct them how to prevent and cure diseases. There has already been a great awakening among the farmers, particularly throughout the South and West, which in a few years will manifest itself in the general prosperity of the farming classes throughout the entire country.

BUREAU OF MARKETING.

This bill also contains an item making an appropriation for a bureau of marketing. The farmers not only need to be educated how to care for and improve their soils, making them yield more wheat, corn, cotton, potatoes, and other crops, they not only need to be encouraged to buy more live stock and improve the same, but they need the helpful, sympathetic assistance of the Government in securing to them the full value of everything raised or grown upon the farm. They need to be directed, so that they may come into direct communication with the consumers. The profits of the middlemen should go to the farmers themselves. The building of good roads will give them better and quicker transportation facilities. All transportation charges, whether upon the dirt road, the railroad, or upon the rivers, should be reduced to a minimum and saved to the producers. The parcel post, when enlarged and when rural routes are more generally established, will be of great benefit to the farmers.

In addition the farmer needs cheap money. I am confident that this Congress before adjourning will enact rural-credits legislation, which will afford a means whereby the farmers of the country can borrow cheap money with which to buy and improve their farms, improve their live stock, and, when their crops mature, enable them to hold the same until they obtain a favorable market.

To aid in some small way in accomplishing these results is my sole ambition in aspiring to a seat in this House. I have voted for every item in this appropriation bill which commends itself to me as being in the interest of the real farmers of the country. Everyone appreciates that the farmer himself, his good wife, and the farmer's boy and girl work longer hours than any other class of citizens. The entire country depends upon the farmer for subsistence. It is well that Congress give thoughtful consideration to his welfare and enact all legislation which will better his condition and bring, so far as legislation can, the comforts and conveniences of the town and city to farm life. By doing so we will increase the population of the rural communities and carry happiness, contentment, and prosperity to the great farming class. [Applause.]

The Clerk read as follows:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distributing of farm and food products, $285,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. This is a very important item, for a very important purpose. Will the gentleman from South Carolina indicate whether this appropriation has been increased over last year?

Mr. LEVER. Yes; this appropriation has been considerably increased. The total increase is $64,620.

Mr. MOORE of Pennsylvania. In this paragraph?

Mr. LEVER. In this paragraph.

Mr. MOORE of Pennsylvania. Is the next paragraph appropriating $136,600 new?

Mr. LEVER. That work is not entirely new, but the amount is considerably increased in that appropriation also. There is a new item on page 73.

Mr. MOORE of Pennsylvania. I am informed that the increase on the present item is about $47,000.

Mr. LEVER. The increase on the present item is $64,620. There are some transfers which make the difference.

Mr. MOORE of Pennsylvania. Will the gentleman explain why that increase is necessary?

Mr. LEVER. The gentleman understands, of course, that the Office of Markets and Rural Engineering is one of the new services in the Department of Agriculture. It has been in operation now about three or four years. Heretofore the activities of that bureau have been in the nature of gathering together information on marketing and the distributing of farm products. Under the direction of the committee they have been going rather slowly, because we have felt that, since this was a new service, they ought to be careful to make no mistake. Now they have organized and developed to such an extent that they are able to extend their operations rather materially to other lines, and the increase here is for the purpose of extending those operations, mostly with respect to cooperative purchasing and marketing; marketing grains, marketing live stock and animal by-products; marketing seeds, hay, and dairy products, and investigation of marketing business practice.

The larger part of this increase will be used in extending the investigations and work of the department along these lines.

Mr. MOORE of Pennsylvania. To what extent does the bureau help the farmers who raise farm products like tomatoes, potatoes, and so forth?

Mr. LEVER. The next item deals with that specifically.

Mr. MOORE of Pennsylvania. Is any of the sum of $285,000 provided for in this item used for the purpose of helping the farmers who raise truck and supply city markets?

Mr. LEVER. Some of the money appropriated under this paragraph has been so used, but the fund for that purpose in the present bill is carried in the next item of $136,600.

Mr. MOORE of Pennsylvania. Where is the most of the $285,000 used—at Washington, or in field work?

Mr. LEVER. It is pretty well divided between the work in Washington and field work. They have a great many agents in the country gathering information, which later will be analyzed and digested in Washington and made useful. Let me illustrate this work.

Mr. MOORE of Pennsylvania. I would be glad if the gentleman will do so. This is one of the most important items in the bill.

Mr. LEVER. Let me illustrate this line of work under the present item, and I will take cotton, because I am more familiar with the marketing of cotton than that of any other product. Under this item the Office of Markets has been making surveys, 100 or more, of the practices and methods of marketing cotton in the various cotton markets in the South with a view to determine all of the economic factors that enter into the farmer's price, the price to the commission men, to the cotton merchants, and to the port of exportation or local mills of consumption in this country; to determine the various factors that enter into the final price; to determine whether or not the original producer is getting an equitable share of the price of the cotton.

I think it was in an Oklahoma city that it was discovered that on the local cotton market a bale of cotton of the highest grade sold for from $3 to $20 less than a bale of cotton of a less grade sold for on the same day in the same market. That is a tremendous economic waste to somebody. The farmer in that case is the burden bearer of that waste.

I think I can assert without hesitancy that on account of the system or lack of system in grading cotton in the South there is a loss to the farmer of from $5 to $10 on each bale of cotton produced. That, on a 15,000,000 bale crop, would amount, at $10 a bale, to $150,000,000. That is a tremendous economic loss. The farmer bears it. The purpose of the Office of Markets is to bring these striking facts to the attention of producers and to the attention of consumers with the view of interesting them in better methods of grading, handling, transportation, and distribution in general.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask for five minutes more so that I may yield to the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LEVER. Now, Mr. Chairman, I have some knowledge of the cotton business. We have about three classes of cotton graders—men who give to cotton the grade which finally fixes the price. We have the honest cotton grader, a man who really knows the difference between different grades. Then we have the competent and sometimes, I am sorry to say, dishonest grader who knows the grade but does not grade according to his knowledge. And finally we have the third class, which consists of the honest man but incompetent grader.

The dishonest grader who is competent dishonestly grades, and the farmer loses by that process. The honest but incompetent grader necessarily and naturally undergrades, according to his own judgment, in order to protect himself from his own ignorance. The result is, again the farmer loses. Now, the purpose of this work is to devise ways and means and methods by which we can bring these facts strongly to the people, with the view of improving the system.

In one place in Arkansas where these facts were brought to the attention of the farmers, the department, having sent one of its expert graders there, in four months developed the facts and so called them to the attention of the public that the farmers themselves organized into an association and hired an expert grader at $3,000 a year. When that happened the department withdrew their representative and sent him into some other community, there to demonstrate what it meant to have an efficient, competent, and honest grading of cotton. Another thing, it was brought to the attention of the committee, and I did not know anything about it, although I have been in the cotton business all my life, more or less, that a great deal of the cotton of this country—more than a million bales last season—is sold in the seed without ginning. The statement was made that it is absolutely impossible to grade cotton correctly in the seed, and it is estimated that on each bale of cotton sold in the seed and graded in the seed there is a loss of about $6 a bale to the man who sells it. The fact was further developed that in all the Southern States—South Carolina less than any other, for there only 23,000 bales were so sold—over a million bales during the last season were sold in the seed. If that is true, and there is a loss of $6 a bale by selling in the seed, it amounted to a loss of $6,000,000 to the cotton producers of the South. Now, that is because the producer does not know and has not been informed that it is a bad business practice to sell cotton in the seed.

It is the function of this appropriation in this item to gather together such facts, to get such information, and in turn to disseminate it for the use of the public. As I said at the outset, I refer to cotton only as an example. Under this item work is done on other farm products, including live stock, hay, grain, seed, dairy products, and so on.

Mr. MOORE of Pennsylvania. Can the gentleman tell how much of this $285,000 is expended for making these investigations for the marketing of cotton?

Mr. LEVER. I have that information here; yes. I have the information of what was expended in 1916, and the appropriation for 1917 would be relatively a little greater. For cotton, $23,300. I can give it all to the gentleman if he desires.

Mr. MOORE of Pennsylvania. I wanted to know about what proportion of the $285,000 would be expended for cotton investigations.

Mr. LEVER. Twenty-three thousand three hundred dollars, with the relative increase in this item.

Mr. MOORE of Pennsylvania. What will become of the rest of the money? Will that go for investigation of farm and food products generally?

Mr. LEVER. No; the balance of that appropriation would be used in making investigations of cooperative purchasing and marketing of farm products and other projects.

Mr. MOORE of Pennsylvania. For general farm products?

Mr. LEVER. Yes. That would be $24,100; and then a certain other amount, $54,220, would be used in making the marketing surveys of methods and costs of marketing; marketing grades and standards would take up $12,400; city marketing and distribution would be $12,000; transportation and storage investigations, $12,000; miscellaneous problems in marketing and cooperation, $30,800; marketing by parcel post and express, investigation thereof, $15,280; marketing live stock, meats, and animal by-products, $23,000.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. LEVER. Mr. Chairman, I will take the floor in my own right.

The CHAIRMAN. The gentleman from South Carolina is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want the gentleman to yield to me a little of his time.

Mr. LEVER. Certainly.

Mr. MOORE of Pennsylvania. Mr. Chairman, on line 10, in the second paragraph from the one we are now considering, page 72, provision is made for another appropriation of $48,000 for investigation and demonstration of standards relating to cotton, tares, and so forth. All the way through the representatives of the cotton States are taking care of the interests of the cotton planter on the floor of the House. There may be no objection to that, because it is natural that the men coming from the cotton States will take care of their own. I do not blame them for that; but in view of the explanation which is made by the gentleman from South Carolina [Mr. LEVER] as to the conditions that prevail with respect to cotton, and in view of the fact that we appropriate for investigating the cotton market, for making censuses of cotton, for looking after the cotton planter from the time the seed goes into the ground until the cotton is taken out of the boll—in view of all these things, it seems to me that if we are to appropriate sums like $285,000, including the sum in the paragraph following for $136,000, some attention should be given to some of the other products that arise from the farm. If the eastern farmer does not understand this situation——

Mr. LEVER. Oh, the gentleman knows that these investigations cover every possible farm product.

Mr. MOORE of Pennsylvania. I am pleased to be informed of that; but I am calling the attention of the committee, without in any way reflecting upon the earnestness of the Representatives of the cotton States to look after their own, to the fact that all over the country in the farming districts there are droughts, there are periods of distress, there are times when cyclones sweep the grain fields, there are times when there are gluts in the market, there are times when other farmers suffer losses, who ought also to have the benefit of information, advice, and assistance from the Government, if other sections of the country have it. I say if the eastern farmer or the western farmer or the northern farmer or the southern farmer does not understand what is being done in certain lines on certain farms or on certain plantations it is his own fault; and if it happens, as it did, when there was distress in the cotton fields a year ago, that the farmers of New Jersey ran up against a complete glut in the potato market or were unable to sell tomatoes, which they have to throw into the rivers, they ought also to be considered.

Mr. LEVER. If the gentleman will permit, the very next item takes care of that. We are furnishing the most comprehensive information for the first time in the history of the Government in that line, even making use of the telegraph.

Mr. MOORE of Pennsylvania. Does the gentleman mean to say that that is the purpose of the next paragraph?

Mr. LEVER. Absolutely. It is to take care of the perishable products—tomatoes, cantaloupes, peaches, strawberries, and so forth.

Mr. MOORE of Pennsylvania. Then I renew all of the remarks that I made respecting the assiduity of our friends from the cotton States, and hail this first glimpse of information with respect to those farmers in other sections of the country who may sometimes suffer from weather or market conditions, just as they do in the cotton fields. If it is true that the succeeding item carries $136,600 for helping the tomato raiser, the potato raiser, or the truck raiser in States where farming is conducted in more congested areas, and where the product is more perishable than it is on the great cotton plantations, I shall be pleased.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. CANNON. I just want to ask the gentleman a short question. Now that you are going to have the potato raiser and the tomato raiser fixed, as well as the cotton raiser and the wheat raiser, what are you going to do with the balance of us?

Mr. LEVER. Oh, we will take care of all.

Mr. MOORE of Pennsylvania. I think every farmer ought to be treated alike. We have taken excellent care of the tobacco and the cotton farmer and it is time that the man who raises farm produce and truck have a chance.

Mr. SLOAN. Mr. Chairman, I note from the remarks of the gentleman from Pennsylvania [Mr. MOORE] that the tomato man has raised a new issue. Seeing the abuse in the expenditure of money for dredging rivers in the East, he proceeds to fill them up with the local tomatoes and then make the raid on the Treasury to dredge them out. [Laughter.]

The gentleman from Pennsylvania [Mr. MOORE] has criticized the opposition to the rivers and harbors with unsparing tongue in both prose and rhyme. He has at least uncovered one reason for dredging his Delaware. That is to remove the tomato deposit.

I opposed the river and harbor bill, first, because it called for $39,608,410 appropriations at a time when we did not have that amount of free legal-tender money in the National Treasury. Second, while I favor reasonable appropriations for public improvements which are capable of standing on their own merits, I do not favor increasing the floating indebtedness or resorting to bonded indebtedness of the Government for that purpose. Roundly speaking, we have a deficit of $50,000,000 for the present fiscal year and a much greater one for the last fiscal year. Third, I opposed a large portion of the proposed appropriations because it is to be used in fitting up harbors for the landing of large amounts of foreign goods, especially farm products, the foreign importer not being charged even a cent to keep up the harbor repairs, say nothing about contributing to the support of the Government or protecting American industries. Fourth, a large part of the appropriations are for canals which parallel the ocean and at no great distance therefrom. If a double water track were desired, why not parallel the shore line out a little farther in the sea, the path being already made and would need no dredging. Fifth, much of the appropriations are for obliterated creeks in the Carolinas, streams of doubt in the Gulf States, and lost rivers in Texas. Again, there are mountain streams in the Rockies which ought to be insured against forest fires, instead of being expensively dredged, and again there are dry canyons in the far West which are flushed only by summer's dews and the melting frosts of autumn. These last are capable of navigation by airships only, and yet the appropriations are provided for. In many of these cases the appropriations are defensible on a basis not of their merits but on the sole ground that each is the part of a house of cards, and is no less meritorious than many of the rest. [Applause.]

I was very much interested, Mr. Chairman, in the discussion of this market office and the appropriation to be made for its maintenance. I desire to talk about the cattle-feeding industry. It was discussed by a number in general debate when this bill came up for consideration, especially by my colleagues from Nebraska, STEPHENS and REAVIS.

I speak of this subject with some degree of personal knowledge. For a number of years I have been engaged, until within the last three, rather extensively in the business. It was stated on the floor of the House by one Member and agreed to by others that the cattle-feeding and meat-producing industry in this country was in a very bad way. Further, that the cattle feeders were losing money. As a general proposition, it was the conclusion of the speakers that there has, in the last few years, been an elimination of competition at the great central markets where fat cattle are sold for slaughter. The second proposition is that during the last year thousands of American feeders have become bankrupt. Now, I am not certain about the latter fact, but I accept the statements made as being correct for the purpose of this discussion.

Now, these conditions are not unexpected, because during the last five years the trend of legislation here in reference to the cattle and meat industry had its purpose to bring about this precise condition. For five years there has been an incessant clamor for a reduction of prices of cattle meat products. Beginning with the reciprocity measure passed by this House in 1911 and followed by the farmers' free-list bill, which, as passed by this House, admitted meats and cereals free into this country, and ending in the Underwood tariff law, which placed live stock and meats on the free list, the one purpose has been, as I have on several occasions expressed upon this floor, to reduce the profits of the cattle and meat industry.

There may have been some on this floor and in the country who believed that when this reduction of profits came it would not fall upon the farmer and the cattle feeder. But anyone who understood the business and understood the power of the packers knew that if there was to be any loss it would not fall on the packer, but would fall upon the cattle feeders and the farmers. Now, then, it has fallen, as stated by a number of gentlemen. Personally I expected that it would. Frequently upon the floor of this House I warned those who were interested in cattle feeding throughout the country that the placing of meats and live stock upon the free list would create a condition in which the farmer would be at a disadvantage; and that is where we now find him. It is a case of distinct confession from the Democratic side of the House that what we on this side warned the country would follow their legislation has actually come to pass.

In the first place, when by the imposition of a good, strong duty at our ports there were some cattle imported and very little meats, every man who had a herd of cattle or a flock of mutton sheep could fairly estimate the consuming power of the American people and the productive power of the American farmer and cattleman.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. SLOAN. Yes; briefly.

Mr. DOOLITTLE. Does the gentleman believe that the price paid for food cattle or hogs is controlled by the law of supply and demand?

Mr. SLOAN. I understand that that is the large rule in all markets. But some people have a good deal to do with the control of supply and demand. That is to say, if our dealings in cattle and meats were confined practically to the United States—that is, one-fifteenth of the population of the world—and the outside practically kept from mingling largely with our business, then, of course, we could know more certainly the demand and the sources of our supply, and we could govern ourselves accordingly.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. LONGWORTH. Mr. Chairman, I ask that the gentleman proceed for five minutes.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 20 minutes.

Mr. SLOAN. I thank the gentleman from Ohio [Mr. LONGWORTH] for his request.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 45 minutes, the gentleman from Nebraska [Mr. SLOAN] to have 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 45 minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Nebraska [Mr. SLOAN] is recognized for 10 minutes.

Mr. HUMPHREY of Washington. Will the gentleman from Nebraska yield?

Mr. SLOAN. For just one question. What is it?

Mr. HUMPHREY of Washington. The other day when your colleague from Nebraska [Mr. STEPHENS] was talking upon this subject he made quite a remarkable speech, and, as I understood him, he made the statement that the removal of the tariff on meat had not made any difference whatever in the price. If that is so, what has been accomplished by the removal of it?

Mr. SLOAN. Of course, the expressed purpose of removing the tariff on cattle and meats was to cause a lowering of price; because if that was not the case there has been absolutely no reason for throwing away $20,000,000 of revenue. That would have been the amount of duties paid on the imported cattle, beef, and veal since the Underwood tariff law passed if the Payne law duties had been collected. I assume if it was not for the purpose of affecting the price they would not be in favor of further depleting our Treasury. That will answer the gentleman's inquiry as to what was accomplished.

Mr. DOOLITTLE. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Nebraska yield to the gentleman from Kansas?

Mr. SLOAN. I desire to proceed, Mr. Chairman.

The CHAIRMAN. The gentleman from Nebraska refuses to yield.

Mr. SLOAN. The value, if any, of this law is a matter of information. It seems to be a means of "first aid to the injured," after the industry has been assailed, a sort of a crutch to be used where a bungling surgeon has sawed off the wrong leg. A man who has a carload of cattle must now consider not only the consumptive power of the 100,000,000 of American people, and the productive power of the few million people who are interested directly or indirectly in the production of meat, but he must know about the production of cattle and meats in every part of the globe. The packers have their systems of information complete. The small cattle feeder can not afford that. The freeing of meats and cattle therefore gave the great packers a distinct advantage. The ordinary American can through various governmental and public reports inform himself as to the United States, but he has not means of world information which free meat makes necessary.

Free listing cattle and meat has broadened the problem of the meat producer. I say, in an entirely nonpartisan way, if it has so broadened the problem of the meat and cattle producer, then it is proper that we should have an appropriation of this character, so that the new and different methods of communication concerning markets, information concerning markets, the distribution of cattle, the importation of meats, and all that may become known regularly to those whose problem it is to buy, feed, and market the cattle

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Missouri?

Mr. BOOHER. Just for one question.

Mr. SLOAN. Yes; I will yield for a question.

Mr. BOOHER. Will the gentleman tell the committee whether beef on foot to-day brings a higher price than it did two years ago?

Mr. SLOAN. I understand that beef on the foot to-day commands a fair price. I have not compared it with the price of two years ago.

Mr. BOOHER. That was not the question. Is not beef higher to-day on foot per hundredweight than it was two or three or four years ago?

Mr. SLOAN. I can not state just what it has been. The complaint has not been as to the price of beef to-day or last week or last month. I understand it is temporarily satisfactory. The complaint has been as to the price of beef during the months of October, December, and January. Following and based upon that period complaints have been made.

Mr. BOOHER. There was a slump during those months in the past, and then the price got back higher than it was before the slump.

Mr. SLOAN. The price is now back to a satisfactory level, and I want to explain why it is so.

Mr. BOOHER. Is not the main problem of the cattle feeder the high price of stock cattle?

Mr. SLOAN. I want to be frank with the gentleman from Missouri, who comes from a district having a great market. That, I understand, is one of the large sources of loss—the high price of feeders. It was one of the reasons which prompted me to advise my friends last fall against extending their cattle feeding.

Mr. BOOHER. Yes.

Mr. SLOAN. And the reason for it has been this: Heretofore the American feeder has been in the habit of buying his feeders based upon the number of cattle produced in the United States, but now he is up against the number of cattle that are produced and may or may not come across our border entirely unhampered by tariff restrictions.

Mr. BOOHER. Will the gentleman permit just one more question?

Mr. SLOAN. Yes.

Mr. BOOHER. Can the gentleman tell this committee how many stock cattle have been imported into the United States in one year since the passage of the Underwood bill; and if so, whether it is greater now, since the passage of the Underwood bill, than it was under the Dingley Act or the Payne bill? I mean stock cattle.

Mr. SLOAN. The increases have been stock cattle, and those fattened and ready for slaughter. The precise figures of what were stock cattle and what were not I can not state; they are not readily obtainable. But in the first two years after the passage of the Underwood law there were imported into this country 1,321,293 head of cattle, whereas in the two years preceding that the number was only 853,298. It was stated on the floor of the House, in discussing this question, that the importations of cattle for the last period of a year or a few months had been very small.

Mr. BOOHER. Will the gentleman just let me ask him one more question on that?

Mr. SLOAN. Yes.

Mr. BOOHER. Notwithstanding that importation of cattle, stock cattle are higher, and have been for the last two years, than ever before, have they not?

Mr. SLOAN. Farmers have paid too highly for their stock cattle. That is one argument in favor of this appropriation, and I stand for it. A great many feeders, forecasting the market for their products, did not take into account the heavy importation of veal and beef which the packers, now owning so heavily in the Argentine, can ship in or withhold at their convenience.

Mr. BOOHER. Notwithstanding this large increase of importation, stock cattle have been higher than they ever were before in the history of the country.

Mr. SLOAN. During the period of two and one-half years since the passage of the Underwood law stock cattle have been at times very high. They have fluctuated with other cattle. The feeder has not in buying them considered sufficiently the changed conditions which free trade has caused.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. HAUGEN. Is it not a fact that at times they have been very low; that is, last October, November, and December? Is it not a fact that the price of stock cattle was then lower than it was the year before?

Mr. BOOHER. Mr. Chairman, will the gentleman yield again there?

Mr. HAUGEN. And is it not a fact that——

Mr. SLOAN. I can not yield further, Mr. Chairman.

The CHAIRMAN. The gentleman declines to yield.

Mr. SLOAN. I want to call attention to what it has been for the last several months, at a period when it was stated that we have not been importing cattle in large numbers. For the months of August, September, October, and November, the period for the importation of cattle, which most largely contributed to the slump in the price of cattle for the late fall and early winter, we imported into this country 252,348 head of cattle.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SLOAN. I can not yield until I get these figures stated. Then, if I have time, I shall be pleased to yield. That is a larger importation of cattle for those four months than was ever made in a corresponding period in the history of the United States. For the months of October, November, and December of the year 1915, and the month of January, 1916, we imported 200,976 head of cattle, of the value of $7,370,000. In the same months we imported 49,804,643 pounds of beef and veal, of the value of $4,000,000.

Now, these figures to me demonstrate the fact that you introduce into cattle feeding and into meat production the large world factor which ordinarily is not communicated to the ordinary farmer or feeder, he having been used to considering the consumptive and productive power of this country alone. Now, if the Department of Agriculture can in any way further enlighten the men who are in this business, and whose business is important, I am very much in favor of the appropriation.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield to a very brief question?

Mr. SLOAN. If it is very brief; yes.

Mr. LONGWORTH. Does the gentleman believe that the acquisition and diffusion among the people of the United States of useful information on the subject of marketing and distributing farm products and the purchasing of farm supplies will have a tendency to raise or lower the price of cattle on the hoof?

Mr. SLOAN. I feel that the gentleman from Ohio did not live up to his pledge of making the question real brief.

Mr. GOOD. The word "brief" was used in the sense of a lawyer's brief. [Laughter.]

Mr. LONGWORTH. I made it as brief as possible, if the gentleman will excuse me, in order to obtain the enlightenment.

Mr. SLOAN. Well, the gentleman's sort of brevity would not be considered characteristic of the better class of wit. [Laughter.]

The diffusion of this information will, to some extent, inform the cattle feeder so that he may more advisedly buy his feeders and suggest when he may dispose of his finished product.

Mr. DOOLITTLE. Mr. Chairman, I have listened to the remarks of my good friend from Nebraska [Mr. SLOAN] on what he considers to be the cause of the unsatisfactory market for live stock. In my opinion, gentlemen of the committee, he has not even touched on the real trouble. The gentleman refused to yield for my question, which was his perfect right. I wanted to ask him if he thought that the packing combine of this country had anything to do with the fixing of prices.

Mr. SLOAN. Will the gentleman yield for a reply, as a matter of fairness? I yielded to him, but I could not yield too often.

Mr. DOOLITTLE. I yield to the gentleman.

Mr. SLOAN. If that was the gentleman's question, I had already answered it, because it was stated on the floor, as I said, that the packers in the great centers had eliminated competition, and I accepted that statement as correct, and the packers do that.

Mr. DOOLITTLE. Then I understand the gentleman to admit that the packers do have a great and material influence on the prices?

Mr. SLOAN. I not only admit it, I assert it. [Applause.]

Mr. DOOLITTLE. I am gratified at that. Now, Mr. Chairman, what my friend has said about high prices for thin cattle, what we call stockers and feeders, is in a great degree true. That is, if he has said, as I understand he has, or at least intimated, that the price of thin cattle has been too high in proportion to the price paid for fat stock cattle in particular by the packers, that is true. But the laws of supply and demand have not been permitted to work out in a normal way. I want to cite a specific instance regarding the hog market. On October 20 and October 21, 1915, there was a violent fluctuation downward of $1.25 a hundred pounds. Some power manipulates the market. There are five big packing concerns in this country that control at least 68 per cent of the beef, mutton, and pork, and they fix the market price they pay and set the price to the consuming public also. Hearings have been held and are now in progress on a resolution to look into the whole economic proposition of supply and demand from the time the animal is born until it goes to the consumer. It has been shown by cattlemen from all over the country that the complaint of the feeders of live stock, who have been the losers, has not been a complaint against the tariff or a complaint against the stock breeders, but their complaint is almost entirely against the packer. [Applause.]

Mr. CLINE. May I ask the gentleman a question?

Mr. DOOLITTLE. Yes; I yield to the gentleman from Indiana.

Mr. CLINE. It has been stated by the ranking member of the committee that prices were lower in October, November, and December, 1915, and in January following than they had been at any other time. I will ask the gentleman if it is not true that the entire market was demoralized by the foot-and-mouth disease, and prices declined as much as $2 a hundred in the central markets of the United States, and if that condition was not taken advantage of by the packers themselves to pound the price down and squeeze the price of the producer and advance the price to the consumer?

Mr. DOOLITTLE. There is no question that the foot-and-mouth disease did have considerable to do with the demoralization of the market last fall, and the packers never overlook an opportunity to squeeze the producer and the consumer. [Applause.]

Mr. SUMNERS. Mr. Chairman, we have here an illustration of the effort of some of our friends on the other side of the Chamber to attribute to the tariff all the ills that this country is heir to. Now, this is the situation. The feeders of the United States come to the Committee on Agriculture and tell it that prices are not satisfactory; that they are losing money. The Committee on Agriculture engages in an investigation looking to the discovery of the cause of this condition. That item is now under consideration. The gentleman from Nebraska [Mr. SLOAN] in his discussion of this matter wants the country to understand that the reason why the farmers and the feeders are not getting satisfactory prices is because of the Underwood tariff bill. That is the whole burden of his argument. The gentleman from Nebraska knows that there never was a time when meat was higher, and that the trouble is that between the man who has the stock to sell and the man who must buy the meat there is too much profit for the packers. The man who puts his grain and feed into beef cattle and hogs does not get a fair return for what he is putting into them, and yet the price of beef and pork would justify that return. There is no difficulty here with regard to the tariff. The tariff has not been effective during the European war. The tariff has not beaten down the price of stockers, has it? The tariff has not beaten down the price of beef, has it? No. The trouble is between the stocker and the beef—the great packing concerns of this country have been standing there squeezing both the man who feeds and the people who consume. [Applause.] The Committee on Agriculture, honestly undertaking in a constructive way to discover the difficulty and to meet it, recommends appropriations in this bill to be used for this purpose, and the gentleman from Nebraska [Mr. SLOAN] wants the country to understand that the Committee on Agriculture are not on the right trail; that it is the Underwood tariff law. The gentleman from Nebraska [Mr. SLOAN] says he admitted—I did not hear his admission in his original statement, though I do not question that he made it—he did admit under questioning that the packing concerns are getting too much; but when he stood before this House and made his argument it was for the deliberate purpose of making the country believe that it was the Underwood tariff bill that was responsible. He made the deliberate effort to distract attention from the packing concerns, that are throttling the feeders of cattle and the men who eat meat products in this country by pointing the finger of accusation at the Underwood tariff bill. That is a fair sample of Republican statesmanship. [Applause.]

Mr. HAUGEN. Mr. Chairman, the gentleman from Texas [Mr. BLACK] has asked the question, Did the tariff affect the price of cattle? I believe it is safe to say that up to the outbreak of the war the tariff did affect the price of cattle.

Mr. DOOLITTLE. Affect it up or down?

Mr. HAUGEN. Down.

Mr. SUMNERS. Will the gentleman yield?

Mr. HAUGEN. I will make my statement, and then I will yield to the gentleman. As the gentleman remembers, the Underwood bill was passed for the purpose of reducing prices to the consumer in conformity with the declaration in the platform of the Democratic Party to aid the consumer in buying at a lower price. In order to carry out the Democratic policy the President sent Dr. Melvin to South America to make it easier for them to export cattle to this country, and to provide for regulations making it possible for the people of South America to export beef cattle to America. They got along swimmingly, and the live-stock producers of this country were on the highway to bankruptcy. But war broke out and the program was interfered with. As a result the shipments were then diverted from the United States to the war zone, and since that time the price of stock here has been fairly satisfactory.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. DOOLITTLE. Does not the gentleman realize that during the time of the diversion of shipments, in 1915, that the live-stock market of the United States was in a most demoralized condition, more so than it ever had been?

Mr. HAUGEN. It was just as I have stated. The Underwood bill was in force, which encouraged shipments from South America exactly the same as was done in the shipment of grain. The gentleman will remember that corn costing 40 cents in Argentina was worth 80 cents a bushel in Chicago, but it was laid down here on the coast from Argentina for 50 cents a bushel. Corn finally moved along up to Chicago, with 10 cents freight added, and the price of corn went down owing to the importations from South America. Exactly the same thing happened with reference to Argentine beef. It could be laid down here at a much lower price than beef was selling for here at the time; hence a considerable amount of South American beef was sold, but the war interfered with the shipments. As a result the shipments were diverted from the United States to the war zone. With the present conditions, of course the tariff law does not affect this country or any other.

Mr. DOOLITTLE. Let me see if I understand the gentleman's statement. It is that because of the diversion of shipments of beef from Argentina the prices which had prevailed in 1915 became better?

Mr. HAUGEN. After the war started; certainly.

Mr. DOOLITTLE. Because of the diversion of the shipments from Argentina; is that the gentleman's argument?

Mr. HAUGEN. Yes; to other countries, because of the increased demand for beef on account of the war.

Mr. SUMNERS. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. SUMNERS. Does the gentleman state that the price of cattle is satisfactory, and does he mean fat cattle?

Mr. HAUGEN. The price is not satisfactory, but the dissatisfaction coming from feeders and cattlemen to-day is not because of the tariff act. The dissatisfaction comes from the manipulation of prices by the packers. [Applause.] We might as well be honest about this. The gentleman has referred to the foot-and-mouth disease. What happened? As the gentleman knows, the cattle coming from the quarantine districts were sent to the restricted districts, which the packers took advantage of to the extent of $2 to $2.50 a hundred. [Applause.]

The unfortunate thing is that many believe that Government officials are in a large degree responsible, not only in their failure to promptly stamp out the foot-and-mouth disease, but for prolonged quarantines and restricted districts, which largely accounts for the widespread opposition throughout the country to the department and which has evidently provoked so much discussion on the foot-and-mouth item.

Mr. MOSS of Indiana. Mr. Chairman, I do not wish to inject any politics into this discussion. The facts, however, ought to be clearly stated. I deny that cattle feeders in the United States are not making money under present conditions, and I do not believe that the big packers control prices of fat cattle in the sense that there is no effective competition among buyers at the yards. I arrive at these conclusions by my own experience as a cattle feeder and one who ships his cattle to Chicago and sells them year after year in that market. I do not always make money on a bunch of cattle; neither do I enjoy such pleasant experience in any other branch of my farming operations. I have had an experience covering more than a quarter of a century in handling feeding cattle in a modest way, and during that period, taken as a whole, the business has paid a satisfactory profit. This fact is conclusive proof to me that there is an open market for cattle and that it is possible to engage in this industry with confidence as to the financial returns.

The past two years have been unsatisfactory to the American stockman because of the prevalence of the foot-and-mouth disease. The quarantine measures which it was absolutely necessary to enforce worked hardships in many instances and demoralized the legitimate industry to a considerable degree. No discussion of this period will be fair which fails to make allowance for this abnormal disturbance. I fed cattle during this period and can speak from personal experience, but I am glad to say that even under such circumstances it was entirely possible to continue feeding and make a satisfactory profit.

In September, 1914, as I now recall it—perhaps in October of that year and shortly before the outbreak of the foot-and-mouth disease—I gave an order for 100 feeding cattle. This order was filled by Clay, Robinson & Co., in the Chicago yard, at an average price of $7.70 per 100 pounds. I did not go in person to the yards to select these cattle and did not even place a price limit on the order. It may seem strange to those who talk so glibly about the Cattle Trust controlling prices that an Indiana farmer would trust his agents at Chicago to purchase cattle on their own judgment as to quality and price. I know of no more reliable men in the business world than the commission men who buy and sell cattle at these great markets. I have been buying feeding cattle since 1890, and the price in 1914 was the highest I have ever paid for feeding cattle. To those who wish to consult tariff schedules in order to determine the price of cattle I may say that in 1890 I recall purchasing good feeding cattle from my own neighbors at an average price of $2.55 per hundred pounds.

These cattle were fed on the farm under the personal supervision of my nephew, Mr. Harry A. Moss, of Center Point, Ind. We began buying corn from our neighbors, paying 60 cents per bushel at the cribs in the fall of 1914, and gradually raising the price until we gave 74 cents per bushel for corn delivered at the feed lot in August, 1915. These prices were likewise the highest we have ever paid for corn, if the average for an entire year be taken. In the face of such a record, it sounds rather strange to hear an elaborate argument as to the disastrous effects of the Underwood tariff law on the price of farm products.

The first shipment of these cattle was made in July, 1915, to Chicago. It will be recalled that owing to the quarantine measures then in force Chicago was a closed market. Cattle could be shipped to that market only for immediate slaughter. These conditions gave the packers a monopoly of that market during the continuance of such restrictions. If it be the policy of the packers to rob farmers, they failed to avail themselves of the opportunity when our cattle were exposed for sale. The cattle sold for $10 per hundred pounds, and made a satisfactory profit. This sale was made by the same commission men who purchased the cattle as feeders; and again I did not go to the market. Here, then, is an example under the most extreme conditions which can exist. A contagious disease breaks out among cattle, and all markets are subjected to the restrictions of a rigid quarantine. No competition to packers is possible under existing conditions; and yet cattle are sold at prices which made it possible to clear a satisfactory profit on feeding stock purchased at extremely high prices and fed costly feed stuffs.

The next shipment of these cattle was made in November, 1915, and the price realized was $10.35 per hundred pounds. I am perfectly willing to put in the RECORD the cost items of the feeding of these cattle—what it cost to buy them in Chicago, freight, taxes, the price of the food they ate, and the selling price in Chicago—thereby conclusively showing that they realized a satisfactory profit.

Mr. DOOLITTLE. I wish the gentleman would put those facts in the RECORD.

Mr. HAUGEN. Will the gentleman yield?

Mr. MOSS of Indiana. Yes; to the gentleman from Iowa.

Mr. HAUGEN. Does the gentleman take issue with the feeders of the country? They say that they are feeding at a loss.

Mr. MOSS of Indiana. I am presenting the exact facts of one cattle feeder who did not lose money. I can not take issue with some imaginary gentlemen as to the results in their own business. If cattle feeders are generally losing money, and if they did lose money during the season of 1915, it is largely their own fault. I know of no business which demands higher skill than the feeding of cattle. It is a business which consumes large volumes of capital, and in which the profits largely depend upon the finish which is placed upon the cattle in the feed lots. There never has been a year that some men did not lose money feeding cattle and probably never will be one. The conditions never were more favorable to the cattle feeder than they are now. I have been feeding cattle since 1890. In that year we purchased cattle from our neighbors as low as $2.55 per 100 pounds; and, as I say, in 1914 I paid $7.70 a hundred.

The profit on any given lot of cattle depends upon many factors, chief among which are the cost price of feeders, the price of feed, the rate of gain, and the final selling price of the finished cattle. I have known cattle to lose money to their owner where every condition was favorable except the rate of gain. That is to say, a bunch of cattle may be purchased at a fair price; they may be fed at a fair cost; they may be shipped to a market where the ruling price for well-finished beeves of a good quality is satisfactory; and yet if the cattle have not done well in the feed lot the transaction may easily be a losing one for the owner of the cattle. I wish it were possible to establish conditions which would make all men skillful in all their undertakings. I wish it were possible to banish all failures on the farm and among farm operations, and if these ideal conditions shall be established, then I will advise all men to engage in the business of feeding cattle. Until then, however, only those who know the business of buying, feeding, and of selling cattle will be able to make profits, escape losses, and avoid controversies with an imaginary Cattle Trust at every market center.

The gentleman from Kansas [Mr. DOOLITTLE] believes that there is a Cattle Trust and that prices are arbitrarily fixed at the great market centers. I shall not attempt to discuss how the price level is fixed. I do not know, for instance, all the elements which controls the price of other articles on the daily markets. I have referred particularly to the first shipment of cattle in July which were sold to the packers because Chicago was then a closed market. It so happened that our second lot was exposed for sale immediately that the quarantine was raised so as to permit the shipping of live cattle from Chicago to the eastern cities. Now, what happened? These cattle were sold to shippers and were slaughtered in eastern cities because these buyers were willing to pay a higher price than the packers for the quality of cattle I had on the market that day. There was not only theoretical competition but there was active competition. There was effective competition.

Now, who set the price on the lot of cattle? I had the pleasure of being present when the sale was negotiated. Before the cattle had been exposed for sale, the commission man, the man who represented my interests and who was paid by me—the firm who has sold cattle for me for a quarter of a century—looked over the bunch and I asked him his opinion as to their value. "What will those cattle bring on to-day's market?" was the question I put to him. In reply he said, "Mr. Moss, I think we will make a top out of the bunch; I think I can get $10.40 a hundred," and in less than an hour he sold them for $10.35 a hundred. In other words, he guessed within 5 cents of what the cattle did sell for. Does that instance bear out the assertion that the packers control the price and fix the price levels? These cattle did sell for the extreme top that day. I was proud that I got the top of the market, because I had been trying to achieve that for 20 years. There is a great deal to this question of cattle feeding. It is one that requires experience; it requires money; it requires brains; and, finally, it requires good judgment. [Applause.]

[Mr. MOSS of Indiana was granted leave to extend his remarks in the RECORD.]

Mr. MANN. Mr. Chairman, I know nothing about the cattle-feeding business. I have a brother who is one of the best-known farmers in the West. I said to him once, "Why in the world do you not feed cattle?" "Because," said he, "I have got too much sense. A man who makes money feeding cattle must know that business from the bottom up, and I do not." That is the trouble with two-thirds of the cattle feeders.

Mr. Chairman, there is no business in the world that is done on so small a margin of profit as the packing business by the beef packers of the country. That is the reason they have the business. Last year Swift & Co. did a business of over $400,000,000. That is more business, by a large amount, than the Government of the United States did through the Post Office Department, with a post office in every hamlet and city in the land. I do not now recall what the total profit was, but it was not a very large amount of profit to be made on a business of over $400,000,000. I have no doubt the packers, who are human beings, very often do not pay as high a price as the seller would like to have them pay, but it is to the interest of the packers to continue their business, and hence it is to the interest of the packers to encourage the men who raise cattle by letting them make a profit. It is not to their interest to destroy the feeding business. The packers are doing more now to encourage the production of live stock in the country than we are, and we are doing something. I have heard gentleman after gentleman on the floor of the House abuse the packers because—well, I suppose to do so is popular in their districts; but what they say is based largely upon misinformation. I do not hold the packers out as angels any more than I hold the feeders out as angels, and I am not going to take more time, except to repeat that there is no large or small business in this country conducted on so small a margin of profit as is the packing business by the big packers.

Mr. ANDERSON. Mr. Chairman, I do not care to project myself into this tariff discussion, although I think it is true that the Underwood tariff law prior to the war in Europe did affect the price of cattle adversely, as it affected the price of corn adversely. We had before the Committee on Agriculture experts in the handling of corn—men who were specialists in the handling of corn—who testified that the reduction in the tariff on corn did result in a reduction in the price paid to the producer of corn in this country.

But, Mr. Chairman, I rose particularly to address myself to one phase of the work done under the appropriation which we are now discussing, and that is the proposition of marketing business practice. One of the difficulties with which the farmer is confronted in selling his grain or cattle is that he has no standard method, in fact no method at all, by which he can determine, as the manufacturer determines it, the cost of the different elements which enter into the production of the animal or the agricultural product. This bureau is undertaking to establish a method by which the farmer can determine the elements of cost in the production of any agricultural product which he produces. Doubtless many farmers are figuring these costs now, but the great bulk of the farmers are not figuring them. They have no way of determining whether the price they get represents a reasonable profit on the investment or not, and this is one of the great difficulties with which we are constantly confronted in our efforts to deal with the great problem of marketing. This office is designed to investigate this question and work out a system of cost accounting which can be applied by the farmer. This service goes much further than that. It has made an investigation into the methods of accounting in the country elevator, and has worked out a uniform system which has been adopted by more than 450 elevators in the country. The adoption of this system results in better service to the farmer, in his getting more nearly the value of his grain, the value of his product. This service is also investigating the commission business. It has established a uniform system of accounting in this business, a system which enables the shipper, the seller, who sells grain or delivers grain to the commission house on commission, to know absolutely that he is getting his part of the price paid by the purchaser. It enables the commission man to go back over his books and establish a large number of facts which are of interest and of value to him in determining whether he is running his business upon a profitable basis. This work, it seems to me, is of inestimable value not only to the farmer but to the man engaged directly in these several businesses. It ought to be continued. It will be continued under this appropriation and extended into other fields which enter into or have to do with the marketing of agricultural products.

[By unanimous consent, Mr. ANDERSON was granted leave to extend his remarks in the RECORD.]

Mr. SLOAN. Mr. Chairman, I trust the gentleman from Kansas [Mr. DOOLITTLE] will understand the force of my discussion of this matter. I do not say that the packers do not largely combine and thereby control prices. That has been a

matter of discussion in this House for four or five years. Those who have said that we should take the duties off cattle and meats were met by our direct statement on the floor of the House here that they would thereby place the whole matter within the control of the packers throughout the country. What is complained of now is simply what has been prophesied by us on this side of the House for five years. I want to read what the Association of Cattle Feeders of Nebraska have concluded upon this:

Whereas the placing of live stock and meats on the free list has resulted in increasing the control of the large slaughterers over the prices paid for live stock in the country, and when normal conditions are restored it is likely there will be large importations of foreign meats, which will greatly depreciate prices in our home market.

My contention has always been that if the duties were removed the grip of the packers, which was pretty strong some years ago, would be made absolute. It seems from the speeches made here to be absolute now. For that reason during the last two or three years, when consulted by cattle feeders in my district, and especially last year, I have advised them it was not a good time to go into the cattle-feeding business or to increase their investment. For that reason, believing, as I did, in the doctrine which I have talked on the floor of this House during the five years I have been a Member, I have during the last three years suspended the cattle-feeding business, because I believed it would not be profitable.

The changed condition of affairs has tightened the grip of the great packers, just as the Nebraska cattle feeders have contended, and it being so tightened and we having to compete with the world for the home market, the greatest and best market of the world, the best meat-eating community in the world, not knowing about world production or world markets, we are at a disadvantage. For these reasons I am in favor, as I said before, of this appropriation, that it may to some extent alleviate the condition of these men engaged in this important industry. But this can only be palliative. The real treatment will be given when a protective tariff will be restored on cattle, beef, and veal, as well as other farm products now placed by the Underwood law on the free list.

But that is referred to the broad forum of the American electorate, the determination of which from recent events leaves little room for doubt. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

[By unanimous consent, leave was granted to Mr. SLOAN to extend his remarks in the RECORD.]

Mr. RUBEY. Mr. Chairman, I usually agree with my good friend from Nebraska [Mr. SLOAN] when we are discussing agricultural matters, and I am indeed glad that this discussion, which has lasted now for 40 minutes, has been had here to-day. The gentleman started out with the proposition that the tariff was the cause of all the trouble, but at last, after this discussion, he has seen the light and now acknowledges that the packers of the country are in absolute control of the live-stock market. [Applause.]

The live-stock product of the country is the largest single product that comes from the farm, amounting to over $5,000,000,000 annually. Here is another peculiar situation: The bulk of the meat-eating population of the country is located in the eastern part of the United States, while the meat-producing population of the country lies west of the Mississippi River, hence the great centers through which the meat products go to market are necessarily in the Middle West. We have in this country to-day about 35 or 36 great central live-stock markets. I say, and I say it without fear of successful contradiction, that in each and every one of those central markets the great packing concerns are in absolute control of the markets, fix prices, and regulate them at will. Why, they tell me that if you go to market with a load of stock you will stand around there in the morning until 10 o'clock, till finally a representative of one packing concern will come down to your pen, look over your cattle, and make you a bid on them, and you can get one bid and only one bid, and that, too, from only one concern, and you are forced to take what you are offered. If, perchance, a shipper has his cattle at Kansas City, he decides that he can not get enough for them, he concludes that he will ship them on to Chicago. He reships his cattle to Chicago, but news of his reshipment with a full description of the cattle has gone on to Chicago long before he ever gets there, and the bid that he receives on the cattle in Chicago is less than that which he received on those cattle the day before at the Kansas City market.

Mr. GOOD. Will the gentleman yield?

Mr. RUBEY. I will.

Mr. GOOD. What effort has been made by this administration to prosecute this illegal combination of which you are talking?

Mr. RUBEY. I will say to the gentleman that the Secretary of Agriculture, Mr. Houston, called a meeting at Chicago last fall, and there were at that meeting representatives of every department of the live-stock industry—producers, consumers, packers, including the railroad people, who carry the live stock to market—in fact, every possible interest that has to do with the production and marketing of the live stock of the country was there represented.

Mr. GOOD. Except the Department of Justice, and that seemed to be asleep.

Mr. DOOLITTLE. I will answer the gentleman's question, if he will permit.

Mr. RUBEY. I will say further to the gentleman that we have a resolution introduced into this House and now pending before the Committee on the Judiciary. Extensive hearings have been held, and are being held, for the purpose of referring this whole matter to the Trades Commission, in order that it may be thoroughly investigated by that body, that proper steps may be taken to correct this great evil.

Mr. GOOD. Will the gentleman yield further?

Mr. RUBEY. I will.

Mr. GOOD. Three years ago, before the subcommittee on the legislative, executive, and judicial appropriation bill, the gentleman who is now at the head of this Trade Commission appeared and ridiculed the former administration for its attempt to dissolve the Meat Trust, and said, "Wait until we get at it, and we will dissolve it." You have not brought a single suit.

Mr. RUBEY. Will the gentleman tell me how long that commission has been in existence?

Mr. GOOD. He was in the Department of Justice at that time.

Mr. RUBEY. How long has the Trade Commission been in existence?

Mr. GOOD. It had not been created at the time he testified. He was going to dissolve the Meat Trust through the Department of Justice.

The CHAIRMAN. All time has expired. Without objection, the pro forma amendment will be withdrawn.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

For collecting and distributing, by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables, $136,600.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I believe this item provides for a new activity of the Government for work that has never heretofore been done by the Agricultural Department or any other department on such an extensive scale that is proposed under this pending paragraph.

Mr. LEVER. If the gentleman will permit, his statement, qualified by "on not so extensive a scale," is correct; but during the last year, under another item of this bill, between $30,000 and $40,000 was spent in doing this character of work. But this is the first time it has been set out in the bill.

Mr. STAFFORD. Mr. Chairman, I do not question but that the Agricultural Committee appropriated funds under general appropriations for this character of work last year, but never before has it been directly authorized by Congress. I wish to call the attention of this committee to the extreme to which we are proposing to go if we adopt this proposition as carried in this bill. It is proposed to have highly paid experts here in Washington who are acquainted with market conditions on the strawberry crop, the peach crop, the cantaloupe crop, and the tomato crop, and send out to the shipping centers of the country daily telegraphic reports as to the number of carloads of these perishable commodities that have been assigned to the respective markets of the country. This gentleman, Mr. Sherman, came before the committee. He was formerly connected with the Civil Service Commission and apparently has a hobby which he desires to have adopted by the Government. When asked on more than one occasion in the hearings as to what the total cost of this experiment would be, he dodged the question, but stated that we could get along in some way this coming year in experimental work with $136,600.

If you will read the testimony, which covers some 20 pages or more, you can not escape the conclusion that if this policy is carried out to a logical extreme it will involve the Government ultimately in an expenditure of $2,000,000 or $3,000,000, or maybe $5,000,000.

The question before the committee is whether this information will have any value whatever to the producers or to the consuming public of the country. I claim that this method of obtaining information by telegraph from all parts of the country daily, having it forwarded here to the department headquarters and then send it out to the respective market centers, is a function not for the Government but a function for the business concerns involved, and that that information can be obtained without this extravagant expenditure by those producers and by those commission merchants from the daily press. The growers of strawberries in the country tributary to the district that I have the honor to represent know exactly the market conditions prevailing in the Chicago and Milwaukee markets to which they send their supplies. It is not necessary for them to be advised daily by telegraphic reports from the department here at Washington. The peach growers of Maryland and Delaware know the market conditions as to peaches in the Philadelphia and New York markets daily from the Philadelphia and New York newspapers without having this expensive adjunct established here in a department of the Government.

Reading the hearings you can only come to one conclusion, and that is that this is more for the interests of the commission merchants than for the interests of the producers. True, there is testimony presented that the work of the past year has been of value to those shippers. Of course it has been of value. Of course these private shippers will receive information free from the Government if the Government wishes to furnish it; but the question is whether it is a proper governmental function. Here with respect to the cotton crop and with respect to the tobacco crop, through our census officials, we are furnishing to the producer quarterly and monthly returns as to those products for the benefit of the producers; but here you propose by telegraph—the expensive agency of the telegraph—to furnish daily reports to the commission merchants for their own private gain, to the end that they may know whether a number of cars en route from the various shipping centers have been dispatched to some other center, so that they may know just the quantity of supplies that may be en route on the day before.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CAMPBELL. Mr. Chairman, it is doubtful if this item will cure the trouble that it seeks to reach. The matter of marketing perishable products is not a question of ascertaining the market price at the market the day the products are ready to be sent out. The trouble is in finding transportation facilities that are ready and fast. Tons of perishable products rot on the vines and in the fields every year within a few miles of people who are anxious and able to buy them but who have not the opportunity, because the transportation facilities are not provided.

I have recently given this matter much consideration. A very large section of country in the district that I have the honor to represent grows berries and other perishable products. We are within easy reach of a splendid market. Our berries, our tomatoes, our peaches, in large measure, waste, because of their perishable nature, for want of a way to reach the market where the people really want them. I doubt very seriously if this $136,000 would result in a dollar's benefit to the producers of perishable products.

If the Interstate Commerce Commission and State railroad commissions will require the railroads to put fast trains on out of the producing districts during the season in which perishable products are produced, reaching the market at a marketable hour, something worth while will be done for the producers and consumers of these perishable farm products. The prices are generally very well understood.

There is another thing in addition to reaching the market. The producer, the farmer, the truckman, is very largely at the mercy of the commission merchant at the market end of the line.

Mr. BAILEY. Mr. Chairman, will the gentleman yield at that point?

Mr. CAMPBELL. Yes.

Mr. BAILEY. Is it true that the market is steadied often now by the destruction of the products?

Mr. CAMPBELL. Yes. If I had time I would go into that. But I have no doubt that some commission merchants to whom I have just referred let shipments waste rather than sell them at fair prices to consumers and that other merchants might put upon the market in this way similar products which are sold to a few at a high price, and the result is an absolute loss to the producer of similar products wasted.

Mr. BAILEY. I will say to the gentleman that I have seen the Chicago River running red with strawberries at a time when they were selling at the rate of two boxes for a quarter. I do not know whether that is still the practice, but I have also seen the Chicago River running full of peaches in order to steady the market.

Mr. CAMPBELL. I have seen berries and vegetables of all kinds rot upon the ground on which they were grown because there was no way by which they could be gotten to market and because the producer was afraid to send them to the commission merchants on account of the manner in which they had been treated on other occasions by the commission merchants.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LEVER. Mr. Chairman, I would like to have a limit set upon the debate, if I may, pending the decision by the Chair on the point of order.

Mr. HAUGEN. Mr. Chairman, I suggest that we go on with this debate for a few minutes. Then we can try to reach an agreement. I think there are a number of Members who desire to be heard. I would like to have a few minutes myself.

Mr. LEVER. In a matter of this importance, I think it is always better to know what the limit of time is.

Mr. HAUGEN. I think we had better go on, and later we may reach an agreement.

Mr. LEVER. I suggest we close debate in 45 minutes.

Mr. HAUGEN. I think we could save time by going along, say, for 20 minutes, and then we could see.

Mr. LEVER. I do think it would be a waste of time, if the point of order is to be sustained. I do not, however, think the item is subject to a point of order myself.

Mr. HELGESEN. I do not think they will make the point of order if they understand the situation.

Mr. MANN. I was in hopes I might persuade the gentleman not to make a point of order.

Mr. LEVER. Very well, we will jog along.

Mr. FOSTER. Mr. Chairman, the farmer and the fruit grower and the truck grower are first interested in producing a crop. After the crop is produced and ready to go on the market the farmer is then interested as to where he can send his product to market to the best advantage to himself.

There are certain elements that enter into this matter. Transportation is one of them and a proper place to sell that product when it gets to market, wherever that may be. Many times, as has been said here, the farmer, the fruit grower, and the truck grower sends his produce to a market and finds that the market is full and that there is no demand that gives him any remuneration for what he has put upon the market. Many times the price of this produce by the time it reaches the consumer has been doubled or trebled in value, and the consumer gets no advantage in price as a result. He is compelled to pay this high price, but the producer does not get it. It has been shown, I think, by men who have made a particular study of this subject that in many instances a product for which the producer received $1 costs probably four times as much by the time it reaches the consumer. One great difficulty is that these products pass through so many hands, and each one must make a profit, and so the consumer pays a high price, of which the producer does not get any part. We hear a great deal of talk about going back to the farm. Many have lectured and written in favor of keeping the boy on the farm; yet unless we can show the boy on the farm that he is going to get something out of the prosperity of the country, it is no use to talk about keeping him there. He is not on the farm for fun. Working on the farm is not a funny business, as any man knows who has ever tried it.

I believe this Bureau of Markets is one of the best things that has ever been established in the Agricultural Department. I do not know as to this particular proposition whether it will be of so much benefit or not, but it seems to me that with a production of more than $8,000,000,000 a year upon the farms of this country we can afford an appropriation of $136,000, or whatever amount may be necessary, to give the farmer the information as to the conditions of markets throughout the land, and I believe it will prove of benefit to him.

Mr. CAMPBELL. Will the gentleman yield for a suggestion?

Mr. FOSTER. Yes.

Mr. CAMPBELL. Would it not be more profitable to the producer and also to the consumer if the condition of the market were sent out to the producer?

Mr. FOSTER. Why, certainly; there is no question about that. Many times the producers of strawberries—a very perishable product—send them to Chicago or some other market, and by the time they get there the market is glutted, so that the strawberries will not pay the transportation charges. We raise a good many strawberries in southern Illinois, and they go largely on the Chicago market, possibly because it is more convenient to us than any other market. Many times I have heard men say that they have sent these strawberries to the market

and they have had the commission man return them a bill for charges. I heard this story down there, that a man sent some produce to the market, and the commission man sent him a bill for transportation to Chicago. All the man could do was to say, "I will send you some more produce to pay the charges that you have incurred for me." [Laughter.] That is a deplorable condition, and there is no use to talk about keeping boys on the farm in this country as long as that condition continues.

Mr. GOOD. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GOOD. The gentleman has said that only $136,000 is appropriated for this purpose; but if he will look at the item preceding he will find that we have already appropriated $285,000 for acquiring and diffusing useful information on subjects connected with the marketing and distributing of farm and nonmanufactured food products, and so forth.

Mr. FOSTER. Yes; I know that. I am speaking particularly of this amount, on which the point of order was reserved. We talk about increasing the production of this country and increasing the remuneration of the farmer, and yet only about 2 per cent of the appropriations of this Government are for agriculture, while we pay large amounts for other things that possibly would not do the good that is done for the farmer. [Applause.]

Mr. ANDERSON. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I could not qualify as a market expert. I am not certain but that I might possibly, by a stretch of imagination, be able to qualify as a legislative expert.

A few years ago the proposition was made to provide for information concerning the marketing of certain farm products. A bill was introduced in the House and a bill was introduced in the Senate. I am not sure now just what became of those bills. My recollection is that the Senate passed its bill. I am not sure.

Mr. LEVER. I think the gentleman is mistaken. This item in this appropriation bill is really——

Mr. MANN. I will come to that. My recollection still is that the Senate passed its bill. I may be mistaken about it. I know that I made a very careful canvass of the matter in the House and Senate and discovered that, in my opinion, there was more than a two-thirds majority in both bodies, which would pass the bill.

That bill provided for very large machinery to begin with, practically for the furnishing of all kinds of information to everybody who had anything to sell. I thought it was not wise to do it all at once, and that it would be better to have a provision in the Agricultural appropriation bill, where we could go at it somewhat gradually, where we would have better control over it. I believe the Senate inserted in the Agricultural bill, or perhaps we did—the gentleman from South Carolina [Mr. LEVER] can inform me—an appropriation in reference to marketing, and the appropriation was finally agreed upon.

Mr. LEVER. I will say to the gentleman that the Agricultural Committee reported out an appropriation of $50,000, which was agreed to in the House and Senate also.

Mr. MANN. That is correct. That was reported as a sort of compromise between those who were opposed to anything of the sort and those who were in favor of the original bill. That, in my opinion, was the proper way to get at it. Now, so far this appropriation has been increased. Here is another proposed increase, not an exorbitant sum, not enough to furnish information to everybody who has everything to sell, and we have not reached the point yet where we can do that. It is still experimental. It is a good deal wiser to make it as an experimental proposition, to see what it amounts to, than it is to enact it into positive legislation and create a bureau by statute with such power that it must inevitably in a few years cost millions of dollars, whether it is worth anything or not—because we can not stop those things.

Now, here is a proposition to test out what is already being done, but to test it further. A few years ago a gentleman over here in the Bureau of Plant Industry—I forget his name; I believe he was at one time acting chief, but I am not sure of that—went out with the California Fruit Growers' Association. I suppose, although I do not know, that the California Fruit Growers' Association is now the most important association of the growers of farm or agricultural or horticultural products in the world.

Mr. SLAYDEN. And the most efficient.

Mr. MANN. They have discovered, by the methods proposed to be used here, that they can market their products where there is a demand for them. A carload of oranges is started from southern California and does not know where it is going to land when it starts.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

[By unanimous consent, the time was extended five minutes.]

Mr. FESS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FESS. This is a new item?

Mr. MANN. It is a new item in language, but the work is now being done.

Mr. FESS. What I wanted to ask the gentleman is whether he has in mind the specific good results that will follow from this?

Mr. LEVER. I think I can tell the gentleman at the proper time.

Mr. MANN. The gentleman from Ohio asks a very proper and interesting question. All last summer I used to notice in the Chicago papers—and I suppose it was published everywhere—a statement of the number of carloads of different kinds of fruit and vegetables that were sent to Chicago from different places. The same was true with reference to all other large markets. That information is provided throughout the country, so that a man raising watermelons in Georgia would know from day to day the number of carloads of watermelons on the way to Chicago and New York and Cincinnati or Baltimore, and in that way have some idea of whether the market at those places would be overcrowded.

Mr. FESS. Then the value would not be limited to the commission merchants?

Mr. MANN. Oh, no; the value is not to the commission merchant; the value is to the producer.

Mr. LEVER. If the gentleman from Illinois will allow me, I suggest, in connection with the fruit growers of California, that that association has been so successful that it is enabled to employ Dr. Powell, who used to be in the Bureau of Plant Industry, at a salary of $12,000 a year, and their telegraph code costs $60,000 a year, and yet with those overhead expenses they make a large profit.

Mr. MANN. They make a large profit from a very small charge, and they are now engaged in the most interesting kind of work there is for an association of that kind, and that is advertising their products so that they may reach a larger consumption. You read every day—they have it all over the country—advertisements of "Sun-kissed oranges" and various other California products, paid for by this association out of a general fund that is a very small charge on what they sell. I remember when Dr. Powell went to the concern in California. I talked with him, and he told me he had an offer to go to this association and what he was going to try to do. The little knowledge I have on the subject—and I was interested in it from the start—shows me that he has accomplished a great deal more than he thought he could accomplish or than anybody else could accomplish.

Mr. HAUGEN. Will the gentleman yield?

Mr. MANN. I will.

Mr. HAUGEN. The gentleman has referred to the movement of fruit. Is it not a fact that the railroad companies furnish the information of the movement of stock at their own expense and that this information is furnished by the department at Government expense?

Mr. MANN. No; that is not the fact. The railroads may have the information. Of course, the Department of Agriculture has to get it some way, partly from the railroads and partly from the merchants; but the Agricultural Department furnishes it to the people of the country. I dare say that the gentleman never learned a single thing in reference to such shipments from a railroad statement. If he did, he had to make inquiry for it.

Mr. HAUGEN. I was referring to stock shipments.

Mr. MANN. The stockyard furnishes that information as to stock shipments, but they do not furnish the information as to where the shipments start from. All they furnish is the receipts of the shipments at the yard.

Mr. ANDERSON. Mr. Chairman, the remarks of the gentleman from Kansas indicate but one thing, and that is a very vague notion as to the kind of work being done and proposed to be done under this paragraph. Perhaps that is not at all singular, as the work is largely new. Gentlemen of the House are entitled to information as to its character and purpose. The information that is gathered by this service and given to shippers, associations, and commission men is not confined to prices. If prices are gathered at all, they are a very small incident of this service. The service, in the first place, makes a survey of the consuming capacity of the large centers of population.

Mr. CAMPBELL. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. CAMPBELL. Is not that covered in the preceding paragraph—the survey of the market and the information to producers of the best markets to which to send their perishable products?

Mr. ANDERSON. It is not.

Mr. CAMPBELL. It certainly is not in the paragraph under discussion.

Mr. ANDERSON. I think it is. It was formerly done under the preceding paragraph, but it is now proposed to carry it under this paragraph. They make a survey of the consuming capacity of the great centers of population. It is a well-known fact that some cities consume a very much larger amount of strawberries per capita than other cities. This survey determines the normal consuming capacity of these large consuming centers with respect to certain perishable products.

Then it goes to the other end and determines the producing capacity of the producers of the country. It knows how much of any given product is available for shipment at any particular time. It ascertains how many cars of strawberries, peaches, or watermelons are started for consuming points upon any given day. Having previously given to the shipping center the information as to what the normal consumption of the city is, and knowing the amount of the product that is on its way to that city, the shipper is enabled to divert a part of the shipment to some other point, where there is no oversupply.

Naturally this information, to be of any value, must be obtained very quickly. It has to be obtained by telegraph and it is obtained by telegraph. Those who have seen this service applied testify that it is of inestimable value. The gentleman from Illinois [Mr. MANN] told the House something with respect to what had been done by the California Fruit Growers' Association. This is one of the largest, perhaps the largest, association of its kind in the country, if not in the world. Because of its size it is able to perform this service for itself, but there are a vast number of small producing centers, and smaller associations, whose business is not of sufficient volume to enable them to carry on such a vast service as this is intended to be.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, these small associations can not perform this large service for themselves. If the Government does not perform it, nobody will perform it, and we will have what we have had heretofore, namely, the great consuming centers of the country flooded with a product at one time and absolutely without it at another. The market office is under the direction of a citizen of the State which I have the honor in part to represent, a graduate of the university of that State. I think it is one of the most efficient organizations in the entire Government. It is a new service, very largely in the experimental stage, but because it is a new service it has not been cramped by traditions, by obsolete methods which have been adhered to from year to year, from a time as to which the memory of man runneth not to the contrary. It has been able to apply to its own organization the system of efficiency which it is trying to get adopted by the various concerns in the country handling agricultural products. The gentleman from Iowa [Mr. HAUGEN] talks about the information with reference to stock shipments which appears in the newspapers from day to day. That information, of course, refers only to receipts, and naturally reaches the public only after it can be of no possible value to the man who is shipping stock. This service proposes to give the information in advance, so that the producer will know where to ship his produce and when to ship it.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield.

Mr. STAFFORD. Do not the local papers, so far as perishable truck is concerned, furnish that very information to-day? I know they do, so far as my home paper is concerned.

Mr. ANDERSON. Oh, this is not a local proposition. This is a Nation-wide proposition, a proposition to correlate information from every section of the country and make it available to every producer in the country. The information that is contained in the local newspapers reaches only those persons in the immediate localities. These products are shipped, many of them, thousands of miles. It is not a local market problem. It is a national market problem, a problem that affects the whole country. It requires the gathering of information with respect to these products all over the country, and in that respect it is a service which no individual establishment, no matter how large, can duplicate upon the same scale as the Government, giving the same value to the shipper and the consumer alike.

Mr. LEVER. And the same impartial information?

Mr. ANDERSON. And the same impartial information. In other words, it is a Government service which stands between the producer and the consumer that can obtain and give the information in an impartial way, that is biased neither by the desire to sell dear nor to purchase cheap.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. WARD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HELGESEN. Mr. Chairman, my very good friend from Milwaukee, Mr. STAFFORD, is a very well-meaning man; but, coming from a large city, he is apt to take the same view of all these questions that men do who come from large cities—a local view—and they imagine anything that tends to benefit the farmer must necessarily injure the consumer. They can not understand that new conditions might be brought about that might benefit the producer and the consumer alike. Much as the great cities consume—and they do consume a great deal in the line of fruit—they do not begin to consume as much as the smaller towns, villages, and hamlets and the farmers of the North. I represent a district that can not raise any of these southern fruits. We have no interest in this item as producers, but we do have an interest in the item as consumers. We want them at a reasonable price; and we understand what the great cities do not seem to understand, that whenever there is any unnecessary waste it must result eventually in making the average price higher than it would have been if that waste had not been sustained, and whenever there is a carload or a trainload dumped it must increase the price eventually, although it may ruin a few and very frequently many producers. It is not in the interest of the commission men at all. The commission men get their commission regardless of whether it is sold at a high or a low price; but whenever the southern fruit flows into the great central markets in such quantities as to overstock those markets the price goes down to a point where the producer does not get enough to pay for the cost of production, and it discourages him, even though it does not break him financially, and he will not ship any more. He does not know the fact that whereas Chicago, Milwaukee, Pittsburgh, St. Louis, and Kansas City may be overstocked, there are very many other much better markets where they could get a profit; and the idea is to furnish the information to the producers of the southern fruit so that they may know that certain markets are glutted and that therefore he should not ship to those markets, but to ship to the distributors in Minnesota and the northern regions of the country where people want that fruit and where they are willing to pay a reasonable price.

It is the only possible way that the small producer can ever get the information that he needs and must have if he is going to remain in the business and get more than the cost of production. We have a great many instances of that. I remember that about a year ago a man told me he had a friend who was a commission man in Boston. He was raising onions down South, and he appealed to his friend in Boston to let him know when to ship those onions, and he got a letter saying he believed that now was a good time to ship, but, unfortunately, a great many others had received the same information, and the market was flooded. So the commission man wired him afterwards not to ship. It was too late. The result was that the onions sold for less than the freight, and he had to pay $12 on top of giving his onions away, because they did not pay for the freight. Now, if information had been available, if he could have shipped those onions to a place where the people would have taken them at a reasonable price, it would have been to his advantage.

And so it is on all lines of southern fruit. The South is different from the Pacific coast. The orange industry is in the hands of a compact organization that has capital enough to carry on a private marketing organization, but the small southern producer can not do it, and the only way he can get the information, if he is to have it at all, is from a Government source.

Mr. BYRNES of South Carolina. Mr. Chairman, I trust the gentleman from Wisconsin will not make the point of order against this item, but if he does, I hope that it will not be sustained. Of all the work of the Department of Agriculture, I believe the work of the Bureau of Markets will prove to be of the greatest value, and in this bureau there is no work of greater importance than that provided for in this item appropriating $136,000 for collecting and distributing by telegraph and mail, information as to the supply, commercial movement, and market prices of fruits and vegetables. One can hardly

appreciate the value of this work unless he is familiar with the manner in which the farmers have heretofore marketed their fruits and vegetables. In a part of the district I have the honor to represent the growing of fruits and vegetables is quite an industry. Asparagus, cucumbers, cantaloupes, watermelons, lettuce, and other fruits and vegetables are grown and shipped to northern markets for sale. The farmer who invests his money and labor in producing cantaloupes, for instance, has heretofore sold them by shipping them to some commission merchant in one of the great cities of the East, without any knowledge as to the number of cars arriving in the city that day or the number of cars en route for that market. As a result it has often happened that while there was a demand for cantaloupes in many markets, some one market would have a surplus and this perishable fruit be thrown away. It has been an injury to the consumer because the waste of carloads of cantaloupes in one market simply means a shortage in another city, and consequently higher prices in that city. At the same time it has been a serious injury to the producer who in return for his cantaloupes has received from the commission merchant nothing more than a request to remit to cover the freight.

The work provided for in this item was commenced last year. It was impossible for the bureau to extend it to all fruits and all vegetables the first season, but strawberries, onions, tomatoes, and one or two others were covered, and this year the work will be extended to cover asparagus, cantaloupes, and other crops. Agents of the department are sent to the great markets and by telegraph they inform the bureau daily of the prices prevailing in those markets and of the supply available. Arrangements have been made with the railroads to furnish to the bureau every night the number of cars of cantaloupes, for instance, that are en route for New York. The producer in South Carolina can arrange with the Bureau of Markets to have sent to him daily a telegram informing him of the number of cars of cantaloupes in New York that day, the prices prevailing, the number of cars en route, and with this information he can reach an intelligent conclusion as to whether or not he will ship a car to that market. Cars from the South Atlantic States are consigned to Potomac yards here at Washington, and if the information from the bureau causes the producer to conclude that it would be wise not to ship to New York he can, by telegraph order to Potomac yards, have his car diverted to Philadelphia, Boston, or some other market.

As the gentleman from Illinois has stated, this work is only in the experimental stage. It is growing, and if it is to be of the greatest service to both producer and consumer it must finally become a great clearing house of information. My own opinion is that at the conclusion of the season for shipping cantaloupes, for instance, a bulletin should be prepared showing the number of carloads of cantaloupes arriving at the large markets each day and the price prevailing that day. This information could be easily secured, and if furnished to the producer would be of great value to him the following season. When he receives a telegram from the bureau that 20 cars of cantaloupes have arrived at New York and 20 more are on the way he is still in doubt, because he does not know the consuming capacity of the market. But if he has a record of the condition existing in that market the preceding season on that very day that information will be a chart by which he can be guided in shipping his cantaloupes.

Mr. GOOD. Must he have that information by telegraph?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of Michigan. I was interested in what the gentleman said about the crop reporting or the dissemination of information by bulletins. Now, that is done at considerable expense to the Government, and it always contains this same information largely that the gentleman is talking about, but it comes too late. Would it not be better to send a telegram than to use this money for this late information, so that they can take advantage of the information the gentleman is now talking about?

Mr. BYRNES of South Carolina. The gentleman did not understand me. The bureau could prepare a record of the number of cars of cantaloupes received at New York on June 1, 2, or 3 of this year and at the conclusion of the season could prepare a bulletin setting forth this information, together with a record of the prices prevailing in that market each day. That bulletin could be prepared at any time in the fall and forwarded to producers, and next season when the producer was ready to ship he could consult this record and know exactly how many cars were consumed in that market last year; he could telegraph to the bureau and find out how many were en route for New York and then decide whether or not he should ship there.

Mr. SMITH of Michigan. Very true, but this market produce is perishable stuff, and would it not be better to have the information just at the time the crop is produced?

Mr. BYRNES of South Carolina. It is absolutely essential to secure by telegraph the information as to the condition of the markets at the time the producer is ready to ship.

Mr. SMITH of Michigan. I quite agree with the gentleman in the position he takes on this matter, but I wanted to get his idea and ascertain if he did not agree with me.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Connecticut?

Mr. BYRNES of South Carolina. Yes.

Mr. TILSON. I wanted to ask the gentleman if in his section of the country there are not fruit growers' associations, so that one man will not have to bear this expense alone, but that the whole association, including a group of farmers in a settlement, might get all this information at their joint expense.

Mr. BYRNES of South Carolina. That is a very pertinent question. The producers are slow to organize; it is difficult to convince them of the benefit of it. However, progress is being made, there is a State organization of asparagus growers just organized this year, and in Beaufort County, in my district, there is an organization of producers engaged in producing lettuce, potatoes, cabbages, and other truck. They have a competent secretary and, of course, he can secure telegraphic information from the bureau if he wishes to, and communicate it to the members of the association. Where there is no association, however, the producer has up to this time had no means of securing this information, and that is the reason why I believe this item of such great value. I think it would be well for the department to consider using the county demonstration agents at points where the producers are not yet organized. If the producers agree to bear the expense of the daily telegram to the agent from the bureau, when he received it in the morning he could use the telephone to communicate it to interested producers. Of course this work is in its infancy, but I think it exceedingly fortunate that Mr. Brand, who is in charge of it, has had the good judgment to proceed cautiously. Having read the hearings before the committee, I am satisfied they have made great progress. It is no easy task to organize a new bureau, secure competent assistants, and map out the work. He is laying a solid foundation for this bureau, which is destined to become one of the largest in the Department of Agriculture and render great service to the producers of the country.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WATSON of Pennsylvania. Mr. Chairman, I am a practical farmer, not too proud to get down on my knees and get after the bugs that my colleague and friend from Pennsylvania [Mr. MOORE] has said are so dangerous to vegetation and the human race. [Laughter.]

Something has been said about the transportation of products. I live within 20 miles of the city of Philadelphia, and the road to that city is as smooth as this floor. There are plenty of trucks to transport my products, and within three hours after they are harvested they are placed on the markets. But when they arrive there it is difficult to find purchasers. Therefore it is not transportation but demand that worries the farmers of my district.

This item in the bill, amounting to $136,000, to notify the farmers, I feel, is of no practical assistance. In my section there are a great many people growing pears. Occasionally letters are received from Pittsburgh stating that there is a great demand for pears there. Then the growers send their crop to Pittsburgh, only to find a weak market.

So it will be in all sections of the country and for all growers of products. I am speaking for my constituents and for myself when I say I do not believe in this appropriation, and I think it is of no value to the country. [Applause.]

Mr. HAUGEN. Mr. Chairman, if anyone will read the hearings he will find that the purpose of the Bureau of Markets is to do away with the middleman.

Gentlemen, possibly the middleman is not entitled to consideration. It may be that the beautiful towns and hamlets throughout this country have no rightful place on the map. Possibly they should be wiped off the map. I do not believe this should be. This question is now up to the committee. If you believe in eliminating them, then give this Bureau of Markets every encouragement that you can. The idea here, evidently, is to

transport the products from the farm to the kitchen. If you go direct from the farm to the kitchen, you eliminate the middleman and merchant in the small town and the merchant in the city, who have largely built up and inhabit the towns. I have lived in small towns. I have contributed to their support. I still believe that they are entitled to some consideration.

How is this to be accomplished? By way of parcel post? Yes; the express companies pay railroads, on the average, 73 cents a hundred, or less than three-fourths of a cent a pound for hauling express. The railroads get from Uncle Sam an average of $4.60 for every 100 pounds you divert. You thereby throw nearly $4 extra on every 100 pounds to them and add that much to the receipts of the railroad companies.

If it is to aid the railroads, if they can not take care of themselves, very well; let us encourage this appropriation. However, I have always believed that the railroad companies are capable of taking care of themselves. I have no quarrel with them. They are like the packing houses; they are human; they take all that they can get.

What next? The claim is, it is to enlighten these so-called "ignorant farmers." It is to inform the farmers as to the rates from one given point to some other point. The gentleman from Minnesota [Mr. ANDERSON], a member of the committee, raised this question: "I shipped my automobile, I paid one rate, and was called upon to pay in addition." Asked what remedy he had to suggest, he said: "We supply information, but we do not make rates." Why, gentleman, is it not a fact that every railroad company is required to post their schedule of rates in every office? A farmer can go to the nearest freight office and procure all that information, as he in fact does; but the department now contends that the farmer is not capable of comprehending the schedule, and therefore information should be furnished by it.

A word as to the merchant: I believe that the merchant, the distributor, is as necessary as transportation and the producer. This talk about "from the farm to the kitchen" is, in a large degree, a political bunkum to catch votes and in the interest of transportation companies. For instance, much has been said about potatoes. The dealer who it is proposed to eliminate, the merchant who helps to build and support the town, its schools, churches, parks, and streets, buys in carload lots and pays, say a cent a pound for potatoes and 25 cents per hundred freight. He sells in small quantities, in many instances not to exceed 10 pounds. Suppose he charges a profit of 75 cents a hundred. This makes the cost to the consumer 2 cents per pound or 20 cents for 10 pounds. On the other hand, if the consumer follows the advice to buy direct from the farmer and places an order for a certain number of pounds of potatoes to be forwarded from time to time, say, in 10-pound shipments by parcel post, he pays 10 cents to the farmer for the potatoes, the same as the merchant paid for the carload lot. If the shipment is within the first zone of 50 miles, he pays 14 cents postage; if in the third zone and over 150 miles, he pays 24 cents postage. I believe that it is fair to assume that no consumer will pay 24 or 34 cents for 10 pounds of potatoes that can be delivered at his door on short notice at 20 cents. What is true as to potatoes is true in many other instances. It is also true that many products can be shipped to advantage. At times butter and eggs can be shipped to an advantage, but with our slow parcel-post service few take chances on shipping perishable products. Even if money could be thus saved to the consumer with the present rate paid to railroad companies carrying parcel post, the rate charged and the deficit incurred, it hardly seems fair to encourage a greater deficit and take money out of the Public Treasury to make it up. We might as well be honest about it. The whole scheme is to encourage shipments by express and parcel post at a higher rate than the freight rate now paid, and thus increase the receipts of the railroad companies. Cooperation and organization should be encouraged. We have it throughout the country. In my section of the country we have cooperative creamery companies, insurance companies, elevator companies, and various other cooperative associations. They serve a good purpose and are generally ably and successfully operated, and are worthy of credit and commendation, but in order to encourage and assist them it is not necessary to employ and send out experts on transportation rates to tell the farmer or the elevator man the rate from his station to his shipping point when the information is available or can be had by stepping into the freight office; nor is it necessary for the department to telegraph market reports from Washington at Government expense when that information is already furnished over the wire and through the daily press; nor is it necessary to employ inexperienced business men to advise business or commission men where and how to conduct their business, or the elevator men how to keep books, or numerous other things which are proposed under this item.

In this connection I desire to say a word as to appropriations based upon statements and credit hitherto taken for increase in yield, which were evidently not well taken. As stated by Mr. Spillman, Chief of Office of Markets, hitherto eloquence has been wasted in an effort to increase the yield, and from now on the farmers are to be told how to grow less, and thus the solemn pledge made to the consumer in the Democratic platform, pledging a reduction in the cost of living is to be repudiated. In the paragraph under consideration, and in a number of others, it is proposed to appropriate money for the payment of high salaries and expenses of employees in the department, averaging from $2,500 to $5,000, as stated by Mr. Spillman, "to visit among farmers and gather up their experience." Why not employ an experienced, intelligent, practical, and substantial farmer at the outset? Why employ those who know nothing about farming to go into the country "to visit and gather up their experience?" What is the situation? People are employed to go into the fields, to advise and educate farmers, to tell them what to do—information to be given to the farmer by employees who know little about farming or the work assigned to them. Second, as stated, another employee is sent to visit among farmers and to gather up their experience, so that if he acquires the necessary knowledge of farming he may be sent out to instruct and educate other employees in the field so that they may intelligently perform the work assigned to them—that is, to tell the farmer what to do. As a result we have half a dozen men, each drawing salary and expenses from $2,500 to $5,000, endeavoring to do the work that one practical and experienced farmer could do much better because of his experience and knowledge. Why this waste of money? Why tax the farmer with all these high salaries and expense when, according to Mr. Spillman's statement, the farmer is receiving annually a net average of $142 cash and $260 worth of food, rent, and fuel for his year's work, which includes the services of his family, averaging 4.6 people? Why not employ a competent man at the outset, as was contemplated and understood would be done when the item was first inserted in the bill? Certainly many practical, experienced, intelligent, and successful farmers could be employed to do the work, thus not only eliminating hundreds of thousands of dollars from this bill, but at the same time have the work done in a more efficient and comprehensive manner by giving the farmer practical and valuable information, not in one but in all the bureaus of the department.

Scientists have their place and should be given encouragement. Everyone employed in the department, so far as I know, is worthy and deserving. When it comes to treating bugs and the diseases of plants and soil, scientists become necessary and are in their place, but when it comes to practical farming very few of them, if any, have practical knowledge, and are out of place in undertaking to give advice, because of their lack of knowledge and experience. Much of the money thus expended is a waste. A business man in need of a manager for his business does not advertise for a scientist. He employs one with training, experience, and capacity for that particular line of work. If in court he employs a lawyer, not a preacher. For spiritual advice he goes to the preacher, not the lawyer. The farmer, if he needs a farm hand or manager, employs one with proper training and experience to feed his stock and till the soil. So, instead of paying salaries and giving joy rides to inexperienced people the department should employ men and women equipped and prepared to do the work assigned them. If you will read the hearings you will find that people are sent out to teach how to shock, stack, thrash, and market grain. If that is to be continued, why send one unable to tell a shock or stack of grain from a muskrat mound. Why not send one who can tell one from the other and who knows how to set the shock and how to stack the grain? Why send one to tell when to swat the roosters, another how to drive and round-up cattle, another how and when to plant potatoes, another how and when to plant corn, another how to build granaries and fences? Why not send one who by his experience and knowledge knows and is capable of advising as to all, who knows through experience when and how to fertilize the soil, when and how to rotate crops, how to produce large crops and leave the soil better than before, how to make a good farmer out of a poor one, how and what kind of fence and barn to build, when and how to plow deep, when to exterminate weeds, how to select and plant seed corn, how to house and swill hogs, and a thousand other things of which he has knowledge, attained in the school of experience—in short, how to intelligently and advantageously apply industry and enterprise.

Yes, instead of sending out circulars and gathering and publishing so-called information, resulting in discrediting the dairy industry—though unintentional—rather send one to aid in improving conditions where improvements are necessary. If the department will employ an intelligent, experienced, and successful

farmer to go out, he would do as is being done by farmers' organizations, by farmers, by dairy journals, and all friends of the dairy. Preach the importance of not only a clean dairy, but a clean kitchen, a clean cupboard, a clean conscience, and neat housekeeping.

As previously stated, so far extravagant and unfounded claims made by or for the department have not increased the yields. So far no one in or out of the department has been able to point out any material assistance rendered the farmer by the department along that line. Claims are made, it is true, as, for instance, in the discovery of alfalfa. Yes, the department discovered alfalfa nearly a hundred years after Jefferson did. So far neither the department, party platform pledges, stump speeches, nor eulogies printed in the CONGRESSIONAL RECORD have materially increased the yield. As that is the case, it occurs to me that the time has come for some one to offer a few observations and, in view of the solemn duty imposed upon me as ranking member of the minority in the committee by the distinguished gentleman from North Carolina [Mr. KITCHIN], to carefully scrutinize and criticize unwarranted expenditures, or share in the responsibility. I venture to take the floor and have in a feeble way pointed out a few of the many apparently unwise appropriations carried in this bill and offer a few suggestions, not so much with the view of criticizing the department or of holding it responsible for all of the errors made, as Congress must share with it in the responsibility, for it holds the purse string and has the power of directing how the money shall be used. I repeat what I have often said, that in the department we have, I believe, the ablest corps of scientists in the world, all pursuing their duty with enthusiasm, and because of their enthusiasm and skill we admire and respect them, but they allow themselves to be carried away and overestimate their capacity for doing that in which they lack experience and training. Like all others, they are not infallible; hence we have inefficiency, duplication, and a waste of money in certain lines. Therefore, I believe that it is up to Congress to do its part, to do as suggested by the distinguished gentleman from North Carolina—scrutinize, criticize, exercise its power in directing how money shall be expended, inquire as to results attained, and if money appropriated has been wisely expended. Furthermore, if the best interests of agriculture are to be subserved legislative action should be substituted for eulogies and party platform pledges. Instead of declaring in favor of rural credits it should be enacted into law; instead of reporting bills providing for $10,000 salaries under the title of "rural credits" funds should be made available to the people in rural districts on reasonable terms and at a reasonable rate of interest; instead of talking about bonded warehouses and grain inspection the bills reported should be passed; instead of disposing of the forest-grazing and water-right privilege on 160,000,000 acres of public land at any price obtainable, at an annual loss of $2,500,000, besides timber and privileges given away and money expended for improvements, thus keeping the price of lumber up to the consumer, investigation should be made with a view of dealing with the matter in a more economical and advantageous manner. As everybody knows, the suggestion has been made by some that if Uncle Sam's 160,000,000 acres of forest was opened so that everyone could help themselves free of charge or leave it to rot, Uncle Sam would be more than $3,000,000 ahead each year, besides the corresponding decrease in the price of lumber to the consumer. That, of course, is not going to be done, nor should it be done; but it seems to me that a wiser and more prudent way of handling the matter should be found.

I desire to emphasize that instead of employing and sending out seven and one-half hour men and women to visit among farmers to gather up their experience and tell them who to elect as Senators and Members of Congress in planting and harvesting time, and talking shorter hours and more pay while Congress is in session, we had better send men accustomed, willing, and equipped to work much of the time from sunrise to sundown, to talk good common sense, and give practical advice, instead of bookkeepers, doctors, and experts on rates, as is being done.

Mr. Chairman, another matter. I am getting sick and tired of these insinuations. Not one day goes by but the intelligence of the people in the country is questioned. I have sat here for 17 years. We have appropriated $207,000,000 in the last 10 years on the pretense that it is to educate these so-called "ignorant farmers": that this appropriation is for the purpose of enlightening and benefiting the farmer. Why, I would suggest to you that you may eliminate this appropriation and every item in this bill, and yet the farmer would get along better than the people who are benefited and who are drawing the salaries.

I believe that every Member of this House takes a just and pardonable pride in the fact that we are living in this age of marvelous expansion, that we are moving forward at such a mighty pace, and that we rank amongst the most intelligent and practical people on the face of God's footstool; I believe it is a man's duty—I care not what his political affiliations, creed, or occupation may be—rather than to legislate to furnish soft berths in the public crib, and to give joy rides to many of the 16,000 people employed by the department, we should strive to benefit the weak, to uplift the distressed, to help humanity, to give honest and heartfelt consideration of every useful agency in securing full benefit from our natural resources, for the development of every mechanical appliance, for the skill and genius of American labor, and to see to it that nobody is discriminated against, but that each and every one is given adequate protection against any invasion of his rights on the part of unscrupulous and dishonest interests in order that we may have the fullest development of every worthy and legitimate enterprise. But we can not do that by unwarranted attacks day after day. We can not help the farmer by declarations in party platforms. We can not assist the farmer by eulogizing him here in the House and tax him for unnecessary expenditures. We can not assist the farmer by making liberal appropriations for fat salaries. If we are going to benefit him, do something for him. If you are interested read the testimony here; you will find that many of the appropriations are not in the interest of the farmer, but that they are in the interest of the commission man and in the interest of the railroads and employees, all worthy, though many unnecessary. If you will read the hearings you will find that we are paying fat salaries for what—to aid the railroad companies. Have they said a good word for the farmer? No; they eulogize the railroad companies, speak of the great favors received from them, and draw salaries from Uncle Sam under the pretense that they are working in the interest of Mr. Farmer.

Mr. LEVER. Mr. Chairman, the statement of the gentleman from Iowa [Mr. HAUGEN] is most remarkable, indeed, when we take into consideration the fact that for 16 years he has been a member of the Committee on Agriculture. I had thought that one of the things that might be written of the gentleman when he shall have passed over the river and is resting in the shade of the trees is that he had some part—and was proud of it—in the development, establishment, and promotion of this great Department of Agriculture of the Government of the United States, which is the greatest agricultural university in all the civilized world. [Applause.] Now, at the end of 16 years, after having contributed his ability, his energy, his broad experience, and his good, common horse sense, as we call it in my country, to the upbuilding of this great instrumentality of education, the Department of Agriculture, I am surprised to find him ready to-day to tear down the temple to whose construction he has contributed so much.

I think it may be said in truth that there is no country in the civilized world which has gathered together under one management so many men of such a high degree of expertness and scientific information as have been gathered together under the present Secretary of Agriculture and his immediate predecessor, the Hon. James Wilson, who comes from the State of the gentleman who has just spoken. [Applause.] If the gentleman's argument is sound at all, it would be the duty of the people to close the doors of every schoolhouse in the land, to tear down the pillars that support every college, to dynamite every university, and to tear from its foundations every educational institution under the Stars and Stripes.

This Department of Agriculture is intended, under its organic act, to gather information and diffuse it to the people of the United States on the subject of agriculture, in the most comprehensive meaning of that word. I have been on the Committee on Agriculture for 13 years. I do not believe it is egotistical for me to say that I have contributed some small part in the expansion and extension of the activities of the Department of Agriculture. Thank God as I stand here to-day I am not ashamed of what I have done. [Applause.]

Mr. Chairman, the particular item under consideration is but the culmination of a long agitation for what the producers of this country regard as a duty that this Government owes to them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LEVER. Since 1862, when the Morrill Act was passed establishing land-grant colleges, followed later by the passage of the Hatch Act, and then later by the Adams Act and the second Morrill Act, and then by the agricultural-extension act

of 1914, we have been appropriating money to teach the farmer how to produce more things and how to produce them economically. We have spent in the neighborhood of $200,000,000 in that line of governmental activity. In my judgment the money has been wisely expended. It has brought back to the people dividends a hundredfold, and no man need be ashamed of his part in that work in this Congress. [Applause.]

But, Mr. Chairman, the producers of this country and the Committee on Agriculture, agreeing with them, rightly assert that it is not fair, it is not just, it is almost criminal for the Government to appropriate its money and expend it to teach the farmers how to produce things unless we take the next logical step and appropriate money to teach them how economically and wisely to sell that which they produce. [Applause.] But Congress after Congress ignored that great basic, fundamental fact in the economy of agriculture, until in 1914 there was inserted in the Agricultural bill this item—

To enable the Secretary of Agriculture to acquire and diffuse among the people of the United States useful information on subjects connected with the marketing and distributing of farm products, and for the employment of persons and means necessary, in the city of Washington and elsewhere, there is hereby appropriated the sum of $50,000.

That was in the appropriation act of 1914. That was the beginning of the present Office of Markets and Rural Organization. That item was reported from the Committee on Agriculture without a dissenting voice. It was accepted by this House without a dissenting vote or a question. It was accepted by the Senate of the United States without a dissenting voice or a vote of protest, and it is upon that broad language that we are building up the instrumentalities through which we hope to bring closer together the producers of agricultural products and the consumers thereof. [Applause.]

Mr. Chairman, I trust that members of the committee will pardon me, if I say that I, together with the president of the State Farmers' Union of South Carolina—an extremely progressive farmer—wrote the exact language as it appeared in the act of 1914, and I am not ashamed of my baby, by a long shot. [Applause.]

Mr. BUTLER. Will the gentleman yield?

Mr. LEVER. I will yield to the gentleman from Pennsylvania.

Mr. BUTLER. Was it not in 1913 that we made the first appropriation for this work?

Mr. LEVER. It may have been. I may have been in error about the date.

Mr. BUTLER. It may be interesting to a man like me, representing a large agricultural district, if the gentleman will tell us what progress we have made, how the farmer is going to reach the mouth of the consumer and get rid of the middleman; and how much we have done, and how soon it will reach Chester County, Pa., where I live.

Mr. LEVER. I am glad the gentleman from Pennsylvania has asked the question.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BUTLER. Mr. Chairman, I ask that the gentleman's time be extended two minutes in order that he may answer my question.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LEVER. When the first proposition for the Bureau of Markets was brought to Congress it was proposed in sundry bills to expend fifteen, twenty-five, fifty million dollars; to go out without information, without the facts, without the necessary investigation, and plank down on the country, as it were, a market blanket which must be just so wide and just so long and so constructed that we could neither draw it up nor expand it with the growth of the country. The item in this bill to which I have referred, and the growth of the bureau so far, was a compromise proposition, broader in its terms, more effective in its practical operations, in my judgment, than if we had adopted any of the original suggestions. Now, what has been done? I said this morning to the committee in the matter of the cotton market that it had been found that in certain sections of the country the highest grade of cotton was selling on the same market on the same day in the same State anywhere from $3 to $20 a bale lower than cotton of a lower grade was being sold for on that market on that day. I said further that the investigation of the department had so strikingly brought these facts to the attention of the producers that the community organized itself and employed a $3,000 expert in cotton grading to protect them against such discrepancies in the future.

Now, what is true in reference to cotton I have no doubt is true in the sale of practically every farm product in this country; through lack of standardization, through lack of proper grading, through lack of proper methods of business, through lack of proper marketing, both the producer and the consumer are paying a heavy economic waste cost.

Mr. BUTLER. Does the gentleman know whether or not this bureau has considered the advisability of raising the price of milk in Pennsylvania and also the price of corn and wheat and oats? Is it a fact that when the producer produces he has to take his products where they are consumed?

Mr. LEVER. That is very true; and the purpose of the office is to find out the places where the price is the highest and to find out the channel through which the producer may get the largest profit out of that which he produces.

Mr. BUTLER. First, to discover where the price is the greatest, and, second, the avenue by which the product may be conveyed?

Mr. LEVER. Yes.

Mr. BUTLER. I want to vote for this provision. We usually have had that information from the newspapers, and to my recollection we have had it for 50 years.

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. SCOTT of Michigan. How does your committee propose to get this information to the farmers throughout the country?

Mr. LEVER. It is the purpose to station the experts in the field, gather the information, and at the request of the individual telegraph that information to the individual or to other parties who may make use of it. It is my own thought, however, that this work is going to grow up more largely through the organization of cooperating selling societies than any direct contact with the individual. My hope is that it may grow up in that way. While the actual work now being done is important, in my humble judgment the greatest work of the Office of Markets, after all, is coming as the result of organization of the farmers to do cooperative selling and cooperative buying, in order to get the benefit of this system.

Mr. BUTLER. This subject is not new. It has been talked of ever since I was a boy, but I am pleased to know that the gentleman is of the opinion that it is being developed. I am going to turn all the successful agriculturists of my county over to this bureau within a week.

Mr. LEVER. I hope the gentleman will do so, and he will find it a very efficient office. Now, Mr. Chairman, it may seem ungracious for me to ask to limit debate, after consuming so much time myself.

The CHAIRMAN. The gentleman from Wisconsin has raised a point of order. The Chair will ask the gentleman from Wisconsin if he makes the point of order?

Mr. STAFFORD. Mr. Chairman, after listening to the illuminating discussion that has just been given to the committee by the practical farmers of the House who are acquainted with the practical conditions of the market, and particularly the gentleman from Pennsylvania [Mr. WATSON], I feel constrained to make the point of order.

Mr. SUMNERS. Will not the gentleman reserve the point of order?

Mr. STAFFORD. I will be glad to reserve it.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin on the point of order.

Mr. STAFFORD. Mr. Chairman, I believe that this item can not be justified under the warrant of existing law. Certainly it can not come within the general authority of the organic act creating the department. That language is very broad and expansive. The authority there stated, that there shall be established a Department of Agriculture, whose object shall be to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, can not be construed as warranting this character of employment of departmental activities. That phraseology must be construed in connection with the entire act to determine what was the purpose in the mind of Congress in framing that act. You must construe the act entire. I direct the attention of the chairman in limiting that general provision and authority to the more specific definition as found in section 3, which says:

It shall be the duty of the Secretary of Agriculture to acquire and preserve in his department all information concerning agriculture which he can obtain by means of books and correspondence and by practical and scientific experiments, accurate records of which experiments shall be kept in his office by the collection of statistics and by any other appropriate means within his power.

If the Chair is going to hold that that language is warrant for this new machinery of the department's activities of going into the business of a clearing house to determine where carloads of perishable fruits or perishable truck happen to be located, then we would be warranted in having on this appropriation bill authorization for the establishment of an agricultural university in this city.

It would be warrant for the collection and distribution of statistics relating to cotton, tobacco, of every character of agricultural produce, which the Chair knows has been accomplished not by writing into the Agricultural appropriation bill any authorization such as this, but by distinct, definitive acts. Certainly the Chair can not rely on this general language, which has a specific purpose only of obtaining information of a character that is already in existence, of educational value that could be compiled and distributed in the way of bulletins, which is specifically set forth in section 3. Perhaps the chairman of the committee will lay emphasis upon two other provisions directly relating to this Bureau of Markets that have been passed since the organic act. I have examined this question somewhat, Mr. Chairman, else I would not seek to discuss it so much at length. I want to give to the chairman all that I have at hand. In the compilation of legislation enacted on appropriation acts from 1879 to 1915, as compiled by the Committee on Appropriations, I find on page 323 the only provision which is referred to in the index relating to marketing, and the language is as follows, found in Statutes at Large, volume 37, page 295:

Farm products, investigation and marketing of.

And that the Secretary of Agriculture be, and he is hereby, directed to secure from the various branches of the department having authority to investigate such matters reports relative to systems of marketing farm products, cooperative or otherwise, in practice in various sections of the country, and of the demand for such products in various trade centers, and shall make such recommendations to Congress relative to further investigations of these questions and the dissemination of such information as he may deem necessary.

That limits the authority of the Department of Agriculture to those agencies and branches of the department now in existence having authority to investigate such reports. Certainly that provision is not warrant for this extraneous matter of an entirely new scope of work for the department.

Then we come to the authorization referred to by the gentleman from South Carolina [Mr. LEVER] in the appropriation act of 1914, on which he bases his claim that this is in order. It is found on page 440 of 38 Statutes at Large, under the title "Office of markets":

To enable the Secretary of Agriculture to acquire and to diffuse among the people of the United States useful information on subjects connected with the marketing and distribution of farm products and for the employment of persons and means necessary in the city of Washington and elsewhere there is hereby appropriated the sum of $200,000.

That is not a permanent authorization. That is merely appropriation law that expired with the termination of that appropriation act. There is no language in that paragraph which signifies any permanency whatsoever, but even if it did, there is nothing in the language to support this amendment even if it could be possibly construed to be permanent law. There is nothing that goes to the extent that they can obtain this information along the lines indicated in this paragraph relating to the supply, to the commercial movement, and disposition and market prices of goods. Where can the chairman find in the acts I have referred to any authority in the Agricultural Department to-day or at any time in the past that gives warrant to inquire as to the movement of trains loaded with perishable goods? If the Chair is going to the extreme of saying that the general law gives warrant for this piece of legislation, then the Agricultural Committee can bring in any and all kinds of legislation, and I respectfully contend that at no time in the past has any such construction been given to that organic act, either by a Chairman of the Committee of the Whole or by Congress, in legislating definitively on the respective measures increasing the authority of the Department of Agriculture.

Mr. LEVER. Mr. Chairman, I will call the attention of the Chair to what has been the universal practice of the Chairman of the Committee of the Whole dealing with the Agricultural appropriation bill. I think the Chair recognizes that all Chairmen of the Committee of the Whole have been, from custom or for some other reason, more liberal in the application of the rules of the House with respect to this appropriation bill than to any other which is considered by the House. I think the attitude of Chairmen of the Committee of the Whole in that regard is justified for two reasons: First, the tremendous problems involved, but more important than that in this case the broad language of the organic act creating the Department of Agriculture. Many times I have called that language to the attention of the Chair, and I desire again to do so at this time:

There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word—

What is agriculture? What is farming? Does farming consist of the mere production of things out of the ground? Does farming consist of the mere gathering of things that have been grown out of the ground? Is that agriculture? That is the old-fashioned view of agriculture; but there is no student of agricultural economics to-day who is worthy of the name who does not include in the definition of agriculture the matter of production, the matter of harvesting, the matter of distribution, and the matter of market prices and methods.

Mr. GOOD. Will the gentleman yield?

Mr. STAFFORD. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Wisconsin [Mr. STAFFORD] for a question.

Mr. STAFFORD. Does the gentleman contend that the construction he now says shall be given to the word "agriculture" was the accepted construction in the year 1862, when the organic act was established?

Mr. LEVER. Oh, the gentleman is living 50 years behind the times. [Applause.]

Mr. STAFFORD. Oh, no; the gentleman is speaking 60 years ahead of a statute that was passed 60 years ago.

Mr. LEVER. I do not know how the Chairmen of the Committee of the Whole construed this act in 1862, and it does not make any difference to me how they construed it. What I am interested in doing now is to call the attention of the Chair to the fact that the Chairmen of the Committee of the Whole in recent years have given to this bill a more liberal construction of the rule than they have applied to any other bill that comes before the House.

Mr. GOOD. If what the gentleman says is a correct statement of law, then the things for which this $136,600 may be expended could be secured under the appropriation that just precedes it.

Mr. LEVER. There is no question about it. Last year they were secured under that language.

Mr. GOOD. Then certainly it is subject to a point of order.

Mr. LEVER. I do not catch the gentleman's reasoning at all.

Now, Mr. Chairman, let me go on. I wish the Chair to keep in mind now the definition of agriculture as it is known to-day by agricultural scientists and experts and farmers themselves; that it involves not only the matter of producing things, but the matter of prices, methods of marketing and distributing, and the like of that.

Now, I want to call the Chair's attention also to section 526 of the Revised Statutes, where the duties of the Commissioner of Agriculture are set out. Among those duties is this:

He shall procure and preserve all information concerning agriculture—

Agriculture in its most comprehensive term, as found in section 520—

which he can obtain by means of books and correspondence—

And listen—

and by the collection of statistics, and by any other appropriate means within his power.

What does that mean? If the Department of Agriculture wishes to do so, it can gather this information through books, through correspondence, through scientific experiments. And then the wise legislator who wrote that language added this broadening term—

or by any other appropriate means.

But that is not all. I call the Chair's attention to this language under the act of August 10, 1912, and also in the act of 1913. I will read it to the Chair. It was begun in the act of 1911. It says:

And the Secretary of Agriculture is hereby authorized to continue investigations on the cost of food supplies at the farm and to the consumer and to disseminate the results of such investigations in whatever manner he may deem best.

And then in the succeeding act that authority is continued, and there has been no repeal of that item in the appropriation act of 1911. And what is it to-day? To investigate, as it were, the cost of living, the distributing of food supplies. And how? By any means that may suggest itself to the Secretary of Agriculture.

And, Mr. Chairman, that is my case. When the original language creating the office was under consideration my recollection is that a point of order was lodged against that; and, if my recollection is not entirely awry this evening, the present occupant of the chair overruled the point of order; and the language now under consideration, it seems to me, is certainly no broader than the original language either of the act creating the Department of Agriculture or of the language in the bill under which we are operating the Office of Markets and Rural Organization.

The CHAIRMAN. The Chair is ready to rule.

It appears to the present occupant of the chair that different appropriating committees are sometimes inclined to exceed their authority under existing law, and, of course, the only means at the disposal of the House or the committee to prevent that is by the use of the point of order. But in this case—and in saying that the Chair does not want to be understood as criticizing the committees, because we all know how we importune the different appropriating committees to put propositions in which ought not to be in the bill, so far as their right to be in there under existing law is concerned—but in this case the Agricultural Department stands somewhat alone, so far as its activities are concerned. The gentleman from Wisconsin [Mr. STAFFORD] spoke of the Agricultural Department being a "clearing house," provided that these various paragraphs should be held in order. To the mind of the present occupant of the chair the Agricultural Department is peculiarly a "clearing house." That is just exactly what it is.

The provision that I have before me here is section 520 of the Revised Statutes of the United States, which reads in part as follows:

That there shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word—

unquestionably making that department peculiarly a "clearing house" for information. Again, section 526 of the Revised Statutes provides that—

The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence and practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power.

Mr. STAFFORD. Will the Chair permit an interruption just there?

The CHAIRMAN. Yes.

Mr. STAFFORD. The Chair will notice that refers to collection of information by books or correspondence, not by telegraph.

The CHAIRMAN. It says:

Or by any other appropriate means within his power.

Mr. STAFFORD. That refers to statistics.

The CHAIRMAN. Of course, he gets his statistics by means of information which he receives from the different means employed.

Then, in the act of August 10, 1912, there is this provision:

And the Secretary of Agriculture is hereby authorized to continue investigations on the cost of food supplies at the farm and to the consumer, and to disseminate the results of such investigations in whatever manner he may deem best.

That is a very broad authority and direction—in fact, a command—on the Secretary of Agriculture to gather and disseminate certain information.

Now, the paragraph under consideration reads:

For collecting and distributing—

The two very things that the Department of Agriculture is authorized to do—

by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables.

It appears to the Chair that this paragraph is clearly covered by the authority given in the different sections of the law which I have read.

Now, some Member raises the question as to the words "commercial movement." It occurred to the Chair some time ago that perhaps those words might be subject to a point of order. But this also occurs to the Chair: The language used there, of course, has reference to any information that he can obtain and disseminate in regard to the products of the farm and garden in transit which is connected with or is the link between the actual production and the actual marketing to the consumer, and is therefore only a part of the whole, and so the Chair believes that the provision of this paragraph is covered by existing law, and the point of order is therefore overruled.

Mr. STAFFORD. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the paragraph.

The Clerk read as follows:

Amend, page 72, by striking out the paragraph beginning with line 3 and ending with line 6, reading as follows: "For collecting and distributing, by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables, $136,000."

Mr. STAFFORD rose.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto shall close in 25 minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment to the paragraph.

Mr. LEVER. I will make it 30 minutes, Mr. Chairman. I hope the gentleman from Pennsylvania will get his time on the next paragraph, and we can get through with this.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Chairman, I will say to the gentleman that I am going away, and I am simply asking for five minutes.

Mr. LEVER. On that statement, Mr. Chairman, let us make it 40 minutes.

Mr. CRAMTON. Five minutes will do. The matter I wish to speak of has reference to a later section of the bill.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments thereto close in 40 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair for his own guidance would like to know among whom this time is to be distributed?

Mr. LEVER. The gentleman from Illinois [Mr. MANN] five minutes, the gentleman from Oregon [Mr. SINNOTT] five minutes, the gentleman from Iowa [Mr. GOOD] five minutes, the gentleman from Wisconsin [Mr. STAFFORD] five minutes, the gentleman from Michigan [Mr. CRAMTON] five minutes, the gentleman from Pennsylvania [Mr. MOORE] five minutes, and the gentleman from Texas [Mr. SUMNERS] five minutes. How much does that make? I understand the gentleman from Pennsylvania [Mr. MOORE] desires to offer an amendment.

The CHAIRMAN. It will make 35 minutes.

Mr. LEVER. Make it 45 minutes. The Chair will control the time. I wish to reserve 5 minutes for myself.

Mr. STAFFORD. Mr. Chairman, I will give way to the gentleman from Michigan [Mr. CRAMTON]. He would like to go ahead.

Mr. CRAMTON. Mr. Chairman, I would like to take my time with a discussion in reference to the foot-and-mouth disease. I desire to discuss the responsibility for the spread of that disease, which resulted from lack of proper measures in time to arrest such spread.

I have no desire to express any criticism of the Department of Agriculture in this connection, but I do desire to present a reply to an absolutely unfair, unjust, and untrue criticism coming from that department with reference to State officials of Michigan, and I think I can best present the cause of the officials of my State by reading a letter from Dr. Dunphy, the State veterinarian, in which he presents the facts of the case in an absolutely conclusive way, showing that if there is to be any criticism for lack of proper measures early it should be addressed to the Department of Agriculture rather than to the State of Michigan. I will read an open letter addressed to the Secretary of Agriculture from Dr. Dunphy, issued some time in December. I read:

AN OPEN LETTER TO THE HON. D. F. HOUSTON, SECRETARY OF AGRICULTURE.

Hon. D. F. HOUSTON,
Secretary of Agriculture, Washington, D. C.

HONORABLE SIR: I notice in your report of December 1, 1915, you make the following statements in regard to the outbreak of foot-and-mouth disease in Michigan, and as these statements are misleading in some respects, I deem it a duty to myself and the public, especially citizens of the State of Michigan, to call your attention to these statements.

On page 15 of this report, referring to the outbreak of foot-and-mouth disease in 1914, you state as follows: "After visiting the locality the State veterinarian consulted an assistant veterinary inspector." Now, sir, this gentleman (as your department is well aware) was a full-fledged inspector of your department, and had been in the service of the Bureau of Animal Industry for 14 years in different capacities; began in Chicago about 15 years ago and had gradually worked up as tagger, stock inspector, meat inspector, until at the time that he was called to this outbreak of foot-and-mouth disease he was acting chief of your department in this State. This gentleman had been in the meat inspector's department, and for six years prior to 1914 he had been an antemortem inspector, which is one of the best positions to develop a man in regard to the diseases of live stock of almost any position in connection with the bureau. He had been through the outbreak of foot-and-mouth disease in 1908, and assured me, at the time that I called him over the telephone, of this fact. He again assured myself and the local veterinarians at Niles on September 3 that he had been through the outbreak of foot-and-mouth disease in 1908, and was familiar with the disease, which statement is substantiated by affidavits from Dr. Graham and Dr. Clemo, the local veterinarians at Niles, filed in our office.

Now, honorable sir, if you look into the files of your department you will find that this inspector informed you by letter that the State veterinarian of Michigan reported the matter as very suspicious of foot-and-mouth disease, but that he (the inspector) found that it was necrotic stomatitis. He also sent specimens from the feet and mouths of these animals, that I helped him to secure, to your laboratory for investigation, and referring to this matter, a report was sent from your department to your Detroit office and was forwarded to us, which read as follows:

"Referring to the specimens from cattle at Niles which were forwarded to the Pathological Division, United States Department of Agriculture, Washington, D. C., for examination, you are respectfully advised that a report by the Chief of the Pathological Division has been received at this office, which states that the examination of the samples and the description of the lesions presented by the affected animals indicate very clearly that the condition is mycotic stomatitis, the symptoms of which, both upon the lips and extremities, bear considerable resemblance to those of foot-and-mouth disease."

Now, sir, you will observe by this report that your laboratory at Washington was very positive in this matter, and, as you are well aware, mycotic stomatitis is a noncontagious disease. As this report reached my office when I was confined to my bed by an accident, it was immediately forwarded to the local veterinarians at Niles. This report, coming as it did from the highest pathological authority on animal diseases in the entire country, was not questioned by either the local veterinarians, myself, or the live-stock owners. We took it for granted that the disease was just what your department reported it to be, a noncontagious disease, and it was allowed to run riot in the community.

While I was still confined to my room a report reached me that the disease was spreading, and as soon as I could travel I proceeded to Niles in company with Dr. Hallman, our pathologist, on September 26. At this time several other herds that had not previously been reported were found, and in nearly all cases the lesions had healed.

The CHAIRMAN (Mr. RUSSELL of Missouri). The time of the gentleman from Michigan has expired.

Mr. CRAMTON. If it is possible, Mr. Chairman, I will ask unanimous consent that I be allowed to proceed for five minutes more, and that that time shall not be taken out of the agreement.

The CHAIRMAN. The former Chairman of this committee gave the present occupant of the chair a list, and the time is distributed.

Mr. CRAMTON. I ask to be allowed five minutes, not to conflict with the agreement. I have taken no time on this bill heretofore.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. I read further:

As we had suspicion that this was not simply a noncontagious disease, we decided to inoculate a calf with material that had been obtained from some of the diseased animals. This calf was placed in my own barn that had not been used for animals for a year or more, and the pathologist injected some material that he had obtained from Niles into the mucous membrane of the upper lip. This animal showed the disease in the mouth in four days, but no foot lesions; but the lesions in the mouth were sufficient to satisfy us that the disease was infectious. This experiment was also reported to your department at Washington by the chief of the department at Detroit, stating that Drs. Dunphy and Hallman had inoculated a calf at East Lansing, and that the calf had shown an elevation of temperature, excessive drooling from the mouth, and erosions on the tongue. There must have still remained an element of doubt on the part of your department at Washington, for I understand one of your chief experts went to the bureau experiment station in Maryland and inoculated some calves with material that had been sent him from the cattle at Niles by the chief of the department at Detroit.

Now, sir, I take the liberty to state to you plainly, had not your own department made a fatal mistake in stating in the most positive manner that this disease was mycotic stomatitis, the disease might have been confined to one county in Michigan and one in Indiana. Please bear in mind that this mischievous report that was sent out from your own laboratory in Washington, couched, as it was, in the most positive terms, was the cause of the spread of foot-and-mouth disease in this country. I wish to emphasize the following facts: First, that the Federal man from your department in Michigan stated in his letter to the department in Washington that the State veterinarian of Michigan informed him that the disease, as it appeared at Niles, was very suspicious of foot-and-mouth disease, and in the face of this fact you state on page 17 of your report that the first information giving ground for suspicion that foot-and-mouth disease might be present came to your office on October 10, although his report was sent from Detroit about September 4. I call your attention particularly to these dates. On the 4th of September a letter was written you from Detroit stating that the State veterinarian of Michigan was suspicious that the disease was foot-and-mouth disease, and you make the statement in your report, on page 17, that the first ground you had for suspicion of foot-and-mouth disease was on October 10. Again, on page 15 of your report, you state that the gentleman I called from your Michigan department was an assistant inspector on the meat-inspection force of the Bureau of Animal Industry at Detroit, while your department is well aware that he was one of your experienced men, that had been a tagger, a stock inspector, meat inspector, and had reached a point where he was acting for a time as inspector in charge, and had been connected with your department for 14 years; further, that I took the precaution to inquire of this man before he came to Niles if he was familiar with foot-and-mouth disease, and was assured that he was. Now, the question is: Why should these misleading statements be placed in an official report? The only object I can see on your part would be to lead the public to believe that this man was simply an amateur and place the greater responsibility for any mistakes that had occurred on the State veterinarian of Michigan. I ask you plainly, would it not have been in better form for you first to rid your own department of the incompetents before attacking in an insidious manner the ability of the State veterinarian?

Now, sir, I have affidavits from the local veterinarians at Niles showing that this gentleman took issue with me at once in regard to the diagnosis of the disease, and referred it to your Pathological Laboratory at Washington, and a true copy of the report on this matter you have already seen in this letter. I contend that this mischievous report, couched, as it was, in the most positive terms, was the cause of the great spread of foot-and-mouth disease in this country.

I wish to call your attention, further, to the fact that the expert that you sent to Michigan took the same precautions that I had taken at East Lansing, to inoculate a calf and produce the disease before you were convinced at Washington that the disease existed, simply because you did not get the same results immediately at your own experiment station. Another fact that I wish to impress upon the minds of the public is this: That the Live Stock Sanitary Commission and State veterinarian of Michigan placed a quarantine on live stock coming into this State from the Chicago Stock Yards on October 30, while your own quarantine was only issued to become effective October 31; and in this one day that intervened hundreds of cattle went out of the stock yards at Chicago into different States.

Further, you had been informed by the chief of your department at Detroit that Drs. Hallman and Dunphy, the State pathologist and State veterinarian, had adopted these same measures to determine whether the disease was infectious or not that your own experts adopted a week later.

Now, my dear sir, I can not understand why a gentleman occupying a high and honorable position could be cowardly enough to publish this report in a manner that would reflect on the reputation of a State official to cover the ignorant mistakes of his own department, as this mistake of your own department, written, as it was, in the most plain and positive terms, cost the United States hundreds of thousands of dollars. Looking at it from this standpoint, would it not be well for you to clean house in your own department first before you begin to throw out those covert criticisms of the actions of veterinarians not connected with your own department?

I do not believe that the gentleman that was acting chief of your department in Michigan at the time was to blame for not being able to diagnose this disease as it first developed in the State, as neither the symptoms nor lesions were plain in the animals which he and myself examined, and I further believe that this gentleman, as well as myself, had perfect faith in your great Pathological Department at Washington.

I can assure you, sir, that the statements I make in this letter are substantiated by either affidavits from the local veterinarians or reports under the signature of your own department, and I am writing this that the public may have a fair and true understanding of the conditions as they really existed.

Allow me to say in conclusion, that you have a number of gentlemen in your department whom I admire as professional men and respect as gentlemen, but somewhere in your mighty army of so-called experts you must have some incompetents, whose fatal mistakes have been very costly to the live-stock interests of the country.

I beg to remain, honorable sir,
Very respectfully, yours,
GEORGE W. DUNPHY,
State Veterinarian of Michigan.

[Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SINNOTT. Mr. Chairman, as the paragraph of the Agricultural bill before us relates to "timely information" concerning the "commercial movement, disposition, and market prices of fruits," I would like to have the Clerk read a letter which I have received from Mr. H. F. Davidson, of Hood River, Oreg., the agent of the northwestern shippers in New York. Mr. Davidson is an apple grower also. He has been representing the growers for a number of years. He came to Washington a few weeks ago to secure permission of the British embassy to ship apples to Denmark. His request was refused. Afterwards, on April 12, he wrote to me concerning his troubles. I would like to have the Clerk read that letter, which I submitted to the Department of State, and also a letter from the Department of State in reply thereto. They contain "timely information" about the "commercial movement and disposition" of apples.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

[H. F. Davidson, shippers' representative, domestic and foreign markets.]

NEW YORK, *April 12, 1916.*

Hon. N. J. SINNOTT,
Congressman, Second District, Oregon,
Room 484, House Office Building, Washington, D. C.

MY DEAR MR. SINNOTT: Referring to our conversation yesterday regarding difficulties imposed by the British authorities with reference to shipments of fresh apples to Denmark during the past season, beg to advise you that we made shipments via the Scandinavian Line steamships to Copenhagen for the holiday trade on orders from Mr. Th. Olesen, our Copenhagen representative, on the S. S. *Oscar II* November 11, 1915; S. S. *United States* November 13, 1915; S. S. *Hellig Olav* November 18, 1915; S. S. *Frederick VII* December 3, 1915, or thereabout, to the amount of 20 carloads, which were landed at Copenhagen, but were held by the British Government officials until after the time for supplying the holiday trade was passed and then released to our representative, Mr. Th. Olesen, to whom the fruit was shipped, and we thereby sustained a heavy loss, which we have not been able up to this time to definitely ascertain the amount of, as the sale and settlements were delayed and we have not yet received full settlements for all of these apples.

Recently we received orders for 15 cars of fresh apples, of which 2 cars each were intended for Joseph Stam, Peter Meiniche, A. Anderson, and Valdemar Anderson, and 7 cars for Th. Olesen, and we engaged steamship space for 5 cars on each of the following ships of the Scandinavian Line to Copenhagen, which is the address of each of the above-named customers: S. S. *Oscar II*, to sail April 6; S. S. *Frederick VIII*, to sail April 16; S. S. *Hellig Olav*, to sail April 27. The shipment of five cars for the S. S. *Oscar II* went as scheduled, but before the two last shipments moved and while the lot on the *Oscar II* is on the way we are advised that the British authorities have issued an order that no shipments of fresh apples will be permitted to be delivered to Denmark.

Having one shipment out in the ocean and two more in storage here in New York at heavy expense for the fruit, freight and other necessary expenses will force on us another heavy loss.

Kindly advise us as promptly as possible what can be done to relieve this disastrous condition, as fresh apples have not been considered contraband of war and this fruit is all intended for consumption in Denmark, and the purchasers have expressed their willingness to give proper bonds guaranteeing that none of the fruit would be permitted to go into Germany or any country which is an enemy of Great Britain.

Inasmuch as apples are a perishable product and the season for moving them such great distances safely will soon pass, it is highly important that extremely prompt action be had in order to save the fruit from perishing before delivery can be accomplished.

Trusting that relief can be had through your offices and those of your colleagues from this unfortunate, and, we believe, unwarranted situation, I am,

Yours, truly, H. F. DAVIDSON,
Representing over 3,000 Fruit Growers in the Pacific Northwest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SINNOTT. Mr. Chairman, I would like to have time enough to read the letter written by the State Department in response to Mr. Davidson's letter.

The CHAIRMAN. The time for debate has been limited to 40 minutes, and the present occupant of the Chair has been given a list of names for recognition, which exhausts the time.

Mr. LEVER. I ask unanimous consent that the gentleman may have more time, notwithstanding the previous agreement.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from Oregon [Mr. SINNOTT] have further time, not to be taken out of the time already allotted. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Chairman, the letter which I received from the State Department in response to Mr. Davidson's communication is as follows:

DEPARTMENT OF STATE,
Washington, April 15, 1916.

The Hon. N. J. SINNOTT,
House of Representatives.

SIR: The receipt is acknowledged of your letter of April 13, 1916, inclosing a letter from Mr. H. F. Davidson, dated April 12, in regard to the shipment of apples to Denmark.

I have taken up this matter unofficially with the British Embassy, which states that they have received a number of applications for "letters of assurance" with reference to the shipment of apples to Scandinavia.

A number of these "letters of assurance" have been issued, but some have been refused in view of the fact that foodstuffs are conditional contraband, and the large quantities of apples going forward to Scandinavia convince Great Britain that certain of these shipments are intended for reexportation to Germany.

The embassy, however, informs me that it is sending a special cablegram to the foreign office in an endeavor to ascertain whether it may not be possible to permit all these consignments of apples to go forward to Scandinavia.

The embassy promised to let me know as soon as they are in receipt of a reply from the foreign office, and as soon as I obtain any additional information from them I will again communicate with you.

This Government recognizes the right of American firms to ship goods, whether contraband or not, to neutral consignees in neutral countries. The department, however, is informed that steamship companies are refusing to accept various consignments of goods even though destined for neutral countries, and there is no power in this department to require them to alter their decision. This Government has had no part in the arrangement announced by the embassy in the public press in reference to the issuance of "letters of assurance" to American firms wishing to make shipments of goods to Scandinavia.

The whole subject of interference with neutral trade and the circumstances which have induced steamship companies to assume their present attitude are being given the careful consideration of the department.

Very truly, yours,

CHARLES A. HOLDER,
Foreign Trade Adviser.

In this letter it will be seen that the Department of State informs me that it has taken up the matter unofficially with the British Embassy, and that the embassy has wired to the foreign office to ascertain whether or not it could obtain permission for these apples to be shipped to Denmark. That was on the 15th of April, and since that time no word has been received by the Department of State about the subject, although I have twice by phone called up the department to inquire about the matter. Now, I am one of those who believe that these matters properly rest within the domain of vigorous diplomacy, but not within the domain of the complaisant and perfunctory diplomacy that has heretofore characterized our negotiations relating to interference with our trade with neutral countries. [Applause.] Mr. Davidson has been compelled to hawk about on the streets of New York 10 carloads of apples which the British Government has refused to grant him authority to send to Denmark.

Mr. COX. Absolutely to a neutral country.

Mr. SINNOTT. Absolutely to a neutral country, and where the consignees are willing to put up any kind of a bond that those apples will not reach German territory. Must we submit our next apple crop, our next wheat crop, to this imposition? I say, Mr. Chairman, it is time that this complaisant and perfunctory diplomacy ceases, and that in regard to interference with our shipments to neutral countries we would welcome in this House as vigorous and trenchant a message as we heard a few days ago relative to submarine warfare. [Applause.] I am willing to leave these things in the hands of diplomacy; but when diplomacy fails, I think it is time that this House give serious consideration to a bill looking toward an embargo upon munitions of war. In that way this Congress may accomplish what diplomacy has failed to accomplish—respect for our trade with neutrals. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I expect to offer an amendment to this paragraph which will provide that a part of this $136,600 shall be expended for inquiring into the cost of transportation by rail or water and the cost of storage. The paragraph reads:

For collecting and distributing, by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables.

The amount of money to be expended is $136,600. If the intention of it is to eliminate the middle man, we should inquire into the rates of transportation and the charges and expenses for cold storage. One of the real differences of opinion between the producer and the consumer, such as the gentleman from North Dakota [Mr. HELGESEN] referred to, arises from the fact that there is a distinct cost, due very largely to our separated conditions, which neither party to the transaction, the producer or the consumer, thoroughly understands.

It is difficult for the farmer who gets 17 cents a dozen for eggs in Iowa to understand why he does not get more of the 50 cents a dozen the consumer in my district has to pay. It is hard for the consumer to understand it also, but some one must erect a cold-storage warehouse and some one must build a railroad, and all that costs money and must be charged in. There are many other expenses that must be charged up to the middle man, and they must be accounted for as between the producer and consumer. Without the middle man it is idle to talk about selling the products of the Middle West to the people along the Atlantic seaboard. There must be a means of transportation and there must be a medium of storage and of safe-keeping and preserving the product until the time for distribution comes.

Mr. STEENERSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania? I do.

Mr. STEENERSON. How does the gentleman explain the fact, announced in the press, that the steamship lines plying from the Pacific to the Atlantic through the Panama Canal have now been abandoned because they can not compete with the transcontinental railroads?

Mr. MOORE of Pennsylvania. If that is true, that ought to delight the gentleman from Minnesota; but I suppose it is due to the increased freights that ships are now reaping on account of the war.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HAUGEN. Mr. Chairman, I regret exceedingly that the gentleman from South Carolina [Mr. LEVER] should have made an uncalled-for and unwarranted attack on a member of his committee. I regret it not because the attack was directed at me but because it comes from a gentleman for whom I have the highest regard, and one who has always performed his duty with enthusiasm, industry, intelligence, and rectitude of purpose; and, so far as I know, he is dominated by noble and lofty ideals, hence I regret that the attacks should come from the distinguished gentleman. The gentleman takes great credit, and he deserves great credit, but when he takes credit for everything that has appeared in all appropriation bills, that includes items incorporated in the other branch of Congress, possibly a question mark should be added to his remarks. What seems unfair to me is that the gentleman should make an attack on a colleague of his committee for performing a solemn duty imposed by the leader of his own party, the gentleman from North Carolina [Mr. KITCHIN]. It will be remembered that the gentleman from North Carolina, at the opening of this session, served notice on the Republicans that unless every item of these bills was carefully scrutinized, and unless objections were made, Republicans would be held responsible for waste appropriations. I have not seen fit to criticize the gentleman because he finds it his duty to follow the estimates submitted by the department. It has not been my practice to criticize or question the motives of another Member who disagrees with me. I prefer to believe and give everybody credit of being as honest as I am. The gentleman is mistaken in his conclusion. I did not criticize the department, I merely stated certain facts in order to correct numerous misstatements. If I had had any desire to criticize, I say to the gentleman, there are many things to criticize; but errors are made, and anyone who will read the hearings, study the bill, and inform himself as to the

operations of this department, and you may add every other department, will not have to search deep for errors.

But even that is not a criticism, as the poet says:

Errors like straws on the surface flow:
He who will search for pearls must dive below.

I take it that the gentleman will concede that applies to the department also. A distinguished statesman said not long ago, "If the departments would adopt business methods in administering Uncle Sam's affairs, $300,000,000 could be saved." The gentleman's party platform denounced Republican expenditures as "waste of money wrung from the people by oppressive taxation." His party assumed control. It is now in control, which includes the Department of Agriculture. His party in its first two years of rule added $172,000,000 to the appropriations made and denounced as "waste of money wrung from the people by oppressive taxation." Still the gentleman feels warranted in attacking another Member for merely calling attention to a few unnecessary and unwarranted expenditures. When I arose I, of course, knew what to expect and how unpopular it is to refer to waste expenditures, and how fruitless is an attempt to correct a few of the many impositions upon the taxpayer. But having read party platforms and stump speeches full of encouragement and promises to the farmer and the taxpayer, and having listened to the many insinuations hurled on this floor at the people so eloquently eulogized on the stump, but generally classed by the representatives of the department and on this floor as ignorant and as wards of the department, I confess that my patience was finally exhausted, and I took occasion to call to the attention of the House these facts, and took the privilege of expressing my sentiment as to what might be expected of a Member of this House.

As the chairman of the committee it is his duty to follow instructions as they come. That is the unfortunate thing under our form of government and the practice of this House. There is no way to get away from it. The gentleman might not be justified in supporting a number of these appropriations, but it becomes incumbent on him as another leader of this House belonging to that party, and as we know, if he will sit at the pie counter he must do the bidding. That is nothing new; I am not criticizing the present administration. It has been the practice in years gone by.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman have two minutes more in order to answer a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I should like to ask the gentleman if he can tell us, and he has been upon the committee a long time and his service to agriculture is undisputed, how many experts there are actually employed in the Department of Agriculture?

Mr. HAUGEN. On January 1, 1915, there were 16,233 employees on the roll. Add 162 increase and you have the number. There has been much said about the agricultural appropriations in the interest of the farmer. These 16,395 people also come in for their share.

Mr. COX. The most of them?

Mr. HAUGEN. The most of them.

Mr. MOORE of Pennsylvania. Does the gentleman know how much of this appropriation would go for the employment of experts?

Mr. HAUGEN. No; there is no way of knowing how many experts would be employed, because experts are made every day. [Laughter.] They appoint people who never spent a day on the farm, and yet they are employed to go out broadcast through the country and instruct the farmer how to farm, and they are classed as expert farmers.

Mr. MOORE of Pennsylvania. We have just passed an item appropriating $285,000, and now here is this item appropriating $136,000. Does the gentleman know how many men will be employed under these appropriations?

Mr. HAUGEN. As the gentleman knows, Congress has surrendered its right and power to fix salaries. Congress does not reserve the right that it has under the Constitution. We make lump-sum appropriations. We make them in the dark and the department appoints the people in any number it sees fit and fixes the salaries to suit its sweet will.

Mr. MOORE of Pennsylvania. The salaries are not specified, as in other bills?

Mr. HAUGEN. No.

Mr. MANN. Mr. Chairman, I hope this appropriation will not be stricken from the bill. I know of nothing on a small scale which involves greater economic loss than is occasioned by the destruction of fresh fruits and green vegetables. If we can so arrange through any method which may be perfected that the fresh fruit shall be consumed before it molds and decays and the green vegetables shall be consumed before they become too old or rot in the field or on the way we will have accomplished a most desirable purpose. This is an experimental work. No one knows just how much good can be accomplished, but it seems to me that it is worth while to make the experiment.

I have seen in the city of Chicago, within a distance of 8 or 10 miles, on South Water Street, which has the greatest market for fruits and vegetables in the world, field after field of vegetables rotting on the ground because it was not worth while to collect them and transport them by wagon down to the market, for the reason that people farther out in the country were sending great quantities of vegetables to South Water Street for which, owing to the glut of the market, they were receiving no return, and when in many other places there was a great demand for these vegetables at high prices.

I have seen in my limited experience great quantities of fruit sent to Chicago from places in Illinois where there was no return from the sale, when little towns between the place of production and the city of Chicago were clamoring for these fruits at reasonable prices. No one could tell except by collecting the information. The man who raises the fruit can not know of his own knowledge whether there is a glut in the Chicago market on a certain day or whether everybody is seeking to pour the fruit into the markets on that day.

A moment ago the gentleman said that the people around Philadelphia might send all their products to Pittsburgh and it would all go in on one day. It probably would not, but if the information could be had from day to day as to the state of the market at Pittsburgh they would know whether to send it there or not. If the information could be conveyed around the country without too great expense, so that the person who is raising or shipping these products quickly destroyed by time that they may know where there is a demand and where there is a glut in the market, we might save great quantities of fruits and vegetables, the result of hard labor and an investment of much money, which are now lost and absolutely destroyed. I think it is worth while to make the experiment and see if we can not find a way to save these things which are now lost and destroyed. [Applause.]

Mr. STAFFORD. Mr. Chairman, the proponent of this proposition is not content with indulging in experiments such as have been carried on for the past year, but before waiting to see whether they are efficacious he comes before the committee and agitates for an increase of appropriation of three or four times, without any information as to the ultimate cost that will be occasioned by this unheard-of experiment. If the Government is warranted in going into the field of business venture to determine the supply of commodities of a perishable character, then in a few years this Congress is going to be beset with a demand from the producers of staple commodities that it determine as to the quantity of those commodities that are on the rails and the warehouses throughout the country.

This committee brings in an appropriation bill aggregating $24,500,000, not taking into account the $6,000,000 on the permanent appropriation fund. Last year it was $22,000,000 and the year before $19,000,000, and yet the committee, that is supposed to be for economy, in this one item increases the appropriation by $200,000. This work was carried on last year in a small way under the appropriation in a previous item, and that item has been increased $64,000. Where is your much-vaunted economy, when you launch full force into an experimental field that you know nothing whatever about? Talk about economic distribution of perishable fruits. Why, if you are going to advise the producer as to the condition of the market, it will only tend to aggravate the glut in those respective markets. From time immemorial perishable fruit has congested in South Water Street, Chicago; in Philadelphia, and in New York. That will always be the condition there, because they are the great markets. I contend that anyone who knows anything about the subject knows that this information can be obtained from the newspapers and that it is furnished every day, and the growers of strawberries in the district adjoining that which I represent study those returns and send their products to the markets according to the price and the supply. And here this fanciful doctrinaire, the head of this division, who was formerly connected with the Civil Service Commission, and who is now the protagonist of this idea, wishes to establish headquarters in 25 or 30 leading markets of the country, having expensive men em-

ployed here at the department collecting this data daily as to the disposition of trainloads of fruit. If you can justify that as a governmental function, then you will be compelled to support a like investigation and daily report as to the quantity of eggs, the quantity of poultry, and the quantity of all kinds of products.

Mr. PLATT. Mr. Chairman, does not the gentleman think it would be of very great advantage to the farmer if everyone should have a ticker service in his house, showing what apples are worth and what other things are selling for each day?

Mr. STAFFORD. That only emphasizes in hyperbole the ridiculousness of this proposition that the Government shall go into a business venture to investigate the production and consumption of these commodities. Those things have in times past been taken care of under the existing distribution forces of the country, and they will continue to be, and this is no time to launch into an extravagant and wasteful proposition.

Mr. GOOD. Mr. Chairman, I represent a district where the activities are largely agricultural, and I would not knowingly do anything that would injuriously affect the agricultural interests of the country; but when I recall that a Democratic House was elected six years ago on a platform of economy, a program of retrenchment, at a time when we were spending $13,000,000 a year under the Agricultural appropriation bill, and now realize that after six years of Democratic rule in this House that appropriation has been raised to about $30,000,000, it makes me stop and think.

Mr. LEVER. Mr. Chairman, will the gentleman yield for a question?

Mr. GOOD. Yes.

Mr. LEVER. Does the gentleman oppose that kind of a program—appropriation for agriculture?

Mr. GOOD. I oppose it unless you can show that some material good has resulted from the increase. The gentleman from South Carolina stated a few moments ago that we commenced this work of investigating the question of markets in 1914 and secured an appropriation of $50,000 for that purpose. Last year we appropriated for marketing this kind of crops $238,000 and this year it has jumped to $421,600. When are these increases to stop? Where has any beneficial result been obtained either for the farmer or for the consumer?

The gentleman from Illinois [Mr. MANN] has pointed out that the orange growers of California have entered into a combination—illegal, if you please, and in restraint of trade—by which they have avoided this glutting of the market, and by so doing they have held up the price of oranges, and the poor laboring man who a few years ago might, when the market was flooded, be able to buy a dozen good oranges for 20 cents, now finds that under this combination he must pay 40 cents for a dozen of good oranges. That may be all right for the orange growers, but how about the poor consumer that you are also going to legislate for? You have not increased the price by this kind of legislation to the farmer of a single article, unless it be to the growers of oranges; but according to the Department of Commerce you have increased the cost of living to every man, woman, and child in the United States. I do not know where you expect to get off with this kind of legislation. You are piling up unnecessary taxes that the people of the United States must pay to furnish jobs for thousands and thousands of men, but you can not point to a single beneficial result to either the consumer or to the producer. I do not say that the Agricultural Department is a failure. It has done some very good work. It has made some good investigations; but until you bring some good results, why do you not keep the appropriation down within reasonable limits? I would not object to an appropriation of $233,000, the amount you had last year for the purpose, although it could well be questioned; but in order that you may pay the telegraph companies something, in order that you may sweeten them up, perhaps for election purposes, you are going to increase this appropriation for marketing $136,000. If we were to adopt the amendment of the gentleman from Pennsylvania or a similar amendment, striking out the telegraph item and inserting an amendment that we should disseminate this information by use of the bulletin of the Atlantic Deep Waterways Association, just as good a result would be accomplished.

Mr. LEVER. How much time is there remaining, Mr. Chairman?

The CHAIRMAN. Ten minutes.

Mr. LEVER. Mr. Chairman, I wish the Chair would notify me when I have used three minutes.

This bill carries a total appropriation in round numbers of $24,500,000, and most of that we have already passed over. We have only 7 pages more out of 79 of this bill remaining to consider. The bulk of the large appropriations have been passed by this committee. The bulk of these appropriations, too, are used largely in the teaching of better methods of production.

The distinguished gentleman from Iowa [Mr. GOOD], a member of the Appropriations Committee of this House, a committee that seems always, I am afraid, to look somewhat jealously on appropriations for agriculture, has permitted all of these other appropriations, involving millions of dollars, to pass by without one word of protest. [Applause.] And now when we come to the point in the bill where we appropriate the total sum of $541,000 to teach the farmer or to help the farmer how to better distribute that which he produces, the distinguished representative from the Appropriations Committee throws himself into 40 fits of economy. [Applause.]

I am for economy, too. I would not join in recommending this item if I did not believe it was a wise expenditure of public money, that would bring back to the people 100 per cent in dividends. But I do somewhat object, Mr. Chairman, to people getting their economical fits only upon the agricultural appropriation bill. [Applause.]

The CHAIRMAN. The gentleman has consumed three minutes.

Mr. HAUGEN. Will the gentleman yield a minute?

Mr. LEVER. I have but two minutes.

Mr. HAUGEN. I do not want to take it out of your time.

Mr. LEVER. I promised the gentleman from Indiana that I would yield to him.

Mr. CULLOP. Mr. Chairman, there is no other department in this Government doing a more beneficial work, and to a more important class of industry in this country, than the Agricultural Department is doing. [Applause.] And more especially in educating the farmer how he may increase the productiveness of the soil, how he may increase the quantity and variety of his crop, how he may find the best means of marketing it and supplying the hungry mouths all over the country. [Applause.] With 8,000,000 of people engaged in farming, who raise the products that feed more than 100,000,000 of people, the work of educating them how to increase and distribute their crops, how to market them, how to prepare them for market, as the Agricultural Department is now doing, is one of the most important functions of this Government. [Applause.] Every time that they educate the farmer in the way in which he is to prepare his products for market, better the crops, and better the quality of those going to the ultimate consumer for consumption, the more beneficial the work and the more profitable is the business to the farmer. This great work should be commended and encouraged from every possible standpoint by Congress in order that improved conditions may exist and the industry become more profitable. This department is extending and expanding its intelligent work year after year, and is rendering to the farmers valuable service which proves highly advantageous to them in many branches of the industry. The more the department cooperates with the farmer, the closer the relations, the more efficient the service is and the greater the benefits. We must not underestimate the value of the assistance or withhold some paltry sum which might cripple the industry or restrain its expansion. I fear in too many instances proper appreciation of this fact is not considered.

The marketing of crops is a most important feature of this great industry from the standpoint of both the producers and consumers, and more especially is this the case concerning perishable products. The market at one point may be glutted, and products wasted consigned to it, whilst at other markets there may be a scarcity. Hence if the producer can be advised of this fact, as here proposed, the producer can ship his products to a market where there is a demand, and sell them at a remunerative price. In this manner the interest of both producer and consumer are conserved to good advantage. It is a part of the function of this great department to serve the public to the best advantage, and in doing this it is performing a necessary and desirable purpose. It ought to be equipped so it can do it and if we afford the means for it to do so our work will be commended. Something has been said here about our inability to do so, because of a depleted Treasury, and we must economize. This great Government is not pauperized; it is abundantly able to incur and pay every necessary expense which will promote the welfare of its citizens and encourage its industries—help them. It has more available means to raise revenues than any country in the world, and its people are ready to respond in taxes for every useful and beneficial purpose for which they may be required. This is no place to use the pruning knife or to practice parsimony. We should encourage and assist this great industry and by this item it is proposed to render it a great service, and one that will be of great advantage to the whole people.

Mr. SUMNERS. Mr. Chairman, having spoken twice briefly during this debate on the Agricultural bill, I would not again ask the attention of the committee but for the fact that some suggestions have been made which indicate a lack of understanding on the part of some Members of the vital problems of agriculture and their relationship to the public welfare.

One of the gentlemen who has spoken in opposition to the item in this bill providing for the giving of telegraphic information to the producers of perishable products asks why this information can not be supplied by bulletins or gotten from the trade papers. That gentleman is an active Member of the House, well versed in general governmental matters, and yet he asks this sort of question with regard to one of the great vital problems of modern life. I want to answer that question, and, incidentally, do a little missionary work for my constituents and for his constituents. The Federal Government conducts many investigations and issues many bulletins. The fact is the departments of this Government are "chucked" full of knowledge hidden away in publications. Much of this information is out of date before the people get it, and much of it never reaches them at all. What the man wants who has perishable products for sale is information right up to the minute with reference to the supply and demand for these products in the various markets of the country and the movement to these several markets from the areas of production. Bulletins and yesterday's news he does not need. He has a car of stuff on the road, for instance. In four hours maybe it will have passed the point where he can change its destination. He wants to know about the markets—not yesterday, but now—before the car passes that point. In this connection I want to call attention to the fact that he needs something more, a central distributing agency which will route the moving commodities to the several markets in proportion to their several demands. While no provision is made for that in this bill, it does propose a service which would materially aid cooperative organizations undertaking to do that.

Mr. Chairman, one of the unanswerable criticisms of the Agricultural Department is that the farmers, after they have followed the instruction of the Federal Government in producing, if successful in increasing the total yield receive less value therefor than if the yield had not been so great. This is largely due to the present methods of sale and distribution. These perishable products go out into the dark to seek an unknown purchaser. They may rot on a sidetrack or in a congested market. Nobody can forecast what will be the result of the farmer's gamble in trying to convert his products into money. The Agricultural Department is now undertaking to lessen the hazard by giving to producers telegraphic information which will enable them to direct their shipments so that they will have a better chance to send them to markets needing them and so that they may be kept out of glutted markets. That is the purpose of this item. As indicated before, I do not regard the service proposed to be rendered as adequate, but it is in the right direction.

Mr. Chairman, another suggestion which I want to discuss was made by the gentleman next to the last one, I believe, who addressed the committee. He asks the question, What is the consumer getting out of this? Evidently he does not believe this legislation to be of beneficial concern to the consumer. I have listened very attentively to the debate on this Agricultural bill, and the general view seems to be that this legislation dealing with the problems of the farm is solely in the interest of the farmers and is a sort of distribution by the Federal Government to them as their share in the direct benefits dispensed by the Federal Government. The responsibility for this erroneous viewpoint rests, in some measure at least, upon certain of us in this House who represent agricultural constituencies. Our business is not to make our constituents think we are serving them. Our business is really to serve them. This "ranting" and defying, denouncing, and cavorting around does not get us anywhere. That is not the way these Members do here who really get results. Let us quit talking about the fact that we are fighting "old Rube" battles, and that sort of rot, and let us study, really study, these questions affecting the farm and demonstrate to the other classes that in our efforts in behalf of our farming constituents we are not trying to hurt anybody else, but are trying to promote the general interest. We can do it, because the facts are with us, and we can get results that way. That is the only way we can get them.

Mr. Chairman, an understanding of the problems of agriculture and their relationship to the general interest makes clear the fact that there is no conflict of interest between the men who produce and the men who consume the products of the farm. I am going to make that clear, because I want to have the problems of the farmer dealt with free from prejudice, free from class consideration, and upon the broad basis of the best interest of the country as a whole. I ask nothing for the farmers which the common welfare does not require. If I can demonstrate to you gentlemen who live in the cities that your interest and the interest of my constituent who lives in the country are identical, in so far as the removal of certain difficulties which hamper my constituents are concerned, I will have rendered a valuable service not only to my constituents but to your constituents as well. I want to lay down a few propositions which, if they can be sustained, removes all doubt as to the correctness of the statement that the constituents of you gentlemen who live in the cities are interested with my constituents who live in the country in bringing to the American farmers better economic conditions. I shall direct your attention to only one phase.

We have heard much during this discussion of the waste resulting from the present methods of sale and distribution, especially of perishable products. You gentlemen who represent city constituencies may have been impressed when you heard the statements with reference to this waste; that it is unfortunate that the farmers suffered such loss; but I doubt if you realized that your constituents have shared in that loss.

The first proposition which I lay down is this, and I hope I may have the careful attention of the Members who represent city constituencies: Waste is a burden upon agriculture which the consumers of agricultural products must bear. The consumer must eventually pay for the waste. I grant the consumer is not paying it all now. A few years ago he was not paying any considerable part of it. This is why: With the improvement of agricultural machinery, which began to assume its greatest proportion a comparatively short time ago, the producing power of the individual farmer was greatly enhanced. The lack of educational equipment on the part of the mass of men engaged in farming handicapped them in the change of their vocation. The total producing power in proportion to consumption created such sharp competition among producers for the markets then available that the loss could not be shifted to consumers. So, when the products of the individual farmer perished before reaching a market, the loss rested upon him and his family. There was, of course, a rapid movement from the farm during all this time, but also a rapid improvement in agricultural machinery which offset, in so far as production was concerned, the relative numerical decrease of producers. But during these years of industrial revolution, wrought largely by steam and electricity, some very far-reaching things almost unnoticed have been under process of development, the effect of which we are now feeling. The consuming population has increased by leaps and bounds in proportion to the producing population. The fertility of the soil has suffered, and the country boy and girl have very generally been given the benefits of such education as affords to them freedom of choice among the vocations of the country. On yesterday, as time is measured in a country's development, the equilibrium between country and town dwelling population could be more nearly maintained without equality of opportunity, because the lack of general education on the part of the country boy and girl handicapped them in choosing among the vocations. Many of them were held by ignorance to the business of their parents. But we have a situation now, under which a very large percentage of those engaged in farming are equipped to do other things. They will not farm unless farming be made as profitable as any other business to them. Yesterday men were compelled to farm. They knew how to do nothing else. To-day they have freedom of choice, and can only be induced to farm by the payment of as much profit, not gross profit, but net profit, as any other business would give. I want to emphasize that it is net profit they must have. There ought to be no question as to the soundness of that proposition. If it be sound, it follows inevitably that consumers must take care of all the burdens upon production and distribution. They must do this because the profit which they must give to the farmer is a net profit. In the price, therefore, of the products which finally reach the table of the constituents of you gentlemen who represent city districts you must pay for the value of the products which rot on the farms and in congested markets after they have been produced and all the other avoidable, as well as unavoidable, burdens of agriculture. You must pay the farmers for them in order that they may have this net profit, which will prevent them from changing their business.

Mr. Chairman, I shall digress at this point to say to my colleagues from the great cities that you are just as much interested in proper rural-credit legislation as are the people who live in the country, because, if agricultural products must be produced under an exorbitant interest rate, your constituents who live in the city must pay that interest rate in order to give to agriculture the net profit which I declare men who farm must have, or they will change their business. Your constituents must have food to live, and they can not afford to have the number

of agricultural producers very much more reduced. Is not that a sound proposition? If you do much more reduce their numbers one of these times we will slip a cog in the machinery of production and you will not face the problem of the high cost of living merely, you will face the problem of getting something to keep yourselves alive. I know you are not paying all of this waste yet. You are not paying the entire interest charge yet, but this movement from the country to the city is not ended yet, either. Year by year you are paying more of it, and you will continue to pay more and more of it until you pay it every cent. This movement of population from the country to the city will not cease until you do pay every cent. That is fixed by immutable economic law. In this connection I want to make a prediction. The farmers of this country have been having meetings in community groups in State and in national assembly for the purpose of devising means of bringing to their business better economic conditions. The country at large has looked upon these efforts without any feeling of direct concern. The time is almost at hand when you people who live in the great cities will be having your meetings to deal with the very same problems which the farmers are now undertaking to deal with. You will be trying to devise a plan for getting to your tables those products which are rotting in the fields and on the sidetracks, because you will then know that you are having to pay for them, and you had just as well get the benefit of them. You will be trying to reduce the intervening charges.

Mr. Chairman, I am giving my support to this Bureau of Markets and Rural Organization not because I believe it to be adequate or that its activities indicate that those who have the determining of the scope of its activities have yet a clear, comprehensive view of what is necessary. I have spoken only of marketing perishable products. We need just as badly a system for the marketing of our grain, cotton, and live stock, but I shall not discuss that now. I am not trying to cover the whole ground. I have spoken with a very specific and definite purpose of replying in a general way to some criticisms and suggestions made during this debate and of trying to broaden the scope of direct interest in our great agricultural problems. To illustrate how far-reaching these matters are, a most interesting discussion of them could be developed from that standpoint of preparedness of which we hear so much now. Well-fed bodies are conducive to mental growth, moral development, and the higher sentiments of patriotism. Well-fed bodies not only fit men and make them willing in an emergency to defend their country but fit them for the commercial contests as well. The necessity for a nation's citizens to have sufficient wholesome food is an imperative national necessity, for a nation lives and acts only through its people. I have seen in my own State carloads of food decaying in the fields, because the price obtainable would not pay the expense of harvest and marketing, while at no great distance the prices charged for these products were prohibitive to the average family.

Waste of food, on one hand, because of lack of a marketing system, and loss of mental and physical stamina of the Nation's citizenship because of a lack of this food, are not only a national loss, they are a national disgrace. I shall not develop this thought further. I merely suggest these things as bearing upon the matters under consideration and to give another viewpoint of the vital and comprehensive importance of these matters which have been considered as only of concern to farmers. Another suggestion which I make in passing, aside from the increased producing power of a well fed and clothed workman over one not well fed and clothed, anything which would enable such a man to reduce the cost of his food and clothing would reduce the cost of manufacturing, for instance; for whatever be the manner of considering it, the cost of the operatives' food and clothing is one of the overhead charges which must be taken care of. The operative would, no doubt, share in the benefits of such a reduction. I shall not take the time to further develop this thought, either. There is a somewhat broader scope. The cheaper we can feed and clothe ourselves as a Nation, the less are the fixed charges upon the Nation's activities. The greater we can reduce these fixed charges, the greater will be our opportunities in the industrial contests of the world. In a consideration of these matters we had as well definitely understand that we can not reduce the farmer's profit, because he is quitting at the present profit. I am not making a plea for him. I am stating a self-evident fact. We must give him more profit to induce him to continue. There is no other way to keep him on the job. There is but one new place we can work, and that is in that far distance between the areas of production and of consumption. I am not fighting the middlemen. They are here because they are needed. If we develop a system in which they are not needed, they must go. My judgment is they will always be needed, but not in such relatively great numbers as now. There is too much waste and too many toll takers. But the excess will be eliminated naturally and without any disturbance, if we get a better system. We spend too much time trying to destroy and too little trying to construct. We do not seem to realize that if we build a better house than the present one we will probably not have to tear the old one down in order to have it vacated and the new one occupied. At least we ought to build the new before we demolish the old, even if it does have many defects.

Mr. Chairman, we ought to build a comprehensive marketing machine. I do not mean that the Government should go into the marketing business. It should do with regard to sale and distribution what it is doing with regard to production, and give the people of the Nation a chance to eliminate this waste. It can be done. In this connection I will put into the RECORD a short bill which embodies my ideas as to how it can be done:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to establish, at as early date as practicable, a farm-produce exchange, with such branches thereof as may be necessary, in order to afford a medium through which the economic and systematic sale and distribution of such products may be effected.

In the operation of such exchange the Secretary of Agriculture, as far as practicable, shall cooperate with the several States and the various agencies therein which may be utilized, and may formulate plans and regulations for exchange of service between them and such exchange.

It shall be the duty of each of the departments of the Government to furnish the Secretary of Agriculture with such statistics and data as they may acquire which would be useful in the operation of such exchange, and to render such other service in the sale and distribution of farm products through such exchange as it would be practicable to render.

The Secretary of Agriculture shall keep advised as nearly as practicable as to the details of the quantity, quality, location, and price at which held, of agricultural products and the volume and location of demand in the United States and abroad, and the price at which such products may be sold, and shall make such information available to the producers and purchasers of such products, and shall endeavor to bring about such system in the sale and distribution of such products as shall eliminate the waste and extremes in prices resulting from the present lack of system therein.

Those desiring to offer products for sale through such exchange may do so by grade or by sample delivered to such exchange, under such rules and regulations as the Secretary of Agriculture may prescribe, but all tenders of such products shall be for a definite quantity and quality: *Provided, however*, That the Secretary of Agriculture is authorized to permit contracts for the sale of such products to be made upon a basis grade, with the option to deliver other grades in fulfillment of such contract: *Provided, however*, That no contracts shall be made through said exchange permitting a delivery within a wider range of grades than the ordinary user of such product dealt in uses in the general conduct of his business wherein such products are used, nor upon any other delivery value difference than the commercial difference between the basis grade and the grade or grades delivered.

The Secretary of Agriculture is authorized to require such deposits in money, bond, or other guaranty of compliance with the obligation to deliver according to tender or receive and pay according to offer as in his judgment may be necessary to insure compliance with the contracts made through such exchange.

All information furnished by such exchange shall not be at a higher cost than that necessary to defray the expenses of transmission.

No charges shall be made to individual producers or to producers' organizations for services rendered in effecting sales of products grown by them or by their members, as the case may be.

The Secretary of Agriculture is authorized to establish such rules and regulations governing transactions through said exchange and the service rendered by said exchange as in his discretion may be deemed necessary.

This bill recognizes the necessity of lodging a large discretion with the Secretary of Agriculture, both as to details and as to time of installation. This would give us what we need, a machine which would make possible of utilization our present Government agencies and the private and organized constructive forces of the country. It would give us a basis for a personal rural-credit system in this country, but I shall not discuss that now. How long before we will do what is necessary I do not know, but I do know that upon all proper occasions I am going to press these matters upon the attention of Congress and of the country until it is done. I am not a crank on this subject. There are many other matters of great importance, but few, if any, of greater importance. I try to be an all-round Representative of my people. If I claim more time on these matters than on any others, it is because I have committed myself especially to them, and know more about them than I do about any other great matter claiming your attention. In other words, while endeavoring to care for my general legislative duties, I have cut this out as my job, and I am going to stay on it until it is finished. I am persuaded I could render no greater constructive service to my country.

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the paragraph. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. HARRISON. A division, Mr. Chairman.

Mr. STAFFORD. Mr. Chairman, if the gentleman is going to insist on that sort of thing I am going to insist that there shall be a quorum present, so that there shall be a full expression of judgment on the part of the committee.

The CHAIRMAN. Does the gentleman from Mississippi withdraw his request for a division?

Mr. HARRISON. Yes. The gentleman from Wisconsin looks so lonesome over there that I relent. [Laughter.]

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] withdraws his demand for a division. The Clerk will read.

The Clerk read as follows:

For the investigation and demonstration of standards for the different grades, qualities, and conditions of cotton, and for investigating the ginning, grading, stapling, baling, marking, compressing, and tare of cotton, $48,000: *Provided*, That of the sum thus appropriated $28,620 may be used for testing the waste, tensile strength, and bleaching qualities of the different grades and classes of cotton in order to determine their spinning value and for demonstrating the results of such tests.

Mr. HAUGEN. Mr. Chairman, I made a request for unanimous consent a little while ago to extend and revise my remarks, and the question was not put. I wish to make it now.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto may close in 10 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of congratulating the committee on the retention of the paragraph by the rather close vote by which it was retained. [Laughter.]

I represent in part the State of New York, and there is no State in the Union that is more interested in that particular paragraph than is the State of New York, for we lead every other State in the Union in the production of orchard fruits, small fruits, and apples.

Mr. MANN. And the amount you eat.

Mr. BENNET. Yes; and the amount we eat, because we have the money to pay for it; and I will say to the gentleman from Illinois that we do pay for it, whereas other States may not. [Laughter.]

Mr. MOORE of Pennsylvania. And the gentleman carries the practice into the House.

Mr. BENNET. The practice of paying for things?

Mr. MOORE of Pennsylvania. No; the habit of eating apples.

Mr. BENNET. Yes; Presbyterians, of whom I am one, have that habit.

Mr. MOORE of Pennsylvania. If the gentleman's religion induces him to misunderstand me, I will say my purpose was to indicate that the gentleman from New York has been detected in the act of eating apples on the floor. [Laughter.]

Mr. BENNET. I will admit that.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. PLATT. Did the gentleman hear the gentleman from Oregon [Mr. HAWLEY] talking about some carloads of apples brought from Oregon to New York, where they had to hawk them around the streets in order to sell them? Is that a great hardship?

Mr. BENNET. There is no reason why Oregon should send any apples to New York anyway, when New York produces six times as many apples in value as the State of Oregon does. [Applause.]

Mr. PLATT. And better in flavor, too.

Mr. BENNET. Yes; they are better apples.

Mr. MOORE of Pennsylvania. Is the New York greening as good an apple as the Albemarle pippin?

Mr. BENNET. All our apples are "pippins."

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAWLEY. Has the gentleman from New York ever eaten any of the Oregon apples?

Mr. BENNET. Not consciously. [Laughter.]

Mr. MANN. If the gentleman from New York will save his money he can afford to buy some. [Laughter.]

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. TREADWAY. I regret I can not join in the applause which greeted the gentleman's praise of the apples of New York. They may be better than the Oregon apples, but not better than the apples of Massachusetts. He will have to include the apples of Massachusetts before he can get me to accept his statement. [Laughter.]

Mr. HAWLEY. Mr. Chairman, will the gentleman yield for one question?

Mr. BENNET. Yes.

Mr. HAWLEY. Did the gentleman know before that Massachusetts had ever raised apples?

Mr. BENNET. I have heard of it raising other things than apples.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. FESS. The gentleman from New York forgets Ohio. Ohio is the place of Johnny Appleseed. [Laughter.]

Mr. BENNET. I know about Ohio. In former times some Ohio people came to New York and got some apples, and got a man by the name of Johnny Something, and went back and planted some New York apples in the West and called them "Johnny Appleseed." That is the way they got them.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield there? Does the gentleman know that the State of Iowa raises the prize apples of the country?

Mr. BENNET. Everybody will deny that. It can not be proved. [Laughter.] But I did not rise to talk about prize apples or anything of that sort. I rose to talk about volume, and I congratulate the committee that they had the breadth of mind and the clearness of vision to start this proceeding, which is of such great value to consuming States such as Massachusetts and South Carolina and the other Atlantic Coast States, where we are really embarrassed by the failure of our methods of distribution.

The gentlemen, I think, treated this item when it was before the House more or less facetiously; but if they lived in a city like New York, where it is so difficult to obtain the best of food at the lowest prices under any administration, they would realize what a debt of gratitude they ought to bear to the committee that has really made an effort to start something looking toward the better distribution of the small fruits.

Mr. GOOD. Will the gentleman yield for a question?

Mr. BENNET. Yes.

Mr. GOOD. Then the gentleman supported the prior paragraph on the theory that it would reduce the cost of fruit and vegetables?

Mr. MANN. No; that it would make a proper distribution of green things. [Laughter.]

Mr. BENNET. I did not support it because the gentleman from Illinois spoke for it. I supported it because it was right, and I presume the gentleman from Illinois supported it for the same reason.

Mr. HAWLEY. Mr. Chairman, for the enlightenment of the gentleman from New York, I should like to call his attention to a matter that appears on page 6142 of the CONGRESSIONAL RECORD, in the excellent remarks of the gentleman from Arkansas [Mr. JACOWAY]. Evidently the gentleman from New York has not been reading this important document, the CONGRESSIONAL RECORD, with his usual care. The gentleman from Arkansas quotes a statement from Mr. Yonkum relative to this matter:

The apple growers of Oregon based their marketing campaign upon special care and skill in packing. They succeeded so well that Oregon apples are found in the hotels and on the trains in the very heart of some of the finest apple lands in the country, in central New York, in Michigan, in the Ozark country of Arkansas and Missouri. In this instance marketing became a science as exact and as exacting as the business of selling steel billets or farm machinery or any other product of a carefully and accurately organized industry.

The gentleman from New York [Mr. BENNET] has spoken very eloquently of the apples that grow in that State, and I have no criticism to make of his remarks or of the apples of his State, except concerning the worms in them. [Laughter.]

Mr. MOORE of Pennsylvania. All the worms are provided for in previous paragraphs, are they not? [Laughter.]

Mr. HAWLEY. They have been partially provided for. We will take care of the rest of them subsequently.

Mr. MOORE of Pennsylvania. But you take care of the Oregon packing in this paragraph. New York has not gotten on to that yet.

Mr. BENNET. Will the gentleman yield to me to allow me to read the comparative statistics of the two States?

Mr. HAWLEY. Oh, it is not the quantity of apples of which we boast; it is their quality. [Laughter and applause.]

Mr. BENNET. What there are of the apples in Oregon are good apples. I remember now that the gentleman from Oregon brought here several crates at one time and treated us all to them; and they were good apples.

Mr. HAWLEY. Nothing like them in the world.

Mr. BENNET. Some people said that was fortunate, but I do not think so. They are very good apples.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I rise to oppose this amendment.

The CHAIRMAN. The time fixed for debate on this paragraph and amendments thereto has expired.

Mr. LEVER. Let us read the next paragraph.

Mr. FESS. I am afraid the apple interest will be gone.

Mr. MANN. Not if the gentleman brings a barrel of them here—the interest will not be gone. [Laughter.]

The Clerk read as follows:

To enable the Secretary of Agriculture to make studies of cooperation among farmers in the United States in matters of rural credits and of other forms of cooperation in rural communities; to diffuse among the people of the United States useful information growing out of these studies, in order to provide a basis for a broader utilization of results secured by the research, experimental, and demonstration work of the Department of Agriculture, agricultural colleges, and State experiment stations, $32,860.

Mr. PLATT. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. I ask unanimous consent that debate on this paragraph and amendments thereto close in 10 minutes.

Mr. BENNET. Make it 20 minutes.

Mr. MANN. I hope somebody will give us some information about the status of the rural-credit proposition. I do not desire any time myself.

Mr. LEVER. Make it 15 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, in reading this paragraph my eye was caught by the words "rural credits," and I wondered just what the Secretary of Agriculture was going to do in the line of cooperation among the farmers of the United States in the matter of rural credits. Various farm publications, farm agitators, and politicians have been undertaking to teach the farmers that if they can only have rural credits they will not need to plant crops, but that crops will grow without planting, and not only will they grow without planting, but they can sell them without marketing them. They will not need any of this appropriation of $136,000 in the preceding paragraph. That will be absolutely unnecessary if they have rural credits. I should like to get some information from the chairman of the commitee as to whether the Department of Agriculture will enlighten the farmers as to just what rural credits mean, what they expect to get, and what it is all about, anyway. The Committee on Banking and Currency, of which I am a member, has reported a farm-mortage rural-credit bill, but in the present state of the agitation that bill or any bill that is any where near rational will prove a tremendous disappointment to such farmers as put their trust in the agitators.

Mr. LEVER. As I understand it, the Department of Agriculture under this item for the past two or three years has been making a very careful investigation of the farm-credit facilities of this country. As a member of the joint committee of the two Houses that prepared the rural-credits bill, I remember that the committee had before it Dr. Thompson of this office. I think the gentleman from New York [Mr. PLATT] knows him.

Mr. PLATT. He is a very able man.

Mr. LEVER. I regard him as a very able man.

Mr. PLATT. Undoubtedly.

Mr. LEVER. I think the suggestions and facts and statistics furnished by that gentleman to the Joint Committee on Rural Credits—I have no doubt he also furnished the same to the Committee on Banking and Currency—would justify this appropriation if nothing else had been done under it. The department has recently issued a bulletin warning farmers against going into claptrap rural-credit associations which have begun to spring up here and there in different parts of the country. Very likely that bulletin in its results will be very beneficial and effective.

Mr. PLATT. Will the department probably inform the farmers that they do not need to have the United States Government loan them money at 1 per cent in order to live and furnish food for the rest of us?

Mr. LEVER. The gentleman has as good an idea of Dr. Thompson's views on that subject as I have, and also the views of the Secretary of Agriculture on the same subject.

Mr. PLATT. Does the gentleman have any idea how much of this appropriation will be used for this purpose?

Mr. LEVER. About $24,270 for rural credits, rural insurance, and rural communication.

Mr. PLATT. That is a pretty large amount, and it ought to accomplish something.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman whether any other department of the Government is making inquiry into rural credits?

Mr. LEVER. Not to my knowledge.

Mr. MOORE of Pennsylvania. Reading this and the next paragraph will convince most anyone that there may be something in the suggestion of a duplication of work. For instance, in the paragraph passed a moment ago for the investigation and demonstration of standards for the different grades, qualities, and conditions of cotton, and for ginning, grading, stapling, baling, and so forth, $48,000, it would appear that we have already passed special legislation with respect to that. May not that be a duplication?

Mr. LEVER. There is no duplication. I will say to the gentleman from Pennsylvania that the line of demarkation between many of these items is very narrow. The contact is very close, but there is no real duplication of the work.

Mr. MOORE of Pennsylvania. I do not want to rise again when the paragraph is read, so I will speak of it now. At the top of page 73 there is an item:

To enable the Secretary of Agriculture to cooperate with the several States in the employment of agents to acquire and diffuse useful information connected with the distribution and marketing of farm products through investigational, demonstrational, or extension methods, $20,000.

We have just appropriated $285,000 in one item and $136,600 in another item, and it would appear as if this $20,000 was for the same kind of work.

Mr. LEVER. Not at all; the item the gentleman has just called attention to proposes to employ agents, half of whose salaries shall be paid by the Federal Government and half by the State government in States in which market systems have been organized. It is for cooperative work and for the purpose of correlating the market activities of the Federal Government with the existing market activities of the State government.

Mr. MOORE of Pennsylvania. And the prior appropriations will not be used for cooperative work?

Mr. LEVER. Absolutely not.

Mr. MADDEN. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. MADDEN. Does the department send salesmen out to market the products of the farmer?

Mr. LEVER. No.

Mr. MADDEN. What do they do?

Mr. LEVER. I am afraid the gentleman is making me repeat a story that I have told once or twice this morning.

Mr. MADDEN. Well, the gentleman always speaks lucidly and gives much information.

Mr. LEVER. The purpose of the Bureau of Markets, including all the various items, is to develop the most economical system of marketing farm products in this country with the view of disseminating the information when collected.

Mr. MADDEN. If the gentleman had a big farm and raised a lot of corn he would go to the Department of Agriculture and get the information of where he could find a buyer?

Mr. LEVER. No; the department has not advanced to that point yet.

Mr. MADDEN. To what point have they advanced?

Mr. LEVER. The information of the character suggested by the gentleman is furnished under the item above, on page 72, lines 3 to 6, with reference to perishable products.

Mr. MADDEN. Hay would not be a perishable product, and neither would corn.

Mr. LEVER. No.

Mr. MADDEN. Hogs would be. [Laughter.]

Mr. LEVER. No; these appropriations are with respect to vegetables and fruits.

The Clerk read as follows:

To enable the Secretary of Agriculture to cooperate with the several States in the employment of agents to acquire and diffuse useful information connected with the distribution and marketing of farm products through investigational, demonstrational, or extension methods, $20,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from South Carolina why, if he uses the alleged words "investigational" and "demonstrational," he does not also use "extensional"? I do not admit for a moment that there is such a word as "investigational" or "demonstrational," but, if they are words, then "extensional" is a word, and we ought to have harmony.

Mr. LEVER. If the gentleman will offer an amendment, I will accept it.

Mr. MADDEN. I wonder whether the gentleman from New York raised the question of the proper way of spelling these words for the purpose of creating harmony or discord?

Mr. BENNET. Mr. Chairman, I move to amend by striking out the words "investigational," "demonstrational," and insert in lieu thereof the words——

Mr. LEVER. The better way would be for the gentleman to move to strike out the word "extension" and insert in lieu thereof the word "extensional." [Laughter.]

Mr. MOORE of Pennsylvania. Is the gentleman sure that his amendment would not strike out a few experts?

Mr. BENNET. If it did, I should not shed any tears.

Mr. Chairman, I move to amend, in lines 4 and 5, by striking out the words "investigational" and "demonstrational" and inserting in lieu thereof the following: "Investigation, demonstration, or by extension methods."

Mr. MANN. Oh, that is worse yet. [Laughter.]

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 73, strike out, in lines 4 and 5, the words "investigational demonstrational, or extension methods" and insert in lieu thereof "investigation, demonstration, or by extension methods."

Mr. BENNET. I ask unanimous consent to modify the amendment by striking out the word "by," so that it will read "or extension methods."

Mr. LEVER. Mr. Chairman, I hope the amendment will be defeated.

Mr. MANN. The gentleman from South Carolina has brought his dictionary down to date, while the gentleman from New York has not.

Mr. BENNET. The trouble is that there are not any such words.

Mr. MANN. Oh, not in the gentleman's dictionary.

Mr. LEVER. But the Committee on Agriculture can make words.

Mr. BENNET. Nor in the House dictionary.

Mr. MANN. That is a little old.

Mr. BENNET. If the House is satisfied with the language, the gentleman from New York is; but it does seem as if in a body such as this, which is assumed to be fairly up to date in education, we ought not to coin words.

Mr. FESS. Mr. Chairman, I would like to ask the chairman of the committee a question.

Mr. MADDEN. Mr. Chairman, I raise the question that the gentleman ought to speak to the amendment, and I would like also to have him make the distinction between "investigational" and "extensional."

Mr. FESS. I am speaking to the amendment. I would like to ask the chairman of the committee whether he prefers the use of the word "investigational" to the word "investigation"?

Mr. LEVER. Mr. Chairman, I will say frankly to the gentleman that I do not think I have any objection to that. I think the words mean the same, even though they do not look the same.

Mr. MANN. Why not say "investigation methods"?

Mr. LEVER. Mr. Chairman, the gentleman from Oregon [Mr. HAWLEY] has called my attention to the fact that you would be qualifying a noun with a noun.

Mr. FESS. A noun very often is used with an adjective meaning. We say "nomination convention." That is quite proper. Convention is a noun and nomination is made an adjective, but I should think the chairman of the committee would prefer the word "investigation" to the word "investigational."

Mr. LEVER. I would say very frankly to my friend from Ohio that the Committee on Agriculture believes it has among its membership one of the greatest grammarians in this body. I refer to the gentleman from Oregon [Mr. HAWLEY], and this passed his critical eye and I would not like to take any backwater on the proposition. [Applause.]

Mr. FESS. Then I will ask the gentleman from Oregon whether he indorses the word "investigational"?

Mr. HAWLEY. In the relation to which those three words stand to the word "method" I think the three adjectives are properly used.

Mr. FESS. The gentleman prefers the use of the phrase "investigational method" to "investigation method"?

Mr. HAWLEY. I think I do.

Mr. PLATT. Should we not also say "extensional"?

Mr. FESS. Then I will say that I regret that the committee chooses to use that sort of language and embody it into the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BENNET) there were—ayes 18, noes 44.

So the amendment was rejected.

Mr. GOOD. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I understood debate on this paragraph and all amendments thereto was closed?

The CHAIRMAN. The gentleman is correct about that.

Mr. GOOD. I will say to the gentleman that I requested time on this amendment, and only one person has been recognized.

Mr. LEVER. Is the time exhausted?

The CHAIRMAN. The Chair can explain the situation. Some other gentleman took the time that the Chair expected the gentleman from Iowa to use.

Mr. MANN. The only gentlemen who spoke were the gentleman from New York [Mr. BENNET] and the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] spoke.

Mr. MADDEN. But he used only about a minute.

Mr. LEVER. I reserved five minutes for myself, which I have not used.

Mr. MANN. The gentleman from Oregon did not have the floor on this amendment.

The CHAIRMAN. He occupied it for a long time.

Mr. MANN. He answered a question asked by the gentleman from Ohio [Mr. FESS], and he did not have the floor.

Mr. LEVER. Mr. Chairman, I have five minutes in my own right, and I will be very glad to have the gentleman from Iowa use two or three minutes of that.

Mr. GOOD. Mr. Chairman, this is not only new and exceptional language, but it is a new and probably exceptional provision. It is barely possible that it is a meritorious provision; I do not know, but I have been led to believe that a good many of these new provisions are inserted just to provide for new jobs. I was told the other day, and reliably informed, that seven persons from the Department of Agriculture hired two automobiles at Government expense and drove 20 miles to attend a meeting advertised by the Department of Agriculture to be held among the farmers for the purpose of gathering and disseminating information, and that not a farmer attended the meeting, not a woman attended, not a child attended, and those seven persons there at Government expense got up one after the other and delivered their addresses. If that is a sample of the way we are spending the money of the people of the United States, money that we do not have in the Treasury, it is high time to call a halt on some of these new propositions.

Mr. DOOLITTLE. Mr. Chairman, would the gentleman mind telling where this was and when it was?

Mr. GOOD. I do not know when it was. They drove out from the city of Washington, and the gentleman can find the information.

Mr. LEVER. The gentleman can not find it with that kind of information.

Mr. DOOLITTLE. Does the gentleman believe that is true?

Mr. GOOD. I said the city of Washington. I want to correct that statement. It was from the city of New Orleans. Yes; I believe it to be true.

Mr. DOOLITTLE. Why does not the gentleman have a little more information that he can give us?

Mr. GOOD. Oh, the gentleman can get the information. The trouble is that gentlemen on that side do not want the information; you simply want the jobs, and you want to open an almost empty Treasury to pay for them; you want to tax the people of the United States for joy rides. That is what I am opposed to.

Mr. DOOLITTLE. Will the gentleman tell us who told him?

Mr. GOOD. Of course I will not tell the gentleman. I will not betray a confidence in that way, but the gentleman can get all the information, and he will find it is correct. The gentleman is on the committee.

Mr. DOOLITTLE. What was the date?

Mr. GOOD. I did not get the date. I got the number of persons, the number of automobiles, and the number of miles traveled, and the fact that not a soul attended but the paid experts of the department, and it then occurred to me I had gone into the matter as far as I ought to on a first inquiry. I will try again if you insist.

Mr. DOOLITTLE. What year was this, anyhow?

Mr. GOOD. Just recently. I am referring to the present administration of the Agricultural Department.

The CHAIRMAN. The Clerk will read.

Mr. LEVER. Yes.

"extensional" is a word, and we ought to have harmony.

The Clerk read as follows:

For general administrative expenses in connection with the lines of investigation, experiment, and demonstration conducted in the Office of Markets and Rural Organization, $19,500.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 16 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 16 minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from New York [Mr. BENNET] is recognized.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Oregon, who seems to be the expert on style in the Committee on Agriculture, if, in line with the new words adopted in the preceding section, the word "administrative," in line 6, ought not to be changed to "administrational"? He seems to have adopted that form of terminology. And if not, why not?

Mr. HAWLEY. I have the greatest regard for the gentleman from New York, and I will ask him if he thinks it ought to be changed?

Mr. BENNET. It is not a question of the gentleman's regard for me, but the question is as to the gentleman's regard for English grammar.

Mr. HAWLEY. I would like to get the gentleman's attention——

Mr. BENNET. If we have gone into the use of the Roumanian language—I recognize the source—and if we are going to write our bills now in Roumanian under this administration, I say, Yes; let us write them in Roumanian throughout. Let us drop the "ive" at the end of the words and put in the Roumanian "al." I do not know why we are so bound by foreign customs during this administration. I think the gentleman, as a Member of the American Congress, should have some pride in standing by the American language.

Mr. HAWLEY. I am not so familiar with the Roumanian language as the gentleman is, my parentage being all American.

Mr. BENNET. I have only two parents, and both of them were born in America. [Laughter.]

Mr. HAWLEY. This word has been used in this sense in this bill for ever so long, and as it has such a well-defined meaning, I can see no reason why it should be changed.

Mr. BENNET. The only reason is to be consistent, and I must say that I sympathize with the gentleman's stand in relation to this particular word, and I think he was wrong in the preceding paragraph. But the House has voted, by 44 to 18, that there is such a word as "demonstrational," and the Democratic Party has made so few contributions to anything worth while in this Congress that I am rather glad they have done that.

Mr. MADDEN. Mr. Chairman, I was wondering, when I saw the language of this paragraph, why it was that the items of expense were not specifically appropriated for, so that we might know how many men were to be employed in this administrative work and what the compensation was to be. It seems to me we ought to be able to ascertain definitely how many men it will take to do this administrative work and to incur this administrative expense in this administrative division of the executive branch of the Government known as the Agricultural Department, and this does not give us any information at all. Why is it that we continue to appropriate in lump sums and keep the information from the Congress and the people as to what salaries are paid and to whom they are paid and why they are paid?

Mr. LEVER. This item is not different from other items in every bureau in this bill. Nor is it different from the policy that has been pursued in this bill ever since I have been a member of the Committee on Agriculture.

Mr. MADDEN. But the fact that that has been the policy and the item is similar to this is no good reason it should continue.

Mr. LEVER. We can give the gentleman the information.

Mr. MADDEN. Why is it not printed in the bill?

Mr. LEVER. It is printed in the Book of Estimates. All lump sums are carried in the same way.

Mr. MADDEN. Does it not give the department wider latitude in the employment of men than it ought to give them, instead of making specific appropriation for the employment?

Mr. LEVER. Not any wider than any lump sum.

Mr. HAWLEY. Does not the great Committee on the Post Office and Post Roads make appropriations in this form?

Mr. MADDEN. No. The Committee on the Post Office and Post Roads says that there shall be 10,000 men of class 1, 10,000 men of class 2, and 10,000 men of class 3, at $800 and $900 and $1,000 each, in certain branches of the service.

Mr. HAWLEY. We do that in all the statutory rolls, but the scientists in the department we never have put on the statutory roll.

Mr. MADDEN. This is a clerical roll, though. It must be necessarily. It is administrative. It can not be scientific.

Mr. HAWLEY. All the clerks employed, except for temporary purposes in this particular bureau, are set forth in the statutory roll at the beginning of the appropriation for the bureau.

Mr. MADDEN. I can understand that where the department requires scientists to do the work of a given branch of the service that it can not very well put them on the statutory roll, but here is the administrative branch of a given bureau, where all the work must of necessity be clerical, and it is easy to set out the number.

Mr. LEVER. If the gentleman will yield, I will say to him that there are only two salaries out of this entire sum—that of the assistant chief of the office, at $3,500, and one scientific assistant, at $1,800, traveling expenses $5,150, and miscellaneous expenses, and so forth.

Mr. MADDEN. What do the miscellaneous expenses consist of, and why have they such large traveling expenses?

Mr. LEVER. This is the administrative item for this entire bureau, and necessarily men selected by the chief of this bureau must spend a good deal of time in the field.

Mr. MADDEN. The gentleman thinks this is the best way to make the appropriation for this branch of the service?

Mr. LEVER. Yes. I will say to the gentleman very frankly, it is the only way that we could work out that was at all satisfactory.

Mr. MADDEN. The committee is satisfied that they have all the information as to what the expenses are for, and that they are along economical lines.

Mr. LEVER. Yes. We have a check on them, and they are set out in detail here.

Mr. MADDEN. They do not give information as to how they are going to spend the funds, but how they have been expended?

Mr. LEVER. No. They are set out in the estimates as to how they are going to be expended.

Mr. HAWLEY. And in the program of work they are set out.

Mr. LEVER. Yes: they are set out in the program of work.

Mr. HEFLIN. Mr. Chairman, I regret exceedingly that so many gentlemen on the other side of the House wait for an opportunity to get into the RECORD to fight this Agricultural appropriation bill.

This is the bill of all bills that go through this House that benefits the agricultural class of our people, and I am surprised at some gentlemen on that side getting up here and fighting with all their might and main this bill, which means so much to the farmers of this country.

The gentleman from Iowa [Mr. GOOD] seems to take delight in fighting, with all the earnestness that he has, these measures that benefit the farmers of the West, the farmers of the East, the farmers of the North, and the farmers of the South. Why, the gentleman becomes very vehement in his fight here against provisions in this bill, and he says it is trying to give somebody a job.

Why, Mr. Chairman, we must have men—experts—men qualified to serve this great agricultural mass. We are living in a progressive age. We are trying to carry the best information that we can obtain by all the power of this Government; we are trying to lay it at the door of the farmers of the West, of the East, of the North, and of the South; and the gentleman from Iowa rises up here and fights appropriations that benefit these people, that carry information to them. He says they want a few jobs.

The gentleman belongs to a party that was in power 16 years in every branch of the Government. [Applause on the Republican side.] It was so extravagant during all that time that Mr. Aldrich, Republican leader of the Senate, said it squandered $300,000,000 a year. It was so extravagant and wasteful of the public funds that Mr. Taft, a Republican President, said they had squandered $100,000,000, and the gentleman was unable to point out where we were misappropriating as much as $10,000 for all the farmers of the United States. [Applause.]

The gentleman talks here and seriously undertakes to entertain this House with a hearsay statement that floated about down in Louisiana, where seven men went out to lecture to the farmers and the farmers were not there and they lectured each other. [Laughter.] I do not believe a word of it. The gentleman talks that sort of stuff in this House in throwing

himself against an appropriation that benefits the farmers of his own State and the country. If the gentleman keeps up that sort of fight, I want to make this prediction to him: In this fall campaign he will go to many places to speak where there will not be anybody there but him. [Applause and laughter.]

Mr. HAUGEN. Mr. Chairman——

Mr. HEFLIN. I was speaking of the other gentleman from Iowa, although you have made yourself liable, too. [Renewed laughter.]

Mr. HAUGEN. Mr. Chairman, how much time is there?

The CHAIRMAN. The gentleman from Iowa has three minutes. That is the amount of time left.

Mr. HAUGEN. Mr. Chairman, that will be enough. In response to the statement of the gentleman from Alabama [Mr. HEFLIN] I desire to say that if I remember correctly, Mr. Chairman, the Democratic Party declared in its platform in favor of a return to "that simplicity and economy which befits a democratic Government, and a reduction in the number of useless offices, the salaries of which drain the substance of the people." It denounced the Republican Party as having been guilty of "a profligate waste of money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil."

I have before me a table giving the appropriations for two years that were denounced by the Democratic Party. According to the table, appropriations made by a Republican Congress were, for 1911, $978,521,087.68; for 1912, $995,799,462.72; total for the two years, $1,974,320,550.60. Appropriations made by the present Democratic Congress are reported to be, for the fiscal year 1914, $1,057,605,694.40; for 1915, $1,089,408,777.26; total for the two years, $2,147,014,471.66, which is $172,693,921.26 in excess of appropriations for 1911 and 1912, which they denounced as waste of money wrung from the people by oppressive taxation.

Notwithstanding the fact that the Republican administration turned over to you $149,000,000 in cash available for the payment of running expenses, you had to add another burden upon the people of $100,000,000 under the misnamed "war tax." You undertook to excuse the crime by charging it up to a war 3,000 miles away. You boasted of your pension legislation. The table shows that appropriations made for Army, Navy, and fortifications for the fiscal year 1915 were $11,228,690.07 in excess of appropriations for the fiscal year 1914; but appropriations for pensions is less by $11,150,000, besides two battleships, the *Idaho* and *Mississippi*, were sold and $4,635,000 out of the proceeds of the sale were turned into the Federal Treasury, and adding that amount to the decrease of appropriations for pensions, instead of having an increase of appropriations because of war, we have a decrease of $4,556,309.93.

Thus another plank of the Democratic Party was smashed. The punishment inflicted, though only $172,000,000 in two long years, evidently was sufficient to set the people thinking, and, as the gentleman knows, the Democratic majority in the House was materially reduced. Evidently the breach of promise and the humiliation added to the unnecessary burden was more than many loyal supporters could endure, and it is possible that if the Democratic Party, now in control, continues to add to the burden already imposed, Mr. Voter may be curious to know why this "waste of money wrung from the people by oppressive taxation." [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Iowa has expired. The Clerk will read.

The Clerk read as follows:

Enforcement of the United States cotton-futures act: To enable the Secretary of Agriculture to carry into effect the provisions of the act approved August 18, 1914 (Public, No. 174, 63d Cong.), entitled "An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes," including all expenses necessary for the purchase of equipment and supplies; for travel; for the employment of persons in the city of Washington and elsewhere; and for all other expenses, including rent outside of the District of Columbia, that may be necessary in executing the provisions of this act, $120,750.

Mr. BENNET. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from New York reserves a point of order on the paragraph.

Mr. LEVER. Mr. Chairman, I suggest to the gentleman that he make the point of order.

Mr. BENNET. Then I make the point of order, Mr. Chairman.

Mr. LEVER. I submit, Mr. Chairman, that that is not subject to a point of order. It is authorized by existing law, the cotton-futures act of 1914. This is to carry it into effect.

Mr. BENNET. Mr. Chairman, there is an act known as the cotton-futures act, which was passed on the date set out in the paragraph; but by a decision of the Federal court, contained in volume 226 of the Federal Reporter, page 135, in the case of Hubbard and others against Lowe, internal-revenue collector, that act was declared to be unconstitutional.

Mr. HEFLIN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HEFLIN. Does the gentleman know that an appeal has been taken in that case and is now pending in the Supreme Court, and that until that court acts, it is not declared unconstitutional?

Mr. BENNET. The gentleman from New York knows nothing of that sort, so far as the conclusion is concerned. Of course, the gentleman from Alabama, as a good lawyer, will admit that the decision of any court is the law until it is reversed. This is the existing law.

Mr. HEFLIN. Not until the higher court acts, if an appeal is taken; but until the appeal is taken the judgment of the lower court is the law. Until a decision is rendered on the appeal you could not stop the business; not until the higher court acts.

Mr. BENNET. That would be a very comforting rule if it were true. I have unfortunately once or twice in my life represented defendants against whom judgments were obtained and had to appeal from those judgments. Now, under the logic of the gentleman from Alabama [Mr. HEFLIN], the moment I appealed from those decisions it set aside the judgment; but I have never been able to convince any court that it did.

Mr. MANN. That is just exactly what it does.

Mr. BENNET. Here is what Judge Hough said in the first line of his decision, and I will say to the Chairman that it is very applicable:

That an unconstitutional statute is not a law at all is a proposition no longer open to discussion.

And then he proceeds, through several pages of opinion, to demonstrate that the law is unconstitutional, and he so held it. The headnote of the decision, or that portion of it which is in point, is this:

The cotton-futures act, having originated in the Senate, contrary to the constitutional requirement that bills for raising revenue shall originate in the House of Representatives, is not and never was a law.

And of course, following that out logically, if it never was a law then there is no authority for the appropriation reported by the Committee on Agriculture, and therefore the provision is subject to the point of order.

Mr. HOWARD. Mr. Chairman, will the gentleman yield for a question?

Mr. BENNET. Certainly.

Mr. HOWARD. Does the gentleman maintain, as a matter of law, that that decision of the circuit court, or whatever court it was——

Mr. BENNET. The district court.

Mr. HOWARD. That that decision of the district court is the law of the land, and that this whole act of Congress has been repealed by that decision? And does the gentleman mean to state, as a matter of law, that the appeal to the United States Supreme Court does not suspend that decision until it is finally adjudicated in the Supreme Court of the United States?

Mr. BENNET. Why, Mr. Chairman, every decision of every court is the law until it is reversed.

Mr. HOWARD. Suppose the Supreme Court of the United States were to decide within the next five minutes that that particular decision of the district court was wrong and should reverse it, what would be the attitude of the gentleman then? What would be the law?

Mr. BENNET. My attitude would be that the decision of the Supreme Court was final.

Mr. HOWARD. The gentleman has taken a position that is unheard of, as to the effect of an appeal. I would not entertain it from a justice of the peace. [Laughter.]

Mr. BENNET. Well, I suppose the gentleman is entitled to cite the courts with which he is most familiar. [Laughter.]

Mr. HOWARD. I should say from the appearance of the gentleman on that question that he has never practiced anywhere but in a justice court.

Mr. BENNET. If the gentleman will rise, I will let the House pass on our comparative appearance. [Laughter.] But, of course, all persiflage aside——

The CHAIRMAN. Will the gentleman from New York inform the Chair against whom that proceeding was brought?

Mr. BENNET. Against the collector of internal revenue in one of the New York districts.

The CHAIRMAN. Can the gentleman inform the Chair whether the collector has continued to collect this tax?

Mr. BENNET. The moment that the court handed down the decision not only this collector, but each internal-revenue collector in the United States, being a law-abiding citizen, ceased to operate under this law. The tax is not being collected. Nothing is being done under the law, because there is no law. There can not be any question about that.

Mr. HEFLIN. Mr. Chairman, it is a fact that the cotton exchange has gone on operating under this law, just as it did before. The officers of the law may not have collected the tax pending the appeal, but they are ready to collect it when the higher court, as it will, in my judgment, hold that the law is constitutional. The law will be amended. The bill that we passed, in fact, originated in the House.

Mr. BENNET. All that was disposed of by Judge Hough. He refers to Senate bill 110, and takes up the argument just made by the gentleman from Alabama, overrules it, and decides that the law is unconstitutional. Now, the decision of a court is binding on this House.

The CHAIRMAN. The appropriation carried in this paragraph is to pay the expenses of the machinery incident to the enforcement of this law.

Mr. BENNET. Of this unconstitutional act.

The CHAIRMAN. It is now being held in abeyance. As some gentleman suggested a moment ago, suppose the Supreme Court of the United States on appeal—I understand it is agreed that this case is pending on appeal——

Mr. BENNET. I do not know.

The CHAIRMAN. The Chair does not know.

Mr. BENNET. All I know is the record.

The CHAIRMAN. If the case is pending on appeal, and if the Supreme Court of the United States should hold the act constitutional, then the machinery for its enforcement must be kept up.

Mr. BENNET. Oh, no; not at all. Take a rather famous case. The income tax of 1894 was declared unconstitutional. There were people who suggested that because of the fact that that case was decided by one vote, and that the personnel of the court afterwards changed, new proceedings ought to have been begun. Would anybody have held for a moment that after that act had been declared unconstitutional Congress ought to have gone on and appropriated money for its enforcement on the theory that possibly at some time in the future the court might reverse itself, as, of course, even the Supreme Court has done? But I stand on the proposition, which ought not to be strange to a lawyer, that the law is as declared by the latest decision.

Mr. MANN. Mr. Chairman, I suppose it might be possible for the chairman to take the reasoning of the judge as his own reasoning and for the Chair to hold that the law was unconstitutional. Yet I think no chairman would ever take that responsibility where an act of Congress had not been finally declared unconstitutional by the courts. If the contention of my friend from New York [Mr. BENNET] be correct, it would put us in a very embarrassing position. The other day we had the migratory-bird law under consideration. A few days ago one court declared it unconstitutional. The next day another court declared it constitutional. The next day another court declared it unconstitutional. I may not be giving the exact time, but all that has occurred.

Mr. HAUGEN. I think that no court has held the bird law constitutional.

Mr. MANN. I submit that the gentleman is mistaken. The statement to me is that some courts have held it constitutional. There is no final decision, however. If my friend from New York is correct, we might appropriate to-day; to-morrow we could not. The decision of a nisi prius court, or even one of the appellate courts, is not a final decision at all. It has no weight; when the appeal is taken, that vacates the judgment, but it does not vacate the reasoning.

Mr. STERLING. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STERLING. The Government could go on and operate under this law while the appeal is pending?

Mr. MANN. Certainly it could. It might not get any court to convict. Another nisi prius court might accept the reasoning of this court and take the decision as a precedent, because the decision of one judge has great weight with other judges, but it is not binding on them at all; even a decision of the court of appeals is not binding outside of the circuit, and they frequently disagree.

Mr. RICKETTS. Does the gentleman mean to say that an appeal vacates the judgment or suspends it?

Mr. MANN. It practically vacates the judgment until the decision is confirmed.

The CHAIRMAN. The gentleman from Illinois has stated what is in the mind of the Chair. The Chair had in mind the migratory-bird law. The Chair's information is that one Federal court, and perhaps two, has held the bird law unconstitutional, while another court of equal jurisdiction has held that it is constitutional. We know that these things occur not only in the Federal courts but in the State courts. The present occupant of the Chair would not feel warranted in sustaining a point of order simply because some district court had held an act of Congress unconstitutional, especially if it is pending on an appeal to the court of final jurisdiction. The point of order is overruled.

Mr. ADAMSON. Would the Chair kindly allow me to ask a question?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ADAMSON. I have been wondering several times when these questions came up for consideration during the progress of this bill if anybody would seriously contend that as long as a law is on the statute books not declared unconstitutional, we would be justified in failing to appropriate for the purpose of enforcing it.

The CHAIRMAN. The Chair thinks not; and the point of order is overruled.

Mr. BENNET. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from New York appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. BENNET) there were—70 ayes and 10 noes.

So the decision of the Chair was declared to be the judgment of the committee.

Mr. MANN. Mr. Chairman, I move to strike out the last word to make an observation. The decision of the court in New York in regard to this cotton-futures act is an illustration of the need of technical care in legislation. Here is an act on which a good deal of thought was expended. The bill was really prepared, I believe, by the gentleman from South Carolina, or some gentleman on that side of the aisle. In the end in the work between the House and the Senate the Senate passed a bill really prepared by the House—a bill nominally authorized by the right to raise taxes, but not intended for that purpose. The court, at the instance of some bright lawyer—and I take my hat off to the lawyer, whoever he was—raised the question, and the court decided that the bill ought to have originated in the House of Representatives, because we have the power alone to originate revenue legislation. I am inclined to agree with the court. I think it would be a very good thing if the House not only agreed with the court but hereafter enforced the doctrine as to all of these propositions nominally to raise revenue, whether they are for that purpose or not.

Mr. CULLOP. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CULLOP. If I understood the gentleman from Illinois, he said that the fact that the Federal court in a New York district construed the act unconstitutional that the judgment of the court was vacated. I would like to put this proposition to the gentleman from Illinois. Suppose, connected with that suit, as I assume there was, a petition to the court to enjoin the marshal or officer from collecting the tax because the act itself was unconstitutional and therefore invalid and the court upheld that contention and issued the injunction. Now, if we appropriate for the enforcement of this act would we not have this condition existing, that in other districts where the suit was not brought the marshal or officer would enforce the act but the officer could not enforce it in the district of New York where he was enjoined, for if he did he would be violating the positive injunction of the court, and would be guilty of contempt?

Now, if the act was declared unconstitutional and suspended for that reason in that district, would it not be an anomalous condition to enforce it in other districts over the country?

Mr. MANN. The gentleman asks a practical question. I do not suppose any money will be expended for the enforcement of the act as long as the decision stands. I presume that if the Supreme Court shall pass on the act and declare it constitutional this money will be expended. Or perchance before this act becomes a law some provision now in the cotton-futures act which has been declared unconstitutional will possibly be included as a portion of this act and this appropriation amended accordingly.

A while ago we were discussing a purely technical question. A practical question is another thing. I do not suppose any of

the money will be expended to enforce an act which the Department of Justice believes to be unconstitutional.

Mr. CULLOP. Mr. Chairman, I move to strike out the last two words.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. FESS. Mr. Chairman, reserving the right to object, I would like to have a couple of minutes in which to make a statement.

Mr. LEVER. Make is seven minutes, then, Mr. Chairman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Chairman, it seems to me as a plain proposition that if the court in New York, of competent jurisdiction, declared this act to be unconstitutional, necessarily it must have suspended the operation of the act throughout the entire country. If it did not, we would have this anomalous condition, that in the Federal district of New York, where doubtless there was more work, more revenue to be collected under this act than in any other district in the United States, the officer would be powerless, and yet out in a district of Iowa or Oklahoma, if the contention be true, it would be the positive duty of the official to go on and execute the act.

Mr. STERLING. Mr. Chairman, will the gentleman yield for a question?

Mr. CULLOP. Yes.

Mr. STERLING. Does the gentleman know whether this was an injunction proceeding?

Mr. CULLOP. I do not, but I assume that it was. I do not know just what the nature of the proceedings was.

Mr. STERLING. The injunction would operate on no person except the defendant in the proceeding, would it?

Mr. CULLOP. The defendant would be the officer whose duty it was to execute the law.

Mr. STERLING. Then if it was an injunction suit he and he alone was enjoined from collecting the moneys under this law, and how would that have any effect on any other officer anywhere else in the country who was not a party to the writ?

Mr. CULLOP. Very good.

Mr. STERLING. I agree with the gentleman——

Mr. CULLOP. Mr. Chairman, I will ask the gentleman not to interrupt further, as I have only five minutes and I want to conclude my statement. The courts of this country must have full faith and credit throughout the entire domain of the country, so that if the officer was enjoined from executing an act, performing the duties required by the act to be performed, then the act would be suspended, so far as he was concerned, though it be appealed to the Supreme Court of the United States, and if that judgment was presented to a court of concurrent jurisdiction, that court would have to give due faith and credit to the decision of the other court. I do not say it would be binding—that is, the decision of one nisi prius court upon another—but I do say that it would be a duty that courts universally follow to give due faith and credit to the decisions of other courts of similar jurisdiction and upon the same matter.

Mr. STERLING. Mr. Chairman, will the gentleman yield now?

Mr. CULLOP. Let me get through with this, and then I will yield. Suppose no appeal had been taken in this case? Suppose the Government had been content with that judgment, then I would ask, gentlemen, if that would not stand as a precedent for every officer in the United States to be controlled by when he was called upon to act under this law? It would strike down the act if the proceedings were to stop there, and it will not do for gentlemen to say that when an act is declared unconstitutional by a court of competent jurisdiction that that judgment is to be ignored in any legislative body, State or National. If so, it would set a precedent which, if the citizen followed, would bring down on him severe criticism. Here a great department is doing and proposes to do in this matter what, if a citizen should do, would be the occasion for severe rebuke. To proceed as proposed would be to enforce a law which one of the courts of the country having jurisdiction in the premises has declared invalid on the highest ground for invalidity—holding it to be unconstitutional. Such a course is not in keeping with the procedure of governments, and is calculated to encourage disrespect for the court and disobedience to its orders. Such a course, to my mind, is subject to severe criticism, and will invite just censure. It would be much better for it to obey the mandate until reversed, if ever, and if not, to acquiesce in its judgment.

Mr. FESS. Mr. Chairman, I think the gentleman from Indiana [Mr. CULLOP] has stated the situation correctly, as I recall my study of constitutional law. This court has jurisdiction and in proper procedure pronounced the act unconstitutional. Under the clause of the Constitution, which says that full faith and credit shall be given, then all district courts of the United States certainly would take due notice of the decision, and no one would say that this tax would be collected in the district where the decision was made, and I do not think anyone would say it would be collected in any other district until this final decision is reached in the Supreme Court.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. FESS. I have only half a minute. That being true, and with no assurance that the Supreme Court will reverse the decision of the lower court, I think the proper and wise method now would be to strike out this paragraph at this time. It can not do any harm. In case of a reversal, then it can be enforced later on when its legality is established. I therefore move to strike out the paragraph.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] moves to strike out the paragraph.

Mr. MOORE of Pennsylvania. On that motion I would like to say this, that unless there is some reason not explained for the expenditure of this money, pending the decision of the Supreme Court, it seems an idle waste.

Mr. LEVER. Mr. Chairman, let me say——

Mr. MOORE of Pennsylvania. In other words, if the gentleman will permit for a minute, why should we spend the money when nothing is to be done pending the action of the court?

Mr. LEVER. There are two reasons: First of all, the department is now enforcing the law; that is, it is gathering its testimony and its evidence, and it is settling disputes and keeping up the machinery for the enforcement of this law. But there is a second reason. Assuming they were not doing that, I am inclined to think that there will be a reenactment during this session of Congress of the cotton-futures act, which was declared unconstitutional by the New York court.

Mr. MOORE of Pennsylvania. Is all of this $120,750 being spent now?

Mr. LEVER. None of this is being spent now. It is an appropriation bill which becomes effective on the 1st of July.

Mr. MOORE of Pennsylvania. An appropriation was made last year?

Mr. LEVER. Yes. They are spending some money now in gathering the evidence.

Mr. MOORE of Pennsylvania. What was it spent for after the court in New York decided that this act was unconstitutional? What would the men have to do?

Mr. LEVER. The department took the position, and I think correctly, that until the Supreme Court has passed upon the validity of this act that is was their duty to enforce it as if no adverse decision had been rendered—enforcing it in the way of notifying all parties concerned that "We will collect evidence against you, and if you violate the law, if this act is declared constitutional, we propose to prosecute." Now they are gathering that testimony, and also settling disputes which arise on the cotton exchanges.

Mr. HAUGEN. In answer to the question of the gentleman from Pennsylvania, I take it that this bureau does exactly as the other bureaus do. I will read for his information the statement of Mr. Nelson, who is in charge of the bird act. Here is his testimony:

> The law is being enforced the same as ever until the status of the law is decided by the Supreme Court of the United States.

Notwithstanding the fact that the act was declared unconstitutional, the gentleman from Illinois says that one court had upheld it. The hearings do not disclose this fact. To the contrary, the hearings disclosed the fact that all the courts, where the question of constitutionality was raised, have held it unconstitutional.

Mr. MOORE of Pennsylvania. Are we paying experts and clerks, including the bureau chief, to go through the motions of pretending to enforce the law that has been declared unconstitutional, or are they actually doing something?

Mr. HAUGEN. That is what they are doing. They are spending the money to enforce inoperative law, not only in this instance but in the interest of the bird act, in the interest of the cotton-futures act, and in the interest of the butter act.

Mr. LEVER. I do not agree with the statement made by the gentleman from Iowa entirely, although I could not hear distinctly.

Mr. HAUGEN. I was reading from the testimony of the witnesses before the committee.

Mr. LEVER. As I understood the gentleman to read it, the act is being enforced as if no adverse decision had been rendered; and that is true, absolutely.

Mr. MOORE of Pennsylvania. I do not object to money to keep the machinery greased; but it seems absurd, if there is nothing to do, to spend $120,000 upon experts merely to go through the motions of reporting in the morning——

Mr. LEVER. That is not the case at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. The gentleman might have some explanation of it.

Mr. LEVER. I will try to explain it. The time upon it is limited.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the time be extended for 10 minutes.

Mr. LEVER. Make it 5 minutes. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Is any of my time remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has half a minute remaining.

Mr. LEVER. The department has taken the position that until the Supreme Court passes upon the validity of the cotton-futures act——

Mr. MOORE of Pennsylvania. Will the gentleman yield for one question?

Mr. LEVER. It is very hard for me to make a statement and be interrupted.

Mr. MOORE of Pennsylvania. The gentleman is not reaching the point that I want to get at. How many men are employed for this $120,000, and what are these men doing now?

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired.

Mr. MOORE of Pennsylvania. I will ask the gentleman to explain in his own time.

Mr. LEVER. Mr. Chairman, the department takes the position that until the Supreme Court passes upon this matter it is their duty to keep up the machinery and to enforce this law as if no adverse decision upon it had been rendered. Whether that is right or wrong legally, I do not know. The Solicitor of the Department of Agriculture I regard as a good lawyer, and he has advised with the department as to this course. Not only are we seeing that the law is not violated upon these various cotton-future exchanges—not various ones, because there are only two in this country, namely, New York and New Orleans—but we provide the machinery for passing upon the disputes as between buyer and seller as to quality of grade, and the like of that, when such disputes arise.

That is an expensive piece of machinery. In addition to that, under this item we are providing for furnishing standards of grain to exchanges that may desire them, and that is an expensive feature. But I might say, without any further elaboration of it, that the department is enforcing this law and carrying on its machinery as if no adverse decision had been rendered.

Mr. MOORE of Pennsylvania. If the gentleman will answer the question I put to him, I will be obliged to him.

Mr. LEVER. I will try to.

Mr. MOORE of Pennsylvania. How many men are employed? And what have they been doing?

Mr. LEVER. Twenty-six men have been employed. If the gentleman wants me to read the list, I will put them in the RECORD.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman tell me whether the case is pending in the Supreme Court or not?

Mr. MOORE of Pennsylvania. A number of gentlemen here have asked me to ask this question: How many men are employed, and where, and what are they collecting?

Mr. LEVER. Here is the list of men employed:

In Washington: 1 cotton technologist, $3,000; 2 specialists in cotton classing, at $3,000 each; 1 inspector of cotton standards, $3,000; 1 specialist in cotton classing, $2,640; 1 specialist in cotton classing, $2,500; 1 specialist in cotton classing, $2,400; 1 assistant in cotton business methods, $2,250; 1 assistant in cotton classing, $2,100; 2 assistants in cotton business methods, at $2,100 each; 2 assistants in cotton business methods, at $1,800 each; 1 assistant in cotton marketing, $1,800; 2 assistants in cotton classing, at $1,800 each; 1 assistant in agricultural technology, $1,440; 6 assistants in cotton classing, at $1,400 each; 1 assistant in cotton marketing, $1,400.

Out of Washington: 1 specialist in cotton classing, $2,500; 1 assistant in cotton classing, $2,100.

That makes 26 in all.

Mr. MOORE of Pennsylvania. Have those men collected anything under this act?

Mr. LEVER. I will say to the gentleman, in answer to his question, that I glanced over the hearing on that subject last night, and my recollection is that $45,000 has been returned to the Treasury, about $24,000 fees from settling of disputes, more than $10,000 from the sale of standards, and more than $10,000 from the sale of cotton left over. This is not a tax, however; to say that would be misleading.

Mr. MOORE of Pennsylvania. Fees, not penalties?

Mr. LEVER. I so understand.

Mr. MOORE of Pennsylvania. Are these men appointed by the Secretary under Executive authority, or do they come up through the civil service?

Mr. LEVER. Every last one of them comes through the civil service.

Mr. MOORE of Pennsylvania. How are the salaries fixed?

Mr. LEVER. I am not informed as to that.

Mr. MOORE of Pennsylvania. The Secretary fixes the salaries, evidently.

Mr. LEVER. That may be, but they are all under civil service.

Mr. MOORE of Pennsylvania. Are they all experts in cotton?

Mr. LEVER. So far as I know, they are. Now I will answer the question propounded by the gentleman from Michigan.

Mr. SMITH of Michigan. I understood the gentleman to say that the case was pending in the Supreme Court.

Mr. LEVER. Yes; but it has not been argued yet. It is in the same status as the bird law.

Mr. CULLOP. I understood the gentleman to say that $10,000 had been collected?

Mr. LEVER. Yes; and more than that. Not in fines but in settling disputes between buyer and seller.

Mr. CULLOP. That was done before the law was declared unconstitutional.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Ohio [Mr. FESS] to strike out the paragraph.

Mr. HAUGEN. Mr. Chairman, I desire to have five minutes.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, that the gentleman from Iowa have five minutes. He is a member of the committee. I did not know that the gentleman wanted five minutes.

Mr. HAUGEN. Mr. Chairman, I understood that I was to have that much time.

Mr. LEVER. Let the gentleman ask unanimous consent. I shall not object.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes on this paragraph. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, the gentleman from South Carolina [Mr. LEVER] has stated the policy of the Government and has explained what its policy is. Its policy is to have Congress appropriate money. For what? To enforce a law that is inoperative and is declared unconstitutional by the courts.

We appropriated a large sum of money for the enforcement of the migratory-bird act, held unconstitutional. We are now about to appropriate money for the enforcement of another act which has been declared by the courts to be unconstitutional.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield there for a question?

Mr. HAUGEN. Yes.

Mr. SMITH of Michigan. Is it not true that when the case was appealed that vacated the judgment in the court below, and the law stands as it virtually did before the decision?

Mr. HAUGEN. I state what the status is. Fines, of course, can not be imposed, but it is a "hold-up." They come up to a man and say: "Here, you have been violating this law. You come in and settle, and we will compromise the case." A constituent of mine compromised a case the other day. It cost him $1,111. The courts have held that the rulings of the department are unconstitutional. Think of it, a department levying a fine and compromising on $1,111 contrary to law as interpreted by the courts.

Several thousand dollars have been paid by honorable men in my district who have been held up because a few pounds of butter were found to contain more than 16 per cent of moisture, notwithstanding the fact that courts have held that the rulings of the department under which fines were compromised are unconstitutional. We have had two rulings, in one department 16 per cent of moisture and in another department 82½ per cent of butter fat. Here you have a conflict of ruling. The courts have held the one being enforced unconstitutional, yet this department holds up these people, as I have said, in some instances more than

$1,000, and in another case they have come down to $100. Now, is it fair to appropriate money, is it fair for this department to hold up these people and compel them to pay either $1,100 or $100? In my opinion it is unjust.

Mr. CANNON. Will the gentleman allow me to ask him a question?

Mr. HAUGEN. Yes.

Mr. CANNON. I believe the gentleman stated that the decisions of the courts have held the bird act unconstitutional.

Mr. HAUGEN. Absolutely, in every case where the question of constitutionality was raised.

Mr. CANNON. I should be glad to know whether there are officers who are drawing pay for the execution of the bird act.

Mr. HAUGEN. Yes.

Mr. CANNON. How many?

Mr. HAUGEN. I can not tell you offhand. As the gentleman knows, we are making appropriations in a lump sum. Congress knows nothing about the number of men to be employed, and nothing about the salaries to be paid.

Mr. CANNON. If the hearings give the information of the number of employees engaged in the enforcement of the bird act, will the gentleman please put that statement in the RECORD?

Mr. HAUGEN. Certainly.

Mr. CANNON. And their salaries?

Mr. HAUGEN. As far as I can.

Mr. CANNON. I ask unanimous consent that the gentleman may extend his remarks in the RECORD by inserting that information.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Iowa may extend his remarks by inserting the information referred to. Is there objection?

There was no objection.

Mr. HAUGEN. The estimates furnished by the department contain the following information on that subject:

Protection of migratory birds, 1917, $99,680 (committee allowed $50,000).

Salaries	$56,540
As follows:	
In Washington—	
1 administrative assistant, in charge migratory bird law, $2,500.	
1 assistant biologist, $1,800.	
Out of Washington—	
31 inspectors, at $1,500 each.	
4 field assistants, at $100 per month each (4 months).	
2 field assistants, at $75 per month each (4 months).	
295 cooperating wardens, at $1 per month each.	
Traveling expenses	37,600
Supplies and equipment	1,000
Miscellaneous expenses	4,540
Total estimate, 1917	99,680
Total appropriation, 1916	50,000
Increase (but as 1 clerk, $1,200, is transferred to the statutory roll, the actual increase is $50,940)	49,680

Protection of migratory birds, 1915, $50,000.

Salaries	$28,244.97
As follows:	
In Washington—	
1 administrative assistant, in charge of migratory bird law, $2,500 (9 months).	
1 administrative assistant, acting in charge migratory bird law, $2,500 (⅔ month).	
1 clerk, $1,260 (2 months).	
Out of Washington—	
4 inspectors, at $1,500 each.	
1 inspector, $1,500 (10⅔ months).	
1 inspector, $1,500 (10⅔ months).	
7 inspectors, at $1,500 each (10½ months).	
1 inspector, $1,500 (9½ months).	
1 inspector, $1,500 (8 months).	
2 inspectors, at $1,500 each (7 months).	
2 inspectors, at $1,500 each (6 months).	
1 inspector, $1,500 (5½ months).	
144 wardens, at $1 per month each.	
3 wardens, at $1 per month each (11 months).	
1 warden, $1 per month (10 months).	
1 warden, $1 per month (9 months).	
1 warden, $1 per month (8 months).	
1 warden, $1 per month (7½ months).	
1 warden, $1 per month (7 months).	
22 wardens, at $1 per month each (6 months).	
4 wardens, at $1 per month each (5½ months).	
1 warden, $1 per month (5.1 months).	
4 wardens, at $1 per month each (5 months).	
1 warden, $1 per month (4½ months).	
5 wardens, at $1 per month each (4 months).	
1 warden, $1 per month (3½ months).	
24 wardens, at $1 per month each (1½ months).	
1 warden, $1 per month (1 month).	
5 game protectors, at $1 per annum each.	
Traveling expenses	16,264.87
Supplies and equipment	251.08
Miscellaneous expenses	182.85
Total expenditures, 1915	44,943.77

Mr. HEFLIN. Will the gentleman yield for a question?

Mr. HAUGEN. Certainly.

Mr. HEFLIN. Suppose one district court declared the bird law unconstitutional, and another district court declared it to be constitutional.

Mr. HAUGEN. Suppose it did—but it did not do any such thing.

Mr. HEFLIN. Suppose it did, then would it be unconstitutional and out of commission before the Supreme Court passed on it, finally?

Mr. HAUGEN. In my opinion it should be held the same as unconstitutional, and the law should not be enforced until it has been determined by the highest court.

Mr. HEFLIN. There is a difference of opinion on that.

Mr. HAUGEN. I know there is a difference of opinion as to that, and what I object to is that any department of the Government should hold up any man in the country, I care not who he is.

Mr. CULLOP. I agree with the gentleman on that.

Mr. HAUGEN. I make no distinction between a man who calls another man into his office and extracts $100 from him under the pretense of enforcing a law that does not exist, according to the interpretation of the courts, and the one who forcibly takes his money from him unlawfully. The principle is the same.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the motion of the gentleman from Ohio [Mr. FESS] to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. LEVER) there were—ayes 34, noes 64.

Accordingly the amendment was rejected.

Mr. MOORES of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORES of Indiana: Page 78, line 23, after the words "one hundred and twenty thousand seven hundred and fifty dollars" insert: "*Provided*, That no portion of the appropriation herein made for the enforcement of such cotton-futures act shal. be expended unless and until the constitutionality of such cotton-futures act shall have been sustained by the Supreme Court of the United States.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on that amendment be closed——

Mr. MANN. Debate on the paragraph and all amendments thereto has been closed.

Mr. LEVER. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. MOORES].

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 33, noes 53.

Mr. MOORES of Indiana. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed as tellers the gentleman from South Carolina [Mr. LEVER] and the gentleman from Indiana [Mr. MOORES].

The committee again divided; and the tellers reported that there were—27 ayes and 60 noes.

So the amendment was rejected.

The Clerk read as follows:

Demonstrations on reclamation projects: To enable the Secretary of Agriculture to encourage and aid in the agricultural development of the Government reclamation projects; to assist, through demonstrations, advice, and in other ways, settlers on the projects; and for the employment of persons and means necessary in the city of Washington and elsewhere, $40,000.

Mr. FERRIS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 76, after line 17, insert the following as a separate paragraph:

"International Dry Farming Congress, El Paso, Tex.: to enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the International Dry Farming Congress, to be held at El Paso, Tex., during the fiscal year ending June 30, 1917, illustrative of the investigations, products, and processes relating to farming in the subhumid, arid, and semiarid regions of the United States, including labor and all expenses in the city of Washington and elsewhere, $20,000.

"That the President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Dry Farming Congress: *Provided*, That no appropriation shall be granted or used for the expenses of delegates."

Mr. LEVER. Mr. Chairman, I reserve a point of order upon the amendment.

Mr. FERRIS. Mr. Chairman, this amendment is the amendment of the gentleman from Texas [Mr. SMITH] in whose district is El Paso. The dry-farming people have arranged to hold the next convention down at El Paso, Tex. The amendment I have offered is exactly in the form it was carried in the Agri-

cultural appropriation bill last year when the convention was held at Denver. It was held the preceding year at Wichita, Kans., and carried $20,000; it was held the preceding year at Tulsa, Okla., and carried $20,000 there. The preceding year it was held in Canada, and that year it only carried $10,000.

This item is not regularly estimated for, and I assume that it is subject to a point of order. However, the same custom has prevailed and the bill has carried it every year, and I hope that no point of order will be made and that we may accord El Paso, in that dry section of the greatest State in the Union, the same courtesy that has been accorded to other places.

Mr. STAFFORD. Has the other provision provided for an invitation to foreign Governments?

Mr. FERRIS. The bill of last year did. This amendment is in the same form as the provision of last year and is identical with it. The year preceding that did not have the invitation.

Mr. STAFFORD. To what Governments do you expect to issue invitations?

Mr. FERRIS. I can not say. I have attended but one dry-farming congress, and that was at Tulsa. We had there quite a number from Canada and some other foreign countries. Our Secretary of Agriculture sends delegates. I hope that the chairman of the committee will let the House do the courteous thing instead of having it put on in the Senate, as it will be.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MOORE of Pennsylvania. What amount of the appropriation last year was spent for traveling expenses of delegates?

Mr. FERRIS. I can not tell the gentleman.

Mr. MOORE of Pennsylvania. Was there any spent for that purpose?

Mr. FERRIS. I can not state.

Mr. MANN. The amendment provides that no part of it shall be used for the expenses of delegates.

Mr. FERRIS. I think it is for the rent of halls and making arrangements to care for the delegates.

Mr. BORLAND. Was the same amount carried in last year's bill?

Mr. FERRIS. The same amount for the preceding three years.

Mr. BORLAND. Is the $20,000 to be used by the Government in participating in the congress?

Mr. FERRIS. Not participating.

Mr. BORLAND. Does the department send anybody there?

Mr. FERRIS. They do; and they lecture and make speeches, and so forth.

Mr. BORLAND. That expense is incurred out of this appropriation or the regular appropriation?

Mr. FERRIS. The gentleman from Illinois advises me that nothing can be spent for delegates out of this appropriation.

Mr. BORLAND. Out of the regular appropriation?

Mr. FERRIS. I do not know.

Mr. BORLAND. It must be spent out of this appropriation.

Mr. FERRIS. The gentleman from Missouri raises the question as to whether the expenses of the delegates will be paid out of this appropriation.

Mr. LEVER. The amendment provides that no appropriation shall be granted or used for the expenses of delegates. It is for a Government exhibit there and things of that kind.

Mr. FERRIS. Yes; they bring very elaborate exhibits down from the Agricultural Department, and things of that kind.

Mr. MANN. How is it possible to spend $20,000?

Mr. FERRIS. I never have had to do with the expenses of it. I attended the Tulsa convention in my own State. I was invited there. They made very elaborate arrangements. The town was full of people for over a week. They had elaborate exhibits, and it resembled a county fair in a good big town. They rented halls, and even constructed exhibit halls, and they had exhibits of all the different branches of the Government. The mining people had a lot of stuff there.

Mr. MANN. If we are to have a dry-farming congress every year, as has been the case recently, and we are to appropriate money every year to put up a building, it strikes me that we had better have a permanent location and give it at that place. I can not see, and I am asking for information, how it is possible to spend $20,000.

Mr. FERRIS. I never have had to do with the expenditure of the money, but I believe if the gentleman were to attend one of the congresses he would not think that that is too much.

Mr. MANN. I suppose most of the exhibits there are sent by the States or associations and not by the General Government. I do not understand that this is for the purpose of making a Government exhibit.

Mr. FERRIS. The Indian schools send the different kinds of wheat and corn and kafir corn and cane and maize.

Mr. MANN. Is that paid for out of this appropriation?

Mr. FERRIS. Again I am at sea, and I am not able to tell the gentleman. Does the chairman of the committee know?

Mr. MANN. It seems to me that somebody ought to have some information on the subject if they want to get the money.

Mr. LEVER. My impression is that the department would pay for the expense of transportation of the things to which the gentleman has referred, although I confess that I do not have that information right at hand. Some foreign nations make exhibits—for instance, Canada.

Mr. MANN. Who gets this money?

Mr. LEVER. It is spent through the department.

Mr. MANN. Of course, but do they turn it over to the secretary of the dry-farming congress?

Mr. LEVER. Not to my knowledge.

Mr. MANN. I understood when we first made the appropriation that that was the way part of it was to be expended.

Mr. FERRIS. I think that must be true. I do not know.

Mr. MANN. Mr. Chairman, I think the gentleman better let this go over until morning until we can get some information about it.

Mr. LEVER. If the gentleman is willing to do that I would be very glad to have it go over.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the consideration of the amendment which I have offered be passed over until to-morrow morning.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, as the matter stands now I am inclined to make the point of order.

Mr. FERRIS. The point of order is pending. Let me see if I can not justify this amendment.

Mr. MOORE of Pennsylvania. But absolutely no information has been presented here which would warrant Congress in putting its hand into the Federal Treasury and giving $20,000 to some individuals to spend for their own use.

Mr. FERRIS. It will not be that way.

Mr. MOORE of Pennsylvania. If the gentleman is going to explain it, I will not make the point of order now.

Mr. FERRIS. That is the purpose of having it go over.

Mr. MOORE of Pennsylvania. The gentleman knows that there are hundreds, if not thousands, of associations being built up on this character of propaganda, and they have to pay for it out of their own pockets; and it would be better for Congress and for the people if we had less of them. They seem to get to a point where with Government money they pass resolutions to ask the Government for more money, and the time will come when we will have to consider whether we ought not to stop them.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the consideration of his amendment be passed over until the morning. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Cooperative fire protection of forested watersheds of navigable streams: For cooperation with any State or group of States in the protection from fire of the forested watersheds of navigable streams under the provisions of section 2 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $100,000.

Mr. RAINEY. Mr. Chairman, on page 7800 of the CONGRESSIONAL RECORD for April 25, 1916, under a leave to print, my colleague from Illinois [Mr. BUCHANAN], who is my friend and for whose integrity and ability I have the greatest respect, printed certain articles from certain newspapers published in Chicago, together with resolutions purporting to have been adopted by the Chicago Federation of Labor, the statement being made therein that in that organization there are 250,000 working people in the city of Chicago. These resolutions reflect upon and question the motives of the Illinois Manufacturers' Association and such Members of the Illinois delegation in Congress as attended the banquet given at the Shoreham Hotel last night by the Illinois Manufacturers' Association to the Members of this body from the State of Illinois.

I regret that any member of the Illinois delegation felt himself called upon, even though requested to do so by a great labor organization, to print in the CONGRESSIONAL RECORD matter misrepresenting, as this does, the attitude of the Illinois Manufacturers' Association, and reflecting indirectly upon such Members of Congress as accepted their invitation to be enter-

tained at their dinner last night and to confer with them upon the subject of national preparedness.

It is impossible from the nature of the material printed in the RECORD to tell what portion of it comprises extracts from certain Chicago newspapers and what part of it consists merely of the resolutions passed by the Chicago Federation of Labor on that subject. The resolutions indicate, however, that the Chicago Federation of Labor charges that the Illinois Manufacturers' Association—the delegation which came here yesterday—was composed of "self-styled patriots"—I read from the resolutions—"who are nearly all reaping great financial benefits from the present war in Europe by furnishing ammunition and other war materials," and also "that these gentlemen would repeat very large profits if the Senate and the House of Representatives of the United States should adopt their so-called 'military preparedness' plan."

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I ask unanimous consent that my colleague may be permitted to proceed for five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that his colleague may be permitted to proceed for five minutes more. Is there objection?

There was no objection.

Mr. RAINEY. I read again from the resolution:

Whereas the "patriots" whose ill-gotten profits enabled them to hire a special train and arrange for an elaborate dinner in Washington to the Members of the Senate and House of Representatives, represent numerically a very small portion of our community, and do not represent the sentiment of the "people back home" in Chicago—

And so forth.

I represent an agricultural district in this body, and not a manufacturing district. I have no connection with the Illinois Manufacturers' Association. I represent a district where there are a few workmen who belong to organized labor. But in this body for nearly 14 years I have actively supported and have voted for every single labor proposition submitted here. For years and years as the ranking Democrat, when Democrats were in the minority in the House of Representatives, on the Committee on Labor I fought the battle for the measures that organized labor stood for. And I think as a citizen of Illinois, not representing a manufacturing district, not representing a district in which organized labor exists to any considerable extent, I have the right to resent the insinuations contained in these resolutions.

The Illinois Manufacturers' Association is about 20 years old. It numbers between 2,000 and 3,000 members. It reaches out from the great city by the lake down through the State of Illinois. The requirement for membership in that organization, as I understand it, is that the person seeking membership be a manufacturer, no matter how small, and most of them are small manufacturers, and they pay an annual fee of $25. The organization exists, as I understand it, for the purpose of promoting the manufacturing industries of the great State of Illinois, for the purpose of looking after credits, better transportation, better and more efficient business methods, and for the purpose of developing and promoting the industries of Illinois. Not long ago representatives of this great organization visited the Republics of South America, promoting there the trade interests of the United States and calling attention to the goods we manufacture in the State of Illinois.

Since this organization was perfected and commenced its work Illinois has forged rapidly to the front as a manufacturing State, until to-day we are the third State in the Union in point of manufactures. Five hundred thousand skilled workmen are employed in the factories of Illinois, more than in any other State except New York and Pennsylvania, and we pay out to the wage earners in those factories in Illinois over $300,000,000 per year. No State has increased as fast as has Illinois the wages of the men who work in her factories. To-day in 20,000 manufacturing establishments distributed throughout the great State I have the honor to represent in part here we turn out every year over $2,000,000,000 worth of manufactured products. Farming lands in Illinois are worth to-day more per acre than in any other State in the Union, and Illinois is our greatest agricultural State. If by some great calamity the factories of Illinois could be eliminated in a day, a half million of our citizens would be out of employment and farming lands would instantly depreciate in value 50 per cent, our prosperity would disappear, and the result would be most disastrous.

Now, I want to give you, and to place in the RECORD here, the names and occupations of the officers of the Illinois Manufacturers' Association, in order that you may see whether any of them are interested in any way in the manufacture of munitions. None of these officers are, so far as I know—and I know of no manufacturers in the State of Illinois belonging to this organization who are—in any way interested in the manufacture of munitions.

Samuel M. Hastings, of Chicago, the president of the association, is president of the Computing Scale Co. of America, a company which manufactures the computing scales which are used in stores throughout this country. William Butterworth is the first vice president. He is a member of the firm of Deere & Co., of Moline, which manufactures plows. Dorr E. Felt is the second vice president. He is a member of the Felt & Tarrant Manufacturing Co., manufacturing these comptometers or adding machines which are sold throughout this country and the world. Peter S. Theurer, the treasurer of the association, is connected with the Peter Schoenhofen Brewing Co., of Chicago, evidently from the name of the organization not engaged in the manufacture of munitions of war. Charles Piez, of Chicago, one of the directors, is connected with the Link-Belt Co., engaged in the manufacture of leather belts for machinery. Alfred H. Mulliken, of Chicago, another director of the association, is connected with the manufacturing firm of Pettibone, Mulliken & Co. William Nelson Pelouze, of Chicago, another director, is connected with the Pelouze Manufacturing Co. G. R. Meyercord, of Chicago, another director, is at the head of the Meyercord Co., manufacturing not war materials but harmless decalcomanias—a delightful gentleman who I assure you will always keep as far away from munitions of war as possible. Paul Schulze, of Chicago, another director, is connected with the Schulze Baking Co., evidently not a munitions concern. Frederick W. Upham, of Chicago, another director, is connected with the Consumers' Co., the organization that supplies the citizens of Chicago with coal and ice. H. G. Herget, another director, lives at Pekin, and is connected with the Pekin Wagon Co., manufacturing wagons for farmers. R. D. Clarke, of Peoria, also a director, is a member of the firm of Clarke Bros. & Co. Mr. Clarke at the present time is also largely interested in the reclamation of swamp lands in Illinois and Arkansas. George D. Tower, of Mendota, another director, is connected with the J. D. Tower & Sons Co. J. Willis Gardner, of Quincy, another director, is connected with the Gardner Governor Co. Milton S. Florsheim, of Chicago, another director, is connected with the Florsheim Shoe Co., and E. Tyner, of Chicago, another director, is a member of the firm of Ed. V. Price & Co., which manufactures not munitions of war but clothing. Mr. John M. Glenn is the secretary of the association, and Mr. Colin C. H. Fyffe is the general counsel.

Not one of the officers and directors of this association is engaged in any business even remotely connected with the manufacture of munitions of war. As a citizen of Illinois interested in its great industries and in its material progress I have the right to protest most vigorously against the insinuations contained in these resolutions. I am unwilling to have the matter I have been discussing become a part of the permanent records of this Government without adding to the record the statement I am now making as to the object and purposes and the organization of the Illinois Manufacturers' Association. I have not been requested by any member of this organization to make this statement. I have not consulted in this matter the officers of the organization or any member of it. The gentlemen who came to Washington did not come here on a special train. There were not 200 of them. I did not see as many as 20 of them at the banquet referred to in the matter so inserted in the RECORD. They came here to consult with and to advise Members in both branches of the National Congress from Illinois, and they had the right to do this. It became the duty of Representatives from that great State to confer with that committee and to receive their suggestions in this crisis in our national history. It is the duty of Representatives in Congress to invite suggestions from their constituents and to consider any petition or suggestions presented to them respectfully and seriously at all times. The success of representative government depends entirely upon whether or not the people are correctly and properly represented in both branches of the Congress. It becomes the duty of Representatives to consult their constituents, and it is the duty of good citizens to consult and advise and make suggestions to their Representatives. Representatives of organized labor came to Washington from all over the Union, and especially from Illinois. They have the right to come. It is the duty of Members of Congress to invite these visits and to attentively consider all communications received from them or from any organization interested in legislation.

I regret that on last evening a prior engagement with the Credit Men's Association of the National Capital, to attend a meeting held by them and to deliver an address on my tariff-

commission bill, prevented me from attending the banquet given by the representatives of the Illinois Manufacturers' Association. I, however, as soon as I had fulfilled my prior promise to the credit men's organization repaired at once to the Shoreham Hotel and reached the dining room where the banquet was being given just at the close of the banquet, in time to participate in the proceedings which followed. I saw enough of the banquet, however, to indicate to me that it was the usual dinner served on similar occasions here in the Capital City, resembling in every particular dinners I have heretofore attended, given by labor organizations to prominent labor officers and representatives and others. The dinner was attended by both Senators from Illinois and by a large portion of the Illinois delegation in Congress. I do not think any Member of Congress from Illinois was absent on account of being intimidated by any of the matter printed on the pages of the CONGRESSIONAL RECORD, to which I am calling attention. There was no attempt to improperly influence any Member of Congress. Mr. Hastings, the president of the organization, in opening the discussion, stated that the Illinois Manufacturers' Association was not in any way interested in the manufacture of arms or munitions of war. Its members receive no profit or financial benefit from business of that character. They have no interest in preparedness legislation other than the interest loyal American citizens should have in the welfare and the safety of this Government and of our institutions. They were not here, he said, to advocate any particular method of defense nor what the units of defense should be on the sea and on the land. That matter should be left entirely, he said, to the experts of the United States Government.

The organization he represented, he stated, did not advocate extravagant or unnecessary methods of defense. They only advocated an adequate and a sufficient system of defense. They only advocated such preparedness as would enable this Government to protect the lives of its citizens wherever they might be, on the land or on the sea, and which would enable this Government to protect and defend the homes of its citizens and the institutions and ideals of this great Government. In other words, he advocated that kind of preparation which would enable this great Nation to keep its place in the sun.

To-day these citizens of Illinois, representing its great industries, are quietly returning to the cities from which they came to take up again the business of managing the great industries of Illinois. I desire to say as a Member of Congress from that State that I appreciate their visit here, and I believe this sentiment is shared by all the Representatives from Illinois who attended this conference. I sincerely hope conferences between Illinois Representatives in Congress and their constituents, whether their interest is in manufacturing, in agriculture, in mining, or in any of the great principles for which organized labor stands, will be frequent in the future and I am sure that Members of Congress from Illinois will at all times have in view the material progress of that State and its great interests. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEVER. Mr. Chairman, I offer the following as a new paragraph.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 77, after line 2, insert the following——

Mr. LEVER. Mr. Chairman, I ask that the Clerk read it just as it is—amendment No. 1.

The Clerk read as follows:

Amendment No. 1, part A. That this part, to be known as the United States cotton-futures act——

Mr. STAFFORD. Mr. Chairman, it will take about 15 minutes to read that provision.

Mr. LEVER. Mr. Chairman, I take it that gentlemen on that side will make a point of order against it. May I say that this is the cotton-futures act?

Mr. STAFFORD. The same that is embodied in the resolution introduced this week?

Mr. LEVER. Yes; exactly.

Mr. GARLAND. Mr. Chairman, I move to strike out the last word.

Mr. MADDEN. Mr. Chairman, I reserve a point of order.

Mr. LEVER. I suggest, Mr. Chairman, that if a point of order is to be raised, enough has been read to demonstrate that it is not in order on this bill. I suggest that somebody make it.

Mr. STAFFORD. To accommodate the gentleman from South Carolina, Mr. Chairman, I will make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the amendment may be printed in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the amendment be printed in the RECORD. Is there objection?

There was no objection.

The amendment reads as follows:

Amendment offered by Mr. LEVER: Page 77, after line 2, insert the following:

"AMENDMENT No. 1.

"*Part A.*

"That this part, to be known as the United States cotton futures act, be and hereby is enacted to read and be effective hereafter as follows:

"'That this act shall be known by the short title of the "United States cotton futures act."

"'SEC. 2. That, for the purposes of this act, the term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. That the word "person," wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

"'SEC. 3. That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there is hereby levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract.

"'SEC. 4. That each contract of sale of cotton for future delivery mentioned in section 3 of this act shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall, for the purposes of this act, be deemed to weigh 500 pounds.

"'SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

"'First. Conform to the requirements of section 4 of, and the rules and regulations made pursuant to, this act.

"'Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

"'Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

"'Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

"'Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of Good Ordinary, or cotton that is below the grade of Good Ordinary, or, if tinged, cotton that is below the grade of Low Middling, or, if stained, cotton that is below the grade of Middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under or in settlement of such contract.

"'Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that on the fifth business day prior to delivery the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

"'Seventh. Provide that in case a dispute arises between the person making the tender and the person receiving the same as to the quality or the grade or the length of staple of any cotton tendered under the contract either party may refer the question to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof fixed, assessed, collected, and paid in such manner and in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture.

"'The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton-futures act, section 5."

"'The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section; and his findings upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard by him, or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true quality or grade or length of staple of the cotton involved.

"'SEC. 6. That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

"'SEC. 7. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such and of which he shall give public notice.

"'SEC. 8. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture to enable him to designate at least five spot markets in accordance with section 5 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton of the same or different grades in the markets selected and designated by him from time to time for that purpose; and in that event differences in value of cotton of various grades involved in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations.

"'SEC. 9. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States," and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stat. L., p. 251), and acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That, subsequent to six months after the date section 3 of this act becomes effective, no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

"'SEC. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

"'First. Conform to the rules and regulations made pursuant to this act.

"'Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

"'Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

"'Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

"'The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to United States cotton-futures act, section 10."

"'This act shall not be construed to impose a tax on any sale of spot cotton.

"'This section shall not be construed to apply to any contract of sale made in compliance with section 5 of this act.

"'SEC. 11. That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section 5 or with all the conditions specified in section 10 of this act, except that the quantity of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds: *Provided further*, That if at the time any such contract is entered into the Secretary of Agriculture, after investigation, shall have determined and, by declaration then unrevoked, in the rules and regulations made pursuant to this act, shall have publicly announced that its terms are the substantial equivalent, and sufficient to accomplish the purposes, of the conditions specified in the fourth, fifth, and sixth subdivisions of section 5 of this act, and the rules and regulations relating thereto, such contract shall be deemed, for the purposes of this section, to comply with the said conditions: *And provided further*, That no tax shall be levied under this act on any order mentioned in this section if, first, such order and the contract made in pursuance thereof be solely for hedging the purchase or sale of spot cotton shipped, or to be shipped, from the United States to any foreign country, or the shipment or consignment for sale of spot cotton from the United States to any foreign country, whether such order or contract be the one given or made originally, or be subsequently given or made for a purchase or sale to be substituted, for hedging the purchase, sale, or shipment or consignment for sale, of spot cotton, or be for the liquidation of any such transaction; and, second, a report of such transaction, including the shipment of the cotton involved, be made to the Secretary of the Treasury at such time or times and in such form as he may require.

"This act shall not be construed to lay any tax on cotton exported from any State.

"'SEC. 11a. That upon each order received in the United States which shall have been, directly or indirectly, transmitted or directed or authorized to be transmitted by any person from a foreign country in which there is any exchange, board of trade, or similar institution or place of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which a contract of sale is made pursuant thereto at, on, or in any exchange, board of trade, or similar institution or place of business in the United States, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if contracts of sale of cotton grown in the United States for future delivery which made be made at, on, or in the exchanges, boards of trade, and similar institutions and places of business in such foreign country or countries comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of contracts of sale in foreign countries. The Secretary of Agriculture is authorized from time to time to ascertain and determine in what foreign countries there are any exchanges, boards of trade, or similar institutions or places of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, and whether any such contracts of sale which may be made at, on, or in such exchanges, boards of trade, or similar institutions or places of business comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of such contracts of sale. He shall publish such determinations in his rules and regulations made pursuant to this act.

"'SEC. 12. That the tax imposed by section 3 of this act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. The tax imposed by sections 11 and 11a of this act shall be paid by the sender of the order from the United States or the receiver in the United States of the order coming from a foreign country, as the case may be, and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

"'SEC. 13. That no contract of sale of cotton for future delivery mentioned in section 3 of this act which does not conform to the requirements of section 4 hereof and has not the necessary stamps affixed thereto as required by section 12 hereof shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies. That no contract of sale of cotton for future delivery made in pursuance of any order mentioned in sections 11 and 11a of this act shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies unless it conforms to the requirements of section 4 hereof and the tax imposed by section 11 or 11a upon the order for such contract shall have been paid in compliance with section 12 of this act.

"'SEC. 14. That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in sections 3, 11, and 11a of this act, including the origin, making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section 3 of this act to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transaction; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents. The provisions of the internal-revenue laws of the United States, so far as applicable, including sections 3173, 3174, and 3175 of the Revised Statutes, as amended, are hereby extended and made to apply to this act.

"'SEC. 15. That any person liable to the payment of any tax imposed by this act who fails to pay, or evades or attempts to evade the payment of such tax, and any person who otherwise violates any provision of this act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be

fined not less than $100 nor more than $20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

"'SEC. 16. That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this act, a penalty of $2,000, to be recovered in an action founded on this act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys to whom satisfactory evidence of violations of this act is furnished to institute and prosecute actions for the recovery of the penalties prescribed by this section.

"'SEC. 17. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this act shall withhold his testimony because of complicity by him in any violation of this act or of any regulation made pursuant to this act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

"'SEC. 18. That the payment of any tax levied by this act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this act be held to prohibit any State or municipality from imposing a tax on the same transaction.

"'SEC. 19. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1916 the unexpended balance of the sum appropriated by the act of March 4, 1915 (38 Stat. L., 1017), for "collecting the cotton-futures tax," or so much thereof as may be necessary, to enable the Secretary of the Treasury to carry out the provisions of this act and any duties remaining to be performed by him under the United States cotton-futures act of August 18, 1914 (38 Stat. L., 693).

"'SEC. 20. That there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the unexpended balance of the sum of $150,000 appropriated by section 20 of the said act of August 18, 1914, and for the fiscal year ending June 30, 1916, the unexpended balance of the sum of $75,000 appropriated for the "enforcement of the United States cotton-futures act" by the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916 (38 Stat. L., 1086), or so much of each of said unexpended balances as may be necessary, to be used by the Secretary of Agriculture for the same purposes, in carrying out the provisions of this act, as those for which said sums, respectively, were originally appropriated, and to enable the Secretary of Agriculture to carry out any duties remaining to be performed by him under the said act of August 18, 1914. The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this act. All sums collected by the Secretary of Agriculture as costs under section 5, or for furnishing practical forms under section 9, of this act, shall be deposited and covered into the Treasury as miscellaneous receipts.

"'SEC. 21. That section 9, 19, and 20 of this act and all provisions of this act authorizing rules and regulations to be prescribed shall be effective immediately; section 11a of this act shall become and be effective on and after the 1st day of August, 1917. All other sections of this act shall become and be effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to apply to any contract of sale of any cotton for future delivery mentioned in section 3 of this act which shall have been made prior to the 1st day of the calendar month next succeeding the date of the passage of this act.

"'SEC. 22. That the act entitled "An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes," approved August 18, 1914 (38 Stat. L., 693), is hereby repealed, effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to affect any right or privilege accrued, any penalty or liability incurred, or any proceeding commenced under said act of August 18, 1914, or to diminish any authority conferred by said act on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under the said act, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said act, or to affect any right in respect to, or arising out of, any contract mentioned in section 3 of said act, made on or subsequent to February 18, 1915, and prior to the 1st day of the calendar month next succeeding the date of the passage of this act, but so far as concerns any such contract said act of August 18, 1914, shall remain in force with the same effect as if this act had not been passed.

"'SEC. 23. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.'"

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEVER: Page 77, after line 2, insert the following:

"Amendment No. 2, part B. That this part, to be known as the United States grain act, be and is hereby enacted, to read and be effective hereafter as follows: This act shall be known by the short title of 'the United States grain grade act.'"

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I understand that it is the plan of the chairman of the committee to present these three proposals to the Committee on Rules to make them in order. In order to accommodate him, so that the three can be brought in under the rule, I make a point of order against it.

Mr. GARRETT. Mr. Chairman, the gentleman from Wisconsin states that he makes the point of order on this particular amendment as a matter of accommodation; but may I ask the gentleman if it is his real purpose to make the point of order?

Mr. STAFFORD. I question whether I would press the point of order but for the fact we have passed the usual hour of adjournment. It is after 5.30 o'clock. To require these respective amendments to be read would keep us in session until 6 o'clock. I believe gentlemen on that side are going to have a caucus tonight. I think the gentleman from South Carolina [Mr. LEVER] desires to have these amendments printed in the RECORD for the convenience of Members of the House.

Mr. BORLAND. The gentleman has no objection to this particular amendment, has he—this grain-grading amendment?

Mr. MADDEN. I think I will make a point of order against the amendment if no one else does.

Mr. STAFFORD. I have no objection to some of these provisions, but there are other Members on this side who do object to them, and so I am accommodating the gentleman from South Carolina in making the point of order.

Mr. LEVER. The gentleman from Illinois will make the point of order on this?

Mr. MADDEN. Yes.

Mr. HEFLIN. The gentleman from Illinois makes the point of order.

Mr. LEVER. I concede the point of order.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] concedes the point of order, and on that concession the Chair will sustain it, not because of his own judgment, for he has not even read it. The gentleman from South Carolina concedes the point of order, and the Chair sustains it.

Mr. LEVER. I ask unanimous consent that this amendment may be printed in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the amendment be printed in the RECORD. Is there objection?

Mr. FOSTER. Reserving the right to object, when the rule comes in will not this amendment be printed in the RECORD again?

Mr. LEVER. I presume so.

Mr. FOSTER. Why is it necessary to print it twice?

Mr. LEVER. Members may wish to see the proposition that is to come before the House.

Mr. MADDEN. I think it is only fair that they should have that opportunity.

Mr. LEVER. That was my idea—that Members would like to see it in the RECORD.

Mr. BORLAND. Reserving the right to object, is it the purpose to couple all these three propositions together, to make them in order in one rule?

Mr. LEVER. It is.

Mr. BORLAND. Why could they not stand on their individual merits?

Mr. LEVER. Simply to save time; that is all.

Mr. MADDEN. We will have a right to vote on them separately?

Mr. LEVER. Oh, yes.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. I object.

Mr. STAFFORD. The gentleman does not object to having them printed in the RECORD, does he?

Mr. MOORE of Pennsylvania. Will the Chair state the proposition again?

The CHAIRMAN. The request of the gentleman from South Carolina is that the amendment which he proposes may be printed in the RECORD.

Mr. MOORE of Pennsylvania. Merely for information?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. I make no objection to that.

The CHAIRMAN. Is there objection?

There was no objection.

The amendment is as follows:

Amendment offered by Mr. LEVER: Page 77, after line 2, insert the following:

"AMENDMENT No. 2.

"*Part B.*

"That this part, to be known as the United States grain grades act, be and is hereby enacted, to read and be effective hereafter as follows:

"'That this act shall be known by the short title of the "United States grain grades act."

"'SEC. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish as soon as may be after the enactment hereof standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than 60 days in advance of such date or dates, by such means as he deems proper.

"'SEC. 3. That the standards so fixed and established shall be known as the official grain standards of the United States.

"'SEC. 4. That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country, any such grain which is sold or offered for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this act and the grade by which it is sold or offered for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any such grain not sold or offered for sale by grade may be sold, offered for sale, shipped, or delivered for shipment in interstate and foreign commerce by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold or offered for sale by one of the grades fixed therefor in the official grain standards may be shipped to or through any place at which an inspector licensed under this act is located, subject, under such rules and regulations as the Secretary of Agriculture shall prescribe, to be inspected at the place to which shipped, or at the place through which shipped for inspection, and subject further to the right of appeal from such inspection, as provided in section 6 of this act: *And provided further*, That any such grain sold or offered for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped without inspection from a place at which there is no inspector licensed under this act to a place at which there is no such inspector, subject to the right of either party to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine and certify the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this act describe, or in any way refer to, any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

"'SEC. 5. That no person shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this act, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspecter thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold or offered for sale under any name, description, or designation which is false or misleading, he may publish his findings.

"'SEC. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain which has been sold, offered for sale, shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. In every such case the Secretary of Agriculture shall charge and assess, and cause to be collected, a reasonable fee in amount to be fixed by him, which fee shall be refunded if the appeal is sustained. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings.

"'SEC. 7. The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent to inspect and grade grain for interstate and foreign commerce. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for interstate or foreign commerce which has been inspected or graded by him, or by any person acting under his authority, is of one of the official grades of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has State grain inspection established by law, the Secretary of Agriculture shall, in issuing licenses, give preference to persons duly authorized and employed to inspect and grade grain under the laws of such State. The Secretary of Agriculture may suspend or revoke any license issued by him whenever, after opportunity for hearing has been given, the Secretary shall determine that any inspector has been found to be incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this act, or has issued any false certificate of inspection, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has knowingly violated any provision of this act or of the rules and regulations made hereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"'SEC. 8. That the Secretary of Agriculture, shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"'SEC. 9. That any person who shall violate any of the provisions of sections 4 or 7 of this act, or any inspector licensed under this act who shall knowingly or carelessly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly or carelessly give any false certificate of inspection or grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000 or be imprisoned not more than one year, or both.

"'SEC. 10. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than $1,000, or be imprisoned not more than one year, or both.

"'SEC. 11. That the word "person" wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such corporation, company, society, or association, as well as that of the person.

"'SEC. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including rent and the employment of such persons as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere.'"

Mr. LEVER. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVER: Page 77, after line 2, insert the following:

"Amendment No. 3, part C. That this part, to be known as the United States warehouse act, be, and is hereby, enacted to read and be effective hereafter as follows."

Mr. STAFFORD. Mr. Chairman, with the same purpose I make the point of order.

The CHAIRMAN. Does the gentleman from South Carolina concede the point of order?

Mr. LEVER. I do.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Now, I ask unanimous consent that this amendment be printed in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the amendment be printed in the RECORD for information. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, does this include all the amendments that are to be acted on tomorrow, to come up under the rule?

Mr. LEVER. It does.

Mr. MOORE of Pennsylvania. I do not object.

The CHAIRMAN. Is there objection?

There was no objection.

The amendment is as follows:

Amendment offered by Mr. LEVER: Page 77, after line 2, insert the following:

"AMENDMENT No. 3.

"*Part C.*

"That this part, to be known as the United States warehouse act, be, and is hereby, enacted to read and be effective hereafter as follows:

"'That this act shall be known by the short title of "United States warehouse act."

"'SEC. 2. That the term "warehouse" as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. The term "agricultural product" wherever used in this act shall be deemed to mean cotton, wool, grains, tobacco, and flaxseed, or any of them. As used in this act, "person" includes a corporation or partnership or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt.

"'SEC. 3. That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this act; to determine whether warehouses for which licenses are applied for or have been issued under this act are suitable for the proper storage of any agricultural product or products; to classify warehouses in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act; and to prescribe, within the limitations of this act, the duties of the warehousemen conducting warehouses licensed under this act with respect to their care of and responsibility for agricultural products stored therein.

"'SEC. 4. That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder.

"'SEC. 5. That each license issued under sections 4 and 9 of this act shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon showing satisfactory to the Secretary of Agriculture may from time to time be renewed or extended by a written instrument, which shall specify the date of its termination.

"'SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to

the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond other than personal security to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

"'SEC. 7. That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of sections 6 or 9, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

"'SEC. 8. That upon the filing with and approval by the Secretary of Agriculture of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse shall be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked.

"'SEC. 9. That the Secretary of Agriculture may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products and to store the same in a warehouse or warehouses owned, operated, or licensed by any State, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act and such rules and regulations to the same extent as is provided for warehousemen licensed hereunder.

"'SEC. 10. That the Secretary of Agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding $2 per annum for each license or renewal thereof issued to a warehouseman under this act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

"'SEC. 11. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to grade or otherwise and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to classify and weigh the same and to certificate the grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

"'SEC. 12. That any license issued to any person to classify or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"'SEC. 13. That every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

"'SEC. 14. That any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of this act and the rules and regulations prescribed hereunder.

"'SEC. 15. That grain, flaxseed, or any other fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

"'SEC. 16. That every warehouseman conducting a warehouse licensed under this act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipts has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades.

"'SEC. 17. That for all agricultural products stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof.

"'SEC. 18. That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable.

"'SEC. 19. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products in this act defined by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been or which in future may be established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purposes of this act as the official standards of the United States for the agricultural products to which they relate.

"'SEC. 20. That while an original receipt issued under this act is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this act.

"'SEC. 21. That a warehouseman conducting a warehouse licensed under this act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

"'SEC. 22. That a warehouseman conducting a warehouse licensed under this act shall cancel each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued.

"'SEC. 23. That every warehouseman conducting a warehouse licensed under this act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all other respects in compliance with this act and the rules and regulations made hereunder.

"'SEC. 24. That the Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this act and the rules and regulations made hereunder, the Secretary may publish his findings.

"'SEC. 25. That the Secretary of Agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"'SEC. 26. That the Secretary of Agriculture from time to time may publish the results of any investigations made under section 3 of this act; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this act, and lists of all licenses terminated under this act, and the causes therefor.

"'SEC. 27. That the Secretary of Agriculture is authorized, through officials, employees, or agents of the Department of Agriculture designated by him, to examine all books, records, papers, and accounts of warehouses licensed under this act and of the warehousemen conducting such warehouses relating thereto.

"'SEC. 28. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"'SEC. 29. That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States.

"'SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or imprisoned not more than six months, or both, in the discretion of the court.

"'SEC. 31. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, available until expended, for the expenses of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this act, and out of the moneys appropriated by this act to pay the salaries and expenses thereof.

"'SEC. 32. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"'SEC. 33. That the right to amend, alter, or repeal this act is hereby expressly reserved.'"

EXTENSION OF REMARKS.

Mr. BURKE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the pending bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

By unanimous consent, the following Members were given leave to extend their remarks in the RECORD: Mr. BENNET, Mr. SIEGEL, Mr. HICKS, Mr. MCFADDEN, Mr. JACOWAY, Mr. FESS, and Mr. STEPHENS of Texas.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5415. An act to authorize the construction of a bridge across the Fox River at Geneva, Ill.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3536. An act to provide for the storing and cleansing of imported Mexican peas commonly called "garbanzo"; to the Committee on Ways and Means.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned until to-morrow, Friday, April 28, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Galena River, Ill. (H. Doc. No. 1061), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HINDS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 4401) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals, reported the same without amendment, accompanied by a report (No. 609), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FARR, from the Committee on Naval Affairs, to which was referred the bill (H. R. 11168) granting 30 days' leave of absence in each year, without forfeiture of pay during such leave, to employees at United States navy yards, gun factories, naval stations, and arsenals, reported the same with amendment, accompanied by a report (No. 610), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14345) to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen; Committee on Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 9856) granting to the St. Louis, Iron Mountain & Southern Railway, and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co., permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railway Co. and to the Anheuser-Busch Brewing Association, respectively; Committee on the Public Lands discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. YOUNG of Texas: A bill (H. R. 15094) for purchase of site and erection of a building to be used as a post office at the town of Henderson, Rusk County, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Texas: A bill (H. R. 15095) to recognize the rights of the States in the regulation and prohibition of the manufacture and sale of intoxicating beverages and to forbid the issuance of internal-revenue licenses to sell the same in any State or Territory in violation of the law of such State or Territory; to the Committee on Ways and Means.

By Mr. FERRIS: A bill (H. R. 15096) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States; to the Committee on the Public Lands.

By Mr. WICKERSHAM: A bill (H. R. 15097) to provide for the surveying of the villages occupied by natives of Alaska, and for the disposal of lots therein, and for other purposes; to the Committee on the Public Lands.

By Mr. SMITH of Idaho: A bill (H. R. 15098) to provide for the erection of a Federal building at Nampa, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. FINLEY: A bill (H. R. 15099) for the erection of a public building at Winnsboro, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. EAGAN: A bill (H. R. 15100) providing for the acquiring of site and construction of Federal building for Weehawken post office, in the town of Union, Hudson County, N. J.; to the Committee on Appropriations.

By Mr. NICHOLS of Michigan: Concurrent resolution (H. Con. Res. 34) for the sale or lense of Fort Wayne, Mich., to the city of Detroit for park or other municipal purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 15101) granting a pension to Eliza J. Moore; to the Committee on Invalid Pensions.

By Mr. ALMON: A bill (H. R. 15102) for the relief of J. R. Wells; to the Committee on Claims.

Also, a bill (H. R. 15103) granting an increase of pension to Stanbery Jenkins; to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 15104) granting a pension to Houston Lemon; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 15105) granting an increase of pension to George W. Murphy; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 15106) granting an increase of pension to Richard N. Solomon; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 15107) granting an increase of pension to William W. Echols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15108) granting an increase of pension to Jonathan Bondy; to the Committee on Invalid Pensions.

By Mr. BENNET: A bill (H. R. 15109) for the relief of Catherine A. Fox; to the Committee on Claims.

By Mr. BROWNE: A bill (H. R. 15110) to correct the military record of John C. Harris; to the Committee on Military Affairs.

By Mr. CASEY: A bill (H. R. 15111) granting an increase of pension to Delight A. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15112) for the relief of John McCarthy; to the Committee on Military Affairs.

Also, a bill (H. R. 15113) to correct the record of Alfred Groff, deceased; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 15114) for the relief of John W. Kellough; to the Committee on Military Affairs.

Also, a bill (H. R. 15115) for the relief of Henry Harris; to the Committee on War Claims.

By Mr. HENSLEY: A bill (H. R. 15116) granting an increase of pension to Charles H. Hearing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15117) for the relief of John Steagall; to the Committee on the Public Lands.

Also, a bill (H. R. 15118) for the relief of the trustees of the Arcadia-Ironton charge of the Methodist Episcopal Church South; to the Committee on War Claims.

By Mr. HINDS: A bill (H. R. 15119) to amend and correct the military record of Alvah B. Doble; to the Committee on Military Affairs.

By Mr. JACOWAY: A bill (H. R. 15120) for the relief of the heirs of Simon Kirkpatrick; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 15121) for the relief of Pleasant M. Heath; to the Committee on Military Affairs.

Also, a bill (H. R. 15122) granting an increase of pension to Hiram S. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15123) granting an increase of pension to Martha Town; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15124) granting an increase of pension to Juliann Bloom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15125) for the relief of William Thomas Mutingley; to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 15126) granting a pension to Mary H. Elder; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 15127) granting a pension to Mary M. Baugher; to the Committee on Invalid Pensions.

By Mr. LOFT: A bill (H. R. 15128) granting an increase of pension to John L. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15129) granting an increase of pension to Ida M. Satterfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15130) granting an increase of pension to Sarah A. Thatcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15131) granting an increase of pension to John M. Millan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15132) granting an increase of pension to Jacob Brock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15133) granting an increase of pension to Jonathan Bondy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15134) granting an increase of pension to Lydia Ann Hagan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15135) granting an increase of pension to James Logsdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15136) granting an increase of pension to George W. Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15137) granting a pension to Katharine Fey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15138) granting a pension to Pattie D. Davis; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 15139) granting a pension to Mary L. Ward; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 15140) granting a pension to Jennie Pond; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 15141) granting an increase of pension to Samuel W. Vest; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 15142) granting an increase of pension to Martin A. Monroe; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15143) granting an increase of pension to Clara A. Short; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 15144) granting a pension to Lorenzo J. McEvoy; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 15145) granting a pension to Florence Ada Stoddard; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 15146) for the relief of Albert G. Barton; to the Committee on Claims.

Also, a bill (H. R. 15147) granting a pension to John E. Hall; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 15148) granting an increase of pension to Nelson Hart; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 15149) granting an increase of pension to Waldo F. Raynsford; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 15150) providing for the refund to the Union Brewing Co. of certain excise tax paid in excess; to the Committee on Claims.

By Mr. WALSH: A bill (H. R. 15151) for the relief of William Befuhs, alias Charles Cameron, Company B, Twenty-eighth Massachusetts Volunteer Infantry; to the Committee on Military Affairs.

Also, a bill (H. R. 15152) for the relief of Le Roy G. Weston, Company F, United States Heavy Artillery; to the Committee on Military Affairs.

By Mr. WARD: A bill (H. R. 15153) granting an increase of pension to Mrs. Emma M. Neske; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 15154) granting a pension to Anna E. Little; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15155) granting a pension to Abner L. Tuttle; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of members of the council of the Society of the Governor and Company of Massachusetts Bay, in New England, favoring preparedness; to the Committee on Military Affairs.

By Mr. ALLEN: Memorial of Cincinnati Bar Association, opposing courts taking cases from the jury or asserting their opinions as to facts, and favoring juries fixing punishment; to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany House bill 12719, for relief of Mary L. Bishop; to the Committee on Invalid Pensions.

By Mr. BROWNING: Petition of union meeting of members of Collingwood (N. J.) Methodist Episcopal Church, favoring constitutional amendment forbidding polygamy; to the Committee on the Judiciary.

By Mr. BURKE: Petitions of W. E. Renn and 158 citizens of Hustisford, Julius C. Schulz and 5 citizens of Rubicon, Gustav A. Koenig and 74 citizens of Newburg, all in the State of Wisconsin, against war with Germany or any other nation; to the Committee on Foreign Affairs.

Also, memorial of Boot and Shoe Workers' Union No. 197, Sheboygan, Wis., asking passage of House bill 6871, relative to convict-made goods; to the Committee on Labor.

By Mr. CHARLES: Petitions of sundry citizens of the thirtieth congressional district of New York, against war with Germany on the submarine question; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of C. K. Gleason, of New York City, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Alice C. Trenthart, of Portsmouth, Ohio, favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. DEWALT: Petition of Macungie (Pa.) Grange, protesting against any limitation to the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the State of Pennsylvania, requesting that all products of the farm be placed on an equitable tariff basis; to the Committee on Ways and Means.

Also, petition of Henry Wood and 184 others, of Allentown, Pa., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens and organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of members of the Alexander Hamilton Business Club, of Reading, Pa., favoring the Stevens bill, House bill 13305; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Petition of C. K. Gleason, of New York City, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the United Trades and Labor Council of Streator, Ill., favoring the anti-Taylor system bill, House bill 8665; to the Committee on Labor.

Also, petitions of sundry citizens of Minooka and Grand Ridge, Ill., favoring tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Illinois League for Nursing Education, favoring House resolution for inspection of dairies; to the Committee on Rules.

By Mr. GALLIVAN: Memorial of Massachusetts Christian Endeavor Union, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of New England Shoe & Leather Association, favoring bill for a permanent tariff commission; to the Committee on Ways and Means.

By Mr. HAYES: Petition of citizens of San Jose, county of Santa Clara, Cal., against compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HENSLEY: Memorial of St. Francois County Farm Bureau, relative to standardization of agricultural products and general improvement in market conditions; to the Committee on Agriculture.

By Mr. HILL: Petition of Excelsior Lodge, Knights of Pythias, and Leeds Council, No. 16, O. U. A. M., of Stamford, Conn., favoring House bill 6915, the post-office retirement bill; to the Committee on the Post Office and Post Roads.

By Mr. HOPWOOD: Petition of 59 citizens of Somerset, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HULBERT: Petition of Cotton Goods Export Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. LOUD: Petition of Freda Girvin and 99 other residents of Shepherd, Isabella County, Mich., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. MAGEE (by request): Petition of Crest Civic Club, of Syracuse, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MILLER of Pennsylvania: Petition of citizens of Mercer County; 40 voters of Franklin, Venango County; and 34 citizens of Mercer and Crawford Counties, all in the State of Pennsylvania, for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of 150 citizens of Ridgway, Elk County, Pa., against the bill closing barber shops on Sunday in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 8 citizens of Emlenton, Venango County, Pa., against House bill 13408; to the Committee on the District of Columbia.

By Mr. MORIN: Petitions of Herman Gunto, Harry W. Riemer, E. J. Taylor, W. L. Johnston, William Grabowsky, C. A. Michel, James E. Graham, Max Mansbosch, Emil Weil, Frank Drabner, F. Benkiser, Alfred A. Perrott, John R. Cowan, John Breen, John Belka, Herman A. Adam, William E. Frye, John J. W. Hoffman, J. M. Mueller, R. Gross, Jacob W. Fanston, Harry Karuff, Fred Bower, William C. Faust, Rev. Charles Kreminn, Jacob Die, Rev. John L. Ernst, John Wittmer, Edward Krebs, Theo. W. Janssen, Allegheny County Branch of the German-American National Alliance, Julius Hertz, G. Blatte, David G. Jackey, Enoch J. Guinto, William Janssen, Herman A. Kobe, Herman Janesen, John Schnesoler, Bernard H. Janssen, all of Pittsburgh, Pa., and A. Mayer, of McKeesport, Pa., opposed to United States becoming embroiled in European war; to the Committee on Foreign Affairs.

Also, petitions of Charles M. Chestnut, president Lumberman's Exchange of Philadelphia, Pa., and E. P. Burton Lumber Co., of Philadelphia, Pa., in favor of appropriation of $1,000,000 toward further construction of Norfolk to Beaufort Inlet waterway; to the Committee on Rivers and Harbors.

By Mr. MOSS of West Virginia: Petition of citizens of Reedy, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Charles P. Swingle, Arthur Swingle, Rev. H. Kaufmann, Herman Kohnken, sr., Henry Kohnken, Christian Kohnken, Herman Kohnken, jr., Gerhard Danz, Jacob G. New, Melchier Zeh, Rev. J. Fliegl, George Zeh, Martin Link, Christian Link, Andrew Link, Adam Sourber, Henry Zeh, Louis Bartz, Charles Bartz, Henry Shoullice, Louis Shoullice, John Beechner, William Drum, Philip Tanz, Lorenz Tanz, John Zeh, Edwin New, Theobald Newfang, Charles Rex, Henry Rowe, Fred Rowe, Philip Drum, W. H. Foults, Arthur Drum, Charles Drum, George W. Beechner, Henry Paul, William Wittig, John Strobel, Frank Strobel, Walter Strobel, Edwin Strobel, Christian Strobel, William Strobel, Christian Eichhorn, William Conrad, Christian Miller, Harry Schwingel, Mark Schwingel, John Schwingel, Robert Schwingel, Jacob Pritting, George F. Wagner, John Link, Edward Drum, Henry Sick, William Fleischman, Philip Folts, all of Cohocton, Steuben County, N. Y., favoring peace; to the Committee on Foreign Affairs.

Also, petition of John W. Fedder, W. E. Howell, Hiram Carlton, Irving Bronson, John McGannon, Frank Gottfrand, Jacob Aker, Charles Gregorius, John Fabey, W. J. Woods, Sam Kelce, J. Shaffer, Bert Sebring, John H. Herr, and Edwin C. Gay, of Corning and Painted Post, N. Y., favoring peace; to the Committee on Foreign Affairs.

By Mr. RAINEY: Protest of Mrs. M. A. Cory and others of Kane, Ill., against juvenile-court bill; to the Committee on the District of Columbia.

By Mr. RANDALL: Petition of First Methodist Episcopal Church of Alhambra, Baldwin Park, and Los Angeles, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Carl Reinschild, of New York City, against bill for numbers on motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, petition of F. C. Barton, favoring the Rainey bill (H. R. 13767); to the Committee on Ways and Means.

Also, petition of New York State Millers' Association, favoring the grain grades bill; to the Committee on Agriculture.

Also, petition of sundry citizens of New York, favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: Memorial of Wendell (Idaho) Grange, No. 82, Patrons of Husbandry, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STAFFORD: Petition of sundry citizens of Milwaukee, Wis., against United States in European war; to the Committee on Foreign Affairs.

By Mr. STINESS: Papers to accompany House bill 15088, granting an increase of pension to Lucy A. Cornell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas (by request): Petition of Theo. Muense, F. H. Spilker, and others, of Stuttgart, Ark., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *April 28, 1916.*

(*Legislative day of Thursday, April 27, 1916.*)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Kenyon	Owen
Beckham	Gallinger	Kern	Page
Brady	Gronna	La Follette	Pittman
Broussard	Hardwick	Lane	Pomerene
Burleigh	Hitchcock	McCumber	Ransdell
Chamberlain	Hollis	McLean	Saulsbury
Clark, Wyo.	Hughes	Martine, N. J.	Shafroth
Clarke, Ark.	Husting	Myers	Sheppard
Colt	James	Nelson	Sherman
Culberson	Johnson, Me.	Norris	Smith, Ga.
Dillingham	Jones	Overman	Smith, Md.

Smoot	Swanson	Tillman	Williams
Sterling	Thomas	Walsh	Works
Sutherland	Thompson	Warren	

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is unavoidably detained from the Senate.

Mr. MARTINE of New Jersey. I desire to announce that the junior Senator from Missouri [Mr. REED] is detained by illness from the Senate.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.;

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; and

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 5415. An act to authorize the construction of a bridge across the Fox River at Geneva, Ill.;

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907;

H. R. 177. An act authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished;

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act";

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 4746. An act granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes;

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars;

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.;

H. R. 7239. An act for the relief of Philip H. Heberer; and

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present a petition from the American Society of Equity, of Montana, praying for legislation relative to the public lands on the Fort Peck Indian Reservation in that State. I ask that the petition be printed in the RECORD together with the signatures and referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD as follows:

Whereas the cooperative farmers of Montana, known as the American Society of Equity, realizing that our country now stands in the midst of difficulties, deem it necessary that all farmers should be induced to raise all food possible; and

Whereas we find a vast area of fertile land on the Fort Peck Reservation practically uninhabited, on account of the present law requiring all homesteaders to pay from $2.50 to $7 per acre for said land, one-fifth to be paid at time of entry, the other four-fifths to be made in five annual payments, that said law is keeping actual settlers from this land: Therefore be it

Resolved, That we ask our Senators and Congressmen to introduce a law asking a reduction of one-half of the appraised value of said land and that 10 years' extension of time be granted on all payments after the first one has been made, that being one-fifth down at time of entry.

We also ask that said law be made to cover all payments that have been made, with the exception of commutements, so that the actual settler who is on the land at the present time may receive the same benefits from time of their entry as those who are yet to homestead.

Whereas we consider this one of the first steps toward preparedness, we ask our Senators and Congressmen to act as soon as possible, as the planting time is near at hand, and through this law not only our State but our Government would be greatly benefited, as this is one of our greatest wheat belts.

[SEAL.] CHARLES E. KISSACK, *President*,
EVERT EVANS, *Secretary*,
Portage, Mont.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Woodburn, Oreg., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Klondike, Oreg., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a memorial of sundry citizens of Richmond, Me., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. GALLINGER presented the petition of John S. Codman, of Boston, Mass., praying for an investigation into the practice of vivisection, which was referred to the Committee on Agriculture and Forestry.

Mr. HITCHCOCK presented petitions of sundry citizens of Nebraska, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Boelus, Nebr., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the Presbyterian Church of Bancroft, Nebr., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. POINDEXTER presented a petition of Cherry Valley Grange, No. 287, Patrons of Husbandry, of Duvall, Wash., praying for Government ownership of telegraph and telephone systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Mrs. Dora B. Sperry and sundry other citizens of Pasco, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented the memorial of H. E. Nelson and sundry other citizens of Bremerton, Wash., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. CLAPP. I have received the following telegram, which I send to the desk with the request that it be read into the RECORD, and I make that request.

There being no objection, the telegram was read, as follows:

AUSTIN, MINN., *April 27, 1916.*

MOSES E. CLAPP, *Washington, D. C.*:

The Minnesota State Sunday school convention, representing a majority of the churches of the State familiar with the conditions in the Indian country, petitions the Senate of the United States to stand unchangeable by its wise and just amendment for ending sectarian appropriations by providing sufficient Government schools. This sentiment, expressed in a resolution, was adopted unanimously. Please read this message into the RECORD.

R. W. MCLEOD, *President*.
A. M. LOCKER, *Secretary*.

Mr. SMITH of Maryland presented petitions of Monumental Council, No. 13, Sons and Daughters of Liberty; of Independent Council, No. 22, Sons and Daughters of Liberty; of Rescue Council, No. 1, Sons and Daughters of Liberty; of Frances Willard Council, No. 21, Sons and Daughters of Liberty; of Eastern Star Council, No. 10, Sons and Daughters of Liberty; and of Liberty Council, No. 6, Sons and Daughters of Liberty, all of Baltimore, in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. PHELAN presented resolutions adopted by the Chamber of Commerce of Los Angeles, Cal., favoring the enactment of legislation for the construction of the San Juan Railway in

Colorado and New Mexico, which were referred to the Committee on Railroads.

He also presented a petition of J. Holland Laidler Camp, No. 5, United Spanish War Veterans, Department of California, of Sacramento, Cal., and a petition of Wheaton Camp, No. 8, United Spanish War Veterans, of San Jose, Cal., praying for the enactment of legislation granting pensions to widows and orphans of veterans of the Spanish-American War, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WALSH, from the Committee on Indian Affairs, to which was referred the bill (S. 793) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont., reported it with an amendment and submitted a report (No. 401) thereon.

Mr. SWANSON, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 833. A bill to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade (Rept. No. 402);

S. 1807. A bill to reinstate Elwin Carlton Taylor as a passed assistant surgeon in the United States Navy (Rept. No. 403); and

S. 3020. A bill waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick (Rept. No. 404).

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, with amendments, the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, and I submit a report (No. 405) thereon.

Mr. SWANSON. I should like to ask unanimous consent that the bridge bill just reported be taken up. The bridge is in a wretched condition. It has been condemned. There was a report of the Army engineer made upon it yesterday which shows that it is a very urgent matter. If there is to be debate upon it and objection to the bill, of course I would not press my request.

Mr. SMOOT. I understood the Senator from New Hampshire [Mr. HOLLIS] was going to ask that the Senate proceed to the consideration of the rural-credits bill this morning, and I understand also that the Senator from New Hampshire is perfectly willing to have an adjournment to-day in order that we may have a morning hour to-morrow. The Senator from Virginia can no doubt call up the bill to-morrow morning.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 5783) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. OVERMAN:

A bill (S. 5784) providing for the adjudication of certain claims by the Court of Claims; to the Committee on Claims.

By Mr. HOLLIS:

A bill (S. 5785) granting an increase of pension to Zemri Stearns (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5786) granting a pension to Catherine E. Ranney;

A bill (S. 5787) granting an increase of pension to Mary C. Hill (with accompanying papers); and

A bill (S. 5788) granting an increase of pension to Thomas Bracken (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5789) granting an increase of pension to Sue Rains (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 5790) to confer additional authority upon the President of the United States in the construction and operation of the Alaskan Railroad, and for other purposes; to the Committee on Territories.

By Mr. POINDEXTER:

A bill (S. 5791) granting an increase of pension to Mary R. Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5792) granting a pension to Thomas J. Thompson; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5793) granting an increase of pension to Mary A. McElroy (with accompanying papers); and

A bill (S. 5794) granting a pension to Mrs. Lucy K. Kellogg (with accompanying papers); to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

INCREASE OF CADETS AT MILITARY ACADEMY.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) entitled "An act to provide for an increase in the number of cadets at the United States Military Academy," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, and 6, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty of whom shall be selected from among the honor graduates of educational institutions having officers of the Regular Army detailed as professors of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated as 'honor schools' upon the determination of their relative standing at the last preceding annual inspection regularly made by the War Department"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "in number as nearly equal as practicable"; and the House agree to the same.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
H. A. DU PONT,
Managers on the part of the Senate.

JAMES HAY,
S. H. DENT, JR.,
JULIUS KAHN,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On April 26, 1916:

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States district court for the middle district of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy.

On April 27, 1916:

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department or office of the Government;

S. 1294. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

S. 4480. An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina at Raleigh, N. C.

On April 28, 1916:

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

RURAL CREDITS.

Mr. HOLLIS. I ask that the rural credits bill be laid before the Senate and proceeded with.

The VICE PRESIDENT. The Chair lays Senate bill 2986 before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. Mr. President, I urge the attention of the Senator from Utah [Mr. SUTHERLAND] to a matter that we were discussing when the bill was last laid aside, on page 32, the provision that "no such loan shall be made to any person who is not at the time, or who does not in his application promise shortly to become, engaged in the cultivation of the farm mortgaged." I assure the Senator I will take that up again and try to reach some solution. The only improvement I can suggest is that the provision be amended so as to read as follows:

No such loan shall be made to any person who is not at the time, or who does not in his application state his intention to become within six months, engaged in the cultivation of the farm mortgaged.

That would be a statement of a fact subject to proof whether he did have such an intention or not. If he did not have such an intention and there were proof of it, such as would convince a jury, he could be prosecuted for having made a false statement in his application. Then I would add to that——

Mr. SMOOT. Will the Senator repeat his proposed amendment?

Mr. HOLLIS. I suggested to make it read:

Or who does not in his application state his intention to become within six months—

And so forth.

The point is this: If a man promises to do something and does not do it, he can not be prosecuted for false pretenses. If he states that he has an intention to do something when he has not, then he has made such a statement that he could be prosecuted for making a false statement of fact in his application.

I think there should be added to that a provision at the top of page 34 that on a failure to comply with the terms of his application the mortgage may be foreclosed. I can not think of any way that would make that any more binding on the borrower than I have suggested, but any of these several ways which have been suggested I think would work out practically about the same.

Mr. SUTHERLAND. Mr. President, that seems to be a rather shadowy basis to base the prosecution upon; that is, to undertake to prosecute a man upon the ground that he had declared an intention to do a thing when, in fact, he had no such intention. It is pretty difficult to get into the human mind to find exactly what a man intended. The Senator is familiar with the rule that no man can be prosecuted for perjury for having promised to do something which he did not do.

Mr. HOLLIS. Yes; but the promise to do something and having a present intention to do it are very different things. An intention is a present state of mind that is susceptible of proof and definite determination. If a man states his present intention to do something and later you prove that he had no such intention, he can be prosecuted for perjury.

Mr. SUTHERLAND. The Senator may be right about that. The line of distinction is sometimes a very narrow one. But I suggest to the Senator that it would be always an exceedingly difficult thing to prove what the intention of the individual was. After all, the intention is something within his own mind. It is not manifested necessarily by any outward circumstance. I think the Senator will be putting something into the bill that would be very difficult at least of enforcement.

It seems to me the thing to do is to leave the matter to the officials who have to deal with it. If the Senator will make provision that the officials who are responsible for making the loan shall be satisfied that the individual intends to do this thing, then he will have afforded some definite test, but if he simply provides that it shall rest in the intention of the individual, that being a matter wholly in his own mind, I think you will have such a shadowy test that it will be very difficult of enforcement.

Mr. McCUMBER. Mr. President——

Mr. HOLLIS. If the Senator will pardon me, as I said at the outset I think any one of these ways will work out practically, because the land bank will have to be satisfied it is so before it makes the loan. It must exercise its judgment as to whether to make the loan or not. I am quite sure it will be satisfactory in any one of the three ways suggested; but, as I said, it is immaterial to me. I yield now to the Senator from North Dakota.

Mr. McCUMBER. I wish to ask the Senator if the provision he has just stated is one that refers to ownership, becoming the owner to the land?

Mr. HOLLIS. Yes.

Mr. McCUMBER. I suggest to the Senator that I can not imagine any great difficulty there, because I do not suppose that the money will be advanced until there is a mortgage, and a mortgage can not be given until there is ownership of the land, and the record shall show it.

Mr. HOLLIS. No; this is a promise to cultivate the land mortgaged. I did not understand the Senator.

Mr. McCUMBER. That is the reason why I asked whether it had reference to the title.

Mr. HOLLIS. It is a promise to cultivate. For the purpose of getting this matter definitely stated and leaving it open, so far as I am concerned, to future consideration, if anyone desires to have it changed, I will move, on line 16 of page 32, that the word "promise" be stricken out and that there be inserted in place thereof the words "state his intention."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 32, line 16, it is proposed to strike out the word "promise" in the committee amendment and in lieu insert the words "state his intention."

The VICE PRESIDENT. The amendment to the amendment will be agreed to, without objection; and, without objection, the amendment as amended will be agreed to.

Mr. HOLLIS. Then, at the top of page 34, at the beginning of line 2, I move to insert "fail to comply with the terms of his application, or." The result of that amendment is that if a man borrows and then does not comply with the terms of his application the mortgage may be foreclosed.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 34, after the word "shall," at the end of line 1, insert the words "fail to comply with the terms of his application, or."

Mr. STERLING. Mr. President——

Mr. HOLLIS. I yield to the Senator from South Dakota.

Mr. STERLING. I merely wish to ask the Senator from New Hampshire in regard to paragraph 9, on page 33, which names the maximum which may be loaned to any one borrower. Should not that paragraph also state the minimum? Was not that the intention? I think previously in the bill a minimum is named, and should not a minimum be named here? I suggest as an amendment after the numerals "$10,000," that the words be inserted "nor shall any loan be less than the sum of $200."

Mr. HOLLIS. I think the distinguished Senator is in error in stating that there is a minimum limit. That is merely at the outset in the forming of loan associations. The Senator will find it on page 22. After the loan association is once formed, there is no reason why a man should not borrow less than $200 if he desires; and I can not see any reason for having any minimum stated.

Mr. STERLING. Mr. President, I had thought that in the matter of a farm loan under this system there ought to be a minimum, and that it would not, as a business proposition, be wise to permit of loans in a less sum than $200; and that there ought to be at least that minimum limit to the amount which he could borrow. If a man must have a less sum than $200, let it be from some other source and in some other manner than by mortgage of his land to a Federal land bank. Such would be my idea in regard to it.

Mr. HOLLIS. I have not previously heard that view urged. It would occur to me that there might be a good many cases where men might want to borrow less than $200, and might properly borrow it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Hampshire [Mr. HOLLIS].

The amendment was agreed to.

The SECRETARY. The pending amendment is on page 33, section 12, after line 16, where the committee propose to insert:

Taxes or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at the rate of 6 per cent per annum.

Mr. HOLLIS. Mr. President, I think that in nearly every State if a mortgagee pays the taxes on the land mortgaged, he would be undoubtedly subrogated to the right of the taxing power and be allowed to collect, but in order to have that clear, and thinking that in some States it may be otherwise, the committee have thought it proper to annex this condition. I believe the rate should be 10 per cent per annum. I think in most

States for delinquent taxes there is a rate of at least 10 per cent charged. I ask unanimous consent to change the rate of interest, in line 19, from "6" to "10" per cent before this committee amendment is voted on.

The VICE PRESIDENT. If there be no objection, that amendment to the amendment will be made. The question is on the amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Banking and Currency was, on page 34, line 2, after the word "condition," to insert "or covenant," and in line 3, after the word "shall," to insert "at the option of the mortgagee," so as to make the clause read:

Twelfth. Every borrower who shall be granted a loan under the provisions of this act shall enter into an agreement, in form and under conditions to be prescribed by the Federal farm-loan board, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition or covenant of the mortgage, the whole of said loan shall, at the option of the mortgagee, become due and payable forthwith: *Provided*, That the borrower may use part of said loan to repay any sum borrowed to pay for his stock in the farm-loan association, and the land bank holding such mortgage may permit said loan to be used for some other purpose specified in this section.

The amendment was agreed to.

The next amendment was, on page 34, line 12, after the word "borrower," to strike out "or of the farm-loan association," so as to make the clause read:

Funds transmitted to farm-loan associations by Federal land banks to be loaned to its members shall be in current funds, or farm-loan bonds, at the option of the borrower.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 22, on page 35, the last clause read being as follows:

(b) Parcels of land mortgaged to it as security.

Mr. STERLING. Mr. President, I should like to call the attention of the Senator from New Hampshire to page 35, line 22, clause (b), that being one of the powers given the Federal land bank. Under (b) the bank will have the power to acquire and dispose of "parcels of land mortgaged to it as security."

I wonder if it is the intention to give the general power to a farm-land bank to buy lands which have been mortgaged to it as security, to purchase them at any time and to dispose of them, or is it meant that it shall acquire those lands simply in the course of the satisfaction of the mortgage debt, which I think is covered by subdivision (c).

Mr. HOLLIS. The provision to which the distinguished Senator calls attention is meant to cover transactions arising in States where the title passed to the mortgagee, where there is a default, in a case where there is a conditional sale. Therefore the mortgagee would have the right under his present title, if he acquired under foreclosure, to take peaceable possession and to hold the land until the mortgagor complied with the conditions of the mortgage. It is merely meant to cover a case of that kind, where the mortgagee would take temporary possession and proceed to foreclose finally if it became necessary to do so.

Mr. STERLING. Mr. President, it seems to me there should be some language limiting it, because the terms are very general, and on the face of the statement it would give power to acquire any lands mortgaged to a land bank as security and to dispose of them.

Mr. HOLLIS. I agree with the Senator in the thought that this matter should be covered, and I am willing to have an amendment added at the end of the line. Perhaps the expression "under default" would cover it, or the words "where default has occurred"; and I ask unanimous consent that the words "where default has occurred" be added, on page 35, at the end of line 22, before the period.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 35, line 22, after the word "security," it is proposed to insert the words "where default has occurred."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Banking and Currency was, under the subhead "Powers of Federal land banks," in section 13, page 36, line 11, after the word "Eighth," to strike out "To accept time deposits and to pay interest on the same, as provided in section 18 of this act," and insert "To borrow money, to give security therefor, and to pay interest thereon," so as to make the clause read:

Eighth. To borrow money, to give security therefor, and to pay interest thereon.

The amendment was agreed to.

The next amendment was, on page 36, line 21, before the word "Federal," to strike out "on," and insert "of," so as to make the subhead read "Restrictions of Federal land banks."

The amendment was agreed to.

The next amendment was, under the subhead "Restrictions of Federal land banks," in section 14, page 37, line 1, after the word "act," to strike out ", but this restriction shall not apply to prevent the acceptance of time deposits, as provided in section 18 of this act," so as to make the clause read:

First. To accept deposits of current funds payable upon demand except from its own stockholders, or to transact any banking or other business not expressly authorized by the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 37, line 6, after the words "section 17," to strike out ", or for short terms as provided in section 18," so as to make the clause read:

Second. To loan on first mortgage except through national farm loan associations as provided in section 7 of this act, or through agents as provided in section 17.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, in connection with the discussion of land credit, I wish to direct attention to a phase of the land question which clamors for settlement, a matter distinct from the general subject of rural credits, but frequently confused with it.

A vast and growing number of American farmers are reduced to such conditions that they have no land to offer as security for loans, no means to acquire land which they might offer as such security for loans of balances due on purchase, and hardly enough left after the landlord, the merchant, and the banker are paid from the proceeds of their crops to keep body and soul together until another crop is made. Whatever meager personal goods they hold are mortgaged for tools and food at a rate of interest so enormous as to keep them in poverty. Their wives and children must, as a rule, labor with them in the fields. As a result their children either have no schooling at all, or very little. They are in a state of financial servitude, from which there is little or no hope for escape under present conditions. These restless, discontented multitudes of men, women, and children, who have no place they may call home, whose earnings, toil as they will, are hardly sufficient for the barest necessities, present a problem that becomes more pressing every hour. The percentage of tenant farmers in the United States increased from 25 per cent in 1880 to 37 per cent in 1910, while the percentage of our rural population decreased from 70 per cent in 1880 to 53 per cent in 1910. It is the statement of Mr. Charles W. Holman, secretary of the National Conference on Marketing and Farm Credits, that in the last 10 years in Texas and Oklahoma the ratio of increase of tenant farmers has been double that of land-owning farmers; that in the States of Alabama, Arkansas, Tennessee, Georgia, Louisiana, Texas, Mississippi, South Carolina, North Carolina, Missouri, Kentucky, Indiana, Nebraska, Michigan, Wisconsin, Minnesota, and California there has been an actual increase since 1880 of 994,361 tenants, while home-owning farmers have increased but 606,755; that in the States of Illinois, Iowa, Kansas, New York, Ohio, and Pennsylvania tenant farmers have increased to the extent of 121,167, while the number of home-owning farmers has actually decreased to the extent of 62,915. But what of the country at large? In this connection let me say, Mr. President, that the last census shows that of the 20,000,000 families in the United States, less than 6,000,000 own their homes free from incumbrances, nearly 11,000,000 American families living in rented homes.

In this connection I want also to cite the fact that the Society to Lower Rents and Reduce Taxes on Homes, an organization located in the State of New York, published, on September 2 of last year, a statement showing that 13 families on Manhattan Island owned land of a total value of $205,404,875, or $15,800,000 to a family, the amount owned by these families being one-fifteenth of the value of all the land on the island. The total number of families in that borough was placed at 560,000. The 13 land-owning families are as follows: The Astors, Vanderbilts, Rhinelanders, O. B. Potter properties, J. P. Morgan, E. H. Van Ingen, Wendels, Goelets, Ehret, Gerrys, Charles F. Hoffman estate, William R. H. Martin, and Eugene Hoffman.

An interesting fact brought out in that connection was that the value of the improvements which these 13 great families have placed on the land was only one-fourth of its value, while the value of the improvements placed on the land by owners of small homes in Manhattan was three times the value of said land. It was demonstrated, therefore, that the small home owners were being taxed for the benefit of the 13 great families I have mentioned.

Mr. President, an aristocracy is rapidly developing in this country, built on the concentrated ownership of lands and also on the concentration of other forms of wealth, an aristocracy that riots in unmeasured luxury, an aristocracy for the most part selfish, indifferent, and cruel. It is the statement of Mr. Benjamin C. Marsh, the executive secretary of the Association for an Equitable Federal Income Tax, that less than 5 per cent of the population of the United States own nearly all the value of land and nearly all the acreage.

Commissioner Davies, of the Bureau of Corporations, reported in 1914 that 1,694 timber owners held in fee over one-twentieth of the land area of the United States, from the Canadian to the Mexican border—a total of 105,600,000 acres—and that 16 holders own nearly half of this amount, or about 47,800,000 acres. This is an alarming situation. The United States is becoming a land of the landless.

Sir, we talk of preparedness against war, and no man favors it more earnestly than I do. Let me say to you that the most effective step this country may take to secure permanent preparedness against all foes is to utilize part of its vast credit in anchoring the people to the land. If you would have this Nation invincible, make it a nation of homes. The home problem presents an emergency so tremendous and so pathetic as to justify the employment of a substantial portion of the Government credit in aiding our landless and homeless millions to acquire lands and homes. This has been done with gratifying results in Great Britain, Australia, New Zealand, and other countries. Some of our States are already considering such steps, Oklahoma and Massachusetts having enacted measures with such ends in view.

Mr. OWEN. Mr. President, would it interrupt the Senator to call his attention to the extraordinary efficiency of the German people, due to the very pains taken by the national power there in abolishing poverty by finding employment to occupy the people and teaching them how to make a living?

Mr. SHEPPARD. I think the Senator's suggestion is a very valuable one. Let us have a Federal home-loan law, enabling the Federal Government to make loans or sales at low interest rates and on long time to worthy homeseekers, either directly or in cooperation with States, and perhaps other political divisions.

For many years the Federal Government protected the wages and incomes of the masses by offering them homes on the public domain. This served as a safeguard against the oppression of the laborers of factory and farm. Now that the public land available for homes has been nearly all preempted shall this safeguard perish? The public land is no more the public domain than the public credit—the Government credit, which is the common possession of all the people. Let the priceless bulwark of home ownership on easy terms, such terms as private collections of capital could never offer, be preserved.

The Secretary of Labor in his last annual report makes an epoch-marking suggestion. He says:

> It will not be enough to hunt "manless jobs" for "jobless men." Any efficient public employment service of a national character must go beyond that. Unless it does, "manless jobs" giving out while "jobless men" remain, the causes of involuntary unemployment will continue to express themselves to the great prejudice of the wage workers of the United States, and consequently to the harm of all industrial interests. In my opinion, therefore, the labor-distribution work of this department should extend to some such development of the natural resources of this country as will tend to make opportunities for workers greater than demands for work and to keep them so.
>
> For this purpose further legislation will be necessary. But it need be either voluminous or revolutionary. Nothing more is required than a judicious utilization of Government lands.
>
> Title to some of the old public domain still remains in the Government. By a recent decision of the Supreme Court, Congress is soon to have the power, and to be under an obligation, to treat with land-grant railroads regarding the terms on which large areas of that domain heretofore granted away may be restored. There are extensive areas of privately owned but unused farming land in most or all of the States, which might be acquired by the General Government for promoting labor opportunities as advantageously as other areas have been acquired or retained by it for the creation of public parks. If Congress were to adopt, with reference to those lands, a policy of utilizing them for promoting opportunities for employment, the benefits of the labor-distribution work of this department, and of State and municipal public employment offices throughout the United States, would be vastly augmented.
>
> For such a policy the homestead laws seem to afford a legislative basis and their history to furnish valuable suggestions. Those laws relieved the industrial congestions of their day by opening the West to workers of pioneering spirit who set up individual homes and created independent farms in waste places. But the day of the individual pioneer is over. From the Atlantic he has moved westward until the Pacific throws him back again into crowded spaces, and new forms of industrial congestion have consequently developed. To the relief of these the old form of homesteading is not adapted, but the homesteading principle persists. The problem is how to adapt that principle to changed circumstances.
>
> One necessary condition is that the General Government shall retain title to the public lands it already holds. Another condition is that from time to time it shall reacquire title to such lands, formerly owned by it but now privately owned, as are held out of use and may be reacquired upon reasonable terms. Still another condition is that the Government, from time to time, shall acquire title to such privately owned lands in different States as may be usefully devoted to the purpose of opening opportunities for employment. All this need not be done at once. A satisfactory beginning may be made with public lands already available for the purpose in question. But it is necessary that the Government shall not lightly divest itself of title to any lands it may set aside for labor opportunities.

Mr. SHAFROTH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Texas yield to the Senator from Colorado?

Mr. SHEPPARD. Certainly.

Mr. SHAFROTH. How can these Western States that have millions and millions of acres of land in governmental ownership ever support a State, county, or school government if that is going to be the policy of the Government?

Mr. SHEPPARD. The policy I speak of will help the Western States. It will mean the more speedy sale of public lands to home owners. It will give these States more home owners, and that is what they want. These home owners will help to support the State.

Mr. SHAFROTH. Yes; but these lands are situated in the States; and if these lands are to be held by the Government and the title is to remain in the Government, there is no power on earth by which they can be the subject of taxation.

Mr. SHEPPARD. The idea is that the public lands available for homes shall not be too hastily disposed of, but that they shall be held only until they can be sold for this purpose under proper safeguards. But the disposition of existing public lands is not essential to the main question. The point I am making to-day is that we must maintain the homestead principle, which protected the masses of the people up to a few decades ago from oppressive conditions in the cities and in the wage-paying industries.

The Secretary of Labor continues:

> Regulation of private tenures created pursuant to this purpose should fit the circumstances of particular cases. It is therefore suggested that private titles to lands set aside for the indicated purpose be so adjusted by the Department of Labor to its work of labor distribution as to prevent inflation of land values. This precaution is of extreme importance. Wherever inflation of land values might enter in, the proposed method of promoting labor distribution would be obstructed.
>
> There is still another essential condition. Equipment for farming and education in farming as well as a place for farming are needed. All three, however, could be met by an appropriate unification of some of the activities of the Departments of the Interior, of Agriculture, and of Labor. Pursuant to such unification Congress might provide a "rotary fund" for lending purposes; that is, a fund to be used over and over again for those purposes and to be maintained by repayments of loans.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Oklahoma?

Mr. SHEPPARD. Yes; I yield, Mr. President.

Mr. OWEN. I call the attention of the Senator to the fact that the Government of the United States is now using a rotary fund in furnishing means to various Indians for the purpose of teaching them self-support by agriculture. That fund, as I say, is a revolving fund.

Mr. SHEPPARD. I am very glad to have that statement, Mr. President.

The Secretary of Labor continues:

> Out of this fund Congress could authorize the departments named above to make loans, through the Department of Labor, to settlers placed by this department upon lands set aside for that purpose in accordance with the authorized plan for thus augmenting labor opportunities. Those loans could be safeguarded, without commercial collateral, by resting them upon the best possible basis of industrial credit—ability, opportunity, and character—and by establishing in connection with them a system of community credits adapted to the circumstances.
>
> By their educational processes the Departments of the Interior and of Agriculture could make efficient farmers of inexperienced but otherwise competent workers seeking that vocation. By its marketing plans the Department of Agriculture could guard borrowers from the "rotary fund" against commercial misfortune in disposing of their crops. By its labor-distribution functions the Department of Labor could bring the right men to the right places on the soil and settle them there under favorable circumstances. And by their several appropriate functions these three departments, cooperating under appropriate legislation, could multiply demands for labor in rural regions and minimize labor congestion at industrial centers.
>
> It is a reasonable prediction that such a policy would develop in country and city an economically independent and socially progressive population. The results would be analogous in our time to those of the homestead laws at an earlier period.

Mr. President, let these suggestions of the Secretary of Labor be extended to cover the acquisition of farm homes with Government aid for both landless and jobless men. The rural districts are rapidly decreasing in population.

A Federal home-loan and aid law and a short-term rural-credit law will go far toward remedying fundamental economic evils while a permanent land-mortgage system is being developed.

One of the greatest national needs is to turn the trend of population from the cities back to the farm home. It is fundamentally a national need. It is essential to the Nation's liberty and life.

Of course, it is exceedingly questionable whether the power of the Federal Government, under the Constitution as it now reads, covers the use of its funds and its credit for the acquisition of lands and the distribution of those lands on the homestead principle among the people. I therefore submit an amendment to the Constitution along this line, and ask that it be read, and ask unanimous consent to introduce it at this time.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (S. J. Res. 127) proposing an amendment to the Constitution of the United States, giving Congress the power to purchase, hold, improve, subdivide, and sell land and to make loans for the purpose of promoting farm-home ownership, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

AMENDMENT —.

The Congress shall have power to purchase land anywhere in the United States, hold, improve, subdivide, and sell the same, and also to make loans for the purpose of encouraging and promoting farm home ownership in the United States: *Provided, however*, That this amendment shall not be deemed to authorize the sale of such land at less than the cost thereof.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Wyoming?

Mr. SHEPPARD. I yield.

Mr. CLARK of Wyoming. Of course, I do not wish to object to this being read as a part of the Senator's remarks; but I think it is my duty to call attention to the rule in regard to the introduction of other matters while a Senator has the floor and is making a speech.

Mr. SHEPPARD. Do I understand that this amendment can not be introduced by unanimous consent, Mr. President?

The VICE PRESIDENT. It is the duty of the Chair to prevent any person from interrupting a Senator while he is talking by the introduction of a bill, joint resolution, or any other document. Whether the Chair is under the duty of interfering with the Senator from Texas, the Chair is in very grave doubt.

Mr. SHEPPARD. I do not see how a man could interrupt himself in this way.

The VICE PRESIDENT. The Chair is unable to speak for the Senator from Texas.

Mr. CLARK of Wyoming. If the Senator from Texas is an exception to the rule that bills or resolutions shall not be introduced while a Senator is speaking——

Mr. SHEPPARD. Mr. President, I should like to have the matter ruled on anyway.

The VICE PRESIDENT. There is not any objection to the Senator's introduction of a resolution. This suggestion was largely humorous on the part of the Senator from Wyoming. Shall the amendment be referred to the Committee on the Judiciary?

Mr. SHEPPARD. Yes, sir.

Now, Mr. President, if this amendment seems to strike anybody as radical or socialistic, I want to call attention to a similar amendment to the Constitution of the conservative State of Massachusetts, which was adopted in that State last November by a popular vote of 3 to 1; and I ask the Secretary to read it.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Secretary read as follows:

CONSTITUTION OF MASSACHUSETTS.

ARTICLE OF AMENDMENT ADOPTED NOVEMBER, 1915.

The general court shall have power to authorize the Commonwealth to take land and to hold, improve, subdivide, build upon, and sell the same, for the purpose of relieving congestion of population and providing homes for citizens: *Provided, however*, That this amendment shall not be deemed to authorize the sale of such land or buildings at less than the cost thereof.

Mr. SHEPPARD. As a matter of fact, this Massachusetts amendment and my amendment are the antithesis of socialism. The object of these amendments is to preserve the institution of private-land ownership, to preserve it for the masses.

Mr. WALSH and Mr. THOMAS addressed the Chair.

Mr. SHEPPARD. I yield to the Senator from Montana.

Mr. WALSH. I desire to inquire of the Senator from Texas if he is able to advise us as to the attitude of the Senators from Massachusetts upon that amendment?

Mr. SHEPPARD. I judge from the speeches that have been made by the Senators from Massachusetts opposing the acquisition by the Government of an armor-plate plant and of a nitrate plant, and opposing the principle of extending governmental activities along these lines, that they may not be in sympathy with the action of the overwhelming majority of the people of Massachusetts in voting to put the State into the business of buying land and selling it to the people for homes.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. SHEPPARD. I yield; yes.

Mr. THOMAS. If the Senator will so amend his proposed amendment to the Constitution as to require the Government to sell some of the land it already owns, I will support it with a good deal of enthusiasm.

Mr. SHEPPARD. Well, Mr. President, this idea that I have suggested includes the sale of the land the Government now possesses and creates circumstances under which it may be sold.

I merely wanted, Mr. President, during the discussion of land credits, to bring the attention of the Senate to a question that is going to assume greater and greater importance as the years pass by. The land question is to-day one of the most fundamental and the most important questions before the country. The fact that the land is rapidly passing away from the possession of the people, that its control is being centered in the hands of the few, is one of the most alarming facts of contemporary history. The United States is becoming a country of tenants and boarders. A land without homes is a land without hope, a land without liberty, although it may wear the garb of a republic and boast of treasures beyond the human brain to comprehend.

Mr. POMERENE. Mr. President, may I ask the Senator from Texas what amount of land is allowed for homestead purposes in the State of Texas now?

Mr. SHEPPARD. Does the Senator mean what amount of the public land may be sold to individuals for homesteads, or what amount of land is exempted from debt as a homestead?

Mr. POMERENE. Well, perhaps that expresses my thought more accurately.

Mr. SHEPPARD. The two propositions are different, as the Senator understands.

Mr. POMERENE. They may be, of course, and they may not be.

Mr. SHEPPARD. Two hundred acres are exempted from debt as a rural homestead.

Mr. POMERENE. And what amount is exempted from sale for debt?

Mr. SHEPPARD. Two hundred acres. A section of land—that is, 640 acres, may be bought from the State for a homestead on 40 years' time at a very low rate of interest. Grazing homesteads comprise more than one section.

Mr. HITCHCOCK. Mr. President, I want to say a word of commendation for the pending bill, which I shall call the Hollis bill. It seems to me that the Senator from New Hampshire is entitled to unusual and particular credit for the preparation and perfection of the simple, strong, and comprehensive measure which is now before the Senate.

I do not take the gloomy view presented by the Senator from Texas.

Mr. SHEPPARD. Mr. President, the Senator did not understand me to bring forward my suggestions as criticisms of this particular measure?

Mr. HITCHCOCK. No; I did not.

I come from the West, where agriculture is prosperous, where agriculture is developing, where home owning is the rule. It is true, however, that the farmers in the West are borrowers. They ought to be borrowers. We have not sufficient capital in the West for the proper development of our farms; and the bill now before the Senate provides in a simple way for accomplishing something which has never yet been accomplished in the United States, and that is for bringing the farmer who wants to borrow money for legitimate purposes into close contact, under Government supervision, with the money lenders who have the capital to invest.

Mr. President, capital in this country is abundant, but to the farmer it is comparatively inaccessible. Through the Federal reserve act and through other legislation enacted by Congress capital has been made readily accessible to the merchant, the manufacturer, and the business man of the industrial centers

Mr. SHEPPARD. I yield to the Senator from Montana.

and of our cities. This bill, in my opinion, will make capital accessible to the farmer on the most favorable terms.

It is true, Mr. President, that the farmer in the past has borrowed money, and I speak of the farmer of the West because I know him better than I know the farmers of other sections. The great difficulty has been, however, that he has been compelled not only at times to pay an excessive rate of interest but practically at all times to pay an excessive commission to the middleman or agent who has procured for him the loan that he needs. Reduced to its simplest statement this bill establishes a new middleman, provides him with capital, regulates his charges and his profits, and in that way gives to the farmers of the country an opportunity to procure from the money lenders their loans not only at the lowest possible rate of interest but at the minimum of cost.

Mr. President, I have heard some opposition to this bill expressed here in the Chamber, though I am glad to say not much, and I attribute the absence of opposition very largely to the fact that the bill has been so admirably drawn and so thoroughly digested that it is very difficult to make legitimate criticism.

We have been told by some objectors that Congress has neither the power nor the duty to establish this farm-loan system, under which the agricultural interests of the country are to be given quick and cheap access to the great monetary resources of the country. I shall leave to the Senator from New Hampshire [Mr. HOLLIS], who has the bill in charge, the defense of the bill upon legal lines. I think he has already indicated that there is sufficient authority to hold that the bill is drawn in such a way as to come within the constitutional powers of Congress.

I shall discuss for a few moments, however, the duty of Congress to provide for the farmers this means of access to the loanable funds of the country. Mr. President, I might assert that duty upon the ground that the farming industry is the greatest industry in the United States; that in it are employed the largest number of American citizens. That would probably be sufficient to establish the duty of Congress to look after their welfare. But the farmer of the country is in a stronger position than that. He has a stronger claim upon the consideration of Congress. The farm produces the greatest necessary of life—one might almost say the only absolute necessary of life—food for the people. We are approaching a time when the production of food must be one of the great cares of government, if that time has not already arrived. We have witnessed in this country a gradual increase in the cost of living, a cost of living which affects peculiarly the laboring men and clerks in our cities and in our great industrial centers engaged in manufacturing, in mining, and in mercantile pursuits. We know that the number of arable acres in the United States is limited. We can increase them slightly from time to time by irrigation, but, practically speaking, all the arable land of the United States for all time is already known, and most of it is in cultivation.

How are we going to provide the food for our increasing millions in the future from year to year and from decade to decade? We can only do it by doing as Germany did. Beginning 45 years ago Germany has raised the productiveness of each acre by every means known to scientific agriculture. In that period Germany has increased the average German farm acre more than 80 per cent. To bring this about it was necessary to supply farmers with cheap and abundant capital to build improvements, buy machinery, and fertilize the land. In this way intensive farming has enormously increased the national wealth and enabled the empire to bear the burden of this war.

We also can greatly increase the productiveness of our acres if we give the farmers the proper help.

So I say, Mr. President, that the people in our cities and in our industrial centers are interested in this system, which will give to the farmers of the United States, North and South and East and West, capital with which to develop and improve their farms, capital with which to make them productive to a much larger degree than they have ever been in the past. Congress therefore, when it provides this system for the farmer, is also providing for the people in our industrial centers a safeguard against an undue increase in the cost of living and an insurance of sufficient food products.

Mr. President, I have referred to this bill as a simple bill, and it appeals to me because it is so simple and so strong. It practically unites into one great mutual organization all the farmers of the United States and gives to each farm mortgage the united strength of the whole system. It not only affords cheap capital to be borrowed by the farmer, but it affords a good investment for the small lender of money in the richer portions of the United States. The man or the woman in New England who now finds difficulty in finding safe investment for a small amount of savings can under this bill buy land-bank bonds. The timid investor of the East will be given an opportunity under this system of buying bonds of the Government-controlled land bank, which will yield not less than 4 per cent and which may yield a larger amount. It is this 4-per-cent money of the great eastern centers of saving and capital which it is proposed through the land bank and through the farmers' associations to lend to the farmers at 5 per cent, thus permitting only 1 per cent commission or middleman's cost where heretofore in the past the average farmer has paid 2½ per cent and sometimes 3 per cent as a commission for securing a loan.

Mr. President, I referred to the simplicity of the system. Ten farmers in a neighborhood desiring immediately or in the future to borrow money upon their farms associate themselves together in a little association called the farmers' association. Each farmer may apply to that association for a mortgage. Each farmer is an inspector of his neighbor's mortgage. To some extent each farmer is a guarantor of his neighbor's loan. This association, then, in the name of these farmers makes application to the land bank of the district for a loan to each. Suppose each farmer desires to borrow $2,000, each farmer pays in 5 per cent in cash to the farmers' association, namely, $100. The association then, with $1,000 in cash, turns it over to the land bank and receives in return certificates of ownership of the stock of the land bank for that amount. It is an investment in the capital stock of the land bank. Thereupon each farmer becomes entitled to receive at the lowest possible rate of interest a loan of $2,000 upon his farm, providing that amount does not exceed one-half of its value. The land bank has secured $1,000. This becomes a part of its working capital. Each $1,000 added to its capital increases its power to issue bonds $20,000, which in this case is the amount that goes to the 10 farmers in long-time loans. The security for each issue of bonds is, first, the capital of the bank; second, the land mortgaged; third, the obligation of the farmers' association; and fourth, notes of the farmers. Every new mortgage increases the cash capital 5 per cent. The bonds will be a safe and attractive investment, and the land banks can issue and sell them as fast as they make farm loans, and put the mortgages in their vaults. The farmers who invest in the capital of the land bank to the extent of 5 per cent of the amount of their mortgage receive a stock certificate which should pay a fair dividend. So they are all bound together in one great mutual system—all borrowing twenty times what they invest in stock.

So, Mr. President, the farm bank, with a minimum capital of $500,000 of cash actually paid in, paid in largely by the Government of the United States to begin with, paid in later also by these farm associations for the farmers, starts its business. It brings the funds from the money centers to the farms where it is loaned. When it has exhausted its capital and exhausted the funds which it has received from the farmers' associations it has the power to issue bonds to cover mortgage loans, dollar for dollar, as they are made. Thus the mortgages pile up within its vaults as new bonds are issued and sold and the cash capital grows 5 per cent of each loan as it is made.

The bank is under constant Government inspection. Its operations are safeguarded not only by its own land examiners, who go out and visit the farms as loans are made, but it is also under the inspection of the officers of the United States. It affords cheap loans to the farmers and to the bond buyers in the centers of capital a safe investment. Thus we will have a constant flow of cheap money into the land bank and a constant flow of money from the land bank out to the farmers' associations as they are formed, and through the farmers' associations to the farmers themselves.

I say, Mr. President, it seems to be a system so simple and so strong that it is remarkable that it has not been undertaken in this country before this time.

Mr. President, in my opinion, one of the best features of this system is the provision permitting long loans. This provision permits a farmer to borrow money and repay it at his convenience. He is only required to pay 1 per cent of the principal each year, although he may pay more. The mortgage may not be paid off under this amorization plan for 36 years. What will be the consequence of this provision? It will be that farms will be bought and sold with the mortgages upon them; that people with limited capital will be able to buy these farms with the long-time mortgages already upon them. People will be able to go out from cities with a comparatively small amount of ready capital and buy farms, being compelled to pay only the amount represented by the equity and take their time in paying the mortgage.

Nor is that all, Mr. President. I believe that a farm under such a long-time mortgage, with the amortization feature, call-

ing for only the interest every year and 1 per cent of the principal, will be a safe investment for a second mortgage, and that men will be found with local capital who will lend moderate amounts on second mortgages. They will feel sure that they can always protect themselves if necessary by taking the farm and keeping up the first-mortgage payments required for interest and for the amortization of the loan. In other words, the second mortgagee will not fear to loan on second mortgage; he will not fear that the first mortgage will fall due and be foreclosed in a year or two if default in principal should unhappily come, but he will feel safe in lending under a second mortgage, because so little principal on the first mortgage falls due each year.

I believe this system will enable the farmers of the country not only to get cheap money, the cheapest money that the market affords, in the manner provided by the bill, but it will enable the farmer also to secure additional or second-mortgage loans if it is necessary to develop his farm to a higher degree of perfection. I believe, Mr. President, that the result of the bill now before the Senate will be to develop agriculture in the United States, and particularly in the West, and I hope also in the South, as it has never been developed before.

Mr. THOMPSON. Mr. President, in connection with the remarks of the junior Senator from Texas [Mr. SHEPPARD], as well as those by the senior Senator from Nebraska [Mr. HITCHCOCK], who has just spoken, it may be of interest to know that in western Kansas we already have a plan by which any able-bodied man with a family can become the owner of a farm from the production of the farm alone.

This plan was inaugurated by one of our western Kansas public-spirited men, Mr. John Plummer, who lives at Johnson, Stanton County, Kans., and who himself owns a large amount of land and is the inventor of a particular kind of a plow which has revolutionized farming in western Kansas, in what was formerly known as a semiarid country—dry land with an elevation of about 3,000 feet. By the use of this plow Mr. Plummer has never had a crop failure in that western country with limited rainfall.

He and those with whom he is associated agree to take any able-bodied man willing to work on a farm of 160 acres, place moderate improvements on it, and to break it up by the use of this plow in order to demonstrate its ability to produce crops, and to secure permanent settlers who will own their farms. They agree with the farmer in the outset to purchase all the crop that he can raise upon his place at the market price, and also agree to sell him the land at the market value from his farm's production, aiding him in setting aside a sufficient sum each year to pay out by the use of reasonable economy in about five years.

By this method a great many families have obtained homes in western Kansas, and it is being gradually extended and developed until that whole country will no doubt be settled up by farmers who own their homes. All that it takes is an able-bodied man, willing to work, with a family and a few hundred dollars to provide for his groceries and clothing until he can produce his living upon the land.

Now, if this can be successfully accomplished in a private way by one charitably inclined with a little means, how much easier might it be accomplished by the Government with unlimited means.

Mr. NORRIS. Mr. President, agriculture is the most important activity of mankind. It always has been, and from the very nature of things always must be. Not only the happiness and prosperity but the very existence of the human race depends, not indirectly but directly, upon the products of the soil. When the farmer's returns are bountiful all the people, regardless of creed or avocation, share in the prosperity and happiness which it brings. When the sun fails to shine and the rains cease to fall, the farmer fails and with him goes all enterprise and activity. Happiness ceases; starvation, misery, and destruction take possession of all things. Civilization must end and human existence must cease when the soil fails to produce. This is not only true of mankind; it is true of government. All governmental activity must cease when the soil fails to bring forth its return. No government can live without agriculture. When there is no product from the soil, gold becomes less valuable than dust and government bonds as worthless as mere "scraps of paper." One of the principal objects of government should be to encourage as much as possible the scientific development and the practical protection of agriculture. All the people are interested in the success of the farmer, not because they think more of the farmer than of any other citizen but because their own happiness and their own prosperity goes up or down according to the success or the failure of the farmer. In legislating for the benefit of agriculture we should always bear this distinction in mind. A sound public, governmental policy, one in which all the people regardless of their avocation are directly interested, is the proper legislation to give the utmost possible encouragement to agriculture. One of the alarming features disclosed by the last Federal census is that the population in our rural communities has been decreasing, while the population in our already overcrowded cities has been increasing.

The last Federal census discloses the remarkable fact that in the great State of Illinois, justly noted for its rich soil and fine agricultural development, there were 50 agricultural counties between the years 1890 and 1910 where the population had actually decreased, while the cities in the same State for the same period show an increase of more than 16 per cent. In addition to this, not only in Illinois but in the entire country, figures show that the proportion of tenant farmers is continually on the increase. In 1880, 25 per cent of the farmers of the country were tenants; in 1890, 30 per cent; in 1900, 35 per cent; and in 1910, 37 per cent of the farmers of the country were tenants. These remarkable conditions ought to excite the consideration and interest of all worthy citizens whether in the country or in the city. We are all equally interested and are all equally affected, regardless of our vocation or location. Unless this tendency is checked it is easy to see that all classes of our citizens will be injured. We ought to legislate, if we can, not only to stop this tendency but to reverse it. It is no answer to say that legislation in this direction is class legislation, because the evil tendencies that I have pointed out apply as much to the man in the city as to the man on the farm.

For several years the high cost of living has been one of the alarming tendencies of the age. If it continues to increase, it will be necessary for humanity to entirely reconstruct many of the economic instrumentalities of government. This increased cost falls lightly upon the rich but bends the back of labor in every activity of human existence. That it falls the most heavily upon the poor is apparent to anyone who gives it but a moment's study. The expense of maintaining existence for one man is about as great as for another, regardless of his station in life. The man who has an abundance or whose income is very large can look with impunity upon the continually increasing cost of living, but the man whose income is moderate and who requires about all of the product of his labor to sustain himself and those dependent upon him can not long endure if the expense of existence continues to increase. The very poor will suffer first, and those in moderate circumstances will come next. It can easily be seen that a readjustment of every economic condition must result unless this tendency is stopped. When we find that the population of the farms in our best agricultural communities is decreasing and that, therefore, the producing capacity of mankind is lessening, while the population of the cities is increasing and that, therefore, the consuming portion of the population is becoming greater, we are confronted with a condition that all sober-minded, well-meaning men ought to honestly try to remedy. Not only does this condition have a direct bearing upon the cost of living, but it likewise has a direct effect upon the social and physical conditions of human society. The overcrowding that is continually going on and continually growing worse in some of our large cities means that we are burdening future generations with human beings who will be defective mentally, physically, and morally. It is in the slums of the overcrowded cities where crime and social disorder are bred. It is there that the army of inebriates, the physically and socially defective human beings are recruited. This means increased taxation. This means greater burdens for the balance of humanity. It means less stability for society. It means a weaker Government, a less patriotic citizenship.

To prevent this flow of humanity from the open country to the crowded city we must make farm life more happy, more desirable, more profitable. Under existing conditions the farmer pays the highest rate of interest of any class of citizens. His security is the foundation of society, of government, the corner stone of existence, and yet when he places it upon the market as security for money he is compelled to pay the highest rate of any class of our citizens. The security that ought to command money at the lowest rate in fact pays the highest. The worst condition that could possibly exist would be to have all our farming done by tenants, a condition where the owners of the land lived in the cities and where the actual work of the farm was done by those who had no title to the soil which they tilled.

The model condition, the one that would bring the maximum amount of prosperity and happiness to all the people, would be to have all the land cultivated by men who actually own it and reside with their families upon it. Anything that we can do to bring about an approach to this condition must result in increased happiness to the people, in strengthening the moral

foundation of society, and increasing the stability of government itself. Patriotism grows where light and sunshine penetrate the home. Crime, disorder, and ignorance thrive best in the dark alleys and slums inhabited by tenants and poorly developed offspring. We ought to make it easy for men who are now tenants in the country to buy the farms which they till and to make it possible for thousands of willing men who are struggling almost against hope in the cities to take their wives into the open country and rear their children in the healthy atmosphere of a real country home owned by themselves. There is nothing that gives more happiness to the parent, more stability to the citizen, and more patriotic pride to the individual than to see his offspring growing into strong and vigorous manhood and womanhood around a hearthstone the title of which is in himself. If we could lower the rate of interest on farm loans, we would make it possible for thousands of tenant farmers and yet thousands of residents in the city to become the owners of country homes. Why should not the instrumentality of government be turned in this direction? What higher and nobler thing can government do for the perpetuation of government and for the happiness of all people than to make it possible for those who desire to live on farms and till the soil to borrow money at such a rate that it will be possible for them to carry out this idea?

Various plans to bring this about have been proposed within the last few years. Some of them, in my judgment, have much merit, and most of them, I think, have been proposed by honest men with the honest intention of improving present conditions. I can most heartily give my support to any plan that would bring about an improvement. But it will be found upon examination, in practically all of the schemes proposed, that the machinery is top-heavy. There are too many middlemen to receive commissions; too much machinery to be oiled; too much overhead expense. All of these must be paid by the man on the farm who borrows the money.

These criticisms, at least to a very great extent, are applicable to the pending bill. I fear that the bill is top-heavy. I doubt its practicability, yet I know how earnestly the committee having it in charge has striven to bring in a practical, workable proposition. Particularly is this true as to the Senator from New Hampshire [Mr. HOLLIS] whose name the bill bears. I criticize it, therefore, not as an enemy but as a friend. If it is passed and becomes a law no man will more earnestly hope for its sucessful operation than I. In addition to its being top-heavy, I doubt very much whether the bonds provided for will float at a rate that will enable the farmer to get very much benefit out of it. To my mind its expensive machinery could be obviated and plenty of money obtained at a low rate of interest if it were entirely and completely a governmental instrumentality. I believe that we are justified, for the reasons that I have already given, and for additional reasons that I shall give later, in utilizing the credit of the Government as an instrumentality to make it possible to obtain money at the very lowest rate of interest. With this in view, I have introduced a bill (S. 3201) providing for the establishment of a bureau of farm loans, which I intend to offer as a substitute for the pending measure.

In proposing a plan of my own to remedy the situation I do so without any criticism, other than that I have already outlined, upon the various other plans that have been proposed by others who have given the subject much thought and consideration. To get a low rate of interest, of which the farmer can have the benefit, we must lessen the machinery as much as possible and surround the security with stability that in the markets of the world will command the lowest possible rate of interest. In the proposed substitute which I shall offer I have provided for the establishment in the Agricultural Department of a bureau of farm loans, which shall, in fact, be a clearing house between the men, women, and children who have money and savings to loan and the man who wants to become a farmer and build up a home for himself and family in the country. It is the function of this bureau to make loans on farm lands located in any of the States of the Union. These loans are to be secured by mortgages, made payable to the bureau, and draw interest at the rate of 4 per cent per annum, payable semiannually. I have provided that loans can be made for $100 or any multiple of $100 up to and including $2,000. At the end of five years one-tenth of the principal becomes due, and thereafter one-tenth becomes due each year until the entire loan is matured. This would make the loan run for 15 years, but the right is given to the mortgagor to pay the entire loan or to make a payment of $100 or any multiple thereof on the principal at the maturity of any semiannual interest payment. It is provided that application for loans can be made, upon blanks furnished by the bureau, to any postmaster, and the postmaster is authorized to receive such application and to administer oaths to applicants or other persons to any affidavits made necessary by the rules and regulations of the bureau. It is made the duty of the postmaster, when requested by the bureau, to appoint the appraisers that are provided for in the proposed law. It is provided that no person shall be entitled to a loan under the act who is not of good moral character and who does not establish to the satisfaction of the bureau that he is honest and bears a good reputation in the neighborhood where he resides. No loan shall be made to any person who is not an actual resident on and engaged in the cultivation of the land offered as security; but where the applicant is endeavoring to secure the money for the purpose of building a house upon the land, or for the purpose of making part payment upon the purchase price of the land, the bureau can waive this stipulation; but it is expressly stated in the proposed law that it is the intention of the act to provide money only for persons who intend to reside on and cultivate the land which they offer as security. No loan shall be made for more than one-half of the value of the land offered as security, and only for one or more of the following purposes:

First. To make payment of part of the purchase money of the land to be mortgaged.

Second. To pay off an indebtedness already existing against said land.

Third. To build a house, barn, or other building or buildings upon said land.

It is also provided that the bureau, under proper rule and regulation, can provide that not to exceed 50 per cent of any loan may be used for the purchase of stock and farm implements. It is made the duty of the postmaster or any other employee or official of the Government, without fee or pay therefor, to make confidential reports to said bureau upon request upon any subject pertaining to any loan and upon the character or standing of any applicant or witness.

It might be advisable to increase the amount that could be loaned in excess of $2,000, although we ought never to go beyond the theory which we ought constantly to bear in mind, that one of the principal objects of the plan is to help tenants to become proprietors, and to help residents in the city to become farmers. We want to increase the farming population. We want to stop the trend toward the city. We ought not use the instrumentality of the Government for the purpose of permitting men to speculate or for the purpose of permitting men of wealth to control large areas of the farming community. We must not go to the extent of providing money through the instrumentality of the Government for men to deal in farms so large that they themselves would necessarily require the assistance of tenant farmers to care for their interests. As long as we carry out these objects we will not be guilty of the charge of class legislation. We will, in other words, be legislating for all and not for a part.

Let us see now how the Government could look after these loans. We have an army of postmasters, revenue collectors, deputy revenue collectors, United States marshals, deputy United States marshals, post-office inspectors, inspectors of the Land Department, and various other officials whose duties carry them to all parts of the country. These officials, like a network, cover the entire United States. There is scarcely a farm in the United States of which the postmaster in the vicinity has not a personal knowledge. The chances are that the postmaster would not only know the individual applying for the loan, but he would likewise be acquainted with the land that was offered for security. The marshals and post-office inspectors in the performance of their duties are continually passing up and down the country, and very often they could without any additional expense, and almost always with but slight additional expense, make a personal inspection of the land offered as security. Not only would they be able to do this when the land is offered for security, but these officials would know in a general way whether the mortgagor was in good faith carrying out the terms of his mortgage. Any dereliction in this respect could be reported at once. It is made the duty of these officials under the proposed law to make confidential reports to said bureau upon request therefor upon anything pertaining to any loan or the character and standing of the mortgagor or any witness. Moreover, if this plan were adopted, there would be no community in the United States but where there would be a great many farms mortgaged to this bureau, and every citizen would have an interest in the success of the plan. He would feel a proprietary interest and this bureau would be in a better position to get direct, positive, and reliable information as to the conditions at all times than any other loaning institution that ever existed or that has ever been proposed in any of the various schemes for rural development. In addition to this, the bill which I have offered makes it the duty of attorneys

in the Department of Justice in all parts of the United States to pass upon abstracts and to foreclose mortgages whenever it becomes necessary. We already have the legal machinery in active operation in every section of the country, and by increasing it somewhat it would be able to look after all of the legal business and litigation that would become necessary. The proposed bill gives to the bureau the right to declare any loan due if the mortgagor has failed or neglected to pay the interest on the mortgage or the taxes on the land, or if he has failed to apply the money in accordance with the statements made in the application, or if he has made any false statements as to any material matter in his application, or if he neglects to properly care for the improvements on the land, or if the land without the consent of the bureau should cease to be farmed and cultivated.

The mortgagor is allowed to pay the interest and the principal to the postmaster and the money is remitted by the postmaster to one of the Federal reserve banks and the business of the bureau is transacted with these banks already in existence and already performing certain governmental functions. With the exception of the officials of the bureau, there would be no necessity for additional employees, except the employment of the necessary clerks and inspectors to do the business of the bureau.

The question now arises: How will this bureau secure the money with which to make these loans? I have provided in the substitute bill which I propose that the bureau shall issue bonds in denominations of $100 or any multiple thereof, which shall bear interest at the rate of 3½ per cent. When the bureau desires to secure money for the purpose of making loans, it gives notice of its intention to issue bonds and invites from the public generally subscription to said bonds. These bonds, together with the interest thereon, and also the notes and mortgages taken by said bureau, are entirely free from all taxation of every kind, national, State, and municipal. They are, both as to principal and interest, the obligation of the Government, the same as other Government bonds. No bonds can be issued except for the purpose of loaning money as before outlined, so that when bonds are issued bearing 3½ per cent interest, mortgages are taken bearing 4 per cent interest. In my judgment, this difference of one-half of 1 per cent would much more than pay all the expenses connected with the bureau, as well as the losses, if any, that were sustained. The bonds are payable in 15 years. Perhaps it would be advisable to provide that the bureau should have the option of paying them off at the time any interest payment became due after five years. This bureau would therefore be issuing bonds on the one hand and with the proceeds making loans on the other. It would be a clearing house where the middleman's profit and where the overhead machinery of loan companies would be almost entirely eliminated. It is possible that after the bureau had been in operation a few years it would be found that these bonds could be sold at par at a less rate than 3½ per cent. If experience demonstrated this, then the rate to the farmer is lowered accordingly. The bureau might be described as a great bank dealing in time deposits and loaning on real estate. It would take in deposits on 15 years' time and loan on land for the same length of time. The amount of its business would, of course, be enormous. It would be continually making loans, daily collecting principal and interest, issuing bonds, paying interest on bonds. It would be an outlet for the savings of millions of school children. It might be well to provide for the investment of postal savings funds in them. Trust funds of all kinds would be invested in these bonds. And while the Government, in order to make the bonds float, would be behind them, no man would say that there would ever be any possibility of any loss occurring to the Government as long as the bureau was honestly and fairly conducted. If the Government runs no risk of loss, why should it not lend its credit to that portion of our citizenship whose prosperity means the happiness of all?

Let us now consider for a few moments some of the objections that are urged against such a plan. First, it is said that this bureau would get into politics and become a political organization, loaning money to its political favorites without proper consideration and security. I am frank to admit that if this bureau became partisan and became a political instrumentality that the entire plan would be a failure. Partisanship would be its ruination, as it is the ruination of almost everything that it embraces within the circle of its power. We are continually from day to day in the Federal Government, in State governments, and in municipal governments trying to get away from partisan politics. Its baneful influences is one of the serious objections to our form of government. But it is possible to keep this bureau entirely out of politics. I have provided that the director of the bureau shall be appointed for a term of 10 years by the President and that his appointment must be confirmed by the Senate. It is provided that he can only be removed by the Secretary of Agriculture for cause, and then only upon charges made, and that he must be publicly tried, and that his removal must be approved by the President of the United States. All of the transactions of his office must be public. I make it a criminal offense for any Senator or Member of the House of Representatives or other Government official or member of any political committee to use any influence or attempt to persuade or to use any political influence to induce the bureau to make or refuse to make any loan. The very fact that every act of this bureau would have to be public would be the best protection against the baneful influence of party politics. Every honest citizen would be interested in the carrying out of the work of the bureau in good faith. If the tenure of office of the officials of this bureau were independent of partisan control, and Members of Congress were absolutely prohibited by law from making any recommendations or using any influence to control the action of the bureau, and if every act of the bureau were open to public inspection and public view, I do not believe that party politics would ever succeed in getting its withering influence into the domain of the bureau's action.

Another objection always offered is that this kind of a law would be in the nature of special privilege or class legislation. I have already to a great extent answered this objection at the beginning of my remarks. It is not class legislation and is not open to the charge that we would be enacting laws for the benefit of one class of our citizens only. The direct benefit would come to all classes of citizens. It would take away from the army of consumers and would add to the army of producers. It would increase the efficiency of the producing class. In this we are all directly interested and would all receive benefits. It would improve the quality of our citizenship. It would increase the stability of our Government. It would lessen the army of paupers; decrease the inclination toward crime that poverty and ignorance always breed. It would decrease taxation, because thousands of children growing up in idleness would be transplanted to the healthy atmosphere of enlightened, educated agricultural communities. The fact that the loan is made directly to the farmer does not make it class legislation.

In our Federal reserve act the Government under certain conditions issues money and loans it directly to the bankers, and yet many of the people who are objecting to governmental assistance in the farm-loan business are ardent supporters of the theory that it is proper for the Government to loan its credit to the banks. I mention this instance of Government credit to the banks provided for in the Federal Reserve System without criticism. While the Federal reserve act, in my judgment, has many imperfections and ought to have been amended in some very important respects, yet I believe, as a whole, the law is a good one and that its result will be beneficial. The theory of it is that in times of panic or distress the Government will loan its credit to the banks in order that they may float loans in business matters; and while the banker, of course, gets a benefit, the entire country or the affected community is benefited through this instrumentality of Government in lending its credit to the banker. The principal object of the Federal reserve bank is to prevent panics, and one of the means by which this is sought to be accomplished is that in times of stringency the Government shall loan its credit to the bankers, not because the Government has any more regard for the banker than for other citizens but because the business of the country is transacted through the banks, and if, with the assistance of the Government, the banks can stem the tide, business generally is protected and prosperity retained. So in the farm-loan plan I have proposed the Government lends its great credit to the bonds, so that the farmer can get cheap money, and through his prosperity all of the people may have their happiness increased as well as the cost of living decreased. The instrumentality of Government is exactly the same. It could be said, of course, that if all the people who had loans from the Government refused to pay and if all the people who had the bonds demanded payment the scheme would fail. So it could be said of the Federal Reserve System; if after the Government notes had been turned over to the banks and they in turn had loaned them out to the people everybody refused to pay and all became bankrupt, the Government would fail with the rest. The difference is in favor of governmental support of a farm-loan plan, because the farmer's security is much better than that which the banker offers. Business men fail, stocks of goods burn, railroads become bankrupt, but the land remains intact, and security founded upon it is the best, the surest, and the safest known to man. Moreover, many of those people who are objecting to the Government lending its aid in any farm-loan plan are often found advocating, for instance, a ship subsidy—a direct payment

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shall be appointed for a term of 10 years by the President and | found advocating, for instance, a ship subsidy—a direct payment

by the Government to a certain kind of business. Many of them were strong advocates of the exemption of American ships from toll when passing through the Panama Canal. I do not criticize these advocates. While I do not agree with them, I concede their honesty; but yet no man who has given the subject any consideration will deny that exemption from tolls when passing through the Panama Canal, for instance, is another form of subsidy, not as honest, in my judgment, as the direct payment. But the man who advocates subsidy, either by a direct payment or by the exemption from taxation of any kind, goes on the theory that if the Government through taxation pays the subsidy the benefits derived by all the people will more than recompense the outlay. This is, perhaps, in a great many instances true; but if these things can be even advocated from an honest standpoint, and I think they can, how much more logical it would be to sustain the proposition of Government assistance in the plan I have outlined, where there is no intention of the Government ever paying one penny toward the great enterprise; where no man who will give it careful and honest study can, in my judgment, reach any other conclusion than that there never could be a condition arise by which the Government could possibly lose anything.

Another illustration not only where Government credit but the direct use of Government funds is employed for the benefit of all the people through the instrumentality of a class of citizens is the organization under the Federal statute of the Bureau of War Risk Insurance. This bureau was created by an act of Congress September 2, 1914, to write insurance on American ships and cargoes against the risk of war. Private corporations, taking advantage of the European war, increased the cost of this kind of insurance to such a rate as to materially interfere with shipments of American products. Congress took notice of the condition by the passage of the act which brought this bureau into existence, and provided for the Government going into the insurance business. It was not because Congress desired to give direct financial assistance to those who furnished the produce to be shipped or to those who were engaged in the carrying of the merchandise to foreign shores, although such people incidentally did get a direct benefit from the act. The object of the act, the real reason for its passage, was that through the instrumentality of these particular classes all of the people could receive the benefits of the governmental activity. It is worthy of note, also, to consider the results of this governmental insurance. In the first annual report made by the director of this bureau, for the year ending September 2, 1915, he used the following language:

> The operation of the Bureau of War Risk Insurance in the Treasury Department during its first year just closed demonstrates, despite persistent claims to the contrary, that the Government can conduct a private business enterprise economically, efficiently, and profitably.

This report not only shows that great benefits were derived by the country generally in the reduction that governmental interference brought about in insurance rates but that the Government had made a considerable profit out of the operations of the bureau. A recent examination of the records of this bureau discloses that since its organization on September 2, 1914, up to April 19, 1916, this bureau has issued 1,420 policies of insurance, involving risks to the amount of $114,883,056 and that the bureau received as premiums for these risks the sum of $2,557,085.14. It had risks on April 19, 1916, outstanding to the amount of $12,857,061 and that its net losses to that date, all paid, were $696,220.05. The total expenses up to April 19, 1916, were $27,744.51. This leaves a net profit to the Government from the business, above all losses and expenses, to the 19th day of April, 1916, of $1,833,120.58.

Another instance where Government funds under laws passed by Congress have been used for the benefit of the people generally through the instrumentality of the farmer is the operation of the Reclamation Bureau. It is conceded, I think, by all who have given any consideration to the subject that great benefits have resulted from the operations of this bureau, and that still greater benefits will result in the future. No man now questions the wisdom of using Government funds through this instrumentality, and no man doubts but that through such use great benefits have come and great benefits will continue to come to the people generally.

The Government many years ago gave millions of acres of public land to corporations in return for the building of railroads across the western plains. In addition to giving the land to railway companies it also loaned its credit for the raising of many millions of dollars for the construction of such railroads. Subsequent events have perhaps demonstrated that the Government was too generous in its gifts for these purposes, but there can be no doubt but that the object of Congress was to benefit the entire country, and to do this it gave direct subsidies and loaned the credit of the Government to private corporations as an instrumentality to bring about the general benefit, and there is no doubt but what the entire country did receive great benefits from this governmental instrumentality.

Government funds have been used in the purchase and development of the Panama Railway Co. In a similar way Government funds are now being used in the construction of a railroad in Alaska. Many people will receive individual benefits and perhaps some of them make vast fortunes on account of the construction of this railroad, but yet the object of Congress in authorizing the use of Government funds for its construction was to bring about beneficial results to all of the people.

Congress has many times recognized that Government assistance to agriculture is not only proper but necessary for the proper development of our country, and for the improvement of agricultural conditions generally. We are appropriating thousands of dollars annually to send men all over the world for the purpose of getting rare seeds and plants for the improvement of agricultural conditions and for the investigation of improved methods of cultivation and development. The object of it all is to improve the happiness and contentment of all classes of people, although the instrumentality through which this is brought about is the farmer. We recognize by our laws—in fact, every civilized Government in the world recognizes by its laws—that agriculture is the foundation not only of all prosperity and happiness, but of life itself, and that when we improve it in any way we bring beneficial results to every home, whether in the country or in the city, to every class of people, regardless of their business or occupation.

Still another very apt illustration of the use of Government credit for the benefit and improvement of conditions generally, through the instrumentality of a class of citizens, is the establishment of the Government Postal Savings System. In this case the Government borrows money of its citizens and pays interest on the same. It agrees to return this money on demand, and it borrows it without any specific governmental use for it. It limits the amount that it will borrow of any one citizen in order to confine the transactions to a class of citizens. One of the objects of the law is to induce the people of small means to avoid extravagance by economizing their savings, and to bring this about the Government pays interest to such people, not because the Government wants the money but because it desires to foster among the people habits of frugality and economy. Another object of this law is to improve business conditions and increase the circulating medium, by bringing into circulation amounts of money that are otherwise hidden and locked up from business transactions. After the Government has borrowed this money from the people it loans a large portion of it to the banks in the various communities where it obtained the money. It charges these banks a higher rate of interest than it pays to those from whom it borrowed the money, and in this way it has made a profit out of the business.

The postal savings systems have been established by practically every civilized government in the world. Reduced to a short definition, our system can be defined as the borrowing of money by the Government from its citizens and the loaning of the same money to another class of citizens. Through this governmental activity we assist financially those from whom we have borrowed the money. We give to a class direct Government assistance by the payment of interest and pledge to them the credit of the Government for money borrowed. We also give direct assistance to the banks when we loan them the money at a less rate than the banks would have to pay in borrowing money from the citizens generally. In other words, in this use of the instrumentality of Government these two classes of people get a direct and positive benefit not shared in by the people generally. The object of the system, however, is to benefit the entire country, improve the business of the entire country, and to increase the amount of money in circulation in the entire country, and these two classes are the instrumentalities through which this object is attained. It is much more a direct benefit to the postal savings depositors who loan the money and the banks that borrow it than the plan I have proposed for the establishment of the bureau of farm loans is beneficial to the farmers who borrow the money.

It is said also that if the Government provides for the loaning of money through a bureau as I have outlined for the farmer, why should it not provide for the loaning of money to other classes of citizens as well? This objection loses sight of the fact that the object of the entire plan is to benefit all the people and not any class; that the farmer is only an instrumentality by which this benefit can be extended to the people, the same as in the Federal reserve act the banker is the instrumentality through which the Government by the use of its credit prevents panics and financial disaster. Under the Federal reserve act the ordinary citizen can not get the United States notes behind

which the credit of the Government is lodged. If he applies to the Federal Reserve Board he will find that he must go into the banking business before he can get this favor, if you call it such. Not only must he go into the banking business, but he must go into a certain kind of banking business. And so with the farm-loan plan; if the business man or even the millionaire desires to avail himself of the benefits of the law outlined he must buy the farm, comply with the conditions, and go out among the toilers and engage in agriculture—not by proxy, but in his own proper person. It must be borne in mind, however, in the plan outlined, that not only is the benefit to accrue to all the people, but the Government is amply secured against loss. The Government would not be justified in loaning money to the farmers, even though all the people would benefit by it, if the farmer did not give ample security to prevent any loss coming to the Government. The principle upon which such assistance rests involves not only benefit to the people generally, but security to the Government against loss as well.

Objection is also made to the use of Government credit for the benefit of the farmer, on the ground that it is claimed such a plan would impair the Government credit. As a matter of fact, the plan which I have outlined, if the bureau provided for were honestly managed, would bring in a large profit to the Government. The one-half per cent difference between the rate charged to the farmer and the rate paid by the Government on the bond for the money, would much more than pay all the expenses of operation and would build up in a very short time, an enormous surplus. There would be no doubt if this law were put into operation, that after it had been in force several years and a large surplus had been built up that Congress would perhaps change the law and provide for a smaller margin between the rate on the bond for money borrowed and the rate on the mortgage for money loaned. This surplus would be an element of strength rather than a weakness, and could very properly be used in case of any great emergency. If the money obtained by the Government upon the sale of bonds were invested in some enterprise, in some business, or in some product from which there would be no income, then the objection now under consideration would be valid. If the Government invested these funds in battleships, in armament, and in the raising of large armies, where the investment could not under any possible condition bring a financial return to the Government, then the credit of the Government would be impaired in proportion to the amount of the bonds issued, but if these funds were invested in real estate mortgages, carefully supervised and honestly managed on a conservative basis, then the Government would have security upon absolutely the best property in the world, in fact the only property that is, after all, the foundation of all prosperity, of all happiness, and of all wealth. This security would be as stable as the Government itself. In fact, the stability of the Government as well as its very existence depends upon the production of the soil, and a Government will fail just as soon as the land fails to produce. The plan proposed in its operations can be compared to a bank. The most successful bank, the one that stands highest in financial circles, is the bank that has not only the largest deposits but that has invested these deposits in the safest line of investments. If two banks equally honestly managed, having equal capital and having equal deposits, but one having its deposits invested in good securities and the other with its deposits in its vault should desire to borrow money, there is no doubt but that on such a showing, the money loaner would prefer to loan his money to the bank that had its deposits properly invested, although it would be known, as a matter of fact, that if all the depositors of this bank on the same day demanded their money, they would not be able to get it, and the bank would have to fail, while the other bank, with its deposits all in its vault, would be able to pay its depositors on demand dollar for dollar. So it would be with the bureau of farm loans, taking the people's money and issuing certificates of deposit therefor, due in 15 years, and investing this money in the fundamental security of the country, where the interest payments would be continually coming in. Its resources would be absolutely the best known to man. If honestly managed it could not fail. Even though the Government itself should be destroyed the security of this bureau would remain intact. The one thing only that could destroy it would be some act of God that would bring about the annihilation not only of the Government but of the productibility of the soil.

The plan which I have briefly outlined would in my judgment be workable and would add immensely to the prosperity of all our people. There would be no dangers to the Government involved. It would not mean the increasing of money or the expansion of the currency. To the extent of its operation it would interfere with men engaged in the loaning of money upon real estate. It might have some influence upon the savings banks of the country, and in this way there might be instances where there would be personal loss, but if we can devise a plan by which the farmer who wants the money and the individual who has it to loan can be brought into direct contact, and thus the consumer and the producer brought directly together, we ought to do it, even though in the doing of it we take away the profitable occupation of a few who standing between have taken their toll as the money has passed from one to the other.

I ask unanimous consent to have printed as a part of my remarks the Senate bill 3201, to which I referred and which was introduced by me.

The PRESIDING OFFICER (Mr. THOMAS in the chair). If there be no objection, permission is granted.

The bill referred to is as follows:

A bill (S. 3201) providing for the establishment of a bureau of farm loans in the Department of Agriculture.

Be it enacted, etc., That there is hereby established in the Department of Agriculture a bureau to be called the bureau of farm loans. There shall be appointed a director of said bureau, who shall receive a salary of $6,000 per annum, and an assistant director, who shall receive a salary of $4,500 per annum. The assistant director shall perform the duties of the director of said bureau in case of the death, resignation, removal from office, or absence of the director, and he shall also perform such other duties as may be assigned to him by the Secretary of Agriculture, by the director, or by law. There shall also be in said bureau a chief clerk and such other agents, clerks, inspectors, and employees as are provided for in this act or as may hereafter be authorized by law, or as may be authorized by the Secretary of Agriculture. The director and assistant director shall hold their respective offices for a term of 10 years and shall be removed from office during such term only for cause. The Secretary of Agriculture can remove either of said officers for a violation of law or neglect of duty, but only after a public trial upon charges duly made, of which the accused official shall have reasonable notice, and then only upon the approval in writing of the President of the United States. The director and assistant director shall be appointed by the President, by and with the advice and consent of the Senate, and in case there is a vacancy in either of said offices the appointment to fill the same shall be made for the full term.

SEC. 2. That under the rules and regulations made by the director of said bureau and approved by the Secretary of Agriculture, and in accordance with the provisions hereinafter provided, the said bureau shall make loans on farm lands located in any of the States of the Union or in the District of Columbia. Said loans shall be secured by mortgage made payable to said bureau, and shall bear interest at the rate of 4 per cent per annum, payable semiannually. No loan shall be made upon any tract of land less than 10 acres in area. Loans shall be made only for $100 or any multiple of $100 up to and including $2,000. The mortgage securing any such loan shall provide that at the end of five years one-tenth of said loan shall become due, and that thereafter one-tenth of said loan shall become due each year until the entire loan matures. Said mortgage shall also provide that whenever any interest is due, the mortgagor or his grantee shall have the right to pay the entire loan or to make a payment of $100 or any multiple thereof on the principal thereof, and upon such payment being made the interest on the amount so paid shall thereupon cease. Said mortgage shall also provide that both principal and interest shall draw interest at the rate of 6 per cent per annum from maturity.

SEC. 3. That no person shall be entitled to a loan of money from said bureau until he has made application therefor under oath upon blanks to be furnished by said bureau. Such application can be sworn to before any person authorized to administer an oath, and all postmasters and their deputies in the United States are hereby authorized to administer oaths to applicants making application for loans under this act and to administer oaths to such applicants or other persons to any other affidavits made necessary by the rules and regulations of said bureau. Whenever any oath is administered by a postmaster or deputy postmaster no charge shall be made therefor. No person shall be entitled to a loan under this act who is not of good moral character and who does not establish to the satisfaction of said bureau that he is honest and bears a good reputation in the neighborhood where he resides. No loan shall be made to any person who is not an actual resident on and engaged in the cultivation of the land offered as security: *Provided*, That where the applicant for the loan is endeavoring to secure the money for the purpose of building a house upon the land or for the purpose of making part payment upon the purchase price thereof, the bureau can waive this stipulation if convinced that it is the intention of applicant as soon as possible to reside upon the land and to cultivate the same, the intention of this act being to provide money only for persons who intend to reside upon and cultivate the land which they offer as security. No loan shall be made for more than one-half of the value of the land offered as security and only for one or more of the following purposes:

First. To make payment of part of the purchase money of the land to be mortgaged.

Second. To pay off an indebtedness already existing against said land.

Third. To build a house, barn, or other building or buildings upon said land: *Provided*, That said bureau, under proper rule and regulation, can provide that not to exceed 50 per cent of any loan may be used for the purchase of stock and farm implements. Any applicant or other person testifying falsely to any material fact in any application or other affidavit connected with any loan under this act shall, upon conviction thereof, be deemed guilty of perjury and punished accordingly.

SEC. 4. That it shall be the duty of every postmaster, deputy postmaster, or other employee or official of the Government, without fee or pay therefor, to make confidential reports to said bureau upon request therefor, upon anything pertaining to any loan and upon the character or standing of any applicant or witness. Such postmaster, deputy postmaster, or other officer shall also, when requested by said bureau, appoint appraisers to appraise the land offered for security under the regulations of and upon the blanks furnished by said bureau.

SEC. 5. That any person applying for a loan shall furnish to said bureau an abstract of title to the land offered as security and shall pay all the necessary expenses connected with the making of said loan. Such applicant shall furnish conveyance for the appraisers appointed to fix a value upon land offered for the loan, or shall pay for the transportation of said appraisers to and from said land, and if required by said appraisers, he shall pay a fee to each of them, not exceeding two in

all, which fee shall be ascertained in advance and fixed by the official appointing said appraisers. It shall be the duty of said bureau and the officials appointing said appraisers to select efficient, qualified, and unbiased persons, but, at the same time, to regulate any fee that they may charge for such service so as to make the same as small as possible. Said appraisers shall make return upon blanks provided by the bureau and shall swear to the same before some person qualified under this act to administer an oath.

SEC. 6. That it shall be the duty of every United States district attorney or deputy district attorney, upon request from said bureau, to examine the abstract of title to any land offered as security under this act and to make return thereof to the said bureau. It shall likewise be the duty of any district attorney or deputy district attorney, when requested by the bureau, to foreclose any mortgage taken as security for a loan under this act and to prosecute the same to final judgment. All such services so rendered by an attorney connected with the Department of Justice shall be a part of his official duty and shall be rendered without pay, but said bureau shall pay in all cases the actual expenses of any such attorney in connection with such litigation.

SEC. 7. That it shall be the duty of any post-office inspector, United States marshal, deputy United States marshal, or other employee or inspector of any other department, when engaged in official business in the vicinity of any land mortgaged to said bureau, upon request of said bureau, to make a personal inspection of the same and to report thereon to said bureau. Such inspection shall be made without charge, but said bureau shall pay the actual expenses, if any, made necessary thereby. It shall likewise be the duty of any postmaster, deputy postmaster, or other governmental official residing or doing business in the vicinity of any land that has been mortgaged to said bureau, upon request of said bureau, to make a report upon said loan or as to whether the money borrowed upon said land has been expended or is being expended in accordance with the purposes for which the same was loaned, and in making any loan under this act the said bureau can withhold, under such rules and regulations as it may prescribe, any part of the same for the purpose of insuring the application of said loan to the purposes for which the same was made.

SEC. 8. That should the owner of any land mortgaged to said bureau fail or neglect to pay the interest thereon at or before the time when the same is due, or permit the taxes on the land to become delinquent, or neglect or refuse, without the consent of said bureau, to apply the money borrowed in accordance with the statements made in the application for the loan, or if he has made any false statement as to any material matter in said application, or if he neglects to properly care for the improvements on said land, or if he do any other act that materially injuries the value of the security, either by overt act or by neglect and inattention, or should said land, without the consent of the bureau, cease to be farmed and cultivated, then the said bureau shall have the right, at its election and without notice, to declare the entire amount secured by said mortgage due and payable, and may take any steps necessary for the foreclosure of said mortgage and the collection of said loan, and from and after said election so made by the bureau the amount secured by said mortgage shall bear interest at the rate of 6 per cent per annum.

SEC. 9. That in making any payment of interest or payment of the principal, or part payment of the same, upon any loan made under this act, the person making such payment can pay the same to any postmaster designated by said bureau, and the same shall be transmitted by said postmaster either directly to the bureau or to such Federal reserve bank as may be designated by the bureau, and such postmaster shall immediately notify the bureau of such payment and the transmission of the money so paid, and thereupon credit shall be given for the payment of such money as of the date the same was paid to the postmaster. The said bureau shall notify each person to whom a loan has been made as to the post office where payments upon his loan can be made. The bureau may make such designation by general circular or by specific notice in writing, and can designate by such notice a post office within a county or other district to which all payments within such district can be made.

SEC. 10. That the bureau shall deposit all money it receives in the Federal reserve banks provided for in the act of December 23, 1913, and in making disbursements of money it shall do so by check upon such banks. Any Federal reserve bank organized under the said Federal reserve act is hereby authorized and instructed to receive such deposits and to pay checks or drafts drawn by said bureau upon said

deposits, the same as other accounts authorized to be held by said banks under said act.

SEC. 11. That the bureau shall have power to sue and to be sued, to complain and defend in any court of law or equity having jurisdiction of the subject matter in litigation. To protect any loan it may pay the taxes or any other prior lien due and unpaid against the land securing said loan, and in such case the amount paid in liquidation of such taxes or lien shall be added to and become a part of its mortgage on said real estate and from the date of such payment shall bear interest at the rate of 6 per cent per annum. It shall have the right and authority to purchase, at sale under judgments or decrees of court rendered in foreclosure proceedings of any mortgage it owns, the land so mortgaged, but in such case it shall not bid a greater amount for such land at such sale than the amount due in such proceedings, together with costs and expenses expended in relation to said loan. In case the bureau obtains title as set forth in this section to any real estate, it shall have authority to sell the same at such price as may be for the best interests of said bureau in the judgment of the director and to convey title to the purchaser thereof by deed signed and acknowledged by the director. In making such sale it shall be authorized to take a return mortgage from the purchaser for part of the purchase price thereof in accordance with the provisions of this act.

SEC. 12. That in order to secure money for the purpose of making loans as hereinbefore provided the said bureau shall issue bonds which shall be the obligation both as to principal and interest of the United States. Said bonds shall be issued in denominations of $100 or any multiple thereof and shall bear interest at the rate of 3½ per cent per annum, payable semiannually. Said bonds, together with the interest thereon, and also all notes and mortgages taken by said bureau upon farm lands, shall be entirely free from all taxation of every kind, national, State, and municipal. When in need of money for the purpose of making loans as provided in this act, the bureau shall give notice of its intention to issue bonds and invite from the public generally subscriptions to said bonds. If the amount of subscriptions shall exceed the then demand of the bureau, it shall give preference in accepting money for said bonds to those offered in the smallest amounts, the intention being to give as wide circulation and distribution to said bonds throughout the country as is possible. Said bonds shall be issued for the term of 15 years, with the privilege on the part of said bureau of paying the same upon the date of maturity of any interest payment after 10 years. After this act shall have been in active operation for one year said bureau shall have authority to change the rate of interest charged for farm loans thereafter made and to also change the rate of interest upon the bonds herein provided for thereafter issued, it being the object of this act to pay as low a rate of interest upon said bonds as will float said bonds at par and to charge as low a rate of interest upon the farm loans herein provided for as will bring in sufficient revenue to pay said bonds, the interest thereon, the expenses connected with the making of said loans, and any losses, if any, incurred therein.

SEC. 13. That it shall be unlawful for any Senator, Member of the House of Representatives, or any other official of the Government of the United States to use or attempt to use any political or other influence to induce said bureau to make or refuse to make any loan or loans. Any person found guilty of the conduct in this section prohibited shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $2,000.

SEC. 14. That it shall be unlawful for any official of any State or any officer or member of any political committee to use or attempt to use any political or other influence to induce said bureau to make or refuse to make any loan or loans. Any person found guilty of the conduct in this section prohibited shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 15. That it shall be the duty of the officials of said bureau to give publicity to any letter or communication from any of the persons named in the above two sections, requesting or urging said bureau to make or to refuse to make said loan and to give to the Department of Justice the names of any of said mentioned persons attempting to influence the action of said bureau in allowing or refusing any application for a loan, together with the evidence connected with said attempt, whether the same be in writing or otherwise.

SEC. 16. That any person who shall make any false representation to said bureau in connection with the making or the investigation of any application for a loan shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000 or be imprisoned for a term not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

Mr. HOLLIS. Mr. President, I feel that the Senate and the country owe a debt of gratitude to the Senator from Texas [Mr. SHEPPARD] and to both Senators from Nebraska for their addresses this morning. They all deal with very vital and important questions that affect the people who live in the United States.

The subject of tenancy of farms is one that has attracted the attention of all economists. It is a very serious evil and it must sometimes be handled in some such way as the Senator from Texas suggests. Both the Senator from Texas and the Senator from Nebraska [Mr. NORRIS] are pioneers in the study of questions of this sort, and what they have to say is entitled to the greatest consideration of the Senate. I feel personally that the country is not yet ready for either of the measures that they suggest. It is for that reason that I have not directed my efforts along those lines. I feel personally that the pending bill is as far as the country will warrant us in proceeding at this time. Unless some one else is prepared to speak I ask that the reading of the bill by committee amendments be continued.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, on page 37, line 10, after the words "section 12," to strike out "or section 18," and in the same line, after the word "act," to insert "and those taken as additional security for existing loans," so as to make the clause read:

Third. To accept any mortgages on real estate except first mortgages created subject to all limitations imposed by section 12 of this act and those taken as additional security for existing loans.

The amendment was agreed to.

The next amendment was, on page 37, line 21, after the word "shall," to insert "also," so as to make the clause read:

Fifth. To demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act. This provision shall also apply to joint-stock land banks.

The amendment was agreed to.

The next amendment was, under the subhead "National farm-loan associations: Special provisions," in section 15, page 38, line 11, after the word "expenses," to strike out "shall" and insert "may," so as to make the clause read:

Such member may, at his option, pay the expenses for appraisal, examining title, drawing legal papers, recording and similar services, or he may require such expenses to be advanced by the Federal land bank making the loan, in which case said expenses may be made a part of the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the 50 per cent limited in section 12.

The amendment was agreed to.

The next amendment was, under the subhead "Unlimited department," in section 16, page 39, line 9, after the word "department," to strike out "or to the savings department," so as to make the clause read:

SEC. 16. That the Federal farm-loan board is authorized and directed to create in each Federal land bank a special department for the issue of farm-loan bonds unlimited, to be known as the unlimited department, and also to set apart from time to time for the purposes of said unlimited department such portion of the capital stock of said bank, not exceeding one-half, as its needs may require. Whenever an unlimited department is created in any land bank there shall also be established a limited department, which shall carry on all business of said bank which is not assigned to the unlimited department.

The amendment was agreed to.

The next amendment was, under the subhead "Agents of Federal land banks," in section 17, on page 40, line 22, after the word "incorporated," to strike out "trust company, mortgage company, or savings institution, chartered by the" and insert "bank, trust company, or mortgage institution chartered by the Federal Government, or by the," so as to make the clause read:

No other agent than a duly incorporated bank, trust company, or mortgage institution, chartered by the Federal Government, or by the State in which it has its principal office, shall be employed under the provisions of this section.

The amendment was agreed to.

The next amendment was, on page 41, line 3, after the word "agents," to strike out "the actual expense of appraising the land offered as security for a loan, examining and certifying the title thereof, and making, executing, and recording the mortgage papers, and in addition may allow said agents," and in line 8, after the word "unpaid," to strike out "capital" and insert "principal," so as to make the clause read:

Federal land banks may pay to such agents not to exceed one-half of 1 per cent per annum upon the unpaid principal of said loan.

Mr. SMOOT. The paragraph as proposed to be amended would read as follows:

Federal land banks may pay to such agents not to exceed one-half of 1 per cent per annum upon the unpaid principal of said loan.

I hardly see why the original language of the bill was not in better form than as it is proposed to amend it. I should like to ask the Senator from New Hampshire if it is to be amended on lines 3, 4, 5, 6, and 7, why the word "capital" would not be better than the word "principal," in line 8.

Mr. HOLLIS. Capital, in connection with money, is usually employed as opposed to dividends meaning the same as capital stock. The principal of a loan is a definite description of what we mean to reach here, and therefore we thought it to be the more apt word.

Mr. SMOOT. Do I understand that it was the object of the provision, as amended, to pay to these agents one-half of 1 per cent per annum upon any loans that they may secure?

Mr. HOLLIS. On any loans that they secure for the land bank, of course. I can explain that to the Senator. The total allowance for all expenses and profits on loans under this system is limited to 1 per cent on the principal. Originally the bill was drawn so that half of that went to the land bank and half to the loan association. Later the bill was drafted so that the land bank handled it all and the loan association got just what was left after the expenses were paid in the form of dividends. When a loan is made through the agency of a bank the 1 per cent belongs entirely to the land bank, and it may allow not to exceed one-half of it to the agent doing the business and indorsing the loan so that it becomes responsible.

Mr. SMOOT. I understand that; but under the reading of the provision as it now stands it seems to me that the Federal land bank would be allowed one-half of 1 per cent upon the principal of the note as long as the note was not paid in full; in other words, if they made a loan of $1,000 for 25 years they would be entitled to one-half of 1 per cent for that full length of time upon that amount if the note had not been reduced, or if in the meantime it had been reduced each year, still they would be allowed one-half of 1 per cent upon whatever amount of the principal of the note was unpaid. Is that the intention of the framers of the bill?

Mr. HOLLIS. The Senator is correct. If the loan was for $2,000 and the amortization payment was so arranged that $100 would be paid on the principal each year, there would be one-half of 1 per cent on $2,000 for the first year, and one-half of 1 per cent on $1,900 for the second year, and so on. It is to cover the expenses of collecting and the risk the bank assumes in indorsing the loan. There are to be payments every year; the bank is to collect them and forward them to the Federal land banks; and for the entire service of indorsing and becoming liable on the loan and collecting and forwarding it they receive not to exceed one-half of 1 per cent a year. If it proves to be lucrative the farm-loan board can direct that it shall be lowered. It is not to exceed one-half of 1 per cent.

Mr. SMOOT. I thought it was rather a high rate to pay the Federal land bank one-half of 1 per cent of all the rate of interest over and above the 4 per cent or 5 per cent, between 4 and 5 per cent, the Federal land bank getting the business and the bank itself receiving the other half doing virtually all the business and furnishing the money and everything else. I thought it was an unfair distribution of the 1 per cent.

Mr. HOLLIS. My own belief is that one-half of 1 per cent to the land bank will result in dividends to the borrowers; I hope so, and I so expect from my investigation; and that the one-half paid the agent will be fully adequate. The farm-loan board may order it to be reduced. If the one-half of 1 per cent which goes to the land bank is too much, it will be returned to the borrower in the form of dividends. So no harm will be done.

Mr. SMOOT. I think it ought to be reduced. Of course, the words "not to exceed" give the power to reduce it, and perhaps there is no particular objection to it, but I would very much rather see the bill read "not to exceed one-third of 1 per cent per annum upon the unpaid principal of the loan."

Mr. HOLLIS. I should like to see the bill so drafted that all the rates would be very much lower, but I agree with the Senator that you always want to provide for enough revenue to run the Government, and this provides a way for the money to go back to those who contribute it in an equitable proportion. I hope we have our percentage high enough so that this will surely pay the bill; and that is why I favor making it as high as it is.

Mr. SMOOT. I will say to the Senator that of course one advantage is that as he perhaps knows it is none too high until the bank gets into full swing and operation; but I do believe that it is too high after the banks are established and the loans are made. If the bank is a success, then, in my opinion, one-half of 1 per cent per annum is too high.

Mr. HOLLIS. I agree with the Senator.

The amendment was agreed to.

The next amendment was, on page 41, line 10, after the word "paid," to strike out "to agents under the provisions of this section" and insert "by borrowers for appraisal, examining title, drawing legal papers, recording, and similar services"; in line 14, after the word "payments," to strike out "as provided in section 15 of this act"; and in line 14, after the word "act," to insert: "Such addition to the loan shall not be permitted to increase said loan above the 50 per cent limited in section 12," so as to make the clause read:

Actual expenses paid by borrowers for appraisal, examining title, drawing legal papers, recording, and similar services may be added to the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the 50 per cent limited in section 12.

The amendment was agreed to.

Mr. POMERENE. Mr. President, while a little out of order, I call the Senator's attention to the language on page 40, line 12. The language is, "because of some peculiar local conditions." I suggest that the words "some peculiar" be stricken out, and just let it read "because of local conditions."

Mr. HOLLIS. There was a reason for putting in the words "some peculiar" there. It will be easily understood that if a borrower can go to a bank and get all the benefits of this act they will not want to form farm-loan associations. This language is employed to arrest the attention of the farm-loan board and have them understand that it really meant something. Therefore I like those words because they challenged the attention of the Senator from Ohio, and they will challenge the attention of the farm-loan board. They can not do any harm, and they may prove restrictive. I hope so.

Mr. POMERENE. I dare say if the learned Senator in charge of the bill were sitting as a court he would have some difficulty in giving those words a judicial construction.

Mr. SMOOT. I think there ought to be some peculiar condition existing, and if the word "peculiar" were left out it seems to me it would be wide open as to any condition arising that this provision of the bill would apply to. I think it is as moderate a word as could be found, and that it would at least give notice. I think that is all there is in it; it is simply a notice.

Mr. POMERENE. I shall not insist on an amendment, but certainly it is rather peculiar.

Mr. BRADY. Before leaving page 41 I should like to ask the Senator in charge of the bill a little more fully relative to the discussion which took place between himself and the Senator from Utah [Mr. SMOOT] concerning lines 3 to 9, on page 41, and from line 21, on page 41, to line 4, on page 42. It seems to me that it would indicate that the agent negotiating the loan would have to become responsible for the loan.

Mr. HOLLIS. Yes.

Mr. BRADY. And that the only compensation the bank or trust company or mortgage institution would receive for making the loan and guaranteeing it would be the one-half of 1 per cent.

Mr. HOLLIS. Yes; that is true.

Mr. BRADY. Instead of that being too large a rate it seems to me it is rather small, and that that feature of the bill should receive very careful consideration at the hands of the Senate, for it does not seem possible that a responsible banking institution would negotiate a loan of $10,000 and look after it for 36 years for any less than one-half of 1 per cent.

Mr. HOLLIS. The Senator will see it is one-half of 1 per cent of the amount due each year.

Mr. BRADY. I understand that.

Mr. HOLLIS. The Senator will understand, of course, that this does not require the bank which indorses to embark any of its capital. This is in the nature of an acceptance. It merely requires its indorsement. This is a proposition to loan on farm land not to exceed 50 per cent of its value. We want to enlist the interest of the bank so that it will be sure not to allow a loan to be made for more than 50 per cent of the value and so that the loan will surely be paid. We secure that interest of the bank by securing its indorsement, and we limit the payment to one-half of 1 per cent on the amount of the principal due each year. If agents can not be found who will do it for that sum, we shall not be able to do business on that basis, because we can not allow more than 1 per cent any way for expense and profit, and half of that ought to go to the Federal land bank. So if they are not able to do it for that percentage this section will not be operative, but we have not any more to pay them even if we think they ought to have more.

Mr. BRADY. Then, in case the agent made the loan, the agent making the loan would take one-half of 1 per cent, and the other one-half of 1 per cent would go to the Federal land bank?

Mr. HOLLIS. Yes, sir; that is right.

Mr. BRADY. Thus making the full 1 per cent which is to be allowed, which the bank and agent would be permitted to make on the loan.

Mr. HOLLIS. Yes; that is correct.

Mr. BRADY. It seems to me that that is a very equitable provision.

Mr. HOLLIS. The committee felt that it was such.

The next amendment of the Committee on Banking and Currency was, on page 42, after line 9, to strike out:

SAVINGS DEPARTMENT.

SEC. 18 That the Federal farm-loan board is authorized and empowered to permit any Federal land bank to establish a savings department for receiving time deposits on which interest may be paid. The books, funds, earnings, and reserves of said savings department shall be kept separate. The capital of said land bank shall not be available for any debts or obligations of said savings department as long as any farm-loan bonds issued by said bank are outstanding and unsatisfied. Said savings department shall contribute to the general expenses of said bank its proportionate share, based upon the amount of farm-loan bonds and time deposits outstanding in the separate departments of said bank.

Every savings or time deposit shall be subject to not less than 30 days' notice before the whole or any part of the same is paid or withdrawn, but no land bank shall be obliged to avail itself of such notice when payment or withdrawal is requested.

Each Federal land bank shall maintain a reserve of at least 5 per cent of all time or savings deposits received by it, said reserve to be in cash or invested so as to be quickly available, under rules and regulations prescribed by the Federal farm-loan board. The remaining 95 per cent of such deposits may be invested as follows:

(a) In first mortgages on farm lands within the district for a term not exceeding five years, subject to be called on 60 days' notice at any time after one year, said mortgages to be subject to the restrictions imposed and conditions provided under sections 12 and 20 of this act, except as to term and amortization.

(b) In United States Government bonds or farm-loan bonds issued under this act.

(c) In such securities as the Federal farm-loan board may prescribe.

Preference shall be given to first mortgages above described.

Interest on time or savings deposits shall in no case exceed the current rate on bonds issued by the land bank receiving such deposits, and any agreement for a higher rate of interest shall be invalid.

Time or savings deposits may be received from any person, firm, or corporation, subject to rules and regulations prescribed by the Federal farm-loan board. Each depositor may receive a deposit book, on which all deposits and withdrawals shall be entered, or the deposit may be evidenced by a certificate which shall specify the rate of interest to be paid and the notice of withdrawal required.

Every national farm-loan association shall by its secretary-treasurer receive and pay out time or savings deposits as agents for the Federal land bank of the district, and said secretary-treasurer shall forthwith forward any deposit so received to said land bank. Farm-loan associations receiving and forwarding, or paying out, deposits as aforesaid, shall receive such compensation therefor as the Federal farm-loan board shall fix.

All net earnings of savings departments shall be carried to surplus account and invested according to rules and regulations prescribed by the Federal farm-loan board.

The amendment was agreed to.

The next amendment was, in division (c), subhead "Joint-stock land banks," on page 44, line 21, to change the number of the section from "19" to "18"; on page 45, line 3, after the word "bank," to strike out "shall" and insert "may"; and in line 4, before the word "than," to strike out "not less" and insert "more," so as to make the clause read:

SEC. 18. That corporations, to be known as joint-stock land banks, for carrying on the business of lending on farm-mortgage security and issuing farm-loan bonds, may be formed by any number of natural persons not less than 10. They shall be organized subject to the requirements and under the conditions set forth in section 4 of this act, so far as the same may be applicable: *Provided*, That the board of directors of every joint-stock land bank may consist of more than five members.

The amendment was agreed to.

The next amendment was, on page 45, line 23, before the word "deposits," to strike out "accept" and insert "receive"; in the same line, after the word "deposits," to strike out "of current funds payable upon demand"; and in line 25, after the word "act," to strike out:

Provided, however, That this restriction shall not apply to prevent the acceptance of time deposits, as provided in section 18 of this act for Federal land banks.

So as to make the clause read:

No joint-stock land bank shall have power to issue or obligate itself for outstanding farm-loan bonds in excess of fifteen times the amount of its capital and surplus, or to receive deposits or to transact any banking or other business not expressly authorized by the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 46, line 17, after the word "section," to strike out "twenty-one" and insert "twenty"; in line 19, after the word "provisions," to insert "of the paragraphs designated first, sixth, eighth, ninth, and twelfth"; in line 22, after the word "made," to strike out "which are not" and insert "in excess of 50 per cent of the appraised value of the mortgaged lands, and all loans shall be"; and on page 47, line 1, after the words "principal office," to insert "or within some State contiguous to such State," so as to make the clause read:

Joint-stock land banks shall not be subject to the provisions of section 13 or section 20 of this act as to interest rates on mortgage loans or farm-loan bonds, nor to the provisions of the paragraphs designated first, sixth, eighth, ninth, and twelfth of section 12 as to restrictions on mortgage loans: *Provided, however*, That no loans shall be made in excess of 50 per cent of the appraised value of the mortgaged lands, and all loans shall be secured by first mortgages on farm land within the State in which such joint-stock land bank has its principal office or within some State contiguous to such State.

The amendment was agreed to.

The next amendment was, on page 47, line 12, after the word "section," to strike out "19" and insert "18," so as to make the clause read:

Each joint-stock land bank organized under this act shall have authority to issue bonds based upon mortgages taken by it in accordance with the terms of this act. Such bonds shall be in form prescribed by the Federal farm-loan board, and it shall be stated in such bonds that such bank is organized under section 18 of this act, is under Federal supervision, and operates under the provisions of this act.

The amendment was agreed to.

The reading of the bill was continued to the end of line 16, page 47, the last clause read being as follows:

Farm-loan bonds issued by joint-stock land banks shall be called joint-stock bonds.

Mr. BRADY. Mr. President, I desire to ask the Senator in charge of the bill if he does not think that the bonds referred to in the text of the bill as "joint-stock bonds" should be called "joint-stock land bonds"? The banks which issue such bonds have been called all the way through the bill "joint-stock land banks."

Mr. HOLLIS. The reason for placing this definition here was merely to describe these bonds for the purposes of this act and to distinguish them from farm-loan bonds, limited or unlimited, issued by the Federal land bank. I have no idea what they will be called in practice, but this is an apt name by which to refer to them in other sections of the act. I merely wanted a short name for such bonds, so that it would not take too many words. I would just as lief call them "class C bonds," or anything else the Senator desires; but the object of designating the bonds as we have done in the bill is what I have stated.

Mr. BRADY. The Senator feels, then, that it would be perfectly easy to distinguish these bonds by calling them "joint-stock bonds" instead of "joint-stock land bonds"?

Mr. HOLLIS. It seems to me so.

Mr. BRADY. If the Senator from New Hampshire feels that that description will answer the purpose, I have no objection.

Mr. HOLLIS. I think it will.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, under subhead "Appraisal," on page 47, line 18, to change the number of the section from "20" to "19."

The amendment was agreed to.

The next amendment was, on page 48, line 6, after the words "with the," to strike out "affidavit provided for in section 7 of this act" and insert "application for the loan," so as to make the clause read:

The written report of said loan committee shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass upon the loan application which it accompanies, but they shall not be bound by said appraisal.

The amendment was agreed to.

The next amendment was, on page 48, line 13, after the word "application," to strike out "affidavit," so as to make the clause read:

Before any mortgage loan is made by any Federal land bank or joint-stock land bank it shall refer the application and written report of the loan committee to one or more of the land-bank appraisers appointed under the authority of section 3 of this act, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable.

The amendment was agreed to.

The next amendment was, on page 48, line 23, after the word "section," to strike out "twenty-three" and insert "twenty-two," so as to make the clause read:

Whenever any Federal land bank or joint stock land bank shall desire to issue farm-loan bonds under the provisions of section 22 of this act the Federal farm-loan board shall refer the application of such land bank to one or more of the special appraisers appointed under the authority of section 3 of this act. Such special appraiser or appraisers shall make such examination and appraisal of the mortgages offered as collateral security for such bonds as the Federal farm-loan board shall direct, and shall make a written report to said board. No issue of farm-loan bonds shall be authorized unless the Federal farm-loan board shall approve such issue in writing.

The amendment was agreed to.

The next amendment was, on page 49, line 22, after the word "directors," to strike out "of any farm-loan association," so as to make the clause read:

No borrower under this act shall be eligible as an appraiser under this section, but borrowers may act as members of a loan committee in any case where they are not personally interested in the loan under consideration. When any member of a loan committee or of a board of directors is interested, directly or indirectly, in a loan, a majority of the board of directors shall appoint a substitute to act in his place in passing upon such loan.

The amendment was agreed to.

The next amendment was, under the subhead, "Powers of Federal farm-loan board," on page 50, line 2, to change the number of the section from "21" to "20."

The amendment was agreed to.

The next amendment was, on page 50, line 22, after the word "penal," to strike out "sum" and insert "sums," so as to make the clause read:

(f) To prescribe the form and terms of farm-loan bonds, and the form, terms, and penal sums of all surety bonds required under this act and of such other surety bonds as they shall deem necessary, such surety bonds to cover financial loss as well as faithful performance of duty.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

(g) To require Federal land banks to pay forthwith to any Federal land bank their equitable proportion of any sums advanced by said land bank to pay the coupons of any other land bank, basing said required payments on the amount of farm-loan bonds issued by each land bank and actually outstanding at the time of such requirement.

The amendment was agreed to.

The next amendment was, on page 51, line 7, to change the letter in parentheses from "g" to "h."

The amendment was agreed to.

The next amendment was, under the subhead "Applications for farm-loan bonds," on page 51, line 11, to change the number of the section from "22" to "21."

The amendment was agreed to.

The next amendment was, under the subhead "Issue of farm-loan bonds," on page 52, line 18, to change the number of the section from "23" to "22"; and in line 21, after the word "twenty," to strike out "two," and insert "one"; so as to make the clause read:

SEC. 22. That whenever any farm-loan registrar shall receive from the Federal farm-loan board notice that it has approved any issue of farm-loan bonds under the provisions of section 21, he shall forthwith take such steps as may be necessary, in accordance with the provisions of this act, to insure the prompt execution of said bonds and the delivery of the same to the land bank applying therefor.

The amendment was agreed to.

The next amendment was, under the subhead "Form of farm-loan bonds," on page 54, line 18, to change the number of the section from "24" to "23," and in line 20, after the words "denominations of," to insert "$25, $50"; so as to make the clause read:

SEC. 23. That all bonds provided for in this act shall be issued under the authority and by the direction of the Federal farm-loan board. They shall be issued in denominations of $25, $50, $100, $500, and $1,000. They shall run for specified minimum and maximum periods, subject to be paid and retired at the option of the land bank at any time after 10 years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, whose amount and term shall be fixed by the Federal farm-loan board. They shall bear a rate of interest not to exceed 5 per cent per annum.

The amendment was agreed to.

The next amendment was, on page 55, line 6, after the word "concerning," to insert "the form of farm-loan bonds, and"; so as to make the clause read:

The Federal farm-loan board shall prescribe rules and regulations concerning the form of farm-loan bonds, and the circumstances and manner in which farm-loan bonds shall be paid and retired under the provisions of this act.

The amendment was agreed to.

The Secretary continued the reading down to the word "banks," in line 19, page 55, as follows:

Farm-loan bonds shall be delivered through the registrar of the district to the bank applying for the same.

In order to furnish suitably engraved bonds for delivery to Federal land banks and joint stock land banks, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such bonds of the denominations of $100, $500, and $1,000 as may be required to supply such land banks.

Mr. HOLLIS. Mr. President, on page 55, line 18, I move to insert "$25, $50," so as to correspond with the provision on the preceding page.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 55, line 18, after the word "of" it is proposed to insert "$25, $50."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WALSH. Mr. President, before proceeding to the next subdivision, I should like to ask the Senate to recur to page 35 on which, with the preceding page, the powers of the Federal land banks are defined. Under the fifth subdivision it will be perceived that the Federal land bank is given authority:

To acquire and dispose of—

(a) Such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be in part leased to others for revenue purposes.

(b) Parcels of land mortgaged to it as security.

(c) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it.

Of course, the land bank ought to be given power to acquire such real estate as is essential for the conduct of its business. It also should be given the power, as provided in subdivision (c), to acquire lands in satisfaction of debts or sold under judgments, decrees, or mortgages held by it; but why invest it with unlimited power to buy "parcels of land mortgaged to it as security"? And why should a land bank be permitted to speculate in the lands which it holds as security?

Furthermore, it will be observed that, while it is there given power to acquire such lands, by subdivision (c) it is given the same power to acquire lands which shall be taken in satisfaction of debts or sold under judgments, decrees, or mortgages held by it, but such lands it can hold for no longer than five years, when it must get rid of them. The land, however, acquired under subdivision (b) being parcels of land held by it as security, it may purchase and apparently hold for an indefinite period. I should like to have a little enlightenment from the Senator from New Hampshire upon the significance of subdivision (b).

Mr. HOLLIS. Subdivision (b) was amended this morning to read:

Parcels of land mortgaged to it as security where default has occurred.

That was the intention. In some States the actual title to the land is passed by the mortgagor to the mortgagee, and the mortgagee may take possession on default without court proceedings. This was made to cover cases of that kind. It should, however, only cover such cases where default has occurred.

Mr. WALSH. Then, I ask the Senator if that is not covered by the next subdivision, which reads:

Parcels of land acquired in satisfaction of debt or purchased at sales.

That is to say, under the terms of subdivision (c) the land bank may take a piece of property in satisfaction of a debt to it. I still question the advisability of giving the land bank the power to buy any piece of property that is mortgaged to it as security because there has been default in the mortgage, inasmuch as that would easily permit a man who wanted to sell his land to the bank to suffer a default and then the power would exist in the bank to buy that land of the man upon just such terms as they might agree upon.

Mr. HOLLIS. Mr. President, of course, if there were default and the land were acquired in satisfaction of debts or purchased at sales under judgments or decrees, then the provisions of subdivision (c) would apply, and the lands could only be held for five years. That is the intention; but subdivision (b) was put in at the suggestion of a member of the committee, who called attention to the fact that in some States the title actually passed to the mortgagee when the mortgage was made; that it was a title that would pass, subject to defeasance on the condition being filled; and that subdivision (c) would not cover such cases in his State. Therefore he said this provision ought to be put in; and it would seem where it is provided that parcels of land acquired in satisfaction of debts may be held only for five years and where subdivision (b) says that parcels of land mortgaged to the land bank as security can only be acquired where default has occurred, that it would be cov-

ered; but I know the Senator from Montana is an able lawyer, and if he thinks otherwise and can suggest any other way to arrange it to cover all cases I shall be very glad to accept an amendment. It was not on my suggestion that the provision was inserted.

Mr. WALSH. I think that it is a very questionable power to put in the hands of the Federal land bank to acquire without restriction and to hold without restriction, and for an unlimited time, any land pledged to it as security for indebtedness.

Mr. HOLLIS. That is not the intention of the act, of course, and if the Senator will allow the paragraph to be passed over I will take that up and draw it so that there will not be any question about it.

Mr. WALSH. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, under the subhead "Special provisions of farm-loan bonds," on page 57, after line 11, to strike out:

SEC. 25. That the form of farm-loan bonds issued under this act shall be prepared by the Federal farm-loan board. The form of farm-loan bonds issued by a Federal land bank shall include, among other provisions, a copy of this section of this act, and a statement that the assets of all the Federal land banks and of one farm-loan association are jointly and severally liable for the payment of each bond, and shall further state the physical basis of such bonds in farm lands, and whether the first mortgages held as collateral security for its payment have been received from an association with a limited or an unlimited liability, and such other information as may be prescribed by the Federal farm-loan board.

Each bond shall also contain a certificate in the face thereof, signed by the farm-loan commissioner, to the effect that this bond has the approval in form and issue of the Federal farm-loan board and is legal and regular in all respects. It shall be signed by the president of the bank issuing the same and attested by its secretary.

The amendment was agreed to.

The next amendment was, on page 58, line 6, after the word "Sec.," to strike out "25" and insert "24"; in the same line, before the word "land," to strike out "Each" and insert "That each Federal"; in line 7, before the word "bound," to strike out "held to be"; in the same line, after the words "of its," to strike out "president" and insert "officers"; and in line 8, after the word "signing" to insert "and issuing," so as to make the clause read:

SEC. 24. That each Federal land bank shall be bound in all respects by the acts of its officers in signing and issuing farm-loan bonds and by the acts of the Federal farm loan board in authorizing their issue.

The amendment was agreed to.

The next amendment was, on page 58, after line 10, to strike out:

Said bonds shall state that they are authorized by the Federal farm loan board under the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 58, after line 12, to strike out:

There shall appear in the face of each farm-loan bond provided for in this act the statement that such bond is not taxable by national, State, or municipal authority.

The amendment was agreed to.

The next amendment was, on page 59, after line 9, to insert:

Every farm-loan bond issued by a Federal land bank shall be signed by its president and attested by its secretary, and shall contain in the face thereof a certificate signed by the farm loan commissioner to the effect that it is issued under the authority of the Federal farm-loan act, has the approval in form and issue of the Federal farm loan board, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security of Government bonds or first mortgages on farm lands, indorsed by farm-loan associations having double or unlimited liability of their members, as the case may be, and at least equal in amount to the bonds issued; and that all Federal land banks, stating the approximate amount of their aggregate capital and surplus, are liable for the payment of each bond.

The amendment was agreed to.

Mr. WALSH. Mr. President, I desire to question the wisdom of the last clause of the amendment found on page 59, "that all Federal land banks, stating the approximate amount of their aggregate capital and surplus, are liable for the payment of each bond," or, rather, that portion of it expressed by the language, "stating the approximate amount of their aggregate capital and surplus." That is changing at all times; is it not?

Mr. HOLLIS. Yes; but that would apply as of the time the bond was issued, and would not be reduced until the bond was paid.

Mr. WALSH. So that it would be substantially stable and the representation would be substantially accurate during the entire life of the bond?

Mr. HOLLIS. Yes; it would not be less than that until the bond was redeemed.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, under the subhead "Application of amortization and interest payments," on page 60, line 3, to change the number of the section from 26 to 25.

The amendment was agreed to.

The Secretary resumed the reading of the bill and read to the bottom of page 62.

Mr. SUTHERLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Gronna	Newlands	Smith, S. C.
Borah	Hardwick	Norris	Smoot
Brady	Hollis	Overman	Sterling
Brandegee	Hughes	Page	Sutherland
Bransard	James	Pittman	Thomas
Burleigh	Johnson, Me.	Poindexter	Thompson
Chamberlain	Johnson, S. Dak.	Pomerene	Townsend
Clapp	Jones	Ransdell	Vardaman
Clark, Wyo.	Lane	Shafroth	Walsh
Cummins	Lewis	Sheppard	Warren
du Pont	Martine, N. J.	Sherman	Williams
Fall	Myers	Smith, Ariz.	
Gallinger	Nelson	Smith, Ga.	

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is unavoidably absent. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I have been requested to announce the unavoidable absence of the senior Senator from West Virginia [Mr. CHILTON], who is paired with the senior Senator from New Mexico [Mr. FALL], and also to announce the unavoidable absence of the junior Senator from Missouri [Mr. REED], on account of illness.

The PRESIDING OFFICER. Fifty Senators having answered to their names, there is a quorum present. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill, beginning on line 1, page 63.

The next amendment was, under the subhead "Reserve and dividends on land banks," on page 63, line 19, after the word "SEC.," to strike out "27" and insert "26," and on page 64, line 7, after the word "any," to strike out "of said," so as to make the clause read:

SEC. 26. That every Federal land bank, and every joint-stock land bank, shall, out of its net earnings, semiannually carry to reserve account 25 per cent thereof until said reserve account shall show a credit balance equal to 20 per cent of the outstanding capital stock of said land bank. Whenever said reserve shall have been impaired, said balance of 20 per cent shall be fully restored before any dividends are paid. After said reserve has reached the sum of 20 per cent of the outstanding capital stock, 5 per cent of the net earnings shall be annually added thereto. For the period of two years from the date when any default occurs in the payment of the interest, amortization installments or principal on any first mortgage, by both mortgagor and indorser, the amount so defaulted shall be carried to a suspense account, and at the end of the two-year period specified, unless collected, shall be debited to reserve account.

The amendment was agreed to.

The next amendment was, under the subhead "Reserve and dividends of national farm-loan associations," on page 64, line 22, to change the number of the section from 28 to 27.

The amendment was agreed to.

The next amendment was under the head of "Defaulted loans," on page 66, line 2, after the word "SEC.," to strike out "29" and insert "28," and in line 10, after the word "bonds," to insert "issued by said land bank," so as to make the section read:

SEC. 28. That if there shall be default under the terms of any indorsed first mortgage held by a Federal land bank under the provisions of this act, the national farm loan association or agent through which said mortgage was received by said Federal land bank shall be notified of said default. Said association or agent shall thereupon be required, within 30 days after such notice, to make good said default, either by payment of the amount unpaid thereon in cash, or by the substitution of an equal amount of farm loan bonds issued by said land bank, with all unmatured coupons attached.

The amendment was agreed to.

The next amendment was, under the subhead "Exemption from taxation," on page 66, line 13, after the word "SEC.," to strike out "30" and insert "29"; in line 16, after the word "State," to insert "municipal"; in line 20, after the word "banks," to insert "and farm loan bonds issued"; and in line 25, after the word "State," to insert "municipal," so as to make the clause read:

SEC. 29. That every Federal land bank and every national farm loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint stock land banks, and farm loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

Mr. SUTHERLAND. Mr. President, on yesterday, I think it was, I called the attention of the Senator from New Hampshire [Mr. HOLLIS], in charge of the bill, to this provision contained in section 29 which proposes to exempt from taxation certain of the property belonging to these Federal land banks and national farm-loan associations. The Senator from New Hampshire seemed to be entirely confident that the General Government had the power to exempt from taxation this species of property, and directed my attention to the case of McCulloch against State of Maryland, which was a decision with reference to the power of the State of Maryland to impose certain taxes against the United States bank.

I think a careful reading of that case will demonstrate that the question presented there was altogether different from the one which is presented by this bill. I think, in the first place, that even if the Government of the United States has the power to exempt this species of property from taxation at the hands of the State, it ought not to exercise it. It is a species of property which, when held by the private banks of the State, chartered under the laws of the State, is subject to taxation; and I see no reason why property of that same description, held by a bank which happens to be chartered by the Government of the United States, should escape taxation.

What is it that is proposed to be done? The language of the section is:

That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint-stock land banks, and farm-loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

In what possible way can it be said that a first mortgage executed to a Federal land bank, for money loaned to a farmer in precisely the same way that money may be loaned to a farmer by a State bank and secured by a mortgage, is an instrumentality of the Government of the United States, and thereby exempt from taxation?

This bill is attempted to be tied to the Constitution by a somewhat slender thread. I am not prepared to say that the bill, taken as a whole, is unconstitutional. It may be conceded, at any rate, for the sake of the argument upon this question, that it is constitutional; but what governmental function does the Government of the United States discharge through these banks?

The bill provides that deposits of Government money may be made in these banks. It provides, in a somewhat general way, that the fiscal operations of the Government may be carried on through these land banks. To that extent these land banks become instrumentalities or agencies of the Federal Government in the same way that a State bank which is authorized to receive deposits of postal savings becomes an instrumentality of the Federal Government. In other words, the bank becomes an instrumentality of the Federal Government to that extent—to the extent to which the Government of the United States deposits its moneys in the bank, and to the extent to which the Government of the United States utilizes these banks in its fiscal operations. But in loaning money to the farmers it is not discharging any governmental function. The Government of the United States is not acting through the bank in doing that. The bank, in doing that, is discharging a purely private function—just as much a private function as is the individual loaner of money when he loans money to a farmer and takes a mortgage to secure it.

In the case of McCulloch against Maryland the situation was altogether different. There the Congress had provided for the creation and organization of a United States bank, through which the Government of the United States was to discharge its fiscal operations. Among other things, the bank was authorized to issue bank notes; and what the State of Maryland undertook to do was to provide by law that those bank notes, the issuance of which constituted a governmental function carried on through the bank, should not be issued except upon paper which the law of Maryland provided should bear a stamp, to be paid for by the bank, the value of which should be proportioned to the size of the note; and they undertook to provide further that these bank notes should be issued in certain definite amounts—$5, $10, $20, $50, $100, $500, and $1,000, as I recall.

The Supreme Court in that case very properly held that the act of the Legislature of Maryland was an attempt to tax a governmental operation performed through the bank; and the power to tax being the power to destroy, the power might be exercised so as to destroy that governmental operation. But the court nowhere held that the property of the bank could not be taxed; and, indeed, in the concluding part of the case—the case itself being a very long one, covering in the original volume something over 100 pages, with the statement of the case and the arguments of counsel and the opinion itself—in summing up, the court says:

The court has bestowed on this subject its most deliberate consideration. The result is a conviction that the States have no power, by taxation or otherwise, to retard—

Now, observe the language—

No power * * * to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by Congress—

To do what?—

to carry into execution the powers vested in the General Government. This is, we think, the unavoidable consequence of that supremacy which the Constitution has declared. We are unanimously of opinion that the law passed by the Legislature of Maryland imposing a tax on the bank of the United States is unconstitutional and void.

Now, I call particular attention to this concluding paragraph:

This opinion does not deprive the States of any resources which they originally possessed. It does not extend to a tax paid by the real property of the bank, in common with the other real property within the State, nor to a tax imposed on the interest which the citizens of Maryland may hold in this institution in common with other property of the same description throughout the State. But this is a tax on the operations of the bank, and is, consequently, a tax on the operation of an instrument employed by the Government of the Union to carry its powers into execution. Such a tax must be unconstitutional.

Mr. President, the question has arisen in a variety of forms since that decision and since the other decision, with reference to the same law, in the case of Osborn against United States Bank. In the case of the Railroad Co. against Peniston, which is reported in Eighteenth Wallace, the question came up with reference to the power of the State to tax certain of the transcontinental railroads which had been incorporated by an act of Congress, and which Congress had declared, among other things, should carry on certain of the operations in which the Government was interested, such as transporting troops, mail, and so forth. The case of McCulloch against Maryland and Osborn against The Bank were both cited by counsel as authority for the proposition that a law of the State of Nebraska undertaking to impose a tax upon the property of these railroad companies could not be sustained because it was a tax on an instrumentality of the Government of the United States, as it was claimed.

But the court disposed of the question in this way, and I read from the syllabus in Railroad Co. against Peniston, Eighteenth Wallace:

The exemption of agencies of the Federal Government from taxation by the States is dependent not upon the nature of the agents nor upon the mode of their constitution, nor upon the fact that they are agents, but upon the effect of the tax; that is, upon the question whether the tax does in truth deprive them—

That is, the agents—

deprive them of power to serve the Government as they were intended to serve it—

Now, observe, because it deprives them—

of power to serve the Government as they were intended to serve it, or hinder the efficient exercise of their power. A tax upon their property merely, having no such necessary effect and leaving them free to discharge the duties they have undertaken to perform, may be rightfully laid by the States. A tax upon their operations, being a direct obstruction to the exercise of Federal powers, may not be.

There is nothing occult about a question of this character. It seems to me it may be disposed of by a very simple illustration. Here is an individual who is an officer of the Government of the United States. He is thereby an agency through whom the Government of the United States discharges some of its governmental functions. Now, no State can pass a law which will have the effect to obstruct or interfere with the operations of that officer in so far as they are governmental operations; but if he commits murder he may be prosecuted under the law of the State. If he commits any other offense against the law of the State, he may, of course, be prosecuted. The salary which he receives from the Government of the United States may not be taxed by the State, because that would be to interfere with him in the exercise of his functions, because the power to tax, I repeat, is the power to destroy, and they could conceivedly take away his salary entirely or take away so large a part of it as to render it impossible for him to act in the capacity to which he has been appointed. But the State may tax his property. The fact that he happens to be an officer of the General Government does not prevent the State from taxing a mortgage, if he holds it, if it be the policy of the State to tax mortgages; it does not prevent it from taxing his money, if he has money in the bank, from taxing his real estate, from taxing his personal property, from taxing anything that he has which in the hands of the ordi-

nary citizen may be taxed. It is exactly the same as to any other agency which the Government constitutes. The Government for certain purposes has constituted State banks its agents, as I have already stated, with reference to the receipt of postal savings bank funds, yet that does not give the Government of the United States power to provide that such a bank shall be exempt from taxation with reference to its mortgages or with reference to its other property.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. SUTHERLAND. I yield to the Senator from Iowa.

Mr. CUMMINS. Is it not true that if any property is exempted from the operation of State law in pursuit of the power of taxation it is constitutionally exempted? Can Congress exempt property from State taxation? Must it not be constitutionally exempt, in other words?

Mr. SUTHERLAND. I answer that with some hesitation, because there are certain intimations in some of the decisions, purely dictum, which may indicate the contrary. However, my own judgment is that Congress has no power to exempt from taxation anything which would not because of its nature be exempted under the provisions of the Constitution.

Mr. CUMMINS. I believe that is the better view; and it is preliminary to another suggestion. The modern and sounder opinion, I think, is that Congress has the power to provide for the incorporation of common carriers doing an interstate business. I think our late Attorney General held that Congress has the power to make an act of incorporation of that sort exclusive and require the carriers who propose to engage in transportation among the States to incorporate under a law of Congress, if one were provided. I think it is also the modern opinion that Congress can pass a law providing for the incorporation of any person or persons engaged in interstate commerce, all this under authority in the Constitution to regulate commerce among the States.

Now, if property is exempt from taxation on the part of the State, under the Constitution, I ask whether or not, if Congress should go on in its——

Mr. SUTHERLAND. In its mad career?

Mr. CUMMINS. I will not say that; but in its regulation of commerce among the States along the lines that have been so earnestly urged, would not the result be that practically all the property of the United States of that character would be exempt from taxation?

Mr. SUTHERLAND. Theoretically, of course, we face that conclusion. I will say to the Senator from Iowa that I am not quite prepared to assent to the proposition that Congress has power to provide that in order to enable a person or persons to engage in interstate commerce they must be chartered under the Federal Government. Indeed, I doubt very much whether Congress has power to that extent, because the right to trade between the States, I think, is a right which belongs to the citizens of the States, and the power of Congress is to regulate the right, and I doubt very much whether it can say that only a particular description of persons shall be permitted to engage in commerce among the States.

Mr. CUMMINS. Lest I may be misunderstood, I desire to say to the Senator from Utah that I share his doubt in that respect; but there is no great question that Congress may make a law which is optional in its character, so that corporations can be formed under it for the purpose either of engaging in general business among the States or of engaging in the business of common carriers. There are a great many people who believe that that is the only effective way of regulating commerce. If, however, the fact of organization under a Federal law would exempt all the property of these corporations from State taxation, it can be readily seen that it would be so inviting that all of them would become Federal corporations instead of State corporations.

Mr. SUTHERLAND. Of course, Mr. President, I do not think for one moment that Congress has any such power to exempt from taxation.

Mr. NELSON. Will the Senator from Utah yield to me?

Mr. SUTHERLAND. Certainly.

Mr. NELSON. There is a practical question in connection with this provision as it would apply to the State of Minnesota. Under the laws of our State a real estate mortgage before it can be recorded must pay a tax to the county treasurer. I think it is at the rate of 50 cents a hundred. A small mortgage under $100 is exempt. If a mortgage has to pay that tax before it can be recorded, manifestly no loan association or anybody else would take a mortgage that could not be recorded.

It is a universal rule pertaining to the transfer of real estate that such transfers, whether by deed or mortgage, are governed wholly by the laws of the State in which the real estate is situated. How can the Federal Government change the laws of the State of Minnesota in respect to real estate mortgages? If we insist in Minnesota that no mortgage on real estate shall be recorded until that tax is paid, can the Federal Government come in and veto that and prevent it? To my mind this would be an absolute obstacle in the State of Minnesota to the enforcement of this provision of the bill.

Mr. SUTHERLAND. I think the Senator from Minnesota is entirely correct. I do not think the Federal Government can interfere with a law of that kind.

Mr. HOLLIS. Mr. President, when the Senator from Utah has completed his argument I shall offer some suggestions in answer, but lest I forget the suggestion made by the Senator from Minnesota I should like permission to reply to his statement now.

Before the mortgages in any State can be received by the land bank in order to borrow money, the farm-loan board must investigate the laws of that State, and if they are not such as to recording of title and homestead exemptions, and so on, as to afford adequate security to the land bank, then the loans can not be made in the State until the laws are changed. If Minnesota is in the unfortunate predicament of having laws so that it could not come under this system, it will suffer and not the system.

Mr. SUTHERLAND. Mr. President, it seems to me that that would be an unfortunate meddling on the part of the Federal Government——

Mr. CLAPP. Yes; why, instead of the State suffering, should not the system be so amended that this regulation of the State shall be consistent with the system?

Mr. HOLLIS. When I come to answer the Senator from Utah I think I can show that the provision in Minnesota would conform to the act that we have under consideration, but that would be the answer in case they are so inconsistent that the State could not exempt mortgages from taxation.

Mr. WALSH. Before we pass from the subject, I should like to ask the Senator from Utah whether he concurs in the view expressed by the Senator from Minnesota that such a fee as that charged for filing a mortgage falls within the denomination of a tax such as is contemplated in the bill under consideration?

Mr. SUTHERLAND. No; I do not think it comes under the operation of this section, but I understood the Senator to use it as an illustration.

Mr. WALSH. Does the Senator from Utah agree about that?

Mr. SUTHERLAND. That we could do that?

Mr. WALSH. That we could do that. That no charge shall be made for recording them.

Mr. SUTHERLAND. Perhaps not. The two cases are not entirely parallel.

Mr. WALSH. But, Mr. President——

Mr. SUTHERLAND. I do not want to be led aside to discuss that particular question. It is not the immediate proposition involved.

Mr. CLAPP. If the Senator will pardon me, I think the Senator from Montana is doubtless laboring under the impression that it is a record fee. It is in no sense a record fee. It is a tax that has to be paid as a prerequisite to the right to have the mortgage recorded.

Mr. SUTHERLAND. And the tax is proportioned to the amount of the mortgage?

Mr. CLAPP. Certainly.

Mr. SUTHERLAND. Then, of course, it would come within the provisions of this section. It is a tax.

Mr. NELSON. It is not a recording fee; it is a tax. A recording fee has to be paid in addition.

Mr. SUTHERLAND. I did not understand that at first. I do now, and I answer the Senator from Montana that in my judgment it would come within the purview of section 29.

Mr. President, the power to tax is a sovereign power, and in one respect the most important sovereign power which can be exercised by any Government. It is a power upon the exercise of which every other power depends, and it exists to the utmost limit in the Federal Government and also in the State government.

The Federal Government has no power to interfere in any way with the power of the States to tax, and the State has no power to interfere in any way with the power of the General Government to tax; but the power of both governments to tax is subject to an exception, and that is that neither government can tax the instrumentalities of the other. However, the right of one is no more restricted than the right of the other.

The power of the Federal Government to tax the instrumentalities of the State is just as restricted, just as much forbidden as the power of the State to tax the instrumentalities of the Federal Government, only they must be instrumentalities.

Mr. HOLLIS. Mr. President, unless I might forget it when I come to reply, is not the Senator overlooking the well-established principle that while the Federal Government can tax out of existence bank notes issued by State banks the State can not tax the bank notes issued by national banks? There is a plain illustration.

Mr. SUTHERLAND. Mr. President, there does seem to be a distinction of the particular kind to which the Senator calls attention, but the Senator must remember that the decision to which he refers, the decision which held that the Federal Government had the power to tax the issues of State banks, was rendered many years after the decision in the McCulloch case. The decision was by a divided court, as I remember, and never has been regarded as being among the strongest decisions of the Supreme Court of the United States. It is a case that stands by itself. However, the general doctrine that I have laid down is recognized, I think, by all the cases.

Now I call attention to the decision of the Supreme Court in the case of National Bank against Commonwealth, which is reported in Ninth Wallace, page 353. In the course of that decision the court said:

> It is certainly true that the Bank of the United States and its capital were held to be exempt from State taxation on the ground here stated—

That is, where they were instrumentalities of the Federal Government, by which its important operations were carried on—

> and this principle, laid down in the case of McCulloch v. The State of Maryland, has been repeatedly affirmed by the court. But the doctrine has its foundation in the proposition that the right of taxation may be so used in such cases as to destroy the instrumentalities by which the Government proposes to effect its lawful purposes in the States, and it certainly can not be maintained that banks or other corporations or instrumentalities of the Government are to be wholly withdrawn from the operation of State legislation. The most important agents of the Federal Government are its officers, but no one will contend that when a man becomes an officer of the Government he ceases to be subject to the laws of the State. The principle we are discussing is its limitation, a limitation growing out of the necessity on which the principle itself is founded. That limitation is, that the agencies of the Federal Government are only exempted from State legislation, so far as that legislation may interfere with or impair their efficiency in performing the functions by which they are designed to serve that Government.

I call attention particularly to what immediately follows:

> Any other rule would convert a principle founded alone in the necessity of securing to the Government of the United States the means of exercising its legitimate powers into an unauthorized and unjustifiable invasion of the rights of the States—

And so on.

The case of Railroad Co. against Peniston I have already referred to, and now I call attention to a paragraph in the case of Lane County against Oregon, in which it is said:

> In respect, however, to property, business, and persons within their respective limits their power of taxation remained and remains entire. It is, indeed, a concurrent power, and in the case of a tax on the same subject by both Governments the claim of the United States, as the supreme authority, must be preferred; but with this qualification it is absolute.

With the qualification that when the Government of the United States and the State government tax the same thing the claim of the United States is paramount to that of the State—with that qualification the decisions says the power of taxation in the State is absolute.

> The extent to which it shall be exercised, the subjects upon which it shall be exercised, and the mode in which it shall be exercised, are all equally within the discretion of the legislatures to which the States commit the exercise of the power. That discretion is restrained only by the will of the people expressed in the State constitutions or through elections, and by the condition that it must not be so used—

Now, mark again the language—

> by the condition that it must not be so used as to burden or embarrass—

What?—

> the operations of the National Government. There is nothing in the Constitution which contemplates or authorizes any direct abridgment of this power by national legislation. To the extent just indicated it is as complete in the States as the like power, within the limits of the Constitution, is complete in Congress.

Mr. STERLING. What case is that?

Mr. SUTHERLAND. That is a quotation from Lane v. Oregon (7 Wal., 57).

Now, I come to a sentence or two in the case of Railroad against Peniston, to which I referred that I desire to read, and I read it because the court in that case very carefully distinguished the case of McCulloch against Maryland and the case of Osborn against The Bank from the other cases which subsequently arose, and pointed out with great clearness the precise limits of the decisions in those two cases. After referring to those two cases, they say:

> In the former of those cases—

That is, the McCulloch case—

> the tax held unconstitutional was laid upon the notes of the bank. The institution was prohibited from issuing notes at all except upon stamped paper furnished by the State, and to be paid for on delivery, the stamp upon each note being proportioned to its denomination. The tax, therefore, was not upon any property of the bank but upon one of its operations; in fact, upon its right to exist as created.

I pause long enough to hazard at least the suggestion that if the State bank issue tax question had arisen at the same time and had been brought before the same court as the case of McCulloch against Maryland, the court at that time thus constituted would probably have held that the act passed by the Congress of the United States which sought to tax out of existence State bank issues would not have been valid. The court proceeds:

> The tax therefore was not upon any property of the bank but upon one of its operations; in fact, upon its right to exist as created. It was a direct impediment in the way—

Of what?—

> a direct impediment in the way of a governmental operation performed through the bank as an agent.

Not in some private function of the bank, but—

> in the way of a governmental operation performed through the bank as an agent.

In other words, it was the same as if an attempt had been made to tax money issued by the Government of the United States, because it had utilized this bank as its agency through which to perform this governmental function or operation.

> It was a very different thing, both in its nature and effect, from a tax on the property of the bank. No wonder, then, that it was held illegal. But even in that case the court carefully limited the effect of the decision. It does not extend, said the Chief Justice, to a tax paid by the real property of the bank, in common with the other real property in the State, nor to a tax imposed on the interest which the citizens of Maryland may hold in the institution, in common with the other property of the same description throughout the State. But this is a tax on the operations of the bank and is consequently a tax on the operations of an instrument employed by the Government of the Union to carry its powers into execution. Such a tax must be unconstitutional. Here is a clear distinction made between a tax upon the property of a Government agent and a tax upon the operations of the agent acting for the Government.

And the court proceeds:

> In Osborn v. The Bank the tax held unconstitutional was a tax upon the existence of the bank—upon its right to transact business within the State of Ohio. It was, as it was intended to be, a direct impediment in the way of those acts which Congress for national purposes had authorized the bank to perform. For this reason the power of the State to direct it was denied, but at the same time it was declared by the court that the local property of the bank might be taxed, and, as in McCulloch v. Maryland, a difference was pointed out between a tax upon its property and one upon its action.

And further, on page 36 of this volume (18 Wall.), the court said:

> It is therefore manifest that exemption of Federal agencies from State taxation is dependent, not upon the nature of the agents, or upon the mode of their constitution, or upon the fact that they are agents, but upon the effect of the tax; that is, upon the question whether the tax does in truth deprive them of power to serve the Government as they were intended to serve it, or does hinder the efficient exercise of their power.

Now, in what way are these land banks authorized to serve the Government of the United States? In receiving deposits of governmental money and in discharging some fiscal operation of the Government. When they are loaning money to a farmer they are not performing any governmental function; they are not engaged in any operation for the Government of the United States; it is purely a private function. They are not doing anything for the benefit of the Government of the United States; what they do is for the benefit of the farmer and for the benefit of the bank. They loan money to the farmer upon which they collect interest, and they are authorized to collect interest to such an amount, the bill contemplates, that the bank will earn dividends. It is purely a private business that they are engaged in, so far as that part of it is concerned. The case continues:

> A tax upon their property has no such necessary effect. It leaves them free to discharge the duties they have undertaken to perform. A tax upon their operations is a direct obstruction to the exercise of Federal powers.
>
> In this case the tax is laid upon the property of the railroad company precisely as was the tax complained of in Thompson against Union Pacific. It is not imposed upon the franchises or the right of the company to exist and perform the functions for which it was brought into being.

If the State had undertaken to impose a franchise tax upon the Union Pacific Railroad in that case, it would have been invalid.

> It is not imposed upon the franchises or the right of the company to exist and perform the functions for which it is brought into being. Nor is it laid upon any act which the company has been authorized to

do. It is not the transmission of dispatches, nor the transportation of United States mails or troops, or munitions of war that is taxed, but it is exclusively the real and personal property of the agent, taxed in common with all other property in the State of a similar character.

Now, we can imagine the railroad company acquiring a mortgage as a part of its property. Can there be any doubt that the taxing power of the State would have extended to that mortgage as well as to its rolling stock, to its track, and to its real property?

It is impossible to maintain that this is an interference with the exercise of any power belonging to the General Government, and if it is not, it is prohibited by no constitutional implication.

In a very strong opinion rendered in a similar case, involving the right to tax the Union Pacific Railroad, the case being reported in First Dillon, page 314, at page 320, speaking of the proposition that the State had no power to tax the Union Pacific Railroad because it had been created by the Government of the United States, and that, among its powers, it was authorized to perform certain functions for the General Government, Judge Dillon said:

The argument in support of this proposition is that the corporation was created by Congress and not by the State; that it was created because deemed by Congress a fit instrumentality or means of exercising the constitutional powers of carrying on, promoting, or facilitating the operations, or executing the duties of the General Government, and that if it be such instrumentality or means it is settled that it is beyond the taxing power of the State.

Then the court refer to the bank cases and state very briefly what they held, and then proceed:

The defendant controverts these propositions and contends that the Union Pacific Railroad Co., though chartered by Congress, is essentially a private corporation, whose principal object—

Let me pause to emphasize those words "principal object"—

is individual trade and individual profit, and not a public corporation, created for public and national purposes; and denies that it is an instrument, agency, or means of the General Government, in such a sense as, on this ground, to exempt it by necessary implication from taxation by the States. The cases referred to undoubtedly establish the doctrine that no State has the right to tax the means, agencies, or instrumentalities rightfully employed within the States by the General Government for the execution of its powers; and this doctrine is adhered to, and, when understood with the necessary qualifications, declared to be sound by the Supreme Court, in its latest adjudications on the subject.

Then, further on, the court says:

But the doctrine has its foundation in the proposition that the right of taxation—

That is, the doctrine that the State may not impose a tax upon the instrumentalities of the Federal Government.

But the doctrine has its foundation in the proposition that the right of taxation may be so used in such cases as to destroy the instrumentalities by which the Government proposes to effect its lawful purposes in the States, and it certainly can not be maintained that banks or other corporations or instrumentalities of the Government are to be wholly withdrawn from the operation of State legislation. * * * The principle we are discussing has its limitation—a limitation growing out of the necessity on which the principle itself is founded. That limitation is that the agencies of the Federal Government are only exempted from State legislation so far as that legislation may interfere with or impair their efficiency in performing the functions by which they are designed to serve that Government. Any other rule would convert a principle founded alone in the necessity of securing to the Government of the United States the means of exercising its legitimate powers into an unauthorized and unjustifiable invasion of the rights of the States.

Thus for the court is quoting from a case which I have already read. Then the court goes on, at page 323, to say:

The Government created the corporation—

That is, the Union Pacific Railroad—

The Government created the corporation and both authorized and aided the building of the road. It was to be constructed within the Territories of the United States; and if Congress was not the only power which could erect said corporation and authorize it to build the road therein, it is certain that no road could have been constructed through the national domain against the will of Congress.

The purpose of Congress is manifest not only from the nature of the legislative provisions, but from the plain expression of it, both in the title and in the body of the incorporating act. It is declared in the eighteenth section that "the object of this act is to promote the public interest and welfare by the construction of said railroad and telegraph line and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes," and to this end "Congress may, at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act." And to the same effect is the title, which is, "An act to aid in the construction of a railroad, etc., and to secure to the Government the use of the same for postal, military, and other purposes."

Therefore the case dealt with a corporation which was expressly designed to carry on operations for the Government far more important than anything of that character that is provided for in the bill now under consideration. Then I come to page 328, where the court says:

Congress had the power to create this corporation; it had the power to make its grants conditioned upon the performance by the corporation of certain duties; the power to reserve legislative control over it, as it did; and these and other provisions of the act intended to secure to the Government the use of the road for postal, military, and other public purposes are not abrogated or abridged by the subsequent admission of Nebraska into the Union as a State; and these rights are inalienable in their nature, without the consent of Congress, and not destructible by any act of the company.

Then the court sums up as follows:

1. That the Union Pacific Railroad Co. is not an instrument of the Government in such a sense as exempts it by implication from the taxing power of the State through which its road may be located.

2. If it be in any sense a Federal instrumentality, the rights of the Government, under the incorporating act, are fully protected and reserved, and any rights derived from a sale for taxes under State authority are entirely subordinate to the original, paramount, and indefeasible rights of the General Government; can not destroy the corporation nor incapacitate it from discharging any of its inalienable, fundamental, and organic duties to the Government. If so, then the case falls without the principle on which the corporation relies to sustain its application for an injunction.

I think I can discover in the more recent judgments of the Supreme Court evidences of a conviction on the part of the judges that the doctrine of implied exemption of Federal agencies from State taxation has been carried quite to its limit, and that it will not be pressed to embrace a case of the character of the one now under consideration.

It is true that in this case and in some of the other cases the statement is made that no exemption from taxation will arise by implication; but the suggestion made by the Senator from Iowa a short time ago, to my mind, must be necessarily true, and that is that the right of the State to tax being a sovereign right the Government of the United States can not interfere with it, unless it be necessary to protect its own instrumentalities or its own operations, either carried on directly or through some agency.

If we once accept any other doctrine, if we once say that the Congress of the United States has the power by an express enactment to do more than that, then we have taken away the sovereign power of taxation from the States, because there is nowhere to draw the line; in the very nature of the case there can be no limitation. If we have the power to say, because we have constituted a certain agency for the purpose of doing certain things for the Federal Government, that we may exempt from State control—because if we can exempt from taxation we can exempt from other control—that we may exempt from State control the operations of that agent which have nothing to do with the Federal Government, then where is the power to end? If we can exempt the mortgage taken by this institution, which constitutes property, upon what theory may we not exempt the farm which the land bank acquires when it has foreclosed one of these mortgages? It seems to me very clear that this is a sovereign power of the State, which the Federal Government is just as powerless to invade, except to protect its own operations, as is the State powerless to invade the sovereign taxing power of the Federal Government, except for the same purpose.

Now, I call attention—and this is the last case which I shall quote—to a recent decision in the case of South Carolina against the United States. That was a case where the State of South Carolina had undertaken to go into the liquor business.

Mr. HOLLIS. Will the Senator please give the reference to that case?

Mr. SUTHERLAND. It is in One hundred and ninety-ninth United States. That was a case where the State of South Carolina had gone into the liquor business, and the Federal Government undertook to collect taxes of the State, just as it collected taxes of corporations or individuals engaged in that business. The State insisted that that was taxing a State operation, and therefore could not be permitted, but the court held that the position was not well taken. The court in its decision, at page 461, said, after referring to a number of decisions:

These decisions, while not controlling the question before us, indicate that the thought has been that the exemption of State agencies and instrumentalities from national taxation is limited to those which are of a strictly governmental character, and does not extend to those which are used by the State in the carrying on of ordinary private business.

In that case they went further than it is necessary for me to go here, and held that even where the State itself engaged in the business, if it was a business that was in its essence ordinarily a private business, it could not escape taxation because it was the State which had embarked in it. At page 463 the court says:

It is reasonable to hold that while the former may do nothing by taxation in any form to prevent the full discharge by the latter of its governmental functions, yet whenever a State engages in a business which is of a private nature that business is not withdrawn from the taxing power of the Nation.

I repeat, in conclusion, that here is an attempt to create an organization for the purpose of doing two wholly distinct things: One, to carry on certain limited operations for the Government; that is, to receive deposits, and to carry on certain fiscal operations; and, second, to discharge the essentially private business of loaning money and collecting interest upon

the loans. The bill does not even contemplate that the Government of the United States necessarily shall be interested in the institution, because it provides that the stock in these various banking institutions shall be subscribed by private individuals; and that only in case there are not sufficient subscriptions from private persons is the Government of the United States to participate. In that event, the Government of the United States is to make up the difference between the subscribed capital and the authorized capital, but provision is made by which the Government retires from the business as a stockholder as quickly as it can, leaving it then wholly in the hands of private individuals.

So that in the last analysis we have a bank which is owned and operated, except for Government supervision, by private individuals engaged in a private business, and the bill undertakes to exempt from taxation the property which they acquire in the discharge of their purely private functions, and not in the discharge of any governmental operations or functions at all.

It seems to me that we are undertaking by that not only to do an unwise thing, to take from a State the opportunity of taxing valuable property within its limits, to which it must afford police protection, as it affords police protection to every other species of property within the State, but that we are doing something that we are without authority to do, namely to invade a sovereign power of the State.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

Mr. SUTHERLAND. Yes.

Mr. TOWNSEND. Is there any difference in principle here than would be the case if Congress attempted to exempt from taxation the stock and mortgages of national banks now in existence all over the country? They are all taxed under State law.

Mr. SUTHERLAND. They are all taxed. Of course, the national banks are a good deal more closely related to the Government of the United States than the banks proposed under this bill will be related to the Government, and as a matter of fact, in the national banking legislation—I have not had occasion to examine it for some time—there are certain provisions which affirmatively recognize the right of the State to tax the capital stock of national banks.

Mr. TOWNSEND. And it is all taxed.

Mr. SUTHERLAND. And, as a matter of fact, it is all taxed. As a matter of practical construction, there certainly can be no more reason why the property of the banks proposed to be established under this bill should be exempted from taxation than that like property held by the national banks should be exempted.

Mr. JONES. Mr. President, I desire to present an amendment which I intend to offer to the pending bill, and ask that it may be printed and lie on the table.

I also present an amendment which I intend to propose to the substitute of the Senator from North Dakota [Mr. McCUMBER]. I ask that it may be printed and lie on the table.

The VICE PRESIDENT. Such will be the order, in the absence of objection.

Mr. HOLLIS. Mr. President, the distinguished Senator from Utah [Mr. SUTHERLAND] announces two prime propositions. He says, in the first place, that he does not agree with the policy of exempting these banks and their operations from taxation; and, in the second place, he does not believe in the right of Congress so to exempt them.

The second proposition always follows, in the case of a constitutional lawyer, from the first. Any lawyer who does not believe in a certain policy of Congress is sure to find somewhere in the decisions of the Supreme Court some basis for his position; and I could tell by looking over a list of the Senators of this body those lawyers who would find grave constitutional objections to doing what we are trying to do in this act.

The Senator from Utah has overlooked two or three very important principles. The first is that in McCulloch against The State of Maryland there was no action of Congress whatever exempting the bank or its operations from taxation. In that case the Congress of the United States did not undertake to cover the field of taxation; they allowed it by implication to the States; and yet the court held that, in spite of a failure to include in that statute establishing a United States bank an exemption from taxation, still the operations of the bank were exempt.

Now, take the national banks that exist to the number of 7,500 in this country. There has never been any question raised as to their constitutionality. The question was considered, and an opinion was anounced by the Supreme Court in the case of Farmers' National Bank against Deering, in Ninety-first United States, page 29, in which the constitutionality of the national-bank act was placed expressly on the authority of McCulloch against The State of Maryland. There has never been any argument that the constitutionality of the existing national-bank act rests in the power to issue currency. The Congress of the United States has no express power under the Constitution to issue currency; not the slightest; it has never been claimed that it has. All the authority that it has is to coin money; and the constitutionality of no bank act has ever been placed on the proposition that the bank in issuing currency was coining money or performing a Government function.

Mr. SUTHERLAND. Mr. President, may I interrupt the Senator?

Mr. HOLLIS. Yes.

Mr. SUTHERLAND. The Supreme Court, however, as I recall the decision, has held that having the express power under the Constitution to coin money, Congress has the power, when necessary, to provide a substitute for coined money.

Mr. HOLLIS. I should be very glad to have the Senator produce that case and show where it affected in any degree the constitutionality of any act that Congress has passed for that purpose.

Mr. SUTHERLAND. I am not speaking about it with reference to national-banking legislation; but I say that it has been held that, having the power to coin money, Congress has the power to provide currency or a substitute.

Mr. HOLLIS. That is very true, but the point here is that no bank has ever been declared constitutional because it was given the power to issue currency. If it had been, it would be an authority for the present act; and I wish it were so, because the bonds issued under this act will be just as much currency as the bank notes issued by national banks—precisely as much. They are issued in denominations running from $25 to $1,000; they are promises to pay; they are not legal tender; and that is all the national-bank notes are, namely, promises to pay; they are not legal tender. So, if the issue of currency makes any bank constitutional, the issue of these farm-loan bonds, which are payable to bearer, just as a bank note is, makes this act constitutional; and I hope the Senator will succeed in finding such a case. I have not been able to do so.

There is nothing in the Constitution of the United States which in express terms gives authority to Congress to establish a bank or any other corporation. There is no authority of the kind except by implication. McCulloch against the State of Maryland, which has remained undoubted and unquestioned authority for nearly 100 years, settles that point. Chief Justice Marshall wrote the opinion; Daniel Webster was counsel for the United States, and appeared with the Attorney General. That case decided that the Government can not be run with the express powers given it under the Constitution unless it can borrow money, unless it can regulate commerce between the States, and raise armies and navies. And the only concrete instance that Chief Justice Marshall cites of how that bank could perform Government functions is that it could transfer treasure from the East to the West and from the North to the South.

In the present bill precisely the same functions are given to the land banks that are given to the national banks under the national-bank act. The Supreme Court has nothing to do with the method by which Congress carries out the purposes that are confided to it. Who for a moment thinks that the Government of the United States ever intends to avail itself of all the 7,500 national banks as fiscal agents or as Government depositaries? It is for Congress to say that they may want to do so at some time; it is for Congress to say "We will establish banks of this kind as Government depositaries and as fiscal agents"; and if Congress says "We do it for that purpose," that settles it, and the Supreme Court can not go behind that verdict. So, Congress having decided that it will establish a bank and will make that bank—or 7,000 other banks—Government depositaries and fiscal agents the Government is acting in that sphere, and, so far as the Government acts in that sphere, it becomes supreme.

At this juncture let me call attention to another point which has evidently been overlooked by the distinguished Senator. He has discussed the occupation of a field of taxation by a State and its occupation by the United States, and says that where one has acted the other is excluded. In the railroad cases which he cited the Government of the United States did not act on the question of taxation. The Government set up the instrumentalities to conduct commerce between the States and to transport armies and ammunition, but it did not undertake to occupy the field of taxation so far as those instrumentalities were concerned.

In the present bill the distinguished Senator from Utah would not himself undertake to occupy that field of taxation, and, if he did not, undoubtedly the State would be left free to occupy

it; but where the Government, acting under a sovereign power, does undertake to occupy a field, it occupies it for all purposes and excludes the States from it. That has been decided, and very clearly decided, in a decision under the national-bank act in Veazie Bank against Fenno, 8 Wallace, 533. In that case the United States taxed State bank notes issued by a bank having a State charter, and the court held that the United States may tax bank notes not issued under its authority. That is undoubtedly so, and the opinion has been unanimously concurred in by all the banks of this country, and no State bank undertakes now to issue bank notes. If they did, they would be taxed, and there would be no profit in it. They could issue them if they wanted to pay a 10 per cent tax. Therefore, when the Government of the United States does act upon the subject of taxation concerning any instrumentalities that the Congress has seen fit to employ to carry out an authorized or expressed purpose of the Constitution, then it may act, and act with supreme authority.

In this instance, in section 6 of the pending measure, we have adopted the exact provision found in the national-bank act, to wit:

> That all Federal land banks and joint-stock land banks organized under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public money and financial agents of the Government as may be required of them.

If the national banks never in the world performed any governmental function whatever they would still be constitutional. The test is not, as the distinguished Senator seems to think, whether or not in the operation that is going on the bank is performing a governmental function. What governmental function is a national bank performing when it loans money to me on my note? None whatever. If Congress sees fit to give to the banks, so that they may exist through the employment of private capital, the power to make money in certain ways, Congress has a right to endow those institutions with such powers; and when they are exerting those powers, whether it is in a private capacity or in a public capacity, they are instrumentalities of the United States, not acting for a public purpose, but acting for a private purpose or any other purpose which can be conceived of, and if they are instrumentalities of the United States, then we may annex any conditions we may desire to the performance of any duties private or public. There can not be any escape from that.

Mr. CUMMINS. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. CUMMINS. My inquiry is whether the exception which the bill contains with regard to real estate is one of policy or one of necessity?

Mr. HOLLIS. Purely one of policy. We could exempt real estate just as much as we could the capital—there is no doubt about it—just as we exempt the post office when we buy real estate and put a Government building upon it. Of course we could.

Mr. CUMMINS. I assume that the Senator applies the rule he has just announced to the real estate as well as to the personal property of the bank?

Mr. HOLLIS. Certainly.

Mr. CUMMINS. And we could except all of it if Congress so desired?

Mr. HOLLIS. Certainly; but I think it would be very bad policy. Let us apply that for a moment.

The United States Constitution—and we do not consider it broadly enough in this body; now and then some one gets up and considers some section of it—declares, first, the purpose of the Constitution, among other things, to promote the general welfare and provide for the common defense, and then it proceeds immediately to discuss the powers of the legislative branch. It sets them up, first tells what the Senate and House shall be composed of, how they shall conduct their business, what shall be a quorum, and so forth, and then, in the eighth section of the second article, I believe, it says that the Congress shall have power to do certain things. We have to operate under the eighth section.

Among other powers given to Congress is the power to establish post offices and post roads. In order to carry that out we want a post-office building. A post office is not a building alone. A post office is a building with people in it to handle the postal business, but to carry out the purpose of constructing a post office we erect a building. We buy from the citizens of a State, from the owners, a certain tract of land, and we put up a post-office building on it. That is exempt from taxation. That is a discrimination against every other piece of real estate that does pay taxes; but we do it, and we could do it here. If it seems wise to Congress in establishing a useful instrumentality—one that will exist and be powerful enough to be of some service to the Government—Congress may exempt its real estate if it wants to, but I think that would be very poor policy.

Now, let me recur to the question of currency.

Most people confuse currency and coin. Coin is specie. It is metal, having a real value, an intrinsic value, and stamped by the Government so that it passes as legal tender from hand to hand. Currency is composed of paper money, bonds, securities, and bank checks. That is currency. It is used all the time as currency. It passes current from hand to hand, but is not legal tender. Now, the bonds issued under this act are just as much currency as the bank notes issued by the Riggs National Bank—just as much. One is legal tender as much as the other; that is to say, not at all. If the bonds secured by these mortgages are properly looked after and properly issued, they will be better currency than the bank notes issued by the Riggs National Bank. They will be better secured. So that if any Senator is going to put the right to establish a national bank on the ground of the power of Congress to issue currency, then this act is surely constitutional. There can not be any escape from that.

Recurring to the railroad cases that have been referred to, I have no hesitation in saying that if it had seemed to the Congress of the United States that it was necessary to exempt those railroads and their real estate from taxation, Congress would have had entire authority to do it. If Congress had believed that otherwise those instrumentalities would not have been vigorous and useful and would not have fulfilled the function of the Government that the Congress thought they would, Congress could have exempted them from taxation. But Congress did not do it, any more than Congress exempted the Bank of the United States from taxation in express terms; and right there comes the difference. Because the issuing of bank notes by the United States Bank was one of the necessary and useful functions to which Congress had regard, therefore the Supreme Court of the United States said: "That is such an operation of the government of the bank that Congress could not have intended that the State could tax it." Why? Because if the State could tax that function of the particular instrumentality—to wit, a bank—it could drive it out of business; and so the States could drive these banks out of business if they could tax them, and they would.

Mr. SUTHERLAND. Mr. President——

Mr. HOLLIS. I yield to the Senator from Utah.

Mr. SUTHERLAND. Does the Senator from New Hampshire think that Congress would have the power to exempt from taxation the engines and cars and other rolling stock of the Union Pacific Railroad?

Mr. HOLLIS. I certainly do, and there can not be any case produced deciding the contrary.

Mr. SUTHERLAND. Because it never has been tried.

Mr. HOLLIS. No.

Mr. SUTHERLAND. The case never has arisen.

Mr. HOLLIS. No; it has not been tried. The Senator asked me for my opinion, and I gave it; and I am entitled to it, as much as anyone else is entitled to his opinion, until the court decides differently.

Mr. SUTHERLAND. Certainly.

Mr. HOLLIS. Congress would not attempt to do it, of course; and I should not attempt to get the land exempted from taxation under this bill.

Mr. SUTHERLAND. I do not desire to interfere at all with the Senator's entertaining that opinion, but I ask the Senator this further question: I suppose the Senator concludes that Congress would have the power to exempt from taxation the property of the Union Pacific Railroad Co. because the Union Pacific Railroad Co., in certain aspects, was an agency of the Government?

Mr. HOLLIS. Yes. That is for Congress to decide, whether it is or not.

Mr. SUTHERLAND. The Senator recognizes that the Attorney General is an agency of the Government of the United States?

Mr. HOLLIS. I beg the Senator's pardon; I do not think the Attorney General is an agent of the Government of the United States. He is an official, with certain prescribed duties. He can not bind the Government of the United States.

Mr. SUTHERLAND. Does the Senator think he is an agency of the Government?

Mr. HOLLIS. I think he is an officer.

Mr. SUTHERLAND. Is he not an agency?

Mr. HOLLIS. Why, you may call him that. You may call him an instrumentality. I do not care what you call him.

Mr. SUTHERLAND. Does not the Government perform certain functions through him?

Mr. HOLLIS. Certainly.

Mr. SUTHERLAND. Does the Senator think that the Congress of the United States could exempt from taxation any of the individual property of the Attorney General?

Mr. HOLLIS. Why, I do not think any such thing. I do not know. I never have seen it decided. I can not conceive of anyone raising such a question. I do not care to give an opinion on such a matter.

Mr. SUTHERLAND. I personally can see very little difference in principle between the two things.

Mr. HOLLIS. That is because the Senator does not want to see the difference; and when a man does not want to see a difference, you can not make him see it. Knowing the Senator's drift of mind and his policy on public questions, I should not expect him to be able to see the constitutional power here, plain though it may be. I do hope the majority of the Senators will see it, and I am very confident the Supreme Court of the United States will see it if the bill is passed.

Mr. SUTHERLAND. I will say to the Senator, if he will permit me, that I am very glad that I have not the ability to see some things as some people see them.

Mr. HOLLIS. Well, that is pleasant, and I am much obliged.

Mr. CUMMINS. Mr. President, whatever may be said about the Senator from Utah, the Senator from Iowa is not a narrow or an illiberal constructionist of the Constitution.

Mr. HOLLIS. Well, I do not entirely agree to that.

Mr. CUMMINS. But I rise to ask this question: Does the Senator from New Hampshire think that Congress could have given the State of Maryland the right to tax the notes of the United States Bank?

Mr. HOLLIS. If Congress had said, "The notes of the United States Bank shall not be exempt from taxation by a State authority," that undoubtedly would have been constitutional.

Mr. CUMMINS. The Supreme Court held, however, that the tax was unconstitutional because repugnant to the Constitution; and the substance of the Senator's answer seems to me to be that Congress can, if it desires, waive the Constitution.

Mr. HOLLIS. No; I do not think that is at all so. Congress might have done it in this way, and it undoubtedly would, if it had acted. I am glad the Senator has raised that point, because it raises exactly the same question that was decided under the national-bank act. I say, and I believe, and the authorities sustain the proposition, that the Government might provide that the capital stock and the real estate of a national bank are exempt from taxation. I believe that. But Congress has said that the capital stock of a national bank may be taxed the same amount as the capital stock of other institutions of a like character in the State. Now, that is constitutional; and if it had made that same provision in the law under consideration in McCulloch against the State of Maryland that would have been constitutional.

I do not say that Congress can do anything repugnant to the Constitution. Of course it can not; and if it had made the same provision about the bank notes and had said that they should be subject to the same tax as bank notes issued by State institutions, that undoubtedly would have been constitutional.

Mr. CUMMINS. In the absence of any such statement as that, does not the Senator from New Hampshire think that an attempt on the part of the State to discriminate against the stock of a national bank or the property of a national bank would be invalid?

Mr. HOLLIS. Does the Senator mean under the statutes as they are?

Mr. CUMMINS. Without any statute at all on that subject.

Mr. HOLLIS. Without any statute? I think it would have been discrimination.

Mr. CUMMINS. And would have been entirely invalid?

Mr. HOLLIS. I think so.

Mr. CUMMINS. Even if Congress had not spoken at all?

Mr. HOLLIS. I think so; certainly.

Mr. CUMMINS. I am only trying to suggest that, in my opinion, whatever exemption from State taxation exists on the part of property within a State arises under the Constitution, and does not and can not arise under any law of Congress. Congress can neither add to nor take from the Constitution.

Mr. HOLLIS. Congress has acted in the national-bank act, however, which all concede to be constitutional.

Mr. THOMAS. Mr. President, the position suggested by the Senator from Iowa [Mr. CUMMINS] is entirely logical, to my mind; but it seems to me that it is overthrown, or at least it is affected, by the decision of the Supreme Court sustaining a tax placed upon State bank currency for the avowed object of suppressing it and making such issues impossible.

Mr. CUMMINS. Mr. President, if I may be allowed to mention that case, that is an authority arising under the power of the Federal Government to tax. It laid the tax. Of course, the power to tax need not be exercised by the General Government in every instance in which it has the power to tax. It is not so exercised now. The Federal Government has the right to tax every business concern in the United States, if it pleases, simply because it is carrying on that particular business; but it does not do so. It is a power in abeyance. So when the Federal Government came to lay a tax upon State bank circulation it did not involve the exemption of property from taxation under the Constitution.

The Senator from New Hampshire has not stated fully the reasons given by the Supreme Court in sustaining that act on the part of Congress. I think he will remember that there were a good many objections made against the tax. Among others, the question of direct and indirect taxation arose; and the Supreme Court finally sustained the Federal power, because it held that it was a function of the Federal Government to provide the people of this country with a circulating medium, and that the State bank circulation interfered with the power of the Government to provide the people of the country with a stable circulating medium, and therefore the Federal Government could designedly drive the State circulation out of existence.

Mr. HOLLIS. That is merely a matter of policy. That is not a matter of right; it is a matter of policy. Congress did that as a matter of policy. We are passing this bill as a matter of policy; but our right to pass it rests on a very different thing.

Mr. CUMMINS. Not at all.

Mr. HOLLIS. The Supreme Court has decided that the right to pass the national-bank act rests on the authority of McCulloch against the State of Maryland.

Mr. CUMMINS. Not at all. In the case of McCulloch against Maryland the question was, Can the State impose a tax upon a Federal instrumentality? There was nothing in the law which either gave the State the right to do it or withheld from the State the right to do it.

Mr. HOLLIS. I have not said there was. I said the national-bank act was decided constitutional on the authority of McCulloch against the State of Maryland, and it is true.

Mr. CUMMINS. I do not quite think so; but, then, that is——

Mr. HOLLIS. Well, if the Senator will do me the honor to read the case I cited to him, I think he will find it stated there in terms.

Mr. CUMMINS. I will read, however, the last paragraph in the opinion, if the Senator from New Hampshire will permit me.

Mr. HOLLIS. Which one?

Mr. CUMMINS. It is the case of Veazie Bank against Fenno. It is the case to which the Senator from New Hampshire referred a few moments ago.

Mr. HOLLIS. I beg the Senator's pardon. The case I referred to as establishing the constitutionality of the national-bank act was Farmers' National Bank v. Deering (91 U. S., 29).

Mr. CUMMINS. In the inquiry of the Senator from New Hampshire addressed to the Senator from Utah I am quite sure the Senator referred to that opinion.

Mr. HOLLIS. I did refer to it, but for another purpose—not for the constitutionality of the national-bank act, but for the power of the United States Government to tax State bank notes out of existence.

Mr. CUMMINS. To tax a State instrumentality.

Mr. HOLLIS. Yes. They are very distinct.

Mr. CUMMINS. And this is what the Supreme Court said in closing this opinion:

> Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency—

I interpolate, through the national banks—

> for the whole country, it can not be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation. To this end Congress has denied the quality of legal tender to foreign coins and has provided by law against the imposition of counterfeit and base coin on the community. To the same end Congress may restrain, by suitable enactments, the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and uniform currency for the country must be futile.

The Supreme Court, in truth, did not treat the enactment which levied the tax as a part of the taxing power for revenue at all. It treated it as though it was an exercise of the power to destroy the State-bank circulation; and it could have done it in some other form quite as effectually and quite as constitutionally as it could have done it through the power of taxation.

Mr. HOLLIS. If the Senator will permit me, the case from which the Senator has read had nothing whatever to do with the constitutionality of the national-bank act, which set up the national banks as instrumentalities of this Government. It dealt with the power of the Congress of the United States to tax out of existence the State bank notes. There is no doubt about that. They decided, in the words of the opinion, that Congress had undertaken in a constitutional way to act through national banks; and in the case of the Farmers' National Bank against Deering, which called directly in question the constitutionality of the national-bank act, the decision was put precisely on the authority of McCulloch against State of Maryland, and not at all on the power to provide a suitable currency for the United States. That was the only point I wanted to make.

Mr. WILLIAMS. The Senators are talking about different things.

Mr. CUMMINS. I do not differ at all with the Senator from New Hampshire with regard to the reasons which underlie the power of the Government to establish national banks. I do not question the statement of the Senator from New Hampshire that the national banks of the country rest upon the same constitutional authority that was invoked in the case of the United States Bank in the early part of the century.

Mr. HOLLIS. I am very glad the Senator understands that. I did not want the other Senators to be misled.

Mr. CUMMINS. I was simply calling the attention of the Senator from New Hampshire to the fact that because the United States could tax, or destroy in any other method, State bank circulation, that was not even a step toward the argument that Congress could exempt these land banks and their property, their bonds, their stock, from State taxation.

Mr. THOMAS. Mr. President, if the Congress had enacted a law for the purpose of protecting its own issues of currency and in order to give the Nation a general system of currency circulation by prohibiting the issue of currency by State banks, I never should have questioned its authority to do so, in view of the decisions up to the time the statute taxing the State bank currency was passed. But it has always seemed to me that the decision in the case just referred to by the Senator from Iowa [Mr. CUMMINS] was opposed in principle to the doctrine of McCulloch against Maryland, which recognizes the exemption of State instrumentalities from Federal taxation quite as vigorously as it insists upon the exemption of the national instrumentalities from State taxation. Indeed, the statement of the one thing necessarily includes the statement of the other. But it did not legislate directly in prohibition of the issuance of currency by State banks.

There was a time when there were State banks in the true sense of the term—that is banks which were organized by the State for the State, and which were controlled by and run in the interest of the State government. Of course, they did a general banking business. Now, the Federal Government, through Congress, for the purpose of protecting the currency of its own banks and giving it that national quality which it possesses, and which was desirable, in the exercise of its taxing power placed a tax upon the instrumentalities and the currency of the States and made it prohibitory. If we can conceive that State banks, or banks organized by authority of the States, notwithstanding such 10 per cent tax, had continued to issue their currency, it would have been good in the States of issue, at least. In other words, the enforcement of the tax does not of itself destroy the circulating quality, so to speak, of the bank note against which it was aimed.

That has been held, nevertheless, by the Supreme Court of the United States to be the exercise of a proper authority. If that be so, then it seems to me that if this bill sought to accomplish the same purpose by providing for prohibitory tax upon all other mortgages and all other bonds issued by or under State authority—we will say 10 per cent upon the amount which they represented—certainly that would necessarily be upheld by the Supreme Court of the United States if Congress has the power to enact this rural credits legislation at all; and inasmuch as that case has determined that Congress may, by the exercise of its taxing power, destroy a competitor, certainly it is not going too far to say that it may accomplish the same purpose by providing exemptions upon its own instrumentalities, its own currency, its own circulating medium.

Mr. LEWIS. Mr. President——

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Colorado a question? I am not entirely sure that I apprehend the position that the Senator takes with reference to the Veazie Bank case. Does the Senator think that in that case the act was justified by the court upon the ground that it was a naked exercise of the taxing power?

Mr. THOMAS. I never have thought so, although, of course, I realize that the power to tax is the power to destroy. In fact, the Chief Justice says so. He uses that expression in McCulloch against Maryland.

Mr. SUTHERLAND. The Veazie Bank case, as I said in answer to the Senator from New Hampshire when he asked me about it, has never entirely satisfied my own judgment, which, however, does not matter very much.

Mr. THOMAS. I never have been able to reconcile it with previous decisions of the same court, but it is the law just the same.

Mr. SUTHERLAND. But I take occasion, with the permission of the Senator, to incorporate in the RECORD, so far as it deals with this question, the syllabus of that case, Veazie Bank against Fenno, in Eighth Wallace, at page 533:

> Congress having undertaken, in the exercise of undisputed constitutional power, to provide a currency for the whole country, may constitutionally secure the benefit of it to the people by appropriate legislation, and to that end may restrain by suitable enactments the circulation of any notes not issued under its own authority.

Mr. THOMAS. With that I agree, provided the power is exercised directly.

Mr. SUTHERLAND. Yes.

> The tax of 10 per cent imposed by the act of July 13, 1866, on the notes of State banks paid out after the 1st of August, 1866, is warranted by the Constitution.

It appears from that, taking those two syllabi together, that the decision of the court was based upon the proposition, not that it was a legitimate exercise of the taxing power per se, but that it was a law passed for the protection of the currency of the United States for which the Congress, in the exercise of its constitutional power, had provided. Notwithstanding that, there is a very strong dissenting opinion, as the Senator knows, and I think nobody can read the dissenting opinion without coming to the conclusion that it is the better reasoned of the two opinions.

At the conclusion of that opinion, Mr. Justice Nelson, speaking for the minority, said (p. 556):

> Even if this tax could be regarded as one upon property, still, under the decisions above referred to—

> Those, among others, were the United States Bank cases—

> it would be a tax upon the powers and faculties of the States to create these banks, and, therefore, unconstitutional.

> It is true that the present decision strikes only at the power to create banks, but no person can fail to see that the principle involved affects the power to create any other description of corporations, such as railroads, turnpikes, manufacturing companies, and others.

And, taking the dissenting opinion all through, I think the Senator will agree with me that it is a remarkably well-reasoned opinion.

Mr. THOMAS. I think it is unanswerable.

Mr. SUTHERLAND. The majority opinion can only be justified, as it seems to me, upon the single ground that the law is passed for the protection of the currency of the United States; and it is justified by the court just as they would have justified a law which had expressly declared that no such State notes should be issued at all.

Mr. THOMAS. Certainly. The Supreme Court having sustained the legislation, of course we must assume and also concede that the legislation was entirely within the purview of congressional authority; but its application here, to my mind, seems appropriate, provided it would give authority to Congress in this bill, by providing for a tax upon all other mortgages to the extent of 10 per cent, or a prohibitory tax, practically to do away with all possibility of competition in the operation of this law. If that be so, then it seems to me that the power exists to exempt, although they may be instrumentalities or may not be, those things which are provided for in this law, since that practically accomplishes the same purpose.

Mr. LEWIS. Mr. President——

Mr. CUMMINS. Mr. President, may I ask the Senator from Colorado a question with regard to the last suggestion, which I think is absolutely sound, if I understood him correctly? We have the same right to levy a tax of 10 per cent or any other proportion upon every mortgage issued in the States, and thus compel the land banks to do all the business, that we have to exempt the mortgages of the land banks or their bonds from taxation, and in that way drive other mortgages out of existence. I understood the Senator to say that both would rest upon the same constitutional authority, and I think he is right about that. If we could do either—if we could do what we now propose to do, exempt these things from taxation—we could accomplish the same purpose by imposing a direct tax upon mortgages that are not issued by the land banks.

Mr. THOMAS. Yes. In other words, it is a choice of method of procedure.

Mr. CUMMINS. So the Senator from Colorado believes that we could, if we desired to do it, put a tax of 10 per cent, or any other sum, upon every mortgage issued upon farms in the United States?

Mr. THOMAS. I would not want to go so far as to say I think we have that power. The decision to which the Senator referred seems to give it. If we have the power, then if we can accomplish the same end by exemption from taxation of mortgages and bonds provided for by this act, we have the power to do it. Now, whether Congress has the power to enact legislation of this kind, to place a prohibitory tax on all bonds and mortgages, I do not want to commit myself. This decision goes a long way in that direction. I think, however, I can say with perfect safety that if we have the power to enact this bill at all, if Congress has the power to create a system of rural-credit banks, then it has the power to enact all the legislation necessary for the protection and for the operation of the system; and upon the assumption that we have that power, coupled with the decision to which the Senator refers and the other decisions that have been quoted here, it seems to me that the provision which is now the subject of consideration is within the power of Congress.

Mr. LEWIS. Mr. President, I wish to address myself to the question, if the Senator from Utah will allow me. I happened to come into the room while the controversy upon the legal aspect of this bill was being indulged by the Senator from Utah, the Senator from New Hampshire, and the Senator from Iowa. I heard the Senator from Utah quote the concluding paragraph from the opinion in Ninth Wallace. Am I right in this?

Mr. SUTHERLAND. I referred to Ninth Wallace. I do not remember whether what I read was the concluding paragraph.

Mr. LEWIS. I make the inquiry of the Senator, knowing him to be a skilled lawyer, living as he does in Utah and knowing the litigation involved in the Union Pacific Railroad Co. My mind reverts to the case of Peulston against Union Pacific Railroad Co., in Eighteenth Wallace, where, if I am not in error, the Supreme Court there held, touching the Union Pacific, that whether a tax levied upon governmental agency was good or whether one could be exempted as righteous, turned rather on the effect the tax worked than upon the designation of it by name or purpose.

I will ask the Senator from Utah does he not think that that so modifies the rule laid down in Ninth Wallace as to leave it as follows: That the right of the Government to exempt the tax, the legality or not, the validity or not, will turn upon the effect that the courts will give as to how far such stimulates circulation or restrains, to leave it rather a question of fact than one of law. Would not the Senator conclude that such must be the result of the ruling to which I allude, if I am right in my memory?

Mr. SUTHERLAND. It is entirely due to my dullness, no doubt, but I do not well get the point the Senator makes.

Mr. LEWIS. I may have misunderstood the Senator from Utah, and I am anxious to see if I did. Does the Senator from Utah contend that an attempt by the Federal Government to exempt this proceeding, this State bank issue, from State taxes, was per se illegal?

Mr. SUTHERLAND. My point is that the Government has no power to exempt property lying within the limits of a State from State taxation simply because the property happens to belong to an agent of the Federal Government or an agency of the Federal Government.

Mr. LEWIS. In reference to that last point, then, I ask the Senator if his mind reverts to the case against the Owensboro Bank, in One hundred and seventy-third United States? I think there it was held that it was in the power of Congress to make a reservation by its own act of a right of a State to impose a tax on a Federal institution. Am I right about that?

Mr. SUTHERLAND. I do not recall the case the Senator refers to, but no doubt the Senator has stated it accurately.

Mr. LEWIS. Let me call your attention, for I am anxious myself about this, and I must be free to say to the Senator I trust I am not intruding. This question of taxes we are now discussing fell under me in a professional way, and the whole field of it I had to go through with. I argued the contention of the right of the city of Chicago to levy a tax upon certain instrumentalities of the Federal Government by virtue of municipality. I wish to say to the Senator I argued that case with such power and capability, with such irrefutable logic, that the court, at the conclusion of my argument, decided it for the other man without hearing him at all. [Laughter.]

Mr. SUTHERLAND. I do not blame the court a particle.

Mr. LEWIS. But in this pursuit my mind was especially addressed to the distinction, and I am very much interested in the point the Senator suggested, and particularly the distinction which he presented, and which the Senator from Colorado and the Senator from Iowa sought to sustain. I ask the Senator if he can see the distinction in the case of Owensboro against the National Bank. I will read only a part of the syllabus, where the court say—and they went very far, as the Senator says, in opposition to what appears as a general principle:

> A State is wholly without power to levy any tax, either direct or indirect, upon national banks, their property, assets, or franchises, except when permitted so to do by the legislation of Congress.

I am strongly impressed with the idea that previous to this decision and previous to the decision that followed it in 180, a case that came from the West, there was a general idea that the State had no such power, and the creation by Congress of a Federal institution of this kind promptly placed it within constitutional protection, and within that Federal constitutional immunity it was safe and secure.

But I state to my able friend from Utah here is where I am embarrassed. If it is in the power of an act of Congress to subject an institution to State taxation, is it not equally in the power of Congress to waive the right and exempt it from taxation?

Let me reverse myself and make it shorter and make it plain to the mind, because if it is not legal we ought not to pass it. I am for the measure generally, but I do not wish to vote for what is illegal, and I wish the Senator's opinion. If we can pass this measure and provide that there shall be an exemption, if we can provide that no State shall put a tax upon this property, do we not simply say to the State we have created an agency for the general use of the Federal Government, and therefore to that extent we deny the right of the State to burden it by that taxation? Would not that act of Congress prohibit the State within the meaning of this decision from levying that tax?

Mr. SUTHERLAND. Let me ask the Senator from Illinois a question. This bill creates a so-called land bank, and among other things it provides that the Government of the United States may deposit funds in that bank, and that it may discharge—I do not remember what they are—fiscal operations for the Government of the United States. To that extent this bank may be regarded as an instrumentality of the Federal Government. But the association is made up of private stockholders, private individuals, who put their capital into the bank and take stock, and these private individuals operate the bank, and in the course of their operations they loan a farmer $1,000 and take from the farmer a mortgage upon his land. I ask the Senator from Illinois what governmental function the bank performs in making that loan?

Mr. LEWIS. Has the Senator concluded?

Mr. SUTHERLAND. Oh, yes.

Mr. LEWIS. My judgment would be this, Senator, that in his position as a citizen of the United States the United States is assumed to give him the right to enjoy the privileges of money and its circulation; that it has provided an agency to accomplish that purpose, and when it provided the agency by Federal legislation, the office of the Federal Government that was being discharged, was the opportunity to enjoy the circulation upon the security tendered which the Government had elected to select.

Mr. SUTHERLAND. Does the Senator from Illinois think that the loan of money is a governmental function or a private function?

Mr. LEWIS. The Senator remits me now to the vexed discussion that has been with us from the founding of this Government. My judgment is this, that the lending of money by the Federal Government to the citizen is a governmental agency. The lending the Government by a private agent in exercising the privilege of the charter of the Federal Government is private business.

Mr. SUTHERLAND. If the Senator thinks that loaning money is a governmental function, there is no common ground for us to argue upon. The Senator thinks whenever the Government does anything that makes it a governmental function?

Mr. LEWIS. Otherwise the Government could never enforce it. The moment it attempted to enforce it any one of the sovereignties could step in and say, "It is not governmental for you to enforce it, because the doing of it is in the exercise of a private capacity, and therefore a Government can not enforce it." I take it that to avoid a punishment for a violation of the Government decree it would be answered that true you authorize it and carry it out, but as a Government you can not punish the disobedience. It would be impotent unless it was a Government act, from my point of view.

I should like to ask the Senator from Utah to look at this case which I hand to the Senator, and in this case of Peniston against the Union Pacific, Eighteenth Wallace. I should like to call the Senator's attention to that. A specific qualification of

Ninth Wallace, read by him, is made; but I am not quite so sure to the extent. My mind is a little hazy. It has been some time since I had occasion to use this case.

May I read from page 30, Railroad against Peniston, which came from Utah and Kansas, and it involved the whole Government railroad line through, and the case from which the Senator read with much appropriateness a moment ago? On page 30 the Senator will find this:

There are, we admit, certain subjects of taxation which are withdrawn from the power of the States, not by any direct or express provision of the Federal Constitution but by what may be regarded as its necessary implications. They grew out of our complex system of government, and out of the fact that the authority of the National Government is legitimately exercised within the States. While it is true that Government can not exercise its power of taxation so as to destroy the State government or embarrass their lawful action, it is equally true that the States may not levy taxes the direct effect of which shall be to hinder the exercise of any powers which belong to the National Government. The Constitution contemplates that none of those powers may be restrained by State legislation. But it is often a difficult question whether a tax imposed by a State does in fact invade the domain of the General Government—

The question the Senator asked me a moment ago—

or interfere with its operations to such an extent, or in such a manner, as to render it unwarranted.

A distinction I sought to make to the able Senator in my reply.

It can not be that a State tax which remotely affects the efficient exercise of a Federal power is for that reason a loan inhibited by the Constitution. To hold that would be to deny to the States all power to tax persons or property. Every tax—

And so forth.

Then they proceed:

Hence the Federal Constitution must receive a practical construction.

And the court discusses the correlative relation of taxation.

I respectfully urge upon the able Senator's attention this point. Would not the Senator conclude from this, and this opinion following, that the subject matter of tax, the method in which it operates, the effect it has upon the subject matter which must be the basis to determine whether it is legal or not—I ask the Senator, would not the tax be illegal if it shall be held that in its operation it does serve to retard the instrumentalities of the Federal Government? Would it not be held, therefore, illegal if we put one upon it and so served in its operation to retard the object? Are we, therefore, not back again to the question as to the effect of the operation of the tax that the State may or may not tax the Federal Government or may or may not grant the immunity, according to the purpose of the legislation, rather than to the mere distinction in powers of State and Federal Government?

Mr. SUTHERLAND. Mr. President, my complaint about this exemption is that it interferes with the sovereign power of the State to tax within the limits of the State the same kind of property that it taxes in the hands of private individuals, simply because it happens to be held by an association which in an altogether different connection may act as an agency of the General Government.

Mr. STERLING rose.

NOMINATION OF LOUIS D. BRANDEIS.

Mr. SUTHERLAND. Mr. President, the Senator from Arizona [Mr. ASHURST] is, I see, in his seat, and I want to call attention while he is here to an interview which purports to have been given by the Senator to the newspapers, as reported in the Washington Herald of this morning. In the course of that interview, the Senator from Arizona is quoted as having said—I read the article:

The session of the Judiciary Committee of the Senate held yesterday to consider the nomination of Louis D. Brandeis for Associate Justice of the Supreme Court was attended with some acrimony and Senator ASHURST, who is favorable to the confirmation of Brandeis, left the meeting in perturbed state of mind after telling the Republican members of the committee that they were deliberately filibustering against a report on the nomination.

I hope the Senator from Arizona was not responsible for giving that interview, because nothing of the kind occurred.

Mr. ASHURST. That is true.

Mr. SUTHERLAND. In the first place, no Republican Senator is responsible for not having an immediate report made on the Brandeis case. On the contrary, so far as I am informed, the Republican members of that committee are quite ready to vote upon it at any time; and, second, if the Senator was in a perturbed state of mind, I did not observe it. In the third place, the Senator did not tell the Republican members of the committee that they were deliberately filibustering or that they were filibustering at all, because I was present during the whole of the meeting and nothing of that sort occurred.

Mr. ASHURST. If the Senator will yield to me, I will state that I have never seen that interview. I never said in the Judiciary Committee that the Republican members were filibustering. I have never seen that interview. The interview which I saw in the New York World was one that is substantially correct. When I came out of the Judiciary Committee yesterday morning I did say something in response to questions about this case, and, Mr. President, as was my wont and my custom, I said what I thought. I am not of that character of public men who give an interview to a newspaper reporter and then when the newspaper man honestly and faithfully publishes the same, shifts the responsibility and say the paper garbled the statement.

What I said to the newspaper man was this. The reporter asked me, "Do you think the Republican members are filibustering until after the convention?" I said "Yes, sir"; and I did think it, and, upon the whole, I think it now.

Mr. SUTHERLAND. Let me say to the Senator——

Mr. ASHURST. Just a moment.

Mr. SUTHERLAND. The Senator will permit me a moment right there. I wish to say if the Senator thinks so the thought of the Senator is without warrant.

Mr. ASHURST. I am glad to know that.

Mr. SUTHERLAND. There is not any other member of the committee, in my judgment, who will agree with the Senator.

Mr. ASHURST. I think that is quite true.

Mr. SUTHERLAND. Democrat or Republican.

Mr. CLARK of Wyoming. If the Senator from Arizona had been as faithful in his attendance upon the hearings as the Republican Members and other Democratic Members have been, he would not have formed that notion, because I say for both the Republican and the Democratic members of the committee that they have proceeded with fair and honest purpose to reach a definite conclusion, and I can only regret that the Senator from Arizona has not honored the committee with his presence so as to assist them in that laudable purpose.

Mr. ASHURST. Mr. President, unlike some other members of the Judiciary Committee I do not pretend to deliberate when my mind is made up. I do not wish any members of the Judiciary Committee, of which I happen to be a member, to feel offended. A member of the Judiciary Committee told me this afternoon that I had violated the proprieties in stating what took place in the Judiciary Committee. Mr. President, you can remove me from the Judiciary Committee, but you can not seal my mouth.

Mr. CLARK of Wyoming. The Senator has reference to me. I did not make the statement. I said I thought retailing in public what occurred in executive session of the Judiciary Committee or any other committee was an impropriety, the same as it would be to reveal what occurred in an executive session of the Senate.

Mr. ASHURST. I deny here and now that I retailed what took place. I do not say what took place. I assert here on my responsibility as a Senator, and I call the reporter to witness, that I never stated what took place. I said what I thought, and I should like to see the color of the person's hair who can imprison my thoughts. I can well understand the perturbation, indeed the astonishment, that must have greeted the Republican Party when the name of such a man as Louis D. Brandeis was sent in to be a justice of the Supreme Court.

If the nominee had been a man who all his life had been steering giant corporations around the law, there would have been a yell of approval from the Republican side, but there having been sent in the name of a man who has consecrated his life to the poor people of this country, casuistry must be resorted to, and then all the delay that can be conjured up is resorted to.

Mr. CLARK of Wyoming. Mr. President——

Mr. ASHURST. Just a moment. As to whether or not there is a filibuster on the case can easily be determined next Monday morning by a vote on the matter. If all are willing to vote and do vote, then I shall believe there is no filibuster; but it must not be forgotten, in connection, that in your desperation to secure a candidate whom you think could win, in your desperation to overthrow Woodrow Wilson—not Republican Senators, they are above it—but their party has reached out its hands and attempted to grasp from the Supreme Court of the United States one of its members in order to mingle him in the debaucheries of politics, and so flagrant is your disregard of that great court that one of your own members, the Senator from California [Mr. WORKS], an honored member of the Judiciary Committee, openly rebuked you in the Senate for that conduct.

I do not resent the resentment which you feel over my interview. I again assert I did not say what took place in that committee; I said what I thought and I stand by it.

Mr. CLARK of Wyoming. Well, Mr. President, I have nothing further to say than what I have said. Attention has been called

by a Senator to an interview which was given out, and which the Senator from Arizona fathers. The interview states anything but the truth. The Senator himself is perfectly aware of that, because he has been informed of it, and he has reliance on the word of those who have informed him. All the tirade about political matter cuts no figure. The interview is denied.

Mr. LEWIS. Mr. President——

Mr. ASHURST. Just a moment.

Mr. WORKS. Mr. President——

Mr. ASHURST. Just a moment, please. I hardly know what effect that would have. The interview can not be denied, because I gave it. I gave the interview, and I assert I believed it when I said it. If the Senator wants to say he does not believe that I believed it, that is a different question.

Mr. SUTHERLAND. Let me ask the Senator, did the Senator give the interview I read?

Mr. ASHURST. No. I did not. The interview I gave was this——

Mr. SUTHERLAND. Let me ask the Senator, does the Senator repudiate the statement in the Herald which I read?

Mr. ASHURST. Let me see what the Senator wants me to repudiate before I do any repudiating.

Mr. WORKS. Mr. President——

Mr. ASHURST. Pardon me just a moment. This paper, the Washington Herald, which is usually an accurate paper, says as follows—I omit the headlines, because headlines never mean anything in a newspaper:

The session of the Judiciary Committee of the Senate held yesterday to consider the nomination of Louis D. Brandeis for Associate Justice of the Supreme Court was attended with some acrimony.

That is not so; there was no acrimony displayed. I did not feel any acrimony, and do not feel any now.

Senator ASHURST, who is favorable to the confirmation of Brandeis, left the meeting in a perturbed state of mind.

Well, that is not so.

After telling the Republican members of the committee that they were deliberately filibustering against a report on the nomination—

That is wholly and purely a fabrication. I did not tell any Senator such a thing.

Later, after he emerged from the committee room, the Senator said that there was a disposition to postpone action on the nomination until after the national conventions. He charged that questions had been asked for the twentieth time in the committee—

That is true, though I did not charge that. The same question has probably been asked 20 times.

Mr. SUTHERLAND. To what question does the Senator refer?

Mr. ASHURST. Like many things in this life, they are too numerous to mention.

Mr. SUTHERLAND. I do not recall any such question as the Senator mentions. I would be glad if he would point it out.

Mr. ASHURST. The statement in the Herald continues—

and old straw thrashed over, and the Senator intimated that if dilatory tactics were persisted in the matter might be taken up in the executive session of the Senate and a motion made to discharge the committee from further consideration of the case.

Mr. President, I do not wish to be stapled to this interview as reported in the Herald. I say again that what took place was this: As I emerged from the committee room I met a number of reporters. It has not been my habit to state what takes place in any executive session, although I am opposed to any kind of executive sessions. If I had my way, there would be no such thing as an executive session—the doors would be unlocked and open. I was asked by the reporters if I thought a filibuster was being conducted on the Brandeis nomination until after the conventions. The words were put to me in that way, and I said, "Yes; I think so, and I wish you would say so in your newspapers."

Mr. CUMMINS. Mr. President——

Mr. ASHURST. I yield to the Senator from Iowa.

Mr. CUMMINS. Does not the Senator know that substantially the entire session of the committee to which he refers in the interview was consumed in an argument made by a Democratic member of the committee in favor of Mr. Brandeis?

Mr. ASHURST. The Senator from Wyoming stated the truth when he said I had not been in attendance at all times upon the Judiciary Committee meetings.

Mr. CLARK of Wyoming. The Senator was present yesterday.

Mr. ASHURST. I was there yesterday, and I want to say that I have not been present because I had to attend conference meetings on the Indian appropriation bill, which have lasted a month and were only finished this morning.

Mr. CUMMINS. Then the Senator does not know what I have just stated in the form of an inquiry?

Mr. ASHURST. I can not answer that question.

Mr. CUMMINS. I am sure the Senator will be so assured by his fellow Democratic members of the committee. Does he know that three-fourths of the time that has been taken up since the nomination was reported to the full committee has been consumed by Democratic members of the committee?

Mr. ASHURST. Yes; and I deplore that. I deplore a Democratic filibuster even more than I do a Republican filibuster.

Mr. CUMMINS. The Senator from Arizona stated nothing about a Democratic filibuster.

Mr. ASHURST. No; I did not, because when I think of a filibuster I think of your party. It filibustered three months last winter to beat the ship-purchase bill, so that the Shipping Trust might get a greater advantage over the people; and when I think of a filibuster I think of Republicans.

Mr. CUMMINS. However, in this instance I should think the Senator from Arizona would want to be accurate about it.

Mr. ASHURST. Well, I do want to be; and I hope that I am reasonably accurate.

Mr. CUMMINS. Does not the Senator know that the Republican Members have been ready to vote upon this nomination since the time it came in, and have offered over and over again to take a vote upon it; and it has so happened—and it might just as well be known now—it has so happened that the Republican Members have been in attendance and some of the Democratic Members have not been in attendance, so that if a vote had been taken it would probably have resulted at any time in an unfavorable report, so far as Mr. Brandeis is concerned?

Mr. ASHURST. That is all the more to be deplored.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. In just a moment. I wish to say before I conclude, that if the Democratic President had sent in here the name of some corporation lawyer, whose life had been given up to steering corporations around the law, for instance, the former Senator from New York, I do not suppose there would be any of the simulated anger which has been manifested here because I said to a reporter of a newspaper what I thought.

Mr. WORKS. Mr. President——

Mr. SUTHERLAND. Mr. President, if the Senator from California will permit me just a moment, there is no "simulated anger" here; there is no anger at all. I for one resented what appeared to be an absolutely false statement, and one which the Senator himself now denies; that is all.

Mr. ASHURST. I deny that which the Herald has put into my mouth, and I regret it, because the Herald is usually an accurate paper. I want to put into the RECORD a clipping from the New York World, which I think very fairly states what I said. I ask that permission, Mr. President.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. The Senator from California.

Mr. WORKS. Mr. President, I am a member of the Judiciary Committee, and I think the Members of the Senate know what my views are respecting the appointment of Mr. Brandeis. I was on the subcommittee and have made a separate report, as other members of the subcommittee have done, expressing my views as clearly as I could state them. I have attended every meeting of the Judiciary Committee since that matter has been under consideration. I have not noticed any disposition on the part of any member of the committee on either side to filibuster or to prevent the committee from reaching a vote.

There are a number of charges which have been made and which were heard before the subcommittee. The evidence has been before the full committee, and some of those charges have been carefully considered and discussed by the different members of the committee. I think it is entirely proper that the committee in an important matter of this kind should do that very thing, and do it carefully and consistently, for the purpose of ascertaining whether or not this appointment should be confirmed.

There was nothing in the proceedings of the committee at the last session that anybody could criticize. One of the members of the committee reviewed carefully the evidence bearing upon one of these charges, as he had a perfect right to do. He was a Democratic member of the committee, but what difference does it make whether he was a Democratic member or a Republican member in dealing with a question of this kind, involving the appointment of a man to the Supreme Court of the United States?

I resent the effort to make it a political issue at all. It ought not to be considered in any such way. I have the most kindly feeling for the Senator from Arizona, as I think he

knows. I have not felt any resentment about it; but I am sorry that the Senator should in his zeal have permitted himself to give out a statement of this kind. Of course, he had a right to think what he pleased. No man's thinking ought to be controlled by anybody else; but I think it was unfortunate that he should have expressed his thoughts—if they are expressed in the interview—of what was going on before his own committee. I think that is a very unfortunate situation, and I am sorry.

Mr. ASHURST. Mr. President, no rebuke that the distinguished Senator from California could administer to me could make me feel resentful, because I love him too much, and he is so often right that frequently I am inclined at times to agree with him; but this is not a political contest. It is not a contest between the Democratic Party and the Republican Party; it is a contest between that great inarticulate mass of people who, if war should be declared, would give their bodies to preserve this Republic—that is the issue on one hand—and the great, grasping corporations on the other, who want kept off the bench a man who will do all men justice. So long as that is the issue I shall refuse to allow my thoughts to be imprisoned, whether I entertain them at one place or another. I repeat that I hold no brief for Mr. Brandeis. So far as politics are concerned, he may have registered as a Republican, so far as I know, and I do not care whether he is a progressive Republican or a regular Republican or what not; the only thing that I measure him by is this: Is he honest and is he capable? I do not care anything about the political exigencies. It is your party and not mine that is reaching out its hands to get hold of somebody on the bench in your desperation for a candidate; it is not my party. I ask that there be printed in the RECORD the short clipping from the New York World to which I have referred.

Mr. BRANDEGEE. Mr. President, I should like to have it read.

Mr. ASHURST. Let it be read.

Mr. BRANDEGEE. Do I understand that the clipping to which the Senator has referred represents his present view?

Mr. ASHURST. Let it be read, and then I will state.

Mr. HUGHES. It is the interview that was in the New York World.

Mr. BRANDEGEE. I understood the Senator to say that it substantially represented his views——

Mr. ASHURST. Let it be read, and I will then answer that question.

Mr. BRANDEGEE. And therefore he asked to have it inserted in the RECORD. I should like to have it read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the article.

Mr. OVERMAN and Mr. BRANDEGEE addressed the Chair.

The VICE PRESIDENT. The Senator from North Carolina.

Mr. BRANDEGEE. I wanted to make a comment in connection with the matter which has been read, if the Senator will allow me.

Mr. SMITH of Georgia. The Senator from North Carolina desires to speak, and he is ranking member of the Judiciary Committee at present.

Mr. BRANDEGEE. I only wanted to speak in connection with the matter concerning which I have spoken; but I am willing to wait until the Senator from North Carolina concludes.

Mr. OVERMAN. Mr. President, I am sorry the Senator from Arizona has not been more regular in his attendance upon the committee. If he had been, I think he would not have made these charges. He has been detained on other business of the Senate, as it has been his duty to attend the sessions of another committee having under consideration an appropriation bill. He has always been faithful in his attendance on the committee in so far as was possible, but during the course of the discussions in the Judiciary Committee he has been present very few times.

The truth of the matter is that two Democratic Senators, members of the committee, have been absent for some weeks; and the Senator from Arizona left word that he could be sent for at any time and would be ready to attend, but he was not present in the committee all the time when the discussions were going on.

Furthermore, I think, in justice, I should say that most of the discussion has been on the part of Democratic Senators. The Senator from Montana [Mr. WALSH], as has been stated in the clipping which has been read, did take nearly all the time at the last meeting at which the charge in connection with the Lennox case was under discussion. I have seen no disposition on the part of any Republican to delay a report on the nomination; in truth, I think I have heard several of them say they were ready to vote at any time, and I think that was the consensus of opinion of the Republicans on the committee.

Some Democrats wanted to go into this question and hear from the different members of the subcommittee in regard to three or four serious charges which have been made against Mr. Brandeis. The committee meets at half past 10 and the Senate meets at 12, when there is usually a roll call. It takes some time to examine into these charges. There are about 1,000 or more pages of testimony, and we have been going through the charges. We have now come to the Lennox matter, which took nearly all of yesterday, the time being occupied by the discussion of the Senator from Montana. After he concludes, there will be discussion on the other side. It is a matter that necessarily takes time, but I myself have never seen any disposition to delay.

Mr. SMITH of Georgia. Mr. President, I have attended each of the meetings of the Judiciary Committee when the nomination of Mr. Brandeis has been under consideration, and I do not think I have been out of the committee room five minutes when it was under consideration. With the Senator from North Carolina [Mr. OVERMAN], I regret that the Senator from Arizona [Mr. ASHURST] has been detained by his duties in connection with other committees and does not know the earnest consideration which the Judiciary Committee is giving to this nomination. He explained to us the urgency of other committee meetings that prevented his being present with the Judiciary Committee. I am sure if he had been present he would have appreciated fully what was really going on in the committee. He did not appreciate it, having been absent so much of the time.

Mr. ASHURST. That is the trouble with me. I do know what is going on in the committee.

Mr. SMITH of Georgia. Mr. President, I repeat that I regret the Senator did not know what was going on. He misunderstood what was going on, or he would not have made the statement which he has made.

Now, I state that there has been no filibustering by anybody in that committee. Most of the time has been taken up by the Democrats, and there never has been a time when Mr. Brandeis could have obtained a favorable report from those present at a committee meeting. He may yet obtain it. Most of the time the Republicans have been in the majority; only once or twice have we had a majority of Democrats present. The Senator from Missouri [Mr. REED] is detained at home sick. The Senator from Tennessee [Mr. SHIELDS] is detained by sickness in east Tennessee. I say frankly for myself that there never has been a time that I have been ready to vote for a report favorable to Mr. Brandeis. I have voted to postpone the consideration of the nomination because I have not reached a conclusion, and I wanted a further investigation and more information.

Mr. BRANDEGEE. Mr. President, the Senator from Arizona [Mr. ASHURST] has put into the RECORD an article from a newspaper which states that the Republican members of the Judiciary Committee are filibustering against taking a vote on the nomination of a justice of the Supreme Court of the United States, and he has given it out to the press of the country.

Mr. President, I have attended every meeting of that committee in which that nomination has been considered. There has been no time when the Republicans have made the slightest attempt to hinder coming to a vote. I myself the other day, when the debate seemed to languish, suggested that if nobody else cared to be heard, it was the duty of the Chair to order the roll to be called, whereupon some Senator commenced to discuss the case.

It does seem to me that the Senator from Arizona, having caused this article to be published all over the country, making a partisan charge, charging all the Republicans of the committee with an attempt to filibuster upon this nomination until after certain political conventions have been held, either ought to prove his charge or to withdraw it. I do not think myself that he ought to leave it in the RECORD, reasserting it by putting it in the RECORD, after he has heard the disclaimers of the Republican Members.

Mr. ASHURST. Mr. President, I think the Senator is right. I ought to withdraw it after the disclaimer, because whatever I may have thought then, or whatever I may think now—and I repeat, nobody can imprison my thoughts, or censor what I say—I think there is force in the Senator's statement that Senators having disclaimed it, having asserted that they are not filibustering, I ask to withdraw that statement.

Mr. SMITH of Georgia. That is fine.

Mr. ASHURST. I will ask to withdraw that statement upon their disclaimer, because while there has been some little heat manifested, although political ties sever us and this aisle

divides us, I know that you are all gentlemen. In view of the disclaimer, I ask leave to withdraw that statement.

Mr. OWEN. Mr. President, I just want to say a word for the RECORD, and that is that the nomination of Mr. Brandeis has been pending for about three months.

Mr. KERN. Three months to-day.

Mr. OWEN. And there apparently has been a concerted assault upon Mr. Brandeis, through various corporations of the country, who have falsely charged him with all kinds of things. He has been subjected to the most vicious and unjust assault ever brought against a nominee for a judgeship, and the fact that the members of the committee of the Republican persuasion appear to be unanimously disposed against him and to have approved these assaults and given the attacks such hospitable reception, even if not intentional encouragement, has probably caused this sentiment which led the Senator from Arizona to believe there was a Republican filibuster being unostentatiously engineered in committee. Certainly there has been a most ungenerous, unfair fight made against this man, who is distinguished by his learning and courage and his obvious desire to see justice done the common people by incorporated wealth. I am glad to see the Republican members of the Judiciary Committee now expressly deny any purpose of intentional delay and hope we may soon have a report.

RURAL CREDITS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. LEWIS. Mr. President, unless some other Senator desires to address himself to this particular subject, I desire to say that it was in the midst of my paragraph, just as I was concluding an illuminating lucubration upon this subject of constitutional farm-loan credits, that these eminent antagonists introduced their acerbity, which I desire now to attempt to mollify, through concluding my paragraph with the softening influence of the law.

I ask the Senator from Utah [Mr. SUTHERLAND] if he will not observe the concluding paragraph of this opinion in Eighteenth Wallace in order that the Senator from New Hampshire [Mr. HOLLIS] and the Senator from Colorado [Mr. THOMAS] may observe that the effect of the Ninth Wallace opinion has been seriously qualified by these last observations.

In Eighteenth Wallace the court, on page 34, says:

> It is, however, insisted that the case of Thompson v. The Union Pacific Railroad Co. differs from the case we have now in hand in the fact that it was incorporated by the Territorial legislature and the Legislature of the State of Kansas, while these complainants were incorporated by Congress.

And so forth, and so forth.

Then says the court, concluding:

> It is therefore manifest—

Referring to all these rulings, and particularly the one the able Senator most appropriately introduced—

> It is therefore manifest that exemption of Federal agencies from State taxation is dependent not upon the nature of the agents, or upon the mode of their constitution, or upon the fact that they are agents, but upon the effect of the tax; that is, upon the question whether the tax does in truth deprive them of power to serve the Government as they were intended to serve it or does hinder the efficient exercise of their power. A tax upon their property has no such necessary effect. It leaves them free to discharge the duties they have undertaken to perform.

I merely read this paragraph to the able Senator to see if he concludes with me that the later rulings clearly indicate that the test of whether these exemptions are legal or not is not whether they appear in letter to conflict with some provision of the Federal Constitution, but what would be the effect of the operation, which is to be derived from the facts of the case, and arrived at by the method of the operation of the tax rather than by a mere comparison of the verblage of the statute clause on the one hand and a constitutional clause on the other.

I thank the Senator for allowing me to take this time.

STEAMER "NORMANIA."

Mr. POMERENE. Mr. President, I have a private bill (S. 4760) to authorize the change of name of the steamer *Normania* to *William F. Stifel*, which was reported yesterday, and is now on the calendar. There seems to be some special reason why its passage should be desired, and I ask unanimous consent that it may be placed upon its passage.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Ottawa Transit Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Normania*, official No. 205017, to the *William F. Stifel*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOLLIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m., Friday, April 28, 1916) the Senate adjourned until tomorrow, Saturday, April 29, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 28, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we find ourselves involved in a moral order the laws of which are as inexorable as the physical laws which environ us, and we realize the weaknesses, the foibles, and the infirmities of human nature. Impart unto us, therefore, we beseech Thee, strength to resist wrong, power to overcome the temptations which doth so easily beset us, that we may adjust ourselves to that order and thus prove ourselves worthy of the trust Thou hast reposed in us. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

SAFETY OF EMPLOYEES AND TRAVELERS ON RAILROADS.

Mr. DEWALT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider at this time the bill (S. 3769) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, and that a similar House bill (H. R. 9132) lie on the table.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill S. 3769, and consider the same at this time. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof shall be liable to a penalty of not less than $100 nor more than $500 for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violations shall have been committed; and it shall be the duty of such district attorney to bring such suit upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorney information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal and which could not have been foreseen: *Provided further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains."

SEC. 2. That nothing in this act shall affect, or be held to affect, any suit that may be instituted for recovery of penalty for violation of the act hereby amended occurring prior to the approval of this act, or any suit for such penalty or growing out of alleged violation of the act hereby amended which may be pending in any court at the time of the approval of this act.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, a similar bill, H. R. 9132, on the House Calendar will lie on the table.

There was no objection.

On motion of Mr. DEWALT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAKER, for the day, on account of sickness.

To Mr. PRICE, indefinitely, on account of important business.

To Mr. CONRY, for three days, on account of illness.

INCREASING COSTS OF CADETS AT WEST POINT.

Mr. DENT. Mr. Speaker, I call up the conference report on the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy, and move its adoption.

The SPEAKER. The gentleman from Alabama calls up a conference report on the Military Academy bill, increasing the number of cadets, which the Clerk will report.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. Mr. Speaker, I think the report is more illuminating than the statement, and I object.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will read the conference report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (No. 611).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) entitled "An act to provide for an increase in the number of cadets at the United States Military Academy," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, and 6, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty of whom shall be selected from among the honor graduates of educational institutions having officers of the Regular Army detailed as professors of military science and tactics under existing law or any law hereafter enacted for the detail of officer of the Regular Army to such institutions, and which institutions are designated as 'honor schools' upon the determination of their relative standing at the last preceding annual inspection regularly made by the War Department"; and the House agree to the same.

Amendment numbered 5: That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "in number as nearly equal as practicable"; and the House agree to the same.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
H. A. DU PONT,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on (S. 4876) entitled "An act to provide for an increase in the number of cadets at the United States Military Academy," make the following statement:

House amendment No. 1 strikes out the word "sixty" and inserts "eighty," and the Senate recedes.

House amendment No. 3 strikes out and inserts the same words, and the Senate recedes.

House amendment No. 4 inserts the words "congressional or" on page 1, line 10, and the Senate recedes.

House amendment No. 6 strikes out the words "two hundred" and inserts the words "one hundred and eighty," and the Senate recedes.

House amendment No. 2 was an amendment providing for appointment from honor schools of certain graduates of those schools; the House receded with an amendment changing the verbiage, but not the substance of the House amendment.

House amendment No. 5 read as follows: "In as near equal proportion as possible," and the House receded with the following amendment: "In number as nearly equal as practicable."

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. STAFFORD. Mr. Speaker, I desire to ask the gentleman from Alabama a question. What will be the entire quota of cadets at the Military Academy at one time when the full maximum is reached under this bill?

Mr. DENT. Somewhere in the neighborhood of 1,300. My figures make the number 1,332, but I would not say that I was absolutely accurate about that.

Mr. STAFFORD. When will that maximum be attained?

Mr. DENT. I can not answer that question.

Mr. STAFFORD. It may take four years, at least?

Mr. DENT. Oh, yes.

Mr. STAFFORD. What capacity has the Academy at present, as far as buildings are concerned?

Mr. DENT. My recollection is that they can support about 1,200 there now, with the estimates made for the ensuing fiscal year to accommodate them. These estimates are as follows:

Estimate of cost to make the United States Military Academy able to accommodate 1,200 cadets.

Ordnance and quartermaster equipment	$56,932
Changes in camp grounds	41,000
Changes in academic buildings and additional furniture	42,000
Changes in mess hall and new mess-hall furniture	9,663
Changes in barracks	2,000
For temporary construction for cantonment barracks, hospitals, and other temporary structures	108,405
Total ($41,662.70 already estimated for, House Doc. 432)	260,000

Mr. STAFFORD. So that it will not require any additional buildings in the near future to provide for this additional quota?

Mr. DENT. It will require some changes but not to any great extent.

Mr. STAFFORD. There is one question further, which was not in dispute between the two bodies; but I can not understand why it is that those appointees of the President from the National Guards are restricted, so far as age is concerned, to between the ages of 19 and 20, when other cadets are eligible for appointment between the ages of 17 and 22.

Mr. DENT. Mr. Speaker, I will confess to the gentleman that I do not know myself why the Senate adopted that provision. I suppose it was in order to get men of some experience, but it was in the Senate bill as it originally passed, and I was not present in the Committee on Military Affairs when that feature of the bill was discussed. I do not know that that was brought up in the Military Committee of the House at all. I confess that I do not see any real good reason for it.

Mr. STAFFORD. The gentleman can see that it is of very little value to the National Guard to give them the privilege of appointment, if limited to age between 19 and 20 years. If they had the same privilege as to age as appointees to the academy generally—from 17 to 22—it might permit an eligible roll that could be considered for appointment from the National Guard.

Mr. DENT. The gentleman was present when this bill was passed, under suspension of the rules, the other day, was he not?

Mr. STAFFORD. I may have been temporarily absent.

Mr. DENT. I am sorry the gentleman did not call attention to that feature at that time when it might have been changed.

Mr. STAFFORD. I thought perhaps there was some good reason why the committee did not take action upon it.

Mr. FESS. Mr. Chairman, if the gentleman will yield, I think the reason that was attributed was that those appointed for the academy not in the National Guard are usually in either high schools or academies preparing, and have not yet entered the National Guard. The National Guard could receive them that early, but usually does not, and if you did not extend the minimum age, so far as the National Guard is concerned, you would not get as good a choice.

Mr. DENT. That sounds like a very plausible reason.

Mr. COX. Section 4, I believe it was, that was stricken out in the House the day the bill passed the House is eliminated?

Mr. DENT. That is eliminated.

Mr. FESS. Will the gentleman yield again?

Mr. DENT. Yes.

Mr. FESS. The question came to me as to why we did not make the full apportionment at once. Is that due to the fact that they are not prepared?

Mr. DENT. Not absolutely prepared.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. DENT. Yes.

Mr. HUDDLESTON. I would like to ask what is the total increase provided for in this bill?

Mr. DENT. It practically doubles the capacity.

Mr. HUDDLESTON. And by whom are these cadets, whose increase is provided for in this bill, named?

Mr. DENT. They are named by the President, just as they are at the present time.

Mr. HUDDLESTON. They are named now, are they not, on nomination by Representatives?

Mr. DENT. That is a custom that the War Department has indulged in for many years, but the law authorizes the appointment to be made by the President, and this does not change the law in any respect whatever.

Mr. HUDDLESTON. Has the gentleman information as to whether that custom will be retained?

Mr. DENT. I am sure it will be.

Mr. HUDDLESTON. And these added nominations will be made——

Mr. DENT. By the Members of the House and the Senate, just as they have been heretofore.

Mr. ADAMSON. I simply wanted to suggest to my distinguished friend from Alabama, as to the question raised by my friend from Wisconsin [Mr. STAFFORD], that the action of the House took that matter out of issue between the two Houses.

Mr. DENT. It certainly did.

Now, Mr. Speaker, unless some other gentleman desires to discuss this subject, I move the adoption——

Mr. CANNON. I want to ask the gentleman a question. I have not been able to hear up to this time. When is a Member of Congress entitled to nominate a candidate or recommend him?

Mr. DENT. Under this additional appointment?

Mr. CANNON. Yes.

Mr. DENT. That would be a matter that would have to be worked out by the War Department. When we increased the midshipmen at Annapolis we were authorized by the department to make the appointment, and my recollection is that we were given only about six weeks in which to have our young men who were nominated prepare for the examination. But we were told that we might wait until the next year in order to fill a vacancy, and I presume that the War Department will follow the same course.

Mr. CANNON. Well, there will be one nomination to each Representative this year?

Mr. DENT. One additional nomination.

Mr. CANNON. One additional nomination?

Mr. DENT. Yes, sir. It will be left to the War Department to work out the details.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ALFRED NOBLE MEMORIAL FOUNTAIN.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for three minutes on the constitutional amendment granting suffrage to women.

The SPEAKER. The Chair will recognize the gentleman in a moment. The Chair promised to recognize the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I move to take from the Speaker's table Senate joint resolution 63 and put it on its passage.

The SPEAKER. Is there objection to the request of the gentleman?

Mr. CANNON. We want to know what it is.

The SPEAKER. The Chair could not understand the gentleman.

Mr. MANN. Let us have it reported.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate joint resolution 63, authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the American Society of Civil Engineers for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial fountain to Alfred Noble, a civil engineer of distinguished ability in connection with Government work, whose services have been of conspicuous benefit to the country: *Provided*, That the site chosen and the design of the memorial fountain shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial fountain: *Provided further*, That if the erection of this memorial fountain shall not be begun within three years from and after the passage of this resolution the permission granted may, in the discretion of the Chief of Engineers, be revoked at any time.

Mr. BORLAND. Mr. Speaker, reserving the right to object, I wanted to ask the gentleman a question.

Mr. SLAYDEN. The gentleman will state it.

Mr. BORLAND. This resolution contemplates that this memorial fountain will be erected by the American Society of Civil Engineers, without any appropriation?

Mr. SLAYDEN. Yes; at their own expense.

Mr. BORLAND. Without any appropriation on the part of Congress, and the only request made is that we furnish the site on public ground. Now, that is true up to that point?

Mr. SLAYDEN. Yes.

Mr. BORLAND. But the memorial being a fountain, which requires continuous operation—a fountain, of course, must be supplied with water from some source or it is not a fountain—I assume that either the District government or the National Government is going to supply the expense of running that fountain. Is that true?

Mr. SLAYDEN. I presume that is true.

Mr. BORLAND. The gentleman recalls the fountain down here at the Station Plaza is now in dispute between the District and the Federal Government as to which Government ought to furnish the water. Is there any provision about this in the resolution?

Mr. SLAYDEN. Mr. Speaker, I confess that that contingency has never crossed my mind. I had an idea that the water just flowed. [Laughter.]

Mr. BORLAND. It is unfortunately true that even when people give us something, we have to pay a little something to keep it.

Mr. MANN. May I ask the gentleman if he can give us any idea where it is probable that this fountain will be located?

Mr. SLAYDEN. Mr. Speaker, I will say in reply to the gentleman from Illinois that my information is that while they have not been officially requested to consider the matter, the Commission on Fine Arts, at a late session in this city, did consider it, and did examine the various possible sites, with a view to determining some place where this fountain could be put in harmony with the general landscaping and parking schemes of the city of Washington. They had in view a site that would in no way interfere with the beautification and development of Washington along that line; and they have reached the conclusion again, if I have been correctly informed, that it would be well to place it down somewhere near Continental Hall, the building of the Daughters of the American Revolution, somewhere in the rear of it.

Mr. MANN. In Potomac Park?

Mr. SLAYDEN. Is there a place called McPherson Park down there?

Mr. STAFFORD. McPherson Square is at Fifteenth and K Streets.

Mr. SLAYDEN. It is not that. Is there one called Rawlins Park down there? I know where the Rawlins Statue is, but it is not there. My recollection now is that it is in Rawlins Place or Park.

Mr. MANN. In that connection I would like to ask the gentleman a question. The resolution refers to a memorial fountain. Is it to be really a fountain, or some form of statue such as those with which we are now somewhat overburdened in the District of Columbia?

Mr. SLAYDEN. Mr. Speaker, it gives me great pleasure to tell the gentleman that I have been assured that it will be a fountain. It will be a real fountain, not a statue such as those with which the District of Columbia is overburdened. There is a superabundance of ornaments of that kind already, if they are indeed ornaments. This is to be a fountain and a work of art.

When the matter was first brought to my attention the gentleman having it in charge did contemplate a different sort of memorial, but I told them I would not be in favor of it unless it took the form of a fountain. We have comparatively few fountains. I told them I was against any more statues and they assured me that they were glad to adopt the suggestion of a fountain, and I wrote the word into the bill myself. But the Senate adopted their measure before we got the resolution reported over here, a few days before.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. MADDEN. Are we to construe the gentleman's statement to the effect that he is opposed to any more statues as indicating that he is opposed to the statue proposed to be erected to Ericsson?

Mr. SLAYDEN. I am speaking only in general terms. In fact, the city of Washington is beginning to look somewhat like a petrified forest, owing to the superabundance of statues of bronze and marble intruding themselves on the vision of the people all the time. Some of them are memorials to men whose march toward oblivion no statue can arrest. Altogether too

many statues are erected, and the appearance of Washington will be ruined if we do not forbid it on so prodigal a scale.

Mr. MADDEN. I was interested in the matter with special reference to the statue of Ericsson.

Mr. SLAYDEN. I am only one-fifth of the Committee on the Library, anyway. I may say to the gentleman.

Mr. MADDEN. The gentleman is more than one-fifth.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. With pleasure.

Mr. CANNON. The statue of Gen. Rawlins stood just a little to the west of the Corcoran Art Gallery—a little west of where that gallery is now located—but the statue was moved up to the park in front of the Center Market house. This fountain is to be practically on the site where the Rawlins Statue stood before it was removed.

Mr. SLAYDEN. My information is that that is the place where the Commission on Fine Arts tentatively planned to locate it.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. HUDDLESTON. Does not the gentleman from Texas think we should leave part of the city of Washington open for the benefit of posterity, so that the people of the future may be accommodated?

Mr. SLAYDEN. I agree with the gentleman in a general way, and I should adhere rigidly to that rule unless this memorial had taken a form of art in which we are now very deficient.

Mr. HUDDLESTON. Would it not be better to make a recommendation to carry out some of this "junk" that we have here, and put that and other works in place of it, if it is real art? Would it not be good, as a precedent, to put up a statue that has real value as an art object?

Mr. SLAYDEN. I think the gentleman's suggestion is valuable, and I hope he will introduce a resolution to remove a large part of what he has denominated "junk."

Mr. HUDDLESTON. Mr. Speaker, I object to the consideration of the bill.

Mr. SLAYDEN. I move, Mr. Speaker, that the resolution be taken from the Speaker's table.

Mr. MANN. The gentleman could make a motion. There is a similar resolution on the House Calendar.

Mr. SLAYDEN. That is what I thought. I move to take it up, Mr. Speaker.

The SPEAKER. You do not have to make the motion. Just ask the Speaker to submit it to the House.

Mr. SLAYDEN. Very well.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, House joint resolution 88, of the same tenor, is laid on the table.

There was no objection.

WOMAN SUFFRAGE.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to address the House for three minutes on the constitutional amendment—the Susan B. Anthony amendment, so called. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, Wyoming is the original woman-suffrage State of the Union. The women of Wyoming have voted for all the elective officers in that Commonwealth, State and Territory, for 46 years. Their participation in the affairs of government has been highly helpful and beneficial, and has the approval and hearty and unanimous support of all of our people.

Naturally our people are greatly interested in the resolution now pending before the Committee on the Judiciary, proposing a constitutional amendment granting suffrage to women throughout the Union.

As a part of my remarks I desire to have the Clerk read a resolution adopted by the Woman's committee of Albany County, Wyo., on the subject of that amendment.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

Resolution.

LARAMIE, WYO., *March 28, 1916.*

Resolved, That this meeting, the Albany County Branch of the Congressional Union, at Laramie, Wyo., March 28, 1916, calls upon the members of the Judiciary Committee to report immediately and favorably to the House of Representatives the Sutherland-Mondell resolution; be it further

Resolved, That a copy of this resolution be sent to each member of the Judiciary Committee of the House of Representatives, and also that it be sent to each Member of the congressional delegation of Wyoming, and that it be read into the CONGRESSIONAL RECORD by Representative FRANK W. MONDELL, of the House, and Senator FRANCIS E. WARREN, of the Senate.

ALBANY COUNTY COMMITTEE,
Mrs. M. C. BROWN,
Chairman, Member School Board.
Mrs. W. S. INGHAM.
Dr. GRACE RAYMOND HEBARD,
Professor Political Economy, University of Wyoming.
Mrs. ETTA ROACH.
Mrs. C. L. PATCHELL.
Mrs. MAY BAIRD CAMPBELL,
Secretary.
Mrs. FRANK D. SPAFFORD,
Treasurer.
Mrs. C. A. DUNIWAY,
Chairman Resolution Committee.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a similar resolution adopted by the women of Laramie County, Wyo., at the meeting held in Cheyenne April 15, to welcome the envoys from the nonsuffrage States.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The resolution is as follows:

Resolution.

CHEYENNE, WYO., *April 15, 1916.*

Resolved, That this meeting for the envoys from the nonsuffrage States, at Cheyenne, Wyo., April 15, 1916, calls upon the members of the Judiciary Committee to reconsider and report favorably to the House of Representatives the Sutherland-Mondell resolution; be it further

Resolved, That a copy of this resolution be sent to each member of the Judiciary Committee of the House of Representatives and also that it be sent to each Member of the congressional delegation of Wyoming, and that it be read into the CONGRESSIONAL RECORD by Representative FRANK W. MONDELL, of the House, and Senator FRANCIS E. WARREN, of the Senate.

Mrs. R. A. MORTON, *Chairman.*

This resolution was seconded by Judge W. S. Metz., of Sheridan, Wyo., Democratic floor leader of the Wyoming Legislature of 1915.

AGRICULTURAL LEGISLATION.

Mr. HARRISON. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman will send it up.

The Clerk read as follows:

The Committee on Rules, to which was referred House resolution 219, respectfully reports the same to the House with the recommendation that it do pass.

House resolution 219 (H. Rept. 612).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 12717, a bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and in such further consideration it shall be in order to offer and consider as amendments thereto (the general rules of the House notwithstanding) the following:

Mr. HARRISON. Mr. Speaker, this resolution which is now being read, with the exception of the latter part, on pages 44 and 45, contains certain bills which were printed in the RECORD yesterday, being offered as amendments to the Agricultural bill. I ask unanimous consent that those parts which have already been printed in the RECORD be not read, that the reading be dispensed with.

Mr. MANN. I have no objection to the Clerk reading them very rapidly, but I think that, theoretically at least, they ought to be read.

The SPEAKER. The gentleman objects. The Clerk will read.

The Clerk read as follows:

AMENDMENT No. 1.

Part A.

That this part, to be known as the United States cotton futures act, be, and hereby is, enacted to read and be effective hereafter as follows:

"That this act shall be known by the short title of the 'United States cotton futures act.'

"SEC. 2. That, for the purposes of this act, the term 'contract of sale' shall be held to include sales, agreements of sale, and agreements to sell. That the word 'person,' wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

"SEC. 3. That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business there is hereby levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract.

"SEC. 4. That each contract of sale of cotton for future delivery mentioned in section 3 of this act shall be in writing, plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed

by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall for the purposes of this act be deemed to weigh 500 pounds.

"SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract comply with each of the following conditions:

"First. Conform to the requirements of section 4 of, and the rules and regulations made pursuant to, this act.

"Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

"Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, and no other grade or grades.

"Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

"Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of good ordinary, or cotton that is below the grade of good ordinary, or, if tinged, cotton that is below the grade of low middling, or, if stained, cotton that is below the grade of middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple or cotton that is 'gin cut' or reginned, or cotton that is 'repacked' or 'false packed' or 'mixed packed' or 'water packed,' shall not be delivered on, under, or in settlement of such contract.

"Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the fifth business day prior to delivery, the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

"Seventh. Provide that, in case a dispute arises between the person making the tender and the person receiving the same, as to the quality, or the grade, or the length of staple, of any cotton tendered under the contract, either party may refer the question to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof fixed, assessed, collected, and paid in such manner and in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture.

"The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase 'Subject to United States cotton-futures act, section 5.'

"The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section, and his findings upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard by him or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties or their privies as prima facie evidence of the true quality or grade or length of staple of the cotton involved.

"SEC. 6. That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section five, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof, upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

"SEC. 7. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice.

"SEC. 8. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions, as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades involved in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations.

"SEC. 9. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the 'Official cotton standards of the United States,' and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stat. L., p. 251), and acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That subsequent to six months after the date section 3 of this act becomes effective, no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

"SEC. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

"First. Conform to the rules and regulations made pursuant to this act.

"Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be brought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

"Third. Provide that cotton of or within the grade or of the type, or according to the sample or description specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

"Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of 'set-off' or 'ring' settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

"The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words 'Subject to United States cotton-futures act, section 10.'

"This act shall not be construed to impose a tax on any sale of spot cotton.

"This section shall not be construed to apply to any contract of sale made in compliance with section 5 of this act.

"SEC. 11. That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery, in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section 5, or with all the conditions specified in section 10 of this act, except that the quantity of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds: *Provided further*, That if at the time any such contract is entered into the Secretary of Agriculture, after investigation, shall have determined and, by declaration then unrevoked, in the rules and regulations made pursuant to this act, shall have publicly announced that its terms are the substantial equivalent, and sufficient to accomplish the purposes, of the conditions specified in the fourth, fifth, and sixth subdivisions of section 5 of this act, and the rules and regulations relating thereto, such contract shall be deemed, for the purposes of this section, to comply with the said conditions: *And provided further*, That no tax shall be levied under this act on any order mentioned in this section if, first, such order and the contract made in pursuance thereof be solely for hedging the purchase or sale of spot cotton shipped, or to be shipped, from the United States to any foreign country, or the shipment or consignment for sale of spot cotton from the United States to any foreign country, whether such order or contract be the one given or made originally, or be subsequently given or made for a purchase or sale to be substituted, for hedging the purchase, sale, or shipment or consignment for sale, of spot cotton, or be for the liquidation of any such transaction, and, second, a report of such transaction, including the shipment of the cotton involved, be made to the Secretary of the Treasury at such time or times and in such form as he may require.

"This act shall not be construed to lay any tax on cotton exported from any State.

"SEC. 11A. That upon each order received in the United States which shall have been, directly or indirectly, transmitted, or directed or authorized to be transmitted, by any person, from a foreign country in which there is any exchange, board of trade, or similar institution or place of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which a contract of sale is made pursuant thereto at, on, or in any exchange, board of trade, or similar institution or place of business in the United States, there is hereby levied an excise tax at the rate of 2 cents for each pound of cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if contracts of sale of cotton grown in the United States for future delivery which may be made at, on, or in the exchanges, boards of trade, and similar institutions and places of business in such foreign country or countries comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of contracts of sale in foreign countries. The Secretary of Agriculture is authorized from time to time to ascertain and determine in what foreign countries there are any exchanges, boards of trade, or similar institutions or places of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, and whether any such contracts of sale which may be made at, on, or in such exchanges, boards of trade, or similar institutions or places of business comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of such contracts of sale. He shall publish such determinations in his rules and regulations made pursuant to this act.

"SEC. 12. That the tax imposed by section 3 of this act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. The tax imposed by sections 11 and 11A of this act shall be paid by the sender of the order from the United States or the receiver in the United States of the order coming from a foreign country, as the case may be, and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

"SEC. 13. That no contract of sale of cotton for future delivery mentioned in section 3 of this act which does not conform to the requirements of section 4 hereof and has not the necessary stamps affixed thereto as required by section 12 hereof shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies. That no contract of sale of cotton for future delivery, made in pursuance of any order mentioned in sections 11 and 11A of this act, shall be enforceable in any court of the United States by or on behalf of any party to such contract, or his privies, unless it conforms to the requirements of section 4 hereof, and the tax imposed by section 11 or 11A upon the order for such contract shall have been paid in compliance with section 12 of this act.

"SEC. 14. That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in sections 3, 11, and 11A of this act, including the origin, making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section 3 of this act to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents. The provisions of the internal-revenue laws of the United States, so far as applicable, including sections 3173, 3174, and 3175 of the Revised Statutes, as amended, are hereby extended, and made to apply, to this act.

"SEC. 15. That any person liable to the payment of any tax imposed by this act who fails to pay, or evades or attempts to evade, the payment of such tax, and any person who otherwise violates any provision of this act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $100 nor more than $20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

"SEC. 16. That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this act, a penalty of $2,000, to be recovered in an action founded on this act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of this act is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this section.

"SEC. 17. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this act shall withhold his testimony because of complicity by him in any violation of this act or of any regulation made pursuant to this act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

"SEC. 18. That the payment of any tax levied by this act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this act be held to prohibit any State or municipality from imposing a tax on the same transaction.

"SEC. 19. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1916, the unexpended balance of the sum appropriated by the act of March 4, 1915 (38 Stat. L., 1017), for 'collecting the cotton-futures tax,' or so much thereof as may be necessary, to enable the Secretary of the Treasury to carry out the provisions of this act and any duties remaining to be performed by him under the United States cotton futures act of August 18, 1914 (38 Stat. L., 693).

"SEC. 20. That there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the unexpended balance of the sum of $150,000 appropriated by section 20 of the said act of August 18, 1914, and for the fiscal year ending June 30, 1916, the unexpended balance of the sum of $75,000 appropriated for the 'Enforcement of the United States cotton-futures act' by the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916 (38 Stat. L., 1086), or so much of each of said unexpended balances as may be necessary, to be used by the Secretary of Agriculture for the same purposes, in carrying out the provisions of this act, as those for which said sums, respectively, were originally appropriated, and to enable the Secretary of Agriculture to carry out any duties remaining to be performed by him under the said act of August 18, 1914. The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this act. All sums collected by the Secretary of Agriculture as costs under section 5, or for furnishing practical forms under section 9, of this act, shall be deposited and covered into the Treasury as miscellaneous receipts.

"SEC. 21. That sections 9, 19, and 20 of this act and all provisions of this act authorizing rules and regulations to be prescribed shall be effective immediately; section 11A of this act shall become and be effective on, and after the 1st day of August, 1917. All other sections of this act shall become and be effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to apply to any contract of sale of any cotton for future delivery mentioned in section 3 of this act which shall have been made prior to the 1st day of the calendar month next succeeding the date of the passage of this act.

"SEC. 22. That the act entitled 'An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes,' approved August 18, 1914 (38 Stat. L., 693), is hereby repealed, effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to affect any right or privilege accrued, any penalty or liability incurred, or any proceeding commenced under said act of August 18, 1914, or to diminish any authority conferred by said act on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under the said act, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said act, or to affect any right in respect to, or arising out of, any contract mentioned in section 3 of said act, made on or subsequent to February 18, 1915, and prior to the 1st day of the calendar month next succeeding the date of the passage of this act, but so far as concerns any such contract said act of August 18, 1914, shall remain in force with the same effect as if this act had not been passed.

"SEC. 23. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered."

AMENDMENT No. 2.

Part B.

That this part, to be known as the United States grain grades act, be and is hereby enacted, to read and be effective hereafter as follows:

"That this act shall be known by the short title of the 'United States grain-grades act.'

"SEC. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain, and to fix and establish, as soon as may be after the enactment hereof, standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than 60 days in advance of such date or dates, by proclamation as he deems apt.

"SEC. 3. That the standards so fixed and established shall be known as the official grain standards of the United States.

"SEC. 4. That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country, any such grain which is sold or offered for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this act and the grade by which it is sold or offered for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any such grain not sold or offered for sale by grade may be sold, offered for sale, shipped, or delivered for shipment in interstate and foreign commerce by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold or offered for sale by one of the grades fixed therefor in the official grain standards may be shipped to or through any place at which an inspector licensed under this act is located, subject, under such rules and regulations as the Secretary of Agriculture shall prescribe, to be inspected at the place to which shipped, or at the place through which shipped for inspection, and subject further to the right of appeal from such inspection, as provided in section 9 of this act: *And provided further*, That any such grain sold or offered for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped without inspection from a place at which there is no inspector licensed under this act to a place at which there is no such inspector, subject to the right of either party to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine and certify the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this act describe, or in any way refer to, any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

"SEC. 5. That no person shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this act, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspector thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold or offered for sale under any name, description, or designation which is false or misleading, he may publish his findings.

"SEC. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain which has been sold, offered for sale, shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. In every such case the Secretary of Agriculture shall charge and assess, and cause to be collected, a reasonable fee in amount to be fixed by him, which fee shall be refunded if the appeal is sustained. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings.

"SEC. 7. The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent, to inspect and grade grain for interstate and foreign commerce. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for interstate or foreign commerce which has been inspected or graded by him, or by any person acting under his authority, is of one of the official grades of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has State grain inspection established by law, the Secretary of Agriculture shall, in issuing licenses, give preference to persons duly authorized and employed to inspect and grade grain under the laws of such State. The Secretary of Agriculture may suspend or revoke any license issued by him whenever, after opportunity for hearing has been given, the Secretary shall determine that any inspector has been found to be incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this act, or has issued any false certificate of inspection, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has knowingly violated any provision of this act or of the rules and regulations made hereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 8. That the Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"SEC. 9. That any person who shall violate any of the provisions of sections 4 or 7 of this act, or any inspector licensed under this act who shall knowingly or carelessly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly or carelessly give any false certificate of inspection or grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000, or be imprisoned not more than one year, or both.

"SEC. 10. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than $1,000, or be imprisoned not more than one year, or both.

"SEC. 11. That the word 'person' wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such corporation, company, society, or association, as well as that of the person.

"SEC. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including rent and the employment of such persons as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere."

AMENDMENT No. 3.

Part C.

That this part to be known as the United States warehouse act, be, and is hereby, enacted to read and be effective hereafter as follows:

"That this act shall be known by the short title of 'United States warehouse act.'

"SEC. 2. That the term 'warehouse' as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. The term 'agricultural product' wherever used in this act shall be deemed to mean cotton, wool, grains, tobacco, and flaxseed, or any of them. As used in this act, 'person' includes a corporation or partnership or two or more persons having a joint or common interest; 'warehouseman' means a person lawfully engaged in the business of storing agricultural products; and 'receipt' means a warehouse receipt.

"SEC. 3. That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this act; to determine whether warehouses for which licenses are applied for or have been issued under this act are suitable for the proper storage of any agricultural product or products; to classify warehouses in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act; and to prescribe, within the limitations of this act, the duties of the warehousemen conducting warehouses licensed under this act with respect to their care of and responsibility for agricultural products stored therein.

"SEC. 4. That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehousemen agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder.

"SEC. 5. That each license under sections 4 and 9 of this act shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon application made before the Secretary of Agriculture may from time to time be renewed or extended by a written instrument, which shall specify the date of its termination.

"SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond other than personal security to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, shall be conditioned upon such terms, shall be the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

"SEC. 7. That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of sections 6 or 9, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

"SEC. 8. That upon the filing with and approval by the Secretary of Agriculture of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse shall be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked.

"SEC. 9. That the Secretary of Agriculture may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act and such rules and regulations to the same extent as is provided for warehousemen licensed hereunder.

"SEC. 10. That the Secretary of Agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding $2 per annum for each license or renewal thereof issued to a warehouseman under this act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

"SEC. 11. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any agricultural product or products stored or to be stored in a warehouse licensed under this act, according to grade or otherwise, and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to classify and weigh the same and to certificate the grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

"SEC. 12. That any license issued to any person to classify or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 13. That every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

"SEC. 14. That any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of this act and the rules and regulations prescribed hereunder.

"SEC. 15. That grain, flaxseed, or any other fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

"SEC. 16. That every warehouseman conducting a warehouse licensed under this act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades.

"SEC. 17. That for all agricultural products stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof.

"SEC. 18. That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable.

"SEC. 19. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products in this act defined by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purposes of this act as the official standards of the United States for the agricultural products to which they relate.

"SEC. 20. That while an original receipt issued under this act is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this act.

"SEC. 21. That a warehouseman conducting a warehouse licensed under this act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

"SEC. 22. That a warehouseman conducting a warehouse licensed under this act shall cancel each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued.

"SEC. 23. That every warehouseman conducting a warehouse licensed under this act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all other respects in compliance with this act and the rules and regulations made hereunder.

"SEC. 24. That the Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this act and the rules and regulations made hereunder, the Secretary may publish his findings.

"SEC. 25. That the Secretary of Agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 26. That the Secretary of Agriculture from time to time may publish the results of any investigations made under section 3 of this act; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this act and lists of all licenses terminated under this act and the causes therefor.

"SEC. 27. That the Secretary of Agriculture is authorized through officials, employees, or agents of the Department of Agriculture designated by him to examine all books, records, papers, and accounts of warehouses licensed under this act and of the warehousemen conducting such warehouses relating thereto.

"SEC. 28. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"SEC. 29. That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States.

"SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or imprisoned not more than six months, or both, in the discretion of the court.

"SEC. 31. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, available until expended, for the expenses of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this act, and out of the moneys appropriated by this act to pay the salaries and expenses thereof.

"SEC. 32. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 33. That the right to amend, alter, or repeal this act is hereby expressly reserved."

And amendments Nos. 1, 2, and 3 shall be read and considered separately, and on each amendment there shall be debate under the five-minute rule as follows: Amendment No. 1, one hour; amendments Nos. 2 and 3, one hour and a half each; during which debate amendments may be offered to the amendment then under consideration. All amendments offered, if any, shall be considered pending until the conclusion of the debate on the amendment to which they are offered, and at the expiration of the debate on each of the amendments Nos. 1, 2, and 3 a vote shall be taken on all pending amendments and on the amendment.

Mr. HARRISON. Mr. Speaker, the majority and minority members of the Committee on Rules agreed that 40 minutes on a side would be satisfactory. I desire to submit a request for unanimous consent——

Mr. MADDEN. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. MADDEN. I suppose that was on account of the insignificance of the amendments that are to be offered.

Mr. HARRISON. It was because of the liberal length of time that the rule allows for the discussion of the amendments themselves. [Laughter.]

Mr. MADDEN. I thought it was on account of their insignificance.

Mr. HARRISON. I ask unanimous consent that debate on this resolution be limited to 80 minutes, 40 minutes to be controlled by the gentleman from Kansas [Mr. CAMPBELL] and 40 minutes to be controlled by myself.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the debate on this rule be confined to 80 minutes, 40 minutes to be controlled by himself and 40 minutes by the gentleman from Kansas [Mr. CAMPBELL]. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, the Clerk read the resolution so rapidly that I was unable to follow him. [Laughter.] I want to ask the gentleman from Mississippi, before unanimous consent is given, just what it was that we had printed in the RECORD this morning?

Mr. HARRISON. The bills that were offered yesterday as amendments to the agricultural bill.

Mr. MOORE of Pennsylvania. I was trying to follow the Clerk, and did follow him quite a while, but what he read does not correspond with what is in the RECORD this morning. I want some explanation.

Mr. HARRISON. The gentleman must have gone to sleep while the Clerk was reading. [Laughter.]

Mr. MOORE of Pennsylvania. The gentleman was very wide awake while the Clerk was reading, and he was very lenient with the Clerk and the House in not insisting on the actual reading of every word. But what is it we have in the RECORD this morning? Are amendment No. 1 and the other amendments merely amendments to a bill the Clerk was reading? Is that the idea?

Mr. HARRISON. I was not paying attention to the Clerk, but I assume that he read the amendments as they are stated in the rule. [Laughter.]

Mr. MOORE of Pennsylvania. I observe the gentleman was asleep; but I am asking seriously, because I am interested in this bill.

Mr. HARRISON. This resolution embraces the three amendments that were offered by the chairman of the Committee on Agriculture yesterday that went out on points of order. One related to cotton futures, another to the standardization of grains, and the third to the warehouse bill.

Mr. MOORE of Pennsylvania. I understand that.

Mr. HARRISON. And they are printed in the RECORD.

Mr. MOORE of Pennsylvania. And what was printed in the RECORD was not the cotton-futures bill, but the amendments thereto; is that correct?

Mr. HARRISON. What was printed in the RECORD is the cotton-futures bill, which the gentleman will have an opportunity to vote for presently.

Mr. MOORE of Pennsylvania. The Clerk referred to section 32, section 33, and so forth. What I want to find out is whether those sections 32 and 33, which I do not find printed in the RECORD this morning, are a part of the original bill?

Mr. HARRISON. They are in the RECORD.

Mr. STAFFORD. I desire to call attention to the fact that they are in the RECORD, on page 7904, second column.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. HARRISON]?

There was no objection.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] is recognized for 40 minutes.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that at the expiration of 80 minutes the previous question shall be considered as ordered on the resolution.

Mr. CAMPBELL. Mr. Speaker, I shall have to object to that.

The SPEAKER. The gentleman from Kansas objects.

Mr. HARRISON. I yield five minutes to the gentleman from Missouri [Mr. RUBEY].

Mr. RUBEY. Mr. Speaker and gentlemen of the House, what we want in this Congress is legislation. What we are seeking to get by this rule is legislation, and what we hope to secure through the adoption of this rule is legislation upon three of the most important measures that will come before this House during this Congress.

One of these measures—the cotton-futures act—was passed by the last Congress. It passed by a large vote not only the House but the Senate, and became a law, but was knocked out by a decision of a district court upon a mere technicality. The purpose here is to reenact that legislation.

The second amendment is what is known as the grain-grading act. That, too, passed in this House in the last Congress. It was known then as the Moss bill. In this House it was passed under suspension of the rules, and there were only 17 votes against it.

In this country of ours there is raised annually grain to the amount of $3,500,000,000. The passage of the grain grades act will benefit the farmers from one end of the country to the other. This measure is indorsed by the farmers' organizations, by the grain men, by the millers, and, in brief, by everybody interested in grain, from the producer to the consumer. The third measure also passed the House during the last Congress and is what is known as the warehouse bill. Each and every one of these measures is for the benefit of the American farmer. We are endeavoring to secure legislation in the interest of the agricultural people of this great country.

The best way to get it is to bring it before the House in connection with the Agricultural appropriation bill and to provide this rule, which is not an unfair rule, but which gives to every man on the floor of the House the opportunity to offer amendments to each one of these measures. It provides for an hour's debate for the cotton-futures amendment, it provides one and a half hours for the grain-grades amendment, and one and a half hours for the warehouse bill. It gives to Members of the House the opportunity to offer as many amendments as they may desire. It provides for full and fair consideration of each of these measures, brought in here in connection with the Agricultural appropriation bill for the purpose of getting certain desired legislation which will be for the benefit of the farming communities throughout the length and breadth of the land.

I sincerely trust that there will be but little if any opposition to this rule. Men may make the mere technical objection that we are legislating by rule, but I do not care as long as we get the legislation. It matters not to me whether it be done by rule or in some other way, provided, of course, the rule is a fair one, and gives opportunity for debate and amendment. In this House at this time, with the congestion of legislation which we have before us, the only way to secure legislation upon these important measures is to adopt this rule and bring up for consideration these measures in connection with the Agricultural appropriation bill. It can be done, and every man will be given a fair opportunity. I trust that there will be little if any opposition to the adoption of the rule and to the passage of these amendments as they come up for consideration. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. CAMPBELL. Mr. Speaker, the gentleman from Missouri [Mr. RUBEY] has stated that this rule makes in order on an appropriation bill three very important matters of legislation. That is not all this rule does, Mr. Speaker; it inaugurates a complete revolution in the legislative procedure of the House. It does more than that; it is a confession on the part of a majority of this House that they do not know how to get a measure through the House except by attaching it to an appropriation bill as a rider.

There is no question about the importance of the legislation proposed. All the more reason that the bill should be considered on its merits in the usual way that legislation is considered in the House of Representatives. If these matters of legislation were relatively unimportant it would not be so serious a matter to adopt a rule making them in order as amendments and riders on appropriation bills. But they are important legislation, each of them. Each of these three bills should engage the attention of this House in Committee of the Whole under the five-minute rule in order to be voted on as they are discussed, to be reported in the regular way to the House, with an opportunity to make a motion to recommit to the Committee of the Whole or to the Committee on Agriculture. All this procedure is denied by the adoption of this rule.

The gentleman from Missouri has stated that these measures have heretofore passed the House of Representatives. If so, why not pass them again in the House of Representatives, not as a rider on an appropriation bill but upon the merits of the measure? Mr. Speaker, the House of Representatives for years has contended with another body against attaching irrelevant amendments to appropriation bills. Hereafter, if this resolution is agreed to, the Senate is invited to attach anything that it wishes to appropriation bills; any Senator may rise in his place and offer as an amendment to an appropriation bill any bill that has been introduced in the Senate, that is under consideration by any committee of the Senate, have it adopted, and the House conferees, if this resolution is agreed to, will be estopped from denying the Senate the right to have that legislation enacted in that way.

Mr. RUBEY. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. RUBEY. Is it not a fact that the Senate rules are far more liberal than our rules in regard to amendments on appropriation bills?

Mr. CAMPBELL. The practice of the Senate does admit of offering amendments to appropriation bills. As one of the conferees on a bill I have been contending with the Senate for weeks over a matter now under consideration by another committee in

this House. The matter was put on the appropriation bill to which I refer while under consideration in the Senate by another committee. If we are to ignore the ordinary rules of the House, the Committee on Rules becomes the great legislative committee of the House. As a member of that committee I do not invite, I do not encourage, and I protest against that authority being exercised by the Committee on Rules or that duty being imposed upon it. The Committee on Rules this morning, after a hasty consideration of less than 30 minutes, reported out three bills for the consideration of this House to be enacted into law before the House adjourns to-night.

Is it any wonder that one of these bills was declared unconstitutional by a nisi prius court recently, having been hastily and inconsiderately passed in another Congress as it now proposes to pass these bills. If this method of legislation is a sample of the capacity of the House under Democratic leadership, the country should know just what your measure is, what your capacity is for legislating, what your ability is to conduct the great business of this country.

You aided a short time ago in a revolution in this House because of the way in which important legislation was enacted. The method you are inaugurating to-day makes the methods that were then employed highly commendatory to the country. The gentleman from Missouri stated in opening this debate that what the country wanted was legislation, and they were not particular about the manner in which that legislation was enacted. The revolution in 1910 in this House was because of the methods by which legislation was enacted rather than because of the nature of the legislation that was enacted.

Mr. Speaker, I reserve the remainder of my time.

Mr. HARRISON. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, I am surprised to find western Republicans giving opposition to this measure. The gentleman from Kansas [Mr. CAMPBELL], a member of the Committee on Rules, has opened the argument opposing this method of securing this legislation for the farmers of the country. All three of these measures provided for in the rule have passed this House before and failed in the Senate. It is necessary to enact them again. In two instances the bills passed the House, and in the other instance the question of the constitutionality of the cotton-futures law is pending in the Supreme Court, on the ground that the bill originated in the Senate when it should have originated in the House; and in order to have no question about it and not to wait until the court shall pass upon it it is necessary that a cotton-futures act be reenacted, and we propose to amend it in some particulars and try to improve it. Gentlemen, the whole South is interested in that bill. A billion-dollar product is at stake and a large portion of it is handled on the exchanges of the United States. Surely you do not want to deny us the opportunity of having these exchanges regulated by law. One of the other measures is advocated by the gentleman from Missouri [Mr. RUBEY], and it is in the interest of the grain growers of the West. It establishes honest grain standards. He comes here and asks you to vote for a bill that will give the grain growers a fair deal.

Mr. ANDERSON rose.

Mr. HEFLIN. I have not the time to yield. The other proposition is in the interest of the farmers of both the North and the South, the warehouse proposition; and, gentlemen, you come here to-day, when we are begging you to give us speedy legislation for the farmers, and you are fighting a rule that will give it to them. [Applause.] The farmers of the South, the farmers of the North, want this legislation. This House, a body fresh from the people every two years, has twice enacted these measures with regard to the warehouse and the grain law, and the cotton-futures act is already a law, and we want to improve it by amendment and reenact it; and here you are, you old standpat Republicans, true to your record of service to special interest, fighting anything in the interest of the mass of the American people. [Applause.]

Mr. COADY. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. I have not the time to yield. That is what we see. It looks to me that you would profit by your experience in the past. We whittled you down to a minority, and if you keep up this sort of performance we will have 50 more from that side added to this after the November election. [Applause.] Those who put you up to make a fight on the floor of this House against measures like these are getting you in an ugly predicament. Do not let them impose on you in this fashion any more. It is dangerous, gentlemen. You are going to be winged and crippled worse than you are now in the fall campaign if you keep it up. [Laughter.] Do not let them lead you into that sort of a performance any more. These measures are meritorious. Let us put them on the Agricultural appropriation bill and pass them to-day. Gentlemen say, let us try them out in the regular fashion, and yet you stand here and filibuster and you will continue to filibuster to the end of this session. You can not fool the people. You have the opportunity now to vote for these measures. Are you in favor of giving the farmers of the West and South the benefit of the legislation proposed in these three amendments? [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield eight minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, I shall decline interruptions.

The SPEAKER. The gentleman declines to be interrupted.

Mr. BENNET. Mr. Speaker, to paraphrase a familiar hymn:

This is the day I long have sought,
And mourned because I found it not.

I served in the Fifty-ninth, the Sixtieth, and the Sixty-first Congresses, when nearly every day some gentleman on the Democratic side of the aisle rose and talked about gag rules and Cannonism, and depriving the individual Member of his rights. Well, here we are. [Laughter.] There never was anything attempted in those three Congresses like passing a rule 45 pages long embodying three bills, attaching them to an appropriation act, so that the only way the President can veto the bills if he wants to is to veto one of the great appropriation acts. When you vote for the rule that is going to be passed you are not voting respecting any one of these three things. You are simply voting to get something to the Senate so that the Senate can amend it, so that it can go to conference, and so that the individual will never get a chance to vote on the final proposition.

I always liked Democrats, and I regret as a human being when I see them err. As a politician I do not mind it. [Laughter.] As a human being I want to talk to you, however, particularly you gentlemen from the Northern States where your election is not sure as it is in some of the other States; and I want to remind you just between ourselves, because we all of us were alive 10 years ago, of the fact that in the great States of New York, Pennsylvania, in New England, Indiana, Illinois, and Ohio, and in the farther Western States, every Democratic orator went through them talking about the rules and gag rules and tying the hands of the House, and there are men sitting here to-day, I do not doubt, who are here because they made that sort of a campaign. You can never say anything about the rules any more after you do this, because nothing that you criticized was anything like this. I listened to the speech of the distinguished gentleman from Alabama [Mr. HEFLIN] with pleasure, as I always do, and if he does not ever get any closer to the smallpox than he did to the question before the House, he is immune. [Laughter.] If nobody knows any more about what is in this rule than he does, then the four hours provided for discussion are tragically incomplete. [Laughter.] He says there is a grain-grading bill included here that is going to help the farmer.

It will take him more than four hours to demonstrate that there is anything of that kind in this bill. He talks about a Federal warehouse bill, and he forgot to tell you it was entirely optional; that you could license or not license, except for one thing. I have never said before on this floor, and I regret to state it now, because I do not sympathize very much with this talk that everything is aimed at New York, and I am charitable enough to think what they have done to New York in connection with this Federal warehouse bill is an accident. But in section 3 of the bill as proposed I will tell you what they have done. On the piers of our city there stand 70 miles of warehouses side by side, and you confer on the Secretary of Agriculture the power, without application on the part of the owner of any one of these warehouses for a license, without any desire to come into the system, to go into every one of those warehouses, because every one of them is capable of containing wool, cotton, flaxseed, or grain, and inspect it; and then you require him, by the bill, to publish the result of his inspection.

If I were still in practical politics I would know what this bill was. I would know that this was a proposition to come around about October, before a presidential election, and to say to those corporations and individuals who own those warehouses, "I am here to inspect your warehouse." The man would say, "I do not want it inspected. I am not going into your licensing system." And then somebody else would come around to tell him how he could avoid being inspected. But far be it from me to insinuate that there is any political purpose in this bill. It seems to me, though, if I were the owner of a warehouse in those 70 miles of warehouses in New York City, and this bill passed, as it ought not to do, I would be inclined, if I thought more of my money than I did of my principles—and men of large means are apt to appreciate their money—I would be inclined to hesitate before I took any part in politics other than on the Democratic side, when I knew that the

Secretary of Agriculture could send any one man out to force himself into my warehouse any day, and he could rate it in any way he pleased, and that I had no appeal, and that he could do it whether I wanted it or not.

Gentlemen, it is this kind of legislation that is going to make this next House safely Republican. Everybody knows it is going to be Republican. There is just one outstanding fact about this House, and that is its sincere ennui. This side does not particularly care to do anything, because they are going out. Our side is a little bit cautious about raising any rumpus, because we do not want to make any bad precedents. But you are making it secure for us.

When I came here in 1905 the distinguished gentleman from Mississippi, Mr. JOHN SHARP WILLIAMS, then and still a philosopher, said in my first week of service that the trouble with the Democratic Party was that all over the Union its emblem was the donkey, and that the truth was that the people were afraid of it, and that the reasons that they were afraid of it were such as the matters that were before the House and were usually little minor things.

It was the minor things that your party has done. It is the more or less of minor things that your party is doing now. The ruling of our distinguished Speaker the other day was probably within the letter of the law, but to the people of this country "the letter killeth, but the spirit giveth life." And all over the country there are appearing headlines like the one I picked out of a paper this morning that came to me through the mails, saying, "Speaker forces bill into conference." That kind of thing that you are doing is going to put you out. You could not evolve any worse rule than this. But I think I will withdraw that, on reflection. You may. [Laughter.] If you can do this, nobody can put a limit on what you can do. You may put all the legislation in the House on an appropriation bill. But there is one thing you gentlemen have got to face when you go back into your districts. Your districts will ask you why you did not pass your legislation. You will say you could not get to it. They will say, "Mr. RUBEY and Mr. LEVER, who introduced the other bills, passed them—the grain-grading and warehouse bill." "Oh, yes; but that was under a rule. They put it on in an appropriation bill." They will say, "Those people had more power than you, did they not?" And you will have to say, "Yes." "Did you vote to permit that?" And you will have to say, "Yes." And you have destroyed Democratic equality as it affects your own people, and they will make you hear from it and suffer for it. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. Mr. Speaker, I yield six minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I think our friend from New York has somewhat missed the point in his attack upon the majority party with respect to the contention that we made while the Republican Party was in power. We did have a good deal to say about gag rule, but we charged that your party, while it had control of this House, used the gag rule for the purpose of suppressing good legislation rather than for the purpose of putting good legislation through. [Applause on the Democratic side.] And that is the reason that the American people listened to the protests of the Democratic Party, put us in power, and turned you out. We sat here for 16 years and saw the Rules Committee, composed of the Speaker and two other Representatives, throttle the demands of the rank and file of the American people. It was no uncommon sight to see large delegations appealing in vain to be heard.

The American people are not going to turn the Democratic Party out of power until they have analyzed results. That is what the American people are concerned about more than the method of procedure. Now, if these three amendments are good legislation, the average man does not give a flip of his finger whether they are put through this House as separate bills or as amendments to the Agricultural appropriation bill. And the test is going to come in this House when the vote is taken, and I predict that when it is taken upon these three amendments you will find gentlemen voting for them on that side of the Chamber as well as on this, just as they have voted for every other important measure the Democratic Party has put through this House except one. We heard a great deal of protest about the currency bill. Dire predictions were made that ruin would come to the country if it should be passed

Yet when the great war in Europe was suddenly declared, a war that involves the whole world, the finances of this country were safe and steady and the credit of the Nation was strong as the rock of Gibraltar. But for the passage of that law there would have been a panic Nation wide. Everybody believes this is true. I wonder how many gentlemen on that side of the Chamber would stand up now and say they are willing to vote for a repeal of that currency legislation.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Illinois?

Mr. POU. Yes.

Mr. MADDEN. The gentleman probably knows that if the bill had become a law as it was drawn originally everybody in this country would have gone into bankruptcy.

Mr. POU. It is true the bill was amended by a Democratic House and Senate. It became necessary for a Democratic Congress to act, for you gentlemen had sat here for 16 years and refused to act. And if that Democratic currency law had not been passed, and if the Republican laws affecting the currency had remained on the statute books there would have been the greatest panic the world had ever seen. [Applause on the Democratic side.]

Mr. MADDEN. Mr. Speaker, will the gentleman yield again?

The SPEAKER. Does the gentleman yield?

Mr. POU. No; I can not yield. I have only a moment left.

The SPEAKER. The gentleman declines to yield.

Mr. POU. And so all down along the line. When the work of this Congress is put before the American people, I submit they are not going to stop to consider whether it was put through by a rule or whether it was put through by bill upon report of a committee. The substance of the legislation itself is going to be considered; and I submit that with the great record behind us and with the measures that we are going to put through in this Congress, we are perfectly content to accept the challenge of gentlemen on the other side, and submit this legislation to the arbitrament of the American people. [Applause on the Democratic side.]

I yield back the balance of my time, Mr. Speaker, if I have any.

The SPEAKER. The gentleman yields back one minute.

Mr. CAMPBELL. Mr. Speaker, I yield eight minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

The SPEAKER. The gentleman from Illinois [Mr. CHIPERFIELD] is recognized for eight minutes.

Mr. CHIPERFIELD. Mr. Speaker and gentlemen of the House, as one of the new Members of the House, I beg to suggest to the distinguished gentleman from Alabama [Mr. HEFLIN] that when the more recent membership on the Republican side select a mentor for their political acts, it will not be the distinguished gentleman who tendered his services in that behalf, nor will it be any gentleman from across the aisle until there is much more evidence of more popular approval of their statesmanship than has existed within the last few months. [Applause on the Republican side.]

The distinguished gentleman from Missouri [Mr. RUBEY] said, very truly, that the legislation which is proposed to be made in order by the rule now sought to be adopted is the most important legislation that has been pending before the present session of Congress.

I can go yet further, and add that this legislation is so comprehensive and all-embracing in its provisions that it affects every man, woman, and child within the confines and borders of our land.

When you provide, as is done by the proposed amendment, for the trading and dealing in cotton upon the great marts of commerce in the United States; when you give the Secretary of Agriculture the right arbitrarily to fix the standards for corn, wheat, rye, oats, barley, flaxseed, and every other commodity of the land that in his judgment requires such standardization; when you provide that every warehouse and elevator within the limits of the United States and every place where these commodities may be stored shall be under his supervision and control, how could you, in 45 pages of any bill, go further than you have attempted to go in this measure, the provisions of which are not fully understood or clearly comprehended by any man who sits within this House to-day?

Now, I know what the answer will be.

The answer will be that some of the provisions of these amendments are optional and some are permissive and that not all are mandatory. But the action which you seek to take to-day is laying the foundation for making them obligatory at the next session of Congress and placing within the hands of the Secretary of Agriculture all of the agricultural commodities, all of the grains, all of the warehouses and elevators, and all of the products of all of the farms within the United States.

I remember a few years ago, shortly before his election as Speaker, when the loved and revered Speaker of this House—and he is not more admired on the one side than he is on the other—came to the city where I reside.

I had the distinguished honor—and I esteemed it as such—to introduce him to our people.

I heard his classic discourse upon the evils that had grown up in Congress, and I heard him, in language that was chaste and beautiful and forcible, speak of the infamous Rules Committee, of their arbitrary action and of the reports that had been brought in by them, gagging, as he alleged, the minority of the House and putting in jeopardy the rights of the American citizens and endangering our Republic.

As he spoke, as none other can speak upon the platform, the people from this Republican community broke into cheers, as they were impressed with and thought of the evils and wrongs that had been visited upon the Democratic minority by the unscrupulous majority, and I confess I felt badly myself. [Laughter.]

Mr. FORDNEY. Did you get over it? [Renewed laughter.]

Mr. CHIPERFIELD. Yes; I got over it. We were rebuked by the electorate; we were chastened; and now we are spiritually refined.

At the present time we have done our penance, and our repentance is accomplished and complete.

The American people kicked us out of power because of their detestation of the same tactics and practices that you now invoke and seek to employ.

I am not foolish enough to think, or credulous enough to suppose, that anything that may be said here by any of us will make the slightest difference in the action of the majority upon this proposition, and I realize that it is "the voice of one crying in the wilderness."

But I have read in the RECORD of past sessions the wails and the denunciations, and the protests and the lamentations, and the shrieks of horror you uttered as you were being ravished by the Republican majority. [Laughter.]

I have seen in that RECORD, indelibly preserved, the tears you shed, and, in view of your action to-day, repudiating all you then said, you stand branded with the condemnation of rank hypocrisy in the utterance at those times of those wails and lamentations. [Applause on the Republican side.]

You were not on the square then, and you are not now.

You believe just as much to-day that the practice you invoke to serve the purpose of the passing hour is as questionable and as wrong now as you believed it to be then.

But why the difference?

Simply because you desire to add these amendments to this appropriation bill, and to crowd them, by the use of this iniquitous rule, down the throats of the minority of this House, without giving to us opportunity for discussion or for consideration.

Here they are, these amendments—of nation-wide effect and importance.

On one of them you allow an hour's debate, and upon each of the others you allow an hour and a half of debate.

These are measures that affect every constituent within your districts, measures that are of the greatest importance to every man who is engaged in the production of any agricultural product, and yet you stifle debate and consideration of them and seek to tie them onto this appropriation bill in order that it may pull them through.

You give by this bill the power to the Secretary of Agriculture to establish a grade for all of these grains without reference to local conditions.

You give to him the power to supervise every warehouse and elevator.

You give him the power to change the grade of the grains of the country whenever it may appear practicable to do so.

And then you bring these measures, every one of which is sufficient for at least a week's consideration, into this House and you say to the House, "You must take them blindly, without sufficient debate or consideration, for they are to be forced upon you in defiance of the rules of the House, and only because we are numerically stronger than you." You say, by your actions at least, "We confess that the rules we have adopted to govern us this session are not practical or workable in their operation. We confess our inability to pass legislation in the ordinary way. We know no way to secure the enactment of these three laws in a regular manner, and so we brutally force them upon you in defiance of the rules that we have adopted. We utterly confess our impotence."

Now, you can do this. You probably have the votes to do it, but there is this much that can be said that is as certain as that the sun will rise to-morrow morning, and that is that the practices which you adopt to-day, which you formerly hypocritically reviled the Republican Party for adopting and using, will be submitted to the people at the polls in the coming November for their approval, and that such actions will not be approved. Oh, the gentleman [Mr. HEFLIN] said—and he was simply whistling while going through a graveyard—that there would be more Members taken from this side and added to that side in the coming November election. Gentlemen, in the next Congress of the United States, because of your stupendous failures in all the departments of the Government, a little child will be able to count the number of your Members then present without going beyond the most elementary stage of enumeration in arithmetic. [Applause on the Republican side.]

Mr. HARRISON. I yield two minutes to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Speaker, on this question I have made perhaps a thousand speeches in the last 30 years. I have been very much interested in our friend from Illinois [Mr. CHIPERFIELD], who just left the floor. He talks about the Rules Committee in the past and the Rules Committee now. The difference between the two is that the Rules Committee under Republicans had a habit of blocking legislation in the farmers' interest and saddling a lot of trusts and combines on the farmers and the country, and I condemned them in every form of language I could use in a parliamentary way; but when the present Rules Committee has the courage to bring out legislation to help the farmers, three very important measures, to open the door of hope to that class who drink warm stick-worm water out of an old jug at the end of the row, while we men here drink ice water out of a cooler, my God, I want to congratulate the Committee on Rules! [Applause.]

In one of these measures we have the warehouse system. I have seen the apples in rows of trees a mile long on the Pacific slope, as beautiful as ever the human eye looked upon, rot and go to waste, while across on the other side of the mountains the people could not afford to eat apples, because some sort of a monopoly lay between the mouth of the hungry fellow and the fellow who had the apples. I have seen peaches and potatoes rot by the thousands of bushels, when they would not pay for the baskets and sacks to put them in, because there was no warehouse system to handle them, and a line of monopolies built up by the Republican Party stood between them and the fellow 300 miles away, who could not afford to eat them, because there were too many monopolies between the fellow that grew them and the fellow that was hungry. I have seen all those conditions, and I want to help remedy them. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, this is another effort to fasten unnecessary law on the people of the country. I say "fasten law upon the people of the country," because that has been the practice of the party in power since it came into power. It has been nothing but law, law, law, regulation, regulation, regulation! Now we are coming to regulate the farmer of the country a little bit. And the farmer may soon feel it.

Our friends upon the other side assume that this bill is in the interest of the farmer. I have some information here which indicates that it is opposed to the interests of the farmer. If this grain-grading bill is put through under this rule, as you propose to put it through, and the farmers meet with bad climatic conditions and poor crops, they may, in the course of one year, by reason of the standards established here, stand to lose as much as $50,000,000 or $75,000,000. When the farmer begins to lose money under this expensive regulation system, some of you who are preaching special friendship for the farmer may not care to look him squarely in the face and tell him that you put this legislation through under a gag rule. The farmers of Montana are beginning to raise wheat to sell to the export trade. When these regulations are put into effect and full authority is given the Secretary of Agriculture and his inquisitors, go ask the farmers of Montana how they feel when their crop conditions will not permit them to enter into the foreign trade, because their grade of grain does not come up to a hard-and-fast legal standard.

Our friends upon the other side of the House talk about this being important legislation that ought to be passed under a rule. It is important legislation, three great bills that this Congress ought to carefully consider, but we are to do so only under pressure. The Speaker told us the other day that we ought to speed up; that we ought to get busy so we can get home. You have given us two weeks to discuss the details of the Agricultural bill, and in the last hours of that bill you bring in as riders these three important bills, any one of which ought to have the consideration of this House for a week. Yet under a gag rule you propose to pass these laws, which you do not care to have discussed in the open.

Gentlemen over there say Republicans suppressed legislation under the rules. Perhaps it was well for the country that some of the legislation which you have brought out since you have been in power was suppressed. It would have been for the welfare of the people of this country.

You boast about your legislation and ask whether we would repeal the currency act. You have already started to repeal that act yourself. You are already beginning to correct your errors. In a few days you are going to take back all you said about interlocking directorates. You have already started to correct your tariff law. You have taken back your repeal of the sugar tax. You are repealing here and there all along the line. Talk about your seaman's law, which drove the American flag from the high seas! You have already come in, under the pressure of the people behind you, the farmers included, and you have started to repeal that law. Go on with your kind of legislation, fasten your tentacles upon the business of this country, and the farmer will feel it along with the rest. Then will come the change.

The agricultural bill that is now pending is filled with appropriations which the farmers, along with their customers, have to pay for the employment of scientists and experts. We now have 16,000 of them, more or less, to go about the country to tell the farmers how to run their farms; now you are going to fasten a few more of these experts and scientists upon them. You have them in the cotton fields; fasten them upon the warehouses, upon the shipping agencies, upon the boards of trade; all these are among the farmers' best friends and must be relied upon if the farmer is to have a market. But go ahead and pile up the legislative burdens; it will hasten the day of reckoning. [Applause.]

The SPEAKER. The gentleman from Pennsylvania yields back half a minute.

Mr. HARRISON. Mr. Speaker, I yield to the gentleman from North Dakota [Mr. HELGESEN] five minutes.

Mr. HELGESEN. Mr. Speaker, the opposition to this rule is placed on high grounds. Men are opposed to it because of the principle involved. They are opposed to rider legislation. I am just as much opposed to rider legislation, where it is improper legislation, as anyone else; but, my friends, this rule has been used by both parties in the past, and perhaps always will be. My people know this just as well as you know it. They know that it has been used to pass improper legislation and to destroy good legislation, and now they are interested in some bills that they do not see any other way of passing except by this rule.

They say you can not use the rule against them; that it is not legitimate to use it. I have been told by men that the Progressive element is opposed to rider legislation, and yet, while my memory does not go back as far as that of some men, I remember some matters of legislation that passed as riders on an appropriation bill and was supported by the Progressives.

The public-utilities bill was passed as a rider on the District of Columbia appropriation bill. The antimerger legislation was passed as a rider upon the District of Columbia appropriation bill. The Jones-Works excise bill was passed as a rider on the District of Columbia bill. The meat-inspection law was passed as a rider on the Agricultural appropriation bill in 1906, and was supported by Progressives, including Senator LA FOLLETTE, who ought to be a sufficiently radical Progressive to suit anyone.

Now, this is only a partial list. The fact of the matter is that you men who oppose this to-day are opposed to the bill. The gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Illinois [Mr. CHIPERFIELD] both indicate that they are opposed to the legislation which is proposed, and they have a right to be opposed to it. My friends, I want to tell you that this is a serious matter. It is serious for the consumer as well as for the producer. Our foreign exports are in such a condition that they have to be remedied. The principal opposition comes from Baltimore, Philadelphia, New York, Boston, and other export centers. They brought out the fact that they were shipping No. 3 and No. 4 grain as grade No. 2. The price of grain is based on Liverpool prices less the cost of sending it there. That practice has taken not millions but billions of dollars away from the farmers of this country. [Applause.]

Now, from Boston, where the exporters are tremendously opposed to the standardization of grades, comes a resolution which was sent to me the other day. It is too long to read in full, but I will print it in the RECORD. The Chamber of Commerce of Boston is very much in favor of this legislation. They say:

In an attempt to help remove the stigma which has attached to the American grain trade with foreign countries ever since last fall, when shipments of wheat were sent to Europe from Chicago and were of such poor quality that cargoes of it had to be thrown overboard, the Boston Chamber of Commerce to-day is forwarding to Washington a formal approval of the Rubey bill now pending in Congress and aiming to prevent such abuses of inspection as permitted this wheat to go abroad.

At a largely attended meeting of the grain board of the chamber the following vote was passed:

That it is the sense of the grain board that it favors the passage of the Rubey Grain Grades Act, and recommends to the directors that they request our Senators and Congressmen to favor the passage of the bill; and that the chairman of the grain board be authorized to appoint a committee of three members to draft a report to the board of directors giving the reasons why the chamber should favor the passage of the Rubey Grain Grades Act.

In accordance with this vote, Harry Hamilton, Bernard J. Rothwell, and Charles A. Rache were named to draw up the reasons. They now have presented their summary of the abuses which led to the move for a radical change and these have been approved by formal action of the directors, so that the whole report will go forward to the Massachusetts Senators and Congressmen this afternoon, as follows:

The undersigned, having been appointed in accordance with the above vote, respectfully submit the following reasons why the Boston Chamber of Commerce, through its board of directors, should favor the passage of the Rubey Grain Grades Act.

1. The Rubey bill provides for the establishment of uniform standards for the various grades of the different grains, such uniform standards to be maintained throughout the United States.

All grain sold by grade must be inspected and graded in accordance with these standards, but grain may be sold by sample under trade names adopted by individual sellers, as, for example, "Victory" Oats, "Winner" Wheat, etc.

It further provides that all inspection shall be under Federal supervision. There would be no interference with the machinery of existing inspection systems, as, for example, that of the Boston Chamber of Commerce, and competent inspectors recommended by the various exchanges would be appointed by the Secretary of Agriculture. It is understood that these inspectors would be placed under civil-service rules, so that while performing their work honestly and efficiently they could not be disturbed for political reasons.

2. The need for this legislation has for many years been most urgent. Abuses resulting from present conditions have been flagrant, reaching their culmination during the present crop year.

Inward inspection has been rigid at the expense of the shipper. Outward inspection has been elastic at the expense of the buyer.

Grain has at times been inspected out from elevator into cars. These cars run around a belt line back to elevator within a few days and inspected in a grade or two grades lower.

Not only has the one grade, say, No. 1 northern spring wheat, meant one thing in one market and another in another, but it has meant several different things in the one market, for example:

In Minneapolis for months during the present crop year there was, day after day, a variation based on quality of from 8 cents to 16 cents per bushel in the selling price of No. 1 northern spring wheat; that is, at the same time and in the same place various lots of wheat, each bearing the same official grade, sold at from 8 cents per bushel difference on some days to 16 cents per bushel difference on others.

In Kansas City during the same time the difference, day after day, for months was from 3 cents to as high as 20 cents per bushel; that is, at the same time and in the same place various lots of wheat, each bearing the same official grade, sold at from 3 cents per bushel difference on some days to 16 cents per bushel difference on others.

These were wholly quality differences. There was no other reason for the variation in price.

As one-eighth of a cent per bushel will turn a trade in grain, the extent of the manipulation of grades may easily be seen.

The oats crop of 1914 affords striking example of fraudulent manipulation of grades.

In the early months of the crop movement the average moisture content of oats in eight principal oat-shipping States was 11.1 per cent. In January, 1915, oats of the same grade in one of our eastern markets showed an average moisture content of 13.7 per cent, showing an average added moisture of 2.6 per cent, which meant that the consumer paid 2.6 per cent of his money for water instead of for oats.

Seizures were made by United States officials during the spring of 1915, with the result that the moisture content of the same grade dropped within a month to an average of 11 per cent.

"Doctoring" of oats, in other words, adulteration, is a constant fraud against which under present conditions buyers and consumers have no redress.

In August and September, 1914, in one of the large markets oats contained an average of 2.8 per cent of other grains and foreign materials. In April, 1915, in the same market the same grade of oats showed 10.3 per cent of other grain and foreign seeds, an increased adulteration of 7.5 per cent.

In wheat, however, during the summer and early fall of 1915 occurred the most extraordinary abuse of inspection ever perpetrated.

Grain houses in one of the large central markets of the West, prior to harvest, sold in foreign markets enormous quantities of "No. 2 hard" and "No. 2 red winter" wheat for shipment from Chicago during July, August, and September, 1915.

Almost incessant rains at harvest, and for months afterwards, totally destroyed many millions of bushels of wheat and damaged to an unprecedented extent the entire crop. The result was that not over 10 per cent of the receipts of wheat in principal markets during the months named graded "No. 2"; comparatively little graded "No. 3"; the bulk was "No. 4" or "No grade."

The total receipts of No. 2 in Chicago during these months were probably considerably less than 1,000,000 bushels. Notwithstanding this, several million bushels of wheat were inspected out and certificates issued as "No. 2 hard" or "No. 2 red winter" and were shipped in fulfillment of the contracts above mentioned.

When some of this wheat reached the seaboard local inspection graded it "No. 4" or "Unmerchantable." However, it had been sold on western certificate and went forward to European buyers.

On arrival across the ocean much of this wheat was hot and caked and actually had to be chopped out of the holds of vessels at Liverpool and London.

At Italian ports the Government confiscated several cargoes and they were thrown overboard as unfit for any use.

The reputation of the American grain trade, which had suffered for many years from lesser infractions of the rules of fair trading, was now smirched as never before. For probably the first time in such matters the intervention of the United States ambassadors was sought and the whole matter, involving 30,000,000 bushels and several million dollars, is now in the hands of the Department of State.

November for their approval, and that such actions will not be to have discussed in the open.

formal approval of the Rubey bill now pending in Congress and aiming [illegible] non dollars, is now in the hands of the Department of State.

3. Efforts to eliminate these abuses, which have involved enormous loss year after year to grain shippers, to millers, to domestic grain distributors, to consumers, and to foreign buyers of American grain, have been persistent for the past 10 years.

In the last session of Congress the Moss Grain Grades Act, almost identically the same as the Rubey bill, passed the House of Representatives almost unanimously, but the Senate Calendar was so crowded and the fight over the shipping bill was so prolonged that it was not reached; consequently a new bill had to be introduced at the present session.

There is good prospect of the passage of this bill, but it will require the indorsement of all organizations who favor putting this enormous business upon a reputable and responsible basis.

Among the organizations that have favored this legislation are:

(A) Grain Dealers' National Association of the United States, made up of 3,300 members in practically every State of the Union, 17 States being represented upon its board of directors.

(B) Millers' National Federation, embracing thousands of flour millers in every flour-milling State in the Union.

(C) The principal grain-trade organizations in all the prominent grain-trade cities of the West.

The demand for it is almost universal.

4. Opposition to the Rubey bill, aside from State-inspection departments, which are under political control and are in a large measure responsible for the abuses herein recited, comes from exporters in Baltimore, Philadelphia, New York, and Boston.

Their reasons for the most part are illogical and easily refuted. In Boston, for example, the principal argument of the exporters who are opposed to uniform inspection is that in the case of corn it would do away with the climatic advantage which Boston, by reason of its cooler temperature, holds over southern ports.

This argument is specious, because it is obvious that if corn containing a high percentage of moisture can safely be exported via Boston, whereas shipment via southern ports would be decidedly risky, that corn will be exported via Boston and the port will receive the full benefit of its natural advantage. There is no sound reason, however, why corn that is in reality "No. 3" or "No grade" should be graded and certificated in any market as "No. 2."

Summary: The Rubey bill and the movement which it represents is designed to safeguard the interests of all concerned in the growth, the milling, and the distribution of grain. It is designed to protect the honest dealer from the unscrupulous; it is designed to remove grain inspection from local, political, or other influence which can be used for private advantage; it is designed to enable the grain buyer, large or small, to know with reasonable exactness what he is buying and paying for and what he is entitled to and will receive. As stated by the Grain Dealers' National Association:

"We are in favor of Government supervision of grain inspection for the same reason that the honest shippers of the country favored the abolition of the rebate. It makes for better, more honest business. It gives the consumer a square deal, and that in the long run benefits the individual dealer who wishes to conduct his business without constant infractions of the law of common honesty."

As this bill is now under discussion in Congress and a vote is likely to be reached immediately, we respectfully urge the indorsement of the bill by the Boston Chamber of Commerce and the immediate notification of such indorsement to Hon. THOMAS L. RUBEY, chairman Subcommittee on Agriculture, and Hon. THOMAS P. GORE, who has entered in the Senate another exactly similar bill, as well as the Senators and Representatives of all the New England States.

Mr. COADY. Will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. COADY. Does the gentleman know how many complaints have been made by foreign shippers, or at least foreign recipients of the grain as to grain shipments from Baltimore, Philadelphia, and New York?

Mr. HELGESEN. They have made complaints every year.

Mr. COADY. Does the gentleman know that those ports have shipped 46,000,000,000 bushels of grain and that there were very few complaints of any kind?

Mr. HELGESEN. I do not know that, nor does the gentleman know it. They have made persistent complaints and have appealed to this Government before this year. This is not the first case; it has been year after year, and was admitted by the exporters from the four cities.

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, the Clerk read this rule very fast. I suspect he left out a very large proportion of it, which was well. I have the idea that it is much easier to vote for the rule if you do not know what is in it. The rule provides for the consideration of three bills covering some 44 pages. These bills are to be passed in four hours, without one minute of general debate. The only debate permitted is under the five-minute rule, and that part of the rule is constructed in such a way that a man can not get a vote upon his amendment at the end of his argument, but must get his vote at the end of the entire debate, when everybody has forgotten what he has said. That is the kind of a rule that you propose to put over on us. It would be difficult to imagine a more severe commentary upon the methods of legislating in this House than this situation presents. Already in this session of Congress, although we have passed only five of the great appropriation bills, we have passed seven special rules, and there are some five or six rules pending before the Rules Committee which have not been reported. In the short session that preceded this we passed 8 special rules, and at the long session that preceded that we passed 17 special rules—more special rules in these three sessions than were passed in the entire régime of the distinguished former Speaker of the House when chairman of the Rules Committee.

The gentleman from Alabama talks about the regulation of grain exchanges. If anybody else in this House knows as little about what is in the resolution as the gentleman from Alabama, we shall need more than four hours' debate. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. How many speeches remain on that side?

Mr. CAMPBELL. Only one more on this side.

Mr. HARRISON. I yield to the gentleman from South Carolina [Mr. LEVER] seven minutes.

Mr. LEVER. Mr. Speaker, the House is brought face to face with a practical proposition. It might as well realize what the proposition is. The rule under consideration makes in order on the appropriation bill which will be under consideration shortly certain bills that have been passed upon by the Committee on Agriculture having jurisdiction of the subjects and which are now pending on the calendar in this House. Each of these three bills—the cotton-futures bill, the grain-standardization bill, and the Federal-warehouse bill—has passed, two of them both branches of the American Congress in the last session of Congress, and the grain-standardization bill passed this House under a suspension of the rules by over a two-thirds vote.

Now, the criticism is that we are attaching to an appropriation bill a rider, and therefore that you are asked to vote down the rule, because it is asserted that the practice of attaching riders to appropriation bills has in the past led to bad legislation. On the general proposition of attaching riders to appropriation bills I may agree that under ordinary circumstances it were best that that method of legislation should not be employed. But I take it that whatever evils have resulted from this method of legislation have been due to the fact that the body considering them was taken by surprise, and that there could not be, that there had not been, full consideration of the legislation proposed. This is a different situation. We are asking you to attach to this bill three propositions which have been considered thoroughly by the committee having jurisdiction.

The rule making these three propositions in order was introduced by me a week ago, so that the Congress has had due notice. We are not surprising anybody. We have given you fair notice. We are only asking you to do in a practical way what we fear we will not be able to do under the existing situation in this body and the body at the other end of the Capitol. [Applause on the Democratic side.] Do we want this legislation? Do you gentlemen, representing great agricultural constituencies from the West and the East and the Middle West and the South, desire to represent the will of those people? Are you honestly in favor of giving this great remedial legislation to the toiling farmers of the country? Are you in earnest in your protestations? I say very frankly, knowing some of the men from the West, on that side and on this side, that they are earnestly in favor of legislation of this character, and I do not believe that they are going to stand on this mere quibble of a technicality and deny their people this relief. [Applause on the Democratic side.]

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. LEVER. I have not the time, I am sorry to say. It is a question of getting consideration. Will you defeat this rule, deny consideration of this legislation, and then have the hardihood to go to your people who have demanded it, and in whose interest it is proposed and say, "I could not give you that legislation, boys, because a technical rule of the House stood in the way"? I do not believe your people will excuse you upon that ground. I believe the people of this country have made up their minds that they want this legislation, and I do not believe they give a tinker's damn how they get it, just so they get it. [Applause on the Democratic side.]

Let me say another thing. Take your grain-grading bill. There is not a single line of opposition to that legislation from the grangers or from the farmers, from the milling interests, or from any interests involved, except probably the chambers of commerce of one or two exporting points on the Atlantic coast.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. CAMPBELL. Mr. Speaker, I yield eight minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, if I were looking only to political advantage, I would content myself with making a formal protest against this rule and then letting this majority adopt it, but there is so much more involved here in the rule than politics that I would not be true to my duty if I let it rest there. You propose to destroy the greatest safeguard that this House has against legislation of the most vicious character. Every Member of this House who has been here for any length of time knows that two-thirds of the legislation that has been

vicious which has crept into the laws enacted by Congress has been through riders on appropriation bills, and it has not been put there by this House, but by another body, and the conferees of this House have accepted it. For the past few years this House has stood like a rock against riders of that character, and, as a result, legislation that has been found upon appropriation bills in the form of riders has not been of that vicious character to which I refer. Pass this rule, however, create this precedent, and the conferees of the House no longer will be able to say to the conferees of the Senate, "It is against the practice and the rules of the House to carry new legislation upon appropriation bills," and this House will then be helpless.

Mr. Speaker, I want to say a word with reference to the speech made by my friend from North Dakota [Mr. HELGESEN], a valuable Member of this House. This is the first time that he has gone seriously wrong upon any proposition. He was elected as a progressive Republican, and one of the cardinal principles of those who belonged to that group was that they were opposed to gag rules, that they were opposed to rules of this character, and yet he proposes to vote for it. This rule is not only a gag rule, but it is a rule that will prevent the House upon the final coming of this legislation before the House from having a vote upon it. I have a little different conception of the duties of a Member of this House than that he is to base his action upon vital issues on the question of whether or not he happens to be for or against the legislation.

What will happen if this rule is adopted? I am not against these bills, any one of them. They have been amended to meet the objections I have heretofore made with reference to them. But these are not the bills that will come out of conference. The conferees will finally frame these bills and put them into a great appropriation bill, and there will be no opportunity for a separate vote upon them; and we will be compelled, if the bills are not as we think they ought to be, to vote down a great appropriation bill for the carrying on of the expenses of this Government in order to defeat legislation that we may then think to be vicious. Mr. Speaker, it can not be defended from any standpoint or from any theory; and the Democratic leaders, if they believed for a moment that they would control the next House, would never have dared to set this precedent for themselves. [Applause on the Republican side.]

Many times the plea has been raised that there should be no sectionalism in this House, and I have agreed with that. I have never since I have been a Member of this House raised the issue of sectionalism, but there comes a time when it is the duty of Members of the House to call a spade a spade, and that time has come now. What is behind this most extraordinary procedure? What is the reason for destroying this great safeguard that we have against vicious legislation? There is only one answer, Mr. Speaker, and that is cotton.

Cotton is king. The South is in the saddle. The South controls this House, and they are willing to sweep away every safeguard we have, they are willing to destroy every principle necessary to the orderly conduct of this House wherever cotton is involved. And you Democrats from the North are willing to meekly follow them, thereby demonstrating to the country that you are not following your own convictions. You are willing, for the purpose of aiding a few Southern States, to destroy the greatest bulwark we have in this House against legislation of evil character.

There is a sop thrown to the farmers of the West, and that is why my friend from North Dakota [Mr. HELGESEN] has favored it; but it is only a sop. There is nothing substantial in it. I am willing to vote for it in a separate bill. It does neither good nor harm, but I want to say it will not help his farmers of North Dakota one iota. You talk about the regulation of grain exchanges, as the gentleman from Alabama did. There is not a syllable about that in these bills. What is the evil in the Northwest that has been complained of? It is the elevators. And in this bill there is not a line of regulation as to a single warehouseman or elevator man, unless he chooses to come under it, and this means, and means only, that if the Federal regulation is more to his advantage than the State regulation he will take the Federal regulation and not the State. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. Mr. Speaker——

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] has 11 minutes.

Mr. HARRISON. Mr. Speaker, I am not surprised at that side of the House opposing this resolution. It is in keeping with the practice and policy of the minority to obstruct and delay beneficent legislation. It is very consistent upon the part of you Republicans to find fault with and criticize this rule. Your party has sunk to the unenviable position of mere fault finding and criticism. You say this rule is drastic and unprecedented. But I hope before I have closed to convince you that it is neither drastic nor unprecedented. I listened to the gentleman from Wisconsin [Mr. LENROOT] when he said that when these bills were offered as amendments in Committee of the Whole he expected to vote for them, but that he was going to vote against this rule. His views are the views of practically all of you and clearly show the hypocrisy and insincerity of your position. If you intend to vote for the amendments when offered in the committee, why do not you vote now for the rule? The rule is not different, except it is not so drastic, from rules that your side forced through this House time and time again. [Applause on the Democratic side.] The gentleman from Wisconsin [Mr. LENROOT] says that the Senate has practiced putting on riders to appropriation bills but that the House has not. I say the House, too, has done it time after time. While you employed this method of enacting much bad legislation the Democratic minority forced you to pass some of the best legislation now upon the statute books by embodying it in general appropriation bills. [Applause on the Democratic side.] The parcel-post bill was enacted in that way. [Applause.] The rural carriers provision was enacted in that way [applause], and there are many other provisions that I could cite the gentlemen on that side to that to-day might not be on the statute books if it were not for the fact that they were tacked as riders on general appropriation bills.

Now, let us see whether or not this rule is so drastic. Let us see if it is sectional. On the Agricultural Committee of the House there are men from every section of the country—only 6 out of 21 from the South. This grain-standardization bill was voted unanimously out of the committee. The men on that committee who came from the West, and who are vitally interested in this legislation, disagree with my friend from Wisconsin and are enthusiastically supporting this bill. There is nothing sectional in this matter. Representatives from the South are for the grain-standardization bill because they believe it will help the farmers of the North and West, and because northern Representatives want it. Ah, the gentleman from North Dakota [Mr. HELGESEN] need not become alarmed at the remarks of the gentleman from Wisconsin [Mr. LENROOT]. I believe that when he goes before his people and shows to them that there was no way of procuring the passage of the grain-standardization bill except by voting for a rule making it in order for consideration on this bill, they will approve and applaude his action. And when the constituency of the gentleman from Wisconsin and constituencies of other gentlemen of the minority ascertain that through voting against this rule they prevent the consideration of the grain-standardization bill, which means its defeat, they will disapprove and denounce their action. [Applause.]

Sectional? There is nothing sectional about this resolution. The grain-standardization bill was introduced by the gentleman from Indiana [Mr. MOSS]. But let us see about the drasticity—if I may manufacture or employ that word—of this rule. It only provides for the consideration of these three amendments as they are offered in the Committee of the Whole. It does not prevent any amendment from being offered to any of the three amendments. It provides for more debate than any of the bills along this line previously considered in this House. The cotton-futures bill, the standardization of grain bill, and the warehouse bill were all passed under a suspension of the rules, which, under the general rules of the House, prevented amendments being offered and allowed only 20 minutes of debate on a side, and yet under this rule an hour's debate on the cotton-futures amendment, an hour and a half on the grain-standardization amendment, and an hour and a half on the warehouse amendment is permitted. Let me say to the gentleman from Wisconsin, if he wants to offer any amendments, notwithstanding the fact that he says he is going to vote for them anyhow——

Mr. LENROOT. I did not say I was going to vote for these amendments. If they were separate bills that would be a different proposition.

Mr. HARRISON. Then I misunderstood the gentleman. If the gentleman wants to offer an amendment he may do it, and any other gentleman on the floor of this House may do it. When you were in control of this House you did not follow that practice. You brought rules into this House and said that no amendments could be offered to the bills, and not only that, but oftentimes you said that no debate should be allowed in the consideration of the bills. Here we allow you both, and no one can rightfully say that this is a drastic rule. It merely grants the right to consider these measures, allows freedom of amendment and reasonable debate, and yet for these reasons, and not because you are against the amendments, you oppose the rule. Gentlemen, your constituents will neither approve

your reasoning nor your course. [Applause on the Democratic side.]

Let me cite you to some precedents proposed by your Republican Rules Committee and passed by your Republican majority when in control of this House. Oh, you can smile. Of course, the gentleman from Illinois [Mr. CHIPERFIELD] will smile, although the two distinguished gentlemen that are on the Agricultural Committee from his State voted for all of these propositions.

Mr. CHIPERFIELD. Will the gentleman yield to a question?

Mr. HARRISON. I am sorry my time is limited, and I can not yield just now.

In the Sixtieth Congress, first session, page 2960 of the CONGRESSIONAL RECORD, you adopted a rule providing for new legislation on the Army appropriation bill.

In the Fifty-ninth Congress, first session, page 9152 of the RECORD, you adopted a rule allowing certain new legislation in order on an appropriation bill, unreasonably limited debate under the five-minute rule on the new legislation, and permitted no debate under the five-minute rule on any of the other provisions. [Applause on the Democratic side.] And yet you talk about this rule being drastic and without precedent.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Wisconsin?

Mr. HARRISON. Not right now.

Mr. LENROOT. Just for one question.

Mr. HARRISON. If the gentleman will just abide his time with patience, I will give him as much information as it is possible in a short time. [Laughter.] In the Fifty-eighth Congress, second session, page 3709 of the RECORD, the Committee on Rules made in order new legislation on the Post Office appropriation bill.

In the Fifty-ninth Congress, second session, page 897 of the RECORD, the Committee on Rules made in order new legislation on the Army appropriation bill.

In the Sixty-first Congress, first session, page 4554 of the RECORD, Mr. Walter I. Smith, a Republican, from the Committee on Rules, reported a special rule—and your party passed it in this House—making in order a provision on the urgent deficiency bill a section pertaining to surety bonds.

In the Fifty-second Congress, second session, a provision for creating a commission to investigate the executive departments of the Government was made in order on an appropriation bill.

In the Fifty-eighth Congress, second session, a rule was brought in providing for an increase in rural carriers' salaries on the Post Office appropriation bill.

In the Fifty-seventh Congress, second session, a rule was brought in making in order on the District appropriation bill a provision for levying a personal tax in the District of Columbia.

In the Fifty-ninth Congress, second session, Mr. Dalzell reported a rule and forced it through the House making in order on the Post Office appropriation bill several paragraphs that were not in order under the general rules of the House.

In the Fifty-ninth Congress, first session, page 4398 of the RECORD, your majority under a rule made in order every section of the bill of the legislative, executive, and judicial bill that was subject to a point of order, and made it in order, further, upon the motion of the Committee on Appropriations, to insert in any part of the bill any provision reported as a part of the legislative, executive, and judicial appropriation bill which had heretofore been ruled out on points of order. [Applause on the Democratic side.] Will the gentleman from New York [Mr. BENNET] and the gentleman from Wisconsin [Mr. LENROOT] permit me to say that that rule passed by your Republican majority affected 47 provisions of that bill. [Applause on the Democratic side.]

Mr. LENROOT. Mr. Speaker, will the gentleman yield there for a question?

The SPEAKER. Does the gentleman yield?

Mr. HARRISON. Yes.

Mr. LENROOT. Does the gentleman know what happened to the Republicans who brought in that rule? [Laughter.]

Mr. HARRISON. Oh, yes; but the reason why it happened to them was that you thwarted by your rules beneficent legislation and passed by your rules iniquitous legislation, prevented amendments being offered, and refused freedom of discussion. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. HARRISON. I do not. In the Sixty-first Congress, second session, page 7578 of the CONGRESSIONAL RECORD, you adopted a rule relating to the postal savings banks which allowed one amendment and you designated what that amendment should be, refused further right to amend, and provided for an immediate vote at the end of a certain time. [Applause on the Democratic side.] That is the kind of legislation you put through. Ah! and the gentleman from Illinois [Mr. MANN] voted for that rule. [Applause on the Democratic side.] But that is not all. In the Fifty-eighth Congress, second session, page 1947 of the RECORD, the Committee on Rules reported a rule for the consideration of an amendment to the act regulating commerce. A time limit was fixed for closing general debate, no debate was allowed under the five-minute rule, and only one amendment was allowed to be offered, and that was in the nature of a substitute. [Applause on the Democratic side.] And yet you say the resolution under discussion is drastic and without precedent. You had better read the record of your party. [Applause on the Democratic side.]

In the Sixtieth Congress, first session, page 6244 of the RECORD, the Vreeland banking bill was considered. How? Ah! It was so cruel I dislike to recall it. [Applause on the Democratic side.] You knew you had the votes and you passed it under a motion to suspend the rules; you allowed only one amendment, a substitute, to be offered and you specified what it should be; you limited debate, and you discharged the committee, who had not considered it, from consideration of it. [Applause on the Democratic side.] And while that action was bad, that did not surpass your action in the Sixty-first Congress, when your Rules Committee and your Republican majority passed your Payne tariff law under a rule that allowed only five amendments to the whole tariff bill being offered, and shut off discussion under the five-minute rule. And you who say we are returning to the days of Cannonism, let me ask you to again consider the liberality and justice of this rule, and compare it with the one you passed in the Fifty-ninth Congress, second session, found on page 3755 of the RECORD, when your Rules Committee forced through the House a rule relating to the safety of employees and travelers upon railroads, that not only made in order six amendments to the bill but, mind you—listen to me—in the rule you agreed to the six amendments; you passed the bill as amended, and in that same rule you sent the bill to conference and appointed the managers on the part of the House. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. HARRISON. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Mississippi moves the previous question. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. HARRISON. I ask for a division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 97, noes 89.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution embodying the rule.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. HULBERT, Mr. CAMPBELL, and Mr. MANN demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the resolution will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 184, nays 136, answered "present" 3, not voting 110, as follows:

YEAS—184.

Abercrombie	Byrns, Tenn.	Doughton	Gray, Ind.
Adamson	Callaway	Dupré	Gregg
Aiken	Candler, Miss.	Eagan	Griffin
Alexander	Caraway	Eagle	Hamlin
Allen	Carter, Okla.	Edwards	Hardy
Almon	Casey	Estopinal	Harrison
Ashbrook	Clark, Fla.	Evans	Hart
Aswell	Cline	Farley	Hastings
Austin	Collier	Ferris	Hawley
Ayres	Connelly	Fields	Hay
Bailey	Cox	Finley	Hayden
Barkley	Crisp	Flood	Heflin
Barnhart	Crosser	Foster	Helgesen
Beakes	Cullop	Gallivan	Helm
Bell	Davenport	Gandy	Helvering
Black	Davis, Tex.	Gard	Hensley
Blackmon	Dent	Garner	Hilliard
Borland	Dewalt	Garrett	Holland
Browne	Dickinson	Glass	Hood
Buchanan, Tex.	Dies	Godwin, N. C.	Howard
Burgess	Dill	Goodwin, Ark.	Huddleston
Burke	Doolittle	Gordon	Hughes
Byrnes, S. C.	Doremus	Gray, Ala.	Hull, Tenn.

Humphreys, Miss.	McClintic	Rayburn	Stone
Igoe	McDermott	Reilly	Stout
Jacoway	McGillicuddy	Rouse	Taggart
Johnson, Ky.	McKellar	Rubey	Tavenner
Johnson, S. Dak.	McLemore	Rucker	Taylor, Ark.
Jones	Miller, Pa.	Russell, Mo.	Taylor, Colo.
Keating	Montague	Sabath	Thomas
Kettner	Morgan, Okla.	Sears	Thompson
Key, Ohio	Moss, Ind.	Shackleford	Tillman
Kincheloe	Nicholls, S. C.	Shallenberger	Tribble
Kitchin	Oldfield	Sherley	Van Dyke
La Follette	Oliver	Sims	Venable
Lazaro	Olney	Sinnott	Vinson
Lee	Overmyer	Sisson	Walker
Lesher	Page, N. C.	Small	Watson, Va.
Lever	Park	Smith, N. Y.	Webb
Lieb	Patten	Steagall	Whaley
Linthicum	Pou	Stedman	Williams, W. E.
Littlepage	Quin	Steele, Iowa	Wilson, La.
Lloyd	Ragsdale	Steele, Pa.	Wingo
Lobeck	Rainey	Stephens, Miss.	Wise
London	Randall	Stephens, Nebr.	Young, N. Dak.
McAndrews	Rauch	Stephens, Tex.	Young, Tex.

NAYS—136.

Anderson	Farr	Kennedy, R. I.	Rogers
Anthony	Fess	King	Rowe
Bennet	Fitzgerald	Kinkaid	Rowland
Britt	Focht	Kreider	Sanford
Britten	Frear	LeFlibach	Scott, Mich.
Butler	Freeman	Lenroot	Sherwood
Campbell	Fuller	Longworth	Siegel
Cannon	Garland	McArthur	Slemp
Cary	Gillett	McCracken	Sloan
Charles	Good	McFadden	Smith, Idaho
Chiperfield	Gould	McKenzie	Smith, Mich.
Coady	Green, Iowa	McLaughlin	Snell
Cooper, W. Va.	Greene, Vt.	Madden	Snyder
Cooper, Wis.	Hadley	Magee	Stafford
Copley	Hamilton, Mich.	Mann	Steenerson
Costello	Hamilton, N. Y.	Mapes	Stephens, Cal.
Cramton	Haugen	Matthews	Sterling
Curry	Hayes	Miller, Minn.	Stiness
Dale, Vt.	Hernandez	Mondell	Sulloway
Dallinger	Hicks	Moore, Pa.	Sweet
Danforth	Hill	Moores, Ind.	Tilson
Darrow	Hinds	Nelson	Timberlake
Davis, Minn.	Hopwood	Oakey	Tinkham
Dempsey	Howell	Paige, Mass.	Towner
Tillon	Hulbert	Parker, N. J.	Treadway
Dowell	Hull, Iowa	Parker, N. Y.	Volstead
Dunn	Humphrey, Wash.	Platt	Wason
Dyer	Husted	Powers	Watson, Pa.
Edmonds	Johnson, Wash.	Pratt	Wheeler
Ellsworth	Kahn	Ramseyer	Williams, T. S.
Elston	Kearns	Reavis	Williams, Ohio
Emerson	Keister	Ricketts	Wilson, Ill.
Esch	Kelley	Riordan	Winslow
Fairchild	Kennedy, Iowa	Rodenberg	Wood, Ind.

ANSWERED "PRESENT"—3.

Booher	Browning	Woods, Iowa

NOT VOTING—110.

Adair	Fordney	McCulloch	Raker
Bacharach	Foss	McKinley	Roberts, Mass.
Barchfeld	Gallagher	Maher	Roberts, Nev.
Beales	Gardner	Martin	Russell, Ohio
Bruckner	Glynn	Mays	Saunders
Brumbaugh	Graham	Mecker	Schall
Buchanan, Ill.	Gray, N. J.	Miller, Del.	Scott, Pa.
Burnett	Greene, Mass.	Moon	Scully
Caldwell	Griest	Mooney	Sells
Cantrill	Guernsey	Morgan, La.	Shouse
Capstick	Hamill	Morin	Slayden
Carew	Haskell	Morrison	Smith, Minn.
Carlin	Heaton	Moss, W. Va.	Smith, Tex.
Carter, Mass.	Henry	Mott	Sparkman
Chandler, N. Y.	Hollingsworth	Mudd	Summers
Church	Houston	Murray	Sutherland
Coleman	Hutchinson	Neely	Swift
Conry	James	Nichols, Mich.	Switzer
Cooper, Ohio	Kent	Nolan	Tague
Crago	Kiess, Pa.	North	Talbott
Dale, N. Y.	Konop	Norton	Temple
Decker	Lafean	Oglesby	Vare
Denison	Langley	O'Shaunessy	Walsh
Dixon	Lewis	Padgett	Ward
Dooling	Liebel	Peters	Watkins
Driscoll	Lindbergh	Phelan	Wilson, Fla.
Drukker	Loft	Porter	
Flynn	Lond	Price	

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. SMITH of Texas with Mr. LOUD.

Mr. GALLAGHER with Mr. HOLLINGSWORTH.

Mr. MAHER with Mr. KIESS of Pennsylvania.

Mr. MURRAY with Mr. LAFEAN.

Mr. TALBOTT with Mr. NORTH.

Mr. LOFT with Mr. HEATON.

Mr. HENRY with Mr. HASKELL.

Mr. HAMILL with Mr. GRAHAM.

Mr. TAGUE with Mr. BACHARACH.

Mr. WATKINS with Mr. CAPSTICK.

Mr. WILSON of Florida with Mr. CHANDLER of New York.

Mr. PRICE with Mr. SUTHERLAND.

Mr. DIXON with Mr. WOOD of Indiana.

Mr. DECKER with Mr. SCOTT of Pennsylvania.

Mr. SAUNDERS with Mr. WARD.

Mr. BOOHER with Mr. GRIEST.

Mr. DALE of New York with Mr. GREENE of Massachusetts.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. BRUMBAUGH with Mr. DRUKKER.

Mr. DRISCOLL with Mr. MUDD.

Mr. SLAYDEN with Mr. NORTON.

Mr. SPARKMAN with Mr. MORIN.

Mr. FLYNN with Mr. MOONEY.

Mr. MORRISON with Mr. SWITZER.

Mr. NEELY with Mr. PETERS.

Mr. BUCHANAN of Texas with Mr. MILLER of Delaware.

Mr. CALDWELL with Mr. FOSS.

Mr. SHOUSE with Mr. MOSS of West Virginia.

Mr. MAYS with Mr. BEALES.

Mr. CAREW with Mr. GRAY of New Jersey.

Mr. SUMNERS with Mr. CARTER of Massachusetts.

Mr. RAKER with Mr. ROBERTS of Nevada.

Mr. MOON with Mr. CRAGO.

Mr. CARLIN with Mr. MCKINLEY.

Mr. MORGAN of Louisiana with Mr. BARCHFELD.

Mr. LEIBEL with Mr. COOPER of Ohio.

Mr. BRUCKNER with Mr. HUTCHINSON.

Mr. CONRY with Mr. MCCULLOCH.

Mr. OGLESBY with Mr. MEEKER.

Mr. PHELAN with Mr. ROBERTS of Massachusetts.

Mr. O'SHAUNESSY with Mr. SMITH of Minnesota.

Mr. CHURCH with Mr. WALSH.

Mr. LEWIS with Mr. TEMPLE.

Mr. BURNETT with Mr. SWIFT.

Mr. DOOLING with Mr. COLEMAN.

Mr. ADAIR with Mr. FORDNEY.

Mr. PADGETT with Mr. MOTT.

Until further notice by either:

Mr. JAMES with Mr. KONOP.

On this vote:

Mr. CANTRILL (for the rule) with Mr. LANGLEY (against the rule).

Mr. BROWNING. Mr. Speaker, I voted "no." I have a general pair with my colleague Mr. SCULLY, who is absent. I wish to withdraw my vote and to be recorded "present."

Mr. WOOD of Indiana. Mr. Speaker, I voted "no." I have a general pair with my colleague Mr. DIXON. He did not vote, and I desire to withdraw my vote and to answer "present."

Mr. BUCHANAN of Illinois. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. BUCHANAN of Illinois. I came in just after my name had been called.

The SPEAKER. The gentleman is too late.

The result of the vote was announced as above recorded.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

Mr. BENNET. Mr. Speaker, I call the gentleman's attention to the fact that under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman is correct. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill (H. R. 12717), with Mr. HAMLIN in the chair.

Mr. LEVER. Mr. Chairman, I offer the following as an amendment, on page 77, after line 2.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 77, after line 2, by adding the following:

AMENDMENT No. 1.

Part A.

That this part, to be known as the United States cotton-futures act, be, and hereby is, enacted to read and be effective hereafter as follows:

"That this act shall be known by the short title of the 'United States cotton-futures act.'

"SEC. 2. That, for the purposes of this act, the term 'contract of sale' shall be held to include sales, agreements of sale, and agreements to sell. That the word 'person,' wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this act, the act,

omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

"SEC. 3. That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there is hereby levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract.

"SEC. 4. That each contract of sale of cotton for future delivery mentioned in section 3 of this act shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall, for the purposes of this act, be deemed to weigh 500 pounds.

Mr. SIMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SIMS. Will we have to wait until each section is read in full before we can offer amendments to it?

The CHAIRMAN. Under the special rule no amendment to the amendment will be in order until after this amendment is reported in full.

Mr. SIMS. The whole amendment?

The CHAIRMAN. The whole amendment.

Mr. SIMS. Then we can return to the proper place?

The CHAIRMAN. Then the amendment, of course, will be open to amendment, but not until after the amendment is reported in full.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Under the rule is discussion permitted under the five-minute rule?

The CHAIRMAN. Not until after the amendment is reported in full. The Chair construes the rule to mean that the amendment must be reported in full, and then one hour's debate under the five-minute rule will be permitted, during which time amendments may be offered.

Mr. MOORE of Pennsylvania. That means that while the first amendment is being read we will not be permitted to offer any amendments or to make any remarks until the conclusion of the reading.

The CHAIRMAN. This whole amendment No. 1 is now being read by the Clerk, and can not be interrupted for amendment or debate until after the reading of it has been completed.

Mr. MOORE of Pennsylvania. During the discussion of the rule it was stated by several gentlemen, notably the gentleman from Missouri [Mr. RUBEY] and the gentleman from Mississippi [Mr. HARRISON] that there would be opportunity for the freest discussion of these amendments. Now is it understood that under the rule the discussion can be had only at the conclusion of the reading of these 21 pages of the cotton futures act?

The CHAIRMAN. Under the special rule just adopted by the House the Clerk is now reading amendment No. 1, and at the conclusion of the reading there will be one hour of debate on that amendment No. 1, during which time any member may seek recognition for the purpose of offering an amendment, and at the end of one hour a vote will be had on the amendments, if any are offered, and upon the amendment now being read.

Mr. MOORE of Pennsylvania. If I understand the Chair correctly, then there will be one hour of general debate only?

The CHAIRMAN. One hour only.

Mr. MOORE of Pennsylvania. At the conclusion of the reading of amendment No. 1, and that there will be no debate on the amendments to be offered to amendment No. 1?

The CHAIRMAN. Gentlemen may offer amendments during that time under the five-minute rule, if they desire.

Mr. MOORE of Pennsylvania. But only one hour is permitted for the offering of amendments and for the discussion of amendments.

The CHAIRMAN. That is the Chair's construction of the rule.

Mr. MOORE of Pennsylvania. A further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Then as a matter of fact all discussion under the five-minute rule is barred under the special rule?

The CHAIRMAN. The Chair is not called upon to pass upon that now. The Chair will pass upon that question when it arises.

Mr. MOORE of Pennsylvania. The fact is that the Chair refuses to allow Members at this time to discuss the amendments paragraph by paragraph under the five-minute rule or to discuss amendments thereto.

The CHAIRMAN. The Chair is bound equally with the gentleman under the rule just adopted by the House, and by reason of that fact can not now recognize him.

Mr. MOORE of Pennsylvania. I understand that. I am not finding fault with the Chair. I want to get the ruling of the Chair. Will the Chair recognize the gentleman from Pennsylvania at this time to discuss a paragraph of the amendment under the five-minute rule?

The CHAIRMAN. However glad the Chair would be to do that, he can not do so.

Mr. MOORE of Pennsylvania. The Chair refuses to recognize the gentleman for that purpose. I thank the Chair.

The Clerk read as follows:

SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 2 hereof if the contract comply with each of the following conditions:

First. Conform to the requirements of section 4 of and the rules and regulations made pursuant to this act.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. I do not know that I quite understand the ruling of the Chair. At what period does the reading under the five-minute rule begin?

The CHAIRMAN. After the Clerk finishes the reading of the amendment.

Mr. LONGWORTH. Then, it will be read under the five-minute rule?

The CHAIRMAN. Then it will not be read under the five-minute rule. It will have been read already.

Mr. LONGWORTH. It will have been?

The CHAIRMAN. Yes.

Mr. LONGWORTH. Now, suppose the gentleman from Pennsylvania [Mr. MOORE] desires to offer an amendment immediately on the conclusion of the reading of this amendment?

The CHAIRMAN. He can offer it, provided he receives recognition from the Chair.

Mr. LONGWORTH. How long would he be entitled to debate it?

The CHAIRMAN. Under the five-minute rule he can talk five minutes, unless the committee desires to extend his time.

Mr. LONGWORTH. Then, I think I misunderstood the Chair. The five-minute rule begins at the conclusion of the reading of this amendment, does it?

The CHAIRMAN. The bill is read as one amendment.

Mr. LONGWORTH. Precisely. Now, when does the five minute-rule begin?

The CHAIRMAN. After the Clerk has completed the reading of the amendment.

Mr. LONGWORTH. And then the five-minute rule continues for one hour—is that it?

The CHAIRMAN. Then the debate under the five-minute rule continues for one hour.

Mr. LONGWORTH. Oh! I did not get that.

Mr. MADDEN. I understand, Mr. Chairman, that there is one hour's general debate on the bill, and then the five-minute rule applies.

Mr. LONGWORTH. May I ask the Chair another question?

The CHAIRMAN. Certainly.

Mr. LONGWORTH. Then, according to the ruling of the Chair, as I understand it, there would be the possibility of offering only 12 amendments.

The CHAIRMAN. How many amendments?

Mr. LONGWORTH. Twelve—5 times 12 make 60 minutes.

The CHAIRMAN. The Chair would not want to say that.

Mr. LONGWORTH. Suppose there were 20 amendments offered?

The CHAIRMAN. If the gentleman could get five minutes' time, he might offer five amendments, or one every minute. There is no limit on the number of amendments that the gentleman might offer during that time.

Mr. LONGWORTH. If that is the case, where does the time come from?

The CHAIRMAN. The Chair will call the attention of the committee to the rule just adopted, which seems to be plain:

And amendments Nos. 1, 2, and 3—

The Clerk is now reporting amendment No. 1—

shall be read and considered separately, and on each amendment there shall be debate under the five-minute rule as follows: Amendment No. 1, one hour; amendments No. 2 and 3, one hour and a half each; during which debate amendments may be offered to the amendment then under consideration. All amendments offered, if any, shall be considered pending until the conclusion of the debate on the amendment to which they are offered, and at the expiration of the debate on each of the amendments Nos. 1, 2, and 3 a vote shall be taken on all pending amendments and on the amendment.

Mr. LONGWORTH. Then the physical fact is that during this hour any gentleman may offer an amendment, which he can debate for five minutes; then some one on the other side could oppose the amendment for five minutes. Is that true?

The CHAIRMAN. Undoubtedly.

Mr. LONGWORTH. That would make 10 minutes; there would be 50 minutes remaining. The physical fact is that not over six amendments could be offered to this bill.

The CHAIRMAN. The Chair is not called upon to figure out mathematically how many amendments can be offered. The Chair is bound by the rule. The amendment must be reported as a whole, and after that there is not exceeding one hour's debate under the five-minute rule, and at the conclusion of that one hour a vote shall be had on the pending amendments to the amendment, if any.

Mr. BENNET. Mr. Chairman, I do not think the gentleman from Ohio precisely understands the situation.

The CHAIRMAN. Does the gentleman from New York make a parliamentary inquiry?

Mr. BENNET. In the nature of a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET. Does the Chair understand that the attitude of the gentleman from Ohio is that the amendment comprises 21 printed pages; that that must all be read; and that no amendment or debate can be had until it is completed; and then there shall be an hour, and during that hour not only is there to be all the debate that there is to be, but within that hour all the amendments must be reported from the desk? So the gentleman from Ohio, if he got the impression that he seems to have got, has an erroneous impression, because there is not one entire hour for debate; there must be deducted from that the time required to report the amendment.

The CHAIRMAN. The Chair thinks the committee understands the rule adopted and the Clerk will read.

Mr. MANN. Mr. Chairman, I will submit a parliamentary inquiry, but I will not ask the Chair to answer it now. I understand the rule and the rule is not explicit on one point. The rule provides that amendments to the amendment may be offered during the one-hour debate. That is a provision contrary to the usual rule—to have an amendment offered and pending. It does not provide definitely either one way or the other whether at the end of the hour's debate it would still be in order to offer an amendment without debate. That question will arise and I ask the Chair to consider it.

Mr. ANDERSON. Mr. Chairman, I wanted to ask the gentleman from Illinois a question, but I will ask it of the Chair as a parliamentary inquiry—whether or not the time consumed in reading the amendment will be taken out of the hour or hour and a half of debate.

The CHAIRMAN. The Chair thinks that the time will be taken out of the hour.

Mr. MANN. Oh, no, Mr. Chairman; a Member who has five minutes is allowed that time for debate and the reading of his amendment is not taken out of that five minutes. Now the rule provides for one hour debate.

The CHAIRMAN. The Chair thinks that he was in error as to that and that the gentleman from Illinois is correct. The Clerk will read.

The Clerk, proceeding with reading of the amendment, read as follows:

SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

First. Conform to the requirements of section 4 of, and the rules and regulations made pursuant to, this act.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

Mr. SLOAN. Mr. Chairman, I rise to give the Chair an opportunity to rule directly on the proposition. At the end of the paragraph just passed I move to amend by striking out the last word of that paragraph.

The CHAIRMAN. The gentleman can not be recognized for that purpose at this time. Under the rule this amendment must be reported as a whole.

The Clerk, proceeding with the reading of the amendment, read as follows:

Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BOOHER having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On April 26, 1916:

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard Klosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos;*

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii; and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River:

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River; and

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States District Court for the Middle District of Pennsylvania, at No. 83, June terms, 1910, sitting in bankruptcy.

On April 27, 1916:

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.;

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia;

H. R. 11471. An act to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles;

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal-of-honor roll," and for other purposes;

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department or office of the Government;

S. 1294. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

S. 4490. An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina, at Raleigh, N. C.

On April 28, 1916:

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary;

H. R. 5835. An act for the relief of James Stanton;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased; and

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. In view of the statement of the Chair that the time for reading the amendment will be taken out of the hour of debate, would the Chair entertain a motion that further reading of the amendment be dispensed with?

The CHAIRMAN. The Chair did make the statement but immediately corrected it. The Chair does not hold that the time for reading the amendment will be taken out of the time for debate. The Chair made the statement inadvertently but immediately corrected it.

Mr. MOORE of Pennsylvania. I did not understand, Mr. Chairman, that the Chair had corrected that statement.

Mr. LEVER. If the gentleman from Pennsylvania wishes to expedite the matter I will submit a request that the further reading of the amendment be dispensed with.

Mr. MOORE of Pennsylvania. I simply wanted to get the Chair's opinion in the matter.

The Clerk, proceeding with the reading of the amendment, read as follows:

Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of Good Ordinary, or cotton that is below the grade of Good Ordinary, or, if tinged, cotton that is below the grade of Middling, or, if stained, cotton that is below the grade of Middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that on the fifth business day prior to delivery the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered, and, by means of marks or numbers, identifying each bale with its grade.

Seventh. Provide that in case a dispute arises between the person making the tender and the person receiving the same as to the quality or the grade or the length of staple of any cotton tendered under the contract either party may refer the question to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof fixed, assessed, collected, and paid in such manner and in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton-futures act, section 5."

The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section; and his findings upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard by him, or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties or their privies as prima facie evidence of the true quality or grade or length of staple of the cotton involved.

SEC. 6. That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

SEC. 7. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such and of which he shall give public notice.

SEC. 8. That in determining pursuant to the provisions of this act, what markets are bona fide spot markets the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton of the same or different grades in the markets selected and designated by him from time to time for that purpose; and in that event differences in value of cotton of various grades involved in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations.

SEC. 9. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States," and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stat. L., p. 251), and acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That, subsequent to six months after the date section 3 of this act becomes effective, no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

SEC. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this act.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to United States cotton-futures act, section 10."

This act shall not be construed to impose a tax on any sale of spot cotton.

This section shall not be construed to apply to any contract of sale made in compliance with section 5 of this act.

SEC. 11. That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section 5 or with all the conditions specified in section 10 of this act, except that the quantity of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds: *Provided further*, That if at the time any such contract is entered into the Secretary of Agriculture, after investigation, shall have determined and, by declaration then unrevoked, in the rules and regulations made pursuant to this act, shall have publicly announced that its terms are the substantial equivalent, and sufficient to accomplish the purposes, of the conditions specified in the fourth, fifth, and sixth subdivisions of section 5 of this act, and the rules and regulations relating thereto, such contract shall be deemed, for the purposes of this section, to comply with the said conditions: *And provided further*, That no tax shall be levied under this act on any order mentioned in this section if, first, such order and the contract made in pursuance thereof be solely for hedging the purchase or sale of spot cotton shipped, or to be shipped, from the United States to any foreign country, or the shipment or consignment for sale of spot cotton from the United States to any foreign country, whether such order or contract be the one given or made originally, or be subsequently given or made for a purchase or sale to be substituted, for hedging the purchase, sale, or shipment or consignment for sale, of spot cotton, or be for the liquidation of any such transaction; and, second, a report of such transaction, including the shipment of the cotton involved, be made to the Secretary of the Treasury at such time or times and in such form as he may require.

This act shall not be construed to lay any tax on cotton exported from any State.

SEC. 11a. That upon each order received in the United States which shall have been, directly or indirectly, transmitted or directed or authorized to be transmitted by any person from a foreign country in which there is any exchange, board of trade, or similar institution or

place of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which a contract of sale is made pursuant thereto at, on, or in any exchange, board of trade, or similar institution or place of business in the United States, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if contracts of sale of cotton grown in the United States for future delivery which may be made at, on, or in the exchanges, boards of trade, and similar institutions and places of business in such foreign country or countries comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of contracts of sale in foreign countries. The Secretary of Agriculture is authorized from time to time to ascertain and determine in what foreign countries there are any exchanges, boards of trade, or similar institutions or places of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, and whether any such contracts of sale which may be made at, on, or in such exchanges, boards of trade, or similar institutions or places of business comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of such contracts of sale. He shall publish such determinations in his rules and regulations made pursuant to this act.

SEC. 12. That the tax imposed by section 3 of this act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. The tax imposed by sections 11 and 11a of this act shall be paid by the sender of the order from the United States or the receiver in the United States of the order coming from a foreign country, as the case may be, and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

SEC. 13. That no contract of sale of cotton for future delivery mentioned in section 3 of this act which does not conform to the requirements of section 4 hereof and has not the necessary stamps affixed thereto as required by section 12 hereof shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies. That no contract of sale of cotton for future delivery made in pursuance of any order mentioned in sections 11 and 11a of this act shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies unless it conforms to the requirements of section 4 hereof and the tax imposed by section 11 or 11a upon the order for such contract shall have been paid in compliance with section 12 of this act.

SEC. 14. That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in sections 3, 11, and 11a of this act, including the origin, making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section 3 of this act to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents. The provisions of the internal-revenue laws of the United States, so far as applicable, including sections 3173, 3174, and 3175 of the Revised Statutes, as amended, are hereby extended and made to apply to this act.

SEC. 15. That any person liable to the payment of any tax imposed by this act who fails to pay, or evades or attempts to evade the payment of such tax, and any person who otherwise violates any provision of this act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $100 nor more than $20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

SEC. 16. That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this act, a penalty of $2,000, to be recovered in a civil action founded on this act, in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys to whom satisfactory evidence of violations of this act is furnished to institute and prosecute actions for the recovery of the penalties prescribed by this section.

SEC. 17. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this act shall withhold his testimony because of complicity by him in any violation of this act or of any regulation made pursuant to this act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

SEC. 18. That the payment of any tax levied by this act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this act be held to prohibit any State or municipality from imposing a tax on the same transaction.

SEC. 19. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1916, the unexpended balance of the sum appropriated by the act of March 4, 1915 (38 Stat. L., 1017), for "collecting the cotton-futures tax," or so much thereof as may be necessary, to enable the Secretary of the Treasury to carry out the provisions of this act and any duties remaining to be performed by him under the United States cotton-futures act of August 18, 1914 (38 Stat. L., 693).

SEC. 20. That there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the unexpended balance of the sum of $150,000 appropriated by section 20 of the said act of August 18, 1914, and for the fiscal year ending June 30, 1916, the unexpended balance of the sum of $75,000 appropriated for the "enforcement of the United States cotton futures act" by the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916 (38 Stat. L., 1086), or so much of each of said unexpended balances as may be necessary, to be used by the Secretary of Agriculture for the same purposes, in carrying out the provisions of this act, as those for which said sums, respectively, were originally appropriated and to enable the Secretary of Agriculture to carry out any duties remaining to be performed by him under the said act of August 18, 1914. The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this act. All sums collected by the Secretary of Agriculture as costs under section 5, or for furnishing practical forms under section 9, of this act, shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 21. That sections 9, 19, and 20 of this act and all provisions of this act authorizing rules and regulations to be prescribed shall be effective immediately; section 11a of this act shall become and be effective on and after the 1st day of August, 1917. All other sections of this act shall become and be effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to apply to any contract of sale of any cotton for future delivery mentioned in section 3 of this act which shall have been made prior to the 1st day of the calendar month next succeeding the date of the passage of this act.

SEC. 22. That the act entitled "An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes," approved August 18, 1914 (38 Stat. L., 693), is hereby repealed, effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to affect any right or privilege accrued, any penalty or liability incurred, or any proceeding commenced under said act of August 18, 1914, or to diminish any authority conferred by said act on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under the said act, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said act, or to affect any right in respect to or arising out of any contract mentioned in section 3 of said act made on or subsequent to February 18, 1915, and prior to the 1st day of the calendar month next succeeding the date of the passage of this act, but so far as concerns any such contract said act of August 18, 1914, shall remain in force with the same effect as if this act had not been passed.

SEC. 23. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Mr. SIMS. Mr. Chairman, I want to offer the following amendments to the amendment:

On page 3, line 8, after the words "no tax," insert the words "in excess of 10 cents per bale."

On page 10, line 14, following the words "no tax," insert the words "in excess of 10 cents per bale."

On page 12, line 4, at the end of the words "no tax," add the words "in excess of 10 cents per bale."

On page 14, line 2, after the words "no tax," add "in excess of 10 cents per bale."

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. SIMS:

Page 3, line 8, after the word "tax" insert the words "in excess of 10 cents per bale."

Page 10, line 14, after the word "tax," insert the words "in excess of 10 cents per bale."

Page 12, line 4, after the word "tax," insert the words "in excess of 10 cents per bale."

Page 14, line 2, after the word "tax," insert the words "in excess of 10 cents per bale."

Mr. ANDERSON. Mr. Chairman, I make the point of order that the gentleman has submitted four amendments.

Mr. SIMS. No; it is only one amendment in several places, and a vote on the first will settle them all.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The point of order made by the gentleman from Minnesota is not well taken.

Mr. SIMS. Mr. Chairman, the object of this bill, on the face of it, is to put a tax on the sale of cotton of $10 a bale of 500 pounds. The general proposition is a tax of $10 a bale when sold on the exchanges, and then follows exemptions providing that if a certain form of contract is used no tax shall be collected. Now, my amendment does not change the bill in any shape whatever but wherever the contract provided in this act is used then instead of taxing it $10 a bale we only tax it 10 cents a bale.

Such a tax is not burdensome and will enable any legitimate future dealing to be done where the cotton is intended to be delivered or where it is intended to be used for hedging purposes. It will not prevent the use of the exchanges in all legitimate business, but it will prevent the buying and selling of options merely as a gambling transaction where neither party intends to at the time they make the contract to deliver the cotton.

Mr. HEFLIN. Mr. Chairman, would that apply to spot deals?

Mr. SIMS. It would have no effect whatever upon spot deals.

Mr. HEFLIN. Spot deals on spot markets.

Mr. SIMS. Oh, not at all; it must be through the exchanges; but it will amount to the collection of a large sum of money, because they buy and sell cotton by the hundreds of thousands of bales where no delivery is expected or intended or desired—purely fictitious transactions—and if they want to do so they can still do that under this bill with this 10 cents a bale, reducing the tax from $10 to 10 cents a bale. They can still gamble, but they will have to pay some revenue for the privilege of doing it, which will very greatly reduce such dealings. When we are seeking all sorts and sources of taxation in order to collect revenue to prepare this country for its defense, and this is a small revenue tax, perfectly legitimate, bringing in a large sum of money, and it will not prevent any legitimate use of the cotton exchanges. The Democratic platform calls for the suppression, not for the regulating, of this kind of dealing. This 10 cents a bale will not suppress it absolutely, it will not prevent a legitimate use of it, but it will have a tendency to reduce fictitious dealing on the exchanges where men buy in the morning and sell in the afternoon of the same day or the next minute. It will prevent "ringing" out, it will tend to prevent running of corners; but if you do it you must pay for it, must pay this tax into the Public Treasury at a time when the Public Treasury needs every cent it can get. I think my friends who live in the South can better justify voting for this bill with this amendment than they can without it, because every cotton exchange for every kind of dealing, gambling, real or otherwise, will use the contract provided in this Lever amendment. They will all be printed forms, and no other sort will be used, and without some amendment of this bill your pretended 2 cents a pound tax will produce no revenue; you will not get a cent under it; but it is using the taxing power for other purposes, which a great many Democrats are very much opposed to.

Mr. JACOWAY. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. JACOWAY. Mr. Chairman, I want to ask the gentleman for my own information what he thinks of the provision of this bill as compared with the old bill?

Mr. SIMS. It is practically the same thing. I voted against the old bill because they would not accept an amendment of this sort, and will do it again unless it is amended. But if we tax it 10 cents a bale it means a large amount of revenue and a great deal less gambling, and then we will have a real record made by an officer of the United States which will show accurately the amount of future dealing done in the cotton exchanges of the country.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The gentleman from Tennessee having offered four amendments and having consumed five minutes in the discussion of one of them, is he now entitled to 15 minutes more for a discussion of the other three?

The CHAIRMAN. The Chair has already ruled that the gentleman's amendment is one amendment. He has occupied his five minutes.

Mr. SIMS. And he does not ask for any more.

Mr. BENNET. Mr. Chairman, I move to amend by striking out section 11.

Mr. LEVER. Mr. Chairman, does the gentleman mean section 11 or section 11a? One deals with orders coming in and the other with orders going out.

Mr. BENNET. Mr. Chairman, I will limit myself for the time being to try to strike out all that is going out—section 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. BENNET moves to strike out, on page 11, beginning with line 20, all of section 11 down to and including line 12, on page 13.

Mr. BENNET. Mr. Chairman, without assuming the highest degree of familiarity with the cotton trade, but simply applying ordinary business principles, it seems to me that this is an attempt, after the present war closes, to transfer the business of the cotton exchanges of the United States to Liverpool. I am not particularly versed in the comparative morality or immorality of cotton exchanges. I never was on one in my life and never bought or sold any of these futures or hedges, whatever they are called. I absolutely disagree with the morality of the position of the gentleman from Tennessee [Mr. SIMS], however. For instance, he regards these transactions as gambling, but is perfectly willing that the gambling shall continue as long as the United States gets a part of the rake-off.

Mr. SIMS. Oh, no. I said the Democratic platform called for the abolition of gambling, and the way to abolish it is to tax it out of existence.

Mr. BENNET. But the gentleman says do not abolish it, but let us get some of the money.

Mr. SIMS. I said you can go ahead with your legitimate dealings because the tax is light.

Mr. KELLEY. Mr. Chairman, did not the gentleman urge this as a revenue-producing measure?

Mr. BENNET. Of course.

Mr. KELLEY. And how could you get revenue unless the gambling continued?

Mr. BENNET. Certainly. It is simply another way of licensing a gambling house. The contention is made by the men who deal on these exchanges, however, that it is a legitimate business, and I am inclined to think it is. If it is a legitimate business, it ought not to be driven from the United States. What section 11 does is to drive the business of making contracts for the future sale of cotton grown in the United States and contracts for future delivery from the exchanges of the United States to the exchange at Liverpool, because, of course, we can not impose any tax on the sale of futures on the exchange in Liverpool. I realize that this method of discussion of my amendment is very futile. We talk now, and 50 minutes from now, under this rule, when the gentlemen who are now at lunch and who comprise a large majority of the House come back, we will vote on what we have now offered in the way of amendment.

That is simply one of the beauties of this rule. But I discharge my duty to gentlemen who live in the city which I have the honor to represent in part, and I make my protest both in behalf of my city and the city of New Orleans against driving this business out of the United States and over to Great Britain. I do not know why we are so particularly fond of Great Britain in all of our manifestations. I was glad yesterday when we showed a little kindly feeling toward Roumania, because it was a modification of our usual rule; but we are getting more and more British in this practice of putting legislation on appropriation bills. It is what? British. What is the Speakership of this House now? It is British. Ten years ago we had an American system under which the Speaker had power. Now we have the British provision, and by this rule we have taken one further step toward turning the American House of Representatives into the British House of Commons. I know that the Sixty-fifth Congress will be Republican and we will reverse it, but I would not be surprised if in the second session of this Congress we would have to call the chairman of the Committee on Agriculture "the right honorable gentleman from South Carolina, in charge of the Agricultural appropriation bill," and use all those other forms that go with the British aristocracy and all those other matters that we were brought up—rightly, I think—to believe inferior to American institutions.

I am sorry I have to discuss this bill in this way, but that is the manner in which it comes before the House, and I hope the gentleman from South Carolina [Mr. LEVER] will see his way clear to accept the amendment I have suggested.

Mr. LEVER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York [Mr. BENNET].

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I make the point of order that this cotton-futures bill is not properly before the Committee on Agriculture; that——

Mr. LEVER. Mr. Chairman, I make the point of order that that point is not well taken and is evidently dilatory.

Mr. MOORE of Pennsylvania. I would like to bring it up, even if it is disposed of by the Chair.

The CHAIRMAN. The Chair will remind the committee that the House by rule has made this special bill in order at this time; and the point of order is overruled.

Mr. LEVER. Mr. Chairman, section 11 of the cotton-futures bill was made a part of that bill for two purposes, one to prevent the evasion of the law, and the other to provide, if possible, an international standard of grade and contract. There has been a great deal of misrepresentation of the effect of section 11.

Now, what is that section? We have provided in this cotton-futures bill a method for the control of the operations of our own future-cotton exchanges. In the same bill we are undertaking by legislation—indirectly, I admit—to bring about a universal system for handling cotton contracts. We attempt to get other exchanges of the world—Liverpool, Bremen, Havre, and the recently established exchange at Rotterdam—not only to adopt our standard of measurement of the grades, but at the same time to adopt our contract, as far as possible, so as to protect the farmers of this country, who export 66 per cent of their cotton, from improper grades and improper and depressed contracts.

Now, it has been asserted very frequently that this section 11 as it appeared in the old law was a discrimination in favor of the British operator. Theoretically there may be something to that statement, but in practical effect there is nothing to it. But that criticism does not lie in this bill, because we have recommended section 11a, which makes it impossible for the operator on a foreign exchange to have executed for him an order on an American exchange unless the contract and the grade of the foreign exchange meet substantially the requirements of the American standard of grade and contract.

Now, then, I assert that it means greatly to the benefit of the farmers of this country if we can say to them, "You produce the cotton that is sold in the world, and we are going to give you the right under law in this country and abroad, if we can, to fix for yourselves what the standard of measurement shall be of that which you produce and likewise the character of contract upon which you sell your product." Is that a bad undertaking? Is not that a carrying out of the desire of the cotton producers of this country? I think there is no question about it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 20, line 6, after the word "receipts," add the following: "The Secretary of Agriculture shall report to Congress before July 1, 1916, the names of all persons appointed by him to carry out the purposes of this act, the dates of such appointments, the purposes for which such persons were appointed, and the salaries paid to them."

Mr. MOORE of Pennsylvania. Mr. Chairman, I raised the point of order a moment ago that this bill was improperly before the Committee on Agriculture, and the Chair ruled that the point was not well taken. In the few moments I have I want to refer to the permanent rules of the House, which provide that all matters "pertaining to the revenue and the bonded debt of the United States shall be referred to the Committee on Ways and Means." Those matters to be referred to the Committee on Agriculture are "agriculture and forestry," "which committee shall receive the estimates and report the appropriations for the Agricultural Department." There is nothing in the permanent rules of this House which gives the Committee on Agriculture the right of jurisdiction over tax bills. That is clearly a function of the Committee on Ways and Means, and this bill is improperly before this Committee of the Whole now, because it provides—section 3 on page 2—for a tax of 2 cents per pound on the cotton involved, and so forth, and in subsequent paragraphs it provides for taxes all along the line. Hence the rules of the House are overridden and a purely revenue proposition is taken from the great Committee on Ways and Means, and jurisdiction over the matter of revenue is assumed by the Committee on Agriculture, which has absolutely nothing to do with that question. But the Chair has ruled, and I shall say nothing further about it for the present.

I have offered an amendment which proposes that the Secretary of Agriculture shall report to the Congress what he does in the way of appointing people to serve under this act. It is important that we should have that sort of information in this House, if we are to uphold the limitations that have been imposed by law upon other departments of this Government. As this bill now stands, and as most of the provisions providing appropriations for salaries in the Department of Agriculture now stand, that department is a law unto itself. Those rules and limitations and legal restrictions which bind other departments do not bind the Department of Agriculture.

Yesterday we had an evidence of this when discussing the appropriation for carrying out the law which this amendment is to be attached to, with respect to the government and control of the cotton exchanges of the country. It developed then that we were employing 26 men, the total appropriation for all purposes being $150,000. We were employing 26 men who had no special work to do, because the law under which they were employed had been declared unconstitutional.

Now, in the matter of the migratory-bird act, it appeared upon inquiry by the gentleman from Illinois [Mr. CANNON] that we were appropriating $50,000 for a large number of assistants and specialists and experts who were apparently performing, when the law under which they had been appointed had been declared unconstitutional.

I wish I had time, in the five minutes to which we are restricted under this rule, to go into this matter of the specialists and the experts that the Secretary of Agriculture can appoint at will, without restriction or limitation as to the salary, under this appropriation, but the five minutes is up. However, we find the salaries run up to $3,000, not fixed by law, as in every other department, but fixed in the discretion of the Secretary of Agriculture.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. TRIBBLE. Mr. Chairman, I desire to review the history of this legislation. Since I have been in Congress this House has passed what is known as the Scott bill twice. The Scott bill prohibited gambling in cotton futures. The year previous to the investigation by the Committee on Agriculture of this question which resulted in the production of this bill the House passed what is known as the Scott bill almost unanimously. There was scarcely a protest on the floor of this House against it.

The exchanges, Mr. Chairman, saw the end of the cotton exchange and the gambling in futures. What did they do? The next year after the passage of the Scott bill almost unanimously by this House, the cotton exchanges, through their officials—the president and ex-presidents of the cotton exchanges—appeared before the Committee on Agriculture and changed the attitude in regard to cotton-future legislation.

The gentleman from South Carolina [Mr. LEVER] is one of the best men in this House, he is thoroughly conscientious in supporting this bill, and I regret that I can not agree with him on this bill. I will read from the hearings, first from Mr. Hill, who has been in the cotton-exchange business 30 or 40 years, and who has been appearing periodically in Washington for 21 years on this question. He says:

I feel quite sure that the political powers, were we to show this sort of spirit, would be satisfied with these changes and that these changes would add substantially to the volume of our business rather than to change it or reduce it.

Mr. Hill is not the only one who testified. I read:

I like the initial clauses of this bill, and I like the tax idea rather than the prohibition of the mails. I think the business can stand a small tax.

Yes, gentlemen, they fought the Scott bill to a finish. They fought it to where they were lost, and they knew they were lost. They knew this House had passed it twice. They knew the House had passed it once unanimously, and they knew that the Senate could not stand out against the Scott bill any longer. You will notice Mr. Hill said:

I think the business can stand a small tax.

That is what the bill is; and, as I understand the hearings, he approved legislation along the line of this bill.

Another man, a president of the New York Cotton Exchange, Mr. Marsh, also appeared before the committee, and here is what he says:

I want to begin by saying that I do not appear here in opposition to legislation in regard to the cotton exchanges.

Then he added:

Consequently it can not be said that I am, or that the New York Cotton Exchange is, opposed to legislation on this subject in principle. On the contrary, we believe in legislation on this subject.

The man who had fought it so vehemently and the crowd that had tried to defeat it and had been run over in this House twice again appeared before this committee and, as I understand the hearing, approved the principles contained in this bill before the House. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington: Page 12, line 21, after the word "conditions," strike out the words "*And provided further*" and the rest of line 21, lines 22, 23, 24, and 25; also on page 13, lines 1 to 10, inclusive.

Mr. JOHNSON of Washington. Mr. Chairman, I offer this amendment for the purpose of asking the chairman of the Committee on Agriculture what the word "hedging" means in line 24 of page 12. I want to get some information about the method of "hedging" in the cotton business, as permitted in line 24, page 12. What does "hedging" mean?

Mr. LEVER. "Hedging" means sale on a future contract against a contemplated spot delivery of cotton.

Mr. JOHNSON of Washington. Is not that a form of gambling?

Mr. LEVER. It is not.

Mr. JOHNSON of Washington. It is an effort to protect a sale by another sale?

Mr. LEVER. "Hedging" is defined by those who know this business as an insurance against accident in the course of transportation of the product from the point of shipment to the point

of delivery and a protection against fluctuations in the value of spot cotton. It is the antithesis of gambling.

Mr. JOHNSON of Washington. How is the insurance made?

Mr. LEVER. The insurance is made through these operations on the exchange. For instance, if I were to sell a thousand bales of cotton to a firm in Manchester, England, for delivery next January, in order to protect myself against any fluctuations in the market in the meantime I would buy on the Liverpool exchange a future contract for 1,000 bales of cotton, January delivery.

Mr. JOHNSON of Washington. Would both deals be consummated?

Mr. LEVER. Both deals would be consummated.

Mr. JOHNSON of Washington. And the actual cotton delivered in both cases?

Mr. LEVER. When I delivered the cotton I would sell my future contract, and that would consummate the deal.

Mr. JOHNSON of Washington. I thank the gentleman for the information.

Mr. CARAWAY. Mr. Chairman, on page 4, line 20, at the end of the line, I move to strike out "seven-eighths" and insert "three-fourths."

The CHAIRMAN. The gentleman from Arkansas offers an amendment that the Clerk will report.

The Clerk read as follows:

Amend, on page 4, in line 20, by striking out the words "seven-eighths" and inserting the words "three-fourths."

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I want to talk to you gentlemen who are not familiar with cotton growing. Amendment No. 2 is a grain bill. I do not know anything about that, and when we reach that I shall be largely governed by your views. You will pardon me for going just a bit into my history, merely to acquaint you with the conditions and to show that I know something about cotton. When I was first able to lift a hoe I went to work in the cotton fields, and as a hired hand, as a share cropper, as a tenant, and in later years as a landlord in a moderate way, and a ginner of cotton, I have learned something about cotton.

Last year when this bill was before this House I did not vote. I was then rather persuaded that it was a splendid bill for the spinner and a disastrous bill for the cotton grower. However, in deference to the Committee on Agriculture—for I have the very highest regard for all the members of that committee—I would not put my judgment against theirs. But we have had one year of experience now, and we know about it. Notwithstanding the fact that there were 5,000,000 bales less cotton grown in 1915 than in 1914, and notwithstanding the fact that there was an increased consumption of cotton up to the 31st day of March, 1916, over the 31st day of March, 1915, spot cotton—that is, the actual cotton—has sagged from the opening day of the market to the present time.

This bill provides that a man who wants to purchase cotton, a spinner, can go to an exchange and make a binding, valid contract with that exchange to deliver to him so many bales of cotton of a certain grade at some fixed time in the future. That being true, he knows what his cotton is going to cost him. He does not then have to put his money into it. Cotton costs considerable if you carry many bales of spot cotton. He does not have to pay insurance or commission or storage. He simply makes a contract with somebody who agrees that at some future date agreed upon between the two he may have as many bales of cotton of a certain grade as he wants. Under the system that existed before that time he could not make such a binding, valid contract, and the result was that if he wanted cotton he had to buy it when it was in the market to be sold.

We commence to gather cotton about the middle of August and continue up to the first of the year, but in the months of September, October, and November three-quarters of all the cotton that is grown is put on the market. That cotton is grown by people who are compelled to sell, and in the common parlance we say that is the "distressed" cotton. That is cotton grown by people who are unable to carry it. Some merchant has furnished them the money to make it. Somebody has advanced them the money to gather it. They even have to have the ginning paid for in many instances, and the consequence is that as soon as they get their cotton gathered they must sell it. Heretofore spinners went into the market at that time and actually bought spot cotton, but under the provisions of this bill they do not do so. They can say to the exchange man, "I am going to need 20,000 bales of cotton of a certain grade next summer to spin." The cotton exchange man says, "All right, I will let you have it at, say, 10 cents." Instead then of going into the market and becoming an active bidder for 20,000 bales of spot cotton, when the people who have grown it are compelled to sell it, this spinner puts his hands in his pockets and sits back in his office, and leaves a market in which there are thousands and thousands of bales of cotton that must be sold with nobody to buy it. The result is that the cotton grower is beaten out of his cotton.

Mr. TRIBBLE. Mr. Chairman, I wish to offer a substitute.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] has been recognized once and can not be recognized again——

Mr. TRIBBLE. I ask unanimous consent that I be allowed to introduce a substitute.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent that he may be permitted to offer an amendment in the nature of a substitute. Is there objection?

There was no objection.

Mr. TAYLOR of Arkansas. Mr. Chairman, I ask unanimous consent that my colleague [Mr. CARAWAY] may proceed for five minutes.

The CHAIRMAN. The gentleman has surrendered the floor and the committee by unanimous consent has granted to the gentleman from Georgia [Mr. TRIBBLE] permission to offer an amendment.

Mr. TRIBBLE. I move to strike out all after the first word and insert the following, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Georgia offers an amendment in the nature of a substitute, which the Clerk will report.

The Clerk read as follows:

Amend, by striking out all after the word "that," on page 1, and inserting the following:

"Certain words used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: The word 'message' shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country. The word 'person' shall mean any person, partnership, joint-stock company, society, association, or corporation, their managers and officers, and when used with reference to the commission of acts which are herein required or forbidden shall include persons who are participants in the required or forbidden acts, and the agents, officers, and members of the boards of directors and trustees, or other similar controlling or directing bodies of partnerships, joint-stock companies, societies, associations, and corporations. And words importing the plural number, wherever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or mean several persons or things.

"SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, requires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than $1,000 nor less than $100, or shall be imprisoned for not more than six months nor less than one month, or by both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense."

Mr. LEVER (interrupting the reading). Mr. Chairman, enough of the amendment offered by the gentleman from Georgia has been read to enable me to make a point of order against it. I know what the amendment is—it is the old Scott bill, and it will take half an hour to read it.

Mr. TRIBBLE. Then the gentleman admits that it is the old Scott bill.

Mr. LEVER. Yes. I am not trying to conceal anything. I make the point of order that the amendment proposed by the gentleman from Georgia is not germane to the amendment under consideration.

The CHAIRMAN. Does the gentleman from Georgia want to be heard?

Mr. TRIBBLE. It is the same subject as is the amendment under consideration. The amendment under consideration is to regulate cotton futures, and this proposition is along the same line—exactly the same question involved.

Mr. HOWARD. If the Chair will permit one additional statement to that made by my colleague. The Scott bill—and it is admitted that it is the Scott bill—was regulatory of the cotton-future business. That was the intent of the law, to regulate cotton futures.

Mr. LEVER. The gentleman is very much mistaken.

Mr. HOWARD. What was the purpose of it?

Mr. LEVER. The Scott bill was enacted as the gentleman from Goergia [Mr. TRIBBLE] intends this to be, to absolutely put the cotton exchanges dealing in futures out of business.

Mr. HOWARD. And you propose to do it by taxation.

Mr. LEVER. We do not propose to do it.

Mr. HOWARD. Now, this bill before the House regulates the question of exchanges and future sales of cotton by taxation. The other, the Scott bill, regulates it by prohibiting it and forbidding them the use of the mails or interstate commerce; both of them deal with the exchange. The subject matter of the Scott bill is the subject matter of this bill, namely, the cotton exchanges and the control of them. It is germane and in order, I respectfully submit. This is the way to get rid of the devil and that is what we are after. [Laughter.]

Mr. LEVER. Mr. Chairman, if the Chair will permit, I would like to call the attention of the Chair to this fact: The amendment under consideration is an effort, through the taxing power of the Constitution, to regulate the operation of the cotton-future exchanges of this country. There is no attempt in this amendment, I say very frankly, to abolish cotton-future trading in this country. The purpose of this bill is solely to regulate the conduct of these exchanges so that their contracts, which are quoted from morning to morning, upon which the price of spot cotton is based in all markets, shall really represent the true average value of spot cotton in the United States at that time. That is the purpose of the amendment, and we rely on the taxing power to do that.

Now, the amendment offered by the gentleman from Georgia—and I am quite familiar with it, because I was on the subcommittee which helped to draw it and on the full committee that reported it out—the purpose of the old Scott bill was, and if it had gone into operation the effect would have been, to absolutely close the doors of the exchanges. There was no purpose to regulate future sales in that bill; the only purpose was to destroy the exchanges and the bill relied upon the commerce clause of the Constitution and the control by Congress of the postal facilities to accomplish this end.

Now, I submit that on a bill, the purpose of which is to regulate by certain methods a transaction another proposition intended to destroy absolutely, that transaction through other methods can not be germane.

Mr. HOWARD. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. HOWARD. The provision in the Scott bill was that unless the transaction was accompanied with an affidavit that it was a bona fide transaction and that it would be delivered, it was an unlawful act. That did not destroy the legal transaction, but it destroyed the illegal transaction.

Mr. LEVER. If the gentleman knew as much about this as the gentleman from Tennessee——

Mr. HOWARD. I admit that I am powerfully ignorant. [Laughter.]

Mr. LEVER. If he knew as much about it as the gentleman from Tennessee knows about it, he would know that there is not a cotton-future exchange in existence which could live for a minute if everyone of these contracts had to be fulfilled by delivery and if the Scott bill went into operation. It would absolutely destroy the exchanges, and every man on the committee knew it.

Mr. HOWARD. The gentleman will admit that the Supreme Court of the United States has determined time and again that the power of Congress to regulate carries with it the power to destroy.

Mr. LEVER. That may be; but I am discussing the point of order before the House.

Mr. HOWARD. I am, too.

Mr. LEVER. And I submit that the bill which seeks to destroy a thing absolutely is not germane to a proposition which seeks only to regulate its conduct.

Mr. DAVIS of Texas. Mr. Chairman, I wish to be recognized on the point of order. We are dealing with a very serious problem. The Supreme Court has decided definitely—and it is an accepted proposition of law—that the power to regulate, the power to tax, is the power to destroy, and I hope it will have that effect in this amendment. I am now more determined than ever in respect to this amendment, since I have heard the chairman's explanation. The whole issue is involved in this one fact: That if we accept the chairman's position we leave the exchange with the full power to control the absolute spot market of the United States, with no competition by the actual buyer or spinner down among the ranks of the cotton growers, and hence they have a legalized unscrupulous monopoly in touch with the exchange in Liverpool, and they can put a final price on every bale of cotton in the United States six hours before the farmer gets out of bed in the morning.

The CHAIRMAN. The gentleman from Texas is not discussing the point of order. The Chair will be glad to hear him on the point of order.

Mr. DAVIS of Texas. Mr. Chairman, I am discussing the reasons why the point of order ought not to exist. We are dealing with the power to regulate.

The power to regulate carries with it the power to kill, and I want to kill these exchanges and then kick them to show them there is punishment after death. The power to tax carries with it the power to kill. The Scott bill may kill it, but, my God, if it is to be left with the monopoly that the chairman admits, I hope it will, and it is absolutely germane, because it regulates. If it regulates unto death, that is their misfortune and the farmers' good fortune.

Mr. SIMS. Mr. Chairman, it has been so long since the Scott bill was before the House that I would not undertake to state positively its terms. That is the reason why the bill should be read, and I think now it ought to be read before we discuss the point of order. The Scott bill made it unlawful to make fictitious deals, and all you had to do was to make an affidavit that your contract was genuine, that you intended to deliver if you sold it or intended to accept delivery if you bought. It seems to me it is absolutely regulatory, because a man could not swear he intended to receive delivery unless he intended to do so. It was cumbersome and would have been hard to execute. The taxing power is much better and a more convenient way to abolish gambling contracts.

Mr. HOWARD. Mr. Chairman, I submit that this amendment ought to be read. If there is any doubt about what the provisions are, we would at least like to have it go into the RECORD for the preservation of parliamentary procedure.

The CHAIRMAN. If the gentleman insists upon it, the Clerk will read.

Mr. TRIBBLE. I do insist upon it. This will not be taken out of the time, will it?

The CHAIRMAN. Oh, no. The Clerk will read.

The Clerk read as follows:

SEC. 3. That it shall be the duty of any person sending any message relating to a contract or to the making of a contract for future delivery of cotton to furnish to the person transmitting such message an affidavit stating that he is the owner of such cotton and that he has the intention to deliver such cotton; or that such cotton is at the time in actual course of growth on land owned, controlled, or cultivated by him and that he has the intention to deliver such cotton; or that he is at the time legally entitled to the right of future possession of such cotton under and by authority of a contract for the sale and future delivery thereof previously made by the owner of such cotton, giving the name of the party or names of parties to such contract and the time when and the place where such contract was made and the price therein stipulated, and that he has the intention to deliver such cotton; or that he has the intention to acquire and deliver such cotton; or that he has the intention to receive and pay for such cotton: *Provided*, That any person electing to do so may file with the telegraph, telephone, wireless telegraph, or cable company an affidavit stating that the message or messages being sent, or to be sent, for the six months next ensuing by such person do not and will not relate to any such contract or offers to contract as are described in section 2 of this act, and any such company shall issue thereupon a certificate evidencing the fact that such affidavit has been duly filed, and such certificate shall be accepted in lieu of the affidavit herein required at all the transmitting offices of such company during the life of said affidavit. Any person who knowingly shall make a false statement in any affidavit provided for in this act shall be punished by a fine of not more than $5,000 nor less than $500, or shall be imprisoned for not more than two years nor less than one year, or by both such fine and imprisonment. And in any prosecution under the provisions of sections 2 or 3 of this act the proof or failure to make any affidavit herein required shall be prima facie evidence that said message or messages related to a contract prohibited by section 2 of this act, and the proof of failure to deliver or receive the cotton called for in any contract for future delivery of cotton shall be prima facie evidence that there was no intention to deliver or receive such cotton when said contract was made.

SEC. 4. That any agent of any telegraph, telephone, wireless telegraph, or cable company to whom messages herein described may be tendered is hereby required, empowered, and authorized to administer any oath required to be made under the provisions of this act with like effect and force as officers having a seal, and such oaths shall be administered without any charge therefor.

SEC. 5. That it shall be unlawful for any person owning or operating any telegraph or telephone line, wireless telegraph, cable, or other means of communication, or any officer, agent, or employee of such person, knowingly to use such property or knowingly to allow such property to be used for the transmission of any message relating to such contracts as are described in section 2 of this act. Any person who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than $1,000 nor less than $500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. 6. That every book, newspaper, pamphlet, letter, writing, or other publication containing matter tending to induce or promote the making of such contracts as are described in section 2 of this act is hereby declared to be nonmailable matter, and shall not be carried in the mail or delivered by any postmaster or letter carrier. Any person who shall knowingly deposit or knowingly cause to be deposited for mailing or delivery any matter declared by this section to be nonmailable, or shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000 nor less than $500, or shall be imprisoned not more than five years nor less than one year, or both. Any person violating any of the provisions of this section may be proceeded against by information or indictment and tried and punished either in the district at which the unlawful publication was mailed or to which it is carried

by mail for delivery according to the direction thereof, or at which it is caused to be delivered by mail to the person to whom it is addressed.

Mr. MILLER of Pennsylvania (interrupting the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Pennsylvania. Why can not this whole thing be printed in the RECORD? Nobody is paying any attention to what the Clerk is reading.

The CHAIRMAN. It will be printed in the RECORD.

Mr. MILLER of Pennsylvania. I ask unanimous consent that it be put into the RECORD without being read.

Mr. MOORE of Pennsylvania. I object.

The CHAIRMAN. The gentleman from Pennsylvania objects, and the Clerk will read.

The Clerk read as follows:

SEC. 7. That the Postmaster General, upon evidence satisfactory to himself that any person in sending through the mails of the United States any matter declared by section 6 of this act to be nonmailable, may instruct the postmasters in the post offices at which such mail arrives to return all such mail to the postmaster in the post office at which it was originally mailed, with the word "unlawful" plainly written or stamped upon the outside thereof, and all such mail, when returned to said postmaster, shall be returned to the sender or publisher thereof under such regulations as the Postmaster General may prescribe.

SEC. 8. That in any proceeding under this act all persons may be required to testify and to produce books and papers, and the claim that such testimony or evidence may tend to criminate the persons giving such testimony or producing such evidence shall not excuse such person from testifying or producing such books and papers; but no person shall be prosecuted or subjected to any penalty or punishment whatever for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence of any character whatever.

Mr. OLIVER. Mr. Chairman, I submit that the point of order made by the gentleman from South Carolina [Mr. LEVER] is not well taken. The amendment introduced by the gentleman from South Carolina is in order only by reason of a special rule making in order "legislation to regulate exchanges." In order for the Chair to determine what then would be in order under such rule, the Chair must of necessity determine what is the meaning of the term "regulate." The Supreme Court has uniformly held that power to regulate carries with it the power and the right to prohibit. If that be the meaning of the word "regulate" as interpreted by the Supreme Court in cases that are strictly analogous, certainly the same would hold in interpreting the meaning of the word in the rule under which we are here acting. But it is not necessary for the Chair to adopt such conclusion in order to hold that this amendment is in order, for the reading of the substitute which the Chair has just listened to clearly shows that it authorizes contracts on the exchange and seeks to specify a class of contracts that are not lawful. It is clearly then germane and within the general purpose of the amendment offered by the gentleman from South Carolina. The reading of the substitute, it seems to me, can leave no doubt in the mind of the Chair that the insistence of the gentleman from South Carolina that the substitute is a bill to destroy, even if the Chair should hold that the rule was not sufficiently broad to authorize such an amendment, is not well taken. The substitute does not go that far. It simply regulates, just as the amendment offered by the gentleman from South Carolina seeks to do, and for that reason there can be no question as to the point of order not being well taken.

The CHAIRMAN. Does the gentleman see any distinction in this fact, that the amendment offered by the gentleman from South Carolina seeks to attempt to regulate certain proceedings by the process of taxation, while the substitute offered by the gentleman from Georgia seeks to perhaps accomplish the same thing, but in a different way entirely, by the imposition of fines, in the nature of criminal procedure?

Mr. OLIVER. I can not understand that there could be any difference when the primary purpose of both bills is to regulate and to define what contracts are lawful and permissible, even though it might be sought to accomplish such regulation by different methods in the two bills. Both of these bills provide a criminal penalty for violations. The position of the gentleman from South Carolina is that while the Scott bill, which is the substitute, does not in fact prohibit exchanges by its terms, yet he would have the Chair, for the purpose of sustaining his point of order, conclude that because of his statement that he believes the effect of the Scott bill would be to close down the exchange, that such is its purpose and effect.

Certainly the Chairman would not determine the purpose and effect of this substitute by considering a statement made on the floor to the effect that perhaps it may not be profitable, if this law is enacted, for exchanges to continue business under it. The belief of the chairman of the committee does not determine, if you please, what is the nature and purpose of a law, but only the reading of the language of the law can be looked to by the Chair in order to ascertain its purpose and effect.

Mr. SIMS. Mr. Chairman, now, of course, the present amendment to the Agricultural bill starts out by proposing a tax of $10 a bale—2 cents a pound. That is a proposition simply and singly by itself, but which is followed by providing a sort of a contract by which, if executed, no tax at all is to be collected, but it also has many other provisions in it besides the one with reference to taxation. The Chair will see by examining the bill that there is much in this amendment besides the taxing provision, and he will see by the Scott bill that there is much in it besides simply preventing the buying and selling where there was no intention to deliver or accept delivery.

The underlying purpose of this bill is to legalize dealing in futures where no delivery is intended, where no cotton is to be delivered and none to be accepted, by simply complying with the form of contract mentioned therein, but it also refers to grades and legislates concerning a number of things besides taxation, just as the Scott bill did, and making it a misdemeanor or crime to buy that which you do not want and sell that which you have not got and do not expect to deliver. But the main object is to prevent fictitious trading in cotton upon the various exchanges of the country, to which each of these bills applies. Of course the taxing power is used in one instance and the criminal statute in another, but the Scott bill provides that certain kinds of contracts shall be absolutely void, and it provides how valid contracts shall be made; that is, by making an affidavit to accompany the contract; and then it can be executed under the law and be protected, and it only makes the so-called fictitious contracts where the parties to them do not intend to comply with the terms of them; and this $10 a bale tax will not absolutely destroy the cotton exchange not only where delivery is not intended, but where it is, from the fact that no legitimate business could be done on the cotton exchange if dealers had to pay $10 a bale tax.

Now, avoiding the tax by using a certain form of contract is a mere subterfuge to legalize fictitious dealing where all the parties to the transaction have not the slightest idea of doing anything except to settle by way of margin, the loser paying the difference and the winner getting what the loser loses, which has always been called a gambling or wagering contract, where the whole purpose and object of the deal is that I am to get your margin or you are to get mine.

Mr. CARAWAY. Mr. Chairman, I want to call attention to section 3 of the so-called Lever amendment. It says:

There shall be levied a tax in the nature of an excise tax of 2 cents for each pound of cotton involved in any such contract.

That would be $10 a bale on the cotton. Of course, that is prohibitive. If there was not a subsequent section in the bill by availing himself of the provisions of which the dealer can get around the provisions of section 3, it would close every exchange in America the day it went on the statute books.

Now, the Scott bill provides that if they make a contract and do not do certain things in connection with it, they are in violation of the law, and its penalties are so harsh that it would close the exchanges. Each one gets its jurisdiction to deal with the matter by a provision of the bill that would absolutely close the exchanges. Then each in a different way provides the means by which those who deal on the exchanges may avoid the penalties of the bill, the object being the same in each, each starting out with the provision that would close the exchanges, and each having subsequent provisions by means of which those who deal with them may avoid the penalties of the statute. And, therefore, if one is in order the other would necessarily be, under the rule.

The CHAIRMAN. The Chair is ready to rule. Naturally the Chair would like to have had more time to consider this matter, and it may be that he may not be of the same opinion to-morrow as he is to-day; after he has had time to look this matter up carefully he may change his opinion.

I think it has been the experience of every Chairman who has had to deal with these many matters that it is very difficult to determine sometimes just what is germane and what is not. It is not always true that things pertaining to the same general purpose or object are germane, one to the other. But in this case it seems to me that the only difference that I have been able to detect, only hearing the two amendments read, is that one seeks to accomplish a certain purpose through the process of taxation, and the other by a little different method, to wit, by the imposition of fines for the violation of certain provisions of the amendment.

The Chair is reminded of this fact, however, that in 1904 the House had under consideration a bill carrying an appropriation for an enforcement of the Chinese-exclusion act. There were certain provisions in that bill that changed existing law. The Chairman, who was then Mr. Theodore Burton, held that if a

point of order had been raised to those provisions it would unquestionably have been sustained, but the point of order not being raised, was therefore waived, and the matter was in consequence properly before the committee.

In this case the matter under consideration offered by the gentleman from South Carolina [Mr. LEVER] is made in order by a special rule, so that point can not be raised as to his amendment. Then the matter made in order by special rule, or permitted to be in order by reason of the fact that no point of order is made against it, stands the same as any other matter that is naturally in order before in the bill; but Chairman Burton laid down this rule that if a paragraph was included in the bill which had a taint of illegality, or which was contrary to existing law, that paragraph can be perfected or corrected by an amendment; but if a further paragraph proposed as an amendment carries a further illegality, affecting the whole paragraph, it is not in order.

It appears to the Chair that that is pretty sound doctrine. What has been bothering the Chair is whether the Tribble amendment does not go beyond the amendment made in order by special rule and introduce a new and further encroachment upon existing law. Yet the Chair recognizes and realizes that in the main both amendments are intended to accomplish practically the same purpose.

Mr. KELLEY. Mr. Chairman, has the Chair ruled?

The CHAIRMAN. The Chair has not yet concluded. The Chair would like to have had ample time to consult precedents, but the Chair has thought upon it, and inasmuch as it is necessary to rule now, the Chair is going to overrule the point of order.

The gentleman from Georgia [Mr. TRIBBLE] has the right to discuss his amendment for five minutes if he desires to do so. If not, the Chair will recognize the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY. Mr. Chairman, I just want to make a request. When the gentleman from Arkansas [Mr. CARAWAY] had the floor a while ago, his time expired when he was making what was to me a very illuminating statement. I do not know about the effect of this legislation upon cotton, and I would like to vote, of course, to benefit the cotton producers; and I therefore ask unanimous consent that the gentleman from Arkansas be given five minutes more in which to continue the statement he was making when his time expired.

The CHAIRMAN. The gentleman from Michigan [Mr. KELLEY] asks unanimous consent that the gentleman from Arkansas [Mr. CARAWAY] may proceed for five minutes. Is there objection?

Mr. LEVER. Reserving the right to object, Mr. Chairman, how much time remains?

The CHAIRMAN. Twenty-seven minutes remain.

Mr. LEVER. I imagine a goodly number of gentlemen here would like to discuss the matter. I have no objection to the gentleman from Arkansas going on, because he always makes a good statement.

The CHAIRMAN. Is there objection?

Mr. LEVER. I shall not object.

The CHAIRMAN. The gentleman from Arkansas is recognized for five minutes.

Mr. MANN. Reserving the right to object, Mr. Chairman, the Chair did not submit any proposition. I could not hear what the conversation was.

The CHAIRMAN. The Chair did submit the request of the gentleman from Michigan [Mr. KELLEY], that the gentleman from Arkansas [Mr. CARAWAY] be permitted to proceed for five minutes, and then later the Chair inquired if there was objection to that request.

Mr. MANN. I think the Chair asked if there was any objection, but I did not hear what it was.

The CHAIRMAN. If the gentleman from Illinois objects——

Mr. MANN. I did not know what the proposition was, and I do not know yet. I knew there was a conversation going on there, but I did not know what it was.

The CHAIRMAN. The gentleman from Michigan [Mr. KELLEY] asks unanimous consent that the gentleman from Arkansas [Mr. CARAWAY] may have five minutes more time. Is there objection?

Mr. MANN. Reserving the right to object, how much time is there left?

The CHAIRMAN. Twenty-seven minutes.

Mr. MANN. Is that applied for?

The CHAIRMAN. Not to the Chair.

Mr. LEVER. Mr. Chairman, I do not understand that the request is that this five minutes shall be in addition to the time fixed by the rule.

The CHAIRMAN. No; it comes out of the general time. The gentleman from Arkansas is recognized.

Mr. CARAWAY. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. KELLEY] for his kindness in this matter.

I was discussing with gentlemen on this side of the House the possibilities of this bill with reference to the man who grows cotton. Now, as I said before, the cotton crop is gathered principally in the months of September, October, and November, and three-fourths of the crop is sold in these months. We sell it in this way: A man picks his cotton and carries it to the gin, and there it is ginned and wrapped in bales of approximately 500 pounds each, and the man who owns it usually owes the merchant in that town all that it is worth. He delivers to the merchant his gin ticket, as it is called, which entitles the merchant to that bale of cotton, and the price is fixed usually by the prevailing price in the market on that day, less the price of transportation and commission for selling. For instance, if cotton is worth 12 cents on the market in Memphis, the price of that grade of cotton at my home town, 60 miles from Memphis, would be about 11¼ cents. It varies from day to day. Now, there are two classes of people who buy cotton. There is the man who buys the spot cotton, who actually intends to manufacture the cotton, the spinner; and there is the man why buys the future cotton, who says, "I will buy a thousand bales of cotton, March, April, or May." The future-cotton price, of course, is governed not by the conditions existing at the time he buys, but by the conditions existing at the time the cotton is to be delivered—which is never to be delivered, as a matter of fact.

The man who has spot cotton must sell according to the demand. He has a product, and he must sell it from day to day. There is but one legitimate source to which he may look for a buyer, and that is the spinner. Heretofore the spinner has gone eagerly into the market while the cotton was in the hands of the grower, because the history of cotton is that ordinarily when it is out of the hands of the grower it has gone up. The spinners have gone actively into the markets at every cotton-selling center in the United States, and you will find hundreds and hundreds of buyers of cotton, not only from all the spinners in America but from the spinners all over the world. That cotton is sampled in large allotments, and these buyers from day to day buy that cotton. But under the provisions of this bill they do not have to do that. Usually the man on the cotton exchange is what we call a bear. He wants the price of cotton to be as low as possible. The spinner agrees with him. Under this bill they can make a binding contract, and all the dealer on the cotton exchange has to do is to say to the spinner, "Well, there will be for sale to-day on this market a hundred thousand bales of cotton. You want 20,000 bales. You do not need it until next summer. Now, you stay out of that market and I will agree that I will deliver to you all the cotton you want next August—that is, 20,000 bales of cotton—at a certain fixed price." The spinner has nothing to lose, because under the provisions of this bill, if the exchange man does not deliver to him that particular cotton, he can collect the commercial difference and go into the market and buy that many bales of cotton. He has nothing to lose, and therefore he will readily agree to do it. Here are a hundred thousand bales of cotton, owned by poor people who can not carry it. The spinner is the only man to buy it. He will not buy it, because it costs $60 or $70 or $80 a bale to carry spot cotton, and it only costs a dollar a bale to carry future cotton. He therefore stays out of the market, and the market sags, and the man who grew the cotton and put 12 months of toil into it has no one to buy it. He has to sell, and therefore it drops in price from day to day, as it has done every day this year.

Pass this bill and every grower of cotton must suffer and every spinner will profit, and the gamblers will continue to rob the producer of the fruits of his toil. Pass it and little children must grow up in poverty and in want. Pass the substitute of the gentleman from Georgia [Mr. TRIBBLE] and millions of the toiling poor of our Southland will bless you for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I desire to oppose the amendment of the gentleman from Georgia [Mr. TRIBBLE]. I am glad the gentleman from Michigan [Mr. KELLEY] is interested in this proposition. I desire to call to his attention some of the facts involved in it.

The amendment that I have offered has not been hastily drawn. It has not been crudely drawn, but it has been drawn by the greatest experts that the Secretary of Agriculture could assemble in the Department of Agriculture. Every line of this bill has undergone the closest scrutiny of the best experts that the Government has been able to put its hands on.

Now, this law was in effect for more than 12 months, and what happened? Let us see if the bill works out in the interest of the farmer or not. Immediately after the opening of the European war the exchanges closed and remained closed until November 16 following. The cotton-futures act became effective February 18 following that. When the exchanges opened they opened with two contracts in force—one the old contract, under which they had operated for years, and against which this legislation was directed, and a new contract, drawn in anticipation of the law which was to go into effect on the 18th of February. I would like these farmers to give me their attention for a moment. I hold in my hand a comparison of the relative value of these two contracts during the period when they were both in use. Without going into the details, because that would cover several pages of the RECORD, you will find that the contract drawn in compliance with the provisions of this amendment which I have offered sold each day from 20 to 40 points higher than the old contract. [Applause.]

Mr. CARAWAY. Will the gentleman yield?

Mr. LEVER. I can not yield. Translating that into dollars and cents it means from $1 to $2 a bale on each bale of cotton in the South, or from $15,000,000 to $30,000,000 more to the southern farmer. That is what it means.

Now, let me call the attention of my friend to another thing. On the 13th of September last the cotton-futures act was held unconstitutional by District Judge Hough, of the southern district of New York. We should expect that if this law had not been a good thing, if it had depressed the market, when that decision was announced the price of cotton would promptly have gone up. Would not that be what you would expect if this bill had not been doing what I claim for it? But what happened? I read from the New York Journal of Commerce and Commercial Bulletin of the morning after the law was declared unconstitutional:

It was a day of surprises Prices advanced early 30 points or more and then two things hit the market hard, so hard that it came down to something like the traditional thud. These two blows were first the failure to predict killing frost over last night, none having occurred over the holiday, and, second, and hardest of all, the fact that Judge Hough, of the United States district court, had handed down a decision declaring the Lever bill unconstitutional on the ground that it was a violation of the Constitution of the United States, as the measure originated in the United States Senate and not in the House.

I quote again:

EXIT LEVER BILL?

Looks like it from a decision in the United States district court, if upheld by the Supreme Court. It caused heavy selling and a rapid reaction after a rise of 30 to 33 points.

Again I quote:

The rumor that the Lever bill had been declared unconstitutional caused selling around 12 o'clock, and January fell to 12.70 cents after being up to 13.08 cents on the early trading.

The fact is that while the market that morning had been a bull market, having gone up 33 points, or a little more than $1.50 a bale, within 10 minutes after the rumor reached the New York Exchange membership that this law had been declared unconstitutional the market broke 30 points, or $1.50 a bale, representing a loss of $22,500,000 to the cotton farmers of this country.

Mr. TRIBBLE. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. Inasmuch as the committee allowed the gentleman from Arkansas [Mr. CARAWAY] five minutes additional, I would like to have five minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. How much time will remain?

The CHAIRMAN. Seventeen minutes.

Mr. MANN. I shall object unless I have some time.

Mr. HUGHES. Mr. Chairman, it is always with deep regret that I am forced to differ with the distinguished gentleman from South Carolina, the chairman of the great Committee on Agriculture, but on this issue I must disagree with him.

I have ever been opposed to the measure which he to-day advocates. I am a cotton grower myself, and I have the honor of representing a large agricultural cotton-growing district, and the second great cotton-growing State in this Union.

The Scott bill passed this House almost unanimously twice, and I wish to say that I believe I speak the sentiments of the cotton growers of the great State of Georgia when I say that they approve the Scott bill. I went over the State and discussed this proposition with them, and when the Scott bill was presented they showed their almost united approval.

I sincerely hope that this substitute will be adopted. I believe it should be, because it is in the interest of the cotton growers of this country. Mr. Chairman, the cotton growers of this country feel that their great crop of cotton should not be priced by two great cities—one New York and the other New Orleans. The cotton growers of this great country are willing to comply with the calls of supply and demand.

Mr. LEVER. Will the gentleman yield?

Mr. HUGHES. I will.

Mr. LEVER. Does the gentleman know that six presidents of the Farmers' Union have taken the position that this law ought to be reenacted at the earliest date, with the exception of section 11?

Mr. HUGHES. Anything that the gentleman from South Carolina states is the truth. They may favor it; but I tell you, my countrymen, that the majority of the cotton growers of this country do not favor it. They feel that they have been swindled and robbed by these speculators in their cotton. They expect the representatives of the cotton growers to defend their interests on the floor of this House. Now, I acknowledge that there are some good points in the gentleman's bill. I agree to that; but there is enough that is injurious and wrong and detrimental to the farmers of the country to more than offset the good that there is in it, and because of that I shall vote against it.

It has been said, and perhaps it is true, that the bill presented by the distinguished gentleman from South Carolina is a far better measure than the plan upon which these exchanges are to-day operating. That may be true, Mr. Chairman, but whereas that may be true we are willing to kill the better of the two so as to be sure to kill the worse at the proper time, and we propose to fight this to the finish and ultimately give the cotton growers of this country the right to control the price of their cotton. [Applause.]

Now, how can they do this? It has been said from the very fact that the cotton exchange in New York was closed in 1914, when war was declared in Europe, there was and could be no sale for cotton. The gentlemen who make that statement are mistaken. I was in Georgia at that time, and before the New York Exchange opened and saw fit to give the farmers an opportunity to sell the great money crop of this country cotton was selling at my own little town for 6 and 7 cents a pound. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I do not remember whether I objected to the extension of remarks of the gentleman from Georgia two years ago or not. I objected to a lot of extensions at that time on this bill in order to show the House that there was a very important bill, with only 20 minutes of debate on a side. Now we have 30 minutes' debate in reference to this bill, supposedly on a side. It is a very important proposition. At that time the bill passed 4 to 1 in favor of it, with less than 25 per cent of the membership of the House present.

Now what is the situation? The Committee on Agriculture has reported a bill, which is before the House, H. R. 11861. Members have had an opportunity to examine that bill. Here is a rule which makes the provisions of that bill in order as an amendment to the Agricultural bill. Not many of us know very much about that bill, although it was enacted into law, with the exception of a very small portion of it. But now, during the middle of an hour's debate, when more than half of the time has expired, an amendment is proposed to be inserted containing something entirely different. Gentlemen say that the original proposition will be detrimental to the farmers raising cotton, and other gentlemen say that the substitute is absolutely essential. Why, nobody has had any opportunity to examine it. There is no consideration of it. This is no proper method of legislation. I do not know how meritorious the substitute may be; I can not vote for it. I do not know what it is, and I am not willing to take legislation on the theory of a pig in the poke.

I do know what the Lever bill is, reported from the committee. I am willing to vote for that, although I am not enthusiastic about it. I do not think we ought to be asked to vote in the House for a matter which gentlemen say is so very important without knowing anything about it. The Lever bill is now the law, depending on whether it is constitutional or not.

Mr. SIMS. Will the gentleman yield?

Mr. MANN. No. I voted against the rule and the gentleman from Tennessee voted for it.

Mr. SIMS. The Scott bill passed the House twice, as the gentleman will remember.

Mr. MANN. I do not know whether it did or not. I will take the gentleman's word for it. I probably did not vote for it, although I do not remember. The Lever bill is brought in here with an hour's debate and seeks to enact into law that which Congress tried to enact, but missed it by a technicality. We ought not to be expected to vote for a proposition of as great importance as this, seeking to abolish the present method

of dealing in one of the great products of the country, without any knowledge of it whatever. I can not do it. [Applause.]

Mr. TRIBBLE and Mr. HEFLIN rose.

Mr. TRIBBLE. Mr. Chairman, haven't I got five minutes?

The CHAIRMAN. The gentleman has not five minutes, unless he gets it now.

Mr. HEFLIN. How much time is there left?

The CHAIRMAN. Seven minutes; and the gentleman from Georgia [Mr. TRIBBLE] having proposed an amendment, and the committee consenting to his being recognized at that time, the Chair feels that he is entitled to speak.

Mr. HEFLIN. But the gentleman from Georgia has already addressed the committee. I am a member of the Committee on Agriculture.

The CHAIRMAN. The Chair recognizes that, and that is the embarrassing fact; but the gentleman from Georgia having proposed an amendment, it occurs to the Chair that he ought to have the time. [Cries of "Regular order!"]

Mr. HEFLIN. He has already spoken upon it.

The CHAIRMAN. The gentleman from Alabama, then, is recognized—a member of the committee.

Mr. HEFLIN. Mr. Chairman, I am going to offer an amendment to this bill, and I send it to the desk and ask the Clerk to read it.

The Clerk read as follows:

Page 2, line 9, after the word "corporations," add the words: "who produce or deal in actual cotton; that contracts on the cotton exchanges of the United States for the future delivery of cotton shall be confined and limited to individuals, corporations, or associations who produce, buy spot cotton, and consume cotton in manufacturing establishments, or persons who purchase hedge sales made by producers, spot buyers, and spinners."

Mr. HEFLIN. Mr. Chairman, the bill regulating cotton exchanges as reported by the committee—the Lever bill—is already the law, with the exception of the changes made in section 11. It has some very valuable provisions in it, provisions not contained in the substitute offered by the gentleman from Georgia [Mr. TRIBBLE]. His substitute passed the House a few years ago. It is the old Scott bill. I supported that bill when it was up for consideration then. But that bill could not pass the Senate then and it could not pass that body now. This bill has four or five provisions in it that are not contained in the Scott bill, offered as a substitute by the gentleman from Georgia, and one of them is that whenever a dispute arises on the exchange as to the grade of cotton tendered on the contract, either one of the parties can call upon the Secretary of Agriculture to decide that question. Under the old law there was no appeal from the decision of the exchange. When its committee said that the grade was this or that there was no appeal from that decision, and that situation alone cost the cotton producers millions of dollars every year. I suggested the provision which gives the Secretary of Agriculture the right to decide the grade when called on to do so. The committee on fixed differences on the exchanges used to determine what the difference was between good ordinary and strict middling, and there was no appeal from that, and that committee could change in one night the difference that it had announced just a day or two before, and injure one of the parties to the contract by its arbitrary action. [Applause.] That committee on fixed differences is put out of business by the provisions of this measure, and the commercial difference between the grades is now provided for in this bill, and the Secretary of Agriculture is required to find out what the commercial difference is, by going to five spot markets in the South. [Applause.] I submit to gentlemen that those two provisions alone are sufficient to warrant the support of a measure of this sort rather than a return to the old system. I take pride in the fact that I suggested that the commercial difference should be required, as the law now provides.

Not only that, but this bill requires the exchanges to adopt the nine grades of cotton standards fixed by the Congress and now in use in the Agricultural Department and in the exchanges in the United States. The Scott bill, offered here as a substitute, contains none of these provisions, and I submit to my friends from the cotton-growing States that no bill should be seriously considered with these important provisions left out.

The Scott bill can not pass here and it could not pass the Senate. Now, then, if the Supreme Court should declare the present law unconstitutional, why the exchanges would return to the operation permitted under the old law when dog-tailed cotton and fixed differences ruled the price. If the cotton exchanges can be properly regulated, and I believe that they can, so that they will really help to distribute the crop and become a legitimate institution, serving buyer and seller both in the matter of aiding the law of supply and demand, well and good. The gentleman from Georgia [Mr. TRIBBLE] wants to kill them outright. I will say frankly that if I had my way I would establish spot-cotton exchanges all over the South. I think that we will have them some day, but until we do get them established we must not destroy any legitimate agency that deals in cotton. If we adopt my amendment, it will confine these dealings in cotton futures to the producer, to the spot buyer and the spinner and those who buy their hedge sales. These are the persons to whom dealing in futures should be confined. The producer is making, we will say, 20 bales of cotton. Let him go upon the exchange and sell 20 bales if he wishes. The merchant buys 20 bales, and he says, "I do not know what the price will be in two weeks or a month from now and I will go on the exchange and hedge." He ought to have the right to do that. The spinner buys 50,000 bales, and he says, "I ought to be permitted to hedge." Let him go on the exchange, and let him use the exchange to help him carry any loss that may come in fluctuation in the price. The spinner contracts to sell 5,000,000 yards of cloth, and buys real cotton with which to make the cloth. He does not want the price to go down after he buys, then let him go on the exchange and protect himself if he so desires. Under my amendment all contracts have behind them real cotton. It will confine speculation, in the main, to hedging transactions, and that is the object of it. If we make 10,000,000 bales and 10,000,000 bales are sold for hedging purposes, only 20,000,000 bales are handled in both spot sales and future contracts. Now, many times that amount is sold in a single season. My amendment will confine contracts to actual cotton and the hedge sales that they represent. You can keep track then of all the contracts and know exactly what is going on in the cotton business. Vote for my amendment and the exchanges can be made useful and serviceable to all persons who are really interested in the cotton business. [Applause.]

Mr. LEVER. Mr. Chairman——

Mr. TRIBBLE. Mr. Chairman, I do not think the gentleman intends to take all my time.

The CHAIRMAN. The gentleman has not any time more than any other Member of the House.

Mr. TRIBBLE. The gentleman stated before this argument began that "the gentleman from Georgia was entitled to five minutes," and I relied implicitly upon his statement.

The CHAIRMAN. And the gentleman from Georgia was recognized, but took his seat and did not occupy the five minutes.

Mr. TRIBBLE. I did not so understand it. I ask unanimous consent that I may be allowed to proceed for three minutes.

The CHAIRMAN. The Chair will also remind the gentleman from Georgia that he was very anxious to recognize him.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for three minutes.

Mr. LEVER. Mr. Chairman, the time was fixed.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent——

Mr. LEVER. Just one minute. I reserve the right to object. If we extend it to the gentleman from Georgia, we are bound in all courtesy to the gentleman from Texas who was here a moment ago and asking for time. With the distinct understanding that I will object to any further——

Mr. MOORE of Pennsylvania. Reserving the right to object, how much time is there remaining under the one-hour arrangement?

The CHAIRMAN. Two minutes.

Mr. MOORE of Pennsylvania. Can not the gentleman from Georgia [Mr. TRIBBLE] get through in two minutes?

The CHAIRMAN. Is there objection?

Mr. HARRISON. Mr. Chairman, I make the point of order. The Committee of the Whole can not change a rule adopted by the House.

The CHAIRMAN. The Chair thinks it could if by unanimous consent. Is there objection?

Mr. HARRISON. I object.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] is recognized.

Mr. MANN. The House fixed the time.

Mr. LEVER. Mr. Chairman, I desire to bring to the attention of the gentlemen from the South particularly in these two minutes the attitude of the farmers of the South as that attitude is expressed in certain resolutions which have come to me. I read from the resolutions signed by the marketing committee of the farmers' union, composed of presidents of the following State farmers' unions and representing the national organization:

O. P. Ford, president and member of the marketing committee, Farmers' Union of Alabama, McFall, Ala.

J. L. Shepard, president and member of the marketing committee, Farmers' Union of Florida, Greensborough, Fla.

O. W. Taylor, president and member of the marketing committee, Farmers' Union of Oklahoma, Roff, Okla.

I. N. McCollister, president and member of the marketing committee, Farmers' Union of Louisiana, Many, La.

H. N. Pope, president and member of the marketing committee, Farmers' Union of Texas, Fort Worth, Tex.

I can not read all of these resolutions, but they say this:

We most respectfully urge that you immediately reenact into law the Smith-Lever bill, omitting section 11 and section 11a, thereby saving an untold amount to the producers of this country.

In another resolution of this same marketing committee it is said:

Resolved further, That attention be called to the fact that the Alabama law is an indorsement of the act of Congress known as the United States cotton futures act, which act is the result of years of study in the interest of the producers of cotton by the best brains and the ablest men representing the Southern States in both branches of Congress; further, that its practical trial during the past year has demonstrated that (excepting section 11, which restricted business with foreign countries) it meets the needs of the cotton growers, eliminating evils which have heretofore been complained of.

Furthermore, I desire to read from a letter from Mr. McCollister, president and member of this farmers' union marketing committee, addressed to me under date of March 10, as follows:

We take the view that the Smith-Lever bill as originally drawn, with the exception of section 11 and section 11a——

Mr. ASWELL. What have you done with those?

Mr. LEVER. They are in the bill. I will be frank with the gentleman. I disagree with that view of it. It says further:

If eliminated, is the most constructive legislative act that has ever been placed on the statute books of our country.

This is what the representatives of the farmers are saying.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. I object.

Mr. TRIBBLE. Mr. Chairman, I rise to a point of order.

Mr. WINGO. Reserving the right to object——

Mr. TRIBBLE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TRIBBLE. May I ask that the gentleman have the privilege of an extension of five minutes for the purpose of addressing the House?

Mr. LEVER. I object to the privilege.

The CHAIRMAN. All time has expired. The Clerk will read the first amendment.

The Clerk read as follows:

Amendment offered by Mr. SIMS.

Page 3, line 8, after the word "tax," insert "not less than 10 cents per bale."

Page 10, line 14, after the word "tax," insert "not less than 10 cents per bale."

Page 12, line 4, after the word "tax," insert "not less than 10 cents per bale."

Page 14, line 2, after the word "tax," insert "not less than 10 cents per bale."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Amendment No. 2, offered by Mr. BENNET: Page 11, line 20, strike out all of section 11.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. BENNET. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 50, noes 56.

Mr. BENNET. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. LEVER and Mr. BENNET to act as tellers.

The committee again divided; and the tellers reported—ayes 58, noes 72.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 3, offered by Mr. MOORE of Pennsylvania: Page 20, line 6, after the word "receipts," add the following: "The Secretary of Agriculture shall report to Congress before July 1, 1916, the names of all persons appointed by him to carry out the purposes of this act, the dates of such appointments, the purposes for which such persons were appointed, and the salaries paid to them."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 30, noes 86.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 4, offered by Mr. JOHNSON of Washington——

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 5, offered by Mr. CARAWAY: Page 4, line 20, after the word "than," strike out "seven-eighths" and insert "three-fourths."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. CARAWAY].

The question was taken, and the Chairman announced that the "ayes" appeared to have it.

Mr. LEVER. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina asks for a division.

The committee divided; and there were—ayes 26, noes 73.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report No. 7.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent——

The CHAIRMAN. The Clerk will report No. 7. The amendment No. 6 is in the nature of a substitute, and we will perfect the text of the original bill first by voting on amendment No. 7.

Mr. HOWARD. That is the Heflin amendment?

The CHAIRMAN. Yes.

The Clerk read as follows:

Amendment No. 7, offered by Mr. HEFLIN: Page 2, line 9, after the word "corporations," add the words "who produce or deal in actual cotton. That contracts on the cotton exchanges in the United States for the future delivery of cotton shall be confined and limited to individuals, corporations, or associations who produce, buy spot cotton, and consume cotton in manufacturing establishments, or persons who purchase the hedge sales made by producers, spot buyers, and spinners."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. HEFLIN].

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. HEFLIN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 14, noes 71.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

Mr. SHERWOOD. Mr. Chairman, let the amendment be read again.

The CHAIRMAN. Does the committee desire to have this amendment reported again?

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent that instead of reading the amendment, I may have two minutes in which to explain it.

Mr. MANN. It has already been read.

The CHAIRMAN. It is not absolutely necessary to read the amendment. It has been read once. It could, in fact, only be read by unanimous consent. The question is on agreeing to the amendment in the nature of a substitute, offered by the gentleman from Georgia.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. HOWARD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 29, noes 78.

So the amendment was rejected.

The CHAIRMAN. The question is now on agreeing to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. MANN. Mr. Chairman, I move to amend page 2, line 1, by striking out the word "act" and inserting the word "part."

Mr. LEVER. Mr. Chairman, I want to state to the gentleman——

Mr. ANDERSON. Mr. Chairman, I make the point of order that debate is not in order.

Mr. LEVER. I will say to the gentleman that I do not think that change will have the effect the gentleman thinks it will have.

Mr. WINGO. Mr. Chairman, I make the point of order that all debate is exhausted.

Mr. MANN. Mr. Chairman, I will withdraw the amendment.

The CHAIRMAN. The gentleman from Illinois withdraws the amendment. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. HOWARD. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 101, noes 23.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. RUBEY. Mr. Chairman, I desire to offer amendment No. 2, to be inserted immediately following the amendment that has just been adopted.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the amendment just adopted the following:

"AMENDMENT No. 2.

"*Part B.*

"That this part, to be known as the United States grain-grades act, be, and is hereby, enacted, to read and be effective hereafter, as follows:

"'That this act shall be known by the short title of the "United States grain-grades act."

"'SEC. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish as soon as may be after the enactment hereof standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than 60 days in advance of such date or dates, by such means as he deems proper.

"'SEC. 3. That the standards so fixed and established shall be known as the official grain standards of the United States.

"'SEC. 4. That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country, any such grain which is sold or offered for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this act and the grade by which it is sold or offered for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any such grain not sold or offered for sale by grade may be sold, offered for sale, shipped, or delivered for shipment in interstate and foreign commerce by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold or offered for sale by one of the grades fixed therefor in the official grain standards may be shipped to or through any place at which an inspector licensed under this act is located, subject, under such rules and regulations as the Secretary of Agriculture shall prescribe, to be inspected at the place to which shipped, or at the place through which shipped for inspection, and subject further to the right of appeal from such inspection, as provided in section 6 of this act: *And provided further*, That any such grain sold or offered for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped without inspection from a place at which there is no inspector licensed under this act to a place at which there is no such inspector, subject to the right of either party to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine and certify the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this act describe, or in any way refer to, any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

"'SEC. 5. That no person shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this act, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspector thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold or offered for sale under any name, description, or designation which is false or misleading, he may publish his findings.

"'SEC. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain which has been sold, offered for sale, shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. In every such case the Secretary of Agriculture shall charge and assess, and cause to be collected, a reasonable fee in amount to be fixed by him, which fee shall be refunded if the appeal is sustained. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings.

"'SEC. 7. The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent to inspect and grade grain for interstate and foreign commerce. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for interstate or foreign commerce which has been inspected or graded by him, or by any person acting under his authority, is of one of the official grades of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has State grain inspection established by law, the Secretary of Agriculture shall, in issuing licenses, give preference to persons duly authorized and employed to inspect and grade grain under the laws of such State. The Secretary of Agriculture may suspend or revoke any license issued by him whenever, after opportunity for hearing has been given, the Secretary shall determine that any inspector has been found to be incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this act, or has issued any false certificate of inspection, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has knowingly violated any provision of this act or of the rules and regulations made hereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"'SEC. 8. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"'SEC. 9. That any person who shall violate any of the provisions of section 4 or 7 of this act, or any inspector licensed under this act who shall knowingly or carelessly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly or carelessly give any false certificate of inspection or grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000 or be imprisoned not more than one year, or both.

"'SEC. 10. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than $1,000 or be imprisoned not more than one year, or both.

"'SEC. 11. That the word "person" wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act the act, omission, or failure of any official, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such corporation, company, society, or association, as well as that of the person.

"'SEC. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including rent and the employment of such persons as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere.'"

Mr. RUBEY. Mr. Chairman, if I may have the attention of the committee, I would like to present a request for unanimous consent.

This rule provides for one hour and a half of debate. I ask unanimous consent that that one hour and a half debate under the five-minute rule be divided into two parts, one half to be controlled by myself and the other half by the gentleman from Minnesota [Mr. ANDERSON], who is a member of the subcommittee.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent that the hour and a half of debate permitted on this amendment under the rule be divided into equal parts, one half to be controlled by himself and the other half by the gentleman from Minnesota [Mr. ANDERSON]. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I should like to ask if the gentleman from Minnesota is in favor of the amendment?

Mr. ANDERSON. I will say to the gentleman that I did not vote to report this particular amendment out of the committee.

Mr. MOORE of Pennsylvania. I have no objection to the gentleman from Minnesota apportioning the time if he is opposed to the amendment. I am opposed to the amendment and desire some time to discuss it.

The CHAIRMAN. Of course the Chair will be very glad to have such an agreement made.

Mr. MOORE of Pennsylvania. I submit that if the gentleman from Missouri [Mr. RUBEY] and the gentleman from Minnesota

[Mr. ANDERSON] are both in favor of the amendment they ought not to apportion the time.

Mr. RUBEY. I do not care who may control the time on the other side. If it is agreeable that the gentleman from Pennsylvania [Mr. MOORE] shall control the time, that is satisfactory to me.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object——

Mr. ANDERSON. I will yield some time to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I do not object.

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I should like to know whether the gentleman who will control the time is opposed to the amendment or not. I am opposed to the amendment.

Mr. ANDERSON. I do not care anything about controlling the time on this side of the House. If gentlemen who oppose the amendment desire to control the time or make any other arrangement than that suggested by the gentleman from Missouri [Mr. RUBEY], I shall not object.

Mr. BORLAND. I suggest that if the Republican member of the committee [Mr. ANDERSON] controls the time on his side he will probably be willing to yield to gentlemen on the Republican side, whichever position they take on the amendment, and I am sure the gentleman on this side [Mr. RUBEY] will yield to any Democrat.

Mr. LINTHICUM. I am opposed to the amendment. I am satisfied to have any member control the time who is opposed to the amendment. Otherwise I shall object.

The CHAIRMAN. Is there objection?

Mr. LINTHICUM. I object.

Mr. RUBEY. I ask unanimous consent that the time be controlled one half by myself and the other half by the gentleman from Pennsylvania [Mr. MOORE] who is opposed to the bill.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent that the time allotted for debate on this amendment be controlled one half by himself and the other half by the gentleman from Pennsylvania [Mr. MOORE]. Is there objection?

Mr. GREEN of Iowa. Mr. Chairman, I do not think that is the proper way to apportion the time, and I object.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. If the gentleman from Missouri [Mr. RUBEY] does not desire recognition now, the Chair will recognize the gentleman from Pennsylvania [Mr. MOORE] to offer the amendment which he sends to the Clerk's desk.

Mr. RUBEY. Mr. Chairman, if the gentleman will yield for a moment, I would like to make one further proposition, and that is, that the time be controlled one half by myself and the other half by the gentleman from Illinois [Mr. MANN].

Mr. MOORE of Pennsylvania. I wish to say to the gentleman from Illinois that I have no desire whatever to control the time. It seems to me that always in matters of this kind each side should be represented in the apportionment of the time, and that is all I desire. If the gentleman from Missouri [Mr. RUBEY] and the gentleman from Minnesota [Mr. ANDERSON] are of one mind, the minority will have no representation in the distribution of the time. All I ask is the opportunity to have read in my time what will take about 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania will suspend. Without objection, the Chair will submit the new proposition, that the time on this amendment be controlled one half by the gentleman from Missouri [Mr. RUBEY] and the other half by the gentleman from Illinois [Mr. MANN]. Is there objection?

Mr. LINTHICUM. The gentleman from Illinois [Mr. MANN] voted in favor of the bill when it passed the House the last time. I think those opposed to the amendment ought to control the time, and unless that can be arranged I shall object.

Mr. RUBEY. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Page 29, line 14, after the word "elsewhere," insert the following:

"The Secretary of Agriculture shall report to Congress before July 1, 1916, the names of all persons appointed by him to carry out the purposes of this act, the duties of such appointments, the purpose for which such persons were appointed, and the salaries paid to them."

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LEVER. I object.

Mr. MANN. I shall object to all extensions.

Mr. MOORE of Pennsylvania. Very well, Mr. Chairman; I shall read as much as I can from the memorial of the Commercial Exchange of Philadelphia with reference to this bill. I am going to skip a little, because I can not get it all in. The memorial was forwarded to me by Louis G. Graff, president of the exchange, and I regret it can not now be presented in full. I read:

The export trade of this country is the best friend of the farmer of the United States, and should it be injured, harassed, or taken away we hesitate to forecast the dire consequences to the producer of the crops. The enormous crops raised in this country leave a large available surplus annually for export, which if not disposed of would mean ruinously low prices to our farmers, and we can not expect to secure and hold this foreign trade if our laws regarding the grading of grain are such as to hamper and destroy fair competition with other exporting countries.

The proposed grain-grades act, H. R. 10405, should it become a law would be especially detrimental to the export trade and the farmer inasmuch as its provisions would prevent from competing upon equal terms with our competitors, such as the Dominion of Canada, Argentina, and other exporting countries, these competitors not being amenable to our laws. As a concrete example of this, permit us to say that the United States Department of Agriculture has adopted a standard for grading corn requiring No. 2 corn to contain not more than 15½ per cent moisture, No. 3 corn not more than 17½ per cent moisture; and No. 4 corn not more than 19½ per cent moisture, etc. In the western markets the settling price between No. 2 and No. 3 corn is 2 cents a bushel, and between No. 2 and No. 4 corn as much as 6 cents a bushel. At the present time all of the No. 3 corn can be used for export without docking the farmer or country shipper, but the Department of Agriculture, should the grain-grades act become a law, would prohibit us from doing so, and would therefore legislate in favor of the foreign buyer as well as our competitor and against the producer in this country. Very little corn, as you may know, has as little moisture as 15½ per cent in its natural state or condition, and it is safe to say 2,500,000,000 bushels of the crop will contain a moisture above 15½ per cent. As all corn containing one-quarter or even an eighth higher percentage of moisture would necessarily, under the department's proposed moisture tests, be forced to take the grade of No. 3 corn, the Agricultural Department would thereby reduce the value of this year's crop to the farmers of the country 2 cents a bushel, which, as above stated, is the settling price between the grades of No. 2 and No. 3 corn, or $50,000,000; this is, of course, assuming it would all grade No. 3 corn, but we know a great deal of it would be below No. 3, and as No. 4 is docked 4 to 6 cents a bushel, it would be a safe estimate to say the loss to the farmer by reason of the proposed grades would be 3 cents a bushel, or $75,000,000.

Furthermore, our Philadelphia merchants, together with the efficient grain-inspection department of this exchange, by reason of their knowledge and experience in blending wheats, are producing an article which the millers of England, France, and Holland have shown a desire to purchase in preference to those of western markets. It is only within the past two years that the great State of Montana has produced wheat in large enough quantities to become a factor in the export trade. During that time the production of wheat in that State has grown from an unknown quantity to that of 33,000,000 bushels, a matter of great importance to the State, the railroads, the steamship lines, and the export merchants of the entire country. Under our present export grading system we are permitted to bring that wheat from Montana to Philadelphia, and by blending it with wheat from other sections of the United States, are enabled to give to our foreign merchant millers a desired milling article, of which we have shipped millions of bushels within the past year. Under the terms of the grain-grades act this will be impossible.

Another important factor that should be considered in connection with the proposed grain-grades act is that grain graded at western primary points frequently deteriorates in quality while in transit between the western shipping point and the eastern terminus. If the western exporter has sold such grain to the foreign buyer on western certificates of inspection, the question arises as to the attitude of the Government in case the grain arrives at the seaboard out of condition. Will it stop the shipment and compel the exporter to put the grain in good condition, or will the shipment be permitted to continue on its way across the ocean regardless of its condition? It would seem there is a responsibility on the part of the Government in such exigencies after the proposed grain-grades act should be enacted into law. If the Department of Agriculture, under the grain-grades act, permits deteriorated grain as above referred to to be shipped on the western certificate of inspection, this would be a serious discrimination against the seaboard exporter. Then again, if this act becomes a law the exporters will of necessity be forced to establish their own brands, which would require every receiver, shipper, and exporter to have their grain stored in separate bins so as to preserve the identity of the grain. This would necessitate largely increased storage facilities, for which the storage capacity of our elevators would prove to be decidedly inadequate, resulting in still further congesting the railroads and interfering with general business.

Mr. RUBEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. RUBEY. The gentleman probably knows that the corn standard has been adopted all over the United States, except in Boston, New York, Philadelphia, and Baltimore.

Mr. MOORE of Pennsylvania. I understand the Boston Chamber of Commerce, composed largely of railroad men, are in favor of the bill; but not the Boston grain exporters. I do not know, but the exporters of Philadelphia indicate that the farmer may be deluded by the passage of this bill; that when the crops are in and the grade is a little low there will be no opportunity for the farmer to market his crop, because the standard fixed by the United States Government will be inflexible and his crop will go to

waste. He may have no opportunity, under certain conditions, to market it. I am sorry that I have not the time to read the whole of this memorial, because it ought to go in the RECORD.

Mr. SUMNERS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; if I have time.

Mr. SUMNERS. Will not the corn be so classified that it will be permissible to be sold under the standard?

Mr. MOORE of Pennsylvania. What will the farmer do who does not come up to the standard? Sometimes the crop is poor. What will become of the farmer if your standard fixed by law is such that he can not come up to it? The weather and soil may determine that.

Mr. ANDERSON. The gentleman knows what becomes of such crops now?

Mr. MOORE of Pennsylvania. The farmer may be forced to lose his crop; to feed it to the hogs. The farmer will have to pay for some of this Federal supervision, too. You are going to make the farmers raise grain by law. I hope he may be able to do so and still find a market.

Mr. RUBEY. Mr. Chairman, I renew my request made a moment ago. The gentleman from Maryland [Mr. LINTHICUM] assures me that he withdraws his objection. I renew the request for unanimous consent that the time be equally divided between myself and the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time be equally divided between himself and the gentleman from Illinois [Mr. MANN]. Is there objection?

Mr. HULBERT. Does this relate to the amendment proper?

The CHAIRMAN. Yes; there is an hour and a half debate on the amendment proper.

Mr. HULBERT. Can the gentleman from Missouri give me two and a half minutes?

Mr. RUBEY. I will yield to the gentleman when the time comes.

Mr. FOCHT. Reserving the right to object, I would like to ask the gentleman from Missouri, since he has been unwilling to adopt the amendment proposed by the gentleman from Pennsylvania as to the men who are to be appointed under this law, why he objected to the gentleman from Pennsylvania?

Mr. RUBEY. I did not object to the gentleman from Pennsylvania, and his amendment is still pending and will be voted on.

Mr. FOCHT. The gentleman asks unanimous consent to renew his proposition.

Mr. RUBEY. The gentleman from Pennsylvania does not understand. We have an hour and a half debate on this amendment. Five minutes has already been used by the gentleman from Pennsylvania [Mr. MOORE]. Now I ask unanimous consent that the remaining time be divided equally between myself, to control one half, and the gentleman from Illinois [Mr. MANN] control the other. That does not apply to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. FOCHT. The gentleman previously asked that the time be divided between himself and the gentleman from Pennsylvania [Mr. MOORE]. Why has he changed his mind?

Mr. RUBEY. Because the gentleman from Iowa [Mr. GREEN] objected to that.

Mr. FOCHT. Then I object to this.

Mr. HELGESEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of page 22, insert the following:

"SEC. 3½. Whenever by reason of climatic or other conditions any large quantity of grain shall be ineligible to grade under the standards fixed pursuant to section 2 the Secretary may establish supplemental or commercial grades for such grain, and such supplemental or commercial grades may be promulgated upon such notice as the Secretary shall deem proper."

Mr. HELGESEN. Mr. Chairman, I offer this amendment in order to take care of the vast amount of grain which frequently is of such a character as to make it impossible to bring it under the ordinary grades. Frequently we have wet seasons, and while we may have had a very good crop, a splendid crop, after it is cut and shocked rain may come and make it very moist, so much so that when it goes to the market it can not be graded under the ordinary grades. It is then thrown into what is called "no grade." "No grade" may mean a No. 1 hard wheat, which carries a little more moisture than the rules permit, or it may mean an inferior grade.

The market often shows a spread of 20 to 30 cents per bushel in "no-grade" wheat, and in selling through a commission firm it becomes impossible for the farmer to know whether he is getting a fair price for his grain or not.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. MOSS of Indiana. What difference would the gentleman's amendment be, if adopted, from the language written in the bill in line 11 on page 1 and line 2 on page 2? Does not that give precisely what the gentleman is seeking to reach?

Mr. HELGESEN. It does not. This only provides for grades of a quality that can come under the regular standards, but when it goes below the regular standards there is no provision made. In Canada they have the same conditions and they recognize it in this way. In section 87 of their law they provide:

Should the climatic or other conditions result in the production of a considerable proportion of grain, other than oats, not capable of being included in the classification provided for in this act, the grain standards board for the division shall be convened for the selection of commercial grades and samples whenever the chairman of the said board is notified by the chief inspector or five members of the said board that such a course is necessary.

2. Inspecting officers shall grade all classes of grain which can not be graded according to this act in accordance with the commercial samples so selected by the board.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. MOSS of Indiana. Under the Canadian law, when the grade standards are once fixed they can not be modified, and therefore they have the commercial grades of which the gentleman is speaking. Under this proposed law the Secretary of Agriculture is supposed to be given the right to modify the standards whenever he chooses.

Mr. HELGESEN. But the regular grades can be modified only by giving 60 days' notice. The grain may have been cut and it may have been shocked and ready to thrash when the wet season comes along. If you have to thrash it and ship it in a damp condition, the Secretary of Agriculture can not change those grades without a two months' notice, and by that time the grain is gone.

Mr. MOSS of Indiana. Under the commercial grades, of which the gentleman is speaking, in Canada, before they can be established, do not specimens or types have to be established so that they have to be given the purchaser or the seller on demand, and it is not really selling under type after all?

Mr. HELGESEN. No; it is selling under commercial grades not included in the regular grades.

Mr. MOSS of Indiana. In Canada, but before they can establish commercial grades, does not the department have to select a standard and provide that?

Mr. HELGESEN. They have to establish rules, but they do it on a short notice when these conditions require it.

Mr. MOSS of Indiana. What difference is that, then, from selling by type or standards under this bill as proposed?

Mr. HELGESEN. In all the western markets anything that does not come up to No. 4 or No. 5 is graded as either rejected or "no grade." If it carries more moisture than is permitted in the regular grades, it is graded as "no grade," which is absolutely meaningless to the man who sells because it may be "no grade," although No. 1 hard wheat simply because it carries a small amount of moisture more than the rules permit. If this amendment is adopted, rules could be established that a damp No. 2 should be graded as commercial No. 2, indicating that it would be No. 2 if dry, but was too damp to be graded as regular No. 2.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. RUBEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

PENSIONS.

Mr. BURKE. Mr. Speaker, this is private-pension day under the rules, and I desire to call up two omnibus private-pension bills, being Nos. 237 and 238 on the Private Calendar, and to ask unanimous consent that they be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bills referred to be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business in order on Monday—the Unanimous Consent Calendar—be dispensed with.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that business on the Unanimous Consent Calendar be dispensed with on next Monday.

Mr. MANN. That is with the understanding that we will try to find some other day soon?

Mr. KITCHIN. Yes.

Mr. FERRIS. Reserving the right to object, let us fix it now.

Mr. KITCHIN. We will fix some other day for that.

The SPEAKER. The gentleman asks unanimous consent that the business that is in order next Monday under the rule be dispensed with on that day. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING ON NEXT MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow, Saturday, it adjourn to meet at 11 o'clock a. m. Monday.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock a. m. on Monday. Is there objection? [After a pause.] The Chair hears none.

PENSIONS.

The SPEAKER. The Clerk will report the first pension bill.

The Clerk read as follows:

An act (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the first reading of this bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

An act (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Nettie Johnson, widow of John W. Johnson, late of Company F, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John George Bauer, late of Company G, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Corda P. Gracey, widow of Samuel L. Gracey, late chaplain, Sixth Regiment Pennsylvania Volunteer Cavalry, and former widow of Harrison O. Pratt, late of Company M, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Elizabeth Propson, widow of John Propson, late of Company I, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah E. Marsh, widow of Charles H. Marsh, late of Company D, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cecilia Murphy, widow of Charles Murphy, late of Battery M, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Andrew H. Nichols, late of Company C, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Norton, widow of Silas M. Norton, late of Company K, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ann Odell, widow of Thomas Odell, late of Company K, Twentieth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William R. Latimer, late of Company F, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rebecca L. Lapaugh, widow of John D. Lapaugh, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lide Smith, widow of Albert G. Smith, late of Company F, Fifty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alice R. Hutchinson, widow of Henry A. Hutchinson, late of Company B, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary Pritchard, widow of Claudius B. Pritchard, late of Company I, Second Regiment Minnesota Volunteer Infantry, and former widow of John Pelas, late of Company G, Fourth Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Henry Brown, late of Company B, Fifth Regiment, and Company A, Seventh Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of $21 per month.

The name of Moses Green, late of Company B, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Newall, late first lieutenant Company A, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alice Quigley, widow of Charles Quigley, late of Company G, Tenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Winifred Whitney, helpless and dependent child of Adrial L. Whitney, late of Company C, First Regiment Maine Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Marie A. Smith, widow of Lawrence Smith, late of Company K, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elizabeth S. Chapiain, former widow of John W. Minton, late of Company C, Fifteenth Regiment Illinois Volunteer Cavalry, and widow of Charles Chapiain, late of Company A, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ellen Edwards, widow of Presley Edwards, late of Company H, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francis M. George, late of Company I, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey W. Hoover, late of Company A, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Fry, late of Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John M. Davidson, late of Company I, Ninety-first Regiment, and Company F, One hundred and twentieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Justine M. Thrift, widow of William H. Thrift, late of Company D, Sixteenth Regiment Iowa Volunteer Infantry, and major and additional paymaster, United States Volunteers, War with Spain, and pay him a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Samuel E. Wilson, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Harper, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary J. White, widow of Albert E. White, late of Company K, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elsie A. Platt, widow of Charles Platt, late of Company B, First Battalion Connecticut Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Adelaide M. Tarbox, widow of George H. Tarbox, late of Company E, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Whipple, widow of Lucian A. Whipple, late of Company F, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hannah A. Hill, widow of Robert Hill, late of Company E, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. Brown, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael Reuss, late of Company H, Sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Waltz, late of Company K, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Moses Hull, late of Company D, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret M. Lane, widow of Marion D. Lane, late of U. S. S. *Grampus*, *Nymph*, and *Hastings*, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Crome, late of Company H, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James C. Green, late of Company C, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Gowland, late of Company G, Eighth Regiment, and Company M, Sixteenth Regiment, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John B. Hammer, late of Company D, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Lichtley, late of Company B, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $21 per month in lieu of that he is now receiving.

The name of Malisa A. Sherk, widow of William Sherk, late of Company M, Fifth Regiment Pennsylvania Volunteer Cavalry, and Company F, Nineteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of Pannie M. Carey, widow of Daniel W. Carey, late of Company I, and principal musician One hundred and third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Nathaniel Haskell, late of Company E, Fifth Regiment Maine Volunteer Infantry, and Company B, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert N. B. Simpson, late of Company A, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William O'Neal, late of Company E, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

man's amendment be, if adopted, from the language written [After a pause.] The Chair hears none.

The name of Silas Blodgett, late of Company H, First Regiment District of Columbia Volunteer Cavalry, and Company K, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ella A. Tyler, widow of Benjamin F. Tyler, late of Company K, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma J. Beal, widow of Horace W. Beal, late of Company A, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Beaton, late of Company G, Twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary C. Knowlton, widow of John O. Knowlton, late of Company C, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah C. Greenfield, widow of John Greenfield, late of Company L, Twenty-second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James H. Moser, late of Company F, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adella C. Macauley, widow of Orlando H. Macauley, late captain Company H, Thirteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Barney Sancomb, late of Company I, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William P. Nelson, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marion Kilborn, late of Company I, Ninety-eighth Regiment, and Company H, Sixty-first Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert J. Sprinkle, late of Company B, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas White, late of Company E, Twenty-seventh Regiment, and Company C, Thirty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James S. Meek, late captain Company H, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Michael Demuth, late of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Simpson, late of Company I, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Aaron Benjamin Waggoner, alias Aaron Benjamin, late of Company D, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Merchant, late of Company M, Eighth Regiment New York Volunteer Heavy Artillery, and Company G, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elmira E. Morrison, widow of James W. Morrison, late of Company C, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah J. Cadle, widow of Richard Cadle, late quartermaster Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen Temperance Smith, helpless and dependent daughter of George W. Smith, late of Company C, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Carrie S. Cross, widow of Samuel K. Cross, late first lieutenant Company A, Second Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Hawkins, late of Company B, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha A. Hodges, widow of James L. Hodges, late captain Company K, Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leora L. Macarey, widow of Harlow E. Macarey, late first lieutenant Company K, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles Loeder, late of Company C, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Allison, late of Company G, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ida C. Martin, widow of Edwin L. Martin, late of Company K, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Guy Beebe, late of Company F, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ellen Lambert, former widow of Robert Lambert, late of Company F, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Dagle, late of Company A, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey D. Plummer, alias Harvey D. Picknell, late of Company H, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin T. Whipple, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Gallup, late of Company D, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Peter Soneman, late of Company A, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Moody, jr., late of Company A, Sixteenth Regiment, and Company I, Twentieth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alphonso W. Longfellow, late of Company C, First Regiment Maine Volunteer Sharpshooters, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clara P. Boulter, widow of Eugene A. Boulter, late of Company C, Nineteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Christian C. Forney, late of Company F, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Moreland, widow of George W. Moreland, late of Company I, Eighty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rebecca J. Short, widow of Ferdinand E. Short, late of Company C, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John L. Short, helpless and dependent child of said Ferdinand E. Short, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Rebecca J. Short, the name of said John L. Short shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Rebecca J. Short.

The name of Mary C. Finlay, widow of Andrew Finlay, late of Companies D and K, Forty-seventh Regiment Illinois Volunteer Infantry, and former widow of John Dolman, late of Company G, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Annie P. Marchant, widow of Amaziah B. Marchant, late of Company H, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry C. Pennington, late of Company E, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward P. Carman, late of Company F, First Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sephronia Porter, widow of John W. Porter, late of Company K, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Julia C. Bradley, widow of David B. Bradley, late of Company F, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Matilda Weger, widow of John W. Weger, late of Company F, First Regiment Oregon Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mercy A. Martin, widow of Milton Martin, late captain Company F, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mandana C. Thorp, widow of Thomas J. Thorp, late colonel One hundred and thirtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Mary M. Lose, widow of Daniel Lose, late of Company G Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lula S. Knight Bigelow, widow of Jonathan G. Bigelow, late captain Eightieth Regiment and Company K, Eighty-third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month, with an additional $2 per month on account of the minor child of said Jonathan G. Bigelow until she reaches the age of 16 years, said pension to be in lieu of all pension now being paid on account of the service of this soldier.

The name of Sarah A. Hanson, widow of George H. Hanson, late of Company G, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Hugh Hutchinson, late of Company B, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nellie S. Nason, widow of Nahum A. Nason, late of Company I, Thirteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ruth A. Hazzard, widow of Robert C. Hazzard, late of Company A, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Celina C. Smith, widow of Jesse Smith, late of Company G, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jacob Baker, late of Company F, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Herbert Wadsworth, late second lieutenant Company E, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joanna Swander, widow of William H. Swander, late assistant surgeon Seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of James Hanners, late of Company G, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $16 per month.

The name of John Stone, late of Company E, Tenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eva Helena Patten, widow of Ambrose E. Patten, late of Company E, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Job D. Marshall, late of Company G, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram Stevens, late of Company F, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis Badger, late of Company D, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martha Nutter, former widow of George D. Trembley, late of Company G, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Erastus T. Bowers, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David McLean, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alonzo E. Martin, late of Company H, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edwin W. Clark, late of U. S. S. *Sabine, Ohio*, and *Passaic*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Kern, late of Company H, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Corydon B. Lakin, late first lieutenant Company B, First Regiment District of Columbia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emma J. Wamaling, widow of C. Thomas Wamaling, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Thomas E. Sharp, late of Company E, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Della W. Crane, widow of James M. Crane, late of Company C, Fourth Regiment Michigan Volunteer Cavalry, and former widow of Edwin R. Clark, late captain Company B, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elvira Louisa Kanady, widow of Sanford B. Kanady, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lorenzo D. Emory, late of Company K, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alvin E. Tennant, late of Company C, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The name of Nephi Owen, late of Company A, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Richard H. Bellamy, late of Company C, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Dailey, late second lieutenant Company E, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth Holt, widow of John Holt, late of Company B, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 125. Nettie Johnson.
S. 154. John George Bauer.
S. 201. Corda P. Gracey.
S. 251. Elizabeth Propson.
S. 259. Sarah E. Marsh.
S. 262. Cecilia Murphy.
S. 267. Andrew H. Nichols.
S. 269. Mary E. Norton.
S. 270. Ann Odell.
S. 274. William R. Latimer.
S. 285. Rebecca A. Lapaugh.
S. 526. Lide Smith.
S. 563. Alice R. Hutchinson.
S. 686. Mary Pritchard.
S. 695. Henry Brown.
S. 767. Moses Green.
S. 770. George E. Newall.
S. 771. Alice Quigley.
S. 815. Winifred Whitney.
S. 965. Marie A. Smith.
S. 1015. Elizabeth J. Chaplain.
S. 1040. Ellen Edwards.
S. 1044. Francis M. George.
S. 1112. Harvey W. Hoover.
S. 1130. John Fry.
S. 1133. John M. Davidson.
S. 1202. Justine M. Thrift.
S. 1234. Samuel E. Wilsen.
S. 1240. John Harper.
S. 1239. Mary J. White.
S. 1455. Elsie A. Platt.
S. 1458. Adelaide M. Tarbox.
S. 1459. Mary Whipple.
S. 1477. Hannah A. Hill.
S. 1489. John C. Brown.
S. 1502. Michael Reuss.
S. 1514. Henry Waltz.
S. 1536. Moses Hull.
S. 1557. Margaret M. Lane.
S. 1561. William Crome.
S. 1590. James C. Green.
S. 1593. John Gowland.
S. 1594. John B. Hammer.
S. 1599. Henry Lichtley.
S. 1604. Malisa A. Sherk.
S. 1695. Fannie M. Carey.
S. 1720. Nathaniel Haskell.
S. 1814. Edwin J. Walton.
S. 1960. Robert N. B. Simpson.
S. 1964. William O'Neal.
S. 1965. Silas Blodgett.
S. 2140. Ellia A. Tyler.
S. 2297. Emma J. Beal.
S. 2298. James Beaton.
S. 2312. Mary C. Knowlton.
S. 2319. Sarah C. Greenfield.
S. 2330. James H. Moser.
S. 2335. Adelia C. Macauley.
S. 2341. Barney Sancomb.
S. 2463. William P. Nelson.
S. 2554. Marion Kilborn.
S. 2556. Albert J. Sprinkle.
S. 2620. Thomas White.
S. 2639. James S. Meek.
S. 2670. Michael Demuth.
S. 2680. Benjamin Simpson.
S. 2705. Aaron Benjamin Waggoner (alias Aaron Benjamin).
S. 2830. John Merchant.
S. 2839. Elmira E. Morrison.
S. 2863. Sarah J. Cade.
S. 2893. Ellen Temperance Smith.
S. 2904. Carrie S. Cross.
S. 2907. James Hawkins.
S. 3015. Martha A. Hodges.
S. 3017. Leora L. Macarcy.
S. 3061. Charles Leeder.
S. 3126. John S. Allison.
S. 3149. Ida C. Martin.
S. 3151. Guy Beebe.
S. 3157. Ellen Lambert.
S. 3197. George W. Doyle.
S. 3198. Harvey D. Plummer (alias Harvey D. Picknell).
S. 3199. Benjamin H. Whipple.
S. 3241. William H. Gallup.
S. 3302. Peter Soncrant.
S. 3414. David Moody, jr.
S. 3432. Alphonso W. Longfellow.
S. 3433. Clara P. Bouter.
S. 3438. Christian C. Forney.
S. 3463. Mary A. Moreland.
S. 3465. Rebecca J. Short.
S. 3496. Mary C. Finlay.
S. 3519. Annie P. Marchant.
S. 3546. Sophronia Porter.
S. 3572. Henry C. Pennington.
S. 3583. Edward P. Carman.
S. 3674. Mary E. B. Brason.
S. 3707. William F. Wiley.
S. 3738. Julia C. Bradley.
S. 3809. Matilda Weger.
S. 3821. Mercy A. Martin.
S. 3856. Mary M. Loss.
S. 3881. Mandana C. Thorp.
S. 3889. Iada S. Knight Bigelow.
S. 3905. Sarah A. Hanson.
S. 3906. Hugh Harbinson.
S. 3963. Nellie S. Nason.
S. 4012. Ruth A. Hazzard.
S. 4024. Celina C. Smith.
S. 4040. Jacob Baker.
S. 4113. Herbert Wadsworth.
S. 4120. Joannia Swander.
S. 4148. James Hanners.
S. 4151. John Stone.
S. 4173. Eva Helena Patten.
S. 4178. Job D. Marshall.
S. 4240. Hiram Stevens.
S. 4241. Louis Badger.
S. 4249. Martha Nutter.
S. 4293. Erastus T. Bowers.
S. 4296. David McLean.
S. 4325. John Kern.
S. 4330. Alonzo E. Martin.
S. 4334. Edwin W. Clark.
S. 4362. Corydon B. Lakin.
S. 4363. Emma J. Wamaling.
S. 4382. Thomas E. Sharp.
S. 4403. Della W. Crane.
S. 4442. Elvira Louisa Kanady.
S. 4444. Lorenzo D. Emory.
S. 4455. Alvin E. Tennant.
S. 4491. Nephi Owen.
S. 4520. Richard H. Bellamy.
S. 4525. James M. Dailey.
S. 4731. Elizabeth Holt.

The following committee amendments were severally read and severally agreed to:

Page 4, strike out lines 7 to 10, inclusive (pension of William R. Latimer).

Page 5, line 18 (pension to Harvey W. Hoover), strike out "$30" and insert "$40."

Page 6, strike out lines 4 to 9, inclusive (pension of Justine M. Thrift).

Page 9, line 21 (pension of Robert N. B. Simpson), strike out "$30" and insert "$40."

Page 10, line 1 (pension of William O'Neal), strike out "$30" and insert "$40."

Page 10, line 18 (pension of James Beaton), strike out "$30" and insert "$40."

Page 11 (pension of James H. Moser), strike out lines 3 to 6, inclusive.

Page 11, line 10 (pension of Adelia C. Macauley), strike out "$20" and insert "$24."

Page 12, line 23 (pension of Aaron Benjamin Waggoner, alias Aaron Benjamin), strike out "$30" and insert "$40."

Page 14, line 2 (pension of Martha A. Hodges), strike out "$20" and insert "$24."

Page 14, strike out lines 11 to 14, inclusive (pension of John S. Allison).

Page 15, strike out lines 3 to 14, inclusive (pensions of George W. Doyle, Harvey D. Plummer, and Benjamin H. Whipple).

Page 18, strike out lines 3 to 6, inclusive (pension of Julia C. Bradley).

Page 18, line 13, strike out "$20" and insert "$24" (pension of Mercy A. Martin).

Page 19, line 1 (pension of Lulu S. Knight Bigelow), strike out "$20" and insert "$24."

Page 19, line 10, strike out "$25" and insert "$20" (pension of Sarah A. Hansom).

Page 21, strike out lines 9 to 12, inclusive (pension of Louis Badger).

Page 24, line 6, after the word "month," insert the following: "*Provided*, That in the event of the death of Anna Holt, helpless and dependent child of said John Holt, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth Holt the name of said Anna Holt shall be placed on the pension roll, subject to the provisions and limitations of the pension laws at the rate of $12 per month from and after the date of death of said Elizabeth Holt."

Mr. BURKE. Mr. Speaker, I move the bill be read a third time.

The bill was read a third time and passed.

The SPEAKER. The Clerk will report the next one.

The next business on the Private Calendar was the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Laura E. Headington, widow of John W. Headington, late of Company H, and major, One hundredth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Robert H. Wood, helpless and dependent child of William P. Wood, late of Company F, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of John Brin, late of Company G, First Battalion Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Messerschmidt, late of Company E, Fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nannie B. Turner, helpless and dependent child of William Turner, late of Company G, Fifth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $12 per month.

The name of Thomas Haley, alias Thomas Burke, late of Company G, One hundred and fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Goodman, late of Company K, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catherine Strafford, widow of William P. Strafford, late of Company B, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth Cumming, former widow of Thomas Cumming, late of Company E, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Matilda E. Pierce, former widow of De Witt C. Kinsman, late of Company E, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Pierce, late of Company H, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Roeana P. Duran, widow of Josiah Duran, late of Company C, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David P. Landon, late of Company K, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Isaac M. Chrissinger, late of Company E, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amanda J. Winkle, widow of Edward S. Winkle, late of Company G, Fourth Regiment, and Company K, Eighth Regiment, Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Annie E. Osgood, widow of James H. Osgood, late of Company E, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Anna L. Yachmann, former widow of Robert W. Scott, late of Company F, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charity C. Hughes, widow of Logan Hughes, late of Company K, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Endora E. Phillips, widow of Absalom B. Phillips, late of Company B, Fifty-first Regiment United States Colored Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Catherine Beard, widow of Robert Beard, late of Company A, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Franklin Agnew, late of Company D, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Gertrude Russell, helpless and dependent child of John Russell, late sergeant, Fourth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of William James Richey, late of Company B, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Kelly, late of Company E, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and Company A, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jennie Raley, former widow of Thomas Raley, late of Companies C and B, First Regiment District of Columbia Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Andrew Silberman, late of Company E, Second Battalion, Fourteenth United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Mapes, late of Company K, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Frank S. Bradley, late of Company C, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Groat, late of Company G, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew J. Storts, late of Company H, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Arabella Smith, widow of Whitmer Smith, late a seaman, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julia A. Sheck, former widow of Christian Sheck, late of Company G, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Johanna Rost, widow of Gustav Rost, late of Company I, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen Le Count, widow of William J. Le Count, late of Company E, Tenth Regiment, and Company B, Fifty-second Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hannah Wait, widow of Miles Wait, late of Company D, Eighth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Aaron D. Egleston, late of Company C, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jane E. Ulmer, widow of David Ulmer, late of Company M, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of 12 per month.

The name of Julia A. Walker, widow of K. Walker, late of Company H, Fifteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Warren S. Read, late of Company B, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna R. Laing, widow of William H. Laing, late of Company A, McClellan Dragoons, and Company H, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Euphema Gatts, former widow of Francis Walton, late of Company F, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John H. Rodkey, late of Company E, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Bridget Brassill, widow of John Brassill, late of Company D, Eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harriet Quail, former widow of Frederick Pittluker, late of Company G, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas E. Kellogg, late of Company E, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Catherine E. Bentley, widow of Harvey Bentley, late of Company B, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William M. Donovan, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary F. Terwilliger, widow of William H. Terwilliger, late of Company E and Company A, Sixty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Sabrina A. Broadfoot, former widow of Bela E. Brown, late of Company E, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Benjamin J. Harding, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Bogue, late of Company F, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Eugene H. Steward, late of Company E, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Miller, late of Company F, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John T. Myers, late of Company G, One hundred and seventy-fifth Regiment, and Company D, One hundred and eighty-ninth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan C. J. Slocum, widow of Lewis F. Slocum, late of Company A, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martha M. Miller, widow of James M. Miller, late of Company I, Fourth Regiment Indiana Volunteer Cavalry, and One hundred and twenty-fourth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of John F. Myers, late of Company G, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Echols, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward M. Willis, late of Company C, Sixtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Luther Wing, late of Company I, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Leonora Turner, former widow of George Schaefer, late of Company A, Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Elijah Coffman, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Sollfelt, late of Company E, Twentieth Regiment Pennsylvania Volunteer Cavalry, and Company C, First Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lydia Ripley, widow of Manson M. Ripley, late of Company D, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month

The name of Alice A. Wing, widow of Charles E. Wing, late of Company I, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Holley, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eliza M. Baxter, widow of Philo N. Baxter, late of Company C, Eighty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James R. Cowgill, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Theresa B. Streibig, helpless and dependent child of Rony Streibig, late of Company G, One hundred and nineteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary E. Clark, widow of William M. Clark, late of Company C, Seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frank I. Weiss, alias Louis Weiss, late of Company M, Fourteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph R. Kemp, late major, Sixth Regiment Pennsylvania Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Wallace W. Jackson, alias Company E, Eighteenth Regiment, and Company A, Ninth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha W. Pollock, widow of James W. Pollock, late of Company G, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Montgomery, late of Company K, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary L. Taylor, widow of James P. Taylor, late of Company C, Sixteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Kwantz, late of Company H, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sinnie Young, widow of William M. V. Young, late of Company I, Ninth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Charles R. Brackett, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William A. Pratt, late of Company C, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Jones, late of Company G, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elizabeth Lindsey, helpless and dependent child of Joseph M. Lindsey, late of Company G, Sixth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The name of Jessie L. Higby, widow of Jasper N. Higby, late of Company M, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company M, Third Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of $12 per month.

The name of Thomas Tirrell, late of Company K, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie E. McCombs, widow of Isaac A. McCombs, late of Company E, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Sanders, late of Company G, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lillie E. Spaulding, widow of Charles A. Spaulding, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Wilford M. Taylor, late of Company C, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lena McKee Huffman, widow of James Huffman, late of Company F, Eighty-fifth Regiment, and Company H, One hundred and eighty-eighth Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Eliza A. Lantz, widow of Jacob F. Lantz, late of Company H, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and Company K, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Perry F. Holstein, late of Company D, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abbie M. Holyoke, former widow of Eugene J. Holyoke, late of Company K, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Willis, late of Company E, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward M. White, late of Company H, Eighty-sixth Regiment, and Company B, One hundred and seventy-ninth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis G. Halston, late of Company A, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Williams, widow of John Williams, late of Company L, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen Johnston, widow of Benjamin S. Johnston, late of Company H, Twenty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Felix R. Robertson, late of Company E, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James K. Jackson, late of Company I, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah E. Sherman, former widow of James Personett, late of Company G, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William G. Mahaffey, late of Company F, One hundred and thirty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Fleischer, late of Company G, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Adaline L. Power, widow of John M. Power, late of Companies F and I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Adelia C. Augur, widow of William E. Augur, late of Company C, Seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Amanda M. Smith, widow of Plumer Smith, late of Company A, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Perry C. McIntosh, late of Company B, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry C. Metcalfe, late of Company E, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles van Ostrand, late of Company A, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John N. Bayles, late of Company D, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Moore, late of Company K, and sergeant major Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary M. Slater, widow of Henry W. Slater, late of Company E, One hundred and third Regiment Ohio Volunteer Infantry, any pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Katharina Betz, widow of John Betz, late of Company D, Thirty-first Regiment Wisconsin Volunteer Infantry, and One hundred and forty-sixth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Lee Anderson, late major and brevet lieutenant colonel, One hundred and ninety fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew Chase, late of Company H, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Brown, late of Company I, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alfred S. Gates, late of Company E, Fifteenth Regiment New York Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pradie Duncan, widow of Jackson D. Duncan, late of Company B, Phelp's regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francis M. Ellis, late of Company I, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Brittain, late of Company E, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John R. Kerr, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Malissa Sunderland, widow of Albert Sunderland, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Martin V. Trapp, late of Company H, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Ida E. Hazen, widow of John Hazen, late of Company D, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary Larkin, widow of James Larkin, late of Company C, One hundred and second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William W. Myers, late of Company D, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Chalmers Canan, late of Company D, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas R. Maples, late of Company F, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John W. Moon, late of Company A, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis A. Rominger, late of Company A, Third Regiment North Carolina Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen J. McIntire, helpless and dependent child of John McIntire, late of Company H, Seventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hermund Gudmandson, late of Company A, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John T. Cox, late of Company K, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary L. Tingle, widow of John W. Tingle, late of Company G, Ninety third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan G. Graham, widow of John B. Graham, late of Company H, Forty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William B. Gere, late major and lieutenant colonel, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Viola Merry, widow of Philander B. Merry, late of Company H, Second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Girdler, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James F. Dowis, late of Company B, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary Rice, widow of William Rice, late of Company A, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Catherine Hogg, widow of Joseph Hogg, late first lieutenant and commissary of subsistence, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Kate M. Miller, widow of Stephen C. Miller, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of William H. Zombro, late of Company B, Sixty-sixth Regiment, and Company A, One hundred and thirty-fourth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Otto G. F. Marvin, late of Company D, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Wallace Orcutt, late of Company H, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy J. Wiggington, widow of James Wiggington, late of Company A, First Regiment Alabama Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John E. Buehler, late of Company D, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hannah M. Styles, widow of Hyman F. Styles, late of Company B, Eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Jerolaman, late of Company A, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael Moore, late of Company F, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elijah C. Davey, late of Twelfth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Evan E. Grills, late of Company G, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary Jane Glaser, widow of William M. Glaser, late of Company H, Seventy ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Silas J. Pickerill, late of Company I, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cunigunda Indlekofer, widow of Martin Indlekofer, late of Company H, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James H. Hower, late of Company F, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Z. Leitner, late of Company D, Eighty-sixth Regiment, and Company A, One hundred and sixty-ninth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George G. Cowan, late of Company F, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Beach, late of Company B, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Laughlin, late of Company C, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Levi Perkins, late of Company F, Sixty-fifth Regiment United States Colored Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Fannie M. Lorain, widow of Lorenzo Lorain, late captain, Third Regiment United States Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Charles Decker, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frances Powell, widow of George C. Powell, late of Company C, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jesus Ochoa, late of Company A, First Regiment New Mexico Volunteer Infantry, and Company B, First Regiment New Mexico Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. McDonald, late of Company I, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie M. Sweeney, widow of Dennis Sweeney, late of Company I, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas S. Bostick, late of Company K, One hundred and twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lydia A. McKnight, widow of William J. McKnight, late of Company G, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Isaac F. Moore, late of Company G, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah A. Lofton, widow of John G. Lofton, late of Company I, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robertson S. Allen, late of Company E, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jefferson O'Hara, alias Thomas J. O'Hara, late of Battery E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy A. Butts, widow of Frank A. Butts, late of Company H, and major, Forty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Angeline Murray, widow of John A. Murray, late of Company K, Fifth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Mahaffey, late of Company I, Twenty-fifth Regiment United States Colored Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rosa T. Wallace, widow of William J. Wallace, late of Company A, Eighty-seventh Regiment New York Volunteer Infantry, and Company A, Thirteenth Regiment New York State Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lewis Bish, late of Company E, Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jackson Hughbanks, late of Company I, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Ahlheim, late of Company E, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas R. Gregory, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Cox, late of Company B, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Louisa D. Humphrey, widow of Charles H. Humphrey, late of Company D, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Josiah F. Staubs, late of Company H, First Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew J. Graves, late of Company M, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eugene E. Spalnhower, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calvin Green, late of Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ambrose W. Kearsing, late of Company K, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solomon Berliner, late of Company K, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Esther Randolph, widow of Francis M. Randolph, late of Company G, Seventh Regiment, and Company I, First Regiment, Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan A. Cross, former widow of Jacob F. Jackson, late of Company F, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William G. Stine, late of Company B, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Otilia H. Smith, widow of Ames T. Smith, late of Company D, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Milton F. Barry, late of Battery H, First Regiment New York Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Wilson, late of Company F, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Una Stevens, widow of John H. Stevens, late of Company K, Fifth Regiment Michigan Volunteer Infantry, and Company K, Ninth United States Veteran Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving; *Provided*, That in the event of the death of Lovina Stevens, helpless and dependent child of said John H. Stevens, the additional pension herein granted shall cease and determine; *And provided further*, That in the event of the death of Una Stevens the name of said Lovina Stevens shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Una Stevens.

The name of Adelaide V. Disbrow, former widow of David W. Ostrander, alias William Arnold, late of Company A, Eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph Baldwin, late of Company G, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert J. Yeoman, late of Company I, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah H. Medary, widow of Charles S. Medary, late first lieutenant, Third Regiment United States Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Precilla A. Chilton, former widow of James P. Chilton, late of Company K, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jane C. Smith, widow of William W. Smith, late of Company C, Eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Conrad Orth, late of Company B, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah E. Longenecker, widow of John K. Longenecker, late of Company C, One hundred and fifty-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph Baldin, late of Company F, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas J. Lee, late of Company D, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Whitebread, late of Company F, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Overton Gore, late of Company C, Eighth Regiment Tennessee Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah Jane Ruby, widow of Walter B. Ruby, late of Company K, One hundred and thirtieth Regiment, and Company B, One hundred and eighty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. Hunter, late of Company K, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph P. Wells, late of Company F, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Rowlen, late of Company E, Sixty-second Regiment, and Company I, Sixty-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles A. Vining, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Malinda Pauley, widow of Shadle R. Pauley, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Luman W. Ames, late of Company C, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel E. Rumsey, late of Company E, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adelia I. Cummings, former widow of John A. Cummings, late of Company E, Sixth Regiment New Hampshire Volunteer Infantry, and major First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Benjamin F. Longenecker, late of Company B, Seventh Regiment, Company D, Fourth Regiment, and Company L, Twelfth Regiment, Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The name of John Brough, late of Company D, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Jane McKee, widow of James B. McKee, late of Company K, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George H. Holliday, late of Company G, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Grace E. Ash, widow of Reuben Ash, late of Company E, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Jennings, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James C. Summers, late of Company F, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Haywood Gregory, late of Company A, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson Benjamin, late of Company C, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Holland, late of Company C, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Margaret J. Beaver, widow of John W. Beaver, late of Company B, Sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Carrie Porter, widow of Carlile P. Porter, late admiral's secretary, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Alvin Calmes, late of Company A, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Adams, late of Company K, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alvena A. Dunham, former widow of Peter Plant, late of Company H, One hundred and tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cornelia Shoemaker, widow of Andrew Shoemaker, late of Twenty-fourth Independent Battery, Ohio Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James H. Raney, late of Company E, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Bowman, late of Company A, Forty-Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth Folsia, widow of Joseph Folsia, late of Company F, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Chancey Williams, late of Company A, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James G. Haner, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hiram Beach, late of Company H, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Pleasant D. Broaddus, late of Company C, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Mitchell, late of Company I, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Anderson, late of Company A, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lenora N. Hoyt, widow of William R. Hoyt, late of Company I, Tenth Regiment, and unassigned, Fifth Regiment, Vermont Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Jeremiah Perrigone, late of Company I, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph A. Gilbrant, late of Company E, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adolph H. Schumann, late of Battery C, New Jersey Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Valentine Hinton, late of Company I, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Adams, late of Company E, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jessie E. Stover, helpless and dependent child of Frederick Stover, late of Company G, Fourth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ambrose S. Uselman, late of Company C, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zachariah McClain, helpless and dependent child of Samuel L. McClain, late of Company E, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Sarah M. Roberts, widow of James M. Roberts, late of Company E, Third Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The name of Daniel J. Masters, late of Company H, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Lynch, late of Company D, Thirty-fifth Regiment, and Company H, Twentieth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Thacker, late of Company E, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Peter McDoll, late of Company A, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Turner, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James P. Griffin, late of Company K, Third Regiment, and Company H, Fourth Regiment, Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick M. Chamberlain, late unassigned, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eliza J. Minks, widow of James H. Minks, late of Company K, Ninety-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles E. Watts, late of Company A, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Plus W. Wonner, late of Company D, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frank A. Boyd, late of Company B, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augusta A. King, widow of John W. King, late of Company C, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Mary S. Switzer, widow of James Switzer, late of Company I, Sixth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Ormsby, late of Company B, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 798. Laura E. Headington.
H. R. 844. Robert H. Wood.
H. R. 922. John Brim.
H. R. 990. John C. Messerschmidt.
H. R. 1364. Nannie B. Turner.
H. R. 1411. Thomas Haley.
H. R. 1464. Benjamin F. Goodman.
H. R. 1504. Catherine Strafford.
H. R. 1573. Elizabeth Cumming.
H. R. 1701. Matilda E. Pierce.
H. R. 1858. William Pierce.
H. R. 1903. Roeana F. Duran.
H. R. 1918. David F. Landon.
H. R. 1922. Isaac M. Chrissinger.
H. R. 2001. Amanda J. Winkle.
H. R. 2096. Annie E. Osgood.
H. R. 2214. Anna L. Yachmann.
H. R. 2247. Charity C. Hughes.

H. R. 2259. Eudora E. Phillips.
H. R. 2377. Catherine Beard.
H. R. 2453. Franklin Agnew.
H. R. 2705. Mary Gertrude Russell.
H. R. 2795. William James Richey.
H. R. 2887. James Kelly.
H. R. 3120. Jennie Raley.
H. R. 3154. Aaron Silberman.
H. R. 3173. Jacob Mayes.
H. R. 3191. Frank S. Bradley.
H. R. 3263. John Great.
H. R. 3237. Andrew J. Storts.
H. R. 3274. Arabella Smith.
H. R. 3374. Julia A. Steck.
H. R. 3816. Johanna Rost.
H. R. 3819. Ellen De Count.
H. R. 3861. Hannah Watt.
H. R. 3905. Aaron D. Eccleston.
H. R. 3942. Jane E. Elmer.
H. R. 3969. Julia A. Walker.
H. R. 4323. Warren S. Read.
H. R. 4353. Anna R. Laing.
H. R. 4403. Euphema Gatts.
H. R. 4422. John H. Rodkey.
H. R. 4526. Erinad Brassill.
H. R. 4555. Harriet Quail.
H. R. 4590. Thomas E. Kellogg.
H. R. 4616. Catherine E. Bentley.
H. R. 4847. William M. Donovan.
H. R. 4914. Mary F. Terrilliger.
H. R. 5009. Sabrina A. Broadfoot.
H. R. 5063. Benjamin J. Harding.
H. R. 5120. William Boggs.
H. R. 5156. Eugene H. Steward.
H. R. 5164. George W. Miller.
H. R. 5237. John T. Myers.
H. R. 5256. Susan C. J. Slocum.
H. R. 5257. Martha M. Miller.
H. R. 5305. John F. Myers.
H. R. 5432. William W. Nichols.
H. R. 5495. Edward M. Willis.
H. R. 5585. Luther Wing.
H. R. 5605. Leonora Turner.
H. R. 5617. Elijah Coffman.
H. R. 5671. George H. Sollfelt.
H. R. 5824. Lydia Ripley.
H. R. 5885. Alice A. Wing.
H. R. 5910. John Holley.
H. R. 5982. Eliza B. Baxter.
H. R. 5997. James R. Cowgill.
H. R. 6168. Theresa B. Strelbig.
H. R. 6185. Mary E. Clark.
H. R. 6261. Frank L. Weiss.
H. R. 6394. Joseph R. Kemp.
H. R. 6637. Wallace W. Jackson.
H. R. 7011. Martha W. Pollock.
H. R. 7088. John Montgomery.
H. R. 7118. Mary L. Taylor.
H. R. 7367. William Koontz.
H. R. 7423. Sinnie Young.
H. R. 7492. Charles R. Brackett.
H. R. 7445. William A. Pratt.
H. R. 7463. William Jones.
H. R. 7658. Elizabeth Lindsey.
H. R. 7806. Jessie L. Higby.
H. R. 7957. Thomas Tirrell.
H. R. 7968. Annie E. McCombs.
H. R. 8123. John H. Sanders.
H. R. 8154. Lillie E. Spaulding.
H. R. 8201. Wilford M. Taylor.
H. R. 8271. Lena McKee Huffman.
H. R. 8280. Eliza A. Lantz.
H. R. 8303. Perry F. Holstein.
H. R. 8322. Abbie M. Holyoke.
H. R. 8389. William H. Willie.
H. R. 8463. Edward M. White.
H. R. 8506. Lewis G. Halston.
H. R. 8584. Mary Williams.
H. R. 8731. Ellen Johnston.
H. R. 8832. Felix R. Robertson.
H. R. 8862. James K. Jackson.
H. R. 8892. Sarah E. Sherman.
H. R. 9005. William G. Mahaffey.
H. R. 9087. Henry Fleisher.
H. R. 9110. Adaline L. Power.
H. R. 9206. Adella C. Augur.
H. R. 9301. John H. Ormsby.
H. R. 9407. Amanda M. Smith.
H. R. 9571. Perry C. McIntosh.
H. R. 9608. Henry C. Metcalfe.
H. R. 9742. Charles Van Ostrand.
H. R. 9774. John N. Bayles.
H. R. 9780. William H. Moore.
H. R. 9796. Mary M. Slater.
H. R. 9832. Katharina Betz.
H. R. 9885. Henry Lee Anderson.
H. R. 9942. Andrew Chase.
H. R. 9977. Samuel Brown.
H. R. 10045. Alfred S. Gates.
H. R. 10048. Prudie Duncan.
H. R. 10184. Francis M. Ellis.
H. R. 10259. James F. Brittain.
H. R. 10294. John B. Kerr.
H. R. 10327. Melissa Sunderland.
H. R. 10466. Martin V. Trapp.
H. R. 10511. Ida E. Hazen.
H. R. 10533. Mary Larkin.
H. R. 10545. William W. Myers.
H. R. 10756. Chalmers Canan.
H. R. 10741. Thomas R. Maples.
H. R. 10787. John W. Moon.
H. R. 10812. Lewis A. Roninger.
H. R. 10980. Ellen J. McIntire.
H. R. 10984. Hermund Gudmundsen.
H. R. 11027. John T. Cox.
H. R. 11037. Mary L. Tingle.
H. R. 11038. Susan G. Graham.
H. R. 11059. William B. Gere.
H. R. 11150. Viola Merry.
H. R. 11154. William Girdler.
H. R. 11202. James F. Doyle.
H. R. 11232. Mary Rice.
H. R. 11234. Catherine Hogg.
H. R. 11236. Kate M. Miller.
H. R. 11272. William H. Zoubro.
H. R. 11302. Orlo G. F. Marvin.
H. R. 11310. Wallace Orcutt.
H. R. 11342. Nancy J. Wigginton.
H. R. 11357. John E. Buehler.
H. R. 11359. Hannah M. Styles.
H. R. 11397. James Jerolaman.
H. R. 11456. Michael Moore.
H. R. 11509. Elijah C. Davey.
H. R. 11527. Evan E. Griffis.
H. R. 11671. Mary Jane Glaser.
H. R. 11699. Silas J. Pickerill.
H. R. 11754. Cunigunda Indlekofer.
H. R. 11904. James H. Bower.
H. R. 11907. William Z. Leitner.
H. R. 11918. George G. Cowan.
H. R. 11943. William Beach.
H. R. 11983. Hiram Laughlin.
H. R. 12063. Levi Perkins.
H. R. 12015. Fannie M. Lorain.
H. R. 12101. Charles Decker.
H. R. 12132. Frances Powell.
H. R. 12155. Jesus Ochoa.
H. R. 12175. William W. McDonald.
H. R. 12179. Anne M. Sweeney.
H. R. 12191. Thomas S. Bostick.
H. R. 12235. Lydia A. McKnight.
H. R. 12250. Isaac F. Moore.
H. R. 12304. Sarah A. Lofton.
H. R. 12328. Emerson S. Allen.
H. R. 12361. Jefferson O'Hara.
H. R. 12432. Lucy A. Butts.
H. R. 12451. Angeline Murray.
H. R. 12452. George Mahaffey.
H. R. 12457. Rosa T. Wallace.
H. R. 12466. Lewis Bish.
H. R. 12467. Jackson Hughbanks.
H. R. 12496. George Ahlheim.
H. R. 12505. Thomas R. Gregory.
H. R. 12550. William H. Cox.
H. R. 12558. Louisa D. Humphrey.
H. R. 12565. Josiah F. Staubs.
H. R. 12567. Andrew J. Graves.
H. R. 12576. Eugene E. Spainhower.
H. R. 12593. Calvin Green.
H. R. 12600. Ambrose W. Kearsing.
H. R. 12609. Solomon Berliner.
H. R. 12630. Esther Randolph.
H. R. 12639. Susan A. Cross.
H. R. 12656. William G. Stine.
H. R. 12760. Ottilia H. Smith.
H. R. 12737. Milton F. Barry.
H. R. 12815. William A. Wilson.
H. R. 12821. Una Stevens.
H. R. 12864. Adelaide V. Disbrow.
H. R. 12874. Joseph Baldwin.
H. R. 12911. Robert J. Yocman.
H. R. 12914. Sarah J. Medary.
H. R. 12943. Precilla A. Chilton.
H. R. 12950. Jane C. Smith.
H. R. 12973. Conrad Orth.
H. R. 13066. Sarah B. Longenecker.
H. R. 13070. Joseph Baldin.
H. R. 13097. Thomas J. Lee.
H. R. 13138. John H. Whitebread.
H. R. 13140. Overton Gore.
H. R. 13142. Sarah Jane Ruby.
H. R. 13148. William H. Hunter.
H. R. 13174. Joseph P. Wells.
H. R. 13179. Charles E. Rowlen.
H. R. 13214. Charles A. Vining.
H. R. 13250. Malinda Pauley.
H. R. 13264. Luman W. Ames.
H. R. 13272. Samuel E. Rumsey.
H. R. 13323. Adella I. Cummings.
H. R. 13359. Benjamin F. Longenecker.
H. R. 13435. John Brough.
H. R. 13437. Mary Jane McKee.
H. R. 13491. George H. Holliday.
H. R. 13551. Grace E. Ash.
H. R. 13562. John W. Jennings.
H. R. 13574. James C. Summers.
H. R. 13576. Peter Haywood Gregory.
H. R. 13608. Nelson Benjamin.
H. R. 13644. John A. Holland.
H. R. 13676. Margaret J. Beaver.
H. R. 13678. Carrie Porter.
H. R. 13699. Alvin Calmes.
H. R. 13725. Thomas Adams.
H. R. 13758. Alvena A. Dunham.
H. R. 13881. Cornelia Shoemaker.
H. R. 13882. James H. Raney.
H. R. 13885. Daniel Bowman.
H. R. 13900. Elizabeth Folsia.
H. R. 13950. Chancey Williams.
H. R. 13995. James G. Haner.
H. R. 14027. Hiram Beach.
H. R. 14086. Pleasant D. Broaddus.
H. R. 14099. James Mitchell.
H. R. 14110. Joseph W. Anderson.
H. R. 14156. Lenora N. Hoyt.
H. R. 14206. Jeremiah Perrigone.
H. R. 14214. Joseph A. Gilbant.
H. R. 14236. Adolph H. Schumann.
H. R. 14237. Valentine Hinton.
H. R. 14249. Alexander Adams.
H. R. 14256. Jessie E. Stover.
H. R. 14275. Ambrose S. Uselman.
H. R. 14277. Zachariah McClain.
H. R. 14278. Sarah M. Roberts.
H. R. 14323. Daniel J. Masters.
H. R. 14326. Thomas Lynch.
H. R. 14435. Isaac Thacker.
H. R. 14501. Peter McDoll.
H. R. 14511. William Turner.
H. R. 14516. James P. Griffin.
H. R. 14542. Frederick M. Chamberlain.
H. R. 14555. Eliza J. Minks.
H. R. 14603. Charles E. Watts.
H. R. 14656. Plus W. Wonner.
H. R. 14673. Frank A. Boyd.
H. R. 14829. Augusta A. King.
H. R. 14860. Mary S. Switzer.

During the reading of the bill the following occurred:

Mr. BURKE. Mr. Speaker, the committee offers an amendment to the item beginning on line 23, page 35, pension of Jane C. Smith, widow of William W. Smith. Strike out the figures "$12," on line 2 of page 36, and insert in lieu thereof the figures "$20."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, line 2, strike out "$12" and insert in lieu thereof "$20."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURKE. Mr. Speaker, the committee offers an amendment, to strike out the words "in lieu of that she is now receiving," on lines 17 and 18 of page 38, in the pension of Adelia I. Cummings, former widow of John A. Cummings.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 38, lines 17 and 18, strike out the words "in lieu of that she is now receiving."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk proceeded with and concluded the reading of the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURKE, a motion to reconsider the votes whereby the last two pension bills were passed was laid on the table.

INTERNATIONAL TREATIES.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a list of the treaties negotiated by three administrations—the Roosevelt, the Taft, and the Wilson administrations—with comments.

The SPEAKER. To publish all the treaties, or treaties on certain subjects?

Mr. SHERWOOD. International treaties.

The SPEAKER. Does the gentleman desire all the treaties to be published with his remarks?

Mr. SHERWOOD. No; not to print the text of the treaties, but to give a list of those negotiated.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by inserting a list of treaties, and so forth. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4581. An act for the relief of Victor A. Ermerins; to the Committee on Claims.

ADJOURNMENT.

Mr. BORLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Saturday, April 29, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 14822) to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America, reported the same with amendment, accompanied by a report (No. 613), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14823) permitting the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River, in the State of Montana, reported the same with amendment, accompanied by a report (No. 614), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 14483) to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak., reported the same without amendment, accompanied by a report (No. 615), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11927) granting a pension to Mary F. Hess, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. McCLINTIC: A bill (H. R. 15156) granting public lands to the State of Oklahoma; to the Committee on the Public Lands.

By Mr. HOUSTON: A bill (H. R. 15157) to confer additional authority upon the President of the United States in the construction and operation of the Alaskan Railroad, and for other purposes; to the Committee on the Territories.

By Mr. WEBB: A bill (H. R. 15158) to amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence; and further to define the jurisdiction of that court; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: A bill (H. R. 15159) for the extension, alteration, and repairs, post-office building, Norristown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SHERWOOD: Concurrent resolution (H. Con. Res. 35) to provide for the settlement of international disputes by arbitration; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 15160) granting a pension to Anna Claxton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15161) granting a pension to Mary Ann Weiker; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 15162) granting a pension to James Green; to the Committee on Pensions.

Also, a bill (H. R. 15163) granting an increase of pension to Marvin W. Bennett; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 15164) granting a pension to Mrs. M. E. Martin, widow of Col. S. M. Archer; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 15165) for the relief of the estate of John J. Wester; to the Committee on Claims.

By Mr. COADY: A bill (H. R. 15166) granting a pension to Sophia Bacon; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 15167) granting a pension to Elizabeth Murcer; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 15168) granting a pension to Susan Jane Hildebrand; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 15169) granting a pension to Lily D. Murphy; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 15170) for the relief of William Holbrook; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 15171) for the relief of Adolph Fenton; to the Committee on Claims.

By Mr. GOULD: A bill (H. R. 15172) granting a pension to Mrs. Lucinda P. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15173) granting an increase of pension to William A. Bennett; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 15174) granting a pension to Margaret E. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15175) granting an increase of pension to Mary Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15176) granting an increase of pension to John H. White; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 15177) for the relief of Leander Parker; to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 15178) for the relief of Anastasios Argyros; to the Committee on Claims.

Also, a bill (H. R. 15179) for the relief of the family of Nicholas J. Marinos; to the Committee on Claims.

By Mr. OLNEY: A bill (H. R. 15180) for the relief of James D. Leatherbee; to the Committee on Claims.

By Mr. OVERMYER: A bill (H. R. 15181) granting a pension to Christine E. Geiger; to the Committee on Pensions.

Also, a bill (H. R. 15182) granting an increase of pension to George W. Brown; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 15183) granting an increase of pension to Nicholas Scholl; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 15184) for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy; to the Committee on Naval Affairs.

By Mr. SEARS: A bill (H. R. 15185) for the relief of Marcus Conant; to the Committee on Claims.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 15186) granting an increase of pension to Dallas Mills; to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 15187) granting an increase of pension to Mrs. Mary O. Horton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15188) for the relief of the legal representatives of Messrs. Lyman Randall, J. E. Sarrazin, and James Williams; to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 15189) granting an increase of pension to Antoine Conia; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15190) granting an increase of pension to William Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15191) granting an increase of pension to Annie E. Welch; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15192) granting an increase of pension to John Nay; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 15193) for the relief of Henry Marxmiller, alias Henry Miller; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of American women of German descent, protesting against action of British Government relative to Red Cross supplies; to the Committee on Foreign Affairs.

By Mr. ALLEN: Petition of United Commercial Travelers of America, favoring an investigation of the dairies; to the Committee on Rules.

By Mr. BAILEY: Memorial of officers and delegates of Altoona Branch, German-American Central Alliance, against a break with Germany; to the Committee on Foreign Affairs.

By Mr. BROWNING: Petition of citizens of Atco, Camden County, N. J., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Agnes P. Sisson, of Modus, Conn., and Frances G. Buchanan, M. D., of Washington, D. C., urging report of suffrage amendment; to the Committee on the Judiciary.

Also, petition of Walter B. Grant, of Boston Mass., favoring House bill 11323, for additional United States judge for Texas; to the Committee on the Judiciary.

Also, petition of the Newton Co., of New York, against war; to the Committee on Foreign Affairs.

Also, petition of men and women voters of Tucson, Ariz., favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of executive council of United Board of Business Agents of Greater New York and Long Island Building Trades, against reduction of present wage scale in Canal Zone; to the Committee on Appropriations.

Also, petition of the Manufacturers and Business Men's Association of New York, against Tavenner bill, H. R. 8665; to the Committee on Labor.

By Mr. DANFORTH: Petition of Mrs. B. Mack Smith and 15 others, of Rochester, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of citizens of Parkston, S. Dak., against war; to the Committee on Foreign Affairs.

By Mr. DUNN: Petition for the Sims-Kenyon bill to prohibit the interstate transmissions of race-track gambling odds and bets; to the Committee on Interstate and Foreign Commerce.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., against sending liquor advertisements through the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Sylvester P. Carroll and others, of Rochester, N. Y., against the Taylor system in Government workshops; to the Committee on Labor.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring amendment to prohibit appropriation for sectarian institutions; to the Committee on the Judiciary.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring bill to prohibit interstate transportation of obscene motion-picture films; to the Committee on Interstate and Foreign Commerce.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring bill for Federal motion-picture commission; to the Committee on Education.

By Mr. EMERSON: Petition of citizens of Willoughby, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Reformed Churches of Cleveland, Ohio, against war with Germany; to the Committee on Foreign Affairs.

By Mr. ESCH: Memorial of St. John's Evangelical Lutheran Congregation, against war with Germany; to the Committee on Foreign Affairs.

By Mr. FLYNN: Memorial of executive council of the United Boards of Business Agents of Greater New York and Long Island Building Trades, against reduction of wage scale of American employees on Canal Zone; to the Committee on Appropriations.

By Mr. FOCHT: Evidence in support of House bill 13019, for the relief of A. M. Harner; to the Committee on Invalid Pensions.

Also, petitions of citizens of Waynesboro, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, evidence in support of House bill 10605, for the relief of Peter Beichler; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of sundry citizens of Rockford, Ill., relative to the administration of the migratory-bird law; to the Committee on Agriculture.

Also, petition of sundry citizens of Streator, Ill., for House bill 8665 and in opposition to the Taylor system of shop management in United States Government shops; to the Committee on Labor.

By Mr. GRIFFIN: Memorial of the Merchants' Association of New York and the Cotton Goods Export Association of New York, in re the Philippine bill; to the Committee on Insular Affairs.

Also, memorial of United Boards of Business Agents of Greater New York and Long Island Building Trades and the District Council of Greater New York and vicinity, United Brotherhood of Carpenters and Joiners of America, in re labor conditions in the Canal Zone; to the Committee on Labor.

Also, memorial of the Merchants' Association of New York, in re postal service in New York City; to the Committee on the Post Office and Post Roads.

Also, petition of Prof. Ross G. Harrison, of New Haven, Conn., in re Red Cross work in Europe; to the Committee on Foreign Affairs.

By Mr. GOULD: Petition of sundry citizens of central New York, favoring House bills 270 and 712; to the Committee on Ways and Means.

By Mr. GRAY of Indiana: Letters and telegrams by Raymer Gwin, C. E. Cooper, George McConkey, Harmon Hasecoster, John Weist, Rudolph Smithmeyer, George Mesker, L. E. Bruce, Fred Morgenroth, Henry Wieghorst, Chris Fulle, Herman Annus, C. W. Addleman, Joseph H. C. Smithmeyer, Henry Helmich, John Rithert, H. Meerhoff, J. G. Kaurch, Albert F. Mayer, William N. Cook, W. C. Lantz, Adam Boes, Fred Noekler, Henry Eggert, William C. Kamper, Oscar T. Auer, jr., Fred G. Mayer, Oscar T. Auer, Edward Wolbard, Thomas E. Jones, Frank K. Ehlenbribk, jr., Frank Libbert, William H. Dunning, Fred Hackman, C. W. Jessup, Joe Groves, Raymond H. Daning, D. Bertsch, Will Schutte, Raymond H. Duning, J. Henry E. Bode, Fred Hackman, Joe F. Groves, M. Grunzke, Will Schutte, Joseph Schuwaizer, H. Elstro, Frank Libber, Charles H. Hackman, Matt Vonpein, William H. Duning, C. W. Jessop, D. Bertsch, H. Elstro, Frank Kehlenbrink, jr., E. E. Brumfiel, M. Grunzke, Joseph Schweizer, Matt Vonpein, Charles H. Hackman, Hans N. Koll, Michael Bosser, James L. Vail, W. W. Dafler, Henry E. Bode, and John M. Lantz, of Richmond, Ind., and G. A. Spring, of Brookville, Ind.; Holy Family Monastery, Oldenburg; Peter Wilhelm, Brookville; William B. Davis, Morristown; H. C. Walter, Mooreland; T. B. Deem, Knightstown; H. R. Muller, Cedar Grove; Mahlon L. Gebhart, Hagerstown; Rev. Andrew Shaof, Brookville; Louis Pfleging, sr., Connersville; Lee Joseph, Brookville; J. O. Breitenbach, Connersville; Louis Dietzel, John Dietzel, Gust Diller, George Simmermyer, Charles C. Hill, Charles Irrgang, and George Herra, of Brookville, all in the State of Indiana, urging warning to American citizens against taking passage on armed belligerent vessels and filed as a protest against a breach of peace relations and war with Germany; to the Committee on Foreign Affairs.

Also, letters and telegrams by Frank Kehlenbrink, jr.; A. J. Blickwedel; Ernest Bode; Fred Hackman; Henry Neuchter; John Bager; John Zwissler; Harmon Hasecoster; H. N. Koll; William S. Dunning; Richmond Mannerchor, 150 members; William J. Schneider, president, Edward Issen, secretary; South Side Improvement Association, 450 members, A. W. Blickwedel, president, Hans N. Koll, secretary; A. J. Ball, all of Richmond, in the State of Indiana; George Smith, of College Corner, Ohio; M. A. Jacob, of Brookville, Ind.; John Dorn, of Fortville, Ind.; and T. B. Deem, of Knightstown, Ind., protesting against a breach of peace relations and war with German; to the Committee on Foreign Affairs.

By Mr. HASTINGS: Petition of First Baptist Church of Porum, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HINDS: Memorial of Methodist Episcopal Sunday School of South Berwick, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOPWOOD: Memorial of Dunbar Grange, No. 1022, on "postalizing the wires"; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petitions of sundry citizens and organizations of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of 56 citizens of Tacoma, Wash., opposing House bill 13048; to the Committee on the Judiciary.

Also, petition of 105 citizens of Tacoma, Wash., opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of 43 citizens of Tacoma, Wash., opposing House bill 652; to the Committee on the District of Columbia.

Also, petition of 59 citizens of Hoquiam, Wash., opposing House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

Also, petition of Health Officers' Association of Los Angeles County, J. H. Pomeroy, M. D., secretary-treasurer, favoring House bill 8353 and Senate bill 3292, Federal aid for indigent persons afflicted with tuberculosis, etc.; to the Committee on Ways and Means.

Also, petition of Lasker Lodge No. 370, I. O. B. B., I. T. Davidson, president, San Diego, Cal, protesting against Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of board of directors of Automobile Club of Southern California, favoring Federal aid in the construction of road to Mount Whitney; to the Committee on Roads.

Also, petition of Mrs. George F. Otto, George F. Otto, and Amy F. Beardsley, all of San Diego, Cal., favoring strict neutrality for United States in European war; to the Committee on Foreign Affairs.

Also, petition of Albert A. Daniels and 64 other residents of La Mesa, Cal., favoring Ashbrook widows' pension bill; to the Committee on Invalid Pensions.

Also, petition of E. B. Kendall, jr., S. R. Hemingway, Sarah G. Hemingway, A. M. Sargent, Fred V. Sinclair, E. L. Taylor, Walter B. Johnson, and F. P. Morrison, all of Redlands, Cal., and Miss M. E. Lathrope, of South Pasadena, Cal., favoring adequate national defense; to the Committee on Military Affairs.

Also, petition of H. W. Scheld and one other of San Diego, and Laura R. Kluge and six others of San Diego, Cal., protesting against the compulsory Sunday observance bill, Senate bill 645; to the Committee on the District of Columbia.

Also, petition of George W. Vogler, Ocean Beach; E. H. Mills, of San Diego, and 7 others; Mrs. Ida B. Bell, of San Diego, and 12 others; H. W. Scheld, of San Diego, and 10 others; Mrs. M. Perkins, of San Diego, and 10 others; Mrs. J. B. Ewer, of San Diego, and 12 others; Mrs. Ida E. Jewell, of East San Diego, and 12 others; Mrs. V. J. Thompson, of East San Diego, and 12 others; A. M. Greer, of San Diego, and 10 others; Selma Poehler, of San Diego, and 13 others; W. R. Young, of San

Diego, and 34 others; Herbert Sawyer, of San Ysidro, and 47 others; Mrs. Ella Bound and 31 others, of Los Angeles, all in the State of California, protesting against House bills 6468 and 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Herbert B. Frisbie, of San Diego, and 55 others; Miss Carlotta C. Pratt, of San Diego, and 55 others; Frederic William Goulding, of San Diego, and 55 others, protesting against House bill 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition against a bill to permit the erection of a monument in Arlington National Cemetery to the nuns who served as nurses in the Civil War; to the Committee on Military Affairs.

Also, petition of Herbert P. Sawyer, of San Ysidro, and 47 others, and Mrs. Ella Bound, of Los Angeles, and 31 others, against a bill to make October 12, Columbus Day, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Central Christian Church, San Diego, John Fleming, president official board, Mrs. Anna L. Riley, Needles, and 4 others, favoring Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Anna M. Galbraith, of San Diego, and 70 others, favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of Epworth League of Taylor Methodist Church, San Diego, A. Ray Neptune, president, favoring House bill 10924, prohibition of rum exports to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. LITTLEPAGE: Petitions of sundry citizens and organizations of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LLOYD: Petition of citizens of Hannibal, Mo., favoring passage of House bill 8665; to the Committee on Labor.

By Mr. LONDON: Petition indorsing the Nolan $3-a-day minimum-wage bill for Federal Government employees, from 194 employees in Watertown Arsenal, Watertown, Mass.; to the Committee on Labor.

By Mr. McKENZIE: Petition of Young Peoples' Society Christian Endeavor, Rock Grove, Ill., against sale, etc., of intoxicating liquors in Porto Rico; to the Committee on Insular Affairs.

By Mr. MORIN: Petition of Chiropody Society of Pennsylvania, Philadelphia, Pa., in favor of House bill 13717; to the Committee on the District of Columbia.

Also, petition of C. J. Holden, of Pittsburgh, Pa., protesting against House resolution 7624; to the Committee on Patents.

Also, petitions of Frank X. Ecke, jr., Max Peetz, Robert S. Cathbert, Dr. L. C. Gabriel, Joseph Kinz, William Adrian, H. J. Blum, John Stoebner, jr., Ferdinand Kaufman, L. C. Wingele, F. W. Ernst, C. E. Beschel, F. H. Haslage, Emily Yohing, T. H. James, Frank S. Steele, J. M. Zimmerman, F. J. Schenana, B. Luby, J. J. Dornberger, John Wetzel, Fred A. C. Schumann, John Welcher, Charles Lanny, W. F. Slmendinger, Fred Knopf, E. G. Stoebner, George G. Koepp, S. Cohen, Charles Traeg, Charles B. Arent, E. O. Adams, J. Mantel, Henry J. Thier, John J. McCaig, Charles E. Allanesius, E. C. Kraft, Frank M. Kern, Charles Siedle, A. A. Berchel, Robert J. Holt, J. W. Ehmann, Leo Sauermilch, Philip Zecker, Henry Iffert, August Schwan, George Frick, G. Golden, and Const. Waldvogel, all of Pittsburgh, Pa., opposed to the United States becoming embroiled in European war; to the Committee on Foreign Affairs.

By Mr. PRATT: Petition of sundry merchants of Trumansburg, Owego, Ithaca, Candor, Berkshire, Freeville, Newark Valley, Dryden, and Groton, all in New York State, favoring House bills 270 and 712, to tax persons, firms, or corporations doing an interstate mail-order business; to the Committee on Ways and Means.

Also, petition of Jim Osborn, N. Bernt, John H. Baumann, F. M. Drake, Albert F. Doran, D. M. Rose, Joseph Nitsche, J. P. Cook, Charles Russell, Thomas F. O'Connor, of Corning; J. R. Wilder, J. D. MacMullin, George L. McIntyre, D. Burt Quigley, William E. Smith, Levi Wade, B. C. Bassett, Thomas W. Bailey, of Painted Post; and Roland Huggins, of Ithaca, all in the State of New York, favoring peace; to the Committee on Foreign Affairs.

Also, petition of New York State Retail Jewelers' Association, favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Petition of George A. Frederick, of Brooklyn, N. Y., opposing the Shields water-power bill; to the Committee on the Public Lands.

Also, petition of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, memorial of United Retail Grocers' Association of Brooklyn, N. Y., for Stevens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT of Michigan: Petition of sundry citizens of Mackinaw, Mich., against compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Papers to accompany House bill 15086, for the relief of Lydia M. McGowan; to the Committee on Invalid Pensions.

By Mr. SNELL: Memorial of Albert M. Graham, of Lisbon, N. Y.; Andrew J. Veitch, of Waddington, N. Y.; Joseph Porter, J. R. Middleton, G. H. Sanborn, and George H. Dilcox, of Lisbon, N. Y., protesting against the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

Also, memorial of C. M. Scott, of Lisbon, N. Y.; H. W. Clark, G H. Sanborn, A. M. Graham, and George H. Dilcox, of Ogdensburg, N. Y., protesting against the passage of the Fitzgerald and Siegel postal bills, House bills 6468 and 491; to the Committee on the Post Offices and Post Roads.

By Mr. SNYDER: Petition of Homestead Aid Association of Utica, N. Y., favoring House joint resolution 55, relative to act to increase internal revenue; to the Committee on Ways and Means.

Also, petition of sundry citizens of the thirty-third New York district, favoring tax on mail-order houses; to the Committee on Ways and Means.

SENATE.

SATURDAY, *April 29, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have come to know ourselves only in the light of the revelation that Thou dost give to us of Thyself. All our devotion to mankind, our interest in man in his social and organized life, arises out of his kinship with God. Because we are so near to Thee and are the objects of Thy care we are the objects of the care of each other. A day in Thy court is better than a thousand. The impression that we get out of the vision of Thy face brings to us a realization of the importance of every event of life. We pray that we may learn out of our vision of God the real meaning and purpose of the life we are living and consecrate our lives to the advancement of man's spiritual and eternal interests. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Thursday, April 27, 1916, was read and approved.

RECLAMATION PROJECTS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 1st instant, certain data regarding reclamation projects. The communication and accompanying papers will be printed in full in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

The communication is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 26, 1916.

The PRESIDENT OF THE SENATE.

SIR: An attested copy of Senate resolution of April 1, 1916, has been received, requesting certain data regarding reclamation projects.

These data are given in the inclosed table and the location of the projects is shown on the accompanying map.

The resolution requests the number of projects completed and under way. In this connection it is well to note the fallacies involved in the common use of these terms as applicable to large reclamation projects. Irrigation may begin with the completion of the first portion of the canal system, while the construction of the remainder may extend over a number of years and yet keep well in advance of settlement and development of the irrigable lands. A better knowledge of the water supply gained during those years may warrant additions to the canal system or the development of the community may advance values so as to justify further expense to increase or conserve the water supply, permitting additional land to be served.

Thus in many cases the project as a whole becomes a growing thing and is not to be compared to a single definite piece of construction, such as a dam or office building, but is more like a town or railroad system that in a sense may be regarded as never complete. The transfer of the works to the water users does not alter this condition, but merely shifts the responsibilities to new hands.

On many of the projects work was first undertaken on a definite unit, having in mind some broader conception of the ultimate possibilities. Each step in the development, through the knowledge and experience gained, affects this conception of what the project may finally be and this suffers radical changes with the surveys of additional canal lines and irrigable areas and the accumulation of information regarding water supply, soil quality, and other factors.

There is also constant demand in connection with most of the projects to take in additional lands or units not previously regarded as part of

the plan. Thus a project may be regarded as almost complete on one day, while on the next some extension may be adopted involving one or more seasons' additional work.

In the attached table an effort has been made to express the degree of completion of the various projects in percentage, basing this on the present conception of the projects and showing the ratio of present expenditures to estimated total cost. As indicated above, such figures are subject to many changes, and a report made some years ago would have shown complete, or nearly so, projects now listed as lacking 20 or 30 per cent of completion.

In the figures as given of 26 projects 6 are shown as complete, or practically so, and 20 in varying degrees of completion, from 35 to 95 per cent. This counts separately the two large divisions and separate areas of land irrigable from the Yakima project, Washington. This project involves in addition a series of reservoirs, forming a storage unit that is now estimated as about 35 per cent complete. The development of the storage system is timed according to requirements, depending on the rapidity with which the irrigated lands are brought into cultivation.

In the last six columns of the table is shown the present status as to ownership of the lands ultimately irrigable from each project; that is, when completed as now planned. The term "private land" is here used in the sense adopted in the statistics and publications of the Reclamation Service, i. e., it comprises lands to which title has passed from the United States and lands on which entry has been made or other right initiated prior to withdrawal for the reclamation project, eliminating the lands from the effect of such withdrawal and making them subject to the reclamation law only at the option of the entrymen or holders. Thus the figures for private land include considerable areas upon which entries have been made, but for which patent has not issued, and to which title therefore remains in the United States.

The data brought together in the attached table will be found in more detail in the Fourteenth Annual Report of the Reclamation Service rendered to Congress in accordance with section 2 of the reclamation act (32 Stat., 388).

Respectfully,

FRANKLIN K. LANE,
Secretary.

Data regarding reclamation projects called for by Senate resolution 157.

State.	Project.	Per cent completed Mar. 31, 1916.	Areas in acres.							
			Season of 1915.		Present status of land irrigable when project is completed as now planned.					
			Irrigable.	Irrigated.	United States public land.	State land.	Indian land.	Railroad land.	Other private land.	Total.
Arizona	Salt River	100	191,754	175,111	14,339	11,030			166,385	191,754
Arizona-California	Yuma (Arizona and California)	60	72,440	27,857	43,951	7,138			61,041	127,257
					5,160		8,130		1,837	
California	Orland	96	20,320	8,928	4				20,316	20,320
Colorado	Grand Valley	60			30,070				22,930	53,000
Do	Uncompahgre Valley	69	69,500	45,963	38,252				101,748	140,000
Idaho	Boise	88	230,000	97,127	74,205	18,500			162,295	255,000
Do	Minidoka	97	120,000	83,488	98,100	19,990			2,100	120,100
Kansas	Garden City	97	10,677						10,677	10,677
Montana	Huntley	78	30,813	18,207	28,880				3,997	32,877
Do	Milk River	54	22,200	4,192	71,629	9,266	30,000	120	108,542	219,557
Do	Sun River	35	16,326	4,261	85,214	12,559			76,252	174,025
Montana-North Dakota	(Lower Yellowstone (Montana and North Dakota).	88	42,329	12,656	9,331	1,514		3,839	25,267	60,116
					7,956	145			12,064	
Nebraska-Wyoming	North Platte (Nebraska and Wyoming).	60	137,764	78,057	95,819	8,277			50,146	229,644
					47,054	3,861			24,527	
Nevada	Truckee-Carson	67	65,000	46,918	123,520	180	4,640	26,900	50,760	206,000
New Mexico	Carlsbad	70	24,796	13,470		923			23,873	24,796
Do	Hondo	77	3,350	1,294	240				9,760	10,000
New Mexico-Texas	Rio Grande (New Mexico and Texas)	64	102,000	33,876	4,635	2,813			102,552	155,000
								360	44,640	
North Dakota	North Dakota Pumping	64	12,239		2,812	178			23,324	26,314
Oregon	Umatilla	78	17,000	5,306	7,776			3,342	25,188	36,300
Oregon-California	Klamath (Oregon and California)	58	38,000	27,251	1,413				77,270	144,430
					65,187				560	
South Dakota	Belle Fourche	94	78,591	44,067	51,081	5,000			41,835	97,916
Utah	Strawberry Valley	87	50,000	8,900	3,500				46,500	50,000
Washington	Okanogan	100	10,099	7,800					10,099	10,099
Do	Yakima-Sunnyside Unit	84	82,757	66,607	2,604	1,158			107,096	110,858
Do	Yakima-Tieton Unit	99	34,000	22,000	2,154	2,274		329	28,844	33,601
Wyoming	Shoshone	50	42,816	25,753	139,882	6,346			3,132	149,360
Total			1,524,751	859,092	1,051,762	111,062	42,770	34,890	1,445,527	2,689,011

April 7, 1916.

JOHN A. HENDRIX AGAINST UNITED STATES (S. DOC. NO. 423).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of John A. Hendrix against the United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Sons of the Revolution in the District of Columbia, praying for an appropriation for the construction of a national archives building, which was referred to the Committee on Appropriations.

He also presented a memorial of the Chamber of Commerce of Seattle, Wash., remonstrating against independence of the Filipinos, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Philadelphia, Pa., and Metuchen, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the Christian Endeavor Society of the First United Presbyterian Church of Los Angeles, Cal., praying for prohibition in the Island of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the National Society of New England Women, praying that Congress designate the Star Spangled Banner as the national anthem, which was referred to the Committee on the Library.

He also presented a petition of the forty-ninth annual encampment of the Grand Army of the Republic, department of Vermont; and a petition of the governor and Company of Massachusetts Bay in New England, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a petition of Local Union No. 103, Typographical Union, of Newark, N. J., praying for Government ownership of telegraph and telephone systems, which was referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of 443 farmers in the State of Michigan, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Detroit, Monroe, and Pigeon, all in the State of Michigan, praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

Mr. PITTMAN presented petitions of sundry citizens of Nevada, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GRONNA presented petitions of sundry citizens of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Heaton, N. Dak., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of North Dakota, remonstrating against certain existing conditions in the tenth division of the Railway Mail Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Hampdin, N. Dak., remonstrating against any change being made in the parcel post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Flasher, N. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Colonel James S. Pettit Camp, No. 5, Department of the District of Columbia, United Spanish War Veterans, of Washington, D. C., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. SHERMAN presented petitions of sundry citizens of Illinois, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Chicago, Ill., remonstrating against appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Chicago, Pinckneyville, Mount Vernon, and Petersburg, all in the State of Illinois, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Whitehall, Rockford, and East St. Louis, all in the State of Illinois, remonstrating against certain provisions of the so-called migratory bird law, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SAULSBURY presented petitions of sundry citizens of Delaware, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. LANE presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented a memorial of sundry citizens of Beaver City, Nebr., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. BURLEIGH presented a petition of sundry citizens of Parkman, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. WILLIAMS presented petitions of sundry citizens of Mississippi, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of Enterprise Grange, Patrons of Husbandry, of Salem Depot, N. H., remonstrating against any change being made in the parcel post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER presented the petition of Mrs. Lillian M. Small and sundry other citizens of Seattle, Wash., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of George Washington Chapter, Sons of the American Revolution, of North Yakima, Wash., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of George Washington Chapter, Sons of the American Revolution, of North Yakima, Wash., praying for an appropriation for the construction of a national archives building, which was referred to the Committee on Appropriations.

Mr. LODGE presented a petition of the Retail Grocers' Association of Boston, Mass., praying for the establishment of a tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the Italian-American Citizens' Club of Massachusetts, of Boston, Mass., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Danvers and Ayer, in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD. I present a telegram, in the nature of a memorial, from W. F. Marquart, of Houston, Tex., against war. I ask that the telegram be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Telegram.]

HOUSTON, TEX.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

Your constituents joining me in sending this message are deeply alarmed by rumors that this country is near to being plunged into the European war. You know your constituents want peace, and we emphatically urge that you so express our sentiments. I know we can depend on you.

W. F. MARQUART,
1710 Hooper Street.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine from the Committee on Pensions, to which was referred the bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 407) thereon.

MISSOURI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10750) permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana (S. Rept. 406). I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS:

A bill (S. 5795) granting a pension to William H. Emery (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 5796) to authorize the Director of the Bureau of the Census, under certain conditions, to prepare and distribute blank ballots, and to receive and count marked ballots and report to Congress the result of an advisory vote; to the Committee on the Census.

By Mr. BORAH:

A bill (S. 5797) making an appropriation for the equipment of the United States sheep experiment station; to the Committee on Agriculture and Forestry.

By Mr. SMOOT:

A bill (S. 5798) granting an increase of pension to John W. Yount (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 5799) for the encouragement of the production of better horses for agricultural and military purposes; to the Committee on Agriculture and Forestry.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $25,000 to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid portions of southern Utah, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid portions of southern Utah, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BRANDEGEE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

MAINTENANCE OF ROADS.

Mr. NELSON submitted an amendment proposing to appropriate $1,000,000 for the fiscal year ending June 30, 1917, for the survey, construction, and maintenance of roads and trails within or partly within the national forests, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, which was ordered to lie on the table and be printed.

HOMESTEAD ENTRIES.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (S. 5379) validating certain homestead entries, which was referred to the Committee on Public Lands and ordered to be printed.

SPEECH OF SENATOR SIMMONS (S. DOC. NO. 424).

Mr. OVERMAN. Mr. President, I ask that the speech of my colleague, Mr. SIMMONS, as temporary chairman of the North Carolina Democratic State convention, held at Raleigh, N. C., April 27, 1916, be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE, ETC., APPROPRIATIONS (S. DOC. NO. 422).

Mr. MARTIN of Virginia. I submit a report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

Mr. SMOOT. I ask the Senator if he will not agree to have the report go over and be printed.

Mr. MARTIN of Virginia. I understand that some Senators desire time to examine it, so that I am perfectly willing, at their instance, that it shall be printed. I shall call it up later.

The report was ordered to be printed and to be printed in the RECORD, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 29, 43, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 67, 73, 74, 75, 82, 83, 84, 87, 90, 94, 96, 97, 103, 106, 107, 108, 109, 110, 114, 115, 119, 121, 123, 124, 125, 126, 129, 133, 134, 136, 138, 139, 142, 147, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 175, 177, 187, 191, 194, 195, 205, 206, 211, 212, 215, 216, 219, 221, 222, 224, and 225.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 48, 65, 66, 70, 71, 72, 76, 77, 85, 86, 91, 92, 93, 98, 99, 100, 101, 102, 104, 105, 111, 112, 113, 116, 127, 128, 131, 132, 135, 137, 141, 144, 145, 146, 149, 150, 152, 153, 155, 172, 173, 174, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 188, 189, 190, 192, 196, 197, 198, 199, 200, 201, 202, 204, 207, 210, 213, 217, 218, 220, 226, 227, and 228, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow the word "each," in line 18, page 2 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,445"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "traveling expenses and per diem in lieu of subsistence of the superintendent and his assistants not to exceed $200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-eight"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "thirty-nine"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$285,730"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following:

"For the following further additional force: Officers to aid in important drafting work—one $4,500, one $2,500, to be appointed by the Secretary; assistant solicitor of the department, to be appointed by the Secretary, $2,500; law clerks—two at $2,250 each, one $2,000, to be appointed by the Secretary; clerks—8 of class 4, 7 of class 3, 10 of class 2, 10 of class 1; messenger; 2 assistant messengers; 3 laborers, at $600 each; 5 female laborers, at $240 each; in all, $72,880.

"No money appropriated by any other act shall be used during the fiscal year 1917 for employment and payment of personal service in the Department of State, at Washington, D. C."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "71,250"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "seventeen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$139,430"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "For the employment of temporary clerical help in the office of the Commissioner of Internal Revenue at rates to be fixed by the commissioner with the approval of the Secretary, $10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$1,700,000, and authority is hereby given to use $40,000 of said sum for the employment in the District of Columbia of necessary clerical and other personal services and the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Hereafter the Commissioner of Internal Revenue shall determine and designate the posts of duty of all employees of the Internal-Revenue Service engaged in field work or traveling on official business outside of the District of Columbia, and when ordered from their designated posts of duty all internal-revenue agents appointed under section 3152, Revised Statutes, as amended, and cotton-futures attorneys, may be granted per diem in lieu of subsistence not exceeding $4, and, when ordered from their designated posts of duty, income-tax agents and inspectors, special gaugers, and special employees may be granted a per diem in lieu of subsistence not exceeding $3, the per diem in lieu of subsistence to be fixed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$145,840"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For purchase of two motor cycles, at $250 each, and for the upkeep of same at $144 each, $788"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,879"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$81,740"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$53,150"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$62,150"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eleven"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$121,990"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$179,340"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including exchange on official checks, $125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,780"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$311,720"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: ": *Provided*, That the Secretary of Labor may renew for the fiscal year 1917 a lease of the premises now occupied by the Department of Labor at an annual rental not exceeding $24,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 6. That unless otherwise specially authorized by law no money appropriated by this or any other act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum, but this shall not apply to retired officers of the Army, Navy, or Marine Corps whenever they may be appointed or elected to public office or whenever the President shall appoint them to office, by and with the advice and consent of the Senate, or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia."

And the Senate agree to the same.

THOMAS S. MARTIN,
LEE S. OVERMAN,
REED SMOOT,
Managers on the part of the Senate.

JOSEPH W. BYRNS,
T. U. SISSON,
JAMES W. GOOD,
Managers on the part of the House.

RURAL CREDITS.

The VICE PRESIDENT. Morning business is closed.

Mr. HOLLIS. I ask that the unfinished business, Senate bill 2986, be laid before the Senate.

Mr. GRONNA. Mr. President——

Mr. HOLLIS. I yield.

Mr. GRONNA. I hope the Senator from New Hampshire will permit us to go on with the calendar for a short time. There are certain bills which have been on the calendar during the entire session. There is one in particular, the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, which ought to be disposed of. As the Senator from New Hampshire knows, I do not wish to delay the rural-credits bill, but I do hope that some of these matters that are on the calendar will be taken up, considered, and passed. It will take only a short time.

Mr. HOLLIS. I should like to ask the Senator if it is his impression that there will be a contest over that bill? My impression is that this being Saturday it will probably be very difficult to keep a quorum here, and I did not intend to come to a vote on the rural-credits bill, but to proceed with it as far as we may without differences of opinion, and then if it is evident that we can not keep a quorum to adjourn. However, early next week, on Monday or Tuesday, I will be perfectly willing to go on with the calendar. I do not think we will make progress on account of other matters if we undertake to do it to-day.

Mr. GRONNA. I do not wish to take up the entire morning hour on any particular bill, and if it should so happen that there is objection to the bill which I have named, the stock-raising homestead bill, of course I would not ask to have it pressed to a vote this morning. I do not know that there is any opposition to the bill or that there will be any lengthy discussion on it. It ought to be passed. The people in the western country demand that some legislation of this kind be had, and we have no right to defer such matters unnecessarily.

Mr. HOLLIS. It is merely on the ground, I will say to the Senator from North Dakota, that we probably can not make progress with controverted bills that I can not consent to that this morning. If the Senator would like to press the bill long enough to ascertain whether it is to be objected to, I will not object to that course. At this time, however, as the Senator from Kansas [Mr. THOMPSON] has given notice that he would address the Senate on the rural-credits bill, and pending some determination of the Senator from North Dakota, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Martin, Va.	Simmons
Beckham	Harding	Martine, N. J.	Smoot
Borah	Hardwick	Myers	Sterling
Brandegee	Hitchcock	Nelson	Sutherland
Broussard	Hollis	Norris	Swanson
Burleigh	Hughes	Overman	Thomas
Chamberlain	Husting	Page	Thompson
Clark, Wyo.	Johnson, Me.	Pittman	Tillman
Colt	Johnson, S. Dak.	Poindexter	Townsend
Culberson	Jones	Pomerene	Vardaman
Cummins	Kenyon	Robinson	Walsh
Curtis	Kern	Saulsbury	Warren
Dillingham	La Follette	Shafroth	Williams
du Pont	Lane	Sheppard	
Gallinger	Lodge	Sherman	

Mr. WALSH. I wish to state that the Senator from Missouri [Mr. REED] is absent from the Senate by reason of illness. I ask that this announcement may stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART]. I also desire to announce the absence on official business of the senior Senator from Florida [Mr. FLETCHER]; and also the unavoidable absence on account of illness of the junior Senator from Illinois [Mr. LEWIS]. This announcement may stand for the day.

Mr. BECKHAM. I wish to announce the unavoidable absence of the Senator from Tennessee [Mr. SHIELDS].

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The Senator from New Hampshire asks that the unfinished business be laid before the Senate. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. THOMPSON. Mr. President, this is one of the most important bills ever presented to Congress for consideration. It meets the demand of more people, perhaps, than any other bill we could pass. This legislation has been more often promised and longer delayed than any other. The farmer is the most numerous and most essential class of our citizens, and yet he has been the most neglected when it comes to legislation for his benefit. At the last census our rural population was 49,348,883, more than one-half the entire population of the Union. The farmer produces more of the necessities of life, pays more taxes and gets less benefits from it than any other class of citizens.

Without the indomitable courage, unceasing toil, and proverbial grit, and "stick-to-itiveness" of the farmer, Kansas would still be indicated on the map as the "Great American Desert." The farmer has made Kansas one of the greatest, if not the greatest, agricultural State in the Union. He has converted a desert into a veritable garden. In the combined production of wheat and corn for the last decade Kansas has led all of the States of the Union. Kansas coins wealth from farm products and live stock at the rate of over $600,000,000 every year. In 1915 these items aggregated in value $652,217,081, while our manufacturing products amounted to only about one-half this sum, or $325,000,000. In 1910 there were 177,841 farms in Kansas, of which 49,249 were mortgaged.

At the last census, in 1910, there were 6,361,502 farms in the United States, containing 878,798,000 acres, somewhat less than one-half the total land area of the country, of which 54.4 per cent was improved land, and in all, represented a total value of $34,801,125,697. At that time there were 3,948,722 farms operated by their owners, of which number 111,108 were in Kansas. In 1890 there were only 886,957 mortgaged farms. These figures gradually increased until the mortgaged farms in 1900 numbered 1,127,749, and in 1910, 1,327,439. In 1890 28.2 per cent of the farms were mortgaged; in 1900, 31 per cent; and in 1910, 33.6 per cent. In 1910 the mortgage debt on the farm homes of the United States amounted to the enormous sum of $1,726,172,851.

The total amount of money in the United States is only about $4,000,000,000, while the loans by the banks and loan companies amount to over $16,000,000,000 annually. We therefore loan each year about four times as much money as we have. This clearly demonstrates the absolute necessity for large financial credit in all business transactions. The banks of the country have furnished the necessary accommodations for ordinary commercial transactions, but there has been no place for the farmer to go to meet his actual requirements. The farmer needs long-time loans at a low rate of interest with amortization payments. This bill is designed to furnish all these requirements in a very simple, businesslike, and efficient manner.

The rates of interest on loans to farmers, including the fees and commissions usually charged, are extremely exorbitant, considering the fact that the farmer furnishes the very best security possible to be given. Productive land is admitted to be the best credit basis in the world. Dr. C. W. Thompson, in his testimony at the hearings in the consideration of this bill, stated that the average rate of interest on farm loans varies from 5.3 per cent in New Hampshire to 10 per cent in certain Southern and Western States. No man can pay 10 per cent interest and last long financially.

Other testimony before the Banking and Currency Committees of the Senate and House in 1914 gave the maximum rate as high as 25 per cent, including fees and commissions. It is therefore clear without argument that any system which can secure for the farmer his necessary loans at a rate as low as 5 or 6 per cent, including all charges, would be a great benefit to him in every section of the United States. This is exactly what the pending bill proposes to do.

The whole system is directly under Government supervision and control, through a nonpartisan Federal farm-loan board. This board is to consist of the Secretary of the Treasury and four members appointed by the President, to be paid from the Public Treasury. Twelve or more banks, called Federal land banks, are to be established, with a capital of not less than $500,000 each, in Federal land-bank districts apportioned with due regard to the farm-loan needs of the country. The Government furnishes this money at the outset, provided it is not subscribed from private sources.

After the land banks are firmly established, ample provision is made for returning the Government subscription; which results simply in the Government loaning its credit in the beginning to encourage and establish the loan business for the farmer. Intimate touch with the borrowers is secured by providing that the land bank shall make loans to farmers through local associations of borrowers, called national farm-loan associations. These local associations are formed by 10 or more farmers who desire to borrow and who are the owners or about to become the owners of productive farm land. They elect a board of directors of not less than five members, who elect a president and vice president, a secretary-treasurer, and a loan committee of three members. The directors and loan committee pass on the value of the security and the character of the borrower. Every borrower takes stock in the farm-loan association to the amount of 5 per cent of the face value of his loan. The association subscribes this amount to the stock of the land bank, thus providing for a capital proportionate to the amount of loans, approximately 1 to 20. This creates a fund to take care of any losses which may occur. Farm-loan associations may be of limited or unlimited liability. In the former, each member is liable for the debts of the association in an amount equal to the face of his subscribed stock; in the latter, a member undertakes unlimited liability for all the debts of the association. All loans are indorsed by the association, of which the borrower is a member. In any loan transaction, therefore, we have a mortgage secured by productive farm land, indorsed by the farm-loan association. The land bank then makes the loan, and the local details of the transaction are attended to by the local association.

To secure a constant flow of a fresh supply of money, when the land bank has $50,000 of mortgages on hand it may then issue a like amount of farm-loan bonds, based on the mortgages as collateral security, to the extent of 20 times its capital stock and surplus. Every Federal land bank guarantees the payment of every bond and coupon issued by every other Federal land bank. The land banks may charge borrowers 1 per cent more for interest than they pay bondholders; that is, if the bonds bear 4 per cent, the bank may charge not to exceed 5 per cent to the farmers who borrow. This margin of 1 per cent is available to the bank for its expense and earnings; but when the system is in actual operation it is expected that this amount will be largely reduced.

The profits go to the local associations in the form of dividends on stock of the land bank, held by the associations, and reach the borrowers in the form of dividends on stock held by them in the associations. Thus the cooperative character of the system is assured to the borrowers and their interest again reduced by the profits received from their investment.

Reasonable and safe restrictions are made on mortgages. Every mortgage deposited as security is on the amortization plan, so that part of the principal is paid every six months or annually, and the amortization period may extend from five to thirty-six years. The money must be borrowed for productive purposes, for the purchase of a farm home, or to liquidate existing indebtedness, and no loan shall exceed 50 per cent of the appraised value of the mortgaged land, and the borrower must engage in the cultivation of the farm mortgaged. The maximum loan to one borrower is limited to $10,000. Every application is passed upon by the loan committee of the local association. The directors and the loan committee must approve the loan before it is recommended to the land bank. Land bank appraisers are appointed by the Federal farm-loan board for each district, and these appraisers pass upon the applications and reports of the loan committee. Thus, every application passes through the hands of the local loan committee, the local board of directors, the land bank appraisers, and the land bank directors, which should make perfectly safe security for any bonds which may be issued on the mortgages as collateral. Bonds thus secured and indorsed by all of the twelve or more land banks should find a ready market at a low rate of interest. These bonds are made more attractive by being exempt, together with the mortgages which secure them, from all Federal, State, and local taxation. This makes the system absolutely safe, and at the same time gives to the farmer every reasonable opportunity to pay his debt and save his home without scarcely knowing that he has had a mortgage on it.

Provision is also made for the organization of privately owned joint-stock land banks of not less than $250,000 capital, the stockholders in such banks assuming double liability. They are permitted to make loans and to issue farm-loan bonds under the supervision of the farm-loan board. These joint-stock land banks where established will perform the same functions as

are performed by the National Farm Loan Association and the Federal land banks.

The principal objection urged against this bill is the claim by its opponents on the Republican side that it is not practicable and will not work. It will be remembered that this is the same objection which was raised by the Republican opposition to the Federal reserve banking system. It was said then that the system would not work because the banks would refuse absolutely to go into it, just as it is said now by the opponents of this bill that the farmers will not become interested in the system. However, no sooner was the Federal reserve banking system established than all the national banks in the country literally tumbled over each other to get into the system first. Many of the banks did not wait to even write, but the moment the bill was passed, wired to the Secretary of the Treasury their desire to enter the system.

I have already received many communications from farmers and people interested in the farm-loan business making inquiry as to this system and expressing a wish to enter into it as soon as this bill becomes a law; and I have no doubt that we will have the same experience with this law that we had with the law establishing the Federal reserve banking system, which is now admitted by all to be the best banking system ever devised in this or any other country. This bill does for the farmer what the Federal reserve system does for the banker and business man. The Federal reserve system supplied the urgent need of the banker and business man, and the rural credit system created by this bill will meet the crying need of the farmer.

Our farms are our great food storehouses, without which our people would starve. Here we find the homes of our most independent, law-abiding citizenship, unequaled for loyalty to government by any other people on earth. While this is true, it is a significant fact that whereas between 1900 and 1910 the total population of the United States increased 21 per cent, the urban population increased 34.8 per cent, and the rural population only 11.2 per cent. This has long been the subject of serious alarm by our people. The rapidly increasing city population, which become consumers, and the rapidly decreasing rural population lessening our producers is admitted to be one of the principal causes for the "high cost of living," which problem we are all endeavoring to solve. As one step toward this solution we must turn the tide of population from the cities to the country, and to do so we must offer the farmer an equal opportunity with the banker and business man. Above all else we must help him to secure his necessary financial credit. The alarm has long been sounded and the demand is imperative. The quicker the remedy is secured and applied the better. I therefore trust that this bill will be speedily passed and another pledge of this administration to the people of the country thereby faithfully fulfilled.

Mr. HOLLIS. Mr. President, if no other Senator cares to address the Senate at this time, I ask that the reading of the bill for committee amendments be continued.

The reading of the bill was resumed. The next amendment of the Committee on Banking and Currency was, under the head of "Exemption from taxation," line 16, after the word "State," to insert the word "municipal," so as to read:

SEC. 29. That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation.

Mr. SMOOT. Mr. President, I have been trying very hard to bring myself to a position where I could vote for this bill, and with section 29 eliminated I could do so; but it seems to me that it would be very unjust to allow that provision to remain in the bill, as it would have the effect of driving out of business many State banks, and particularly savings banks and trust companies making loans similar to those provided for in this bill.

I am not going into the question as to whether or not the provision of section 29 is constitutional. I am going to speak of the effect it will have upon the banking business of the country, particularly the State banks and the trust companies.

Mr. President, consider, for instance, the bank situation in my own State. The banks are assessed on the basis of three-fourths of their capital stock, surplus, and undivided profits. The rate of assessment in Salt Lake City is a little over 4 per cent; in Provo, the third city of the State, it is a little over 4 per cent; in Ogden and Logan the rate is about the same; and I may say the rate of taxation is practically the same in all the cities of the State. That comes about, Mr. President, because we have so small a portion of lands within the State in individual ownership upon which taxation can be imposed. The Government of the United States owns most of the land within the State, and under the present law and practice will continue to do so, and that being true the State can not secure revenue by taxation from the greater percentage of the landed area of the State. Therefore the taxes in the State are exceedingly high, and now to have the Government establish banks in competition with the State banks, which have to pay nearly 4 per cent taxation upon their capital, surplus, and undivided profits, and to exempt the proposed land banks from taxation of every name and nature, will bring about such a condition that anyone can plainly see what the result will be. It is unfair; it is unjust; and it is not what the people of the United States expect of the Government in establishing these banks. I believe, Mr. President, that section 29 will bring more harm to the people of the State as they own the stock of those banks than it can possibly do good.

I do not see why the framers of the bill want to exempt from taxation the property which the land banks hold within the State. No one can tell how many mortgages are to be foreclosed; no one can tell how much property the land banks will hold under such foreclosures, and is it possible that the States are to be deprived of all revenue from that class of property? It was never intended by the Constitution that they should be so deprived, and if the people of this country understood that that would be the effect of the passage of the bill they would never approve it.

Mr. President, I want to refer now to sections 11 and 13 of the bill. Those are the sections that prescribe the powers of national farm-loan associations; and I want to call the attention of the Senate, by reference to those sections, to just what those powers are, and to what extent section 29 could be carried, and the exemptions that could be made under this bill.

Section 11 says:

That every national farm-loan association shall have power:

First. To indorse, and thereby become liable for the payment of, mortgages taken from its shareholders by the Federal land bank of its district.

Second. To receive from the Federal land bank of its district funds advanced by said land bank, and to deliver said funds to its shareholders on receipt of first mortgages qualified under section 12 of this act.

Section 12 enumerates the conditions under which the first mortgages can be taken.

Third. To acquire and dispose of such property, real or personal, as may be necessary or convenient for the transaction of its business.

In other words, they can buy one of the most costly corners in a city; they can erect upon that corner a building costing $500,000 or more; they can take other property that they may see fit or think is convenient for the transaction of their business; and they can hold that property, and the city in which the property is located, the county in which the property is located, the State in which the property is located, can not impose one cent of taxation upon it.

Mr. HOLLIS. Mr. President, the Senator has fallen into error about that. Nothing that belongs to the association is exempt from taxation except the mortgages—and this loan association will never hold any mortgages—and the farm-loan bonds—it will never hold any farm-loan bonds—and the capital stock; not the real estate nor the other property.

Mr. SMOOT. Let me read section 29 and see if it does not refer to real estate. Section 29 as amended now would read in this way:

That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act.

Mr. HOLLIS. It is expressly exempted.

Mr. SMOOT. Yes; the third paragraph of section 11 would be exempt from the provisions of section 29, but the fourth paragraph of that section says:

Fourth. Against deposits of current funds, to issue certificates in any amount, bearing interest at not to exceed 4 per cent per annum after six days from date, convertible into farm-loan bonds when presented at the Federal land bank of the district in any multiple of $25. Such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm-loan bonds or in first mortgages as defined by this act. The mortgages thus taken may be hypothecated with the farm-loan registrar of the district against an issuance of farm-loan bonds as provided for in section 22 and section 24 of this act, but such bonds when received either by purchase or for issuance shall not be delivered or issued except in exchange for and upon the presentation for redemption and cancellation of an equal amount of convertible certificates issued by a farm-loan association, any difference under $25 in such exchange being adjusted in cash. When thus redeemed and canceled, such certificates shall be returned to the farm-loan association which issued them.

Mr. President, does the Senator hold that if a piece of property is given as security for a loan, and the bank forecloses the mortgage and holds the property under foreclosure that property then would be taxable?

Mr. HOLLIS. It certainly would be, under the plain provision of the bill which the Senator has just read. It says:

Except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act.

That means exactly foreclosed real estate. If it does not, I will have it amended so that it will. The Senator should bear in mind that the farm-loan association will never own any mortgages. Its members borrow from the land bank. The land bank holds all the mortgages, and if any foreclosure is done it is done by the land bank. Under section 13 it is allowed to foreclose, and under express reference from section 29 all land taken by the loan association for its purposes or by the land bank for its purposes or for the purpose of foreclosure is to be taxed.

Mr. CURTIS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Kansas.

Mr. CURTIS. Would not the association, in order to protect itself if there were a foreclosure, have to buy the property in case it would sell for less than the mortgage?

Mr. HOLLIS. It would be very likely to do so. If so, then it must pay taxes on it.

Mr. SMOOT. Well, that is a doubtful question in my mind.

Mr. HOLLIS. It can not be a matter of doubt, because it is expressed in the plainest possible language.

Mr. SMOOT. I now call the Senator's attention to and the reason why I asked him the question.

Mr. HOLLIS. I shall be delighted to have my attention called to anything which would let that escape, because that would certainly be an error.

Mr. SMOOT. Section 29 exempts from taxation the capital stock, reserve or surplus, and any income derived from the capital stock or the surplus.

Mr. HOLLIS. Any other property is taxable, and that is for this reason: The Government of the United States, in order to help the farmers of Utah, is going to contribute the capital to start these land banks; and it is not reasonable that the Government should furnish half a million dollars capital to a land bank and allow that capital to be taxed.

Mr. SMOOT. Mr. President, it seems to me that if the capital stock of the bank is not assessed, and the surplus is not assessed, and the undivided profits are not assessed—which are virtually a reserve—there will be a great discrimination. Every State in the Union taxes not only the capital stock but the surplus and undivided profits of its banks. It seems to me that if these banks are established to do business in competition with State banks and doing a similar business, and the latter has to pay 4 per cent taxes upon its capital, surplus, and its undivided profits, and the former is entirely exempt from taxation, there is a discrimination there so great that there can be but one result, and that would be to drive out of business the State institutions. An injustice in the imposition of taxes upon the State bank gives the land bank doing business in the same district at least 4 per cent advantage; and I can not see why that should be.

Mr. HOLLIS. Mr. President, I am very glad to have the Senator apply this bill to the farmers of Utah. I am well acquainted with the farmers of Utah. I lived in that great State for nearly a year. There is not a more industrious, sober, thrifty class of people in the world than the farmers of Utah. But the farmers of Utah are charged 9 per cent for the money they borrow on their land. That is their average rate. We have had it investigated, and have the figures from a special investigation which show that the farmers of Utah pay an average interest on their farm mortgages of 8.6 per cent, and then an average annual commission of four-tenths of 1 per cent, making a total of 9 per cent.

The reason is found in just what the distinguished Senator said here on the floor. It is because the taxes on those mortgages are 4 per cent, and the farmers have to pay them. It always works out in that way. The United States Senate would be very foolish to pass an act and spend the Government money to help the farmers of Utah, and then allow the State of Utah to impose a tax of 4 per cent on that capital, that assistance extended to the farmers. We could not give the farmers of Utah cheap money if we allowed the State of Utah to tax these instrumentalities 4 per cent.

Mr. SMOOT. The State of Utah does not tax mortgages at present, but it does tax the capital, surplus, and undivided profits of the banks. I do not know where the Senator got his figures from as to the amount of interest the farmers are paying on loans in the State of Utah.

Mr. HOLLIS. That is printed in the report.

Mr. SMOOT. I say, I do not know who prepared the figures.

Mr. HOLLIS. I was telling the Senator. In the report there is a table furnished by the expert in the Agricultural Department who especially investigated the subject in every State in the Union. The testimony taken before our committee indicated that the rate was rather higher than that; but that figure is the result of this investigation of which I have spoken.

Mr. SMOOT. I know that on a small loan of twenty-five or fifty or one hundred dollars the rate perhaps would be as high as stated; but the Senator knows, if he has made an investigation, that with good security the banks in Utah are loaning money to-day at from 6 to 7 per cent. The banks in Salt Lake City or Provo consider a loan of 7 per cent to-day, amply secured, a good loan; and that I know to be a fact.

Mr. HOLLIS. How can a bank loan money at 6 and 7 per cent and pay 4 per cent taxes on it?

Mr. SMOOT. As I stated, the Senator was mistaken in saying that they paid a tax of 4 per cent on loans.

Mr. HOLLIS. Then no injustice is done.

Mr. SMOOT. What I said was that they paid 4 per cent upon their capital, surplus, and undivided profits. That does not mean that every mortgage in the State pays a tax of 4 per cent.

Mr. HOLLIS. Why? Is it because they evade it?

Mr. SMOOT. It is supposed to be included in the personal tax return. It used to be——

Mr. HOLLIS. They would evade this, then; and I think it is much more respectable to exempt it than to go into the evading business.

Mr. SMOOT. I was going to state to the Senator Utah's experience in taxing mortgages. Some 10 years ago the Legislature of Utah passed a law taxing mortgages. The result of it was that some of the citizens of the State who loaned money on mortgages made arrangements with persons in Omaha or somewhere else to make loans for them in their names, and then indorsed the notes to said citizens of Utah, and they collected the interest on the mortgage and the mortgage itself. The State received scarcely any taxes from mortgages, and that law was repealed. I think, myself, as the Senator says, that it is very much better not to tax mortgages if the tax is to be evaded.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator whether mortgages and deeds of trust at the present time are taxable in the State of Utah?

Mr. SMOOT. They are not, as such.

Mr. SHAFROTH. The State of Colorado had somewhat the same experience that the Senator says the State of Utah had, and they have passed a law, and it has been in force for a number of years, saying that no note secured by deed of trust shall be subject to taxation. That is upon the theory that the debtor himself ultimately has to pay it if the tax is collected.

Mr. SMOOT. That is necessarily so, if it is collected; but, as I say, at least nine-tenths—oh, yes; a larger percentage than that—evaded the tax. I know the man who had the most money to loan in the State of Utah, and as soon as the law was passed taxing mortgages he made arrangements with a person in Omaha, and all of his mortgages were made out in the name of the person in Omaha and appeared as if the money came from Omaha; it never was Omaha money, but it was money owned by the person I refer to. That was a clear case of evasion; but that is not what I object to in this bill. That is not a part of the objection.

The objection I raise is this: If a bank has a capital stock of $500,000 and a reserve of $500,000 and undivided profits of $250,000, the bank is taxed upon the $500,000 capital, the $500,000 reserve, and the $250,000 of undivided profits. Now, suppose there is a land bank established in the same city, and its capital is $500,000 and its reserve is $500,000. One is taxed, if in my State, nearly 4 per cent and the other will not be taxed at all. This gives every advantage to the Federal land bank. I can see only one result, and that would be the driving out of business of the State bank.

Mr. HOLLIS. Mr. President, there are two kinds of land banks provided under this bill. One is the Federal land bank, to which the Government subscribes capital; the other is the joint-stock land bank. The joint-stock land bank is to be taxable as to its capital and surplus, just like any other State institution. There is no doubt about that. It is only the Federal land banks that are exempted under the provisions of this paragraph. But it certainly looks very inconsistent for the Government of the United States to establish 12 Federal land banks, and furnish them each half a million dollars capital, and allow that capital to be taxed by the States. I think that would be so—a good argument could be made for it—even if we did not expressly exempt them, because in the old days, when the Government borrowed money, instead of issuing bonds it issued what we called stock, and that Government stock was always exempt from taxation without any express provision to that effect; and where that Government stock was held as part

of the capital of a bank, that part of the capital was exempt from taxation. The cases so hold.

As to the point that bothers the Senator, all the capital that will come into these banks—and before I get through I am going to offer an amendment that no private person can subscribe to the stock; I think it should be that way—must be furnished either by the Government of the United States or by the 5 per cent that is taken from the borrower when he borrows the money. That is the fellow we are trying to help. If we can help him and give him cheap money, we shall accomplish the purpose of the bill. If we can not do it cheaper than existing banks do it, we can not help him. In so far as we furnish it cheaper than existing banks, we do help him, and to that extent we hurt the existing banks.

There are very few banks that I know about in the United States that do purely a mortgage business.

If there are any such, they will undoubtedly become incorporated under this bill to get the benefit of it; and I hope they will, because the idea is to have a national system, so that all farm-loan mortgages will be treated alike and so that the farmers in every State can have a fair chance. That is the intention of the bill.

If anyone conceives that it is not a Government function to help the farmers in that way, if he thinks we ought not to do it, he should not vote for the bill, and I should not ask him or persuade him to do so. But it is the view of those who are in favor of the bill that the farmer is entitled to this form of help; and if it has the result of hurting the profits of some State bank, it will be just the same result that the postal savings bank has had, and that has demonstrated its entire usefulness.

Mr. SMOOT. In answer to the Senator I wish to say that, taking the banks he has referred to with a capital of $1,000,000, I do not believe the Senator quite understood what I said or I did not make myself plain. It would not be 4 per cent upon all mortgages. The Senator knows, of course, that banks having a million dollars of capital would have mortgages of perhaps fifteen or twenty times the amount of the capital; and unless they do have more loans than capital there would be no profit in the business. So it is with State banks and trust companies. While they are assessed 4 per cent on their capital, undivided profits, and reserve fund, the capital, profits, and reserve combined would perhaps not amount to more than one-tenth of the amount of their loans. Therefore the discrimination would not be the percentage of taxes paid upon the capital, surplus, and undivided profits, but it would be whatever percentage the capital, reserve, and undivided profits were of the loans made.

Everyone knows that if banks loaned only their capital and surplus and were taxed 4 per cent upon them, the borrower ultimately would have to pay the 4 per cent or no business could be done. But where the deposits in a bank are five, ten, or twenty times the amount of its capital and surplus, the tax, of course, does not amount to more than one-tenth or one-twentieth of the amount of 4 per cent. I thought the percentage would be so small upon the amount of loans expected under this bill and that it would make so very little difference in the rate of interest to be charged to the farmer by the exemption of taxation upon the capital stock that it should not be made a part of the bill.

Mr. HOLLIS. The small difference the Senator demonstrated is, I think, entirely right. It will not hurt the other banks much. It will be very small, indeed.

Mr. SMOOT. If the loans are five times the amount of the capital and surplus, then it would be one-fifth of 4 per cent, and it would be that much discrimination. It seems to me the Government of the United States should never undertake to place itself in competition with the business concerns of any State and claim the right to do its business on a different basis than the institutions of the State.

Mr. HOLLIS. Now, we are getting to a fundamental principle where the Senator and I may well differ. When we get there we differ. But in so far as what the Senator says as to profits, because they loan five, ten, or twenty times the capital, that is very true. That is the essence of all banking. In so far as whatever tax levied is divided up among the different loans, it is very small; I agree with the Senator, and therefore I think the State institutions would not be much hurt. But in so far as he expects the Government of the United States to contribute $6,000,000 to help the farmers and then allow it to be taxed, I think he is proceeding upon a very unwise program.

Mr. SMOOT. If the Government of the United States gave the farmers the money, what the Senator says would be true. The Government of the United States does not give the farmers the money. The Government of the United States lends the money to the farmer, and he has to pay interest upon it, and he has to pay all the expenses attending the loan, and he has to ultimately pay the principle, every cent of it, or else his property will be sold to satisfy the Government's claim.

Mr. HOLLIS. The Senator does not understand me. I am now talking about capital stock. I say it is very poor policy for the Government to furnish $6,000,000 to the capital stock of 12 land banks and allow the State to tax them. If the Senator will confine himself to that, then we get to an issue and may reach an agreement, but as long as he talks about loans and I am talking about capital we can not have any useful debate.

Mr. SMOOT. If there is a bad loan made and a foreclosure takes place and the property does not sell for the amount of the loan made by the Government, that impairs the capital stock.

Mr. HOLLIS. Suppose it is then taxed; when foreclosed and taken out of the capital, then so much of the capital becomes taxed, and there is no injustice done.

Mr. LODGE. Mr. President, let me ask the Senator from Utah a question, if I may. Does the Senator really think that if any of the borrowers in these banks failed to pay their loans the Government would ever recover it or enforce the loan as a private concern would do? He does not really suppose that that will ever be done?

Mr. SMOOT. If I look back at history and judge the future by the past I would say it will never be done. But that is not the intention of this bill.

Mr. HOLLIS. The Senator is now discussing the McCumber bill and the Norris bill. The Government does not loan the money to the farmer under this bill. I hope the Senator did not think that.

Mr. LODGE. I did not say that.

Mr. HOLLIS. Then I misunderstood the Senator; I thought he might mislead some one who has great confidence in his judgment, because I understood the Senator to ask the Senator from Utah whether he believed that the Government would ever foreclose a loan against the farmer. If that is so, that would be a misinterpretation of this bill. It contemplates no such thing.

Mr. LODGE. I think the Government puts in $6,000,000.

Mr. HOLLIS. That is put in merely to start the bank as capital, but not to loan to the farmer. As the farmers come in and take their loans and contribute capital that is to be returned to the Government.

Mr. LODGE. What is the use of $6,000,000 if the Government is not going to lend it?

Mr. HOLLIS. I say that is to start the bank, and, like capital in any other bank, in the first place, it will be loaned to the farmers; but after the farmers come in and make their contribution it will be returned. There is no doubt about that.

Mr. LODGE. The $6,000,000, then, has no financial object whatever except to give the public confidence.

Mr. HOLLIS. It has. You can not start a bank without capital. This is for that purpose.

Mr. LODGE. But is this capital that the Government puts in not liable for debts or losses?

Mr. HOLLIS. Certainly it is liable; but the point is the Government does not loan it to the farmer.

Mr. LODGE. That is the whole point. This $6,000,000 then can be used. It is liable for losses.

Mr. HOLLIS. But the Government does not loan it to the farmer. It is the land bank that loans to the farmer.

Mr. LODGE. I was aware of that.

Mr. HOLLIS. I am very glad the Senator is. He did not give that indication.

Mr. LODGE. But my point is, if the Government money in any way finds its channel into the form of loans to anybody and is lost or is a bad loan, I asked the Senator from Utah whether he thought any effort seriously would be made to recover it?

Mr. HOLLIS. So far as that goes that is perfectly correct, I think it would.

Mr. SMOOT. Mr. President, I am in favor of cheap money for the farmer, and I have been and am in favor of a measure the object of which is to furnish that money; but I want, whatever bill we pass, to accomplish that purpose, and I want also in accomplishing that purpose to see that the Government runs no risk. I also feel that the Government should do its business upon the same basis of taxation as individuals or corporations doing business with the people. If exemption of taxation was not provided in section 29, in my opinion, the Government would be entering business upon the same basis, and then if the State banks could not compete with the Government they and their stockholders would have to suffer.

But I do believe that it is unfair after the banks have been established, after they have been doing business in the community for years, to legislate the Government into competition

with them and give the Government, by legislation, every advantage over the State banks.

It is for that reason that I am opposed to section 29. With that exempted I would be very glad indeed to vote for the provisions of the bill, because I am in favor of the idea of allowing the Government of the United States to assist the farmers of the country in securing money at a low rate of interest.

Mr. President, I suppose there will be an amendment offered striking out section 29, and if no other Senator offers such an amendment I will. I am opposed to section 29 for the reasons I have stated.

Mr. STERLING. Mr. President, it may seem like an extreme position to take in regard to section 29, but my impression is that even without the exemption provided for by this section the mortgages taken by the farm-land bank under this system would be exempt from taxation as instrumentalities of the Government.

Mr. SMOOT. I will say to the Senator, as far as my State is concerned, mortgages would be, but that is not my complaint in respect to section 29. The capital stock would not be.

Mr. STERLING. No; but I am calling particular attention to the exemption of mortgages and the relation of mortgages to the system. I think the title of the bill itself will show the purpose of the act, and the provisions of the act throughout are consistent with and germane to the title of the bill. It is "a bill to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents of the United States, and for other purposes."

I think the purposes last named in the title are subsidiary and are incidental to the main purpose of the bill, which is to provide a means whereby the farmers throughout the United States, not in any one State, not in any one particular section of the Union, but the farmers generally throughout the country, may procure loans on farm lands at lower rates of interest than they are now obliged to pay and for longer periods of time than they can now readily or conveniently secure such loans.

That is the purpose, and there can be no question but the Federal land bank created under this bill is a Federal instrumentality. It must be if it is within the power of the Federal Government to provide for the creation and the organization of Federal land banks for a purpose like this.

If the Federal land bank is an instrumentality of the Federal Government for the purpose of benefiting this great class of people, it seems to me that to impose a tax upon the mortgage, which is the very basis of the whole structure itself, would be to impose a tax on an instrumentality or, which is the same thing, upon the prime and essential operations of that instrumentality.

That being so, I hardly think that section 29, although out of abundance of caution it perhaps ought to be in the bill, is, after all, really necessary, because in any litigated case the court would take into consideration the purposes of the act, which are to provide for agricultural development and create a standard form of investment based upon farm mortgages. The court would say, "This bank thus created for the purpose of making these loans and taking these mortgages and issuing bonds upon them at a lower rate of interest, and thus securing the lower rate of interest to the farmer, is an instrumentality of the Government." If it is, how can you tax a mortgage which is the basis of the whole scheme and plan? It is upon the security of the mortgages that the bonds which constitute the "standard form of investment" are based. On this theory neither mortgages nor bonds are or should be taxable.

I was very much interested, Mr. President, in some of the discussion yesterday where the exemptions claimed in certain cases by railroad companies were referred to. But the railroad company is a private corporation existing for the primary purpose of carrying freight and passengers for hire. It owns its property, real estate and rolling stock, for that purpose and operates its trains for that purpose. Of course, the railroad company is serving no governmental function in doing that, but it is carrying on its private business; and we may not exempt from State taxation the property owned and used in that business.

So far as taxation or regulation of any kind, however, would interfere with the railroad company in the carrying of the mails, or performing other governmental functions, or be a regulation of interstate commerce, it would be illegal. No State could impose a tax or prescribe a regulation that would interfere with operations of that kind.

In the colloquy with the Senator from New Hampshire [Mr. HOLLIS] reference was made to the individual who acts as an agent, or as the term was used yesterday in the discussion, as an "agency" of the Government, some official, for example, of the State or of the Federal Government. The question was asked the Senator whether such an official was exempt from taxation because he was a governmental agency. We need not doubt for a moment that in his private or individual capacity he is subject to all the laws relative to the taxation of persons and of property in the State or in the Nation, but no State may interfere with him as a governmental agency in any way, as, for example, his salary may not be attached or garnisheed in actions brought by private suitors, and for the simple reason that to thus deprive him of his salary might interfere with him in the discharge of his duty as a Government agent or official. It is contrary to public policy to permit a process of law that may lead to such result. That is all, and there is no parallel, as I can see it, between a case of that kind and a case like that presented by this bill.

So, Mr. President, without reference now to the justice of the matter, for I am not quite saying but that it may in some instances deprive a State of one source of revenue to exempt mortgages from taxation; and yet, after all, I can not help but think that there is little to fear on that score. In my own State, for example, mortgages or the debts of which they are the evidence, are listed as moneys and credits, not as mortgages, as a species of intangible personal property. Under the rule in regard to that the situs of personal property for the purpose of taxation follows the residence of the owner, and the residence of the owner of money or of mortgages on property in the State of South Dakota may be elsewhere than in the State of South Dakota. You may say that they thus escape taxation.

But consider the purposes of this bill. Stated in terms, as we gather from the provisions of the bill, those purposes are to put the farming class upon an equal footing as a business class with the other business classes of the country. The purpose is in a way to make available and to make liquid the farmers' assets, which consist in farm lands, so that he may procure money for his business at something like the same rate of interest at which other businesses secure their money. That being true, it occurs to me as a reasonable proposition that the mortgage which the farmer gives for the purpose of securing a lower rate of interest which he may procure should be exempt from taxation. After all, it comes back to this: Is the taking of the mortgage itself one of the operations of this admittedly Federal instrumentality, namely, the Federal land bank?

Mr. POMERENE. May I suggest to the Senator this further reason?

Mr. STERLING. I yield to the Senator from Ohio.

Mr. POMERENE. There can not be a tax upon a mortgage unless it results in double taxation. You have, first, a tax on the farm, and when you place a tax upon the mortgage you are thereby increasing the burden which the farmer is obliged to pay. After all, it comes out of the farmer. Unfortunately, in Ohio we have that very system, which many of us have been trying to get rid of for years. Mortgages and all credits are taxed. When that is done you have double taxation, so that a farm that is worth $1,000, if it has a mortgage on it amounting to $800, if mortgages are not exempt, you have a tax upon $1,800, which is paid by the farm that is in reality only worth $1,000.

Mr. STERLING. I thank the Senator from Ohio for what he has said. I appreciate it fully, and I think it accords exactly with our everyday experience in matters of this kind.

Mr. President, without saying anything further on this point, I am going to take the time briefly to speak of another proposition involved in the bill. I may perhaps a little later in the discussion speak more at length.

I have gone over this bill quite thoroughly with a view to seeing whether or not it could not be simplified. There is a great deal of machinery provided for in the bill. There is, first, the Federal farm-loan board, consisting of five members, four of whom are to get a salary of $10,000 a year each; there is, second, the 12 Federal farm-land banks; and there is, third, any number of national farm-loan associations.

I have wondered whether or not some of these instrumentalities or parts of this machinery might not be dispensed with, and yet have a complete system that would be of as much benefit to the farmer as would be the present proposed system; whether we could not dispense with some of the expenses that would be necessarily incurred by so much machinery, and make the provisions of the bill more readily understood by everybody. Hence in a scheme that I have somewhat tentatively in mind but not yet fully developed I would provide for the elimination of the national farm-loan association, so that the farmer, becoming a stockholder in the Federal land bank, might apply either directly or through some other agency, recognized in the bill itself,

to the Federal farm-land bank for his loan. All the rest of the machinery, all the restrictions provided for in the bill could still be kept and retained in the bill, and everything be safeguarded.

Under such a plan it would be reasonable to increase the number of Federal banks. The bill provides for simply 12 within 12 districts for the whole United States. Dispensing with the farm-loan associations and in order to make the land bank a little more accessible to the farmer, we might provide for 24 land banks, or it might not be unreasonable to say one for each and every State in the Union. Then that Federal farm-land bank could, as it is permitted in the bill, in the absence of the organization of farm-loan associations, use the present banks, State or National or mortgage companies, anywhere in the United States, through which the farmer could make his application to the Federal farm-land bank for his loan.

Without saying anything further upon that proposition now, I merely leave it for consideration to those who hear me in connection with what I may desire to say later on.

Mr. NELSON obtained the floor.

Mr. HOLLIS. Mr. President, will the Senator from Minnesota, before he begins his address to the Senate, allow me to make a short reply, merely in a few words, to the Senator from South Dakota [Mr. STERLING]?

Mr. NELSON. Certainly.

Mr. HOLLIS. We are all familiar with the attainments and the learning of the distinguished Senator from South Dakota in the field of constitutional law, and I wish to thank him for what he has said this morning. The constitutional features of the bill have given me great concern. There are several that have not yet been mentioned, such as the investment in United States bonds, which would be an instrumentality in helping the Government to borrow money. There is a feature authorizing postal savings to be invested in the farm-loan bonds. In that way the law might come under the post offices and post roads clause of the Constitution.

I wish to say to all the friends of the bill who believe in rural credits that the Democratic, Republican, and Progressive national conventions declared for rural credits. Therefore we must do the best we can. If any friend of the bill can think of any other feature that should be added to it to make the bill surely constitutional, I would very gladly welcome it. I hope the Senator from South Dakota and other friends of the measure will address themselves to that matter, and if they find anything further will inform the Senate.

Mr. STERLING. Mr. President, if the Senator from Minnesota [Mr. NELSON] will permit me, I want to call the attention of the Senator from New Hampshire [Mr. HOLLIS] to a suggestion that was made awhile ago in the course of the discussion—I think by the Senator from Massachusetts [Mr. LODGE], and perhaps also by the Senator from Utah [Mr. SMOOT]—in regard to the Government's contribution to this project, to begin with. It was stated that it was $6,000,000. I do not see that in the bill, and I do not believe that it means that the Government shall contribute $6,000,000 at the outstart to these Federal land banks; but the Government may become a subscriber to the stock of the Federal land banks, and it may be that nearly all of the $6,000,000—which means the capital stock of 12 Federal land banks, at $500,000 each—would be subscribed by individuals and other associations and other corporations, so far as that is concerned.

Mr. HOLLIS. Mr. President, as I stated this morning, I am going to offer an amendment on my own initiative not permitting private subscribers to come in. I think the right to subscribe should be confined entirely to the Government and those who borrow. Perhaps the Senate will not agree to that, but that is my view.

Mr. STERLING. I might not agree to that, Mr. President.

Mr. NELSON. Mr. President, I do not intend to take up the time of the Senate at any great length in discussing this bill. We are embarking in this country for the first time, through the medium of this legislation, upon a new enterprise, as it were, upon something which has been practically untried in this country. I realize fully that the Senator in charge of the bill, the Senator from New Hampshire [Mr. HOLLIS], and others associated with him in the main work of formulating this legislation deserve a great deal of credit for the work which they have done. It is no easy matter to formulate legislation of this kind, and in some respects the only guide they had came from what I may call foreign models, from systems which had been in operation in other countries under conditions somewhat dissimilar from those obtaining in this country.

While the purposes of the bill are in the right direction I think that, in respect to some of its provisions, it will prove to a large extent impracticable. The Senator from South Dakota [Mr. STERLING] has just made a suggestion which I think is worthy of great consideration. I do not apprehend that in the part of the country in which I live any great use will be made of the provisions of this bill, for several reasons: First of all, because money can now be obtained by farmers in Minnesota at as low a rate and with much less difficulty than will be the case under the provisions of this bill.

In Minnesota the interest rates on good farm loans run from 5 to 7 per cent. In the southern part of the State, the older-settled portion, farmers can obtain money at 5 per cent; in the middle part of the State, the section in which I live, the farmers can obtain money at 6 per cent; while in the extreme northern part of the State, the newer part of it, where farmers are, as it were, beginners and where the country is not as much developed as it is further south, they have to pay about 7 per cent.

There are several objectionable features in this bill which I think will work as a handicap in many portions of the country. I have no idea that the provisions of the bill will be availed of in New England, because the farmers in the New England States can secure money on lower and better and easier terms than they will be able to do under the provisions of this bill. I very much doubt whether in the territory north of the Ohio River, from the eastern seaboard to the Mississippi River, and beyond to the borders of the Missouri River, there will be much advantage taken of this proposed legislation or that to any great extent the farmers will avail themselves of its provisions.

I am about to call attention to some defects in the bill, which I think militate against its usefulness and adaptability to the portion of the country to which I have referred, namely, the Northwest; and for that purpose, Mr. President, I ask to have read a statement which I have received from a prominent real estate dealer in the city of Minneapolis. I do not mean to say that I indorse everything he says, but there are some objections pointed out in the statement which are worthy of consideration, and which I shall use as a text as I proceed.

The PRESIDING OFFICER (Mr. BRADY in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

A bill (S. 2086; H. R. 6838) to provide capital for agricultural development, etc.

I.

Section 9: It will hamper the introduction of the measure to require every borrower to pay 5 per cent of his loan in cash, as many borrowers will dislike to disburse their money unless the loan is granted, and may not be able to disburse it without having to borrow for the purpose. By inserting in line 8, after the word "cash," the words "or by order upon the proceeds of his loan," this difficulty will be met.

II.

Section 12, subsection 8: To prohibit land rented to tenants from being used as security under the act removes from the benefit of the act a large proportion of the farms of the United States. This is unjust, as many rented farms are rented by sons whose father retains title to the land. Why should such sons, or such fathers, be discriminated against?

Furthermore, I own and am operating a farm to-day, which is managed by hired help at my expense. I propose next year to give my hired man a lift by making him a renter, and selling him the stock and implements on time. Why should the act prevent me from giving this man this boost? So long as he is my hired man on wages I can borrow; the minute I rent it to him I can not. This clause of the act may discourage tenancy, but it will also to the same extent encourage the still more objectionable form of farming with hired hands.

The agricultural laborer of England is an abject and deplorable creature compared with the American renter. The American renter should in no way be discriminated against, even though it is done with the best of intentions.

III.

In the same clause the power to declare the loan due merely because the farm is sold seems of doubtful value. It will tend to hinder the free transfer of property so mortgaged. It will make a farm with such a loan against it worth less to sell than a farm with a straight, unhampered loan against it. It may make buyers hesitate, and may discriminate unjustly against the farmer who for perfectly honorable reasons wants to sell his farm. It may also be made a means of oppression against a new neighbor that comes into a community, in case he happens to displease some of the other members of the Farm Loan Association, and has not procured this consent in advance when he purchased.

After all, the loan is made on the land and not on the owners personality, and if it is thought necessary to put in a clause of this kind it ought to read that in case of waste or serious depreciation in the value of the property the loan can be declared due by giving one year's notice.

IV.

Section 12, subsection 9: The maximum amount of loan it seems to me might well be increased from $10,000 to $22,000. A half section in Illinois is worth $64,000. Large loans mixed in with the others will strengthen and improve the whole pudding.

V.

The loans of the joint-stock banks and the farm-loan associations are equally exempt from taxes. The capital is not. This, on the face of it, may seem fair, and yet there are considerations against it. The object of the act is to help farmers, and the capital of joint-stock banks also is held merely as a guarantee of the solvency of the loans. It is important to have this guarantee capital large. It is necessary for the success of a joint-stock bank, in marketing its bonds, that the capital must be large. At present the capital of persons contemplating going into this business is held for instance in mortgages that are justly exempt from taxation—either actual, or by

being concealed from the assessor—and they should be so exempt, seeing that the land, of which it is only an undivided part, is taxed for its full value. If I organize a joint-stock bank and go to the holder of such a mortgage and ask him to devote his capital to guaranteeing the loans of others, and help the American farmers get loans at lower rates, it would seem unjust to penalize him for doing this with a heavy State tax, merely because he exchanges his mortgage for shares of stock in the bank.

After all, the tax on the capital of the bank is shifted eventually onto its borrowers or onto its bondholders. Why not, then, exempt the capital from taxes similar to the capital of the farm-loan association and of the Federal land banks?

In conclusion, I seriously question if this clause would not be held unconstitutional, as being unequal or class legislation.

VI.

The clause limiting the profits of a joint-stock bank should be increased to 2 per cent. After all, it is merely a limit, and the joint-stock banks will have to compete, in the open market of loans and bonds both, with the Federal land banks. To tempt capital into this business from the beginning, 1 per cent is too little inducement. It is difficult to determine what is 1 per cent difference, seeing that the bonds fluctuate in the market, and will often have to be issued at less than par. Furthermore this clause might be evaded by means of commissions payable by the borrowers to agents or by not disbursing the full amount of the loan, and it will therefore be better to leave the joint-stock banks a larger margin or profit so that they can pay their agents straight commissions rather than letting the agents get these from the borrower or deducting them from the proceeds of the loans.

Any joint-stock bank starting in this business will find the first years heavy and expensive sledding, until the totality of its loans approximates 15 per cent of its capital, and to impose a clause that will compel them to operate at a loss for several years after they start would seem unreasonable and unfair and unnecessary.

There are furthermore districts of the West where the Federal land banks may not wish to establish farm-loan associations—districts where risks are great, owing to frosts, droughts, etc.—that might properly be served by joint-stock banks, which would not care to enter these districts unless a larger profit over and above operating expenses be allowed, to insure against eventual losses.

VII.

I would like to see the act provide for the establishment of small joint-stock banks, restricted in their operation to not exceeding 10 counties, with a capital of from $10,000 up—capital and mortgages of such banks to be exempt from taxation—to act as feeders for, and furnish loans to, the larger joint-stock banks. The Wisconsin or Massachusetts act might be followed. This is important if the joint-stock banks are to be a success. These small banks should perhaps not have power to issue bonds, but should have power to guarantee mortgages and to sell them both to joint-stock banks and others. This will make the joint-stock side of the business more democratic than as the bill stands at present. The joint-stock bank with a capital of only $250,000 can not hope for a successful market for its bonds, and any joint-stock bank incorporated with from two to ten million dollars, under the present act, would be more of an octopus than if it had a smaller capital and depended upon smaller local banks to furnish it with a part of its loans. The local banks should have the power to subscribe stock in the larger joint-stock banks.

VIII.

The Secretary of the Treasury would not have sufficient time to give to this important and complicated business, and with only five members on the committee it would seem too bad if any of the five should be so occupied that he could only give perfunctory attention to this business. It might therefore be better to provide that the Secretary of the Treasury shall have access to the meetings of the board, without voting, and to have the board consist of five members besides the Secretary, as contemplated by the first draft, or, if there are political reasons against having three of one party and two of another so appointed, the act might provide that two members from each party shall be appointed, the four to select a fifth, subject to the President's approval.

DITLEV M. FREDERIKSEN.

MINNEAPOLIS, *April 25, 1916.*

Mr. NELSON. Mr. President, I have asked to have this communication read because, as I stated before, while I do not indorse all of its statements, there are some matters in it that I regard as of great importance.

I want to call attention particularly, in connection with the communication that has just been read, to section 12, paragraph 8:

No such loan shall be made to any person who is not at the time, or who does not in his application promise shortly to become, engaged in the cultivation of the farm mortgaged.

This provision was amended, if I am not mistaken, by striking out the word "promise" and inserting the word "intention." Am I not correct?

Mr. HOLLIS. The exact words are "who does not state his intention."

Mr. NELSON. The gentleman whose communication was read raises the question whether a man who owns a farm and has rented it to a tenant could come in and get a loan under this law. He is not actually farming it himself; it is not his intention to farm it, but he rents the land to a tenant. This is a very important matter, not so much in my section as it would be in certain sections of the South.

If a man were not occupying the land or farming it himself, but lived in town and rented it to a tenant, could he obtain a loan under the provisions of this bill?

Mr. HOLLIS. No; he could not.

Mr. NELSON. Then, as to many of the cotton planters down South who live in towns and rent their land to tenants, large and small, they would be utterly unable to avail themselves of the benefit of this law and to obtain loans.

Mr. HOLLIS. That is true. Would the Senator like to have me explain the reasons for that so that he may discuss them?

Mr. NELSON. I can understand the reasons, but of course I yield to the Senator to explain them.

Mr. HOLLIS. I should like to state them briefly, and then the Senator can address himself to them.

This bill is intended to help people own their farms or to acquire them for homes. If a man could borrow money on his farm just as well if he operated it by a tenant there would be no inducement to dispose of the farm to the tenant. Under this bill as it is drawn the tenant would have every inducement to make some arrangement with the owner by which he could buy it, and then he would be engaged in the cultivation of it. That is what we want. If we permit men who are not engaged in cultivating farms to borrow under the system it will encourage speculation—something that we fear might be detrimental.

The third thing I wish to say is this: If this system goes into effect, and money is loaned to the owners of farms in a given section, it will undoubtedly have the result of lowering farm-loan interest rates in that section, so that the man who does not choose to cultivate his farm himself will be able to get his money cheaper.

Mr. NELSON. Without any reference to the reasons, if I am correct in my statement that a man who owns a farm and does not occupy and actually farm it himself, but farms it through tenants, can not get a loan under this bill, it seems to me that in the Southern States, where most of the cotton planters have large farms and farm them largely by colored tenant farmers with a mule or two and a plow, however good the farm might be as security, and however responsible the men might be, those men would not be able to secure a loan under this law.

What follows from that? The tenant farmers can not get any money, because they have no land to mortgage. The owner of the farm, who lives in town and rents it to the tenants, can not borrow money, and his recourse then is to go and borrow it wherever he can, as he does now. Now, can the Senator from New Hampshire see where this will be of any help or advantage to such cotton planters as those to whom I have referred?

Mr. HOLLIS. If the cotton planter does not choose to bring himself under the terms of the act, it does not make any difference to me what part of the country he is in. If the reasons are sound which have moved us to adopt this provision, it does not make any difference whether he is a cotton planter or who he is. If they are not sound, the bill should be amended.

The joint committee felt unanimously that the loans should be restricted in this way. The provision is subject to the criticism the Senator makes, and I have given the answer to that criticism so far as I can. If the reasons I have given in my answer do not commend themselves to the Senate, the Senate ought to amend the provision.

Mr. NELSON. If the Senator will excuse me, I have called attention to the application of this proposed law to conditions in the South. I will now call attention to its application to conditions in the North.

In the State of Minnesota, for instance, we have many prosperous, thrifty farmers who took their lands when they were in the wilds, who started 40 or 50 years ago, took homesteads, have developed the land, and have made it into good, nice farms. Old age is upon them; they are unable to work the farm any longer; they have a number of children, a number of boys; they are very anxious to keep that farm in the family; none of the boys has means enough or is able to buy out the interest of the other children; the father is anxious to quit working the farm, but he wants to live on it; he would like to have one or two of his boys run it; and so it is quite customary in my part of the country for old farmers to rent their farms for a number of years to one or two of their sons in order to give them a start; and if they prove successful as renters and make a little money, by and by they buy out the other heirs and get the land; and yet you cut off those farmers in such instances from securing loans under this bill.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. NELSON. In just a moment. I want the Senator from Nebraska to understand that the Senator from New Hampshire does not disagree with me about one thing, and that is, that no matter how good a farm may be, no matter where it is situated, no matter what its value is, if the owner does not live on the farm and cultivate it himself, but rents it to a tenant, he can not borrow money on it under this law.

Mr. NORRIS. I wanted to ask the Senator if he thought, in the case he put, to take his own illustration, that such a farmer needs a loan from anybody?

Mr. NELSON. Oh, they do oftentimes. I can tell you why they need loans. I have many instances in mind. They desire a loan on the farm because they need the money to divide up; for those old men, when they come to the point where they want to quit farming operations and turn over the farm to their children, are generally anxious to make a fair division among the children; and in order to raise the necessary money and pay off, for instance, the girls in the family, or to pay off the younger boys, they mortgage the land. They want to mortgage the land in order to pay those portions; and then the single son or the two sons who buy the farm take it subject to that mortgage. That is the way it operates, practically, in our part of the country.

Mr. VARDAMAN. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. Certainly.

Mr. VARDAMAN. Do I understand the Senator from Minnesota to say that the Senator from New Hampshire stated that a man owning and living upon a farm which was worked by hired labor or tenants could not secure a loan under the terms of this bill?

Mr. NELSON. Oh, no; the Senator misapprehended me. That was not what I said nor what the Senator from New Hampshire concurred in. It was this, if the Senator will pardon me: I said that if a cotton planter or cotton farmer down South owned a farm and lived in town or lived off the farm and farmed it through tenants, he could not borrow any money under this law; he could not borrow money unless he lived on the farm and ran it himself. If he lived off the farm—in town, for instance—and had the farm operated by a number of tenants, as is frequently the case down South—colored men—it would be utterly impossible under the provisions of this bill for him to borrow any money on the farm.

Mr. VARDAMAN. Of course, most of the "planters," as they are called in the South, live on their plantations, which are worked by laborers who rent the land either for money or for a part of the crop. Now, there is nothing in this bill to prohibit a loan from being secured upon the farm under those circumstances, is there?

Mr. NELSON. If the farm is farmed by renters, I do not think a loan could be secured. If the owner lives on the farm and farms it with hired help—as all farmers have to do, more or less—of course he can borrow on it. But if he lives on the farm and works it entirely by renters and does not work it himself, I do not think he could get money under the provisions of this bill.

Mr. VARDAMAN. And he could only secure a loan on the farm if he lived on it? He could not secure a loan on an adjoining farm, for instance; a man who owns two or three farms and lives on one of them?

Mr. NELSON. No; of course he could not.

Mr. VARDAMAN. He could not get a loan on that?

Mr. NELSON. No.

Mr. HOLLIS. Mr. President, the definition is "engaged in the cultivation." If he lives on one farm and farms another, he is cultivating that other.

I want to say here that it is very doubtful whether this condition should be imposed in the bill. It may be that none of these conditions should be imposed. I am not hostile to the amendment the Senator may offer. I want the Senate, when the time comes, to decide on this matter. It is one of the things I hope it will decide on. Up to date, I rather think that this will encourage men to become owners of farms for homes. I hope it will.

Mr. NELSON. I simply call attention to the fact that this bill under the provisions of it as it is to-day will be of little value to the cotton planters of the South and little value to the farmers of the North who farm through tenants.

Mr. VARDAMAN. Mr. President, I share very thoroughly the opinion expressed by the Senator from New Hampshire a moment ago that one of the great accomplishments of the bill would be to make people own their farms, to create landlords. I think the future of this Republic rests very largely upon the country homes. But if the Senator from Minnesota interprets the bill correctly I think it would be very well to amend it so as to cover the case of a man who lives on his farm and who may have an adjoining farm or two or three little farms around him. My reading of the bill did not impress me with the fact at the time that he would be precluded from getting money under the terms of the bill on farms that might adjoin the farm on which he lived.

Mr. NELSON. I have called attention——

Mr. NORRIS. Will the Senator yield to me for a moment?

Mr. NELSON. I yield.

Mr. NORRIS. The Senator from Mississippi [Mr. VARDAMAN] said something that suggests to my mind that we ought to be very careful in framing the bill so as not to prevent a man from getting several loans, when living on one farm and farming it from getting a loan on some other farm. He is prohibited as I read the bill from doing that.

Mr. HOLLIS. Not if he cultivates it himself.

Mr. NORRIS. Probably not if he cultivates it, but if we did not prevent operations of that kind, then men could get a dozen loans from the Government and own a whole community. It is one of the objects of the bill to help men to secure farm loans for themselves.

As the Senator from Mississippi so well said, the model condition in any country is to have the soil tilled by men who own it rather than through tenants.

Mr. NELSON. I call attention to this to the end that I think this provision ought to be broadened and improved; otherwise the bill will not accomplish the purposes which a good many people think it ought to accomplish. In the next place, I call attention to the following provision in the same paragraph and section of the bill:

> In case of the sale of the mortgaged land, the farm-loan association may, in its discretion, declare the mortgage thereon due and payable, or permit said mortgage to be assumed by the purchaser.

This, as stated in the communication which I read, is very objectionable to people in the Northwest. Land passes from hand to hand and this provision amounts to this: If I own a farm and live on it and cultivate it and give a mortgage on it to one of these land banks and want to sell that farm long before the mortgage is due, it may be within six months or three months after the mortgage has been executed, the bank has a right to declare the mortgage due and enforce it, or it may permit the man who buys the land of me to assume the mortgage. It is in a state of uncertainty. It retards the transfer and sale of the land. A man comes to me and wants to buy my farm. It has a mortgage on it in one of these land banks.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Minnesota yield to the Senator from Nebraska?

Mr. NELSON. I have not finished my statement. A man comes to me and wants to buy my farm. It has a mortgage in one of these land banks. If I sell it to him I run the risk of having the mortgage declared due; he runs the same risk, too; and it interferes with the free transfer of land, as that gentleman said in the communication that was read.

In our part of the country land passes from hand to hand, and whoever buys the lands buys it subject to the mortgage. If I sell my farm to A with a $500 mortgage on it, he takes the land subject to that charge, and as long as he pays up the interest and pays the taxes that mortgage remains in force. He need not go to the owner of the mortgage and ask for an extension of time or make any arrangement. The land is transferred to him, and after he gets the land, which is the principal security, it is his business to see that the interest and taxes are paid and that the debt is paid at maturity. If he does not he loses the land and the mortgage is foreclosed.

This provision utterly interferes with free transaction in land. It is an embarrassment to the man who wants to sell and it is a handicap and an embarrassment to the man who wants to purchase.

Now, here is another feature of the bill in the same paragraph that is very objectionable:

> In case of the death of the mortgagor, the mortgagee may, on default and if necessary to protect the loan, declare the mortgage due and payable and take all steps necessary for its collection.

Mr. GRONNA. Before the Senator leaves the other paragraph that he read I wish to ask him a question. As the Senator will perhaps remember it is one of the paragraphs to which I objected.

Mr. NELSON. Yes.

Mr. GRONNA. Suppose a mortgage is made for a thousand dollars. It runs one or two years. Coupon notes are made out for 36 years for the full time that the mortgage is to run. In the course of two years the farmer sells his farm. Now, what amount will be due and payable if the association or the farm-loan board declares his mortgage due?

Mr. NELSON. The whole debt will be due.

Mr. GRONNA. It will be not only the thousand dollars, but it will be all the interest for the 36 years, will it not?

Mr. NELSON. I am inclined to think so.

Mr. HOLLIS. No; that would not be reasonable. It is all subject to rules and regulations to be made by the representatives of the borrowers. The borrowers are not going to have such a rule and regulation as that.

Mr. GRONNA. I will say to the Senator from New Hampshire I am somewhat familiar with the loaning of money, especially in our part of the country, and it is the general practice that the whole amount of interest as well as the principal will be due and must be paid.

Mr. HOLLIS. That is a pretty poor community to live in, Mr. President.

Mr. GRONNA. I will say that is the practice if not the law not only in my State but in the Senator's State.

Mr. HOLLIS. This system will be owned and controlled by the borrowers themselves, and I can not think it possible that they will not provide that it is sufficient in case a loan is in default when a man pays up his principal and the amount of interest that has accrued. If the Senator feels that there is any danger of that sort he ought to offer an amendment that would cure it.

Mr. GRONNA. I certainly do feel there is danger that it may be done, because I have had experience on this subject.

Mr. HOLLIS. Not under a system that was owned by borrowers, because they would have to rob themselves to that extent.

Mr. GRONNA. The Senator will admit, I suppose, that it is possible to carry provisions of that sort into effect.

Mr. HOLLIS. I do not believe it is possible.

Mr. GRONNA. There is nothing in the bill that would prohibit it.

Mr. HOLLIS. I do not believe it is possible. I do not think any court in the world would enforce a law evidently so unjust and inequitable and contrary to all principles of law, and it could not be done.

Mr. NORRIS. As a matter of fact, in the case mentioned it would be usury, and be subject to the laws of the State in regard to usury.

Mr. NELSON. But here I want to say to the Senator from Nebraska that the moment a man transfers it without the consent of the loan bank the bank has the right to declare the mortgage due.

Mr. NORRIS. Yes; but I was speaking in answer to the question of the Senator from North Dakota. If they undertook to declare, after a mortgage had been running for six months or a year or two, that all the interest that would be accruing on that mortgage for 36 years should be paid, it would make a rate of interest that would be far in excess of the legal rate, and they would be subject to the law against usury.

Mr. GRONNA. May I ask the Senator from Nebraska a question? What would the Senator say as to the practice now in vogue, not only in my State but in every State of the Union? A loan is made for five years for, we will say, $1,000 at a rate of 6 per cent interest. The first interest becomes due and is not paid. The principal and the interest are declared due and the mortgage is foreclosed. What would the Senator from Nebraska say would be the amount that the land mortgaged was subject to?

Mr. NORRIS. It would be subject to the $1,000 mortgage, with interest on it at the rate provided in the mortgage up to the time when the declaration was made that declared it due.

Mr. GRONNA. Provided it was the decree.

Mr. NORRIS. No; but he could not get a decree for any larger amount. In the case the Senator puts a $1,000 mortgage, drawing 6 per cent interest, would be such an amount that it would exceed the legal rate of interest in any State in the Union, I presume.

Mr. GRONNA. Will the Senator say that if there was a provision in the mortgage stipulating that in case a default is made the whole amount shall be due, that it could not be collected?

Mr. NORRIS. No; it is perfectly proper to put in the mortgage a statement that upon a failure of one of the conditions named in the mortgage the mortgagee shall have a right to declare it due; but by declaring it due he can not collect something that, as a matter of fact, would be illegal. In the case the Senator puts there is no difficulty about it. A mortgage for a thousand dollars, running for five years, has run the first six months; the interest is due, and the mortgagee has declared it due. The amount he can collect on that mortgage would be the thousand dollars plus the interest at 6 per cent up to the time he makes the declaration, and that is all he could get.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. NELSON. I yield to the Senator.

Mr. STERLING. I merely wish to suggest that in the case referred to by the Senator from North Dakota [Mr. GRONNA] it must be a matter of contract between the mortgagor and the mortgagee, the contract being to the effect that in case any installment of interest is not paid when due the whole will become due at the election or option of the mortgagee; but it can not be the law surely in the State of North Dakota or, I think, in any other State that the interest becoming due and not paid, then the principal thereof shall become due. I hardly think that is the law in any State.

Mr. NELSON. Mr. President, while this is very interesting, it is collateral to the main point I intended to make on the provision that I read. I will quote it again:

> In case of the sale of the mortgaged land the farm-loan association may, in its discretion, declare the mortgage thereon due and payable or permit said mortgage to be assumed by the purchaser.

The objection, as I said, is that it interferes with the free exchange and transfer of land that prevails in our part of the country. It amounts practically to this, Mr. President: If I own a farm that is mortgaged to the land bank and sell that farm, the land bank has an opportunity to declare that my mortgage is due instantly.

Mr. HOLLIS. Mr. President, of course it would be like a case in the ordinary bank. If the Senator had his farm mortgaged to the bank, he would find out in advance whether it would be agreeable to the bank to get permission, and then it would be done. The reason for it is this: The one to whom the Senator wanted to sell it might be an objectionable person; he might be intemperate; he might be some one they did not want in the farm-loan association; and this is to give them a chance to say that they will not admit such a man into membership That is all it is for. If he is the right kind of a man, if he is solvent and temperate and industrious, it would be perfectly easy to get permission. The discretion has to be somewhere.

Mr. NELSON. The reply to that is that the security on these loans, as a rule, is not made upon the quality of the person who owns the land.

Mr. HOLLIS. They are in this case.

Mr. NELSON. They are made upon the quality and character of the land that is offered as security. That is the main security. If the man who buys the land subject to a mortgage fails to pay the mortgage or to pay the taxes and interest, the land bank can go on and foreclose it and get the land. Besides, they have their personal obligation against the man who gave the original mortgage.

Mr. HOLLIS. Mr. President, in consideration of the Government aid in this system and the low rate at which loans are to be made, there is more expected of a borrower than in the ordinary case of a mortgage. He assumes individual liability, and the value of that depends, of course, on what he has and who he is, and he also assumes certain duties in connection with the farm-loan association in the way of appraising loans and helping collect. For that reason the character of the borrower plays a considerable part in his desirability as a member of the system.

Mr. NELSON. In the first place, the bill does not relieve the man who sells from his personal obligation.

Mr. HOLLIS. That is perfectly true.

Mr. NELSON. And the question whether the loan will be extended or whether it will be continued will depend on whether the buyer, in addition, will make a personal assumption of the loan. All this goes—and that is the objectionable feature—to check and hinder the sale and transfer of land, which is frequent in our part of the country. Men mortgage their lands, and many of them borrow from land and insurances companies and from eastern money institutions. They borrow on a definite time, 5 or 10 years, and they never have to consult an insurance company, the man, or the concern that furnish the money as to whether they have a right to sell. They can sell that land to whomsoever they please, and the bank loaning the money, the mortgagee, does not think of declaring the debt due. He has not the right to declare it due. Millions of money are loaned in the West by insurance companies to our farmers, and in none of them is there any provision that in case the original borrower transfers or sells that land the mortgagee can declare the debt due, and that it is a question whether it shall be continued or not, whether the man who buys the land will personally assume the mortgage or not.

I will not take up more of the time of the Senate on that provision, but I call attention to the other provision which I read a moment ago, before I was interrupted.

> In case of the death of the mortgagor the mortgagee may, on default and if necessary to protect the loan, declare the mortgage due and payable and take all steps necessary for its collection.

There, again, you have something that works a great and unnecessary hardship. In our part of the country under the system of mortgages that prevail there the death of the mortgagor does not make the mortgage due. All our mortgages contain a power of sale authorizing the property to be sold at public sale in case there is a default in payment of interest or principal. That is a power coupled with an interest, and it does not end with the death of the mortgagor who gave the mortgage; it follows the land. Hence in our part of the country I have never heard of such an awful doctrine as is embodied in this provision, that in case a man dies and leaves a widow and minor children, therefore because of his death the mortgage can be declared due and payable and be foreclosed. There are many instances in my part of the country, and I can recall some, where a farmer with a mortgage of, say, $500 on a farm perhaps worth $1,000 dies and leaves a widow and minor children, who take up the task and struggle heroically to pay the interest on the mortgage and the taxes on the land so as to save the land. Under the provisions of this proposed law the farm-loan bank, the moment such a farmer dies, can declare the debt due and foreclose the mortgage, without any rhyme or reason in many cases, where the poor widow and children would not be able to furnish such personal security as the loan association might desire. In our part of the country a mortgage never becomes due because of the fact that the mortgagor dies.

Mr. HOLLIS. Mr. President——

Mr. NELSON. I yield to the Senator. I have never before heard of such a doctrine as is formulated in this bill and as was announced by the Senator from New Hampshire.

Mr. HOLLIS. The Senator is evidently against the bill, and he may not thank me for any suggestion.

Mr. NELSON. I am against this provision of the bill.

Mr. HOLLIS. I wanted to tell him that while I agree heartily with what he is saying, that provision was stricken out of the bill three days ago.

Mr. NELSON. This entire provision?

Mr. HOLLIS. Yes.

Mr. NELSON. I am glad of it. Was there not a substitute? Was not the amendment in italics adopted?

Mr. HOLLIS. No.

Mr. NELSON. I call attention to another feature of the bill, and that is the provision contained on page 26, at the end of section 9:

If membership is refused—

Now, remember, before a farmer can obtain a loan he must first join one of these associations, either a limited liability or an unlimited liability association. He must make application for a loan, and on his application he must be prepared to pay $5 in cash for every hundred dollars of the loan which he seeks. If it happens that the man is unfortunate, either that there is some little hitch in the title or the appraisers do not think the land is good enough when he has paid in his $5 a hundred for the loan, you would naturally think the poor fellow ought to get his money back if he can not get the loan, and that the farm-loan bank ought to stand whatever expenses were involved, but this provides:

If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned—

That means the $5 a hundred that he must deposit—

less such deductions as may be authorized by regulations of the Federal farm-loan board.

So when the poor fellow who makes an application for a loan and deposits his money for the loan at the rate of $5 for every hundred dollars, goes to the registrar's office and secures an abstract of title, pays for it, has his papers made out, and all that, if for any reason the farm-loan board see fit to reject his application, he can not get his money back, and they may absorb the whole of it under the provisions of this bill.

Mr. HOLLIS. In the first place, the farm-loan board makes general rules and regulations to cover such cases. They may provide that the poor fellow the Senator depicts may get all his money back. He ought, if it is not his fault. But if he has a poor title and the land bank goes to the expense of looking up the title and then finds he has a bad title, to give all the money back would be robbing all the other poor fellows in the system. It is assumed that the farm-loan board will do what is equitable.

Mr. NELSON. It would depend very much——

Mr. HOLLIS. I do not know which can speak the louder, but if the Senator yields and wants an answer, let me say it is for the farm-loan board after it has had experience to make equitable rules for that purpose, so that all the poor fellows in the system will get the same treatment.

Mr. NELSON. At all events, he is absolutely at the mercy of the regulations they may establish.

Mr. HOLLIS. Certainly, if he does not like them——

Mr. NELSON. They may make such regulations that he will never get a cent of his money back.

Mr. HOLLIS. If he does not like the rules and regulations, he has no business to apply for a loan.

Mr. NELSON. Exactly.

Mr. HOLLIS. He can go somewhere else.

Mr. NELSON. And that will be the result. The same provision is found on page 28:

If membership—

The provision which I just read pertains to national farm-loan associations limited under division A. This provision is substantially the same. It relates to farm-loan associations unlimited under division B:

If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned, less such deductions as may be authorized by regulations of the Federal farm-loan board.

So in all these cases under the provisions of the bill, a man who applies for a loan of $500, say, is required to deposit $25 in cash. If it turns out that there is some little technical defect in the title, so that the farm-loan association will not accept the loan, he could not get that money back, or, at all events, he is at the mercy of the rules and regulations of the farm-loan board as to whether he will get any of it back; and, if so, how much.

In addition to this, for the purposes of anchoring this bill to the Constitution, it contains certain provisions, and, while they are to me very objectionable, I think they are probably necessary in the bill. The first provision relates to making the farm-loan banks depositaries of public funds generally, putting them practically in the same condition as our national banks. I think it is very unsafe and assuming a great risk to make these banks depositaries. They are of an experimental character, and there is great uncertainty as to whether they will succeed or not.

Under the Postal Savings System, which we adopted some years ago, we provided for the deposit of the savings of people who prefer to deal with the Government, instead of with our banks; we also provided for the investment of a part of those savings in Government bonds, and for deposits in the banks in the vicinity where the postal savings deposits are made.

Under the provisions of this bill a part of the postal savings may be invested in the bonds of the farm-loan banks. The Post Office Department was, from first to last, utterly opposed to this provision of the bill, and I believe it should not have been inserted. It would have been sufficient to have anchored the bill on constitutional grounds to have adhered to the first provision to which I have referred, that of making these banks depositaries generally of Government funds.

I was somewhat surprised at the answer—perhaps I misunderstood it—of the Senator from New Hampshire to the question propounded by the Senator from Massachusetts. The capital of $500,000 advanced by the Government to these farm-loan banks does not lie idle. The first man who comes in and makes application for a loan to a farm-loan association and deposits his money will get a part of that money. There is nothing in the proposed law that contemplates that that advance money of the Government shall lie idle. That money will be used, like the other money of the farm-loan association, to furnish money for these farm loans. In the nature of the case it can not be otherwise. I think the Senator from New Hampshire did not really intend to convey the idea which his remarks implied.

Mr. HOLLIS. Mr. President, I did not say that. What I said was that the Government did not loan any money to the farmers, and the Government does not. It is the Federal loan bank that is controlled by the borrowers that loans.

Mr. NELSON. But let me ask the Senator a question. The farm-loan banks would use that $500,000 advance?

Mr. HOLLIS. Of course they would. They would not have the money to loan and to get mortgages unless they did use it, and until they get mortgages they can not borrow any money. Of course the money is given for the express purpose of loaning it. What I meant to say was that the Government did not loan to the farmer, but that the land bank does that.

Mr. NELSON. But, Mr. President, not only must the Government advance this $500,000 to each of the 12 banks in the first instance, but there is a provision in the bill, section 34, which in its effect and operation will authorize these banks every year to draw an equal amount from the Federal Treasury. Let me read the section:

SEC. 34. That the Secretary of the Treasury is authorized and directed—

I call your attention to the fact that the Secretary is not merely "authorized," but that he is "directed"—

That the Secretary of the Treasury is authorized and directed, upon the request of the Federal farm-loan board, to make advances or deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such advance or deposit, bearing interest at the rate of 2 per cent per annum, to be secured by farm-loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the direction of the Federal farm-loan board.

I call especial attention to this, Mr. President:

The aggregate of all sums so advanced or deposited by the Secretary of the Treasury in any fiscal year shall not exceed the sum of $6,000,000 at any one time.

In other words, under this section if the farm-loan board makes a demand upon the Secretary of the Treasury for $6,000,000 in any fiscal year, it is made obligatory upon the Secretary of the Treasury to furnish it. So if these banks, starting with $500,000 Government money in the first instance, do not get along very well, do not make much headway, every year through the farm-loan board they can call in the aggregate for as much as $6,000,000 more, and the language is mandatory, for it reads that "The Secretary of the Treasury is authorized and directed."

If we had left out the word "directed," it would not have been quite so bad; some option would have been left with the Secretary of the Treasury; but now if the farm-loan board makes a demand to the extent in any fiscal year of $6,000,000 for these land banks, the Secretary of the Treasury is required to advance it.

Mr. President, I have called attention to what I regard as some of the glaring defects of this bill in some respects. I am satisfied that the machinery provided for is of such a cumbersome and intricate character that I do not think it will be availed of in the State of Minnesota. While I think the bill is subject to those criticisms, I have made up my mind to vote for it. There are some portions of this country, in the South and West, where the idea prevails that they will get great relief from this bill. I know they need relief in one respect; that is, they have to pay a higher rate of interest than do we in the North and the Northwest. I know they need cheaper money than they are now getting, and I am willing to give them an opportunity to secure it. While I do not believe that the bill will be of any practical use or value in States like Iowa, Illinois, Wisconsin, or Minnesota, or in any of the New England States, there are portions of the country where it may furnish some relief. For that reason, Mr. President, I am willing to support the bill.

I realize the fact that the planters of the Southern States, owing to labor conditions, owing to the character of the soil there, and owing to various other conditions, are handicapped to a greater extent than are the farmers of the North and the Northwest. Money is not so plentiful in that section of the country, banks are not so numerous, and it is more difficult for them to borrow money. I think in many instances the farmers have had to pay usurious and unlawful rates of interest. Therefore I have always felt kindly toward the Southern States and am anxious to help them and to build them up. In view of the fact that this bill may possibly be of some help to them and may enable them to get money at a lower rate of interest than they can do to-day, I am willing, as I have said, to vote for the bill, although, I repeat, I believe it will be of no earthly value or good in the State which I have the honor in part to represent.

Mr. HOLLIS. Mr. President, I am very much pleased to learn that the Senator from Minnesota intends to vote for the bill. I feared from the temper of his remarks that he thought it was irretrievably bad and that it ought not to be passed.

I want to say to the Senate that the views of the distinguished Senator from Minnesota were very carefully weighed by the committee and that it was due almost entirely to his opposition that the savings department provision, one in which I had great faith, was stricken out.

Mr. NELSON. Mr. President, if the Senator from New Hampshire will allow me, I meant to have congratulated him on his wisdom in having the savings-bank department provision eliminated from the bill. In the main, I want to congratulate the Senator from New Hampshire on the great work he has done in connection with this bill. It was no easy task to frame a bill of this character, and he has certainly accomplished a great work. I fully realize that it is much easier to criticize a piece of legislation than it is to formulate it in the first instance. What I have said in reference to the bill has not been for the purpose of criticizing the Senator from New Hampshire, but rather for the purpose of pointing out certain features that will interfere with the successful operation of the law in the part of the country where I reside and which I have the honor in part to represent.

Mr. HOLLIS. Mr. President, the first few criticisms which were made by the Senator from Minnesota of the bill are on debatable subjects. It is very likely that the Senator from Minnesota is right about them. They relate to the restrictions on the mortgage loans, and I shall be very glad, indeed, if the Senator from Minnesota or some other Senator will offer an amendment, so that when we get to voting we may test the sentiment of the Senate in those particulars.

On the last proposition which the Senator from Minnesota has stated I think I ought to make a little explanation; that is, on the subject of the Government deposits, as provided for in section 34. It is true that that section is inserted for the purpose of tiding one or more land banks over a hard place. If they get in a hard place and interest is not paid on mortgages on account of drought or short crops, then the land bank may apply to the Federal Treasury for relief, just exactly as do national banks when they need extra funds for any purpose; but the Secretary of the Treasury——

Mr. NELSON. Will the Senator from New Hampshire allow an interruption?

Mr. HOLLIS. Yes.

Mr. NELSON. I want to suggest in that connection that, while I have no objection to their applying to the Secretary of the Treasury, yet I would not make it mandatory, as it is now proposed to do. In respect to the national banks applying for Federal money, it is optional with the Secretary of the Treasury as to whether or not the application shall be granted. I would also leave it optional with the Treasury Department in the case of these banks, and would not make it mandatory. I would strike out the word "directed," and would simply authorize the Secretary of the Treasury, as is done in the case of national banks, to furnish the money if he deems it proper and wise to do so.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. HOLLIS. I do.

Mr. THOMAS. I dislike very much to criticize any amendments proposed by the committee to this bill, because I know they have been considered very carefully by the committee; but I am in entire sympathy with the criticism just offered to this section by the Senator from Minnesota [Mr. NELSON]. It seems to me to be well founded.

In that connection, I venture to suggest to the Senator having charge of the bill the propriety of substituting on lines 2 and 3 of the succeeding page in place of the words "Federal farm-loan board," the words "Secretary of the Treasury." The Secretary of the Treasury is the constitutional officer in charge of the Treasury Department, and all funds of the Government are subject to his control. I think it is rather—I will not say questionable—but it is a new departure to provide that the certificates for these deposits shall be redeemed at the direction of the Federal farm-loan board rather than by the direction of the Secretary of the Treasury. It is true that the Secretary of the Treasury is a member of the board. He is, however, but one such member, and his vote would only count as such, and might be opposed by the votes of the other four members. That seems to me to be depriving the Secretary of the Treasury of authority and control over national funds that is not wise in itself and which may become an extremely dangerous precedent.

Mr. HOLLIS. Mr. President, the last suggestion offered by the Senator from Minnesota [Mr. NELSON] shows the value of debate in the Senate. I gained the impression from his remarks that he was totally opposed to this section. I now find that he is not, and I am very glad that he is not. I wish to direct his attention——

Mr. NELSON. I would not be opposed to the section, if the Senator will excuse me for interrupting him, if it were left discretionary with the Secretary of the Treasury; but to make it mandatory, to make him obey the orders of the Federal farm-loan board whenever they say to him "You must dish out the money"—to that I object. If you will leave it discretionary with the Secretary of the Treasury that will be a different matter. Then he could look after the welfare of the Government and the condition of the Treasury and furnish the money required as he saw fit.

Mr. HOLLIS. I wish to direct the attention of the Senator to the fact that it is now practically under his control, because the security furnished, the farm-loan bonds or other collateral, must be to the satisfaction of the Secretary of the Treasury; and, with that provision, it seemed to the committee that there would be sufficient safeguards; but I shall be very glad to accept the suggestion of the Senator from Minnesota [Mr. NELSON] and also the suggestion of the Senator from Colorado [Mr. THOMAS].

It seemed to me personally that the farm-loan board would have a much better knowledge of the actual conditions of the

land banks than would the Secretary of the Treasury. The Secretary of the Treasury is an official whose time is very fully occupied and who might require payments to be made at a time that would embarrass the banks, so that the deposit would in the end do more injury than good. However, I think there is force in what the Senator from Colorado says, and I will therefore ask unanimous consent, on page 74, line 18, after the word "authorized," to amend the committee amendment by striking out the words "and directed"; and at the top of page 75, lines 2 and 3, by striking out the words "Federal farm-loan board" and inserting in lieu thereof the words "Secretary of the Treasury."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. THOMAS. Mr. President, yesterday the Senator from Montana [Mr. WALSH] called the attention of the Senator from New Hampshire to a phrase occurring in line 12, on page 40, and suggested its elimination. I refer to the words in that line, "some peculiar local conditions." I think it would improve the expression if the word "some" was eliminated from the provision.

Mr. HOLLIS. I ask unanimous consent to strike out the word "some," in line 12, on page 40.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLIS. Mr. President, I desire to say further that so far as the postal-savings funds are concerned, and the provision of the bill which permits them to be invested in farm-loan bonds, that provision is purely permissive; it does not require the trustees of the Postal Savings System to invest in them; and I feel myself that that would be a very valuable provision of the bill, and one which might properly be availed of. Although I know that the Post Office Department is opposed to it, I think the Post Office Department is wrong as to that.

Mr. CURTIS. Mr. President, I should like to call the attention of the Senator in charge of the bill to page 33. I was away when an amendment on that page was agreed to if, indeed, it was agreed to.

Mr. HOLLIS. To what amendment does the Senator refer?

Mr. CURTIS. To the amendment between lines 12 and 20. I wish to suggest that after the word "taxes" the words "liens and judgments" be inserted. It seems to me that the property ought to be properly cleared of liens and judgments.

Mr. HOLLIS. Well, a lien is in many States a personal lien, and judgments frequently have nothing to do with a mortgage, and, in my opinion, "taxes or assessments" cover the ground fully.

Mr. CURTIS. Liens in our State are liens for improvements. If a man erects a building and fails to pay for material or construction charges, a mechanic's lien is filed against the property, which applies to all the land upon which the building is erected.

Mr. HOLLIS. There must be all sorts of liens in the Senator's State, such as a bailor's lien or a boarding-house keeper's lien. The word "lien" must cover a great many things that we do not want in this bill.

Mr. CURTIS. What I had reference to was liens on real estate.

Mr. HOLLIS. Yes; but the Senator did not state that in his suggestion. I think the addition of the words suggested would uselessly encumber the varbiage, without adding anything to it. I think "taxes and assessments" cover it.

Mr. CURTIS. I doubt that very much; but, if the Senator in charge of the bill is satisfied, I have no objection.

Mr. CLAPP. Mr. President, I think there are States where, under the statute, a material man's lien or a mechanic's lien takes precedence of a mortgage.

Mr. THOMAS. Upon the land or upon the structure?

Mr. CLAPP. Upon the land, of course.

Mr. SMOOT. And upon the structure. So far as my State is concerned, it covers both.

Mr. HOLLIS. There is no doubt about that.

Mr. CLAPP. It seems to me that it goes without any question that there should be a safeguard as to liens of that kind.

Mr. HOLLIS. Then, it should be better stated than merely by the use of the word "liens," because "liens" might include something that would not run against the land.

Mr. CLAPP. Well, a lien upon the property can not include anything that is not a claim against the property, and it seems to me anything that could ripen into a claim against the property ought to be provided for.

Mr. THOMAS. Mr. President, there might be inserted, before the word "taxes," the words "liens against the land," so as to read "liens against the land, taxes, or assessments not paid when due."

Mr. HOLLIS. I get the idea, and if that may be passed now I will draft a provision which I think will cover it.

Mr. CLAPP. Very well.

Mr. HOLLIS. Now that the Senator from Kansas [Mr. CURTIS] is here, I desire to call his attention to the provision on page 22, at the end of line 22, concerning which I told him I would suggest an amendment. I move, Mr. President, that there be inserted on page 22, at the end of line 22, after the word "refused," the words "and the cash accompanying the application shall be returned to the applicants without deduction." I think that is what the Senator had in mind.

Mr. CURTIS. That is the amendment which I suggested.

Mr. HOLLIS. I move the adoption of the amendment.

The PRESIDING OFFICER. In the absence of objection, the amendment is agreed to.

Mr. CURTIS. Mr. President, I did not know that the other two amendments in the same connection had been agreed to. It seems to me that they ought to be treated in the same way, as suggested by the Senator from Minnesota [Mr. NELSON]. The money ought to be returned if the applicant for a mortgage fails to secure it. In the case of loan companies, if an application is turned down they do not retain anything from him. He must furnish his own abstracts. There is provision in this bill for the employment of lawyers to examine abstracts; they are to be paid so much a year; they are not to be paid so much for each abstract they examine; and if the loan is turned down, surely the 5 per cent advanced by the applicant should be returned to him without any deductions whatever. Therefore, I think the same amendment which has just now been agreed to should be agreed to in other parts of the bill.

Mr. NELSON. Mr. President, I suggest that it should be provided that the money could be returned to the applicant unconditionally.

Mr. HOLLIS. Mr. President, unfortunately Senators are treating this bill as if there were some fund somewhere that did not belong to anyone which could be dipped into and turned over to some intended borrower so that he would not have to pay anything. Every dollar that is paid out in that way has to come out of somebody, and the rules and regulations should be such that a man who has expense incurred for his benefit should pay for it. Assume the case of a man who has a bad title to his land and who wants to get that title cleared. He wants the opinion of a lawyer on it, and he comes up and makes a gamble at the expense of the association, so that they will look it up for him and he will pay nothing for it. Sometimes it costs $100 or $200 to clear a title, and if a man has a title of that sort he ought to pay for clearing it up himself. For myself I can not accept the amendment, but it will have to be voted on at some time when it comes up. I do not think we ought to try to vote on anything this afternoon, because so few are present.

Mr. CURTIS. Mr. President, in answer to what the Senator has said, I wish to say that there is a leeway of 1 per cent paid into the fund that is to be used to pay all these expenses. The term "expenses" includes the employment of lawyers by the year; and if they are paid out of this general fund of 1 per cent, why should the owner of the property be compelled to pay such expense?

Mr. HOLLIS. Because that fund of 1 per cent——

Mr. CURTIS. Then, another thing. It is not reasonable to suppose that a man would apply for a loan simply to have his abstract of title passed upon by this association. If he applies for a loan under this bill, he applies for it in good faith; he wants it so as to buy a piece of property, or he wants it to make improvements upon a farm which he owns and upon which he lives and which he is going to cultivate, and, therefore, there can be nothing in the suggestion of the Senator that a man is simply doing it to get his title perfected. If he had a bad title he would not apply, because he would know that an application would be useless.

Mr. HOLLIS. He would not if he had to pay for having it looked up, but if he thought it might be good he would take the chance if somebody else had to pay it.

This 1 per cent is not lying around loose so that people may have certain expenses paid out of it if they are not entitled to that privilege. This 1 per cent is there for the benefit of the members of the system; and if one man gets more than his share of it, there is so much less for all the rest. The man for whose benefit it becomes necessary to spend the money is the man who should pay it.

Mr. CURTIS. I agree with the Senator that the 1 per cent is not lying around loose. None of it is, and none of it should be; but the trouble with this measure is going to be that the 1 per cent will not come within one-tenth of paying the expenses.

Mr. HOLLIS. That is a very alarming statement. If it is going to cost 10 per cent a year to carry on this system, I sincerely hope, if the Senator has that idea, that he will not vote for the bill; and I suspect he will not. Certainly I should not if I thought it was going to cost 2 per cent.

Mr. CURTIS. You have allowed in this bill $100,000 for organization expenses, which is much less than the cost of establishing the Federal reserve banking system, and yet the report shows that it cost to put in operation the Federal reserve banks $493,960.

Mr. HOLLIS. Mr. President, will the Senator tell me where he got those figures? My information is that it cost very much less than that, and I think the Senator must have obtained the wrong figures.

Mr. CURTIS. I have the official report of the board giving those figures.

Mr. HOLLIS. Well, what does it say about the figures?

Mr. CURTIS. It says the organization expenses amounted to $493,960.

Mr. HOLLIS. Covering what period?

Mr. CURTIS. The organization of the system.

Mr. HOLLIS. Well, covering what period? They are still organizing.

Mr. CURTIS. The 12 Federal reserve banks are already organized, and have been organized since November, 1914.

Mr. HOLLIS. But that must cover the full period, for they have not yet finished their organization.

Mr. CURTIS. Let me give you the remainder of the figures; that is the point to which I want to call the Senator's attention.

Mr. HOLLIS. That has no bearing on this case. There were 7,500 banks which had to be coordinated and brought together, while all the farm-loan board has got to do is to establish 12 land banks. If the Senator does not think the amount is high enough, I hope he will move to amend it and make it higher, and I will accept the amendment; but it is not going to cost any $400,000 to launch this system.

Mr. CURTIS. Let us go a little further and see what it will cost. There is provision for an issue of bonds greater in amount than the currency issued under the Federal Reserve System, and yet the issuing of the Federal-reserve-bank notes cost $804,705. The furniture and equipment for the 12 banks cost $284,600; the salaries of the officers and employees of the Federal Reserve Board alone cost $108,650 last year.

Mr. HOLLIS. The trouble is that the Senator is talking about something else than the matter in hand. He is referring to a system calling for larger salaries and a greater personnel; but all that has no reference to starting 12 land banks. That has to do with——

Mr. CURTIS. Mr. President——

Mr. HOLLIS. Either the Senator yields to me or he does not. If he does not, I will sit down.

Mr. CURTIS. I yield to the Senator.

Mr. HOLLIS. The figures the Senator has given deal with 7,500 national banking associations and the expense of coordinating them and getting them together under 12 great Federal reserve banks. That has no relation whatsoever to the plan proposed under the pending bill.

Mr. CURTIS. I venture to say there will be more people employed in the city of Washington under the farm-loan board than are employed under the Federal Reserve Bank Board for secretaries, stenographers, and other help in the office here in Washington.

Mr. NELSON. Mr. President——

Mr. CURTIS. I yield.

Mr. NELSON. I will call the Senator's attention, if he will allow me, to the fact that this bill provides for an independent new bureau in the Treasury Department in addition to the officials who will be required by the land banks.

Mr. CURTIS. And with salaries for members of the board to start with at $10,000 each, or $40,000 in all. Then, in addition, there will be bank examiners, and you will have 10 examiners under this bill where there is one under the Federal Reserve Banking System. The bank examiners last year were paid under the Federal Reserve System $396,000, and the ordinary expenses of the 12 Federal reserve banks last year were $1,677,639, making the total expense from November, 1914, to December 31, 1915, $3,765,544. The earnings of these banks since their organization have been $2,130,610. Now, there is provided by this bill an organization that will exceed beyond description the organization under the reserve banks; there will be lawyers galore for every bank and every neighborhood, to examine abstracts and pass upon titles. There will be examiners to be sent out, as the bill provides that one or two may be sent out. Then you provide for an examination by three commissioners. They must be paid, and when you pay the expense—talk about money lying around! There will not be any of it lying around.

Mr. HOLLIS. Mr. President, the Senator is entirely mistaken. The Senator has either read some other bill or he has a nightmare, because the things he describes are not in this bill. He started to discuss the Federal Reserve Board. That did not throw very much light on the subject; but now he is discussing something else that is not in the bill at all.

Mr. CURTIS. Mr. President, I have read this bill line for line, and if the Senator says that what I say is not contained in this bill he had better take it home and read it.

Mr. HOLLIS. I will tell him that it is not in the bill, and I have read the bill and drafted most of it, and I know what is in it. There is no provision in it to have three commissioners paid for appraising the land. It is done by the local loan committee, and those men serve without pay.

Mr. CURTIS. The three examiners serve without pay?

Mr. HOLLIS. There are no three examiners in the bill. There is an appraisal committee, a loan committee, and they serve without pay.

Mr. CURTIS. The three must sign?

Mr. HOLLIS. Yes; they must.

Mr. CURTIS. When they send in their application, signed by those three, then the board must send an examiner to examine that land, and the board may send two examiners.

Mr. HOLLIS. That is not three commissioners who are obliged to examine the land and be paid. That is what I called the Senator's attention to.

Mr. CURTIS. I do not believe, or did not believe—of course, I take the Senator's word for it——

Mr. HOLLIS. Well, I will show him in the bill.

Mr. CURTIS (continuing). That these commissioners were required to serve without pay. I read the provision that they must sign the report, and I called the attention of the Senate to it two or three days ago; and, also, I think, in answer to a question from the Senator from Iowa, called attention to the fact that the examiners appointed by the board, one or two, must go out and examine this property. Surely they do not go for nothing.

Mr. HOLLIS. They are paid—one of them.

Mr. CURTIS. They are paid?

Mr. HOLLIS. One is sent, and one report is made. It may be referred to one or more, but in most cases it would be referred to one. That is found on page 48. The three members of the loan committee serve without pay.

Mr. CURTIS. Mr. President, I just happened to turn to page 5 accidentally:

> The Federal farm loan board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board.

I referred to those people. They must be paid, and if they do the work you will not get along with as few as the Federal Reserve Board now gets along with.

Mr. HOLLIS. That is the Senator's opinion. He is evidently hostile to the bill, and he will undoubtedly do as Gov. Herrick did—conjure up all the nightmares he can. It was a very common thing, when the Federal reserve act was under consideration here, to have it criticized in that way on that side of the Chamber; but I want to call the Senator's attention to the fact that the earnings of the Federal reserve banks have absolutely no relation to their value. When they are not needed, their earnings will be small; when they are needed, their earnings will be large. They are to act as reserve banks for the safety of the country's financial policies, and not for the purpose of earning profits for anybody. They were not so intended.

Mr. CURTIS. Mr. President, I know they were not so intended; and in order to give that expensive system to the people you wiped out the Vreeland-Aldrich Act, which has been used by this administration to prevent at least two panics, and which has more than paid its expenses. The tax levied upon the issue of currency under that act returned to the Treasury over a million dollars profit; and now you have put in operation this Federal reserve act, which has cost the Government more than it has brought in.

Mr. HOLLIS. Mr. President, the Vreeland-Aldrich Act was absolutely impracticable. It could not be used and never was used until the Democratic administration amended it so that it was practicable. It was only used because the Federal reserve act had not gotten into operation, and it was necessary to use it temporarily until it got into operation. If the Senator thinks the Republican Party performed any service to the country in passing the Vreeland-Aldrich Act, I call his attention to the fact that we never used it until the Democratic administration amended it.

Mr. CURTIS. Because there was no need to use it. The condition of the Government was such that it was not required. If we had some good Republican legislation upon the statute books to-day, it would not be required now and would not have been since it was passed. The first time it was needed was in 1913, when the awful effects of the new tariff bill were being felt by this country; and that measure was used, as I said, by the Secretary of the Treasury to relieve the conditions, and he said it did relieve the conditions. Then, when the war broke out, it was used again, and currency was issued under it and by reason of it after the Federal reserve bank law was written into law and after it had been put in operation. In other words, currency was issued under the Vreeland-Aldrich Act until February, 1915.

Mr. HOLLIS. Mr. President, the Senator is entirely mistaken. I was a member of the Banking and Currency Committee. I was present when the act was amended. I know why it was amended, and I can give him the dates. There was never any effort to issue any currency under the Vreeland-Aldrich Act until the war broke out in Europe on the 1st of August, 1914. On the 4th day of August, 1914, the act was amended so as to make it workable, and currency was then issued under it. At that time the Federal reserve banks had not been formed. They were not formed until December 1 following, and it was therefore necessary to fix up the Vreeland-Aldrich Act so as to make it efficacious. There never will be any occasion to use it again, because the Federal reserve act is now in full force.

Mr. CURTIS. Mr. President, the Secretary of the Treasury says, in his report for 1913, that there was danger of a panic, and in order to relieve the situation he issued $500,000,000 of currency under that act.

Mr. HOLLIS. Does the Senator really believe that?

Mr. CURTIS. It is true.

Mr. HOLLIS. The Senator was never more mistaken in his life. That currency was engraved and printed, but not a dollar of it was issued.

Mr. CURTIS. Well, that is what I am going to say. He says he notified the banks that it was ready, and then he closes by saying that the very fact that he made the announcement that the $500,000,000 was ready for issue restored confidence in the country. The Secretary says, in his report for 1913, that "so completely effective was this action that none of the $500,000,000 of currency was applied for by the banks." That is what the Secretary of the Treasury says in his report for 1913.

Mr. HOLLIS. They must have been very foolish bankers, because none of them ever applied for a dollar of it until it was made possible to do it—never.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. CURTIS. Certainly.

Mr. SMOOT. I am a little surprised that the Senator from New Hampshire should make the statement he has. There was no occasion to use the Vreeland-Aldrich currency that had been printed and was in the vaults of the Treasury of the United States until the breaking out of the war. It is true that the act was amended. It was amended so as to extend the life of the act; and if the war had not broken out, or if the country had not gotten into financial difficulties that required the use of emergency currency from some other cause, it never would have been used at the time that it was. But nobody can deny that the Vreeland-Aldrich Act did prevent the greatest panic in this country that could possibly have happened; and if the Vreeland-Aldrich Act had not been on the statute books at the time there would have been the greatest panic in this country that this country had ever experienced.

Mr. HOLLIS. Mr. President, the Senator from Utah has fallen into just the error that he has been led into by the Senator from Kansas.

Mr. SMOOT. No; I have not fallen into any error.

Mr. HOLLIS. The Vreeland-Aldrich Act was absolutely useless, and not a dollar's worth of currency was taken out under it until it was amended on August 4, 1914; and our bankers said they never would take out any currency under it under the terms of the original act. It had to be amended and revamped and made practicable by the same men who wrote the Federal reserve act.

Mr. THOMAS. It was an emergency act.

Mr. SMOOT. I want to say that a certain rate of interest was lowered, and that, with the extension of the life of the act, were the only changes that were made in the act. The change of interest rate made in the act amounted to little.

Mr. THOMAS. Is not that enough?

Mr. SMOOT. No; I will say that was not enough. I want to say to the Senator from Colorado that if the interest had remained exactly as it was originally provided in the Vreeland-Aldrich Act, it would have been used during the time that it was used. The rate of interest which was in the act at the time it was passed—6 per cent per annum on certain deferred payments—was imposed to prevent emergency currency remaining in circulation long. The interest was not changed for the use of the money for the first few months. The interest was changed for the use of the money after it had been in circulation longer than an emergency would require; and I believe that that should have been the case except in extraordinary circumstances, such as happened in 1914.

Mr. CURTIS. Mr. President, I want to ask the chairman of the committee if he denies that the Secretary of the Treasury in 1913 notified the banks that he had issued $500,000,000 of that currency, and it was ready for them if they needed it?

Mr. HOLLIS. I do, absolutely.

Mr. CURTIS. I shall ask consent to print in the RECORD extracts from his report of the department.

Mr. HOLLIS. Why, I called the attention of the Senator to his error. That money was never issued. It was engraved and ready to be issued if anyone called for it; but money is not issued until it is sent out and put into circulation, and not a dollar of that money was sent out and put into circulation until the act was amended. The Senator need not print anything. As quickly as he uses or understands a banking term, we will come to an understanding.

Mr. CURTIS. Mr. President, the Senators both say that the Secretary of the Treasury did not issue it. I agree with them as to the expression, and I doubted it at the time I read it; and so, to be exact, I quoted from the report of the department, and he says he did issue it.

Mr. HOLLIS. Then he was mistaken. We need not have anything put in the RECORD.

Mr. CURTIS. Well, I have quoted what was said. It would have been more exact had the expression "ready for issue" been used.

Mr. HOLLIS. If he said it, he was mistaken. I do not think he said it, but he may have done so. If the Senator says so, he did; but he did not mean it in the sense that the Senator probably meant it.

Mr. SMOOT. I want to say to the Senator that I think this is what happened: The Treasurer took the printed currency, unsigned, from the vaults of the Treasury, and sent it to the different banks in the United States for which the currency was printed. In other words, if there was a First National Bank at Helena, Mont., the currency was printed for that bank, but it is not issued until it is signed. It is not issued until it is put into circulation. But I do think that is what the Secretary of the Treasury did. At that early time he did send the engraved currency, unsigned, to the different banks for which it had been engraved.

Mr. THOMAS. Mr. President, my recollection of the Vreeland-Aldrich bill is that preliminary to the issuance of circulation under it the national banks throughout the country were required to form local organizations for the purpose of marshaling their securities, so to speak, under the terms of the bill and obtaining the circulation in their collective capacity to be used for such distribution, and that very few, if any, of those associations were ever formed. But my recollection is that at the time to which the Senators refer—I speak now of the 4th of August, 1914; my recollection does not permit me to speak with reference to the subject of the controversy between the Senator from Kansas and the Senator from New Hampshire—immediately upon the outbreak of the war, and I think on the day of the declaration of war between Germany and England, the 4th day of August, 1914, the conditions were such, not only in the United States but all over the world, as to require prompt action for the purpose of averting a possible financial catastrophe. As a result the Committee on Banking and Currency reported and the Senate immediately took up and enacted the measure reducing the rates of interest required for this emergency currency, shortly after which it became available, and did meet and overcome the conditions which were then so very ominous and which needed immediate attention.

That is my recollection about it.

Mr. SMOOT. The Senator from Colorado is right as to the organization of these local associations. After the country was divided into district associations the bankers of those particular districts did not think it was necessary to organize at once. Under the law they could do it quickly at any time an occasion arose, and they simply waited until there was an occasion. It is true that after the war broke out these local or district associations were effected, and the application for the emergency currency was made.

Mr. THOMAS. Precisely.

Mr. CUMMINS. Mr. President, is the rural-credits bill still before the Senate?

The PRESIDING OFFICER. It is supposed to be.

Mr. CUMMINS. If it is, I should like to ask the Senator from New Hampshire a question with regard to section 34, concerning which a good deal has been said recently. I do not understand the last sentence, which reads:

> The aggregate of all sums so advanced or deposited by the Secretary of the Treasury in any fiscal year shall not exceed the sum of $6,000,000 at any one time.

Just what will that enable the Secretary of the Treasury to do?

Mr. HOLLIS. It will permit the Secretary of the Treasury to advance sums which at any one time total not exceeding $6,000,000. That is, he may advance it and have it repaid, and then advance it again. He can do that so long as the aggregate of the sums advanced at any one time in any year does not exceed $6,000,000.

Mr. CUMMINS. But he can continue that until he has one hundred millions in the land banks, if he so desires?

Mr. HOLLIS. Not to exceed six millions in any one year; yes.

Mr. SMOOT. But collectively up to one hundred millions.

Mr. HOLLIS. That might be; if he loaned six millions and took it back this month, and then loaned six millions and took it back next month, that would be seventy-two millions in a year; but the aggregate amount issued at any one time in any one year could not exceed $6,000,000.

Mr. CUMMINS. That seems to me not so clear. It is perfectly clear that he can not advance the sum of more than $6,000,000 at any one time; but I can not in my own mind determine just what effect the words "in any fiscal year" have as they relate to the words "at any one time."

Mr. HOLLIS. Is the Senator trying to get my idea, or is he trying to point out the infirmity in the language?

Mr. CUMMINS. I want to know what the Senator from New Hampshire is really trying to accomplish.

Mr. HOLLIS. I assumed that was so.

Mr. CUMMINS. Yes.

Mr. HOLLIS. I am trying to give to the Secretary of the Treasury authority to grant relief in any fiscal year up to the amount of $6,000,000 at any one time, including all the different land banks—that it shall not exceed $6,000,000 for any one year. Does the Senator get my idea now?

Mr. CUMMINS. I get it, I think. May I repeat it, to be sure?

Mr. HOLLIS. Then, if the Senator gets the idea, to what does he object in the language employed?

Mr. CUMMINS. As I understand, the Senator wants to give the Secretary of the Treasury authority to advance not more than $6,000,000 to all the land banks in any fiscal year.

Mr. HOLLIS. That is it.

Mr. CUMMINS. And, of course, he can advance the same amount the next year, even though the former amount be not paid.

Mr. HOLLIS. Yes.

Mr. CUMMINS. I am not, of course, criticizing that policy. I only say, in response to the explanation of the Senator from New Hampshire—for I understand him perfectly—that I do not believe his bill so provides.

Mr. HOLLIS. That was why I asked the Senator the question. You see, if you leave out "at any one time," the Secretary might have advanced five million and had it paid back, and then advance five million more, and that would be in the aggregate ten million that had been outstanding; but the words "at any one time" fix it as the total amount outstanding at any one time.

Mr. CUMMINS. The Senator means that the amounts which are owing from the land banks to the Treasury, and which are advanced in any one fiscal year, shall not exceed $6,000,000?

Mr. HOLLIS. Yes.

Mr. CUMMINS. I understand the view of the Senator, but I do not believe the bill so provides.

Mr. HOLLIS. Now, may I ask the Senator what he thought it meant? I should like to know what the distinguished Senator thought, from reading the words, that they did mean.

Mr. CUMMINS. I could not understand what the words "at any one time" meant or what they qualified.

Mr. HOLLIS. Will the Senator suggest some amendment that will make it clear? I very much desire to make that thought clear in the bill.

Mr. CUMMINS. I shall be glad to do so at some future time. I have not attempted to modify the text of the bill.

Mr. SMOOT. Mr. President, let me ask the Senator a question. Do I understand from this amendment that it is the intention of the committee that at no time shall there be more than $6,000,000 advanced by the Treasury of the United States?

Mr. HOLLIS. No; at all. It means that there shall not be more than $6,000,000 advanced at any one time, outstanding at any one time, in any fiscal year. There may be $6,000,000 each year.

Mr. SMOOT. And the second year there could be $12,000,000, and the third year there may be $18,000,000, and so on?

Mr. HOLLIS. Yes.

Mr. SMOOT. Then it seems to me that striking out the words "at any one time" would make the meaning a great deal plainer; the provision would then read in this way:

> The aggregate of all sums so advanced or deposited by the Secretary of the Treasury in any fiscal year shall not exceed the sum of $6,000,000.

Mr. HOLLIS. The trouble with that, as I have said, is that if he advances $6,000,000 in January and it is paid back in February, then if he should loan $6,000,000 in March the aggregate would be the sum of the $6,000,000 advanced in January and the $6,000,000 advanced in March, and it would be $12,000,000, and would not be permitted unless you had the words "at any one time" to qualify it.

On this particular clause, like all other clauses of the bill, I have no pride of opinion. I am willing to put in anything to make it clear, especially to so learned a Senator as the Senator from Iowa. When he does not see at a glance what it means, I feel that it should be redrafted; and I hope that the Senator from Iowa and the Senator from Utah will try their hands at that. I tried my hand at it a long while, and this was the result.

I ask that the further reading of the bill be continued.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. On page 66, line 16, after the word "State," it is proposed to insert the word "municipal," so as to read:

> That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act.

The amendment was agreed to.

The SECRETARY. On page 66, line 20, after the word "banks" and the comma, it is proposed to insert "and farm-loan bonds issued," so as to read:

> First mortgages executed to Federal land banks, or to joint-stock land banks, and farm-loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States.

The amendment was agreed to.

The SECRETARY. On page 66, line 25, after the word "State," it is proposed to insert a comma and the word "municipal," so as to read:

> And as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

Mr. CUMMINS. Mr. President, I have in mind proposing an amendment striking out section 29; and I rise now to ask whether the adoption of these amendments in the section and the passing of the section will prevent me, at some future time, from making a motion of that kind?

Mr. HOLLIS. Mr. President, it is the understanding that we are now reading the bill to adopt the committee amendments, but after that is done the bill will be open to amendment in any particular by any Senator. I shall not try to raise any point of order. I think that is so. Probably the committee amendments ought to be perfected before they are adopted, and I have tried to do that in each instance; but, so far as I am concerned, I shall not raise any point of order. I should be sorry to have the Senator offer his amendment this afternoon, because there are so few Senators present. We shall have some votes on this bill next week.

Mr. CUMMINS. I intend to accompany my amendment with some suggestions, and I should be very sorry to be compelled to do it this afternoon.

Mr. HOLLIS. I think the Senator will have every opportunity next week.

Mr. SMOOT. So that there may be no question about it. I will ask that after the committee amendments are adopted we may pass the section as not being agreed to.

Mr. HOLLIS. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the pending amendment.

The amendment was agreed to.

The next amendment was, at the top of page 67, to strike out:

Farm-loan bonds issued under the provisions of this act and the income derived therefrom shall be exempt from Federal, State, and local taxation.

The amendment was agreed to.

The next amendment was, under the subhead "Investment in farm-loan bonds," on page 67, line 5, to change the number of the section from 31 to 30.

The amendment was agreed to.

The next amendment was, on page 67, line 9, before the word "bank," to strike out "member," so as to read:

Any bank of the Federal Reserve System may buy or sell farm-loan bonds issued under the authority of this act.

The amendment was agreed to.

Mr. HOLLIS. Mr. President, at that point it has been suggested—and I have no doubt the Senate will concur in the suggestion—that the investment in these farm-loan bonds of fiduciary and trust funds should be limited to farm-loan bonds issued by the cooperative banks, the Federal land banks. I therefore move that, on page 67, lines 6 and 7, the words "or joint-stock land banks" be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 67, lines 6 and 7, it is proposed to strike out the words "or joint-stock land banks," so that if amended it will read:

That farm-loan bonds issued under the provisions of this act by Federal land banks shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits.

The amendment was agreed to.

Mr. HOLLIS. Then, on line 10, after the word "issued," I move to insert "by Federal land banks."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 67, line 10, after the word "issued," it is proposed to insert "by Federal land banks," so that, if amended, it will read:

Any bank of the Federal Reserve System may buy or sell farm-loan bonds issued by Federal land banks under the authority of this act.

Mr. SMOOT. Mr. President, would not that be a contradiction of the line just before it, where it says "any bank of the Federal Reserve System"?

Mr. HOLLIS. That means the national banks and Federal reserve banks—not of this system but of the Federal Reserve System. It merely gives them authority to invest in these bonds.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 67, line 11, after the word "act," to insert a semicolon and the following words: "any member bank of said system may accept time drafts against a deposit of such bonds as security; acceptances of a member bank thus made, or the direct obligations of such bank maturing within 60 days, when accompanied by farm-loan bonds as collateral security not less in face value than the amount of such direct obligation, shall be eligible for discount by the Federal reserve bank of its district."

Mr. HOLLIS. There, again, on line 15, after the word "by," I move to insert the word "such," so as to carry on the class indicated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 67, line 15, after the word "by," it is proposed to insert the word "such," so as to read:

Any member bank of said system may accept time drafts against a deposit of such bonds as security; acceptances of a member bank thus made, or the direct obligations of such bank maturing within 60 days, when accompanied by such farm-loan bonds as collateral security not less in face value than the amount of such direct obligation, shall be eligible for discount by the Federal reserve bank of its district.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 67, after line 18, to insert:

Section 9 of the act of June 25, 1910, entitled "An act to establish postal savings depositaries for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes" (36 U. S. Stat. L., 814), shall be, and the same is hereby, amended by adding a new paragraph at the close of said section, to read as follows: "Federal farm-loan bonds authorized by the Federal farm-loan board and issued by any Federal land bank may be purchased by the trustees, in lieu of United States bonds or other securities, for the purpose of investing postal savings deposits under the provisions of this section. Whenever funds shall be withdrawn from postal savings depositaries for investment, the trustees are hereby authorized to purchase Federal farm-loan bonds in the open market or from any Federal land bank authorized to issue the same: *Provided*, That in no case shall such farm-loan bonds be purchased at more than par nor shall more than 50 per cent of the postal savings deposits be invested at any one time in farm-loan bonds as herein provided."

Mr. HOLLIS. The amendment includes postal savings and undoubtedly will be controverted. I ask that it be passed over.

The PRESIDING OFFICER. It will be passed over.

The next amendment was, under the subhead "State legislation," on page 68, line 16, to change the number of the section from "32" to "31."

The amendment was agreed to.

The next amendment was, under the subhead "Examinations," on page 69, line 23, to change the number of the section from "33" to "32."

The amendment was agreed to.

The next amendment was under the subhead "Penalties," on page 70, line 15, to change the number of the section from "34" to "33."

The amendment was agreed to.

The reading was continued to line 22 on page 73.

Mr. HOLLIS. In order to complete the meaning, in line 9, page 73, after the word "credits," I move to insert the word "thereof," so as to read:

Or willfully misapplies any moneys, funds, or credits thereof.

The amendment was agreed to.

Mr. HOLLIS. After the word "decree," in line 11, page 73, I move to insert the word "thereof," so as to read:

Mortgage, judgment, or decree thereof.

The amendment was agreed to.

The next amendment was, on page 74, after line 15, to insert:

GOVERNMENT DEPOSITS.

SEC. 34. That the Secretary of the Treasury is authorized, upon the request of the Federal farm-loan board, to make advances or deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such advance or deposit, bearing interest at the rate of 2 per cent per annum, to be secured by farm-loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the direction of the Secretary of the Treasury. The aggregate of all sums so advanced or deposited by the Secretary of the Treasury in any fiscal year shall not exceed the sum of $6,000,000 at any one time.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Dissolution and appointment of receivers," on page 75, line 9, after the word "section," to strike out "twenty-nine" and insert "twenty-eight," so as to read:

SEC. 35. That upon becoming satisfied that any national farm-loan association has refused to make good defaulted mortgages, as required by section 28 of this act, or upon receiving satisfactory evidence that any such association has failed to meet its outstanding obligations of any description whatever when due, and is in default, the Federal farm-loan board may forthwith declare such association insolvent and appoint a receiver and require of him such bond and security as it deems proper.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

Mr. POMERENE. I send to the desk an amendment. I do not think there will be any objection to it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 51, after line 6, insert:

To exercise general supervisory authority over the Federal land bank in national farm-loan associations and the joint-stock land banks herein provided for.

Mr. POMERENE. That is a provision similar to the provision of the Federal reserve act, giving to the board general supervisory power.

Mr. SMOOT. I see no objection to it.

The amendment was agreed to.

Mr. POMERENE. On page 46, line 6, I move to strike out the words "and paid in cash" and to insert in lieu thereof:

One-half thereof paid in cash and the balance subject to call by the board of directors.

I will state the reason for this amendment. These are not banks of deposits and they probably would not be able to invest all their funds at once. It would, it seems to me, be a very unwise policy to have all this amount of money on hand without being able to invest it. So my thought was that if one-half was paid in cash and the balance subject to call, it would meet all the requirements of safety and it would avoid the necessity of having so much money on hand uninvested.

Mr. SMOOT. I think the principle of the Senator's amendment is absolutely correct; but, as I understand it, the capital required being only $250,000, the committee thought with that small amount of capital they ought to have it all. Would it not be better, I will ask the Senator, if his amendment is adopted, to have the capital stock increased to $500,000, and then 50 per cent of it could be paid and they would have $250,000 on hand?

Mr. POMERENE. I think this might be said in answer to the Senator from Utah. These banks established in a State with

a population exceeding 2,000,000 are required to have $500,000 of capital. My thought was that in smaller States, probably in smaller communities, it might be desired to organize some of the smaller banks; and as they do not have the means of making money that the ordinary banking institution has we ought not to require them to have too much money on hand.

Mr. SMOOT. Only $125,000 to begin with in a large district would be a very little amount.

Mr. POMERENE. I have no objection to increasing the capital stock to $500,000.

Mr. SMOOT. I ask the Senator from New Hampshire if he does not think if this amendment is agreed to the capital stock ought to be increased to $500,000?

Mr. HOLLIS. I feel that this is a matter of considerable importance, and if the Senator from Ohio will agree to that course, we will defer it.

Mr. POMERENE. I have no objection. I am going to offer the following amendment as supplementary to what I have presented. It is to provide that in the event of the adoption of this amendment none of these joint-stock banks shall be authorized to issue any bonds at all until their entire capital stock is paid up. I think that should be done.

Mr. SMOOT. Let that be printed and lie on the table.

Mr. POMERENE. I ask that the amendment I send to the desk may follow on line 10, page 46.

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 46, after line 10, insert "No joint-stock land bank shall issue or sell any farm-loan bonds until after the capital stock shall be fully paid up."

Mr. HOLLIS. In view of the fact that the Senate has finished the reading of the bill for action on the committee amendments and that no other Senator is prepared to speak this afternoon, I will move that the Senate adjourn.

Mr. GRONNA. Will the Senator withhold his motion for a moment?

Mr. HOLLIS. I yield to the Senator from North Dakota.

INDIAN APPROPRIATIONS (S. DOC. NO. 421).

Mr. GRONNA. For the Senator from Arizona [Mr. ASHURST], the chairman of the Committee on Indian Affairs, I submit the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, and I ask that it be printed and printed in the RECORD.

The VICE PRESIDENT. That action will be taken.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 8, 11, 12, 15, 23, 30, 31, 32, 38, 40, 43, 44, 45, 49, 69, 73, 77, 88, 91, 92, 100, 108, 117, 118, 119, 120, 123, 133, 135, 147, 149, and 157.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 33, 39, 46, 48, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 76, 80, 81, 85, 86, 89, 90, 93, 94, 96, 98, 99, 101, 103, 104, 106, 107, 109, 111, 112, 114, 115, 121, 122, 125, 126, 128, 130, 131, 134, 136, 138, 139, 140, 141, 143, 144, 145, 148, 150, 151, 152, 153, 154, and 155, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In line 7 of said amendment strike out the word "the" and insert in lieu thereof the word "Indian" and in line 8 of said amendment, strike out the word "the" and insert in lieu thereof the word "such"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "to" and insert in lieu thereof the following: "$5,000 of which shall"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "*Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "two permanent warehouses"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "which has been," and in line 2 of said amendment strike out the words "heretofore or"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For beginning the construction by the Indian Service, of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522), the total cost not to exceed $200,000."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For beginning the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., as estimated by the Board of Engineer Officers of the United States Army in paragraph 138 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to remain available until expended, the total cost not to exceed $175,000: *Provided*, That said dam shall be constructed as a part of a project for the irrigation from the natural flow of the Gila River of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Ariz.: *And provided further*, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *And provided further*, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August 13, 1914 (38 Stat. L., p. 686): *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For extension of the Ganado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately 600 acres of land in addition to the area to be irrigated by said project, as authorized in section 2 of the act of August 24, 1912, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, reimbursable and to remain available until expended."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 16 of said amendment, strike out the figures "$15,000" and insert in lieu thereof the following: "10,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000; in all, $26,400."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available, reimbursable to the United States by the Indians having tribal rights on said reservation."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Potawatomi Indians in the State of Kansas, and to be expended under his direction for the construction of bridges across the Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kans.: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times maintain and repair said bridges: *And provided further*, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson: *And provided further*, That this appropriation shall not become effective until approved by an Indian council to be called for that purpose."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the following language of the amendment: "Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands, the cession of which was provided for in said act, and for which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the following: "at Keewaton Academy, Wisconsin," and the comma; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "balance," insert the following: "of $3,436.03"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 2 of said amendment, strike out the figures "$50,000" and insert in lieu thereof "$25,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed, insert the following:

"The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

"On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

"That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

"The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

"That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be

continued in full force and effect until the Indian title to such land is extinguished.

"That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "for the purpose of making necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebr.; also to reconstruct one span of 90 feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under the direction of the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,100"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 290 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $50,430; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all, $62,430."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 4 of the amendment, after the figures "$15,000," strike out the period and insert a colon and the following: "*Provided*, That no part of this appropriation shall be expended for mileage, salaries, or expenses of employees"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the following: "and to remain available until expended"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for the construction of an assembly hall and gymnasium, $25,000; in all, $92,150."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "for support and education of 220 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $38,540; for general repairs and improvements, $5,000; for new school building, $20,000; in all, $63,540"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following: "To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section thirty-four, township one hundred and sixty-four north, range seventy west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the unexpended balance of $9,533.38 is hereby reappropriated and made available for continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war on the Fort Sill Military Reservation, Okla., for the purchase of allotments in Oklahoma, as provided for in the act of June 30, 1913 (38 Stat. L., p. 77), for the three adult heads of families who have not heretofore received allotments."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "except that the Secretary of the Interior is hereby authorized within 30 days after the passage of this act, to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Kappler and Merillat, James K. Jones, Charles M. Fechheimer, and Eugene Hamilton, as attorneys, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim but shall be paid promptly without reference to same"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$12,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200: *Provided*, That the unused balance of $9,830 of the amount appropriated by the act of August 1, 1914 (38 Stat. L., p. 602), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all, $128,700"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $3,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klamath Indians of the State of Oregon, and use the same for the construction of a bridge across the Williamson River on the Klamath Indian Reservation, Oreg., under such rules and regulations as he may prescribe."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$67,500: *Provided*, That the unexpended balance of $1,607.44 appropriated by the act approved August 1, 1914, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June 10, 1914, at Flandreau Indian School, S. Dak., is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing on the various Sioux Indian Reservations adequate school facilities for the children of the Sioux Tribes who are now without Government or public-school facilities on the respective reservations, and to make a report thereof to Congress on or before the first Monday in January, 1917, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off

agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "*Provided further*,

main available until expended.

And the Senate agree to the same.

the respective reservations, and there is hereby appropriated for the expense of such investigation and report the sum of $1,000, or so much thereof as may be necessary, to be immediately available."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "highway," insert a comma and the following: "reimbursable out of any funds now or hereafter placed to the credit of said Indians in the Treasury of the United States"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Uintah Tribe of Indians, in the State of Utah, and to use the same to protect the north abutment of the Government bridge at Myton, Utah, under such rules and regulations as he may prescribe, said sum to be immediately available."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of not to exceed 20 acres of that portion of the lands situated on the north side of and within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the act approved August 1, 1914 (38 Stat. L., p. 584), at not less than the appraised value thereof, and to place the proceeds thereof in the Treasury of the United States to the credit of the Spokane Indians in said State."

And the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called 'school lands' and 'swamp lands' within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party or parties who shall finally be adjudged to be entitled to such fund: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made."

And the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"SEC. 27. On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That hereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided further*, That this shall not change existing law with reference to the Five Civilized Tribes."

And the Senate agree to the same.

HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

C. D. CARTER,
THOS. F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.

Mr. HOLLIS. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 46 minutes p. m.) the Senate adjourned until Monday, May 1, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 29, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, let the light of heaven shine in upon our souls, that our minds may be clarified, our hearts strengthened, and our way made clear, that we may quit ourselves like men in all the trying circumstances of life and wear the seal of approval upon our hearts. To-day, to-morrow, and all through the journey of life is the day of salvation. Thus may we keep to the high-water mark of Christian manhood day by day, in the spirit of Him who came that we might have life and that we might have it more abundantly. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORGANIZED LABOR AND MILITARY PREPAREDNESS.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD regarding the attitude of organized labor in my district with respect to military preparedness.

The SPEAKER. The gentleman from Pennsylvania [Mr. BAILEY] asks unanimous consent to extend his remarks in the RECORD on the attitude of organized labor in his district toward the question of preparedness. Is there objection?

There was no objection.

LEAVE TO WITHDRAW PAPERS.

Mr. KINCHELOE, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the pension case of George Price (H. R. 5779, 63d Cong.), no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAKER, for this day, on account of illness.

To Mr. WILLIAMS of Ohio, indefinitely, on account of illness in his family.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The SPEAKER. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill (H. R. 12717), with Mr. HAMLIN in the chair.

Mr. ANDERSON. Mr. Chairman, I move to strike out all after the word "that" in the pending amendment and insert the matter which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk began the reading of the amendment.

During the reading,

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. How far has the Clerk read?

The CHAIRMAN. The Clerk has read to about the middle of section 6.

Mr. GREEN of Iowa. I ask unanimous consent to dispense with the reading after the Clerk has finished section 7, because the remainder of the amendment of the gentleman from Minnesota simply applies to changes made to conform——

Mr. ANDERSON. If the Clerk will read to the end of section 7, I will then ask unanimous consent to have the remainder of the amendment printed in the RECORD.

The CHAIRMAN. When the Clerk finishes section 7, if either gentleman desires to do so he may ask unanimous consent to dispense with the further reading. The Clerk will continue to read, to the end of section 7.

The Clerk read to the end of section 7.

Mr. ANDERSON. I ask unanimous consent to dispense with the further reading of the amendment, and that it be printed in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to dispense with the further reading of the amendment and that the whole amendment be printed in the RECORD. Is there objection?

There was no objection.

The amendment is as follows:

Strike out all after the word "that" in the pending amendment and insert the following:

"This act shall be known by the short title of the 'United States grain-grades act.'

"SEC. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish as soon as may be after the enactment hereof standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than 60 days in advance of such date or dates, by such means as he deems proper.

"SEC. 3. That the standards so fixed and established shall be known as the official grain standards of the United States.

"SEC. 3½. Whenever, by reason of climatic or other conditions, any large quantity of grain shall be ineligible to grade under the standards fixed pursuant to section 2 the Secretary may establish supplemental or commercial grades for such grain, and such supplemental or commercial grades may be promulgated upon such notice as the Secretary shall deem proper.

"SEC. 4. That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country, any such grain which is sold or offered for sale by grade unless the grain shall have been inspected and graded under this act and the grade by which it is sold or offered for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any such grain not sold or offered for sale by grade may be sold, offered for sale, shipped, or delivered for shipment in interstate and foreign commerce by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold or offered for sale by one of the grades fixed therefor in the official grain standards may be shipped to or through any place at which an inspector is located, subject, under such rules and regulations as the Secretary of Agriculture shall prescribe, to be inspected at the place to which shipped, or at the place through which shipped for inspection, and subject, further, to the right of appeal from such inspection, as provided in section 6 of this act: *And provided further*, That any such grain sold or offered for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped without inspection from a place at which there is no inspector to a place at which there is no such inspector, subject to the right of either party to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine and certify the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment in interstate or foreign commerce of any grain for which standards shall have been fixed and established under this act describe or in any way refer to any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

"SEC. 5. That no person shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this act and which has been certified to conform to any grade fixed therefor in such official grain standards or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved and to the inspector thereof, if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly represented to conform to a specified grade or has been sold or offered for sale under any name, description, or designation which is false or misleading he may publish his findings.

"SEC. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain which has been sold, offered for sale, shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. In every such case the Secretary of Agriculture shall charge and assess, and cause to be collected, a reasonable fee in amount to be fixed by him, which fee shall be refunded if the appeal is sustained. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings."

Strike out all of section 7 and in lieu thereof insert the following:

"That whenever standards shall have been fixed and established under this act for any grain no inspector shall certify that any grain which has been shipped or delivered for shipment in interstate or foreign commerce is of any grade, unless said grade be one of the grades fixed in the United States official grain standards, nor shall any such inspector use any other standard than that established under this act to determine such grade.

"Whenever, after opportunity for hearing has been given, the Secretary shall determine that any inspector is incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized by this act, when such standard has been fixed and established, or has issued any false certificate of inspection, or has accepted any money or other consideration directly or indirectly for any neglect or improper performance of duty, or has knowingly violated any provision of this act or of the rules and regulations made hereunder, the Secretary may issue an order prohibiting such inspector thereafter from inspecting or grading grain for interstate or foreign commerce and from issuing any certificate of inspection thereon.

"Every certificate of grade issued by an inspector under this act shall state that the grain to which it refers has been inspected and graded in accordance with the United States official grain standard."

"SEC. 8. That the Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"SEC. 9. That any person who shall violate any of the provisions of sections 4 or 7 of this act, or any inspector licensed under this act who shall knowingly or carelessly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly or carelessly give any false certificate of inspection or grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000, or be imprisoned not more than one year, or be punished by both fine and imprisonment.

"SEC. 10. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than $1,000 or be imprisoned not more than one year, or be punished by both fine and imprisonment.

"SEC. 11. That the word 'person' wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act the act, omission, or failure of any official, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such corporation, company, society, or association, as well as that of the person.

"SEC. 11½. The term 'inspector' as used in this act shall mean a person authorized or employed by a State, county, city, town, board of trade, chamber of commerce, corporation, society, or association to inspect or grade grain.

"SEC. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including rent and the employment of such persons as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere."

The CHAIRMAN. Does the gentleman from Minnesota desire recognition on his amendment?

Mr. ANDERSON. I desire recognition, but I understand that the gentleman from Missouri [Mr. RUBEY] desires to make a request for unanimous consent.

Mr. RUBEY. Mr. Chairman, I renew the request I made yesterday for unanimous consent, that the remainder of the time for debate under the five-minute rule on this amendment be devided, and that the gentleman from Minnesota [Mr. ANDERSON] who is a member of the subcommittee, may control half of the remaining time for that side and that I may control half the remaining time on this side.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the remainder of the time for debate under the five-minute rule on this amendment, which is 80 minutes, be

controlled one-half by himself and one-half by the gentleman from Minnesota [Mr. ANDERSON]. Is there objection?

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I should like to have at least seven minutes on this amendment in opposition to it.

Mr. ANDERSON. Of course, I am perfectly willing to yield to the gentleman. I presume, however, that the gentleman from Missouri [Mr. RUBEY] will have no objection to yielding to him.

Mr. LINTHICUM. I am opposed to the amendment. I will take time from either side. I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] is recognized for 40 minutes.

Mr. ANDERSON. Mr. Chairman, I desire to be notified when I have occupied 10 minutes, if I occupy that much time.

The amendment which I have offered goes only to section 7 of the amendment, which authorizes the Secretary of Agriculture to license persons who may be found competent to grade and classify grain under this act.

There are in the country now a number of grain-inspection systems in the different States. These systems may be divided into two general classes. One of these classes is that in which the inspectors of grain are appointed by the boards of trade or grain associations representing the buyers of grain. The other is what is known as the State inspection system, such as exists in the State which I have the honor to represent in part, in the State of Washington, in the State of Oklahoma, in the State of Missouri, and in several other States.

These State systems have grown up through the years, the one in my State having been in operation some thirty-odd years. The fundamental difference between the State system and the board of trade system is this: Under the State system the inspector represents the State. He neither represents the buyer nor the seller. He is a State officer, and the certificate which he issues is a State certificate. In the case of the board of trade inspection the inspector represents the board of trade, and the board of trade represents the buyer. The purpose of the State system is to separate the inspection from the interest of the buyer, the seller, the elevator man, or any other person interested in the grading or standardization of the grain and put the inspection squarely under the disinterested authority of the State.

Now, the grading of grain is a very technical subject. Perhaps it would not be out of place for me to take five minutes to outline the system that exists in Minnesota and other States for grain inspection.

At the terminals in Minneapolis and Duluth there are hundreds of cars of grain arriving during the day and night. Sometimes at the yard there are as many as a thousand cars of grain to be inspected during a single day. These cars are run onto special tracks, and as soon as it is daylight the samplers, who represent the State and are State officers, bonded to the State, come into the yard to take samples from the cars of grain. Ahead of them go the State sealers. They break the seals, take the number of the car, and the number of the seal, which is reported to the State grain-inspection department. After the sealer has broken the seals the sampler who represents the State goes into the car, and, with an instrument known as a probe—a long, brass tube—he takes at least seven probes in the car, and these are mixed together on a cloth provided for that purpose and then placed in a sack, and constitute the sample upon which the State grain-inspection service determines the grade. Into the sack goes a little card, upon which is the number of the car, the date, and the name of the sampler. There is absolutely nothing on the card to indicate from what point the grain came or who its owner may be.

These sacks are taken to a large room, where the State inspectors do their work. Each one of the inspectors has a large table set up against a large window, having the character of a skylight, and there, by means of certain mechanical appliances, together with his judgment of grain, he determines the grade of that grain. He places on the card the grade, and if it falls below No. 1 or is rejected or is classed as no grade, the reason why it is so classed and the amount of dirt in the grain per bushel or dockage.

If the shipper or purchaser is dissatisfied with the grade fixed by the inspector, he may ask for a reinspection. If he asks for a reinspection, the sample is reinspected by the chief inspector or his deputy. After the chief inspector or his deputy reinspects the grain, if the purchaser or seller is still dissatisfied, he may appeal to the State board of grain appeals. This board consists of three members appointed by the governor, and they have the final say as to the grade of the grain and the amount of the dockage.

Now, under this bill no provision is made for sealers—men who may unseal the car and seal it up again under the authority of the Federal Government. No provision is made for taking any sample of any kind. The men appointed and licensed under this act are in no sense Federal employees. They must be either the employees of the State or the employees of the board of trade.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MOSS of Indiana. Why not explain to the House just how these inspectors are appointed?

Mr. ANDERSON. The inspectors under this bill are appointed by the State, by the board of trade, or possibly by the Federal Government. But the provision to which I have referred authorizes the Secretary of Agriculture to license these inspectors, and his control over them, of course, is established by his power to license, to refuse to license, or to revoke the license.

Mr. MOSS of Indiana. Will the gentleman yield again?

Mr. ANDERSON. Yes.

Mr. MOSS of Indiana. Under this bill, as presented by the committee, would there be any change whatever in Minnesota, so far as the inspectors are concerned?

Mr. ANDERSON. I hope not, but I fear there will be. This bill authorizes the Secretary of Agriculture to license any person as inspector. Suppose he licenses somebody not authorized as an inspector by the State of Minnesota? That person may under this act inspect grain for interstate commerce, and we will have a conflict of authority and of certificates.

Mr. MOSS of Indiana. The gentleman wants to be perfectly fair, and he is well acquainted with this bill. Isn't it true that the Secretary of Agriculture under this bill has no right whatever, under any circumstances, to appoint any man to make a primary inspection of grain?

Mr. ANDERSON. I do not think so. I think under the language of this section, for which I have offered a substitute, the Secretary of Agriculture may license anybody who is competent to inspect grain.

Mr. MOSS of Indiana. That is true.

Mr. ANDERSON. Whether he is authorized under the laws of the State or not. If a license means anything, it means the authority to do an act which is otherwise unlawful.

The CHAIRMAN. The gentleman from Minnesota has used 10 minutes.

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. ANDERSON. For a question.

Mr. MADDEN. Does the gentleman know that the inspectors of States are all under bond, and if they grade grain at one place and it turns out at the destination that it is another grade that inspector is liable under his bond for the difference between the two standards?

Mr. ANDERSON. I know that. I know that every employee is bonded to the State for the faithful performance of his duty. In Minnesota all of the inspectors have been in the service more than 10 years and half of them more than 20 years.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. McKENZIE. While it is true that this bill provides that anyone who is competent may be appointed as an inspector, is it not also true that the preference shall be given to State inspectors already in the service?

Mr. ANDERSON. That is true; a preference is given to the State inspectors; but we must judge this law not from what we hope the Agricultural Department will do under it but by what it may do under it, and it may wipe out the State systems by the appointment of inspectors who are not authorized under the State laws.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I can not yield any further. I want to explain the amendment that I have offered. If later on I can get more time I shall be glad to yield. The situation which is now presented illustrates more forcibly than anything I can say the absolute absurdity of attempting to pass a bill of this kind under the circumstances under which we are now legislating. There is not one man in a hundred in this House who knows anything about the technical conditions to which this bill is to be applied. No man can legislate with any degree of intelligence upon any subject who does not know the technical conditions to which the bill when it finally becomes a law must of necessity be applied, and yet we can not get time to answer the legitimate questions which may be asked. The amendment which I have offered goes this far: It authorizes the Federal Government to fix a standard for grain. It leaves the State systems as they are, but provides that if

an inspector under a State system fails to perform his duties in accordance with the law or to grade in accordance with the standard fixed by the Federal Government the Secretary of Agriculture may prohibit him thereafter from inspecting grain for interstate and foreign commerce. It simply provides that the inspectors under the State must grade grain to conform to the United States standard when that is once fixed, and if they fail to apply that standard fairly the Secretary of Agriculture may issue an order prohibiting them from inspecting grain for interstate and foreign commerce. The question may arise as to whether we have the power to do that. If we have the power to license, I think we have the power to prohibit in the form which I propose in my amendment.

Mr. CHIPERFIELD. Mr. Chairman, I would like to ask the gentleman a question, and in fact I would like to have a little time.

Mr. ANDERSON. Mr. Chairman, I will ask the gentleman from Missouri to use some of his time now.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. MOSS].

Mr. MOSS of Indiana. Mr. Chairman, I shall not attempt to discuss the technical details of the bill, but I shall give notice to those present that I will, when I can get consent, place in the RECORD a speech that I had the honor to deliver before the National Grain Dealers' Association, at Peoria, Ill., in which I attempted a careful analysis of this bill.

Mr. MADDEN. Mr. Chairman, I suggest that the gentleman ask that permission now.

Mr. MOSS of Indiana. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing in connection therewith a speech that I delivered before the National Grain Dealers' Association of Peoria, Ill.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I do not intend to object to all of these requests to extend, but I believe I did yesterday object to two or three for the purpose of showing the enormity committed by the majority in attempting to dispose of such important matters without consideration. I shall withdraw the objection I made yesterday and I will not object now.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, inasmuch as the gentleman from Illinois [Mr. MANN] objected to my extending yesterday, I will not object to it to-day.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOSS of Indiana. Mr. Chairman, this bill recognizes that there are two functions in grain inspection. One is purely State and the other is national in its scope and purpose. No man can pretend that the National Government has the power to go into a State and inspect grain intended purely for State commerce. Hence there must be a purely State system of inspection, but there should also be an inspection of grain which goes into interstate commerce. These two functions are separate and distinct, because each is exercised under a separate sovereignty. If it is insisted that no cooperation shall take place between State and Nation, then we must organize and maintain two distinct systems. This bill seeks to take those two systems and place them in harmony with each other. It does so by recognizing that the State shall appoint all of the inspectors and shall conduct absolutely and without any restriction whatsoever all primary inspection of grain, exactly as it is done to-day. Illinois will inspect all grain, just as that State conducts such inspection to-day, and so will Minnesota and every other State in the Nation.

The Secretary of Agriculture does not now have the power to interfere in any way with the primary inspection of grain, and he is not given that power in this bill. In every State system there is a provision for appeals from inspection to be made, and this bill seeks to take over all appellate power so far as it relates to grain in interstate commerce and vests that power exclusively in the Secretary of Agriculture. If the bill be enacted into law, this is what will happen: The States will control primary inspection, precisely as they do to-day, for all State inspection and purposes whatsoever, but with that grain which enters into interstate commerce, or which is offered for sale to enter interstate commerce, if a dispute shall arise between the buyer and seller as to the true grade of the grain that dispute will be referred to the Secretary of Agriculture for determination. That is all there is in the bill one way or the other. Permit me to say that this bill has the indorsement of the grain trade in all parts of the United States. It has been indorsed by the National Millers' Federation and by the National Grain Dealers' Association; it has been indorsed by every prominent chamber of commerce in the United States. It has the indorsement of every paper in the United States that is devoted to the grain trade. It has been indorsed by every State grain association in the United States. It has the indorsement of the Secretary of Agriculture and of all the experts in the Department of Agriculture. It has the indorsement of two subcommittees that have been appointed from the Committee on Agriculture, representing the great grain States of this Union. It has received at least two unanimous votes of the Committee on Agriculture and it has passed this House on a roll-call vote by a very much larger than two to one vote.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. MOSS of Indiana. Yes.

Mr. STEENERSON. Has it the support of the farmers' associations?

Mr. MOSS of Indiana. I can not state that definitely. If it has their opposition, I do not know it; but I do know this, that I have letters from some of the most prominent members of the farmers' associations in the Northwest in which they tell me that this bill takes a long step forward in the direction which they want to go. I will be fair with the gentleman and say that most of the farmers of the United States, through their associations, want absolute national inspection instead of national supervision, and the only difference in opinion between the farmers of the United States and those who framed this bill is that they—the farmers—want to go to a system of absolute national inspection, while the authors of this bill know that it is impossible to get such a bill through Congress. Every farmer who wants national inspection, however, is in favor of national supervision if he can not get the more radical step.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

The Peoria address is as follows:

PROPOSED LEGISLATION PROVIDING FOR FEDERAL SUPERVISION AND INSPECTION OF GRAIN IN INTERSTATE AND FOREIGN COMMERCE.

[Address of RALPH W. MOSS before the National Grain Dealers' Association, Peoria, Ill., Oct. 12, 1915.]

"Mr. President and gentlemen, men who control large business enterprises are apprehensive when legislation is proposed which affects their interests. In America, this feeling is more marked than in older countries, because her individual initiative has been given greater freedom. The best public opinion of to-day, however, is demanding that closer governmental supervision be given business activities, not in way of hostile repression, but rather of helpful organization and of friendly supervision. I am glad that your powerful association has invited so eminent authority as Senator SHERMAN to discuss this subject for your benefit. The farmer is the producer of a large share of the wealth of this great Nation. He does produce nearly all the prime necessities of life. Any condition which affects the interests of the farmer is of vital interest to all people of our Republic, because their food supply comes from the farm. Unfortunately, the farmers are the poorest organized of any of our wealth-producing classes and have, perhaps, the lowest individual initiative. It is but natural that we should seek to give to this great industrial calling the benefits of Federal supervision in the marketing of their principal products. But while I welcome this extension of Federal power and activity, I deplore the zeal which has led the Bureau of Chemistry to attempt to apply the terms of the national pure-food law to the commerce of our principal grain crops. All thoughtful men will quickly agree that legislation which is to apply to any line of commerce should be carefully considered in full and free conference with those whose business is to be affected by it. The extension of the terms of any statute so as to include scope which was not originally intended by the framers of the law has rarely given beneficial results; and I believe that I am on safe grounds when I assert that in the instance under consideration the results have been mischievous if not actually pernicious to the legitimate grain trade. Your experience with the regulations framed under this law ought to prompt your membership to earnest zeal in securing a fair statute which shall be framed especially to meet the necessities of the grain trade and which will be administered by experts chosen expressly because of their knowledge and experience in the grain trade. It is only by this method that you can secure relief from attempts to apply the pure-food law to the control of interstate commerce in grain.

"There is a well-organized and intelligently directed movement, having for its purpose the demand that the National Government shall take cognizance of the grain trade. It is desired that uniform standards of quality and condition for the principal commercial grains shall be established and declared and their integrity be guaranteed by general supervision of our interstate and foreign grain commerce. This agitation has led

to extended hearings by committees of both Houses of Congress, the preparation of many bills dealing with this subject, and the passage in the House during the late session by practically a unanimous vote of House bill No. 17971, known as the Moss bill. Later this bill was favorably reported to the Senate and its passage was prevented only by the lateness of the session.

"This bill has the favorable indorsement of the Secretary of Agriculture, the representatives of your own association, of the National Millers' Federation, the Indiana Grain Dealers' Association, the principal chambers of commerce and boards of trade, national farmers' organizations, that portion of the American press which is particularly devoted to the grain trade, and of general public opinion, so far as any authorized and definite expression can be secured.

"To this general statement there must be noted two exceptions which comprise the opposition to the bill, so far as such opposition has come to my knowledge. First, the opposition of the exporters of Baltimore, New York, and Boston, so far as their organizations have spoken; and second, that very influential body of men, particularly among grain producers, who favor the more radical proposal of Government inspection as against the method of supervision which is proposed in the bill. It is to be noted that the Gulf exporters support the bill. It may also be said that many among those whose first preference is for Government inspection are heartily supporting the bill, both as a matter of expediency and also because it is a long step forward in the direction which they wish the Nation to travel. Excepting the position of the grain exporters referred to, I have observed no expression of opinion which was not to the effect that the bill would have a most salutary effect on the grain trade and will meet the criticisms which are generally directed against it at the present moment.

"There can be no hazard in the statement that legislation will be enacted speedily on this subject; and because of its position of advantage—because of the definite expressions of approval from powerful bodies among grain men—I can confidently predict that the bill which I have the honor to have introduced in Congress will be made the basis of such legislation. I feel, therefore, that an analysis of the proposals contained in the bill will be more profitable at this moment than any argument which I might be able to present in support of the bill. I feel sure that among the membership of your association the fact that the bill has been able to command the indorsement of your very able legislative representatives, Mr. Reynolds and his associates, will be accepted as conclusive that its provisions are not inimicable to your interests as a trade body. In this connection, I beg to express my personal indebtedness to Mr. Reynolds and to members of the grain trade generally for their generous cooperation in the preparation of this measure. In their various appearances before our committee and in the many private conferences which were held during the course of the bill's preparation, your representative men used their intimate knowledge of the grain trade with such courtesy and tact as to impart information freely without any appearance of dictation; and it is not much to say that the bill in its present form is much influenced by this generous cooperation among the representative grain men of the Nation. This result is a refutation of the charge that legislation affecting large business interests can not be perfected without undue antagonism from those who will be affected by its restrictions and provisions.

"The legislative proposals contained in the bill may be roughly divided into three parts. The preparation and publication of uniform standards of quality and condition of grain by the National Government; the coordination of all existing systems for grain inspection with the newly-created Federal system, and the establishment of a general supervision by the Federal Government over all grain moving in interstate and foreign commerce for the detection and publication of all fraudulent practices.

"The first proposal is to authorize and direct the Secretary of Agriculture to investigate the handling, grading, and transportation of grain and to fix and establish standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as, in his judgment, the usages of the trade may warrant. There is no opposition to this proposal so far as it has come to my knowledge. It is universally conceded that we ought to have uniform standards in the grain trade and that we can secure them only through the action of the Federal Government. National standards can be established and enforced only by national power. Congress has been appropriating large sums annually for some years to enable the Secretary of Agriculture to investigate these related questions and ultimately to establish such standards. It will be recalled that standards of corn have been published by the department; but the Government has no power to enforce such standards after they have been prepared and published. The fact that corn standards have not been universally adopted demonstrates the fact that mere publication or promulgation of grades by any authority, however eminent, will not work reform without effective supervision by the National Government.

"It is not necessary to question the ability or the honesty of State inspection officials. Their authority can not extend beyond State lines, and it is manifestly impossible to secure uniform grain-inspection service or the adoption and use of uniform standards by an appeal to the action of 48 independent State governments. Grain moves so freely in interstate commerce that it presents a national question and must be dealt with by the National Government. The bill vests the power of supervision in the National Government through control of interstate commerce. This power is ample and is not questioned. Personally, I have no doubt that Congress, through its grant of power to fix the standards of weights and measures, can legislate to fix standards of quality for grains; but it has been thought best to work through the interstate clause of the Constitution and thus avoid any new interpretation of constitutional powers.

"The bill seeks to control only the sale of grain when made or offered by grade. The liberty to buy and sell by sample or by type is left unabridged; sales may also be negotiated under any name or designation which is not false or misleading and which name or designation in whole or in part does not include the terms of any official grain standard. No grain can legally be sold by grade except the grade be one of the official grades designated by the Secretary of Agriculture, and the grain actually conforms to the requirement of the grade specified. We must agree that these are ideal conditions—that the seller must deliver exactly that which he contracts to deliver, and that the buyer will thus be given that which he has purchased. The Secretary of Agriculture is given broad administrative powers to enforce these ideal conditions and thus secure their general adoption.

"The bill does not vest the Federal Government with the power to make primary inspection of grain or to appoint grain inspectors. It seeks to establish practical cooperation between State and Nation in the work of first inspection and takes over to the National Government exclusively the determination of all appeals from the first inspection. The general work of primary inspection is left with local authorities as now constituted. This means that in those States where State inspection is now authorized by law, the State authorities will continue to appoint inspectors and to control the work of inspection. If the boards of trade and chambers of commerce appoint the inspectors, these trade bodies will continue to exercise such powers. The inspection service is left precisely where it is now vested by State law. Even if this were not desirable as a matter of expediency in securing the enactment of this legislation it would suggest itself as a matter of desirable economy in administration of intrastate and interstate commerce in grain. It is evident that the National Government can not take over the work of inspecting grain designed wholly for intrastate shipment. If there is to be no cooperation between national and local authorities in this necessary work of grain inspection, it follows that there must be maintained two separate and complete systems of grain inspection—one maintained by the State for State purposes and one by the National Government for interstate commerce.

"This would be a duplication of service and expense which can not be justified on any other grounds than that of actual necessity. If practical cooperation can be organized, good business judgment will confirm its adoption. The bill seeks to perfect such practical cooperation by authorizing the Secretary of Agriculture to issue licenses to competent persons to inspect grain for interstate shipment. If the local authorities appoint a duly licensed inspector, then such inspector would have the authority to make inspection for both State and interstate commerce. In effect, the State authorities would be compelled to appoint from the eligible list prepared by the Secretary of Agriculture or else deny to the grain in their territory—when sold by grade—entrance into interstate commerce or compel its inspection at some point where such licensed inspectors are employed. Such license is revocable by the Secretary for failure to grade grain correctly in accordance with the official grain standards of the United States or for any corruption of official integrity. Under this provision, if cooperation was maintained, each local grain inspector's authority would depend upon the joint approval of State and National authority. The State authority would appoint and the national authority would license with power to revoke.

"This license feature has met with strong opposition from the friends of State inspection. It is one of the exasperating small details which vex the preparation for any measure which concerns the employment of salaried men. The friends of those who now enjoy positions wish to make assurance doubly sure that no discrimination is possible against their friends, while others are afraid that loopholes will be constructed which can be taken advantage of by the unscrupulous. Doubtless the fears of each group of partisans are groundless. I can not believe that any State would knowingly tolerate the employment of incompetent or corrupt graders, and I am perfectly confident that with the other administrative features of this bill in operation, even without the license feature, that such incompetence or corruption would be detected and exposed by the supervisory force of Government experts. In the end a State, even if it can be conceded that it is possible for the low standards of efficiency or honesty to find favor with any State, such a State would be driven to raise its standard to the common level of national service. On the other hand, under the high administrative methods sure to be sanctioned by the National Government hostile discrimination against individuals or States would be impossible, and those now in the employ of local authorities who are competent and worthy would doubtless be licensed by the National Government so that the service might benefit by their continued employment. Practical cooperation is always based on the assumption of honest, good-faith effort on part of all cooperators, and I know of no reason to challenge such an attitude on part of either State or National Government in an effort to improve and perfect the grain-inspection service.

"Uniformity in this service is further guaranteed by the provision that all certificates, written or oral contracts, invoices, and bills of lading relating to any shipment or offer for shipment of grain in interstate or foreign commerce shall not refer to such grain as being of any other grade than one of the official grades of the United States. As grain can be legally sold by sample or by type or by special trade designation, this provision is necessary in order to give that class of sales which the bill is designed to encourage that advantage which the judgment of third parties not interested in the terms of the trade always confers. It also makes it practically impossible to negotiate trade on credit instruments except that such trades be made by grade. It is one of the strong features of the bill, viewed from an administrative standpoint, and I am gratified to find so little objection to its adoption. Taken in connection with the licensing feature, it will go far toward strengthening the administration of all local inspection service.

"We may sum up the provisions of the bill so far as they relate to the ordinary routine of sale and delivery in interstate commerce: The Secretary of Agriculture is authorized to fix uniform standards for all commercial grains, which standards must be used in all trading in grain where the sales are made by grade. Grain may be sold by sample or by type without reference to the terms of the bill. Sales may be made by name or designation, if such name or designation is not false or misleading, and which name or designation does not include in whole or in part the terms of any official grain standard. All grain inspectors are appointed by local authority, after such persons have passed a successful examination before the Secretary of Agriculture. Provision is made whereby grain can be shipped from a point where no licensed inspector is stationed to a point or through a point where such licensed inspector is stationed, subject to inspection at such points. All grain which is sold by grade must be sold under one of the official grades, and the grain must conform to the requirements of the grade under which it is sold. All certificates, invoices, contracts of sales, and agreements to sell, relating to the shipment or delivery for shipment in interstate or foreign commerce, must refer to the grain as being one of the official grades as fixed by the Secretary of Agriculture.

APPEALS.

"After grain has entered interstate or foreign commerce, or has been offered for such shipment, and the grain shall have been inspected, any dispute as to the fact that the grain actually conforms to the standard of the grade specified in the contract of sale may be referred to the Secretary of Agriculture for settlement by either party in interest. This provision of the bill takes away from State authority all appellate power in the grain-inspection service in interstate commerce and lodges that jurisdiction with the Secretary of Agriculture. The findings of the Secretary as to the grade is made prima facie evidence in any United States court of the true grade of the grain at the time and place specified by the Secretary in his findings. No objection has appeared prominently to this grant of power to the Secretary, but a sharp difference of opinion exists as to the manner in which this right to appeal should be exercised. This is one of those apparently irreconcilable differences which grow out of the natural conflict of interest between buyer and seller. The position of the seller is that the right of appeal should be limited to the time and place of delivery or offer of delivery; the buyer prefers to prolong his right of appeal to include the moment when he receives his grain at the point of final destination. The bill seeks to harmonize this natural difference in interest by providing that the appeal must be taken before the grain leaves the place where the inspection appealed from was made, and before the identity of the grain is lost. As grain may be shipped to any point where a licensed inspector is stationed, subject to inspection at that point, it follows that by contract it is possible for any buyer of grain to designate the point where he may wish to receive the grain. The appeal can thus be taken at the point where he has elected to receive his grain. The general principle recognized by the bill is that the owner of the grain must accept all hazard as to the grain going out of condition. This risk is usually calculated by the seller in naming price and terms. This is the best business procedure and it was accepted in framing the bill. If grain is sold for Chicago delivery, then the inspection and appeal, if one is taken, must be in Chicago. If delivery is specified to be Buffalo, then these processes are deferred until the grain actually arrives in Buffalo; and this is true of every sale, regardless of the origin of the grain. The point of delivery controls the right of appeal and designates the time and place where the party feeling aggrieved must exercise that right.

"The administrative policy contemplated by the bill is the establishment of grain laboratories at all the principal grain markets and to employ a corps of competent grain experts, who will compose the boards of appeal. These men will be appointed by the Secretary of Agriculture and be solely responsible to him. The bill thus offers the grain trade an official arbitrative tribunal absolutely removed from all trade influences and responsible alone to the majority of the voters of the United States. In this sense the bill provides for Government inspection, because it is possible under its terms for any given lot of grain to be graded directly by the Government officials. The result is secured without in any way impairing existing local systems of grain inspection or by duplicating existing inspection officials. In fact, the local inspection will be strengthened because of Federal examination, supervision, and the adoption of uniform standards. Thus we will secure better grading for strictly intrastate grain commerce and establish an effective system for interstate and foreign commerce.

"The Secretary is also vested with the power to examine grain passing in interstate and foreign commerce by whatever method the sale may have been negotiated. Whenever, after opportunity for a hearing is given to the owner of the grain and to the inspector thereof, if the same has been inspected, it is determined by the Secretary that the grain has been incorrectly graded or has been sold under a name or designation which is false or misleading, he may publish his findings. This provision gives the Secretary power to detect fraudulent practices in the grain trade and to give publicity to fact of their existence. It will tend to standardize the grading at the various market centers and will assist in detecting incompetent or corrupt inspectors, if such should be employed by any local authority.

"The only other important feature of the bill which has provoked serious discussion is that of the permanency of the grades when once established by the Secretary. No question is more vital to the efficiency and to the integrity of the proposed system than this one. I have the greatest regard for the honesty of opinion which this controversy has provoked. It is a moot question and perhaps no man is qualified to say the last word in the argument. There is always a possibility of a mistake being made when the original grade has been established. It is impossible to eliminate the element of human error in the application of the standards when they shall have been declared. The work of grading grain can never be reduced to a mathematical demonstration of accuracy. It is well known that the prevailing quality of grain grown in any locality will vary with the seasons. These are the general reasons which are usually assigned by those who desire flexibility in the grades.

"Canada has settled this vexed question by fixing permanent grades by statute and then permitting the administrative officers to establish commercial grades which may be changed from season to season and for the different provinces. It is apparently the purpose in permitting the formation of commercial grades to facilitate the sale of grain to the best possible advantage. The commercial grades in Canada are in reality sales by sample or by type and can be made under the provisions of the bill, except that the sales would be negotiated between buyer and seller without the advantage of governmental regulation and supervision, other than that of supervision to prevent fraudulent representation. The bill seeks to accommodate the element of error by permitting variations from the official standards under rules and regulations by the Secretary of Agri-

culture. I have been pressed by students of the bill to define exactly the latitude which this language will permit. Unfortunately, this can not be done. It is an administrative liberty of discretion which only the individual officer will determine. It is not the purpose of those who framed the bill and chose the language to permit a greater variation than will exist between the margins of successive grades in any series. Certainly, there was no intention to confer authority on the Secretary of Agriculture to change standards when once published. The authority to make such changes or to authorize them to be made would reside exclusively in Congress. I am strongly opposed to vesting in executive officials large powers which of right should be exercised by the representatives of the people. The functions of executive officials should be that of administration and their influence on the legislative branch should be limited to the making of recommendations when important changes should be made in our legal code.

"It was my hope and ambition to present a bill under the operations of which any grain grower in the United States could offer his product with well-founded confidence that he would receive the ruling market quotation for the particular quality which he had actually produced; and, likewise, that any buyer of grain could place his order for any particular quality obtainable in the markets with reasonable assurance that he would receive that quality for which he had contracted. If these ends were accomplished, then it would be impossible for the present practices, which I am convinced do obtain at times in certain markets where wheat is purchased as a low grade and the identical wheat resold as of a higher grade. Such profits are not legitimate; such practices are not honest. The Government of the United States owes it to her citizens to promote honesty in commercial channels and to encourage legitimate commercial methods by fearlessly searching out fraudulent transactions and exposing them and their authors before the world.

"I do not have special reference to the practice of recleaning, drying, and other like operations, whereby the actual condition of the grain is improved, and hence its rightful commercial grade has been raised. Such operations may be entirely legitimate and of great economic importance. This fact was fully established during the present abnormal season. There is here, as in many other details of actual commercial transaction, a twilight zone in which honesty can be merged into dishonesty, where reputable practices may be displaced by disreputable ones. The grain trade, through the operations of this bill, will be permitted to offer their grains for sale at the actual grade which they bear at the moment of delivery, and will receive quittance for all time from imputations and direct charges of questionable manipulation to the disadvantage of both the producer and the ultimate consumer.

"The provisions of this bill have been subjected to the most crucial tests of criticism. I do not present it with the extravagant claims that it is a perfect bill, but I do claim that it has received the most universal support of any bill on this subject which has ever been presented to Congress. There is not a critic of the bill which will not admit that it will better existing conditions and will remove most of the evils which are known to exist at the present time in the grain trade. It is a distinct step forward in the path which every student wishes to travel. It may not be exactly in all its details as you wish to frame it. That may be said of every important measure. Legislation, as is well known, is a matter of compromise, and good legislation is usually a matter of honest compromise. This bill was framed in the open. The committee hearings were extended and patient. No man can truthfully say that he was not accorded a hearing, and I believe that no man will say that he was not accorded a courteous and patient hearing.

"Legislation will be accomplished at the coming session of Congress. It is possible to secure the enactment of this bill without substantial change if the grain trade will continue to give it undivided support. It is my intention to reintroduce it in its present form the first day of the next session of Congress and to press for an early vote. So far as my present conviction goes, I shall favor no substantial change in its text. I deeply appreciate the generous support which the officers and membership of your association have given me in my efforts to perfect this bill and to secure its approval by Congress. I also wish to express my deep sense of obligation for the honor which the opportunity to make this address conveys."

Mr. RUBEY. Mr. Chairman, I yield now to the gentleman from New York [Mr. HULBERT].

Mr. HULBERT. Mr. Chairman, if I had succeeded in getting the recognition that I asked for yesterday I would perhaps have been better able to present the argument which I have to submit than now because of the cold which I have contracted in the meantime. This may even prevent me from using the time allotted to me, but I desire at the conclusion to offer an amendment, the purpose of which is to strike out those provisions of this grain-grade act so that the inspection will not be applicable to foreign commerce.

I do that because, as I understand it, the real purpose of this bill is aimed at the operation of grain inspection with regard to the exportation of corn, and there is no community in this country which is more affected by the enactment of this amendment than the city of New York, from which port I believe a greater amount of grain has been exported than from any other port in the United States.

And yet, Mr. Chairman and gentlemen, I make protest now that while a measure of this character was under consideration by a committee of this House, affecting, as it does, such a substantial interest in the commercial development of the city of New York and the greatest port of this Nation, the people of that city were not afforded an opportunity to attend before this committee and to give expression to their opposition to this measure.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. HULBERT. I do.

Mr. MOSS of Indiana. I would like to say that the gentleman is entirely mistaken in his statement about this question. I happened to be on the committee at the time the original bill was framed, and I know of my own knowledge that representatives of the interests concerned in New York appeared before the committee and were given every opportunity to enforce their objections to this bill.

Mr. HULBERT. Mr. Chairman, I will say in answer to the gentleman that I hold in my hand a copy of the hearings of the Committee on Agriculture on the bill H. R. 10405, which is substantially this same measure, and there is not a word in there showing that an opportunity was offered to the representatives of the grain or produce exchanges in New York City to be heard on this matter.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. HULBERT. Yes.

Mr. RUBEY. Does not the gentleman know that in April, May, and June, 1914, we had extensive hearings on this bill, and that all the principal representatives of these exchanges in New York and Boston and Philadelphia were present and were heard?

Mr. HULBERT. Can the gentleman give me the names of any members of the New York Produce Exchange who were heard before this committee?

Mr. RUBEY. I can not give the names, but I know that they were heard.

Mr. HULBERT. I dispute that, and will read a letter which I have in my hand from the New York Produce Exchange, through which practically all the grain that is exported from the port of New York passes. I read:

NEW YORK PRODUCE EXCHANGE,
New York, February 25, 1916.

Hon. MURRAY HULBERT,
House of Representatives, Washington, D. C.

DEAR SIR: I beg to confirm my telegram of February 23, as follows: "Your letter of 22d concerning H. R. one naught four naught five, grain-grades act received. In May, nineteen fourteen, we were notified of hearing before Agriculture Committee of House, to be held on a Monday, and New York Produce Exchange delegates were present but were not heard, others taking precedence. Hearing was continued following Wednesday, when our delegates were again present and unable to obtain a hearing. At that time the committee granted us the privilege of filing a brief, which was in effect about the same as memorandum forwarded to you last week. Will write more fully."

Then in that letter, confirming this telegram, the chairman of the committee on grain of the New York Produce Exchange continues:

To go into more minute detail, I would say that on examination of the record of the proceedings before the House Committee on Agriculture, in April, May, and June, 1914, we find that 26 witnesses appeared before the committee, of whom 3 represented Government departments, 24 represented the West and Middle West, 1 represented New Orleans, 4 represented Baltimore, 1 Boston, and 1 Philadelphia. NOT A SINGLE REPRESENTATIVE FROM NEW YORK WAS HEARD, ALTHOUGH TWO GENTLEMEN WERE PRESENT ON MONDAY, APRIL 27, AND ON WEDNESDAY, APRIL 29. On the latter date the committee granted our representatives the privilege of filing a brief with the committee. Such brief was forwarded to the committee on May 9, 1914, and was printed in the record of the committee hearings.

We are prepared to send to Washington one of our members who is thoroughly familiar with all the features of the grain business, if you think it would be of any advantage to have him confer with you and other members of the New York City delegation in Congress. If so, will you kindly indicate what day will be convenient to you and most opportune for such a conference?

Yours, very truly,

A. C. FIELD,
Chairman Committee on Grain.

Now, Mr. Chairman, since the New York Produce Exchange did not secure an opportunity to be heard, under the unanimous

consent which has been given me to extend my remarks, I desire to submit, and have incorporated in the RECORD, a statement of their attitude in the matter.

MEMORANDUM SETTING FORTH REASONS WHY H. R. 10405, INTRODUCED BY MR. RUBEY AND KNOWN AS THE GRAIN GRADES ACT, SHOULD BE DEFEATED.

The New York Produce Exchange is an organization made up of some 1,800 members, a large percentage of whom are engaged in the handling of grain in both the domestic and export trade.

The purpose of the produce exchange, as stated by its charter, granted by the State of New York April 19, 1862, is, among other things, "to inculcate just and equitable principles in trade, to establish and maintain uniformity in commercial usages, to acquire, preserve, and disseminate valuable business information, and to adjust controversies and misunderstandings between persons engaged in business." Its by-laws and rules provide means by which business between its members, or between its members and nonmembers, may be conducted with the least amount of friction, and fixes the manner of settlement for any breach of contract or failure to conform to the existing rules and regulations. Under these very proper rules applied and enforced by the elective officers of the exchange, who are chosen for such offices because of the confidence reposed in them by their associate members, the New York Produce Exchange has acquired the reputation here and abroad of maintaining only honorable and equitable principles in trade in all the relations of its members with one another and with nonmembers, whether these latter are in America or abroad.

As a part of its machinery the New York Produce Exchange maintains a grain-inspection department, at the head of which is an inspectors in chief, assisted by a deputy inspector in chief, and many inspectors, weighers, car examiners, samplers, helpers, etc., all of whom, through the inspector in chief, are subject to the supervision of a committee on grain, representing varied interests, and elected to their position by the board of managers because of their standing in the trade, and because of special fitness for such committee work. The salaries of the inspectors and other employees are paid by the New York Produce Exchange, and their employment is assured as long as their work is faithful, efficient, and honest. The inspector in chief has occupied his present position for 25 years, and previously was a deputy inspector. The deputy inspector in chief has been in the department 42 years. Many other inspectors have been with the department over a long series of years, their services being retained during dull periods in order to have them on hand when movement of grain is in greater volume. Competent and trustworthy inspectors are difficult to obtain, and so it has been the practice of the department, having once obtained their inspectors, to retain their services by paying liberal salaries with assurance of continued employment. Inspectors do not come in contact with shippers or receivers, and take their orders only from the inspector in chief.

The grades of grain established by the committee on grain, and approved always by the grain trade of the New York Produce Exchange, are such as are suggested by the experience of years. He it remembered at this point that those members of the New York Produce Exchange who constitute the grain trade of the exchange do not represent any single interest of the grain trade. Some are brokers representing the western sellers and interested in only those things which facilitate the business of the western seller and himself as broker. Some are buyers from western sellers, direct or through brokers, these buyers differing from each other as to the outlet they seek for the disposition of their purchases. Other members of the exchange purchase in New York and either export or sell for export or sell into domestic distribution. Still others are buyers on the exchange for their own use in milling or otherwise manufacturing or feeding. Even foreign houses have direct representatives in the exchange membership or employ brokers, and the views of these brokers are naturally in agreement with those of the foreign house employing them. Thus in the establishment of grain grades by the grain trade of the New York Produce Exchange the grades are fixed to accommodate the requirements of buyers and sellers, producers and consumers. In Europe the qualities of our various grades are well known, and have been well known for years through an uninterrupted commerce in grain with the United States. These qualities are familiar to buyers not only in the great European seaboard markets but as well in every inland hamlet of the United Kingdom or Continent. That these grades and qualities are in general satisfactory to buyers and consumers is evidenced by the fact that export business has continued uninterruptedly throughout all these years on basis of those grades, and is now being done in all grades whenever the supplies in this country are large enough to permit an export movement. These grades, too, are such qualities as come into competition with grain from Argentina, Russia, and the Danubian countries. The New York Produce Exchange grain-inspection department having gained an enviable reputation because of the integrity of its inspection, and buyers and sellers everywhere, especially foreign buyers, having become accustomed to our grades and qualities, the members of the New York Produce Exchange not only desire to retain these grades so long existing, but as well to protest against any enforced legislation that will disturb the orderly methods that have prevailed for years between the members of the New York Produce Exchange and their customers. By advancing the requirements of the grades in question (corn), as is proposed by the Agriculture Department, competition with foreign export countries for the export grain business to consuming countries becomes the more and more difficult.

The New York Produce Exchange, then, does most earnestly and respectfully protest against the passage of the so-called Rubey bill No. 10405, or any other bill (1) which would make effective any grain grades not established by the grain trade itself, (2) which would make effective any methods of inspection not reasonable and practicable, and (3) which would establish fixed standards at this time on only one kind of grain (corn), leaving all the other grains and seeds for future consideration.

(1) In the first place, the New York Produce Exchange is of the opinion that grain grades should be fixed by those who are practical grain handlers, and that the requirements of each of the several grades should be such as are suggested by the years of experience of these practical grain men. The grades of corn of the Agricultural Department (grades of other grain not yet considered) are not those under which the grain trade has been working nor were they satisfactory to the grain trade (see proceedings of New Orleans convention in October, 1913); but have been put out as what, in the opinion of the Agricultural Department's chemists, these grades ought to be and what will be enforced eventually. Our grades of grain are now well known abroad in every large as well as every small market. To raise requirements as these new corn grades do is to, in effect, introduce entirely new methods, and this means to be obliged to familiarize the thousands of foreign buyers with the changed conditions and new requirements. This is not a matter of months but rather of years, so well known and strongly introduced are the present grades and so generally satisfactory are the present methods of doing business.

(2) In the second place the New York Produce Exchange protests against any legislation that makes effective any method of inspection not reasonable and practicable. Those proposed by the Agricultural Department the New York Produce Exchange claims are neither reasonable nor practicable, the moisture-testing apparatus of Mr. Duval, together with the accompanying scales being too complicated and delicate to permit of rapid work, or at least as rapid as is necessary, for at times the movement of grain is heavy and thus to apply these mechanical devices to every car of grain becomes physically impossible. It would probably be impossible to apply them at times to corn alone, but when other grains are included eventually, as now contemplated, the task becomes indeed hopeless.

Furthermore, the sample (about a handful) from which a moisture test is made is too small to be a basis on which a whole car is graded. Two of these small samples drawn from a carload or from a larger sample, also drawn from a carload, may when tested differ in percentage of moisture one-fourth to one-half of 1 per cent or more, enough to class the two samples in two different grades. In such case, which governs? The Agricultural Department's grade for No. 3 corn is 17½ per cent moisture, 6 per cent damaged corn (not including mahogany), 2 per cent dirt and finely broken corn, and 4 per cent cracked corn.

To ascertain percentage of damaged corn, the sample must be first weighed on these delicately adjusted chemists' scales and then weighed again after the damaged corn has been counted out or separated from the good.

The same process follows to ascertain percentage of dirt.

The same process follows to ascertain percentage of cracked corn.

If one of these factors fall below the prescribed percentages named, the grain must be inspected of a lower grade irrespective of the fact that the other three factors may be above the percentages required. The rule of fair averages may not be applied. In other words, no inspector, however well qualified, is permitted in any way to exercise his intelligence or common sense in the grading of grain, but must fix his grades entirely on result of these involved and impracticable Government tests—tests which may be applicable to drugs and chemicals but not to grain in its natural state.

It is only necessary to bear in mind the several processes required to establish, according to Agricultural Department's methods, the four factors named in the grades to know that any such method as to every car of grain is physically impossible. But, of course, such methods must be applied to every car under the bill proposed, otherwise the certificate of inspection of that car or cars is not what it purports to be; in other words, it would be fraudulent. All the other proposed grades require similar or even more complicated procedure to fix the actual grade.

(3) The New York Produce Exchange protests against any legislation which would establish fixed standards on only one kind of grain (corn). If the standard on one grain is to be fixed, then the standard on all should be fixed at the same time. Much confusion and complaint would follow having a Government standard for corn and a non-Government standard for wheat and all other grains. If Government standardization is to apply at all, it should apply at one and the same time to all grains, and not to one only.

The New York Produce Exchange respectfully submits, furthermore, that if the bill is approved it should be under an amendment relieving from its provisions grain to be exported. For example, because of climatic and other conditions it is not feasible to establish one standard for corn applicable at all points. The existing Atlantic grades are suitable for the European demand and should not be disturbed, as this bill proposes, otherwise competition with Argentina, Russia, and Danubian countries for the export trade to consuming countries in similar qualities will be made more difficult than before.

The principle of Government supervision is commended—supervision of grades established by grain handlers. We most earnestly protest, however, against giving the Agricultural Department or any bureau of that department power to arbitrarily fix grades at this time and forever after; not only to fix grades, but also to prescribe such impossible methods of inspection as those which have been promulgated by that department.

We further believe that much of the support given the bill does not reflect the free, frank opinion of the western sections, but comes much from fear that should this bill fail of passage greater ills would befall the trade through the workings of the pure-food law. Just what we mean is shown by the following editorial extract from the Price Current Grain Reporter of April 29, 1914:

"The Toledo correspondent of the Price Current Grain Reporter informs his readers that President Paddock, of the produce exchange (of Toledo) has been informed by Secretary Houston, in substance, though not specifically so, perhaps, that those shippers who do not after July 1 next conform their business in corn to the standard corn grades, but ignore them, will come into conflict with the pure-food inspectors, and that all the uncertainties of trade will again obtain in the grain trade."

If the Agricultural Department has conveyed such an impression to the president of the Toledo Produce Exchange, is it not possible that other western interests have been similarly informed and through such information led to support the bill, which, in absence of this information, would not have received such support?

NEW YORK, *February 18, 1916.*

I have no special interest in presenting the claim of the New York Produce Exchange alone, but I am interested in any measure which comes before this House for consideration that enhances or diminishes the commercial development of the port of New York.

It has been stated that the real object of the grain-grades act is to protect the foreign consumer of our domestic grains produced for export. This, it seems to me, is an indictment of our exporters and the commercial bodies under whose rules and regulations their business is fostered and carried on. I, for one, favor legislation which will prevent fraudulent imposition and help establish American ideals of the highest standard in our foreign as well as in our interstate commerce, but to my mind it is un-American and hypocritical that we should enact legislation concededly designed to meet a situa-

tion which must necessarily have arisen because of the complaint of the foreign importer without at least giving the American exporter an opportunity to be heard in his own behalf and to present the other side of what seems to me to be a very serious question. Members of this House do not seem to realize the fact that legislation of this character is bound to prove detrimental to the commercial interests of what is after all not the local port of New York but the commercial center of this hemisphere.

On April 4 I called the attention of this House to the fact that two-thirds of the entire customs receipts of the country—42 per cent of the individual income tax and 25 per cent of the corporation income tax—was paid into the Treasury of the United States from the port of New York; and the exports from the port of New York for the week ending March 11, 1915, totaled in value twice that of the corresponding week for 1914 and were three times as great for the week ending March 11, 1916. How could this committee disregard interests of such vast importance, and how can this House ratify such indifference and justify it before the people of our country?

Fifty-one years ago to-day Jefferson Davis said to the people of the North, "All we ask is to be let alone," and on this anniversary I repeat that all we want in the administration of our affairs is to be let alone; but, if it is considered to be a matter in which the interests of the country as a whole are involved, do not attempt to enact legislation which will stifle and strangle our commercial prosperity and advancement without at least giving us an opportunity to appear before the committee and present for consideration arguments in support of those sacred American rights which we hear so much about.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HULBERT. I ask leave, Mr. Chairman, to extend my remarks and to submit an amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments offered by the gentleman from New York.

The Clerk read as follows:

Mr. HULBERT submits the following amendments:

Page 23, line 13, strike out the words "and foreign"; page 24, line 15, strike out the words "or foreign"; page 24, line 21, strike out the words "or foreign"; page 25, line 16, strike out the words "or foreign"; page 26, line 20, strike out the words "and foreign"; page 26, line 25, strike out the words "or foreign."

Mr. RUBEY. Mr. Chairman, I yield one minute to the gentleman from Indiana [Mr. MOSS].

The CHAIRMAN. The gentleman from Indiana [Mr. MOSS] is recognized for one minute.

Mr. MOSS of Indiana. Mr. Chairman, in connection with what the gentleman from New York [Mr. HULBERT] has just been saying, that the New York exporters were not given opportunity to be heard, I beg to say that I was chairman of the subcommittee before which these hearings were held. The committee was in session an entire week, and the exporters and representatives of all exchanges were heard fully. No man or section was denied a hearing. The New York men attended some of the sessions. They declared that they could not afford to lose their time and attend all of our sessions. They finally stated they would be very glad to submit their views by brief rather than wait their turn to appear before the committee. This arrangement was suggested by them and at that time was satisfactory to them.

But I want to say here, and will produce the telegraphic correspondence if it is deemed to be necessary to settle the matter of veracity in this case, that the New York exporters were given opportunity to be heard in person and they voluntarily filed a brief.

Mr. HULBERT. I do not question the gentleman's veracity, but is it not true that the representatives of the New York Produce Exchange were here on the two days specified during the week when, as the gentleman stated, the hearings were continued?

Mr. MOSS of Indiana. All gentlemen appeared before the committee in the order in which they notified the committee of their appearance in the city, unless the witnesses themselves waived this order.

Mr. HULBERT. The gentleman has not answered my question.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The gentleman from Minnesota [Mr. ANDERSON] is recognized.

Mr. ANDERSON. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, is it in order for me to offer an amendment at this time?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. Then I offer as an amendment the motion to strike out section 6.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Mr. MOORE of Pennsylvania moves to amend the amendment No. 2 by striking out section 6, beginning on page 25.

Mr. MOORE of Pennsylvania. Mr. Chairman, I was very much interested in the statement of the gentleman from Indiana [Mr. MOSS], who speaks with authority for the farmers of the country, being a practical farmer himself; and I observe that he said that most of the exchanges, boards of trade, and so forth, were interested in this bill and desired to see it pass.

I wish to say that the Commercial Exchange of Philadelphia does not desire to see this bill passed. On yesterday I undertook to put into the RECORD a memorial from that body setting forth their reasons. It was published in the RECORD of this morning as extensively as I could get the time to read it into the RECORD. But while the gentleman from Indiana [Mr. MOSS] was talking, it occurred to me that he was fortifying the argument I desire to make with respect to this section 6, which I think should be eliminated from the bill. Under section 6 it is proposed that whenever there is a dispute after an inspection of the grain, any "interested party" may appeal the question to the Secretary of Agriculture. And looking the gentleman from Indiana, as a farmer, in the face, it occurred to me to ask, "Where does the small farmer with a single carload of grain get off on that proposition?" There is a Government inspector who looks over his grain, and a dispute arises, and "an interested party," one person, can throw the whole carload into demurrage, sidetrack it until the poor farmer for whom my friends on the other side so often plead, is obliged to obtain counsel, or otherwise to get through the red tape necessary to reach the Secretary of Agriculture at Washington to have a rehearing. He must do that for a single carload of grain, everything the man has got to send to market.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I yield.

Mr. MADDEN. The gentleman must be mistaken about that, because the farmer gets his money for his grain the very moment he turns it over to the buyer.

Mr. MOORE of Pennsylvania. I am not sure about that. Even so, the farmer never wants to get money under false pretenses, and that would be the situation if he accepted money for a carload of grain which he did not deliver.

Mr. HELGESEN. A single carload of grain that the gentleman speaks of is inspected under this law the same as it was inspected before, and an appeal can be taken only if the seller or the buyer desires it.

Mr. MOORE of Pennsylvania. I do not care a cent about that. The gentleman represents just as large interests in the grain-growing section of the country as he sometimes accuses other gentlemen from the cities of representing in an industrial line, and the poor farmer is not in it under this bill.

Mr. HELGESEN. He is, absolutely.

Mr. MOORE of Pennsylvania. I say he is not, for any interested person, any schemer who does not agree with the farmer, any man with whom he has had a quarrel, any blackmailer, can hold up his carload of grain until he gets through the minutiæ and the details and the red tape of reaching his august majesty, the Secretary of Agriculture at Washington. Will the gentleman deny that for a moment?

Mr. HELGESEN. I certainly do.

Mr. RUBEY. I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, this measure for the uniform grading of grain is of very far-reaching importance to this country. It does not prevent any sales of grain under the system at present in vogue, but it provides an additional safeguard which I believe will be of great advantage to the producers of grain and to the dealers in grain. It furnishes uniform standards fixed by the Federal Government, common throughout the country in all of the great grain markets of the United States, as well as the export cities of the countries, upon the basis of which uniform standard the owner of the grain, whether he be the original producer or a buyer of grain, may know the market value of the grain that he has in his hand.

At present we have a system of State inspection of grain. Each State is entitled to have its own State inspection, and

necessarily a lack of uniformity grows out of that system, no matter how carefully and conscientiously it is followed, because the grain-inspection system of Kansas is under one control and the grain-inspection system of Missouri is under another control. Their grades do not always conform.

Now, as a matter of fact, the State inspections, limited as they are, are a great safeguard to the man who raises the grain and the man who sells the grain. If it were not so, grain bought in the large markets would be largely in the condition of cotton bought in the large markets. It would be bought almost on a standard price that would represent the lowest grade; but as it is now the owner of grain has a means on which to fix the market value as reported from the market centers of the product that he is offering on the market. The State inspections have been of great benefit, and the fact that they have continued for 30 years in the great grain-growing States shows that they have been of benefit. This system is additional, and extends that uniformity and Government control to a wider field. I do not believe that it is going to affect adversely the exporters of grain.

Mr. FESS. Will the gentleman yield?

Mr. BORLAND. Yes, briefly.

Mr. FESS. I voted for this measure a year ago, but at that time I wondered whether national legislation was absolutely necessary, and if the States could not take care of it.

Mr. BORLAND. I think it is necessary, and I will tell the gentleman why. The very fact that there are conflicting State inspections and also private inspections by boards of trade and other organizations, so that there is a variation in the grading of the same grain, has weakened the force of the inspection system, and now in some of the great grain markets with which I am familiar more grain is sold on sample than is sold on certificate of inspection. That ought not to be true, and I think a great deal of that will be obviated by a national system to which all parties can appeal.

I was about to say, about the exporting of grain, it does seem to me that if our buyers abroad know that there is a standard grade of grain in this country, that No. 2 red wheat means a certain thing and that No. 1 hard northern means a certain thing, definite in its character and fixed by the Federal Government, by a bureau of inspection of the Federal Government, the price of grain as shown by the export quotations will reflect truly the value of that grain. On the other hand, if we are allowed to ship grain abroad and quote the prices on the basis of grain that has been gathered from all parts of this country, and possibly also from Canada, so that nobody can tell whether the export price represents his kind of grain that was sold on the Liverpool market for a certain price on a certain day, or some other man's grain, then the buyer is perfectly helpless on these market quotations; but the existence of a standard in this country will give our grain a stability of price abroad that every farmer will be able to count on in this country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. STOAN].

Mr. SLOAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 27, line 4, after the word "agriculture," strike out the remainder of line 4 and all of lines 5, 6, 7, 8, and the first word in line 9, and insert in lieu thereof the following:

"*Provided*, That in States which have State grain inspection established by law the Secretary of Agriculture may, in his discretion, issue licenses to persons duly authorized and employed to inspect grain under the laws of that State."

Mr. SLOAN. Mr. Chairman, having been a member of the subcommittee that originally drafted this legislation, and which passed the House a year ago or more, I am interested in its passage. I was greatly interested in the statement of the chairman of the Committee on Agriculture, who said that this bill in substance passed the House by a two to one majority more than a year ago.

I regret to see that one of the most important and fundamental features of the present bill, over which a contest was waged in that subcommittee and the full committee, is present and radically differs from the bill which passed the House. If this bill passes the House it will be because the House has been informed in this debate that it was fully considered a year ago and passed by a large majority.

The feature that I call attention to is this: If the Federal authorities are to take cognizance of grain inspection or the supervision of grain inspection they ought to have the power to do the things they are expected to do, and this provision in this bill absolutely prevents that. The trouble in this country that inspired this legislation is the fact that in the great primary markets like Chicago, Omaha, Kansas City, Duluth, and other markets there have been inspections where No. 2 corn at one point would be No. 3 elsewhere. Corn classed as No. 2 would strike a primary market on falling prices and would be graded as No. 3, so that the farmer and the shipper could not be sure as to what grade he would obtain regardless of the grade he actually shipped. So, having confidence in supervision by the Government, this legislation was proposed.

The important part of the legislation is not in its passage, not as it will be read on the statute book, but in its administration at the primary market, and those who will administer it should be men selected by him having the power of appointment or license without being unduly hampered by State authorities, boards of trade, or any other organization which up to this time have furnished the cause of the mischief that we now desire to remedy.

I call the attention of the members of the committee to page 27, as this bill reads, and which my amendment seeks to change.

Mr. HAUGEN. Will the gentleman yield?

Mr. SLOAN. For a brief question.

Mr. HAUGEN. If the inspection is to be done as provided by States, why have this legislation? That is the very thing we are trying to get away from; that is where the complaint is. The inspections are made by inspectors appointed through politics and controlled by the manipulators of our markets. Why not strike out the whole amendment?

Mr. SLOAN. The provision in the bill which passed this House relating to licensing inspectors is now before the House in the form of my amendment. You will note that my amendment shows the right—this is the change that has been made, and it is fundamental:

Provided, That in any State which has State grain inspection established by law the Secretary of Agriculture shall, in issuing licenses, give preference to persons duly authorized and employed to inspect and grade grain under the laws of such State.

That gives preference to those authorized by the States, not those competent, those who hold their position under State authority shall be preferred over anybody the Secretary of Agriculture may see fit to select.

My amendment is in the language of the bill which passed the House. It preserves to the Secretary the right to license anyone who is competent. If appointees of the State are satisfactory, he may license them. But under the bill as it is they can claim their places as a matter of right and if the Secretary should for good cause remove one or cancel his license he would, in selecting his successor, be compelled to prefer another State employee.

If the States were doing this work of grading interstate shipments of grain satisfactorily to the outside States, then there was no legitimate demand for this legislation. If they were not satisfying the interstate-grain trade, then what abject folly to pass a law placing the supervision in the hands of the Federal authorities and then leaving the primary selection of list of possible licensees in the absolute control of the State authorities.

It will give us legislation reasonably high sounding and somewhat ornamental but of practically no force and effect. The chicken fancier who placed a fat, well-flavored capon in his yard, expecting to thus improve his breed of poultry, may have furnished the suggestions for the sponsors of this bill in its present form, so far as section 7 is concerned.

I do not believe the farmers and country shippers will long fail to see how the great central markets of which they have long complained have been given this important advantage over them.

It will also be an impressive lesson in the fine art of legislating by "rule and rider," recently coming into vogue in this House. Because the difference between the views of those favoring a provision like that set forth in my amendment and those in the present bill were discussed from the beginning of the grain-grading investigation, and no one had the nerve to propose a change of the bill when it was being considered at length in the House in the form of an amendment commanding the Secretary to give preference to the State appointees.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, the grain merchants of Baltimore have by their industry and fair dealing built up a splendid export trade. They have done it by properly grading the export grain and sending it to European ports. They have established a tremendous trade, which redounds to the benefit of those exporting men of my city.

Throughout the entire European countries the Baltimore grading of grain is known. It has taken years to establish a reputation for the grading, fair dealing, and energy of the grain merchants of the port of Baltimore, which has made them known

throughout the countries of the world as having their own grades of grain and as conducting a fair, honest, and energetic business.

We feel that to adopt this amendment and incorporate it into the Agriculture bill under a special rule and as a rider upon that appropriation bill is not only unfair to the grain merchants of Baltimore and other export cities but it deprives them of the benefits which they have been earning and receiving after years of toil and work in establishing a special business for the port of Baltimore in the grain trade of the world.

Mr. HAUGEN. Will the gentleman yield?

Mr. LINTHICUM. I can not yield. I have only five minutes. If I have any time remaining, I will yield to the gentleman.

The gentleman from New York has said that New York was the largest export grain center of America. That may have been for last year by a small margin, but we shall certainly eclipse New York this year. I do not think there is any doubt about that, although New York has a tremendous and profitable trade. I am not saying anything in disparagement of its business, but merely to show the rapid strides which Baltimore has made in the last few years.

Baltimore's grain receipts for 10 months of the year 1915, including October, were: Wheat, 40,062,976 bushels; corn, 22,159,361 bushels; oats, 45,549,559 bushels; rye, 12,798,619 bushels; barley, 2,952,641 bushels; malt, 497,881 bushels; buckwheat, 45,838 bushels; making a grand total of 123,956,875 bushels, of which 110,259,336 bushels were exported, together with 1,280,869 barrels of flour, a record of achievement hard to eclipse.

Baltimore city ought not to be deprived of the splendid trade and commerce that has come to her and her merchants by reason of the reputation that the export grain merchants have established for the grading of grain and for the large business they have done. Their grading and fair dealing is their trade-mark in the European world.

We believe that everything is fully covered by the present method of exporting grain, that the people of Europe are satisfied with the grades which we are sending them, and we are therefore opposed to this amendment.

The trade which Baltimore is doing in the grain business is limited alone by the ability to ship and the capacity of the boats. There is constant and heavy demands from European markets for our grain, and our people are conducting a business as heretofore, using the same grades and satisfying their customers to the full extent.

The passage of this amendment creating a law for the grading of grain at this time will absolutely disrupt the grain export business, cause heavy loss to our merchants, and be of no benefit whatever to the grain merchants of our country.

Now I will yield to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, I desire to ask this question: Is it not a fact that the practice of the operators to whom the gentleman has referred has so demoralized our markets that even at the present time the people from the coast who appeared before the committee have recently passed a resolution indorsing this bill? I refer now to the exchange at Boston.

Mr. LINTHICUM. I do not know to what people the gentleman refers, but I know that the people of Baltimore, who have established this reputation for the grading of grain and who are doing this immense business of 110,000,000 bushels in 10 months, have not passed any such resolution.

Mr. HAUGEN. If the gentleman is not familiar with the practice, I can point out to him the practice. The practice has been to buy grain in Chicago at one grade and to ship it to Baltimore and advance the grade, and forward it under a supposed Chicago grade, and thus demoralize the market, whereby the grain of the United States can not be sold in foreign markets.

Mr. LINTHICUM. Certainly the trade from Baltimore city has not been demoralized, because it has been on the steady increase, and this year we are going to do the largest business we have ever done, in spite of the fact that last year we did a business in foreign markets of 110,000,000 bushels in 10 months, secondly only, perhaps, to New York, and this year we are going to eclipse New York, even though she is going to do a great business. Certainly as to Baltimore city and its grading, there has been no demoralization of the grain trade.

Mr. REILLY. Is it not a fact that one reason for voting for this bill is the protest of the foreign buyers which has been against the grading of the special men like those to whom the gentleman refers in Baltimore?

Mr. LINTHICUM. I know there has been no protest against the grading of Baltimore. I do not know of any other people to whom the gentleman refers.

Mr. HELGESEN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. HELGESEN. Does the gentleman know that the men who represented his city before the Agriculture Committee objected to this bill because they said that it would deprive them of the privilege of shipping Nos. 3 and 4 corn as No. 2 to Europe; that that was their objection and that that certainly is a fraud?

Mr. LINTHICUM. The gentleman is mistaken about that. He knows that the question of moisture, proposed grades to be established by the bill, grades already established by exporters, and other questions were under discussion. I say the gentleman is mistaken in his deduction, for certainly there was no intimation of a desire to defraud.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. I have not time to answer the question more fully.

Mr. SLOAN. The gentleman is not mistaken. That is what they said before the committee.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. DOOLITTLE.]

Mr. DOOLITTLE. Mr. Chairman, I have listened to the statement of the gentleman from Baltimore [Mr. LINTHICUM] regarding large exports from that port and other ports along our seaboard for the last year, and his predictions that the exports for the present year will even eclipse those of the last, and I hope he is correct in his predictions. I suggest to the gentleman and all others who are interested in exportations—the outlet for our products—that the thing which has probably prevented Baltimore now from even eclipsing all former records is the fact that we have not got the ships in which to ship the grain.

We passed the administration ship purchase bill last Congress, but a filibuster in the Senate killed it. I want to address may remarks, Mr. Chairman, particularly to the plan of this bill which provides for the uniform grading of grain all over the country. The present practice is that every State or every board of trade or every concern that is interested in the grading of the product will use its own rules or its own laws. That causes consternation and confusion among the sellers and also among the buyers. A farmer who sells his grain will sell it under the system of grading used at the place where the sale is made, and nine times out of ten he has to rely entirely on the buyer's judgment as to grade, with the possible chances of inaccuracy, even deceit and fraud. When the grain gets to another market it may be graded higher. The commission man at the primary market or the big center will be sure to grade it high enough so that he will make a profit. The producer is entitled to know exactly what the grade and quality are, therefore the true value of his grain, at his home and at every other market. It is proposed by this amendment to this agricultural appropriation bill to make it possible for people in the United States to sell and to buy on uniform grades, and I especially call the attention of the gentlemen on the other side of this aisle who yesterday so vehemently opposed the adoption of the rule which made it possible for us to consider this bill, the Federal warehouse bill, and the cotton-futures act now, that if we had not adopted that rule they would not have been able to consider these important bills at this time and possibly not during this entire session. In my opinion, Mr. Chairman, the rule which was adopted yesterday by the House is the best rule that has ever been brought into the House. It gave me great pleasure to vote for a rule which expedited the consideration and the passage of such excellent measures as these. The country wants Congress to complete its business and quit; it does not want endless talk, filibuster, and obstruction. I am not now going to attempt to go into the details of this grain-grades bill. I had the pleasure and honor of sitting on the subcommittee two years ago that drafted the original grain-grading bill. It was carefully considered by that committee after extensive hearings, at which all interests were represented, and witnesses came from every section of the country. It was approved by the full Committee on Agriculture and it passed this House then by a stupendous majority, and it will pass to-day by the same splendid vote. The measure is in the interests of honest dealings between seller and buyer. It hits no one but the dishonest speculator and manipulator, but it smashes him hard.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANDERSON. Mr. Chairman, I yield four minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, an inspection of this bill will show that there is practically only one section that is in controversy. I think there is no man, at least I have heard of no man, who could not see the benefit of establishing uniform standards of grain throughout the United States. If there is any person who would so claim, I venture to say that that position can not successfully be maintained. It is almost self-

evidently a benefit to this country. The controversy arises over the provision in regard to the manner of inspection, and I can very easily see how that may be legitimately the subject of a great deal of divergence of opinion. In my opinion it would have been better to omit section 7 of the original bill entirely. I think it would have been very much better to have left the entire question of the enforcement of the provision for the standardization with the Secretary of Agriculture under the provisions of section 8 alone without restriction, so that he might better avail himself of every possible method of securing an efficient inspection, than to have attempted to regulate inspection by limitations, as is attempted in section 7. In my judgment, upon a hasty consideration of the question I think the amendment of the gentleman from Minnesota [Mr. ANDERSON] is preferable under the circumstances to the provisions of section 7 of the bill, and I shall support his amendment. However, I think it would be better both to vote down that amendment and then to strike out the provisions of section 7 of the bill and allow the Secretary of Agriculture to establish such methods of enforcement of the law as may be by him deemed best.

Mr. Chairman, I presume that those who have but little knowledge of the grain business, at its home, on the farm, can not understand the enormities of the present system. I could not help but be amused by the statement of my friend from Pennsylvania [Mr. MOORE], that the farmer would not be benefited by this measure. The farmer, above all other men, will be benefited by the establishment of uniform standards, because now grain dealers in the little towns in Iowa make arrangements with those who purchase grain at the various cities by which they are promised that their grain will be given a certain grade if sent to that particular market. In other words, grain standards are manipulated to secure business. Grades are promised not on merit but as inducements to secure business. The favored ones are given good grades; the unfortunate ones suffer, no matter how good their grain. In the same territory where grain is sold one man receives one standard and another man receives another standard. All that is primarily to the detriment of the man who sends his grain from the farm to be shipped to market. It is he who is the victim. He is compelled to accept the grade made by the buyer, who may sell it at a different and higher grade.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ANDERSON. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] has 12 minutes and the gentleman from Missouri [Mr. RUBEY] has 14 minutes.

Mr. RUBEY. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. COADY].

The CHAIRMAN. The gentleman from Maryland [Mr. COADY] is recognized for two minutes.

Mr. COADY. Mr. Chairman, I am in favor of the amendment proposed by the gentleman from New York [Mr. HULBERT] striking out the word "foreign" wherever it appears in the amendment.

These gentlemen here to-day seem to be unduly solicitous about the foreign purchasers of our grain. We have had very few complaints from the consignees on the other side of the ocean. Why, then, all this solicitude about the foreigner? I think back of this solicitude is a desire to create more offices; and that, in my judgment, is one of the controlling desires of some of the Members who are pushing this bill.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. COADY. Yes.

Mr. RUBEY. The gentleman speaks of protests. If the gentleman will examine these papers he will find many protests from foreign consignees.

Mr. COADY. The gentleman may have protests, and I have numerous protests against the passage of this bill in its present shape; protests from grain merchants along the Atlantic seaboard; protests from men who have been in this business for the last 30 or 40 years, and who have had very few complaints from men on the other side of the ocean.

From 1906 to 1913 Baltimore city alone shipped across the ocean 86,000,000 bushels of corn, with but very few complaints. Is not that evidence of the justice and the fairness and the equity of the rules that govern the inspection and shipment of grain from the port of Baltimore? I would like to read to the committee and put into the RECORD a letter I have here from the Baltimore Chamber of Commerce.

BALTIMORE CHAMBER OF COMMERCE,
Baltimore, December 27, 1915.

Hon. CHARLES P. COADY,
House of Representatives, Washington, D. C.

DEAR SIR: House bill 4646 has been introduced in the House of Representatives. This chamber is strongly opposed to the provisions of this bill, and we feel if it is enacted into law it would be injurious, not only to the grain interests throughout the country but to the producer as well.

Baltimore, as you know, is one of the leading ports on the Atlantic seaboard, and grain is one of the principal articles exported. Would it not be reasonable to suppose that our inspectors must perform their duties conscientiously and efficiently, and our rules for the grading of grain are satisfactory to the shipper to this market and to the foreign buyer, when you consider the large volume of grain received and exported at this port for many years past.

It is our opinion that those engaged in the grain trade are in a better position to solve this problem, and any interference from other sources or unwise legislation may be followed by serious results. We would therefore earnestly request your support in defeating such bill.

Very respectfully,

THOMAS C. CRAFT, *President.*

This letter, as you observed from its reading, refers to House bill 4646, which was introduced and fathered by the gentleman from Indiana [Mr. MOSS], but it is similar in nearly all respects to the pending measure, H. R. 10405, known as the Rubey bill.

I am opposed to this bill because it is an unnecessary piece of legislation. The grain men have rules formulated by themselves which are fair, equitable, and just to everyone. The city of Baltimore, which I have the honor in part to represent, is one of the greatest grain-shipping ports in the United States. As my colleague Mr. LINTHICUM pointed out to you, we shipped in the last 10 months 123,000,000 bushels of grain.

Striking evidence of the fact that our present system of inspection in Baltimore is eminently satisfactory to everyone is found in the largely increasing shipments of grain from the port of Baltimore. This surely would not be the case if the complaints were many or well founded. Foreign purchasers would not continue to deal with us if they lacked confidence in our method of inspection. Let me explain to you as briefly as I can how grain is inspected at the port of Baltimore.

When grain arrives at Baltimore, either by cars or by small boats, the grain inspector gets into the car or boat and by means of a machine called a "tryer" he obtains a sample of the grain from all parts of the shipment. He then carefully goes over the sample which he has drawn and grades the grain according to the rules laid down by the Baltimore Chamber of Commerce. If either the buyer or seller does not think the grain has been graded according to the rules laid down by the chamber of commerce, he has the right to appeal to a committee of five merchants, known as the appeal committee, and their judgment in the matter is final. These five merchants are selected because of their knowledge of the kind of grain which may be before them on appeal. Not one inspection out of five hundred is appealed to these committees.

After the grain has been inspected it is unloaded from the car or boat into the bin of the railroad-owned elevators, and placed in these bins according to the grade, without regard to the ownership of the grain. This is done for the purpose of preventing favoritism, as some merchant might think that his lot was better than some other merchant's, although of the same grade. When the grain in these bins is ordered out for export or to some local miller or consumer it is reinspected, not for the purpose of changing the grade, but to see that no deterioration has occurred while the grain was on storage. And again at this point, if the receiver of the grain by personal inspection at the time of loading does not think the grain tendered to him is up to the average, he may again appeal, for the Baltimore Chamber of Commerce has a rule which reads:

No outward certificate of inspection shall be issued for grain which is not equal in every respect to the average of the stock in the elevators of the same grade as that for which the certificate is issued.

The rules laid down by the Baltimore Chamber of Commerce for the inspection of grain do not contain any stipulation as to the moisture contents, and the amount of moisture in the grade is considered by the inspector as one of the important characteristics of the grain, but not the only one. By his long experience he is aware that corn containing 19 per cent of moisture is perfectly safe to export to Europe during the months of December, January, and February; he knows that corn with 19 per cent moisture will not be safe to ship to Europe during the months of April and May, for during these months the change in climatic conditions makes the corn of as high moisture as 19 per cent go through a chemical change which of itself puts the corn out of condition.

Under a hard-and-fast rule for the grading of corn, it would be necessary, in order to comply with standards, to ship during December, January, and February corn of not less than 16 per cent moisture, instead of 19 per cent as at present, and thus the farmers would lose the 3 per cent of weight and obtain less money for their corn, in order simply to meet the requirements of a rule.

The climatic changes in grain, especially in corn, are occasioned by corn being placed in a car at one temperature and going through several other temperatures on its way to its

destination. Thus, corn loaded into a car in Nebraska at a time when the temperature was 10° above zero might arrive at Baltimore at a time when the temperature was as high as 70°. This climatic change would of itself have a tendency to put the corn out of condition. Corn that arrives at Baltimore during the active part of the year, say from the middle of November to the middle of February, contains from 18 per cent to 24 per cent moisture.

The farmers would be the first to feel the injurious effects of such inspection, because the rigid standards that would be set would apply alike to all markets and all sections of the country. I know this bill is detrimental to the interests of the big grain shippers along the Atlantic seaboard, and its effects on the farmer would be similarly injurious, and I hope, therefore, that it will be defeated.

Mr. RUBEY. Mr. Chairman, I yield one minute to the gentleman from Tennessee [Mr. BYRNS].

The CHAIRMAN. The gentleman from Tennessee is recognized for one minute.

Mr. BYRNS of Tennessee. Mr. Chairman, I desire to offer an amendment to section 6, on page 29, line 3, to strike out the word "and" and substitute the word "or."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The Clerk read as follows:

Amend, on page 26, line 3, by striking out the word "and" and inserting the word "or."

Mr. BYRNS of Tennessee. Mr. Chairman, I presume that this particular clause is inserted to protect and safeguard the shipper in the matter of the preservation of the identity of the grain. The committee will observe from this section that any appeal that may be taken from the inspector to the Secretary of Agriculture must be taken before the grain leaves the place where the inspection appealed from was made, and before the identity of the grain has been lost. The effect of that would be to require the milling interests all over this country to keep a private representative or agent in all the various markets where they purchase grain in order to check up any possible error and be sure that the inspection was proper and in their interest as well as in the interest of those from whom it was purchased. For instance, if a miller at Nashville, Tenn., should buy grain by grade in St. Louis or Chicago, as is frequently done, and the grain was inspected, under the proposed law there would be no practical method of checking the inspection so as to appeal from it, if necessary, without maintaining a private inspector or representative at whatever market the wheat was bought in.

Of course, that is impossible both as to a matter of cost and expense as well as expediency. If this amendment is adopted, it will simply provide that the appeal may be taken either before the grain leaves the place where the inspection was made or before the identity of the grain has been lost; in other words, before the grain has been unloaded from the cars in which it is shipped.

Who can object to that? Why should not a reasonable opportunity be given the consignee to appeal from the inspection after he has had an opportunity to examine the grain when it reaches its destination and before it has lost its identity or has been unloaded from the cars? How can he protect his rights otherwise? Under the proposed system the buyer would have the insurance incident to Federal inspection, but he would have no practical method of correcting an error which occurred at the point of shipment, since the right of appeal would be lost after the shipment had left the place where the inspection was made. It seems to me that there can be no possible good reason why the buyer's interest should not also be safeguarded, and I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. ANDERSON. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. GREEN].

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized for three minutes.

Mr. GREEN of Iowa. Mr. Chairman, I voted against the rule providing for the submission of this bill not because I was opposed to the bill, but because I was opposed to the rule, for the reasons already stated in this House by many Members.

I am clearly of the opinion and abundantly satisfied that this bill is in the interest of the grain producers of the country, and I was considerably entertained by the remarks of my friend from Pennsylvania [Mr. MOORE] and the plea that he made on behalf of the farmer. But it is quite evident that he, like other residents of that benighted and proverbially sleepy city which he so ably represents, does not understand at all the manner in which grain is marketed and sold; otherwise he would have known that the objection he is making is not valid.

Appeal can be taken now against the inspection. It can be taken under this bill, but only by the buyer or seller, the parties interested, and there is no opportunity for this to operate against the farmer. I can understand well, also, how the gentleman from Pennsylvania and the gentleman from Maryland [Mr. LINTHICUM], representing these exporters, object to the provisions of this bill. This bill does interfere with the manner in which the export trade has been carried on, and it ought to interfere with it. The exporters have been buying grain at one grade and exporting it at another grade. They have not fooled the foreign buyer by so doing, but they have lowered the price on that particular grade to the injury of the producer, the farmer who raised the grain, and they have so demoralized the export grain trade that before the European war broke out complaints were continual and universal about this practice.

The method has been simply this, Mr. Chairman: Grain was bought by these exporters, say, at No. 3 grade. When it got to Baltimore or New York it was cold weather, and they proceeded arbitrarily under their private system to put it at No. 2, and sold it for that grade.

Mr. LINTHICUM. I think a gentleman who will make a charge of that kind ought to yield for a question.

Mr. GREEN of Iowa. I am making that charge on the authority of the hearings which were had before the committee, and it has been made before by the ranking member of the committee on the Republican side [Mr. HAUGEN].

Mr. LINTHICUM. That can be easily answered, if you will allow it to be answered.

Mr. GREEN of Iowa. I have no control of the time. I am stating a well-known fact.

The price of corn is controlled by the export price on the No. 2 grade, and the price of this grade is controlled by the export price. When the exporter sells No. 3 corn as No. 2, he lowers the market on the last-named grade, and the farmer's price is lowered accordingly. Of course we have almost no No. 2 corn, but it remains the standard and anything that tends to lower its price hurts the farmer to the amount of the reduction.

Mr. COADY. Will the gentleman yield?

Mr. GREEN of Iowa. I am unable to yield out of my time.

Mr. COADY. I would like an opportunity to disprove that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUBEY. I yield to the gentleman from Texas [Mr. SUMNERS] five minutes.

Mr. SUMNERS. Mr. Chairman, I have been taking a little time on this bill, but I do not speak often in the House, and I would not do so now were this not a matter in which I am especially interested, and one in regard to which I believe I have some knowledge.

I am glad to see the House of Representatives undertaking to deal with one of the most important and long-neglected problems of agriculture. You have dealt with the problems of production and preservation of soil fertility, and now you are undertaking an intelligent grapple with the great problem of sale and distribution. The man who produces grain is now far removed from the man who consumes it. It no longer goes to the little custom mill to be ground there. These gentlemen who control the great export markets and who object to this legislation—I say, with due respect to them—do not have the same standing here that the producer and consumer have. They are between these two classes as agents for both, performing an economic service for which they are entitled to receive fair pay, but they have no right to say that their conduct shall not be supervised in behalf of those in whose interest they are working.

It is true, and the gentlemen who represent the export market can not deny, nobody can deny, that there has been much abuse and injury here. The investigation of the transactions of one elevator showed that in one year nearly a million bushels of "no-grade" wheat went into it and not one bushel of "no-grade" wheat went out of that elevator as such. Of course, it went out, but out under grade, which they would not give it when it came in.

Mr. COADY. Will the gentleman yield?

Mr. SUMNERS. I can not yield now. I am making a statement that is sustained by the record. That sort of practice has had a depressing influence on the price of American grain, and it is in the record, gentlemen, that the European buyers will not buy American wheat when they can get wheat from Argentina or Russia, or anywhere else, because of the uncertainty, to say the least of it, of our grading, and the American farmer suffers in the price he gets. [Applause.] What we need in this country is a universal trade language, so that a

trade term will mean the same thing everywhere, and we need national inspection, so that men far separated may safely trade with each other. "No. 1" wheat ought to mean the same thing in every State and every market of this country, and that is what we undertake to accomplish here. I do not see how anybody can object to it. How can the man who is performing an economic service and doing it honestly object to such standards and to the measurement with them by a disinterested agency of the commodity sold? I do not mean to reflect upon my friends who are in the great export markets, but it is a suspicious fact when men engaged in exporting are not willing that the Federal Government, which represents all the people, shall establish standards and exercise the degree of supervision necessary to see that those standards are complied with.

Mr. COADY. Will the gentleman yield?

Mr. SUMNERS. I yield, yes; for a very brief question.

Mr. COADY. Does not the gentleman think it is much better to have private agencies do these things, when they do them satisfactorily, rather than have a governmental agency, which is frequently a burden on the people in the way of taxation, to perform that service?

Mr. SUMNERS. The private agency does it satisfactorily to the employer of the private agency. There is the difficulty.

Mr. DAVIS of Texas. Sure.

Mr. COADY. I think I can disprove that statement.

Mr. SUMNERS. If they do not do it satisfactorily even to the people who have them hired, certainly they can not do it satisfactorily for anybody else. [Applause.]

I do not think this bill goes far enough. I say to you, gentlemen of this Agricultural Committee, you ought to have nerve enough to establish a clearing house of information and a real produce exchange in this country, where men who buy and sell produce can trade, so that every farmer in this country who has a thing to sell that may be standardized or sold by sample may sell through that agency.

This is the greatest opportunity for constructive work which the Agricultural Committee has. Modern conditions demand it. I know that the pressure of these conditions will become compelling before long and we had as well get ready for it.

Mr. ANDERSON. I yield one minute to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, I desire within the minute allotted to me just to call attention to the amendment that has been offered by the gentleman from Tennessee [Mr. BYRNS], which is to strike out the word "and" and insert the word "or" in the appeal provision of section 6.

The purpose of that is to enable the shipper to have some chance for a real appeal, other than by having to keep at the terminal market a man to inspect on his behalf, in order to see whether an appeal is necessary. Under the provision as it is written the only place where an appeal can be taken is the place where the inspection appealed from was made, and before the identity of the grain has been lost. Now, the result of that is that a man must have his own agent at the terminal markets in order to avail himself of the right of appeal. The change that is suggested would give him the right to take the appeal at any place, under rules to be made by the department, where the identity of the grain has not been lost, and there does not seem to be any reason why that should not be done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I yield four minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, does the time taken to read an amendment come out of the time for debate?

The CHAIRMAN. It does not.

Mr. YOUNG of North Dakota. I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. YOUNG of North Dakota: Page 24, line 2, after the word "act," insert:

"*And provided further*, That such grain shall not be reinspected except as provided in section 6 of this act."

[Mr. YOUNG of North Dakota addressed the committee. See Appendix.]

Mr. ANDERSON. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, I regret that we can not have time to discuss this important proposition. I regret that I have to take issue with my colleague from Kansas [Mr. DOOLITTLE]. We are confronted with this situation: The committee has spent a large part of the time for the last two or three years in preparing this important bill, and members of this committee now, under this gag rule, can not have even five minutes in which to discuss it. In the limited time that I have, it will be impossible to go into the details of the bill. I shall content myself by saying that if ever a bill came up for consideration in this House that was entitled to the loyal support of this House it certainly is this bill. Give it your hearty support; do not allow it to be defeated by these amendments. The committee has given it careful and faithful consideration for the past two years. I believe it is safe to trust to the judgment of the committee and that the bill is as perfect in purpose as it can be made. It may not be perfect in all of its details, but in adopting any amendment one is taking a chance.

In reply to the gentleman from Minnesota [Mr. STEENERSON] and the gentleman from New York [Mr. HULBERT] I call attention to the fact that this bill comes to you backed up by the unanimous report of the committee, by representatives of the Department of Agriculture, by representatives of legislative committees of the Grain Dealers' Mutual Association, the Farmers' Cooperative Association, and of elevator companies, who appeared before the committee and advocated the passage of the bill; by publishers, millers, and representatives of the boards of trade, chambers of commerce, and grain exchanges of Chicago, Louisville, Ky., Buffalo, Indianapolis, Peoria, Minneapolis, Duluth, Toledo, Omaha, Boston, St. Louis, Kansas City, Milwaukee, Baltimore, and others who appeared before the committee; representatives of the warehouse commission of Missouri and the Illinois State Public Utility Commission testified before the committee in favor of the bill. Mr. Stuber, specialist and barley expert, speaking, I believe, for the brewers, indorsed it; in fact, everybody expressed themselves in favor of the bill, except, as has been stated, a few exporters.

As I have stated before, even those people who appeared before the committee in opposition to the bill have realized that our foreign market had been demoralized, they have recognized the importance in passing the bill, and have recently passed resolutions indorsing the passage of the bill.

Mr. Chairman, in view of the universal indorsement and demand for this legislation, coming not only from the farmer, the cooperative associations, elevator men, but representatives of the brewers, of the millers, and the exchanges throughout the country, it seems to me there should be no opposition to this bill. Here is an opportunity to redeem party platform pledges and make good the many expressions of admiration for the farmer made upon this floor, and at the same time insure justice and assistance to all concerned.

Mr. Chairman, I regret that it was found necessary to resort to gag rule in passing this bill. It seems to me that it should have been taken up in the regular way, giving ample time for discussion and amendments, but after two years of striving to have the bill passed it is better to have it come up in this way than not at all, though I shall continue to insist and believe that gag rule and riders on appropriation bills are unwise. Having said this, I shall content myself in asking leave to extend my remarks in the RECORD by inserting in the RECORD my remarks of January 4, 1915, upon the bill.

[Mr. HAUGEN had leave to extend his remarks in the RECORD.]

The remarks of January 4, 1915, are as follows:

The proposed bill provides for the standardization of grain for a uniform application of Government standards in determining the real grade of grain for which standards have been established and promulgated by the Secretary of Agriculture. It authorizes the Secretary of Agriculture to fix, establish, and promulgate standards of quality and condition of corn, wheat, rye, oats, and other grains. The Secretary of Agriculture may issue license to a person competent to inspect and grade grain; that such license may, in the discretion of the Secretary, be suspended or revoked whenever the Secretary is satisfied that the licensed inspector has failed to grade grain correctly in accordance with the official standard or has violated any provision of this act or if the license has been used for any improper purpose whatsoever; also, that no person shall certify that any grain which has been inspected or graded by him is one of the official grades unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture authorizing him to inspect and grade grain for interstate and foreign commerce. Whenever standards shall have been fixed, established, and promulgated no person thereafter shall ship or deliver for shipment, sell or offer for sale, in interstate and foreign commerce any such grain by grade unless the grade by which it is sold or offered for sale be one of the grades fixed therefor and the grain shall have been inspected and graded by an inspector licensed under this act and the grade conformed to the standard fixed for the specific grade.

The practice of selling by sample, by type, or under name, description, or designation, may be continued, provided such name, description, or designation is not false or misleading

It provides further that whenever standardized grain has been inspected and a dispute arises as to whether the grain determined by such inspector of any such grain in fact conforms to the standards any interested party may appeal the question to the Secretary of Agriculture; if so, the Secretary of Agriculture is authorized to cause investigation to be made and to determine the true grade thereof, to charge and collect a reasonable fee in amounts to be fixed by him. In the absence of private agreement the appeal from such inspector to the Secretary shall be taken at the initial point and before the identity of the grade has been lost. The findings of the Secretary shall be accepted in the courts as prima facie evidence of the true grade. It also authorizes the Secretary to cause examination to be made of any grain for which standards have been established, which has been certified, or which has been sold or offered for sale in interstate and foreign commerce under any name, description, or designation, he may publish his findings. Heavy penalties are to be imposed for violation of the provisions of the act. The bill carries an appropriation of $375,000 to enable the Secretary to carry into effect the provisions of it.

As has been stated, the bill does not provide for Federal inspection and grading at first hand. It does provide for Federal supervision of the grading and final determination of the grade by the Secretary of Agriculture which, in fact, amounts to Federal inspection in the end. That is, if in case the inspection and grading by the licensed inspector is not satisfactory and an appeal is taken, the only difference then is that under the proposed bill the grain will in the first instance be inspected by inspectors authorized by the States, exchanges, or municipalities and licensed by the Federal Government, and if said inspection is not satisfactory either party interested may appeal and procure Federal inspection and determination, while with Federal inspection the grain would be inspected by a Federal inspector at first hand; but in case where an appeal is taken under either system the final inspection will be by one and the same, hence in the end, if an appeal is taken, we will have Federal inspection under either system.

The contention is that at present the inspectors are controlled and under the influence of the exchanges and interested parties employing them, and therefore Congress should provide for Federal inspection and thus remove the inspectors from the influences surrounding them, such as the operators of exchanges, State politics, and interested parties who control their appointment. Undoubtedly inspectors are influenced and great injustice has been done to the shipper and buyer in inspecting and grading grain below its real grade when coming in and grading it above its real grade when going out for the benefit of the operators, manipulators, and jugglers of grading on the various exchanges; but when the inspector and those interested are made to understand that unless they do the right thing, that unless they grade grain correctly, appeals will be taken, fraud will be disclosed, licenses will be suspended and revoked, and publicity given to every evil practice of the kind. That, I believe, will have a powerful influence over the inspectors, States, exchanges, and those interested in maintaining the grain business at their market, and if the law is enforced and taken advantage of, no market can continue the evil practice of incorrect grading. If it does, it is sure to lose its business. If so, it will be up to every State and market to maintain an honest inspection and grading of grain or lose its grain business. Certainly no board of trade or market can afford to have numerous appeals taken and reversed, licenses suspended, and such facts published to the world. Under the bill, as a business proposition it will be to their interest to give a square deal. Be that as it may, whatever course they may pursue, the farmer, the miller, the brewer, the shipper, and the buyer are protected in their right to an appeal and thus have the true grade determined. Why this legislation? The answer is, simply to do away with the present fraudulent practice in grading of grain, to protect the farmers, the elevator men, the millers, the brewers, the shippers, and the buyers against fraud, deception, to insure an honest grading, to do away with the manipulations of grades, and insure a square deal.

The farmer has long suffered from the fraudulent practice; his grain all these years has been undergraded. We find that his grain when it reaches the market is graded below its true grade, and, as the grade determines the price on grain, he receives a lower price as a result. Take, for instance, barley: If you would turn to the hearings, you will find Mr. Stuher's testimony. Mr. Stuher is a crop specialist and a barley expert, with many years' experience as a shipper and as an operator on the board of trade. His statement is that——

There is something absolutely wrong with the present system of inspection and grading of grain.

He cites one case where the farmer sold his barley at Walpeton, N. Dak. His barley was graded No. 2 feed barley, subject to 2 pounds dockage, and sold at Walpeton at 40 cents a bushel. The barley was shipped to Minneapolis—commission, freight, weighing and inspection charges, 7½ cents. The barley sold at Minneapolis at 58 cents, not by grade but by sample, with a No. 2 feed barley certificate stain on it, even grading and certifying it as feed barley, when in fact it should have been certified as malting barley. Mr. Stuher's statement is that—

Barley coming to Duluth and Minneapolis is generally inspected by the inspection department as feed barley in order to correspond with the inspection and grade given the farmer; that the terminal men, under the existing laws, have to send the certificate back to the country points, and the farmer is shown the certificate in order to pacify him who is under the impression that his barley was malting barley.

Thus the farmer is deceived and defrauded of the difference in value of No. 2 feed barley and malting barley, which generally runs from 5 to 15 cents a bushel. Mr. Stuher stated to the committee that he collected and sent 30 or 40 samples of barley, all graded at Minneapolis as feed barley, to Pabst Brewing Co., to have them analyzed, and that every one of them, according to the analytical report, showed them to be malting barley. In other words, 30 or 40 samples, representing that many carloads, graded feed barley at the initial point and graded malting barley at the analysis, such being the general practice. Has not the farmer a right to ask for relief?

How about the miller, the brewer, and the buyer? Under the present system of grading, grain coming in is graded low in order to defraud the farmer and the shipper; in going out it is graded high in order to defraud the miller and the buyer. The operator gets the farmer and the shipper coming and the miller, the brewer, and buyer going. A number of years ago a bankers' association of North Dakota investigated the inspection and grading of grain in the Northwest. In going over the records of the grain-inspection department of Minnesota it found that a single terminal elevator in a period of three months had advanced the grade on 435,618 bushels of wheat. Out of its total receipt of 890,245 bushels, evidently, most of the grain handled was either undergraded coming in or graded too high going out. The records showed that 59,742 bushels had been graded rejected, 16,021 no grade, 201,267 as No. 4, and not a bushel graded such going out. All were converted into higher grades, every bushel of it going out as 1, 2, and 3 northern. According to the report, only 513,213 bushels was graded Nos. 1, 2, and 3 coming in, and 890,245 bushels graded Nos. 1, 2, and 3 going out. It is clear that the manipulation of grading was for some purpose and that whatever the elevator operator gained must have been some one's loss, and of course came out of either the shipper or the buyer, and in the end largely, if not all, out of the producer. The shipper and buyer often lose, but most of the time they can protect themselves against losses by fixing prices accordingly. If malting barley, when graded as such, is worth 50 cents and its selling price is reduced to 40 cents by reason of false grading, necessarily he pays that much less. If the brewer and the miller buy grain graded higher than its true grade, they have something to say in fixing the price, and fix the price according to its real value. With the producer it is quite different. If the price of grain is lowered by reason of manipulation of grade, he is helpless. He simply has to take what he gets. So, while the manipulation of grades is greatly to the disadvantage of the shipper and buyer, the injustice and loss falls most heavily on the producer.

How about selling and buying for future delivery? We have the testimony of Mr. Stuher, who sold 100,000 bushels of oats by sample for January delivery. He bought 100,000 bushels of standard oats which, by a purifying process, was to be made into fancy oats. He was buying the standard oats against what he had sold, and of course needed the quality of oats contracted for, namely, the standard oats. On December 2, 100,000 bushels of oats were tendered under certificate as standard oats. He had 10 or 20 cars of the oats tendered as standard inspected by a board of trade private inspector, who graded them as No. 4 white oats. He complained and took the matter up with the appeals commission. It passed on the oats as if standard oats. He served notice that he would take the oats under protest; that he would bring it into court and expose the rotten system. He was then told that the oats would be passed as standard in the East; but that did not help matters out, as he had bought oats to be made into fancy, and No. 4 oats could not be improved upon in grade to that extent and did not answer his purpose. What next? The firm financing him came to the rescue of the exchange by serving notice upon Stuher to stop; if not, it would break up the Chicago Board of Trade. If he did not stop they would stop financing him. Of course he stopped, as there was nothing else for him to do. Others testified before the committee, and all to the fact that

grading and certification of grain has become so unreliable and false that millers and buyers of grain no longer do or care to accept grain on contracts certified by the terminal elevators; that they are compelled to sell their hedges for anything they can get and buy grain elsewhere for their use. Their experience has been the same as that of Mr. Stuher; that their hedges are worthless except as an insurance, and as an insurance they have become very expensive by reason of the manipulation of grades.

It would seem that the statement made by those experienced, practical, and well-informed men who appeared before the committee—recorded in 588 pages of printed hearings before the House committee and 260 pages before the Senate committee—would be sufficient to convince anybody that there is something radically wrong somewhere. I believe that anyone who will investigate will agree that there is absolutely something wrong with the present system of grading grain, and that there is a pressing demand and just cause for the proposed legislation; that the farmers and shippers have sustained heavy losses by reason of this unfair grading and manipulation of grades; that our foreign trade in grain has suffered; that our markets have been demoralized by the incorrect grading; that it is due the farmer and shipper that Congress should prevent further wrongdoing through this incorrect and unjust grading system; and that it should protect him against fraud and further demoralization of his markets.

It would seem that in this Congress, its Members professing so much interest in the farmer and so much concern about his welfare, a Congress so enthusiastic in its laudation for the farmer, coupling this with the unceasing flow of eloquence recorded in several hundred pages of the CONGRESSIONAL RECORD, all indicating a desire to help the farmer in every way possible, and with the promises in the platforms of all parties so loudly proclaimed from the stump, I take it that there will be no difficulty in passing this meritorious bill which means so much to the farmer and shipper.

Mr. MOORE. Will the gentleman from Iowa tell the House whether he holds the same opinion—he being the ranking Republican on the committee—that is held by the gentleman from Indiana [Mr. MOSS], that this act will not apply to Canadian grain in bond intended for export?

Mr. HAUGEN. In my opinion it does not apply to grain shipped in bond from Canada for export.

Mr. MOORE. I thank the gentleman for that statement.

Mr. HAUGEN. But it applies to grain entering into interstate and foreign commerce.

Mr. SUMNERS. Are you in favor of the bill?

Mr. HAUGEN. I am in favor of the bill; yes.

In availing myself of the privilege granted me to extend my remarks in the RECORD, in order that the RECORD may show the existing conditions, I offer extracts from the report as printed in Senate Document No. 116, page 17:

REPORT OF INVESTIGATION BY NORTH DAKOTA BANKERS' ASSOCIATION MADE NOVEMBER 23, 1906.

To Members North Dakota Bankers' Association:

Your committee appointed to investigate the subject of grain inspection and grading, as affecting the interests of North Dakota shippers, met according to arrangement at Superior, Wis., on the morning of September 27, and, after a preliminary discussion as to the scope of the investigation, proceeded to visit some of the terminal elevators in order to familiarize themselves with the methods of handling grain as it comes from the shipper. We found that grain is inspected, graded, and the dockage fixed by the State inspector under the rules of the Minnesota grain inspection board. The grain is then ordered into one of the terminal elevators and after being unloaded is elevated to the top of the elevator where it is weighed. During the process of elevating all grain is subjected to a suction draft in order to keep the building free from dust (?). This is an injustice to the shipper, as, in our judgment, all grain should be weighed immediately upon being unloaded and nothing should be taken from it before it is weighed. The amount of light grain and dirt taken out under the present method simply depends upon the force of the suction draft.

We obtained a statement showing the grain of various grades shipped in and shipped out from one of the large elevators during a period of three months.

* * * * * * *

We find that eastern millers want the grain as it comes from the farmer, and it is an injustice to the shipper and to the miller to prevent this, as is now done. The shipper must accept the inspection, rules, and customs which have been forced upon him by the powerful combination of elevator and railway interests, and the miller must take the grain is offered him, by the "grain trust," so called, and not in the condition as to mixing that he wants it.

In examining the report, above referred to, of grain received and grain shipped out of the terminal elevator we were able to get a report from, we found that during the three months covered the report showed the following grain received and shipped out:

RECEIPTS.	Bushels.
No. 1 northern	99,711.40
No. 2 northern	141,455.10
No. 3 northern	272,047.20
No. 4	201,267.20
No grade	116,021.10
Rejected	59,742.30
	890,245.10

SHIPPED OUT.	Bushels.
No. 1 northern	196,288.30
No. 2 northern	467,764.00
No. 3	213,459.30
No. 4	None.
No grade	None.
Rejected	None.
	877,512.00
On hand, estimated	12,733.10
	890,245.10

* * * * * * *

What an eloquent story is told by the above figures. The fact that nearly 100,000 bushels more of No. 1 northern, the highest grade taken in, was shipped out than was received speaks so loud against the present system and rules of inspection that it is simply unnecessary to go on down the line and call your attention to the fact that nothing lower than No. 3 wheat was shipped out.

The profit in mixing the receipts of this elevator for the three months, as shown by their report, was $83,720.69. In order to arrive at the probable profits of the terminal elevators there should be added to the above the amount realized from the screenings, the charges for handling the grain, and the proceeds of the sale of wheat and other grain taken from the screenings, for we found that all screenings are carefully cleaned over and all good grain taken out, and that the good grain taken from the screenings is shipped out as screenings in order to avoid inspection and appearing in the amount of grain shipped out of the elevator. We are of the opinion that grain hospitals, either independent or in connection with terminal elevators, should be established, where shippers could have "off-grade" grain cleaned or scoured at a reasonable cost before it is offered for sale, the shipper to pay this expense and receive the benefit resulting from such treatment of his grain needing treatment in a hospital elevator. We also favor the amending of existing laws governing the handling of grain by terminal elevators so as to allow no more grain of a given grade to be shipped out than is taken in.

Your committee found much to criticize by visiting the freight yards, in the careless manner in which cars are handled by the railroad companies and the very poor class of grain doors used. The amount of grain lost by leakage from cars and by the careless shunting and switching of cars in the yards is very large.

All the foregoing are, of course, matters of minor importance as compared with the apparent combination of the railroad and elevator interests in forcing all grain received at terminal points to be inspected under Minnesota inspection rules. A competitive market was established under Wisconsin inspection at Superior. The Wisconsin law provides that the grain and warehouse commission shall consist of three members—one from Wisconsin, one from New York, and one from North Dakota. Under this law the shipper in this State has a representative on the board, and the influence of this representative can be of great benefit to our shippers if his duties are conscientiously performed.

This board appoints all inspectors and weighers and can see to it that inspection and weighing is honestly and properly done. Our shippers were undoubtedly greatly benefited during the time the Wisconsin inspection was in force, but by the apparent combined efforts of the interests above named this Wisconsin inspection is inoperative and all grain received at the head of the Lakes must be inspected by Minnesota inspectors under Minnesota rules.

The story of how the Wisconsin law was made absolutely inoperative is an interesting one. The Duluth Board of Trade made a rule that no member of the Duluth Board of Trade could hold membership in a similar organization within a hundred miles of Duluth. This was done to compel all grain men doing business at the head of the Lakes to confine their business to Duluth. Then all terminal elevators located in Superior suddenly were closed as public elevators and became private elevators, operated by individuals holding leases. As private elevators they were able to discriminate in the business offered them, and this discrimination took the form of refusing to receive grain inspected under Wisconsin rules and by Wisconsin inspectors. It does not require anything further to show you how Wisconsin inspection was put "down and out" and why all of our grain must now be graded, inspected, and weighed under Minnesota inspection rules.

Your committee attempted to have a hearing with the Duluth Board of Trade and met with some of the officers and members of that board for this purpose.

* * * * * * *

Your committee is of the opinion that the reforms outlined will be of material benefit to the grain growers of the State and will be a stepping-stone to a better system of inspection, viz:

Federal inspection, which would do away entirely with the many conflicting inspections established in the various States.

Respectfully submitted.

JOHN L. CASHEL,
GEORGE M. YOUNG,
F. W. CATHRO,
M. F. MURPHY,
W. C. MACFADDEN,
Committee.

Also, page 231, hearings before the Senate committee in 1908, a report from the chief inspector of the grain and warehouse commission of the State of Minnesota, which show the receipts and shipments for the year ending August 31, 1901, to be as follows:

	Receipts.	Shipments.
	Bushels.	*Bushels.*
No. 1 hard	341,567	1,000,436
No. 1 northern	10,070,414	16,909,917
No. 2 northern	7,341,594	3,975,311
No. 3 spring	1,335,520	444,061
Rejected	256,083	134,471
No grade	1,336,532	344,838

It will be observed that for the year 1902 about 5,000,000 bushels of the No. 2 northern was converted into No. 1, and that

of the 19,693,454 bushels graded No. 2, 7,035,133 bushels No. 3 northern, 892,241 bushels were rejected, and 2,561,595 bushels, no grade; when coming in very little of it shipped out as such, the major portion of the lower grade going out at a high grade. The statement and reports tell the story. Comments seem unnecessary.

Another table, taken from the records of the weighing department of the State of Minnesota, shows the amount of each grade weighed in at, and the amount weighed out of, the elevator at Duluth during the years 1902, 1903, and 1904—found on page 207, Hearings before the Committee on Agriculture and Forestry, United States Senate, April 4, 1908.

The table is as follows:

Wheat.

[From annual reports Minnesota chief grain inspector for years named, Duluth weighing department.]

Grade.	Year ending August 31—					
	1902		1903		1904	
	Received.	Shipped.	Received.	Shipped.	Received.	Shipped.
No. 1 hard	599,606	648,607	1,628,681	1,746,712	90,543	109,528
No. 1 northern	15,187,012	19,886,137	21,905,842	23,606,721	12,401,897	18,217,789
No. 2 northern	19,693,454	15,178,999	11,625,037	7,638,201	10,205,172	6,723,732
No. 3 northern	7,035,133	1,971,355	1,300,553	297,794	[1] 2,616,065	[1] 283,299
Rejected	892,241	94,625	1,300,693	77,621	2,350,202	314,199
No grade	2,561,595	468,922	966,170	112,840	2,586,843	256,913

[1] Spring.

The following is a letter written by Robert A. Patterson, chairman of the European international committee on American grain certificates. He is an English miller and also president of the Corn Exchange of Great Britain and continental Europe. It is dated the 15th of February, 1908, and written from London to the President. It reads:

LONDON CORN TRADE ASSOCIATION,
EXCHANGE CHAMBERS, 28 ST. MARY AXE.
London, E. C., February 15, 1908.

MR. PRESIDENT: I am instructed by the European international committee on American grain certificates to communicate to you the following facts:

There has been for some years past a general consensus of opinion among European buyers of grain that the operation of the present system of certificating grain for export is increasingly unsatisfactory and that whatever may be its merits for the purposes of domestic trading, it no longer gives to European buyers the confidence and protection which is necessary in a trade where the only guaranty for reliable quality and condition in exchange for buyer's money is a paper certificate. For merely buyers in buying from the United States of America were able, as they still are in their dealings in grain with other exporting countries, to recover from shippers any damage they sustained owing to defects in quality or condition; but since the introduction of the certificating system this is no longer possible. Even after its introduction, indeed until comparatively recent times, it was seldom found that any serious abuses arose, and trusting to their belief in the reliability of the grading system, buyers were willing to continue trading with America on less favorable terms than they demanded elsewhere; but whether from the increase of individual competition, or, what is probably more important, the rivalry between the older ports and their smaller and more recently established competitors, there seems little doubt but that the standard of grading has been lowered, either temporarily or, in some cases, permanently, in order to attract business from inferior points; and we in Europe feel that the burden of such departure from the more reliable and stricter method in force formerly has been borne chiefly by European importers, who, being far away, have no power of protecting themselves against errors, or worse, in the grading methods of recent years. The result is that American grain suffers as regards price when in competition with grain from other countries. The increasing dissatisfaction culminated some 12 months ago in a general request from the principal European grain centers that a conference should be summoned by the London Corn Trade Association to consider the best measures to adopt in order to remedy the defects of the present system of dealing in grain from the United States of America.

The conference was held in London on the 8th of November, 1907, and was attended by delegates from all European importing countries. It was unanimously resolved that a committee be appointed, consisting of seven members from the United Kingdom and an equal number from other European countries (the latter being represented as follows: Belgium, 1; France, 1; Germany, 3; Holland, 1; and Scandinavia, 1), to suggest necessary improvements and to negotiate with American grain trade for their adoption.

This committee met and drew up a scheme (a copy of which I have the honor to append), which was submitted to the principal grain associations of the United States of America, but which, I regret to say, did not only prove unacceptable to the American exchanges, but even failed to draw any counter proposals from them. Indeed, the way in which this subject has been treated by some of the leading grain associations, there would almost seem to indicate that there is no desire to recognize the undoubted fact that serious faults have arisen or that there is any need to amend a system which is responsible for abuses of which European importers universally complain.

Traders here generally recognize that a reliable system of inspection and certificating presents many advantages, but that to be thoroughly reliable it must depend not only upon the expert knowledge, integrity, and independence of the inspection officials, but that the rules for grading by which these officials are bound must be uniform, applying equally to every port, and should be generally known not only in the various American but also in the principal European grain centers, and that wherever possible, from time to time, type samples should be sent to our leading grain associations.

This is the system adopted by the agricultural department of His Majesty's Government in the Dominion of Canada, and has hitherto proved generally satisfactory.

My committee observed with great satisfaction your reference to this important matter in your last presidential message, and that there is before your Senate and House of Representatives at the present time a bill embodying some of the above suggestions. While they would, of course, have preferred to get their own suggestions accepted by American traders, they wish to be permitted to offer you their sincere congratulations and thanks for the steps you are taking to remedy an undoubted evil, and to assure you of the warm support of the European grain trade in your efforts.

I have the honor to be, your most humble and obedient servant,

ROBERT A. PATTERSON,
Chairman European International Committee on American Grain Certificates.

The PRESIDENT,
White House, United States of America,
Washington, U. S. A.

In a letter to Senator MCCUMBER, under date of February 15, 1908, he stated:

I believe that great efforts are being made to persuade your Senators and House of Representatives that the proposed change is not only unnecessary but not generally desired, but I can assure you that unless some such change is made, and that shortly, your export trade will suffer severely.

European buyers have lost confidence in the reliability of United States certificates, and American grain consequently suffers in price, buyers giving a preference whenever possible to other grain, and only buying yours when compelled to do so, or at a reduction in price sufficient, in their opinion, to compensate them for risks they run in buying certificate final.

Another letter from Holland and one from our consul at Marseille, which is also a very strong letter. The Holland letter reads as follows:

P. J. MCCUMBER, Esq.,
United States Senate, Washington, D. C.:

During the last Berlin grain conference, held January 29 and 30 of this year by delegates of the German, Holland, and Scandinavian grain trade, the McCumber bill and the other bills of similar character introduced into Congress were one of the chief subjects on the program.

The question of American grain inspection has been a very important one these latter years, and its having been a subject of the conference program induces us to assure you of the sympathy that the proposed change in the inspection system has among the members of this association.

During many years already the American grain-inspection certificates have been very unsatisfactory, and immense losses were caused to the buyers on this side by the careless inspection of American grain shipped for export. It has been said by American opponents of the bills mentioned above that the fixing of grades on better and higher standards would injure the export trade, and that the European buyers will not buy anything but the grades which have always been shipped and to which they are accustomed.

We want to energetically deny that anything like this is the case or may be expected when Government grain inspection will have been introduced. On the contrary, we think that a more reliable inspection will greatly benefit the American export trade.

Many important firms in the importing centers on this side have absolutely given up importing American corn, taught by the experience of several years, when a single parcel of this article, certified No. 2 mixed, salt mixed, etc., and still showing 30 to 90 per cent damage on arrival, caused a loss greater than the small gain made on many shipments together. They preferred to buy from Argentina, Russia, and the Danube. A better inspection, however, and certificates which give sufficient guaranty that the grade has really been given in accordance with the grain's quality and condition will induce these firms to take up the import of American corn again.

We don't object to the export of inferior grain, but to the fact that the grades are not given according to the condition of the grain, so that the certificates are entirely unreliable. Perhaps some buyers on this side want the inferior grain, but those who deal in the better qualities want to be sure that when they pay a better price for the higher grade the certificate gives them the guaranty to get this grade. Up till now this has not been the case, and it is quite evident that a more satisfactory inspection will be of great benefit to the trade.

As soon as grades all over the United States are uniform, and as soon as certificates of inspection will be reliable, the import of American grain will certainly increase again after the sharp decline which it has experienced.

Uniform Government inspection will bring a higher standard of export grain, induce the European importer to buy American grain more freely again, and consequently greatly benefit the honest American exporter at the cost of his dishonest competitor. It will greatly purify the trade and make an end to an unbearable situation.

HET COMITE VAN GRAANHANDELAREN TE ROTTERDAM
(ROTTERDAM CORN TRADE ASSOCIATION).
A. COANEST, *President.*
H. VON RANDERYTH, *Secretary.*

ROTTERDAM, *February 20, 1908.*

The letter from the United States consul at Marseille is, in part, as follows:

GRAIN-INSPECTION METHODS.

It is highly desirable that certain facts in regard to American grain-selling methods be given immediate and wide circulation, and that something be done, either by action of Congress or by the concerted action of American commercial bodies, to reform or rather standardize the system under which the great cereal-exporting business has been created.

There is little popular knowledge in the United States in regard to the fact that wheat, corn, grease, and similar products of American origin are not now sold abroad by sample, but by nominal grade. The European buyer knows nothing of the merchandise whatever before it reaches his possession. He imports and resells various classes of merchandise the quality or grade of which is certified to him, not by the merchant who has sold him the article, but by the official inspector of a

board of trade or other equivalent body at the port of shipment. He pays for the goods before he receives them, and when the exporter in the United States delivers to him a certificate of inspection declaring the goods to be of a given grade he has no alternative but to honor the drafts. The bargain is absolutely final upon the production to him of this certificate of inspection

Although no two ports in the United States may absolutely agree as to the descriptive terms to be applied to a given grade of wheat, although previous shipments may have been of obviously different quality, if the certificate delivered conforms to the grade ordered, the buyer must accept delivery. These are "American conditions." The fact that for many years we have exported nearly all our surplus agricultural products under these conditions speaks well for American business methods, and the fact that these methods are generally acceptable is of advantage to the people of the United States.

Of late years the murmurs against this system have been increasing in Europe, and whereas a short time ago they took the form of isolated private complaints that goods did not always conform to the certified grade they now take the form of organized protests. I have before me not merely private correspondence running through a number of years, but the recent proceedings of the London Corn Trade Association and the proceedings of a delegate conference held on December 12 at the Berlin Bourse, the general tenor of which is that foreign importers are vexed with prevailing conditions in the United States and are determined to force an improvement. At these two conferences a great many harsh things were said in regard to American certificates, and specific instances of irregularities were mentioned which I need not now repeat. The vital point which it will be well to separate from so much context is this:

"Mr. FRIEDBERG (Hamburg). It is perfectly clear that if an American inspector certifies we have no right to doubt, or if we do we are asked, 'Why do you go on buying?' I may assure this meeting that a good many of us are not going on buying. We have none of this trouble in South America. For the general trade I think that there are respectable people enough in America, and I am wondering why they do not stop the glaring abuses that are complained of."

It was the fact that not many years ago the vast bulk of our grain exportations went forward from New York; and that every year standard samples of cereals were sent out to European buyers bearing the seal of the New York commercial bodies which issued certificates of inspection. Under such circumstances, when European buyers received a certificate from New York stating that a certain cargo wheat was of X quality, they could refer to their sample of this X grain, and there was at least a moral guaranty that sample and cargo would be alike. The practice of sending out standard samples is no longer followed, while grain is being shipped under certificates of inspection from Duluth, New York, Baltimore, New Orleans, Galveston, and probably elsewhere. In each port or place a commercial organization assumes the right to issue certificates of grade, and yet no two ports or places have agreed upon the text of the terms which they use to describe the standard grades, let alone upon the grain itself. Nor is this all. I quote from the printed rules of a great board of trade:

"The committee on grain shall have full power and authority to establish grades of grains and to alter and amend the same as may be deemed necessary or expedient."

This instability is naturally one of the conditions of American business that is least acceptable to foreign importers, and what with rivalry between ports for export business it has created not only bitter feeling abroad but definite differences in the prices at which grain of the same nominal grade is offered for sale at the different ports of shipment. There are "easy ports" and "good ports," and sometimes the "easy ports" are penalized, as thus explained in a recent letter from an importer to an officer of an American commercial organization:

"As you know, at present exporters have great difficulty selling on certificates, but where quality is reasonably assured they are willing to pay a premium over lower inspections. Newport News and Norfolk were excluded on the London and Liverpool contracts because of last year's No. 2 corn shipments, while, as you know, your inspection maintained a premium all last season over the Atlantic."

No wheat importers desire to pay a premium here, or to exact a penalty there, based upon their appreciation of inspection methods. Wheat will fix its own price readily enough, and what the importer time ago. The Russian dealers were invited to Berlin to a conference, but treated the action with indifference, whereupon the German dealers refused to buy any Russian grain, and in a short time Russia asked for a meeting.

"The seriousness of this movement, threatening the loss of trade in this important branch of American exports, should not be underestimated. It is general in its character and covers the countries buying about all of the surplus crops of the United States.

"The unanimity of sentiment expressed at these meetings indicates there must be good cause for complaint, and as representatives of nearly all the nations of Europe are taking part in these assemblies and the meetings have become international in character, it is time the American people, who are interested in this great and important branch of the Nation's industries and commerce, should take some action to preserve it from further losses."

FRANCE.

FAULTY AMERICAN GRAIN-INSPECTION METHODS.

Consul General Robert P. Skinner, of Marseille, thinks it is highly desirable that certain facts in regard to American grain-selling methods be given immediate and wide circulation, and that something be done either by action of Congress or by the concerted action of American commercial bodies to reform or, rather, standardize the system under which the great cereal-exporting business has been created. Mr. Skinner writes:

"There is little popular knowledge in the United States in regard to the fact that wheat, corn, grease, and similar products of American origin are not now sold abroad by sample, but by nominal grade. The European buyer knows nothing of the merchandise whatever before it reaches his possession. He imports and resells various classes of merchandise the quality or grade of which is certified to him, not by the merchant who has sold him the article, but by the official inspector of a board of trade or other equivalent body at the port of shipment. He pays for the goods before he receives them, and when the exporter in the United States delivers to him a certificate of inspection, declaring the goods to be of a given grade, he has no alternative but to honor the drafts. The bargain is absolutely final upon the production to him of this certificate of inspection.

On pages 788, 789. Mr. Bevan testified as to the custom of "car plugging," and gave instances of where from 150 to 200 cars were so plugged, and described the plugging system as follows:

"Q. What is the practice of plugging cars?"

Mr. Bevan answered:

"It is putting a poor grade on the bottom and covering it with good stuff, so the inspector can not get at it. They have what is called 'trier' to push into the car. If it does not go deep enough, he does not know the poor stuff is there."

On page 790 Mr. Forsaith testified to his knowledge of the plugging of wheat going to public elevators, as follows:

"They would run up tailings, kiln-burned wheat, stumpy wheat—all inferior grades of wheat they had in the house—in one spot and run contract wheat in the others. They would get a string of cars in and give me the capacities and tell me how much to drop, as they call it, of the 'dope.' I would drop it, and when I got that dropped I would drop contract on top of it."

"GRAIN-TRADE COMPLAINTS AS REPORTED BY AMERICAN CONSULS, AND CONSEQUENT LOSS TO AMERICAN PRODUCER.

"Consul Thomas R. Wallace, in a report from Crefeld, says that the grain dealers in northern and western Europe have been holding meetings, the principal purpose of which seems to be to take united action with regard to a change in the rules and methods of transacting business with the United States in their line and to correct abuses now existing in the same. The consul continues:

"'The grain trade from the United States with this district has been declining for some time, and if such dissatisfaction becomes general throughout Europe the losses to the people of America in this important branch of their export trade will be enormous. To gain some idea of the causes of the complaints regarding the grain exported from the United States I have made personal inquiry among the millers and dealers in these products, and am told that the conditions complained of here are the same all over Europe.

"'The dealers say they have suffered excessive losses through the purchase of grain from America by its not grading up to the standard given in the inspector's certificate in kind, quality, or condition when received. Wheat sold as good winter wheat and so certified to by the inspector, is very often found to be new wheat mixed with old and often wormy wheat. Grain often arrives in very bad condition. Wheat purchased as new is found weevilly—very good wheat with badly damaged grain mixed with it.

"'They say, further, that the American shippers well know these facts, but of late years refuse to take these precautions, and because of the rule that the inspector's certificate is final the purchaser is compelled to suffer the loss arising from this negligence of the shipper. If the purchaser presents a claim for loss caused by grain received in bad condition, or of inferior quality from that certified to by the inspector, he receives no satisfaction from the shipper.

"'UNITED STATES ALONE TO BLAME.

"'I am informed that such conditions have become worse; that the purchaser here does not receive what he buys, and that no reliance can be placed on the inspector's certificate. The result is the miller has ceased to buy American grain for his mill and the farmer for his stock. It is further said that grain received from South America, Russia, or Roumania arrives in good condition, that received from the United States alone being bad.

"A general meeting of those engaged in the grain trade was held in 1905 by representatives from Holland and Germany. A meeting was held in London in November last, in which appeared representatives from Germany, France, Holland, Belgium, Denmark, Italy, and England, Ireland, and Scotland, and still another meeting was held on December 12 at Berlin. At all of these assemblies the principal topic for discussion was methods to correct the alleged abuses in the grain trade with the United States.

"COERCIVE MEASURES THREATENED.

"The dealers having radical or extreme views do not believe that an amicable settlement of the matter can be made with the shippers unless coercive measures are used, and this is one of the reasons of the international character of these assemblies. It is said by them that some of the same conditions prevailed in the grain trade with Russia some time ago. The Russian dealers were invited to Berlin to a conference, but treated the action with indifference, whereupon the German dealers refused to buy any Russian grain, and in a short time Russia asked for a meeting.

"The seriousness of this movement, threatening the loss of trade in this important branch of American exports, should not be underestimated. It is general in its character and covers the countries buying about all of the surplus crops of the United States.

"The unanimity of sentiment expressed at these meetings indicates there must be good cause for complaint, and as representatives of nearly all the nations of Europe are taking part in these assemblies and the meetings have become international in character, it is time the American people, who are interested in this great and important branch of the Nation's industries and commerce, should take some action to preserve it from further losses."

FRANCE.

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"There is little popular knowledge in the United States in regard to the fact that wheat, corn, grease, and similar products of American origin are not now sold abroad by sample, but by nominal grade. The European buyer knows nothing of the merchandise whatever before it reaches his possession. He imports and resells various classes of merchandise the quality or grade of which is certified to him, not by the merchant who has sold him the article, but by the official inspector of a board of trade or other equivalent body at the port of shipment. He pays for the goods before he receives them, and when the exporter in the United States delivers to him a certificate of inspection, declaring the goods to be of a given grade, he has no alternative but to honor the drafts. The bargain is absolutely final upon the production to him of this certificate of inspection.

ROBERT P. SKINNER,
Consul General.

MARSEILLE, *December 8, 1906.*

Also, in order that the RECORD may show how the manipulation of grades affect our foreign markets, I will include correspondence printed in Senate Document No. 116 and hearings before the Senate committee.

Mr. Tedford, State grain inspector of Kansas, testified that the standard of grades going out of elevators was the minimum or lowest character of grade, while others testified that of the grain as it went into elevator the lowest grade in the car was the standard.

"STRENUOUS OBJECTIONS.

"Of late years the murmurs against this system have been increasing in Europe, and whereas a short time ago they took the form of isolated private complaints that goods did not always conform to the certified grade, they now take the form of organized protests. I have before me not merely private correspondence running through a number of years, but the recent proceedings of the London Corn Trade Association and the proceedings of a delegate conference held on December 12 at the Berlin Bourse, the general tenor of which is that foreign importers are vexed with prevailing conditions in the United States and are determined to force an improvement. At these two conferences a great many harsh things were said in regard to American certificates and specific instances of irregularities were mentioned. The vital point, which it will be well to separate from so much context, is this:

"'Mr. Friedberg (Hamburg) stated: "It is perfectly clear that if an American inspector certifies we have no right to doubt, or if we do we are asked, Why do you go on buying?" I may assure this meeting that a good many of us are not going on buying. We have none of this trouble in South America. For the general trade I think that there are respectable people enough in America, and I am wondering why they do not stop the glaring abuses that are complained of.'

"This instability is naturally one of the conditions of American business that is least acceptable to foreign importers, and, what with rivalry between ports for export business, it has created not only bitter feeling abroad, but definite differences in the prices at which grain of the same nominal grade is offered for sale at the different ports of shipment. There are 'easy ports' and 'good ports,' and sometimes the 'easy ports' are penalized, as this explained in a recent letter from an importer to an officer of an American commercial organization:

"'As you know, at present importers have great difficulty selling on certificates, but where quality is reasonably assured they are willing to pay a premium over lower inspections. Newport News and Norfolk were excluded on the London and Liverpool contracts because of last year's (1905) No. 2 corn shipments, while, as you know, your inspection maintained a premium all last season over the Atlantic.'

"SIMPLE REMEDY PROPOSED.

"The remedy sought is so easy of application and the demand for its application is so entirely reasonable that to the importer protracted resistance is incomprehensible. The proper remedy may be applied either by the American Government or by the cooperation of American trade bodies. The starting point of the reform would be, naturally, the establishment of standard descriptions by law. This alone, if the Government were charged with the issuance of inspection certificates the service would be removed from local influences and the so-called official American certificates would be rehabilitated. If this very rational proposition be objected to, the surest means of effectively combating it would be the holding of a conference of American grain-inspecting bodies for the adoption of grain standards and for the adoption of ways and means of drawing standard samples, to be deposited in American consulates at great European ports or to be issued upon demand to importers, and to provide for a board of inspectors, the members thereof to be transferred at intervals and liberated from every form of local pressure."

Consul General Skinner, of Marseille, France, under date of January 10, 1907, writes as follows:

"In continuation of my report dated December 18, 1906, I wish to say that my attention had been called to a report presented to the Syndical Chamber of Grain and Flour, at Paris, by George Lefebvre, delegate to the International Reunion, organized by the London Corn Trade Association. This report has been sent to me by a prominent Marseille miller, and I take it that it is a résumé of the sentiments of the trade in this city, which has not acted upon the subject as yet in an official manner, although at this port the great bulk of American hard wheat exportations are received. The report of M. Lefebvre is quite long, and I translate merely the salient passages, as follows:

"'I have the honor to render an account of my mission as your representative at the conference of November 8, organized by the London Corn Trade Association for the purpose of considering final certificates covering grain exportations from America. The conference was attended by not less than 45 members, whose opinions were unanimous as to the necessity of reforming the actual system. Some wished to ameliorate it and others to abolish it. Complaints were made of a detailed nature, which I have no need here to repeat, except as to two cases, which deserve to be set forth.

"'Complaint was made in regard to the delivery of hard winter wheat No. 2, in which not only the old and the new crops were mixed, but in which there was to be found also a considerable quantity of seriously damaged wheat. From the American inspectors who delivered the certificates, the only answer received was this: "We consider our principal duty is to secure the consumption of our crop."

"'Corn certified as No. 2 or "sail grade" (the quality capable of supporting a voyage in sailing ships) and which should have been able to endure a long voyage, arrived in a completely bad condition after a rather short journey. The complaint made was met by the reply that "It is the fault of the buyers who purchase during the months when corn germinates."

"'Mr. Montgomery, of Liverpool, speaking first, declared that the inspection service was badly established in the United States; that the European buyer renouncing any right of appeal as to quality when an inspector has delivered a certificate, thus constitutes the inspector an arbiter between the seller in America and the receiver in Europe.

"'The abuses concerning which complaints arise from all parts of Europe prove that the buyers must come to an understanding, in order to determine the methods by which this business should be handled between America and the Old World. This conference is probably the first effort along these lines between the interested countries.

"'First of all, what is it that is called an "official" certificate of inspection as to quality? This is a very broad definition. There is not in the trade any definition of the word "official," and in consequence every certificate of an inspector who holds an official position must be accepted by the buyer.'"

CANADA

The following Associated Press dispatch is corroborated by the Agricultural Department:

"GRASS SEED IS BEING DOPED WITH ADULTERATIONS FROM CANADA.

"WASHINGTON, *February 13, 1907.*

"The Department of Agriculture has issued a circular relative to the investigation of the adulteration of orchard grass, bluegrass, clover, and alfalfa seed. The department gathered seed from all parts of the United States, buying in the open market, and of the seed examined about one-third was found adulterated. The degrees of adulteration varied from 10 per cent to 75 per cent. The names of upward of a hundred firms which the department alleges are selling adulterated seeds are printed in the circular. It is estimated that 700,000 pounds of Canadian bluegrass seed are annually imported into the United States and mixed with Kentucky bluegrass seed and sold as the latter. A similar amount of trefoil is imported from England, mixed with alfalfa seeds, and sold at a corresponding advance, says the circular."

SCOTLAND.

AMERICAN FLOUR HURT BY MISBRANDING.

Consul R. W. Austin, of Glasgow, writes that the friends of American flour in Scotland are elated over the passage by Congress of "the food and drugs act of June 30, 1906," and are predicting that with the enforcement of the law mentioned the American flour will regain its old-time reputation and be restored to the head of the list which it occupied in Great Britain prior to 1904. Mr. Austin continues:

"At that time no flour—home or foreign—equaled the American article, which had grown in popular favor to such an extent that it had no real competitor.

"The American wheat crop of 1904 being short, enabled the continental mills to introduce their flour into Scotland, many of them not hesitating to use popular American labels. This scheme was worked successfully for some time, to the injury of the American trade and the excellent reputation of its flour. Finally a vigorous protest under the British 'sale-of-goods act' was made, and this practice of the millers of the Continent discontinued. While this afforded relief, American flour is, and has been for several years, seriously injured in Great Britain by its being misbranded or labeled before leaving America, and this unfair method, it is hoped, will be discontinued by an observance of the 'food and drugs act.'"

Mr. RUBEY. Mr. Chairman and gentlemen of the House, I want to say that I appreciate the splendid statement that has just been made by the gentleman from Iowa [Mr. HAUGEN], who is the ranking member of the Republican side of the Committee on Agriculture. I want to emphasize what he has said in his remarks, namely, that this bill has had the careful consideration of the Committee on Agriculture not only in this Congress but also in the last Congress. In the last Congress we held extensive hearings to which were invited the grain men, representatives of the State departments where they have State grain inspection, grain dealers, farmers' elevator people, millers, and all who were in any way connected with the grain industry either as producers or distributors. The bill was prepared, introduced, and passed through the House at the last session of Congress. It was taken up again during this session by the Committee on Agriculture, and we have gone over in detail every paragraph of this bill time after time. I have not the time to take up separately each amendment which has been offered here. I desire to state that almost every amendment that is pending here before this committee was discussed at length in the Committee on Agriculture, and each one of these amendments was rejected by the committee. I wish I had the time to take up each one of the amendments in detail. I desire especially to discuss the amendment offered by the gentleman from Tennessee [Mr. BYRNS], which proposes to strike out the word "and" in section 6 and substitute therefor the word "or." I want to explain to you just what that means. Under the bill as now written it carries a provision that the appeal from the inspection of a car of grain shall be made at the point of inspection, before the grain leaves the point where inspected and before it loses its identity. If you strike out that word "and" and insert the word "or," it will mean that you must follow every carload of grain from the place where it is inspected, it may be, clear across the continent to its destination, and, perchance, clear across the Atlantic Ocean to the foreign port where it is destined, and give opportunity for appeal from inspection after it reaches its destination.

If the grain has deteriorated in transit or if the price has fallen, the purchaser can take advantage of that fact to appeal in the hope that he may thus avoid loss by a change in condition or in price. We went over that situation in committee last year and also this year. We thrashed it out and looked at it from every viewpoint, and it is the concensus of opinion of everybody who has had to do with this legislation that the law as now written in this bill should stand. The millers of the country came before our committee and asked that they be given the privilege of inspecting the grain after it reached their mills and before it was unloaded; but after they failed to get that concession they have acquiesced in the bill as it is now written, and the milling concerns of the country are heartily in favor of this legislation. Section 7, which the gentleman from Minnesota [Mr. ANDERSON] desires to strike out of the bill, is a very important section; and if you take that section out of the bill, or if you adopt his substitute, you may just as well abandon this legislation. It is not intended by this legislation to interfere with State grain inspection. It is not the desire of the Department of Agriculture to in any way cripple the States in their inspection of grain, but, on the other hand, to most heartily cooperate with them. I hope, when it comes to voting upon the amendments offered to this bill, that you will take into consideration the fact that this bill has had the careful consideration of the subcommittee and of the full committee, and that you will

vote down all amendments. This bill comes to you indorsed by the farmers' organizations of the country, by the representatives of the farmers' elevators, 4,000 in number; by the grain trade, by the millers, and, in fact, by everybody who has to do with grain, from the farmer who produces it to the miller who grinds it into flour. It is opposed by exporters of grain, and by only a few of them. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. All time has expired. The question is on the first amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. McLAUGHLIN. Mr. Chairman, I ask unanimous consent that each amendment as it is reached be read.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that each amendment as it is reached shall be again reported. Is there objection?

Mr. FOSTER. Mr. Chairman, I shall have to object to that.

The CHAIRMAN. Objection is heard.

Mr. FOSTER. I would not object to the reading of the short amendments, but I think the gentleman understands that there is one very long amendment pending.

Mr. HEFLIN. Mr. Chairman, I demand the regular order.

Mr. McLAUGHLIN. Mr. Chairman, one of the amendments is very long, it is true, and is pretty well understood, and I will except that from my request and ask that the request be again put.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all amendments excepting the substitute offered by the gentleman from Minnesota, which is very long, be again reported before the vote is taken upon them. Is there objection?

Mr. DOOLITTLE. Mr. Chairman, reserving the right to object, can not the Members who want the particular amendments read ask that privilege when the particular amendment is reached for voting. Let the request be made at that time. I object.

The CHAIRMAN. The gentleman from Kansas objects. The question is on the amendment offered by the gentleman from North Dakota [Mr. HELGESEN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. HULBERT].

Mr. HULBERT. Mr. Chairman, I ask unanimous consent that that amendment be again reported.

Mr. BENNET. Mr. Chairman, I make the same request.

The CHAIRMAN. Without objection, it will be again reported.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. HULBERT) there were—ayes 46, noes 80.

So the amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I ask unanimous consent that the amendment be again reported. This is a part of the original bill that I am trying to put back into the bill.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the amendment be again reported. Is there objection?

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. SLOAN) there were—ayes 53, noes 74.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Is there objection?

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from North Dakota [Mr. YOUNG].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I ask that section 7 only be read of the amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] asks that section 7 only be read of the amendment. Is there objection?

There was no objection; and the Clerk again reported section 7 of the amendment.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Minnesota.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Missouri [Mr. RUBEY].

The question was taken, and the amendment was agreed to.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from Tennessee——

Mr. HEFLIN. Mr. Chairman, I ask for a division.

The CHAIRMAN. The Chair thinks it a little late to call for a division after the Chair has recognized the gentleman from Tennessee for another purpose. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, the reasons against the grain-grades act are given in the following, from the New York Produce Exchange:

NEW YORK PRODUCE EXCHANGE,
New York, April 28, 1916.

Hon. WILLIAM S. BENNET,
House of Representatives, Washington, D. C.

DEAR SIR: The New York Produce Exchange has been opposing vigorously H. R. 10405, the grain-grades act, and now learns that resort has been had to the highly objectionable practice of tacking the grain-grades act onto the Agricultural appropriation bill in the hope of passing in this way a measure that has been pending in the House through almost the entire session without favorable action, and is apparently doomed to defeat if the regular procedure is followed.

In view of the public disapproval of previous attempts at such practice, we doubt if the proposed amendment, even if adopted by the House, would be enacted into law.

However, the members of the New York Produce Exchange are unalterably opposed to the grain-grades act in whatever manner it may be presented for enactment, and we ask that you will not permit the approval by the Committee on Rules of House resolution 213 that would afford an opportunity to pass the grain-grades act in the House as an amendment to the Agricultural appropriation bill.

Yours, very truly,

JAS. WARD WARNER,
President.

NEW YORK PRODUCE EXCHANGE,
New York, April 15, 1916.

DEAR SIR: I am directed by the New York Produce Exchange to call your attention to House bill No. 10405, Union Calendar No. 38, which our members consider detrimental to the interests of the New York Produce Exchange as well as the interests of the port of New York.

This measure has been opposed by this organization, and the reasons for such action set forth in briefs that are embodied in previous records before Congress.

Your interest in opposition to the measure is solicited upon those same grounds, briefly:

First. While nominally termed "supervision of grades" the bill in reality, through the medium of authority for regulation given to the Department of Agriculture, creates practically a system of Federal inspection of grain.

Second. The New York Produce Exchange has established and maintained standards of grain, particularly for export, through the medium of an inspection department organized in 1875, and through its control maintained the integrity of those standards in its commercial transactions. The suggested licensing of a corps of inspectors by the Federal

the warehouseman claims a lien: *Provided*, That if the precise amount

of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem

United States, buying in the open market, and of the seed examined about one-third was found adulterated. The degrees of adulteration

of the subcommittee and of the full committee, and that you will

Government under Federal supervision and regulations of the Agricultural Department would take away from the New York Produce Exchange the control, so long established and to such good purpose, of such inspectors.

Third. The measure seems to be designed for the benefit of an interior movement of grain locally and such regulations should be separate and apart from the standards of the larger shipping centers for export purposes. Our foreign trade requires entirely different regulations which will in no way hamper its continued development.

Fourth. Members of the New York Produce Exchange are not opposed to Federal supervision, but believe that standards that would be established by the Department of Agriculture along the lines of chemical analysis would not be practicable for the grain trade, as has been proven by the standards established for corn, to which the export trade has so far been unable to adapt its trading.

Yours, very truly,

JAS. WARD WARNER,
President.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HAYDEN. Mr. Chairman, I make the same request.

Mr. SLOAN. And I, Mr. Chairman, make the same request.

Mr. HELGESEN. I make the same request, Mr. Chairman.

Mr. ANDERSON. I make the same request, Mr. Chairman.

Mr. KINKAID. And I make the same request.

Mr. DOOLITTLE. Mr. Chairman, I also ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to these several requests?

There was no objection.

Mr. LEVER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk, amendment No. 3.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

That this act shall be known by the short title of "United States warehouse act."

SEC. 2. That the term "warehouse" as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored. The term "agricultural product" wherever used in this act shall be deemed to mean any staple and nonperishable agricultural product. The Secretary of Agriculture is directed as soon as practicable to determine, and from time to time to designate, what articles are agricultural products within the meaning of this act. As used in this act, "person" includes a corporation or partnership or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt.

SEC. 3. That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this act; to determine whether warehouses for which licenses are applied for or have been issued under this act are suitable for the proper storage of any agricultural product or products; to classify warehouses in accordance with their ownership, location, surroundings, capacity, condition, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act; and to prescribe, within the limitations of this act, the duties of the warehousemen conducting warehouses licensed under this act with respect to their care of and responsibility for agricultural products stored thereon.

SEC. 4. That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder.

SEC. 5. That each license issued under sections 4 and 9 of this act shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon showing satisfactory to the Secretary of Agriculture may from time to time be renewed or extended by a written instrument, which shall specify the date of its termination.

SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond other than personal security to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

SEC. 7. That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of sections 6 or 9, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

SEC. 8. That upon the filing with and approval by the Secretary of Agriculture of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse shall be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked.

SEC. 9. That the Secretary of Agriculture may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act and such rules and regulations to the same extent as is provided for warehousemen licensed hereunder.

SEC. 10. That the Secretary of Agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding $2 per annum for each license or renewal thereof issued to a warehouseman under this act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 11. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to grade or otherwise, and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to classify and weigh the same and to certificate the grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

SEC. 12. That any license issued to any person to classify or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

SEC. 13. That every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

SEC. 14. That any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of this act and the rules and regulations prescribed hereunder.

SEC. 15. That grain, flaxseed, or any other fungible agricultural product received for storage in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

SEC. 16. That every warehouseman conducting a warehouse licensed under this act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor, as to permit at all times the identification and redelivery of the agricultural products deposited; but if a separate receipt has been issued, as to permit such redelivery of his share of such agricultural products stored in any warehouse licensed under this act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof.

SEC. 17. That for all agricultural products stored in a warehouse licensed under this act shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof.

SEC. 18. That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which

the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable.

SEC. 19. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products in this act defined by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purposes of this act as the official standards of the United States for the agricultural products to which they relate.

SEC. 20. That while an original receipt issued under this act is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this act.

SEC. 21. That a warehouseman conducting a warehouse licensed under this act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

SEC. 22. That a warehouseman conducting a warehouse licensed under this act shall cancel each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued.

SEC. 23. That every warehouseman conducting a warehouse licensed under this act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all other respects in compliance with this act and the rules and regulations made hereunder.

SEC. 24. That the Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this act and the rules and regulations made hereunder, the Secretary may publish his findings.

SEC. 25. That the Secretary of Agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

SEC. 26. That the Secretary of Agriculture from time to time may publish the results of any investigations made under section 3 of this act; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this act and lists of all licenses terminated under this act and the causes therefor.

SEC. 27. That the Secretary of Agriculture is authorized, through officials, employees, or agents of the Department of Agriculture designated by him, to examine all books, records, papers, and accounts of warehouses licensed under this act and of the warehousemen conducting such warehouses relating thereto.

SEC. 28. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

SEC. 29. That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States.

SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or imprisoned not more than six months, or both, in the discretion of the court.

SEC. 31. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, available until expended, for the expenses of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this act, and out of the moneys appropriated by this act to pay the salaries and expenses thereof.

SEC. 32. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 33. That the right to amend, alter, or repeal this act is hereby expressly reserved.

Mr. LEVER. Mr. Chairman, if I may have the attention of the gentleman from Iowa [Mr. HAUGEN], I ask unanimous consent that the time—one hour and a half—be divided between and controlled equally by the gentleman from Iowa and myself.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time allotted, 1 hour and 30 minutes, be divided equally between the gentleman himself and the gentleman from Iowa and controlled by them as requested. Is there objection?

There was no objection.

Mr. YOUNG of North Dakota. Reserving the right to object, Mr. Chairman, I want to say this——

Mr. MANN. If the gentleman wants time, he will have no difficulty in obtaining it on this side.

Mr. YOUNG of North Dakota. I want to say that while the former amendment was under discussion, the State producing the largest amount of wheat and the largest amount of flax in the United States was given only four minutes. I do not think that was fair. But I withdraw the objection.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The gentleman from South Carolina is recognized for 45 minutes.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. YOUNG].

The CHAIRMAN. The gentleman from Texas [Mr. YOUNG] is recognized for five minutes.

[Mr. YOUNG of Texas addressed the committee. See Appendix.]

Mr. LEVER. I will ask the gentleman from Iowa [Mr. HAUGEN] to use a little of his time.

Mr. HAUGEN. I yield five minutes to the gentleman from New York [Mr. BENNET].

The CHAIRMAN (Mr. CRISP). The gentleman from New York is recognized for five minutes.

Mr. BENNET. Mr. Chairman, I move to amend the bill by inserting, in line 22, page 30, after the word "warehouses," the words "licensed or applying for a license."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. BENNET].

The Clerk read as follows:

Page 30, line 22, after the word "warehouses," insert the words "licensed or applying for a license."

Mr. BENNET. Mr. Chairman, without these words the independent phrase which I seek to amend will read as follows:

That the Secretary of Agriculture is authorized * * * to classify warehouses in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act.

That is, this language confers upon the Secretary of Agriculture, a Federal official, the right to come within the boundaries of any one of the 48 States, to go into any man's building, to inspect that building, and then, under another provision of the act, he is required to publish the results of that inspection.

Mr. Chairman, I am aware that the Democratic Party, by action if not by words, have absolutely repudiated their old-time doctrine of State rights, which had certain merits; but if there ever was a sample of Federal aggression sanctioned by law this is it. Under the old common law every man's house is his castle, and, as Pitt said:

The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail, its roof may shake, the wind may blow through it, the storms may enter, the rain may enter, but the King of England can not enter! All his forces dare not cross the threshold of the ruined tenement.

Now, what do we purpose to do in this Democratic Congress? We purpose to put on the statute book a provision under which the Secretary of Agriculture can send into any structure or any inclosure sufficient to hold cotton, wool, flax, tobacco, or grain, anybody whom he desires to send, and publish a report as to the conditions and surroundings. That is bad enough.——

Mr. HELM. Will the gentleman yield?

Mr. BYRNES of South Carolina. The gentleman flatters me.

accompanying the bill. Under leave of the House I shall add

license, but permits renewal of licenses from time to time upon showing satisfactory to the Secretary of Agriculture.

SEC. 7. That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of sections 6 or 9, shall be entitled to sue on the bond in his own name in any court of

products of stock in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which

until expended, for the expenses of carrying into effect the provisions

Mr. BENNET. For a question.

Mr. HELM. What is the material difference between the right to inspect a public warehouse and the right to inspect a national bank by a bank examiner?

Mr. MADDEN. But the national bank was created by the Government.

Mr. BENNET. I will answer the gentleman's question directly. I have no objection whatever to the Secretary of Agriculture sending his inspectors either into a licensed warehouse or a warehouse which is applying for a license.

Mr. HELM. Is not that what is provided for in this bill—a licensed warehouse?

Mr. BENNET. No; and that is just where the gentleman is going to vote for my amendment, if he will listen. I propose to insert on page 30, in line 22, after the word "warehouses," the words "licensed or applying for a license," because this is optional. A man does not have to go into the Federal warehouse system unless he wishes to do so, and I propose that the Federal power shall only apply to a warehouse which is either licensed or is applying for a license. Why, in my State of New York there are 70 miles of warehouses standing side by side upon the piers and wharves of New York City.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. McLAUGHLIN. Does the gentleman notice that it is provided, beginning in line 22, on page 29—

That the term "warehouse" as used in this act shall be deemed to mean every building, structure—

And so on.

Mr. BENNET. Every building.

Mr. McLAUGHLIN. Licensed——

Mr. BENNET. It does not say that.

Mr. McLAUGHLIN. For interstate or foreign commerce.

Mr. BENNET. I will read it correctly:

SEC. 2. That the term "warehouse" as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce.

Mr. McLAUGHLIN. Under this act it would only be in case the license was issued that the Government would have any authority.

Mr. BENNET. The gentleman from Michigan ought to read this language. The gentleman is stating this act as it ought to be and as it will be if my amendment is adopted; but here is the language, in lines 11 and 12, on page 30:

That the Secretary of Agriculture is authorized—

And now, in line 22—

to classify warehouses—

Not licensed warehouses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask the gentleman from Iowa if he will yield me some more time?

Mr. HAUGEN. How much time?

Mr. BENNET. Five minutes.

Mr. HAUGEN. I am afraid I can not give the gentleman five. I will give him three.

The CHAIRMAN. The gentleman from New York is recognized for three minutes.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HELM. What is the meaning of section 4, page 31?

Mr. BENNET. That is in accordance with the scheme of the bill. That is all very proper. That is that the Secretary of Agriculture is authorized to issue licenses to any warehouseman when he finds the warehouse suitable and proper.

Mr. HELM. Is not that what you are advocating, a license?

Mr. BENNET. I am objecting to power being conferred upon the Secretary of Agriculture to go into a warehouse that does not desire to be licensed, that is not licensed, that has not applied for a license, and inspecting that warehouse under the power which is given by the language in this bill.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. BENNET. I yield to the gentleman from South Carolina.

Mr. BYRNES of South Carolina. Does the gentleman hold that the language he has read gives the Secretary of Agriculture the power to inspect a warehouse?

Mr. BENNET. Yes.

Mr. BYRNES of South Carolina. Where?

Mr. BENNET (reading lines 11 and 12, together with line 22)—

That the Secretary of Agriculture is authorized * * * to classify warehouses in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities.

Now, the gentleman from South Carolina is one of the best lawyers in the House.

Mr. BYRNES of South Carolina. The gentleman flatters me.

Mr. BENNET. I do not. I tell the truth about the gentleman. Now, will the gentleman answer me a question? I have no purpose to serve except to make the law what I think it ought to be, and what the intention was to make it. Would not my language really clarify the section if you add, after the word "warehouses," the words "licensed or applying for a license"; because that is what it is intended to apply to, is it not?

Mr. BYRNES of South Carolina. I do not think anyone would construe the language of the section as having that meaning.

Mr. BENNET. Will the gentleman then say why is it that this is the only place in the bill where, under similar circumstances, the word "license" is omitted. Then I call the gentleman's attention to this—what do the words "may be issued," in line 25 mean if this language does not apply to warehouses other than licensed warehouses?

Mr. BYRNES of South Carolina. My construction of it was that by that very language it was limited to warehouses to which licenses were issued. They could not be issued unless they applied for a license.

Mr. BENNET. Why not say so in explicit words, that a man's property within the boundaries of a State—and the gentleman is a Democrat and ought to agree with me—ought to be protected from the Federal Government unless he puts himself in the way of the inspection. [Applause.]

Mr. LEVER. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, on the 6th day of December, 1915, I introduced a bill (H. R. 432) authorizing the Secretary of Agriculture to license tobacco warehouses, and for other purposes. The bill before the House enlarges upon the scope of that bill introduced by me and includes not only tobacco but cotton, wool, grain, and flaxseed. I consider this a very wholesome piece of legislation and am most heartily in accord with it and in favor of it, and am especially gratified to see the principles of my bill, in its amplified and enlarged form, so soon enacted into law.

I was led to introduce the bill I introduced by the lesson I learned in my State from observing the operation of the bonded distiller's warehouse. I have in mind certain gentlemen who operate very extensive distilling businesses, and these men have, a part of the time, but not all the time, been bankrupt; and yet during the time they were bankrupt they were able to conduct a business that amounts to perhaps half a million or three-quarters of a million dollars a year.

I was curious to understand how it was that men could conduct such an extensive business and be so weak financially. I reached the conclusion that it was a system of credits. The Government issues to distillers what is known as a bonded warehouse receipt. This piece of paper is a bankable piece of paper, like a bank note, and passes upon delivery. It is a prime, commercial, bankable piece of paper that you can take to any bank in the United States and it will be accepted as gilt-edged collateral. All the banker was interested in when the receipt was presented to him was to know that it represented a barrel of distilled spirits in a United States bonded warehouse.

Mr. MADDEN. Will the gentleman yield?

Mr. HELM. Yes.

Mr. MADDEN. Does not the gentleman think the same thing applies to the warehouses under State control?

Mr. HELM. Every State has different rules and regulations and practices. The object of this bill is to establish uniformity and regularity in order to insure commercial stability. More especially does the export trade, the export business, which in a large measure controls the domestic price, depend largely upon one established and accepted system of grading, classification, and standardization. If there is one standard of grading or classification in one State and a different standard in another State you get your wires crossed and get into complications. If there is uniformity throughout the United States the banks say "Yes; that is acceptable paper we are glad to accommodate you, glad to handle it."

Mr. MADDEN. Do not they handle it now?

Mr. HELM. They do; but not with the alacrity and willingness that they will under this standardization and uniform operation. As I was attempting to say, when the United States bonded warehouse certificate is presented to the banker he knows that security is under Uncle Sam's care and under his watchful eye, and when the time comes that it will be paid, because the collateral on which it was issued will be on hand.

The features of the bill and its different sections are admirably set forth and explained in the report of the committee

accompanying the bill. Under leave of the House I shall add this report as an appendix and extension of my remarks.

The report is as follows:

This bill provides for the inauguration of a uniform system of warehousing, under Federal supervision, for staple and nonperishable agricultural products.

The outbreak of the European war emphasized the fact that the farm marketing machinery of this country is seriously weak, insufficient, and inadequate—a condition which already had been more or less recognized by students of farm economics. From a very thorough study of our system of marketing there will appear: (1) A lack of adequate storage facilities; (2) a lack of proper control and regulation of such storage systems as exist; (3) an absence of uniformity in their methods of operation and the form of receipts issued; (4) a multiplicity of standards for grading and classification, or in some cases an entire absence of such standards for grading and classification; (5) a lack of disinterested graders, classifiers, and weighers; (6) a lack of proper relationship between the storage and banking systems of the country.

The inauguration under this bill of a permissive system of warehouses licensed and bonded under authority of the Federal Government for the storage of staple and nonperishable agricultural products upon which uniform receipts may be issued, the weights and grades of the products specified therein having been previously determined by licensed weighers and graders in accordance with Government standards, would go far in the direction of standardizing warehouse construction, storage conditions, insurance, accounting, financing, and the handling and marketing of farm products.

The essential purpose of this bill is to provide machinery by which farm products may be brought into the most intimate contact with the commercial and investment banking world. Farm products of staple and nonperishable character, such as cotton, grain, wool, tobacco, and the like, undoubtedly furnish the very best security for procuring credit, for these products are the most accurate and unvarying barometers of the country's prosperity as well as indispensable factors in its physical existence and activity. Notwithstanding this fact, collateral based upon farm products affords only a most indifferent basis of credit, being rated, as it were, as of secondary strength. The result is that the farmer with perfectly sound security finds himself at the mercy of those who have come to look upon that security with a degree of suspicion as to its soundness as a basis for loans. That this situation should exist—and all agree that it does exist—is due, not to any inherent weakness in the security, but to the nonliquid and otherwise unattractive form of the collateral which it secures. We are seeking in this bill to put farm products in such position that they may assert their full value and strength, and this can be done only through a system which assures to the investor their quality, quantity, and safe-keeping, and at the same time affords him an investment which is readily negotiable.

A study of the provisions of the bill will show that great care has been taken for the protection of the integrity of the receipt issuing from the warehouses proposed to be licensed, for a warehouse receipt, to be of the fullest strength as collateral and as readily negotiable as possible in the financial markets of the country, must be a receipt of unquestioned character. We are trying to enable the farmer to mobilize the greatest possible part of the value of his annual farm yields by the use of a warehouse receipt of such undoubted integrity that it will flow into the general system of securities and become realizable upon at any time in the general market. We hope to make the warehouse receipt serve the same purpose with respect to the products of the land that the bond in a rural-credit system serves with respect to the land itself.

The Federal Reserve Board has ruled that farm notes secured by proper warehouse receipts are rediscountable. It will be observed, however, that such notes must be secured by proper warehouse receipts before they may be rediscounted, and, of course, the stronger the receipt the greater its negotiability and, within the limits of the law of supply and demand, the lower the rate of interest upon the note which it secures. It is absolutely essential to the prosperity of the farmer that every facility should be offered him to take advantage of the liberal provisions of the Federal reserve act, and your committee believes that the enactment of this bill into law would go further toward the accomplishment of this purpose than any proposal heretofore advanced for your consideration.

Your committee has already directed attention to the absence of uniformity in methods of storing and caring for agricultural products, in the standards for grading and classification, and in the form of receipts issued by warehouses. The advantages to be derived from such uniformity are too patent to admit of argument, and the bill proposes, by providing for such uniformity to bring all parts of the country into the closest commercial and financial relationship.

Your committee wishes to emphasize the fact that the provisions of this bill are permissive and in no sense compulsory. It can in no wise interfere with warehouse systems organized under State or local authority, but provision is made for cooperative action between the Federal Government and the States in which warehouses are organized under State legislation.

The following is a brief summary by sections of the various provisions of the bill:

Section 1 gives the title of the bill.

Section 2 defines the terms "warehouse," "agricultural product," "person," and "receipt."

Section 3 authorizes the Secretary of Agriculture to investigate the storage, warehousing, classifying, weighing, and certification of agricultural products; to license persons to conduct warehouses and to inspect such warehouses; to determine whether warehouses for which licenses have been applied for or have been issued under the act are suitable for the proper storage of agricultural products; to classify warehouses; and to prescribe, within the limitations of the act, the duties of warehousemen conducting warehouses licensed under the act.

SEC. 4. The Secretary of Agriculture is authorized upon application to him to issue to any warehouseman a license for the conduct of a warehouse, in accordance with the terms of the act and under such rules and regulations as may be made under the act. This section contains a proviso that each warehouse shall be suitable for the proper storage of the particular agricultural product for which a license is granted and also that such warehouseman agrees, as a condition to the granting of the license, that he will comply with and abide by all the terms of this act and the rules and regulations prescribed thereunder.

Section 5 limits the term of a license to one year and specifies that the date upon which the license terminates shall be stated in the license, but permits renewal of licenses from time to time upon showing satisfactory to the Secretary of Agriculture.

Section 6 provides that each warehouseman applying for a license shall execute and file with the Secretary of Agriculture a bond to the United States in order to secure the performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed thereunder, and of such additional obligations as the warehouseman may assume under contract with the respective depositors of agricultural products in such warehouse.

Section 7 permits any person injured by the breach of any obligation under the bond given under the provisions of sections 6 or 9 to sue on the bond in his own name in any court of competent jurisdiction to recover any damages that may have been sustained by such breach.

Section 8 permits a warehouse which has filed a bond which has received the approval of the Secretary of Agriculture, to be designated as "bonded under the United States warehouse act," and denies this privilege to other warehouses not so bonded.

Section 9 empowers the Secretary of Agriculture to license any person not a warehouseman to accept the custody of agricultural products and to store them in a warehouse upon the condition that such person comply with and abide by the terms of this act and the rules and regulations prescribed thereunder. It directs such person so licensed to issue receipts for agricultural products placed in his custody and requires that he shall give bond in accordance with the provisions of the act and the rules and regulations made thereunder affecting warehousemen licensed under the act, and further specifies that he shall be subject to the act and the rules and regulations thereunder to the same extent as is provided for warehousemen licensed under the act.

Section 10 directs that the Secretary of Agriculture shall charge a reasonable fee for every examination or inspection of a warehouse licensed under the act when such examination or inspection is made upon the application of a warehouseman, and a fee not exceeding $2 per annum for each license or renewal thereof issued to a warehouseman.

Section 11 gives the Secretary of Agriculture authority in his discretion to issue to any person a license to classify any agricultural product stored, or to be stored, in a warehouse licensed under this act and to certificate its grade or class, or to weigh the same and to certificate its weight upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed thereunder.

Section 12 authorizes the Secretary of Agriculture to suspend or revoke for cause licenses issued under authority of this act.

Section 13 prohibits discrimination on the part of licensed warehousemen against persons desiring to avail themselves of warehouse facilities.

Section 14 specifies that any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of the act and the rules and regulations made thereunder.

Section 15 makes mandatory that grain, flaxseed, or other fungible agricultural products received for storage in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same.

Section 16 requires that every warehouseman licensed under this act shall keep separate the agricultural products of one depositor from those of another so as to permit at all times the identification and redelivery of the agricultural products deposited; but permits a warehouseman to mingle or mix fungible agricultural products of the same grade.

Section 17 directs that receipts shall be issued by a warehouseman for all agricultural products stored in such warehouse and specifies that receipts shall not be issued except for agricultural products that are actually stored at the time of the issuance of the receipt.

Section 18 specifies the terms of the receipt that shall be issued for agricultural products stored in licensed warehouses. These specifications are as follows: (a) Location of the warehouse. (b) Date of issue of the receipt. (c) Consecutive number of the receipt. (d) A statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order. (e) The rate of storage charges. (f) A description of the agricultural products received showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification, and the weight of such bales or packages. (g) The grade or class of the agricultural products received and the standard in accordance with which such classification has been made. The proviso is made that the official standards of the United States shall be used in stating the grade or class of agricultural products stored. It is provided further that until official standards for any agricultural product have been fixed and promulgated, the grade or class of such agricultural product may be stated in accordance with any recognized standard, or in accordance with such rules and regulations not inconsistent with this act as may be prescribed by the Secretary of Agriculture. (h) A statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder. (i) If the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership. (j) A statement of the amount of advances made and the liabilities incurred for which a warehouseman claims a lien. (k) Such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture. (l) The signature of the warehouseman which may be made by his authorized agent.

These terms must be incorporated in every receipt. It is provided that upon request by the depositor of other than fungible agricultural products a receipt omitting compliance with subdivision (g) of this section may be issued if it be conspicuously stated in its terms that such receipt is nonnegotiable.

Section 19 authorizes the Secretary of Agriculture to establish and promulgate standards for agricultural products for the purposes of this act.

Section 20 specifies the conditions under which a duplicate receipt may be issued. These terms are (1) in places under the exclusive jurisdiction of the United States, compliance with the statutes of the United States applicable thereto; (2) in any place not under the exclusive jurisdiction of the United States, compliance with the laws of any State applicable thereto; (3) if there be no such statute of the United States or law of a State applicable thereto, a new receipt may be issued

in extra session, and we enacted an emergency warehouse law

after giving satisfactory security in compliance with the rules and regulations made by the Secretary of Agriculture pursuant to this act.

Section 21 requires a licensed warehouse or a warehouseman conducting a warehouse licensed under the act to deliver the agricultural products stored therein upon a demand made either by the holder of a receipt or by the depositor thereof, if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign when the products are delivered an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

Section 22 makes it mandatory upon the warehouseman conducting a warehouse under this act to cancel each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued.

Section 23 requires that every warehouseman under this act shall keep complete records of agricultural products stored within his warehouse and withdrawn therefrom, and of all warehouse receipts issued by him, and of the receipts returned and canceled. A warehouseman is required to make such reports as may be required by the Secretary of Agriculture and to conduct his warehouse in all respects in compliance with the terms of this act and the rules and regulations made thereunder.

Section 24 gives authority to the Secretary of Agriculture to cause examinations to be made of agricultural products stored in warehouses licensed under this act. The Secretary of Agriculture may publish his findings in case he discovers that a warehouseman is not performing fully the duties imposed upon him by this act.

Section 25 gives the Secretary of Agriculture power to suspend or revoke for cause and after hearing any license issued under the authority of this act.

Section 26 authorizes the Secretary of Agriculture to publish the results of any investigations made under section 3 of this act and makes it mandatory that he publish the names and locations of warehouses licensed and bonded, and the names of persons licensed under this act, and a list of all licenses terminated under this act, and the causes therefor.

Section 27 authorizes the Secretary of Agriculture to examine all books, records, papers, and accounts of warehouses licensed under this act.

Section 28 gives the Secretary of Agriculture authority to make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

Section 29 provides that this act shall not be construed to conflict with the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers, but authorizes the Secretary of Agriculture to cooperate with the officials of such States and through such cooperation to secure the enforcement of this act. The section also provides that the act shall not be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, or classifiers now in force in any place under the exclusive jurisdiction of the United States.

Section 30 makes the violation of the terms of the act a misdemeanor and fixes the punishment at a fine not exceeding $500 or imprisonment for not more than six months, or both, in the discretion of the court.

Section 31 appropriates $50,000 for carrying out the provisions of the act.

Section 32 states that in case any court shall declare any portion of this act to be invalid such judgment shall not impair or invalidate the remainder of the act.

Section 33 expressly reserves the right to amend, alter, or repeal this act.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN. I offer the following amendments.

The Clerk read as follows:

Page 30, line 2, after the word "product," insert the words "or interstate or foreign commerce"; page 30, line 5, after the word "they," at the end of the sentence, insert the words "intended for interstate or foreign commerce."

Mr. McLAUGHLIN. Mr. Chairman, it seems to me necessary to have this amendment adopted in order to make the bill what it was intended to be, so there will be no misunderstanding as to its meaning, and in order that if the bill becomes a law it will be less objectionable than it is now.

On line 25, page 29, we find the words "for interstate and foreign commerce" as used in defining the word "warehouse." The bill as originally prepared and for a time considered in the committee did not contain those words. It was proposed by the author of the bill and those who supported it to have Federal inspection, Federal licensing, and Federal control over all warehouses, whether they were used or intended for storing of products in interstate or foreign commerce and whether or not there were any interstate or foreign commerce feature about them. Upon the insistent demand of some who did not believe in that kind of legislation these words in line 25 were inserted. I believe they were inserted with the consent of the chairman of the committee, Mr. LEVER, with the idea that they would control the entire bill; that is, that they would relate to and define "products" wherever the word appears, the same as if the words "interstate and foreign commerce" were used wherever the word "products" appears in the law.

In my opinion the better way, the safer way, if the idea of the Committee on Agriculture is to be carried out, is to have the words "interstate and foreign commerce" inserted as I have suggested in my amendment in keeping with the idea the committee had in mind when it put the words in line 25.

I trust that the gentleman from South Carolina, in looking over this amendment and weighing what I have said, will agree to it and permit the amendment to be made to the bill.

Now, Mr. Chairman, I have approved of the other amendments offered by the chairman of the Committee on Agriculture, the cotton-future act and the grain-standardization act, but I think this act is faulty, that it goes too far, and am not able to give it my support. The purpose of this act, the House ought to know, is to provide for Government warehouses, inspection of warehouses, the issuing of receipts on products stored in these warehouses with the idea that receipts so issued can and will be made the basis for the issue of currency under the Federal reserve act. That is at the basis of this entire proposition. If it were not for that, this bill would not be here. Unless we approve that idea, we ought not to support this measure. Unless we believe that the Federal reserve act, with such construction as may be put upon it, as it now appears on the books or as it later may be amended at the demand of those who have been insistent in securing the passage of this bill, should permit the issuance of currency based on these warehouse receipts we ought not to support this measure. This bill, if it becomes law, is to be the foundation for what we call a "commodity currency" instead of an "asset currency," as provided by the Federal reserve act, which represents actual business activities and actual business transactions throughout the country, a safe basis, in the opinion of those who ought to know and as proved by business and banking and currency experience. If this bill becomes law, an effort will be made to amend the currency act, so as to permit the issuing of "commodity" currency, based on warehouse receipts. That practice or that system of currency will be unwise and will result in improper and dangerous inflation of the volume of currency, and, besides, the basis of currency so issued will be wrong.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. BOOHER. Let me call the attention of the gentleman to lines 24 and 25, on page 29, section 2. Does the gentleman not think the language in the last line there covers the point that he is making?

Mr. McLAUGHLIN. I know what the gentleman has in mind. I am familiar with the bill, and I will say to the gentleman, no, they have no relation whatever to it. They are simply describing what a warehouse is and what it must be. I am talking of the purpose behind this bill, why it was introduced, what use is to be made of it, and what these receipts are expected to do—play a part in the banking and currency system of the country.

Mr. BOOHER. Mr. Chairman, will the gentleman yield further?

Mr. McLAUGHLIN. Yes.

Mr. BOOHER. I do not call the attention of the gentleman to this in connection with the argument that he is making now, but with that part of his argument where the words "interstate or foreign commerce" ought to be inserted.

Mr. McLAUGHLIN. Mr. Chairman, I will say to the gentleman that the words in line 25—I have stated that before, evidently the gentleman not being in the room—"or interstate or foreign commerce" were inserted with the idea that they would influence and control the entire bill; but, in my judgment, in order to be sure of that, the words I have suggested by way of amendment should be inserted in line 2 and also in line 5. Congress can regulate and control interstate commerce and the products entering into interstate commerce, but Congress has no authority, nor should it seek authority, over products which are not in and which are not intended to be put into interstate commerce. Nor should Congress assume jurisdiction over places in which such products are stored.

Mr. Chairman, I have further objection to this bill. I do not like the idea of the Federal Government taking over so much, undertaking so much work. I do not like the idea of the people asking the Federal Government to do so much and take such part and so intimately in the business the people are carrying on. I do not believe that it is a proper function of the Federal Government, and I wish to say that I think the tendency of recent legislation is wrong and dangerous as the Federal Government extends its activities, reaching out in all directions for all kinds of purposes, taking upon itself one line and another of work, and employing men for one purpose and another, going into the States in all these different ways, interfering with and taking part in the business of the people of the States, influencing, controlling, and directing them in one way and another; overrunning the States with Federal employees, to say nothing of the political effect of the employment and the presence in the States of this vast number of men. Section 4 of the bill provides that the Secretary of Agriculture is authorized on application to him to issue a license to any warehouseman; that is, to anyone who may apply who has a building, a shed, an inclosure, anything in which he is carrying or can carry

on the business of storing products, no matter how insignificant it may be. This language in section 4 shows how far-reaching the activities of the Federal Government are to be.

Section 24 provides that the Secretary of Agriculture shall "cause examinations to be made" of agricultural products stored in warehouses, and section 27 provides that the Secretary of Agriculture is authorized, through officials, employees, or agents of his department designated by him, "to examine all books, records, papers, and accounts of warehouses licensed under this act and of the warehousemen conducting such warehouses relating thereto." The language of these sections give us an idea of the extent to which this law will carry us, of the vast number of men to be employed to make examinations of all the licensed warehouses in the country, and from time to time to examine and inspect all the products of these warehouses and to examine the books, records, papers, and accounts of everybody doing a warehouse business. We may well ask, When and where will the activities of the Federal Government end? How far is the Government to go in "investigating," "inspecting," and "controlling" private business? How far should the Government go in assisting the people in carrying on their business and in aiding them to do what they can and ought to do for themselves? This bill, in my judgment, carries the work of the Government too far. It provides for or will permit the employment of too many men to go out among the people for the purpose of taking part in, directing, and influencing the course of private business. And in my judgment there is no demand for it, except in the South, where the people ask and accept assistance in many matters which in other parts of the country the people do and insist on taking care of for themselves. There is no need of such a law as this anywhere, and there is no demand for it except, as I have said, for the purpose of making warehouse receipts the basis of issues of currency. If the bill under any circumstances or for any reason is to be passed, the amendments which I offer for the purpose of limiting its operation to products in "interstate or foreign commerce" ought to be adopted.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I do not think there is a more important provision relating to agricultural welfare than this warehouse amendment to the bill which we are now considering. I believe that it is one of the several real constructive measures that this Committee on Agriculture has brought before the House. During the argument and consideration of this bill we have heard a good deal said upon the question of production, and that it is quite an important problem there can be no doubt. The rapidly increasing population of the country and the decrease in the fertility of the soil brings this matter forcibly to our attention. For half a century we have been a Nation of unexampled resources, a country of "milk and honey," so to speak. Our country has been one of unrivaled resources in soil, climate, mine, and forest. But we have "skimmed the cream," and it is now our duty to turn our attention to the question of increasing the productivity of our soils and learning how to make two blades of grass grow where only one grew before.

But quite as important as the question of production is the question of marketing, because if we do not give attention to scientific and business methods of marketing our production will frequently become top-heavy and result in an actual loss instead of a benefit. Therefore the question of a proper marketing system is one that demands the serious attention of the Nation, and no such system can be complete and efficient without an effective warehouse system, especially as to our nonperishable agricultural products; and no system of warehousing can be comprehensive and efficient unless it is national in its scope and activities. This is the reason why I favor this warehouse amendment which Mr. LEVER has offered. The excellent results of a warehouse law are well illustrated in the case of the State of Texas, which I have the honor to represent in part. In 1914 the South raised over 16,000,000 bales of cotton, and as my colleague, Mr. YOUNG, has told you in his able speech this afternoon, during that year the State of Texas raised about four million and a half bales of that crop. The European war came on just as we were about ready to start to gather and market the crop, and what was the result? The country was panic stricken, business was paralyzed, the bottom of the market fell out, and the price of the South's great staple dropped in a few days from 12 and 13 cents a pound to 6 and 7 cents a pound. The result was disastrous both to the farmers and the business interests throughout the South. It has been many a day since the South was struck such a terrific blow. We had no warehouse laws that were adequate to meet the situation and no means arranged to systematically finance this crop during the period of its greatest distress. Our State legislature immediately met in extra session, and we enacted an emergency warehouse law which was a most excellent measure for the limited time that the legislature had in which to consider its provisions.

THE PRACTICAL WORKINGS OF THIS WAREHOUSE LAW.

Warehouses were quickly erected in many communities in Texas and placed themselves under the operation of the law, and while it is true that many farmers were unable because of financial reasons to warehouse and hold their cotton, it is also true that many farmers and business men did avail themselves of its provisions and profited well thereby. I do not speak alone from hearsay, but give testimony from actual experience as to the beneficial workings of this law. The business firm of which I am a member, a wholesale grocery company at Clarksville, in the spring and summer of 1914 had been liberal in its extension of credit to retail merchants, and when the disastrous drop in cotton prices came, and cotton was selling at 6 and 7 cents per pound, the conditions looked bad. We went to many of our merchant customers and told them to buy cotton from farmers who owed them, and wanted to sell, at 8 cents per pound, rather than to have them sell it on the open market at 6 and 7 cents per pound, and that we would permit them to turn it in to us at 8 cents per pound on their accounts, and we would warehouse it and hold it and take the risk of the price advancing to where we would come out on it without a loss.

Quite a number of our merchant customers took advantage of this offer, and bought the cotton from their farmer customers at this price, and we put it in a bonded warehouse, kept it there until the price of cotton advanced to where we could sell for a price that repaid us for the original price paid, plus insurance and carrying charges.

If we had continued to hold the cotton two months longer, we would have made a profit of $5 per bale on all we had bought.

As it was, we did not suffer any loss. I merely mention this personal instance as a practical illustration of the advantages of a warehouse system. It is no hearsay testimony. Many other wholesale and retail merchants in Texas did the same thing.

In addition to this, I know of a number of farmers who used the warehouses at Clarksville, where I live, that year of 1914, and made anywhere from $5 to $10 per bale by doing so.

TEXAS PERMANENT WAREHOUSE LAW.

When the regular session of the Texas Legislature met in 1915 they enacted our permanent warehouse law, under which we are now operating in our State. I shall not take up the time of the House in enumerating the good points of this law, except to say that it is managed by a board of supervisors composed of the governor, the commissioner of agriculture, and the commissioner of insurance and banking, and they in turn select the active management of the system. These warehouses must under bond grade or classify each bale of cotton offered for storage, giving a receipt showing, among other things, the elevation above sea level of the warehouse, and that the warehouse company guarantees the weight, class, and grade "within approximate limits" at the time of the issuance of the receipt.

The receipt must also contain a description of the bale, the rate of storage, and a statement that the cotton will be delivered to the bearer, a specified person, or to a specified person or his order, as the party storing may desire.

In addition to these provisions on the face of the receipt, there is a blank on the back of it for showing whether the cotton is free from incumbrances or liens of any kind, and if there are any liens this fact must be clearly set out.

This, in brief, is a statement of the provisions of the Texas permanent warehouse law, except that portion which relates to ginners; and inasmuch as the Lever warehouse amendment, which we are now discussing, has no application to gins or ginners I shall not take time to discuss that feature of the Texas warehouse law. It would not be pertinent to any provision of the bill which we are now discussing.

LEVER AMENDMENT DOES NOT IMPAIR OR LIMIT TEXAS WAREHOUSE LAW.

Section 29 of the amendment which we are now discussing provides—

> That nothing in this act shall be construed to conflict with or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such laws in such States and through such cooperation to secure the enforcement of the provisions of this act.

The advantages of this act are that it is national in its scope and will secure a uniform system of licensing warehouses and issuing receipts for these nonperishable products, which will be readily receivable as commodity paper at the Federal reserve banks and will enable the wheat farmer and cotton farmer, if he desires to do so, to borrow money on his product at a low rate of interest and hold it for a better price than that which obtains

at the time he makes the loan. A practical illustration of what can be done along this line is seen in the marketing of the 1915 cotton crop. At the opening of the marketing season for that year there was every indication that prices would again be very unsatisfactory. The European war had enlarged its scope of activities, and all shipments of cotton to Germany and Austria had ceased, by reason of England's contraband order in August, 1915. These adverse conditions were being taken advantage of to the fullest extent by those whose interest it was to Bear the market. In the midst of this condition Secretary of the Treasury McAdoo arranged for the deposit of $30,000,000 in gold of public funds in the Federal reserve banks at Atlanta, Dallas, and Richmond for the purpose of being used to rediscount loans made by national banks, as member banks, on cotton secured by warehouse receipts.

Ten days after this announcement on the part of Secretary McAdoo that he would deposit these Government funds in the South the Federal Reserve Board contributed greatly to the relief of the cotton situation by the adaptation and promulgation, on September 3, 1915, of regulations concerning commodity paper. Under these regulations all national banks and State banks which are members of the Federal reserve system may loan money to farmers or others on notes secured by nonperishable staple agricultural products properly warehoused and insured, and if the member banks charge the farmer or borrower on such "commodity paper" a rate of interest, including commissions, not exceeding 6 per cent per annum, they may rediscount such notes with the Federal reserve bank of their district at an interest rate of 3 per cent per annum. This gives the member bank an opportunity to make loans on commodity paper at an interest rate not exceeding 6 per cent per annum, and to rediscount or sell the same loan, if desired, to the Federal reserve bank in their respective districts at 3 per cent interest per annum, thus giving the borrower credit accommodations at a low rate of interest, the member bank a fair margin of profit on such loans, and the Federal reserve bank a reasonable compensation for the use of the money.

These regulations do not apply to cotton alone, but cover as well all nonperishable staple commodities in all parts of the country and, like credit facilities, are available to producers in any part of the United States. Did the deposit of these public funds in the South by Secretary McAdoo and the promulgation by the Federal Reserve Board of its commodity paper-rate regulations help the cotton market? I think any fair-minded man who is at all familiar with conditions that obtained will not hesitate for a moment to say that it did.

The local banks for the most part evidenced a splendid spirit of cooperation in the movement, and I am pleased to state that many of the banks in the district which I have the honor to represent took hold of this matter and made these loans on warehoused cotton at 6 per cent, and quite a number of them went down as low as 5 per cent on their rate. The effect of this show of confidence in the value of cotton as security was to stabilize the cotton market and give it a firm foundation, and cotton advanced from 8 and 9 cents per pound to 11 and 12 cents per pound in a very short space of time. Of course, I would not be extravagant enough to say that all of this advance resulted from the causes which I have enumerated, because I realize that decreased production was an important factor; but the fact remains that this advance in the price of cotton was worth more than $100,000,000 to the people of the South, and I think it is only justice to say that a substantial part of this amount was due to the definite and positive arrangements to finance cotton while it yet remained in the hands of the producer. There has never anything happened in the South which taught a better lesson than this to us all of the value of cooperation between the banker, the business man, and the farmer, and I hope that it is a good omen of the spirit of mutual cooperation which will obtain in the future. I have no patience with class hatred or prejudice. I detest the demagogue who continually preaches it. In every walk of life, whether on the farm or in the marts of trade, whether in the pulpit or the forum, the Nation needs men—

Men whom the spoils of office can not buy,
Men whom the lust of power will not kill,
Men who are honest, men who will not lie,
Men who can stand before a demagogue
And down his treacherous flattery without winking;
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking.

CONCLUSION.

The Democratic administration, under the able leadership of President Wilson, has been one of record achievement. Its definite purpose has been the promotion of the welfare of all the people and not that of any special class. Its product has been a group of constructive laws that challenge the admiration of the Nation. I call the roll of some of them. There is the Underwood tariff law, which fulfilled the Democratic pledges of a tariff for revenue instead of protection for the favored few. There is the income-tax law, which makes wealth bear its just share of the burden of taxation. There is the Federal reserve act, which freed the country from the dangerous domination of the financial supremacy of one small section of the Nation and mobilizes our banking resources for the benefit of all the people. There is the cotton futures act, the grain graders' act, and this warehouse law, all enacted for the benefit of our great agricultural interests; and, as the crowning achievement of it all, this Democratic administration will soon give the people of the United States a rural-credits law, which will do more for the farming interests of the Nation than any law which has ever been placed upon the statute books.

Adam Smith, when he came to write his Wealth of Nations in 1776, remarked upon it as a truism that the policy of all great nations since the downfall of the Roman Empire "has been more favorable to arts, manufacture, and commerce, the industry of towns, than to agriculture, the industry of the country."

No one who has read history carefully can doubt that the great philosopher was right. But the present Democratic administration can not be justly subjected to this criticism.

To use the expression of President Wilson, we have seen the dawn of a "new freedom"—the liberation of the spirit of Democracy, which teaches that those only are great things which tend to render life more happy, peace more secure, and pave the way for a state of future prosperity more permanent and enduring.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I offer the following amendment by way of substitute which I send to the desk and ask to have read.

The Clerk read as follows:

Page 29, strike out all after the word "that," in line 17, and insert in lieu thereof the following:

"This act shall be known by the short title of 'United States warehouse act.'

"SEC. 2. That the term 'warehouse' as used in this act shall be deemed to mean every building, structure, or other protected inclosure situated on the line or at the terminal of a common carrier engaged in the transportation of agricultural products in interstate or foreign commerce in which any agricultural product is or may be stored for hire, but shall include such warehouses operated by a State or by cooperative associations for the benefit of their own members. The term 'agricultural product' wherever used in this act shall be deemed to mean grain, flaxseed, cotton, wool, and tobacco. As used in this act 'person' includes a corporation or partnership or two or more persons having a joint or common interest; 'warehouseman' means a person lawfully engaged in the business of storing agricultural products, and 'receipt' means a warehouse receipt.

"SEC. 3. That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this act; to determine whether warehouses for which licenses are applied for or have been issued under this act are suitable for the proper storage of any agricultural product or products; to classify warehouses according to their ownership, location, surroundings, capacity, condition, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act.

"SEC. 4. That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that a bond shall have been filed and approved as required by this act.

"SEC. 5. That each license issued under sections 4 and 9 of this act shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and that it is issued under the terms of this act.

"SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, prior to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond other than personal security to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act. Whenever the Secretary of Agriculture shall determine that a bond approved by him is or for any cause has become insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

"SEC. 7. That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of this act, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

"SEC. 8. That it shall be unlawful for any person to designate any warehouse owned or operated by him as bonded or licensed under this act, or to use any name or description in any receipt issued by him, conveying the impression that it is so bonded or licensed, or otherwise convey such impression, unless said warehouse is licensed under this act.

"SEC. 9. That the Secretary of Agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding $2 per annum for each license or renewal thereof issued to a warehouseman under this act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

"SEC. 10. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person authorized under the laws of any State to grade or weigh agricultural products a license to classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to grade or otherwise, and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to weigh and classify the same and to certificate the weight and the grade or other class thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

"SEC. 11. That it shall be unlawful for any person to certify the class, grade, weight, or condition of any agricultural product stored or to be stored in any warehouse licensed under this act, or to use any name or description conveying the impression that he is authorized to issue such a certificate under this act, unless such person is licensed under this act.

"SEC. 12. That any license issued to any person to classify or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 13. That every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

"SEC. 14. That grain, flaxseed, or any other fungible agricultural product received for storage in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

"SEC. 15. That every warehouseman conducting a warehouse licensed under this act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades.

"SEC. 16. That for all agricultural products stored in a warehouse licensed under this act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof.

"SEC. 17. That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification, and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable.

"SEC. 18. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products in this act defined by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purposes of this act as the official standards of the United States for the agricultural products to which they relate.

"SEC. 19. That while an original receipt issued under this act is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural products covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this act.

"SEC. 20. That a warehouseman conducting a warehouse licensed under this act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

"SEC. 21. That a warehouseman conducting a warehouse licensed under this act shall cancel each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued.

"SEC. 22. That every warehouseman conducting a warehouse licensed under this act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all respects in compliance with this act and the rules and regulations made hereunder.

"SEC. 23. That the Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this act and the rules and regulations made hereunder, the Secretary may publish his findings.

"SEC. 24. That the Secretary of Agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 25. That the Secretary of Agriculture from time to time may publish the results of any investigations made under section 3 of this act; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this act and lists of all licenses terminated under this act and the causes therefor.

"SEC. 26. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"SEC. 27. That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehousemen, weighers, graders, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States.

"SEC. 28. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or imprisoned not more than six months, or both, in the discretion of the court.

"SEC. 29. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, available until expended, for the expenses of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere; and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this act, and out of the moneys appropriated by this act to pay the salaries and expenses thereof.

"SEC. 30. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 31. That the right to amend, alter, or repeal this act is hereby expressly reserved."

been a group of constructive laws that challenge the admiration | be entitled to sue on the bond in his own name in any court of com-

Mr. ANDERSON. Mr. Chairman, I have not offered this amendment with any hope that it will be adopted. I offer it in order that the House and the country may be informed of my notion of what this bill ought to provide.

The CHAIRMAN. May the Chair interrupt the gentleman to inquire how much time he wishes to take?

Mr. ANDERSON. Yes; five minutes. I realize the utter futility of offering an amendment which attempts to deal with this proposition on any basis different from that proposed in the amendment now under consideration.

In the circumstances under which we are legislating we are able to get only five minutes in which to discuss the fundamental propositions involved in this amendment. We can not get a vote at the end of the argument, but as a result of the rule adopted the vote on such amendments as are proposed will be determined by men who are not on the floor now, who do not hear the arguments, and who consequently can know nothing of the merits or demerits of the respective propositions advanced.

The amendment under consideration as it was originally reported to the House dealt with warehouses, whether those warehouses were engaged in the storage of grain, cotton, wool, or other agricultural products, in interstate and foreign commerce or in intrastate commerce. I attempted in the committee to have adopted amendments which would bring this proposition clearly within the constitutional power of the Congress. The committee having failed to take my view of the question, I prepared a speech, outlining my position and the constitutional objections to the bill as it was originally reported; but the committee had a change of heart on that subject, and after the bill was reported inserted in it amendments limiting its scope to warehouses engaged in the storage of grain in interstate and foreign commerce only, thereby accepting the position which I had taken on the bill.

I suppose I should be satisfied that the committee has accepted my view of the situation, but I can not but regret that the committee has deprived me of an opportunity to deliver a very good speech on the floor of this House. [Applause.]

Mr. MANN. That is for the speech. [Laughter.]

Mr. ANDERSON. I do not think the House ought to be deprived of the opportunity of reading the speech, and I therefore ask unanimous consent that I may insert it in the RECORD at the end of my remarks to-day. [Applause.]

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] asks unanimous consent to insert in the RECORD the speech indicated. Is there objection?

There was no objection.

Mr. ANDERSON. The amendment as it is now presented deals with warehouses on the theory that Congress has the right to regulate warehouses receiving grain shipped or intended for shipment in interstate and foreign commerce. Its jurisdiction rests upon the proposition that the grain stored in these elevators has moved or will move in interstate and foreign commerce.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. Mr. Chairman, may I have three or four minutes more?

Mr. HAUGEN. Mr. Chairman, I will yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Minnesota is recognized for two minutes more.

Mr. ANDERSON. Mr. Chairman, the amendment that I have offered deals with the elevator as an instrumentality of interstate and foreign commerce and is consequently much broader than the amendment offered by the committee. In addition, the amendment which I have offered eliminates from the bill the provisions for an inspection service which I believe will seriously interfere with the State systems as they now exist. The bill of the committee, as originally reported, was wholly permissive, and the obligations of the warehouseman rested entirely upon his agreement to be bound by the regulations issued by the Department of Agriculture. The amendment which I have offered imposes those obligations not by virtue of any agreement which the warehouseman may make with the Secretary of Agriculture, but upon the power of Congress to regulate warehouses or warehousemen engaged in operating warehouses as instrumentalities of interstate and foreign commerce; and in that respect I think it improves the pending amendment.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

The speech referred to is as follows:

"The pending bill is the result of a great emergency.

"During the season of 1914 the South raised the largest crop of cotton in its history. The European war destroyed the market for a large part of this crop, and the South found itself with some 2,000,000 bales of cotton which it must carry over to the succeeding year.

"A survey of the situation showed that the warehouse facilities of the South were absolutely inadequate for the storage of this vast quantity of cotton until the next season and that the Southern States were for the most part entirely without adequate laws for the regulation of such warehouses as actually existed or might be established.

"Warehouse receipts issued under these circumstances were not liquid and loans could be made upon them only in a comparatively limited market. The bill under consideration was originally introduced to meet this situation, to provide facilities for the storage of the cotton and at the same time such regulation as would stabilize the receipts issued by the institutions licensed under the act and make them available as a basis for the issue of currency by the Federal reserve banks.

"For several years there has been in the grain-growing sections of the country a feeling that the State inspection and warehousing systems operated in the interest of the large users and speculators in grain. A great many people in these grain-growing sections believed that Federal control of warehousing and grain-inspection systems was necessary in the interest of the producer. They saw in the cotton-warehouse bill a vehicle for the passage of Federal legislation for the regulation of grain warehousing and grain inspection. They sought to take advantage of the emergency confronting the South to bring about certain legislative results which they thought desirable. The consequence of this situation was the coupling of the supposed interests of the cotton sections of the South with the grain-growing sections of the North in the warehouse bill which is now under consideration.

"The bill proposes, if it accomplishes what I understand to be its ideal, to do in a different way for the warehouses of the country what the national-bank law did for national banks—to make a warehouse as safe a depository for agricultural products as the national bank is for money; to make a certificate of storage issued by a warehouse as stable, as negotiable, as liquid as a certificate issued by a bank. These purposes are desirable. My objection to the bill is not that it will accomplish these results, but that it will not accomplish them.

"The bill, as a whole, is of such doubtful constitutionality, so uncertain in its terms, and so unenforceable in its regulations as to defeat the purposes for which it is proposed to be enacted.

"When I say the bill is unconstitutional, I do not wish to be understood as questioning the power of Congress to regulate the warehousing of agricultural products so far as the warehousing may be incidental or appropriate to the transportation of these products in interstate or foreign commerce. I merely assert that we have not the power to regulate the warehousing of agricultural products in the way and to the extent which it is proposed by this bill to regulate it.

"It is significant that the report of the committee makes no attempt to establish a constitutional basis for the bill. The chairman of the Committee on Agriculture is one of the ablest and most adroit men in this House. He is at the same time the kindliest and most amiable. But I have too high a regard for his wisdom to suppose that the failure to establish a constitutional basis for the bill was the result of inadvertence. I suspect that this omission was the result of a desire on the part of the Chairman to make it present as small a target as possible.

"It is obvious from the definition of the term "warehouse" in the second section of the bill, which controls the operation of the bill and which reads as follows:

"That the term 'warehouse' as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored.

"That its provisions apply to warehouses doing a strictly intrastate business. There are no provisions in the bill which can possibly be construed in such a way as to limit the operation of the bill to warehouses whose operation is incidental or appropriate to the transportation of agricultural products in interstate or foreign commerce. In the absence of language limiting the operation of the act to such warehouses as are operated incidentally or appropriately to the transportation of agricultural products in interstate or foreign commerce, it is apparent that the constitutionality of the bill can not be sustained under the decisions of the United States Supreme Court in the Trade-Mark cases—One hundredth United States Reports, page 82—and the Employers' Liability cases—Two hundred and seventh United States Reports, page 463.

"In both of these cases it was decided that where no language was contained in the act restricting its operation to subjects legitimately within the scope of the interstate-commerce clause, the court could not, and would not, write in such words for the purpose of sustaining the constitutionality of the act.

"In the Trade-Mark cases the court said, page 99 (207 U. S., p. 502):

"If we should, in the case before us, undertake to make by judicial construction a law which Congress did not make, it is quite probable we should do what, if the matter were now before that body, it would be unwilling to do, namely, make a trade-mark law which is only partial in its operation, and which would complicate the rights which parties would hold, in some instances under the act of Congress and in others under State law.

"This language is quoted with approval and the principle stated sustained in the Employers' Liability cases referred to.

"In the Employers' Liability cases the constitutionality of the employers' liability act approved June 11, 1906, was in question. The act, by its terms and by the construction of the court, applied to the employees of all common carriers engaged in interstate and foreign commerce, whether these employees were at the time of the injury or death actually engaged in interstate commerce or not. The court said, page 504:

"Concluding, as we do, that the statute, whilst it embraces subjects within the authority of Congress to regulate commerce, also includes subjects not within its constitutional power, and that the two are so interblended in the statute that they are incapable of separation, we are of the opinion that the courts below rightly held the statute to be repugnant to the Constitution and unenforceable.

"The decisions in these cases are unquestionably applicable to the bill under consideration, and undoubtedly prohibit the possibility that the court would sustain the constitutionality of this bill under the interstate-commerce clause.

"If the bill can not be sustained by the interstate-commerce clause of the Constitution, I assert that it can not be sustained at all. The proponents of the bill assert that it may be sustained under the so-called 'general-welfare clause' of the Constitution, which provides:

"That Congress shall have power to levy taxes, duties, imposts, and excises; to pay the debts; and provide for the common defense and general welfare of the United States.

"The bare statement of this proposition is its own refutation. So far as I know, this is the first time it has ever been asserted that under this clause Congress might pass legislation affecting the substantive rights of individuals or invade the domain of the powers reserved to the States.

"It has uniformly been held by law writers and by the courts that the power conveyed to the Congress by the language 'to provide for the general welfare' was the power to appropriate money for the general welfare. It is not contended that this power is confined to the appropriation of money for the purposes specified in the remaining paragraphs of section 8 of the Constitution. Congress may appropriate for whatever in its judgment conduces to the general welfare, but this does not mean that Congress may, under the guise of appropriation, legislate upon upon every field of human activity, or that it can, under this clause of the Constitution, define the rights or liabilities of individuals or exercise a police power with respect to the domestic concerns of a State.

"I quote from Mr. Jefferson in his opinion on the power of Congress to establish a Bank of the United States, as it is found on page 390, Volume I, of Watson on the Constitution, as follows:

"To lay taxes to provide for the general welfare of the United States; that is to say, 'to lay taxes for the purpose of providing for the general welfare.' For the laying of taxes is the power and the general welfare the purpose for which the power is to be exercised. Congress are not to pay taxes ad libitum for any purpose they please, but only to pay the debts or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase not as describing the purpose of the first but as giving a distinct and independent power to do any act they please which might be for the good of the Union would render all the preceding and subsequent enumerations of power completely useless. It would reduce the whole instrument to a single phrase—that of instituting a Congress with power to do whatever would be for the good of the United States; and as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased. It is an established rule of construction, where a phrase will bear either of two meanings, to give it that which will allow some meaning to the other parts of the instrument and not that which will render all the others useless. Certainly no such universal power was meant to be given them. It was intended to lace them up strictly within the enumerated powers, and those without which, as means, these powers could not be carried into effect. It is known that the very power now proposed as a means was rejected as an end by the Convention which formed the Constitution."

"And from President Monroe's message to Congress of May 4, 1822, on the bill for the preservation and repair of the Cumberland Road, as found on pages 393 and following of the same volume of Watson on the Constitution, he says:

"That the second part of this grant—i. e., to provide for the general welfare—gives the right to appropriate the public money and nothing more is evident from the following considerations: First, if the right of appropriation is not given by this clause, it is not given at all. * * *

"In the second, because if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent; that there would have been no use for the special powers to raise and support Armies and a Navy, to regulate commerce, to call forth the militia, or even to lay and collect taxes, duties, imposts, and excises. An unqualified power to pay the debts and provide for the general welfare and the common defense, as the second part of this clause would be if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union, but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the States and the General Government and consolidate the whole under the latter."

"Again, on page 396, same volume:

"I have dwelt thus long on this part of the subject from an earnest desire to fix in a clear and satisfactory manner the import of the second part of this grant, well knowing from the generality of the terms used their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to appropriate the public money raised under the other part."

"I quote from Watson on the Constitution, page 398, the second paragraph, as follows:

"We have seen that such eminent constitutional critics and commentators as Jefferson, Hamilton, Monroe, St. George Tucker, and Judge Story have given strong reasons in support of the view that the words 'to lay and collect taxes, duties, imposts, and excises' did not confer upon Congress an unlimited power to lay taxes, but that the proper construction of these words connected them with those which immediately follow, namely, to 'pay the debts and provide for the general welfare of the United States,' and that they were limited by such words to levying taxes for the purpose of paying the debts and providing for the common defense and general welfare of the country. This view has been generally accepted as correct, and the controversy upon the subject may be regarded as settled.

"It thus appears that the powers granted by the first paragraph of section 8, namely, 'The power to levy taxes and provide for the common defense and the general welfare,' are in no way different from the powers granted in the other paragraphs of the same section. In other words, the power to levy taxes, provide for the common defense and the general welfare, is not a general power, but a specific power.

"The power to provide for the general welfare is not the general power to legislate upon everything which concerns the general welfare, but is the power to provide the funds; in other words, to appropriate money for the general welfare. It is the power to appropriate, not the power to regulate. That power exists only under the interstate-commerce clause of the Constitution.

"If it be established, as I think it is, that the power granted by the language 'To provide for the general welfare' is that of appropriating money, the question arises as to how far it extends and what its limits are.

"It has already been established that this power does not differ in kind from the other powers granted in the Constitution. It is an enumerated and specific power. Therefore the rules which apply to the construction or interpretation of the other enumerated and specific powers granted by section 8 ought to be and are the rules to be applied to the paragraph in question. One of these rules is found in the final paragraph of section 8, which reads as follows:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

"The leading case interpreting the section just quoted is the opinion of Chief Justice Marshall in the case of McCulloch v. Maryland (4 Wheat., p. 421), which defines the incidental power of Congress in this language:

"If the end be legitimate and within the scope of the Constitution, all the means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may be constitutionally employed to carry it into effect.

"Applying this statement to the clause which empowers Congress to provide for the general welfare—in other words, to appropriate money for the general welfare—we find that Congress may employ 'all the means which are appropriate and which are plainly adapted' to carry into effect the power to appropriate money for the general welfare.

"The second rule which limits this power is found in Article X of the Constitution, which reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

"These paragraphs are just as much limitations upon the power to appropriate money as they are upon any other power granted by the Constitution, and limit the power to appropriate money to such laws as are 'necessary and proper' to carry

that power into effect. They prohibit the invasion of the field of legislation reserved to the States under the power to appropriate money as much and to the same extent as they prohibit such invasion under any other power.

"The rule, then, is that such means may be used or laws passed under the power to appropriate money as are appropriate or applicable to the appropriation of money, and such as do not by their terms invade the domestic jurisdiction or police power of the States.

"The immediate question is whether the provisions of this bill are such as are appropriate or applicable to the appropriation of money. In order to determine this question recourse must be had to the terms of the bill itself. I confine myself to such sections as are clearly regulatory and which invade the police power of the State.

"Section 3 authorizes the Secretary of Agriculture, among other things, to prescribe the duties of the warehousemen conducting warehouses licensed under the act with respect to the care of and responsibility for agricultural products stored therein.

"Section 4 authorizes the Secretary of Agriculture to issue a license for the conduct of the warehouse, providing the warehouseman shall agree to comply with the rules and regulations prescribed by the Secretary and by the terms of the act.

"Section 6 requires the warehouseman to file a bond to secure the faithful performance of his obligations and his compliance with the act and the rules prescribed.

"Section 7 authorizes any person injured by breach of the obligations of the bond to sue thereon.

"Section 11 authorizes the Secretary of Agriculture to appoint persons to inspect, grade, and classify products which may be stored in warehouses licensed under this act, whether such products are stored in the course of interstate or intrastate commerce.

"Section 13 requires the warehouseman to receive agricultural products without discrimination.

"Section 14 provides that every person who stores grain in a licensed warehouse shall be deemed to have deposited the same subject to the provisions of the act and the rules made thereunder.

"Sections 16, 17, and 18 make applicable to warehouses licensed under the act the so-called uniform warehouse-receipts law.

"Section 23 requires the warehouseman to keep books and records.

"Section 24 authorizes the Secretary of Agriculture to cause examination to be made of agricultural products stored in warehouses licensed under the act, and to publish his findings if it is determined that the warehouseman is not performing the duties imposed upon him by the act.

"Section 25 authorizes the Secretary to suspend or revoke the license of a warehouseman for failure to comply with the act or rules, or for making unreasonable charges.

"Section 27 authorizes the Secretary to inspect and examine all books, records, papers, and accounts of warehouses and warehousemen licensed under the act.

"Section 28 is a blanket provision authorizing the Secretary of Agriculture to make rules and regulations.

"Section 30 is a penal section designed to protect the genuineness of certificates of grade or of storage issued under the act.

"These provisions are clearly regulatory. Any and all of them might be imposed by a State under its police power. No power is anywhere given to Congress to regulate the internal affairs of the States, and such regulatory power as it possesses exists only as to interstate and foreign commerce.

"Can it be said that the power to appropriate money is the power to fix the duties and responsibilities of warehousemen in transactions wholly within a State; to require a warehouseman to give a bond for the performance of his duties; to fix his liabilities under that bond as they relate to a citizen of a State; to require every person who stores agricultural products in such a licensed warehouse to comply with the rules and regulations of the Secretary of Agriculture, and to fix the rights of such person as against the warehouseman, whether the transaction is one in interstate or intrastate commerce; to require the receipts to be in certain form; to make it a penal offense subject to fine and imprisonment for a person to falsely simulate, counterfeit, forge, or alter a fraudulent receipt or certificate of weight or grade, or to violate the provisions of the act?

"These provisions do not relate to the appropriation of money. They have nothing to do with the appropriation of money. They in no proper sense control or limit the appropriation of money or its use when appropriated. They are purely regulatory. They regulate and determine the rights and obligations of individuals in both intrastate and interstate transactions. In every line they invade the domestic field of State legislation.

"It is claimed that if this bill can not be sustained under the general-welfare clause of the Constitution, then it is not possible to sustain the act creating the Department of Agriculture, the Federal Reserve System, the reclamation acts, and the agricultural-extension acts.

"Each of these acts is distinguishable from the bill under consideration and rests upon wholly different provisions of the Constitution. The Federal Government is itself one of the enumerated powers. The Agricultural Department and the Federal reserve banks are agencies of the Federal Government, and as such it is within the power of Congress to create them and to appropriate money for their maintenance and support.

"The reclamation act applies to public land over which the Federal Government may exercise the same control as a private individual might exercise; if it is desirable to improve these lands in order to enhance the price at which they may be sold, the Federal Government, as a private owner, may appropriate money to improve them.

"No attempt was made in the Lever Act, or has been made in any other act resting upon the power of Congress to appropriate money, to fix or determine the rights of individuals or invade the exclusive domain of the States. The conditions imposed were conditions upon the departments of the Government in expending the money, and not regulations upon the individuals who received the benefits of the appropriation.

"The regulation of warehouses, the fixing of the responsibilities of warehousemen, the enactment of police ordinances for the protection of the public in dealing with such warehouses are powers exclusively within the domain of the States, except in so far as the warehouses may be instrumentalities in the transportation of goods in interstate or foreign commerce or the operations of the warehouses incidental to commerce between the States or with foreign countries. In so far as the operation of such a warehouse is intrastate, it can not be regulated by Congress under the general-welfare clause or any other, except as such regulation might be incidental to its regulation as an instrument of interstate or foreign commerce under the commerce clause, where its intrastate business could not be separated from its interstate business.

"The bill is obviously unconstitutional in that it attempts to regulate purely intrastate transactions and to fix the rights and liabilities of persons within the States with respect to such transactions. The proponents of the bill, however, claim that the regulatory provisions are valid because they are permissive only; that is, they apply only to such persons as apply for licenses and agree to be bound by them. I do not think this position is tenable.

"Whatever power Congress possesses it gets from the Constitution. The power is plenary and absolute, but it is not unlimited. If we have the power to regulate the business of warehouses at all, and to the extent that we have the power to regulate it, we may regulate it without the consent or agreement of the persons to be regulated. Their consent or agreement neither validates nor invalidates the law or any regulations made under it. In other words, the power to make a permissive law is the power to make a compulsory law, for the power to make the law at all is the sovereignty of the Government and not the will of the class to be regulated. If the regulations are invalid or unenforceable without the consent or agreement of those regulated, they are invalid and unenforceable with such consent or agreement.

"I have pointed out that this bill seeks to regulate intrastate transactions. Is it possible, if the Constitution gives us no authority to regulate those transactions, that we may acquire that power by the consent of the persons to be regulated? The powers of the States can not be enlarged or diminished by the Federal Government, nor can the powers of the Federal Government be enlarged or diminished by the States. How much less can they be enlarged or diminished by the consent or agrement of individuals?

"In the case of Pollard's Lessee v. Hagan et al. (3 Howard's Reports, p. 212), the court said (p. 224):

"And all constitutional laws are binding on the people, in the new States and the old ones, whether they consent to be bound by them or not. Every constitutional act of Congress is passed by the will of the people of the United States, expressed through their Representatives, on the subject matter of the enactment; and when so passed it becomes the supreme law of the land, and operates by its own force on the subject matter, in whatever State or Territory it may happen to be.

"This case involved the rights of the State of Alabama to the land between the high and low water marks in navigable streams, and the respective power of the Federal Government and the States to grant these lands or regulate their sale. On the particular question in controversy, the court said (p. 229):

"Then to Alabama belong the navigable waters, and soils under them, in controversy in this case, subject to the rights surrendered by

the Constitution of the United States; and no compact that might be made between her and the United States could diminish or enlarge these rights.

"In the Passenger cases (7 Howard's Reports, p. 399), the court used this language:

"But the argument is, that a State acting in a subordinate capacity wholly inconsistent with its sovereignty, may regulate foreign commerce until Congress shall act on the same subject; and that the State must then yield to the paramount authority. A jealousy of the Federal powers has often been expressed, and an apprehension entertained that they would impair the sovereignty of the States. But this argument degrades the States by making their legislation, to the extent stated, subject to the will of Congress. State powers do not rest upon this basis. Congress can in no respect restrict or enlarge State powers, though they may adopt a State law. State powers are at all times and under all circumstances exercised independently of the General Government, and are never declared void or inoperative except when they transcend State jurisdiction. And on the same principle, the Federal authority is void when exercised beyond its constitutional limits.

"In the Chinese-exclusion case (130 U. S. Repts., p. 581), the court held:

"That the power of the legislative department of the Government to exclude aliens from the United States is an incident of sovereignty, which can not be surrendered by the treaty-making power.

"And that—

"The act * * * excluding Chinese laborers * * * so far as it conflicted with existing treaties between the United States and China, operated to abrogate the treaties as a part of the municipal law of the United States.

"In that case the court said (p. 609):

"The power of exclusion of foreigners being an incident of sovereignty belonging to the Government of the United States, as a part of those sovereign powers delegated by the Constitution, the right to its exercise at any time when, in the judgment of the Government, the interests of the country require it, can not be granted away or restrained on behalf of any one. The powers of government are delegated in trust to the United States, and are incapable of transfer to any other parties. They can not be abandoned or surrendered. Nor can their exercise be hampered, when needed for the public good, by any considerations of private interest. The exercise of these public trusts is not the subject of barter or contract.

"In the case of In re Rahrer (140 U. S. Repts. p. 545), which involved the constitutionality of an act making shipments of liquors subject to the police power of the State upon its arrival within the State, whether introduced in original packages or otherwise, it was held a valid exercise of the police power of the States, and not a regulation of interstate commerce. In that case the court said (p. 554):

"The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

"On page 560 the court said:

"Nor can Congress transfer legislative powers to a State nor sanction a State law in violation of the Constitution; and if it can adopt a State law as its own, it must be one that it would be competent for it to enact itself, and not a law passed in the exercise of the police power.

"On page 564 the court said:

"Congress did not use terms of permission to the State to act, but simply removed an impediment to the enforcement of the State laws in respect to imported packages in their original condition, created by the absence of a specific utterance on its part. It imparted no power to the State not then possessed, but allowed imported property to fall at once upon arrival within the local jurisdiction.

"I now wish to direct attention specifically to one of the so-called 'permissive' sections of the bill—section 4:

"That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder.

"The meaning of the term 'license' as it is used in this section is well defined in law. Briefly, it is the permission to do something which would otherwise be unlawful.

"The bill does not make it unlawful to operate a warehouse without a license. It is just as lawful to operate a warehouse without a license as with a license, and therefore the question of applying for a license will be determined on the part of the warehouseman by the character of the regulations to which he must agree. He will not apply for a license unless the regulations proposed are less onerous than those imposed by the States.

"The rules and regulations, therefore, will not be made in the interest of the general welfare, with an eye single to the public interest, but will be the subject of a bargain between the Secretary of Agriculture and the warehouseman.

"Do the proponents of this bill think that we shall stabilize warehouse receipts and improve the warehouse business by imposing less stringent regulations than are now imposed by the States, or regulations which can only be imposed so long as the warehouseman wishes to be bound by them? He may at any time refuse to be bound by the regulations of the department or the provisions of the act; and if he does so, no penalty is provided except the revocation of his license, which he did not require in the first place and which he himself has doubtless determined is of no value to him.

"It does not seem to me that such regulations can be valid or binding upon the warehouseman, but assuming that they are, how can they be binding upon those who do business with the warehouseman? How can we by contract fix the rights of persons who are not parties to the contract?

"Section 14 of the bill declares—

"That any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of this act and the rules and regulations prescribed hereunder.

"This provision certainly does not rest upon any contractual relation which may be established between the Government and the warehouseman. If it has any force at all, it has force because Congress has the power to say what the rights of a person who stores agricultural products in a warehouse may be.

"As I shall show later, a public warehouse is affected with a public use, and there arises from that public use a right on the part of any person to employ the services of the warehouse in the storage of his grain. The privileges, benefits, and responsibilities arising from this right can neither be increased or diminished by a contract entered into between the Government and the warehouseman, nor can they be affected by any action of Congress, so far as they may be exercised in or may be incidental to a purely intrastate transaction.

"It is possible, I think probable, that we have the power to fix those rights with respect to grain stored in the course of interstate or foreign commerce, but we certainly have no power to fix the rights of such persons with respect to purely intrastate transactions.

"There are four decisions of the United States Supreme Court which bear directly upon the power of the States and of the Federal Government to regulate warehouses and warehousemen. These decisions are: Munn v. Illinois (94 U. S., 113); Budd v. New York (143 U. S., 517); Brass v. North Dakota, ex rel. Stoeser (153 U. S., 391); W. W. Cargill Co. v. Minnesota (180 U. S., 452).

"The case of Munn v. Illinois is the leading case, establishing the basic doctrine of the power of the States to regulate warehouses, and is approved and followed in the other three.

"In the case of Munn v. Illinois several fundamental propositions are decided. They are:

"First. When the owner of property devotes it to a use in which the public has an interest he in effect grants to the public an interest in such use, and must to the extent of that interest submit to be controlled by the public for the common good so long as he maintains that use.

"Second. That a warehouse engaged in storing, shipping, or handling grain for the public is affected with the public use and is subject to the police power of the State.

"Third. That regulations requiring such warehouses to be licensed and fixing the maximum charges for storage are properly within the police power of the State, and do not amount to a regulation of interstate commerce.

"In that case the court said (p. 135):

"The warehouses of these plaintiffs in error are situated and their business carried on exclusively within the limits of the State of Illinois. They are used as instruments by those engaged in State as well as those engaged in interstate commerce, but they are no more necessarily a part of commerce itself than the dray or the cart by which, but for them, grain would be transferred from one railroad station to another. Incidentally they may become connected with interstate comerce, but not necessarily so. Their regulation is a thing of domestic concern, and certainly, until Congress acts in reference to their interstate relations, the State may exercise all the powers of government over them, even though in so doing it may indirectly operate outside its immediate jurisdiction.

"It may be pointed out in this connection that there is no suggestion on the part of the court that the Federal Government might regulate other than the interstate relations of warehouses.

"In the case of Brass v. Stoeser the State of North Dakota undertook to regulate every warehouse erected and operated 'for the purpose of buying, selling, storing, shipping, or handling grain for profit,' and required such warehouses to give bond for the faithful performance of their duty, fixing the rates of storage, and required them to keep insured for the benefit of the owners of grain stored therein.

"The Supreme Court held all of these regulations to be a valid exercise of the police power of the State.

"In the case of W. W. Cargill v. Minnesota, in which case I may say the facts arose in the town in which I have the pleas-

ure of making my home, the State of Minnesota declared all warehouses "in which grain is received, stored, shipped, or handled" to be public warehouses. The law required such warehouses to procure a license from the State as a condition precedent to doing business; made such warehouses subject to the regulations of the railroad and warehouse commission; required the making of reports, the keeping of proper books of account; regulated the form and issuance of receipts; and prohibited discrimination.

"In this case the court held that the regulations were a proper and valid exercise of the police power and did not infringe upon interstate commerce, notwithstanding that all of the grain purchased by the warehouse company was immediately shipped to points outside of the State. If these regulations constitute a valid exercise of the police power of the State, it is apparent that the imposition of such regulations by the Federal Government in regard to transactions which do not relate to interstate commerce, and which constitute domestic or intrastate transactions, are not within the power of the Federal Government. To hold otherwise would be to break down absolutely the line of demarcation now established between the powers of the Federal and State governments.

"The act contained the following provision, almost identical in terms with section 4 of the bill under consideration:

"Such license shall confer upon the licensee full authority to operate such warehouse or elevator in accordance with the laws of this State and the rules and regulations prescribed by said commission, and every person, company, or corporation receiving such license shall be held to have accepted the provisions of this act and thereby to have agreed to comply with the same.

"Touching this provision, the court said (p. 468):

"The defendant, however, insists that some of the provisions of the statute are in violation of the Constitution of the United States, and if it obtained the required license it would be held to have accepted all of its provisions, and (in the same words of the statute) 'thereby to have agreed to comply with the same' (p. 1). The answer to this suggestion is that the acceptance of a license, in whatever form, will not impose upon the licensee an obligation to respect or to comply with any provisions of the statute or with any regulations prescribed by the State railroad and warehouse commission that are repugnant to the Constitution of the United States.

"This language effectually disposes of the contention that the regulations imposed by this bill, if otherwise invalid, are validated or made enforceable by the consent or agreement of those applying for a license under it.

"If the language which has just been quoted means anything, it means that the acceptance of a license or the agreement to be bound by rules or regulations, can apply only to such regulations as are in themselves valid and which the legislature or the commission to whom the power is delegated has the constitutional power to make.

"In other words, if the regulations are not such as Congress, either acting itself or through a department of the Government, has the constitutional power to impose, they will not be validated by the agreement of the person regulated to be bound by them or his acceptance of a license under the terms of the act.

"Again, it is claimed that the relation created between the Government and the warehouseman is one of contract, and that it is possible to do by such contract that which might not have been done by law.

"To state the proposition again in other words, that these regulations may be enforced as a part of a contract between the Government and the warehouseman, though they would not be enforceable if imposed as a matter of law, by regulation. This position is wholly unsound.

"If the State can do that by contract which it has not the power to do by law, or that which it is prohibited from doing by the fundamental law of the State, there would be no further need of constitutions, and the Federal Government might invade by contract, any right or power reserved to the State; the State might invade by contract any right granted to the Federal Government; and the State and Federal Governments might each invade the rights guaranteed to the people by the Federal Constitution.

"I revert now again to the substantive purposes of the bill as distinguished from its constitutionality.

"That purpose is fundamentally to make warehouse receipts a more stable, liquid, and negotiable security. A warehouse receipt can be no better than the law which authorizes it to be issued and which regulates its issuance and the responsibility of the warehouseman issuing it.

"What confidence will be placed in a receipt issued upon articles stored in a warehouse which may consist of a piece of ground surrounded by a barb-wire fence, 50 miles from a railroad, by a warehouseman who may, whenever he elects, refuse to be bound by the regulations and rules and the law under which the receipt was supposedly issued.

"The purpose is to make a warehouse receipt as negotiable, as representative of value in New York or San Francisco, as it may be in the place where it is issued, and where all the circumstances surrounding its issue and the character and responsibility of the warehouseman issuing it are known. This can only be accomplished where the law which governs its issuance is certain in its terms, obviously within the power of the Government to enact, and the regulations issued under it so certainly enforceable as to leave no doubt whatever as to its validity and enforceability.

"The bill under consideration utterly fails in all of these respects. It can only serve to throw a blanket of uncertainty over the entire field of warehousing and warehousemen's receipts. Instead of making definite and certain the validity, stability, and negotiability of warehouse receipts, it will render them the legitimate object of suspicion, doubt, and distrust.

"I repeat again, that I believe that all that we can legitimately hope to be accomplished by the Federal Government in the regulation of warehouses and warehouse receipts, in the grading, classifying, and weighing of grain, is within the power of Congress to accomplish under the commerce clause, but this only emphasizes the utter futility of an attempt to accomplish it under a paragraph of the Constitution which confers no authority whatever except to appropriate money for the general welfare.

"I have drawn amendments to this bill, bringing it within the interstate-commerce clause of the Constitution, and which I believe will make its provisions valid and enforceable. These amendments I shall offer when the bill is read under the five-minute rule.

"I have also incorporated these amendments into a new bill, which I will offer as a substitute for the bill now pending."

Mr. LEE. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. BYRNES].

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] is recognized for five minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, as I understand it, the substitute offered by the gentleman from Minnesota [Mr. ANDERSON] would limit the provisions of this act to the terminal stations and to the warehouses located along the lines of interstate carriers. To do that would, in my opinion, defeat the very purposes of the bill.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Minnesota?

Mr. BYRNES of South Carolina. Yes.

Mr. ANDERSON. I will say that the amendment under consideration restricts it very much more than that.

Mr. BYRNES of South Carolina. I differ with the gentleman. I think the amendment pending, offered by the gentleman from South Carolina [Mr. LEVER], restricting the provisions of the bill to warehouses in which are stored products intended for interstate shipment, would make it possible for nearly all warehouses to come under the provisions of the act.

The gentleman from Minnesota [Mr. ANDERSON] and the gentleman from Michigan [Mr. MCLAUGHLIN] have both referred to the bills as they were framed and acted upon in the last Congress. At that time the only opposition to this warehouse bill was based upon its alleged unconstitutionality. By the amendment agreed to all doubt of the constitutionality of the bill is removed, according to the gentleman from Wisconsin [Mr. LENROOT], who made the strongest argument against the bill in the last Congress, and others who have spoken on the subject.

Now, the gentleman from Michigan opposes it on the ground that it is no function of the Federal Government, but should be left entirely with the States. That might well be said of rural-credit legislation. Each State has the right to enact rural-credit legislation. They could provide land-mortgage banks for the marketing of farm mortgages, and certainly it would be an improvement over the existing conditions, and yet the great majority of this House is in favor of some form of rural-credit legislation by Congress and not by the States. The Members differ only as to the scope of such legislation and as to the extent of governmental aid.

The same argument that applies as to the necessity for rural-credit legislation by this Congress applies to this warehouse proposition. The bill seeks not only to provide a protection against the elements, but it also seeks to revolutionize the marketing of agricultural products by enabling the farmer to distribute that marketing over 12 months, instead of limiting the marketing of a product like cotton, for instance, to 60 or 90 days.

The gentleman from Michigan [Mr. MCLAUGHLIN] says that the purpose of the bill is to enable the farmer to take advantage of the rediscount section of the Federal reserve act. He is right. That is one purpose of it, or should be, and it is a most laudable purpose. No rural-credit legislation brought in at this session of Congress will provide for personal credit; but the Federal reserve act under the section giving to these Federal reserve banks the power to rediscount notes secured by agricultural products furnishes ample and sufficient personal credit if the farmers will only take advantage of it. In order to take advantage of it, the passage of this bill is essential. It does not conflict with State warehouses, for the reason that it is permissive. My own opinion is that it will supplant them, for any sane man must realize the advantage of a warehouse receipt showing upon its face the grade and the weight of cotton certified to by a man licensed by the Department of Agriculture, and he will realize that that receipt will have a wider and a better market than the warehouse receipt of a warehouse system organized by and under the control of any State or of a private corporation.

The cotton crop of the South is marketed during two or three months by reason of the credit system under which the making of the crop is financed and his inability to hold his cotton. All debts of the cotton farmer fall due within a period of 60 days in the fall of the year. The banks and the lien merchants call upon him to pay his debts, and the farmer is forced to sell in order to meet his obligation, even though the price at that time may be depressed to the point where he will receive no profit for his year's work. He may be satisfied that he will receive less than the average price paid during the entire year, and he may be satisfied that if he could hold his cotton for even 60 days he would receive a higher price. But he must sell in order to meet the obligation and because he has no opportunity to warehouse his cotton and borrow money on it at a rate of interest which, together with the storage charges, will leave him any profit. Even where cotton has been stored in private warehouses, the investing public has been slow to lend money upon warehouse receipts for cotton, because there was no guaranty of the reliability of the warehouseman; no certainty that should the farmer not pay the loan and the lender endeavor to secure the cotton that he would find it there; no certainty that if he did find it there that it would be in good condition or that the weight of the bale would be as represented in the warehouse receipt; and no certainty that it would be of the grade represented in the receipt. Of all of these things the farmer might be certain because of his knowledge of the warehouseman and of the cotton, but the banker in New York would have no such knowledge and would therefore refuse to lend money to the local bank upon the receipt, and this refusal would cause the local bank to refuse to lend to the farmer.

To remedy this condition, a number of States, including South Carolina, have established a State warehouse system. They have been and will continue to be of great assistance in making negotiable warehouse receipts for cotton, but the State warehouse system naturally has its limitations. A receipt issued by the warehouse system in South Carolina may differ from a receipt issued by the warehouse system of the State of Texas, and this lack of uniformity will detract from the negotiability of this receipt. Again, the value of the receipt will depend in great measure upon the honesty of the weigher of the cotton and of the ability of the man who grades it. In the absence of some civil-service provision, by which the most competent men would be secured for the duty of grading and weighing the cotton, the investing public would fear the effect of political influence upon the local system.

The warehouse system provided for in this bill will eliminate all these objections. The warehouse would have to be constructed in accordance with plans approved by the Department of Agriculture, which would insure cheap insurance for the cotton stored in it. The warehouseman would have to give bond to the Department of Agriculture for the faithful discharge of his duties. The cotton weigher and the cotton grader would have to be licensed by the Department of Agriculture, assuring both competency and honesty, and their license would be revoked whenever they failed to properly discharge their duties. It would not be compulsory for any warehouse to come under the terms of this act. It is entirely optional with a warehouse in the State of South Carolina to come under the terms of this act or not, as it may please, but it is certain that the advantages offered to the farmer who stored his cotton in a warehouse bonded by the Government would result in warehouses all over the South complying with the terms of this act. Now, what are the advantages? Under the Federal reserve act passed by Congress a year or two ago, the Federal reserve banks were authorized to rediscount agricultural paper having a maturity of not more than six months. This meant that the Federal reserve bank at Richmond could lend money to any local national bank in any county in South Carolina that would offer as security the note of a farmer secured by agricultural products, wherever the security was ample to protect the loan. In the exercise of the power thus given to them the Federal Reserve Board on September 3 of last year authorized the lending of money to local banks at a low rate of interest on notes secured by warehouse receipts for marketable nonperishable staples, properly insured, but this privilege was granted only where the local bank could show that the rate of interest charged the farmer did not exceed 6 per cent. Under this privilege nearly every national bank in South Carolina loaned large sums of money to the farmers, secured by warehouse receipts for cotton, charging only 6 per cent interest. It was the first time the farmer had ever been able to borrow money at 6 per cent. Unfortunately there are in the rural communities but few national banks, and therefore the great majority of farmers were unable to secure the benefit of this legislation. But as it becomes generally known that national banks can borrow money upon such terms as will enable them to lend it to the farmer at 6 per cent, and yet make a profit, more national banks will be established in the rural districts, so that this relief will be furnished to a greater number of those who wish it. It is stated that some national banks refrained from availing themselves of this privilege on the ground that they did not care to lend money at 6 per cent on cotton when they were charging 8 per cent and more on other securities. But this short-sighted policy will not continue very long. The customers of a bank will demand that they be given an opportunity to borrow money at 6 per cent when other banks are lending at that figure, or else they will transfer their business.

The Federal reserve bank is able to lend money to local banks upon notes secured by warehouse cotton receipts, because they in turn can borrow from the Federal reserve bank in New York or elsewhere upon the receipt in case it is necessary for them to do so. The more valuable the warehouse receipt is the more easily can it be negotiated in the financial markets of the country, and, consequently, the more money they will be able to lend to the farmers at the rate of 6 per cent. It does not require much consideration on the part of any man to come to the conclusion that the receipt of a warehouse, bonded by the United States and containing the grade and weight placed in the receipt by a man licensed by the Department of Agriculture, will be more acceptable in the financial world than a receipt issued by a private warehouseman or even a State warehouseman.

In this connection it is interesting to note the statement of Hon. W. P. G. Harding, a member of the Federal Reserve Board, that—

The proposed warehouse act, in my opinion, will tend to make cotton stored at interior points available as collateral for loans without the intermediation of local banks and will broaden very materially the market for loans secured by warehouse receipts for cotton.

This must be the goal for those who hope to secure money for the farmers at a lower rate of interest. If the banks fail to join the Federal Reserve Association, and thus place themselves in position to secure money, which they can loan at 6 per cent interest on cotton warehouse receipts, then some plan must be devised whereby this receipt can be marketed without the intermediation of local banks. I believe this warehouse bill must be adopted if we are to give to the farmer the relief provided for in the Federal reserve act. As I have on several occasions been asked for information as to the manner in which the section of the act providing for the rediscount of agicultural paper was adopted, I ask permission to insert in the RECORD as a part of my remarks a letter from the Hon. Robert J. Buckley, of Ohio, at that time a member of the Banking and Currency Committee, who with Representative GLASS was in charge of the bill on the floor of the House, and whose activities in behalf of rural credits is so well remembered in this House.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D. C., June 29, 1914.

Hon. JAMES F. BYRNES,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: Responding to your favor of June 27, my recollection about the rediscount section of the currency bill in the Democratic caucus last August is as follows:

There was an agitation in favor of allowing certain privileges by way of rediscount to notes secured by agricultural products. Certain Members representing agricultural communities did not believe that agricultural papers should be allowed any special privileges, yet were of the opinion that the bill as presented to the caucus by the committee would in practice result in a discrimination against agricultural interests. There seemed to be an irreconcilable difference of opinion between the committee and those advocating extreme and ill-considered amendments.

This difference was very embarrassing to those who held more moderate opinions, and threatened a serious breach in the Democratic Party.

At this juncture you and certain other Members representing agricultural communities, among them I recall especially Mr. HARRISON, of Mississippi, and Mr. KITCHIN, of North Carolina, expressed to me and the other members of our committee the suggestion that some compromise ought to be made, and proposed the form of a compromise.

I told you that I would endeavor to secure the acceptance of a reasonable compromise by the committee, and for two or three days the language was discussed without any definite conclusion. Finally, while the caucus was in session, and just before the vote was to be taken on the rediscount section, Mr. GLASS and the other ranking members of the Banking and Currency Committee being on the floor in charge of the debate, I met you and others in the corridor and presented to you a slight modification of your own language and told you that with that modification your amendment would be acceptable to the committee. You stated that you could accept and support the amendment as modified provided that the time for which agricultural notes could be rediscounted should be increased from 60 days, as provided in the bill, to 6 months. I stated that the committee would not agree to that, but that I would undertake to go on the floor of the House and secure their consent to some increase in the rediscount period. I then secured their agreement to increase the period to 90 days and induced Mr. GLASS to offer your amendment as a committee amendment. You agreed to this arrangement and did valuable work in rallying the agricultural Representatives to the support of the committee. Your efforts restored harmony in the caucus and secured the adoption by the committee of an amendment favorable to the farmers.

It is my judgment that even if the Senate had so amended the bill as to allow six months rediscount period for agricultural paper it would have been impossible for the Senate conferees to secure the agreement of the House conferees to this proposition if you had not induced the House leaders to increase the time to 90 days before the bill was passed by the House.

Sincerely, yours,

(Signed) ROBT. J. BULKLEY.

The rural-credits bill, which is being considered by the Banking and Currency Committee and which I hope will pass at this session of Congress, seeks to provide a method by which loans can be made to farmers for long periods when such loans are secured by farm mortgages, but it does not provide any means whereby the farmer can secure money for short periods at a reasonable rate of interest. It will be difficult to devise a plan more comprehensive than that provided for in the section of the Federal reserve act, referred to by Mr. Bulkley. This is demonstrated by the hundreds of thousands of dollars loaned to the farmers of my State by the national banks at 6 per cent interest last winter. But what is now necessary is to provide means whereby national banks will be formed in rural communities in order to avail themselves of this privilege, or, failing in this, some plan whereby the warehouse receipt can be marketed without the intermediation of the national banks. In either event this legislation is essential in order that the farmer of the South can place the only security he has, his cotton, in such shape that a warehouse receipt for it will be regarded as gilt-edge collateral in the financial markets of the world.

Mr. HAUGEN. I yield five minutes to the gentleman from North Dakota [Mr. HELGESEN].

Mr. LEE. I also yield five minutes to the gentleman.

The CHAIRMAN (Mr. HAMLIN). The gentleman from Iowa [Mr. HAUGEN] yields 5 minutes and the gentleman from Georgia [Mr. LEE] yields 5 minutes to the gentleman from North Dakota [Mr. HELGESEN], who is recognized for 10 minutes.

Mr. HELGESEN. Mr. Chairman, when this amendment, which was originally drawn as a separate bill, was drafted, it was intended to cover cotton alone; but it seemed to me that if we were to have a Federal warehouse bill, we ought to have one broad enough in its scope to cover more than one or two agricultural products, and that it ought to take in the principal nonperishable farm products of the country. After discussing it with my colleagues on the committee they were intelligent enough and fair enough to admit that that was the only proper thing to do. So, instead of having two warehouse bills—one covering the products of the South and the other the products of the North—we have only one bill, covering the entire country.

Now, Mr. Chairman, the people in that section of country from which I come have been very much dissatisfied with the markets that they have been compelled to patronize, because there have been so many evils creeping into the market situation as to completely demoralize it. Particularly are they dissatisfied with the export situation.

A number of gentlemen on the floor of the House to-day have attempted to defend the exporters of the Atlantic coast, and they say that this bill will deprive them of what the exporters call a climatic advantage, the benefits of which in their export business they claim they are entitled to. Why, Mr. Chairman, according to their own testimony they do not conduct a legitimate business.

In the hearings before the Agricultural Committee in 1914, when they came before that committee to protest against the bill known as the United States grain-grades act, after stating that that bill would take away from them their climatic advantage, and they were asked to explain what that was, they said that corn particularly, and most other grains, came to the Atlantic coast for export so late in the season that the weather was very cold and that at that time of the year it was possible for them because of their "climatic advantage" to ship No. 3, and even No. 4, corn to Europe as No. 2. They also ship other grains with more moisture in them at that season of the year than the rules for grading grain in this country permit, and as a result American grain has been discredited in Europe to such an extent that European buyers before the war got together and agreed not to buy any grain from this country until they have first secured all that the rest of the world had to offer. And, as I said yesterday, there is now a claim for some 30,000,000 bushels, involving millions of dollars, before the State Department for grain that has been shipped to Europe under a grade far above its actual value. What is the result of that? If you ship No. 3 or No. 4 corn to Europe as No. 2, you are not dealing with fools over there and the European buyer pays for that corn just what it is worth as No. 3 or No. 4, but it is quoted in the market over there as American No. 2. It is called by the exporters either export No. 2 or seaboard No. 2.

These exporters admitted before our committee that the grain that was shipped abroad, whether the quantity was great or small, usually established the price of the grain that is consumed in this country. Now, that being so, if you will go and ask any grain dealer in this country what corn is worth, you will find that as the contract grade is No. 2 they will quote you No. 2.

Now, if they ship No. 3 or No. 4 grain to Europe as No. 2 as they are doing and have been doing for years, they are thereby depreciating the value of the No. 2 in Europe from one to two grades, and as the price of the real No. 2 here is based on the Liverpool false No. 2, our grain here is undergraded, not only No. 2 but all the other grades in the same proportion, as the price of all other grades are based on No. 2. If you will stop to consider the fact that we are raising 5,000,000,000 bushels of grain in this country, and if they only undervalue that grain one single grade, and the price reduced thereby is 3 cents a bushel, it takes $150,000,000 out of the farmers of this country every year.

So, Mr. Chairman, it seems to me that something should be done to stop this very illegitimate business. How are we going to do it? In my State they have been talking about building State elevators, but they have had no local inspection system, and if they tried to establish one it would be difficult to establish one that would be accepted in the markets of the world. Under this warehouse bill, if the State of North Dakota builds warehouses or elevators at the outlets of the State sufficiently large to handle cargoes of grain, the Federal Government will inspect it for them and issue certificates of inspection, giving the proper grades, and then if they ship even a small amount, say 5,000,000 or 10,000,000 bushels out of a 100,000,000-bushel crop, what they ship to Europe will establish the price in Europe for real northwestern No. 2 wheat. And then, when Liverpool prices are quoted by our home markets they will give the Liverpool price on the real No. 2 instead of giving it as they do now upon the exporters' fictitious No. 2, and the result will be, even though the amount exported may not be great, to raise the value of all the grades of grain in this country at least one grade.

If it does that, it will result in a greater saving to the farmers of this county than has ever been brought about by any law ever passed by this or any other Congress; it will result in saving hundreds of millions of dollars. I believe this bill will make such a saving possibe. Under these two bills I think we are going to bring about a change that is going to benefit both the producer and consumer.

It is quite a common thing to find that Congressmen representing cities will look upon every bill that is called an agricultural bill as being wholy in the interest of the producers, whereas they are just as much in the interest of the consumer as they are in the interest of the producer, for anything that tends to increase production or prevent economic waste should benefit both producers and consumers. Two years ago when I made a speech on the tariff question I went into the markets of Washington and Baltimore to try and find out what the consumers were paying for farm products. I found that the spread between what the farmers received and what the consumers were paying was 140 per cent on flour, the lowest, up to 800 and 900 and 1,000 per cent when it got to such things as breakfast food. [Applause.] It is therefore evident that there is an ample opportunity to increase the price to the producer and decrease the cost to the consumer and still have a sufficient margin to cover all the legitimate costs of distribution.

Mr. LEE. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER of Pennsylvania. Mr. Chairman, I asked for a few minutes in order to commend the Committee on Rules and the majority of this House for bringing this resolution before the House as they have. If they had not done so, the House would have spent a week on the passage of these three amendments. I have heard some complaint here by Members because very few Members were present to hear the debate, and therefore when the amendments offered to the bill were brought to a vote many of those who vote on them would not have heard the debate and would not know how to vote. Well, Mr. Chairman, that is not the fault of the committee that brought in the rule. I think the Members who are not here do not want to hear debate, that they have heard so much talk, talk, talk, that they have got tired of it, and they prefer some place where they can rest without listening to it.

The majority in the House should, after reasonable discussion, be permitted to transact business and bring measures to a vote. The country will hold them responsible if the legislation is bad. If the legislation is good, we should all help to pass it.

For the reasons above stated I voted for the resolution submitted by the Committee on Rules. I voted for the resolution also because of the provisions limiting debate on the three amendments provided for in the resolution to four hours. Certainly four hours' debate is ample, particularly when the debate will not change the vote of any Member. Allowing five minutes to each person taking part in the debate, it will permit 48 Members—as many as are now in the House—to be heard. That is the average number present when the House is in committee.

I would like to see the majority bring in every bill that is likely to be unreasonably discussed under a rule to limit debate. If this is done in the future, I shall vote for such a rule when the time allowed for debate is as liberal as here.

I am willing to remain here until December if it is necessary to do so to enact all necessary legislation; I am not anxious to remain that long to have the opportunity to be a listener to a "talkfest."

In saying what I have said I criticize no Member. If I made any criticism it would be that the majority does not take the bull by the horns, limit debate on all bills, do business, get through, and adjourn.

We are here not alone to talk and hear talk, but to do business, and if the majority had the sand they ought to have they would do business, and the only way to do it is to gag the Members who are determined to talk all the time. I am in favor of stopping the talk. [Laughter and applause.]

Mr. LEE. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. WM. ELZA WILLIAMS].

Mr. WM. ELZA WILLIAMS. Mr. Chairman, I do not want to talk upon this amendment, but I do want to correct myself in the RECORD. In the RECORD of April 24 there was a little controversy over the migratory-bird law, and I undertook to interrupt the gentleman from South Carolina [Mr. LEVER], who declined to be interrupted. By some chance the language spoken by the gentleman from South Carolina was attributed to me. It does me an injustice in this: I was in favor of the motion to strike out that section providing for the appropriation for the bird law. He was for the appropriation and against the motion to strike out, and he made an argument in favor of enforcing the law, directly against the position that I took.

It does me an injustice in another respect. The gentleman from South Carolina [Mr. LEVER] said in the course of those remarks that he was not a lawyer and that he did not know very much about law. I want to assure the gentlemen of the House that I never made any such admission. [Laughter.] A number of my associates and colleagues expressed surprise, especially my associates on the Judiciary Committee, of which I have the honor to be a member, that I had come to the House here and admitted that I was not a lawyer and did not know very much about law. [Laughter.] It may be true, but I am not admitting it. [Laughter.]

Therefore at this time I wanted to square myself in the RECORD for the benefit of my numerous sportsmen constituents in Illinois who desire to defeat the operation of the migratory-bird law. I am opposed not to the law, but to the rules promulgated by the bureau of the Agricultural Department which discriminates against my section of the country and prohibits the killing of migratory birds in my State while the privilege is extended both north and south, to our neighbors below Memphis and to those above Minneapolis. [Applause.]

Mr. HAUGEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 36, line 5, after the word "stored" strike out the words "for interstate or foreign commerce or in any supplies under the exclusive jurisdiction of the United States."

Mr. HAUGEN. Mr. Chairman, section 13 provides—

That every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

It makes no distinction between interstate and foreign commerce and intrastate commerce.

Section 15 provides—

That grain, flaxseed, or any other fungible agricultural product received for storage in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

Here only inspection is provided for grain stored for interstate commerce. I submit that if we provide for the inspection in part we should provide for the inspection of all of it; or, if the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN] is adopted, that will restrict the storing of grain to that offered for interstate and foreign commerce. If so, then there would be no need for this amendment, as the storing of grain in licensed warehouses will then be restricted to grain offered for interstate and foreign commerce; but in the event that his amendment is defeated, I offer this amendment, so that all stored grain, including that in intrastate commerce, may be inspected by a licensed inspector. It seems to me that if it is necessary to provide for the storing and inspection of grain offered for interstate and foreign commerce we should also provide for the storing and inspection of grain in intrastate commerce. I see no reason for making the distinction, or why we should legislate in favor of one engaged in storing and shipping across the State line against one confining his operations within the State. As we know, little, if any, grain will be stored for interstate commerce. Warehouses do not receive grain in one State and move the grain into another. The farmer stores his grain in the warehouse. Later he either sells it or withdraws it for seed, for feed, or for shipment. The shipment may be to some point within the State or without. The same applies to grain stored by the miller and speculator. Certainly what is withdrawn for seed for consumption or shipment within the State is not an article in interstate commerce, but the question of constitutionality has been raised. It is contended that authority is not given by the Constitution to legislate giving the Secretary authority to enter into an agreement with the warehousemen to inspect, or for a licensed inspector to inspect grain not in interstate commerce; if so, where is the authority to legislate authorizing the Secretary to peddle free of charge hog-cholera serum and veterinary service? Hogs treated are not articles in interstate commerce, and many never become articles of interstate commerce. The same applies to numerous other activities of the department. Be that as it may, one word in explanation of the bill.

The object of the proposed bill is obvious. It hardly seems necessary to discuss it. It is simply to license responsible warehousemen to store cotton, tobacco, grains, and flaxseed in suitable warehouses, as before stated. It provides for the standardization and inspection of such farm products. The Secretary is authorized to cause examination as to the responsibility of the warehousemen, and whether the warehouse is suitable for the proper storage. Upon examination, if in his opinion, the warehouse and the warehouseman come within the provisions of this act, he shall issue a license and accept a bond for the faithful performance of the obligation. If the bond approved by him is found insufficient he may require additional bond. If not given, he may suspend or revoke the license. It will readily be seen that the object of the proposed bill is to protect the farmer or anybody who may have any of the products to offer for storage, not only against loss incurred through storage with unresponsible warehousemen, but it also provides for the establishment and promulgation of standards, and that grain offered for interstate and foreign commerce shall be graded in accordance and to conform to the standards established by the Secretary.

It would be observed that the bill is not obligatory but permissive, that it is optional with the warehouseman whether he will come in under the provisions of the bill, therefore no hardship is imposed upon anyone. If he comes in, it must be voluntarily upon his part. If he does come in, he must give bond for the faithful performance of his contract and must conduct his business in accordance with the provisions of the act which gives to the farmer or anybody who may store products, in a

large degree, protection against loss or improper grading. I might add that the bill as originally drawn provided for the storage of staple and unperishable agricultural products. It is believed by many that it would give greater power to the Secretary than should be given him. That the term might be interpretated to include practically all farm products. Therefore it was deemed best to specify, and to limit the authority to cotton, tobacco, grains, and flaxseed. The department has already fixed the standards for cotton and corn. It is well along in establishing a standard for wheat. It will take years to fix a standard for the other items enumerated, which are believed to be the most important. When the standards are fixed for the products included, if then deemed advisable, Congress can authorize the standardization of additional products.

The chairman was authorized to offer amendment limiting the authority to the products referred to, and with that amendment, the bill has the approval of the Committee of Agriculture, I believe, with the exception of one of the members of the committee.

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEE. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HELFLIN].

Mr. HEFLIN. Mr. Chairman, I am heartily in favor of this bill. I think it will be beneficial to the farmers of the South and of the West to have a uniform warehouse system. The producer of cotton needs a place to store his cotton so that he can take his warehouse receipt and borrow money upon it, and this bill is the greatest step, in my judgment, that has been taken toward helping the producer, the grain growers of the West and the cotton producers of the South. Cotton is our principal product. The gentleman from Wisconsin [Mr. LENROOT] seems to oppose anything that will help the cotton farmer, and I want to say to him that when he does so he strikes a blow at the farmers of his own section. Whenever you western Republicans injure the cotton producer you cut down his purchasing power, and when you do that you injure the farmer of the West, because the producer of cotton in the South buys grain from the grain grower of the West and he buys stock from the stock producer of the West; and if gentlemen want to help the farmers of the West, let them help the cotton producer in getting a good price for his cotton. [Applause.] When he has plenty of money he buys freely from you and he pays you a good price. Let me illustrate. When cotton prices are good he pays you $200 and $250 for your mules, and when cotton sells at 6 cents a pound he can not pay as much as $125. So when gentlemen on that side injure the producer of cotton they are injuring the farmers of their own section. [Applause.]

Mr. Chairman, cotton is in greater demand to-day and is being put to more uses than ever before in the history of the world. The automobile factories of the United States last month sold 28,600 carloads of automobiles, a gain of 11,400 carloads over March of last year. If the present record continues, the Washington Post says, there will be at the end of the year 3,500,000 automobiles in the United States. The average gain of the automobile industry has been about 40 per cent a year, and vast quantities of cotton are being consumed in making automobile cushions, tops, and tires.

The cement industry is one of the greatest in our country, and hundreds of thousands of cotton sacks are used in handling cement.

The paper-making industry in the United States is a tremendous one, and it is now confronted with an exhausted supply of the usual paper-making material; and now this industry is buying inferior cotton, cotton waste, and linters to be used in making paper. So acute is this situation, Mr. Chairman, that the paper-making industry is buying all of the old cotton rags that can be obtained, and it is paying 2½ cents a pound for them. Old cotton awning is being used for this purpose and selling at 4 cents per pound, and the paper-making industry is paying from 5 to 8 cents per pound for old cotton towels and napkins. More cotton is being consumed in surgical lint, gauze, and medicated cotton than ever before. Great quantities of cotton are being consumed in the manufacture of gunpowder and explosive shells. The cotton mills and powder factories of the United States are consuming at the present rate 10,000,000 bales of cotton a year; and bear in mind that we produced only 11,000,000 bales last year. Now, then, with the rapid increase in the consumptive demand for cotton and with the small and fast-diminishing supply, what is there to prevent cotton from going to 15 cents and maybe more in June and July? [Applause.]

Let us now take into account the prospects for the cotton crop of 1916. Muriate of potash is a very necessary ingredient to the production of cotton in three-fourths of the cotton-growing States. A serious situation confronts us in the South. Potash can not be had at any price. It sold in 1913 for $30 a ton, and it is now selling for $500 a ton. The lack of acid phosphates and potash formerly used in abundance in the production of cotton means nothing else but a small cotton crop this year. In many States it will take 4 acres to produce as much cotton as was produced on 1 acre when these fertilizers were freely used. The cotton acreage of the South will be no larger than it was last year; and India, the largest cotton-producing country in the Old World, has again reduced her acreage. Last year she planted 23,000,000 acres in cotton, and this year she has reduced her cotton acreage to 17,000,000 acres. Russia has reduced her acreage again, and in both countries this was done for the purpose of producing food supplies for the allied armies.

Mr. Chairman, our failure to obtain fertilizers, which foretells a very small cotton crop, the very small cotton supply, and the increasing demand and consumption show a condition in the cotton world which at an early date will approach close unto a cotton famine. Supply, demand, consumption, and every statistical fact warrant higher prices for our cotton. Our cotton-goods trade was never better, and cotton goods of every character are bringing good prices, and the price is constantly increasing. The price of cotton goods and linters justifies 20 cents a pound for cotton. Those who now have cotton are determined to get a fair price for it, and they will hold some of the crop of 1915 and reduce their acreage this year. If a cold spell should come, as has been the case, just when the tender plant is coming up and kills it, or if we should have a long wet spell and the seed should rot in the ground, as has been the case, the South is going to be confronted with a serious problem. There will not be seed enough to replant. Cottonseed oil, meal, and linters were in such great demand and bringing such a good price last fall that the farmers sold every seed that they could possibly spare, and complaint is now being made that seed for planting purposes are not plentiful. The Farmers' Union of Texas, and, in fact, all over the South, the Union is urging reduction of cotton acreage.

Mr. Chairman, by a long and bitter experience the cotton farmer has learned that he can get more money for a 10,000,000-bale crop than he can for a 15,000,000-bale crop, and his common sense has told him that if he will produce more food supplies and less cotton that he will be better off in every way. [Applause.] The cotton mills of Italy, Russia, France, and England must have a great deal of cotton in the next three months, and there are not 2,000,000 bales of spinnable cotton in all Europe. The war is raging in all its fury, and the powder factories must be kept supplied with cotton; and if our people will hold fast to what cotton they have, refuse to sell until the price suits them, they will reap the reward of good prices that are bound to come. As I said before, supply and demand, the high price of linters and cotton goods, all justify far better prices than we are receiving to-day. But for the conspiracy among bear operators on the New York Cotton Exchange we would have received 15 cents for cotton some time ago. The daily conduct of that exchange shows clearly that there is market manipulation carried on there. I am convinced, and have been for some time, that there is concerted action among the bears to depress the price of cotton. Let me show you why I say that. Time and again we have seen the spot market in the South 12 cents and the future market in New York about 13 cents, and our farmers would often ask, "Why is it that you are paying only 12 cents for cotton here and it is bringing 13 cents in New York?" Then he was told that the difference in favor of the New York price was accounted for in freight charges from the southern market to New York. And that was true. Now, then, I ask why is it that the spot market in the South is higher than the future market in New York? And the reason for that is the law of supply and demand is not so easily suspended in the spot market as it is in the New York Cotton Exchange.

Mr. Chairman, I contend that when the contract price in New York is lower than the spot price in the South it is proof positive that a conspiracy exists on that exchange and that these prices are manipulated by bear speculators. [Applause.]

I have introduced a resolution calling for a full and complete investigation of the conduct of the New York Cotton Exchange, and I am anxious to have that investigation made as soon as possible. Let us see just what is going on and how the exchange is being conducted. If there is no conspiracy, the investigation will do no harm; and if there is a conspiracy, we are entitled to know it. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Page 44, line 12, after the word "thereof," insert the following: "The Secretary of Agriculture shall report to Congress before July 1, 1916, the names of all persons appointed by him to carry out the purposes of this act, the duties of such appointees, and the salaries paid to them."

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not know that I shall have time to discuss this amendment adequately. The gentleman from North Dakota [Mr. HELGESEN] made some reference to the activity of exporters in opposing this bill. I have not been very close to the exporters of this country, because I believe in American conditions and American trade, but if it helps the farmers of the country to have their grain exported to foreign countries when a great war prevails and they have a splendid market for it, I do not object, except to a certain extent, in that it keeps up the prices that the American consumer has to pay. I wish gentlemen would bear this in mind when they assume that those of us who are discussing this bill are doing it for a selfish purpose. The American farmer must depend very largely upon the eastern trade, and he must depend upon the exporter. So far as there being any impropriety in the shipment of goods abroad, I think it fair to observe that if grain goes abroad in improper condition, if it gets overheated, if it is rejected in a foreign market, the responsibility is not altogether with the exporter. We have found in numerous other instances in the great cities that the farmers sometimes send us some stuff that is not wholly pure. Eggs sometimes come to us in a rotten condition, and grain has sometimes been on the track too long and is not any good. Let me read just a line or two from the memorial of the Philadelphia Exchange which I read yesterday:

Another important factor that should be considered in connection with the proposed grain-grades act is that grain graded at western primary points frequently deteriorates in quality while in transit between the western shipping point and the eastern terminus. If the western exporter has sold such grain to the foreign buyer on western certificates of inspection, the question arises as to the attitude of the Government in case the grain arrives at the seaboard out of condition. Will it stop the shipment and compel the exporter to put the grain in good condition, or will the shipment be permitted to continue on its way across the ocean regardless of its condition?

I can not dwell at any great length upon this, but I would like the American farmer to know that sometimes the grain he sends out of the West comes into the East in bad condition, and if the individual farmer is to have his car tied up on the track while he has to go to the Secretary of Agriculture, in Washington, to find out about the inspection, there may be more of it coming into the East in bad condition than has been the case heretofore.

I have offered an amendment, however, which I shall try to discuss in the time that remains to me. Some gentlemen rail at those of us who oppose rider legislation. They rail at the thought that we should object to legislation being driven through this House by a rule. Some gentlemen complain who sit about reading the newspapers and getting their remarks into print occasionally by lecturing other Members of the House who are attending to their business here. Some gentlemen would like to pass by rule these three amendments to this bill, one proposing to start out a new bureau, expending $150,000 on experts and inspectors; another proposing to expend $125,000 to employ other experts and inspectors; and still another proposing to spend $50,000 to employ still other experts and inspectors, a total of nearly $325,000. Gentlemen from the rural districts want to pass this bill by a rule and fasten upon the Government three new systems of inquisition and inspection, which the farmer, in the long run, will have to pay for.

Let the gentlemen who like legislation by rule put that in their pipes and smoke it, and go back, when the time comes, and explain it to the poor, "downtrodden farmer," in whose behalf they vociferate so extensively in this House. Some of the loudest talkers that I have ever heard here or elsewhere are those who do not want much debate here. Their sonorous tones are not so attractive here as they are when they get back to the stump and tell the people at home what they did not do in the House of Representatives when they had a chance.

Pass this legislation by a gag rule, if you please. Carry it even over the mountains of Pennsylvania, and far beyond, and then let the people determine for this House whether they want this procedure or not. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HAUGEN. Mr. Chairman, I promised to yield to the gentleman from North Dakota [Mr. YOUNG], but I do not see him here now. I will yield five minutes to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized for five minutes.

Mr. MADDEN. Mr. Chairman, I am opposed to this amendment, because I believe the warehouse system as controlled by the States is adequate to meet the situation. I do not believe the Government of the United States ought to enter into that realm of activity.

Under this bill every farmer that has a barn can become a warehouseman and issue certificates. He can make application to the Secretary of Agriculture to get a license to run a warehouse in which he has the oats of a 5-acre lot stored, and there will be an inspector appointed to look after his warehouse; and who is going to tell whether the receipt issued by that warehouse is worth anything or not?

That is true. But they say this bill is being passed for the purpose of making the certificate issued by the warehouseman the foundation for the issue of currency. Well, last year, you know the House tried to pass a law to compel the Secretary of the Treasury to advance several hundred million dollars, without reference to whether they had any warehousemen or not, and then it was proposed to compel the Government to accumulate a lot of money in a lot of banks in a certain number of States to be loaned by the bankers, under compulsion, at a certain rate of interest. Now it is proposed to license farmers to establish warehouses and give them authority to issue certificates, and all for nothing.

It is ridiculous, outrageous, unjustifiable, and it has not any business in the House. It is ruinous to the country. [Applause on the Republican side.]

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. COX. It seems the gentleman is opposed to this bill. [Laughter.]

Mr. MADDEN. Yes; I think I am opposed to the bill.

Mr. BYRNES of South Carolina. In other respects the bill is all right? [Laughter.]

Mr. MADDEN. After you have enumerated all the iniquities I have described and a hundred other, the bill is all right. [Laughter.]

Mr. GALLAGHER. The gentleman thinks the whole thing ought to be eliminated?

Mr. MADDEN. There is no doubt about it. In all the great business centers and in all the smaller business centers of the country and on all the lines of communication, by rail or by water, we have warehouses to burn, and they are under State control, and they are properly managed and properly supervised, and the certificates that are issued by those warehousemen have the backing of the States behind them. There is no reason why we should now add the Secretary of Agriculture.

You are taking away every function of every State in the Union every time you get a chance, if there is a possibility, when you do that, of getting a job for somebody attached to it.

Mr. COX. These inspectors are all to be under civil service.

Mr. MADDEN. Oh, no. They are all to be worked into the service first, then covered by civil service afterwards.

Mr. COX. I am glad to hear the gentleman say that. [Laughter.]

Mr. MADDEN. I hope the gentleman may get some of them.

Mr. GALLAGHER. Does the gentleman not think this amendment jeopardizes the passage of the Agricultural bill?

Mr. MADDEN. Yes. The Agricultural bill in itself is one of the best bills in the House. Everybody in the House is in favor of encouraging agriculture and in favor of allowing liberal appropriations to maintain and develop agriculture. But you come here with a rule and you force down the throats of Members of the House all kinds of iniquitous legislation and attach it as a rider on the Agricultural appropriation bill, and the result is that a great many men of the House who are very friendly to agriculture will be forced to oppose these riders. When this bill goes over to the other side, it may be that arrangements have been made to add some clause to this warehouse bill to amend the Federal bank act, so that every bale of cotton and every bushel of corn and every bale of hay will be stored away in a warehouse, now in the barn of some farmer, and certificates issued against that and currency issued against that; and we shall have an expansion of currency that will create havoc all over the country. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEVER. Mr. Chairman, I yield to the gentleman from Missouri [Mr. RUBEY].

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] is recognized.

Mr. RUBEY. Mr. Chairman, the United States grain-grades act, which I have offered to-day as an amendment to the Agricultural appropriation bill, is, in my humble opinion, one of the most important and far-reaching measures that will come before this Congress for its consideration. A measure of such vast importance, affecting as it does the great agricultural interests of the whole country, should be approached with great care and much deliberation. No steps should be taken without first being sure of our ground and certain that good will come as a result. I beg to assure the Members of the House that great care has been taken in the preparation of this bill, and that it represents the very best thought of those who have devoted years of study and investigation to the subject. For a number of years the Department of Agriculture, by direction of Congress, has been making extensive investigations of the handling, grading, and transportation of grain, and the fixing of definite grades therefor. In January, 1914, the grades for corn were fixed and promulgated to take effect July 1, 1914; and while they were permissive and not compulsory, yet they have been adopted by the principal grain markets of the country and are now being very generally used. The work of determining the grades of wheat is nearing completion, and the grades for other grain will be fixed and promulgated from time to time. This act authorizes the Secretary of Agriculture not only to fix, establish, and promulgate grades for grain, but compels their use wherever grain is shipped in interstate or foreign commerce and sold by grade.

During the last Congress the Committee on Agriculture held extensive hearings upon the subject of uniform grades for grain and upon the question of Federal supervision of the grading of grain. As a result of those hearings, the committee prepared and unanimously reported a bill upon that subject. That bill was passed by the House, but, owing to the lateness of the session, failed of consideration in the Senate. The bill which I present here to-day is, for all practical purposes, identical with the bill which passed this body two years ago. It has been given the most careful consideration not only by the subcommittee of the Committee on Agriculture, of which I have the honor to be chairman, but also by the full committee, and comes before you with the unanimous report of that committee.

IMPORTANCE OF THE LEGISLATION.

Some idea of the importance of this subject is gained when I say to you that the farm value of the grain crop of the United States in 1915 amounted to three and a half billion dollars. The provisions of this act will apply only to grain which is shipped in interstate and foreign commerce. A very large part of the grain of the country is shipped in interstate commerce, and to give you some idea of the volume of the grain to which this act will apply, I submit the following statement of the grain which is handled in the important grain markets of the country:

Summary of total grain receipts of the 33 important grain markets in the United States, the receipts being expressed in the nearest million. The averages are based on a period of several years in the majority of cases.

	Bushels.
Chicago	284,000,000
Minneapolis	177,000,000
Buffalo	152,000,000
Duluth	81,000,000
New York	74,000,000
St. Louis	72,000,000
Kansas City (Mo.)	67,000,000
Omaha	52,000,000
Milwaukee	51,000,000
Baltimore	36,000,000
Newport News, including Norfolk	35,000,000
Philadelphia	29,000,000
Galveston	25,000,000
Indianapolis	22,000,000
Cincinnati	21,000,000
Portland (Oreg.)	20,000,000
Louisville	20,000,000
Boston	20,000,000
Nashville	19,000,000
San Francisco	17,000,000
New Orleans	17,000,000
Seattle	15,000,000
Cleveland	15,000,000
Tacoma	14,000,000
Toledo	14,000,000
Wichita	14,000,000
Memphis	12,000,000
St. Joseph	10,000,000
Detroit	9,000,000
Portland (Me.)	8,000,000
Fort Worth	5,000,000
Little Rock	5,000,000
Mobile	4,000,000
Spokane	2,000,000
Total	1,418,000,000

The average quantity of grain shipped out of these various markets, which carries an outinspection certificate, is equivalent to approximately 60 per cent of the total receipts, making a combined volume of grain by inspection both in and out of these various markets of approximately 2,268,000,000 bushels.

This is not a new subject of legislation; bills similar to this one and seeking practically the same results have been before Congress for a number of years. The question of a uniform system for the grading of grain applicable to the entire country has long been discussed. Such a system has been advocated by every Secretary since the establishment of the Department of Agriculture.

STATES PIONEERS IN GRAIN-GRADES LEGISLATION.

Years ago there developed in the trade centers of the country exchanges and boards of trade, and speculation and manipulation became a great and growing evil. Gambling in futures became prevalent. Grain, the fruit of the honest toil of the farmers of my country, became the basis of exchange manipulations whereby prices were raised and lowered at will to meet the whim of the speculator and to satiate his greed for gain. Manipulation of the grading of grain early became one of the prevalent practices in many of the large grain markets. Grain purchased was inspected into the elevator at a low grade and when sold was inspected out and graded at a higher grade. Some of the States in the grain-producing sections of the country became the pioneers in combating these evils. They enacted comprehensive measures and inaugurated systems of grain inspection, which have been successfully managed and from which great good has come. These States deserve great credit for what they have accomplished; the State grain-inspection departments have stood as a great bulwark between the producer of grain on the farm and the manipulator of grain grades in the great central markets. State systems of grain inspection, however efficient and well managed they may be, will not accomplish the results desired or bring about uniformity in grain grading, so necessary for the complete perfection of a system throughout the entire country. The grain crops of the various States are not sold or consumed within the borders of the respective States in which they are grown and harvested. On the contrary, it is an established fact that from 75 to 90 per cent of the grain crop is shipped out of the State in which harvested and is sold and consumed in other States or in foreign countries.

LACK OF UNIFORMITY UNDER PRESENT METHODS.

Where we have State grain inspection regulated by law no one can say that grain inspected and graded under such a system, when honestly administered, is not truly and fairly graded; but we must bear in mind that such a system applies only to the State itself, and that when the grain leaves the borders of that State there is no authority anywhere to compel the acceptance of those grades, and it is practically as if the grain had never been graded. Let us see how the matter works out in actual everyday practice. A farmer in my State—Missouri—has raised and harvested a large crop of grain. It has been raised on the same farm, on the same kind of land, and is uniform in quality. He ships two carloads of it, one to Kansas City and the other to the St. Louis market. Missouri, having a system of State grain inspection, applied honestly and uniformly, the result is that he receives the same grade upon his grain in each of these markets. But suppose he ships his grain to markets outside of Missouri—a carload to Chicago, another to Minneapolis, and a third to some eastern market. Each of these markets is under a different system of inspection. In each of these markets there is some variation of the standards established; and as a result his grain, though of a uniform character and quality, may, and in all likelihood will, be graded differently in each of the three markets. It is an established fact that grain identical in quality, and which ought to be graded the same in every market in the country, under present methods of grading and inspection is graded differently in the different markets. Under national grain supervision, as provided in this bill, the Department of Agriculture will in no way interfere with the various State departments, but, on the contrary, will seek to cooperate with them, will unify their work by giving to each State a uniform standard, and will aid them in applying that standard equitably and uniformly, so that grain of like quality graded in one State will bear the same grade in every other State.

ONE STANDARD—UNIFORM GRADING.

There are two important things sought to be accomplished by this bill: First, the establishment of uniform standards of grades for grain, so that the same quality of wheat, or corn, or oats, or any other grain in any market in any State in the Union will be given the same grade. It is uniformly agreed

that the only agency that can fix and establish a satisfactory standard for the grading of grain is the Government itself. The second object to be accomplished is to secure an honest, efficient, and uniform application of these standards in the inspection and grading of grain, and this can and will be accomplished by rigid Government supervision, as provided in this bill. There are those who would go much further than this bill goes. They would not only have the Government fix and establish the standards, but they would have the Government do all of the inspecting and the grading of the grain which goes into interstate and foreign commerce. Bills providing for the establishment of Government standards and for Government grading of grain have been introduced in preceding Congresses, and strong efforts have been made to pass those bills, but without avail. The principal objection to Government grading and inspection is the fact that it will destroy State grain inspection in the States which now have such inspection provided for by law. Again, Government inspection has been opposed because of the enormous expense attached to such a system, and again it has been opposed because even with Government inspection it would be absolutely necessary to have some kind of general Government supervision over all the various Government inspectors grading the grain at the various markets of the country, in order to insure that the grading be done uniformly and that the standards adopted be applied everywhere uniformly and honestly. It is believed that with rigid Government supervision of the grading of grain in the principal markets of the country an honest, efficient, and uniform application of the Government standards will be secured.

This bill does not seek to abolish the systems of inspection now in operation in some of the States, nor does it seek to abolish the systems of inspection under boards of trade or chambers of commerce, but it does seek to establish uniform standards for the various grains, and by Government supervision insures the uniform application of those standards in the grading of grain by the States, by boards of trade, chambers of commerce, and by other agencies.

There are those who oppose this bill on the ground that it places too much power in the hands of the Secretary of Agriculture, that he might be arbitrary in the establishment of the grades, and that grades established by him might be impractical and unsatisfactory to the grain trade of the country. Congress in 1913 authorized the Secretary of Agriculture to fix and promulgate grades for grain. The standards for corn have been fixed and promulgated. Let us see what course the Secretary of Agriculture pursued in arriving at a just and equitable system of grades for corn, and whether or not these grades have been satisfactory, and if he pursued a just and equitable course in the fixing of the corn grades and these grades have been satisfactory, may we not expect that he will pursue a similar course in the fixing of grades for wheat and other grains, and may we not with equal certainty predict that these grades will be acceptable and satisfactory to the grain trade?

CORN GRADES FIXED AND PROMULGATED.

On January 3, 1914, the Secretary of Agriculture fixed and promulgated standards for the grading of corn, to become effective July 1 of the same year. While these were only permissive standards, there being no authority to compel their adoption and use, they have been adopted by all of the States having State grain-inspection departments, and by the grain exchanges of all of the important grain centers of the United States except Boston, New York, Philadelphia, and Baltimore on the Atlantic seaboard, where most of the opposition to this measure is concentrated. During this time the grain interests of the country have handled one of the best corn crops which we have produced for years, that of 1914, and likewise one of the poorest crops that we have had for years, that of 1915.

Prior to the fixing of these standards the Secretary of Agriculture announced in August, 1913, tentative standards which were submitted to the grain interests of the country for consideration and criticism. The data on which the standards were ultimately fixed were discussed in detail by representatives of the department at an open meeting of the Grain Dealers' National Association, held in New Orleans in the early part of October, 1913. A similar presentation was made at a special meeting in Des Moines, Iowa, called for this purpose by the National Council of Farmers' Cooperative Companies; further opportunity was given to the grain interests of the country to attend a third meeting of this same character held in Washington on October 22, 1913, the day preceding the time set for hearings on the grades before the honorable Secretary of Agriculture. After a full hearing on these grades before the Secretary of Agriculture on October 23, 1913, full opportunity was given to all interests for a discussion of various factors set forth in the tentative grade rules. The arguments presented were given most careful consideration by the Department of Agriculture and the tentative grades were modified in some respect in order to meet the objections presented where there was a unanimity of opinion for such modification. There is every reason to believe that there will be the same fair and careful consideration in connection with the fixing of standards for other grains, as provided for in this bill, and that such standards when fixed will be equally fair to the producer, the dealer, and the consumer.

PRACTICABILITY OF GOVERNMENT GRADES.

The following is taken from an address of Jesse Simpson, manager of the Farmers' Elevator Co., of Danvers, Ill., before the twelfth annual convention of the Farmers' Grain Dealers' Association of Illinois, Bloomington, Ill., February 17, 1915, on the subject "New corn grades."

Now, as to the practical working of the new grades it may be a little too soon to pass final judgment as they have been in effect only a little more than seven months. However, some of the worst things prophesied regarding the working of these grades have not happened. When they went into effect last July it created scarcely a ripple in the usual course of the grain trade. Corn graded about as usual, except that we occasionally had a car of No. 5 or 6 corn which would have been no grade under the old style, but it brought nearer its actual value. The farmer was just as willing to contract his new crop of corn on a basis of No. 4 as he was in the past to sell No. 3. And the funny part of it was that just as soon as he found the new crop was of such good quality he wanted to sell No. 3. And he did it too at an advance of about 1 cent per bushel over the No. 4. Now, if I remember, one of the arguments most used against the adoption of the new grades was: How are you going to educate the farmer to the new grades? How are you going to explain to him that No. 4 corn, new grade, is about the same as No. 3 under the old? That No. 3 corn is a higher grade and he won't have any of it in the wintertime? That we had just got him educated to the moisture test, and if we changed the grade again now it would demoralize the trade for years. Results show that this was borrowed trouble. The farmer is educated. He knew when he had No. 3 corn, demanded and got the price for it. * * *

To sum up, I think the new grades have been decidedly beneficial all along the line in spite of the fact that there has been no way to enforce them or any supervision. The farmer is benefited because he gets nearer the actual value of his corn; the dealer because he has a more uniform grade, and the consumer because he gets a more uniform quality.

DEMAND FOR UNIFORM GRADES AND FEDERAL REGULATION.

The following is a list of the associations or organizations which have declared themselves in favor of a uniform system of grain inspection under standards fixed by the Federal Government with authority to regulate the application of such standards vested in the Department of Agriculture. The majority of these associations favor a system of supervision by the Federal Government, although others are much more radical in their views and believe that the Federal Government should take over the entire system of inspecting and grading of grain.

Grain Dealers' National Association.

This association has a direct membership of approximately 1,000, about 85 per cent of which represents grain firms, the remainder being individuals.

Ohio Grain Dealers' Association.
Indiana Grain Dealers' Association.
Illinois Grain Dealers' Association.
Missouri Grain Dealers' Association.
Kansas Grain Dealers' Association.
Texas Grain Dealers' Association.
Western Grain Dealers' Association.

This association includes the regular grain dealers of the States of Iowa, Nebraska, and South Dakota.

Council of Grain Exchanges.

At the time action was taken by the Council of Grain Exchanges there were some dissenting votes, but a rising vote was not called for so there is no record of the exchanges or boards of trade opposed to the legislation, although generally conceded as being confined to those of the Atlantic seaboard as practically all of the other exchanges have taken action favoring standardization and supervision. The only grain exchanges opposing this legislation, as shown in the hearings before the committee, or in other available records, are the New York Produce Exchange, the Philadelphia Commercial Exchange, and the Baltimore Chamber of Commerce.

Millers' National Federation.

Ex officio: Central Kentucky Millers' Association; Indiana Millers' Association; Kansas City Millers' Club; Michigan State Millers' Association; Millers' Club of Minneapolis; Ohio Millers' State Association; St. Louis Millers' Club; Southeastern Millers' Association; Southern Illinois Millers' Association; Southwestern Millers' League; Southwestern Missouri Millers' Club.

American Feed Manufacturers' Association.
Corn Millers' Information Bureau.
Miami Valley Grain Dealers' Association.
Tristate Grain Dealers' Association.

This association comprises parts of Ohio, Indiana, and Michigan.

Norfolk Chamber of Commerce.
Louisville Board of Trade.
Indianapolis Board of Trade.
New Orleans Board of Trade.
Minneapolis Chamber of Commerce.
Omaha Grain Exchange.
Duluth Board of Trade.
Kansas City Board of Trade.
Boston Chamber of Commerce.
St. Louis Merchants' Exchange.
Providence Chamber of Commerce.
National Council of Farmers' Cooperative Associations.
National Association of Farmers' Cooperative Companies.
Minnesota Farmers Grain Dealers' Association.
North Dakota Farmers Grain Dealers' Association.
Iowa Farmers Grain Dealers' Association.
Nebraska Farmers' Cooperative Grain and Live Stock Shipping Association.
Kansas Farmers Grain Dealers' Association.
Ohio Farmers Grain Dealers' Association.
Indiana Farmers Grain Dealers' Association.

At the nineteenth annual meeting of the Grain Dealers' National Association, held in Peoria, Ill., October 11, 1915, the following resolution was adopted:

Whereas the bill introduced in Congress by Representative Moss and known as the grain-grades act, failed of enactment: Therefore be it

Resolved, That we indorse Representative Moss in his declared intention to reintroduce this measure, without material change, immediately after the Sixty-fourth Congress convenes; that we reaffirm in all respects the indorsements given this measure by this association at its Kansas City convention and that every honorable effort be put forth by the members of this association to secure its enactment into law.

[Telegram.]

GRAIN DEALERS' NATIONAL ASSOCIATION,
Crawfordsville, Ind., January 21, 1916.

Hon. ASBURY LEVER, M. C.,
Washington, D. C.:

The grain trade is anxiously watching progress of the grain-grades act. If you can do anything to forward the interests of this bill, you will perform a great service to the grain producers, handlers, and consumers. The small opposition coming from State departments that have State inspection should bear very little weight. Each State department has inspection rules of their own, differing entirely from all others. This causes great confusion and gives room for manipulation of grades of grain that is highly detrimental to the best interests of the country. May we depend on your influence in favor of this bill?

A. E. REYNOLDS,
Chairman Legislation Committee
Grain Dealers' National Association.

BOSTON CHAMBER OF COMMERCE,
March 25, 1916.

Hon. THOMAS L. RUBEY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN RUBEY: I have already notified you by day letter of the vote of the grain board indorsing the Rubey grain grades act. The board of directors of the chamber, at their meeting on March 23, unanimously adopted the report of the grain board and voted to inform the New England Senators and Congressmen of the action taken. For your information, I might say that the action taken by the grain board on the Rubey Act is perhaps the most representative and decisive vote which has been taken on any legislation providing for uniform grading of grain and Government supervision of inspection.

In its report to the board of directors, the grain board stated that "there has for many years been urgent need for some such legislation," and gave their reasons for favoring the passage of the grain grades act at this time. These may be summarized as follows:

(1) At the present time each market has a different standard of quality for similar grades in name.

(2) Inspection of identical lots of grain has differed widely, based on their ownership and destination, and not on their actual quality.

(3) On account of the present unscientific method of grading, there is a wide variation in quality permissible in each of the established grades in the same market. For example, No. 1 Northern spring wheat has sold on the present crop at the same time and in the same place at a difference of from 8 cents to 16 cents per bushel, which is wholly a quality difference; and when it is considered that a fraction of a cent per bushel affects a trade in grain, the importance of such loose methods of grading is readily appreciated.

(4) Manipulation of grades with intent to defraud or deceive are not infrequently resorted to by unscrupulous dealers. For example, in the case of oats, a change in grade may be effected by the addition of moisture in the oats or their adulteration by mixing them with lower-priced grain or other foreign material. Such practices have resulted in seizures and confiscation by the Federal authorities of numerous car lots of such oats.

Further evidence of the deception and manipulation under present methods of grading and inspection is offered in the following case: Advance sales of No. 2 Hard and No. 2 Red Winter wheat were freely made to foreign buyers prior to harvest for shipment during the summer and fall of 1915. Unfavorable weather conditions resulted in badly damaging the crop, and receipts of the above-mentioned grades in the principal markets when the new crop moved were inconsiderable. Nevertheless certificates were issued grading very inferior wheat as No. 2 Hard and No. 2 Red Winter, and shipments were made to apply against these foreign sales, and buyers paid for their purchases based on the certificates, which are final as to evidence of quality on such contracts, only to find on receipt of shipments abroad that much of the grain was worthless, or of very inferior quality, as compared with their understanding of what the grain should be. These transactions have resulted in protests being lodged with our ambassadors for transmission to the Department of State.

(5) The proposed legislation has the support of the Grain Dealers' National Association, a body of 3,200 members, dealers in grain, representing practically every State in the Union; the Millers' National Federation, embracing thousands of flour millers; and many of the principal grain-trade organizations in the large grain centers of the country.

The board of directors of this chamber, appreciating the far-reaching effect which the proposed legislation would have on New England alone, which buys annually of outside sections not less than 50,000,000 bushels of oats and 100,000,000 bushels of corn, unanimously voted to adopt the report of the grain board and to urge the New England Congressmen to favor its passage.

Very truly, yours,

JAMES A. MCKIBBEN,
Secretary.

ILLINOIS GRAIN DEALERS' ASSOCIATION,
Champaign, Ill., March 28, 1916.

Hon. THOMAS L. RUBEY,
House Office Building, Washington, D. C.

DEAR SIR: I am directed to inform you that the board of directors of the Illinois Grain Dealers' Association, at a meeting held in Chicago March 24, gave hearty indorsement to your act for the uniform grading of grain known as House bill 10405. All grain dealers of the country are vitally concerned in this legislation and are anxious to see it passed. It will be of great benefit to shippers and also to producers.

* * * * * * *

Cordially.

E. B. HITCHCOCK, *Secretary.*

The Kansas Grain Dealers' Association, at their meeting May 26, 1914, adopted a resolution favoring Federal supervision of grain inspection, according to the Lever bill as amended by the Grain Dealers' National Association.

[Telegram.]

KANSAS CITY BOARD OF TRADE,
Kansas City, Mo., January 14, 1916.

Hon. THOMAS L. RUBEY,
Washington, D. C.:

The Kansas City Board of Trade strongly indorse the Moss grain bill, and respectfully but earnestly solicit your best efforts toward its adoption this session.

B. C. MOORE, *President.*
E. D. BIGELOW, *Secretary.*

[Telegram.]

THE KANSAS CITY MILLERS' CLUB,
Kansas City, Mo., January 14, 1916.

Hon. THOMAS L. RUBEY,
House of Representatives, Washington, D. C.:

We respectfully urge you to do all that is possible to secure enactment of the Moss grain-grades bill during the present session of Congress. The proper Federal supervision of grain inspection is of the utmost importance to the milling industry and the grain trade of the United States and further to defer enactment of this important legislation will merely delay much needed relief.

THE KANSAS CITY MILLERS' CLUB,
R. E. STERLING, *Secretary.*

The Michigan Hay and Grain Dealers' Association, at their annual meeting, August 5, 1915, adopted the following resolution:

Resolved, By the Michigan Hay and Grain Association, at its annual convention in Jackson, Mich., on August 5, 1915, that we heartily approve of the provisions contained in the "grain-grades act," and that we urge its introduction and passage early in the next, the Sixty-fourth, Congress without amendment.

MISSOURI GRAIN DEALERS' ASSOCIATION,
Mexico, Mo., December 29, 1915.

Hon. THOMAS L. RUBEY,
Representative in Congress, Washington, D. C.

DEAR SIR: I have been advised that Congressman R. W. MOSS of Indiana has introduced a bill in the House of Representatives under No. H. R. 4646, which provides that the United States Department of Agriculture shall establish a uniform standard of grades on all cereals entering into interstate and export commerce, and further provides for the supervision of such inspection.

This bill is not a new one to yourself or the grain trade, as it was introduced at the last session of Congress and passed the House by a large majority, but owing to the short session was not acted upon by the Senate.

The grain and milling trade has considered and discussed this bill thoroughly and have given it practically their unanimous indorsement. In the State of Missouri it has been unanimously indorsed by the Missouri Grain Dealers' Association, the Kansas City Board of Trade, and the St. Louis Merchants' Exchange.

Being a Representative of one of the largest grain-producing States, I trust you will give this bill your earnest support and urge it to be enacted at an early date, as it is of great importance to all grain-producing States. I should be pleased to give you any information you desire in regard to the grain trade of Missouri.

Sincerely, yours,

J. A. GUNNELL, *Secretary.*

[Telegram.]

MISSOURI GRAIN DEALERS' ASSOCIATION,
St. Louis, Mo., January 27, 1916.

Hon. THOS. L. RUBEY,
Representative in Congress, Washington, D. C.:

The Missouri Grain Dealers' Association, assembled in annual convention at St. Louis, Mo., January 27, unanimously indorsed the Gore bill now pending in the Senate, and the Moss bill now pending in the House, relating to uniform grading of grain, and desire to thank you for your sincere and constant efforts put forth in behalf of the grain trade.

MISSOURI GRAIN DEALERS' ASSOCIATION,
By J. A. GUNNELL, *Secretary.*

[Telegram.]

NEW YORK STATE MILLERS' ASSOCIATION,
Buffalo, N. Y., January 27, 1916.

THOS. L. RUBEY, *M. C.,*
Washington:

The millers of New York State, as assembled at their annual dinner last night at Buffalo, again express their strong hope that they might have immediate relief from possible grain-inspection abuses as would be provided by bill H. R. 4646. They hope that your committee may have already reported the bill favorable, or, if not, may do so as soon as may be possible, and that this may be followed by prompt, favorable action of the House and Senate. If we can be of any service please command us.

NEW YORK STATE MILLERS' ASSOCIATION,
By W. V. HAMILTON, *President.*

NEW YORK STATE MILLERS' ASSOCIATION,
CHAMBER OF COMMERCE,
Buffalo, April 18, 1916.

To the honorable Members of Committee on Agriculture,
United States House of Representatives, Washington, D. C.

DEAR SIR: Referring to the many indorsements of Federal supervision as proposed by the grain-grades bills now before Congress, and especially to the recent indorsement of the Boston Chamber of Commerce, which so outlines the imperative necessity for this legislation, we desire to say that we concur in their statement:

"We are in favor of Government supervision of grain inspection for the same reason that the honest shippers of the country favored the abolition of the rebate."

We believe that the grain-grades bills now before Congress would abolish favoritism shown a few at the expense of the many, and would largely abolish grain-inspection abuses as practices in our domestic markets, and as have been so bitterly complained of in recent years by foreign purchasers of American grain. This last situation we believe may now be called an international disgrace as practiced, especially during the current crop year.

We trust this legislation may have your active support.

Very respectfully, yours,

NEW YORK STATE MILLERS' ASSN.,
W. V. HAMILTON, *President.*

THE PROVIDENCE CHAMBER OF COMMERCE,
March 21, 1916.

Hon. THOMAS L. RUBEY,
Chairman House Subcommittee Re
Uniform Grading of Grain, etc.,
The Capitol, Washington, D. C.

HONORABLE AND DEAR SIR: In accordance with the instructions therein contained, I am hereby respectfully conveying to you copy of a resolution unanimously adopted by the board of directors of the Providence Chamber of Commerce on Monday, March 20, 1916, and which follows:

"*Resolved*, That this Providence Chamber of Commerce favor the passage of House bill 10405, relating to the grading of grain, etc., preventing deception in transactions in grain, and regulating tariff therein, and that the general secretary of the Providence Chamber of Commerce be, and he is hereby, instructed to forward a copy of this resolution to THOMAS L. RUBEY, chairman of the House subcommittee in charge of the bill and to the Senators and Representatives from the State of Rhode Island in the Congress of the United States."

Respectfully, yours,

CLARENCE A. COTTON,
General Secretary.

[Telegram.]

ST. LOUIS MERCHANTS' EXCHANGE,
St. Louis, Mo., January 13, 1916.

Hon. THOMAS L. RUBEY,
Washington:

On behalf of officers and members Merchants' Exchange of St. Louis urge you to use your best efforts to secure immediate reporting of Moss grain-grades bill by committee. Moss bill of great importance to grain and milling interests.

EUGENE SMITH,
Secretary.

The executive committee of the Texas Grain Dealers' Association, in session April 22, 1916, passed a resolution instructing the secretary to take up with the Senators and Congressmen from Texas the matter of urging the passage of the Rubey bill or the grain-grades act at this session of Congress.

At the annual convention of the Western Grain Dealers' Association, held at Cedar Rapids, Iowa, April 14–15, 1916, O. K. Morrison, of South English, Iowa, read an instructive paper on country grain-trade efficiency, in which he said:

Grain should be bought by grade, the same as it is sold. Paying the same price for all kinds of oats or other grains is one of the most damaging influences against the work that is being done to have better grain raised and to have better care after it is raised. Don't be too hasty in naming the grade on the grain. You can't do it by glancing at it. That is nothing more than guesswork, and guesswork is often very expensive. It would seem that there is considerable guesswork in the terminal markets, from the frequent notices we get that the grade has been raised or lowered. It is true that many times carloads can not be properly graded on account of being too full or some other good reason, but I can see no good reason why the grain can not be properly graded when delivered in wagons to the elevators.

The membership of the Western Grain Dealers' Association includes the regular grain dealers of the States of Iowa, Nebraska, and South Dakota.

At the annual convention of the Western Grain Dealers' Association, held at Cedar Rapids, Iowa, April 14–15, 1916, the following resolution was adopted:

Whereas there is pending before Congress the Rubey bill, which bill is substantially the same as that known to the trade as the Moss bill, or grain-grades act; and

Whereas this association has heretofore gone on record as favoring the Moss bill, which is designed to bring about supervision of grain inspection by the Federal Government:

Resolved, That we reaffirm our position with reference to this bill, which has been favorably reported by the House Committee on Agriculture and is now on the calendar awaiting action.

The membership of the Western Grain Dealers' Association includes the regular grain dealers of the States of Iowa, Nebraska, and South Dakota.

The National Council of Farmers' Cooperative Associations made the following recommendations to the Secretary of Agriculture concerning the inspection of grain:

We, the National Council of Farmers' Cooperative Associations, in special session, Chicago, December 10, 1913, having duly considered the wishes of our constituents in several States as expressed by them in letters and in personal interview, respectfully submit the following recommendations to the Secretary of the Department of Agriculture of the United States of America: We recommend that a law be enacted by Congress of the United States providing—

First. That the inspection of grain entering into interstate commerce shall be made by the Federal Government.

Second. That the chief and all other inspectors shall be appointed under civil-service rules.

Third. That the rules of the pure food and drugs act shall not be applied to grain in its natural state.

NATIONAL COUNCIL FARMERS' COOPERATIVE ASSOCIATIONS.
J. W. SHORTHILL, *President.*
H. W. DANFORTH, *Vice President.*
W. J. RAY, *Secretary.*

The National Council of Farmers' Cooperative Associations is composed of State associations of farmers' elevator companies in Illinois, Iowa, Minnesota, South Dakota, and Kansas.

Mr. H. W. Danforth, president of the National Council of Farmers' Cooperative Associations, in his address at the third annual meeting on November 29 to December 2, 1915, of the National Conference on Marketing and Farm Credits in joint program with the National Council of Farmers' Cooperative Associations, made the following statement relative to grain-standardization legislation:

The farmers' cooperative elevator companies have long demanded the standardization of grades for all grain, and Federal inspection of same. About a year ago corn grades were adopted and standardized by the United States Government, and they have worked a remarkable change in the handling of this commodity. Any manager of a farmers' elevator company can readily place a sample of corn in its right grade with the assurance that if he has done his work carefully it will correspond with the grading by the inspectors at the terminal point.

Mr. Danforth also stated that—

At the present time there are in Illinois 305 farmers' elevator companies; in Iowa, 394; Minnesota, 345; South Dakota, 435; Kansas, 242; and Nebraska, 271. The total membership in these seven States is approximately 275,000 to 300,000 farmers. Many farmers' elevator companies have been organized in Michigan, Montana, Washington, Ohio, Oklahoma, Wisconsin, Missouri, Indiana, and Texas; in all, about 347 companies.

At the time of Mr. Danforth's address the last-named group of States had not yet organized State associations, but since that date the farmers' companies of the States of Ohio and Indiana have organized very active State associations, with considerable increase in the membership of the companies.

In a report of the National Association of Farmers' Cooperative Companies, held at Sioux City, Iowa, May 7–8, 1914, the following resolutions were read and adopted:

To the officers and members of the National Managers' Association now assembled, we, your committee on resolutions, beg to submit the following for your consideration and approval:

"*Resolved*, That we approve of a Federal standardization of grades for grain, and favor the Government taking such steps as will bring this about.

"*Resolved*, That we favor Federal supervision of grades."

The National Farmers' Association, at a convention held in Kansas City, February 21–23, 1916, adopted a resolution asking for a system of inspection, weighing and grading grain, hay, cotton, and other farm products that shall be uniform and under Federal control.

Farmers' Grain Dealers' Association of Illinois, in the report of the secretary, A. N. Steinhart, to their convention, which met February 16–18, 1915, says:

The new corn grades have been established, and no one has been hurt. Grade alone can not change values on the same class of grain, no matter by what number or name designated. The new grades have, however, brought a concerted effort on the part of grain growers to market a better and cleaner corn. This will tend to keep the market clear of a glut of dirty, low-grade stuff. Everybody will benefit, a great loss and waste will be eliminated, and the general price will be better. What we now need is Federal inspection to determine the grades in all cases, a method which will place men in charge of this work that need not necessarily be residents of the cities in which terminals are located; men who are free from all local influence and who are beholden only to your Uncle Samuel for their places and their action, such men as we have in the postal and revenue service. When this sort of inspection is in vogue there will be a chance that pure grain will go into the public warehouse under the same grade at which it goes out, and also that the grade will be as nearly uniform at all markets as human judgment can determine. Your association, through the national council, is working for this sort of inspection. They are going to get it for you, too.

The association adopted the following resolution:

That we favor the Federal inspection of grain that we may have uniform inspection of grain throughout the country.

The Farmers' Grain Dealers' Association of Illinois in their meeting held February, 1915, adopted the following resolution:

Resolved, That we favor the Federal inspection of grain that we may have uniform inspection of grain throughout the country.

Iowa Farmers' Grain Dealers' Association at their convention held at Waterloo, February, 1914, adopted the following resolution:

Resolved, That we recommend to the national council to take up the question of inspection of grain with our Senators and Representatives and urge them to do all within their power to secure a law providing for the Federal inspection of all grains handled in interstate commerce.

Iowa Farmers' Grain Dealers' Association at their annual meeting held at Mason City February 9 to 11, 1915, adopted the following resolution:

Resolved, That we are most emphatically in favor of Federal inspection of grain.

The Farmers' Grain Dealers' Association of Iowa at their 1916 convention held in Des Moines on February 15, 16, and 17 adopted the following resolution:

Be it resolved by the Farmers' Grain Dealers' Association of Iowa, representing 40,000 members as follows:

"That as the Government has established uniform grain grades, which have proven practical;

"Therefore this convention strongly indorses an efficient law for the grading of grain."

Kansas Farmers' Cooperative Grain Dealers' Association, at a meeting of the managers of the Kansas Farmers' Cooperative Grain Dealers' Association at Turan, Kans., May, 1914, adopted the following resolution:

Resolved, That the Farmers' Cooperative Grain Dealers' Association of Kansas in convention assembled hereby express themselves as urging Federal grades and inspection of grain on all interstate shipments, and that all appointments of grain inspectors be made on competitive examination under the civil service.

Kansas Farmers' Cooperative Grain Dealers' Association at their meeting held March, 1915, adopted the following resolution:

Whereas we believe that Federal inspection of grain will guarantee uniformity of grain and would protect the producer, distributer, and consumers in all markets: Therefore be it

Resolved, That we indorse Federal inspection under civil service.

Minnesota Farmers' Grain Dealers' Association at their annual meting held in Minneapolis, February, 1914, adopted the following resolution:

Whereas there is a wide difference in the results of grain inspection at different times in each year in the same markets which are unfair to the shippers of grain: Therefore be it

Resolved, That we request that the Federal Government establish uniform inspection for all grains in all markets.

South Dakota Farmers' Cooperative Association at their annual convention held in Aberdeen, December, 1914, adopted the following resolution:

That we firmly believe in the justice of our claim when we demand full Federal inspection and grading of grain and seeds at terminal markets.

South Dakota Farmers' Cooperative Association, at a meeting held in December, 1913, adopted the following resolution:

Whereas conditions surrounding the inspection of grain entering into interstate commerce are open to severe criticism because of the local influence that manifests itself, and the charges of a rigid inspection in, and an easy inspection out that in the absence of standard grades inspection is permitted at any and all grain centers, thereby subjecting shipments to the judgment of different inspectors while in transit from the shipper and producer to the seller or consumer. That cars grading No. 1 at one point may grade No. 2 and even No. 3 before reaching its destination. This has a demoralizing effect on the grain trade, and confusing to the shipper until the shipper is unable to establish a grade on his shipment with any degree of accuracy; and

Whereas a uniform grade established for the entire country, and inspected by a board appointed by the Federal Government under the civil-service rules, would tend to reestablish confidence in the entire grain trade and form a basis upon which to adjust differences between shipper and seller or buyer: Therefore be it

Resolved, That a law be enacted by the United States Congress providing for Federal inspection, standardization of grades, and weighing of grain entering into interstate commerce.

THE FARMERS' COOPERATIVE ASSOCIATION OF NORTHWESTERN OHIO,
Malinta, Ohio, April 11, 1916.

Hon. THOMAS L. RUBEY,
Washington, D. C.

DEAR SIR: At a meeting of the Farmers Grain Dealers' Association of Ohio, held in the city of Toledo, Ohio, March 13, 1916, nearly 200 delegates from 65 farmer elevator companies, representing about 15,000 farmers of this State, adopted the following resolutions:

"We, the representatives of the cooperative grain dealers' movement in Ohio, in convention assembled, partially express our sentiments in the following resolutions, to wit:

"That we urge the passage by both the House and the Senate of the United States House bill No. 10405, known as the 'United States grain-grades act,' introduced by Congressman THOMAS L. RUBEY, of Missouri." * * *

EUROPEAN COMPLAINTS OF AMERICAN INSPECTION.

For nearly a score of years the Agricultural and other Federal departments have been receiving complaints from Europe relative to the unsatisfactory quality of grain received from the United States. These complaints are not isolated cases, but are of such numbers and from such sources as to indicate clearly that the dissatisfaction and lack of confidence on the part of European receivers of American grain is quite general. The complaints are from the principal markets in England, Scotland, Denmark, Germany, Holland, Belgium, France, and Italy.

In this connection it is important to note that practically all of the grain exported from our Atlantic and Gulf ports is under a contract of "American certificate final." In this respect the United States occupies a unique position, as all other countries exporting grain to Europe are obliged to sell on a contract that in substance guarantees delivery in good condition. Under a contract of "American certificate final" the European buyer is without redress. It would appear that when forced to buy under such a contract the European importer would have just cause for complaint if the certificate of inspection called for a No. 2 corn and at time of discharge the cargo were found to consist of No. 3 or No. 4, it having been admitted by one of the large exporters in the hearings on this bill that No. 3 and sometimes No. 4 corn was bought in the West and exported as No. 2, the grade being raised at the seaboard. It is claimed by many that the price of grain in the United States is based upon the price paid in the Liverpool market, the great commercial center of the grain trade of the world. If this be true, and but few doubt it, then, indeed, the pernicious practice of shipping inferior grain to Europe and selling it as of a high grade has resulted in the loss of millions of dollars to the grain farmers of America.

In a letter from the Agricultural Department under date of March 4, 1916, in response to a request for information relative to complaints of European buyers with American grain certificates, the situation is covered in the following statement:

So far as this department has been able to make an investigation of the grain-export situation, the results show that the complaints of European grain exchanges, grain dealers' associations, and individuals have been well founded. It is a matter of much regret that our export grain has been below the quality required for a similar grade of grain for domestic commerce, and that a high percentage of the export cargoes, especially of corn, has arrived in Europe with at least a portion of the grain in a sour and heat damaged condition throughout, notwithstanding the fact that the corn was shipped under certificates of "No. 2 sail grade" or "prime sail," which is the highest grade of corn that the European buyers can purchase in the United States.

While it is true that some of this deterioration is directly traceable to improper stowage rather than to a too liberal inspection, there can be no doubt but that after repeated experiences of this nature European importers will not and do not bid as high a price for grain covered by certificates in which there is such a widespread lack of confidence as they would be willing to bid for the same grade of grain if they had the assurance of receiving grain of the quality called for by the certificates under existing published grade rules. It is likewise clearly evident that this lack of confidence in the American certificates must revert to our grain producers in that the price received by our farmers for their grain is in a large measure, under normal conditions, governed by quotations from Liverpool. In other words, the price for which our surplus grain can be disposed of affects the price of the whole.

The serious nature of the foreign complaints, as well as the situation governing certificates issued at an interior market, can be remedied only through some central Federal authority, such as is provided for in the United States grain-grades bill now under consideration or through a measure of similar character.

Excerpts from a few of the more recent complaints will serve to show the widespread dissatisfaction and the lack of confidence in Europe with American grain certificates.

One of the most recent complaints, under date of March 8, 1916, reads, in part, as follows:

The Italian embassy begs to inform the State Department that in the last few months there have arrived in Italy from the United States quite a number of shipments of wheat which were found to be in a very poor condition, largely unfit for consumption, notwithstanding the fact that they were accompanied by regular inspection certificates. * * * These occurrences have created a most unfavorable impression in Italian commercial circles, where it is felt that some American exporters of wheat have not been dealing with that degree of correctness customary in commercial transactions.

In September, 1915, the Secretary of the Liverpool Corn Trade Association, in a complaint to the Agricultural Department, stated:

My directors are of opinion that a serious mistake has been made; that the wheat has been given a wrong description, the same being entirely soft; furthermore, the condition, being warm, stiff, and mildewed, shows that it was not merchantable before shipment, even under the most superficial examination. The grading certificates are consequently valueless and I am instructed to ask if your department could bring its influence to bear with a view to protecting buyers on this side, as, if such shipments are allowed to be made, buyers may be ultimately compelled to decline to accept * * * inspection.

In this connection it might be mentioned that as early as 1906 the dissatisfaction became so great that European buyers

for a limited period refused to accept grain covered by inspection certificates from two export markets on the Atlantic seaboard. Again, in 1911, similar action was taken against another market on the Atlantic seaboard.

Under date of October 15, 1913, the Secretary of the Hull Corn Trade Association wrote:

My committee are of the opinion that the step you have taken is one that will place business upon a proper footing; and, so long as the grades are fixed, and are not altered without due and proper notice, we can trade with a certain amount of confidence. My committee hope that when the grades are finally adopted that they will apply to domestic as well as export business. Since December, 1911, there have been practically no arrivals of American maize at Hull, one of the reasons being that buyers here do not care to take the risk of condition.

THE INCORPORATED CORN TRADE ASSOCIATION OF LEITH,
Leith, May 21, 1914.

The SECRETARY UNITED STATES DEPARTMENT OF AGRICULTURE,
Bureau of Plant Industry, Washington, D. C., U. S. A.

SIR: I am instructed by the executive committee of this association to express its strong support of the contention of the London Corn Trade Association as to the necessity of obtaining Government official inspection certificates in respect of quality and moisture content of maize shipped from the United States to this country.

I am further to add that my committee is of the opinion that these are the only terms upon which this business can be done in future.

I am, sir, your obedient servant,

THOMAS W. ———, *Hon. Sec.*

While no complaints have been received from Germany during the past two years, owing to failure to receive grain from the United States as a result of war conditions, excerpts from complaints prior to the opening of hostilities will show the dissatisfaction of continental buyers.

October, 1913, Bremen wrote:

We received your letter of September 23, addressed to the president of the Bremen Grain Exchange, concerning grain standardization, especially grading of corn.

First of all, we express our extreme satisfaction that the United States Department of Agriculture takes such steps as to fix definite standards of grain to the purpose to make an end to the uncertainty now existing and to remove the want of reliance in the certificates now in use at the American shipping places. The certificates of the inspectors of the grain exchanges of the United States shipping places (New York, Baltimore, and others) are considered on our side with the greatest possible distrust, as they are giving not the slightest security for the good condition of the grain shipped.

Hamburg Association, in June, 1911, wrote:

The private certificates you mention were accepted here, because importers are left in the dark as to which certificates deserve to be called official or trustworthy, which latter would be still more important in buyer's interest. Receivers over here have had such very bad experience with official Philadelphia, Baltimore, etc., inspectors that it comes pretty much to the same by whom the certificates have been issued.

EXTRACTS FROM A DETAILED REPORT OF THE LONDON CORN TRADE ASSOCIATION, THE LIVERPOOL CORN TRADE ASSOCIATION, AND THE NATIONAL ASSOCIATION OF BRITISH AND IRISH MILLERS, UNDER DATE OF NOVEMBER 28, 1915, RELATING TO THE DISSATISFACTION ON THE PART OF EUROPEAN GRAIN DEALERS AND MILLERS WITH AMERICAN GRAIN CERTIFICATES.

For many years European buyers of United States grain have expressed grave dissatisfaction with the conditions of trading in respect of the quality of grain exported or certificate. Matters have now reached a climax.

An ordinary buyer of goods is in a position not only to claim delivery of that which he had bought but to refuse acceptance of the article if the seller tenders him something which he had not bought, but the system of grading and selling on "certificate final" as practiced at present in the United States does not appear to proceed on these principles of elementary justice, for European buyers have to accept delivery. Furthermore, so far as this point of principle is concerned, a still more glaring case occurred a few years ago when German buyers had to accept in execution of contracts for oats a mixture consisting of 70 per cent oats and 30 per cent barley at a time when barley was worth in Germany 50 shillings per ton less than oats; for some certificating authorities in the United States had thought fit, without consulting anybody on this side of the Atlantic, to suddenly make alterations in their grading rules, permitting such admixture. The impropriety of such actions on the part of sellers would be minimized if monetary compensation were payable to the aggrieved parties, but under the prevailing system of trading such redress has been and is refused. Nor is the evil confined to the injury done. The most urgent representations from this side have hitherto failed to provide a remedy. On the contrary, when an international committee representing European receivers of grain brought their case to the notice of many American authorities issuing certificates as to quality of grain, the chairman of one replied: "He considered their first duty was to move their crop."

Prior to 1912 serious complaints were made against Canadian grading, but the Dominion grain act of 1912 and the administrative arrangements ancillary thereto, have effected very great improvements, so that all European buyers have now confidence in Canadian certificates, and though a great number prefer trading on sample or on standard, they acquiesce in the system of grading and its concomitant "certificate final," as established by Canadian law and carried out by Canadian practice. One very important fact which has greatly enhanced the reputation of Canadian grading is this. Both in the United States and Canada a large proportion of the crop is sold before it is reaped. The buyer should be in a position to rely upon the grading rules current at the time the deals are made; in other words, the grain, when it is reaped, should be graded on its intrinsic merits according to rules which should not be changed from season to season. Canadian law and practice embody this principle. When the weather has been bad during harvest in Canada, and the quality of the crop has therefore been depreciated, the statutory grades have nevertheless not been changed, and buyers have obtained grain of the quality they expected and had a right to expect. The London Corn Trade Association has received so many complaints concerning American grading that it called a conference "to consider what improvements are advisable in the present methods of working American business, to which conference delegates from all interested parts of Europe" were invited. It was held in London on November 8, 1906. There was a large attendance of delegates from many British, Irish, and continental associations. The following associations and organizations were represented:

London Corn Trade Association; Liverpool Corn Trade Association; National Association of British and Irish Millers; Hull Corn Trade Association; Bristol Channel and West of England Corn Trade Association; Incorporated Corn Trade Association, Leith; Glasgow Corn Trade Association; Belfast Merchants; Sligo Merchants; Dublin Merchants; Irish Flour Millers' Association; Chambre Syndicale des Grains, Graines, et Farines, Paris; Association Syndicale et de Conciliation des Grains et Graines de la Region du Nord, Lille; Chambre Syndicale et de Conciliation des Grains et Graines, Dunkerque; Chambre de Commerce du Havre; Chamber of Commerce, Antwerp; Chambre Arbitrale, Antwerp; Associazione del Commercio del Cereali e Semi, Genoa; Verein der Getreidehändler der Hamburger Börse; Hamburg Merchants and Millers; Börsenvorstand der Borse zu Köln; Verein Rheinisch-Westfälischer Getreide-Importeure; Commissie voor den Graanhandel, Amsterdam; Het Comite van Graanhandelaren te Rotoerdam; Nederlandsche Vereeniging van Meelfabrikanten, Rijswijk; Foreningen af Korn & Foderstof Handlers paa Kjoebenhavns Bors; Foreningen af Korn-og Foderstof-Importerer i Jylland og Fyn, Aarhus; Mannheimer Produkten Börse.

An international committee was set up consisting of 14 members, 7 nominated by the principal associations of the United Kingdom and 7 by continental associations. This international committee held several meetings, some in London, one at Antwerp. Its first efforts were directed to the establishment of uniform rules for grading of grain at all United States ports and grain centers, and to providing, under conditions designed to exclude all small and frivolous claims, machinery for arbitration in cases of misgrading, accidental or intentional. Among the resolutions carried at the meeting held on January 24, 1907, are the following:

"That this European international committee calls upon the boards of trade and commercial exchanges of the United States of America and Canada issuing certificates to draw up uniform rules for the grading of grain for export at all their various ports and grain centers. Further, that the said certificating bodies are requested to send to this committee for agreement such rules properly authenticated. When mutually agreed upon those rules are not to be altered, unless by mutual consent.

"That the certificate of any railroad, elevator, or private trading company or person shall not be recognized."

The committee then entered into communications with many American bodies issuing certificates as to quality of grain.

The Baltimore Chamber of Commerce wrote:

"Our board has already advised Europe that we courted full investigation as to our system, but as this chamber can not control the grading in other markets, we are not able to enforce uniform grading as applied to other United States markets."

The New Orleans Board of Trade wrote:

"The feasibility of establishing some system of uniformity in the grading of grain at exporting centers can not be questioned. The export grain exchanges, as well as the exporters themselves, should favor the taking of some action which would result in the protection of their interests and trade."

The New York Produce Exchange in February, 1907, wrote:

"It is known to you and all interested in the American grain business that at the last convention of the National Grain Dealers' Association, held at Chicago in December last, at which were gathered representatives from some 25 American commercial exchanges and boards of trade, also a representative from the Agricultural Department at Washington, it was unanimously resolved by the delegates there present to urge the adoption by all the American markets, both inland and seaboard, of uniform grades for grain both as to phraseology and quality requirements, and also the further adoption of methods to insure the appointment and supervision of properly qualified inspectors. To all the above the committee on grain of the New York Produce Exchange has given its hearty approval. Through the convention's subcommittee a tentative list of grades with quality requirements was submitted, and this tentative list as a basis is now before the various exchanges for their consideration."

The merits or demerits of a system of grading are not ascertained on a crop harvested under favorable conditions. Between the crops of 1908 and 1914 trade with European buyers in United States grain languished. Then came the very favorable harvest of 1914 and an exceedingly large trade in United States grain, due, among other causes, to the fine quality of the hard winter wheat. Even then there was cause for complaint as to irregularities in grading, but on the whole the buyers were satisfied.

In that state of mind they made large purchases of the 1915 crop, and it is important to note that the first arrivals of that wheat were satisfactory. Such wheat would to-day command a ready sale on our markets, for millers in the United Kingdom much desire to keep such wheats in their current mixtures, and doubtless the quality of these early arrivals induced buyers on this side to greatly increase their purchases. By the later export of grossly inferior and improperly graded wheat some United States shippers have secured an immediate advantage, for the system of grading and trading on "certificate final" appears to protect them from loss of monetary advantage on contracts then existing, but the loss of good repute is serious and deplorable. Buyers can not be fleeced with impunity. A buyer suspicious and unwilling can not be a satisfactory source of profit to the seller. For years past Canadian wheat has realized substantially higher prices in European markets than the corresponding grades of United States wheat, and the climax has now been reached in this further sense, that European buyers are restricting their present purchases of graded wheats almost exclusively to Canadian produce. It is indisputable that in normal times, when the harvests in the producing countries are favorable, the state of affairs which has led to the present complaints will militate strongly against American certificated wheat obtaining its proper intrinsic value in competition with those of other countries. It is hard to believe that even those sellers who are dominated by consideration of merely personal advantage can be satisfied with this state of affairs, and it must be in the highest degree unsatisfactory to honorable traders in the States who have to suffer for the misdeeds of the unscrupulous ones.

The want of uniformity in a system of grading must result in a lowering of the value of the whole crop, for buyers naturally base their

price on the poorest quality they may receive. Separate grading by different ports tends to the lowering of the grades in the endeavor to secure trade.

The chief point we desire to emphasize is that grain should be graded on its intrinsic merits according to standards which should not vary from season to season. Uniformity of treatment should be accorded to domestic and foreign buyers.

NATIONAL ASSOCIATION OF BRITISH AND IRISH MILLERS.

A. B. GRIPPER, Esq.,
London Corn Trade Association, 28 St. Mary Axe, E. C.

DEAR SIR: Your letter of the 12th instant, with reference to complaints of many shipments of No. 2 hard winter wheat from United Kingdom and continental buyers was considered by the council of this association at their meeting held yesterday, and the following resolution was passed:

"That the London Corn Trade Association be requested to interview the American ambassador, bringing through him to the notice of the United States Government the serious irregularities in recent deliveries of United States certificated wheat and the desirability of establishing the Federal grading of wheat."

Yours, faithfully,

ARTHUR E. HAWKER, *Secretary.*

OCTOBER 28, 1915.

—

JOSEPH RANK (LTD.), BALTIC HOUSE,
Leadenhall Street, London E. C., November 11, 1915.

A. B. GRIPPER, Esq.,
Secretary London Corn Trade Association,
28 St. Mary Axe, E. C.

DEAR SIR: We send herewith a delivery sample of so-called No. 2 hard winter wheat, inspection ex the steamship *Milwaukee*. This was delivered to us this week under the official certificate.

We may say that the sample, on account of being out of bulk some time, has cooled off, and probably improved in other respects, but we think that the quality shown by it is sufficient to prove that the wheat is in a shocking condition. It is sour, hot, full of heated corns, as well as being very badly grown, and we think that as this delivery is not an isolated experience some steps should be taken by your association to protect receivers in the United Kingdom against a repetition of deliveries of this nature.

We can not protest too strongly with regard to this delivery, as, seeing we buy on certificate final, we naturally put ourselves in (their) hands. * * * and if they treat the buyers in this country in this way by grading wheat as No. 2 hard * * * which is of the description given it is time receivers refused to accept their certificates. * * *

Yours, truly, JOSEPH RANK (LTD.).

—

ROTTERDAM.

To the SECRETARY OF THE LONDON CORN TRADE ASSOCIATION,
Exchange Chambers, 28 St. Mary Axe, London E. C.

DEAR SIRS: The Nederlandsche Vereeniging van Meelfabrikantan and Het Comite van Graanhandelaren te Rotterdam received a similar letter from you dated 12th October about complaints of many shipments of No. 2 hard winter wheat, and we being the only receivers of all the wheat coming into Holland during the war for account of the Dutch Government they put the question to our hands to deal with.

We are sending you to-day different samples of No. 2 hard winter wheat, representing all the hard winter wheat we received from America up till now from the crop 1915. The samples are taken from the following steamers when discharged: Steamship *Gorredijk* and steamship *Rotterdam*. We had many complaints about the wheat ex steamers *Beekbergen, Costerdijk, Westerdijk, Rijndam, Maartensdijk, Amsteldijk*, and *Veendijk*. The complaints are not only to the bad smell but also to the mixture of other kinds of wheat, so that we can not rely upon the certificates, as we used to before the war.

Yours, faithfully,

VAN STOLK'S COMMISSIEHANDEL.

OCTOBER 19, 1915.

(Extract from letter received from Van Stolk's Commissiehandel, Rotterdam.)

—

NEW NO. 2 HARD WINTER WHEAT.

160 HIGH STREET,
Hull, October 27, 1915.

The SECRETARY HULL CORN TRADE ASSOCIATION (Ltd.),
Hull.

DEAR SIR: We beg to inclose certificates for 8,000 bushels per *Marengo*, one sample herewith; 16,000 bushels per *Mendip Range*, one sample herewith; 16,000 bushels per *Bassano Range*, two samples herewith.

These shipments arrived in wretched condition and we understand the whole question of such shipments is being taken up by your association.

We have got into great trouble with our buyers, allowances of 4/- per qr. on the two first-named shipments and 5/- per qr. on the other being claimed. All the parcels contained a heavy percentage of sprouted as well as heated grain; the *Bassano* was badly heated throughout and more than half the bulk is quite useless for milling purposes.

Yours, truly, KEIGHLEY, MAYSTED & CO.

—

BERGEN, *October 14, 1915.*

Messrs. GILL & FISHER,
Baltimore.

DEAR SIRS: As you will have seen from our different cables regarding the hard winter wheat received per steamship *Fram*, the receivers are "terror struck" by the quality and condition of the wheat, and we must admit they are right to feel so. The wheat in steamship *Fram* was heated to the extent that they were obliged to pick and carve it out with packers and spades, and it can absolutely not be used for human food as it is now, and it is a question whether it can be used after being dried and washed—even mixing only a small portion with good wheat. It is incomprehensible to us how your authorities can give certificates for such wheat for hard winter No. 2, and our buyers want samples sent to the London Corn Trade Association and have the question settled there if you should not be willing to settle same amicably. The captain of steamer *Fram* has told here that the wheat was warm already on loading in Baltimore. Is this possible?

Yours, faithfully,

A/S MOHR & SONS EFTF.,
JENS. P. KONOW.

Continuing, the report of the London Trade Association says:

The system of selling wheat on the basis of "certificate final" is peculiar to the Atlantic coast of North America.

In Russia a seller of grain for export sells on a sample which is sealed and remains available for use as a basis for comparison when the goods are delivered and for arbitration when the buyer claims that the delivery is inferior to the sealed selling sample.

In Argentina grain is sold on the basis of a guaranteed natural weight per bushel, and allowances are paid on a definite scale should the wheat delivered be inferior to the natural weight sold. An average of each kind of grain shipped from different districts during different months is made up in London, and the buyer is entitled to find the quality of his delivery, after taking into consideration any allowances he may have had in connection with natural weight, to be equal to that of the average of other grain shipped from the same district during the same period.

In India wheat is sold on the basis of analysis, and, after the wheat has been analyzed on arrival in this country, the buyer is paid for any admixture of dirt or foreign matter. Fair average quality samples are made up just as in the case of Argentina, and buyers are entitled to claim if they consider their deliveries are inferior to those of the average shipped.

In Australia standard samples are made up in each colony at the beginning of the season, representing the average of the wheat which they will ship. These samples are sent to London and sales are made on the basis of these samples. A buyer is entitled to claim for an allowance at arbitration if he considers his delivery is inferior to the standard sample sent by the chamber of commerce of the port or State from which his wheat was shipped.

It is noteworthy that in California and Oregon, United States of America, competent authorities make up standard samples of current grades and the buyer is entitled to claim an allowance for inferiority of quality at arbitration, just as in the case of Australia.

Although the countries above mentioned do not use the "certificate final" method of selling their wheat, it is generally agreed that the "certificate final" method, if properly carried out, is the most convenient and altogether the most simple method of all; but the inspection must be absolutely impartial and buyers must have implicit confidence in the integrity and skill of the grading authorities.

A careful study of the foregoing complaints coming, not from one but from every great European country, should convince any fair-minded man of the necessity of prompt and effective legislation by this Congress to the end that these abuses may be speedily corrected. The European market is the great world market upon which our farmers must depend for the sale of their surplus products. The passage of the pending bill will, I am satisfied, correct these abuses in our export trade, and with the grain of our country inspected and graded under Government supervision the markets of Europe will again be open to us under the most favorable conditions. Our producers will be able to meet the producers of other countries on fair and equal terms, and that is all they ask.

In our own fair land the passage of this act will be hailed with delight by the farmers who produce the grain, by every honest grain dealer and elevator man who purchases direct from the farmer at first hand, by every miller, and by every exchange and board of trade composed of men who seek to do an honorable and legitimate business in the grain trade.

Mr. LEVER. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from South Carolina has five minutes and the gentleman from Iowa [Mr. HAUGEN] has three minutes.

Mr. HAUGEN. I yield the balance of my time to the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, I offer the following amendment: On page 40, in line 24, after the word "shall," insert the word "plainly." On page 41, line 1, after the word "him," where it first appears, insert the words "upon the face thereof."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 40, by inserting after the word "shall" in line 24 the word "plainly"; and on page 41, after the word "him," in line 1, insert the words "upon the face thereof."

Mr. SANFORD. Mr. Chairman, I should like to persuade the chairman of the committee [Mr. LEVER] to accept this amendment. I will tell him my reason. Not long ago I had in my office while I was a district attorney some million dollars' worth of splendid looking negotiable bills of lading issued by one of the greatest railroads in this country. I had them for a long time locked up in my safe. I was not at all nervous about them. They were perfectly regular, negotiable bills of lading upon their face, but they were not worth the paper they were written upon. It happened in this wise: The freight agent of that great railroad got very friendly with the greatest shipper in our section of the country. Whenever the great grain-shipping firm became a little low in funds they would go over to the freight agent and he would give them a few hundred thousand dollars' worth of fine, yellow bills of lading, and they took them over to our biggest

bank, which advanced money upon them. They were old accomplished bills of lading negligently left lying around uncanceled. The bank lost vast sums of money loaned on the faith of these worthless papers, and there was a great scandal there in my town. The history of that affair taught me that the point where legislators should be careful is that these documents, which are the foundation of a great part of the finance of this country, should be guarded as pure gold.

Mr. LEVER. Will the gentleman yield?

Mr. SANFORD. Yes; I yield.

Mr. LEVER. I think the gentleman and I may get together on this amendment. I think the gentleman's amendment probably is not stated as accurately as it might be. Let me call his attention to this suggestion: In line 24 make it read, "shall plainly cancel," and then take the words which the gentleman has sought to insert on the other page—

shall plainly cancel upon the face thereof each receipt.

I have no objection to that.

Mr. SANFORD. I will take it either way.

Mr. LEVER. Suppose the gentleman withdraws his amendment and offers it in the other form.

Mr. SANFORD. I think my wording is just as good. I looked at it carefully, but I will take yours if you will accept the amendment.

Mr. LEVER. I will accept it.

Mr. HAMILTON of Michigan. I should like to ask the gentleman if he got his money back on his bills of lading?

Mr. SANFORD. I am glad to tell the gentleman that I had no personal interest in all those bills of lading in my safe, and one day the bank sent up for them, and I found about half of them. The other half had been scattered. We finally got most of them together. They wanted them as tokens.

The CHAIRMAN. The clerk will report the modified amendment.

The Clerk read as follows:

Amendment by Mr. SANFORD as modified: On page 41, in line 24, after the word "shall," insert the word "plainly," and after the word "cancel," insert the words "upon the face thereof."

Mr. LEVER. I will say to my friend that I have no objection to the amendment.

The CHAIRMAN. Under the rule the vote on the amendment will be taken at the conclusion of the debate.

Mr. LEVER. Mr. Chairman, I yield to the gentleman from California [Mr. CHURCH].

[Mr. CHURCH addressed the committee. See Appendix.]

Mr. LEVER. Mr. Chairman, this bill undertakes to do three things: First, it seeks to standardize warehouses in this country with a view to reduce as much as possible the insurance rates upon such warehouses and upon the products stored therein. There is a great divergence of insurance rates on warehouses in this country, due largely to the fact that there is no proper standardization.

It undertakes, in the second place, to standardize the methods of grading farm products with a view to give most impartial and accurate grade to all agricultural products. The system of grading in this country is likewise absolutely understandardized, with the result that agricultural products are suffering greatly because of it. We are undertaking here to have a system of grading for the same kind of product in every community in which that product is raised.

In the third place, it undertakes to standardize warehouse receipts on agricultural products so as to give them collateral value for borrowing money, for taking advantage of the Federal reserve act which they do not now possess.

There is no reason in the world why there should not grow up in this country a system of warehouses uniform in their character, uniform in their methods, with receipts uniform in all sections of the country for the same class of agricultural products. When that warehouse receipt issues on 10 bales of cotton in Lexington, S. C., it will be just as negotiable in Texas or New York as it would be if it was issued from a warehouse on 10 bales of cotton in Texas. Under the present hodgepodge system, which is no system at all, the farmer has no method of knowing the means by which he can take these products, store them, and in the end have some voice as to the price at which he is willing to part with them. That is the great fundamental purpose of this warehouse bill. It is an effort upon the part of Congress, upon the part of the Agricultural Committee, to give as far as we can greater strength, more uniformity, and greater negotiability to farm collateral paper, so men may borrow money upon easier terms, so the receipts may be standardized and interest may be cheaper and credit easier. So much for that.

I have no special objection, Mr. Chairman, to the amendment offered by the gentleman from New York [Mr. BENNET] and I have no special objection to the amendment offered by the gentleman from New York [Mr. SANFORD], but the other amendments I trust will be voted down.

The CHAIRMAN. All time for debate has expired and the question is upon the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The next amendment is the amendment of the gentleman from Michigan [Mr. MCLAUGHLIN].

The question was taken; and on a division (demanded by Mr. MCLAUGHLIN) there were 30 ayes and 38 noes.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Iowa [Mr. HAUGEN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. SANFORD].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Minnesota [Mr. ANDERSON].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. When the committee arose the other evening there was an amendment pending offered by the gentleman from Oklahoma [Mr. FERRIS] and the Chair thinks there was a point of order pending.

Mr. LEVER. I had reserved the point of order. I would like to ask the gentleman from Texas if he can make a statement in five minutes?

Mr. SMITH of Texas. I think so.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, this amendment was offered by the gentleman from Oklahoma [Mr. FERRIS] at my request. Unfortunately I was sick at home at the time and could not be here. I regret very much that the gentleman from South Carolina has shown a disposition to make a point of order against this amendment, because I regard it as one of the most important to the arid and semiarid and subhumid sections of our country. This is an appropriation that has been made continuously for several years—I do not remember how long, but certainly for the last four or five years. I have not looked it up prior to that time.

This is an International Dry Farming Congress, to be held in the city of El Paso, Tex. That congress is made up or will be of delegates from all over the western arid section of our country and perhaps from foreign countries. There will be discussion of the processes of dry farming from a scientific standpoint. There will be many papers read and speeches made, no doubt, dealing with this scientific question in all of its phases, and it is very important and useful that the department, as heretofore, shall be permitted to make an exhibit of the investigations and processes that have been discovered by the Agricultural Department upon this very important question.

I doubt if $20,000, the amount asked for in this amendment, could be better expended than for this purpose. I hope the gentleman from South Carolina will be as generous as he has been on occasions heretofore and not make the point of order against this item.

In this connection I ask unanimous consent to extend my remarks in the RECORD by inserting at this place a memorandum which has been furnished me by the Agricultural Department showing how that appropriation will be expended, if made, and for what purpose it will be used.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection?

The memorandum referred to is as follows:

[Memorandum.]

APRIL 28, 1916.

The appropriation is expended under letters of authorization from the Secretary specifying how it is to be used.

Used to collect and prepare exhibits illustrating the more important work of the bureaus and independent offices of the department of interest to farmers in regions where dry farming is practiced.

To collect and prepare for display data relating to methods practiced at the dry-farming stations of the department, photographs of stations and crops, and crop samples. In order to carry out the intent of the law as fully as possible, material and data showing the work and results secured at some of the State experiment stations along dry-farming lines is selected through personal interviews, adding much to the value of the exhibit.

The principal expenses are those incurred in collecting and preparing and installing the exhibits and making the necessary display cases and fixtures for showing them.

The transportation of the exhibits and of the necessary experts who install and demonstrate them forms another large but very necessary item of expense.

Summary of expenditures by the Department of Agriculture under the appropriation "International Dry Land Congress, Tulsa, Okla., 1913–14."

Salaries (covering the employment of carpenters, cabinet-makers, model makers, additional clerical assistance, and labor of all kinds necessary in the collection and preparation of material)		$5,708.96
Travel, station, and field expenses (covering the transportation of persons collecting and preparing the exhibits and that of persons accompanying the exhibits to assist in their installation and demonstration)		4,265.00
Freight and drayage		1,919.09
Express		275.73
Equipment:		
Apparatus	$55.85	
Furniture, office equipment, etc	748.62	
Miscellaneous	1,400.25	
		2,204.72
Rent of building in which to prepare material		20.00
Lumber, hardware, and other mechanics' supplies		1,158.49
Miscellaneous supplies		2,154.25
Miscellaneous services (principally assistance to agents in the field)		1,414.07
Total expenditures		19,120.31

Mr. MONDELL. Mr. Chairman, I hope that the gentleman from South Carolina [Mr. LEVER] will see his way clear to allow this item to be considered upon its merits and not insist upon the point of order. We have for the past five years, I think, been appropriating for Government exhibits at the International Dry Farming Congresses. Four years ago the congress was held in western Canada. Three years ago I think it was held in the State of Washington, two years ago at Wichita, Kans., last year in Denver, and this year the congress is to be held at El Paso, Tex. This is the most important agricultural meeting in all the West, if not in the country as a whole. The Dry Farming Congress, as its name indicates, has to do with the science of farming the lands of little rain. Very great success has been made in this line of endeavor, and this congress is devoted to the teaching of the scientific methods under which profitable crops may be grown on land which has a minimum of moisture. The funds which Congress grants are used for the purpose of exhibiting the dry-grown products of the State and Federal experiment stations in the semiarid regions, in the fabrication of cases and models, clearly illustrating the work of the Department of Agriculture of all sorts and kinds having to do with the growing of crops in the semiarid regions. I said a few days ago in the discussion of this bill that our hope for the future as a cereal-growing people was largely in the semiarid lands. We have already conquered, I think, from fifty to sixty millions of acres from the semidesert and made of them profitable farming lands. There are at least one hundred if not one hundred and fifty million acres which a few years ago were believed to be valuable only for pasture purposes, which by thorough and scientific methods of farming can be made to produce profitable crops. Dry farming increases the productive value of those lands from a range value of 50 cents per acre per annum, at the outside, to a productive value of from ten to twenty dollars per acre per annum, and in doing that it is as though we added that much to the domain of the country.

This Congress is organized to carry on the work of teaching how this conquest of the desert may be accomplished. They teach scientific methods of agriculture that conserve the moisture and the fertility and enable the farmer to produce from a soil that under ordinary conditions would be of little agricultural value a crop that is profitable and certain.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CLINE. In whose hands is the expenditure of this money placed?

Mr. MONDELL. In the hands of the Secretary of Agriculture. He makes the exhibit.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. Does the gentleman insist upon the point of order?

Mr. LEVER. Mr. Chairman, I regret very much that I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained and the Clerk will read.

The Clerk read as follows:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000.

Mr. BENNET. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. DOWELL. Mr. Chairman, a few days ago when the question was before the committee on the paragraph in the bill making appropriation for the control and eradication of hog cholera, some criticisms were offered to that provision of the bill, and some reference was made to this disease in Dallas County, Iowa, as well as in other counties of the State.

Since that discussion I have received a communication directly on this question which is so concise that I desire to read a few paragraphs of the letter to the House. This letter was written by W. L. Van Meter, president of the Dallas County Anti Hog Cholera Association, was dated April 25, 1916, and the paragraphs I refer to are as follows:

As president of the Dallas County Anti Hog Cholera Association for the past two years, I have been closely associated with the men in charge of this work in Dallas County, and I want to inform you of the beneficial results of this work. I am informed that the cost of the work in Dallas County has been less than $20,000 annually, and I know that the benefits to the farmers of Dallas County alone have been many times greater than this amount.

The influence of the work in Dallas County has not been confined to this particular locality, but has been far-reaching. I feel it would be disastrous to the swine industry of Iowa should this work be handicapped by a lack of appropriation to support it. My judgment is that an appropriation should be made that would permit of the extension of the work over a large area in order that the territory now practically free of cholera may be further protected.

To my personal knowledge the automobiles furnished for this work have been used in a most scrupulous manner, and any criticism along this line is very unjust and unfair to the Government men at this station who have given such valuable service to the farmers of this county. They have given earnest, conscientious, and efficient service in the face of many adverse conditions, with surprising and encouraging results.

During 1912 the year before any Government assistance was given, 23.4 per cent of all hogs raised in Dallas County were lost from cholera. Since the inauguration of the campaign to demonstrate the best method for the control of cholera the losses have been rapidly reduced, until in 1915 only 1.5 per cent of all hogs raised were lost.

Mr. BENNET. Mr. Chairman, I have reserved the point of order on this paragraph for the purpose of asking the gentleman from South Carolina for an explanation, and in particular why it is that this appropriation of $60,000 is limited to those sections of the United States which grow cane sugar and cotton?

Mr. LEVER. Mr. Chairman, the history of that is something like this: About two or three years ago a recommendation came from the Secretary of Agriculture for the establishment of an experimental farm in the sugar-cane and cotton districts, with the view of developing the live-stock industry in that section. When the appropriation was brought on the floor of the House the point of order was made to some portions of it, and it went out. It was offered in a little different form, and the gentleman from Louisiana, Mr. RANSDELL, now one of the Senators from Louisiana, made a very strong argument in favor of the retention of this item. It was retained in the bill. I think probably the original purpose of the undertaking has been somewhat extended, and I think it should be extended if we are going to carry it on at all. I may say this, that there is a large area in the sugar-cane and cotton districts of this country where there is a very great deal of fine, valuable forage that from year to year goes to waste.

We have made no extensive Government tests as to the value of that forage. Now, this item proposes to let the Government experiment in the use of native forage in the feeding of cattle and horses. Then they are conducting some experiments here and there in connection with the growing of hogs. They are doing that on a little farm of 500 acres which the State of Louisiana has furnished for the work. They have erected some buildings there, the exact cost of which I do not recall. In addition to that a portion of this fund is being used in what would ordinarily be known as live-stock demonstrations in cooperation with individual farmers in the State of Louisiana and in poultry work, hog and pig raising work, mule-colt work, and things of that kind. It is really a very important little item, and is on all fours with the station in North Dakota, where we are experimenting with trees and dry-land crops and things of that kind.

Mr. BENNET. Mr. Chairman, I will say to the gentleman that I am in sympathy with the purpose of this item, but I want to call the gentleman's attention to what seems to be a practical difficulty in the language. It reminds me of a situation that arose in the State of New York where they attempted to put a somewhat similar definition of law into the excise law. The language here is: "In the cane-sugar and cotton districts of the United States."

For instance, take the State of Missouri. The gentleman from Missouri [Mr. RUBEY] announced this afternoon, somewhat to my surprise, that Missouri was a cotton-growing State, and demonstrated to his own satisfaction, in a very charming way, that it was. Under this language could this appropriation be expended in any part of the State of Missouri, because in part of the State of Missouri they raise cotton?

Mr. LEVER. I will say to the gentleman very frankly that while there might be authority here to do it, I think the Committee on Agriculture would look very severely upon any part of this appropriation being expended there.

Mr. BENNET. Would it not be better to drop out the words "in the cane-sugar and cotton districts of the United States" and give the Secretary of Agriculture the authority to use this $60,000 in making general investigations?

I want to call the attention of the gentleman from South Carolina to the fact that there is no part of the country more interested in having live stock increased than the great cities, where the price of meat is always a very burning and a serious question to thousands of families. I am perfectly willing to go along with the gentleman and broaden this item in the way I have suggested.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LEVER. Mr. Chairman, I will say to the gentleman from New York that that is a very pertinent question. I suspect—although I do not recall the exact reason for this language—that the reason it was put in there was because in the estimates which carried this item first there was also an estimate for similar work to be done in the dry-land section of the country in North and South Dakota; and the location of that work was specified, just as the location of this work is specified in this language. I understand that the gentleman from South Dakota [Mr. GANDY] is about to offer an amendment couched in somewhat similar language, locating the work, however, in a definite section of the country.

Mr. BENNET. That could be avoided, if those qualifying words were stricken out.

Mr. LEVER. That is true; but I think, if you are going to have a few of these stations, you had better have them identified, for the benefit of the Department of Agriculture and for the benefit of Congress.

Mr. BENNET. The matter is very important. I am in favor of developing the live-stock industry in the South, in that particular section of the country where, I understand, 242,000,000 acres of land adapted to agriculture could be utilized. I am willing to do anything I can to develop it. I withdraw my point of order, Mr. Chairman.

Mr. LEVER. I am glad of that, because there is no section of the country that promises so much for live-stock raising on the farm as that section.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. FESS. Is the live-stock raising rather to be a by-product of the cane-sugar activity?

Mr. LEVER. I would say not. I would say to the gentleman from Ohio that this work here is really an additional agricultural experiment station, devoting its activities and energies to the development of the live-stock industry of that section of the country. That is frankly what this is.

Mr. FESS. There is a by-product very prominent in beet-sugar making, is there not?

Mr. LEVER. Yes. There is also a by-product in sugar cane, and they are making experiments as to the value of it for feeding cattle and stock.

Mr. SLOAN. Mr. Chairman, reserving a point of order, I would like to ask the gentleman a question.

Mr. LEVER. Very well.

Mr. SLOAN. When was this first passed; was it not in the year 1914?

Mr. LEVER. I understand what the gentleman is driving at, and I will say to him frankly that it was right after the Underwood tariff law went into effect. That will save all discussion about it. [Laughter.]

Mr. SLOAN. Was it not passed originally as "first aid to the injured," following the enactment of the Underwood tariff law, as applied to the sugar-cane industry in Louisiana?

Mr. LEVER. I remember that was the gentleman's opinion at that time.

Mr. SLOAN. Was it not the opinion of the House?

Mr. LEVER. I can not testify as to the opinion of the House, but I remember the gentleman said so at the time.

Mr. SLOAN. The opinion of the chairman might be satisfactory on that point.

The CHAIRMAN. The chair is not authorized to express opinions that are not germane to this discussion. [Laughter.]

Mr. SLOAN. Then, we will assume, from the gentleman's attitude, and his failure to answer, considered with his means of answering, that it was for that purpose. Now, since that feature of the Underwood tariff law has been repealed, does not the gentleman think, the mischief having been removed, this appropriation should be discontinued?

Mr. LEVER. I think the gentleman's suggestion argues that if it argues anything. But after all, in all seriousness, the main purpose of the establishment of this work was to determine whether in that section of the country, which has an area covering a large section, we could really develop a live-stock industry.

Mr. SLOAN. But it was expected to make it a successor to the sugar-cane industry, which was expected to be destroyed.

Mr. LEVER. I do not know about that. I do not think that is correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I have no desire to prolong the discussion of the bill, especially at this late hour. However, I feel that this item should not be passed without at least referring to it, in order that the House may know for what purpose it was inserted. Exactly as the gentleman from Nebraska [Mr. STOAN] has stated, it was for the purpose of relieving the distressed condition in the South caused by the passage of the Underwood bill. A Representative from the South, now a United States Senator, was open and frank in his statement. He came before the committee and called its attention to the distressed condition under the free-sugar provision of the Underwood bill. For that reason this item was inserted in the Agricultural appropriation bill. Now that the tariff on sugar has been restored, it does not seem to me that it is fair to continue this appropriation. As has been stated here, we appropriate money for the State experiment stations, for the cotton boll weevil, for vocational education, for the extension work, for the demonstration work, and for other purposes, and much of that money is available. Why, we have several hundred thousand dollars in this bill available for the very thing that is covered in this item; we already have duplication of work and waste of money in many paragraphs of the bill. Let us cut out at least one little item of $60,000.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. I yield to the gentleman from Connecticut.

Mr. TILSON. I should like to ask the gentleman how the cotton districts were brought in as a by-product, or what by-product of cotton raising could be used in raising live stock?

Mr. HAUGEN. I know of no other reason than just to mislead, that is all. The gentleman who brought it to our attention based his claim on the destruction of the sugar industry of the South, and some one added the word "cotton." I do not know why it was added.

My colleague, Mr. GOOD, has called attention to seven employees from the department in the vicinity of this station hiring two automobiles, driving, I believe, 20 miles into the country, and there addressing a distinguished audience, not of farmers, but each other. If the people in that vicinity do not turn out to hear seven experts from Washington, is it not fair to assume that they will not go to this farm or be benefited by the experiments and demonstrations in live-stock production carried on in the cane-sugar districts. If not, why erect barns, purchase stock, and employ more persons, especially as another station is being maintained in the State, and where evidently but little interest is taken in the work done by the department.

Mr. TILSON. Will the gentleman yield to me to allow me to ask a question of the chairman of the committee?

Mr. HAUGEN. Yes.

Mr. LEVER. I am very glad to be able to state to the gentleman that one of the most valuable by-products of cotton is cottonseed meal, which is fed to cattle in large quantities.

Mr. TILSON. But that had been used for years.

Mr. LEVER. They are experimenting with that right now, and there are some very great problems which have to be worked out.

Mr. TILSON. That is, some new experiments, since the passage of this bill, in the use of cotton seed?

Mr. LEVER. Oh, yes; they are experimenting now on the use of cottonseed meal for feeding live stock.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. MOORE of Pennsylvania. We have certain barns down there, have we not?

Mr. HAUGEN. Yes.

Mr. MOORE of Pennsylvania. And we have some live stock?

Mr. HAUGEN. Yes.

Mr. MOORE of Pennsylvania. The situation is this, that if we withdraw the appropriation of $60,000 we lose our interest in the barns, I suppose?

Mr. HAUGEN. Oh, the thing to do is to dispose of them, sell them, get rid of them, just as any business man would do.

Mr. MOORE of Pennsylvania. Is it worth $60,000 to hold on to our interest in the barns?

Mr. HAUGEN. Here is another illustration of the fact that once an appropriation is made there is no way of stopping it. Here is an appropriation made to meet a certain emergency existing at that time, but which does not exist to-day. As we all know, the tariff on sugar has been restored, which carries with it the restoration of the sugar industry of this country. Still we are asked to continue this appropriation.

Mr. MOORE of Pennsylvania. What shall we do with our interest in the barns?

Mr. HAUGEN. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Iowa moves to strike out the paragraph.

Mr. CULLOP. Mr. Chairman, I want to offer an amendment, in line 9, to strike out the words "in the cane-sugar and cotton districts of the United States."

The CHAIRMAN. The Clerk will first report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: On page 77 strike out the paragraph from lines 3 to 13, inclusive.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The Clerk read as follows:

Amendment offered by Mr. CULLOP: Page 77, lines 9 and 10, after the word "production," strike out the words "in the cane-sugar and cotton districts of the United States."

Mr. CULLOP. Mr. Chairman, I am in favor of this paragraph. I think it ought to be amended so that this appropriation will apply to the whole country. The stock-raising industry is a diversified one and can be conducted in every State and Territory in the Union. Now, if it is important to encourage this industry in the cotton-growing districts and the sugar-cane growing districts, it is important to encourage it in every other section of the country. It is an industry which the country is very much interested to see that it be made as flourishing as possible.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. HAUGEN. We now have an experiment station in every State in the Union. Does the gentleman believe it is necessary to establish another station and to duplicate the work that is being done by the station already established, which has been supported all these years? Why have two stations in a State? Is not one sufficient?

Mr. CULLOP. It is sufficient in my judgment.

Mr. HAUGEN. We have about a dozen items here which could cover this. Now we propose to add another one. We have a station in every State, and now we propose to add another one. If so, some one may suggest another one next year, and so on until we have two or more in each of the 48 States.

Mr. CULLOP. It is not compulsory under this provision that the work shall be duplicated. If there is a station in every State, as the gentleman from Iowa says, then we do not need this provision for the cotton-growing and the cane-growing districts.

Mr. HAUGEN. Therefore I say, strike it out.

Mr. CULLOP. I do not see why an exception should be made in favor of the sugar and cotton districts of the United States over the other sections of the country. I want to see no section preferred over another. If once inaugurated it would prove before long to be a dangerous policy and in the end a very harmful one.

Either the amendment I have offered ought to be adopted or the section ought to be stricken out on the motion of the gentleman from Iowa. It is just as important to grow stock in one section of the Union as it is in another. The stock-growing business ought to be encouraged, and I hope it will be, and the Department of Agriculture, as I believe, is the proper department to assist it. In view of the statement of the gentleman from Iowa, I shall vote for his amendment. I am glad that it is expanding its usefulness by entering new fields of work, investigating conditions, and assisting the farmer in his work so that it will become more profitable and bring larger returns to those engaged in this important branch of industry, but I do not want to see one section have benefits which are denied to others. All should be treated alike.

Mr. CANNON. Mr. Chairman, there is much in this bill as it is amended that I do not understand, and yet I have had some knowledge of the growth of the agricultural appropriation bill. It is wonderful; we have adopted amendments here which might well have been considered by other committees, but we have agreed to them, and I suppose the bill will be passed with the amendments that we have adopted.

Nobody cares about being said to be against the farmers. The farmers are to be cared for. I represent an agricultural district, and I want to say to you—and I speak whereof I know, and I believe it will extend to a considerable portion of the States south of Mason and Dixon's line and north of the line—that the farmers do not need any guardian. [Applause.] And yet we have had trust busting; we have had all kinds of friendship and care extended to the farmer. I grew up in a farming country, I represented a farming country for 40 years, and if you think the farmers are a set of idiots or ignoramuses you are badly mistaken. They are amply able to take care of themselves. [Applause.]

Long before there was much work done on this Agricultural appropriation bill, and much that has been done I agree ought to be done, where sufficient knowledge is not had in the various communities, something new, I believe, it ought to be looked after, and it is well enough to look after it from the standpoint of Government appropriation. And yet long before this policy was thought of we knew how to raise cattle, we knew how to raise hogs, we knew how to grow corn, we knew how to grow wheat, we knew how to grow potatoes, and we knew how to cultivate strawberries. There were not as many lemons then as there are now; they have increased in quantity.

The truth of the matter is, in my judgment, understanding it to be true what the gentleman from Iowa has stated, that there is a score of appropriations here that may be utilized for the purpose that this appropriation is to be utilized, and for the purpose that any one of the score might be used in the service from the other 19 appropriations, assuming that there are 20 of them.

Now, query, how much of this appropriation is to be used in increasing the army of Government employees? But you do not have any monopoly I will say to you, my Democratic friends, of increasing the public service from the standpoint of public employment and employment of the numbers of people who are our respective constituents, and yet while we Republicans drifted along that way, you have seen us, you have called us, and you have multiplied it by 3 or 4 all in the name of economy. [Laughter and applause on the Republican side.]

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments thereto close in 10 minutes. I see several Members over there who are signaling for time, but I hope gentlemen will not press me too hard, for I have been as patient, I think, as any little man can be. [Laughter and applause.] There must be a limit some time, and I want to get this bill into the House this afternoon. If gentlemen want to strike this item out, I shall not shed any tears over it. It is well known what it is; the gentleman from Wyoming was here when it was put in the bill. I am ready to vote. I will ask unanimous consent, Mr. Chairman, that debate close in 10 minutes on this paragraph and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MONDELL. Mr. Chairman, this item illustrates a number of things. First, it illustrates the fact that an appropriation once made and work started under it, there is no possibility, apparently—although I hope this will be an exception—of stopping it, even though the purpose or the excuse under which it was originally adopted has passed away. This item was a sop to the Democratic brethren of Louisiana, whose industry was threatened by a foolish provision inserted in the Underwood tariff bill. That error has been rectified, not because the gentlemen on the other side have learned anything, but because they have been confronted by the stern necessity of securing funds with which to run the Federal Government.

It illustrates another thing; it illustrates how the evil effects of Democratic blunders go on forever, or at least for a lamentable length of time, even when the blunder has been belatedly rectified. My Democratic brethren set about to destroy a great American industry, and they legislated in a way to do it very

effectively. Something had to be done. Some pretense of effort must be made in order to give the brethren of Louisiana who still desired to remain faithful an excuse to do so, and they made this appropriation.

Now, the free-sugar error has been rectified, not by any virtue on the part of our friends on the other side, but by the logic of necessity, and yet the reason or excuse for the appropriation having passed away, this waste of public money following that Democratic folly seems destined to go on indefinitely.

Unless we strike it out to-day this appropriation will stand in this bill as a monument to Democratic economic folly. They say that somewhere in eastern Russia there stands a tall grenadier on guard in an open field, and yet for a hundred years there has been nothing there to guard. He stands there as a monument of a former need or necessity of a hundred years ago, and so this will, I suppose, stand prominently as a monument to Democratic folly unless we strike it out.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FESS was recognized.

Mr. LEVER. I wonder if the gentleman from Ohio would give me two minutes of his time.

Mr. FESS. I will.

Mr. LEVER. I thank the gentleman.

Mr. FESS. Mr. Chairman, I think it is a well-established principle that a diversity of industry is one of the most essential principles of prosperity in any community, and any community that is limited to one industry alone must of necessity suffer not only from the dangers of a failure now and then but from the lack of diversified life. From the very time the southern country limited its production to cotton to the exclusion of other production it became more or less dependent. That section needs most a greater variety of production from the farm. The trend in the greater variety has set in and is promising. It is one of the things that I have ever insisted upon, not as a man who knows from personal observation anything of the situation, but as I read it from reports that are made. Uniformity of production compels dependence for consumption upon other sections. For that reason I hope that there will be an increase of diversity in that section, not only in the addition of live stock, but other production of the farm, as well as a stimulation of all lines of industries. I wanted the time to simply say that it does not seem to me that that function belongs to the National Government, but that ought to be left to the people of the States. If it should receive any governmental aid, it should be the State immediately affected. We ought not to spend money from the standpoint of the General Government to diversify the industry in any section. I am not averse to an expenditure of public funds to open up arid lands or reclaim waste country, but I am averse to this proposal. I do not believe it is a good policy for the Government to enact a law destroying an industry, such as the cane-sugar industry of the South destroyed by the Underwood bill, and then, as a recompense, come in and pass an appropriation of $60,000, as herein proposed, to discover whether live stock can be substituted for what was destroyed. Live stock is a legitimate industry of the South, and should be encouraged, but it is not wise to destroy another equally legitimate industry in order to vote out of the Treasury this sum of money. I do not think this is necessary, and therefore shall vote to strike out the item.

Mr. Chairman, this legislation is but another and striking example of Democratic management of the Government. It also displays the striking inconsistency of Democratic theory. Less than two years ago the country was warned that the Republican tariff on sugar was not only unconstitutional but was a vicious tax upon the commonest article of consumption. The titular head of Democracy ordered it upon the free list. He declared that his tariff-for-revenue theory was to be tested with sugar and wool. In spite of protest, on the free list it went. The sugar producer, including the farmer who grew the cane and beets, as well as the refiner, demonstrated the certain destruction of that important industry. To these protests the only reply was that sugar was not a legitimate American product and it would be replaced by some other that was legitimate. To the South, so loyal to Democracy, no matter how treated by the party, it was promised to give Government aid to develop a substitute. Live stock was to be that substitute. However, while the Democracy was knee-deep in the National Treasury for cash to discover a substitute for Louisiana sugar it was thought well to enlarge upon the war and include with cane-sugar land cotton land; hence this item. Notice its wording:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000.

Here is a clear idea of Democratic policy. In the interest of a free-trade plank an industry is destroyed. To say the injured section money is asked for that section to find something else they can grow. It will be noticed that nothing was appropriated for the beet-sugar States to appease the injured for their loss. These States are not in the Democratic column; why, therefore, need there be any such recompense?

Another item in this legislation that must not be overlooked is the reversion of the Democratic policy on sugar by a suspension of the Underwood law on the free-sugar item—a proposition that repudiates not only the Democratic free-trade theory but which obviates the necessity of this item to find a substitute for sugar in Louisiana. Notwithstanding this complete reversal of a Democratic President and Congress, this same Congress insists upon its demand for this item when its grounds have been removed by an act of this very Congress not a week ago. True, the party leaders put their reasons to the war. We do not object. If Republican policies must be resorted to because of the war, we demand that degree of political honesty that will admit it. We fully recognize the attempt of Democracy to embrace Republican policies and at the same time attempt to becloud the public by claiming that it is temporary and emergent, due to the war.

A catalogue of recent utterances by Democratic responsibles is timely. The Republicans denounced this administration for its free-sugar plank. The Democrats passed it, and then repealed it. The Republicans demanded an antidumping clause in the Underwood bill. The Democrats laughed to scorn the mere mention and voted down the amendment. They now come and propose the wise interdiction against Europe dumping surplus goods on our shores. The only humor in this episode is the suggestion of Secretary Redfield to punish a foreign seller who dares to sell here cheaper than there. The Republicans established a Tariff Board against the most united and vociferous opposition of the Democrats. The Democrats strangled it to death by refusing to appropriate for its continuance, and now comes this administration, headed by the President, to say why they have changed their minds. The Republicans demanded a protection upon the dye industry to develop a most needed item of daily use. At first the proposal was laughed out of court. Even still we hear the threadbare statement that there is no need of such stimulus at the very moment when the leaders are exhausting their resources to find a way to protect it without calling it protection.

The Republicans have stood for an adequate defense and maintained our first and second line at least in second rank. The Democrats denounced it, and when they came in power permitted the Nation to lapse back to fourth rank. To-day the President demands what he calls "preparedness" because, as he says, "sparks are flying all around us."

The Republicans demanded a change in our currency laws, appointed a Monetary Commission, and upon its findings introduced a bill which was bitterly opposed by the Democrats. The Democrats took the recommendations of the Republican commission, the Republican bill, as a model, and by a fiction of law pretended to organize what they called "regional banks" as distinguished from a central bank, but with the powers and functions of the latter. The only features of value in this measure were borrowed from the former bill of the Republican administration.

The Republicans under Roosevelt and Taft enforced the Sherman law and promised to make it effective against illegal combinations. The Democrats attempted to fulfill Republican promises, and gave as its remedy the makeshift of the Clayton bill—a bill designed to keep a promise without embarrassing anything except legitimate business.

The Republicans, following the line of their policy on the interstate-commerce legislation, proposed an Interstate Trade Commission. The Democrats, following their conduct in opposition to a tariff commission, warned the country against the danger of commissions. This administration seized upon Republican ideas and undertook a trade commission.

This administration displays the most wonderful agility to make the turn. The platform upon which it was elected should be studied as an index of what it has not done. Note the tolls issue, the free-sugar issue, the tariff-commission issue, the antidumping issue, the civil-service issue, the national-defense issue, the economy issue. These are but suggestions.

The country will not fail to note the instability of such leadership. The Mexican episode of driving Huerta from power because he was a revolutionist and recognizing Carranza for the same reason will not be overlooked.

The climax of the folly of this administration is reached in the determination to abandon the Philippines. Here is a proposal unwise as an economic policy, discreditable as an international step, dishonorable as a policy of scuttle, and cowardly for a dignified Nation. While the Democrats have played hide and seek with their promise and performance and have attempted to embrace Republican policies under the guise of necessity occasioned by the war, this vacillation, which extends to Mexico and the world war, reveals the real character, and this last proposal toward the Philippines too truly tells the story of the future. The people of this country await the opportunity to pronounce the verdict.

This entire program is in keeping with the attitude of the majority in this Congress in their refusal to strike out this item, destroy cane sugar by the Underwood bill, spend $60,000 to find a substitute, repeal the sugar clause, but continue to appropriate money for a substitute; that is Democracy as now led.

Mr. LEVER. Mr. Chairman, I trust that the amendment of the gentleman from Iowa will not prevail. We have been undertaking this work for three years now. We have well-established experiments under way on a 500-acre farm. No tangible results have come as yet, but we are expecting them at any time. This is an investigation, it is experimental research work, and we do not expect the result to come in a day or even in a year or two years, but it is a valuable piece of work, and it is the only kind of work of this description that is being done in that entire section. Louisiana has been the worst hit in all of the Southern States by the boll weevil, and it may be true as some friends insist that it was hit very hard by the free-sugar weevil. I do not know about that and I do not care. I am not concerned with that. I do know that the agriculture of that State has suffered very severely from the boll weevil. This item is intended to help those people diversify their industries. It seems to me it would be wise, since we have already expended $120,000, to continue to carry on these experiments for a few more years, for five or six I should say. They estimate it will take that length of time to determine whether or not that is a live-stock country. That is all there is to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana to the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Iowa to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 37, noes 46.

Mr. HAUGEN. Mr. Chairman, I demand tellers.

The CHAIRMAN. All in favor of ordering tellers will rise and stand until counted. [After counting.] Fifteen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. GANDY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. GANDY: Page 17, after line 13, insert the following as a new paragraph:

"Experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States: To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock, the erection of barns and other necessary buildings, and the employment of necessary persons and means in the city of Washington and elsewhere, $40,000."

Mr. LEVER. Mr. Chairman, I reserve the point of order on that. Before the gentleman from South Dakota proceeds, let me say this: This item which is proposed by the gentleman is practically on all fours with the item that we have just voted upon. I wish to say—and I want the committee to know it—that I do not feel disposed to press the point of order, but I reserve it so that any gentleman who wishes to make it may make it.

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. GANDY. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from South Dakota on the point of order.

Mr. GANDY. Mr. Chairman, the organic act which created the Department of Agriculture provides as follows:

There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Mr. Chairman, Volume IV, paragraph 3615, Hinds' Precedents, discloses this precedent:

A department being created for the declared purpose of investigation, an appropriation for the instrumentalities of such investigation was held to be within the rule.

There are several other precedents along that line to the effect that where an investigation is in order under the law or where there is provision of law for an investigation, the instrumentalities of that investigation are within the rule. I submit that on this question, and I will be pleased to cite the Chair to other precedents, the point of order is not well taken against this paragraph for the reason that the Department of Agriculture is authorized to conduct the investigation and to diffuse the information gained by that investigation. Therefore the instrumentalities of conducting the investigation are necessarily in order and within the rule.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard upon the point of order?

Mr. MADDEN. No. I do not desire to be heard. I make the point of order.

The CHAIRMAN. The Chair thinks that the argument of the gentleman from South Dakota is not sound. While the organic act gives the Agricultural Department the right to make these investigations, we can not infer from that that it would give it the right to establish stations wherever that department may be disposed to establish them in order to conduct these investigations. It may be possible to conduct them just as well from Washington or anywhere else, and the Chair can not assume it is necessary to establish these stations in order that it may carry out the requirements of the organic act. It seems to the Chair that it would be going into something new and unauthorized.

Mr. GANDY. Allow me to say this to the Chair before he concludes his ruling: That this item does not contemplate the establishment of any new stations, but contemplates some further and new work at stations already established.

Mr. ESTOPINAL. Experiments.

Mr. GANDY. Yes; that is all. Further demonstrations and experiments at stations already established.

The CHAIRMAN. If the gentleman is correct about that, then the Chair misunderstood the amendment. The amendment reads:

To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock, the erection of barns and other necessary buildings, and the employment of necessary persons and means in the city of Washington and elsewhere, $40,000.

The Chair would naturally conclude from that that it provided for the establishment of a new experiment station and new paraphernalia entirely.

Mr. GANDY. I may say that the department has nine stations now in existence within the territory bounded as follows: On the east by the ninety-eighth meridian, on the west by the Rockies, on the south by the Rio Grande, and on the north by the Canadian border. The hearings and the estimates of the department disclose the fact that the department contemplates doing this work at different stations that are already established.

Mr. FINLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. GANDY. Yes.

Mr. FINLEY. It is not contemplated by this amendment, as I understand, to establish any permanent stations here, and it is only for the purpose of making experiments. When the experiments are ended, the work will be completed and finished. It is not a permanent matter at all.

Mr. GANDY. The Government already has stations established there.

Mr. FINLEY. I understand; but for the purposes of this appropriation it is not permanent?

Mr. GANDY. It is just to broaden the work.

Mr. FINLEY. Whenever the experiments covered by the gentleman's amendment are completed, that branch of the work will be ended?

Mr. GANDY. Yes.

Mr. FINLEY. It is not to continue them indefinitely?

Mr. GANDY. Certainly not. That will be ended when the experiments are completed.

Mr. ANDERSON. Mr. Chairman, I have no objection to the carrying on of the work provided by the gentleman's amendment. But the questions raised by a point of order are always incidental to the merits of the question. It is important that the

Chair should rule correctly with respect to parliamentary questions, without regard to the merits of the amendments proposed.

The amendment of the gentleman from South Dakota [Mr. GANDY] provides not only for the carrying on of the work which is within the purview of the act creating the department, but it also provides for the construction of buildings, a matter which is not authorized by law. These buildings can not be constructed without a specific authorization of law, and there is no authority, so far as I am informed, which authorizes the construction of the buildings contemplated by the amendment proposed by the gentleman from South Dakota. It seems to me there can be no question but that it is not in order.

Mr. LEVER. Mr. Chairman, if the Chair will permit, while I may have my personal views as to the advisability of undertaking this work, I am satisfied that the point of order should be sustained by the Chair. The Chair will recall that in the item before, when it was first proposed on the floor of the House, it was in almost identical language with the language proposed by the gentleman from South Dakota in his amendment now, and the present occupant of the Chair, when the point was made, sustained the point of order in line with the reasoning of the gentleman from Minnesota [Mr. ANDERSON], that there is no authority to erect buildings.

The CHAIRMAN. The Chair was just about to complete his ruling when the gentleman from South Dakota interrupted. The Chair is absolutely sure that similar provisions have been held to be out of order by Chairmen of the Committee of the Whole. Of course, the present occupant of the chair would be inclined to follow those rulings if he had no other reason. But the Chair will call attention to the fact that on February 18, 1896, there was a proposition to appropriate money for compiling tests of dairy cows at an exposition, and it was held not to be authorized as an expenditure by the general law giving to the Secretary of Agriculture authority to acquire and diffuse information pertaining to agriculture. A point of order was made against the provision, but the proponent of that proposition invoked the same provision of the organic act which the gentleman from South Dakota has suggested to the Chair. The then Chairman of the committee, the late Hon. Sereno E. Payne, held, as I say, that the provision was not included or contemplated in the organic provision establishing the Department of Agriculture which the gentleman read. The present occupant of the chair thinks that has been the uniform ruling of the Chairmen of the different Committees of the Whole on these appropriation bills on similar questions, and therefore sustains the point of order.

Mr. GANDY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Dakota.

The Clerk read as follows:

Amendment offered by Mr. GANDY: Page 77, after line 13, insert the following new paragraph:

"Experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States: To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock and the employment of necessary persons and means in the city of Washington and elsewhere, $40,000."

Mr. MADDEN. Mr. Chairman, I make the point of order against that.

Mr. GANDY. Will the Chair rule?

The CHAIRMAN. The Chair sustains the point of order.

Mr. GANDY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GANDY: Page 77, after line 13, insert the following new paragraph:

"Experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States: To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, and the employment of necessary persons and means in the city of Washington and elsewhere, $40,000."

Mr. MADDEN. Mr. Chairman, I make a point of order against that.

Mr. GANDY. Mr. Chairman, certainly the amendment just read is not subject to a point of order.

The CHAIRMAN. In what respect does it differ from the last one?

Mr. GANDY. The provision with relation to the erection of buildings and the purchase of live stock has been eliminated, and it only authorizes the conducting of live-stock investigations in the semiarid and irrigated districts of the West.

Mr. ANDERSON. Mr. Chairman, I do not think that amendment is subject to a point of order. It seems to me to be clearly within the purview of the act authorizing the creation of the Department of Agriculture and the Bureau of Animal Industry. It does not provide for the construction of any building, nor does it provide for the purchase of live stock. It provides a method of doing that which is authorized by law. It merely provides for the carrying on of experiments along lines upon which the Department of Agriculture and the Bureau of Animal Industry are clearly authorized to proceed. I think it would be a great misfortune if the Chair should rule that this amendment is not in order, particularly in view of the recent ruling of the Chair with respect to amendments offered by the chairman of the committee. It would greatly curtail and restrict not only the House but the committee in reporting legislation extending and expanding the department if the Chair were to rule that amendments merely carrying on the work of the department along lines which are clearly authorized by the act creating the department were held out of order.

Mr. LEVER. Mr. Chairman, if the Chair will permit me, I will call his attention to the act of May 29, 1884, establishing the Bureau of Animal Industry:

That the Commissioner of Agriculture shall organize in his department a Bureau of Animal Industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country.

Now, I agree with my colleague on the committee. I feel that this is a rather important ruling that the Chair is called upon to make, because it may form the basis of a precedent in the future. I would remind the Chair that the language here is exceedingly broad, and certainly the language offered by the gentleman from South Dakota [Mr. GANDY] is no more broad than the language which I have read. So I would call the attention of the Chair to the Chair's own former ruling on this proposition and the item above. The same objections were made to that item that have been made to the gentleman's item, and when the item was finally revised it struck out the authorization to buy animals and to erect barns, and then the Chair held it to be in order under the act creating the Bureau of Animal Industry. That is my recollection of the situation at that time.

The CHAIRMAN. To what item does the gentleman refer?

Mr. LEVER. I am referring to the item that we have just passed, to enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make investigations, and so on—the item relating to live-stock production in the cane-sugar and cotton districts.

Mr. BENNET. I withdrew the point of order to that.

Mr. LEVER. I am referring to the time when it was offered two years ago.

Mr. MADDEN. There was no point of order made to it.

Mr. LEVER. There was no point of order made to-day. I am refreshing the memory of the Chair, and I am quite sure that the point of order was made against that item when it was first offered to the Agricultural appropriation bill two years ago, and the point of order was sustained on the ground that the item provided for the erection of barns and other necessary buildings, and my recollection is that it provided also for the purchase of stock. Now, when that point of order was sustained, as the chairman of the committee in charge of the bill, I offered an amendment which struck out the authorization for the erection of barns and buildings, and probably the authorization for the purchase of stock was withdrawn voluntarily, and then the Chair held it to be in order. That is my recollection.

Mr. MADDEN. My recollection is that there was no point of order made against it, and that it was put in the bill by some sort of an agreement under which no point of order should be made.

Mr. LEVER. I am just giving my recollection. The gentleman may be right.

Mr. MADDEN. I was on the floor at the time the amendment was offered to the bill, and it was done as a result of conferences on the floor and agreements entered into under which no objection was made to it; and I maintain now, Mr. Chairman, that the language of this amendment offered by the gentleman from South Dakota [Mr. GANDY] goes much further and is fundamentally different from the purposes contemplated in the law read by the gentleman from South Carolina [Mr. LEVER].

Mr. FESS. It does not follow that because the point of order was sustained as to certain items it would be sustained as to all.

Mr. MADDEN. I know, but my recollection is that there was no point of order made at that time.

Mr. BENNET. Mr. Chairman, it seems to me that if this amendment simply provides for an investigation along the lines indicated by the prior amendment, without the objectionable features relating to buildings and live stock, it is in order, and I will cite the Chair to a precedent. In the first session of the Sixty-first Congress, when Mr. James Breck Perkins, one of the ablest men we ever had in the House, presided over the Committee of the Whole House on the state of the Union during the consideration of the Army bill, he overruled a point of order to an amendment which added the words "other vehicles" to the methods of transporting the Army. The Chair will not find his decision in Hinds' Precedents, because it was rendered subsequent to the publication of Hinds' Precedents. Mr. Perkins's reasoning was this, that where a department of the Government is authorized to do a particular thing, the doing of that thing becomes a work in progress, and that the Congress may from time to time change the method of doing the work.

Now, as I understand the amendment offered by the gentleman from South Dakota, it simply proposes to insert in the bill for this coming year a new method of doing something which the Department of Agriculture has done for many years; and if my understanding of the amendment is correct, it seems to me that under the precedents which were collated at that time by Mr. Perkins the amendment is absolutely in order. I have no particular zeal for the amendment, but I have a zeal for preserving the integrity of the decisions in this House; and up until the close of the Sixty-first Congress, at least, that was the line of decisions; and if the amendment offered—of which I have not heard the words—is as has been indicated to me, it seems to me it is clearly in order.

Mr. MONDELL. Mr. Chairman, it seems to me there can be no doubt about the amendment being in order. If the Department of Agriculture can not carry on investigations and experiments in connection with the live-stock industry and the dairying industry, there is very little that the department can do in connection with live stock in this country. Clearly the organic law of the department authorizes the department to do work of this character. This amendment is widely different from the amendment which has been ruled out of order, in that it provides for no purchase of animals and does not provide for the erection of buildings. Those were the features of the previous amendments that made them subject to the point of order. As a matter of fact, under various items of appropriation in the bill some work is being done similar to that contemplated by this amendment.

This is an amendment clearly designating the character of the work in connection with the live-stock industry that is to be carried on and performed, and it clearly within the purview of the work of the Agricultural Department.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

Mr. DILLON. I would like a few minutes.

Mr. LEVER. I will take one minute of my five and give the gentleman four.

Mr. DILLON. That is a fair division. [Laughter.]

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. GANDY. Mr. Chairman, right now I want to state that the item covered by the amendment which I have just offered was regularly estimated for and recommended by the honorable Secretary of Agriculture in his estimates to this Congress for the coming fiscal year. Before discussing the item I want to express my very high regard for the members of the Committee on Agriculture and especially for the chairman of the committee, Mr. LEVER, for the committee has worked hard in an effort to bring into the House a bill which has for its aim the rendering of the greatest possible service to agricultural, horticultural, and live-stock industries of this Nation. However, no provision was made in the bill for equipping the Federal experimental farms in the semiarid West with live stock, and perhaps we may excuse the omission by the statement that the problems of the farmer and the ranchers on the high, dry prairies are scarcely known and but little understood by those who reside in the more favored sections of the country. The committee held extended hearings on the various items estimated for by the department, and from these hearings, Mr. Chairman, and my personal knowledge of conditions in the semiarid and irrigated sections of the West, I hope to impress you with the urgent necessity of adopting this amendment. The Agricultural Department estimated for $87,500 for live stock on experimental farms in the semiarid and irrigated sections of the West, and I am sincerely of the opinion that that sum was not a cent too large for the work desired to be done. I realize that if the item should pass for a less amount the plans would have to be revised and less work done, yet, in order that some live-stock work may be carried on on these high prairies where for the most part only forage feeds are raised, I have introduced the amendment carrying less than half the departmental estimate and feel sure that the House will agree to that amount.

This item was included in the estimates presented to the last Congress but then, the same as now, it was not included in the bill. Never was any estimate given more careful attention by the Bureau of Plant Industry, the Bureau of Animal Industry, and the Secretary of Agriculture, than was the item of $87,500, to provide general live stock and dairying demonstrations in connection with semiarid and irrigated experimental stations. This work will be of material assistance to the strip of country from the ninety-eighth meridian on the east to the Rockies on the west and from the Canadian border on the north to the Mexican border on the south, or considerable more than two-thirds of the territory included in the Louisiana Purchase. The department has nothing "up its sleeve," but, on the contrary, has spent much time and study on this proposition.

When this live-stock work in the semiarid West was first considered the Secretary of Agriculture appointed a committee composed of representatives of the Bureau of Plant Industry and the Bureau of Animal Industry to thoroughly investigate the proposition and the necessity for the work, and I desire to read you the report of that interbureau committee:

During recent years it has become increasingly obvious that the permanence of agriculture and the prosperity of the settlers in many sections of the Great Plains area and on most of the irrigation projects depend upon the establishment of live-stock industries. It is certain also that these industries must be established on an entirely different basis from that on which they were conducted under the old range system.

Under existing conditions, if settlers are to introduce live stock into their agriculture, they must correlate the animal industries with the production of crops on relatively small farms. Farm feeding of live stock must displace largely the use of the open range. Dairy farming must be introduced in many sections which heretofore have limited their live-stock industries to the production of beef through the extensive use of the range. It will be necessary for communities of farmers to work together in utilizing the available free range, in correlating the use of the range with the disposal of farm crops in live-stock industries, and in marketing their products.

To do these things will necessitate profound readjustments in the regions under consideration. Commercial grain production has proven unprofitable on much of the new land of the West, but, on the other hand, these lands are well suited to the production of forage. Different breeds of live stock must be introduced in many sections, as, for example, where dairy cattle are to take the place of beef cattle, and much prejudice on the part of older settlers must be overcome. In brief, the agriculture must in many respects be entirely reorganized, and one of the chief features of this reorganization will be the development of methods for the disposal of crops through the production of live stock.

In the matter of developing and demonstrating methods of crop disposal through the production of live stock in the region under consideration, the department is not well supplied either with the necessary information or the facilities for securing it.

In connection with the dairy industry, for example, there is urgent need for definite information regarding such problems as the most desirable pasture crops, pasturing methods, feeds to use to supplement alfalfa and pasture, and efficient and economical means for maintaining and improving dairy herds on the irrigated lands and in the dry-land sections. Some of these problems have already been attacked on the plant industry field stations; but with the equipment now available on these stations the investigations have been necessarily one-sided. For example, several pasture-grass mixtures are being grown on some of the irrigated field stations, but it has not been possible to determine the relative value and efficiency of these crops and the best methods of their utilization, because the necessary cows have not been available. It has been proved by the investigations of the department that the only practicable way of raising any of the small grains in the Great Plains is in rotation with forage crops, but unless the forage crops can be fed to live stock at a profit, neither the small grains nor the forage crops will yield a profit. While a number of these forage crops are being grown on the field stations, the necessary facilities for properly testing their feeding values are lacking.

It is frequently the case that low prices and high freight rates make the small grains unprofitable when sold on the local market. This is especially true when the quality of the grain has been reduced by unfavorable weather conditions, so frequent in semiarid regions. This low-priced grain could undoubtedly be fed at a profit if the farm system were organized on a live-stock basis.

A large number of settlers, both on the dry lands and on the irrigation projects, are very skeptical as to the practicability of dairying, particularly where the farm units are small and where abundant free range is not available. We believe that many of the irrigation projects are admirably suited to dairy farming and that dairying can be made profitable on the dry lands in many sections; but it is certain that before the dairy industry can be successfully established in those localities a great many problems now confronting the settlers will have to be solved, as the information now available regarding these problems is wholly inadequate.

The situation is similar to this with respect to the hog industry, the sheep industry, and the beef industry as it relates to the economic utilization of the crops produced on irrigated and dry-land farms under the present conditions. The information which has been secured during the past two years at the Scottsbluff, Huntley, and Bellefourche field stations relative to the possibilities of utilizing irrigated alfalfa as pasture for hogs and to the practice of hogging down corn has aroused a great deal of interest and is of considerable value to the farmers located in sections where the conditions are similar to those at the three field stations named. These hogging experiments, however, have been conducted

on a very small scale, in connection with the crop-rotation experiments, and have done little more than indicate possibilities and emphasize the need for more comprehensive investigation. It has not been possible to conduct any comparative tests for the purpose of determining the most efficient and economical methods. Information on these points is urgently needed.

No work whatever has been done on our field stations with respect to sheep farming on the irrigated lands or on the dry lands. There is urgent need for information regarding desirable breeds, feeding methods, pasturing practices, and methods of correlating the small sheep-farm enterprises with the large range-sheep enterprises of the West. In connection with this last-named point, there is need for information regarding the best methods whereby a community of irrigation farmers or dry-land farmers can correlate their meat-production activities with those of the stock growers, who depend on the extensive use of the open range. It seems certain that if the matter is adequately investigated it will be possible to establish mutually profitable relations between the small sheep and beef producers and the extensive grower, but at the present time there is little, if any, activity in this direction.

In cases, therefore, where it may seem desirable to endeavor to establish meat-producing enterprises on reclamation projects or in dry-land sections, it will be necessary not only to have information with respect to the best methods to be pursued by individual farmers, but also to have definite knowledge as to the best way in which a community of farmers can deal with the question in a comprehensive manner from the community standpoint.

The need for information on the points mentioned above is particularly acute at the present time in connection with the demonstration work which has been inaugurated on the reclamation projects. In this demonstration work particular emphasis necessarily will be placed on the establishment of various live-stock industries. To make this demonstration work as effective as it should be information which is not at present available must be secured.

The more the conditions on the reclamation projects are studied the clearer appears the necessity for inaugurating as soon as possible animal-industry investigational work so that the results of this work may be made available to the demonstration organization.

The need of the farmers in many of the dry-land districts is no less acute. Repeated failures of small-grain crops where forage crops have succeeded have demonstrated that dry farming without live stock to consume the crops is a failure. This lack of knowledge of which kind of stock to buy and how to handle it profitably on a small dry-land farm has caused many farmers to give up in despair who might have stayed, built homes, and become prosperous producers of live-stock products, for which there is a constantly increasing demand.

Steadily the agricultural frontier has moved westward. With each series of moist years the people have gone farther out onto the high semiarid prairies, and, while each succeeding series of dry years has driven the settlers back a part of the way, yet not all the way, nevertheless each movement, if we may call it that, has resulted in a net expansion of the field of agriculture. It has been my observation that practically every homesteader on the public domain, having gone there during a series of moist years, has the idea that that particular locality is a farming section and will produce crops that will measure up with the old-established agricultural community from whence he came. The experience of thousands of these settlers has been a costly one to them. They may have been successful farmers in their former locations, but on the high dry prairies the problems of agriculture were so new to them and the weather conditions sometimes so adverse that failure was almost inevitable. We have come to realize as never before that the settler in the semiarid districts of the West faces a problem in the successful solution of which the Nation very generally is interested. Even in the irrigated districts of the West we now understand that it takes more than soil and water to make a success, for, first, those crops must be produced for which the climate is adapted, and, second, the settler must have an opportunity to either market or feed that which he is able to raise. The fact that the markets of large cities are, in practically every case, situated at great distances, and western freight rates being exceptionally high, makes it necessary that the products of the farm be utilized at home.

The Department of Agriculture, under an item that has been in previous appropriation bills and is included in this one, has, on a number of stations in the West, been conducting crop-raising experiments. This work has been of inestimable benefit to the people of the West, for definite data is now available as to the possibilities and limitations of grain and forage feeds in these semiarid districts. These stations have been conducted solely for production, and now, Mr. Chairman, we know that it is absolutely essential to also conduct them along the lines of the utilization of the products that have been raised.

Let me cite you a specific example. At Ardmore, in the district which I have the honor to represent in the House, there is located one of the stations conducted by the office of dry-land agriculture of the Bureau of Plant Industry. Late last fall I visited that station and was greatly pleased to see that the superintendent in charge, Mr. F. L. Kelso, had raised last year a very large amount of various forage feeds. He had some wheat, oats, and rye which gave fair yields of grain and made a considerable amount of straw. Then there was corn, sudan grass, alfalfa, sweet clover, and a variety of the sorghums, including feterita and kiolang, which have been recently introduced in this country. In all, I am of the opinion that there were from 300 to 375 tons of very excellent forage feed properly stacked on that farm. The farm has no live stock except four work horses, and there is no provision of law to either sell or give away this large quantity of forage feed. The only way that it will be disposed of will be when it is burned up late in the spring to make room for that which will be harvested next fall. Not a man on this floor will for one moment attempt to justify that condition, which is typical of conditions on other experimental farms in the West, and yet Congress is responsible for that waste of feed and for the setting of this bad example, because no funds have ever been provided to equip these stations with live stock. As a business proposition, I submit, gentlemen of the House, the addition of a proper amount of live stock on these farms will go a long way toward eventually making them self-sustaining.

Mr. MADDEN. Will the gentleman yield?

Mr. GANDY. Yes.

Mr. MADDEN. Does the gentleman want the House to understand that where there is a vast amount of feed raised they can not find the way to feed it—that somebody from the Agricultural Department must tell them how to dispose of it?

Mr. GANDY. There was no law by which the feed could be sold or given away.

Mr. MADDEN. Could not you get cattle to eat it?

Mr. GANDY. They had no live stock.

Mr. MADDEN. They do not have to have the agricultural stations tell them how to do that, do they?

Mr. GANDY. There was no live stock, no authority to get any.

If you will turn to the agricultural bulletin list you will find that no bulletins are available for the settler in the semiarid regions of the West that will give him definite information as to the relative feeding values of these forage feeds that are being raised in those high altitudes with scant rainfall as compared with the humid regions. Mr. F. D. Farrell, agriculturist in charge of the demonstrations on reclamation projects of the Bureau of Plant Industry, stated the issue plainly when he said at the hearings:

It is not a matter of telling a man how to feed his cow, but it is a matter of telling him how best to feed her with the resources he has; how he can add more resources to those he already has; and how he can establish himself in live-stock industries under these new conditions.

Then along the same line Dr. William A. Taylor, the chief of the Bureau of Plant Industry, said:

The crop-production feature has been taken care of, but we do find a lack of ability to say to the farmer, "Do so-and-so in your dairy under these conditions," as they are able to do in the older sections.

The high prairie section of the West a few years ago was given over to the open-range theory of live-stock production. The public lands were simply used by stockmen and, while in the aggregate, the number of stock was large, yet in proportion to the vast acreage it was exceptionally small. The coming of the homesteader broke up the old open-range condition, and within a limited area the settler must succeed or fail. I wish it were possible for you to thoroughly understand this situation and to know and appreciate the struggle these homesteaders have made to succeed where, from the first, nature has apparently dealt harshly with those who sought to change the old conditions. Disappointments and privations have kept company with them and, although many have grown faint-hearted and given up, yet, as I said before, the agricultural frontier has been moved westward and thousands are fighting the fight with a determination to win.

That you may fully realize that the problem there is entirely different from the agricultural and live-stock problems with which Members of this House are, for the most part, familiar, I want to call your attention to the following table showing the altitude and the average rainfall at the places where are located independent Federal experimental farms, and then the altitude and the average rainfall at several places in the humid regions where Members generally are familiar with conditions:

List giving the independent stations under the Office of Dry Land Agriculture, Bureau of Plant Industry, with their respective altitudes and average rainfalls.

	Altitude.	Average annual rainfall.
	Feet.	*Inches.*
Manitan, N. Dak	1,644	17.64
Ardmore, S. Dak	3,557	13.50
Sheridan, Wyo	3,790	14.48
Akron, Colo	4,650	18.25
Dalhart, Tex	3,998	16.82
Big Spring, Tex	2,366	18.03
Lawton, Okla	1,111	31.19
Woodward, Okla	1,970	21.18
Tucumcari, N. Mex	4,194	16.80

List of points east of the Great Plains region, with their respective altitudes and average annual rainfalls.

	Altitude.	Average annual rainfall.
	Feet.	*Inches.*
Morehead, Minn	935	25.89
Yankton, S. Dak	1,234	25.43
Omaha, Nebr	1,103	30.66
Lincoln, Nebr	1,189	27.51
Des Moines, Iowa	861	32.45
Springfield, Ill	644	36.96
Fort Wayne, Ind	856	37.20

There is now no live-stock work being carried on by the Government in the Great Plains region of the West. A few of the States are doing live-stock work at some of their demonstration farms, but, Mr. Chairman, those farms are not located where the prevailing conditions are similar to those on the high prairies. The experiment stations of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas are all located in the eastern and humid portion of the respective States, that of North Dakota being at Fargo; of South Dakota, at Brookings; of Nebraska, at Lincoln; of Kansas, at Manhattan; of Oklahoma, at Stillwater; and of Texas, near Bryan. The experiment stations of Montana, Wyoming, Colorado, and New Mexico are located in irrigated valleys along the foothills of the Rocky Mountains; that of Montana being at Bozeman; of Wyoming, at Laramie; Colorado, at Fort Collins; and of New Mexico, near Las Cruces. The Office of the Dry Land Agriculture of the Bureau of Plant Industry has nine independent stations, located at Mandan, N. Dak.; Ardmore, S. Dak.; Sheridan, Wyo.; Akron, Colo.; Dalhart and Big Spring, Tex.; Woodward and Lawton, Okla.; and Tucumcari, N. Mex. It cooperates at 10 State substations—Edgeley, Hettinger, Dickinson, and Williston, N. Dak.; Havre and Moccasin, Mont.; North Platte, Nebr.; and Hays, Colby, and Garden City, Kans. It cooperates with the Office of Western Irrigation Agriculture at Huntley, Mont.; Newell, S. Dak.; and Scottsbluff, Nebr.; and with the Office of Cereal Investigations at Archer, Wyo., and Amarillo, Tex. The Office of Western Irrigation Agriculture maintains stations and is carrying on investigations in irrigation at Huntley, Mont.; Newell, S. Dak.; and Scottsbluff, Nebr. The Office of Cereal Investigations maintains stations at Amarillo, Tex., and Archer, Wyo., and cooperates to a greater or less extent at nearly all of the State substations and departmental stations already mentioned.

The department proposes to equip several of these experimental stations for live-stock demonstration work. At Scottsbluff, Nebr., on the North Platte irrigation project, it desires to conduct investigations with hogs, sheep, and beef cattle; at Dalhart, Tex., a dry-land station, to conduct investigations with beef cattle and with hogs, supplementing the dairy work; at Ardmore, S. Dak., which is also a dry-land station, to do work with beef cattle and hogs, supplementing the dairy work; at Newell, S. Dak., with hogs, beef cattle, and sheep; and at Huntley, Mont., where the farms are extremely small, with hogs, lambs, poultry, and possibly also beef cattle. That, in a broad, general way, is the plan that the department has in mind in regard to the investigations in animal husbandry.

Mr Chairman, the hearings disclose that the honorable Secretary of Agriculture felt so keenly about the need of this work that he personally appeared before the committee, and from his remarks at the hearings I quote you the following:

This year, as in previous years, I have been especially concerned with the meat supply of the Nation. All the members of the committee are more or less familiar with the situation. You know that within the last 15 years, while the population of the Nation increased 24,000,000, the number of beef animals decreased over 6,000,000 and the number of sheep nearly 11,000,000.

The request that we make again this year for an appropriation of $87,500 for experiments in dairying and live-stock production in the semiarid and irrigated districts of the western United States, seems to me to deserve favorable consideration. Intensive agriculture requires near-by markets, or it means the perfection of marketing machinery. The farmers in the western sections are not in touch with large markets. A serious problem confronting them is how to market their products. To reach the market at a profit these must possess high value in proportion to their bulk. Apparently the farmers must utilize their products through live stock. Comparatively little has been done along this line. Only recently have the agricultural problems of the reclamation projects been carefully studied. The marketing problem is especially acute. I should like to see this appropriation favorably considered, so that we may attempt to furnish assistance.

For several days I have listened to the discussions of the various items in this appropriation bill, and I know that the Committee on Agriculture and the Members of the House generally have a desire that the Federal Government assist in the building up of the agricultural and live-stock industries of the Nation. This item, if adopted, will be of material assistance to the farmers and stockmen in the territory from the Rio Grande to the Canadian line and varying in width from 200 to 400 miles. The appropriation asked for in the amendment for all this great territory is $20,000 less than has been provided for similar live-stock demonstration work at one station in the cane and cotton regions of the South. It is justified by the report of the committee appointed two years ago by the honorable Secretary of Agriculture to investigate the proposition, and by the Agricultural Department estimates for this appropriation bill, as well as the one of last year. The greatest justification comes in the demand for reliable information as to the feeding values of such feeds as can be raised in the semiarid and irrigated districts of the West.

Mr. HAUGEN. Will the gentleman yield?

Mr. GANDY. Yes.

Mr. HAUGEN. We have the relative values in other States. In what respect does the value of forage feeds differ from other States?

Mr. GANDY. The forage feeds that are being raised are very largely different from that in other States.

Mr. HAUGEN. They are identically the same, are they not?

Mr. GANDY. No.

Mr. HAUGEN. You raise alfalfa?

Mr. GANDY. That is true; we raise a little, but we are raising fetereta and kiolang and soudan grass and other crops that have been brought in and developed within the past few years.

Mr. HAUGEN. They grow them in other States and relative food values is given.

Mr. GANDY. Not that I know of.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. GANDY. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

Mr. MADDEN. I object to any extension of remarks under this rule.

Mr. LEVER. Mr. Chairman, I yield one minute to the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. TIMBERLAKE. Mr. Chairman, I am glad, indeed, that the point of order did not lie against the amendment, because the amendment will be of great benefit to the semiarid regions of the Northwest. In my district we have one Federal experiment station, one that is coordinate with the State. I am well acquainted with the operation and with the activities of these two stations, and I know that a great waste is now manifest by reason of the fact that they have no provision of law whereby their activities can be directed to stock raising and dairying.

In the short time I have I want to read one or two telegrams from the manager of the feed station of Colorado in reply to my question as to whether or not an amendment to the Agricultural bill contemplated would be beneficial to the West.

The telegrams are as follows:

FORT COLLINS, COLO., *April 27, 1916.*

CHAS. B. TIMBERLAKE, M. C.,
Washington, D. C.:

We are very much in favor of live stock for experiment stations in semiarid regions. Present practice wasteful and tends to operate stations at very low efficiency. United States Department of Agriculture can not afford to set such a bad example of wastefulness.

CHAS. A. LORY,
President Agricultural College.

AKRON, COLO., *April 27, 1916.*

C. B. TIMBERLAKE,
House of Representatives, Washington, D. C.:

We are in need of fund for live-stock experiments. Semiarid region is best adapted to diversified farming. Stock as essential as grain. Akron is central station in semiarid region and can do the largest amount of live-stock work for Great Plains, as it is representative of large area.

O. J. GRACE.

Mr. DILLON. Mr. Chairman, I hope that this amendment will be adopted. Whenever the farmer has gone into these semiarid belts and undertaken to raise oats, corn, and wheat he has made a failure. These countries must succeed, if at all, through the live-stock industries. A few years ago the Danish farmer found himself unable to produce much crops, and he was in an unfortunate situation until he took up the live-stock industry, and through cooperative associations the Danish farmers have made great success in the live-stock industry. Ninety-five per cent of the farmers belong to these associations, and 85 per cent of them are owning their own farms. This prosperity has been developed largely through the live-stock industry, and that country now is selling to English customers $1,000,000 worth of butter each week.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. DILLON. Yes.

Mr. MADDEN. Then they do not need information from the Agricultural Department if they have learned how to do it themselves.

Mr. DILLON. I am speaking about the prosperity of the Danish farmer. The instruction from the Agricultural Department going around to these demonstration bureaus and places will give them information as to how to keep away disease, how to keep their stock, how to develop this industry; and you will never develop the semiarid regions unless you develop them through the live-stock industry. I hope the amendment will prevail.

Mr. LEVER. Mr. Chairman, this item was estimated for by the Secretary of Agriculture except that the appropriation was $87,000. The committee considered the matter very carefully and after careful consideration did not feel it wise at this time to inaugurate this line of work. The committee realized that there may be some merit in the proposition, but we thought that a delay would not be fatal to the work, and, therefore, did not allow the appropriation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That not to exceed $70,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That not to exceed $10,000 of this amount shall be expended for the purchase of such vehicles and boats, and that such vehicles and boats shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia: *Provided further*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year.

Mr. BROWNE. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. BROWNE. Mr. Chairman, on April 14 when we were discussing this bill in regard to the forest-products laboratory located in the city of Madison, Wis., the question was brought up in regard to the manufacture of vegetable alcohol, and I discussed that proposition and the feasibility of using the by-products of sawmills for the manufacture of alcohol. Since that time I have written to the forest-products laboratory and have received a letter from them in regard to the practicability of manufacturing alcohol from the by-products of a sawmill, and I desire now to read that letter, and I ask unanimous consent to insert with it a statement by S. W. Kressmann.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BROWNE. Mr. Chairman, that letter and statement are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Madison, Wis., April 18, 1916.

Hon. EDWARD E. BROWNE,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN BROWNE: Your letter of April 13 is received. In view of the fact that the design of plants for the manufacture of ethyl alcohol has not been standardized, and many improvements in machinery and methods have been made since the present plant at Georgetown, S. C., was built, it is difficult to make any really accurate estimates of the cost of building a plant which would embody all of these improvements in its design. However, I believe that you will find the following estimates reasonable and reliable. They are based largely on statements which have been made to us concerning the first and present reproduction costs of the two plants at Georgetown, S. C., and Fullerton, La., and on statements upon the present cost of producing alcohol at the former plant.

It has been pretty well established that, in a properly designed plant, at least 20 gallons of 190-proof alcohol can be produced from a ton of dry pine. A cord of pine contains about a ton of dry wood, so we may assume that for every cord of waste available at Neopit, 20 gallons of 190-proof alcohol may be produced. Assuming an average operation at this mill, without any disposal of waste for fuel or other purposes outside of the mill itself, we may figure on about one-half cord of waste for every 1,000 feet sawed. The remainder of the waste produced would be needed for fuel in the furnaces of the sawmill boilers.

Assuming, then, that for every 1,000 feet cut at Neopit, 10 gallons of 190-proof alcohol can be produced, the annual production which could be attained would be 200,000 gallons. Assuming, further, an operating period of 330 days per year, the capacity of the plant would be just about 600 gallons per day. This is considerably smaller than either the Georgetown or the Fullerton plant, and it is a question whether or not it could be operated as efficiently as a larger unit.

We estimate that a plant of a capacity from 2,500 to 3,000 gallons per day would cost about $100 per gallon capacity. If we assume that the smaller plant would cost just the same per unit of capacity, the Neopit plant would cost $60,000 erected.

We were slightly misquoted concerning the cost per gallon of producing the alcohol. We simply estimate that this cost will be from 13 cents upward, and do not claim that ethyl alcohol has ever been made from wood at this price. In fact, we are told that the best that has been done so far is about 21 cents per gallon of 190 proof spirit.

Accompanying this letter is a mimeographed copy of a very recent report on ethyl alcohol, prepared by Mr. Kressmann, of this laboratory, who has been conducting our experiments upon its production, and in this report you will find detailed estimates of the cost of production.

We are anxious to be of as much assistance as possible in this matter, and if you so desire we may be able to arrange a conference between yourself and Mr. Kressmann, in which the whole subject could be gone over in detail.

Awaiting your further commands, I am,

Very sincerely, yours,

BERNARD F. WEISS, *Director.*

(Enclosure: Report.)

ETHYL ALCOHOL FROM WOOD.

[By F. W. Kressmann, chemist in forest products, Forest Products Laboratory, Madison, Wis.]

OUTLINE OF PROCESSES.

The processes used for the production of ethyl alcohol from wood may be grouped into two general classes: First, the hydrolysis or conversion of the wood into fermentable sugars by the use of dilute mineral acid as a catalyst; and, second, solution processes in which the wood is dissolved from concentrated acid with a subsequent hydrolysis or conversion of the diluted solution.

Processes of the second class involving the use of concentrated sulphuric acid in which the wood is actually dissolved have not received commercial attention because the amounts of acid used have been so large compared to the processes in which the acid is used merely as a catalytic agent that the large initial and recovery cost for acid have prevented commercial development.

The first process of producing ethyl alcohol from wood consists in general of digesting the sawdust, or hogged and shredded waste, with dilute sulphuric acid at a steam pressure of 60 pounds or more for a short time. This is done in rotary digesters which will thoroughly mix the acid and wood. These digesters are of steel boiler plates with an acid-proof lining. A part of the wood is converted into a mixture of sugars, some of which are fermentable. The digester material is next transferred to a diffusion battery similar to that used in the extraction of sugar from sugar beets or dyes from dyewood, and here the sugar and other water-soluble material is extracted with hot water from the digested sawdust. The acidity of the extract is then neutralized with lime or limestone, and the sludge formed by the calcium sulphate and some of the dust carried in the extract is allowed to settle out, which requires ordinarily from 15 to 20 hours. The clear solutions are then drained off and cooled to the proper temperature for fermentation. The fermentation, distillation, and rectification of the alcohol are accomplished in the usual manner very similar to the production of alcohol from molasses.

PLANT.

The essential parts of a plant necessary to produce ethyl alcohol from wood, considered in the order of their use, are the following:

1. Adequate sawdust storage.
2. Disintegrating equipment: Hogs, screens, and shredders.
3. Sawdust storage above digesters: Acid storage.
4. Digesters.
5. Diffusion battery.
6. Neutralizing and settling tanks.
7. Coolers.
8. Fermenters and yeast equipment. (This item must be under U. S. Internal-Revenue Department approval and supervision.)
9. Beer still. (This item must be under U. S. Internal-Revenue Department approval and supervision.)
10. Rectifying still. (This item must be under U. S. Internal-Revenue Department approval and supervision.)
11. Bonded warehouse. (This item must be under U. S. Internal-Revenue Department approval and supervision.)
12. Boilers and engines.
13. Laboratory and office.

SAWDUST STORAGE.

Adequate sawdust storage will vary with the location and continuity of operation, the sawmill, and the character of the logging operation. The operation of the alcohol plant and distillery must be continuous. The storage must be sufficient to permit compliance with the necessary regulations of the Internal-Revenue Department regarding the operating of distilleries. The latter are surveyed as to their output and must produce daily the amount required in this survey or else are penalized with the tax on such a quantity of alcohol as is necessary to make up the survey. In general, therefore, the alcohol plant should have at least a 15-days' supply of wood on hand, and where logging operations are such as to require frequent shutdowns, the alcohol plant should have sufficient material in storage to last twice as long as the usual shutdowns. The waste can be stored and handled easiest in the condition ready to use—that is, hogged and shredded. Protection from the rain is sufficient, and any type of open-walled but covered building would answer the purpose. Belt conveyers can be used to handle the material, and a long, open, covered shed with an inclined bottom sloping into a trough, similar to those used for the storage of sugar beets, would answer the purpose.

DISINTEGRATING EQUIPMENT.

This would consist of hogs or shippers and shredders and screens. A chip one-half an inch long with the grain will be penetrated thoroughly with acid, but the ease with which the sugar can be leached out is a problem that would require attention. However, since the residual digested sawdust or waste left after extraction is ample for power production, and all engine exhaust steam can be used for heating and distillation purposes, the extra power required to chip down a three-sixteenth or one-fourth inch chip would not be prohibitive, and the greater efficiency of extraction would probably make it very desirable. After screening and reshedding the screenings the fine stuff would go by belt to the loading bins over the digester.

SAWDUST AND ACID STORAGE.

The loading bins should be of sufficient size to act as an intermediate storage for the material as it comes from the screen on its way to the digester. They should hold four or five digesters full each, and should be placed over the digester and tapered down so that the material can flow directly into the digester similar to those in use in chemical pulp plants.

The acid would come to the plant in concentrated form so as to permit tank-car shipment and storage in steel tanks. The concentrated acid would be pumped into a lead-lined tank above the digester and diluted so that the dilute acid could flow into the digester along with the sawdust. If rotating digesters are used, no special mixing apparatus will be necessary; at least we have never found evidence of appreciable quantities of uncooked material when handled in this way.

THE DIGESTERS.

The digesters should be rotating, and may be spherical or short and cylindrical with dished ends. If the latter type is used, the diameter should be double the length of the cylindrical section, so that it may be filled as completely as possible. A number of satisfactory acid-proof linings are obtainable at present. During cooking the mass shrinks in volume and settles so that the final volume is only about two-thirds the original volume and leaves ample room for thorough mixing during cooking.

The size of the digesters will be governed by the daily capacity of the plant, the heating period, and the time of the complete cycle per digester. If the heating period is 15 minutes out of a total of 1 hour for each cook, 4 digesters, or multiples of 4, should be used, whereas if the heating period is 20 minutes out of a total of 1 hour only 3 or multiples of 3 should be used. In this way the steam load on the boilers will be as uniform as possible and the boiler capacity will be dictated largely by this load, since the rest of the load for power and distillation purposes will be generally constant. In addition, the hogging, shredding, and digester capacity of the plant should be such that it will give sufficient digested sawdust in 18 or 20 hours to run the rest of the plant 24 hours, thereby giving time for repairs and breakdowns.

The cooked sawdust can be discharged merely by rotating the digester, and falls into a bin which receives the cooked material from all the digesters and from which it goes by a mechanical conveyer to the different cells of the diffusion battery.

DIFFUSION BATTERY.

Closed cells, similar to those used for the extraction of sugar beets or dyewood chips, can be used. These should be lined so as to be acid resistent like the digesters and the top and bottom should be arranged so that charging and discharging can be readily accomplished. Cells of this type can be obtained in which the extracted material will empty itself after a release of the bottom of the cell. The temperature of the extracting water should be from 75° to 90° C., since this will give not only a greater solubility than colder water but will also sterilize it and keep the juice sterile while it is settling after neutralization.

The size of the cells and the number of cells in the battery and the amount of water per cell will be governed by the size of the plant and the size of the material that is cooked, since sawdust, for instance, will extract more readily than larger material. As our leaching experiments have shown, seven or eight extractions seemed to be necessary; this would require eight or nine cells in the battery, since one is being discharged and filled all the time. Since the sugars are readily soluble, only a short extraction period is necessary—that is, of from 50 to 75 minutes. This time, however, will be governed in part by the length of time that it takes the water to drain through each cell, which in turn depends on the size of the cell. The cells should not be too large, or the extracting water will not pass through the material easily, and the amount of water used should be such that the resulting extract is of the proper concentration for fermentation, which is from 11° to 12° Brix. The Brix. will go up another degree on neutralization.

Just as in the case of laboratory extractions or washing of precipitates, a large number of extractions or washings with small amounts of liquid will give a better extraction or more thorough washing and a more concentrated extract than fewer extractions with larger amounts of extracting water for each extraction.

NEUTRALIZATION AND SETTLING.

After extraction, the acid extract is nearly neutralized with solid or milk lime or a high-grade limestone (a magnesia stone is undesirable) and is then allowed to stand so as to settle out the sludge of calcium sulphate. This usually requires from 15 to 18 hours, so that adequate tank capacity is required here.

COOLERS.

The clear juice is then drawn off and passed through coolers to reduce its temperature to about 27° C., from which it goes into the fermenting tanks. The coolers should be of copper and their size will depend upon the temperature of the water supply available.

FERMENTATION, DISTILLATION, ETC.

A 96-hour fermentation period is permitted, so that a 4-day fermenter capacity is required. The size of the individual fermenter will be dictated largely by local conditions, such as mean temperature, and the other equipment is the standard distillery equipment in use at present in grain or molasses distilleries.

POWER REQUIREMENTS.

The steam load of the plant will be distributed about as follows:

	Per cent.
Pumps (boiler, fire, general water supply, beer, alcohol)	20
Digesters	30
Hogs and shredders	20
General power for driving conveyers, digesters, etc	15
Distillation and rectification (including all exhaust steam not used for heating boiler feed and extraction water. If large quantities of exhaust are not available, distillation and rectification may require as high as 40 per cent of the total load)	15

A large supply of pure, cool water is necessary. It should be pure for boiler and extraction use, and should be cool for use in cooling and condensing. The disposal of the beer still slops requires attention, because of the large amount of pentose carbohydrate, and also of dead yeast which is highly nitrogenous and which would lead to rapid putrefaction.

COSTS.

The production of alcohol by this process up to the present time in this country, with one exception, has not been a commercial success. The reasons for these failures have been: (1) General development of the process which includes acquisition of the necessary experience in working out a problem of this kind to large-scale operation; (2) promotional difficulties (at least one plant was built in this country by promoters ignorant of the requirements of an operation of this type); and (3) lack of technical experts in this field who have had the necessary chemical, engineering, and bacteriological skill to develop the operation.

With new developments at the Forest Products Laboratory, allowing the necessary manufacturing losses involved in extraction, in the sludge of the settled juice, and in distillation and rectification losses, which combined should not be 20 per cent of the total yields, a yield of over 20 gallons per dry ton has been obtained. Assuming this yield and a location where the supply of waste is uniform and constant for a period of 20 years and where plenty of good water may be had, and where there is a fairly close supply of sulphuric acid and lime, the cost of alcohol from wood in a properly designed and constructed plant of 2,500 or 3,000 gallons per day capacity, is estimated per gallon of 190 proof as follows:

Yeast nutrients (this item may go as high as $0.025 in some sections since the war; also rapidly advancing prices of iron, steel, and copper, particularly the latter, will require some increases in the estimate, which were figures for market conditions existing over a year ago)	$0.015 to $0.020
Repairs and materials (exclusive of fuel and wood)	.030 to .040
Labor	.015 to .030
Wood and fuel	.020 to .020
Interest at 7 per cent	.019 to .020
Depreciation at 10 per cent	.023 to .035
Overhead, taxes, etc	.015 to .030
Total	.137 to .195

In the above table wood has been valued at $0.40 per cord of 1,800 pounds of dry wood per cord. This should consist of sawdust and hogged refuse, but should not contain over 10 per cent of bark, since the yield of sugars and alcohol from bark is very low. A large quantity of bark would mean running a large volume of inert material through the alcohol plant at considerable expense without return, and in the case of most barks would add large quantities of undesirable tannin to the solution to be fermented.

A successful operation for the production of alcohol from wood in addition requires a sufficient daily supply of wood to produce about 1,500 gallons of 95 per cent alcohol or more per day. This means 75 tons of dry wood (or its equivalent in the air-dry or green condition), comparatively free from bark, or 100 tons per day of mixed sawmill waste. A plant smaller than this would increase the distillation and rectification costs to a questionable figure, because continuous operation would no longer be possible in standard types of apparatus. A plant of the above size would cost from $260,000 to $250,000, and a plant of 3,000 gallons per day would cost around $300,000.

Before the war alcohol for denaturing purposes could be obtained in quantity for $0.30 per 188 to 190 proof gallon; at present the market value is $0.50 to $0.55 per gallon for small lots, with no doubt appreciable shading for contracts in quantity. The price, however, has gone up from 33⅓ to 50 per cent, and as long as the war continues no appreciable decrease in price seems probable because of the demands for grain and molasses for other purposes and because of the enormous amounts of alcohol being used. Before the war from 10,000,000 to 11,000,000 gallons of denatured alcohol were being produced annually. This production has now increased to over 30,000,000 gallons.

Under normal operating conditions most mills, particularly the large ones, produce waste in excess of their own power requirements, and in large mills equipped with efficient power plants this excess will be from 50 to 65 per cent of the total produced. The disposal of this waste by means of a burner is therefore almost invariably necessary. The cost of burning this waste varies widely with the size and efficiency of the mill, but from figures gathered by this laboratory this expense ranges from $0.50 to $0.66 per cord, or from $0.11 to $0.22 per thousand feet on all of the lumber cut, and means that the present cost of waste disposal amounts to about $8,000,000 annually, in addition to the value of the wood so burned. All waste therefore that could be disposed of for the production of alcohol would not only net the sawmill about $0.40 per cord but would also relieve them of the charge of burning, which, as given above, ranges from $0.50 to $0.66 per cord, and which therefore practically doubles the above realization to the sawmill. In other words, an operation of this kind in conjunction with the sawmill would add from $0.22 to $0.45 per thousand to the value of all lumber cut. This applied particularly to mills cutting coniferous species to which the above alcohol yield and waste-disposal figures apply. From work going on at present it seems that the yields from some of the hardwoods will not be as great as those obtained from the coniferous species.

In conclusion, the successful production of ethyl alcohol from sawdust seems to depend upon the proper design, equipment, and management of the plant, in addition to its chemical and fermentological features. Large volumes of low-grade materials must be handled quickly and efficiently under unusual technical conditions. The perfection of the necessary acid-resisting pieces of apparatus along with the experience of the plants that have been built, together with the utilization of material whose mere removal at present is an expense, justifies a serious consideration of the future of this industry.

Mr. GANDY. Mr. Chairman, I renew my request to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota that he be permitted to extend his remarks in the RECORD?

There was no objection.

Mr. McKELLAR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Army bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAVIS of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural appropriation bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a memorandum issued by the Department of State in relation to armed belligerent vessels.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing the matter indicated. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, I desire to call attention to the fact that the memorandum concerning armed ships was inserted in the RECORD of this morning in the Senate.

The CHAIRMAN. The memorandum has already been acted upon by the committee.

Mr. BENNET. Mr. Chairman, if it was inserted this morning I ask unanimous consent to withdraw my request.

The CHAIRMAN. Without objection, the request of the gentleman from New York will be withdrawn.

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add, at the end of line 6, page 78, the following as an extension of the paragraph:

"The Secretary of Agriculture is hereby directed to report to Congress on or before July 1, 1916, a complete list of the names and occupational assignments of all persons employed in the department as scientists, experts, specialists, or otherwise, not provided for on the statutory roll, together with the amounts paid to them per annum or for such special services as they may render; and in reporting such list the Secretary of Agriculture shall designate the subdivisions of the Department of Agriculture to which such employees are assigned, and he shall also indicate whether the appointment of such employees was by Executive order or otherwise, the date of appointment to be given in each case."

Mr. LEVER. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from South Carolina reserves a point of order on the paragraph.

Mr. LEVER. I would rather make the point of order outright. It is subject to a point of order. I think we can finish this afternoon.

Mr. MOORE of Pennsylvania. On what ground does the gentleman from South Carolina contend that it is subject to a point of order?

Mr. LEVER. On the ground that it is not germane to this paragraph, Mr. Chairman.

Mr. MOORE of Pennsylvania. I can offer it, then, as a new paragraph.

Mr. LEVER. The gentleman can do that, but he has now offered it as an amendment to this paragraph. It is new legislation, in addition to that.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the Chair holds that it is out of order at the present time, I shall offer it as a new paragraph. It is near adjourning time, and I want to save time, not take up time.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his amendment at this time?

Mr. MOORE of Pennsylvania. I will do that by unanimous consent and offer it again as a separate paragraph. I ask the privilege of introducing it as a new paragraph at the proper time.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his amendment.

Mr. DAVENPORT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] has the floor.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer it as a new paragraph. Am I recognized now?

Mr. LEVER. Mr. Chairman, I reserve a point of order on the amendment as a new paragraph also.

The CHAIRMAN. The gentleman from South Carolina reserves a point of order on the amendment as a new paragraph.

Mr. MOORE of Pennsylvania. The gentleman does not object to my stating why I offer this amendment?

Mr. LEVER. No. Let the gentleman go ahead.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have undertaken to offer an amendment substantially in this language to each one of the three amendments that were forced through the House under the rule, because it seemed to me that in the matter of lump-sum appropriations the House should be advised as to the amount of salaries paid, as to the number of offices filled, and as to the duties performed. Now I offer my amendment to the Agricultural bill itself, for reasons which I shall endeavor to explain.

All through the many pages of this Agricultural appropriation bill, consideration of which is now approaching a close, there will be found lump-sum appropriations for demonstration work, for experimental work, for field work, with nothing whatever about the number of employees engaged in that kind of work, and nothing of the method of employment or of appointment, and nothing of the salaries, such as we require with respect to other departments of the Government. Why should we not occasionally have a report from the Secretary of Agriculture with respect to the people employed under these lump-sum appropriations?

Let me illustrate by referring to that feature of the Agricultural Department work which may be called the migratory bird law bureau. The department is there undertaking to enforce a law which has been declared unconstitutional by the United States courts. I find, on page 7898 of the RECORD, that the gentleman from Iowa [Mr. HAUGEN] inserted from some report a statement as to the number of people employed and the purpose for which they are employed on the enforcement of the migratory-bird law, which has been declared unconstitutional. Provision is made there for no less than 220 wardens at the very strange sum of $1 per month, and some of them at $1 per annum; five game protectors, I believe, at $1 per annum each. What does this mean? There may be a reason for it. Perhaps the chairman of the committee will explain.

Mr. LEVER. I will say to the gentleman that——

Mr. MOORE of Pennsylvania. I have asked the gentleman to explain, but I have not the time to yield to him now. Apart from these nebulous appointments of game wardens and game protectors there are at least 22 administrative officers, mostly inspectors, employed at anywhere from $1,500 per annum up to $2,500 per annum. I think $2,500 is the highest salary given here. Now, the total that was used for 1915, apparently for salaries alone, was in excess of $38,000 for enforcing a law which was not enforced. But what else was done with the money? More than $16,000 of it went into traveling expenses. Do the game wardens come in here? Do the game protectors come in here? The amount for traveling expenses is almost half the amount for salaries.

Now, what the department desires for 1917 is $56,000 for salaries, and for traveling expenses it asks for $37,000. Do the wardens come in on this? And if all this is to be done in the administration of a law which is nugatory and which has been declared unconstitutional and is not enforced, why should not Congress be informed as to the method of selecting the men who perform this alleged service?

There has been talk about "graft" in connection with other departments. I make no such insinuation here, but it seems to me that if we put 22 inspectors on the force and have 220 game wardens and protectors, with salaries and with traveling expenses, it would be well for the Secretary of Agriculture to report about them once in a while to the House. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LEVER. Mr. Chairman, I am going to withdraw the point of order and let the House vote on it, although I think it is subject to a point of order. It is my purpose presently to offer the following amendment:

The Secretary of Agriculture, for the fiscal year 1918, and annually thereafter, shall transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture, and shall include with such estimates a statement of all executive officers, clerks, and employees below the grade of clerk, who may have been employed during the last completed fiscal year on any lump-fund appropriation for the department and the salary or compensation of each.

We shall undertake in that amendment—and in the drawing of it I have had the cooperation of the gentleman from Minnesota [Mr. ANDERSON]—to relieve ourselves of some of the criticism which has been directed against this bill.

Now, the amendment of the gentleman from Pennsylvania [Mr. MOORE] undertakes to require a complete statement to be made as to the scientists and experts and others employed elsewhere than on the statutory roll. I want to call the attention of members of the committee to the fact that in the Book of Estimates now the Secretary of Agriculture is required to furnish a list of employees that are paid out of the lump fund, and that list in the Book of Estimates is always before the Committee on Agriculture.

Mr. MAPES. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Michigan?

Mr. LEVER. I yield for a question.

Mr. MAPES. I would like to ask the gentleman if the various employees that are provided for under this appropriation bill

and in the amendments which we have adopted or which the committee has voted for to-day—the grain-grading bill and the cotton-futures bill and the warehouse bill—are appointed according to and under the regulations of the Civil Service Commission?

Mr. LEVER. They are; yes. I stated that pretty fully in the discussion of this bill.

Mr. MAPES. The experts and all?

Mr. LEVER. Yes; every one of them is appointed under the civil-service law.

Take, for instance, the general expenses of the Office of Markets and Rural Organization. We have here several pages in which the number of persons employed under lump funds is set out. I think the only additional requirement of the gentleman's amendment is to ask that the names of the persons employed be inserted. Now, we have the number and the salaries which they are drawing set forth in the Book of Estimates. I think some criticism was made of the Forestry Service because of the high cost of bookkeeping—and it is high as compared to private business, I confess—and this is true of other departments also. Yet we are requiring more reports year after year from heads of departments to be made to Congress, reports which nobody ever looks at, as a matter of fact. It seems to me it is a waste of time and waste of public money to keep on asking the departments to furnish report after report and detail after detail which very few, if any, of us ever look at.

Now, we have here a list——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I want to say to the gentleman that my purpose in offering these amendments was as much to relieve the committee of the odium of passing improper appropriations, or being accused of it, as anything else; but I did want to ask the gentleman whether the game wardens, foresters, game protectors, specialists, and so forth, were all appointed under the civil service? I think the gentleman made rather a comprehensive answer to the question.

Mr. LEVER. I understood the gentleman's question to apply to the scientific force of the Department of Agriculture. I take it that the collaborator that the gentleman refers to, the game warden at $1 a year, would not be appointed under the civil service. I do not know about that; but I do know that the scientific force of the Department of Agriculture and the clerks of the Department of Agriculture are all appointed under the civil service.

Mr. MOORE of Pennsylvania. They all start that way, do they, as the gentleman understands it?

Mr. LEVER. Oh, I know they do, except occasionally when some person may be employed temporarily because there is no one eligible for the appointment on the civil-service register, as I have stated before.

Mr. BOOHER. Is it not a fact that there is a list furnished now by the Agricultural Department of all the employees and the different bureaus in which they are employed and their salaries?

Mr. LEVER. Of course. The chief clerk of the department has all that information.

Mr. BOOHER. I remember that in the Sixty-first Congress I was on the Committee on Expenditures in the Department of Agriculture, and there were three of those books printed, which were duplicates, and the committee reported in favor of abolishing two of them, and they were abolished.

Mr. LEVER. I am very glad the gentleman has called attention to that. Some years ago this committee itself abolished two of the three reports that we had been requiring from the Department of Agriculture, because they were absolutely worthless. Nobody read them, nobody cared anything about them, and it was simply an expense to the Government to collect and publish them.

Mr. BOOHER. There is one of those books printed now that contains the name of every employee, the bureau in which he is employed, and the salary paid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to continue for a few minutes.

The CHAIRMAN. The committee has fixed the time.

Mr. MADDEN. Mr. Chairman, you know we can change that by unanimous consent.

Mr. HUMPHREY of Washington. The committee did not fix the time.

Mr. MADDEN. I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Illinois desire recognition?

Mr. MADDEN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, I wish to ask the gentleman from South Carolina a question because of a statement that he has just made. He said the number of reports that we were requiring the Department of Agriculture to make added to the expense of the department. Now, if that be true, then a good many of the items in this bill ought to be eliminated, because nearly every item in the bill provides for an additional report on some activity of the agricultural business of the country. What does the gentleman say to that?

Mr. LEVER. The gentleman misunderstood what I said. I meant to say that the continued calling upon the department to give to Congress in the minutest details reports of what it was doing from time to time, how many people it had—of course, the department keeps that anyhow—where they had been, and how long they talked at this place or that, and many other minute details, were a burden upon the department and a waste of money.

Now, the reports to which the gentleman refers are scientific facts that are gathered for the purpose of dissemination.

Mr. MADDEN. Is not the other information worth while?

Mr. LEVER. We think so; yes. If we did not, we would not vote for this bill.

Mr. HAUGEN. Mr. Chairman, it is true, as the gentleman has stated, that the department does furnish a list of employees.

Mr. LEVER. Yes.

Mr. HAUGEN. And also estimates for the number of employees?

Mr. LEVER. Yes.

Mr. HAUGEN. And also for a lump-sum appropriation.

Mr. LEVER. That is true.

Mr. HAUGEN. Which is available for the payment of salaries.

Mr. LEVER. And that lump sum is appropriated here every year.

Mr. HAUGEN. The criticism is this: The department should estimate every salary, and the committee should carry it into the law.

Mr. LEVER. Congress passed on that two years ago. The gentleman from North Carolina raised the question, and we had a vote on it. I withdrew the point of order on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

Mr. MADDEN. Mr. Chairman, we have had a strenuous week——

Mr. LEVER. Mr. Chairman, I will say to the gentleman from Illinois that I wish to offer one more amendment, which will take only a moment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 78, after line 6, insert a new paragraph, as follows:

"The Secretary of Agriculture, for the fiscal year 1918, and annually thereafter, shall transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks, and employees, below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and departments of the Department of Agriculture, and shall include with such estimate a statement of all executive officers, clerks, and employees below the grade of clerk who may have been employed during the last completed fiscal year on any lump-fund appropriation for the department, and the salary or compensation of each."

Mr. LEVER. Mr. Chairman, I ask for a vote on the amendment.

The amendment was agreed to.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the warehouse bill.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent to extend his remarks in the RECORD on the warehouse bill. Is there objection?

There was no objection.

Mr. DAVENPORT. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WILSON of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a report of the commanding general of the Philippine Islands pertaining to the Philippine Scouts.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the Gandy amendment to the pending bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the variety of industries in the country.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CARAWAY and Mr. BLACK, by unanimous consent, were given leave to extend remarks in the RECORD.

Mr. MADDEN. Mr. Chairman, the Members of the House have been very industrious during this week. It is Saturday night, and it is evident that we can not pass this bill to-night, and I make the point of no quorum.

Mr. LEVER. Will the gentleman reserve that point for a moment?

Mr. MADDEN. I will.

Mr. LEVER. Let us see if we can not agree on a time to discuss the paragraph on the foot-and-mouth disease. The gentleman from Iowa [Mr. HULL] and the gentleman from Illinois [Mr. KING] have been most earnest in their talk with me, and I would like to see if we can not agree.

Mr. MANN. Does not the gentleman see if the point of order was made and sustained to the present paragraph that we could not agree on time to debate an amendment not offered. I do not know whether one will be offered. I think there will be no difficulty as to time if it is offered.

Mr. LEVER. I would like to agree on a time when we shall vote on the bill, or on any amendment offered to the paragraph or otherwise.

Mr. KING. What does the gentleman say to eight hours?

Mr. LEVER. That would be more time than I think the gentleman can consume.

Mr. KING. But there are other gentlemen who would like some time.

Mr. LEVER. I am willing to agree on a reasonable time.

Mr. KING. Say four hours.

Mr. LEVER. That is entirely too much. Let us get down to business.

Mr. KING. There are a number of gentlemen who desire to be heard. I think in view of the fact that this is a very important question and there is going to be a convention in a week or two of all the stock raisers in the country on this particular subject, that we should have time to debate it.

Mr. LEVER. Let me ask the gentleman a question. Is the gentleman going to move to strike it out, or make any substantial amendment to it? The question of talk is one thing and I am willing to give a liberal time. If there is a general proposition to strike out or increase, that is one thing.

Mr. KING. I have three amendments that I want to offer in good faith, and the gentleman from Iowa [Mr. HULL] can speak for himself.

Mr. MADDEN. I also have an amendment.

Mr. HULL of Iowa. I have a point of order and three amendments to make.

Mr. LEVER. It will not take long on the point of order, for I know what it is. How would one hour on a side do on the paragraph relating to the foot-and-mouth disease?

Mr. KING. Well, I think an hour on a side will be all right.

Mr. MOORE of Pennsylvania. I have an amendment to that paragraph that I want to offer.

Mr. LEVER. Mr. Chairman, I think I have got a line on what will be acceptable to both sides.

Mr. MANN. So far as the gentleman now knows, does he expect to proceed with this bill on Monday?

Mr. LEVER. I do not know what the program is on Monday, but I am going to try to proceed.

Mr. MANN. The gentleman made an agreement the other day about it; the gentleman stated that he would not endeavor to bring up the Agricultural bill as against the Philippine bill, if it was brought before the House.

Mr. LEVER. That is true. Mr. Chairman, I ask unanimous consent that all debate on the paragraph relating to the foot-and-mouth disease, and all amendments relating thereto, or new paragraphs relating thereto, be confined to two hours, one half to be controlled by myself and the other half by the gentleman from Iowa [Mr. HULL].

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on the paragraph relating to foot-and-mouth disease and all amendments relating thereto conclude in two hours, one half to be controlled by himself and the other half by the gentleman from Iowa [Mr. HULL]. Is there objection?

Mr. FESS. Mr. Chairman, reserving the right to object, Ohio was wonderfully stricken last year. Will time be given to speak for the situation over there?

Mr. LEVER. Yes; I will take care of the gentleman.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma presented a conference report on the Indian appropriation bill (H. R. 10385) for printing in the RECORD under the rule, as follows:

CONFERENCE REPORT (NO. 618).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 8, 11, 12, 15, 23, 30, 31, 32, 38, 40, 43, 44, 45, 49, 69, 73, 77, 88, 91, 92, 100, 108, 117, 118, 119, 120, 123, 133, 135, 147, 149, and 157.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 33, 39, 46, 48, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 76, 80, 81, 85, 86, 89, 90, 93, 94, 96, 98, 99, 101, 103, 104, 106, 107, 109, 111, 112, 114, 115, 121, 122, 125, 126, 128, 130, 131, 134, 136, 138, 139, 140, 141, 143, 144, 145, 148, 150, 151, 152, 153, 154, and 155, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In line 7 of said amendment, strike out the word "the" and insert in lieu thereof the word "Indian," and in line 8 of said amendment, strike out the word "the" and insert in lieu thereof the word "such"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 1 of said amendment, strike out the word "to" and insert in lieu thereof the following: "$5,000 of which shall"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"*Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools:"

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "two permanent warehouses"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "which has been," and in line 2 of said amendment strike out the words "heretofore or"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For beginning the construction by the Indian Service of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to

the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522), the total cost not to exceed $200,000."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For beginning the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., as estimated by the Board of Engineer Officers of the United States Army in paragraph 138 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to remain available until expended, the total cost not to exceed $175,000: *Provided*, That said dam shall be constructed as a part of a project for the irrigation from the natural flow of the Gila River of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Ariz.: *And provided further*, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *And provided further*, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August 13, 1914 (38 Stat. L., p. 686): *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For extension of the Ganado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately 600 acres of land in addition to the area to be irrigated by said project, as authorized in section 2 of the act of August 24, 1912, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, reimbursable and to remain available until expended."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 16 of said amendment strike out the figures "$15,000" and insert in lieu thereof the following: "$10,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000; in all, $26,400."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available, reimbursable to the United States by the Indians having tribal rights on said reservation."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Potawatomi Indians in the State of Kansas, and to be expended under his direction for the construction of bridges across the Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kans.: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times maintain and repair said bridges: *And provided further*, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson: *And provided further*, That this appropriation shall not become effective until approved by an Indian council to be called for that purpose."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the following language of the amendment:

"Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands, the cession of which was provided for in said act, and for which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the following: "at Keewatou Academy, Wisconsin" and the comma; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "balance," insert the following: "of $3,436.03"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 2 of said amendment, strike out the figures "$50,000" and insert in lieu thereof "$25,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable

by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

"On the first day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

"That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

"The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

"That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired, to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

"That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "for the purpose of making necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebr.; also to reconstruct one span of 90 feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under the direction of the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,100"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 290 Indian pupils at the Indian School at Carson City, Nev., including pay of superintendent, $50,430; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all, $62,430."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 4 of the amendment, after the figures "$15,000" strike out the period, insert a colon and the following: "*Provided*, That no part of this appropriation shall be expended for mileage, salaries or expenses of employees"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the following: "And to remain available until expended"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for the construction of an assembly hall and gymnasium, $25,000; in all, $92,150."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 220 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $38,540; for general repairs and improvements, $5,000; for new school building, $20,000; in all, $63,540."

And the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following: "To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section 34, township 164 north, range 70 west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the unexpended balance of $9,533.38 is hereby reappropriated and made available for continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war on the Fort Sill Military Reservation, Okla., for the purchase of allotments in Oklahoma, as provided for in the act of June 30, 1913 (38 Stat. L., p. 77), for the three adult heads of families who have not heretofore received allotments."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "except that the Secretary of the Interior is hereby authorized, within 30 days after the passage of this act, to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Kappler & Merillat, James K. Jones, Charles M. Fechheimer, and Eugene Hamilton, as attorneys, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the

aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim but shall be paid promptly without reference to same; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows: In lieu of the matter proposed insert the following: "$12,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200: *Provided*, That the unused balance of $9,830 of the amount appropriated by the act of August 1, 1914 (38 Stat. L., p. 602), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all $128,700"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $3,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klamath Indians of the State of Oregon, and use the same for the construction of a bridge across the Williamson River, on the Klamath Indian Reservation, Oreg., under such rules and regulations as he may prescribe."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$67,500: *Provided*, That the unexpended balance of $1,607.44 appropriated by the act approved August 1, 1914, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June 10, 1914, at Flandreau Indian School, S. Dak., is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing on the various Sioux Indian reservations, adequate school facilities for the children of the Sioux tribes who are now without Government or public-school facilities on the respective reservations; and to make a report thereof to Congress on or before the first Monday in January, 1917, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off the respective reservations, and there is hereby appropriated for the expense of such investigation and report the sum of $1,000, or so much thereof as may be necessary, to be immediately available."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "highway," insert a comma and the following: "reimbursable out of any funds now or hereafter placed to the credit of said Indians in the Treasury of the United States"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Uintah Tribe of Indians, in the State of Utah, and to use the same to protect the north abutment of the Government bridge at Myton, Utah, under such rules and regulations as he may prescribe, said sum to be immediately available."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of not to exceed 20 acres of that portion of the lands situated on the north side of and within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the act approved August 1, 1914 (38 Stat. L., 584), at not less than the appraised value thereof, and to place the proceeds thereof in the Treasury of the United States to the credit of the Spokane Indians in said State."

And the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called 'school lands' and 'swamp lands' within the boundaries of the Bad River and Lac du Flambeau Indian Reservations, in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land; and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party or parties who shall finally be adjudged to be entitled to such fund: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made."

And the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"SEC. 27. On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That hereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided further*, That this shall not change existing law with reference to the Five Civilized Tribes."

And the Senate agree to the same.

C. D. CARTER,
THOS. F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.

HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

STATEMENT.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 1. Makes the reimbursable appropriation for repair and maintenance of irrigation ditches available until expended.

No. 5. Increases limit of cost of hospitals from $15,000 to $17,500 which are now under construction.

No. 9. Strikes out the word "and" and inserts the word "or," to include blind children so they can receive the benefit of the fund to educate Indian children.

No. 13. Provides that hereafter Indian farmers must hold and file a certificate of competency from some college recognized before employment in the service.

No. 16. Increases the reimbursable appropriation for determining heirs of deceased Indian allottees $10,000.

No. 17. Permits the use of $25,000 of the reimbursable appropriation for determining heirs of deceased Indian allottees for employment of clerks in the Indian Office here.

No. 18. Corrects total in accordance with amendment 16.

No. 19. Strikes out the word "heir" and inserts "heirs."

No. 20. Places a limit of value of $250 or more upon an heirship in order to charge the fee for determining the heirs.

No. 21. Permits the partition of an allotment of a deceased Indian regardless of competency of heirs.

No. 22. Permits extension of trust period specified in patent to incompetent heirs if necessary.

No. 24. When an Indian allottee by reason of old age or incapability can not personally occupy their allotment that is susceptible of irrigation, the Secretary of the Interior may, in his discretion, lease said allotment for a term not to exceed 10 years for benefit of said Indian.

No. 25. Any Indian who is mentally or physically incapable of managing his or her affairs may apply to the Secretary of the Interior, who may, in his discretion, withdraw from the Treasury any part of said Indian's pro rata share of funds to their credit and use for their benefit.

No. 27. An appropriation of $2,000 to pay Charles J. Kappler for compiling, annotating, and indexing the third volume of Indian Laws and Treaties.

No. 28. Provides that all bidders for supplies for goods furnished the Indian Service may deposit a certified check or approved bond to guarantee the fulfillment of contract instead of the money in amounts exceeding $5,000.

No. 29. Increases the appropriation $3,500 for the purchase of additional land adjacent to the Phoenix (Ariz.) Indian School.

No. 33. Strikes out the words "to remain available until expended."

No. 39. Makes an appropriation of $3,000 for preservation and repair of prehistoric pueblo ruins and cliff dwellings in Arizona, under supervision of the Smithsonian Institution.

No. 46. Provides for an appropriation of $8,000 for erection of a barn at Haskell Institute, Lawrence, Kans.

No. 48. For traveling and incidental expenses amounting to $250, to Joseph Bradley for appearing before Congress in behalf of Indians in Michigan.

No. 50. An appropriation of $3,000 to improve road and to blast out and deepen the ditch and creek leading to the Pipestone Indian School in Minnesota.

No. 51. Provides that not to exceed $60,000 of the $185,000 withdrawn from the trust funds of the Chippewas in Minnesota, and one-fourth of the interest on said tribal funds, may be used for school purposes and compensation of employees, and that $10,000 may be used for road improvements; and that $10,000 may be used for the installation of an electric light plant at White Earth Agency, provided the residents pay a proportionate share.

No. 52. Provides sale and conveyance at not less than appraised value of certain lands to Independent school district 1, of Mahnomen County, Minn.

No. 53. Provides for the issuance of a fee patent to 40 acres of land on the Nett Lake Indian Reservation in Minnesota to the Methodist Episcopal Church.

No. 54. Appropriates not to exceed $25,000 from amounts derived from sale of timber of the Chippewa Indians in Minnesota, for payment of scalers and check scalers.

No. 56. Appropriates $6,000 out of tribal funds of the Chippewa Indians to pay expenses of general council of said tribe to meet in July, 1916.

No. 58. Amends the act of June 30, 1913 (38 Stat. L., p. 89), by appointing an Assistant Attorney General instead of a selection to be made by the Attorney General.

No. 60. Provides for the completion of the enrollment of allottees within the White Earth Reservation in Minnesota, and appropriates $5,000 for that purpose.

No. 61. Provides for the establishment and administration of a forest reserve and for sale of timber within the Red Lake Indian Reservation in Minnesota.

No. 62. That lands within said Red Lake Indian Forest Reserve not covered with merchantable timber and suited for agricultural purposes, and that front lake shores, may be allotted to individual Red Lake Indians under certain conditions.

No. 63. Authorizes the Secretary of the Interior to issue permits or grant leases on such lands in said forest reserve covered in amendment 61, for a limited time.

No. 64. Authorizes the Secretary of the Interior to select not exceeding 200 acres in sections 20, 21, 28, and 29 for town-sites purpose, and to be held subject to future legislation of Congress.

No. 65. Provides for sale of timber on lands of the Red Lake Indian Reservation outside of the forest reserve created by amendment No. 61.

No. 66. Authorizes investigation of condition of Indians living in Mississippi and appropriates $1,000 for that purpose.

No. 67. Corrects section number.

No. 68. Increases appropriation for civilization of Indians at Flathead Agency, Mont., from $14,000 to $20,000, and limits amount to be expended in salaries to not exceeding $4,500.

No. 70. Appropriates $750,000 (reimbursable) for continuing construction of the irrigation system on the Flathead Indian Reservation, Mont.

No. 71. Appropriates $100,000 (reimbursable) for continuing construction of the irrigation systems on the Fort Peck Indian Reservation, Mont.

No. 76. Corrects section number.

No. 80. Is a reimbursable appropriation of $30,000 to pay drainage assessments and grant right of way for location of drainage ditches on lands belonging to Omaha and Winnebago Indians in Dixon, Wayne, and Thurston Counties, Nebr.

No. 81. Corrects section number.

No. 85. Corrects section number.

No. 86. Adds the words "in the vicinity of," so that additional land, either adjoining or in the vicinity of, may be purchased as a school farm for the Indian school at Albuquerque, N. Mex.

No. 89. Corrects section number.

No. 90. Corrects section number.

No. 93. Corrects section number.

No. 94. Makes the appropriation of $4,000 for sinking wells and improving the water system at the Fort Totten Indian School, N. Dak., immediately available.

No. 96. Authorizes the Secretary of the Interior from time to time, within his discretion, to withdraw from the Treasury money derived from sale of surplus lands and any interest thereon accrued belonging to the Fort Berthold Indians in North Dakota and distribute same per capita, or where any Indian is incompetent said share may be withheld and deposited in some bank and used for benefit of said incompetent Indian.

No. 98. Is an appropriation of $1,497.44 to reimburse Benson County, N. Dak., for caring for certain insane Indians.

No. 99. An appropriation of $100 for the erection of a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief.

No. 101. Corrects section number.

No. 103. Corrects section number.

No. 104. An increase of $10,000 for expenses and administration of affairs of the Five Civilized Tribes and makes it immediately available.

No. 106. Authorizes the Secretary of the Interior to make a per capita payment of $300 to each Seminole Indian in Oklahoma, same to be paid out of their tribal or trust funds.

No. 107. An appropriation of $275,000 for the benefit and aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma.

No. 109. Authorizes the Secretary of the Interior to use tribal funds of the Choctaws, Chickasaws, Creeks, and Seminoles, Oklahoma, for school purposes.

No. 111. Authorizes a settlement of a compromise of a suit between the United States and E. Dowden in regard to the Tuttle town site, Oklahoma.

No. 112. Corrects section number.

No. 114. Provides that the money derived from sale of lands belonging to Indians on the Siletz Indian Reservation, in Oregon, may be paid out to said Indians share and share alike.

No. 115. Permits the withdrawal of not exceeding $1,000 from tribal funds of the Klamath Indians, in Oregon, to pay the expenses of two delegates elected by their council to come to Washington.

No. 121. Corrects section number.

No. 122. Corrects section number.

No. 125. Strikes out the word "boiler" and inserts the word "boilers," to be installed at the Indian School, Pierre, S. Dak.

No. 126. Increases the appropriation $5,000 for the construction of a barn at the Indian School, Pierre, S. Dak., and corrects total.

No. 128. Corrects section number.

No. 130. An appropriation of $1,684 to reimburse the board of education of Box Elder County, State of Utah, for education of 23 Indian pupils during the years 1913 and 1914, and for the education of 21 pupils during the years 1914 and 1915.

No. 131. An appropriation of $832 for the education of 22 Indian pupils at Washakie, Box Elder County, Utah, for the years 1915 and 1916.

No. 134. Corrects section number.

No. 136. A reimbursable appropriation of $100,000 to pay the third installment for water supply of 40 acres of each Indian allotment on the Yakima Indian Reservation in the State of Washington.

No. 138. Authorizes the Secretary of the Interior to lease for mining purposes the unallotted mineral lands on the diminished Spokane Reservation in Washington.

No. 139. An appropriation, reimbursable, of $95,000, and authorizes the Secretary of the Interior to negotiate and pay for water rights for lands heretofore allotted to Indians situated within the boundaries of the West Okanogan Valley irrigation district, Okanogan County, Wash.

No. 140. Corrects section number.

No. 141. This amendment is intended to provide an appropriation to pay certain members of the Stockbridge and Munsee Tribe of Indians enrolled under the act of March 3, 1893 (37 Stat. L., 744), the amount of payments made prior to their respective enrollments. Section 6 of the act of February 6, 1871, provided for the determination of the persons who were members of the Stockbridge and Munsee Tribe and their future relations to the Government. Two rolls were prepared, one containing Indians who it was thought desired to separate their relations from the tribe and become citizens, and the other those who desired to retain their tribal character and remain under the guardianship of the Government. It subsequently appeared that some of those Indians who were placed on the first roll did not desire to sever their relations with the tribe, and they were again enrolled under the provisions of the act of March 3, 1893 (37 Stat. L., 744-745).

No. 143. In order to train Indians in the use and handling of money, not exceeding $25,000 of the appropriation allowed may be paid them per capita or deposited in some bank for their use and benefit under such rules as the department may prescribe.

No. 144. That no lands of the Menominee Indians in Wisconsin shall be cleared for agricultural purposes, excepting such lands as have been heretofore completely cut over.

No. 145. Amends the act of March 28, 1908, by permitting the Secretary of the Interior to sell lumber, laths, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulp, and other materials under such rules as he may prescribe, and deposit the money in the Treasury for the benefit of the Menominee Indians in Wisconsin.

No. 148. Provides for the granting of flowage rights over unallotted Indian lands under rules and regulations prescribed by the Secretary of the Interior and consent of Indians, and the leasing of the allotted lands with consent of allottee for flowage and storage reservoir purposes, and allottee to determine, subject to approval of Secretary of the Interior, as to consideration therefor.

No. 150. A reimbursable appropriation of $6,500 for the completion of a road on the Red Cliff Reservation in Wisconsin.

No. 151. Corrects section number.

No. 152. Reduces the appropriation 66 cents for repairs at the abandoned military post of Fort Washakie, Wyo.

No. 153. To enable the Secretary of the Interior to prepare and submit to Congress plans and estimates of cost for completing the irrigation of all irrigable lands in the Shoshone or Wind River Reservation in Wyoming, to also include in the estimates for the ceded lands within said reservations.

No. 154. Places the appropriation back to amount allowed by the House, to $3,000.

No. 155. For payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools from October 21 to November 11, 1912, $257.

On the following amendments the House conferees receded with modifying or substitute amendments, to wit:

No. 2. Makes the provisions of sections 2140 and 2141, Revised Statutes, apply to beer as an intoxicating liquor, and the possession of intoxicating liquor in an Indian country prima facie evidence of unlawful introduction.

No. 7. Makes $5,000 of the appropriation for maintenance of the sanatoria for the Choctaw and Chickasaw Indians immediately available.

No. 10. Provides that $200,000 of the appropriation for day and industrial schools may be expended for tuition of Indian pupils in public schools.

No. 14. Provides for two permanent warehouses for use of Indian Service.

No. 26. Is an appropriation of $100,000 to reimburse Indians for live stock that may be hereafter destroyed on account of dourine.

No. 34. For beginning the construction of a dam with bridge superstructure for diverting the water of the Gila River in Arizona for irrigating Indian lands on the Gila River Indian Reservation. Reduces appropriation from $200,000 to $75,000 and limits the cost of said work to $200,000.

No. 35. For beginning the construction of a diversion dam and necessary canals in Pinal County, Ariz., at or near Florence, for irrigation of Indian lands. Reduces amount appropriated from $175,000 to $75,000 and limits cost of work to $175,000.

No. 36. For extension of the Ganado irrigation project in Arizona, and makes it reimbursable.

No. 37. An appropriation of $10,000 for the purpose of making investigation, survey, and cost of practicable means of holding the Gila River in its channel in Graham County, Ariz.

No. 41. Increases the number of pupils, also appropriation for care of said increase allowed, and permits the purchase of additional land for school farm at the Indian school in Greenville, Cal.

No. 42. Makes the appropriation for improvement and construction of roads on the Yuma Indian Reservation in California reimbursable.

No. 47. Authorizes the Secretary of the Interior to withdraw from the tribal funds on deposit in the Treasury to the credit of the Potawatomi Indians the sum of $10,000 for the construction of a bridge across the Big and Little Soldier Creeks on their said reservation.

No. 55. Strikes from the bill the entire paragraph.

No. 57. Strikes from the bill the words "Keewaton Academy, Wisconsin."

No. 59. Makes the unexpended balance of $3,436.03 available for payment of expenses incurred in preparing a roll of the Indians within the White Earth Reservation, Minn.

No. 72. Decreases the reimbursable appropriation for continuing construction of the irrigation system on the Blackfeet Indian Reservation, Mont., from $50,000 to $25,000.

No. 74. The work to be done on the irrigation projects on the Blackfeet, Flathead, and Fort Peck Indian Reservations, Mont., may be done by the Reclamation Service, with plans approved by Indian Bureau, and authority is also given that a limited amount of said appropriations may be used for purchase of motor vehicles, horses, and horse-drawn vehicles.

No. 75. That the Secretary of the Interior shall assess the charge for cost of irrigation projects as mentioned in amendment No. 74 against the persons who own the land and receiving benefit of said system.

No. 78. An appropriation of $6,500 for repairs on the Government bridge across the Niobrara River in Nebraska.

No. 79. Corrects total.

No. 82. Increases the number of pupils at the Indian school, Carson City, Nev., and provides for their care.

No. 83. An appropriation of $15,000 to purchase homes, farm sites, water rights, and aid to nonreservation Indians in Nevada; also provides that no part of said appropriation shall be used for payment of salaries, mileage, or expenses of employees.

No. 84. Strikes out the words "to remain available until expended" in the appropriation for support and civilization and purchase of land and water rights for the Washoe Indians in Nevada.

No. 87. Increases the amount for repairs and improvements and for the construction of an assembly hall at the Indian school, Santa Fe, N. Mex.

No. 95. Increases the number of pupils and provides for their care at the Wahpeton Indian School, Wahpeton, N. Dak.; decreases appropriation for repairs and improvements from $8,000 to $5,000; and provides for the construction of a new building to cost $20,000.

No. 97. Makes an appropriation of $1,500 to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian.

No. 102. Making the unexpended balance of $9,533.38 available for the purpose of continuing the relief of the Apache Indians and for the purchase of lands in Oklahoma.

No. 105. Authorizes the Secretary of the Interior to adjudicate and, if he deem it proper, to apply the per capita payment, or any part of the same herein authorized to be made, to John Calvin Gray, Williams T. Lancaster, Arthur Jennings, and Clyde Jennings, enrolled members of the Choctaw and Chickasaw Nations, in the settlement of attorney fees for services rendered said Indians in being restored to the rolls.

No. 110. An appropriation of $15,000 for the salaries and the expenses of six oil and gas inspectors to supervise the oil, gas, and mining operations in the Five Civilized Tribes.

No. 113. Appropriates $7,200 for the purchase and the installation of boilers at the Indian school at Salem, Oreg., and makes available an unexpended balance of $9,830 and an additional amount of $2,500 for an addition to the assembly hall.

No. 116. Permits the Secretary of the Interior to withdraw from the Treasury $3,000 out of the tribal funds belonging to the Klamath Indians, in Oregon, to construct a bridge across the Williamson River.

No. 124. Corrects the total and also makes available an unexpended balance of $1,670 out of a $10,000 appropriation, approved August 1, 1914, for the installation of a water tank and the purchase of dairy cattle.

No. 127. Is an appropriation of $1,000, and authorizes the Secretary of the Interior to make an investigation as to the school facilities among the different Sioux tribes of Indians and to report to Congress on or before January 1, 1917.

No. 129. Makes the appropriation of $9,000 to pay a proportionate share for the construction of a highway or wagon road through the Kalbab Indian Reservation, Utah, reimbursable.

No. 132. Authorizes the Secretary of the Interior to withdraw $1,000 from the tribal funds now in the Treasury to the credit of Indians in Utah and use the same to protect abutment of the bridge at Myton, Utah.

No. 137. Authorizes the Secretary of the Interior to sell not to exceed 20 acres of land on the north side and within the limits of the abandoned Fort Spokane Military Reservation, Wash., that will not be needed for hospital purposes and place the proceeds in the Treasury to the credit of the Spokane Indians.

No. 142. An appropriation of $5,000 to purchase dairy cattle for the Indian school at Oneida, Wis.

No. 146. Provides that the Secretary of the Interior may sell the timber on the so-called "school lands" and "swamp lands" within the Bad River and Lac du Flambeau Indian Reservation in Wisconsin, and to which there is a disputed claim, and to hold the money derived therefrom until it is ascertained to whom it belongs.

No. 156. Requires the Secretary of the Interior to submit annually to Congress a certain detailed statement as to appropriations and disbursements of tribal funds belonging to Indians.

The following table shows the amounts carried in the bill as it passed the House and the Senate and as agreed to by your conferees, and is exclusive of amounts appropriated out of trust funds belonging to the Indians:

Item.	Passed House.	Passed Senate.	Agreed in conference.
Surveying and allotting Indian reservations, reimbursable	$100,000.00	$100,000.00	$100,000.00
Irrigation, Indian reservations, reimbursable	244,700.00	244,700.00	244,700.00
Suppressing liquor traffic among Indians, gratuity	150,000.00	150,000.00	150,000.00
Relieving distress and prevention of diseases, etc., gratuity	350,000.00	400,000.00	350,000.00
Indian schools, support, gratuity	1,550,000.00	1,550,000.00	1,550,000.00
Indian school and agency buildings, gratuity	400,000.00	400,000.00	400,000.00
Indian school transportation, gratuity	72,000.00	72,000.00	72,000.00
Industrial work and care of timber, gratuity	425,000.00	500,000.00	425,000.00
Purchase and transportation of Indian supplies, gratuity	300,000.00	300,000.00	300,000.00
Telegraphing and telephoning, Indian Service, gratuity	10,000.00	10,000.00	10,000.00
Court costs, etc., gratuity	1,000.00	1,000.00	1,000.00
Expenses, Board of Indian Commissioners, gratuity	10,000.00	10,000.00	10,000.00
Pay of Indian police, gratuity	200,000.00	200,000.00	200,000.00
Pay of judges, Indian courts, gratuity	8,000.00	10,000.00	8,000.00
General expenses, Indian Service, gratuity	135,000.00	135,000.00	135,000.00
Inspectors, Indian Service, gratuity	30,000.00	30,000.00	30,000.00
Determining heirs of deceased Indian allottees, gratuity	90,000.00	100,000.00	100,000.00
Industry among Indians, reimbursable	300,000.00	400,000.00	300,000.00
Payment to heirs of Farmer John, gratuity	20.00	20.00	20.00
Suppressing contagious diseases among live stock, gratuity		100,000.00	100,000.00
Payment to Charles J. Kappler, gratuity		2,000.00	2,000.00
ARIZONA AND NEW MEXICO.			
Support of Indians in Arizona and New Mexico, gratuity	330,000.00	330,000.00	330,000.00
Indian school, Fort Mojave, Ariz., gratuity	42,900.00	42,900.00	42,900.00
ARIZONA AND NEW MEXICO—continued.			
Indian school, Phoenix, Ariz., gratuity	$131,900.00	$135,400.00	$135,400.00
Indian school, Truxton Canyon, Ariz., gratuity	21,200.00	21,200.00	21,200.00
Maintenance irrigation system, Pima Indian lands, reimbursable	20,000.00	25,000.00	20,000.00
Irrigation system, Colorado River Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Water supply, Papago Indian villages, gratuity	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Navajos, schools, treaty	100,000.00	100,000.00	100,000.00
Water supply, Navajo Indians, Arizona, reimbursable	25,000.00	25,000.00	25,000.00
Construction dam, Gila River Reservation, reimbursable		200,000.00	75,000.00
Payment for water, Salt River allottees, reimbursable	20,000.00	20,000.00	20,000.00
Construction diversion dam, Gila River Reservation, above Florence, Ariz., reimbursable		175,000.00	75,000.00
Ganado irrigation project, reimbursable	3,000.00	23,000.00	24,000.00
Investigation, Gila River, erosion, etc., gratuity		15,000.00	10,000.00
Bridge across Little Colorado River, reimbursable	15,000.00	15,000.00	15,000.00
Construction additional spans, Gila River, gratuity	17,000.00	17,000.00	17,000.00
Preservation and repair, pueblo ruins, gratuity		3,000.00	3,000.00
CALIFORNIA.			
Support of Indians in California, gratuity	42,000.00	42,000.00	42,000.00
Purchase of lands for landless Indians, gratuity	10,000.00	30,000.00	10,000.00
Indian school, Riverside, Cal., gratuity	129,500.00	129,500.00	129,500.00
Irrigating allotments, Yuma Reservation, reimbursable	10,000.00	10,000.00	10,000.00
Indian school, Fort Bidwell, Cal., gratuity	21,800.00	21,800.00	21,800.00
Indian school, Greenville, Cal., gratuity	21,630.00	34,400.00	26,400.00
Roads and bridges, Yuma Reservation, Cal., reimbursable		10,000.00	10,000.00
FLORIDA.			
Support of Seminoles in Florida, reimbursable	8,000.00	5,000.00	8,000.00
IDAHO.			
Support of Indians, Fort Hall Reservation, Idaho, gratuity	30,000.00	30,000.00	30,000.00
Maintenance, etc., Fort Hall irrigation system, reimbursable	25,000.00	35,000.00	25,000.00
Fulfilling treaties with Bannocks, Idaho, treaty	5,000.00	5,000.00	5,000.00
Fulfilling treaties with Coeur d'Alenes, treaty	3,000.00	3,000.00	3,000.00
KANSAS.			
Indian school, Lawrence, Kans., gratuity	140,250.00	148,250.00	148,250.00
Indian school, Kickapoo Reservation, Kans., gratuity	16,860.00	16,860.00	16,860.00
Bridges, Pottawatomi Reservation, Kans., gratuity		10,000.00	(1)
LOUISIANA.			
Purchase of lands for Chettimanchi Indians, gratuity	1,500.00	1,500.00	1,500.00
MICHIGAN.			
Indian school, Mount Pleasant, Mich., gratuity	73,450.00	73,450.00	73,450.00
Reimbursement Joseph Bradley, gratuity		250.00	250.00
MINNESOTA.			
Indian school, Pipestone, Minn., gratuity	61,675.00	64,675.00	61,675.00
Support of Chippewas of the Mississippi, Minn., treaty	4,000.00	4,000.00	4,000.00
Enrollment White Earth allottees, gratuity		5,000.00	5,000.00
MISSISSIPPI.			
Investigation condition Mississippi Indians, gratuity		1,000.00	1,000.00
MONTANA.			
Support of Indians of Fort Belknap Reservation, Mont., gratuity	20,000.00	20,000.00	20,000.00
Support of Indians of Flathead Agency, Mont., gratuity	14,000.00	20,000.00	20,000.00
Support of Indians of Fort Peck Agency, Mont., gratuity	30,000.00	20,000.00	30,000.00

[1] Paid out of tribal funds.

Item.	Passed House.	Passed Senate.	Agreed in conference.
MONTANA—continued.			
Support of Indians of Blackfeet Agency, Mont., gratuity	$25,000.00	$25,000.00	$25,000.00
Irrigation, Fort Belknap Reservation, reimbursable	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Crows, Montana, treaty	6,000.00	6,000.00	6,000.00
Support of Northern Cheyennes and Arapahoes, treaty	80,000.00	80,000.00	80,000.00
Line riders, Northern Cheyenne Reservation, gratuity	1,500.00	1,500.00	1,500.00
Support Rocky Boys Band, gratuity	5,000.00	10,000.00	5,000.00
Purchase of land, Flathead Agency, reimbursable	320.00	320.00	320.00
Irrigation system, Flathead Agency, Mont., reimbursable		750,000.00	750,000.00
Irrigation system, Fort Peck Agency, Mont., reimbursable		100,000.00	100,000.00
Irrigation system, Blackfeet Agency, Mont., reimbursable		50,000.00	25,000.00
NEBRASKA.			
Indian school, Genoa, Nebr., gratuity	84,600.00	103,100.00	91,100.00
Assessment Omaha and Winnebago allotments, reimbursable		30,000.00	30,000.00
NEVADA.			
Support of Indians in Nevada, gratuity	18,500.00	18,500.00	18,500.00
Indian school, Carson City, Nev., gratuity	60,760.00	89,100.00	62,430.00
Home and farm sites, Nevada Indians, gratuity		15,000.00	15,000.00
Irrigation, Pyramid Lake Reservation, reimbursable	30,000.00	30,000.00	30,000.00
Land and water rights, Washoe Indians, gratuity	15,000.00	15,000.00	15,000.00
NEW MEXICO.			
Indian school, Albuquerque, N. Mex., gratuity	97,400.00	97,400.00	97,400.00
Indian school, Santa Fe., N. Mex., gratuity	67,150.00	103,650.00	92,150.00
Counsel for Pueblo Indians of New Mexico, gratuity	2,000.00	2,000.00	2,000.00
Highway, Mesa Verde National Park to Gallup, N. Mex., gratuity	15,000.00	54,000.00	15,000.00
NEW YORK.			
Fulfilling treaties with Senecas, New York, treaty	6,000.00	6,000.00	6,000.00
Fulfilling treaties with Six Nations, New York, treaty	4,500.00	4,500.00	4,500.00
NORTH CAROLINA.			
Indian school, Cherokee, N. C., gratuity	36,000.00	36,000.00	36,000.00
Bridge, Oconaluftee River, gratuity		15,000.00	(1)
School for North Carolina Indians, gratuity		50,000.00	(1)
Maintenance, school for North Carolina Indians, gratuity		10,000.00	(1)
NORTH DAKOTA.			
Support of Sioux of Devils Lake, N. Dak., gratuity	5,000.00	5,000.00	5,000.00
Support of Indians, Fort Berthold Agency, N. Dak., gratuity	15,000.00	15,000.00	15,000.00
Support of Chippewas, Turtle Mountain Band, gratuity	11,000.00	11,000.00	11,000.00
Indian school, Bismarck, N. Dak., gratuity	56,175.00	56,175.00	56,175.00
Indian school, Fort Totten, N. Dak., gratuity	82,500.00	82,500.00	82,500.00
Indian school, Wahpeton, N. Dak., gratuity	40,200.00	66,540.00	63,540.00
Redemption mortgage, Starr McGillis, reimbursable		1,500.00	1,500.00
Reimbursing Benson County (insane Indians), gratuity		1,497.44	1,497.44
Headstone, Scarlet Crow, gratuity		100.00	100.00
OKLAHOMA.			
Support of Wichitas and affiliated bands, gratuity	5,000.00	5,000.00	5,000.00
Support of Cheyennes and Arapahoes, Oklahoma, gratuity	35,000.00	35,000.00	35,000.00
Support of Kansas Indians, gratuity	1,500.00	1,500.00	1,500.00
Support of Kickapoo Indians, gratuity	2,000.00	2,000.00	2,000.00
Support of Poncas, gratuity	8,000.00	8,000.00	8,000.00
Indian school, Chilocco, Okla., gratuity	93,250.00	98,250.00	93,250.00
Fulfilling treaties with Pawnees, treaty	47,100.00	47,100.00	47,100.00
Support of Quapaws, treaty	1,500.00	1,500.00	1,500.00
Purchase land for Fort Sill Apaches, gratuity		40,000.00	(2)

[1] Senate receded.
[2] Unexpended balance made available.

Item.	Passed House.	Passed Senate.	Agreed in conference.
FIVE CIVILIZED TRIBES.			
Administration affairs of Five Civilized Tribes, gratuity	$175,000.00	$185,000.00	$185,000.00
Probate attorneys, Five Civilized Tribes, gratuity	85,000.00	85,000.00	85,000.00
Cherokee Orphan Training School, gratuity	40,000.00	40,000.00	40,000.00
Indian schools, Five Civilized Tribes, gratuity		275,000.00	275,000.00
Fulfilling treaties with Choctaws, treaty	10,520.00	10,520.00	10,520.00
Oil and gas inspectors, Five Civilized Tribes, gratuity		25,000.00	15,000.00
Compromise suits, U. S. v. Dowden et al., reimbursable		57,500.00	57,500.00
OREGON.			
Support of Indians, Klamath Agency, Oreg., gratuity	6,000.00	6,000.00	6,000.00
Support of Indians, Warm Springs Agency, gratuity	4,000.00	4,000.00	4,000.00
Support of Indians, Umatilla Agency, gratuity	3,000.00	3,000.00	3,000.00
Indian school, Salem, Oreg., gratuity	119,000.00	135,500.00	128,700.00
Support of Indians, Grande Ronde and Siletz Agencies, Oreg., gratuity	4,000.00	4,000.00	4,000.00
Maintenance and operation Modoc Point irrigation system, reimbursable	20,000.00	20,000.00	20,000.00
Bridges, Umatilla Reservation, reimbursable	18,666.00	14,000.00	18,666.00
PENNSYLVANIA.			
Indian school, Carlisle, Pa., gratuity	152,000.00	152,000.00	152,000.00
SOUTH DAKOTA.			
Indian school, Flandreau, S. Dak., gratuity	67,500.00	68,955.00	67,500.00
Indian school, Pierre, S. Dak., gratuity	55,750.00	60,750.00	60,750.00
Indian school, Rapid City, S. Dak., gratuity	83,500.00	83,500.00	83,500.00
Support of Sioux of different tribes, etc., treaty	307,000.00	307,000.00	307,000.00
Education, Sioux Nation, treaty	200,000.00	200,000.00	200,000.00
School facilities, Sioux Indian country, gratuity		250,000.00	1,000.00
Support of Sioux, Yankton Tribe, gratuity	14,000.00	14,000.00	14,000.00
Asylum for insane Indians, Canton, S. Dak., gratuity	45,000.00	45,000.00	45,000.00
Highway, Standing Rock Reservation, reimbursable	5,000.00	5,000.00	5,000.00
UTAH.			
Support of Confederated Bands of Utes, treaty	53,740.00	53,740.00	53,740.00
Support of Indians in Utah, gratuity	10,000.00	10,000.00	10,000.00
Support of Confederated Bands of Utes, seeds and implements, treaty	10,000.00	10,000.00	10,000.00
Highway, Kaibab Reservation, reimbursable		9,000.00	9,000.00
Irrigation, Uintah Reservation, reimbursable	40,000.00	40,000.00	40,000.00
Reimbursement Box Elder County, Utah, gratuity		1,684.00	1,684.00
Education, Indian pupils, Washakie School, gratuity		832.00	832.00
Protection bridge, Myton, Utah, gratuity		1,000.00	(1)
WASHINGTON.			
Support of D'Wamish and other allied tribes, gratuity	7,000.00	7,000.00	7,000.00
Support of Makahs, gratuity	2,000.00	2,000.00	2,000.00
Support of Quinnaiults and Quillehutes, gratuity	1,000.00	1,000.00	1,000.00
Support of Yakima Indians, gratuity	3,000.00	3,000.00	3,000.00
Support of Colville and certain other Indians, gratuity	13,000.00	15,000.00	13,000.00
Support of Spokanes, treaty	1,000.00	1,000.00	1,000.00
Irrigation system, Yakima Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Indian school, Tacoma, Wash., gratuity	50,000.00	50,000.00	50,000.00
Dam across Yakima River, reimbursable	200,000.00	200,000.00	200,000.00
Payment third installment for water, Yakima, gratuity		100,000.00	100,000.00
Acquisition water rights, Indians, Okanogan County, reimbursable		95,000.00	95,000.00
WISCONSIN.			
Indian school, Hayward, Wis., gratuity	51,550.00	51,550.00	51,550.00
Indian school, Tomah, Wis., gratuity	56,125.00	56,125.00	56,125.00
Support of Chippewas of Lake Superior, Wis., gratuity	7,000.00	7,000.00	7,000.00
Support of Pottawatomi in Wisconsin, gratuity	7,000.00	7,000.00	7,000.00
Payment to Stockbridge and Munsee Tribe, gratuity		95,000.00	95,000.00
Purchase of cattle, Oneida School, gratuity		10,000.00	5,000.00
Support of Wisconsin Band of Pottawatomies, Wisconsin and Michigan, reimbursable	100,000.00	100,000.00	100,000.00

[1] Drawn from tribal funds.

Item.	Passed House.	Passed Senate.	Agreed in conference.
WISCONSIN—continued.			
Sidewalks, village of Odanah, Bad River Reservation, reimbursable		$1,000.00	(1)
Completion road, Red Cliff Reservation, reimbursable		6,500.00	$6,500.00
WYOMING.			
Support of Shoshones in Wyoming, gratuity	$15,000.00	15,000.00	15,000.00
Indian school, Shoshone Reservation, Wyo., gratuity	36,025.00	36,025.00	36,025.00
Support of Shoshones in Wyoming, treaty	6,000.00	6,000.00	6,000.00
Repairs, Fort Washakie, gratuity	1,721.66	1,721.00	1,721.00
Irrigation system, Wind River Reservation, reimbursable	50,000.00	50,000.00	50,000.00
Plans and estimates for completing irrigation, Shoshone or Wind River Reservation, gratuity	3,000.00	5,000.00	5,000.00
Roads and bridges, diminished Shoshone Reservation, reimbursable	25,000.00	25,000.00	25,000.00
Payment to Joseph H. Norris, gratuity		257.00	257.00
New bookkeeping system, Indian Bureau, gratuity		12,000.00	(1)
Total	8,951,437.66	11,993,796.44	10,966,037.44

[1] Senate receded.

C. D. CARTER,
THOS. F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4760. An act to authorize the change of name of the steamer *Normania* to *William F. Stifel.*

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8067. An act to quiet the title to certain lands in possession of G. B. Dickson, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 4876. An act to provide for an increase in the number of cadets at the United States Military Academy;

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907;

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCauley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.; and

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907;

H. R. 177. An act authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished;

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act";

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 4746. An act granting to the city of Portland, Oreg., the right to purchase certain lands for public park purposes;

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars;

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.;

H. R. 7239. An act for the relief of Philip H. Heberer; and

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4760. An act to authorize the change of name of the steamer *Normania* to *William F. Stifel;* to the Committee on the Merchant Marine and Fisheries.

THE PHILIPPINES.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that immediately after reading the Journal on Monday the Senate bill known as the Philippine bill be taken up and considered.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that next Monday, immediately after the reading of the Journal and clearing up of business on the Speaker's table, the Philippine bill be taken up for consideration. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman from Iowa [Mr. TOWNER] this morning thought it ought not to be done by unanimous consent. Whether he has changed his mind or not I do not know. I do not see him present.

Mr. KITCHIN. I hope the gentleman has changed his mind, for if we take it up by unanimous consent it will save an hour discussing a rule, and I think we can finish it probably on Monday. Some Members on that side and some on this side would like to get away Tuesday in order to get to their conventions.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RECLAMATION EXTENSION.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the House bill 6057, disagree to the Senate amendment, and ask for a conference.

Mr. MANN. What is the bill?

Mr. SMITH of Texas. Mr. Speaker, it is a bill to allow further time for settlers to accept the provisions of the reclamation act.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill (H. R. 6057) to amend section 14 of the reclamation-extension act, approved August 13, 1904, be taken from the Speaker's table, the Senate amendments thereto disagreed to, and a conference asked. Is there objection?

There was no objection, and the Chair announced the following conferees: Mr. SMITH of Texas, Mr. TAYLOR of Colorado, and Mr. KINKAID.

G. B. DICKSON.

Mr. CARAWAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8067) to quiet title in G. B. Dickson, and concur in a Senate amendment thereto.

Mr. MANN. Oh, not to-night.

The SPEAKER. The gentleman from Illinois objects.

NATIONAL DEFENSE.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of national defense.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Monday, May 1, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edward

J. Austin v. The United States (H. Doc. No. 1062); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Arthur M. Sherman v. The United States (H. Doc. No. 1063); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John J. Carter v. The United States (H. Doc. No. 1064); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William G. Drake v. The United States (H. Doc. No. 1065); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel S. Irwin v. The United States (H. Doc. No. 1066); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William F. Ruby v. The United States (H. Doc. No. 1067); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Margaret Beamenderfer, widow of John H. Beamenderfer, v. The United States (H. Doc. No. 1068); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William J. Cameron v. The United States (H. Doc. No. 1069); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ethel I. Corby, daughter of Wesley B. Corby, deceased, v. The United States (H. Doc. No. 1070); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary C. Huston, widow of Cunningham Huston, deceased, v. The United States (H. Doc. No. 1071); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James B. Jewett v. The United States (H. Doc. No. 1072); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Adolph Dobke, son of Adolphus Dobke, v. The United States (H. Doc. No. 1073); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Emma H. Fish, widow of Arthur H. Fish, v. The United States (H. Doc No. 1074); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Isaac R. Sherwood v. The United States (H. Doc. No. 1075); to the Committee on War Claims and ordered to be printed.

15. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting estimates of appropriations for the service of the Post Office Department and for the Postal Service, payable from the postal revenues, being for the fiscal year ending June 30, 1916, and for prior years (H. Doc. No. 1076); to the Committee on Appropriations and ordered to be printed.

16. A letter from the chairman of the Public Utilities Commission of the District of Columbia, transmitting balance sheets of public-utilities corporations for the year ending December 31, 1915, which were received by the commission subsequent to February 1, 1916; also affidavits of the Washington & Maryland Railway Co. and the Washington Interurban Railway Co. certifying that they were unable to furnish the required report within the time fixed by law (H. Doc. No. 646); to the Committee on the District of Columbia and ordered to be printed.

17. A letter from the Secretary of Commerce, transmitting information regarding estimate of appropriations for the Coast and Geodetic Survey for the fiscal year ending June 30, 1917 (H. Doc. No. 1077); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Acting Secretary of the Treasury, submitting a tentative draft of legislation, to enable the department to increase the limit of number of delivered sheets of customs stamps, checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the present fiscal year (H. Doc. No. 962, pt. 2); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HUMPHREYS of Mississippi, from the Committee on Flood Control, to which was referred the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, reported the same without amendment, accompanied by a report (No. 616), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14386) granting an increase of pension to Mary R. Bacon, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. CLARK of Florida: A bill (H. R. 15194) to confer jurisdiction upon the Court of Claims to hear, try, and determine claims for the refund of money paid for taxes on cotton under the acts of Congress approved, respectively, on July 1, 1862; March 7, 1864; July 13, 1866; and March 2, 1867, and to grant to either party the right to enter appeal or prosecute writ of error to the Supreme Court of the United States from the decision of the said Court of Claims; to the Committee on War Claims.

By Mr. CARTER of Oklahoma: A bill (H. R. 15195) to create the joint commission to investigate Indian affairs; to the Committee on Indian Affairs.

By Mr. OVERMYER: A bill (H. R. 15196) to provide for the erection of a public building at Norwalk, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. BROWNE: A bill (H. R. 15197) to establish a fish hatchery in the State of Wisconsin or the northern peninsula of Michigan; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOUSTON: A bill (H. R. 15198) to confer additional authority upon the President of the United States in the construction and operation of the Alaskan Railroad, and for other purposes; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 15199) granting an increase of pension to Lilly Ann Newberry; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 15200) granting an increase of pension to John Shadinger; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 15201) granting an increase of pension to Elizabeth Botimer; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 15202) granting a pension to James Shortell; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 15203) granting an increase of pension to William F. Wolvin; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 15204) granting an increase of pension to Chancey A. Mead; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15205) granting an increase of pension to W. Epps; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 15206) granting an increase of pension to John I. Bovee; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 15207) granting a pension to Asa C. Wood; to the Committee on Pensions.

By Mr. HILLIARD: A bill (H. R. 15208) for the relief of J. M. Essington; to the Committee on Military Affairs.

By Mr. LAZARO: A bill (H. R. 15209) for the relief of the heirs or legal representative of Eugene Sennette, deceased; to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 15210) for the relief of David B. Turnipseed; to the Committee on Military Affairs.

By Mr. OAKEY: A bill (H. R. 15211) granting an increase of pension to Eliza N. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15212) granting an increase of pension to Mary A. Parsons; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 15213) granting a pension to Mary Burkhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15214) granting an increase of pension to Dillon Collett; to the Committee on Pensions.

Also, a bill (H. R. 15215) granting an increase of pension to Columbus C. Logan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15216) granting a pension to Walter G. Abner; to the Committee on Pensions.

Also, a bill (H. R. 15217) granting a pension to Stephen Standafer; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 15218) granting an increase of pension to Mary Chadwick; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15219) granting an increase in pension to Albert P. Jackson; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 15220) granting an increase of pension to St. Clair Fechner; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 15221) granting a pension to Samuel W. Williams; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 15222) granting an increase of pension to Patrick F. Corron; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 15223) granting an increase of pension to Joseph Wardle; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 15224) granting a pension to Clarence Matchett, alias Harry J. Reed; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Sons of the Revolution in the District of Columbia, favoring erection of building to hold archives of the Federal Government; to the Committee on Public Buildings and Grounds.

Also (by request), memorial of Commercial Club of Kansas City, favoring a permanent nonpartisan tariff commission; to the Committee on Ways and Means.

By Mr. ANTHONY: Letters signed by Rev. C. A. Aldeen, G. Lagerborg, C. G. Carlson, John Martinson, S. Olson, Fred Johnson, Fred Carlson, and J. A. Lundgren, all of Topeka, Kans., favoring an embargo on shipment of munitions to European belligerents; to the Committee on Foreign Affairs.

By Mr. BAILEY: Petitions from the following citizens of New York, Pennsylvania, Missouri, Maryland, New Jersey, Connecticut, Delaware, and West Virginia: Herbert Quick, Berkeley Springs, W. Va.; P. J. Gernsey, 821 Melrose Avenue, Pittsburgh, Pa.; F. W. Schomacker, 3836 California Avenue, N. S.; P. R. Williams, 2128 Pierport Avenue, Pittsburgh, Pa.; John Salmon, 2502 East Erdman Avenue, Baltimore, Md.; Morris Shuger, 135 South Patterson Street, Baltimore, Md.; E. Wright Taylor, 709 Scaritt Building, Kansas City, Mo.; Joseph A. Trist, 709 Scaritt Building, Kansas City, Mo.; John P. Gilerm, 709 Scaritt Building, Kansas City, Mo.; C. Randall Sparks, 709 Scaritt Building, Kansas City, Mo.; William Troff, 709 Scaritt Building, Kansas City, Mo.; F. J. Engleman, 718 K. C. Life Building, Kansas City, Mo.; F. A. Smith, 821 Lathrop Building, Kansas City, Mo.; Benjamin Lubscez, 200 Reliance Building, Kansas City, Mo.; Charles A. Summer, 3110 Olive Street, Kansas City, Mo.; H. O. Learyond, 2600 Charlotte, Kansas City, Mo.; H. V. Dewee, Kansas City Star, Kansas City, Mo.; H. S. Haskell, Kansas City Star, Kansas City, Mo.; A. F. Wilcox, 502 Dwight Building, Kansas City, Mo.; Solomon Choen, 1525 Walnut Street, Philadelphia, Pa.; C. F. Taylor, 1520 Chestnut Street, Philadelphia, Pa.; Edwin F. Potter, Arden, Del.; Earl L. Broadbent, Arden, Del.; Mabel T. Priestman, Arden, Del.; Albert Priestman, Arden, Del.; Elnor G. Stevent, Arden, Del.; Cora L. Potter, Arden, Del.; Margaret Broadbent, Arden, Del.; L. B. Ware, Arden, Del.; L. S. Stephens, Arden, Del.; Percey Russell, Arden, Del.; H. M. Ware, Arden, Del.; Ferdinand Roth, 69 Wall Street, New York; Alfred Taylor, Mount Cuba, Del.; A. R. Taylor, 415 Shipley Street, Wilmington, Del.; B. du Pont, Greenville, Del.; F. Jay Maurada, 5214 Race, Philadelphia, Pa.; Ralph G. Miller, Audubon, N. J.; Edward F. Miller, Audubon, N. J.; R. Carl Aichl, 2960 Bailey Street, Philadelphia, Pa.; Horace D. Newson, 122 East Seventy-sixth Street, New York; George E. Mathews, 122 East Seventy-sixth Street, New York; J. L. Ward, 122 East Seventy-sixth Street, New York; B. S. Merrell, 118 Bryant Street, Rahway, N. J.; C. Lengel, 1356 University Avenue, city; Le Mayne F. Cox, 603 West One hundred and thirty-eighth Street, city; V. E. Williams, 501 West One hundred and twenty-fourth Street, city; J. V. B. Parkes, 117 Verona Avenue, Newark, N. J.; Frederick Sleaster, 60 Wall Street, New York; B. S. Williams Manufacturing Co., 118 South Sixth Street, Philadelphia, Pa.; F. G. Garrigues, 6806 West Eleventh Street, Philadelphia; and J. F. Hogeland, Wyncote, Pa., asking for the speedy passage of House bill 13281, which provides for amending the tariff so as to admit free the products of any American country which will admit our products free; to the Committee on Ways and Means.

By Mr. BURKE: Memorial of St. Paul's Church, of Elkhart Lake, and 80 citizens of Beechwood and Boltonville, Washington County, and citizens of Silver Creek, Sheboygan County, all in the State of Wisconsin, against United States entering the European war; to the Committee on Foreign Affairs.

By Mr. CHARLES: Petition of 1,160 citizens of the thirtieth New York congressional district upholding the policy of the President as set forth in his last note to Germany; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of the thirtieth district of New York against war with Germany on the submarine issue; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of Friends of Peace of Essex County in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of Central Labor Union of Brooklyn, N. Y., indorsing Senate bill 3081 and House bill 6915; to the Committee on the Post Office and Post Roads.

Also, memorial of United Association of Plumbers and Steam Fitters in re labor conditions in the Canal Zone; to the Committee on Labor.

Also, memorial of "Plattdeutscher Volksfest-Verein" of New York, opposing war with Germany; to the Committee on Foreign Affairs.

By Mr. DAVIS of Texas: Memorial of the Progressive Farmer in re rural credits; to the Committee on Agriculture.

By Mr. ESCH: Petition of the Christ Congregation of Burr Oak and Fred E. Luetke and 85 others of Norwalk, Wis., protesting against a break in diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. FLYNN: Memorial of General Jacob H. Smith Post No. 83, Veterans of Foreign Wars of the United States, relative to salaries of headquarters and quartermaster clerks; to the Committee on Military Affairs.

By Mr. HILL: Memorial of board of education of New Haven, Conn., in favor of the Smith-Hughes vocational educational bill; to the Committee on Education.

By Mr. HILLIARD: Petition of Charles A. Jackson and 33 others of Denver, Colo., favoring preparedness; to the Committee on Military Affairs.

By Mr. KELLEY: Petition of sundry citizens and organizations of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 327 citizens of the sixth congressional district of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOUD: Petition of C. H. Anschutz and 26 other citizens of Tawas City, Mich., protesting against any declaration of war with Germany; to the Committee on Foreign Affairs.

By Mr. MAPES: Petitions of sundry citizens and organizations of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Pennsylvania: Petition of 57 citizens of Oil City, Pa., against passage of the juvenile court bill, House bill 13048; to the Committee on the District of Columbia.

By Mr. MORIN: Petition of Edward Ryncalson, of Pittsburgh, Pa., in favor of appropriation for United States Bureau of Education; to the Committee on Education.

Also, petition of John Grey Council, No. 249, O. of I. A., of Pittsburgh, Pa., in favor of increasing the strength of the Army and Navy; to the Committee on Military Affairs.

Also, petition of Herrmann, Aukam & Co., of Lebanon, Pa., opposed to congressional legislation for purpose of barring use of stop watches, etc., in Government plants and Government work; to the Committee on Labor.

Also, petition of Eugene S. Reilly, president Real-Estate Board of Pittsburgh, Pa., in favor of reconsideration of bill

granting permission to build proposed power plant in close proximity to Mall, in the District of Columbia, and selection of a site having the approval of Fine Arts Commission; to the Committee on the District of Columbia.

Also, petition of Philanthropic Committee of Philadelphia Yearly Meeting of Friends, Philadelphia, Pa., protesting against any increase in the military and naval forces of the United States; to the Committee on Military Affairs.

Also, petition of Committee on Provision for the Feeble-Minded, Philadelphia, Pa., in favor of House bill 13666; to the Committee on the District of Columbia.

Also, petition of Union League Club, of Chicago, Ill., in favor of adequate preparedness of Army and Navy; to the Committee on Military Affairs.

Also, petition of Baird Holberstadt, of Pottsville, Pa., in favor of House bill 10615; to the Committee on Naval Affairs.

Also, petition of the International Council for Patriotic Service, New York City, favoring constitutional amendment forbidding polygamy in the States and Territories of the Union; to the Committee on the Judiciary.

By Mr. OAKEY: Memorial of Sons of Veterans of United States Army in encampment September, 1915, indorsed by the C. A. Stedman Camp, of Hartford, Conn., favoring adequate national defense; to the Committee on Military Affairs.

Also (by request), memorial of District of Connecticut of the North American Gymnastic Union in annual convention, to preserve peace in United States; to the Committee on Foreign Affairs.

By Mr. OVERMYER: Petitions of 75 merchants of the thirteenth Ohio district, favoring bills taxing mail-order houses; to the Committee on Ways and Means.

By Mr. RAINEY: Petition of F. J. Trunnells and others, of White Hall, Ill., relative to migratory-bird law; to the Committee on Agriculture.

Also, petition of Ellen L. Rupert and others, of Rockport, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of W. F. Broeker and others, of Beardstown, Ill., against the Taylor system; to the Committee on Labor.

By Mr. RANDALL: Petition of Methodist Episcopal Church of Whittier, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of Texas, protesting against tendency to involve the United States in war; to the Committee on Foreign Affairs.

By Mr. SMALL: Petition of 33 people of Washington, Presbyterian Church of Washington, Ladies' Aid Society of Washington, and 33 people of Washington, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Papers to accompany House bill 14902, to provide for the erection of a Federal building at Bonners Ferry, Idaho; to the Committee on Public Buildings and Grounds.

Also, papers to accompany House bill 15148, granting an increase of pension to Nelson Hart; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: Petition of Oliver & Leasure Lumber Co., H. W. Ross Lumber Co., Boyd Transfer & Storage Co., Morgan Gerrish Co., W. B. & W. G. Jordan Co., Hutchinson Dry Goods Co., S. G. Palmer Co., Northwestern Fur & Hide Co., and other leading business men, all of Minneapolis, Minn., urging equalization of postal rates; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Pomona Grange, of Washington County, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of German-American Alliance of Rhode Island, favoring resolutions to compel right to send Red Cross supplies to belligerents; to the Committee on Foreign Affairs.

Also, petition of Pomona Grange, of Washington County, R. I., favoring Government ownership of telephone and radio means of communication; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of the board of education of New Haven, Conn., urging passage of House bill 11250, vocational education bill; to the Committee on Education.

By Mr. TIMBERLAKE: Petition of citizens of Boulder County, Colo., against compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Boulder County, Colo., against certain bills pending before the Committee on the Post Office and Post Roads; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, *May 1, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee as seekers after truth in the midst of a struggle for the supremacy of the truth. Thou hast put this passion within us, and Thy sanction makes it dearer to us than life itself. No institutions shall tempt us from this path. No lure of this world, whether it is voiced by expediency or otherwise, shall rob us of that oneness of purpose that looks for the establishment of truth on earth.

Our Lord, who is the Prince of Peace, is the King of Truth. We come to pray that Thou wilt increase within us ever this passion so that we may follow after God's great plan, knowing that at the end if we are true to the revelations of Thy changeless will we shall establish order and happiness and bring blessing to our fellow men. Help us in our divine enterprise. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Smoot
Bankhead	Gronna	Norris	Sterling
Beckham	Harding	Oliver	Stone
Brady	Hollis	Overman	Sutherland
Brandegee	Husting	Page	Swanson
Broussard	James	Pittman	Taggart
Chamberlain	Johnson, Me.	Poindexter	Tillman
Chilton	Johnson, S. Dak.	Pomerene	Underwood
Clapp	Jones	Ransdell	Vardaman
Clark, Wyo.	Kenyon	Robinson	Wadsworth
Colt	Kern	Saulsbury	Walsh
Culberson	La Follette	Shafroth	Warren
Cummins	Lane	Sheppard	Williams
Curtis	Lee, Md.	Sherman	Works
Dillingham	Lodge	Simmons	
du Pont	Martine, N. J.	Smith, Ariz.	
Fall	Myers	Smith, Ga.	

Mr. SHAFROTH. I desire to announce the necessary absence to-day of my colleague [Mr. THOMAS].

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence on public business of my colleague [Mr. HUGHES], and also to announce the unavoidable absence of the Senator from Kansas [Mr. THOMPSON].

Mr. KERN. I wish to announce the unavoidable absence on official business of the senior Senator from Florida [Mr. FLETCHER], and also the unavoidable absence, on account of illness, of the junior Senator from Illinois [Mr. LEWIS]. This announcement may stand for the day.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCauley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.;

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907;

S. 4876. An act to provide for an increase in the number of cadets at the United States Military Academy; and

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Typographical Union No. 13, of Boston, Mass., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Honolulu, Hawaii, praying for the establishment of experimental stations in engineering and in other branches of mechanic arts in connection with the colleges established in the several States and Territories, which was referred to the Committee on Education and Labor.

He also presented a memorial of the W. F. Assau Canning Co., of Baltimore, Md., remonstrating against war talk, which was referred to the Committee on Foreign Relations.

Mr. SHAFROTH. I have a petition here from the East Side Woman's Christian Temperance Union, of Colorado Springs, Colo., which I ask to be read at the desk.

There being no objection, the petition was read and ordered to lie on the table, as follows:

HON. JOHN F. SHAFROTH.

DEAR SIR: We, the women of the East Side Woman's Christian Temperance Union, of Colorado Springs, Colo., ask you to have the following resolutions read into the records of the Senate:

"*Resolved*, That we, the East Side Woman's Christian Temperance Union, of Colorado Springs, urge Congress to pass immediately on to the State legislatures for ratification the Sutherland-Mondell woman-suffrage amendment.

"We urge this as citizens who enjoy political freedom and who appreciate the value of being voting citizens in a Republic.

"We urge this because we have come to see that it is one of our first duties to rise above claims of partisanship and use all our political power to raise the women of our country to a plane of equality with ourselves."

MRS. ANNA MITCHELL, *President.*
MRS. HUGH SHILLADY, *Secretary.*

Mr. GALLINGER presented the petition of Elizabeth Reidell, of Manchester, N. H., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented the petitions of J. M. Johnston, of Rochester, N. Y., and the petition of Charles W. Whitcomb, of New York City, N. Y., praying for an investigation into the practice of vivisection, which were referred to the Committee on Agriculture and Forestry.

Mr. STERLING presented petitions of sundry citizens of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of the Chiropody Society of Pennsylvania, of Philadelphia, Pa., praying for the enactment of legislation to regulate the practice of podiatry or chiropody in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Allegheny County Grand Army Association, of Pittsburgh, Pa., remonstrating against the enactment of legislation to provide homes for Confederate veterans of the Civil War, which was referred to the Committee on Military Affairs.

He also presented a petition of General Henry W. Lawton Post, No. 2, Veterans of Foreign Wars of the United States, of Philadelphia, Pa., praying for the enactment of legislation to grant pensions to widows and children of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented memorials of sundry granges of Pennsylvania, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented petitions of sundry granges of Pennsylvania, praying for Government ownership of telephone and telegraph systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry patriotic societies of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Mercer and Crawford Counties, in the State of Pennsylvania, praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. WADSWORTH presented a petition of the Merchants' Association of New York City, N. Y., praying for an appropriation for the maintenance and extension of the pneumatic-tube mail-delivery system, which was referred to the Committee on Post Offices and Post Roads.

Mr. HARDING presented a memorial of the Greater Dayton Association, of Dayton, Ohio, remonstrating against the proposed location of a power plant in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for an appropriation for the extension and development of the Bureau of Foreign and Domestic Commerce, which was referred to the Committee on Appropriations.

Mr. DU PONT presented petitions of sundry citizens of Harrington, Del., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. JONES presented a memorial of sundry citizens of Wapato, Wash., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of Captain Charles Young Camp, No. 6, Department of Columbia, United Spanish War Veterans, of Vallejo, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of Local Union No. 144, Typographical Union, of Fresno, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Veterans' Home, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Pedic Society of the State of California, praying for the enactment of legislation to regulate the practice of podiatry and chiropody in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the enactment of legislation to prohibit the sending of advertisements of intoxicating liquor through the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the enactment of legislation to prohibit the interstate transportation of obsence motion-picture films, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the enactment of legislation to prohibit interstate transmission of race-track gambling odds and bets, which was referred to the Committee on Interstate Commerce.

THE DISTRICT JUVENILE COURT.

Mr. CULBERSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia; which was agreed to.

ASSIGNMENT OF RITTMAN PATENT.

Mr. JAMES. I report back favorably without amendment from the Committee on Patents the joint resolution (S. J. Res. 125) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes, and I ask for its present consideration.

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept as trustee for the use and benefit of the people of the United States assignment from Walter F. Rittman of his entire right and title, or of any lesser interest, in, to, and under any letters patent of the United States which may be granted to said Rittman under applications Nos. 29019 and 29020 for patents for certain improvements in the manufacture of gasoline, benzene, toluene, etc., in so far as said applications or the letters patent issued thereunder cover and embrace the manufacture of such products from materials produced and manufactured within the United States, and the said Secretary of the Interior, or his successors, is hereby authorized to grant such licenses and take such steps as may be necessary to make such processes available to the people of the United States: *Provided*, That the Secretary of the Interior shall also be authorized to accept the assignment of any right, title, or interest in or to any patent issued upon any device, improvement, process, equipment, apparatus, or other matter or thing developed by any licensee in the use of the said Rittman processes.

SEC. 2. That the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry this resolution into effect.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JAMES. I ask unanimous consent to have incorporated in the RECORD as explanatory of the joint resolution a letter addressed to me from the Secretary of the Interior, Mr. Lane; also a letter addressed to me from the Commissioner of Patents, Mr. Thomas Ewing; together with a letter from the Director of the Bureau of Mines, Mr. Manning, giving an explanation of the application of the law and inclosing copies of the assignment of the patent by Dr. Rittman and of the license issued by the department.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 21, 1916.

Hon. OLLIE M. JAMES,
Chairman Committee on Patents, United States Senate.

MY DEAR SENATOR: In accordance with your oral request to Mr. Manning, I am sending you herewith a proposed joint resolution which this department desires to have passed, and a justification therefor. The resolution is for the purpose of vesting in the Secretary of the Interior, as trustee for the people of the United States, all rights and interest in any patents which may be secured by Dr. Walter F. Rittman under applications Nos. 22019 and 22020, for patents for certain improvements in the manufacture of gasoline, benzene, and toluene, etc.

The Rittman processes for the production of gasoline, and of benzene and toluene, have been proven commercially practicable, but in the further commercial development of these processes improvements will undoubtedly be made. It is quite possible that some of these improvements may render still more successful and economical the operation of the processes, and if any concern making use of the processes is to be allowed to patent in its own name the improvements that may be developed the result may be the establishment of a virtual monopoly in the hands of the concern securing such patents.

Dr. Rittman, prior to his resignation from the service of the Bureau of Mines on March 31 last, assigned to the Secretary of the Interior all his patent rights in these processes. If Congress is willing, through the joint resolution referred to, to authorize the Secretary of the Interior to accept this assignment of the Rittman processes patents, the public welfare can be adequately protected through a condition imposed upon licenses of the processes, requiring that all improvements developed in their operation shall be patented in the name of the Secretary of the Interior. Unless the authority asked for in this resolution is given to the Secretary of the Interior, he can not accept the assignment of the Rittman patent rights, and these rights may revert to Dr. Rittman or to the private parties or corporations to whom he may assign them.

In view of the serious situation in regard to gasoline and the promise in the Rittman processes of an increased production, it seems to me that early congressional action along the lines of this resolution is highly desirable.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., April 21, 1916.

Hon. OLLIE M. JAMES,
United States Senate.

DEAR SIR: Hon. Van. H. Manning, Director of the Bureau of Mines, has transmitted to me your request that I advise you as to my views on the proposed joint resolution to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes, arising out of the question of proper handling of the Rittman patents.

I approve the resolution as submitted, and hope it may pass.

Respectfully,

THOMAS EWING, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, April 28, 1916.

Hon. OLLIE M. JAMES,
Chairman Committee on Patents,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In connection with Senate joint resolution 125, "to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes," I am sending you herewith certain supplemental information. In order that the justification furnished you for the resolution and Secretary Lane's letter may not convey the impression that Dr. Rittman is to assign all right and title in his processes to the Secretary of the Interior, I am writing you to say that Dr. Rittman is to assign all right and title in his inventions in so far as the same may apply to oils produced in the United States, but will retain all foreign rights and the right to use his processes on oils imported into the United States. I am inclosing a substitute copy of the justification, which has been modified (p. 1, par. 2) in this particular; also copy of the assignment executed by Dr. Rittman.

As stated in the justification and in Secretary Lane's letter to you, the Rittman processes promise to be of great value to the people of the United States. For example, the gasoline process seems certain greatly to increase the gasoline yield of the oil supply of the United States. The crude oils produced in this country have a normal gasoline content of from 5 to 25 per cent with ordinary refining processes. The average gasoline yield of United States oils is somewhere in the neighborhood of 15 per cent. The Rittman cracking process will increase this yield to 45 per cent by running the residuum through the still once, and by taking the remaining products heavier than gasoline and running them back through the still until no more gasoline can be obtained the total gasoline yield can be increased to 75 per cent. The importance of thus increasing the gasoline yield of the average oil of the United States 400 per cent above the yield by ordinary refining processes can hardly be overstated.

The desire of the petroleum industry to use this gasoline process has been so great and so many applications have been received for permission to use the process without waiting for the issuance of a patent that the department has issued a number of licenses for such use pending the granting of the patent and the assignment of the patent rights to the Secretary. I inclose a license form similar to those which have been issued. The list of licensees is as follows:

1. Germania Refining Co., Oil City, Pa.
2. Pure Oil Co., Minneapolis, Minn.
3. Pittsburgh Oil Refining Co., Coraopolis, Pa.
4. Indian Refining Co., Lawrenceville, Ill.
5. Midwest Refining Co., Casper, Wyo.
6. American Oilfields Co. of California, I. W. Fuqua, Fellows, Cal.
7. J. C. McDowell, 1321 Farmers' Bank Building, Pittsburgh, Pa.
8. Associated Oil Co., San Francisco, Cal. (Sharon Building).
9. Benolite Co., Pittsburgh, Pa.
10. Premier Oil Co., T. Spellacy, Los Angeles, Cal.

In addition to these, applications for licenses are pending and some further licenses are about to be issued.

If there is any further information which I can furnish you in connection with this matter, I should consider it a privilege to do so.

Very truly, yours,

VAN. H. MANNING, *Director.*

JUSTIFICATION FOR PROPOSED JOINT RESOLUTION TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACCEPT ASSIGNMENT OF PATENTS FOR IMPROVEMENTS IN THE MANUFACTURE OF GASOLINE, AND FOR OTHER PURPOSES.

Dr. Walter F. Rittman, an employee of the Bureau of Mines, invented processes for the production of gasoline, benzene, and toluene from crude or other oils. These processes, properly developed, seem certain to prove of immense value to the people of the United States. How shall the patents be handled in order to insure maximum benefit to the public? Shall they be held in the name of the public or in the name of some public officer acting as trustee for the public, with power to protect the public's interests?

Dr. Rittman desires that the benefit of his inventions, so far as they may be applied to oils produced in the United States, shall inure to the people of the United States, and, in general, discoveries made in the course of employment by the United States should be the property of the United States, except, perhaps, as to foreign rights.

The suggestion that the patents be held in the name of the general public is subject to a serious objection. It does not insure that improvements upon the processes shall also be the property of the public. Where a patentable process or device is of such a nature that improvements are not likely to be made upon it or apparatus need not be devised for its use, the patent may well be placed in the name of the public, and this course has been followed by the Bureau of Mines with regard to certain inventions by its employees. However, in a matter so complex as the refining of petroleum, the further development of a process or of an apparatus for its carrying on may be almost, if not quite, as important as the original invention itself. It is conceivable, for example, that if the Rittman processes were assigned to the general public some one might devise improvements upon them or upon the apparatus for their operation, and by patenting these improvements deprive the public of the major benefits which might otherwise flow from the Rittman inventions.

Thus it seems wisest to have the Rittman patents so held that some trustee for the people shall have authority to issue licenses for the use of the processes under terms which will give a maximum of protection to the public. For example, it is the plan with regard to these patents to authorize their use only upon condition that the details of the commercial working out of the processes shall be available to the Bureau of Mines for publication whenever desirable; that the bureau shall be informed of improvements in the processes or in plant or apparatus for their operation; and that all such improvements which are patentable shall be assigned to the trustee for the people in the same manner as the original processes.

The Secretary of the Interior, as the head of the department in which the processes were developed and in which the administration of the patents should be carried on, is the most logical trustee for the people. Dr. Rittman, who has resigned from the Bureau of Mines, has executed an assignment of his patents to the Secretary of the Interior, and the proposed joint resolution would authorize the Secretary to accept this assignment. It is important that the joint resolution be passed, since the assignment, by its own terms, becomes void if the Secretary of the Interior remains without legal authority to accept it. Thus, if the Secretary has not authority to accept an assignment of these patents, all rights in them will revert to Dr. Rittman, and the public will be deprived of the maximum benefits from these important inventions.

Whereas Walter F. Rittman, residing in the State, county, and city of New York, having invented certain improvements in the manufacture of gasoline, benzol, and toluene, and being desirous of obtaining full, exact, and scientific data, and data required for the adaptation of his improvement to commercial purposes, prior to carrying out his intention of dedicating to the people of the United States the enjoyment and use of said improvements, he entered the employment of the Bureau of Mines of the Department of the Interior; and

Whereas the said Walter F. Rittman has filed applications for letters patent of the United States as follows: For the manufacture of benzene, toluene, etc., filed May 18, 1915, Serial No. 29019; and for the manufacture of gasoline, filed May 18, 1915, Serial No. 29020; and is now desirous of carrying out his original intention of dedicating the improvements described in said applications to the people of the United States for their use and benefit except as hereinafter specified.

Now these presents witness, for and in consideration of the sum of $1, to him in hand paid, the receipt of which is hereby acknowledged, the said Walter F. Rittman has sold, assigned, and transferred, and does hereby sell, assign, and transfer to Franklin K. Lane, Secretary of the Interior, and his successors in office, as trustee or trustees in trust for the use and benefit of the people of the United States, all his right, title, and interest in and to the invention described and claimed in said applications, Serial Nos. 29019 and 29020, and in, to, and under any letters patent of the United States which may be granted on said applications, except as hereinafter provided, to own and control said patents and to grant licenses under said patents when issued to such party or parties and upon such terms as said trustee or trustees may deem proper, save and except as to the use of the inventions aforesaid for the treatment of hydrocarbon materials imported into the United States, to prevent the use of the inventions described and claimed in said patents, or either of them, by parties other than the licensees, by bringing suit or suits for infringement against any and all unlicensed users of such inventions, and to do all acts that said trustee or trustees may deem proper in carrying out the intention of said Walter F. Rittman, to encourage the proper practice of the inventions described and claimed in said applications.

The said Walter F. Rittman expressly reserves to himself and to his heirs, legal representatives, and assigns the right to use the inventions described in said applications without liability in any manner whatsoever on his part, or on the part of his heirs, legal representatives, or assigns, for infringement of letters patent granted on said applications, and the right to prosecute said pending applications, Serial Nos. 29019 and 29020, to the issue of letters patent thereon, and the right to apply for, obtain, and control and own letters patent in countries other than the United States. And further, the said Walter F. Rittman, his heirs, legal representatives, and assigns, shall have the right to bring suit in the name of the trustee for infringement of patents granted on said applications, or either of them, against any party or parties employing the inventions described in said applications in the treatment of hydrocarbon materials imported into the United States, and the acceptance of this assignment by the said Franklin K. Lane as trustee shall confer upon the said Rittman, his heirs, legal representatives, and assigns, the right to use the name of the said Franklin K. Lane, and his successors in office, as trustee or trustees for such purpose.

In case the said Franklin K. Lane, or his successors in office, is not empowered to execute the trust herein provided, and the same shall lapse for lack of authority so to execute, this assignment shall become null and void, and the entire right, title, and interest in and to the inventions described in said applications, and in, to, and under any letters patent granted on said applications shall vest in the said Walter F. Rittman, his heirs, legal representatives, and assigns.

In case licenses are granted under patents issued on said applications, or either of them, subject to the payment of royalties or other considerations, such royalties or considerations shall be payable to the said Walter F. Rittman or his assigns.

The Commissioner of Patents is hereby authorized and requested to issue letters patent on said applications, Serial Nos. 29019 and 29020, to the said Walter F. Rittman, in his name, the title to said patents to vest immediately on issue in said Franklin K. Lane, Secretary of the Interior, and his successors, in trust for the benefit of the people of the United States, subject to terms and conditions hereinbefore specified.

In testimony whereof the said Walter F. Rittman has hereunto set his hand this 29th day of March, 1916.

WALTER F. RITTMAN.

Signed in the present of—
CLARENCE B. DUTTON,
DARWIN S. WOLCOTT.

STATE OF NEW YORK, *County of New York, ss:*

On this 30th day of March, 1916, before me personally appeared Walter F. Rittman, to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same.

[SEAL.] THOS. M. APPLEGARTH,
Notary Public No. 67, New York County.
New York Registered No. 7021.

My commission expires March 30, 1917.

LICENSE FOR USE OF THE RITTMAN PROCESS—NONEXCLUSIVE—WITHOUT ROYALTY.

This agreement, made and entered into in duplicate this — day of ——, A. D. 191—, between the Department of the Interior, acting in this behalf by Franklin K. Lane, Secretary of the Interior, hereinafter called the first party, and ——, hereinafter called the second party, witnesseth that—

Whereas Walter F. Rittman, a chemical engineer in the employ of the first party, has discovered a new and valuable process for the manufacture of ——— from heavy liquid hydrocarbons (hereinafter referred to as the process); and

Whereas the second discovery is covered by pending application for letters patent; and

Whereas the second party is desirous of employing such process in advance of the issuance of a patent:

Now, therefore, the said first and second parties do hereby agree as follows:

1. The first party, in consideration of the covenants and agreements hereinafter contained to be observed and performed by the second party, hereby licenses and empowers the second party to use the said process, subject to the conditions hereinafter named, at ——— factory in ——— and in no other places.

2. The second party agrees that all devices, improvements, processes, equipment, apparatus, or development, or any matter or thing which may be necessary or desirable to be used in connection with the said process, originated by the second party, or by its agents or employees, during the life of this agreement shall be promptly and fully communicated to the first party, in order that letters patent thereon may be applied for in the discretion of the first party, the cost of obtaining such letters patent, including the Patent Office fees, to be paid by the second party.

3. The second party further agrees to transfer and assign, or cause to be transferred and assigned, to the Secretary of the Interior, as trustee for the public, all the right, title, and interest of said second party or its agents or employees in and to the aforesaid devices, improvements, processes, equipment, apparatus, development, matters, or things as regards the United States, and further agrees to assign and transfer, or cause to be transferred and assigned, all right, title, and interest, as aforesaid, as regards all countries or places outside of the United States to the said Walter F. Rittman, his heirs or assigns.

4. The second party further agrees not to make public in any way any details of the process which may be communicated to it or which it may learn by reason of the employment of such process without the prior obtained consent of the first party.

5. The second party further agrees to furnish the first party, upon request, with complete working plans and specifications of plant construction, equipment apparatus, machinery, improvements, and devices of whatsoever nature or character used in the practice of or in connection with the aforesaid process, and furnish such party with such other pertinent information and records appertaining to the same as it may from time to time request.

6. The second party lastly agrees that the process aforesaid shall be used only in the treatment of liquid hydrocarbons produced in the United States of America: *Provided*, That the process may be employed in the treatment of foreign-produced oils in the United States upon payment to Walter F. Rittman, his heirs, or assigns, of a reasonable royalty to be mutually agreed upon between the said Rittman, his heirs, or assigns, and the second party.

7. The first party shall be at liberty to make public, from time to time, all such information concerning the development and use of the process in the aforesaid factory of the second party as it may consider of public benefit and essential to the working of the process by the people of the United States. No publication shall be made of any information acquired regarding the business and trade secrets of the second party other than as hereinabove provided.

8. The first party agrees to grant to the second party, upon the issuance of letters patents covering the aforesaid process, a license to employ such process in the treatment of petroleum oils or other liquid hydrocarbons produced in the United States, upon the same terms and conditions as the process may be permitted to be employed by any and all other persons in the United States.

9. It is further mutually understood and agreed that the first party, in its discretion, shall have the right to terminate this agreement for the use of said process upon violation of any of the substantial terms or conditions hereof or for nonuser for a period of not exceeding six calendar months. Waiver of any specific cause of forfeiture shall not be construed to prevent forfeiture for any other or like cause occurring thereafter.

In witness whereof, on the day and year first hereinbefore written, the parties hereto have subscribed their names and affixed their seals.

[SEAL.]
[SEAL.] *Secretary of the Interior.*

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 5800) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes; to the Committee on the District of Columbia.

By Mr. SMITH of Michigan:

A bill (S. 5801) granting an increase of pension to Delia Buel Lydecker; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 5802) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901"; to the Committee on the District of Columbia.

By Mr. WADSWORTH:

A bill (S. 5803) for the relief of Albert E. Keily; to the Committee on Claims.

A bill (S. 5804) granting an increase of pension to John Unferfate (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 5805) permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River, in the State of Montana; to the Committee on Commerce.

By Mr. RANSDELL (for Mr. SHIELDS):

A bill (S. 5806) granting a pension to Thomas Smith;

A bill (S. 5807) granting a pension to William D. Davis (with accompanying papers); and

A bill (S. 5808) granting a pension to Minta Jones (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5809) granting an increase of pension to James D. Harris (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5810) to regulate and control the manufacture, sale, and use of weights and measures, and to be known as the weights and measures act; to the Committee on Standards, Weights, and Measures.

By Mr. TAGGART:

A bill (S. 5811) granting a pension to Evalena Sharp;

A bill (S. 5812) granting an increase of pension to George R. Gibney;

A bill (S. 5813) granting an increase of pension to James Dunn;

A bill (S. 5814) granting an increase of pension to Richard M. Clark;

A bill (S. 5815) granting an increase of pension to John W. Johnston;

A bill (S. 5816) granting an increase of pension to Richard Scanland;

A bill (S. 5817) granting an increase of pension to Levi A. Waikle;

A bill (S. 5818) granting an increase of pension to Harvey Martin; and

A bill (S. 5819) granting an increase of pension to Lorenzo D. Ferguson; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5820) granting a pension to Charles H. Clay (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5821) granting an increase of pension to Emil Schincke (with accompanying papers); and

A bill (S. 5822) granting an increase of pension to John F. Nichols (with accompanying papers); to the Committee on Pensions.

RURAL CREDITS.

Mr. STERLING submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which was ordered to lie on the table and be printed.

GOOD ROADS.

Mr. WALSH submitted an amendment intended to be proposed by him to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, which was ordered to lie on the table and be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. VARDAMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

TABLE OF IMPORTS.

Mr. GALLINGER. Mr. President, I beg to present a document, being a very carefully prepared table showing the increase of imports under the Underwood-Simmons tariff law in war times as compared with the imports under the Payne-Aldrich tariff law in times of peace.

It is a significant showing, and absolutely sets at rest the contention that the industrial interests of the country are as safe in the hands of the Democratic Party as the Republican Party. The truth is that had not the war in Europe occurred the imports would have been even greater than they have been during the period of the European conflict. But as it is the increase has been great enough to alarm the business interests of the country, and to serve as a warning of what will doubtless take place when the European war comes to a close. From present indications when that time arrives the Republican Party will again be in power, and a revision of the tariff that will adequately protect the interests of all classes of our people will be among the first acts of the new administration. The figures that I give are taken from official sources and are absolutely correct in every particular, and I ask unanimous consent that they be inserted in the RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The table referred to is as follows:

Imports of merchandise and agricultural products from Oct. 1, 1913, to Oct. 1, 1914, the first year under the operation of the Underwood tariff law, compared with the same period in 1912–13, under the Payne tariff law.

Products.	1913–14 values.	1912–13 values.	Increase.	Per cent.
Aluminum, manufactures of	$1,489,917	$916,183	$573,734	.....
Automobiles, parts of	947,749	289,236	658,513	.....
Cotton cloths	12,265,109	7,768,608	4,496,441	.....
Cutlery	2,910,555	2,011,690	898,865	.....
Clocks and parts of	1,086,366	982,409	103,957	.....
Enameled ware	796,720	692,211	104,538	.....
Films and plates	2,931,599	1,571,111	1,360,488	.....
Fruit and nuts	$52,411,642	$45,487,177	$6,924,465	.....
Glassware, less plate glass	7,183,660	6,321,399	862,261	.....
Glass (plate)	716,079	349,354	366,725	.....
Handkerchiefs (linen)	2,767,912	2,077,860	690,052	.....
Knit goods, less stockings	2,991,373	968,602	2,022,771	.....
Lace and lace articles	18,007,255	17,088,856	918,399	.....
Leather gloves	8,547,238	8,103,757	443,481	.....
Leather and tanned skins	15,068,735	8,667,888	6,400,847	.....
Nets and nettings	1,651,147	1,139,387	511,760	.....
Oilcloth and linoleum	2,048,318	1,690,002	358,316	.....
Paper and manufactures of	27,748,723	22,998,292	4,750,431	.....
Perfumery and toilet articles	2,357,285	1,923,856	433,429	.....
Shingles	2,613,360	1,297,841	1,315,519	.....
Silks, manufactures of	31,889,346	30,314,388	1,488,958	.....
Silk (artificial)	4,090,413	3,486,936	603,477	.....
Stockings	2,865,542	2,632,803	232,739	.....
Tin plate	1,321,892	1,202,408	119,394	.....
Watches and parts of	3,226,346	2,688,170	538,176	.....
Wood pulp	18,381,084	16,058,813	2,345,571	.....
Wool, classes 1, 2, 3	60,231,067	29,170,902	31,060,165	.....
Wool, manufactures of	39,490,194	16,460,797	23,038,397	.....
Yarns (linen)	928,524	708,383	220,141	.....
Breadstuffs	38,921,710	16,282,133	22,639,577	.....
Eggs	1,143,068	None.	1,143,068	.....
Fish	19,431,492	15,839,344	3,592,148	.....
Meat and dairy products	48,270,117	15,406,174	32,863,943	.....
Seeds	14,380,878	8,672,350	5,708,528	.....
Vegetables	15,141,106	10,667,371	4,473,735	.....
Total	466,179,460	301,316,451	164,863,009	54.7

Imports of merchandise for month of October, 1914, compared with October, 1913, showing increase and decrease in amount and percentage, both months being under the Underwood law; also imports of the same products, giving the total, in October, 1912, under the Payne law.

Products.	1914 values.	1913 values.	Difference.	Per cent.
			Increase.	
Aluminum scrap	$448,704	$194,838	$253,866	130
Automobiles, parts of	85,564	50,595	34,969	69
Cotton cloths	610,616	526,414	84,202	16
Films and plates	238,663	194,947	43,716	22
Leather and tanned skins	1,144,376	885,753	258,623	29
Shingles	290,387	137,981	152,406	110
Silks, manufactures of	2,450,607	2,289,673	160,934	7
Silk, artificial	311,592	274,841	36,751	13
Tin plate	15,114	11,930	3,184	26
Wood pulp	2,125,163	1,267,090	858,073	67
Wool, classes 1, 2, 3	2,485,600	1,414,850	1,070,750	75
Wool, manufactures of	3,119,576	1,256,099	1,854,477	147
Yarns, linen	75,905	43,549	32,386	74
Eggs	20,434	5,322	15,132	284
Fish	2,365,875	2,100,589	265,286	12
Meat and dairy products	4,311,175	2,042,338	2,268,837	101
Seeds	2,192,898	1,695,352	497,546	29
Total, 17 products	22,283,329	14,392,161	7,891,168	54
			Decrease.	
Aluminum, manufactures of	52,614	106,780	54,166	50
Cutlery	216,365	373,726	157,361	42
Clocks and parts of	63,443	98,068	34,625	35
Enameled ware	44,238	65,677	21,439	32
Fruits and nuts	2,896,458	3,195,563	299,105	9
Glassware, less plate glass	300,227	647,222	346,995	53
Glass, plate	7,856	68,481	60,625	88
Handkerchiefs, linen	338,205	383,554	45,349	11
Knit goods, less stockings	172,979	177,355	4,376	2
Lace and lace articles	983,197	1,210,391	227,194	18
Leather gloves	945,914	1,132,707	186,793	16
Nets and nettings	59,797	123,819	64,022	51
Oilcloth and linoleum	143,162	182,900	39,738	21
Paper and manufactures of	2,277,128	2,409,481	132,353	5
Perfumery and toilet articles	213,321	232,329	19,008	8
Stockings, cotton	75,799	197,779	121,990	61
Watches and parts of	246,359	346,342	100,003	28
Vegetables	753,631	1,140,898	387,267	33
Total, 18 products	9,780,663	12,692,972	2,302,309	20

Imports of merchandise and agricultural products in November, 1914, compared with November, 1913; both months under the Underwood law.

Products.	1914 values.	1913 values.	Difference.	Per cent.
			Increase.	
Clocks, and parts of	$384,232	$278,417	$5,815	.....
Knit goods, less stockings	400,097	207,748	192,349	.....
Leather gloves	1,025,326	938,759	86,567	.....
Leather and tan skins	1,162,543	1,100,716	61,827	.....
Oilcloth and linoleum	133,121	125,159	7,962	.....
Paper, and manufactures of	2,397,755	2,252,015	145,740	.....
Perfumery and toilet articles	286,791	208,912	76,879	.....
Tin plate	26,803	17,870	8,933	.....
Wood pulp	2,533,399	1,216,653	1,122,746	.....
Wool, manufactures of	2,386,441	989,020	1,397,421	.....
Eggs	38,340	36,500	1,840	.....
Meat and dairy products	3,609,888	2,977,861	632,027	.....
Total, 12 products	13,884,736	10,144,630	3,740,106	36.8

Imports of merchandise and agricultural products in November, 1914, compared with November, 1913, etc.—Continued.

Products.	1914 values.	1913 values.	Difference.	Per cent.
			Decrease.	
Aluminum scrap	$139,836	$189,188	$50,352	.....
Aluminum, manufactures of	47,853	101,101	53,248	.....
Automobiles, parts of	62,809	67,420	4,611	.....
Cotton cloths	593,144	1,016,019	422,875	.....
Cutlery	234,286	265,521	31,235	.....
Enameled ware	70,004	88,383	18,379	.....
Films and plates	152,566	184,583	32,017	.....
Fruits and nuts	5,072,560	6,072,957	1,000,397	.....
Glassware, less plate glass	426,340	598,629	171,689	.....
Plate glass	4,393	80,675	76,282	.....
Handkerchiefs (linen)	289,718	341,115	51,397	.....
Lace and lace articles	831,124	1,447,861	616,737	.....
Nets and nettings	23,524	130,186	106,662	.....
Shingles	219,687	228,424	8,737	.....
Silks, manufactures of	2,101,218	2,295,465	194,247	.....
Silk, artificial	297,647	330,526	32,879	.....
Stockings	137,022	205,979	68,957	.....
Watches, and parts of	252,238	314,258	62,020	.....
Wool, classes 1, 2, and 3	1,096,938	1,548,970	462,032	.....
Yarns, linen	49,805	56,265	6,460	.....
Breadstuffs	1,517,070	4,822,958	3,305,888	.....
Fish	2,172,005	2,516,623	344,618	.....
Seeds	1,677,091	2,152,925	475,834	.....
Vegetables	921,486	1,736,269	814,783	.....
Total, 24 products	18,380,376	26,792,702	8,412,326	35.1

Imports of merchandise and agricultural products in December, 1914, compared with similar imports in December, 1913, under the Underwood law, and December, 1912, under the Payne law, showing increase and decrease in December, 1914, over 1913.

Products.	1914 values.	1913 values.	Difference.	1912 Payne law.
			Increase.	
Clocks, and parts of	$88,848	$84,464	$1,384	$62,387
Knit goods, less stockings	326,312	233,764	92,548	20,722
Wool, manufactures of	2,196,555	2,184,464	12,091	1,454,706
Meat and dairy products	4,032,112	3,574,835	457,277	1,343,148
Fruit and nuts	852,104	787,565	64,511	3,193,662
Shingles	209,151	193,171	15,980	146,701
Watches, and parts of	447,351	354,415	92,936	237,062
Yarns, linen	103,923	94,428	9,495	75,674
Total, 8 products	8,253,356	7,507,134	746,222	6,534,062
			Decrease.	
Leather gloves	738,455	786,345	47,890	531,543
Leather and tanned skins	714,887	1,095,271	380,384	818,096
Oil cloth and linoleum	98,572	197,146	100,574	132,455
Paper, and manufactures of	501,966	568,708	66,742	549,224
Perfumery, toilet articles	202,110	260,356	58,246	154,985
Tin plate	27,276	314,898	287,622	21,914
Wood pulp	249,570	308,949	59,379	313,530
Eggs	87,963	334,315	246,352	None.
Aluminum scrap	177,708	224,278	46,570	653,401
Aluminum, manufactures of	56,643	131,110	74,467	57,409
Automobiles, parts of	119,300	138,487	19,187	12,694
Cotton cloths	772,109	1,737,412	965,303	992,331
Cutlery	192,673	198,054	5,381	165,440
Enameled ware	47,497	68,446	20,949	41,283
Films and plates	87,690	285,080	197,390	119,340
Glass, less plate glass	428,154	719,863	291,709	485,043
Plate glass	1,472	91,285	89,813	27,445
Handkerchiefs, linen	138,563	176,699	38,136	142,497
Lace and lace articles	712,440	2,501,257	1,788,817	547,731
Net and nettings	29,381	181,974	152,593	88,339
Silks, manufactures of	1,599,691	3,415,901	1,816,210	2,237,378
Silk, artificial	316,899	343,956	27,057	333,309
Stockings	108,295	239,051	130,756	192,341
Wool, classes 1, 2, and 3	523,010	4,288,435	3,765,425	2,584,201
Breadstuffs	1,277,281	5,860,999	4,583,718	374,629
Fish	2,039,523	2,311,716	272,193	1,593,688
Seeds	1,790,061	3,234,089	1,444,028	1,557,636
Vegetables	773,175	2,780,390	2,007,215	1,194,836
Total, 28 products	13,810,364	32,794,470	18,984,106	15,952,718
Total, increase list	8,253,356	7,507,134	746,222	6,534,062
Total, 36 products	22,063,720	40,301,604	18,237,884	22,486,780

Imports of merchandise and agricultural products in January, 1915, compared with January, 1914, under the Underwood law, and January, 1913, under the Payne law, showing increase and decrease in January, 1915, over 1914.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Meat and dairy products	$4,517,468	$3,189,085	$1,328,383	$1,104,552
Clocks and parts	104,529	53,422	51,107	62,495
Knit goods	324,033	282,998	41,035	31,810
Shingles	157,931	99,945	58,106	67,097
Watches and parts	266,675	227,223	39,452	192,853
Gloves, leather	765,174	704,338	60,836	620,226

Imports of merchandise and agricultural products in January, 1915, compared with January, 1914, under the Underwood law, etc.—Continued.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Perfumery, etc	$165,904	$129,385	$36,519	$113,889
Wood pulp	2,346,982	1,418,792	928,190	1,296,774
Aluminum scrap	219,372	208,576	10,796	576,074
Autos, parts	60,149	42,192	26,957	37,668
Enameled ware	63,134	60,800	2,334	80,392
Stockings	302,865	261,385	41,480	209,010
Fish	1,592,067	1,518,635	73,432	1,233,890
Total, 13 products	10,895,303	8,196,676	2,698,627	5,569,631
			Decrease.	
Wool, manufactures of	2,188,832	4,668,349	2,479,517	1,468,228
Fruits and nuts	2,074,729	2,924,166	849,437	2,562,175
Yarns, linen	82,879	96,753	13,874	69,911
Leather, tanned skins	948,129	1,542,056	593,927	778,681
Oilcloth and linoleum	68,694	210,309	141,615	146,359
Paper, manufactures of	2,116,212	2,337,676	221,464	1,736,711
Tin plate	104,832	245,649	140,817	31,458
Eggs	67,990	236,662	168,672	None.
Aluminum, manufactures of	61,569	113,220	51,651	66,925
Cotton cloths	700,934	1,682,785	981,851	958,007
Cutlery	194,534	201,854	7,320	143,561
Films and plates	81,360	281,752	200,392	160,008
Glass, less plate glass	137,768	598,048	460,280	485,805
Plate glass	2,124	84,584	82,460	31,810
Handkerchiefs, linen	91,210	118,360	27,150	72,809
Lace and lace articles	1,024,494	2,268,911	1,244,417	2,384,573
Net and nettings	61,953	149,687	87,734	60,525
Silks, manufactures of	1,745,069	3,406,160	1,661,091	2,466,623
Silk, artificial	215,792	323,014	107,222	336,785
Wool, classes 1, 2, and 3	2,364,705	5,443,418	3,078,713	3,545,669
Breadstuffs	1,155,107	5,144,309	3,989,202	1,483,343
Seeds	1,560,854	2,119,972	559,118	2,084,481
Vegetables	802,806	1,577,764	774,958	1,096,095
Total, 23 products	17,852,547	35,775,518	17,922,971	22,105,700
Total, increase list	10,895,303	8,196,676	2,698,627	5,569,631
Total, 36 products	28,747,850	43,972,194	15,224,344	27,705,331

Imports of merchandise and agricultural products in February, 1915, compared with February, 1914, under the Underwood law, and February, 1913, under the Payne law, showing increase and decrease in imports between February, 1915, and February, 1914, using for the comparison the same 36 products that have been used in our monthly comparisons since the Underwood law became operative in October, 1913.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Clocks and parts	$57,020	$46,799	$10,221	$50,360
Watches and parts	263,065	250,018	13,047	182,237
Shingles	160,578	134,000	35,578	51,157
Perfumery, etc	160,284	127,737	32,547	112,563
Wood pulp	1,654,607	1,304,146	350,461	1,623,362
Seeds	2,011,966	1,727,942	284,024	1,569,228
Total, 6 products	4,316,520	3,590,642	725,878	3,588,907
			Decrease.	
Aluminum scrap	96,016	204,057	108,041	291,776
Aluminum manufactures	15,887	136,873	120,986	78,373
Breadstuffs	1,111,720	2,553,830	1,442,110	1,141,588
Automobile parts	29,958	42,018	12,060	17,483
Cotton cloths	619,771	1,454,429	834,658	727,121
Lace and lace articles	874,642	1,703,055	828,413	1,561,418
Nets and nettings	56,511	188,478	131,967	78,071
Stockings (cotton)	164,582	372,741	208,159	265,169
All other knit goods	226,266	340,637	114,371	43,825
Eggs	55,944	87,374	31,430	.....
Handkerchiefs (linen)	108,872	142,232	33,360	102,415
Fish	1,296,739	1,334,030	37,291	1,135,691
Fruits and nuts	2,233,639	3,265,583	1,031,944	2,523,651
Glass, less plate glass	292,182	503,852	211,670	444,344
Plate glass	2,115	57,568	55,453	19,603
Cutlery	172,411	212,356	39,945	157,658
Tin plate	20,922	209,938	189,016	27,979
Leather and tanned skins	775,529	1,357,428	581,899	755,549
Leather gloves	525,192	850,933	325,741	782,973
Oilcloth and linoleum	103,143	164,661	61,518	158,531
Meat and dairy products	2,104,331	2,970,416	865,985	933,065
Paper and manufactures	1,948,217	1,998,835	50,618	1,581,723
Films and plates	67,075	175,789	108,714	126,963
Silks, manufactures	1,657,688	2,810,532	1,152,844	2,003,108
Silk, artificial	309,844	315,560	5,716	248,156
Vegetables	737,856	1,222,778	485,222	848,255
Wool, classes 1, 2, and 3	4,590,629	6,779,801	2,189,172	3,651,823
Wool, manufactures	1,654,197	3,795,442	2,141,245	1,352,542
Enameled ware	44,049	90,546	46,447	63,353
Yarns (linen)	55,765	88,806	33,041	62,287
Total, 30 products	21,969,542	35,430,608	11,461,066	21,217,493
Total, increase list	4,316,520	3,590,642	725,878	3,588,907
Total, 36 products	26,286,062	39,021,250	12,735,188	24,759,400

Imports of merchandise and agricultural products in March, 1915 and 1914, under the Underwood law, and March, 1913, under the Payne law, using for comparison products having severe foreign competition.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Wool, classes 1, 2, and 3	$13,405,340	$7,996,087	$5,469,253	$4,262,694
Handkerchiefs	158,975	138,243	20,732	101,474
Shingles	244,100	195,987	48,113	60,732
Total, 3 products	13,808,415	8,270,317	5,538,098	4,424,900
			Decrease.	
Aluminum scrap	129,739	241,079	111,320	305,451
Aluminum manufactures	18,616	168,000	149,384	60,767
Breadstuffs	1,340,194	3,119,507	1,779,313	1,314,208
Automobiles and parts	101,407	106,795	5,388	119,550
Clocks and parts	56,639	73,769	17,130	55,937
Watches and parts	261,090	317,339	56,249	205,280
Cotton cloths	628,566	1,402,071	773,505	721,902
Lace and lace articles	860,407	1,858,184	997,777	1,370,713
Nets and nettings	88,638	171,855	83,217	104,091
Stockings	172,575	417,473	244,898	241,455
Other knit goods	348,965	366,251	17,386	44,675
Eggs	24,746	119,925	95,179	
Linen yarns	79,020	95,248	16,228	55,953
Fish	1,010,480	1,230,422	219,942	960,993
Fruits and nuts	3,215,664	4,012,244	796,580	3,088,108
Plate glass	1,476	92,996	91,520	27,735
Other glass	412,315	675,353	263,038	470,939
Cutlery	153,560	272,460	118,900	146,979
Enameled ware	46,232	80,058	33,826	64,362
Tin plate	8,575	185,130	176,555	28,298
Leather and tanned skins	831,969	1,556,342	724,373	615,669
Leather gloves	711,965	990,977	279,012	755,242
Meat and dairy products	2,931,545	4,384,545	1,453,000	1,121,931
Oilcloth and linoleum	100,879	181,293	80,414	187,459
Paper and manufactures	2,109,826	2,529,933	420,107	1,783,048
Perfumeries, etc	221,659	252,705	31,046	177,529
Films and plates	97,542	387,411	289,899	145,019
Seeds	1,775,208	2,222,801	447,593	1,191,231
Silk manufactures	2,332,822	3,294,046	961,224	2,437,253
Artificial silk	323,877	401,929	78,052	257,355
Vegetables	1,062,989	1,423,939	360,970	960,857
Wood pulp	1,519,121	1,749,791	230,670	1,268,567
Wool manufactures	2,020,791	3,884,796	1,864,005	1,127,488
Total, 33 products	24,998,987	38,266,657	13,267,670	21,443,400
Total, increase list	13,808,415	8,270,317	5,538,098	4,424,900
Total, 36 products	38,807,402	46,536,974	7,729,572	25,868,300

Imports of merchandise and agricultural products in April, 1915 and 1914, under the Underwood law, and April, 1913, under the Payne law, using for the comparison the 36 products on which our monthly comparisons have been based since the Underwood law became operative in October, 1913.

[These are the latest complete import figures available.]

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Automobiles and parts	$123,549	$119,447	$4,102	$131,065
Handkerchiefs	123,176	108,018	15,158	76,532
Seeds	1,585,012	1,138,868	446,144	558,754
Shingles and laths	456,294	331,099	125,195	228,146
Wool, classes 1, 2, and 3	12,978,767	8,840,000	4,138,767	2,843,112
Total, 5 products	15,266,798	10,537,432	4,729,366	3,837,609
			Decrease.	
Aluminum scrap	50,139	227,153	177,014	586,857
Aluminum manufactures	8,317	120,981	112,664	102,472
Breadstuffs	2,105,526	2,340,099	234,573	1,443,851
Clocks and parts	20,421	73,552	53,131	62,601
Watches and parts	224,202	289,185	64,983	225,165
Cotton cloths	453,367	1,003,548	550,181	690,083
Lace and lace articles	833,225	1,178,332	345,107	1,027,188
Nets and nettings	85,874	117,666	31,792	97,793
Stockings (cotton)	70,999	353,525	282,526	239,674
Other knit goods (cotton)	144,335	340,434	196,099	41,690
Eggs	28,113	129,820	101,707	
Yarns (linen)	62,744	98,278	35,534	62,216
Fish	906,386	1,000,221	93,835	746,805
Fruits and nuts	3,567,753	4,726,536	1,158,783	3,851,220
Plate glass	538	60,940	60,402	33,865
All other glass manufactures	226,037	624,245	398,208	544,536
Cutlery	83,431	262,242	178,811	136,157
Enameled ware	23,566	92,067	68,501	60,731
Tin plate	5,947	13,719	7,772	30,092
Leather, tanned skins	764,075	1,632,597	868,522	759,737
Leather gloves	353,259	537,791	184,532	427,036
Meat and dairy products	2,594,047	4,691,562	2,097,515	1,179,020
Oilcloth and linoleum	82,761	216,729	133,968	138,871
Paper and manufactures	1,832,541	2,250,180	417,639	1,795,320
Perfumeries, etc	191,801	207,076	15,275	194,984
Films and plates	150,122	232,378	82,256	184,132
Silk, manufactures	1,783,979	2,425,989	642,010	2,008,567
Artificial silk	207,782	414,010	206,228	201,374
Vegetables	937,375	1,262,044	324,669	738,414
Wood pulp	833,004	1,378,652	545,648	1,189,688
Wool manufactures	1,367,136	3,333,527	1,966,391	991,382
Total, 31 products	19,998,802	31,635,378	11,636,576	19,794,411
Total, increase list	15,266,798	10,537,432	4,729,366	3,837,609
Total, 36 products	35,265,600	42,172,810	6,907,210	23,632,020

Imports of merchandise and agricultural products in May, 1915 and 1914, under the Underwood law, and May, 1913, under the Payne law, using for the comparison the 36 products on which our monthly comparisons have been based since the Underwood law became operative in October, 1913.

[These are the latest complete import figures available.]

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Automobiles	$47,968	$18,912	$29,056	$113,737
Leather gloves	266,834	251,609	15,225	227,487
Nets and nettings	83,283	73,533	9,750	69,993
Perfumery, etc	254,508	214,392	40,116	125,936
Seeds	2,305,129	1,879,508	425,621	1,381,785
Shingles and laths	527,541	373,220	154,321	254,859
Wool, classes 1, 2, and 3	10,895,246	6,789,364	4,105,882	1,821,287
Total, 7 products	14,378,609	9,600,248	4,778,361	3,995,084
			Decrease.	
Aluminum scrap	71,062	195,768	124,706	397,424
Aluminum manufactures	19,981	150,056	130,075	92,641
Breadstuffs	1,613,897	3,170,499	1,556,602	1,306,279
Cotton cloths	482,656	749,032	266,378	532,028
Clocks and parts	30,300	78,273	48,073	61,039
Cutlery	156,277	242,444	86,167	126,008
Eggs	10,638	59,380	48,742	
Fish	741,953	1,018,839	276,886	910,080
Fruit and nuts	3,557,636	5,190,454	1,632,818	4,194,537
Handkerchiefs (linen)	104,543	122,151	17,608	73,101
Enameled ware	42,786	67,460	24,674	54,733
Films and plates	121,891	281,805	159,914	106,207
Lace and lace articles	719,776	990,626	270,850	751,457
Leather and tanned skins	500,881	1,485,572	984,691	718,931
Other knit goods	81,598	252,305	170,797	29,833
Oilcloth and linoleum	44,505	132,502	87,997	121,668
Meat and dairy products	1,771,524	5,152,643	3,381,120	1,250,143
Plate glass	658	49,704	49,046	33,293
All other glass manufactures	225,659	658,231	432,572	486,878
Paper and manufactures	1,936,656	2,384,166	447,510	1,849,434
Stockings (cotton)	81,396	301,968	220,572	223,739
Silk manufactures	2,067,404	2,080,764	13,360	1,831,976
Silk, artificial	287,927	326,166	38,239	192,485
Tin plate	3,687	173,717	170,030	194,966
Vegetables	557,309	990,637	433,328	578,498
Watches and parts	266,244	272,193	5,949	204,705
Wood pulp	927,892	1,373,856	445,964	1,307,794
Wool manufactures	1,436,224	3,434,637	2,298,413	1,045,014
Yarns, linen	56,584	76,063	19,479	51,094
Total, 29 products	17,708,753	31,462,211	13,753,458	18,785,795
Increase list	14,378,609	9,600,248	4,778,361	3,995,084
Total, 36 products	32,087,362	41,062,459	8,975,097	22,780,879

Imports of merchandise and agricultural products in June, 1915 and 1914, under the Underwood law, and June, 1913, under the Payne law, using for comparison 36 products on which our monthly comparisons have been based since the Underwood law became operative in October, 1913.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Aluminum, crude	$305,903	$178,904	$127,189	$296,766
Perfumeries, etc	238,299	187,877	50,383	128,981
Seeds	2,771,717	1,386,950	1,384,767	745,625
Laths and shingles	514,513	446,104	68,409	295,907
Wool, classes 1, 2, and 3	6,681,197	5,460,395	1,220,802	1,293,235
Total, 5 products	10,511,680	7,660,130	2,851,550	1,670,515
			Decrease.	
Aluminum manufactures	58,040	148,301	90,261	85,229
Breadstuffs	1,491,934	2,707,002	1,215,068	1,595,339
Automobiles and parts	115,579	128,485	12,906	117,512
Clocks and parts of	16,705	77,243	60,538	56,652
Watches and parts of	243,561	286,487	42,926	215,343
Cotton cloths	487,143	753,205	266,062	492,263
Lace and lace articles	707,550	964,063	256,513	711,846
Stockings (cotton)	57,225	189,308	132,083	189,240
Other knit goods (cotton)	81,110	242,740	161,630	22,099
Eggs	21,096	50,334	29,238	
Handkerchiefs (linen)	203,795	233,901	30,106	131,538
Nets and nettings	95,015	104,745	9,730	101,831
Yarns (linen)	35,417	73,143	17,726	50,615
Fish	1,198,254	1,327,434	129,180	1,288,981
Fruits and nuts	4,994,334	5,284,183	389,849	4,566,765
Plate glass		52,307	52,307	35,052
All other glass manufactures	211,113	658,945	447,692	484,681
Cutlery	39,610	247,765	208,155	139,240
Tin plate	9,009	20,732	11,723	538,239
Enameled ware	36,835	77,799	40,964	55,183
Leather and tanned skins	705,026	1,175,893	470,867	583,195
Gloves (leather)	273,380	285,962	12,582	182,221
Meat and dairy products	3,340,120	5,453,291	2,113,171	1,307,876
Oilcloth and linoleum	70,551	105,553	35,002	127,992
Paper and manufactures	2,083,709	2,312,222	228,513	1,839,761
Films and plates	196,758	242,941	136,185	105,037
Silk manufactures	1,980,824	2,467,765	485,941	2,053,242
Silk, artificial	232,929	277,530	44,601	246,253
Vegetables	543,481	786,165	242,684	503,424
Wool manufactures	1,497,557	5,057,229	3,559,672	1,246,515
Wood pulp	1,058,444	1,644,927	586,483	1,003,158
Total, 31 products	21,919,392	33,437,469	11,518,158	20,229,314
Increase list	10,511,680	7,660,130	2,851,550	1,670,515
Total, 36 products	32,430,982	41,097,599	8,666,608	21,899,829

Imports of merchandise and agricultural products for fiscal years ending June 30, 1915 and 1914, under the Underwood tariff law, and 1913 under the Payne tariff law, using for comparison 36 products which we have used monthly since the Underwood law became operative, and as these 36 products are the ones exposed to the most severe foreign competition, they show the injury done to our home industries by the Underwood low-tariff law.

Products.	1915 values	1914 values.	Difference.	1913 Payne law.
			Increase.	
Knit goods, less hose	$2,652,646	$2,527,218	$125,428	$385,567
Handkerchiefs (linen)	2,558,676	2,535,054	23,622	2,067,412
Meat and dairy products	43,046,850	38,760,989	4,285,861	14,596,017
Perfumery, etc	2,473,144	2,309,027	164,117	1,573,585
Seeds	23,054,820	20,084,184	2,970,636	17,425,533
Laths and shingles	5,020,962	3,830,756	1,217,156	3,305,005
Wool and angora hair	68,242,568	53,193,767	15,051,801	35,579,823
Wood pulp	19,881,111	17,025,338	2,857,773	16,165,316
Total, 8 products	166,930,727	140,284,333	26,696,394	91,398,258
			Decrease.	
Aluminum scrap	2,346,287	2,707,066	360,779	4,315,233
Aluminum manufactures	653,015	1,441,273	788,258	739,777
Breadstuffs	20,756,791	36,541,157	16,284,366	16,851,646
Automobiles and parts	1,372,412	1,432,576	60,164	2,023,207
Clocks and parts	705,553	905,421	199,866	809,715
Watches and parts	3,059,651	3,386,738	347,087	2,615,744
Cotton cloths	7,286,821	11,845,801	4,559,480	7,757,928
Lace and lace articles	11,431,428	18,667,616	7,236,188	16,981,019
Nets and nettings	966,180	1,659,387	693,207	900,532
Stockings (cotton)	1,496,781	3,144,645	1,647,864	2,703,844
Eggs	438,760	1,059,592	620,832	
Yarns (linen)	832,063	871,715	39,652	775,727
Fish	18,398,249	18,758,143	359,894	15,530,290
Fruits and nuts	43,901,195	53,421,258	9,520,063	42,622,653
Plate glass	98,171	727,889	629,718	321,605
Other glass	4,464,188	7,463,044	2,999,756	6,215,688
Cutlery	2,077,296	2,860,519	783,229	2,026,564
Enameled ware	523,904	872,600	348,786	667,486
Tin plate	353,474	1,481,458	1,127,984	981,820
Leather and tanned skins	10,874,722	13,810,347	2,935,625	8,908,237
Gloves (leather)	7,673,516	9,487,860	1,814,453	7,691,027
Oilcloth and linoleum	1,199,692	1,829,596	629,904	1,860,878
Paper and manufactures	25,818,920	27,563,840	1,744,920	21,538,645
Films and plates	1,768,488	2,626,368	857,880	1,663,336
Silk manufactures	25,042,670	35,454,786	10,412,116	27,500,478
Silk, artificial	3,587,170	4,081,830	494,660	3,277,784
Vegetables	9,329,732	15,133,535	5,803,803	11,358,761
Wool manufactures	29,791,356	34,294,204	4,502,848	16,318,141
Total, 28 products	235,787,951	313,531,243	77,743,292	224,785,655
Increase list	166,930,727	140,284,333	26,696,394	91,398,258
Total, 36 products	402,718,678	453,765,576	51,046,898	316,186,913

Imports of merchandise and agricultural products in July, 1915 and 1914, under the Underwood law, and July, 1913, under the Payne law, using for the comparison 37 products on which our monthly comparisons have been based since the Underwood law became operative in October, 1913. These are the latest complete import figures available.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Perfumeries, etc	$237,638	$187,539	$50,099	$140,043
Seeds	2,833,426	1,777,818	1,055,608	687,032
Wool and angora hair	7,041,722	4,822,334	2,219,388	1,175,664
Vegetables	1,062,674	839,796	222,878	687,032
Shingles	331,963	270,555	61,408	189,706
Nets and nettings	131,134	100,050	31,084	138,402
Total, 6 products	11,638,557	7,998,092	3,640,465	3,026,879
			Decrease.	
Aluminum scrap	126,925	243,940	117,015	446,830
Aluminum manufactures	18,877	120,652	101,775	80,037
Breadstuffs	1,156,881	2,519,361	1,362,483	1,240,576
Automobiles and parts	54,019	146,292	92,273	99,188
Clocks and parts	9,245	100,698	91,453	67,728
Watches and parts	254,061	278,921	24,860	217,757
Cotton cloths	322,862	571,650	248,788	464,482
Lace and lace articles	785,642	1,943,866	1,158,224	1,148,905
Stockings (cotton)	3,891	219,852	215,961	131,105
Other knit goods (cotton)	22,225	377,014	354,789	16,977
Eggs	21,220	30,349	9,129	
Handkerchiefs (linen)	197,353	275,255	77,922	193,308
Yarns (linen)	54,100	73,650	19,550	45,886
Fish	1,315,157	1,515,329	200,172	1,374,644
Fruits and nuts	3,790,511	4,638,733	1,148,222	4,244,691
Plate glass	288	28,149	27,861	18,451
Other glass	170,996	721,747	552,781	580,130
Cutlery	62,340	318,087	255,747	168,724
Enameled ware	4,048	63,869	59,821	69,432
Tin plate	11,668	24,619	13,011	249,410
Leather and tanned skins	551,090	1,268,073	714,073	638,345
Gloves (leather)	401,351	783,253	381,902	601,281
Meat and dairy products	1,208,931	6,108,966	4,900,035	1,378,740
Oilcloth and linoleum	74,187	129,169	54,982	89,510
Paper and manufactures	1,780,738	2,981,765	1,201,027	1,933,874
Films and plates	95,644	200,301	104,657	88,756
Silk manufactures	2,018,941	2,958,744	939,803	3,127,340
Silk manufactures (artificial)	201,779	347,921	146,142	339,243
Laths	218,672	222,212	3,540	189,706
Wool, manufactures	1,375,514	5,065,294	3,689,780	1,638,902
Wood pulp	1,200,593	2,025,938	822,345	1,264,860
Total, 31 products	17,245,519	36,305,751	19,060,235	22,534,624
Increase list	11,638,557	7,998,092	3,640,465	3,026,879
Total, 37 products	28,884,076	44,303,846	15,419,770	25,561,503

Imports of merchandise and agricultural products in August, 1915, and 1914, under the Underwood law, and August, 1913, under the Payne law, using for comparison products which, in our opinion, are subject to the most severe foreign competition.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Automobiles and parts	$63,688	$51,031	$12,657	$79,674
Watches and parts	255,432	160,694	94,738	210,846
Embroideries	565,631	298,378	267,253	780,018
Linen yarns	57,478	52,566	4,912	49,676
Enameled ware	31,550	21,956	9,594	47,874
Perfumery, etc	227,101	152,039	75,062	132,010
Seeds	2,114,803	1,481,435	633,368	770,950
Silk, manufactures	2,318,851	1,945,975	372,876	3,476,786
Vegetables	929,801	772,545	157,256	695,461
Shingles	303,148	274,706	28,442	134,520
Wool and Angora hair	4,643,373	3,956,165	687,210	1,485,247
Total, 11 products	11,591,356	9,167,421	2,333,935	7,873,092
			Decrease.	
Aluminum, crude	90,662	244,144	154,052	296,893
Aluminum manufactures	21,183	169,303	79,120	84,491
Breadstuffs	2,136,450	2,393,593	257,143	1,203,275
Clocks and parts	7,345	60,295	52,950	74,537
Cotton cloths	415,874	547,696	131,822	455,172
Lace and lace articles	746,342	917,884	177,542	1,524,115
Nets or nettings	109,257	140,260	31,023	121,122
Stockings, cotton	7,880	91,285	83,455	234,646
Other knit goods	44,784	149,442	104,658	32,454
Eggs	4,699	29,030	24,331	
Handkerchiefs, linen	186,215	229,471	43,256	222,572
Fish	1,366,621	1,500,152	134,131	1,329,605
Fruits and nuts	2,121,080	2,943,061	821,971	3,070,001
Plate glass		27,263	27,263	27,130
Other glass	143,920	486,894	340,974	567,030
Cutlery	35,499	160,538	125,039	173,075
Tin plates	8,939	93,880	84,951	18,161
Leather and tanned skins	649,858	953,318	303,460	1,728,521
Gloves, leather	403,176	604,917	201,741	935,448
Meat and dairy products	1,796,815	4,191,136	2,394,321	1,256,240
Oilcloth and linoleum	53,449	112,045	58,596	93,596
Paper and manufactures	1,803,706	1,952,005	58,299	2,112,715
Films and plates	101,054	168,739	67,685	120,928
Silk, artificial	219,778	253,686	33,908	389,220
Laths	246,430	275,025	28,595	171,620
Wool, manufactures of	1,262,446	4,025,422	2,760,976	1,947,922
Total, 26 products	14,096,322	22,653,494	8,587,172	18,146,539
Increase list	11,591,356	9,167,421	2,333,935	7,873,092
Total, 37 products	25,567,678	31,820,915	6,253,237	26,019,631

Imports of merchandise and agricultural products in September, 1915 and 1914, under the Underwood law, and September, 1913, under the Payne law, using for comparison products which, in our opinion, are subject to the most severe foreign competition.

Products.	1915 values.	1914 values.	Difference.	1913 Payne law.
			Increase.	
Breadstuffs	$2,096,567	$1,583,553	$513,014	$1,665,613
Watches and parts	229,459	129,281	100,178	300,685
Embroideries	516,224	474,216	42,008	971,090
Knit goods, less stockings	380,836	20,685	360,151	33,555
Yarns (linen)	86,995	79,823	7,172	53,620
Perfumery, etc	208,082	199,128	8,954	206,207
Seeds	2,242,181	2,127,631	114,550	1,067,795
Vegetables	667,262	607,613	59,649	925,686
Laths and shingles	643,726	569,143	74,583	343,146
Wool and Angora hair	4,651,247	3,230,165	1,421,082	1,169,111
Total, 10 products	11,722,579	9,021,238	2,701,341	7,096,636
			Decrease.	
Aluminum, crude	187,520	219,614	32,094	136,602
Aluminum manufactures	30,883	92,540	61,657	100,303
Automobiles and parts	37,081	159,743	122,662	100,184
Clocks and parts	15,448	25,525	10,077	99,149
Laces and lace articles	831,213	1,022,823	191,610	1,506,916
Nets and nettings	91,481	168,894	77,413	157,020
Cotton cloths	409,577	818,639	408,762	601,222
Stockings (cotton)	14,866	14,896	30	219,385
Eggs	8,285	24,097	15,812	
Handkerchiefs (linen)	233,719	488,893	255,174	584,881
Fish	1,684,938	2,059,486	375,178	1,704,385
Fruits and nuts	2,405,552	2,534,994	129,442	3,811,726
Plate glass	21	22,127	22,106	43,765
Other glass	138,495	296,265	157,770	632,626
Cutlery	42,704	155,566	112,862	242,296
Enameled ware	7,434	19,688	12,254	64,148
Tin plate	5,612	12,740	7,128	20,334
Leather and tanned skins	614,600	1,015,916	401,316	682,609
Gloves (leather)	563,439	679,547	116,208	1,471,775
Meat and dairy products	1,786,488	3,534,499	1,747,991	1,080,433
Oilcloth and linoleum	39,772	115,060	75,288	130,238
Paper and manufactures	1,889,003	1,906,250	16,947	2,608,548
Silk manufactures	2,180,072	2,418,649	238,577	4,364,365
Silk, artificial	236,288	481,271	244,983	345,835
Wood pulp	1,314,828	1,477,273	162,445	1,831,696
Wool manufactures	1,127,810	3,144,308	2,016,498	2,103,817
Films and plates	138,589	295,780	157,191	169,808
Total, 27 products	16,036,230	23,205,066	7,168,836	25,238,926
Increase list	11,722,579	9,021,238	2,701,341	7,096,636
Total, 37 products	27,758,809	32,226,304	4,467,495	32,335,562

Imports of merchandise and agricultural products in October, 1915 and 1914, under the Underwood law, and October, 1912, under the Payne law, using for comparison products which are subject to the most severe competition.

Products.	1915 values.	1914 values.	Difference.	1912 Payne law.
			Increase.	
Breadstuffs	$3,848,777	$2,252,120	$1,596,657	$1,202,184
Clocks, and parts	63,842	63,443	399	92,088
Watches, and parts	277,898	246,339	31,557	253,001
Nets and nettings	101,356	59,757	41,599	46,250
Hides and skins	13,401,077	7,300,310	6,100,767	9,490,044
Perfumeries, etc	245,716	213,321	32,395	194,174
Seeds	2,273,530	2,192,898	80,632	805,785
Artificial silk	488,605	311,592	177,013	301,439
Vegetables	910,674	753,631	157,043	1,288,724
Laths and shingles	601,286	505,597	95,689	377,213
Wool and Angora hair	7,827,542	2,657,360	5,170,182	2,989,796
Total, 11 products	30,040,141	16,556,408	13,483,723	17,131,328
			Decrease.	
Aluminum scrap	37,295	448,704	411,409	302,809
Aluminum manufactures	40,589	52,614	12,025	61,527
Automobiles, and parts	59,349	165,040	105,691	188,938
Cotton cloths	586,822	610,646	23,824	535,820
Embroideries	339,491	595,174	255,683	1,235,294
Lace and lace articles	876,527	983,197	106,670	1,390,265
Stockings (cotton)	14,658	75,799	61,231	271,141
All other knit goods	118,690	172,979	54,289	56,663
Eggs	8,854	20,454	11,600	None.
Handkerchiefs (linen)	286,223	338,205	51,982	533,434
Yarns (linen)	41,181	75,935	34,754	77,830
Fish	1,964,846	2,965,875	401,029	1,722,639
Fruits and nuts	3,416,583	5,200,183	1,783,600	4,770,559
Plate glass	None.	7,856	7,856	20,966
Other glass	242,063	300,227	58,164	609,850
Cutlery	48,153	216,365	168,212	290,412
Enameled ware	25,251	44,238	18,987	46,405
Tin plate	2,606	15,114	12,508	32,472
Leather and tanned skins	849,550	1,144,376	294,626	842,678
Gloves (leather)	340,722	945,914	445,192	955,618
Meat and dairy products	2,425,374	4,311,175	1,885,801	1,388,641
Oilcloth and linoleum	45,903	143,162	97,199	192,628
Paper, and manufactures	2,274,220	2,277,128	2,908	1,985,514
Films and plates	112,977	238,663	125,686	140,222
Silk manufactures	2,033,456	2,450,607	417,151	2,271,343
Wood pulp	1,402,111	2,123,382	721,271	1,502,190
Wool manufactures	1,130,196	3,110,599	1,980,403	1,713,383
Total, 27 products	18,871,860	28,433,581	9,561,721	22,885,121
Increase list	30,040,141	16,556,408	13,483,723	17,131,328
Total, 38 products	48,911,991	44,989,989	3,922,002	40,016,749

Imports of merchandise and agricultural products in November, 1915 and 1914, under the Underwood law, and November, 1912, under the Payne law, using for comparison products having severe foreign competition.

Products.	1915 values.	1914 values.	Difference.	1912 Payne law.
			Increase.	
Breadstuffs	$2,250,286	$1,517,070	$733,216	$1,192,221
Watches and parts	355,617	252,238	103,379	242,346
Cotton cloths	863,991	593,144	269,847	598,148
Embroideries	1,078,495	722,004	356,491	1,291,319
Lace and lace articles	967,285	831,124	136,161	1,378,170
Nets and nettings	134,912	62,521	111,388	72,018
Yarns (linen)	82,766	49,835	32,961	53,616
Fruits and nuts	5,091,779	5,072,560	19,219	5,610,082
Hides and skins	10,524,516	6,357,985	4,166,651	11,570,033
Perfumery, etc	318,770	286,791	31,979	233,376
Films and plates	179,620	152,566	27,054	124,603
Seeds	3,294,279	1,677,091	1,617,188	1,197,936
Silk manufactures	2,628,691	2,101,218	527,473	2,030,217
Artificial silk manufactures	341,298	297,647	43,651	269,485
Laths and shingles	579,494	354,917	224,577	329,036
Wool and angora hair	6,999,352	1,258,339	5,741,013	2,139,123
Total, 16 products	35,690,251	21,547,903	14,142,348	28,332,019
			Decrease.	
Aluminum scrap	39,661	139,836	100,175	608,906
Aluminum manufactures	5,976	47,853	41,877	46,009
Automobiles and parts	73,634	144,456	70,622	220,214
Clocks and parts	45,378	84,232	38,854	66,165
Stockings (cotton)	9,597	147,022	137,425	195,908
Other knit goods (cotton)	65,584	400,097	334,513	14,398
Eggs	8,899	38,340	29,441	.....
Handkerchiefs (linen)	183,900	289,718	105,818	253,239
Fish	2,033,560	2,172,005	138,446	1,817,943
Plate glass	85	4,393	4,308	30,326
Other glassware	140,932	426,340	245,408	529,938
Cutlery	68,284	234,298	166,014	182,190
Enameled ware	361	70,004	69,643	44,318
Tin plate	7,227	26,993	19,576	14,085
Leather and tanned skins	999,055	1,162,543	163,488	796,432
Gloves (leather)	598,182	1,025,326	427,144	612,860
Meat and dairy products	2,910,218	3,609,888	699,670	1,433,285
Oilcloth and linoleum	29,352	133,121	103,769	170,804
Paper and manufactures	2,375,488	2,397,755	22,267	2,038,333
Vegetables	899,628	921,486	51,858	1,185,708
Wood pulp	1,529,977	2,333,390	803,422	1,244,743
Wool manufactures	1,296,868	2,386,441	1,110,573	1,108,119
Total, 22 products	14,392,045	18,185,456	4,883,411	12,634,043
Increase list	35,690,251	21,547,903	14,142,348	28,332,019
Total, 38 products	48,992,296	39,733,359	9,258,937	40,966,062

Imports of merchandise and agricultural products in December, 1915 and 1914, under the Underwood law, and December, 1912, under the Payne law, using for comparison products having severe foreign competition.

Products.	1915 values.	1914 values.	Difference.	1912 Payne law.
			Increase.	
Breadstuffs	$1,973,547	$1,277,681	$695,866	$1,487,773
Embroideries	794,282	725,714	68,568	1,441,117
Lace and lace articles	1,008,827	712,440	296,387	2,042,003
Nets and nettings	129,500	29,381	100,119	88,339
Handkerchiefs	220,121	138,563	81,558	142,497
Yarns (linen)	108,867	103,923	4,944	75,674
Fruits and nuts	4,366,214	3,979,370	386,844	3,193,662
Hides and skins	13,080,180	5,160,332	7,919,848	10,370,834
Leather and tanned skins	1,337,963	714,887	623,076	818,096
Perfumery	230,465	202,110	28,355	154,985
Films and plates	140,660	87,660	53,300	119,340
Seeds	2,795,869	1,790,061	1,005,808	1,558,106
Silk manufactures	2,362,046	1,599,691	762,355	2,237,378
Artificial silk	374,457	316,899	57,558	333,309
Vegetables	810,965	773,175	37,790	1,194,836
Laths and shingles	488,122	282,440	205,682	256,594
Wool and angora hair	12,199,856	638,658	11,561,198	2,584,201
Total, 17 products	42,422,271	18,533,015	23,889,256	28,101,832
			Decrease.	
Aluminum scrap	158,154	177,708	19,554	653,401
Aluminum manufactures	1,943	56,643	54,700	57,409
Automobiles and parts	64,386	157,872	93,486	240,346
Clocks and parts	27,710	85,848	58,138	62,387
Watches and parts	241,559	447,351	205,792	237,862
Cotton cloths	665,370	772,109	106,739	992,331
Stockings (cotton)	9,118	108,295	99,177	192,341
Other knit goods (cotton)	113,887	326,312	212,425	20,722
Eggs	9,586	87,963	78,377	.....
Fish	1,752,269	2,039,523	287,254	1,533,688
Plate glass	.....	1,472	1,472	27,445
Other glassware	182,574	428,154	245,380	485,043
Cutlery	99,324	192,673	93,349	165,440
Enameled ware	28,318	47,497	19,179	41,283
Tin plate	7,304	27,276	19,972	21,914
Gloves (leather)	392,999	738,455	355,456	531,543
Meat and dairy products	1,893,948	4,032,112	2,138,164	1,343,148
Oilcloth and linoleum	35,295	96,572	61,277	132,435
Paper and manufactures	2,224,388	2,276,856	52,468	540,224
Wood pulp	1,625,457	2,005,846	380,389	1,571,549
Wool manufactures	1,307,823	2,196,555	888,732	1,454,706
Total, 21 products	10,831,612	16,303,092	5,471,480	10,173,437
Increase list	42,422,271	18,533,015	23,889,256	28,101,832
Total, 38 products	53,253,883	34,836,107	18,417,776	38,275,269

Imports of merchandise and agricultural products in January, 1916 and 1915, under the Underwood law, and January, 1913, under the Payne law, using for comparison products having the most severe foreign competition.

Products.	1916 values.	1915 values.	Difference.	1913 Payne law.
			Increase.	
Breadstuffs	$1,683,097	$1,155,139	$527,958	$1,483,343
Automobiles and parts	235,714	96,162	139,552	37,668
Watches and parts	278,262	266,675	11,587	192,853
Cotton cloths	793,588	740,954	52,634	956,097
Lace and lace articles	1,033,537	1,024,494	29,043	2,304,873
Nets or nettings	159,914	61,953	97,961	60,525
Handkerchiefs (linen)	97,981	91,210	6,771	72,869
Yarns (linen)	84,099	82,879	1,220	69,011
Fruits and nuts	3,301,947	2,663,288	1,238,659	2,562,175
Hides and skins	12,347,851	8,965,090	3,382,761	1,033,232
Leather and tanned skins	1,372,335	948,120	424,206	778,681
Perfumery, etc	226,959	165,904	73,055	113,880
Seeds	2,186,646	1,260,854	925,792	2,084,481
Silk manufactures	2,460,161	1,745,069	715,092	2,466,621
Silk, artificial	263,409	215,792	47,617	339,785
Vegetables	1,225,280	802,866	422,474	1,066,005
Laths and shingles	363,718	206,357	57,361	142,191
Wool and angora hair	23,329,560	2,448,259	20,881,301	3,045,662
Total, 18 products	51,636,058	22,660,994	29,035,064	19,302,854
			Decrease.	
Aluminum, crude	163,270	219,372	56,102	576,074
Aluminum manufactures	5,958	61,569	55,611	66,925
Clocks and parts	17,643	104,529	86,886	62,495
Embroideries (cotton)	523,514	801,317	277,803	1,165,054
Stockings (cotton)	6,850	302,865	296,015	209,010
Other knit goods (cotton)	52,915	324,033	271,118	31,810
Eggs	3,357	67,990	64,633	.....
Fish	1,476,513	1,592,067	115,554	1,233,800
Plate glass	.....	2,124	2,124	31,810
Other glass	180,322	467,328	287,006	485,605
Cutlery	58,544	194,534	135,990	143,561
Enameled ware	16,663	63,134	46,471	80,392
Tin plate	10,242	104,802	94,560	31,458
Gloves (leather)	557,278	765,174	207,896	620,226
Meat and dairy products	2,480,228	4,517,468	2,037,240	1,104,552
Oil cloth and linoleum	31,771	68,691	36,920	146,359
Paper and manufactures	2,029,881	2,116,212	86,331	1,755,711
Films and plates	77,899	81,566	3,467	160,006
Wood pulp	1,414,881	2,316,982	932,099	1,569,771
Wool manufactures	1,378,803	2,188,832	810,029	1,468,228
Total, 20 products	10,186,528	16,390,386	6,204,058	10,646,850
Increase list	51,636,058	22,660,994	29,035,064	19,302,854
Total, 38 products	61,822,586	38,991,380	22,831,006	29,949,704

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the following act and joint resolution:

S. 5415. An act to authorize the construction of a bridge across the Fox River at Geneva, Ill.; and

S. J. Res. 121. Joint resolution authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California.

POTOMAC RIVER BRIDGE.

The VICE PRESIDENT. Morning business is closed.

Mr. SWANSON. I move that the Senate proceed to the consideration of House bill 759.

Mr. OLIVER. What is the bill?

The VICE PRESIDENT. It will be read by title.

The SECRETARY. A bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 7, after the word "cost," to insert "for the bridge and the necessary approaches thereto," so as make the section read:

That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed a bridge across the Potomac River at or near what is now known as the Aqueduct Bridge, replacing said bridge with a substantial structure, at a cost for the bridge and the necessary approaches thereto of not more than $1,000,000.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That the Secretary of War is further authorized to make such contract for the removal of the present bridge and for the sale thereof as in his discretion may be proper, and to cover the proceeds of such sale, if any, into the Treasury of the United States.

The amendment was agreed to.

The next amendment was, in section 4, line 21, after the word "property," to insert "necessary in the construction of said bridge," so as to read:

SEC. 4. That the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of securing proper plans and for the payment of any lands, easements, rights, or property necessary in the construction of said bridge.

The amendment was agreed to.

Mr. SWANSON. Mr. President, the Committee on Commerce adopted an amendment to the bill which they failed to report. I now send the amendment to the desk and ask that it may be inserted in the bill.

The VICE PRESIDENT. The amendment submitted by the Senator from Virginia on behalf of the Committee on Commerce will be stated.

The SECRETARY. In section 4, page 3, line 1, after the word "herein," it is proposed to insert:

The Secretary of War shall advise with the Commission of Fine Arts in regard to the location, plan, and specifications of said bridge and approaches.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 5, page 3, line 9, after the word "cables," to insert "and interurban railroads," so as to read:

That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph and telephone wires or cables, and interurban railroads, upon such conditions and for such compensation as may from time to time be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 4, after the word "bridge," to insert "and the double track above described," and in line 8, after the word "railways," to insert "including the Washington & Old Dominion Railway," so as to read:

And provided further, That any electric railway shall have the right to use said new bridge and the double track above described upon terms determined by the Secretary of War, who is hereby authorized and directed to hear the interested parties and to fix the terms of joint trackage. And all electric railways, including the Washington & Old Dominion Railway, using said new bridge shall, in addition to taxes and other charges, pay monthly into the Treasury of the United States the sum of one-half of 1 cent for each passenger transported each way over said new bridge, and just and reasonable rates or charges on all freight transported thereon, and of these sums, when paid into the Treasury, one-half shall be credited to the District of Columbia.

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, in section 2, page 2, line 5, after the words "as may be," I move to strike out the word "desired" and to insert in its place the word "necessary," so that it will read:

As may be necessary for the construction of said bridge and the approaches thereto.

Mr. SWANSON. I accept the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GOOD ROADS.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7617, commonly called the good-roads bill.

Mr. HOLLIS. Mr. President, it had been my intention to ask that the rural-credits bill be taken up at the close of the routine morning business this morning. Several Senators have spoken to me about wishing to discuss the paragraph which deals with exemptions from taxation, but I find that one of the Senators on the other side is ill, and therefore can not discuss that matter to-day. While I had hoped to get a vote on the bill to-day, I have agreed that Senators may discuss the section of the bill to which I refer to-morrow, and I shall not attempt to get a vote to-day. I therefore do not insist upon taking up the rural-credits bill until 2 o'clock.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD].

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Ohio [Mr. POMERENE], which will be stated.

The SECRETARY. On page 11, line 13, it is proposed to amend the committee amendment by adding after the word "require," on line 13, the following:

Provided, however, That the Secretary of Agriculture shall approve only such projects as may be permanent in character, and the expenditure of funds hereby authorized shall be applied only to such improvements.

Mr. BANKHEAD. Mr. President, I very much hope that this amendment will not be adopted in the form in which it is submitted. This amendment, if adopted, in my judgment, would preclude the expenditure of any of the money intended to be appropriated to the building of post roads, because there can be no such thing, Mr. President, as a permanent road. There has never been a permanent road built, and there never can be. So, if the Secretary of Agriculture should literally construe the language included in the amendment, it would, in my opinion, absolutely preclude the building of any road under the provisions of this bill.

I am as anxious, Mr. President, as is the Senator from Ohio or any other Senator that this money shall be wisely and judiciously used and that we shall get value received for every dollar that is expended; I am just as anxious as is the Senator from Ohio or any other Senator that the money that we propose to appropriate for the building of post roads shall result in the building of good post roads and highways; and I should like to ask the Senator if he would not be satisfied and if he would not consent to an amendment such as this: Strike out in his amendment all after the word "may" and insert the words "call for the construction of good post roads and highways." It seems to me, Mr. President, that is as far as we can safely go.

Mr. POMERENE. Mr. President, may I ask the Senator to restate his proposed amendment? I did not catch it.

Mr. BANKHEAD. It might be that an amendment reading in this way would suit the Senator:

That the Secretary of Agriculture shall approve only such projects as may be good in character.

My original suggestion was to strike out all after the word "may" in his amendment and to add the words "call for the construction of good post roads and highways."

Mr. SHAFROTH. Mr. President, I should like to ask the Senator whether or not, inasmuch as the States and localities must pass upon these matters, they are not better judges as to

what kind of a road ought to be built, and would it not be better to leave the discretion in them rather than to prescribe that authorities here in Washington, 2,000 miles away from my State and varying distances away from other States, shall prescribe the exact character of roads supposed to be suited to a particular locality?

Mr. SMITH of Arizona. Particularly when the States spend ten times as much on roads as the Government does.

Mr. SHAFROTH. And inasmuch, no doubt, as the States will put up fully as much as the National Government, and, I presume, much more than the National Government, it seems to me they ought to determine the character of the roads to be built, instead of prescribing absolutely here in Washington what shall be done.

Mr. BANKHEAD. Mr. President, I thoroughly agree with the Senator from Colorado. I have stated on the floor repeatedly that, in my opinion, this question should be left to the State highway commissions and the Secretary of Agriculture to work out such plans and to construct such roads as would in their judgment give value received and carry out the purpose of the act, that being to construct good post roads and highways. I made the suggestion with the hope that the Senator from Ohio might be willing to accede to it, inasmuch as I am informed by the best highway engineers in the country that to confine the Secretary of Agriculture to the construction of "permanent" roads is out of the question and impossible. I hope the Senator from Ohio will accept my suggestion. If not, then I must ask the Senate to reject the amendment.

Mr. POMERENE obtained the floor.

Mr. VARDAMAN. Will the Senator yield to me for a moment?

Mr. POMERENE. Certainly.

Mr. VARDAMAN. Would it be objectionable to the chairman of the committee to insert the word "durable" in place of the word "permanent"?

Mr. BANKHEAD. Mr. President, the highway commissions and the engineers all agree that the word "durable" means brick or concrete, or roads of similar character.

Mr. VARDAMAN. I did not know that the word had a technical meaning, and if the Senator from Alabama is correct in his understanding of the meaning of the word it would not be prudent to insert it.

Mr. POMERENE. May I ask the Senator who are the engineers to whom he has referred?

Mr. BANKHEAD. Mr. President, roads of that character are only needed where commerce and travel converge around the big cities; they are not needed in the country.

Mr. POMERENE. Mr. President, may I ask the chairman of the committee who the engineers are that define "permanent" as meaning brick roads or concrete roads or macadam roads?

Mr. BANKHEAD. Well, Mr. President, I do not object to telling who my authority is on that subject, so far as that is concerned, because it is no secret. Mr. Logan Page, of the Good Roads Division of the Agricultural Department, states that positively.

Mr. GALLINGER. Mr. President, if the Senator from Ohio will permit me——

Mr. POMERENE. I will.

Mr. GALLINGER. It occurs to me that there is one other word that would accomplish the purpose of the Senator and obviate the difficulty of defining the word "permanent," and that is the word "substantial"—that the road shall be substantial in character.

Mr. POMERENE. Mr. President, I will take up each of these suggestions as they have been made. I do not think that any one of them meets exactly what I had in mind when I used the word "permanent."

It was not meant, and this amendment does not say, that these roads must be permanent. The phrase is "permanent in character." The Senator from Alabama [Mr. BANKHEAD] would substitute the words "good in character." I do not know how he is going to define a "good road" any more than I can define specifically a road "permanent in character"; and I have not attempted to define it. That phrase would be better, however, than the language of the bill as it was presented without any amendment.

My friend the Senator from Mississippi [Mr. VARDAMAN] suggests the word "durable." That is better than the word "good," in my judgment; but it is not as good as the word "permanent."

Mr. VARDAMAN. Mr. President——

Mr. POMERENE. Pardon me just a moment. The Senator from New Hampshire [Mr. GALLINGER] suggests the word "substantial." I think that is better than the word "durable," and I would much prefer it to having no provision of this character in the bill.

Mr. VARDAMAN. Mr. President, will the Senator allow me to interrupt him?

Mr. POMERENE. If the Senator will pardon me just a moment until I have answered the suggestion made by the Senator from Colorado [Mr. SHAFROTH], I will yield to him.

I do not think the Senator from Colorado fairly states this proposition. It is not a question of somebody here in Washington determining what shall be done. The bill itself provides that the projects, the plans, the specifications, the material, shall be first suggested by the State highway commission or by the governor. Afterwards, the projects, plans, specifications, and material shall be submitted to the Agricultural Department here; and, if approved by the Agricultural Department, then this expenditure can be made.

Let me suggest further while on this point, that it is said that the States, of their own volition, are expending for roads vastly more money through their own administrative authorities than is provided to be contributed by the Federal Government. That is true unquestionably.

Now let us see what the situation here is with regard to Colorado. Under the provisions of this bill Colorado would get out of the $5,000,000 appropriation $86,800. By the terms of this bill, before that State would be permitted to receive this amount of money, it must appropriate at least a like sum, namely, $86,800, out of its own treasury; in other words, it would require a total expenditure of twice $86,800 to be invested in the construction of permanent roads. I dare say that in the State of Colorado to-day there is more money expended for permanent roads which would meet the requirements of the language of my amendment, than can be built in any one year for twice $86,800. Assuming that to be so, then Colorado is in a position where she can get this Federal aid, and I want her to have it; but I do not want this money to be frittered away, as much of it will be, in my judgment, if there is no limitation whatsoever placed upon the road upon which this money may be expended.

Now, looking at it from the standpoint of the State, it is just as broad as it is long, because if this Federal money is put in what we might all agree was a permanent roadway, then she can divert her funds to making these temporary roadways, if I may use that term, and the State will lose nothing by it. My belief is that if we are going to take this money and expend it in each of the several States in mere temporary road building, a mere grading up of the earth and the clay into the center of the highway, it may be, and making a gutter along each side, we will have nothing at the end of the year to show for the expenditure of the Federal funds. This proposition is so enormous, so tremendous, with 2,300,000 miles of highway in the country, that if we are going to attempt in any degree to make these temporary highways in the way that I have indicated, it is going to discourage rather than to encourage permanent road building.

With all due respect to the commissioner of highways, when he attempts to make the statement that the word "permanent" includes only a brick road, a macadam road, or a concrete road, I am in a position where I have either to question his intelligence or to question my own.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. POMERENE. I do.

Mr. SHAFROTH. The reference which I made as to prescribing here the kind of road that should be built in the States applies not to what the Secretary of Agriculture might do, but to the very thing that the Senator is prescribing in this amendment. When a State, as is the case in my State, has a highway commission, composed in my State of three members, a board of engineers, all of them of the highest degree of skill that can be had, and when those men are willing to put up the money—and they will put up not only half, but two-thirds to three-fourths of the amount—it seems to me that we ought to leave it to them.

Mr. POMERENE. May I ask the Senator from Colorado a question?

Mr. SHAFROTH. Certainly.

Mr. POMERENE. What kind of roadways does the Senator anticipate the State of Colorado will build under this appropriation, if it is made?

Mr. SHAFROTH. I think the chances are that most of them will be roads with a rock surface—not a rock surface entirely, but disintegrated granite. That is something that is very good in our State, and that is what we build mostly.

Mr. POMERENE. Does not the Senator believe that a road of that character would meet the requirements of the language of my amendment?

Mr. SHAFROTH. I do not know whether it will or not, because at times it washes—there is no doubt about that—and yet it is quite a durable road.

Mr. POMERENE. Certainly; and there might be an earthquake out there that would disturb any kind of a road that might be built.

Mr. SHAFROTH. Oh, no. The heavy storms will, to a certain extent, damage them; but unquestionably, when you compare the cost of that with the cost of a concrete road or a road that is built of brick, the latter is so much greater that, if it were insisted upon, you could not have any construction at all to speak of. You would not have a hundred miles of road a year constructed under this bill if that were the case.

Not only that, but so far as my State is concerned, we have a tax which raises $600,000 every year. That goes to the construction of roads. That is a State tax, and they require counties to put up and they require individuals to put up.

Mr. POMERENE. May I ask to what class of roads that applies?

Mr. SHAFROTH. It applies generally to what are called the State roads.

Mr. POMERENE. But to what character of improvements?

Mr. SHAFROTH. Generally surfacing them with disintegrated granite or small rock. We have in the State of Colorado a great quantity of disintegrated granite. It is not exactly pulverized, but nearly so. It is a surface that wears splendidly, and it is the character of road that is most used and most built. I do not know whether that would come under this language or not.

Mr. POMERENE. Mr. President, I think there can be no question but that the construction which will be placed upon this language by the Agricultural Department will be practically final. It would have to be a gross abuse of discretion before any court would attempt to interfere in what was purely an administrative function. A mere difference of opinion as between man and man would not be regarded as sufficient justification for the court to disturb an administrative act.

The language here is that the Secretary of Agriculture shall approve only such projects as may be permanent in character. He is the judge—not a court, not any other official; and my belief is that there would be less abuse of the spirit of congressional action here by aiding the department in determining the character of roads which may be built under these appropriations than by leaving the matter wholly to his discretion; and my thought is this, too: If there be no limitation placed upon this appropriation, and the discretion of the department be abused, as I believe it will be, by attempting to make these temporary repairs, there will be a revulsion of feeling against legislation of this character that will, later on, defeat Federal aid, which I would very much regret.

Mr. BANKHEAD and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Ohio yield, and to whom?

Mr. POMERENE. I yield to the chairman of the committee.

Mr. BANKHEAD. Mr. President, I am sure the Senator from Ohio wants to keep the record straight. I did not say, as he seems to think I said, that permanent roads were made out of brick or concrete. I said there was no such thing as a permanent road, and none could be built. I said that durable roads, under the definition of the engineers, were built out of brick, cement, and such material—durable roads, not permanent roads.

Mr. POMERENE. But, Mr. President, I think we must give a reasonable construction to all language, and I think Senators generally understand what we mean when we speak of a road that is permanent in character. We mean something in contradistinction to a road that is only temporary in character.

Mr. VARDAMAN. Mr. President, will the Senator from Ohio yield to me for a moment?

Mr. POMERENE. Yes; I yield to the Senator from Mississippi.

Mr. VARDAMAN. I was just going to ask the Senator if the words "permanent" and "durable," as stated by the chairman of the committee, have a technical meaning in road building? For instance, if a durable road is a road built of such material as brick, concrete, and material of that character, the enactment of a law, with the use of those words, would leave no discretion to the Secretary of Agriculture in construing them. He would be compelled to give them the technical meaning, which is usual in treating the subject of road building. There is no room for question on that point.

I can not agree with the Senator from Ohio that there is any danger of the Secretary of Agriculture and the authorities of the State permitting an improper or worthless road to be constructed; but if the Senator wants to throw around it more safeguards than the bill already provides, I think the suggestion of the Senator from New Hampshire [Mr. GALLINGER] would meet all requirements by employing the word "substantial." It is not so strong a term as "durable," and it does not go so far as the word "permanent." It means a substantial, lasting construction.

Mr. GALLINGER. Mr. President, if the Senator from Mississippi will permit me, I will read three or four definitions of the word "substantial" in a very few words.

Mr. VARDAMAN. I have nothing further to say, except to call the attention of the Senator from Ohio to the fact that I do not think any probable or possible abuse would occur under the terms of the bill at all, but certainly not if his amendment should be adopted and the word "substantial" should be substituted for "permanent."

Now I yield the floor to the Senator from New Hampshire.

Mr. GALLINGER. Among the definitions of the word "substantial" are these:

> Having an essential value; genuine; sound; sterling. Having firm or good material; strong; stout; solid; real; or true in the main or for the most part. Vital; important. That which has real practical value.

It seems to me that that is a word which covers the case very completely, without using a word that is very difficult of definition, unless we go to the extreme of good-road building.

Mr. POMERENE. Mr. President, I am obliged to the Senator for giving us the benefit of that definition; but I have been furnished with a definition of the word "permanent" as contained in the Century Dictionary, and I want to read it:

> Lasting or intended to last indefinitely; fixed or enduring in character, condition, state, position, occupation, use, or the like; remaining or intended to remain unchanged or unremoved; not temporary or subject to change; abiding; as a permanent building; permanent colors, permanent employment; permanent possession.

And according to the able engineer who has been quoted here as authority by the chairman of this committee, there could be no permanent building, because a building does not last forever.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. POMERENE. Yes.

Mr. SMITH of Georgia. Under the definition "lasting indefinitely, not subject to change," would not the Senator hold that an asphalt road, which we know wears out in five or six years, would not be a permanent road?

Mr. POMERENE. No; I could not agree with the Senator upon that definition at all. It is permanent in character, just as much as this building is permanent in character, just as much as any house is permanent in character.

Mr. SMITH of Georgia. Is not this building a building of indefinite permanency, that might last for many, many years, and we do not know when it would wear out, while we know that an asphalt road will give out in 10 years? I have never seen one last more than 5 or 6 years.

Mr. POMERENE. Mr. President, I recognize the fact that any character of road we may build is not going to be permanent, according to the engineer, Mr. Page; but if an asphalt pavement is temporary in character, how much less permanent in character and substantiality is a mere road which is graded up to the center with nothing but the ordinary earth in that vicinity!

I take it that any Secretary of Agriculture who may be in office is going to be a reasonable man and take notice of all of the facts connected with a given proposition. I take it that he is going to have in mind the kind of material that there may be in the several States or localities where this material could be used in economical road building. All those things will be borne in mind. But if you are going to have a road simply temporary in character, what is going to be the situation? You are going to have some gentleman constantly waiting upon the Department of Agriculture and upon the highway commissions to press this proposition, that proposition, or the other proposition. There is going to be, in my judgment, more laxness in the methods of road building, and there will be more extravagance in the expenditure of the money. It is that which I want to prevent.

The Senator from New Hampshire [Mr. GALLINGER] and the Senator from Mississippi [Mr. VARDAMAN], I think, have each given pretty good suggestions. I would myself prefer the word "permanent"; but if that is not going to be accepted, I certainly do hope that one or the other of the suggested amendments will be accepted. I do not know of any road commissioner, State or

National, who should be given carte blanche to say to what jobs he shall devote the public funds.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. POMERENE. I yield.

Mr. GALLINGER. I move an amendment to the amendment submitted by the Senator from Ohio to strike out the word "permanent" and insert "substantial."

Mr. SMITH of Georgia. I could not hear the Senator from New Hampshire. What does he propose to strike out?

Mr. GALLINGER. The Secretary will state it.

The VICE PRESIDENT. The amendment to the amendment will be stated from the desk.

The SECRETARY. In the amendment offered by the Senator from Ohio [Mr. POMERENE] it is proposed to strike out the word "permanent" and in lieu thereof to insert the word "substantial."

Mr. SWANSON. Mr. President, I hope the amendment of the Senator from Ohio [Mr. POMERENE] will not be adopted. It would simply tend to bring about the expenditure of all this money around the large cities, where they will have macadam and permanent roads. One of the purposes of this bill is to aid the rural communities, where there are not sufficient funds to have permanent roads of the character that the Senator from Ohio wants constructed.

There is no objection to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], but the Senator said that this bill permits waste of Federal money. Those of us who were on the subcommittee reporting this bill to the full committee considered this matter. There is no chance of the Federal money being thrown away under this bill. If it is a sand-clay road, or a gravel road, or even if it is a dirt road, it has to be, under this bill, put in good condition. After it is put in good condition then the Federal Government pays its half or third. Then the State must agree to keep the road substantially in the same condition that it was in when the Federal Government paid its money. Consequently, whatever the character of that road, for all time to come that road must be kept in that condition, so the money can not be wasted or lost. If it is not kept in that condition the State then fails to receive any money in the future.

We considered all that phase of the question, and no bill has been introduced here that provides more safely and completely against the waste of money by the Federal Government than this.

I have no objection to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER]; but if you put in the word "permanent," that word has been construed generally by State highway commissions not to include sand-clay roads or gravel roads. It is usually construed as a macadam or brick road, or a permanent road of that kind or character.

It seems to me there is no danger of having any trifling roads under this bill. You can not repair roads under the bill. You can rebuild them; you can construct them; but the temporary repairs that the Senator imagines will occur could not be made under the provisions of this bill. Consequently, I can not see why it would not be better to let the bill stand as it is; but I have no objection to the amendment offered by the Senator from New Hampshire, which would permit sand-clay roads, gravel roads, and roads of that character to be built under the provisions of the bill.

Mr. CURTIS rose.

Mr. SWANSON. Does the Senator from Kansas wish to interrupt me?

Mr. CURTIS. I was going to suggest that the substitution of the words "modern in construction" for "permanent in character" might answer the objection.

Mr. SWANSON. The State highway departments would differ as to what is a permanent road. If you want to spend this money to build roads around large cities, simply building a macadam road, and giving the rural district no benefit of it, put in the word "permanent." That is what it means. It means that the rural sections would have to pay half the expense ultimately in the construction of roads costing $15,000 or $20,000 a mile. I do not think that is right. I think that will destroy one great purpose of the bill.

Mr. POMERENE. Surely the Senator from Virginia does not mean to say that if this amendment is adopted permanent roads would only include those that would cost $15,000 or $20,000 a mile.

Mr. SWANSON. I mean this: If the department should construe this language to mean that only macadam, brick, or rock roads are included in permanent roads, a sand and clay road could not be built, a gravel road could not be built, and the effect would be that this money would be spent entirely around large cities. To the word "substantial" I do not believe the chairman of the committee will object, but I would prefer the language of the bill.

As I said before, there can be no waste of Federal money under the bill. Take the imagined case the Senator from Ohio put. They could put the dirt road in a good condition and pay $200 a mile to do it under the provisions of the bill. They could drag it and drain it and make a dirt road. What is the result? Under the provisions of the bill the State will have to agree for all time to come that that road shall be kept in substantially the condition that it was when it was completed, and if that is not done no money under the provisions of the bill shall accrue to the State. If you could get all the dirt roads kept for all time in that condition, it would be a great deal gained. The bill has been drawn carefully to prevent any waste of Federal money. I do not see how any waste of Federal money can accrue if the bill is honestly and fairly executed.

Mr. SHAFROTH. Mr. President, the Senator from Ohio has said that we would never have a Secretary of Agriculture who would construe the word "permanent" to mean a brick or a macadam road, and that therefore there is no danger in putting in this amendment. If such a condition as he describes is bound to exist, why can you not trust the Secretary of Agriculture to determine under the general provisions of the bill? Why prescribe a limit on what he can do by the indefinite provision which is proposed here by the Senator from Ohio? The amendment reads as follows:

Provided, however, That the Secretary of Agriculture shall approve only such projects as may be permanent in character, and the expenditure of funds herein authorized shall be applied only to such improvements.

Now, why is it necessary to curtail his power? If it means nothing, if the Secretary is going to have the leeway of determining what is permanent and what is not permanent in the kind of road to be used, what is the use of making that provision? Section 6 prescribes as follows:

SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require.

Mr. President, it takes the approval of the Secretary. Why limit him and curb him by a distinct provision with respect to this particular matter?

The Senator thinks there will be a great waste of money. I deny that, Mr. President. I do not believe there will be. I do not believe it, because I believe that the expenditures which have been made in the last 8 or 10 years in various States of the Union have demonstrated that the State highway departments are as anxious for good roads as any Federal officer possibly can be. I know that in our State we are very careful. We are making splendid roads, and we are spending a great deal of money upon them. We spent $2,600,000 last year for this purpose. Here is a provision that is going to be availed of, I believe, by the States, so that the National Government will not have to put up more than one-fourth. It says not exceeding one-half. I am satisfied that will be the case, inasmuch as experience has shown in my State that the individuals and the counties are willing to put up the majority of the money in any case. You will find that they will do it with relation to the Federal fund and in order to make it build as much road as possible. Here is a proposition to curb and restrict by a direct command the Secretary of Agriculture with respect to the character of roads, when, as a matter of fact, they will be putting up twice or three times as much money as the Federal Government.

I am opposed to any restriction. I am opposed to any limitation. I believe we can rely upon the general good character of the Secretary of Agriculture when the proposition comes up. If it is very bad he will condemn it; if it is not very bad he will find that the highway department of the State is going to be the one that will determine what is for the best interest of the community in which the road will be built.

Mr. COLT. Mr. President, in determining this particular question it seems to me that it turns upon this proposition: Has the word "permanent" in the road-building art a fixed meaning? If the word "permanent" in this art has come by usage to mean a macadam road or a brick road, then in all probability if this word was before the court they would construe it according to its meaning in the art. This is a very familiar rule of construction in dealing with customs cases. We take the meaning of a word as used in the trades.

Further, if it is doubtful whether the word "permanent" has a fixed meaning or has not a fixed meaning, then it would

be well not to use that word, for fear that a court or the Secretary of Agriculture would construe it in its limited, technical sense.

I do not know, myself, whether the word "permanent" in the road-building art has come to have a fixed meaning such as has been indicated. If it has, then that word ought not to be left in the statute unless we desire that it shall be construed to be limited to roads of a certain class.

Mr. LANE. Mr. President, I do not understand the amendment. There are no permanent roads. No permanent roads have ever been built. There must be repairs to all roads. What makes a good road in one country makes an inferior one in another. In California by rolling and draining and covering dirt roads with oil and keeping it in repair they have good roads, suitable for ordinary traffic, but they will not stand heavy traffic without cutting. There is no road except one made of basaltic Belgian blocks that will last 15 years without repairs or rebuilding. The life of an asphaltum road is from 10 to 12 years. If you do not travel at all on such a road it rots out in most countries and loses its binding quality of holding the road material together in that length of time. Any bitumen will make a good road when faced with a rock surface, or "metal," as it is called. Its life, however, is but about 12 years under ordinary weather and traffic if well laid, and it is too expensive.

The so-called crushed rock or macadam road wears away rapidly and has to be resurfaced often. If you keep after it all the time, a well-made clay road, well rolled and well drained, will keep up for many years with the light traffic of the country such as farmers driving over it with their produce if kept in repair.

There is no road which is permanent and there is no particular road that is suited for all and differing localities. The term that they must construct a permanent road means that they shall do something which nobody has approached yet except the Romans. The Romans built a road that had a fairly permanent foundation, and in France and all through Europe they are resurfacing the old Roman roads and using them to-day. They stand upon a foundation that you can call permanent for a road, but it is constructed at a heavy first cost. It must be properly drained; it must have large culverts; draining is the secret of such a road if it is in a watered country. Water destroys a road. Attrition also destroys its surface. The surface should be of hard stone or metal, as it is called, well laid, and the day will come in this country when they will use steel for "tracking" the vehicles, and when we do that we will have a road that will last for years, but not until we do so. Nothing is "permanent" but the Almighty; not even the mountains, for they are being leveled by attrition.

The bill should be so drawn that it will meet differing conditions in keeping up the roads of different sections and compelling repairs to be made, building roads suitable to the traffic in the community in which the road is constructed. You can not go further than that.

Mr. STERLING. Mr. President, I sincerely hope the proposed amendment of the Senator from Ohio will not prevail, for this reason: The words "permanent in character" might be so construed by the Secretary of Agriculture as to preclude my own State especially, and I may say I speak with some special knowledge, and I think other States as well somewhat similarly situated, from sharing in the benefits of the bill. In South Dakota we could not build roads with crushed rock or stone as a basis with concrete or asphalt upon the top of that. We could not think of doing a thing of that kind. We could not build a macadamized road of any length in South Dakota because of the tremendous expense it would be to us. We could not build a brick road, if a brick road is to be construed as a permanent road under the language of this amendment.

With this Government aid, however, we might be able to do this. We could construct with care and with some attention to scientific construction a good dirt road and we could surface that road, perhaps, with gravel or in certain sections of the State of South Dakota, and it is true likewise in North Dakota, we could surface such a road so constructed with lignite, which may be obtained in large quantities in certain parts of the State.

Mr. President, I appreciate what was said by the Senator from Rhode Island [Mr. COLT] in regard to the meaning that may be given by usage or custom to the word "permanent." Perhaps the term has been used too long in connection with macadamized roads or with rock-built roads or with brick roads to mean in the mind of the Secretary of Agriculture anything else than roads of that kind, and he would say, "Your proposed dirt road, constructed in a State where you have not this material or where it was too costly for you to procure it, does not come within the meaning of the term 'permanent in character' as used in the bill."

Mr. President, we can not build roads that cost so much in their construction as they do in certain parts of the United States, but we shall construct under the bill more miles of reasonably good, substantial roads, and the provisions of the bill will be of great benefit to us because it will enable us to do that. Here is our great State, much of it—that portion west of the Missouri River sparsely settled, but in which good roads are needed nevertheless—in which the settlers are new and who feel too much the burden of constructing such roads as could be constructed with the aid of the Government under the bill.

Mr. GALLINGER. Mr. President, we all appreciate the difficulties that certain sections of the country have in the construction of so-called good roads. I have listened to the Senator's explanation of what may be expected in South Dakota. The Senator says they can construct good, substantial roads. I have offered an amendment to strike out "permanent in character" and insert "substantial in character." Would the Senator object to that? Could not his State meet that requirement?

Mr. STERLING. I will say in answer to the Senator from New Hampshire that I think it probably could if there be a reasonable construction put upon the word "substantial" by the Secretary of Agriculture; but I can hardly see the necessity of even that word under the safeguards provided in the bill. Is it likely that the State highway commission will present to the Secretary of Agriculture an unreasonable project in regard to the building of a road in any particular State? I do not believe it will.

Then, again, Mr. President, after the care and attention that the highway commission will give to the subject in presenting any project to the Secretary of Agriculture, there will be the supervision of the Secretary of Agriculture himself through his inspection and study of the proposed project.

It seems to me that there is every possible safeguard thrown around the bill against any wasteful expenditure of Government appropriations. I hope the bill will stand as it is written without this amendment.

Mr. NORRIS. I wish to ask the Senator from South Dakota a question. Does the Senator believe that the word "permanent" would exclude the kind of road that he describes in his State?

Mr. STERLING. I was just indicating, I will say to the Senator from Nebraska, my theory in that regard. I say that roads built of brick, of macadam, or of concrete, with ground rock as the basis, and so forth, would probably be deemed as being permanent roads—they have always been so considered—and the Secretary of Agriculture might say, in view of this, that no other road is a permanent road under the meaning of this amendment.

Mr. NORRIS. Of course, technically, as has already been said, there never has been a road built that is permanent, if you are going to use that technical definition of it. I would not want to cut out the kind of roads the Senator has described. At the same time, it seems to me that this word "permanent" would not do that. If it would cut out that kind of a road because it would not last long enough, then for the same identical reason it seems to me it would cut out a brick road, because that will not last forever. The word ought to be in the bill, it seems to me, in order to distinguish the road from a temporary affair, from a makeshift. It ought to be a real road.

Mr. STERLING. The Senator from Ohio has frequently used the word "temporary." I do not know what he means by "temporary," unless he means a road that would have to be built under conditions as they exist in my own State and in many other States. That is what I think he must mean by a temporary road; and his idea of a permanent road is a road constructed of other material than dirt.

Mr. LODGE. If the Senator will allow me. I think it is perfectly easy to state what is meant by temporary. In all parts of the country a large part of the roads are of that character. They are roads which are repaired in the spring, and after the winter is past they are repaired again in the spring.

As I understand the object of the bill as it now is, it is to allow the Government money to be spent on repairs of precisely that character. I do not want to do anything to stop the easy flow of the appropriation to needy places, but I do not think we ought to spend the Government money on temporary repairs of that kind.

Mr. STERLING. Mr. President, I think the Senator from Massachusetts labors under a misapprehension in that regard. The work of which he speaks is not road construction.

Mr. LODGE. Oh, yes; it is.

Mr. STERLING. That is maintenance of the road. The road having once been built, although it be a dirt road, graded up, and graded up scientifically, as it should be done, the matter of keeping it maintained or in repair thereafter will rest with the State authorities, the local authorities. It is the construction of roads, miles and miles in length, in the first place, that makes the hardship in my State and in many other States similarly situated. Then, with a road like that, comes the somewhat burdensome task, too, of afterwards keeping it in repair by the local authorities, and the local authorities are required, under the provisions of the bill, to keep it in repair.

Mr. TOWNSEND. Mr. President, there may be some doubt about the proposition that the Federal Government should engage in aid of constructing State roads; there may be some ground for debate on the question as to how much aid the Government should furnish the State; there may be some question as to whether now is the time to furnish such aid; those are debatable questions; but, I submit, Mr. President, that the provision for good roads, as contained in this bill, is not or cannot be one for serious debate.

The bill provides for good roads for all of the States in the Union to the extent of the Federal aid provided therein. It recognizes the fact that in some places it is, perhaps, better to use cement, concrete, or brick, and that in other places that is impracticable and can not be done. We safeguard the Government appropriation with every means that is reasonable or that could be required in safely investing the Federal funds. Each State has to contribute the peoples' money of that State for building every rod of road that is aided by the Federal Government, and in most of the States the construction of good roads has come to be almost an exact science. The State officials are not going to waste their peoples' money in the construction of dirt roads that are only temporary in character. If they did so, they could never draw another dollar of Federal money in the construction of roads thereafter.

Mr. LODGE. Let me ask the Senator there, why not?

Mr. TOWNSEND. If the Senator from Massachusetts will wait, I will tell him. I was just coming to the discussion of that point. The bill provides that the roads and the plan for their construction shall be first presented to the Secretary of Agriculture by the State, and that he shall approve them; that they shall be roads which shall be maintained in the condition in which they were built for at least 10 years, according to an amendment that has been introduced, but without the amendment they must be maintained in good condition for all time or else no further money can be drawn from the Federal Treasury. That is the provision of the bill.

Mr. LODGE. I know that that is the provision of the bill; but what protection have you as to the original character of the roads, which is the standard?

Mr. TOWNSEND. We have the protection, first, of the common sense and patriotism of the various officials of the States, who will not spend money out of the Federal Treasury for building bad roads. The States are interested not alone in the first year's appropriation, but are even more interested in subsequent years.

Mr. LODGE. I am not troubled about the officials of the States.

Mr. TOWNSEND. We have the further protection that the Secretary of Agriculture, knowing that this is a bill passed for the purpose of constructing good roads, will not spend a dollar or allow a dollar to be spent for bad roads.

Mr. LODGE. Not even on the eve of an election?

Mr. TOWNSEND. I do not think so. I have no fear of that.

Mr. President, I think we have surrounded this bill with every safeguard that could be reasonably required. I realize, of course, that Senators who represent States which have stone roads, and a large number of them, which have built their roads to a great extent, and are to be commended for having done so, that these Senators understand good roads to mean such as those States have built, and do not understand that equally satisfactory roads can be built of other material in other States. These States are to be commended on what they have done. They have had the money and they have used it for good purposes. But they should not set up their standard for the rest of the States to follow, for it might not be possible to follow it in other States.

I can see no possible objection to the amendment offered by the Senator from New Hampshire. I think that what his amendment provides is the intention of the bill. I do not think any other kind of roads should be constructed. I also claim that the roads will be properly constructed if that amendment does not obtain. The States are as greatly and as intelligently interested in good roads as the Congress. The roads must be built as nearly permanent as possible, considering the material and the conditions of the country of the locality where the roads are to be constructed. That is to be the standard; that is to be the guide. The committee which framed this bill has tried to safeguard the Federal appropriation against misappropriation, and I believe this bill does it in a proper and practicable manner.

This bill, it seems to me, is very much better than the bill that came over to us from the other House. It certainly means more to me along the line of permanent good roads than does that bill; and I am, therefore, very anxious that it should be passed. I do not want any provision inserted in the bill which will make it impossible to spend money in States where the material is such that, under the possible standardized definition of permanent roads, they can not build roads at all. In other words, I want it applicable to every State in the Union.

Mr. SMITH of Georgia. Mr. President, if we take the definition of the word "permanent," as given us by the Senator from Ohio [Mr. POMERENE], there could be practically no roads built except those built of Belgian blocks and brick. The Senator read from the dictionary the definition "lasting, or intended to last indefinitely; not subject to change"; that is to say, a character of road which, when built, lasts so indefinitely into the future that you have not any conception of the period of time when it will wear out. That is the meaning of the word "permanent," as defined by the dictionary.

I do not understand that the term has so gone into road building as to give it a definite status; I do not understand that the term has been extended clearly and unmistakably to macadam roads and to asphalt roads. I know in my section how long a macadam roads lasts; I know how long an asphalt road lasts. In my section the only two roads that we have built that have not a recognized definite limitation of their life are the heavy granite blocks, Belgian blocks we call them, and brick. None of us desire any such limitation. The bill would be objectionable if it were so. Those are not the kind of roads of which we are thinking or that we want.

There are some parts of the southeastern section with which I am especially familiar where the best road is made from macadam. There is another part of that section where the best road is not made from macadam, but where a splendid road is built by taking clay and a peculiar phosphate gravel, which binds and makes a beautiful road. Well drained and reasonably cared for, such a road can be used for automobiles and gives splendid service. It would not stand very heavy wagon hauling continuously, such as the heavy hauling in our streets, but for the hauling to which those sections are subjected, it makes a perfect road.

There are sections in which I have seen a road built from a peculiar top soil and a clay base. I have seen such a road connected with a macadam road and subjected to the same wear, and I have seen it outlast the macadam road. So, Mr. President, we can not for a moment think, it seems to me, of using the word "permanent."

What is the plan of this bill? It is that the representatives of the States interested in the development of good roads shall prepare a list of roads and the plans for their improvement. They are interested, deeply interested, in what they are doing, and the State authorities are to put up at least half the money. Surely we can feel that they would not be engaged in wasting the money of their own people. Then the Secretary of Agriculture by his officers goes over the project, and it must meet his approval before the project is accepted.

I think that the bill, as the Senator from Michigan [Mr. TOWNSEND] has said, is very much the best proposition that has been submitted to us, and that it is properly safeguarded. I think it would be a serious injury to the bill and a handicap to the purposes we have if such language as that suggested by the amendment of the Senator from Ohio were adopted. It would eliminate from the benefits of the legislation one-half of the State in which I live, for in half of the State we make no macadam roads, and yet we have beautiful roads. We build them with clay and the prosphate gravel to which I have referred, and they bind together. Nobody has yet analyzed that particular gravel and explained why it does so well. Our State chemist has not been able to give a definite description of the material contained in the gravel to enable him to account for its binding force and its resistance to autos and its substantial value. Still the great value exists.

The conditions vary all over the country, and I think the bill is in just about as good shape, so far as its language is concerned, as we can make it, and it would almost destroy its value in many sections if the language proposed by the Senator from Ohio were used.

Mr. MARTINE of New Jersey. Mr. President, I should regret very much to see the word "permanent" incorporated in the bill. To my mind it is a misnomer; there is in reality no such thing as a permanent roadway. A brick road would be considered in ordinary parlance a permanent road; yet it is a fact that I have seen bricks of the finest character brought from Akron, Ohio, laid in New Jersey on a prepared base, worn into ruts, so that they had to be removed and other brick pavements laid down. Within the short span of my own life I have seen so-called permanent roadways ground into ruts. What I want, and what I believe we all want, is good roads, and I believe that insistence upon the incorporation in the bill of the language proposed by the Senator from Ohio will make it practically impossible to have good roads as a result of this proposed legislation.

In my own State we have constructed many macadam roads; we have constructed many brick roads; and we have constructed many of what are called Amesite roads, which consist of ground rock, with asphaltum, laid in different layers and firmly rolled. By that process there is obtained a fine, splendid, and reasonably permanent surface; but so far as actual permanency is concerned, it is a physical impossibility to attain it. There are miles of road in the State of New Jersey, particularly in the southern portion of the State, where the climate is very much milder than it is in the northern portion, where the frost does not disintegrate and tear up the road. That is one of the great destroyers of roads—the disintegration and tearing up of the road by frost—and in the southern part of the State that difficulty is reduced to a minimum. So that it would be really a waste of money in the great stretches, running through Atlantic and Cumberland Counties along the sea, to lay brick roads or to lay Telford pavements or to lay macadam. It would be necessary to carry the cracked stone across from the spurs of the Blue Ridge Mountains, which traverse the State in its more northerly and westerly portions, and all this would involve an expense and an extravagance, if not, indeed, a waste of the public money. When a reasonably fine road can be made in that section of the State by using the native clay foundation, with the shore pebbles, which are close at hand and which bind quite well, provided the road is shaped up and well drained. As the Senator from Oregon [Mr. LANE] has said, the drainage factor is very important. It is necessary to shape up the road well, so that there may be good drainage, so that there may be a "dry footing," as the engineers say. When the road is thus shaped and drained, it is rolled with heavy steam rollers until there is a compact and firm foundation upon which is put the dressing of 4 or 6 or 8 inches, as the case may be, of clay and then gravel. By this process a superb road is obtained. Then, if possible—and, of course, in practically all sections it is quite possible—the roads should be oiled.

I have laid across a section of my farm, three-quarters of a mile in length, a Telford paving road, consisting of big rocks, then topped with finer grades of stone, which is gradually worked in, and then a layer of crushed stone put on. I have seen the surface of that road disintegrate in time, and in most sections such a road will disintegrate under heavy wear and great travel, so that it has to be taken up and resurfaced. If, however, such a road can be covered with heavy oil the road will be saved from disintegration, the water will be kept out of it, and it will last almost forever. The oiling twice a year of a macadamized road with heavy oil will keep the road in fairly good condition.

Under the provisions of the bill as it now is, in my State—and I believe the conditions in my State are no different from the conditions in parts of New York State and parts of Pennsylvania and other States which I have seen, such as Georgia and South Carolina—you will have roads of infinitely good quality and roads which will be lasting, but without the thought of permanency. To burden the measure by adding the word "permanent" will make it a practical impossibility for the bill to have any effect in the suburbs and in the outskirts of the cities and populous centers, and will practically shut out good roads for all time. I think the word "substantial" would be a reasonably safe term.

Mr. BANKHEAD obtained the floor.

Mr. SMITH of Arizona. Mr. President, will the Senator yield to me? I will only take a moment.

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Alabama yield to the Senator from Arizona?

Mr. BANKHEAD. I do.

Mr. POMERENE. Mr. President, will the Senator from Arizona yield to me to ask a question?

Mr. SMITH of Arizona. I will only take a moment.

Mr. POMERENE. I thought I possibly might shorten the discussion somewhat, but I will not insist.

Mr. SMITH of Arizona. Mr. President, I have not said a word on the good-roads bill, much as I am interested in it; but I can say one thing as to permanency, and that is, if any roads proposed to be constructed under this bill will last as long as the debate on it seems destined to last there will be no use splitting hairs as to what the word "permanent" means. We seem to take up one word and discuss it here for days at a time, when we all know that the character of roads in one section of the country, although they are the best that can be made for that particular section, may not be at all appropriate in another section.

Take Oregon, with its enormous rainfall, and the State of the honored Senator [Mr. WALSH] who now occupies the chair, and the condition in the two States are just as different as though one were at the North Pole and the other in a torrid region. So it is simply a question of good roads for the various localities. However, I arose to resent particularly the assumption that Congress is honest and the people dishonest, and so anxious are the people to throw away the public money that they will throw away $10 of their own to $1 of the Government in order to accomplish this beneficent purpose; that the State that spends $10 will throw it away in order to get the beautiful opportunity of throwing away $1 of public money with it.

The safest way to leave it is with the communities that have to use it. That is not only the safest place but that is the most sensible place to leave it. To tell me that the Secretary of Agriculture, 2,000 miles from my home and more, will know more about it than the engineers and the people who are attempting to construct this road strikes me as simply ridiculous.

I have nothing more to say. I shall say nothing more on the bill, for I am afraid that I myself have already added too much to a tireless and endless debate.

Mr. POMERENE. Mr. President, if I may have the attention of the chairman of the committee for a moment, do I understand that the Senator from Alabama would be willing to accept my amendment with the word "permanent" changed to "substantial"?

Mr. BANKHEAD. After consulting with different members of the Committee on Post Offices and Post Roads, while we feel that the amendment is entirely unnecessary, at the same time, to satisfy the Senator from Ohio and to help the bill along toward a vote, we will accept that amendment.

Mr. POMERENE. Mr. President, I want to be perfectly frank about this. I am not satisfied with that amendment at all, but I should very much prefer it to the bill as it was originally drawn. I recognize that these are largely matters of compromise, and I am not questioning the good faith of anyone else. I would much prefer to have the amendment as I originally presented it, but I also feel that in the present mood of the Senate perhaps they would not accept the amendment with the word "permanent" in it. Therefore, if the chairman and the members of the committee are willing to accept the amendment with the word "substantial" substituted for the word "permanent," I am willing to let the matter rest there.

The PRESIDING OFFICER. The Chair understands that the Senator from Ohio modifies his amendment to the amendment of the committee by substituting the word "substantial" for the word "permanent."

Mr. TOWNSEND. He accepts the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. The question now is upon the amendment to the amendment as thus modified.

Mr. SMOOT. Let it be stated as modified.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 11, line 13, after the word "require," it is proposed to insert:

Provided, however, That the Secretary of Agriculture shall approve only such projects as may be substantial in character, and the expenditure of funds hereby authorized shall be applied only to such improvements.

Mr. STERLING. Mr. President, I understand now that the situation really is this: The Senator from Ohio accepts the amendment to his amendment offered by the Senator from New Hampshire substituting the word "substantial" for the word "permanent."

Mr. POMERENE. That is correct.

The PRESIDING OFFICER. The Senator from Ohio adopts the amendment of the Senator from New Hampshire, and it thus becomes his own amendment, and he has a right, without any action of the Senate, thus to modify his amendment. The question is upon the amendment of the Senator from Ohio, as modified, to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. SMOOT. Mr. President, I desire to ask the Senator in charge of the bill if it is to be laid aside at 2 o'clock and the rural-credits bill taken up?

Mr. BANKHEAD. That is the necessity of the case, I understand.

Mr. SMOOT. I understood it was.

Mr. TOWNSEND. Mr. President, I was wondering, in view of the statement made by the Senator from New Hampshire that he was not going to press for any vote to-day, but would do so to-morrow, why we could not go on with the good-roads bill this afternoon.

Mr. HOLLIS. Because there are so many amendments to be presented to the rural-credits bill that I wanted very much to get it in shape for voting to-morrow. That is the reason.

Mr. JONES. Mr. President, I desire to offer an amendment. After the amendment adopted at the close of section 1, I move to insert the matter which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. At the end of section 1, and following the amendment already agreed to at that place, it is proposed to insert:

> Nor shall any road constructed under this act be connected directly with any toll road.

Mr. BANKHEAD. I have no objection to that. What does the Senator mean by "toll road," though? We already have a provision in the bill that none of these roads shall charge tolls.

Mr. JONES. Yes; I understand that; but there are toll roads out here in some of the States, and you might build a road directly connected with that, leading off somewhere. I do not want to have that done. I do not want to have any road constructed with Government funds that is directly connected with a toll road.

Mr. BANKHEAD. It seems to me that is a very unusual and unnatural amendment, Mr. President.

Mr. JONES. It may be true that it is very unusual; but it is very unusual that there should be these toll roads in some of the States. In many of the States there are no toll roads at all, and they ought to be done away with.

Mr. BANKHEAD. That is true.

Mr. JONES. And we ought not to use the Government money in the construction of a road connecting directly with a toll road in any State in the country.

Mr. BANKHEAD. Does the Senator mean crossing a toll road? What does he mean by "connected with a toll road"?

Mr. JONES. I mean going out from it directly.

Mr. TOWNSEND. Does the Senator mean an extension?

Mr. JONES. Yes; a feeder, or an extension of it. That is what I mean. Of course, if it runs across it, I do not mean that.

Mr. BANKHEAD. Suppose one of these roads that carries the rural mails goes out from a little town that has a toll road running through it?

Mr. JONES. It would not connect with the toll road, would it?

Mr. BANKHEAD. There is no connection.

Mr. JONES. If there is not any connection, this amendment would not apply.

Mr. BANKHEAD. What does the Senator mean by "connected"?

Mr. JONES. Going out from it or being an extension of it—a branch or feeder or something of that sort. That is what I mean by "connected directly with it."

Mr. BANKHEAD. I hope the amendment will not be agreed to.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Washington a question.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Yes.

Mr. SHAFROTH. Suppose there is a toll road already in existence, and it goes on to a main road, and the investment has been made, and the people who constructed it are trying to get a return there, is it possible that you would not build the main road at all, under this act, in order to prevent a connection with the toll road?

Mr. JONES. If the main road is already there, it does not need to be constructed under this bill.

Mr. SHAFROTH. Yes; but it may be that it is not improved; it is not constructed as it should be.

Mr. JONES. I would not construct such a road with Government money. The State can construct it if it wants to; but I would not construct, with the money of the United States, a road making connections with or an extension of a toll road.

Mr. SHAFROTH. I think the object is good, to do away with toll roads; but to say that we will not build a road because there happens to be a cross road coming in there which already collects toll, and which probably has its investment there solely and purely by virtue of the fact that it does collect tolls, it seems to me would not be fair.

Mr. JONES. Does the Senator think it will be very difficult to find, in any State of the Union, desirable road building to the extent of the amount of money that the National Government will provide under this bill, without connecting the roads so constructed in any way with toll roads? This is only a drop in the bucket.

Mr. SHAFROTH. But it may be an important road. It may be one of the best roads there are. We have very few toll roads in the State of Colorado, and yet we have some up in the mountains where road building costs a very large amount of money. The county probably would not put up the money, and individuals undertook it, and it was a great benefit to the people who used it, and they were willing to pay the toll. Of course we would like to have those toll roads taken over by the public in some way; but to say that simply because a toll road is collecting money, where the investment is already made, a road connecting with it shall not be built by the Government, seems to me to be going pretty far.

Mr. JONES. Does the Senator think that where road construction must be carried on under the circumstances and difficulties he has just suggested we are going to go into that territory under this bill for the construction of roads?

Mr. SHAFROTH. But the toll road may be the difficult part of the country to go through, while the other may be the road that could be constructed at very reasonable expense.

Mr. JONES. The sole purpose of this amendment is to prevent the use of Federal money in the construction of roads that will connect with or be extensions of these toll roads. I am not in favor of connecting with these roads, or extending them, with the Government money. If the Senator is in favor of doing that, of course he will vote against the amendment.

Mr. SHAFROTH. No; if you are going to build a road, under this bill, for the very purpose of having a new toll road constructed beyond it, I think probably that would be bad, although I believe in State control of these matters. I believe the State authorities are the persons who will best solve the individual problems, and for that reason I believe it is best to leave the matter to them. As the Senator knows, there is a provision in the bill that all roads constructed under its provisions shall be free from tolls of all kinds.

Mr. JONES. Oh, yes.

Mr. SHAFROTH. Now, that is good; and probably if the road we construct is to be a part of the main road, a feeder to it, as it were, there might be a limitation of that kind; but to say they can not connect with a toll road when they have made their investment is going to deprive that part of the State of any benefit under this act.

Mr. JONES. Why, Mr. President, the amount provided in this bill is a mere drop in the bucket. So far as the money is concerned that will be invested in the building of roads, the amount of road that is built under this bill will be a mere drop in the bucket. I have here a statement showing that in 1914 the amount of money spent in the different States for road building was over $249,000,000. If there are roads needed that may go out from a toll road, or connect with a toll road, the States can take care of that without any trouble at all.

Mr. BANKHEAD. They would not get any of the Government money, however.

Mr. JONES. Why, certainly not; but they could do it without Government money. We are not providing this Government money for the building of all roads that are needed anywhere and everywhere in the States. As I said before, what will be done under this bill will be a mere drop in the bucket; and, as has been said many times in this debate, the States and counties and townships will do most of the road building.

There are over 2,000,000 miles of road in the different States now. We are not going either to reconstruct them or to construct anything like that amount of road. There are toll roads in the different States. I do not say they are not a good thing, for they probably are; but it certainly is very desirable that these roads should be gotten rid of as soon as possible. At any rate, in my judgment, the National Government ought not to use its money in the construction of these roads to connect with or be extensions of toll roads.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Certainly.

Mr. STERLING. I was just going to ask the Senator if it might not be that a road within a State for which there was the greatest demand and the greatest necessity would connect with a toll road?

Mr. JONES. Why, you can imagine all sorts of extreme things.

Mr. STERLING. In such a case, under the Senator's amendment, the Government would be precluded from aiding in building that necessary road, for which there was such great demand, simply because it connected with a toll road.

Mr. JONES. Well, it would not do any very great harm to get rid of that toll road. Furthermore, the State might use part of the money that it is going to expend on independent roads to put the necessary road in there.

Take the State of Washington, for instance. We are going to appropriate lots of money for the building of roads that will not get one dollar of this Federal money. If a situation should develop such as the Senator has suggested, we would use our money in the building of that necessary road, and we would put this other road where it was desirable and necessary. Nobody will assume that we are going to use this money in the building of unnecessary or undesirable roads; and we certainly will be able to find necessary and desirable roads that have no toll roads connected with them.

Mr. MARTINE of New Jersey. Mr. President, I feel very much in sympathy with the object and purpose of the amendment proposed by the Senator from Washington [Mr. JONES]. I do not want to aid in any possible way the perpetuation of toll roads. They seem to me to be a relic of barbarism, and they ought to be dispensed with as rapidly as possible.

I fear, however, that if the Senator's amendment were added to this bill we would be punishing great sections of the country that really have no control over or authorship of these toll roads. I should like some method—I do not know just what to suggest—whereby we could get around it without penalizing the communities that happen to be so unfortunate as to have these toll roads. They have been entirely abolished in our State, and I presume in most other States. I did not suppose there were half a dozen toll roads left in the United States.

I am in sympathy with the object of the Senator's amendment, and yet I do not want to interfere with or penalize the communities that are unfortunate enough to have these roads, and prevent them from securing the great blessings and benefits that will accrue from the passage of this road bill.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Oregon?

Mr. MARTINE of New Jersey. I yield.

Mr. LANE. I do not understand the viewpoint of the Senator from New Jersey. It would not be penalizing them. On the other hand, it would be the prevention of paying them a premium and giving them an inducement to continue these toll roads. If we bring a good road to them we add to their business, and the tendency would be to make these toll roads permanent. If you do not render them that aid, they themselves must help to keep up their approaches; and the sooner they quit doing that the sooner the people will take over the toll roads.

Mr. MARTINE of New Jersey. But the Senator can imagine a situation where there was a toll road, and the State authorities might deem it wise to tap that toll road.

Mr. LANE. Yes.

Mr. MARTINE of New Jersey. The amendment of the Senator from Washington would make it impossible to tap that road, so that the community would be deprived of the advantages and blessings of this great good-roads movement.

Mr. LANE. If the Senator will permit me, last summer I was over a road, the mountainous part of which was in a remote region and had been a toll road, and the lower part of the road, the approach to it, was through a boggy country where it was very expensive to maintain roads. The county had maintained that part of it for years at an enormous expense, while the easily kept up portion of the road had been in the hands of a private owner who made the larger profit, the expense of keeping up the approaches being borne by the counties.

Mr. MARTINE of New Jersey. I wish the Senator from Washington might devise some way whereby I could vote for his amendment, for I am in sympathy with the idea, but I fear that in its operation it would be a detriment to the great communities that may be afflicted with the toll-road system.

Mr. JONES. Mr. President, will the Senator permit me to ask him what reason exists that would prevent the State from putting in such a road as the Senator refers to?

Mr. MARTINE of New Jersey. Does the Senator mean appropriating enough to buy up the toll road?

Mr. JONES. No. If a road were needed in connection with this toll road, what would prevent the State from putting one in?

Mr. MARTINE of New Jersey. There would be no objection. It would cost a little more money perhaps and necessitate a little larger appropriation, but still, on general principles, I am so much opposed to that old relic of barbarism in the United States that I think I shall vote for the amendment. I do not care for toll roads.

Mr. COLT. Mr. President, I think the objection to this amendment is the indefiniteness of the meaning of the word "connected." It does not seem to me that we ought to embarrass the Secretary of Agriculture with the insertion of any amendment of this character. This bill may contemplate the building of national roads several hundred miles in length. At the end of 100 miles such a road might connect with a toll road. There is nothing which would so embarrass a court or the Secretary of Agriculture as the insertion of an indefinite word like this in this bill.

In the body of the bill there is an expression of the policy of Congress against toll roads. To my mind it should be left there, and I would not overload the bill with an indefinite and ambiguous expression which would very much embarrass any governmental department which had charge of the enforcement of this act.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. JONES].

The amendment was rejected.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2986.

Mr. SMOOT. Mr. President, I know there are a number of Senators who expect to offer amendments who are not in the Chamber; and in order that they reach here in time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Nelson	Smoot
Bankhead	Gronna	Norris	Stone
Borah	Harding	Oliver	Sutherland
Brady	Hollis	Overman	Swanson
Chamberlain	Husting	Page	Taggart
Chilton	Johnson, Me.	Pittman	Tillman
Clapp	Jones	Poindexter	Townsend
Clarke, Ark.	Kenyon	Ransdell	Vardaman
Colt	La Follette	Saulsbury	Wadsworth
Curtis	Lane	Shafroth	Walsh
Dillingham	Lee, Md.	Sheppard	Warren
du Pont	Lodge	Sherman	Williams
Fall	Martine, N. J.	Smith, Ariz.	
Gallinger	Myers	Smith, Ga.	

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. BURLEIGH] is unavoidably detained from the Chamber on account of illness in his family.

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Fifty-four Senators have answered to their names. There is a quorum present.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. JOHNSON of Maine. I move that the Senate disagree to the amendments and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

RURAL CREDITS.

Mr. HOLLIS. I ask that the unfinished business be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. LODGE. Mr. President, I ask leave to have printed in the RECORD in connection with the consideration of the rural-credits bill a memorandum which I have had prepared in regard to the savings-bank features of the bill.

The VICE PRESIDENT. Without objection, that order will be made.

The memorandum referred to is as follows:

GOVERNMENT SAVINGS-BANK FEATURES OF THE HOLLIS BILL.

The capital stock of each Federal land bank shall be divided into shares of $5, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States. (Sec. 5, par. 2.)

The Federal farm-loan board is authorized to prescribe the times and conditions of the payment of subscriptions to capital stock. (Sec. 5, par. 1.)

Each farm-loan association and the Government of the United States shall be entitled to one vote for each share of stock held by it * * * and no other shareholder shall be permitted to vote. (Sec. 5, par. 2.)

Any shares except those held by national farm-loan associations, may be transferred or hypothecated. (Sec. 5.)

All stock of a Federal land bank held by the United States is subject to withdrawal. (Sec. 5, p. 16, line 17.)

Stock held by national farm-loan associations may be withdrawn, but only at discretion of the Federal land bank's directors. (Sec. 7, p. 23, line 17.)

Withdrawal may be allowed to other shareholders of a Federal land bank. This results from a fair interpretation of the powers of the Federal farm-loan board (secs. 3 and 20) and of the Federal land banks. (Secs. 4 and 5.)

Any number of shares may be held by the same shareholder of a Federal land bank. (Sec. 5, par. 2.)

Every Federal land bank may accept deposits of current funds from any holder of one of its shares. If the shareholder be not a national farm-loan association, the deposits may be payable upon demand. (Sec. 14, par. 1.)

Interest at any rate may be allowed by a Federal land bank, except interest shall not be paid on deposits from national farm-loan associations. (Sec. 13, p. 36, line 8.) The reason for this exception is that the Federal land bank is to act as bailee of the associations.

Shares issued by the national farm-loan associations shall be withdrawable and only $5 apiece. Any number may be issued to the same member. (Sec. 8, p. 24.)

Every national farm-loan association may accept deposits of current funds in any amount from either members or outsiders. Nothing prevents the Federal farm-loan board from authorizing or directing national farm-loan associations to pay interest. If an association wishes, it may issue 4 per cent certificates against the deposits. (Sec. 11, p. 28, line 24.)

All deposits, whether representing certificates or not, must be forthwith transmitted by the associations to their Federal land bank. (Sec. 11, p. 29, line 4.)

National farm-loan associations must invest in the stock of their Federal land bank all the proceeds of obligatory shares of borrowers. (Sec. 7, p. 23, line 9.) But such investment may be withdrawn only at the discretion of such land bank's directors. (Id., line 17.)

All receipts from loans must be transmitted by an association to its Federal land bank. (Sec. 25, p. 62, line 1.) As a stockholder, the association may also deposit all other funds in such bank. The Federal farm-loan board may direct this. (Sec. 20, g and h; also sec. 3, line 5.)

The Federal land banks may use any of their funds for buying "qualified" mortgages from joint-stock banks or from other agents authorized by the Federal farm-loan board. (Sec. 14, p. 37, line 6.) Consequently the free or cheap money supplied by the Secretary of the Treasury the proceeds of the sale of bonds issued through public functionaries, and all other funds of the Federal land banks may be used for financing institutions conducted solely for gain.

Farm mortgages are not required as a security for farm-loan bonds. The registrar may accept United States bonds as collateral. (Sec. 21, p. 51, line 19.)

Farm mortgages are not an obligatory investment for any funds of the Federal land banks. Amortization or other payments on loans may be used for purchasing bonds of the United States Government or converted into money. (Sec. 25, p. 62, d. e.)

The terms "equipment" and "improvement" are to be defined by the Federal farm-loan board. (Sec. 12, p. 31, line 15.) Consequently it would be possible for loans to be made for any short or long term purpose, and the board may define the term "first mortgage." (Sec. 2.)

All current funds may be deposited at interest and subject to check in member banks of the Federal reserve system. (Sec. 13, p. 36, line 4.)

Federal land banks may devote all their funds, resources, and business to buying and selling United States bonds. (Id., line 15.)

Federal land banks may borrow money, give security, and pay interest thereon, and use this power for dealing in bonds of the United States Government. (Id., line 11.)

Joint-stock land banks may use all resources in dealing in bonds of the United States Government. (Sec. 18, p. 45, line 11.)

The issuance of certificates, convertible into bonds of the Federal land banks, and the redemption in cash of such bonds upon cancellation of the certificates permit the current funds and credit of national farm-loan associations to be used in buying United States bonds. (Sec. 11, pp. 28 and 29.)

The effect of these clauses, fairly construed, is to give general powers to the Federal land banks to accept savings and ordinary deposits from any source, public or private, without regard to amount. Another effect also is to permit the Federal land banks to abandon farm mortgaging, and devote all their credit, resources, and activities in lending money for any undertaking upon which the United States Government might decide to embark.

The proposed system would be a Government system. The clauses from which this results are:

The system shall be established and directed by the Secretary of the Treasury and four other appointees of the President and Senate of the United States. (Secs. 3, 4, and 20.)

This Federal farm-loan board shall select the first directors of all Federal land banks. (Sec. 4, p. 8, line 23.) Two-fifths of the board of each Federal land bank shall always consist of representatives of the United States. (Id., p. 12, line 1.)

The three-fifths of each such board shall be elected by national farm-loan associations, if any are formed. (Id., p. 11, line 23.) But such associations can be formed only by a Federal land bank and with the consent of the Federal farm-loan board. (Sec. 7, p. 22, line 14.)

Such national farm-loan associations can not exercise any of their functions except under regulations prescribed by the Federal farm-loan board (secs. 2, 3, and 20), nor make any loans except those approved by Federal appraisers and by their Federal land bank. (Sec. 19, pp. 47-49.)

The Federal land banks shall be depositaries and financial agents of the United States Government. (Sec. 6.) Their bonds and collateral shall be instrumentalities of the Government of the United States. (Sec. 29.)

Total tax exemption is to be accorded to the bonds and mortgages of both Federal land banks and joint-stock land banks and in every other respect to the Federal land banks and national farm-loan associations. (Id.)

In view of these clauses, the Federal land banks would be Government banks for savings and deposits, while their entire resources may be used in financing Government projects instead of in farm mortgaging.

The total tax exemptions, together with the free or cheap money supplied in cash by the Secretary of the Treasury or through the issue of 5-per cent bonds or any other kind of credit instrument would place building and loan associations, mutual savings banks, life insurance companies, and every other kind of existing lending, savings, or thrift association and all other moneyed corporations at a disadvantage with the new institutions to be formed, unless the States also should enact laws exempting all money and credits from taxation.

Mr. LODGE. I also present a resolution adopted by the American Federation of Labor in convention at San Francisco, which I ask may be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested. The Chair hears none.

The Secretary read as follows:

Resolution on rural credits adopted by the American Federation of Labor in convention at San Francisco.

We believe that national conditions vary so widely with the several sections of the country that it would be unfair, if not actually dangerous, to undertake to prescribe one system or plan for the guidance and control of all.

We would, therefore, recommend that the matter of rural credits, aside from the enactment of a general law to govern the fundamentals, be left to the determination of the different sections or States for the carrying out of the matter in detail, until such time as experience shall have determined what, if any, is the better course to pursue to insure the rights and properly safeguard the interests of all.

Mr. HOLLIS. Mr. President, I believe the pending amendment is one offered by the Senator from Ohio [Mr. POMERENE], but he is absent from the Senate at this moment. He will be in a little later. I ask that that amendment may be temporarily passed over.

There have been several committee amendments passed over for one reason and another. One of them is the provision as to exemption from taxation. I shall ask to have that disposed of to-morrow when the senior Senator from Iowa will be present to discuss it.

I should like at this time to have the Senate deal with the postal-savings amendment, which is found on page 67. It has not been read, so the Secretary may read it now, and I ask for action upon it.

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). The amendment will be read:

The SECRETARY. On page 67, after line 18, the Committee on Banking and Currency proposes to insert:

Section 9 of the act of June 25, 1910, entitled "An act to establish postal-savings depositaries for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes" (36 U. S. Stat. L., 814), shall be, and the same is hereby, amended by adding a new paragraph at the close of said section, to read as follows:

"Federal farm-loan bonds authorized by the Federal farm-loan board and issued by any Federal land bank may be purchased by the trustees, in lieu of United States bonds or other securities, for the purpose of investing postal-savings deposits under the provisions of this section. Whenever funds shall be withdrawn from postal-savings depositaries for investment, the trustees are hereby authorized to purchase Federal farm-loan bonds in the open market or from any Federal land bank authorized to issue the same: *Provided*, That in no case shall such farm-loan bonds be purchased at more than par nor shall more than 30 per cent of the postal-savings deposits be invested at any one time in farm-loan bonds as herein provided."

Mr. HOLLIS. Mr. President, I will state for the information of the Senate the position that is taken on the two sides of this question. No suggestion has been more strongly urged from various parts of the country than the one that the postal-savings fund should form a very natural source from which to obtain farm loans for farmers, and that would be a very natural thing to do. The objections to it are these: In the first place, the Post Office Department is strongly opposed to it. It says that the postal savings are made in nearly all cases, at least in the larger amounts in the larger cities, so that they are not funds that come from the farming communities and therefore they ought not to be invested in farming communities. The Post Office Department says, further, that these postal savings are on deposit on demand, so that they are likely to be called for at any time, and that the average period for which a savings deposit is made in postal-savings banks is something like three years—I think the department makes the statement that they are all withdrawn once in three years—so that they ought not to be invested in long-term loans or bonds.

The other side of it is this, that although each individual deposit may be withdrawn from the postal-savings department in three years, the aggregate of the postal savings steadily and constantly increases, so that there has never been a time when they have actually diminished, and when a crisis or panic comes

for any reason the postal savings instead of decreasing, as they do in some banks, actually increase. The tendency is for foreigners or men who are rather ignorant in financial matters to take their savings out of State institutions and put them in the hands of the Government in a time of panic, so that really the aggregate of postal savings is not diminished, and if the savings were invested in bonds they would not be called upon for quick realization.

The chief reason why I wanted this clause in the act is a constitutional one. I have felt that if the constitutionality of the act were attacked and there were nothing else on which to base it, it might be based on this section, because this would be an instrumentality for carrying out the postal system, offering through the postal-savings banks an instrumentality of the Government for a safe form of investment.

I should like to call the attention of the Senate to the fact that this section is not obligatory at all; it is merely permissive. The trustees of the postal-savings fund are allowed to invest not more than 30 per cent of the postal-savings deposits in farm-loan bonds. On the whole I am inclined to think the section ought to be retained on the ground that it may be vital to the constitutionality of the act, and it certainly can do no harm.

Mr. SMOOT. Mr. President, at the time Congress established the Postal Savings Bank System and entered into that line of business—for I call it a business—every precaution was taken to preserve the money so deposited against any possible loss. I suppose no Senator will doubt the statement that where long-time loans are made the money so loaned should not be upon call. The greatest difficulty that banks have experienced in the past, and some of the greatest losses that the banks have sustained, and many of the greatest failures of the banks of the country come by lending money for long periods upon real estate. The loans were amply secured and perfectly good, providing the bank making such loans had not been called upon for unforeseen demands requiring ready money, but it is well understood in banking circles that real estate loans can not be called like other loans made upon securities that can be sold readily in all parts of the country and in all money markets. Of late, when a real estate loan is made by a bank it is usually made by savings banks and trust companies, such banks having little demand made upon them by their depositors, and their deposits generally are increasing every year rather than decreasing.

Mr. President, conditions could arise in this country where the Government of the United States would be called upon for the postal savings funds deposited in the different parts of the country, and I doubt the wisdom of extending the power to the postal savings bank to use the postal funds to purchase long-time mortgage loans on real estate. Yet I recognize that what the Senator from New Hampshire says there is some ground for. We are in hopes that the postal savings fund will increase year by year, but if the bill as it passed the Senate increasing the amount of deposits allowed by one individual becomes a law, it is very doubtful in my mind whether that will be the case; and if it is the case, then there is the greater danger from the withdrawal of postal funds than there is under the law to-day.

If we allow an individual to deposit $2,000, as the bill provided as it passed the Senate, it seems to me that the individual who would have that amount of money on deposit would simply put it there temporarily and for safety, and the first good chance he had for investment he would withdraw his deposit and invest the money at a higher rate of interest. That is natural. We need expect nothing else. If the postal fund is built up with that kind of deposits and the demands made upon the Government of $2,000 at a time from all parts of the country, I am fearful that there might or could arise conditions that would bring trouble to the Government.

There are many securities that can be purchased by the postal savings fund. There is no necessity at all for extending the list so as to allow the fund to be invested in mortgage bonds. If there was any lack of ability upon the part of the officials of our Government to invest the postal savings fund in first-class securities, where there can be no loss, and in securities that the Congress of the United States specifically provided for when the system was created, then I can see plainly why this amendment should be adopted and become a part of the bill.

But, Mr. President, I myself think this is going too far. I do not believe the acceptance of the amendment is going to assist the bill as far as any question of constitutionality is concerned. I do not believe that the constitutionality of the bill is going to rest upon this amendment. If I did, I would be fearful indeed of the whole bill failing.

Mr. President, we are entering here upon a new endeavor on the part of our Government to extend aid to the farmers of the country. Let us confine ourselves in this bill to that end, and that only. This amendment is not going to help or increase any advantage that may come to the farmer. This amendment is not going to make the mortgage on the farmer's land sell any more readily or at any greater price, and it should not be so.

I believe the postal-savings fund should be invested in such security as can be realized upon at the very shortest possible notice. In creating the Postal Savings System I think Congress went just as far as it ought to go in providing what class of securities should be invested in. If Senators were present, and if we would go into this question thoroughly and the Senators were interested enough to look up the question carefully and to know really what it meant, I believe the Senate would not vote for this amendment. I believe that the bill would be better without it.

In saying that I do not want in any way to cast doubt upon the act or upon the good that it would bring to the farmers of the country if it is passed in a proper form, but I do not want to interfere with the funds of the people that are deposited in the postal savings banks and bring about any sort of condition that would in any way make it impossible for the depositors of postal-savings funds to get their money when they made application for it.

This amendment is contrary to good banking principles. Mr. President, a commercial bank that has large deposits doing an active commercial business must keep on hand a greater percentage of its deposits than a savings bank with the same amount of deposits; and every State law recognizes this principle. Our national laws recognize it. Scarcely any commercial bank loans for longer than 90 days. It is true that some loans are made for six months, but taking the most of the loans the limit is 90 days. There will be no loans under this bill unless the loan is made for years, not months. If it was otherwise, the measure would not benefit the farmers of the country.

So, Mr. President, I hope the Senate will not agree to this amendment, because I believe there is no good in it and a great deal of harm can come from it.

Mr. HOLLIS. Mr. President, the Senator from Utah has announced some very sound banking principles, and with nearly all of them I heartily concur. I wish to call his attention, first, to the fact that the trustees of the postal-savings fund are not permitted to invest any of the funds in mortgages on real estate. There would not be anything unusual about that. The Senator has himself directed attention to the fact that the savings banks are the proper institutions to make loans on real estate. Nearly every savings bank in the country loans more than 30 per cent of its funds on mortgages, and we provide that not more than 30 per cent of this fund can be invested, not in mortgage loans but in farm-loan bonds.

It is the very purpose of this bill to make the security of the farms mobile, to get them in a shape where they will pass current, where they will be quickly salable on the market. Therefore we authorize the trustees of the postal savings bank to invest in long-term mortgages and in a bond which is quickly salable on the market.

No matter what happens to these farm-loan bonds, no depositor in a postal savings bank is going to suffer. He is not obliged to have recourse to the security. The Government pays him. Of course if the Government makes a bad investment the Government will lose it, but it is not the idea of the Government to be permitted to make a bad investment; it is the idea of the Government to be permitted to make an absolutely safe investment, and one much more profitable. At present postal-bank funds are deposited in the local banks, bearing 2 per cent interest. Under this bill the deposit will carry 4 per cent, and the Government can afford to run a little risk for the sake of getting that additional income. They would very soon, out of the increased income they would get on this investment, have a reserve fund there that would make them absolutely safe.

Mr. NORRIS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Nebraska.

Mr. NORRIS. I should like to ask the Senator from New Hampshire what per cent of savings deposits in his State are permitted under the laws of the State to be invested in farm mortgages?

Mr. HOLLIS. There is no limit; that is left to the judgment of the bank. They are authorized to invest their funds in certain securities, among them being farm mortgages, and it is left to them to say what the percentage shall be.

Mr. NORRIS. What has been the practice?

Mr. HOLLIS. The practice is to loan about 30 per cent, I think. I have a statement here of one of the largest savings banks in New Hampshire, with which I was connected as trustee for 15 years. Their statement shows that, out of total assets of $14,493,000, they have loaned on New Hampshire real estate

$1,800,000, which would be about 12 per cent. Their loans on other real estate have been $2,981,000, which would be about 15 per cent. The total amount they have loaned on real estate mortgages is $4,800,000 out of $14,493,000. So it appears to be about that ratio which is considered a perfectly safe amount to have invested in real estate loans. If I thought that a man who deposited in a postal savings bank would run the slightest risk of losing his funds, I would not advocate this measure.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. Yes.

Mr. SMOOT. The Senator, I hope, does not think that I made the statement that the depositor would lose his funds?

Mr. HOLLIS. The Senator from Utah expressed grave concern for the poor man who deposited his money in postal-savings banks and could not get it. There is not any such man as that.

Mr. SMOOT. No. I think, if the Senator will pardon me, I said I never wanted to see the time come when a depositor could not get his money upon demand; but if this provision were put into the law, it might bring about a condition where he could not do so. I am fully aware that the depositor ultimately will not lose his money. I hope the Senator does not think that I entertained such an idea for a moment. It is only a question of compelling the depositor to wait for a longer period for what he expected, and had a right to expect, he could get upon a certain day. That is all I wanted to call the Senator's attention to.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. HOLLIS. I yield.

Mr. CLAPP. If the Senator from New Hampshire will pardon me, I do not think the Senator from Utah now quite means what he says, because the depositor would not look to the use the Government might make of the deposits, but would look directly to the Government for the deposits.

Mr. SMOOT. Yes; I am aware of that, Mr. President; but if the Government, as to the particular fund, has put all of the money into mortgage bonds and has not the money to pay the depositor from that particular fund, then the depositor could not get his money on demand.

Mr. CLAPP. Not at all, Mr. President, unless the Government has put itself in such a position, without reference to this particular fund, that it has not money on hand, and can not get it promptly enough from any source to pay the depositor. The Government would never take the position that it should not pay the postal-bank depositors, simply because the money from that particular fund was not promptly available.

Mr. SMOOT. There is no law, Mr. President, under which the Government of the United States or any official of the Government of the United States can take money from one fund to reimburse another fund, and so money could not be taken from another fund to pay the depositors in the postal-savings banks. If they have not the money, they can not pay it until Congress acts or securities are sold. I know, of course, that the depositors would ultimately get their money. The only question is as to whether they will get it under the provisions of the law according to the arrangements made when they made the deposit.

Mr. CLAPP. Mr. President, according to that theory, no matter what the Government does with the money received from the postal-savings deposits, the depositor must wait until the Government realizes from those deposits. It may have placed the money in banks supposedly perfectly good and ultimately absolutely solvent, and yet it might not be able to immediately respond to a demand for the money. It would be a strange position for the Government to assume, after taking a man's money, as the recipient of a deposit, to say to that man, "Well, we can not pay you until we have traced this fund through its devious course, and get this particular fund back." If that is the law—I do not so understand it—then the postal-savings law should be amended at once. This Government receiving the deposit of a washerwoman ought not to be obliged to say to that woman "We put your money with so and so, and when we get your money back we will return you your deposit." It has been some years since we passed that law, and I am not sufficiently familiar with its terms to either challenge or to accede to the statement of the Senator from Utah.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. I do.

Mr. SMOOT. I do not want to cut the Senator from Minnesota [Mr. CLAPP] off from what he was going to say.

Mr. CLAPP. No.

Mr. SMOOT. I was simply going to say to the Senator from Minnesota that under ordinary circumstances the Government of the United States always keeps postal-savings funds enough on hand to meet all demands made upon it, precisely the same as does a successful bank.

Mr. CLAPP. Of course.

Mr. SMOOT. But as to the fund that is invested in bonds provided for in this bill, it would take time to convert them; and if the demand were made upon the postal-savings funds for deposits invested in these bonds, it would be impossible for the Government to meet the demand, not being convertible into ready cash at once.

This bill extends the right of investing the money in mortgage bonds. That was not provided for in the act creating the Postal Savings System. If 30 per cent of all of the money of the savings banks should be invested in this class of bonds, unless there was a ready market for those bonds, or if it should happen that a failure resulted, the money could not be secured if the demand were made upon the Government for payment. It may never happen; and I will say to the Senator from New Hampshire and to the Senator from Minnesota that I hope a condition in this country never will arise where such an occurrence could happen; but I want to say it might happen; and this is only extending, as I say, the authority of investing the postal-savings funds in another class of securities.

Mr. CLAPP. Yes; but, Mr. President, I do not think the Senator is yet correct. It would require an absolute provision of law to permit the recipient of a deposit or of funds in its possession from any source, unless they were trust funds, to say to the depositor, "We will not pay you until we realize out of this particular fund." Unless there is some such provision in the law it would be the declared duty of the Government, as it would be the duty of the recipient of any deposit, to make good the deposit without reference to what the recipient had done with the proceeds of that particular deposit.

I do not now recall the language of the law. If the Senator from Utah, with his care, says there is any such express provision in the law, I will yield to his recollection.

Mr. SMOOT. I assure the Senator that that is the only way than postal-fund deposits can be paid—by the money belonging to that fund that the Government has on hand, or the money that the Government receives from the sale of the securities that it has purchased with money belonging to the fund.

Mr. CLAPP. Then it must be because of the provisions of the law itself.

Mr. SMOOT. Certainly it is.

Mr. CLAPP. And if that be true, it is misleading to the people of this country, because they believe that when they put a dollar into a postal-savings bank the United States is there to respond to a call for it.

Mr. SMOOT. And it is.

Mr. CLAPP. Not if the United States can say to the individual, "You must wait until we realize out of the proceeds of that deposit."

Mr. SMOOT. There is no question but that the United States will have to do that.

Mr. CLAPP. Then, the sooner that law is amended the better.

Mr. SMOOT. This provision of the bill, if it becomes a law, only takes another step and grants to the postal officials the right to purchase additional securities, a right that was not provided for in the original act; or, in other words, if this amendment is adopted, then the postal-savings department can invest in these land-mortgage bonds.

Mr. CLAPP. Undoubtedly; but authorizing a representative of the Government to invest in a particular security the surplus funds of the Government would not relieve the Government from its ordinary liability to respond to a claim upon it.

Mr. SMOOT. It is not a Government fund; it is the postal-savings fund, and that fund belongs to the people who deposit the money. The Government only acts, as it were, like a banker. The Government handles the funds which Congress has authorized it to do.

Mr. CLAPP. Does the Senator from Utah mean to say that we have passed a law under which the Government may take the money of a depositor in a postal-savings bank, turn that money over to a national bank, and that bank finally and irretrievably becoming insolvent, the Government does not still owe those depositors?

Mr. SMOOT. Oh, no; not at all.

Mr. CLAPP. That is the whole thing.

Mr. SMOOT. No; the Senator from Minnesota is mistaken as to what I have said.

Mr. CLAPP. It is either one alternative or the other; it has got to be.

Mr. SMOOT. No; what I said was that the savings-deposit fund is not the Government's money; that it is the money of the people who deposit the fund with the Government, but that Congress had passed a law authorizing that particular fund to be invested in certain securities.

Mr. CLAPP. Certainly. As I said before, if that is the extent of the provision upon which the Senator from Utah hinges his argument then his argument falls, because merely authorizing a Government official to place funds in a certain position would not relieve the Government from its responsibility to pay over the fund.

Mr. SMOOT. I hope the Senator from Minnesota does not think that I for one moment intimated that the Government would be relieved of the responsibility of paying such depositors. It is impossible for the Government to be relieved of that responsibility.

Mr. CLAPP. That is what I have been contending for, that no matter what becomes of the deposits or the investment the Government is still liable.

Mr. SMOOT. There is no doubt of that, but that is not what this amendment provides.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield further to the Senator from Minnesota?

Mr. HOLLIS. I do.

Mr. CLAPP. Now, having settled that it is a question between the Government and the depositor, I want to suggest that the only question left is as to the wisdom of the Government, which bears the relation of being the recipient of the deposit, and is ultimately liable for it, investing any of that money in these bonds. It strikes me that, outside of a Government bond, it would be difficult to get a better security than these bonds; and, so far as the Government being embarrassed by a demand on the part of the depositors in the postal savings banks is concerned, if there ever comes a time when this country is embarrassed and there should be a financial panic the one place to which the citizen of this country will go with his funds, the one place from which he will not withdraw his funds, the one place where he will want his funds kept, will be with the Government of the United States through the Postal Savings System. It seems to me it relieves the situation of that contingency. The banks in a community in which postal savings funds may have been deposited might be embarrassed, and the people in that community might want their money; but the one recipient of deposits that never will be called upon in the time of the greatest panic and stringency is the Government itself.

Mr. HOLLIS. Mr. President, I thank the Senator for his very clear——

Mr. CLAPP. I want to thank the Senator for his patience in permitting the interruption.

Mr. HOLLIS. I want to thank the Senator for his very clear presentation of the subject. What the Senator says is borne out by the experience of the State savings banks. The State savings banks opposed increasing the amount that any individual might deposit in a postal savings bank, for the very reason, as they said, that "when the time comes when there is a panic the people want to draw their money out of our institutions and put it in the Government savings bank, and that will cripple us. Therefore limit the deposits to $500."

Now, I wish to apply the principles of sound banking to this proposition. There is no doubt that when the Government undertook to accept postal savings it went into the savings-bank business. No banker can do business if he keeps all of his deposits on hand all the time. The commercial banks have ordinarily to keep 15 per cent of their deposits in cash on hand. A savings bank has not the need to keep as much on hand as the commercial bank, and 30 per cent is a very reasonable amount to allow them to invest, even if it were permanently invested; and the Government of the United States can run that risk better than can any financial institution, because they have greater resources back of them; and, therefore, it seems to me entirely reasonable that, in accordance with sound banking principles, this investment should be permitted.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. HOLLIS. Now, Mr. President, I should like to direct attention to page 33. The Senator from Kansas [Mr. CURTIS] on Saturday last wanted inserted, in line 15, on page 33, if I recall aright, the words "liens, judgments," so that it would read "taxes, liens, judgments, or assessments."

Mr. CLAPP. On what line is that?

Mr. HOLLIS. Line 15, page 33. I offer that amendment, and hope it will be adopted.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, line 15, after the word "taxes," it is proposed to insert "liens, judgments," so that it will read "taxes, liens, judgments, or assessments."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOLLIS. In line 17, I move the same amendment, after the word "taxes."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, line 17, after the word "taxes," it is proposed to insert "liens, judgments."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLIS. Mr. President, on page 35, the Senator from Montana [Mr. WALSH] questioned the accuracy of the language to express the thought; and, in order to make that entirely clear, I suggest this amendment: On page 35, line 22, after the word "security," insert "where default has occurred and" and then strike out "(c)," so that it will read:

Parcels of land mortgaged to it as security where default has occurred, and parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate—

Here insert "mortgaged," so as to read—

mortgaged, purchased, or acquired to secure any debt due to it, for a longer period than five years.

I think that will require all land taken in satisfaction of debt to be sold within five years, and that it will cover the point the Senator from Montana raised. I should like to inquire of the Senator from Montana whether, in his judgment, that will be satisfactory?

Mr. WALSH. Mr. President, I shall not make any objection to the proposed amendment; but I am very sure that the Senator will agree with me, if he reflects on the matter, that that is an unwise provision, and gives every bank an opportunity to speculate in the land upon which it holds mortgages. It is a most unwise power, it seems to me, to repose in the bank. I see no reason whatever for subdivision (b), because under subdivision (c) the bank is entitled to acquire land in "satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it."

You will observe the provision says:

Parcels of land acquired in satisfaction of debt or purchased at sales under judgments, decrees, or mortgages—

And so on.

Now, in addition to all that, in addition to land acquired in satisfaction of debts, or land purchased or acquired under judgments, executions, decrees, and that kind of thing, there is still the power given the land bank to purchase land upon which it holds a mortgage. Of course, if the mortgagor wants to sell to the bank and the bank wants to buy, it is a very easy thing to allow the interest to lapse, and then the bank may purchase and stimulate speculation in land with the moneys of the bank.

Mr. HOLLIS. Let me suggest this to the Senator: Assume a case where the owner of the land wants to get rid of it to the bank, all he has to do is to default on an interest payment, and the bank at once may foreclose. All we do here is to say that in such a case as that, when there is default, the bank may acquire the property without foreclosure proceedings, as a great many mortgages permit.

Mr. WALSH. We do say that, I will say to the Senator, by the provisions of subdivision (c), because there it is provided that the bank may acquire parcels of land in satisfaction of debts.

Mr. HOLLIS. But, I ask the Senator, what possible case should be covered, in his judgment, that subdivision (c) does not cover?

Mr. WALSH. There is not any; that is the point I make.

Mr. HOLLIS. Then subdivision (b) does not do any harm, and satisfies those who think that the provision in subdivision (b) is necessary to cover the situation existing in their States, where title passes to the mortgagee, subject to having the conditions of the mortgage fulfilled.

Mr. WALSH. I suggest to the Senator that if that is the case, and if that is the case intended to be covered, some appropriate language ought to be used, and to that I will not object at all.

Mr. HOLLIS. Why is not this language appropriate?—

Parcels of land mortgaged to it as security where default has occurred.

The bank would certainly have a right to foreclose where default has occurred, and why should it not be allowed to acquire in some other way than by foreclosure if it is allowed to take peaceable possession?

Mr. WALSH. I will say to the Senator that I think very clearly under subdivision (c) the land mortgaged may be acquired in satisfaction of the debt; that is, the mortgagor may say to the land bank "I will give you a deed to the land and you give me back my note and mortgage." They acquire the land then in satisfaction of the debt; but under the provisions of subdivision (b) they are entitled to buy the land upon any terms that they agree upon, and the bank may not only satisfy the mortgage and discharge the obligation, but may likewise agree to pay $1,000, $2,000, or $10,000 for the property. The language of subdivision (b), it seems to me, is not appropriate at all to the case that the Senator from New Hampshire has in mind.

I appreciate the situation. The title passes under some statutes by the mere occasion of the default; but it does not seem to me that you need to make any provision in this bill at all for that kind of a case, because the land may be acquired in satisfaction of the debt under the provisions of subdivision (b) without any other steps whatever.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. Certainly.

Mr. SMOOT. Mr. President, I want to say to the Senator from New Hampshire that I believe the Senator from Montana is correct in the position which he has taken. I can not see why subsection (b) should be in the bill at all. It certainly will allow officials of the bank, if they so desire, to speculate in real estate, and there may be other abuses that might arise under the provisions of the subsection. I believe that subsection (c) gives all the authority, all the right, and all the power that the bank ought to have in acquiring real estate.

Mr. HOLLIS. Mr. President, it would be a very unreasonable man who would not agree with the Senator from Montana and the Senator from Utah when they agree; and I am going to set a good example to the Senate by trying to make it unanimous.

I therefore ask unanimous consent that line 22 be stricken out, and that the letter "(c)" in line 23 be changed to "(b)."

It is fair for me to say that the exact situation which the Senator from Montana has presented had not occurred to me, that the bank might pay more than the mortgage debt, and I do not think that would be desirable.

Mr. WALSH. I was going to say that if the Senator felt that the apprehensions of those gentlemen who insisted upon the language going in to meet the condition of which the Senator has spoken might operate in any way to retard or defeat the bill, I would suggest language such as this:

Parcels of land falling to it upon default in the mortgage thereon held by the bank.

Mr. HOLLIS. Mr. President, I think it would answer every purpose to strike out line 22. I am convinced of that, and therefore I ask unanimous consent that that be done, and I withdraw the amendment which I first offered changing the language in line 23.

The PRESIDING OFFICER. The first amendment proposed by the Senator from New Hampshire is withdrawn. The Secretary will state the amendment now offered by the Senator from New Hampshire.

The SECRETARY. On page 35, line 22, it is proposed to strike out:

(b) Parcels of land mortgaged to it as security where default has occurred.

And change the letter in parentheses in line 23 from "(c)" to "(b)."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLIS. On page 32, the Secretary informs me that the word "shortly" has not been eliminated from the bill, as was intended by an amendment made last week. The intention was that paragraph 8 as amended should read:

No such loan shall be made to any person who is not at the time, or who does not in his application state his intention to become within six months, engaged in the cultivation of the farm mortgaged.

I ask which word was not stricken out the other day? Was it the word "promise" or the word "shortly"?

The PRESIDING OFFICER. The word "shortly" was not stricken out, the Chair is informed.

Mr. HOLLIS. Then, I ask that the word "shortly" be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 32, line 16, it is proposed to strike out the word "shortly," so as to read:

In his application stated his intention to become engaged in the cultivation, etc.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WALSH. I ask that the sentence now be read as it stands.

The Secretary read as follows:

No such loan shall be made to any person who is not at the time, or who does not in his application state his intention to become, engaged in the cultivation of the farm mortgaged.

Mr. HOLLIS. The words "within six months" should follow the word "become." That was amended the other day. After the word "become" insert the words "within six months."

Mr. SMOOT. That was agreed to the other day.

Mr. HOLLIS. Yes; but if there is any doubt about it, I will make that motion now in order to be sure.

Mr. SMOOT. I do not think there is any doubt about it.

Mr. HOLLIS. I do not think there is. I have it so marked in my copy of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 32, line 16, after the word "become," insert the words "within six months."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLIS. Mr. President, the only other amendments passed over and not acted upon are one relating to exemption from taxation, which I am willing to have go over until to-morrow, and one on page 3, as to the constitution of the Federal board. I should like to have that one disposed of this afternoon.

Mr. STERLING. Mr. President, I should like to call the Senator's attention to the second paragraph on page 59, lines 6, 7, 8, and 9, which provide:

Every Federal land bank shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on farm-loan bonds as provided in this section.

Mr. President, does not the Senator think that the language preceding that in the section is sufficient in itself? They are made liable under the law, and might it not lead to some complication to provide in the bill that they shall obligate themselves in their minutes? Suppose, for example, that they did not so obligate themselves; might not a question then arise as to whether or not they were under any obligation under the law?

Mr. HOLLIS. Mr. President, the provision to which the Senator directs attention was adopted on the earnest recommendation of men who were accustomed to investment bonds. They said it was usual, in a statute of this kind, not only to provide by statute that the company guaranteeing shall be liable, but that they shall be required to state that in writing, and to take appropriate action on it, so that they will have voluntarily agreed to it. Certainly it can do no harm, and it might get around the point that these bond men suggested. I do not see how it could do any harm, and it might be of value in certain sorts of proceedings to have a contract as well as to have the law so provide.

Mr. STERLING. I appreciate the suggestion made by the Senator as a reason for this language; but it simply occurred to me that liability under the terms of the law was sufficient, without trying to have them obligate themselves by statements in the minutes of the board.

Mr. HOLLIS. I should like to amplify that a little. As the Senator knows, the capital of each of these 12 land banks is distinct from that of all the other banks. Some one might raise the question that we have not the right to impose by law on 11 other institutions the requirement that they shall be primarily liable with the twelfth institution. I think, under the first part of this section, they would not be allowed to interpose that defense; but if it is drawn to their attention—if they do, when they start out in business, put that in their minutes—they never could be heard to say that they did not understand it that way; and I feel myself that it strengthens the section. I do not feel that the results of the section would be necessarily defeated if it were not here, but I should like to have it remain.

Mr. WALSH. Mr. President, I should like to say to the Senator from South Dakota, in addition to what has been suggested by the Senator from New Hampshire, that by the language immediately following it is provided that certain things shall be recited in the bonds, namely, that they are issued under the authority of the Federal farm-loan act, that they have the approval of the Federal farm-loan board, that they are not taxable by national, State, or municipal authority, and so on.

None of those things need be put in the bond, and it does not really help anybody to have them there; but they help to draw attention to the fact and thus make the bonds more salable.

I apprehend that the provision to which the Senator has directed our attention is inserted in the bill, not because it adds any strength at all to it or increases the liability or makes it more certain, but simply for the purpose of making the bonds more salable.

Mr. HOLLIS. Mr. President, I ask now that the amendment passed over, beginning on page 2, be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. The committee amendment proposes to strike out lines 9 to 21, both inclusive, on page 2, and in lieu thereof to insert:

SEC. 3. That there shall be established at the seat of government in the Department of the Treasury a bureau charged with the execution of this act and of all acts amendatory thereof, to be known as the Federal farm-loan bureau, under the general supervision of a Federal farm-loan board.

Said Federal farm-loan board shall consist of five members, including the Secretary of the Treasury, who shall be a member ex officio, and four members to be appointed by the President of the United States, by and with the advice and consent of the Senate. Of the four members to be appointed by the President, not more than two shall be appointed from one political party, and all four of said members shall be citizens of the United States and shall devote their entire time to the business of the Federal farm-loan board; they shall receive an annual salary of $10,000, payable monthly, together with actual necessary traveling expenses.

Mr. SMOOT. Mr. President, it is almost useless to take up the time of the Senate in discussing a proposition with so very few Senators present; but I am going to offer an amendment on page 3, line 3, to strike out the last word in the line, "five," and to insert "three"; and I will follow that with other amendments, to make not only the paragraph just read conform to the first amendment but also the following paragraph.

In order that the Senators who are present may know just how it would read if amended, I will now read the two paragraphs as they will ultimately be if the amendments are adopted:

Said Federal farm-loan board shall consist of three members, including the Secretary of the Treasury, who shall be a member ex officio, and two members to be appointed by the President of the United States, by and with the advice and consent of the Senate. Of the two members to be appointed by the President not more than one shall be appointed from one political party, and the two of said members shall be citizens of the United States and shall devote their entire time to the business of the Federal farm loan board; they shall receive an annual salary of $7,500, payable monthly, together with actual necessary traveling expenses.

One of the members to be appointed by the President shall be designated by him to serve for four years, one for six years, and thereafter each member so appointed shall serve for the term of six years, unless sooner removed for cause by the President. One of the members shall be designated by the President as the farm loan commissioner, who shall be the chairman and the active executive officer of said board. Each member of the Federal farm loan board shall within 15 days after notice of his appointment take and subscribe to the oath of office.

If the amendment that I have just offered, reducing the number of members of the board from five to three, should be adopted, I shall then offer all of the other amendments en bloc, with the exception of the one as to the annual salary, and then both paragraphs would conform to the first amendment that I have offered.

Mr. President, I suppose this question has been carefully considered by the members of the committee; I take it for granted that it has been, but as I study the bill it seems to me that if enacted into law there is going to be too much expense attached to the operation and enforcement of the same. It is top-heavy. I believe the board should consist of three good men—two besides the Secretary of the Treasury—and, with the Secretary, they can attend to all of the business that there will be for years to come. I have no doubt, either, that you can get men to serve as members of the board for $7,500 per annum.

The other day I called attention to the fact that some of the best servants the Government has, the commissioners of many of the great departments of the Government, are getting only $5,000 per annum. Some of the men serving in those positions, I am quite sure, could make each year two or three times the amount they are receiving. They consider the position one of honor. They consider that they are doing special service for their country; and I believe that a member of the proposed board will be willing to so serve, and if he fills the position with credit to himself and credit to the Government he, too, will be given great credit by the people.

I believe the time has come when we ought at least to avoid paying unnecessary salaries to Government officials. Under my proposed amendment members of the board will receive the salary that a Senator of the United States receives. I do not think any person acting as a member of the proposed board should receive any more salary than a Senator of the United States. I do not think he will be of a higher type or class of man. Furthermore, I find that it is very easy to increase salaries, but it is next to impossible to decrease them. Whenever a salary is established by law or a position is created in an appropriation bill, it is scarcely ever eliminated. The amount paid is never decreased. The members of the Senate Committee on Appropriations are always fighting to keep salaries reasonable. There is not one department of the Government—and I say this advisedly—whose representatives do not appear before the Appropriations Committee of the Senate begging for an increased number of employees and increased salaries for a percentage of the employees already in the service.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Certainly.

Mr. CLAPP. I will ask the Senator if it is not a fact that most of these requests for increases are based upon the fact that in some particular case of legislation, like that pending, we go far above the average salary, and then, quite naturally, those other people come before the Senator's committee and insist on the increase, not so much because of the necessity of the increase, but more as a matter of justice?

Mr. SMOOT. In answer to the Senator from Minnesota I am going to say something that I would not have said if he had not asked the question.

Mr. CLAPP. Then, I am glad I asked the question.

Mr. SMOOT. I am going to state that not only what the Senator has intimated is true, but an increase can not be made in the salary of any employee of this Government in any department without every employee occupying a similar position in every other department immediately becoming dissatisfied, and Members of Congress are asked to see that the injustice is corrected and that his salary is increased accordingly, basing his demand upon the fact that that one particular salary was increased by the committee the preceding year.

Again, it too often happens that some Member of Congress, through constant importuning, becomes interested in the increase of salary of some particular friend, and he pleads with the committees of the House or the Senate for the increase asked for, and in some cases insists that it be made; and if the committee yields and the increase is made it opens the door for every other person with similar duties in every department of the Government service to make a similar demand.

Mr. CLAPP. Mr. President, if the Senator will yield further——

Mr. SMOOT. Certainly.

Mr. CLAPP. I think a great many of the employees of the Government are working at salaries far less than they are entitled to receive; and I think in some cases it is hard, perhaps, for Congress, in the tribunal of a just conscience, to avoid the criticism that it is contributing at least to temptation in the meager salaries that are paid to those holding many of the subordinate positions. If we would try to equalize those salaries and give more heed to them and give less increases to these officers that we are creating, we would not only be fairer and more just, but I believe we would escape what sometimes almost seems like responsibility for temptation on account of the very meager salaries which we do pay in many instances.

Mr. SMOOT. There is altogether too much truth in what the Senator has just stated. I agree with him that many of the salaries that are paid the employees of the Government are ridiculously low; and it seems that every year increases the difference between the employees getting a low compensation and the employees that get the exceedingly high salaries. The difference is becoming greater and greater as the years go by.

I do not know how it is with other Senators, but I am constantly importuned—not so much by people from my own State, although I have had a few requests from them—for positions in the Government service. I never hesitate to write to a person in my State making application for a position in the Government service that if he simply wants employment it would be better for him to remain where he is and enter one of the many fields of labor opened to the energetic men of the West.

I find in the service of the United States to-day bright men direct from college and entering into the service because they feel that they want to get a little money ahead before they undertake to launch out into their life profession, and my observation leads me to believe that every year they remain in the Government service they become less inclined to rely on their own resources and ability to make a living. To the young men that I bring to Washington to work in my office I always say, "Just as soon as you secure your college education I want you to leave Washington. I want you to begin at once the practice of your chosen profession, and the earlier you begin the

better it will be for you. Never mind the starvation period; meet it like a man."

I have no doubt there are many men in the departments who have been working for 10, 15, or some 30 years at an annual salary just large enough to comfortably provide for themselves and family and who if they had at first entered upon the practice of their profession would have been a hundred times better off than they are to-day.

So, Mr. President, I think that whenever we are considering the creation of another bureau, or creating more positions in the Government service, we ought to take these things into consideration; and I believe that now is just as good a time as we shall ever have to begin to consider what is best for the interest of the Government.

In offering these amendments I do not want it understood that I am doing so in hostility to the bill. If I thought that three members of the board were not sufficient, or that having only three would jeopardize in any way the successful carrying out of the provisions of this bill, if it becomes a law, I would not offer the amendments. I believe, however, that three members are sufficient, and I know that an annual salary of $7,500 is ample.

As I say, Mr. President, if the first amendment is agreed to I will then offer en bloc all of the balance of the amendments, so as to make the two paragraphs conform to the amendment under consideration, and I will ask for one vote upon them all.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. POMERENE. I am not sure that I understood the Senator. Does he mean three members, including the Secretary of the Treasury?

Mr. SMOOT. Including the Secretary of the Treasury, making the membership of the board three instead of five. I do not know whether or not the Senator was in the Chamber when I stated just how this provision of the bill would read if the amendments that I shall offer were agreed to.

Mr. POMERENE. Possibly I was here, but my attention was otherwise engaged.

Mr. SMOOT. I shall not, however, take the time to read it again; but if this amendment is agreed to, then, as I say, I will offer all the other amendments en bloc and read the paragraphs as they will be.

Mr. CURTIS. Mr. President, I intend to vote for the amendment suggested by the Senator from Utah, but I would a great deal rather vote for an amendment to place this measure and its operation in the hands of a bureau in the department.

I agree with the Senator from Utah that the difficulty with this bill is that it is topheavy. There are too many people already employed under it. I think in its operation it will be found, if it should become a law as it is now written, that there is so much red tape that very few farmers will take advantage of it.

Mr. HOLLIS. Mr. President, it is a pretty poor plan to allow an important bill to be amended by its enemies. This bill has been prepared by men who are friends of the measure. They are very anxious to see it succeed. The Senator from Utah [Mr. SMOOT] is quite frankly opposed to the measure. He has given his reasons, and they are reasons that are apparently satisfactory to him. He has made a very eloquent argument here for keeping good men out of the employment of the Government, and that is his purpose under his amendment. He says that he advises bright young men not to work for the Government, but to go out and practice their professions. Evidently he does not want the Government to have the services of first-class men. He wants it to be served by the broken-down and unsuccessful men, who have to be supported at Government expense in some way, and therefore he proposes to bring them in here and give them small salaries.

I do not want the administration of this bill to be put in the hands of incompetent and broken-down and discouraged men. I want the salaries to be high enough so that they will be attractive. I want enough men, so that the work will be well performed.

I agree with the Senator's economy program, but I do not agree that the economy should start with this farmers' measure. It is a matter that will involve billions of money, a matter that requires the very best talent the Government can command. Now, we have any quantity of commissions and boards that do not do any work, but that get high pay. There is the International Boundary Commission, whose members receive $10,000 a year, and have practically nothing to do. Those men do not spend a month in the year on their jobs.

The Senator says he would not pay these men more than Senators are paid—$7,500 a year. The Senator knows that if the Senate had that to handle the salaries of the Senators would be higher than $7,500. It is because if they are increased the salaries of the Members of the House will have to be increased, and it will involve a very large expense.

But there is another difference. The men who serve on the farm-loan board are not allowed to do any other work. They have to devote all their time to it. Senators are free a large part of the time. They used to be freer than they are now; but any Senator can carry on his law business in conjunction with his duties here, or he can carry on his banking business, or whatever other business he has; and most Senators do have some other income besides their salaries.

The functions of the farm-loan board will be tremendously important, and there should be enough men so that diverse elements may be represented. In the first place, there should be on the farm-loan board one actual farmer who understands farm needs. Then there should be a man who has studied rural credits—I should think one of the men who went abroad with the United States and American commissions and who studied this whole question in Europe. Then there should be at least two men—one from the vicinity of New York and the other from the vicinity of Chicago—in whom financial men have confidence, so that the bonds can be floated. The success of this whole system depends upon the ability of the farm-loan board to get these bonds marketed at a low rate; and two men who might be selected out of the departments, as has been suggested, to be on this farm-loan board with the Secretary of the Treasury, are not the sort of men we need. We must have the salary high enough to attract at least two first-class financial men in whom the moneyed institutions of the country have confidence.

Mr. CURTIS. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. CURTIS. Does not the Senator believe that a bond issued by the Secretary of the Treasury or a bureau officer of his department would not meet with favor?

Mr. HOLLIS. No; I do not, because if the Secretary of the Treasury does his duty he has to fight the financial interests all the time. It is fight, fight, fight with the Treasury Department unless the Treasury Department is subservient to the financial interests.

Mr. CURTIS. The Senator will admit, will he not, that bonds issued by the Government have no trouble in finding a market?

Mr. HOLLIS. I do, but that is because the bonds have already a settled market. Everyone knows what the bond is. The trouble with floating farm-loan bonds is that the people are not used to them; they must have them explained to them; and the only way to float them in the first instance is to get heavy financiers interested and float a large block of them and distribute them to commercial men. There will not be any trouble after the people get used to them; then they can be sold.

We have established two systems comparable to this since I have been in the Senate. The first was a Federal Reserve Board. No one suggested that those gentlemen should serve for the salary of a United States Senator. No one suggested that they should have less than $12,000 a year, and they receive that amount. There are five of them besides the Comptroller of the Currency and the Secretary of the Treasury. The Federal Trade Commission consists of five men at $10,000 each, and that sum was given to them without any criticism. But when it comes to the farming measure, the farm-loan act of the country, for the purpose of helping the farmers, where the very best financial talent is needed on the board, then is the time to economize and to give the farmers a peanut. I do not believe the farming interests of the country will approve of this. They do not want to pay large salaries, but they do want to pay salaries that are commensurate with other boards that have to handle similar matters.

I wish to draw attention to the fact that a joint committee, made up of the members of the Banking and Currency Committees of the two Houses and the Agricultural Committees of the two Houses, reported in favor of five members at a salary of $12,000 a year. That would carry $60,000 a year. The Senate Banking and Currency Committee cut that down to four members at an annual salary of $10,000 a year; that is, it cut it down one-third. I sincerely hope that the amendment offered by the Senator from Utah will not be adopted.

Mr. CLAPP. Mr. President, I had nothing to do with the law creating the Federal reserve bank except to submit to it. I felt then that it was in many respects a mistake, and I believe the time will come when we will find that those fears were well grounded. I did think the salary of the members of the board was too high.

I was a member of the conference on the Trade Commission bill and I think those salaries were too high. I tried to get

them reduced, but I failed to do so. I fear it will be equally futile in this instance.

In this particular instance the principal work that requires a coordination of mentalities fairly in an equation will be the division of the country into the districts. The real work will be done by subordinates entirely with that exception. All the work of looking after the securities, passing upon titles, verifying accounts, keeping accounts, will not be done by these commissioners, but it will be done by subordinates.

It does seem to me that it is absolutely unnecessary to have five commissioners, and I do not believe because we have made salaries too high in the past that that should be any reason for making them too high now. Nor do I exactly believe in the justice of the Senator's suggestion that while we permitted these other institutions to become top-heavy in numbers sometimes and with excessive salaries, it is any reflection upon or any spirit of hostility to the farmers if we seek to keep this matter down to a reasonable limit.

The farmers are vitally interested in this bill. They are interested in the reception of the measure; they are interested in the working of the measure; and the more complete the commission, the more we can make it in harmony with the spirit of the country as to its reception—the more we will serve the farmers. I do not believe the farmer will feel that he is particularly the subject of extraordinary solicitude because we put unnecessary salaries in the bill. I believe $7,500 is an ample salary for anyone who may be selected as a member of this board. If I could have my way I would make it about $6,000 a year, and I would take the difference, small as it is, as the basis of an equitable distribution of salaries for those who are employed by the Government.

Mr. JONES. Mr. President, when this amendment came up the other day I asked that it might go over, and I also offered an amendment striking out the word "five" and inserting "one," but the bill is framed, of course, with the idea of having the whole number, and an amendment of that character, if it should be adopted, would require practically the entire overhauling of the bill. So I see there is no chance at all to get an amendment of that sort agreed to, not only because of the opposition to having a chief of bureau control this matter but also because of the fact that it would require almost a rearrangement of the entire bill. So I withdraw that amendment. I shall not press it.

I shall support the amendment, however, of the Senator from Utah. I am going to support that amendment not as an enemy of the bill. I think I shall vote for the bill when it comes to its final passage. I shall probably vote for some amendments to it. I do not think that the bill will meet with the sentiment of the country that it is intended to meet. So far as I have heard from the farmers of my State they are strongly against the bill. They do not believe that it will serve them very well. They express themselves as being in favor of another bill that has been introduced in Congress, but they have been advised by different Members of Congress that there is no chance for the passage of that measure, and so they have suggested some very important amendments to this bill, expressly stating that they do not give up their opposition to the measure but being impressed with the fact that there is no chance for the passage of the other measure they want this bill amended in certain lines.

Mr. POMERENE. Mr. President——

Mr. JONES. I yield to the Senator.

Mr. POMERENE. May I ask the Senator to what bill he refers?

Mr. JONES. They call it the Morgan bill. I think it is a bill introduced by Representative MORGAN, of Oklahoma, in the House of Representatives.

As I said, Mr. President, I am not favoring the amendment of the Senator from Utah [Mr. SMOOT] as an enemy of the bill. I shall probably vote for the bill in the hope that some good will come from it, and that probably with the experience we will gain in a short while we will make whatever amendments experience may show to be necessary in order to make it accomplish what all of us would like to have it accomplish.

Right here I want to say that I do not think too much credit can be given to the Senator from New Hampshire [Mr. HOLLIS], who has had charge of this measure. I have been myself very greatly impressed with the splendid manner in which he has handled the measure and the breadth of the information that he has evidently acquired in studying this question. It seems to me that no man has demonstrated more his industry and breadth of knowledge, with reference to this subject, than the Senator from New Hampshire, and that he is entitled to very great credit for not only the preparation of the measure but the splendid way in which he has handled it here on the floor of the Senate, and he is entitled to that credit, no matter what we may think as to what the ultimate effect of the measure may be. I am in hopes that much more good will come from it than I really look for, but I believe that some good will come from it.

As I said a while ago, experience will show what we need and we can amend it in the necessary particulars. I am glad that it has been treated in an entirely nonpartisan way. Of course, the Senator from New Hampshire, being in the majority, naturally is in charge of it, but it has been treated, I think, not only in the committee but upon the floor of the Senate absolutely free from partisanship, and I am glad of it.

I remember when the parcel-post measure was pending in the Senate that all sorts of predictions were made and all sorts of prophecies uttered as to the inefficiency of that measure. There were predictions that it would not accomplish what those who pressed it hoped that it would accomplish. All sorts of legal and technical objections were presented to it. Now, no one seems to be inclined in any way to repeal that measure and very few changes even are suggested to it. I am in hopes that we will have about the same result from the operation of this bill, that those of us even on this side who have seen so many objections to it and who fear that it will accomplish so little will be agreeably disappointed in its operation, and that as those prophecies were shown to be false so the prophecies made with reference to this measure will also be shown to be false.

Now, with reference to this particular amendment, I think that a board of three good men is amply sufficient. I believe that the salaries are higher than they ought to be. Like the Senator from Minnesota [Mr. CLAPP], I thought that the salaries of the members of the Federal Reserve Board and of the Federal Trade Commission were too high. I do not remember now whether an amendment was offered on the floor of the Senate to diminish those salaries; but whether that was done or not, I do know that I thought they were too high.

Just what the Senator from Utah [Mr. SMOOT] suggested a moment ago occurs here. Whenever we pass a proposition of this kind it becomes a precedent for another. So while the salaries of the members of the other boards are high and while those of us who are opposed to these high salaries here were opposed to it then, the action of Congress in fixing those salaries is now urged as a precedent for these salaries. However, I can see much force in the suggestion of the Senator from New Hampshire with reference to the character of the men and the training that may be required of them to take charge of this measure. I think his judgment in that respect is better than my own. Yet I am still unconvinced of the necessity of having a board of five and paying them this large salary. As the Senator from Minnesota stated, I do not think that the farmers would feel offended in the least.

The farmers, I think, in my section do not expect very much from this measure. They do not think that it will accomplish what they hoped to have accomplished, and they are not worried about the salaries that these men get. I do not think that they are especially objecting even to the high salaries paid here. So far as I am concerned, I am not basing my opposition upon any suggestions that have come to me from the farmers of my State with reference to these salaries. I am simply basing my opposition on my idea that this large board is not necessary, and that these salaries are too high for the duties these men will have to perform.

As the Senator from Minnesota suggested, there are no important judicial functions to be performed by the members of this board. After the organizations are perfected their duties and responsibilities will be largely perfunctory. The real substantial work will be done by the local organizations. What these men here in Washington City will have to do will be largely of a supervisory character.

So, Mr. President, I shall vote for the smaller board with the smaller salary.

Mr. POMERENE. Mr. President, I do not think there can be very much difference of opinion among Senators when it comes to a question of economy. We would all like to be as economical in the administration of public affairs as possible, but economy should not control efficiency. This is a new system which is being adopted, and I am sure that both the friends and the opponents of the bill, if it be adopted, will be extremely anxious to make it a success. That we want above everything.

There are very few people outside of some specialists in this country who have given a vast deal of attention to the working of this system. This great country is to be divided into districts and these various banks are to be organized. Various national farm-loan associations, scattered throughout 48 different States, are to be organized to accommodate the farmers of this country. Necessarily up to the time they will be put upon a permanent

working basis there is going to be a tremendous amount of detail work to be done. Under the amendment of the Senator from Utah this work would be substantially confined to the two members of the board, the Secretary of the Treasury being only an ex officio member, and we know how much he is engrossed with the affairs of his own office.

While I am very much delighted with the bill, I recognize the fact that it is pioneer legislation in this country. The general farm-loan systems have proven a very great success in nearly all the countries of Europe and in some of the South American countries. I marvel sometimes that we have not had heretofore something similar to this system in this country, but here it is pioneer legislation.

No doubt after the board has had an opportunity to thoroughly investigate the subject suggested amendments will be offered which may improve the measure. If it can be improved, we all hope it will be improved. I would much prefer to have the combined judgment of four capable, efficient men—and I do not think anyone else will be named on this board—for the first few years. If our experience during those few years demonstrates that it is not necessary to have four members, and that two members can do the work as thoroughly, as efficiently, and as progressively as four, we can change the law then; but I believe it would be very much better to leave the bill as it has been framed by the committee.

Mr. SMOOT. Mr. President, just a word. I wish, in the first place, to say to the Senator from New Hampshire that I am not antagonistic to legislation of this kind, and I frankly say that if section 29 of the bill were eliminated I would be glad to vote for it. So what I have said was never said in any spirit of antagonism to the principle of the bill, although, of course, I myself believe that it could be drawn so that it would not be so expensive in its operation.

The two members of the board, other than the Secretary of the Treasury, will not be called upon to do the work of districting the country nor will they plan the working details of the legislation. There will be hundreds of employees under the bill. I do not believe that the two members who will be appointed, if my amendment is agreed to making the board to consist of but three, will work out even the details of the organization. The men who will be appointed will no doubt be business men who have had a great deal of business experience, and particularly administrative experience. The man who will work out the detail workings of the bill is already more than likely an employee of the Government, and no doubt has been interested in the framing of it, just the same as we find public men interested in the detail work of almost every important piece of legislation presented to Congress.

So, Mr. President, I do not think it will make any difference whatever as to the working of the bill whether there be three or whether there be five members of the board. The only difference will be that there will be less expense to the Government, less offices to maintain, less employees all around, if the board is limited to three; and I think that ought to be taken into consideration.

Of course I believe it would be an improvement if the amendment were adopted. If I were responsible for the successful working of it, I would very much prefer to have two first-class business men at its head who had had experience in the administration of business, and, with their labor given to this work, an organization formed under their supervision, if you please, would be more likely to make a success of the measure than if we began to pick a man from this part of the country and a man from another part of the country or a man who has been interested in this class of work and a man interested in another class of work. This is a banking proposition, a business proposition.

It seems to me, Mr. President, with the Secretary of the Treasury—and I admit that he will have very little to do with the detail working of the measure—and such men as I have named, if the bill can possibly be made a success it will be brought about through the appointment of such men as I have named, and two of such are enough.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah [Mr. SMOOT] to the amendment.

Mr. SMOOT. May we have the yeas and nays?

The yeas and nays were ordered.

Mr. LODGE. I desire to take this opportunity to state that my colleague [Mr. WEEKS] is unavoidably absent from the city. He has a pair with the Senator from Kentucky [Mr. JAMES].

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I desire to announce the necessary absence of my colleague [Mr. HARDWICK] and to state that he is paired with the junior Senator from Kansas [Mr. CURTIS].

Mr. TILLMAN (when his name was called). Transferring my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Kansas [Mr. THOMPSON], I vote "nay."

Mr. UNDERWOOD (when his name was called). I desire to inquire whether the junior Senator from Ohio [Mr. HARDING] has voted?

The VICE PRESIDENT. He has not voted.

Mr. UNDERWOOD. I have a general pair with the junior Senator from Ohio. He being absent, I transfer the pair to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Virginia [Mr. MARTIN] and vote "nay."

The roll call was concluded.

Mr. MYERS. I desire to inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, but I transfer that pair to the Senator from Colorado [Mr. SHAFROTH] and vote "nay."

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. CLARK of Wyoming. I desire to ask if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, which I transfer to the Senator from South Dakota [Mr. STERLING], and vote "yea."

Mr. CLAPP (after having voted in the affirmative). I have voted. I now observe the absence of the senior Senator from North Carolina [Mr. SIMMONS], with whom I have a pair. I transfer that pair to the senior Senator from California [Mr. WORKS] and will allow my vote to stand.

Mr. CURTIS (after having voted in the affirmative). I have a pair with the junior Senator from Georgia [Mr. HARDWICK]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and will permit my vote to stand.

Mr. FALL. I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. In his absence I withhold my vote.

Mr. TOWNSEND (after having voted in the affirmative). I have a general pair with the Senator from Florida [Mr. BRYAN], but I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on official business. As to how he would vote on this question, I do not know.

Mr. FALL. In the absence of my pair, I desire to make a transfer to the Senator from South Dakota [Mr. STERLING] and to vote. I vote "yea."

Mr. CLARK of Wyoming. The Senator from Missouri [Mr. STONE], with whom I am paired, having returned to the Chamber and voted, I withdraw the exchange of pairs.

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 22, nays 29, as follows:

YEAS—22.

Borah	Fall	Lodge	Smoot
Brandegee	Gore	Norris	Townsend
Clapp	Gronna	Oliver	Wadsworth
Clark, Wyo.	Jones	Page	Warren
Curtis	Kenyon	Poindexter	
du Pont	Lane	Sherman	

NAYS—29.

Ashurst	Kern	Pomerene	Taggart
Bankhead	La Follette	Reed	Tillman
Beckham	Lea, Md.	Saulsbury	Underwood
Broussard	Martine, N. J.	Sheppard	Vardaman
Chamberlain	Myers	Smith, Ariz.	Williams
Hollis	Newlands	Smith, Ga.	
Husting	Phelan	Stone	
Johnson, Me.	Pittman	Swanson	

NOT VOTING—45.

Brady	Goff	Martin, Va.	Smith, Mich.
Bryan	Harding	Nelson	Smith, S. C.
Burleigh	Hardwick	O'Gorman	Sterling
Catron	Hitchcock	Overman	Sutherland
Chilton	Hughes	Owen	Thomas
Clarke, Ark.	James	Penrose	Thompson
Colt	Johnson, S. Dak.	Ransdell	Walsh
Culberson	Lea, Tenn.	Robinson	Weeks
Cummins	Lewis	Shafroth	Works
Dillingham	Lippitt	Shields	
Fletcher	McCumber	Simmons	
Gallinger	McLean	Smith, Md.	

So Mr. SMOOT's amendment to the amendment was rejected.

Mr. SMOOT. Mr. President, I offer the following amendment to the amendment of the committee: On page 3, line 12, I move to strike out "$10,000" and to insert "$7,500," so that it will read:

They shall receive an annual salary of $7,500, payable monthly, together with actual necessary traveling expenses.

Upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). Making the same announcement as before as to the transfer of my pair to the senior Senator from California [Mr. WORKS], I vote "yea."

Mr. CURTIS (when his name was called). I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. FALL (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. CHILTON] to the Senator from South Dakota [Mr. STERLING] and vote "yea."

Mr. MYERS (when his name was called). Announcing the same transfer of pairs that I announced on the last vote, I vote "nay."

Mr. REED (when his name was called). I make the same announcement as to my pair and transfer as before and vote "nay."

Mr. SAULSBURY (when his name was called). Making the same announcement as before relative to my pair and its transfer, I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH of Michigan], who is absent, is paired with the junior Senator from Missouri [Mr. REED]. Announcing my pair and its transfer as before, I vote "yea."

Mr. LODGE (when the name of Mr. WEEKS was called). I desire to make the same announcement in regard to my colleague [Mr. WEEKS] that I made on the former roll call. He is unavoidably absent. He stands paired with the Senator from Kentucky [Mr. JAMES]. I will let this announcement stand for the day.

Mr. WILLIAMS (when his name was called). Repeating the same announcement which I made a moment ago as to the transfer of my pair, I vote "nay."

The roll call was concluded.

Mr. CLAPP (after having voted in the affirmative). The senior Senator from California [Mr. WORKS] having entered the Chamber and voted, I shall have to withdraw the transfer which I made and also withdraw my vote.

Mr. SUTHERLAND (after having voted in the affirmative). I now learn that the Senator from Arkansas [Mr. CLARKE], with whom I have a pair, has not voted. For that reason I withdraw my vote.

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

Mr. WALSH. Having a general pair with the Senator from Rhode Island [Mr. LIPPITT], I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

The result was announced—yeas 26, nays 25, as follows:

YEAS—26.

Beckham	Gronna	Norris	Townsend
Borah	Harding	Oliver	Vardaman
Brandegee	Jones	Overman	Wadsworth
Clark, Wyo.	Kenyon	Page	Warren
Curtis	Kern	Poindexter	Works
du Pont	Lane	Sherman	
Fall	Lodge	Smoot	

NAYS—25.

Ashurst	Johnson, Me.	Reed	Taggart
Bankhead	La Follette	Saulsbury	Underwood
Broussard	Lea, Md.	Sheppard	Walsh
Chamberlain	Martine, N. J.	Smith, Ariz.	Williams
Gore	Myers	Smith, Ga.	
Hollis	Phelan	Stone	
Husting	Pittman	Swanson	

NOT VOTING—45.

Brady	Gallinger	Martin, Va.	Smith, Md.
Bryan	Goff	Nelson	Smith, Mich.
Burleigh	Hardwick	Newlands	Smith, S. C.
Catron	Hitchcock	O'Gorman	Sterling
Chilton	Hughes	Owen	Sutherland
Clapp	James	Penrose	Thomas
Clarke, Ark.	Johnson, S. Dak.	Pomerene	Thompson
Colt	Lea, Tenn.	Ransdell	Tillman
Culberson	Lewis	Robinson	Weeks
Cummins	Lippitt	Shafroth	
Dillingham	McCumber	Shields	
Fletcher	McLean	Simmons	

So Mr. SMOOT's amendment to the amendment of the committee was agreed to.

Mr. NORRIS. On page 3, line 7, after the word "Senate," in the committee amendment, I move to strike out "of the four members to be appointed by the President not more than two shall be appointed from one political party."

Mr. President, if that amendment is adopted, it will necessitate another formal amendment to make the other language conform to the amendment.

I confess that I have but little hope of seeing the amendment adopted. I confess also that those who favor this kind of a provision in the law are moved by the very highest motives and the best of faith; but if I believed that such a provision would work out in the way that those who favor it believe it will work out, instead of being opposed to the language I would favor it.

I am moved to offer the amendment, even though it is apparent that it can not be adopted, from the fact that in the discussion on the amendment in regard to the salaries which has just been adopted, Senators reminded the Senate of other cases and other bills which have been pending, which provided for large salaries, where no Senator made a motion to strike them out; the salaries, for instance, of the members of the Federal Reserve Board, which were fixed at $12,000 per annum, as I now remember, and also the salaries of the Federal Trade Commission, which were fixed at $10,000 per annum. Particularly with reference to the salaries of the members of the Trade Commission, I felt at the time that those salaries ought to have been cut down. I offered no amendment, or, if I did, I have forgotten now that I did so, because I knew that it would be defeated, and there were so many other amendments in which I was deeply interested, most of which were defeated, that it became quite apparent that it was useless to offer such an amendment.

I want to offer this amendment now, so that if at any time in the future, under different conditions, the same amendment should be offered or supported by me, I shall be able to show in my own defense that I stood for this amendment, and believed in it at a time when the party opposing the one to which I give allegiance was in power and would name all of the officials provided for in the proposed law.

The object of the language is to create a board that is nonpartisan. If that language brought about that object, I would be the last one to move that it be stricken out, and would be one of the first to support keeping it in. As a matter of fact, it never brings about anything of the kind.

I remember that early in the present administration, a question came up in the Senate in regard to the Civil Service Commission, complaint having been made that the law was not being properly enforced, when the charge was made that under the preceding administration the law had not been enforced. To the statement that the law provided that the members of the Civil Service Commission must belong to different political parties and that not more than two could be taken from one party, the answer came—and I am not sure but that it was perfectly well founded—that the man who was appointed to rep-

resent the Democrats by a Republican President did not represent the Democrats; that he was a bolter from the Democratic Party; and that he was appointed as a reward for his support of Palmer and Buckner. I am not sure but that that was right, and, without criticizing the man who was appointed, because, so far as I know, he performed his duties absolutely without regard to party and in the best of faith, at the same time naturally he could not be above suspicion on the part of members of the Democratic Party, for the reason that just before he was appointed he took part in a political campaign, where his energies and his efforts, no matter what he might believe in, could have had but one effect, and that was to assist in bringing about the defeat of the Democratic Party. Such charges are frequently made, and we know that oftentimes they are true; that the man appointed to represent one party in reality supported another party. So we do not have nonpartisan boards; but, if the officials are appointed in good faith, instead of having nonpartisan boards, we have bipartisan boards, which are worse than partisan boards. If the man appointed a member of a board is a Democrat, he feels as though he was appointed because of being a Democrat and that in his official position he represents the Democratic Party; and, on the other hand, the man who is appointed because he is a Republican, feels the same in relation to the Republican Party. So you have, evening it up with both parties represented, an absolutely partisan board.

If the same men were appointed and the law did not provide that they must be appointed from a party, they would feel a different obligation; the party obligation would disappear, and they would come nearer being nonpartisan than though they were appointed to represent a political party.

So far as I am concerned, if this bill becomes a law, and the President wants to do so, I would not criticize him if he should appoint all the members of the Federal farm-loan board from one political party. If they are good men, if they will perform their duties properly, without regard to politics, the President can appoint all Democrats, if he so desires, or he can appoint all Republicans, all Progressive, or all Socialists, or divide them up as he pleases; but I am opposed to saying to the President, "You must appoint so many Republicans and so many Democrats, in order that when they are assembled together they will constitute a nonpartisan board." That is inconsistent, and in practice it has never worked out well.

The board provided for in this bill ought to be nonpartisan; there is no doubt about that. Every board ought to be. I can not conceive of any board that ought to be partisan; but just as soon as we say to the appointing power, "You must divide this board up between the political parties," you make a partisan board of it; and if the President in good faith appoints as members of the board men who belong to the opposite party to which he owes allegiance, he immediately casts suspicion, in some quarters at least, as to those men, because in times past Presidents and other appointing powers have taken advantage of a provision of this kind to appoint men of the opposite party, who at least are not politically in good standing, although it may be that the very best men who could be selected in the country would be men who were not politically in good standing.

I am not saying that such men might not be absolutely the best. Take, as an illustration, the Trade Commission or the Federal Reserve Board. Criticism was made of some of the appointees on the Federal Trade Commission because they did not fairly represent the party from which, under the law, they should be chosen. Criticism was made of the President as to at least one of those appointees, because it was said "This man does not fairly represent the party from which, as the law provides, he should be taken." I am not saying that that criticism was wrong, but I do believe that in that particular case—and it is likely to happen in any case—the man who did not fairly represent the party was the best man that could be selected for the particular office. If, however, you leave this kind of a provision in the law, the President, if he wants to escape criticism in making the appointments, must select partisans, men who are such partisans that nobody will doubt that they will have uppermost on all occasions the welfare of their party. He will be criticized if he does not do that, and perhaps that is the spirit of the law, but I think we ought to avoid it in this instance, particularly in view of the character of work to be performed by the farm-loan board.

Under the bill before us the members of the board will have no more to do with party, if they do their duty, than the flowers that bloom in the springtime. Therefore we ought to make it possible for the President to appoint, without criticism, the best men possible, irrespective of party. I do not believe that this language ought to go into a law of any kind.

I believe, first, that it is recognized by the Senate and the House of Representatives that the work of this board will be nonpartisan. If we start with that as a fact, then we ought to say nothing about the political qualifications of the men who will compose the board, as to what political party they shall give allegiance, or from what political party they shall be selected.

If the work of the board is nonpartisan, as the work of all such bodies ought to be, then why should it not be possible to appoint a man who perhaps gives allegiance to no political party, but who may have made a life study of this subject? Under this bill if you appoint such a man he will have to be charged against some political party, but no political party will be willing to take him, and he will be unwilling to be classified as a member of a political party. Some of the best students along the lines of the work that will have to be done, for instance, by the Federal Trade Commission do not care anything about political parties; they have never taken any part in political contests, and yet they may have spent years of their lives in careful and calm study of the questions over which that board will have control. I can easily see that in the particular case before us the same thing might be possible, but the President is practically by this provision of the bill precluded from appointing such a man. It will be no answer, so far as he is concerned, to say that if you strike out that provision the President will appoint all the members of the board from one party. If the President wants to do that, he can practically do it. He can get enough Republicans who supported the Democratic candidates in the last election and reward them with this kind of an office.

So you will not accomplish anything if you want to prevent that being done. It can not be prevented if the President wants to do it. On the other hand, if the President wants to act in good faith, and appoint the best men he can select for the positions, he will not consider politics. If you leave in this provision, you compel him to consider politics. Therefore it seems to me it ought to be eliminated.

Mr. FALL. Mr. President, will the Senator from Nebraska yield for a question?

Mr. NORRIS. Yes.

Mr. FALL. Does not the Senator think that this entire Government is at the present time a Government by party, except where it may have become in recent years a Government by one individual? Is not the Government itself a party Government?

Mr. NORRIS. A great deal so; yes.

Mr. FALL. Then, where the legislative department creates a board or a commission, does not the Senator think it would be well enough to provide that both parties shall be represented upon that board or commission, and then if the President wants to violate the law leave it to him to violate it?

Mr. NORRIS. No. In answer to the question I will say that I do not think the Legislature ought to do that. The fact that we have political parties in this country is no sufficient reason, in my judgment, why the members of a board of this kind should be selected because of their party qualifications any more than we would select a judge on account of his political qualifications.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. NORRIS. In just a moment I will yield to the Senator. Why should we not say when two judges are to be appointed, whom everybody concedes ought to be nonpartisan, that not more than one of them shall belong to any one political party, and thus put upon the bench a representative of a party?

It is true that we have parties, and to a great extent the country is governed by parties; but every day we are trying, State legislatures are trying, and municipal governments are trying, to get away from the evil of partisanship. There is no official duty for this board to perform—there can be none—that in any way is partisan. If you want to make it nonpartisan, then do not provide by law that one of the qualifications of a member shall be that he is a partisan.

I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. Mr. President, the Senator is anxious to have this board made nonpartisan. Does the Senator believe that appointing all the members of the board from one political party tends to make the board nonpartisan? Or would it not be more apt to be nonpartisan if both or all parties were represented on the board?

Mr. NORRIS. No; I have gone over that to some extent. I will say, in answer to the Senator from Wyoming, that when you appoint members of a board of this kind under a law that says there shall be so many members of one party—that is practically

what we say—and so many members of another party on the board, you thereby, by the law, make it a partisan board.

Mr. CLARK of Wyoming. I suppose it would be almost impossible, notwithstanding the view of the Senator, formerly expressed, to appoint any member upon this board or any like board who is not a partisan in the sense that he is a member of some political party; that is, that he votes, or has voted, with some particular political party. He need not be a partisan in the sense of being an active party worker or organizer; but I imagine that any man who was sufficiently well qualified, or qualified at all, to sit upon this board, would be a man who would have some views upon political questions, and would have expressed by his vote his notion as to which views were best. In that sense he would be a partisan; but I do not understand that that is what the Senator means.

Mr. NORRIS. In what sense?

Mr. CLARK of Wyoming. I do not suppose the Senator meant to imply that we would be likely to get a man upon this board who did not have some political affiliations.

Mr. NORRIS. We probably would not; but we might. If we leave in this language, and the President wants to escape criticism, then it is certain that we will not get anybody on the board who is not the strongest kind of a partisan.

Mr. CLARK of Wyoming. Well, possibly the Senator is correct. I wanted to get his view.

Mr. COLT. Mr. President, may I ask the Senator a question?

Mr. NORRIS. In just a moment. I should like to refer first to what the Senator from Wyoming has said.

There are four members to be appointed. The language that I seek to strike out by my amendment provides that not more than two of them shall be members of any one party. That will mean that there will be two Democrats, let us say. Suppose the President went out into Wyoming and found there a prominent Democrat who had been supporting the Senator from Wyoming in all the contests he had ever had. There are Democrats like that in Wyoming—pretty good fellows, too.

Mr. CLARK of Wyoming. There are not enough of them.

Mr. NORRIS. Suppose the President appointed one of them as representing the Democratic Party, what would Senators over here say? Why, they would say, "That man does not represent the Democratic Party." The Senator from Wyoming could answer and say, "Why, he is a qualified man. He has made a life study of this subject and knows more about it than anybody else." "That does not make any difference; he is not a good Democrat. We do not care about his qualifications. He is not a Democrat, and the law provided that he should be a Democrat."

Suppose, on the other hand, instead of doing that—and this is more probable than what I have suggested—the President, in selecting a Republican, should go into New Hampshire and he should find there a Republican, registered as a Republican, who could prove by the records that he was a Republican, and who perhaps had been running for office on the Republican ticket, but who had supported the Senator from New Hampshire [Mr. HOLLIS]. There are such Republicans up there; otherwise, the Senator would not be here. He had to have the votes of a good many of them to get here. Suppose he should appoint one of those, what would happen over here? Republicans would say, "Why, here, the President is not carrying out this law in good faith. He has appointed a man who has not been true to the Republican Party. He has appointed a man who bolted the Republican Party and supported the Democratic candidate for Senator." He would be criticized for it; and it would not be any answer if the President or those who supported him in his action could say and could prove: "Why, this man whom the President has appointed as representing the Republican Party in New Hampshire is the best man in the country for this position. He knows more about the duties of the position than the men who passed the bill and the President who signed it. He is peculiarly adapted to carry out the provisions of this law." The Republicans would answer and say, "Why did you not appoint him as a Democrat?" But the man himself claimed to be a Republican. He had supported one Democrat, maybe two, maybe a whole ticket at one election.

This language makes it impossible for the President, unless he is subject to severe criticism, and perhaps violates the law, to appoint any such man to this board. He could not do it. What would the President have to do if he wanted to escape criticism? He would have to get some two Democrats who were able to show that from the time they were old enough to vote they had never scratched a ticket; they had always voted for the Democrat, yellow dog and all; and then he would have to come over on the Republican side, to prevent being criticized there, and appoint a man who had always been a bitter partisan in favor of the Republican Party, who had never supported anybody but a Republican, who felt himself bound to support a candidate for road overseer even if he had just gotten out of the penitentiary, provided he was on the Republican ticket, in preference to the best man in the county running against him on the Democratic ticket. To demonstrate his fitness for this position he would have to have a record as being the bitterest kind of a partisan. That is what the President would have to do.

If this language is stricken out, as proposed by my amendment, the President will have absolutely no limitation. He can pick the best men he can get regardless of their politics. If he does his duty, he will do it.

I now yield to the Senator from Rhode Island.

Mr. COLT. I was simply going to ask the Senator if he does not think that the reason for this provision is that the two parties represent certain tendencies with respect to the government of the country, and that it is deemed a little better on that account that the members composing that board should be men who belong to both of those parties? Might I ask the Senator, further, if he does not recall that when the circuit court of appeals was established there was an agreement that a certain number of Democratic judges should be appointed, there being a large number of judges to be appointed?

The underlying reason is simply this: There always will be two parties; and in order to avoid criticism, it is believed to be a little better to have representatives of both parties upon any board.

I might say further that I think this whole question of partisanship is a great deal overestimated and exaggerated, for the reason that any man when he has taken his position upon this board will, I believe, be entirely free from such partisanship.

Mr. NORRIS. With the last statement made by the Senator I most fully agree—that any man who takes such a position, unless you inject politics into it and give him a political obligation as well as an official obligation, will be absolutely free from political influence of every kind, and will so act; and that is what we ought to have.

I can see how, if we were passing a law here, we might say that a certain position, that of a judge, was established and the President was authorized to appoint some one to the position, and then say in the law, "The President must appoint a Republican." Suppose the President appointed the Senator from Rhode Island. The Senator from Rhode Island would feel—and it is perfectly natural that he should—that he had a double obligation, because the law said he must be a Republican, and the President in good faith in trying to carry out that law, before he appointed him, called in the Republicans, the leading Republicans—whatever that may mean, and it means a good deal sometimes.

Mr. CLARK of Wyoming. The most conspicuous ones.

Mr. NORRIS. And suppose he got advice from those Republicans, and they advised him to appoint the Senator from Rhode Island, and he appointed him not because he wanted the Senator from Rhode Island but because the members of the political party whom he consulted wanted him. Would you say that the Senator from Rhode Island, when he took the office, would be entirely free from political obligation? Why, he would owe his very official existence, under the circumstances, to members of a political party, because of his political affiliations and not because of his qualifications; and he would not be as nonpartisan then as he would be if he had been appointed under a law that said nothing about politics.

Why, Mr. President, the theory is just as the Senator from Rhode Island says it is. The theory is that, there being political parties, we ought to divide this up, and then we will not be so apt to have a partisan board. The practice, when you come to carry it into practice, is just the reverse. If we want to get a nonpartisan board, we want to let the appointing power be absolutely free to select men who are not partisans, but who are nonpartisans, and not put an obligation on him that he must go into his particular party to select the men. It would be just as unreasonable, to my mind, to say that he should appoint on this board two men who were bald headed. He might get just as good men, but the danger would be that they would be prejudiced in favor of bald-headed men; and the danger here is that if he must appoint a man because he is a Republican, feeling that he is on that board representing not only the country but the Republican Party, he will be inclined to be partisan; and that is true of the Democrat who is put on there. In this case, if the President did not want to honor any member of the Republican Party with the appointment, he could appoint two Democrats and one Socialist and somebody belonging to the

Progressive Party. He could leave the Republican Party out, if he wanted to do so. I am in favor of giving the President the power to leave it out if he wanted to; but wherever he went, under this provision, he would go there on account of partisanship. Under the law he could not help it. So, by the very curtailment that we put upon the power of the President we make it impracticable to bring about the real thing we are trying to accomplish.

Mr. HOLLIS. Mr. President, I have much sympathy with the views expressed by the Senator from Nebraska [Mr. NORRIS]. I think it frequently works out in the way he says.

Take the Federal Reserve Board, for instance. There were five members upon it. One of them had been an organization Democrat for many years. The other four had never taken any part in politics. Nobody knew what their qualifications were. Later it was charged that they were all Democrats. I do not think there was one of the four that any of us in this Chamber would call a Democrat. He had not been prominent enough so that anybody really knew what his politics were.

This provision, however, was inserted out of deference to the Republicans in Congress, with the idea that they would like it better if it were a nonpartisan board, and for the purpose of making it as nearly a nonpartisan board as we can. I do not know how the Senate will vote on it. So far as I am personally concerned, it does not make much difference.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment of the committee.

Mr. NORRIS. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. As he is absent from the Chamber, I withhold my vote.

Mr. CURTIS (when his name was called). Making the same announcement that I made on the former roll call, I vote "nay."

Mr. FALL (when his name was called). I make the same announcement as before and vote "nay."

Mr. OLIVER (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). On account of my pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Kansas [Mr. THOMPSON] and will vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN]. Not being able to transfer that pair, I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made on the last roll call, I vote "nay."

The roll call was concluded.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

Mr. TAGGART. My colleague [Mr. KERN] is unavoidably absent.

Mr. LIPPITT. I wish to inquire if the junior Senator from Montana [Mr. WALSH] has voted?

The VICE PRESIDENT. He has not.

Mr. LIPPITT. Then I withhold my vote, he being absent.

Mr. MYERS. Announcing the same transfer of my pair that I announced on the last roll call, I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 5, nays 45, as follows:

YEAS—5.

Borah	Jones	Kenyon	Norris
Clapp			

NAYS—45.

Ashurst	Harding	Overman	Swanson
Bankhead	Hollis	Page	Taggart
Beckham	Husting	Poindexter	Tillman
Brandegee	Johnson, Me.	Pomerene	Underwood
Bronssard	Johnson, S. Dak.	Saulsbury	Vardaman
Clark, Wyo.	La Follette	Sheppard	Wadsworth
Colt	Lane	Sherman	Warren
Curtis	Lee, Md.	Simmons	Williams
du Pont	Lodge	Smith, Ariz.	Works
Fall	Martine, N. J.	Smith, Ga.	
Gore	Myers	Smoot	
Gronna	Nelson	Stone	

NOT VOTING—46.

Brady	Goff	Newlands	Smith, Md.
Bryan	Hardwick	O'Gorman	Smith, Mich.
Burleigh	Hitchcock	Oliver	Smith, S. C.
Catron	Hughes	Owen	Sterling
Chamberlain	James	Penrose	Sutherland
Chilton	Kern	Phelan	Thomas
Clarke, Ark.	Lea, Tenn.	Pittman	Thompson
Culberson	Lewis	Ransdell	Townsend
Cummins	Lippitt	Reed	Walsh
Dillingham	McCumber	Robinson	Weeks
Fletcher	McLean	Shafroth	
Gallinger	Martin, Va.	Shields	

So Mr. NORRIS's amendment to the amendment of the committee was rejected.

Mr. HOLLIS. Mr. President, it has been brought to my attention that on the vote on the motion of the Senator from Utah [Mr. SMOOT] to reduce the salaries of the members of the farm-loan board from $10,000 to $7,500 the Senator from Ohio [Mr. POMERENE] voted "nay," and his vote was not recorded. If his vote had been recorded, the result would have been a tie.

Without troubling the Senate to go through the necessary parliamentary stages to have this set right, I merely reserve the right, when the bill gets in the Senate, to have a vote on the amendment offered by the Senator from Utah in that respect. I reserve the right to have a vote on that motion.

The VICE PRESIDENT. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. CURTIS. Mr. President, I should like to ask the attention of the chairman of the committee to section 35 of the bill. I desire to know whether a change has been made in that section. I see that it provides:

> That upon becoming satisfied that any national farm-loan association has refused to make good defaulted mortgages, as required by section 28 of this act, or upon receiving satisfactory evidence that any such association has failed to meet its outstanding obligations of any description whatever when due, and is in default, the Federal farm-loan board may forthwith declare such association insolvent and appoint a receiver—

And so forth. Is not that an extraordinary power to give to the board—to appoint a receiver for an institution of this kind? Ought not that to be done by the courts?

Mr. HOLLIS. I can not tell the Senator whether there is any precedent for that or not. Does the Senator care to offer an amendment to cover that point?

Mr. CURTIS. I think it is so important that it would pay to take it up to-morrow and have an amendment to the effect that they may go into court and ask for a receiver. I doubt very much our power to give to a board the authority to appoint a receiver. Of course we could provide that upon default they might ask for a receiver at the hands of the court.

Mr. HOLLIS. I will consider that and will be able to give the Senator an answer in the morning.

Mr. NORRIS. Mr. President, in view of the fact that there was such an enormous vote obtained in favor of my amendment seeking to make this law nonpartisan and keep this board out of politics, and feeling encouraged by reason of such an enormous vote, I offer another amendment along the same line.

On page 5, line 21, I move to strike out, beginning after the period, all the balance of that page and the first five lines on page 6. The language I seek to strike out reads as follows:

> All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars and appraisers, shall be appointed without regard to the provisions of the act of January 16, 1883 (vol. 22, U. S. Stats. L., p. 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

Mr. President, the language which I have read and which I seek to strike out by this amendment provides, in substance, that the appointments to be made by this board shall be made without regard to the civil-service law. In other words, it is a provision in the bill which if retained will take the appointments entirely out from under the protection of the civil-service law. The law referred to in this language is the one which provides for the civil service and the appointment of clerks and officials in accordance with the provisions of that law.

It seems to me that there will be necessarily a very large number of these appointments, and that they ought to be made in accordance with the provisions of the civil-service law. In other words, since you have now decided that the board itself shall be partisan and that a part of its membership shall represent the Democratic Party, and a part of its membership shall represent the Republican Party or some other party, you ought at least to provide that when they come to make the hundreds, perhaps the thousands, of appointments that they will make they shall do so in accordance with the law passed by Congress providing for the Civil Service Commission. If you do not, it is a partisan board that we have provided for, and it will do as perhaps it will be justified in doing, it will divide them up according to political parties, and after dividing up the offices according to political parties and going off into separate caucuses and deciding what political appointees shall be made to represent that political party, immediately when the appointments are made the proviso that I also seek to strike out will make it possible for the President by an order to put all of these partisan employees under the civil service, so that although they will be appointed because of partisanship as soon as they are appointed, if the President acts on this proviso, they can not be removed. In other words, the partisanship with which we have started, commencing with the board, will run clear down to and include the janitor.

It is provided "that nothing herein shall prevent the President from placing said employees in the classified service." So you take them for partisan reasons and give them these offices in disregard of the law, in disregard of the Civil Service Commission and the work that it was intended to perform, and as soon as these partisan political appointments are made the President by an order can put them under the protection of the law and they are there during the balance of their lives.

Mr. JONES. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. While we have provided in the law that the President can not appoint more than three from any one political party, and, of course, the other is a Cabinet officer and belongs to the party of the President, does not the Senator think, as a matter of fact, the majority of the board will fill from their own party at least all the substantial offices?

Mr. NORRIS. They could do that under this law, no doubt.

Mr. JONES. Does not the Senator think they are very likely to do it?

Mr. NORRIS. I do not know. In view of the fact that the Senate has decided they shall divide up the important offices, practically giving the Democrats the major part, and saying we will give you a few from these other parties——

Mr. JONES. We have not put any limit on their action. We have not said that they shall act in a nonpartisan way.

Mr. NORRIS. No; we have not said that.

Mr. JONES. Has it not been the Senator's observation that such a board will do that after they are appointed?

Mr. NORRIS. Personally, I may say that I have known instances where such commissions have divided them up, and in other cases where they have taken them all out of one party.

But, Senators, the real point is that a whole lot of clerks and a whole lot of appointments can be made by a board, the jurisdiction of which extends all over the United States. Thousands of positions are to be filled, in my judgment, and the board even decides whether there shall be positions or not, and then decides who shall fill them by appointment without regard to the civil-service law. If our civil-service law means anything, then it ought to begin at the inception. What use have you for the civil-service law if you have this kind of a provision in the law? You say to a political party in power, get your henchmen into office and after they are in we will through this authority granted to the President protect them for life. The theory of the civil-service law is that men will be appointed without regard to politics; and by the way, that law was in accordance with the argument I made a while ago. It does not provide that one man shall be a Democrat, and the next a Republican, and the next a Socialist, and the next what not, and then go through again and enforce it in good faith, but it means that political and party considerations shall have no place in the selection of officials. It means that they shall be appointed absolutely without regard to their political affiliations.

But what are we seeking to do here? We are providing that that law shall not apply to these appointments, and then we say in the same breath, as soon as you have selected these partisan appointees we will have the President issue an order that will put them under the classified service. Men who get into the classified service on merit because of their qualifications will be put side by side with these appointees, appointed because of their political qualifications. Yet the tenure of office, if the President exercises the authority given him in this proviso, will be the same in both cases. It is a nullification of the civil-service law on its face. It is contrary to its letter and it is contrary to its spirit.

Mr. President, when President Taft issued an order putting the fourth-class postmasters under civil service, something he had the legal right to do, a great cry went up that he had put into permanent office a whole lot of fellows who were appointed because of their political qualifications, and I always felt that there was some justification for that charge. Then, as I remember, when President Wilson came in he rescinded that order and provided that they should be examined first, and I thought that that was a good thing. It seemed to me that that ought to have been in the first order, although I know that Presidents from the beginning of the enactment of the civil-service law have made that kind of an order putting under the civil service a large number of employees. The effect of it has been to gradually extend the civil service further, and perhaps often justifiably, without taking the politics of the men into consideration. President Taft simply extended it. It may not be the best way to extend it, but it is the way the law provided it could be extended; and I would not blame the President if after all these fellows were put into office he would issue such an order. I think it is intended he should. Then he would include these men in the civil service.

But why do not the Democrats say now what they said about fourth-class postmasters, that it is not right to put them all in the classified service by a blanket order, because they were selected for political partisan reasons? Why not now practice what you preached? Why do you not do now what you claimed the Republican President ought to have done when he made that order? It seems to me that here is the opportunity to put into practice the very claim that you made then that that was not fair.

Mr. President, I am not making this motion, and I do not believe that any man who knows me will charge it, because we happen to have a Democratic President who will appoint a majority of Democrats on this board. I do not care, so far as I am concerned, if every one he appoints is a Democrat, provided he gets good men; but I do not want this board, being Democratic, as it will be very likely, to go all over the country and put this great system into operation by the use of political methods. How will these men get their jobs? They will get them because Senators and Representatives and committeemen will make recommendations to a board that, in the first place, is partisan. Does any member, at least, of the Democratic Party who is a Member of the Senate or of the House or is a member of the Democratic committee, think that he will not be importuned by friends to get them positions under this board, and does any man doubt but that this board, a partisan board to begin with, will not give heed to that kind of recommendation?

If you strike it out, what will happen? If my motion prevails, in the first place, you will be relieved of that duty; and you have had experience enough now since President Wilson has been in office and the Democratic Party has been in power to know that it is not a very pleasant duty. I have had too many Members of the Senate and House say to me in conversation, and I have heard them say even in public, that it is an unpleasant duty. It is an unpleasant duty, a duty that you can not perform even to the satisfaction of your own conscience. I know that from experience. Yet the obligation will be yours. You can not get away from it. If the law is passed in this form, no one will expect you to get away from it, and you will not try to get away from it. It ought not to take up your time to investigate, if you want to be fair with the board, and see whether these men are properly qualified or not. You ought not to be compelled to shoulder that responsibility. It is not just to you and it is not fair to the country. If it is made a party obligation, the first thing that will be necessary for every applicant will be to show that he is a good Democrat, and sometimes in showing that they will forget all his other qualifications. I would do just the same. I do not say it because he is a Democrat; it would be just the same if the Republican Party or any other party was in power.

If you make a party obligation of it, if you make a party machine of it, then no man can get an appointment as a janitor or as a clerk unless he establishes to the satisfaction of the political machine in control that he gives strict allegiance to that party and is faithful always to the party demands. That will be the first qualification, and if it happens after that that he

has other qualifications to fulfill the office, and that he can perform his duty properly, well and good. If he does not it will be a bad precedent.

Now, what will happen if my amendment prevails? Then these appointments would be made for this board from lists certified to them under the civil-service law by the Civil Service Commission. Is not that fair? If it is not fair then we ought to repeal the civil-service law. If we are going to create new offices and provide in the law where we create them that they shall be appointed without regard to the civil-service law and then after they get in that they shall be put under the saving influences and control of the civil-service law, then we are going back to the old rule that "to the victor belongs the spoils," and going to it with a vengeance.

Mr. BRANDEGEE. Mr. President, I suggest to the Senator that it is worse than that rule. The old rule never protected the spoilsmen.

Mr. NORRIS. I was going to say that. I thank the Senator for the suggestion. If we had no civil-service law, and these men were appointed as a reward for partisanship or political work, when their party went out and the other party came in they would go out. But here you have a provision contained in the bill that notwithstanding the fact that they are going to be appointed on account of partisanship they shall retain their positions for life. In common justice it seems to me we ought not to do that. President Wilson revoked the order of President Taft putting the fourth-class postmasters under the civil service, and I thought he improved the order. It struck me as being fair. All the Democrats at least claimed that was fair. Now, if you are true to that faith, if you believe what you said, it seems to me that you must then vote for this amendment to put these appointments on the same basis and on the same plane that you demanded fourth-class postmasters should be put on.

Mr. President, it all reduces itself down, it seems to me, as to whether we are going to uphold the civil-service law, and in offering this amendment and in saying what I have said I cast no reflection upon the committee. I know it is said that when you begin a great institution of this kind you can get along better by giving everybody a free hand and let the appointments be made without regard to the Civil Service Commission, and that it is difficult sometimes to get the Civil Service Commission to furnish a list for some offices. But, Mr. President, the Civil Service Commission, in my judgment, are better qualified to select any officer, any attorney, and any judicial officer, however high, than the chairmen of political committees or bosses of political machines through the instrumentalities of Members of the Senate and Members of the House, who necessarily, if they often made recommendations, would not and could not under the very condition of things know personally all of the things that anyone ought to know in passing on an applicant for some of the more important positions that will be included in this law.

Therefore, Mr. President, in the very best faith and in the belief that it is only common ordinary justice and a square deal that this should be eliminated, I have offered this amendment, and I hope the Senate will vote in favor of it and that this language may be stricken from the bill.

Mr. CLARK of Wyoming. Mr. President, I am certainly in favor of the amendment proposed by the Senator from Nebraska or, at least, of some modification of the section as it now appears, because I can see no justification whatever for the section as written. I can see where some of these officials probably ought not in their selection to be limited to the civil-service list. I can see where, perhaps, in the case of attorneys and experts they should be allowed a free hand to go out and search the field over and get the best they can, but why the merest laborer or clerk or typewriter or any of the minor employees should not come from the civil-service list I am unable to comprehend.

But that is not the worst feature of the bill as it stands. The bill as it stands provides an avenue or a channel by the use of all these minor appointments by which the work of the Civil Service Commission may be absolutely overthrown.

These people once under the civil service, as I understand the law, may be exchanged to do other kinds of governmental service. For instance, under the civil service, employees of the Treasury Department, if I understand the operation of the law aright, are eligible to be exchanged to the Post Office Department or to other departments of the Government. This bill, by this very section, provides an avenue by which every clerk to be hereafter selected and put into the service of the Government, or every laborer or janitor or elevator man or any employee in those classes, may be passed through this avenue into the civil service of any one of the departments without the necessity of civil-service examination or of a civil-service rating.

I have not been very will satisfied of late years as to the virtue of the Civil Service Bureau, because I have seen how easy it is to avoid the law. It has become a byword. Nobody needs to flatter himself, because he is an eligible on the civil-service list that that gives him any advantage whatever in securing a governmental appointment.

The Senator from Nebraska speaks of the new rule which has been inaugurated in regard to the appointment of fourth-class postmasters. Under the present administration fourth-class postmasters are selected from the civil-service list; but if there has been a fourth-class Republican postmaster appointed under this administration it has been a mighty rare case.

Mr. HOLLIS. I know of a great many such appointments in my State, where there have been more Republicans appointed fourth-class postmasters under this administration than there have been Democrats—a great many more of them.

Mr. CLARK of Wyoming. I am glad to get that testimonial from the Senator from New Hampshire. It is indeed a relief, but I venture to say what I personally know is true in many instances, and that is, that a civil-service appointment is not given to the man or the woman who from the examination shows best upon the list. I do not think that at least will be disputed. The one best qualified, according to the records of the civil service, is seldom the one to get the appointment; and is never the one to get the appointment if he or she belongs to the opposite political party.

It does not, however, do any good to enter into that discussion here; it is not relevant to the matter; but I do not believe it is right to make this section of the bill an avenue or a channel through which there can be filtered into the Treasury Department or the Post Office Department or the Interior Department clerks, laborers, and others who but for the operation of this bill would have to be chosen from the civil-service list. I want to ask the Senator from New Hampshire if there was any particular purpose in that part of the section which provides that "nothing herein shall prevent the President from placing said employees in the classified service"?

Mr. HOLLIS. I will explain that at length when I get the floor. I had rather not answer the question in the Senator's time.

Mr. CLARK of Wyoming. Of course I can understand, as I said in starting, how experts and attorneys, perhaps, and the higher officers who may be employed ought not to be dependent upon the certified list of the Civil Service Commission; but I am absolutely unable to comprehend why the others should not be subject to civil-service examination. I am still less able to comprehend why it is that, having been once appointed without the civil-service examination, they should be immediately transferred into the civil service and be eligible to appointment under any other branch of the Government where the civil service prevails.

Mr. HOLLIS. Mr. President, answering the last proposition of the distinguished Senator from Wyoming first, I will say that it is not a fact that men can be appointed from the unclassified service into the classified service. I know that to be the operation of the law.

Mr. CLARK of Wyoming. Mr. President——

Mr. HOLLIS. I will explain that to the Senator. Under the appointments which were made in the Internal-Revenue Service under recent legislation, deputy internal-revenue collectors were appointed outside the civil-service law under provisions similar to the one now pending. None of those men has been transferred into the classified service of any of the departments of the Government. The departments have repeatedly refused to make such transfers. Some of the men who were appointed in New Hampshire wanted to be so transferred, but, on inquiry, I found that they could not be, and they have not been.

Mr. CLARK of Wyoming. Let me ask the Senator from New Hampshire a question. He is entirely conversant with the operations of the civil-service law——

Mr. HOLLIS. I tried very earnestly to get some of those men into the classified service, and I could not do it.

Mr. CLARK of Wyoming. Suppose this circumstance should occur: A clerk is appointed or a laborer is appointed who otherwise would have to be taken from the civil-service list, and his appointment should carry him in without examination. Having been passed under the civil service, could he not be transferred to a like office or like employment in other departments of the Government?

Mr. HOLLIS. My understanding is that he could not, unless he was in the classified service in one of the departments. If

he got into the classified service in one of the departments, then he might be transferred; but otherwise he could not be.

Mr. CLARK of Wyoming. Of course, but he gets into the classified service by appointment?

Mr. HOLLIS. Yes.

Mr. CLARK of Wyoming. By appointment under this act. Then, being in the classified service, he could at once be transferred to another department?

Mr. HOLLIS. That is exactly so.

Mr. CLARK of Wyoming. And in his place a man could be appointed without the classified service, and could take his place in that service?

Mr. HOLLIS. Not at all; because he could not be put under the classified service, for all future appointments would have to be made under the civil service.

Mr. CLARK of Wyoming. I am glad to learn of that situation.

Mr. HOLLIS. That is perfectly straight and perfectly right, because you take 90 per cent of the classified places under the Government now, and they have all been through exactly this process; we have created a department and we have created its force at the same time, and then the employees were put into the classified service. You can not do it properly in any other way. There is nothing original in it. We went through the whole thing in the Federal reserve act for the very same reason. Surely the Senator from Wyoming has not forgotten that?

Mr. CLARK of Wyoming. The Senator from Wyoming has not forgotten a great many things that he did not approve of that are now law.

Mr. HOLLIS. That is true; but every time we put a bill through we go all over these different things again.

Mr. CLARK of Wyoming. I would be glad if the Senator, or some other Senator, in bringing these great bills into the Senate, would present them in such a way that in doing it they would not violate the civil-service act, if Senators profess any loyalty to the civil-service cause; but I have known what the Senator says, that there is a precedent for this. I had hoped, however, that the practice would be finally abandoned.

Mr. HOLLIS. Mr. President, the distinguished Senator from Wyoming is now addressing his remarks to one Democratic Senator who believes thoroughly in civil service, who has always supported it, who has never asked to have any of its rules violated, and who always votes for it in proper cases. Now, there is a most excellent reason why these places should not be filled under the civil-service regulations; and I am coming to that.

The matter that has been called before the Senate by the Senator from Nebraska [Mr. NORRIS] is one of the things as to which we do not have to rely on speculation or prophecy. We know just what will happen, because we know just what has happened within the past two years under the Federal reserve act; and I will tell the Senate just what happened under that act. Take the first one appointed, the secretary of the board. He is a man who has always been a Republican; he was secretary of the Aldrich Monetary Commission. Take the lawyers who were appointed. I have not the slightest idea as to their politics; but no one would ask to have the Civil Service Commission recommend lawyers to serve on this board or any other board. Take the experts to whom the Senator has referred. When they are all appointed, there will not be many of them; there will be a few assistants and stenographers here in Washington under the farm-loan board. The only others who will be appointed by them will be the farm-loan registrars, one for each district, who should be men of the highest financial standing, and who ought not to be appointed under civil-service rules. Then there are the examiners and land appraisers. Those examiners and land appraisers should be appointed exactly as the bank examiners are appointed now, and not under civil-service rules. You do not want to select men of that type from a list that is furnished by the Civil Service Commission.

Mr. CLARK of Wyoming. Exactly so. Then, while appointing as many land-bank appraisers as may be thought necessary—there is no limit to the number—why should they be put under the civil service?

Mr. HOLLIS. They would not be put under the civil service.

Mr. CLARK of Wyoming. But authority is given to put them under the civil service.

Mr. HOLLIS. Certainly, and there is authority now to put bank examiners and everybody else under the civil service.

Mr. CLARK of Wyoming. If that authority now exists, why is it necessary to reiterate that authority under this bill? Simply to offend somebody's sensibilities?

Mr. HOLLIS. Not in the slightest, but because it has been found necessary to do so. Whenever a new department has been created the President has had to have authority to put the officers of a certain class in that particular department under the civil service. In the first place, a general law would pass permitting him to put certain employees under civil service. That would apply all right to the departments then in existence, but when you create a new board, a new department, you must have additional legislation in order to permit that to be done.

Mr. CLARK of Wyoming. The Senator's reasoning is not entirely convincing.

Mr. HOLLIS. I am not reasoning; I am stating facts, as I understand them. If I am wrong I should be delighted to have some Senator correct me.

Mr. CLARK of Wyoming. The Senator is a lawyer, and a good one, and he is an expert in the writing of statute law, but does the Senator think it is good legislation to write into a law a thing that is unnecessary?

Mr. HOLLIS. I think it is necessary; otherwise I should not favor putting it in here. When you create a new department, in regard to which existing law can not act because the department was not in existence at the time the law was passed, then you have to apply the law to it.

Mr. CLARK of Wyoming. But the Senator does not understand the point to which I am referring. Suppose the employees provided for by this bill are appointed. The Senator says there is no need of further legislation, because the President already has the power to put those employees under the civil service.

Mr. HOLLIS. I say he has not such power without this authority.

Mr. CLARK of Wyoming. Does the Senator think this authority is necessary for the minor employees?

Mr. HOLLIS. Certainly; otherwise I should not have put the provision in the bill.

Let me tell the Senator what has happened under the Federal reserve act. After they had organized and filled the important places, such as attorneys and experts, then they applied to the Civil Service Commission to give them lists of stenographers, clerks, and assistants, and they appointed such employees from the civil-service list furnished by the commission. There has been absolutely no complaint of any political appointments made by the Federal Reserve Board—not the slightest. No member of the Senate Banking and Currency Committee was able to get anyone appointed under that board. Some of the members of the committee tried to do so, and some of them complained because they failed. That is the way the Federal Reserve Board acted, and I should expect that the President would, when the farm-loan board is working fully and completely, cover into the civil service all proper employees; but we can not state in advance which ones should be so covered in. We can not tell who they will be; no one can until experience has been had.

The Federal reserve act has worked perfectly under an identical provision. The provision in this bill is copied directly from the Federal reserve act, as found in section 11. No one has criticized it; neither the Senator from Nebraska nor the Senator from Wisconsin, nor anyone who is a friend of the civil service will criticize the manner in which that has worked. So I say that, whatever else our critics may say about this bill, here is one part of it that has been worked out under exactly this language to the utmost satisfaction of Democrats and Republicans alike, with no criticism. I wish the other provisions of the bill had such good precedents and such good authority.

Mr. CURTIS rose.

Mr. HOLLIS. I yield to the Senator.

Mr. CURTIS. I do not desire to interrupt the Senator.

Mr. HOLLIS. The Senator looked as if he wanted to express some objection, or perhaps he is convinced and is ready to vote my way.

Mr. CURTIS. The Senator from Kansas is ready to adjourn.

Mr. HOLLIS. Mr. President, in view of the lateness of the hour and the fact that some Senators have gone who have expressed a desire to speak on this matter, I move that the Senate adjourn.

The VICE PRESIDENT. Just a moment. The Chair lays before the Senate a House bill for reference.

HOUSE BILL REFERRED.

H. R. 15048. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.

Mr. HOLLIS. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 2, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 1, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, help us to realize that Thou art the supremest truth, the profoundest fact, in all the universe; that Thy will is good will, and therefore inflexible; that though we may deceive our fellow men, our hearts are as an open book to Thee. Help us to keep them free from guile; and though Thou dost lay upon us heavy burdens grievous to be borne, may we be able in the spirit of the Master to say, "Nevertheless, not my will but Thine be done," that we may be strong, courageous, and full of good works. Amen.

The Journal of the proceedings of Saturday, April 29, 1916, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BAKER, for one day, on account of illness.

To Mr. HAWLEY, for one day, on account of illness.

To Mr. CONRY, indefinitely, on account of illness.

To Mr. POINDEXTER, indefinitely, on account of sickness in his family.

G. B. DICKSON.

Mr. CARAWAY. Mr. Speaker, I call up from the Speaker's table the bill H. R. 8067, to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes, with a Senate amendment thereto, and move to concur in the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 10750. An act permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

CONTESTED ELECTION—GAYLORD V. CARY.

Mr. MORGAN of Louisiana. Mr. Speaker, by direction of the Committee on Elections No. 3, I present a unanimous report of that committee in the case of Winfield R. Gaylord against William J. Cary.

Mr. MANN. Mr. Speaker, as this is a unanimous report I suggest that we dispose of it at this time.

The SPEAKER. Does the gentleman desire to dispose of it now?

Mr. MORGAN of Louisiana. Yes; I would like to call it up now.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 220 (H. Rept. 619).

Resolved, That Winfield R. Gaylord was not elected a Representative to the Sixty-fourth Congress from the fourth congressional district of Wisconsin and is not entitled to a seat therein.

Resolved, That WILLIAM J. CARY was elected a Representative to the Sixty-fourth Congress from the fourth congressional district of Wisconsin and is entitled to retain his seat therein.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

THE PHILIPPINES.

Mr. JONES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, and pending that motion I desire to ask the gentleman from Iowa [Mr. TOWNER], who is the ranking member of the minority of the committee that reported the bill, what time he thinks we ought to have for general debate?

Mr. TOWNER. Mr. Speaker, I will say to the gentleman from Virginia that I have had a great many requests for time from this side of the House. I think we could use 5 hours on this side. Let me suggest to the gentleman also that that was the time we used when the bill was up for discussion before. We had an agreement at that time for 2 hours on the rule and 8 hours for general discussion, which made 10 hours of general debate upon the bill. It seems to me that we ought to have at least that much time now for the discussion of the bill.

Mr. JONES. Mr. Speaker, that would mean, of course, that we would not complete the consideration of the bill to-day. I am told that the disposition of certain members of the House is to get through with the consideration of this bill to-day. I realize that there are a great many gentlemen on both sides of the House who desire to speak on the bill, and it is not my disposition to so limit the time as to prevent anybody who really desires to speak on the bill from speaking on it, but I do not believe that we will be able to get unanimous consent for as long debate as 10 hours.

Mr. TOWNER. Mr. Chairman, I want to make this suggestion: I know that there are some gentlemen who are very impatient to dispose of this bill peremptorily. Let me suggest to those gentlemen that it seems to me that the House can not justify itself in passing or jamming through this bill under any such program as that suggested. This bill, when it was before the House last year, was considered for about 3 or 4 weeks. After general debate, including the various sessions, I think there were 11 or 12 different sessions of the Congress devoted to the consideration of the bill.

This very bill was considered in the Senate for nearly two months and thoroughly discussed, and now when gentlemen suggest that this House ought to take up this great and important measure and dispose of it in one day's time it occurs to me that is asking altogether too much. I do not think it could be justified before the country.

Mr. KITCHIN. Mr. Speaker, would not the gentleman think that three hours on a side devoted to general debate would be sufficient, and then when we get down to the portions of the bill that are in contention we could agree on time for the discussion of that under the five-minute rule?

Mr. TOWNER. I will say to the gentleman that while, of course, I do not think that would be enough time to satisfy our people, if the gentleman modifies the suggestion to four hours on a side I will accept it.

Mr. KITCHIN. How about it under the five-minute rule? Would that cover the five-minute rule; that is, would we then hold strictly to the five-minute rule when we get down to the reading of the bill?

Mr. TOWNER. I understand it is now asked to limit general debate only, without consideration of what may follow.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to ask the gentleman from North Carolina a question. Is it the purpose of the gentleman in making this request which he now suggests to so arrange matters as to finish the bill before we adjourn to-day?

Mr. KITCHIN. I think we can do it, as I understand there is no real opposition except to two portions of the bill—the prohibition and the Clarke amendment portion—and a great many gentlemen on this side and on your side would like to finish it to-night if they could. But we can not jam it through.

Mr. MILLER of Minnesota. Could it not be that unanimous consent be arranged on those features to-day and not try to pass the entire bill?

Mr. JONES. I think we can arrange that when we get to it. I am going to ask, Mr. Speaker, that eight hours' general debate be permitted on the bill, the debate to be confined to the bill, one-half to be controlled by the gentleman from Iowa [Mr. TOWNER] and one-half by myself.

Mr. MANN. I would like to make one suggestion to the gentleman from Virginia, and that is that we give general leave to print for 10 days.

Mr. JONES. I shall be glad to add to that request, Mr. Speaker, that all gentlemen who speak on the bill——

Mr. MANN. All gentlemen.

Mr. JONES. That everybody who desires to do so shall have leave to print within 10 days on the bill.

The SPEAKER. The gentleman from Virginia [Mr. JONES] asks unanimous consent that general debate on this bill be limited to eight hours, four hours to be controlled by himself and four hours by the gentleman from Iowa [Mr. TOWNER], and the debate shall be on the bill itself, and that all Members shall be permitted to print remarks for 10 legislative days on the bill. Is there objection?

Mr. AUSTIN. Reserving the right to object, I wish to ask the gentleman from Virginia if it is his purpose to hold a night session so that we can dispose of this bill to-night?

Mr. JONES. It is the desire to conclude the bill to-night. I do not know whether we will be able to do it or not. I hope so, but we would not like to enter into a hard-and-fast agreement that we would conclude the bill to-night, because nobody

can say in advance how much time will be taken up under the five-minute rule.

Mr. AUSTIN. We will be here a week on this bill if we have the five-minute rule.

Mr. BRUMBAUGH. Mr. Speaker, reserving the right to object, we are now about to consider one of the most important bills that has been before this body in the last 25 or 50 years; a bill that affects the future of eight and one-half million people; a bill that likewise affects the future Government of the United States very materially. It does not seem to me, gentlemen, that it is in keeping with the great amount of time that we have given to other measures in this House that we try to dispose of a bill of such immense magnitude, not only to the Philippine people but to the people of the United States, as this great measure, in one day.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. BRUMBAUGH. I will.

Mr. HUMPHREY of Washington. I would like to suggest to the gentleman that I think upon this side of the House we are largely ready to vote, and on that side you debated it a good many hours in caucus, and it seems to me you have about thrashed it out, and why can we not vote?

Mr. BRUMBAUGH. Very well. If the leaders on both sides of this Chamber have some sort of an agreement whereby some other bill is to be substituted for the bill now under consideration, then we might as well take the vote immediately; but if we are to have a straight-out fight to the finish and register the sentiment of this Congress upon this bill, then we need more time than one day to consider such a bill as a bill dealing with the independence of the Philippine people. We can not properly present the argument and discussion on this bill in one day. If the gentlemen simply want to vote on certain provisions, we might as well take the vote at once upon those propositions, and then take a reasonable amount of time to properly consider a bill of such magnitude as the bill now before the House.

Mr. JONES. Mr. Speaker, I hope my friend from Ohio will not object to this request. I desire to remind him that when this bill, or a similar bill, for Philippine independence was before the House two years ago eight hours was all that was used in general debate, and I think I can also assure the gentleman that when we reach the last section of the bill, which is the one to which there is so much controversy, the five-minute rule will not be strictly enforced, and gentlemen who have no opportunity to speak in the general debate will have some opportunity then to speak upon that section. I hope my friend will not insist upon his objection.

Mr. BRUMBAUGH. Mr. Speaker, I do not intend to object, and neither am I asking for any special time, but I want this bill to have the proper amount of time if we intend to discuss it in a way that its importance demands.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the gentleman from Virginia whether he intends to press for a vote to-night? If you give eight hours for general debate, that means 7 o'clock this evening.

Mr. JONES. Mr. Speaker, all I can say in reply to that is that if we reach the end of the bill at a reasonable hour this evening, I shall ask for a vote; but if we find when we get under the five-minute rule that is impossible, then, of course, I shall not ask that the bill be disposed of to-day.

Mr. MANN. Mr. Speaker, for the convenience of the House, it is very evident to me that if that length of time is agreed upon for general debate, you will get to no final vote to-night. I think everybody in the House wants to have an opportunity to vote on this bill. It may be practicable during the day at least to make some arrangement as to when the vote shall be taken.

Mr. JONES. I will give the gentlemen notice so that they will be here.

Mr. MANN. So that everybody will be informed.

Mr. JONES. I think that is a good idea, and I shall be very glad to further any such proposition as that.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to say to the leaders upon both sides that it is fair to the Members of this House not to keep them here until 7, or 8, or 9 o'clock to-night on an indefinite proposition.

If they knew that they were going to have an opportunity to vote they would wait. If they know they are not going to vote to-night you might have a very slim attendance when the time comes to vote.

The SPEAKER. Is the gentleman through?

Mr. MOORE of Pennsylvania. I am through. I have submitted it to the leaders that we ought to have a time fixed for a vote.

The SPEAKER. Is there objection?

Mr. GALLAGHER. Reserving the right to object, Mr. Speaker, I would like to ask the chairman of the Committee on Insular Affairs if the time is already parceled out on this side of the House?

Mr. JONES. It is not on this side. I can not say for the other side. There have already been a great many requests for time from more gentlemen, I am sorry to say, than I am able to oblige.

Mr. GALLAGHER. Another inquiry: I would like to know if the people who are opposed to the Clarke amendment can get time from the other side?

Mr. JONES. It seems to me that is reasonable and just.

Mr. GALLAGHER. I want the House to know the way the matter is handled.

Mr. GARRETT. Mr. Speaker, I would like to make this suggestion, that we proceed now under the agreement for eight hours' general debate, so that if we can in the next two or three hours reach an agreement as to how much time there will be under the five-minute rule, the committee can rise in a moment and enter into that agreement, so that perhaps, if we see we can reach a vote by 9 or 10 o'clock to-night, it can be announced by the middle of the afternoon. I happen to know that there are gentlemen on that side of the House, as well as on this, who are anxious that a vote should be reached to-night.

Mr. MANN. It is perfectly evident that we can not reach a vote to-night.

Mr. GARRETT. It was my suggestion that we proceed with the general debate, under the agreement, for eight hours, with the understanding that later on, if we can reach an agreement as to a time for voting, the committee can then rise and ratify that agreement, if we choose to do so, and announce by the middle of the afternoon whether we can reach the vote to-night.

Mr. MANN. I think we could do that.

Mr. FITZGERALD. Mr. Speaker, these agreements about fixing time ought to be made now. It will not be convenient for Members to be in the House every minute watching to find out if a request is to be made to guarantee in some way the rights of Members under the five-minute rule. I think it is very apparent, with a bill of 34 pages, if we are to have eight hours' general debate, you can not suppress the Members under the five-minute rule sufficient to vote at once, to get through by the time indicated. Gentlemen might as well understand that.

Mr. MANN. There is no reason that I can see why we should not proceed and complete this bill in Committee of the Whole clear through, or at least up to the last section, and possibly have the previous question ordered on the bill, and have an arrangement made as to when the final vote shall be had on the bill and a motion to recommit, possibly fixing it in advance so as to accommodate all the Members of the House.

Mr. KITCHIN. I suggest, Mr. Speaker, that we can do that a little later.

Mr. MANN. I think we can do that later in the afternoon.

Mr. KITCHIN. A little later, when we find out how the matter progresses.

The SPEAKER. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, Mr. Speaker, why can not the time be fixed now for a vote? I was asking the question, Mr. Speaker, reserving the right to object, why we could not fix the time to vote, while the Members are here. We would like to know.

The SPEAKER. Will the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Virginia [Mr. JONES] give heed to the gentleman from Washington?

Mr. HUMPHREY of Washington. Why can we not fix the time to vote now, so that Members can know?

Mr. JONES. I do not think it is possible, Mr. Speaker, to say now when we will close the consideration of this bill and take a vote. The amendment which will be more earnestly debated than any other is the last provision in the bill, and an arrangement of that sort might cut out absolutely every consideration of that amendment. The time might be taken up on the unimportant amendments, and when you reached that amendment under a hard-and-fast understanding there would not be an opportunity to say a word on the provision of the bill that gentlemen on both sides regard as the vital and most important proposition in the bill.

Mr. TOWNER. Mr. Speaker, what does the gentleman say to this proposition: Of course everybody understands that the critically contested point in the bill is the thirty-fourth section of the Senate act, which is the Clarke amendment. What does the gentleman say to taking that matter up first and disposing of it?

Mr. JONES. Well, so far as I am concerned, if the gentleman will ask unanimous consent that when the bill is read under the five-minute rule the first section to be considered shall be the thirty-fourth section, I will make no objection.

Mr. TOWNER. I will make that request, Mr. Speaker.

Mr. MADDEN. I suggest, Mr. Speaker, if I may, that we agree to vote upon this bill immediately after the reading of the Journal next Thursday.

Mr. JONES. That suggestion of the gentleman from Iowa would mean, Mr. Speaker, that we will vote on the bill this evening, certain.

Mr. MADDEN. Does it mean that?

Mr. JONES. I think we will vote on the bill this evening, if that request is granted.

Mr. KITCHIN. And I should think, too, that in the general debate most of the debate will be on the thirty-fourth section, anyway. The whole general debate will turn around that section, and if we vote on that first it will not take any time on that under the five-minute rule, because we are going to debate that under the general debate.

Mr. JONES. That will unquestionably prolong the general debate, which follows immediately.

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] suggests adding to this request the further request that when the bill is read under the five-minute rule to begin at the end of it instead of at the top of it, and discuss section 34 first.

Mr. KITCHIN. And vote on that first?

Mr. SHERWOOD. Consider it.

The SPEAKER. Vote on it and discuss it, too. Is there objection to the request of the gentleman from Virginia [Mr. JONES], as modified by the suggestion of the gentleman from Iowa [Mr. TOWNER]?

Mr. PARKER of New Jersey. May I ask whether that includes the right of the committee to rise and take a vote in the House on the Clarke amendment the moment that is determined, so that we can get through with this business?

SEVERAL MEMBERS. Oh, no!

The SPEAKER. The way to get a vote on the Clarke amendment is to move to strike it out in the committee.

Mr. FESS. Mr. Speaker, reserving the right to object, there is a new feature introduced in this bill which has never been discussed in the House, and the suggestion of eight hours seems to me astonishingly short for a modification of such policy. My experience is that when we have general debate nobody stays here, and there is no chance to change anybody's opinion. So far as I am concerned, I am willing to stay here from now until we vote. However, I think it is exceedingly important that there be a full discussion, but not to empty seats.

Mr. JONES. Mr. Speaker, we on this side can not hear the gentleman.

The SPEAKER. And nobody else can. All gentlemen will refrain from conversation. The gentleman from Virginia [Mr. JONES] asks unanimous consent, pending his motion to go into the Committee of the Whole House on the state of the Union, that general debate on this bill be limited to eight hours, four hours to be controlled by himself and four hours by the gentleman from Iowa [Mr. TOWNER]; that the debate shall be on the bill itself——

Mr. MANN. With general leave to print for 10 days.

The SPEAKER. And that everybody shall have the right to print a speech in the RECORD for 10 legislative days; and the gentleman from Iowa [Mr. TOWNER] adds to that the suggestion that when the bill is read for amendment section 34, the last section, be considered and voted on first. Is there objection?

Mr. FESS. Reserving the right to object——

SEVERAL MEMBERS. Oh, no!

Mr. FITZGERALD. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection?

There was no objection.

On motion of Mr. JONES, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, with Mr. BYRNS of Tennessee in the chair.

Mr. JONES. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule adopted by the House the general debate is limited to eight hours. The gentleman from Virginia [Mr. JONES] is recognized for four hours.

Mr. JONES. Mr. Chairman, it is just 18 years ago to-day since Admiral Dewey, at the head of an American squadron, triumphantly entered Manila Bay, destroyed the fleet under the command of Admiral Montejo, and sounded forever the death knell of Spanish dominion in the Philippine Islands. [Applause.]

It will be just 14 years on the 1st day of July next since President Roosevelt affixed his signature to the act of Congress under which the Philippine Islands have been governed from that day to this.

That act, described in its title as a temporary measure, was designed as a substitute for the autocratic military government under which the Filipinos had been theretofore governed. It was never intended by its sponsors to serve as a permanent form of government, and it has long since outlived its usefulness.

The bill now under consideration by this House has a twofold purpose. It gives the Filipino people a more liberal and autonomous government, thus conferring upon them larger control of their public and political affairs than they are now permitted to exercise. The life of this government, however, is to expire so soon as American sovereignty shall cease to exist over the islands, which, the bill declares, shall occur in not less than two nor more than four years after its passage, provided that the President, by proclamation, may extend the time to the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of four years, in the event that the condition in respect to the stability or efficiency of the external or internal affairs of the Philippines shall warrant him in so doing.

The necessity for the enactment by Congress of a new organic law for the Philippines is not questioned by anybody. It is stated in the views of the minority members of the Committee on Insular Affairs that—

> The minority entirely agree with the majority that the Philippines should be given a new fundamental law, granting to the people a larger measure of self-government.

And the fact that the only section of this bill to which any reference is made by the minority is that which relates to the independence of the islands amply justifies the conclusion that the provisional government provided for is not unsatisfactory to them.

The justice for the demand that the Filipino people be immediately given a larger measure of self-government being conceded, and no objection having been raised to the governmental features of the bill, it would be a waste of the time of this House to enter upon any detailed discussion of the changes which it effects in the present organic law. I shall therefore only direct the attention of the House to one or two of the more important changes. The most important of these is that which establishes a Philippine legislature to be composed of two houses, one the senate and the other the house of representatives.

The senate is designed to take the place of the present Philippine Commission, an appointive body composed of nine members. As is well known, this commission now constitutes the upper branch of the Philippine Legislature, and also exercises exclusive legislative and other jurisdiction over all the non-Christian and noncivilized peoples of the islands. The archipelago is divided into 12 senatorial districts, each of which is to be represented by two senators. One of these districts embraces the territory inhabited by the non-Christian and noncivilized tribes, and its two senators are to be appointed by the Governor General. The representatives of the other 11 senatorial districts are to be elected by the qualified voters of those districts.

The house of representatives is to be composed of 90 members, 81 of whom shall be elected in the districts now provided by law; the remaining 9 are to be appointed by the Governor General, and they will represent the noncivilized and non-Christinnized territory.

The President of the United States is authorized to appoint a Governor General, a vice governor, an auditor and a deputy auditor, a director of civil service, and the chief justice and associate justices of the supreme court. All other officers are to be appointed by the Governor General with the approval of the Philippine Senate. The Governor General is given a qualified veto power.

One other important change which this bill makes in the present organic law is that which relates to the suffrage. The present educational qualification requires that all voters must be able to read and write either Spanish or English. This bill provides that they must be able to read and write either Spanish, English, or a native language. This will necessarily greatly enlarge the present electorate. Its justice is so obvious as to leave no room for discussion. There are many thousand literate Filipinos who speak neither English nor Spanish. Many of these are at least as well qualified to exercise the right of suffrage as the nonnative inhabitants who only speak a foreign language.

When the bill is read for amendment under the five-minute rule, I shall take pleasure in explaining the provisions of the bill more in detail, in the event that explanation is desired. I shall now proceed to discuss, as briefly as I may, that section which withdraws the sovereignty of the United States over the Philippines and confers upon them full and complete independence after a specified period.

This section is known as the Clarke amendment. It is the only section over which there has been any controversy, the only one that has proven a stumbling block to our friends of the minority.

Some misapprehension seems to exist as to the history as well as the scope and meaning of the Clarke amendment. The impression seems to prevail in some quarters that the Clarke amendment was substituted in the Senate for the preamble to the bill which passed this House by an overwhelming majority in the Sixty-third Congress. Senate bill 381, now the subject of consideration, as introduced in that body did not contain the House bill preamble, which declared that the Philippines should be granted their independence as soon as a stable government was established therein. The preamble of the Senate bill, as introduced, declared it to be the purpose of the United States to grant independence to the people of the Philippine Islands when, in the judgment of the United States, they "shall have shown themselves to be fitted therefor." As reported to the Senate, this language was so changed as to read that independence should be granted when "it will be to the permanent interest of the people of the Philippine Islands." To say to the Philippine people that they shall be granted their independence when they have shown themselves to be fitted therefor would be to offer a gratuitous insult to an intelligent, brave, and sensitive people. To tell them that independence shall be theirs when, in the judgment of the United States, it will be to their permanent interest would be a cruel mockery. Such a declaration of purpose ignores completely the interest of the American people. It might result—and, in the opinion of many people, would result—in compelling the United States to retain possession of the Philippine Islands forever. No matter what the cost in blood or in treasure, it would bind the United States to hold and protect them through all time. It would destroy the dearest hope and the loftiest aspirations of the Filipino people and plunge them into blackest gloom and despair. It would add immeasurably to the difficulties of American administration of their affairs, and if it did not eventually lead to revolution it would at least kindle the fires of distrust and hatred of the American people in the heart of every patriotic Filipino.

It was this declaration of purpose in the bill which we are now considering for which the Clarke amendment was substituted. It was not a question between the promise of independence so soon as a stable government should be established in the Philippine Islands, as contained in the House preamble, and the promise of independence at a specified period, as set forth in the Clarke amendment, that the Senate was called upon to vote. The choice presented to the Senate was between a vague, indefinite, meaningless, and almost inconceivable proposition and an honest effort to redeem the solemn promises which the Democratic Party, at least, have been making the Philippine people for the past decade and a half.

The Clarke amendment is much broader in scope and more comprehensive in meaning than is admitted by its critics. A systematic, well-organized, and persistent effort has been made to create the impression that it ignores American and other foreign interests in the Philippines. On the contrary, it specifically clothes the President of the United States with the power and authority to make such orders and to enter into such negotiations with the authorities of the Philippines as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the Philippines, to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in the islands or having property interests therein.

The President is thus invested with full power to take every step that is possible to protect and safeguard every American or other foreign interest in the islands; and, to my mind, it would be difficult to make the language which is employed in the bill more binding upon the Chief Executive of the United States or more comprehensive in its scope.

But our friends of the minority insist that the authority thus conferred upon the President to settle and adjust personal and property rights between citizens of the United States and the Philippines is not broad enough to cover certain Philippine bonds issued under authority of Congress. They argue that any promise or guaranty given by the Philippine government either as to property rights or the rights of the holders of Philippine bonds, which they distinguish from property rights, would be worthless. My reply to this is that no President of the United States would ever draw so nice a distinction as this, thus discriminating between different classes of American investors in the Philippines. I may say further, however, for the benefit of holders of Philippine bonds who honestly hold this opinion, that I have assurances that the administration will ask Congress to remove all doubt that could possibly exist upon this subject by specifically clothing the President with the power and authority to safeguard, as far as it is possible to do so, the interests of every holder of Philippine bonds. That it would not be possible for the President to do this, I do not believe for one moment, and therefore I feel that every American investment in the islands will be as safe under Philippine sovereignty as under the sovereignty of this country.

It is not contended that the United States is in any way legally responsible for the payment of these Philippine bonds, which amount, in the aggregate, to $16,125,000. It is claimed, because they were issued and sold under authority conferred by Congress upon the Philippine government, that some moral obligation rests on the United States to see to their payment. It is true that the average price at which they sold was something over 6 per cent above par. They all bear 4 per cent interest, and are exempt from all taxation in the United States as well as in the Philippines, and had they been guaranteed by the United States they would probably have sold for 20 per cent, or even more, above par. They are now selling for less than par; but if Congress were to guarantee their payment, their price would at once advance to something like 12 per cent above par. However, I have assurances from representatives of the American Banking Association that if Congress will specifically authorize the President to take such steps as may be possible to safeguard the payment of these bonds, such action will be satisfactory. I feel sure, as I have indicated, that this will be done, and I trust that when it is done it will put at ease all holders of Philippine bonds.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. JONES. Just for a question.

Mr. MADDEN. I want to know whether, if the sovereignty of the Philippine Islands was turned over to the Philippine people, they would not be able to repudiate the bonds which were issued, and which are guaranteed by the Philippine government as it stands to-day, for the construction of that railroad.

Mr. JONES. No; I think not, if the President of the United States carries out in good faith—as I believe will be done—the authority conferred upon him in this bill. [Applause.] However, I will say again that I have assurances from representatives of the American Banking Association that if Congress will specifically authorize the President to take such steps as may be possible to safeguard the payment of these bonds, such action will be satisfactory. I feel sure, as I have indicated, that this will be done, and I trust that when it is done it will put at ease all holders of Philippine bonds.

Mr. AUSTIN. Will the gentleman yield?

Mr. JONES. I yield just for a question.

Mr. AUSTIN. Will the bankers accept the security of the Philippine government and their guaranty or the guaranty of our Government?

Mr. JONES. I am assured by representatives of the American Banking Association that if specific authority is conferred upon the President of the United States to make such arrangements with the Philippine government that is to be set up in the islands in the event of independence, as it is possible for him to make, it will be satisfactory to that important association.

Mr. AUSTIN. Suppose the Government should fail——

Mr. JONES. I can not enter into a discussion of that supposition with the gentleman. He starts out with suppose this and suppose that.

The Philippine government has also guaranteed the payment of interest for a limited term of years upon certain railway bonds, the proceeds of which may have been used in constructing railroads in the islands. The holders of the interest-guaranteed bonds of the Manila Railway Co. do not appear to be disturbed over the Clarke amendment. That corporation, for reasons upon which I do not care to enter at this time, appears to be in a bad way financially, and negotiations are pending by which the Philippine government will in all probability take over its property. The President of the Philippine Railway Co., however, appears to be greatly perturbed in mind lest Philippine independence may result in loss to the holders of the interest-guaranteed bonds of his corporation; and, in response to a circular letter sent out by him to the holders of these bonds, Mem-

bers of Congress are being deluged with letters calling upon them to vote against the Clarke amendment unless some provision is made by which these bonds shall be protected. It is not claimed that the moral obligation of the United States to meet the interest and provide for the ultimate redemption of these bonds is quite so strong as that which exists in the case of the Philippine bonds; but it is stated in the views of the minority that subscriptions for these bonds were received by the Bureau of Insular Affairs. I do not know upon what authority this statement is made, but I do know that it is absolutely groundless. It is true that in an advertisement of an issue of these bonds in 1908 it was stated that the subscription would be opened simultaneously by certain financial institutions and the Bureau of Insular Affairs; but no subscriptions were ever received by that bureau, and such communications as were received were at once transmitted to William Salomon & Co., bankers, of New York City, who signed this advertisement. The first advertisement of these bonds did not name the Bureau of Insular Affairs as one of the places where subscriptions would be received, but inasmuch as the bids received were disappointing to the syndicate underwriting these railroad obligations its purpose in including the Bureau of Insular Affairs in the subsequent advertisement was evidently to induce the public to pay a higher price for them. These bonds were publicly sold as low at 86 cents on the dollar, and I am informed that at private sales they sold for as low as 60 cents on the dollar. They are now selling for something like 46 cents on the dollar. Should the Government of the United States guarantee their payment, their present value would be more than doubled, and their holders would thus pocket several million dollars. It is only necessary to state these facts in order to make it plain that no Member of this House would have the temerity, if he had the desire, to vote to make the United States responsible for these railroad bonds, which the act of Congress which authorized the Philippine government to guarantee their interest expressly declared should not be sold for less than par. By what legerdemain they were actually sold for less than par is another story. So much for the argument that the Philippines should not be granted their independence so long as their bonded indebtedness is not in some way guaranteed by the United States.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. JONES. I yield to the gentleman for a question.

Mr. HILL. The Philippine bonds are exempted from taxation in the United States. What becomes of that exemption if we surrender sovereignty in the Philippine Islands?

Mr. JONES. That exemption stands, and these bonds will never be subject to taxation in the United States.

Mr. HILL. They will be in the position of bonds of a foreign country exempted from taxation by our own people.

Mr. JONES. That is true; but it will have been done under very peculiar circumstances, and inasmuch as these bonds are held for the most part by American citizens I do not think the gentleman would vote to remove that exemption.

Mr. HILL. I do not know. I want to find out what the result of this bill is.

Mr. COADY. At what price did the gentleman say these bonds sold?

Mr. JONES. They sold on the market for as low as 86 cents on the dollar, and I understand they are selling now for about 45 cents on the dollar.

Mr. COADY. I would like to correct the gentleman, if he will permit me.

Mr. JONES. I hope the gentleman will do it in his own time, because these figures are absolutely correct. I have them from the War Department. [Applause.]

Mr. COADY. I have documents here from one of the savings banks of Baltimore city, which shows that they were bought at 95.

Mr. JONES. Some of them were sold at 95, but I said in my remarks that others were sold at public auction for as low as 86. I did not undertake to say what the highest price was, but none ever sold as high as par, and Congress provided in the act which authorized their issue that not one dollar should be sold for less than par. [Applause.]

Mr. CANNON. Will the gentleman yield for a question?

Mr. JONES. With pleasure.

Mr. CANNON. Assuming that the bill passes and four years elapse; you have that independence on paper in the Philippines and the 4 per cent bonds—I am not speaking of the railway bonds—are exempt from taxation in the United States and have not been paid, and that we have in the Philippines the conditions that we have substantially now in Mexico, what would be the attitude of the Government of the United States? [Applause on the Republican side.]

Mr. JONES. In the first place I shall not assume that we will ever have in the Philippines such conditions as prevail in the Republic of Mexico to-day. [Applause on the Democratic side.] I do not think that any gentleman who understands the difference between the character of the inhabitants of Mexico and that of the inhabitants of the Philippine Islands would for one moment suggest a comparison between the two. [Applause.]

The manufacturers of certain American products, for which they have been finding a market in the Philippines, have also been busy in urging Members of Congress to vote against the Clarke amendment upon the ground that the alienation of the Philippines would mean to them the loss of that market. A manufacturer of cotton goods, claiming to represent 13 such concerns, recently strove to convince me that the Clarke amendment should not be adopted because it would mean an annual loss to the cotton manufacturers of a trade approximating $5,000,000 in value. He made the astounding statement, too, that the manufacturers' profit on these goods did not exceed 5 per cent of their value. In other words, according to this manufacturer of cotton goods, it is the duty of the United States to retain possession of the Philippines indefinitely in order that he and his associates may put into their pockets the sum of $250,000 annually. Thus the altruistic arguments for retaining possession of the Philippines, so eloquently voiced by McKinley, Taft, and other Republican leaders, are now giving place to those of commercialism. The mask of altruism, heretofore concealing the real purposes and designs of the imperialistic advocates of colonialism, has at last been cast aside, and we are now given to see that the real, animating purpose of those who would retain possession of the Philippines forever, in utter disregard of the cost and danger involved in such a course to the United States, and in cruel indifference to the God-given rights of the Filipino people, is based in commercial greed. [Applause.] Precious little, if anything, is now heard of the high-sounding doctrine "The Philippines for the Filipinos." It has ceased to be the party cry of those who oppose Philippine independence. They are now openly and shamelessly appealing to the forces of selfishness and greed, heedless of the fact that it was President McKinley who said, "The Philippines are not ours to exploit, but to develop, to civilize, to educate, to train in the science of self-government." [Applause.]

Mr. MADDEN. Will the gentleman yield?

Mr. JONES. No; not just now, if the gentleman will excuse me.

The minority ask, "If we 'Mexicanize' the Philippines, what will become of the property and lives of the Americans there?" They would create the impression that if the Philippines are granted independence the lives and property of American residents of those islands would be as unsafe as they are in Mexico. This is a baseless and wholly unwarranted assumption. There is not the slightest similitude between the character, temperament, and disposition of the inhabitants of the Philippines and those of Mexico. Their peoples are so totally dissimilar in every important particular that no comparison between them is possible. The contrast is as light to darkness.

The Mexicans number 15,000,000, 80 per cent of whom are peons or savages, and of those only 2 per cent can read and write. So densely ignorant are the masses in Mexico and so utterly devoid of civic virtue that there were less than 20,000 votes cast when Madero was chosen President of the Republic. The great bulk of the Mexicans are turbulent, lawless, vengeful, treacherous, cruel, without respect for constituted authority, and utterly callous to all human rights. They entertain no regard for law and order and are amenable only to superior force. How about the Filipino people? More than half of them are literate and more than 90 per cent civilized and christianized. Although the Mexicans outnumber them as two to one and despite the fact that under the educational qualification which obtains in the Philippines and which limits that class of the electorate to those who can read and write either English or Spanish, considerably more than 200,000 votes are polled at their elections. The Moros, who constitute the only disturbing element in the whole Archipelago, number less than 4 per cent of the entire population, whilst in Mexico 40 per cent, or 6,000,000, of its population are pure-blood Indian savages. The Filipinos are an intelligent, docile, kindly, generous, peace-loving, Christian, law-abiding people, and their whole history belies the unjust imputation that they are to be compared to the desperadoes who infest Mexico and render property rights and even human life insecure. Nowhere is there to be found a higher type of the educated, refined, and cultured citizen than is to be found in the Philippines, and nothing is farther from the truth than the statement so often upon the lips of those who would hold the Filipinos in perpetual bondage that they are an illiterate and

densely ignorant people. There are those among them who have won distinction in every branch of higher learning—in medicine and in law, in literature and in philosophy, in science and in art. And there are about 500,000 Filipino children attending public schools and being taught in English. It is true that this does not embrace all the Filipino children of school age, but let us not forget that there are a number of States in our American Union where from 35 to 45 per cent of children of school age have never entered a schoolhouse.

Mr. MILLER of Minnesota. Can the gentleman cite those States?

Mr. JONES. I will furnish the gentleman with their names, but I can not do it offhand. I have examined the United States census and these figures are absolutely correct. I might feel some delicacy in giving the names of these States out of regard for my friend from Minnesota, for it may be that his is one of those States.

Mr. MILLER of Minnesota. Will the gentleman yield again?

Mr. JONES. Yes.

Mr. MILLER of Minnesota. I will state that 98 per cent of the people in Minnesota above the age of 8 years can read and write. I will ask the gentleman if the States that he mentions are not south of Mason and Dixon's line?

Mr. JONES. No; that is not true.

Even in the department of Mindanao and Sulu, where civil authority has with such marked success been substituted for military, many primary schools are now in successful operation, where Moros and Filipinos are being instructed side by side in the English language. These schools are not locally maintained, the funds therefor being largely provided out of the insular treasury, thus annihilating the oft-repeated slander that such a feeling of hatred exists between the Filipinos and the Moros that the former can not be intrusted with the government of the latter.

If the question of the future political status of the Philippine people is to be determined upon the basis of dollars and cents rather than that of justice and right, the sooner they are granted independence the better it will be for the American taxpayer. [Applause.]

The Philippines are costing the United States annually a larger sum than their total bonded obligations added to the total value of the cotton manufactures imported from the United States, about which Members of Congress are hearing so much these days. As a purely financial proposition, therefore, the American people could well afford, if relieved from the cost of holding the Philippines, to pay off every bond for which the Philippine Government is responsible, and to make the cotton manufacturers the gift of a sum equal to the total value of their exports to the Philippines. [Applause.]

It has not until recently been seriously claimed by any one familiar with the situation that the Philippines would ever prove commercially valuable to the United States. Mr. Taft and others have repeatedly admitted they never would, but the advocates of retention point to the fact that since the beginning of the European war the trade between the United States and the Philippines has greatly increased, and they argue therefrom that if it continues to increase in the same proportion it will, in a few years, justify from a commercial standpoint the indefinite retention of the islands. They apparently forget that the European war can not last forever, and they utterly ignore the fact that if it shall be decided to hold the Filipinos indefinitely they must be included in any program for national defense which Congress may adopt.

There may be room for difference of opinion as to what constitutes ample provision for national defense, but there can be none as to the obligation of the United States to defend every foot of territory over which the American flag floats, and the obligation to defend the Philippines against foreign attack, if they are to be held indefinitely, will be all the stronger, since they are held against the will of their people.

Many of those who favor the retention of the Philippines are among the most extreme advocates of what is called national preparedness. Do they realize what it would mean to the taxpayers of America to fortify and defend the Philippines on land and on sea? Already more than $10,000,000 have been expended in fortifying the entrance to the Bay of Manila. Who can say what it will cost to fortify all of the important ports of the entire Archipelago? There are now only 12,000 American soldiers in the islands. Who believes that 200,000 will be sufficient to garrison the forts that must be constructed and to defend the islands in the event of attack by some powerful nation? But it will require more than strong fortifications and large armies to successfully defend the Philippines against foreign invasion. To do so with any hope of success will necessitate the constant presence in the Orient of an American fleet at least equal in strength to that of any naval power which may attempt to seize the islands; and yet, whatever may be the cost in blood and in treasure of defending them, we shall be bound by every consideration of justice, honor, and national pride to undertake to do so, if it shall be determined to hold them permanently. I do not hesitate to express the opinion that it would be impossible to successfully defend them against any first-class military and naval power. Without the loyal and united support and cooperation of the Philippine people it would not be possible, in my judgment, for the United States to hold and defend the islands against foreign aggression. Notwithstanding that Spain conferred upon the Philippines the inestimable blessing of the Christian religion, so deep was the desire for liberty implanted in the hearts of the Filipino that they hailed with delight the advent of the soldiers of America, and eagerly joined with them in driving out the Spaniards; and if whilst holding them in subjection we shall become involved in some great conflict, may we not, with reason, expect that history will repeat itself?

I dismiss as unworthy of serious consideration the absurd and utterly untenable argument so frequently advanced that the Philippine people are incapable of maintaining their independence, and, if given it, must sooner or later become the prey of some stronger power, for this may be truthfully said of most of the nations of the earth. It is true as to Norway, Sweden, Denmark, Holland, Switzerland, and other countries of Europe. It is true of each and all of the Republics of South and Central America, and the halls of this Chamber have echoed for months with dismal forebodings as to the present ability of our own great Nation to successfully maintain itself against foreign attack. Even an international guaranty of the independence of poor, stricken Belgium did not save that gallant little nation from the horrible fate which has overtaken it. If, therefore, the Philippines are not to be given their independence until they are capable of maintaining it in arms, then they are doomed to everlasting political servitude.

Another of the stock arguments of the opponents of Philippine independence is that the Filipinos lack a common language. When the real facts are considered in the light of the history of the world, it will be seen that this argument, too, is entitled to little respect.

Half of the Philippine people speak either Visayan or Tagalog, and more speak English than any other tongue; so that with more than half a million children being daily taught in English, the day is not far distant when English will be the common medium of intercommunication throughout the archipelago.

But, Mr. Chairman, is it true that national spirit and national unity can not exist in the absence of a common language? Within the narrow limits of the British Isles Welsh, Cornish, Gaelic, and Scotch are spoken, and the names of the different languages spoken throughout the British colonies are legion. In Quebec, for instance, although for more than a hundred years under British dominion, French is universally spoken. There are four different languages spoken in Switzerland, and I shall not venture to give the number of those in Austria-Hungary. It has recently been ascertained that there are 41 languages and 51 dialects spoken in Mexico, and yet the wretched condition into which the unhappy country has sunk has never, I think, been attributed to the multiplicity of its languages.

Of the many indefensible arguments advanced by the imperialists against granting Philippine independence about the most absurd and groundless is that the Filipinos themselves do not desire it. I shall not be surprised if, during the course of this debate, some one does not have the temerity to make this claim and even to undertake to establish it by the production of a petition signed by a score or more Filipinos protesting against the passage of this bill. Then, too, it is highly probable that we shall be told that the Democratic Party in the Philippines has adopted resolutions protesting against the passage of this bill.

It may be true that there are a few Filipinos who are willing to sell their birthright for a mess of pottage, but there is no Democratic Party in the Philippines. Four years ago, as now, a few Americans domiciled in Manila got together and adopted a set of resolutions, and actually undertook to accredit delegates to the Baltimore convention, but that convention very promptly, and very properly, refused to accept their credentials or to permit them to participate in its deliberations.

It ought not to be denied by anybody that the Filipinos as a whole desire independence. This is abundantly testified to by the sacrifices they have made and the blood they have shed in their efforts to secure it. The desire for freedom is universal. It is confined to no class or condition of men, and it pervades every part of the civilized and Christianized portions of the islands.

The fires of liberty, kindled in the hearts of the Filipinos by such patriots as the martyred Rizal, have never died out and they will never cease to burn so long as the spirit of freedom shall continue to animate mankind.

The minority undertake to support their contention that it is unwise to fix a definite date for Philippine independence by quoting the opinions upon this subject expressed years ago by ex-Presidents Roosevelt and Taft. Instead of informing us as to the views held in the past by former President Roosevelt it would have been more to the point to have been told what are the present views of that Republican statesman. In his book entitled "Fear God and Take Your Own Part," recently published, Mr. Roosevelt comes out squarely and unequivocally for Philippine independence. He says:

> We have promised the Filipinos independence in terms which were inevitably understood to be independence in the immediate future.

And he adds:

> Let us, then, as speedily as possible, leave the Philippines; and as the Philippines desire us to leave we would be quit of all moral obligations for them, and would under no circumstances be obliged to defend them from other nations.

Realizing, as every other intelligent American must, the difficulty, if not the impossibility, of defending a group of islands extending over a wide area and 7,000 miles distant from our shores, Mr. Roosevelt declares that "Alaska, Hawaii, our own coasts, and the Panama Canal and its approaches" constitute "the military problem with which we should grapple." In view of the fact that Mr. Roosevelt will in likelihood be the next presidential candidate of the Republican Party, I commend his latest and most unequivocal utterances in respect to the future political status of the Philippines to my Republican friends who may be contemplating voting against this bill, and who yet feel a lively interest in the outcome of the approaching Chicago convention.

I may add that if Mr. Roosevelt succeeds in making himself the Republican candidate and in having himself elected, he may not wait for a Republican Congress to set the Philippines free, but may, of his own volition, withdraw the American troops, pull down the American flag, and grant the Filipinos their freedom. [Applause.]

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. JONES. Yes.

Mr. SMITH of Michigan. Why does not the Democratic President pull down the flag and withdraw the troops?

Mr. JONES. Because there is no authority under the Constitution for such action. It was Mr. Roosevelt, who, in the absence of constitutional authority, took the Isthmus of Panama. No Democratic President ever did such a thing. [Applause on the Democratic side.]

Mr. SNYDER. He did not pull down the United States flag.

Mr. JONES. No; he did not pull down the United States flag, but he pulled down the flag of a friendly nation—the flag of Colombia.

Mr. AUSTIN. Will the gentleman state what Democratic President it was that pulled down the flag of Hawaii?

Mr. JONES. It is preposterous to say that the Filipinos are ignorant as to the provisions of this bill. It has been published in full in the Philippines in both English and Spanish and in at least one of the principal native languages of the islands. It has been published too in pamphlet form in Tagalog, and I am informed by an American friend in Manila that one native bookstore sold within a short period more than 100,000 copies of this publication. It has the support of all the political parties in the Philippines, and Gov. Gen. Harrison has cabled his approval and expressed the earnest hope that it may be speedily enacted into law. In the face of such testimony as this how vain it is for Members to assert upon this floor that the Filipinos do not desire their freedom.

Mr. MILLER of Minnesota. Does the gentleman refer to Senate bill 381?

Mr. JONES. Yes.

Mr. MILLER of Minnesota. Does the gentleman mean to say that the Senate bill 381 has ever been published in the Philippine Islands?

Mr. JONES. I do.

Mr. MILLER of Minnesota. I think the gentleman is the only man in the world who thinks so.

Mr. JONES. I am so informed, and I have in my possession a pamphlet in which this bill is translated into Tagalog, and I shall be glad to hand it to the gentleman for his enlightenment. [Laughter and applause on the Democratic side.]

Mr. MILLER of Minnesota. Is it not a fact that all political parties have approved the Jones bill for two years?

Mr. JONES. Yes; and it is also a fact that they all approved the Senate bill.

Mr. MILLER of Minnesota. Do they approve any kind of a bill?

Mr. JONES. Any bill that is an advance over the previous bill; any bill that will give them their freedom and independence a year sooner than another bill will do it.

Mr. Chairman, that great Virginian, Thomas Jefferson, is best known to the world as the author of the Declaration of Independence, and yet it may be truthfully affirmed of him that his highest title to fame rests upon a broader and firmer foundation than even the authorship of that immortal document.

He was the greatest apostle of human liberty that the world has ever produced—the most courageous as he was the ablest champion of free popular government known to ancient or modern history. The political aphorisms of Thomas Jefferson are so universally true as to be applicable to all the peoples of the earth, to the inhabitants of the Eastern as well as those of the Western Hemisphere. If they could be read and understood by every patriotic American citizen there would be no Philippine problem to vex our minds and disturb our peace.

When Thomas Jefferson asserted that "Every man and every body of men on earth possesses the right to self-government," he did not intend to be understood as limiting that axiomatic declaration to the people who constituted the American colonists then struggling for their independence.

In his first inaugural address, that great document in which are formulated with matchless perspicuity and force the essential principles of democracy, these words are to be found:

> Sometimes it is said that man can not be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let history answer this question.

But nowhere, and at no time, has the imperishable truth that self-government is a right inherent in all men been so clearly and so strikingly set forth as in these words of the Declaration of Independence:

> We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

[Applause on the Democratic side.]

Mr. Chairman, the principles enunciated by Thomas Jefferson have never been repudiated by the party which he founded. The Democratic Party stands to-day precisely were it stood a century ago. In one form or another it has reaffirmed its fealty to the principles laid down by its great founder in every platform which it has ever adopted. In every national platform which it has promulgated since the Philippine Islands were ceded to the United States it has solemnly declared itself in favor of the independence of those islands, and my faith in the integrity of the party to which I have given the adherence of a lifetime is so unfaltering that I can never believe it will be guilty of the political perfidy and cowardice of proclaiming itself as favoring a policy which it is not willing to defend and enforce. [Applause on the Democratic side.]

It has seemed to me, Mr. Chairman, that in discussing a measure designed to carry into effect Democratic promises of independence for the Philippines, it was not inappropriate that I should invoke the power and authority of the mighty name of the greatest of all Democrats to the end that the Democratic Party, now that it is clothed with full legislative and executive power, shall not falter in what I hold to be its highest duty. For I can not if I would disguise the fact that there are those who, professing to believe in its principles, are nevertheless endeavoring to prevent the consummation of the lofty and patriotic purposes to which it is so solmenly committed. They would, upon one pretext or another, have the Democratic Party, now that it has been given the opportunity to redeem its promises, abandon its position in respect to the Philippines and cravenly acquiesce in a policy which Democrats for a decade and a half have denounced with one accord as prompted by commercial greed, as unconstitutional, unpatriotic, and cruelly unjust both to the American and Filipino people—a disgraceful policy of criminal aggression which, if persisted in, must result in the destruction of the free principles upon which this Republic was founded. [Applause on the Democratic side.]

I would not, of course, be understood as intimating that all who hold that the time has not come when the Filipinos can be safely intrusted with their freedom are inspired by commercial greed or any other unworthy motive; but, whatever may be their incentives, Democrats at least are strangely unmindful of the teachings of Jefferson, and either ignorant of or indifferent to their party's position upon this great, burning, living issue.

I do not minimize in the least the influences of a commercial and business character that are being exerted to defeat Philippine independence, and I know, too, that there are still other powerful influences at work with the same end in view, but my faith in the patriotism and sense of justice and fair dealing of the membership of this body is such that I do not permit myself to doubt what the issue will be.

Mr. Chairman, permit me to say, in conclusion, that fervently believing with that great apostle of human liberty, Thomas Jefferson, "that the people of every country are the only safe guardians of their own rights," my prayer is that the day is not far distant when we shall see arise in the Far East a free and independent Christian nation, to be known throughout the world as the "Republic of the Philippine Islands." [Prolonged applause on the Democratic side.]

The CHAIRMAN. The gentleman from Iowa is recognized for four hours. [Applause on the Republican side.]

Mr. TOWNER. Mr. Chairman, this is a great anniversary. On this date, May 1, 1898, occurred the battle and victory of Manila Bay, one of the honor days, one of the heroic days, one of the immortal days, of American history. As long as the Republic lives and her children gather to read the story of her birth and growth so long will they thrill with pride as they read the story of Dewey's victory on that day. [Applause on the Republican side.] With the *Olympia* leading, in the obscurity of the early dawn, past the frowning fortress of Corregidor, past the belching batteries of El Fraile, past the bursting mines strewn in the uncharted channel, out into the unknown waters of Manila Bay steamed the American fleet. To meet the little squadron there were drawn up in a long crescent-shaped line of battle seven Spanish ships of war, supported by the land batteries of Cavite. A few minutes after 5 there floated from the signal mast of the *Olympia* the order, "Prepare for general action," and instantly in response on all the American ships the Stars and Stripes floated on the breeze. The Spaniards at once opened fire from ship and shore. Steaming slowly ahead Commodore Dewey and his flag officer, Capt. Gridley, stood on the bridge of the *Olympia*, tranquilly observing the shell fire of the enemy, which lashed the waters about them into yellow foam Presently the commodore, turning quietly to his companion, remarked in a casual tone, "You may fire when you are ready, Gridley." In seven hours time, the Spanish fleet was annihilated, the Battle of Manila Bay had been fought and won, and the United States became a world power.

In this country popular enthusiasm was unbounded. No victory ever achieved by American valor had so stirred the patriotic fervor of the Nation. Nor was praise and admiration confined to the United States. The London Times declared:

> The destruction of the Spanish fleet was as complete as any achievement in naval annals. Dewey showed himself worthy alike of the finest traditions of the United States Navy and of his kinship with the race which produced Nelson.

The Kaiser, when the news was reported to him, said:

> There is evidently something besides smartness and commercialism in the Yankee blood! Those fellows at Cavite fought like veterans.

It was a proud day for America. It will ever remain a "red-letter" day in our history.

As a celebration of that great event it is proposed on this eighteenth anniversary to say to the historians, "Wipe out that chapter of our history, it was a mistake"; to say to our own people, "We need the money for other things, the Philippines are costing us too much"; to say to the nations of the world, "We are afraid to try to keep the islands our sailors and soldiers fought for. If any of you want them, take them; we are too proud to fight." [Applause on the Republican side.]

ARE THE ISLANDS A SOURCE OF WEAKNESS?

Mr. Chairman, I do not agree with the gentleman from Virginia that the Philippines are a source of weakness and that we ought to get rid of them. That argument is strained and weak and is based on a singlar inconsistency. On the one hand, it is urged that the Filipinos are amply able to take care of themselves and should be given their independence. On the other hand, it is urged that with the assistance of the United States they would be defenseless and easy victims of any predatory nation. The Filipinos alone would be invincible, but with the assistance of the American Army and Navy they would be helpless! That implies the utter incapacity of American arms. The argument then proceeds to claim that the United States would be stronger without the help of nine or ten million of Filipinos fighting with us to protect their homes than it would be with such help. That assumes the utter worthlessness of the Filipinos.

Neither of these assumptions are justified. The Filipinos are a brave, courageous people and make good soldiers. Gen. "Chinese" Gordon, as he is called, was one of the most illustrious officers who ever led English soldiers. He said of the Philippine troops who formed part of his forces in the China war:

> They are a fine, sturdy body of fellows, faithful and long-suffering, bearing hardships without murmurs, plucky, and never losing heart in defeat, and considerably superior to the Japanese.

We have more than 5,000 Philippine Scouts now in the islands, and have made them a part of the American Army. They are well trained, armed, and equipped, and remarkably efficient. We have also over 5,000 Philippine Constabulary, trained by United States officers, and thoroughly competent for any military service. These forces can be increased to any number thought necessary when sufficient revenues can be secured to maintain them. A force of 200,000 men could be secured for the defense of the islands if there was money to pay them.

The land forces of the Philippines can be increased as increasing revenue will permit, and can be trained under our own officers to become a strong and sufficient army for the defense of the islands. But with the American withdrawal and the consequent loss of revenue, without arms, ammunition, or training or officers, the Filipinos would be helpless.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes; for a question.

Mr. GORDON. Does the gentleman propose to tax the American people to raise 195,000 additional men to defend the Philippines?

Mr. TOWNER. The gentleman heard me imperfectly, I think. I said the Philippines were not able now to support a defensive force, but as they become economically stronger with the development of the islands under American supervision their forces could be increased from their own establishment and paid for from their own revenues.

Mr. GORDON. Suppose you could not increase them?

Mr. TOWNER. I can not yield any further on that line, I regret to say.

But that is only one phase of the question. If it be admitted that the islands are a source of weakness in so far as military operations by land forces are concerned, the case is far different from a naval standpoint. We have determined to become for our own protection either the first or the second naval power of the world, and to keep that place. It is now apparent that we must control the Pacific for our own self-preservation. That means a fleet on the Pacific strong enough to protect every American coast that borders on its shores. If we are unable to defend the Philippines, we are unable to defend Guam, we are unable to defend Samoa, we are unable to defend the Hawaiian Islands [applause on the Republican side], we are unable to defend Alaska, we are unable to defend the Pacific coast of our own country, and we are unable to defend the Canal Zone. All of these are vulnerable without a commanding navy. If we are to surrender the Philippines because of their military weakness, we should also surrender Guam, Samoa, the Hawaiians, Alaska, and the Canal Zone. This it is not suggested we should do, and with a Navy sufficient to protect these we can not only protect the Philippines, but it will strengthen our Navy to have them as a base.

Naval bases and coaling stations are as necessary for extensive fleet operations as are ships and sailors. But it is said we can retain a naval base and coaling station there and let the islands go. When we dissociate our interests from the Filipinos we make our occupancy in their territory impossible and unsafe. United we can both easily stand; divided we would most certainly fall. Besides, with the islands in the possession of Germany or Japan we could not protect and preserve a coaling station or naval base.

If Japan should send an army to invade and occupy the Philippines it would have to maintain it there. Without the control of the seas, its only line of communication, it could not do so. The control of the seas is our defense of the Philippines, as it is of our other Pacific possessions. Having the mastery of the Pacific, as we must have to protect our other Pacific territory, the possession of the Philippines is not only an advantage, it is indispensable.

It is strange that while every other great nation considers the Philippines a source of strength, there are so many in the United States who consider them a source of weakness. Gentlemen who consider the Philippines, so far from our shores and so near Japan, a source of military weakness might ask themselves if they would consider the occupancy of Magdalena Bay in Mexico a source of military weakness to Japan. Yet this Government, as everybody knows, would go to war with Japan before it would allow such action to be taken. When a Japanese cruiser, chasing a German war vessel, ran aground in Turtle Bay and other Japanese ships went to her relief, the whole Pacific coast

was panic-stricken because it was asserted Japan was preparing to acquire a source of "military weakness" on the Mexican coast. If a settlement by a European power in Mexico, or the Caribbean Sea, or in South America would weaken rather than strengthen a European power, we ought, as an act of preparedness, to encourage rather than protest. Our Monroe doctrine is based on the theory that such possession would be a source of strength to them and a menace to us.

It is the counsel of fear rather than of reason that favors the relinquishment of the Philippines. Unless we have the power to hold the Philippines we might as well surrender in advance the control of the Pacific. A power so dreaded as to compel our surrender of the Philippines can drive our commerce from the Pacific, take our other insular possessions, dispossess us of the Panama Canal, and dictate on what terms we may trade with the Orient. Gentlemen who so believe and advise are not in accord with the traditions and spirit of true Americanism.

The gentleman from Virginia with great care cites some statements from Mr. Roosevelt, recently made, that as the Democratic Party has promised independence, and the Philippines can not easily be defended, we might as well let them go. This late conversion of that gentleman to the Democratic position so pleases the gentleman from Virginia that he nominates his convert as the Republican candidate for the Presidency. I noticed that all the applause given that nomination was on the Democratic side of the House. Not a single handclap was heard on the Republican side. The exceeding popularity of that gentleman's candidacy with the entire Democratic Party does not sufficiently recommend it to Republicans to induce them to accept it, in my opinion. [Applause on the Republican side.]

Mr. FERRIS. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. FERRIS. I wonder if the mention of the name of either of the living ex-Presidents would bring much more applause?

Mr. MADDEN. Does the gentleman think the mention of the name of the President would bring much applause?

Mr. TOWNER. I presume sincere expressions of approval would be difficult to obtain at this time.

WHAT THE FILIPINOS WANT.

The Philippine Islands are now self-supporting. The total revenue of the Government is about $17,000,000 annually. It is almost wholly derived from customs and internal revenues. Under powers given it in this bill their resources can be materially increased. The greatest potential wealth of the islands lies in their agricultural resources, the public lands, timber, mines, and water power. To develop and at the same time conserve these will furnish ample and continually increasing revenue for the islands. The Philippines are at present the richest undeveloped region in the world.

For such development capital is the first essential, and capital will not be invested unless there is a reasonable certainty of security. The American withdrawal now, making worthless American investments in the islands, would make it almost certain no foreign capital would go into the islands except for a sinister purpose. Indeed it is difficult to see how the islands can obtain funds to maintain a separate government. Certainly they could not raise and maintain an army. They could not build a navy. They could not borrow money unless they placed themselves under obligations to some nation desirous of controlling or absorbing them. Indeed I can not believe there is any real desire among Filipinos of responsibility for independence unguaranteed.

I remember that only a few months ago that distinguished representative of the Philippines, that brilliant gentleman whom we so admire, said that what they wanted was their independence with an American protectorate.

Mr. QUEZON. Is the gentleman referring to me?

Mr. TOWNER. Certainly.

Mr. QUEZON. I never made that statement.

Mr. TOWNER. You did not?

Mr. QUEZON. Never.

Mr. TOWNER. You are quoted as having made it.

Mr. QUEZON. I never made the statement.

Mr. TOWNER. The New York Evening Post, which ought to be considered by you as very good authority, for it is very strongly in favor of Philippine independence, quotes you as saying:

> I have found, after talking with both politicians and these men in the Philippines that they consider a United States protectorate as a more efficient guaranty of the integrity of the Philippines and less liable to produce friction which might result in the absorption of the Philippines by other nations. Speaker Osmena believes with me.

Mr. QUEZON. I want to say that the statement is absolutely incorrect.

Mr. TOWNER. And you were not alone in being so reported. Your colleague, Mr. EARNSHAW, is reported as saying in an interview never repudiated:

> That the United States should, for a period, exercise a protectorate over us until we are able to walk alone among the nations of the earth is a plan which I feel certain meets the approval of all patriotic Filipinos.

The Democratic Party of the Philippines recently assembled to select delegates to the forthcoming Democratic national convention. They adopted resolutions which declared:

> We denounce and repudiate as un-American, un-Democratic, and cruelly unjust to the Filipino people any policy which would cast this people adrift in the dangerous sea of international politics without adequate financial resources and no protection or guaranty of their national integrity.

Instances could be multiplied to show that the people of the islands who want independence desire that the United States shall guarantee their independence until they can take care of themselves.

DEMOCRATIC PROMISES.

Those Democrats of the Philippines have a right to appeal to the Democrats of the United States that no action be taken that casts them adrift without protection. The Democratic Party have always demanded independence for the islands, and have always promised to guarantee it. Now, when they have the power and are called upon to fulfill their promises they propose to get rid of the islands and let them shift for themselves. They are willing to give them their independence, but are unwilling to keep their equally binding pledge to guarantee them against domestic insurrection or foreign invasion.

In their last national platform, adopted in 1912, the Democratic Party declared:

> We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers.

The party representatives are ready now to give the Filipinos their independence without waiting until a stable government can be established, and they utterly repudiate their promise to guarantee such independence. For years the Democratic Party has called upon Republicans to fulfill what they are pleased to assert was an implied promise. Now we press upon Democrats the observance not of an implied promise but of an express promise—one to the American people that we would not release the Philippines until a stable government had been or could be established; the other to the Filipinos that they should not be cast adrift without protection. Both of these promises the majority will break if it adopts the Clarke amendment.

THE CLARKE AMENDMENT.

The history of the Clarke amendment is not creditable to its sponsors. What is known as the Jones bill was introduced in the Sixty-third Congress and passed the House October 14, 1914, by a large majority. It failed of consideration by the Senate. It was introduced in the Sixty-fourth Congress in the Senate by Senator HITCHCOCK, chairman of the Senate committee, and reintroduced in the House by Mr. JONES, chairman of the House committee. The Senate took up the consideration of the bill before the House, and during the discussion of the preamble, regarding which there was great diversity of opinion among Senators, Senator CLARKE of Arkansas introduced as a substitute for all suggested preambles his provision, which is now section 34 of the pending bill. The preamble originally reported with the Senate bill declared the purpose of the United States to be that independence should be granted "when in the judgment of the United States it will be to the permanent interest of the people of the Philippine Islands." The House bill provided that the United States would recognize the independence of the islands "as soon as a stable government can be established," the House preamble being in exact conformity to the party platform declaration.

The Clarke substitute abandoned both preambles and declared the United States would withdraw from the Philippines in not less than two nor more than four years. It was not believed that such an amendment would receive any considerable support, but when the vote was taken there were 41 yeas and 41 nays; the Vice President voted "yea," and the amendment was adopted. Five Republicans voted for it, and 11 Democrats voted against it.

As a substantive piece of legislation, I do not hesitate to characterize it as discreditable and absurd. It is utterly out of harmony with every other provision of the bill. The bill as a whole provides for a new constitution of government which shall supersede the present system. If adopted, it will require a complete reorganization of the existing establishment. An

elective senate is created, new officers must be elected, and a greatly enlarged electorate is provided. Under existing law the present electorate is about 275,000. Under the new law it will be increased to between 800,000 and 900,000. To these new voters, who never cast a ballot before because of lack of educational qualifications, will be intrusted the formation of a new government, the installation of a new nation.

And this new government, which is to last only two or three years and is then to be cast aside for the new republic, or whatever they shall create, can be of no possible value to anybody. It can do nothing the existing government could not do and do far better than the new government created by the bill. In other words, if the Clarke amendment is adopted, all the rest of the bill is worse than useless. It will only put upon an excited, distracted, disorganized people a costly burden and cast upon an electorate, two-thirds of which never voted before upon any proposition, the most intricate and difficult task any people are ever called upon to perform. If the Clarke amendment is to prevail, then the Senate bill and the Jones bill should both be abandoned, for under such circumstances they are unnecessary, unwise, and dangerous.

It is generally supposed that the United States has the power under the provisions of the Clarke amendment to delay the separation four or five years. That is a mistake. The Filipinos have that power, but not the United States. Full power to take steps to institute their new independent government is given them as soon as their provisional government is instituted. It can not be consummated in less than two years, but if they have their new independent government ready for recognition at the end of two years, and desire us to recognize it—whatever it is, republic, monarchy, or what not—we bind our ourselves by the Clarke amendment to withdraw and recognize its independence.

If in its substance this Clarke amendment is absurd, in purpose it is dishonorable and cowardly. It is dishonorable because by abandoning the islands in a fit of petulance we are falsifying every statement of purpose we have made to the Filipinos and to the world during the 18 years of our occupancy. We have promised to educate them, to develop them, to elevate them, to give them from time to time larger measures of self-government until they would be able to take care of themselves, if at that time they should decide to ask for separation. Men may differ as to when that time shall come, but very few, indeed, claim that it had now arrived.

Mr. FERRIS. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. FERRIS. The gentleman is debating a feature of this matter in which I am very much interested. What time would the gentleman suggest as the time when we might properly withdraw?

Mr. TOWNER. That question can be decided when we come to the time, when it is really debatable. My position is that it is not even debatable now. I think the gentleman will hardly contend that at the present time or that within two years the people of the Philippines could take care of themselves.

Mr. FERRIS. Oh, I do not agree with the gentleman at all, although I do not pretend to know.

Mr. TOWNER. I agree with the gentleman that we do not any of us know when the time shall come when we can safely grant independence to the Philippines. We ought not to speak dogmatically about it, and certainly we ought not to act precipitately about it. What we should do should be governed by a sense of duty and obligation and responsibility, and not from pique, impatience, or a desire to get rid of what might be considered an unpleasant duty.

Mr. McKELLAR. I agree with the gentleman on that; but I want to ask him this question: Did the gentleman vote in favor of returning Cuba to the Cubans?

Mr. TOWNER. I was not in Congress then.

Mr. McKELLAR. Would the gentleman have favored such action?

Mr. TOWNER. I will say to the gentleman very frankly that I would.

Mr. McKELLAR. There are not so many literate Cubans as there are literate Filipinos. Is not that so?

Mr. TOWNER. Perhaps so, but the proportion is greater.

Mr. McKELLAR. Why make one rule for the Cubans and another rule for the Filipinos?

Mr. TOWNER. That is very easy to answer, for before we entered the War with Spain to free Cuba we promised solemnly to the world that we would not stay in Cuba.

Mr. McKELLAR. Ah, but is not our implied promise to the Filipinos just exactly what our express promise was to the Cubans? [Applause.]

Mr. TOWNER. I will say to my friend that there has not at any time been any suggestion even of an implied promise to fix any definite date for independence. Your party promised independence when a stable government could be established, and when your committee reported a bill fixing the time for independence at 1921, your party leaders repudiated it and forced its withdrawal. Since then you have never dared to fix a date.

Mr. McKELLAR. We are fixing a time now.

Mr. TOWNER. No; you have not done so yet.

Mr. McKELLAR. We are trying to.

Mr. TOWNER. You are trying now to pass a bill that was not formed by the Democratic committee of either the Senate or House, which was disapproved by your Bureau of Insular Affairs, by your Secretary of War, and by your President until he has again changed his mind and asked you to do so, too. [Applause on the Republican side.]

Mr. KELLEY. In the case of Cuba did not this Government go back a second time and establish order there?

Mr. TOWNER. Yes, indeed.

Mr. KELLEY. Is there anything in this bill which would require us to do that?

Mr. TOWNER. No. In the case of Cuba we reserved that right in the treaty and afterwards exercised it.

Besides we should remember that we are under obligation, because of the Monroe doctrine, to protect Cuba in any event. We did not extend that doctrine when we guaranteed Cuban independence. But we have not extended the Monroe doctrine to the Philippines. We would not be under any obligation, unless we expressly agreed to do so, to protect them, or to prevent any nation from subjugating them and absorbing them after our withdrawal. In the case of Cuba we were only acting in accordance with the traditional policy of the country, in accordance with that doctrine which no party in the United States has ever dared repudiate.

Mr. McKELLAR. Will the gentleman permit me again?

Mr. TOWNER. Just another question.

Mr. McKELLAR. The gentleman said, "in accordance with our traditional policy." Is it in accordance with our traditional policy to govern a foreign people without their consent?

Mr. TOWNER. I will say to the gentleman that we have governed foreign people without their consent from the very commencement of the Republic. There has never been an hour that we have not done so. We did so when we purchased Florida, when we acquired Louisiana, when we secured California, when we bought Alaska, when we annexed Hawaii. We have governed the Indians, an alien race, without their consent from the beginning, and do so now. We even to this day preserve the fiction of treating them as foreign powers and making treaties with them.

Mr. GALLAGHER. Will the gentleman yield for a question?

Mr. TOWNER. I yield to the gentleman.

Mr. GALLAGHER. I would like to ask the gentleman if the provisions of the Clarke amendment were submitted to the Filipino people for ratification, by referendum, what does the gentleman think the result would be?

Mr. TOWNER. I will say to the gentleman, frankly, that I think they would vote for it.

Mr. FESS. Will the gentleman permit an interruption?

Mr. TOWNER. Yes.

Mr. FESS. Replying to the gentleman from Tennessee [Mr. McKELLAR], is it not true that Jefferson, the great apostle of self-government, purchased Louisiana and governed its people without their consent?

Mr. TOWNER. For years; for decades.

Now, let me say, further, the gentleman from Illinois [Mr. GALLAGHER] asked me what would be the opinion of the Filipinos regarding the Clarke amendment. I think the Filipino people generally have the idea that independence is the most desirable thing on earth. Many of them do not understand what it means. I believe the more intelligent and educated do not desire it without a guaranty. They know that unprotected independence to them would be a vain and idle thing which they might lose within 24 hours.

Mr. GALLAGHER. But the Clarke amendment provides that the United States shall cut away from them entirely.

Mr. TOWNER. Yes; it wipes it all out. It proceeds upon the theory that we are under no further obligation to them.

Mr. GALLAGHER. That was the idea of my question. What would they do if they really understood it?

Mr. TOWNER. It is hard to say. They have been so long clamoring for independence that they might still demand it on any terms and take the chances.

But that would not lessen our responsibility nor relieve us from the full performance of our duty. If we believe it probable

that the Filipino people are not now prepared to assume the full responsibility of nationality, if we believe that domestic insurrection would follow our withdrawal, if we believe that they would soon fall a victim to some foreign power, then, no matter what a few politicos may demand, we should not yield to their clamor.

THE AMERICAN OCCUPANCY.

No matter what shall hereafter occur, the record of accomplishment during the American occupancy of the Philippines can never be obliterated. The results may be lost by vain desire and overconfidence, but the history of the last 18 years is the most splendid example of unselfish devotion and unparalleled accomplishment to be found under like conditions in all the annals of the past.

In 14 years an educational system has been established in many respects better than any other ever established either in the Orient or in the Tropics. It is better than that in operation in many of the great civilized nations of the world. During that brief period it has touched 8,000,000 people and has been extended to the remotest regions of the archipelago. More than 600,000 pupils have been enrolled in the public schools, and more than 400,000 are in attendance. One-half of the children of school age are still without facilities, but that is because there are not as yet available funds to build the required schoolhouses and secure the requisite additional teachers.

At the very beginning of the American occupancy, while yet the only established authority was military rule, the American Army opened a school as soon as they had established a post. Before Manila was taken a school had been established on the island of Corregidor, which guards the entrance to Manila Bay. A few weeks after the surrender of Manila four or five thousand children were in attendance in the city schools. As soon as districts were brought under the control of American arms soldiers were detailed to open schools, and the American system of education was begun. As the Hon. Frank L. Crone, the efficient director of education in the Philippines, says:

> It can be truthfully said that the Army traveled with a musket in one hand and a schoolbook in the other.

Upon such a foundation a most carefully organized system has been put in operation adjusted to the needs of the people and consonant with their character and development. A balanced curriculum, from primary to university, embracing academic instruction, industrial and vocational education, and physical training has been established. Courses in farming, domestic science, commercial subjects, and trades are offered with a view to fitting the Filipinos to follow these trades when they leave school. As Dr. Crone declares:

> In working out this plan we have conceived it to be the function of the public-school system to prepare every boy and girl for the happiest, freest, and most efficient life in the sphere to which his activities will probably be confined.

The department of agriculture had been for some time vainly endeavoring to interest the farmers of the islands in raising corn. A corn campaign was finally inaugurated in the schools, which now enroll 50,000 boys, as a result of which the production of corn in the islands was doubled and the Philippines are $4,000,000 a year richer.

The introduction of physical training and American athletics in the schools has had a three-fold beneficial effect. It has increased the health and strength of the children. It has driven out vicious amusements, such as cock fighting, and substituted baseball and basket ball and other American outdoor sports. The rivalries for supremacy in these American games have brought the different parts of the islands, with their various tribes, languages, and customs, into a broader knowledge of each other and a greater harmony of interests. It has been said that in no other instance has the civilizing influence and political value of baseball been so fully exemplified.

Much remains to be done. Only about one-half of the children are now in the schools. New schoolhouses must be built. More teachers must be secured. The system must be extended and strengthened and firmly established. It is self-evident that this must be done under American supervision. Gen. McIntyre, in his official report as the result of a special investigation made last summer, says that more American teachers are necessary to maintain the efficiency of the system, and "any effort to increase the numbers of schools and teachers without obtaining a supply of teachers from the outside would be probably more harmful than beneficial."

Again he says:

> A material increase in the number of schools or the number of pupils would only be justified in case the number of teachers from the United States could be correspondingly increased. I am convinced that any effort to economize in the number of competent American teachers is a mistake, and that steady progress demands that the number of American teachers be not decreased from the maximum of the past five years.

American teachers will remain only during the American occupancy. When that ends, with the American soldier will go the American teacher. Haul down the American flag from the schoolhouses of the islands, and with it will fall the most promising and successful educational work that has been accomplished since man studied the printed book. No American superintendent or teacher who has had any experience in the islands but will say that it is absolutely impossible now for the Filipinos unaided to carry on a general system of public instruction.

Some few believe that after the present system has been extended to all the people and has become well established the Filipinos unaided can carry it on, but not now.

Closely allied to the question of education is that of language. In the Philippines there is no people—there are peoples. In the islands there are scores of languages and hundreds of dialect variations. There are at least 50 linguistic groups differing from one another as much as Spanish and Italian, while many are as different as German and French. Catechisms have been printed in more than 50 of these languages and dialects. No two of these are mutually intelligible. The Tagalog, Visayan, and Ilocano languages are as different from each other as are English, French, and German.

The Filipinos are of Malayan stock, but they come from widely separated sources. The pigmy race of Negritos are, as far as can be ascertained, the only aborigines of the islands. The seafaring Malays came from their widely scattered homes in Java, Sumatra, Borneo, and the hundreds of other sources where the Malays had settled. They came a few at a time, settled on different islands, and built up separate establishments. There were 3,000 islands among which to choose a home, and they were not compelled to fight for a place. The fighting came later. These small and independent migrations, isolated both in time and place of origin, were numerous and extended over a period of several centuries. The linguistic diversity which followed was the natural result of such settlement. Added to these were the later migrations to the islands of the Mohammedan Malays, the Moros, as they were called from the race of Moslems which overran Spain, the Moors. These warlike people were rapidly overrunning the islands and bade fair to exterminate the other and less warlike tribes when their progress was arrested by the advent of the Spaniards.

According to Prof. C. Everett Conant, formerly Government translator and interpreter in Manila, from whom most of these facts are derived, the chief languages of the Philippines are the Visayan, spoken by about 3,250,000; Tagalog, by 1,500,000; Ilocano, by 800,000; Bicol, by 500,000; Pangasinan, by 350,000; Pampanga, by 300,000; Igorot, by 200,000; Ibanog, by 150,000; Moros, 275,000.

There is not now and never has been any common language of the people. They can not now, and never could understand each other. There is not now and never has been any common literature. During the 350 years of Spanish control, the governing body and the specially educated spoke Spanish. But they were few in number. It was the policy of the Spanish Government to teach the language only to the native officials and the wealthier classes. The people who were taught anything were given only a rudimentary training in their own tongues.

The teaching of English in the schools is the first attempt to secure a common medium of communication that has given any promise of success. As a result English is already more widely spoken than is Spanish or any other common tongue. It is absolutely essential to the unity and cohesion of the islands that this establishment of a common medium of communication be continued until it is well disseminated and generally accepted. A unified and common public school system is impossible without it. Reforms in Government, the preservation of a free press, and free speech is dependent upon it. Under existing conditions the continued extension and final establishment of self-government is dependent upon it.

The teaching of English in the schools would be abandoned in less than a year following an American withdrawal. Already its use is challenged and disapproved by political leaders and the national press. The benefit of a common language has never been understood by the people, and from the first they have clamored for instruction in their own languages. With the disappearance of the American language from the schools and from official use will begin the disappearance of American institutions from the islands. We will have worked and sacrificed in vain if we now abandon our trust.

The American Nation must not now, having done so much, give up its duty.

> And when your goal is nearest,
> The end for others sought,
> Watch Sloth and heathen Folly
> Bring all your hope to nought.

No work undertaken by Americans has so excited the admiration and wonder of specialists as the results secured in health and sanitary reform in the Philippines. Until the Americans appeared such work was unknown in the Orient. It was said there was not a sewer east of Suez. The native populations wallowed in the accumulated filth of centuries. For ages smallpox, cholera, bubonic plague, beriberi, leprosy, and many other diseases were considered part of the established order of things. In an article which appeared recently in a leading American magazine reviewing the work of Dr. Heizer, from which many of the facts now stated were taken, it is related that when the doctor visited the principal cities of the Orient and stated his purpose to clean up the Philippines they discouraged him, saying, "No, no, Doctor; let the beggars alone—they'll be much happier and like you better. Go back and sanitate the United States; don't try to clean up the Philippines."

But the doctor did not go back, and he did not give up. He went to work. As a result, Manila, from being recognized as one of the plague spots of the world, is now the cleanest and most beautiful city in the Orient, and one of the healthiest on the globe. The Philippine Islands in less than a score of years have made more progress in stamping out disease and in sanitary reforms than any other nation in the world, civilized or savage.

At the commencement of the American occupancy smallpox carried off 40,000 people annually. The year the Americans began their work there were noted 128,000 cases of cholera. That plague on previous visitations had caused the death of 1,000 persons a day in Manila alone. More than 6,000 lepers roamed the islands, spreading contamination wherever they went. Bubonic plague had raged for centuries. Beriberi destroyed thousands of lives every year. Malaria, amebic dysentery, and tuberculosis were everywhere distributed. It is stated that 70 per cent of the people were tubercular.

Sanitary conditions were such as can not be described. In the cities and villages the homes, built of bamboo and palm on stilts 3 or 4 feet above the ground, were built close together without streets or order. They consisted for the most part of a single room. The floor was made of planks with wide interstices through which the family refuse was thrown into the area below, where the family animals were kept. In such homes as these nine-tenths of the people lived. Pure water was not to be found. Medical attendance could not be secured, and surgery was practically unknown.

In a remarkably short time conditions have changed completely in all of the cities and most of the villages. Pure water is secured from well-protected sources and from artesian wells. Smallpox has been practically exterminated. Dr. Heizer and his associates vaccinated 10,000,000 of Filipinos without a fatality. Manila, where thousands died every year, has not had a single death from smallpox since 1906.

Dr. Heizer gathered the lepers together in the beautiful island of Culion; established a village with well-built houses, streets, a sewer system, water supply, town hall, school buildings, warehouses, dining halls, hospitals, electric lights, a post office, stores, and a theater. Here have been gathered more than 8,000 lepers, and the spread of the disease is stopped. More than all, Dr. Heizer has discovered a cure for leprosy. At the Molonk conference last October he reported that the year previous four had been actually cured, that 23 had been pronounced cured last year, and that several hundred others were well on the road to recovery.

Up to 1906 the Philippines had annual visitations of the dreaded bubonic plague. The plague has not visited the islands since that date. Two cases appeared in Manila a few years ago and the city was in a panic. But the spread of the scourge was prevented, and with the continuance of strict quarantine regulations its reappearance is practically impossible.

The cause of beriberi has been discovered, and measures are being taken to prevent its prevalence. Already the mortality from that disease has been greatly reduced.

The visitations of cholera have never been entirely prevented, but great progress has been made and the loss reduced to a minimum. Gen. McIntyre reports that the general health conditions of the islands are much better than in any of the neighboring oriental countries. Indeed the East is learning from America in the Philippines and profiting by her example. Japan, Hongkong, Indo-China, the Straits Settlements, Java, India, Australia, Ceylon, and Siam are introducing Heizer methods everywhere. We have taught the world that health can be maintained in the Tropics, and that even the Orient can be "cleaned up."

Is it the sober belief of thoughtful men that when the American withdrawal is accomplished this work will be or can be continued? It is probable that an honest and determined effort will be made by Filipinos who realize what the loss of these results would mean to preserve and carry on the work. But without the stimulus of American ambition for accomplishment and without the benefit of the unselfish devotion of American physicians and scientists working under the American flag not only for the good of the Filipinos but for the honor and glory of their country—without such incentive hope of further progress is small. Against the accumulated ignorance and prejudice of centuries even the unexampled triumphs of 15 years can not expect to stand unless supported by continual reinforcements from the brain and heart of America.

It took France 80 years—from 1790 to 1870—to establish a Republic. Three times it was overturned by her own people, three times by the army, three times by foreign invaders.

It took the United States 150 years to secure, through colonial experience, the knowledge and strength to achieve independence.

It took a century for the South American Republics to establish stable governments, and some of them are far from secure even now. A century ago the revolutions in what are now known as the South American Republics started. One by one they threw off the yoke of Spain. They achieved their independence. But they did not by that means bring to their people peace, prosperity, or stable government. For 50 years revolution succeeded revolution.

Practically every one of them suffered conditions such as now and for many years have existed in Mexico. Their history is one long record of bloodshed, rapine, assassination, and disaster. Their revolutions were so frequent that the historians wearied in recounting them. No period of rest was secured until in effect the Monroe doctrine was established and intrigues ceased and sedition slowly died out. The world will never know and the South American Republics will never acknowledge the debt of gratitude due this country not only for saving them from conquest and absorption by European powers, but for saving them as well from internal revolutions and domestic insurrections. Diaz arrested for a generation the Mexican revolt, but with his abdication revolution broke out anew. Such is liberty without restraint. Such is independence unguarded.

With such instances as these to consider, is it not foolish for anyone to expect that a collection of tribes only yesterday gathered together with a semblance of unity can be made into a self-governing nation able to guarantee life and liberty to its people and protect itself against the world, with but 18 years' preparation and experience?

I have hoped—I still hope—that with the aid and protection of the United States the Philippines will develop into a great, self-governing commonwealth, maintaining some such relation to us as do Canada and Australia to Great Britain. The tie that binds those countries to the mother country is not force, for it has been acknowledged by Great Britain for years that if they should ask for independence Great Britain would not coerce their retention as part of the Empire. They remain associated with the mother country both because of sentiment and self-interest. They are self-governing and self-developing. They live their own lives and work out their own destiny; but knowing they can go, they remain, and it is manifestly better for both that they remain. Such may be and such, I hope, will be the relation between the United States and the Philippines. It is so apparently to the mutual advantage of both that it is difficult to see how either can desire at this time to separate. I hope to so bind the people of the Philippines to us by our service to them, by their love for our institutions, by self-interest, by mutual protection against foreign aggression, that they will not desire separation. We would not and we should not refuse their independence when the day shall come when they can maintain it if they shall desire it. But I hope that they may have an opportunity at least to consider it, and to consider it with intelligence and good judgment.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. COOPER of Wisconsin. I heard a moment ago an interruption and a suggestion later by the gentleman from Ohio [Mr. FESS] about our having governed Louisiana without its consent. I think there ought to be incorporated in the gentleman's remarks the term of the cession of Louisiana to us. Article 3 of the treaty says:

> The inhabitants of said Territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the Constitution of the United States.

And then the first law that Congress passed in pursuance of that treaty which guaranteed their rights extended the Constitution of the United States over Louisiana.

> No law shall be valid that is inconsistent with the Constitution and laws of the United States.

Practically they were guaranteed what Cooley says was always considered a guaranty of territory that we took—to in due time be made into States. Do you intend that for the Filipinos?

Mr. TOWNER. The gentleman from Ohio will be able to take care of himself. I will say, however, that because the Constitution has not been extended to the Philippines is because it would have been to their disadvantage to have done so. The duties which are collected in the islands and which now go to support their separate government would have been necessarily converted into the Treasury of the United States if they had been organized under the Constitution. This they themselves do not desire. All this the gentleman very well knows, because he was chairman of the committee when such laws were enacted.

Mr. COOPER of Wisconsin. All I wanted to interrupt the gentleman for was because the gentleman from Ohio said that we had always governed people at one time or another without their consent, and I wished to distinguish between the Filipinos and the people of Louisiana.

Mr. McKELLAR. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. McKELLAR. I want to ask does the gentleman believe now that we should have extended the Constitution and laws of the United States to the Philippine Islands and made them an integral part of our Nation?

Mr. TOWNER. No; we could not do so.

Mr. McKELLAR. I am glad the gentleman does not believe that.

Mr. TOWNER. There are many reasons why they can not be incorporated as a State into the Union. However, in the Jones bill, the substance of which I approve, we grant them practically every constitutional privilege that we ourselves enjoy. Neither the Philippines nor Porto Rico could maintain themselves if they were organized under the Constitution.

Mr. McKELLAR. The gentleman does not believe in extending the Constitution and laws to the Philippines, but does believe in ruling them indefinitely as colonies?

Mr. TOWNER. Oh, no; not as the gentleman implies. The word "colonies" in its significance to an American means subjection, and colonists in that view are subjects. That idea is of course obnoxious to us. But no Territory under the American flag is so governed. I am in favor, as I hope we all are, of giving the Filipinos the largest measure of self-government which they are capable of using. I would grant to the islands the same right of local self-government, the same guaranty of constitutional liberty that we have in this country, and that is what we have done so far as we can.

HAULING DOWN THE FLAG.

Gentlemen, in no mere desire to rid ourselves of a burden, and in no panic of fear should we haul down the American flag in the Philippines. I know there are some who are anxious to relieve the country of what they consider an unprofitable undertaking. There are some who believe that as a measure of preparedness we should draw in our territorial possessions. But to cast the islands away at this time would be like loosing a lamb among wolves. To do so would be an act of unspeakable cruelty and of unpardonable selfishness.

To release the islands for fear that we might not be able to defend them would be to abdicate our position as one of the great nations of the world. It would be a confession of weakness. It would be an abject surrender that would forfeit the respect of all mankind.

Mr. FERRIS. Will the gentleman yield? I know that he is making a good speech and is familiar with the subject. The gentleman thinks it would be a disgrace to haul down our flag in the Philippines. The gentleman does not think that we were disgraced in hauling down the flag in Cuba, does he?

Mr. TOWNER. We never hauled down the flag in Cuba. [Applause on the Republican side.]

Mr. FERRIS. We gave them their independence.

Mr. TOWNER. Yes; and we promised to do that before we ever went into the war.

Mr. FERRIS. And we promised it in this instance also.

Mr. TOWNER. Oh, no; we never did. The gentleman can find no such promise anywhere. In the case of Cuba both Houses of Congress passed an act which the President signed which declared our purpose with regard to Cuba. But no such act, nor any other official act, can be found which promised or guaranteed independence to the Philippines at any time.

Mr. FERRIS. The gentleman is making precisely the same technical subterfuge that his party made when they promised to revise the tariff and did not do so; and I think the gentleman's party will receive the same rebuke at the next election as it did at that time.

Mr. TOWNER. Oh, I presume the gentleman would like to change the discussion of this question to a tariff discussion, and so would I, but duty compels me to stick to the question of Philippine independence at this time. [Applause on the Republican side.]

There has been much loose talk about promises of independence to the Filipinos. There could be no person or power authorized to so promise except Congress. That certainly must be clear. Even the Democratic Party in its platform declarations never declared for immediate independence. Nor did it ever fix a date. It declared our purpose should be to grant them independence when a stable government could be established, and left the determination of when that time had arrived to the American Congress. Even then independence was to be guaranteed by the United States.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. HARDY. Is not the gentleman by being in favor of the Jones bill as he was, and is, in favor of now making a promise to the Philippines of ultimate independence?

Mr. TOWNER. That was the declaration of the preamble, and not of the bill.

Mr. HARDY. But the gentleman now is in favor of the preamble?

Mr. TOWNER. No; I am not in favor of the preamble. I voted against it, and I do not think it wise at this time to make such a declaration. I will say this, however, as between the Jones preamble and the Clarke amendment I should certainly support the Jones preamble.

Mr. HARDY. The question I wish to ask is whether the gentleman is now of the opinion that we ought to make a promise to grant them at some time in the future their independence?

Mr. TOWNER. I will say to the gentleman frankly that I do not so believe.

Mr. HARDY. Then the gentleman is not in favor of ever granting them their independence?

Mr. TOWNER. I would not make any such statement as that. I do not know what the future may bring to us or to them. If when they are prepared for and capable of maintaining their independence it shall seem best to grant it, I would not for any selfish reason refuse it. I would not now or ever dim the luster of our splendid record of altruistic work in the islands by any ignoble or unjust act. Neither would I for any selfish reason desert them now when they need our help and protection more than ever before.

And that is what I mean by hauling down the flag. No party can be justified, in the opinion of the people of this country, in hauling down our flag except for grave, imperative, overwhelming reasons. An experiment of that kind was made once before which may be instructive to recall.

A revolution in the beautiful Hawaiian group of islands had succeeded in overthrowing an intolerable despotism and had established an independent republic. The republic desired to be annexed to the United States, and had sent a commission here to negotiate a treaty. Mr. Cleveland withdrew the treaty "for the purpose of reexamination," and sent a personal representative to Hawaii to investigate and report. President Dole, of the provisional government, in anticipation of what he hoped would follow, had hoisted the American flag over the government building at Honolulu, and the commander of the U. S. warship *Boston* had sent a detachment as a guard of honor. Cleveland's commissioner on the day after his arrival ordered the American flag lowered and directed the marines to return to their ship.

A flood of patriotic resentment swept over the country. Mr. Cleveland's effort to restore the Hawaiian monarchy had to be abandoned, and in a short time the administration was compelled to formally recognize the republic. Annexation followed, and now no President proposes to haul down the American flag in that splendid addition to American territory, in that matchless key to the control of the Pacific.

In the congressional and presidential campaigns that followed every Republican orator rang the changes on this unnecessary, unwise, and unpatriotic act. Our flag will never cease to float over the Hawaiian group, because it stands there, as it does everywhere, for justice and liberty and the welfare and happiness of the people. [Applause on the Republican side.] That is what it stands for to-day in the Philippines, and in the coming campaign, when gentlemen on the other side go out to defend the many indefensible acts of this administration, I suggest that they do not add to them this other utterly indefensible proposition. [Applause on the Republican side.]

Mr. JONES. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL of Missouri. Mr. Chairman, the Committee on Insular Affairs, of which I am a member, in the last Congress considered and reported to the House a bill the purpose of which was to give to the people of the Philippine Islands more control over their own affairs than they now have, and by a preamble to that bill promised to withdraw the sovereignty of the United States over those islands and to recognize their independence as soon as a stable government could be established therein. That bill passed the House, but failed in the Senate. The same bill as it passed the House in the last Congress, with some minor changes, was at this session introduced in the Senate and reintroduced in the House by the gentleman from Virginia, Mr. JONES, chairman of the Insular Affairs Committee. It was considered for days and weeks by the Senate, and after being amended in some important particulars was passed. Our committee has reported the bill as amended by the Senate to this House without amendment, and that bill is before you to-day.

The chief difference between the bill now under consideration and the bill passed by the House in the last Congress is this: The former bill promised that the United States would withdraw their sovereignty over the Philippine Islands and recognize their independence as soon as a stable government could be established therein, which was indefinite as to time. The bill now before us, containing what is known as the Clarke amendment, is more definite as to the time fixed, and proposes to give to them their independence in not less than two nor more than four years after the passage and approval of this act, provided that the President for certain reasons may by proclamation extend the time to and including the day of final adjournment of the session of Congress which shall convene next after the date of the expiration of said period of four years. So that if this bill should pass and be approved at this session of Congress the last possible date to which independence under it could be delayed would be the 4th day of March, 1921.

So far as I am concerned, and speaking for myself alone, I am for the definite proposal of independence within a fixed and a reasonable time as provided in this bill, and I desire in the time at my command to give the reasons that have led me to the opinion I entertain.

This bill contains one provision not in the House or the Jones bill that I heartily indorse. It contains some others that as independent propositions I perhaps would not favor, but recognizing the fact well known to all experienced legislators that all important legislation is and must be the result of compromises, I am willing to yield to the legislative will of the Senate in matters that I consider of minor importance in order to secure if possible that which I consider vital and of more importance, namely, the early independence of the Philippine Islands. If this bill passes the House as it is, it will become a law, but if amended in any particular it may not, in my opinion it probably will not, become a law at this session of Congress.

We acquired these islands as the result of the War with Spain, a most unfortunate acquisition, and the misfortune will, in my opinion, continue and grow in magnitude and gravity as long as we continue to hold them. For about 17 years we have had possession of these islands, and during that time they have cost this Government many millions of dollars. The exact amount can not be determined. The late distinguished ex-Senator Hoar, of Massachusetts, about 14 years ago declared that the expenses incident to the control of these islands had been $600,000,000, and as near as I can ascertain the cost since that time has been at least $50,000,000 per year, which would make a total of $1,300,000,000. I am sure that I am within safe limits when I state that the cost to this Government incident to the possession and control of these islands has been more than $1,000,000,000. This amount of money would have built good roads, costing $5,000 per mile, for 200,000 miles, equal to 50 gravel roads across this continent from the Atlantic to the Pacific, or an equal distance elsewhere in the United States as Congress might have determined, or it would have completed the improvements that are now urged for every navigable inland waterway of the United States and furnished adequate and complete protection to the entire country from the floods that have heretofore been so frequent and so destructive to life and property. That amount of money, if properly expended in any of the important lines of internal improvement, would have brought to the American people innumerable conveniences, comfort, and blessings.

But the enormous amount of money that our Government has expended while controlling these far-away islands is not the only sacrifice we have made. Hundreds of our American boys have lost their lives or their health while serving in that distant land. Some of them returned, but some did not. I personally knew a number of friends from my district who went to the Philippines young, strong, healthy, and perfect specimens of American manhood; I saw them when they returned, pale, emaciated, and in some cases physical and mental wrecks. After I came to Congress, now nearly 10 years ago, I was called upon by a lady constituent, Mrs. Ferguson, the mother of a boy who lost his life while in the service of his country in the Philippine Islands. She desired his remains brought back to her so that she might have the sad privilege of looking upon his face again. Through the courtesy of the authorities in the War Department his body was brought back, and he is now buried in the National Cemetery at Jefferson Barracks, in my home State. Another prominent citizen, who formerly resided in my district, Col. Newton Morrison, whose former home, however, is now in the district represented by the gentleman from Missouri [Mr. HENSLEY], also lost his life in the Philippine Islands, now sleeps in the beautiful National Cemetery at Arlington Heights, in view of this Capitol. His heartbroken widow soon followed him to the grave, and we laid her to rest by his side. These are but two of many whose lives have been lost or whose health has been permanently wrecked in these far-away islands.

I believe that the control of these islands on the other side of the globe, a distance of 8,000 miles from our shores, is a menace to our peace, and will be as long as we exercise sovereignty over them.

Preparedness is the one question more discussed at this time than any other and largely increased appropriations are urged as necessary to properly prepare for national defense in case of possible invasion by a foreign foe. I am advised that some of the experts testified before the Naval Committee at the present session that a large percentage of the amount desired for the maintenance of the Navy is made necessary by reason of our possession of the Philippine Islands, and that if our control over them should cease the appropriation could be decreased many millions of dollars.

The Monroe doctrine in effect declares to all the world that no foreign hostile nation in the Eastern Hemisphere shall set foot upon the soil of the Western Hemisphere or lay the weight of their hands upon our people. So long as we maintain and uphold that doctrine consistency suggests that we should keep our hands off territory in the Eastern Hemisphere. If we continue to hold these islands I fear they will sooner or later involve us in disputes and war with some other nation. [Applause.]

I am for peace, with its comforts and blessings, rather than for war, with its privations and horrors. I sincerely hope and shall devoutly pray that war with any nation will never come to us; but if it should unfortunately come, may it be only when necessary to defend the honor of our country and its flag. I trust we will never be forced to fight to sustain our sovereignty over the people of the Philippine Islands while ruling over them without their consent and in violation of the basic principles upon which our own independence was won and established. [Applause.]

I am for independence for the Philippines because it is and has been advocated and promised by the great political party to which I belong. In four national platforms that party has promised independence to them as early as they are prepared for it, or as early as a stable government of their own can be established. I am in favor of making good this promise that we have for 16 years held out to them, and I feel that every Democrat in this House owes it to himself and to his party as well as to his country to vote for the passage of this bill.

I further favor the passage of this bill because I believe it is based upon the time-honored principles upon which our own Government was established and has stood for 140 years. The Revolutionary patriots who by the sacrifice of their lives and blood gave to us the independence that we to-day enjoy and that we intend to preserve and to hand down to those who shall come after us, denied the doctrine that England or any other country on earth had a right to rule over us without our consent. I am committed to the faith of our fathers, and glad that I am now in this, the House of Representatives of the American Congress, permitted to defend the principles for which they contended, fought, and died. We are ruling over the people of the Philippine Islands to-day without their consent, and while they are asking for independence, to deny their demands is to repudiate the justice and the right of the cause for which George Washington and his compatriots in arms fought and won in the Revolutionary War.

We were told by the gentleman who has just spoken [Mr. TOWNER] that we must not haul down the American flag, and I agree that wherever our flag has been unfurled in any land it must not be hauled down by unfriendly hands; but whenever raised in any foreign land over a people held in subjection against their consent, if we can take it down and give to them the same independence and freedom we have claimed for our-

selves, then, in my opinion, there would be more honor to us as a Nation in voluntarily taking it down than there would be to continue to have it float by force over the heads of an unwilling people, who are pleading for independence and liberty. [Applause.]

There are some of our citizens who, no doubt in perfectly good faith, say that they are opposed to this bill, because the inhabitants of the islands are not sufficiently prepared by education and training to govern themselves. The same apprehension, I understand, was expressed by the people of England of the American Colonies in 1776. I have never had the privilege of visiting the Philippine Islands and can not speak from personal contact with the people there, but I understand that a large percentage of the inhabitants are educated, intelligent, and self-reliant. I am advised that in 1886 more than 10 years before our occupation of the islands there were more than 21,000 public schools in the islands and a number of colleges and universities. Since that time the number of public schools and other institutions of learning have very greatly increased. There is one thing that I do know, that one of the Delegates from the Philippine Islands, Mr. QUEZON, has one of the brightest minds of any Representative who occupies a seat in this Chamber, and I think it is reasonable to assume that the people whom he represents and who send him here are not without intelligence and appreciation of their public duties as citizens. This able Representative believes that his constituents are qualified for self-government and favors the passage of this bill. [Applause.]

Ex-President Taft is, in my opinion, one of the most competent witnesses upon the question of the competency of the Filipinos for self-government, as he was Governor General in the islands for several years. He is universally respected by the American people, and his opinion upon that question should have great weight. When before the committee in its hearings upon this subject in 1914, he was asked by the chairman of the committee this question:

> The CHAIRMAN. Could you not go further, Mr. Taft, and say that they are better equipped for self-government than the Cubans?
> Mr. TAFT. Yes.

He then gave a long explanation of his reasons for so believing.

By general consent, and I think with practically the universal approval of the American people, we gave independence to the Cubans, and if true, as stated by ex-President Taft, as I have no doubt it is, that the Filipinos are better qualified for independence, I can see no good reason or just cause for withholding independence from them, and, in my opinion, no good reason has been or can be given by any Representative upon this floor.

Mr. MEEKER. Will the gentleman yield for a moment?

Mr. RUSSELL of Missouri. For only a short question. My time is limited.

Mr. MEEKER. Did the ex-President in the same hearing advise letting them go in two years?

Mr. RUSSELL of Missouri. Ex-President Taft was not at that time in favor of giving them independence, but he said they were better qualified for it than the Cubans, and we had already given them their independence. But the gentleman from Iowa [Mr. TOWNER] says to us to-day that we promised it to the Cubans. Yes, we did; and we did it because it was right, and if right to give freedom to the Cubans so is it right to give freedom to the Filipinos. Another thing, when war was declared against Spain we announced it was not for the purpose of acquisition of territory or self-aggrandizement. This generous spirit of the American people was applauded the world over, and we ought to stand by the promises made at that time.

Some say that the islands still have some uncivilized tribes that are not fit to take part in the control of a government of their own, but that argument could have been urged against this country as well when we were given our independence, as this country was at that time inhabited by many thousands of uncivilized Indian tribes. Less than 10 per cent of the 8,000,000 inhabitants of the islands are classed as uncivilized, and time will, no doubt, correct this unfortunate condition under their own government as well as if continued to be controlled by the United States.

Some say that polygamy still exists there, and for that reason they should not be given independence, but only a few years ago the same could have been truthfully said of the United States. That evil has been corrected in our country, and in due time will, no doubt, be corrected in the Philippine Islands.

Some say that slavery still exists in the islands, and I understand does still prevail to some small extent, but only a few years ago it prevailed in our own highly civilized country. I am not very old and have not lived very long, but I have lived long enough to remember seeing a negro man placed upon an old-fashioned log stile block and sold to the highest bidder, bringing $900 in gold. This was a crime against humanity and a stain upon our civilization, but, thank God, it has been corrected by our own people and slavery in the United States has been blotted out forever.

There are some who contend that the Filipinos themselves, or majority of them, do not desire the passage of this bill, but would prefer to be permanently under the American flag and controlled by the United States. The Philippine Legislature recently, by unanimous vote, passed a resolution favoring the passage of this bill as it passed the Senate, containing the so-called Clarke amendment. This resolution, unanimously passed by that body, is by me, and ought to be by everyone, accepted as conclusive of their wishes. I also understand from the Delegates representing the Philippine Islands in this House, while admitting that some provisions of this bill do not meet with their approval, still they strongly favor the bill as a whole and are anxious to have it passed by this House.

There are some who insist that the passage of this bill giving independence to the people of the islands will be detrimental to the interests of Americans who have made investments there and for that reason are opposed to it. I do not want to lay violent hands upon the property rights of any man, and especially our American investors. Capital in all legitimate lines is entitled to its proper protection, but every American citizen who invested in the Archipelago did so knowing full well that the Democratic Party for the past 16 years has been promising independence, and they should have given that party credit for being honest in their declared purposes. I do not concede that independence will jeopardize the interests of American investors in the islands, but even if it should our people who have gone there to make investments have done so with their eyes open, and were fully advised as to the position of the Democratic Party upon that question and assumed their own risk. In passing upon this question I am not disposed to draw fine distinctions between the rights of money and the rights of men, as they are not of equal importance. I am opposed to the idea of weighing in the balance the question of commercial profits against the rights of citizens, or of fostering human greed at the expense of human liberty.

In conclusion I will summarize in these words: To continue to govern the Filipinos against their consent will continue to add to the burdens of the American people millions of dollars in costs annually and the sacrifice of many lives of our American boys. So far as I am concerned, I would not give the life of one American boy for the privilege of controlling for all time to come all the islands in Asiatic waters. To continue to control these islands will, in my opinion, be a continuing menace to the peace of our country that is so generally desired by our people. It will be a repudiation of our declared purposes when war was declared against Spain, and when we purchased the islands. It will be a positive violation of four national platforms of the Democratic Party, and it will be a grievous departure from the teachings of Jefferson and the fundamental doctrine of our countrymen as written in the Declaration of Independence. We then announced to the world the doctrine that "all men are created equal."

Upon the other hand, the passage of this bill will carry with it the announcement to all the world that this Government, true to its traditions and history, does not stand for an imperialistic colonial policy in violation of the principles upon which it was founded, and it will carry to the hearts and minds of the Filipino people the conviction that we, the people of this Republic, are true to the faith of our fathers, and still believe that liberty is the natural God-given right of man, and that all Governments derive their just powers from the consent of the governed. [Loud applause.]

Mr. MILLER of Minnesota. May I suggest that the gentleman from Iowa [Mr. TOWNER] is not present just now, and that the gentleman from Virginia [Mr. JONES] have one more speech?

Mr. JONES. We have used more time than you have on that side, and I think the gentlemen ought to use some time now.

Mr. O'SHAUNESSY. Mr. Chairman, I ask the gentleman from Iowa [Mr. TOWNER] for 30 minutes. Before I speak, I would like to get it clear on the record whether I exempted myself from the rule of the caucus. I sent Judge SAUNDERS a telegram which said I had made declarations that would exempt me from the rule of the caucus.

Mr. MILLER of Minnesota. How much time does the gentleman desire?

Mr. O'SHAUNESSY. I want 30 minutes, and the chances are that I will yield back considerable of it.

Mr. MANN. Mr. Chairman, I yield 20 minutes to the gentleman from Rhode Island [Mr. O'SHAUNESSY].

Mr. O'SHAUNESSY. Mr. Chairman and gentlemen of the committee, I disagree with my party upon the stand it is taking to-day relative to the Philippine question. If I were to characterize the bill as it stands to-day, I would say that it was a sample of crossroads legislation. It looks to me as if it were a bullheaded attempt to bring about peace and comfort, not to the Philippine Islands, but to bring peace and comfort to the minds of some men who are disturbed by the Philippine question and want to rid themselves of an obligation.

I do not believe that I can open my remarks with better emphasis than to quote President McKinley as to what should be done with the Philippine Islands. He said:

> It is imperative upon us that as victors we should be governed only by motives which will exalt our Nation. Territorial expansion should be our least concern; that we shall not shirk the moral obligations of our victory is the greatest.

I have a sympathy with those who oppose colonialism. I do not believe that it was ever intended by those who gave us this Republic that we should colonize. But here is a proposition that comes to us as an incident of war. They did not invite us; we went in there; and it looks to me as if, in passing legislation of this kind, we brand ourselves as cowards in running away from a plain, imperative obligation. [Applause.]

I looked in vain for the compelling reason for the Clarke amendment until I got hold of one of the reports. I was trying to figure out what was the great reason for rushing the Philippines into independence, and in studying the progress of the legislation I find that in the Senate, where the matter was amply considered in committee, the bill as reported agreed with the Jones bill that was passed by the House at the last session. But in some way, after it had been approved by the committee of the Senate, after they had said that a greater measure of self-government should be given to the Filipinos, there was catapulted into the bill from the Senate floor the much-talked-of Clarke amendment.

Now, Mr. Chairman, I think this is something every man in this House should consider seriously. The vote was 41 to 41, and the tie was broken by the vote of Vice President Marshall.

But in trying to find out the reasons that actuated the Senate and the compelling motive of the statesman from Arkansas—and I must accept that as an underlying reason for this sudden desire to free the Filipinos—I get this from the gentleman from Arkansas. In explaining his act he said—and I want every man here to dwell upon the reasons underlying this bill—

> I had no particular reason in introducing this amendment except that no one else would do it. * * * Either I or some one else had to do it. I am getting as much salary as anybody else, and doing about as little, and I did not know but that I had better get busy right along that line.

And that is the statesman-like reason underlying the Clarke amendment, submitted to you for your earnest consideration. [Laughter.]

I believe there is no better way for the House of Representatives to advertise itself as listening to shallow reasoning than to base their action upon those few lines in the minority report as outlining the reasons given by the Senator from Arkansas. I had a great deal of respect, and have to-day a great deal of respect, for Lindley M. Garrison, who until lately was Secretary of War. I consider it a privilege to embody in my remarks the reason assigned by him as to why he did not approve the Clarke amendment. He says:

> I consider the principle embodied in the Clarke amendment an abandonment of the duty of this Nation and a breach of trust toward the Filipinos. So believing, I can not accept it or acquiesce in its acceptance.

This may be the easiest way for the United States to rid itself of an obligation. This may be the easiest way out of what is considered to be a difficulty. This may be the easiest way for ridding ourselves of the bogey of the East. But I wish to ask you what would you think of a man who had grown tired of supporting his wife and said, "I want to be through with you forever; you are too expensive for me"? What would you think of a parent who frowned upon a child and said, "I do not want to have anything more to do with you; your expenses are eating up my income"? What would you think of the guardian who ruthlessly throws his ward aside? There is not any question in the world but that that is the easiest way to get rid of a burden. But, my friends—and I say it with all reservation and in all seriousness—it is not the most honorable way to get rid of an obligation. [Applause on the Republican side.]

I can not understand the sudden transition which characterized the gentleman from Virginia, the author of the Jones bill. A little while ago he had a vision of Filipino independence in 1921. Then, listening to the objections raised by some men in his own party, he framed a bill declaratory of the purpose of the United States Government to recognize the right of these people to govern themselves without putting any arbitrary date or limit upon the time. Now he gleefully accepts this Clarke amendment.

I feel that I am strictly in accord with Democratic promise and that I am living up to everything enunciated in the Democratic platform when I cast my vote against the Clarke amendment. The Democratic platform declared that we would be for the independence of the islands when the islands would have a stable government.

Now, the question is, Have they got a stable government there to-day? And we here, acting as representatives of the American people, acting as guardians of those Filipinos, must of necessity turn to men better qualified from their experience in telling us whether or not these people are ready for independence and self-government. I know of no man better qualified to speak upon that subject than a man who has grown in national importance vastly since leaving the position of Chief Executive of this Nation. I refer to the honored citizen of this Republic, William Howard Taft. [Applause on the Republican side.] He has given it as his opinion that it will be two generations before a controlling proportion of the population of the Philippine Islands will be prepared to decide for themselves what their political status shall be. As he well says:

> Preparation does not mean the organization of a Philippine oligarchy or aristocracy competent to administer government and then turn the government over to it. The capacity of the great body of the people must be considered if we expect to establish a government of the people.

What truer words were ever said about government and the right of a people to self-government than those wise words from a wise statesman? Gather, if you please, a handful of men, perhaps self-seeking, not unconscious of the opportunities it brings to their personal doors; educated, if you will; versed in government, if you will; but the great majority of people that they are to govern, uneducated and unfit for government; and I presume that nobody will challenge the statement that when we went in their 18 years ago 80 per cent of the natives were illiterate. And to-day, by the way, is the eighteenth anniversary of the day that Admiral George Dewey sailed into Manila Harbor and brought a thrill of joy to the American people, not because he was conquering some foreign territory, but because he was proving the prowess of the American Navy and showing the world that we were capable and fit to fight. [Applause.]

Now we have the redoubtable Roosevelt, of whom we read in the public prints once in awhile. [Laughter] A few years ago this virile American—and nobody challenges or questions his Americanism, although some of us believe that he is not averse to a little of the limelight and some of the things that go with it—a few years ago ex-President Roosevelt said:

> I trust that within a generation the time will arrive when the Filipinos can decide for themselves whether it is well for them to become independent or to continue under the protection of a strong and disinterested power, able to guarantee to the islands order at home and protection from foreign invasion; but no one can prophecy the exact date when it will be wise to consider independence as a fixed and definite policy.

Now, against the opinion and the expressed judgment of ex-President Taft—and no one will challenge the statement that he is a man of varied experience, knowing a great deal about the government of the Philippine Islands—and against the judgment of Theodore Roosevelt, who has had some experience—all that and more is to be cast into the discard in favor of the unsupported opinion practically of the gentleman from Arkansas, Senator CLARKE, who says he wants to do something to earn his salary; and that is the reason for the Clarke amendment, and for our being here to-day to consider it.

Mr. AUSTIN. Will the gentleman yield?

Mr. O'SHAUNESSY. I have not the time.

Mr. AUSTIN. We will give the gentleman the time.

Mr. O'SHAUNESSY. I yield to the gentleman.

Mr. AUSTIN. I want to state to the gentleman that Gen. Luke Wright, who lives in the city represented by our beloved colleague Mr. KELLAR, was the Governor General of the Philippine Islands. He is a Democrat and an ex-Confederate soldier. His views coincide with those of ex-President Taft on this subject.

Mr. O'SHAUNESSY. I do not think it will be hard to gather a great many splendid testimonials to the wisdom of ex-Presidents Taft and Roosevelt in their judgment as to what should be done with the Philippine Islands. It is an easy thing to go out on the stump and say, "I voted to make the Filipinos free; I voted to make them an independent nation." That is the easiest thing in the world, and I suppose a thing that would get the readiest plaudits; but there is something beyond the plaudits that greet the stump orator. There is something more than

giving honeyed phrases to the crowd. There is a duty imposed upon the people here, and I believe that the real, true friends of the Filipinos are not the people who will throw them into the maelstrom of the world's politics in a phrase saying, "In not less than two or more than four years you shall be free and independent"; but I take it that the real friends of the Filipinos are those who would continue the liberalizing policy of the American Government and the spirit of education in those islands. [Applause.] We have every reason to be proud of our record there. Education has gone on in wonderful strides. They are learning the art of self-government. They are proud of their connection with us, and I fully and honestly believe that there is no man in the American Congress who feels that he wants to lay a restraining hand upon the Filipinos for all time. It is only a question as to what is best to do for the Filipinos. They are progressive, they are making wonderful strides, a people who were under Spanish domination for hundreds of years, and we go in saying, "We are going to save you and make a great people of you." And lo and behold! we say that by the alchemy of 18 years' domination we are going to take this composite people of eight or nine million, speaking varied languages, many dialects, and embracing all stages of advancement, from the savage to the most highly cultivated, intellectual, and intelligent citizens, and by the alchemy of a few lines written by the gentleman from Arkansas, Senator CLARKE, we will make them a free and independent nation worthy of the respect of the world. It is fallacy. It is more than fallacy. It is humbug. [Applause.]

I agree with this minority report. Great progress, unparalleled progress, has been made. Of that both Americans and Filipinos have a right to be proud. It is a reason why we should now grant a larger measure of self-government to the Filipinos and why we should continue such grant until absolute self-government is secured. What is the underlying reason beside this peculiar wording of the gentleman from Arkansas, Senator CLARKE? I will tell you what it is. It is an un-American policy. It is an un-American thing lying at the bottom of this majority report, written in letters so large I feel ashamed to say it. It is fear on the part of the American Nation. [Applause on the Republican side.] They say, "We fear to further guard and protect you. We fear further to educate you. We fear further to conduct you along the path of progress and civilization to the day when you shall be fit for government, because we are afraid that if we keep you we will get into trouble ourselves." I, for one, do wish to say emphatically here to-day that I have no sympathy with that reason. I am willing that this great country of ours should shoulder the responsibility and maintain it; that it should keep on as it has, in spite of any power in the world. Let us say: "These are our wards. We are ready to protect them. We are ready to guard them. We are ready to lead them along the pathway of civilization and progress. Lay a hand on them, if you dare!" [Applause.]

Mr. GARRETT. On behalf of the chairman of the committee, I yield 10 minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, during my entire service in Congress I have been a member of the Committee on Insular Affairs of the House of Representatives. I hope the time has now arrived when the work that has been so consistently and persistently engaged in by that committee will reach its full culmination. In the world-wide tragedy that is now being enacted I think I learn a lesson. I see in Europe the great British Government drawing support and aid from its colonies like Canada and Australia; all people of kindred races and tongues. They are a distinctive asset to the British Government to-day. In fact, judging from reports, they are doing about all of the British fighting. On the other hand, the weak spots, the danger zone to Great Britain to-day are her colonies of India and Arabia and Egypt, because they are wholly unlike her either in race, customs, manners, or religion, as well as climatic conditions.

It is a reasonable conclusion that the great bulk of British soldiers are required to hold India, Arabia, Egypt, and her possessions in that quarter of the globe in subjection. Large numbers of her soldiery are necessary to safeguard the Suez Canal. Her soldiers are in Persia and in Turkey. What is the argument? We are forcing a government on an unwilling people—the Filipinos. They are not bone of our bone or flesh of our flesh, they do not fraternize with us, they have nothing in common with the English-speaking people, due largely to climatic conditions. The government we are forcing upon them is obnoxious, odious, and objectionable to them.

Now, what is my argument? You can not mix oil and water. The people of the United States are as distinct and separate in race, in manner, in customs, in religion from the Philippine Islands as are the people of India, Persia, Arabia, and Egypt from that of Great Britain. If the day should ever come when trouble arises, I entertain the most serious doubts whether we would find the Filipino an ally ready to aid, help, and assist us, or whether we would discover them to be a distinct liability.

Now, I believe that the feeling to-day, encouraged by the prospect of independence in the near future, creates in the hearts of the Filipinos a decidedly friendly disposition toward our Government. But let it be once distinctly understood, as some of you Members state, and as the Republican Party advocates, never to give them their independence, I doubt whether that cordial, fraternal feeling that exists there now will continue to exist.

I learned a further lesson from the Spanish-American War. It was absolutely impossible for Spain to defend Cuba, just off our coast, against the United States, as it will be for the United States to defend the Philippine Islands from any country in the world, any world-power country that is close to the Philippine Islands as Cuba is to the United States. We could not send an Army to defend the Philippine Islands—in the first place we have not it, and in the second place you have not a sufficient or adequate Navy for that purpose. In God's name, if we have not the instruments and means of defending our continent, what have we to send 7,000 miles across the ocean to defend the Philippine Islands?

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. HELM. Yes.

Mr. MILLER of Minnesota. The military experts say that Alaska would be infinitely harder to defend than the Philippine Islands. Would the gentleman suggest a withdrawal from Alaska? They also say that Hawaii is harder to defend than either Alaska or the Philippines. Would the gentleman withdraw from all three?

Mr. HELM. No; because I do not believe, in the first place, that Alaska or Hawaii are harder to defend than the Philippines; and, second, the possession of the latter does not strengthen but weakens our defense of both Alaska and Hawaii.

Mr. MILLER of Minnesota. Then, where does cowardice cease and bravery begin?

Mr. HELM. When you talk about cowardice and bravery, when you pat yourselves on the back and poke out your chest and talk about how game you are, how brave you are, how capable you are, the best thing is to have ample means of defense and protection when it comes to a showdown—what can we do to defend these islands, and what have we to do it with? [Laughter.] It is all right to brag, boast, and strut around until somebody calls your hand. We Americans are a mighty chesty Nation of people. We take a great deal of stock in ourselves, and I am glad of it. We are good on claiming, but I doubt whether we are very long on performance.

Mr. MEEKER. Will the gentleman yield?

Mr. HELM. Yes.

Mr. MEEKER. Will the gentleman enumerate the times when the Americans failed to perform on a showdown with any nation until now? [Laughter and applause on the Republican side.]

Mr. HELM. We never want that time to come, and that is one reason why I think that this is the opportunity to prove our good common sense and not lay ourselves wide open so that the time may never come when we can not perform successfully when we have to perform. [Applause on the Democratic side.]

I am far from being a disciple of that man who once made Republican history and is still molding the policies of that party, Ex-President Roosevelt, but for the benefit and edification of those who are his disciples I submit an extract from a chapter in his recent autobiography on this, the question of Philippine independence, which is as follows:

> I do not believe that America has any special beneficial interest in retaining the Philippines. Our work there has benefited us only as an efficiently done work performed for the benefit of others does incidentally help the character of those who do it. The people of the islands have never developed so rapidly from every standpoint as during the years of American occupation. The time will come when it will be wise to take their own judgment as to whether they wish to continue their association with America or not. There is, however, one consideration upon which we should insist: Either we should retain complete control of the islands or absolve ourselves from all responsibility for them. Any half-and-half course will be both foolish and disastrous. We are now governing and have been governing the islands in the interest of the Filipinos themselves. If, after due time, the Filipinos themselves decide that they do not wish to be thus governed, then I trust that we will leave; and when we do leave it must be distinctly understood that we retain no protectorate—and, above all, that we take part in no joint protectorate—over the islands, and give them no guaranty of neutrality or otherwise; that, in short, we are absolutely quit of responsibility for them of every kind and description.

If it should result that he is to be the Republican nominee for President, it would be fit and proper for the Republican convention, to be held at Chicago, to place a plank in its platform

indorsing the bill now under consideration, and it will be amusing to see those who are now violently assailing this bill advocating it on the stump as one of the reasons why the Republican Party should be restored to power.

Mr. FESS. Mr. Chairman, in the absence of the gentleman from Iowa, Mr. TOWNER, I yield 30 minutes to Mr. MILLER from Minnesota.

Mr. MILLER of Minnesota. Mr. Chairman, adequately to debate so tremendously an important subject as Philippine independence within the limits of a single session is, of course, impossible, as such limited time is wholly inadequate for so great a purpose. Nevertheless, as it seems to be the purpose of gentlemen on both sides of the aisle to vote to-day, we are confined to the limits of a few hours, and in them but a few phases of the question can be discussed.

Mr. Chairman, I am not afraid to meet the vote in a moment, in a week, or a year's time. The question of Philippine independence is one that affects vitally 8,000,000 of people of those islands, but in no less a degree it affects the honor, the glory, and the national aspirations of the hundred millions of American citizens on this continent. [Applause.]

I listened to-day for the first time, and I hope, Mr. Chairman, for the last time, to the Members of this House asking that we go back upon history, that we turn our backs upon civilization, upon our plain duty once magnificently assumed, that we throw away the glory Dewey won with his guns at Manila Bay 18 years ago because we, as Americans, are too cowardly to assume and discharge our national duty. If, Mr. Chairman, there is anything concerning the American people that should receive our undivided support, it is that Americanism and nationality are the watchwords of the hour. Our national passion is at high heat, and our people will to be just, honorable, and great as they will our Nation to be strong. But Americanism and nationality are the same yesterday and to-day. The duty assumed at Manila Bay is still America's duty; the American opportunity that opened up with Dewey's victory is still before us. The movement to greatness and to glorious achievement is real and living to-day, and we of to-day should give it our full measure of undying devotion. If we are Americans, robust and strong, confident of a great mission before our people, we should triumphantly bear our national responsibilities, and especially when they lead directly to our own strength and greatness. Cowards do not deserve to grow, and grow they do not; nor do they perform their allotted share of civilization duty.

While, indeed, perhaps it would be more congenial to me were I to discuss this subject entirely from the standpoint of American interests, yet I now feel that I should direct the attention of the Members of the House to the thoughts and the feelings and the ideas of the Filipino people themselves. Oh, I know it was said by the gentleman from Virginia [Mr. JONES]—and he rolled the words over and over with an unction that made me think they were sweet morsels to his tongue—that the Filipino people to-day ask that this Clarke amendment and this bill be passed. I want his attention when I say that they ask no such thing. It is true that by lip service some individuals in the Philippine Islands in political power have sent to him word that they want this bill passed. Whether that lip service speaks the conviction of their hearts I know not, but I do know that the heart throbs of the people of the islands to-day beg that you vote against the Clarke amendment and the bill. [Applause on the Republican side.] It may be you think I am not fortified in what I say. Let me direct your attention as serious-minded men who really want to do the right thing, men who have sworn to let their conscience and their judgment and the interest of their Nation guide their vote—let me direct your attention for a moment to what has been said lately by some of the Filipino people. There is in the islands a paper which is the official organ of one of the leading parties there, La Democracia. It is not the organ of the party represented by the gentleman from the islands [Mr. QUEZON]. He represents the Nationalistic Party. La Democracia represents the Progresisto Party, which, with his party, has taken a position on the question of independence. In an editorial appearing in that paper just after the Clarke amendment passed the Senate I find the following:

> The present epoch in the history of the islands is the most critical in all their history. It can not be overlooked that, left to their own efforts, the Filipinos are unable to repel foreign aggression of powerful people like Japan, nor would they be able to withstand the peaceful aggression of immigration that even China with all her power, was unable to resist.

That is but a beginning, and that is but a start in the expression of the people of the islands. There is a gentleman in the islands named Vicente Soto, who has had a notable career. It is sufficient to say that he has recently been permitted to return to the islands. My friend Mr. QUEZON will bear me out when I say that of all the Filipinos who have ever lived he is probably the most anti-American of them all, also one of the most steadfast champions of Philippine independence from the early days of Aguinaldo until now. He came back to Manila and is now publishing a newspaper. In that paper recently appeared this article:

> In our patriotic zeal we must not forget that Japan is our neighbor. We must not trust in the delusive hope of diplomacy. Our security in the future lies in our strength. Our prayer to keep out foreign invasion will not avail.

To-day, looking far to the east in early morn the Filipino beholds the rising sun, and against it the American Statue of Liberty, in uplifted hand the beacon light of liberty, an emblem of eternal hope and benediction. Remove this sovereignty and in the place of that view the Filipino will behold another sunburst, emblazoned across it in letters of blood, "Banzai."

And listen to these words, freighted and charged with potential meaning:

> If it is the intention of the people of the United States to give us complete independence within four years, could we protect ourselves from foreign invasion and have the respect of the rest of the world? With our present economic situation it would require a return a thousand times greater than our present revenue in order for the Government to organize within the short space of four years a force of sufficient strength to preserve and maintain our national integrity and honor.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. For a brief question.

Mr. POWERS. Mr. Chairman, I think I shall vote the way the gentleman does upon this bill, but does he advance as an argument that they should not have their independence the fact that they could not repel a foreign invasion?

Mr. MILLER of Minnesota. I do not place it alone upon that ground. I am simply giving the position of the Filipino as he manifests an opinion to-day toward the Clarke amendment. It would require a commercial prosperity and an economic advancement a thousand times greater than that which they themselves say they possess in order to carry out and maintain this fatuous independence it is proposed to give. That leads us naturally to inquire what is their present economic condition? We might indulge ad libitum here in discussion pro and con as to the intellectual attainments of the Filipino. Let us just forget that subject for a moment. Let us address ourselves to a practical question upon which there can be no difference of opinion. There is a system in the islands enabling us to determine exactly who is doing the business in the archipelago. It is required that every man transacting business, wholesale or retail, shall secure a certificate and pay a tax upon his business. This gives us reliable and complete statistics. Those statistics show that 95 per cent of all of the business done in the islands is performed by foreigners. Ninety-five per cent of the business in the islands is in the hands of foreigners. There are in the islands about 40,000 Chinese, and there are about 8,000,000 inhabitants altogether, but these 40,000 Chinese to-day are paying 72 per cent of all of the taxes in the islands. Forty thousand aliens pay 72 per cent and 7,960,000 pay about 28 per cent of all of the taxes.

Of the 7,960,000, by far the greater part of the taxes is paid by the European and American foreigners. Thus we see that the Filipino as yet does little of his own business and pays only a small fraction of the taxes necessary to run his government. The Filipinos must yet develop an industrial and merchant class throughout the islands. There is invested in the islands to-day $300,000,000 of Spanish capital. Pause for a moment to reflect upon our duty toward that capital. In the treaty that we made at the conclusion of the war with Spain we guaranteed two things. We guaranteed, first, to protect religion in the islands. We guaranteed that there should be freedom of religious worship in the islands as we have decreed it here within the United States. We pledged our sacred word to the people of Spain that we would maintain absolute freedom of religion for all the people there, especially the Spanish people. Should we haul down the flag now and relinquish our sovereignty, who for a moment dare stand up and say that there will be freedom of religious worship in all the islands? Here is an obligation we can not throw if we are to retain a decent respect from the Christian nations of the world. We guaranteed something more practical, too. We guaranteed to the subjects of Spain that there should be given protection to their property. We have no right to complain of the assertion that treaties are but "scraps of paper" unless we live up to our own treaty obligations. [Applause on the Republican side.] If we pass this bill as it stands we repudiate as solemn an obligation and treaty as was ever assumed by any nation since the stars first began to shine. No one can pretend that conditions throughout the islands are now such that if we withdraw life and property will be protected and absolute freedom of religion shall exist.

We should not lose sight of the fact that the Filipinos are the only Christians among all the hundreds of millions in the Orient. Surrounded, as they are, by more than half the human race, all pagans, our duty as a strong, protecting Christian Nation becomes clear.

Let me digress, Mr. Chairman, long enough to observe that idle words we sometimes hear, to the effect that the Filipinos are aliens and can have nothing in common with us. This is wide of the mark. The 6,000,000 Christian Filipinos have had 300 years of Christian influences at work upon them. All their civilization Spain gave to them; therefore it is European, not oriental. No greater affront to these sensitive people could be given than to suggest that they are like the Japanese race, and we may as well let the Japs have them. Filipino history still tells of martyred missionaries who went from the Filipinos to Japan and were put to death with fierce cruelty. The Filipinos are not Japs. The two peoples are aliens in race, religion, and civilization.

There are $300,000,000 of Spanish capital invested in the islands. Should we withdraw our sovereignty under the conditions now existing, betray the confidence Spain reposed in us when we entered into the treaty with her, who can say what awful responsibilities will come thick upon us in the years to come? Nations can not break their plighted word with impunity even in these days of the world's woe. We made this straight contract with Spain to protect Spanish capital, and stand by it we must. Not only that, but our own citizens have now invested American money in the islands to the extent of $125,000,000. Unless our Government protects this investment, it is unworthy the name of a Nation and not fit to be called great.

Mr. GORDON. Will the gentleman yield?

Mr. MILLER of Minnesota. If I can conclude the main course of my remarks in time, I shall be pleased to yield.

Mr. GARRETT. I would like to interrogate the gentleman upon that particular point.

Mr. MILLER of Minnesota. I do not know what actuates or could actuate the thought of any man who looks upon his fellow citizen with disfavor because he has gone beneath the American flag, under American sovereignty, and invested capital for the welfare not only of himself but also of the people among whom he has invested the money. So if we are going to refuse our protection to American property under the American flag, let us renounce our nationality and surrender for all time all claims to a sovereign State.

My good friends, I do not believe the American people ever indorsed or ever will indorse the statement that has been made that American business men who have gone into Mexico should be left to their own peril. I am one of those who believes that wherever, legitimately and according to the laws of the country, American capital goes and finds investment it should be protected to the last flutter of our flag. [Applause.]

How much greater our duty to give adequate protection to this capital that has been invested under our flag in the Philippine Islands! Do not for a moment let yourself be beguiled into thinking that this capital has not been welcomed by the Filipinos. It has. They are sitting up nights now praying for more capital to come in. They realize their economic dependence. They are asking that money come from the United States to relieve their necessities and help them develop their industries and their country. Let us answer that call by giving full and complete protection to American capital that already is invested there; otherwise that capital and all the foreign capital will struggle to get out, precipitating a condition in the islands I shudder to contemplate. And let us give heed to their call when they say that they know they are not in a position to handle independence at the present time. There is not only American capital and Spanish, but about $60,000,000 of English capital, $15,000,000 of German capital, $15,000,000 of Swiss capital, and $5,000,000 of French capital invested there. Practically all the business of the islands is supported at this hour by foreign capital. We believe capital will demand protection. If not received by the United States, under which it shall be beneficent, it will be received under some foreign flag that will know not the rights of man. [Applause.]

I am not limited to newspaper comment as expressing the hope and the wishes of the people. Shortly after the passage of the Clarke amendment in the Senate I received a cablegram signed by an ex-member of the Philippine Assembly, Señor Ramon Lopez, in which he said that the farmers of the Philippine Islands, more particularly in the great islands of Negros and Panay, begged that Congress not enact the Clarke amendment into law. I replied that I wanted petitions to that effect, signed by the most substantial and capable men that could be found. About two weeks ago I received the first petition. I am going to read it to you. I will have to read the translation, because the original is in Spanish. This translation was made by the Bureau of Insular Affairs. It reads, and I ask you to listen:

We, the undersigned residents and property holders of the islands of Panay and Negros, P. I., and all Filipino citizens, respectfully state that it is our opinion that the passage of the Jones bill in the form that it was passed by the Senate of the United States would be fatal to social progress, to the development of the commerce, industry, and agriculture, and to the political well being of all the inhabitants of the Philippine Islands;

Therefore we earnestly beg the Congress and the United States Government and its citizens that they suspend all action on the Jones bill, and that the question of the political independence of the Philippine Islands be definitely suspended for a period of 20 years, and that when this period arrives that no action as to the independence of the Philippine Islands be taken without the vote of the Filipino people.

Iloilo, Province of Iloilo, P. I., this day, the 1st of March, of the year 1916 A. D.

Will you listen to these earnest people, words coming from men who are not engaged in the political exploitation of their islands, asking you to protect their homes, their property, their civil and political rights, and their very islands from an unconscionable, from a contemptible, from a humiliating withdrawal of sovereignty and stable government and the abandonment of our duties once heroically assumed.

My good friends, it seems to me that the voice of the Filipino people should be heard. This petition is signed by 92 men. They have been checked over by those who are best acquainted with the islands. I am informed that they represent the farming industry in value exceeding $20,000,000; that they are the most substantial men of the entire central group of islands. It is certain these signers are men each representing a big sentiment in his own locality. This one petition is overwhelming in what it represents and in the request it makes. But I was informed when this came that other petitions would follow.

Ah, Mr. Chairman, another came this very morning, and still another, making three in all, and altogether representing the farmers of the islands. These petitions are to the same effect, but in a little different language. One is signed by 125 men, the other by 95, who, I am informed, represent the best in thought, and best in business, and best in earnestness, and best in all that goes to make up the life of the Filipino people.

Mr. KEATING. Will the gentleman yield?

Mr. MILLER of Minnesota. Certainly, for a question.

Mr. KEATING. I will ask the gentleman if he does not think that Lord North, in 1776, might have secured a similar petition signed by substantial property owners in the American Colonies protesting against the Declaration of Independence?

Mr. MILLER of Minnesota. I do not know, and I do not care anything about what Lord North might have done. I know that this is a voluntary petition, and sent without political glare, to represent the sentiment of the Filipino people. Maybe the gentleman will close his ears and shut his eyes to it, because he does not want its truth to sink into his soul; but I believe a majority of the men in this House will have a nobler conception of their duty here to-day. [Applause.]

Mr. KEATING. Will the gentleman yield?

Mr. MILLER of Minnesota. I can not yield further.

We all have in mind the words of the great Secretary of War, who resigned a few weeks ago, a Democrat of Democrats, and who resigned because he would not be a party to such an iniquitous measure as it was proposed to pass. He said this:

I consider the principle embodied in the Clarke amendment an abandonment of the duty of this Nation and a breach of trust toward the Filipinos. So believing, I can not accept it or acquiesce in its acceptance.

There is a Democratic gentleman whom I know very well, with whom I have talked many times relative to things concerning the Philippine Islands, but with whom I have found but little opportunity to agree. I find, however, that he and I are agreed to-day. He is the arch apostle of Democracy relative to all things Philippine. He it was who became the first great champion of Democratic principles for the islands, and has continued such down to this hour. He went over as a soldier from the State of Georgia. He bears a distinguished name. He remained there to serve as a judge. He has now resided in this country for some years, devoting himself largely to the study of Philippine questions. I refer to Judge Blount, the author of The American Occupation of the Philippines, and this is his position:

I am wholly unable to understand the intellectual processes of an honest and patriotic American who will vote on foreign or quasi-foreign affairs for party reasons. We are all in the same boat, all Americans, and, to use a familiar colloquialism, it is like rocking the boat. If I were in the House now, I would vote with my party on domestic affairs, such as the tariff, the currency, and so forth, with all the fidelity of a Tammany sachem; but on a question that concerned the national honor of my country, like this Clarke amendment with the neutralization cut out, I would feel ashamed to vote any way but against it, because, as Senator STONE said, the whole world would look upon throwing the Philippines overboard in any such way with

amazement, and we would fall under the just condemnation of mankind.

So far as I have been able to determine—and I have endeavored with the utmost industry to ascertain the facts—there is not a single Democrat charged with the administration of Philippine affairs, directly concerned with them or conversant with the present conditions in the Philippine Islands, who favors the passage of the Clarke amendment. It is repugnant, in my judgment, to the opinions of any man, regardless of politics, who views with concern his Nation's honor.

Mr. Chairman, we might spend hours in discussing what it means to the Philippine people should we at this hour withdraw our sovereignty. To the great mass of the people that flag flying there has meant the same that it has meant to the boys of America. It has meant opportunity to them all. I was informed a few weeks ago that an Army officer living in the Philippines was asked by one of the servants of his house this question: "Sir, I am told the United States is going to give independence to the Philippines and that the Americans are going to leave." He said, "That is what I hear from America." The young man departed. In an hour's time this officer had occasion to go into another part of the house, and there he found five, all of his Filipino servants, together in tears, and he asked them why. The reply was, "The Americans are going to leave us in the hands of the politicos, and we, the poor people, know what that means."

That has been duplicated, according to my information, time out of mind in the Philippine Islands during the past two months. When I say that the people of the islands ask that this bill be defeated in its present form, I know I am expressing their heart convictions. I know the distinguished and lovable gentleman, my friend, Señor QUEZON, in a few moments will tell you about his party, the Nacionalistas, and their party propaganda, and the Progresistas and their party program and the Partido Tercera and their party program—I know he will say these things, because he ought to say them. But while he speaks for the political parties of the islands, I speak for the Filipino people, and I know what they want.

Should it be desired to inquire what may be the attitude of the non-Christian peoples, permit me in a word to tell you that they are to the last soul, 1,200,000 of them, not only begging but demanding that our sovereignty remain. Thus far I have devoted myself exclusively to the area occupied by the Christian Filipinos. A consideration of prime importance to us should be the wishes and the welfare of the non-Christian people. In the passing of time all these peoples will become fused together, cemented into a nation, but only if American sovereignty remains many years yet. I have journeyed among all these wild people, the head hunters of the north, the Moros of the south, and many tribes between, and from their own lips received the unvarying request that the American Government remain, and if it does not there will be trouble. The hauling down of our flag will be the signal for the struggle to commence. These peoples—the Christian and the non-Christian—have not yet learned to know and trust each other. It must be remembered that the American sovereignty is the only one that has ever existed over all the non-Christian area, about one-half of the entire area of the islands. Our plain duty to these people, who now trust us implicitly and believe in us devotedly, is to continue that opportunity the coming of our flag brought to them.

More than 1,000 American boys—our soldier dead—lie buried in the Philippines—they died that stable government, free institutions, and opportunity for all might come to these people. Shall we to-day defile their memory and shall the angels on high tell them they died in vain? No; a thousand times no! Their achievement shall be perpetuated, and the world shall know that we who act to-day are worthy to come after such heroic souls.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GARRETT. Mr. Chairman, how does the time stand now?

The CHAIRMAN. The gentleman from Virginia has used 1 hour and 35 minutes. The gentleman from Iowa [Mr. TOWNER] has consumed an hour and 43 minutes.

Mr. GARRETT. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. HELVERING].

The CHAIRMAN. The gentleman from Kansas [Mr. HELVERING] is recognized for 15 minutes.

Mr. HELVERING. Mr. Chairman, opportunities such as to-day confront this House are seldom given to a legislative body. We have the privilege of extending to a race of people numbering nearly 10,000,000 inhabitants the rights, privileges, and enjoyment of a free and self-regulated form of government.

Every boy when he reads the early history of our own country is convinced of the great justice and the righteousness of the cause in which our struggling Colonies fought for eight long years for just that status which we now attempt to give to the Philippine people by the enactment of this legislation now before the House.

This should not in any sense be a partisan question, for there is glory enough for all parties if upon this occasion the great measure now before us is enacted into law. The Republican Party was the agent of our Government in freeing the islands from Spanish rule and establishing a form of government there looking to the future independence of the islands, and the Democratic Party was and now is our Government's agent in perfecting the preparation for self-government and fixing a time when that self-government will become operative.

There is one cardinal principle which should not be lost sight of when we are considering this measure, and that is the great precept that all just powers of government are derived from the consent of the governed.

Do the Filipino people consent to our continuation as the molders of their destiny? Their representative here says no. It is readily comprehensible that the people of these islands would trust us when we first made representations to them that ultimately they were to be free, because our history, our ideals of liberty, and our actions have always bespoken our attitude. On these assumptions they trusted us, and now we should not belie that trust.

Those people had been studying our history and had dreams of the days to come when they, too, would be blessed by the virtues of liberty and self-government. Do not be deluded into the thought that we are now continuing our sovereignty over the islands of the Philippines for their own good. Throughout the ages of history you will find repeated the arguments that will be heard on this question at this time, namely, that we are reserving our control over the Philippine Islands for their own good. No people can be helped nor can they thrive properly when weighed down with the thraldom of usurped power.

In my opinion our mission has been a benevolent one, and one that has been appreciated by the people of those islands. I also firmly believe that we have almost completed our justifiable mission, and should now keep our promise and set an example to the world of justice to our fellow men without resorting to force, coercion, and subjugation.

After having given the people of the Philippines the assurance of ultimate independence the question naturally arises, Is this the proper time to give them self-government; and if not, when will that time arrive? When this same question was before the House during the Sixty-third Congress I was anxious to secure information first-hand, and I therefore wrote to one of my close personal friends residing in the Philippines and who is dean of the law school at Manila.

Mr. Chairman, it is not my purpose to discuss the relative merits of the Clarke amendment with the original Jones bill, but I have asked for this time more especially to read some questions which I submitted to the dean of the law school of Manila, who, by the way, is not of my political party, and his answers to those questions, for the enlightenment, it may be, of the gentlemen of this House, and especially of those of his political party.

This gentleman was for a number of years an assistant attorney general in the Philippine Islands, and is now the dean of the law school in the Philippine Islands. I know him very well, and therefore I submitted to him these 10 special questions and asked for his answers in detail. I have before me his answers, and I am going at this time to read what he has to say in answer to those questions which I deemed pertinent. He prefaces his remarks with this sentence:

At the beginning I must warn you that on a subject on which there are as many varying opinions as there are debaters, the viewpoint from which the person starts is most important. Both Filipinos and Americans in the Philippines can be roughly divided into three classes: First, there are those who fawn on the people of the opposite race for personal advancement; second, those who, through ignorance or prejudice, have bitter racial feelings; and lastly, those who recognize both the good and the bad characteristics of the Filipinos and Americans, respectively, and treat each other courteously and fairly as men. I am glad to bear testimony to the fact that the large majority of Americans and Filipinos fall within the last division.

It is also true that if an American publicly advocates immediate Philippine independence some of his countrymen are sure to scoff and jeer at him as a hair-brained Filipinista and theorist, while if a Filipino publicly advocates permanent or indefinite joinder with the United States he is looked upon by his fellows as a heretic and a traitor. I am certain, nevertheless, that there are a respectable number of Americans who conscientiously favor independence for the Philippines within the next few years, and a corresponding number of Filipinos who would dislike to see their country absolutely independent within the same period. The problem is therefore primarily not one of race but of actual existing conditions.

It is further true, I am sorry to say, that the environment, avocation, or training of the speaker or writer is largely or entirely responsible for his conclusions. Whether done consciously or unconsciously, it has the same result. A merchant will naturally think in terms of business and the effect on commerce; a churchman in terms of religion and the effect on his church; a soldier in terms of war and the chances for conquest or glory; a Government official as to how the outcome affects his position; an outsider who spends two or three weeks in the islands and considers that he knows the country, from prejudiced, theoretical principles; a Moro with the sole interests of his people and religion in mind; a Filipino from natural patriotic instinct, without possibly taking into account future consequences, and so on ad infinitum.

Personally I can only state that I have, during more than seven years in the Philippines, spent in different educational and legal positions, with somewhat extended travel throughout the islands, seen and become acquainted with different conditions of people. I shall in my abrupt statements herein, containing not alone by own views but the perspective of others, try to disassociate myself from personal motive as much as is humanly possible. You state in the concluding paragraph of your letter, "I am writing to you because I would like to get an honest opinion from one who is on the ground floor. I want to do what is right by my own people and by the people there, and for that reason I would appreciate it if you would write me an extended brief covering your views." I shall endeavor not to disappoint you, although it is not for me to say whether I approach the criterion laid down by Resident Commissioner QUEZON in his speech before the House of Representatives on February 13, 1913, when he said, "To know a people you must not only live with them for a number of years, but share their feelings, possess a sympathy for their aspirations, and, most important of all, be broad-minded enough to abandon race prejudice and fixed views on the superiority of one civilization over another."

I follow the order of questions as stated by you:

(I) "Does the policy now in vogue in the Philippine Islands hamper the development of the Filipinos?"

I note the word "now." I answer categorically "No." Every branch of the Government is progressing rapidly toward Philippine self-government. Commercial intercourse, internal improvements, sanitary betterment, and educational advancement are going forward as rapidly as the finances permit. Omitting the mooted point of independence, I think all intelligent Filipinos and all impartial observers will admit that this is true. While I differ from you and Gov. Harrison politically, it is only fair to say that the Governor General is carefully and persistently advancing these ideas.

(II) "Could the Filipinos take entire charge of the government of the islands and make a success of it?"

The bearing of time is here most important. They could not tomorrow, as would likewise be impossible for any people by such a sudden change. The Filipinos could take entire charge of the legislative and judicial departments. In the legislative department the Philippine Assembly, composed entirely of Filipinos, has been most remarkably successful. Critics are inclined to make fun of it because of the foolish bills introduced, forgetting that the same is true of any legislative body. The members of the Philippine Commission, composed of a majority of Filipinos, has also proceeded cautiously and conservatively in its work. The members of the judiciary have likewise proved their integrity and judicious bearing alongside of American judges. In many executive positions, however, the Filipinos need American assistance and supervision. It is only common sense to promote capable Filipinos from one position to the position next higher. It is foolish to thrust one into an important office without previous training and experience. This does not mean that there are not many Filipinos who have filled high executive positions with entire success. For example, Araneta, Villamor, Palma, Tinio, Monreal, Kalaw, Mleva, and others could be mentioned. But in many technical positions, such as engineering, education, accounting, and so forth, Americans will be needed until the requisite number of Filipinos can be trained. When this result shall be reached, and it can be accomplished in a much shorter period than is generally believed, then I think that the Filipinos could take charge of the government and make as great a success of it as one could reasonably expect under the particular and grave conditions in which placed.

(III) "If not, are there any departments that they could conduct as efficiently as they are now conducted?"

This question is practically answered under No. II.

(IV) "Could all the peoples of the different islands be brought to recognize a civil government conducted by their own people?"

There is no doubt in my mind that, excepting the Moros, all the people of the other islands would recognize and support a government conducted by themselves. The Moro problem is one on which I am not capable of expressing an opinion. I do know, however, that the proverbial statement that there is jealousy and hatred between the so-called tribes and that if given self-government they would fight among themselves "like cats and dogs" is more fanciful than real. It is not nearly as evident as is the same feeling between races in other countries. I have yet to hear a native boasting of himself as a Visayan, a Tagalog, or an Ilocano, but always speaking of himself as a "Filipino." I have never noticed such a division in the schools, in the Philippine Assembly, or elsewhere.

(V) "Would the inhabitants of Manila and the immediate vicinity in any way control the entire government?"

The facts easily bear out the negative. There are, it is true, and naturally also, I think, able men in public life who reside either in Manila or the surrounding country. There are, for example, Chief Justice Arellano, Commissioner Quezon, Acting Secretary of Public Instruction Palma, Commissioner Illustre, Assemblyman Corpus (a leader of the assembly), Mr. Ortigas, of the code committee, and many others. On the other hand, from the southern islands, are such men as the speaker of the assembly, Mr. Osmeña, possibly the most influential Filipino; the only secretary of an executive department, Mr. Mapa; a Filipino commissioner, Mr. de Veyra; the leader of the assembly, Mr. Adriatico, and others. From the northern Provinces, Attorney General Villamor, Commissioner Singson, the director of lands, Mr. Tinio, and others. The inhabitants of the city of Manila would bear the same relation to the government of the Philippine Islands as the capital or metropolis of any State or country bears to that State or country, and no more.

(VI) "Would you recommend that the United States Government place the government there entirely in the hands of the natives or only partially?"

If it were given to me to recommend, I would say that the government should be placed only partially in the hands of the Filipinos now, entirely, unless in isolated instances by the express desire of the Filipinos themselves, in the near future. The changes in the judiciary will work out gradually as Americans resign. The next step in the legislative department should be the creation of a Philippine senate. The legislature, composed of the assembly and the senate, should then be given jurisdiction over all of the Philippine islands, unless it be the Moro Province, as to which I express no opinion. The Governor General should then be given the veto power with an appeal from his veto by a two-thirds vote of each house, to the President of the United States. Administratively, the Governor General can, in pursuance of his present policy, Filipinize that division of the government.

(VII) "In what pursuits and occupations do the Filipinos excel?"

First, in law, preeminently. There are as great lawyers among the Filipinos as will be found anywhere. Chief Justice Arellano, Secretary of Finance and Justice Mapa, Attorney General Villamor, Justice Torres, Judge Araullo; Messrs. del Pan and Ortigas, of the code committee; Mr. Agoncillo, president of the bar association; ex-Secretary Araneta; and a long list of others will bear comparison with the bar and judiciary of any country. In medicine also there being not only a number of older Filipino physicians, such as Dr. Calderon, Dr. Singian, and Dr. Bautista, but other skillful ones among the younger generation. In business, there being among the merchants of the islands MANUEL EARNSHAW, the Resident Commissioner; Teodoro R. Yangco, the great Filipino philanthropist; the Fernandez brothers; Mr. Mauro Prieto; and others. In literature, science and art, Dr. Pardo de Tavera; Luna and Hidalgo, now deceased; not to mention the great Filipino patrict, Dr. José Rizal. There are, further, capable pharmacists, artisans, and farmers.

(VIII) "What influence will the generation now growing to manhood and womanhood exert on the civilization of the entire people?"

While I do not underestimate the inherent capability of the Filipinos and the influence of Spain on their civilization, possibly I am an extremist and enthusiast in emphasizing the national good which the American Nation has accomplished in its work with the Filipino youth. Although in some instances it must be conceded the American Government has tried to force a western civilization on an eastern people, and in other instances it may not have taken into account the prejudices and desires of the people of the islands, it has, nevertheless, given a chance for education to the lower and middle classes formerly debarred from such opportunities. It has trained students in democratic ideals, in practical pursuits, and in the elements of good government. It has elevated the Filipino women, opening to them useful pursuits, such as nursing, teaching, stenography, and household industries. It has, moreover, conducted this training in the English language, for, whatever may now be the viewpoint, it must eventually be conceded that it was well to ingraft a common method of communication which happens to be the great commercial language of the world. There are, of course, small jealousies on the part of some of the older people or on the part of some of the "Ilustrado" class trained in the private schools according to Spanish methods, and, on the other hand, small jealousies on the part of some of the students trained in the public schools. In the main, and leaving these minor matters out of consideration, the influence of the generation now passing into manhood and womanhood, or which within the next 50 years will do so, will be found to be so extensive and so diverse as to be the leading factor in a progress which will give the Filipinos the same standing as Japan without a monarchial form of government.

(IX) "How could the functions of government be more economically administered?"

The Philippines have had from the beginning of American administration a most scientific system of government. If this system had any defect, it was in being too elaborate and top-heavy. The present administration is remedying these defects by making the government more simple and elastic. It is also cutting out unnecessary positions and Filipinizing the service wherever possible. I think this point can well be left to the best judgment of the present Governor General.

(X) "The main question is: Are the Filipinos ready for independence; and if not, how soon will they be likely to be ready? I am satisfied that the people of this country are looking forward to the time when the Filipinos will be free; but is it to be to-morrow, next year, or many years hence?"

As you state, this is the main question. It is a question on which no two persons can hardly agree. It would appear foolish, therefore, for me to rush in where so many have trod before. I offer my suggestions with some diffidence.

I do not believe any of your possibilities fit the case. The Filipinos should not be made free to-morrow; they should not be made free next year; they should not be made to wait many years. I consider there is a safe medium between "next year" and "many years hence."

The conclusion on such a point should be reached from a nonpartisan standpoint. It is not and should not be a matter for political controversy. It is a subject which should rise above Republican, Democratic, or Progressive platforms. It should be decided from the high altitude of what is best for the Filipino people and what is best for the American people. It should be the considerate dealing of a great and powerful nation with another nation less fortunate.

I say that the Filipinos should not be made free to-morrow or next year. They lack, and it is no reflection on them as a people, many of the characteristics and safeguards which are needed for a free and independent country.

I say also that it is not necessary to wait many years or many generations. One point which many Americans miss, either voluntarily or through lack of investigation, is that the Filipinos have had these aspirations and training not simply since American occupation, but through hundreds of years previous thereto. There was developed in the islands a civilization of their own. The church and the kingdom of Spain added to this from time to time. I fail to see how, if the Filipinos can not be made independent within a respectable period, they would be in any better position if they await the coming of generations yet unborn.

I would therefore think it only fair both to the United States and the Philippines that a resolution be adopted by Congress formally asserting the intention of the United States to make the Philippines free and independent on a given date, say in 1925. In the meantime, by administrative action, the Filipinos can be prepared for this event. In the meantime, also, and up to that specific date the sovereignty of the United States is supreme. Thereafter the United States would have no further obligations, moral or otherwise, and would have withdrawn itself from a dangerous position in the politics of the Orient. The United States should only have retained in the islands the island of Corregidor, on which it has expended so large an amount of money, and the necessary coaling station for its fleet.

GEORGE A. MALCOLM,
Dean, College of Law.

I will say that this letter was written before the last bill which has been reported here, which provides for a Philippine senate, was passed by the Senate of the United States.

Mr. CHIPERFIELD. Will the gentleman kindly tell us from whom he is quoting?

Mr. HELVERING. Mr. George A. Malcolm, dean of the law school of the Philippine Islands.

Mr. YOUNG of North Dakota. What is the date of the letter?

Mr. HELVERING. It was written when the Jones bill was up for consideration in the previous Congress, November 20, 1913. For the information of the House I will say that Mr. Malcolm has been in the Philippines for nine years. He has been Assistant Attorney General in the office of the Attorney General, and is now, as I stated, the dean of the law school of the islands; and I submit his letter, not in support of the Clarke amendment to the present bill, but in support of the general proposition that we should at this time give some definite assurance of ultimate independence to the Philippine Islands. [Applause.]

Mr. TOWNER. I yield 30 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman and gentlemen, when we were trying to reach an agreement at 11 o'clock, under my right to reserve a point of order I wanted to suggest that we confine our discussion to the one point in dispute, the amendment that gives the Filipinos independence, and thus reduce the time so that we might reach a vote to-day. I did it because of what I knew would take place—that if general debate was the order, the House would empty and the speeches be delivered largely to vacant seats. I do not think that to discuss an issue involving such a change of policy as this amendment involves—in the House of Representatives, of 435 Members—and to discuss it with the House largely empty is very creditable either to those who speak or to the House itself. It does not speak very well for our interest in great public questions. That is the reason I wanted that suggestion made.

I have no pride in my opinion, and I am not here to criticize unduly any leader or any political party for this proposed legislation; but it does seem to me that it involves enough so that the membership of this House should be here when it is discussed.

I made a somewhat careful examination of the issues involved in this issue of independence; but, under leave to extend, I propose to insert that statement, cut loose here, and speak my mind as it is now stirred by the speeches made by the friends of this Senate policy.

Eighteen years ago the American flag went up in the Orient, figuratively speaking, for it was then that Dewey went through that dangerous channel into Manila Bay, when the command "Keep cool and steam ahead" became famous.

It is now to be determined to-day by the vote of this House whether we will haul down the American flag 18 years after it went up. It seems to me that the scuttle policy involved in that proposition ought at least to enlist the attention—if it does not of the American people, as I know it will—of every Member responsible for his vote to-day.

I have listened to this debate. I have analyzed the objections to a further continuance of the United States in those islands. I have listened to the argument that we should now get out. I notice that certain gentlemen put it upon the basis of fear. Fear, my fellow countrymen, in a time of crisis, when the honor of the Nation is involved, was never spoken of the American soul, and it is too late to do it now. [Applause.] They say that the Philippine situation is a military weakness, and therefore we should turn tail, recognize our inability, dishonor our past history, haul down our flag, and take to the woods. That does not appeal to me, and I feel sure it will not appeal to the American people. [Applause.]

Another line of argument is that it is based upon economy; that it has been costing too much. And in estimating the cost we have heard counted the cost of the establishment of the Army there. My fellow countrymen, should we to-day cut loose from the Philippines, we will not disorganize the Army. We will still keep somewhere in the world that establishment that is expensive to us. And that argument has no meaning to me, because the economy of it will be disrespected as soon as we take the vote, no matter how the vote goes. The fact is the islands can and will become self-supporting in time. They now support the constabulary while we support the Army, Navy, and harbors.

I have heard upon this floor that it is our duty to the Filipinos as well as to ourselves. There I differ from the author of those utterances. I do not believe that it is our duty, after inaugurating in the greatest laboratory for civilization that the world has ever known the work of training and disciplining people for self-government, and then right at the beginning of the promise of future ability to govern themselves, to scuttle the ship and run away, allow them to revert to the original type, which is absolutely sure to happen when we leave them. [Applause on the Republican side.] In the language of Abraham Lincoln in 1858, could we tell where we are and whither we are drifting we could better tell what to do and how to do it. In this discussion it is pertinent to ask the question "Where are we?" For 18 years we have been in the Philippine Islands.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. FESS. I think I will have to yield to my friend.

Mr. BORLAND. The gentleman has made three very forcible points. I wanted to ask him whether he was willing to recognize the logic of his position and say that the time would never come when we would agree to withdraw from the Philippines?

Mr. FESS. I would not take that position. I have voted and I will continue to vote to pursue the policy inaugurated by President McKinley and followed by Roosevelt and Taft. [Applause on the Republican side.] If you will keep out of your bill the mischievous promise in your preamble, which would mean nothing simply because it might mean anything, and of course the Clarke amendment of this Senate bill, which is a complete abandonment of our duty, I will vote for your bill. I have not taken the position that the United States shall never consult the time for withdrawal, but I am opposed to making any promise that future events may compel us to break; for you can not tell what is in the future, and no wise policy would commit you to some proposition that you might not be able to follow. You can not give self-government; it is not a gift; all we can do is to give opportunity to develop self-government. The Philippines are not ours by choice. We are not there by choice. We are there by the result of war the results of which we could not control. And now, when we get out, we must get out only when we are convinced that our duty to these people is fully performed, and not in the beginning of the performance of that duty that can not be effectively performed before conditions are attained that will make self-government possible. To do so would be a willing abandonment of a work the wonder of the Orient, to permit it to lapse back to former conditions. This will be a repudiation of an honor as well as duty that will invite the condemnation of the world and compel an admission on our own part of a miserable, craven spirit of cowardice.

Mr. JONES. Will the gentleman yield?

Mr. FESS. I will yield to the chairman.

Mr. JONES. Did the gentleman not sign the minority report?

Mr. FESS. I did.

Mr. JONES. Does not the minority report say that you gentlemen would be willing to accept the House bill, preamble and all?

Mr. FESS. Preferentially, as between two evils, I will accept the lesser, of course, and so would other people. Eighteen years ago we started upon the solution of a problem that came to us not from our wish. That problem was to inaugurate a system of government of the best that we could do in the far Orient among a people unused to the modern spirit of enterprise. Some people said, "Get out and let them go to shift for themselves." Others said, "Convey them to another country." Having destroyed one government me must substitute another. Consequently still others said, "Let us stay and do the work for the Filipino, with no special regard to the selfish view of our own interests, and when we have put them in position to become what we hope some day they will be, a country of themselves, then we will let them pass, if such would seem to be the wise policy of mutual benefit to all concerned, but not until that time." That time must be determined by this Government, and not by Filipino agitators.

Now, you propose to do it in 18 years. A nation can not be built by the calendar. Nation building is not the result of a coming and going of the seasons. Nation building is the result of generations of careful preparatory education which must begin with the childhood of the nation and end with the full stature of its manhood. When the child that is in the primary grade of the school to-day in the Philippines becomes a man of 25 of 30 under American discipline and such training of the people that we will continue to require by that time, I doubt not we will be able to set a day to let them go. But you can not do it in a year or in a score of years; it is a thing to be done in generations.

Now, I waive aside all of the considerations mentioned except the one for the Filipino. I say nothing about the very important items of a commercial or material character involved in this bill. Others have done and will do that. I am not going to spend a moment upon the Philippines in reference to ourselves, but only as to our duty to these people, and what we have done.

Will you hear me and believe that there is a thousand times more in formation of character than in reformation? We begin with the child, believing that if you want to clean up a boy you do not begin with his body but with his mind. If you want to better the next generation, you begin on the minds of the children of this generation. That, in McKinley's mind, was fundamental. The first thing he did was to call the country's experts and to inaugurate a system of education, and among some of the men he sent there were some of my own personal friends. Here is a letter from one of the brainiest and best-informed men in America, the present president of Colgate University, a former head of the education department in the Philippines, and well versed on the subject. I wrote him, and said, "Give me your honest opinion." Here is what he said:

HAMILTON, N. Y., *April 25, 1916.*

Hon. S. D. FESS,
Washington, D. C.

DEAR SIR: It would be a mistaken policy for the United States to give independence to the Philippines within a quarter of a century.

First. It would be an injustice to the Filipinos themselves. They need and deserve the tutoring and the defense which the United States has started so well.

Second. It would be an injustice to the United States, because (a) in our present standing internationally to give up the Philippines would add decidedly to the feeling already held by many nations that we are hopelessly weak and vacillating in our policies; (b) to give up the Philippines at this time would mean that the money and lives that have been spent in this service would have been spent in vain.

Third. It would be a mistake from the standpoint of the larger civilization. I am told by a recent careful observer that the American school system in the Philippines, and the American ideas and ideals as exemplified there, are becoming very rapidly the standards for the entire Orient, especially China.

Sincerely,

E. E. BRYAN,
Sometime Commissioner of Education in the Philippine Islands.

Another capable gentleman, now a member of the faculty of the Miami University, in Ohio, wrote me as follows:

DAYTON, OHIO, *April 25, 1916.*

MY DEAR DR. FESS: Your favor of the 21st has just reached me, and I hasten to write you a few words on the Philippine question, for I, too, am opposed to trying to give the Filipinos their independence. I use the word "trying" advisedly and with a purpose, for no matter how much we might desire to give the Filipinos independence at this time, it would be an impossibility. If we cut loose from over there we will be turning the government over to the half-cast cacipnes, the "shoe hombres," who will only impose upon the 90 per cent of ignorant Filipinos. It is easy enough for men like QUEZON to make smooth speeches here in America about the way they will conduct the government for the good of all if they are only given an opportunity, but everyone who knows the islands intimately knows just what treatment the Filipino tao (common man) will receive at their hands. By all that is good and right and just, I beg of you and your coworkers to save the Filipinos from this untimely fate.

I was in the islands from July, 1909, to October, 1913, as one of the 35 or 36 division superintendents of schools. I was a graduate of Indiana University before going out there, and had during my college course taken more than an average interest in the Philippine question. I was firmly convinced that it was wrong to hold them in subjection, and had often warmly supported that side of the question in debate. But four years, three of which were spent in Samar and on Panay among the real Filipinos and away from the political storm center at Manila, then one year in Manila seeing that side of their life, fully convinced me of my error and showed me just how foolish I had been in my former position.

The Filipinos have made splendid progress under the control and guidance of their strong foster father. Instead of 40 to 60 meager dialects and so many isolated, warring tribes, they have been given one good language, with a literature that is unexcelled. They have been "scrambled" and brought to know each other, and this has led to respect. Only a few days ago I clipped an item from a Manila paper by a Moro boy who had been educated in Silliman Institute up in Negros. He said he had become acquainted with the Filipinos in the school and he was inviting them to come to Mindanao and take up claims in the rich lands down there. The full significance of this only dawns upon you when you recall all those troublesome years of Spanish rule, when the Moros were forever out among the islands on their pirate expeditions, pouncing down upon a town, killing the men, carrying away the women, rice, cattle, etc. Also, you remember that the Moros served notice on Gov. Forbes, Secretary Dickinson, and others that they will never submit to Filipino rule. But a few generations of American schools and they will be mixed up with all tribes, intermarriage will have taken place, they will have a common language, and race prejudices will be forgotten.

Another thing: There is a stable government now in the islands, and every Filipino knows that if he grows rice, sugar cane, hemp, or some other crop, or if he has horses, carabao or cattle, they will not be taken away from him without his consent. A Filipino one time called my attention to an item in a Manila paper in regard to the unsettled conditions then prevailing in Cuba, particularly to the fact that wandering bands of ladrones had destroyed crops and carried away live stock. Then he remarked, "I am very glad for the Stars and Stripes here, only I don't dare to say so out loud." I then asked him how many of the Filipinos felt as he did and he told me at least 90 to 95 per cent of them.

Another thing: The Filipinos are for the most part just children. They are doing splendidly under the guiding hand of Uncle Sam, and are some day going to be grown up, if we give them a chance. It is up to us. They may occasionally need the strong hand—most children do—and the sooner we come to recognize this the better off both will be. I could give you incidents by the score to show you what I mean by saying they are just children. I will bother you with but one: One evening, while living in San Jose, word was received that a merchant vessel had gone down on the west coast of Panay early that morning and that the masts were still visible. My sister and I got our ponies and rode up along the coast to take a look. The ship had run head-in into a small, rocky island off the shore. The only explanation given for the accident by those who escaped was that the steering gear had got out of order and they could not control the ship. But the Americans present, and the Filipino provincial treasurer, too, who was a very intelligent Chinese-Italian-Filipino, knew what had happened—the crew had gone to sleep.

Not long after this I was returning from a division superintendents' convention in Manila and had to change steamers at Iloilo for San Jose. The steamer on which I embarked from Iloilo was manned entirely by Filipinos of at least average, or possibly above the average, in intelligence on the part of the captain, chief engineer, first officer, and others of the crew.

We left Iloilo at 10 p. m. and were due around at San Jose at 5 a. m. the next day. I slept on a bench on the upper deck that night, for one never knew what might happen. About daylight the next morning I awoke and found everyone aboard asleep and the boat drifting 25 miles out of its course without a wheel turning. The fire was out in the boiler and the only indication of life anywhere on the boat was that manifest among the fighting cocks, which were beginning to awake and crow.

I aroused the chief engineer and told him to get up steam, then called the captain and helped him get up a big sail so we might steer away from the rocks which were near. We reached port 10 or 12 hours later.

The only explanation the captain and other officers had to offer for going to sleep was that they were sleepy. And I suppose that is excuse enough for children. But until the time comes when they can feel a greater responsibility than they do now it will be sheer folly to try to turn the government over to them.

There are almost no Filipino business men; they have not a score of men who could lead if they were given a place among the nations of the world; their whole government revenue for a year, if I am correctly informed, would not pay for one modern warship; and the fact that the Filipinos now are as independent as the citizens of Ohio, these and further facts indicate very clearly that the United States ought to continue the same policies which were in effect until October 7, 1913, when Francis Burton Harrison landed there.

If the above is anything like what you wanted I am glad for this opportunity to say a word in behalf of the 90 to 95 per cent of Filipinos among whom I lived and worked for four years and who treated me with the greatest kindness and consideration during the entire time.

Use any of this you choose. If convenient I would be glad to have copies of the CONGRESSIONAL RECORD containing the speeches made on the Philippine Islands question, both in the House and Senate.

Yours, very truly,

GEORGE E. CARROTHERS, *Oxford, Ohio.*

Hon. S. D. FESS,
House of Representatives United States.

If we will but continue this system of education where these 500,000 children now in the schools are studying the English language and continue the policy for a generation or two, the people who now speak the English language will be greatly multiplied, and the English language will in due time become the universal language in the islands. [Applause.] And with this as the universal language, we will develop a national spirit in the islands. Without a universal communication the national spirit is impossible. This is the greatest problem that confronts us.

Now the question is, If we take away these requirements, what will these people do? Their unrest, their fretfulness now under the present régime but indicates that they would take the first opportunity to revert back to the dialects of their own people and their own habits. This is self-evident. It must be the work of generations, not of years.

The child in the ash heap loves the ash heap for years after you take it into the new environment and will continue to love it until through education you change his ideas and his ideals. It will get back. When the Dutch people who first came here, among them the father and mother of one of the most famous men that ever sang in America, lived on the outskirts of this Capital City, that mother fretted for months and years for a place back home where she could wear the wooden shoes, dress in the simple garments, and live in the simple way. Our conditions were not indigenous to her country and she could not accept them. There is no truth more apparent in the law of biology than that of Herbert Spencer, that when original types develop, evolving a new type under new conditions, it will revert to the old type as soon as you remove the environment under which the new type was developed. That is not only true in biology, it is true in every form of life, and is especially true in nation building. Are we ready to say that our presence in the islands and our work in the schools are nationally unjustified and to be condemned and that we will withdraw now and let it all be lost? If you keep those directions for another generation then it will continue, I think, to be the law of the islands.

That is not all. Out of this system of education has come the most marvelous campaign for sanitation that is known to man. The results of sanitation expressed in outward form is the hospital system of Manila and the marine work, especially in Manila and other places in the islands. The immediate results of science under this direction is to eliminate all smallpox, all bubonic plague, and all cholera. No greater work was ever done than that in Habana by Col. Gorgas, equaled only by that done in the Panama Zone by the same distinguished surgeon, unless it has been done in Manila and throughout the islands. Are you going to lose by leaving too soon the fruits of that

remarkable achievement? Not only do you have it in sanitation but you have it in industrial education all through the islands, better industries under vocational training, better methods of dressing, clothing—the clothing of primitive life giving way to the modern methods.

If these things are wrong, then civilization is wrong. Men say to me, "You have no right to fasten upon the Filipinos our ideas." Then, if that be true, you have no right to interfere with slavery there; you have no right to interfere with peonage there; you have no right to interfere with polygamy there; you have no right to interfere with any of the things that have grown up under 300 years of domination by one of the countries of Europe. I say that we have a right, not because it helps us, but because we are developing the finest flower of civilization yet to be under our dominance yonder in the Orient that the oriental life knows. [Applause on the Republican side.] I was present at some of the hearings, and I have studied them carefully. The information is here. Not a man is recorded in these hearings who spoke for independence within the next two years—not one. They spoke for the preamble, a thing that I think is unwise; but, my God, the preamble does not hold a candle in its vicious criminalities to this Clarke amendment, for it is entirely different. The Clarke amendment is scuttle, and do it quickly. It is craven; it is cowardly; it is dishonorable; it is discreditable; it is shameful at this hour. [Applause on the Republican side.]

We have a suggestion of how the Filipinos regard modern methods in the building of the schoolhouses. It was objected to—or was, at least, in the hearings—and when it was asked why, they said, because they are too good; they are made of concrete. They wanted to go back to the ancient, primitive bamboo shack. There was too much expense connected with the building of the schoolhouse that would withstand the typhoons and the erosion of nature and stand forever; and that suggestion of opposition to the present régime indicates what they will do when restraints are removed. Back they will go to the ash heap—to the primitive life. We have built roads there, and the roads are objected to because they are too good. They say they are too expensive. In other words, they say they prefer to hold to the trail that perambulates from place to place; they want to take their time and not be hurried over a road that is built for all time.

The Chinaman originally objected to the first street cars that were built in China, and they literally upset the cars and said the reason was that they landed you at your destination too soon; that you did not have time to rest on the way. I am not giving you fiction; I am giving you what occurred in China, and to-day, under the American régime, in which the highest type of altruism ever displayed in the world is seen, and under the keenest and most discriminating leadership in nation building the world has ever known, these people are becoming modern, under a discipline that produces fretfulness, and when restraints are removed original customs will be resumed. Modern schoolhouses are being provided for them; they are becoming modern in education, modern in sanitation, modern in sewage, modern in pure water, modern in railroads, modern in roads, modern in the post office and in the postal savings banks and in telephones and telegraphs. As early as in 1907 more than 90 places were connected with Manila by telephone and telegraph. We are modernizing these people at an expense that they fret under a little, but which we believe pays, because it is not wholly for their convenience, but is for the next generation; and this fretfulness suggests to me what will take place when we remove the restraints of the American Government. The result is inevitable and is at once an act of enormity.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. FESS. For a question.

Mr. BARKLEY. Is it not true that many American communities might be found where if some foreign power came in and undertook to improve according to their methods and make the American native pay for it there would be resentment and restlessness?

Mr. FESS. Oh, yes; there are a good many things in our country that we ought not to have here and which we would like to improve.

Mr. BARKLEY. Is that any argument why we ought not to have the right to govern ourselves?

Mr. FESS. It is an argument, yes, because there are certain things existent that you believe we ought to remove. I know the gentleman does, because I know his standards, and the gentleman would not say that because it is a habit of theirs that has grown up in 300 years of a certain form of government that we should not change the habit, even though they do not want it changed.

Mr. BARKLEY. That is an argument against the gentleman's position, that no nation in the world can superimpose its standard of civilization on any other people in an entirely different climate and of an entirely different race.

Mr. FESS. The standard of civilization would be in regard to the form of government, the customs of the people, and so on. We have a right to see that no form of government that is for and by the few as against the many can exist under our rule. I would not say that we should superimpose any form of religion or anything of that kind any more than would the gentleman. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARRETT. Mr. Chairman, on behalf of the gentleman from Virginia [Mr. JONES] I yield seven minutes to the gentleman from Missouri, Judge DICKINSON.

Mr. DICKINSON. Mr. Chairman, 18 years ago the American flag went up in Manila. Eighteen years ago the American flag went up in Cuba, and came down, according to American promise. The Filipino people look to this country to perform its promise made to them that independence should be given them, as it was given to Cuba. Four times in the Democratic platforms in national convention the party to which I belong has pledged itself to give independence to these people, and these people, nearly 10,000,000 in population, look to-day for the fulfillment of that pledge. The Clarke amendment is complained of, which promises independence in four years, and yet in the Senate every Democrat voting on the passage of the bill finally voted for the Clarke amendment in the bill as it came from the Senate to the House, together with a number of Republican Senators—such is the record in the Senate on this bill. It is true some Senators of both parties failed to vote, and such is the record on the passage of every bill. This bill passed the Senate by a vote of more than two to one.

It comes here to-day with the Clarke amendment in it, and the Filipino people ask to-day for the fulfillment of that promise, and have indorsed this bill in its present shape, with the Clarke amendment in it.

On April 20, 1898, the Congress of the United States, by joint resolution, declared—

> That the people of the island of Cuba are, and of right ought to be, free and independent—

And further resolved—

> That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Mark the language of the resolution relating to Cuba—occupation of Cuba merely for the purpose of pacification thereof. Our Republic has been opposed to a colonization policy. You would merely pacify Cuba. You would own and dominate and govern for all time the Philippine Islands, an alien people far remote, more numerous, and more intelligent and far more capable of self-government than the Cubans are.

If selfish business interests were not urging continued and permanent control of the Philippine Islands this bill would pass beyond any question. I will not impugn the motives of any Member here in this House. I know that many of you believe that we should extend our business relations everywhere. I believe in friendly commerce with all people, but I do not believe, with our ideals before us, that we should exploit any nation to the detriment of its people. Continue our control and refuse now to fix the date for independence for these people, and business reasons will grow stronger and stronger until, if they can have their way, those islands and lands will be exploited, and all that is worth anything in those islands will be in the possession and under the control of a foreign people. The aspirations and hopes of those people are the same kind of aspirations and hopes and love for freedom and desire for liberty and for independence that has been the heart throb and in the breast of every people since time began. It was in the breast of a majority of the people in the days of Greece when she was in the ascendency, and when in my youth I read Grecian history, my heart went out to those who begged for equality of opportunity, the same kind of equality of opportunity that you pleaded so strongly for years and was extended to the black people in this country.

I believe that even Mexico long ago would have been a splendid Republic and her people would have had a liberal government had it not been for the domination of foreign power in the past and the control by special interests and of the huge concessions to the few as against the wishes and prosperity of the many. [Applause.] The same heart throbs that have been in the breasts of the Irish people for four centuries against the

domination by England are in the hearts of the Filipino people, who have the same natural desire for liberty and independence and who had been oppressed for four centuries by the cruel rule of Spain. [Applause.]

The Filipinos are not ours to own; their lands are not our possessions for permanent control. Those islands belong to them. The Philippine Islands are entitled to be independent of foreign control, the Filipino people to their freedom from foreign domination.

Nation building comes not from oppression nor by foreign control. Japan has grown great and strong without foreign domination. Let the Filipinos have the same opportunity to rise to high estate, unfettered by repressive influences from abroad. Let us keep our promises so often made by official and public utterances to grant to this people their independence when a stable government was established, now not denied. Why not fix a time for performance on our part? Let us not longer subject ourselves to the criticism of want of good faith in further postponing compliance with our plighted word.

You of the opposition party of all men should not stand in the way of freedom for this people. Freedom for the black race in this country gave birth to your party, and you rose to power and control of this Government by crying aloud against slavery of the black race. I will not unduly attack your motives now. But separate yourselves entirely from selfish interests and those who would exploit those lands and people for selfish purposes and quickly the faith of this Nation will be kept.

The Filipinos are a brave, courageous people, and made good soldiers. Gen. "Chinese" Gordon, as he was called, said of the Philippine troops who formed part of his forces in the Chinese war:

> They are a fine, sturdy body of fellows, faithful and long-suffering, bearing hardships without murmurs; plucky, and never losing heart in defeat, and considerably superior to the Japanese.

It is said that the Philippines are at present the richest undeveloped region in the world. Greedy commercialism seeks to exploit these islands and rob these people of their own blessed heritage. They have earned what they fought for in their struggle for independence.

The large majority of the American people desire that which the Filipinos hope and pray for and demand as their right. Keep the promise made. Will the Republican Party cease to proclaim that it is the champion of human rights and of equal opportunity for all men and people in its desire now to do the bidding of selfish greed, so that a few exploiters may reap great profits at the expense of a people appealing for independence and at the expense of the American people? It has been oft said in this debate that already there has been expended more than $700,000,000 in our control of these islands.

Senator Hoar, of Massachusetts, one of the ablest Senators that ever sat in that great body, an eminent Republican, who opposed the acquisition of the Philippine Islands bitterly and vigorously, declared more than 10 years ago that the United States had expended up to that time the enormous sum of $600,000,000, and we have kept constantly on the islands a standing army of United States soldiers at great expense to our country. Shall this expense continue forever, and shall the hope of these people for independence be destroyed in order that the greed of commercial interests may indefinitely exploit those islands, or shall we fix an early and definite date for their independence, as provided in the Clarke amendment, so earnestly desired by those people?

Does the Republican minority here, representing a great party, that has always claimed to be especial champions of liberty for all people and all classes, and came into power by reason of its advocacy of freedom for the slaves of the South—will it lend its efforts now to defeat this resolution at the instance of special interests, who want to defeat independence for selfish reasons? How any Democrat can join the Republican minority in this effort is passing strange. For the time being he violates the most sacred principles of Democracy, which believes that no people, however enlightened, are good enough to govern another people without their consent.

You say this is mere sentiment and should be set aside for business reasons. In reply I will say that sentiment based upon common honesty between men and nations should rule the world, as against that kind of greed for power and conquest that involves the world in war and misery.

What becomes of our famous Monroe doctrine, whereby we seek to prevent the acquisition of additional territory on this continent by foreign nations, and yet we seek to retain possessions in the far-away Orient, in another hemisphere, against the protest of those people.

I have hoped this resolution would pass as it came from the Senate, and thus evidence to the world that love of liberty and justice was stronger with us than selfish greed, and that the exploitation of a helpless people by force would not be laid at our door by other nations, who are controlled by the doctrine of force and the hunger for other possessions.

The people of this country will draw the distinction sharply between the Democratic Party, standing for human rights everywhere, as against any party controlled by special interests; between the party that openly declares with honest purpose its intention to keep its plighted faith and promise for independence of these people as against the party that seeks to postpone indefinitely, for so-called business reasons, the time when the ambitions of these people may be realized, under the claim that the Filipinos are not yet capable of self-government.

If we should hold on to these lands, what a mistake we made when we failed to acquire permanently the island of Cuba, so near to our shores and so close to the Panama Canal, which we must and will protect. Much more logical to have sought permanent domination over Cuba, title to which we could have acquired and held, with better purpose than to have purchased from Spain title to her possessions in the Philippines for $20,000,000, which she owed Cuba and could not pay and which we assumed and paid in exchange for a title in the Philippines, which she could no longer defend.

The Filipinos had about won their fight against Spain. It was assured when Admiral Dewey sailed into Manila Bay and destroyed the Spanish Fleet. It was the end of Spanish power in those islands. The Filipinos would soon have acquired that title by force of arms in their fight for freedom and independence against Spanish thralldom that had lasted for centuries. The twenty millions paid by the United States for Spain's title to her possessions in those islands was a mere gratuity to Spain, and we have taken the place of Spain and continue to our detriment to hold those islands and people as our possessions on the idea that they are not capable of self-government, when all high authorities familiar with both people admit they are far more intelligent and capable than the Cubans are.

What the American people desire, what the Filipinos by one voice ask for, what Francis Burton Harrison, Governor General of the Philippines, and President Woodrow Wilson both urge, should be done. What has been done by the American Senate by a vote of more than two to one should be done now by this House.

Far better take all the West Indies and round off our territory, as advocated by Thomas Jefferson; far better take Mexico and Central America, lying adjacent and south of us, and extend our dominion to the Panama Canal for the benefit of stable government in those countries and for business and other reasons, than to exploit under claims of right the Philippine Islands, in the far-away Orient, 8,000 miles away from our shores. We have more business interests in nearby Mexico, crying out for protection, than in the Philippines, and we are not seeking to extend our dominion over the countries south of us.

Let us be consistent. Let us be honest in purpose and keep faith with the American doctrine against the holding of colonies by this Republic. We have not held to the idea of acquiring additional territory without the ultimate purpose of granting statehood to the people thereof. Nobody expects or desires that the Philippine Islands shall ever become States of this Republic. Let us stay with our ideals. Let foreign nations hold to their ancient views of colonial possessions. They will break down in time and lose their colonies, as imperial governments in all the past have done. Such was the history of Greece and Rome. Such was the history of Spain. Lift the veil of the future, and such will be the fate of Great Britain and of Germany or any other imperial government that seeks to perpetuate its life by the domination of foreign lands and alien people. Let us not follow in the paths of those imperial governments, that in their eager desire to extend their power over foreign lands have destroyed not only the liberty of alien people but have brought ultimate injury and permanent loss to their own country. Let us not by any act of ours withhold independence from any friendly and foreign people on earth.

Let not human liberty and the spirit of independence be crushed or destroyed by the acts of this, the greatest of all Republics, but let the beacon light of a liberty-loving people blaze out so it can be seen as a living example to all the world, so that the people of every clime and country may look with admiration upon and behold with glad eyes the Republic of the United States standing as a strong man, with honest purpose, battling for the right and for justice and for liberty and for independence and the right of each distinct people to control their own affairs and to govern themselves. Stand for this high purpose and the Statue of Liberty, erected at the entrance to New York Harbor, crowned with a beacon light of liberty and bidding all to look and come to a country loving and standing

for freedom and independence. Stand for these things and that great statue, with its beacon light of liberty enlightening the world, will not have been raised in vain.

Mr. GARRETT. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, the campaign that will be conducted this fall is going to be quite different from that of any campaign conducted in recent years. The American people are going to hold their public servants to strict account, and they are going to inquire just what their position is and has been upon issues that vitally affect the well-being of this Republic. They are going to want to know have you voted to remove dangers that threaten international complications and war, or have you voted for policies that sow dragon's teeth in the path of the Republic. To-day you have the opportunity to render signal service to this Nation. Are you for America and her highest and best interest or are you on the side of Shylock and his Phillippine bonds? Choose ye this day whom you will serve. [Applause.] The Philippine Islands is our danger point. It hangs like a millstone about the neck of the Nation, and it means trouble and war some day for our people.

Whenever we think of a future foreign war in which we might be engaged we think of the Philippine Islands, and we say if we ever have war with any foreign power it will be caused by our occupancy of the Philippine Islands. It was a mistake to take the Philippine Islands in the first place, and now, since we realize that, our holding on to something that we ought not to have is a menace and a danger to our peace and happiness, it is right and the part of wisdom to do as we did in Cuba, give freedom to the Filipinos and withdraw from the field of conquest and imperialism. [Applause.] Do you believe that the patriots of America want you to vote against fixing a time when we can be rid of the dangers that threaten us on account of the Philippine Islands, 8,000 miles away? In spite of the fact that the Filipino 18 years ago was as well qualified for self-government as the Cuban, we have expended over there $900,000,000. That is money enough to build a wide road, a boulevard, across the Republic from east to west and another from the northern boundary line to the southern, and pay for our river and harbor appropriations for this Congress, and pay for carrying out our preparedness program for both the Army and the Navy, and then have money left. [Applause.] Every intelligent man admits that our occupancy of the Philippine Islands is the thing that invites attack and that it is the thing that annoys and worries our people, who are not willing to spend American money and sacrifice American lives to hold something that we do not need and should not have. But gentlemen on that side talk about not taking down the flag when once we have planted it on foreign soil. God grant that we may never lack for courage and patriotism to take it down if it be the righteous and honorable thing to do. [Applause.] No right-thinking, patriotic American is willing to commit us to the unpatriotic and un-American policy of remaining in the Philippine Islands when to do so may involve us in a foreign war at any time. Our occupancy of the islands is a source of annoyance and embarrassment to the President now. These are critical times. We are told that if we should be drawn into war with any foreign power that Japan would engage us in an effort to take the Philippine Islands; that Japan says, "the Filipino is a yellow race, as we are, and the Philippines is a tropical country, the home of the dark and the yellow race," and we know that climatic conditions are such that the white man can not live there any great length of time and retain his health. Diseases common to that country and climate have carried hundreds of our soldiers into insane asylums and to untimely graves. The great God of Nature and of the eternal fitness of things is showing us by these unmistakable signs that the Philippines is not a white man's country.

Mr. Chairman, what an opportunity is ours to-day. When the armies of kings and emperors are fighting to the death in the Old World, here is an opportunity for the head servant in the household of nations in the New World to remove the only danger that threatens her peace, prosperity, and happiness, and at the same time give freedom to the Filipino and bring into existence the Philippine republic. [Applause.] The percentage of illiteracy in the Philippine Islands is less than that of the Republic of Chile; less than that of Brazil. The chief justice of the Supreme Court of the Philippine Islands is a Filipino, and hundreds of Filipinos who hold office in the Philippine Islands got their places through the civil service. There are 500,000 Filipino children in the schools, and yet you talk about the people there not being capable of self-government. I am in favor of giving them their freedom, of coming out of the Philippine Islands and staying out. The immortal founders of this Government never intended that it should be so perverted from the ends of its institution as to fasten it on to a policy that would jeopardize its best interest and endanger the Republic. [Applause.] We can not defend the Monroe doctrine and say to foreign countries, "You shall not acquire territory and set up your authority on this continent" and at the same time go 8,000 miles into the Pacific Ocean, acquire territory, and set up American authority in the Philippine Islands.

Mr. Chairman, we have come to the parting of the ways. We must decide whether we will give the Filipinos their independence and withdraw from the islands and stand by the Monroe doctrine and keep foreign powers out of territory on this continent or abandon the Monroe doctrine and by doing so tear down the mightiest bulwark of our liberties, and for the privilege of acquiring and holding territory abroad barter to foreign powers the privilege of acquiring and holding territory adjacent to us. This is the mighty problem involved in the proceedings here to-day. [Applause.]

But some gentlemen take the position that some Americans own Philippine bonds and others say that some of their constituents have invested money in the Philippine Islands.

I do not want to see any American lose a dollar on the Philippine bonds and I do not want to see any citizen of this country lose his investments in the Philippine Islands, but I am not willing, on account of a few men who went on their own accord and made these investments, to fasten upon a hundred millions of American people the colonial policy back of these gentlemen who oppose this measure to-day. In the four years between now and the time for granting independence to the Filipinos arrangements can be made about the bonds and Americans desiring to do so can arrange to leave the islands or stay, as they choose. I for one am for doing the wisest and best thing for the American people.

I am willing for the American boy to fight and, if need be, to die in protecting that flag and in defense of our country, but I am not willing to see a single American soldier sacrificed upon the unholy altar of the Philippine policy that un-American interests are calling for here to-day. [Applause.] The Democratic platform has declared time and again for the independence of the islands.

Speaking of these Americans who own Philippine bonds. Do you know what happened when the bonds were sold? The act of Congress required that they should not sell them under par, but they did it, anyhow. Did you know that they asked Mr. Taft and Mr. Root to guarantee those bonds and that both of them refused? Did you know that Mr. Taft and Admiral Dewey both said that the Filipinos were as well prepared for self-government as the Cubans? And you do know that we gave freedom to the Cubans and, strange to say, refused to give it to the Filipinos. Mr. Chairman, 18 years have gone; $900,000,000 have been expended; our soldiers are still on guard in the islands; and under our watchful care the Filipino is far better prepared for self-government than when Mr. Taft said that he was more capable of self-government than the Cuban. But Americans who have money invested in the islands and those who own Philippine bonds inspire more enthusiasm among Republicans than does giving liberty to the Filipino and providing for the safety and well-being of the Republic. You Republicans make speeches on that side and talk about Lincoln whenever you want to put over a deal for sinister interests. If Lincoln lived to-day he would certainly be for the freedom of the Philippine Islands. [Applause.] He believed in putting the man above the dollar, and you Republicans are voting to-day to put the dollar above human liberty and above the best interest of your own country.

You are voting against America's best interest and in the interest of Philippine bondholders, and I predict that for every Democrat that we lose to-day we will gain one in place of a Republican in the election this fall. Mark that prediction. Nine hundred million dollars have gone; $40,000,000 of American money a year spent in the Philippine Islands. Do you believe that the American people are willing to be taxed $40,000,000 a year in order to protect and safeguard $17,000,000 worth of Filipino railroad bonds?

I predict that in the next Congress we will have Democrats enough here from the great West and Northwest to register the judgment of the people on this question. [Laughter and applause.] "Who laughs last laughs best." Our time to laugh will come in November, when the voice of the people will be heard above that of the bondholders of the Philippine Islands. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. If all the predictions that you have made in the last three or four months come true, do you think we will have as many as two Members on this side of the House next fall?

Mr. HEFLIN. Well, if we do reduce the number to two Republicans, I shall be delighted to see my good friend here as one of them. [Applause.]

Mr. GARRETT. How much time is there remaining?

The CHAIRMAN. The gentleman from Tennessee has consumed 2 hours and 5 minutes and the gentleman from Iowa 2 hours and 13 minutes.

Mr. GARRETT. I do not desire to use time now.

Mr. TOWNER. Mr. Chairman, I yield 30 minutes to the gentleman from Tennessee [Mr. AUSTIN]

Mr. AUSTIN. Mr. Chairman, 18 years ago to-day our great hero, Admiral Dewey, made history for the Republic. His victory in the harbor of Manila made us a world power. Congress is going to make history again on the 1st day of May for the United States. We are going to make it by the solid votes of the Republican Members and 30 splendid, red-blooded, American Democrats on the other side of the House. [Applause on the Republican side.] We are going to have a patriotic union here to defeat a bill the title of which should be changed to that of "the scuttle bill" [applause], a measure to present to Japan, our commercial and naval rival in the Pacific, an empire in the Orient, with a population of 8,000,000, and in extent as large as all New England and the Empire State (New York) combined, or larger than Italy, and nearly as large as England, Scotland, Ireland, and Wales. We have been denouncing in the public press and in speeches the violation of the treaty guaranteeing the neutrality of Belgium, but this movement here to-day on the part of the administration is to make absolutely worthless a sacred and binding treaty we negotiated with the Government of Spain.

We promised under the terms of that treaty we would guarantee religious freedom in the Philippine Islands and the protection of the property of the Spanish subjects in the islands.

Mr. GORDON. Mr. Chairman, will the gentleman yield at this point?

Mr. AUSTIN. No.

The CHAIRMAN. The gentleman declines to yield.

Mr. GORDON. I would like to have you tell us how we violate that treaty?

Mr. AUSTIN. We promised under the terms of that treaty we would guarantee religious freedom in the Philippine Islands and the protection of the property of the Spanish subjects in the islands.

It is a treaty binding upon the honor and the conscience of honest people and upon an honest Government.

"You are attempting to transfer a treaty obligation to a new government, a native government, and yet you dare not guarantee the integrity of the proposed government, although you promised to do so four times in your party platform. Many Members wish to turn these islands adrift because they are afraid. I would rather be dead than a coward. [Applause.] And the nation too cowardly to stand up for its rights, for its people, and its honestly acquired territory is not worth fighting for, living for, or dying for. [Applause.]

The following Democrats voted against the Clarke amendment in the Senate: Messrs. HITCHCOCK, LEE, LEWIS, MYERS, O'GORMAN, PHELAN, POMERENE, RANSDELL, REED, SAULSBURY, and WALSH. [Applause on the Republican side.]

President Taft, the first Governor General of the Philippine Islands; Gov. Gen. W. Cameron Forbes, of Massachusetts; and Gov. Gen. Luke E. Wright, of Tennessee, all assure us the Filipinos are not ready for self-government and that this bill should be defeated. Gen. Luke Wright is a citizen of the State I represent in part. He is as high a type of an American citizen as can be found in any State of the Union, while President Taft and Gov. Forbes also enjoy the respect and confidence of the American people. Prof. Thomas L. Blayney, of Houston, Tex., spent some time visiting the islands last year, and he corroborates the statements of the gentlemen I have mentioned, who presided over the Philippine government for a number of years with credit and honor. I challenge any Member of the Texas delegation to say that Prof. Blayney is not worthy of belief. We have a reliable Democratic witness from Florida in the person of Judge Arthur F. Odlin, of Arcadia, who served on the bench in the Philippine Islands. In a recent letter published in the New York Times he states the Filipinos are not prepared to conduct stable government. Our colleague, Mr. CLARK, tells me Judge Odlin stands high in Florida. President Wilson, the highest Democratic authority, has this to say about the Clarke amendment:

It is my judgment that the action embodied in the Clarke amendment in the bill, extending further self-government to the Philippines, is unwise at this time.

Are you going to attempt to commit the Democratic Party to legislation when the head of that organization, over his own signature, stated it was "unwise at this time"?

Mr. GALLAGHER. What document is that, I will ask the gentleman?

Mr. AUSTIN. It is an extract from a letter, written by President Wilson to his late Secretary of War, Mr. Garrison.

Mr. GALLAGHER. When was it written?

Mr. AUSTIN. On February 10, 1916. In that correspondence Secretary Garrison stated:

I consider the principle embodied in the Clarke amendment an abandonment of the duty of this Nation and a breach of trust toward the Filipinos; so believing, I can not accept it or acquiesce in its acceptance.

In addition to the views of the distinguished Republicans and Democrats I have quoted, it would not be out of order to state that the Republican and Democratic Parties in the Philippine Islands, composed exclusively of Americans, in convention assembled to send delegates to the Republican and Democratic national conventions next month, have passed resolutions condemning the pending bill, and protesting against its passage. The Merchants' Association of Manila, composed of American merchants and business men, and being the strongest organization of the kind in the Orient, has sent a vigorous protest to Congress against the Clarke amendment.

The American Cotton Manufacturers' Association, in its recent convention in the city of Atlanta, passed a resolution against this iniquitous bill and its members followed up that action by signing and transmitting to Congress a petition of protest bearing the names of the leading cotton manufacturers of the Southern States.

My good friend Mr. HEFLIN, of Alabama, says we are spending $40,000,000 a year there. The fact is, the islands are now practically self-sustaining. The gentleman from Alabama only missed it by about $35,000,000. The expense to our Government at this time is almost entirely in transporting the Army to and from the Philippine Islands.

Mr. HEFLIN. Mr. Chairman, will the gentleman yield there?

Mr. AUSTIN. Yes.

Mr. HEFLIN. How much is the cost?

Mr. AUSTIN. The testimony as shown in the discussion in the Senate on this bill is that the annual cost is from six and one-half to seven million dollars. If we take the Army out of the islands and turn all military work over to the native constabulary and scouts, we can maintain law and order and save this expense. But we have been keeping our Army over there not only to preserve order in the Philippine Islands, but to care for our interests in China and keep a watchful eye on Japan. [Applause.] If the Philippine people are prepared at this time to run an orderly, safe, and stable government, why doesn't President Wilson withdraw the Army now and use it in Mexico?

Now, let us see about some other matters. There are about 7,000 Americans in the Philippine Islands, hundreds of whom went there as soldiers, many of them from my own State. They fought to maintain our sovereignty and to plant our flag over the historic walls of Manila. The Supreme Court of the United States has decided that the Philippine Islands are American territory. So these Americans went there in good faith, 18 years ago, and built or purchased new homes and became interested in various business enterprises. They established wholesale and retail houses, opened mines and lumber camps, constructed mills and factories. Members of this House almost weep and cry over the Filipinos, but forget all about their own kith and kin, fellow Americans, in the Philippine Islands.

They would withdraw the Army and Navy; they would turn over the lives and property to the care and keeping of the natives without a pang and without hesitation. They would take the chances of giving the world another Mexico, Haiti, or San Domingo.

If the Members of this House could go there and meet those splendid Americans, they would be proud of them. They are longingly looking to Washington City for friendship, for protection, for justice from a country they have served in peace and in war. They have carried $150,000,000 there under an invitation of our Government and invested it and made these islands the marvel and the admiration of the world.

Their money, talent, energy, pluck, and courage have wrought wonders in the far-off Orient—higher wages, increased trade and commerce, countless blessings and opportunity, prosperity, progress, education, and happiness for the Filipinos.

American capital was used to build sewers and waterworks, to drive out Asiatic cholera and the plague, to give the natives health and strength. And now that these honest, courageous, and patriotic Americans, with their hard-earned American dollars, have gone there to build up, improve, and develop the islands;

to bring to the natives health and modern sanitary conditions; to construct railroads and public utilities, you say, "Oh, let the bondholders go." Yet these very bonds were sold to men, women, and children in the United States. What will you do with the Tennessee soldier who went over as a member of the First Tennessee Regiment, which immortalized itself under the flag, who now has his little boot and shoe store in Manila? What will you do with Judge Ingersoll, from my State, who has his last dollar invested in a mining proposition? What will you do with the southern man from Georgia who has his every cent invested in a lumber enterprise? What will become of the other Americans, hailing from every State in the Union? Will you create another Mexico for them? Oh, no, my countrymen. Is there no sentiment, is there no sense of justice in the hearts of the Members of this House, that we can forget and desert our good, true, and tried Americans in the far Orient?

Mr. Chairman, I would feel disgraced, dishonored, to cast adrift the 7,000 Americans in the Philippines. If we do it, we will regret it the rest of our lives. Our children will blush for us long after we are gone. Are we wholly indifferent to the welfare, safety, and happiness of our fellow Americans in the Philippine Islands?

Something has been said about trade. When the Philippine Islands were under the Spanish Government we exported to the islands 8 per cent of all their imports. Just prior to the European war we exported to them 51 per cent of all they bought. Under the Spanish Government we sold American goods to the value of $120,000. In 1914 we sold them $27,000,000. We sold to them under the Spanish Government $325 worth of American cotton goods. Last year we sold them $6,900,000, very largely from the cotton mills of the South. Practically one-sixth of all the cotton goods exported from America to-day are sold in the Philippine Islands—five times more than we sell annually to the 400,000,000 people of China. We sold to our insular possessions—Porto Rico, the Philippine Islands, and the Hawaiian Islands—$7,500,000 under foreign flags. We sold $85,000,000 under the American flag in 1914. [Applause.]

Our sales in the Philippines for 1914 exceeded our exports to China for the same period, and was equal to half of the amount we disposed of in Japan and greater by $2,000,000 than the amount we shipped to all of the following countries in South America during 1914: Venezuela, Peru, Colombia, Uruguay, Bolivia, and Paraguay. Our trade in Chile and Peru combined fell a million and a half dollars behind the Philippine orders in 1914. Comparing our trade in the islands with some of our exports to European markets, we have the following: Our Philippine trade in 1914 exceeded by $3,000,000 all we sold to Greece, Portugal, Switzerland, and Turkey in Europe, and fell short only $3,000,000 in equaling our exports to Russia.

Raise the American flag, give Congress the right to pass trade and tariff laws, and we will increase our trade, which means work in the workshops, in the mills, and in the factories to the great army of deserving American wage earners. Are we going to abandon the Orient, when Manila can be America's Hongkong for the awakening trade of more than half the population of the entire world? The Philippine Islands are the richest, most fertile undeveloped islands in the world, and in a short time under our flag we can increase our trade there $200,000,000 a year. No, my countrymen. Let us go forward and not backward. Let us go on and not retreat. Let it never be written in the annals of American history that we are too cowardly to stand for our flag and to defend our possessions. [Applause.]

The chairman of the committee, Mr. JONES, says they are going to make some provision for the bondholders. What are you going to do about the merchants, the manufacturers, mine operators, and so forth? What are you going to do about the lawyers and professional men in Manila and elsewhere? What are you going to do with the Americans engaged in the wholesale and retail jobbing business? What are you going to do with the American business men in the hemp, coconut, and sugar industries, in the lumber and mining business? Are you going to single out the bankers and guarantee them against loss? Yet you forget the plain man, you forget the Spanish-American soldier, who has made Manila his home for the past 18 years. Where is his guaranty; his security? What would the guaranty given to the bondholder amount to, executed by a native government, where more than 80 per cent of the adults can neither read nor write, with a population of 8,000,000, of 800,000 non-Christian tribes, speaking 15 or 20 dialects, and with a total government income of less than $15,000,000, not enough to purchase a modern battleship. Such a guaranty would not be worth the paper it was written upon. It would be a gold-brick proposition, pure and simple. What else? Here is the only country in the Orient with a Christian religion. What is going to become of it if turned adrift? If this bill becomes a law, Japan will, in a short time, own these islands. Here is a San Francisco paper, with interviews with returning Americans, who tell how Japanese are buying up the public utilities, sugar lands, and so forth, and getting ready to take these islands over. Are you going to turn adrift, abandon the American missionaries with their churches, schools, and hospitals? Every one of them has appealed to Congress not to do this foolish thing. Catholics, Baptists, Presbyterians, Methodists, Episcopalians, all sects enter their protests against this unwise legislation.

I know there has been some criticism of certain Democratic Members of Congress because they oppose this bill. I have criticized Tammany myself as a partisan Republican, but I say all honor to the representatives of Tammany Hall and their Democratic colleagues who have the courage to stand up in a Democratic Congress and fight for America. [Applause.]

I send to the Clerk's desk an article from a Manila paper containing an interview with one of the Filipino graduates from the University of the Philippines. I know the native public officeholders and native editors and politicians in the Philippine Islands are for this Clarke amendment. But you finish the educational training of the Filipino until he becomes a voter, and he would rather taken poison than have the United States withdraw its Army and Navy.

The Clerk read as follows:

The feet of the young men are leading them toward political office nowadays. A number of them are contestants in the race for membership of the municipal board, under the new city charter, and among these is Bienvenido A. Tan, a graduate of the University of the Philippines. He was interviewed by the Free Press as to his platform, and we make no apology for reproducing certain passages from the statement which he furnished. Said this young man:

"I have observed that most of the people do not understand the real situation in regard to the Jones bill. The politicians of the 'old school' tell the people, either intentionally or from ignorance, only about the advantages to be gotten from the Jones bill, but not the responsibilities that go with it. They tell the people that with the Jones bill we shall be a free people, have less taxation, and no worry about anything. Some of the people believe that with independence taxes will be abolished. This is the opinion I heard among representative people in my own Province. I explained to them that just the contrary will happen—that taxes will be doubled, for the expenses then will be greater.

"Most of the leading Filipino leaders do not understand the real truth; if they do, they are careful not to tell the people about it. * * *

"* * * I am not opposed to independence, but I do not want the premature independence promised now. I believe in stable, real independence; not the independence of one or two years, but a permanent independence based on economic independence. When I believe my country is ready, I shall be the first man to cry for independence. When the country is ready, I believe independence will fall like ripe fruit—you won't need to ask for it. To-day were a vote taken among the young men of the Manila High School on the Jones bill, I believe 90 per cent of them would vote against it. And they are just as good patriots as Osmena and Quezon and Palma or anybody else." (Manila Free Press.)

Mr. AUSTIN. In conclusion, I challenge any man on that side of the House to name a single Democratic daily paper in the United States which has indorsed the Clarke amendment. From one end of this land to the other the daily press of this country, Republican, Independent, and Democratic, are opposed to that amendment. There are no editorials stronger against this "scuttle bill" than those contained in the New York World, an administration paper, and the strongest was published in that paper to-day. Public sentiment is against this unpatriotic measure. If this question could be submitted to a vote of the Democratic Party, that party would decide against it at the November election. It is not the pledge guaranteed in the Democratic national platform. You promised protection and that you would guarantee their independence until a neutrality treaty could be made. If you cut them adrift, if you scuttle them, if you withdraw the strong protecting arm of the American Army and Navy, if you lower our flag, you could not do a greater wrong or perpetrate a more lasting disaster upon the Filipino people than by the passage of the pending bill. [Applause.]

Grover Cleveland lowered our flag and deserted Americans in the Hawaiian Islands, and for the offense was punished at the first election. A similar political fate awaits Woodrow Wilson if he repeats the performance in the Philippine Islands.

I am a southern man. I have been in the Philippine Islands, and I say, without reflecting upon the Philippine people, who deserve credit and have made wonderful progress, that the American colored man is better qualified and better equipped for self-government to-day than are the Philippine people. And yet the men on the floor of this House who are advocating the so-called independence of the Filipinos, putting them over the Americans in the islands, would not dare vote to give the colored people in many of the Southern States the right of franchise.

Mr. BARKLEY. Will the gentleman yield there?

Mr. AUSTIN. Yes.

Mr. BARKLEY. Does the gentleman mean to convey the impression that he will never vote to grant independence to the Filipinos, or that he does not desire that result?

Mr. AUSTIN. I am too good an American to see the flag of my country lowered in a land that we purchased with American money and the blood of American soldiers. If you will educate these people, they will know the value of being protected by a strong Government like our own, and the very fact that they want to turn themselves adrift is the best evidence that they are not prepared for self-government. Besides, there is always ample independence, liberty, and justice beneath our flag and on our territory.

Mr. BARKLEY. Then the gentleman is not in favor of granting independence to Cuba, because it was purchased by American blood?

Mr. AUSTIN. We made a great mistake when we failed to hold Cuba. We have been sending our Army to Cuba to restore order, at our own expense, since she set up a government of her own. The United States ought to have Cuba and Mexico and on down to the Panama Canal. [Applause.]

Mr. HILL. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. HILL. Does not the bill give the Filipinos every right and privilege that Canada now enjoys?

Mr. AUSTIN. As much liberty and freedom and as much government as the British give to Canada, as the United States has given to any American territory, and far more than the people of Washington City and the District of Columbia enjoy. [Applause.]

Mr. JONES. Mr. Chairman, I yield 30 minutes to the gentleman from the Philippine Islands [Mr. QUEZON].

[Mr. QUEZON addressed the committee. See Appendix.]

Mr. GARRETT. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

The CHAIRMAN. The gentleman from Tennessee yields five minutes to the gentleman from Oklahoma.

Mr. FERRIS. Mr. Chairman, it is almost trite that one who knows so little of the Philippine Islands should speak immediately after the Resident Commissioner of the islands, Mr. QUEZON, who knows so much of his own people and his own land and is so capable of presenting it here. [Applause.] If any doubt had ever lurked in my mind regarding our duty of granting independence to the Philippines, the speech of the Resident Commissioner, just delivered, has forever dissipated it. [Applause.] Each time as interruptions by the different Members were made, I almost held my breath to know if the Resident Commissioner would be able to so acquit himself that his speech and his conduct would commend both him and his people to us on this most important day; but as the replies fell from his lips I found him thoughtful, careful, and painstaking in diplomacy, capable, able, fearless, and courageous. I can not but pause and wonder if the speech of the gentleman just concluded does not for the moment break through the barriers of partisanship and tug at the heartstrings of the Republican Party, which is to-day, in unison and accord, standing in the pathway as an obstruction to Philippine independence, the thing these people most desire. [Applause on the Democratic side.]

Ten million Filipino people, 10,000 miles away, occupying 3,000 islands of the sea, are through their accredited representatives in Congress this day asking for independence. I am proud of my party to-day as I have never been before, that it is striving to give them their one wish—that of independence.

It was 18 years ago to-day when Admiral Dewey triumphantly entered Manila Bay and forever banished Spanish rule from the Philippine Islands. It was a glorious victory then for our Navy, it was even a greater victory for the Philippines; and my only hope is that those two righteous victories may this day ripen into a more genuine one, that of liberty and freedom and home rule for these people. [Applause on the Democratic side.] Our Government then, and at every intervening moment since then, has been well meaning and helpful to the Filipino people; but as every utterance and every brief and every understanding, both express and implied, has been toward the ultimate independence of the Philippine Islands, the time is now upon us to take a firm and positive stand and to actually fix the day at which our withdrawal may be expected and actually had. The great political party of which I am an humble member has not during the 18 years of Philippine occupancy been silent on this great question. The last four national conventions, beginning with 1900, again in 1904, again in 1908, and again in 1912, all promised plainly, emphatically, and without equivocation their intention to ultimately withdraw and deliver full independence to the Philippine Islands. Their several provisions dealing with this subject are as follows:

DEMOCRATIC PLATFORM—1900.

We condemn and denounce the Philippine policy of the present administration. It has involved the Republic in unnecessary war, sacrificed the lives of many of our noblest sons, and placed the United States, previously known and applauded throughout the world as the champion of freedom, in the false and un-American position of crushing with military force the efforts of our former allies to achieve liberty and self-government. The Filipinos can not be citizens without endangering our civilization; they can not be subjects without imperiling our form of government; and as we are not willing to surrender our civilization nor to convert the Republic into an empire, we favor an immediate declaration of the Nation's purpose to give the Filipinos, first, a stable form of government; second, independence; and, third, protection from outside interference, such as has been given for nearly a century to the Republics of Central and South America.

The greedy commercialism which dictated the Philippine policy of the Republican administration attempts to justify it with the plea that it will pay, but even this sordid and unworthy plea fails when brought to the test of facts. The war of criminal aggression against the Filipinos, entailing an annual expense of many millions, has already cost more than any possible profit that could accrue from the entire Philippine trade for years to come. Furthermore, when trade is extended at the expense of liberty, the price is always too high.

DEMOCRATIC PLATFORM—1904.

We insist that we ought to do for the Filipinos what we have done already for the Cubans, and it is our duty to make that promise now and upon suitable guarantees of protection to citizens of our own and other countries resident there at the time of our withdrawal, set the Filipino people upon their feet, free and independent, to work out their own destiny.

The endeavor of the Secretary of War, by pledging the Government's indorsement for "promoters" in the Philippine Islands, to make the United States a partner in speculative legislation of the Archipelago, which was only temporarily held up by the opposition of the Democratic Senators in the last session will, if successful lead to entanglements from which it will be difficult to escape.

DEMOCRATIC PLATFORM—1908.

We condemn the experiment in imperialism as an inexcusable blunder which has involved us in enormous expenses, brought us weakness instead of strength, and laid our Nation open to the charge of abandoning a fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers. In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases.

DEMOCRATIC PLATFORM—1912.

We reaffirm the position thrice announced by the Democracy in national convention assembled against a policy of imperialism and colonial exploitation in the Philippines or elsewhere. We condemn the experiment in imperialism as an inexcusable blunder, which has involved us in enormous expenses, brought us weakness instead of strength, and laid our Nation open to the charge of abandonment of the fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers.

In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases.

So far as I may speak for myself, so far as I am permitted to speak for my district, in the limited way that I may speak for my party, I hope on this eighteenth anniversary we will proceed to do the actual thing in office that we have promised to do while securing office. No member of the Democratic Party at all mindful of his platform pledge can read or hear read the planks in the platforms just presented without feeling and knowing and understanding that his full duty is to-day to vote for the Philippine independence bill and do it without equivocation, mental reservation, or purposes of evasion.

Every member of the Republican Party who has spoken on this subject to-day is opposed to even naming a day in the future at which they would promise to have our Government withdraw and grant independence to these people. Nearly, if not quite, all of the speakers on the Republican side have been interrogated on the subject, and each and every one of them has refused to name a day, however distant that may be. Can the Republican Party longer travel in the realm of hyprocrisy and assert that they are or ever will be for Philippine independence? Can the remnant of the Republican Party, that have in Illinois descended from Lincoln to Lorimer, in Ohio from McKinley to Taft, and who are still on the toboggan, longer even feign friendship for these people or hold out any hope looking toward the independence of a people who, first, have been promised it; second, are asking for it; and, third, who prize it as their one hope and desire?

We are told around the cloakrooms and corridors that some 28 or 30 Tammany Hall Democrats from New York will to-day join hands with the Republican Party and defeat the Philippine independence bill. I hope this may not be true; but if the Philippine independence bill must die this day, let it be well known and

well understood that it was the combination and coalition of a solid Republican Party plus Tammany of which it was born.

Vague charges have been made that the pending bill does not protect capital invested in the islands. On this I enter an emphatic denial of fact; but if it were a fact, I shall not allow the greed of the dollar mark to interfere with or interrupt my efforts and the efforts of my party toward doing full-handed justice and granting full independence to a people whose one wish by day and by night is liberty, freedom, independence, and life. [Applause on the Democratic side.]

The opponents of the bill—and I may add, with one exception, in the debate to-day, have all appeared from the Republican side of the Chamber—are saying that they are for independence and freedom for the Philippines "as soon as they are fit for it." This answer was the answer of King George to the American colonists in 1776 when they craved more liberty than they were allowed, when they asked more than they received. Such an answer is the answer that every monarch in power has made since time began to those without power. It shall not be my answer, nor the answer of my party on the eighteenth anniversary of the freedom of the islands from Spanish rule. To make such an answer as the opponents of Philippine independence make here to-day is a hollow mockery and a sham, is an insult to intelligence, is unworthy to be made in behalf of any great political party. To make such an answer is but to blight the glory of a Republic by resorting to stock phrases and practices of monarchies long since banished and destroyed.

We are told that a remnant of the party of Jefferson will to-day join the solid phalanx of the Republican Party and aid in the blasting of promises made and further break faith with a people unable to enforce justice at our hands, but I hope it is not true. We are told that certain of our party will turn deaf ears to the teachings of Jefferson and Lincoln and go groping with strange gods on strange missions in strange lands, but I am hoping that the Democratic Party will to-day on this occasion suffer no such disaster.

We are told by the opponents of Philippine independence from that side of the Chamber "that we shall not haul down the American flag." This is another stock phrase of standpatism borrowed from the monarchs of old and conceived by them, and intended to convey an idea of cowardice, lack of patriotism, or retrenchment from the position of a brave, courageous Republic. I resent such imputations and assert them to be as untrue as they are unfounded, that the Democratic Party or any part of it is lacking in patriotism, courage, bravery, or admiration of the American flag. To lower the flag in cases like this is in the interest of liberty, of justice, of freedom, and of generosity is as honorable as it is courageous. To leave aloft the flag in a foreign land 10,000 miles from the seat of this Government, 7,000 miles from our nearest seaport, to rule over a people unwilling to be governed by us, means imperialism and unwelcome aggression that ought to be unknown and unheard of in a Republic like ours. To allow the flag to remain up longer, after 18 years of earnest, solemn promises that we would withdraw is but the submarining of a Republic, the debauchment of our Constitution, and the derailment of earnest and honest intentions to fulfill every requirement of a republic. You opponents of the bill on the Republican side of the Chamber say, "It shall not be, it will not be; we will not haul down the flag." I answer you that we did haul down the flag in Cuba, and ask is there this day friend or foe who will gainsay the righteousness of our act in so doing?

I present here five brief letters between this Government and Cuba at the time we last "hauled down the flag":

FROM PRESIDENT ROOSEVELT TO PRESIDENT PALMA.

WHITE HOUSE,
Washington, D. C., May 20, 1902.

To the PRESIDENT AND CONGRESS OF THE REPUBLIC OF CUBA.

SIRS: On the 20th of this month the military governor of Cuba will, by my direction, transfer to you the control and government of the island of Cuba, to be thenceforth exercised under the provisions of the constitution adopted by your constitutional convention as on that day promulgated; and he will thereupon declare the occupation of Cuba by the United States to be at an end.

At the same time I desire to express to you the sincere friendship and good wishes of the United States and our most earnest hopes for the stability and success of your Government, for the blessings of peace, justice, prosperity, and ordered freedom among your people, and for enduring friendship between the Republic of the United States and the Republic of Cuba.

THEODORE ROOSEVELT,
President of the United States.

ACCEPTANCE OF THE GOVERNMENT BY PRESIDENT PALMA.

HABANA, *May 20, 1902.*

Hon. Gen. LEONARD WOOD.

SIR: As President of the Republic of Cuba, I hereby receive the government of the island of Cuba, which you transfer to me in compliance with orders communicated to you by the President of the United States, and take note that by this act the military occupation of Cuba ceases.

I take this solemn occasion, which marks the fulfillment of the honored promise of the Government and people of the United States in regard to the island of Cuba, and in which our country is made a ruling nation, to express to you, the worthy representative of that grand people, the immense gratitude which the people of Cuba feel toward the American Nation, toward its illustrious President, Theodore Roosevelt, and toward you for the efforts you have put forth for the successful accomplishment of such a precious ideal.

T. ESTRADA PALMA.

MESSAGE OF GRATITUDE FROM PRESIDENT PALMA TO PRESIDENT ROOSEVELT.

HABANA, *May 20, 1902.*

THEODORE ROOSEVELT,
President, Washington:

The government of the island having been just transferred, I, as Chief Magistrate of the Republic, faithfully interpreting the sentiments of the whole people of Cuba, have the honor to send you and the American people testimony of our profound gratitude and the assurance of an enduring friendship, with wishes and prayers to the Almighty for the welfare and prosperity of the United States.

T. ESTRADA PALMA.

FROM SECRETARY ROOT TO PRESIDENT PALMA.

WASHINGTON, *May 20, 1902.*

PRESIDENT OF THE REPUBLIC OF CUBA:

Believe in my heartfelt congratulations upon the inauguration of the Republic which the people of Cuba and the people of the United States have fought and labored together to establish. With confidence in your unselfish patriotism and courage and in the substantial civic virtues of your people, I bid you God-speed, and on this happy day wish for Cuba for all time liberty and order, peace and prosperity.

ELIHU ROOT, *Secretary of War.*

FROM PRESIDENT PALMA TO SECRETARY ROOT.

HABANA, *May 21, 1902.*

ELIHU ROOT,
Secretary of War, Washington:

I am deeply moved by your heartfelt message of congratulation on the inauguration of the Republic of Cuba, to the birth of which the people and the Government of the United States have contributed their blood and treasure. Rest assured that the Cuban people can never forget the debt of gratitude they owe the great Republic, with which we will always cultivate the closest relations of friendship and for the prosperity of which we pray to the Almighty.

T. ESTRADA PALMA.

I pause and ask here, Is there an American with soul so dead who can not and will not appreciate this brave record of magnanimity toward the Cubans and Cuba? Can the prattling words of mad imperialists, speaking for an imperialistic standpat party, dim the glory so justly earned in our brave dealings with Cuba? What glory would we deserve that we would not receive if we treated the Philippines, 10,000 miles away, as we treated Cuba, only a few miles away? What great change has been wrought that would make it a virtue and imperishable glory to haul down the flag in Cuba in 1902 that would make it hypocrisy, pusillanimous, and lacking in patriotism to haul it down in the Philippines to-day? [Applause.]

Again, we are told by you spokesmen of the Republican Party who are to-day fighting with all your might Philippine independence "that we will have another Mexico on our hands," but in all fairness and in all justice there can be no comparison and no analogy between the two. In Mexico less than 2 per cent of the population can read or write and more than 50 per cent are peons and savages, while in the Philippines more than 90 per cent are Christianized and civilized and more than 50 per cent are literate and educated. Between two such countries, I assert, there can be no comparison; between two such countries there can be no analogy. Perhaps an even better way to establish the dissimilarity may be found in the exercise of suffrage. In the Philippine Islands, with less than 10,000,000 people, there were cast at the last election 200,000 votes, while in Mexico, with 15,000,000 people, less than 20,000 votes were cast at the most popular election ever held, when the late Madero was elected President of the Republic of Mexico.

In the Philippines 500,000 children attend the public schools and are being taught the English language. Does that entitle them to be compared with Mexico? Does conduct like this banish their hopes to escape perpetual bondage? Will the Republican Party again turn its back on a people like this? Will you again go on the rocks of standpatism, reaction, and a hovering of big business and the interests? The burdens of conducting a great Government like ours during a world war have been fraught with care and responsibility. This has occasioned many, if not quite all, of the progressives to return to the Republican Party. Still, not waiting for their complete return under your banner, you are again to-day in solid phalanx, fighting liberty, fighting freedom, breaking promises, blasting hopes, and undermining the most sacred principles of liberty, freedom, and independence of the Republic founded by our forefathers. Why so soon a return to standpatism; why so willing to again begin your efforts of plunder? Is it because your last President's name is seldom if ever spoken, and your preceeding President has even found it necessary to abdicate himself from the party whose commission you now hold? Patriotism, love of country, or duty to country, never was, is not now, or never shall be measured in dollars. Still, it is certainly worthy of a

passing glance to observe it as an element in the economic side of this question. The Philippines have already cost this Government the snug sum of $900,000,000 and is costing us annually $50,000,000 more to maintain and uphold. For me and mine, this is the time and place to stop. The Philippines are asking it, and for my part they shall receive it. We have promised them independence for 16 years. I am in favor of doing in office what we promised to do while securing office.

You opponents of Philippine independence may quibble and construe, may falter and object, but I am in favor of doing something tangible, something real, and the passage of this bill through the House to-day, with a President willing to sign it, is an opportunity to really do the exact thing we promised to do. A vote for the Philippine independence bill to-day just as it stands will deliver to the Philippines their independence, the thing that they most desire, and will relieve us of further burdens, a thing the Republic most deserves.

It has been loosely, and I may say lavishly, asserted on this floor and elsewhere that the Philippines themselves do not desire independence. I can not for my own part think such an unfounded statement can be worthy of much serious argument in reply. Everywhere the proof of the falsity of this is so abundant. From the eloquent words of the Resident Commissioner of the islands, whose speech has just electrified this Chamber; from the pen and words of Gov. Gen. Francis Burton Harrison, now governor of the islands, and long an honored Member here; from the words, resolutions, and solemn actions of the Philippine Legislature, all in unison and accord asking for Philippine independence. All this, for my part, seems so sufficient, so convincing, that further comment upon it would seem unnecessary. But above and beyond any words that can be written or spoken stands the life's blood of the approximately 100,000 Filipinos who consecrated their hopes and ambitions and life's blood on the battle field for independence. The proof of their uniform desire for independence is everywhere abundant, is everywhere sufficient, and no Member of this House today can hide behind the flimsy wall of misinformation about it. No one class in the Philippines holds any monopoly of this one stalwart and unswerving desire. It is everywhere present, everywhere earnest, everywhere persistent. I repeat, the Philippines are 10,000 miles from our seat of Government and 7,000 miles from our nearest shore; they are not our kind of people; they are on the other side of the globe from us; their hopes and ambitions are not like ours. Annexation would never be feasible for a country so remotely situated; independence is their earnest desire; it is my opinion that the great bulk of the American people desire them to be independent, and alongside of that they desire to be free from the burden of protecting a country so unlike our own. Let us this day take the last step. Let us break down the last barrier. Let us once and for all do away with this mad quest for territorial aggrandizement and devote our attention to the problems of the Republic that confront us in America.

The opponents of Philippine independence have here to-day and elsewhere asserted that if we did withdraw we would have to maintain a watchful eye over them. I assert that inasmuch as our going would be at their request and solicitation, no longer would watchful care over them be due or expected from us. We could well and in good conscience withdraw our 12,500 soldiers from the islands and bring them home and set them about the task of our coast defense, Alaska, Hawaii, the Panama Canal, and any other problems that do or may confront us. These latter tasks are, for my part, the ones of first importance.

With a world war raging among all the first powers save our own, it is our abundant duty to sweep away the cobwebs of misunderstanding, of doubt, and of danger, and proceed along the same lines as did our fathers, who founded a greater Republic than they knew.

We are told that when the final vote will be taken to-day that every member of the Republican Party on this floor will cast his vote against this Philippine independence bill. We are even told that some 28 or 30 Democrats from New York will join hands with them and aid in the overthrow of the most sacred provision of the Declaration of Independence, wherein it says:

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

The remnant of the once proud party of Lincoln may pursue this course to-day; the Tammany Hall Congressmen may turn their backs on their party and its teachings and perform this act of perfidy; but as one whose faith is so unbounded in the party of Jefferson and Wilson, I can not believe it will to-day lend aid and comfort to a policy that is against the first tenets of our Government; that is uneconomic, un-American, unwise; and that does not do even-handed justice from a strong Government to a weaker one! [Applause on the Democratic side.]

Mr. TOWNER. I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, whether one is mistaken or not on such a question as this, justice to himself and justice to those who listen might well require more than 10 minutes. After all, however, at this stage of the session, with that which is in front of us, with a program that somebody outside of this House in the main lays down for this House, I am quite willing to rest on 10 minutes to refer to a few things—progress, the location of the Philippines, the population of the Philippines, the religion of the Philippines, the development of the Philippines.

I have no doubt that there are many bright men in the Philippines. I think the gentleman who has just addressed the House [Mr. QUEZON] is perhaps one of the brightest. If they could all be like him, and then if they had two parties there to watch each other, and an intelligent public opinion, I suppose they could get along; but I was down in the Hawaiian Islands about a year ago now, with many gentlemen upon that side and upon this side. Do you recollect what we saw down there in the convict camps? The specimens of the Filipinos that they had there? I have no doubt that there are some good Filipinos there, but what a chance they had if they had remained at home. They were not regarded as a success outside of a convict camp. I am not speaking disrespectfully of them. You recollect it, my Democratic friends who were there.

Gentlemen, I must simply touch and go. Let me reminisce a little bit touching this question. I was a Member of this House, with the present honored Speaker, when the war began, as was said, for the freedom of Cuba; and after it was over the present honored Speaker of this House said, "We Democrats took you Republicans by the scruff of the neck and the seat of the breeches and threw you into that war." [Laughter.] There you are! There was a public sentiment that you could not restrain. As McKinley said and as Reed said when the war commenced, no man could tell the end thereof. But the end came.

Now what happened? Oh, when the treaty of Paris was made and came up for ratification in the Senate of the United States, who ratified it? The Republicans did not have the necessary votes in the Senate. We lacked two of a majority. It took two-thirds to ratify the treaty. What happened? Well, Mr. William Jennings Bryan came to Washington in January, 1899, and secured the Democratic, Populist, and silver votes necessary to ratify that treaty. I will put the vote in the RECORD.

Mr. Gorman (for Mr. Vest) proposed the following amendments to the treaty:

Article 3, strike out the words "cedes to the United States" and insert in lieu thereof the words "relinquishes all claim of sovereignty over and title to."

Add at the end of article 3 the following:

"The United States, desiring that the people of the Archipelago shall be enabled to establish a form of free government suitable to their condition and securing the rights of life, liberty, and property and the preservation of order and equal rights therein, assumes for the time being and to end aforesaid the control of the Archipelago, so far as such control shall be needful for the purposes above stated, and will provide that the privileges accorded to Spain by articles 4 and 5 of this treaty shall be enjoyed."

Those who voted in the affirmative were: Messrs. Bacon, Bate, Berry, Caffery, Chilton, Clay, Cockrell, Daniel, Gorman, Hale, Heitfeld, Hoar, Jones of Arkansas, Jones of Nevada, Kenney, McLaurin, Martin, Mills, Mitchell, Money, Murphy, Pasco, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, and Vest.

Those who voted in the negative were: Messrs. Aldrich Allen, Allison, Baker, Burrows, Butler, Carter, Chandler, Clark, Cullom, Davis, Deboe, Elkins, Fairbanks, Faulkner, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Harris, Hawley, Kyle, Lindsay, Lodge, McBride, McEnery, McMillan, Mantle, Mason, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Shoup, Simon, Spooner, Stewart, Sullivan, Teller, Thurston, Warren, Wellington, and Wolcott.

The vote on the ratification of the treaty was as follows:

Yeas: Messrs. Aldrich, Allen, Allison, Baker, Burrows, Butler, Carter, Chandler, Clark, Clay, Cullom, Davis, Deboe, Elkins, Fairbanks, Faulkner, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Harris, Hawley, Jones of Nevada, Kenney, Kyle, Lindsay, Lodge, McBride, McEnery, McLaurin, McMillan, Mantle, Mason, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Quay, Ross, Sewell, Shoup, Simon, Spooner, Stewart, Sullivan, Teller, Thurston, Warren, Wellington, and Wolcott.

Nays: Bacon, Bate, Berry, Caffery, Chilton, Cockrell, Daniel, Gorman, Hale, Heitfeld, Hoar, Jones of Arkansas, Mallory,

Martin, Mills, Mitchell, Money, Murphy, Pascoe, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, and Vest.

On neither vote did the Republicans have a majority of those voting. Thirty-nine Republicans, 8 Democrats, and 6 Populists and Silver Senators defeated the Vest amendment; 39 Republicans, 10 Democrats, and 8 Populists and Silver Senators ratified the treaty.

Senator Hoar and Senator Hale voted against it from beginning to end.

The Philippines were ceded to the United States. Porto Rico was ceded to the United States. The Treasury paid $20,000,000, and this Government made certain guaranties as to what it would do for the Philippines—the protection of property, freedom of religion, and so forth. When Senator Vest offered his amendment, which I put in the RECORD, he said, "We want you to relinquish," and that amendment to the treaty was to relinquish the Philippines, just as Spain relinquished Cuba. But Spain ceded the Philippines, and the United States paid Spain $20,000,000. We paid, not because we thought we were getting something valuable. We knew then that from the Equator up to 20° north of the Equator there were a people who were not homogeneous. We knew that they had slavery. We knew that they had polygamy. We knew that the Moro was there, and the Moro in cruelty and perhaps in fixity of character can give the Filipinos cards and spades and then win.

Well, there they are. What progress have they made? Our teachers went there. Our people of various churches went there. The United States sent the Army there. We sent our money there that we appropriated. We gave assistance from every standpoint, and I put it here and now to you gentlemen who have been in the Philippine Islands that there has been greater progress—you boast of your progress in education—there has been greater progress from a material standpoint in the development of the Philippines, in the building of roads and railroads, in commerce, and in production in 18 years since we acquired the Philippines than there had been in any previous century. If I recollect aright, Spain had possession there for nearly three centuries. Well, what are you kicking about? The lives of hundreds and thousands of men in our Army were sacrificed before we could get a chance to have a start. Was not Aguinaldo quite the equal of my friend Mr. QUEZON, the gentleman who made this eloquent speech a little while ago? I guess so. Some of his followers fought and fought and fought. I will ask my friend, and he may answer in his own time, or somebody for him, are you not glad that Aguinaldo was overthrown? Are you not glad that this progress has been made?

Well, but they say we want to go now. We want to go! Liberty, liberty, liberty! These words are misleading until you have a population that is so educated as to be capable of self-government; it takes several generations to obtain in an undeveloped country an average population that understands what liberty is. We have heard the same cry in Mexico—Liberty, liberty, liberty! Why, we can produce from Mexico, from Cuba, from the South American Republics—aye, I was going to say from Haiti—just as eloquent appeals for liberty. I suspect that Toussaint L'Ouverture——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Oh, Mr. Chairman, that was a very short 10 minutes.

Mr. TOWNER. How much time would the gentleman like?

Mr. CANNON. I do not want to take time from anybody else.

Mr. TOWNER. I will yield to the gentleman five minutes more.

Mr. CANNON. Mr. Bryan furnished the votes to ratify the treaty. What did he do then? That was in 1900. He wanted an issue, and he got it—imperialism. Twenty million dollars furnished the issue. Then he came out and wrote it into the platform—imperialism. Take your last platform of 1912. I wish you would read it. I will put it in the RECORD, for you have forgotten it, and if your cheeks do not mantle with shame when you propose to play scuttle in the Philippines, I will give you a certificate of hardened conscience. [Laughter and applause.]

DEMOCRATIC PLATFORM, 1912.

THE PHILIPPINES.

We reaffirm the position thrice announced by the Democracy in national convention assembled against a policy of imperialism and colonial exploitation in the Philippines or elsewhere. We condemn the experiment in imperialism as an inexcusable blunder which has involved us in enormous expenses, brought us weakness instead of strength, and laid our Nation open to the charge of abandonment of the fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers.

In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases.

I understood the commissioner to say that a Republic could not be successful in colonization. Well, we have done pretty well in this country. We have stretched across from one ocean to another, from 3,000,000 people to 100,000,000 people. We stretch from the northern boundary down to the Gulf, and we have half of the railway mileage of the world. We think we amount to considerable.

Say, are you braver and more intelligent on the average than the American Indian? The American Indians were brave people; some with Indian blood in their veins are now Members of this House. Are you more intelligent or braver than they? And yet failure, failure, failure. Great heavens, if bravery and intelligence were all that was necessary, the American Indian would be here yet occupying this country and we would not be here. [Laughter and applause.] Ajax defied the lightning. Well, if Ajax ever lived, he is dead. [Laughter.] The vocal cords contract and words come forth and then that side of the House cheers. [Laughter.]

Oh, gentlemen, do you propose to organize a republic? Does my friend from the Philippine Islands have ambition to be a monarch? If he has not, there are some other people that live in the Philippines that have. Does he want a privileged class? You have never had any in your political government until the United States went there. What progress did you make for three centuries? You had the disadvantage of being under the Tropics, not as good a place to develop and maintain a civilization as a republic 20° north has in the North and South Temperate Zones. And yet you say you want to cut loose.

There is one little clause here in the Clarke amendment, and what did you put it there for?

In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations within the territory of said Philippines.

Does "may" mean "shall"? Let me turn to our own people, and by our own people I mean citizens of this Republic. Does it mean "shall": do you want it to mean "shall"? I would ask the Commissioner, representing, as he does so ably, the Philippine Islands. Does he approve of it? Do you want a great and powerful Republic with a naval station there? [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GARRETT. Mr. Chairman, in the absence of the chairman of the committee, I yield 10 minutes to the gentleman from Oklahoma [Mr. DAVENPORT].

[Mr. DAVENPORT addressed the committee. See Appendix.]

Mr. GARRETT. Mr. Chairman, I now yield on behalf of the gentleman from Virginia [Mr. JONES] to the gentleman from Tennessee [Mr. MCKELLAR].

Mr. MCKELLAR. Mr. Chairman, I am heartily in favor of this bill, including the Clarke amendment. Indeed, I have but one objection to the bill, and that is, that it does not provide for the immediate freedom of the Philippine Islands. If I had the power I would provide for the withdrawal of our sovereignty without a day's delay longer than is necessary to effect all the formalities. However, we can not all get just what we want in legislation, and inasmuch as this bill does fix a definite time for our withdrawal, I cordially approve it.

In my view we ought never to have taken over the islands. We ought never to have governed them as a colony, and we ought long ago to have given them their independence. Their retention as colonies is a blot upon our national history—a blot that has been mitigated by a benevolent rule, but a blot nevertheless, because our government of them without their consent is violative of the most sacred traditions of this country, and at the same time it is violative of every right of the Filipinos themselves.

SELF-GOVERNMENT.

Our Declaration of Independence provides, among other things:

That to secure these rights (the rights of life, liberty, and the pursuit of happiness) governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it, and to institute new government.

We established this right of self-government by the sword in our war for independence. We put it in our Constitution. We have enacted it into all our laws, and during a period of more than a hundred years of our history this principle of self-government was considered by all our people to be the most

sacred right of civilized man. It has been the polestar, the guiding light of all our governmental institutions. It separated us from monarchy and the divine right of kings. It has been the watchword of our freedom. But for it we never would have become a great Nation. This principle of self-government, established by our forefathers, has given to humanity everywhere a new faith and a new hope. Other great nations have taken it up from time to time, and the principle has grown throughout the world. It ought never to die because it is right. Under the influence of this principle our country grew from a very few scattering colonies into one of the greatest nations of the earth. We committed an error in taking these islands. We committed an error in making a colony of them contrary to our principles and traditions. We made an error in keeping them as long as we have kept them; but let us correct now the error by restoring to them their freedom, and thus remove from our country's history that stain that has been placed upon it by their subjugation and retention.

HISTORY.

The resolution declaring war with Spain passed Congress on April 20, 1898. On April 16 Senator Teller, from Colorado, offered an amendment to the resolution, which was afterwards adopted, which amendment is as follows:

The United States hereby disclaims any disposition or inclination to exercise sovereignty, jurisdiction, or control over said island—Cuba—except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the islands to its people.

At that time Congress was overwhelmingly Republican in both branches. Senator Teller was a Republican from Colorado. Of course, at that time it was not dreamed that the Philippine Islands and Porto Rico would be separated from Spain in the same manner that we separated Cuba, but the fortunes of war brought that about, and when the treaty of peace was finally adopted on February 6, 1899, and finally ratified by both Governments on April 11, 1899, Spain ceded Cuba, the Philippine Islands, and Porto Rico to the United States. A comparatively nominal sum paid for all three was $20,000,000. The consideration is only mentioned in the Philippine article, but everyone knows that Spain had no money, and the $20,000,000 in gold secured the whole treaty. We got the same title to Cuba that we got to the Philippines and to Porto Rico. The consideration was the same. We had to pacify all of the islands. As soon as Cuba was pacified, we restored it, because of the Teller resolution, but immediately the Republican Party took the position that the Philippines stood in a different attitude. Of course, everybody knows that the principle was exactly the same, and no one can doubt that if Congress had believed that the Philippines would fall into our hands as the result of the war, they, too, would have been included in the Teller resolution. Our taking possession of the Philippines was not peaceful. After Spain had yielded her sovereignty over the islands we found a revolution already going on. They had been fighting against Spain for some time for their independence, and they continued to fight us after the Spanish treaty, and it took several years for our troops to subjugate the islands.

The Philippines were at first governed by the military power of the United States. In the meantime a great controversy had arisen in this country over the disposition of the Philippines. The Democratic Party declared in favor of giving them their independence. The Republican Party opposed this proposition. The treaty of peace with Spain, by which we acquired the Philippines, was secured by the Republican Party with the help of eight Democrats. The Senate was overwhelmingly Republican, and the treaty received the votes of 49 Republicans and 8 Democrats. The noes were 24 Democrats and 3 Republicans. The reason for the position of the Democrats was they did not believe in taking over the Philippines. The fight became so warm that the Republican Party was unwilling to proclaim boldly its intention of permanently holding the islands. They wanted to do then just what they desire to do now, to postpone the matter with the hope of permanently retaining them without committing their party to that policy. Not long after the war closed a resolution of intention was passed the Republican Senate, thus committing the Republican Party in the Senate to such resolution. The resolution is as follows:

That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands in the citizenship of the United States, nor does it intend permanently to annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the needs and conditions of the inhabitants of said islands and to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interest of the citizens of the United States and the inhabitants of said islands.

This resolution passed the Senate on February 14, 1899, but did not pass in the House. The Democrats in the Senate tried in vain to amend the above resolution so that the said islands should not be governed against the will of the people thereof, but all amendments were voted down by the Republicans, and the resolution passed the Senate as above stated.

On April 7, 1900, President McKinley appointed the Philippine Commission, consisting of five members. Mr. Taft was made the president of this commission, and Gen. Luke E. Wright, of Memphis, my warm personal friend, and one of the ablest men in the country, was one of the commissioners. When this commission first went to the Philippines its powers and authority was somewhat vague, the military power claiming precedence; but afterwards Mr. Taft was appointed civil governor and Gen. Wright vice governor, and the commission actually governed the island. Later on Filipinos were appointed on the commission, and during the administration of President Wilson changes in the commission have been made, so that now a majority of the commission are Filipinos. However, the Governor General is still an American and really rules for the United States. From time to time the Filipinos have been given larger powers in their own government. Congress gave them the right to have their own general assembly, and provided that the commission above named should be the higher branch of the Philippine Legislature, the commission, the Congress, and the President having the right of veto. Our Government has at all times kept a considerable body of troops, ordinarily ranging from 12,000 to 18,000, in the islands to protect them. In addition to the United States troops, Congress has established an organization known as the Philippine Scouts, amounting to about 5,700 in number, commanded for the most part by American officers, but the enlisted men made up of Filipinos, and all paid for by the United States.

From time to time Congress has authorized the issuance of bonds by the Philippine government, and it also authorized the Philippine government to guarantee certain railroad bonds for the building of certain railroads in the islands. All these bonds, I am informed, amount in the aggregate to $16,125,000. Many of these bonds are held in this country.

We derive no taxes from the Philippine Islands. We have spent many millions of dollars in fortifying their coasts and improving their harbors. We pay our soldiers, officers, and men large sums—20 per cent, as extra pay for services in those islands.

OUR RULE KINDLY AND BENEFICIAL TO THE FILIPINOS.

I am wholly opposed to the retention of the Philippine Islands, as I have before stated; but it is fair to say that for the most part our rule in the islands has been beneficent. We have been peculiarly fortunate in the selection of American commissioners to rule over the islands. Mr. Taft was first, and made much of his great reputation there as Governor General. Gen. Luke E. Wright was the second, and Americans and Filipinos still remember with pleasure and pride his firm but splendid rule in the islands. Much of our success in the control of the islands has been due to his kindly but firm, able and masterly conduct of our affairs there. Lately we have had as Governor General of the islands one of our former distinguished Members of this House, an able and delightful gentleman, the Hon. Burton Harrison.

During the 16 years we have held the islands we have restored order among them. We have given them a good government and an honest government. We have aided them in securing better methods of agriculture. We have aided them in building up their railroads and roads. We have aided them in building public buildings. We have aided them in building public schools. We have aided them in building public schoolhouses, and furnishing additional educational facilities. We have given them a good banking and currency system, and in a thousand different ways have added to the prosperity and happiness of the people of those islands. We have treated them well. We have treated them as the wards of the Nation, but still we have not given them their freedom. The Constitution does not follow our flag there. The right of local self-government is denied them. They do not have the right to govern themselves, and they want to be free and independent—just as we are—and I believe they are entitled to be free and independent.

ATTITUDE OF THE REPUBLICAN PARTY.

The attitude of the Republican Party toward the islands has remained the same throughout. That party was in power when the United States took over the islands, subjugated them, and furnished them with a form of government that was not territorial but provincial. In other words, the Republican Party has governed them as a colony. In doing this it disregarded the principle of self-government, for which our forefathers fought

and in which most Americans believe now. It has never taken a straight-out stand on this question. The heretofore-quoted resolution of the Senate was a subterfuge. It meant nothing and was not intended to mean anything. In its national platform of 1900 it provided that the Philippines should be given—

The just measure of self-government consistent with their welfare and our duties shall be secured to them by law.

In 1904 it laid down as one of the achievements of the party that it had taken possession of the Philippines and established law and order and had given a "large measure" of self-government to the people of these islands. In its platform of 1908 it provided:

The Philippine insurrection has been suppressed, law established, and life and property made secure. Education and practical experience are there advancing the capacity of the people for government, and the policy of McKinley and Roosevelt is leading the inhabitants step by step to an ever-increasing home rule.

In 1912 the Republican Party platform ratified its previous utterances on that subject. In other words, even the Republican Party has never declared in terms in favor of holding these islands and governing them as a colony. If we judge from the resolution of the Senate above referred to, the utterances of its leaders, and the platform of that party, its object has been at all times to prepare the Filipinos for self-government and give it to them, whenever they were capable of using it. That is that party's professed attitude. Its real attitude is to hold the islands indefinitely as colonies, and the only reason it does not come out and say so is because it fears the American people.

ATTITUDE OF THE DEMOCRATIC PARTY.

On the other hand, the Democratic Party has consistently stood for our historic traditions and principles. It has stood for the Constitution. It fought the taking over of the islands. It has opposed the keeping of the Philippines as a colony. It was opposed to the ratification of the treaty taking them over. It fought in vain to commit our Government to stand by the principles of local self-government in dealing with the islands. It opposed the bill which provided originally for their government, and even this bill, passed by a Republican House and a Republican Senate and signed by a Republican President, shows on its face that it was a "temporary" only. In its platform of 1900 it denounced the Philippine policy of the then Republican administration. It declared:

The Filipinos can not be citizens without endangering our civilization; they can not be subjects without imperiling our own form of government, and as we are not willing to surrender our civilization nor to convert the Republic into an Empire, we favor the immediate declaration of the Nation's purpose to give the Filipinos, first, a stable form of government; second, independence; and, third, protection from outside interference.

In the Democratic platform of 1904 it again declared that—

We ought to do for the Philippines what we have already done for the Cubans and set the Filipino people upon their feet, free and independent to work out their own destiny.

In 1908 this position was again set forth. In 1912 it is provided in the Democratic platform:

We favor the immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers.

It will be thus seen that the attitude of the Democratic Party has always been, and still is, that we should make those islands free and allow them to govern themselves, just as Cuba governs itself.

Mr. Chairman, the time has come when we can establish a stable form of government in those islands. Every fair-minded man knows that. Those people are not a barbarous people. They are capable of governing themselves. It is time to quit our subterfuges. The Democratic Party at all events has made an agreement with the people of the United States to give the Filipinos their freedom. It is our solemn duty to carry out that agreement. We write ourselves down as insincere if we do not do it. For 16 or more years we have been charging our Republican friends with saying one thing and meaning another on this subject, and I believe our charges are true. But now that we are in power if we do not carry out our solemn pledges we put our own party in the same attitude as the Republican Party now sustains.

ARE THEY CAPABLE OF SELF-GOVERNMENT?

I have never been to the Philippines. Therefore I can not speak of my personal knowledge. The only ones that I know are those who have come over here, and I must say that these are very intelligent men. According to the census of 1903 the population of the islands was about 7,600,000. Of these, 6,900,000 were classified as civilized. In other words, there were a little less than 4 per cent of them savages. Of the civilized tribes more than 50 per cent of them above 10 years of age could read and write. In the Tagalog Provinces it is claimed that literacy is highest, and that there is something over 70 per cent of the population above 10 years of age who could read and write before the American occupation, and, of course, this percentage has been largely increased.

The University of St. Joseph and the University of St. Thomas, both in Manila, are universities of a high order, with a large number of students. As far back as 1896 the Spanish school statistics show there had been established 1,674 Government schools which were attended by over 230,000 boy and girl students. In that year there were 1,681 matriculates at the University of St. Thomas alone. Even then there were five colleges devoted to the education of women. There was an agricultural college, and a nautical college, and a school of painting, sculpture, and engraving, and a military academy, together with nine other colleges, and six high-grade latin schools located in various parts of the islands. Since the American occupation there has been a wonderful increase in educational facilities and in school attendance. For 10 years there has been a public-school enrollment of about 500,000. In 1911 this ran up to over 600,000. The total number of public schools last year was about 4,500 with over 9,000 teachers, of whom 8,400, or 92 per cent, were Filipinos.

It will thus be seen that from a standpoint of learning that these people are certainly capable of self-government. There is a wrong notion in the public mind over here in reference to this. We are wont to believe that they are a people, none of whom are more than partially civilized, and most of whom are barbarous. This is entirely incorrect.

While the Filipinos have been ruled as a subject people for more than 300 years by Spain, and since that time have been ruled by the United States, still, that of itself does not mean that they can not conduct their own affairs. There were Filipino representatives in the Spanish Cortes. There have been Filipino delegates to the American Congress, and surely these have conducted themselves in an able manner to the knowledge of us all. A majority of the present Philippine Commission is composed of Filipinos. The lower house of the Legislature of the Philippine government is composed mostly of Filipinos. Their judges, the heads of their municipalities, are mostly Filipinos. The fact that they have always been ruled as a province is no reason that they are not capable of ruling themselves. Who would say that Canada or Australia could not rule themselves, and yet they have been subject provinces for hundreds of years.

AMERICA FIRST.

But whatever our duties and responsibilities toward the Filipinos may be, our first duty is toward America. We have built up the greatest Government in the world, and we have the most remarkable people under the sun. We have strengthened our Government and increased the happiness and prosperity of our people by clinging with a death-like grip to certain immortal principles. One of these is the right of self-government. We won our independence on this principle from a nation that held us just like we now hold the Philippines. Ever since that eventful day when we secured our freedom the word "colony" has had a hateful meaning to us. It still has that meaning. Though the Republican Party took over the islands and has ruled them as a colony, still it has never defended the principle of colonization in its platforms. It has never dared to declare against local self-government. In the laws which they have put on the statute books about these people they have declared on the face of such laws that they were merely "temporary." All of which goes to show that, irrespective of party, the American people are opposed to colonies. Of course the Democratic Party has at all times opposed the making of colonies out of the Philippines. The Philippine Islands were taken by accident. The war was fought on account of Cuba. We took Cuba over, just like we did the Philippines. The Philippines were taken over merely as an incident to taking over Cuba. We gave Cuba her freedom after the formation of a stable government there, and we ought to have long ago done the same thing for the Philippines. I take it, however, that the only reason the Republican Party ever parted with Cuba was because of the celebrated resolution of Senator Teller, above referred to. Senator Teller was an independent Republican. By his resolution our country was pledged to restore Cuba to the Cubans. The pledge did not in words cover the Philippines, and though the principle was the same, the Republican Party held on to the Philippines. I doubt if there is a man in this country who would openly proclaim that he was in favor of forever keeping the Philippines. Many who are interested, directly or indirectly, say that they are in favor of holding them until such a time as they shall be ready for their freedom, and they are the judges as to when they will

be ready. This is not living up to the American ideals and American traditions. Do not let us ever go back on these ideals and traditions. They have made us what we are. Let us stand by them in good faith. Already we have deferred the matter too long. We ought to act at the earliest possible moment, and the earlier the better.

COST TO THE AMERICAN PEOPLE.

But leaving aside the questions of a policy of colonies, contrary to American traditions and ideals and human rights, let us look to the business side of this proposition.

What do they cost us, and what do we make out of them? Since we took the islands over our trade has increased with them. Prior to 1898 we did not sell to the Philippines much over $100,000 worth of goods per year. Since we took them we have largely increased our sales. The figures for the last 11 years are as follows:

1905	$6,000,000
1906	5,000,000
1907	8,000,000
1908	11,000,000
1909	11,000,000
1910	16,000,000
1911	19,000,000
1912	23,000,000
1913	25,000,000
1914	27,000,000
1915	24,000,000

Generally speaking, our imports from the islands were about the same.

Prior to 1898 our imports were about half what they have been since we took them over. I append the exact figures on this matter as a part of my remarks.

The profits on these goods could hardly be in excess of 10 per cent. In other words, the amount that the people of the United States make is $2,500,000 per year at the present time. However, taking the last 16 years that we have owned the islands, the amount would be much smaller and not average over a million dollars in profits per year. This is the credit side of the balance. What is the debit side?

It is hard to estimate. In 1902 Senator Hoar estimated that the islands had cost us up to that time something like $600,000,000 in all. My recollection is he produced a report from the Secretary of War, Mr. Root, showing that the cost in his department alone then amounted to some $132,000,000. So that the House may understand just what they cost us, I am going to mention a few items. The first is, we keep on the islands an average of 15,000 soldiers, officers and men. This amounts to about $18,000,000 a year, because, on an average, it costs a million dollars per thousand soldiers per year, and then 20 per cent increase for Philippine service. The appropriations for fortifications on the islands cost us about $1,000,000 per year. We have 5,700 Filipino troops over there, which is about $6,000,000 more. It is generally assumed that the cost of that part of our Naval Establishment used for the protection of the Islands is equally as great or greater than the cost of our Army over there.

If these estimates are correct, the islands cost not a cent less than $50,000,000 a year. If Senator Hoar was correct in 1902 in his estimate of the cost at $600,000,000, and they have cost us $50,000,000 a year since that time, the islands up to this time have cost us $1,300,000,000 and have paid us not exceeding $16,000,000. The cost on the one side of the balance sheet, Mr. Chairman, is thirteen hundred million of dollars and on the credit side of the sheet only sixteen million—a ratio of 16 to 1,300. What a travesty on business. And yet our Republican friends say they only are business men. The result is, this is certainly a bad proposition we have got into and we ought to turn it loose at the earliest possible moment.

Let us take that $50,000,000 a year, and, if necessary, increase our Navy for our own protection at home, or build up roads, or build up the agricultural interests of our country.

Again, it is not believed by anyone that our trade will decrease a dollar because of our giving them their independence. The chances are that we will trade with them more than we have ever before. England does not own them, and yet England's trade with the Philippines amounts vastly to more than ours. We could expend this $50,000,000 a year much better by building a merchant marine to do business with them than we could by throwing it away upon governing them as colonies. With this $50,000,000 used in our own country we could do any one of several things that would be of vast interest to all our people.

First, we might build up a merchant marine. My recollection is Secretary McAdoo did not ask for this much in the merchant-marine bill that was offered last year.

Or, in the next place, we could establish a rural-credits system with Government aid through which the farmers could get their money at not exceeding 5 per cent.

Or, in the next place, we could build up a great system of highways. The bill that we have just passed in the House provides for only $25,000,000. We would be enabled to double that sum without an extra dollar of expense.

Or, in the next place, we could double the amount now appropriated for agriculture. The present Agricultural bill carries about $25,000,000. We could double that sum for the lasting good of the farmers of our country.

Or, with that sum we could build up a splendid system of national colleges by which the boys of our country could be given military training or vocational training to fit them for the needs of defense of our country and to fit them for the ordinary affairs of life.

Or, with one-third of that sum we could build a Government nitrate plant which would reduce the cost of fertilizer to all of our farmers.

A LIABILITY.

But the greatest objection to keeping the Philippines is that they are a constant menace to us. They are 8,000 miles away. They are so situated as to be an easy prey to any first-class country that we happened to get into trouble with. I do not mean to say that any first-class country could take them and keep them, for I do not believe that any nation under the sun could take them away from us and keep them unless we agree to it; and I for one would never be willing to let any nation take them away from us; but it would cost countless thousands of millions of dollars to regain them if they were taken, and, of course, every red-blooded American would fight to hold them, and then we would have a liability on our hands, just as we have now. They are the kind of people that could never become amalgamated with ours. They are not satisfied with our government, and in justice to them and in justice to ourselves we ought to pass this bill and give them their freedom.

THIS BILL.

This bill is, in short, a reenactment of our Constitution and the best of our laws for the benefit of the islands. They already have a legislative body like ours. This will enable them to have a senate like ours, and later on an executive like ours, and all of their own choosing. When we shall have passed this bill we will have done our full duty by the islands. We have established a stable government for them. We have educated them in a larger measure than they have been educated before. We have given them the advantages of American ideals and American institutions. We have shown them how to govern themselves. If they do it wisely and well, as I believe that they will, they have the opportunity of building up a great nation in these far-off islands. There is no reason why they should not do so, and, at any rate, we ought to give them the opportunity and bid them Godspeed.

Fifty years ago no man dreamed that the Japanese people would build up a great empire in that little islands off the coast of Asia, but when the came in contact with European and western civilization they came to themselves and have built up a great civilization of their own and a great empire of their own. The Filipinos are largely of the same stock, and there is no reason why, if given the opportunity, they can not do for themselves just what Japan has done for herself, and I sincerely hope they will.

EXPORTATION OF COTTON GOODS FROM UNITED STATES TO THE PHILIPPINES.

But it is argued that our cotton-goods trade would be injured by our withdrawal from the islands. The statistics show we have exported cotton goods to the islands for the past five years, as follows:

1911	$4,195,665
1912	6,613,682
1913	7,481,456
1914	6,481,734
1915	8,135,809

This is a considerable item, of course, but why should we lose any of this trade? Indeed, it should be added to rather than subtracted from by giving them their freedom. They would be all the more desirous of trading with us.

EXPORTATION OF COTTON GOODS FROM ENGLAND TO THE PHILIPPINES.

England sold cotton goods to the Philippines in the following amounts:

1909	$3,500,000
1910	3,500,000
1911	3,500,000
1912	2,300,000
1913	2,335,000
1914	2,325,000

These figures show that American exportation of cotton goods to the islands has increased and England has fallen off. Why? Not because of our sovereignty, but because the tariff was taken off of American cotton goods. If these islands were given their freedom, it would not interfere with this tariff law; but if the islands enacted a tariff law it will operate against England just as it will operate against this country. If they have no tariff on cotton goods, Americans will continue to sell the islands their cotton goods. It is a question of tariff and not a question of sovereignty.

ARMY AND NAVY COST.

But it is claimed that we ought not to consider the additional cost of Army and Navy because we would have and bear that cost any way. Of course this reasoning is fallacious. We only have need for an Army for defense. If the 15,000 soldiers now in the Philippines were here in the United States and did not have to defend the Philippine Islands, we would have just that much less need for increasing our Army. Indeed, we could get along with a much smaller Army because the Philippines is where we have the largest need for a standing army.

And so about our Navy. As long as we are obliged to keep a part of our Navy around the Philippine Islands to defend them we have just that much less Navy to defend our own country. The power of a Navy is its ability to mobilize quickly. So that, if it were possible to have all our Navy along the Atlantic coast and the Pacific coast, where we could get through the Panama Canal from the one side to the other, our power on the seas would be much greater. As long as it is divided, one part in one hemisphere and a part in another hemisphere, we are vastly weakened. Nothing could add to the strength of our Navy like our having it around our own country.

BONDS.

It is claimed, however, that the government in the Philippines has been allowed to issue about $16,000,000 worth of bonds, and Americans have bought many of these bonds, and if the islands are turned loose the value of the bonds will be depreciated. In the first place, these bonds were bought by the investors with the statute staring them in the face that the government that issued them was "temporary." In the next place, I am informed that these bonds were bought, some of them, as low as 60 cents on the dollar. All our Government did was to guarantee the interest. There is a provision in the bill under which these matters can be adjusted, and no doubt they will be adjusted. Surely, however, these kinds of claims should not keep our Government from doing the right thing, the thing it is bound in honor to do, namely, to give the Filipinos their independence. It would be better for the United States Government to pay all of these bonds rather than to pay $49,000,000 expenses for keeping the islands. Of course the bondholders can not expect this Government to pay these bonds, but the Government ought to make the bondholders whole, and I have no doubt it will do so.

We made an express pledge to the Cubans and gave them their freedom, though only about 25 per cent of them were able to read and write when we gave them their government, and when they were not by nature as capable of government as the Filipinos. Our implied pledge to the Filipinos is just as strong. Let us carry it out like Americans. It will be best for Americans and best for the Filipinos.

NEUTRALIZATION OF THE ISLANDS.

Before these islands are turned over by the President I feel absolutely sure that treaties will be entered into with at least Japan, Great Britain, France, Germany, and Russia guaranteeing the integrity of the islands. That is a matter for the treaty-making powers, and I have full confidence that it will be done. With this done and the good start we have already given them, there is no reason why these people should not soon become one of the great nations of the East.

Mr. TOWNER. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Chairman, I have already addressed the House upon this subject some few weeks ago, but being the only member of the Committee on Insular Affairs from the Pacific coast and knowing the feeling of the people of that section of the country, I feel that I would be remiss in my duty if I let this debate go by without raising my voice in protest against this Clarke amendment. That is the question that is before us, and in connection with this matter I wish to read into the RECORD a letter from Mr. Zera Snow, a distinguished attorney of my city, one of the leading members of the Oregon bar, and a lifelong Democrat—a man for whose opinion I have very great respect. Mr. Snow spent several months in the Orient last year, and I wrote him a few months ago asking his opinion on the question of Philippine independence. This is his reply:

PORTLAND, OREG., *January 25, 1916.*

DEAR MR. MCARTHUR: You have asked me to state my views on the Philippine question, including the proposition now before Congress to confer independence upon the Filipino people.

Whatever I may say on this question should be prefaced with the statement that personally I am and always have been in favor of abandoning the islands to the people of the Philippines, giving them absolute and uncontrolled sway, regardless of whether or not they made a success of the venture in self-government, whenever it can be known for a certainty that the majority of the people as a whole desire this. By the Filipino people I mean, of course, all the people inhabiting the islands—not alone the Tagalog race. The difficulty, of course, and this is the most serious question of the problem, is to determine whether a majority of the people desire such independence. One swallow never made a summer, and therefore because there may be among the people a desire to undertake the problem of self-government it does not follow by any means that a majority of the people desire this.

I visited the islands last September for pleasure and spent approximately one week at Manila. Both going and coming from the islands and while there I talked with anybody and everybody who would talk upon the question, but more particularly I talked with the American contingent, which it may be said is almost a unit against independence.

Mr. YOUNG of North Dakota. Mr. Chairman, may I interrupt the gentleman?

Mr. MCARTHUR. Certainly.

Mr. YOUNG of North Dakota. From whom is the gentleman quoting? I was not present when he began to read.

Mr. MCARTHUR. I am quoting Mr. Zera Snow, one of the leading Democratic lawyers of Oregon. His letter continues:

I do not hesitate to say that, in my opinion, the Filipino people are, on the whole, unable of successfully maintaining self-government in the islands, and I have very grave doubts whether the more educated classes, as a whole, really desire independence, nor have they very distinct views upon the question, or what independence may mean to them. I have no doubt that prior to the present European war there was quite a local sentiment among the people—I do not mean to say, by any means, a majority—for independence, but, in my opinion, the results of the European war have very greatly shaken their faith in the proposition for independence. In my opinion the people are much better off under the present system of government than they would be with the burden of self-government. When Mr. ——— remarked to me what his people wanted was more liberty, I stated to him that the people were having all the liberty which I had in my Territorial days, and unquestionably they have. If I were a Member of Congress called upon to vote upon this question to-day, I should unhesitatingly vote against independence, though whenever I became satisfied that the majority of the people desired it, I should give it to them; but at the present time I can not see that this is their desire, and for this reason I would not force it upon them. Independence would be an easy method of getting rid of a bad bargain, but at the same time a most shameful one under the present conditions.

I found great dissatisfaction existing with the course of the present local administration of the islands, arising in part, no doubt, by the unsettled condition of affairs which the project of possible independence has engendered, and in part by what is supposed to have been mistakes of Gov. Gen. Harrison. I did not learn the details of these supposed mistakes, but I attribute them very largely to the factional feeling rising between Republicans and Democrats. I can well understand how a new man in the islands might make mistakes. I would not visit the mistake, however, with the condemnation which I found the local American sentiment was inclined to impose upon the governor.

In closing I may say that the uncertainty of whether independence is or is not to be conferred is most injurious to the prosperity of the islands. The question should be settled once and for all immediately, and, being settled, should not be opened up again.

I am,

Very cordially, yours,

ZERA SNOW.

HON. CLIFTON N. MCARTHUR,
House of Representatives, Washington, D. C.

Mr. Chairman, it is interesting to note that the President has recently reversed his position on the question of Philippine independence. In a lecture on "Constitutional government in the United States," delivered before the students of Columbia University in 1908, Mr. Wilson said:

Self-government is not a mere form of institutions, to be had when desired if only proper pains be taken. It is a form of character. It follows upon the long discipline which gives a people self-possession, self-mastery, the habit of order and peace and common counsel, and a reverence for law which will not fail when they themselves become the makers of law—the steadiness and self-control of political maturity. And these things can not be had without long discipline.

We can give the Filipinos constitutional government, a government which they may count upon to be just, a government based upon some clear and equitable understanding, intended for their good and not for our aggrandizement; but we must for the present ourselves supply that government. * * * But we can not give them self-government. Self-government is not a thing that can be "given" to any people, because it is a form of character and not a form of constitution. No people can be "given" the self-control of maturity. Only a long apprenticeship of obedience can secure them the precious possession, a thing no more to be bought than given. * * *

We of all people in the world should know these fundamental things and should act upon them, if only to illustrate the mastery in politics which belongs to us of hereditary right. To ignore them would be not only to fail and fall miserably, but to fall ridiculously and to belie ourselves.

Mr. Chairman, the people of the Pacific coast are not in favor of this policy of scuttle as proposed by the Clarke amendment.

When the Spanish-American War broke out our regiments went to the Philippines and many of our soldiers were killed in battle. We have paid for the Philippines with our money and the blood of our soldiers, and I say that to turn them over to their own destruction now would be a course of national infamy. [Applause on the Republican side.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back five minutes.

Mr. TOWNER. Mr. Chairman, I yield half a minute of time to the gentleman from New Jersey [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing an address made by my colleague from Pennsylvania [Mr. MOORE] on the unveiling of a tablet at Trenton N. J., marking the site of the seventh capital of the United States.

The CHAIRMAN (Mr. WATSON). The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD by publishing an address delivered by the gentleman from Pennsylvania [Mr. MOORE] on the occasion referred to. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I regard the Clarke amendment in exactly the same light that I would regard a proposition to give the Filipinos immediate independence. It is inconceivable that in two years' time, and especially after this legislation has become a law, the condition of the Philippine Islands will be seriously changed from what it is to-day. Even in four years' time I conceive that there will be no great difference in the conditions from what they are to-day. And so I shall consider this proposition as though it were a proposition for immediate independence.

Mr. Chairman, the United States of America acquired sovereignty over the Philippine Islands from the highest and most altruistic motives. Our war with Spain having destroyed the last vestige of the power of that country to protect or indeed to govern the islands, their helpless and unprotected condition so appealed to the big-hearted McKinley that by his special direction their cession to this country was provided for in the treaty of peace between this country and Spain.

It has never been the policy of this country to seize and hold conquered territory after a war without compensation. It was therefore agreed in the treaty that we should pay to Spain $20,000,000 for these islands. When the treaty with the bill providing for the appropriation of this money came up it was debated earnestly in both Houses of Congress, and the issue was by no means certain until William J. Bryan, then the undisputed leader of the Democratic Party, came to Washington and joined his voice with that of the immortal McKinley. Then by nonpartisan action of both Houses the islands were taken over and the $20,000,000 paid. Since then we have spent vast sums for the pacification and improvement of the islands, though for the past 10 years they have cost us nothing. In fact, during that time we have gotten more out of them than we have put into them. We have, therefore, a princely sum invested in these islands.

Mr. GORDON. Will the gentleman yield at that point?

Mr. HAYES. I will.

Mr. GORDON. Why do you say they cost us nothing in the past 10 years?

Mr. HAYES. Because it is true.

Mr. GORDON. How much do you figure the islands have cost us since we have had them?

Mr. HAYES. Nobody knows.

Mr. McKELLAR. Does the gentleman know that Senator Hoar, of Massachusetts, estimated the cost of the Philippine Islands, up to and including 1902, at $600,000,000?

Mr. HAYES. I do.

Mr. McKELLAR. And does he remember that Secretary Root, who was Secretary of war at that time, estimated the cost of the War Department alone was $132,000,000?

Mr. HAYES. He estimated the entire cost of the maintenance of the soldiers there, and that is not a fair basis of estimate. I will say to the gentleman from Tennessee that we have a princely investment, and the gentleman wants to throw it away.

Mr. McKELLAR. On the contrary, we want to prevent these losses by getting out of there.

Mr. HAYES. There are no losses. For the last 10 years the Philippine Islands have cost us nothing.

Mr. McKELLAR. Does not the gentleman know that we paid $5,700,000 for the Philippine Scouts alone?

Mr HAYES. I presume the gentleman is correct. Even if the gentleman is correct in his statement, I still maintain they are costing us nothing, because the trade we are getting from those islands more than compensates for the expenditure, and it has done so for some years.

It should be said that neither when they were acquired nor at any time since has there been any thought of their exploitation. It has been the thought of everybody connected with the Government—the thought, indeed, of the American people—that these islands were to be governed, developed, and managed primarily for the benefit of the Filipino people. It has been so governed, developed, and managed. It was the desire of McKinley, as it has been and still is of many lovers of their kind in this country, to see established right at the doors of orientat despotism an object lesson in liberty and free government that might come to light the whole of the great East. To see in time established in those islands justice, equality, intelligence, and liberty under law that would demonstrate to the world what the beneficent institutions of this country will accomplish for any people, no matter what their race or inheritance.

In the pursuit of this humane and exalted purpose we have sent some of our best blood to those islands to help them on the road that we laid out for them. These men have established there equality and justice. Peace, law, and order reign in the whole archipelago for the first time in its history. New schools were established and those there greatly enlarged, and teachers sent to them by the thousands to start their new educational system. Laws were passed to revive their slumbering industries. And to all of our efforts the Filipino people have responded nobly. They have made great strides in education. Their commerce, domestic and foreign, has doubled and trebled in the last 15 years. The heretofore savage aborigines have felt the civilizing influence of our domination and have ceased their head-hunting and their constant warfare and for the first time in their history have settled down to the arts of peace and are living in amity with their neighbors.

The Democratic Party can not claim that we have failed in the Philippine Islands and offer that as an excuse for now scuttling the ship and running away and leaving it to its fate. Our success there is the wonder and admiration of the world. And yet, in the light of that success, it is now proposed to throw away the millions that our Government has invested there; to run away from a duty to the Filipino people and to the world which we solemnly and voluntarily assumed when we took over the islands; to bring to naught all our efforts for the education and elevation of these people; to make it certain that the peace, order, and security which they now enjoy shall be in a few months succeeded by internecine warfare, bloodshed, and anarchy such as Mexico is now enjoying, and this sure soon to be followed by the domination of some powerful alien nation which will exploit them for the benefit of the people of such alien nation.

Now what excuse is offered for the perpetration of this crime?

1. It is claimed that it is costing us much money to keep them. Nothing could be further from the truth. The Philippines are costing us nothing, and for 10 years have cost us nothing. The people of the islands are paying and for some years have paid all the expenses of the government of the islands. We are paying the Filipino Scouts. It has been said that we pay for keeping the 10,000 or 15,000 soldiers who are quartered there. We do; but if they were not quartered there we would be paying for quartering them somewhere in this country, and I have no doubt they can be kept there cheaper than they can here. I have heard no one claiming that when we leave the islands we should reduce our present standing army by the number we now have there. There is absolutely nothing in the expense argument.

2. But it is said that the United States of America should not have colonies nor possessions and should not be trying to govern alien peoples without their consent. We have had the Declaration of Independence, Thomas Jefferson and all the changes on both rung in this debate ad nauseam. I do not hear these same shouters for the right of self-government, whether the people are capable of it or not, demanding the independence of Porto Rico. Indeed, I have not seen them making any great haste to give the right of self-government to the 400,000 of our own countrymen living in the District of Columbia or to bestow such right upon the people of Alaska.

The truth of the matter is that no people are entitled to self-government until they are capable of exercising it, and no people incapable of exercising it will have that right long as the world is to-day. I desire to impugn no man's motives or honesty in his attitude on this legislation, but I undertake to say that much, if not most, of this talk about the expense of maintaining our sovereignty over the Filipinos and the sacred rights of every people to govern themselves is pure cant and hypocrisy, and is intended to cover the real motive that lies behind this legislation. That motive is plain physical, ignoble cowardice.

It is claimed that if we keep the Philippine Islands it will be the cause of a war with some nation unnamed; or, should we be embroiled in war, that those islands will be a source of weakness, strategically, to us; and that, therefore, before they are taken away from us it is the part of wisdom to give them away and withdraw our claim of authority over them. In a few words, this seems to be the last argument of all, or nearly all, the proponents of this measure.

Could anything be more craven or more destructive of self-respect, or the respect of the world for our country, than a course so weak and ignoble as this? We are asked to throw away our vast investment in the Philippine Islands and the vast advantage they will be to us in maintaining ourselves commercially in the Pacific Ocean; asked to throw overboard those people who are depending upon us for protection, whether they realize it or not; asked to violate our obligations to the world as well as to the Filipinos, because, forsooth, we are afraid that some time in the future they are going to be a source of trouble to us.

In our national childhood, when we numbered 3,000,000—a poor and struggling people—we wrested our independence from the British Empire. Thirty years later, when we had 10,000,000 and had come to a vigorous youth, we again defied the British Empire. Can it be possible that from such a vigorous childhood and virile youth we have descended to be a lazy, rich, fat, overgrown, cowardly lubber that is making haste to give away his possessions lest somebody fall upon him and take them away from him? If it is true that we have descended to this condition of fear and weakness, the only cause for it that I can think of is the recent advent of the Democratic Party as the dominant party in this country. But, like the fears of nearly all cowards, those fears exist only in the fervid imagination of those who entertain them.

The Philippine Islands could never be a weakness to this country; on the contrary, in any emergency they would be a strength.

We have spent many millions of dollars already in fortifying a naval base there to which our ships can go for supplies and for repair and relief in case of attack, which will give us a hold in the Pacific more valuable than can be estimated in dollars. Should war come and the Philippine Islands be attacked, whatever energy the enemy bestows on the subjugation of the islands will not be bestowed upon us; and if we extend to them the rights and bestow upon them the blessings that I know all our people expect to extend and bestow as fast as they are capable of receiving them, it is inconceivable that they would not defend themselves and their homes against the common enemy to the very limit of their ability.

Many people said before the beginning of the present war in Europe that India would be a source of weakness to England. On the contrary, it is one of her great elements of strength, and the people of India are astonishingly loyal to Great Britain, and stand ready to fight not only for their own protection but have even joined the English upon the European front.

There is, therefore, nothing in this argument that the Philippine Islands are or ever will be a source of weakness to this country. At this time no country is objecting to our sovereignty over them. The whole world is entirely satisfied with the present status quo. Why, therefore, this sudden haste to pull down the Stars and Stripes where they have brought such blessings, enlightenment, and prosperity to make way for anarchy, internecine strife, and bloodshed? To even propose it is a dastardly, inexcusable, monstrous, cowardly crime. [Applause.]

Mr. TOWNER. Mr. Chairman, I yield five minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Chairman, the first election after the Spanish-American War—that is, presidential election—was held in the year 1900, and at that time President McKinley was running for reelection on the Republican ticket; and on the Democratic ticket Mr. Bryan, of Nebraska, was running. In the Democratic platform was this clause as to the Philippine policy:

> We condemn and denounce the Philippine policy of the present administration

President McKinley went before the country that year and was elected by an electoral vote of 292 to 155. In 1904 and 1908 the Democratic platform had similar planks, as well as in 1912. But we see the majority Members of this House, in spite of the fact that the gentleman from Nebraska was repudiated, a few days ago permitting that gentleman to ride them through the House, because in 1900 when the issue first came before the country as to what we should do with the Philippines it was settled in a very conclusive manner by the electorate of the country.

Mr. GORDON. Will the gentleman yield?

Mr. MILLER of Delaware. I can not yield in five minutes.

We have been told here that to hold the Philippine Islands is holding the people in bondage and oppressing them. Do you call it holding them in bondage when we went our there and cleaned out the pesthouse that existed in the Philippine Islands prior to 1898? Do you call it holding them in bondage by improving their public works, by doing everything that we would do for our own people in our own country? If that is the way the majority side of the House look at it, I must say that they have completely lost their vision.

It has been said to-day that those of us on this side who vote against the Clarke amendment are doomed to political annihilation next year. I disagree with the gentleman from Alabama [Mr. HEFLIN], and I thoroughly believe that if you put this bill through the House to-day it will take Democratic Members out of their seats and not Republicans. And if I was actuated by base political motives, I would like to see this bill go through, and then the gentleman could see how far his prediction would go.

But, gentlemen of the House, I am not actuated by those motives. I want to see the Clarke amendment voted out of the bill first, because, in my opinion, that is one of the most vicious amendments that has ever come on a bill from the Senate. Look what its author said in the Senate when he proposed it. He was not a member of the committee that reported out the bill. He said:

> I had no particular reason in introducing this amendment except that no one else would do it. * * * Either I or some one else had to do it. I am getting as much salary as anybody else and doing about as little.

With all due respect to that gentleman, he is a man of big deeds, but in my opinion this is one of the smallest things he ever did. I continue; he says:

> And I did not know but that I had better get busy right along that line.

That amendment was voted into the bill by a tie vote, which was broken by the vote of the Vice President. Eleven Democratic Senators voted against that amendment, and the 28 Democrats in this House who are going to stand with the minority party in upholding American rights to-day deserve every credit that the country can give them, together with the minority party in this House, that is furnishing the bulk of the vote, and we are proud to vote this amendment out of the bill.

The gentleman from the Philippine Islands [Mr. QUEZON] completely demolished, in my opinion, some of the strongest arguments that some of the Democrats on the other side have made about the Japanese bugbear in the Far East. As I listened to the Philippine Resident Commissioner in his argument, although I did not agree with him in what he said, I could not help but plainly see how his argument on this Japanese bugbear absolutely demolished the argument that his colleagues on the Democratic side have made on the floor of the House to-day on this question.

What if it does bring us into international complications with Japan? So long as that question has been raised, is that any reason why we should scuttle the ship of state and leave it? We understand that there is a submarine controversy going on with another Government to-day. I say that there is a controversy going on here in this House to-day in which we see one party trying to torpedo the ship of state in the Philippines, and a minority of the Democratic Party combining with the Republican minority of the House trying to save the interests of the country to-day.

Vote this amendment out of the bill, and let the House pass a Philippine bill which gives to the Philippines home rule under the control and protection of the United States. Without that they would not have existed since 1898. Without that May 1, 1898, would not be a day to be proud of in our history; and had we not gone into there 18 years ago to-day the Filipinos and the Philippine Islands would be undergoing the domination of Spain or else that of some other monarchial form of government which, as results have shown, did not work to the benefit of the people when it came to colonization.

Therefore, on the eighteenth anniversary of one of the greatest days in American history, we confidently hope on this side—and we are proud of it— that before adjournment comes to-day you will see this vicious Clarke amendment voted out of the bill, and then there will be some chance of passing a bill that will give some form of home rule to the Philippine Islands under this great Government. [Applause.]

Mr. Chairman, if I have any time remaining, I yield it back.

The CHAIRMAN. The gentleman's time has expired.

Mr. JONES. We have only one other speaker on this side.

The CHAIRMAN. If there is further debate, the Clerk will read.

Mr. TOWNER. Mr. Chairman, I yield seven minutes to the gentleman from New York [Mr. FITZGERALD]. That is all the time that I have.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized for seven minutes.

Mr. FITZGERALD. Mr. Chairman, in the brief time allotted to me I am unable to discuss the pending bill with that thoroughness which I desire. It will be possible, however, to justify the action of those of my Democratic colleagues who, like myself, are unable to support the bill in its present shape.

I am unalterably opposed to section 34 of this bill, which is known as the Clarke amendment. In my opinion, it is a plain violation of the pledges made by the Democratic Party in its national platform; it is inconsistent with the action taken by the Democratic House in the last Congress; it is contrary to the position upon which I made my campaign for Congress in the congressional election for 1914; and it has not the approval of the great mass of the people.

The Democratic national platform of 1912 contained this declaration:

> We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippines as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers.

Such a provision was contained in the Jones bill of 1902, and the attitude of the Democratic Party since that time has practically been unchanged.

My position regarding this question is not new nor of recent origin. In October, 1914, I had the distinction to preside at the Lake Mohonk conference on the Indian and other dependent peoples.

Among the prominent men who participated in that conference were the following: Rev. Ernst H. Abbott, The Outlook; Rev. Joseph Anderson, D. D., Woodmont, Conn.; Rev. E. Ashley, LL. D., general missionary, Episcopal Church, Aberdeen, S. Dak.; Rt. Rev. George Biller, jr., Sioux Falls, S. Dak.; S. M. Brosius, Indian Rights Association, 908 G Street NW., Washington, D. C.; Rev. Arthur J. Brown, D. D., 156 Fifth Avenue, New York; Elmer E. Brown, LL. D., New York University, New York; Rev. James M. Bruce, 201 West Fifty-fifth Street, New York; Rev. Thomas Chalmers, D. D., Manchester, N. H.; Rev. W. I. Chamberlain, Ph. D., secretary Board of Foreign Missions of Reformed Church, 25 East Twenty-second Street, New York; Rev. William B. Cooke, First Presbyterian Church, Manila, P. I.; Rev. Charles C. Creegan, D. D., Fargo College, Fargo, N. Dak.; Paul De Schweinitz, D. D., secretary of Missions of the Moravian Church in America, Bethlehem, Pa.; Edwin C. Dinwiddie, superintendent National Temperance Bureau, 30-33 Bliss Building, Washington, D. C.; H. Paul Douglass, D. D., American Missionary Association, 287 Fourth Avenue, New York; Rev. A. E. Dunning, D. D., The Congregationalist, Boston, Mass.; Rev. Carl E. Grammar, 1024 Spruce Street, Philadelphia, Pa.; Rev. R. D. Hall, secretary for Indian Work of International Committee of Young Men's Christian Association, 124 East Twenty-eighth Street, New York; James P. Lichtenberger, professor of Sociology University of Pennsylvania, Philadelphia, Pa.; Dr. Henry M. MacCracken, University Heights, New York, N. Y.; Mrs. E. E. Marean, The Christian Register, 272 Congress Street, Boston, Mass.; Charles F. Meserve, LL. D., Shaw University, Raleigh, N. C.; Rev. Thomas C. Moffett, D. D., 156 Fifth Avenue, New York; Delavan L. Pierson, The Missionary Review of the World, 354 Fourth Avenue, New York; Francis H. Rowley, D. D., 45 Milk Street, Boston, Mass; Doremus Scudder, M. D., D. D., editor The Friend, minister of Central Union Church, 910 Prospect Street, Honolulu, Hawaii; Charles L. Thompson, D. D., secretary Presbyterian Board of Home Missions, 156 Fifth Avenue, New York, N. Y.; Rt. Rev. Theodore Payne Thurston, D. D., bishop of eastern Oklahoma, 734 Terrace Boulevard, Muskogee, Okla.; Fennell P. Turner, general secretary Student Volunteer Movement, 25 Madison Avenue, New York, N. Y.; Rev. N. H. Van Arsdale, D. D., The Christian Intelligence, 149 Church Street, New York; Miss Lina J. Walk, The Christian Work, New York, N. Y.; Rev. G. A. Watermulder, Winnebago, Nebr.; Rev. Charles R. Watson, D. D., corresponding secretary United Presbyterian Board of Foreign Missions, Reformed Church Building, Philadelphia, Pa.; Rev. Arthur P. Wedge, traveling lecturer for the Propagating the Gospel among the Indians, Poughkeepsie, N. Y.; Rev. Charles L. White, D. D., associate corresponding secretary of American Baptist Home Mission Society, 23 East Twenty-sixth Street, New York, N. Y.; Rt. Rev. Frederick F. Johnson, St. Louis, Mo.

Those gentlemen represented every phase of religious thought in this country. In discussing at that conference the Jones bill, which was then under consideration and had just passed the House of Representatives, I made this statement:

> Perhaps the provision in the previous bill which aroused the greatest antagonism was that one which provided that at the expiration of eight years the Filipinos should be granted their absolute independence. I for one was very gravely in doubt as to the wisdom of such a provision. With others, I did not believe it was wise or expedient for the United States to determine eight years in advance that the Filipinos would be ready for their independence, nor that the conditions would be such that the United States would be justified in granting their independence to them. And so, as the result of many conferences and much discussion, that provision was eliminated from the bill.

I also made this statement:

> The desire of all, regardless of partisan considerations, is to have the Philippine people have a government which will be most conducive to their happiness and prosperity. The policy which is being carried out was formulated under the direct supervision of President Wilson. I am sure that no one believes that he has any desire to exploit the islands or to bring to the people discomfort or distress; and I am certain that the work, which heretofore with great difficulty and very successfully and with credit to the American people has been carried on, will continue to be done equally successfully, until eventually there is practically an agreement among our people that the time has arrived when the independence of the Philippine people should be granted. When that time comes independence will be granted in such a way that the civilized nations of the world will know that the United States is not casting them adrift to be the prey of some ambitious nation, but that it intends that their independence shall be maintained by all the power and resources of the United States.

The Hon. MANUEL L. QUEZON, the Resident Commissioner from the Philippines, speaking on the same occasion of the Jones bill, said:

> One important end is accomplished by this bill. It will settle in the only practical and possible way the controversy regarding the capacity of the Filipino people for self-government. The bill is so framed that, while the Filipinos will have ample opportunity to demonstrate their wisdom and patriotism, the powers reserved to the United States are sufficient to prevent, in case of failure in this test, any serious harm to the people of the islands themselves or to the United States. For this reason alone, if for no other, this bill should have the unanimous support of every American who in good faith believes that no governmental powers should be withheld from the Filipinos that they can properly exercise; and in like manner those who assert that we are incapable of governing ourselves ought to welcome the proposed test as much as we who allege that we are fully capable of self-government, because it will show at once who is right. If they are correct in their views, the fact will be plainly demonstrated and the control of the Philippine government will be transferred to wiser men. If we are correct, a wrong which has already lasted too long will be righted.

That conference adopted, as had been the practice in former conferences, a declaration of principles or a platform, and upon the question of the Philippine Islands the following declaration was made:

> The American people, having accepted the privilege and responsibility of fitting the inhabitants of the Philippine Islands for self-government, their undertaking should be prosecuted with conviction and fidelity by Government officials, by teachers in the schools, and by teachers of religion, in order that a moral basis may be secured on which a stable government can rest. The desire for self-government on the part of the Filipino people is a legitimate and praiseworthy ambition. It should not only be encouraged but it should be coupled with the endeavor to cultivate the essential virtues of a self-governing people. The object of our Government should be, not so much to hasten the time when it may be freed from responsibilities as to advance the time when the Philippine people shall be so fused in common purposes, a common language, common sentiments, and ideas and character, that they shall be clearly competent to determine their future relations with the United States. It appears from the Jones bill, now under discussion, that in view of the present Congress, as thus far indicated, a definite time can not yet be fixed when this momentous question of the status of the Philippines shall be finally decided. *It is a view with which this conference is in full accord.*

That gathering of representative men from all parts of the United States, typifying every phase of religious, political, and commercial thought, was unanimously in accord with the action of the Democratic House of Representatives, which had just passed a bill extending to a very large extent the control of their Government to the Philippine people, but refusing to declare any definite time at which they should be fitted for independence.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit a question?

Mr. FITZGERALD. I have a very limited time.

Mr. COOPER of Wisconsin. I wanted to ask if that was the bill that had the preamble?

Mr. FITZGERALD. The Jones bill had a preamble, which I regret is not in this bill.

That preamble was as follows:

> Whereas it was never the intention of the people of the United States in the inciplency of the War with Spain to make it a war of conquest or for territorial aggrandizement; and
>
> Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and
>
> Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence.

That is an expression of what I believe to be practically the universal opinion of the people of the United States—that it is not the intention of the United States to hold the Filipinos forever in subjection, but that when, by reason of the opportunities afforded, they shall have demonstrated their capacity by the exercise of the powers of government not only to establish but to maintain and conduct a government that will secure the rights of life, liberty, and the pursuit of happiness to all of the Filipinos and be able to maintain their position as an independent people among the nations of the world, then the United States intends to give them their independence. But it also proposes, Mr. Chairman, according to my belief, that the islands shall not be cast adrift with the statement that they are free, and left, unaided and unsupported, to make the best of their opportunities. When they are freed it ought to be with the knowledge conveyed in unmistaken tones to the world that the United States intends to stand by them and to aid and to assist them to maintain the government that is established until they have attained a position which will enable them to stand alone. [Applause.] This bill, in my judgment, does not do what I believe the American people demand. It does not conform to the declaration upon which the Democratic Party appealed to the country in 1912 and again in 1914.

The so-called Clarke amendment, section 34 of the bill, is as follows:

> SEC. 34. The President is hereby authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines, and he shall on behalf of the United States fully recognize the independence of the said Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, and full power to take the several steps necessary to institute such government is hereby conferred upon the said Philippines acting by and through governmental agencies created by this act. This transfer of possession, sovereignty, and governmental control shall be completed and become absolute not less than two years nor more than four years from the date of the approval of this act, under the terms and in the manner hereinafter prescribed: *Provided*, That if the President, prior to the expiration of the said period of four years, shall find that the condition of the internal or external affairs of said Philippines in respect to the stability or efficiency of the proposed government thereof is such as to warrant him in so doing, he is hereby further authorized, by proclamation duly made and published, to extend the said time to and including the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of four years, and thus afford the Congress an opportunity in its discretion to further consider the situation in the said Philippines; but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act, unless the Congress shall hereafter so direct. For the purpose of a complete and prompt compliance with this direction, the President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the said Philippines, and to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in said Philippines or having property interests therein. In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations within the territory of said Philippines.

The effect of that provision is to cast the Filipinos adrift, not less than two nor more than four years and a fraction from the approval of the bill. They are to be turned loose without ample opportunity to demonstrate their capacity to conduct and to maintain a stable government. There is to be no guaranty by the United States of their independence. They will have no right to look to us for the help and aid and encouragement to which they are entitled. There is to be no assurance that they will be protected from the designs of grasping and hostile powers. They are not to be secured by any declaration of protection by the United States pending the negotiation and ratification of treaties with the civilized powers that their independence will be recognized and protected.

I shall not criticize nor condemn those who advocate such a course. Sincere, able, conscientious, and patriotic men favor such action. I do not. I can not be a party to it. I shall not give my support to a measure to bring about such results.

The Jones bill passed the House of Representatives in 1914 by a vote of 211 to 59. That vote was representative of the matured public opinion of the country. That bill should be passed again by this House. It confers large powers of government upon the Philippine people. It will give them the opportunity to demonstrate their capacity for self-government. It will hasten rather than retard their independence. It conforms to the declaration of the Democratic Party contained in the national platform and expressed in legislative action. It harmonizes with my convictions, and it is in accord with the declarations upon which I appealed to my constituents in the last congressional campaign. [Applause.]

Under the leave to print, I append the address which I made in October, 1914, at the Lake Mohonk conference and from which I have quoted briefly during these remarks.

THE CONTENT OF THE JONES BILL.

[Address by Hon. JOHN J. FITZGERALD, M. C.]

There has been some discussion during the conference as to the advisability of the adoption of what might be designated as an American policy in dealing with the Philippine Islands. The purpose evidently is to have the United States initiate a policy for the control of the islands that shall not be discussed from a purely partisan standpoint, but that shall represent practically the sentiment of the people regardless of politics. During the present week the House of Representatives passed a bill that had been under consideration for several weeks. It is known as the Jones bill. Perhaps some misunderstanding has been occasioned because of the title of the bill and the fact that in a previous Congress proposed legislation bearing the same title was in many respects radically different from the bill considered at the present session by the House. Perhaps the provision in the previous bill which aroused the greatest antagonism was that one which provided that at the expiration of a period, if I recall correctly, of eight years, the Filipinos should be granted their absolute independence. I, for one, was very gravely in doubt as to the wisdom of such a provision. With many others, I did not believe that it was either wise or expedient for the United States to determine eight years in advance that the Filipinos would be ready for their independence, or that the conditions would be such that the United States would be justified in granting independence to them. And so, as the result of many conferences and much discussion, that provision was eliminated from the bill. The bill as passed by the House represents the matured policy of the present administration; it has the indorsement of the present administration. From the result in the House of Representatives I believe that it can be safely said that it expresses as nearly as can be expressed the American policy of dealing with the Philippine Islands in the future. Upon a recorded vote, taken upon the passage of the bill, 211 Representatives voted in favor of the bill and 59 in opposition to it. Any bill which passes the House of Representatives after extended controversy by a vote of practically 4 to 1 will come as nearly to representing the sentiment of the American people as any legislation that can be enacted. The portion of the bill which excited the greatest controversy and the most partisan contest, strange to say, was the preamble. The preamble is not a legislative act in the sense that is a law, but it is a method used of making a solemn declaration of the purpose by the Government in its future actions.

It is a declaration of policy upon the part of the Government. It is a declaration that was demanded by a very large and influential element of the Philippine people, and it is a declaration which is in complete accord with the platform of the dominant party now in the control of the Nation. I hope I may without offense to anyone present dissent from the view expressed here that in the language of olden days political platforms are "not meant to stand on, but to get in on." No public official can afford to assume any such position. A candidate for office or a political party which seeks power upon a declaration of principles and policies can not, after having invited and received the support of a majority of the electorate, assume that the policies favored and to be carried out in the event of success may be regarded as certain treaties, and be considered merely as "scraps of paper" to be disregarded when it was opportune for the party in power.

The Democratic platform, upon which the party was put in control of the executive and legislative branches of the Government, contains this very important and essential paragraph:

> We condemn the experiment in imperialism as an inexcusable blunder which has involved us in enormous expenses, brought weakness instead of strength, and laid our Nation open to the charge of abandoning a fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippines as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers.

The preamble of the Jones bill is a very mild declaration of that provision of the platform, but it is not the declaration of the policy of the Democratic Party alone. It is merely putting into concrete expression the policy that has been enunciated and has been contemplated by the Republican Party in the years

in which it was in control of the government of the Philippine Islands. I undertake to say that no influential group of men or no substantial body of men at any time in the United States has ever taken any other position than that the purpose of the United States is ultimately to grant to the Philippine people their independence. The only question upon which there has been any difference of opinion is the question as to the time when the Philippine people would be fitted to establish and to maintain an independent government. In 1908 Mr. Taft, as Secretary of War, was sent to the Philippine Islands, and upon his return he made a most voluminous report. In that report he called attention to the fact that many Filipinos desired that the American people should declare a definite policy as to the Philippines, so that they might be informed as to what that policy was to be. He said he did not believe any more definite statement of policy could be enunciated than the policy declared by President McKinley in his instructions to Secretary Root for the guidance of the Philippine Commission. It was practically incorporated in the organic act. "That policy," he said "is declared to be the extension of self-government to the Philippine Islands by gradual steps from time to time as the people of the islands shall show themselves fit to receive the additional responsibility."

It "necessarily involves in its ultimate conclusion, as the steps toward self-government become greater and greater, the ultimate independence of the islands."

In another portion of his report the Secretary, outlining the policy of the United States toward the Philippine Islands, said:

> Shortly stated, the national policy is to govern the Philippine Islands for the benefit and welfare and uplift of the people of the Islands, and gradually to extend to them, as they shall show themselves fit to exercise it, a greater and greater measure of self-government.

And he added:

> When the Filipino people as a whole show themselves reasonably fit to conduct a popular self-government, maintaining law and order, and offering equal protection of the laws and civil rights to rich and poor, and desire complete independence of the United States, they shall be given it.

So that the preamble of the Jones bill merely puts in a formal way the uniform policy of the Government and the one intended from the very beginning by the American people, as expressed by the action and attitude of administrations of two opposite political parties. A stable government can not mean any other government than such a government as can maintain law and order, and can extend equal protection of the law to the rich and to the poor.

The treaty with Spain, by which the United States acquired the Philippine Islands, was ratified on the 11th of April, 1899. Until July 1, 1902, all military and civil power was exercised in the Philippine Islands by the President of the United States through such military and civil officers as he appointed. On the 1st of July, 1902, the organic act was enacted by Congress, and it was designated as an act for the temporary government of the Philippine Islands, which act has now been in force for 12 years, and the proposed law is designed to extend to the Filipinos a much larger measure of control and management in their own affairs. In contemplating the capacity of the Philippine people for self-government it must not be forgotten that more than a hundred years ago Filipino representatives sat in the Spanish Cortes in Spain, and at one time as many as 17 representatives of the Philippine people were members of the Spanish Parliament. Before Harvard existed the University of St. Joseph had been established at Manila, where the Filipino youth were educated in the higher branches of learning, in medicine and in law, in literature and philosophy, in science and in art, and an organized system of public schools existed throughout the islands, while for more than 300 years they have had the civilizing effects of the Christian religion. Three years ago more than one-half of the Christian inhabitants, constituting as they do more than nine-tenths of the total population of the Philippines, had learned to speak the English language, and to-day the proportion of those who speak English is much larger, since for several years past the annual attendance in the public schools of about 600,000 Philippine children, taught by about 9,000 teachers, at least 92 per cent of whom are Filipinos, has made possible the acquisition of the English language and the spread of learning to an extent we hardly appreciate. Since 1907 the Filipino Legislature has consisted of an appointive commission and an elective body—a commission of nine members appointed by the President of the United States, one of whom is the Governor General, an assembly composed of Filipinos, elected by the Filipinos themselves. Impartial observers express the belief that this assembly has done remarkable work in demonstrating the capacity of the people for self-government. Everyone does not agree with everything they do, but when we consider how much acrimonious controversy there is over the actions of the United States Congress and of our State legislatures, we can not expect that perfection of work from the Filipino Assembly that would result in complete acquiescence on the part of everyone in all of their actions. Under the present government the commission has equal authority with the Philippine Assembly in legislative matters over the Christian peoples of the Philippine Islands. It has exclusive executive power and exclusive control of legislation over the non-Christian portions of the islands. The result has been that the commission, responsible not to the Philippine people but to the President of the United States, has taken moneys raised by taxation from the Christian people and spent it at will in the non-Christian Provinces. One of the grievous complaints that the Philippine people have had has been the manner in which the commission has disbursed the public funds in the non-Christian portions of the territory. One of them was the expenditure of many millions of public revenues in the construction, maintenance, and upkeep of the Benguet automobile road in non-Christian territory, which has aroused the indignation of the Philippine people, and is a striking illustration of the necessity for the abolition of the Philippine Commission. This short road, some 22 miles in length, has already cost the Filipinos more than $100,000 a mile. Until recently the majority of the Filipino Commission have been Americans. President Wilson, however, inaugurated a new policy by appointing a majority of Filipinos. The effect was immediately noticeable. Although the commission and the assembly for three years were deadlocked upon the appropriation bill, and it was impossible to have the appropriation bill enacted in three meetings of the legislature, at the last session of the legislature, with a majority of Filipinos in the Philippine Commission, the appropriation bill was passed by a unanimous vote in both bodies—not only the Filipinos but the Americans united in supporting it. This is a somewhat striking illustration of their capacity to govern.

The Jones bill declares, first, who are and who may be citizens of the Philippine Islands. It enacts the Bill of Rights, substantially the personal and property guarantees of the Constitution of the United States. It provides that all the expenses incurred by the Philippine Government be defrayed by moneys raised by taxation in the Philippine Islands; that all the powers that are now conferred upon the Philippine Legislature and the Philippine Commission be exercised by the Philippine Legislature; it continues the laws that are now in force until they are changed by the new legislature or by Congress; transfers all the public domain to the Philippine government to be administered for the benefit of the Philippine people; empowers the legislature, in addition to the usual powers, to legislate on tariff, currency, and coinage, but all laws affecting these subjects as well as timber, public lands, and mines must be approved by the President of the United States before they become effective. It retains in Congress the control of the trade relations between the United States and the Philippine Islands; it creates a legislature of two bodies—a senate and house of representatives. The islands are to be divided into 12 senate districts and 90 representative districts, each senate district to elect two senators, each representative district one representative. The Governor General of the islands, without restriction upon residence, is empowered to appoint the two senators and nine representatives from the non-Christian portions of the Islands. One senate district is comprised of those Provinces which are not now organized. But the other 22 Senators and 81 representatives are to be elected by the people of the Philippine Islands themselves. The right of suffrage is extended to all who can read and write in any native language. At present it is restricted to those who can read or write in English or Spanish. The Governor General is to be appointed by the President of the United States, as are the justices of the supreme court. The Governor General is to appoint all of the officials in the islands, subject to confirmation by the Philippine senate. The Governor General has a qualified veto over the legislation enacted by the legislature. His veto can be overruled by two-thirds vote of both houses, but if such action be taken the bill must be transmitted to the President of the United States, and unless he approves it it will not become a law. The right is reserved to the Congress of the United States to annul any legislative action taken by the Philippine Legislature.

That is a comprehensive outline of the provisions of the bill. Its purpose is to give to the Philippine people the fullest measure of control over their own affairs, and to retain at the same time such control in the President and in the Congress as will insure protection against hasty, ill-advised, or unjustifiable legislation. There has been some criticism of the present administration of the Philippine Islands. It has not been voiced

at this conference, and I do not believe it is justified when the facts are actually known. The present administration has been "Philippinizing"—to use a word that has recently come into vogue—by placing Filipinos in positions which heretofore have been occupied by American citizens. There has been considerable criticism of such action on the part of the American citizens who have lost the lucrative positions which they have been occupying for some time. And yet it must be apparent to everyone that if the Filipinos are ever to administer their own affairs, they must be placed in control of them. Action has not been taken at random, but changes have been made with care and deliberation in compliance with the civil-service laws, and wholly in the interest of the public service. As the result of this Philippinizing of the Philippine service the Philippine government has reduced its expenditures a million dollars in a year, and it is now arranged to curtail those expenditures $2,500,000 more. The present administration under Gov. Gen. Harrison has repealed the law which permitted the sale of friar lands in excess of the area fixed in the organic act. It has created a public-utilities commission to prevent the exploitation of the islands and to protect the people against exorbitant charges. It has enacted a pure food and drugs act, in line with the progressive sentiment of this country. The judiciary has been reorganized in order more quickly and efficiently to punish offenders against the law. It has substituted civil officials for military in the Moro Province, and despite the fears of those who looked upon such action with alarm there is order, peace, intelligent and progressive work being done in the Moro Province under the civilian officials. The bureau of navigation, maintained at a very high cost, with a number of high-salaried officials, for the purpose of supervising a governmental fleet used largely for official purposes by the officials of the Philippine government, was abolished. Considerable criticism has come from this action by those who have lost lucrative positions in that bureau.

It seems to me that this review of what has been done in the Philippine Islands and a proper understanding of the purpose of Congress leave no doubt that the will of the American people is being expressed in the administration of the islands and in the legislation for them. The desire of all, regardless of partisan considerations, is to have the Philippine people have a government which will be most conducive to their happiness and prosperity. The policy that is being carried out was formulated under the direct supervision of President Wilson. I am sure no one believes that he has any desire to exploit the islands or to bring to the people discomfort or distress; and I am certain that the work, which heretofore with great difficulty and very successfully and with credit to the American people has been carried on, will continue to be done equally successfully, until eventually there is practically an agreement among our people that the time has arrived when the independence of the Philippine people should be granted. When that time comes independence will be granted in such a way that the civilized nations of the world will know that the United States is not casting them adrift to be the prey of some ambitious nation, but that it intends that their independence shall be maintained by all the power and resources of the United States.

Mr. JONES. Mr. Chairman, I will ask the gentleman from Iowa [Mr. TOWNER] if he has exhausted the debate on his side?

Mr. TOWNER. I have.

Mr. JONES. Mr. Chairman, I yield to the gentleman from Ohio [Mr. BRUMBAUGH] the time remaining to me.

The CHAIRMAN. The gentleman from Ohio [Mr. BRUMBAUGH] is recognized for nine minutes.

Mr. JONES. I understood from the gentleman from Tennessee [Mr. GARRETT], who has had charge of the time, that there were 24 minutes remaining to us. That is the understanding.

The CHAIRMAN. The Chair understands from the Clerk at the desk that the time remaining to the gentleman from Virginia is nine minutes.

Mr. JONES. I can not understand that, Mr. Chairman, because it has been understood that we had 24 minutes. The gentleman from Tennessee [Mr. GARRETT] has gone to his dinner, and I think there must be some mistake about the count of the time. We have all understood that it was 24 minutes.

Mr. MILLER of Minnesota. The gentleman is correct in that understanding.

Mr. JONES. Mr. Chairman, my friend, the gentleman from Minnesota [Mr. MILLER] confirms my statement that it is 24 minutes.

Mr. TOWNER. I will say to the Chairman that that is my understanding.

Mr. JONES. The time has been parceled out with that understanding.

The CHAIRMAN. The Chair will state that the record kept at the desk shows that there are nine minutes remaining to the gentleman.

Mr. JONES. The understanding was that the debate was to close at half past 6 o'clock.

Mr. MILLER of Minnesota. I should like to call the attention of the Chair to the fact that the debate began at 11.30, and that by agreement reached this afternoon between the two sides it has been limited to seven hours. That would certainly conclude the debate until 6.30, and, of course, a little time has been lost in yielding, so that the gentleman's contention must be correct.

The CHAIRMAN. The Chair, of course, has no record of his own as to the time consumed, but the record that has been kept by the Clerk at the desk shows that 3 hours and 21 minutes have been consumed by the gentleman from Virginia.

Mr. JONES. I ask that the gentleman from Ohio [Mr. BRUMBAUGH] be permitted to speak for 24 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Ohio [Mr. BRUMBAUGH] be permitted to proceed for 24 minutes. Is there objection?

Mr. AUSTIN. Reserving the right to object, I ask that this side be given an equal amount of time.

Mr. JONES. Your side have had their time.

Mr. AUSTIN. And according to the statement of the Chairman your side has had the same amount of time.

Mr. JONES. There is no question about your having had three hours and a half.

Mr. AUSTIN. And the Chair says you have had all of yours except nine minutes.

Mr. JONES. The Chair is mistaken about that. As the gentleman from Minnesota [Mr. MILLER] has stated, we started at half past 11, and seven hours would certainly bring us to half past 6. It is now 10 minutes after 6.

Mr. TOWNER. Mr. Chairman, I hope the gentleman from Tennessee [Mr. AUSTIN] will not insist on his objection.

Mr. AUSTIN. I am not objecting. I just withheld my consent to see if we could not make an agreement which I think would be fair.

Mr. TOWNER. I think there is some mistake about it. I think the gentlemen over there are entitled to the time. So I hope no one will object.

The CHAIRMAN. The Chair has been over the record book here and it seems to be correct.

Mr. JONES. I will ask the Chair to submit the request.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia that the gentleman from Ohio [Mr. BRUMBAUGH] be permitted to proceed for 24 minutes?

There was no objection.

Mr. BRUMBAUGH. Mr. Chairman and gentlemen, I desire to thank the House for this courtesy in extending my time at this late hour at the end of this long day of debate.

I appreciate the responsibility as well as the honor of closing the debate for the majority side of the House on this bill dealing with the great question of Philippine independence—a question of such immense magnitude that it affects the future of 9,000,000 people in the Orient and likewise affects the future policy of the Government of the United States, and thereby affects the destiny of mankind in the ages to be.

THE GENERAL PURPOSE AND INTENT OF THE PHILIPPINE BILL TO DO THE RIGHT THING AND BE TRUE TO OUR TRADITIONS.

I expect to use the most of my time in telling you something about my personal observations in the Philippine Islands during the last summer. I want to make just this statement before beginning that part of the discussion: I believe a careful study of the Philippine bill as formerly passed by the House in the Sixty-third Congress, and as now before us modified by the Senate, will convince any candid investigator that this bill now under discussion is one of the most important measures ever presented to any legislative body for the government, uplift, and advancement of any people, in any age or any land.

The framers and sponsors of this bill in all its stages, its friends and supporters everywhere, have had in mind always the one desire to formulate and pass such a measure as would be alike fair, just, and honorable to the great Republic of the United States and to the people of the Philippine Islands, whose friends and well-wishers we are and always have been. Our first care and concern has been to do that which would show that we were willing to do the right thing, the fair thing, the just thing, and to do it in line with, and in memory of, all our best traditions of the past.

The passage of this bill will prove to the world, I think, that we are still guided by the teachings of the fathers, the wisest and purest of our statesmen, from Washington, Jefferson, and Lincoln to the present time; that we are not to be led astray from the path of freedom and the ideals on which our Republic was founded, by the glamour of conquest, the greed of gain, or to covet the God-given rights and possessions of others; but as a people grateful to God for liberty and a free, independent form of government we are willing to grant to others the priceless heritage we enjoy ourselves. [Applause.]

PERSONAL OBSERVATIONS IN THE PHILIPPINES.

I had the good fortune to be able to travel from May to October last year in that part of the world, visiting Hawaii, Guam, China, Japan, Chosen, and the Port Arthur country.

I had the great pleasure of spending 35 delightful days in the Philippine Islands. We traveled in automobiles over the various islands, for they have many good roads in most of the inhabitable islands. The Philippines are alive with automobiles everywhere.

With American officials, Philippine members of the legislature, and leading Moros, we traveled together more than 2,000 miles by water among the various islands and tribes. Everywhere the people received us with great kindness and hospitality. I desire to take this opportunity to express my thanks and great appreciation to the people of the Philippine Islands for their great hospitality and the constant courtesies showered upon us. They almost killed us with good things to eat, and almost smothered us to death with kind attentions.

I wish I had the opportunity to tell you a little about their beautiful, fertile country, their farming, crops, roads, bridges, schools, churches, homes, and the people themselves, their unfailing kindness and hospitality, and their conception of civil government.

Everywhere among the Filipinos in all the islands we found the people expressing gratitude to the American people for the services rendered them, while at the same time expressing the hope that the great American Republic would keep faith with them and assist them to set up a republican form of government, so that there would be in the Orient the United States of the Philippines, a republic modeled after our own. [Applause.]

This hope is a passion with them everywhere. Being the only Christian people in all the Orient I found them, as a mass, the keenest, most capable, and best fitted for self-government of all the people of all the Orient.

TRIBUTE TO OUR SOLDIERS, TEACHERS, AND AMERICANS IN THE PHILIPPINES.

Mr. Chairman, I can not but pause before entering upon a further discussion of this question to pay a tribute to our soldiers, teachers, and Americans in the Philippines. We can be proud of them all. In this connection I want to insert the printed report of a speech delivered by me July 4, 1915, printed in the Manila Times of that date. Speaking to a large audience of Filipinos and Americans, I said:

"I desire to be understood as to my position in regard to past American occupation in these islands. I am proud of the record. No finer body of soldiers has ever served any country anywhere; no better soldiers on our planet to-day than our boys in the Philippines.

"I am extremely proud of the great work of our American teachers in the Philippines—a noble body of men and women, who have led the Filipino youth up the rugged heights to a purer air and a broader view. With these I also include those American residents who have lived and labored in the professions and in business in no selfish manner to develop the best things in the Philippines. Everywhere I go I see the best evidences of the good influences of all these, my countrymen, and I desire to state my appreciation of their good work. All these things can make mightily for the future. Those who, if any such, would turn all this in the end to their own self-aggrandizement or self-greed or spoliation of the Filipino people seem to me to be untrue to American ideals. All those who labor for the uplift and common good of the people of the islands deserve the praise of all good men and the smile of heaven upon their labors.

"In regard to our present government in the Philippine Islands I want to say that I believe all our Governors General in the past have been good and patriotic men, doing that which they believed for the best at all times. I have no word of criticism to offer concerning the administration of any of them. For the present Governor General, the Hon. Francis Burton Harrison, I want to say that those of us who have known him respect and honor him; those of us who have known him as a fellow member of Congress and know by daily contact of his fidelity to duty, his keen sense of justice, his industry and ability, feel very confident that his administration will prove equal to any of the past and will set a new high-water mark of efficiency and service which will be alike honorable and beneficial to all. Gov. Gen. Harrison has succeeded in doing that which has rarely ever been accomplished in history—that of being the official ruler over a foreign alien people and being universally loved and popular with the people over whom he rules.

THE MORO PROBLEM.

"While I have been a member of the Insular Affairs Committee of the House of Representatives and have for years been a student of the Philippine problem, still I recognize the fact that only information and observation gained at first hand can convey any adequate grasp of the needs and problems of the Filipino people. To properly understand another people is the work of time and long association, based upon mutual regard and consideration of each others rights and convictions.

TRIP THROUGH THE MORO COUNTRY.

"Our Southern Island trip of 15 days has been replete with information and absorbing interest. Here, it seems to me, is about all that is left of the real Philippine problem, and the problem is being solved. I want to congratulate, without stint or limit, Gov. Gen. Harrison and the fine men under him, who are solving this greatest of Philippine problems, upon which hangs the future happiness of 9,000,000 souls and 50,000,000 souls to be. I can only speak in words of highest commendation of the magnificent work of Gov. Carpenter and his marvelous success, and also of the fine men helping him—Gov. Gilsheuser, Gov. Rohrer, Gov. Bryant, and Col. Traub, and also the faithful common soldiers and the native scouts and constabulary. I have never seen a finer body of men devoted to a high and sacred duty. Nothing finer or better or nobler has yet been conceived by the mind of man regarding this work than Gov. Gen. Harrison's project at Momungan or Gov. Carpenter's colonization of Filipino colonists in the Moro country. While some critics for self-interest criticize, still the work goes on, and Gov. Gen. Harrison and Gov. Carpenter and their fine helpers are patriotically solving the great Philippine problem.

"Before I went to the Moro country I had great fears about the Moro problem. I think we can dismiss the Moro bugaboo and destroy the straw-man scarecrow Moro problem. We saw in the very heart of the darkest part of Moroland Filipino families living peaceably and friendly with Moros all about them. We saw the 8 different Filipino colonies, each colony numbering over 100 families and each colony numbering from 800 to 2,000 Filipino people, scattered over 150 miles of Moro country, surrounded by late Moro enemies, and living in peace and friendship together. We heard Moro leaders speak in English and ask for more Filipino teachers. We heard the datos speak in praise and love of their Filipino neighbors. We saw colonies where the president was a Filipino and the assistant a Moro dato. It did not look to us as though 300,000 Moros—poor, ignorant, and unarmed, except with primitive bolos—were going to overpower our 6,000 splendidly armed scouts and constabulary down there and come 700 miles through the territory of several million Filipinos to eat blood raw the people of Luzon or any other island, and much less did it look as though they had any desire to do so.

"It did in all fairness look as though the good and noble work of Gov. Carpenter, in making Filipinos and Moros friends and fellow citizens, had been too long delayed, and that in the past Moro prejudices had been played up and played upon for a purpose as an argument against home and native rule at any time in the future. At least very little advantage was ever taken in the past of a most glorious and sacred opportunity to fraternalize Moros and Filipinos and make past enemies future friends. True, there may occur in the future race hatred, clashes, outbreak, and strife among these people. All these things have happened and still happen in the United States, but no one uses it as an argument to discontinue a republican form of government. The truth is that even the ignorant, savage Moro feels the influence of the greatest of all powers on this earth—the power of friendship and love—and this influence is solving the problem better than those politicians who oppose home rule have thought it possible to solve it.

THE JONES BILL.

"There appears to be very much misunderstanding about the Jones bill. It should be remembered that this bill passed the House by about 4 to 1, and, had it been voted upon, would have passed the Senate by a large majority. Only filibustering tactics in the Senate prevented a vote upon it. Many Republicans in the House and almost all the Progressives, or third-party men, voted for it, and many Republican Senators in the Senate avowed their intention of voting for it. Anyone who reads the bill will ascertain that it is a bill of good faith, in

line with the best policies of the past, and is a natural step forward. It is alike honorable to both the American people and American ideals, and also to the best interests of the Filipino people. It does not commit the United States Government to immediate independence to-morrow or next year; it simply leaves us free to do and to go as far as the Filipino people may be able to prove to us that they are able to so govern themselves that it makes it advisable and sensible to go. Would any just man anywhere want it otherwise? The bill, above all else, removes all doubt as to our ultimate purpose in these islands. It does specifically state that the United States, as soon as reasonable and possible, at the time best for all concerned, will grant full and complete independence to the Philippine Islands, and thus, as I hope and pray, be the means of helping you build up in the Orient 'the United States of the Philippines,' a republic that shall honor you and honor us and endure for all time to come. [Applause.]

WE CAN SAFELY FOLLOW PRESIDENT WILSON.

"I want to say to all that we can trust President Wilson. No greater President has ever sat in the presidential chair. The future historian, I believe, will speak of four greatest Presidents—Washington, Jefferson, Lincoln, Wilson. As time goes by the people will appreciate more and more the man who, regardless of clamor, held the rudder true and kept his country and also Hawaii and the Philippines unstained by blood. No folly of his has caused the angel of death to take the first born of every home a sacrifice in war. No President ever met so many and so great world-wide, perplexing problems in so short a time. He has met them with supreme faith and courage, meeting every delicate emergency with consummate tact and ability, and all the while his fine courage, sense of justice and patriotism have led the thought of the entire world to higher plains and better things. The faith of the American people in his wisdom and statesmanship can not be shaken; it grows stronger all the while. [Applause.]

FUTURE POLICY OF UNITED STATES.

"I have been frequently asked, What is to be the future policy in the meantime of the United States toward the Philippines? Why should anyone who reads the newspapers ask that question? The President stated the policy in his speech to Congress, speaking to a joint meeting of the House and Senate December 2, 1913. I know of no one who could state it so well. Personally I want to say that the President's speech meets with my hearty approval, and I think correctly states the true purposes of the Jones bill and the true policy of the American people toward the future of the Philippine Islands.

"The President said:

"'Porto Rico, Hawaii, and the Philippines are ours, indeed, but not ours to do as we please with. Such Territories, once regarded as mere possessions, are to be no longer selfishly exploited; they are part of the domain of public conscience and of serviceable and enlightened statesmanship. We must administer them for the people who live in them and with the same sense of responsibility to them as toward our own people in domestic affairs. No doubt we shall successfully enough bind Porto Rico and the Hawaiian Islands to ourselves by ties of justice, interest, and affection, but the performance of our duty toward the Philippines is a difficult and debatable matter. We can satisfy the obligations of generous justice toward the people of Porto Rico by giving them the ample and familiar rights and privileges accorded our own citizens in our own territory, and our obligations toward the people of Hawaii by perfecting the provisions of self-government already granted them, but in the Philippines we must go further. We must hold steadily in view their ultimate independence, and we must move toward the time of that independence as steadily as the way can be cleared and the foundations thoughtfully and permanently laid. * * *

"'Acting under the authority conferred upon the President by Congress, I have already accorded the people of the islands a majority in both houses of their legislative body by appointing five instead of four native citizens to the membership of the commission. I believe that in this way we shall make proof of their capacity in counsel and their sense of responsibility in the exercise of political power and that the success of this step will be sure to clear our view for the steps which are to follow. Step by step we should extend and perfect the system of self-government in the islands, making test of them and modifying them as experience discloses their success and their failure. We should more and more put under control of the native citizens of the archipelago the essential instruments of self-government, their schools, and all the common interests of their communities, and so by counsel and experience set up a government which all the world will see to be suitable to a people whose affairs are under their own control. At last, I hope and believe, we are beginning to gain the confidence of the Filipino peoples. By their counsel and experience rather than our own we shall learn how best to serve them and how soon it will be possible and wise to withdraw our supervision. Let us once find the path and set out with firm and confident tread upon it and we shall not wander from it or linger upon it.'

"The above from the President is surely in line with President McKinley's attitude and with President Taft's speech at Iloilo in his declaration of the 'Philippines for the Filipinos.' The words of our President are the words of a great statesman who loves justice, a patriot who seeks the common good of the American and the Filipino people. His words should be applauded and sustained by all those who love to see the spread of democratic principles and by all those who have at heart the best interests of their fellow man in all lands. The great Philippine problem is solving itself and will solve itself in due course of time. With the poet we can paraphrase and say: 'The Philippine problem is moving forward out of darkness into light; it is daybreak everywhere.'

"The President's statement above quoted in regard to the attitude of the United States toward the Philippine problem is in line with the Sermon on the Mount, the Declaration of Independence, and the principles of the Golden Rule." [Applause.]

A WORD ABOUT THE PHILIPPINE ISLANDS AND THE PHILIPPINE PEOPLE.

The Philippine Islands are a tropical country, located entirely in the northern Torrid Zone, between 6° and 14° north latitude. The Philippines contain from two to three thousand islands, scattered over 1,000 miles through southern tropical seas. The entire area is about 120,000 square miles, or three States like Ohio. More than nine-tenths of the area is contained in the large islands—Luzon, Mindanao, Cebu, Samar, Mindoro, Leyte, Panay, Bohol, and Jolo. The remainder of the islands are mostly small, rocky, uninhabited islands from 1 to 20 acres in area. To start from any one city and visit the principal islands and return to the place of starting it is necessary to travel more than 2,000 miles in various southern seas. Luzon in area is about as large as Ohio and contains more than one-half as many people. Mindanao is almost as large as Luzon and is principally inhabited by Moros. The entire population of Moros in all the islands, as given by the census of 1903, was 277,547. Cebu is the most densely populated island in the Philippines. The city of Cebu—20,000 population—was discovered by Magellan the same year as the founding of St. Augustine, Fla.

The country is very beautiful and the most fertile tropical country in the world. The mountainous and hilly part of the islands are covered with valuable timber, ebony and mahogany being the most valuable. About one-third of the area is in timber.

PRODUCTS OF THE ISLANDS.

Rice: Rice is the staff of life and raised everywhere. The little rice patties or rice farms are found in all the islands, in the valleys and up the mountain slopes. They have a perfect system of farm irrigation. Rice is used for food, alcohol, beer, and wine.

Hemp: The Philippines is the greatest hemp country in the world. The Manila make of ropes, or manila rope, is known all over the world. They raise about $100 worth of hemp per acre.

Tobacco: The Philippines is the finest tobacco country in the world. The Cagayan River Valley produces the finest tobacco in the known world. There are 40 factories and 40,000 workers in the tobacco factories in the Philippine Islands. In 1913 the islands exported more than 6,000,000 cigars, more than one and one-half million being exported to the United States.

Gold: In 1914 there was mined $1,125,000 in gold ore from placer and lode-rock mines.

Coal is not found in the Philippines.

Coconut: The islands produce 150,000,000 coconuts yearly. They are used for food, drink, and copra or dried fruit.

Nipa palm: Twenty thousand acres of low marshy lands are in Nipa palm. The sap from Nipa palm produces sugar and alcohol. Ten per cent of Nipa palm alcohol mixed with gasoline produces a good substitute for gasoline for automobiles and other uses. In 1913 the Nipa palm produced more than two and one-half million gallons of alcohol.

Cement: There is shipped into the Philippines more than 500,000 barrels of cement yearly, the duty on cement being 30 cents per barrel. Cement sells at $2.25 to $2.75 per barrel in the Philippines.

There are two railroads on the island of Luzon, and one railroad running through the island of Cebu. A great navigable river runs through the great island of Mindanao. The country is well supplied with rivers and springs and country roads.

In 1913 the total imports were more than $56,000,000; the total exports more than $51,000,000.

PHILIPPINE PEOPLE.

The Philippine people, whether educated or uneducated, whether Filipino or Moro, are naturally a bright, keen, quick-witted people. They are not of the dull, thick-headed kind. There are several dialects, but whether Filipino or Moro they all spring from the Malay race. Magellan, who discovered the islands, found them a keen, virile, patriotic, and brave people, even at that time, and they put up a brave fight before they were conquered. They have their mythology and their history. Spain subdued them, but throughout her entire history with them they struggled to throw off the yoke of Spain, and when Dewey landed at Manila Bay, in May of 1898, they were engaged in a revolution against Spain and had overthrown the Spanish authority in all parts of islands except in and around the city of Manila.

Manila, a city of about 150,000, is a thoroughly cosmopolitan city, with all the conveniences of life found in an up-to-date American city, containing beautiful stores of all kinds, good hotels, and is alive with mercantile and manufacturing interests.

Cebu, the capitol of the island of Cebu, a city of 20,000 people, the home of Speaker Osmenia, is the second city of the Philippine Islands. San Pablo, Anti Polo, Bagulo, Surigao, Cagayan, Camp Overton, Iligan, Jolo, Zamborango, and Iloilo are all prosperous towns in the various islands having a population of two to ten thousand people. Most of the cities have waterworks, electric lights, and drainage. We visited all of these islands and cities and found the people very hospitable everywhere. They insisted on serving us from four to six banquets a day. Everywhere were parades, speeches, and banners asking for independence.

LAKE LANAO AND BAGUIO.

While the country is very hot all the year, still they have two remarkable summer resorts. Every night in the year and part of the day it is cool and pleasant at Lake Lanao, in the heart of the island of Mindanao, within 6 degrees of the Equator. At Baguio, on the island of Luzon, you ascend 5,000 feet in 20 miles, and every night of the year you can rest in comfort at the hotel seated by a blazing log fire.

The Bagnio Road from the lowlands up the mountains running with the Bued River and crossing it many times is said to be the most wonderful piece of mountain road building in the world. The United States spent $2,000,000 in gold in building this 20 miles of road only to find that we had nothing in the end but the experience. The narrow pass in the mountains slid together and banked up 150 feet of the Bued River. Across this river were some 200 iron bridges, where this road had crossed from side to side in going up the mountain. When the river broke loose it carried away all these bridges and twisted the iron and scattered them along its course like a twisted cotton string.

CAMP JOHN HAY AND NATIVE SOLDIERS.

At Camp John Hay, at Baguio, we saw more than 5,000 Igorotes scout soldiers, a fine body of native soldiers. These are the same Igorotes that traveling showmen take through the United States with rings in their noses, giving a false conception of the country and the people. These soldiers could obey and execute every command, speak English, dressed like our soldiers, lived like our soldiers, and American officers testified to their intelligence and worth.

Ten miles out from Zamboango we find the finest model penal farm of the world at San Ramon and at that place is located the largest and most beautiful coconut grove in the world. Christiana Falls of the Agus River, in Mindanao, is 225 feet high and one of the most beautiful falls in the world.

THE MOMUNGAN COLONY.

On the island of Mindanao is located the settlement of families called squawmen, white men who have married Filipino women. The Philippine Government advanced each family ₱1,200 ($600) to buy 16 hectors, or 40 acres, of land and to put up a home and purchase implements for farming. In Mindanao, also, are eight different Filipino colonies scattered over 100 miles of Moro country. Filipinos and Moros are visiting each other, and the time is thought to be soon at hand when the Moros will elect members to the Philippine Legislature.

SCHOOLS AND CHURCHES.

In all parts of the islands are many old parochial schools and many old, beautiful churches. They have a college in Manila older than Harvard, and to prove to the world that they are not semisavages but educated people, with spirit and ambition ready for self-government, every member of the Philippine Legislature is a college graduate.

THE PHILIPPINE PEOPLE AS DEWEY FOUND THEM IN 1898.

They have many able scholars, business men, and professional men. We should understand that they had 300 years of Spanish education and Christian education and parochial schools before we came among them. When Dewey sailed into Manila Bay, May, 1898, what kind of people did he find in the Philippine Islands? Admiral Dewey, in his communication to the Secretary of the Navy on the 29th day of August, said:

The population of Luzon is reported to be something over 3,000,000, mostly natives. These are gentle, docile, and, under just laws and with the benefits of popular education, would soon make good citizens.

In a telegram sent to the department on June 23 I expressed the opinion that "these people are far superior in intelligence and more capable of self government than the natives of Cuba, and I am familiar with both races. Further intercourse with them has confirmed me in this opinion."

The United States consul general at Hongkong, China, writing to the State Department at Washington, July, 1898, said:

The Philippine Malays are a superior race to many other Asiatic peoples. I have lived among the Malays of the Straits Settlements and have been an honored guest of the different sultanates. I have watched their system of government and have admired their intelligence. The natives of the Philippine Islands belong to the Malay race, and while there are very few pure Malays among their leaders, I think their stock has rather been improved than debased by admixture. I consider the 40 or 50 Philippine leaders, with whose fortunes I have been very closely connected, both the superiors of the Malays and the Cubans.

In conclusion, I wish to put myself on record as stating that the insurgent government of the Philippine Islands can not be dealt with as though they were North American Indians, willing to be removed from one reservation to another at the whim of their masters. If the United States decides not to retain the Philippine Islands, its 10,000,000 people will demand independence, and the attempt of any foreign nation to obtain territory or coaling stations will be resisted with the same spirit with which they fought the Spaniards.

The Philippine people when we first knew them were what the above authorities state they were. They have had 18 years of our assistance, more than $700,000,000 of our money, and the benefit of our teachers and missionaries. They print and read many papers and books, and yet we find those among us who still declare that these people are totally unfit for self-government, regardless of the fact that we have some few sections in the United States that have a larger percentage of illiteracy than is to be found in some sections in the Philippine Islands. I found them everywhere in all islands a musical, sentimental, home-loving, keen, quick-thinking, brave, and patriotic people. An Army officer's wife told me that she had often ridden all day with a single Igorrote guide in the mountains among the Igorrote tribes. If they know that you come in peace, as a friend, then everywhere you are safe and will be received with utmost native kindness.

ARGUMENTS USED AGAINST INDEPENDENCE FOR THE PHILIPPINES.

I desire to notice a few of the arguments used against withdrawing from the Philippines and granting independence to the Philippine people.

THE MISSIONARY ARGUMENT.

We used to hear the religious argument advanced—the missionary argument. My observation was that the Filipinos needed missionaries less than any country in the Orient; being a Christian people, these missionaries are needed in every land that I visited more than in the Philippines.

THE SCHOOL ARGUMENT.

We used to hear a good deal on the school question. We have followed the policy inaugurated by McKinley, followed by Taft and Roosevelt, and followed by the present administration, of substituting native teachers for American teachers. We have more than 8,000 native teachers in the schoolrooms in the Philippine Islands. The school question has about solved itself. We have about completed our work. Gentlemen may differ with me on that proposition. I do not believe the Philpine Islands will ever become an English-speaking country. I said to a teacher: "Do these children speak English on the playgrounds?" She said: "No; as soon as they get on the playgrounds they talk in their own native tongue." "Do you try to get them to speak English?" "Yes," said she, "sometimes I threaten to punish them; but you know it is rather a cruel thing to punish a child for speaking in its mother tongue."

If you go into a schoolroom—and gentlemen say we have 600,000 children speaking English—if you go into a schoolroom and happen to know what they are talking about, you will follow them fairly well. They are doing the best they can about learning English. Possibly they are doing as well as we could do in learning their language. Three times we have set a date on which English would be used in court and every time we have revoked the act. But, gentlemen, we need and can use all these splendid American teachers in the United States. Many of them told me that their real work was completed, because they had developed sufficient native Filipino

teachers to take their places. Two years ago I had the pleasure to attend a splendid meeting in the interest of and for the benefit of Berea College, held in the beautiful D. A. R. Hall in this city. The president of Berea College and other noted speakers made most pathetic appeals, and if what the president of the college and others from that locality said about the needs and conditions in the mountainous sections of the Southland be true, then, gentlemen, we can well use all these American teachers now in the Philippines to good advantage in our own land, in a territory larger than the territory of all the Philippines, populated by good, liberty-loving, fine, brave, pure-blooded Americans, who, we were informed, were needing our financial assistance and were most sorely in need of the opportunities of education.

THE TRADE ARGUMENT.

We used to hear a good deal about the trade argument. We spent 23 days going westward on the Pacific Ocean from Hawaii, and we passed one sailing trade steamer. The trail of that old trade argument has been through all the history of the past. Trade is all right when it comes naturally and legitimately, but overanxiety for trade has caused men to rob and murder their fellow men, and has caused nations to do the same thing. Once there was a famous orator who began and ended every speech with the trade argument of his day and age, "Carthage delenda est," and some people would carry the trade idea so far as to make it mean Filipino liberatum delenda est. Our trade will be greater with the Filipinos as our friends than our enemies.

THE ARGUMENT ABOUT AMERICAN INVESTMENTS.

We hear the argument concerning American interests in the Philippine Islands as a reason for not granting independence. Gentlemen, candidly, it is my opinion that it is not so much the bonds that are as the bonds that are to be about which some people are so anxious as to American interests in the Philippine Islands.

THE OLD MORO ARGUMENT.

We used to hear the argument used extensively that we do not hear any more, that if we withdrew our soldiers the Moro element would master the Filipino element—that is, that about 300,000 Moros would kill off 8,000,000 Filipinos. I passed through the entire Moro country.

Mr. Carpenter, a New York gentleman and a splendid man, a Republican whom Gov. Gen. Harrison, a Democrat, has appointed governor of the Moro country, has colonized eight colonies over 100 miles of Moro country in the island of Mindanao, each colony containing from 500 to 2,000 souls. When he first mentioned the proposition to do this everyone said, "Oh, the Moros will massacre the entire population the first night"; but the project was made, and there they live in peace together. I saw their children in their schools together; we met them in mass meetings together; they are living in peace together, working out the great Moro problem.

We had a fine meeting at Dato Piang's place. The dato is second in command under the Sultan of Sulu. The dato's son, whom a Texas lumberman brought to this country, gained a good knowledge of English in six months, and made a remarkable speech in English. I obtained a typewritten copy. I wish I had time to read it to you. I will insert it in my speech.

At Lake Lanao we met several datos with their tribes. We had a great mass meeting together. They all wanted to make speeches to us. While they could not read a word of English, still they showed fine emotion and fine sentiments of feeling.

WAR IS A CURSE; PEACE IS A BLESSING.

I remember the speech of one old dato. He got up and said to Mr. QUEZON, "We are glad you Filipinos are down here; we are glad to see you. The Spanish for hundreds of years have had us fighting each other, and we should not have done it. We are all of one skin; we are all of one race. See, our skin is all the same color. We want you to come amongst us, to live in peace and farm and raise rice." And then he said a remarkable thing: "The greatest disease"—and the word "disease" typifies everything that is horrible in that country—"the greatest disease that can happen to any nation, to any people, is war; the greatest good that can come to any people is peace. We want to live in peace together." And, Mr. Chairman, they will live in peace together if designing men do not go through that country haranguing them and exciting enmity in their hearts against one another. I want to say in passing that these people, all of them, whether Filipino or Moro, are people of great native ability. This is the universal verdict of travelers who are familiar with and have studied conditions in many lands.

I have remarked that both Filipino and Moro are people of great native ability—capable of great development in learning as they are already developed in agriculture and in many of the mechanical arts. As proof of this I herewith insert the speech of the young Moro referred to above—a speech delivered in fairly good English:

SPEECH OF DATU ABDULA PIANG (SON OF DATU PIANG) DELIVERED AT DULAUAN, COTABATO, JUNE 25, 1913, ON THE OCCASION OF THE VISIT OF THE CONGRESSIONAL PARTY TO THAT PLACE.

"Honorable gentlemen, it is a great honor to me to be permitted to address you here in behalf of my people. The Mindanao people are very poor, because they have no schools and have not yet learned the necessity of cultivating the soil in order to grow crops for sale. I have seen many very fine schoolhouses in the northern islands, but we do not have them here because we have no money to build them. We hope that the government will furnish us more money for more schools so that the Mindanao children may be educated. Myself and eight of my brothers have finished the primary school and we can easily see the advantage of education. We realize that the future development of our country depends upon the young people who are now growing up, and we feel the need of education, especially agricultural education. The Mindanao boy is not lazy, but he is exceedingly industrious and very quick to learn. With more schools we promise you rapid development in this valley. There has never been trouble between the Christian colonies and Mindanao colonies since they lived here in Cotabato. We are glad to see them cultivate the land here in Cotabato, as it will increase the amount of rice to be raised here and make greater business for this country. The Christian can learn something from the Mindanao which may be of benefit to him. The Mindanao can also learn things from the Christian which will help him. In this way the two classes of people are better fitted by being brought together. There is much land here in Cotabato which nobody works on. We want to see this land occupied so that it may be of some value. We want each Mindanao family to have enough land to live on, and the other land that is not occupied can be settled by Christians."

This speech was taken down by Gov. Carpenter's stenographer. It is a speech of a young Moro with six months' study of English. The Moros are classed as the most illiterate of all the Philippine people.

Mr. AUSTIN. Mr. Chairman, I would like to have the gentleman's opinion whether he thinks it is necessary for us to keep the Army over there any longer to maintain peace, or could we recall the Army now and save that expense?

Mr. BRUMBAUGH. I think we could recall almost the entire Army. The native scouts could take care of the situation.

THE JAPANESE QUESTION.

Reference has been made to the Japanese question. We traveled through Japan from end to end. I talked with all the Japanese officials who would talk to me on the question. There may have been a time when Japan would have liked to have possessed the Philippines. There are not as many Japanese in the Philippines now as formerly. Why? Because they have found, as we have found, that it is not a white man's country or a country for people of the Temperate Zone. It is a Torrid Zone country, intended by the Creator for the home of a Torrid Zone people. As soon as they can earn a little money they get out and go on to the Hawaiian Islands, and as soon as they can earn a little money there they get out and go on to the United States, because the climate is too hot for them in the Philippines. Japan wants us to recognize a Monroe doctrine in the Orient. We do not want Japan to build up a strong nation in Mexico on our border. Our borders on the Orient, the northern islands of the Philippines, are within 100 miles of the southern coast of Japan's possession, Formosa, and Japan does not want us to build up a strong nation in the Orient. That is the entire interest that Japan has in this problem, in my estimation.

One Japanese official stated that the United States would have to pay them a large sum of money to have them relieve us of the Philippine Islands. He reasoned that control of the Philippines for them would mean keeping a large body of soldiers there, and for this the United States would have to compensate them.

THE SMALL AND WEAK NATION ARGUMENT.

The argument is sometimes advanced against giving the Philippine Islands independence that if they were given independence, to use the language so often employed, some stronger nation would gobble them up. If this argument were a valid argument against the founding of a Republic, then there would be no Republic on the face of the earth to-day. The Filipinos are now 9,000,000 strong. In 20 years from to-day they will have in the islands possibly 18,000,000 people. When the Republic of the United States was organized we were but 3,000,000 strong. Why is it necessary to suppose that some stronger nation or several stronger nations will unite to crush the Philippines? Norway, Sweden, Denmark, Holland, Switzerland,

Belgium, and several South American Republics are all weaker nations than the Republic of the Philippines would be and are situated geographically in far more dangerous positions to invite attack from stronger nations, besides Japan and Russia will not permit any European nation to overthrow the Philippines, and neither would England for like reasons permit any Asiatic nation to overthrow the Philippines. This argument so ofttimes used is an excuse rather than an argument. A republic is a growth—they must be given a chance to begin some time. Why not soon?

THE DIFFERENT RACES AND DIFFERENT LANGUAGES ARGUMENT.

We sometimes hear the argument used that the Philippines could not set up a Republic because of the different races and different languages in the Philippines. This again is an excuse rather than an argument against independence. When we established our own Republic we had many races of people and many different languages and we have found them all to be useful rather than detrimental to our Republic, and out of it has grown the typical American citizen, the most verile, strongest, and best citizenship in the world. This is an unfair argument and is not used against any other nation or people. The island of Great Britain has four distinct races and four distinct languages, and Great Britain has many races and many languages in her foreign possessions. Little Switzerland has a half dozen different races and half dozen different languages. Mexico by our very border has 41 languages and 51 dialects, yet no one uses this as an argument against a Republic in Mexico.

If we must wait until a country has a common language before setting up a republic, then no country on earth ever could or ever can set up a republic. While there are some 30 different dialects in the Philippine Islands there exists, however, three great languages—Spanish, Visayan, and Tagalog. Three-fourths of all the 9,000,000 people in the islands speak Visayan or Tagalog, while the Spanish is the language of the courts. More than 500,000 children are learning English in the schools. Has any nation in the past ever presented a better language situation at the time of founding a republic than the Philippines do at this very moment? The language argument also is an excuse rather than an argument against independence.

PULLING-DOWN-THE-FLAG ARGUMENT.

Of all the unfair arguments advanced toward granting independence to the Philippines the pulling-down-the-flag argument is the most unfair. Those who use this argument forget what our flag stands for. Our flag stands for an undissolvable union of indestructible States. Whenever we make it a sign and symbol of authority for anything but a republican form of government and raise it over anything but a free and independent people, we pull it down from the high level of humanity on which the blood of our fathers planted it to the low level of conquest and subjugation. That grand old man from Massachusetts, Senator HOAR, put it this way:

When you raise the flag over the Philippine Islands as an emblem of dominion and acquisition, you take it down from Independence Hall.

Do those who use this argument mean to imply that anywhere and everywhere the flag is raised for any purpose whatsoever any body of men can gather around it and use it for their own purposes of speculation, and hide behind it with the cry that we shall never pull down the flag? Wherever the American people want that glorious flag raised, they will raise it, and every drop of our blood will be spent, if necessary, to defend it; and when the American people want it taken down, they will take it down in honor and glory. All this they have done in the past many, many times. We raised that flag in Canada in 1812, and we hauled it down in honor. We raised that flag in Mexico in 1848, and planted it upon Chapultepec, and also upon the wall of the homes of the Montezumas, and we hauled it down again in honor. Gen. Lee raised the flag in Cuba and hauled it down again in honor. Decatur raised that flag over the walls of Tripoli, and took it down again in honor. It floated in the breeze of China, and we hauled it down in honor. Wherever it has floated its meaning has been liberty and a republican form of government. I would sooner see it taken down in honor by the American Nation, knowing that its principles had set up another Republic in the earth, than to see the principles of liberty and independence, for which it has always stood, hauled down. Those who use the flag argument have no argument and simply beg the question.

The flag stands for the principles of the Declaration of Independence, and that is what Lincoln said it stood for when he raised it over Independence Hall in 1861. The principles of the Declaration of Independence have circled the earth and changed the destiny of mankind. These principles have thrown down kings, overthrown monarchies, and set up republics all over the face of the earth. I have always believed that our flag and our Declaration of Independence were one and the same thing. One puts in language what the other stands for. I have always proudly believed that our mission among the people of the earth was to encourage nations to set up republics rather than to suppress that God-given desire. No, my friends, let that flag float on ever and always all over the earth, the sign and symbol of liberty and a republican form of government, so that any downtrodden people seeing our glorious banner may know what it stands for and lift up their heads into the sunlight of hope and thank God and take on new courage. [Applause.]

DO THE FILIPINOS WANT INDEPENDENCE?

Gentlemen have asked me, Do the Philippine people really want independence or is it just simply a desire on the part of designing politicians? Let the history of the struggle of 200 years in that country answer that question. In all the history of the past three centuries they have made revolution after revolution in that country and sacrificed blood and treasures to throw off the Spanish yoke.

In 1872 three priests—Burgos, Zamosa, and Gomez—professors in the Manila College, led a revolution of more than 20,000 people against Spanish authority. Spain promised to give them local self-government. After tricking them, on February 15, 1872, they took these three good men out and shot them to death at sunrise. Their school histories, that the boys read in the public schools of the Philippines, state that after this peace was only maintained in the islands at the cannon's mouth.

RIZAL.

They have produced a remarkable character in that country who is the Jefferson of all that country—Rizal. His great writings on liberty and the rights of man remind you of the great writings of Paine, Franklin, and Jefferson during the Revolutionary War. He was educated at the Manila University, also in France, Spain, Germany, and several foreign countries. He led a great movement, a great patriotic society, the Sons of Liberty, sprung up in that country. They tricked Rizal to Manila, and on December 30, 1896, they shot him to death at the spot where his monument now stands. He died with these words on his lips:

What is death to me? I have sown the seed. Others will reap.

THE DESIRE FOR LIBERTY A PASSION WITH THEM.

I visited a schoolroom where a teacher called up a class of boys and girls from 14 to 16 years of age, and that class did something that I do not believe a schoolroom in the United States can do to-day. They recited in concert Lincoln's speech at Gettysburg. I said to her, "Why do the children take to this sort of thing?" She said, "These people have few books. Sentiments about liberty, independence, and the rights of man appeal to these children and all of these people, and they memorize such sentiments and can tell you about these noble ideas. They can tell you what Thomas Jefferson said about the inalienable rights of man. It is a passion with them, inherited from their fathers; they are natural orators and speakers and they long for those things."

Mr. Chairman, I do not have it in my heart to condemn any people who have it in their hearts to long for liberty, who want to lift up their heads in the sunlight of hope, and who have the courage to come out and die for liberty as these men have who have died by the thousands in the struggles of the past. I simply want to allude to one circumstance. When our good ex-President, Mr. Taft, then Governor General of the islands, went to Iloilo and made his memorable speech, "The Philippines for the Filipinos," although we had had at one time 30,000 soldiers in those islands, we had not at that time entirely subdued them, and when he made that speech these people came in and brought in 40,000 Mauser rifles and laid them down, and said: "We are through fighting if that is the proposition we can expect for the future. We do not care much just how long you stay, so that we know that this country is to be ours some time." The Philippine people are the only Christian people in all the world who have never had a chance. Why not give them a chance now? Why not let them know that now for them the sun of liberty and independence is rising out of the long dark night of tyranny and oppression, and that for them the daydawn of freedom is breaking. [Applause.]

A MISREPRESENTED PEOPLE.

I do not know of any people in the history of the world who who have been so maligned and so misunderstood and misrepresented as the Filipino people. People speak of them as savages. Why, at evening parties in the Philippines you will find Filipino ladies in evening dress and Filipino gentlemen in evening dress. They speak two or three different languages, and they sometimes wonder at the extent of our education when we speak but one. They read what you Republicans say

about us Democrats being unable to rule our country successfully, and they read what we Democrats say about you. They read about our burning cities and even men at the stake, and they think that we are a cruel people. They are very kind and hospitable among themselves, and they wonder at last just what we mean by our ideas of civilizing them.

At an evening party a Filipino gentleman gave me this illustration. This gentleman said to me: "Now, we are grateful for what you have done for us here, but let me illustrate my thought. We can not help but be suspicious. We know the number of times we have been tricked by the Spaniards. We can not but be suspicious when we see you making foolish expenditures of money here."

Let me illustrate, said he: Half the human race live in houses made of bamboo wood. Now, if some man came along and wanted to build me a better house, that would be very kind of him, but if, when he had built for me a better house he thereby thought he owned my home and wanted me to move on because he built it, and therefore claimed to own it, then I would have preferred not to have had his help or his kindness, because I was satisfied; and so he said, "When we see you building these fortifications here we wonder what you are going to do with them; and if you intend to leave, why you build them."

THE INALIENABLE RIGHTS OF LIBERTY.

May it not be proper to inquire what rights the Filipinos have even under our Constitution?

We can not deny to a competent people the right to rule their own affairs. The Filipino people, like other races, have the inalienable right of liberty. A republic can have no subjects. Under our Constitution there can be no subjects. I want to repeat what I said to a mass meeting of Filipinos and Americans held on the public square in Cebu June 18, 1915. I said to them: "If we keep faith with the Filipinos we must give you an independent form of government, if you desire it. To my mind it makes little difference whether you can establish a government entirely based on the ideals and theories of the American people; but you should be given an opportunity, if you desire it, to work out your own destiny according to your own ideals and the peculiar conditions that confront you. For your success or failure the Filipino people must be ready to assume the entire responsibility. You must understand what liberty really is. The true republic must be founded on education and on the principle that all people are equal before the eyes of the law, high and low, rich and poor alike. Naturally, you long for your independence; and the most sincere flattery you can give us is your desire to form a republic modeled after our own." [Applause.]

THEIR ABILITY TO MAINTAIN A SELF-GOVERNMENT.

Some have asked about their ability to maintain self-government. Gentlemen must remember that under Spanish rule they held local office, and that they understood how to elect a presidente of their community and local officers. Under United States control we first began by giving them members of the legislature; then the entire legislature; then members of the senate and of the supreme court; and now they have a majority of all the members of the legislature and of the supreme court. And one significant thing, gentlemen, of all the laws they have passed in the Philippine Legislature not one of them has ever been pronounced unconstitutional by the supreme court. The chief justice of the Supreme Court of the Philippines is a Filipino who would grace the supreme court of any land. Judge Johnson, of the Philippine Supreme Court, a former professor of law at Ann Arbor, Mich., told me that this chief justice was one of the greatest legal minds he had ever met anywhere. My friend and traveling companion, Senator SHAFROTH of Colorado, and myself thoroughly agreed in regard to the ability of the Filipino people to maintain an independent form of government.

In view of conditions surrounding the seizure of the Philippine Islands the argument that their people will be satisfied because we have given and will continue to give them better government than they can give themselves, even if possible, becomes untenable and opposed to the impulse of every liberty-loving people.

THE PEOPLE THEMSELVES.

The assistant director of education told me that in Manila alone there were more than 600 efficient native stenographers, who could take dictation in both English and Spanish, and that there were thousands who daily did good work as typewriters.

Native electrical engineers, civil engineers, public accountants, architects, dentists, pharmacists, and all the professions have increased in large numbers.

The census of 1903 showed that of the males 21 years of age and over 32.2 per cent at that time could read and write Spanish, English, or some other language. Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs, before the Senate committee estimated that now 50 per cent could either read or write some language. The increase represents commendable progress.

IN THE SCHOOLS.

There are in the islands 700 American and between 7,000 and 8,000 native school-teachers, all instructing the children in all the branches of education in English. How many of our teachers could conduct all the classes in the various grades of schools in a foreign language? Of course, they could acquire it, but it would take work and ability. Why not concede that the Filipino teachers are civilized and possess education and ability which fits them for citizenship in any country?

It should be remembered that every cent for education, including the cost of all school buildings, has been paid by the Filipino people in taxes laid upon their property for the payment of appropriations cheerfully voted by their general assembly. There is no likelihood that such appropriations would cease with independence or that education would lapse. Even the Aguinaldo constitution of January 20, 1899, provided that "popular education shall be obligatory and gratuitous in the schools of the nation."

There is an intense desire for education upon the part of the Filipino children. There is no compulsory education law in the islands, but 600,000 children are now enrolled, and fully as many more would be in attendance if there were sufficient schoolhouses. In my recent trip to the islands I visited a number of schools, but never found any vacant rooms or unoccupied seats. At Jolo the Moro children were attending school in large numbers, and there was a demand for 60 more schools on that island. They were being taught in English, and a Moro boy delivered the address of welcome to our party in that language.

IN GOVERNMENT SERVICE.

There are now in the Philippine government classified service 2,218 Americans and 7,710 Filipino officers. These were appointed under civil-service examinations. There is no suggestion that these Filipinos are incapable or do not discharge their duties as well and faithfully as the Americans. Would they not be equally as capable and efficient under a government of their own?

The chief justice of the supreme court of the Philippines is a native, and three of the seven members of that court are natives, all of them recognized as able and learned judges.

Of the judges of the courts of the first instance, 22 are Filipinos and 14 are Americans. The municipal courts are presided over almost entirely by Filipinos. The attorney general and nearly all his staff are Filipinos. Of the 9 commissioners who now constitute the upper house of the legislature, 5 are natives and 4 are Americans. Is it possible that these capable, efficient native officers, as soon as their appointment or election were provided for by their own government, would become incapable or inefficient?

The Filipino people for many years have been electing the governors of their Provinces. There has been no contention that the governors selected were not good and capable men, or that their administrations did not compare favorably with those of similar officers anywhere.

In visiting the southern islands I traveled for two weeks with a committee of the general assembly, consisting of the speaker, Mr. Osmenia, and 13 members. They were intelligent, dignified men, and all were fine public speakers. Is it possible that men of such education and learning are incapable of enacting laws to govern themselves? What presumption it is on the part of many of our citizens to contend that such a body in the Philippines can not legislate wisely for their own people.

WHY WE SHOULD GIVE THEM INDEPENDENCE.

I want to give you some reasons why I favor independence for the Philippine Islands and why I think we should state that this is our ultimate purpose. I think we have done our duty by them. If we should go out in 4 years, we will have been there 22 years. We will have spent about $800,000,000 for them. I think we will have done our duty by them. Ex-President Roosevelt has well stated the argument in his recent book, which I shall quote later.

PHILIPPINE MILITARY WEAKNESS.

All of us must recognize the great military weakness that these islands are to us. They would enable any great power in war with us to obtain an easy victory over us. The Philippines are just halfway around the world from where we sit to-day, about 12,000 miles from this Capitol, and 7,500 miles from our western shores. How are we going to get coal there from our West Virginia and Pennsylvania fields? We do not have coal sufficient in our ships, with all the tenders accompanying, to keep a battleship going when we get there, and our ships would be picked off one by one while trying to get to the Philippines.

Coal being a contraband of war, no neutral nation would have a right to sell it to us.

WE NEED CORREGIDORS AT HOME.

At Corregidor, in Manila Bay, we have spent $7,000,000 for one great fortification. We need those Corregidors at San Francisco, New York, Baltimore, and at other places along our shores, instead of 8,000 miles away from home in Manila Bay.

YEARLY EXPENSE TO UNITED STATES.

There has been a dispute about the yearly expense of the islands. I went to the military bookkeeper, as it were, of the islands and the figures he gave me show that we spend $12,000,000 in gold in that country for the Navy and $13,000,000 in gold for the Army. And we have other expenses also. If you will divide the total yearly expenses by 435—the number of congressional districts in the United States—you will find that in each congressional district in the United States the taxpayers are asked to contribute about $60,000 in gold yearly for the expenses in the Philippines. Should we do this for all time to come for the benefit and pleasure of the few Americans in the Philippines and American investors in the Philippines?

Mr. AUSTIN. And do we not have to send that money to the Navy whether in the Philippine Islands or in the Pacific or not?

Mr. BRUMBAUGH. But we would have the Army and Navy at home where we need it and where it ought to be, and it would result to the taxpayers in a saving exactly to the amount we spend in the Philippines—that is, about $30,000,000. Thirty million dollars yearly.

NOT A WHITE MAN'S COUNTRY.

The Philippines is not a white man's country. The United States Government recognizes that fact. White men can not live in the sun and work there. They live in the shade with all the servants they have there. Even our American animals, horses, and cattle can not live there. Every ship that comes home has its iron cages bringing our soldiers that have become insane with the heat. The Government recognized that fact when they passed an act so that the soldiers could come back in two years rather than stay there three years, and only 20 per cent of the United States officers there elected to stay in the Philippine Islands the three-year limit.

Gentlemen ask will they have trouble among themselves if we withdraw. Possibly. Every Republic is a growth. We had lots of trouble in this country after the Revolutionary War. We set up and broke down with one form of government. We had six rulers before Washington was elected President. One government entirely broke down. We had 10 distinct attempts at nullification and secession, one armed rebellion, and 3 assassinations of Presidents, and we have even burned cities and men at the stake. I presume these people in their development will have trouble. Nothing more horrible will happen, I think, in the development of their affairs than has happened in our own country. I am sorry to say.

Now, some one has asked can they take care of themselves if we leave them. They have about 6,000 fine native soldiers. They are fine, strong, well-trained men. And besides they had a good many men drilled in the art of war while Spain held control. They will be able to give a good account of themselves if attacked by any foe. Besides they have proven many times that they are a brave people who will die for their country and their liberty.

THE HIGHER OBLIGATION DEMANDS THAT WE KEEP FAITH.

But, above all other considerations, we should give the Philippines independence because of the higher obligation we owe to our honor and to ourselves to keep faith with our promises, expressed and implied.

The true honor of a nation is found only in deeds of justice and strict adherence to the principles upon which it was founded. Whenever a nation departs from the fundamental principles upon which it was established or forgets its ideals it is embarking upon a perilous sea without chart or compass to guide its course.

All true Democrats believe that dependence is the greatest curse that can befall any people; that only a free and independent people can build up a great nation. In order to be strong the people must be self-reliant, self-ruled, and self-sustained. The dependence of one people upon another is destructive of every element which could make them great or prosperous. Such a nation will neither accumulate wealth nor win character; it will neither benefit mankind by the enterprise of its merchants nor instruct mankind by the example of its statesmen. As Americans we are inheritors and conservators of national freedom. Let us, while others are seeking it in restlessness and fear, be a steady shining light to guide their course, and not a wandering ignis fatuus to bewilder and mislead them. Let us not force our habits, customs, and laws upon the Filipino people against their will. Leave them to live their own lives, cherishing their own aspirations, making and meeting their own destiny. This is just, it is right, and it is, under all of the circumstances, the only honorable course to pursue.

I approve and want to insert a part of an editorial appearing in the Ohio State Journal, the oldest Republican newspaper in the State of Ohio. The editorial is from the pen of a Civil War veteran, the able editorial editor of that paper, Col. E. L. Wilson, whose noted review of President Wilson's able leadership, printed in the same paper in 1914, was used as the opening article on the first leaf of the National Democratic Campaign Yearbook for that year:

"This great Republic should grant self-government for the Filipinos, because they want it, if for no other reason. They are as much entitled to govern themselves as we are. Our sole reason for holding back this right to the Philippines is altruistic, which is not a sound reason. It is very easy to assume this superiority and not always as easy to show it. Besides, it is not fair to spend millions of money belonging to the taxpayers of this country to impose upon another people a government they don't want. The greatest good we can render that people is to let them take care of themselves. The very effort is an evolution toward a nobler destiny. We don't want the Filipinos to be Americanized. They belong to a different place in the sun and should be allowed to make the most of it."

THE CONSTITUTION AND THE MONROE DOCTRINE.

We should give the Philippine Islands independence because we can not keep the Philippines and also keep the ideals upon which the Declaration of Independence and the Constitution of the United States were founded. I prefer to keep these ideals and let the Philippines go. We can not keep the Philippines and retain the Monroe doctrine. I prefer to keep the Monroe doctrine and let the Philippines go. [Applause.]

WHY NOT KEEP THE FAITH?

We went to war with Spain to free Cuba. Congress solemnly so declared. Did we have in our hearts any other motive toward the Philippines?

Could the Philippine people forget the words of President McKinley at the beginning of the Spanish-American War, when he said: "Forcible annexation can not be thought of; that, according to the American code of morals, is criminal aggression"?

From those words would not the Filipino people have a right to understand that forcibly to annex their islands would be criminal aggression? Would they have aided us in conquering Spain if they had dreamed it was our purpose to subjugate them?

In order to comprehend the feeling and point of view of the Filipino people it must be remembered that we are in the islands by virtue of conquest, that their people had never committed hostile acts against us, but on the other hand when we were at war with Spain, in their struggle for independence they furnished us soldiers to be used against our enemy.

It must be remembered that they had issued a declaration of independence and that on July 4, 1898, Gen. Anderson, then in command of our troops, wrote to the commander of the Filipino forces: "I desire to have the most amicable relations with you and to have you and your people cooperate with us in military operations against the Spanish forces," and again on July 23, 1898, in a letter to Aguinaldo he stated: "When I came here three weeks ago I requested your excellency to give what assistance you could to procure means of transportation for the American Army, as it was to fight in the cause of your people."

GRATEFUL TO AMERICA.

And soon thereafter Gen. Aguinaldo issued a proclamation to the Filipinos in which he said: "Die rather than be ungrateful to our American liberators. When you see the American flag flying, assemble in numbers. They are our redeemers."

It must be remembered that the Philippine Army drove from the islands or captured every Spanish soldier except those in the walled city of Manila, and at the time of the surrender of that city their armies occupied nine-tenths of surrounding firing line.

Taking into consideration the circumstances attending the occupation of the islands, our principles of government, and what was said at the time and afterwards by those in authority, it seems to me no one can doubt but that the natives understood that they were to have their independence.

Even Mr. LODGE, a Republican Senator from Massachusetts, said: "We are there because we represent the spirit of liberty and the spirit of the new time, and Spain is over against us because she is medieval, cruel, and dying. We have grasped no man's territory, we have taken no man's property, we have invaded no man's rights. We do not ask their lands."

Mr. Cleveland aptly expressed the views of the Democracy of America when he said: "The Government of a remote and alien people should have no permanent place in the purposes of our national life."

Democrats believe with John Jay, the eminent American statesman, in his observation: "When a nation led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of subjecting an alien people to its domination and control, instead of giving support to freedom, turns advocate for conquest and subjection, there is reason to suppose she has either ceased to be virtuous or been extremely negligent in the selection of her rulers."

THE SUPREME REASON FOR GRANTING INDEPENDENCE—GOD-GIVEN RIGHT TO ALL RACES.

But the one supreme reason above all others why we should give independence to the Philippines is that freedom and independence is a God-given right to every race of people. The Creator of all men has planted in the breast of every man of every race and every clime the desire for liberty and freedom and independence for his country. I marvel at the conflicting emotions that must come to the honest heart and candid man who in this debate vehemently declares for freedom for some particular people in some particular part of the world, as some Democrats have done to-day. Is it their conception that the Creator and Common Father of all men has intended freedom for some races of men in some certain places of the earth? Their votes and speeches to-day would seem to indicate that that was their conception of the God-given boon of freedom and liberty.

For myself I have a different conviction, and years ago, when a member of the legislature of my native State, I expressed that conviction at the time when the little Republic of the gallant Boers were making one of the bravest and most tragic fights in all the history of mankind for the maintenance of their republic form of government, their homes and firesides, and the graves where sleep their dead. I said then and I say now that I believe in English liberty for Englishmen, German liberty for Germans, French liberty for Frenchmen, American liberty for Americans, Irish liberty for Irishmen, Boer liberty for the Boers, and Filipino liberty for the Filipinos.

When I see men vehementing, orating, and demanding liberty exclusively for their race of people and their fatherland country and then voting against liberty for other races and other countries, I am reminded of the selfish man who prayed thus:

O Lord, bless me and my wife,
My son John and his wife;
Us four and no more.

The very nature of the case would show that such a prayer could not be answered, and the very nature of the other case casts upon it the blighting curse of insincerity and selfish inhumanity. [Applause.]

WHEN SHALL WE GRANT THEM INDEPENDENCE?

When shall we grant them their independence? This is significant. If with a Democratic House and Senate and a Democratic President and with a few investments and bonds there we can not give them independence, will we ever be able to do it when we have hundreds of millions of bonds and when American industries are scattered over all the islands? [Applause.]

ROOSEVELT'S POSITION.

I desire to quote and approve what that great President and statesman, ex-President Roosevelt, recently said on this subject. Ex-President Roosevelt, in his last publication—1916—entitled "Fear God and Take Your Own Part," at page 226, uses this language:

"This administration was elected on the specific promise to give freedom to the Philippines. The United States must keep its promises. No greater service has been rendered by any people to another during the past 100 years than we have rendered to the Philippines and than we have rendered to Cuba.

"Above all, we have promised the Filipinos independence in terms which were inevitably understood to be independence in the immediate future.

"Such indecision in international conduct shows that this people ought not to undertake the government of a distant dependency, and this both from military reasons and because of the need of keeping promises that have been made. Let us, then, as speedily as possible, leave the Philippines; and, as the Filipinos desire us to leave, we would be quit of all moral obligations for them and would under no circumstances be obliged to defend them from other nations."

Lord Macaulay says: "Many politicians of our time are in the habit of laying it down as a self-evident proposition that no people ought to be free till they are fit to use their freedom. The maxim is worthy of the fool in the old story who resolved not to go into the water till he had learned to swim. If men are to wait for liberty till they become wise and good in slavery, they may, indeed, wait forever." [Applause.]

WHY THE PREAMBLE TO THE BILL AND EXPLICIT PROMISE OF INDEPENDENCE IS NECESSARY.

We who have insisted that the preamble to the independence bill should be explicit and certain in regard to the promise for independence to the Philippines wanted to so fix this entire matter so that in the future the Nation would not be led by false sophistry and commercial greed to violate its sacred promises so often made or be false to our ideals of liberty. In short, to paraphrase that great truism first uttered by a great Democrat and later made immortal by Lincoln, we wanted to make it sure and certain, so that the hope of a free government of the Philippine people, for the Philippine people, and by the Philippine people will not perish from the earth. [Applause.]

THOU SHALT NOT COVET.

The speaker who would set himself to the task to adequately reply to the arguments advanced against granting independence to the Philippines might very properly take for his text the words of that divine personality who was more than man, the Savior of all men, these words: "Thou shalt not covet." And in these words are wrapped up the very essence of the opposition to Philippine independence. I could go through the pages of history, had I the time to do so, and show how those nations of the past that have disregarded this divine injunction have perished from the face of the earth.

The Boer Republic of South Africa and its government were safe until gold and diamonds were discovered there. The thought and declaration of all our statesmen at the beginning and the official words of President McKinley at that time were for Philippine independence, and no reversal of this position was put forth until the fine soil, fine timber, and fine opportunities, and fine official position, argument, and talk became so broadspread over this country. In the United States there are men and in this House possibly there are men who will vote on this bill affecting the destiny of 9,000,000 of people who are coveting the Philippine Islands, not to go there and work there, live and die there as citizens of the Philippines, but to go there and hold high offices of honor, living in splendor with servants and servitude, like Warren Hastings of old, coveting the Philippines for themselves and their friends.

There are business men in the Philippine Islands who went there as soldiers or were sent there as public officials who covet the opportunities and pleasures of political life there or the great profit of being in business in Manila, where $30,000,000 of American gold, American taxpayers' money, yearly sent to the Philippines must necessarily largely filter through their channels of business, thus enabling them, as some have admitted to me, to make three dollars to one, more than they could make in any other place on earth. The purchasing power of our money is double in the Philippine Islands. They can employ the best of servants in the world, the native Filipinos, to run their automobiles, to do their cooking, and to serve them for personal comfort at ₱5, or $2.50 in gold, per month. None of them will or can work in the sun, and they have all the pleasures and comforts of the balmy, tropical Philippines. The most of these men forget all about the rights of men, the Declaration of Independence, the teachings of Jefferson and Lincoln, and when you mention these things in your speeches in their presence in the Philippines, they curtly tell you to cut out all such punk, as they term it; and the most of them will tell you that the Filipino people will not be ready for self-government for 50 years to come, or at least for their lifetime and the lifetime of their children. Some of them told me they had already made all the money they wanted, and when the United States Government left they were ready to leave. Most of them, of course, are opposed to Filipino independence and want to see the stream of gold from the United States Government keep on flowing and the $60,000 yearly from every congressional district in the United States of the taxpayers' money keep on coming to the Philippine Islands.

We are told not to covet our neighbor's house and lands, and the same Divine Authority explains to us just who our neighbors are. [Applause.]

SHALL THE UNITED STATES RULE THE PHILIPPINES OR THE PHILIPPINES RULE THE UNITED STATES?

When the treaty of peace had been signed one of the Spanish commissioners is said to have made this remark to the United States commissioners: "Gentlemen, I thank you for defeating us; our defeat will prove to be our victory; your victory will prove to be your defeat."

We entertain the delusion that the United States is ruling the Philippines. In a much graver sense the facts are that the Philippines are ruling and changing the Government of the

United States. Already the Philippine question has been a deciding factor in two presidential elections in the United States. No such question should enter into the presidential campaigns of the United States. Questions affecting conditions in the Philippines will govern the motives and votes of Members of the Congress of the United States as long as we retain those islands. This unnatural situation for a Republic is neither best for the people of the United States nor for the people of the Philippine Islands.

WHY SHOULD NOT THIS GREAT NATION AND THE AMERICAN PEOPLE BE FAIR IF THEY CAN NOT BE GENEROUS IN REGARD TO THE ABILITY AND ADVANCEMENT OF THE FILIPINO PEOPLE?

World-wide travelers have told us after their investigation that the Filipino people were the most able, apt, keen, and quick-witted of all the people of the Orient, further advanced in education and civilization than the Cubans and some South American Republics are, and far superior to all the other island people of the tropical Indian Seas. Admiral Dewey gave this testimony and American consuls in the Orient have on file in State Department of our Government testimony to the same effect.

I found the common farming country people in the Philippines more intelligent, more humane, and superior in every way to the farming country people in China, Chosen, or Japan, and yet we are supposed to have been sympathizing with the establishment of a Republic in China.

These people have a natural desire for education and information. They publish daily papers in all parts of the islands, they have many authors of great books, they are natural orators and have a fondness for public life which is to be no more condemned in that country than in this. They have many able public men. We are acquainted with the fine ability of their Representative in this Congress, Hon. MANUEL L. QUEZON, who has so well and ably represented his country here, and his colleague Hon. Manuel Earnshaw, while the speaker of their House of Representatives, Speaker Osmenia is a man of great ability who could preside with credit to himself and country over any legislative body in the world, but this, as some gentlemen would have you believe, does not exhaust their list of great men. They have many educated, intelligent, finely equipped men ready for public duties in all parts of the islands. They have a college older than Harvard, and other fine institutions of learning. I was impressed with the splendid ability of their young men between 18 and 25. Many of them are fine speakers in two or three different languages and quite a number of them are authors of books of merit.

They have textbook writers in law, medicine, philosophy, and science whose works are used all over that part of the world, and they even have some millionaires who are philanthropists. Mr. Theodoro R. Yangco subscribed and paid 20,000 pesos to the new Young Men's Christian Association building in Manila, a most beautiful and splendid building, in which I had the pleasure of making an address to a fine, intelligent body of citizens of Manila. In that delicate and intricate science the knowledge of which foretells the storms and disaster on the ocean as our Weather Bureau foretells like storms and disaster on the land, a Filipino professor rules the ships and commerce of the world, and yet some American gentlemen with monumental self-esteem, often men who can barely read and write, assume to tell us that their living among these people and having control over them would be a sort of a divine help and benefit to them.

HAS 300 YEARS OF CHRISTIAN CIVILIZATION, EDUCATION, AND CONTROL LEFT THEM SO LOW IN THE SCALE OF DEVELOPMENT?

Do gentlemen here to-day who are opposed to Philippine independence mean to say and affirm that more than 300 years of Christian preaching, teaching, education, and control has been so impotent and barren of results as to leave the Filipino people at this date in a semicivilized condition and unfit to set up and maintain among themselves a decent, self-respecting self-government suited to the needs and conditions that confront them? I deny it and do not believe it. Christian preaching, teaching, education, and control have made them what they are to-day—the only Christian people in the Orient. It is my belief, based upon travel and observation among them, that they can set up and maintain a better republic than one-half the republics in the world to-day.

THEIR MARTYRS AND SACRED SPOTS OF FREEDOM.

Moreover, gentlemen, these people have struggled and shed their blood for liberty for 200 years against Spanish tyranny and oppression in a way and with a spirit that should challenge your admiration. They have had their Joseph Warren, Paul Revere, and Nathan Hale of glorious memory; their Bunker Hill, Lexington, and Valley Forge of sacred history; their Jefferson and Lincoln of immortal fame. [Applause.]

NO NATION CAN ENDURE WITHOUT A COMMON SPIRIT OF NATIONAL PATRIOTISM.

Gentlemen of the House, I want to lay down a proposition—a truism in government—which, if I am in error about, I wish some gentleman would controvert. It is this: No nation can endure without a common spirit of national patriotism.

In most nations this common spirit of national patriotism rests upon a common race blood and in some, in addition, upon a common race or state religion. In this sense we speak of the English Nation, the French Nation, the German Nation, the Italian Nation, the Jewish Nation, the Greek Nation, and the Russian Nation.

In the United States we have no common race blood and we have no common or state religion. Here the mingling of all the best blood of all the races has produced the typical American citizen, the best citizenship of the world.

IN THE UNITED STATES.

In the United States our common spirit of national patriotism rests neither upon a common race blood nor a common religion or state religion. Upon what, then, does it rest? Gentlemen, it rests upon this, and this alone: It rests upon our common ideals of liberty and the rights of man as set forth in the Declaration of Independence and as promulgated into law in the Constitution of our country. He who would weaken or destroy these ideals for any purpose whatsoever weakens and destroys the permanency of this Republic, pulls out the very foundation stones upon which our temple of liberty is builded; and the question I want to put to the heart and conscience of every man is this: How does the principle of permanently holding the Philippine Islands and the Filipino people against their will, should they desire an independent republican form of government, square itself with the principles found in the Declaration of Independence and the Constitution of the United States, the principles which we must observe and cherish if our Republic is to endure? [Applause.]

OUR UNNATURAL AND DANGEROUS POSITION.

To those who want to see the United States adopt the course and follow the colonization policy of Great Britain I want to quote what Gladstone said. Gladstone pointed out that under the theory and genius of our Constitution and Government, the United States could never adopt the British colonizational system without surrendering the foundation principles of the Republic, because in a Republic the central thought and essence is equality, while in a monarchy the recognized and accepted thought is classes and inequality. The British Government recognizes and rules her possessions and people accordingly, and it is the only way that a monarchy and colonial possessions can exist.

It is well known that when our commissioners were sent abroad to arrange a treaty with Spain at the close of the Spanish War President McKinley instructed them under no circumstances to take over the Philippine Islands, but merely arrange for a coaling station there. The way the radical change was consummated is related by the well-known British publicist, Mr. Stead, in the British Saturday Review. I quote him verbatim. He says:

"The diplomatic agents of Great Britain, however, insisted that the United States take these islands to preserve the balance of police power. The United States gets its territory in the east by the assistance of the moral power of Great Britain. Let us be frank and say outright that we expect mutual gain and material interests in this arrangement. The Americans are making their bargain under the protecting naval strength of England."

Thus we entered upon the British colonization system which Gladstone tells us we can not maintain without destroying the ideals upon which our Government rests. [Applause.]

THE NATION'S GREATEST STATESMEN HAVE BEEN CHAMPIONS FOR PHILIPPINE INDEPENDENCE.

Some speakers here to-day have assumed to affect and impress the country with the idea that the demand for Philippine independence is a premature impulse. Who are the men in the past who have uttered burning words of living truth for Philippine independence? To mention their names is to call the roll of the Nation's greatest statesmen, living and dead, in the past quarter of a century. I wish I had space to give a quotation from each of them. Their ability and patriotism can not be quesioned and their argument and appeal has never been answered.

To those Democrats, and Republicans as well, who are speaking against Philippine independence to-day I respectfully recommend a study of the speeches of this great roll of names, to call the roll of which is to name the Nation's immortals, the Nation's immortals dead, and the Nation's greatest living statesmen in

the last fifty years. A partial list included such patriots, orators, and statesmen as Grover Cleveland, William McKinley, Theodore Roosevelt, William J. Bryan, and President Wilson; Senators George F. Hoar, George G. Vest, John G. Carlisle, John W. Daniels, George F. Edmunds, A. O. Bacon, A. S. Clay, BENJAMIN R. TILLMAN, William E. Mason, Arthur P. Gorman, Carl Schurz, Stephen M. White, William V. Allen, Henry M. Teller, John Sherman, and others. In the House, Speaker CHAMP CLARK, DeArmond, OSCAR UNDERWOOD, and many others; Andrew Carnegie; Samuel Gompers; David Starr Jordan; Charles F. Adams; Henry Van Dyke; Bishops Spaulding and Potter; Theodore Cuyler; Patrick A. Collins; Rev. Dr. Thomas J. Conaty; and a notable list too long to enumerate.

Is there any gentleman in this House so great in his own estimation and so fatuous with self-importance that he would not consider himself complimented, elevated, and honored to find himself in fellowship with this roll of American scholars, orators, statesmen, and patriots? [Applause.]

SIGNS OF WARNING IN THE SKY OF FREEDOM.

Gentlemen of the House, I am deeply moved and impressed with the importance of this hour. No greater question, of more far-reaching importance, has challenged the attention of Congress in 50 years. I want to, if I can, epitomize this entire proposition as it affects our country's welfare by a few quotations that seem to me to stand out like burning signs of warning on the sky of freedom.

CAUSE OF THE DOWNFALL OF THE ROMAN REPUBLIC.

Froude in his Life of Cæsar says that the Roman Republic's downfall dates from the time when the Roman people developed a desire to rule over and possess the country of alien people. God keep our beloved Republic from entering upon that course that has been the downfall of every other republic in the history of the world.

THOMAS JEFFERSON'S ADVICE AND WARNING TO THE YOUNG REPUBLIC.

Thomas Jefferson, the greatest political lawgiver and apostle of liberty the world has seen since Moses, warned the young Republic of the United States never to acquire any territory that was not contiguous, practically uninhabited, and which could not be developed by American citizens into future States of the American Union.

ABRAHAM LINCOLN'S ADVICE AND WARNING TO THE REPUBLIC.

That great pupil of Jefferson, Abraham Lincoln, the great martyr and apostle of liberty, said:

"No man is good enough to govern another without the other's consent."

"He who refuses liberty to another deserves it not himself, and under the dispensation of a just God can not long retain it."

[Applause.]

PERICLES.

Pericles gave his countrymen good advice, and it is good advice to-day:

"Safeguard and defend your boundaries; do not extend them; do not let seas divide them."

THE VERDICT OF HISTORY.

Creasy, in his great work, says:

"There has never been a republic yet in history to acquire dominion over another nation that did not rule it selfishly and oppressively."

When I think of the course in which our ship of state is sailing, these messages of liberty sound like the alarm of fire bells in the night—voices like Joan of Arc heard ring down out of the skies.

LEST WE FORGET.

Mr. Chairman and gentlemen of the committee, I have observed the course of this debate with the deepest solicitude.

The arguments used here to-day by some of our Republican friends against independence for the Philippines, stripped of its mask and verbiage, means, if it means anything, that you are opposed to ever granting independence to these people.

THE LINCOLN ORATORS OF THIS HOUSE NOT QUOTING LINCOLN, JEFFERSON, AND THE DECLARATION TO-DAY.

I have observed and it has been noted that the Lincoln orators of this House, who quote Lincoln on every occasion, have not referred to him or mentioned his name in this debate. Is it not passing strange that there is a side to a debate dealing with the government and future of 9,000,000 people where the orators on that side can not appropriately quote from Lincoln, Jefferson, the Declaration of Independence, Whittier, Lowell, Wendell Phillips, or William Lloyd Garrison; can not quote from any great epic, oration, poem, or poet of liberty or from any battle hymn or song of freedom?

A GREAT DEMOCRATIC OPPORTUNITY.

I want to warn my Democratic friends that if we fail now in this crisis we will have missed the most glorious opportunity that has come to us in 50 years. Republicans have proudly boasted of freeing 3,000,000 colored men. They have claimed that credit, regardless of the fact that as many Democratic bones bleach on the battle fields and as much blood and treasure was poured out from northern Democratic homes as Republican homes to purchase that freedom. Here we as a party have the God-given opportunity to lead in the movement to give freedom to 9,000,000 people, and it saddens my heart to see that there are those among us who claim to be the followers of Jefferson who can not hear the heart beats of humanity above the clinking of the coin.

Our brethren deceived themselves with excuses, but these excuses will not excuse them.

THE INEVITABLE CONFLICT.

Since the beginning of time there has been an irrepressible conflict between the spirit of race ownership and the spirit of race independence. Education and government of one race by another are irrepressible and irreconcilable influences. One must fail, one must conquer. Let not gentlemen deceive themselves. If we continue to educate the Filipino people, they, like all other races since the dawn of history, will some day strike for an independent form of government, and your action in defeating a promise of independence will simply mean to say to the people of the United States that there are schoolboys now swinging their buckets to and from country homes to country schools who will be called upon in the future some time to fight and die in the Philippines. It will simply mean that men of another race and another clime, 12,000 miles removed from our Capitol, will be stood up and shot down, like in Ireland to-day, because they dare to desire to set up an independent form of government in their own land and to put in practice the principles of liberty and rights of man which our very education has instilled into them. And what is your answer for all this—business, business, business. Business purchased at such a price would be criminal folly.

Across this path I want to place the common-sense signboard of

"STOP, LOOK, AND LISTEN!"

Three and a half centuries ago Charles V boasted that the sun never set upon the dominions which Spain maintained by wars in Europe, Africa, America, and the islands of the sea. Where now is that magnificent empire? Gone; forever vanished. Not enough left to cast a shadow. England boasts to-day, as did Charles V, that the sun never sets upon the Empire that, like Spain, she has maintained with unceasing wars. And, like Spain, she, too, in time may see a dismal wreck and ruin, wrought by the natural blight incident to colonial possessions.

Macaulay says:

"We venture to say that colonial empire has been one of the greatest curses to modern Europe. What nation has it ever strengthened? What nation has it ever enriched? What have been its fruits? Wars of frequent occurrence and enormous cost, fettered trade, lavish expenditure, clashing jurisdiction, and indigence among the people."

I want to end this warning with the words of Lincoln, who said:

"He who refuses liberty to another deserves it not himself, and under the dispensation of a just God can not long retain it."

And the words of Thomas Jefferson, speaking of race ownership, who said:

"When I remember that God is just, I tremble for my country."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRUMBAUGH. Mr. Chairman and gentlemen of the committee, I wish you could indulge me for five minutes longer. But I will not take the time if anybody else wants it.

Mr. LONGWORTH. I ask in behalf of my colleague from Ohio for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRUMBAUGH. I thank my friend and colleague and the House for this kindness.

OUR COUNTRY'S WELFARE FIRST.

Gentlemen, the preservation of the ideals on which our Declaration of Independence and our Constitution are based is the biggest thing in all this universe to me in the government of mankind. Nothing in the government of human affairs equals this in all the sweep of time. [Applause.]

WHAT LINCOLN SAID.

On his memorable trip to the Capital to be inaugurated President of the United States, Abraham Lincoln stopped at Philadelphia and was asked by the multitude to raise the flag over Independence Hall. In the speech which Lincoln delivered on that occasion he said that he never entertained any

political principle or doctrine not found in the Declaration of Independence. I have often been amazed at the men who will deliver orations of eulogy on Lincoln and then vote against the most sacred principle for which Lincoln lived and for which Lincoln died—the principle of individual human freedom and human liberty.

DO NOT CHANGE THE BATTLE HYMN OF THE REPUBLIC.

I do not want to see the United States change that beautiful line in the Battle Hymn of the Republic which reads:

As He died to make men holy
So we'll die to make men free.

So that for empire, trade, and gain it must read:

So we'll die to prevent men from being free.

I want to see the star of our Republic that rose in the government of mankind like the star of Bethlehem remain the star of hope and liberty to all mankind, and not throw its parting rays on a republic turned to an empire stained with the blood of conquered subjects.

I believe the Declaration of Independence is of Divine inspiration. It is the Sermon on the Mount and the Golden Rule translated into the government and the affairs of men. On the observance of its sacred principles this Nation will live or fall.

Everyone who believes in education and development must admit that we can not always hold the Filipino people against their will, because it would not be just and right to so hold them. Why not let them go now before God comes again walking in the pages of history saying in wrath "Let these people go." Will we be so foolish as to try and put between them and their longing for liberty a Red Sea of oppression and human blood? If we do, I fear ours will be the repeated lesson of history; for through all governments God has stretched his electric live wire of truth and justice, and nations as well as men reach out in greed and avarice and touch that wire and die.

I want to see my country remain a land of benedictions to all mankind, to so act that the foot of Him who hath led us in triumph in 1776 through the wilderness of foreign oppression and in safety in 1861 through our Red Sea of civil strife may not falter nor the light of His countenance be turned away.

Then shall our glorious banner float on forever, every star flashing out the light of liberty and justice to all people all over the earth until their rays of blessing mingle in the light of the millenial dawn. Then for us always shall liberty and justice flourish out of the earth and righteousness and peace smile on us down out of the skies. [Applause.]

The CHAIRMAN. Under the order made by the House, section 34, known as the Clarke amendment, will first be considered. The Clerk will report the section.

The Clerk read as follows:

SEC. 34. The President is hereby authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines, and he shall on behalf of the United States fully recognize the independence of the said Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, and full power to take the several steps necessary to institute such government is hereby conferred upon the said Philippines acting by and through governmental agencies created by this act. This transfer of possession, sovereignty, and governmental control shall be completed and become absolute not less than two years nor more than four years from the date of the approval of this act, under the terms and in the manner hereinafter prescribed: *Provided*, That if the President, prior to the expiration of the said period of four years, shall find that the condition of the internal or external affairs of said Philippines in respect to the stability or efficiency of the proposed government thereof is such as to warrant him in so doing, he is hereby further authorized, by proclamation duly made and published, to extend the said time to and including the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of four years, and thus afford the Congress an opportunity in its discretion to further consider the situation in the said Philippines; but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act, unless the Congress shall hereafter so direct. For the purpose of a complete and prompt compliance with this direction, the President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the said Philippines, and to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in said Philippines or having property interests therein. In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations within the territory of said Philippines.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Mr. TOWNER moves to strike out the section, being all of section 34 of the bill.

Mr. TOWNER. Mr. Chairman, I would like to make an agreement, if I can, with the gentleman from Virginia [Mr. JONES] regarding the time for closing the debate on this motion.

Mr. JONES. What would the gentleman suggest?

Mr. TOWNER. It was the understanding that the debate would close at 8 o'clock, and I suggest that that be ordered and that the time be equally divided between the gentleman from Virginia and myself.

Mr. JONES. That would be 1 hour and 10 minutes from now. That would be 35 minutes on a side.

Mr. TOWNER. On the paragraph and all amendments thereto.

Mr. JONES. Yes; all amendments thereto.

Mr. TOWNER. I would suggest to the gentleman that, if he will make the offer, it shall include the right during that time, if gentlemen have amendments to offer, that all of them shall be debated, and that debate on this paragraph and all amendments thereto close at that time.

Mr. JONES. I want to suggest to the gentleman from Iowa that, while it has been agreed that this amendment should be voted on first, I overlooked the fact—and other gentlemen did—that there is one other proposition in the bill which gentlemen desire to discuss, and as to which they will want to offer amendments, and that is the proposition in regard to prohibition. Would the gentleman object to having this hour and 10 minutes devoted to the discussion of that amendment, and to change the agreement so as to permit the vote on the prohibition amendment first?

Mr. FITZGERALD. Oh, I will object to that.

Mr. TOWNER. I could not agree to that, because it has been stated to so many on this side what the understanding is. I will say to the gentleman that we will have no trouble, I think, in agreeing to any subsequent matter.

Mr. JONES. I do not think there will be any trouble, but a number of gentlemen have suggested to me that they would like to offer amendments to that provision, and I would like to give them an opportunity to do so if they desire it.

Mr. TOWNER. They will have that opportunity, of course, and we will not seek to deprive them of that opportunity. Will the gentleman make that suggestion as to unanimous consent?

Mr. JONES. I made this suggestion in good faith to the gentleman. I understand he objects to changing the adopted order, so that I will not make it.

Mr. SLAYDEN. Mr. Chairman, reserving the right to object, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa [Mr. TOWNER] yield to the gentleman from Texas?

Mr. TOWNER. Certainly.

Mr. JONES. The gentleman has the right to reserve his objection.

Mr. SLAYDEN. I have done so. Why not give up this time to the discussion of the prohibition, which has not been discussed? Why indulge in an hour and 10 minutes more of discussion on a paragraph that has been discussed for eight hours already?

Mr. TOWNER. So far as this side is concerned, we have 35 or 40 gentlemen who desired to discuss the Clarke amendment but who were not afforded the opportunity. They did not have opportunity in general debate.

Mr. SLAYDEN. I wanted to say something myself, but had no opportunity to do so. Still I would rather have the proceedings varied a little now by having a discussion of the prohibition amendment. It is getting late, and I am getting dry and hungry. [Laughter.]

Mr. JONES. Mr. Chairman, we are losing time, and so far as I am concerned I will offer no objection to voting upon this and all other amendments at 8 o'clock.

The CHAIRMAN. Will one of the gentlemen submit the request?

Mr. JONES. That is the request.

Mr. MANN. Make it 35 minutes on a side.

Mr. JONES. Well, 35 minutes on a side—that we vote on this amendment, then, at 5 minutes after 8 o'clock, the time to be equally divided.

Mr. TOWNER. I will suggest that the agreement include this amendment and all amendments to this section.

Mr. JONES. Mr. Chairman, I do not want to limit it to that. We will vote on this amendment, and there may be other amendments to offer. If this amendment prevails there will probably be other amendments offered.

Mr. FITZGERALD. There can not be any other amendments offered if this prevails.

Mr. MANN. To this section.

Mr. JONES. I will say to the gentleman that while I understand that no amendment could be offered to a section that had gone out of the bill, still the section might be offered in a different form. A new section might be offered to the bill, and I do not want to enter into any agreement that would preclude further consideration of this subject of Philippine independence. I hope the gentleman does not desire that we adopt a rule that would mean that if his motion prevails we will have no other opportunity to provide, in some form, at some time, for the independence of the Filipinos.

Mr. TOWNER. I will say to the gentleman that certainly he will have ample opportunity to do whatever is parliamentary; but so far as section 34 is concerned, it has been our understanding that there was at least a tentative agreement between the parties that we should determine the thirty-fourth section by this debate and this action.

Mr. JONES. I simply want it understood that if this amendment should prevail and this section should go out, it does not mean that we could not offer another section to the bill.

Mr. FITZGERALD. Mr. Chairman, the gentleman must understand that if this section goes out, there will be objection raised to offering as a new section any provision that should have been offered as an amendment to this section. We wish to know now what the plan is to be. We do not want to have an understanding and then find that we have not any.

Mr. JONES. Mr. Chairman, if that be so, if what the gentleman from New York states is to be the position of the opposition, then I can not consent to any agreement as to time.

Mr. FITZGERALD. I do not care anything about that.

Mr. JONES. Because we do not propose to put ourselves in a position, if these gentlemen vote out this section, that gentlemen on that side who say that this Clarke amendment is not entirely satisfactory to them, but that something else would be, shall not have an opportunity to vote for a proposition satisfactory to them.

Mr. FITZGERALD. The gentleman understands that the parliamentary rule is that gentlemen should perfect their provision, and then let the House pass on the question whether it shall remain in the bill or not. If the gentleman from Virginia wishes us to reverse that proposition, so that if it goes out he can then try to put it back in a different form, as far as I am concerned I do not care to have that done if I can prevent it, and I think I know how to prevent it. We want to know what the plan is to be before we vote on the question whether this provision goes in or out of the bill.

Mr. JONES. Mr. Chairman, I can not consent to any agreement about fixing the time——

Mr. FITZGERALD. That is immaterial to me.

Mr. JONES. I do not want it understood that we on this side agree that if this section is voted out we, under the parliamentary rules that govern the House, can not offer some other proposition—not, of course, an amendment to a section that is no longer in the bill.

Mr. TOWNER. Does the gentleman refer to something extraneous, that would not be proper to offer as an amendment to this? It occurs to me that everything that is proper to be submitted as an amendment to this ought to be included in this agreement.

Mr. FITZGERALD. We are going to insist on our rights, and we want to know what the gentleman is going to do.

Mr. PARKER of New Jersey. Mr. Chairman, I desire to be heard on the point of order that is raised.

The CHAIRMAN. The Chair will state that there has been no point of order raised.

Mr. PARKER of New Jersey. It has been suggested by the gentleman from New York that after you have struck out a section nothing that could be offered as an amendment to that section will be in order. I agree with the gentleman from New York about that entirely. To attempt to do that would only take up the time of the House. Gentlemen ought to perfect their measure first before we vote on the motion to strike it out.

Mr. JONES. Mr. Chairman, I will ask the gentleman from Iowa if he is willing to take a vote at 8 o'clock?

Mr. TOWNER. Yes.

Mr. JONES. Does the gentleman make that request, to close debate on this amendment at 8 o'clock?

Mr. TOWNER. And all amendments thereto.

Mr. KITCHIN. And all amendments thereto.

Mr. TOWNER. All amendments to this section.

Mr. JONES. I will make no objection to that.

The CHAIRMAN. Now, will some gentleman state the request?

Mr. TOWNER. As I understand it the request is this, that debate on this paragraph and all amendments thereto close at 8 o'clock.

Mr. MANN. Make it 30 minutes on a side, because that is the way to do it.

Mr. TOWNER. Thirty minutes on a side, one-half the time to be controlled by the gentleman from Virginia [Mr. JONES] and one-half by myself.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent that all debate upon the pending section and all amendments thereto be limited to one hour, one-half the time to be controlled by the gentleman from Virginia and one-half by the gentleman from Iowa. Is there objection?

Mr. BORLAND. Mr. Chairman, reserving the right to object, may I have five minutes?

Mr. JONES. I think so. I am leaving this very much to the gentleman from Tennessee [Mr. GARRETT].

Mr. FOSTER. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois demands the regular order. Is there objection to the request submitted by the gentleman from Iowa?

There was no objection.

Mr. TOWNER. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. DILLON].

Mr. DILLON. Mr. Chairman, I favor giving the Philippine people a greater liberty and allow them every possible opportunity to assimilate the blessings of good government. When the Jones bill came before the House, in the Sixty-third Congress, I voted for it, but I am opposed to the Clarke amendment, the effect of which is to set the Philippine Islands adrift without the performance of our covenants.

At the close of the Spanish War we found ourselves in possession of the Philippine Islands. This possession has brought for us great problems respecting our duty and our obligations to the Philippine people. The result of this war made us an involuntary trustee, a custodian of the rights and liberties of these people. At the time we occupied the city of Manila we found these people engaged in a rebellion against the mother country with which we were then in war. We destroyed the governmental power that ruled over them and substituted our own sovereignty over these people. We undertook to establish for the Philippine citizens a stable government. We accepted the trust, assumed the responsibility, and we can not now shirk this duty nor run away from our responsibility. Every citizen should be proud of the achievements we have accomplished in these islands. Down to this very hour we have faithfully fulfilled every covenant made to Spain and to the Philippine people. Since our occupancy of these islands we have crushed out insurrection, suppressed internal strife, established law and order, and have lead these people into industrial pursuits; through our activities, hospitals and homes have been constructed for the sick, schoolhouses and churches have been built for the educational and moral training of the people; we have eradicated diseases, established sanitation in their homes and public places, establish stable currency and equitable system of taxation, tripled their commerce, improved labor conditions, and paved the way for the true standard of living; improved their harbors, built railroads, public roads, bridges, telephones, and telegraph lines; we have sent them our teachers, our missionaries, and gave them the foundation principles upon which they could rear a country dedicated to liberty, justice, and equality. Our conduct with these people is above reproach and has been one of the brighest pages of our history, unselfish and unsullied. This bill, with the Clarke amendment, now calls for a dishonorable retreat from the islands and abandonment of all of our achievements; it places broken promises above faithful fulfillment. The rights of Spain, the rights of the American Government, the rights of the Philippine people are all safely guarded and protected by the Paris treaty of December 10, 1898. For 17 years we have faithfully complied with the terms of the treaty, but now we seek to repudiate it by proclaiming to the world that this treaty is a mere scrap of paper and no longer binding on the heart and conscience of our people.

The articles of capitulation of the city of Manila on the 13th of August, 1898, concluded with these words:

This city, its inhabitants, its churches and religious worship, its educational establishments, and its private property of all descriptions are placed under the special safeguard of the faith and honor of the American Army.

William McKinley's message to the Philippine Commission concludes in these words:

I believe that this pledge has been faithfully kept. As high and sacred an obligation rests upon the Government of the United States to give protection for property and life, civil and religious freedom, and wise, firm, and unselfish guidance in the paths of peace and prosperity to all the people of the Philippine Islands. I charge this commission

to labor for the full performance of this obligation, which concerns the honor and conscience of this country, in the firm hope that through their labors all the inhabitants of the Philippine Islands may come to look back with gratitude to the day when God gave victory to American arms at Manila and set their land under the sovereignty and the protection of the people of the United States.

If this sacred obligation rested upon us then, it rests upon us now. If we were right then, we are not wrong now. This city, its inhabitants, its churches, its religious freedom, its educational establishments, its private property are all safely guarded by the faith and the honor of our country. Article 16 of the treaty provides:

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy advise any government established in the island to assume the same obligations.

The rights of the United States with respect to Cuba are limited to the time of its occupancy, and provision is expressly made that any new government could assume the obligations imposed upon the United States by the treaty, but the grant of the Philippines to the United States is in perpetuity. There is not now and never has been any independent Philippine government. We bought the islands from Spain and paid $20,000,000 for them, and when the treaty was exchanged we became the sovereign owner of these islands, but we took them with perpetual covenants, with unlimited and unconditional pledges.

No provision can be found for a temporary occupancy or for turning over the trust to another Government for execution. Spain ceded the islands not for 17 years but in perpetuity; we did not accept for a limited period of occupancy, but we made as a part of our contract certain covenants with Spain for all time. The treaty proclaims that the rights of Provinces, municipalities, private and public, ecclesiastical and civic bodies, shall never be impaired. We made a covenant that we would carefully preserve all documents, official archives, and records of the executive and judicial departments relating to property rights of the inhabitants and of the sovereignty of the islands. We made a covenant that the Spanish subjects may remain in such territory or may remove therefrom, retaining their rights of property and the right to carry on their industry, commerce, and professions. We made a covenant that the civil rights, the political status of the inhabitants should be determined by the Congress of the United States. We made a covenant that the inhabitants should be entitled to religious liberty.

Our pledges are unconditional, unlimited, and perpetual. How can we, then, in good faith proclaim to Spain that we no longer are bound by our treaty pact, we will no longer protect the people of the islands in their property rights nor safeguard to them their religious liberty, that Congress will no longer legislate upon their civil and political rights, that henceforth, like a tricky litigant, we shall refuse to perform our sacred contract. The United States would not allow Spain to repudiate her part of this agreement, and Spain ought not to allow the United States to deliberately violate the agreement solemnly made for the benefits of her former subjects. The Spanish Government has vested rights in this peace contract, so have the people of the Islands, so has every investor who has invested money on the faith of our promises. No amount of quibbling, equivocation, or trickery will satisfy the sober judgment of the American people that we should now violate our promises and set aside the vested rights in a treaty made with another Government.

If we had an international court, vested with jurisdiction, for the settlement of such controversies, Spain could hail us before the court as a willful violator of our treaty pledges. Every person, wherever he may be, who has invested either in the Philippine bonds or in property in these islands, the civilized and uncivilized citizens of the islands and the Spanish nation are all beneficiaries under our treaty and have a direct interest in the peace pledges. This is not wholly a question of governments deriving their power from the consent of the governed. It is a question of the faithful fulfillment of treaty pledges deliberately made. You talk about colonial policies, imperialism, the creed of the fathers, liberty being the birthright of man, but you are forgetting the fundamentals, the pledges contained in our treaty. If it was right to start on the fulfillment of these pledges, it is right to finish the task. We can no more justify the surrender of these islands than the unfaithful father could justify his willful desertion of his helpless infant children. If you personally held trust funds for beneficiaries, would you select an insolvent trustee, an infant, or a person with bad habits, or one unable to govern himself and expect a faithful and honest accounting of the trust funds? I should think that even a Democratic caucus would hesitate to do such a foolish thing. It is said that the islands are costing us $25,000,000 per year; that they constitute our greatest liability and peril, a burden, a constant expense; that to keep the islands means to defend them, to defend them means an increase in Army and Navy. Yet if we admit all these statements they do not constitute a sufficient argument for a deliberate abandonment of our contract. The honor of our country weighs more than dollars. Every one of you have probably sometime made a bad bargain. I have. Yet you would not want to plead the infant act, intoxication, or mental deficiency as a justification of such act and as a defense to your bad judgment. We have been going along for 17 years cheerfully fulfilling and faithfully executing every element of our contract; now we are to throw up the job and plead the baby act. Read President McKinley's proclamation, proclaiming the ratification of the treaty to the public:

That the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

However, fulfillment and good faith seems to mean nothing to the members of the Democratic caucus.

I am sorry that this great measure must rest upon the decree of a Democratic caucus. The measure ought to be above party creeds. It should call upon every Member for patriotic service in placing the common good above partisan advantage. No Member should delegate his power of legislation to any caucus. The caucus destroys individuality; it establishes tyranny; it sacrifices the best legislative instrumentality, the conscience; it makes weaklings of its members. The faithful are intimidated by its decrees. They are loath to have places in the party council. They join the ranks of the rulers, and individuality is peacefully put to sleep. We plead for an independent legislative department of Government; one that will not permit the judicial nor the executive departments to trespass upon the rights of the legislative department; one that will not allow a caucus to bind its members; one that will call upon its members to stand for individual opinions; one that will maintain the independence of members; one that will permit its member to stand erect in his God-given rights without coercion and without caucus splints upon his legs.

Under section 34 of this bill we are to withdraw and surrender our possession, sovereignty, and jurisdiction over the islands, and permit these people to form a self-governing nation and recognize their independence. Everyone ought to know that we can not at this time depend upon their ability to perform the covenants we have made with Spain; nor have they at present the ability to protect property rights or religious liberty. If we are to make good our guaranty, we must retain sovereignty, occupation, and ownership, because it is only through sovereignty and ownership that we will be able to perform our covenants. If we could get out of the islands with a complete fulfillment of our obligations, there would probably be little criticism in our doing so, but this is impossible. When we withdraw, what are we going to do without pledges? We can not withdraw them. To turn these islands over to a newly formed Philippine government would not only mean national dishonor, but a destruction of all American and European investments, which were made on the faith of our promises; it would bring on revolution, anarchy, bloodshed, and crime among the 30 different native races inhabiting these islands. How can we expect unity of action when all of these races have for centuries possessed racial prejudices, all speaking different dialects.

We have only to recall the chaos, loss of life, in poor, distressed Mexico and we have an example of a nation with hundreds of years of civilization, with a constitution similar to that of the United States, yet without ability for self-government. A good constitution and good laws will not suffice unless the government of the people can rest upon the heart and conscience of the masses of people. I am convinced that a withdrawal of our sovereignty will leave the people of the Philippines insolvent, defenseless, and helpless, and that they will not be ready for self-government for 50 years to come. I believe that when we leave the islands we should leave them bag and baggage. It has already been demonstrated that the United States can exercise the general sovereignty over these islands without bringing them into a domestic relation with our country. We have been doing so, and there is no reason why we should not continue the work already begun. To turn the Philippine Islands back to Spain at this time would not merit the approval of the American people; to abandon them would not command the respect and the sober judgment of mankind, because it means a breach of our promises. We can not turn the Philippine Islands over to any other country and relieve ourselves of responsibility. We have no right or power to select another country as a residuary legatee. It then becomes our faithful duty to at present continue the marvelous advancement in peace and prosperity that has followed our occupancy in these

islands, that through our tender, sympathetic rule and guidance they may continue unmolested in their wonderful advancement, which has been unequaled in the history of the world. [Applause.]

Mr. JONES. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, no political party in this country has ever been brave enough to face the American people with an unequivocal declaration that they intended to keep the Philippine Islands in perpetuity. Yet every proposition for the ultimate freedom of the islands, or even for their advancement in local self-government, has met with the same resistance and from the same quarter as this bill.

I believe that we ought to adopt this clause for two reasons: First, for the good of the Americans; and second, for the good of the Filipinos. I am glad to believe that our occupancy of the Philippine Islands has been a credit to us and has advanced the Filipino in the direction of self-government. I am glad to believe also that a part of the credit is due to the Filipino in his being able to adapt himself to the needs of a higher political life.

I am thoroughly convinced, however, when I speak of the good to the American people that we as a country have no destiny in those islands. We have no destiny as a Nation in Asia. The Philippine Islands are not colonies; they are dependencies. No man has ever conceived that they can be colonies. The difference between a colony and a dependency as a legal proposition is very clear, and I repeat that no statesman or any party or faction has ever pretended that they would become an integral part of the American Nation, or that the American Constitution would finally become their constitution.

When the argument is made for their indefinite retention, it is for their retention as a subject people, as a dependency, without the natural political rights that men are entitled to enjoy.

We have heard this afternoon in this debate the same old-time worn jingoism about pulling down the American flag that was responsible for the original commission of the Philippine folly. We are not to pull down the flag. Then if we are not to pull down the flag now, after 18 years of peaceful government, let these belligerent patriots say when the time will ever come that they will be willing to pull down the flag. If that time will never come, let them have the manly moral courage to face the American people and say that they are opposed for all time to the freedom of the Filipinos. [Applause.]

Talk about courage; let us have a little moral courage on this subject, and while we are about it let us have the moral courage as well as the physical courage to do what we believe is right by a people, whether they have the power to require it of us or not. Is the only test of right and freedom the power to extort it by force, or are we the only Nation that is able to give a subject people their freedom without driving them to win it at the point of the sword? That is the moral question involved here.

Now, the great fight on this bill is coming and will come from the special interests in this country. The gentleman from Minnesota [Mr. MILLER] started out to represent the poor Filipinos, but before he had got very far the mask was off and he was talking about the millions of capital invested in those islands. I have seen in that flag the stripes representing the revolting American Colonies; I have seen the stars representing the self-governing American States; but I hope never to see both stars and stripes erased and nothing but the dollar mark left behind. [Applause.]

Mr. FESS. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, I have been greatly interested in the discussions on the floor of this House since I came here in December, and I have discovered one thing, and that is that the business men of America need not look for or expect any consideration at home or abroad from the Democratic side in this House. [Applause on the Republican side.] Whenever you mention anything that has to do with the business or industry of the American citizen here or abroad the next thing you hear is a sneer that the interests are being defended. We have to-day in Mexico men with their millions who have gone there encouraged by this Government. We are talking about capturing the trade of the world, and a few venture across with their savings into the Philippine Islands, and anything that is said here to-day about looking after Americans in the Philippines is talked of with a sneer from the other side.

I say to you, I can think of no more lonely figure in this Government to-day than the man of enterprise who looks beyond the boundary of his own Nation to capture trade [applause on the Republican side], to bring business to this Nation. He is made to understand that he is the subject of ridicule by the party in power, and he can expect no protection abroad and no protection at home. [Applause on the Republican side.]

I am not a prophet nor the son of a prophet, but I think that the time is here in this country when some men, without apology, remembering that the the Good Book says that "He who provides not for his own household is worse than a disbeliever," shall see to it that we come squarely to a discussion of whether the industrial enterprises of the United States have any hope for life anywhere, here or abroad. What have we heard to-day? We have heard a lot of talk about some Filipinos, but the American in the islands has been sneered at. We have had some talk about some savage tribes wanting their freedom, but not one word from the Democratic side of the House in honor of the men who for 18 years have toiled and died to change that Filipino country from a country of savagery to a country of civilization—not one word. [Applause on the Republican side.] We have heard not one single word in praise of a single boy who wore the American uniform in the Philippine Islands, we have heard not one single word from that side of the House of hope held out to any man, or group of men, who have gone there. It has all been cant and rant about the liberty of men with whom you would not trust your own business for 24 hours. It seems to me, Mr. Chairman, that if ever the party in power is to say anything or do anything to convince the thoughtful business man of this country who is looking somewhere to carry on the enterprise that the great push of American industry would send abroad, it has the opportunity to do it now. And the time has come when that man shall demand some consideration at least from the party on the other side. [Applause on the Republican side.]

Mr. JONES. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, the gentleman from Missouri [Mr. MEEKER] has sneered at what he chooses to call "some Filipinos," stating that it would be wrong to grant independence to a people with whom we would not be willing to risk our business for 24 hours, and he proceeds to extol the "boys" and "business men" who have gone there from America, and in accordance with his ideas, are entitled to first consideration over the welfare of the Filipino people. If it be true that the Filipino people are of such character that we would not be willing to trust our business to any of them for as long as 24 hours, these "boys" and "business men" to whom the gentleman refers have done very little toward civilizing these people during the 18 years they have spent in the Philippine Islands. It is a sorry spectacle that a Member of the American Congress, with all of its traditions and the history of its growth and the things for which it has stood in the past, should be willing to stand upon this floor and deny liberty and independence to 8,000,000 of people, because he does not think it to the best interest of Americans who have gone to the Philippine Islands and invested their money. In former times it would not have been thought possible that a Representative of the liverty-loving people of America would put the selfish interests of a few investors of capital above the rights of a great people to govern themselves and live under their own system.

Before the American Revolution, which won for the United States their indepedence, Englishmen had come into the colonies and invested their money, and, no doubt, they thought their interests should be placed above that of the colonists, who were seeking freedom and the right of self-government, but our forefathers did not hesitate to fight for their independence and their right to govern themselves, simply because British subjects had come into this country and invested their money. Those who were interested in bringing about that revolution and in the formation of this Nation held to the doctrine that the right of self-government is an inherent right and that it is not subject to the prior claims of financial investors.

The Declaration of Independence itself proclaims the doctrine that all men are created politically equal and are entitled to certain inalienable rights, among which are life, liberty, and the pursuit of happiness. It proclaims that all governments derive their just powers from the consent of the governed, and three-quarters of a century later Abraham Lincoln gave his indorsement to that immortal declaration by saying, "No man is good enough to govern another man without that man's consent." We know that the Filipino people desire self-government. We know that they desire it because they have learned from our Nation and from the things that were responsible for our national existence that the right of freedom and self-government is the most priceless political boon that can be achieved among the political subdivisions of the people of the world.

A great deal has been said about the qualifications of the people of the Philippine Islands for self-government. I have been

impressed many times with the statement of President Wilson that liberty does not come from above, like the showers from heaven, but it springs up among the people themselves and must be attained and maintained by them if it is to be enjoyed. If the question of the qualification of the American colonies to govern themselves had been left to the people of Great Britain, and the question of our liberty had been left for them to decide, we would at this time be a colony of that empire instead of the greatest Republic that the world has known. Avarice, greed, and selfishness always protests that a given people are not suited for self-government, but the question which confronts us here as Members of Congress is whether the Filipino people are entitled to freedom and self-government as a matter of right, and without regard to whether some Americans will be able to make more money under American control of the Philippines than they would under a self-governing Filipino Republic. For my own part, I am willing to bestow upon those people that right, that power of self-government which we have not only contended for for ourselves, but have encouraged among all the nations of the world.

Mr. MILLER of Delaware. Mr. Chairman, will the gentleman yield? The gentleman does not mean to compare the United States in the Philippine Islands with Great Britain in the United States?

Mr. BARKLEY. No; I do not mean to compare the Anglo-Saxon race, wherever they may be found on this footstool, with any other race under the sun; but my contention is that, without regard to race or locality, the principle is the same. The principle is that the right of self-government is not qualified by the color or the location of the people who may be seeking it.

Mr. Chairman, we have heard a great deal about the lack of education in the Philippine Islands, and yet there are more than 5,000 public schools in those islands, with an attendance of more than 500,000, which is a higher percentage than exists in many other so-called higher civilized nations. The percentage of literacy in the Philippine Islands is greater than it is in Russia, or in Spain, or Portugal, or Brazil, or Chile, or in Guatemala, as well as a number of other nations that might be mentioned. If this be true, how can any fair-minded American contend that the Philippine Islands should not be given their liberty? Certainly a failure to do that could not be justified on the grounds of a lack of education. If it is the moral duty of our Army and our great business men to civilize inferior races of people, how can we justify our course in limiting our beneficence to the Philippine Islands and the other islands of the sea when there are so many other people scattered over the world who are in need of such altruistic service?

Mr. MADDEN. We do not own them.

Mr. BARKLEY. No; and we do not own the Philippine Islands in the sense that they are ours for indefinite occupation and exploitation. [Applause on the Democratic side.] Every American officer, from President McKinley on down to the present time, has held out the hope of independence to the Philippine Islands, and they have from the beginning of American occupation been led by every responsible authority to believe that our occupation of the islands was temporary and that they would be granted their independence at an appropriate time. But to-day, for the first time, we hear a Member on the Republican side, the distinguished gentleman from Tennessee [Mr. AUSTIN], boldly state that he is not in favor of ever granting freedom to the Philippine Islands, and that he was against giving it to the people of Cuba, and that if he had his way he would go down and take Mexico and all the territory between the United States and the Panama Canal, all of which he would gobble up and place under the control of the American Government and the American Army, without regard to the wishes or the welfare of the people upon whom he would superimpose the authority of the United States.

Why is it that there are men, even in Congress, who take such a position? Because of that insatiable desire for business and money making, the desire to subordinate the liberty, freedom, and rights of independent people to work out their own destiny to the dictates and selfish desires of commercialism. It is the desire to crown the dollars as being supreme over the liberty of human beings. [Applause on the Democratic side.] And that is the only argument that the gentleman from Tennessee and others have advanced in behalf of their policy for which they have had the courage to speak upon the floor of this House.

I am glad, Mr. Chairman, that I do not advocate the acquisition of power and of territory under the Stars and Stripes by force of arms simply to gratify the ambition of men whose only object in life is the making of money or the exercise of power. The thing which makes the American Nation loved and respected the world over is the fact that it has not stood in the past for political or commercial aggrandizement, but it has always been looked to by the downtrodden people of every nation as the inspiration of freedom and liberty, proclaiming the equality of mankind everywhere. [Applause on the Democratic side.]

It was under the influence of this inspiration that the American Nation was conceived, and has grown until it embraces the midcontinent of North America and numbers more than a hundred million true and loyal Americans. It is for these reasons and for many others that I believe the time has come when the Philippine Islands ought to be granted their independence, when the United States should keep faith with those people whom it subjugated against their will, and which it continues to control, in spite of their overwhelming desire and capacity for governing themselves; and I hope that at no distant date we may be able to greet the only Christian nation in the Orient as a fellow member in the brotherhood of self-governing nations under the name of the republic of the Philippine Islands. [Applause on the Democratic side.]

Mr. FESS. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Chairman, I believe that I shall never forget the emotions that came to me when, 18 years ago to-day, I learned of the triumph of the American Navy in the Bay of Manila. Proud as I was of that achievement, when I came to learn what was to be the ultimate result of the triumph of American arms, I was prouder of my Nation than I had ever been before.

For 400 years our brown brothers of the lonely islands in a far-away sea had been beneath the heel of tyranny and of oppression. For four centuries they had waited patiently for the coming of the giant of the west. When it came and raised the American flag over those islands it was raised with a promise that the genius of our institutions should be given to these savage tribes in the hopes of one day raising them to that point in civilization where they might be trusted with a government of their own. We held out the promise to them that we would install in those islands civilization where savagery exists, Christianity where paganism prevails, a government of law where anarchy prevails, progress where festers decay, and the sunlight of a new age where the shadows of dead centuries lie. In fulfillment of that promise we sent the youth of America, the young men and young women, to take charge of their schools, with the idea of improving the intellectual and the moral standard of the Philippine people.

Mr. Chairman, no man ever gained strength by following the easiest way. No nation ever became mighty by following the line of least resistance. And to-day, after having had in our charge for 18 years those races that had been in savagery for 400 years, for the first time there comes a proposition that because storm clouds have gathered, that because the world has gone mad, that because of the fear that the Philippines may be dangerous for us to control, because they are expensive—for the first time, within my knowledge, at least, the United States is consulting the proposition of expediency in the face of manifest duty.

I say to you that if this Nation is true to its ideals, if its action on this matter shall be in harmony with its history, it will not consult fear, it will not consult difficulty, it will not consult expense, but it will hold on to those islands, it will hold on to those people until they have reached that point in civilization where independence and freedom may be given them without making them and their nation the plaything of world politics. [Applause on the Republican side.]

Mr. JONES. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. DECKER].

Mr. DECKER. Mr. Chairman, like the gentleman from Nebraska I remember very well the emotions that filled my heart when I heard of the victory of Dewey at Manila Bay, and I am for turning the Philippines loose, not from the standpoint of expediency, not for a lack of courage, but because of the fundamental principles of this Government that our father founded long before Dewey's victory at Manila Bay. [Applause on the Democratic side.] Eight million people, 7,000 miles away. If they are incapable of self-government, then they have no part or lot under that flag, because as the greatest Republican, and almost the greatest American, that ever lived, said that this Nation can not endure half slave and half free. If they are capable of self-government, the dictates, not of expediency, but the dictates of duty, demand that we carry out the policy of McKinley and give them the right to self-government, and do it now.

This is the anniversary of the victory of Manila Bay. There could be but one better day to give them liberty, and that would be the 4th of July, the day on which we celebrate the Declaration of Independence, "that document which proclaimed not simply our national independence, but the primal rights of all of

mankind; that document the spirit of which goes forth like an angel of human liberation," as Sumner said, "breaking bolts, unloosing bonds, opening prison doors, visiting all who are downtrodden, whispering that there is none so poor as to be without human rights which every man is bound to respect, none so degraded as not to be beneath its beneficent influence, none so lofty as to be above its restraining power, while before it despotism and oligarchy fall on their faces like the image of Dagon, and the people everywhere begin to govern themselves."

Mr. FESS. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, the revenues of the Philippine government last year were about $14,000,000, not more than the revenues of the District of Columbia. Turn the islands loose, turn them over, as you may wish to call it, on $14,000,000, and what will become of the 8,500,000 people? The time when they should be given independence will be when they have a schoolhouse on every hilltop, where in the generations that are yet to come the children yet unborn are educated in the principles of government and freedom. That will be the time to liberate the Filipino and give him independence. The flag has been raised upon the Philippine Islands, there to remain as an evidence of liberty and freedom, never to be hauled down until the people of those islands are ready for self-government, but not until they have been taught in the schoolhouses, under an American policy, what self-government means.

Who would defend the Filipinos if they were given independence to-day? Would it be America or who would it be? Surely not themselves. And to turn them loose by this provision of this bill would be a crime, a sin, which the Members of this House, speaking for the American people, ought not by any means to commit. [Applause on the Republican side.]

Mr. JONES. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, it strikes me that the Democratic platform has been explicitly plain on this Philippine proposition. Seven hundred million dollars have been spent by this Government in the last 18 years in the Philippine Islands and between forty and fifty million dollars being spent each year. If war at any time comes, it will be through the Philippine Islands. And the national troubles, all of them combined, the national liability of all other kinds combined, do not compare with the Philippine Islands. And in reply to my distinguished friend from Nebraska [Mr. REAVIS], who says it is the part of courage to stay there, I wish to say to him that as a courageous Nation, a Nation that loves the foundation stone of liberty on which it is founded, we owe it to the Filipino people to free them.

This Government is not presumed to go all over the face of the earth for the purpose of washing out the back doors of other people. The Monroe doctrine is not for the purpose of ging 12,500 miles from the Nation's Capital and looking out for some people in the Pacific Ocean; but, according to my interpretation of that famous doctrine, the North American Continent and the South American Republics embrace the entire territory over which our flag shall put any kind of protectorate.

This idea of imperialism and holding the Philippine Islands is backed up by the great "interests" of this country. It is not the people of America. It is the bondholders, the liquor interests, the Tobacco Trust, and the sugar interests of this country that cause the Republican Party and these few Democrats to join in this protest against the Clarke amendment turning the Philippines loose. [Applause on the Democratic side.]

This is a battle between the people and special privilege in this Nation. The interests that have been exploiting the Philippine Islands all of these years do not intend to let the American people get rid of that millstone that now hangs so heavy around the neck of this Nation.

You Republicans place the dollar above the man. Don't you know the people of those islands love independence as much as we do? The Tories in the Colonies of America joined in with King George and tried to prevent our heroic forefathers from gaining their independence. Our people fought eight long years to gain independence against the tyrannical hand of Great Britain. Some of you say the Filipino people are not capable of self-government. The people of England said the same thing about our American forefathers in 1776.

What right have we to set ourselves up as the judges to say the Filipinos are not able to maintain a stable government? Every man on this floor knows those people can govern themselves. It is the dollar mark that is causing all these flimsy excuses to be offered here to-day.

Wall Street has worked overtime endeavoring to kill this bill. All of the henchmen of the bankers who happen to have bonds in the islands, together with the whisky and beer interests, and the Sugar Trust, and the Tobacco Trust, have put their forces to work to prevent the Democratic Party from fulfilling its pledges to the American people on this question. Now is the time to show what crowd you run with. Are you for the special interests that seek to continue grinding dollars out of the swarthy Filipinos at a great and heavy burden to the people of the United States, or are you for the plain people of this country? Your vote on this Clarke amendment tells the whole story.

If you are for the people, you will vote for the Clarke amendment to stay in. This will give the Filipinos freedom at the end of four years. I would vote to give them their independence to-morrow. I am in favor of the United States Government coming out body and breeches from the Philippine Islands and staying away from there for all time to come. Our Government has enough to do to attend to our own business. Let us spend our money to help our own people. You Republicans want to tax the very life out of our people who toil in order that a few exploiters of the privileged classes can amass millions of dollars out of the Philippine Islands. The truth of it is, you never expect to give the Philippine Islanders their independence. Of all the fake arguments I have listened to since coming to Congress, I have never yet heard any to equal the pretended excuses offered here to-day to kill this bill.

Do you not know this is a day of rejoicing? The American people have their eyes on Congress to-day. They know the strong influences of big business at work to kill this bill. Which side are you on in this conflict? Do you know the tree is judged by its fruit? What kind of fruit will your vote bear? The vote I cast I know is for the people, because every schoolboy in America knows that the people of this country are in favor of granting independence to the Filipinos as early as possible. I am willing to be judged on this vote. Are you men who oppose this bill ready to come out in the open at the bar of public opinion? What are you Republicans going to tell the people?

Mr. FESS. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. SMITH].

The CHAIRMAN. The gentleman from Minnesota [Mr. SMITH] is recognized.

Mr. SMITH of Minnesota. Mr. Chairman, to pass the Clarke amendment on the pretense that we are doing it for the benefit of the Filipino people, whereas, in truth and in fact, our real purpose is to avoid our obligations to these people—and this at a time when the world is on fire—would certainly subject our Government to the charge of timidity and insincerity and greatly lower its standing in the eyes of the world, as well as to weaken the moral fiber of our citizens.

Setting the Filipinos adrift, putting them on their own resources before they are ready for self-government and before other nations are asked to cooperate in the matter, would be a serious mistake—one that our Government in all probability would have cause to regret.

The Democratic Party attempts to justify such a course on the ground that its 1912 platform called for the independence of the Philippines as soon as a stable local government could be established in the islands. How soon could such a government be established? Can the administration guarantee a stable government in four years or even in three times four years?

The great majority of our people do not believe that the rank and file of the natives are yet fit for local self-government, and it is beyond the realm of human ability to say on what particular day they will be ready to maintain a government that will protect the lives, liberties, and property of its people.

There is nothing in the preelection declarations of the Democratic Party that will sustain, under the present conditions, the leaders of that party in their attempt to scuttle these islands. Even though the Philippine plank were more specific, would not the party be justified in repudiating it under present world conditions? This administration has repudiated other planks of its platform for little or no excuse—why so supersensitive about this one?

It is quite apparent that the compelling motive for abandoning the islands is not an overpowering desire to square the Democratic Party's action with its platform declarations, but rather a lack of confidence in its own ability to care for and protect these islands.

Conditions in the Philippine Islands are very satisfactory; there is little or no public discontent. The Filipinos are making splendid progress in the art of self-government, as well as in agricultural, industrial, and commercial pursuits. Then, why abandon the policy of educating them patiently and sufficiently for ultimate self-government? Why discard a highly satisfactory policy for a dangerous and uncertain policy—dan-

gerous to the Filipino people and dishonorable to our own Government?

In the treaty of Paris we took on these islands and relieved Spain of all obligation for their protection and government. Is not the United States in honor bound responsible for their future welfare? Can it avoid this obligation, though self-imposed, by seeking its own safety and welfare without any regard for the future welfare of the Filipino people?

To act upon such a doctrine would subject the United States to the contempt of the civilized world.

This is not the time to consider our convenience or profit, but to maintain our honor and duty to a people who were wished upon us as an incident of the Spanish-American War.

It is contended by the supporters of the Clarke amendment that the Philippines should be granted their independence promptly, because that would decrease the possibilities of international complications that might involve the United States in war; besides, such a course would be profitable, as it would save the United States Treasury millions of dollars.

Our Government took on these islands not for the purpose of making profit out of them but for the good of the Filipino people, and the United States does not purpose to lay down its burden until its mission is fulfilled. The United States is the sole judge as to when this task is performed. The Filipino people believed they were ready for independence as soon as sovereignty was transferred from Spain to the United States. Our disagreement with them on that point caused the Filipino-American War that cost hundreds of lives and over $600,000,000. Nothing has occurred since that war to cause us to change our policy toward these people except it be the European conflagration, and instead of that being an excuse for granting independence to the Philippines it to my mind is a very substantial reason why independence should not be granted to these islands during this world-wide disturbance. However, we are reminded by the "scuttle propagandists" that the United States can safeguard the interests of the Philippines as well after they have been granted their independence as they can to-day. Even if we admit this to be a fact, which it is not, the bill under consideration cuts the islands adrift, leaving them to their own protection, and the history of this legislation indicates that such is the intention of the administration. Grant that the administration will be successful in repudiating its trust, what will be its standing before the world?

The proponents of the Clarke amendment in their report make the astounding statement that the Philippines are a source of military weakness, and that we should abandon them as a part of our plan of preparedness.

Mr. Speaker, according to these gentlemen, the United States should abandon any and all possessions outside our continental boundaries, if difficult to defend. If American duties and obligations are to be avoided because we are afraid to perform them lest we become involved with some foreign power, it is time to take stock of our national fiber, as has been well said by the minority. "If counsels of fear are to become the permanent policy of our country we should blot out the heroic history of our past and forget the sacrifices of those who made us a Nation."

The problem before us is a difficult one. It was much easier to take on these islands than it will be to establish for the people thereon a stable government democratic in form.

If we should attempt it at the present time, the inevitable result would be that only a comparative few would control the great mass of the people. In place of its being a democratic government, in fact it would be a sort of autocratic government. The few would govern the many. Such a condition would develop another crop of Villas, Carranzas, Zapatas, and Aguinaldos to disturb the peace and happiness of not only our own country but all civilized powers. Can it be that we have learned nothing from our experience in the last four years with the Mexican situation?

No one should deny to the Filipino people the God-given right to independent existence as soon as they are able to maintain it. We have every reason to believe that as soon as these people are properly fitted for independence they will become a very important member in the family of nations.

Mr. Taft paid them this eloquent tribute:

> It is the only Malay or oriental race that is Christian. They were not like the Mohammedan or Buddhist, who despise western civilization as inferior. * * * They learn easily, and the most striking fact in our whole experience in the Philippines is the eagerness with which the common Filipino agricultural laborer sends his children to school to learn English. There is no real difference between the educated and ignorant Filipino that can not be overcome by the education of one generation. They are a capable people in the sense that they can be given a normal intellectual development by the same kind of education that is given in our common-school system.

Should we abandon our unselfish purpose to serve so promising a people because of the fear of a few frightened leaders?

Mr. MONDELL. Mr. Chairman, our responsibility in the Philippines came to us as an unsought and unexpected incident of a righteous war. The controlling factor in the acceptance of that responsibility was a sober sense of duty and a conscientious devotion to high ideals in its performance.

The record of that performance, including its admitted faults and shortcomings, is the finest story in human history of unselfish effort on behalf of an alien people patiently, faithfully, and successfully performed.

Thanks to the wisdom of the plan adopted, to the devotion of those who directed its administration, to the capacity and good intentions of the people among whom and for whose benefit it was developed, the Filipino people have demonstrated their worthiness and, we hope, capacity for the substantial advance on the road to complete self-government which we now propose to give them, an advance which, if successfully pursued, will lead them to the coveted goal of complete independence.

In this hopeful juncture of our relations with these capable and aspiring people we are suddenly confronted with an amazing proposition affecting those relations and purposed to rudely and precipitately sever them. A proposition born of fretful impatience, urged on the ground of cheap expediency, and counciled by craven cowardice. It is as wickedly unworthy of the American people as it is criminally reckless of the best interests of the people of the Philippine Islands.

I am no prophet and can not therefore vision the future or foretell the day when it may be mutually agreed that the time has arrived when these people may with reasonable safety and security launch their ship of state on the none too tranquil waters of independent sovereignty. Of this, however, I am supremely confident that when that day arrives, it will be heralded and ushered in by no such miserable excuses as that we have tired of the Philippine burden, we are weary of its cost, we are timidly apprehensive of its possible entanglements. On the contrary, when that day comes, it shall be known and proclaimed as the basis of our action that our responsibility has been courageously met and honorably discharged, that our duty has been faithfully accepted and successfully performed.

I hope to live to see the coming of that day, when, with dignity, with consciousness of duty performed, under such a mutually advantageous arrangement as will comport with the dignity of the United States, safeguard its interests in the Orient, and reasonably assure the Philippines from foreign aggression, we may establish the people of the Philippine Islands as an independent sovereignty. Until that day arrives, I would be a craven, recreant to the faith and confidence reposed in me by a faithful, steadfast, and high-minded constituency, if, under any pretext, persuasion, or pressure I should subscribe to the shifting, shuffling policy of scuttle, surrender, and abandonment contained in the Clarke amendment.

Mr. FESS. Mr. Chairman, I yield three minutes to the gentleman from Kansas [Mr. TAGGART].

The CHAIRMAN. The gentleman from Kansas [Mr. TAGGART] is recognized for three minutes.

Mr. TAGGART. Mr. Chairman, I have never criticized a bill that was reported by a committee of the party that I represent in this House, and I have nothing but commendation for that part of the pending bill that emanated from the Committee on Insular Affairs. It is a magnificent piece of work. I do not think that any piece of legislation was ever written in this House that surpasses the bill that is drafted for the government of the Philippine Islands. But unfortunately it contains a provision inserted in the other body to the effect that the United States shall hastily and precipitately retreat from the Philippine Islands and abandon them without guaranty and without protection.

Mr. Chairman, the occupation of the Philippine Islands by the United States is the most unselfish work that was ever done by any nation in the history of the world. [Applause on the Republican side.] During those 18 years in which we have occupied the islands we have established sanitation, we have made public improvements, we have provided schools, we have maintained peace, we have brought the blessings of liberty to the Orient, and not only to the Orient, but into the Tropics in the Orient. We have attempted to teach and now are in process of teaching in the Orient the greatest blessing that mankind ever learned for the first time, and that is the lesson of self-government. I have no criticism of this bill except to say that section 34 cuts off our task in the very midst of it.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TAGGART. I ask unanimous consent for one more minute.

Mr. FESS. Mr. Chairman, I yield to the gentleman one minute.

The CHAIRMAN. The gentleman from Kansas is recognized for one minute.

Mr. TAGGART. I want to see section 34 amended so that we can all vote for it. I do not want any uncertainty in it. I do not want to see that there shall be two years of uncertainty, in which public and private bankruptcy and destruction of business will be brought about in the Philippine Islands. If we could only say in it that 10 years from to-day there shall be complete independence established there, and in the meantime the guaranty of the great nations shall be secured for the integrity of the Philippine Islands, then it would be a provision that would be worthy of this House.

And in conclusion, Mr. Chairman, let me say to some of the best friends that I ever had a word of warning—to conclude this sentence—that you be careful with what ceremony and under what circumstance you haul down the United States flag anywhere. [Prolonged applause on the Republican side.]

Mr. JONES. Mr. Chairman, I will ask the gentleman from Iowa [Mr. TOWNER] to use the remainder of his time. He has about five minutes. There will be only one more speech on this side.

Mr. TOWNER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MAGEE].

The CHAIRMAN. The gentleman from New York [Mr. MAGEE] is recognized for five minutes.

Mr. MAGEE. Mr. Chairman, whenever I read this bill, I think of Arlington, lying under the very shadow of this Capitol, and of the young officers peacefully sleeping there who joined the majority by reason of wounds received or diseases contracted during the Philippine insurrection; and I can not resist the mute appeal of at least one of them to pay my respects to this bill, which as amended and passed by the Senate would destroy and blot out forever all that they fought and died for.

It appears to be conceded that the Filipinos are not now fitted for self-government, and yet it is proposed to fix arbitrarily a time when the President shall have the power to surrender American sovereignty over them and to recognize their independence. The pending bill in many respects is an admirable one, and provides under proper safeguards for instituting in the islands a larger degree of self-government; but it does not necessarily follow that the experiment will meet with material success, or that the inhabitants thereof will be much better prepared to administer the affairs of government three or four years from now than they are to-day. It seems to me that if they are to have independence the proper time to grant it will be when the people of this country are satisfied that the Filipinos, after a fair trial, are fully capable of legislating for themselves and of establishing and maintaining a stable government. And no human being can arbitrarily fix such time.

I remember as if it were yesterday May 1, 1898—a Sunday, as I recall—when the news flashed across America that Admiral Dewey and his brave men had destroyed the Spanish fleet in Manila Bay. That victory brought with it grave responsibilities. It is useless to discuss whether it was wise or unwise to take possession of the islands. You can not change the course of destiny. "Man proposes, God disposes." The fact is that we took possesssion of the Philippines and acquired a clear title thereto, not only by conquest but later by purchase. For some 17 years we have administered the affairs of the islands; we have materially developed their resources and civilized the inhabitants until to-day Christian and pagan alike there recognize and appreciate the justice, equity, and personal freedom of a republican form of government; we have made the islands sanitary; we have established churches and schools; and we have made great progress in educating the people, in uplifting them, and in developing them intellectually, physically, and morally, until to-day they have the aspirations of a nation.

But the undisputed fact remains that they are our wards. We owe an obligation to them just as much as we owed an obligation to Cuba. Of course the Philippines are much farther away than Cuba is, but the principle involved is the same. We made Cuba free. It was a most magnanimous act, the like of which the world had never seen before, but Cuba—we may say de facto and practically—was our ward, and the statesmen of that day fully lived up to the traditions of this country. They did not turn Cuba adrift, but, under the Platt amendment, retained the right of intervention there, a right that secures to Cuba a republican form of government, stable, efficient, and capable of protecting life and property there.

If an insurrection should spring up in Cuba this Government would undoubtedly intervene. If the inhabitants of Cuba should attempt to set up a monarchy, this Government would undoubtedly intervene. Having established this humane precedent in Cuba, how can we consistently and humanely abandon the Philippines to their fate, and leave them an easy prey of revolution or a helpless victim of appropriation by a stronger power, which might establish a monarchy there. Think of the President of the United States entering into negotiations with the king of the Philippines! Why, if that time should ever come, this Republic would not exist long enough to erase the blot in its record upon the page of the history of time.

Why all this haste to get out of the Philippines? It is said that the people of this country will never favor the creation of a State, or States, out of the islands. While not conceding that, yet assume it for the sake of argument. It is said that American citizenship can not be extended to the inhabitants because they are made up of so many different races that assimilation would be impossible. While not conceding that, yet assume it for the purpose of argument. Still those reasons are wholly insufficient as a defense to the charge of abandonment of our wards. The abandonment of a ward is not a tradition of this country. There must be some other reason, and that reason, whether we concede it or deny it, is, in my judgment, founded upon fear—a fear that the retention of the islands, or any interest in them, is an existing and continuing menace to this country, and that the sooner we are out of there the better. Getting out, bag and baggage, is an easy way of getting rid of a great moral obligation, but it is not the manly thing to do, nor the right thing to do. That might relieve fear and menace somewhat but not wholly. If we are going to act upon such a theory, we might with equal logic make up our minds to abandon Guam, the Samoan Islands, the Hawaiian Islands, the Aleutian Islands, Alaska—yes, the Golden Gate at San Francisco; and then tell the people upon the Pacific coast to go and hide themselves in the Rocky Mountains—a great natural barrier—that probably could not be taken by assault.

It seems to me that we must face our destiny standing firmly upon the rock of right and justice. We are the young giant of the west. We have to-day as integral parts of this Union 48 States, many of them like Massachusetts, New York, Pennsylvania, Ohio, Illinois, and Texas, really empires in themselves, all of them forming a compact, immense territorial area extending from the Atlantic to the Pacific and from the Dominion to the Gulf. Our wealth and resources are unlimited. It has been said that we were a billion-dollar country in the days of Speaker Reed. We have grown much since then. Our visible wealth is estimated to-day at upward of $200,000,000,000. No prudent person would venture to estimate how many hundreds of billions of dollars worth of property are stowed away in the bowels of the earth contained in these United States and its possessions.

Why should we permit our action to be controlled by a sense of fear? All the world knows that we do not covet a foot of the territory of any other country. We do not desire war with any nation. We are a great Christian, peace-loving people, devoted to the arts of peace, not to the arts of war. We stand for the preservation of human life, not for its destruction. We have millions of men for the defense of our country, but not a youth to sacrifice in any act of aggression. We have billions of dollars for defense, but not one cent for tribute. We know and feel our strength, but should exert it only in the upholding of human rights and in the advancement of Christianity and civilization. We are not blind, however, to human passions and human greed, and propose to put our house in order and to prepare adequately for the national defense and for the protection of the lives and property of our people.

I know that there are those who say that it requires no prophetic vision to see that in the future—it may be near, God grant it may be far—but in the future, some day, somewhere, a great battle will be fought which may determine the continued existence and perpetuity of this Republic, but which will surely determine whether this Republic shall continue to be the dominant power upon this Western Hemisphere. If that great crisis shall ever come, let this Nation be fully prepared to meet it—prepared to meet it with calmness, with resignation, and with absolute confidence of final victory. It is well to remember, however, that true preparedness does not consist in having the largest army in the world nor the largest navy in the world. There are other elements fully as important as the element of size. Courage, skill, expertness, and above all an absorbing national spirit must exist in the man behind the gun.

I well remember, when a boy upon the farm, a very large rooster called Dominick, king of the barnyard and monarch of all he surveyed. One day my brother brought home a gamecock not more than one-third the size of old Dominick. When the gamecock was put down in the yard the two fowls rushed to-

gether in fierce combat. You could not see anything in the air except feathers, but in less than one minute poor old Dominick had cashed in forever.

So I say that in true preparedness we must not neglect the intellectual, the physical, and moral development of the race. We must stand as a people, always and eternally for the right. We must uphold at all times, at all places, at all hazards, and at all cost the priceless traditions of this country.

And I repeat that the abandonment of a ward is not a tradition of this country. We owe it to ourselves, we owe it to the Philippines, to see that, either through ourselves or in conjunction with other friendly nations, a republican form of government is established and maintained there—a stable government fully capable of protecting the lives and property of the inhabitants thereof. Such a government in due time will not necessarily interfere with the independence of the Filipinos, but such a government will prove a tower of strength to us in the uplifting of our own people, and in their sublime confidence that right and justice must ultimately prevail, and that the traditions of this country affecting human rights, in the future as in the past, shall be regarded as the unwritten parts of the fundamental law of the land.

No justification can exist for hauling down the Stars and Stripes in the Philippines until the mission of this Republic has been completely fulfilled there. Those of us whose families have been sorely afflicted in putting down the insurrection in the islands would like to feel, I think, that the young heroes who, at the happy dawn of manhood, at the threshold of lives full of promise, paid the full sacrifice of war in the service of their country there, did not die in vain; that they were martyrs to the ideals of America; that they consecrated their lives to the cause of human freedom; and that their example, their patriotism, and their devotion to the great cause for which they fought and died shall always be an inspiration to posterity. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TOWNER. I yield three minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, the American soldiers and sailors bared their breasts in the furnace of war in the Philippine Islands, on sea and land, and their sacrifices, death, and privations shall not be in vain. Their work and death brought liberty and opportunity to those 10,000,000 people. Happiness and contentment is now theirs as a result thereof. This Congress of American representatives must not now withdraw and haul down Old Glory. If it is done, the result will be that all our efforts for these people will be wasted. How can we face these brave men, their widows and orphans, if we, now in the very midst of finishing the job that our soldiers and sailors made possible, leave these people to their fate. Oh, Mr. Chairman, where is our patriotism, our love for country, our devotion to the valorous men who went thousands of miles, many never to return, in this hour? Our American manhood must and will assert itself, our better judgment will triumph, and this Clarke amendment will and must be defeated. There are plenty of Americans yet brave enough and thoughtful enough to go on and prepare the Philippine people for self-government. They are not ready yet. This Government has done big things in the past, and we can do them in the future. I will not be one of those to cast my vote for this amendment and make for naught the work of my brave comrades who served so valiantly and well in the far-away Philippine Islands. I stand here ready to do them honor that live, and to honor the memory of those who lost their lives while serving there, or who have died as a result thereof. We owe them a debt of gratitude that can never be repaid.

Mr. Chairman, I am in favor of the Philippines eventually being turned over to the Filipino people for government by themselves, and I hope that the time is not far distant when that may be done. I believe, however, that the time is not here now; and among all the men who have been in the Philippines, including Members of this House and of the Senate, I have been unable as yet to find anyone who will agree that the time is now ripe when we should turn those islands over to the Filipino people. Not only have I talked with Members of this House and of the Senate who have been there, but I have talked with men who served there with Dewey, with men who served in the islands with the Army when the Army first went there, with men who have served there ever since, and who are serving there to-day, and I have not been able to find one of them who believes that the Filipinos are able at present to organize and conduct a government of their own. I have talked with men who have come from those islands year after year since the insurrection there, and people tell me that the Japanese are there now, ready and waiting for the American people to haul down the flag, in order that they may start insurrection and trouble there and take those islands, and hoist the flag of the Empire of Japan. You gentlemen will not feel very proud of yourselves if by your votes you succeed in turning those islands over to people who are not now and will not for some years to come be capable of governing themselves, and then as a result of that they fall into the hands of another nation. If you do, the same thing will happen that has happened in the past. They will fall into the hands of stronger men, into the hands of those who have armies and navies. Japan will own the Philippine Islands, and all the blood we have shed and all the money we have spent and all the lives of American soldiers and sailors who have died in those islands will have gone for naught. I believe that while a great many of you gentlemen on the other side of the aisle are going to vote for this bill, you are hoping and praying that your votes will not pass it, because you know it would be a crime against the patriotism of this country that the American lives which have been lost there should go for naught, and all that has been accomplished there be sacrificed upon the alter of cowardice; for it would be an act of cowardice to haul down the American flag at this time. [Applause.]

Mr. JONES. Mr. Chairman, I yield the remainder of the time remaining to this side to the gentleman from Tennessee [Mr. GARRETT].

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] is recognized. [Applause.]

Mr. GARRETT. Mr. Chairman, during this long debate many gentlemen have made reference to the fact that this is the anniversary of the naval battle of Manila Bay, a glorious day in the history of the American Republic. Not only to-day but through all the years the memory of that event has thrilled and will continue to thrill the hearts of the American people, and the reason has been and is that the American people understood what Dewey and his men were then fighting for, namely, human liberty and Cuban independence. [Applause.]

In subsequent days, when our troops were ordered into the Philippines to fight the Filipino people, who at that particular time were standing for nothing save that for which the Cubans had been standing, and our boys were dying in those tropical lands, struggling against the very principle that Dewey had fought for in Manila Bay, did the American people thrill with pride? Of course, there was appreciation of the bravery and courage of our soldiers who obeyed orders. I would not reflect upon them; but tell me, where out of all that war of coercion did there ever come a poem or a song that will live in history and prove a matter of pride to the generations that are to follow us? Oh, it is said, and I do not deny it—I take pride in the fact—that since our occupation we have been altruistic and liberal toward those people. I do not come here now to criticize any particular administration. Of course there may be some matters of detail in the past administrations of the affairs of the Philippine Islands with which I would not agree, but let us grant that our course has been wholly altruistic. What of it? I have been somewhat interested to see the different angles from which gentlemen have approached this question. The gentleman from Ohio [Mr. FESS], the gentleman from Nebraska [Mr. REAVIS] who spoke a few moments ago, and others approached it from what they chose to term in some respects the Christian and educational standpoint. Others approached it from the standpoint of glory, others from the standpoint of fame. The gentleman from Missouri [Mr. MEEKER] approached it, if I understood him correctly, from all these standpoints, and he would tread all these paths provided they were made luminous by 5 per cent. [Laughter on the Democratic side.]

Another gentleman has had much to say of treaty obligations to Spain. The gentleman from Minnesota [Mr. MILLER] insisted that by reason of the treaty which was made between this country and Spain we undertook certain obligations for the protection of Spanish property, and that that solemn responsibility rests upon us by treaty entered into and ratified by this Government. Gentlemen, I have heard that suggested before. Perhaps some may be impressed by it, and therefore I venture to read to you now all that is contained in that treaty concerning the obligation of this country to protect Spanish rights:

ART. 4. The United States will, for the term of 10 years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ART. 13. The rights of property secured by copyrights and patents acquired by Spaniards in the island of Cuba and in Porto Rico, the Philippines, and other ceded territory at the time of the exchange of the ratifications of this treaty shall continue to be respected. Spanish scientific, literary, and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of

duty into such territories for the period of 10 years, to be reckoned from the date of the exchange of the ratifications of this treaty.

That, Mr. Chairman, is all that is in the treaty with reference to the guaranty of any right of Spain or any Spanish citizen. Well, the 10 years have long since gone by, and certainly no gentleman will say that that argument has not gone glimmering. But other gentlemen, even my good friend from Kansas——

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. GARRETT. Very briefly, if you please.

Mr. YOUNG of North Dakota. How about article 10 of the treaty with Spain?

Mr. GARRETT. I have stated every guaranty of property of Spain in that treaty. I am quite pressed for time, as the gentleman——

Mr. YOUNG of North Dakota. It is only three lines, and I hope the gentleman will read it.

Mr. GARRETT. The gentleman knows I have not the time now.

Mr. YOUNG of North Dakota. It guarantees religious freedom.

Mr. GARRETT. That is not a guaranty of property rights; that is a protection of the inhabitants of the territory she was ceding. The gentleman evidently did not understand the argument.

My good friend from Kansas approaches it from the angle of not tearing down the flag. Well, Mr. Chairman, my idea about the question of pulling down the flag is that it depends very much upon what that flag was put up for. If the flag represented in the Philippine Islands what it represents here I should not favor pulling down the flag, but it does not represent it. The Filipino people were bought and then whipped. I do not believe that this Government has ever had a mission, moral or legal, for establishing a government over another people against that people's will.

I undertake to say that it is contrary to the whole spirit of the United States Republic; that it is in violation of all for which this Government has stood.

I believe that if we do not correct this error, if we do not discontinue this policy, if we do not return to the ideals and traditions of a republic standing firmly by them, that it will not be long until this Republic will have gone the way of all other Republics and will become nothing but an imperialism in fact, although the form of republic may be for a time sustained as a hollow mockery. [Applause.]

I venture to hope that it is not yet too late, Mr. Chairman, to return to the ideals, to go back to the old traditions for which our fathers so willingly died—the old traditions and spirit of this Republic which are at once the glory of history and the hope of all the future. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Iowa to strike out the paragraph.

The question was taken, and on a division (demanded by Mr. JONES) there were 155 ayes and 129 noes.

Mr. JONES. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Virginia [Mr. JONES] and the gentleman from Iowa [Mr. TOWNER].

The committee again divided, and the tellers reported that there were 193 ayes and 151 noes.

So the motion prevailed.

Mr. JONES. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Insert in place of section 34, stricken out:

"SEC. 34. The President is hereby authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines; and he shall, on behalf of the United States, fully recognize the independence of the said Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof; and full power to take the several steps necessary to institute such government is hereby conferred upon the said Philippines, acting by and through governmental agencies created by this act. This transfer of possession, sovereignty, and governmental control shall be completed and become absolute, not less than two years nor more than six years from the date of the approval of this act, under the terms and in the manner hereinafter prescribed: *Provided*, That if the President, prior to the expiration of the said period of six years, shall find that the condition of the internal or external affairs of said Philippines, in respect to the stability or efficiency of the proposed government thereof, is such as to warrant him in so doing, he is hereby further authorized, by proclamation duly made and published, to extend the said time to and including the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of six years, and thus afford the Congress an opportunity in its discretion to further consider the situation in the said Philippines; but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act, unless the Congress shall hereafter so direct. For the purpose of a complete and prompt compliance with this direction, the President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the said Philippines, and to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in said Philippines or having property interests therein.

"The bonds heretofore or hereafter issued by the Government of the Philippine Islands under authority of legislation of Congress shall be payable, both as to principal and interest, at the office of the Treasurer of the United States. The amounts necessary for such payments shall be provided by the Philippine government.

"The President will take such steps as he may deem advisable, and full authority is hereby granted to him for that purpose, to prevent a default of this obligation by the Philippine government or its successors.

"In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations within the territory of said Philippines."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 146, noes 186.

So the amendment was rejected.

Mr. JONES. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in place of section 34 the following:

"SEC. 34. The President is hereby authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines, and he shall on behalf of the United States fully recognize the independence of the said Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, and full power to take the several steps necessary to institute such government is hereby conferred upon the said Philippines acting by and through governmental agencies created by this act. This transfer of possession, sovereignty, and governmental control shall be completed and become absolute not less than four years nor more than eight years from the date of the approval of this act, under the terms and in the manner hereinafter prescribed: *Provided*, That if the President, prior to the expiration of the said period of eight years, shall find that the condition of the internal or external affairs of said Philippines in respect to the stability or efficiency of the proposed government thereof is such as to warrant him in so doing, he is hereby further authorized, by proclamation duly made and published, to extend the said time to and including the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of eight years, and thus afford the Congress an opportunity in its discretion to further consider the situation in the said Philippines; but any such extension of time by the President shall not otherwise suspend or nullify the operative force of this act, unless the Congress shall hereafter so direct. For the purpose of a complete and prompt compliance with this direction, the President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the said Philippines, and to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in said Philippines or having property interests therein.

"The bonds heretofore or hereafter issued by the government of the Philippine Islands, under authority of legislation of Congress, shall be payable, both as to principal and interest, at the office of the Treasurer of the United States. The amounts necessary for such payments shall be provided by the Philippine government.

"The President will take such steps as he may deem advisable, and full authority is hereby granted to him for that purpose, to prevent a default of this obligation by the Philippine government or its successors.

"In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations within the territory of said Philippines."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. JONES) there were 149 ayes and 188 noes.

Mr. JONES. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Tennessee [Mr. GARRETT] and the gentleman from Iowa [Mr. TOWNER].

The committee again divided; and the tellers reported that there were 162 ayes and 193 noes.

So the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After section 33 insert, as a new section, the following:

"That the President be, and he is hereby, instructed to take such steps as may be necessary to secure the adhesion of all maritime States interested therein in a declaration and international guaranty whereby the Philippine Islands, and each of them, shall be forever neutralized and placed under the protection of the said powers. Whenever such neutralization shall have become effective the Government of the

United States hereby pledges itself to cede its sovereignty in, to, and over said Philippine Islands to such body as the said maritime States shall have resolved on: *Provided further*, That no State guaranteeing said convention shall ever acquire, hold, grant, or exercise any exclusive or unilateral power, franchise, or domination, authority, or sway in or on or about said Philippine Islands. Said agreement shall provide for the polleing of said Philippine Islands by an international force: *And provided further*, That any infraction of this resolution by any signatory power shall ipso facto rescind the adhesion hereto by the United States."

Mr. JONES. Mr. Chairman, I make the point of order that this amendment can not be offered at this point in the bill. The gentleman will have an opportunity to offer that later as the bill is read in the regular way. I will state to the gentleman that we had an agreement by which section 34 of the bill was read for amendment, and that after that had been disposed of we were to read the bill. We are now about to start the reading of the bill, and when it comes to the proper place the gentleman can offer his amendment. I make the point of order that it is not in order at this time.

The CHAIRMAN. The Chair thinks that the point of order is well taken. At this time, under agreement heretofore made, section 34 was to be considered out of order.

Mr. SABATH. If that is the case, Mr. Chairman, I withdraw the amendment for the present.

The CHAIRMAN. The gentleman from Illinois withdraws the amendment, and the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this act and the name "The Philippines" as used in this act shall apply to and include the Philippine Islands ceded to the United States Government by the treaty of peace concluded between the United States and Spain on the 11th day of April, 1899, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November, 1900.

Mr. JONES. Mr. Chairman, I offer the bill which I have in my hand, being H. R. 1, as a substitute for Senate bill 381.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. JONES offers the following as a substitute for Senate bill 381: "A bill to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands"——

Mr. MANN. Mr. Chairman, I make the point of order right now that the gentleman can not offer a title at this time.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. JONES. I offer all after the title. Let the Clerk read the preamble.

Mr. MANN. I make the point of order that the preamble can not be offered at this time.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. JONES. Then I will offer the preamble at the end, and ask the Clerk to read from the enacting clause.

The Clerk read as follows:

That the provisions of this act and the name "The Philippines" as used in this act shall apply to and include the Philippine Islands ceded to the United States Government by the treaty of peace concluded between the United States and Spain on the 11th day of April, 1899, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November, 1900.

SEC. 2. That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, signed at Paris, December 10, 1898, and except such others as have since become citizens of some other country: *Provided*, That the Philippine Legislature, herein provided for, is hereby authorized to provide by law for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of the insular possessions of the United States, and such other persons residing in the Philippine Islands who are citizens of the United States, or who could become citizens of the United States under the laws of the United States if residing therein.

SEC. 3. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws. Private property shall not be taken for public use without just compensation.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the Governor General, wherever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted nor shall the law of primogeniture ever be in force in the Philippines.

That no law granting a title of nobility shall be enacted; and no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That slavery shall not exist in said islands; nor shall involuntary servitude exist therein except as a punishment for crime whereof the party shall have been duly convicted.

That no law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed, and no religious test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated, or used directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary or sectarian institution as such. That no law shall be construed to permit polygamous or plural marriages.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

That the rule of taxation in said islands shall be uniform.

That no bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.

SEC. 4. That all expenses that may be incurred on account of the Government of the Philippines for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the islands, not, however, including defenses, barracks, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the government of the Philippines.

SEC. 5. That the statutory laws of the United States hereafter enacted shall not apply to the Philippine Islands, except when they specifically so provide or it is so provided in this act.

SEC. 6. That the laws now in force in the Philippines shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided or by act of Congress of the United States.

SEC. 7. That the legislative authority herein provided shall have power, when not inconsistent with this act, by due enactment to amend, alter, modify, or repeal any law, civil or criminal, continued in force by this act as it may from time to time see fit.

This power shall specifically extend, with the limitation herein provided as to the tariff, to all laws relating to revenue and taxation in effect in the Philippines.

SEC. 8. That general legislative power, except as otherwise herein provided, is hereby granted to the Philippine Legislature, authorized by this act.

SEC. 9. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898, except such land or other property as has been or shall be designated by the President of the United States for military and other reservations of the Government of the United States, and all land which may have been subsequently acquired by the government of the Philippine Islands by purchase under the provisions of sections 63 and 64 of the act of Congress approved July 1, 1902, except such as may have heretofore been sold and disposed of in accordance with the provisions of said act of Congress, are hereby placed under the control of the government of said islands, to be administered or disposed of for the benefit of the inhabitants thereof, and the Philippine Legislature shall have power to legislate with respect to all such matters as it may deem advisable; but acts of the Philippine Legislature with reference to land, timber, and mining, hereafter enacted, shall not have the force of law until approved by the President of the United States: *Provided*, That upon the approval of such an act by the Governor General, it shall be by him forthwith transmitted to the President of the United States, and he shall approve or disapprove the same within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved: *Provided further*, That where lands in the Philippine Islands have been or may be reserved for any public purpose of the United States, and being no longer required for the purpose for which reserved, have been or may be, by order of the President, placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, the order of the President shall be regarded as effectual to give the government of said islands full control and power to administer and dispose of such lands for the benefit of the inhabitants of said islands.

SEC. 10. That, while this act provides that the Philippine government shall have the authority to enact a tariff law, the trade relations between the islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States: *Provided*, That tariff acts or acts amendatory to the tariff of the Philippine Islands shall not become law until they shall receive the approval of the President of the United States, nor shall any act of the Philippine Legislature affecting the currency or coinage laws of the Philippines become a law until it has been approved by the President of the United States: *Provided further*, That the President shall approve or disapprove any act mentioned in the foregoing proviso within six months from and after its enactment and submission for his approval, and if

not disapproved within such time it shall become a law the same as if it had been specifically approved.

SEC. 11. That no export duties shall be levied or collected on exports from the Philippine Islands, but taxes and assessments on property and license fees for franchises, and privileges, and internal taxes, direct or indirect, may be imposed for the purposes of the Philippine government and the provincial and municipal governments thereof, respectively, as may be provided and defined by acts of the Philippine Legislature heretofore enacted, and, where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the Philippine government or any provincial or municipal government therein, as may be provided by law and to protect the public credit: *Provided, however*, That the entire indebtedness of the Philippine government created by the authority conferred herein shall not exceed at any one time the sum of $15,000,000, exclusive of those obligations known as friar-land bonds, nor that of any Province or municipality a sum in excess of 7 per cent of the aggregate tax valuation of its property at any one time.

SEC. 12. That general legislative powers in the Philippines, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "the Philippine Legislature": *Provided*, That until the Philippine Legislature as herein provided shall have been organized the existing Philippine Legislature shall have all legislative authority herein granted to the government of the Philippine Islands, except such as may now be within the exclusive jurisdiction of the Philippine Commission, which is so continued until the organization of the legislature herein provided for the Philippines. When the Philippine Legislature shall have been organized the exclusive legislative jurisdiction and authority exercised by the Philippine Commission shall thereafter be exercised by the Philippine Legislature.

SEC. 13. That the members of the senate of the Philippines, except as herein provided, shall be elected for terms of six and three years, as hereinafter provided, by the qualified electors of the Philippines. Each of the senatorial districts defined as hereinafter provided shall have the right to elect two senators. No person shall be an elective member of the senate of the Philippines who is not a qualified elector and over 30 years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of the Philippines for at least two consecutive years and an actual resident of the senatorial district from which chosen for a period of at least one year immediately prior to his election.

SEC. 14. That the members of the house of representatives shall, except as herein provided, be elected triennially by the qualified electors of the Philippines. Each of the representative districts hereinafter provided for shall have the right to elect one representative. No person shall be an elective member of the house of representatives who is not a qualified elector and over 25 years of age, and who is not able to read and write either the Spanish or English language, and who has not been an actual resident of the district from which elected for at least one year immediately prior to his election.

SEC. 15. That until otherwise provided by the Philippine Legislature herein provided for the qualifications of voters for senators and representatives in the Philippines and all officers elected by the people shall be as follows:

Every male citizen of the Philippines 21 years of age or over (except insane and feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th day of Aug., 1898), who shall have been a resident of the Philippines for one year and of the municipality in which he shall offer to vote for six months next preceding the day of voting, and who is comprised within one of the following classes:

(a) Those who under existing law are legal voters and have exercised the right of suffrage.

(b) Those who own real property to the value of ₱500, or who annually pay ₱30 or more of the established taxes.

(c) Those who are able to read and write either Spanish, English, or a native language.

SEC. 16. That for the purposes of the first election hereafter to the Philippine Legislature, the Philippine Islands shall be divided by the Philippine Commission into 12 senate and 90 representative districts. In establishing senate and representative districts the commission shall establish in the territory not now represented in the Philippine Assembly one senate and nine representative districts. The first election under the provisions of this act shall be held on the first Tuesday of June, 1916, unless the Governor General in his discretion shall fix another date not earlier than 30 nor later than 60 days after the passage of this act: *Provided*, That the Governor General's proclamation shall be published at least 30 days prior to the date fixed for the election, and there shall be chosen at such election one senator from each senate district for a term of three years and one for six years. Thereafter one senator from each district shall be elected from each senate district for a term of six years. That at said first election each representative district shall elect one representative for a term of three years, and triennially thereafter: *Provided*, That the Governor General of the Philippine Islands shall appoint, without the consent of the senate and without restriction as to residence, senators and representatives who will, in his opinion, best represent the senate district and those representative districts which may be included in the territory not now represented in the Philippine Assembly: *Provided further*, That thereafter elections shall be held only on such days and under such regulations as to ballots, voting, and qualifications of electors as may be prescribed by the Philippine Legislature, to which is hereby given authority to redistrict the Philippine Islands and modify, amend, or repeal any provision of this section.

SEC. 17. That the terms of office of elective senators and representatives shall be six and three years, respectively, and shall begin on the date of their election. In case of vacancy among the elective members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred. Senators and representatives appointed by the Governor General shall hold office until removed by the Governor General.

SEC. 18. That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their elective members, and each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member. Both houses shall convene at the capital on the 16th day of October next following the election and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required. A majority of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. The legislature shall hold annual sessions, commencing on the 16th day of October, or, if the 16th day of October be a legal holiday, then on the first day following which is not a legal holiday, in each year. The legislature may be called in special session at any time by the Governor General for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than 30 days, and no regular session shall continue longer than 100 days, exclusive of Sundays. The legislature is hereby given the power and authority to change the date of the commencement of its annual sessions.

The senators and representatives shall receive an annual compensation for their services, to be ascertained by law, and paid out of the treasury of the Philippine Islands. The senators and representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No senator or representative shall, during the term for which he may have been elected, be eligible to any office the election to which is vested in the legislative assembly, nor shall be appointed to any office of trust or profit which shall have been created or the emoluments of which shall have been increased during such term.

SEC. 19. That each house of the legislature shall keep a journal of its proceedings and, from time to time, publish the same, and the yeas and nays of the members of either house on any question shall, upon demand of one-fifth of those present, be entered on the journal, and every bill and joint resolution which shall have passed both houses shall, before it becomes a law, be presented to the Governor General. If he approve the same he shall sign it; but if not he shall return it with his objections to that house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house it shall be sent to the Governor General, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by the yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same he shall sign it and it shall become a law. If he shall not approve same he shall return it to the Governor General so stating, and it shall not become a law: *Provided*, That if any bill or joint resolution shall not be returned by the Governor General as herein provided within 20 days (Sundays excepted) after it shall have been presented to him the same shall become a law in like manner as if he had signed it, unless the legislature by adjournment prevent its return, in which case it shall not be a law: *Provided further*, That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within six months from and after its enactment and submission for his approval; and if not approved within such time, it shall become a law the same as if it had been specifically approved. The Governor General shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills and joint resolutions returned to the legislature without his approval.

All laws enacted by the Philippine Legislature shall be reported to the Congress of the United States, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation bill; and until the legislature shall act in such behalf the treasurer shall, when so directed by the Governor General, make the payments necessary for the purposes aforesaid.

SEC. 20. That the qualified electors of the Philippine Islands shall, on the first Tuesday in June, 1916, and at the general elections thereafter provided for the election of senators and representatives to the Philippine Legislature, elect two Resident Commissioners to the United States, who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the Governor General of said islands. Each of said Resident Commissioners shall, in addition to the salary and the sum in lieu of mileage now allowed by law, be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to the Members of the House of Representatives of the United States, to be paid out of the Treasury of the United States, and the franking privilege allowed by law to Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide elector of said islands and who does not owe allegiance to the United States and who is not more than 30 years of age and who does not read and write the English language. The two Resident Commissioners elected in June, 1916, shall hold their office from the first Monday in the month of December following until the 4th of March, 1922; and the term of their successors shall be for six years, beginning from the 4th of March following their election. In case of vacancy in the position of Resident Commissioner caused by resignation or otherwise the Governor General may make temporary appointments until the next meeting of the Philippine Legislature, which shall then fill such vacancy; but the Resident Commissioner thus elected shall hold office only for the unexpired portion of the term wherein the vacancy occurred.

SEC. 21. That the supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor General of the Philippine Islands." He shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The Governor General shall reside in the Philippine Islands during his official incumbency, and maintain his office at the seat of government. He shall, unless otherwise herein provided, appoint, by and with the consent of the Philippine Senate, such officers as may now be appointed by the Governor General, or such as he is authorized by this act to appoint, or whom he may hereafter be authorized by law to appoint; but appointments made while the senate is not in session shall be effective either until disapproval or until the next adjournment of the senate. He shall have general

supervision and control of all of the departments and bureaus of the Government in the Philippine Islands as far as is not inconsistent with the provisions of this act, and shall be commander in chief of all locally created armed forces and militia. He is hereby vested with the exclusive power to grant pardons and reprieves and remit fines and forfeitures, and may veto any legislation enacted as herein provided. He shall submit within 10 days of the opening of each regular session of the Philippine Legislature a budget of receipts and expenditures, which shall be the basis of the annual appropriation bill. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Philippine Islands and of the United States operative within the Philippine Islands, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the Islands, or summon the posse comitatus, or call out the militia, or other locally created armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privileges of the writ of habeas corpus, or place the Islands, or any part thereof, under martial law: *Provided*, That whenever the Governor General shall exercise the authority granted in this section, he shall at once notify the President of the United States thereof, together with the attending facts and circumstances, and the President shall have power to modify or vacate the action of the Governor General. He shall annually and at such other times as he may be required make such official report of the transactions of the government of the Philippine Islands to an executive department of the United States to be designated by the President, and his said annual report shall be transmitted to the Congress of the United States; and he shall perform such additional duties and functions as may in pursuance of law be delegated or assigned to him by the President.

SEC. 22. That, except as provided otherwise in this act, the executive departments of the Philippine government shall continue as now authorized by law until otherwise provided by the Philippine Legislature. When the Philippine Legislature herein provided shall convene and organize, the Philippine Commission, as such, shall cease and determine, and the members thereof shall vacate their offices as members of said commission: *Provided*, That the heads of executive departments shall continue to exercise their executive functions until the heads of departments provided by the Philippine Legislature pursuant to the provisions of this act are appointed and qualified. The Philippine Legislature may thereafter by appropriate legislation increase the number or abolish any of the executive departments, or make such changes in the names and duties thereof as it may see fit, and shall provide for the appointment and removal of the heads of the executive departments by the Governor General: *Provided*, That all executive functions of the government must be directly under the Governor General or within one of the executive departments under the supervision and control of the Governor General. There shall be established by the Philippine Legislature a bureau, to be known as the bureau of non-Christian tribes, which said bureau shall be embraced in one of the executive departments to be designated by the Governor General, and shall have general supervision over the public affairs of the inhabitants of the territory represented in the legislature by appointive senators and representatives.

SEC. 23. That the President may from time to time designate the head of an executive department of the Philippine government to act as Governor General in the case of a vacancy, the temporary removal, resignation, or disability of the Governor General, or his temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the Governor General during such vacancy, disability, or absence.

SEC. 24. That the supreme court and the courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by law. The municipal courts of said islands shall possess and exercise jurisdiction as now provided by law, subject in all matters in such alteration and amendment as may be hereafter enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate of the United States. The judges of the court of first instance shall be appointed by the Governor General, by and with the advice and consent of the Philippine Senate: *Provided*, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress. That in all cases pending under the operation of existing laws, both criminal and civil, the jurisdiction shall continue until final judgment and determination.

SEC. 25. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the Supreme Court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds $25,000, or in which the title or possession of real estate exceeding in value the sum of $25,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved within the same time, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the district courts of the United States.

SEC. 26. That the Government of the Philippine Islands may grant franchises and rights, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the Government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said Provinces or municipalities: *Provided*, That no private property shall be damaged or taken for any purpose under this section without just compensation, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise or right shall be granted to any individual, firm, or corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and rights under which they were granted or upon their revocation or repeal. That all franchises or rights granted under this act shall forbid the issue of stock or bonds except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the Province or municipality within which such franchises are granted and exercised: *Provided further*, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the Government of said islands, to use, employ, or contract for the labor of persons held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, or franchises for doing business in said islands, in an action or proceeding brought for that purpose in any court of competent jurisdiction by any officer of the Philippine Government, or on the complaint of any citizen of the Philippines, under such regulations and rules as the Philippine Legislature shall prescribe, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not more than $10,000.

SEC. 27. That, except as in this act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The Governor General, $18,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; chief justice of the supreme court, $8,000; associate justices of the supreme court, $7,500 each.

SEC. 28. That the provisions of the foregoing section shall not apply to provincial and municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the Provinces and municipalities, shall be paid out of the provincial and municipal revenues in such manner as the Philippine Legislature shall provide.

SEC. 29. That all laws or parts of laws applicable to the Philippines not in conflict with any of the provisions of this act are hereby continued in force and effect.

Mr. TOWNER (interrupting the reading). Mr. Chairman, I make the point of order that there can be no consideration of a bill that has been offered in its entirety consisting of several sections for another bill which was offered in its entirety. I suggest to the Chair that there is only one circumstance under the authorities and precedents by which one bill can be substituted for another, and that is in a case where a bill has been offered as a substitute for a particular section of a bill being read with the notice that should the substitute be agreed to a motion will be made to strike out the subsequent sections of the bill when they are reached.

Mr. JONES. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late, the Clerk having started to read the amendment. Of course I do not admit that the point of order is well taken. I think there are ample precedents for the action which I propose.

Mr. MANN. Mr. Chairman, I think the rule is well settled that when the first section of a bill is read it is in order to offer a substitute for the entire bill, if the gentleman offering it gives notice that if the substitute is agreed to he will move to strike out the other sections of the bill as they are read, but the gentleman from Virginia has given no such formal notice.

Mr. JONES. Mr. Chairman, I will give that notice, that if the substitute is agreed to I will move to strike out all of the other sections of the bill.

The CHAIRMAN. The Chair thinks the point of order is not well taken in view of the statement of the gentleman from Virginia, and the Clerk will continue the reading.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

Mr. FITZGERALD. Will the gentleman from Virginia state just what this is?

Mr. JONES. Mr. Chairman, I desire to state that this is practically the bill which was passed in the last Congress. There are several slight changes, none of which goes to the substance of the bill at all. The changes were unanimously agreed to by the committee. They were mostly suggested, or some of them, by the War Department, and the others by the gentleman from Iowa [Mr. TOWNER].

Mr. MANN. Will the gentleman yield for a question?

Mr. JONES. I will.

Mr. MANN. May I ask the gentleman—and I guess it would be in order—before the Senate bill came over from the Senate, the Committee on Insular Affairs had under consideration the Jones bill, as I understand it?

Mr. JONES. The bill that we passed last Congress.

Mr. MANN. And the committee had practically perfected that bill and agreed upon its terms outside of the preamble?

Mr. JONES. We had agreed upon the preamble and all—everything.

Mr. MANN. Evidently the full committee had not agreed upon it. There was a division of sentiment on the preamble. I am speaking of the rest, anyhow, so never mind the preamble. That is not under consideration.

Mr. JONES. I do not think there was any division on that.

Mr. MANN. That is not the question. As I understand, both sides of the committee had practically agreed upon the bill as now offered by the gentleman from Virginia?

Mr. JONES. Absolutely.

Mr. MANN. And I think that is satisfactory.

Mr. JONES. Absolutely. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

The question was taken, and the amendment was agreed to.

Mr. JONES. Now, Mr. Chairman, to save time and avoid reading the following section of Senate bill 381, I ask unanimous consent that they all be considered as stricken out.

Mr. FERRIS. Does that include section 34, too?

Mr. JONES. That is already stricken out.

Mr. FERRIS. A parliamentary inquiry, Mr. Chairman. Does this procedure take away the right to get a separate vote on the striking out of section 34, which was a committee amendment under the former bill?

Mr. MANN. No.

Mr. JONES. I think not. The motion I make is to strike out all of the sections beginning at 2 and ending with and including 33.

Mr. FINLEY. I would like to ask the gentleman from Virginia a question. I understand his request for unanimous consent is beginning with section 2 now of the Senate bill and is stricken out to what section?

Mr. JONES. Beginning with section 2 down to and including section 33, and all the intervening sections.

Mr. FINLEY. Why could not they be stricken out by vote if the House in Committee of the Whole is opposed to it?

Mr. JONES. It would take a great deal more time, and they would have to vote on each one separately.

Mr. FINLEY. I do not care to be put in a position of agreeing to strike out those sections of the Senate bill.

Mr. JONES. We have already agreed on a substitute bill.

Mr. FINLEY. You can do it by vote.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent——

Mr. JONES. Mr. Chairman, I ask that they be voted on as one amendment.

Mr. FINLEY. I have no objection to that. I do not want to be put in a position of agreeing to strike out those sections of the Senate bill.

Mr. MANN. Does the gentleman wish them read?

Mr. FINLEY. No; I do not care about that.

Mr. JONES. I ask unanimous consent that the first reading of the bill be dispensed with, and that the vote be taken on the motion to strike out all of the sections from 2 to 33, inclusive.

Mr. MANN. That is one motion?

Mr. JONES. That is one motion.

The CHAIRMAN. The gentleman from Virginia [Mr. JONES] asks unanimous consent to dispense with the reading of the sections from sections 2 to 33, inclusive, of the Senate bill, and the motion is to strike out those sections. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Iowa [Mr. TOWNER] if this is a correct statement of the situation as it is now before us? On page 14 of its report the minority says:

> The minority entirely agree with the majority that the Philippines should be given a new fundamental law granting to the people a larger measure of self-government. The minority would gladly support the passage of the Jones bill without the preamble. They would even support the Jones bill with the preamble as a substitute for the Senate bill with the Clarke amendment.

The Clarke amendment has been voted down. Are we now voting on the Jones bill as approved by the minority?

Mr. TOWNER. I have no objection.

Mr. MANN. We have already had it read.

Mr. TOWNER. That has all been disposed of. Now, the question is whether the parts that were the substitution for it will go out.

Mr. MOORE of Pennsylvania. That is agreeable to the minority of the committee?

Mr. TOWNER. Yes.

Mr. MURRAY. We will all vote the Republican ticket now. [Laughter.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the motion to strike out sections 2 to 33 of the pending bill.

The question was taken, and the motion was agreed to.

Mr. JONES. Now, Mr. Chairman, the first section of Senate bill 381 was adopted before the amendment was offered.

Mr. MANN. We adopted an amendment in lieu of that. The gentleman offered an amendment to strike that out and insert the substitute.

Mr. JONES. Very well, Mr. Chairman. I offer the preamble, and ask that it be read by the Clerk.

The CHAIRMAN. The Clerk will report the preamble offered by the gentleman from Virginia [Mr. JONES].

Mr. MANN. Mr. Chairman, I make the point of order that the committee has nothing to do with the preamble. The preamble is acted upon in the House after the bill is passed. My recollection is—and it is refreshed by the recollection of others here—that when the Jones bill was under consideration in the last Congress it was decided then that the preamble was not to be acted upon by the Committee of the Whole House. It was acted upon by the House only after the bill had been passed.

Mr. JONES. Mr. Chairman, I think the gentleman from Illinois is mistaken about that. The preamble was not voted on until after the bill had been; but I think it was voted on in the committee, but not until after the bill had been voted on.

Mr. MANN. Well, the gentleman might be correct, but my recollection is fairly distinct that that was not the case.

Mr. JONES. I feel quite sure that that was the proceeding. I think the gentleman from Illinois himself made the motion that the preamble would not be voted on until the bill had been completed.

Mr. MANN. I think I made the point of order, and it was sustained, that the preamble could not be dealt with until the bill was passed.

Mr. JONES. No; I think it was before the bill was reported to the House.

Mr. CANNON. Mr. Chairman, will the gentleman from Virginia allow me a question?

Mr. JONES. Yes.

Mr. CANNON. After the bill was passed in the House it would be in order to insert a preamble, would it not?

Mr. JONES. My opinion is that it would be in order to insert the preamble in the Committee of the Whole, but not until after the bill had been adopted.

Mr. CANNON. But what object can be gained? It is not necessary to consider the preamble in Committee of the Whole first. The preamble is never voted upon and never amended until after the bill is passed, and therefore, whatever the action of the committee might be, it would not be binding.

Mr. MANN. I withdraw the point of order anyhow, Mr. Chairman. I do not want to delay the game.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] withdraws the point of order. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. JONES].

The Clerk read as follows:

> Whereas it was never the intention of the people of the United States in the inciplency of the War with Spain to make it a war of conquest or for territorial aggrandizement; and
> Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and
> Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence: Therefore

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

Mr. COOPER of Wisconsin. Mr. Chairman, I do not know what the agreement is, but will there be an opportunity for debate on this amendment?

The CHAIRMAN. The chair will state to the gentleman that it is subject to debate under the five-minute rule.

Mr. COOPER of Wisconsin. Then, Mr. Chairman, I ask to be recognized for five minutes upon this preamble.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. COOPER of Wisconsin. Mr. Chairman and gentlemen, when the Jones bill was before the House in October, 1914, I called attention to what Judge Thomas M. Cooley said as to the differences between the English colonial system and our own system under the power granted by the Constitution to

govern dependent territory. Judge Cooley says, speaking of these differences:

The Constitution * * * confers power to govern Territories, but in exercising this the United States is a sovereign dealing with dependent territory. * * * In this dependence of the Territories upon the Central Government there is some outward resemblance to the condition of the American colonies under the British Crown; but there are some differences which are important and, indeed, vital. The first of these is that the Territorial condition is understood under the Constitution to be merely temporary and preparatory, and the people of the Territories while it continues are assured of the right to create and establish State institutions for themselves as soon as the population shall be sufficient and the local conditions suitable, while the British colonial system contained no promise or assurance of any but a dependent government indefinitely.

Thus, according to this great jurist, our permanent retention of the Philippine Islands would mean our adoption of the British colonial system. And yet we are a Republic, and one of the cardinal tenets of our political faith is that governments derive their just powers from the consent of the governed.

The British colonial system contained no promise or assurance of any but a dependent government indefinitely—

Whereas—

Under the Constitution we hold out to the people of the Territories that when the population shall be sufficient and other conditions suitable they shall be allowed to establish State governments.

The Filipino people differ from us in many ways. They are possessed of domestic and personal virtues. They have intellect and conscience. They have made rapid progress in recent years. But they differ from us ethnologically. They are another race, 7,000 miles away, and is it to be said that they must forever remain subject to us? Will Congress ever admit them to statehood?

That is the question for us to answer before we vote down this preamble.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. ANTHONY. Will the gentleman please inform the House in what year Judge Cooley rendered that decision or made such remarks? Did he refer to the Territories in the United States proper or did he have the Philippines in mind?

Mr. COOPER of Wisconsin. Judge Cooley says that in his work on the Constitution.

Mr. ANTHONY. Was not that before the acquisition of the Philippines?

Mr. COOPER of Wisconsin. That has nothing to do with the principle he sets forth.

Mr. ANTHONY. It has. He refers to territory within the United States proper, not to the territory of the Philippine Islands. He speaks of the establishment of State governments.

Mr. COOPER of Wisconsin. Well, the gentleman is entirely mistaken. This is a principle of universal application in so far as our government of Territories is concerned. For example, after the War of 1848 with Mexico the treaty of Guadalcupe-Hidalgo contained a provision that at some time the territory acquired by the United States should be allowed statehood. We kept those people of Mexico and Arizona out of statehood until only a few years ago.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for three minutes in which to answer the gentleman from Kansas.

SEVERAL MEMBERS. Vote! Vote!

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Kansas [Mr. ANTHONY] has a mistaken idea as to the application of constitutional principles. Judge Cooley was laying down in this work the different way in which, under the Constitution, we must treat dependencies or Territories from the way in which the British Government treats them.

Mr. FESS. Will the gentleman yield there?

Mr. COOPER of Wisconsin. I can not yield. The British Government has no colonies in England. All the British colonies are beyond the sea——

Mr. ANTHONY. I contend that this country had no Territories or dependencies at the time Judge Cooley wrote that book.

SEVERAL MEMBERS. Vote! Vote!

Mr. COOPER of Wisconsin. This is a question of great importance, for it vitally affects the future of 9,000,000 of people who are absolutely helpless in our power, and I regret that when one invokes here a principle of constitutional law laid down by so eminent an authority as the late Chief Justice Cooley, gentlemen should seek to silence him by shouting "Vote!" "Vote!"

Mr. Justice Cooley declared that the difference between our treatment of territory and England's treatment of colonies was this, that England holds out no promise of self-government, whereas we hold out the promise that when population is sufficient and conditions suitable, no matter where the Territory is, the inhabitants shall be granted statehood. Are the Filipinos ever to be granted statehood?

I shall vote for this preamble, because as an American I can not say that this Government is forever to hold in subjugation millions of Malays 7,000 miles from our shores.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the motion offered by the gentleman from Virginia [Mr. JONES] for the adoption of the preamble which has been reported.

The question being taken, on a division (demanded by Mr. TOWNER) there were—ayes 199, noes 152.

Accordingly the motion was agreed to.

Mr. JONES. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, and had directed him to report the same back to the House, with sundry amendments and a preamble, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. JONES. Mr. Speaker, I move the previous question on the bill and all the amendments thereto to the final passage.

The SPEAKER. The gentleman from Virginia moves the previous question on the bill, amendments, and preamble to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. GARRETT. Mr. Speaker, I demand a separate vote on the amendment to strike out section 34.

Mr. FINLEY. Mr. Speaker, I demand a separate vote on the amendment to strike out sections 2 to 33, inclusive.

The SPEAKER. The gentleman from Tennessee demands a separate vote on the amendment striking out section 34. The gentleman from South Carolina demands a separate vote on the amendment striking out sections 2 to 33, both inclusive. The Clerk will first report the last-named amendment.

Mr. MANN. Mr. Speaker, the first-named amendment comes first.

Mr. GARRETT. The vote is to be taken on my demand first.

Mr. FITZGERALD. There are amendments on which no separate vote has been demanded, are there not?

Mr. MANN. There are two amendments.

Mr. FITZGERALD. There are three amendments.

Mr. MANN. Only two amendments except the preamble, and the vote on that comes after the bill is passed.

Mr. FITZGERALD. There is one amendment to strike out the first section and insert the Jones bill. There is one amendment to strike out section 34, and one to strike out sections 2 to 33.

Mr. MANN. The gentleman is correct. There are three amendments.

Mr. FINLEY. Then I demand a separate vote on the first amendment.

The SPEAKER. The vote will first be taken on the amendment striking out section 34.

Mr. FINLEY. I demand a separate vote on the second amendment.

The SPEAKER. The gentleman has that right, but we can not take two votes at once. The question is on the amendment to strike out section 34.

The question being taken, the Speaker announced that the "noes" appeared to have it.

Mr. TOWNER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 213, nays 165, answered "present" 4, not voting 51, as follows:

YEAS—213.

Allen	Beakes	Bruckner	Carter, Mass.
Anderson	Beales	Butler	Cary
Anthony	Bennet	Campbell	Chandler, N. Y.
Austin	Britt	Cannon	Charles
Bacharach	Browne	Capstick	Chiperfield
Barchfeld	Browning	Carew	Coady

Coleman	Graham	McCulloch	Rowland
Conry	Gray, N. J.	McDermott	Russell, Ohio
Cooper, Ohio	Green, Iowa	McFadden	Sanford
Cooper, W. Va.	Greene, Mass.	McKenzie	Scott, Mich.
Cooper, Wis.	Greene, Vt.	McLaughlin	Scott, Pa.
Costello	Griffin	Madden	Sells
Cramton	Hadley	Magee	Siegel
Curry	Hamill	Maher	Slunott
Dale, N. Y.	Hamilton, Mich.	Mann	Siemp
Dale, Vt.	Hamilton, N. Y.	Mapes	Sloan
Dallinger	Hart	Martin	Smith, Idaho
Danforth	Haskell	Matthews	Smith, Mich.
Darrow	Hawley	Mecker	Smith, Minn.
Davis, Minn.	Hayes	Miller, Del.	Smith, N. Y.
Dempsey	Heaton	Miller, Minn.	Snell
Denison	Hernandez	Miller, Pa.	Snyder
Dillon	Hicks	Mondell	Stafford
Dooling	Hill	Mooney	Steenerson
Dowell	Hinds	Moore, Pa.	Stephens, Cal.
Driscoll	Hollingsworth	Moores, Ind.	Sterling
Drukker	Hopwood	Morgan, Okla.	Stiness
Dunn	Howell	Moss, W. Va.	Sulloway
Dyer	Hulbert	Mott	Sutherland
Eagan	Hull, Iowa	Mudd	Sweet
Ellsworth	Humphrey, Wash.	Nelson	Swift
Elston	Husted	Nichols, Mich.	Tague
Emerson	Hutchinson	Nolan	Temple
Esch	Johnson, S. Dak.	North	Tilson
Estopinal	Johnson, Wash.	Oakey	Timberlake
Fairchild	Kahn	Olney	Tinkham
Farley	Kearns	O'Shaunessy	Towner
Farr	Keister	Paige, Mass.	Treadway
Fess	Kelley	Parker, N. J.	Vare
Fitzgerald	Kennedy, Iowa	Parker, N. Y.	Volstead
Flynn	Kent	Patten	Walsh
Focht	Kiess, Pa.	Peters	Ward
Fordney	King	Phelan	Wason
Foss	Kinkaid	Platt	Watson, Pa.
Freeman	Kreider	Powers	Wheeler
Fuller	Lafean	Pratt	Williams, T. S.
Gallagher	La Follette	Ramseyer	Wilson, Ill.
Gallivan	Lehlbach	Reavis	Winslow
Gardner	Lenroot	Ricketts	Wood, Ind.
Garland	Longworth	Riordan	Woods, Iowa
Gillett	Loud	Roberts, Nev.	Young, N. Dak.
Glynn	McAndrews	Rodenberg	
Good	McArthur	Rogers	
Gould	McCracken	Rowe	

NAYS—165.

Abercrombie	Dixon	Jones	Scully
Adamson	Doolittle	Keating	Sears
Aiken	Doremus	Kettner	Shackleford
Alexander	Dupré	Kincheloe	Shallenberger
Almon	Eagle	Kitchin	Sherley
Ashbrook	Edwards	Lazaro	Sherwood
Aswell	Evans	Lee	Sims
Ayres	Ferris	Lesher	Sisson
Bailey	Fields	Lever	Slayden
Barkley	Finley	Linthicum	Smith, Tex.
Barnhart	Foster	Lloyd	Steagall
Bell	Gandy	Lobeck	Stedman
Black	Garner	London	Steele, Iowa
Blackmon	Garrett	McClintic	Steele, Pa.
Booher	Glass	McGillicuddy	Stephens, Miss.
Borland	Goodwin, Ark.	McKellar	Stephens, Tex.
Brumbaugh	Gordon	McLemore	Stout
Buchanan, Tex.	Gray, Ala.	Montague	Sumners
Burgess	Gray, Ind.	Moon	Taggart
Burke	Gregg	Morgan, La.	Tavenner
Byrnes, S. C.	Hamlin	Morrison	Taylor, Ark.
Byrns, Tenn.	Hardy	Moss, Ind.	Taylor, Colo.
Callaway	Harrison	Murray	Thomas
Candler, Miss.	Hastings	Nicholls, S. C.	Thompson
Caraway	Hay	Oldfield	Tillman
Carter, Okla.	Hayden	Oliver	Tribble
Church	Heflin	Overmyer	Van Dyke
Cline	Helm	Padgett	Venable
Collier	Helvering	Page, N. C.	Vinson
Connelly	Hensley	Park	Walker
Cox	Hilliard	Quin	Watson, Va.
Crisp	Holland	Ragsdale	Webb
Crosser	Hood	Rainey	Whaley
Cullop	Houston	Randall	Williams, W. E.
Davenport	Howard	Rauch	Wilson, Fla.
Davis, Tex.	Huddleston	Rayburn	Wilson, La.
Decker	Hughes	Reilly	Wingo
Dent	Hull, Tenn.	Rouse	Wise
Dewalt	Humphreys, Miss.	Rubey	Young, Tex.
Dicklnson	Igoe	Rucker	
Dies	Jacoway	Russell, Mo.	
Dill	Johnson, Ky.	Sabath	

ANSWERED "PRESENT"—4.

Cantrill	Kennedy, R. I.	Lieb	McKinley

NOT VOTING—51.

Adair	Frear	Liebel	Roberts, Mass.
Britten	Gard	Lindbergh	Saunders
Buchanan, Ill.	Godwin, N. C.	Littlepage	Schall
Burnett	Griest	Loft	Shouse
Caldwell	Guernsey	Mays	Small
Carlin	Haugen	Morin	Sparkman
Casey	Helgesen	Neely	Stephens, Nebr.
Clark, Fla.	Henry	Norton	Stone
Copley	James	Oglesby	Switzer
Crago	Key, Ohio	Porter	Talbott
Doughton	Konop	Pou	Watkins
Edmonds	Langley	Price	Williams, Ohio
Flood	Lewis	Raker	

So the amendment was agreed to.

The following pairs were announced:

Until further notice:

Mr. CARLIN with Mr. HAUGEN.

Mr. SCHALL (for amendment) with Mr. FLOOD (against).

Mr. NEELY with Mr. HELGESEN.

Mr. POU with Mr. CRAGO.

Mr. CALDWELL with Mr. BRITTEN.

Mr. PRICE with Mr. FREAR.

Mr. SPARKMAN with Mr. MORIN.

Mr. LANGLEY with Mr. CANTRILL.

Mr. JAMES with Mr. KONOP (commencing April 26 until further notice by either).

On this vote:

Mr. LITTLEPAGE (against amendment) with Mr. OGLESBY (for).

Mr. GUERNSEY (for amendment) with Mr. WATKINS (against).

Mr. ROBERTS of Massachusetts (for amendment striking out section 34) with Mr. TALBOTT (against).

Mr. COPLEY (for amendment) with Mr. GARD (against).

Mr. GRIEST (for amendment) with Mr. ADAIR (against).

Mr. WILLIAMS of Ohio (for amendment) with Mr. SMALL (against).

Mr. SWITZER (for amendment to strike out section 34) with Mr. LIEB (against).

Mr. McKINLEY (for amendment to strike out section 34) with Mr. CLARK of Florida (against).

Mr. KENNEDY of Rhode Island (for amendment) with Mr. SAUNDERS (against).

Mr. LINDBERGH (for amendment) with Mr. RAKER (against).

Mr. PORTER (for amendment) with Mr. HENRY (against).

Mr. NORTON (for amendment) with Mr. BUCHANAN of Illinois (against).

Mr. EDMONDS (for amendment) with Mr. BURNETT (against).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am paired with the gentleman from Virginia, Mr. SAUNDERS. I voted "aye." I wish to withdraw that vote and answer "present."

The name of Mr. KENNEDY of Rhode Island was called, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The vote will now be taken on the amendment striking out section 1 and substituting the Jones bill.

Mr. FINLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FINLEY. At what point does that amendment begin?

The SPEAKER. It strikes out section 1. This is not the amendment the gentleman desired a separate vote upon. That will come after the vote on this amendment. The question is on agreeing to the amendment striking out section 1 and substituting therefor the Jones bill.

The question was taken, and the amendment was agreed to.

The SPEAKER. The vote is now on the question of striking out sections 2 to 33, both inclusive.

The question was taken; and on a division (demanded by Mr. FINLEY) there were—ayes 231, noes 17.

Mr. FINLEY. Mr. Speaker, this involves the Senate provision giving prohibition to the Philippines, and I think we ought to have a roll call on the House amendment striking out the Senate provision, and I demand the yeas and nays.

The SPEAKER. The gentleman from South Carolina demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Seventeen Members, not a sufficient number, and the yeas and nays are refused.

So the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question now is on agreeing to the preamble.

The preamble was agreed to.

The SPEAKER. The question now is on the passage of the bill.

The bill was passed.

Mr. FITZGERALD. Mr. Speaker, I move that the House insist upon its amendments and ask for a conference on the disagreeing votes of the two Houses thereon.

The SPEAKER. The question is on the motion of the gentleman from New York that the House insist upon its amendments and ask for a conference.

The motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I offer the following motion to instruct the conferees, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. FITZGERALD offers the following:

"That the managers on the part of the House are instructed not to agree to any declaration or provision setting a definite time, or fixing a definite period, at or within which the Philippines shall be granted independence."

Mr. FITZGERALD. Mr. Speaker, on that I demand the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. GARRETT) there were—ayes 191, noes 149.

Mr. GARRETT. Mr. Speaker, I demand tellers.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry. Would it be in order now to move to adjourn?

The SPEAKER. It is always in order to move to adjourn.

Mr. SABATH. Then, Mr. Speaker, I move that the House do now adjourn.

The question was taken.

Mr. GARRETT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 209, answered "present" 1, not voting 66, as follows:

YEAS—157.

Abercrombie	Doremus	Johnson, Ky.	Rucker
Adamson	Doughton	Jones	Russell, Mo.
Aiken	Dupré	Keating	Sabath
Alexander	Eagle	Kincheloe	Sears
Allen	Edwards	Kitchin	Shackleford
Almon	Estopinal	Lazaro	Shallenberger
Ashbrook	Evans	Lee	Sherley
Aswell	Ferris	Lesher	Sherwood
Ayres	Fields	Lever	Sims
Bailey	Finley	Lieb	Sisson
Barkley	Foster	Linthicum	Slayden
Barnhart	Gandy	Lloyd	Smith, Tex.
Bell	Garner	Lobeck	Steagall
Black	Garrett	London	Stedman
Blackmon	Glass	McClintic	Stephens, Miss.
Booher	Goodwin, Ark.	McGillicuddy	Stephens, Tex.
Borland	Gordon	McKellar	Sumners
Brumbaugh	Gray, Ala.	McLemore	Taggart
Buchanan, Tex.	Gray, Ind.	Montague	Tavenner
Burke	Hamlin	Moon	Taylor, Ark.
Byrnes, S. C.	Hardy	Morgan, La.	Taylor, Colo.
Byrns, Tenn.	Harrison	Morrison	Thomas
Callaway	Hastings	Moss, Ind.	Thompson
Candler, Miss.	Hay	Murray	Tillman
Carter, Okla.	Hayden	Nicholls, S. C.	Tribble
Cline	Heflin	Oldfield	Van Dyke
Collier	Helm	Oliver	Venable
Cox	Helvering	Overmyer	Vinson
Crisp	Hensley	Padgett	Walker
Crosser	Hilliard	Page, N. C.	Watson, Va.
Cullop	Holland	Park	Webb
Davenport	Hood	Quin	Whaley
Davis, Tex.	Houston	Ragsdale	Williams, W. E.
Decker	Howard	Ralney	Wilson Fla.
Dent	Huddleston	Randall	Wingo
Dickinson	Hughes	Rauch	Wise
Dies	Hull, Tenn.	Rayburn	Young, Tex.
Dill	Humphreys, Miss	Reilly	
Dixon	Igoe	Rouse	
Doolittle	Jacoway	Kulsey	

NAYS—209.

Anderson	Dale, N. Y.	Gallagher	Hulbert
Anthony	Dale, Vt.	Gallivan	Hull, Iowa
Austin	Dallinger	Gardner	Humphrey, Wash.
Bacharach	Danforth	Garland	Husted
Barchfeld	Darrow	Gillett	Hutchinson
Beakes	Davis, Minn.	Glynn	Johnson, S. Dak.
Beales	Dempsey	Good	Johnson, Wash.
Bennet	Denison	Gould	Kahn
Britt	Dillon	Graham	Kearns
Browne	Dooling	Gray, N. J.	Keister
Browning	Dowell	Green, Iowa	Kelley
Bruckner	Driscoll	Greene, Mass.	Kennedy, Iowa
Butler	Drukker	Greene, Vt.	Kennedy, R. I.
Campbell	Dunn	Griffin	Kent
Cannon	Dyer	Hadley	Kiess, Pa.
Capstick	Eagan	Hamill	King
Carew	Ellsworth	Hamilton, Mich.	Kinkaid
Carter, Mass.	Elston	Hamilton, N. Y.	Kreider
Cary	Emerson	Hart	Lafean
Chandler, N. Y.	Esch	Haskell	Lehlbach
Charles	Fairchild	Haugen	Lenroot
Chiperfield	Farley	Hawley	Longworth
Coady	Farr	Hayes	Loud
Coleman	Fess	Heaton	McAndrews
Conry	Fitzgerald	Hernandez	McArthur
Cooper, Ohio	Flynn	Hicks	McCracken
Cooper, W. Va.	Focht	Hill	McCulloch
Cooper, Wis.	Fordney	Hinds	McDermott
Costello	Foss	Hollingsworth	McFadden
Cramton	Freeman	Hopwood	McKenzie
Curry	Fuller	Howell	McLaughlin
Madden	Olney	Scott, Pa.	Temple
Magee	O'Shaunessy	Siegel	Tilson
Maher	Paige, Mass.	Sinnott	Timberlake
Mann	Parker, N. J.	Slemp	Tinkham
Mapes	Parker, N. Y.	Sloan	Towner
Martin	Peters	Smith, Idaho	Treadway
Matthews	Phelan	Smith, Mich.	Vare
Meeker	Platt	Smith, Minn.	Volstead
Miller, Del.	Powers	Smith, N. Y.	Walsh
Miller, Minn.	Pratt	Snell	Ward
Miller, Pa.	Ramseyer	Snyder	Wason
Mondell	Reavis	Stafford	Watson, Pa.
Mooney	Ricketts	Steele, Iowa	Wheeler
Moore, Pa.	Riordan	Steenerson	Williams, T. S.
Moores, Ind.	Roberts, Nev.	Stephens, Cal.	Wilson, Ill.
Morgan, Okla.	Rodenberg	Sterling	Winslow
Moss, W. Va.	Rogers	Stiness	Wood, Ind
Mudd	Rowe	Sulloway	Woods, Iowa
Nelson	Rowland	Sutherland	Young, N. Dak.
Nichols, Mich.	Russell, Ohio	Sweet	
Nolan	Sanford	Swift	
Oakey	Scott, Mich.	Tague	

ANSWERED "PRESENT"—1.

Cantrill

NOT VOTING—66.

Adair	Frear	Littlepage	Schall
Britten	Gard	Loft	Scully
Buchanan, Ill.	Godwin, N. C.	McKinley	Sells
Burgess	Gregg	Mays	Shouse
Burnett	Griest	Morin	Small
Caldwell	Guernsey	Mott	Sparkman
Caraway	Helgesen	Neely	Steele, Pa.
Carlin	Henry	North	Stephens, Nebr.
Casey	James	Norton	Stone
Church	Kettner	Oglesby	Stout
Clark, Fla.	Key, Ohio	Patten	Switzer
Connelly	Konop	Porter	Talbott
Copley	La Follette	Pou	Watkins
Crago	Langley	Price	Williams, Ohio
Dewalt	Lewis	Raker	Wilson, La.
Edmonds	Liebel	Roberts, Mass.	
Flood	Lindbergh	Saunders	

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. JAMES with Mr. KONOP.

Mr. LANGLEY with Mr. CANTRILL.

Mr. ADAIR with Mr. GRIEST.

Mr. TALBOTT with Mr. ROBERTS of Massachusetts.

Mr. GARD with Mr. COPLEY.

Mr. CLARK of Florida with Mr. MCKINLEY.

Mr. SPARKMAN with Mr. MORIN.

Mr. CALDWELL with Mr. BRITTEN.

Mr. PRICE with Mr. FREAR.

Mr. POU with Mr. CRAGO.

Mr. NEELY with Mr. HELGESEN.

Mr. SMALL with Mr. WILLIAMS of Ohio.

Mr. SHOUSE with Mr. MOTT.

Mr. BUCHANAN of Illinois with Mr. NORTH.

Mr. BURNETT with Mr. EDMONDS.

Mr. CARLIN with Mr. SELLS.

Mr. KETTNER with Mr. SCHALL.

Mr. FLOOD with Mr. PORTER.

Mr. LIEB with Mr. SWITZER.

Mr. LITTLEPAGE with Mr. NORTON.

Mr. RAKER with Mr. GUERNSEY.

Mr. KEY of Ohio with Mr. LA FOLLETTE.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the previous question, on the motion of the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARRETT. The yeas and nays were ordered on that.

Mr. MANN. I understood the gentleman from Tennessee [Mr. GARRETT] to demand the yeas and nays.

The SPEAKER. The Journal shows that the yeas and nays were ordered. The Clerk will call the roll on the motion for the previous question.

The question was taken; and there were—yeas 208, nays 150, answered "present" 3, not voting 72, as follows:

YEAS—208.

Allen	Cannon	Cramton	Dunn
Anderson	Capstick	Curry	Dyer
Anthony	Carew	Dale, N. Y.	Eagan
Austin	Carter, Mass.	Dale, Vt.	Ellsworth
Bacharach	Cary	Dallinger	Elston
Barchfeld	Chandler, N. Y.	Danforth	Emerson
Beakes	Charles	Darrow	Esch
Beales	Chiperfield	Davis, Minn.	Estopinal
Bennet	Coady	Dempsey	Fairchild
Britt	Coleman	Denison	Farley
Browne	Conry	Dillon	Farr
Browning	Cooper, Ohio	Dooling	Fess
Bruckner	Cooper, W. Va.	Dowell	Fitzgerald
Butler	Cooper, Wis.	Driscoll	Flynn
Campbell	Costello	Drukker	Focht

Fordney	Humphrey, Wash.	Miller, Minn.	Sinnott
Foss	Husted	Miller, Pa.	Slemp
Freeman	Hutchinson	Mondell	Sloan
Fuller	Igoe	Mooney	Smith, Idaho
Gallagher	Johnson, S. Dak.	Moore, Pa.	Smith, Mich.
Gallivan	Kahn	Moores, Ind.	Smith, Minn.
Gardner	Kearns	Morgan, Okla.	Smith, N. Y.
Garland	Keister	Moss, W. Va.	Snell
Gillett	Kelley	Mott	Snyder
Glynn	Kennedy, Iowa	Mudd	Stafford
Good	Kennedy, R. I.	Nelson	Steenerson
Gould	Kent	Nichols, Mich.	Stephens, Cal.
Graham	King	Nolan	Sterling
Gray, N. J.	Kinkaid	Oakey	Stiness
Green, Iowa	Kreider	Olney	Sulloway
Greene, Mass.	Lafean	O'Shaunessy	Sutherland
Greene, Vt.	Lehlbach	Paige, Mass.	Sweet
Griffin	Lenroot	Parker, N. J.	Swift
Hadley	Longworth	Parker, N. Y.	Tague
Hamill	Loud	Peters	Tilson
Hamilton, Mich.	McAndrews	Phelan	Timberlake
Hamilton, N. Y.	McArthur	Platt	Tinkham
Hart	McCracken	Powers	Towner
Haskell	McCulloch	Pratt	Treadway
Haugen	McDermott	Ramseyer	Vare
Hawley	McFadden	Reavis	Volstead
Hayes	McKenzie	Ricketts	Walsh
Heaton	McLaughlin	Riordan	Ward
Hernandez	Madden	Rodenberg	Wason
Hicks	Magee	Rogers	Watson, Pa.
Hill	Maher	Rowe	Wheeler
Hinds	Mann	Rowland	Williams, T. S.
Hollingsworth	Mapes	Russell, Ohio	Wilson, Ill.
Hopwood	Martin	Sanford	Winslow
Howell	Matthews	Scott, Mich.	Wood, Ind.
Hulbert	Meeker	Scott, Pa.	Woods, Iowa
Hull, Iowa	Miller, Del.	Siegel	Young, N. Dak.

NAYS—150.

Abercrombie	Doremus	Kincheloe	Scully
Adamson	Doughton	Kitchin	Sears
Aiken	Dupré	Lazaro	Shackleford
Alexander	Eagle	Lee	Shallenberger
Almon	Edwards	Lesher	Sherley
Ashbrook	Ferris	Lever	Sherwood
Aswell	Fields	Linthicum	Sims
Ayres	Finley	Lloyd	Sisson
Bailey	Foster	Lobeck	Slayden
Barkley	Gandy	London	Smith, Tex.
Barnhart	Garner	McClintic	Steagall
Bell	Garrett	McGillicuddy	Stedman
Black	Glass	McKellar	Steele, Iowa
Blackmon	Goodwin, Ark.	McLemore	Stephens, Miss.
Borland	Gordon	Montague	Stephens, Tex.
Brumbaugh	Gray, Ala.	Moon	Sumners
Buchanan, Tex.	Gray, Ind.	Morgan, La.	Taggart
Burke	Hardy	Morrison	Tavenner
Byrnes, S. C.	Harrison	Moss, Ind.	Taylor, Ark.
Byrns, Tenn.	Hastings	Murray	Taylor, Colo.
Callaway	Hay	Nicholls, S. C.	Thomas
Candler, Miss.	Hayden	Oldfield	Thompson
Carter, Okla.	Heflin	Oliver	Tillman
Cline	Helm	Overmyer	Tribble
Collier	Helvering	Page, N. C.	Van Dyke
Cox	Hensley	Park	Venable
Crisp	Hilliard	Quin	Vinson
Crosser	Hood	Ragsdale	Walker
Cullop	Howard	Rainey	Watson, Va.
Davenport	Huddleston	Randall	Webb
Davis, Tex.	Hughes	Rauch	Whaley
Decker	Hull, Tenn.	Reyburn	Williams, W. E.
Dent	Humphreys, Miss.	Reilly	Wilson, Fla.
Dickinson	Jacoway	Rouse	Wingo
Dies	Johnson, Ky.	Rubey	Wise
Dill	Jones	Rucker	Young, Tex.
Dixon	Keating	Russell, Mo.	
Doolittle	Kettner	Sabath	

ANSWERED "PRESENT"—3.

Cantrill	Johnson, Wash.	Lieb

NOT VOTING—72.

Adair	Flood	Lewis	Roberts, Mass.
Booher	Frear	Liebel	Roberts, Nev.
Britten	Gard	Lindbergh	Saunders
Buchanan, Ill.	Godwin, N. C.	Littlepage	Schall
Burgess	Gregg	Loft	Sells
Burnett	Griest	McKinley	Shouse
Caldwell	Guernsey	Mays	Small
Caraway	Hamlin	Morin	Sparkman
Carlin	Helgesen	Neely	Steele, Pa.
Casey	Henry	North	Stephens, Nebr.
Church	Holland	Norton	Stone
Clark, Fla.	Houston	Oglesby	Stout
Connelly	James	Padgett	Switzer
Copley	Key, Ohio	Patten	Talbott
Crago	Kiess, Pa.	Porter	Temple
Dewalt	Konop	Pou	Watkins
Edmonds	La Follette	Price	Williams, Ohio
Evans	Langley	Raker	Wilson, La.

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SHOUSE with Mr. SWITZER.

Mr. PATTEN with Mr. TEMPLE.

Mr. PADGETT with Mr. SCHALL.

Mr. EVANS with Mr. KIESS of Pennsylvania.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. RAKER with Mr. LA FOLLETTE.

Mr. OGLESBY with Mr. ROBERTS of Nevada.

On the vote:

Mr. HAMLIN (against) with Mr. JOHNSON of Washington (for).

Mr. LIEB. Mr. Speaker, how am I recorded?

The SPEAKER. In the negative.

Mr. LIEB. I am paired with Mr. SWITZER, of Ohio. I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LIEB, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the motion in the nature of instructions to the conferees.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. GARRETT. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the motion of instruction to the conferees, offered by the gentleman from New York [Mr. FITZGERALD], will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 203, nays 156, answered "present" 3, not voting 71, as follows:

YEAS—203.

Anderson	Farr	Kent	Reavis
Anthony	Fess	King	Ricketts
Austin	Fitzgerald	Kinkaid	Riordan
Bacharach	Flynn	Kreider	Rodenberg
Barchfeld	Focht	Lafean	Rogers
Beakes	Fordney	Lehlbach	Rowe
Beales	Foss	Lenroot	Rowland
Bennet	Freeman	Longworth	Russell, Ohio
Britt	Fuller	Loud	Sanford
Browne	Gallagher	McAndrews	Scott, Mich.
Browning	Gallivan	McArthur	Scott, Pa.
Bruckner	Gardner	McCracken	Siegel
Butler	Garland	McCulloch	Sinnott
Campbell	Gillett	McDermott	Slemp
Cannon	Glynn	McFadden	Sloan
Capstick	Good	McKenzie	Smith, Idaho
Carew	Gould	McLaughlin	Smith, Mich.
Carter, Mass.	Graham	Madden	Smith, Minn.
Cary	Gray, N. J.	Magee	Smith, N. Y.
Chandler, N. Y.	Green, Iowa	Maher	Snell
Charles	Greene, Mass.	Mann	Snyder
Chiperfield	Greene, Vt.	Mapes	Stafford
Coady	Griffin	Martin	Steenerson
Coleman	Hadley	Matthews	Stephens, Cal.
Conry	Hamill	Meeker	Sterling
Cooper, Ohio	Hamilton, Mich.	Miller, Del.	Stiness
Cooper, W. Va.	Hamilton, N. Y.	Miller, Minn.	Sulloway
Costello	Hart	Miller, Pa.	Sutherland
Crampton	Haskell	Mondell	Sweet
Dale, N. Y.	Haugen	Mooney	Swift
Dale, Vt.	Hawley	Moore, Pa.	Tague
Dallinger	Hayes	Moores, Ind.	Temple
Danforth	Heaton	Morgan, Okla.	Tilson
Darrow	Hernandez	Moss, W. Va.	Timberlake
Davis, Minn.	Hicks	Mott	Tinkham
Dempsey	Hinds	Mudd	Towner
Denison	Hollingsworth	Nelson	Treadway
Dillon	Hopwood	Nichols, Mich.	Vare
Dooling	Howell	Nolan	Volstead
Dowell	Hulbert	Oakey	Walsh
Driscoll	Hull, Iowa	Olney	Ward
Drukker	Humphrey, Wash.	O'Shaunessy	Wason
Dunn	Husted	Paige, Mass.	Watson, Pa.
Dyer	Hutchinson	Parker, N. J.	Wheeler
Eagan	Johnson, S. Dak.	Parker, N. Y.	Williams, T. S.
Ellsworth	Kahn	Peters	Wilson, Ill.
Elston	Kearns	Phelan	Winslow
Emerson	Keister	Platt	Wood, Ind.
Esch	Kelley	Powers	Woods, Iowa
Fairchild	Kennedy, Iowa	Pratt	Young, N. Dak.
Farley	Kennedy, R. I.	Ramseyer	

NAYS—156.

Abercrombie	Caraway	Edwards	Hilliard
Adamson	Carter, Okla.	Estopinal	Hood
Aiken	Cline	Ferris	Houston
Alexander	Collier	Fields	Howard
Allen	Cox	Finley	Huddleston
Almon	Crisp	Foster	Hughes
Ashbrook	Crosser	Gandy	Hull, Tenn.
Aswell	Cullop	Garner	Humphreys, Miss.
Ayres	Curry	Garrett	Igoe
Bailey	Davenport	Glass	Jacoway
Barkley	Davis, Tex.	Goodwin, Ark.	Johnson, Ky.
Barnhart	Decker	Gordon	Jones
Bell	Dent	Gray, Ala.	Keating
Black	Dewalt	Gray, Ind.	Kettner
Blackmon	Dickinson	Hardy	Kincheloe
Borland	Dies	Harrison	Kitchin
Brumbaugh	Dill	Hastings	Lazaro
Buchanan, Tex.	Dixon	Hay	Lee
Burke	Doolittle	Hayden	Lesher
Byrnes, S. C.	Doremus	Heflin	Lever
Byrns, Tenn.	Doughton	Helm	Lieb
Callaway	Dupré	Helvering	Linthicum
Candler, Miss.	Eagle	Hensley	Lloyd

Lobeck	Park	Sherley	Taylor, Colo.
London	Quin	Sherwood	Thomas
McClintic	Ragsdale	Sims	Thompson
McGillicuddy	Randall	Sisson	Tillman
McKellar	Rauch	Slayden	Tribble
McLemore	Rayburn	Smith, Tex.	Venable
Montague	Reilly	Steagall	Vinson
Moon	Rouse	Stedman	Walker
Morrison	Rubey	Steele, Iowa	Watson, Va.
Moss, Ind.	Rucker	Steele, Pa.	Webb
Murray	Russell, Mo.	Stephens, Miss.	Whaley
Nicholls, S. C.	Sabath	Stephens, Tex.	Williams, W. E.
Oldfield	Scully	Sumners	Wilson, Fla.
Oliver	Sears	Taggart	Wingo
Overmyer	Shackleford	Tavenner	Wise
Page, N. C.	Shallenberger	Taylor, Ark.	Young, Tex.

ANSWERED "PRESENT"—3.

Cantrill	Johnson, Wash.	Rainey

NOT VOTING—71.

Adair	Frear	Liebel	Roberts, Mass.
Booher	Gard	Lindbergh	Roberts, Nev.
Britten	Godwin, N. C.	Littlepage	Saunders
Buchanan, Ill.	Gregg	Loft	Schall
Burgess	Griest	McKinley	Sells
Burnett	Guernsey	Mays	Shouse
Caldwell	Hamill	Morgan, La.	Small
Carlin	Helgesen	Morin	Sparkman
Casey	Henry	Neely	Stephens, Nebr.
Church	Hill	North	Stone
Clark, Fla.	Holland	Norton	Stout
Connelly	James	Oglesby	Switzer
Cooper, Wis.	Key, Ohio	Padgett	Talbott
Copley	Kiess, Pa.	Patten	Van Dyke
Crago	Konop	Porter	Watkins
Edmonds	La Follette	Pou	Williams, Ohio
Evans	Langley	Price	Wilson, La.
Flood	Lewis	Raker	

So the motion to instruct the conferees was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HAMLIN with Mr. JOHNSON of Washington.

Mr. RAINEY with Mr. HILL.

The result of the vote was announced as above recorded.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed and the preamble agreed to was laid on the table.

The SPEAKER announced as conferees on the part of the House Mr. JONES, Mr. GARRETT, and Mr. TOWNER.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 2, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of Labor submitting supplemental estimates of appropriations for the service of the Department of Labor for the fiscal year ending June 30, 1917 (H. Doc. No. 1078), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 11129) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine, reported the same with amendment, accompanied by a report (No. 620), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. SABATH: A bill (H. R. 15225) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. MILLER of Minnesota: A bill (H. R. 15226) to provide for a reserve force of officers for the Navy; to the Committee on Naval Affairs.

By Mr. RUCKER: A bill (H. R. 15227) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. WICKERSHAM: A bill (H. R. 15264) to authorize the town of Nome, Alaska, to issue bonds for municipal purposes; to the Committee on the Territories.

By Mr. EAGAN: A bill (H. R. 15265) providing for the acquisition of a site and the erection thereon of a public building for the Weehawken post office, in the town of Union, Hudson County, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: Joint resolution (H. J. Res. 213) proposing to amend the Constitution of the United States to authorize the Congress to enact laws to define and limit the causes for divorce; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15228) granting a pension to Sarah E. Thomas; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 15229) granting a pension to Thomas M. Michael; to the Committee on Pensions.

Also, a bill (H. R. 15230) granting a pension to Teddy Sexton; to the Committee on Pensions.

Also, a bill (H. R. 15231) granting an increase of pension to James Jeffers; to the Committee on Invalid Pensions.

By Mr. CHANDLER of New York: A bill (H. R. 15232) granting an increase of pension to Grace W. Post; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 15233) for the relief of William A. Persons; to the Committee on Military Affairs.

By Mr. CURRY: A bill (H. R. 15234) granting an increase of pension to George L. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15235) granting an increase of pension to Lewis Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15236) granting an increase of pension to Barton Kearns; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 15237) granting an increase of pension to Morgan C. Story; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 15238) granting a pension to Augusta Hoecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15239) granting an increase of pension to Felix Karl; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 15240) for the relief of estate of Sybil A. Penniman; to the Committee on War Claims.

By Mr. FOSTER: A bill (H. R. 15241) granting a pension to Martha A. Foster; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 15242) granting a pension to Charles D. Skirdin; to the Committee on Pensions.

By Mr. HOOD: A bill (H. R. 15243) granting a pension to Thomas E. Devlin; to the Committee on Pensions.

Also, a bill (H. R. 15244) for the relief of the legal representatives of W. W. Dennis, jr.; to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 15245) granting a pension to John McCabe; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 15246) granting a pension to Frank Thompson; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 15247) granting an increase of pension to Reuben R. Vail; to the Committee on Pensions.

By Mr. KELLEY: A bill (H. R. 15248) granting an increase of pension to Cordelia Mulford; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 15249) granting an increase of pension to Aaron Markle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15250) granting an increase of pension to Elizabeth Stonesifer; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 15251) granting an increase of pension to Albert Fuller; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 15252) granting a pension to Samuel M. Deets; to the Committee on Pensions.

By Mr. MOONEY: A bill (H. R. 15253) granting an increase of pension to Aurelius Bonifield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15254) correcting the military record of William H. Murphey; to the Committee on Military Affairs.

By Mr. MOSS of Indiana: A bill (H. R. 15255) granting an increase of pension to William N. Grimes; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 15256) granting an increase of pension to Alfred T. Hawk; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 15257) granting an increase of pension to Betsey La Joy; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 15258) granting a pension to Julius Meincke; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 15259) granting an increase of pension to Richard Levi; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 15260) granting a pension to Sam Moses; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 15261) granting a pension to Calista E. Wright; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 15262) granting an increase of pension to Maria O'Connor; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 15263) granting a pension to Katharina Sternberg; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 15266) granting an increase of pension to John Kelsor; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 15267) granting a pension to Daniel J. Keefe; to the Committee on Pensions.

By Mr. DOUGHTON: A bill (H. R. 15268) for the relief of James P. Collins; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 15269) granting a pension to Thomas J. Hunt; to the Committee on Pensions.

By Mr. EMERSON: A bill (H. R. 15270) granting an increase of pension to Adam Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15271) granting an increase of pension to Sarah D. Wood; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 15272) granting an increase of pension to Samuel B. Huddleston; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 15273) for the relief of William H. Dooley; to the Committee on Military Affairs.

By Mr. HULL of Iowa: A bill (H. R. 15274) for the relief of George Humphrey; to the Committee on Military Affairs.

By Mr. HUSTED: A bill (H. R. 15275) granting an increase of pension to James Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15276) granting an increase of pension to William H. Park; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 15277) granting an increase of pension to Ellen Davenport; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15278) granting an increase of pension to John S. Prior; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 15279) granting a pension to Lucinda Jenison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15280) granting a pension to Ann E. Davis; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 15281) granting an increase of pension to James M. Brown; to the Committee on Pensions.

Also, a bill (H. R. 15282) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from the Congressional Cemetery, District of Columbia, to Lock Haven, Pa.; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Boston Typographical Union, of Boston, indorsing the Lewis bill; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of Chamber of Commerce of Honolulu, indorsing the Newlands bill; to the Committee on Education.

By Mr. ALLEN: Petition of Cincinnati Branch of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, favoring prohibition for all Territories under jurisdiction of the United States; to the Committee on Alcoholic Liquor Traffic.

Also, memorial of City Council of Cincinnati, favoring civil-service retirement; to the Committee on the Post Office and Post Roads.

By Mr. BACHARACH: Memorial of Friends of Peace of Essex County, N. J., against war; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Pleasantville, N. J., against compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Pleasantville, N. J., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: Petition of the Erie Conference of the Evangelical Association, Cleveland, Ohio, against break with Germany; to the Committee on Foreign Affairs.

Also, petitions from the following citizens of New York, Pittsburgh, Missouri, Colorado, Pennsylvania, Illinois, New Jersey, and other States, asking for the speedy passage of House bill 13281, which provides for amending the tariff so as to admit free the products of any American country which will admit our products free: Frank McLees, 140 Highland Cross, N. J.; Lawson Purdy, Municipal Building, New York; E. J. Simon, 51 Wall Street, New York; John T. Allen, 129 Berkeley Avenue, Orange, N. J.; William F. Madill, 2338 University Avenue, New York; Joseph F. Meyers, 111 Centre Street, Orange, N. J.; C. Davey, 1242 Garden Street, Hoboken, N. J.; Clayton F. Ewing, 408 Bradley Avenue, Peoria, Ill.; Clarence E. Hanson, 8404 Tenth Avenue, Brooklyn, N. Y.; W. B. Vernaus, 775 East Thirty-second Street, Brooklyn, N. Y.; J. A. Gamble, 1046 East Thirty-eighth Street, Brooklyn, N. Y.; W. B. Danforth, 2604 Newkirk Avenue, Brooklyn, N. Y.; D. F. Graham, 270 Van Brunt Street, Brooklyn, N. Y.; William F. Wendt, 688 Quincy Street, Brooklyn, N. Y.; Gustave Maag, 256 Bradford Street, Brooklyn, N. Y.; Francis G. Casey, 497 Thirteenth Street, Brooklyn, N. Y.; James A. Bynn, 1180 President Street, Brooklyn, N. Y.; Albert Barrett, 48 East Fifth Street, Brooklyn, N. Y.; Harold A. Ruris, 573 East Twenty-second Street, Brooklyn, N. Y.; James C. Coleman, 362 Ovington Avenue, Brooklyn, N. Y.; Frank W. Garrison, Bryn Mawr, Pa.; E. H. Curtis, 105 West Fortieth Street, New York; A. J. Welman, 315 Seventy-second Street, Brooklyn, N. Y.; M. Gathers, White Plains, N. Y.; Fredrick Wyss, 105 West Fortieth Street, New York; J. Henry Oehrig, 247 Disahurst Street, Brooklyn; E. T. Dippel, 1742 Second Avenue, New York; Frank Quinn, 227 East Thirty-first Street, New York; A. S. Kollock, 1009 Walker Avenue, Woodburn, N. Y.; A. H. Horne, 105 West Fortieth Street, New York; Fred Broonse, 393 Warwich Street, Brooklyn; F. M. Taylor, 251 West One hundred and twenty-ninth Street, New York; William J. Sullivan, 105 West Fortieth Street, New York; C. Kell, jr., 526 West Fortieth Street, New York; M. Gunstensen, 115½ India Street, Brooklyn; F. W. Lord, 105 West Fortieth Street, New York; Charles A. Kochler, 918 North Avenue, N. S.; Edwin J. Maxey, 711 Arch Street, N. S.; E. L. Grant, 1411 Fifth Avenue, N. S.; J. D. Arnold, 7046 Chancer Street, N. S.; W. L. Wintz, 1316 Wylie Avenue, N. S.; Vernon J. Rose, 2920 Olive Street, Kansas City, Mo.; James W. Bucklin, 634 North Street, Denver, Colo.; M. L. Bucklin, 634 North Street, Denver, Colo.; Mart M. Dintenfass, 468 Riverside Drive, New York; F. W. Frendbridge, 51 Clark Street, Brooklyn, N. Y.; and Adolph Kretchman, 51 Clark Street, Brooklyn, N. Y.; to the Committee on Ways and Means.

By Mr. BARCHFELD: Memorial of Chamber of Commerce of Pittsburgh, Pa., against power plant on proposed site of Potomac River; to the Committee on the District of Columbia.

Also, memorial of Pittsburgh (Pa.) Shoe Retailers' Association, favoring Merchant Marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Imperial, Pa., favoring bill to prohibit exportation of liquors to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. BEALES: Petition of members of the First Church of the Brethren, York, Pa., favoring the suppression of traffic in intoxicating liquors and the passage of the "Sheppard bill"; to the Committee on Alcoholic Liquor Traffic.

By Mr. BRUCKNER: Petitions of John Aspinwall & Niagara Motor Boat Co., of New York, against numbers on motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of sundry citizens of the State of New York, favoring passage of the Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Cullen Barge Corporation, O'Brien Bros., and Twin City Ferry Co., all of New York, against 8-hour law for officers of steamboats; to the Committee on the Merchant Marine and Fisheries.

Also, petition of John J. Berger, New York City, against exhibition of immoral motion pictures; to the Committee on Education.

By Mr. BURKE: Memorial of Albert Trostel & Sons Co., of Sheboygan, Wis., and Evangelical Peace Church of Kewaskum, Wis., numbering 510 scouts, protesting against war with Germany; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petitions of sundry citizens of California and Arizona, relative to woman suffrage; to the Committee on the Judiciary.

Also, petition of American Hardware Manufacturers' Association, favoring legislation for prevention of floods of Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of men and women voters of Tucson, Ariz., against Judiciary Committee action relative to suffrage; to the Committee on the Judiciary.

By Mr. DARROW: Petitions of 47 citizens of Philadelphia, Pa., against United States participating in the European war; to the Committee on Foreign Affairs.

By Mr. DAVIS of Texas: Resolution of twenty-first annual convention of the Texas Hardware Jobbers' Association, Austin, Tex., favoring the passage of the Sheppard bill, providing for an amendment to the interstate-commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. DILLON: Petition of sundry citizens of South Dakota, against break with Germany; to the Committee on Foreign Affairs.

By Mr. DOOLITTLE: Petition of 24 residents of Emporia, Kans., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr EAGAN: Petition of seven citizens of Hoboken, N. J., favoring the passage of an amendment to the Constitution for nation-wide prohibition; to the Committee on Interstate and Foreign Commerce.

Also, petition of Christian Endeavor Union of the Territory of Hawaii, favoring the passage of a bill for prohibition in Hawaii; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Friends of Peace of Essex County in re foreign relations; to the Committee on Foreign Relations.

By Mr. ELSTON: Petition of board of managers of the Baby Hospital Association, of Oakland, Cal., favoring the Keating child-labor bill; to the Committee on Labor.

By Mr. EMERSON: Petition of sundry citizens of the twenty-second congressional district of Ohio, favoring the passage of House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of Evangelical Association, Cleveland, Ohio, against breaking diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. FOCHT: Evidence in support of House bill 6583, for the relief of Elliott E. Ramsey; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 12141, for the relief of James F. Cummins; to the Committee on Pensions.

By Mr. FULLER: Petition of S. B. Glenn and others, of Rockford (Ill.) Central Labor Union, against Taylor system in Government shops; to the Committee on Labor.

By Mr. GARNER: Petition of sundry citizens of Francitas and La Ward, Tex., protesting against the passage of House joint resolutions 84 and 85 and Senate joint resolutions 30 and 55, for a nation-wide prohibition amendment to the Constitution of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY of New Jersey: Petition of citizens of the State of New Jersey, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. GRIFFIN: Petition of International Association of Machinists, against Taylor system in Government shops; to the Committee on Labor.

Also, petition of American Hardware Manufacturers' Association, favoring bills to prevent flood control; to the Committee on Rivers and Harbors.

Also, memorial of the St. Mary's Commercial Club, against bill for payment of space for mail carriage; to the Committee on the Post Office and Post Roads.

By Mr. HAMLIN: Papers to accompany House bill 15205, for relief of W. Epps; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9462; to the Committee on Invalid Pensions.

By Mr. HENSLEY: Papers relating to House bill 15118, a bill for the relief of the trustees of the Arcadia-Ironton charge of the Methodist Episcopal Church South; to the Committee on War Claims.

By Mr. HERNANDEZ (by request): Petition of Daughters of American Revolution, requesting the passage of a special act granting pensions to all women who have been deprived by murder of the support of citizens killed by bandits in Mexico; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: Petition of 23 citizens of Seattle, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of Washington, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of sundry citizens of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINKAID: Petition of residents of Lynch, Nebr., in opposition to the enactment of bill to prevent interstate shipment of convict-made goods; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Petition of citizens of the State of Pennsylvania, against Taylor system in Government shops; to the Committee on Labor.

Also, memorial of Friends of Peace of Essex County, N. J., relative to favoring travel of American citizens on merchant ships; to the Committee on the Merchant Marine and Fisheries.

Also, petition of C. D. Wolff and others, of Sellersville, Pa., against compulsory Sunday observance; to the Committee on the District of Columbia.

Also, petition of C. D. Wolff and others, of Sellersville, Pa., favoring bill to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of Paul Dunlap and 27 other members of Christian Endeavor, of Lupton, Mich., against preparedness; to the Committee on Military Affairs.

Also, petition of G. W. Gaffney and 35 others, of Sears, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McLEMORE: Memorial of citizens of Yoakum, Tex., against breaking relations with Germany; to the Committee on Foreign Affairs.

Also, petition of citizens of Yoakum, Tex., favoring House bill 8665, against stop watch in Government shops; to the Committee on Labor.

By Mr. McKINLEY: Petition of sundry citizens of the State of Illinois, against the Taylor system in Government shops; to the Committee on Labor.

By Mr. MAPES: Petition of sundry citizens and organizations in the District of Columbia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOORES of Indiana: Petition of 56 citizens of Beech Grove, Ind., favoring House bill 8665; to the Committee on Labor.

By Mr. MOTT: Memorial of American Hardware Manufacturers Association of New York, favoring measures for flood control; to the Committee on Flood Control.

Also, petition of business men of De Ruyter, N. Y., favoring enactment into law of bill to force mail-order concerns to pay community taxes; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of Watertown, N. Y., protesting against legislation to grant sovereignty to Philippine Islands; to the Committee on Insular Affairs.

By Mr. OAKEY: Memorial of Colonel Frank W. Cheney Camp, No. 14, Sons of Veterans, United States Army, South Manchester, Conn., favoring preparedness; to the Committee on Military Affairs.

By Mr. PETERS: Petition of sundry citizens of the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of the Methodist Episcopal Church of Montebello, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RUSSELL of Ohio: Petition of citizens of the State of Ohio, favoring passage of House bill 8665, against Taylor system in Government shops; to the Committee on Labor.

Also, petition of the City Union of Christian Endeavor Society of Lima, Ohio, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SANFORD: Papers to accompany House bill 15082, granting a pension to Rosella Magee; to the Committee on Invalid Pensions.

By Mr. SCULLY: Memorial of Daughters of the American Revolution of the State of New Jersey, favoring preparedness; to the Committee on Military Affairs.

By Mr. SLOAN: Petition of Philip Holst, Mrs. J. W. Clark, and other citizens of Nebraska, protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Thayer and Nuckolls Counties, Nebr., protesting against passage of House bill 652; to the Committee on the District of Columbia.

By Mr. STEPHENS of California: Communication from A. C. Barker, Oakland, Cal., favoring Smith-Hughes bill; to the Committee on Education.

Also, communication from State Federation of Labor, San Francisco, Cal., favoring the Nolan minimum-wage bill; to the Committee on Labor.

Also, communications from Mailliard & Schmiedell, of Los Angeles, Cal.; Clara Todd, of Los Angeles, Cal.; Frank Campbell, of Los Angeles, Cal.; and the woman's section of the Navy League, San Francisco, Cal., all favoring adequate preparedness; to the Committee on Military Affairs.

Also, communications from Meyer & Talbott Co., of Los Angeles, Cal., and San Joaquin Valley Lumbermen's Club, Fresno, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions from Daniel W. Graybill and 33 others, of Los Angeles; Mrs. Olive Morgan and 37 others, of Los Angeles; Mrs. Nevada L. Hubbart and 32 others, of Los Angeles; F. S. Atwell and 37 others, of Ontario, all in the State of California, favoring freedom of speech and of the press; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Building Trades Council of San Francisco, Cal., protesting against war; to the Committee on Foreign Affairs.

Also, resolutions of Buildings Trades Council of San Francisco, Cal., favoring the conservation of food supply in the United States; to the Committee on Agriculture.

Also, letter signed by Emmett A. Fagin and 15 others, of Los Angeles; letter signed by George Ballman and 11 others, of Los Angeles, all in the State of California, protesting against the severance of diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, letter from Dr. Ella M. Hunt and others, of Pasadena, Cal., protesting against preparedness; to the Committee on Military Affairs.

Also, resolutions of the Badger Club, Los Angeles, Cal., favoring reorganization of Indian affairs; to the Committee on Indian Affairs.

Also, resolutions from Phoebe A. Hearst and others; also mass meeting of 600 people of San Francisco, Cal., all favoring national constitutional suffrage amendment; to the Committee on the Judiciary.

Also, communication from city clerk of Los Angeles, Cal., favoring legislation concerning price of gasoline; to the Committee on Interstate and Foreign Commerce.

Also, communication from Mrs. Jennie Springer, of Gardena, Cal., regarding Oregon & California Railroad lands; to the Committee on the Public Lands.

Also, communication from Helmet Lodge, Knights of Pythias, Los Angeles, Cal., favoring pension for superannuated employees; to the Committee on Reform in the Civil Service.

Also, communication from Everett Pulp & Paper Co., of San Francisco, Cal., protesting against House bill 8665; to the Committee on Labor.

Also, communication from R. W. Madison, San Francisco, Cal., concerning Washington Asylum Hospital; to the Committee on the District of Columbia.

Also, communications from Browning Club, of Los Angeles, Cal., favoring House joint resolution 137; to the Committee on Agriculture.

Also, communication from National Security League, San Francisco, Cal., favoring a citizen volunteer army under Federal control; to the Committee on Military Affairs.

Also, telegrams from Laura K. Kuhlmann, Mrs. Helena M. Haines, Louis B. Bock, William H. Haines, William G. Kuhlmann, Charles Davis, and Russell H. Metzger, all of Manhattan Beach, Cal.; John Hermann, president German-American League of California; Aaron G. Barnell and 3 others, of Los Angeles, Cal.; Marie Chelgrene, of Los Angeles, Ca.; and Otto Steinen and 52 others, of Los Angeles, Cal., all protesting against war with Germany; to the Committee on Foreign Affairs.

Also, communications from C. A. Plantz and 17 others, favoring the Warren bill; to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of citizens of New Hampshire and Maine, favoring House bill 8665, against Taylor system in Government shops; to the Committee on Labor.

By Mr. WALSH: Petition of Middleborough Central Labor Union, by Michael J. Baker, president; W. S. Anderson, vice president; and S. L. Brett, secretary, relative to Taylor and similar systems in Government workshops; to the Committee on Labor.

By Mr. WARD: Petition of Guy Cochran and other citizens of Kingston, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *May 2, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that in the midst of the pressing cares of this earthly life Thou hast kept alive within us an interest, an ever-growing interest, in the things that are spiritual and eternal. We find ourselves straitened by the limitation of our earthly reason and in the midst of problems unsolved and mysteries upon every hand. We bless Thee that from above there comes to us the clear light of divine truth and the path shineth more and more unto the perfect day. Still guard within us the spark of life divine, and lead us on, O God, until we shall see Thy face; and coming before Thee may it be with the consciousness of work well done in the world and an influence left here for the betterment of mankind. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

COMMUNICATION FROM REAR ADMIRAL FISKE.

The VICE PRESIDENT. Upon yesterday there came to the office of the Chair a communication signed by Bradley A. Fiske, rear admiral of the United States Navy, addressed to the President of the Senate. While considering whether it should be handed down this morning the Chair was called by a representative of a press association and requested to know whether he could examine the communication.

The Chair does not know how far the right of petition exists in the United States of America, whether officers of the Navy have a right to enter into controversy with the Secretary of the Navy and send their statements to the presiding officer of the Senate, and thus make it his duty to hand them down or not.

Mr. TILLMAN. Mr. President——

The VICE PRESIDENT. The Chair therefore refers the communication to the Committee on Naval Affairs to determine on that question.

Mr. TILLMAN. I was just going to make that motion.

Mr. LODGE. Before the matter passes, as I was not in when the Chair was first stating it, may I ask what is the character of the communication.

The VICE PRESIDENT. The character is the controversy between the Secretary of the Navy and Rear Admiral Bradley A. Fiske that everyone knows about. The Chair is uncertain whether it is the duty of the Chair to hand down a communication coming from anyone connected with the Army or the Navy touching such controversies.

Mr. LODGE. It is in reply to the statement made by the Secretary of the Navy about Admiral Fiske in the report he sent in the other day?

The VICE PRESIDENT. Yes. The Chair is uncertain whether it is the duty of the Chair to hand it down.

Mr. LODGE. It seems to me that, being an officer of the Navy, he has a right to be heard when a statement of that character is made about him in an official report.

The VICE PRESIDENT. The Chair does not know anything about the rules of the Navy or the rules of the Army. The Chair does not know whether it is the right of an officer to call attention to such matters in this way or not.

Mr. TILLMAN. It certainly can do no harm to let the Naval Committee examine it before action is taken.

The VICE PRESIDENT. The Chair refers it there; and if any member of the Committee on Naval Affairs thinks it is proper, he may submit it to the Senate, and the Chair will receive it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 8067) to quiet title to certain lands in the possession of G. B. Dickson, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H. R. 6057) to amend section 14 of the reclamation extension act approved August 13,

1914, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Texas, Mr. TAYLOR of Colorado, and Mr. KINKAID managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a petition of the congregation of the Lutheran Church of Floresville, Tex., praying for the placing of an embargo on the exportation of arms and that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a petition of Bedford Forest Camp, United Confederate Veterans, of Portales, N. Mex., praying for the enactment of legislation to grant pensions to Confederate veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. MARTINE of New Jersey presented a petition of the River & Harbor Transportation Co., of Philadelphia, Pa., praying for an appropriation for the improvement of the Hackensack River, N. J., which was referred to the Committee on Commerce.

Mr. WADSWORTH. I present a resolution adopted by the Board of Aldermen of the city of New York. I do not ask that it be read, but I ask that it be printed in the RECORD. It is short.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

IN THE BOARD OF ALDERMEN.

Whereas a crisis in the relations of the United States and foreign nations was disclosed by the recent address of the President of the United States before the joint session of Congress; and

Whereas the condition of relations of the Nation with foreign Governments may any moment make action necessary on the part of this city in upholding the Nation's honor: It is

Resolved, That the board of aldermen pledges to the mayor its unqualified support in any action by him, in aid of the President and Congress, that may be necessary to maintain that honor; and that this board will support the mayor in any exercise of authority for that purpose to the full extent of its powers; and further

Resolved, That the representatives of this city in the House of Congress are earnestly requested to redouble their efforts to the end of securing legislation that will immediately provide for the country the greatest practicable degree of military preparedness; and further

Resolved, That a copy of this resolution be sent to the President of the United States, to each of the Senators and Congressmen representing this State in Congress, the governor of the State, and the mayor of this city.

Adopted by the board of aldermen April 25, 1916, a majority of all the members elected voting in favor thereof.

[SEAL.] R. J. SULLY, *Clerk*.

Mr. JONES presented a petition of sundry citizens of Seattle, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. NEWLANDS presented petitions of sundry citizens of Reno and Las Vegas, in the State of Nevada, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TAGGART presented memorials of sundry citizens of Elwood, Ind., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Elwood, Ind., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Woman's Club of Lodi, Cal., praying for an appropriation of $300,000 for the improvement of the Yosemite National Park and also for the establishment of a national-park service, which was referred to the Committee on Appropriations.

He also presented a petition of the Southern California Branch of the Association of Collegiate Alumnæ, of San Bernardino, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented the memorial of J. H. Eastman and sundry other citizens of Santa Cruz, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of General Charles King Camp, No. 35, United Spanish War Veterans, of Napa, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. ASHURST. I present resolutions adopted by the Central Labor Union of Miami, Ariz., which I ask may be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

MIAMI CENTRAL LABOR UNION,
Miami, Ariz., April 17, 1916.

Hon. H. F. ASHURST,
Senate, Washington, D. C.

DEAR SIR: At the last meeting of the Miami Central Labor Union the following resolution was read and received and then referred to the executive committee, with power to act:

"Whereas there is a bill before Congress (H. R. 456) for the creation of a Federal motion-picture commission, who shall preexamine and censor all moving pictures; and

"Whereas no five persons are great enough or divine enough to decide what pictures 100,000,000 people should see or should not see, and would naturally be influenced in their decisions by their own petty views on public questions and morals; and

"Whereas it is un-American and contrary to the fundamental principles of our Government, guaranteeing freedom of expression; and

"Whereas other forms of expression, such as the press, literature, the drama, and all works of art are immune from censorship: Therefore be it

"*Resolved*, That we, the Miami Central Labor Union, are unalterably opposed to censorship of any sort, and especially motion-picture censorship; and be it

"*Resolved*, That a copy of this resolution be sent to the Hons. CARL HAYDEN, ASHURST, and SMITH, and we urge that all individuals send letters of protest to these gentlemen."

The above resolution was unanimously adopted by the executive committee of the Miami Central Labor Union.

[SEAL.]

FRANK PERKO,
F. S. WILLIAMS,
FRED REAVES,
J. L. DONNELLY,
J. W. WARD,
Executive Committee.

E. C. HORNOR.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (H. R. 8068) for the relief of E. C. Hornor, reported it without amendment and submitted a report (No. 409) thereon.

SAN JUAN RIVER BRIDGE, NEW MEXICO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 5424) to construct a bridge in San Juan County, State of New Mexico, and I submit a report (No. 408) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause to be constructed a steel bridge over the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the town of Farmington, in the said county, said bridge being absolutely necessary to enable a large portion of the Navajo Tribe of Indians to market their products of sheep, cattle, wool, manufactured blankets, jewelry, and other commodities belonging to them, so as to avoid great loss and inconvenience to them in their efforts to market such products to the north of the San Juan River. For said purpose there is hereby appropriated the sum of $25,000, or so much thereof as may be necessary, to defray the expense and cost of constructing said bridge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 5823) granting a pension to Philip F. Wells; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 5824) to confer jurisdiction on the Court of Claims to readjudicate the case of Albert H. Gillespie against The United States, No. 30777 on the docket of said court; to the Committee on Claims.

By Mr. SMITH of Georgia (by request):

A bill (S. 5825) to amend section 553 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901; to the Committee on the District of Columbia.

By Mr. CHAMBERLAIN:

A bill (S. 5826) granting an increase of pension to Thomas S. Millikin (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5827) granting a pension to Eugene M. Symonds (with accompanying papers); and

A bill (S. 5828) granting an increase of pension to Garrett F. Cowan (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 5829) granting an increase of pension to Erl O. Smith; to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 5830) granting an increase of pension to Convis Parker (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5831) authorizing the Director of the Census to investigate and report on mortality and disability in wage-earning occupations; to the Committee on the Census.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WADSWORTH submitted an amendment authorizing the Postmaster General to grant to any employee not to exceed two weeks' sick leave in any one year with pay, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. TOWNSEND (for Mr. SMITH of Michigan) submitted an amendment intended to be proposed to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

LAND ENTRIES.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 6057) to amend section 14 of the reclamation extension act approved August 13, 1914, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMITH of Arizona. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SMITH of Arizona, Mr. LANE, and Mr. JONES conferees on the part of the Senate.

LEGISLATIVE, ETC., APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. MARTIN of Virginia. I ask the Senate to consider the conference report on the disagreeing votes of the two Houses upon House bill 12207, the legislislative, executive, and judicial appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The VICE PRESIDENT. Is there any desire to have the report read? It has been printed.

Mr. SMOOT. I will say that I do not want to take the time of the Senate by reading the whole report, and I do not think it is necessary, unless some other Senator desires to have it read. I do want to refer to amendment No. 167 in the bill.

Mr. JONES. Mr. President, as that amendment is coming up now, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Newlands	Sterling
Bankhead	Hollis	Norris	Stone
Beckham	James	Oliver	Sutherland
Brady	Johnson, Me.	Overman	Swanson
Brandegee	Johnson, S. Dak.	Page	Taggart
Broussard	Jones	Poindexter	Thomas
Chamberlain	Kenyon	Pomerene	Tillman
Clapp	Kern	Ransdell	Townsend
Clark, Wyo.	La Follette	Robinson	Vardaman
Clarke, Ark.	Lane	Saulsbury	Wadsworth
Culberson	Lippitt	Shafroth	Walsh
Cummins	Lodge	Sheppard	Warren
Curtis	Martin, Va.	Sherman	Williams
du Pont	Martine, N. J.	Simmons	Works
Gallinger	Myers	Smith, Ga.	
Gronna	Nelson	Smoot	

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on public business.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER] on official business. I wish also to announce that the junior Senator from Illinois [Mr. LEWIS] is absent on account of illness. These announcements may stand for the day.

Mr. WALSH. I wish to announce the unavoidable absence of the Senator from West Virginia [Mr. CHILTON].

Mr. MARTINE of New Jersey. I was requested to announce the unavoidable absence of the Senator from Kansas [Mr. THOMPSON].

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum is present. The question is on agreeing to the conference report.

Mr. SMOOT. Mr. President, in the pending bill, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, the House agreed to the following provision:

Appointments shall not be made to any of the positions herein appropriated for in the classified service of the Bureau of Pensions not actually filled June 30, 1916, nor shall more than 25 per cent of other vacancies actually occurring in any grade in the classified service of that bureau, during the fiscal year 1917, be filled by original appointment or promotion. The salaries or compensation of all places which may not be filled as hereinabove provided for shall not be available for expenditure but shall lapse and shall be covered into the Treasury.

The Senate disagreed to that provision of the bill and it was stricken out. The conferees on the part of the Senate yielded to the House conferees, and if this report is agreed to that provision will become law.

Mr. President, it simply means that no old soldier employed to-day in the Pension Bureau can receive a promotion. He is held in the class in which he is working to-day. The law as it exists to-day, Mr. President, prevents the filling of more than 25 per cent of vacancies in that bureau. We are not undertaking in this provision to repeal the law, and I do not want the Senate to understand that I am asking that the law be repealed as to the filling of vacancies in the Pension Bureau, for the work in that bureau, as all Senators know, is growing less each year; but the provision under discussion is an unjust one. It is disapproved by the Commissioner of Pensions, and I want to call attention to the commissioner's letter giving the reasons why he objects to the provision and also giving his reasons why it will be detrimental to the service of the bureau. In a letter to the members of the Appropriations Committee the Commissioner of Pensions, on March 17, 1916, makes this statement:

The subcommittee of the House Committee on Appropriations caused to be inserted in the legislative, executive, and judicial appropriation bill for 1917, the following clause—

I will not take the time of the Senate to read the clause, but it is exactly the same as I read in the beginning of my remarks—

Before that it was provided in the law that not more than 25 per cent of the vacancies occurring in the Pension Bureau might be filled. This was regarded as objectionable, but now the new provision is still more objectionable for the following reasons:

1. This is the only bureau in the public service to which such a provision is made applicable. It seems like an invidious distinction.

2. Its operation will seriously hamper the work of the bureau. One grade may be very full. In another grade there may be vacancies which should be filled to carry on particular work in the bureau; but this provision would prevent the necessary change.

Mr. President, if the deaths that occurred were equal in all of the division or grades, then the provision would not be so objectionable as it is; but in one grade there may be 10 or 20 deaths while in another grade there may be only one death. The provision of the House, if it becomes law, will provide that in a grade where there is only one man, should a vacancy happen, it can not be filled, nor can a promotion be made from a lower grade to fill the vacancy in a higher one, no matter if there is a person in the lower grade capable of filling the position. If this provision stands we would be passing a law here to prohibit him from being promoted:

There are 13 offices in the bureau, each filled by a single incumbent. In the debate in the Committee of the Whole in the House of Representatives it was stated by members of the House subcommittee that if there was a vacancy in any one of these places the provision of this law would not allow it to be filled. Among these places are the chief clerk, assistant chief clerk, disbursing clerk, deputy disbursing clerk, medical referee, assistant medical referee, law clerk, chief of the board of review, superintendent of building, engineer, cabinet-maker, painter, and captain of the watch. It will readily be seen how difficult it would be to carry on orderly the work of the bureau if such vacancies occur and there be no power to fill them.

Yet if this provision becomes law, the Commissioner of Pensions will be powerless to fill those vacancies.

There are eight chiefs of division, each of whom is at the head of a force of employees numbering variously from 39 up to 196. It is said the same rule applies to them, and if there is a vacancy in the office of a chief of division it can not be filled at all. Long experience has proven that the arrangement for divisions and the services of these chiefs are very valuable, if not indispensable.

5. This provision is a great injustice to employees; it prevents a recognition of merit; it gives the employee notice that he must stay at the dead level of the salary he may now be receiving without hope of preferment.

6. One argument for its adoption was that the bureau was getting topheavy, failing to take notice that reductions in the bureau in 1915 and 1916 were already as follows—

I ask the Senate to notice the reductions that have been made for 1915 and for 1916. Then I am going to call attention to the number that is already agreed to for the year 1917.

In the fiscal year 1915 the reductions consisted of "10 principal examiners, at $2,000; 10 clerks of class 4, at $1,800; 15 clerks of class 3, at $1,600; 25 clerks of class 2, at $1,400; 40 special examiners, at $1,300; 35 clerks of class 1, at $1,200; 6 clerks, at $1,000; 4 copyists, at $900," or a total reduction in the force of 145. For the fiscal year of 1916 we find these reductions: "Seven principal examiners, at $2,000; 3 medical examiners, at $1,800; 4 assistant chiefs, at $1,800; 9 clerks of class 4, at $1,800; 10 clerks of class 3, at $1,600; 20 clerks of class 2, at $1,400; 5 special examiners, at $1,300; 25 clerks of class 1, at $1,200; 9 clerks, at $1,000; 1 copyist, at $900," or a total reduction for that fiscal year of 93.

For 1917 under the bill we have passed at this session—and now considering the conference report, to which I have no objection, with the single exception of this one item—the reductions are as follows: "One medical examiner, at $1,800; 1 principal examiner, $2,000; 1 assistant chief, at $1,800; 1 clerk, class 4, at $1,800; 1 clerk, class 3, at $1,600; 1 clerk, class 2, at $1,400; 1 clerk, class 1, at $1,200; 10 clerks, at $1,000; 20 copyists, at $900; 1 messenger, $840; 5 assistants messengers, at $720; 8 messenger boys, at $400; 1 watchman, at $720; and 15 skilled laborers, at $660," or a total of 67 reductions.

Mr. NORRIS. Mr. President——

Mr. SMOOT. I yield to the Senator from Nebraska.

Mr. NORRIS. Those are the reductions for 1917?

Mr. SMOOT. Those I last read are the reductions for the fiscal year ending June 30, 1917.

Mr. NORRIS. Are those reductions brought about by the objectionable provision?

Mr. SMOOT. No; those reductions are not so brought about. They are brought about by the decreasing work in the department from year to year.

Mr. NORRIS. As I understand, the Senator from Utah has no objection to those reductions?

Mr. SMOOT. I have no objection to those reductions, but I am calling attention to the reductions to show that while the work is growing less so is the number of employees. If the House provision is retained there can be no promotions from one grade to another.

Mr. NORRIS. I understand the objectionable provisions will prevent the filling of those positions by the promotion of men who are now in the service.

Mr. SMOOT. That is true.

Mr. NORRIS. And if the objectionable provision were obliterated, then the vacancies would be filled by promotion?

Mr. SMOOT. They would be filled by promotion, or otherwise. The Commissioner of Pensions is not compelled to fill them by promotion; but there is no law against it.

Mr. OVERMAN. Mr. President, was it not contended on the part of the House that the trouble about the proportions now is that too many employees are in the $1,800 class, thus making a top-heavy organization instead of promoting from the lower grades into the third class or the fourth class? Under existing provisions of law no original appointments or promotions can be made except to the extent of 25 per cent of the vacancies, so that, for example, if four employees die, only one of the vacancies thereby created can be filled. The one vacancy can be filled by the promotion of an employee already in the bureau; but instead of jumping an employee of a lower grade through several grades, process should be gradual by promotion to the third class, the fourth class, and so forth. As it is, owing to the manner in which they have been making promotions, the bureau is top-heavy, with too many employees drawing large salaries.

Mr. SMOOT. Mr. President, that has been the claim; but let me call attention to the reductions that are made for this fiscal year and see how unjust the claim is. Of the 67 reductions in the bill for the fiscal year ending June 30, 1917, were the following: Fifteen skilled laborers, at $660; 1 watchman, $720; 8 messenger boys, at $400; 5 assistant messenger boys, at $720; 1 messenger, at $840; 20 copyists, at $900; 10 clerks, at $1,000. That totals 60 employees, and there are only 7 positions that have been abolished carrying salaries above $1,200. There will be no way of filling these high-salaried positions, not even by the promotion of employees already in the service.

Mr. NORRIS. Will the Senator allow me to interrupt him?

Mr. SMOOT. Certainly.

Mr. NORRIS. To illustrate, take one of the positions—and I am only trying to get at the facts—mentioned by the commissioner in the letter which the Senator has read, the chief clerk, and let us see what would be the result. Suppose he should die; it would be impossible, if that provision were in the law, as I understand the Senator, to fill his place.

Mr. SMOOT. It would be impossible for the commissioner, if this provision is retained in the bill, to fill his place.

Mr. NORRIS. Who would perform the duties of the chief clerk's office in that case?

Mr. SMOOT. Under present conditions a man could be promoted from another grade to the grade of chief clerk, but if this provision becomes a law that can not be done.

Mr. NORRIS. That is what I understand.

Mr. SMOOT. The law as it stands to-day provides that there shall be no appointments to exceed 25 per cent of the vacancies that may occur.

Mr. NORRIS. I am trying to get at just what would happen. In the letter which the Senator has read the commissioner says that there are 13 positions in the Pension Bureau held by single incumbents, and I think he mentioned the chief clerk as one of them. I take that merely as an illustration.

Mr. SMOOT. I will say to the Senator that his illustration conforms exactly to the conditions as they would exist if this provision should become law.

Mr. NORRIS. I am trying to find out what the bureau would do under the circumstances if an employee who holds one of those 13 positions should die and the commissioner had no power to appoint anybody and no power to promote anybody to fill the place. What would actually happen, as a matter of fact?

Mr. SMOOT. I will read what the commissioner says in relation, not only to the office of chief clerk but to the other offices in that bureau that would be affected by this provision, and which it would be impossible to fill. The commissioner says:

> There are 13 offices in the bureau, each filled by a single incumbent. In the debate in the Committee of the Whole in the House of Representatives it was said by members of the House subcommittee that if there was a vacancy in any one of these places, the provision of this law would not allow it to be filled. Among these places are the chief clerk, assistant chief clerk, disbursing clerk, deputy disbursing clerk, medical referee, assistant medical referee, law clerk, chief of the board of review, superintendent of building, engineer, cabinet maker, painter, and captain of the watch. It will readily be seen—

Says the commissioner—

> how difficult it would be to carry on orderly the work of the bureau if such vacancies occur and there is no power to fill them.

If Senators will take this provision of the House bill and examine it, they will see that it will be impossible for the Commissioner of Pensions to fill these positions.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield.

Mr. JONES. In that connection and in line with what the Senator from Nebraska [Mr. NORRIS] has asked, if those places can not be filled, who will discharge the duties heretofore performed by the officers who filled those positions?

Mr. SMOOT. I presume the commissioner would have to take some man temporarily from some other place in the bureau and ask him to act in that capacity until Congress could pass additional legislation.

Mr. JONES. At the salary he is now receiving in his other position?

Mr. SMOOT. Certainly; because the only thing the commissioner could do would be to detail another clerk to perform that service.

Mr. JONES. Then, how would the commissioner fill the place made vacant by the detail?

Mr. SMOOT. As the commissioner himself says, it will be utterly impossible to have any order in the bureau if this provision becomes a law.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Rhode Island?

Mr. SMOOT. Certainly.

Mr. LIPPITT. I do not exactly understand the situation which the Senator is trying to describe. I understand he has read a list of places which are going to be abolished because they are not needed.

Mr. SMOOT. Not needed; and no appropriation is made for them.

Mr. LIPPITT. It is an attempt to abolish those offices?

Mr. SMOOT. The ones I have read have been abolished.

Mr. LIPPITT. If they are abolished, why does the Senator want to appoint anybody to fill them?

Mr. SMOOT. I am not speaking of appointments to positions which have been abolished. I am speaking of positions which are provided for in the bill, and which, in case of the death of the incumbent, under the provisions of the House bill, the Commissioner of Pensions will have no power to fill. I will say to the Senator that under the law as it exists to-day only 25 per cent of the vacancies caused by death can be filled; but where there is only one place——

Mr. LIPPITT. I understood the Senator to say that the lists which he has read were lists of positions which it has been agreed should be abolished permanently.

Mr. SMOOT. Yes.

Mr. LIPPITT. Then the Senator talks about men being appointed to positions that are to be abolished.

Mr. SMOOT. No; the Senator misunderstood me.

Mr. LIPPITT. Probably I did; I am trying to ascertain just what the Senator means.

Mr. SMOOT. The provision of the House bill, if it becomes a law, will prevent the Commissioner of Pensions from promoting anyone in the bureau from one grade to a higher one.

Mr. LIPPITT. I understand that.

Mr. SMOOT. There is only one chief clerk in the bureau, and if he should die and this provision should become a law the commissioner could not appoint a chief clerk; nobody could be promoted to that place.

Mr. LIPPITT. I understand that.

Mr. SMOOT. I called attention to the number of reductions in the employees of the bureau to show that Congress was only providing for the number of employees necessary to conduct the business of that bureau.

Mr. LIPPITT. Then the Senator does not mean that he wants to promote men to the positions which Congress has decided to abolish?

Mr. SMOOT. Not in the least. Mr. President, the commissioner proceeds to say:

> If we could have restored 1 messenger at $840, 5 assistant messengers at $720 each, 1 watchman at $720, and 15 skilled laborers at $660 each, we could arrange to get along with the other reductions proposed.

That has nothing whatever to do with the question which I am discussing. Those are merely certain reductions which the commissioner has asked the Congress not to make.

S. Under the provision that—

This is the law—

> appointments shall not be made to any of the positions herein appropriated for in the classified service of the Bureau of Pensions not actually filled June 30, 1916.
>
> We will be unable to fill any vacancies occurring in either of these places during the fiscal year because of the provision already in the law preventing us filling more than 25 per cent of the vacancies. Therefore the effect of this strange provision is—because we can not fill vacancies July 1—that we will be compelled to do with a less number than that for which appropriation is made. There is now a pressing and great necessity for stenographers, assistant messengers, and skilled laborers, but, because of this 25 per cent law, we can not procure any

Mr. President, I was in hopes that the conference report would be so framed that there would be no objection to it. The Senate has yielded, I think, beyond reason. I was perfectly willing to go just as far as it was possible to go; but I ask the Senate not to accept this report, not to accept the action of the Senate conferees in yielding upon this one item, for it is vital to the bureau, and I do not believe that the old soldiers who are working in the Pension Bureau ought to be discriminated against.

I know that there are many old soldiers who perhaps can not do a full day's work. I know that if none but young, active men were employed the work of the bureau could be done with a less number, but I do not believe the American people want the old soldier, in his last days, to be driven out of the employment of the Government, even if it does cost a few extra dollars to retain him in his present position.

Mr. OVERMAN. Mr. President, does the Senator say this will drive any old soldier out of employment?

Mr. SMOOT. No; not altogether out of employment.

Mr. OVERMAN. Well, in any way—not altogether. Will it drive him out of any employment?

Mr. SMOOT. Mr. President, it will not. I was speaking upon the broad proposition that notwithstanding some of the old soldiers can not do a full day's work the people of the United States are not going to object to retaining them on the pay roll of the Government as long as they live and can do any work at all.

Mr. OVERMAN. They will be on it, under this provision.

Mr. SMOOT. I do not deny that. They will be on the roll in the class that they are now working in. But, Mr. President, there are some of the old soldiers who to-day are working as, say, a clerk of class 1, at $1,200 a year, who are doing just as good service as any men in the Government service. They are mentally alert; they are physically active; and I can not see why we should pass a law to discriminate against them, and say that because they are old soldiers, because they are working in the Pension Bureau, they shall forever be barred from a promotion. That is what this amendment says. That is what it means. That would be the result of it if we agree to this conference report.

Mr. GALLINGER. Mr. President, I will ask the Senator from Utah if that is not substantially the situation around this Capitol? Is not every old soldier reduced in pay and receiving less compensation than others at the doors of the Capitol?

Mr. SMOOT. Until the passage of this bill that was true, Mr. President, but this bill takes care of two of the old soldiers and increases their salary from $840 to $1,440.

Mr. GALLINGER. And what does it pay the rest of them?

Mr. SMOOT. The rest of them, of course, are drawing lower salaries; but that is a different position than this. They are on what is known as the patronage list, and perhaps there might have been some excuse for it, although I do not believe there was. I do not believe, Mr. President, that the little money that was saved by the reduction in the salaries of the old soldiers serving the Senate as doorkeepers is ever going to be noticed by the people of the United States, nor do I believe that any criticism ever would have come to this administration if it had maintained them at the salaries they formerly received.

The one under consideration is an entirely different proposition. This is to prevent employees of the Pension Bureau from promotion, and is indeed an invidious distinction. It is denying the old soldier employees in the Pension Bureau the right of promotion, and he does not deserve it. Therefore I hope the Senate will instruct its conferees to take the report back, and convey the feeling of the Senate in relation to this question to the conferees of the House and see if the conferees of the House will not yield, as they did two years ago, and as I hope they will yield this year.

Mr. OVERMAN. Mr. President, the members of the committee of conference of both the Senate and the House tried their best to agree on this bill, and we did agree on everything except this amendment. We are told by the House conferees that they will never yield on this amendment. The strongest advocate of it is a Republican Member of the House from Iowa, who has stated to us and the Senator from Utah [Mr. SMOOT] that he lives in a town where there is a soldiers' home, and nobody has more love and respect for the old soldier than he has, and I know that is so; and he told us the Senator from Utah could not answer it—that this does not deleteriously affect any old soldier who is at present employed. The Senator from Utah has finally agreed to this in this debate. His whole argument here is in behalf of the old soldier, when there is no harm going to be done to him.

The Senator talks about the American people not agreeing to have the old soldier discriminated against. I do not think the American people want an old man 75 or 80 years old, who is getting a good salary now, and receiving a pension besides, to be promoted into some office he can not fill.

Mr. SMOOT. He will not necessarily be promoted, anyway; but under this provision he can not be promoted.

Mr. OVERMAN. He can not be promoted. He has served his country well; he is getting a good salary; he is getting a pension; and instead of putting him on in a top-heavy place that he can not fill, it leaves him just where he is now, and does not injure him in the least.

Mr. SMOOT. Does the Senator think for a moment that the Commissioner of Pensions would put a man in such a position if it was impossible for him to fill it? Of course, he would not.

Mr. OVERMAN. The Members of the House of Representatives are overwhelmingly for this provision, and were for it two years ago, four years ago, and they are going to stand for it this time—Representatives from the North who love the old soldiers, who have stood by the old soldiers all the time, and I could name them here.

Mr. NORRIS. Mr. President, I should like to ask the Senator, for information, practically the same question I asked the Senator from Utah in regard to these positions the commissioner mentions.

Mr. OVERMAN. I am coming to that, Mr. President. Some years ago the Commissioner of Pensions, Mr. Warner, reported to Congress that Congress ought to pass a law that no vacancies should be filled in the Pension Bureau. Why, everybody knows there is an army of men there. There are 1,187 employees in that bureau to-day, and since the passage of the Sherwood bill 200 men can do the work that is being done.

The truth of it is that many of these poor old soldiers have been there so long and are so old that they can not efficiently perform any work in the higher grades. They are getting good salaries now. Why do we want to promote them to higher places, where they can not serve the Government and can not do any work? It is impossible for them to do any work.

This is no strike whatever at the old soldier. It is in the interest of efficiency. It is in the interest of good service. Instead of saying that there shall be no vacancies filled at all, as the commissioner recommended some years ago, we simply provide here that only 25 per cent of the vacancies shall be filled. For example, if there are 12 vacancies, only 3 of them shall be filled; if there are 4 vacancies, only 1 shall be filled; and gradually we will have good service in the bureau. As it is we have a small army of men there doing practically nothing. They can not do anything. It is impossible for them to do anything. Why should we promote those men to higher grades when they are inefficient and all that some of them can do is to sit down and look out of the window?

The friends of the old soldiers are the men who advocated this amendment upon the floor of the House, and said that the old soldiers did not want these men promoted to higher salaries; and here the Senator from Utah appeals to prejudice instead of going into the facts of the matter and looking at this bureau as it stand to-day in the interest of efficiency.

Mr. SMOOT. Mr. President, I hope the Senator does not misunderstand the situation. The Commissioner of Pensions never would promote an old soldier who can not do a thing but look out of the window. It is left entirely in the hands of the commissioner to make the promotions under the law to-day. The law to-day says that only one out of four vacancies caused by death shall be filled; but this provision says that no matter whether the old soldier is capable or not, no matter what his physical or mental condition may be, he shall not be promoted. I will ask the Senator if that is not so?

Mr. OVERMAN. Why, of course it is. That is what I am saying—that they are getting good salaries. They are satisfied; they are getting pensions; and they have had these $1,200 and $1,400 positions all the time, and now, since they are growing old and can not do any work, I believe, as this Representative from Iowa, who represents a town that has a soldiers' home in it, says, that in his judgment the old soldiers of this country would not desire these men promoted into higher positions which they could not fill.

Mr. KENYON. Mr. President, I will state that I think the Member of the House to whom the Senator refers has a soldiers' home in his district—not in his home.

Mr. OVERMAN. Well, his home district.

Mr. NORRIS. Mr. President, I still would like to have the Senator take up the matter about which I asked.

Mr. OVERMAN. I am going to come to that. Now, take the chief clerk. A man can fill that place without being called a chief clerk. It is done in many of the departments to-day. An $1,800 man can take charge of the force under him and do the work of a chief clerk.

Mr. NORRIS. Then I should like to ask the Senator, assuming that the man who does the work of the chief clerk is competent to do it—and I think that would be a fair assumption; he would not appoint anybody to do the work unless he was competent——

Mr. OVERMAN. Yes.

Mr. NORRIS. At least he ought not to—assuming that to be so, why should he not draw the salary of a chief clerk, regardless of whether he is an old soldier or not?

Mr. OVERMAN. Why, we do not need any more chief clerks. We have more chief clerks up there now than we need.

Mr. NORRIS. I understand from the commissioner's letter that there is only one chief clerk.

Mr. OVERMAN. Perhaps that is so. It does not make any difference. I do not know how that is. I have not investigated that; but anyway, whether he is called a chief clerk or not, he can get somebody to fill that place who gets practically the same salary, or $1,800.

Mr. NORRIS. We do not do that with other departments.

Mr. OVERMAN. Well, Mr. President, this department is not like any other department.

Mr. NORRIS. As I understand, a chief clerk's duty there would be similar to a chief clerk's duty in any other bureau; would it not?

Mr. OVERMAN. Why, there are plenty of $1,800 men doing the work of a chief clerk, and that is all some of the chief clerks get—$1,800.

Mr. NORRIS. For the purpose of the discussion, I think it is immaterial what the salary of the chief clerk is.

Mr. OVERMAN. I agree to that statement.

Mr. NORRIS. My question only was, assuming that a man is competent to do the work of a chief clerk, and that he does it, why should he not get the salary of a chief clerk?

Mr. OVERMAN. He does get practically the salary of a chief clerk. I do not know just what the chief clerk of the department gets, but a good many of them are $1,800 men. There are very few chief clerks getting more than $2,000. I believe some of them get twenty-five hundred in some of the departments. They generally ranged from eighteen hundred to two thousand dollars. But in class 4, in which the salaries are fixed at $1,800, there are, perhaps, 100 men in this bureau, and out of that 100 they can get some one, whether he is called chief clerk or not, to take up the work of the chief clerk and perform the duties of that position at about the same salary. There is very little difference in salary between the chief clerk and these clerks of class 4.

Mr. LIPPITT. Mr. President, I wish the Senator would tell me why, because there may be some soldiers who are too old and too feeble to be promoted, it is necessary to pass a law which would make it impossible to promote a soldier who was capable.

Mr. OVERMAN. Why, Mr. President, the contention is that they are promoting everybody in the $1,800 class.

Mr. LIPPITT. I do not understand that that is the arrangement. I understand that it is optional with the chief of the bureau whether a man is promoted or not; but the Senator says that the law should be so that none of these men can be promoted because possibly some of them are too feeble to take the higher duties. I can not see the logic of a situation which says that no man in this bureau, whether he is capable or not, shall be promoted because possibly there may be some men too old and feeble.

Mr. OVERMAN. Why, they can promote them in the first, second, third, and fourth classes. There are four classes. One class gets $1,800, another class gets $1,600, another class gets $1,400, and another $1,200.

Mr. KERN. Mr. President, I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. OVERMAN. I do.

Mr. KERN. I should like to ask the Senator from North Carolina if he regards the Commissioner of Pensions and his deputy as efficient officers, understanding the needs of the bureau?

Mr. OVERMAN. I would not say they were not.

Mr. KERN. Now, I ask the Senator whether the Commissioner of Pensions and his deputy do not both insist that this provision will seriously interfere with the efficiency of the bureau?

Mr. OVERMAN. Why, Mr. President, the letter has been read here by the Senator from Utah. Why should the Senator from Indiana ask me that question?

Mr. KERN. I was just wondering whether the opinion of an officer of capability ought not to be given some weight.

Mr. OVERMAN. Mr. President, there are various opinions about this matter. I know we had one commissioner who wanted to largely reduce the force in the bureau. In fact, he did not want any vacancies at all filled. This amendment provides for filling one vacancy out of four.

I have said about all I desire to say. I will add, however, that the House of Representatives—a majority, Republicans and Democrats—stood for this amendment. Now they say they are so strong over there for this amendment that the House never will yield. The committee tried to get the House conferees to yield. We did all we could. We were in session day and night trying to get an agreement.

Mr. KERN. Mr. President, I should like to ask the Senator whether he carried the same argument and the same spirit into the discussion with the conferees that he is giving the Senate?

Mr. OVERMAN. I did not, Mr. President. I am defending the House of Representatives, since we have yielded. I have to stand by my committee. I made no argument in favor of this amendment. I argued for striking out this amendment, because the Senate had instructed me to do it, and it is my duty as a conferee to stand by whatever the Senate does as long as possible. I, together with the Senator from Utah and the Senator from Virginia, stood by the Senate to the very last. The argument was left between the Senator from Utah on the one side and a Member of the House from Iowa on the other. Then, after the argument was held, and they notified us that the House was so strong for it that they never would yield on this, the Senate conferees, in order to have a bill get through, finally yielded, with the exception of the Senator from Utah. He was one of the conferees who did not yield, but the majority of them yielded to the House. I am surprised that the Senator from Indiana should ask me that question.

Mr. KERN. I said that as a joke.

Mr. OVERMAN. I hope it was a joke, because I do not want it to appear in the RECORD that I went on a conference committee and did not do my duty and stand for what the Senate had done. I will say to the Senator from Indiana that

that would be a reflection on me, and I would not be worthy to sit on the committee of conference unless I stood for the Senate's action. This I did. But when I come to defend the final action of the committee and give the position the House takes, to hear the Senator from Utah say that this is against the interest of the old soldiers, making it appear that they will be thrown out of employment, I resent the question asked by the Senator. I know the old soldiers will not suffer from our action, and the Senator from Utah now frankly admits that it is not so.

Mr. SMOOT. I never said it.

Mr. OVERMAN. The only thing the Senator from Utah can say is that these old soldiers can not be promoted like they could be when they were young men; that is all.

Mr. SMOOT. I want the Senator to qualify his statement that he is the only member of the House conferees who objected. The Republican member said he was going to stand by the House on this provision; that the provision was not going to hurt the old soldier; that is true; but I want to say that the other two members of the conference had a great deal more to say about this matter than the gentleman the Senator referred to. I think the Senator will agree with me on that.

Mr. OVERMAN. Yes; they all argued with us for a long time. One of the leading men who made the fight on the floor of the House was, as I said——

Mr. GALLINGER. I say I do not know how long the Senate conferees stood out in favor of the amendment that the Senate put on the bill, but I think it is rather bad form to say here that the House conferees issued an ultimatum and that the Senate conferees had to yield to that ultimatum.

Mr. OVERMAN. I did not say that.

Mr. GALLINGER. Had I been a conferee I would have issued a counterultimatum.

Mr. OVERMAN. I did not say the House conferees issued an ultimatum. I said that they told us what the House in their judgment would do. That was no ultimatum. If so, that would have ended the conference, and the Senate would have resented it and would have never yielded.

Mr. GALLINGER. If that is not an ultimatum, I shall have to go to the dictionary to be correct in my impression as to the meaning of the word "ultimatum."

Mr. OVERMAN. The Senator from New Hampshire has been on many conferences and he has always stood for what he thought was right. I have been with him and I know how persistent he is, but he knows how these things are done as well as I do, that we are often persistent and tell the conferees that in the judgment of the Senate conferees the Senate will never yield.

Mr. GALLINGER. I do. Mr. President, I am going to say only a word. I think the vote ought to be taken without much debate.

I want to say a word for the Commissioner of Pensions. I was chairman of the Committee on Pensions of the Senate for a long time, and I had very much to do with the Commissioner of Pensions, and we have had commissioners and commissioners. The knowledge I have of the present commissioner, and he is a Democrat, leads me to the opinion that we have never had a more competent, honorable, and upright man. He is a man who desires to administer his office in an efficient manner, and to give full justice to every employee under him and to the Government as well.

So I was greatly influenced by the letter that the commissioner wrote when we had this bill under consideration, and it seemed to me that what he asked in this matter ought to be granted ungrudgingly. For that reason I shall vote to disagree to the report of the conference committee, hoping that it may go back and that this matter may be adjusted as the Commissioner of Pensions desires it to be.

Mr. OVERMAN. Mr. President, I think I ought to say a word in answer to the Senator from Indiana [Mr. KERN]. He asked me if I did not consider the Commissioner of Pensions and his deputy good and efficient officers. I have had but little business with this bureau. I seldom go there. I have no reflection whatever to make on these officers. As far as I know they are as able and competent officers as there are in the employ of the Government.

But in dealing not only with the Pension Bureau but every department, if we gave them everything they asked this bill, instead of carrying $38,000,000, would carry about $40,000,000. So we have to examine their estimates thoroughly and make up our own minds as to what should be done. We have to obtain all the information we can upon these matters. It would be preposterous for us to agree every time to what some head of a department or some head of a bureau might want.

Mr. MARTIN of Virginia. Mr. President, I regret that I feel constrained to consume a little of the time of the Senate about this conference report.

In the first place, Mr. President, both Houses have to agree before legislation can be enacted. Neither House can arbitrarily set itself up as a final arbiter on the provisions that enter into an appropriation bill. There comes a time always in the differences between the two Houses when one House or the other must yield. Neither House can justify itself by putting its foot down in an arbitrary and dictatorial manner and declaring that it will not yield. All that the conferees of the Senate can do is to meet the conferees on the part of the House in a free, open, and fair discussion of the differences between the two Houses with a view to reaching an agreement if possible.

I have never yet, Mr. President, said to the conferees of the House arbitrarily that they would have to come to the position of the Senate or there would be no bill. There are circumstances under which I might take that position, and when I do I shall mean what I say. I never bluff about these matters.

I endeavored to meet the conferees of the House in a fair, free, and open conference, and the Senate conferees did that in respect to this difference. This is a large bill. It carries nearly $40,000,000. There were a great many Senate amendments. This is the only one in the whole bill so far as I know that has originated any serious conflict. This amendment originated serious conflict from the very first.

The conferees on the part of the Senate wanted to sustain the amendment of the Senate. The law is not left like I want it. I would like to have had it otherwise. I would like to have it otherwise now. But what does the Senate expect of me? Do they expect me to remain forever wrangling until the human tongue is paralyzed? I made as earnest and as persistent an effort to maintain the position of the Senate as I was capable of, and if I had thought the conferees on the part of the House would yield by further persistence I would have persisted further. But they told me they would not yield and that they did not believe the House would yield, and I concluded that under all the circumstances it was in the interest of the country, in the interest of legislation, and in the interest of proper relations between the two Houses that we should yield on this amendment, and we did so.

It is subject, of course, to the control of the Senate. If the Senate wants to send it back to the conference, it is its privilege to do so. I do not believe it would result differently from what it has resulted this time. The House conferees said that they would not yield and they did not believe the House would yield, and I believe they were frank and sincere in what they said.

So much, Mr. President, for the course we felt compelled to pursue. Now, let us see what we did yield. Let us see what we have done, and when we consider that you will find that there is very little foundation for all the excitement into which the Senator from Utah has worked himself. He seemed to get very much excited, and he went clear abroad from the facts in this case repeatedly. I did not like to interrupt him to make the correction, but I might have done it many times and verified the corrections by the record. Among other things, he said that the House had yielded twice on an amendment of this sort. That must have been before I came to the Senate. It has not been done since I have been chairman of the Committee on Appropriations. No such amendment has been in conference since I have been chairman of the Committee on Appropriations. But I will not follow the Senator's inaccuracies.

Mr. SMOOT. I wish to say to the Senator——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. I yield.

Mr. SMOOT. This has been discussed in the Senate more than once.

Mr. MARTIN of Virginia. I did not say anything about discussion in the Senate. I said an amendment of this purport has not been in conference between the two Houses since I have been chairman of the Committee on Appropriations. That is what I said. The Senator said it had been before a conference two or three times and the House had yielded. He is mistaken.

Mr. SMOOT. I thought it was so well understood that I did not bring in the record.

Mr. MARTIN of Virginia. You can not find any record that contains any such thing.

Now, let us see what we have done. Time and again the Senator talked about depriving the old soldiers of what they were getting.

Mr. SMOOT. Of promotions.

Mr. MARTIN of Virginia. There is not a single old soldier who is deprived of a dollar. It is a fact known of all men that the Pension Office is overcrowded with clerks. Five hundred men could be gotten rid of there and the public service would be benefited instead of being impaired. Nobody questions that.

The Chief of the Efficiency Bureau went there on one occasion, and I get this from his own lips: He took one room in which 25 men were employed, and he said to the Commissioner of Pensions, "This is a great mistake; 5 men can do this work better than 25. There is nothing here for them to do; they are in each other's way." He said to the commissioner, "Put 20 of them in a room and give them some magazines to read and let me take 5 clerks and if they will not do the work better than it is being done now I will not have another word to say." The experiment was tried and it was successful; the 5 men did the work better than the 25 had been doing it. He told me that 500 men could be dispensed with there and the efficiency of the work would be increased.

Notwithstanding those facts, we have not cut off a single one. The Senator read a long list of decreases in the last fiscal year. They were from death or resignation. There was not a single man in the service of the Pension Department deprived of his position. They either died or resigned. The vacancies were made by the incumbents, and in cases of resignation they were made voluntarily.

Under this bill we do not deprive a single man of his employment. We do not reduce the salary of a single man, although it is admitted a great many of them are superannuated and useless, and that 500 men could be dispensed with and the service be made more efficient. But out of deference to the sentiment in favor of the old soldiers and anxious to treat them with the utmost fairness and even with the utmost generosity and liberality, we have not taken a single dollar from them, and they get an average of about $1,400 a year. Every one of them is drawing a pension, and, more than that, they are getting between $1,300 and $1,400 on an average. I had a calculation made—taking the few low-grade salaries and adding them all together the average is over $1,300 that they are getting there. Are we treating the old soldier badly when, although unable to do the work, we maintain him in a place at a salary of between $1,300 and $1,400 and give him a pension in addition? That is what this bill does.

But the Senator says he can not get promotion. Commissioner Warner, in 1907, said, and I have it here, that he did not want to fill a single vacancy. We have allowed 25 per cent of the vacancies to be filled. He said they had so many more than they needed that he wanted a provision written into the law that would forbid filling a single vacancy. It would not deprive a single one of his position; it would not take from him a single dollar that he was receiving; but he said "we do not need them, and when they die or resign I do not want to fill a single vacancy, and I do not intend to do it." He said, "I would like to have it written in the law that I should not do it."

Now, we allow 25 per cent of the vacancies to be filled by promotions. But the Senator says that in some grades there is only one. There is an assistant clerk. If there should be a vacancy between now and the next appropriation—and this is being made for one year, this law provides only for the year 1917, it specifies that on its face—if there should be a casualty, a vacancy in such a place, the assistant clerk is there. But in addition to that the Commissioner of Pensions can assign to that work. I think the assistant clerk gets $2,000. The commissioner has a dozen or two men at a salary of $2,000. He can assign him to that service at the very compensation that the present assistant clerk is getting.

There is no difficulty about running this office. Commissioner Warner said he could run it without having a right to appoint or promote to fill a single vacancy. Surely, then, when the present commissioner has a right to promote to fill 25 per cent of the vacancies he ought to be able to get along.

Anybody would think from the speech of the Senator from Utah that there was a crusade here against the old soldier. In the name of God, what does the old soldier want? I have not heard a complaint from one of them. We have treated them generously, and we want to treat them generously. We have not deprived a single one of them of his salary, although half of them are not needed. Here is a force 50 per cent bigger than is needed, and we are paying salaries at an average of between $1,300 and $1,400 a year, and a pension besides, and 25 per cent of the vacancies can be filled by promotion. There is not the slightest difficulty about running the business under the provisions of the bill.

It is true that I would have preferred that the proposed law should be left like the Senate fixed it, and I made the best effort in my power to have it stay like the Senate fixed it. I could not maintain it like the Senate fixed it, and I do not know how the Senate expects me to maintain it. It is not a matter of such momentous consequence that I would feel justified in saying to the House, "We are going to defeat this bill carrying $40,000,000, unless you agree to this amendment as the Senate fixed it." We made an earnest and honest and persistent effort to maintain the position of the Senate, which I much prefer. I preferred it more to avoid such a controversy as has come than from any idea that injustice was being done to these old soldiers. I do not believe any injustice is being done to them. But the time came when we had to yield. The House conferees would not yield, and I do not believe they will yield if you send it back to them. But the Senate must take that responsibility. I would be very glad to have the amendment retained if there was any way to do it. If the Senate wants to defeat this bill, unless the House recedes, I should like to have them say so, because I have done the best I could. If you want me to defeat this bill, I should like to have your order to defeat the bill, and let the amount of nearly $40,000,000 be unappropriated, unless the House yields on this one little amendment. I believe the adoption of the conference report is wise legislative policy. It does nobody any injustice if the conference is adopted, and I hope the Senate will adopt it.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK]. Were I permitted to vote I should vote "nay."

Mr. MYERS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. MCLEAN]. In his absence I transfer that pair to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. THOMAS (when his name was called). I inquire whether the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDING OFFICER. He has not.

Mr. THOMAS. Having a pair with that Senator, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Kansas [Mr. THOMPSON] and vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Florida [Mr. BRYAN]. Being unable to secure a transfer of that pair, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], but understanding that if he were present he would vote as I am about to vote, I vote "nay."

The roll call was concluded.

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the Senator from Maryland [Mr. LEE] and vote "yea."

Mr. GALLINGER. I have a general pair with the Senator from New York [Mr. O'GORMAN], which I transfer to the Senator from Pennsylvania [Mr. PENROSE], and vote "nay."

Mr. CHAMBERLAIN. I am requested to announce that the Senator from West Virginia [Mr. GOFF] is unavoidably absent.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. BECKHAM. Mr. President, I inquire if the Senator from Delaware [Mr. DU PONT], with whom I am paired, has voted?

The PRESIDING OFFICER. He has not.

Mr. BECKHAM. Then I transfer my pair with the Senator from Delaware to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

Mr. OVERMAN (after having voted in the affirmative). I inquire if the Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has not.

Mr. OVERMAN. Then I transfer the pair I have with that Senator to the Senator from Illinois [Mr. LEWIS] and will let my vote stand.

The result was announced—yeas 34, nays 30, as follows:

YEAS—34.

Ashurst	Hollis	Ransdell	Swanson
Bankhead	Husting	Reed	Taggart
Beckham	Lane	Saulsbury	Thomas
Broussard	Martin, Va.	Shafroth	Tillman
Chamberlain	Myers	Sheppard	Underwood
Chilton	Overman	Simmons	Vardaman
Clarke, Ark.	Owen	Smith, Ariz.	Walsh
Culberson	Phelan	Smith, Ga.	
Gore	Pittman	Stone	

NAYS—30.

Borah	Gronna	Martine, N. J.	Smoot
Brandegee	Harding	Nelson	Sterling
Clapp	Johnson, Me.	Norris	Sutherland
Clark, Wyo.	Jones	Oliver	Wadsworth
Colt	Kenyon	Page	Williams
Cummins	La Follette	Poindexter	Works
Fall	Lippitt	Pomerene	
Gallinger	Lodge	Sherman	

NOT VOTING—32.

Brady	Goff	Lee, Md.	Shields
Bryan	Hardwick	Lewis	Smith, Md.
Burleigh	Hitchcock	McCumber	Smith, Mich.
Catron	Hughes	McLean	Smith, S. C.
Curtis	James	Newlands	Thompson
Dillingham	Johnson, S. Dak.	O'Gorman	Townsend
du Pont	Kern	Penrose	Warren
Fletcher	Lea, Tenn.	Robinson	Weeks

So the conference report was agreed to.

GOOD ROADS.

Mr. BANKHEAD. Mr. President, I move that the Senate proceed to the consideration of House bill 7617, commonly known as the good-roads bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encouraging the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BANKHEAD. I do.

Mr. JONES. On page 7, after the word "improvement," in line 20, I offer an amendment to the amendment so that it will read:

The term "construction" shall be construed to include reconstruction and improvement of roads not constructed under this act.

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 7, line 20, after the word "improvement," it is proposed to insert "of roads not constructed under this act," so that if amended it will read:

The term "construction" shall be construed to include reconstruction and improvement of roads not constructed under this act.

Mr. BANKHEAD. Mr. President, the committee approve the theory of that amendment to the amendment. It is not exactly in the form it should be, but we can adjust that; and we accept the amendment to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. JONES. Mr. President, I want to offer an amendment to the amendment, which embodies the substance of the amendment which I offered on yesterday; but it is changed, I think, so as to meet some of the objections it then encountered. At the end of section 1 I wish to add the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington to the amendment will be stated.

The SECRETARY. At the end of the amendment to the amendment heretofore agreed to in section 1, line 8, it is proposed to insert the following: "Nor shall any of the money appropriated under this act be used for constructing extensions of, or mere branch roads out from, toll roads"; so that it will read:

Provided, That all roads constructed under the provisions of this act shall be free from tolls of all kinds, nor shall any of the money appropriated under this act be used for constructing extensions of, or mere branch roads out from, toll roads.

Mr. BANKHEAD. Mr. President, I think that amendment is confusing. I should like to ask the Senator from Washington if he thinks, under the provisions of the amendment, a post road built under the provisions of this bill could go across a toll road?

Mr. JONES. I think so.

Mr. BANKHEAD. Would that not be a connection?

Mr. JONES. No.

Mr. BANKHEAD. Why not?

Mr. JONES. I do not use the word "connection."

Mr. BANKHEAD. I know the Senator does not.

Mr. JONES. I say that this money shall not be used for the construction of extensions.

Mr. BANKHEAD. An extension is all right, if the Senator will stop there.

Mr. JONES. My amendment provides that none of the money shall be used for the construction of "mere branch roads out from toll roads." That means that you can not make a toll road and start out with a branch. It does not mean crossing at all.

Mr. BANKHEAD. If that is the proper construction of the amendment, I have no objection to it. We will look it up carefully, however.

Mr. JONES. If in conference there is any doubt about it, the Senator from Alabama can make it clear.

Mr. BANKHEAD. We will do that.

The PRESIDING OFFICER. The question is on the amendment to the amendment proposed by the Senator from Washington.

The amendment to the amendment was agreed to.

Mr. WORKS. Mr. President, I have occupied all the time I think I ought to consume in the discussion of this bill; but I have here a synopsis of the statement made by Judge J. M. Lowe, who is president of the National Old Trails Road Association of Kansas City, Mo., before the Good Roads Committee of the House of Representatives, which was prepared by Judge Lowe himself, and which bears upon this question. I should like to have it read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SYNOPSIS OF STATEMENT MADE BY JUDGE J. M. LOWE, PRESIDENT OF NATIONAL OLD TRAILS ROAD ASSOCIATION, OF KANSAS CITY, MO., BEFORE THE GOOD ROADS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AT WASHINGTON, D. C.

1914.

To the Good Roads Committee of the House of Representatives:

As you kindly requested me to make a brief résumé of my statements made when before you the other day, I hereby respectfully submit the following:

As "Federal aid" in some form is being agitated as preferable to a system of national highways, permit me to ask why make the States contribute an equal amount or any other amount as a condition precedent to any action by the General Government?

Why make the State contribute to a national enterprise at all?

If a road is not of national concern, ought the national revenues be appropriated to it?

If it is of national concern, ought the State to contribute?

But you may say that it will be of benefit to the State. Granted; but shall the Government refuse to enter upon an internal improvement for fear it will benefit the State?

Shall the State be taxed because she is benefited by such improvement?

If this is to be the policy, then why not apply it to rivers and harbors? They, too, are of local benefit. And to public buildings, and many other public enterprises?

"No enterprise is so general as not to be of some local benefit"; but shall all progress cease, all activities end, because some local benefit may result? Inequalities of benefits are never to be courted, and "equal and exact" benefits should be striven for, but that some inequalities will exist in any scheme possible to devise, goes without saying. Shall we do nothing lest some inequalities may be created? If so, all progress must cease.

But "cross-country roads," "tourists' roads," "ocean-to-ocean highways" ought not to be built for fear automobile "joy riders" will use them!

The roads most in favor by these critics are "the rural roads," the roads in the back districts, in remote sections, where there are no products to market and no people to use them, either for "joy" or necessity—roads that "begin nowhere and end nowhere"—roads of little local value and no general value; these are the roads to which it is proposed by some that the general revenue be applied.

Moreover, one-half of the States can not participate in any cooperative scheme because of constitutional limitations.

The States in which constitutional amendments are necessary to permit cooperation or acceptance of "Federal aid" are:

Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Louisiana, Michigan, Missouri, Nebraska, Nevada, North Dakota, Ohio, Pennsylvania, Oregon, South Dakota, Texas, Utah, Virginia, West Virginia, and Wisconsin.

I have been asked if the States thus prohibited by their constitutions from cooperation could not raise their pro rata by a system of general increase of taxes? They probably could, but a legislature would likely hesitate to increase taxes in order that a constitutional provision might be nullified.

For instance, Pennsylvania has just voted down a constitutional amendment providing for issuing of road bonds.

Would her legislature be likely to reverse this action of her people? Possibly a number of these States would amend their constitutions, but this would be both slow and doubtful; and if a single State should fail or refuse, any general system of roads would fail.

Both Monroe and Jackson held tenaciously to the policy of appropriating the national revenues to national purposes only.

Monroe, in reversing a former conclusion, states that a more thorough study of the whole subject had convinced him that Congress had the right to appropriate the national revenues to "national, not State; general, not local, purposes," and that this should be the settled policy of his administration; and it was.

Andrew Jackson, when vetoing a bill appropriating the national revenues to the building of the northern end of the Old Wilderness Road, leading from Lexington, Ky., to Maysville, a distance of about 60 miles, quoted the language of President Monroe as sustaining his own veto, to wit:

"That Congress could rightly appropriate the national revenues to roads of general, not local; national, not State, benefit," whereas the part of the road sought to be improved by Mr. Clay's bill was purely local, and not of any general or national benefit.

This is undoubtedly the correct principle, and it ought to forever put at rest schemes and subterfuges for appropriating the national revenues to matters of local and State concern only.

President Jackson said further, in speaking of Mr. Clay's road: "It has no connection with any established system of improvements; it is exclusively within the limits of a State, starting at a point on the Ohio River and running out 60 miles to an interior town, and, even as far as the State is interested, conferring partial instead of general advantages. * * *

"Although many of the States, with laudable zeal and under the influence of an enlightened policy, are successfully applying their separate efforts to work of this character, the desire to enlist the aid of the General Government in the construction of such as, from their nature, ought to devolve upon it, and to which the individual States are inadequate, is both rational and patriotic; and if that desire is not gratified now, it doesn't follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guaranty that at the proper time this policy will be made to prevail under circumstances more auspicious to this successful prosecution than those which now exist."

He stood for a system of national highways, and states in his veto message that if the local Maysville and Lexington Pike had been a link or part of such a system he would have approved it.

On March 3, 1837, the very last day of his last administration, he approved an appropriation to continue the construction of the Old Cumberland (national) Road, a national highway, built and maintained by the Government, and supported by every administration from Jefferson's, in 1806, to 1837.

But shall those live States and communities which have already awakened to the importance of good roads and have issued road bonds be permitted to participate in this "aid," or shall it be given as a free bounty or reward only to those backward and slothful communities where there are neither products to market nor people to transport?

If the former are treated at least equally with the latter, then they have already issued $410,000,000 in road bonds and are ready to wipe up any appropriation Congress may make.

New York alone is ready to take up $100,000,000 of this "aid."

Besides, is it not illogical and impracticable to give, or try to give, joint authority and supervision to the States over a national highway or over any highway? The Supreme Court has repeatedly said that there is no difference between a highway on the land and on the water. What would be the result if every State through which a navigable stream may run had jurisdiction and control over it? There would be no uniformity in its upkeep nor in the navigation laws governing its use.

Joint control and supervision is impracticable and unworkable. Either the State or the General Government must be supreme. If each is supreme over its own system, and only over its own system, there will be no friction, no departure from the uniform practice of the Government, no questions of State rights nor of paternal nor concentrated Federal power, no conflict of authority, no dodging of responsibility.

And, after all is said, why tax the State, or the people of the State, before permitting them to have any benefit from taxes already paid? For, twist the whole matter as we may, it all comes back to the ultimate fact that "the people pay the freight," whether it comes out of the National Treasury or a part of it out of the State treasury.

J. M. LOWE,
National Old Trails Road Association.

Mr. BANKHEAD. Mr. President, I think there is no amendment pending.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

Mr. WALSH. Mr. President, I submitted a few days ago a proposed amendment, and if there is no other amendment now before the Senate I offer it.

The PRESIDING OFFICER. The Senator from Montana offers an amendment, which will be stated.

The SECRETARY. It is proposed as a new section to add the following:

That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000 for the fiscal year ending June 30, 1917, and each fiscal year thereafter, up to and including the fiscal year ending June 30, 1926, in all $10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed 10 per cent of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest 10 per cent thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest.

Mr. WALSH. Mr. President, a few words in explanation of the amendment.

For the past four years, under the provisions of the annual appropriation bill, 10 per cent of all the receipts from the forest reserves—from the sale of timber, fees for grazing privileges, and all other receipts of that character—have been set aside and applied to the construction of roads and trails through the forests, forest reserves, and through the region immediately adjacent to the forest reserves. Thus the sum of $250,000 or thereabouts has been made available and has been used during the past four years annually for the construction of these roads and trails. The roads have all been constructed in accordance with the principle which finds expression in the general bill to which this amendment is offered, under cooperative agreements between the Department of Agriculture upon the one side and the State or county particularly interested upon the other.

This amendment simply provides that the revenues shall be anticipated for a period of four years, and that instead of making an expenditure of, say, $250,000 annually—the exact returns from the forest reserves—a million dollars shall be appropriated each year, to be reimbursed from the returns from the particular forest reserves in which any road is constructed or in connection with which it is constructed.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH. I do.

Mr. WORKS. I should like to ask the Senator whether this amendment contemplates the construction of roads only on Government lands, whether in the forest reserves or elsewhere?

Mr. WALSH. No; it does not. It contemplates the construction of roads through the forest reserves and immediately adjacent to the forest reserves. The road through the region immediately adjacent to the forest reserve may or may not pass over Government land. So, likewise, the road within the forest reserve may pass over some land therein which has passed into private ownership; but I will say to the Senator that the idea is to open the forest reserves, and thus make more readily salable the timber and other like resources, and generally to open up the forest reserves, as well as to provide easy access to them, so that they may be more successfully guarded against fire.

Mr. WORKS. I should think this is an amendment that might very well be adopted, for it would bring one legitimate provision into this bill, because it does provide for work to be done that is national in its character. That is to say, it goes to the improvement of the land owned by the Government, and is entirely legitimate; and it is the only provision that I have yet noticed in this bill that, in my judgment, is legitimate and proper.

Mr. WALSH. I am very glad to have the suggestion of the Senator from California.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I do.

Mr. SMOOT. I understood the Senator to say that the amendment anticipated the receipts from the forest reserves for four years.

Mr. WALSH. Yes.

Mr. SMOOT. Is it only for 4 years, or is it for 10 years?

Mr. WALSH. No; perhaps the Senator did not understand me. The bill makes an appropriation of $1,000,000 annually. The actual annual receipts are $250,000, or thereabouts, so that it will take four years to repay the appropriation.

Mr. SMOOT. That is, the first appropriation.

Mr. WALSH. Exactly; yes.

Mr. SMOOT. Then it will continue until the 10 years are up?

Mr. WALSH. Oh, certainly.

Mr. SMOOT. And at the end of 10 years there will be enough receipts from the forest reserves to pay 2½ years' appropriation during that 10 years.

Mr. WALSH. Exactly; that is, assuming that the revenues do not increase.

Mr. SMOOT. Yes.

Mr. WALSH. But I am quite confident—and I think perhaps that will receive general acquiescence—that when these roads are constructed through the forest reserves and their timber resources are made more readily available the returns will be proportionately larger, so that the reimbursement will occur more rapidly.

Mr. SMOOT. I think that is true.

Mr. WALSH. Mr. President, I desire to say in connection with this matter that the amendment which I offer is practically in accordance with bills which were introduced by myself and by Mr. LEVER in the House some time ago as the result of a suggestion from the Department of Agriculture. I have made some slight change in the amendment to meet the exact condition, the original bill, to my mind, not quite fitting the case. The bills referred to have had the very warm approval of the Department of Agriculture. I have here a letter address to Mr. LEVER, of the House, touching the bill that was introduced there. It is under date of February 9, 1916, and reads as follows:

Hon. A. F. LEVER,
Chairman Committee on Agriculture,
House of Representatives.

DEAR MR. LEVER: I am in receipt of your letter of February 3 requesting a report on H. R. 10460, which provides for the advancement of funds to survey, construct, and maintain roads and trails within any State, or the Territory of Alaska, within which national forests are located.

At the present time the Department of Agriculture has two funds from which it is possible to construct roads and trails within the national forests. One is the general improvement fund provided for the purpose of constructing roads, trails, telephone lines, cabins, and other permanent improvements in the protection and administration of the national forests. The need of extending trail and telephone facilities in particular has made it impossible to construct more than a few miles of roads, and these roads solely for administration purposes and only incidentally for public use.

The second fund, which is derived from an appropriation of 10 per cent of the net receipts of the national forests for the specific purpose of constructing roads for public use, has averaged about $230,000 per year for the four years that the legislation has been in effect. Cooperative funds contributed by individuals and by county governments have brought the amount available for road construction up to about $250,000 per year. With this amount some 500 miles of road have been constructed and an equal mileage repaired and maintained.

On account of the large extent of the national forests and the almost entire lack of real facilities it has been possible with the appropriation available to build only a small per cent of the projects which are urgently needed. Furthermore, as the mileage of construction increases the percentage of the fund which will be needed for the maintenance of roads will increase also, and the balance available for new construction will correspondingly decrease.

The sections which are in greatest need of road construction for the purpose of development of the national forests and of provision by means of communication for settlers are in general those areas which from their very isolation have the smallest net receipts. It is not possible to meet the needs in such districts under the 10 per cent appropriation as provided by existing law. Many of these areas, however, have enormous undeveloped resources which are certain in the future as development takes place to return very considerable amounts to the Federal Treasury. The bill proposes to provide development for these areas at the present time by advancing funds for road construction, the amount so advanced to be eventually returned to the Treasury by retaining three-fifths of the amount now paid to the States, until the advance made shall have been liquidated. It is further proposed that these advances shall be made only in those counties where cooperative arrangements can be made with the county governments which will provide for maintenance of the roads as well as an equitable distribution of their cost.

The provision of $1,000,000 annually for 10 years, or a total of $10,000,000, will not be more than sufficient to provide the main lines of a system of roads which will eventually be required within the national forest areas. It will, however, assist greatly in the initial stages of development and will make it possible to open up the resources of the national forests, to increase the sales, and to make a larger fund available under the 10 per cent appropriation for a general program of road construction. The proposed legislation would, therefore, be chiefly intended to meet emergency conditions which it would not be possible to meet by existing appropriations.

It is the opinion of this department that the Federal Government should assume the responsibility of developing its income-producing properties within the national forests. It is believed that the proposed bill embodies the policy best adapted to this end. It consists not in making outright appropriations for the construction of these roads, but for advances out of the Federal Treasury which will eventually be returned thereto from the increased receipts from the area thus developed. The department approves the intent and form of the bill and believes it is a type of legislation which is greatly needed at the present time.

Very truly, yours,
D. F. HOUSTON, *Secretary.*

Mr. President, in the last report of the Forestry Service is a brief résumé of the work that has been done during the past four years, with the 10 per cent of the gross proceeds which has been available for the purpose indicated. Without reading this, I ask that it may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

ROAD AND TRAIL BUILDING FOR LOCAL COMMUNITY DEVELOPMENT.

The regular improvement work, the primary object of which is the better equipment of the forests for administrative purposes, is supplemented by road and trail construction in the interest of community development. The latter work is made possible by the provision of law which appropriated for this purpose 10 per cent of the national forest receipts fund. The expenditures from this source totaled $195,990.18. The total construction was 134.32 miles of road and 13.63 miles of trails.

The road construction work was organized with the cooperation of the Office of Public Roads. In five of the seven national forest districts highway engineers detailed from the Office of Public Roads assist in selecting, locating, and constructing the roads. Available funds were concentrated on a smaller number of projects, and a higher class of construction was secured.

Among the more noteworthy projects built during the year are the following: The Bitterroot-Big Hole Road, in Montana, giving the Big Hole Basin and adjacent territory access to Missoula and the Bitterroot Valley by substituting for a nearly impassable road, with grades as high as 25 per cent, a well-drained road on a 6 per cent grade; the Troy-Libby Road, in western Montana, forming the closing link in a through route down the Kootenai Canyon from the upper Flathead Valley to Spokane and the Inland Empire territory; a unit of the Mackenzie Pass Road in Oregon, which will, when completed, furnish the main route across the Cascades from the upper Willamette Valley to eastern Oregon; and a unit of the road across Teton Pass on the Idaho-Wyoming line, which will furnish a freight route with easy grades between Jackson Hole and the upper Snake River Valley and the railroad at Victor, Idaho.

Large areas within the national forests, as well as in adjacent territory, are without adequate means of communication. Such roads as exist are ordinarily imperfectly constructed, undrained, and have excessive grades. In many instances such roads are all that the local community can afford to build. The Forest Service is endeavoring to correct this condition as fast and as far as funds permit. The amount available from the 10 per cent fund of the past year for 28 States (including Alaska) was less than $240,000. While much good can be done with this amount, it is insufficient even to keep pace with the annual increase in demands for roads made urgent by the increase in settlement. Large areas of timberland of potentially great value are standing unused, partly because of lack of demand, partly on account of lack of transportation. Some method should be found by which the community's interest in these potential values may serve as security for funds for road construction now.

SCHOOL, ROAD, AND TRAIL MONEY FOR STATES FROM RECEIPTS FUND.

Under existing law, besides the 10 per cent of the receipts which is made available for expenditure by the Secretary of Agriculture in building roads and trails for the benefit of the public, another 25 per cent of the receipts is paid over to the States by the Federal Government for the benefit of county schools and roads. The amounts available under both the 10 per cent and the 25 per cent clauses of the law during the fiscal year 1915 and the amounts that will be available during the current year from the receipts of that fiscal year are shown in the following table:

Amounts available for States from forest receipts.

State.	School and road moneys paid to States, fiscal year 1915.	School and road moneys payable to States, fiscal year 1916.	Road and trail moneys expendable by Secretary of Agriculture, fiscal year 1915.	Road and trail moneys expendable by Secretary of Agriculture, fiscal year 1916.
Alaska	$14,092.09	$11,165.75	$5,876.83	$4,466.30
Arizona	63,398.34	59,807.89	25,359.34	23,923.16
Arkansas	9,983.19	8,738.93	3,993.28	3,495.57
California	65,001.84	67,611.87	26,000.73	27,044.74
Colorado	56,540.42	59,218.60	22,536.17	23,687.44
Florida	3,959.41	2,336.77	1,583.76	934.71
Georgia	108.44	77.36	43.37	30.95
Idaho	59,227.81	75,651.15	23,691.12	30,260.46
Kansas	1,207.72	1,357.33	483.09	542.93
Michigan	78.68	198.37	31.47	79.35
Minnesota	538.72	1,971.60	215.49	788.64
Montana	93,586.06	79,589.78	37,434.42	31,835.91
Nebraska	1,064.38	1,401.15	425.75	560.46
Nevada	16,894.47	16,244.53	6,757.79	6,497.81
New Hampshire	.....	137.09	.....	54.83
New Mexico	33,743.49	31,786.46	13,497.40	12,714.58
North Carolina	206.31	401.41	82.52	160.48
North Dakota	74.83	81.83	29.93	32.73
Oklahoma	638.87	759.77	255.55	303.91
Oregon	61,603.50	49,675.83	24,642.60	19,870.33
Porto Rico	.....	9.25	.....	3.70
South Dakota	14,469.77	12,988.11	5,787.91	5,195.25
Tennessee	20.64	94.35	8.26	37.74
Utah	37,601.15	48,675.96	15,040.46	19,470.38
Virginia	613.00	282.47	245.20	112.99
Washington	35,637.50	37,445.56	14,255.02	14,978.23
West Virginia	.....	1.91	.....	.76
Wyoming	28,578.50	43,095.86	11,431.40	17,234.75
Total	599,272.17	610,797.75	239,708.06	244,319.10

The States of Arizona and New Mexico received additional shares of national forest receipts for their school funds on account of school lands included within national forests, as follows: To Arizona, paid in the fiscal year 1915 from the receipts of 1914, $30,730.58, and payable from the receipts of 1915, $28,906.46; to New Mexico, paid in the fiscal year 1915 from the receipts of 1914, $9,890.94, and payable from the receipts of 1915, $9,311.87.

Mr. WALSH. I read only that portion of this report which tells of the principal work which has been actually done:

Among the more noteworthy projects built during the year are the following: The Bitterroot-Big Hole Road in Montana, giving the Big Hole Basin and adjacent territory access to Missoula and the Bitterroot Valley by substituting for a nearly impassable road, with grades as high as 25 per cent, a well-drained road on a 6 per cent grade; the Troy-Libby Road in western Montana, forming the closing link in a through route down the Kootenai Canyon from the upper Flathead Valley to Spokane and the Inland empire territory.

And I may say in explanation that that road forms a connecting link permitting automobile travel from the Pacific coast clear through to the Glacier National Park. It was the only section that had not theretofore been improved by the local authorities.

A unit of the Mackenzie Pass Road in Oregon, which will, when completed, furnish the main route across the Cascades from the upper Willamette Valley to eastern Oregon; and a unit of the road across Teton Pass on the Idaho-Wyoming line, which will furnish a freight route with easy grades between Jackson Hole and the upper Snake River Valley and the railroad at Victor, Idaho.

Mr. President, reference is made in this report to the Troy-Libby Road. That road runs through the county of Lincoln, in my State. Upward of three-fourths of the area of the county of Lincoln, in the State of Montana, is within forest reserves, and the expenditure necessary to construct roads in that county must all be borne by not more than one-fourth of its area. That county alone in 1914 expended in the construction of roads the sum of $70,000. The next adjacent county, that of Flathead—I should say two-thirds of its area being within the forest reserves—expended $100,000. Much of this expenditure has really been made in connection with roads either within the forest reserves or immediately connected with the forest reserves; and those expenditures, to a very great extent at least, are such as ought to be borne by the Federal Government.

Mr. President, the people of the States in which they are are in no measure responsible for the existence and the maintenance of these forest reserves. Whether the policy of their maintenance is a wise one or an unwise one, it is one to which the National Government stands committed. Personally, in a general way, the policy meets my approbation; but whether it is a wise policy or an unwise policy, it is one which the Federal Government has adopted and which it persists in; and so long as it does, it ought to meet its fair measure of the responsibility of maintaining public roads through these reservations.

The deplorable condition in which these Western States find themselves in consequence of this policy has often been descanted upon in this body. In a general way it is perfectly well known; but for the purpose of refreshing the minds of those who may listen to me this afternoon upon this subject, let me remark that of the total area of the State of Idaho 33⅓ per cent or thereabouts is within the forest reserves; in the State of Montana about 20 per cent is within the forest reserves; in the State of Washington 27 per cent is within the forest reserves; in the State of Wyoming 14 per cent is within the forest reserves; in the State of Colorado 22 per cent is within the forest reserves; and in the State of California 26 per cent is within the forest reserves.

We are not asking much. These are great natural resources, which we seek to make available by this amendment. There are great quantities of timber within these forest reserves now that are absolutely unavailable. They can not be reached, simply because there are no roads to get to them. The building of the roads contemplated will unquestionably increase the annual returns from the reserves, so that it probably will not require so long a period as four years for the reimbursement which it is contemplated by the amendment will be made.

It is in perfect keeping with the spirit of the general bill. Section 2 of the bill provides:

That for the purpose of this act the term "rural post road" shall be construed to mean any public road over which the United States mails are or might be transported—

And so forth. These roads, under the provisions of the amendment, will be constructed under a cooperative agreement with the county or the State interested particularly in the work that is to be carried on, and thus the expenditure is doubly safeguarded. I shall have no objections whatever, however, to accepting any amendment to the amendment proposed by me calculated to more carefully safeguard the expenditure which we ask to be made for this exceedingly worthy purpose.

Mr. SMOOT. Mr. President, I do not want to jeopardize the amendment in any way, because I think it is a splendid provision and should be incorporated in this bill. My only thought was that the same principle ought to be extended so as to provide that the Government should build roads through the other reservations in a State.

I will say to the Senator that I am not going to suggest even an amendment to this amendment, because I think this would be a step in the right direction; but I do believe that where the Government of the United States withdraws from settlement 60 or 70 per cent of the area of the lands within a State, preventing the State from taxing those lands in any way or receiving a revenue from them, the least the Government could do would be to provide roads so that the citizens of the State could pass from one county to another.

RURAL CREDITS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2986.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. MYERS obtained the floor.

Mr. HOLLIS. Will the Senator from Montana allow me? The Senator from Arkansas [Mr. ROBINSON] has an amendment that he would like to offer. He has to leave the Chamber, and he would like to offer it at this time.

Mr. MYERS. Very well.

Mr. ROBINSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Arkansas offers an amendment, which will be read.

The SECRETARY. On page 31 strike out lines 7 to 9, inclusive, and insert:

Fifth. No loan on mortgage shall be made under this act at a rate of interest exceeding 6 per cent per annum, exclusive of amortization payments.

Mr. ROBINSON. I think when this amendment is understood——

Mr. SMOOT. Will the Senator yield to me just a minute? There was so much noise in the Chamber that I could not hear the amendment read, and I should like to have it read again.

Mr. ROBINSON. Very well; I have no objection.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. On page 31 strike out lines 7 to 9, inclusive and insert:

Fifth. No loan on mortgage shall be made under this act at a rate of interest exceeding 6 per cent per annum, exclusive of amortization payments.

Mr. ROBINSON. Lines 7, 8, and 9 on page 31 read as follows:

Fifth. The rate of interest charged for such loans shall not exceed the legal rate fixed by law for loans by national banks.

That provision would seem to authorize a charge of any rate of interest not in excess of that fixed by the laws of the respective States of the Union, and in some instances it would be as high as 10 per cent. There is, however, another provision elsewhere in the bill to the effect that bonds issued under the authority of this act shall not bear more than 5 per cent interest, and that the rate on loans shall not exceed by more than 1 per cent the rate charged on the bonds.

The effect of this amendment will be to relieve the bill from a manifest inconsistency, and it will be to make express and certain what probably would be the construction of the bill if these three lines were eliminated, and what ought to be the construction of the act anyway.

I wish to say, Mr. President, that the primary purpose of this legislation is to secure long-time loans at low rates of interest to those who under the terms of the act may avail themselves of its provisions, and I think it is important that we make clear in the act that the rate of interest charged on these loans shall not exceed 6 per cent.

The Senator from New Hampshire [Mr. HOLLIS], who has charge of this bill, has, in my judgment, demonstrated a remarkable grasp of the subject. During the time I have served in the Senate I have never known anyone to control a bill with greater skill and ability than I think he has demonstrated. His information concerning the subject is, of course, very extended. He has devoted great thought and consideration to it. He realizes, I believe, as does every other Senator, that any rural-credit system which we adopt that does not provide a low rate of interest or at least guarantee against a possibility of excessive rates of interest will, in all probability, prove a failure.

I ask, Mr. President, that the amendment be agreed to.

Mr. HOLLIS. Mr. President, the paragraph that the senior Senator from Arkansas has moved to strike out was inserted in the bill in its original form before the other provision of the bill was inserted, which in effect limits the rate to 6 per cent. The amendment offered by the Senator from Arkansas does not change the effect of the bill, in my judgment, but it does put in one conspicuous place the limitation to 6 per cent. I can see no objection to it, and I hope the amendment will be adopted.

Mr. ROBINSON. Will the Senator allow me to ask him a question?

Mr. HOLLIS. Certainly.

Mr. ROBINSON. Does not the Senator think the language that my amendment proposes to strike out is inconsistent with the other provision to which he has referred?

Mr. HOLLIS. No; it does not seem to me to be at all inconsistent, because there might very well be some rate of interest fixed by law less than 6 per cent.

Mr. ROBINSON. If the Senator will yield to me for a moment, the language of the bill is—

The rate of interest charged for such loans shall not exceed the legal rate fixed by law for loans by national banks.

Of course that does not expressly provide that it shall be synonymous with the rates that exist. I realize that, but nevertheless it would seem to imply it.

Mr. HOLLIS. Of course the rate fixed by the national bank is the same as the legal rate fixed by the State.

Mr. ROBINSON. In the State of Arkansas, for instance, the rate of 10 per cent may be contracted for.

Mr. HOLLIS. In New Hampshire the legal rate is limited to 5 per cent, and that would limit the national banks to 5 per cent. The thought of the committee was that it was unwise to permit any language in the bill that might somewhere be construed as being in defiance of the State law; but I think the amendment of the Senator from Arkansas should be adopted, and I hope it will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

The amendment was agreed to.

Mr. MYERS. Mr. President, I wish to voice briefly the interest of Montana in rural-credits legislation and the desire of her people for a beneficial, workable, and adequate farm-loan law. Farmers are the basis of all prosperity, the foundation of society, the pillars of our Government. They are the producers by far of the larger part of all wealth. They pay the greater share of all taxation. Without them human life could exist but a few months; without their support this Government could not last six months.

Yet farmers, creating the greater part of wealth, do not obtain their just share of it. Although this Government is maintained and supported in the main by farmers, although farmers have always constituted the greater part of our population, although they have ever been the bulwark of our liberties and the defenders of the Nation, they have received less consideration at the hands of its lawmakers than any other class of people. Nearly all other classes of people, generally speaking, have received special recognition and attention in the way of legislation; the farmers, scarcely any. Bankers have received their banking and currency laws; railroads have had bounties amounting to billions of dollars voted them; manufacturers have long enjoyed their protective-tariff privileges; of late years labor has been given some recognition; so with many other classes.

Farmers, though, have received scant attention and scarcely any of the benefits of legislation. The greater part of the legislation for the last half century has been more or less opposed to their interest and welfare. Farmers contribute more to this Government and get less return from it than any other class of people; give more to organized society and receive less in return than any other class of society. Special interests have long been seeking special privileges and have not been disappointed. Those who constitute the great bulk of our people and the basis of the general welfare have been neglected. I think it high time that the farmers of the country should receive more attention. They are asking it and should have it.

This administration has accomplished a signal achievement in the enactment of a banking and currency law which is a vast improvement over any banking and currency law of the past. This Government never before had an adequate, efficient banking and currency law. Its lack was shown by numerous unnecessary panics and disturbances of business, sometimes brought about by those who expected to profit therefrom. The present banking and currency law is admitted to be one of the best ever devised, the best in existence to-day in the world. The bankers of the country, who almost uniformly opposed its enactment, now admit it is a good law and a vast improvement over the disjointed, improvised, haphazard national banking act which it displaced. I look for the present banking and currency law to be of great benefit to this country, and I believe that a good national farm-loan law would be of even greater benefit. The bankers have had their banking law; now let us give the farmers a good farm-loan law and prosperity will be put on an enduring basis and will be here to stay. When the twin industries—commerce and agriculture—are put on an enduring basis of prosperity all must prosper.

Montana is acutely interested in the enactment of good, fair, farm-loan legislation. Montana has become a great agricultural State and is rapidly becoming a greater one and forging to the front rank in agriculture. Agriculture is now its leading industry, and its agricultural products exceed in value the products of any other industry. Great as is its mining industry, Montana being the second State in the Union in the production of copper and having within its borders, at Butte, the greatest mining camp on earth, in Montana agriculture now leads mining. Although the monthly pay roll of the mines at Butte, Mont., exceeds $3,000,000 per month, the agricultural products of Montana bring more money than do her mining products. Great as is Montana as a live-stock State, Montana having more sheep and producing more wool than any other State in the Union, and being well to the front in cattle production, and having at Miles City the greatest horse market in the world, agriculture now leads the live-stock industry within her borders.

People are seeking Montana's public lands with an unprecedented eagerness. For several years past Montana has had each year nearly one-third of all of the public-land entries made in the United States. Last year there were made in Montana 30,395 public-land entries. This means 30,395 new homes and farms within her borders.

Thus farming is the leading industry of Montana and has become of tremendous importance. Her farmers are a great factor in her prosperity and development, and they are entitled to recognition. We are here to legislate for the welfare of the whole people, and when we enact just and adequate legislation for the welfare of the farmers we legislate for the welfare of the whole. The farmers of Montana want and demand fair and efficient farm-loan legislation, and they should have it.

As indicative of the growth of Montana, I will say that all of the newspapers of the State and all of the railroads operating in the State report this spring an unprecedented and amazing influx of settlers and land seekers into Montana. Every transcontinental railroad running through the State is bringing into the State trainloads of colonists. At every railroad station in the public-domain sections of the State these people are disembarking. They are land seekers, home makers, farmers, seeking Montana land. Most of them seek public lands; some of them are intending purchasers of privately owned lands. Quoting a railroad official, speaking very recently through one of the daily newspapers of the State:

The almost unprecedented rush began in February and continued throughout March and April; thousands of families arrived and hundreds of cars loaded with household goods from Illinois, Ohio, and other points in the United States were moved over the line during that period.

The greater part of these immigrants are homesteaders. All of the 30,395 people who entered land last year in Montana are homesteaders or desert-land entrymen. Montana is being settled up and developed by homesteaders. These homesteaders need help. They are, as a rule, the homeless. They are people of small means, who are not able to purchase privately owned land. As a rule they are farm hands, renters, tenants, laborers, wageworkers, clerks, salesmen, bookkeepers, accountants, school-teachers, employees—people who want to work for themselves, want homes, want some land, want to become independent citizens, want to become integral units of our civilization, want to become taxpayers, want to found firesides and homes, want to raise families; most laudable ambitions, most necessary to the welfare of society. Generally, they are people of small means. As a rule they have little or no money. They take up land and farm it as best they can under their handicaps. They generally make a living off of their land until proving-up time. When not able to do so for lack of seed, teams, or implements, they sometimes hire out and work for others temporarily. When they prove up on their homesteads they scrape together, as the result of their limited cultivation of the land or of working out for others, enough cash to pay the final proof fees and sometimes to pay the commutation charges. Having obtained patents to their lands, clear and unquestioned title, the best in the world, they own the lands, but they are immediately in need of money for fencing and improvements, for building barns and other buildings, for teams and implements.

They have the land, but they need money with which to start in operation a well-equipped farm in order to be able to go ahead and raise crops and make money and produce wealth and contribute to their own welfare and the welfare of the State. Many of them begin the real work of making homes and farms upon receipt of their patents with little or no means—begin a long, hard, uphill task. Most of them have families for which to care, children to support, clothe, and educate. They are the bone and sinew of the country. They are sturdy characters. They are the people who make good citizens—the people who conquer the wilderness, turn under the prairies, brave dangers,

subdue nature, found society, shape civilization, build churches and schoolhouses, and make communities. They make a State truly great. They are our future mainstay and solid citizens. They should be encouraged. They need help, and should have it. They should have it at our hands. They need money at low interest and on long time; lower interest and longer time than they can obtain from private sources. I was born on a farm and worked on a farm until after I was grown. Therefore, I know the work and the problems of the farmer.

A good national farm-loan law would be of inestimable benefit to these hardy homesteaders beginning the battle of home and life. The opportunity of obtaining moderate loans at a low rate of interest and on long-time payment for the purpose of improving their farms would be of great assistance to these deserving people, and I am anxious to see them get it. Not alone to them would such legislation be beneficial, but to practically all of the great army of farmers in Montana. Many of those who own improved land of long-standing title and long in private ownership would find such legislation as that embraced in the pending bill of great advantage, and whatever would benefit the farmers would benefit their communities.

As showing the marvelous agricultural possibilities of Montana and as one reason why there is such a rush for Montana lands, I here insert a table, compiled from the Yearbooks of the United States Department of Agriculture, showing the average per acre production of certain staple crops of 12 of the principal agricultural States of the Union for a period of 15 years from 1900 to 1914, inclusive, and the average per acre production, in bushels, of Montana for the same period. It is as follows:

States.	Wheat.	Oats.	Barley.	Flax.	Potatoes.	Rye.
Ohio	15.0	33.7	27.2	.....	84	16.8
Indiana	14.4	29.6	25.8	.....	83	15.2
Illinois	13.4	31.1	28.2	.....	75	17.2
Michigan	15.1	31.8	25.1	.....	93	15.0
Wisconsin	17.2	32.9	27.9	13.1	99	17.0
Minnesota	13.5	31.5	21.8	9.9	94	19.2
Iowa	17.7	31.0	25.6	10.3	81	18.2
Missouri	14.6	23.8	22.5	6.7	73	14.7
North Dakota	10.8	28.1	21.4	8.8	95	15.9
South Dakota	11.3	28.9	22.9	8.7	81	16.4
Nebraska	17.0	25.9	22.1	8.5	77	16.2
Kansas	14.3	25.1	18.6	6.7	68	14.3
United States	14.3	29.8	25.3	8.7	95	16.1
Montana	25.4	43.2	34.8	10.3	148	22.8

At the Panama-Pacific Exposition at San Francisco last year Montana won more agricultural prizes than did any other State of the Union. Montana won the grand prize for cereals, won 9 medals of honor, 73 gold medals, 236 silver medals, 195 bronze medals, and 100 honorable mentions. She won the first prize on apples.

I have here a tabulated statement showing 15 years' growth of agriculture in Montana, in productions per acre and value of same, on some of her leading farm products, showing the increase from 1900 to 1914, as follows:

Fifteen years' growth in agricultural Montana.

Year.	Acres.	Production in bushels.	Farm value.
WHEAT.			
1900	72,555	1,929,963	$1,177,277
1914	910,000	18,356,000	16,704,000
CORN.			
1900	1,598	25,970	14,142
1914	50,000	1,400,000	1,064,000
OATS.			
1900	65,865	2,568,735	1,078,869
1914	530,000	18,550,000	7,234,000
BARLEY.			
1900	5,194	201,527	96,733
1914	70,000	2,135,000	1,132,000
RYE.			
1900	.....	.....	.....
1914	10,000	210,000	147,000
POTATOES.			
1900	4,781	640,654	339,547
1914	37,000	5,180,000	3,315,000
HAY (TONS).			
1900	361,161	590,000	$5,138,725
1914	700,000	1,750,000	15,225,000
FLAX.			
1900	.....	.....	.....
1914	320,000	2,560,000	3,072,000

I give here a table showing the increase in value of some Montana farm products in 1914 over 1900, as follows:

Products.	Value of crop in 1900.	Value of crop in 1914.
Wheat	$1,177,277	$16,704,000
Corn	14,142	1,064,000
Oats	1,078,869	7,234,000
Barley	96,733	1,132,000
Rye	.....	147,000
Potatoes	339,547	3,315,000
Hay	5,138,725	15,225,000
Flax	.....	3,072,000
Total	7,905,693	47,893,000

Montana has become a great wheat-growing State. In the production of spring wheat it ranks fifth in the Union. In the production of all wheat it ranks seventh. I look for the time to come before many years when Montana will be the first wheat-growing State of the Union. She has hundreds of thousands of acres of fine, dry-farming land, which does not need to be irrigated and which is splendidly adapted to winter wheat. In northern and eastern Montana thousands upon thousands of acres formerly looked upon as worthless, or considered as being of worth only for roving bands of sheep or cattle, are now under cultivation by the hand of the pushing and persevering homesteader. One firm in northern Montana is now engaged in the expenditure of more than half a million dollars in the erection of a flour mill and a string of grain elevators. This is only one instance of investment; only one evidence of the great growth of agriculture in Montana.

During the 10 years ending 1913 the increase in wheat production in the United States, as shown by the Government figures, has been from 552,000,000 to 763,000,000 bushels, a 38 per cent advance for the 10-year period. In 1904 Montana was reported as raising two and a half million bushels, and in 1913 21,000,000 bushels, an increase of over 900 per cent.

In 1915 Montana produced 38,825,000 bushels of wheat.

In point of quality Montana has shown her right to be placed first among the wheat States. Her growers won the thousand-dollar prize at the great New York land show in 1911; the world's sweepstakes at the national corn show in 1913; and many other of the best prizes so far offered.

It is not only upon the vast table-lands, with great dry-farming areas in northern and eastern Montana, that agricultural products are increasing. The great reclamation projects of Montana are adding millions of dollars to the wealth of Montana and the United States by their farm products. I have here a carefully compiled estimate of the principal farm products of 1915 of the Flathead reclamation project, in Montana, which is only but partially settled and developed and where the settlers have struggled under monumental disadvantages and most discouraging handicaps. It speaks volumes for their manhood and womanhood, their sterling worth and indefatigable perseverance. It is compiled by Maj. Morgan, Indian agent for the Flathead Indian Reservation, and is as follows:

Raised by—	Wheat.	Oats.	Barley.	Rye.
POLSON DISTRICT.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Indians	58,015	29,422	7,131	.....
Lessees' Indian land	119,134	58,621	8,940	998
Homesteaders, etc	584,053	184,738	44,151	4,877
Total	761,202	272,781	60,222	5,875
RONAN DISTRICT.				
Indians	68,230	27,500	1,320	.....
Lessees' Indian land	87,655	26,760	1,430	.....
Homesteaders	175,312	53,501	2,862	.....
Total	331,197	107,781	5,612	.....
MISSION DISTRICT.				
Indians	92,931	39,269	1,579	.....
Lessees' Indian land	64,202	30,610	9,863	94
Homesteaders	54,717	60,092	3,332	1,117
Total	211,850	129,971	14,774	1,211
ARLEE DISTRICT.				
Indians	14,019	43,286	301	.....
Lessees' Indian land	20,798	31,889	1,003	.....
Homesteaders	18,434	29,215	1,307	.....
Total	53,251	104,390	2,601	.....

Raised by—	Wheat.	Oats.	Barley.	Rye.
CAMAS DISTRICT.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Indians	2,000	500	.....	.....
Lessees' Indian land	3,863	2,607	.....	.....
Homesteaders	366,818	177,427	28,263	25,484
Total	372,681	180,534	28,263	25,484
GRAND TOTALS.				
Indians	235,195	140,337	10,331	.....
Lessees' Indian land	295,652	150,487	31,326	1,092
Homesteaders	1,199,334	504,973	79,815	31,508
Total	1,730,181	795,457	111,472	32,600

Total bushels on reservation of the four named grains 2,669,710

When that project gets its own in appropriations for its completion, what is due it, its settlers will each year thereafter make a far better and more magnificent showing. Truly, Montana's agricultural resources are as marvelous as the grandeur of her majestic mountain scenery, the sublime beauty of her boundless prairies, the impressive solemnity of her deep forests, the serenity of her pale-blue skies, the placid charm of her shimmering lakes.

As an evidence of Montana's progress and interest in agricultural matters, many of her counties now employ on salaries county agricultural advisers or agents, for the purpose of instructing the farmers in improved methods of farming, and they have found the plan, as a rule, most beneficial. The farm agents employed are men of a high order of ability. The State Agricultural College, at Bozeman, is doing a fine work. Its vocational instruction is of a high order. The farmers of the State appreciate it and many of them are availing themselves of its great benefits, for themselves, their sons, and daughters.

With this marvelous showing under most disadvantageous circumstances, without any encouragement by way of legislation, without any favorable legislative action, what may be expected of Montana, the Giant of the Northwest, when her full agricultural possibilities are developed and brought into realization by fair and legitimate legislation which will bring agriculture into its own? Under such a wise course, Montana would soon support a population of 3,000,000 of people. It will take some encouragement, though. The helping hand will have to be given to the deserving. We will have to make some legitimate effort to take the homeless of the crowded East, the tenants, the wageworkers, the unsettled, the hopeless, and put them on the land; show them the gleam of happy homes, the lure of Mother Earth, the grandeur of an independent existence. Will not the result be worth the effort? I believe it will.

There is abounding prosperity in this land, and farmers, who are the basis of all prosperity, should get their share of it. From the Times, of this city, of the 29th ultimo, I clipped a table showing some increases of pay to labor, effective the first day of this month, which I here give:

Increase of pay May 1.

Concern.	Men affected.	Increase, monthly pay roll.
Bethlehem Steel Co	24,000	$170,000
Overland Auto Co	18,000	1,250,000
Butte miners and smelter men	14,000	189,000
Anaconda miners	5,000	8,250
Portland and Coeur d'Alene district miners	3,000	3,000
United States Steel (Gary)	7,000	58,800
Chicago packing houses	25,000	210,000
Hart, Schaffner & Marx	10,000	70,000
Allis-Chalmers Co., Milwaukee	2,000	16,800
Milwaukee teamsters	600	4,200
Wisconsin paper mills, granted 8-hour day (6 000 men).		
St. Louis brewers	5,000	30,000
St. Louis machinists	500	5,000
St. Louis bakers granted shorter hours, slight increase in pay.		
Ohio Electric Ry	1,000	5,000
United States Steel Corporation	250,000	1,660,000
Columbus (Ohio) Street Car Co	700	2,700
Youngstown (Ohio) steel workers	20,000	150,000
Cincinnati building trades	14,000	17,400
Toledo carpenters	300	210
Toledo electricians	200	2,072
Fall River cotton operatives	30,000	168,000
New Bedford cotton operatives	25,000	140,000
American Woolen Co	30,000	125,000
Providence India Rubber Co	2,500	19,600
Rhode Island cotton operatives	6,000	33,600
Philadelphia carmen	6,200	22,000
Omaha railway clerks, St. Paul	300	3,000
Pittsburgh district coal miners	40,000	215,000

Increase of pay May 1—Continued.

Concern.	Men affected.	Increase, monthly pay roll.
Youngstown sheet and tube workers, Republic Iron & Steel Co., and other West Virginia and eastern Ohio steel companies.	35,000	$125,000
West Virginia coal miners	20,000	98,000
Other Pennsylvania steel workers	100,000	275,000
Cleveland building and metal workers	20,000	281,000
Total	706,500	5,368,872

Amount of increases yearly, $64,426,464.

The average wage increase in those industries where there have been increases in the United States in the past year has been 11 per cent, according to figures compiled by the Bureau of Labor Statistics, Federal reserve agents, and the American Federation of Labor.

The following average increases have been put into effect:

Paint manufacturing industries, 19 per cent.

Automobile and auto-part factories, 17 per cent.

Flour and grist mill workers, shipbuilders, electrical supply industries, iron and steel workers, 15 per cent.

Rubber goods, machinery, foundry, locomotives, 14 per cent.

Cement, lime, dry goods, hardware, paper and products, 13 per cent.

Pottery, pressed brick, groceries, woolens, 12 per cent.

Chemicals, clothing, soap, fertilizers, 11 per cent.

Lumber, millwork, slaughtering, 10 per cent.

Agricultural implements, furniture, shoes, leather, silks, laces, 9 per cent.

Confectionery, cotton, and cotton goods, 8 per cent.

Department stores, hats, watches, advertising, office machines, dental supplies, roofing materials, 7 per cent.

Tobacco and cigars, 6 per cent.

Coal and coal mining, carpets, rugs, linoleums, glass industries, 5 per cent.

Surely with all of this abounding prosperity we should take legitimate steps to see that some of it, a fair measure, is extended to the farmer or at least that he be placed in a position where he may avail himself of a portion of it to his own advantage and to the resultant benefit of the entire people and the whole country. With money plentiful there should be legislation which would enable some of it to flow naturally in the channel of farm improvement and increased production of farm crops and greater profit in agricultural pursuits, to the end that the United States may be the granary of the world and may feed those people who are more intent on destruction than production and those living under less advantageous circumstances than we in glorious America.

There has been some complaint about the delay of the present administration in enacting rural-credit legislation, but I would call the attention of those who complain to the fact that this is a big subject and a deep one, and that it required long, thorough, patient, painstaking investigation and study. For two years committees of House and Senate have been engaged in studying the subject and framing bills. It has been no light task. It is one of the most important and far-reaching subjects of legislation ever undertaken. It is a new departure in this country, and I consider no legislation which has been or will be enacted by this administration to be of more importance and none as being worthy of more study or consideration.

A commission of this country, by authority of Congress, visited Europe and spent months in studying the features and operations and learning the results of farm-loan laws in the principal countries of Europe. As the result of profound study and wide investigation I hope to see this legislation enacted at this session of Congress, and it will be one of the crowning achievements of this administration, one of its greatest glories. An administration which promotes the welfare of agriculture is laying deep and broad the foundations of prosperity, good citizenship, happy homes, and contented people.

I regard putting people on the land and enabling them to make homes as one of the best methods of adequate preparedness for preservation of national autonomy, integrity, and dignity, and the defense of our rights against all the world. It is preparedness in a broad sense of the word, not only for a day or a year but for the centuries to come, for all time. A man with a home will always be zealous to protect and defend his country. It is the man with the home who makes the best defender of his country and its best supporter in times of peace and of war. One design of this bill is to enable people to make and improve homes, to put people on the land.

I regard the pending measure as a good one and intend to give it my vote and support. Doubtless it could be improved in some respects by amendment, and I intend to support some amendments thereto, but I believe the essentials of the bill to be sound and excellent. It will afford farmers the privilege of obtaining farm loans for as long a time as 36 years, certainly long enough to suit anyone, at not to exceed 6 per cent interest, and in many sections less. That is a long way better than any facilities which farmers now have of borrowing money from private sources. We can not furnish free money, but we expect to furnish cheap money. I have received many communications in regard to the pending bill from farmers and farm organizations of Montana.

A few oppose it on the ground that it is not well drawn and not what they would like to have. The great majority of farmers of Montana, however, from whom I hear, and the majority of farm organizations of Montana, from which I have heard, approve of the bill—Senate bill 2986, the Hollis bill—and urge its enactment. Montana is not depending wholly upon the Federal Government in this line of action. She has enacted a fairly good State farm-loan law, but it is not sufficient for the great possibilities of Montana's agricultural development. Montana's agricultural resources are so great that all the assistance possible is needed to bring them to materialization. There is a place in Montana for both State and Federal laws on this subject. Both may be made of great use and benefit.

In such matters I believe in being governed largely by the majority of those who are interested, and, so far as I have heard, certainly the large majority of farmers and farm organizations of Montana substantially favor this bill. Some of them write that it is not just what they would like, but that they want it enacted; that it will be a beginning; and that if, after a trial, it should be found that it has defects and needs improvement, it may be amended. I think that the proper view. No law which is a new departure can be made perfect at first.

The banking and currency law doubtless had some defects. Some of them have been discovered, and this body has passed a law at this session to remedy by amendment at least one of them. Because that law may need improvement, however, is no reason why it should never have been enacted. So with this bill; it may show upon trial that it needs improvement, but it can always be amended. Let us make a beginning. The president of the Montana Farmers' Federation, Mr. L. W. Robinson, informs me that he thinks the bill goes a long way in the right direction and that he wants to see it enacted and tried. He says that, while it does not entirely represent his ideas and is not altogether what he would like to have, he wants it enacted as a beginning in the right direction, and that if not found entirely satisfactory it may be improved in future by amendment. I regard that as a sensible view.

Mr. J. R. Campbell, the county farm adviser or agent of Missoula County, Mont., a most intelligent and capable man, highly approves of the measure. In a recent edition of the Daily Missoulian, of Missoula, Mont., he gave his views about it, and I will close my humble remarks by quoting him. In his interview he says:

I have been studying the provisions of the rural-credit bill now before Congress, as it is outlined in the March number of the Agricultural Review, and in this article have tried to boil it down and give the actual results of its workings, should it be adopted. If adopted as it stands, it will enable any farmer to get long-time loans on his land and to repay the same gradually through the amortization plan. For example, a 36-year loan (this is the limit given in the bill) will be fully repaid in 36 years if the interest and 1 per cent of the principal is paid each year. Interest can not exceed 6 per cent, and probably will be a little less than 5 per cent. It depends on the sale of bonds. This means that on a $1,000 loan for 36 years at 5 per cent the borrower pays $50, plus $10, or $60, the first year; $59.40 the second year, and correspondingly less amounts each year. The burden of repayment is thus made very easy, and it is pleasant to know that each year it will be less. This gives the farmer a fair chance to get some real use out of his loan.

These features of low interest and easy repayment do not appeal to the money-lending interests of the country. In fact, if adopted, they will automatically work to reduce the interest rates that may be secured by private lenders.

The next feature is one that does not appeal to the agitator nor to the incompetent who is looking for the Government to supply unlimited cheap money without good, sound security. They will be disappointed. It is that loans may be secured only for productive purposes or to buy a farm or pay off a mortgage contracted in buying a home. The loan may be made to 50 per cent of the appraised value of the land, and the appraisement is made by a committee of the local farm-land association. This association is made up of those borrowing under this act, and each borrower must be a member and is then responsible for all other members to the amount of 10 per cent of his loan.

So, you see, it is cooperative in its workings. Local associations must be organized with not fewer than 20 borrowers.

Where put into operation it will furnish relief for the farmer who began with small capital and is struggling under the burden of exorbitant interest rates, and the knowledge of the easy repayment terms will be an incentive to success in his farming operations.

It will enable the ambitious young renter or farm hand to more easily become a landowner, and it will give the thrifty farmer the needed working capital to acquire better live stock and properly care for it. But it will not put a premium on inefficiency just because the inefficient person happens to be a farmer.

It will promote neighborhood cooperation and trust, for there will be no loans made where there is no cooperation and organization. It is frankly a compromise, and suits neither the "money bags" nor the radical agitators. It looks to be workable and useful. It will be under Government supervision.

J. R. CAMPBELL,
Agent Department of Agriculture and County Agriculturist.

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. CURTIS. Mr. President, I make the point that there is no quorum present.

The PRESIDING OFFICER. The Senator from Kansas makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Newlands	Smoot
Beckham	Gronna	Norris	Sterling
Borah	Harding	Overman	Sutherland
Brady	Hollis	Owen	Swanson
Brandegee	Husting	Page	Taggart
Chamberlain	Johnson, Me.	Pittman	Thomas
Chilton	Johnson, S. Dak.	Pomerene	Tillman
Clapp	Jones	Reed	Underwood
Clark, Wyo.	Kenyon	Shafroth	Vardaman
Cummins	Lane	Sheppard	Walsh
Curtis	Martin, Va.	Sherman	Warren
du Pont	Martine, N. J.	Simmons	Williams
Fall	Myers	Smith, Ga.	

Mr. CURTIS. I desire to announce the absence of the Senator from Maine [Mr. BURLEIGH] on account of illness in his family. He is paired with the Senator from Nebraska [Mr. HITCHCOCK].

Mr. CHILTON. I announce the absence of my colleague [Mr. GOFF] on account of illness, and will let the announcement stand for the day.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. Mr. President, I desire to have the amendment stated.

Mr. NORRIS. Before the Senator from Utah proceeds I should like to inquire of the Chair if the yeas and nays have been ordered upon my amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered upon the amendment.

Mr. SMOOT. I ask that the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 5, line 21, after the words "Federal farm-loan board," it is proposed to strike out the following:

All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars and appraisers, shall be appointed without regard to the provisions of the act of January 16, 1883 (vol. 22, U. S. Stat. L., p. 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

Mr. SMOOT. Mr. President, I hope the amendment will be adopted. If the civil service is to amount to anything in the future, no legislation ought to pass Congress relieving the employees of the Government from the civil-service rules. I am fully aware that there is a way to evade it, but I do believe that wherever it is evaded it ought not to be done by Congress.

If this bill becomes a law with the provision in it that is now sought to be stricken from it, hundreds of employees provided for in the bill will not be subject to the civil-service rules; but I can assure the Senate that just as soon as the positions are filled there will be an endeavor on the part of some Member of the Senate, and perhaps on the part of the administration itself, to have a bill passed covering all such employees into the civil service. If Congress refuses to pass such a measure, I have no doubt the President of the United States will issue an Executive order covering them all into the civil service, if I am to judge by what has happened in the recent past.

Mr. President, I find on the calendar No. 87, being the bill (S. 2730) to fix the compensation of assistant appraisers of merchandise, and for other purposes. The bill is very simple in its title, but its object, Mr. President, when examined, is plain. Every Republican assistant appraiser in the United States has been removed and Democrats have been appointed in their places, and just as soon as the changes have been consummated we find a bill upon the calendar to cover them into the civil service.

The same thing, no doubt, Mr. President, will apply to deputy collectors. I have here a long list of changes that have been made; I have not counted them, but there are pages and pages of them. The next thing we shall find a bill introduced covering them all into the civil service. Senators may ask me why I say that if the employees provided for under this bill are appointed without regard to civil service, they will be covered later into that service. Well, Mr. President, Congress appropriated $450,000 for the Commission on Industrial Relations to gather certain testimony and to report to Congress. Its employees were not selected under civil-service rules. That $450,000 was spent; and another appropriation was made of $92,000 for the same commission. Scarcely had the life of the commission ceased until I find an Executive order reading as follows:

EXECUTIVE ORDER.

Executive Order No. 2263, of October 26, 1915, authorizing the appointment of certain persons who were former employees of the United States Commission on Industrial Relations to positions in the competitive classified service without reference to the civil-service rules, and amended by Executive Order No. 2284, of December 14, 1915, is hereby further amended by adding the following names:

Miss E. M. Green and Mr. Carl Hookstadt.

WOODROW WILSON.

THE WHITE HOUSE, *21 February, 1916.*
[No. 2321.]

An Executive order covering all of the employees of the Commission on Industrial Relations under the civil service has been made. None of them had to pass the required civil-service examination; they were just simply put into the service by Executive order.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I do.

Mr. THOMAS. The Senator's last statement reminds me that during the last 10 days of the Taft administration the time of that most excellent Executive was largely occupied in writing similar Executive orders for the purpose of passing into the civil service scores of employees, who, but for those orders, would have been subject to change and their places to be filled by Democrats. Among others, as the Senator from Missouri [Mr. REED] suggests, were some 35,000 postmasters. I recall distinctly that a cashier was appointed for the mint in my town of Denver from the State of Iowa, and that about three days prior to the expiration of the Taft administration that office was covered into the civil service.

I am also informed that one of these orders covered into the civil service the entire secret detective force of the Treasury Department, one branch of which, that which is under the control of the Commissioner of Internal Revenue, is useful only when their names are not known and when their attitude to the Government is concealed. It became necessary in consequence of that order to rearrange the entire force.

Now, Democrats may be, and probably are—I hope they are—doing what they can to look after their side of the public official appointments; and, while the action of the Taft administration may be susceptible of criticism, I mention it at this time to show that there is very little difference between the parties when it comes to appointments. The party that is out is always for civil service, and the party that is in does not believe in it.

Mr. SMOOT. Mr. President, in answer to the Senator from Colorado, I wish to say that it was true that under President Taft an order was issued placing fourth-class postmasters under the civil service. They were all in the Government service. Before that time, however, many of those postmasters had been placed under the civil service by President Roosevelt. Just as soon as this administration came into power——

Mr. REED. Mr. President, I did not understand the Senator's remark.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. If the Senator will wait until I answer the statement of the Senator from Colorado, I will be glad to yield to him; or I will yield now, if he so desires.

Mr. REED. Did I understand the Senator to say that President Roosevelt issued an order putting a large number of postmasters under the civil service and that afterwards President Taft had extended that order?

Mr. SMOOT. As to fourth-class postmasters; yes.

Mr. REED. Is there a case on record, then, where President Taft outdid President Roosevelt?

Mr. SMOOT. Not at all. There was an entirely different condition, and it was done also because of the growth in the number of fourth-class post offices in the United States.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I yield.

Mr. GALLINGER. As I recall the matter, President Roosevelt designated certain States—a zone, as it were—the fourth-class postmasters in which he covered into the civil service. Some of us thought that it was very unjust; but afterwards it was extended by President Taft. That is my recollection of it.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I yield.

Mr. POMERENE. Does not the Senator from Utah recognize it as a fact that during the administration of President Harrison, to some extent during the administration of President Cleveland, and under every Republican administration since that time, offices have been covered into the civil service by Executive order as soon as they were filled by political partisans of those in control? There can not be any question about this. I think both parties have been more or less to blame, and for men on one side of this Chamber to charge that the civil service has been abused by the other side is, in my judgment, a piece of political cant. There has been but very little genuine civil service when it has come to appointments in the various departments during the administrations preceding that of Woodrow Wilson. It may be that there have been some appointments made under Executive order—I do not know what may have been the merits of those appointments—but the Senator from Utah will have a good deal of difficulty in trying to explain why it is that when there was a change of administration three years ago 95 per cent of the employees in the various departments were Republicans. I have in mind one now in which there were 137 employees, and among the 137 there were only 3 Democrats.

Mr. SMOOT. Mr. President, if the Senator will allow me to proceed——

Mr. POMERENE. Yes; if the Senator objects.

The PRESIDING OFFICER. The Senator from Utah declines to yield further.

Mr. SMOOT. Mr. President, I thought the Senator was going to ask a question, and that is why I yielded. I want to say to the Senator, in the first place, that I do not believe that 95 per cent of the employees of the Government were Republicans when the present administration came into power.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. Certainly; for a question.

Mr. POMERENE. Will the Senator say what percentage, in his judgment, were Republicans and what percentage were Democrats?

Mr. SMOOT. Mr. President, the Senator from Utah can not say exactly what the percentage was, and whenever he gives a percentage he always gives it because he knows it to be accurate, and he is not going to guess at the percentage now. So far as the politics of a great many of the employees of the Government is concerned, I doubt very much whether anyone knows what their politics is; but certainly 95 per cent of the employees of the Government, when the present administration came into power, were not Republicans. I do not want to discuss the question as to whether or not what is said upon this question is "political cant." I am discussing an amendment which has been offered to this bill by a Senator of the United States.

Mr. POMERENE. I think——

Mr. SMOOT. And I am stating, Mr. President, what will happen if the amendment is not adopted.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I do.

Mr. POMERENE. I will not interrupt if the Senator objects; but I will have something to say later.

Mr. SMOOT. I am telling the Senate exactly what will happen, in my opinion, if the amendment of the Senator from Nebraska is not adopted. Just as soon as the employees under this bill are in the service and the organization is completed, I have no doubt that an Executive order will be issued covering them into the civil service, just as was done in the case of the employees of the Industrial Relations Commission.

Now, going back to what the Senator from Colorado stated, it is true that the fourth-class postmasters were covered into the civil service by an Executive order of President Taft; but that has not prevented the President from modifying the Taft order

and rules and regulations of the Post Office Department, made so that every fourth-class postmaster of the country has had to take an examination. As far as I am concerned, I would rather have an examination under the Civil Service Commission than I would under rules of the Post Office Department—the worst sort of pretended civil service; no special rules, as the civil service provides, but rules that the department provides.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Delaware?

Mr. SMOOT. Why, certainly, for a question.

Mr. SAULSBURY. I only wanted to say to the Senator from Utah that in some respects I agree with him that the examinations might have produced better results, because the head of the Civil Service Commission, in a conversation the other day regarding the effect of these examinations in the fourth-class post offices, said to me that he thought a vast majority of them had been filled by the old incumbents, who were Republicans, after the examinations were held.

Mr. SMOOT. I do not know what percentage of the offices have been filled by old Republicans; but I know that the old Republican postmasters had no advantages in the examinations, and I think that things being equal it would have been very, very doubtful whether any of them would have been reappointed. I want to say frankly that I would not care if they had not been appointed, things being equal. I believe if we are going to have a civil service it ought to be a civil service in fact or we ought to abandon it entirely. So far as that is concerned, I am perfectly willing that it should be done if the Government can get better service without it.

I want to be perfectly fair with the Civil Service Commission, because on nearly every one of the Executive orders we find this statement:

The Civil Service Commission does not concur in the recommendation of the President.

Mr. President, I have not taken the time to find out how many employees have been covered into the service by Executive order; but I have here a long list of Executive orders, and it seems to me that if this is to continue it will be very much better to abolish the whole system.

I believe the amendment of the Senator from Nebraska ought to be adopted. Then all of the employees under the bill, if it becomes a law, will be appointed under the civil-service rules, and they ought to be. If there are any particular positions, such as members of the board, perhaps, that would require persons of special experience in the administration of business affairs, let us provide that they shall not be appointed under the civil-service rules; but as the bill now stands every employee, from the charwoman to the members of the board, are to be appointed without reference to the civil-service rules. I do not believe that ought to be, as long as the Government of the United States has a civil-service law.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I yield.

Mr. HOLLIS. So that we may understand, does not the Senator know that without this provision in the bill it would be within the power of the President to exempt them all, from the top to the bottom, from the civil-service rules?

Mr. SMOOT. No, Mr. President; it would not be. It would be in his power, after the employees were appointed outside of the civil service, and after the organization was made, to issue an Executive order covering all of them into the civil service; but he has no power under the law to exempt the employees from the civil-service examinations before the appointment is made.

Mr. HOLLIS. Does the Senator think that after the offices have been created, and before they have been filled, the President can not exempt them?

Mr. SMOOT. Before they have been filled he can not do it.

Mr. LODGE. The language is perfectly plain.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. Yes.

Mr. LODGE. The language is perfectly plain. It is mandatory that they shall be appointed without regard to the provisions of the civil-service act. They can not be appointed on examination. They must be appointed by personal selection.

Mr. HOLLIS. I am not talking about that. The Senator from Massachusetts did not hear what I said. I said that if this provision were not in the bill, if nothing at all were said here about the civil service, if the law were left exactly as the law is to-day, then the President could exempt as many as he wanted to from the civil-service rules. That is so with every office in the gift of the Government to-day.

Mr. SMOOT. No, Mr. President. The President of the United States can issue an Executive order covering employees into the service, but he has no power to exempt appointments not made from the effect of the civil-service law.

Mr. HOLLIS. Mr. President, the Senator is entirely mistaken. I conferred this morning with the chairman of the Civil Service Commission purposely, and asked him about it, and he said that if this provision were left out of the bill the President could permit the farm-loan board to appoint any of the employees he wanted outside of the civil service, and he doubtless would in the case of the attorneys and the experts, but he need not stop there unless he wanted to. That is what the chairman of the Civil Service Commission told me this morning.

Mr. SMOOT. If the Senator having this bill in charge believes that to be true, then he should have no objection whatever to accepting the amendment offered by the Senator from Nebraska; because if the President of the United States has that power, then it will make no difference whatever, and why not accept the amendment?

I do not want to take any more of the time of the Senate upon this matter, but I do believe the amendment ought to be adopted.

Mr. GALLINGER. Mr. President, I wish to ask the Senator from Utah a question. I will ask him if his attention has been called to section 18 of House bill 562, "An act to amend the act approved June 25, 1910, authorizing a Postal Savings System," and, if so, what he thinks the effect of that legislation will be if it becomes a law? It is now in conference. It reads as follows:

That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices, or stations of any post office for the transaction of such postal business as may be required for the convenience of the public.

Mr. President, what that proposes to do—I hope it may never become a law, because when it was debated in the House the House refused to agree to it, but the Senate put it in as an amendment—what it will do will be that it will result in one postmaster being appointed in each county, all the other postmasters will be dropped, and superintendents or clerks in charge will be placed in control of those offices, and they will go under civil service; and at one fell stroke about 50,000 postmasters, whether Democrats or Republicans—and they will belong to both parties, it is true—will be deposed from their offices, and civil-service employees will take their places.

Mr. SMOOT. Mr. President, I will say, in answer to that, that I have received many, many letters calling my attention to that section in the postal-savings amendatory act, and I have also a good many newspaper clippings covering the same subject, stating in substance just what the Senator from New Hampshire has so well stated.

Mr. REED. Mr. President, we have reached the period for the civil-service quarterly rehash. It comes up regularly. It affords an opportunity for gentlemen who at the time are out of power to parade their virtues by exploiting their adherence to a rigid interpretation of the civil-service law. The sides change on the question as the political balance shifts either toward the Democratic Party or the Republican Party. The man who was willing to ravish the civil-service rules under a Republican administration, when his own party was in power, who lay awake nights devising ways and means by which he could get out a few of the scattered remnants of the Democratic Party still holding public office, and by which he could get in an equal or a greater number of Republicans—that same individual, when the scales have tilted toward the Democratic Party, becomes a frenzied dervish, shrieking forth the holiness of civil service, and offering himself as a sacrifice upon the altar of its inviolability.

We have witnessed this periodic spectacle ad nauseum. There may have been a time when somebody was fooled, but it has passed. At this late day the man who undertakes to impose that ancient bit of political hypocrisy upon the country will not mislead the country; he will not thimblerig his associates in the Senate; he will not deceive even the credulity of his wife; he can not impose the Pecksniffian performance upon himself.

The spectacle of a Republican Senator who sat quiescent, blandly smiling, secretly chuckling when a Republican President of the United States placed 35,000 Republican postmasters within the civil service by a single stroke of his pen, and by so doing outraged every principle of civil service—the spectacle of such a man rising in the Chamber with a face as solemn as an affidavit and a front as imposing as Jove, to deliver a panegyric upon the glories of civil service, is enough to make all

the gods that ever were lean above the battlements of the sky and laugh in derision.

Why, Mr. President, who are these 35,000 Republican postmasters who were thus put into the civil service? How did they in the first place come to hold their offices? How were they selected? For what purpose had they been given place? Manifestly, for political services rendered. They had been the hewers of wood and drawers of water of the Republican Party. They were being rewarded for their work on the hustings. They were to be paid because they had ridden their districts. They were to be compensated by office and by honor because they had been in the trenches on election day. They had been the Republican ward bosses and the ward heelers, or the township bosses or township heelers, or the relatives of the bosses or heelers. They were selected wholly without regard to any talent, to any special ability, to any peculiar fitness or qualification. They simply had to produce evidence that they were the most active and potential Republican partisans in the neighborhood where the post office was located.

What was the purpose of the civil-service law? It was to remove entirely public office of this particular kind from politics; to take these rewards away; to create a condition where men would be selected solely upon their merits. What, then, was the effect of the order made by the President? It was to deny to the civil service the power of life or vitality, so far as 35,000 offices went, until time and death should create vacancies within the ranks. It was to postpone and set aside, for the remainder of the lives of the political incumbents, this beneficent and much-praised law. And yet, when that rape of the civil service occurred, the Senator from Utah sat in his seat as mum as an oyster, and with about the same animated cast of countenance. No word of protest came from his lips. His lion voice did not break out upon the quiet air. The earth did not tremble beneath the reverberations of his oratorical thunder. He smiled. He kept his seat. He was glad to see the civil-service law ravished. He did not lack the courage to speak, but he lacked what I wish he had lacked to-day—the cool assurance to arise and profess a deathless allegiance to the great principle of civil-service reform.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SMOOT. Of course, this is very interesting, but I want the Senator to know that I stated frankly that if the civil-service law was not to be lived up to I thought it would be better to have it abolished. That is exactly what I said, and that is what I believe.

Mr. REED. The Senator says that to-day, but he remained quiescent when he saw the law outraged and 35,000 Republican henchmen covered permanently into the civil service. After having seen his faithful cohorts draw their money from the Government for years, now, when it is proposed that a few men shall be appointed without having passed a civil-service examination, the Senator suddenly exalts the virtues of the civil service, preferring them above the ravishments of the past. He now grows enthusiastic over the benefits of "the merit system," while his gentle soul is shocked at the mere suggestion of "office as a political reward."

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. We all admit that both President Roosevelt and President Taft did issue such orders; but I will ask the Senator if he has any information that will enable him to state with any degree of approximate fact how many of those 35,000 postmasters had been appointed by Grover Cleveland during his eight years of administration?

Mr. REED. I question whether there was a single one; and I will tell the Senator why I question whether there was a single one, except that, of course, it is said that in every barnyard, if it be sufficiently large, there is, here and there, an occasional hen's tooth, but they are hard to find.

Why do I say it and why am I warranted in making the assertion? Because when Grover Cleveland went out of office he was succeeded by the old-fashioned spoilsman, and the old-fashioned spoilsman was backed by an army of old-fashioned spoilsmen as rapacious, as insatiate, as a lot of hungry hyenas gathering to feast upon the reeking carcass of an animal that is slain and left on the desert. Rest assured they did not long delay picking the last bit of flesh from the skeleton of the body politic. There was nothing worth having their keen eyes did not discern or their keener smell did not find out. Compose your soul, they did not overlook anything that was "loose at both ends."

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I have not quite concluded answering the other question, but I will yield now and answer both at once.

Mr. GALLINGER. I shall not trouble the Senator much. I chance to know one town—they are called townships in the West—in New Hampshire that had three postmasters at the time President Roosevelt's order was issued, and two of them were Democrats. They are still in office, and making very good officials, too.

Mr. REED. How large is the town?

Mr. GALLINGER. It is not very large; but these were small postmasterships that were covered in, fourth-class postmasterships, many of them so small that it was difficult to find anybody to serve.

Mr. REED. Exactly; and now the Senator has undoubtedly stated the reason why these two lone individuals held on. Plainly the offices were microscopic if they escaped the watchful eyes of a New Hampshire Republican.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the junior Senator from New Hampshire?

Mr. REED. I am still yielding.

Mr. GALLINGER. I have nothing further to say about that, only that I happened to know other instances, and the fourth-class postmaster was not a very important personage at best.

Mr. REED. That is not the estimate the fourth-class postmaster places upon himself, however.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the junior Senator from New Hampshire?

Mr. REED. I do.

Mr. HOLLIS. I merely wish to state that I have a good deal of knowledge about the conditions in New Hampshire, and there are many localities in which there can not be found a Republican who can qualify for postmaster, and they are obliged to resort to Democrats.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

Mr. REED. I will; certainly. I think I ought to be impartial in this contest.

Mr. GALLINGER. I simply want to say that an observation of that kind is offensive to every Republican in the State of New Hampshire, because if it became a question of intellectuality between Republicans and Democrats I think there can be no question what the result would be.

Mr. REED. Mr. President, the Senators from New Hampshire having settled that important question, I desire to give a further reason why there were not many, if any, Democrats in office at the time of the order of President Roosevelt and the later order of President Taft.

I am not going to offend the Senate by taking the time to prove what all know—that it was the policy of the times to which we are now referring immediately to remove all of the political servants who were of opposite political faith and immediately to put in those of the faith of the party that had won in the election. Of course, there may have been post offices where the income from the post office was so slight that nobody wanted it. There may even have been a post office in New Hampshire where the income and pay was so slight that the financial genius of the New Hampshire citizen would not enable him to discover the salary—a thing impossible to imagine, and yet it may have been—where some Democrat was allowed to keep the office; and yet I venture the assertion that if you will run that peculiar and remarkable case to the ground you will find out that that alleged Democrat had been voting the Republican ticket all of his life.

Mr. President, where was the clamor from the other side of this Chamber when, by a stroke of the pen, the civil-service law was set aside, was in fact assassinated, so far as these 35,000 postmasters were concerned? There may have been some Republican who protested; but, if so, I venture the assertion that he belonged to that class of Republicans who, about that time, were beginning to protest against many things that were being done by the President elected by their party. The protest did not come from the old iron brigade of the Republican Party—that old brigade that has again marched to the front, that is now in charge of the colors, and that will dictate the policies of the Republican Party when it meets in Chicago next month.

When I see men stand in this Chamber with tears in their eyes, with solemn countenance, with woe-begone expressions, and hear them wailing over the fact that the civil service is about to be destroyed, I can not help wondering why their

tongues have been silent in the past. I can not help exclaiming, when I think of the 35,000 postmasters' jobs—

Where, where was Roderick then?
One blast upon his bugle horn
Were worth a thousand men.

But the Senator from Utah never let out a toot—not one. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair will admonish the occupants of the galleries to preserve order.

Mr. REED. Mr. President, a word more in regard to the civil service. Evils grew up through the placing of men in office purely as political rewards. Some incompetents were placed in office. Then an agitation began, and it was undertaken to substitute a plan of appointment and promotion purely upon the merit. The ideas entertained by the men who were back of that movement were undoubtedly of an exalted character; they desired to serve their country; and yet I question whether there has ever been any real good come to the United States by virtue of that law. If there was some way by which the brains of a man, the intellectuality of a man, the soul of a man, the genius and push of a man could be ascertained, weighed, and measured, the system would be a great thing; but no one has ever devised an examination that can reach the real test or can furnish the real yardstick by which to measure the capacity of an applicant. It is absolutely impossible.

No man need go far in his own recollection to see how false is such a hope. Who does not know of an instance where the most unpromising boy in the class at school speedily outdistanced the honor graduate? Who does not know of the child who came from the most worthless and trifling parents and gave the least promise of success, passing all other competitors in the real race of life? Who has not seen a dozen boys graduate from a law school and the man who stood at the foot of the class, in the actual battle of the court, brush aside with the power of his intellect the men who had surpassed him in school? Who has not seen the uneducated and illiterate man, dowered only with the brain given him by the good God, and therefore unable to pass any sort of educational test, yet in the great struggles on the field of life, in its stern battle, win victory after victory from those who had the advantage of superior scholarship?

I would rather sit down and counsel for 10 minutes with a lawyer whom I had never seen, talk with him in a general way about a particular case, and get his ideas than to read his diplomas from a dozen law schools, even though they were signed by 40 law-college professors, because you can tell from a direct talk whether your man has practical views about the practical question in hand and knows the law of the case, whereas when you are through reading the diplomas you can not really tell whether your man could find his way to the courthouse without the aid of a policeman.

Nevertheless, we have introduced the civil-service system; and how has it worked? Let me give you an illustration. I am not going to call any names. I saw come up for examination recently a man for an important position abroad. It required a man of peculiar skill and training. A man who sought the position had had years of practical experience in large affairs. He had been remarkably successful in large affairs. Owing alone to the war in Mexico, he was obliged to discontinue his business in that country, and he sought temporarily one of these positions. He came up for examination before a young man out of college without practical experience. The matter bore relation to electric apparatus. The young man who examined him could have scarcely told a galvanic battery from a flying machine. The applicant was promptly rejected. I unhesitatingly say that the man rejected knew more about the duties of the position he sought than the entire board of examiners, including the Cabinet officer under whom the job existed. That is the kind of examination we are having every day, and you can not very well get away from that sort of an examination.

Mr. President, there is another thing that is going to result from this law. Already we hear its rumblings and its mutterings. They used to complain under the old system that every time an administration came in there was a change of employees, that incompetent or green men came in; that it took time to train them. That was true, and that was a genuine drawback. But in place of that, what have you done? Created a multitude of life positions, of positions that when they are once secured can be forever held. All incentive to work save sufficient to hold the position is practically gone. There is none or but little influx of new blood. Time runs on. There comes general weakness, disease, senility, and then comes the thing that is already upon us, the demand for a civil pension. When you fasten that on this country you will have fastened upon it a swarm of pensioners that—I do not mean to make an unpleasant illustration—like the lice of Egypt, will devour the people and their substance.

You are doing another thing. You are making a lot of holders of office who expect to remain in the same position for life. They expect to do nothing else. They save but little money. There is no sadder sight to my eye than to see these people going down the hill of life trained to one position, clinging to it as the last straw that will save them from drowning, and then as they grow older and older hoping that some way or somehow they will be pensioned off. It would have been a better thing for every one of them if at the end of a four years' term they had been turned out of office and sent back to their own homes and engaged in the ordinary avocations of life, making friends and acquaintances and becoming associated with business institutions. As it is, they remain here. The future offers them little hope, their pay in many instances is too small. They have laid aside nothing, indeed, in some instances could not. Accordingly they are sometimes subject to every kind of tyranny by those above them. There are Government sweatshops that are worse than many private sweatshops, that have been made the subject of legislative investigation. I want these people paid living wages, but I do not want a horde of officeholders who only relinquish their positions when their pensions begin.

Mr. President, I have said this much in a general way. Now, just one word with reference to the matter complained of by the Senator from Utah. What is the proposition? We are about to establish a great system of banks. It is hoped that they will be a wonderful benefit to this country. For years and years the farmers of the United States have asked for some relief along this particular line of farm investment. In order to create such a system we must have peculiar talent. We must have talent of a high order. This system, in my judgment, will be a great success or it will be a miserable failure, dependent entirely upon the character of men who are appointed to bring it into being.

Now, let me call your attention to this: Nobody here proposes that the men who are to be charged with the principal responsibility—the central board, if you please—shall be called up before a civil-service board and examined. It is conceded that those men should be picked without such examination; and why? Because, plainly, no examination can reach the question of real merit. It is just as important in the formation of this system that these men should be allowed to select assistants peculiarly adapted to the business.

Again, they may find it necessary to get men who have an aptitude, an environment, an understanding, which makes them of particular value in a particular place or at a particular time. It may be that a farm boy will be of great value as an employee for the purpose of passing upon questions relating to the value of farms in a community. I cite that as an extreme illustration. It may be, again, that some cashier or an employee of some small country bank having a knowledge of the credit standing of the people of a community will be of peculiar and special value. Yet if you were to place him in a civil-service examination alongside of some other person, either you would have to restrict the examination so that only the residents could pass it or else you might get some one unacquainted with local values.

I might go on and multiply illustration after illustration. It must be patent to everyone when these banks are first to be created there must be the power of selection placed in the hands of those who are to create the system, who are charged with its responsibilities.

Then, says the Senator, after they have been created the employees will be put under the civil service. As to that, I indulge in no cant. I indulge in no hypocrisy about these matters. If I had my way, men would be appointed without regard to civil service, and they would be appointed on their merit as men, and they would hold their jobs only while they were capable of holding them right. But as long as we have the civil-service law and looking at the particular question now under discussion from that standpoint, I ask what objection is there, after men have been carefully selected for the purpose of getting the most efficient in order to carry out the provisions of this bill? After they have been trained in their places, after they have fallen into the step and are keeping time with the movement of the great financial machinery we are creating, what is wrong, then, in saying that they shall continue in their places, provided you so much desire civil service? Civil service was not put forward for the purpose of equally dividing the offices between the two parties or it would have been so provided. It was for the purpose, in the words of those who created it—at least they thought it was the purpose—to make a system that would give the country the best service. How many places there

will be created under this bill I can not answer accurately, but the number is a mere bagatelle as compared with what has been done in the past against which no protest was lodged, against which not a voice was raised on the other side of the Chamber.

Mr. NORRIS. Mr. President, I think there ought to be a distinction drawn, and there must be, I think, to be fair, between putting positions under the civil service where they were already in existence before the law was passed and providing for new positions and new offices, and in the law keeping them in the spoils system until they are filled and then by Executive orders putting them under the protection of the civil-service law. I have not read the civil-service law lately, but as I remember it the method by which it was put into operation was a provision giving to the President the authority to put certain positions under the civil service. So after the law was enacted one President after another gave orders extending the civil service in its scope and embracing within its fold various and different organizations and bureaus of the Government. That was the way it had to be extended. It was the intention of the law that it should be extended in that way. That might have been a weakness in the law, and it is a peculiar thing that I think every one will find if he will examine the record, that the various Presidents in issuing these orders, at least the orders that covered the most territory and the highest number of employees, issued the order about the time they went out of office.

Mr. REED. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. REED. I understood the Senator to say that the way the civil service had to be extended was by these orders extending it.

Mr. NORRIS. That was one of the principal methods, as I remember the law now, by which it was intended to extend the civil service.

Mr. REED. The Senator does not mean to say that before President Taft or President Roosevelt issued the order transferring these fourth-class postmasters into the civil service he could not just as easily have issued an order that at certain times and in certain places there would be held civil-service examinations, and after those civil-service examinations had been held and men had been appointed in response thereto he could then have issued an order?

Mr. NORRIS. I think they could have done that very thing. The Senator has by his question anticipated what I intended to reach in the course of my argument and to point out in my humble judgment, that that is what various Presidents ought to have done. But they did not do it. Grover Cleveland did not do it; Roosevelt did not do it; Taft did not do it; neither did McKinley nor Harrison. All these orders were generally accepted by the public as being within the spirit of the law.

As far as I am concerned, I would much rather have had every one of those orders issued as they were issued rather than to have nothing done in reference to it. It would have been more creditable, I think, to the record of those Presidents if they had ordered an examination or if they had issued the order near the beginning of their terms rather than near the close of them. That is perhaps one of the weaknesses, and there are a good many others, of the civil-service law. It is not perfect; it would not be possible to get a law that would be perfect; but, in my judgment, it would be possible to very much and very materially improve the civil-service law and make it much better.

I am reminded now, when I speak of that, of a remark made by the leader on the Democratic side in the last Congress, or perhaps it was in the beginning of this, that he expected to introduce a bill having for its object the reorganization of the civil service with the idea of improving it, for I think every man will concede that it could be improved. I expressed at that time to him my approval of his contemplated action, and I only wish he had pursued that course and that such a thing had been done.

But, Mr. President, the Senator from Missouri very eloquently described the appointment of those 35,000 postmasters that President Taft by his order put under the civil service, and he tells, and tells us truly, how they received their appointment as a rule. There were exceptions, of course. He describes how when they selected these postmasters they selected the men who had done the most for the Republican Party in that vicinity. That is probably true, the same as you propose to do now under this bill by the language that I seek to strike out. In other words, you hold up to derision and complaint, with a great deal of justice and a great deal of reason, the method pursued by a Republican President, and then in defense of it you say, "We want a Democratic President or a Democratic administration to pursue the same method that we condemn in our opponents."

That was the substance of the remark made by the Senator from Ohio. It has been made on other occasions. It is the stock argument: "You did the same thing when you were in power and that is a sufficient excuse for us to do it now, since we are in power."

If the evil of the selection of Republican postmasters that were put under the civil service by President Taft's order was as great as described by the Senator from Missouri, then why, if that was wrong, should we not adopt my motion that prevents the Democratic administration from performing the same kind of an evil thing?

Then the Senator from Missouri says, in substance, "It was wrong for a Republican President, after the postmasters had been appointed because of their political ability and their political activity, to put those postmasters under the civil service." But in this law you want to do the same thing. You want to appoint these men without an examination under the civil service, and then under the proviso after they are appointed the President can issue an order and they will go in for life and thus repeat the evil of a Republican President so much complained of by the Senator from Missouri.

Mr. REED and Mr. GALLINGER addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. Yes; I yield.

Mr. REED. I did not complain at all of the fact that the Republican Party put its henchmen in power.

Mr. NORRIS. I accept the Senator's correction.

Mr. REED. I made no complaint about that. What I said was that when they covered them into the civil service they nullified the effect of the civil service as to 35,000 men until death or disability should remove those men. This was the point of what I said that my brethren on the other side of the Chamber smilingly approved.

Now, I say to the Senator further that as far as this particular proposition is concerned, I did differentiate between this and the other method by calling attention to the fact that we are creating a great business organization, and it is proposed to put into the hands of the men charged with its creation the right to select their assistants, and every man must know that in a case of that kind they would not appoint their assistants on any other basis than the basis of capacity; that they could not put in as cashier of a bank a man who knew nothing about the banking business, and so forth. I think the Senator, who is always a fair man, must recognize the fact that in the creation of the Federal reserve banks that has been followed. There has been no complaint that I have heard of that there ever was an abuse of the discretion vested in the Federal Reserve Board. Indeed I want to add they are so extremely nonpartisan in that board that I thought they preferred never to have a Democratic officeholder come in to see them.

Mr. NORRIS. They might be suspicious of a Democratic officeholder as long as there was a Democratic administration, perhaps, and they are bothered a good deal in that respect.

I will yield to the Senator from New Hampshire in just a moment. I want to refer to the suggestion made by the Senator from Missouri first.

Mr. GALLINGER. I am in no hurry.

Mr. NORRIS. The Senator from Missouri reiterates what he said, and what I undertook to quote in substance, that in the order of President Taft putting 35,000 postmasters under the civil service he had nullified the civil-service law. The Senator had before described how these men had been appointed because of political activity, because of their service in behalf of the Republican Party, and then when the President put them under that order he nullified the law.

We have in this bill a provision that these employees shall be appointed without regard to the civil-service law, the same as those postmasters were appointed, and then a provision following on it that after they are appointed the President can issue the order that will put them under the civil service for life. So you are duplicating now in this bill what you complain of President Taft for having done, the difference being that President Taft put a class of officers under the civil-service law who were in existence before the law was passed, and you are making this stipulation in advance of the establishment of the offices and saying that they shall be appointed the same way that you condemn when somebody else appointed, and that, then, in the same way they shall be put under the civil service in a way that you likewise condemn a Republican President for doing the same thing. What you condemn as an evil when done by a Republican President will become a virtue when done by a Democratic President.

Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I want to ask the Senator the same question I propounded to the Senator from Missouri and which he treated so lightly and with some degree of derision. Does the Senator remember the sweeping order that President Cleveland made a little before he left his office, if I remember correctly, putting twenty-five or thirty thousand employees under the civil service?

Mr. NORRIS. Yes; I remember that just before President Cleveland went out of office he issued some order of that kind. I have forgotten to what the particular order applied.

Mr. GALLINGER. Twenty-five or thirty thousand employees were put under the civil service by the stroke of a pen. The question I asked the Senator from Missouri was, inasmuch as before President Roosevelt and President Taft issued their orders in regard to fourth-class postmasters, is it not presumable that the President who swept twenty-five or thirty thousands into the civil service just as he was leaving the office, appointed a good many of those fourth-class postmasters to whom the civil service was applied by Republican Presidents? Is it presumable that he remained in office eight years and did not add at least a very considerable number of Democrats to the fourth-class post offices of the country?

Mr. NORRIS. I think he did. In fact, of my own personal knowledge, I know of some.

Mr. GALLINGER. The Senator from Missouri said he might have found one; I think he said in the Ozarks somewhere. I think he could have found hundreds if not thousands.

Now, there is one other point I want to make, as I have to leave the Chamber. I have not been a great admirer of the civil service, but I did approve of the original act of 1883, which applied largely to the clerkships in the departments at Washington. The power to extend the civil service is not found in the civil-service law, but it was discovered in some other act. I once looked it up. I would not know where to look for it now. I thought it was a very gauzy power that was given to the Presidents to extend that law at their pleasure, but, taking advantage of that law, they have extended it.

Mr. NORRIS. I am obliged to the Senator for his reference to that law. I was under the impression that the authority was contained in the civil-service law itself.

Mr. GALLINGER. It is not; and all I will detain the Senate to observe further is that the Senator from Nebraska is not contending nor am I contending that the Republican Presidents have been guiltless in extending this law.

Mr. NORRIS. No; I think not.

Mr. GALLINGER. Perhaps there is as much fault on the one side as the other; but my attention was particularly called to the provision in this proposed law which anticipates putting men into the civil service. When we passed the income-tax law there was no provision that the employees under that act should be selected from the civil service, and they have been selected outside; and from the knowledge I have of some of the appointments under that law and one or two other laws it rather amuses me to have the Senator from Missouri tell us that they had to be so very careful to make selections, because I know of a good many instances where if they undertook to exercise care they did not accomplish it. But to provide in a law, as the proposition now is, that before these people are appointed and in anticipation of the passage of the act we authorize the President of the United States to put them in the civil service, when there are hundreds and thousands of names on the civil-service register to-day of men and women who have spent good money to take their examinations, and who will lose their opportunity to get appointments at the end of 12 months, and go outside and select laborers, as is provided in this provision, and clerks, and leave those registers loaded down as they are to-day is to my mind not a fair deal.

Mr. NORRIS. I do not agree with the man who says the civil-service law ought to be repealed. I think it ought to be improved. I think it ought to be amended in a good many respects, but no man can say I am opposed to the civil-service law. I had a member of this body say to me privately yesterday, after I had debated this question somewhat, that he believed the proper theory was the old theory that when one party came in, they ought to fill all the offices; that they ought to be responsible for everything, and all the other people ought to go out. While I think that would be disastrous, at the same time, the man who believes in it has a right to his belief, and he can argue it as long and as often as he pleases, and I am not criticizing his honesty or condemning it. But we have a civil-service law, and we ought to enforce it in good faith; and it is no answer for a Democrat to say when he proposes to violate it that a Republican has already violated it.

Mr. OWEN. Mr. President——

Mr. NORRIS. I yield to the Senator from Oklahoma.

Mr. OWEN. It occurs to me that this act, which provides that the farm-loan board shall make these appointments, naturally contemplated that the farm-loan board, which is a body of larger dignity than is ordinarily the case with commissions—men who would have a national standing, I take it—would see to it that these appointees who were vital to the success of the enterprise would be very carefully and wisely chosen, just as much so as if they had been examined by some other board, called the Civil Service Board, and after they had been properly chosen, that they should come under the civil-service law would be a natural and proper thing.

It seems to me that the debate is proceeding upon the theory that the spirit of the civil-service act is being disregarded in this proposed act; and it does not seem to me that it is being disregarded, because the farm-loan board would exercise reasonable caution in making these selections. After they are made the employees ought to come under the civil-service rules.

Mr. NORRIS. Mr. President, that argument would absolutely nullify the civil-service law if it were put in active operation, in my judgment. A Senator of the United States occupies a position as dignified and as important as does a member of this board. He selects a fourth-class postmaster; and if he be a Republican he selects a Republican as postmaster; if he be a Democrat he selects a Democrat, just as the Senator from Missouri [Mr. REED] has so graphically described all the 35,000 Republican postmasters had been selected, or practically all of them, by Members of the Senate and House of Representatives.

Why could we not say, in the same language that the Senator from Oklahoma [Mr. OWEN] applies to this board, "A Senator of the United States and a Member of the House of Representatives in selecting postmasters will be guided only by the qualifications of the postmaster to discharge the duties of the office to which he is going to be appointed and will entirely disregard politics or political activity. We know that such selections are almost invariably made for partisan reasons upon political recommendations. Qualification for the office is a secondary consideration. The good of the party comes first. The good of the service is a secondary consideration."

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I again yield to the Senator from Oklahoma.

Mr. OWEN. Mr. President, there is a vast difference between a Senator nominating men as postmasters, scattered over a large State, where he must select from one of a number possibly of active politicians, and the selection of his own office force. When I select the men to serve in my office, to make a success of my office, I shall certainly exercise sufficient care to justify the belief that they will be just as competent as if they had been selected for me by the Civil Service Commission.

Mr. NORRIS. Mr. President, the same thing will be true as to this board. These appointees will not be in the offices of members of the board. They are going to appoint inspectors, appraisers, clerks, whom they will never see. How are they going to appoint them if you leave them out from under the civil service? They are going to appoint them on the recommendation of Senators or of Members of the House of Representatives, just as postmasters are now appointed. There is not going to be any difference. The Senator from Missouri said in this instance we are appointing a man to go out and appraise a piece of land, and therefore we want somebody who is acquainted with the value of the land in that community. Under this bill these appraisers and inspectors are going to travel all over the United States, or at least all over a particular district comprising one-twelfth of the United States. So the appointment will be made, if made by Senators and Representatives—not because they want to, but because under the very conditions they can not make them in any other way—upon the recommendation of politicians, just as were the 35,000 postmasters who, the Senator claims, were so wrongfully put under civil service by President Taft; so these inspectors will be appointed under a Democratic administration for the same reason that the postmasters were appointed under a Republican administration, because they were particularly active for their party in that locality, because they are backed up by politicians of power and of influence, chairmen of State committees, Members of the House of Representatives, Senators, and so forth.

Mr. President, you can not differentiate the appointment of these men from the appointment of a postmaster. The Senator from Missouri says, "Why, these fellows were not appointed postmasters because of any peculiar fitness they had for being postmasters," and in thousands of cases he was absolutely right. That experience ought to teach us that we ought not to carry that kind of a political machine into this great proposition of loaning money to the farmers of the United States. The

farmer who borrows the money will suffer from the political activity of appointees who are appointed under this law unless you rectify it.

If you want to lift this law above the law which resulted so disastrously in the case of the postmasters, as described by the Senator from Missouri, then eliminate from the law the provision that makes it absolutely parallel with the appointment of the postmasters.

Mr. President, I am not contending in this respect that the Republican Party is any better than is the Democratic Party; I make no pretentions; but if you trace the records of Congress back you will find that the very evil that crept into the management and the control of affairs when the Republicans were in control, and which Democrats condemned, the Democrats put into practice when they came into power, and gave as their reason for doing so that the Republicans had been just as bad.

But what did the people think about it? You went before the people with a definite proposition; you called attention to the fact that the Republicans had been derelict in this respect; you promised not that you would duplicate the sins of the Republican Party but that you would do better. Let us see what you said in your platform on this very proposition. I shall now read from the Baltimore platform.

Mr. LODGE. That is a somewhat battered instrument.

Mr. NORRIS. Yes; there is not very much left of it, and after the President is nominated for the second term the last remaining plank will be broken. This, however, is what you said about the civil service:

> Why the law pertaining to the civil service should be honestly and rightfully enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than service rendered to a political party, and we favor a reorganization of the civil service.

That is your promise. You are now about to go on record as to whether or not you intend to redeem it.

Mr. President, so long as one party considers it a sufficient excuse to do evil by citing the fact that some other party has done evil in the past we can not get any genuine reform in this country. If you have called attention to the evil of your opponents and you have promised the people that you would remedy it, and the people, relying upon your promise, have given you power to remedy it, then, in all good faith and honesty you ought to remedy it, and you ought to uphold the civil-service law if you want to redeem the pledges or to redeem one of the pledges that gave you the power to uphold any law.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield to the Senator.

Mr. CUMMINS. A great deal has been said about the 35,000 postmasters who were brought into the civil service by President Taft. Is it not true that under the law all of those postmasters were required to submit to a competitive examination?

Mr. NORRIS. I do not understand that that was true under President Taft's order.

Mr. CUMMINS. But that was true under the order of the Civil Service Commission, was it not? The President had nothing whatever to do with it.

Mr. NORRIS. The Civil Service Commission, as I understand, made no order as to the placing under civil service of the fourth-class postmasters who were holding office at the time the order was made. They had no power to make such an order.

Mr. CUMMINS. I do not remember just what the law is in that respect, but, at any rate, the Civil Service Commission held that under the law all those postmasters should be subjected to a competitive examination.

Mr. NORRIS. That would apply to appointments made afterwards.

Mr. CUMMINS. No.

Mr. NORRIS. I may be wrong, but my understanding is that the President had the authority under the law to issue the order which he did, and that was to simply place all fourth-class postmasters under the civil service by virtue of the order; and they became then entitled to hold office so long as the order existed, unless they were removed for cause or resigned or died.

Mr. CUMMINS. I am not speaking of the time when that occurred; I am speaking of the persons or the board having jurisdiction to require it. I know that the Civil Service Commission required an examination, not only of applicants to fill vacancies, but of the entire number that were covered into the civil service.

Mr. NORRIS. That was brought about by an order made by President Wilson.

Mr. THOMAS. That is correct.

Mr. NORRIS. President Wilson revoked the order of President Taft, or at least he modified it, so as to require an examination of all fourth-class postmasters.

Mr. CUMMINS. At least, the great injury that is complained of has not been done the fourth-class postmasters who are under the civil-service law through a competitive examination.

Mr. NORRIS. No; there has been no injury done, Mr. President; but a great good has been done. President Taft's order, if it had remained absolutely as he issued it, would have brought about great good. As I said in the beginning, I would rather have that order as it was than not to have had any order at all; but I say now, and I have always said, that I thought President Wilson improved on President Taft's order. There has been a great deal of complaint as to how it has been carried out. It is sometimes charged that it has not been carried out fairly, but I make no charge in that respect. I have seen some evidence of that; but even if it were not carried out in absolutely perfect faith, I would rather have it than the old spoils system. I think both President Taft and President Wilson are entitled to credit, so far as those postmasters are concerned.

Mr. President, I believe if we want now to throw aside all prejudice and want to be fair, that, unless we are opposed to the enforcement of the civil-service law, we can do nothing else except to provide that these appointments shall be made under the rules and the laws pertaining to the civil service. The Civil Service Commission at the present time—a majority of them, at least, being Democrats—I think, are doing good work. So far as I know, all the members of the Civil Service Commission are earnestly and honestly striving to do the best they can. They are hampered; they are hindered; and they are interfered with a great many times by the insufficiency of the law under which they work; and if you talk with them about it, they will tell you so. I do not believe they let politics creep into it, and the idea of it all is to keep politics out. You will not keep politics out of these appointments unless you adopt my motion, and thus let the Civil Service Commission control these appointments.

We have already provided in the bill that some members of the board which is going to control this great institution are to be members of one party and some are to be members of another party. It is already known that it is going to be a bipartisan institution. We ought to keep politics out of it just so far as we possibly can, and the only way to do it—at least, I think the best way to do it—would be to adopt this amendment, by virtue of which the exemption from the civil-service act will be stricken out of the bill, let the civil-service act control, and let these men be appointed under the terms of the civil-service law.

Mr. THOMAS. Mr. President, I think the Senator from Nebraska [Mr. NORRIS] stated his whole argument in a nutshell in his closing sentences. He then insisted that politics must be kept out of the civil service if it is to be sucessful and accomplish the objects for which the system was created; but, in my judgment, there must be a radical change in human nature rather than in the law before that happy solution of the existing situation can be accomplished.

I was one of the original civil-service men in the country. In my humble capacity I sought to promote the movement as much as possible, and I have been largely in favor of it ever since; yet I must confess that the principal object which seems to have been accomplished by the law so far has been to reduce the applications, and consequently conserve the time of Senators and Representatives, which otherwise would be monopolized by the claims and demands of office seekers. The system can not, in my judgment, be divorced from politics until our methods shall change or until human nature is profoundly altered, and I see no reason to believe that either of these things will take place in the near future.

The object of the system is an excellent one and the arguments in its behalf are unanswerable; but in practice it has been and it will be a disappointment, especially to men who, like the Senator from Nebraska, are earnest, sincere, whole-souled believers both in the system and in its possible efficacy.

Mr. President, when the Republican Party is in power its representatives naturally and properly—I say properly in the larger sense—listen to the claims of their own adherents and utilize their influence for them, even though they be upon the civil-service list. Hence, as far as it is possible in conformity with the requirements of the law, Republicans upon the list are selected in preference to Democrats; and the same thing is absolutely true of the Democratic Party when it is in power, for we are all human beings, subject to the same influences and laboring under the same deficiencies.

Mr. NORRIS. Mr. President, will the Senator yield for a moment?

Mr. THOMAS. I yield.

Mr. NORRIS. Of course, the right kind of a civil-service law would make that impossible; but assuming that to be true and that the civil service goes no further than the Senator has outlined, does he not think that even to that extent it is a

big improvement over the old system of giving the spoils to the victors, and thus, as the Senator has said, having the time of Members of Congress monopolized by office seekers?

Mr. THOMAS. I have said that it was a great relief to Senators and Representatives, and gave them opportunity to attend to something else than claimants for spoils.

Mr. NORRIS. Does not the Senator think, although the civil service, as the Senator says, may have resulted in putting Republicans in office when Republicans were in power and putting Democrats in office when Democrats were in power, that the very fact that the list made up by the Civil Service Commission was a selected list would make it an improvement over the old system?

Mr. THOMAS. Mr. President, I think it may be an improvement in the service, and yet the improvement is in some particulars difficult—at least it is for me—to differentiate.

I interrupted the Senator from Utah [Mr. SMOOT] in the course of his remarks to remind him of the Executive orders of President Taft. I have not blamed President Taft for making those orders, except that, as a Democrat, their operation interfered with the ability of the Democratic Party to distribute some rewards of its own.

Reference was also made to the action of Grover Cleveland, who, prior to the expiration of his last term, made similar Executive orders. I have no fault to find with that, because I am conscious of the influences to which he was subjected and which doubtless inspired his action. I would not be at all surprised if when the present administration shall have ended, either on the 4th of March next or four years from that time, that Executive orders of some sort will again be made. They are issued so constantly and so regularly by successive Presidents as to demonstrate to my mind the impossibility of divorcing political considerations from the strict enforcement of the law.

The Senator from Nebraska thinks we might devise a statute that will prevent these conditions and be practically perfect in its operation. I wish I could think so. No statute was ever yet enacted by the wit and genius of man that can not be perverted by the same influences. The system of chancery was once defined to be a constant race between the rogue and the chancellor, and statutes that are most carefully prepared are sometimes most easily avoided.

If we turn to the service itself for a moment—and I shall detain the Senate but a short time—it is the attitude and policy so to speak of the beneficiaries of the civil service which lead me to question its great superiority over the old system. A man or woman having a life estate in an office, generally speaking, lacks that incentive for action which might otherwise exist, or, if not, the basis of it is a desire for promotion, and, of course, every occupant of a civil-service position, Democrat or Republican, wants promotion. He or she wants either a better position or a better salary, or both; all of which is perfectly laudable, because it is not much of a man or a woman who has not a desire for improvement, no matter how good his or her condition may be or may seem to be. But this seems now, following, perhaps, the universal law of the time, to find expression and accomplishment, not so much through perfect service or better service as through the power of organization, and we are at present confronted, and soon will be confronted to a greater degree, with organizations of Government employees, not only asking for but more often demanding legislation designed to create better conditions, better places, better salaries for them; and by transferring to those holding office for life, through organization and unity of action a potentiality for the exercise of political power not entirely free from some, if not many, of the objections which appertain to the old system.

It is for these reasons that I am not the advocate of the system that I once was, nor who believes that it will accomplish the improvement that I once thought and hoped it would accomplish. I am speaking, of course, generally, and not so much with reference to this particular amendment; but I am of the opinion that the time is approaching when either a radical change in the present law must be effected or when the country will drift back more and more to the conditions of the old system.

Mr. LODGE. Mr. President, I do not propose to take the time of the Senate in discussing with any elaborateness the general question of what has always been known as civil-service reform. I have in the nearly 30 years which I have served in the other House and in the Senate tried to support civil-service reform at all times, and the least agreeable times that I have supported it have been when my own party was in power, for it is easier to fight with my friends on the other side than to fight with my own party.

Experience has given me certain familiarity with the arguments that are usually made. The Senator from Missouri [Mr. REED] repeated one of them this afternoon with great force, which is that the surest guaranty of getting a capable man is general ignorance; that a man who passes an examination is almost certainly unfit for public office; and that persons who have come out of college or school, having passed an examination and having standing on that account in the way of learning, are very undesirable people, who really know nothing about anything, certainly not about the public service.

I am under no illusions about the merits of civil-service reform as it has been applied in our large classified service. It is not perfect; it has defects; but perfection in matters political, so far as my observation goes, exists only in the promises of political platforms, which are generally empty and often broken.

This is a comparative world, and the main question concerning the civil-service system is whether, on the whole, it is better than the system which was previously in vogue, when applicants were appointed to public office according to the friendship or favoritism which they could secure from some Member of the House of Representatives or some Member of the Senate. Civil-service reform, as it is called, has at least produced the effect alluded to by the Senator from Colorado [Mr. THOMAS]; that is, it has made public life in Washington tolerable. It is more than 30 years since the civil-service system was established, and even at that time, when the number of officials was far less than now, life had become practically intolerable to public men. If the vast mass of offices now existing were all to be filled on the recommendation of Representatives and Senators, little else could be done by Senators and Representatives than dealing in patronage and hanging around the anterooms of Cabinet officers. I do not want to speak in overpraise, but I think Senators and Representatives—certainly in the conception of the framers of the Constitution—were intended for something better than that. The civil service has taken most of the offices out of that method of appointment, and, on the whole, for the routine offices, I think it has given us a better class of service. I think it would be a great step backward and an unenlightened policy to abolish the present system of examination.

Under this administration the classified service, taking both existing and created offices, has, I think, declined rather than increased. The positions exempted from the civil-service rules by act of Congress since 1913 are given in a table here, published in a report of the Civil Service Commission, which I shall ask to have printed. They include two very large exemptions in the Internal-Revenue Bureau of the United States; and now it is proposed to create a great body of officials under this elaborate and mysterious structure which we are slowly building up here for the purpose of extending rural credits, which I do not think anybody fully understands.

The VICE PRESIDENT. Without objection, the request of the Senator from Massachusetts will be granted.

The matter referred to is as follows:

POSITIONS EXEMPTED FROM CIVIL-SERVICE ACT AND RULES BY ACTS OF CONGRESS.

Technical services in the Office of the Supervising Architect in connection with the plans, specifications, and construction of the central heating and power plant. (Sundry civil act, June 23, 1913, 38 Stat., 26.)

Agents, deputy collectors, inspectors, and other employees (not including the clerical force in the Bureau of Internal Revenue) in connection with the income tax, for a period of two years. (Sec. 2, tariff act, Oct. 3, 1913, 38 Stat., 180.)

Appointments of deputy collectors of internal revenue and deputy United States marshals required to execute a bond to the collector or to the United States marshal. (Urgent deficiency act, Oct. 22, 1913, 38 Stat., 208.)

Commercial attachés, Department of Commerce. (Legislative act, July 16, 1914, 38 Stat., 500.)

Commissioner of immigration, New Orleans. (Sundry civil act, Aug. 1, 1914, 38 Stat., 606.)

Commissioner to the Five Civilized Tribes displaced by superintendent to be appointed by the President, by and with the advice and consent of the Senate. (Indian act, Aug. 1, 1914, 38 Stat., 598.)

Secretary, clerk to each commissioner, attorneys, special experts, and examiners in Federal Trade Commission. (Act of Sept. 26, 1914, to create the Federal Trade Commission, 38 Stat., 718.)

Life-Saving Service made a part of the military forces of the United States by inclusion in the Coast Guard. (Act of Jan. 28, 1915, to create the Coast Guard, 38 Stat., 800.)

Mr. CLAPP. Mr. President, will the Senator pardon an interruption before he takes up that branch of the matter?

Mr. LODGE. Certainly.

Mr. CLAPP. I am so in harmony with what he has said with reference to the general benefits of the civil-service law that I think his testimony as to the manner in which it has been administered is valuable as an assurance of the honest manner in which it has been administered. I want to ask the Senator, as supplementary to what he has said, if he does not believe

that the method of getting into the civil service through the activities of the Civil Service Commission is about as fair and honest as any human instrumentality could be?

Mr. LODGE. That is my opinion. As a device or a system produced by fallible human beings, it comes perhaps as near to getting what is desired as any system that we can think of; certainly it is much better than the old one.

Mr. CLAPP. The Senator will pardon me, but I desired very much, in connection with what he has said, to have his opinion on that point.

Mr. LODGE. That is my own belief. I am not blind to its imperfections. One reason that leads me to believe it is fair is because, when the Republican Party was in power, I, being a friend of the classified service and civil-service reform, as it was called, was constantly reproached in this way:

"Why, these classified offices are filled with Democrats. All the Democrats are kept. They came in under the Cleveland administration. Look at the people who have been appointed! They are all Democrats who came in under the examination. There is no chance for a Republican."

That reproach was constantly made. I now hear the same reproach made by Democrats—that the service is stuffed with Republicans; that apparently only Republicans could pass the examinations; and as the charge is made on both sides I am inclined to think that the system works very fairly and that they take in both Republicans and Democrats on the basis of examination.

I do not believe for a moment that any civil-service examining board consider politics in their appointments. I do not believe they ever certify a man because he is of one party or another, and I do not believe they know; and, taking things by and large, I imagine that as many Democrats get into the service as Republicans.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. THOMAS. If the Senator will permit me, I want to say that I have not the slightest doubt but that in the action of the commission in certifying eligibles politics plays no part. It was to the matter of appointments that my criticism was directed.

Mr. LODGE. Certainly. Appointments outside of the classified service, of course, are political.

Mr. THOMAS. And in the classified service.

Mr. LODGE. The Senator means in selecting one of the first three certified?

Mr. THOMAS. Yes.

Mr. LODGE. I have no doubt of that.

Mr. THOMAS. I have been interrupting the Senator lest I may have been misunderstood in what I said as criticizing the action of the commission. I think the action of the commission is absolutely free from politics.

Mr. LODGE. But it is not very often, practically speaking, that the persons who are sought for political appointments succeed in getting into the first three names certified. Of course, they are better men, as the Senator from Missouri pointed out, but they do not seem able to get into the first three for certification. They do not pass with high percentages; and so I think the interest of the average man in politics is but slight in the persons who are certified for appointment by the various civil-service boards.

As I was saying, here is a great fabric of administration to be constructed which will start with an immense number of officers, if it starts at all, and will have a great many more officers as time goes on. I can not see any possible reason why those clerks, laborers, assistants, and other employees should not be appointed like all the other people who hold similar positions in the classified service of this Government. There is no use in humbugging about it. Those offices, filled in that way, will be all from one party—the party in power, whichever it happens to be. These admirable men who can not pass examinations, and who are most desirable for the public service on that account, whatever else they are, will be well tested as to their fidelity to the party in power. That is human nature. We all know it is so. There is no use in trying to disguise it.

Of course, to fill a branch of the service in that way, and then to cover them in, is something very like a fraud on the system, and it has been perpetrated many times. When a department is covered in the men in office ought to be examined if the law is to be carried out thoroughly and honestly.

I should have preferred if the Senator from Nebraska, instead of moving to strike out the whole paragraph, had moved to strike out, in line 24, the words "without regard to," and insert "in accordance with," which has been the common way of legislating when offices have been added in the classified service. That would put it beyond a doubt. Of course, this is carefully framed so that the President can not exercise his discretion. There is evidently a lurking suspicion somewhere among the framers of the bill that if they left this to the President, he might say that these men filling these routine offices ought to come in like all other men; and so, "to make assurance double sure," they have put it out of his power to do that. They have made it certain that these men shall be appointed on the recommendations of Members of the House and Members of the Senate. The great vice of that system is that the men who appoint, who are the Senators and Representatives and other persons conspicuous in politics in the different States, are not responsible for the administration that ensues. The responsibility is divided from the power of filling the offices; and the result of this provision will be to fill this service in that way.

This service, if it is what it is intended to be, connected with an elaborate and intricate system of banking and loans, seems to me to require the best class of officers we can get. I am sure we shall get the best results if we put them under the classified service. For that reason I trust that this clause will be stricken out, though I should prefer to have seen it amended as I proposed to amend it, because that would put it beyond any doubt and would compel the appointment of the persons who hold office under this bill to be made in the same manner that all similar offices are now filled in the other departments of the Government. But, as the Senator from Nebraska has proposed to strike out the whole provision, I shall certainly vote for his amendment, for that is a vast improvement over the present provision, which is simply destructive to the whole system of the classified service.

Mr. HARDING. Mr. President, I have no desire to impose extensively on the time of the Senate; but I ventured a day or two ago to introduce in the debate a communication by former Gov. Herrick, of Ohio, which led to considerable discussion and not a little criticism of the attitude of Mr. Herrick toward this measure. I am not seeking to magnify his position, but it is admissible to discuss the suggestions of one who has identified himself so conspicuously with the rural-credits movement.

I have in my hand a letter written by ex-Gov. Herrick since that time, and I should like permission to introduce this letter into the RECORD without imposing on the time of the Senate. I should like to read, however, just two paragraphs:

> These bonds shall be prepared by the Secretary of the Treasury and the Comptroller of the Currency, approved by the bureau, signed by its executive officer, and secured by mortgages or Government obligations selected by public appraisers and functionaries and trusteed with public registrars. Manifestly such bonds could not properly be called mortgage bonds or debentures. They would be exactly what the bill declares them and their collateral to be, "instrumentalities of the Government of the United States."

And, following that statement, he says:

> This is not land credit. It is folly; and in devising his scheme for utilizing savings and deposits in long-term operations and for rendering them available for any undertaking on which the United States Government might wish to embark, Senator HOLLIS has copied the identical clauses in the laws under which the Agricultural Bank of France went to pieces in 1876, almost wrecking the Crédit Foncier de France, and under which the latter great institution, originally intended solely for land credit, has been divested of practically all of its farm-mortgaging function and transformed into an agent for whatever other projects the Republic of France cares to handle.
>
> As a consequence of this bad legislation, land credit in France is still unsatisfactory, although its reform was started in 1852. And it may here be noted that two savings banks, with investment mainly restricted to Government stock and public-service securities, have recently failed in Germany; moreover, that such institutions throughout continental Europe at present are of all banks the hardest pressed for cash with which to meet withdrawals and interest on deposits.

In offering the letter for the RECORD, Mr. President, I venture to say that the letter is directly from Col. Herrick to myself, and I have every reason to believe, notwithstanding what is said, that it is his own dictation. If there is no objection, I should like to have it recorded with the debate.

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter referred to is as follows:

CLEVELAND, *May 1, 1916.*

Hon. WARREN G. HARDING,
United States Senate, Washington, D. C.

DEAR SENATOR HARDING: The arguments in last week's debate have confirmed my belief that the plan of the Hollis bill is a combined long-term mortgaging and savings-bank system, and that the credit and all other resources of such system, controlled and aided by the United States, could be diverted from the farmers' uses and employed in any Government project.

Tax exemption is provided for depositors and investors. On the other hand, mortgaged farms are to remain taxable, while borrowers must put 5 per cent of their loans back into the system. If the funds thus forced from the farmers and attracted from other persons should not suffice for the creation and support of the system, then the remainder shall be supplied in cash by the Secretary of the Treasury, or through the sale

of bonds issued upon the good faith and honor of the Government of the United States.

The system is to consist of Federal land banks, national farm-loan associations, national bond and mortgage companies, and certain kinds of moneyed corporations organized under any existing National or State law, but especially licensed to operate under the new law. All charters and licenses are to be granted by a bureau at Washington. The bureau would be practically a part of the Treasury Department, being composed of the Secretary of the Treasury and four other appointees of the President and Senate of the United States, holding office with big salaries for eight years.

The bureau shall have both executive and judiciary powers, plenary and discretionary, in creating, directing, supervising, and abolishing the system so that it could bestow or withhold its benefits at will, regulate interest rates under a prescribed maximum, take away charters or licenses, and dissolve any bank or association and compound its claims or cancel its debts, without intervention of the courts or appeal to any higher authority.

The bureau shall start the system by dividing continental United States into 12 districts and by establishing a Federal land bank in each district. The bureau could alter these districts and establish as many more such banks as it pleased. The number of institutions of any of the other classes also shall depend upon its discretion. The bureau shall appoint one registrar and one or more appraisers for each district, and examiners, attorneys, and other employees of the system. These public functionaries may be appointed for political reasons, since the rules of the civil service are not to be applied to the system.

The capital stock of every Federal land bank thus established may be increased or decreased indefinitely above $500,000. If ordered by the bureau, the United States must supply the minimum by subscribing for shares yielding no dividends. The shares shall be $5 apiece. They may be made subject to withdrawal and issued in any amount to any individual, firm, association, corporation, or Government. They are not to have any voting right, however, except in the hands of the United States or national farm-loan associations, and so would be simply time-deposit certificates.

Other deposits may be accepted in any amount from the holder of just one of these certificates. Public funds of the United States may be received either as advances or as deposits for safe-keeping. Therefore the Federal land banks would be, in fact, savings banks. The bill allows them to maintain as many branches as the bureau shall deem advisable.

All this variable capital—except 10 per cent, which must be invested in United States bonds—and all these withdrawable deposits may be invested in loans, repayable by 72 semiannual installments, for purchasing, improving, or equipping farms. The intention is that they shall be so invested, or else invested in Government securities. The word "improvement," etc., shall be defined by the bureau and the Government securities shall be specified by the bureau or the Secretary of the Treasury. The bill has so far forgot its rural object as to forbid funds received from the Government to be used in farm mortgaging.

Bonds may be circulated by a Federal land bank up to twenty times its capital stock and surplus. The bondholders shall have a prior lien on all deposits and assets as against depositors or others creditors. The security for the bonds may be farm mortgages, currency, or debt obligations of the United States Government. All repayments of borrowers and all other receipts, income, and the entire assets of the banks may be invested in Government securities.

The farm mortgages, which a Federal land bank might desire as investment for its funds or as security for its bonds, can not be obtained by making loans directly to farmers. Such a direct method would take away too much of the fees and commissions needed for running the system. The only mortgages which a Federal land bank could handle would be those coming on a high commission basis from some other component of the system. In order to get a loan the average farmer would have to pay, in effect, a flat commission of 1 per cent or one-half of 1 per cent, besides all costs, and also subscribe for shares up to 5 per cent of the principal of his loan. These forced contributions from farmers are expected to remunerate agents and to meet all the expenses and losses of the system, at least in normal times. They ought.

In this way it is proposed to establish a Government land credit system with savings-bank functions; to finance it by deposits, voluntary and obligatory, public and private; to immobilize current funds in long-term operations; and to leave a way open for the use of all or any of its resources in other private enterprises to be conducted by the Government in case farm mortgaging should not be profitable or desired by the bureau or the Secretary of the Treasury.

The Secretary of the Treasury must increase by $6,000,000 every year his balance on hand in the system, but there is nothing to prevent him from diverting the internal revenue and all his disposable funds to the Federal land banks, since the bill declares them to be Government depositaries and financial agents and their bonds to be lawful investment for public and fiduciary funds.

The Hollis land-credit savings-bank system could, if it chose, turn all its funds over to the Federal Reserve System. The relation is to be reciprocal between the two systems. Member banks of the latter system may buy and sell Hollis bonds, invest their funds in them, or use them as collateral for short-term paper. Paper so secured shall be eligible for discount by the reserve banks. Where all this complexity would end nobody, of course, can foretell. Thirty per cent of postal deposits also may be invested in Hollis bonds.

These bonds shall be prepared by the Secretary of the Treasury and the Comptroller of the Currency, approved by the bureau, signed by its executive officer, and secured by mortgages or Government obligations selected by public appraisers and functionaries and trusted with public registrars. Manifestly such bonds could not properly be called mortgage bonds or debentures. They would be, exactly what the bill declares them and their collateral to be, "instrumentalities of the Government of the United States."

This is not land credit. It is folly; and in devising his scheme for utilizing savings and deposits in long-term operations and for rendering them available for any undertaking on which the United States Government might wish to embark Senator HOLLIS has copied the identical clauses in the laws under which the Agricultural Bank of France went to pieces in 1876, almost wrecking the Crédit Foncier de France, and under which the latter great institution, originally intended solely for land credit, has been divested of practically all of its farm-mortgaging function and transformed into an agent for whatever other projects the Republic of France cares to handle.

As a consequence of this bad legislation land credit in France is still unsatisfactory, although its reform was started in 1852. And it may here be noted that two savings banks, with investment mainly restricted to Government stock and public-service securities, have recently failed in Germany; moreover, that such institutions throughout continental Europe at present are of all banks the hardest pressed for cash with which to meet withdrawals and interest on deposits. On the other hand, the landschafts, the Raiffeisen societies, and cooperative and mutual banks appear to be withstanding every shock of the war.

The improvement of farm mortgaging depends upon mobilizing land values. After the requirements for proving titles and recovering defaulted loans have been provided the most effective instrument for this purpose is the bond or debenture. If the simple methods necessary for giving safety and salability to this instrument are observed, the banking institutions do not need savings, deposits, or Government aid. Indeed, the best authorities are becoming more and more to believe that they do not need even capital stock or share capital. The Hollis bill, however, has cast these considerations aside without thought of a fair trial, and besides arranging for savings-bank features proposes tax exemptions and State aid on a scale which surpasses what has ever been attempted by any other nation.

The banks and associations of the system, their capital stocks, shares, bonds, mortgages, reserves, surpluses, income, and assets of every description are exempted from Federal, State, municipal, and local taxation, except taxes on their office buildings and the mortgaged properties of the farmers. The latter is specifically, and, one might say, impertinently excluded from the exemption; and so the farmer would be the only person to be taxed under the system.

This total tax exemption for the system would do no public good, because it could not reduce the aggregate of taxes which must be levied. Taxes can not be escaped. Whenever the burden is lightened for a favored class it falls with a correspondingly heavier weight on the remaining classes. So the exemption would simply shift taxes from one kind to some other kind of property, particularly to real estate. The exemption might please persons who live abroad or who have idle money to invest, but it would be unfair to farmers, whether borrowers or not, because practically all their wealth consists of farm land, live stock, and equipment which tax collectors can easily find and list.

Farmers have more taxable property in proportion to their wealth than is possessed by any other class of taxpayers; and this proportion would be increased by the Hollis bill. There is hardly a dollar in a farmer's hands which he can not profitably use in cultivating, improving, equipping, or enlarging his farm. The more activity and fidelity a farmer displays in his vocation the more visible and taxable his wealth becomes. In spite of the tax exemptions, therefore, farmers could not be expected to hold many bonds, shares, or deposit certificates of the system.

The only shares held by farmers would perhaps be those for which the bill obliges them to subscribe upon applying for loans. The other shares, and the bonds, savings, and deposits would be owned by the United States, States, or maybe by corporations, associations, firms, and individuals not farmers. Thus the tax exemptions would be enjoyed by persons who are not the intended beneficiaries of the system; and the injurious result would hit the farmers worse than anybody else—especially the farmers who did not care for loans from the system.

The tax exemption of savings and deposits would indeed be a grand attraction. However, it perhaps would be the only attraction. The shares are to have no voting power; the bonds could not be redeemed before 10 years from date. So investors would not prefer them to deposits, because their dividends and interest would be imperiled by costs and losses anywhere in the system by reason of the mutual liability which all the Federal land banks must assume. An investor would not have to run this risk in order to obtain the tax exemption and the promise of the United States Government to pay handsome returns on his money. He could enjoy these two advantages upon buying but one $5 share of stock, and then by becoming a depositor, so the obligatory subscriptions would be about the only shares held either by investors or by farmers, while the bonds would probably have to be offered at a discount. The requirement that deposit certificates of the associations shall be convertible into bonds of the Federal land banks is simply another way of saying that a Federal land bank must enter into an agreement to pay back deposits which it accepts. Moreover, the arrangement would permit the bank to pay 5 per cent interest to depositors, since the bonds may bear that rate and since (after the system was in operation) there would be countless bonds subject to purchase and immediate redemption which depositors could acquire.

The inevitable result would be that the system would undertake to finance its long-term operations by short-term savings or deposits. And this spells disaster or a continually increasing resort to Government aid. The proof lies in the actual occurrence of such an outcome wherever this arrangement has been tried. Moreover, tax exemption, special privilege, and Government aid have never won lasting sympathy for any Government. The billions of dollars of loans to serfs which Russia wiped out did not prevent the agrarian uprisings of 1910, nor have the billions of dollars of guaranteed stock issued by England to buy land for peasants stilled the mutterings of revolt in Ireland. The $100,000,000 of free money which the United States advanced for the western irrigation projects have brought discontent among the settlers and a demand for more Government aid.

The total tax exemption and the Government-guaranteed interest on any amount in the Hollis bill is a device, admitted by its report, to catch the idle surplus of wealth as well as the fruits of thrift; and there is no moneyed concern organized under State laws, large or small, which would not be placed by it at a disadvantage with the new Federal institutions to be formed. This, with the free and the 2 per cent money supplied by Government, would cause interest rates to rise for the benefit of the millionaire, while it would put mutual savings banks, building and loan associations, and fraternal orders practically out of business.

This could not be avoided unless the States themselves would free personal property from taxation and use their cash and credit for private purposes in the way proposed for the United States. And this use of public resources for some particular class of individuals would increase the taxes wherever they could be levied. No wonder the Hollis bill and similar measures are being condemned from all sides in terms as strong as appear in these resolutions of the American Federation of Labor:

"We believe that national conditions vary so widely with the several sections of the country that it would be unfair, if not actually dangerous, to undertake to prescribe one system of plan for the guidance and control of all.

"We would therefore recommend that the matter of rural credits, aside from the enactment of a general law to govern the fundamentals, be left to the determination of the different sections or States for the carrying out of the matter in detail until such time as experience shall have determined what, if any, is the better course to pursue to insure the rights and properly safeguard the interests of all."

What would the system have to offer to the farmer in the midst of this disregard of the rights of taxpayers and violation of correct principles? A loan which no average American would accept, unless driven to the last extremity. The borrower must subscribe for shares in some Federal land bank or in one of its associations. The subscription shall at least equal 5 per cent of the loan. He must pledge his shares and give a first mortgage to secure his share subscription and loan contract.

The total must not exceed one-half the value of the mortgaged property unless he join an association. In this case the share subscription and costs may be added to the principal, if the part of the loan not invested in shares is to be used in buying a home. If not so used, the share subscription shall be paid in cash or deducted from the principal; and so the actual amount of the loan would be only 45 per cent of the value of the property.

The bill provides that the shares are to be withdrawn as the loan is paid, but a tangle of inconsistencies would prevent this and make the investment last for at least 10 years, and perhaps become permanent. If the subscription is made for stock in a Federal land bank the shares would be liable up to their face for all losses in the system, because of the mutual liability of such banks. The shares of an association impose either double or unlimited liability. The association must be a stockholder in its land bank, and maintain its holdings at 5 per cent of its outstanding loans. So, a borrower could never escape a liability for losses anywhere in the system, while if he joined an association he would become personally liable for any of its losses.

In spite of this support, by cash and credit forced for the system, the borrower would not have the free use of his loan. He could use the proceeds only for buying, improving, equipping a farm for a home, or for lifting a debt contracted for any such purpose, while he must undertake to live upon and cultivate the farm himself, and not to dismortgage, sell, or by any other lien to encumber it, until his loan is fully paid. This could not be less than 5 and might be 36 years. These clauses appear in Europe only in the laws enacted for the poorest and most degraded peasants. The official report of the bill clearly indicates that there is no intention of reducing interest rates below 6 per cent per annum. So the question is, What is intended for the farmer?

Irresponsible parties are boosting the bill by promises of 3 per cent money with no perquisites. But such a low rate would wipe out profits and destroy the scheme of the bill. The amount of the obligatory shares exceeds present fees and commissions. No relief from present excessive costs of lending is proposed by facilitating the proving of titles and the recovery of defaulted claims, while the terms and conditions are more restricted, if not more severe, than what are now exacted by brokers and existing banks and companies for loans.

The bill does contemplate long-term loans reducible by periodic installments, but it lacks the essential clauses for this beneficent and much-desired process of extinguishing debts. Very likely under the bill's plan, usury could not be avoided nor the lien of the mortgage preserved in all cases of partial payments made in advance of the due date. The bill lacks even the clauses which make installment loans safe and practicable for American building and loan associations, while it ignores the need of such new legislation as a large industrial finance corporation has found advisable to obtain in order to legalize its services for the poor in various States.

A loan contract under the Hollis bill might be difficult to change so as to allow prepayments or leniency for defaults. If a mortgage must remain on record until the last dollar of a long-term loan be paid off, a farmer in need of more funds would be forced to resort to his personal credit at high interest and on the most oppressive terms. Long-term mortgaging is dangerous unless the size and period of the annuities can be altered at the option of the borrower and without endangering the lender's lien. It is doubtful whether this could be done under the Hollis bill. If the bill should become a law, and if the land should be encumbered with mortgages representing loans of only 45 per cent of its value, but immobilizing all its credit value, the probabilities are that the United States would have to establish another system for second mortgages, exactly as has been done for this very reason in Denmark.

The years of a long-term loan have no significance except as a measure of the borrower's annuity and as a process of calculation by which the lender may determine how to refund his obligations. Amortization is of no importance or value to the borrower unless it enables him to adjust his annual dues to his income. This the Hollis bill appears to have overlooked. Seemingly in fright at a fair-sized devisor, it adopted a figure which would obligate the borrower to pay at least about 14 per cent of principal and interest a year.

What farmer would willingly obligate himself to such an annual charge and also to an additional share subscription of 5 per cent of his loan? Could a farmer be expected to assume this heavy burden, especially since he could not rid himself of it at his volition? A less burdensome arrangement with free money has swamped the settlers on the Government irrigation projects and immobilized the $100,000,000 investment of the United States. Last year Congress voted $21,000,000 for the irrigation projects, and the service must have $75,000,000 more to be enjoyed without interest by the settlers. What will Congress do about the irrigation projects?

The clauses for prepayment in the Hollis bill apparently were drawn on the wrong assumption that a long-term annuity contract always remains a lump-sum loan. They are impracticable, especially when taken in connection with the fact that the bonds against the mortgages can not be redeemed before 10 years from date. Constitutional amendments—as for the Torrens systems—would perhaps be required in some States in order to give full play to amortization and to preserve the lender's lien, while allowing the borrower to apply prepayments as they should be applied for reducing the size of all his annuities. Long-term mortgaging is about the only benefit which the Hollis bill offers to farmers. Failing in this, the reason disappears for its enactment, unless the object be to accumulate funds under Government control for other purposes.

The Hollis bill purports to be cooperative, presumably because membership in the association is to be confined to borrowers, and the associations are eventually to have control of the Federal land banks. But the associations would not be even voluntary, much less cooperative. They are to be formed only with the consent of a Federal land bank and upon approval of the bureau. Their creation or dissolution can not be effected at the will of members. Their directors and chief officers are not required to be members. They can make no loans except those allowed by a Federal land bank and public functionaries, while the profits of the system to which they belong may be distributed among outsiders. This eliminates cooperation entirely, while the only mutual feature left is the collective liability of the members for losses. The Federal land banks, with directors elected by such associations and by the United States, would not be cooperative.

In trying to fathom the meaning of this complicated system to be invested with powers so useless to farmers I sometimes amuse myself by thinking that the Hollis bill is the present administration's way of playing quits with the carpetbaggers of old post bellum days for their plan of "40 acres and a mule." I am surprised, however, that Senator HOLLIS is its proponent, because most of the carpetbaggers who did not hail from Ohio came from New England.

Sincerely,

MYRON T. HERRICK.

Mr. HOLLIS. Mr. President, I am very glad to have the letter from Gov. Herrick inserted in the RECORD as a letter. I do, however, wish to call the attention of the Senate, and particularly of the Senator from Massachusetts, to the fact that a communication that was put in the RECORD last week, purporting to be a report to the United States Chamber of Commerce, was not a report at all; it was merely a letter that Gov. Herrick wrote to the members of the committee. I have in my pocket letters from three members of the committee saying that they not only did not agree to the report but they thoroughly disapproved of it. So far as the letter represents Gov. Herrick's individual opinion, of course, there is no objection.

I wish to say, in short reply to the Senator from Massachusetts, that I heartily agree to what he said about the civil service. I believe in the civil service. I believe they are doing a splendid work. I believe the present commission is a fine body of men, and that they are carrying out the civil-service laws in letter and in spirit; but this is a very different matter. Here is a new system to be started, and it ought to be started speedily. The Civil Service Commission is hampered. It has not enough office force to do its work. It would take several months to get men certified under its procedure and rules.

There is not to be a great army of employees, as the Senator from Massachusetts has said. There are very few. All the employees of the land banks are business appointments; they are not political appointments; and the farm-loan board will have nothing to do with those. The only officers appointed by the farm-loan board will be its office force here in Washington and the examiners and the land-bank appraisers and the farm-loan registrars. Those men would not be appointed under civil-service rules anyway, any more than the present bank examiners are. No one would think of having the attorneys appointed under civil-service rules. The attorneys never are, nor the experts. That leaves a few clerks and stenographers to be appointed here in Washington. While I do not blame the Senator from Nebraska for pressing his amendment as a matter of principle, since he feels that this is breaking down the principle, so far as having any wide effect is concerned, it will not.

I hope the roll will be called.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. The Senator from Iowa.

Mr. CUMMINS. I had forgotten that the order had been made for the yeas and nays, but I desire to say one word only with regard to the amendment offered by the Senator from Nebraska.

Mr. STONE. Mr. President, I rise to a question of order. I do not wish at all to interfere with the Senator from Iowa. I am perfectly willing that he shall proceed, but as a mere matter of precedent, the yeas and nays having been ordered and the call of the roll begun, while I am perfectly willing that it may be waived for the time being, I should not like to have it established as a precedent.

The VICE PRESIDENT. Nobody had as yet responded; and the Senate, the Chair thinks very unfortunately, overruled the Vice President at the last session of Congress on that question.

Mr. STONE. Then I understand the Chair to rule that although half a dozen names, for example, might be called, unless there is some response, the calling of the roll has not been begun?

The VICE PRESIDENT. The Chair ruled at the last session of Congress that when the yeas and nays were ordered the question could not be amended and the yeas and nays should be called. An appeal was taken. The Senate did not sustain the Chair. The Senate clearly announced that, although the yeas and nays were ordered, there might be amendments introduced, and free discussion, and that until the roll call had proceeded to the extent of some Senator answering the roll call Senators were entitled to discuss the question.

That is the Chair's recollection of the ruling of the Senate, and he thinks there is no mistake about it.

Mr. STONE. I am not going to enter into any discussion about the rule. If that is the rule, then we will proceed with it

in that way. Really, when I rose, I was not aware that there had been no answer.

Mr. CUMMINS. Mr. President, if there had been an answer, possibly I would not have risen.

I was about to say that in my opinion this amendment directly challenges the position of every Senator with regard to the merit system—that is, appointments under competitive examination and certified by a nonpolitical board. I am perfectly aware that there are differences of opinion with regard to the value of the merit system. There are Senators upon this side and Senators upon the other side who believe that as a whole the Government service would be better conducted if appointments were made without examination and if removals were made without cause. Everybody must realize that the moment any question of this sort comes up in the Senate, because we have heard such opinions expressed over and over again. But the Senator from New Hampshire avows his belief in the merit system.

I may pause to say that I think there is no considerable country in the world which does not appoint its civil-service employees in that way. Our country was a laggard in the reform when we adopted the present system in 1883, I think, or at least began it at that time. It is unfortunate that we are never able to discuss it without political controversy and political criminations and recriminations. I wish we could dismiss all those things from our minds and think of the amendment upon its merits, without regard to the probability that men of one party or men of another party will enter the public service in the event the system is abandoned or in the event the system is maintained.

The system has just two points, and only two. The first is that admissions to the service are upon competitive examinations, it being believed that the capacity or ability of the applicant is beter determined in that way than by a choice into which many other influences may enter. Now, the Senator from Missouri [Mr. REED] does not believe that. He apparently believes that an uneducated man is just as likely to be a valuable public servant as an educated man. He believes that one who has given no evidence whatever of skill, and who can exhibit no skill in an examination, is quite as likely to become proficient in the public service as one who can give evidence of his training and his ability in an examination.

There are a great many people who so believe, but that is not the system under which we are now conducting the Government of the United States. If we are to return to the system of individual appointments, influenced in any way that the appointing power can be influenced, well and good; but it is idle to disguise or attempt to disguise the fact that we are making an inroad upon the service, and, in so far as this bill is concerned and the farm-loan board is concerned, we are destroying the service.

I should like, if possible, at some time, to have a genuine test of strength in the Senate, rid of all political advantages or disadvantages, just to see how many of us believe that the ordinary employee of the Government should enter the service through a competitive examination, open to everybody who cares to subject himself to the test. I believe that in the long run that system will give to the United States a better body of employees than the other system, and I should like to see the system universal.

Mr. HOLLIS. Mr. President, will the Senator yield?

Mr. CUMMINS. In just a moment. I am not now suggesting that it ought to include every employee of the Government, because it would be foolish to say that the places of confidence, places that involve a peculiar relation between the employee and the head of a department, should be filled in this manner. Advocates of the civil service have never so contended, and there is in this bill provision for the appointment of employees who I think ought to be appointed by the farm-loan board without the competitive examination to which I have referred.

I now yield to the Senator from New Hampshire.

Mr. HOLLIS. Mr. President, the Senator has said that he fears that if this provision of the bill is adopted it will make an inroad upon the civil service. I will ask the Senator if he does not understand that precisely the same provision was in the Federal reserve act?

Mr. CUMMINS. I understand that.

Mr. HOLLIS. Then does the Senator think that that has resulted in any inroad on the civil service as applied by this administration?

Mr. CUMMINS. Why, Mr. President, I think the Federal reserve act simply struck down the kind of civil service I have suggested.

Mr. HOLLIS. Will the Senator kindly point out any particular in which it did so?

Mr. CUMMINS. I am not insisting that the Federal Reserve Board has not been able to get good stenographers and good clerks or other good employees. I do not know what patience and what care the board has exercised in appointments. I know that if it has exercised the care which it could have exercised, it could get employees just as capable as could be had under the merit or competitive or examination system. I do not doubt that. The United States has now in its employ something like five hundred or five hundred and fifty thousand employees; possibly more. I am not counting the postmasters. It is perfectly well known that the appointing power with respect to many of these employees will not be exercised according to the merit, the capacity of those who are brought to the attention of the appointing power; and that is the reason why this Government, as well as any other Government of which I know in the whole world, has adopted the plan which we call civil service. "Civil service" in itself means nothing. What it means as we are using the term is the plan of admitting upon competitive examination, and of dismissing for cause. These are the vital elements in what we know as the civil service.

It may be that the farm-loan board would exercise its judgment in the selection of its employees so that it would surround itself with competent men and women, but nevertheless it would be an invasion, an inroad, upon the merit system. If we are to disregard this system in the case of the Federal farm-loan board, why should we not disregard it with every department of the Government? If as we add functions and commissions and boards to the Government, we abandon the civil-service law, why should we adhere to it with the thousands of employees of the State Department and the War Department and the Interior Department and of all the other departments in the District of Columbia? I can conceive of no possible justification for the departure.

I have no doubt the Senator from New Hampshire feels and believes that in this particular instance the board will be able to obtain competent employees, more competent from his point of view than though they were certified by the Civil Service Commission; but however firm that belief, a man as intellectual and keen in his analysis as is the Senator from New Hampshire does not dare to say that he is not striking down the civil-service system.

Mr. HOLLIS. Mr. President, I do dare to say exactly that, and to believe it most sincerely. Here is to be appointed a board with a very few assistants, most of them experts and attorneys, and a few stenographers and clerks.

Mr. CUMMINS. Precisely.

Mr. HOLLIS. I can not see how we are making any inroads on the general civil-service system in doing that in a special case where I believe it is necessary. It is a small mind that cleaves to a great principle when it is not applicable.

Mr. CUMMINS. Every case is a special case. Suppose we add a hundred men to the State Department, as we did add that number or more to the Department of Commerce and afterwards to the Department of Labor, might not a Senator have said with equal sincerity that the Secretary of State, or his chief clerk, or whatever person in his department is given the power of making selections, could determine the fitness of those who applied for positions better than the Civil Service Commission could do it, and that the result would be 100 employees more skillful than if they had come from the Civil Service Commission? That could have been said, and that possibly could have been believed, but nevertheless, when we begin to make these exceptions wherever employees are added to the civil force of the Government without competitive examination, we have begun the destruction of the system, and it is bound to proceed, if that be the spirit of Congress, until it is entirely overcome.

Granting, of course, the honesty which exists, I know, in the minds of those who are opposed to the system, I can not quite grant the fairness of those who insist that this provision is not a departure from the system. I understand how it has been used in the past. I do not defend the action of either Democratic Presidents or Republican Presidents, with respect to some practices that may have obtained. That, however, is not for us to consider at this time. The question for us is whether we desire to have the system maintained. If we do not, let us abandon it like men, but if we want it maintained let us not undermine it in the way proposed in this bill.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Nebraska [Mr. NORRIS].

The Secretary proceeded to call the roll.

Mr. OVERMAN (when his name was called). In the absence of my general pair, the junior Senator from Wyoming [Mr. WARREN], I transfer that pair to the junior Senator from Maryland [Mr. LEE] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent. For that reason I withhold my vote.

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Illinois [Mr. LEWIS], and I vote "nay."

The roll call was concluded.

Mr. LODGE. I desire to announce the absence of my colleague [Mr. WEEKS] from the city on unavoidable business. He stands paired with the Senator from Kentucky [Mr. JAMES]. I will let this announcement stand for the day.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is absent. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. BECKHAM. Has the Senator from Delaware [Mr. DU PONT] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. REED (after having voted in the negative). I neglected to announce the transfer of my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Tennessee [Mr. LEA], and I allow my vote to stand.

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the junior Senator from California [Mr. PHELAN], and I vote "nay."

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan], who is paired with the junior Senator from Missouri [Mr. REED]. I have a pair with the junior Senator from Florida [Mr. BRYAN], which I am not able to transfer. So I withhold my vote. I would vote "yea" if I were not paired.

Mr. CURTIS. I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from Idaho [Mr. BORAH] and vote "yea." I wish also to announce that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Nebraska [Mr. HITCHCOCK], that the Senator from Vermont [Mr. DILLINGHAM] is paired with the Senator from Maryland [Mr. SMITH], and the Senator from Idaho [Mr. BRADY] is paired with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 24, nays 34, as follows:

YEAS—24.

Brandegee	Fall	Lane	Poindexter
Clapp	Gronna	Lodge	Sherman
Clark, Wyo.	Harding	Nelson	Smoot
Colt	Jones	Norris	Sterling
Cummins	Kenyon	Oliver	Wadsworth
Curtis	La Follette	Page	Works

NAYS—34.

Ashurst	Johnson, S. Dak.	Reed	Taggart
Bankhead	Kern	Saulsbury	Thomas
Beckham	Martin, Va.	Shafroth	Tillman
Chamberlain	Myers	Sheppard	Underwood
Chilton	Newlands	Simmons	Vardaman
Gore	O'Gorman	Smith, Ariz.	Walsh
Hollis	Overman	Smith, Ga.	Williams
Hustlug	Owen	Stone	
Johnson, Me.	Pittman	Swanson	

NOT VOTING—38.

Borah	Fletcher	Lippitt	Smith, Md.
Brady	Gallinger	McCumber	Smith, Mich.
Broussard	Goff	McLean	Smith, S. C.
Bryan	Hardwick	Martine, N. J.	Sutherland
Burleigh	Hitchcock	Penrose	Thompson
Catron	Hughes	Phelan	Townsend
Clarke, Ark.	James	Pomerene	Warren
Culberson	Lea, Tenn.	Ransdell	Weeks
Dillingham	Lee, Md.	Robinson	
du Pont	Lewis	Shields	

So Mr. NORRIS's amendment was rejected.

Mr. HOLLIS. Mr. President, I entertained the hope yesterday that we might be able to reach a vote on the bill to-day. I think that is evidently impossible. The Senator from Iowa [Mr. CUMMINS] has said that he wishes to offer an amendment striking out the exemption from taxation. I hope the Senator will offer that amendment this evening, so that it will be pending to-morrow, and I shall try to get a vote on the passage of the bill to-morrow afternoon.

Mr. CUMMINS. I think the Senator from New Hampshire must have misunderstood me. I am quite willing to go on.

Mr. HOLLIS. I hope the Senator will go on. I did not suggest that he should not. I hoped he would offer his amendment, so that at least that might be pending.

Mr. CUMMINS. What I said to the Senator from New Hampshire was that I did not care to present my amendment while the amendment of the Senator from Nebraska [Mr. NORRIS] was pending.

Mr. HOLLIS. That is exactly what I understand, and that is in accordance with what I have just suggested. I hope the Senator will suggest his amendment and go ahead with it.

Mr. CUMMINS. That is entirely satisfactory to me.

Mr. HOLLIS. That is what I asked the Senator to do.

Mr. CUMMINS. I move to strike out section 29 of the bill. I understand that the Senator from New Hampshire is willing that the argument upon the amendment shall go over until to-morrow.

Mr. HOLLIS. I would very much prefer to go on to-night. I would like to run until about a quarter to 6.

Mr. CUMMINS. I ask that the section to which I have directed my motion may be read.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 66, beginning in line 13, it is proposed to strike out section 29, in the following words:

EXEMPTION FROM TAXATION.

SEC. 29. That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint-stock land banks, and farm-loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

Mr. CUMMINS. Mr. President, to one who is interested in the power of Congress to regulate commerce and who believes it will be accomplished most efficiently through the Federal incorporation of the agencies to which commerce among the States is to be carried on, the proposal that Congress can exempt the property, stock, deposits, mortgages owned or issued by the land bank to be organized under the bill now before us, is somewhat startling and very disconcerting.

If Congress could constitutionally either grant or withhold the right of a State to tax the property of a corporation organized under a Federal law, I would not be so much concerned; but, as I view the subject, if the property named in the bill is or can be exempted, it is through the constitutional relation between the State and the General Government. If, therefore, this property is exempt, all such property of Federal incorporation would be likewise exempt.

I can not conceive that Congress has the authority to exempt anything from taxation by the States. When the United States acquires property in a State or creates an instrumentality operating in a State exemption from taxation is a judicial question and can not be affected by legislative action.

These are suggestions, Mr. President, from which I intend to submit to the Senate some observations with respect to the authority of Congress to do what is proposed in section 29 of the pending bill.

I hope that I will not be misunderstood. I do not assert that Congress can not give its assent to State taxation of property which, without such assent, would not be taxable by the State. I doubt whether Congress is empowered in any instance to give such consent; but I do not now dispute it, for it is unnecessary to consider that phase of the question in the discussion of the matter before us. I do assert, however, with the utmost confidence, that Congress can not in any form or in any way by declaration remove property from the power of State taxation. It has never been attempted before, I believe. I have never heard it asserted until I found it in this bill. Now, mark you, I do not say that Congress has not power under some circumstances to create an instrumentality which the Constitution itself or the constitutional relation between the States and the Federal Government will exempt from the power of State taxation——

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. I shall do so in a moment.

But I reiterate that Congress has no power to declare that any given property situated within a State shall not be subject to the power of the State in taxation. I now yield to the Senator from Colorado.

Mr. THOMAS. The Senator from Iowa is fully aware that a condition of admission of the newer States to the Union is that they shall forego the right to tax the public domain within their respective States. There is an exemption, which, but for its existence, would enable the State to levy taxes upon an immense amount of territory which the Government holds, and upon which State taxation would otherwise be levied. It seems to me that, inasmuch as the Government, as to that property, held not for governmental purposes but merely as a proprietor, provides that it shall not be subject to taxation, that this is not an exception to the general proposition which the Senator makes.

Mr. CUMMINS. Will the Senator from Colorado again state the early part of his proposition? I did not hear him distinctly.

Mr. THOMAS. I called attention to the fact that a condition of admission of the new States into the Union is that they shall forego the right to tax the domain within the territory of the State belonging to the General Government, but for which exemption all property held by the Government merely as a proprietor would be subject to taxation.

Mr. CUMMINS. Mr. President, the Supreme Court has held——

Mr. JOHNSON of South Dakota rose.

Mr. CUMMINS. Just a moment. The Supreme Court has held that the property of the Government situated in a State is not subject to taxation by the State, and that entirely without regard to any legislation upon the subject, entirely without regard to the covenants or agreements under which the State came into the Union.

Mr. THOMAS. That is true, Mr. President, with regard to the property which forms an instrumentality of the State, but it is not true with reference to the property which the State holds merely as any other proprietor. Hence the necessity of an insertion in the enabling act of all of the States where there is public domain of the provision to which I have referred.

Mr. CUMMINS. But the Senator from Colorado evidently did not hear my statement.

Mr. THOMAS. I heard the Senator's statement, but perhaps I did not comprehend it.

Mr. CUMMINS. I said that there might be—I do not affirm that there are—instances in which the Congress can, on behalf of the United States, assent to the exercise of the taxing power on the part of the State; but that Congress had no power to declare that a given property should not be taxed by the State, inasmuch as the latter is purely a judicial question.

Mr. THOMAS. I agree with the Senator as to that.

Mr. CUMMINS. And the court must determine in the proper procedure whether or not the property, either owned by the United States or used as an instrumentality of the United States, may be subject to taxation.

Mr. THOMAS. I understood the Senator's statement quite clearly; but the fact remains that while they might have the exempting clause in the enabling act in States where the public domain is situated, each State would have the power, and it would be its duty, to tax all parts of the public domain owned by the United States not used as instrumentalities of the Government. If Congress has the power—which it certainly possesses and has exercised—of requiring that before the State shall be admitted it must withhold its taxing power over a great extent of territory, which, but for that condition, would be subject to that taxing power, I think it is going too far to say that this is the first time that the attempt has been made by congressional legislation to deprive the State of the power to tax, which it would otherwise possess.

Mr. CUMMINS. Mr. President, I think my statement is absolutely accurate. It may be that a qualification which I had in mind, and which I assumed all Senators would have in their minds, was not made clear enough.

I repeat, that from my standpoint Congress has never attempted to declare with respect to any instrumentality or the property created and owned by any agency of the Government and used in effectuating some purpose of the Government that it should not be subject to taxation upon the part of the State. That is a conclusion which must be deduced from the relation of the States to the Union, and it must be found by and through a judicial procedure. I think I will establish that very clearly before I finish the discussion of the matter. I now yield to the Senator from South Dakota.

Mr. JOHNSON of South Dakota. Mr. President, the Senator from Iowa has partially answered the question which I had in mind to ask; but there is a still further thought which occurs to me with regard to this matter. I should like to ask if, in the opinion of the Senator, the creation of property that does not now exist would also come under the line of his argument? For instance, Congress creates under this act certain property which it exempts from taxation. Would the same rule apply to the exemption of that property as applies to property formerly existing? That was the thought in my mind.

Mr. CUMMINS. I think I understand the suggestion of the Senator from South Dakota, and the answer to it will fully appear as I proceed in the discussion of the subject. Generally speaking, however, it may be answered in this way: If Congress creates property in the manner proposed in this act, it creates only the franchise to be a corporation. Under this act Congress does not create any other kind of property. It authorizes certain persons to associate themselves together as a corporation, with certain privileges and certain duties and rights. That is the only property conferred upon the association by the Government. The agency itself, namely, the corporation, proceeds under the rights given it by the sovereign to acquire certain property; and, although I am anticipating what I had intended to say later, I at once submit that, if the property created by the corporation is not to be used by the corporation in carrying out a governmental function, whatever that may be, in harmony with State taxation, then the State can not tax the property; in other words, the State can not impede or obstruct the governmental function, even though performed by a corporation, by imposing a tax upon the property.

In this case, however, the chief purpose of the corporation, as avowed by all who have spoken in its behalf, and, as I think will be admitted by everybody, is to secure a lower rate of interest to those who borrow from the land banks; that is its only object. It is necessary, however, to find some governmental purpose, however slight or insignificant, in order to invoke the authority of Congress in the incorporation, and therefore it is declared that these land banks shall be public depositaries, and it may be that there is one other governmental function which they may perform.

If the imposition of State taxes upon the property of the incorporation impedes, obstructs, or destroys the power of the land banks to serve the Government of the United States in the way here appointed, then such taxes are unconstitutional; the State can not impose them, and the State could not impose them no matter what Congress might say or do with respect to the matter. The State could not impose the tax because of the relation which the State sustains to the General Government, a relation which the Supreme Court has declared over and over again does not permit the Federal Government to lay a tax upon a State instrumentality or a State government to lay a tax upon a Federal instrumentality.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield to the Senator.

Mr. WALSH. Before the Senator proceeds with his argument, perhaps he will pardon an interruption to permit me to remark that the proposition asserted by the Senator from Colorado [Mr. THOMAS] has not had anything like a universal acceptance in this country, namely, that the State governments would be entitled to tax the public lands of the National Government within their boundaries were it not for stipulations to the contrary in the acts under the provisions of which they were admitted, respectively, to the Union. That question, as I recall, was the subject of some considerable comment in connection with the admission of California into the Union. The act so stipulated. Mr. Webster, as my recollection now serves me, however, took the position that that provision of the act was entirely unnecessary, as the State would have no right to impose such taxes.

Mr. CUMMINS. As I remarked to the Senator from Colorado, I intend to consider that phase of the question, although I do not believe it to be material to the amendment I have proposed, a little later in connection with one or two authorities from the Supreme Court of the United States.

I assume the Senator from Colorado called it to my attention because I had asserted in a preliminary way that Congress was powerless to deny to the States the right of taxation. If they—the States—are denied the right of taxation, it is by the Constitution and not by Congress.

Mr. THOMAS. Mr. President, if the Senator will pardon me, I also called it to his attention because of his statement that

this was the first instance in which legislation of this kind was attempted.

Mr. CUMMINS. Yes.

Mr. SUTHERLAND. Mr. President, may I suggest to the Senator from Iowa that even if it be true that these public lands would not be taxable by the State in the absence of a compact, that does not in any manner affect the argument which the Senator from Iowa has been making; namely, that Congress, by an act of legislation, can not accomplish it.

Mr. CUMMINS. Precisely.

Mr. SUTHERLAND. If it is accomplished in the instance which the Senator from Colorado gives us, it is accomplished by a compact between the State and the Federal Government, and is one of the conditions upon which the State is admitted into the Union. Now, if the State has the power to tax these lands in the absence of that compact, then I think the Senator from Iowa is quite correct in saying that the Congress of the United States can not take that power away from the State by a mere act of legislation.

Mr. CUMMINS. The Senator from Utah is undoubtedly right. The Supreme Court has passed over the whole subject in the Tennessee case to which I shall presently call attention, and which very clearly sets forth the obligations of the States to the Union, and the Union to the States, with regard to the taxation of public property or land.

Mr. SUTHERLAND. I suggest the absence of a quorum.

Mr. HOLLIS. Mr. President, if the Senator will withdraw the request I shall be entirely willing to adjourn at any time. I am willing to adjourn now.

Mr. SUTHERLAND. Very well; I withdraw it.

Mr. CUMMINS. Is it the desire of the Senator from New Hampshire that I shall proceed further?

Mr. HOLLIS. Why, no. I suggested that I was ready to adjourn at any time when the Senator wished to desist. I do not want to stop him if he prefers to go on, however.

Mr. CUMMINS. No; if it is entirely agreeable to the Senator from New Hampshire, I should be glad if I might resume my discussion to-morrow.

Mr. HOLLIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 3, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 2, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the Author of life, the Dispenser of every gift, out of the abundance of Thy grace impart unto us that we may conceive readily, see clearly, act fearlessly and nobly our part in the great drama of life and so fulfill the obligations resting upon us here, now, and always, ever keeping before us the ideal in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

UNANIMOUS-CONSENT DAY.

Mr. KITCHIN. Mr. Speaker, the other day when the House gave unanimous consent to take up the Philippine bill on Monday it was understood we would have a day for unanimous consent as soon as we could. I ask unanimous consent to transfer the business which was under the rule in order last Monday to Thursday of this week.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to transfer the business in order last Monday to next Thursday. Is there objection?

There was no objection.

DEPOSIT OF ASSETS OF INSOLVENT BANKS.

Mr. ROGERS. Mr. Speaker, I ask that the bill H. R. 3575, to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town, with a Senate amendment and now on the Speaker's table, be laid before the House.

Mr. GARRETT. Is there a similar House bill?

Mr. ROGERS. This is a House bill with a Senate amendment. It passed the Senate with a minor technical amendment.

Mr. GARRETT. What is it about?

Mr. ROGERS. It provides for the deposit of bonds for the security of the payment of the money, and the new words inserted by the Senate are "with the Treasurer of the United States"; it simply perfects the language and was recommended by the Federal Reserve Board.

Mr. GARRETT. Is the gentleman willing to let that go over for a time?

Mr. ROGERS. Yes. Mr. Speaker, I ask that it go over for the present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 125. Joint resolution to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes.

The message also announced that the President had approved and signed, on May 1, 1916, joint resolution and bill of the following titles:

S. J. Res. 121. Joint resolution authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California; and

S. 5415. An act to authorize the construction of a bridge across the Fox River at Geneva, Ill.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3205. An act to amend "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894; to the Committee on Agriculture.

S. 3405. An act for the relief of the Maine Central Railroad Co.; to the Committee on Claims.

S. 1741. An act for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park; to the Committee on the Public Lands.

S. 3646. An act to amend the act of February 11, 1915 (38 Stat. L., 807), providing for the opening of the Fort Assiniboine Military Reservation; to the Committee on the Public Lands.

EXTENSION OF REMARKS.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the gasoline situation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I call up the Agricultural appropriation bill (H. R. 12717).

The SPEAKER. Under the rule the House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Missouri [Mr. HAMLIN] will take the chair.

The CHAIRMAN. At the time the committee rose there was an agreement for two hours' debate on the last paragraph in the bill, with reference to the foot-and-mouth disease.

Mr. MANN. The paragraph has not been read.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

Eradication of foot-and-mouth and other contagious diseases of animals: In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the coun-

try, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all quarantine regulations, and said sum shall be immediately available for the purposes specified: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government for any animal shall not exceed one-half of any of such appraisements.

Total carried by this bill for the Department of Agriculture, $24,501,095.

Mr. HULL of Iowa. Mr. Speaker, I reserve a point of order on the paragraph.

Mr. MOORE of Pennsylvania. And I offer an amendment.

The CHAIRMAN. By unanimous consent, the time was limited to two hours, one half of the time to be controlled by the gentleman from South Carolina [Mr. LEVER] and the other half by the gentleman from Iowa [Mr. HULL].

Mr. LEVER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LEVER. Will the arguments on the point of order be taken out of the time fixed by the committee?

The CHAIRMAN. The Chair thinks not.

Mr. LEVER. I will suggest to the gentleman from Iowa that he make his point of order now so that we will have a basis upon which to offer amendments.

Mr. HULL of Iowa. I will make the point of order, Mr. Chairman, on the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LEVER. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, in place of the paragraph stricken out, the following:

"Eradication of foot-and-mouth and other contagious diseases of animals: In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the country, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government for any animal shall not exceed one-half of any of such appraisements."

Mr. HULL of Iowa. Mr. Chairman, I renew the point of order.

Mr. MANN. What is the difference in the amendment and the paragraph?

Mr. LEVER. I simply strike out that portion which makes the amount immediately available. I think, however, the amendment as offered is subject to a point of order and I concede it.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in place of the paragraph stricken out the following:

"Eradication of foot-and-mouth and other contagious diseases of animals: In case of an emergency arising out of an outbreak of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the country, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, as much as I feel that the question of foot-and-mouth disease among cattle and now before this House for consideration is of vast importance, yet I want the House to listen to a few remarks in reference to the dairy and dairy products resolution introduced by me and of equal importance to the health of the consuming public.

Mr. RUBEY. Mr. Chairman, I regret exceedingly, but I shall have to object to the discussion of any matter not before the House.

Mr. LINTHICUM. If the gentleman objects, Mr. Chairman, I shall not make any remarks at this time; but on the 14th of last month, when I was absent from the session on public business, remarks were made by two gentlemen from Iowa, and it is important——

Mr. RUBEY. Well, Mr. Chairman, I will not object if that will not bring up a discussion on that proposition which will take away the discussion of this matter of the foot-and-mouth disease.

Mr. MANN. If the gentleman prefers to discuss something else and gets the time, what is the difference? The time is limited.

Mr. LINTHICUM. Mr. Chairman, on the 14th day of last month the gentlemen from Iowa, Mr. HAUGEN and Mr. GREEN, in speaking on the Agricultural bill, referred to my resolution No. 137, introduced by me and asking that a committee be appointed to determine what legislation, if any, is necessary for the supervision and inspection of the dairies and dairy products of the country, said:

Mr. HAUGEN. If the gentleman will refer to the hearing the other day before the Committee on Rules he will find that the attorney that appeared before that committee let the cat out of the bag and showed clearly that the investigation was made at the instigation of the packing industry of the country.

And the other gentleman from Iowa, Mr. GREEN, remarked:

Mr. GREEN. That is about what I anticipated would be discovered. The packing interests are connected very closely with the great central creameries that collect their cream from a long distance, and that, as I believe, is mainly responsible for the bad condition of any butter or cream that gets to market, because it is carried so far, without any sanitary precautions, that it naturally becomes fermented or injured in hot weather.

I want to say to these gentlemen from Iowa [Mr. GREEN and Mr. HAUGEN] that, so far as I can discover in the testimony of the witnesses before the Rules Committee and of my friend Mr. Case, the counsel referred to, there is no phrase or expression in that hearing from which could logically be drawn deductions to indicate that the meat packers or the packing industry or any other interests of this country are in anywise connected with this resolution. I say to this House, and say frankly, that this resolution was introduced by me not at the instigation of any packing industry nor any other industry—I do not know any packing industry; I do not know any men connected with it—but it was introduced at the suggestion of the president of the Maryland and District of Columbia Federation of Labor, Mr. John H. Ferguson. This organization is endeavoring to improve the condition of the food products of the country not alone in the interest of its vast membership, but for the equal benefit of the great mass of people who look to us for protection of their health and well-being. I introduced this resolution after I had searched the records and reports of the Bureau of Animal Industry and found reported that the dairy industry is insanitary and dangerous to the health of the people. It was not introduced until I had collected a vast array of testimony from the dairy journals of the country, appearing as late as March 16 of this year. Those journals say that the condition of the creameries of the country is deplorable. The New York Sun came out on the 1st day of May, yesterday, in an editorial, in which it said that the condition of the creameries, or of the dairy industry, of this country ought to be investigated and something out to be done to clear up the situation in that important industry, and without delay. Here you have a product consumed not alone in its original state, but that is manufactured into butter, manufactured into cheese, and goes directly to the people in that raw state, carrying whatever impurities it may contain. Dr. Melvin, the head of the Bureau of Animal Industry, tells you that there are 22,000,000 dairy cattle in this country, and Dr. Schroeder, the authority connected with the bureau and a specialist on tuberculosis in butter and milk, says that 1 in every 10 of these cows, or, in other words, 2,000,000 cows, are infected with tuberculosis; Dr. Schroeder calculates from available data that 6,000 children in this country die every year from bovine tuberculosis and that many more are afflicted with bone troubles, the result of infected dairy products. Numerous other authorities tell you of this situation in a similar manner. I say upon the vast proof produced something ought to be done by Congress to clear it up and put it upon a high plane.

The gentleman from Iowa [Mr. GREEN] asserts in that quotation that the "packing interests are connected very closely with the great centralizer creameries that collect their cream from a long distance, and that," he continues, "I believe is mainly responsible for the bad condition of the butter and cream that goes to market, because it is carried so far without any

sanitary precautions that it naturally becomes fermented or injured in hot weather."

Now, Mr. Chairman, I am not caring who is at fault in this deplorable creamery situation. If it is the packing industry who, through their creameries, are turning out bad butter and selling it to the great consuming public, then let us go after them. It is not a question with me as to whether it is one industry or another. I believe we should strike at the people who are causing this condition.

It is no excuse to say that some other industry is causing the trouble, because this resolution aims at no particular corporation or people except to clear up the situation as to the dairies and dairy products of the country. It is no answer to say that somebody is back of this resolution or that some interests are in favor of it who are opposed to the creamery industry—that is merely dragging a herring across the track. When we institute ejection proceedings we do not proceed by telling the court that the title of the other fellow is bad and that ours is better, but we proceed to prove that our title is perfect, and for that reason we are entitled to the property.

Just so it is in the dairy industry. It is not well to simply say that the meat packers or the oleomargarine or any other people are not doing the right thing or are interested in this resolution or that it would benefit them. It is for the dairy industry to prove that their business is being conducted properly and that the people are obtaining a clean and healthy product.

The dairy journals of the country are anxious to place the business upon a high plane. They are interested in the business; they want to see it have the confidence of the great mass of the people, and if those interested will take the trouble to read the hearing before the Rules Committee, they will discover that the dairy interests of the country are condemned in the very dairy journals themselves for present conditions.

In a letter just received from Mr. George H. Brownell, editor of his Dairy Farmer, he contends that a certain meat company is running a large centralizer and that this company advertises that it will accept any sort of cream that farmers will send to it and pay the same prices for it that is paid by competing creameries for first-class cream. He contends that this company is doing this thing in order to injure the creamery business.

I wish to say in this connection that if any such condition prevails in this country it ought to be broken up, whether it is fostered by the packing industry or any other concern. I do not ask in this resolution for immediate supervision and inspection of the dairies and dairy products of the country. What I do ask for is that a committee be appointed to look into these matters, hear the testimony, and ascertain the real conditions throughout the country, and after they have ascertained these conditions, then to propose, if conditions warrant, such legislation as will remove the trouble.

The charge is made against the dairy industry by the Bureau of Animal Industry, by numerous dairy journals of the country and other papers, by many letters from health departments of various States, indorsing the resolution and, if the charges are untrue, then nobody more than the creameries themselves should demand that an investigation be made. If they are without fault let the people know them to be in proper condition and their products clean and sanitary.

No one has a greater desire than I have to see the great mass of creameries and dairies of the country in proper shape. That there is great trouble in some of them; that bad products are being turned out by a number is certainly true, and until this condition can be remedied to the satisfaction of the public this great industry which affects the life and happiness of all the people and which more particularly affects the health of the unprotected children of the country, is bound to rest under suspicion.

I sincerely hope that the two gentlemen from Iowa will take the trouble to read the hearing recently held before the Rules Committee and ascertain for themselves the strong indictments against the dairies and dairy products of the land. I feel that if every Member of this House will take the trouble to read this hearing he is bound to be convinced that this resolution ought to be reported to the House and passed; that the committee may be appointed to decide upon what legislation, if any, should be enforced.

The health of the people is of vast importance, and we can not obtain this health unless we see to it that they have pure food, especially in dairy products.

I note that Dr. A. D. Melvin, Chief of the Bureau of Animal Industry, has called a conference of the representatives of the various dairy, creamery, and butter manufacturing concerns to be held on the 4th of this month. I am very glad to see that the department is taking such a very deep interest in this subject, and I wish them much success in cleaning up the atmosphere concerning this great industry.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

[By unanimous consent, Mr. LINTHICUM was granted leave to extend his remarks in the RECORD.]

Mr. KING. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 78, line 18, after the word "destruction," insert the words "and also through the operation of Government quarantine regulations."

Mr. MANN. Mr. Chairman, I suggest that there is no such word and line in the amendment pending which the gentleman seeks to amend.

Mr. LEVER. I suggest to the gentleman that that went out on a point of order.

Mr. KING. I will ask to correct that amendment by having it come after the word "disease" in the seventeenth line.

Mr. STAFFORD. After the word "disease" of the pending amendment.

The CHAIRMAN. The gentleman asks to modify his amendment, which, without objection, will be done, and the Clerk will report it.

The Clerk read as follows:

At the end of the pending amendment insert "and also through the operation of Government quarantine regulations."

Mr. LEVER. Mr. Chairman, I reserve the point of order on that until I can understand what it means.

Mr. KING. The amendment was prepared, of course, before the gentleman's amendment was offered.

Mr. LEVER. I suggest to the gentleman that he withdraw his amendment for the present.

Mr. KING. Very well, I will withdraw it, and put it in proper shape.

The CHAIRMAN. Without objection, it will be withdrawn.

There was no objection.

Mr. MADDEN. Mr. Chairman, I have an amendment which I desire to offer at the end of the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I rose to offer an amendment some time ago, but was advised that the time had been allotted, and that we would have to offer amendments through the gentlemen who controlled the time.

The CHAIRMAN. At that time there was a point of order pending, but the Chair is in sympathy with the suggestion of the gentleman from Pennsylvania. By unanimous consent, all time for debate is under the control of the gentleman from South Carolina and the gentleman from Iowa. It would relieve the Chair of some embarrassment if gentlemen wishing to offer amendments would be yielded time by the gentlemen controlling the time. Of course the time taken in reading amendments is not taken out of the time for general debate.

Mr. MOORE of Pennsylvania. All I desire is to have an opportunity to offer my amendment.

The CHAIRMAN. The gentleman will have that opportunity. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The Clerk read as follows:

Following the pending amendment insert:

"*Provided*, That in addition to the payment made for any animal there shall also be paid to the owner or owners thereof such sum as may be found, upon investigation, to have been expended on orders issued by the Government for care and treatment during the period of quarantine."

Mr. LEVER. Mr. Chairman, I reserve the point of order on that. I do not think this amendment comes at the proper place.

Mr. MADDEN. It may not come at this point.

Mr. LEVER. I do not think it relates to anything. If the gentleman would offer it in the shape of a proviso, it might be in order.

Mr. MADDEN. I suggest to the gentleman that he make the point of order.

Mr. LEVER. Mr. Chairman, I make the point of order in order to determine the matter, and I make the point of order on the ground that this is legislation.

Mr. MADDEN. Mr. Chairman, I submit it is not subject to the point of order. In the first place, we are proposing to appropriate $2,500,000 for the payment of cattle killed as the result of the foot-and-mouth disease.

The CHAIRMAN. The Chair desires to call the attention of the gentleman to the fact the amendment offered by the gentleman from South Carolina, to which there was no point of order made, does not provide for the payment of animals slaughtered.

Mr. MADDEN. It appropriates the money, which, of course, must be construed to mean that it is to be paid. The language may imply it is not connected with the appropriation, but the fact still remains that the money appropriated is intended for a given purpose, and you can not evade it.

Mr. LEVER. If the Chair will permit, I would like to call the attention of the Chair to the fact that the principle involved in the gentleman's amendment was offered to this bill two years ago, or one year ago, and it is the same principle as is involved in the language which has just gone out on the point of order. At the time and when this item was first inserted in the bill the point of order was made that there was no authority to pay these claims, and the Chair sustained that view.

Mr. MADDEN. I am trying to show the Chair there is authority to do it, and I hope I will be able to convince the Chair, who is a reasonable man and of more than ordinary intelligence, that there is only one thing to do with the amendment which I propose, and that is to rule that it is in order, and the next thing to do with it is to adopt it. Now, we are appropriating $2,500,000 for a given purpose. What is that purpose? It is to pay for cattle which are slaughtered under the direction of the Department of Agriculture or the State authority because they have the foot-and-mouth disease, and the proposition that I present in the form of an amendment simply adds to that, that where the Government directs that expenditures be made prior to the killing of the cattle and while the quarantine is in force, that whatever expenditures are made on that order shall be added to whatever price may be paid for the cattle. Now, I submit that that is a reasonable proposition, that it is in order, that it is germane, that it is just, and that it ought to be held in order, and I am quite sure that if the Chair should find himself able to hold it in order the House would be glad to approve it.

Mr. MANN. Mr. Chairman, the original item in the bill provided first for an appropriation for the arrest and eradication of foot-and-mouth and other contagious diseases, and then it provided that out of that appropriation certain claims could be paid. The matter was up before the House last year and the Chair held that it was not in order to provide an appropriation for the payment of claims. Now, the Chair has ruled out, following that authority, that portion of the original paragraph in the bill which provided for the payment of claims. Last year there was no specific ruling of the Chair on the item that did go into the bill. The gentleman from North Carolina [Mr. PAGE] made the point of order on the paragraph that was in the bill, and it went out on the point of order. The gentleman from South Carolina [Mr. LEVER] offered a further amendment, which still provided for the payment of claims. The gentleman from North Carolina [Mr. PAGE] made a point of order on that, and the Chair sustained the point of order. Then the gentleman from South Carolina offered the provision that went into the bill, which was simply an appropriation for the eradication and control of these diseases, and the gentleman from North Carolina said that he would not make the point of order, that in that case it was not subject to a point of order. Now, the Chair was not called upon to make a ruling then, and I think the statement made by the gentleman from North Carolina at that time was correct. The appropriation is in order under the organic act of the Department of Agriculture. That is to be expended under the law by the Department of Agriculture. I doubt very much whether the Secretary of Agriculture under that provision of law can pay any claims of any kind whatever to any private individual. He can engage employees, experts, or other people connected with the Bureau of Animal Industry or otherwise for this purpose. I doubt whether he is authorized to pay any claim, but certainly Congress, or the House, under the rules of the House, can not specifically appropriate for the payment of any kind of a claim over a point of order. I think, so far as the rules are concerned, it is wise to observe the rules to a paragraph like this. I think that under the rule the amendment offered by my colleague is subject to the point of order equally as the provision in the original paragraph was subject to the point of order.

Mr. STAFFORD. Just a word, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin.

Mr. STAFFORD. The amendment that is under consideration is entirely different from the original provision in the bill. The amendment that has been submitted by the chairman of the committee merely provides an appropriation of $2,500,000, to be expended in the discretion of the Secretary of Agriculture in the arrest and eradication of these respective diseases.

There is nothing more fundamental in the parliamentary decisions of this House than that you can not add a distinct piece of substantive legislation to another piece of substantive legislation that carries merely one idea or one proposal. The amendment offered by the gentleman from Illinois [Mr. MADDEN] carries a distinct legislative proposal, providing for the care and treatment of these animals that are supervised by the Department of Agriculture. But the amendment under consideration does not go to that extent of authorizing even the condemnation by the Secretary of Agriculture of animals that are affected with this foot-and-mouth disease.

Mr. COX. Mr. Chairman, will the gentleman yield for a question?

Mr. STAFFORD. I yield.

Mr. COX. If I understood the reading of the language of the amendment proposed by the gentleman from South Carolina, it is to enable the Secretary of Agriculture to arrest the spread of the foot-and-mouth disease.

Mr. STAFFORD. To arrest and eradicate such disease.

Mr. COX. Now, suppose the Secretary of Agriculture in his pursuit of this disease comes to the conclusion that in order to enable him to arrest and eradicate the disease it will be necessary to kill the animals suffering with the disease. Is the language of the proposed amendment of the gentleman from South Carolina strong enough to enable the Secretary of Agriculture to do that?

Mr. STAFFORD. I question whether under the language embodied in the amendment of the gentleman from South Carolina the Secretary of Agriculture is authorized to expend any money in payment of claims for the destruction of these animals.

Mr. LEVER. May I make this statement to the gentleman? When this item was put into the bill a year ago this language providing for the payment of these claims was stricken out on a point of order, and only that portion of the language that I am now offering remained in the bill. The bill went to the Senate, and for fear that under that language the Secretary would not have the authority to pay these claims, it was amended specifically to provide for their payment.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me for a question.

Mr. STAFFORD. I will be glad to yield.

Mr. MADDEN. Does the gentleman from Wisconsin contend that under the authority granted to the Secretary of Agriculture to eradicate he would not have the power to order the owner of the cattle to expend money in endeavoring to carry out the plan he had in mind for the eradication of the disease, and if he did so order he would not have the power to pay?

Mr. STAFFORD. I think he might order, but I do not know whether there would be any sanction back of the order carrying it into effect. But, assuming that he would have that authority, nevertheless you are checking the discretion of the Secretary of Agriculture by limiting his discretion in the amendment suggested by the gentleman from Illinois.

The CHAIRMAN. The Chair will rule. The present occupant of the chair has held on at least one occasion, and other Chairmen have held uniformly, that in the face of a point of order a provision authorizing the Secretary of Agriculture to pay claims can not stand. The Chair presumes, of course, that the gentleman from Illinois in offering his amendment proceeded upon the theory that the amendment of the gentleman from South Carolina provided for the payment of slaughtered animals. The Chair thinks that the amendment of the gentleman from South Carolina does not bear that construction.

Mr. MADDEN. Does the Chair contend that the appropriation of this $2,500,000 is not for the purpose of paying for the cattle?

The CHAIRMAN. The Chair can not presume that much. The appropriation may be too large or too small. That is not a matter for the Chair to pass upon, but unquestionably as the pending amendment now reads, "for the eradication and arrest of such disease," the Chair, of course, can imagine that the Secretary of Agriculture in carrying out this provision might conclude that it is necessary to kill the cattle. But the Chair can not conclude that he could presume then that he had authority to pay for the cattle killed without some direct authority by Congress, and this committee on an appropriation bill can not give him that authority in the face of a point of order. The Chair is therefore compelled to hold the amendment of the gentleman from Illinois out of order.

Mr. CHIPERFIELD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHIPERFIELD. Probably the need of the inquiry comes from the fact that I did not clearly hear what the Chair said. Did the Chair hold that no portion of this sum of $2,500,000 would be available for the purpose of paying for animals that were necessarily slaughtered, or was the reverse of that the ruling of the Chair?

The CHAIRMAN. The Chair did not hold anything about that. That was not the province of the Chair to hold. It would be a question for some other greater and more powerful authority to decide. The Chair simply made a statement, perhaps unnecessary, but due to the fact that it was in answer to a statement made by the gentleman from Illinois, that part of this $2,500,000 was undoubtedly intended to be used to pay for the killing of stock. The Chair said he could not conclude, under the wording of the amendment, that it was to be so used.

Mr. CHIPERFIELD. I merely wanted to understand what the Chair said. I would not attempt to controvert what the Chair said.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment, to be inserted after line 17, of page 78, employing the language of the item in the bill.

The CHAIRMAN. The gentleman will send up his amendment and let it be reported.

Mr. HULL of Iowa. I hope no one will urge a point of order against my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the Lever amendment insert: "including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances."

Mr. LEVER. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from South Carolina reserves a point of order.

Mr. LEVER. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. MOORE of Pennsylvania. Mr. Chairman, I was promised time. If I can not get it in my own right, I will offer an amendment.

The CHAIRMAN. The gentleman is recognized to offer an amendment.

Mr. LEVER. I yield five minutes to the gentleman.

Mr. HULL of Iowa. I will yield five minutes to the gentleman.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to have the amendment heard.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the pending amendment insert a comma and the following words: "whether such disease be detected in the field, in transit, or after the cattle have arrived at an abattoir."

Mr. LEVER. Mr. Chairman, I make a point of order on that.

Mr. MANN. Let us have the amendment read again.

The amendment was again reported.

Mr. MOORE of Pennsylvania. Mr. Chairman, the amendment offered by the gentleman from South Carolina provides an appropriation to be paid for cattle destroyed as the result of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and so forth. My amendment proposes that those cattle shall be paid for, whether they happen to be seized and destroyed in the field or in transit, upon a railroad train or upon a steamboat, or whether found in a stockyard or an abattoir. I admit it raises a very large and serious question, but I contend it is in line with the amendment offered by the gentleman from South Carolina and is simply in continuation of the amendment offered by him, and is entirely germane.

Mr. LEVER. Mr. Chairman, I make the point of order against the amendment. The gentleman admits himself it is in pay for claims.

The CHAIRMAN. Did the gentleman from South Carolina [Mr. LEVER] catch the reading of the amendment?

Mr. LEVER. I thought I did.

The CHAIRMAN. The Chair, of course, understood the gentleman from Pennsylvania to refer to the payment of claims——

Mr. MOORE of Pennsylvania. Will the Chair permit me for a moment?

The CHAIRMAN. If that is true, it would not be in order; but the Chair is about to make a suggestion. The amendment, on the face of it, has no provision that would require the payment for any cattle or anything. It simply extends the authority of the Secretary of Agriculture to attempt to eradicate and arrest the disease even while the stock would be in transit or after their arrival at their destination.

Mr. STAFFORD. The payment is merely a limitation.

Mr. MOORE of Pennsylvania. I do not know whether it is or not. I think it is in harmony with the present law.

The CHAIRMAN. The Chair is of the opinion that the amendment is really not subject to a point of order, and the point of order is overruled.

Mr. MOORE of Pennsylvania. I want to do my duty in submitting the matter to the committee. If the committee is not satisfied with the amendment, it has its duty to perform in either voting it up or voting it down. A very large question is raised by the amendment. Under the food-inspection law the Secretary of Agriculture may condemn and have destroyed cattle found in the stockyards, and the owner gets no compensation for those cattle. It appears that we are not operating under the foot-and-mouth disease appropriation when we kill cattle in the stockyards, and that the allowance is made only when they are killed on the farm. My amendment proposes there shall be a square deal to the owners of these cattle wherever found, and that such owners shall participate in whatever Government expenditure is made and whatever State cooperation is to be had, just the same as is the case on the farm. In furtherance of the amendment I send to the Clerk's desk to have read this letter, which explains a case in point.

The CHAIRMAN. The Clerk will read the communication.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, January 8, 1916.

Hon. J. HAMPTON MOORE,
House of Representatives.

DEAR MR. MOORE: Referring to your letter of December 27 relating to the claim of the D. B. Martin Co., of Philadelphia, Pa., amounting to $4,184.15 for 84 cattle condemned under the meat-inspection law on or about February 15, 1915, you are informed that the company's claim for the value of these animals has been rejected. This action was taken for the following reasons:

Paragraph 1 of the meat-inspection act of June 30, 1906 (34 Stat., 674), provides, in effect, that the Secretary of Agriculture may, at his discretion, cause an ante-mortem inspection to be made of all cattle before they are allowed to enter into any slaughtering establishment in which they are to be slaughtered and the meat and meat-food products thereof are to be used in interstate or foreign commerce, and that all cattle found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, and when so slaughtered the carcasses of said cattle shall be subject to a careful post-mortem inspection as provided by the rules and regulations to be prescribed by the Secretary of Agriculture. Paragraph 2 of the act provides for such post-mortem inspection and also that the inspectors shall mark as "inspected and condemned" all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food. This paragraph further provides that all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment. Paragraph 19 of the act provides that the Secretary of Agriculture shall make such rules and regulations as are necessary for the efficient execution of the provisions of the act. Pursuant to this authority, the Secretary of Agriculture prescribed regulations governing both the ante-mortem and post-mortem inspection of animals at slaughtering and other establishments. Inasmuch as the cattle in question had been brought into the regular ante-mortem pens of the D. B. Martin Co., at an establishment operating under Federal meat inspection, they thereby became subject to the provisions of the meat-inspection law and the regulations prescribed thereunder. Upon an ante-mortem inspection the animals were found to be affected with foot-and-mouth disease. They were, therefore, condemned in accordance with the meat-inspection law and the regulations. The meat-inspection act does not provide for the reimbursement of owners for losses sustained on account of animals condemned as unfit for food purposes. Inasmuch as the animals were brought into an establishment operated under Federal meat inspection, they were not subject to the provisions of the act of January 25, 1915 (38 Stat., 795), for the reason that there was no "purchase and destruction" of the animals within the meaning of the latter-mentioned act.

In this connection it may be stated that the D. B. Martin Co. presented a claim for 50 per cent of the value of a bull which was found affected with foot-and-mouth disease in the pens of the National Stock Yards, at Philadelphia, Pa. Inasmuch as this animal, however, had not been brought into the company's establishment where inspection is maintained under the provisions of the meat-inspection law and consequently had not been offered for inspection under this law, this claim was allowed.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Mr. MOORE of Pennsylvania. The point referred to in the letter of the Secretary of Agriculture is that if the cattle are killed in an abattoir they are destroyed under the food-inspection law, and therefore there is no compensation; but if they are killed elsewhere under this appropriation for the foot-and-mouth disease, payment may be had.

Mr. Chairman, I ask that in such time as I have remaining I may offer another amendment and have it pending.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. May I offer this amendment? It involves an important question. I may have no other opportunity under the agreement that has been made.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 79, line 17, after the word "disease," add the words:

"*Provided*, That no meat of cattle shall be admitted to the United States from any foreign country where the foot-and-mouth disease prevails."

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I reserve a point of order on that.

Mr. MOORE of Pennsylvania. I wish to say that there is a widespread rumor that Argentine meat has come into this country from cattle afflicted with the foot-and-mouth disease; and if it is true, I think it ought to be stopped. That is the purpose of the amendment.

If I have any time left, I yield to the gentleman from Michigan, who asked a question.

Mr. McLAUGHLIN. I was going to ask the gentleman if his amendment was offered for the purpose of requiring the Federal Government to pay for a diseased animal that was sent to a packing house, condemned, and not permitted to enter on account of the disease?

Mr. MOORE of Pennsylvania. I am glad to answer the gentleman if I have time to do it. I believe that if the honest farmer whose cattle are seized can get pay from the Government for the cattle that are destroyed, the man to whom the honest farmer sells the diseased cattle ought also to have the same privilege. I hope that answers the gentleman.

Mr. HAUGEN. Is it not a fact that the same rule that is applied to animals suffering from the foot-and-mouth disease ought also to apply to animals suffering from hog cholera?

Mr. MOORE of Pennsylvania. The Secretary of Agriculture is fearful, I think, that if an amendment like this one of mine is adopted, then there will have to be appropriations for hogs destroyed under the law in abattoirs.

Mr. HAUGEN. The same rule should be applied to all.

Mr. MOORE of Pennsylvania. I think so. I do not see why the farmer should have a right to pass a diseased steer on to the abattoir and stick the man to whom he sells the animal. There are some David Harums left in the country, and the innocent should be protected. I think the same protection ought to be extended all along the line.

I ask unanimous consent to extend my remarks in the RECORD by showing what Pennsylvania has done in the way of cooperation on the foot-and-mouth disease.

By unanimous consent, Mr. MOORE of Pennsylvania was given leave to extend his remarks in the RECORD.

The matter referred to above is as follows:

STATE FREE OF HOOF-AND-MOUTH DISEASE—VALUE OF ANIMALS SLAUGHTERED IN SUPPRESSING EPIDEMIC WAS $668,441.

HARRISBURG, *January 26.*

Pennsylvania is now virtually free of the foot-and-mouth disease, which last year was epidemic throughout the country. The cost to the Commonwealth in clearing out the disease on farms and in stockyards, where 28,551 animals were slaughtered, was $668,441.

Three premises were released from quarantine last week by the State live-stock sanitary board. Only one quarantined place now remains in the State. The new development of the disease in Illinois is being closely watched and every precautica is being taken to prevent the spread of the malady through shipments from the Chicago cattle yards.

During the outbreak, which was first noticed in this State in October, 1914, there were 788 farms infected. All animals were immediately destroyed at these places as the only remedy known to prevent its spread. A detailed report made by State Veterinarian Dr. C. J. Marshall shows that 15,166 cattle, 380 sheep, and 13,005 swine were killed.

Pennsylvania's share of the indemnity allowed under the law to the owners of animals destroyed amounted to $452,881 and for property destroyed $41,029. The cost for disinfectants and labor was great.

Lancaster County had 192 premises quarantined and 6,917 animals destroyed. Berks County had 125 places quarantined and 3,326 animals slaughtered. In Montgomery County there were 87 premises placed under quarantine, and 2,914 animals were killed. Allegheny County had 58 quarantined places and lost 1,368 animals; while York County had 52 premises under surveillance and 1,730 animals were slaughtered. Chester County had 44 places quarantined and 1,534 animals slaughtered.

The outbreak was the largest ever experienced in the United States, and the infection in Pennsylvania was nearly eight times as great as in 1908. The disease extended through 34 counties.

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MUST KEEP MEAT SCREENED—VIGOROUS PROSECUTIONS WILL FOLLOW FAILURE TO OBSERVE LAW.

HARRISBURG, *January 26.*

Vigorous action on the part of the State live-stock sanitary board in enforcing the meat-hygiene law, passed by the last legislature to prevent prospective purchasers from handling steaks and cuts and making it mandatory on butchers to screen their products from flies, will follow the test case in Altoona.

The court there upheld the act, and a fine of $25 was imposed on John Snyder, a butcher. Snyder had been warned at a time when there was a typhoid epidemic in the city to screen his meats. With this as a basis, immediate action in prosecuting other dealers who refuse to obey the law will be taken.

FOREIGN MEATS SCORED—LIVE-STOCK ASSOCIATION SECRETARY RAPS SOUTH AMERICAN PRODUCT.

"As long as foreign hides, wool, and meats are permitted to enter the United States under present lax regulations foot-and-mouth disease will be a constant menace," said T. W. Tomlinson, secretary of the American National Live Stock Association, who was in Chicago recently.

"I believe England's infection is due to South American meats. The danger does not lie in the dressed meats, but in the burlap containers used. Every slaughterhouse in South America is infected with foot-and-mouth disease germs, and a more effective conveyer than burlap could not be imagined.

"The Federal Government is now investigating the cause of foot-and-mouth disease outbreaks in England, and it is probable that needed light will be thrown on the subject. What veterinary science does not know about this animal plague would fill a bulky volume."

Mr. LEVER. Mr. Chairman, I make the point of order against the gentleman's amendment that it changes existing law. The act providing for the inspection of cattle is section 25 of the Agricultural appropriation act of April 23, 1897, and is as follows:

SEC. 25. That the importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine and give public notice thereof that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States, and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this section into effect, or to suspend the same as herein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary.

This law provides for a prohibition against importation, but gives the Secretary discretionary power to waive the prohibition under certain conditions. The gentleman's amendment provides for a straight prohibition.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. During the earlier consideration of this bill did not the gentleman say, in answer to an inquiry from the gentleman from Pennsylvania, that there was some inspection of carcasses now by the Bureau of Animal Industry?

Mr. LEVER. Yes; I said that.

Mr. MOORE of Pennsylvania. Then why would not the Bureau of Animal Industry have the power to continue the inspection as to foreign beef?

Mr. LEVER. The Bureau of Animal Industry has that power now; but the point of order I make is that the Bureau of Animal Industry also has the power, under the proviso that I have just read, to suspend the inspection. Now, the gentleman's amendment puts an absolute prohibition on the importation of cattle that are suspected, and so forth, whereas there is a certain discretion left to the Secretary of Agriculture under the present law.

Mr. MOORE of Pennsylvania. Mr. Chairman, it seems to me that the contention of the gentleman from South Carolina can not be substantiated. He admitted during the course of the discussion, and I think his statement was correct, that an inspection of carcasses was already justified and in operation. I made these inquiries several times, with a view of ascertaining whether foreign meat from cattle destroyed in foot-and-mouth-disease areas, was coming into the great congested centers to be sold for food for the people, and the gentleman from South Carolina then stated that an inspection did prevail. I said I had my doubts about it, that I had made inquiries——

Mr. LEVER. The gentleman from South Carolina had his doubts about it, and as the gentleman will remember——

Mr. MOORE of Pennsylvania. I had the assurance of the gentleman from South Carolina that the matter was already covered by the Bureau of Animal Industry, which did make inspection of carcasses.

Mr. LEVER. Yes; that is very true.

Mr. MOORE of Pennsylvania. In this amendment I am submitting that if the Bureau of Animal Industry has the power now under the law to make inspections of carcasses at home, it has the power to make inspection of carcasses that come in from foreign countries.

Mr. LEVER. But the gentleman does not catch my point of order at all.

Mr. MOORE of Pennsylvania. Therefore the amendment is entirely germane.

Mr. LEVER. No; the present law provides an absolute prohibition upon the importation of these cattle from foreign countries, but a proviso to the law lodges in the Secretary of Agriculture a certain amount of discretion. Now the gentleman's amendment is a complete prohibition against the importation, and therefore suspends, abrogates, and repeals the discretion that now exists under the law in the Secretary of Agriculture.

Mr. MOORE of Pennsylvania. I contend, Mr. Chairman, that if the Secretary of Agriculture has the power to inspect and prohibit the use of carcasses of animals afflicted with the foot-and-mouth disease in this country, he would also have the power under direction given him by this body to destroy and prohibit the use of carcasses from animals afflicted with the foot-and-mouth disease coming from the Argentine Republic or any foreign country. These carcasses come in in competition with the cattle of the United States, and are a menace to the health of the consuming public of the United States.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, is there another amendment pending?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. A parliamentary inquiry. The point of order was sustained as against the last amendment offered by me?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. And the first amendment—that is, the amendment as to abattoirs—was held to be in order?

The CHAIRMAN. Yes.

Mr. McKENZIE. Mr. Chairman, how are we going to dispose of these amendments—vote on them now?

The CHAIRMAN. No; these amendments will be voted on at the end of the debate. The Chair has been proceeding on that theory——

Mr. MANN. There was no agreement to that effect.

Mr. GOOD. I make the point of order that there was no agreement to postpone the vote on these amendments.

The CHAIRMAN. The gentleman is entirely right, and the point of order is sustained. The Chair was interrupted before he had finished his statement. He was proceeding under that impression, but the moment his attention was called to it he realized his error. There are two amendments pending.

Mr. MANN. Let us vote on them.

The CHAIRMAN. The question is first on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] to the amendment of the gentleman from South Carolina.

Mr. MOORE of Pennsylvania. In view of the confusion, may we have that amendment read again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

At the end of Mr. LEVER's amendment insert a comma and the following words: "whether such disease be detected in the field, in transit, or after the cattle have arrived at an abattoir."

Mr. LEVER. Mr. Chairman, the effect of the amendment of the gentleman from Pennsylvania is that all animals which go into the packing houses which are found to be affected with the foot-and-mouth disease shall be slaughtered and payment made for them. The present method of expending this appropriation has been not to pay for such animals at all. The meat-inspection law governs in this case, and the meat-inspection law requires that animals found unfit for human food are slaughtered in the abattoirs, and no payment is made for them whatever.

The truth of the matter is that after the animal is found to have this disease and is slaughtered, it is of no value whatever and payment ought not to be made for it. More than that, if we should adopt the amendment of the gentleman from Pennsylvania it would be only fair that we should extend it for the payment not only of cattle that are suffering from foot-and-mouth disease, but cattle suffering from tuberculosis and lockjaw and all other diseases which, under the meat-inspection law, require their slaughter. Not only that, it would be necessary and fair to extend the same provision with reference to hogs that are coming into the slaughterhouse which are killed and rejected on the ground that they have cholera or tuberculosis, or some other contagious disease. The result would be to open the doors of the Treasury to all kinds of claims which are not allowed payment under the meat-inspection law. I trust the amendment will be voted down.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. The appropriation here is for a specific purpose—the foot-and-mouth disease, pleuropneumonia, and so forth. How can the gentleman extend it so far as to cover hogs and such things as that?

Mr. LEVER. The gentleman's amendment would not extend it, but I said that probably a fair reasoning would be that the owner of hogs and cattle suffering from tuberculosis in the course of time would come to Congress and ask that it be done.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a further question?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. It is not altogether fair that an allowance should be made for cattle destroyed on the farm and that cattle from the same herd, detected on the train or in the stockyards 10 days later, should go without allowance. There ought to be some equality about it. The gentleman ought to provide some kind of legislation to cover the apparent inequality of paying one man who is caught with diseased cattle and refusing to pay another one who is in the same boat.

Mr. LEVER. I say that the gentleman's amendment would set a very dangerous precedent, and I hope it may be voted down.

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary inquiry. If I want time, must I get it from the gentleman from Iowa?

The CHAIRMAN. Yes.

Mr. HULL of Iowa. I yield five minutes to the gentleman from Iowa.

Mr. GREEN of Iowa. Mr. Chairman, I think the amendment of the gentleman from Pennsylvania ought not to prevail for many reasons. Under the situation we have here now, as I understand it, the point of order made by the gentleman from Iowa [Mr. HULL] having been sustained, no payment will be made unless under very exceptional circumstances, for cattle destroyed in the hands of the farmer. This provides that cattle that get into the hands of the packer may be paid for, whereas if still in the hands of the farmer they are not to be paid for. The packers have made an enormous allowance on anything of that kind which will more than cover any loss they can sustain. While the foot-and-mouth disease was prevailing, as I understand it, the cattle were put in a division by themselves and bought by the packers at a price of 50 cents or $1 less per hundred. My colleague can state about that; but they were bought for very much less than the regular price. Altogether more than a million dollars was taken off the price of cattle bought during that time, and still we are asked to pay the packers what they lost or may lose in some similar cases.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. DOOLITTLE. The gentleman's position is that the packers have already discounted any loss that they may sustain by reducing the price to the farmer or shipper.

Mr. GREEN of Iowa. Yes.

Mr. COX. Let me put a hypothetical case to the gentleman. Here is a farmer in my district who has a herd of cattle afflicted with foot-and-mouth disease, but he has not discovered it. He puts the herd of cattle on the train and ships them to Chicago. They are put in the stock pens, and there it is discovered that they are afflicted. Does not the gentleman think that they ought to be paid for, when, if the disease had been discovered on the farm, they would have been paid for?

Mr. GREEN of Iowa. This amendment does not provide for that.

Mr. MOORE of Pennsylvania. The gentleman does not think that a packer or an abattoir keeper would deliberately buy cattle knowing them to be afflicted with the foot-and-mouth disease and knowing that he would have no chance to recover for them under the law.

Mr. GREEN of Iowa. No; they buy thinking that they may be afflicted, and they discount the price accordingly.

Mr. MOORE of Pennsylvania. Does the gentleman think the packer would deliberately buy diseased cattle?

Mr. GREEN of Iowa. No; he does not do that.

Mr. MOORE of Pennsylvania. Where does the farmer come in as to that?

Mr. GREEN of Iowa. He will get his pay before the shipment.

Mr. MOORE of Pennsylvania. And the packers would get left.

Mr. GREEN of Iowa. No; the packer can take care of himself. The gentleman need not worry about the packers.

Mr. MOORE of Pennsylvania. I am not arguing the case from the standpoint of the packers, as the gentleman thinks, but here is a case of one concern that bought $7,000 worth of cattle which were condemned and destroyed, and when the claim was put in they said, "Oh, no; we destroyed them under the pure-food law. You have no right of recovery for foot-and-mouth disease under the pure-food law. If you want to recover from the Government, get your cattle destroyed under the law with reference to foot-and-mouth disease." The fact is that the cattle were killed and the loss occurred because of this Dr. Jekyll and Mr. Hyde arrangement of the pure-food law.

Mr. MANN. The gentleman has not got the right law; it is not the pure-food law but the meat-inspection law.

Mr. MOORE of Pennsylvania. The gentleman from Illinois is right; it was the "food-inspection law." The gentleman's pure-food law is a pretty good law as far as it goes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. If my time has expired, Mr. Chairman, I ask for two minutes longer.

Mr. HULL of Iowa. I can not grant the gentleman any more time.

Mr. GREEN of Iowa. Well, they would be no worse off than the farmer.

Mr. HULL of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Chairman, I am opposed to this amendment. I think it would be opening a dangerous field. In the first place, in the sale of cattle infected by the foot-and-mouth disease the farmer is largely protected by quarantine law. There is a very small amount of cattle shipped into the markets that are infected by the foot-and-mouth disease, and no farmer would make a shipment if he had knowledge that anything of that kind existed. Another thing: The infection of cattle by the foot-and-mouth disease is so rapid in development that the farmer making the shipment is bound to know the condition of his cattle before the shipment is made. According to the line of argument of the gentleman from Pennsylvania [Mr. MOORE], if the farmer is to be paid at the stockyards for his cattle that may be infected by the foot-and-mouth disease, we ought also to make payment to the farmer who ships hogs that are affected by cholera. The difference between the two classes of stock is that hog cholera is slow in its inception and operation. No farmer is making a claim under the pure-food act for his property that happens to be destroyed in the stockyards. But if we are to proceed upon the philosophy of the gentleman from Pennsylvania that that ought to be done, it ought to extend to the farmer who ships his hogs that are infected by cholera.

To show that the farmer is active in this proposition to take care of his own stock before he puts it on the market, I desire to call the attention of the committee to the fact that last year more than 4,000,000 hogs were infected by hog cholera, and that was only 50 per cent of the amount infected the year before, involving something like $40,000,000 lost to the farmer, for which he is making no claim, and under the theory of the gentleman from Pennsylvania he might have gotten that money if he had lost it in the stock shipped into the markets at Chicago or in one of the other great stock-market centers. Last year demonstrated how easily and quickly the farmer takes precaution to take care of his own stock in case of its infection. Last year there were between three and four hundred thousand hogs treated for hog cholera, and less than two-tenths of 1 per cent were lost under that treatment. So I say that if the farmer has the encouragement given him under this bill, we will get rid of a lot of this difficulty, a lot of the expenses that we are trying to hitch onto the Agricultural appropriation bill in payment for lost stock; and I send now to the Clerk's desk a letter that is full of good information that the general public ought to have with reference to hog cholera, because this is the only opportunity I shall have to bring the matter to the attention of the general public.

The CHAIRMAN. The gentleman sends to the Clerk's desk a letter, which the Clerk will read.

The Clerk read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., April 15, 1916.

Hon. CYRUS CLINE,
House of Representatives.

DEAR MR. CLINE: Receipt is acknowledged of your letter of April 11 asking for information concerning the losses from hog cholera and the progress being made with the serum preventive treatment.

Statistics for 1915 have not as yet been completed, but the indications are that the losses were between three and one-half and four million head, which would represent between thirty and thirty-five million dollars, or 50 per cent less than for the year 1913.

The bureau began hog-cholera work in the field in 1913 in three States, and has since extended it to 22 States. Part of this work has been referred to as hog-cholera county-control investigations, which have been along the line of experiments to determine the possibility of controlling the disease by quarantine and sanitary measures and the use of antihog-cholera serum, under which 15 stations have been established, two of these being in Indiana. The Indiana experiments cost the department during the calendar year 1915 about $32,000, and the indications are that the work will be continued in the same manner until the end of the present fiscal year. We hope to conduct work in Indiana during the fiscal year 1917 under some plan which will lend assistance to a greater number of districts along the line of control measures looking to eradication of the disease.

In connection with these experiments, to December 31, 1915, there were treated 234,136 hogs in infected herds, with a loss of 13.1 per cent. Of this number treated there were 85,547 hogs that showed evidence of cholera. During the same period 19,208 hogs were treated in well herds for protection, in which the loss was two-tenths of 1 per cent.

In addition to these county experiments, educational and demonstrational hog-cholera work was conducted in 10 States. This work is more or less State wide in advising farmers, through organizations and otherwise, of measures which may be taken to reduce losses and prevent cholera from reaching their herds.

Very truly, yours,

A. D. MELVIN, *Chief of Bureau.*

Mr. HAUGEN. Mr. Chairman, I desire to ask the gentleman from Indiana a question.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HULL of Iowa. Mr. Chairman, I yield one minute to the gentleman from Iowa.

Mr. HAUGEN. Mr. Chairman, the gentleman does not wish to be understood to convey the idea that the number of hogs treated were diseased hogs?

Mr. CLINE. No; not all of them.

Mr. HAUGEN. They were well at the time they were treated.

Mr. CLINE. What I wish to say is 85,547 of these hogs that were treated had cholera, and were in herds with well hogs, and the loss was less than two-tenths of 1 per cent.

Mr. HAUGEN. But probably not a single one would have had cholera.

Mr. CLINE. I do not know. One thing is true, more than 85,000 of them had cholera, and according to Dr. Melvin and his associates the proper application of serum prevented the spread of the disease and in many cases cured it.

Mr. HAUGEN. I simply want it to appear in the RECORD, and I do not want it to go out here that the hogs were cured. Well hogs were treated.

Mr. CLINE. Oh, I know the position of the gentleman upon that subject and so do other Members of the House, and that is he does not believe the serum furnished by the Government to be either a cure or a preventive.

Mr. HAUGEN. The gentleman should have the facts, and there should be no misrepresentation here.

Mr. CLINE. The facts are set out in the letter, and there are no misrepresentations. The letter speaks for itself, and the gentleman's voluntary statements do not impeach the fact.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HULL of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Mr. Chairman and gentlemen of the committee, in the confusion that has arisen concerning the various points of order I think we are apt to lose sight of the fact that there is and has been a very serious condition existing in the Central States from a contagious disease among animals which is ravaging or has ravaged that part of the country.

Of course I refer to the foot-and-mouth disease.

The legislation as it now stands, with a portion of the original bill stricken out upon a point of order, leaves the question of relief for the farmers and stock raisers who suffer loss from this disease in a most precarious condition.

I want to read the latter part of the amendment offered by the gentleman from South Carolina [Mr. LEVER]:

The Secretary of Agriculture may expend, in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $2,500,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of such disease.

Mr. Chairman, it has been a theory that has governed legislation for a great many years that there had better be no legislation than legislation that is uncertain.

Nothing can be more uncertain than this bill, as it now stands, upon the question of payment for losses caused by the foot-and-mouth disease.

There is no gentleman within this Hall to-day who can say what is meant by this amendment or the bill in its present condition, and I say that in no unkind criticism of the chairman of the committee who has introduced the amendment, as best he can, to obviate the points of order that have been raised and sustained against section 34 of the bill.

Mr. LEVER. I am very glad the gentleman has stated that. I am doing the best I can to avoid points of order being made against my proposition.

Mr. CHIPERFIELD. Mr. Chairman, I realize the gentleman is offering as much as can be offered, by way of amendment, but that will not satisfy those who are in the future to sustain loss by reason of this disease or those who will have to rely upon this bill for the furnishing of the relief in that respect that they so much require.

In the State of Illinois—and I speak primarily for that State—the situation has been about as serious as the mind of man can well imagine.

The live stock of Illinois is valued at $308,000,000.

We have 5,000,000 head of swine in the State of Illinois, valued at $36,000,000.

We have two and a half millions of cattle in that State, valued at some $73,000,000, and for several years we have been afflicted with this disease, this plague, to an extent that has threatened the farmers and the stock raisers of our State with absolute

bankruptcy consequent upon the loss of their property and their stock and the arbitrary and unnecessary interference with their business.

Now, that kind of a situation demands a real remedy at the hands of the Congress of the United States instead of a mere makeshift, as is provided by this amendment.

This condition has not only affected those who raise the stock of Illinois, but we have had numerous inspectors coming from the Department of Agriculture into the State of Illinois, who have most vigorously said to those who desired to assemble and hold meetings or gatherings, "You can not do so." They have said to our farmers that none of the products of the farm, the wheat, or the oats, or the corn, or the hay, may be marketed in those parts of the State where the disease existed.

They have said to those who desired to sell their property, "You can not hold public sales of property as you have advertised to hold them," or, in other words, to make the story as short as possible and consume no more time than is absolutely required, these inspectors from the Department of Agriculture absolutely laid an embargo upon all kinds of business or social activity among the farming population in those portions of the State where this disease was supposed to exist. And in doing so they added, in many instances, extreme insolence to the inconvenience which they caused.

In many cases, and I wish to make no unwarranted accusation, they have gone to the farming portions of the State and have wholly isolated certain districts, and within such areas imposed an absolute embargo upon all business on the part of the farmers and stock raisers.

Their justification for such acts has been that they desired to establish a quarantine against the hoof-and-mouth disease.

They have said that men shall not go from farm to farm within such district.

They have said that men and women shall not attend public meetings or gatherings; they have said that men shall not hold sales of farm property, that there shall be no form of communication that requires travel from one place to another, and they have done these things in many instances, as I personally know, in a manner that was absolutely and entirely arbitrary and that was wholly unwarranted.

And then at stated times, whether for the purpose of enabling the stockyards to handle the products of the farm, and obtain the same at a greater profit to such buyers, I do not know, but at stated times the embargo for a short period has been raised by such inspectors.

Mr. KINKAID. Will the gentleman yield?

Mr. CHIPERFIELD. In a moment I will—and when raised a glut of animals was thrown upon the buying markets in the city of Chicago, and when that market had all it could use or might require for that time the embargo and quarantine was put on again, with the result that the farmer was absolutely deprived of a large part of the benefit of the stock that he raised and was denied a large part of the money that he should have received for the same. Now I yield to the gentleman.

Mr. KINKAID. Does not the gentleman know that notwithstanding the restrictions which have been imposed that in many instances they have failed to be entirely efficient to prevent the spread of the malady?

Mr. CHIPERFIELD. That question, it seem to me, is answered by the fact and circumstances so well known to us all.

It has not been effective, it has not even been efficient, and one of the things that has been absolutely amazing to me is that these inspectors, without the slightest precautions, come and go upon the farms where the foot-and-mouth disease exists, and where such farms are quarantined, and then insist no one else shall likewise go from farm to farm upon even necessary business.

Without taking the slightest precaution, these inspectors went from one farm to another farm, and traveled all over the country, and if there was any method of infecting the herds of Illinois more dangerous than another, it was by the acts of these traveling inspectors sent out by the Government of the United States for the alleged purpose of suppressing this disease.

It is extremely questionable if the United States Government has any right or authority to conduct a local quarantine.

This right was questioned by many of our farmers during the past few months, but, desiring to cooperate, the right of the Government was not tested in court by them.

The right to conduct this quarantine was vigorously asserted by the Secretary of Agriculture and all of the officers of that department.

In the future there will be a legal struggle in court caused by the arbitrary acts of the officers of this department, and the matter will be there tested, and when it is, in my judgment, it will be held that the United States Government does not have the right to conduct a local quarantine of stock and farms within a State.

I recognize that there was need of a quarantine.

I freely confess that energetic action was required to stamp out this disease and for the good that was done by the department I am willing to give praise, but I vigorously condemn the harsh and unnecessary actions of the officers of the Department of Agriculture during the existence of this epidemic.

I deplore the fact that the quarantine was so conducted by the Department of Agriculture as to give rise to a belief on the part of a great many people of the country that it was being manipulated in the interest of the stockyards and the stock buyers and was being used to the detriment of the farmer.

A quarantine of this kind should be conducted in such a manner as to be entirely free from suspicion.

This quarantine was not so conducted.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CHIPERFIELD. Yes.

Mr. GREEN of Iowa. I quite agree with what the gentleman has been saying as to the effect of this measure, but the point of order having been made, unfortunately, and this matter having been ruled out, has the gentleman now any amendment which he would suggest to cure the defects of which he speaks?

Mr. CHIPERFIELD. I was about to get to that point and will proceed at once.

This bill as it now stands leaves the matter entirely optional with the Secretary of Agriculture to say how he may expend this two and a half million dollars.

It is very doubtful if this bill, as sought to be modified by the pending amendment, will be found to be broad enough to warrant and require the payment by the Secretary of Agriculture for the stock killed on the farms of the country for the purpose of stopping the spread of hoof-and-mouth disease.

There should not be the slightest uncertainty about the remedy being complete when this large amount of money is to be expended, and we should make sure that the funds reach the place for which they are intended—that is, the hands of the farmers and stock raisers whose property has been destroyed.

The farmers and stock raisers have the absolute right to be properly recompensed for the loss which they sustain from this disease, when such loss is caused by the action of the Government in quarantining their premises and destroying their farm property or their live stock.

The only excuse upon our part for appropriating two and one-half million dollars or any other sum is that the farmers and stock raisers of the Nation shall be recompensed in a proper way for that part of the losses which they sustain from the ravages of the disease caused by the governmental effort to check the same.

To appropriate these sums and leave a doubt exist as to whether the money will reach the ones we desire to protect and reimburse is wholly inexcusable.

It is much better to correct the doubt at this time than to complain about it when it is too late.

My next greatest objection is the fact that the provisions of this bill, if they are broad enough to furnish this relief, are to be administered by the Secretary of Agriculture at long range from Washington.

The distance between the seat of Government at Washington and the farms of Illinois is too great to permit the proper and intelligent handling of this situation.

The fullest discretion and power is, by this proposed amendment, placed in the hands of the Secretary of Agriculture, and the action of his department is to be wholly unrestricted and may be entirely arbitrary.

I have always been opposed to giving the head of any of the administrative departments of the Government full power and unrestricted regulation of any subject.

When Congress abdicates its power to prescribe what shall be done by any department and turns such power all over to the Secretary thereof it is establishing a bureaucratic form of Government of which I do not and will not approve.

It is, of course, the easy way to legislate, and saves Congress much thought and trouble, but it does not serve the people as they are entitled to be served or safeguard them as they should be safeguarded.

Congress should by law prescribe what is to be done by the departments, and direct how it shall be done, and not leave the entire question to be handled by the departments as they may see fit.

No secretary of any department sitting in Washington unrestricted by legislative limitation, can understand the needs of a community as fully or as well as can its representative in Congress sent by such community to there represent it.

When a matter is so handled by a secretary of a department it will not be done either as efficiently or as understandingly or as sympathetically as the case may require.

If this be true of the heads of the departments, then how much more certain it is that the matter will be mismanaged, when it is left to a subordinate, as was the case in the management of the hoof-and-mouth disease in Illinois and the adjoining States.

The Department of Agriculture sent its inspectors to Illinois, and they mismanaged the epidemic of foot-and-mouth disease about as badly as it could be mismanaged.

There was not only mismanagement, but the attitude of many of these inspectors was insolent and arbitrary and unreasonable to the last degree.

Carrying out the thought of unrestricted power they established unwarranted quarantines, failed to establish quarantines where needed, declared stock to be affected that was not ill, and, where protest was made by the farmers, added threats of prosecution and imprisonment to their many mistakes.

From the arbitrary acts of these men there was no appeal, and to submit—although with poor grace—was the only alternative.

It is safe to say, and entirely within the bounds of truth, that the actions of these inspectors has produced a very unfavorable opinion of this particular department in the minds of the farmers and stock raisers of Illinois.

Having these things in mind, I want to have this bill contain the safeguards that will prevent repetition of these unpleasant experiences and gross mistakes—experiences that not only were unpleasant but that entailed untold thousands of dollars of loss on the people of my State.

To this end this amendment should be broadened and perfected, and the arbitrary power it now gives to the Secretary of Agriculture should be taken from him.

Mr. HAMILTON of Michigan. Will the gentleman yield for a question?

Mr. CHIPERFIELD. Yes, sir.

Mr. HAMILTON of Michigan. With reference to the conveyance of the germs of this disease from one farm to another within a segregated area, as I understand, these germs are carried by dogs or birds by men themselves, going from one farm to another?

Mr. CHIPERFIELD. That is the popular impression.

Mr. HAMILTON of Michigan. That is the testimony of science.

Mr. CHIPERFIELD. Yes.

Mr. HAMILTON of Michigan. We have heard their statement. Now, what would the gentleman substitute in place of these restrictions of indiscriminate travel from infected districts to one that is not infected? Must there not be restrictions?

Mr. CHIPERFIELD. Undoubtedly. I would adopt a greater degree of common sense than the inspectors sent out by the Department of Agriculture adopt. If it is dangerous for you to go from your farm to your neighbor's farm without going through the process of being cleansed of these germs, then it is equally dangerous for the inspector to do so. And yet a protest to these inspectors would be answered by threats of imprisonment and prosecution.

Mr. HAMILTON of Michigan. But the inspector claims he has cleansed himself of these germs and that he has been disinfected.

Mr. CHIPERFIELD. The only thing about the inspector's claim is that in instance after instance, where I personally know the facts, it is not true.

Mr. STEELE of Iowa. At what date was the State of Illinois quarantined?

Mr. CHIPERFIELD. I can not tell you. I have not now in mind the precise date, but I live in the center of the territory affected, and I know the situation. My recollection is that a quarantine has been established several different times.

Mr. STEELE of Iowa. Do you know the time that the live-stock commission of the State acquiesced in the quarantine?

Mr. CHIPERFIELD. I am not trying to praise the officials of the State of Illinois or wrongfully condemn the officials of the United States, for I do know both were negligent of their duty. I do condemn their wrongful acts and their harsh and arbitrary actions.

I do know that this disease spread most rapidly to a disastrous extent and now again threatens to be revived.

We are at the point where we have got to have some relief by a suitable enactment of Congress.

And we do not get it by this paragraph.

Mr. GOOD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. I understand that there are two amendments pending?

The CHAIRMAN. That is true.

Mr. GOOD. And the discussion is not on the amendments?

Mr. LEVER. Mr. Chairman, I ask that we have a vote on the amendment of the gentleman from Pennsylvania.

Mr. CHIPERFIELD. Mr. Chairman, may I ask unanimous consent that I may extend further my remarks in the RECORD on this subject?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN. Mr. Chairman, just a word as to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE]. It seems to me he has offered an amendment that is impossible of adoption. He speaks of the foot-and-mouth disease, but the part of the section to which he offers the amendment relates to—

Foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and other contagious or infectious diseases of animals which, in the opinion of the Secretary of Agriculture, threaten the live-stock industry of the country.

If the amendment were adopted, any animal infected with a serious disease, found anywhere—on a train, in the stockyards, in a slaughterhouse, no matter how it reached there—must be paid for by the Federal Government. It seems to me that the very reading of the amendment, in the light of what we know of the section of which it would become a part, shows it to be impossible.

Now, as to what the gentleman from Illinois [Mr. CHIPERFIELD] said of the gross misconduct of officials and employees of the Bureau of Animal Industry, there was an outbreak of that disease and an emergency existed. There was doubt, in the first instance, as to whether or not it was foot-and-mouth disease. It was first analyzed and diagnosed as stomatitis. There was some delay. Perhaps the officials were at fault in the first instance. I believe they were, and perhaps some blame attaches on that account. There was delay, which is always serious in a matter of that kind; there is no doubt about that. But afterwards the officials went to work skillfully and vigorously. It was not boys' play in which they were engaged; it was not a picnic; and when they imposed hardships upon farmers and stock raisers it was because it was necessary for them to do so. It is idle, it seems to me, for these gentlemen to come here now and air the complaints of their constituents upon whom these onerous conditions were imposed.

And I know, Mr. Chairman and gentlemen of the committee, that when gentlemen came here and appeared before the Committee on Agriculture and voiced complaints of this kind, when they were cross-examined and confronted by testimony of others, they did not hold to their original statements. Their statements, made with so much feeling and so positively, were materially modified and softened. And I venture to say, with all consideration to the distinguished gentlemen who here relate stories they have heard, that many of the stories they relate are not entirely correct. I accept without question the statements of gentlemen who here speak from personal knowledge, and I know also that they relate correctly what they have heard; but in many instances there has been lack of full information, and I am sure that many stories have been told by parties who suffered loss and who are aggrieved at the action of officials of the bureau—stories that are not entirely correct in their statement of facts. Interested parties who think they have a grievance because their property was destroyed or their business was interfered with have indulged in exaggeration and misstatement. After the bureau officials had properly diagnosed the disease they acted promptly, vigorously, and with splendid effect, as the result shows; and now, after the disease has been stamped out, the story of the difficulties and trials, the hardships and loss, imposed upon and suffered by the owners of live stock is not at all interesting; it is certainly of no value to us in the framing of law for taking care of another outbreak, if it shall unfortunately come.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. KING. Mr. Chairman, I desire to offer an amendment.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] offers an amendment, which the Clerk will report.

Mr. GOOD. Before that is put, I think it is in order to vote on the amendment that is pending.

Mr. LEVER. They have perfected the amendment.

Mr. GOOD. I offer this, then, as an amendment to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend the amendment by inserting at the close the following:

"*Provided*, That no part thereof shall be used to enforce any quarantine order, rule, or regulation requiring or permitting the separation of any live stock in any live-stock yards where live stock is offered for sale on account of any such live stock having come from or through any area of the country that had been quarantined in any way for foot-and-mouth disease, and no part thereof shall be used to enforce any quarantine rule or regulation providing for the maintenance in any such stockyards of any quarantine section thereof where live stock are offered for sale that are separated from other live stock in said yards because such live stock came from or through any area of the country that had been quarantined in any way for the foot-and-mouth disease."

Mr. LEVER. Mr. Chairman, without examining that, I reserve a point of order on it.

Mr. HULL of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] is recognized for five minutes.

Mr. GOOD. Mr. Chairman, according to the report of the Secretary of Agriculture, there were slaughtered last year under quarantine orders 168,000 animals affected with foot-and-mouth disease, valued at $5,700,000. But this sum does not measure the damage to the farmers and cattle feeders because of the ravages of that disease. Col. French, a large stock raiser and prominent citizen of Iowa, stated before the Subcommittee on Agriculture and Forestry of the United States Senate, which investigated the subject, that the actual loss to the cattle feeders and growers of the Nation because of a quarantine regulation requiring fat cattle coming from a modified quarantine area to be placed in the quarantine section of our stockyards amounted to more than $113,000,000, or twenty times the loss sustained by the farmers, because their cattle were slaughtered under quarantine regulations.

The amendment which I have offered to prevent a duplication of this loss is as follows:

Provided, That no part thereof shall be used to enforce any quarantine order, rule, or regulation requiring or permitting the separation of any live stock in any live-stock yards where live stock is offered for sale on account of any such live stock having come from or through any area of the country that had been quarantined in any way for foot-and-mouth disease, and no part thereof shall be used to enforce any quarantine rule or regulation providing for the maintenance in any such stockyards of any quarantine section thereof where live stock are offered for sale that are separated from other live stock in said yards because such live stock came from or through any area of the country that had been quarantined in any way for the foot-and-mouth disease.

I have drawn a rough sketch to illustrate my amendment. I have marked here a quarantined area from which matured cattle will be permitted under quarantine regulations to be shipped to a live-stock market for immediate slaughter. Under the quarantine regulations when they arrive at the market they are placed in the quarantine section of the yards. This point [indicating] I have outlined on the drawing would represent the stockyards. The shaded portion is the quarantine section. At the same time that cattle are coming into the yards from a quarantined or modified quarantined area cattle are also coming into the yards from free areas. The cattle that come from the free area are sent to the other section of the yards. These cattle are then all offered for sale, whether in the free or quarantined section. Twenty-six buyers are reported to be on hand to buy the matured cattle, but only 6 of the buyers buy stock that is placed in the quarantine section. When night comes and all the fat cattle in yards are sold and disposed of the 6 buyers that have bought the fat cattle from the quarantine section at a reduction of from 50 cents to $1 per hundred over the price commanded by cattle of like grade in the free area drive their purchases out of the same gates together to the same packing houses, where they are slaughtered together, and the consumer who purchases the meat pays the same price for his beefsteak that comes from steers sold in the quarantine section that he pays for steak made from steers sold in the free section. It must be remembered that all cattle for immediate slaughter from a section that is under any kind of quarantine must be thoroughly inspected by a Government inspector and pronounced free from all disease before a permit will be granted giving authority to move them. The net result of maintaining this quarantine section is that the feeder whose cattle are sent to that section must accept from 50 cents to $1 per hundred pounds less than he would otherwise receive for them, and the consumer pays the same price for the beef products of such cattle that he would be compelled to pay if they had been sent to the free section. And the loss, therefore, to the farmer and feeder, as estimated by Col. French, since the outbreak of the foot-and-mouth disease in this country totals the enormous sum of more than $113,000,000.

The hearings before the committee to which I have referred are very illuminating. It is remembered that at the outbreak of this disease the quarantined or modified areas usually comprised a whole county. Obviously the six packers buying in the Chicago yards would be interested in having this area as large as possible, and so it was made coextensive with county lines. And yet in many instances thousands of matured cattle, ready for shipment, were held at a loss for more than 90 days, and when shipment was permitted such cattle upon arrival at Chicago were placed in the quarantine section.

Some idea may be obtained from the testimony of Wilbur W. Marsh, Democratic national committeeman from Iowa, who testified before the Senate committee as to the real author of these quarantine regulations. Testifying under oath, Mr. Marsh said:

I think the veterinarians connected with the Bureau of Animal Industry have been largely trained by the stockyards interests of the United States. I think they approached this question thoroughly imbued with the ideas that the stockyards people desired them to have. I think that a veterinary surgeon who visits with these able gentlemen, the splendid, able fellows who run these stockyards, comes away taking the interest, perhaps, that a particular crowd of people want him to. And they have been watching and taking care of the Bureau of Animal Industry, so far as the veterinary part of it is concerned, for a very long time.

In this connection I wish to remind the committee that it was developed at said hearings that a very prominent official connected with Swift & Co., Mr. John J. Ferguson, is the secretary and treasurer of an organization composed of veterinarians and of the officials of the United States Bureau of Animal Industry, and seems to be very closely associated with those in authority who have made these quarantine rules and regulations.

I do not want to be understood as opposing quarantine regulations. I recognize that very stringent quarantine regulations are necessary to stamp out and eradicate a disease so destructive as the foot-and-mouth disease. The regulation could not be too stringent to secure such results. They would work hardships no doubt, but they ought not to be made at all times to operate against the weak and to add to the profits of the strong and the wealthy.

I personally took up with the Secretary of Agriculture shortly after the outbreak of the foot-and-mouth disease in this country the proposition that there ought to be a quarantine effective at all of the principal stockyards of the country, which would prevent a reshipment of cattle. This was on the theory that the owner of matured healthy cattle should be permitted to market them and that only cattle and live stock for immediate slaughter should be sent to the live-stock markets. By such a quarantine regulation those who deal in feeders and stockers would have their business curtailed, but the man who had matured his product could have a market for it, especially when after inspection it was found to be healthy. The Secretary of Agriculture told me when I proposed this regulation that the stockyards interests of the country would never stand for such a regulation. On this subject I quote again from the testimony of Mr. Wilbur W. Marsh:

I would say this, that with a large percentage of the business of the stockyards, and consequently their profits, coming from reshipments of cattle back into the country, their inclination would be to magnify the danger of any infectious or contagious disease which would interfere with their business, and the veterinarians coming in contact with those people constantly would reflect their business.

And so it was not until after the lapse of months and the spread of this disease to 21 States of the Union that the Bureau of Animal Industry finally adopted a sensible method of preventing a reshipment of live stock from certain of the yards to which live stock from quarantined or restricted territory had been sent.

Mr. STEELE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. STEELE of Iowa. Who created that quarantine section?

Mr. GOOD. My understanding is that it was created by the stockyards, in cooperation with the State and National authorities.

Mr. STEELE of Iowa. It was created by the Live Stock Commission of the State of Illinois and the veterinarians, was it not?

Mr. GOOD. It may have been created by them; but my point is that large sums of money were appropriated out of the Federal Treasury to keep Federal inspectors there. It would have been an empty order without large expenditures of public money to carry it into force and effect. My amendment simply provides that not a dollar appropriated by this act shall be expended to discriminate against the farmers and feeders and in favor of the stockyards and their allies, the packers.

Mr. Leonard, the president of the Union Stock Yards & Transfer Co., was asked by Senator KENYON who got the benefit of that reduction of from 50 cents to $1 per hundred in the price of these cattle sent to the quarantine section, and he answered

that he did not know; that he did not; that he supposed the buyers did. He was asked, "Do not these cattle all go to the packers?" And he answered, "Yes."

It is hardly conceivable that such a thing could exist in this country. Yet not only did it exist, but it had the sanction of a great department of this Government. My amendment provides that we shall not spend a dollar to maintain a quarantine section in any public stockyards where live stock is offered for sale and thus discriminate against any man whose cattle may be shipped from the quarantine section. If you want to read a scathing denunciation of this method, read the testimony of Mr. Wilbur W. Marsh before the Senate committee.

I do not know whether these men at the head of this Bureau of Animal Industry are Democrats or Republicans. It is not a political question. I am as much opposed to a bureaucracy that exists under one administration as I am to a bureaucracy that exists under another, and I am unwilling to give to a few men in the Department of Agriculture, whom Mr. Marsh, perhaps the most prominent Democrat in my State, says are controlled by the live stock and packing interests of this country, the power to discriminate against the grower and feeder of cattle in favor of the packers. This bureaucracy ought to be shorn of some of its power. In its attempt to stamp out the foot-and-mouth disease it struck hard and expensive blows at the cattle feeders and soft and profitable blows at the packers and owners of stockyards. Its plans showed not only the lack of business experience but exhibited the vice of favoritism. Its plan of eradicating the foot-and-mouth disease was as expensive to the feeder as it was profitable to the packer and stockyards interests. I hope the amendment I have offered, which will put a stop to this procedure, will prevail.

Mr. LEVER. Mr. Chairman, I would like to dispose of the point of order.

Mr. GOOD. I will state that the amendment I have offered certainly is not subject to a point of order. I have one in my pocket that is; but I drew that as a limitation, pure and simple, and if words can be employed that are a limitation upon an appropriation I have attempted to employ them here.

Mr. LEVER. Mr. Chairman, I will say to the gentleman very frankly that it is a very close question—I appreciate that—as to whether or not it is in order. But it occurs to me, from a hasty examination of the amendment, that it interferes with the discretion of the Secretary of Agriculture, the discretion which he exercises under the law, and to that extent it would be a change of existing law, and therefore subject to a point of order.

Mr. GOOD. May I ask the gentleman this question?

Mr. LEVER. Yes. I very frankly confess that it is a very close question.

Mr. GOOD. The only thing it interferes with is the discretion of the Secretary in the power to spend money to maintain that quarantine in the stockyards. That is clearly a limitation.

Mr. LEVER. I will say to the gentleman that unless the Secretary has that discretion, you almost destroy his entire plan of operations in the eradication of this disease.

Mr. CAMPBELL. Mr. Chairman, whether on this point of order or on the merits of the matter, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that the time for debate has been limited.

Mr. CAMPBELL. It has been limited by the committee. I have not taken any time on this bill——

Mr. MANN. I ask unanimous consent that the gentleman have five minutes, not to be taken out of the time already fixed.

Mr. LEVER. May I couple with that the request that the gentleman from Indiana [Mr. Moss] be allowed five minutes?

Mr. MANN. Yes.

Mr. LEVER. And with the further statement that I will object to any further extensions.

Mr. MANN. All right.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Kansas [Mr. CAMPBELL] may have five minutes, and the gentleman from South Carolina asks that the gentleman from Indiana [Mr. Moss] may have five minutes, the time mentioned not to be taken out of the time already agreed upon. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Chairman, there is not in this country anything more autocratic than a small representative of a Government bureau exercising authority out in the country. [Applause.] One of the representatives of the Department of Agriculture a year ago in February, a little bit of a whippersnapper who had probably just graduated from a veterinary college somewhere, was appointed by the department with all authority. He went into Cowley County, Kans. An old brindled cow was found in that section of country that had had foot-and-mouth disease. This little 2 by 4 fellow put under quarantine every feed yard in Cowley County, one of the largest counties in the State of Kansas. No feed yard was closer than 15 miles to where that case of foot-and-mouth disease was found. Many feed lots had matured their stock. They were ready for the market. They were kept there for 60 days and 90 days after the stock had matured. This was done by order of this little fellow who kept feed lots locked, and was backed up by Mr. Melvin, the chief of the bureau, the chief autocrat of bureaucracy in the Department of Agriculture.

Mr. FESS. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. FESS. Is there any redress whatever for that?

Mr. CAMPBELL. Absolutely none. The owners of the cattle in the quarantined feed lots lost hundreds and thousands of dollars at the mere whim of this little fellow whose authority ought to have been revoked and the gates unlocked and the cattle taken to the market and sold, because there was absolutely nothing the matter in any one of these feed lots or with any steer in them.

Mr. McLAUGHLIN. Does the gentleman know that with all this inefficiency and all this arbitrary action this is the only country on the face of the earth in which an outbreak of foot-and-mouth disease was ever eradicated? [Applause.]

Mr. CAMPBELL. I do know the work of eradicating the disease could have been done with ordinary intelligence. What the people object to who were directly affected, and what I object to is the unnecessary things that were done, that the exercise of plain common sense and even a little experience with practical affairs would have avoided.

Mr. HAMILTON of Michigan. Did the brindled cow have foot-and-mouth disease?

Mr. CAMPBELL. I am not certain.

Mr. HAMILTON of Michigan. If she did have foot-and-mouth disease, then the brindled cow ought to have been segregated, ought she not?

Mr. CAMPBELL. These feed lots were 15 miles away from where this brindled cow was, and no case of foot-and-mouth disease developed nearer than that, and there was nothing to show that any steer in any of these feed lots was in any way infected.

Mr. CULLOP. Will the gentleman permit a question?

Mr. CAMPBELL. Yes.

Mr. CULLOP. Were any of these feed lots close to the county line?

Mr. CAMPBELL. One of them was, but the stock in the adjoining county was sent to the market ad libitum.

Mr. CULLOP. That is the point I want to bring out, that within 2 miles of it in another county they permitted stock to be shipped to market.

Mr. CAMPBELL. Yes, certainly; and stock went through on the train, through that county. The quarantine was against Cowley County only in that part of the State.

Mr. CULLOP. And quarantine by counties is absolutely wrong.

Mr. CAMPBELL. Yes; but the law is administered by these little fellows who have the authority of a bureau that is more autocratic than any bureau outside of Russia, and is un-American. It does not fit in with a republican form of government. It does not fit in with common sense, and is not necessary in the operation of a good law. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MOSS of Indiana. Mr. Chairman, I should not have asked for this time if it had not been to explain this diagram, which has been prepared by the gentleman from Iowa [Mr. GOOD]. The gentleman speaks about a quarantine area. When quarantine regulations were first formulated by the Department of Agriculture no stock at all could be shipped out of an area under quarantine. This absolute restriction, or rather prohibition, as to the shipment and sale of stock worked hardship in many cases, and as a result the department modified its policy. Now, what was the modification? It was agreed that any live stock in any area under quarantine, after an inspection by a competent veterinary doctor, might be shipped to any market in the United States and sold, subject to immediate slaughter at that particular market. This was a method devised by the department to permit live stock in good health and free from infection to be marketed from those sections which were under quarantine. Such live stock when received at any stockyards was yarded in a particular part of the yards, known as the quarantine or closed section. Stock was sent into this area only from the sections of the country that were under quarantine, and if it could not be reshipped from that market it had to be sold for immediate slaughter. The man who shipped his stock to the yards shipped it knowing the fact that it had to go there to be sold for immediate slaughter.

Mr. GOOD. Will the gentleman yield?

Mr. MOSS of Indiana. Not at present, thank you. Now, at the same time from free areas of the country stock was being shipped to this market, and the stock from any of these free sections could be sold to be shipped to any markets in this country or in the world. There was thus in the same yards two sections, because stock was received under two conditions. Live stock from unaffected areas enjoyed all the benefits which an unrestricted market bestows. It was under no disability because it had not been subject to any possible infection. Live stock from infected areas did not enjoy such privileges nor could such privileges be extended with safety. These restrictions were not wholly imposed by Federal regulations. Many States refused to permit stock from infected States to come within its borders. I recall very distinctly that the State of Pennsylvania refused to permit any cattle from Illinois to pass over its territory, and thereby placed a practical embargo on cattle shipments from the Union Stock Yards at Chicago to all eastern markets.

This arrangement to permit the sale of stock held within quarantine areas was purely and solely for the benefit of the owners of the live stock. They did not have to ship it to Chicago; they could ship it to Indianapolis or any market in the United States with the understanding that when it got to that particular market it must be sold for immediate slaughter. The confining of such stock to a particular area of the yards was for convenience in inspection and tracing such shipments. Here was a common-sense solution of an extremely difficult matter vital to the live-stock producers of the United States, and suggested wholly in their interests.

Now, replying to the criticisms which have been made by the gentleman from Kansas [Mr. CAMPBELL], I want to call attention again to the remarks of the gentleman from Michigan.

This country is the only country in the world that has been able to eradicate the foot-and-mouth disease after it had been distributed over a large area of its territory. The great country of Germany has failed to do it, and the farmers have this dread disease fixed on them permanently. It will stand as one of the great achievements of our Government that the Bureau of Animal Industry has been able to do in America what no other Government on the face of the earth has ever been able to do under like conditions. [Applause.]

It is a fact that when the disease suddenly broke out in many sections of the United States before anyone detected its presence the bureau ordered a quarantine by counties, because a county is a political unit common to all our States, and it was the easiest way to establish quickly an effective quarantine; but as soon as the situation was well in hand they limited the quarantine area, and where a single outbreak occurred the area placed under quarantine was often limited to a circle of 5 miles in diameter from the center of the outbreak. Thus, as soon as it was possible in a practical way, the Department of Agriculture modified the rigid quarantine in every possible manner. They only quarantined the counties in the first place, as I say, because they recognized it as an existing legal unit, and it was so recognized by States and by the National Government. It was the obvious action to take in an emergency.

In my own State I am glad to say that our State authorities cooperated with the department and we stamped out this dreaded scourge. In doing this we recognize that it was the greatest service the Department of Agriculture ever gave to the State of Indiana since it was created. It is easy enough for gentlemen to come here, now that the danger is past, and criticize the Department of Agriculture. It may be safe, after your constituents feel for the moment that they are past the danger, to come here and talk about the autocratic power exercised by the Department of Agriculture in suppressing this plague; and yet I want to say to these critics that when this dreadful disease was spreading over the United States, threatening absolutely the financial interest of every man owning cattle or hogs in the United States, if such speeches had been made against the department it would have probably beaten the men that made them on the floor of this House. [Applause.]

Mr. LEVER. Mr. Chairman, I yield to the gentleman from Iowa [Mr. STEELE].

Mr. STEELE of Iowa. Mr. Chairman and gentlemen of the committee, I have not taken much of your time during this session. However, I think this is one of the most important items in this bill. I feel keenly the criticisms that have been heaped upon the Agricultural Department here before this committee. I feel that an injustice has been done. These people who tried to stamp out and did stamp out one of the greatest scourges this country ever had in so short a time seems to me ought to have commendation at your hands instead of this criticism. [Applause.] I am very sorry I have not the time to fully go through this case with you, but I have prepared a few statements which I will read.

Mr. Chairman, since the beginning of the consideration of this bill it has been very disappointing to me to see so much time taken up by some Members who make few if any suggestions for the betterment of the bill, but who seem to think that the agricultural interests of the country will be furthered by the use of their eloquence on this floor in attacking certain bureaus of the Department of Agriculture and finding fault with the administration of their work. It is not to be supposed that the work of such a great arm of our Government as the Department of Agriculture could be administered without making an occasional mistake, for we here who have been farmers all our lives realize that there is no farmer, no matter how well educated and experienced he may be in the science and practice of farming, who does not make an occasional mistake or who is not guilty frequently of an oversight or an error of judgment in solving the problems of the farm. The particular adverse criticism against the department which I have in mind is that which has been directed against the Bureau of Animal Industry for winning its battle against the last terrible outbreak of the foot-and-mouth disease. At this point, in order to show the extent of the ravages of the disease, which covered 22 States and the District of Columbia, I shall ask permission to have incorporated in the RECORD in connection with my remarks a statement published by the Department of Agriculture showing the progress of the work of eradication up to February 9, 1915:

Statement showing progress of work of eradication of foot-and-mouth disease, Feb. 9, 1915.

State.	Number of counties in entire State.[1]	Number of counties infected.	Number of herds infected.	Number of cattle infected.	Number of sheep infected.	Number of swine infected.	Number of goats infected.	Total number of animals infected.	Number of herds awaiting slaughter.	Number of premises to be disinfected.	Remarks.
Connecticut	8	2	24	538		105		643			Completed.
Delaware	3	1	12	122	22	49		235			Do.
District of Columbia			2	23		5		28			Do.
Illinois	102	51	568	19,630	535	24,165	12	44,342	25	60	See footnote.
Indiana	92	19	104	2,354	636	3,855		6,804		3	
Iowa	99	6	39	1,313	32	2,057		3,402	5	6	
Kansas		2	3	48				48		6	
Kentucky	119	9	46	819		308		1,127			
Maryland	24	10	30	744	197	531		1,472			Nearly completed.
Massachusetts	14	9	58	1,235	61	3,471	4	4,771		3	2 new herds.
Michigan	82	16	240	2,942	809	4,019		7,790			Nearly completed.
Montana	31	3	32	1,408	237	11		1,656			Completed.
New Hampshire	10	1	3	78		26		104			Disinfection completed.
New Jersey	21	6	25	791	6	193		990		1	Nearly completed.
New York	61	12	96	3,570	60	267	2	3,924		1	Do.
Ohio	88	33	183	3,293	2,648	4,562	1	10,504			Do.
Pennsylvania	67	28	703	11,575	273	6,637	3	18,488	2	4	See footnote.
Rhode Island	5	3	40	828	1	135		964		2	Nearly completed.
Virginia	100	1	1	19		15		34			Completed.
Washington	38	1	1	102				102			Do.
Wisconsin	71	10	56	1,352	1,764	1,333	1	4,440			Disinfection completed.
Total		223	2,245	52,914	7,301	51,734	23	111,868	37	83	

[1] Number of counties in each State given in order to show approximate area of State involved.

Illinois: All premises where herds have been slaughtered have either been disinfected or are being disinfected. Animals of herds awaiting slaughter are not included in total number of animals, as reports on herds awaiting slaughter are not complete.

Pennsylvania: Work of disinfection started as soon as slaughtered animals are buried. Few new herds.

found in that section of country that had had foot-and-mouth

sold for immediate slaughter.

Mr. GOOD. Will the gentleman yield?

in total number of animals, as reports on herds awaiting slaughter are not complete.

Pennsylvania: Work of disinfection started as soon as slaughtered animals are buried. Few new herds.

Never before in the history of the country had there been such an extensive outbreak of the disease, but our Department of Agriculture performed the unparalleled achievement of completely eradicating it by March 31, 1916, just 18 months after the first case was discovered. This great achievement seems all the more remarkable when one considers that in England, Germany, and Denmark, and in countries in South America they have never succeeded in stamping it out. Despite the fact that this victory of the Department of Agriculture has been lauded in the editorial columns of our leading agricultural publications and by leaders in agricultural work in this country, just a few days ago, to my utter amazement, my colleague from Iowa [Mr. HULL] and the gentleman from Illinois [Mr. KING] arose on this floor and severely censured the agents of the bureau for the methods they employed in their successful fight against the disease. If these gentlemen had been Members of the House in 1908, during a Republican administration, I wonder if they would then have attacked the men in charge of the work of fighting the outbreak of the disease in that year, who happened to be the selfsame men whom they now criticize so severely for accomplishing the conquest of the ravages of the plague in 1914 and 1915. The time allotted to me will not permit of my answering fully the unwarranted attacks upon the department by these gentlemen, whose speeches it is plain to see were made for political effect; but I hope to have my remarks extended in the RECORD, and thus present some facts in regard to the history of this disease, the methods employed in its eradication abroad and in this country, and a detailed account of how the Department of Agriculture succeeded in wiping it out in the years 1914 and 1915.

The tenor of the remarks on this subject by my colleague from Iowa [Mr. HULL] on April 13, 1916, would seem to indicate that the quarantining of infected districts is essentially a State prerogative, and that the Government was guilty of usurping State rights when it stepped in and proceeded to put into practice the methods of combating the disease in the past which experience had proven to be the only successful way of destroying the plague. I am amazed at the stand taken by the gentleman on this question, and especially after he has stated that he kept in full touch with the situation in Iowa. I wonder if he knows what was said on the subject of the control of the disease by "Tama Jim" Wilson, former Secretary of Agriculture, and one of the greatest agriculturists Iowa or any other State ever produced. [Applause.] Here is what Mr. Wilson said at the hearings on the question before the appropriations committee of the Iowa Legislature in March, 1915:

> Foot-and-mouth disease is one of the most contagious of all the maladies that affect domestic animals. When the outbreak occurred at Portland, Me., an importation of affected animals was driven to the quarantine station. A yoke of oxen crossed the path where the affected cattle had been driven the day previous and got foot-and-mouth disease. Mature reflection leads me to conclude that in the future the Federal Government should handle the whole matter and pay the bills. It is a foreign invasion that should be suppressed by the General Government of all the people, which has the power to raise money by taxing the people.
>
> A litigious spirit encouraged by a local court makes delay, and delay endangers all the States.
>
> The Federal Government has in its service the ablest scientists in the land along lines of animal diseases. The Department of Agriculture has control of all the telegraphic dispatches for an hour every morning. It can learn of any outbreaks sooner than any State can and act more promptly.
>
> During the uncertainty brought about by the fever-tick insect some years ago, States quarantined against States, and local courts upheld local jurisdictions and also charged fees from cattle owners crossing the State lines, which was exceedingly annoying. Some States at this time are behaving queerly regarding foot-and-mouth disease, and we may have repetitions of what was done some years ago on account of cattle-fever ticks.

Now, I agree with Mr. Wilson. I believe that since the spread of the disease in the past has always been a national calamity, the Nation should exercise sole supervision of the work of fighting it. As a member of the Committee on Agriculture, which framed this bill, I shall vote for it as it now stands, although I should personally prefer to have the appropriation provided for in the bill for the purpose of meeting future outbreaks of the disease increased to $5,000,000 and this amount set aside in order that, in the event of future outbreaks, the infected animals could be slaughtered immediately and the farmers reimbursed promptly by the Government in full for the loss. Such a plan, I believe, would be more effective in gaining the cooperation of the farmer in stamping out the disease. It would eliminate the usual red tape necessary to be gone through with when the Government pays one half and the State the other half of the loss. I believe that the Secretary of Agriculture should be authorized to draw on this fund yearly for enough money to send a dozen or so of inspectors from the Bureau of Animal Industry to Europe and South America for the purpose of studying the causes of the outbreaks of the disease in the countries affected and their methods of the control of it.

If this were done yearly, the department would always have trained men available for supervising the work of checking future outbreaks of the disease in this country. I believe also that the salaries these inspectors should be paid should be on the basis of a graduated increase, in order to make the service sufficiently remunerative to induce them to remain in it instead of going out of the service, after a few years' experience, into other fields of activity more attractive from the salary standpoint. I am informed by the Chief of the Bureau of Animal Industry that of the seven or eight hundred trained men who made up the army of the department which stamped out the disease in 1908 only 145 were still in the service in 1914. In 1914 and 1915 the bureau had approximately 900 men in the field battling against the spread of the disease. It can reasonably be expected that if conditions in this work are not made more attractive to those men from the salary standpoint a great majority of them will enter other fields within the next few years, and should another outbreak occur the bureau will again be handicapped by a lamentable lack of trained men.

Mr. KING. Will the gentleman yield?

Mr. STEELE of Iowa. Yes.

Mr. KING. Is the gentleman in favor of eliminating that part of the bill which provides for the payment to the farmers for cattle killed by the Bureau of Animal Industry?

Mr. STEELE of Iowa. I am not.

The origin of foot-and-mouth disease, like that of many other contagious diseases, is a mystery. Foot-and-mouth disease is supposed to have reached Europe from Asia about 200 years ago. From Europe it was disseminated through channels of commerce, and has appeared at one time or another in nearly every civilized country of the world, and it is now indigenous to many foreign countries, especially in Europe, Asia, and South America.

It is recognized as the most highly contagious animal disease, and none of the species of our domestic animals is immune from it. Cattle, hogs, and sheep are most susceptible, but dogs, cats, poultry, and even human beings have frequently been known to succumb to it.

The germ that causes this disease has never been seen nor isolated. It is presumed from analogy to be an organism of such small size that it easily finds its way through the finest filters, and no one has been able to see it by the aid of any microscope even of the highest power. For over a century this strange enemy has been attacking the live-stock industry of Europe, and often with terrible effect. It hides in crevices and cracks; it survives in dark, damp places; it is dropped from the wings of a bird in flight; it is borne on objects carried by the wind; it travels in vehicles on the lines of commerce; it clings to the clothing of man; it hides in the hair and fur of animals; and it is carried on the bodies of insects. Nature has wonderfully provided for the perpetuation of this dreaded enemy, and it has not only successfully defied annihilation but gradually it has extended its domain.

In those countries where it is permanently implanted it is dreaded more than any other animal scourge and causes more damage than all other contagious diseases combined. Dr. Cope, an eminent English authority, states that as nearly all classes of animals on the farm are susceptible, the indirect losses are much greater in the case of foot-and-mouth disease than rinderpest or pleuropneumonia, and that in England it has caused enormous losses and inconvenience, greater than all other contagious diseases combined. Heffner, speaking of the prevalence of foot-and-mouth disease in Germany, states that it has caused much greater losses in that country than all other enzootic diseases combined.

The loss suffered by Germany in 1892, when over 1,500,000 head of cattle, over 2,000,000 sheep and goats, and over 400,000 pigs were affected, is estimated at $25,000,000, and the outbreak of 1911 cost that country considerably more.

In the small country of Denmark, which compares in size with the States of Rhode Island, Connecticut, and Massachusetts, the disease has caused enormous losses. In 1892 about 400 herds were affected, in 1911 no fewer than 1,285 herds were attacked, and in 1914, at about the same time the disease made its appearance at Niles, Mich., the disease began to spread in Denmark again, and continued to spread so rapidly that 5,734 infected herds were reported between November, 1914, and August, 1915, a period of nine months. Dr. Bang, of Copenhagen, at the present time probably the most eminent authority on foot-and-mouth disease, has stated that by the end of that period of nine months the aggregate loss to the owners of the diseased cattle in milk alone amounted to about $1,250,000.

These are but two of many similar examples of the losses in Europe at the high tide of the disease. The live-stock producers are obliged to suffer such losses because the sanitary author-

ities have been unable by their method to eradicate, and in many instances even successfully control the spread of, the disease, notwithstanding the unlimited police power given to sanitary authorities, including military assistance and the most scientific application of quarantine, isolation, and disinfection.

The United States is again free from foot-and-mouth disease. We should feel very grateful that the Federal and State sanitary authorities have again succeeded in eradicating the disease, notwithstanding almost insurmountable obstacles. This has been accomplished in spite of injunction proceedings and all the criticism and unjust abuse that have been heaped upon the shoulders of our sanitary authorities that were already bending under a heavy load of responsibility to hold above the tide the general live-stock interests of the country regardless of the clamor that arose from those who had never before experienced the necessity for taking such measures as must be used to control foot-and-mouth disease.

This dreaded animal pest has been carried to our shores six different times during the past 46 years, and each time it has been successfully eradicated. Our first invasion occurred in 1870, when the disease was introduced into New England, New York, and New Jersey by way of Canada, where the infection was brought by an importation of cattle from Scotland. The conditions were highly unfavorable for the spread of the disease, and nature contributed freely in stamping it out. In 1880 there were two or three lots of animals imported which were found to be affected with the disease on arrival. The introduction of foot-and-mouth disease in 1870 and again in 1880 through the importation of live stock revealed the necessity of some protective measures against the introduction of disease from that quarter, and in 1884 the American quarantine of imported stock was imposed. Since then we have had but one outbreak in this country traceable to imported live stock. That outbreak was detected at the Portland (Me.) quarantine station in 1884 and spread to a few herds outside of the station. Since the development of a stringent system of inspection and quarantine of imported live stock no instance of that kind has occurred. In 1902 the disease is supposed to have resulted from an importation of cowpox-vaccine virus from Japan that was contaminated with the virus of foot-and-mouth disease. This outbreak was confined to four States—Massachusetts, New Hampshire, Rhode Island, and Vermont—and was entirely eradicated in six months. The next outbreak occurred in 1908, and was also caused by the importation from Japan of virus contaminated with foot-and-mouth disease. The disease appeared first in Michigan, and from there spread to four States—Michigan, New York, Pennsylvania, and Maryland. This outbreak was stamped out in about five months.

In all the previous outbreaks the disease was limited to small areas, the infection traveled in an easterly or southeasterly direction generally, and it did not reach the big live-stock distributing centers. From 1908 to 1914 this country was free from this cattle plague, but suddenly it appeared in a port of the country where such a thing would be least expected.

The latest invasion is supposed to have reached the farm of Mr. W. E. Hoadley in August, 1914. Its source is unknown to this day. The disease smoldered there for weeks and was not recognized, owing to its mild character and its apparent disinclination to spread. From September 3, the date the first Detroit inspector made his visit, to October 7, the date of the second Detroit inspector's visit, the disease had only spread from two to six herds, but at this time it began to increase in virulence and to assume a more typical form. Upon the receipt of the latter's report, on October 10, an expert from Washington was immediately sent to Niles, Mich., and the disease was positively diagnosed by animal inoculations on October 15.

In tracing back to the farm shipments of live stock that had gone out of the infected area it was impossible to get any information from the farmers that indicated that any of the animals shipped by them were diseased at that time, and there was some hope that the Chicago stockyards might escape the infection.

The slaughter of the diseased herds in Michigan commenced, the quarantine was being effectually enforced by the Michigan State authorities, and the work of eradication was progressing rapidly and hopefully when, on October 27, a report was received from Blissfield, Mich., that a carload of steers shipped out of the Chicago stockyards were sick. On October 28, 1914, the steers were inspected, and three were found to be affected with very acute lesions of foot-and-mouth disease, while the others in the carload lot had not, as yet, developed any symptoms of the disease. The Chief of the Bureau of Animal Industry was immediately notified, and a telegram was sent to Dr. S. E. Bennett, inspector in charge of the yard work at Chicago, notifying him of this instance and instructing him to take every precaution. The discovery of the disease near Blissfield resulted in the immediate quarantine of Lenawee and Monroe Counties in Michigan, and pointed with such grave suspicion to infection in the Union Stock Yards that an order by the Secretary of Agriculture was prepared, effective October 31, 1914, "quarantining those yards as a precaution and permitting animals to be shipped from them only for immediate slaughter." No disease had yet been discovered in the yards, and there was yet some hope that they might escape, for on investigation it was learned that the 3 steers that showed the disease October 28 at Blissfield came from a lot of 49, the other 46 of which went from the Union Stock Yards to Chenoa, Ill., and among which the disease had not developed, and it never did develop in them. This seemed to indicate that the steers that went to Blissfield, Mich., might have picked up the infection outside of the Union Stock Yards, possibly in a live-stock car.

On the eve of October 28, soon after word of the outbreak at Blissfield was received at Chicago, the stocker and feeder division of the Union Stock Yards was closed by request of Dr. Bennett. He says in his official communication that "the stocker and feeder division of the Union Stock Yards was closed and locked, and no cattle were permitted to be taken either in or out of this section." Dr. Bennett knew that stockers and feeders might be shipped to several States within 24 hours, and if the yards were infected, as suspected from the Blissfield incident, some of the animals in that section might probably be exposed. Any stockers and feeders that went out at this time might develop the disease in time to infect the cars in which they were shipped, the pens in which they were unloaded for feed, water, and rest en route, and finally start a new area of infection at destination. Dr. Bennett received the support of all interested parties in closing this division of the yards, and his action was approved by the department. In addition to closing the feeder and stocker division on the night of October 28, 1914, steps were taken immediately to clean and disinfect this entire division under Government supervision, to locate all shipments of stockers and feeders that had gone out from the Union Stock Yards, and all available veterinary inspectors were sent out to make inspections throughout the State of Illinois. Notices were also sent to bureau and State officials advising them of shipments that had gone into their territory, with the request that these animals should immediately be located and inspected.

Arrangements were made with the various railroad companies and their live-stock cars were called in for cleaning and disinfection, especially those that had carried live stock out of or through the infected districts of Michigan and Indiana. All this work was done before any disease appeared in the Union Stock Yards and when there was but a suspicion of it. The railroads responded willingly to the request of Dr. Bennett for cooperation, and an endeavor was made at this time to supply cleaned and disinfected cars for all shipments going out of the fat-stock division that might be diverted as feeders. The fact that such cleaned and disinfected cars were furnished for shipments of stockers and feeders collected from tall ends in the fat-stock division, is now interpreted by some to mean that infection was in the yards at that time and the department knew it was there, and that was the reason freshly cleaned and disinfected cars were supplied. This is not true. The Government and State officials and the members of the Chicago Live Stock Exchange lived in hourly dread and expectation of a visitation of disease at the yards, but no one knew then or even now that any infection existed in the fat-stock division, or any other division of the yards, on October 28, when word was received of the outbreak at Blissfield in cattle that had left the feeder and stocker division of the yards on October 19, 1914. No foot-and-mouth disease ever developed in any live stock that passed through the yards prior to October 19, 1914. The bureau officials at Washington and the inspectors in charge of work in the field did everything that could be done to protect the live-stock industry. Suppose that the Department of Agriculture had closed the Chicago Stock Yards and all other yards that were endangered from infection in Michigan and Indiana, that no disease developed outside of the infected areas in Michigan and Indiana, and that these yards were kept closed until there was no more danger. The result would have been great losses to shippers and stockmen, and there would have been more people charging the department with inefficiency than there is now.

The disease did not appear in the Union Stock Yards proper until November 3, 1914, six days after the cattle in the stocker and feeder division had been placed under lock and key, and two days after the disease had appeared in the National Dairy Show herd quarantined at the exhibition barns outside of the stockyards proper. After the disease appeared in the dairy show, the animals confined under lock and key in the stocker and feeder division since October 28 for observation came down

with the disease. There was no hesitation in regard to what should be done with them. A trench was dug in the stockyards and the 616 stockers and feeders that had been held since October 28 were slaughtered and buried. At least half of these animals showed no evidence of disease when they were slaughtered and buried, and the Department of Agriculture and the Illinois State authorities were severely criticized at what was termed a wanton waste of the healthy animals. The fact is, that an endeavor was made to have the healthy animals inspected, slaughtered, and dressed in the packing houses, but the packers refused to handle them.

The Department of Agriculture and the State authorities were again criticized, and are yet being censured, because they did succeed in saving to the Federal Government and State about $1,000,000 through the slaughter at a Chicago abattoir of the well animals of the Peoria distillery herd. In connection with the disposition of the Peoria herd, please note the precautions that were taken. Dr. Bennett, who had charge of the handling of the Morris & Co. cattle found diseased at Peoria, states:

All cattle visibly affected were isolated. The Washington office was gotten on the telephone and made acquainted with the facts in the case, and instructions were given to the inspector in charge to make arrangements at once to ship those cattle not visibly affected to Chicago for immediate slaughter. Instructions were also given at the time to ship the visibly affected ones to Globe, Ill., for slaughter and disposition. Arrangements were at once made to ship 96 loads of cattle to the plant of Morris & Co., Chicago, Ill., for immediate slaughter, with the understanding, of course, that these animals should not show visible signs of the disease. Every precaution was taken in handling these animals upon their arrival in Chicago. After they were driven over the platforms, through the alleyways and chutes, and over the viaducts to the Morris plant, these were at once cleaned and disinfected under Government supervision. At the time of slaughter all these animals were given a most rigid post-mortem examination; also every precaution was taken with the butchers and other employees on the slaughtering floor, none being allowed to go to their dressing room, but were compelled to remove their working clothes upon the killing floor. The same procedure was carried out each day until the entire lot of cattle had been slaughtered, after which all outer clothing, boots, and shoes of the employees were either boiled or destroyed by burning. The visibly diseased cattle, which were isolated at the Peoria distillery barns, were prepared for shipment to the rendering plant at Globe. Cars were provided which were lined inside and out with roofing paper. Baseboards were placed on the inside of the cars, and fresh sand put in them, which was saturated with a 5 per cent cresol solution. The interior of the cars was also sprayed with a compound cresol solution, and after the cattle were loaded and the doors closed and sealed, the outside of the car was sprayed with a 5 per cent cresol solution. These cattle were received at Globe by two inspectors of the Bureau of Animal Industry, who had entire charge of their disposition. The animals were slaughtered; their hides removed and placed in a 1 to 1,000 bichloride solution in a 3 per cent solution of formaldehyde. The remainder of the carcasses were placed in the rendering tank. Each employee removed his outer clothing every day before leaving the plant and was thoroughly disinfected and fumigated. After all the diseased cattle had been placed in the rendering tanks the premises were cleaned and disinfected under Government supervision. This transaction saved the United States Government and the State of Illinois approximately $1,000,000, without jeopardizing in any way the live-stock interests of the country. The cars in which the animals showing no disease were shipped to Morris & Co. at Chicago were also lined on the inside with strong roofing paper.

If those who are addicted to the habit of criticizing will take the trouble to investigate for themselves, they will learn that the facts concerning the Peoria distillery herd are different than has been represented, for some reason, by some of those who seem to be bitterly opposed to the department methods and policies. Written statements in the files of the department show that at the time the disease was diagnosed there were 8,714 animals in the distillery herd at Peoria, Ill. The inspection at Peoria showed 408 affected with symptoms of the disease, and they were shipped immediately to the Globe Rendering Works, at Globe, Ill., for slaughter and disposition. The 8,306 animals which showed no symptoms of the disease were shipped to the Morris & Co. abattoir, Chicago, for immediate slaughter. The ante-mortem and post-mortem inspection of these 8,306 animals showed 544 of them to have developed the disease since they were last inspected prior to leaving Peoria.

The 544 animals and carcasses found on ante and post mortem inspections at Chicago to show the disease were condemned and tanked under Federal supervision for fertilizer. In all 7,762 of the total number, 8,714, were passed for food. More than the usual number of inspectors were detailed to the Morris & Co. plant to conduct the inspections, and a very rigid ante-mortem and post-mortem examination was made, and every animal showing the least sign of the disease by elevation of temperature or otherwise was condemned. It will therefore be seen that these figures and facts which I have obtained from the department are quite different from those that have been submitted by the gentleman from Illinois [Mr. KING]. In fact, Dr. Melvin states—and from past experience we know there is no reason to doubt his veracity—that the foot-and-mouth disease germ was not transmitted in that dressed beef, as the dressed beef was from carcasses which passed careful inspection and did not include "over 150 of which cattle were suffering with foot-and-mouth disease."

Much has been said by those critics who stake their judgment against the judgment of those who were charged with the responsibility of eradicating the disease and succeeded concerning the policy pursued by the department in establishing quarantines. The measures that were employed have been termed "hysterical quarantine orders," which "will be recorded as the most amazing spectacle of incompetence, ignorance, and usurpation of authority that has ever been witnessed in a similar event." In this connection I desire to quote some significant statements made in a recent address by Dr. V. A. Moore, of Cornell University, who is recognized as one of the most eminent authorities on foot-and-mouth disease. In his address Dr. V. A. Moore said:

It is difficult for those not trained in the habits of microscopic life to appreciate that viruses are vital forces that take no heed of the opinions of men. The fact can not be too forcefully emphasized that naturally infectious diseases are spread in accordance with the means, simple or complicated, provided by the laws and forces of nature for that purpose. The agencies for the transmission of infectious diseases were not designed for the convenience of animal owners or sanitary officers, but rather to enable the virus of the disease to perpetuate itself and to be transferred from the infected to the uninfected individual. We should not forget that the virus of foot-and-mouth disease, for example, is a definite factor in nature's economy and is provided for quite as much as the perpetuation of other living things. We look upon the transfer of pollen by the insect in the fertilization of clover as a wonderful provision of nature, because clover is useful to man. The transfer of the virus of a plague from one host to another is often just as wonderful and always just as securely provided for, but because its effect operates against human interests there is a tendency to condemn and to pass judgment without knowledge.

The fixing of a quarantine period and defining its specifications are dependent upon the character of the disease and the nature of its etiology. There must be knowledge of the location of the virus within the host, of the time in the course of the disease it is eliminated, and its ability to spread after escaping from the body in order to adequately safeguard against it. Again, the purpose of the quarantine modifies both its duration and requirements. If it is to protect a community against the introduction of a foreign disease, it is obviously more drastic than if it is used only as a temporary means of combating the malady. When employed for a permanent protection it should remain for the maximum period of incubation and for the longest known time required for the lighting up anew of arrested lesions. In case of certain diseases the virus after it escapes from the body is able by numerous and insidious ways to disseminate itself to such an extent that it is difficult or impossible to confine it to the quarantined area. These are all important considerations in determining just what procedure shall be followed. In any case a margin of safety must be allowed.

We are dealing not with a local question, but a nation-wide problem. Because of this greater responsibility our quarantine regulations should be safe, reliable, and sound.

There is a common tendency to yield to the findings in a limited number of cases. There are people willing to formulate regulatory measures suggested by a personal experience. While such experiences have their value, and while they may represent the majority, it is well to remember that although it is the usual that ordinarily happens it is the unusual that most often causes the trouble.

The question regarding the proper area to be quarantined is a mooted one. We must be governed by results rather than by opinions. In this country the identical methods pursued in overcoming the 1902 and 1908 outbreaks were adopted for the 1914 outbreaks, and the results were successful in all three. Compare these methods and results with those of the old countries where small areas are quarantined, as have been advocated by the gentleman from Iowa [Mr. HULL]. Those countries that have failed to control the disease have followed the methods and small quarantine areas advocated by the critics of the Department of Agriculture. On the other hand, those countries that have been successful in stamping out the disease, like Norway, Sweden, Ireland, England, and Scotland, have adopted a quarantine policy of large areas similar to that followed by our Department of Agriculture. The gentleman from Illinois [Mr. KING] states that England has resorted to the slaughter method for 50 years and that the disease still exists there. If my colleague had looked into the matter carefully, he would have found that the disease is occasionally being brought into England through its numerous commercial channels, but each outbreak has been stamped out by slaughter and the quarantine of the infected and sometimes the adjacent counties. In 1913 England had but 73 animals infected with the disease; in 1914, 143 animals; in 1915, 692 animals; and in 1916—one outbreak on February 11—60 animals, all these outbreaks being separate from one another and caused by different importations of the virus from the infected countries on the Continent. A few individuals are still loud in their acclamations of disapproval of the department's policy, but throughout the country I find the vast majority are in hearty sympathy with the work that has been done and the methods employed in accomplishing the results. As evidence of this general feeling of satisfaction and approval, I wish to submit the names of only a few of those who have indorsed this foot-and-mouth work as conducted by our Department of Agriculture:

Commercial Exchange of Philadelphia, Sixty-first Annual Report, 1915;
American Breeder, September 20, 1915;
Twentieth Century Farmer, September 29, 1915;

Pierces Farm Journals, about October 1, 1915;
National Stockman and Farmer, about September 29, 1915;
Iowa Homestead, October 7, 1915;
Live Stock Exchange National Bank, circular 9010;
The Farmers' Guide, October 23, 1915;
Wallace's Farmer, October 22, 1915;
American-National Live Stock Association, January 25, 1916;
United States Live Stock Sanitary Association, December 1, 1915;
Southern Cattlemen's Association;
South Omaha Live Stock Exchange;
Oklahoma Live Stock Exchange; and many others.

I am greatly surprised to learn that the gentleman from Missouri [Mr. BOOHER] indicated by his questions that foot-and-mouth disease has existed among western sheep for the last 25 years. In my section of the country we call this disease of sheep lip-and-leg ulceration, and it is as different from the foot-and-mouth disease, which was brought into this country in August, 1914, as measles is different from smallpox. The gentleman from Missouri makes the same mistake as the first veterinarians who saw the true foot-and-mouth disease and thought it was lip-and-leg ulceration, which the doctors sometimes call necrotic stomatitis. The Department of Agriculture has published on this lip-and-leg ulceration as it has on foot-and-mouth disease, and we farmers have been able to control the former by smearing the parts with sheep dip and lard, as recommended in the department's publications. This lip-and leg ulceration is not catching like foot-and-mouth disease, and while you are treating a few sheep it does not spread like wildfire, as foot-and-mouth disease does when you keep animals alive to treat them. If foot-and-mouth disease was as widespread and as tightly saddled on the country as hog cholera, this country would not think of slaughtering the sick animals. But in Canada, where hog cholera is only occasionally found in a few herds, the Government buys and kills the sick hogs just as we do in foot-and-mouth disease, and they thereby control hog cholera. Notice the difference between the position taken by a country when a disease is saturating the soil everywhere and when a disease is brought in from the outside, at which time by the slaughter method the farms are kept from becoming impregnated forever. Denmark was one of the first countries to slaughter for foot-and-mouth disease, and has been successful in overcoming all outbreaks until the one of November, 1914. Again the slaughter method was began, but this time the disease spread faster than the authorities could act, with the result that 8 per cent of all cattle and hogs became infected and the slaughter method had to be stopped for economic reasons. Of course, if foot-and-mouth disease in this country had continued to spread, there would have come a time when so many animals would have had to be slaughtered that the economic factors would have stopped this method of handling and our soil would become permeated with the virus as it is in Russia, Italy, and other European countries to-day, or as hog cholera is in this country to-day. As it was, only 4,000 of the 6,500,000 farms became infected in our outbreak, and each of these farms was quarantined, cleaned up, thoroughly disinfected, and now restocked with healthy cattle, without any foot-and-mouth disease drawbacks. And you gentlemen know these drawbacks as well as I, involving producer, feeder, breeder, dairyman, banker, transporter, commission man, buyer, seller, and the ultimate consumer. Instead of knocking the men who worked day and night, Sundays and holidays, to accomplish these results, let us show them our appreciation of their efforts, even though they, like others, have made a few mistakes; and, gentlemen, I can assure you that if this herculean task had been accomplished in one of the European countries, these men, whom some of you have so severely criticized, would be wearing badges of honor or of merit for the results obtained. [Applause.]

The CHAIRMAN. The Chair is prepared to rule. The Chair thinks that there are just two propositions to be considered in passing upon this point of order: First, whether it is a limit on the discretion of an executive officer in carrying out his duties under the law. If so, then it would clearly be subject to a point of order. If, on the other hand, it is in fact only a limitation on the appropriation carried in the paragraph, then it would not be subject to a point of order.

The Chair very frankly states that his first impression of the amendment was that it specifically limited the discretion of the Secretary of Agriculture and therefore would not be in order, but on a more careful reading of it he does not now think so. It says "provided no part of the money reappropriated will be used to enforce any quarantine order," and so forth. It does not limit the discretion of the Secretary, but it does limit the expenditure of the money in enforcing certain specific rules and regulations, and the Chair thinks that the amendment is not therefore subject to a point of order. Point of order is overruled.

Mr. LEVER. Then I ask for a vote on the amendment, and I hope that the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken; and on a division (demanded by Mr. GOOD) there were—ayes 15, noes 45.

So the amendment was rejected.

Mr. KING. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. KING: Amend amendment offered by Mr. LEVER by adding at the end thereof the following:

"*Provided*, That if in the arrest and eradication of such disease it becomes necessary to slaughter animals, the same shall not be slaughtered for such purpose without just compensation to the owners thereof, the amount thereof to be determined by an appraisement based on the meat, dairy, or breeding value; and in the event that either party to the appraisement is dissatisfied with such appraisement appeal may be taken to the United States Court of Claims, without delaying slaughter, where final adjudication may be had according to law, fixing the value to be paid by the United States Government."

Mr. LEVER. Mr. Chairman, on that I reserve the point of order.

Mr. HULL of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Chairman, I had the honor of having allotted to me some 30 minutes in general debate when the bill was first brought into the House, and of course I do not care to cover any of the points that I covered in those general remarks, which are printed in the RECORD.

In the first place, I want to congratulate the members of the committee for their long and laborious work here day after day, and especially I wish to commend the distinguished gentleman from South Carolina [Mr. LEVER], the chairman of the committee, who has been so patient and considerate with all of us during the consideration of this bill.

I came here this morning expecting a certain line of procedure, but of course I have already learned that what you expect you do not receive, and the line-up has been entirely changed. I regret very much that the members of the committee saw fit to consent so readily to the point of order which was raised striking out that part of this section which provides for the payment to the farmer or a stock raiser for his cattle, and making certain other provisions relative thereto. I had expected to offer an amendment which would probably be subject to the point of order, that a provision be added that in addition to payment for cattle and swine destroyed, the farmer and the stock raiser be permitted to have a claim against the Government for money which he lost by reason of his stock and swine having to be put into quarantine alley in the stockyards in the city of Chicago. Contrary to the explanation made by the gentleman from Iowa [Mr. SNZZLE], the facts are that the Bureau of Animal Industry of the United States started out to make as large a quarantine as possible. They insisted if they found one solitary case in a county that they would put the whole county under quarantine. What was the reason for that? I do not say that they did it corruptly by any means, but what was the result? The result was that the larger the quarantine area the more cattle and more hogs shipped went into quarantine alley in Chicago, and when they went into quarantine alley for immediate slaughter, although they were just exactly as good as another man's cattle across the line, nevertheless they sold for from 10 to 20 per cent less than if they had been put in the free alley, where they ought to have gone, as long as there was no foot-and-mouth disease in the section from which they came. That is the whole proposition.

I had intended to offer an amendment adding, after the word "destruction" in that part which was stricken out on the point of order, the words "and also through the operation of Government quarantine regulations." That would render the Government liable for the loss; and think of it, gentlemen, $22,000,000 worth of cattle and hogs went into quarantine alley and finally went into the refrigerators of the packing concerns. I am not blaming the packers. It has been stated here that they are human, and of course they are, the same as anyone else, and they would take advantage of that; but it is an artificial condition created by making a large quarantine area, simply transferring thousands and thousands of cattle and lowering the price on them through the Bureau of Animal Industry from 10 to 20 per cent. That is the point about this quarantine-alley proposition in the city of Chicago.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. KING. Yes.

Mr. EMERSON. What does the gentleman mean by this quarantine alley, and then later on by the meat going into the packing houses?

Mr. KING. I did not go into the details of that because I had explained it before—I looked for the gentleman, but he was absent at that time, at lunch. They have two areas in the stockyards in Chicago. Let us, for illustration, divide this House into two parts, and instead of drawing a Mason and Dixon line down the center, as is frequently done, we will draw a line here, and say that the Republican side is a free area and the Democratic side is a restricted area.

Mr. HAMILTON of Michigan. A quarantined area?

Mr. KING. Yes. I am not speaking of the area in the country, but I am speaking of the stockyards. Here comes a carload of stock from Henry County, Ill. It comes from a restricted area, although there was only one case in one corner of the county. That carload of stock goes on the Democratic side in the restricted area for immediate slaughter, and another car comes from right across the line in Knox County, where it was not restricted, and they go on the Republican side into this free area, and now comes the packer or the commission man, and he goes down there and looks them all over and he finds a very fine bunch of cattle on the Republican side in the free area and he bids on them, competitive, of course. He buys them. And then over here he sees in this restricted side, quarantine alley of the stockyards, a fine lot of cattle, but he says, "I can not pay you within 10 or 20 per cent for them, because they are in quarantine alley."

So do you not see if down in my State they would gradually increase the area to a county unit for quarantine, finally the Republican side would dwindle down to four or five seats and the Democratic side, using it as an illustration merely, would be the quarantine alley of the stockyards of the city of Chicago, and of course the bigger that is the cheaper the cattle to the packer. But everything finally is the same; both Republicans and Democrats finally get to the refrigerator and the consumer pays the same price.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. KING. I will.

Mr. HAMILTON of Michigan. Recognizing the difficulty that the gentleman describes, is it not necessary, after all, that there should be what you called a restricted area?

Mr. KING. Yes, sir.

Mr. HAMILTON of Michigan. Now, inasmuch as it is necessary there should be a restricted area, what does the gentleman propose to do with the cattle that come from that restricted area? How are you proposing to obviate the difficulty in connection with the stockyards restriction?

Mr. KING. It is not necessary to have a restricted area of immediate slaughter. There is no disease there. It seems to me the department is now perhaps operating on the right theory of a 5-mile limit, but a township would perhaps be a solution of the whole proposition, because there the lines will be all recognized the same as the county lines by the inhabitants included in the disease area.

Mr. HAMILTON of Michigan. In my State we do not use the county as the unit. They divided one county, as I remember it.

Mr. KING. I admit I do not accuse the department of anything on earth. I recognize that they are seeking to do the proper thing, and, as it has been stated here, we do not attack them on the Republican side. I do not attack them as a Republican because they have succeeded in putting down this great plague, but the objection is made, and the objection of the farmers is that it permitted it to get a start, and even after it was discovered on November 27, 1914, for three days they refused, as a matter of fact, to quarantine the stockyards and sent out over 46 carloads of cattle through Wisconsin, Indiana, and Illinois. That is how the disease spread. That is what caused the commotion and criticism of the department, and not the method of handling it after it once got a start.

Now, Mr. Chairman, I intended also to offer an amendment after the word "circumstances," in line 23, which provided that he shall pay for those cattle when such owner has complied with all the quarantine regulations. That was the part which would have been subject to the point of order and the point of order should have been raised against that and against that point only. Now I presume the point of order will be raised against the amendment which I have offered here. Now a point of order, I have learned in my short experience in this House, is a dreadful instrument. It is an instrument both for the purpose of defeating good legislation and for the magnificent purpose of defeating bad legislation. It is absolutely impartial and it is totally without any conscience. Therefore I presume that under the rules of the House what is known, not as "a" point of order but "the" point of order, will be raised against it. I hope, however, the gentleman from South Caroline will see fit not to do so. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I regret very much that the point of order was made against any language inserted in this bill by the committee after a full and thorough consideration. But since the point of order has been made and sustained, everybody in this House, with six months' knowledge, knowing it to be subject to the point of order, and this being a brand-new proposition which the gentleman from Illinois has offered, and going very much further in the same direction than the amendment passed upon by the committee, I must make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. BOOHER].

Mr. BOOHER. Mr. Chairman, I am well satisfied that if all the experts upon the foot-and-mouth disease in this House were over in the Agricultural Department we might probably have gotten better results out of the treatment of this disease. This is a great big question and ought to be considered in a great big way. I do not think the Agricultural Department is subject to all the criticism that has been leveled against it. Neither do I think their method of treating this disease is a perfect one. The gentleman from Iowa [Mr. STEELE] said that this was a disease which was seldom cured. On the contrary, the foot-and-mouth disease seldom proves fatal, and there is scarcely any disease to which animals are subject that is so easily cured as the foot-and-mouth disease. I made this statement here the other day when this question was up and I was told by some of my friends the statement was not correct, that I had been misinformed. Now let me read what the Secretary of Agriculture himself says about it. I will give him as my authority. On page 12 of his annual report we find this language, speaking of the foot-and-mouth disease:

> So rapid and sweeping is its spread that when the infection once gains access to a herd or a farm practically every susceptible animal is soon attacked. Although the mortality is usually low, heavy economic losses result from the interruption and derangement of business.

The loss was not from the death of these cattle, but from the interruption and derangement of business. The department did not kill all the animals that were infected with the foot-and-mouth disease. They made exceptions, and they cured them. They had a stock show up in Chicago, a large one, in the fall of 1915. There was one herd of 700 head of very valuable dairy cattle there. They were infected with this disease. Did they kill them? Not a single one. They quarantined those cattle and cured them and sent them out on the farm where they belonged. Now, I take that statement from the report of the Secretary of Agriculture of 1915.

Now, if you can cure the cattle of a man who has 700 head of very fine cattle, you can quarantine and cure the cattle for the farmer who has only a few upon the farm just as easily.

Mr. WHEELER. What condition were they in after they were cured?

Mr. BOOHER. I do not know. I am going to read now what the Secretary said about it. He said:

> This herd consisted of over 700 head of very valuable pure-bred cattle. Their slaughter would have been a misfortune * * * and it was decided to try to save them.

They did save them. They cured that herd of cattle, turned them out cured, and they went back to the owner and the farm, and they are there now. I can not understand why, where a disease is as easily cured as this is, stock should not be quarantined and people learn how to cure it.

Ticks cause cattle fever, yet neither Congress nor the Department of Agriculture orders the indiscriminate slaughter of the diseased cattle; on the contrary, we make very large appropriations for the department to use in the extermination of the cattle tick in the South. Why not find a remedy for the foot-and-mouth disease and cure the cattle instead of the wholesale slaughter method pursued by the department?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINKAID. Mr. Chairman, as meritorious as this great Agricultural appropriation bill is, in my humble judgment it contains no item more worthy of the approval of this body than the $2,500,000 provided for the "arrest and eradication" of the foot-and-mouth disease. I think it will be generally conceded that this malady constitutes the greatest menace known to the live-stock industry. Comparatively few outbreaks—six of them, I believe it is; fortunately of short duration—have occurred in the United States, but the prompt attention given these cost the Government large sums of money and owners of cattle great inconvenience, consternation, and loss.

The Bureau of Animal Industry states that, while the foot-and-mouth disease may be regarded as essentially a disease of

cattle, hogs would seem to be as easy a prey. Almost in the same grade of receptivity are sheep and goats. Next in order come the buffalo, American bison, camel, chamois, llama, giraffe, and antelope. Horses, dogs, cats, and even poultry may occasionally become infected with the disease, the last three being particularly dangerous as carriers of the contagion. Man himself is not immune, and the frequency of his infection by coming in contact with diseased animals is established by numerous observations. Mr. Chairman, the spread of the malady is so easy, so nearly unavoidable, that it is very manifest that the question of how best to meet the exigencies of one of these outbreaks is of very great importance.

In the main this is what I shall talk of, but for a moment I shall refer to some criticisms which have been made to-day and previously during the discussions of the pending bill to the effect that the quarantine unit has been made too large—specifically, that the county unit, which has been used somewhat, is too large for a quarantine.

Mr. Chairman, if mistakes have in fact been made in some instances by including too great an area in a quarantine, such as a whole county when a township, 6 miles square, might have been sufficient, I can readily comprehend why and how this may have occurred. It is plain to me that where doubt exists as to how large an area should be included in a single quarantine it should be resolved in favor of the larger rather than the smaller area, for the reason that greater damage must result from making the area too small than by making it larger than necessary. For instance, if the area were too small, if infected cattle be left outside of the quarantine limit, there had just as well—even better—been no quarantine at all, for the public would be led to expect that cattle outside of the limit were not infected; therefore people would freely go and come over the area without using precaution against the spread of the disease.

A striking object lesson in favor of resolving the doubt for a larger rather than a smaller area recently occurred in Denmark. There the quarantine limit proved to have been too small, with the result that infected stock was left outside, with the disastrous result that the epidemic spread throughout the entire country, thus rendering further quarantine futile. Practically the disease has become permanently established in Denmark.

Mr. Chairman, I think it spells much for the veterinary profession that while the United States has been visited with six epidemics of the foot-and-mouth disease, the last becoming extended over 32 States of the Union, that the malady is now deemed extinct throughout the United States and that the arrest and the eradication of the malady was accomplished in so short a time. The country is to be congratulated upon the speedy deliverance, and the veterinary profession and the people may justly feel proud of their achievement.

Mr. Chairman, I have already stated that it was my chief purpose—in fact, I had intended it to be my exclusive purpose—to utilize the brief time afforded me to address myself directly to the great problem, as I regard it to be, how to choose between the two alternative remedies for combating the foot-and-mouth disease, whether to undertake to treat and cure, with the risk of constantly extending it to further areas, or to resort to the relatively radical remedy of immediately killing the infected cattle, burning the carcasses, and thoroughly disinfecting the occupied premises.

Of course, it is contemplated that when afflicted animals are slaughtered the Government and the State where they belong shall pay the owner therefor.

The instance of the treatment and curing of the large high-bred and valuable dairy herd in the State of Illinois in the last outbreak was this afternoon urged upon the attention of the House by the distinguished gentleman from Missouri [Mr. BOOHER], and the case had been previously mentioned in the discussions by the two learned and able Members from Illinois, who have treated the subject perhaps the most exhaustively, in a concrete way, of any of the Members. I have reference to Mr. CHIPERFIELD and Mr. KING. We all readily recall it was only by the diligent and energetic and successful prosecution of injunction suits against the Federal authorities that the immediate slaughter of this herd was prevented. Inferably we are expected to understand from this example that it would be more economical to treat and cure the infected animals, with as little loss by death as may be practicable, rather than to sacrifice whole herds by an immediate slaughter.

In keeping with this instance in South America, in the countries of Brazil, Argentina, and Uruguay, and in Europe, in Germany, France, Belgium, Holland, Italy, and some other countries, the policy of treating the afflicted stock for the purpose of restoring the animals to good health and preserving them for useful purposes has been and is still being followed, but in all of these countries this practice has resulted in the further spread of the malady, extending it throughout the countries named. The consequence is that at this time neither quarantine nor the slaughter of the afflicted animals is any longer practicable or an economical remedy, for the disease is so thoroughly rooted and permanently established in those countries that arrest and eradication is impracticable, if not impossible. Certainly from an economical standpoint the policy of treating the disease to cure in these countries has not only proven an absolute failure, but has extended and permanently planted the disease.

Mr. Chairman, in contrast with the policy followed in the countries named, of applying medical treatment to the afflicted animals, the United States, Canada, Great Britain, and some other countries have adopted the radical policy of immediate slaughter of the afflicted animals, without regard to the size of the herd found diseased or exposed, followed by the burning of the carcasses of the slaughtered animals and the scrupulous disinfection of the particular premises. The result of this practice is that these countries are most of the time free from the existence of the disease. Notwithstanding the very malignant form of the last outbreak in the United States and that it extended across the country from the Atlantic to the Pacific Ocean, as the Department of Agriculture views it, the foot-and-mouth disease is now extinct in the United States. Besides the United States, Canada, and Mexico, barring occasional importations and infections from other countries, and Australia and New Zealand, protected as they are by their isolation, are free from the plague, and so far as it has hitherto been ascertained it would seem that these countries may in the future, by yet greater diligence and vigilance of inspection at their ports of entry and the further progress of science to be applied to prevention and extinction of the malady, preserve their jurisdictions virtually free from the vicious affliction.

Mr. Chairman, I do not presume to urge at this time the adoption of a policy to be permanently followed as the only mode of combating the foot-and-mouth disease, but it is my purpose to urge the very great importance of choosing the safer means—the means most likely calculated to keep our country free, if not all the time, the most of the time, from the malady. On the limited information I possess it is my conviction that the wiser course would be to adhere to the policy of slaughtering until and unless it should be positively ascertained that the less radical remedy of the treatment to cure would be the more desirable. I am frank to say I abhor the contemplation that the malady of the foot-and-mouth disease, to which man as well as beast is subject, should be permitted to gain a permanent foothold and become constantly extant in the United States. As I view it, the treatment to cure in a measure resembles the maintaining of a nursery for the propagation of the malady, for it is obvious that every hour of the existence of the disease multiplies the opportunities for its contagion and spread to other areas and to other herds.

I urge the policy of prevention and exclusion rather than cure in our own country. Experience had in the South American States and in European countries, where the policy of treatment is followed, shows that while the animals of one herd are being treated the contagion is carried to other animals and other herds and that it is constantly extended to other localities, with the result that in these countries the condition has become a hopeless one.

Mr. Chairman, I regard it as a grnesome proposition to contemplate the constant existence of the foot-and-mouth disease in dairy cows furnishing milk and butter for our tables and at the same time in the herds of cattle contemplated to be slaughtered for meat for our consumption, as well as hogs and other animals, all of which foods may become infected, and the individual consumers thereof likewise become infected with the virus. Certainly the constant existence of the disease in the country constitutes a great menace to the health and life of both man and beast. Hence the logic in favor of immediate extermination.

Mr. Chairman, with three of the principal States of South America, Japan, the Philippine Islands, and other parts of the Orient, with most of Europe infested with the plague so extensively throughout their jurisdictions that eradication is no longer a practicable remedy, a great opportunity is here afforded North America to become preeminent in producing good healthy cattle and healthy meats for the consumption of their own people, and for exportation, thus securing to the United States an ascendancy over all other countries in the production of healthy animals and inviting and wholesome meats. [Applause.]

Mr. HULL of Iowa. Mr. Chairman, I have some amendments.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HELL of Iowa: Page 78, line 25, after the word "specified," insert:

"*Provided*, That no portion of this sum shall be used in the arrest and eradication of any such disease or in the payment of claims growing out of past and future purchases and destruction of stock unless a strict quarantine, with a radius of not more than 3 miles, shall be maintained around each infected premises."

Mr. LEVER. Mr. Chairman, I make the point of order against that amendment. Has the gentleman another amendment which he thinks is in order?

The CHAIRMAN. Does the gentleman from South Carolina make the point of order on the amendment?

Mr. LEVER. I will say to the gentleman that if he desires to use some of his time I will reserve the point of order.

Mr. HULL of Iowa. I am not going to argue the point of order. I first yield a minute to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD in reference to this bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Iowa [Mr. HULL] is recognized for 10 minutes, and the gentleman from South Carolina [Mr. LEVER] reserves a point of order on the amendment.

Mr. HULL of Iowa. Mr. Chairman, there are some things dearer to an American citizen than live stock. One of these is his personal liberty. I was in a foot-and-mouth quarantine for seven months, and I know something about it. During that time I had the same experience that the gentleman from Nebraska spoke about, and I had more. I myself was threatened with arrest by one of these inspectors sent out from a bureau here in Washington. Arrest for what? Arrest for attending a public meeting held in my own little town, and there had not been another meeting called off in all that county, and that meeting was called by 20 farmers in order to plan a campaign against the foot-and-mouth disease—20 of the best farmers in my own county—and this inspector telephoned out the night before to these 20 farmers and intimidated them until they were afraid to hold that meeting.

Mr. HAMILTON of Michigan. Was it considered that this meeting was particularly dangerous?

Mr. HULL of Iowa. It may have been the inspector, but I do not know. But it was to plan a campaign against the foot-and-mouth disease which was sweeping all over the county.

Mr. HAMILTON of Michigan. I thought it was a political meeting.

Mr. HULL of Iowa. No, sir; there was not any politics about it. It was to stamp out the disease, and these inspectors called the meeting off, and one of them came to me and told me I could not attend that meeting.

Mr. HELGESEN. What did you tell him?

Mr. HULL of Iowa. I told him that I would be there, and that if he had one ounce of authority I wanted him to single me out and show me where he got it.

Now, why do these men claim that unlimited authority? Simply because of one feature in this bill, one clause. And I have told them that when they came into Iowa it was unconstitutional. I have appeared before the executive council of the State of Iowa, and I have told them it was unconstitutional, and I say to you now, the Democratic Party, that it is unconstitutional.

Mr. LEVER. Does the gentleman think that makes it unconstitutional?

Mr. HULL of Iowa. It does not make it so, but every lawyer knows it is unconstitutional to do what you have done. That clause simply says that the farmer must observe all quarantine regulations. Do you know what it is? It is subserving the Constitution by quasi bribery, and I have asked this committee to strike it out, and they have refused to do it. And so I raise the point of order on the paragraph; and I will say to you gentlemen that if the whole paragraph had gone out I would still raise the point of order. I am not afraid of the result in my district. If you refuse to correct your own bill and do not want to play the game, all right.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. REILLY. Would you have the farmers have the privilege of violating the quarantine rules?

Mr. HULL of Iowa. I would not have a bureau here in Washington that can draw rules making a quarantine in the State of Iowa, because it is unconstitutional. You understand?

Mr. REILLY. Have we any other authority besides your statement for that?

Mr. HULL of Iowa. You can not make a quarantine unless you quarantine the individual, and for the National Government to come into the State of Iowa with police powers and quarantine the individual and deny him his liberty is unconstitutional or else I do not know the Constitution. Do you say that it is?

Mr. REILLY. I am not discussing that. Do you think that hurts the foot-and-mouth disease and helps to exterminate it?

Mr. HULL of Iowa. I do not know whether it hurts it or not, but I know that the blundering methods the department practiced in my county sent the disease into 10 yards, and it was only after the farmers themselves made a quarantine that an effective quarantine was had and the spread of the disease stopped.

Mr. REILLY. Is that your first experience with the foot-and-mouth disease?

Mr. HULL of Iowa. I have been where it was. I never was in a quarantine before.

Mr. REILLY. Now, was it not——

Mr. HULL of Iowa. Oh, I can not yield. I have only 10 minutes. The trouble is you can not make a quarantine on cattle and make it effective unless you make it effective on the man himself. It was not a quarantine at all. It was an embargo on business.

Gentlemen here talk about disease 15 miles away tying up a certain county. Let me tell you what they have done in the State of Iowa. They not only went 15 miles but 100 miles, and that because one Federal inspector was mad at a veterinarian because the veterinarian would not exhibit his books to him he quarantined the entire county of Greene, which never had the foot-and-mouth disease. Do you think that is right? Do you think that it is a good law for a department down here to deny to the State of Iowa the right to move its hogs from Iowa County to Linn County or within the State of Iowa? It is in the records there that they did it. Is it unconstitutional for a bureau chief here to tell the State of Iowa, acting through its legislature that has passed a bill regulating this thing, that if that bill becomes a law they will quarantine the entire State, when there is not any foot-and-mouth disease in the whole State? In other words, they threaten the State of Iowa for legislation that it had passed and not for foot-and-mouth disease.

Now, the Hilsinger bill was drawn after careful consideration. I came to Washington myself and had an interview with the Assistant Secretary of Agriculture, and we agreed upon a bill, and I went back, and the chairman of the Senate committee wrote to Secretary Houston to find out whether he would indorse the bill, and he suggested that instead of 1 mile we should raise it to 3 miles; this was done, and that law was enacted by the Legislature of the State of Iowa. And yet this great bureau that you are trying to defend double-crossed the State of Iowa and said to the governor, after they had indorsed the bill, "If you sign that bill, we will quarantine the entire State." Is that constitutional?

Mr. CAMPBELL. It is autocratic.

Mr. HULL of Iowa. Is it right? O my Democratic friends, you talked about liberty yesterday—liberty to people 7,000 miles away. And yet in this bill you are going on and on, and taking every liberty of the citizens away from them within the States.

Mr. RUBEY. We not only talked it, but we voted it yesterday.

Mr. HULL of Iowa. It did not do you any good. [Laughter.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LEVER. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. HULL of Iowa. Mr. Chairman, I yield to myself three minutes more. [Laughter.]

Mr. DOWELL. Will the gentleman yield to a question. I would like to ask the gentleman a question.

Mr. HULL of Iowa. Yes.

Mr. DOWELL. Waiving all questions as to the Constitution, are you not in favor of a proposition to allow claimants who have had property destroyed to receive payment for their stock?

Mr. HULL of Iowa. I certainly am, and to that end I offered an amendment here, and the gentlemen on the other side ruled it out on a point of order. The record is clear.

Mr. DOWELL. Just another question.

Mr. HULL of Iowa. Very well.

Mr. DOWELL. As I understood your reason for raising the question of order, it was because of the intimation or suggestion of bribery, which compelled persons to comply with the quarantine regulations.

Mr. HULL of Iowa. Certainly. It places the Federal Treasury behind a bunch of bureaucrats here in Washington, and we will not permit it in Iowa.

Mr. DOWELL. If this is stricken out under a point of order, is there any provision in this bill to allow claims of this sort?

Mr. HULL of Iowa. Oh, they can fix it up. They are the majority party. We are not afraid of the record.

Now I want to say this, and it sounds strange, coming from a Republican: I sometimes think I am a good deal better Democrat than a lot of these gentlemen sitting over on this side. I want to say this, that when it comes to the personal liberty of the citizen of Iowa, Iowa on local matters is sovereign over all your National Government. When we passed that law we had the right to pass it. And I want to say this, that practically every State in this Union has a law on quarantine, and this bureau never enforced it nor ever asked them to enforce it. They set it aside, and made their own laws here in Washington, and no bureau can do that. You have been revising rural routes by mail, and you want to run a quarantine by mail. You can not do it in the State of Iowa. I am either right or wrong, and this is the time and place to find out.

I want to say in reply to the gentleman that there is a mystery about one of these quarantines. What we are finding fault with is that there is not any quarantine at all, but that the quarantine is an embargo on shipment. It may be county wide, or it may be two or three counties, or it may be anything that some Federal inspector sees fit to place upon the people of the State, and that is what the people are protesting against. Protesting against the illegal and unlimited power claimed by this bureau here in Washington over the property and liberty of the citizens of Iowa.

Mr. BENNET. Will the gentleman yield for a question?

Mr. HULL of Iowa. Yes.

Mr. BENNET. Did I understand the gentleman correctly to say that a quarantine was placed by Executive order on a county in which there was no foot-and-mouth disease among the cattle?

Mr. HULL of Iowa. Exactly; Green County, and the nearest case was within a mile of my home, and I am a hundred miles from Green County.

Mr. BENNET. On what theory was that done?

Mr. HULL of Iowa. I hate to take all the time, but I will tell you. They went there and told a veterinarian that he must show them his books. They wanted to find out to whom he had sold serum. I guess they could have found it out if they had not been arbitrary; but they jumped on him, and he had a little red blood in his veins, and he told them they had no authority. He questioned their authority, and they promptly told him, "Show us or we will put you out of business." He called their bluff, and in trying to put that man out of business they came very near putting everybody in Green County out of business.

Mr. SLOAN. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. SLOAN. Who was it that did this? Was it somebody from the bureau?

Mr. HULL of Iowa. It was a Federal inspector.

Mr. SLOAN. How many men did he have with him?

Mr. HULL of Iowa. I do not know the name of the gentleman, but it has been testified to in the State of Iowa. The State senate records will show it. There is no question about it. It is known there.

Mr. SLOAN. It used to be the case that an Iowa citizen would not submit to such coercion unless a large number of persons were present for the purpose of enforcing it.

Mr. HULL of Iowa. They would not enforce it there if it was not for that clause in the bill, but when you put $2,500,000 behind some Federal inspector, you destroy the right of the State to defend its own citizens.

Mr. SLOAN. That used to be a spur to Iowans when I was an Iowan.

Mr. HULL of Iowa. Well, you left the State. [Laughter.]

Mr. TILSON. Does the gentleman mean that citizens of Iowa would be tempted in anywise by what he has designated as a bribe?

Mr. HULL of Iowa. Let the gentleman go and read the record of the governor's veto of the Hilsinger bill, and he will find that the governor there mentions the fact that he had to veto it simply because this money that you were appropriating would not be available.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, Ohio is placed as the fourth State in its injury from this disease, and I happen to live in what might be called the storm center of the State thus injured.

I am perfectly aware that any quarantine regulation limiting the rights of individuals will inevitably work hardship and can not meet with approval from the standpoint of the individual who thinks that his liberties are interferred with. I realize that any exercise of this police power will fail to receive a friendly reception. Of course, that is inevitable, and I would be one of the last to criticize the authority, either Federal or State, that takes the necessary steps, either to eradicate or to prevent the further extension of this disease.

Mr. CAMPBELL. Will the gentleman yield?

Mr. FESS. I am coming to what the gentleman wishes me to say. Realizing that it is not in the thing that is done, but in the manner in which the administration of it is carried on, I want to make an observation.

Mr. CAMPBELL. Does not the gentleman think that the law ought to be administered with common, ordinary intelligence?

Mr. FESS. I do. I do not think that the exercise of it should be purely arbitrary. I do not believe that the quarantine district should be a matter of mere arbitrary ruling. I have a letter from one of the best citizens in my State, and one of the men who wished to see the quarantine strictly enforced. This letter was written in reply to a letter that I wrote to him, because I knew his answer would have no prejudice whatever. He told me that he thought this law worked a hardship that he did not think was necessary, and I want to read from his letter:

> While the foot-and-mouth disease was handled badly, in my judgment, they did a great work when they got it stopped. I will give you my experience and you will readily see how a big loss might have been prevented. I had 50 hogs weighing 250 pounds per head. They were ready to sell. I was offered $7.50 per hundred, but was told they could not ship them, as the embargo had gone out that morning. I held the hogs that were ready to ship. Cholera was all around me. In a little more than 10 days cholera struck my hogs and every one died. Would it not have been better judgment for the authorities to have allowed those hogs to have been shipped and slaughtered and not have compelled me to hold the hogs exposed to a worse disease than what they were quarantined against?

This is only one of many instances in my immediate vicinity that, I think, argue that the administration of the law might be improved upon. I want to say that I do not oppose the regulation for health, but it ought to be very carefully administered. It will be difficult to justify the procedure which draws an arbitrary line inclosing an area from which no stock must be removed, especially when it includes many farms stocked with herds ready for shipment and free from any symptoms of disease, so far as a Federal or State inspector could discern. There were many cases in my own district where many farmers, forbidden to ship their stock because of this embargo, stock perfectly healthy, as certified by inspectors, suffered a total loss of the entire lots by the appearance of cholera, induced by herding together fat stock which should be marketed. Every day after such a lot is ready for market is not only a loss of the feed consumed, but endangers total loss by an epidemic which could and would be avoided were it not for the embargo. It is this feature which should be corrected.

Mr. LEVER. I yield two minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I have no doubt, as the gentleman from Ohio [Mr. FESS] has said, that nearly all the complaints were against the administration of this law and not against the purpose of the law. It did work great hardship in a great many communities. No doubt the department has learned now by experience better how to administer it so that a great many complaints and difficulties that it has experienced heretofore can now be overcome and obviated, and I hope they will.

In my district, where there were a number of cases of foot-and-mouth disease, many farmers suffered from the administration of this law. Their complaints were not against the law itself nor the purpose of the law, but the manner in which it was administered, and that was because they suffered great loss from its administration.

Now, the department is extending out its lines of activity, entering new fields, and attending to new matters which are of vital importance not only to the farmer himself but to the entire country. There are many things to be done that will relieve certain conditions existing. This can only be done by cooperation, experimenting, by study, and investigating the questions which are vital to the American people and especially to the producers of this country. I only regret that this year the committee did not see fit to take up some other matters vital to the interests of this country and extend the work of this department into the investigation and assisting the farmer in eradicating and correcting things which are doing them a very great injury in their work and which, if properly handled, would be of incalculable benefit to both producers and consumers, improve conditions, and add to the prosperity abounding so bountifully all over the land. If we can improve farm conditions, so essential to the welfare of the whole people, we should do it. It is one of the important industries of the country, a business upon

which more depends than on any other single industry in the land. It is prosperous now more so than ever before, and if we can increase its prosperity we are helping all, and it will be reflected in all other business activities. All are now enjoying unprecedented prosperity, as the result of wise policies adopted and beneficial legislation enacted, which is bearing satisfactory results as a reward for the confidence reposed in those intrusted with power.

The business conditions of the country are such as to be a matter of sincere congratulation of every American. Activity is the watchword everywhere, and the industries all over the country are taxed to their capacity; and many are, to meet the unprecedented demand upon them, enlarging their plants and increasing the number of their employees.

The iron and steel business is enjoying an era of prosperity hitherto unknown in that great industry. It is most pleasing to note the following good report from it:

TWENTY-FOUR THOUSAND GIVEN RAISE BY BETHLEHEM STEEL CO.—10 PER CENT—VOLUNTARY INCREASE THIRD IN 10 MONTHS.

SOUTH BETHLEHEM, PA., *April 28.*

Twenty-four thousand employees of the Bethlehem Steel Co. were granted a voluntary increase in wages of 10 per cent, which will become effective on May 1. The increase will mean the adding of $170,000 per month to the pay roll, which last month was $1,700,000. This is the third voluntary increase within 10 months. President E. G. Grace returned to-day from Atlantic City, where he went to recuperate from an illness.

C. M. Schwab to-day said that the net earnings last month were $3,500,000. Mr. Schwab said that during the next year he was going to spend $18,000,000 in improvements to the local plant and $38,000,000 in improvements to other plants. He said the yearly pay roll is $25,000,000. The steel magnate said the Pennsylvania Steel Co. cost him $53,000,000.

The lumber industry in the West is now, as we learn from the reports of the press of that section, very prosperous and is preparing for the greatest activity ever known in that section. I submit a few of the many reports of prosperity from that section, as follows:

NORTHWEST LUMBER MILLS ARE HEMMING; BUSINESS PICKS UP—MANY MILLS RUNNING OVERTIME; LUMBERMEN EXPECT GREAT TRADE REVIVAL WITH COMING OF PEACE IN EUROPE; NORTHWEST TO REAP BENEFITS FROM RECONSTRUCTION.

The mills of the Northwest are beginning to run full time.

Some of them are running overtime. The hum and shriek of the saws is rising to the old gladsome pitch that used to bring joy to the hearts of the people in this part of the country.

And the gloomy lumbermen are cheering up.

Up in Everett every mill in town is running, including the big, new Weyerhaeuser plant, one of the largest in the world. Everett's pay roll is larger than it ever was before.

Down in the Grays Harbor country the mills are steaming up and the business activity of former days is beginning to return.

SEATTLE BUSINESS STIRRING.

Seattle's mills are stirring under the stimulus of orders from inland. The foreign market is toning up. There isn't a great improvement noted in the foreign trade, but improved it is, say the lumbermen.

The day that peace comes to Europe the lumbermen of the Pacific coast will stand prepared for a mighty invasion of lumber buyers from practically all the nations now involved in the struggle.

Peace rumors are more plentiful now than at any time since the war began. All signs point to an early peace.

Vast areas of the civilized portions of Europe lie in waste. If Europe is to rebuild herself she must have lumber, and much of the lumber must come from the Pacific coast.

DEALERS TALK CHEERFULLY.

The Star for the second time within a few weeks canvassed a number of Seattle's large lumbermen Thursday afternoon for expressions of their views on the immediate future for lumber.

A majority of them are guarded in their utterances and conservative in their statements, but it was to be noted that their tone was more cheerful than before.

Charles H. Cobb, pioneer Puget Sound lumberman, had this to say:

"People generally feel that the lumber business is in a little better shape. There is going to be an advance in price from the logging end shortly. This is in response to the general toning up.

NEW TRADE DEVELOPING.

"There is general talk of better conditions. There is a substantial revival in the East, and a volume of new trade has developed through the placing of orders for crating in which automobiles and ammunition are packed for Europe. This has braced business up, and the West has been stimulated to a certain extent as a result."

Jesse F. Ives, vice president-manager of the Stimson Mill Co.: "The railroads are placing orders with the coast mills for ties. There are unmistakable signs of a substantial revival. Our trade with the Atlantic coast has been temporarily held up by the slides in the canal, but when these are removed we will be able to fill a lot of orders now hanging fire."

SOUTH AMERICA BUYING.

E. G. Ames, of the Puget Mill Co.: "Our mill is running nearer to its capacity now than it has for a long time. The South American trade, which fell off for a time because South America was unable to sell her products in the old markets, and therefore lost her buying buyer, is slowly reviving as the country is finding new markets.

"Freight rates to Australia are high because of a scarcity of bottoms, but this has no material effect on the trade, for when they want lumber they buy, regardless of the rates."

Ed H. Lake, of the J. E. Pinkham Lumber Co., was the most optimistic of those interviewed: "It looks good. Business right now is pretty fair. We deal largely in shingles, and we have more orders than we've experienced before for a long time. I don't know whether to attribute this to the farmers of the Middle West putting on new roofs or to speculation of jobbers who are stocking up, but shingles certainly are going east in substantial quantities. Lumber business has been stimulated in a satisfactory manner within the past two or three weeks."

Here are three bits of the most optimistic news which has come in for some time, and which supplements and surpasses what the Seattle lumbermen say in the above story:

"Tacoma: The Union Pacific system, in a program of improvements involving the expenditure of $1,700,000 in the Northwest, has within the past three months placed orders for 50,000,000 feet of lumber, costing $400,000—all in the Northwest, according to J. P. O'Brien, vice president of the Oregon-Washington Railway & Navigation Co. This includes an order for 400,000 ties.

"Chicago: One of the most serious car shortages of years confronts American railroads because of the record-breaking grain crop they have been called upon to move from the farms of the United States and Canada, and because of the heavy demand in transporting steel and ammunition. Orders for new cars are not being filled rapidly enough to relieve the shortage. This statement was made by W. E. Merchant, of the Chicago, Milwaukee & St. Paul, addressing the Western Association of Car Service Officers.

"Tacoma: Four of Tacoma's largest lumber mills have begun running day and night to fill a heavy list of orders which have suddenly developed. The Tacoma Lumber Mill will open January 1, it is believed. The Danaher Lumber Co.'s mill at Old Tacoma, with a capacity of 3,500,000 feet a month, and employing 125 men, will reopen January 1, according to an announcement by the president, Cornelius D. Danaher.

"The Government has awarded to W. R. Grace & Co. the contract for 7,500,000 feet of lumber for use at the Panama Canal, according to A. C. Hemphill, manager of the company's Puget Sound lumber department."

The foregoing applies to the great lumber business of that section, showing it to be in a most flourishing condition. It is not only, as the report shows, taxed to its capacity but is expecting greater requirements of it than ever known to supply the increasing demands. Prosperity abounds and the people out there realize it.

Now, what is true of the lumber industry is also true of other business enterprises in that section, as the following articles taken from one of the papers show:

BUSINESS AND INDUSTRY REVIVE IN INLAND EMPIRE.

A Spokane business man who keeps in close touch with industry and commerce, A. L. Flewelling, vice president and general manager of the Milwaukee Land Co., is "confident that the next 30 days will show to Spokane, the inland empire, and the entire Northwest a returning wave of prosperity that will reach into all channels of business."

That fairly expresses a conviction that has taken recent root in many conservative minds. The new movement is on and various influences contributed to its starting:

1. Two years of abundant crops and good prices for the varied products of the inland empire.

2. A spirited revival of the mining industry, with enlarged production, high prices for mine products, and extraordinary activity in development of new properties.

3. An abundance of waiting capital, long held in reserve by its owners with a definite object to seek investments on the "turn of the tide." Once the conviction becomes clear that prices of farm lands and city real estate have reached rock bottom millions of dollars of this waiting capital will come out in search of bargains.

4. A healthier tone in the lumber industry, with a recorded advance in the eastern markets of $1 to $5 per thousand feet.

5. A quick return of prosperity to the western railroads.

President Earling reports that the St. Paul's business is the largest on record. Minneapolis advices say that every traffic official in the Northwest is working day and night to prevent car shortage. President Hill says the Great Northern will move 175,000,000 bushels of grain. The Northern Pacific will not let its cars go east.

"Chicago," says a dispatch from that city, "has this week come to the conclusion that there has never been a time when the railroads of the country, especially those in the West, Central West, Northwest, and Southwest, have had a brighter outlook than at present."

All transcontinental roads are handling increased and constantly increasing traffic, with enlarged earnings and marked advances in the market prices of their securities. When these advances are measured as against stock-exchange quotations of last July the rise is seen to be striking:

	July 13.	Recent high.	Advance.
Atchison	100	110	10
Canadian Pacific	143	194	51
C., M. & St. P.	80	98	18
Great Northern preferred	116	126	10
Northern Pacific	103	116	13
Southern Pacific	85	102	17
Union Pacific	125	139	14

It is significant that the improved conditions that are reflected in these advances extend from the zone of the Atchison road on the south to the line of the Canadian Pacific on the far north. Investors have faith in the present and the future of the entire Pacific west.

But this wave of prosperity is not confined to the Pacific slope alone, but is sweeping over the entire country, benefiting all parts of the country. From Jeffersonville, Ind., we find the following press notice of industrial activity:

MEN ADDED TO SHOP FORCE—INDICATION OF RETURNING PROSPERITY IN JEFFERSONVILLE.

An indication of returning prosperity in Jeffersonville is the employment of additional men by the Pittsburgh, Cincinnati, Chicago & St. Louis Railway shops. Some time ago it was found necessary to lay off as many of the men as possible, but they have been called back to work, and four men have been added. The road has added an additional car inspector in Louisville.

Formerly the only work done at the shops was the repairing of freight cars under the supervision of John Heyn. Later it was found necessary to abandon many of the smaller types of locomotives and introduce larger ones on the Louisville division. These were found to be too heavy for the Fourteenth Street Bridge, and it was decided to yard them in Jeffersonville, and William H. Foster, who was roundhouse foreman in Louisville, was transferred. Practically all of the trains, both passenger and freight, are pulled by the larger engines to Jeffersonville and there yarded. While being held for the next run the locomotives are coaled, inspected, and the crews given oil and waste. The road is doing a heavy business, and it is not an unusual thing to see seven or more heavy engines being cared for at a time.

The people realize that in no time during the entire period of our great industrial history has business been so good as now or the outlook for the future so promising.

Business does not now stand trembling as formerly, fearing financial squeezes or made-to-order panics. The enactment of the Federal reserve law emancipated business from the bondage of a few financial sharks, who had for years terrorized it. Their day is past, and business now is on a firm footing liberated from the menace heretofore which daily harrassed it. Money is easy and can be obtained on satisfactory terms for all legitimate business enterprises and hence prosperity has come to stay.

Mr. LEVER. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, the gentleman from Iowa [Mr. HULL], who spoke a few minutes ago, commenced his speech by saying that there are some things dearer to man than live stock, and that one thing is liberty. I was amused, Mr. Chairman, as I listened to the gentleman. In the body of his speech he was pleading for liberty for live stock, and I recalled that on yesterday he voted against giving liberty to the Filipinos—human beings in the Philippine Islands. [Applause.]

I pleaded here yesterday for the freedom of the people in the islands. I saw their brilliant representative here, as able a man as any Republican in this House, show that he is as capable of self-government as any Republican here or elsewhere. [Applause.]

I heard his eloquent and pathetic plea for the freedom of his people, and I said how can we in all fairness and good conscience refuse to give freedom to the Filipinos four years from now, when ex-President Taft and Admiral Dewey both said years ago that they were as capable of self-government as the Cubans; and yet we gave liberty to Cuba, but for some curious reason we withheld it from the Philippines.

I saw the gentleman from Iowa line up with the Republicans, who voted in solid phalanx against giving freedom to the Filipinos four years from now, and this after we had cared for them for 18 years and expended $900,000,000 of our people's money. [Applause on the Republican side.] Oh, yes; you gentlemen can laugh and applaud now. Your hog combine on that side yesterday [laughter and applause] with aid mysteriously secured from this side, and uniting the two together you thwarted the purpose of the American people and denied liberty to the Philippine Islands. [Applause.]

I saw the Filipino Delegate yesterday plead for the liberties of his people until he was physically exhausted. I heard his powerful arraignment of the cold-hearted position of the Republican side and that of a few Members on this side. But a few Americans, rich and powerful, who have money invested in the Philippine Islands and who think more of their investments than they do of Filipino liberty and the best interest of this Republic, had arranged for the defeat of that measure.

Mr. Chairman, in the Post this morning is an interview from the Filipino Delegate saying that he would not come back to Congress; that it would be hard to secure independence now, since the whole Republican side had voted against freedom. To me this is a touching and a pathetic thing, and I want to say to him and to his people. Hope on, trust on; that judgment rendered here yesterday was not the judgment of the American people. [Applause.] The time will come, and that time will be in November, when we will have that judgment reversed. [Applause.]

The CHAIRMAN. The Chair thinks the point of order made by the gentleman from South Carolina to the amendment offered by the gentleman from Iowa is well taken, and therefore sustains the point of order.

Mr. CANNON. Mr. Chairman, I just came in and heard the eloquent speech of the gentleman from Alabama. Would it be in order now to have a word of prayer? [Laughter and applause.]

Mr. HEFLIN. The Republican side is badly in need of prayer since that vote yesterday. [Applause.]

Mr. LEVER. Mr. Chairman, I would like to ask the gentleman from Iowa if he has any further amendments to offer?

Mr. HULL of Iowa. I have sent two amendments to the desk, and I will offer them now.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 78, line 25, after the word "specified," insert:

"*Provided*, That the Secretary of Agriculture shall not enter into any agreement with any men or body of men having in charge the eradication of said diseases in any State or States whereby the State laws providing for the control and eradication of said disease shall be nullified or set aside."

Mr. LEVER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HULL of Iowa. Now, I offer the second amendment.

The Clerk read as follows:

Page 78, line 25, after the word "specified," insert:

"*Provided, however*, That none of the moneys heretofore mentioned shall be used in payment or part payment for stock slaughtered because it was infected with the disease for which the quarantine was established, unless all other stock which has become infected and died of any disease while restrained under the same quarantine shall have been paid for in the same proportionate value it is proposed to pay for the stock quarantined and slaughtered for said disease."

Mr. LEVER. Mr. Chairman, I make a point of order against that.

Mr. HULL of Iowa. Mr. Chairman, that amendment, I think, is probably the only one of the three that is in order. It is a limitation upon expenditures.

Mr. LEVER. Mr. Chairman, I call the gentleman's attention to the fact that his amendment is not even offered to the paragraph now under consideration.

Mr. MANN. Of course, the amendment as read was not put in the proper place, but that is easily corrected.

Mr. LEVER. The gentleman offers it at the end of line 17?

Mr. MANN. At the end of the amendment offered by the gentleman from South Carolina.

The CHAIRMAN. Does the gentleman press the point of order?

Mr. LEVER. I would like to have the amendment reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. MANN. Mr. Chairman, I think the amendment is subject to the point of order. While the amendment starts out in the form of a limitation, it in fact is a direction to the Secretary of Agriculture to pay certain claims for the destruction of stock.

Mr. LEVER. That is undoubtedly true.

Mr. MANN. That makes it out of order, notwithstanding the formal part is in the form of a limitation.

The CHAIRMAN. The Chair thinks there is no doubt about that. The only thing the Chair is hesitating about is whether the gentleman from South Carolina makes the point of order.

Mr. LEVER. Oh, yes; I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I now yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I never have had the misfortune of being present during the excitement of a great plague such as cholera or any of the other dread diseases which occasionally have swept over the country. I have had occasion during my service in the House on the committee on which I formerly served to hear a good deal in reference to yellow fever and some of the other diseases and their control respecting quarantine measures pending. It is very easy when everyone is feeling well to have a very high pride in the idea of the freedom of our people, and equally easy when a plague comes for everyone to forget the freedom in the effort to put down the plague. [Applause.]

I think on the whole the country is to be congratulated on the splendid work of the Agricultural Department in its fight against the foot-and-mouth disease, which apparently has resulted in the actual eradication of the disease from all parts of the country. [Applause.] It could not be done by sending tender love missives to the people who had the diseased cattle. It could not be done by mere request upon people. It could only be done by using authority; sometimes authority which did exist and sometimes authority which did not exist, but which was exercised. It is easy for us to complain. Here was a dreaded disease with which few people were familiar; even the department itself, thank God, not very familiar with it, not familiar from experience, but only in the main from investigation and reading—a disease breaking out and spreading in ways that no one knew how, spreading as no one could tell where—and they took possession and stamped it out. It could not be done without hurting some one. We yield our rights every day. We do not let even one of the free-born American citizens walk through those doors while the House is in session. We shut

them out; and yet because the department tried to prevent meetings of men, some of whom had the disease on their farms, who might spread the disease from their boots, transferring the disease from one to another, gentlemen have almost had fits on the floor of the House, and they have had fits outside—I do not mean gentlemen here. Mr. Chairman, wherever men meet in government certain rights have to be yielded, and when great problems of this kind come before us men should not be too tender either of their natural or their civil rights. I am glad that the department had the nerve to go after this and stamp it out, and I think they deserve our warmest praise for what they have done. [Applause.]

Mr. LEVER. Mr. Chairman, I ask the gentleman from Iowa to consume some time. I shall close on this side in one speech.

The CHAIRMAN. The gentleman from Iowa has four minutes remaining.

Mr. HULL of Iowa. Mr. Chairman, I yield four minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 78, at the end of the amendment offered by the gentleman from South Carolina add the following:

"*Provided*, That the Secretary of Agriculture shall cause to be condemned and destroyed all cattle meat admitted to the United States from foreign countries where the foot-and-mouth disease prevails, in the same manner as domestic cattle meat is condemned and destroyed under the provisions of law relating to the foot-and-mouth disease."

Mr. LEVER. Mr. Chairman, I reserve the point of order on that.

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment has been framed to meet the point of order sustained by the Chair with respect to a former amendment which prohibited the admission of diseased meat into the United States. If the Chair will read the amendment carefully, I think he will observe that it conforms strictly to the provisions of the amendment offered by the gentleman from South Carolina, and that it refers only to existing conditions of law. It simply adds a direction to the Secretary of Agriculture with respect to the inspection system which already prevails.

The CHAIRMAN. The Chair thinks the amendment is not in order, for the reason that it expressly directs the Secretary to do certain things as to which under the law he has the right to use his discretion. The decisions of former occupants of the Chair are uniform in that respect, that anything that specifically directs an executive officer to do a certain thing when the general law places the matter in his discretion is a change of existing law and therefore not in order. The Chair, therefore, sustains the point of order.

Mr. MOORE of Pennsylvania. Does the Chair hold that the Secretary does not have the power now to inspect and to condemn meat that may be diseased?

The CHAIRMAN. The Chair is not passing on that. The Chair is passing on the amendment offered by the gentleman, which the Chair thinks specifically directs the Secretary of Agriculture to do something, whereas under existing law he is allowed to use his discretion, and the Chair thinks there is no doubt about it.

Mr. LEVER. Mr. Chairman, I make the point of order against the amendment. I withheld it before, but I now make it.

The CHAIRMAN. I thought the gentleman from South Carolina made the point of order. The point of order is sustained.

Mr. LEVER. Has the gentleman from Iowa consumed all of his time?

The CHAIRMAN. He has not.

Mr. MOORE of Pennsylvania. I yield back the balance of my time.

The CHAIRMAN. Two minutes remain.

Mr. HULL of Iowa. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I was very much interested in the indorsement which the gentleman from Illinois [Mr. MANN] gave to the Department of Agriculture for the stamping out of this disease. We are all glad that the disease is stamped out, but it requires a man from a city district, who knows nothing about how the disease was stamped out in particular to say it was stamped out in the way it should have been done. Here is what Wilbur Marsh says. Now, he is the Democratic national committeeman from Iowa. Here is what he says as to the interests that are back of the men at work stamping out this disease:

I think that the veterinarians connected with the Bureau of Animal Industry have been largely trained by the stockyard interests of the United States. I think that a veterinary surgeon who visits with these able men, the splendidly able fellows who run these stockyards, comes away taking the interest, perhaps, that that particular crowd of people want him to. And they have been watching and taking care of the Bureau of Animal Industry, so far as the veterinary part of it is concerned, for a very long time.

Mr. Marsh says it has been miserably handled from its very inception in Michigan until it was finally stamped out. Why, the gentleman from Illinois tells us about how the farmers were not allowed to meet, but he did not tell you about the inspectors who came from Washington into his own State where they were preparing cattle for slaughter that had foot-and-mouth disease, and while these inspectors had been running around with those infected cattle one inspector would say, "I want to go over and see John Jones a mile or so distant." This neighbor's cattle did not have the foot-and-mouth disease, but they contracted the disease through the visit of this inspector. The farmers of Illinois were prevented from meeting and talking together on the ground that they would convey the disease to cattle in the neighborhood that did not have the foot-and-mouth disease. The gentleman approves that, and in the bill of health he gives to the department he seems to approve the spread of the disease by inspectors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, doubtless the gentleman from Iowa [Mr. GOOD] knows a good deal more about it than I do, although I have given some study to the subject, because all the information he has on the subject that has appeared here to-day he has derived from the national committeeman of Iowa. Of course it is a good source of authority for him, but all my information is not derived from a Democratic national committeeman from Illinois. The gentleman opposes the Department of Agriculture because he thinks it is controlled by Democratic influence. All the information on the subject apparently, so far as disclosed to-day, he has received from one Democratic influence. I congratulate the Democratic national committeeman from Iowa on his most recent convert.

Mr. GOOD. No; I have read the testimony of Illinois Republicans and am converted to what the Democratic committeeman from Iowa said. Everybody who knows anything about it concedes that to be the fact.

Mr. MANN. The gentleman does not know anything about it.

Mr. LEVER. Mr. Chairman, I do not happen to have the honor of knowing Mr. Marsh, the Democratic national committeeman from Iowa. I have no doubt he is a very estimable and amiable gentleman. Certainly he has some good qualities or else he would not be a Democrat. [Applause.] But I venture to assert that he does not know a great deal about the best method of stamping out the foot-and-mouth disease, and I want to say that as far as I am concerned, and I think as far as the members of the Committee on Agriculture are concerned——

Mr. GOOD. Will the gentleman yield?

Mr. LEVER. We prefer to take the testimony and evidence of experts in the business of stamping out the foot-and-mouth disease rather than the statement of a Democratic national committeeman from Iowa, or any other State. [Applause.] Mr. Chairman, I regret very much indeed that the situation this morning in reference to this item has developed as it has. The Committee on Agriculture gave very earnest consideration to the item which appears in the bill, and we finally came to the conclusion that as an insurance against future outbreaks, in order to have a fund available for immediate use if an outbreak should occur, we should allow an appropriation in this bill of $2,500,000. We did more than that. We accepted the opinions and judgment of the experts of the department and of outside experts, that the best method of handling the foot-and-mouth disease was eradication; that the best method of getting cooperation in eradication was for the Government to pay at least a part of the value of the slaughtered animals.

Therefore the committee, in its wisdom, following expert advice, included in this paragraph appropriating $2,500,000 a provision for the payment of half the appraised value of the cattle destroyed in the process of eradicating this highly contagious and dreaded disease. More than that, in accordance with suggestions of stockmen and cattlemen throughout this country, we fixed in the last proviso of this bill the basis of appraisement, that basis being fixed in accordance with their request of the committee as we understood it. Now, when we bring this item on the floor of the House the gentleman from Iowa [Mr. HULL], leading the critics of the Department of Agriculture in its work of stamping out this disease, makes the point of order against that portion of the item which authorizes the Secretary of Agriculture to pay at least one-half the appraised value of slaughtered cattle in the State of Iowa, or Illinois, or South Carolina——

Mr. GOOD. What gentleman from Iowa does the gentleman refer to?

Mr. LEVER. The distinguished gentleman from Iowa, Mr. HULL. He does not deny that if the gentleman does. Now, my friend from Illinois [Mr. KING] complained that the point of order was readily conceded. It was readily conceded, because any man who has served in this House 30 days knows that the point of order was well taken. The gentleman, his own colleague, the gentleman from Illinois, who is the minority leader of this House, agrees to that proposition, and the Chairman has so ruled on a former occasion. I regret exceedingly that, because the gentleman from Iowa [Mr. HULL] can not get the money from the department for the payment of these cattle, and then tell the department how the money should be spent in Iowa, he felt it incumbent upon himself to deny his people, his farmers and stock raisers, and other farmers and stock raisers, the reimbursement by the Government of the United States of half the value of these slaughtered cattle. And yet that is what the point of order of the gentleman from Iowa has done. I hope and trust, Mr. Chairman, that the point was not made deliberately with that intention, but it reminds me to say that it is a very dangerous thing for children to fool with edged tools. [Applause.]

Mr. HULL of Iowa. Will the gentleman yield to me?

Mr. LEVER. I will.

Mr. HULL of Iowa. Did not you promise me to let the section as it read, with that one clause, go back in?

Mr. LEVER. Not on your life! [Applause on the Democratic side.] I told you in my office this morning that you might offer your proposition, and I would take it up on the floor of the House.

Mr. BENNET. I raise the point of order. The gentlemen have no right to address each other in the second person.

Mr. LEVER. I apologize to the gentleman for doing so.

Mr. HULL of Iowa. I understood the gentleman to say that.

Mr. LEVER. The gentleman's statement is as inaccurate as to that as it is to this whole foot-and-mouth-disease proposition. Now, here is the situation: We are confronted with the possibility of an outbreak of the foot-and-mouth disease at any time. We have recommended the method suggested by the Department of Agriculture as the best method of handling the situation. It is a method that has been used by every administration of this Government since the first outbreak occurred. I regret very much, and I say it again, that gentlemen have felt it incumbent upon themselves to come in here and criticize the methods of the department. The eradication of a highly contagious disease like the foot-and-mouth disease is no pink-tea affair. Of course, somebody suffers, but the individual must always suffer that general good may be done. Of course, mistakes are made. I have no doubt of it. But the important—the everlastingly important—fact remains that with the appropriations given it the department has stamped out the foot-and-mouth disease in this country, and it is the only country in the world in which there does not appear to-day foot-and-mouth disease—I mean the only large country.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr FARR. I ask, Mr. Chairman, that the amendment be again read.

Mr. CARTER of Oklahoma. May we have it read again?

The amendment was again reported.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendations that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. LEVER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. MADDEN. Mr. Speaker, I ask for a separate vote on the cotton amendment and also on the warehouse amendment.

The SPEAKER. Two different amendments?

Mr. MADDEN. Yes.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask for a separate vote on the grain-grades amendment.

Mr. MANN. The amendment is known as parts A, B, and C.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments en gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, that the reading of these three amendments be dispensed with. They have been read twice into the RECORD already.

Mr. MANN. It is not essential that they should be read again.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the reading of these amendments be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the cotton-futures amendment.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. MADDEN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] demands a division.

The House divided; and there were—ayes 107, noes 21.

So the amendment was agreed to.

Mr. LEVER. Mr. Speaker, No. 2 is the grain-grading bill.

The SPEAKER. The question is on agreeing to the grain-grading amendment.

The amendment was agreed to.

The SPEAKER. The next amendment is the warehouse amendment. The question is on agreeing to that amendment.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. MADDEN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] asks for a division.

The House divided; and there were—ayes 122, noes 19.

Mr. MADDEN. Mr. Speaker, I make the point of order of no quorum.

The SPEAKER. The Chair wishes the gentleman would withhold that for a minute.

Mr. MADDEN. Very well.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LONGWORTH, for one week, on account of important business.

To Mr. RAKER, for the day, on account of illness.

WITHDRAWAL OF PAPERS.

Mr. KINCHELOE, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of George Price, pension, H. R. 27045, Sixty-first Congress, no adverse report having been made thereon.

AGRICULTURAL APPROPRIATION BILL.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-one gentleman are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the warehouse amendment will, when their names are called, vote "yea." Those opposed will vote "nay."

The question was taken; and there were—yeas 292, nays 42, answered "present" 7, not voting 92, as follows:

YEAS—292.

Abercrombie	Ashbrook	Bell	Buchanan, Tex.
Adamson	Aswell	Black	Burgess
Aiken	Ayres	Blackmon	Burke
Alexander	Bacharach	Booher	Butler
Allen	Bailey	Borland	Byrnes, S. C.
Almon	Barkley	Britt	Byrns, Tenn.
Anderson	Barnhart	Browne	Callaway
Anthony	Beakes	Brumbaugh	Campbell

Candler, Miss.	Garner	Lehlbach	Russell, Ohio
Capstick	Garrett	Lesher	Sabath
Caraway	Glass	Lever	Sanford
Carlin	Good	Lieb	Scott, Pa.
Carter, Mass.	Goodwin, Ark.	Linthicum	Sears
Carter, Okla.	Gordon	Lloyd	Shackleford
Cary	Graham	Lobeck	Shallenberger
Chandler, N. Y.	Gray, Ala.	London	Sherley
Church	Gray, Ind.	Loud	Sherwood
Cline	Green, Iowa	McArthur	Sims
Coady	Gregg	McClintic	Sinnott
Coleman	Hadley	McCracken	Slemp
Collier	Hamilton, Mich.	McDermott	Sloan
Connelly	Hamilton, N. Y.	McFadden	Smith, Idaho
Cooper, Ohio	Hamlin	McGillicuddy	Smith, Minn.
Cooper, W. Va.	Hardy	McKellar	Smith, N. Y.
Cooper, Wis.	Harrison	McKenzie	Smith, Tex.
Costello	Hart	McLemore	Steagall
Cox	Haskell	Magee	Stedman
Cramton	Hastings	Mann	Steele, Iowa
Crisp	Haugen	Mapes	Steele, Pa.
Crosser	Hawley	Martin	Steenerson
Cullop	Hayden	Miller, Del.	Stephens, Cal.
Curry	Heflin	Miller, Minn.	Stephens, Miss.
Dallinger	Helgesen	Miller, Pa.	Stephens, Nebr.
Danforth	Helgo	Mondell	Stiness
Davenport	Helvering	Montague	Stone
Davis, Minn.	Hensley	Moon	Stout
Davis, Tex.	Hernandez	Mooney	Sulloway
Decker	Hicks	Morgan, Okla.	Sumners
Dempsey	Hilliard	Moss, Ind.	Sweet
Dent	Hinds	Murray	Swift
Dickinson	Holland	Nelson	Taggart
Dies	Hollingsworth	Nicholls, S. C.	Tague
Dill	Hood	Nichols, Mich.	Talbott
Dillon	Hopwood	Nolan	Tavenner
Dixon	Houston	Oakey	Taylor, Ark.
Doolittle	Howard	Oldfield	Taylor, Colo.
Doremus	Howell	Oliver	Thomas
Doughton	Huddleston	Olney	Thompson.
Dowell	Hughes	O'Shaunessy	Tillman
Driscoll	Hull, Iowa	Overmyer	Timberlake
Drukker	Hull, Tenn.	Padgett	Tinkham
Dunn	Humphreys, Miss.	Page, N. C.	Towner
Dupré	Hutchinson	Paige, Mass.	Treadway
Dyer	Igoe	Park	Tribble
Eagan	Jacoway	Parker, N. Y.	Venable
Eagle	Johnson, Ky.	Peters	Vinson
Edwards	Johnson, S. Dak.	Phelan	Volstead
Ellsworth	Jones	Pratt	Walker
Elston	Kearns	Quin	Wason
Emerson	Keating	Ragsdale	Watson, Pa.
Esch	Kelley	Ramseyer	Watson, Va.
Estopinal	Kennedy, Iowa	Randall	Webb
Evans	Kent	Rayburn	Whaley
Farr	Kettner	Reavis	Wheeler
Ferris	Key, Ohio	Reilly	Williams, T. S.
Fess	Kincheloe	Ricketts	Williams, W. E.
Finley	King	Rodenberg	Wilson, Fla.
Foss	Kinkaid	Rogers	Wilson, La.
Foster	Kitchin	Rouse	Wingo
Frear	Kreider	Rowe	Wise
Freeman	La Follette	Rubey	Woods, Iowa
Fuller	Lazaro	Rucker	Young, N. Dak.
Gandy	Lee	Russell, Mo.	Young, Tex.

NAYS—42.

Beales	Fitzgerald	Kennedy, R. I.	Powers
Bennet	Flynn	Lafean	Riordan
Britten	Gallagher	Loft	Slayden
Bruckner	Gallivan	McAndrews	Smith, Mich.
Cannon	Gillett	Madden	Stafford
Carew	Glynn	Matthews	Sterling
Charles	Greene, Mass.	Meeker	Tilson
Chiperfield	Greene, Vt.	Moore, Pa.	Walsh
Darrow	Hulbert	Moores, Ind.	Wood, Ind.
Edmonds	Husted	Parker, N. J.	
Farley	Johnson, Wash.	Platt	

ANSWERED "PRESENT"—7.

Browning	Clark, Fla.	Morrison	Rauch
Cantrill	Hill	Rainey	

NOT VOTING—92.

Adair	Godwin, N. C.	Longworth	Saunders
Austin	Gould	McCulloch	Schall
Barchfeld	Gray, N. J.	McKinley	Scott, Mich.
Buchanan, Ill.	Griest	McLaughlin	Scully
Burnett	Griffin	Maher	Sells
Caldwell	Guernsey	Mays	Shouse
Casey	Hamill	Morgan, La.	Siegel
Conry	Hay	Morin	Sisson
Copley	Hayes	Moss, W. Va.	Small
Crago	Heaton	Mott	Snell
Dale, N. Y.	Henry	Mudd	Snyder
Dale, Vt.	Humphrey, Wash.	Neely	Sparkman
Denison	James	North	Stephens, Tex.
Dewalt	Kahn	Norton	Sutherland
Dooling	Keister	Oglesby	Switzer
Fairchild	Kiess, Pa.	Patten	Temple
Fields	Konop	Porter	Van Dyke
Flood	Langley	Pou	Vare
Focht	Lenroot	Price	Ward
Fordney	Lewis	Raker	Watkins
Gard	Liebel	Roberts, Mass.	Williams, Ohio
Gardner	Lindbergh	Roberts, Nev.	Wilson, Ill.
Garland	Littlepage	Rowland	Winslow

So the amendment was agreed to.

The Clerk announced the following pairs,

For the session:

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. LITTLEPAGE with Mr. NORTON.

Mr. POU with Mr. CRAGO.

Mr. OGLESBY with Mr. ROBERTS of Nevada.

Mr. ADAIR with Mr. GRIEST.

Mr. GARD with Mr. COPLEY.

Mr. CLARK of Florida with Mr. MCKINLEY.

Mr. LANGLEY with Mr. CANTRILL.

Mr. SPARKMAN with Mr. MORIN.

Mr. SMALL with Mr. WILLIAMS of Ohio.

Mr. DOOLING with Mr. LONGWORTH.

Mr. RAINEY with Mr. HILL.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. BURNETT with Mr. EDMONDS.

Mr. GRIFFIN with Mr. KIESS of Pennsylvania.

Mr. KAHN with Mr. HAY.

Mr. DALE of New York with Mr. GUERNSEY.

Mr. STEPHENS of Texas with Mr. MOSS of West Virginia.

Mr. STEELE of Iowa with Mr. WILSON of Illinois.

Mr. SISSON with Mr. MOTT.

Mr. GODWIN of North Carolina with Mr. NORTH.

Mr. MAYS with Mr. SWITZER.

Mr. SAUNDERS with Mr. WARD.

Mr. PRICE with Mr. SIEGEL.

Mr. MORGAN of Louisiana with Mr. SNYDER.

Mr. LEWIS with Mr. TEMPLE.

Mr. WATKINS with Mr. ROWLAND.

Mr. CONRY with Mr. WINSLOW.

Mr. VAN DYKE with Mr. SNELL.

Mr. HAMILL with Mr. MCCULLOCH.

Mr. BUCHANAN of Illinois with Mr. GARLAND.

Mr. FLOOD with Mr. BARCHFELD.

Mr. CALDWELL with Mr. GRAY of New Jersey.

Mr. MAHER with Mr. HEATON.

Mr. ASWELL with Mr. ROBERTS of Massachusetts.

Mr. LAZARO with Mr. DENISON.

Mr. NEELY with Mr. GOULD.

Mr. RAKER with Mr. FORDNEY.

Mr. FIELDS with Mr. KEISTER.

Mr. CASEY with Mr. HAYES.

Mr. HENRY with Mr. FOCHT.

Mr. PATTEN with Mr. MUDD.

Mr. LIEBEL with Mr. FAIRCHILD.

Mr. DEWALT with Mr. AUSTIN.

Until further notice by either:

Mr. JAMES with Mr. KONOP.

For the balance of the day:

Mr. MORRISON with Mr. HUMPHREY of Washington.

On this vote:

Mr. SHOUSE (for warehouse bill) with Mr. MCLAUGHLIN (against warehouse bill).

Mr. BROWNING. Mr. Speaker, I voted "yea." I have a general pair with my colleague Mr. SCULLY, who is absent. I wish to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The doorkeeper will unlock the doors.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to amend the title of the bill.

The SPEAKER. The Clerk will report the proposed amendment to the title.

The Clerk read as follows:

Amend the title by inserting, after the word "seventeen," the words "and for other purposes."

The SPEAKER. Without objection, the title will be so amended.

There was no objection.

On motion of Mr. LEVER, a motion to reconsider the vote by which the bill was passed was laid on the table.

OREGON AND CALIFORNIA RAILROAD LANDS.

Mr. FERRIS, from the Committee on the Public Lands, reported the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, which was read the first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 623), ordered to be printed.

Mr. MANN, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill.

AQUEDUCT BRIDGE.

Mr. ADAMSON. Mr. Speaker, I ask the Chair to lay before the House the bill (H. R. 759) to provide for the removal of what is known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, with Senate amendments.

The SPEAKER. Will it take any time?

Mr. ADAMSON. No; I think not. I want to move to concur in the Senate amendments.

The SPEAKER laid before the House the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, with Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, I move to concur in the Senate amendments. I do not think they hurt the bill much.

The Senate amendments were concurred in.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I desire to call up the conference report on the legislative, executive, and judicial appropriation bill, H. R. 12207, and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report on the legislative, executive, and judicial appropriation bill and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 617).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 29, 43, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 67, 73, 74, 75, 82, 83, 84, 87, 90, 94, 96, 97, 103, 106, 107, 108, 109, 110, 114, 115, 119, 121, 123, 124, 125, 126, 129, 133, 134, 136, 138, 139, 142, 147, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165 166, 167, 168, 169, 170, 171, 175, 177, 187, 191, 194, 195, 205, 206, 211, 212, 215, 216, 219, 221, 222, 224, and 225.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 48, 65, 66, 70, 71, 72, 76, 77, 85, 86, 91, 92, 93, 98, 99, 100, 101, 102, 104, 105, 111, 112, 113, 116, 127, 128, 131, 132, 135, 137, 141, 144, 145, 146, 149, 150, 152, 153, 155, 172, 173, 174, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 188, 189, 190, 192, 196, 197, 198, 199, 200, 201, 202, 204, 207, 210, 213, 217, 218, 220, 226, 227, and 228, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Transpose the matter inserted by said amendment to follow the word "each;" in line 18, page 2, of the bill; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$80,445"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "traveling expenses and per diem in lieu of subsistence of the superintendent and his assistants not to exceed $200"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-eight"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty-nine"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$285,730"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For the following further additional force: Officers to aid in important drafting work—one $4,500, one $2,500, to be appointed by the Secretary; assistant solicitor of the department, to be appointed by the Secretary, $2,500; law clerks—two at $2,250 each, one $2,000, to be appointed by the Secretary; clerks—eight of class 4, seven of class 3, ten of class 2, ten of class 1; messenger; two assistant messengers; three laborers, at $600 each; five female laborers, at $240 each; in all, $72,880.

"No money appropriated by any other act shall be used during the fiscal year 1917 for employment and payment of personal service in the Department of State at Washington, D. C."

And the Senate agree to the same.

Amendment number 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,250"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventeen"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$139,430"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the employment of temporary clerical help in the office of the Commissioner of Internal Revenue at the rates to be fixed by the commissioner with the approval of the Secretary, $10,000."

And the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$1,700,000, and authority is hereby given to use $40,000 of said sum for the employment in the District of Columbia of necessary clerical and other personal services and the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hereafter the Commissioner of Internal Revenue shall determine and designate the posts of duty of all employees of the Internal-Revenue Service engaged in field work or traveling on official business outside of the District of Columbia, and when ordered from their designated posts of duty all internal-revenue

agents appointed under section 3152, Revised Statutes, as amended, and cotton-futures attorneys may be granted per diem in lieu of subsistence not exceeding $4; and, when ordered from their designated posts of duty, income-tax agents and inspectors, special gangers, and special employees may be granted a per diem in lieu of subsistence not exceeding $3, the per diem in lieu of subsistence to be fixed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $145,840"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,800"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For purchase of two motor cycles at $250 each, and for the upkeep of same at $144 each, $788."

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,879"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$81,740"; and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$53,150"; and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$62,150"; and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the number proposed insert "11"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$121,990"; and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$179,340"; and the Senate agree to the same.

Amendment numbered 203: That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including exchange on official checks, $125,000"; and the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,780"; and the Senate agree to the same.

Amendment numbered 209: That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,000"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$311,720"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "*Provided*, That the Secretary of Labor may renew for the fiscal year 1917 a lease of the premises now occupied by the Department of Labor at an annual rental not exceeding $24,000"; and the Senate agree to the same.

Amendment numbered 229: That the House recede from its disagreement to the amendment of the Senate numbered 229 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 6. That unless otherwise specially authorized by law no money appropriated by this or any other act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum, but this shall not apply to retired officers of the Army, Navy, or Marine Corps whenever they may be appointed or elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia."

And the Senate agree to the same.

JOSEPH W. BYRNS,
T. U. SISSON,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
REED SMOOT,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, relating to the Senate: Appropriates for the salaries of employees and for expenses of the Senate, as proposed by that body.

Nos. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32, relating to the Library of Congress: Provides for 2 additional assistants in the reading rooms, at $600 each; strikes out an assistant at $900 proposed for the Division of Semitic and Oriental Literature; provides for an additional assistant at $1,100 and 1 at $1,000 for service in connection with the distribution of card indexes; appropriates for 2 additional watchmen and a carpenter at $900 each and strikes out provision for 2 additional laborers at $540 each in the office of the superintendent of the building and grounds; appropriates $4,000 for resurfacing the west driveway and repairs to the stone curbing, and $2,500 for refitting of boiler room and coal vaults.

Nos. 33, 34, 35, and 36, relating to the Botanic Garden: Appropriates $18,000 instead of $19,500, as proposed by the Senate and $17,000 as proposed by the House, for assistants and laborers; authorizes the use of not to exceed $200 for traveling expenses and per diem of the superintendent and his assistants; provides for the purchase and maintenance of a motor delivery vehicle; and appropriates $11,903, as proposed by the Senate, instead of $9,000 as proposed by the House, for miscellaneous and contingent expenses.

Nos. 37, 38, 39, 40, 41, and 42, relating to the Office of the President: Provides for additional clerks and messengers in the Office of the President, as proposed by the Senate.

Nos. 43, 44, 45, 46, 47, and 48, relating to the Civil Service Commission: Strikes out the additional clerk of class 4, proposed by the Senate; provides for 28 clerks of class 3, instead of 30 as proposed by the Senate and 26 as proposed by the House; provides for 39 clerks of class 2, instead of 42 as proposed by the Senate and 36 as proposed by the House; strikes out the increase of $2,000 in the sum for traveling expenses; and increases the amount for field examiners from $5,700 to $7,500.

Nos. 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67, relating to the Department of State: Strikes out the change of title proposed from "counselor for the department" to "Undersecretary of State"; provides for the additional employees proposed by the Senate, with salaries aggregating $72,880, but transposes and groups them in a separate paragraph; strikes out the lump sum of $30,000 for emergency clerical services, proposed by the House; appropriates $2,000 additional for stationery, etc., and $2,720 additional for miscellaneous expenses, as proposed by the Senate; and strikes out the increase of $7,880 in the sum for rent of buildings.

Nos. 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86, relating to the Treasury Department: Fixes the salary of the Chief of the Customs Division at $4,500, instead of $4,000 as proposed by the House and $4,800 as proposed by the Senate; increases the pay of the foreman of the vault, safe, and lock shop from $1,100 to $1,200, and the pay of a messenger boy from $480 to $600 in the Supervising Architect's Office; strikes out the appropriation of $250 for law books for the Comptroller of the Treasury; strikes out the additional clerk at $1,000 proposed in the office of the Auditor for the War Department; transfers a helper at $900 from the Bureau of Engraving and Printing to the office of the Auditor for the Navy Department; provides for 14 clerks of class 4, instead of 13 as proposed by the House and 16 as proposed by the Senate; and 17 clerks of class 3, instead of 15 as proposed by the House and 18 as proposed by the Senate, in the office of the Auditor for the Interior Department; appropriates $10,000, instead of $20,000 as proposed by the Senate, for temporary clerical help in the office of the Commissioner of Internal Revenue; strikes out the change in designation proposed from "watchmen" to "guards" in the Bureau of Engraving and Printing; increases the appropriation for investigation and experimentation in methods of administration from $10,000 to $15,000, as proposed by the Senate; and strikes out the paragraph, inserted by the House, limiting the price to be paid for gas in public buildings of the United States in the District of Columbia to a maximum of 70 cents per 1,000 feet.

Nos. 87, 88, and 89, relating to the Internal-Revenue Service: Strikes out the paragraph, inserted by the Senate, granting not to exceed 30 days' leave of absence in any calendar year to all internal-revenue agents, inspectors, and cotton-futures attorneys; appropriates $1,700,000, instead of $1,600,000 as proposed by the House and $1,750,000 as proposed by the Senate, for collection of the income tax; authorizes the use of $40,000, instead of $90,000 as proposed by the Senate, of the sum for collecting the income tax for personal services and expenses in the District of Columbia; and inserts the paragraph, proposed by the Senate, modified to require the Commissioner of Internal Revenue to designate and determine the posts of duty of all employees of the Internal-Revenue Service engaged in field work or traveling on official business outside of the District of Columbia; authorizes a per diem not to exceed $4 in lieu of subsistence to all internal-revenue agents appointed under section 3152, Revised Statutes, and cotton-futures attorneys when ordered from their designated posts of duty; and authorizes a per diem in lieu of subsistence of not to exceed $3 for income-tax agents and inspectors, special gangers, and special employees when ordered from their designated posts of duty.

Nos. 90 and 91: Strikes out the increase of $2,000, proposed by the Senate, in the appropriation for wages of workmen and other employees at the Denver (Colo.) Mint; and increases the amount for incidental and contingent expenses for the Deadwood, S. Dak., assay office from $500 to $1,500, as proposed by the Senate.

Nos. 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, and 106, relating to the War Department: Provides for an additional clerk of class 2 and an additional clerk at $900, and strikes out the provision for 2 assistant messengers at $600 each in the office of the Secretary of War; strikes out the increase of $200 proposed in the salary of the chief clerk of the Signal Office; provides for 3 clerks, at $2,000 each, in lieu of 3 clerks of class 4 in the office of the Quartermaster General; increases the pay of 2 translators in the office of the Surgeon General from $1,700 to $1,800 each; strikes out the paragraph, proposed by the Senate, exempting draftsmen engaged on manufacturing or constructing operations of the Government from the operation of the law restricting increases in salary paid from lump-sum appropriations; provides for an additional assistant messenger in the Division of Militia Affairs; and strikes out the increase of $5,000, proposed by the Senate, in the sum for stationery.

Nos. 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, and 122, relating to Public Buildings and Grounds in Washington, D. C.: Strikes out the authority for the "purchase of park designs"; strikes out the change in designation from "park watchmen" to "park police"; strikes out the additional sergeant of park police at $900; provides for an additional day watchmen at $840 in Potomac Park; strikes out the additional night watchman at $840 for the Smithsonian Grounds, and provides for 1 additional night watchman, at $840, for Lafayette, McPherson, Franklin, and Farragut Parks; provides for the purchase of 2 motorcycles, at $250 each, instead of one at $250 and $144 each for the upkeep of 2 motorcycles instead of $240 for the upkeep of 1 as proposed by the House; and adjusts the amounts to be paid, respectively, by the United States and the District of Columbia.

Nos. 123, 124, and 125, relating to the State, War, and Navy Building: Strikes out the substitution of a clerk at $1,200 for a stenographer and typewriter at $900 and restores the paragraph stricken out by the Senate providing for the assignment of floor space by the commission in charge of the building.

Nos. 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156, relating to the Navy Department: Provides for a private secretary to the Assistant Secretary at $2,400 in lieu of a clerk of class four and strikes out the increase of $250 in the salary of the private secretary to the Secretary and the increase of $100 in the pay of a carpenter in the office of the Secretary of the Navy; provides for an additional clerk at $2,000 for the Bureau of Navigation; strikes out the additional clerk of class four proposed in the Office of Naval Intelligence; inserts authority for the exchange of passenger-carrying vehicles for the Naval Observatory; appropriates for two expert radio aids at $3,130 each and strikes out the additional clerk at $1,200 and the increase of pay of a laborer from $660 to $720, proposed for the Bureau of Steam Engineering; provides for an additional clerk of class one and strikes out the proposed additional clerk at $1,100 in the Bureau of Construction and Repair; provides for an additional clerk of class four in the Bureau of Ordnance; in the Bureau of Supplies and Accounts an additional clerk of class four is provided, 11 clerks at $1,100 each, instead of 10 proposed by the House and 12 proposed by the Senate, are appropriated for, the proposed additional clerk of class 2 is stricken out, and the pay of a messenger boy is increased from $400 to $600; provides for an additional clerk at $1,000 and strikes out the increase of $600 for contingent expenses for the Division of Militia Affairs; authorizes the purchase, maintenance, operation, repair, or exchange of an automobile wagon and strikes out the increase of $3,000 proposed in the sum for miscellaneous items for the Navy Department.

Nos. 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, and 172, relating to the Interior Department: Strikes out the additional clerks and copyists proposed to be transferred to the General Land Office, strikes out the proposed increase of $2,000 in the sum for per diem of examiners and clerks, and appropriates $3,000 for separate State and Territorial maps as proposed by the House instead of $1,500 as proposed by the Senate; restores the provision stricken out by the Senate, relative to the filling of vacancies in the classified service of the Pension Bureau; strikes out the additional examiner of interferences at $2,700, the two second assistant examiners of trade-marks and designs at $2,100 each, and the lump sum of $10,000 for special and temporary services of stenographers for the Patent Office, and increases the amount for the weekly issue of patents from $125,000 to $140,000 as proposed by the Senate.

Nos. 173, 174, and 175: Increases the amount for clerk hire in the office of the surveyor general of Utah from $16,000 to $17,240 and restores the paragraph stricken out by the Senate authorizing the use of $25,000 of the fund deposited by the railroads for survey of lands for office work in the surveyor generals' offices and in the General Land Office.

Nos. 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, and 187 relating to the Post Office Department: Provides for the salaries and number of employees as proposed by the Senate and strikes out the increase of $5,000 proposed in the appropriation for furniture and filing cabinets.

Nos. 188, 189, and 190, relating to the Department of Justice: Inserts the paragraph proposed by the Senate authorizing the lease of a modern fireproof office building for a period not to exceed five years at an annual rental not exceeding $36,000, and at a rate per annum per square foot of available floor space not to exceed 36.3 cents; and provides for an additional law clerk at $2,000 in the Office of the Solicitor of the Treasury.

Nos. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, and 221, relating to the Department of Com-

merce: Strikes out the proposed additional clerk at $1,800 and increases the pay of an assistant engineer from $800 to $1,000 in the Secretary's office; strikes out the additional draftsman at $1,800 proposed in the Bureau of Lighthouses; provides for 40 clerks of class 1 in lieu of 30 clerks at $1,000 and 10 clerks at $900 and provides for an unskilled laborer at $720 in lieu of a skilled laborer at that salary in the Census Office; provides that the Director of the Census may procure information for tobacco reports by mail or by special agents, or by other employees of the Bureau of the Census; strikes out the increase of $25,000 proposed in the appropriation for "promotion and development of foreign and domestic commerce" and authorizes the payment of exchange on official checks from this appropriation and the sum for "commercial attachés"; strikes out the increase of $9,000 proposed in the appropriation for clerk hire for the Steamboat-Inspection Service at large; strikes out the increase of $500 proposed in the salary of the commissioner and provides for two additional clerks at $1,000 each in the Bureau of Navigation; appropriates $24,000, instead of $22,000 as proposed by the House and $33,500 as proposed by the Senate, for the enforcement of navigation laws; increases the sum for inspection of passanger and excursion vessels from $15,000 to $18,000, as proposed by the Senate; strikes out the increase of $4,200 proposed in the appropriation for enforcement of wireless-communication law; strikes out the additional clerk of class 4 and provides for an additional clerk of class 3 in the Bureau of Standards; strikes out the increases of $25,000 for structural materials investigations, of $15,000 for investigation of fire-resisting properties of building materials, and of $5,000 for testing and standardizing machines, motors, etc., inserts the increase of $15,000 for public-utilities investigations, the appropriation of $10,000 for investigation of pottery, brick, tile, etc., and appropriates $10,000 as proposed by the House instead of $5,000, as proposed by the Senate, for color standards and methods of color manufacture and color measurements, and strikes out the words specifically extending this investigation to cottonseed oil.

Nos. 222 and 223, relating to the Department of Labor: Strikes out the increase of $2,000 in the sum for contingent expenses to be used for repairs to the Mills Building and inserts the paragraph authorizing the lease of a modern fireproof building for a period of not to exceed five years, at an annual rental not to exceed $24,000, and at a rate per annum per square foot of available floor space not to exceed 36.3 cents, with additional authority to renew for the fiscal year 1917 a lease of the premises now occupied by the department, at an annual rental not exceeding $24,000.

Nos. 224 and 225: Strikes out the provision, inserted by the Senate, for nine law clerks, one for the Chief Justice and one for each Associate Justice, at not exceeding $3,600 each per annum.

Nos. 226 and 227: Extends the limitation on the price to be paid for typewriters to all appropriations made for the support of the Government and inserts the provision, proposed by the Senate, requiring the Commissioner of Patents to advise the comptroller as to the changes in the construction of typewriters.

No. 228: Inserts the provision, proposed by the Senate, to exempt the Department of Justice from the limitation on the detail of employees in the classified service at Washington, D. C., for service outside of the District of Columbia.

No. 229: Inserts section 6, proposed by the Senate, prohibiting the payment of more than one salary to any person where the combined salaries exceed $2,000, modified so that the section shall not operate where more than one payment is specially authorized by law or shall not be effective in the case of officers and enlisted men of the Organized Militia and the Naval Militia of the States, Territories, and the District of Columbia.

The bill, as finally agreed upon, appropriates $37,925,690.25. This sum is $284,312 less than the bill as it passed the Senate, $309,641 more than the bill as it passed the House, $1,020.-890.50 more than the act for the current year, and $1,823,687 less than the estimates submitted to Congress.

JOSEPH W. BYRNS,
T. U. SIBSON,
JAMES W. GOOD,
Managers on the part of the House.

Mr. BORLAND. Mr. Speaker, I should like to ask the gentleman from Tennessee [Mr. BYRNS] a question.

Mr. BYRNS of Tennessee. I yield to the gentleman from Missouri.

Mr. BORLAND. In the final agreement relating to the employees of the State Department I wish the chairman would explain how nearly it conforms to the original estimate of the State Department.

Mr. BYRNS of Tennessee. I will state to the gentleman that the conferees allowed the full estimate of the State Department, and if the gentleman will notice we have segregated into a separate paragraph or item in this bill the increases in force.

Mr. BORLAND. As I understand it, that is so that the committee and Congress can keep track of these new and additional employees?

Mr. BYRNS of Tennessee. That is the idea.

Mr. COOPER of Wisconsin. Mr. Speaker, I observe that the conferees have restored the provision authorizing the leasing of a building for the Department of Justice at an annual rental of $36,000, and authorizing the rental of a building for the Department of Labor at a cost not to exceed $24,000 a year, each lease to be for five years, with the option of an extension of five years. Of course that option will be exercised, which makes a 10-year lease for those buildings at that rental. I will ask the gentleman how did that provision come back into the bill?

Mr. BYRNS of Tennessee. The Senate put the amendment into the bill, and the House yielded, having been convinced that it was necessary for these two departments to have some provision in order to relieve them. The gentleman knows that the Department of Labor is in its present buildings under annual rental; that it is absolutely necessary to make some arrangement for succeeding years, and, having been unable to come to what the Secretary of Labor and the committee thought proper terms with the owner of the present building, it was necessary for Congress to enact some provision, and the conferees believed that this was a proper provision.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like some time.

Mr. BYRNS of Tennessee. I will yield five minutes to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, in the Evening Star of last Saturday is an article concerning two provisions in this report, one of which authorizes the Attorney General to enter into a contract for a five-year lease of an office building at an annual rental not to exceed $36,000, and the other authorizing the Secretary of Labor to enter into a contract for a five-year lease for an office building at an annual rental not to exceed $24,000, with an option in each case of an extension of five years. Among other things the article contains the following:

The Attorney General is authorized to enter into a contract for the lease of a modern fireproof office building for the use of the Department of Justice for a period not to exceed five years, renewable at the option of the Government for an additional period not exceeding five years, at an annual rental not exceeding $36,000, and a rate per annum per square foot of available floor space not to exceed 36.3 cents.

The Secretary of Labor is authorized to enter into a contract for the lease of a modern fireproof building for the use of the Department of Labor for a period not to exceed five years, renewable at the option of the Government for an additional period not to exceed five years, at an annual rental not exceeding $24,000, and a rate per annum per square foot of available floor space not to exceed 36.3 cents.

The price per square foot of floor space is inserted merely as a stipulation that 100,000 square feet must be provided for the Department of Justice and 66,000 for the Department of Labor. In the weakness of that provision, without relation to cost, is found the opportunity for making the Government pay an extortionate rental, as I shall show.

WHAT THE UNITED STATES PAYS IN RENT.

The United States Government is now paying $605,000 per annum for rented buildings in Washington. Most of the buildings occupied are remodeled dwellings, warehouses, or commercial buildings. The business of the Government is scattered helter-skelter all over Washington. Several of the departments are working under disadvantages which are almost unbelievable. The Department of Justice is in dire need of more adequate quarters. Plans for a Government building for this most important department have already been made. The building should be built. Yet no one can severely blame the Department of Justice when, failing to get the money from Congress with which to erect the building it needs, it consents to the makeshift disclosed in the above clause from House bill 12207.

The bill introduced into Congress last year by the Attorney General, and providing for the erection of the building for the Department of Justice in accordance with the plans which were accepted by the Government was withdrawn in favor of another bill introduced by the Secretary of the Treasury.

H. R. 12207 also reveals the newest method of mulcting the Government in a most handsome manner. No department can enter into a lease for longer than one year except upon authority of Congress. The authority to be granted in the proposed appropriation would cover a five-year lease at $36,000 per annum in the case of the Department of Justice. In this instance, as in the past, there is no doubt a tacit understanding that the department will renew the lease for another five years, otherwise the building would be almost impossible to finance.

GOVERNMENT PAYS 15 PER CENT.

Let us see what happens in these cases. The Bieber Building and the Navy Building are two of the more recent buildings erected in this manner. The financial process is simple. Preliminary estimates prepared by real estate interests lead the Government to believe that the building is to cost a certain sum of money. The rental is then fixed at 10 per cent of the supposed cost. In the case of the two buildings above cited the buildings were sold, after completion, at a price equal to ten times the rental paid by the Government, and the builders are currently reported to have taken a cash profit on $100,000 in each case. Thus the Government actually pays about 15 per cent per annum on the cost of the investment for rental alone, since the leases provide

that heat, light, janitor, and elevator service are provided by the Government. What really happens is that the leases are capitalized at 10 per cent and sold, the building being thrown in!

No more ruinous policy could possibly be pursued. Strong efforts in Washington are now centered upon preventing the erection by the Government of any new buildings. Real estate owners know that they never could rent the buildings now occupied by the Government if they are vacated by the Government. These "modern, fireproof office buildings" such as are called for in H. R. 12207 are thus being scattered all over Washington. The buildings are generally incongruous in character, offensively located; and a continuing policy of erecting structures of this character can only result in the architectural ruination of the great Capital. Some of them are planned and designed to be converted into apartment houses—one of them has been arranged for conversion into a hotel.

Administration after administration has pursued this policy, because it is always so much easier for the party in power to make leases at exorbitant rates rather than to try to justify expenditures which would be infinitely cheaper to the Nation in the long run. The hand of our political system lies heavy on the wise and judicious development of the Capital and upon all effort properly to house the business of the Government in a dignified and efficient manner.

Now, we have for many years owned sites for buildings for the Department of Justice, for the Department of Commerce and Labor, and for the Department of State. Perhaps the distinguished gentleman from Illinois [Mr. CANNON] will know just when that land was purchased. It was several years ago, while the gentleman was Speaker. I refer to the land beginning with the square where Poli's Theater is located, at the corner of Fifteenth and Pennsylvania Avenue and running along Fifteenth to the Mall.

Mr. CANNON. It was in 1906.

Mr. COOPER of Wisconsin. The gentleman from Illinois says it was in 1906. So that we have owned these three sites for 10 years, and yet now it is proposed to have somebody erect a building for the Department of Justice, for which we are to pay a rental of $36,000 a year. That is 4 per cent on $900,000 or 6 per cent of $600,000.

The Government can borrow money at 3 per cent.

It is proposed also to have some private person erect a building for the Department of Labor, for which the Government is to pay a rental of $24,000 a year.

Not only that, but no person now can tell what either of these buildings will look like nor where they will be located. They will doubtless be located without regard to the general plan for the development and beautification of Washington. This haphazard locating of these boxlike, ungainly structures will surely result—has in some places already resulted—in the gross architectural disfigurement of this great Capital City. Unless stopped this practice will mean the ruin of the city's beauty. The people of the United States want the Capital of the Nation to be in all respects a model municipality. It is their Capital City.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. COOPER of Wisconsin. Certainly.

Mr. JOHNSON of Kentucky. I understood that 12 or 15 years ago the Government bought the property on Pennsylvania Avenue immediately south of the Belasco Theater for a public building; but as soon as it was purchased there was no demand for the public building.

Mr. COOPER of Wisconsin. Yes; it was said to be too small.

Mr. JOHNSON of Kentucky. It was not too small until the Government bought it.

Mr. COOPER of Wisconsin. These other sites are ample and their location perfect. If the building for the Department of Justice were erected on the site purchased and long held for it, on the corner diagonally across from the Treasury, all of the Avenue, Georgetown, and Fourteenth Street cars would pass immediately in front of it. Every Member of the Senate or the House and every visitor to the city could go by street car directly to the front of the building.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. BYRNS of Tennessee. I yield to the gentleman five minutes more.

Mr. COOPER of Wisconsin. As everybody knows who reads, the cities in the country are taking up the general subject of city planning. Some most interesting things on this subject, among others, are set forth by Prof. Frederick Howe in a book, in which he speaks of what Germany has done in recent years in the way of city planning and other municipal reforms. It is a most interesting book. Any Member of the Senate or the House who reads it will be convinced that every public building—indeed, every private building—in the city of Washington ought to be located in accordance with the general plan for the harmonious development of the city. That plan already has been of much practical benefit. For example, some years ago there passed through the House a bill to erect a great railroad station on the Mall, between the Capitol and the Washington Monument, but President McKinley and the late President Cassatt, of the Pennsylvania Railroad, succeeded in stopping it, and they afterwards located the station where it now is, in accordance with the new plan. Already several other important buildings have been located in accordance with it—the new building for the Red Cross, on Seventeenth Street; the new building just south of it, for the Daughters of the American Revolution; and immediately south of that the beautiful building of the Pan American Union.

It is altogether wrong for us to permit the promiscuous construction at random here and there in the Capital City of the Nation of buildings of the type going up and rented to the Government. I do not know why these things are perpetually and insistently being done, unless, as the writer of that article declares, there are interests in the city determined to see to it that no more Government buildings shall be erected in Washington. Unless this be true, why is it that these magnificent sites on Fifteenth Street fronting that park, easily accessible from every part of the city to every resident of the city and to every visitor who comes here, are not utilized? Why is it that we let them stand idle, occupied by a few poor, cheap buildings, while we give to private people the right to erect in their discretion anywhere in this magnificent Capital City these disfiguring buildings and have our promise that they shall be leased to the Government of the United States? We already pay between six and seven hundred thousand dollars for rent here, and I repeat what I have said at other times, that it is our duty as legislators to put a stop to this practice of having the Government contract with private parties to erect buildings for it to lease and occupy.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. GOOD. The gentleman realizes, of course, that this committee has no authority to report out an appropriation for a public building.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, no question has been gone into more thoroughly by the Committee on Appropriations than the question of rentals paid for office space for the Government in the city of Washington. Ten years ago, as a member of a subcommittee, I visited nearly every building in the city of Washington that was rented by the Government. As to whether it is wise to construct public buildings or to rent space is not a question involved at this time. In 1908, if I recall correctly, Congress authorized the purchase of the property on Pennsylvania Avenue and Fifteenth Street at a cost of $2,500,000 for the purpose, as stated in the bill, of providing for the construction of three public buildings, estimated to cost $8,000,000—one a building for the Department of State, one a building for the Department of Justice, and one a building for the Department of Commerce and Labor. Two hundred thousand dollars were authorized and $160,000 appropriated for the preparation of plans for those buildings which, under the law, were required to be submitted to Congress for approval. The buildings themselves were never authorized and have not been authorized by Congress. Since that time the Department of Commerce and Labor has been divided into two departments by the creation of the Department of Labor, so that if any action were to be taken toward the construction of the buildings authorized at that time legislation undoubtedly would be required to adjust the situation resulting from the division of the then Department of Commerce and Labor.

There are two provisions agreed upon by the conferees relative to rent. One is for the Department of Justice. I undertake to say that the accommodations for the Department of Justice are a disgrace to the United States. Old residential buildings, scattered and apart from one another, renovated and overhauled so as to adapt them as far as possible to the needs of business, have been rented from time to time until the Department of Justice is now housed, not only inadequately, but in places that are fire traps, and impossible for men to perform properly the work put upon them. Several years ago an assistant attorney general stated that he and his clerk were installed in what had been a bathroom in a private house, attempting to transact important legal business on behalf of the Government. That department to-day is paying $36,000 a year as rent for the accommodations which it now has. It has been proposed that authority be given to the department to enter into a lease for five years for accommodations to cost the same amount of money. The cost is to be at the rate of 36 cents a square foot. It is stated that if that be done some one in the city of Washington is going to erect a modern, fireproof building, adapted to the needs of a great law department,

where ample, decent, and suitable accommodations will be furnished, greater in extent than are now obtained for the same amount of money. That is all that is involved in this proposition. It is a question whether we shall authorize the Department of Justice to make a five-year agreement for the same amount of money it is now paying for absolutely indefensible accommodations, in order to obtain better accommodations, with more room, so that the employees of the department may more properly perform their duties.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I yield to the gentleman from New York such time as he desires.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BORLAND. If the new building for the Department of Justice were authorized at the present session of Congress, it would be in the neighborhood of five years before it was ready for occupancy.

Mr. FITZGERALD. It could not be constructed within five years if it were authorized.

Mr. MANN. It would not be, the gentleman means.

Mr. FITZGERALD. Mr. Speaker, the Department of Justice at present has 76,984 square feet, for which it pays an annual rental of $36,000. Under the provision in the legislative bill it will obtain more than 100,000 square feet of space, an increase of about 33 per cent in the available space. I assume that if people construct a building and make a contract of this character, they are doing it with the intent of making a profit, and that they will make a profit upon their investment, because I think nobody can be found, either in Washington or any other place, so idiotic as to invest money in buildings to be utilized by the Government of the United States and not make a profit from it.

In the investigation that has been made by the Committee on Appropriations it was found that the average rental is about 50 cents a square foot. In some instances it runs as high as 96 cents—in the Southern Building—but a great many of the departments pay 75 cents a square foot. This proposition is for 36 cents a square foot. Now I will yield to the gentleman from Tennessee.

Mr. SIMS. What I want to ask the gentleman from New York is this: The building on Fourteenth Street, right opposite the New Willard Hotel, occupied by the Bureau of Good Roads, I understand, has no other Government tenant in it except the Good Roads Bureau. I want to ask the gentleman if it has not better accommodations; in other words, is not the Bureau of Good Roads getting better accommodations than the entire Department of Justice is now getting?

Mr. FITZGERALD. I am not familiar with it. I am not brought much in contact with the Bureau of Good Roads of the Department of Agriculture, as the appropriations for that department are not made by the Committee on Appropriations.

Mr. SIMS. Does the gentleman remember what we are paying for that building now in the way of rental?

Mr. FITZGERALD. It is a very low rate, but I do not know.

Mr. SIMS. It struck me that the bureau is getting better accommodations, and possibly for less money, than the Department of Justice is now getting for what they have.

Mr. FITZGERALD. Well, I do not know.

Mr. BYRNS of Tennessee. I think the Government formerly paid $16,000 a year for it; but it is not large enough to accommodate this department, and for that reason the Department of Labor left it.

Mr. SIMS. No; but is it not as large a building as that now occupied by the Department of Justice?

Mr. FITZGERALD. It has 36,000 square feet; the Department of Justice now occupies 77,000 square feet.

Mr. SIMS. It is a very new building, and certainly much cheaper at that rate than the one the Department of Justice now occupies.

Mr. FITZGERALD. There is no doubt it is a very cheap rate, 25 or 30 cents a square foot.

Mr. TILSON. Will the gentleman yield?

Mr. FITZGERALD. I do.

Mr. TILSON. Is not one of the difficulties that when the Government erects a building it has always to erect a building of monumental character, so that the cost of building is so great that the floor space, overhead charge, interest charge on the money, really become very great, and is not that a difficulty over that of a private individual who erects a commercial building?

Mr. FITZGERALD. In my opinion, there should be in Washington a building for the Department of Justice, a building that would be in keeping with that department and suitable for it.

Mr. TILSON. Both monumental in its character and utilitarian in its construction?

Mr. FITZGERALD. Somewhat monumental and largely utilitarian would be my desire, but just the reverse will happen when it is done.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I do.

Mr. MANN. Have the buildings been authorized to be constructed on the Pennsylvania Avenue plots?

Mr. FITZGERALD. They have never been authorized.

Mr. MANN. Have the plans been prepared and submitted?

Mr. FITZGERALD. They have been prepared twice, if I recall correctly. They were prepared and revised and re-revised, and they are still being revised. The act required that the plans should be submitted to Congress for approval. Gentlemen may recollect that at one time when the plans of the State Department were completed some inquiry was made by the Committee on Appropriations; it was ascertained that the plans for that contemplated building included a suite of rooms in which should be housed visitors of noble birth who might come here from foreign lands, the idea being that they might be contaminated from association with ordinary American citizens in a Washington hotel. That disclosure resulted in one revision of the plans. Then the last administration went out before anything was done. I understand there have been some modifications suggested.

Mr. MANN. Of course nobody expects this administration to do anything. Have plans been formally submitted to Congress under the law?

Mr. FITZGERALD. I do not know. They would go to the Committee on Public Buildings and Grounds. One hundred and sixty thousand dollars of the $200,000 authorized has been spent for the plans. Whether they have been submitted for approval is a different question.

Mr. HAUGEN. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. HAUGEN. The Government now owns a building not occupied much better than that described by the gentleman as occupied by the Department of Justice. I refer now to the Maltby Building——

Mr. FITZGERALD. That building has been condemned several times as being absolutely unsafe by the inspector of buildings of the city of Washington and the Superintendent of the Capitol. The Agricultural Department was authorized to utilize it in the appropriation for the current year, and ascertaining exactly what the situation was they declined to do it, and that building is to be taken down.

Mr. HAUGEN. How about the buildings in the row there?

Mr. FITZGERALD. Which building?

Mr. HAUGEN. The buildings in the same row there near the Maltby Building.

Mr. FITZGERALD. They have been acquired and are to be taken down. They are not suitable for business purposes.

Mr. HAUGEN. They are certainly much better for business purposes than the buildings described by the gentleman from New York.

Mr. FITZGERALD. They may be better than the buildings the Department of Justice now occupies. Most Members of the House are familiar with the buildings.

Mr. HAUGEN. And much better buildings than those occupied by the Department of Agriculture, many of them.

Mr. FITZGERALD. I am not an expert on buildings. I know that the Maltby Building is considered unsafe for occupation. Within two weeks the Superintendent of the Capitol said that if fire should break out in that building and any persons were in it he did not see any means by which a very considerable loss of life could be avoided.

Mr. WALSH. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. WALSH. The gentleman stated that if this Congress should authorize a new building it would be five years before it would be completed.

Mr. FITZGERALD. At least five.

Mr. WALSH. Will the gentleman state why it will take five years to complete such a building?

Mr. FITZGERALD. That is about how long it would take to construct a monumental building erected by the Government of the United States.

Mr. WALSH. It did not take that length of time to erect the Woolworth Building in the city of New York.

Mr. FITZGERALD. Well, New York is up to date. But it took about four years, I think, or a little longer, to complete the Municipal Building in the city of New York; and that building is of a type that is different from any building that will be erected in Washington—a modern sky-scraper office building, with steel frame and stone shell, and can be erected

much more quickly than a monumental type of building which would be considered suitable and appropriate for one of the departments in Washington. The former construction is rapid. It is of steel and stone.

Mr. SMITH of Michigan. What is the reason the work is not now progressing to complete or construct this building for the Department of Justice?

Mr. FITZGERALD. I can not speak for Congress. Why can not the gentleman himself speak? He is a Member of Congress; he is also a member of the Committee on Public Buildings and Grounds, which has jurisdiction of the matter. He should not ask me.

Mr. SMITH of Michigan. I have not control of the money, but the gentleman has; and as long as the Government has these activities and as the Government has this great investment in real estate and in the site, and proposes to put up an $8,000,000 building, and the department is ready to occupy it, I have wondered while on that committee, although they have been there two or three times in reference to this matter, why this work was not progressing. The gentleman says that we have paid $200,000 for plans and thrown them away. I do not wonder that the gentleman from Wisconsin [Mr. COOPER] starts an inquiry. We have a Department of Justice up there, and we might dispose of that place. I think that activity should go on, although there is a great disposition not to authorize.

Mr. FITZGERALD. The fact is, however desirable it is to erect buildings, that we would save a great deal of money if the Government establishments in Washington were housed under leases just as those authorized in this bill. Now, this system was initiated 12 or 13 years ago. Gen. Anson Mills proposed to erect a building for the use of the Navy Department—the Navy Department Annex—and Justice Moody, of the United States Supreme Court, who had been a member of the Committee on Appropriations and then was Secretary of the Navy, made a contract with Gen. Mills, or negotiated one, by which it was arranged that he, Mills, should erect a building upon plans to be approved by the Navy Department, the building to be supervised under the direction of the Navy Department, the cost to be checked up, and the rental to be fixed equal to 5 per cent upon the money invested in the building. That proved so advantageous to the Government that from time to time others have suggested similar arrangements. The only question confronting the Committee on Appropriations in these matters is that here is a department paying a certain amount of money for a certain amount of space, and gets much larger accommodations, much more space, and much more desirable accommodations for the same amount of money if they would be permitted to make a five-year contract instead of an annual contract; and then, not in the interest of the person who erects the building, but in the interest of the Government, provision is made that the lease shall contain a provision for a renewal in five years on the same terms, so that the Government will not be held up at the end of the first five years, when it would desire to renew the lease for five years additional.

Mr. SMITH of Michigan. I quite agree with the gentleman in the proposal, and I think that some branches of the Department of Justice are very conveniently located; but the main branch, down in the little brick building off of the park, there is a building such as the gentleman has described, but is subject to being destroyed by fire at any time, and irreparable loss would occur. I think there ought to be, for the reasons you have already stated, something being done at the present time to ultimately get the building up, and which does not appear.

Mr. FITZGERALD. I merely wish to add that in nowise do we wish to interfere with the construction of these buildings. I have had persons in the city of Washington call upon me in my office and say that there were certain persons in the city of Washington who would be glad to enter into contracts similar to the ones made between the Navy Department and Gen. Mills to furnish accommodations. The Committee on Appropriations never attempts to control the contracts in any way. When the authority is asked to make the lease the committee inquires as to the needs of the service for space. It fixes a price per square foot for rental and then appropriates the money that will give the space required. So long as the accommodations are provided at a rental that an investigation shows to be an economical rental, we have discharged our duties and performed valuable service to the Government, and that is all that is done in the two provisions of this bill.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. MONDELL. Am I correct in my recollection that the original contract for the Mills Building was on the rent basis of $24,500 a year?

Mr. STAFFORD. Thirty thousand dollars.

Mr. FITZGERALD. The assessed valuation of the building and land was $340,000, and under the law that is two-thirds of the value. That would make it worth $510,000. The rent was $24,500. Then when the 10-year period expired there was an attempt made to increase the rent to $30,000, and the Navy Department got authority to make a similar contract, as is proposed here, and have a new building erected. The Department of Labor had to find some place. They got into this building originally at the rate of $16,500 a year. Then they were compelled to pay $20,000 a year. Now they are asked $24,000 a year, which is under the original rental fixed, and because of a dispute as to whether the Government or the owner of the building should expend between two and three thousand dollars on certain repairs the offer of the Government at $24,000 a year has been withdrawn. This bill provides that the Department of Labor may enter into a contract for five years with anybody who will agree to furnish a building affording the space required at $24,000 a year. These provisions are designed to protect the Government rather than to benefit any private interest.

Mr. MONDELL. Well, the Government did assume when this building was erected that it was worth $24,500 a year for rental purposes, and paid that sum for a considerable length of time.

Mr. FITZGERALD. For over 10 years.

Mr. MONDELL. And I wonder why the committee has now insisted that it shall be had at $24,000, which is $500 a year less than it was originally agreed that the building was worth.

Mr. FITZGERALD. The committee was trying to make a very sharp bargain instead of making this a very profitable transaction with the owner, as was supposed by the writer of this article. The committee was trying to give the Government a bargain and take advantage of the situation. Not only that but the Department of Labor states that it can obtain accommodations that will be satisfactory for $24,000 a year.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. For information I would like to inquire whether, under the original arrangement recommended by then Representative Moody, it was provided that the return on the investment should be 5 per cent?

Mr. FITZGERALD. Five per cent on the amount of money invested.

Mr. STAFFORD. I would like to say to the gentleman that there has been considerable criticism on the part of the occupants of the Navy annex, the building erected on New York Avenue and occupied by the Marine Corps after leaving the Mills Building, to the effect that the character of construction was so poor that the department was put to considerable expense; and the fault of the present arrangement of limiting the return on the basis of 36.3 per cent is that it does not take into consideration the character of building that is constructed, but allows the contractor to erect a flimsy building, as has been described by my colleague, of a sardine-box character, which will yield not only 5 per cent but 10 and 12 and even 15 per cent.

Mr. FITZGERALD. Oh, that is ridiculous. The plans of the Mills Building were approved by the department.

Mr. STAFFORD. Oh, the gentleman knows that the Mills Building is an edifice of a much higher cost of construction as compared with this Navy annex building, concerning which the Navy people are protesting. The Mills Building cost one-third more than these sardine-box buildings that have recently been constructed.

Mr. FITZGERALD. Congress authorized the building under contract at so much per square foot. I understand from the gentleman from Tennessee [Mr. BYRNS] that the Assistant Secretary of the Navy stated that the building is very satisfactory.

Mr. BYRNS of Tennessee. He so stated in the hearings that the building is very satisfactory.

Mr. STAFFORD. And he also states in the hearings that they had considerable difficulty in keeping it in repair.

Mr. BYRNS of Tennessee. He stated that there was some trouble with the windows——

Mr. STAFFORD. Owing to poor and faulty construction.

Mr. MONDELL. Mr. Speaker, will the gentleman yield me five minutes.

Mr. BYRNS of Tennessee. How much time is there, Mr. Speaker?

The SPEAKER. Twenty-seven minutes.

Mr. BYRNS of Tennessee. I yield five minutes to the gentleman from Wyoming.

The SPEAKER. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, so long as we are renting rather than erecting buildings for the housing of the Government bureaus and departments, I think we should rent as cheaply as we can, providing we do not, by attempting to economize, encourage the building of cheap office buildings which are not only unsatisfactory to the Government but are not creditable to this city. Neither should we, in our effort to economize, be unfair to those who have built in accordance with Government specifications and who have constructed buildings that are not only properly constructed to house the Government bureaus, but are built in such a way that they are a credit to the city.

The Mills Building is a case in point, and my opinion is that our action touching that building has not been very creditable. An arrangement was made with Gen. Mills whereby he was to erect the kind of a building that the Navy Department desired. It is on a magnificent site, fronting one of the finest Government buildings, and it would have been very unfortunate if a cheap, boxlike structure had been erected at that point. The building erected, standing on the corner of Pennsylvania Avenue and Seventeenth Street, diagonally opposite to the old Corcoran Art Gallery, is one of the finest office buildings in the city. It is a credit to the city, and it does not discredit the splendid public building that it faces.

Gen. Mills was supposed to receive 5 per cent on his investment on a rental of $26,000 per annum. We occupied the building for a number of years. It was entirely satisfactory. Then there was a suggestion of an increase of rent. It was, perhaps, proper to refuse it. I think it would have been possible to continue to occupy the building at the old rate, but the building was vacated; and for some years this building, which is more advantageously located than any other building in the city for the work of the State, War, or Navy Department, stood vacant. In the meantime we were making contracts with gentlemen who were building cheap and not wholly satisfactory buildings around in various parts of the city on which they were making not 5 per cent, but 10, as suggested by the gentleman from Wisconsin [Mr. STAFFORD], leaving this magnificent building vacant.

Finally at a greatly reduced rent the Department of Labor moved into the building, and grudgingly we have raised that rent somewhat, but we never have brought it up to a point where it would pay what the Government originally said was a fair return on the cost of the building. And now there is a provision in this bill under which we are to pay, not $26,000 a year, which the building it worth on the basis of its cost, but $24,000, and we are refusing to move out. We say to the owner of the building, "We will stay there just as long as we desire. We will occupy those premises if we see fit, and we will pay you such sum as we fix." The sum we fix is a lesser sum than we ourselves have determined is a fair return on a building constructed in accordance with our specifications, and built because we needed it.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. MONDELL. I will.

Mr. MILLER of Minnesota. In view of what the gentleman states as to the hard terms imposed by the representatives of the Government upon the owner of this building, can we not get the same Government official to make the agreements for other Government buildings?

Mr. MONDELL. We do not seem to be desirous of paying a fair return for a good building, but we appear desirous of seeming to economize by paying a large return for a cheap building, a building not generally wholly satisfactory and never much of a credit to the city.

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, the Committee on Appropriations, both in the House and Senate, as the gentleman from New York [Mr. FITZGERALD] stated, have given very careful consideration to the question of rent, particularly for these two departments. It was a condition and not a theory that confronted the committee. The gentleman from Wisconsin [Mr. COOPER] refers to the fact that the Government owns some land on the corner of Fourteenth Street and Pennsylvania Avenue, and has had that property for 10 years. Of course, the House knows that the Committee on Appropriations has no jurisdiction of a bill authorizing the erection of a public building. The fact remains that these departments are housed in their present quarters. It was necessary to provide different and better accommodations for them, or to provide rental in their present quarters. The Department of Justice is housed in three residences which have been combined, and as the gentleman from New York [Mr. FITZGERALD] says, the accommodations of that department are a positive disgrace to this Government. Now, the representatives of both these departments stated that if they are authorized to enter into a five-year lease for the sums named in this bill, which carry no more rent than they are paying now, particularly with reference to the Department of Justice, they can secure adequate, up-to-date, fireproof accommodations for the use of those two departments; and it was to meet this necessity that the conferees, after carefully considering the matter, came to the unanimous conclusion that it was entirely proper to provide for this rental.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. BYRNS of Tennessee. Yes.

Mr. MILLER of Minnesota. Is it proposed that any new building shall be constructed for the use of the Department of Justice; that is, constructed by private individuals and leased to the Government for use of the Department of Justice?

Mr. BYRNS of Tennessee. It is proposed in this bill——

Mr. MILLER of Minnesota. I do not mean in this bill; but does the proposition contemplate the erection of a new building by private individuals, who will then, when the building is constructed, lease it to the Government for use of the Department of Justice?

Mr. BYRNS of Tennessee. I so understand. It is proposed to give the Attorney General the opportunity, if he thinks best, to contract for a new building to be constructed for and rented by the Department of Justice for the term of years provided in this bill.

Mr. MILLER of Minnesota. It is not at all likely that private individuals will construct a building and lease it to the Government at a loss on account of their love for the public and the Government, is it?

Mr. BYRNS of Tennessee. That is true, and I am sure that there is no Member of the House who would expect or want a private individual to erect a building and lease it to the Government at a loss.

Mr. MILLER of Minnesota. A private individual probably can not borrow money more cheaply than 5 or 6 per cent, while the Government can borrow it for 3 per cent. If it is good business for a private individual to borrow money at 6 per cent and lease the building, why is it not good business for the Government to borrow it and erect its own building?

Mr. BYRNS of Tennessee. That is a question that appeals just as much to the gentleman from Minnesota or any other Member of the House as it does to the gentleman from Tennessee. As I have stated, the Committee on Appropriations has no jurisdiction of a bill to provide for the authorization or construction of a public building. That is a matter which rests with the Committee on Public Buildings and Grounds. The Committee on Appropriations were confronted with the necessity of taking care of these two departments, and they have done the best they could, and, as they believe, in the interest of economy.

Mr. MILLER of Minnesota. If the gentleman will permit a suggestion out of his generosity—he has been very kind in the allotment of time this afternoon—it is my own opinion that if the Committee on Appropriations should flat-footedly refuse to rent such grossly inadequate and improper quarters for the housing of our great departments, and should put it up to the House or the Committee on Public Buildings and Grounds, and say, "Now it is for you to act," we would get some results; but we dillydally along from year to year. We build public buildings at every crossroads in the United States where they are not needed, but we let the Government itself here in Washington be mulcted every year by upward of $750,000 for rent, when we should build buildings that are needed here in this city of Washington. I think it is the height of mismanagement, not on the part of any gentleman here present, but of others, to allow this to be done. If there is one thing on which the people of the United States are agreed—and that means outside of the tariff and all other political things—it is that they want this Government in the city of Washington adequately and properly housed.

The other afternoon I had occasion to go to one of the departments of this Government where, I am informed, are housed all of the records this Government possesses covering one of the most vital periods in our national history, records that can not be duplicated anywhere in this world, records that show the title to hundreds of millions of dollars worth of property. These records are kept in a building at which I stood aghast when I beheld it. I asked the man in charge if fire was not likely. He said, "This is the biggest opportunity for a bonfire that I know anything about, and we live from hour to hour wondering if this is not the last hour before the fire."

Yet we sit here year after year and agree to the making of leases for buildings for 5 or 10 years and never squarely face the proposition whether we are going to build public buildings that are needed by these departments.

Now, I have taken a great deal of the time of the gentleman from Tennessee. He has been very generous. I have been thinking about this thing for five or six years, and this is the first chance I have had to explode. I thank the gentleman. [Applause and laughter.]

Mr. BYRNS of Tennessee. I am very glad the gentleman had that opportunity this afternoon. I was just about to state that all this matter has been considered and thrashed over a number of times. It was fully discussed when the bill was originally before the House for consideration. Mr. Speaker, I hope we can come to a vote now.

Mr. COOPER of Wisconsin. Will the gentleman give me three minutes?

Mr. BYRNS of Tennessee. I will yield three minutes to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. The gentleman says, Mr. Speaker, that the Committee on Appropriations has no authority to authorize the construction of public buildings. No; but the committee proceeds to authorize the construction of private buildings.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. COOPER of Wisconsin. The committee does it by agreeing in advance to have the Government lease buildings to be constructed by private parties, and yet the committee complains because the Government does not erect its own buildings. So long as the Committee on Appropriations shall authorize the making of contracts like this with private individuals, we never shall have new and greatly needed public buildings In the last Congress, Mr. Speaker, a bill was introduced which I understand was at the request of the Attorney General for the construction of a building for the Department of Justice on the site which was purchased for it 10 years ago. The plans had been accepted years before. Two hundred thousand dollars was paid for the plans of that building, a building for the Department of Commerce and Labor, and a building for the Department of State.

What has happened since we bought all that land and authorized the preparation and acceptance of the plans? Two hundred thousand dollars would have paid the rent for five years for one of the buildings proposed in this report.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MILLER of Minnesota. Can the gentleman inform the committee anything about the cost of this building occupied by the Department of Commerce?

Mr. COOPER of Wisconsin. No; but that building was erected and rented under the same sort of a law, and long after the site on Fifteenth Street was bought, and long after plans for a building on it had been approved. It was a Republican official who entered into the agreement with a private person to put up that building on the corner of Nineteenth Street and the Avenue.

Mr. MILLER of Minnesota. The gentleman is aware that it is reputed to have been sold for $900,000, probably twice the cost of the building, and probably placed squarely on the rental value.

Mr. COOPER of Wisconsin. We have also rented a building constructed by a private party for the use of the Navy, and we now propose to permit a private individual to erect a building and lease it for five years to the Department of Justice, notwithstanding we have long had a fine site and excellent plans for that building.

Mr. BYRNS of Tennessee. If the gentleman would use some of his persuasive eloquence that he has used on the floor before the Committee on Public Buildings and Grounds, I am sure he would get some results.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. BYRNS of Tennessee, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

PENSIONS.

The SPEAKER laid before the House the bill S. 4856, an omnibus pension bill.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent that the House insist upon its amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the House insist upon its amendments and agree to the conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. JONES. Mr. Speaker, I ask that the bill H. R. 9533 may be taken up for consideration, and I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER The gentleman from Virginia asks unanimous consent to consider the bill H. R. 9533, on the Union Calendar, in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Reserving the right to object, I do not think that would be safe.

Mr. JONES. Very well, Mr. Speaker, then I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. TOWNER. Mr. Speaker, pending that motion, I would like to ask the gentleman if an arrangement can not be made for general debate?

Mr. JONES. I think so. I imagine that we will not want a great deal of time, and I will ask the gentleman to suggest how much time we will take.

Mr. TOWNER. As I understand it, so far there is no demand upon this side for time except on the bill. I suggest that general debate be confined to the bill, and in that case I think we will not want more than an hour and a half on this side.

Mr. JONES. And debate to be confined to the bill. Would not the gentleman be willing to have one hour on each side? We are going to take the bill up, I suppose, section by section.

Mr. TOWNER. Some members of the committee desire to use some time in the presentation of the case in general debate. If we can get through in less than that time I have no objection. I think three hours on a bill of this character is a very short time.

Mr. JONES. Mr. Speaker, I admit that it is a very important measure and contains a great many important provisions, but I suppose that we could discuss those under the five-minute rule. The gentleman thinks we ought to have three hours of general debate?

Mr. TOWNER. I think so, and if we can make it less, we will be very glad to do so.

Mr. JONES. Then, Mr. Speaker, I ask unanimous consent that the general debate be limited to three hours, to be confined to the bill, one half to be controlled by the gentleman from Iowa [Mr. TOWNER] and the other half by myself.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union, the gentleman from Virginia asks unanimous consent that general debate be limited to three hours, to be confined to the bill, one half to be controlled by himself and the other half by the gentleman from Iowa [Mr. TOWNER]. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I take it that that means that the reading of the bill will not be started to-night for amendment, and that probably we will not stay in session much after 5 o'clock.

Mr. JONES. Not later than half past 5 o'clock, I would say to the gentleman. Most gentlemen were up very late last evening, and I think they would like to have this finished as soon as possible.

Mr. MANN. I think we ought to quit about 5 o'clock to-day.

Mr. KITCHIN. Oh, let us have an hour's debate this afternoon, and quit at half past 5 o'clock.

Mr. MANN. That is all very nice for gentlemen who are not here steadily, as the gentleman from North Carolina [Mr. KITCHIN] and I are. Of course, occasionally somebody else is here.

Mr. KITCHIN. It looked last night as though everybody was here except us. [Laughter.]

Mr. GARRETT. Mr. Speaker, I want to ask if this general debate is to be confined to the bill why it is not possible, inasmuch as it is for the benefit of Members who are in attendance, to reach some sort of an agreement for less than three hours of debate and have the debate under the five-minute rule. This is a unanimous report. It is true there are some committee amendments, and gentlemen have reserved a right to offer certain amendments, but there are no sharp differences about the bill.

Mr. MANN. How long was this bill under consideration when it passed before?

Mr. GARRETT. I do not remember. We have passed two or three of these Porto Rican bills. We passed the Olmsted bill.

Mr. MANN. I think we passed this bill twice, and each time it has taken two or three weeks. The gentleman says there are no matters in dispute——

Mr. GARRETT. My recollection is that we passed one of these bills on Calendar Wednesday. I think that was the Olmsted bill.

Mr. MANN. We passed the Olmsted bill, and then I think we passed the Jones bill.

Mr. JONES. No; the Jones bill was reported to the House, but was never considered.

Mr. MANN. Did we not pass it in the Sixty-second Congress?

Mr. JONES. No. One other bill was passed in 1910.

Mr. KITCHIN. Let us go until half past 5 o'clock this afternoon.

Mr. JONES. That is a matter that we will adjust after we dispose of the unanimous consent.

Mr. MANN. I am not making any objection to the request.

Mr. GARRETT. It would not be possible, then, to make an agreement to dispense with all general debate?

Mr. MANN. I do not see how that can be done.

Mr. HAMILTON of Michigan. Is there considerable demand for time under general debate?

Mr. MANN. The gentleman from Iowa has already made a statement that there was some demand for time.

The SPEAKER. Is there objection to the request that general debate be limited to three hours, to be confined to the bill? [After a pause.] The Chair hears none, and it is so ordered.

EXTENSION OF REMARKS.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

CIVIL GOVERNMENT FOR PORTO RICO.

The SPEAKER. The question is on the motion of the gentleman from Virginia that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9533, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. JONES. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill may be dispensed with. Is there objection? [After a pause.] The Chair hears none.

[Mr. JONES addressed the committee. See Appendix.]

Mr. MILLER of Minnesota. I will ask the gentleman if he does not think the committee had better rise at this time?

Mr. JONES. I suppose we might as well. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of rural credits, and to append thereto an editorial by Mr. Clarence Poe, editor of the Progressive Farmer, a very distinguished editor, on the same subject.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on the subject of rural credits, and to print as a part of his remarks an editorial. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks on the Agricultural bill. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8067. An act to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes; and

H. R. 10750. An act permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

ADJOURNMENT.

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 3, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Commerce, submitting facts relative to health conditions in Department of Commerce Building (H. Doc. No. 1079); to the Committee on Appropriations and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of J. C. Hendricks, administrator of Samuel Houston, deceased, v. The United States (H. Doc. No. 1080); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MORRISON, from the Committee on Patents, to which was referred the joint resolution (H. J. Res. 209) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes, reported the same without amendment, accompanied by a report (No. 622), which said joint resolution and report were referred to the House Calendar.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 14725) authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes, reported the same without amendment, accompanied by a report (No. 624), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 5221) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 621), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7221) granting a pension to Caroline G. Yockel, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and a memorial were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 15283) authorizing and directing the Secretary of the Interior to grant 210,000 acres of nonmineral land to the State of Oklahoma for the benefit of agricultural and mechanical colleges therein established under

the act of July 2, 1862, entitled "An act donating public land to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," as amended by the act of July 23, 1866; and authorizing the Secretary of the Treasury, upon the Secretary of the Interior certifying that there are not sufficient lands in Oklahoma to comply with the aforesaid acts, to pay to said State of Oklahoma, in lieu thereof, the sum of $262,500 in order to secure to said State the benefits of said acts; to the Committee on the Public Lands.

By Mr. CROSSER: A bill (H. R. 15284) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. TILLMAN: A bill (H. R. 15285) to appropriate the sum of $5,083.40 out of the United States Treasury to lay and construct a 30-foot strip of asphaltic concrete pavement around the United States post office in the city of Fayetteville, Ark.; to the Committee on Appropriations.

By Mr. KEARNS: A bill (H. R. 15286) authorizing the Secretary of War to deliver to the village of Tobasco, Clermont County, Ohio, one condemned bronze or brass cannon, with the carriage and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. TIMBERLAKE: A bill (H. R. 15287) authorizing the addition of certain lands to the Colorado and Pike National Forests, Colo.; to the Committee on the Public Lands.

By Mr. DEMPSEY: A bill (H. R. 15288) fixing the manner of filing applications for patents and of issuing patents thereon; to the Committee on Patents.

By Mr. LOFT: A bill (H. R. 15289) to regulate the use of alcohol in the manufacture and production of perfumery and toilet waters; to the Committee on Ways and Means.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 214) increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916; to the Committee on Appropriations.

By Mr. ROWE: Joint resolution (H. J. Res. 215) to provide for the purchase of the painting by J. Walker representing the capture of the City of Mexico; to the Committee on the Library.

By Mr. DYER: Memorial of the Legislature of the State of Missouri, requesting Congress to provide a separate and comprehensive plan for the control of floods in the Mississippi Valley; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. COLEMAN: A bill (H. R. 15290) granting a pension to John H. Dale; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 15291) granting an increase of pension to John Wayland; to the Committee on Invalid Pensions.

By Mr. DALE of New York: A bill (H. R. 15292) granting a pension to Harry Kraft; to the Committee on Pensions.

By Mr. DALE of Vermont: A bill (H. R. 15293) granting a pension to Mary Clapper; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 15294) granting an increase of pension to Daniel Z. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15295) granting an increase of pension to Henry Borghardt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15296) granting a pension to Caroline Pemberton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15297) granting a pension to Margaret Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15298) granting a pension to Elizabeth Stafford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15299) granting a pension to Mrs. Surilda Slavens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15300) granting a pension to William J. Walker; to the Committee on Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 15301) granting a pension to Harriet E. Fellows; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15302) granting an increase of pension to Albert M. Gotwalt; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 15303) granting a pension to Maria Martin Ballou; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 15304) granting a pension to Mrs. C. L. Jennings; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 15305) granting an increase of pension to Margaret E. Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15306) granting an increase of pension to Michael Russell; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 15307) granting an increase of pension to Daniel Hornberger; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 15308) granting an increase of pension to Sabra W. Williams; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 15309) for the relief of the heirs of J. M. Barry, deceased; to the Committee on War Claims.

By Mr. WOODS of Iowa: A bill (H. R. 15310) granting an increase of pension to Frederick Mayer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 15228, for relief of Sarah E. Thomas; to the Committee on Invalid Pensions.

By Mr. BACHARACH: Memorial of American Hardware Manufacturers' Association, relative to floods of the Mississippi River; to the Committee on Rivers and Harbors.

Also, memorial of citizens of Ridgewood, N. J., relative to preparedness; to the Committee on Military Affairs.

By Mr. BURKE: Petitions of citizens of Port Washington and St. John's Evangelical Church, of Hartford, both in the State of Wisconsin, protesting against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Brotherhood of Painters, Decorators, and Paper Hangers, Local Union No. 876, of Watertown, Wis., favoring House bill 6871, relative to convict-made goods; to the Committee on Labor.

By Mr. CURRY (by request): Petition of 81 citizens of the third California district, against bill for Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Retail Merchants' Association of Richmond, Cal., against revenue tax on notes and checks; to the Committee on Ways and Means.

By Mr. DALE of New York: Memorial of Board of Aldermen of New York, favoring adequate preparedness; to the Committee on Military Affairs.

Also, memorial of International Association of Machinists, indorsing the Tavenner bill; to the Committee on Labor.

Also, petition of American Association for labor legislation, favoring the McGillicuddy bill; to the Committee on Labor.

Also, memorial of House of Representatives of New York, in re flood control; to the Committee on Flood Control.

Also, petition of a resident of Greenwich, Conn., favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. EAGAN: Memorial of citizens of Ridgewood, N. J., favoring preparedness; to the Committee on Military Affairs.

By Mr. EMERSON: Memorial of Ohio Senate, on flood control; to the Committee on Flood Control.

By Mr. ESCH: Memorial of American Hardware Manufacturers' Association, in re flood control; to the Committee on Flood Control.

Also, memorial of United Military Order of America, favoring adequate preparedness; to the Committee on Military Affairs.

By Mr. FLYNN: Memorial of Board of Aldermen of New York, favoring adequate preparedness; to the Committee on Military Affairs.

Also, petition of Plattdeutscher Volksfest-Verein, of New York, against war with Germany; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the Federation of Belgian-American Societies, of Chicago, Ill., favoring adequate preparedness for national defense; to the Committee on Military Affairs.

Also, petition of Arsenal Lodge, No. 150, of the International Association of Machinists, of Watertown, Mass., opposing the Taylor system of shop management in Government shops; to the Committee on Labor.

Also, memorial of the Legislature of the State of Illinois, relative to flood control; to the Committee on Flood Control.

By Mr. HILL: Petition of Jacob Yeterian, of South Norwalk, Conn., favoring resolution to set a day upon which to raise

funds for relief of Armenians; to the Committee on Foreign Affairs.

Also, petition of Stamford Aerie, No. 579, Fraternal Order of Eagles, and James G. Blaine Council, Junior Order of United American Mechanics, of Stamford, Conn., favoring House bill 6915, relative to retirement of aged postal employees; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Memorial of George Chessman and 46 other citizens of Salem, Ohio, against the Taylor system in Government shops; to the Committee on Labor.

By Mr. LONDON: Petition favoring the Tavenner bill, abolishing the so-called Taylor efficiency system in Government establishments, from Arsenal Lodge, No. 150, International Association of Machinists, Watertown, Mass.; to the Committee on Labor.

By Mr. LOUD: Petition of Herrick Methodist Episcopal Sunday School, of Wise, Mich., for passage of Senate joint resolutions 55 and 64; to the Committee on the Judiciary.

Also, petitions of Herrick Methodist Episcopal Sunday School, of Wise, and H. A. Brewer and Methodist Episcopal Church of Maple Ridge, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAGEE (by request): Petition of sundry citizens of the State of New York, favoring House bill 8665, against the Taylor system in Government shops; to the Committee on Labor.

By Mr. MAPES: Petition of 24 citizens of Grand Rapids, Mich., against the Taylor system in Government shops; to the Committee on Labor.

By Mr. PATTEN: Memorial of Board of Aldermen of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. PRATT: Petition of photographers of the southern tier section of the Professional Photographers' Association of New York, assembled in Elmira, N. Y., favoring the creation of a tariff commission and the establishment of sufficient tariff to encourage the manufacture of all chemicals, dyestuffs, etc., needed in America; to the Committee on Ways and Means.

By Mr. RANDALL: Petition of Lincoln Hoe Methodist Episcopal Church, of Pasadena, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce of Los Angeles, Cal., urging the building of railroads and wagon roads in Alaska; to the Committee on the Territories.

By Mr. ROWE: Memorial of Republican county committee of New York, indorsing the Griffin bill; to the Committee on the Post Office and Post Roads.

Also, memorial of the Merchants' Association of New York, in re the extension of the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Brooklyn, N. Y., in re foreign affairs; to the Committee on Foreign Affairs.

Also, memorial of New York State Retail Jewelers' Association, indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SNELL: Memorial of William Dilcox, of Ogdensburg, N. Y., protesting against the passage of the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

Also, resolution of the Woman's Home Missionary Society of Centenary Methodist Episcopal Church, of Malone, N. Y., urging the passage of the Gillett bill prohibiting the exportation of intoxicating liquors to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. WASON: Petition of Rev. Harvey C. Sawyer, of Penacook, N. H., and 43 other residents, all within the second New Hampshire congressional district, favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION

OF THE

SIXTY-FOURTH CONGRESS

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PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, FIRST SESSION.

SENATE.

WEDNESDAY, *May 3, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray for divine guidance in the discharge of the duties of this day. We would not follow those paths that at last reveal our folly and the necessity of retracing our steps. We would keep pace with the onward progress of mankind. We know the only path that we shall not have to retrace is the path that leads to God, the author of our being, the judge of all men, the governor of the universe, the lover of the souls of men. Do Thou, O God, guide us this day in the paths of righteousness. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

THE FOREIGN TRADE (S. DOC. NO. 426).

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, a summary of the facts and recommendations embodied in the detailed report of the commission's investigation into trade conditions in and with foreign countries where associations, combinations, or other conditions may affect the foreign trade of the United States, which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, with amendments, in which it requested the concurrence of the Senate; that the House insists upon its amendments, asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. JONES, Mr. GARRETT, and Mr. TOWNER managers at the conference on the part of the House.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereon.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 8067. An act to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes; and

H. R. 10750. An act permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River, in the State of Montana.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Immanuel Lutheran Church, of Rock Island, Ill., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

Mr. JOHNSON of South Dakota presented a memorial of sundry citizens of Davis, S. Dak., remonstrating against the severance of diplomatic relations with Germany, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented memorials of sundry citizens of Bakersfield, Rosamond, San Diego, and Mojave, all in the State of California, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Outdoor Art League, of San Jose; the Woman's Civic Club of Fortuna; and of the California State Federation of Women's Clubs, all in the State of California, praying for the establishment of a national park service, which were referred to the Committee on Appropriations.

Mr. GALLINGER presented petitions of sundry citizens of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Captain Ira Stowell Camp, No. 10, United Spanish War Veterans, of New Port, N. H., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of Mount Prospect Council, No. 16, Junior Order United American Mechanics, of Plymouth, N. H., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. THOMPSON presented a petition of sundry citizens of Pittsburg, Kans., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of Olathe, Kans., praying for the creation of a tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the Utopian Club, of Gove City, Kans., praying for an investigation into the conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. PAGE presented memorials of Pomona Grange, Patrons of Husbandry, of Castleton; of Green Mountain Grange, No. 1, Patrons of Husbandry, of St. Johnsbury; of J. S. Morrill Pomona Grange, Patrons of Husbandry, of South Royalton; of Teago Grange, No. 324, Patrons of Husbandry, of South Pomfret; and of Pomona Grange No. 295, Patrons of Husbandry, of Northfield, all in the State of Vermont, remonstrating against any change being made in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

Mr. LANE presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. WEEKS presented petitions of the Fidelia Musical and Educational Corporation, of West Roxbury; of 250 residents of Clinton; of the Schiller Verein Corps, of Clinton; of Boylston Schul Verein, of Jamaica Plain; of the Turn Verein Corps, of Clinton; of 30 citizens of Lynn; of 85 citizens of North Attleboro; of the Harugar Association, of Lawrence; of German-American Alliance of Turners Falls; of German-American Building Association of Lynn; of John Devoy Branch, Friends of Irish Freedom, of Boston; of 600 citizens of Webster and Dudley; of Lyra Singing Society, of Lawrence; of the Brohsinn Singing Society, of North Attleboro; of Celtic Association of Lowell; of Socialist Club of Holyoke; and of sundry citizens of Watertown and Cambridge, all in the State of Massachusetts, praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Brookline, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Retail Grocers and Marketmen's Association of Fall River, Mass., praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Jamaica Plain (Mass.) Indian Association, remonstrating against the enactment of legislation to change the methods of administering Indian affairs, which was referred to the Committee on Indian Affairs.

Mr. CLAPP presented memorials of sundry citizens of Becker County, Minn., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Montevideo, Minn., remonstrating against making appropriations for sectarian purposes, which was ordered to lie on the table.

Mr. WARREN presented a petition of the Wyoming Stock Growers' Association, praying for the restoration of live-stock products to the dutiable list, which was referred to the Committee on Finance.

He also presented a petition of the Wyoming Stock Growers' Association, praying for the continuance of the work of destruction of predatory wild animals on forest reserves and public lands, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Wyoming Stock Growers' Association, praying for the classification and disposal of the remaining public lands, which was referred to the Committee on Public Lands.

Mr. THOMAS presented memorials of sundry citizens of Colorado, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Radcliffe, Iowa, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Parkersburg, Iowa, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Hawkeye, Iowa, remonstrating against making appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Oskaloosa, Iowa, praying that the United States remain at peace and remonstrating against an increase in armaments, which was referred to the Committee on Foreign Relations.

Mr. POINDEXTER presented a petition of the congregation of the Presbyterian Madrona Church, of Seattle, Wash., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. SHEPPARD presented a memorial of the American Embargo Conference of Yoakum, Tex., remonstrating against the severance of diplomatic relations with Germany, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a telegram, in the nature of a memorial, from J. C. Nicholson, president, and W. M. Hoffman, secretary, of the Baltimore Preachers' Meeting, of Baltimore, Md., remonstrating against making appropriations for sectarian purposes, which was ordered to lie on the table.

Mr. LEA of Tennessee presented petitions of sundry citizens of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Robertson and Sumner Counties, in the State of Tennessee, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Robertson and Sumner Counties, in the State of Tennessee, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Benton County, Tenn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Trades and Labor Council of Nashville, Tenn., praying for the printing of the report of the Commission on Industrial Relations, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (S. 4054) to reorganize and increase the efficiency of the personnel of the Hospital Corps of the United States Navy, and for other purposes, reported it without amendment and submitted a report (No. 410) thereon.

He also, from the same committee, to which was referred the bill (S. 4307) to prevent the disclosure of national-defense secrets, reported it with an amendment and submitted a report (No. 411) thereon.

He also, from the same committee, to which was referred the bill (S. 3521) to establish a United States naval reserve, reported it with amendments and submitted a report (No. 412) thereon.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendments and submitted reports thereon:

S. 4761. A bill providing for the classification, appraisal, and disposal of certain lands within the former Fort Peck Indian Reservation, Mont. (Rept. No. 413);

H. R. 7817. An act to validate the homestead entry of George S. Clark (Rept. No. 414); and

H. R. 228. An act to amend the United States homestead law in its application to Alaska, and for other purposes (Rept. No. 417).

Mr. THOMAS, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 2744. An act to correct title to certain lands in Colorado (Rept. No. 415); and

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7 (Rept. No. 416).

Mr. CHILTON, from the Committee on the Census, to which was referred the bill (H. R. 4767) authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, reported it with amendments and submitted a report (No. 418) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 107) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce, reported it with amendments and submitted a report (No. 419) thereon.

THE METROPOLITAN POLICE.

Mr. JAMES. From the Committee on the District of Columbia I report back favorably without amendment the bill (S. 5892) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and all acts or parts of acts amendatory thereof, be, and the same is hereby, amended to read as follows:

"SEC. 3. That the Commissioners of the District of Columbia are hereby authorized, empowered, and directed to maintain a force of detectives, to consist of 24 men, who shall have the rank of lieutenant, and who shall be promoted to the detective force from the present detective sergeants of the Metropolitan police of the District of Columbia, and such 24 lieutenants shall receive an annual salary of $1,600; that no member of the detective force shall be removed therefrom except on written charges and after an opportunity for defense on the part of the detective against whom charges are made: *Provided*, That the Commissioners of the District of Columbia may assign any member of the detective force to the uniform rank of the Metropolitan police of the District of Columbia, with rank and pay of a lieutenant in the uniform branch of the service, and the Commissioners of the District of Columbia are further authorized and empowered to detail to the detective force such number of privates as may, in the judgment of the commissioners, be necessary and proper for special service in the detection and prevention of crime, and while serving in such capacity they shall have the rank of acting lieutenants in the detective force."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REED:

A bill (S. 5832) for the relief of Washington Irving Chambers, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. OLIVER:

A bill (S. 5833) for the relief of the Bethlehem & Nazareth Passenger Railway Co.; to the Committee on Claims.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5834) granting a pension to Annie Murray (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5835) granting an increase of pension to Lucy C. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 5836) granting an increase of pension to Henry J. Porter (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5837) granting a pension to John H. Dorsey; and

A bill (S. 5838) granting an increase of pension to Alonzo Rose; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 5839) to repeal paragraph 4 of section 21 of the public-buildings act, approved March 4, 1913, providing for the construction of a national archives building; to the Committee on Public Buildings and Grounds.

By Mr. CHILTON:

A bill (S. 5840) to retire Dr. Charles Lee Baker on pay; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHAFROTH submitted an amendment providing that there be granted to each of the States in which forest reserves are situate unappropriated nonmineral public lands in amount equal to one-tenth of the total area of the forest reserves in that State to aid in the construction and maintenance of public roads, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. WEEKS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12931), which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

GOOD ROADS.

Mr. WORKS submitted three amendments intended to be proposed by him to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, which were ordered to lie on the table and be printed.

THE RESTORATION OF PEACE IN EUROPE.

Mr. NEWLANDS. I offer a substitute for Senate resolution 172 for reference to the Committee on Foreign Relations. I ask that it be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the resolution.

The resolution was read and referred to the Committee on Foreign Relations, as follows:

Substitute for Senate resolution 172 submitted by Mr. NEWLANDS.

Resolved, That the people of the United States of America consisting for the most part of the children by birth or descent of the warring nations in Europe, view with profound distress the continuance of a war, calamitous to all and beneficial to none.

From the small beginning of a movement made by a Teutonic State to punish a Slav State for an alleged conspiracy against its national life, resulting in the assassination of its Crown Prince, the most destructive and frightful war in history has resulted.

The distinguishing characteristics of this war include on the part of each participant the disclaimer of responsibility for its commencement or continuance, the assurance that it is not animated by a desire for conquest, the declaration that it is fighting for its national life, and mutual protests against dominant individual militarism either on land or sea.

The frightfulness of the past two years has surpassed the predictions of the most sinister imagination. The warring nations are dimly conscious of the terrors of the future, through the experiences of the past, but interlocked in the deadly but indeterminate struggle of the trenches, can not stop to deliberate. The continuance of the war means loss to all and gain to none. The only hope of peace lies apparently in the exhaustion of all, accompanied perhaps by a barren victory for the power whose exhaustion is least complete. Victory so attained will be at a stupendous cost, far exceeding its value, and this the only result of continued warfare will be the common deterioration of race and impoverishment of condition.

The Senate of the United States, conscious that this Government owes a duty to posterity in the maintenance of the long-established principles of civilized warfare as applied to neutral rights, and fearful lest it be drawn into the vortex, seizes this opportunity when its relations with one of the warring powers are in the balance, to urge the combatants who are now conducting the world's tragedy to express in some concrete form without acrimony, taunts, or threats, what proposals can be made the basis of a desired peace, and to suggest to the Teutonic Powers, that having accomplished the declared purpose of the war, the punishment of Servia, they may, without imputation of weakness, make such reasonable proposals regarding the restoration of the status quo, the gradual reduction of military burdens, and the substitution of reason for force in the adjustment of international disputes, as to command the favor and impress the judgment of the people of the neutral and warring nations.

CONDITIONS OF RAILROAD EMPLOYEES.

Mr. NEWLANDS. I ask immediate consideration of a resolution, which I send to the desk, calling upon the United States Board of Mediation and Conciliation for certain information regarding strikes that is very necessary to have. It is a short resolution.

The resolution (S. Res. 181) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the United States Board of Mediation and Conciliation be, and is hereby, directed to furnish for the use of the Senate a report upon wages and working conditions of railroad employees as affected by arbitrations under the act of Congress approved June 1, 1898, entitled "An act concerning carriers engaged in interstate commerce and their employees," and the act of Congress approved July 15, 1913, entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees."

THE FEDERAL RESERVE LAW.

Mr. OWEN. Mr. President, the Comptroller of the Currency has had occasion to answer various attacks on the Federal reserve act and upon the administration of his office, and I desire to ask permission to have his answer put in the RECORD for the information of the country.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

OFFICE OF THE COMPTROLLER OF THE CURRENCY,
Washington, April 19, 1916.

The Wall Street Journal, in its news columns on April 7 and in its editorial columns on April 8, contained articles attacking the Comptroller of the Currency and his administrative acts and criticizing features of the Federal reserve law and the national-bank system, and incidentally the Federal Reserve System.

In a letter to the Wall Street Journal, under date of April 19, the comptroller emphatically denies each charge or criticism, dissects and corrects the newspaper errors, and supports his denials with verbatim extracts from court decisions and official figures.

The following is a copy of the comptroller's letter referred to:

WASHINGTON, *April 19, 1916.*

EDITOR WALL STREET JOURNAL,
New York City.

SIR: Every public official with reasonably good sense and clear conscience welcomes criticism of his official conduct and opportunity to compare his own judgment with that of impartial or hostile observers. I assume that every newspaper of the high character and real importance of the Wall Street Journal is glad to have its errors corrected, and to be told the facts of any question it discusses.

In your issue of April 8 you say, editorially, under the heading "Watch Mr. Williams," meaning me, that I am "being watched" to determine my fitness for my position as Comptroller of the Currency "by the legal trial arising out of Mr. Williams's activities, animosities, and persecution of the Riggs National Bank in Washington."

This vigilance is slightly belated. The legal trial supposed to involve my "activities, animosities, and persecution" of the Riggs Bank was determined 11 months ago, when Justice McCoy, of the Supreme Court of the District of Columbia, after hearing evidence intended to support the charge that the Secretary of the Treasury, the Treasurer of the United States, and myself had conspired to injure the Riggs Bank, declared from the bench on May 21, 1915, that the charge was not sustained and dismissed it.

The court, in denying the prayer of the Riggs officials, plainly suggested, so far from there having been any "animosity and persecution" on the part of any Government official, as alleged in your editorial, that "the malice was the other way"; and that "if there was any bad blood," "there is nothing here to show that the two defendants," the Secretary of the Treasury and the Comptroller of the Currency, "were the aggressors in the matter."

Let me also call attention to a further excerpt from the aforesaid decision of May 21, 1915:

"It seems to me, on the record that is made here before me now, that the Government officials would have been remiss if they had consented to permit the bank (Riggs) to act as agent for a new applicant bank, because, I think, for the purposes of this motion, always—now, I am not passing on the ultimate merits of the case—there is evidence here of persistent violations of the law, and that they began not with Mr. Williams's incumbency of the office (and that has another bearing, perhaps, on the question of what animated Mr. Williams), but they began before he came there, and there is evidence that they are continuing until this day; and even if the comptroller is wrong about what kind of a bank ought to have Government deposits (namely, a so-called commercial bank or stock-exchange bank), even if those features were not in there, the other features of violations of the law are in there; and

I should say that he was quite right in determining to take out those deposits or at least to say that there should not be any further selection of this bank as a reserve agent."

The two questions now pending in that case are, Whether the court has the right to review the acts of an administrative officer; and if it has such right, whether the fine of $5,000 imposed on the Riggs Bank by me for failure to comply with the law, as I understand it, shall be enforced or set aside. These are the issues at this writing pending in the civil suit.

In the criminal court the pending issue is whether the chief executive officers of that bank—its president, C. C. Glover; one of its vice presidents, W. J. Flather; and its cashier, H. H. Flather (who resigned the day the indictments were handed down)—committed perjury in their sworn denial of the charge that the bank had been engaged in the business of buying and selling stocks. These officers were indicted by the grand jury for "felonious, willful, malicious, and corrupt" false swearing. With this criminal case I am not concerned; it is with the Department of Justice. Its results can not affect me in any way.

Neither case can be tried or determined in the newspapers or decided on ex parte statements.

It is a little difficult to imagine the foundation for your statement that the Senate had not "opportunity to form their judgment of his (my) fitness for office by a thorough investigation." The Senate committee did investigate all charges, aspersions, and criticisms presented, and found in each and every case that they were without the least justification. After several days spent in examination the committee made a favorable report, and my nomination was confirmed by the United States Senate, in which at that time there were nearly as many Republicans as there were Democrats, with but one dissenting vote, and the one Senator voting adversely subsequently stated that his opposition was based on economic and not on personal reasons. The hearings before the Senate committee were printed and were made a public document.

There was no pledge or promise beyond the usual oath of office. Therefore your intimation that there was a "promise that he (I) would not be swayed by prejudice or engendered animosities" also is without foundation in fact.

You said that, apparently, I am "not concerned whether a bank makes any money or not"; that it is my business to "increase expenses, fine the directors, and adjust the bank accounts according to his own ideas."

Along this same line you published on April 7 as a news article the assertion that under the new system bank examination is being found much more expensive by the national banks, and that "in most cases the banks are being assessed from three to four times what they were under the national-bank act."

Further, in your editorial of April 8 you intimate that my alleged harshness toward the national banks is causing them to "slip their circulation and United States bonds, take out State charters," and quit the Federal Reserve System.

The official records clearly contradict your editorial and news assertions and intimations.

Let us take a look at the facts. First we will take up the cost of national-bank examinations. Under the old system national banks in reserve and central reserve cities, with assets of $1,000,000 or less, paid a fee for examinations ranging from $56 to $70, according to the amount of their capital stock and resources.

Under the operations of the Federal reserve act the same banks are paying a fee ranging from $36.50 to $44.50.

Banks with resources of $1,500,000 to $10,000,000 in reserve and central reserve cities paid for their examinations under the old system a fee ranging from $75 to $200.

Since the passage of the act the fee for banks of this size has been reduced, and ranges from $54.50 to $224.50.

As only 38 per cent of the national banks in reserve and central reserve cities have resources in excess of $10,000,000, it is thus seen that 62 per cent of the banks in reserve and central reserve cities are now paying for their examinations less than they paid under the old plan, though the examinations are far more thorough and efficient than they ever were before.

A bank with assets of $25,000,000 and capital in proportion in reserve and central reserve cities formerly paid a fee of $410.

The fee now paid by such a bank is $524.50, an increase of 28 per cent, which is fully warranted by the additional time consumed by the examiners and the greater thoroughness of their examination.

A bank in reserve and central reserve cities with resources of $50,000,000 and capital in proportion paid a fee of $710. Under the new arrangement such a bank paid $1,024.50, an increase of 44 per cent; but probably no one will contend that $1,024.50 is an excessive fee to charge for the character of examinations which is now being given by this department to a $50,000,000 bank.

The cost of examining banks with assets in excess of $50,000,000 is also greater under the present plan than formerly. But of the 7,600 national banks in the United States only 32 banks, or less than one-half of 1 per cent of the total banks, at the time of the December 31, 1915, call, had assets in excess of $50,000,000. Of these 32 banks 31 were located in reserve and central reserve cities.

Let us now consider the changes made in the cost of examining country banks, or banks outside of reserve and central reserve cities. Under the old system the fees for the examination of country banks with assets of less than $3,000,000 and capital in proportion ranged from $20 to $75.

Under the present system the fees range from $26 to $84.50, the increase being from $6 per bank for the smaller banks to $9.50 per bank for banks with resources of $3,000,000 and a capital in proportion. Under the old system the statutory fee was in many cases wholly inadequate to compensate the examiner for the time employed by himself and in some cases several assistants in making an examination.

The banks to whom these rates apply embrace 6,939 banks, or 96 per cent, of the total of 7,238 country banks.

The country banks, however, with resources in excess of $3,000,000 and capital in proportion, constituting about 4 per cent of all country banks, which under the old system were charged a regular fee of $75, irrespective of resources, are now being charged a compensation in proportion to the resources of the bank, so that a country bank with, say, $5,000,000 of resources, which formerly paid $75, now pays $124.50, and a bank with $10,000,000 of resources pays $224.50; that is an increase of $149.50. But will you seriously contend that a fee of $224.50 for a thorough examination of a bank with $10,000,000 of assets is excessive? Do you think that such a bank could really be properly examined at a cost not exceeding the old fee of $75? On December 31, 1915, there were only 23 country banks in the United States having resources in excess of $10,000,000. These country banks are charged for the examinations a regular fee of $25 plus 2 cents per $1,000 of assets in excess of $25,000.

It must be remembered that under the fee system examiners were required to pay traveling and other expenses from the statutory fee received. The fee system to a very large extent was conducive of superficiality in examinations, the earnings of the examiner being dependent upon the number of examinations made. The tendency of the old plan was to speed up the work of examination at the expense of thoroughness.

This temptation is removed under the present method of compensation, and now an examiner can be depended upon to devote as much time to each bank as is necessary to make a thorough and efficient examination.

When it is thus shown that 62 per cent of all national banks in reserve and central reserve cities are now paying for their examinations less than they paid under the old system, and that 96 per cent of all country banks are only paying increases ranging from $6 per bank (30 per cent increase) to $9.50 per bank (13 per cent increase), will you not admit the gross injustice and inaccuracy of your statement that "in most cases the banks are being assessed from three to four times what they were (paying) under the national-bank act"?

The Federal Reserve Bulletin for March printed a table showing the cost of national-bank examinations before and since the passage of the Federal reserve act. This table, a copy of which I inclose, shows the cost of such examinations, both in central reserve and reserve cities and also in country banks.

The increases under the new system are in some cases really less than those shown in the above-mentioned table of standard costs, because under the old system a fee slightly above the regular rates was charged for bank examinations in certain Western States. The difference between the new and old plans because of these exceptional cases is thus further reduced.

This table was doubtless received at your office; and it so completely disproves the allegations of your editor that it is to be regretted that it was not consulted before he made his sweeping and inaccurate statement that "in most cases the banks are being assessed from three to four times what they were under the national-bank act."

In your article of April 7 you say:

"It is understood that the new schedule fixed by the comptroller is a charge of $25 for the first $25,000 of a bank's assets and 3 cents for each additional $1,000 of assets."

Permit me to call your attention to your error in adding about 50 per cent to the fee really being charged. The charge is not 3 cents for each additional thousand, but 2 cents for each additional thousand over $25,000 plus the minimum charge of $25; and the charge for each additional thousand dollars of assets has been 2 cents since November 16, 1914, except that for the first examination of each bank made after November 16, 1914, a 3-cent charge was made.

As an instance of your exaggeration let me point out that the fee charged national banks, in addition to the minimum charge of $25 per bank, would amount, for two examinations a year, on the present basis of resources, at 2 cents per thousand, to $745,000, whereas you say you "understand" that the fee is "3 cents" per thousand, which would amount, on the present resources, to $818,000 per annum for the same number of examinations. You then proceed to criticize such excessive cost, which, of course, has no existence except in the columns of your paper.

The president of a large national bank, paying practically the maximum percentage of increase paid by any bank in the country, expressed to me a few days since his unqualified approval of the new system, and declared that the examinations which are now being made by national-bank examiners were about as thorough and efficient as it was possible to make them; and that, in view of these thorough and complete examinations, his bank had given up its established custom of having examinations made by certified public accountants, and had thus been relieved of considerable expense.

I know of no foundation for the statement in your article of April 7 that—

"In the cases of banks in the central reserve cities the comptroller had devised an elaborate system whereby the banks were assessed according to their average net deposits for the previous five reports."

Apparently some one has imposed upon you. Your statement is entirely incorrect.

You also say:

"A number of instances are reported of national-bank officials refusing to pay the examination charge when sent in."

That statement is also without foundation. No bank in the United States, so far as I am informed, has refused to pay any of the bills for examination rendered by this office.

You remark that "at present the national banking system is a minority in the banking power of the country." It may not be out of order for me to point out that the resources of the national banks of this country are now three times as great as the aggregate resources of the 14,598 State banks at the time of the last available report on State banks, June 23, 1915; that the resources of these national banks are also more than three times as great as the aggregate of all the great mutual savings banks of the country as of the same date.

Your attention is also called to the fact that the resources of the national banks are more than twice as great as the aggregate resources of the 2,700 trust companies, loan companies, and private banks at the time of their June, 1915, report. Furthermore, in response to your suggestion as to the "minority" position of national banks, let me observe that the increase in resources of national banks in the past 12 months not only exceeds in the aggregate the increase reported in the three-year period from 1912 to 1915 by all State banks, trust companies, savings banks, private banks, and loan companies of the United States, but the ratio of increase in national-bank resources in the past 12 months was about five times as great as the average ratio of increase in all State banks and trust companies and savings banks for the three-year period named.

Your further suggestion that the national banks may "begin to fall away" and that "self-preservation might induce a stampede" is met and demolished, I think, by the official figures, which show that during the period of a little over two years that I have had the honor of holding office as Comptroller of the Currency the resources of the national banks have not only shown the greatest increase ever shown in any like period, but this increase in these two years and two months has been practically as great as the greatest increase ever before shown in any five-year period since the beginning of the national banking system.

My nomination was confirmed by the Senate January 19, 1914. The resources of the national banks on the call of January 13, 1914, were $11,296,000,000. Their resources March 7, 1916, were $13,832,000,000. The number of banks reporting on the call of January 13, 1914, which happens to be the day my nomination as comptroller was sent to the Senate, was 7,493. The number in operation January 19, 1916, exactly two years after my confirmation by the Senate, was 7,622. The increase in capital and surplus profits from January 13, 1914, to March 7, 1916, was $850,000,000; increase in deposits same period, $2,397,000,000.

While it is not suggested for a moment that "Mr. Williams's activity" was responsible for the tremendous progress, growth, and development of the national banking system which has been coincident with my term of office, these figures seem to demonstrate that my administrative acts have not in any way weakened or diminished the prestige and power of the system over which the law has given me certain supervisory powers.

Of 50,000 directors of national banks I never have fined one in my two years and two months in office as comptroller. I have called on banks to bring suit against their directors in certain cases where banks, acting through directors contrary to the instructions of this office and without authority of law, have engaged in stock speculations which have involved heavy losses to the innocent shareholders of these banks, and for which losses the United States Supreme Court has clearly and unequivocally decided that directors are liable. In certain of these cases directors, rather than stand suit, have paid back personally to the injured banks large sums of money on account of such losses. I assume that if these directors had not realized that they had been guilty of unlawful acts for which their banks had suffered and for which they were liable they would not have paid from their own pockets these large sums.

Should I go outside of or beyond the law the banks could appeal to the law to protect them and to call me down and punish me. When I fail to enforce the law as knowingly allow any bank to transgress it, I fail in my duty and can and should be punished by the Government and the courts. I can require nothing of the banks that is not justified by the law. Banks are operated by intelligent men, advised of their legal rights, and courts are open to them for redress whenever they have any reasonable grounds for suspecting that they are being persecuted or that unfair exactions are being imposed on them. It is inconceivable that such men would submit meekly to illegal and harsh or injurious treatment and content themselves with anonymous complaints to newspapers.

I can not imagine that they emulate the more violent and reckless Socialists and labor agitators by claiming that they can not trust the courts and the laws to protect their rights and give them justice. Certainly I am not a czar with power to disregard the law, and the national bankers are not serfs debarred from invoking the law's protection.

I can not present a single requirement without authority under the statutes enacted by Congress. I can do nothing I am not commanded to do by law or expected to do under my oath of office and by consideration for the welfare of the banks and of their stockholders and depositors and the general public. It is no pleasure to provoke anger and bitter criticism by responsible citizens, and no sane man will go out of his way without reason to invite maledictions.

Permit me to add just a few words apart from the record and direct reply. I understand clearly that I am censured severely and continually by men whose good opinion I would enjoy personally and officially. Also, having an individual sense of humor, I get some unofficial amusement from complaints against the administration and abominations of the comptroller's office, based on strange misunderstandings and misstatements and exaggerations. I am comfortably certain that when the banking community of the United States realizes the facts as they are and becomes used to the new conditions, it will accommodate itself to these conditions and concede that strict enforcement of the law is best for everybody. The order against overdrafts is an illustration of why I am optimistic. Many bankers complained against it bitterly. Now most of them understand that the overdraft business was dangerous and a growing menace. Some of them write or come to thank me for "playing goat" and allowing them to point their customers to the ruling and orders of my office as unanswerable excuse for declining to indulge them.

Probably many honest bankers had fallen into the habit of using their own discretion as to when the law should be twisted, evaded, or shaved a little for their own convenience or that of their customers. Conscious of their own good intentions they are impatient of restraint and rigid regulations and enforcement of the law. The obvious danger is that if men of prudence and character are permitted to stretch or ignore any part of the law, men who are imprudent and of less character will do likewise with results injurious to everybody. As the law itself may not discriminate, so officers of the law are forbidden to discriminate. When they undertake to be strict here and lax there, they betray their trusts and take serious chances of doing vast harm. It is like sanitary regulations in a city. They are useless unless applied universally. A best citizen permitted to disregard it and intending no harm may infect his entire neighborhood and community.

As an instance of what I have said of misunderstandings and misstatements and exaggerations, I invite the attention of the Wall Street Journal and its readers to its news article of April 7 and editorial of April 8, already cited, and to the contrasts between the statements and deductions contained in those articles and the facts as shown by the records.

Respectfully,

JNO. SKELTON WILLIAMS,
Comptroller of the Currency.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Jones	Newlands
Bankhead	Dillingham	Kenyon	Norris
Beckham	du Pont	Kern	Oliver
Borah	Gallinger	Lea, Tenn.	Owen
Brady	Gronna	Lippitt	Page
Bronssard	Hollis	Lodge	Phelan
Chamberlain	James	Martin, Va.	Pittman
Clapp	Johnson, Me	Martine, N. J.	Poindexter
Clarke, Ark.	Johnson, S. Dak.	Myers	Pomerene
Ransdell	Smith, Md.	Thomas	Wadsworth
Reed	Smith, Mich.	Thompson	Warren
Saulsbury	Smoot	Tillman	Williams
Shafroth	Sterling	Townsend	
Sheppard	Swanson	Underwood	
Simmons	Taggart	Vardaman	

Mr. KERN. I wish to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER], who is detained from the Senate on account of official business. I wish also to announce the unavoidable absence of the junior Senator from Illinois [Mr. LEWIS], who is detained from the Senate on account of illness. These announcements may stand for the day.

Mr. CURTIS. I desire to announce the absence of the Senator from Maine [Mr. BURLEIGH], on account of illness in his family. He is paired with the Senator from Nebraska [Mr. HITCHCOCK]. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

COMMUNICATION FROM REAR ADMIRAL FISKE.

Mr. TILLMAN. Mr. President, I send to the desk the communication received yesterday by yourself and referred to the Committee on Naval Affairs, which I ask to have printed in the RECORD after I have finished what I have to say.

Mr. President, it would be easy to show from official records how unreasonable and unjustifiable, too, Rear Admiral Bradley A. Fiske's utterances and attitude are. Those Senators who are curious to learn the cause and progress of this unseemly controversy between a high naval officer and his superior, the Secretary, can find all the facts in the hearings of the House Committee on Naval Affairs on pages 3825 to 3832, inclusive, and a very illuminating and instructive passage between Mr. OLIVER and Mr. BRITTEN is to be found on pages 3834–3836 of the hearings.

But Admiral Fiske will retire some time soon, and as a matter of duty to him I forbear to place all of this evidence in the RECORD. Yesterday, when the Vice President notified the Senate that he had received this communication from the admiral, I felt that it ought to go to the Committee on Naval Affairs to be examined before being read and given publicity. Following the same tactics he has before followed, Admiral Fiske had sent a copy of his communication to the Vice President, to one of his friends on the Naval Committee, and a garbled and incorrect report of what it contained appeared in yesterday evening's Times.

The Secretary of the Navy has nothing to conceal, and courts an investigation if one is demanded. Neither he nor his friends here like this kind of sniping or guerrilla warfare. Therefore, I content myself with asking that Admiral Fiske's letter to the Vice President be published in the RECORD, so that all may judge how little there really is to his utterances except malice and wounded vanity. Disappointed ambition, too, has had much to do with his conduct. He has brooded over what he supposes to be his wrongs until he seems to be obsessed, and I really feel sorry for him.

The VICE PRESIDENT. The communication will be printed in the RECORD.

Mr. LODGE. May I ask the Senator if he sent in the letter?

Mr. TILLMAN. The letter is at the desk.

The VICE PRESIDENT. The letter has already been ordered printed in the RECORD.

The communication is as follows:

UNITED STATES NAVAL WAR COLLEGE,
Newport, R. I., April 29, 1916.

SIR: 1. In a communication to the Senate, dated April 21, 1916, transmitting a copy of a letter dated November 9, 1914, to the Navy Department from me as aid for operations, the Secretary of the Navy makes the following statement:

"This communication was not furnished me and I did not know of its existence until long after it was written. I find upon inquiry that it was filed with the chief clerk without my knowledge that it had been written. Although Rear Admiral Fiske was in my office daily, he did not tell me that he had placed the communication on file. His article was written after the estimates for the Navy, as required by law, had been submitted, and I was left in ignorance of its existence, while Congress was considering legislation for the increase of the Navy and actually enacting legislation which has secured the best organization the Navy Department has enjoyed in its history. I was greatly surprised when I learned that a communication, deemed important enough now to be the subject of a Senate resolution, was not considered by its author of sufficient importance for him to present in person to me instead of depositing it, without acquainting me of his action, in the files of the Navy Department."

2. This statement constituted an accusation against me of a grave breach of official propriety—in fact, of actual underhandedness, of an attempt to conceal an important letter from the Secretary; while, as a matter of fact, I was always scrupulously careful never to permit him to receive or to remain under any mistaken impression or to be in ignorance of any important matter if I could prevent it.

3. The statement appeared in the New York Herald and in many other papers on April 23, 1916, and injured my reputation for fair dealing.

4. For this reason, I respectfully request permission to appear before such persons as you may designate and state facts which I and other officers remember very clearly and which are noted in my diary showing that there has been a lapse of memory on the part of the Secretary. In particular I wish to show the two following entires that appear in my diary:

"November 5 * * * I showed the Secretary a paper I had written to him stating Navy is unprepared and needs more men, more training, and a general staff. He made almost no comment on my paper, though he read it carefully. During conversation the Secretary referred to the time in early April, 1913," etc.

"November 10 * * * I showed the Assistant Secretary a copy of my letter to the Secretary on 'Unpreparedness of the Navy,' lack of training, lack of general staff, etc. He said it was bully, and he would keep it," etc.

5. Attention is invited to the fact that although the copy of the letter sent to the Senate was dated November 9, while the entry in my diary was November 5; yet nevertheless my diary shows that the contents of the letter was the same as the contents of the letter of November 9. My recollection is that I kept the letter on my desk a few days, intending to take up the matter again with the Secretary, but finally decided not to do so, but merely to file it; and that a fresh copy was made. The date was probably changed on this by inadvertence but no change was made in the letter beyond possibly some verbal alterations. Certainly no change was made in the character or purport of the letter.

6. I should also like to prove by my dairy that this letter was merely the concentrated essence of a great many oral conversations carried on frequently after the war began, in which I repeatedly urged on the Secretary the peril of the country and the need for more men, a general staff, and more progressive training.

7. In case you do not deem it wise to grant this request, I then ask you, as a matter of justice, to give this letter as much publicity as was given to the letter of the Secretary.

Very respectfully,

BRADLEY A. FISKE,
Rear Admiral, United States Navy.

To the PRESIDENT OF THE SENATE.

Mr. LODGE subsequently said: Mr. President, when the Senator from South Carolina [Mr. TILLMAN] presented a letter from Admiral Fiske, there was so much confusion in the Chamber—which I may say still exists—that it was impossible for me to hear all that the Senator said. Upon looking at the RECORD I find that I think he did some injustice to Admiral Fiske. The Secretary of the Navy has seen fit on one or two occasions to attack the veracity of Admiral Fiske. It was done before the House committee, and he did it again quite gratuitously, as it seemed to me, when he sent in the letter which was forwarded to the Senate in answer to my resolution.

Admiral Fiske is an officer of the highest rank, who has had an unblemished career in the Navy. He is engaged in no sniping, guerrilla warfare, but he has the desire that every honorable man has to protect his own reputation for truthfulness. That, I think, he has a complete right to do. The facts can easily be determined when they are all laid before the Senate.

I only wish to say this word, for I did not wish injustice done to a distinguished and patriotic officer.

AMERICAN INTERNATIONAL SHIPPING CORPORATION.

Mr. MARTINE of New Jersey. Mr. President, it seems to me on this bright and glorious May morning it would be a fitting time to bring some pleasant news to the Senate. Our Republican friends have had forebodings of disaster and ruin that would befall this country in consequence of Democratic legislation. I came across this news to-day, that I thought ought to be presented to the Senate. Our Republican friends told us when the banking bill was on that it spelled ruin. When the parcel-post measure was up, they told us it would be an absolute failure. They admit that one of the blessings of the land is the Postal Savings Bank System, which has proved a very great blessing and benefit. Lastly, the shipping bill, they said, was to drive everything off the ocean and spell ruin to the country, from one end to the other.

I find in to-day's New York Times that the Pacific Mail Steamship Co. plans quadrupling its stock; that the new capitalization is to consist of 20,000 preferred shares at $100 and 400,000 shares of common at $5; and that much of the money to be raised will be devoted to building new ships and buying others.

It goes on to say that the new preferred stock will be entitled to dividends at the rate of 7 per cent, which does not look much like ruin.

The old Pacific Mail Steamship Co. was in the process of liquidation when the seaman's law was passed and when the Southern Pacific's controlling interests were acquired by the American International Corporation and W. R. Grace & Co. The five largest vessels had already been sold to the International Mercantile Marine Co., but seven coastwise vessels, the largest of 7,800 tons displacement, were transferred to the new interests.

It goes on further to state that for the 12 months ending with February the total earnings of the Pacific Mail were $1,664,936 and the profits $371,488, against $271,264 the year before, showing a very general resuscitation and improvement. I submit it to my friends. Take good cheer and bless your hearts that the country has not gone to ruin; neither has the shipping interest on the Pacific coast.

I ask, Mr. President, that this article may be incorporated in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

PACIFIC MAIL PLANS QUADRUPLING STOCK—NEW CAPITALIZATION TO CONSIST OF 20,000 PREFERRED SHARES, AT $100, AND 400,000 COMMON, AT $5—COMPANY MEETING MAY 16—MUCH OF MONEY TO BE RAISED WILL BE DEVOTED TO PAYING FOR NEW SHIPS AND BUYING OTHERS.

A step preliminary to important developments in the resuscitated Pacific Mail Steamship Co was announced by the management yesterday, when a call was issued for a special meeting of stockholders to be held May 16. At this meeting an increase in the capital stock will be authorized, making the amount $4,000,000 instead of $1,000,000. New money is to be provided at this time to pay for three vessels recently purchased.

The enlarged capitalization will be equally divided into 20,000 shares of preferred stock, with a par value of $100, and 400,000 shares of common, with a par value of $5. There will be sold for cash immediately 17,000 shares of preferred for $1,700,000, and 30,000 shares of common at twice the par value, or $300,000, making a total of $2,000,000. This will leave in the treasury 3,000 shares of preferred and 170,000 shares of common, 200,000 shares of common being outstanding now.

The new preferred stock will be entitled to cumulative dividends at the rate of 7 per cent, and nothing can be paid on the common until a balance sufficient for three years' preferred dividends has been earned. Each stockholder will be allowed to subscribe pro rata to both classes of the new stock, on the basis of 0.085 of a share of the preferred, together with 0.15 of a share of common for each share of the old common stock held. The offer has been underwritten, without a commission, by the American International Corporation and W. R. Grace & Co., so that the full $2,000,000 of new capital is assured.

The old Pacific Mail Steamship Co. was in the process of liquidation, following the enactment of the La Follette seamen's law, when the Southern Pacific's controlling interest was acquired by the American International Corporation and W. R. Grace & Co.

The five largest vessels had already been sold to the International Mercantile Marine Co., but seven coastwise vessels, the largest of 7,800 tons displacement, were transferred to the new interests. They own much Pacific Mail stock, bought in the open market after the reduction in capitalization from $20,000,000 to $1,000,000, and are understood to own now about 75 per cent of the stock. Three new vessels, the *Venezuela*, *Colombia*, and *Ecuador*, built in Holland last year, have recently been purchased from the Royal Dutch West India Mail Line, to be put into service on the Pacific, running from San Francisco to Japan, China, and the Philippines, thus restoring the American flag to trans-Pacific service.

For the 12 months ended with February total earnings of the Pacific Mail were $1,664,936, and profits $371,488, against $271,264 earned last year. G. J. Baldwin, president, says revenues from the Panama line during the ensuing 12 months should exceed the earnings of last year and that the net revenue from the three new steamers should exceed the total net revenue from the balance of the fleet in the current fiscal year.

The American International Corporation is thought to own what amounts to a controlling interest in the International Mercantile Marine, having acquired, according to report, 30 per cent of the stock in the open market in the last few weeks.

Mr. GALLINGER. Mr. President, if there is such prosperity on the part of the private shipping establishments of the country, what is the need of the Government shipping bill, with which we are threatened?

Mr. MARTINE of New Jersey. That does not matter to me at all. I am in favor of Government ownership of the great public utilities of the country, whether they are prosperous or whether they are otherwise, as individual interests. I do say, however, that is no argument against my proposition. I say that the charge of eternal prostration, the wiping off the seas of the shipping interest, is too extravagant, and the facts do not warrant the assertions of our Republican friends on the other side.

Mr. GALLINGER. Mr. President, this is not the first time the Senator from New Jersey has said that he is in favor of the Government going into private business.

Mr. MARTINE of New Jersey. No; it is not the first time, and if I am spared, it shall not be the last time.

Mr. GALLINGER. If the Senator will permit me to conclude my sentence, I wish to say that I know the Senator's impetuosity, and we all appreciate it. We understand that the Senator is in favor of not only Government ownership, but of Government operation, of pretty much everything in this country; but the Senator knows as well as I do that a great deal of the so-called Democratic prosperity is nothing but battle-field prosperity, and that it is due to the European war, and nothing else.

Mr. MARTINE of New Jersey. I will answer that by saying that to some degree, unfortunately, much of it comes from the strife and carnage on the other side of the water, and I would sacrifice every farthing of it rather than have the strife and carnage continue; but, aside from that, there is a very general and healthful prosperity in this land. Outside of the branches of business stimulated by the European war, I say again, as I said a few days ago, great prosperity prevails in many industries, and amongst them I may mention the sewing-machine industry and the jewelry industry, which the Senator laughed at and ridiculed—such jewelry, he said, as is made in New Jersey, though when he stops to think he must know that practically all of the jewelry of the great marts of trade is

made in Newark. Only last Saturday I had occasion to go back to New Jersey, and I passed, being hauled along on the Baltimore & Ohio Railroad, 10 superb locomotives, and stopping at a station I asked if they were for shipment abroad or where were they going. The agent in charge there replied that they were not for shipment abroad, but were made at the Baldwin Locomotive Works and one other works, whose name I can not now recall, for the use of the railroads in this country. He said, "We are clogged with business and we have to multiply methods of transportation." That is my answer to the Senator from New Hampshire.

It is just as easy to say "good times" as it is to say "bad times," and it will be so much more truthful and you will be so much happier.

Mr. GALLINGER. Mr. President, we all rejoice in the Senator's good feeling over the prosperous times that exist in this country to-day; and I would be the last man in the world to take from the Senator from New Jersey any enjoyment that he gets out of these newspaper clippings which he inserts in the RECORD; but I will make the suggestion to the Senator that the answer to all this will be made at the polls in November next, and I refer the Senator to that time that is coming.

Mr. MARTINE of New Jersey. Mr. President, the Senator from New Hampshire refers to my newspaper clipping. I think it was only two days ago—I think it was on Monday last—that the distinguished and delightful Senator from New Hampshire introduced something of a newspaper clipping, or at least a clipping from somebody else, upon the tariff question. I want to ask with what authority can the Senator from New Hampshire arrogate to himself more truth in his clippings than there is in mine? My clipping was not a Democratic clipping. I took this clipping from the New York Times; and we do not think that the New York Times preaches the gospel of Democracy.

Mr. LANE. Mr. President, I should like to ask the Senator from New Jersey if he really does not think he is taking a rather unfair advantage of the Senate at this time during the absence of the senior Senator from Pennsylvania [Mr. PENROSE]?

Mr. MARTINE of New Jersey. But the junior Senator from Pennsylvania [Mr. OLIVER] is here, and God knows he has profited richly and he will stand up and defend all their profits and all their schemes of legislation. I would not for the world take advantage of the Senator from Pennsylvania [Mr. PENROSE].

GOOD ROADS.

Mr. BANKHEAD. Mr. President, has morning business closed?

The VICE PRESIDENT. Morning business has closed.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7617, commonly known as the good-roads bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. JONES. Mr. President, I want to reply to the suggestion of the Senator from New Jersey [Mr. MARTINE] a moment ago and shall occupy just a minute. I did not exactly get the character of the article which the Senator asked to have put into the RECORD; but as I understood it, it was a statement to the effect that a company was going into the shipbuilding business to place ships upon the Pacific Ocean.

Mr. MARTINE of New Jersey. That they had bought many ships and were organizing to buy still more.

Mr. JONES. I hope that that is true. We need the ships over there, but I am always a little bit dubious about such statements in the newspapers.

I remember that last fall, along about September or October, the statement was made in the papers by Mr. Manson—I think Mr. Peter Manson, or, at least, a gentleman whose communications were used very largely to press the shipping bill here a few years ago—that he was going within six months to put a line of steamers on the Pacific Ocean. I have heard nothing more of that since. I do not know whether he is one of these men or not.

Mr. MARTINE of New Jersey. I do not know; I do not recall the name.

Mr. JONES. I did not have very much hope of those ships going on at the time, but I do hope that the ships to which the Senator from New Jersey has referred will be put on.

The Senator also suggested that, despite the predictions made with reference to the effect of the La Follette seamen's bill, shipping was developing. I am not opposed to the La Follette seamen's bill, but I do want to call attention to the actual situation as it is on the Pacific coast, and especially at Puget Sound, with reference to the operation of our ships under the law as it now is. I have here a telegram from the Chamber of Commerce of Seattle, dated April 6, and reading as follows:

SEATTLE, WASH., *April 6, 1916.*

WESLEY L. JONES,
United States Senate, Washington, D. C.:

Have just telegraphed Secretary Redfield the following: "Shipping from Puget Sound greatly hampered by inability to secure sailors under seamen law. Thirteen loaded vessels detained from 3 to 11 days. This, in face of prevailing scarcity of tonnage, is producing commercial crisis. When honest effort to secure crew demonstrates that certified seamen are not available, is it not possible to permit clearance of vessels with such crews as they can secure? Owners already refusing to send ships to Sound because of situation. When vessels in such demand as to-day, then are compelled, after loading, to lie idly by, and when additional vessels that could otherwise be brought here refuse to come, condition becomes desperate." Please cooperate with other members of Washington delegation.

SEATTLE CHAMBER OF COMMERCE,
J. E. CHILBERG,
Chairman Foreign Trade Committee.

The telegram was confused a little in transmission, but I have an office copy of it here, and I think its meaning is plain. I have also a copy of a telegram sent to Secretary Redfield by the Merchants' Exchange of Seattle, under the date of March 27, and reading as follows:

SEATTLE, *March 27, 1916.*

Hon. WILLIAM C. REDFIELD,
Secretary of Commerce, Washington, D. C.:

Due entirely to section 13 of seamen's bill, eight sailing vessels loaded with lumber for foreign trade have been delayed a total of 53 days owing to inability to secure certified seamen. Some have been permitted to clear without full compliance with law. Two vessels are now waiting for crews not obtainable owing to seamen's bill. This is detrimental to our commerce and principal industry. There has been no delay in clearing Japanese vessels or vessels from British Columbia, our competitors. We earnestly request suspension of the section until Government can offer relief by better legislation.

MERCHANTS' EXCHANGE OF SEATTLE.

Mr. President, when I received these telegrams I wrote a letter to the Secretary of Commerce asking whether or not the department had any official information that the facts stated in these telegrams were correctly stated, what action the department had taken, and whether, if it found the facts to be as set out, it was disposed to suggest any remedy or legislation to Congress. In reply I received this letter from the Acting Secretary of Commerce:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, April 11, 1916.

MY DEAR SENATOR: In the absence of Secretary Redfield, your letter of April 7, 1916 inclosing copy of telegram dated April 6, 1916, sent you by the Seattle Chamber of Commerce, J. E. Chilberg, chairman foreign trade committee, has been referred to me. In your letter you state that you have received other telegrams to the same effect and have also seen statements in the papers that vessels have been delayed many days and have finally been permitted to sail without complying with the law. You then ask what official information the department has with reference to this state of affairs and what steps are being taken to remedy the situation, also what are the prospects of success. Further, "If the department does not have ample authority under the law to meet the situation, does it contemplate submitting any suggestions to Congress?"

A telegram from the Seattle Chamber of Commerce was received by the department late in the evening of April 6, 1916, and on April 7, 1916, the following telegraphic reply was sent:

"APRIL 7, 1916.

"SEATTLE CHAMBER OF COMMERCE,
"Seattle, Wash.:

"The law is explicit. Department has no power to suspend or annul it. Congress alone can alter the law. Department must enforce law to fullest extent of its power. Due consideration will be given facts in each case when officially ascertained.

"_____,
"Acting Secretary."

On the same day, or the following one, Congressman HUMPHREY of Washington sent a copy of a similar telegram received by him from the Seattle Chamber of Commerce, and requested information in regard to the matter and the attitude of the department, which was given him over the telephone by Mr. Thurman, the Solicitor of the department. During the last month a number of telegrams were received by the department from masters of vessels, principally at Seattle and Portland, stating that, owing to the shortage of men, they were unable to procure the number of able seamen required under the seamen's act, and requesting permission to sail without such compliance with the law.

While you are, of course, aware that the department has no power whatever either to suspend or modify any of the provisions of the law, the following procedure was adopted by Secretary Redfield in the matter of these requests:

On the receipt of each one the substance of it was immediately telegraphed to the collector of customs at the port and also to the board of local inspectors of the Steamboat-Inspection Service, with instructions to investigate and report to the department immediately. At the same time a copy of the request was forwarded to the Department of Labor, with the request that it cause an investigation to be made by its inspector of immigration and a report submitted. If these reports corroborated that of the master, and it appeared evident that the master was unable to procure the required number of seamen, the vessel was then allowed to clear, the department taking the position that while it had no right or power to suspend or modify the provisions of the law, still, the latter were not to be considered as requiring the impossible. The situation in Portland and Seattle was found, in, I think, all of the instances, to be as reported, and the vessels were allowed to clear.

I do not believe that Secretary Redfield contemplates submitting any suggestions to Congress in regard to the seamen's act, believing, as he does, that any changes in the law should originate there.

If there is anything further in this matter you desire, please advise me.

Very truly, yours, E. F. SWEET,
Acting Secretary.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

Mr. President, that shows the condition of the ships which desire to sail from Puget Sound with reference to compliance with the seamen's law.

The Secretary states that he does not think that the law requires the impossible, and yet, according to the statement here, the law is not being complied with; the law is not being enforced. I am not saying that the Secretary is not doing what is right, so far as that is concerned. It seems that the law can not be complied with; but it does seem to me that under such circumstances it is the duty of the department to suggest the situation to Congress for its consideration. Congress does not know whether the law is being complied with or not unless we get some such report as this.

The situation appears to be that the law is not being complied with; and, according to the department, it is impossible to comply with it. It appears to me, therefore, that the subject ought to have some consideration. I am not prepared to say that section 13 of the law should be repealed. I voted for the seaman's law. I had some doubts about the benefits that would come under section 13, and I had some fears about the difficulties that would arise, apparently just as they have arisen; but it does seem to me that we ought to give the matter some consideration. It can be seen how it is vitally affecting the shipping of Puget Sound.

I have here a letter from the Chamber of Commerce of Seattle, setting out quite fully the situation there and giving the names of vessels, the delays occurring, and so forth. I shall read just an extract from that letter. It is as follows:

Eleven American sailing craft have during the past three weeks been delayed in departure by from 3 to 12 days. In like manner, four vessels under other flags have been detained from 7 to 21 days.

The letter gives facts concerning other vessels, which I will not take time to read; but it does disclose a situation and a condition which ought to have some attention, it seems to me, and some consideration, not only by the department but by Congress. I ask, Mr. President, to insert in full the letter from the chamber of commerce with reference to the situation.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The letter referred to is as follows:

NEW SEATTLE CHAMBER OF COMMERCE,
Seattle, Wash., April 17, 1916.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SIR: Your attention is respectfully called to the attached copy of a letter to Chairman ALEXANDER, of the House Committee on the Merchant Marine and Fisheries, from the chairman of the foreign-commerce department of the Seattle Chamber of Commerce. This communication is written as a result of the replies received from the Department of Commerce direct and through members of the delegation, to the effect that the seaman's law is mandatory and permits no modification of terms in its administration.

Yours, very truly, C. B. YANDELL,
Executive Secretary.

NEW SEATTLE CHAMBER OF COMMERCE,
Seattle, Wash., April 17, 1916.

Hon. JOSHUA W. ALEXANDER,
Chairman Committee on the Merchant Marine and Fisheries, House of Representatives, Washington, D. C.

DEAR SIR: While Congress is asked to pass on the question of Government ownership and operation of merchant ships, Puget Sound is confronted with the problem of moving vessels now in existence, loaded with cargo ready for sea.

Eleven American sailing craft have, during the past three weeks, been delayed in departure by from 3 to 12 days. In like manner four vessels under other flags have been detained from 7 to 21 days. The list includes:

Name of vessel.	Nationality.	Number of days delayed for crew only.
Star of Holland	American bark	5
Xona	American schooner	6
H. K. Hall	do	6
Geneva	American brigantine	7
Jane L. Stanford	American barkentine	11
Irene	American schooner	3
E. R. Sterling	American barkentine	12
Blakeley	American schooner	10
A. J. Fuller	American ship	8
Mather Turner	American schooner	5
W. J. Patterson	do	7
Mario	Peruvian bark	11
Quatro Hermanos	do	11
Celticburn	British ship	(1)
Algoa Bay	Peruvian bark	7

[1] About 3 weeks.

(Above list has been furnished by the Merchants' Exchange of Seattle, representing shipping interests.)

Here it appears less a question of additional ships and more one of the privilege of operating those we now have. These delays are also preventing owners from sending other vessels to Puget Sound because of the fear of similar tie-up.

Shipping men blame the seamen's law. It is difficult to attract sailors of any kind when forbidden to pay them an advance on wages, as had always heretofore been the custom. It is impossible in most cases to find the requisite number of certified men. It is impracticable for some of the foreigners, such as the Peruvian captains, to sign a crew qualified under the language test. It is annoying, after spending days in an honest effort to comply with the law, to be compelled to apply to Washington for permission to clear, and to deposit $500 to cover whatever fine may be assessed for violation of the requirements.

The shipper, on the other hand, is exasperated. The rates he has to pay and the difficulty of obtaining bottoms impress him with the necessity of keeping all available ships under way except while actually loading or discharging. When he sees loaded vessels lying idly by in the face of the clamor for more space to carry our products, he inquires as to the cause. Then he learns that the owners of other boats have refused to send them to Puget Sound on this account, and that still more are likely to refuse to come for freight that is ready.

An American steamship of one company, attracted from the coastwise trade by the prevailing high trans-Pacific rates, began loading at San Francisco for the Orient and was intending to come to Puget Sound for cargo awaiting her here, but did not do so because the company had learned of the delays experienced by vessels at this port, and was afraid to invite such a risk. Another vessel of the same company will soon be sent from this coast across the Pacific, but will not, we fear, come to Puget Sound for freight, unless some very definite assurances can be given of freedom from annoyance.

Another American steamship of still another company, carrying a nonunion crew, was deserted by most of its sailors at San Francisco upon arriving there a short time ago. The owners attribute these desertions to the influence of representatives of the unions. The ship proceeded to Puget Sound with only four deck men when it should have had eight, and with but one of these men a certified seaman. It made an earnest effort to secure a crew on the Sound, seeking nonunion men, as all of its ships are operated in that manner. Failing to find them, it reported to the collector of customs that it could not obtain certified sailors. Meanwhile the office of the collector had been advised that the unions could furnish certified men. With the knowledge that there were certified men to be had, the collector was unable to permit clearance. The company then faced the dilemma of either signing on a full union crew (as would be required by the unions) and discharging the men who had stood by the ship, or by holding up sailing until it would become possible to find nonunion men, such as have always been employed. The experience is causing the company in question to give serious consideration to the curtailment in its service to this port.

The six-mast American barkentine *E. R. Sterling*, owned in Seattle, cleared a few days ago with a cargo of lumber for Australia with but one certified man in its crew. It was unable to sail for fully 12 days after completing its cargo. The captain and owner underfook, long before the loading was finished, to obtain sailors. They found this practically impossible in the absence of authority to make an advance on wages. Capt. Sterling, in a statement to the collector of customs under date of March 20, said: "I have endeavored to secure crew without advances by offering increase in wages, but without success, the seamen claiming they require clothing and want to pay their board bill."

These delays do not come to the official knowledge of the collector of customs. This is for the reason that a ship master does not, as a rule, apply for clearance until he has a crew with which he is willing to go to sea. When applications have been made here, the collector of customs has promptly recommended by wire to Washington that they be granted. This has been done in every case upon receiving the deposit of $500 to cover fine. But the delay arises nevertheless from the fact that the commander of the vessel must first satisfy himself by diligent effort that he can not find the certified men required by law. Having done so, he next undertakes to sign on whatever crew he can get.

Our investigations convince us that there are not enough certified seamen to handle available ships. The arrival of additional men is contingent largely on desertion from incoming foreign vessels and from other sources abroad. The number thus supplied is exceedingly small. As a result, shipping must either suspend or proceed openly and continuously to violate the law, except in the case of Japanese vessels plying across the Pacific, which have no difficulty in complying with the terms of the seamen's measure. But the Japanese can not help to relieve the coastwise situation and the demand in other directions.

Meanwhile our own laws, if not violated, prevent American citizens owning American ships from moving American commerce. Will Congress not endeavor to remedy this situation?

SEATTLE CHAMBER OF COMMERCE,
Chairman Bureau of Insular and Foreign Commerce.

Mr. MARTINE of New Jersey. Mr. President——

Mr. JONES. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. Mr. President, in response to the telegram read by the Senator from Washington, I wish to say that I have no doubt that the gentlemen on Puget Sound have telegraphed the conditions as they saw them; but I think it is shown pretty conclusively by the article which I have read in relation to the organization of great shipping interests at San Francisco and New York that the conditions are not as dire as the gentlemen who signed the telegram to the Senator would indicate.

There is no doubt that there may be some difficulty in making the new law operative; but I should like to ask, in the light of the experience we have had and in the light of the general knowledge we have had with reference to the shipping interests, whether the Senator from Washington would be willing to vote for a repeal of the La Follette law?

Mr. JONES. Mr. President, I stated a moment ago that I was not in favor of a repeal of the law. I would not vote for a repeal of the law in its entirety, and, as I said a moment ago, I am not prepared to say that I would vote for a repeal of section 13; but it seems to me there ought to be some modification of it.

Mr. MARTINE of New Jersey. I will not argue that modifications might not be made with good effect. No human law ever passed is perfect, and there is no law that might not be improved, perhaps, by amendment and modification. But my whole charge was in answer to the general direful tale that was told us by the gentlemen opposing this legislation. I am very happy to know that the Senator from Washington is one who voted for it, however. The general direful tale was not verified. When men put in two or three or four or five million dollars and buy ships, as they are buying them in San Francisco and other points in that vicinity, there is a brighter and a happier prospect than our friends on the other side would have us believe.

Mr. JONES. Mr. President, I simply wanted to express the hope that the promise made in this article would be fulfilled.

Mr. MARTINE of New Jersey. I have not a doubt of it.

Mr. JONES. A promise was made last fall that has never been realized; but I did especially want to call attention to the actual situation that exists on Puget Sound, and it does occur to me that if we do not propose to change that provision we ought to give the Secretary of Commerce some power and some discretion, so that in order to accomplish what ought to be done he will not have to violate the law to do it, because he is permitting these vessels to sail in absolute violation of the law. We ought to vest in him some discretion under which he can take these conditions into account, and not violate the law by allowing these ships to sail without the proper crews.

Mr. MARTINE of New Jersey. I certainly shall be most happy to cooperate with the Senator in regard to anything that will improve the law, but that will not mutilate or destroy it.

Mr. VARDAMAN. Mr. President, what is the question before the Senate?

The VICE PRESIDENT. The pending question is the amendment of the Senator from Montana [Mr. WALSH].

Mr. VARDAMAN. I wish we could consider that bill this morning. It is a matter in which we are all very much interested. I think it should be put through without taking up time in the discussion of irrelevant matters.

The VICE PRESIDENT. All in favor of the amendment——

Mr. JONES. Mr. President, is this the amendment of the Senator from Montana?

The VICE PRESIDENT. That has been pending now for 20 minutes.

Mr. JONES. Mr. President, I want to say a few words about that amendment. I think it ought to be adopted. I have not the amendment before me; but, as I understand, it is an amendment that appropriates a million dollars a year for 10 years to be expended in the construction of roads within forest reserves.

Mr. BANKHEAD. Roads and trails.

Mr. JONES. The building of roads and of trails. I am especially interested in the road proposition. If there should be special objection to the proposition with reference to trails, I must say that I do not insist upon that very strongly myself. I do not know just how the Senator from Montana feels with reference to that; but what I wanted to say a few words about was especially the proposal to advance this money for the purpose of using it in the construction of roads within forest reserves in the Western States, and its reimbursement from the proceeds of sales of timber from these forest reserves.

Mr. President, I doubt if the Senators from the East fully appreciate the situation with reference to these forest reserves. Take my own State, for instance. About 12,000,000 acres of the territory of our State is included within forest reserves. My recollection now is that we have a strip of forest-reserve lands extending clear across our State from north to south, with a width of a great many miles; I do not know just how many. In that territory we need roads. We need roads through the territory. In some sections, in the valleys, there has been considerable settlement, and schoolhouses have been built, and little towns, and farming communities, and all that sort of thing, but they lack roads; and there is but very little chance of getting these roads, because the lands can not be taxed. If these settlers have been able to get patents to their lands, of course their lands will be subject to taxation; but that is all. All the surrounding territory is not taxable, because it is owned by the United States and reserved by the United States.

Mr. VARDAMAN. Mr. President, may I ask the Senator from Washington a question?

Mr. JONES. Certainly.

Mr. VARDAMAN. What States would be materially affected by the amendment offered by the Senator from Montana?

Mr. JONES. I suppose Washington, Montana, Oregon, Idaho, Colorado, and possibly Wyoming and Utah; nearly all the Western States.

Mr. VARDAMAN. Is there any opposition to the amendment from those States?

Mr. JONES. I do not know of any. Of course, the amendment was just submitted to the Senate yesterday, but I do not know of any opposition to it. I can not see why there should be any opposition from any of those States, but I can see many reasons why they should be in favor of it, because, as I said, these lands are not subject to taxation, and the only way in which money can be raised for improvement inside the forest reserves is for the few people in there to bear all the burden. That is practically impossible; and we can not get access to these communities—people can not get in or get out—unless there is some help of some kind. The development of the forest resources of these forest reserves is greatly delayed and hindered and prevented because of the failure of communication of any kind, and if we could have something of this sort it would not only assist the people in the forest reserves but it would materially assist the Government in disposing of some of these great resources from which it hopes to realize a great deal.

The timber resources in my State are very great—probably greater than those of any other State in the Union—and, as I said, we have large forest reserves; but these forests can not be disposed of to very great advantage without communication. The Forest Service is not able to dispose of the forests that ought to be disposed of, very largely by reason of the lack of communication and because they can not, by reason of the conditions there, secure proper terms under which the forests can be harvested. There are many places where the timber is what we call merchantable timber, where it is ripened and matured, and yet there is no way to get it in or out, and so it dies instead of growing; it is decreasing instead of increasing, simply because we have not access to it.

Mr. GALLINGER. Mr. President, I was not present when the amendment was submitted yesterday, and I am not familiar with its details. Is this money to be paid entirely from the Federal Treasury?

Mr. JONES. It is to be advanced by the Federal Treasury and repaid out of the proceeds derived from the sale of the timber in the forest reserves.

Mr. GALLINGER. That is what I wanted to ascertain.

Mr. JONES. So, as a matter of fact, this will not cost the Government anything, and I think that statement will be demonstrated to be absolutely correct.

It may be said that we have made lots of reimbursable appropriations with reference to Indian reservations that have never been paid back, or at least not as yet. That is true; but that is not conclusive evidence that these moneys will not be paid back even from the Indian lands, because I know the conditions in a good many of the Indian reservations in the West, and I am satisfied that eventually these lands will pay back every dollar that the National Government has advanced; certainly if the Indian Office looks after them properly, as I have no doubt it will. But the resources behind this loan, if you want to call it such, are so stupendous and so great compared to the amounts advanced, that if these forests are handled judiciously at all they will be paid back without any doubt whatever. It is true that they may not come back so quickly as we might expect.

because the sale of this timber, in a way that makes its handling economical, and so on, is rather slow; but as I said awhile ago, this is largely because of the lack of communication, the lack of facilities for getting the timber out, getting at it and taking care of it. So I do not think there is any doubt about the repayment of this money eventually to the Treasury.

We get a small percentage of these receipts now for the building of roads. I understand the Senator from Alabama shakes his head at that.

Mr. BANKHEAD. I will show the Senator directly.

Mr. JONES. My recollection is that under the Agricultural bill a certain amount of the proceeds of the sale of this timber goes to the States for the construction of roads—10 per cent. If I am mistaken in that, I should like to be corrected, but I think it is absolutely correct. This 10 per cent is very small, and it amounts to very little. We can not do much with it. It is largely wasted. The Senator from Utah [Mr. SMOOT] says that the 10 per cent of the sale of forest timber amounts to about $250,000 a year. That amount, distributed among the various forest reserves, accomplishes very little. It will do something in the way of trails, and those are very necessary in the administration of the forest reserves; but so far as road building is concerned, it does not amount to very much. If we can get a substantial amount, under which they will have available a sufficient sum to do something, we will get better roads, we will get more for the money that is actually expended, and we will get access to the timber; and eventually this sum will all be reimbursed to the Treasury from the sale of these forest lands.

I am not going to take any further time. I do hope this proposition will meet with the approval of the Senate. It will not only benefit the different localities but it will also benefit the Government itself, because it will be largely used in the improvement of the Government property, and making available the resources of the Government.

Mr. BORAH. Mr. President, do I understand that the Senator who has the bill in charge thinks this amendment is an unwise one, and is opposed to it?

Mr. BANKHEAD. I think it is a very unwise proposition. I do not think there is any justification for it; and I hope to be able to show that when the Senators get through with their discussion.

Mr. BORAH. I will wait, then, until I hear the Senator's reasons. No reasons have yet been assigned why the amendment should not be adopted, and I should like to hear them.

Mr. WALSH. Mr. President, before the Senator from Alabama proceeds, I should like to answer the inquiry of the Senator from Mississippi as to the States which will be affected by this amendment. Every State in which there are forest reserves will, of course, be affected by the legislation. Those are the following: Arizona, Arkansas, California, Colorado, Florida, Idaho, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Porto Rico, South Dakota, Utah, Washington, and Wyoming.

I will say further to the Senator from Mississippi that I have canvassed the matter with most of the Senators from the States affected, and I have been unable to understand that there is any opposition to the amendment. Indeed, there is a very general demand from those States, as represented here in this body, for the legislation to be passed.

Mr. BANKHEAD. Mr. President, I am greatly grieved that I am compelled to resist the adoption of this amendment. My good friends the Senators from the West know exactly how kindly I feel toward them, and how much I sympathize with them in their unfortunate situation so far as Government reservations are concerned. I appreciate all that, and I hope very soon to be permitted to vote for a bill that will absolutely turn over all of these public lands to the States where they are situated—properly guarded, of course, as to their disposition—and let them apply the proceeds to the building of roads, to education, or to any other purpose the State may think wise and just.

I say, I hope I will be permitted to do that; but, Mr. President, this is a very different proposition. Here is a bill which contemplates the building of post roads—roads over which the United States mails are to be carried; and the bill provides how the amount thus appropriated shall be expended, and how it shall be divided among the several States. The committee were greatly troubled, in the consideration of this bill, to devise some plan by which the Western States to which I have alluded may have a just share of this appropriation; and we went beyond that and provided a scheme by which they will get more than their just share under any sort of considerations that can be presented here. We provide that population, road mileage, and area shall be the basis; and from the fact that these States are all large in area—we thought giving them that provision, as well as other States, of course—would certainly put them on an equality with every other State, if not give them an advantage over every other State.

Now, what are the facts?

Mr. WILLIAMS. And, Mr. President, in counting their area, you have counted forest reservations and all other reservations as a part of their area?

Mr. BANKHEAD. Of course.

Mr. WILLIAMS. So that they get part of the appropriation on account of the existence of these very things?

Mr. BANKHEAD. Of course.

Mr. President, under the provisions of this bill and the arrangement for the distribution of this fund there are 26 States in the Union that get less money than does the State of Montana. The State of Montana, Mr. President—and I instance Montana because my good friend the Senator from that State has introduced this amendment—has a total road mileage of 23,000 miles in round numbers. Of surfaced roads it has 100 miles. It has 146,000 square miles of area, nearly four times the size of the State of Alabama or Virginia or a number of other States that I could enumerate. All these miles include every forest reserve, and every other mile or acre of land within the State is included in this distribution.

Mr. BORAH. Mr. President——

Mr. BANKHEAD. In one minute. They have a population of 376,000, five times less than the State of Alabama or Virginia.

Mr. WALSH. Mr. President——

Mr. BANKHEAD. In one minute. Still the State of Montana, under the provisions of this bill, gets practically the same amount of money that Alabama or Virginia gets. There is a difference of only a few thousand dollars. Now I yield to the Senator.

Mr. WALSH. I merely desire to say in this connection that the Senator ought to double that amount for Montana at the present time.

Mr. BANKHEAD. Double what?

Mr. WALSH. The Senator is quoting from the census of 1910.

Mr. BANKHEAD. I do not know how much these States have increased in population, as far as that is concerned. This is the latest available authority. I yield to the Senator from Idaho.

Mr. BORAH. The Senator says he allows for the area covered by the forest reserves in our State?

Mr. BANKHEAD? Yes.

Mr. BORAH. Certainly the Senator would not think it fair to do anything else in view of the great extent of these reserves.

Mr. BANKHEAD. I think that is entirely fair.

Mr. BORAH. But we must have roads through those forests. The area is not without its need for roads simply because they are forest reserves.

Mr. BANKHEAD. You do not need any postal roads.

Mr. BORAH. When you come to postal roads, of course, the bill is not for that purpose. That is a constitutional peg upon which to hang the legislation. But the forest reserves need roads not alone for the convenience of the people who live in the State, but it is essential that they shall be there for the purpose of protecting the vast possessions of the Government itself.

Mr. BANKHEAD. Does not the Senator think it would be fair for the Government itself to build roads that are to be for the special benefit of the Government?

Mr. BORAH. But this is a step in that direction.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

Mr. BANKHEAD. I do.

Mr. WORKS. If this is a question of the construction of rural roads, as the Senator contends, what difference does it make how much each of the States may get out of it? Is it really a question as to how much they get or is it in good faith a proposition to improve rural roads?

Mr. BANKHEAD. Mr. President, I think both are absolutely right. The amount they get is one factor and the amount they need is another, as far as that is concerned.

Now, Mr. President, there are 26 States in this Union that have reservations of some kind, some of them large and others small. There are reservations in the States of Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. I do not mean to say that all these States have large areas, but they all have more or less. Some of them have an area that is extensive. I understand that, and I sympathize with the situation as fully as any man on this floor. But these States get 27 per cent of this total appropriation, and they get it largely because of the area that they have that is in forest reserves. They get it by reason of their general area, of course, including the whole of the State.

Mr. JONES. Mr. President——

Mr. BANKHEAD. I yield to the Senator from Washington.

Mr. JONES. I wish to suggest to the Senator that we get some credit for the area included in the forest reserves. Yet we do not get and never will get very much credit for the roads in that neighborhood, because they will not be constructed, as the other States get credit for the roads throughout all their area. The roads in the other States are constructed because it is possible to do it by reason of their ability to tax.

Mr. BANKHEAD. Mr. President, that statement does not enter into this at all. It is not considered.

Mr. JONES. A good many local roads are built by local taxation.

Mr. BANKHEAD. That is true; but that is voluntary.

Mr. JONES. That is all true enough, but you get credit for those roads in the apportionment of this fund. Roads in the forest reserves can not be constructed by local taxation, because there is no property subject to taxation, or there is a comparatively small amount.

Mr. BANKHEAD. I can hardly understand the Senator from Washington. The roads get credit certainly under the provisions of the bill.

Mr. JONES. There is an apportionment on the mileage of the road.

Mr. BANKHEAD. Do you not get credit for roads constructed all over the territory?

Mr. JONES. We do as to the amount.

Mr. BANKHEAD. Do you not get credit for the area?

Mr. JONES. Of course, we have the area, but where you have a large reservation equal to the area of some of our States you get credit for the full area; you get credit for roads built all over that area, whereas no roads are ever built unless some assistance is rendered.

Mr. BANKHEAD. That perhaps is true, but that situation exists in almost every State in the Union, as far as that is concerned. There are sections in every State of the Union where no road will be built under the provisions of this bill, but there will be a large area covered by it.

Mr. JONES. That does not grow out of the fact that the Government has reserved the land.

Mr. BANKHEAD. A good many States I have mentioned have small reservations. The White Mountain Reservation has millions of acres of land. A large portion of it is in Virginia and some in North Carolina. Nobody is contemplating building post roads under a situation like that.

Mr. President, I maintain that our good friends from the West ought to be satisfied with the provisions of this bill and the liberal consideration they have had in its preparation. It is not fair for them to come in here and say, "We want you to give us a million dollars a year or $10,000,000 as a total to build trails through these reservations or to build a few roads in these reservations over which we can bring out lumber and timber." That is not fair.

I understand the situation, Mr. President, about as well as anybody else. I can not find it in my heart to blame these Senators for wanting something for nothing and for wanting all they can get. That is human nature. But that proposition has no place in this bill.

The Senator from Montana and the Senator from Washington seriously contend that this is a loan; that sooner or later, some time or other in the great future they will pay it back by the proceeds of the sale of timber and for the rentals on these reservations, which at this time amount, they say, to $250,000 a year. Mr. President, I can not find it possible for me to believe that out of the $250,000, if they are to continue to collect it, any part of this loan will ever be paid with it. We have had a great deal of experience in this Government with loaning money to the States and in other places. I remember, a good many years ago, when the Treasury was plethoric, when it had a surplus, a law was passed authorizing and directing the Secretary of the Treasury to deposit that money with the States pro rata according to population, taxable values, and so forth. That was done, to the amount of $28,000,000 or $30,000,000. Has a cent of it ever been returned? Does anyone believe that a cent of it ever will be returned?

Mr. SMITH of Arizona. If it had been loaned to one State it might have been returned.

Mr. BANKHEAD. My friend suggests that if loaned to any one State it might have been returned, and I presume he has reference to his own great State. It would, of course, be able to pay it back.

Mr. SMITH of Arizona. They would make us pay it back.

Mr. BANKHEAD. They have not made anybody pay it back, and nobody has expected it. We passed two bills in Congress and finally directed the Secretary of the Treasury to charge it off, declaring by act of Congress that nobody expects that it ever will be returned to the Treasury.

Now, our good friends from the West have nothing to complain about here. They have nothing to complain about in the general treatment that Congress has accorded them during the 28 years that I have been a Member of Congress. I think they have been most liberally dealt with, except in the matter of the reservations that have been set apart in their States; and I agree with them that that is an outrage which ought to be corrected in some way or somehow.

Mr. BORAH. Mr. President, the Senator will agree with me that there is very little hope of its being corrected.

Mr. BANKHEAD. No; I do not. I agree with the Senator that there is no hope of its being done as long as these great and powerful Senators sit here and make no effort to do it. I ask the Senator if he has ever made any effort to do it?

Mr. BORAH. Yes. I have been trying to get even the agricultural lands excepted from the forest reserves for eight years. I have not made any effort to get the forest lands restored to the States; I simply endeavored to get the agricultural lands, the farm land, eliminated from the forest reserves. We can not do that. I would have no hope whatever of accomplishing more when it has been impossible to accomplish so sane and just a thing as to eliminate the agricultural lands. There are millions of acres in these reserves splendidly fit for farms.

Mr. BANKHEAD. You have been trying to do that through the Agricultural Department. Why do you not come here, where you always come when you want things?

Mr. BORAH. I have had bills pending here for four or five years on the subject, but I can not get any considerable support. I have no doubt I have the sympathy of the Senator from Alabama.

Mr. BANKHEAD. Yes; and the support.

Mr. BORAH. But if the Senator will look up the record a little more closely and observe what has been attempted here, he will find that the Senators from the West have been unable to even eliminate the agricultural land. We have introduced bills and amendments, but without success.

Mr. BANKHEAD. I understand. Have you a bill pending here in Congress for that purpose?

Mr. BORAH. I have had. I have offered it as an amendment two or three times.

Mr. BANKHEAD. I will make this proposition to the Senator: If he will prepare such a bill as they will agree upon, and if no Member of the Senate from that section will introduce it, I will do it and press it just as hard as I can.

Mr. BORAH. I am glad to have the influence of the Senator. Nevertheless, if the Senator had been up against the influence which kills all legislation looking even to a partial accomplishment of what the Senator suggests, he would not fail to appreciate the grim humor of his suggestion.

Mr. SMOOT. I wish to say to the Senator that most of the Senators from the West have been using every power at their command to stop further withdrawals on the part of the Government.

Mr. BANKHEAD. But where do you go? You go to the Agricultural Department and to the Interior Department, which have no authority.

Mr. SMOOT. No; we fight in committees and on the floor of the Senate against these further reservations and restrictions, and I want to say now to the Senator that I appreciate his friendship toward the West, and his vote is generally for the West.

Mr. BANKHEAD. In all cases.

Mr. SMOOT. We are simply trying to prevent the tying up of the balance of the lands in the Western States that is not already withdrawn from entry of any kind.

Mr. BORAH. I was not at all criticizing the attitude of the Senator from Alabama.

Mr. BANKHEAD. I am sure of that.

Mr. BORAH. I know the Senator from Alabama and a great many Senators upon the other side have always been friendly to the proposition of turning the public lands over to the States in which they are, respectively, located. There is a great deal more sentiment upon the other side, so far as that question is concerned, than upon this side, but there is not enough sentiment upon both sides to put it through this body.

Mr. BANKHEAD. Mr. President, the Senator from Idaho never can tell until he tries.

Mr. BORAH. The Senator from Idaho has tried.

Mr BANKHEAD. I have no recollection of it.

Now, Mr. President, I make this reference to that situation out in the West. The State of Alabama claims great credit—which she is entitled to not through me, but through my distinguished colleague—when the irrigation system, or the reclamation system, or whatever you call it, out there was before Congress in the other House. The committee was equally divided on reporting the bill out, and my colleague cast the deciding vote, and the bill was reported out. Therefore I think my State is entitled to some credit for that great work. I really do not think that our friends from the West ought to try to embarrass this situation by insisting upon putting an amendment like this on the bill. It seems to me that they ought to be satisfied with the justice that has been meted out to them in the preparation of the bill.

The State of Montana gets as much money as the State of Alabama or the State of Virginia under the provisions of the bill. The State of California gets nearly twice as much as the State of Alabama or the State of Virginia. The State of Minnesota gets nearly twice as much—she gets $2,190,000—and the State of Minnesota has very little of reserves there. The State of Oklahoma gets more than Alabama or Virginia or any one of almost 30 other States in the Union. The State of Washington gets $1,098,000, almost as much as Alabama, with our large population of 2,500,000 and our great number of miles of road. But they make it all up when you come to consider their area, which in all these States is very large, and that is entitled to be considered in any proposition like this. Wyoming gets $956,000; Arizona gets $1,076,000, with only a population in 1910 of 204,000 people.

Mr. SMITH of Arizona. Eleven hundred thousand and some at present.

Mr. BANKHEAD. This, of course, is taken from the census of 1910—the latest. The population in your State has increased, but here are the basic facts, Mr. President.

I want to repeat that in the preparation of this bill the committee gave this very question consideration. The Senator from Utah is going to offer a substitute for the bill which makes the distribution on population, road mileage, and taxable value, and it is my recollection that it eliminates area. Of course, I do not think the Senate will entertain that seriously, and I do not care to say anything more on the question at this time. If the occasion should arise a little later, and I should feel that it is necessary for me to say something further with reference to this amendment, of course I shall have to avail myself of the opportunity.

Mr. WORKS. Mr. President, the remarks of the Senator from Alabama prove conclusively the vice of this bill. It shows that the claim that the bill is intended for the purpose of improving the rural roads for the benefit of the Government is a mere pretense. The calculation and comparison of the amounts that are to be received by the different States shows that it is simply a question of how much the States can get out of the National Treasury. It is for that reason that I have found myself compelled to oppose the bill as a matter of principle and upon the ground that it is a distinct violation of the duty and obligation of the Government and of the spirit if not the letter of the Constitution.

The amendment offered by the Senator from Montana commends itself to me because it is a proposal to appropriate money for the benefit of the Government and to improve its own property. To that there should be no objection if this is in other respects a proper appropriation to be made at this time. I doubt that, Mr. President. This Government is looking about now for some means of raising the necessary revenue to run the Government. We are involved now in direct taxation for that purpose, and those taxes will inevitably have to be increased. The idea that the farmers of this country are getting benefits out of legislation of this kind that they themselves will not at some time have to meet is a delusion. The farmers are going to pay their full share of the $75,000,000 that are proposed to be appropriated by this bill; there is no way of escaping it. The appeal is made to Congress—and it is generally successfully made—that this is a bill for the benefit of the farmers; and the bill gets its support largely by reason of that fact.

Mr. BANKHEAD. Mr. President——

Mr. WORKS. I yield to the Senator.

Mr. BANKHEAD. I simply desire to ask the Senator from California to answer me this question: He says that the farmers will eventually pay their full share of the money that is to be employed in building these roads. We all concede that. Now, I should like to ask the Senator if he does not also think that the farmers will get back more than their full share by reason of the benefits that will come to them?

Mr. WORKS. Yes; I think that is quite possible; that is just exactly why this bill is being urged, because the farmers are going to get something out of it and not because the Government needs that the roads shall be improved. That is just the thing that I have been contending all along. We may just as well be frank and honest about this matter and admit that that is the purpose and object of the legislation; and it should be tested by that rule, as to whether the Government of the United States should be expending $75,000,000 upon any such principle or for any such purpose.

I was about to say that there is a question in my mind whether at this time the Government ought to appropriate $10,000,000 for the purpose mentioned in the amendment offered by the Senator from Montana, because of the financial condition of the Government that we can not overlook as a necessity that rests upon us to raise additional revenue by imposing additional taxes. In all other respects the amendment is entirely legitimate for the reason I have mentioned, that it is for the purpose of improving the property of the Government itself.

It frequently occurs—as I know it has occurred in my State—that the local authorities construct roads up to a certain point, where they strike Government property. They must either stop there or pay for the extension of the road over property owned by the Government, and which would be benefited by that portion, at least, of the improvement. Under those conditions it is perfectly fair and just that the Government should contribute its share toward the construction of the road. There could be no legal objection to it, nor any moral objection that I can see; and it is for that very reason, as I have said, that the amendment commends itself to me as being a proper and just amendment to the bill.

Mr. BORAH. Mr. President, the Senator from Alabama [Mr. BANKHEAD] pleads against this amendment upon the theory that it is inequitable, unfair, and unjust, and that finally it has no place upon this particular bill. Let me read again to the Senate the amendment, and we can perhaps better arrive at a conclusion as to whether it is inequitable or unfair. The amendment is as follows:

That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000 for the fiscal year ending June 30, 1917, and each fiscal year thereafter up to and including the fiscal year ending June 30, 1926, in all $10,000,000, to be available until expended under the supervision of the Secretary of Agriculture upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed 10 per cent of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest 10 per cent thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest.

This, as was stated by the Senator from Montana [Mr. WALSH] on yesterday, is really simply an advance—the Senator from Alabama smiles upon the theory that it will never be repaid; I know that is what the Senator thinks. Well, Mr. President, what is the situation in the West? The Government has withdrawn from public entry and consecrated to nonuse a territory as large as the original thirteen Colonies all combined. Growing upon this territory are the only virgin forests left in the world, and of incalculable wealth. All of this land has been withdrawn, it is said, for the purpose of protecting the natural resources of the country, particularly the great forests upon those lands.

What is the condition with reference to the question of preservation? Year after year, and even now, vast stretches of this timber is being burned and consumed, utterly to the extent of millions of dollars. If you will examine the reports of the Forestry Bureau and of those who have studied this question, you will find that this destruction, to a large extent,

is by reason of the fact that the Government does not furnish the means by which to protect the property; that it does not construct roads and trails into these great forests for that purpose. The result is that we have this vast holding of the Government, of incalculable value, and growing of greater value each and every year, without sufficient protection; and one of the most essential elements of protection is that of roads and trails.

We must expect, Mr. President, if the next year shall bring us such a misfortune as the year preceding brought us and the year before that and the year before that, that not only will there be $10,000,000 worth of property destroyed, but there will be a large amount in excess of this appropriation even for one year destroyed.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Idaho yield to the Senator from New Hampshire.

Mr. BORAH. I yield to the Senator.

Mr. GALLINGER. Mr. President, I have not familiarized myself with the administration of the national forests, and I will ask the Senator precisely what disposition is made of the funds that come from the sale of timber in those forests, and other matters that are disposed of, if there are any? Are they placed in the Federal Treasury?

Mr. BORAH. I am not able to state how the different funds are disposed of. I am not sufficiently familiar with that branch of the proposition to give figures.

Mr. WALSH. Mr. President, I think I can inform the Senator.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield to the Senator from Montana.

Mr. WALSH. Each Agricultural appropriation bill contains a provision to the effect that all avails are appropriated to carry out the general purposes of the forest reserves. So that everything that comes in is by that provision set aside and goes, so far as it may, to meet the general expenditures of the Forestry Service.

Mr. GALLINGER. And the funds are all exhausted, then, in work of that kind?

Mr. WALSH. Exactly.

Mr. GALLINGER. My thought was, that, if that were not so, it would be a very good idea to appropriate these funds to the very purpose that this amendment proposes, namely, the building of trails and roads through the forests; but if the funds are used in other directions and for the benefit of the Government, of course, I have no suggestion to make.

Mr. WALSH. Mr. President, I ought to say, further, in explanation that the act also sets aside 10 per cent of the fund to the specific purpose of constructing roads and trails. Of course the other provisions that it is all set aside for general purposes is subject to this specific appropriation.

Mr. GALLINGER. I was familiar with the fact that there was a 10 per cent allowance for some such purpose as this, but the thought in my mind was that we ought to provide that it all could be used for this very purpose.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. BORAH. I yield.

Mr. LANE. If the Senator will permit me, I will say that in the section of the country in which I live the timbered lands are mountainous and rough, and for the lack of roads and accessibility to the timber there is difficulty encountered by the Government in selling it. If they had roads which would enable them to get the lumber to market, they could sell the timber, but under present conditions they can not sell the timber for lack of roads, and because they can not sell the timber they can not secure money to build roads. That is about the situation.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. BORAH. In just a moment. Mr. President, I misunderstood the question of the Senator from New Hampshire [Mr. GALLINGER]. I knew that the fund as a whole was being drawn back and utilized in different ways to take care of what is called the conservation program, but I did not know the different subdivisions—that is to say, how much of it was used here and how much of it was used there—and so I was glad to have the suggestion of the Senator from Montana [Mr. WALSH].

Mr. BANKHEAD. Mr. President, I want to suggest to the Senator from New Hampshire, in connection with the question propounded by him, that, as I understand, the present receipts from the Forestry Service are $250,000 annually. It is proposed by the amendment of the Senator from Montana to appropriate $1,000,000 a year for 10 years for the purpose of constructing roads and trails in forest reserves, that amount to be reimbursed to the Treasury by the payment of 10 per cent of the revenues of the forest. Ten per cent of the $250,000 of receipts would amount to $25,000 a year to pay back an expenditure of $1,000,000 a year. That is the proposition. And I can not quite understand how it is hoped to pay it back, although it is insisted that it will be paid back.

Mr. BORAH. Mr. President, there is supposed to be security there of vast worth. It is not the presumption of those who are the advocates of conservation that this timber will all be ultimately burned and destroyed in different ways. The presumption is that it is of great value; and if we get roads and trails constructed we not only can protect the timber against fire, but we can finally utilize it in the market and secure a great revenue to the Government. That is their view.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. BORAH. In just a moment I will yield. Mr. President, if the view held by the Senator from Alabama and others who advance the proposition that this vast amount of timber will not pay $10,000,000 be correct, certainly we ought to discontinue the conservation program now without any further controversy or debate. The fact is——

Mr. BANKHEAD. I do not presume that the Government is going in to cut down the forests; the fact is they do not cut anything, as I understand, but the dead timber; and they do not put any other kind of timber on the market. They do not cut down the forests for commercial purposes, as I understand.

Mr. BORAH. They sell large portions of the forest to different buyers or purchasers; and the reason why they can not sell it to any better advantage or can not utilize it to any greater advantage to the Government is by reason of the fact that we are pursuing a penny-wise and pound-foolish policy, and not preparing ourselves to deal with the subject matter in an intelligent and effective way. You can not sell large bodies of timber when there are no means of getting the timber out. This would be a wise business proposition from any view.

Mr. FALL. Mr. President——

Mr. BORAH. I yield to the Senator from New Mexico.

Mr. FALL. I simply desire to suggest that the Secretary's report for this year shows a deficit in the administration of the forest reserves, over and above all receipts, of something more than $2,000,000, for which Congress must appropriate.

I think the Senator from Alabama misunderstands the policy pursued in selling the timber, as has been indicated by the Senator from Idaho who now has the floor. Not only are they selling matured timber in competition with the owners of timber on private land, but they are charged in some of the States—I think in the State of Washington, for instance—with selling timber only 6 inches in diameter; and not only do they meet competition, but actually it is charged that in some instances they sell timber at lower rates than the market price. As the Senator from Idaho has said, however, if they do not have roads in the forest, they can not develop the great timber resources, and naturally they can never arrive at the point where their income will equal their expenditure.

Mr. BORAH. Mr. President, the Senator from Alabama said he hoped at some time to have an opportunity to vote for a bill which would relieve the Western States of the situation in which they find themselves.

Mr. BANKHEAD. I am going to suggest to the Senator that, if he will prepare a separate bill containing the provisions of this amendment, I shall not object to voting for it; and if he will do that and have the bill referred to the Committee on Post Offices and Post Roads, I think I can promise him a report without any delay.

Mr. BORAH. Well, Mr. President, of course this amendment is an amendment offered by the distinguished Senator from Montana [Mr. WALSH].

Mr. BANKHEAD. Very well; I make him the same proposition.

Mr. BORAH. But the Senator from Montana doubtless feels that the best way for us to get what we are entitled to have is while somebody else is getting what he wants; and for that reason it is offered as an amendment to this bill, because this bill has a tremendous influence back of it which will likely put it through Congress. As a separate bill we would experience the same fate as other measures of relief for these few Western States.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield.

Mr. WALSH. Mr. President, I rise to advise the Senator from Alabama that some time ago I introduced a bill embodying the same idea, and it went to a committee, but I have not yet been able to get any favorable action upon it.

Mr. BANKHEAD. To which committee did it go?

Mr. WALSH. It went to the Committee on Agriculture, I presume, which is the proper committee to consider matters relating to the Forestry Service.

Mr. BANKHEAD. I am not a member of the Committee on Agriculture, and of course I do not know what action the Committee on Agriculture would take.

Mr. SMITH of Arizona. Such a bill would naturally go to the Agricultural Committee.

Mr. BORAH. If the matter is such as to command the support of the Senator from Alabama and meets his judgment and approval, and if he thinks it a wise and proper thing to do, I really do not see why it should not go on this bill.

Mr. BANKHEAD. I have not said that I thought it was a wise and proper thing to do, by any means. I said if the Senator introduced a bill, I thought I could get it reported back, and then he could take his chances on its passing.

Mr. BORAH. If I do not have the support of the Senator from Alabama in putting it through the Senate I am afraid his proposition would not be a very advantageous one. I would rather have his support now, if he feels the proposal is just and proper; but, of course, if he does not feel so, he will have to oppose it when it comes to the Senate floor.

Mr. BANKHEAD. Mr. President, the Senator from Idaho knows how I feel about this road situation and he knows how my heart goes out for him and his constituents in their unfortunate situation, but I can not consent to put this provision on this bill, because I do not think it is proper; I do not think it is equitable; I do not think it is just, after the liberal provision which has been made for the purpose contemplated in the appropriation bill.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. VARDAMAN. The Senator from Idaho is usually accurate in his calculations, and I have always found him very sane and patriotic. I want to ask him this question: Has the Senator an idea or an opinion as to the length of time that it would require, by using the 10 per cent of the revenues derived from the forest reserves, to reimburse the United States for this appropriation?

Mr. BORAH. No, I have not; but if the Senator asks that question upon the theory that it would take an interminable length of time, or that it would not be done at all, I do not believe that that is a correct conclusion to draw. Of course, I do not know how long it would take, but I ask the Senator, in return, for his candid opinion of this situation: Suppose the Senator had a vast forest, such as Uncle Sam has at this time in many of the Western States, and it was necessary to build roads and trails through that forest in order to preserve and protect it?

Mr. VARDAMAN. I should unhesitatingly build the roads just as I voted to build a railroad in Alaska in order that we might realize upon the resources of that wonderful country.

Mr. BORAH. I know the Senator voted for that, and I believe if he will analyze this he will vote for this amendment; but——

Mr. BANKHEAD. Mr. President——

Mr. BORAH. Just a moment. The truth is, if I may say so to the Senator from Mississippi, that this is nothing more in its last analysis than a proposition for the National Government to make a reasonable appropriation toward the preservation of its own property. At the same time it benefits those who are in the States, but vitally and substantially it is for the benefit of the National Government. It is an appropriation to take care of its own property, to build roads upon its own property for the preservation of its own property.

Mr. VARDAMAN. Will the Senator give me some information as to the extent of those reserves? I know they cover several States, but I should like to know the extent of the reserves, the area, and the probable value of the property.

Mr. BORAH. I can not give the Senator the acreage accurately, and I would not want to undertake it without having the figures before me.

Mr. VARDAMAN. I only want a general idea.

Mr. BORAH. But it is a tremendous territory. I have not the actual acreage in my mind now, but it is a tremendous amount of timber or timberland, supposedly, that is reserved, much larger than several of the Eastern States combined in area.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I do.

Mr. WALSH. I have the figures here, if the Senator would like them.

Mr. BORAH. I should be glad to have them.

Mr. WALSH. In the State of Arizona there are 13,318,690 acres, in California 26,000,000 acres, in Colorado 14,000,000 acres, in Idaho 19,000,000 acres, in Montana 18,000,000 acres, in Nevada 5,000,000 acres, in New Mexico 9,000,000 acres, in Oregon 15,000,000 acres, in Washington 11,000,000 acres in Wyoming 8,000,000 acres, or a total of 185,321,202 acres.

Mr. VARDAMAN. It occurs to me that with this immense area this small appropriation would go a very short way in building roads over it.

Mr. BORAH. It undoubtedly would not build the roads that will finally have to be built, but it is a step in the right direction, and a very important one. The Senator must bear in mind that these respective States are building costly roads which will, in effect, connect up these roads built through the forest reserves. In addition to that we have been building roads in the forest reserves for the last several years. But, Mr. President, as the Senator from Washington says, when you take into consideration the amount of roads which must be built in the United States, the amount which is appropriated in this bill is infinitesimal compared to what will finally be appropriated for that purpose. It is simply a step in the right direction. But in view of the figures which the Senator from Montana has given the Senate as to the amount which is involved and the vast estate which is at stake, can it be possible that it is unwise or improvident to appropriate this amount of money? Or does anyone believe, unless we are engaged in a most foolish proposition in an attempt to preserve this timber, that the time will not come when every cent of this money will be paid back?

Mr. BANKHEAD. Does the Senator address his remarks to me?

Mr. BORAH. I address my remarks to the Senate, and particularly to the Senator from Alabama, because I know he wants to answer them.

Mr. BANKHEAD. Mr. President, the Senator from Mississippi asked the Senator from Idaho how long he thought it would take for the proceeds from the timber to pay back this loan. I think I can answer that question in part by telling the Senate and the Senator from Mississippi that the proceeds from the sale of timber in the national reserves last year, the whole of it, amounted to $206,000. That is what they got for the timber they sold.

Mr. WALSH. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. WALSH. I am sure the Senator from Alabama does not mean to give the Senate any inaccurate or incorrect information about this. I have the last report of the Forester before me, and I read as follows:

During the past fiscal year the national forests' cash receipts were $2,481,469.35, from the following sources: Timber $1,175,133; grazing, $1,130,495; and special uses, $175,840.

Mr. BANKHEAD. Mr. President, I may be mistaken. It is not my mistake, however. I was reading from the World Almanac.

Mr. WILLIAMS. There were some expenses connected with that.

Mr. BANKHEAD. Well, that is what the Government got.

Mr. TOWNSEND. Perhaps one was net and the other gross.

Mr. BANKHEAD. So the Senator can tell how long it would take to pay it back.

Mr. BORAH. I think the Senator from Alabama will agree that the estate is large enough to make the return, and it simply will be a question of disposition whether we will do it or not.

Mr. BANKHEAD. I think we have the territory. There is no question about that.

Mr. BORAH. We have the timber also.

Mr. BANKHEAD. Yes; I think you have the timber, too. I do not think it is the policy of the United States Government, however.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. VARDAMAN. Do I understand that the money to be used to reimburse the Government for this outlay is derived

solely from the sale of timber? Are there any other sources of revenue there that the Government has?

Mr. BORAH. There are other sources of revenue; yes.

Mr. VARDAMAN. But this amendment confines it to the moneys received from the sale of timber, does it not?

Mr. BORAH. Exactly. The Senator understands that at the present time we appropriate about $250,000 annually out of the funds received from these natural resources for the purpose of building roads. This amendment is simply a scheme to draw from that amount in advance; in other words, to appropriate $10,000,000, and let this amount which we appropriate annually go to the repayment of that $10,000,000.

Mr. VARDAMAN. I confess that I see a good deal of merit in the Senator's proposition.

Mr. BORAH. If the Senator resided in one of these western States, where we have about 70 per cent or 75 per cent of the area withdrawn from public entry, he would be absolutely convinced of its merit. Just imagine the great State of Mississippi with only 25 per cent of its area subject to taxation for the keeping up of its Commonwealth, the building of its eleemosynary institutions, its courts, and its colleges, and so forth, or any other State. There would be an open rebellion here; no such thing could happen if it were not confined to seven or eight States in the Union. So long as it is confined to seven or eight States in the Union, we have not the power to overcome, I will say, the inertia of the other States; and the result is that we are there taxing ourselves on 25 or 30 per cent of our area to maintain our entire State institutions. We are simply asking now nothing more than that the National Government shall take care of its own property in accordance with the rules of good husbandry; and if it does not do that, it is not only a waste to the Government but it is a menace to the balance of the State.

These great forest fires not only mean the destruction of the forests of the National Government, but they mean the destruction of cities and towns and villages and homes near or in connection with the forests. The State of Idaho has suffered not only by the loss of the timber upon Government lands, but by the loss of the timber upon private lands. It has had its villages burned and its towns threatened; and we are simply asking that the National Government make a step in the right direction of protecting its property. I can not see why this amendment should not go in this bill, because it is asking the National Government to do nothing but to preserve its own.

Mr. LANE. Mr. President, I should like to say, for the information of the Senator from Mississippi, that this condition exists in the State from which I come: There are large bodies of timber. Much of this timber is overripe. It has acquired its maturity and is now dying; but it is in the mountains, far removed from roadways, with no means of access to it; and for the reason that we have no roadways, and for the reason that we have no means of getting that timber out of the country and to a market, it has no great market value. The Government can not sell it, and it remains there to die and to decay and go to waste—millions upon millions of dollars worth of it; thousands upon thousands of acres of it. At the same time the people who are separated by these forest areas—one part of them living, say, in a valley to the east; the other in a valley to the west—are marooned. They can not get through this belt of timber to market their farm products—those things which they raise—their fruit and grain, their butter, their eggs. They are marooned, and they are in a pitiable condition. They live, perhaps, in a valley which is rich, and would be prosperous if they had an outlet; but, from lack of roadways through these forest reserves, they are unable to prosper or even to do fairly well. There is an injustice done those people.

The people of the county and the State build good roads up to these forest reserves, but they are not allowed to build a roadway through the forest without the consent of the department here, and they are also financially unable to do so; so there is a wrong committed. The Government loses on the value of the timber. It is unable to market it for lack of means of transportation. If it had roadways into the country, so that spurs of narrow-gauge road could go into the timber and it could be cut, the value of the timber would increase immensely and would build the roads over and over again; but, because of the fact that they are so isolated that they can not get out to a market, they remain valueless. The Agricultural Department is unable to sell enough timber at a price sufficient to build the roads. The roads must be built first.

No matter how much produce you raise inside of a harbor—say, up the Mississippi River, or in the interior, on the Columbia River—unless you have an outlet for that commerce to the ocean, to the channels of traffic, it is worth nothing except for local consumption. That is the condition in the State which I represent in part; and that is a condition, I think, which exists also in Washington and in Idaho in respect to the timber reserves.

There is also the additional obligation on the Government to protect its property from loss by fire. A fire will break out in the mountains from a stroke of lightning—I have seen that happen—and it may burn and waste thousands of acres of land. For lack of means of access to it, for men to get in there to fight it, for lack even of a trail by which to reach it, it destroys hundreds of thousands of dollars' worth of property; whereas if you had roads leading to or skirting strategic points that would control the country, you could get in there with men and catch the fire early and put it out. A fire will start from many causes, seemingly unaccountable causes—the knocking out of the uncooled embers from a pipe, for instance. A fire has been known to start from the action of the sun in shining through a globule of pitch, which acted like a sunglass, concentrating the rays of sunlight onto tindered wood, and caused a fire. Unless you have means of access in order to fight these fires, and fight them promptly, they do a tremendous amount of damage.

I do not know whether the Senator ever saw a forest fire in full blast or not—a forest fire sweeping the country, lifting and scattering embers a quarter of a mile at a jump, and burning up every living thing within the inner bounds—deer, grouse, the rabbits, and everything; yourself, too, if you do not back track quickly and cross the line of danger. I have worked my way out of them. Such a forest fire is one of the most dreadful and terrifying sights that a man ever witnessed. I do not think a battle is so awe inspiring. There is no thunderstorm or electric storm that ever I saw in my life that equals it. It is a most dreadful thing, and the noise of it is like the noise of a hurricane. It sweeps from the top of one dead tree to another, traveling faster than a race horse can run.

Mr. VARDAMAN. Mr. President, there is no question about the necessity for this improvement, is there?

Mr. LANE. Not a bit. It is the most valuable item in this bill, and will do more good to people who need it than any other item in it, in my belief.

Mr. VARDAMAN. I can not see that it is going to hurt anything to tax the American people for this purpose.

Mr. BANKHEAD, Mr. TOWNSEND and Mr. SMITH of Arizona addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Oregon yield?

Mr. LANE. I yield the floor.

Mr. BANKHEAD. I should like to ask the Senator from Oregon a question.

Mr. LANE. I will answer the question.

Mr. BANKHEAD. The Senator has made a very eloquent appeal here for logging roads to haul these logs.

Mr. LANE. No; farmers' roads.

Mr. BANKHEAD. Well, I know. I have understood that there were a great many farmers in the forests of Oregon on the reserves. Of course, I understand that, as everybody else does.

Mr. LANE. Mr. President, that is not fair. I said these roads were needed by the farmers separated by these forest areas, people who want to go through them to get out to a market.

Mr. BANKHEAD. That is all right; but did not the Senator make some remarks about the necessity of having roads to bring these logs out of the forests?

Mr. LANE. Yes; that is true.

Mr. BANKHEAD. Very well. Now, what I want to ask is this: I presume the Senator has had some practical experience in logging.

Mr. LANE. I have.

Mr. BANKHEAD. I have, too. I know something about it; and I know, as the Senator knows, that the very best kind of a road is required for logging purposes. Is that the kind of a road the Senator would propose to build—a hard-surfaced road?

Mr. LANE. No.

Mr. BANKHEAD. Then, you have not a logging road, and everybody knows it.

Mr. LANE. No, Mr. President; evidently I did not make myself clear. It is to tap into the forests to a point where you can branch off with logging roads to reach the timber, to cut it with sawmills, and afterwards to transport it out over the road to the market—no; not logging roads.

Mr. TOWNSEND. Mr. President, do I understand that the Senator from New Hampshire purposes to take up the rural credits bill at 2 o'clock?

Mr. HOLLIS. Yes.

Mr. TOWNSEND. Then, as we have only three or four minutes left, I do not care to occupy the floor.

Mr. OWEN. Mr. President, several years ago, when this question of good roads was before the Senate, I made an argument which I thought had elements of value in it. The time is too short for me to repeat the matter fully; but I think this debate is of value in creating sentiment throughout the United States with regard to the reasons for developing our roads; and I should be glad to have permission to put that address in the RECORD, printing it in the ordinary type, so as to make it available for those who are interested in this question. I ask that authority.

The PRESIDING OFFICER. Is there any objection?

Mr. BORAH. I did not understand the request.

Mr. OWEN. I asked permission to put in the RECORD an argument which I had previously delivered on the floor on the good-roads question.

The PRESIDING OFFICER. The Chair hears no objection, and it will be so ordered.

The matter referred to is as follows:

REMARKS OF HON. ROBERT L. OWEN.

"Mr. OWEN said:

"This bill provides for the appropriation of public funds annually for the construction, maintenance, and improvement of post roads and rural delivery routes through the cooperation and joint action of the National Government and the several States in which such roads may be established, the Nation and State contributing equally to the cost. The value of this proposal is that *the Federal Government would at once take the initiative* and make available to every State the expert knowledge gathered together by the Federal Government on the construction and maintenance of good roads.

"This initiative is of supreme importance. No great public enterprise will receive proper attention unless some one is charged with the direct duty of attending to that business.

"Experience has shown that the private individual will not take the initiative in building good roads, because the task is too great for him, and in like manner the county, except for the laws passed by the State, would not initiate good roads except in special instances. But with the Federal Government taking the initiative, inviting the State cooperation, every State would be strongly stimulated to improve the roads. This feature of this bill is of great value.

"The good-roads department under this bill would speedily formulate and submit to the various States a method of cooperation which would result in coordinating the State and Federal activities in road building upon a uniform and judicious basis. I am sure that the people of my own State of Oklahoma would be glad to cooperate with the Federal Government in improving the highways and rural routes. In the constitution of Oklahoma we established a department of highways, and the head of this department is actively organizing public opinion in support of this the next great step in the national development of the Republic.

"Mr. President, nothing that I shall say will be either original or novel, but the facts and the reasons should be emphasized on the attention of the country. The improvement of the public roads of the United States is urgently necessary for a variety of reasons.

"The national growth and prosperity must depend on good roads.

"The development of the suburban schools, churches, mail delivery, the intelligence and social intercourse of the country people, the attractiveness, the value, the financial returns, and the physical productiveness of the farm depend upon good roads. Cheaper food products and cheaper manufactured products both depend upon good roads.

"Inaccessible and muddy roads cost the Nation a thousand millions annually.

"Justice to the farmer, who pays 60 per cent of the taxes and gets but little in return, demands it. The value of the public school, the press, the pulpit, the platform, and all the advantages of civilized life depend upon access, and access upon good roads. The extension of trade, the improvement of the opportunities to the citizen, the relief of the congestion of population in the cities depend upon good roads.

"Good roads are absolutely necessary in peace and in war. They are the chief agency of a great industrial people for the free interchange of the products of labor.

THE CONSTITUTIONALITY OF FEDERAL AID TO GOOD ROADS.

"It has been said that the United States has no constitutional right to contribute to the building of good roads. I emphatically deny it.

"Under section 8, Article I, of the Constitution, Congress is expressly authorized *to establish post roads*, and is given power 'to collect taxes,' 'to provide *for the common defense and general welfare* of the United States.'

"The perfection of the postal highways and of the Rural Free Delivery Service will extend post roads over every important road in the United States upon which any national attention need be given, and the right of the United States to provide for the common defense carries with it the right to establish national highways, as Rome did, for the movement of our national troops in time of war and for the 'general welfare' and the movement of interstate commerce and transportation in time of peace.

"The right to provide for the general welfare of the United States sufficiently covers national aid in establishing highways of stone as well as of steel rails throughout the United States.

"Why, Mr. President, Congress authorized the Cumberland Road at the headwaters of the Potomac in 1811 at a cost of $7,000,000, and in 11 years about this period 14 great highways were authorized to be built by Congress.

"It was the generally acknowledged doctrine of our forefathers that the Government had this right, and from 1850 the Government granted aid to highways with steel rails from the Mississippi to the Pacific coast and subsidized the Union Pacific, the Central Pacific, the Northern Pacific, the Southern Pacific, and gave away 200,000,000 acres of the public domain in support of national highways.

"These contributions would be worth approximately $2,000,000,000, which went to private persons and private corporations, for the building of national highways.

"There is no merit in the contention that the National Government may not contribute to the support of post roads within the States.

"Down to the most recent days, since the War with Spain, there has been expended from our National Treasury for road building in—

Alaska	$1,925,000
Porto Rico	2,000,000
The Philippines	3,000,000
The Canal Zone	1,459,073
Total	8,384,073

THE URGENT NECESSITY FOR NATIONAL AID.

"Mr. President, we have the biggest country, the finest land, the richest people—and possibly some of the poorest roads on earth. There is a reason for this, and the reason is that our road-building system is based on the old localized English system in the days of the American Colonies, and has never been adequately improved to meet the advancing knowledge of civilization.

"In many of our States we still keep up the destructive and wasteful system of financing road building by taxing adjoining property and administering the construction and maintenance by utterly unskilled, intensely localized management, which is very often too incompetent to merit consideration or defense. It is grossly unjust to tax the farmer to build and sustain the road which passes through his farm, when that road, in fact, is a highway used by tens of thousands who ought to contribute their proportionate part to the construction of the highway.

"The National Government, which raises revenue by taxing every man, and the State government, which raises its revenues by taxing all the people, should cooperate with these taxes levied on all the people to construct these highways which are used by all the people just in proportion to the use of the roads. To compel the construction and maintenance of the main highways by the local citizen who has had no opportunity of being instructed in the construction or maintenance of roads is necessarily to place the highways under an administration not equipped to do this work under the safeguard of thoroughly scientific knowledge, which is essential to proper results. Millions have been squandered by this obsolete method, and the roads remain to-day as an overwhelming witness of the incompetence of past management. For example, under the present laws of Texas, in a State which spends more than $8,000,000 annually on road improvement, the county judge is the one absolute authority on road matters. Such a thing as a county engineer, except by special act of the legislature, seems to be unthought of.

"In France, where they have the best roads in the world, at the head of the road system there is a magnificent technical school of roads and bridges, maintained at the expense of the National Government, from which graduates are chosen as highway engineers to build and maintain the roads of France. There is an immediate cooperation between the Republic, the departments, and the communes as completely as an organized army, directed by the most intelligent head possible to obtain.

"At the head of the administrative organization is a director general of bridges and highways, under whom are the chief engineers, ordinary engineers, and subordinate engineers, the latter being equivalent in rank to noncommissioned officers in the army. The subdivisions are under the direction of principal conductors and ordinary conductors. Next in line come the foremen of construction gangs, the clerks employed at headquarters, and, finally, the patrolmen, each having from 4 to 7 kilometers of highway under his immediate supervision.

"The great administrative machine working in complete harmony, with definite lines of responsibility clearly established, accomplishes results with military precision and regularity. In this great army of workers not the least important unit is the patrolman, who has charge of a single section of the road. He keeps the ditches open, carefully fills holes and ruts with broken stone, removes dust and deposits of sand and earth after heavy rains, removes the trees, shrubs, and bushes, and when ordinary work is impossible breaks stone and transports it to the point where it is likely to be needed. He brings all matters requiring attention to the notice of his chief.

"Every detail requiring attention is carefully noted and reported to the central authorities, so that at any time the exact condition of every foot of road throughout France may be ascertained.

"Here is a system, the best in the world, over which magnificent highways vast volumes of farm products find their way at a cost of from 7 cents to 11 cents a ton per mile. Over these roads motor cars can travel 50 miles an hour without danger. They are beautiful. They are lined on either side by ornamental and fruit trees. They are of great commercial value. They lower the cost of living, both to the town and the country, by furnishing the city with cheap food and furnishing the country with cheap freight in transporting their products to town and their materials back to the farm.

"In France at the present time there are 23,656 miles of national routes, which cost $303,975,000 to build. There are 316,898 miles of local highways, built at a cost of $308,800,000, of which the State furnished $81,060,000 and the interested localities $227,740,000. The roads of France are classified into five different divisions:

"First. The national routes, traversing the various departments and connecting important centers of population.

"Second. The department routes, connecting the important centers of a single department and bisecting the national routes.

"Third. Highways of general communication, little less important than the previous class.

"Fourth. Highways of public interest, traversing a single canton and connecting remote villages with more important roads.

"Fifth. Private roads.

"In the German Empire a similar system prevails, and these great nations, including the other nations of Europe, for that matter, set an example to the people of the United States which they would do well to follow.

"In England they have a much more localized system, and in consequence there is in England the most striking example of lack of uniformity of road work and of excessive expenditure in proportion to mileage.

"The most perfect road system, however, is that of France, which has the *most highly centralized* management of all the road systems.

"It is not my purpose, Mr. President, to go into detail with regard to the best methods of construction, but only to point out the extreme importance of *centralized initiative* and *centralized knowledge proceeding with efficiency upon a fixed basis.*

"I do not regard Senate bill 2935, which I advocate, as necessarily an absolutely perfect bill, but I do regard it as a step of very great importance, and I do believe that out of this measure, if it be enacted into a law, we would enter upon a proper system.

"I believe we should have *a legislative reference bureau* (for which I have heretofore contended), for the convenience of Congress in digesting and arranging data and making preliminary drafts of bills and which in this case might thoroughly work out a perfected plan suitable to the use of the United States under our particular form of government, providing a system for the most perfect cooperation between the National and State Governments for the development of good roads in this country.

THE COMMERCIAL VALUE OF GOOD ROADS.

"Mr. Halbert P. Gillette, an engineer of ability, has with great pains estimated the cost of hauling agricultural products to and from the farm. (S. Doc. No. 204, 60th Cong., 2d sess., p. 56.)

"The average haul in the United States is 12 miles of 2,000 pounds, at a cost of 25 cents a ton, on an average of $3 a ton for delivering farm products from the farm to the railway.

"In France the cost of hauling a ton a mile is 7 cents and in Germany and England from 9 cents to 12 cents. The direct loss on the tonnage actually hauled in the United States is perfectly enormous. The Interstate Commerce Commission reports show that the railroads handle upward of 900,000,000 tons of freight, of which 32 per cent, or approximately 275,000,000 tons, are the products of forest, field, and miscellany.

"Estimating only 200,000,000 tons at a cost of $3 a ton, we have $600,000,000 in this item, of which over $400,000,000 is a flat loss, due to bad roads; but these figures are only a fraction of the haul. To this must be added the enormous tonnage hauled from farm to farm, from farm to village, from farm to town, from farm to canals, wharves, and docks for shipment by water. The unemployed land, the defectively developed land, the wasted products not hauled because of the expense and of impassable roads, the lack of intensive farming at any distance from cities because of the expensive hauling are grave factors of the huge loss due to bad roads. The loss by bad roads upon any reasonable basis would probably exceed $1,000,000,000 per annum, or the cost of conducting our National Government.

"We have bad roads standing as a barrier, preventing the hauling of products from the farm, because the cost of hauling is too high and products are wasted on the farm.

"Lands distant from market are not cultivated at all and farms reasonably near to the markets are not put into crops *which would be productive of large bulk*, because of the ruinous expense of hauling such products, and for this reason there are huge areas uncultivated in the United States, estimated by the Department of Agriculture at over 400,000,000 acres. Improved roads would develop this vast domain and make *food products cheaper*. It would lead to intensive and more extended farming. Where the average value is $8.72 per acre of wheat, $7.03 an acre of corn, the value of vegetables in 1899 was $42 an acre and of small fruits $80 an acre.

"The commercial value of good roads, therefore, would mean a saving of a thousand million dollars annually. It would mean bringing into cultivation vast areas of land now uncultivated. It would bring intensive farming on the lands which are now cultivated. It would mean very much cheaper food products. It would mean the improved financial, social, religious, and educational condition of the farmers.

"It would mean a vast increase in the farming population drawn from the congested cities for the benefit of city and country alike.

IT WOULD INCREASE THE VALUE OF FARM LAND.

"We have about 850,000,000 acres of farm land improved and unimproved in the United States.

"The good roads will exercise a tremendous influence over increasing the value of farm lands accessible to good roads.

"By 'accessible' it must not be understood as being immediately on a perfected highway. It is an important fact that a team of horses *for two hours out of a day* can *exert about four times* their average tractive force without injury. For this reason they may pull a heavy load for 3 or 4 miles over a dirt road to a perfect highway without injury, and then carry the heavy load easily to market a long distance without harm, so that the farmers within 3 or 4 miles on either side of a good highway would be directly benefited by it; and with the King drag road leading off 4 or 5 miles on either side of a perfected highway all of the farmers of the country could be brought in touch with good roads at a minimum expense to the great increase of their farm-land values.

BAD ROADS MEAN LOSS OF POPULATION.

"The sections of country *which have lost in population* by the last census are conspicuous for impassable roads. In 25 counties, for example, selected at random by the United States Office of Public Roads, the population between 1890 and 1900 fell away over 3,000 persons in each county where the roads showed an average of only 1½ per cent of improved roads, while in another 25 counties, in which there was an average of 40 per cent of improved roads, the population in each county had increased over 31,000.

"*It is density of population and accessibility of lands which increase the value of land.*

GOOD ROADS MEAN BETTER SCHOOLS AND CHURCHES.

"Improved roads mean improved schools and churches. Where the roads are very bad the children can not easily attend school, nor can the people easily attend the churches, but with good roads they could do so. In the States of Massachusetts, Rhode Island, Connecticut, Ohio, and Indiana, in which, in 1904, about 35 per cent of the roads were improved, 77 out of each 100 pupils enrolled attended the schools regularly; but in the five States of Alabama, Mississippi, Arkansas, Georgia, and South

Dakota, which had, in 1904, only 1.5 per cent of good roads, only 59 out of each 100 pupils enrolled could attend public schools regularly. Thus good roads enable 30 per cent more children to attend school.

THE PRESENT CONDITION OF THE PUBLIC ROADS.

"We have to-day 2,155,000 miles of public roads within the United States. Less than 180,000 miles are macadamized or improved with hard surfacing.

"More than nine-tenths of the public roads and highways of the United States in the rainy season are almost unfit for use, and a large part in a very rainy season are utterly unfit for use and impassable, to the grave injury of the farmer and the *equal injury of the town people who depend upon him for regular supplies of food.*

"In some of the States improved State methods are being put into force, but the department of good roads of the United States Government should be stimulated, in the highest degree, so as to furnish the people of the United States with full information upon the important commercial, financial, educational, and social aspects of this great national problem. The department should be put in a position where it can stimulate public attention and bring all of the States into harmony with this great scientific problem. Road building and road maintenance is a great *science.* It has taken generations of men to learn the best methods of road building and maintenance, and the highest knowledge in the world in scientific road building should be placed at the disposal of the humblest citizen of this Republic so that he could be a direct beneficiary of the advancement of human knowledge in this respect.

THE RELATION OF PUBLIC ROADS TO THE FARMER.

"Farm life should be made more attractive. No matter how fertile the land or how favorable the climate, if the farmer is imprisoned by bad roads, he can not enjoy fully farm life. He can not conveniently reach the school, the church, the town, or his friendly neighbors if the roads are very bad.

"We can not expect the greatest social, moral, mental, and material development of the farmer if the roads are bad.

"Only 8.2 per cent of the total road mileage of the United States is improved at the present time, yet we expended approximately $79,000,000 in work on roads in 1904. The expenditure has been entirely out of proportion to the results accomplished. The reason for this I have pointed out. It is due to the extreme localization, bad road laws, bad administration, and lack of coordination. We have little skilled supervision, with but few men with a knowledge of road building or of any profound interest in it. The laws must be changed, and they can only be changed and greatly improved by instructing the public mind and public men.

"*The profit of the farmer* is represented by the difference between the cost of production and transportation and the selling price. If he can cut the transportation in half, he will materially benefit himself financially; and if the cost of transportation could be reduced $600,000,000, the farmer would easily be benefited to the extent of one half of this saving, granting that the city inhabitants would benefit by the other half of the saving. We complain of the high cost of living, and do not sufficiently analyze the reasons for the high cost. Lower transportation means lower cost of living, both to the farmer and city resident.

"We should perfect the national waterways likewise and control the railways to lower the cost of transportation.

"The mean cost of carrying wheat from New York to Liverpool—*by water 3,100 miles*—is only 3.8 cents per bushel, while it costs the farmer on an average more than that to haul his wheat to the railway station.

"The consular reports show that hauling in Germany, France, and England is frequently as low as 7 and 8 cents a ton a mile, and rarely higher than 13 cents.

"The cost on fair earth roads is 25 cents a ton per mile; on earth roads containing ruts, 39 cents; on sandy roads when wet, 32 cents; on sandy roads when dry, 64 cents; on black gumbo when thoroughly wet passing is impossible. Steep grades on the roads is another serious tax on transportation, because 'the chain is no stronger than the weakest link.'

"If the farmer has good roads, he can take to the town two or three times as much in a load as he does now. He could haul to town from a distance two or three times as great as he does now. He could haul to town products which now are prohibited by the expense of hauling. He could raise a larger variety of products suitable for marketing. He would be directly benefited by making the town, the people, and the school more accessible.

"He would be benefited by making his neighbors easier of access, and in that way his social pleasure and personal happiness would be increased.

"He would be able to deliver his farm products to the town every day in the year, and therefore would have a steady market throughout the year for his products, whereas he may be by muddy roads excluded for two and three months at a time from his market, and the town people in like manner may be deprived of vegetables, fowl, eggs, milk, and other farm products which are essential to their comfort.

"In Bradley County, Tenn., bonds were issued for 160 miles of excellent macadam roads, and lands that were valueless before these roads were built now find ready purchasers at from $15 to $30 per acre.

EFFECT OF ROAD IMPROVEMENT ON TRAFFIC.

"If the roads were improved, *traffic would not be congested* at one season and very limited at another season, because the transportation of the crops could be made at convenience and uniformly, without the interruptions of bad weather. The railroads could, therefore, maintain a more regular service with a smaller equipment, fewer employees, and less cost of operation. This means cheaper freight rate for all the people and lower cost of living.

"I have not taken into account the wear and tear on teams due to bad roads, the destruction of wagons and vehicles, the danger to life and limb from bad roads.

THE RELATION OF GOOD ROADS TO THE PUBLIC HEALTH.

"If the roads are perfectly good, the physician or surgeon can with the modern motor car go to the aid of one in danger of death almost immediately, but when the roads are impassible death might ensue before relief could be obtained. If the roads are wet and bad and children march to school with wet and muddy feet, their vitality is lowered and loss of life must ensue.

THE DIFFERENCE BETWEEN THE CITY AND THE COUNTRY.

"Many men complain that there has been a steady movement from country to city. The reason is plain. The city is more attractive to live in because *it has perfect roads* of asphalt, macadam, and Belgian block, and concrete sidewalks. No person need to have his feet muddy in going from one point to another. In the city is concentrated many of the things that human beings desire, but if the country had good roads it would be a more desirable place to live in than the city. The countryman has good air, free from dust and smoke. He is away from the roaring noise of the city and the everlasting grind of the wheels of the street car. In the country he has his own fresh food, prepared by nature, at his hand; poultry, eggs, fresh milk, cream, butter, fresh vegetables of all kinds, and fresh fruits—peace, young animal life to interest and please him, and nature smiling back in his face and giving him 10,000 per cent for every seed he plants. With good roads he can come to the city when he likes and go back to his peaceful, pleasant home, satisfied.

"City life enervates and weakens human beings, as a rule, because of the nervous strain of city life, while in the country a man grows strong, with steady nerves, good lungs, and brawny limbs. The conditions of country life should be made more attractive. The social intercourse and pleasure of country people, proper school facilities, and church advantages should be made available with good roads. From the country has sprung the greatest men of genius and patriotism. Nearly half of all of our people are engaged in agriculture, and they furnish half of the taxes and produce three-fourths of the wealth of the Nation. I am in favor, for their sakes, of stimulating the building of good roads; but let us remember that the building of good roads is just as important to the city man, who lives on the produce of the country, as it is to the countryman, who raises that food supply. It is of equal importance and value to both the residents of the city and of the country. It is of equal importance to the professional man and to the laborer, to the farmer and the city merchant, to the producer and the consumer. It means lower cost of living to all. It means great commercial and financial advantage to all. It means greater pleasure and enjoyment of life to all.

"Many of our Government expenditures are made without return, but here is a magnificent investment, which, if it were based upon the credit system, would pay 15 per cent on every dollar judiciously invested and would add to our national wealth more rapidly than any other national investment into which we could invest our national credit or our national energies. The experience of other States has shown the importance of the State taking the initiative and guiding the activities of the counties, and in this way getting greater results. This has

been fully explained by the Senator from Virginia as the experience in that State.

AN AVENUE TO EMPLOY THE UNEMPLOYED.

"If we had this system established, we could give employment to the unemployed at rates that would not attract men already engaged, but would attract men out of work and in need. There are hundreds of thousands of men of this class available.

"Mr. President, this bill ought to be immediately reported and passed. I remind Republicans that public sentiment has so far crystallized that in their national platform of 1908 they cordially indorsed aid to good roads in the following language:

"We recognize the social and economic advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting property owner. In this work we commend the growing practice of the National Agricultural Department, by experiment and otherwise, to make clear to the public the best methods of road construction.

"And I remind my brother Democrats that in our national platform eight years ago we had the following plank:

POST ROADS.

"We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

"Let us fulfill in good faith our party pledges.

THE VALUE OF INTENSIVE FARMING—"BACK TO THE LAND."

"In 40 years we shall have over 200,000,000 people, and this estimate does not fully take into account the geometric progression which immigration makes probable under the enormous growth of seagoing vessels of mammoth size.

"Our breadstuff exports in 25 years has decreased 24 per cent, notwithstanding large areas of new lands producing wheat and corn.

"Our home demand for wheat in a quarter of a century has grown 80 per cent more than the supply of wheat.

"The object contemplated by the good-roads bill is to develop farm lands, encourage home building on the farm, increase the productiveness of our farm land, make our farms more accessible by the building of good roads and improved national and local highways, and make our farms a potential factor in promoting the wealth, the health, the beauty, and happiness of the Nation. Nothing could be of greater national importance.

"With these objects I find myself deeply in sympathy. One of my earliest recollections was of the intensive farming of a piece of land in Lynchburg, Va., of about 2½ acres, surrounded by a high brick wall; the inclosed land was divided up into a dozen or more plats of ground, with graveled walks lined in certain parts of the garden with dwarf box and with flowers.

"Some of the squares were used for vegetables, Irish and sweet potatoes, beets, parsnips, salsify, okra, radishes, onions, lettuce, cabbage, mustard, asparagus, tomatoes, several kinds of sweet corn, the watermelon, cantaloupe, and sweet pumpkin for cooking, rhubarb, and other succulents. Other beds against the brick wall had strawberries, raspberries, blackberries, currants, gooseberries, and various vines.

"Even in the winter this land furnished the table with vegetables stored in sand pits, and with fruits preserved and canned, and with pickles, marmalades, and other things edible.

"I remember sweet herbs in this garden—of thyme, sage, etc. I recall with affection certain arbors devoted to the grape, which, in their season, had a special charm for me. Around the edge of these squares were many beautiful varieties of fruit—of peaches, of pears, the sweet Sickle, the Royal Bartlett, the damson, the plum, the cherry, the apple. The yellow June apples in that garden were sweet enough to tempt, and often did tempt, a small boy about my size to risk an appearance before the Throne of Grace without any other preparation than an incredible number of June apples eaten in reckless disregard of consequences.

"I have never seen anywhere a more beautiful variety of hyacinths and tulips than grew in this garden, with all the old-fashioned English flowers—the jonquil, the narcissus, the crocus, the lilies of the valley, the phlox, the snapdragon, and many others; the Easter lily, the tiger lily, and a great variety of roses.

"I remember the yellow and red honeysuckle, covering a trellised summerhouse, mingling its fragrance with the pleasant odors of the climbing rose which helped to cover it.

"As I used to enter this charming spot of land from the dining-room door, I recall passing between two trees of crepe myrtle and, a few steps farther on, by two large shrubs of the euonymus. There were several large box trees in the garden, whose thick cover afforded a hiding place for many birds, whose twilight repose I used to disturb for my amusement by shaking the trees.

"There was in this garden a large clump of cane which furnished the boys of the place with convenient fishing rods, and everywhere throughout this 2 acres was manifest the highest intelligence, the finest taste, and unceasing industry.

"The guardian spirit of this garden was my mother, under whose hand everything which grew out of the ground always flourished. I have always thought that the ministering angels who supervise the growth of plants must have specially loved the gracious spirit of my mother, for her plants lived, no matter what happened to the gardens of other people. I shall never be satisfied until I am able to own and to enjoy such a garden as she had, and with which she made my boyhood days happy. Adjacent to the garden was a big smokehouse where we put up our own meat, and a yard where the chickens and ducks flourished and helped to feed the family.

"I may be forgiven these personal reminiscences when I point to the fact that this two acres and a half of land furnished a very large household with the greatest abundance of food in the form of vegetables, fruits, berries, grapes, throughout the year, as well as with an abundance of beautiful flowers. It was intensive farming. Every foot of the ground was kept thoroughly manured, the plants were transplanted from time to time where their nature required it, and the life habits of every plant were studied and thoroughly understood.

"In contrast to the productive power of this 2½ acres I have seen in the great West a poor farmer trying to cultivate enormous areas of land with a single team, and with the invariable result that his crop was so poor as to afford him and his family not even the necessaries of life, much less its convenience or the luxury of fruits and flowers. Such a farmer, with bad and muddy roads to travel, is practically isolated from the market, from the school, from the church, and from other conveniences and pleasures of civilized life, and can not conveniently or cheaply deliver to market even those things which he does raise.

"The man who works more land than he can cultivate thoroughly well wastes his time; he does more: He makes life unhappy for himself, for the faithful woman who loves him, and for the little children who look to him for guidance. He is not as useful nor as happy a citizen as he would be if he concentrated himself on 40 acres, cultivated a garden, kept a few cows for milk and butter, raised chickens and other fowls and domestic animals out of which the profits of the farm arise.

COMPARISON WITH ENGLAND, GERMANY, AND FRANCE.

"In England, Germany, France, Belgium, and Holland the people obtain much higher results than in the United States. The average wheat production of Great Britain is over 32 bushels to the acre, and in the United States only a little over 13 bushels to the acre.

"I recently spent a summer in Germany and France, and there I saw that every foot of the ground was thoroughly cultivated. It was divided up into very small tracts, and off at a distance would look like strips of carpet laid upon the rolling fields. There was constant rotation of crops; they were busily engaged in fertilizing with manures, making the ground richer. The farm roads were in splendid condition, and thousands of miles of surveyed, carefully leveled and graded turnpikes afforded the farmer cheap transportation, so that a single team might move 4 or 5 tons with less difficulty than half a ton could be moved by the same team on some of the terrible roads in the United States. What an object lesson to the people of the United States are these splendid roads, which increase the value of the farm, bring the farmer nearer to every convenience of civilized life, make his products more valuable, and make the conditions of life much more attractive.

"Along these roads I observed miles of fruit trees, the cherry, the apple, the pear, and every one of them marked with a number indicating ownership.

"I think I never saw a house so poor that it did not have its vegetable garden and its garden of flowers.

"Throughout our many cities the back lots of the American homes are often very shabby and unkempt, are absolutely distressing to those who have positive views in regard to making land either useful or beautiful.

"Every such back lot in Germany and France and England or Belgium or Holland would be a valuable vegetable garden ornamented with flowers. We can be engaged in no better business than in leading our people back to the use, and the perfect use, of our most precious heritage—the land. Let us get back to the land.

THE VALUE OF THE FARM AS A NATIONAL RESOURCE.

"Our farms produced last year eight thousand millions of created wealth. Our cotton crop alone furnished enough export cotton to give us a balance of trade in our favor. The output of the American farm, by proper cultivation, could, however, be immediately doubled, and by reclaiming waste places with proper cultivation, could easily produce over twenty billions of

wealth per annum—a sum nearly equal to the total accumulation of a century in the banking resources in all of our 25,000 banks.

"The work of such men as Luther Burbank, of Santa Rosa, Cal., in improving plant life has a value of which our people generally have had an adequate conception.

"In Oklahoma a new plant has been developed from the common seedling Bermuda, called the "Hardy Bermuda," which has great national value. It has been developed by careful selection of plants which have withstood severe freezing. The plant has as good nutritive quality as timothy; it comes up early in the spring; it has a root over a foot deep; it grows almost as thick as the hair on the head; it grows luxuriantly in the face of dry weather; will successfully stand the most extreme drouth; is not killed by many days of overflow; will grow on alkali spots and in the sand. It will produce a very large amount of food to the acre, and is an excellent grazing grass. It is impossible to exaggerate the value of a plant of this character, which will convert land heretofore unproductive into productive areas of great value. Our people must have food, and this plant will produce great food supplies from land heretofore producing nothing. We must emphasize making our lands more productive by using proper suitable plant life and concentrating labor on the land.

IMPROVEMENT OF THE NATIONAL HEALTH.

"The annual death rate of New Zealand is nine to a thousand, and of the various Australian States, ten to a thousand. In the United States it is over sixteen to a thousand—60 per cent more than in Australia. If our people can be led back to the farm, where they can get plenty of fresh air, fresh vegetables, milk and butter, and chickens, we will save these lives which now amount to over a half million beings per annum in excess of what it ought to be.

"The tables of mortality show that this high death rate is very largely due to the bad housing, bad foods, and bad sanitary conditions of the very poor in our congested cities.

"In the fight on tuberculosis abundant fresh air has been demonstrated to be essential to a recovery. Abundant fresh air is essential to keep people well who are not now sick, and is all the more important when they become afflicted with the extremely dangerous tubercle bacillus. Let us encourage our people to get back to the land, and we shall greatly improve the national health.

IMPROVEMENT IN SELF-RELIANCE AND OTHER MORAL QUALITIES.

"In cultivating the land, all of the moral qualities are stimulated, independence, self-reliance, initiative, courage, honesty of mind. In working on the land, a man is able to provide his own comfort; he can build his own house with his own hands; he can supply every article of food he needs, and create a surplus sufficient to buy other things. He receives nothing for which he does not give an equivalent; he promotes his own comfort, his own self-respect, and his own dignity. The greatest men of the Nation have come from the farm. The man on the farm, who is cultivating a small piece of land of his own, need have no fear of being suddenly discharged by his employer and left with a family on his hands to feed, and no means to buy food or pay rent until he finds another job. On the farm there is no danger in losing his job.

"This gives a man courage, self-reliance, and those moral qualities which go to make up good citizenship. Without the private virtue of the individual citizen our Republic can not rise to its great and honorable destiny. Let us get back to the land. Let us improve the roads that lead to the farm and from the farm and give the farm greater attractiveness because of its accessibility to the towns and cities.

THE VALUE OF SMALL HOLDINGS.

"The French Revolution was due to the abuse of the unrestricted land holdings of the nobility, from which vast incomes were derived, thus lending to a great extravagance of the landholding class in the face of the extreme poverty and misery of the unemployed landless masses. The landholders were so rich they did not need to use the land in full, but devoted very large areas to game preserves, while the poorer French people, who had also been brought into the world by the hand of the Omnipotent, were denied access to the land by the landlords, who preferred to see their estates used in large part for purposes of amusement, as hunting parks. The French law, of course, sustained the French landlord until the corrupt extravagance of the landholding class and the abject hunger and misery of the multitudes led to the overthrow of the laws which permitted this condition, and the bloody French Revolution followed.

"The Revolution resulted in the subdivision of France into small landholdings, which, under the laws of inheritance, was still further subdivided.

"The result of this subdivision has been intensive cultivation and great agricultural wealth from the soil of France, making it one of the richest nations in the world. The reverse of this policy is seen in Spain and Mexico, where huge estates have been permitted to exist, with the unavoidable result that the productive capacity of the land has not been developed, and where the extremes of great wealth and abject poverty are in more marked contrast than in any other civilized country.

"The United States should pursue a policy of small landholdings, and the State of Oklahoma has led the way by passing laws imposing a progressive tax on large holdings of land, for the purpose of stimulating actual home building, of promoting the greatest productive capacity of the land, and for the abatement of the nuisance and danger of large landed monopoly.

"The smaller subdivision of land will lead, therefore, directly to its intensive cultivation, and just in degree as the lands are thoroughly well cultivated, just in that degree will the value of farm lands increase, and with the increase in the value of farm lands, and the growth of their productions, just in that degree will city property and suburban property increase in value.

"Likewise, this will lead to the building of good roads, and to the increase of the liberty, of the independence, and of the personal happiness of all of our people, both on the farm and in the cities. Our cities are sadly congested and millions of people could be led to the farm, both to their own welfare and to the advantage of the Nation. The pimp, the cadet, the white woman slave would be more useful and happier as an honest plowman, gardener, and milkmaid.

THERE IS A CHARM ABOUT THE FARM.

"Under proper conditions nothing can be more beautiful or more attractive than the farm life. In times past with bad roads and muddy weather, and fields too big for the farmer to cultivate successfully, men have often worked themselves down, have grown weary, have made themselves poor, by ill-directed effort, and have made themselves, their wives, and children sorrowful and miserable in consequence. Under such conditions the farm has often been like a prison instead of being a place of liberty, prosperity, and happiness. The boys and girls have too often been glad to leave the farm to get away from its dull routine and solitude. But the time has come when there should be a complete reversal of all this. We have learned how to avoid these things and the valuable lesson should be universally taught and made a common heritage.

"Let the man—if he have too much land—sow his excess in grass, in hardy Bermuda; let him confine himself to what he can thoroughly cultivate; use only plant life suitable to the seasons, as kafir corn and milo maize for dry weather, and learn how to do the work well; let him surround himself with a beautiful garden; let the women and children be taught to love these things and the farm will become a lovely home.

"It's a good thing to keep the children on the farm, away from the temptations and evil suggestions that surround them on every hand in the city. In the light of modern invention, with our wonderful modern transportation, with electric railroads running everywhere, with rural mail delivery, with cheap power, heat, and light, with improving values in farm products, with cheapening goods of every description, every family man should have a piece of land, if it is only 10 acres, or 1 acre, upon which he might surround himself with the fragrance and the blossom and the fruit of plant life, where he might raise healthy, happy children. What can be more beautiful, or more valuable than a well-kept vegetable garden, filled with all kinds of foods of every flavor—filled with berries and grapes, and trees bearing fruits and nuts, and ornamented with the endless procession of flowers each advancing season affords?

"What more attractive than to be surrounded by the young and cheerful life of the farm—young chickens, ducks, turkeys, calves, lambs, pigs, colts, and last but not least, the opportunity to have a few good dogs, whose love and companionship is not the least of the attractions of the farm.

"'Back to the farm' should be the bugle call to the youth of our land.

"Back to the farm, where peace and quiet and sound, refreshing sleep follows happy labor, where we can hear the birds, singing their songs of thanksgiving in the early morning among blossoming trees, where homely joys can give a life of happiness, where men and women grow sound of heart and strong of limb and nerve.

"I should like to see an agricultural school of practical instruction and of plant and seed distribution in every agricultural county in the United States, where the care of cattle and horses and sheep and swine and domestic fowl and the economies of farm life and its productive capacity should be properly taught; where the great lesson might be taught and emphasized by the Government—both National and State—that

there is *no* profession more honorable than farming, and that no occupation is of such *vital importance* to the wealth and health of the Nation.

"Congress should emphasize the great importance of good roads to and from the farms of the country. It should encourage State and National aid to good roads, so as to bring to the expenditure on road building the greatest degree of intelligence and efficiency and concentrated effort. This is, perhaps, the most important factor of all in making the farm more desirable to the people, in making the farm more attractive, in making it more remunerative, and giving to it those elements which are necessary and essential to peace of mind and to the prosperity and happiness of the farmer."

RURAL CREDITS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2986.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Iowa [Mr. CUMMINS] to strike out section 29.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	Norris	Sterling
Beckham	Husting	O'Gorman	Williams
Brady	Johnson, Me.	Oliver	Sutherland
Brandegee	Johnson, S. Dak.	Overman	Taggart
Chilton	Jones	Page	Thomas
Clapp	Kenyon	Phelan	Thompson
Clark, Wyo.	Kern	Pittman	Tillman
Clarke, Ark.	Lane	Poindexter	Townsend
Culberson	Lea, Tenn.	Shafroth	Underwood
Cummins	Lee, Md.	Sheppard	Vardaman
Curtis	Lippitt	Simmons	Warren
Dillingham	Lodge	Smith, Ariz.	Weeks
du Pont	Martin, Va.	Smith, Ga.	Works
Fall	Myers	Smith, S. C.	
Gronna	Newlands	Smoot	

Mr. CHILTON. I wish to announce for the day the absence of my colleague [Mr. GOFF], on account of illness.

Mr. HOLLIS. I desire to announce the absence on official business of the junior Senator from Arkansas [Mr. ROBINSON] and the junior Senator from Delaware [Mr. SAULSBURY].

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, the outline sketched yesterday afternoon indicates my apprehension with respect to the feature of the bill toward which my amendment is directed. I think that every Senator and every citizen who is interested in the preservation of the authority of Congress to regulate commerce among the States should clearly understand the effect of the principle asserted in the bill as now proposed. I repeat what I said yesterday to this extent—that in my judgment the effective regulation of commerce among the States and with foreign nations will ultimately be found to involve the incorporation of the agencies or instrumentalities of such commerce under an act of Congress; and when Congress, in exercising the unquestioned power to incorporate an association for the business I have indicated, if all the property which these corporations may create or of which they may become the owners is exempt from taxation by the States, there will be an insuperable obstacle in the way of progress in that direction.

I assert, and I do not fear that it will be successfully contradicted, that if the property of the Federal land bank proposed to be created under this bill can be exempted from State taxation, then all the property of every corporation which we may create in order to carry out other governmental functions in part will also be exempt from State taxation; and if such property is exempt from State taxation because it is owned by a corporation authorized by Congress in the exercise of its constitutional power, we will never create such corporations or permit their creation, for if we were to do so we would withdraw from taxation throughout the country so large a proportion of its real wealth that the suggestion becomes intolerable; it would not be considered for a single moment.

I intend that those who are here shall see before we advance to a vote upon section 29 in the bill that the thing proposed, if it be within our power, leads inevitably to the result which I have suggested.

I do not intend, Mr. President, to organize a kindergarten in international or constitutional law, for I recognize that the Senators who hear me are just as familiar, some of them vastly more familiar, with the learning in that field and upon those subjects than am I; but I do intend to recall to the attention of the Senate certain underlying principles of constitutional law which everybody will recognize and accept the very moment I have stated them.

First, the Constitution of the United States in terms confers upon Congress unlimited power of taxation. The Congress can tax under the authority of the Constitution everything and everybody in order to carry into effect the powers of the Federal Government. This power has two restrictions. That is hardly accurate. They are not restrictions so much as they are directions respecting the manner of the exercise of the power. First, if the tax be a direct tax, it must be apportioned according to the population of the several States. We have recently made one change in that direction, namely, the one relating to the income tax, although, in my opinion, that is not a change, because, in my judgment—and it was the judgment of the Supreme Court for more than a hundred years, and from the learning of those opinions I took my own—an income tax is not a direct tax.

Second, indirect taxes must be uniform. I shall not stop to suggest the meaning of the word "uniform," because that has been declared so often by the Supreme Court that it is unnecessary for me to say one word about it.

But notwithstanding these two modes of taxation, the power of the Federal Government to tax every kind of property and every person is unlimited. On the other hand, the States have inherently the right to tax everything and everybody within their respective jurisdiction save as they may be restricted or limited by their own constitutions.

Here are two powers extending over the same persons and over the same property within any given State. But it is admitted, of course, on all hands that while there is no constitutional inhibition in express terms resting upon Congress not to tax the instrumentalities through which a State is carried on, yet in the very nature of things, fundamentally, the relation which the Constitution establishes between a State and the Federal Government prohibits the Federal Government from taxing the instrumentalities or the property of a State.

Just what are instrumentalities of a State is the subject of many judicial decisions. Reciprocally the State has no power, no right, although there is no prohibition in the Constitution to that effect, to tax the instrumentalities or the property of the General Government, because to do so is to give the State the power to destroy the General Government, to arrest or impede or obstruct the processes of the General Government.

Now, all these things are fundamental law and will not be disputed. I ask now, wherein in what phrase or clause of the Constitution do we find authority given to Congress to exempt property within a State from taxation by the State? There is no such authority in the Constitution. There is no pretense of any such authority in the Constitution. It is neither a power expressly given to Congress nor can it be implied from any power given to Congress.

Mark you, I said originally that the inhibition upon the State arises out of the relation which the State assumed by virtue of its adhesion to the Constitution and not through any act of Congress or any power given to Congress to declare specific property exempt from taxation.

I said yesterday, and I repeat to-day, that Congress has never, in all the years of its existence, attempted to declare that any property within a State is or should be exempt from taxation within the State. When I made that declaration, which I intended to apply, of course, to the case before us, the Senator from Colorado [Mr. THOMAS] suggested the provisions contained in the constitutions of the several States or in the acts of Congress which admitted certain States to the Union as exceptions from the rule I announced or at least were not in harmony with my statement. I said in response that, when I reached the stage of the argument I have now reached, I intended to give attention to that claimed exception. It is not an exception.

Let me say that the constitutions or the acts of Congress relating to the admission of the thirteen original Colonies contained no such provision, nor do the constitutions or the acts of Congress pertaining to the admission of the States which were originally a part of the thirteen Colonies contain any such provision; that is to say, the admission of the State of Vermont is silent with regard to the manner, and of Kentucky, created as

it was out of the State of Virginia. But when the States that were created out of what is known as the Northwest Territory and the territory acquired known as the Louisiana Purchase began to come in, then the question arose; and I think it is true that in every compact between the States created out of the territory I have last described and the Union there was or is a provision that the Federal Government should not tax the property of the United States—mark you, it is limited to the property of the United States—lying within their respective domains.

That would have been the effect, Mr. President, if there had been no such compact. Like a great many other declarations contained in agreements and in instruments of that sort, the provision to which I have referred was simply declaratory of a universally recognized law.

I would be possibly criticized if I made that assertion upon my own authority. I want the Senate to agree with me fully upon that subject, and therefore I invite its attention very briefly to the case of Van Brocklin against the State of Tennessee, in 117 United States Reports. I am going to give special attention to page 657, but before I do so I feel that it is necessary to state the character of the case.

Senators will remember that in 1862 Congress levied a direct tax. It being near the beginning of the war and needing revenue it levied a direct tax upon land throughout the United States. It of course levied it upon the system or plan of apportionment. Among others it levied a tax upon certain property in Tennessee. The owner of the property failed to pay the tax, and thereupon the property was sold for the Federal tax, just as it would be sold for a State tax unpaid, and at the sale the Government became the purchaser.

Now, mark the situation. The Government became the purchaser of the land sold at tax sale, not in order to carry on any governmental functions with it but simply in order to enforce payment of the tax which had been levied upon it. It became the owner, and in that way it was removed of course from the rule which controls Government property obtained for post offices and for arsenals and for other governmental functions of that kind. It was simply the owner of property bought at a tax sale.

The State of Tennessee attempted to tax the property while the Government was so the owner, and the validity of the tax levied by the State came before the Supreme Court in the opinion to which I have referred. The opinion in this case is, taking it altogether, the most illuminating respecting the power of the Federal Government to tax and the State government to tax that can be found in the reports of the Supreme Court of the United States, save and except that of McCulloch against Maryland.

It is a very long opinion and it reviews the compacts between every State in the Union at that time and the Federal Government. Among other things it refers to the argument made in the Senate at the time of the admission or proposed admission of the State of California to the Union. I assume it is referred to because of the eminent abilities and station of those who engaged in the debate. I read just a few words:

> In the debate in the Senate in June, 1850, on the act for the admission of California a motion to amend the act by requiring California before her admission to pass in convention an ordinance providing, among other things, "that she relinquishes all title or claim to tax, dispose of, or in any way to interfere with the primary disposal by the United States of the public domain within her limits"—

The last clause is quoted from the act itself—

> was opposed by Mr. Douglas and Mr. Webster as unnecessary, and was defeated by a vote of 36 to 19. In the course of the debate Mr. Douglas, after showing that the United States acquired title to the public lands, not by virtue of their sovereignty, but by deeds of cession from the old States, or by treaty of cessions from France, Spain, or Mexico, and referring to the provision of the Constitution authorizing Congress "to dispose of and make all needful rules and regulations concerning the territory or other property of the United States," said: "This provision authorizes the United States to be and become a landowner, and prescribes the mode in which the lands may be disposed of and the title conveyed to the purchaser. Congress is to make the needful rules and regulations upon this subject. The title of the United States can be divested by no other power, by no other means, in no other mode than that which Congress shall sanction and prescribe. It can not be done by the action of the people or legislature of a Territory or State." And he supported this conclusion by a review of all the acts of Congress under which States had theretofore been admitted.
>
> Mr. Webster said that those precedents demonstrated that "the general idea has been, in the creation of a State, that its admission as a State has no effect at all on the property of the United States lying within its limits," and that it was settled by the judgment of this court, in Pollard v. Hagan (3 How., 212, 224), "that the authority of the United States does so far extend as, by force of itself, proprio vigore, to exempt the public lands from taxation when new States are created in the Territory in which the lands lie."

After this very exhaustive review of the conditions upon which every State had been admitted into the Union prior to the rendering of the decision, the court finally said:

> It can not be doubted that the provisions which speak of the exemption of property of the United States from taxation, in the various acts of Congress admitting States into the Union, are equivalent to each other, and that, like the other provision which often accompanies them, "the State shall not interfere with the primary disposal of the soil by the United States," they are but declaratory, and confer no new right or power upon the United States.

I think it can not be questioned that this case settles once and for all that the property of the United States situated within a State is exempt from taxation, for reasons that are set forth at very great length in this opinion, and which are simply unanswerable. The court proceeds to apply this rule—not the rule of the compact between the States and the Union when they entered the Union, but the rule which arises out of the relation between the two Governments by the Constitution of the United States—and holds that property so acquired by the Government is not subject to State taxation.

I have pursued this at greater length than necessary, possibly, because I wanted to make it perfectly clear that Congress, as a legislative body, has never in its history, so far as I am familiar with its history, attempted to settle the judicial question with respect to the taxable status of property owned by a corporation or growing out of a corporation which had been incorporated under a law of the United States.

I insist again that the Congress is wholly without any authority upon the matter. It is without authority, first, because it is a judicial question, and not a legislative one; and we can no more usurp the jurisdiction of the court to determine whether certain property in a State is so related to the Government of the United States that it can not be taxed than we could successfully attempt to judge any other legal issue which might arise between a State and the United States or between any sumble bodies in the United States.

This section is, therefore, absolutely nugatory. It proceeds upon a false interpretation of the power of Congress. The several States have never suggested even in any way, directly or indirectly, that they would give to Congress the right to exempt from taxation property lying within their jurisdiction. The States have assumed a certain relation to the Federal Government through the adoption of the Constitution. That relation does exempt certain property which lies within the States, and which would otherwise be subject to State taxation, from the power of the State; but whether it is so exempted or not must be determined by a court to which the question is appealed. It can not be determined by the Congress.

I emphasize again that never before in the history of the country has Congress endeavored to invade in this manner the prerogatives and the domain of the judicial branch or department of the Government. If there were no other reason than the one I have just given, the section ought to be eliminated; but my concern in the subject is much deeper than the forum in which the question is to be decided.

I am in favor of the establishment of land banks for the accomplishment of the purpose which is provided for in the bill before us; but if I believed that in so establishing banks, in so giving them the authority to acquire certain property and to issue certain obligations, I was helping to exempt that property from taxation or helping to deprive the States of their rightful authority to tax the property I would be compelled, by reason of this higher and more important consideration, to give my vote against the bill.

I believe in Federal incorporation in many instances. I believe, as I have more than once said, that we shall find it desirable, if not necessary, before long to allow, if not to require, common carriers to organize under a law of the United States, so that we may better control their capitalization, as well as their operation. I believe that it will be discovered before many years that the most efficient way to regulate the great corporations engaged in interstate commerce will be through Federal incorporation, permissible, if not imperative, in order to better regulate and control their affairs and in order to better protect the people of the country from undue exactions; but if it is true that in authorizing the organization of such corporations and in authorizing them to perform, or to help perform, a certain governmental function, we are giving Congress power, or if Congress has the power, to declare that all their property is to be exempt from taxation, or if it follows under the Constitution that their property is all exempt from State taxation, then the course that I have suggested is altogether impossible; for, in order to secure this more efficient remedy, we would be compelled to withdraw from the taxable authorities of the country substantially all the property through which business is carried on.

Passing, then, the question of the authority of Congress itself to segregate the property of the land bank and to declare that no taxes shall be levied upon any part of it, except its real estate—a question with which I have dealt sufficiently—I now pass to the other question, namely, Does the relation between

the State and the Federal Government exempt the property of such instrumentalities from taxation? It will be remembered that the law upon this subject really began with McCulloch against Maryland, in which it was held by the Supreme Court, with a richness of reasoning and a plenitude of learning never before equaled and never since surpassed, that the State of Maryland could not levy a tax upon the notes of the United States Bank, a bank that had been created under an act of Congress and for purposes which are so well established historically that I need not enter upon the subject at all.

Remember, as we pass on, that Congress, in creating the United States Bank, had not attempted to declare whether its property should be or should not be exempt from State taxation. The men who passed the act which incorporated the United States Bank were familiar with the adoption of the Constitution; they were still under the inspiration of those eventful days, and yet it never occurred to the Members of Congress of that day that Congress could declare what property of the United States Bank should be exempt or should not be exempt.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I yield.

Mr. THOMPSON. Congress did, however, afterwards by statute declare what property of the national banks the State might tax within the State.

Mr. CUMMINS. I can not assent to that proposition. If the Senator means the act of Congress of 1862——

Mr. THOMPSON. I refer especially to the Revised Statutes, section 5219.

Mr. CUMMINS. Section 5219, passed in 1862?

Mr. THOMPSON. It commences: Nothing herein shall prevent all the shares"——

Mr. CUMMINS. Of course the Senator will recall the fact that that occurred something like half a century later. I will reach it presently in the course of my argument and refer to it. I intend to refer to the act which deals with the question of taxation relative to the national banks.

Mr. THOMPSON. But I say Congress did declare just what property of the national banks might be taxed within the States, and the Supreme Court has held——

Mr. CUMMINS. I beg pardon; Congress has not so declared, as I understand.

Mr. THOMPSON. Will the Senator permit me to read this section?

Mr. CUMMINS. If the Senator will interrupt me at the proper time, I will be very glad to yield and have him read what he has before him into the RECORD.

Mr. THOMPSON. Very well.

Mr. CUMMINS. What I am saying now is that in the creation of the United States Bank—and that was involved in the case of McCulloch against Maryland—Congress did not attempt to declare that its property or any part of its property should be exempt from State taxation, and yet certain of its property was exempt from State taxation. Why? The answer is given in the opinion of Chief Justice Marshall in such a luminous and persuasive way that no man can misunderstand it. He said that a State can not levy or lay a tax upon the circulating notes of the United States Bank because in so doing it was violating the fundamental relation which had been established by the Constitution between the Federal Government and the States and in so doing was impeding, obstructing, and preventing the exercise of the governmental function which Congress had authorized the bank to perform, and so the tax was declared to be invalid.

Then came the case of Osborn against The Bank. I ought to beg pardon for reviewing these authorities again, because they are familiar to every student of the subject, but in the Osborn case the State of Ohio attempted to levy a tax upon the franchise of the bank—that is, upon its right to do business as a corporation. Now, both United States banks, if I may speak of the two systems successively organized, were corporations for pecuniary profit; they were corporations in which there were private stockholders who expected to receive a fair and just reward upon the capital which they contributed to the enterprise. In the Ohio case the State attempted to lay a tax upon the right of the people who were doing business under the name of the United States Bank and in some respects exercising a governmental function, but the Supreme Court again said, without any action of Congress or without any declaration of Congress, that the tax could not be levied.

Why? Because to admit that right upon the part of the State was to admit the right of the State to destroy the corporation and to prevent it doing the very thing which it was organized to do.

I am instancing these things now just to show you how the questions of exemption from taxation have arisen. They have never arisen upon an act of Congress; they have always arisen, and they always will arise, upon exemption under the Constitution itself.

I said yesterday that I had some doubt—and I still hold it—whether Congress could give its assent to the taxation of property by the States which, under the Constitution, is exempt; but I do not want Senators to reach their conclusions upon the point I am presenting on account of any doubt with regard to that question. I do not believe that Congress could assent to the invasion of a constitutional exemption; but whether Congress can be considered as so far representing the United States as the owner of property to assent to the exercise of a power upon the part of the States which constitutionally the States do not possess, I do not say; but I do say that Congress can not exempt property from taxation which, under the Constitution, the States have a right to tax. The mere statement of that question ought to be sufficient argument.

Mr. BRANDEGEE. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. CUMMINS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I want to ask the Senator to develop at some period in his argument a thought which he suggested. If this is not the proper time, do not let me divert the Senator from his present subject; but he suggested when he was discussing the question of the compulsory incorporation of interstate-commerce carriers that if the theory which he is now attacking were upheld there would be danger of the property of the carriers located in the several States being exempt from taxation within the States. Supposing the Federal incorporation of interstate carriers were made compulsory and supposing Congress did not attempt to exempt their property in the several States from taxation in those States, wherein does the Senator have apprehension that by any relation between the Government and the States the property might be in danger of being held to be exempt? I do not follow the Senator on that particular point.

Mr. CUMMINS. Mr. President, I do not want to draw into this debate the very difficult and doubtful question of whether the United States can or should compel the common carriers to organize under the laws of the United States as a condition of doing an interstate transportation business. I am not in favor of it myself at this time, and I doubt very much our constitutional power to require it. I am in favor, however, of a permissive national incorporation act. I am in favor of passing a law which will permit not only interstate carriers, but those engaged in interstate commerce, to organize under a law of Congress, because I think the regulation which we desire to impose upon such business can be much more efficiently carried out if they are so organized. If we should pass a statute of that sort—which, I think, marks the real advance upon this great subject—then, if under the Constitution the property of the Federal land bank proposed to be created under this bill is exempt from taxation, or could be exempted from taxation by an act of Congress, all the property of the carriers or the manufacturing establishments or distributing establishments, under such a law of Congress as I have described, would be likewise exempt from State taxation.

Mr. BRANDEGEE. That is the point—why are they exempt in the absence of a statute of Congress declaring them to be exempt?

Mr. CUMMINS. I have just been arguing that Congress has no authority to declare any property exempt; I have been insisting that property which is exempt is exempt because of the constitutional relation between the State and the Federal Government. Now, if that constitutional relation exempts the property of a corporation organized to loan money to a certain class of our citizens, and incidentally to receive now and then deposits from the Federal Government, and act in that way as fiscal agent of the Federal Government, so a corporation organized for the purpose of carrying on interstate transportation and to assist the Government in its official or governmental functions of regulating interstate commerce would also be exempt from all taxation on the part of the State.

Mr. BRANDEGEE. I follow the Senator now. The Senator has answered the question.

Mr. SMITH of Georgia. Mr. President, will the Senator from Iowa permit me to ask him a question?

Mr. CUMMINS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I have not been able to hear all of the Senator's argument; but I wish to ask if the line of his thought is not this, that if an exemption exists from State taxation it grows out of the sovereign relation of the United States

to the property, and if there is not a constitutional exemption already existing it can not be created by act of Congress?

Mr. CUMMINS. That is the argument up to this time, and I hope I have established it in the minds of Senators; but I am now considering a still more vital and fundamental question, namely, Is the property exempt under the Constitution? I am now looking at the relation which the Constitution establishes between the State and the Federal Government, entirely removed from any attempt on the part of Congress to declare what property is or what property is not exempt from taxation. I have referred to the beginning of all this train of cases—namely, the decision in McCulloch against Maryland—wherein the Supreme Court of the United States held that the bank notes of the United States Bank were exempt; and I am not going to read again the reasons given in the opinion for that holding. I have just referred to the fact that it was made without any act of Congress. Congress did not think of trying to exempt those notes, because Congress knew, in those days at least, that what was exempt was exempt under the Constitution and not under any construction of the Constitution that it might give in a legislative act. I have also referred to the case of Osborn against The Bank, for that proceeded upon exactly the same theory.

These two cases, followed by many others, established in this country beyond any controversy the proposition that a State can not impede or obstruct or impair or destroy an instrumentality which the Federal Government selects to carry out one of the governmental functions. The way in which my friend from New Hampshire applies that principle to the present bill is that because the Supreme Court, in these cases to which I have referred and many others that are of the same import, held that a State could not tax the circulating notes of the United States Bank, nor could a State tax the franchise, nor the corporation itself that had been organized under Federal law, therefore the State can not tax anything belonging to a corporation created under Federal law any property that it may acquire, no matter what its relation may be to the governmental functions given to it by the act of Congress. It was at this point that I was impressing the Senators with the idea that if that is true, then one great avenue which I hope we will use in the future for the regulation of commerce among the States is absolutely closed to the Federal Government—closed because no one would think for a moment of regulating interstate commerce in that way if it followed that all the property of the agency or the agent was exempted from taxation.

I have instanced two of the cases in which the Supreme Court has held that the State governments can not tax certain instrumentalities or agencies of the Federal Government. There ought to be clearly in the minds of Senators at this point just what it is proposed to exempt from taxation in the bill. The Federal land bank is a corporation organized for pecuniary profit. It is organized to carry on what has hitherto been known as a private business. It is organized to do a business that is just as private in its character as the business carried on by national banks, and a little bit more so, because the governmental functions given to a national bank are broader and more numerous than those given to this bank, probably. I suppose the bill embodies the view of the Senator from New Hampshire with regard to constitutional exemptions—partially, at least. It is claimed that it exempts what I am about to read. I am assuming, of course, that this exemption would follow under the Constitution, if Congress has the power to make it, because I assume that the source of all congressional action is the power conferred in the Constitution.

That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act.

And the Senator from New Hampshire very candidly and, I think, very fairly stated a day of two ago, in answer to an inquiry of mine, that in his opinion Congress could exempt the real estate just as completely and as effectively as it can exempt the personal property.

I proceed:

First mortgages executed to Federal land banks, or to joint-stock land banks—

That is, all mortgages that are executed to any of these banks are exempt from State taxation—

and farm-loan bonds issued under the provisions of this act—

They are also exempt. That is to say, if this system attains the full growth which its friends believe it will attain, or hope it will attain, there will come a time, I assume, and it will come before long, when there will be outstanding anywhere from five to ten billion of farm-loan bonds, and they are all exempt from taxation.

I proceed further:

And farm-loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States—

All that I have said with regard to the attempt on the part of Congress to act judicially, instead of legislatively, applies with emphasis and increased force to that phrase. I can not understand the reasoning which clothes the Congress of the United States with the power to declare a given thing an instrumentality of the Government of the United States if it is not an instrumentality. It is a question of fact. It is a question of the office which the farm-loan bonds perform. It is a question of the function which they discharge in this system that is to be created.

Congress can no more declare that they shall be held and deemed instrumentalities, unless Congress has so related them to other operations of the country and of the bank as to make them instrumentalities, than it could declare that they shall be instrumentalities of the passage of mortal man to the streets of the New Jerusalem. It is utterly impossible and illogical.

But I proceed—

and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

Thus you see that every particle of property either owned or issued by the farm-loan banks or the farm-loan associations is to be exempted not only from State taxation, but from Federal taxation as well. Now, I say I think it is entirely competent for Congress to fail to levy a tax on anything. If it makes its taxes uniform if they are indirect, and if it apportions them if they are direct, then the Federal Government has power to levy a tax on anything or anybody. But it may and it undoubtedly does have the power for the time being to relieve all this property from Federal taxation, but it has no power, as I have said so many times, to affect the right of the State to tax if under the Constitution the State has the right to tax.

In the discussion of the case the other day by the Senator from Utah [Mr. SUTHERLAND] it was questioned whether the opinion of the Supreme Court in the case of Veazie Bank against Fenno was in any way inconsistent with the case of McCulloch against Maryland, and the Senator from Utah stated, and I think stated correctly in that respect, that the profession had never fully acquiesced in the soundness of the reasoning in the Veazie Bank case. I do not differ from the view taken by the Senator from Utah, but I want to point out where the doubtful question is, because the general principle that I have been attempting to sustain is nowhere questioned or impaired in the opinion.

The Veazie Bank case is an instance, as you all know, of the attempt on the part of the United States to tax an alleged instrumentality of a State government. Those who denied the validity of the tax took refuge behind all that had been said by Chief Justice Marshall in the case of McCulloch against Maryland and in the case of Osborn against The Bank and in others that followed relative to the reciprocal exemption of Government instrumentalities, and insisted that Congress could not levy a tax upon the circulation of State banks, inasmuch as those banks were instrumentalities of the State governments, and, therefore, under the well-accepted rule, Congress must abstain from taxation. As a matter of history, of course, the tax was laid not for the purpose of raising a revenue but for the purpose of retiring the State-bank circulation; and that, among other things, was urged against the validity of the tax.

I call the attention of the Senate again to the case in order to show that there was no modification from the rule that had been announced for years by the Supreme Court as to the reciprocal or mutual exemption of instrumentalities of government; and I call attention to it for the purpose of showing what the Supreme Court held to be, in that particular instance, an instrumentality or agency of the State government. I shall not go over the various grounds of defense or attack, but I want to read what the court says upon the point that I have just attempted to state, namely, if the Federal Government can not tax a State instrumentality, why was it permitted to tax the circulation of a State bank?

After a very learned argument upon the question as to whether or not it was a direct tax, and after the conclusion that it was not a direct tax, the court said:

Is it, then, a tax on a franchise granted by a State which Congress, upon any principle exempting the reserved powers of the States from impairment by taxation, must be held to have no authority to lay and collect?

We do not say that there may not be such a tax. It may be admitted that the reserved rights of the States, such as the right to pass laws, to give effect to laws through executive action, to administer justice through the courts, and to employ all necessary agencies for legitimate purposes of State government, are not proper subjects of the taxing power of Congress.

Reiterating precisely what was said in McCulloch against Maryland in paraphrase. And just here may I ask, Why has not Congress the power to tax State bonds or municipal bonds? The Constitution does not exempt them in terms. It gives no authority to Congress with respect to them; but they are exempt from Federal taxation because they are, and have been held to be, instrumentalities of the State.

I proceed with the quotation from the opinion:

But it can not be admitted that franchises granted by a State are necessarily exempt from taxation, for franchises are property, often very valuable and productive property, and when not conferred for the purpose of giving effect to some reserved power of a State, seem to be as properly objects of taxation as any other property.

But in the case before us the object of taxation is not the franchise of the bank, but property created, or contracts made and issued under the franchise, or power to issue bank bills. A railroad company—

Possibly some Senators may think that the comparison I have drawn between the land bank and the railroad corporation is not accurate and may doubt my view that if the Constitution exempts the property of the one it exempts the property of the other, assuming that both are organized under Federal law; but if so, the Supreme Court has fallen into the same error.

The court says:

A railroad company, in the exercise of its corporate franchises, issues freight receipts, bills of lading, and passenger tickets; and it can not be doubted that the organization of railroads is quite as important to the State as the organization of banks. But it will hardly be questioned that these contracts of the company are objects of taxation within the powers of Congress, and not exempted by any relation to the State which granted the charter of the railroad. And it seems difficult to distinguish the taxation of notes issued for circulation from the taxation of these railroad contracts. Both descriptions of contracts are means of profit to the corporations which issue them; and both, as we think, may properly be made contributory to the public revenue.

That paragraph distinguishes the case of Veazie against Fenno from the case of McCulloch against Maryland. The Constitution of the United States gives to the Federal Government a peculiar authority, an exclusive authority, with respect to money—to the circulating medium, if you like, that is to be used as money—and I can not doubt that it was largely on account of the peculiar office which the bank notes of the United States banks performed with reference to our financial system that the court held that in the case of the United States Bank the power to issue them unimpeded by the action of the States was a governmental instrumentality and could not be taxed by the States, whereas the circulating notes of State banks were not instrumentalities of the State government, and had no more to do with the carrying on of the affairs of the State government than a railroad organized to facilitate transportation among the people.

The Senator from Utah [Mr. SUTHERLAND] a day or two ago read with a good deal of fullness from the case of Union Pacific Railroad Co. against Peniston, in Eighteenth Wallace. In this case the Federal Government had organized a railroad company, or it was organized under a law of the United States; that it performed a governmental function no one will question—a far more important governmental function than will be performed by the land banks to be organized under the pending measure. It is claimed here that Congress can relieve certain property from the State power of taxation. It was not so claimed there. It was claimed, however, that the mere fact of organization under a Federal law, and the mere fact that the railroad company had undertaken to perform certain governmental functions, relieved all its property from taxation at the hands of the States.

Mr. HOLLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. With pleasure.

Mr. HOLLIS. Is it not a fact that in the case under discussion that point was not raised, because Congress had failed to act on the subject, and therefore it could not be decided in that case, and no such claim could be made? Here we propose to act.

Mr. CUMMINS. That, Mr. President, is the argument; and I do not treat it lightly at all. It is an argument, however, rather than a statement of fact. It is true that in the case of the Union Pacific Railroad Co. Congress did not attempt to exempt its property from taxation, because Congress seemed to know its business in those days, I am bound to say, better than it appears to know it now. Congress knew that it could not exempt property from State taxation.

Mr. HOLLIS. Mr. President, is it not fair to assume that Congress, even if it thought it had the power, thought it would be poor policy to exempt it? Is not that a fairer argument?

Mr. CUMMINS. That is a very fair suggestion. I agree that even if Congress has the power in such a case to say whether or not property which is created by a corporation organized under Federal law shall be exempt from taxation, it would not be likely to exercise that power. I have no doubt that if the question had ever arisen in the minds of the men who were responsible for that legislation they would have reasoned in that way, because it is so perfectly absurd, when we consider the broad extent of congressional authority with respect to the creation of corporations, to think that as we are taking over, little by little, the private business of the country we ought to exempt from taxation the property which heretofore formed the body of the taxable values of the Nation. I have no doubt that if the question ever did arise in the minds of the men of those days they must have reasoned in the way suggested by the Senator from New Hampshire. But I reiterate that so far as I can ascertain—and I have examined the matter with some degree of care—it was never suggested before that Congress could determine whether given property owned by a private corporation—a quasi-public corporation, if you please, because it has some public characteristics—could be exempted from taxation by the State. But if I have successfully established my initial proposition, which is that if the property is exempt at all it is exempt by reason of the Constitution and the relation which the State bears to the General Government, then all that is said in this case must be considered as applicable.

The justice said:

That the taxing power of a State is one of its attributes of sovereignty; that it exists independently of the Constitution of the United States, and underived from that instrument; and that it may be exercised to an unlimited extent upon all property, trades, business, and avocations existing or carried on within the territorial boundaries of the State, except so far as it has been surrendered to the Federal Government, either expressly or by necessary implication, are propositions that have often been asserted by this court. And in thus acknowledging the extent of the power to tax belonging to the States, we have declared that it is indispensable to their continued existence. No one ever doubted that before the adoption of the Constitution of the United States each of the States possessed unlimited power to tax, either directly or indirectly, all persons and property within their jurisdiction, alike by taxes on polls, or duties on internal production, manufacture, or use, except so far as such taxation was inconsistent with certain treaties which had been made. And the Constitution contains no express restriction of this power, other than a prohibition to lay any duty of tonnage, or any impost or duty on imports or exports, except what may be absolutely necessary for executing the State's inspection laws—

These words must mean something, "the Constitution contains no express restriction of this power," and so forth—

It is, indeed, a concurrent power—concurrent with that of the General Government—and in the case of a tax upon the same subject by both Governments, the claim of the United States as the supreme authority must be preferred; but with this qualification it is absolute.

I need not read further, because I really have, in a very inadequate way, paraphrased in my argument much that is said in the opinion, for I have drawn my conclusions very largely from this opinion. I venture, however, one more paragraph. The court says further:

There are, we admit, certain subjects of taxation which are withdrawn from the power of the States, not by any direct or express provision of the Federal Constitution, but by what may be regarded as its necessary implications.

Implications from what? From the Constitution. Is there anything there which suggests that Congress can add further restrictions, restrictions that are not found in the Constitution, restrictions that are not imposed by the Constitution? I am sure the case is clear on that point.

They grow out of our complex system of government and out of the fact that the authority of the National Government is legitimately exercised within the States. While it is true that Government—

Referring to the Federal Government—

can not exercise its power of taxation so as to destroy the State governments or embarrass their lawful action, it is equally true that the States may not levy taxes the direct effect of which shall be to hinder the exercise of any powers which belong to the National Government. The Constitution contemplates that none of those powers may be restrained by State legislation. But it is often a difficult question whether a tax imposed by a State does in fact invade the domain of the General Government or interfere with its operations to such an extent or in such a manner as to render it unwarranted.

It is, indeed, a difficult question, but who is to determine it? Is Congress to determine it? Is Congress to examine the complicated and delicate relations which certain property may sustain toward the General Government and toward the functions which the General Government is endeavoring to perform in a particular State and say that no tax shall be levied upon this particular property because it impedes or interferes or destroys the exercise of just governmental power in the State?

Says the court, further:

It can not be that a State tax which remotely affects the efficient exercise of a Federal power is for that reason alone inhibited by the Constitution.

Chief Justice Marshall said these things in the case of McCulloch against Maryland. They are rarely quoted, because the opinion is always used, and, naturally, to show the point to

which a State may not go in taxing instrumentalities of the General Government. But this is really a reiteration of what was said in the original opinion.

To hold that would be to deny to the States all power to tax persons or property. Every tax levied by a State withdraws from the reach of Federal taxation a portion of the property from which it is taken, and to that extent diminishes the subject upon which Federal taxes may be laid. The States are, and they must ever be, coexistent with the National Government. Neither may destroy the other. Hence the Federal Constitution must receive a practical construction. Its limitations and its implied prohibitions must not be extended so far as to destroy the necessary powers of the States or prevent their efficient exercise.

Then the court proceeds at great length to review all the earlier cases, some of which I have already brought to your attention, and it holds that the State can levy a tax upon the property of the Union Pacific Railroad Co., because in so levying the tax upon the property of the company the ability of the company to perform the function which has been intrusted to it by the Federal Government is not destroyed or impaired or seriously impeded; and so the Supreme Court has held over and over again.

I shall not go further with the argument on that phase of the matter, because the Senator from Utah [Mr. SUTHERLAND] set it forth very clearly, and I think conclusively, a few days ago, but I could not resist my inclination to emphasize the propositions laid down by him.

I now want to apply them to this particular instance. We are organizing, or propose to organize, a series of land banks and a series of farm-loan associations. They are organized for pecuniary profit, and they are organized to do a business which hitherto has been carried on by private enterprise. I am in favor of their organization. I think it is a real advance in the science or art of government. What are they to do? They are to take subscriptions to their capital stock; they are to accumulate a capital in that way; they are to loan money, not to the farmers alone but to anyone who may own real property devoted to farming to any extent, limited by one standard alone, as I remember it. Their aggregate loans must not exceed fifteen times the capital and surplus of the land bank. They do all this for the purpose of making 1 per cent upon the aggregate amount of all mortgages which they may take from borrowers. That is their gross profit, and after paying expenses they divide their net earnings among their stockholders, excluding the Government of the United States. Just why the Government is excluded I do not know, nor do I pause to inquire.

These farm-loan banks then issue their obligations known as farm-loan bonds to an amount equal to the aggregate face value of the mortgages which they have taken and which are not already represented by farm-loan bonds, and these securities are offered to the public. The public takes these securities, or is expected to take them, because they furnish a safe and profitable investment. If they bear interest at the rate of 5 per cent or 6 per cent, if they are as stable as the Senator from New Hampshire believes they will be and as I think they can be made, they will be the most profitable and enticing investments offered to investors who do not care to employ their own abilities in the care and increase of their capital.

Such is the province of these banks. All that I have said up to this time contains no element of governmental function. It can not be said that the mere desire to promote the general welfare is a governmental function unless the welfare is promoted through some power and authority given in the Constitution. I have heard it suggested here once or twice that we might pass a law dependent entirely upon the general welfare, but that is not often persisted in.

These banks up to the point I have suggested will not exercise any governmental function, and there would not be a stone of constitutional foundation upon which to build the elaborate structure. But the Secretary of the Treasury is given the authority to deposit some of the public funds in these banks, and they are thereby, as is thought by the distinguished author of the bill, made the fiscal agents of the United States; and I am not disputing that. We all know, however, that is a mere form in order to make the project a constitutional one.

I think there is another slender constitutional hook upon which the great enterprise is hung, but it is as immaterial and as visionary as the one I have already stated. I care nothing about that. I only say that those are the governmental functions. If anyone can satisfy his conscience and judgment that we can exempt all the property of the land bank, the enormous aggregate I have already suggested, because the Secretary of the Treasury may now and then deposit money in the bank, he has an imagination that entitles him to a place not only among legislators but among the poets as well. We all know that our judgment is not convinced by any such reasoning.

I am as well convinced that we have no power as a Congress to exempt any of the property of the Federal land banks from taxation as I am that we have a Constitution at all. I am as well convinced that the property of the land banks used for the purpose of carrying on this business, a laudable and worthy business for the profit of the stockholders and general welfare of the country, is not exempted by the Constitution from taxation on the part of the State as I am that we have a Constitution.

Mr. President, I have just one word more, not upon the legal phases of the section but upon the merits of the section.

Mr. STERLING. If the Senator will excuse me before he passes to the other phase of the discussion, I should like to ask him upon what theory or on what provision of the Constitution he bases the many large appropriations that are made by Congress, as, for example, the appropriations carried by every agricultural appropriation bill affecting particular interests and particular States of the Union?

Mr. CUMMINS. Mr. President, the Congress of the United States has the unlimited power of taxation, and when money comes into the Treasury it can do whatsoever it pleases with it, and there is no one who can question its disposition of the funds in the Treasury. If the question were presented so that rights were involved I think that a great many things that we do are not warranted by the Constitution.

Mr. STERLING. Mr. President, the Senator referred a while ago to the very vague authority conferred by the clause of the Constitution authorizing Congress to provide for the general welfare. I should like to ask the Senator if appropriations such as I have mentioned have not been made under that provision of the Constitution and been held to be justified?

Mr. CUMMINS. I think they have been made under that provision of the Constitution, and I am not criticizing them at all. I am only saying that when we pass a law which affects the rights of the States to tax property within their limits we can not justify the legislation and insist that it is constitutional simply because it is for the general welfare. I am sure the Senator from South Dakota will agree to that proposition.

Mr. STERLING. I might take issue with the Senator from Iowa in the conclusion reached by him in that regard.

Mr. CUMMINS. Possibly so.

I shall now pass to the question of the wisdom or justice, even if Congress has the power to exempt property from State taxation, which I utterly deny. But assuming that it has the power, I now ask Senators whether it is just, fair, and reasonable to exempt this large and growing body of property from the power of the States in the way of taxation? Suppose that the average burden laid upon such property as is here sought to be exempted throughout the country in the way of taxes is 1 per cent. One per cent is perhaps a fair estimate of the average rate of taxation in whatever form it may be imposed throughout the United States. It is proposed by this bill to give the Federal land banks the advantage of 1 per cent not upon the capital but upon the entire value of the property which the banks and associations may own and then upon the entire amount of the obligations which they issue. It is utterly unfair. There is no institution in America occupying the same general field that can withstand competition of that character. One per cent upon the property, the stocks, the bonds that are issued by the farm-loan banks will simply stifle every other loaner of money upon mortgages in the United States. One per cent would be a fair profit, the Senator from New Hampshire says, and I have not yet seen his position answered. I have heard it denied once or twice, but it seems to me he has maintained himself very well. He declares that 1 per cent, representing the difference between the interest upon the mortgages and the interest that the bonds are to bear, will pay all the expenses of the system and return a fair interest or dividend upon all the capital employed. If that is true, I want him to answer this inquiry, if he considers what I have been saying as worthy of an answer, What effect will the 1 per cent upon the entire business, not capital, have upon those who are engaged in a like business?

Mr. HOLLIS. I will be very glad to answer the Senator.

Mr. CUMMINS. I do not ask the Senator to answer now.

Mr. HOLLIS. Otherwise I am afraid that I shall forget it.

Mr. CUMMINS. I am going to sit down in a few moments; I am rather weary; and I would infinitely rather hear the answer when the Senator comes to reply.

Mr. HOLLIS. Very well.

Mr. CUMMINS. I assert that with such advantage there is no rivalry and can be no rivalry with the farm-loan bank. It is an advantage never before given to any class of people in the United States. It is an unjust discrimination that will not be defended by the men in whose behalf I know the Senator from New Hampshire thinks he is so faithfully laboring. If I were compelled to admit, if I could admit in conscience, that the

farmers will get the benefit of the 1 per cent, I still would oppose it.

Mr. SMITH of Georgia. Will the Senator allow me? The farmer puts up his mortgage and that goes as a collateral for the farm loan. If the 1 per cent were charged first on the farmer's loan and then 1 per cent on the bonds issued, that would be 2 per cent. The farmer gets the money; he puts it into the ground, and pays taxes on it there. If you allowed the 1 per cent in both these other places, would you not really be taxing the farmer 3 per cent instead of 1 per cent and would you not have to add that 2 per cent more to the interest?

Mr. CUMMINS. No; that would not be true. There are instances of double taxation in this country; but the farm-land banks would no more have to pay double taxation than any other institutions which do business of the same kind. It may be that in the long run the farmer would receive some benefit from the exemption from taxation. He would receive it only, however, as it was doled out to him by the investors in the farm-loan bonds; and I venture to say that they will take it all. I venture to say that they will never give the farmer any benefit whatsoever of the exemption from taxation. I have never known capital so tenderhearted, so self-sacrificing, and so unselfish as to be willing to pass on a profit if ingenuity could arrest it in the pockets of the capitalists; and there it will be arrested in this particular instance.

Mr. President, when the farmer gives a mortgage upon his farm, in justice he ought not to be compelled to pay taxes upon more than the residue of the value, and the mortgagee should pay the taxes upon that part of the value of the farm represented by the mortgage. That is so in some places. It will be so in every place just as rapidly as justice can take the place of injustice and as intelligence can occupy the seat of ignorance. I am sorry to say that it is not so everywhere. But what is proposed here is that a capitalist of New York City who wants to buy a million dollars of the farm-loan bonds—because with the exemption from taxation we are providing they will be altogether the most attractive investment ever presented to the American people—is not taxed at all; and under any defensible system of taxation, if the City National Bank, of New York, or Kuhn, Loeb & Co., or any other of the great financial institutions desire to invest their capital in this very fascinating and profitable form, ought they not to pay taxes on their wealth? They would not have to return it even in their income accounts. These farm-loan bonds would pay them a million dollars interest a year, and they would exempt it even from their income returns; and thus, whatever may be eventually the aggregate amount of all the farm-loan bonds in the hands of capital, not in the hands of farmers, there will be that capital segregated from all other capital and exempted from taxation. It is unjust. It will destroy the system just so sure as it remains a part of it.

The only defense that is offered for it is that when these capitalists come to determine upon what rate of interest they will take the farm-loan bonds they will recognize the exemption from taxation and kindly say to the farmer, "We will reduce your interest 1 per cent, because the securities that are now offered are not subject to taxation." If that is the prediction the Senator from New Hampshire makes with regard to the operation of this bill, I hope from the bottom of my heart that his prediction will be fulfilled, because if we are to do this unjust thing, if we are to separate one class of the people of this country from all others and say they shall not be taxed and that all others shall, if the man who gives the mortgage on his home in the city or in the town is compelled to pay his tax and his farmer friend is relieved of his—if that is to be the system installed in this country, it at least has the advantage of conferring a special privilege upon most deserving people.

Mr. President, I have said that I do not think the farmers believe in special privilege. I do not believe they are applicants at the hands of Congress for any advantage over their fellow men. I think they are men who stand on their own feet; men who are able to conduct the affairs of life with as much success and with as much intelligence as are any other people of the country; but I am frank to say that, if my friend from New Hampshire and his associates are determined to batter down the walls of the Constitution, are determined to usurp an authority that Congress has never in its 125 years of existence attempted to assume, I am glad they are doing it under that very attractive name—the agriculturists. The Senator would not dare to do it in any other name; he would not dare to do it in the name of any other class of people in the land. May I tell him that I know vastly more about the farmers than he can know, for I live in a State of real farmers; I live in a State that produces nearly every year a greater agricultural product than does any other State in the Union. As to the farmers of that community, if they are allowed to secure the advantage over their fellow men which this bill proposes, it may silence their scruples and they may pocket the profit, but they nevertheless will feel, and the Senator from New Hampshire will know that they will feel, the injustice which he has inflicted upon the unfortunates who are required to pay the taxes which should be raised upon these bonds owned not by farmers but by bankers.

Mr. HOLLIS obtained the floor.

Mr. STONE. Mr. President, will the Senator from New Hampshire yield to me for a moment?

Mr. HOLLIS. I yield to the Senator from Missouri.

Mr. STONE. Mr. President, I am not sure whether or not it is permissible, under the rules while this bill is pending, to offer a motion on another subject. I will state the motion and the Chair can rule upon it.

On April 29 a bill was introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] entitled "A bill (S. 5796) to authorize the Director of the Bureau of the Census, under certain conditions, to prepare and distribute blank ballots and to receive and count marked ballots and report to Congress the result of an advisory vote. That bill was referred to the Committee on the Census, as neither the Presiding Officer nor the Secretary could tell from the title what the substance and meaning of the bill might be. Clearly it was wrongly referred. I wish now to enter a motion to discharge the Committee on the Census from the further consideration of the bill, being Senate bill 5796, and to refer the bill to the Committee on Foreign Relations.

Mr. SMITH of Georgia (to Mr. STONE). Why can it not be done by unanimous consent?

The VICE PRESIDENT. The motion is in order, but it will be compelled to lie over a day, if there be any objection.

Mr. SMITH of Georgia. I suggest to the Senator from Missouri that he ask unanimous consent.

Mr. STONE. It has been suggested that I ask unanimous consent to have this done, but I hardly think that would be fair. The Senator from Wisconsin especially asked, as I am told, to have this bill referred to the Committee on the Census, and he is not now present. I know that under the rules the motion will lie over until to-morrow, but I wish the motion to be entered at this time.

The VICE PRESIDENT. The motion will lie over until to-morrow, unless it is taken up now by unanimous consent.

Mr. HOLLIS. I ask unanimous consent that that be done, Mr. President.

The VICE PRESIDENT. Is there objection?

Mr. JONES and Mr. CHILTON addressed the Chair.

Mr. OWEN. Let it go over, Mr. President.

Mr. CHILTON. Mr. President, I shall have to object, under the circumstances, the Senator from Wisconsin being absent.

The VICE PRESIDENT. Then the motion goes over until to-morrow.

Mr. HOLLIS. Mr. President, I am tremendously relieved and reassured by the argument of my distinguished friend from Iowa [Mr. CUMMINS]. I know he has gathered together all that can be said against the exemption from taxation features of this bill, both on the ground of policy and on legal grounds. I wish to answer, first, as to the questions of policy.

The Senator from Iowa says I would not dare to propose an exemption in favor of any other class but farmers. I remind the Senator that not only I dare, but he himself dared to make a similar exemption, not only in favor of farmers, but in favor of labor unions, in the Clayton bill, when those unions were exempted from the provisions of the antitrust law. Class legislation does not bother the distinguished Senator from Iowa any more than it bothers me. There is nothing in the Constitution against class legislation; there is nothing in a sound public policy against class legislation. That is a bogy that is conjured up now and then by constitutional lawyers who want to scare somebody. We are passing class legislation all the time. The only question is, Is such legislation sound; is it wise class legislation?

When we find the farmers of the country paying exorbitant rates of interest, we know that they ought to be relieved. We do not give the same exemptions to men who live in cities, because in cities there are ample banking facilities. The men who own homes in the cities get their money at a very low rate of interest. Therefore there is a sound public policy that directs us to relieve the farmers in the present exigency. When there is a similar situation shown as existing among any other class I shall gladly extend to them the benefits of this bill or of any other provision that is needed.

The Senator says that if such mortgages are exempt from taxation it will not have the result of lowering the rate of interest to any substantial extent. The Senator is entirely

wrong about that. In my own State we have made that exemption within a few years, and it has had exactly the result that was anticipated. A few years ago New Hampshire passed a law exempting from taxation all mortgages on New Hampshire real estate where the rate of interest was 5 per cent or less. Previous to that time the prevailing rate of interest in New Hampshire was 6 per cent, but immediately the rate was lowered to 5 per cent, and now the average rate of interest in New Hampshire is 5.3 per cent, even on farm loans. So the farm did get the entire result of that exemption. If all loans made on New Hampshire real estate at 4 per cent or less were exempt from taxation, the rate would drop to 4 per cent. That has been demonstrated time and time again.

Why do we have these mortgages and these Federal land banks and these bonds exempt from taxation? Simply because we want to have a uniform rate so far as that is possible over the United States. In Utah they have had the same experience as we have had in New Hampshire. Formerly they taxed mortgages on real estate, and the taxes were frequently 3 and 4 per cent, but as people wanted to own mortgages on Utah real estate, they transferred the title to some trustee or agent outside of the State. You can not reach mortgages and bonds successfully in that way. About seven-eighths of them usually escape taxation; but when in Utah they are already exempt from taxation, while in some adjoining States they are not, we do not want to extend the benefits of this system to those adjoining States, and give them the advantage of it, and at the same time allow them to tax mortgages. We want to have a broad, national system, and we want the system to be applied under universal conditions.

Another reason is that, as has been pointed out very wisely by the Senator from Georgia, if you allow the farmer to be taxed on his land, then his mortgage to be taxed, and then the bonds to be taxed, you will have a triple taxation on him. It is like an illustration I heard of about the way the protective tariff works. We boys used to go out and recite and sit on a settee in front of the teacher. A big boy at one end of the settee would pinch the boy next to him and tell him to pass it on, then that boy would pinch the next one and tell him to pass it on, until they got to the little fellow at the end of the settee, who got the biggest pinch, and he did not have anyone to pass it on to. [Laughter.] So it would be here. The farmer would get all the taxes and he could not pass them on. Therefore it is necessary to make this exemption.

Another reason for making the exemption is this: We are giving very substantial aid under this bill, and we ought to do so; we have a right to do so. In the first place, we are advancing $6,000,000 to set these banks up in business, and we would be very foolish to permit the State or anyone else to tax the capital that we advance. We are providing that the Treasury may come to the temporary relief of these land banks to the amount of $6,000,000 a year, and we would be very foolish to allow these instrumentalities to be taxed when we extend that aid. We are paying the salaries of the various officers, so that the farmer may get cheap money; and the only way we can guarantee that he will get the benefit of it is to exempt these instrumentalities from taxation.

The private joint-stock banks, which will do a private business just like the existing national banks, do not have their capital stock exempt from taxation. They are treated just like the ordinary national bank. It is true they are in private business, but so is the ordinary national bank. So much for the policy of the exemption.

It would be futile—it would be useless—to pass this law unless we had given these investments a distinct advantage over other investments. They will have it; they ought to have it; and if this bill is passed, they will get it.

Now, a word as to the constitutional features of the bill. The Senator from Iowa bases his whole argument on the proposition that if the property is exempt from taxation it is exempt solely under the Constitution, because it belongs to the United States. I hope the Senator will give me his attention for a moment. The Senator from Iowa says that the reason property of this kind has been exempted from taxation in the past is because the Constitution requires it and not because a statute has been passed that permits it. He says that Congress in the days when they handled these subjects knew something—and he looked at me in rather a striking way. Well, they did know something. They knew enough to exempt these things from taxation, and they have done it. I am very much surprised that so distinguished a lawyer and so careful a statesman as is the Senator from Iowa, should have overlooked these facts that are common knowledge.

What is more the property of the Government than the Treasury notes it issues? But in the bank act passed February 25, 1862, it was provided that—

> All stocks, bonds, Treasury notes, and other obligations of the United States shall be exempt from taxation by or under State or municipal or local authority.

Oh, wise men exempted from taxation by statute the bonds, Treasury notes, stocks, and other obligations of the United States, and the Senator from Iowa knows perfectly well that they did not have to do it, but that the court would have done it for them if they had overlooked it; but they did not overlook it.

Mr. OWEN. Mr. President——

Mr. HOLLIS. I yield to the Senator from Oklahoma.

Mr. OWEN. Who got the benefit of that exemption from taxation?

Mr. HOLLIS. Why, the people who used those instrumentalities, of course; the ones who invested in them; and that was intended to be so, to give them a preference, so that the Government could get money on favorable terms. It was done for that purpose; and the wise Congress of those days, which contained real men—men who knew something; who knew how to draft a law—exempted them from taxation. If the Senator from Iowa had been there he would not have permitted such a foolish thing.

Now, assume that the Senator from Iowa is correct; assume that the property of the United States is exempt from taxation; assume that these are instrumentalities of the United States and would be exempt from taxation without the intervention of any statute or judicial decision, would we not be foolish not to declare our intention, so that when the farmers read this bill they would find out that these instrumentalities were exempt from taxation and so that investors would know from the act itself that they were exempt from taxation, and would not have to write to the Senator from Iowa or the Senator from Utah to find out whether they were exempt or not.

We are continually declaring common-law principles in statutes; we are continually declaring things that are in the Constitution just to put our moral strength and weight back of them; and it will have some effect on the Supreme Court of the United States even if it were not necessary that we should do it in this instance.

I ought to add on the question of policy, that if we do not exempt these instrumentalities from taxation, then the States can tax them out of existence, just exactly as we taxed out of existence the bank notes issued by the State banks. We lay ourselves open to that danger. If there is hostility to this act in Iowa, Iowa may put a 10 per cent tax on the mortgages and bonds and drive the system out. We must have the exemption in order to protect this system. Anybody can see that.

Now, as to the constitutionality of the provision. It would be very delightful to follow the Senator into the questions concerning the Pacific Railroads, the case where the Government acquired some land in Tennessee and owned it and did not have to pay taxes on it, or into the compacts which have been made between recently admitted States and the United States; but it is not necessary to do so. All that is contained in the decisions of the Supreme Court of the United States on exactly similar subjects.

The Senator has referred at some length to McCulloch against State of Maryland. That case was followed by other cases that place this whole matter beyond doubt, and which squarely answer the elaborate argument made by the Senator this afternoon.

First, McCulloch against State of Maryland, Fourth Wheaton, 316, held that the States could not impose a tax on bank notes issued by the United States bank which the Government had established. That was followed by Weston against City Council of Charleston, Second Peters, 449, which held that there was no right of a State to tax the stock of the United States—they called it "stock" in those days instead of "bonds." That was followed by the Bank of Commerce against City of New York, Second Black, 620, where the capital of a bank invested in United States stock was held not taxable by the State. That was followed by Van Allen against The Assessors, Third Wallace, 573, holding that the tax on national banks should not be greater than the tax on State banks. I will return to that case. That was followed by Veazie Bank against Fenno, Eighth Wallace, 533, holding that the United States may tax bank notes not issued under its authority; and then by Farmers' National Bank against Dearing, Ninety-first United States, 29, sustaining the national-bank act on the authority of McCulloch against Maryland.

In the case of Van Allen against The Assessors exactly the same point that was raised by the distinguished Senator from Kansas [Mr. THOMPSON], and to which the Senator from Iowa promised to address himself, but which he overlooked, was squarely raised and squarely decided against the contention of the Senator from Iowa. In the Van Allen case the State of New York undertook to tax shares of stock of national banks when it had not passed laws taxing the shares of State banks. The question of the constitutionality of that provision was squarely raised and the court covered the whole subject. The court first told of the privileges which were conferred upon the national banks, and then proceeded in Third Wallace, page 582, as follows:

> In the granting of chartered rights and privileges by government, especially if of great value to the corporators, certain burdens are usually, if not generally, imposed as conditions of the grant. Accordingly we find them in this charter. They are very few, but distinctly stated.

That is, when the Government of the United States grants a charter to a group of persons to enable them to exercise certain privileges, it may annex to those privileges such conditions and burdens as it pleases, and in the case of the national banks these were the conditions it annexed:

> They are, first, a duty of one-half of 1 per cent each half year upon the average amount of its notes in circulation; second, a duty of one-quarter of 1 per cent each half year upon the average amount of its deposits; third, a duty of one-quarter of 1 per cent each half year on the average amount of its capital stock beyond the amount invested in United States bonds; and, fourth, a State tax upon the shares of the association held by the stockholders, not greater than assessed on other moneyed capital in the State, nor to exceed the rate on shares of stock of State banks.

That is, if a group of persons desired to incorporate a national bank they might do so, and its shares would be exempt from State taxation, unless the State imposed a similar tax on the shares of State banks.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. HOLLIS. I yield.

Mr. CUMMINS. I interrupt the Senator from New Hampshire rather to make an apology to the Senator from Kansas [Mr. THOMPSON] than to answer the argument which the Senator from New Hampshire is now making. I ask the Senator from Kansas to believe that I intended to give attention to the act of of Congress of 1862 relative to the taxation of shares of stock in national banks. I had it in my notes, but I omitted it unintentionally, and I owe him an apology for not fulfilling my promise to give my view of that statute. If the Senator from New Hampshire will allow me to do it now, I will do so just in a word, and he need not sit down.

There is no attempt in that statute to declare that the property of the national banks shall not be taxed by the State. There is simply a provision that the shares of stock of national banks shall not be taxed more severely or heavily than other moneyed capital in the State in which the bank is located. The Senator from New Hampshire will remember that a day or two ago I asked him whether the rule established by that statute would not have been the rule even though no statute had been passed upon the subject, and the Senator from New Hampshire very frankly said that, in his opinion, the rule would have been the same; that is to say, that discrimination upon the part of a State in taxing a national bank would be conclusive evidence of an intent to impede or obstruct or destroy this instrumentality of the Federal Government.

I state this view now to fulfill my promise to the Senator from Kansas, for I ought to have given attention to the subject and to the case which the Senator from New Hampshire is now reading while I was before on my feet.

Mr. HOLLIS. Mr. President, if I did the other day agree with the Senator from Iowa in what he has just said, it is quite evident that neither of us agreed with the Supreme Court, as I shall proceed to demonstrate. The cases hold that where property does belong actually to the State, as if it belonged to a private person, the Government can not tax it; and where property does belong to the Government, and is its own particular property, as if it belonged to a private person, the State can not tax it. That sets up State property and Government property; but between the two there lies all the field of property which is held by corporations erected by the State and corporations erected by the Nation. When the Government occupies a field which the Constitution permits it to occupy it may occupy it exclusively of State occupation, or it may occupy it with such conditions as it chooses through its Congress to impose. That is what was decided in the case of Van Allen. Exactly the argument which was made by the distinguished Senator from Iowa was made in the Van Allen case by very distinguished men, but the court, in an opinion by Mr. Justice Nelson, brushed it aside in a paragraph as hardly worthy of consideration, in these words—and this is the argument of the learned Senator:

> It is said that Congress possesses no power to confer upon a State authority to be exercised which has been exclusively delegated to that body by the Constitution.

That is the Senator's argument, that if the Constitution has given Congress the right to handle it, if it has given exemption from taxation, Congress can not touch it. I will repeat that—

> It is said that Congress possesses no power to confer upon a State authority to be exercised which has been exclusively delegated to that body by the Constitution, and, consequently, that it can not confer upon a State the sovereign right of taxation; nor is a State competent to receive a grant of any such power from Congress.

That is, the Senator argues that if we are setting up an instrumentality of the United States in these Federal land banks, if they are actually an instrumentality of the United States, they are exempt from taxation under the Constitution, and we can not permit a State to tax them. That is his proposition. Continuing, the court says:

> We agree to this. But as it respects a subject matter over which Congress and the States may exercise a concurrent power, but from the exercise of which Congress, by reason of its paramount authority, may exclude the States, there is no doubt Congress may withhold the exercise of that authority and leave the States free to act. An example of this relation existing between the Federal and State Governments is found in the pilot laws of the States and the health and quarantine laws.

That is found on page 585.

Therefore if we have a right to establish this instrumentality to help out a proper governmental function, then we have a right to annex to it such conditions of taxation in favor of the States or such exemption from taxation in favor of the instrumentality as Congress, in its discretion, as a matter of policy sees fit to impose. There can not be any escape from that.

The land banks are just like the national banks. What part of the activities of the average national bank is a Government function? There are over 7,500 of them, and there are not, I was going to say, a half dozen out of the lot that ever perform a Government function. Their constitutionality is not rested at all on the right to issue currency. As I pointed out the other day, if it were, then the farm-loan bonds are just as much currency as are the bank notes. Neither is legal tender, and the original bank notes bore interest, just as the farm-loan bonds bear interest. The man who borrows money of a national bank is not performing a Government function; he is not helping the bank to perform such a function, and the bank is not performing one, and so when we are loaning to farmers and issuing sound investments we are not performing a Government function. The only Government function is the right to act as Government depositaries and as fiscal agents, when required, and that is the only Government function that the national banks perform; but if the Government allowed the State to impede and hinder or even destroy this Government instrumentality by taxation, then they would be unfitted and unable to perform Government functions when they were called upon to do so. In order to allow these banks to exist we must pass laws that will allow them to be profitable, so that they can exist, and in order to allow them to be profitable we exempt them from taxation. We have established them to perform a Government function when required to do so, and we have annexed to their charter such conditions as we in Congress as a matter of policy and in the exercise of sound discretion think are proper and wise.

Mr. SUTHERLAND. Mr. President, before the Senator takes his seat, may I ask him a question?

Mr. HOLLIS. Yes.

Mr. SUTHERLAND. Does the Senator from New Hampshire think that whenever Congress has the power to create a corporation, it has the power to exempt from State taxation the property of that corporation?

Mr. HOLLIS. That has not been decided. We do not have to go as far as that. It never yet has been held that Congress can establish a corporation unless it is done to carry out some constitutional purpose. The other day there went through Congress an act establishing the American Society of Arts and Letters, I think. I doubt if that is constitutional, although it may be. But if Congress does, in its wisdom, establish a corporation to carry out one of its constitutional powers, either express or implied, it may annex to it any condition that it chooses in the way of exemption from taxation or other privileges.

That is my answer.

Mr. SUTHERLAND. It may attach any condition it pleases to the corporation; but it does not follow that it can attach any condition it pleases to State action upon the corporation.

Mr. HOLLIS. The Senator asked me my idea. My idea is just that. He entertains another view, as I am well aware.

Mr. SUTHERLAND. The Senator would not say, for example, that if Congress creates a corporation in the District of Columbia—which it has power to do—it could exempt the real estate of that corporation, situated in the States of Illinois, from taxation by the State?

Mr. HOLLIS. Oh, not at all, because that is done under an entirely different idea. We act as a legislature for the District of Columbia; and Congress could exempt that from taxation, I believe, if it chose, just as the Legislature of New Hampshire exempts manufacturing establishments from taxation for a series of years. I think it might; but it would not have any connection with this, because this law is based upon the right to establish Government instrumentalities under an implied or express power of the Constitution; the other is a local legislature, acting for local objects.

Mr. SUTHERLAND. Mr. President, I discussed this question at some length a day or two ago, and I do not desire at this time to go over the argument which I then made; but I want to say a word or two in addition to what I then said, and particularly with reference to the suggestions which were made to-day and the other day by the Senator from New Hampshire [Mr. HOLLIS].

I have no doubt that when Congress creates an agency through which it undertakes to have discharged a governmental function it may exempt from taxation the operations of that agency in so far as they have reference to the discharge of that governmental function, or its property in so far as that property has relation to its governmental function; but I deny utterly that Congress has the power to create an agent or an agency of the Federal Government and to exempt from State taxation the property of that agency which has no connection whatsoever with the governmental function which it is authorized to discharge. I think that is the effect of the decision of the Supreme Court, both in the McCulloch case and in the case of Osborn against The United States Bank.

Mr. HOLLIS. Mr. President, does not the Senator overlook the fact that in neither of those cases did Congress act? They were solely under the Constitution. He has no case in which Congress has acted and where the Supreme Court has held that Congress can not do it. There is no such case.

Mr. SUTHERLAND. No; I have not overlooked that at all. I discussed the question the other day. In the act creating the Bank of the United States it is true that there was no specific provision exempting anything from the operation of State taxation; but the reasoning of the court shows, to my mind, conclusively that it would have made no difference. Congress in creating the United States Bank might have provided that the notes issued by the bank should not be subject to State taxation, and that would not in any manner have altered the rule. That would simply have declared the rule. But I undertake to say that if Congress in that act had provided that the real estate of that institution, the capital stock of that institution held by citizens of the State of Maryland, should be exempted from State taxation, taking the decision of the Supreme Court in the two cases I have referred to, the Supreme Court would not have upheld that legislation.

I read some paragraphs from the decision in the McCulloch case, but I did not at that time have before me the decision in Osborn against the United States Bank. I have it now, and I call attention to what the court says at the very beginning of its discussion of this particular question, at page 859 of Ninth Wheaton, where the decision is found. The court says:

> 7. Is that law unconstitutional?
>
> This point was argued with great ability, and decided by this court, after mature and deliberate consideration, in the case of McCulloch against the State of Maryland. A revision of that opinion has been requested; and many considerations combine to induce a review of it.
>
> The foundation of the argument in favor of the right of a State to tax the bank is laid in the supposed character of that institution. The argument supposes the corporation to have been originated for the management of an individual concern, to be founded upon contract between individuals, having private trade and private profit for its great end and principal object.

Now, observe; the court says that the argument in favor of the power of the State to tax presupposes that the corporation is organized for the management of an individual concern "having private trade and private profit for its great end and *principal* object."

> If these premises were true, the conclusion drawn from them would be inevitable. This mere private corporation, engaged in its own business, with its own views, would certainly be subject to the taxing power of the State, as any individual would be.

They put it upon exactly the same ground. The State would have the same power to tax such a corporation as it would have power to tax an individual.

Mr. HOLLIS. Mr. President, that is because Congress did not exempt it, of course; but we are going to exempt these. The Senator's case does not hit this case.

Mr. SUTHERLAND. I know that the Senator has said that two or three times; but repetition, in my judgment, does not add to the strength of the assertion.

Mr. HOLLIS. But I am obliged to meet repetition with repetition. That is the only way to meet it.

Mr. SUTHERLAND. Mr. President, I was not repeating anything. I was reading the language of the Supreme Court. The Senator seems to think the language of the Supreme Court does not agree with what he has said. I repeat, the language is that of the court.

> This mere private corporation, engaged in its own business, with its own views, would certainly be subject to the taxing power of the State, as any individual would be.

Let me pause here long enough to say, with reference to that language, that I think even the Senator from New Hampshire would not claim because an individual was constituted an agency of the General Government—as, for example, the Attorney General, a Justice of the Supreme Court of the United States, or a justice of any other court—that Congress would have the power to exempt from State taxation the real estate of that official lying within the limits of a State; and the Supreme Court of the United States in this decision seemed to put the two things upon exactly the same ground. The court says:

> And the casual circumstance—

Now, let me pause to emphasize that—

> and the *casual* circumstance of its being employed by the Government in the transaction of its fiscal affairs would no more exempt its private business from the operation of that power than it would exempt the private business of any individual employed in the same manner.

All the way through the court puts the two propositions upon the same ground, and it is difficult for me to see how any distinction can be made between the two cases. Because Congress creates a corporation and provides casually, as it does in this bill, that it may operate to discharge some function of the Federal Government, to say that it may exempt the property of that corporation from taxation is no different in principle, it seems to me, than to say that where it authorizes an individual to discharge some function it may exempt his property from taxation.

Now, taking the test of the case from which I have read, what is the principal purpose for which these Federal land banks are organized? Why, it is to loan money to the farmers. Nobody pretends that there is any other purpose that it is expected will be carried into operation. The language of that provision of the bill which looks to the discharge of Federal functions upon the part of this bank, found in section 6, is:

> That all Federal land banks and joint-stock land banks organized under this act, *when designated for that purpose by the Secretary of the Treasury*, shall be depositaries of public money, except receipts from customs—

And so on.

Mr. HOLLIS. Mr. President——

Mr. SUTHERLAND. Just a moment. So in the last analysis it depends upon the will of the Secretary of the Treasury whether this organization shall operate as a governmental agency or not. The law leaves it to the Secretary of the Treasury *casually* in his discretion to say that one particular bank shall discharge the governmental function and another bank shall not.

Mr. HOLLIS. The distinguished Senator is now quarreling with the national-bank act, because there is exactly the same provision in that act, and we have copied this one directly from the national-bank act. If a national bank is a Government depositary and fiscal agent under the Constitution, then this bank will be.

Mr. SUTHERLAND. I am not quarreling with the national-bank act at all. I am quarreling with this act.

Mr. HOLLIS. But that is the provision of the national-bank act on which its constitutionality depends.

Mr. SUTHERLAND. Not alone with reference to that particular feature.

Mr. HOLLIS. Yes.

Mr. SUTHERLAND. But it was, for example, through the instrumentality of the national banks, which are banks of issue, that the Government expected to negotiate and dispose of its bonds.

Mr. HOLLIS. Well, it is the same in this act, too—just the same. It provides for disposing of its bonds.

Mr. SUTHERLAND. But, as the Supreme Court has said in the case I have read, it is not a principal object; it is a casual thing:

> Shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them.

So it is left entirely to the Secretary of the Treasury.

Mr. HOLLIS. There, again, the Senator wants to get it right. He hurried over the last part. He slurred that. The last part, giving them power to act as fiscal agents for the Government, is not at the discretion of the Secretary of the Treasury. They shall be, when called upon. That is also just like the national-bank act.

Mr. SUTHERLAND. Why, no, Mr. President; the Senator is mistaken about it. I did not slur it over. I will read it:

> And they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them.

Mr. HOLLIS. Yes; but the other provision, which the Senator did slur over, makes them financial agents.

Mr. SUTHERLAND. Oh, no. I have read every word down to that point.

Mr. President, what has the Senator to say with reference to the national farm-loan association? The property of that association is exempt from taxation, under the terms of the law, the same as the property of the Federal land bank. What function of the Government is it contemplated that that association shall discharge?

Mr. HOLLIS. Why, exactly the same as the cashier or receiving teller acting for the national bank in doing the business of the bank.

Mr. SUTHERLAND. Oh, no, Mr. President.

Mr. HOLLIS. Why, certainly. The Senator can not brush it aside in that way. It is provided that the Federal land banks shall place their funds in and collect their money through the loan association, just as the national banks would do through their cashiers and receiving tellers.

Mr. SUTHERLAND. Mr. President, I hope the Senator from New Hampshire will study his bill a little more closely than he appears to have done when he makes that rejoinder.

Mr. HOLLIS. If the Senator thinks I have not studied this bill tolerably closely, he is very much mistaken. I should be very glad to pass an examination on it.

Mr. SUTHERLAND. I am undertaking to point out one particular, at any rate, in which the Senator is mistaken in his construction of his own bill. This national farm-loan association which is contemplated by the bill is an association organized for the benefit of the farmers. It is an organization which is called into existence to enable them to secure loans from the land banks and, perhaps, from the joint-stock banks as well. I do not remember the exact powers about that.

Mr. HOLLIS. And the officers and agents of any bank are for the purpose of permitting people to get loans through them.

Mr. SUTHERLAND. Mr. President, ordinarily I do not object to the Senator's interruptions, but I should like to complete the statement I am making, and then I have no objection to the Senator asking me questions, if he desires to do so.

As I read this bill, this national farm-loan association is a wholly separate and distinct organization from the Federal land bank. It may hold property of its own separate and distinct from the land bank. It does not discharge, and it is not contemplated that it ever will discharge, any governmental function whatsoever. It acts at most only as an intermediary between the person who desires to make a loan and the bank from which the loan is sought. It is precisely the same as if there should be an organization of a similar character made in a State to-day to facilitate the dealing of a class of persons, like farmers, with the national banks. The authority of Congress would not be needed in order to make that kind of an organization; but if Congress did authorize it, if Congress authorized by legislation now the organization of a national farm-loan association within a State to which the farmers could subscribe stock and through which they could facilitate making loans from the national banks, that would not make it a governmental institution, according to my view of it; but section 29 of this bill proposes to exempt from taxation the property of that loan association, as well as the property of this Federal land bank.

Now, just a word further with reference to the statement made by the Senator the other day in response to the argument which I made.

The Senator, in the course of his argument, on page 7939 of the RECORD, said:

> At this juncture let me call attention to another point which has evidently been overlooked by the distinguished Senator. He has discussed the occupation of a field of taxation by a State and its occupation by the United States, and says that where one has acted the other is excluded. In the railroad cases which he cited the Government of the United States did not act on the question of taxation. The Government set up the instrumentalities to conduct commerce between the States and to transport armies and ammunition, but it did not undertake to occupy the field of taxation so far as those instrumentalities were concerned.
>
> In the present bill the distinguished Senator from Utah would not himself undertake to occupy that field of taxation, and, if he did not, undoubtedly the State would be left free to occupy it; but where the Government, acting under a sovereign power, does undertake to occupy a field, it occupies it for all purposes and excludes the States from it.

Mr. President, that is true with reference to some subjects, but it is not true with reference to the subject of taxation. The Government of the United States and the State may occupy exactly the same field. The Government of the United States may tax a particular species of property or a particular activity and the State may tax the same identical property and the same identical activity. The only advantage which the Government of the United States has in that case is that if it has imposed a tax upon a species of property which is also taxed by the State, the claim of the Government of the United States must be satisfied first, and it is only to that extent that it excludes in any way the operation of the State. But the two Governments often tax the same things. We are imposing a tax upon incomes, and many States have imposed, and all States have the power to impose, a tax upon incomes. We may impose a tax upon a particular species of property and the State may impose a tax upon that same property. But because the law of the United States, by the terms of the Constitution itself, is paramount, the claim of the United States must be first satisfied; but the State is not excluded from the field of taxation because Congress has spoken upon it.

Mr. SMITH of Georgia. Mr. President, will the Senator let me ask him a question?

Mr. SUTHERLAND. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I missed part of his argument the other day, and although I have read it, I may not have gathered exactly his position. Does the Senator concede that Congress can exempt from taxation the property, of every kind, of a national bank?

Mr. SUTHERLAND. No, Mr. President. I do not think Congress can exempt from taxation the property, of every kind, of a national bank. I do not think it could have excluded the property, of every kind, of the United States Bank, although that question did not arise in those cases.

Mr. WALSH. Mr. President, will the Senator kindly indicate what kind of property of a national bank he thinks Congress could not exempt?

Mr. SUTHERLAND. If a national bank acquire personal property—cattle, horses, sheep—the same kind of property owned by citizens of the State and liable to taxation, I think that property would be liable to taxation; and I do not think Congress would have the power to exempt that species of property from taxation.

Mr. WALSH. Does not the Senator believe that that kind of property is exempt now to the national banks? Suppose, for example, a national bank foreclosed a mortgage, and took in some personal property, some cattle. Does the Senator believe that the local State authorities would have the right to list those cattle for taxation, the same as they would mine and his?

Mr. SUTHERLAND. That would be my judgment, Mr. President.

Mr. SMITH of Georgia. Is the real estate of a national bank exempted from taxation now?

Mr. SUTHERLAND. I think not.

Mr. SMITH of Georgia. I do not so understand.

Mr. HOLLIS. I have the national-bank act right here; and the Congress expressly permitted it to be taxed, containing the implication that if they had not permitted it to be taxed it could not have been taxed.

Mr. SUTHERLAND. I do not think it follows at all, Mr. President, because Congress has inserted a provision in the law that a certain species of property shall be subject to State taxation, that if it had not inserted the provision the property would not have been subject to taxation.

Mr. THOMPSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SUTHERLAND. Yes.

Mr. THOMPSON. In that connection will the Senator permit me to call attention to One hundred and seventy-third United States, page 664, where the Supreme Court of the United States expressly decided:

> A State is wholly without power to levy any tax, either direct or indirect, upon national banks or their property, their assets or franchises, except when permitted so to do by the legislation of Congress.

Mr. SUTHERLAND. What was the particular property that was sought to be taxed in that case?

Mr. THOMPSON. This was the franchise.

Mr. SUTHERLAND. Yes; the franchise.

Mr. THOMPSON. But they expressly decided what I have stated from the syllabus, and discussed the leading cases which have been referred to by the Senators here to-day, commencing with the McCulloch case and going down to the present time.

Mr. SUTHERLAND. Of course the Senator is familiar with the rule that the language of any decision must be confined to the question which was at issue. The question there was whether or not the franchise of the bank could be taxed; and the Supreme Court very properly held that it could not be taxed, because, as they held in one of the railroad cases as well, that would be to enable them to legislate out of existence something which the Federal Government had created.

Now, Mr. President, I call attention to the distinction which, on a careful reading of the Veazie Bank case, is shown to exist between that case and the one with which we are dealing. I said the other day—and it had been some time since I had read the case, and I did not have it very well in mind—that that was a decision which never had been entirely satisfactory to the profession. The dissenting opinion, rendered by Mr. Justice Nelson, I think is a far more strongly reasoned opinion than the decision of the majority of the court. But, however that may be, the case is readily distinguishable from the one with which we are dealing.

In the McCulloch case the Supreme Court held that the State could not tax the notes which were issued by the bank. Why? Because the Government of the United States was itself in effect issuing, through that agency, this species of currency or money.

Mr. HOLLIS. Mr. President, will the Senator allow me to interrupt him there?

Mr. SUTHERLAND. Yes.

Mr. HOLLIS. There is no language of the kind, there is nothing to support any such statement, in the McCulloch case. The Senator can not find it. It is not there.

Mr. SUTHERLAND. Oh, Mr. President, the Senator is very positive in his statement about that; but the whole case proceeds upon the theory that the Government of the United States is discharging a governmental function through this bank, and the thing that was taxed was the notes, and there was not anything else that was sought to be taxed.

Mr. HOLLIS. I shall be very much obliged to the Senator if he will produce one line in that case to-morrow, after he has had time to read it, that supports his assertion. I know it is not there.

Mr. SUTHERLAND. Mr. President, if the Senator will permit me to proceed, I say—and the Senator will not undertake to dispute that—that the thing which the State was trying to tax was the notes issued by the bank, and they undertook to tax those notes, which were money, currency. They undertook to provide, in substance and effect, by their law, that the notes could not be issued at all by the bank unless, first of all, there was purchased from the State stamped paper upon which the notes were to be printed, the price of which was proportioned to the value of the notes.

Now, it is not required that I should be able to find some precise language in the decision. It is clear that what the Government of the United States did in that case was to perform a governmental function through that instrumentality; and, of course, the Supreme Court was right in holding that the State could not tax the money issued by the bank any more than it could tax money issued by the Federal Government itself. In the Veazie Bank case the Government of the United States, it is true, undertook to tax notes issued by the bank, but it was not a case where the State was exercising the governmental function through its bank of issuing the notes; the issuance of the notes was the private business of the bank.

The difference is that the United States Government has the constitutional power, as decided by the Supreme Court over and over again, to provide currency for the people and that the State has no such constitutional power. It is not one of the governmental functions of the State to provide currency for the people. A bank, in the absence of legislation to the contrary, may issue notes. So when the Supreme Court in the Veazie Bank case upheld the law of Congress undertaking to impose a tax upon these notes it was dealing with the same thing in name as the thing involved in the McCulloch case, but it was a thing utterly different in effect. It was not a function of the State that was being taxed, as in the McCulloch case; it was the function of the National Government, but it was the private operation of the private bank, presenting, as it seems to me, a wholly different proposition.

Mr. President, I have said in the course of my discussion here to-day, as I said the other day, that I could see no distinction between exempting from taxation the property of a corporation which in some casual aspect discharges a governmental function, which property has no connection whatever with the governmental function, and attempting to exempt the property of an individual similarly situated. What difference is there except that one is a natural person and the other is an artificial person? If the Government authorizes an individual, which it may do, to discharge some governmental function and the individual wholly separate and apart from his governmental duty has property, not derived as a part of his salary, not in any way connected with his governmental operations, it certainly can not be contended that the Federal Government can exempt the property of that individual, his real estate, his horses, his wagons, his mortgages, or any other species of property. I can not see upon what theory if we are not able to do that in the case of the individual we may do it in the case of a corporation, when the property is not connected at all with the operations of that corporation in the discharge of any governmental function.

Mr. STERLING. Mr. President, with the last statement of the Senator from Utah and his opinion I must in a way take issue. His whole theory appears to be that the operations of a Federal land bank and a national farm-loan association under this proposed law are remote from the instrumentality itself, and that they have nothing to do really with what he terms a governmental function.

I spoke briefly the other day upon this proposition, and I wish to call attention again to the purpose of the bill as disclosed first in the title of the bill. It is "to provide for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes."

Mr. President, we may lay aside these latter purposes mentioned in the title, namely, the creation of these instrumentalities as depositaries of United States bonds or as financial agents for the United States, and confine ourselves to the first provisions in the title, namely, "to provide for agricultural development, to create a standard form of investment based upon farm mortgage, and to equalize rates of interest upon farm loans," and stop there. Let the inquiry be as to how these purposes are to be accomplished. They are under this bill to be accomplished by a Federal instrumentality or by different Federal instrumentalities—the farm-loan board, the Federal land bank, and the national farm-loan association. We are creating them by Federal law; they are Federal instrumentalities. Let us see a little further what is the purpose of the bill as disclosed by the text of the bill itself.

Mr. SUTHERLAND. Let me ask the Senator a question, if he will permit me right there.

Mr. STERLING. Certainly.

Mr. SUTHERLAND. Suppose the bill did stop there, and simply provided for the incorporation of banking institutions for the purpose of loaning money to farmers at a less rate than that at which they could obtain the money from other institutions; what Federal governmental function is the United States discharging through such a bill? Under what provision of the Constitution of the United States is it acting when it does such a thing as that?

Mr. STERLING. I will refer in answer to that to the question I asked the Senator from Iowa [Mr. CUMMINS] during his discussion of this question. It will come, as many other things come, from no express provision, except that the Constitution empowers Congress to provide for the general welfare or to enact legislation in the interest of the general welfare.

Mr. SUTHERLAND. Now, let me ask the Senator from South Dakota, does the Senator think that the so-called general-welfare clause, or either of them, because there are two in the Constitution, is a substantive grant of power to the Federal Government? If so, then there is no limit to what the Federal Government can do, as the Supreme Court has repeatedly said.

Mr. STERLING. It must, of course, be for the general welfare. I call the Senator's attention to the fact that much of the legislation of Congress, the appropriations carried in the Agricultural appropriation bill, for example, are legislation and appropriations that affect certain sections of the Union. The Senator, I think, will readily recall what has been done for the cotton industry in one way or another and for various other industries. What is the warrant for legislation of that kind except the general-welfare clause? True it is that legislation of this kind affects a particular section or a particular interest or class; but it is upon the theory that these several interests are interdependent, and what will be in the interest of one will be in the interest of all, and therefore it is for the general welfare.

Mr. SUTHERLAND. May I answer the Senator?

Mr. STERLING. Yes.

Mr. SUTHERLAND. I think that Congress appropriates a great deal of money that it has no constitutional warrant for appropriating at all. We have appropriated money to aid the earthquake sufferers in Italy; we have appropriated money for all sorts of things; and we do it by a sort of common consent, and there is not an opportunity of having the appropriation challenged because it never is presented to a court in any justiciable form. That is the difficulty with it.

Mr. STERLING. The instances the Senator from Utah cites are extreme cases. I grant very readily there is no constitutional authority for an appropriation of that kind, but I will not grant that there is no constitutional authority for appropriations such as I have mentioned.

Mr. SUTHERLAND. I say to the Senator that in the case to which he called attention—that is, the case of making appropriations—in many instances I think there is no constitutional warrant, but still that is very different from the proposition which the Senator now undertakes to justify, namely, the creation of a corporation to engage in the essentially private business of banking, the loaning of money to one class of people, because we think they are in greater need of assistance with reference to their loans than other classes of people. The Senator is aware of the decisions of the court that Congress can only create a corporation for the purpose of carrying out through that corporation some constitutional power. The illustration which has become classic, that given by Mr. Hamilton in the United States Bank case, was this: He said Congress has no independent power to create a corporation, but it has the power to carry on fiscal operations, and it may therefore create a corporation as a means to carry on such operations. He said, however, that Congress has, for example, no power to govern the police force of the city of Philadelphia. Therefore, it could not create a corporation to do that. Congress has no power to engage in the business of loaning money to farmers. Therefore, it can not create a corporation for the purpose of doing it.

Mr. STERLING. Mr. President, assuming that the general-welfare clause of the Constitution authorizes or warrants legislation of this kind, as I believe it does, it authorizes the creation of an instrumentality to work out or through which may be worked out the very purposes of the bill. Considering the nature of the business, the best instrumentality must be a Federal land-bank corporation, as provided in the bill. It is provided by section 29 that the mortgages taken by the land-bank corporation and the bonds issued by it shall be exempt from taxation. What is the warrant for exempting them from taxation? Because they are the operations themselves of this Federal instrumentality which under the general-welfare clause of the Constitution Congress has the right to create.

Mr. CUMMINS. Mr. President——

Mr. STERLING. I yield to the Senator.

Mr. CUMMINS. In order to get a clear issue, so that I may understand just what the Senator from South Dakota contends, I ask him this question. We have now pending on the calendar a bill the chief object of which is to regulate child labor; that is, to prohibit child labor under certain circumstances. Does the Senator from South Dakota think that Congress could pass a law simply stating the condition under which children shall work throughout the United States, if Congress believes it would be for the general welfare that such a regulation should be passed?

Mr. STERLING. Mr. President, I have not thought of that particular proposition. I hesitate to say Congress would have such power. There are other grounds, of course, on which legislation of that kind can be justified.

Mr. CUMMINS. Yes.

Mr. STERLING. The relation of child labor to products that go into interstate commerce is such as to warrant legislation upon the subject.

Mr. CUMMINS. The proposal of the bill on the calendar is substantially that owners of factories and mines and other establishments of that kind which employ children under certain objectionable or forbidden conditions shall not transport or have transported their products in interstate commerce, and it is supposed by those who have constructed the bill and those who believe in the bill that it is necessary to invoke the constitutional authority to regulate commerce in order to have Congress reach the real purpose, namely, the prohibition against child labor under certain circumstances. Now, if the general welfare of the country affords a basis for any legislation which Congress may see fit to adopt I can see no reason why Congress can not legislate for the general welfare in that particular without invoking its power to regulate commerce.

Mr. STERLING. Mr. President, I think the right and the power of the State in a case such as is cited by the Senator from Iowa may more readily find justification than you can find warrant for invoking the right of the State to tax the bonds and mortgages issued by or taken by this Federal instrumentality. It is a great body of our people that this legislation is intended to benefit, the agricultural classes throughout the Nation, and how is it intended to benefit them? By giving them the same opportunity as other business interests in the matter of securing loans for the purchase, equipment, and development of farms and in making their property and their valuable securities that they own available for that purpose. That is the purpose of the bill.

Mr. CUMMINS. May I interrupt the Senator again?

Mr. STERLING. Certainly.

Mr. CUMMINS. With that purpose I am in entire and absolute sympathy, and I am not questioning the constitutionality of the bill. If it were confined, as the Senator from Utah said, solely to the one purpose named by the Senator from Utah, I would have grave doubt about our authority to enact the law, but there are governmental functions that are to be exercised by the Federal land bank, and I do not think a court could ever disassociate those functions from the other one of loaning money to the farmer. I hope the Senator will not think that I believe we have no authority to pass the bill, for I think we have just as much authority to pass it as we had authority to create national banks. I should like to see them stand as a part of the fiscal system of the United States in exactly the same way that national banks stand.

Mr. STERLING. That, I will say, Mr. President, is my understanding of the Senator's view in this regard. He does not question the constitutionality of the bill as a general proposition, but he does attack this particular section relating to exemptions.

However, if the bill itself is constitutional in providing for the creation of the instrumentality, it must be a Federal instrumentality which we should not tax. I do not care to say it is a "governmental function" in the technical sense of that term that is performed by the bank in taking a mortgage from the farmer or issuing bonds upon a great number of mortgages. It may not be a governmental function in the sense that it carries out some of the administrative, legislative, or executive ends or functions of Government, yet it is, notwithstanding, by the very terms of the bill, the constitutionality of which the Senator admits, a Federal instrumentality created for the purpose I have named, and the question is as to whether or not when you tax the mortgages which it takes and the bonds which it issues in the fulfillment of the purpose of enabling farmers to secure money at lower rates of interest and on easier terms as to payment you are not at least taxing the operations of that Federal instrumentality created for this specific purpose and thereby defeating the purpose. If the bonds and mortgages are taxed it will affect the rate of interest. It is contemplated by the bill that through these operations of the bank farmers will secure loans at a lower rate of interest.

Mr. CUMMINS. Mr. President, I do not doubt the constitutional authority of Congress to pass a law for the incorporation of a railway solely to regulate rates; that is a governmental function; and if it is believed that such rates can be regulated better through a national corporation; that is to say, if low or reasonable rates for the general public can be secured in that way more perfectly than through the regulation of State corporations, I have no doubt of the constitutional authority of Congress to incorporate such an association. But if we take one step further, and should propose to do in that instance what it is said can be done in this instance, namely, to exempt all the property of the incorporation from taxation in order that it might render its service to the public at a lower rate, then I would think we would come in direct collision with the Constitution.

Mr. STERLING. Mr. President, I can hardly agree with the Senator from Iowa in that respect. I believe it is within the power of Congress to provide for the exemption from taxation of the Federal instrumentality which is created for the purpose of affecting the public or general welfare, its property, its franchises, and all the operations of that Federal instrumentality. It is peculiarly so in this case. I think that the taxation of bonds and mortgages and capital stock of the Federal farm-land banks will injuriously affect and perhaps prevent the very purposes of the act, because a lower rate of interest under those conditions will be impossible; the mortgages will be taxed, and the bonds will be taxed in the hands of their owners.

The Senator from Iowa this afternoon in his able and exhaustive argument alluded to the fact that it would be unfair

to the rest of the taxpayers of a community or of a State to have the holders of bonds of this kind, and with this security, exempt from taxation; but, Mr. President, while there may be some advantages resulting to the holders of these bonds, yet, after all, that is incidental to the main purpose of the bill, which is to secure loans to farmers at a lower rate of interest, and if somebody does reap some advantage from it, ought not, in my judgment, to be an argument against this section of the bill.

Mr. President, I merely want to quote briefly from the old, often cited case of McCulloch against State of Maryland—just a few words of the great Chief Justice. He says:

> We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people.

Then comes that famous dictum:

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

The simple question here under that great authority is as to whether the end we are trying to reach is a legitimate end, and whether these means are appropriate means, and whether they are within the spirit of the Constitution.

The Senator from Iowa, who has raised these technical constitutional objections, admits that the bill is in the main constitutional; that the instrumentalities provided are constitutional. Such being the case in regard to the bill, I do not believe these exemptions which are to aid in effecting the very purpose of the bill should be stricken out.

Mr. THOMPSON. Mr. President, as part of this discussion, I should like to have printed in the RECORD a portion of pages 667, 668, and 669 of the decision of the Supreme Court of the United States in the case of Owensboro National Bank against Owensboro, reported in One hundred and seventy-third United States, delivered by Chief Justice White, wherein the court discussed the principle which was decided in the syllabus to which I called the attention of the Senator from Utah [Mr. SUTHERLAND] a moment ago.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

> A State is wholly without power to levy any tax, either direct or indirect, upon national banks, their property, assets, or franchises, except when permitted so to do by the legislation of Congress.
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> * * * * * * *
>
> Early in the history of this Government, in cases affecting the bank of the United States, it was held that an agency, such as that bank was adjudged to be, created for carrying into effect national powers granted by the Constitution, was not in its capital, franchises, and operations subject to the taxing powers of a State. (McCulloch v. Maryland, 4 Wheat., 316; Osborn v. Bank of the United States, 9 Wheat., 738.)
>
> The principles settled by the cases just referred to and subsequent decisions were thus stated by this court in Davis v. Elmira Savings Bank (161 U. S., 283):
>
> "National banks are instrumentalities of the Federal Government, created for a public purpose, and as such necessarily subject to the paramount authority of the United States. It follows that an attempt by a State to define their duties or control the conduct of their affairs is absolutely void, wherever such attempted exercise of authority expressly conflicts with the laws of the United States, and either frustrates the purpose of the national legislation or impairs the efficiency of these agencies of the Federal Government to discharge the duties for the performance of which they were created. These principles are axiomatic, and are sanctioned by the repeated adjudications of this court."
>
> It follows, then, necessarily from these conclusions that the respective States would be wholly without power to levy and tax, either direct or indirect, upon the national banks, their property, assets, or franchises, were it not for the permissive legislation of Congress.
>
> The first act providing for the organization of national banks, passed February 25, 1863 (c. 58, 12 Stat., 665), contained no grant of power to the States to tax national banks in any form whatever. Doubtless the far-reaching consequence to arise from depriving the States of the source of revenue which would spring from the taxation of such banks, and the error of not conferring the power to tax early impressed itself upon Congress, for the following year (act of June 3, 1864: c. 106, 13 Stat., 99) power was granted to the States, not to tax the banks, their franchises or property, but to tax the shares of stock in the names of the shareholders. This provision subsequently was amended and supplemented in various particulars (act of Feb. 4, 1868; c. 6, 15 Stat., 34), and the result of this legislation is embodied in section 5219 of the Revised Statutes, which is as follows:
>
> "SEC. 5219. Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares in assessing taxes imposed by authority of the State within which the association is located; but the legislature of each State may determine and direct the manner and place of taxing all the shares of national-banking associations located within the State, subject only to the two restrictions, that the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State and that the shares of any national-banking association owned by nonresidents of any State shall be taxed in the city or town where the bank is located and not elsewhere. Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed."
>
> This section, then, of the Revised Statutes is the measure of the power of a State to tax national banks, their property, or their franchises. By its unambiguous provisions the power is confined to a taxation of the shares of stock in the names of the shareholders and to an assessment of the real estate of the bank. Any State tax, therefore, which is in excess of and not in conformity to these requirements is void.
>
> So self-evident are these conclusions that the adjudicated cases justify the deduction that they have been accepted from the beginning as axiomatic and unquestioned, since the controversies as to taxation of national banks illustrated in the opinions of this court mainly depend, not upon any attempted exercise of a power to tax the property and franchises of the banks, but involved controversies as to whether, when the shares of the stock in the names of the shareholders had been assessed according to law, the tax could be imposed upon them because of alleged discrimination or other illegalities.

Mr. WALSH obtained the floor.

Mr. HOLLIS. Mr. President, I will say for the information of the Senate that I hope we can get a vote on this bill some time to-morrow. It is my intention now to ask the Senator from Montana to yield, so that I may move a recess, and that will give the Senator from Montana the privilege of the floor at 12 o'clock to-morrow, as I understand.

Mr. WALSH. That is agreeable to me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 12717. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

RECESS.

Mr. HOLLIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Thursday, May 4, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 3, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, whose life-giving rays permeate all space, and whose love reaches out to all Thy children, we thank Thee for the strong, intelligent, and ever-growing faith which recognizes Thee as the Father of all men, which enhances, dignifies, and ennobles life, takes away the sting of death, fills the heart with eternal hope, accentuates the sinfulness of sin, and inspires to holy living. Grant, O most merciful Father, that it may continue to grow until all men shall know Thee and worship Thee as such, in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting some editorials in New York papers commending my Democratic colleagues for their vote against the Clarke amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing editorials commending his Democratic colleagues for voting against the Clarke amendment. Is there objection?

Mr. BRUMBAUGH. I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BAKER, for the day, on account of illness.

To Mr. MCARTHUR, for the day, on account of urgent personal business.

To Mr. FORDNEY (at the request of Mr. SMITH of Michigan), indefinitely, on account of the death of a relative.

BUREAU OF WAR-RISK INSURANCE.

The SPEAKER. The bill H. R. 13224, to amend an act entitled "An act to authorize the establishment of a bureau of war-risk insurance in the Treasury Department," which was referred to the Committee on the Merchant Marine and Fisheries,

it seems ought to have been referred to the Committee on Interstate and Foreign Commerce, that reported the original act. The chairman of the Committee on the Merchant Marine and Fisheries asks that the change be made, and without objection it will be referred to the Committee on Interstate and Foreign Commerce.

There was no objection.

FLOOD CONTROL.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk proceeded with the call of committees, and when the Committee on Flood Control was called,

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I call up the bill H. R. 14777, on the Union Calendar.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What list does the Clerk call these committees from?

The SPEAKER. From the usual printed list.

Mr. MANN. It may be that the rules adopted at this session changed the order, but the order in the Manual is not the order in which the Clerk called the committees. I am not raising any question, except for future information, so that Members who watch the calendar may know what is correct.

The SPEAKER. I understand the Clerk always calls the roll from the printed list.

Mr. MANN. The printed list, then, ought to be corrected, unless there was a change of the rule. In Rule LI is the Committee on Industrial Arts and Expositions.

The SPEAKER. That is the way it is in the printed list, and the Clerk ought to have called the Committee on Industrial Arts and Expositions.

Mr. MANN. The Clerk did call that committee, and the only point I am making is that the list was not called in the order in which it is printed in the rules.

The SPEAKER. The Chair supposes that the gentleman is correct, but the clerks inform the Chair that they have been calling the committees all the time from this printed list.

Mr. MANN. I understand they have, and I had supposed until this morning that the printed list and the list in the rules were the same.

The SPEAKER. The Chair supposed so, too; and they ought to be.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of order that the Committee on Flood Control has exceeded its powers in reporting this bill, and that it is a matter properly for the consideration by the Committee on Rivers and Harbors.

The SPEAKER. The Chair will hear the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Speaker, the Committee on Flood Control was created by a resolution which was introduced in the House February 1 last, and its jurisdiction extends to "flood control."

Inquiries were made at the time as to how far that jurisdiction went, but they were not answered very clearly. As adopted, the rule creating the committee provided that to this Committee on Flood Control should be referred matters relating to "flood control other than appropriations therefor." The jurisdiction of the Committee on Rivers and Harbors in the existing rules is to consider and dispose of matters pertaining to "improvement of rivers and harbors."

The bill which is reported by the Committee on Flood Control, and which has been called up by the gentleman from Mississippi [Mr. HUMPHREYS], provides in the opening section:

> *Be it enacted, etc.*, That for controlling the floods of the Mississippi River and continuing its improvement from the head of the Passes to the mouth of the Ohio River the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted.

In that first section it proposes to continue the permanent improvement of the channel of the Mississippi River, which has already been delegated to the Committee on Rivers and Harbors, and for which the Mississippi River Commission, acting under the organic law of 1879, has already spent for this section upward of $87,000,000. Now, by one fell swoop the Committee on Flood Control takes away from the Committee on Rivers and Harbors all the work heretofore assigned to it as coming up from the Mississippi River Commission, upon which up to date $87,000,000 has been expended.

The bill in other sections—on page 2 subsection (a), provides that—

> All money appropriated under authority of this section shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for controlling the floods and for the general improvement of the Mississippi River, and for surveys, including the survey from the Head of the Passes to the headwaters of the river.

Page 3, subsection 2, provides again for this same kind of permanent work. Page 4, dealing with the Sacramento River, carries forward to the direction and jurisdiction of the Committee on Flood Control the work heretofore assigned to the Committee on Rivers and Harbors, and certain reports and documents which were reported by the Committee on Rivers and Harbors are cited which contemplate permanent work for the improvement of the river for navigation purposes and not for the purposes of flood control.

Mr. CARTER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. CARTER of Oklahoma. Is it the gentleman's contention that jurisdiction of a committee can be questioned after no point was made in the committee as to the jurisdiction?

Mr. MOORE of Pennsylvania. It is my contention that the point can be raised now while we are in the House.

Mr. CARTER of Oklahoma. Even though it was not raised in the committee?

Mr. MOORE of Pennsylvania. This is the only opportunity to raise the point—right here; now.

Mr. CARTER of Oklahoma. It could have been raised in the committee, could it not?

Mr. MOORE of Pennsylvania. I presume it could, but that does not bar me. I am not a member of the committee. That does not bar any other Member of the House from raising it at the proper time when the House is in session.

Mr. CARTER of Oklahoma. What I wanted to understand is this: It has been my understanding that the question of jurisdiction of a committee could not be raised if it were not raised in the committee at the time the bill was reported.

Mr. MOORE of Pennsylvania. I presume the Speaker will rule upon that in due course. I am raising it here as is my right. I had no opportunity to raise it in the committee, and I question whether it could have been successfully raised there.

Mr. ADAMSON. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. ADAMSON. Is it not within the power and is it not the right of any Member of the House to raise the question upon the reference of the bill to the committee at any time before the committee reports the bill, and was not that the way to raise the question?

Mr. MOORE of Pennsylvania. As no one outside of the committee had any information on the subject I do not see how the question could be raised.

Mr. ADAMSON. We publish a paper here every day to show where a bill is.

Mr. MOORE of Pennsylvania. The committee did not go about the House telling the Members of the House what it was going to do, but when it was ready it brought a bill into the House which contains information to all of the Members of the House. That bill provides that we now appropriate more for flood control than we appropriated for rivers and harbors. We are to appropriate by this bill $45,000,000 for the Mississippi River alone, and $5,500,000 for the Sacramento River. The gentleman from Mississippi walks out of the Committee on Rivers and Harbors, which was making appropriations for the Mississippi River, a committee was created, and then the gentleman walks into the House with a flood-control bill proposing to appropriate $50,500,000 in one lump for the improvement of two rivers only.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. CAMPBELL. Referring to the question of jurisdiction and the time for raising the question, if the gentleman from Pennsylvania will permit a suggestion, I do not think there can be any question but that he is in time in raising the question of jurisdiction in the House. That question has been raised on bills referred to the Committee on Claims, which should have been referred to the Committee on War Claims, and that question has been raised frequently on the floor, and has always been held in order when the bill was called up for consideration.

Mr. MOORE of Pennsylvania. Certainly.

Mr. TILSON. Mr. Speaker, will the gentleman yield to me for a suggestion?

Mr. MOORE of Pennsylvania. Yes.

Mr. TILSON. In fact, would it be possible for the gentleman to know that this bill trenched upon the jurisdiction of the Committee on Rivers and Harbors until the bill was actually reported into the House. The gentleman could not determine

that fact from the title of the bill alone. He would have to know what the committee actually reported.

Mr. MOORE of Pennsylvania. That is true. I should think the House would have no such information, except under the circumstances mentioned by the gentleman from Connecticut. I recall very well, and I think most of the Members of the House do, that when the gentleman from Mississippi [Mr. HUMPHREYS] came in with his proposition for the creation of a committee on flood control, the whole circumstances surrounding the creation of that committee were nebulous. We did not know anything about it. Even the chairman of the Committee on Rivers and Harbors did not know, and so stated in effect on the floor of the House when the rule was brought in.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania to state succinctly the point upon which he relies.

Mr. MONTAGUE. I understood the gentleman to yield to me for a question. I beg the Speaker's pardon.

The SPEAKER. The Chair requested the gentleman to state in as few words as possible the points upon which he relied.

Mr. MONTAGUE. It was with that idea in view that I desired to ask a question to see if I could ascertain what his point is.

The SPEAKER. If the gentleman answers the Speaker's question, perhaps he will answer the question of the gentleman from Virginia.

Mr. MONTAGUE. That is true; but I did not know that the Speaker was going to ask that question when I preceded the Speaker.

The SPEAKER. The Chair suggests that the gentleman from Virginia ask his question.

Mr. MONTAGUE. Mr. Speaker, I desire to ask the gentleman if his objection goes not to the reference, but to the excess of jurisdiction under a proper reference. Is that true or not?

Mr. MOORE of Pennsylvania. My objection goes that far.

Mr. MONTAGUE. Is it to the reference itself, or is it only to the excess of jurisdiction under the reference?

Mr. MOORE of Pennsylvania. I have made the point that in reporting this bill in the form in which it is the Committee on Flood Control has exceeded its authority and has usurped the power of the Committee on Rivers and Harbors. That is substantially the point, I think, the Chair and the gentleman from Virginia desired me to respond to.

The SPEAKER. Has the gentleman finished?

Mr. MOORE of Pennsylvania. No; I have not. I wish the Chair to be advised that the point that I have made is practically conceded by the Committee on Flood Control itself, because in the rather voluminous report which it has presented—23 pages on the Mississippi River and upward of 100 pages dedicated to the Sacramento, which is joined to it in the alliance for the passage of the bill—it distinctly states, in almost the first paragraph, that the bill provides not only for controlling the floods of the Mississippi but also for—

the general improvement of the Mississippi River, and authorizes the Secretary of War to carry on continuously for that purpose the plans of the Mississippi River Commission, the expenditure not to exceed in the aggregate $45,000,000.

Now, this is the committee speaking:

It was the desire of the committee to confine the bill exclusively to matters relating to flood control, and only after mature consideration and conferences with the Chief of Engineers and his assistants in the War Department and with members of the Mississippi River Commission, was the committee forced to the conclusion that it was necessary under the peculiar conditions existing to include also the general improvement of the river. Appropriations have always been made heretofore in lump sums and the Mississippi River Commission authorized and directed to expend the money so appropriated for the purpose of carrying into effect the provisions of the act creating the commission, to wit, "to correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof, prevent destructive floods, and promote and facilitate commerce, trade, and the Postal Service." Levees are built for the purpose both of preventing destructive floods and serving the interest of navigation, and the revetment of caving banks is likewise done for this dual purpose. It was found to be practically very inadvisable to provide for the single problem of flood control and omit provision for the general improvement of the river.

Mr. Speaker, I call the attention of the Chair to the fact that the rivers and harbors bill just passed by this House made provision for this particular work to the extent of $6,000,000 from the Head of the Passes to the mouth of the Ohio River; now, under the guise of flood control, we are asked to appropriate $45,000,000 more, plus the $87,000,000 already expended by the Mississippi River Commission on the lower Mississippi. Before I close I want to call the attention of the Chair to the organic act creating the Mississippi River Commission, supervision of whose work is now being taken away from the Rivers and Harbors Committee.

The SPEAKER. The Chair thinks this is extraneous to this discussion.

Mr. MOORE of Pennsylvania. If the Chair pleases, the bill provides that the Committee on Flood Control shall take over the work of the Mississippi River Commission, and that provides for navigation.

The SPEAKER. The Chair would like to ask the gentleman from Pennsylvania one question.

Mr. MOORE of Pennsylvania. I want to show what the work of the Mississippi River Commission was and to show that it is a work of navigation.

The SPEAKER. The Chair would like to ask the gentleman one question. Is it not the uniform practice of the House that when public bills are referred to a committee, even if they are erroneously referred, and the committee proceeds to take jurisdiction and the House does not change the reference, does not that give that committee jurisdiction?

Mr. MOORE of Pennsylvania. Mr. Speaker, I do not care so much about the manner in which we have acted upon other questions as I do about the manner in which we get at this one. The point I am making now is the live, up-to-date point, upon which I am perfectly willing——

The SPEAKER. The Chair asked the gentleman a plain question.

Mr. MOORE of Pennsylvania. I will say, Mr. Speaker, I am not now competent to answer that question, but I maintain that the question I have raised is a proper one to raise under the rules and that this is the proper time to raise it.

The SPEAKER. There is no question but what the gentleman had the right to raise the question, but the Chair does not desire to hear anybody. He is ready to rule.

Mr. MOORE of Pennsylvania. Does the Chair decline to permit me to refer to the work under the organic law creating the Mississippi River Commission?

The SPEAKER. The Chair wants to say that the gentleman or any other gentleman who understands the history of this reference business might make a speech five hours long about it——

Mr. MOORE of Pennsylvania. That is correct.

The SPEAKER. There is no question about that; but we have not time to do it.

Mr. MOORE of Pennsylvania. But it is a matter involving $50,000,000 to begin with, Mr. Speaker.

The SPEAKER. The Chair understands that perfectly well, and the Chair is ready to rule. In the first place, the Chair will state again what he has stated frequently, that the reference of bills is the most difficult and delicate question that the Speaker has to decide. The committees frequently lap over into each other's jurisdiction. That is proposition No. 1. Bills are frequently drawn that way on purpose, the Chair thinks; but that is neither here nor there.

Mr. MOORE of Pennsylvania. Will the Speaker yield for one interruption?

The SPEAKER. Yes.

Mr. MOORE of Pennsylvania. I desire to call the attention of the Speaker to the fact that on numerous occasions when canal bills have been introduced here, simply because the word "canal" appears, although they pertained exclusively to waterways and navigation, they have been taken away from the Committee on Rivers and Harbors and referred to another committee. Navigation comes under the jurisdiction of the Committee on Rivers and Harbors——

The SPEAKER. That was because they were put in a privileged bill. The history of this discussion and the rights of everybody are these: This bill was introduced—the Chair does not know who introduced it; but that does not matter. It is a public bill. It was referred to the Committee on Flood Control. If the gentleman or any other gentleman felt aggrieved or thought his rights had been trampled on or the jurisdiction of the Committee on Rivers and Harbors was being usurped, the proper remedy was for the gentleman to come in here and move that it be rereferred.

Mr. MANN. Mr. Speaker—the Speaker will pardon me—but no one can move, except one of the committees, unless by unanimous consent.

The SPEAKER. The gentleman is technically right, that it takes one committee or the other to ask it.

Mr. MANN. Or unanimous consent.

The SPEAKER. Or unanimous consent.

These gentlemen sinned away the day of grace, and the Flood Committee took charge of this bill and worked on it, and it was a matter of public notoriety that they were doing it. It was not done in a corner. They went to work and investigated the matter and made this report here. As to the proposition of the gentleman that it takes a piece out of the jurisdiction of the Committee on Rivers and Harbors, of course

the whole scheme of the Flood Committee did that very thing. That was what it was intended to do, to relieve the Committee on Rivers and Harbors of a part of its work. It was overloaded.

You can not put water into a river and you can not take water out of a river and you can not do anything about controlling the waters of a river that it does not in some way affect the improvement of the river and the navigation thereof. So the point of order is overruled, and the committee automatically resolves itself——

Mr. MOORE of Pennsylvania. Mr. Speaker, I raise the question of consideration.

Mr. MANN. That has to be raised in the committee.

Mr. MOORE of Pennsylvania. I have raised the question.

Mr. MANN. The question of consideration on Calendar Wednesday has to be raised in the committee

The SPEAKER. The Chair has ruled on this proposition at least three times and has no disposition to reverse himself.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Wait until the Chair states the matter. The Chair says that the gentleman has a right to raise the question of consideration in the Committee of the Whole, and it has been done two or three times.

Mr. MOORE of Pennsylvania. Do I understand that the Chair rules that the question of consideration can be raised in the Committee of the Whole?

The SPEAKER. That is exactly what the Chair holds, and this particular Speaker has ruled that way two or three times, being the only one that has passed upon it, he supposed. The House resolves itself automatically into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14777; and the gentleman from Colorado [Mr. TAYLOR] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, with Mr. TAYLOR of Colorado in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14777

Mr. MOORE of Pennsylvania. Mr. Chairman, I raise the question of consideration.

The CHAIRMAN. Let the Clerk report the bill first.

The Clerk read as follows:

A bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and the Sacramento River, Cal., and for other purposes.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. STAFFORD. Mr. Chairman, this bill has just been reported, and I think it should be read. It is a short bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I raise the question of consideration.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] has objected to unanimous consent, and so the bill will be read the first time.

Mr. MOORE of Pennsylvania. Then I would have the privilege of raising the question of consideration of the bill?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I raise the question of consideration now.

The CHAIRMAN. The Chair assumes that we might as well dispose of that first as last. The gentleman from Pennsylvania [Mr. MOORE] raises the question of the consideration of the bill. The question, therefore, is whether or not we will now consider this bill.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 97, noes 36.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting the organic law creating the Mississippi River Commission.

Mr. DYER. Mr. Chairman, I make the point of order that the request is out of order at this time before the Chair has announced the vote.

The CHAIRMAN. The Chair understands that the gentleman from Pennsylvania makes the unanimous-consent request. Does the gentleman from Missouri object?

Mr. DYER. I object until the vote is announced.

The CHAIRMAN. The Chair has announced the vote. The ayes have it. Is there objection to the request of the gentleman from Pennsylvania [Mr. MOORE] to extend his remarks in the RECORD as indicated? [After a pause.] The Chair hears none.

The following is the act appointing the Mississippi River Commission, referred to:

Be it enacted, etc., That a commission is hereby created to be called "the Mississippi River Commission," to consist of seven members.

SEC. 2. The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, three of whom shall be selected from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers. And any vacancy which may occur in the commission shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission. The commissioners appointed from the Engineer Corps of the Army and the Coast and Geodetic Survey shall receive no other pay or compensation than is now allowed them by law, and the other three commissioners shall receive as pay and compensation for the services each the sum of $3,000 per annum; and the commissioners appointed under this act shall remain in office subject to removal by the President of the United States.

SEC. 3. It shall be the duty of said commission to direct and complete such surveys of said river, between the Head of the Passes, near its mouth, to its headwaters, as may now be in progress, and to make such additional surveys, examinations, and investigations—topographical, hydrographical, and hydrometrical—of said river and its tributaries as may be deemed necessary by said commission to carry out the objects of this act. And to enable said commission to complete such surveys, examinations, and investigations, the Secretary of War shall, when requested by said commission, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the Secretary of the Treasury shall, when requested by said commission, in like manner detail from the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

SEC. 4. It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

SEC. 5. The said commission may, prior to the completion of all of the surveys and examinations contemplated by this act, prepare and submit to the Secretary of War plans, specifications, and estimates of costs for such immediate works as, in the judgment of said commission, may constitute a part of the general system of works herein contemplated, to be by him transmitted to Congress.

SEC. 6. The Secretary of War may detail from the Engineer Corps of the Army of the United States an officer to act as secretary of said commission.

SEC. 7. The Secretary of War is hereby authorized to expend the sum of $175,000, or so much thereof as may be necessary, for the payment of the salaries herein provided for and of the necessary expenses incurred in the completion of such surveys as may now be in progress, and of such additional surveys, examinations, and investigations as may be deemed necessary, reporting the plans and estimates, and the plans, specifications, and estimates contemplated by this act, as herein provided for; and said sum is hereby appropriated for said purposes out of any money in the Treasury not otherwise appropriated.

Approved June 28, 1879.

The CHAIRMAN. The Clerk will report the bill.

The Clerk commenced the reading of the bill.

Mr. GARRETT. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. STAFFORD. Mr. Chairman, pending that request I would like to inquire if there is any disposition on the part of members of the committee to extend general debate. This is a most important bill. Under the rules, as the gentleman is aware, there is but one hour allowed to those who are in favor of the bill and but one hour allowed to those in opposition. On this side of the House the demands for time, I am informed by the ranking member of the committee, are more than he can allot, not only from those in opposition but those in favor of the bill.

Mr. HUMPHREYS of Mississippi. Under the rules there are two hours of debate.

Mr. STAFFORD. If we would rise and arrange it by unanimous consent and then go back into committee the general debate could be extended.

Mr. GARRETT. This bill, of course, is under consideration under the Calendar Wednesday rule. It is very desirable that the bill be acted upon within the two days. I do not think there would be any objection to an extension of general debate. I do not think there would be any objection, either, to an extension of time under the five-minute rule, provided, of course, we

can have an agreement that we shall vote, or, at least, have the previous question ordered, not later than the conclusion of the next Calendar Wednesday, whenever that may be.

Mr. STAFFORD. If the gentleman will permit, I do not think there is any question but that this bill will be concluded at the conclusion of next Calendar Wednesday. It is a short bill, containing eight pages and only three sections; but it is a new proposition and there is a general disposition to discuss this bill in the committee to ascertain the full scope of it. Of course, that might be done under the five-minute rule or it might be done under general debate. One hour is a very brief time to be allotted for the discussion of this bill on this side to those who favor and those who oppose it.

Mr. MANN. Mr. Chairman, if the gentleman will allow me to make a suggestion, the gentleman from Mississippi [Mr. HUMPHREYS] talked with me in reference to the time for debate on this bill, and I told him I thought there was no reason for extending the time for general debate under the rule if we could have the understanding that under the five-minute rule liberal extensions might be granted for at least a day. As I said to the gentleman, there is no trouble whatever. Whenever the gentleman wants to close down he can do it and force this bill through in one day, because there are only three sections to the bill. I think if we had that understanding gentlemen could have all the time they need to-day practically in general debate, but under the five-minute rule.

Mr. GARRETT. If the gentleman from Mississippi will permit, there is no trouble about that.

Mr. MANN. I think there will not be.

Mr. GARRETT. I am sure of that, but I think we ought to have an understanding if we are going to rise and enter into an agreement about general debate. We ought to have an understanding that a vote shall be reached on the next Calendar Wednesday. Of course the gentleman knows that anybody can come in at any time and throw a monkey wrench into the machinery of the bill.

Mr. MANN. I do not think anybody can come in and throw a monkey wrench into the machinery of a bill only three sections long, and I shall not assist them so far as I am concerned.

Mr. GARRETT. I know the gentleman will not, but there are points of no quorum that can be made and motions to rise and motions to adjourn, and everybody might be worn out. If there is any way of making an agreement, I should like to see it made.

Mr. MANN. There is only one way to do that, and that is for the committee to rise and arrange it.

Mr. GARRETT. The gentleman and I discussed that matter privately before.

Mr. MANN. There would be time enough to do that next Wednesday.

The CHAIRMAN (Mr. CARAWAY). Is there objection to dispensing with the further reading of the bill?

There was no objection.

The CHAIRMAN. The gentleman from Mississippi [Mr. HUMPHREYS] is recognized for one hour.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, viewed from any angle, considered in any aspect, the problem of the Mississippi River is national in its scope, and has been from the beginning. Spain and France and England continuously intrigued and sometimes fought for its control, and in those days the problem was international; but at last, through the sagacity of our own statesmen and the jealousies and fears of the chancelleries of Europe, the great river came, with its blessings and its responsibilities, under the beneficent light of our stars. What shall we do with it is the question which for more than a hundred years has stood at the door of the Nation and knocked, and here it stands to-day.

A great army of adventurous spirits from the older States, reenforced by those who fled from the hardships and oppressions of the Old World, swept over the mountains and into the valley as soon as the Louisiana Purchase was consummated. Another army of immigrants forced its way up the river from the sea, all bent upon the conquest of the wilderness, the founding of a civilization which now promises to eclipse all rivals in the long drama of history. The struggle for the political control of the river from its source to the sea had ended; the right to its free navigation was secure to our people, but the obstructions which nature put across this common highway began to prove even more troublesome than had the vexatious don in the days of the Spanish occupation. In 1809 Nicholas Roosevelt, of New York, made a journey on a flatboat from Pittsburgh to New Orleans. This was the preliminary step, the ultimate purpose being to build steamboats and engage them in the Mississippi River trade. It was currently reported and generally believed that the swift current of the Mississippi River, together with its eddies and shoals, would prevent the river from being navigated by steamboats, and the purpose of this trip of Mr. Roosevelt was to make such observations as would enable him and those associated with him to reach a conclusion in this matter. Upon his return to New York he made a favorable report, and Fulton and Livingston, who were associated with him, agreed to make the experiment. He thereupon took with him a number of ship carpenters, skilled workmen, went over to Pittsburgh, and began the construction of what was to be the first steamboat on the Mississippi River.

In his report to the Senate in 1846 John C. Calhoun said:

> The annual aggregate loss of boats navigating the Mississippi and its waters at the present time is 107 from all causes; the total loss annually, $2,000,000; and in addition the loss of life occasioned by sinking boats is very great.

In 1873 Mr. John A. Scudder, president of the St. Louis & Memphis Packet Co., stated to a Senate committee that there were 5,000 wrecks in the river between St. Louis and Cairo, a distance of 200 miles.

I was saying that the two great armies of civilization were entering the valley from different directions. Both these pioneers, though they came from the opposite ends of the earth, were struggling against the same forces of nature in the common cause of civilization. The one looked upon the river as the great highway upon which to float the products of his farm and his forge out to the markets of the world. The other looked upon the river also, but his thoughts were of its floods, and his brain was taxed to conjure up some scheme whereby they might be controlled and passed in safety into the sea.

It soon became apparent to both, however, that the problem was too big, the expenditure requisite to the task too great for any local agency to cope with.

In 1822, in response to the demands coming from the full length of the valley, Congress ordered the Engineers of the Army to make an investigation with a view to ascertaining if the river could be made safe for navigation. After much study and investigation those engineers reported that if the river was to be kept free of snags and sand bars, which were working such destruction to the steamboats, its waters must be held within its banks at all seasons, for if in times of flood it was permitted to overflow its banks the débris of the forests, tree tops and logs, would surely be floated into the channel and ultimately sink and form the sand bars and snags upon which boats were rushed to their doom. The cost of such an undertaking, however, was so great that nothing came of the report. As the valley continued to be settled, however, and the commerce of the river grew by leaps and bounds, demands upon Congress became all the more insistent. Conventions were held in Chicago, Cincinnati, Memphis, and the other cities of the valley, with the result that Congress enacted what has since been known as the swamp and overflow land grant. Under the terms of this law all the wet lands in the several States of the valley were donated to those States, the proceeds of the sale to be devoted to the construction of "levees and drains." The result of this legislation was that the wet lands of the northern valley were drained into the tributaries of the Mississippi River with such rapidity that it was impossible for the riparian owners lower down, even with the assistance thus rendered, to build their levees fast enough to take care of the augmented floods. The inevitable result was that the floods went higher, more snags accumulated in the river, and the Deltas of the lower valley were all the deeper submerged. The river had now grown in importance until it had become the greatest highway of commerce in all the world. By 1850 New Orleans had outstripped all its rivals and become the third greatest port in the world. Congress was again appealed to and again ordered an investigation of the river by the Engineers, and the notable feature of that report was the declaration of the engineer in charge that—

> The process by which the country above is relieved is the process by which the country below is ruined.

It was thereupon resolved to have the whole subject investigated in all the infinite variety of its detailed and varied aspects. Another commission of engineers were set to work, provided with ample means and facilities, and directed to do the work thoroughly. For 10 years this investigation proceeded, and their report is the most luminous, the most illuminating, the most thorough ever made of any river in all the tide of time. Every man who had any valuable suggestions to contribute, and many who labored under the hallucination that they were so possessed, appeared before the commission and their theories were thoroughly tested. The conclusion of the whole matter was an affirmance of the opinions expressed by the first commission, appointed in 1822, to wit: That the only way to improve the river

for navigation was to keep its flood waters in the channel, and the only way that this could be done was by the construction and maintenance of levees.

This report, known as the report of Humphreys and Abbot, was made in 1860 and accepted by Congress as the final word on the subject. There was but one way to improve the river, either for the purpose of navigation, which was the object sought by the dwellers of the northern valley, or to protect the lower deltas from destructive overflows, which was the additional object of the people of the lower valley, and that was by the construction and maintenance of levees high enough and strong enough to retain the full volume of the flood within the natural channel of the river. Since that day innumerable commissions have been appointed by Congress to investigate the subject. For 35 years the Mississippi River Commission, composed of engineers from the Army, from the Coast and Geodetic Survey, and from civil life have subjected all the phenomena of the river to expert, scientific, critical, and relentless scrutiny, and all have confirmed the judgment and accepted the conclusion announced in the report of 1860. Unfortunately, the greatest disaster that ever befell our country came the next year, when our fathers reversed the biblical injunction and beat their plowshares and their pruning hooks into implements of war.

Let me give you a few figures which show the effect of this frightful calamity on the problem of the Mississippi River, taking the 11 great States which lie in the triangle described by the Ohio River to the east and the Missouri River to the west.

In 1850 farm values as returned by the census for these States aggregated, in round figures, $800,000,000. Under the census of 1880 these same values had risen to $5,000,000,000; in 1910 to the incomprehensible total of $20,000,000,000. With this tremendous industrial development there had gone as one of its prime factors the drainage of their water-soaked areas. Creeks had been straightened, drainage canals had been dug, ponds and slashes had been drained, farms had been underfiled, with the result inevitable that the surface waters, instead of lagging superfluous, were precipitated into the river in such volume as to practically overwhelm the lower Delta. In 1858 the greatest flood then known since our records began measured 1,475,000 cubic feet per second. In 1882 the next record flood measured 1,800,000 cubic feet per second. In 1912 the greatest flood of them all measured 2,300,000 cubic feet per second. How frightfully was Lieut. Ellet's prophecy being fulfilled:

> The process by which the country above is relieved is the process by which the country below is ruined.

Take now the figures from the States of the lower valley, Arkansas, Louisiana, and Mississippi. Under the census of 1850 their farm values were returned at $200,000,000; in 1860, more than $600,000,000, an increase in 10 years of more than 300 per cent. Then came the war, and in 1870 these values had fallen again to $200,000,000. As a cap to the climax of this chain of destruction, a Federal tax of $15 a bale was levied on their cotton for 1866, 1867, and 1868. As a result of it all, when the next census was taken, in 1880, one-half of the fertile lands of the Delta, which had been valued by Humphreys and Abbot in 1860 at $25 an acre for the wild land and $100 an acre for the cleared land, had been forfeited for taxes and reverted to the jungle.

It will not be possible to relate the story of the struggles out of that slough of despond in the brief time which I can occupy to-day. Let me point to a few results in very general terms.

A hundred years have come and gone since the old pioneers of the valley first came to Congress with their problem, a hundred years big with accomplishments far beyond the wildest imaginings of their most enthusiastic dreamers. Last year their products were valued at $15,000,000,000—think of it! The total annual expenditures of the Federal Government will not attain to such a figure in a decade, even with the additional appropriation for preparedness, which all of us favor. And speaking of preparedness, let me suggest that no amount of guns and ammunition can strengthen the strong Army of this Republic against the encroachment of any possible enemy so effectively as would the reclamation of the 20,000,000 acres of the Mississippi delta and their dedication to the fruitful and productive ends of peace.

Fifteen billion dollars annually produced in that great valley—every pound of it materially affected in its value by the cost of transportation to the sea. But we are reminded that the commerce has practically deserted the river. Five thousand wrecks between St. Louis and Cairo! Was ever such a tax laid upon transportation anywhere else upon the face of this turbulent earth? Can we marvel that the steamboats surrendered to the railroads in the face of such a handicap? But even so, we do, nevertheless, float more tonnage annually on the lower river than it is estimated for American tonnage through the Panama Canal. In a few years the canalization of the Ohio will be completed and Pittsburgh, where more tonnage is created than at any other point on the face of the earth, will be connected through the Mississippi River by an all-water route to the sea.

There is no busier valley than the Ohio, and every year shows an increase in the production of those manufactures which go to make up the total of our exports.

The following table will show the marvelous growth both in population, manufacturers, raw materials, wealth, and so forth:

	1890	1900	1910	United States, 1910.
Population	15,787,014	18,796,509	21,626,217	91,972,266
Capital invested in manufacturing	$1,195,898,000	$1,934,199,000	$4,292,841,000	$18,428,270,000
Value of products	$2,014,030,000	$2,925,566,681	$4,905,133,000	$23,672,052,000
Value of live stock	$553,118,014	$594,302,384	$951,526,457	$4,925,173,000
Bituminous coal products, tons	73,658,000	200,200,000	299,885,000	378,975,000
Steel products, tons	3,820,536	9,756,803	20,374,342	23,523,199
Grain products, bushels	1,306,962,945	1,302,181,246	1,034,262,415	4,512,564,000
Oil products, barrels	45,145,000	68,052,000	58,933,000	171,559,394
Hardwood lumber products, feet	.....	.....	2,951,432,000	8,100,819,000
Brick and tile products	.....	.....	$36,400,000	$92,776,501
Estimated wealth [1]	$14,612,000,000	$17,583,000,000	$36,079,000,000	$187,739,000,000

[1] Does not include any of Pennsylvania, $6,151,000,000.

Kansas City, Minneapolis, and Chicago will follow suit in a few years unless Congress can be clamored by those who are raising the cry of pork barrel into the senseless abandonment of projects now adopted.

Of course, Congress will not complete these projects and provide a 9-foot channel out of these great tributaries into the Mississippi River at Cairo and then abandon the channel from Cairo out to the sea. It costs just twice as much to carry freight on a 4-foot channel as it does on an 8-foot channel and proportionately more than on a channel of 10 feet. The engineers have all agreed—and when I say engineers, I mean not only the engineers of the Army and of the Mississippi River Commission, but all other engineers who have given the matter study—that a 9-foot or deeper channel in the Mississippi River below Cairo can not be maintained by any other means than revetment. This opinion was expressed most emphatically by Mr. Lyman E. Cooley in a statement to the committee during our recent hearings. Since the opening of the Panama Canal the Hawaiian Steamship Co. and others have reduced their freight rates from 20 to 50 per cent lower than the railroad rates across the continent. The railroads refuse to meet this reduction. The enevitable result of this has been and will be that the producers of the Mississippi Valley will be seriously handicapped in their competition for the trade of the Pacific by reason of the fact that those who are engaged in similar enterprises along the Atlantic seaboard can reach the Pacific at very greatly reduced freight rates. Hon. Fred Stevens, of Minnesota, one of the most capable and accurate men who has ever served in this House and who had few rivals in this House in his general knowledge of matters pertaining to transportation, in a speech on the rivers and harbors bill last year stated that 75 per cent of the freight in the intermountain territory originated in the Northern States of the Mississippi Valley and 25 per cent on the Atlantic seaboard; and he gave it as his opinion that without the improvement of the Mississippi River and its tributaries, so as to enable the valley States to have water transportation to the sea, in a few years these figures would be reversed and 75 per cent of this freight would originate on the Atlantic coast and only 25 per cent in the Mississippi Valley. Realizing the importance of water transportation, the shippers throughout the valley are making elaborate and costly preparation for the use of the river. Vast sums are being invested in terminal facilities at the various cities along the river and barge lines are being organized and have already begun to launch self-propelled barges to meet the demands of the commerce which is certain to come in the near future.

The Inland Navigation Co. has just launched one 1,600-ton steel self-propelled barge and has laid the hull for three others, which will shortly be put into commission. Thirty-five such barges are contemplated for the near future. Of the 100,000,000 tons of freight which passes through Pittsburgh annually, a great part of it is of such character and bulk as will certainly find it most economical to use the Ohio River as soon as the present project is completed.

It is frequently stated that the commerce on the lower river has entirely disappeared, and while this is largely true as to through commerce from St. Louis, it is not true otherwise.

Since 1880 through commerce has declined, and practically disappeared about 1900. Up to that time 130,000,000 tons of freight, during the 20 years from 1880 to 1900, were actually floated on the lower river and since that time, during the past 16 years, about 42,000,000.

Those who oppose appropriations for the lower Mississippi, when discussing the question as a flood problem, habitually charge the total expenditures by the Mississippi River Commission to the flood-control project, and when discussing the question from the viewpoint of navigation charge the whole sum to that element of the project. The fact is that levees are mainly for flood protection and revetment works mainly for channel improvement.

Since 1900, $16,916,000 have been spent for levees and $27,495,000 for revetment and other works of channel improvement. In testing the river as a highway of commerce it will be fairer and more accurate to take into consideration, therefore, only the money invested in revetment and similar works. In this connection, then, it will be interesting to compare the Mississippi River as a highway for transportation with the Yazoo & Mississippi Valley Railroad, which parallels the river from Memphis to New Orleans. The amount invested in this railroad is $57,628,676, not including the investment in equipment, which is $3,109,814. The annual maintenance of this road is $1,807,796, which does not include maintenance of equipment, which is $1,679,529. Since 1900 the maintenance of this road, not including maintenance of equipment, has cost $28,924,736. During the same time the Mississippi River Commission has spent for revetment and other purposes, including the maintenance of a 9-foot channel, but not including levees, $27,495,585, and this revetment work is all permanent work.

The Yazoo & Mississippi Valley Railroad, which parallels the river from Memphis to New Orleans, running throughout the delta, has been the great competitor of the river, and the following table will prove interesting as a comparison of the river and railroad as economical means for the transportation of products:

	Yazoo & Mississippi Valley Railroad.	Mississippi River, Cairo to New Orleans.
Permanent investment (does not include equipment on railroad)	[1]$57,628,767	[2]$28,700,000
Maintenance for 16 years (does not include maintenance of equipment on railroad)	[1]$28,924,736	$7,000,000
Total tonnage hauled on river and on railroad in 16 years	145,690,000	42,000,000
Cost per ton for maintainance ... cents	0.21	0.17
Average cost per ton-mile ... mills	6.81	1.51

[1] Roadbed and structures.
[2] Revetment.
[3] This does not include interest on the investment.

NOTE.—The Yazoo & Mississippi Valley Railroad system lies wholly in the delta between Memphis and New Orleans, the distance between these two river cities being 122 miles.

In this table the roadbed and structures are charged as being permanent improvements of the railroad. Works of revetment are charged as permanent improvement of the river. As a matter of fact, revetment is more permanent than the roadbed of the railroad—in fact, is as permanent as any human structure. The maintenance of the river has consisted largely of dredging across the bars, but after revetment is completed this item of expense will be eliminated, because the river will then maintain for itself a deeper and wider channel than is now provided by dredging. It will be noted also in this table that no interest is charged against the railroad on its permanent investment, and nothing for equipment or for maintenance of equipment. From this statement it will be apparent that the work of revetment has not only been justified in the past but that the revival of traffic on the river, which is sure to come in the near future, will be more than ever justified. Those who endeavor to show by statistics that the tonnage on the river does not justify the money heretofore spent by the Government charge all appropriations, both for levees, revetments, and channel improvement, against the tonnage of the river, and draw their conclusions from this calculation. The same critics, when opposing the appropriation of money for the protection of the deltas from overflow, universally charge all of these same items against that work. This, of course, is manifestly unfair.

In the above table I have assumed that one-third of the revetment work was in the interest of flood protection, and therefore charged only two-thirds against navigation; and in estimating the amount the Government has expended for flood control I have charged all appropriations which were expended for levees plus one-third of the revetment work against work for flood control. If the figures are divided in this way, it will be found that the Federal Government up to date has contributed $48,000,000 toward flood control, whereas the local interests have contributed $90,000,000.

Under the terms of the bill the Government will contribute $30,000,000 for levees and $15,000,000 for revetment; whereas local interests will contribute not less than $10,000,000 for levees, and, in addition, will furnish rights of way, damages, and so forth, and assume all the burden of maintenance. But even if the commerce had passed from the river never to return, which is untrue and wholly and thoroughly improbable that it will ever be true, the money appropriated will have been well invested. Sixteen million acres of the geological cream of the earth are waiting the magic touch to spring into fields of waving beauty. The people of the lower valley have out of their own pockets spent more than $100,000,000 since the Civil War in the construction of levees. This is more than enough to have built the levees high enough and strong enough to have withstood the greatest flood that ever came down the river had not the States of the northern valley perfected their drainage system. They stand ready to continue their contributions, but they do insist that the Federal Government tote its part of the load. Holland spent $46,000,000 to reclaim 2,000 square miles in the Zuyder Zee. Egypt spent $53,000,000 to reclaim 2,200 square miles in the valley of the Nile. Surely this great Nation can afford to contribute $45,000,000 toward the reclamation of 20,000 square miles, when by the same act more than 1,000 miles of the world's mightiest river will be rendered capable of carrying the commerce of an empire.

Now, Mr. Chairman, I will undertake to discuss the provisions of the bill. The first sentence in the bill, the one to which the the gentleman from Pennsylvania [Mr. MOORE] referred a few moments ago, provides for the control of floods and the general improvement of the Mississippi River.

Now, gentlemen, the bill does provide both for flood control and for the general improvement of the Mississippi River, and it does that, as stated in the report, because it was absolutely necessary to do it.

In 1879 when the Mississippi River Commission was appointed to study this problem they were instructed to devise a plan not only for the control of the floods, but for the general improvement of the river; and they have devoted 35 years to the study of that problem in both branches. After devoting 35 years to the study of it, the commission has unanimously reported that there is but one way to control the floods on the Mississippi River, and that there is but one way to improve the navigation of the Mississippi River, and that the same methods must be employed whether you are to control the floods or whether you are to improve navigation. In other words, it is necessary to revet the banks of the river and prevent them from caving in.

The Committee on Flood Control did not wish to exceed its jurisdiction under the rules. It was our earnest desire to confine this legislation solely to matters of flood control. We called the engineers before us and examined them very carefully and went into this matter, not only with the members of the Mississippi River Commission but with the Chief of Engineers and with the engineers in the Army under the Chief, and we were forced, as stated in the report, to the conclusion that it would be impossible to separate the two activities. The river can not be improved for navigation except by the sole means of revetting the banks and preventing the caving of the vast amount of earth into the river, which would fill it up. There is not any difference of opinion among any of the engineers on that subject, whether they be Army engineers or civilian engineers. It is the one question about which all engineers who have examined into the project unanimously agree. It is not possible to maintain a levee system for the prevention of floods without preventing the banks from caving into the river.

As an illustration of that, in one of the levee districts which comprise my congressional district there were 189 miles of levees. From 1884 to 1904 172 miles of the 189 miles were abandoned on account of caving banks. And this condition obtains along that reach of the river from Cairo down to the mouth of the Red River very generally. So that it was necessary—not a matter of choice but a matter of necessity—that the committee in making the provision should provide for the adoption of the plan of the Mississippi River Commission, and that plan contemplates both flood control and the improvement of navigation. Now, gentlemen, let me say in the outset, that this bill does not, as the gentleman from Pennsylvania [Mr. MOORE] declared that it did, appropriate $45,000,000. It does not appropriate a cent of money. The committee has no authority to appropriate, as the rule stated which the gentleman read immediately after he made that declaration.

The Mississippi River is not a new project. The House is not called on to adopt any new project. The project for the control of the floods of the Mississippi River and for the revetment, which is to be carried on under the provisions of this bill, was adopted by the House in 1881. Ever since that date Congress has been appropriating money to carry on the project. For that purpose many millions of dollars have been spent. Since 1879 some $85,000,000 have been spent by Congress for the two purposes. Twenty-nine million dollars of it have been expended in levees for the purpose of controlling the floods, $43,000,000 have been spent in revetments for the double purpose of controlling the floods and to conserve navigation, and about $10,000,000 have been spent in other works of channel improvement.

It is suggested that I explain what revetment means. Revetment is the process by which the banks are protected from caving. Willow trees are woven together in a long mattress, sometimes 150 or 200 feet wide and as long as 1,000 or sometimes 1,200 feet. After being woven together they are taken at the low-water level of the river and fastened securely, and then stones are thrown on top of the revetment, and it gradually sinks down and conforms to the irregularity of the bank under the water. It is never exposed to the air after that, and becomes a permanent work—as permanent as any other human structure. Recently there have been some discoveries by the engineers in other methods of revetment by which they will do this work with concrete instead of with willow mattresses. If that method is demonstrated to be a success, it will effect a saving of perhaps one-third in the cost of the revetment.

Mr. HICKS. Mr. Chairman, will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. I yield to the gentleman.

Mr. HICKS. I understand that the gentleman states that those revetments are as permanent as any human structure can be.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. HICKS. How long have they been in the river at the present time? What is the oldest one?

Mr. HUMPHREYS of Mississippi. About 30 years in the Mississippi River. Similar structures have been in the Nile for many hundred years.

Mr. HICKS. And there is no deterioration in those that have been there for 30 years?

Mr. HUMPHREYS of Mississippi. None whatever.

Mr. Chairman, before I proceed further, I would like to be notified when I have occupied 30 minutes.

Mr. HUDDLESTON. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. I yield to the gentleman from Alabama.

Mr. HUDDLESTON. I have heard it asserted that the bed of the Mississippi River was constantly rising with reference to the sea level, and I would be glad if the gentleman would state what information the committee has been able to obtain on that subject.

Mr. HUMPHREYS of Mississippi. There is no subject that has been more thoroughly studied than that particular one. It is not true, although it is a very popular misunderstanding, very generally believed. The fact that it is so believed is due to this condition: Before the levees were constructed there the water spread out over a great valley 40, 50, or 80 miles wide. After the levees were constructed, confining that flood within these levees 3 or 4 miles apart, the flood height naturally was elevated, and the common explanation of that phenomenon was that the bed of the river had silted up, and for that reason the flood level was elevated. But that is not true.

When the river is low, nobody is interested in it; nobody observes the river when it is at its low stage. Of course, if the bottom of the river had filled up, the low-water level would have been elevated just as the high-water level, which is not the fact. When the river goes down, the low-water level is just as low now as it ever was before. But because of the fact that this belief was so general the Mississippi River Commission undertook to demonstrate the fact by actual measurements. They established permanent bench marks, to which all the levels could be referred, and they began at Cairo in 1882 and they made soundings along the whole length of the river, three to a mile, 75 feet apart across the river, and for 30 years they have been measuring the river to ascertain whether it was filling up. Along 200 miles of the river in front of my district they have taken 40,000 soundings, and the result of it all demonstrated that the tendency rather has been to depress the bed than to raise it.

Mr. TILSON. Will the gentleman yield just one moment there before he leaves that point? How does the gentleman explain the fact frequently stated that the Atchafalaya Basin is lower than the Mississippi River, and, as I understand, that the Yazoo Valley, too, is lower than the bed of the Mississippi River? Also the fact that few small streams from either side enter the Mississippi River, but run in the opposite direction, toward the Atchafalaya and the Yazoo?

Mr. HUMPHREYS of Mississippi. The facts, of course, are not as the gentleman states them. The Mississippi River is higher than the Atchafalaya Basin, and is higher than the Yazoo Basin when it is in flood, but it is 40 feet lower than those basins when there is no flood. Of course, if the bottom of the river filled up, it would remain higher. It is true of alluvial streams in every country in the world that they flow on top of a ridge, because as they overflow the solid particles held in suspension are precipitated readily, and the result is that the high spot of every alluvial plain is that immediately adjacent to the stream, whether it is a big stream or a little one; but the Yazoo River flows into the Mississippi River. The Atchafalaya is an outlet of the Mississippi; but all that country is very much higher than the Mississippi. It is not true of any river in the world, except a few like those that empty into Lake Bewa, in Japan. It is true of the Feather River, in California, and true of the tributaries of the Sacramento, where they come down out of the mountains on a steep slope, and, of course, for that reason can carry very much more silt than they can when they strike a level plain. As soon as they strike the level plain they begin to precipitate the silt; but it is true of no other rivers in the world.

Mr. TILSON. The water actually runs out of the Mississippi River into the Atchafalaya.

Mr. HUMPHREYS of Mississippi. It runs out of the Mississippi in flood time. The Atchafalaya is an outlet of the Mississippi. It is one of the outlets of the Mississippi River. It goes out into the sea; but if the gentleman will look at the map he will note the geological formation that has taken place in all the years that have gone by, and he can see just how the Mississippi River runs out into the sea and builds its banks up on both sides, but this idea that the river is silted up is erroneous. A French engineer, De Prony, started that story about the Po River some hundred years ago, and Lombardini, a great Italian engineer, devoted a great deal of his time to the investigation of it, and compared the records that had been preserved for more than 200 years and utterly demonstrated the inaccuracy of De Prony's statement. Now, the same statement has been made as to the Yellow River in China. One can get by with almost any statement about something that happens in the center of China. You can say that the cows there shed their horns annually, and nobody will be able to disprove it, because nobody has been there. Nobody knows much about the Yellow River, but it is not true of any other river. Gen. James H. Wilson, of the Engineer Corps of the United States Army, back some twenty-odd years ago, while visiting in China went out into the middle of the Kingdom to examine the Yellow River and ascertain whether it was true. The story was that it had so silted up that the bottom of the river was higher than the adjacent country. As soon as he crossed over the levees, he noticed that they were perhaps a quarter of a mile from the river, and he could not see any river. He rode over to the river, and had to go down the banks of the river into the bed of it, just as he would at any other stream. He studied it as well as he could from the limited amount of data available. His letter is published in the report that I made on the Mississippi River three years ago, and in it he gives it as his opinion that it is not true of the Yellow River.

Mr. McKELLAR. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. McKELLAR. In stating the amount that has been appropriated for the river I think the gentleman said it was $29,000,000 for levees, but the gentleman did not state what the levee districts have appropriated.

Mr. HUMPHREYS of Mississippi. Since 1880, when the Government began to build levees for the purpose of protecting the country from floods, the National Government has appropriated $29,000,000. The people in the levee districts, since 1882 when the commission began work, have expended for the same purpose $91,000,000, or about 3 to 1.

Mr. STAFFORD. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. STAFFORD. What is the proportion that each State has contributed in that amount?

Mr. HUMPHREYS of Mississippi. I can not state the proportion. I might be able to give the gentleman the figures.

Mr. STAFFORD. Can the gentleman state proportionately how much has been contributed by the States?

Mr. HUMPHREYS of Mississippi. Each State has expended its money along its own front. Some levees have been com-

pleted. There is a levee district in my district where there is no contribution by the Federal Government because the levees are completed. There is another levee district in my State that has spent about the same amount of money, but the levees have caved into the river continuously. We have had more than 90 per cent of the levees cave into the river in the last 30 years.

Under the contemplation of this bill the Federal Government will contribute $30,000,000 in the next five years for the construction of levees. Local interests will contribute under the terms of the bill not less than $10,000,000, and in addition they will provide the rights of way and stand for whatever damage is caused by the condemnation of property for the rights of way.

Mr. STAFFORD. Can the gentleman give the amounts by States that have been appropriated for levees?

Mr. HUMPHREYS of Mississippi. The gentleman understands that appropriations were not made by States, but by levee districts, and there are 20 or 25 levee districts. I can not give those details, but I can print them in the RECORD.

Mr. STAFFORD. I was wondering whether some States were alert in protecting the people by building levees in their districts along the Mississippi and other States were negligent.

Mr. HUMPHREYS of Mississippi. I think not. I think that the States have done all that they could do. That has been the report of the Mississippi River Commission—that in the opinion of the commission the people have paid everything they possibly could pay. They have resorted to every species of taxation known. We have an ad valorem tax levied on all property running from 15 to 17½ mills; that is, on real and personal property. In addition, we have an acreage tax, and in addition to that an occupation tax. That is, any man engaging in business for hire must pay for the privilege. Then we have a production tax; every bale of cotton is taxed; every ton of hay is taxed; every barrel of molasses, every barrel of sugar, every bag of rice, every bushel of potatoes, every barrel of oysters is taxed. We put a tax on everything, and in addition to that we have issued bonds. The levee districts have issued about twenty millions of bonds. Those investing in the bonds have never been entirely certain that the Federal Government is going to lend its strong arm to this work, and they were not willing to take the bonds at a low rate of interest, and so the districts had to pay nearly 6 per cent. But after doing that they were enabled to raise $91,000,000, and the commission says that it does not believe that they are able to raise any more annually than they are now contributing.

Mr. SLOAN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. SLOAN. In relation to the contribution provided for in this bill it says that not less than one-third. What does that really mean, that it shall be one-third, or it may be one-third here and two-thirds there, according to some rule where one community would be required to pay a greater proportion than another?

Mr. HUMPHREYS of Mississippi. There are some levee districts that could contribute more than that. One in my district that I have no doubt if any money were allotted by the commission for the construction of levees in that district would be required to make a much larger contribution than one-third, whereas there is another levee district, also in my district, that could not possibly raise more than one-third because they are now bonded up to the limit, not only to the limit of the law but to the limit that the banks of the country will take their bonds.

Mr. SLOAN. Will the master of the flood give an opinion of whether, if this appropriation is made, it will be operative in controlling the floods of the Mississippi?

Mr. HUMPHREYS of Mississippi. There is no doubt about that in my mind or in the minds of the engineers. If 155,000,000 cubic yards more are added, it will build the levees up to such a height as will successfully withstand any flood that has ever come down, and will put the levees about 4 feet higher than any flood that has ever come down.

Mr. SLOAN. Has the United States ever contributed anything to the fund against the floods of the Mississippi under the name of flood control?

Mr. HUMPHREYS of Mississippi. Not exactly under the name of flood control, although the organic act said flood protection.

Mr. SLOAN. It went in under the head of the improvement of the river for navigation.

Mr. HUMPHREYS of Mississippi: For the first 11 years Congress forbade the commission to build any levees that would protect private property unless the levee in the opinion of the commission was absolutely necessary in the interest of navigation. But in 1890 that proviso in the bill was stricken out, and since then moneys have been expended for the protection and construction of levees, the main purpose of which was to protect the country from flood.

Assuming that it was for that purpose, the Government has contributed $29,000,000.

Mr. SLOAN. And this bill would give positive authority for defending against the floods where it has been implied heretofore.

Mr. HUMPHREYS of Mississippi. Yes; but it would be expended in the way it has been expended ever since 1890.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. CANNON. I notice, on page 6 of the bill, as to the Sacramento River, that when the work is completed the State of California is to thereafter maintain it. Is there any such provision touching the Mississippi River?

Mr. HUMPHREYS of Mississippi. No; and I will say this about the Mississippi. There will be no objection on the part of the committee at all if an amendment to that effect be offered. It did not occur to the committee, and it did not occur to me, in drafting the bill until after the bill was printed, because the local interests have always maintained them for the last 35 years. It was generally assumed on all sides that they were going to continue to do it.

Mr. CANNON. The committee will then move such an amendment?

Mr. HUMPHREYS of Mississippi. The committee will be perfectly willing to accept that.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. STAFFORD. Has any estimate been made as to the total cost that will be necessary to complete these levees so as to place the banks and all the lands adjacent thereto free from flood damage?

Mr. HUMPHREYS of Mississippi. Yes; $40,000,000.

Mr. STAFFORD. That will complete the work?

Mr. HUMPHREYS of Mississippi. That will absolutely complete the levees so high——

Mr. STAFFORD. So that the National Government will be called upon for no additional improvement so far as the levee improvement of the Mississippi is concerned?

Mr. HUMPHREYS of Mississippi. Absolutely—so high and so strong that there is no reason to suppose any flood will ever breach them. I assume, however, that so long as we have unsinkable ships that hit icebergs, so long as fireproof buildings sometimes burn, it may happen that a levee will break.

Mr. STAFFORD. The $40,000,000 is for a completed project?

Mr. HUMPHREYS of Mississippi. Yes. It is roughly estimated that of that amount the Federal Government will contribute in the neighborhood of $30,000,000 in five years.

Mr. STAFFORD. One other question. Why does the committee place three-fourths of the burden of building these levees, which are not exclusively for the benefit of navigation, upon the Federal Government and only one-fourth upon the local districts, whereas respecting the Sacramento proposition it places one-half of the burden upon the State of California and one-half upon the National Government?

Mr. HUMPHREYS of Mississippi. If the gentleman will just note the figures he will see that after the Federal Government has expended these $30,000,000 it will still have paid very much less than one-half; that the local interests in the Mississippi Valley will have contributed more than one-half.

Mr. STAFFORD. I understood from the gentleman's statement that much of that has been wasted by the washing out of these levees.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. STAFFORD. So that the National Government may contribute more than one-half.

Mr. HUMPHREYS of Mississippi. No. The contribution to the Mississippi River will be less than one-half, even if this bill should pass. It will be still very much short of half.

Mr. STAFFORD. And yet, as to the Sacramento proposition, the State has been expending money there of its own freely, without any support from the National Government, and, arguing correspondingly, the National Government will be contributing less than one-half.

Mr. HUMPHREYS of Mississippi. To show the gentleman where he is mistaken, the reclamation projects in the Sacramento River have been all done by private interests, and the reclamation project in the Sacramento River will be continued to be done by private interests. That is true also in the Mississippi. We have there under construction to-day $39,000,000 worth of reclamation works, to be borne wholly by private interests. There has never been any thought of the Federal Government contributing to that. Nobody has ever asked the Federal Government to contribute anything toward reclamation. We have about $39,000,000 plus of reclamation projects under

way in the Mississippi Delta to-day. We have only three and a half million acres in cultivation out of this possible 16,000,000, and there is another reason that I can give that I should think would satisfy the gentleman. The State of Wisconsin—all of the States above the mouth of the Ohio River—has contributed and will continue to contribute very materially to the distress which has overtaken us in the lower Mississippi, whereas the Federal Government, in that sense, has not contributed anything toward the distress in the Sacramento. That might be given as one reason.

The gentleman, if he has read the report, will remember that Col. Leach stated in his testimony that at least three-fourths of the money which had been expended by the States in the lower valley for the construction of levees would have been saved if the Federal Government had prevented those banks from caving, and those banks are made to cave by this tremendous body of water, which is precipitated upon the lower valley by reason of the reclamation projects in the northern States. I mean drainage projects, undertiling of farms, straightening of creeks, getting the logs out, and so forth. That has hurled this water, which formerly lagged in a thousand or 10,000 natural reservoirs, into the river and it has precipitated itself upon us in gradually and progressively increasing quantities, and the result is that it not only has overtopped the levees and overflowed the country, but has put an additional burden upon the people of making those levees higher. It has eroded the banks and crumbled the friable soil of which the banks are composed and tumbled those levees into the river to such an extent that the Army officers say that three-fourths of the money which the local interests have expended would have been saved but for this caving of the banks.

Now, these are reasons that I am sure will appeal to the gentleman.

Mr. STAFFORD. The gentleman has singled out the State of Wisconsin as contributing to the deluge of waters in the Mississippi. I wish to say, as a Representative from Wisconsin, that I believe that State has done more than any of the Northern States to control the flood waters of that State so as to obviate not only flood conditions of the State but flood conditions of the lower Mississippi.

Mr. HUMPHREYS of Mississippi. Then I will charge it to Ohio, Indiana, and Illinois. I said Wisconsin because the distinguished gentleman is from Wisconsin, and he held my attention above that of gentlemen of Illinois, Indiana, Iowa, or Ohio. Therefore I mentioned Wisconsin for the same reason that I mentioned districts in Mississippi, because I am from that State. I did not wish to say and I did not mean to single out Wisconsin as a particular sinner against us, because she has contributed only a part of it.

Mr. STAFFORD. I want to point out that Wisconsin is singular and not in company with these other States in coming here and asking for Federal contribution for flood control.

Mr. CANNON. The gentleman forgets the Fox—the Wisconsin improvements.

Mr. MANN. They do not use tile drains in Wisconsin, perhaps.

Mr. HUMPHREYS of Mississippi. I do not know whether they are up to date in Wisconsin as in other States that have inaugurated these great drainage districts, that have undertiled their farms, and have drained these great lagoons which acted in former days as reservoirs. I assumed they have done it in the State of Wisconsin; but now, rather than prolong any argument in reference to Wisconsin, I withdraw what I said about it.

Mr. STAFFORD. I feel honored, and I do not wish the gentleman to withdraw it.

Mr. SIMS. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I will.

Mr. SIMS. This contemplated improvement under the gentleman's bill and the further river and harbor improvements contemplated will revet the river banks so they will not wash under?

Mr. HUMPHREYS of Mississippi. Well, in the course of human events, yes; but these revetments will proceed for many years for this reason: If I had known this map was here I would have pointed out on it instead of getting into a controversy with the gentleman from Wisconsin. Here is an answer to the question right here. These revetments must proceed through many years for this reason: That all the banks of the river do not cave at the same time. They will be caving here this year and yonder next year, but it will probably take 20 years, as the engineers state, maybe 25 years, before all the caving banks are finally revetted so there will be no more caving, and this work will have to go, so far as most of us are concerned, on forever. The levees will be completed in five years. The engineers have already estimated to us what the saving would be if we get away from the present plan of caring for these floods of the lower Mississippi and adopt the plan suggested in this bill, to authorize them to make continuous contracts in order to do the work continuously. Col. Townsend, one of the most conservative of them all, says we will save at least $5,000,000 in the five years. Under the river and harbor bill now we appropriate $6,000,000 a year. This bill contemplates increasing that to $9,000,000, adding thereby $3,000,000 to the total appropriation which will be carried for that purpose, and, according to the estimates, the irreducible minimum, will save a million dollars a year, and in addition to that will complete this job, that was undertaken 35 years ago, in five years.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I do.

Mr. MANN. At some time I want to ask the gentleman a question about section 3. I do not wish, however, to interrupt the gentleman.

Mr. HUMPHREYS of Mississippi. I shall be very glad to answer now, although I do not want to consume too much time; but the understanding is under the five-minute rule there will be more or less generosity in debate.

Mr. MANN. Section 3 provides:

> That all money appropriated for works and projects relating to flood control hereafter authorized shall be expended, etc., under the Secretary of War.

These new forests we are creating along the Appalachian and White Mountains were created as a part of the effort to control the flood waters?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. We have got a lot of projects of that kind. Under the terms of this bill that would be transferred to the War Department.

Mr. HUMPHREYS of Mississippi. It certainly was not contemplated by the committee that the projects authorized by Congress hereafter for the flood control——

Mr. MANN. But it was not contemplated when we provided for the Flood Control Committee that they would provide for appropriations for improvement of the Mississippi River, but they are doing it.

Mr. HUMPHREYS of Mississippi. No; we are not providing any appropriations in this bill.

Mr. MANN. You are authorizing appropriations; that is, providing for appropriations.

Mr. HUMPHREYS of Mississippi. That was contemplated, was it not, when the committee was created?

Mr. MANN. I am not caviling about that. One thing leads to another. If you say all projects relating to flood control will be under the War Department, and then provide for a forest on the sole ground, as a constitutional proposition, that it is to control flood waters that may affect commerce, how are you going to escape transferring that to the War Department?

Mr. HUMPHREYS of Mississippi. It certainly ought not to be transferred to the War Department. I assume there will be no trouble about that. If the gentleman has any suggestion to make there, I will be very glad to consider it.

Mr. MANN. I have a suggestion to make. I think that language ought to be changed. I will not say how.

Mr. HUMPHREYS of Mississippi. Very well. We will be very glad to consider that.

Mr. KEATING. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. KEATING. How many acres of land will be reclaimed?

Mr. HUMPHREYS of Mississippi. Sixteen million acres. By reason of the fact that there are a number of tributaries entering the river, and therefore it is impossible to levee across them, and water backs up into those tributaries, there are 4,000,000 that are not being protected under the provisions of this bill, but there are 16,000,000 acres that will be protected from overflow under the provisions of this bill, and only three and a half million of that already under cultivation. The other is very generally cut-over woodland.

Mr. KEATING. To what extent will the owners contribute?

Mr. HUMPHREYS of Mississippi. They have already contributed $91,000,000, and under this bill will contribute not less than $10,000,000 more, and in addition to that will provide for the raising of money to pay the damages incident to the construction of levees and rights of way and take care of maintenance.

Mr. KEATING. So that when you say $91,000,000 was contributed by the owners of the land—was that money contributed by the State?

Mr. HUMPHREYS of Mississippi. By the owners of the land.

Mr. KEATING. And assessed back in the form of levee taxes?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. SLOAN. Of that 16,000,000 acres, is a large part of it State land and Government land?

Mr. HUMPHREYS of Mississippi. No Government land, practically none of it, but in private ownership.

Mr. SLOAN. I heard a discussion under the river and harbor bill where it spoke of a large tract of land in Missouri and Arkansas——

Mr. HUMPHREYS of Mississippi. The St. Francis Basin, where there are some 50,000 acres of Government land, and, of course, there is other land, but out of the 16,000,000 acres that will be protected the number of acres belonging to the Government is very small. It is not considerable.

Mr. SLOAN. How much would there be of the State land?

Mr. HUMPHREYS of Mississippi. Practically none. Practically all of it is in private ownership.

Mr. CHIPERFIELD. I have not had the privilege of hearing all of the gentleman's statement. Is the scheme for flood control contained in this bill for the building of levees principally?

Mr. HUMPHREYS of Mississippi. Levees and revetting the banks.

Mr. CHIPERFIELD. Do those levees allow any greater area of flow for these floods than heretofore, or is it carrying out the scheme of levee construction that has heretofore been inaugurated for the purpose of preserving and reclaiming land?

Mr. HUMPHREYS of Mississippi. No. It is to proceed under the plans that have been proceeded under heretofore under the Mississippi River Commission. The bill provides "under the plans heretofore or hereafter adopted by the commission." Now, the commission is of the opinion that there is one way by which these floods can be controlled, and there is one way by which navigation in the river can be maintained, and that is the one and the same way of building the levees along the banks and then revetting the banks so that they will not cave into the river. Now, it has been suggested by some of the members of the Mississippi River Commission, and that suggestion is contained in the hearings, that some of these levees that are built will have to be moved, and there is no doubt about that. Some of the levees will have to be relocated for one or another reason. The river has encroached upon some so near that it will be dangerous to let them remain there, and then lines will have to be relocated for other reasons.

Now, when that is done the locality must provide the right of way, and in the State of Mississippi and in the State of Arkansas must pay the damage that is done to the man who is turned out, whose plantation is turned outside, and they must maintain the levee; and, of course, whatever is contributed to prevent the breaking of the levee in times of great flood will not be reckoned as a part of the contribution.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield there for a further question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. CHIPERFIELD. If the question of flood control is separated from the question of land reclamation, would not the subsequent treatment require that a larger area should be left for the river to occupy? I do not perhaps make myself clear, but I guess, perhaps, the gentleman has caught the thought I have in mind.

Mr. HUMPHREYS of Mississippi. The purpose of flood control is to enable the people to reclaim the overflowed land. They would set the levees as near to the river as they thought it would be safe to set them. I do not know whether I get the gentleman's idea or not.

Mr. CHIPERFIELD. The thought of the land reclamation is to get the levee down to the water, as near as possible to the river, so as to get as much area of land as possible for cultivation, but the necessities of flood control would suggest that you would leave as large an area as possible for the flowing channel as could be done from an engineering standpoint. I wondered what scheme was adopted in this case.

Mr. HUMPHREYS of Mississippi. The gentleman will understand that when so many miles of levee are built up almost high enough it would be uneconomical to attempt to set them back to a considerable degree, so that in the main the levee will be left as it stood, except that it will be strengthened; and in this process of preventing the caving of banks, even if the levee is only two or three hundred feet from the river, it can be made perfectly secure.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I yield to the gentleman.

Mr. WALSH. The gentleman may have stated it before, although I have not noticed it; but will the gentleman state how much his own State, as a State, has contributed toward this condition?

Mr. HUMPHREYS of Mississippi. As a State, nothing at all.

Mr. WALSH. Well, have any of the States contributed as States?

Mr. HUMPHREYS of Mississippi. The State of Louisiana, according to my recollection, contributes a 1-mill tax on the property in the State of Louisiana, I think, and that goes into the levees. But the State of Mississippi and the State of Arkansas have not contributed anything.

Mr. WALSH. The contributions have been confined to the levee districts?

Mr. HUMPHREYS of Mississippi. Yes; they have been confined to the levee districts. The people who live in the deltas have put up all the money themselves.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. REAVIS. This bill authorizes an appropriation of $45,000,000, to be expended under the authority of the Mississippi River Commission. Recently we made an appropriation in the river and harbor bill. Will that appropriation be considered as a part of the $45,000,000 authorized by this bill?

Mr. HUMPHREYS of Mississippi. The six millions carried in the river and harbor appropriation bill, which is the usual sum heretofore appropriated by the House, takes care of the Mississippi River for the fiscal year beginning July 1, 1916. Now, whatever is appropriated under the authority of this act, this pending bill, will begin with the fiscal year beginning July 1, 1917. Nothing here will be added to the six millions. This will be for the subsequent year.

Mr. REAVIS. This $6,000,000 that we have appropriated in this river and harbor bill would not, under the gentleman's construction, be included in this $45,000,000 authorized, or will it be $45,000,000 authorized in addition?

Mr. HUMPHREYS of Mississippi. The $45,000,000 will be authorized in addition.

Mr. REAVIS. In addition to the $6,000,000 appropriated in the river and harbor bill?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. SHALLENBERGER. I would like to know if you are prepared to give us some information in regard to the plans for preventing floods by retaining the waters near the sources of the stream, as I understand it has been developed in other countries and is now contemplated to be worked out in Ohio, as I understand, and in other States, in reducing the flow of water by utilizing the waters and storing them higher up in the stream?

Mr. HUMPHREYS of Mississippi. Yes. We have gone very thoroughly into that, so far as the lower Mississippi River is concerned, and it has been the testimony of all the engineers who have examined into it that it could not be done except at an expenditure of a sum so enormous that it would stagger Congress to contemplate it.

The only estimate I have ever seen made by any engineer connected with the Government was by Mr. Leighton, who was at one time a topographer or geographer, or something of that kind, connected with the Geological Survey. In a letter to Senator RANSDELL, which was published in the RECORD some years ago, he said that reservoirs could be constructed in the Ohio Valley that would control the floods of the Ohio River, and therefore the floods of the Mississippi, and that that could be done at a cost of from $500,000,000 to $1,000,000,000; so that the gentleman sees it is no estimate at all, because he could not come within $500,000,000 of the cost of it. Mr. Cooley, a very eminent engineer, was before our committee the other day, and his idea was that the floods of the lower Mississippi could be controlled and kept within the banks by the treatment of the watershed above the mouth of the Ohio. He expressed it this way: He said, "If I were a despot and were not hampered by any limitation of funds, I could do that work. Probably it would take a generation or so to complete it, but it could be done." But we have never had an estimate. He did not undertake to estimate it. We have never had any estimate from any of our engineers of the Army who have examined it, or the Mississippi River Commission. They have all in their investigations said that there was but one way to control those floods, and that was by means of levees and revetments.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. RUCKER. As I understand, it is contemplated by the bill under consideration that the States in which these levees are to be built are to furnish the right of way and pay any

damages incident to the establishment and location of the right of way?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. RUCKER. I understood the gentleman to say a moment ago that each State where the levee is built will maintain the levee after it is constructed. Now, the question arises in my mind, What power has the General Government to compel the States to maintain that levee?

Mr. HUMPHREYS of Mississippi. None at all.

Mr. RUCKER. Then, suppose on the west side of the river the levee will run along the Louisiana shores and the Arkansas shores, and suppose the levee should break, a mile wide, or 10 miles wide on the Arkansas shore, thus turning all the water in Arkansas loose, to flow down into the State of Louisiana.

Mr. HUMPHREYS of Mississippi. It does do it; it did this year.

Mr. RUCKER. Would there be a liability on the part of the Federal Government to recoup those citizens who lose their property by reason of the breaking of the levee that the Government itself constructs?

Mr. HUMPHREYS of Mississippi. There would not. There would not be a liability on the part of anybody.

Mr. RUCKER. The Government having constructed the levee and held the water back until it gets up high over the adjacent land——

Mr. HUMPHREYS of Mississippi. That question has been tried out in all the courts.

Mr. RUCKER. But you think there is no way to compel the States?

Mr. HUMPHREYS of Mississippi. No; no way to compel them.

Mr. RUCKER. That being true, I was just curious to know what the gentleman's attitude was.

Mr. HUMPHREYS of Mississippi. There is no way to compel them.

Mr. RUCKER. I was curious to know why the gentleman made that statement in connection with his explanation of the bill.

Mr. HUMPHREYS of Mississippi. It would be left to them to maintain. Of course, they will maintain it. If they do not maintain it, they will be drowned.

Mr. RUCKER. If the Government spends $45,000,000 in building these levees and revetting the banks, and the levee should break for a 10-mile stretch, would not the Government then be compelled to do it, in order to save the money that it had already invested?

Mr. HUMPHREYS of Mississippi. I may answer that by saying that the people there have spent over $100,000,000. We have spent $91,000,000 since 1882. Of course, they would do all they could to prevent any such disaster; but there never has been such a cataclysm as the gentleman suggests, of a 10-mile break in a levee. I assume that if that should happen, the chances are there would be a great cry for Federal aid, because it would be a disaster almost beyond imagination.

Mr. RUCKER. I hope the gentleman does not misunderstand my inquiry.

Mr. HUMPHREYS of Mississippi. I do not.

Mr. RUCKER. The gentleman is presenting his bill. I am not antagonizing it. I wanted an explanation. While the past furnishes no precedent of a 10-mile break, I am inclined to think when you build walls of dirt on each side of the Mississippi River, and do nothing to check the great quantity of water that comes down into that narrow channel, as suggested by the gentleman from New York, there will sometime be a break of more than 10 miles.

Mr. HUMPHREYS of Mississippi. Perhaps so, but that is the way God Almighty provides against floods. He builds great earthen mounds on each side, which we call hills.

Mr. RUCKER. The gentleman is not content with what God Almighty did.

Mr. HUMPHREYS of Mississippi. He did not build any close to the banks of the Mississippi River, and we are trying to build them now. We are going to build earthen mounds, which we hope will be strong enough to hold the river. But that is a great engineering problem; and there is only one way for us to ascertain how to do it, and that is to set the engineers to work. We started in 1822. Since 1822 we have appointed commission after commission. We have had one commission composed of engineers from the Army and engineers from civil life and from the Coast and Geodetic Survey, and they have been unanimous always. There has never been any difference of opinion among them. They have all reached the same conclusion—that the way to do it is to build levees. Now, that being true, the committee must assume that they know what they are talking about.

Mr. RUCKER. Just one moment, if the gentleman will pardon me. I want to make this statement, if the gentleman will allow me——

Mr. HUMPHREYS of Mississippi. I must conclude——

Mr. RUCKER. I do not care how many engineers have said so. I think when you undertake to throw the quantity of water that there is there in between two walls, when it now spreads over 25 miles of territory, you have got to put those walls farther apart than the banks of the river or you will never succeed.

Mr. HUMPHREYS of Mississippi. The gentleman says the engineers have got it all wrong. I think he ought to suggest the right way, so that we can follow the right way, so that we will not make any mistake. We are about to spend a great deal of money, and all the engineers have agreed as to how it ought to be expended. If we are not going to take their advice, the gentleman ought to be able to tell us what to do.

Mr. RUCKER. I am asking the gentleman what to do.

Mr. HUMPHREYS of Mississippi. I say follow the advice of the engineers.

Mr. RUCKER. If the engineers recommend putting the levees on the banks where the levees now are, I am not in favor of it; I do not care how many engineers suggest it.

Mr. HUMPHREYS of Mississippi. The gentleman ought to suggest some other means.

Mr. RUCKER. "The gentleman" does not have to suggest any other means. I do not believe the remedy is sufficient. I do not believe that conclusion is a wise one.

Mr. SLOAN. The gentleman from Missouri and the gentleman from Mississippi have spoken about the States maintaining these levees when they are built.

Mr. HUMPHREYS of Mississippi. Not the States—the levee districts.

Mr. SLOAN. No State, such as Louisiana, Mississippi, or any other State, would be called on or expected to be called on to assume any such burden. It is to be the levee district.

Mr. HUMPHREYS of Mississippi. The levee districts, the people themselves.

Mr. RUCKER. They ought not to expect the levee districts to do it after the Federal Government has undertaken it.

Mr. HUMPHREYS of Mississippi. They either will have to do it or they will be overflowed. You do not have to require a man to keep his house from catching fire. If he does not, it will burn up.

Mr. RUCKER. But if the Government adopts the policy of building houses when they have burned down, there will be a great many more of them burned down.

Mr. HUMPHREYS of Mississippi. If the gentleman can conjure up any scheme by which we can force these people to maintain these levees——

Mr. RUCKER. The gentleman ought not to put me in that attitude. I am not an expert like the gentleman from Mississippi. I think with his vast experience he ought to know more about high water than any other man on earth.

Mr. HUMPHREYS of Mississippi. If that be true, then I want to put my opinion against that of the gentleman, and I believe that the construction of these levees will absolutely prevent floods.

Mr. RUCKER. I hope it will, but I want to say to the gentleman that I do not believe it.

Mr. CROSSER. The gentleman says the engineers are unanimous. He does not mean engineers generally, but only the engineers of the Mississippi River Commission?

Mr. HUMPHREYS of Mississippi. Yes; I mean all the engineers that the Government has ever set to work on this problem.

Mr. CROSSER. They are Army engineers only?

Mr. HUMPHREYS of Mississippi. No; they are not Army engineers only. Maj. Ockerson is not an Army engineer. He is a very distinguished civilian engineer. He has been on the Mississippi River Commission for 30 years—a civilian engineer. He is so distinguished that when the Colorado River broke loose a few years ago and Congress undertook to correct that President Taft employed him to go down and take charge of the work. We had Maj. Harrod, a civilian engineer so distinguished that he was appointed by the President of the United States as one of the original Panama Canal Commissioners to go down and supervise that. Mr. Richardson was a civilian engineer.

Mr. CROSSER. There are a great many who do not agree that this is an effective way.

Mr. HUMPHREYS of Mississippi. I do not think there is any engineer who has ever made two years' study of this river who does not agree to it.

Mr. CROSSER. Mr. Cooley has studied the Mississippi River, and he does not agree.

Mr. HUMPHREYS of Mississippi. Mr. Cooley said that if it were possible to give constitutional treatment, and if he were a despot with unlimited means, he would in the course of a generation or so by treating the source streams control the flood; but he said the patient is sick, the patient demands a palliative, the patient must have a hypodermic to relieve him now, and therefore he said the thing to do now is to build the levees and revet the banks. [Applause.]

Mr. STAFFORD. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. STAFFORD. I would like to have the attention of the chairman of the committee. There are a number on this side who are opposed to the bill and a number who are in favor. I would like to know if it is agreeable to the chairman of the committee that those in opposition shall have as much time to speak under the extension of the five-minute rule as gentlemen who are in favor of the proposal?

Mr. MANN. Why does the gentleman raise that question now?

Mr. STAFFORD. Because I want the statement of the chairman in reference to it.

Mr. HUMPHREYS of Mississippi. What is the gentleman's request?

Mr. STAFFORD. The gentleman from Wisconsin [Mr. FREAR] would like half an hour. He may not be able to obtain it, and he does not want to infringe on the time of the gentleman from Illinois.

Mr. RODENBERG. I will yield to him.

Mr. STAFFORD. And I would like to have 10 or 15 minutes myself.

Mr. RODENBERG. I will yield to the gentleman.

Mr. STAFFORD. Very well, the time has been assured, and there will be no need of an agreement.

Mr. RODENBERG. Mr. Chairman, I do not wish to occupy the attention of the committee for more than four or five minutes. The very clear and comprehensive statement of the distinguished chairman of the committee [Mr. HUMPHREYS of Mississippi] has covered practically every feature of the bill under consideration. I merely rise to emphasize the fact that the question of controlling the flood waters of the Mississippi is in no sense a local question, but it is essentially and distinctly a national problem. That fact was recognized in the platform of principles adopted by the three leading political parties in the campaign of 1912. In every one of these platforms it was clearly and unequivocally set forth that it was the plain duty of the Federal Government to provide the means necessary to protect that part of our common country against disastrous floods and overflows that are periodically visited upon them.

When it is remembered that the protection of approximately 23,000 square miles of fertile territory is involved, the magnitude of this proposition and its national importance must be apparent to every Member of this House. Of that magnificent domain, which is an empire in itself, containing more than 16,000,000 acres of the richest land in the world, less than 4,000,000 acres are to-day capable of successful cultivation because of the devastation of these periodical floods.

I was very much impressed by an editorial this morning in the Washington Post. I believe with the editor that as a practical question of conservation of our natural resources it is the moral duty of this Government to do that which is necessary to reclaim this vast area of fertile and valuable land and to make every acre capable of producing those things which go to sustain human life.

The people living in those alluvial deltas have done their full duty. In fact, I fully believe that they have done more than their duty. They have not tried to shirk any financial responsibility, and they are not trying to do so now. They have already expended more than $90,000,000 in an effort to protect these lands against the floods, and they are prepared to spend still more in the future. They have simply taxed themselves to the very utmost, and they have reached the limit of their ability in that direction. They are now appealing to Congress to assist them in carrying the burden which properly belongs to the Nation and which should be borne in part by the Federal Government. [Applause.]

The committee having charge of this bill has labored long and earnestly. They have held most exhaustive hearings. They have had before them some of the ablest and most distinguished engineers of the United States, and these eminent engineers are unanimously of the opinion that the only way to control the flood waters of the Mississippi is by the construction of levees along the river banks and then to maintain the levees from caving in by revetment work wherever such work may be necessary.

The engineers have filed a comprehensive report, and they tell us that it is the only way in which this question can be successfully handled. This work, prepared by the committee, represents the best thought and intelligence of these eminent experts, who have made a most careful study and a most painstaking investigation of the whole subject matter. The bill presents the only practical solution of one of the most difficult problems that has confronted the American people almost since the foundation of the Government. I believe the bill ought to pass the House by a unanimous vote, and I sincerely hope that it will. [Applause.]

Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. HUSTED].

Mr. HUSTED. Mr. Chairman, it seems like presumption upon my part to attempt to enlighten the committee on the Mississippi flood problem after it has listened to the statement of the distinguished chairman of the Committee on Flood Control. I believe that he knows more about the subject than any man in the country to-day. He is not an engineer, but he has lived close to that problem all of his life and he has absorbed and assimilated all the knowledge which the engineers have gathered upon that subject. I consider that in devoting his time to this subject he has devoted himself to a most noble work for the enjoyment of the people of the Delta and for the great and lasting benefit of the people of the United States. [Applause.]

I have the honor to represent a district in the great State of New York. It is located on the Hudson, at the entrance of the Highlands, which I consider the most beautiful spot in the world. Our lordly river passes between high and rock-ribbed hills on to the sea. The channel is from 40 to 50 feet deep. The water is clear. We have no flood problem on our part of the river. They do have a flood problem in Albany and in the upper reaches of the river, but we are fortunate enough not to have one, and at the time I was appointed a member of this committee I knew absolutely nothing about this subject except what I had read in the newspapers from time to time, as these devastating floods occurred, from my boyhood days on and had seen in the illustrations in the newspapers of their disastrous effects.

I did know, however, that the three political parties had committed themselves upon this proposition, that they had declared that the question of the flood control of the lower Mississippi was a national project worthy of Federal aid, and that it should be extended promptly and this work carried to a complete conclusion. I knew that the President of the United States and the two living ex-Presidents of the United States had recommended this project to the favorable consideration of Congress, and I knew that the great State of New York, which I have the honor in part to represent, pays into the United States Treasury a very large amount of the taxes that find their way here. I knew also that this project, if adopted and carried through to completion, would involve the expenditure of a very large amount of money, and that the State of New York would be compelled to pay a very large share of it. Therefore I was deeply interested in finding out, first, whether floods on the Mississippi River could be effectually controlled; and, second, if they could be effectually controlled, then the best and the most economical way of doing it; and, third, what would be the just and fair share which the local interests immediately protected by the improvement should pay toward this cost.

In the early part of the month of February last a majority of the members of the committee visited the Mississippi River and saw that river in one of its most majestic and one of its most fearful moods. They saw the crest of a flood pass down that river as great as ever found its way to the Gulf. We traveled the Mississippi River from Cairo to New Orleans. In the upper Yazoo Delta we passed between 100 miles of levees, which had been completed in accordance with the Government standards. We saw the people there living behind those levees, with the level of the Mississippi River 15 feet above the surrounding country, carrying on their agricultural pursuits in just as much apparent security, with the feeling of security just as great, so far as any danger from floods was concerned, as if they were living upon the tops of mountains. Then we passed down the river where the levees were not up to Government standard, and where the people were exceedingly anxious, watching the water stages with great anxiety, fearing that at any time they might be compelled to take their babies and wives and property and seek the mounds of refuge, or some part of a standing levee, to escape the devastation and death which follow in the wake of one of these terrible crevasses. Then, we went down to Greenville, the home of the distinguished chairman of the committee, and there we found the most highly

developed country. There the levees are up to Government standard, and enterprise has not hesitated to spend its money. We then took automobiles and went into the country and saw magnificent plantations in the highest state of development, where they raise the finest cotton grown in the world, even finer than that grown in the valley of the Nile.

From Greenville we passed through the only section of the river between Cairo and New Orleans which has never been protected by levees. It is only 22 miles long, and we saw what the effect of the backwater was, which worked its way around the end of an uncompleted levee line. On a train we went through a lake that contained 1,000,000 acres of water. That water was not less than 3 feet, and from that up to 52 inches deep. We had a scout engine going ahead of us on the right of way to see that the tracks were there. We had a big motor boat preceding us on the right of way, and we towed two motor boats from our rear platform to carry us to dry land in case the fires in the engine might be put out. We went through 30 miles of water in this way; and wherever we went we saw the plantation houses empty, where the people had escaped to the levees or to towns protected by the levees. And so we came to Vicksburg, where we found that just before we got there the termination of the railroad line had been washed away by the flood, and where we saw the people sacking the old and ineffective levees, trying to keep the water from flooding the lower portion of the city. Below Vicksburg, in Louisiana, we saw a crevasse, a break in an old levee line, where more water than passes down the Niagara River was flooding the surrounding country, doing millions of dollars' worth of damage. From there we went to New Orleans and saw those magnificently strong and effective levees which have been built by the courage, the patriotism, and the industry of the people of New Orleans to protect one of the most progressive, one of the most beautiful, and one of the most important cities on the American Continent. [Applause.]

Mr. Chairman, the Delta of the Mississippi River, which this bill seeks to protect from floods, contains 20,000,000 acres of land, or about 25,000 square miles. The area is somewhat larger than the combined areas of the States of Connecticut, Delaware, Massachusetts, Maryland, and Rhode Island. It is not only the most fertile piece of land in this country, but it is the most fertile piece of land in the world, exceeding in fertility even the famed valley of the Nile.

The depth of the soil, which has been skimmed like cream from the best lands of the Northern and Middle States, is at least 1,500 feet deep, and it is just as fertile at a depth of 1,500 feet as upon the surface, so it is practically inexhaustible; and that territory, if it were reclaimed and put in cultivation, is capable of doubling the cotton crop of the United States. It is capable of producing in value at the present market price of cotton $1,000,000,000 worth of that staple, and you can all imagine what that would do for the prosperity of this country when you know what it has done in the past. Cotton has been one of the staples that has given our country the dominant commercial position which it holds in the world to-day. [Applause.] Now, this is not a new project and it is not an expensive project. It is a money-saving project. This land can be protected. It can be protected by levees and revetments, and it can not be protected in any other way, and we are doing it that way now except we are dribbling out the money in a most unscientific and in a most uneconomical manner. This simply provides that work shall be done continuously, and money furnished to do it, if appropriations are wisely made by Congress, so that the work will not have to stop, so that the work can be done to the best advantage and brought to a complete conclusion within a given time, within five years, and the Army engineers estimated that by doing it in that way——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. MOORE of Pennsylvania. My colleague is aware that work has been going on since 1879?

Mr. HUSTED. Yes; I am aware of it.

Mr. MOORE of Pennsylvania. And on this particular section, between the Head of the Passes and the Ohio River, $87,000,000 has been spent?

Mr. HUSTED. Not exclusively on levees, however; and not for flood protection alone. The Government has expended less than $30,000,000 on levees.

Mr. MOORE of Pennsylvania. In general channel work?

Mr. HUSTED. Yes, sir.

Mr. MOORE of Pennsylvania. And that on the Mississippi, generally, up to date about $166,000,000 has been spent.

Mr. HUSTED. Yes.

Mr. MOORE of Pennsylvania. The gentleman speaks of the continuation of the work. Does the gentleman recall that work on the Troy Dam on the Hudson was stopped last year because of the failure of appropriations?

Mr. HUSTED. I did not know it, sir.

Mr. MOORE of Pennsylvania. While work was still going on in the Mississippi Valley?

Mr. HUSTED. I was not aware of that fact.

Mr. MOORE of Pennsylvania. I will inform the gentleman that the great Troy Dam, where the commercial interests are so involved, was stopped two years ago at a great expense to the Government, at a great loss and waste, simply because we could not get the money to carry on the work.

Mr. HUSTED. I was not aware of the fact, and I may say I deeply regret it; but I can not see that it is any argument why the Government should make a mistake on this proposition.

Mr. MOORE of Pennsylvania. Will the gentleman pardon me for one more question? The point I make is that what is fair for one section of the country is fair for all sections.

Mr. HUSTED. Absolutely; I heartily assent to that.

Mr. MOORE of Pennsylvania. And to continue work on a great project like this means there must be a cutting of the work in other sections of the country, where often there is just as much damage and certainly more business done than on the Mississippi River.

Mr. HUSTED. But I am slightly proud of the fact, notwithstanding I come from the great State of New York, which has not had a very large share in recent years of Government appropriations, that I can be broad enough and big enough at least to support a proposition of this kind, which I believe is for the best interests of the whole country [applause], something which we are morally bound to carry out even though the people in that district may obtain the greater benefit thereof. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RODENBERG. Mr. Chairman, I now yield 10 minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Chairman and gentlemen, that the State of Indiana is in hearty accord with this legislation is evidenced by the fact that in February, 1915, after due deliberation, they adopted a resolution asking the Members of this body and the Members of the Senate from that State to support any measure looking to the flood control of the Mississippi Valley. These resolutions read as follows:

Concurrent resolution adopted by the Legislature of the State of Indiana.

Whereas the frequent floods of the Mississippi River, caused by waters from 31 States, embracing more than 41 per cent of the total area of the United States, result in great loss of human lives in portions of the States of Illinois, Tennessee, Kentucky, Mississippi, Missouri, Arkansas, and Louisiana, and large money losses, not only in such afflicted territory but in other portions of the Nation; and

Whereas it has been declared by every member of the Engineer Corps of the United States Army who has dealt with such floods, by the Mississippi River Commission, and by other commissions appointed by Congress that such floods can be prevented at a reasonable cost; and

Whereas the work of such flood prevention has been going on for many years in the least economical way and over two-thirds of its cost has been borne by the damaged sections, who can no longer cope with this giant problem without effective aid from the National Government; and

Whereas all political parties have declared in their campaign platforms that flood control of the Mississippi River is a national duty: Therefore be it

Resolved by the Senate of the State of Indiana (the Assembly concurring), That the Congress of the United States be, and is hereby, requested to fulfill this national duty at its next session, and to enact such legislation as shall provide a separate and comprehensive plan for the prevention of such floods without delay; be it further

Resolved, That copies of this resolution be sent to the Speaker of the House of Representatives, to the President of the Senate of the Congress of the United States, and to each Member of the Senate and House of Representatives of this State in Congress.

SAMUEL M. RALSTON, *Governor*.

Passed February, 1915.

The State of Indiana is not only in favor of Federal aid to assist in the control of the flood waters of the Mississippi River but it is likewise in favor of a scheme that has for its purpose Federal legislation looking to the control of the flood waters of the United States.

And if I did not believe that this was the beginning of that character of legislation, I would not be standing here to-day supporting it, for, with my colleague from the State of New York [Mr. HUSTED], I believe that what helps one section of this country also helps every other section of it. I do not believe that we should be so selfish that we can see no good to us even in appropriations that are made to different parts of this country far distant from where we are located, for whatever adds to the material wealth of the great Mississippi Valley adds to the material wealth of the Ohio Valley. Whatever adds to the comfort of the people of that great section down there adds to the comfort and to the glory of all the people in the United States. [Applause.] In the State of Indiana we are in need

of assistance of this character, and I believe it is a part of the duty of the United States Government to assist in affording that relief. The people in the State of Ohio are in need of flood control, and I believe that the people of all the United States should contribute to that end. The people in the State of Pennsylvania are in need of this character of legislation. Our attention has lately been called to the ravages of the floods on the Susquehanna River at Wilkes-Barre and throughout that section of the country. It is a part of this scheme, as fast as it is possible to do it, to relieve these different situations.

Mr. MOORE of Pennsylvania. Will my colleague yield?

Mr. WOOD of Indiana. Certainly.

Mr. MOORE of Pennsylvania. As to the Susquehanna, I wish to say that no money has ever been spent upon it except on one of the upper branches. It was declared nonnavigable for a long while, and it was only recently that it was announced that its navigability had been restored.

Mr. WOOD of Indiana. I understand it did not come in under the old scheme, because of the fact that it was a nonnavigable river.

Mr. MOORE of Pennsylvania. Yes; and that has been changed, however, under Executive order.

Mr. WOOD of Indiana. And it is the purpose of this legislation not only to assist those streams but also to assist in those sections of the country where the streams are not navigable as a matter of fact or as a matter of legislation.

Mr. GORDON. It is a sweeping proposition that you make there, that it makes no difference about the navigation.

Mr. WOOD of Indiana. What is your question?

Mr. GORDON. My question is this: If you are going into that sort of a proposition, why do you not furnish drainage everywhere for everybody in the United States?

Mr. WOOD of Indiana. That is begging the question. I am in favor of internal improvement. I have been in favor of it ever since I have understood what I think it means, and I think one of the best possible ways of making internal improvement is to control the waterways of this country that belong to the people, and in controlling those great waterways it becomes in a measure also necessary to control their tributaries. So if it is necessary to control the waters of the Ohio, and keep them from desolating the country through which that great river runs, it may be necessary to control the tributaries of the Ohio River. If it is necessary to control the waters of the Mississippi River, that is now and has been through the centuries doing so much damage throughout the country, why is it not necessary, differing only in character, to control the tributaries that are contributing to that mighty flood? As a business proposition, I will say it is worth more to the people of the United States to control the flood waters of this country than all the Panama Canals we could build in a lifetime. [Applause.]

Take the lands that are now in the Delta country of the Mississippi River and are absolutely worthless, amounting to 16,000,000 acres, and which will be reclaimed by this flood-control measure, and they will add to the material wealth of this country more in one year than it would cost to make this entire improvement. It is said that there are 16,000,000 acres of this land that will become immediately available for agricultural purposes. Now, a fair rental value for that 16,000,000 acres would at least be $3 per acre, amounting to $48,000,000 in one year. The productive power of that 16,000,000 acres would amount to three times that much, or $192,000,000 in one year—a goodly sum to add to the material wealth of the Nation.

Mr. GORDON. Why should the cost of that improvement not be assessed against that land, then?

Mr. WOOD of Indiana. I will tell you why it should not be assessed against that land. That is not water peculiar to that country; that is not water that fell from the clouds of heaven upon those lands; but that is water that we are contributing from the State of Indiana, contributing from the State of Ohio, contributing from way up here in Montana, contributing from way up here in New York. That stream does not belong to those landowners. They said to us, and well did they say it, "Take care of your water—it is not ours—and we will take care of our land." [Applause.] That is the reason the landowner should not be made to pay all these taxes. They have been taxed and taxed and taxed until it is hardly possible for them to stand it much longer. An objection has been made here because of the fact that millions of dollars have already been spent in an attempt to control these flood waters. That is true. Much of it has been illy spent, much of it wasted, because of the fact that a consistent scheme years ago was not adopted for the purpose of accomplishing this great work. It is now the purpose, if this legislation is enacted, to take this thing up systematically, to take it up and continue the work, and do it in a systematic sort of way, so that anything that is done to-day will not be wasted to-morrow.

It is possible to complete this thing. It is possible, I believe, from the evidence that we have from the engineers, who have been studying this for a lifetime, to take and do all the things that they claim this scheme of legislation will do, and save to the people of the United States this "valley of the Nile" that is worth so much in material consequences.

And why should we not adopt it? As I said before, it is the waters of all this great watershed from Montana clear to New York that is thrown down upon these people, and it is going to increase each year.

You take the farmer in the State of Indiana, in the State of Ohio, in the State of Illinois; when his farm reaches the perfection that he desires it shall reach he will have a construction of tiling every rod through it, and every additional construction of tile that is placed on the farms in all that section adds materially to the increase of floods throughout these great flood districts; and it is increasing each year. We who live in the Wabash Valley know that the frequency with which floods are growing there and the ravages that are being made by them growing each year that the likelihood of those floods is increased. In 1913 there were millions upon millions of dollars' worth of property destroyed along the Wabash and the White Rivers, and in Ohio along the Miami. We thought perhaps it would not again occur for a decade at least, but this last winter if it had not been for the fortunate dropping of the mercury down to zero we would have had a repetition of our experience in 1913.

If the project commenced with this measure is carried out fully, as it is the intention of the committee it should be, the flood waters of the Wabash, White, and Miami Rivers will be controlled, and the awful havoc and destruction committed by them in 1913 will be rendered impossible of repetition. The United States engineers are now studying these rivers, making complete maps of them, together with adjacent territory for the purpose of enabling provision to be made that will solve the flood question along these waterways. All this work can not be done within a year or two years, but it can all be done and effectually done in a reasonable time. The two projects now submitted by this measure are now feasible because the surveys have been made of the Mississippi and the Sacramento Rivers, and the scheme has been adopted which it is believed will reduce to a minimum the possibility of their flooding the country adjacent to them as they have been doing so disastrously in the past. That it is not intended that this public improvement is to be sectional is adequately proven by this initiatory measure, which provides not only for the flood control of the Mississippi River, but for the flood control of the Sacramento River in far-away California, thus demonstrating that the people of the South have joined hands with the people of the West to assist each other for the common good of all their citizens, and as readily will they respond and join hands with the people of the North and the people of the East in giving to them the same measure of relief as soon as the surveys and plans are made that will enable us to solve the flood problem of their sections. We are all interested in the general welfare and prosperity of all the sections of our country; in this there is, and should be, no North, no South, no East, and no West. With this spirit actuating this and subsequent Congresses this mighty piece of constructive legislation to-day beginning will have its complete fruition in the flood control of the United States, and with its completion will have been accomplished one of the greatest services that our Government can render to its citizens.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RODENBERG. Mr. Chairman, I yield the remainder of the time to the gentleman from Wisconsin [Mr. FREAR].

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. FREAR. Mr. Chairman, I am not opposed to reasonable aid to the lower Mississippi River Valley or any other locality for permanent and scientific flood control, but in determining what is reasonable aid for floods as distinguished from land reclamation and what is for scientific flood control, I am not willing to accept the opinions or apportionments fixed by this Flood Committee. I can not believe disinterested members, as a rule, will come to any different conclusion after a brief study of the flood question.

I am opposed to this Flood Committee bill, and I am opposed to the jurisdiction of the Flood Committee and to its weakly expressed purpose. Let me further state that, in my judgment, the present Flood Committee has started out with a program that will make the old-fashioned river and harbor pork barrel bill look like a makeshift and a delusion when compared with the real thing. Never in the history of our Government has Congress been confronted with a more stupendously extravagant program than that outlined by the committee report which accompanies bill 14777 before us.

All promises of party economy, as proposed in several Democratic platforms, are thrown to the winds. All effort at legislative or public economy has been brushed aside through this bill, and by this program, which has the President's approval. Either the President has been deceived by his advisers, who include, according to press reports, members of this committee, and other waterway legislators, or the President has deliberately decided upon a course of public expenditures for private interests that have no limit and invite public scandal far exceeding any wasteful river and harbor legislation ever proposed.

THE PRESIDENT IS QUOTED FOR THIS BILL.

I do not forget that President Wilson has been quoted in Congress in favor of all the three different wasteful river and harbor bills that have been reported in the House during the Sixty-second and Sixty-third Congresses, two of which were defeated by Republican Senators. Some members of the majority party have refused longer to remain chained to a vicious, indefensible system, yet no Democratic leader in Congress has opposed any of the river and harbor bills.

If I have ignored any leader it is unintentional because we have many such, but the acknowledged leader from North Carolina refused to vote against the assumed wishes of the President, but as he did not vote for the bill, I suppose we ought to be grateful. This bill is more objectionable than the river and harbor bills in my judgment, even though it carries the President's O. K., and while predictions made three years ago on the river and harbor bill were lightly regarded, I am rash enough to make a further one at this time. That is to say, the new Flood Committee, if given free rein according to its own plans, will involve this administration in greater extravagancies than anything included in the river and harbor bill, not excepting the notorious Missouri River 500,000-acre reclamation project at Government expense, costing $20,000,000, or the $60,000,000 to $80,000,000 Ohio River engineering travesty.

The President's insistence for the nitrate water-power plant proposal, stricken from the Hay army bill, will be lost to view when compared to the Flood Control Committee's proposed activities. Democratic leaders favor both, but the Muscle Shoals project, with its proposed Government expenditures of many millions, supported as it is by one of the most persistent lobbies in recent years, is not to be compared with the waste of public funds proposed by the Flood Control Committee, or to the hordes of lobbyists who will swoop down on Congress as soon as the Flood Committee gets into action.

UNLIMITED JURISDICTION.

On page 5 of the committee report appears this statement regarding bill 14777 under discussion:

SEC. 3. The Inland Waterways Commission in its report of February 3, 1908, estimated that there were 77,000,000 acres of overflow land in the United States now unproductive, but which with drainage and protection from overflow will have an exceptionally high agricultural value.

Bear in mind the Waterways Commission did not propose the Government should undertake such a program. This is the Flood Committee's suggestion and in order to secure a comprehensive survey of this 77,000,000 acres it has been estimated the Government will have to expend $190,000,000. That is an engineer's estimate, and these estimates usually are under actual cost.

No man can fairly estimate the actual value of such lands when reclaimed, but, judging from the values fixed by engineers on different tracts of reclaimed overflowed land, reaching from $50 to $200 an acre and more, it is fair to estimate the ultimate average value of the 77,000,000 acres at $100 per acre to be $7,700,000,000.

That is the prize. Not that it will be realized in a few years, and probably not for many years to come, but $7,700,000,000 is hung up by the Flood Committee in section 3 of this bill, and by its report is the jurisdiction it expects to cover. Only about 20 per cent of the 77,000,000 acres is affected by bill No. 14177, but the purpose of organizing this committee and its jurisdiction was forcibly and frankly stated by Speaker CLARK at the time the bill was rushed through Congress proposing such extraordinary powers to a committee then unnamed.

The Speaker said:

Now, I do not believe that Congress is ever going to drain the public lands or the private lands either at public expense, but I will tell you what I believe it will do. It will rig up a scheme like the irrigation scheme, except exactly the reverse as to the subject matter, by which those overflowed lands will be drained and the men who own the lands will pay for the drainage.

That is what the Speaker said; but, if Congress is going to drain private lands and save them from the floods in the name of humanity or under the cloak of navigation, as pursued on the Missouri River, it will reclaim private lands and do just what the Speaker said would not be done.

WHAT ARMY ENGINEERS DO.

It was no less a distinguished personage than the present Chief of Engineers, Col. W. H. Black, who bowled over Col. Deakyne and Col. Townsend on the Missouri River project several months ago. These distinguished officers, one of whom is president of the Mississippi River Commission, were agreed that the present Missouri River navigation travesty would no longer stand the light of day, and so both recommended that the $20,000,000 project be abandoned and $14,000,000 remaining unappropriated be saved to the Government Treasury. Anyone who is interested in learning the actual facts regarding the Missouri River 500,000-acre reclamation project will get a full understanding from the Engineer Report, House Document No. 463, Sixty-fourth Congress. It is a marvel of words when Col. Black gets to explaining.

The bill before us, by section 3, gives the Chief of Engineers entire jurisdiction of all reclamation projects referred to in the committee report, even though it eventually reaches 77,000,000 acres. Col. Black is the present Chief of Engineers, and Col. Black was the official who, as chairman of the Board of Engineers, overruled Col. Deakyne and Col. Townsend's proposal to abandon the Missouri river project and recommended a further expenditure of $14,000,000.

Col. Black says on page 7 of that remarkable report:

It has been estimated that with the channel held by revetted banks there would be available for agricultural purposes in the bottom land along the river between Kansas City and St. Louis 500,000 acres, the greater part of which would be less than a mile distant from the river and a considerable portion of which is now necessarily nonproducing.

I digress to say that Col. Townsend and Col. Deakyne in their report said that the Government would spend under this project, apart from the $20,000,000 investment, approximately $1,100,000 annually in order to save Kansas City shippers $10,000 annually, as shown by that report. Col. Black overruled them and continued a $14,000,000 expenditure on the Missouri River to aid in the reclamation of 500,000 acres of land belonging to private parties. This was in addition to some $20,000,000 already spent on this river for "navigation."

THE MISSOURI RIVER RECLAMATION SCHEME.

The Missouri River project did not come through the Flood Committee, but it is a reclamation project, not substantially differing from the Mississippi River project contained in the Flood Committee's bill, as I desire to show, excepting that no contributions come from the Missouri River beneficiaries of 500,000 acres of reclaimed land, as was proposed by the distinguished Speaker in his address. Whereas, with an expenditure of something over $200,000,000 by the Government for reclamation on the lower Mississippi, private owners of 16,000,000 acres of land are expected to pay about $10,000,000. The Government pays all the rest. I believe I can demonstrate beyond reasonable controversy that these two projects do not in any way require "the men who own the lands to pay for the drainage" or for any appreciable part of the expense of reclamation.

In fact, I do not understand how any Representative can fairly say this Government should make either payment from the Public Treasury. The fact that both are to be authorized invites inquiry. What influence caused the Flood Committee to recommend $45,000,000 on the Mississippi project and $5,800,000 on the California project, the only ones contained in the bill, and what influence was able to get the Missouri River project past the Chief of Engineers after it had been recommended for abandonment by those most familiar with actual conditions. Deakyne had been working on the river for some time, and Townsend knows conditions on rivers of the Mississippi Valley better than Col. Black.

Of course, Col. Black has also recommended $18,700,000 for the Alabama Water Power Co.'s Muscle Shoals project, and although that project was stricken from the 1915 bill, Army engineers expended upward of $150,000 in drilling for foundations last year. Col. Black also objects to any congressional restrictions on contracts made by Army engineers with dredgers, and as he is to have charge of this flood-control work is it not

time to inquire just what we may expect from him and from the committee?

I do not question that some agency ought to be empowered to grant emergency relief in case of floods, but this committee is not organized for this purpose.

HOW THE RECLAMATION PORK BARREL WILL WORK.

When it gets into full swing with the 77,000,000-acre reclamation proposal, more pressure than was ever exercised on the Rivers and Harbors Committee will be brought to bear on the Flood Control Committee by private-land reclamation exploiters.

The river and harbor projects largely are matters of local pride, so far as volunteer waterway organizations are concerned, with a few dredgers and contractors in the background. Many associations clamor for their pet improvements, and the famous River and Harbor Congress, a $50,000,000 annual lobby that styles itself "second only to the Congress of the United States," attempts annually to round up all the other lobbyists into a syndicated concern to work for $50,000,000 annually on a pork barrel "policy, not a project." That is a vice in present river and harbor legislation—the influence behind the bill.

Now comes the Flood Control Committee, expected to hand out favors to every land-reclamation exploitation company in the country that has a scheme to advance. Seventy-seven million acres on hundreds of streams, creeks, and rivers are ready to waylay Congress and the Treasury. Every man and every community with a dollar at stake will become interested.

In this bill only $51,000,000 in round numbers is asked, but $170,000,000 more will be needed for the Mississippi before revetment is completed, possibly double that amount, and we have not made a beginning in the waste. These matters are not mentioned in this bill.

What will the Chief of Engineers approve? He approved the Muscle Shoals $18,700,000 water-power project and the $14,000,000 Missouri River reclamation project. What reclamation projects will he recommend? He says $5,800,000 is the proper amount to contribute for the Sacramento reclamation project and nothing at all for the Missouri River reclamation owners. He is the man who will have a direct say in such matters.

GENUINE FLOOD RELIEF HAS LITTLE PROSPECT.

Genuine flood troubles will not have the strong vital financial support equal to that which will bring a horde of reclamation lobbyists down on Washington every session, but those who have great projects to exploit will all be here. After any experience with a river and harbor pork barrel, can anyone doubt that the reclamationists will organize to press their claims through a reclamation congress that will not be "second only to the Congress of the United States"? The tremendous power behind $7,700,000,000 worth of lands to be reclaimed will organize a definite propaganda that will not accept second place to the river and harbor congress or the Federal Congress. That is no idle prophecy. It is a positive danger threatened by the passage of this preliminary bill which is bad in itself and establishes a dangerous precedent that will arise to plague Congress and the country every session. The Democratic Party has certainly unloaded a Sinbad burden onto us with the Flood Committee and its announced plans.

Will this committee have any higher motives than the River and Harbor Committee that has been criticized by many Members on this floor during debates on the last three bills?

I do not question the integrity or intentions of any member of that committee, but I do insist it is fair comment to discuss present standards possessed by the most influential member of that committee, its chairman, in order to determine what will be the future policy of that committee. Permit me to say that though made the object of occasional witticisms from the gentleman from Mississippi during pork-barrel discussions in the House, I believe no malice occasioned these outbursts. In fact, personally I have a high regard for the gentleman and recognize our differences of opinion are fundamental and not affected by petty prejudices.

On May 23, 1914, the present chairman of the Flood Committee wrote an article for the Saturday Evening Post entitled

THE INSIDE OF THE PORK BARREL.

His contribution to general knowledge on the subject appears in the CONGRESSIONAL RECORD for May 28, 1914, page 9353, where it was inserted by a Senator whose own views on the general subject have been frequently expressed through the rivers and harbor congress.

I have no criticism to offer as to any official action of any Member of Congress. Views expressed through the public press or otherwise, however, are proper to consider when we are endeavoring to ascertain where $7,700,000,000 in private lands or any part of that amount is to be reclaimed by this Government. Every dollar spent by the Government by such river-reclamation acts will come from the States of the Union represented by Members upon this floor, and we owe a duty to our States as well as to the Federal Government we are called upon to serve to see that public moneys are wisely expended.

In this communication to the Saturday Evening Post the present chairman of the Flood Committee ridiculed opposition to the $53,000,000 pork barrel, which was thereafter killed in the Senate. I do not care to quote from his article, but will say the then distinguished member of the River and Harbor Committee could find no fault with that bill in its details or in the general scope of the bill. I am not discussing his personal criticism of Members and Senators who opposed the bill. I am only stating his frame of mind as evidenced by that article. In the goodness of his heart he could see no fault in a bill that smelled to heaven with present and future projects to be started by the bill, some of which were exposed in both House and Senate.

Possibly his criticisms were warranted and possibly Senator Burton, who was so severely assailed in the public article, was a proper object of criticism because of his efforts to defeat that pork barrel. Possibly also criticisms by the present Flood Committee's chairman, concerning the public press and its alleged audacity in striking at the evil, were proper. The American people who pay the taxes are not ready to so concede. They are learning about the outside and inside of the pork barrel as it is, not as it is regarded by the Flood Committee chairman.

That 1914 bill was defeated, notwithstanding the Saturday Evening Post article written by the present chairman of the Flood Committee received wide circulation.

When the 1915 bill was before the House one of its most strenuous advocates was the same distinguished gentleman, the present chairman of the Flood Committee. That bill was also defeated.

When the 1916 bill was before the House less than a month ago the present chairman of the Flood Committee implored the House to pass the bill; otherwise, in his judgment, he stated, no river and harbor bill would ever again be passed under the present legislative system. That plea was effectual and the majority party, ably represented by the Flood Committee chairman, recorded 199 votes for the bill to 133 votes cast in protest against it. In other words, 133 Members are not in accord with the chairman of the Flood Committee on the character of the pork barrel.

I do not desire to offer anything further to show the frame of mind of the distinguished chairman on the subject of pork-barrel methods beyond a suggestion made in the debate on the bill before us by the gentleman from Mississippi [Mr. HUMPHREYS], wherein he said at the outset of his remarks:

> Kansas City, Minneapolis, and Chicago will follow suit (grow) in a few years unless Congress can be clamored by those who are raising the cry of pork barrel into the senseless abandonment of projects now adopted.

It may be needless to say that Minneapolis has more than doubled in population within a quarter of a century without being able to handle one pound of river commerce on its river front and that Kansas City and Chicago will take care of themselves even though Government appropriations are cut off or curtailed on the Trinity, Brazos, Missouri, Coosa, Alabama, Big Sandy, Beaufort-Norfolk Canal, and scores of other questionable projects.

The Flood Committee chairman is opposed to any clamoring about pork barrels or abandonment of projects now adopted, whether good, bad, or indifferent in character.

ARMY ENGINEERS VERSUS THE COMMITTEE CHAIRMAN.

Col. Townsend, chairman of the Mississippi River Commission, that is to administer this $45,000,000 Mississippi proposed levee fund, has advised us, however, that 95 per cent of the Mississippi Valley projects should remain in statu quo until two projects are fairly tested, and yet the Flood Committee chairman does not see anything objectionable in present conditions. In fact, he is, and has been, the river and harbor bills' most gallant defender for many years.

I speak of this only that a fair understanding of the chairman's viewpoint is worth considering, at a time when he is about to embark in land reclamation projects to be financed by the Government that may aggregate billions of dollars, as indicated from the committee report.

I have been discussing section 3 of the bill before considering the two preceding sections, because the whole scope of the scheme is contained in section 3.

With Col. Black, of the Engineers' Department, in the saddle, and the present chairman of the Flood Committee to direct the committee's activities, it may be that Congress can not leave the

subject to take care of itself without further anxiety when this committee proposes to begin the reclamation of private lands.

Before entering into the details of sections 1 and 2 of the bill, I believe one other matter is fair to present to this Committee of the Whole, and in this also I am uninfluenced by personal considerations.

LEGISLATION UNDER WHIP AND SPUR.

Congress was suddenly called upon early in the session to support a Flood Committee project railroaded through Congress under whip and spur. No one had any definite understanding of its purpose and could not consistently oppose the organization of such a committee.

In like manner a bill authorizing $51,000,000 expenditure on two projects is here reported only two or three days before it is called up for discussion. I had not seen the bill or heard of its provisions until I received a copy yesterday through the courtesy of the committee chairman. With the bill was a printed copy of a resolution passed by the Wisconsin Legislature, under suspension of rules, urging the passage of some flood-control relief that had not then been prepared by any standing committee or by any committee in existence until a few weeks ago.

This resolution passed by my State legislature recommends that we bolt down the bill without further ceremony, and in that course it has the approval of the Flood Committee.

Such an astounding proposal calls for the utmost frankness on the part of the committee and of its chairman. Congress ought not to be asked to pass this bill unless all the cards are laid upon the table and a fair statement of facts presented.

Has such a statement been made? I do not allege any intention to deceive, but possibly the chairman of the committee, who alone has discussed the real features of the bill, is troubled with astigmatism in vision that prevents him from regarding pork-barrel propositions and other proposals with the same concern manifested by others Members, who ask to be shown.

In his statement before the House on various occasions when discussing river and harbor bills, the gentleman from Mississippi [Mr. HUMPHREYS] has quoted figures in support of those bills taken from the engineers' reports of commerce carried on rivers. The gentleman has referred to the commerce on the Mississippi River in this debate. It mounts into startling figures. No man who has stood on the banks of a deserted river that once teemed with actual commerce and floated hundreds of steamboats would recognize those figures or that picture in the engineers' commerce statistics.

AGAIN ARMY ENGINEERS VERSUS THE COMMITTEE CHAIRMAN.

Col. Townsend, chairman of the Mississippi River Commission, refuses to longer be a party to the hoax when he estimates the actual commerce on the upper Mississippi at less than one-tenth of the amount reported. He refuses to count logs, wood, and other similar floatable commerce; Government material, ferriage, and other items that have regularly been set forth in the ridiculous tabulations, and only averaged about 30 miles' haul on a 600-mile stretch.

So, too, Col. Denkyne, on the Missouri, refused to count sand hauled 1 mile by owners, and he cut the reports on that river nearer to the actual traffic. Waterway authorities have learned to give all these reports careful scrutiny, but the chairman of the Flood Committee has referred in this discussion to an important traffic on the Mississippi, whereas, after deducting duplications and quadruplications of the same commerce, and eliminating logs and other questionable freight, the commerce is generally understood to have decreased over 90 per cent.

In this connection Anderson, an authority, in "Great Rivers," states that during the fiscal year 1855 to 1856, some 60 years ago, the Mississippi River commerce received at New Orleans reached $80,000,000. That was before the days of railroad competition. After spending $166,000,000 on the Mississippi River from the head to the mouth a present relatively small river "commerce" is carried to New Orleans by a few boats that have diminished in number proportionate to the once large commerce.

I refer to this because Congress is entitled to know what has been accomplished by an enormous expenditure of $166,000,000, and it is entitled to be frankly dealt with where further appropriations are demanded.

STATEMENTS THAT ARE CHALLENGED.

Again, the Flood Committee has not, in my judgment, fairly stated the Mississippi River proposal when we read on page 4:

> It is estimated by the commission that $40,000,000 will complete the levee line to such grade and section as will insure against floods of the future, and it is proposed, therefore, by this bill that the United States contribute $30,000,000 of that amount, and that local interests, in addition to the rights of way, damages, etc., contribute $10,000,000, the whole to be expended in five years.

I do not know that Congress is purposely misled by that statement, but I do say that the total expenditure by this Government in effecting the proposed reclamation of 16,000,000 acres of private lands will cost seven or eight times $30,000,000, according to experts whose judgment will be cited and which we must accept when not disputed. And not one line of warning occurs in the 21 pages given to this part of the committee's report on this important point.

Again, the chairman of the committee failed to say one word on the subject in his remarks before the committee. Why this silence on a vital question affecting this Mississippi River flood and land-reclamation scheme that is to cost the Government not $30,000,000 but over $200,000,000?

Again, the committee report says the Government has only expended $29,000,000 for the construction of levees for flood control. This statement is quoted with approval by the committee, and I again repeat it is no nearer the frankness to which we are entitled than statements regarding pork barrels, actual commerce, or total Government expenditures involved by those who now and may hereafter direct this committee's activities.

Instead of absolute frankness, I believe no important bill in recent years has been presented to Congress under a report containing such doubtful or misleading statements as are found in this report. I will not challenge motives for so doing but repeat that in a matter which rests so exclusively in the knowledge of the committee, only absolute and complete frankness will give confidence to its recommendations. I believe it has been singularly lacking in this report, as I shall endeavor to show when discussing sections 1 and 2.

LOCAL CONTRIBUTION FOR RECLAMATION.

Before so doing I desire to point out one fallacy contained in this whole land reclamation proposition. While Speaker CLARK, some months ago, asserted that a scheme was to be considered whereby landowners would pay for reclamation, this purpose has been entirely absent in the Missouri 500,000-acre reclamation project carried under the river and harbor bill. In the Mississippi River reclamation scheme the bill says the Government is to pay 75 per cent of the cost, whereas I believe it can be demonstrated the Government is to pay 95 per cent of the cost. This failure of promises made when the flood committee was proposed, and the bill was passed, seems in harmony with the entire atmosphere surrounding the bill. It has no counterpart in governmental or municipal appropriations. Instead of supervising or developing any Government improvement, this bill makes Uncle Sam the pack horse to help private owners. It is entirely opposed to the position formerly held by this House and is a complete surrender to the demands of private interests. Let those who would be the beneficiaries now file their demands and support their demands with enough votes to push an annual bill through the committee, because land reclamation and no new or comprehensive scheme for controlling or minimizing the flood evil either on the Mississippi, Ohio, or Cowpasture Creek will ever be proposed if this bill is an index.

If any such proposal can be found in the report that demands $51,000,000 for an initial authorization, it has escaped my notice. No committee of "laymen," as they are styled on page 9, in the brief time given to committee duties during each term of Congress, can present any constructive, well-considered flood preventive plan on different worthy projects, and the present scheme presents only a makeshift on two well-known land reclamation projects.

REVERSING OUR ARID-LAND LEGISLATION.

This bill proposes a reversal of our national policy that was established when the reclamation act was passed in 1902, that lands benefited should bear the burden of the cost of their reclamation when the improvement results from national expenditures.

The reclamation movement in the West, I am informed, started with an appropriation in the river and harbor act of June 3, 1896, as follows:

> For the examination of sites and report upon the practicability and desirability of constructing reservoirs and other hydraulic works necessary for the storage and utilization of water, to prevent floods and overflows, erosion of river banks and breaks of levees, and to reinforce the flow of streams during drought and low-water season, at least one site each in the States of Wyoming and Colorado.

Under this appropriation a report was made, which appears in House Document 141, Fifty-fifth Congress, second session, in which the desirability of reservoirs was shown, but their construction, the report says, could not be justified on the ground of benefit to navigation.

Notwithstanding this conclusion in the report, a very strenuous campaign for appropriations for reservoirs in the river and harbor bill was constantly made by the West.

These appropriations, I am advised, were year after year inserted in the bill by the Senate and as regularly stricken out in the House. The House set its face against any expenditure for irrigation as the primary purpose under the policy of river and harbor improvements.

This controversy culminated at the session of 1900–1901, when the river and harbor bill failed of passage.

The following session there was passed through the House of Representatives the reclamation act, which provided for reservoirs to be built by the Reclamation Service under a system which required the repayment of the cost of the irrigation works by the lands benefited.

A COMPLETE SOMERSAULT IN 14 YEARS.

That act was passed in June, 1902. Now, 14 years afterwards, we are asked to reverse the determined attitude assumed by the House in opposition to reservoirs in the river and harbor bill and adopt a policy of national expenditure for flood control, which is really for the reclamation of overflowed lands, without repayment of the cost of reclamation. It is idle to say that it is enough that the sections where the lands are reclaimed shall pay one-fourth of the cost. If the expenditure is really for the purpose of land reclamation primarily, as stated by the Mississippi and California commissions, and not for the benefit of navigation, then the reclaimed lands should repay all the cost of their protection of floods, just as the arid lands in the West must repay the cost of their reclamation.

Mr. Chairman, if I believed what the different committee members believe who have talked in favor of this bill—and I know they are sincere—I could vote for this bill if it was the end instead of the beginning, as I believe it to be. I have given some little study to the subject during a period of several years, and I find that experts who have made a thorough study of this flood-control question in the Mississippi Valley differ very seriously from the conclusions expressed by gentlemen who have spoken for the bill, not only as to the amount involved but as to the general character of the work and what will be accomplished.

I desire to refer to a few propositions that ought to be important to us and to the House when called upon to appropriate over $50,000,000 in this bill.

TERMS OF THE BILL.

The bill ostensibly provides that $3 shall be contributed by the Government for every $1 contributed by localities on the Mississippi River project, and upon the Sacramento project it divides the expense equally. The gentleman from Pennsylvania [Mr. MOORE] said awhile ago——

Mr. CURRY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from California?

Mr. FREAR. Not just now. Afterwards I will.

The CHAIRMAN. The gentleman declines to yield.

Mr. FREAR. As the gentleman from Pennsylvania [Mr. MOORE] said awhile ago, $166,000,000 has been expended upon the Mississippi River. Of that amount, according to his statement, taken from the report from which he read, $87,000,000 has been expended on the Mississippi River by the Government above the Passes and below the mouth of the Ohio River; and yet we are promised that by an expenditure of $30,000,000 more at this time on the part of the Government—I believe that is the statement made—we are to have complete flood control on the Mississippi River; that hereafter no charge will be against the Government, but maintenance will be carried on by the States or by the people living within the States who own this land.

The report says, page 4:

> It is estimated by the commission that $40,000,000 will complete the levee line as will insure against floods of the future, and it is proposed by this bill that the United States contribute $30,000,000 and that local interests contribute $10,000,000.

If that could be true, I think it would be an easy solution of this question—if we could insure against floods with either thirty or forty million. But from my understanding, not only of the report of the engineers but from people who live along the river and who have contested these views constantly, that statement is not true. Let me say at this time, so far as locality appropriations are concerned, there should be no question on the part of every Member present to make contributions if need be, whether it is to the Mississippi River or any other southern project for relieving actual flood conditions. It is immaterial as to the location. The important question is, Are we starting on the right policy? What is to be the end? The gentleman from Ohio [Mr. GORDON] made a suggestion a few moments ago that is worthy of much consideration. Where are we going to end if we start with this Flood Control Committee and give the power proposed here with respect to this Mississippi River project, which, from the reports of engineers, will amount to over $200,000,000 instead of $30,000,000 or $40,000,000? Where are we going to stop if all the creeks, dry runs, and rivers throughout the country are to receive their proper share of reclamation money from the Government Treasury?

A REMARKABLE COMMITTEE REPORT BY LAYMEN.

Mr. Chairman, it seems very remarkable that, after all the years we have been working on the Mississippi River striving to solve a great problem, a committee with two and one-half months' experience should come in here with a report and propose to give a complete solution of this flood question. Is it true that all the Northern States have contributed to the present condition down on the lower Mississippi, as has been stated repeatedly? In a sense they are part of a watershed that has carried the water into the river, but that condition has existed for centuries prior to the time these levees were built close together, and that narrow river is required to carry a flood that before that time extended and broadened out for a distance in some cases, as stated by the gentleman from Mississippi, to 70 miles in width. Now the river is to be brought within a narrow compass throughout its entire length, and can not escape at great flood times. That is to be done to reclaim 16,000,000 acres of overflowed land for the benefit of private landowners.

What is to be the result? Under this system of improvement by placing levees close together engineers have forced within those narrow confines a tremendous volume of water; and the judgment of men who, as I said, have given much study to this subject is that we will create a continual menace if we carry out the proposition contained in this plan—the Army engineers' plan.

I believe that this bill will be more disastrous in the precedent which it establishes than the river and harbor bill ever was. I am now speaking of waste and extravagance. I may be mistaken, but that is a strong possibility held forth at the present time. Wisely, this Mississippi River item has been taken out of the river and harbor bill—it did not relate to navigation; but we have placed the entire control in the hands of a newly organized committee. The gentleman from New York [Mr. HUSTED] says he has no interest in it. I presume that is strictly true; but as a rule gentlemen selected on these committees do have an interest in these projects. It is true of the River and Harbor Committee largely, and of many other committees, and it is very natural that that is so. The members of these committees are not in a position to be openminded, in my judgment, upon local propositions; and where is it going to end?

THE PRIZE AT STAKE.

The Mississippi River Valley, we are to-day advised, has 20,000,000 acres of land covered with water, excepting 3,500,000 acres that have been reclaimed. The gentleman [Mr. HUSTED] who last spoke says its wonderfully fertile soil is 1,500 feet deep—and that is deep enough for all practical purposes, as everyone will concede. [Laughter.] That land will be worth hundreds of dollars an acre when reclaimed, and yet the Government of the United States is asked to contribute $3 for every $1 contributed locally in order to turn that fertile land over to private owners. As the gentleman from Mississippi [Mr. HUMPHREYS] well said, and as I understand the fact to be, neither the State of Mississippi nor the State of Louisiana nor the Government of the United States has a particle of interest in those lands. Private disinterested parties say to us, when we complete the plan proposed, which is not for $30,000,000 but for $200,000,000 and over, we will have reclaimed 16,000,000 acres of land belonging to private owners worth possibly hundreds of dollars per acre.

If that statement is true, we may well understand the prize at stake covered by this innocent-appearing bill.

Some question has arisen regarding the value of the lands to be reclaimed. The chairman of the Flood Committee is enthusiastic regarding their wonderful fertility and possibilities, but as soon as the proposal to contribute a fair proportion of the expense is offered, values drop and the conditions, in his judgment, are found to be desperate beyond expression.

VALUE OF LANDS TO BE RECLAIMED.

Quoting from page 11 of the report:

> It is estimated by those who have appeared before the committee at the recent hearings and on whose accuracy and for whose judgment the committee has greatest respect, that if the twelve and one-half million acres now unimproved—later referred to as 16,000,000—were planted to cotton, they could reasonably be depended upon to produce annually some $700,000,000 worth of cotton.

On this conservative estimate of men who are "accurate" we are informed the 12,500,000 acres would be worth something over $100 per acre on the average, and presumably the entire 16,000,000 acres would fairly be worth $1,600,000,000 apart from the increased value given 4,000,000 acres more by better protection. Let us find further evidence of this value. The chairman, in his address, says:

> Sixteen million acres of the geological cream of the earth are awaiting the magic touch to spring into fields of waving beauty.

If that statement is "accurate," and the waiting touch gets active with our Government Treasury, the geological cream of the earth ought to be worth several times $100 per acre.

Members of the Flood Committee, in their enthusiasm and after careful investigation gained from riding down the river, have said to us to-day:

> The depth of the soil which has been skimmed like cream from the best lands of the Northern and Middle States is at least 1,500 feet deep, and it is just as fertile at a depth of 1,500 feet as upon the surface, so it is practically inexhaustible; and that territory, if it were reclaimed and put in cultivation, is capable of doubling the cotton crop of the United States.

That certainly is some depth of soil. And we are further informed:

> It is capable of producing in value at the present market price of cotton $1,000,000,000 worth of that staple.

All these gentlemen seem to agree that this land to be reclaimed will be worth approximately $1,600,000,000 to $2,000,000,000; and if it can be definitely ascertained that the land is as fertile at a depth of 1,500 feet as it is on the surface, it ought to be worth somewhat more, according to the opinion of agriculturists.

PRIVATE LAND RECLAIMED WILL COST THE GOVERNMENT $12 PER ACRE.

No better or additional information on this reclamation project need be offered, and yet the Government of the United States is asked to contribute over $200,000,000 toward this reclamation project, as I shall presently show, or at the rate of about $12 to $15 per acre, presumably, while the private-land owners are only required by the bill to pay $10,000,000, or less than $1 per acre on land worth $100 per acre. This is the proposal of a committee that we were promised by the Speaker would take up the problem so as to secure a repayment to the Government of the $200,000,000. It is not a loan; it is a donation.

The committee chairman has said repeatedly the owners of these lands ought not to be called upon to advance any large amounts because, whether wisely or not, they have paid somewhere at some time a total of $90,000,000 for levees.

This statement is indefinite in amount and place, and it is only necessary to suggest that while contributions have been made presumably in a small way by private owners that no important part of this 16,000,000 acres presumably was ever reclaimed, and the increased value to new land, made worth $100 per acre, ought to stand a charge of more than 60 cents per acre. In fact, I am sure if the Government advanced the money, that it ought to be reimbursed for every dollar, as in the case of western reclamation projects.

Why not? In view of the tremendous speculative value is it not right to insist that private owners pay the bulk of the burden? Why not offer to have the Government contribute $30,000,000 for all purposes and ask the landowners to contribute the remainder of something like $200,000,000, counting levees and revetment, with promise of maintenance. That would make the eventual land tax reach about $10 in order to secure a return of $100 per acre, and that repayment should be made certain. Could anything be more equitable, not only to these private landowners, but to all the remaining people of the country who have to foot the bills?

SOME LOCAL ESTIMATES.

I hold in my hands a statement from the Manhattan Savings Bank & Trust Co. of Memphis, in which a total bonded debt of $3,535,000 on reclaimed land worth $88,874,000 is disclosed. A further bond issue of $757,000, at 5½ per cent, is to be floated at par. Only a third of the 1,637,089 acres in that district is in cultivation, according to the statement, and the issue of bonds is for the purpose of heightening the present levee system. I quote from the statement:

> The United States Government defrays a third of the cost of the work and the plans of the improvement have been approved by Government engineers.

Instead of paying one-third of the improvement, as recommended by Army engineers, the Government is now asked by this Flood Committee to contribute three-fourths of all improvements, as shown by this bill, and, in fact, to contribute 95 per cent of the actual future expenditures for reclamation purposes.

Just why the committee stopped at three-fourths, or 95 per cent, it is hard to say. Why not give to the landowners the entire profits from the speculation?

Is it not a proposal that calls for careful investigation? Yet it was reported to the House only several days before this effort to pass the bill.

I am informed this land is not owned by poor property owners, as suggested. I am informed that large tracts along the Mississippi River are owned by syndicates and corporations.

We have no information on the subject. What are the facts, based on reliable testimony?

The committee comes here with a blanket proposal and demands a huge Government gift without any definite facts to show on what basis it determines the value of lands, the owners thereof, or the reason its recommendations should appeal to ordinary business men dealing with public funds.

To be sure, some little general talk has been furnished by the chairman, but it is hardly to be expected that living as he does in a region directly affected, and with his views on general subjects which I have briefly discussed, we should give $45,000,000, or any other amount, based on loose talk, to this project. Not until we know the facts—know the owners of land and their interest.

If Army engineers only agree to give one-third, it is a public scandal for Congress to overrule the judgment of engineers who appear to be trying to give some little protection to the Federal Treasury.

Why should we change one-third contribution by the Government to three-fourths, and, in fact, why give one-third? We should have full information before voting to authorize one dollar on this proposition.

Take the case of the Sacramento project, in California, which appears in this bill. Four hundred thousand acres of land are to be reclaimed, which engineers estimate are worth $20 an acre to-day. With the proposed improvements and levees these lands are expected to be worth $150 per acre, according to the engineers' statement, or an increase of $52,000,000 by means of this contribution by the United States. I do not know why we should contribute $3 to $1 on the lower Mississippi and contribute only an equal amount on the Sacramento, or possibly why we should contribute in either case to reclamation projects.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Tennessee?

Mr. FREAR. In just a moment. And I do not know why on the Missouri we should give $20,000,000 to private landowners for 500,000 acres of reclaimed land, without a dollar's contribution from the owners, as we do under the terms of the river and harbor bill, which was passed a few days ago.

Who is to determine the rate of contribution? That is one of the things involved in this proposition. The committee says on the lower Mississippi River, $3 shall be contributed by the Government to $1 by the individual. It says out in California an equal amount shall be contributed there by the Government and State.

Mr. CURRY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from California?

Mr. FREAR. In a moment. And on the Missouri River no contribution is required. Now, I will yield for just one question, if you please.

Mr. CURRY. I wanted to correct the gentleman's statement.

Mr. FREAR. I will read from the report. Eleven million dollars, in round numbers, is the proposed appropriation. This bill authorizes $5,200,000 for the Sacramento project, as I remember. Private parties are doing some work there on the levees. But let me say this: It is above Sacramento very largely where the great reclamation projects are desired, not where real navigation of the river exists, and some of the large companies and landholders are very anxious indeed to have the Government make the contribution of $5,200,000 in order to increase the value of their lands.

Mr. CURRY. Will the gentleman yield?

Mr. FREAR. I have yielded to the gentleman.

Mr. CURRY. No; the gentleman has not yielded.

Mr. FREAR. I yield for a question.

Mr. CURRY. Does the gentleman know that in the Sacramento the money contributed by the Government is for broadening, straightening, and deepening the river, and that the reclamation and by-passes and levees are paid for by private interests; that the by-passes are 90 miles long; and the by-passes and levees will cost $30,000,000?

Mr. FREAR. I can not yield longer.

Mr. CURRY. The gentleman can let me finish my statement.

Mr. FREAR. The gentleman has over 140 pages in the committee report on the subject and we have plenty of evidence of the facts. I do not question the gentleman's statement excepting as to any aid to navigation.

Mr. CURRY. The gentleman has not read the record.

Mr. FREAR. I have read the record and the engineers' reports, and I find how far they get from the facts.

Mr. CURRY. Then the gentleman has misstated it.

Mr. FREAR. The Sacramento reclamation was originally a $23,000,000 project, and now it has been reduced to something over $11,000,000. The Government originally was to contribute one-sixth, as I remember, and now it is to contribute one-half, while on the lower Mississippi it contributes $3 out of every $4. Both are land-reclamation projects for private landowners.

It is said that the Mississippi River proposition is not a reclamation project, that it is a flood project. The two are interwoven, but I shall show on the best authority obtainable, this is for reclamation. I find here a statement that is of much interest. It is contained in the committee report, page 2:

The CHAIRMAN. We wanted your opinion as an engineer, of course, primarily in a general way, and then we will probably go into details—if we are to control the floods on the Mississippi River, how shall we proceed?

Maj. MARKHAM. I have more radical opinions about that than I have heard expressed in the last day or two. Assuming it is not objectionable to be radical, I would say that there is no other method that can be devised, within the intelligence of those who have been working on the Mississippi River and thinking about its difficulties, except to build levee structures sufficiently high and to protect them by revetment. That is the sole and only means, in my judgment, of controlling the floods of the lower river, and I state that thus radically, without equivocation, because I believe in it very sincerely.

I think the matter has, perhaps, gotten into a state of confusion for a number of years, due to the fact that both the advocates and the opponents of other methods have merely stated generalities and have never gotten into details, so far as I can see; but I have convinced myself very earnestly that there is no other method of controlling the floods except by levees and revetments.

Maj. Markham says no flood control can be secured excepting by levees and by revetments. In order to reclaim this land the Government must spend $150,000,000 for revetment, in addition to $70,000,000 for levees, according to Government engineers. The committee says $40,000,000 will do the job. Let us see who is right before we start this great land scheme. Turn over to page 4 of the report. It is there stated that when the levees are completed they will have cost $40,000,000. Let us see what the cost is to build the levees and revetments.

I now read from page 30 of the Mississippi River hearings—this was on December 5, 1912. A question was asked of Maj. West, a member of the Mississippi River Commission, who was before the River and Harbor Committee, testifying on the Mississippi River. Mr. Davidson, who, by the way, was a Representative from Wisconsin, asked this question:

Mr. DAVIDSON. Can you give me the figures for that revetment work?

Mr. WEST. Yes; within a very small fraction; in round numbers, the estimate for the complete revetment control of the banks from Cairo down is about $158,000,000; slightly under that.

Mr. DAVIDSON. Now, you estimate that these additions which eventually will have to be made to the levee system will cost about $70,000,000.

Mr. WEST. You will be very fortunate if you get out of the whole thing at $70,000,000.

Mr. DAVIDSON. That would be $228,000,000 extended for the reclamation of 20,000,000 acres of land, would it not?

Mr. WEST. Yes, sir; if you put it in that way, but I had not thought about it in that way, as that would not be the only result.

Mr. DAVIDSON. Well, there are a good many taxpayers who are going to think of it that way.

Mr. Chairman, this hearing was not before a flood committee enjoined to compel property owners to pay for land reclaimed. It was before a Rivers and Harbors Committee that was getting at facts which should have been presented to us by this flood committee, and yet not one word appears in their report on the subject. Maj. West says $228,000,000 will be the cost of reclaiming 20,000,000 acres of land and Mr. Davidson said a good many taxpayers are going "to think." Yes; and think hard, if this bill passes.

Let us see what further occurred. Continuing, Mr. Davidson said:

Mr. WEST. Yes, sir; that is a story that will fall into somebody's hands—those people in those localities or somebody; I do not know who will have that condition to meet.

Mr. DAVIDSON. So that when the Government has started with a proposition of $58,000,000, or from $40,000,000 to $50,000,000, as the President said in his remarks at the Rivers and Harbors Congress the other day, they have only made a scratch on the surface of this levee system, have they not?

Mr. WEST. Well, I think those figures are about as well as I can give them.

That is the testimony of Maj. West, of the Mississippi River Commission. His testimony ought to have some weight with the Flood Committee, when it proposes to reclaim 20,000,000 acres of private lands for $40,000,000. But West suggests the $228,000,000 may also help navigation. Let us see. The Mississippi River Commission, of which West is a member, said in its 1912 report, page 3724:

While the levees have a certain degree of utility in the improvement of the channel and are necessary to promote the interests of commerce by providing landing places for the interchange of traffic in time of flood, * * * their immediate and main value is the protection of the alluvial lands for the benefit of their owners.

That is what West said the same year in the commission's report. I will offer further testimony later on to the same effect that these levees are for reclamation and not navigation.

Mr. DAVIDSON. Well, there are a good many taxpayers who are going to think of it in that way, if you are going to levy on them for the protection of property which, as has already been developed by Col. Townsend, is privately owned property and not public lands of the Government; and as you are going to protect that property by the expenditure of public money amounting to $228,000,000 and thereby giving protection to 20,000,000 acres of land, I was trying to find out what the cost would be per acre to the Government.

Mr. HUMPHREYS. That would depend upon how much of it the Government did.

Mr. DAVIDSON. These are Government estimates. It would, of course, depend upon what was done in that locality. It would probably be $15 an acre to the general taxpayer of the country.

Mr. WEST. And this committee knows that nearly all estimates that are first put up to Congress, as well as estimates for great private corporations, are away under the ultimate cost; and it has sometimes seemed to me that even Congress itself had not realized the magnitude of the undertaking to control for any purpose the lower Mississippi River; and I think that estimate for a control of the lower Mississippi River is a very modest one, and somebody, either you or the States, will spend that or more before the job is completed.

Mr. RANSDELL. When that is done, you will have the navigation of the river in very fine condition, will you not?

Mr. WEST. Undoubtedly; yes.

Mr. DAVIDSON. But you have had good navigation of the river before.

Mr. WEST. Yes; so far as our work of adding embankments and constructing revetments, etc., is concerned. Each piece of work of that kind done adds so much to the improvement of navigation of the river.

Mr. DAVIDSON. Now, in addition to the amount which you have signified as probable extensions to the system—or I would say in connection with them—have you included those levees which will eventually have to be constructed up the streams that flow into the tributaries of the Mississippi River?

Mr. WEST. No, sir; I have not.

Mr. DAVIDSON. Congress had before it this last session two propositions for construction of levees on tributaries of streams flowing into the Mississippi River—like those up in Arkansas—when it was said that the backwater along these districts was responsible for the overflow of the interior sections, which had not theretofore occurred to any remarkable extent, and hence the Government would have to construct levees along those streams. That would have to be taken into consideration, would it not?

Page 61 of the Mississippi River Flood Problem, the beautiful morocco-bound volume furnished by Mr. John Fox, says:

The cost of building this character of revetment varies somewhat, but the average cost is about $30 per linear foot, or about $150,000 to revet a caving bend a mile in length.

In this connection it is interesting to note that the banks constantly shift and change. Maj. West is quoted, in the same morocco-bound book, page 58, as stating to the River and Harbor Committee in 1907—

That his levee line was 189 miles long, and that since 1884, 172 miles of it had to be abandoned and new lines constructed because of caving banks.

Consequently the engineer saved 17 miles of revetment and lost 172 miles between 1884 and 1907 on that stretch of the river.

The cost of revetment, $150,000 per mile for 1,200 miles, or about $180,000,000, is about the same estimated by Maj. West in 1912, and he seems about the only authority quoted.

I have quoted from the hearing in 1912 at some length, because it is of vital importance to a fair understanding of the question. The proposed cost of levee work and revetment necessary for this reclamation project will reach $228,000,000, at a modest estimate, according to Maj. West. These figures will probably fall far short, because floods will wash out levees in the future as they have in the past. And when all the expenditure has been made we have no certainty that the plan will be at all successful. Many people of high standing in the community affected, and throughout the Mississippi Valley, declare we are wasting funds over an impossible task. Impossible because we are now engaged in experimenting on a permanent flood-control project, which this committee has reported after two months of arduous study.

Mr. CLINE. Will the gentleman yield for a short question?

Mr. FREAR. Yes; certainly.

Mr. CLINE. Is it the gentleman's opinion that levees and revetment are the proper methods of controlling floods in the Mississippi River?

Mr. FREAR. We are asked to accept the statement of the gentleman from Mississippi [Mr. HUMPHREYS], who says it is the only way, in his opinion.

Mr. CLINE. But I mean in the gentleman's opinion.

Mr. FREAR. No. I do not understand that it will control it permanently.

Mr. CLINE. The gentleman knows that the reports of all of the engineers on the Mississippi River Commission, to the number of 65, on that portion of the Mississippi we are now discussing relative to flood control have unanimously agreed that that method is the only method of controlling floods?

Mr. FREAR. I will say I assume that the Army engineers are doing their best to study this question, but when they bring a river reaching in floods from 60 to 70 miles in width down to

a narrow space of 2 or 3 miles they are attempting, hopelessly, to control the laws of nature.

THE MISSISSIPPI RIVER PROBLEM.

Mr. Chairman, this problem is of vast importance to the people of the United States, and pursuant to the question and statement by the gentleman from Indiana, I desire at this time, under the privilege accorded, to furnish a small part of testimony in my hands on this subject. I make no pretense of having export knowledge on the subject, either by study or otherwise, but I am trying to perform a duty to the House which is analogous to that assigned to a lawyer in a case when placing evidence before the jury. I do not propose to offer any abstract theories for controlling floods on the Mississippi River or elsewhere, although many proposals have come to my attention. I desire to refer to the one before us that we are asked blindly to adopt.

This is a problem in which an enormous amount of property is involved. More important, if we are making a grave mistake, this Congress and those succeeding will be held responsible for devastation and loss of property and life accompanying a mistaken policy adopted at this time.

Past floods have been small in their destructiveness compared with what may follow when we occasion floods by seeking to confine within narrow borders a mighty stream that never has been harnessed throughout all the ages, and is now undergoing experiments, with the controlling motive behind all these experiments, reclamation of private lands, and not flood control.

Let me repeat that those who live in this great valley, and are familiar with conditions, are protesting vigorously against the present levee-building course, which they term suicidal.

The land-reclamation interests, through their political levee boards, control the situation.

LOUISIANA HOUSE BILL 514, 1914.

Let me digress for a moment. I have a copy of Louisiana house bill 514 of 1914, which provides that every levee board of Louisiana be authorized to tax the people of every district $1,000 "to send delegates to conferences" or to subscribe funds for "developing public sentiment."

In other words, the people of the State are to be taxed by these powerful land-reclamation interests in order to help Mr. John Fox and his propaganda. I quote from a letter written by one of the most prominent men in the lower river valley, whose name I withhold from the RECORD, because authority has not been granted nor withheld. He writes, in transmitting the bill, as follows:

DEAR MR. FREAR: I inclose copy of a bill which has received a favorable report by the house committee of the Louisiana Legislature. This bill was introduced at the suggestion of John A. Fox and referred to the house committee on levees.

Its purpose is to enable the Louisiana politically controlled levee boards to contribute to the support of the Mississippi River Levee Association, and also to permit the levee boards to pay the expenses of its members who attend Ransdell's River and Harbor Congress. Last year the State auditor called a halt on such contributions and expenses. The fact that the John Fox railroad-levee board—levees only—outfit is systematically working along lines which would, if carried out, absolutely destroy the navigability of the Mississippi River seems to make no difference to the Louisiana levee boards. The "system" calls for levees only, and the broader conception of river control never gets under their hides.

Very truly,

———.

The following is the remarkable bill Mr. Fox is said in the letter to have had introduced in the Louisiana Legislature:

House bill 514. By Mr. Leopold.

An act authorizing boards of levee commissioners to appropriate funds for the purpose of developing public sentiment favorable to increased appropriations by the National Government for our levee system.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That it is hereby declared to be within the powers and duties of the various boards of commissioners for the several levee districts of our State to develop and encourage the growth of public sentiment favoring increased National appropriations for the construction and maintenance of the system of Mississippi River levees, and to this end that they be and are hereby authorized, in the discretion of each individual levee board, to send delegates to conferences held for the above purpose or to subscribe funds to National and interstate organizations created for the purpose of developing such public sentiment: *Provided*, That the annual appropriation of any individual levee board for these purposes shall not exceed the sum of $1,000.

Amendment to House bill 514.

Amendment No. 1.—In section 1, line 7, of original bill, strike out the word "levees" and insert in lieu thereof the word "improvements."

MR. FOX AS A UNIVERSAL LEGISLATOR.

Resolutions passed by State legislatures urging flood control on the lower Mississippi have shown up before the House at this session. One was railroaded through the Wisconsin Legislature under suspension of rules by John Fox, publicity agent and expert lobbyist for the Mississippi Levee Association and also publicity agent for the river congress lobby that asks for $50,000,000 annually. In Indiana and many other States he has been industriously steering flood resolutions since the close of last session.

Mr. Fox is the same lobbyist who collected $40,000 from eight railways, as is more fully set forth on page 11710 of June, 1914, RECORD; money secretly contributed to help finance the levee lobby. Although State legislature resolutions were evidences of shrewd lobby work, financed by secret funds wheedled out of railways and other corporations interested in lands to be reclaimed, they were easily secured from unsuspecting warm-hearted men, because the Uriah Heap arguments went. Crocodile tears for the Mississippi flood sufferers are continually shed by land reclamationists, and are especially heavy before national conventions, where the lobby aids in platform making. For millions of years the river ran undisturbed, excepting when Army engineers tried to curb it to narrow limits with disastrous results.

THE GREATEST PROMOTION SCHEME IN THE WORLD.

Then Mr. Fox and his reclamation lobby colleagues conceived the idea of having the Government reclaim from 16,000,000 to 20,000,000 acres of land for the benefit of adjoining landowners. They have succeeded in starting the greatest promotion scheme in the world. It is proposed to bring two or three billions of unearned increment to its promoters and landowners if it succeeds. It would make worthless land increase to hundreds of dollars per acre—if it succeeds—but according to other engineers and many residents along the river it will not succeed further than to bleed the Treasury. A few may reap the golden harvest, but the bubble will burst because of insurmountable conditions. Mr. Fox keeps pulling the heartstrings of his auditors by pictures of poor squatters who are driven out by floods. With full knowledge that the Mississippi is as uncontrollable at flood as ocean tides, a handful of foolish people build on sand and mud bottoms, challenging the laws of nature. Then through the activities of the lobby, Mr. Fox asks Congress to revolutionize nature's laws for their protection. And the lobby, crying lustily for help, fattens its purse at the expense of the taxpayers of the country. Shouting against railroads, the lobby is financed in part by railways owning submerged lands.

A FEW RAILROAD CONTRIBUTIONS.

On June 3, on pages 10591 to 10599 of the RECORD, appear my remarks before the House wherein I pointed out secret efforts to influence Congress on rivers and harbors bills from subscriptions of money to the use of threats against business men. At that time I presented the following subscriptions, running for five years, taken from what purported to be a photographic copy of a typewritten statement made by Col. John A. Fox, secretary and manager of the Mississippi Levee Association:

It has been estimated that a minimum fund of $30,000 per annum is necessary for this organization to do its work in a complete and thorough manner, and already a considerable portion of this sum has been pledged annually for five years (of $150,000 in all). The subscriptions are as follows:

Southern Railway Co	$1,000
Mobile & Ohio R. R	1,000
Frisco R. R	1,000
Missouri Pacific R. R	1,000
Chi., R. I. & Pac. R. R	1,000
St. Louis & So. West. R	1,000
Illinois Central	1,000
Y. & M. V	1,000
Chicago Mill & Lumber Co	1,000
Caldwell & Smith, Memphis	1,000
International Harvester Co	1,000

Assurance has been given of other substantial amounts.

This is the missionary work performed by Mr. Fox, the publicity agent of the Mississippi Levee Association.

The suggestion has been made here to-day that the States of the Union are being memorialized in favor of this project. In fact, the first notice I had of this bill was a letter from the gentlemen from Mississippi [Mr. HUMPHREYS], which contained a resolution passed by the legislature of my own State. I made some inquiries at Madison to find out how it was passed, and they said it was done under suspension of the rules, and not a Member with whom I talked could tell anything about the merits of the proposition. They said, "We know nothing about it." But John Fox, publicity agent for the levee association, was present all the time in the city of Madison, the capital, trying to get it through, and John Fox is the man that represents the lobby that raised $150,000 according to the report, including money contributed by eight railroad corporations and the levee districts. Contributed for what? For lobby purposes, not for the improvement of levees, and he spends his time traveling all through these different States to get such resolutions through their legislatures. Resolutions will be put through in the convention at Chicago, in the convention at St. Louis, and elsewhere un-

doubtedly, because there is a great deal of money behind this reclamation project. Think of it, gentlemen——

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. HUMPHREYS of Mississippi. Does the gentleman mean to say that money is or will be used to influence corruptly the legislatures to pass resolutions and to influence conventions to pass resolutions?

Mr. FREAR. No; I do not. I will say this, however, that if you have money for a propaganda of that kind you can accomplish many things by placing on the tables of Members, as you have done, books, pamphlets, statements, including morocco covered books which were sent to Members on this very subject, paid for by contributions of these same levee corporations, railroads, and other interests that have made their contributions to send out Mr. Fox. He went to New York in his campaign for contributions—I have some statements in regard to this fact, but will not discuss it further—and so far as I can find he is the best publicity man in the United States. He has been promoting this Mississippi River flood control and reclamation proposition through all the States, and he has done it very successfully.

Mr. HUMPHREYS of Mississippi. Very well indeed, and it has cost a good deal of money.

Mr. FREAR. Unquestionably so.

Mr. HUMPHREYS of Mississippi. Of course not $150,000.

Mr. FREAR. That was the amount proposed to be raised at that time.

Mr. HUMPHREYS of Mississippi. Not one-third of that amount of money. But I just wanted to get the statement of the gentleman in the RECORD that he did not think it was going to be corruptly used.

Mr. FREAR. I would not want to think that. I have not suggested it. I do say that for the purposes of propaganda the Levee Association has had a good deal of money in its hands; and when we are told that this resolution passed the Legislature of Wisconsin, I say it may also have been passed in many States, and it may be put through the national conventions, because the Levee Association will have men there to look after the interests of those whose lands are to be reclaimed.

Mr. HUMPHREYS of Mississippi. We have done all that we could legitimately to arouse public sentiment in the United States in favor of this project.

Mr. FREAR. Mr. Chairman, I have not a single word of criticism to utter against the gentleman from Mississippi. I think he is sincere in his support of his proposition, and the question affects the people of his own State very closely, but the people of Wisconsin, Iowa, Minnesota, and every other State are required to make nearly all the contributions toward reclaiming these 16,000,000 acres of land, and when they are reclaimed they will be worth $2,000,000,000 or thereabouts, providing the levees hold while the people directly interested in the land, who own the lands reclaimed, contribute under this bill only one dollar to three given by the people of the United States. As I have stated, that is the proposition based on a $40,000,000 appropriation, but this work is to cost, if carried to completion, $228,000,000, and of that amount the landowners are only required to contribute $10,000,000.

LEVEE-BOARD POLITICS.

Levee-board politics to-day control the Mississippi Valley. It controls State politics and public sentiment. It controls the action of State legislatures by securing the passage of resolutions in those States through hypocritical arguments.

It controls the insertion of planks in national platforms because of the propaganda it puts forth. It controls the opinions of Presidents who only hear one side of the question. It controls the judgment of many able men who have indorsed the movement, just as thousands of men have been swept off their feet by the enthusiasm of waterway conventions wherein a $50,000,000 annual pork barrel was an agency behind the scenes.

The levee boards represent 20,000,000 acres of land. Owned by men, corporations, and syndicates from Louisiana to New York and from Mississippi to Wisconsin and Minnesota. With a stake of billions of dollars in the balance, the levee boards and land-reclamation interests involved are seeking to restrain a river 70 miles wide down to a limit of 3 miles and less. A river 70 feet deep at Vicksburg and from 50 to 70 miles wide in times of great floods is to be confined in a strait jacket in order to reclaim lands for private interests. Reclamation is a virtue, but when it involves the lives and property of people who are invited to place their dependence on such a weak reed, reclamation interests have not much on the Jew's pound of flesh.

These are not idle fancies nor offered because of any personal opposition to those behind the bill. If I believed a control of floods in the Mississippi Valley would follow this legislation, deceptive and misleading as the bill before us is in character, I would not feel that it was only a gross injustice to the taxpayers of the country who are required to foot bills that ought to be borne by landowners who are the principal beneficiaries. But that is not the vital objection, as I desire to show. The injustice to northern taxpayers is one of pocket, but the injustice to southern people living along the banks of the Mississippi affects the lives and property of helpless mortals who have placed their hopes and confidence in Congress and the judgment of Army engineers. Both will be of little value, in my judgment, and the responsibility of a flood committee of "laymen," as it styles itself in the report, can not be offered by us in defense of our own gross neglect when a final accounting comes, as come it must if the evidence I offer has any value whatsoever.

WHAT HAVE 65 ENGINEERS SAID?

The gentleman from Indiana [Mr. CLINE] asks me if I have any better solution than that offered by Army engineers, and then adds that 65 engineers have agreed to the present plan of reclamation.

I do not know with what knowledge the gentleman speaks as to the opinions of 65 engineers, but for the sake of argument I will accept his statement as a fact, although after reading reports of various hearings I find that nearly every engineer testifies with many qualifications, and the very few who gave approval to the present Mississippi plan of levees do so apparently because they are driven into that position by the desire of land reclamationists to reclaim their lands.

In other words, these engineers voluntarily yield up 65 miles in width of river in places that now furnishes a cushion or reservoir for enormous floods, and in order to do so they pin their faith to levees. I do not believe that 65 or 6 Army engineers could successfully defend their theories of reclamation and flood control on the lower Mississippi if required to face an expert cross-examiner.

Such cross-examinations are generally indulged in with the ordinary affairs of life, but here is a stupendous proposition fraught with many threatening dangers involving an eventual expense on the part of the Government of $200,000,000, or possibly double that amount in addition to $87,000,000 already spent on the lower river, and yet we are asked to place our dependence on a statement that 65 engineers have agreed on this plan. We can not shelve responsibility on their shoulders by saying the Flood Committee confesses itself to be a committee of laymen that in two months of occasional hearings comes to its conclusions, written possibly by the able author of the "Inside of the pork barrel," whose judgment, I submit, is not infallible. Who are the Army engineers, and what specific statements are offered to Congress in support of their theories? Name them, and then let us see what dependence can be placed on their judgment, in view of the facts and well-known laws of nature, that do not require expert knowledge.

DO ARMY ENGINEERS KNOW OR GUESS?

Does the chairman of the Mississippi River Commission, Col. Townsend, say that this levee plan will permanently cure flood conditions? I believe he is well able to discuss the problem. Probably he will be so recognized by the country at large. I believe him to be sincere, for no man of his standing in engineering circles would otherwise reverse the entire policy of Army engineers in making wasteful expenditures on 60 different river projects in the Mississippi Valley.

In the RECORD for December 10 the chairman of the Flood Committee, Mr. HUMPHREYS, extended his remarks by a thoughtful address made by Col. Townsend that was spread like a wet blanket over the River and Harbor Congress lobby a few days before in this city.

One specific recommendation contained was of vital importance to the people of this country. It occurred when Col. Townsend, chairman of the Mississippi River Commission, said:

> Specifically the writer would not abandon any navigable stream in the Mississippi Valley that has been partially improved, but would leave 58 of them in their status quo, confining operations by snagging and maintenance of existing works. * * * If facilities afforded by the Government are utilized (on the Ohio and in a waterway from the Mississippi to the Great Lakes) the upper Mississippi and the Missouri should then receive attention.

That proposal reverses the policy of Army engineers and wisely advises that "if facilities afforded by the Government are utilized," then the Missouri, upper Mississippi, Tennessee, Cumberland, Arkansas, Ouichita, and fifty-odd other projects may then be continued.

With charming inconsistency the chairman of the Flood Committee inserted the remarks of his chief expert in the RECORD, and then after Townsend's advice to stop 58 projects, that carry in the 1916 river and harbor bill from five to ten million dollars

for improvements on those 58 projects, the chairman vehemently urged passage of the wasteful 1916 river and harbor bill.

But the chairman is not now under discussion and without indulging in captious criticism, I desire to discuss the chief authority of the Mississippi Commission. What he determines would be the decision of his brother officers as a rule, because of a recognition of authority that properly goes and carries much weight in Army circles.

EVEN ENGINEERS DIFFER RADICALLY.

For years Col. Townsend has recommended many projects in the Mississippi Valley and elsewhere. Now he advises us to halt operations until we experiment on two and ascertain if they will be utilized. Strange that thought did not occur long ago before rainbow promises were given by engineers' reports in favor of a great majority of the 58 projects that are now to remain in statu quo.

Two river projects are to be at once completed, according to Col. Townsend's judgment. One on the Ohio to Pittsburgh, involving before completion upward of $80,000,000, and the other, a 14-foot project to Chicago, costing no man can say how much. I will not discuss the merits of either proposal beyond saying that the Board of Engineers, as I understand from a reading of its report, has shown the impracticability and utter wastefulness of the "Lakes to the Gulf" proposal, and that not 5 per cent of Lake commerce coming to Chicago is now carried in vessels drawing 14 feet or less that could be accommodated by a proposed 14-foot channel.

The failure of the old Fox River Canal in Wisconsin to carry commerce from the Lakes to the Gulf or of the Hennepin Canal to carry anything either way does not seem to disturb Col. Townsend, who wants us to experiment with enormous Government expenditures on the project in order to see if the plan will "be utilized." Although the channel on the lower Mississippi is deeper and larger than any other inland waterway in the world and yet carries only about 10 per cent of the actual traffic handled on the river before the war and before $166,000,000 had been spent on the Mississippi to aid commerce, still Col. Townsend has hopes that the $80,000,000 we are now putting into the Ohio River and have put there will be utilized. However, his recommendation to stop on 58 projects after years of waste and extravagance has the merit of being timely, even though it reverses the policy of engineers from time immemorial.

Col. Townsend is quoted in favor of the Mississippi flood and reclamation project. I wonder if he would frankly approve the scheme if left to his own judgment. True, his position and an expenditure of $87,000,000 on this project would not permit its abandonment; but where is his specific promise or pledge to show that the $220,000,000 expenditure hereafter to be made by the Government will grant permanent flood protection? Of course, no one, not even the chairman of the Flood Committee, expects a payment of $30,000,000 by the Government—or five times that amount—to do the work, although that impression is given by the committee report; but does Col. Townsend make any such promise? If so, what qualifications or uncertainties accompany his statement?

Even if given explicitly and confidently, are we ready to accept his judgment as sufficient?

Col. Black, present Chief of Engineers, recommended that $18,700,000 be given to help out a water-power company down on the Muscle Shoals, but Congress in its wisdom thought differently. Col. Black thinks that a limitation of 25 per cent profit to dredgers over the amount it cost the Government to perform the same work is a dangerous limitation, but Congress thought differently. Col. Black overruled Col. Townsend, chief of the Mississippi River Commission, when Townsend recommended an abandonment of the Missouri River $20,000,000 project. Black said in his order overruling Townsend that the reclamation of 500,000 acres of land on the Missouri was involved. In that case Black wanted the Missouri River land reclaimed and so overruled Townsend, but now Townsend wants the Mississippi River lands reclaimed, but not those on the Missouri. Army engineers recommended the Arkansas River project, but after many years of fruitless effort and millions of waste Townsend now says it ought to be abandoned.

I do not question Townsend's judgment in the Missouri and Arkansas cases, but I do say, out of all this confusion of judgments by Army engineers, are we prepared to continue an expenditure of $220,000,000, or any other amount, on the lower Mississippi flood and land reclamation scheme until we are better advised as to the probable outcome?

Mr. Chairman, I do not care to further discuss the judgment of any particular Army engineer or of any 65 engineers mentioned by the gentleman from Indiana [Mr. CLINE], because we have no matured judgment from 65 engineers or from any other body of men on which we can rely with any degree of confidence.

Townsend, Taylor, and others hope, and possibly believe, we are doing the right thing, but from the nature of things they do not know, and although land reclamationists with billions of dollars at stake urge us to follow that belief and open wide the doors of the Treasury to this great private land scheme, words of caution and protest come to us from laymen who are vitally interested in the question.

THE WASTEFUL LEVEE SYSTEM.

I am confident the appalling raids on the Federal Treasury in the name of "flood protection" will grow in force and frequency, so that the country will soon ask Congress to investigate what this reclamation scheme comprehends.

However, these are suggestions that are not involved in the proposition I desire briefly to discuss, and that is the incompetency and waste which characterizes the present levee scheme. Last session I asked in a resolution for a competent advisory board; a board of distinguished high-class engineers, who will squarely confront the problem and solve it, if it is to be solved. The judgment of Goethals and men of his size would give confidence that the money spent is not entirely wasted, as is now contended. A million dollars spent in ascertaining the truth would be economy, although no one believes it would cost one-tenth of that amount. The present commission is pursuing its own course, and it will do so until the American people are brought face to face with the fact that the Mississippi River reclamation policy has been a drifting policy and a wasteful piece of growing extravagance.

AUTHORITIES, NOT PERSONAL OPINIONS, OFFERED.

I have no opinion to express as to what plan should be urged. That is a matter for experts to determine. One whose word is of more than ordinary value is Gen. Herman Haupt, known throughout the country as an eminent military and civil engineer, a man who died several years ago. Gen. Haupt left a pamphlet of great value to the country at this particular time. Gen. Haupt was an engineer, author, and inventor of wide experience and high character. The positions he occupied as engineer of railroads and other great corporations, including at one time the city of Philadelphia, entitle his words to more than ordinary weight.

In a remarkable pamphlet issued a few years ago, entitled "The Problem of the Mississippi," he presents a strong, comprehensive arraignment of the present system.

On page 8 he says:

> Charles Ellet, who represented the United States Government in connection with river investigation in 1851, was sufficiently bold to assert that to sustain a flood of the velocity of that of 1851 the levees must be made at least 2 feet higher from Red River to New Orleans, for which assertion he was in 1861 severely criticized by the representatives of Government in charge of river matters. Instead of 2 feet levees are now [at the time he was speaking] 5 feet higher than in 1857. The estimate of the Government engineers in 1861 for complete protection from Cairo to the Gulf, including value of existing levees, was $26,000,000. There have been expended since 1861 in levees still incomplete more than $5,000,000, and the cost of the levee system when completed will not be less than $100,000,000.

Since that day the total has more than doubled in amount. One might imagine this was a chapter from engineers' estimates on the Coosa or the Red or the Black Warrior or the Trinity or a hundred other streams on which Government engineers have increased their estimates. Gen. Haupt, in presenting his case against the present levee system, calls upon the opinion of Mr. L. W. Brown, civil engineer, wherein Mr. Brown asks:

> Has the Mississippi River Commission such knowledge and has it made such investigation as one necessary to determine that the bed of the river is not being lengthened? If they have, why is not this most valuable information made public? If the flood elevations are increased as past experience teaches us they have been, and if they have occasioned a decrease in the slope of the whole river, as is shown to be the case, although not published by the commission, by what hydraulic laws would the deduction be made that the bed is not fouling? If no phenomenon has occurred which was not anticipated by them, the commission is responsible for the losses this country sustained in 1897, amounting to upward of $100,000,000.

Two further brief extracts are quoted. On page 20 Gen. Haupt says:

> It has been shown that before the river was interfered with by the construction of continuous levees the changes in flood elevations were very slow, only 1 foot in 90 years, while the construction of levees has caused a rise as great as 1 foot in 2½ years.

A further extract from page 23 is directly to the point when he says:

> No single plan of improvement can solve the problem of the Mississippi—neither levees, outlets, waste weirs, or diversions will singly be sufficient, but a combination of all, directed by intelligence. Levees are required for local protection, but a system of continuous levees for highest floods from Cairo to the Gulf is the worst that could have been conceived.

CONTINUOUS LEVEES ARE VALUELESS.

Surely the last statement is significant when we are appropriating for the levee system more per year than we did for the whole country a little over a score of years ago.

Prof. Lewis M. Haupt, a son of Gen. Haupt, a civil engineer of high standing, has made a study of conditions on the Mississippi River, and has presented several instructive papers on the subject, which it is impossible to more than refer to briefly.

In an address before the Franklin Institute on "Controlling the floods of the Mississippi River" he says, after discussing the great loss of property through floods:

In behalf of the engineering profession it seems necessary to state the responsibility for these disasters does not rest with it, since Congress has the sole jurisdiction and control of these questions and its attention has frequently been called by engineers and river men to remedial measures which have not been adopted. The real causes may better be ascribed to politics and local interests, as may be illustrated by the following reported interview with one of the most sagacious railroad magnates of the country (Jay Gould), now deceased, who, on being requested to lend his aid to the passage of an act which would have provided earlier relief to the Mississippi Valley, is said to have replied: "I have read all the arguments before Congress. The outlet system is correct and the only way to deepen the Mississippi River. If that was done, what would become of not only my own but all other railroads coming to New York?" They would be ruined, and for that reason he would favor the levee system, for so long as that be kept up there need be no fears of the Mississippi as a competitor.

If Jay Gould were alive to-day his road and every other railway in the Mississippi Valley would join the railways that are now contributing to the support of the Mississippi River Levee Association.

Several years ago Prof. Haupt presented a strong comprehensive report on the Mississippi River problem, which reached the same conclusions as those formed by Gen. Haupt, Charles Ellett, and Mr. Brown.

Believing that a personal letter, one of a large number received from Prof. Haupt, may throw additional light on the Mississippi levee system, I quote brief passages:

CYNWYD, PA., *September 28, 1914.*

Hon. JAMES A. FREAR.

MY DEAR SIR: Your favor of the 26th is at hand, and I hasten to comply, feeling that the almost lifelong study I have given the question may not have been in vain when carefully considered by unbiased interests. You have sized up the situation as to levees, and the demand made upon the Government to aid in them under the guise of improving navigation but, as Senator Berry said, it was a blind, since Congress had no authority to go into reclamation of lands.

One of the best men, thoroughly familiar with the river, is Lyman E. Cooley, civil engineer, of Chicago, also James Seddon, of St. Louis, both of whom were in the service of the United States in early years. Others, now deceased, like Prof. Johnson, Brown, Starling, etc., have left their record. Ockerson and Taylor, who are still on the commission, are very capable and well-informed men, but in the minority.

Seddon's papers and hydrographs indicated a rational system for protection from floods and providing an adequate navigation by lateral reservoirs in the waste lands, but this is only a partial remedy, and it has been vigorously opposed by levee advocates by stating they would be wholly inadequate.

I can not go into details but for all the remedial elements will refer you to the letter I sent Judge Burton extracted from the Transportation Crisis (a copy of which I think I sent you some time ago), vide page 20 in the Great Basin, and page 27, the Great Belt Route—Levees and Navigation.

The letter referred to making inquiries was from Senator Brice, of Ohio, 1887. This was 27 years ago, since when probably over $100,000,000 have been expended and the 9-foot stage has not been secured on either the Ohio or the Mississippi. See the confession made by the commission of 1900 (p. 20): "It is continually making experiments looking to the best use of available material when Congress shall provide for such a systematic improvement."

ENGINEERS, NOT CONGRESS, ARE RESPONSIBLE.

This it seems is not the duty of Congress, as it is an engineering question and has not been satisfactorily solved, since the policy is vacillating and the attempt seems to be made to correct the river locally by patchwork instead of as a whole by applying physical laws to the entire basin.

See V. P. 41 (2) giving a summary of the fifth of this series of papers. I send a blue leaflet, No. 2, giving extracts from Maj. Guin, United States engineer, and the various estimates. Since then many of the natural outlets have been closed in efforts to force all the water through the Passes to scour out the bars, but overlooking the fact that the mud remains to be ejected at the outlets, thus increasing the rate of advance of the bars and the amount of dredging.

While the United States engineers are absolutely independent of politics they are also not amenable to the electorate (the people), hence are virtually unaccountable to anyone for their mistakes, and the officials change their posts so often that they can not even assume the honor or responsibility for results. I say this without criticism, for it is the radical fault of the system.

Continuing, as to interference with the power of the engineers, who control the river and harbor projects of the country, Prof. Haupt says:

They are intrenched behind the Treasury, but as the Missouri Commission was abolished for insufficient results it may be possible to follow the precedent and satisfy the public that their levees and property will be better secured by the use of all remedies available instead of the single one—the levee system—which must ultimately bring disaster and destruction, because there is no escape for the silt.

THE REAL PROJECT.

In conclusion Prof. Haupt makes this cogent statement:

As you have asked for my candid opinion, I have not hesitated to give it, so that perchance it may lead to a change of policy for the public weal. The public at large is not interested, so long as they do not own plantations behind the levees, and those who do demand the protection of private property, which is given without legal sanction and paid for by the Nation. The money is virtually wasted in redoubts and intrenchments—against an invisible foe—which can not escape, but builds its own counterscarps, scales the barriers, and destroys the innocent citizens living under their shelter.

Very respectfully, yours, LEWIS M. HAUPT.

On the day last session following the introduction of a Mississippi River resolution I received personal words of commendation from high authority here in Washington, stating that my premises were right, the present system wasteful and disastrous, and the only protection to the country would be by the appointment of a high-class temporary advisory board, as I proposed, to make an investigation and report without delay. I was assured that such a board would unhesitatingly condemn the present extravagant and wasteful scheme, which is unsound in character, but continues to receive the approval of an ossified policy, as fixed and immovable as the prejudices which governed the persecutors of Columbus.

I do not offer this statement by way of argument, but to show the difficulty surrounding efforts to obtain the truth, when officials and competent authorities feel obliged to write "personal" at the top of their communications for obvious reasons—and I have received many such messages.

ANOTHER ENGINEER'S STATEMENT.

A strong, fearless man, who has frequently pointed out to me the disastrous Mississippi River policy now be undertaken by the Government, is Mr. Carroll L. Riker, of Brooklyn, a man of large experience in waterway work. Mr. Riker believes he has solved the Mississippi River problem, and has presented a bill to that effect. I have no opinion to express as to its merits, nor does Mr. Riker ask for its support until he has convinced Congress that the present system is wrong and, to use his words, "criminally wasteful."

Mr. Riker does not mince words when he says, in a statement made to me:

The plans of the United States Army engineers for the control of the Mississippi River are the greatest engineering blunders which have ever been perpetrated upon a nation. These plans show that they do not understand the underlying and first principle which naturally governs the flow of a river.

If an advisory board of consulting engineers be appointed, who are not graduates of West Point, to investigate these plans, and they used as data only that which is printed and officially indorsed by these Army engineers, they would certainly confirm the above statement after less than 24 hours of actual consideration.

Mr. Riker then engages in a technical but clearly presented discussion of river currents and other related influences, which I will not quote.

EMBALMED FALLACIES OF ENGINEERS.

Referring to authorities that have been the fetish of Mississippi River work, he says:

The embalmed fallacies of Humphreys and Abbot have been blindly followed for more than 50 years by these engineers, who have built dikes, revetments, and levees at the cost of more than a hundred million dollars in their efforts to make this river pursue a crooked and unnatural course, wholly in opposition to all of nature's natural inclinations.

There are engineers of the Army who would not commit themselves to these blunders. The president of the Mississippi River Commission represents those who do and expresses their views on this question in the following paragraph contained in his report bearing date of May 16, 1913, to the Chief of Engineers, United States Army, in reply to the request of the President for information on this subject:

"Cut-offs: By cutting off the bends in a river, its length is diminished and slope increased. This would increase its discharge at a given height. This method of relief can not be applied to the Mississippi River, as it would seriously injure its navigability during low water and increase the caving of its banks, which is now excessive. While it would afford relief in the upper portions of the river thus straightened, it would increase flood heights at the lower end, benefiting one locality at the expense of another." (See Appendix A, p. 11.)

When the engineering profession have had their attention specifically drawn to the facts connected with the present plans of the Army engineers for control of this river it will entail a national engineering disgrace that is unavoidable. Thirty-four annual reports of the Mississippi River Commission, concurred in by the various Chiefs of Engineers, United States Army, then acting, are mute witnesses against them that can never be effaced. There is not one word that can be uttered in extenuation of these blunders which have been perpetrated by these engineers upon the citizens of the United States for a lifetime. They are now preparing a trap for the unconscious confiding settlers in the valley of that river which will terminate in a terrible catastrophe as certain as the sun is to rise unless the present program be radically modified.

Mr. Chairman, it may be said by those who are criticized that personal interest influences the judgment of men who are not Army engineers. It is an argument used at both ends of the Capitol by statesmen of greater or less caliber, who impugn motives of personal interest to every act, and who ascribe disappointment or other unworthy influences to all criticisms.

Such replies will have no weight with those in search of the truth, and I am sure the common-sense criticisms offered by the eminent men I have quoted can not be scoffed out of court much longer.

Read House Report No. 390 of the Sixty-third Congress. It relates to claims for damages against the Government because of improper levee plans on the Mississippi River. Nothing further is required to place a seal of condemnation on the Government's handling of the Mississippi problem. It is an astounding fact that we continue to annually pour millions into the river without any comprehensive plan or permanent results in mind. What is the reason? Who is responsible for this enormous waste of Government funds? Everybody places the burden on the shoulders of some other body. Why not get at the facts by passing my resolution?

WHAT DO THE RIVER PEOPLE SAY?

Those who are familiar with local conditions declare misfortune has been shrewdly capitalized and the Government Treasury is the goal of those who, in the aggregate, have many hundreds of millions of dollars at stake through a reclaimed land scheme. I am not able at this time to discuss the selfish purposes behind the Mississippi River improvement scheme, but I am endeavoring to show that though the Government pours its millions into the river for the benefit of reclamationists the supposed beneficiaries will not receive any anticipated benefit, because the improvements will not be permanent.

The present plan does not deceive many people along the river valley, as I propose to show. Without means of securing all the information I would gladly present, I offer such proof as has accidentally fallen into my hands.

On September 28, 1914, the New Orleans Item printed an editorial which relates to several matters involved in this discussion, all of which may not be strictly pertinent to this particular point, but it clearly shows a leading publication of the great Crescent City is not in sympathy with the Mississippi River Levee Association, the present system of river levee improvements. For all of these reasons the Item is entitled, in my humble judgment, to the thanks of the Mississippi Valley, which looks for permanent improvement of the river, not extravagance, waste, and a blindness to impending danger. I place the editorial in the RECORD because it is relevant to the subject:

[From the New Orleans Item, Sept. 28, 1914.]

THE PORK BARREL, US, AND OUR NEIGHBOR.

The National Rivers and Harbors Congress conducts a national lobby for the pork-barrel bill.

The Mississippi River Levee Association was organized by some railroad interests who do not want genuine and permanent stream control, because it threatens competition by levee-board politicians and levee contractors whose jobs and profits depend upon the perpetuation of the stupid and vicious old system of disjointed levee maintenance under which the people of the valley have been bled and pillaged, both ignorantly and willfully, for the past generation, and left hopelessly exposed to terrible floods at the end of the process. The genii that framed this latter organization also framed a bill, and Mr. RANSDELL and Congressman HUMPHREYS of Mississippi let their names be tacked to it.

The two institutions are ostensibly separate.

The statement that the Item or Mr. Maxwell attacked the Rivers and Harbors Congress is untrue. Our general attitude toward it has been a feeling that if the Federal Treasury is to be looted for the selfish purposes of Congressmen and local interests that have strings on Congressmen, our own part of the country had as well have its share of the loot. * * *

What the Item has done in this matter is to tell its readers the simple truth about the standing of this pork-barrel measure before the people of the country. We have not been ignorant or dishonest about it. We told you a year ago that the feeling of the Nation against the abuses of the pork barrel was approaching a climax so rapidly that it was utterly unsafe to trust to the barrel for any adequate relief from floods. We warned you that the country would not allow many more pork barrels to be opened. * * *

The Item has been the only newspaper in New Orleans to take this course. The result vindicates its stand. We have been bitterly berated for this course by the other three newspapers. Ignorance or untruth alone can account for their behavior. We urge you to be charitable in determining for yourself to which their course is chargeable.

The Item's readers know from its past exposures that the Mississippi Valley Levee Association is built on a foundation of railroad cash. It is a pleasure to note that the Item's photographic proof of this fact was exhibited to the Senate during the recent debate. Everybody ought to know the truth.

We do not accept our good neighbor's well-meant statement of the case, but lest there be any doubt about it, we hasten to assure everybody that we are quite proud of our contribution to the enlightenment of a suffering people, oppressed by log-rolling politicians and benighted by an ignorant and incompetent press, upon the fundamental causes that keep the pall of flood above them.

From Memphis, a city that has suffered through the ill-advised experiments of Army engineers, comes a note of warning in two editorials forwarded to me by a gentleman who appears to understand the Mississippi River problem better than those who are now disbursing Government funds for an impractical levee scheme.

The News Scimitar, of Memphis, on November 26, 1913, gave a clean-cut expression of the views of the people it represents in the second great city of the Mississippi River Valley. It is as follows:

[From the News Scimitar, November 26, 1913.]

ON TO WASHINGTON.

After a Peter the Hermit campaign, carried on by Evangelist John A. Fox, at the expense of the railroads, for several months, in which a purely unreckoning and mechanical sentiment has been worked up in favor of the futile "levees-only" idea, a descent is to be made on Washington in the near future, through which, by a show of numbers, Congress is to be coerced into siphoning out of the Treasury $60,000,000 for a continuation of the mud-pie system of confining the waters of the Mississippi River at flood tide. Anticipation is cloud piercing, and the bird of hope is soaring high without moulting a feather in the ranks of the political levee boards up and down the river, while the absentee Mississippi River Commission fancies it sees before it a new lease of life. In spite of all this, there will be snags encountered in the stream. * * *

It is not unknown in Congress and throughout the country that those cooing turtle doves, the political levee boards, * * * are thoroughly discredited by the property owners, and that they maintain a show of vitality by shaking hands with each other. The "indorsements" so much touted mean nothing more than the price which various organizations that care nothing and know nothing about the question are willing to pay to be let alone. They have all been appealed to, barring the Ladies' Auxiliary of the Hod Carriers' Union with the same result, which meant, "Take it and get away."

For 200 years the levee system has been tried and found wanting, and the more money that is spent on levees the more disastrous do they become.

Valuable lands on the outside of the levees have been rendered worthless by the increased elevation of the flood heights, and no consideration is given these people or their 9,000 square miles of territory in the way of reimbursement. Memphis has suffered sorely as a result of levees, and is now asked to join in the clamor for more levees.

Congress is asked for $60,000,000, while it is admitted that no proper surveys have been made, and under the present pork-barrel system there is no assurance that competent engineers will have the work in charge.

Figures will not yield to clamor. In 1882, with 52 feet of water on the guage at Cairo, the stage at Memphis was 35 feet, there being no levees on the Arkansas side. Every part of the city was above water. In 1913 Cairo had a stage of 56 feet, while Memphis was submerged and much property destroyed by a stage of 46.5 feet, or an increase of 11.5 feet over the stage of 1882. We are issuing bonds for local protection while being called upon at the same time to ask for more money and more levees, which are making local expenditure for self-preservation necessary.

The old brutal logic that we must "get some of that Yankee money down here" is no longer appealing. The Mississippi River Commission has been discredited by its own reluctant admissions. The political levee boards have been discredited by the people and the logic of events. We must have a new deal and a square deal. We must adopt new and better methods. We must put new and better men in charge, and we must make provision to reimburse those whose property the levee system has destroyed.

The old brutal logic to "get some of that Yankee money down here" is resented by one of the strongest papers in the Mississippi River Valley. That call comes from reclamation interests represented by levee boards, and the land is not all owned in the Mississippi Valley nor in the South.

Listen to the following denunciation from the Memphis Press of September 12, 1914:

THE "PORK BARREL" IS AN ENEMY OF NAVIGATION.

We have told our readers on many occasions that the conscience of the Nation was revolting against the "pork barrel."

We told them that we were crucifying our own chances for permanent relief from floods and from permanent reestablishment of navigation when we continued longer to put our faith in the hodge podge, wasteful, selfish, aimless conglomeration of good, useless, and evil projects annually or biennially labeled the "rivers and harbors bill."

The method of the rivers and harbors bill is indefensible, and the results of that method pursued through generations are its own damnation.

* * * * * * *

The would-be perpetrators of the "pork barrel" are the enemies of the comprehensive program, the enemies of real safety, the enemies of revived navigation.

It is not going too far to say they are, in effect, traitors to the Republic.

Another illuminating editorial on the same general subject criticizes the Army engineers' levees without gloves. It is short and I insert it entire:

[From the Memphis News Scimitar, January 12, 1914.]

FLOOD CONTROL.

* * * * * * *

The consensus of opinion among experts is that the fundamental defect of the Ransdell-Humphreys bill is that, although it professes to be in aid of navigation, it provides for large expenditures for levees, which increase the rapidity and total volume of the caving of the banks into the river. The Chief of Engineers reported to the Secretary of War that until the caving of banks into the Mississippi below St. Louis can be stopped it is practically hopeless to expect any improvement of low-water conditions in the river. In other words, the stream can not be continued navigable.

It is estimated that there are 740 miles of caving banks on the lower Mississippi, from which 9 acres in area by 66 feet deep for each mile is thrown in the stream, which in 50 years would mean half a million acres of land to a depth of 66 feet tumbled in to obstruct navigation.

* * * * * * *

It is claimed by those high in authority that the Ransdell-Humphreys bill should be entitled "A bill to destroy the navigability of the Mississippi River, and to eventually make it impossible to protect the valley from devastation by floods."

This is just what the railroads want, and have been working for so successfully, and this is why they are behind the levees-only people, who are making so much noise, but which is "all cry and little wool."

The more that people investigate the matter the more they see the futility of patchwork and mud pies. Those who have been forced to study the question because it has been brought home to them, like Mayor Reubenstein, of Stockton, Cal., who has had experience in the San Joaquin Valley, know something about flood control. In replying to a communication from Secretary Fox, of the local association, Mayor Reubenstein exposes the fallacies contained in the Ransdell-Humphreys bill, and states: "Fortunately for our country a plan has been submitted that is sufficiently comprehensive to insure an orderly start on this great work, and with ample means for its successful completion."

I would willingly print additional personal letters and opinions regarding the extravagance, waste, and utter uselessness of the present Mississippi River reclamation scheme, but will be able to offer only a few newspaper clippings that have come to my hands and which show beyond cavil that the people of the valley, where free to express their opinion, are opposed to the present levee scheme that is foisted on them by the powerful land reclamation levee association.

Sometimes a few words of common sense from a man who knows whereof he speaks and is among the people gives a clearer insight into conditions than the experiments of scientific advisers.

I offer this communication, clipped from a Memphis paper, and no man can question the logic or intelligence of the writer, who was at the time a member of the Mississippi State Legislature, according to an attached memorandum. He says:

THE LEVEE SYSTEM.

The NEWS SCIMITAR:

It seems to be the opinion of a great many, who ought to know as much about it as anybody, that the levee system will ultimately ruin a large proportion of the Delta lands and destroy the navigation of the Mississippi River. Higher levees mean higher waters; and the inevitable break spreads the pent-up flood over a greater area, destroying more lives and property.

The owners of the Delta lands, even those who favor levees, have discovered that, with all the help they are receiving from the Government, the cost of protecting their lands is greater than they can bear. If the planters alone had to pay for the levees, it would bankrupt them. If so, then the game is not worth the candle.

Of course, if Uncle Sam should dump sixty, eighty, or a hundred millions on the levees it might afford temporary (and only temporary) relief; but wherein is the Government benefited or the "general welfare" promoted by protecting the private property of a few individuals?

I happen to know that many of these Delta planters are sometimes very loud in their denunciation of "paternalism." But their opposition seems to banish entirely when they are the sole beneficiaries.

The only public benefit to be derived from the levees ever urged by anybody is the improvement in navigation and increased taxable value of the protected lands, and it has been some time since a man with any brain has seriously asserted that the navigation has been, or ever will be, improved by the levees.

As to taxable values, the General Government does not levy a tax on lands. The only chance for us "hill billies" to get our money back is through taxation by the State. Again, I happen to know that, as a rule, these Delta planters dodge a just proportion of State tax by assessing their lands at one-fourth to one-seventh of what they are willing to sell them for.

Now, if Uncle Sam is in the farming business at all, he owns a mighty big farm, of which the Mississippi Delta is only a small patch. And he is a very poor farmer when he undertakes to improve a patch when it is already a demonstrated fact that it won't pay expenses. If the protection of the Delta can be made a profitable investment, why should not those who are to get all of the benefits pay the expense bill?

Then, if Uncle Sam would protect his smaller valleys from overflow and his hill lands from erosion, would not that add greatly to their taxable value?

Ridiculous. Well, yes, my friend; I regard the whole proposition as ridiculous in the extreme; too much paternalism for me. But if we undertake Government protection of farm lands, why not go at it on the principal of "equal rights to all, special privileges to none"?

J. H. SIMPSON,
Member Mississippi Legislature.

BYHALIA, MISS., *R. 2, May 10, 1913.*

I quote a news item of some time ago appearing in the Memphis Appeal, wherein L. S. Lake, of Memphis, gave reasons why the damming up by leeves of all escape by Mississippi River waters increased the hazard. Mr. Lake appeared before the Flood Committee during its recent hearings. Like the committee members, I assume he is a "layman," but after many years experience with the real thing he tells what he knows, and it is my experience that such men have a better understanding of conditions than laymen who have not.

It may add nothing to his statement to know he is a graduate of a northern university of which President Wilson was once the president, and that he served as a Confederate soldier. However, it is evidence Mr. Lake imbibed democratic wisdom at a recognized fount of learning and is not looking for "Yankee money":

[From the Commercial Appeal, May 10, 1913.]

LAKE FAVORS OUTLETS—HE SAYS THEY WILL REDUCE FLOOD HEIGHT BY 11 FEET.

L. S. Lake last night delivered a lecture at the Goodwyn Institute auditorium to a small but appreciative audience on "The Diversion of Floods and the Rescue of Levees on the Mississippi River from Cairo to the Gulf."

He says that the levees are an open defiance of nature, and that the higher they are built the greater will be the disasters occurring when they break, which, he says, is inevitable in the case of floods like the recent one.

He favors a diversion of the flood waters by means of the natural outlets which have been closed up by the levees. He says that the diversion of the flood waters will reduce the height of the flood by 11½ feet.

He would allow the water from the river in time of flood to flow into the St. Francis River by means of properly constructed outlets or spillways in the levees and into the Coldwater and Yazoo Rivers on the Mississippi side. On the lower river he favors the opening of the levees at certain points so as to let the water flow out through the bayous across the State of Louisiana and into the Gulf without passing New Orleans.

Mr. Lake says that he is not opposed to levees, but that he believes that alone they are ineffectual means of flood control. He says that more and more as they assume the skyscraper proportions they become a greater menace. He says that levee advocates have had 200 years of experimenting on the Mississippi River and have failed, and urges that some other means be tried to supplement the levees. He maintains that levees are a failure because they break before the water reaches the top, owing to the fact that the water reaches the inside through underground channels which can not be guarded against.

He says that the people between the levees have been deprived of the value of their land without due process of law and contrary to the Constitution. His own plantation at Harberts Landing, 77 miles below Memphis on the Mississippi side, lies between the river and the levee.

He was introduced by Dabney Scales, who paid him a very high tribute as a Confederate soldier and as a citizen. He read from a manuscript and his talk was illustrated by charts and diagrams.

TRAINLOADS OF LEVEE BOOSTERS.

To those who care to follow the campaign made by Memphis and its people, as well as others along the river, to get out from under the clutches of the powerful levee association I quote a news article from the Scimitar of a little over a year ago, wherein an appeal was made direct to President Wilson to lend an ear to their appeal.

The articles are especially enlightening, particularly that wherein it is learned that three special trains filled with Mississippi River levee boosters were brought to Washington to help swing through a bill of which the Flood Committee chairman was a champion.

Just how much money the levee association has spent for lobbying and its propaganda can not be estimated when men are sent throughout the country securing resolutions from State legislatures; when books, pamphlets, and magazine articles are sent broadcast throughout the country; and when trainloads of boosters are sent to Washington to show us how to vote. How can any man doubt the enthusiasm inspired by a 20,000,000-acre land-reclamation scheme, which the Government is now about to undertake, practically at Government expense.

The article follows:

[From the News Scimitar, Dec. 2, 1914.]

CAUTION IS URGED IN HANDLING BIG WATERWAYS ISSUE—MEMBERS OF RIPARIAN LANDOWNERS' ASSOCIATION IN WIRES TO WILSON, LANE, AND GARRISON RECOMMEND DELIBERATION—ASK NEW INVESTIGATION AND A BROADER PLAN.

Protesting that advocates of the "levees-only" system of protection against overflows in the Mississippi Valley, as contemplated by the Ransdell-Humphreys levee bill, are seeking to overwhelm Congress by mere numbers rather than by relevant facts, officers and members of the Riparian Landowners' Protective Association Monday sent a message to President Woodrow Wilson; Franklin K. Lane, Secretary of the Interior; and Lindley M. Garrison, Secretary of War.

L. S. Lake, of Memphis, a former Princeton undergraduate and local supporter of a broader defense than levees only, is a signer of the message, as is J. W. Bennett, president of the riparian landowners' organization.

The message to Wilson is as follows:

MEMPHIS, TENN., *December 1, 1913.*

Hon. WOODROW WILSON,
President of the United States, Washington, D. C.

HONORED SIR: A large number of delegates are now arriving in Washington to try to influence Congress and the Government in favor of the Ransdell-Humphreys bill, which means "levees only" for the lower Mississippi River. They seem to wish to overwhelm Congress by spectacular methods and carry their point by a whoop, whoop, hurrah!

We earnestly entreat you, Mr. President, not to surrender entirely to their views and not to pledge yourself irrevocably now to their methods or plans. We rely upon your courage and independence of thought to withhold a snap judgment on this great and important question.

The dreadful overflows and failures of the levees of the past two spring seasons should teach caution, as should also the tremendous demands on the purse of the Government. The Nation should unquestionably aid us in this lower valley to fight against the floods now precipitated upon us annually from numerous States above us, but in this progressive age its moneys should no longer be invested on a discredited "levees only" system, which, now in the face of repeated experience and palpable facts, is shown to be nothing but a superannuated superstition and a defiance of common sense.

The political levee boards have long dominated this Mississippi Valley, to its dreadful hurt. Thousands of the plain people—the actual working farmers of the alluvial lands of this valley—know that the levees, on their present unscientific, narrow, sinuous lines, following closely along the immediate banks of the ordinary river channel, can not restrain and hold the waters of unusual floods encurbed between their embankments.

When the flood water began to dive under or break, by filtrating sand boils beneath the natural ground surface, the huge levees above, then the death knell of the present system was sounded. For how restrain the myriads of underground weaknesses along the thousand and more miles of levee fronts? Call a halt, then, and have a new examination

of this whole subject by fresh and different independent and impartial eminent engineers. * * *

Very respectfully,

L. S. LAKE.

I hereby join in and approve the foregoing telegram.

J. W. BENNETT,
President Riparian Landowners' Protective Association.

RANSDELL-HUMPHREYS BOOSTERS AT CAPITAL.

WASHINGTON, *December 2.*

The white ribbons of the Mississippi River Levee Association are more frequent than stars and stripes here to-day. Three special trains from Memphis and neighboring cities arrived this morning, and the remainder of the representation will arrive on another special to-morrow. Chief interest now centers in the hearing before the Rivers and Harbors Committee of the House to-morrow. Former Senator Leroy Percy, of Mississippi, has been placed in charge of the hearing, and has called brief conferences of the speakers and other leaders for to-night, when final arguments in favor of the Ransdell-Humphreys bill will be made. Each of the States most interested furnishes one speaker.

The Missouri delegates have not arrived. The Memphis delegates are boosting the Ransdell-Humphreys bill providing for $12,000,000 a year for five years for Mississippi's levees, as against the Newlands bill, which appropriates a much larger sum and covers a greater scope of work. The Newlands bill is strongly urged by New Orleans delegates.

I have many clippings and opinions, but two letters published by a woman of rare force of expression have come to my hands; both were printed in a Memphis paper, one in 1913, the other in 1915. I can not do better than attach both:

PUBLIC DISCUSSION.

[From the News-Scimitar, Apr. 23, 1913.]

A LADY'S VIEW.

EDITOR THE NEWS-SCIMITAR:

The supreme thing confronting the people living along the Mississippi River from Cairo to the Gulf is how to overcome the injury and hardships the St. Francis levee board and Mississippi River Commission have put upon them. Before these autocratic bodies were formed the farmers living upon the banks of the Mississippi River and upon the islands in the river were a happy and contented people, cultivating and marketing their crops with no dread of overflows. Since the manipulation of the river by this levee board they have raised the bed of the river till we are threatened with an overflow with every general rain in the Mississippi Valley. The overflow of 1913 was far greater than 1912, though there was a much smaller rainfall than 1912. Islands which were never overflowed before these levees were built have had the water gradually encroach on them till this last overflow flooded them to the depth of 10 feet on the highest ridges, and would have gone much higher had not the break at Wilson given them relief.

A few years ago the Government took the sounding in an eddy 25 miles above Memphis to the depth of 80 feet and found no bottom; to-day that eddy is a mud bar covered with willows only 10 feet lower than the original bank. In a few years if these levees are persisted in the Mississippi River will be a desolation of sand and mud bars, as it is a proven fact that the beds of all large leveed streams are raised in proportion to the height of the levees. And if they did succeed in holding this vast amount of water, which they will never do, what is to become of the hundreds of people whose farms are on the islands in the Mississippi River, and those outside of the levees? Is it just that they should be ruined and their property desolated to satisfy the greed and graft of this levee board and support royally and sumptuously these sinecures who compose the Mississippi River Commission? Are we freeborn Americans to suffer such injustice from these politicians? Capt. Cowden years ago advocated a policy which, had the Government adopted, would have met these requirements and saved immense waste of the people's money. The Government should take hold of this matter, build reservoirs, open up drainage to the Gulf and Great Lakes, and deepen the channel of the Mississippi River, and give this long-suffering people a rest from the levee boards and these engineers which they graduate from West Point, and who know no more about the requirements of this river than the old negro preacher knew about his text, which was, "Seven sons did Milchal bear to Nahor," and he told his congregation that Nahor was sick and these seven sons went out and hotched a b'ar and they milked that b'ar and brought the milk to Nahor. Gen. McDowell Townsend is right, "The situation is reduced to a mathematical problem, which is, How long before this people shall be pauperized to protect these great syndicates that were formed to buy up the sunk lands of Arkansas and Missouri at 25 cents per acre and drain them at the public expense, and to sell them at an enormous profit? It is for the chief benefit of these syndicates that these levees were built and are being maintained, and for which the people are taxed beyond endurance.

MRS. O. K. JOPLIN,
1500 Court Avenue, Memphis, Tenn.

The letter of transmittal says these letters are from a lady of one of the best families. No one can doubt it. After two years she was again moved to protest against the present levee scheme, and I submit her letter of February 23, 1915, on the same subject:

FROM A LADY OF OUR BEST "OLD FAMILIES"—AGAINST "LEVEES ONLY."

CORONA POST OFFICE,
Centennial Island, Tenn., February 23, 1915.

EDITOR THE NEWS SCIMITAR:

Have we people who live on the islands in the Mississippi River and on farms outside the levees become stupefied by our losses and the hardships we have suffered because of these levees that we sit idle and silent while these millionaire planters, with the help of Congress, build their mud banks and pile water over us, that brings ruin to our lands and cattle and homes? If Mr. Fox, who is only a salaried man and has nothing at stake save the money he gets for his talk, for a monetary consideration can use his eloquence to influence governors to send memorials to Congress to aid in finishing this devilish work of utter desolation they have already wrought, surely the men who see their children and wives reduced to beggars because of these levees should be aroused by their pitiable condition, and urge our Senators and Congressmen of West Tennessee, who have given a sacred oath to care for the interests of their people, to bring this outrage before Congress and use their influence in securing a recompense from the Federal Government for this murderous crime it helped to put upon a helpless people. And the women, who with breaking hearts look upon their desolated homes and ragged children, know that in the highest heavens there sits a Judge whom neither greed nor graft can corrupt, and whose spirit rides upon the face of the waters as when by the word of His power He called order out of chaos, and who in His omnipotence can break these mud-banks and roll these waters out of our homes and off of our lands, and we shall sing, as the children of Israel, "Thou didst blow with Thy wind, the sea covered them; they sank as lead in the mighty waters."

MRS. O. K. JOPLIN.

PROTESTANTS ENTITLED TO A HEARING.

I offer a communication from V. C. Russell, of Memphis, whose statement is of value in so far as it points out the fault with the "levee-only" scheme. It also serves to show vigorous opposition by thinking men throughout the valley who have learned to know the present land-reclamation scheme is a growing menace and will not meet the hopes of its promoters. I am quite certain the Flood Committee of laymen did not fully understand the deep-seated fear and protest against the present plan which pervades the people of the valley. Admitting, for sake of argument, that they may be wrong, including as they do members of State legislatures, university graduates, ladies of remarkable force of expression, and others in the valley; supported as they are by leading newspapers of New Orleans and Memphis, is it not likely we are moving fast when a bill introduced on one day is sought to be put through Congress within a week after the committee of "laymen" report? In other words, does not it appear like undue haste, even though levee associations are pressing hard to get their land reclaimed? These people quoted are without means to make the fight; but we have a duty to perform.

I quote from a statement of V. C. Russell, of Memphis, Tenn., who has a plan of his own:

FLOODS CAN BE CONTROLLED BY USING FLOOD GATES IN LEVEES AS SAFETY VALVES—HIGHER AND STRONGER LEVEES WILL NOT PREVENT UNDERGROUND BREAKS (SAND BOILS).

* * * Nature's natural ways will soon make this country the richest in the world, automatically replenishing worn farm lands with nature's richest natural fertilizers in flood water, only awaiting a chance to back over and drop its richness without cost where the world's food supply and Nation's wealth is raised; and it being of great importance that lands should be kept productive and protected, especially when it is nature's wheel within a wheel doing the work. And why clog it building "higher and stronger levees only," causing high flood water to climb higher and higher, the past proving that the mighty weight of flood water in the channel has passed the limit of nature's endurance, causing water to be forced through the soft earth under levees, boil up on the other side where there is no weight, undermining and crumbling down levees, resulting in a flood-swept valley, leaving death and destruction in its path. And when and how it will end no one knows.

The underground breaks at Beulah, Miss., Wilson, Ark., and other places are proof enough that nature never intended flood water to be piled high up in a channel gulfward as if it was a reservoir instead of a drainage channel. "Higher and stronger" levees will not prevent underground breaks—"sand boils"; most all breaks occur underground since higher levees are built. The valley farmers pay a high "protection" levee tax and should be protected. Let us imagine ourselves and loved ones living in the valley, money invested, and can not pull up stakes and flee to the hills every time a danger note is sounded, and likely to find a watery grave unless we climb a tree, seeing a lifetime savings washing away. Wouldn't it be far better to have flood water under control as above stated, no loss of life or property, and abundant crops raised as they were before levees were built? The flood-gate plan will solve the Nation's two greatest "problems"—flood control and high cost of living. Nature's natural ways should be considered if permanent protection is wanted.

V. C. RUSSELL, *Memphis, Tenn.*

Mr. Chairman, I have been charged with unnecessarily taking up too many pages of the RECORD with statements heretofore made. I regret that anyone finds fault with the length of the remarks, because it requires some time in preparation, and I fear the remarks are not fully appreciated by such critics. However, until the House decides otherwise, I shall continue as best I can to furnish evidence of waste in the belief that it is a public duty to do so. Those whose ox may be gored have equal right to criticize, but if I have in any way contributed toward the defeat of wasteful bills in the past, surely no one will complain over a few pages of facts collected from Engineers' reports and elsewhere.

In the bill before us an expenditure of probably $200,000,000 is involved, and I have no hesitation in doing all that properly can be done to bring before Congress knowledge of conditions surrounding the bill.

I have found a valuable document along this same line in a brief furnished by Barnette E. Moses, of the Memphis bar. Mr. Moses has been engaged in litigation concerning Mississippi River lands before various courts, including the United States Supreme Court, so his statement is based on much study and investigation.

Quoting from his statement on "The Problem of the Mississippi River," every word of the Moses statement is of vital im-

portance to a full understanding of this bill. I invite its careful perusal:

THE PROBLEM OF THE MISSISSIPPI RIVER.

Bill No. 15405, of the Sixty-third Congress, second session, introduced in the National House of Representatives by Congressman MCKELLAR, of Tennessee, should be passed if the Government is to undertake the work of reclaiming the vast alluvial valley from overflow.

This bill provides that the work of improving the Mississippi River shall be under the direct supervision of the President, and that the present Mississippi River Commission shall be abolished. Goethals, or any one of several men now in the Government's service, can solve the problem of the floods if put to the task.

Provision should also be made to alleviate the injuries which necessarily will be caused by a further increase in the height of the levee system.

The destruction of property and loss estimated in the millions in Memphis during the floods of 1912 and 1913 was due to the increased elevations of the flood heights resulting from the confinement of the water by the levee on the opposite side of the river. In 1882, with 52 feet of water on the gauge at Cairo, Ill., and no levees on the Arkansas side of the river, the stage at Memphis was 35 feet, and every part of the city was above the water's reach.

In 1912 Cairo had 54 feet and Memphis 45.2, and in 1913 Cairo had 54.7 feet and Memphis 46.5. This shows an increase in 1913 of 11.5 feet over the stage of 1882 without a proportionate increase in the volume. According to the testimony of Col. C. McD. Townsend before the Rivers and Harbors Committee of the House, in December, 1912, the floods of 1882 and of 1912 were approximately the same in volume. Even more convincing and specific evidence in this regard is found in the report of the Mississippi River Commission for 1910, page 2938, which is as follows:

"The increased elevation of the flood heights is the result of the general confinement of the flood discharge by the levee system as a whole."

It must be borne in mind also that since 1882 levees have been constructed at Cairo, which materially contract the width of the flood, and the "general confinement" at this point may reasonably be assumed to have caused some, if not all, of the increase in the stages of 1912 and 1913 as compared with 1882.

The city of Memphis, which in 1882 was untouched by a stage of 35 feet, in 1897 had 37 feet, with 51.6 at Cairo; in 1903 had 40.1 feet, with 50.6 at Cairo; and in 1907 had 40.3 feet, with 50.4 at Cairo. This gradual encroachment, culminating in the flooding of the northern portion of the city in 1912 and 1913, necessitates the expenditure of several million dollars to protect it from these unnatural flood heights.

DESTRUCTION FROM LEVEES.

North and south of Memphis there are farm lands on the east bank of the river, where there are no levees, because the Mississippi River Commission has found it to be too expensive to build them for the protection of the small basins. These farms, once comparatively high and well cultivated, have been and are being subjected to the same increased elevation of the flood levels that has been so apparent in the city. Some of these lands have been destroyed already, and a very few years of continued activity by the levee builders will complete the destruction of the remainder. These lands and this condition are fully described in Document No. 1010 of the House of Representatives, Sixty-second Congress, third session.

As appears from that document, the Mississippi River Commission, when it inaugurated the present levee system, referred at length to these unprotected lands on the east bank, where levees were not deemed to be practicable, and reported in 1894 in part as follows:

"It is probable that, as far as existing levees are effective to confine overflows, they operate at present to increase the elevation reached by a flood of given volume and will have that effect in increasing degree as the system approaches completion. It must be recognized that the result will be to inflict some and perhaps great hardships upon the owners of the lands in the unprotected areas described. * * * They have always been liable to overflows by the highest floods, and they have always escaped overflows in some years. * * * There may be, however, some floods which, unconfined, would not overflow them, but which, confined, will overflow them, and the injury in such cases would doubtless be of that immediate and proximate character which constitutes recognized grounds of legal redress."

NO LEGAL REDRESS FOR DAMAGES.

That the anticipated injury to these lands did not constitute "recognized grounds of legal redress" was decided by the Supreme Court of the United States on June 16, 1913, in the case of Jackson v. United States, which had been pending 19 years, in which the opinion was rendered by Mr. Chief Justice White.

That injury has been an actual one, however, to the 21,000 people who inhabited those lands in 1894.

A further extract from the report of the Mississippi River Commission for 1910, page 2937, refers to these lands and states:

"Some of the landowners in these areas have brought suits for damages in the Court of Claims, which, though pending for many years, have as yet been unavailing. * * * The immediate cause of the injuries complained of is the increased elevation of the flood heights. That is the result of the general confinement of the flood discharge by the levee system as a whole. Relief in some form ought in justice to come from Congress and the State legislatures in cooperation. But such cooperation would be so difficult to obtain that it is hardly worth the thought. Meanwhile the litigation drags its slow length along, the lives of the landowners are passing away, and hope deferred is making their hearts sick. The situation is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress for the sake of an improvement from which their fellow citizens are enjoying great benefit is intolerable to any man's sense of justice."

Like a beacon light shining in the darkness of false theories, inconsistent statements, impractical methods, unavailing and ineffective works, and an enormous expenditure of public funds, this constant effort on the part of the Mississippi River Commission to secure some assistance for these unfortunates whom it is ruining is the one redeeming feature apparent in the annals of its career.

Any new policy of waterways improvement must regard the injuries to result from its work as well as the benefits to be derived therefrom, and must take into consideration the desolation to be wrought to the lands destroyed in connection with such work.

A provision has been made in the Newlands-Broussard bill whereby the rights and the equities of these people will be protected.

The present Mississippi River Commission and the work done by it stand utterly discredited by its own statements.

So far has the commission departed from the original, sincerely planned effort to aid navigation "by confining the flood waters so as to deepen and scour out the channel" that this theory is generally recognized as the merest pretext and subterfuge under which the work of reclaiming the alluvial basins is being carried on. The truth is shown in the report of the commission for 1912, at page 3724:

"While the levees have a certain degree of utility in the improvement of the channel and are necessary to 'promote the interests of commerce' by providing landing places for the interchange of traffic in times of flood and protecting the lines of railway behind them, their immediate and main value is the protection of the alluvial lands for the benefit of their owners." (The quotation marks are inserted by the commission.)

No clear admission is possible that the commission has abandoned its original plan.

LAND RECLAMATION—CONTROLLING MOTIVE.

This so-called "protection" of the alluvial lands along the Mississippi River is primarily and fundamentally a work of "reclamation," as that term is generally understood. The fact that the large basins of the St. Francis, the Yazoo, and the Tensas were subject, in their natural condition, to the burden of storing the surplus waters of the Mississippi during the spring floods, and were overflowed annually before the levees were built, has been disguised under the appeal for "protection" for so long a time that it is seldom recognized in its true character. The history of the levee system along the Mississippi River is merely a repetition of the fight of mankind from time immemorial to reclaim for cultivation the fertile alluvial plains of the rivers of the world. The futility of the fight under the past method of "levees only" is apparent and real, and has been impressed upon the people of the valley during the floods of the last two years by ruin, starvation, and death, incident to the breaks in the levee system. American engineering skill, if applied intelligently and properly, can accomplish the reclamation of the alluvial regions by supplementing the levees with spillways, outlets, and reservoirs to care for the surplus water above the amount that can be held at the breaking point of the levees.

The Mississippi River Commission, in its report for 1912, page 2732, has given tersely the gist of the real trouble with the "levees only" plan. After stating that of the 17 crevasses that occurred during that year only 3 were caused by overtopping, the commission says:

"Defective foundations may exist far below the base of the levee in strata of sand through which the water percolates, and when the head of water in the river becomes sufficiently great a break through the surface soil occurs and the result is a sand boil, which may cause the levee to collapse with little or no warning."

The flood line is being raised constantly and the "head of water" in the river is increasing annually as the levees are elevated higher and higher. This increase in the pressure upon the strata of sand during each succeeding flood causes a break in the levee line at a point where the head of water during the preceding flood was not quite sufficient to force it through the strata, thus causing a break in the levee at a new and wholly unsuspected point. Outlets, spillways, and reservoirs will reduce this hydrostatic pressure to a point that can be sustained with safety.

The lands and warehouses along the river front have been destroyed by the increased elevation of the flood heights; the people have been driven away from the naturally high lands immediately adjacent to the river channel, whence came the larger part of the traffic upon which steamboat transportation thrived in former years; and they have been forced to move behind the levees, where railroad lines are more accessible than the river carriers.

RAILROADS TO THE RESCUE.

There is much locomotive smoke in back of the agitation for the "levees only" bill. The railroads are economically opposed to any real improvement of the river "in aid of navigation." New Orleans newspapers reported during the "levees only" campaign that eight railroads, with lines paralleling the river, had subscribed $1,000 each per year for five years to the funds of the Mississippi River Levee Association.

Sincerity on the part of the railroads in furnishing pecuniary aid in the cause of river improvement is hard to believe. Rather would it seem that a constantly "increased cross section," such as appears from the report of the Mississippi River Commission for 1912, page 3724, now to be taking place, and the consequent decrease in the average depth of the water, is a consummation devoutly to be wished by them.

The extreme complacency with which the commission says in that report, "We must go on with levee construction in the way which has justified itself by so many years of successful control of Mississippi floods," can only be equaled by the argument of Col. C. McD. Townsend in his address before the National Drainage Congress, at St. Louis, in April, 1913, that the fact that only 13 miles, or less than 1 per cent, of the levees failed during the flood of 1912 is evidence of the success of the levee system. A chain is no stronger than its weakest link. The 13 miles of levee that failed in 1912 flooded 10,812 square miles, or one-half of the land behind the entire levee system, as appears from the report of the Mississippi River Commission for 1912, page 3723.

Instead of deepening the channel, the result has been to raise the bed of the river in many places.

With wonderful tenacity, born of long habit, the "levees only" advocates contend, however, that the levees have not caused the bed of the river to rise. The most that the Mississippi River Commission will say officially in this regard is, "that there has been no measurable progressive elevation of the bed of the river," as it said in its report for 1912, page 3717. Inadvertently the truth of this much-discussed question has been disclosed.

"Experience in the lower Mississippi would seem to show that such rivers are apt to form a series of pools separated by bars, and that raising the water surface is accompanied perhaps by a deepening of the pools, *but certainly by a building up of the bars, so that increased reading on the gauge by no means implies greater available depth over the bars.*" (Italics ours.)

The foregoing paragraph may not mean that the Mississippi is filling up, but that would seem to be its meaning to anyone except an "eminent engineer." Yet its source is surprising. It comes not from a "pseudoscientist" of the newspapers but is the statement of the most ardent of all the "levees only" advocates, Col. C. McD. Townsend, president of the Mississippi River Commission. This means that there is now no greater depth of water in the river channel for purposes of navigation, with 46.5 feet on the Memphis gauge, than there was in 1882, with a reading of only 35 feet as the maximum.

The subtle insertion of the word "progressive" in the official report showing "no measurable progressive elevation of the bed of the river," as quoted above, furnishes the loophole of escape from the cold, bare fact that the bed of the river is rising. But what matters it to the steamboat captain who runs his craft aground that the rise in the river bed is only on the bars? How is navigation aided by building sand bulwarks across the channel? Yet the only authority of the Mississippi River Commission for the expenditure of public funds is "in aid of navigation."

It may be that the colonel forgot himself and his oft-repeated contention that the levees do not cause the bed of the Mississippi to rise. The statement was not made during a consideration of the levee question, but it is from page 8 of the report made to the War Department on January 21, 1913, by the Army Engineers, in opposition to the reservoir plan submitted by the Pittsburgh Flood Commission. The report was signed by Col. C. McD. Townsend, F. R. Shunk, and H. Jervey, of the Corps of Army Engineers. The plan of the flood commission was to use the reservoirs to store waters during the rainy season and to open the reservoirs during low water and thus increase the depth of the Ohio River for the purpose of aiding navigation "by raising the water surface." "Raising the water surface" in the Mississippi was caused by the levee system. The Mississippi River Commission, in its report for 1910, page 2938, said:

"The increased elevation of the flood height is the result of the general confinement of the flood discharge by the levee system as a whole."

This is only one of numbers of contradictory and fallacious contentions made by the levee builders which have caused intelligent men to lose confidence in them and their work.

Their repeated estimates of cost, constantly growing, their repeated declarations that the levees would hold, followed each year by repeated disasters, gradually have brought the people of the valley to an understanding of their fallibility.

A LITTLE HISTORY OF INTEREST.

In 1860 Capt. A. A. Humphreys and Lieut. H. L. Abbot, Army engineers, reported to Congress that it would take about $17,000,000 "to secure the alluvial region against inundation." (Report of Humphreys and Abbott, p. 420.)

In 1883 the Mississippi River Commission estimated the final cost of the levee system "for protection" at $11,450,000. (Report M. R. C., 1883, p. 28.)

The Mississippi River Commission has never made an estimate of the ultimate height to which the levees would have to be built in order to withstand the greatest known floods. Every estimate has been based "provisionally" upon the stage reached by each succeeding flood as the levee system was extended and the flood heights raised thereby. In 1884 the commission said:

"We therefore conclude that levees, such as have been herein described, are, in connection with an equalization of width and the prevention of caving, an important part of any general and systematic plan for the improvement of navigation and the prevention of destructive floods." (Report M. R. C., 1884, p. 92.)

Col. C. B. Comstock, who was then the president of the Mississippi River Commission, commented upon the report of the majority in no weak terms. He said:

"I am unable to learn through the report exactly, or approximately, what height the levees 'such as have been herein described' are to have." (Report M. R. C., 1884, p. 33.)

The Mississippi River Commission has never dared to make a statement based upon exact data with regard to the height of levees necessary to hold a flood of the greatest known volume. Every estimate made by it has been erroneous in the extreme and has been based on nothing more nor less than guesswork. Col. Townsend, the president of the commission, stated the truth of the matter before the House Committee on Rivers and Harbors, December 5, 1912, when he was asked by Mr. HUMPHREYS:

"Did you figures that $16,000,000 [his estimate before 1912] would put the levees in condition to hold the flood of 1882?"

Col. Townsend answered:

"No, sir; the estimate was to the provisional grade. The Mississippi River Commission, when it adopted the provisional grade, did not claim that that was the grade of the flood of 1882, but they were in this position: There was a good deal of discussion as to how high floods would be. Some people thought that they would not attain any great height, and the commission took a moderate position, holding to what they called a provisional grade, which would practically satisfy all the disputants on the subject, with the idea that if that grade was not high enough they would alter it in places; but the provisional grade has never been adopted as anything more than a trial grade."

Yet Col. Townsend, in his address delivered before the National Drainage Congress, in St. Louis, on April 11, 1913, and published by the Mississippi River Levee Association as part of its literature in support of its "levees only" plan, stated that:

"The height to which levees should be constructed is as susceptible of determination as the strains to be permitted in an office building due to wind pressure or the moving load allowable on a bridge. The city engineer solves a similar problem whenever he constructs a sewer to carry off the storm water from the city streets."

NO DEFINITE PLANS FOR LEVEES.

The Report of the Mississippi River Commission for 1913 fails to throw any additional light upon the ultimate height or grade of the levee system, despite the experience and the knowledge obtainable from the floods of the last two years, but, in the identical language of the report for 1912, says:

"The 'estimated final contents' of the levees given above is based on grades and sections as provisionally established by the commission."

And the quotation marks around the words "estimated final contents" were put there by the commission and not by the writer.

This "provisional" grade is nothing more than "a trial grade," despite Col. Townsend's statement that—

"The height to which the levees should be constructed is as susceptible of determination as the strains to be permitted in an office building due to wind pressure or the moving load allowable on a bridge."

These are the "eminent engineers" whom the public is exhorted to follow blindly, in whom we are told to put our trust, who say "give us $60,000,000 and we will complete the levee system." Yet these "eminent engineers," knowing the volume of water that passed Cairo in 1882; knowing the depth, length, and width of the space between the levees, and knowing the time taken by the flood crest of 1882 to pass from Cairo to the Gulf, have never taken the trouble to figure for themselves the height required by their system and the height to which the confined waters would rise. It has been sufficient heretofore "to satisfy all disputants on the subject." But the public refuses to remain satisfied with fancied platitudes uttered by a commission which states "that one of the greatest floods on a considerable length of the river was that of 1897, during which 38 crevasses occurred," and in the next sentence says:

"The important fact that the flood waters can be permanently controlled by a system of levees that can be constructed within a limit of expense warranted by the advantages to be gained seems to have been fairly demonstrated by the flood of 1897." (Report M. R. C., 1912, p. 3721.)

Thirty-eight crevasses in a levee system may be a "fair demonstration" of its practicability, but, like the commission's comment on the rise of the flood levels, that "it will cease when the levees have been built high enough to contain the greatest floods" (from report, 1912, p. 3710), it seems only to be an expression of inane and childish dogmatism rather to be expected from a boy of 5 attempting to dam a gutter than from men of eminence in the engineering world.

In 1898 the Senate Committee on Commerce, after an investigation consuming months, reported, upon the testimony of Col. Robert S. Taylor who recently resigned from the Mississippi River Commission, and upon the testimony of Col. G. L. Gillespie, who was then its president, that—

"It is estimated that it would cost to complete the entire levee system, from the head of the St. Francis Basin to the head of the Passes, at a grade sufficiently high and strong to afford complete protection against floods at the highest possible stage, the sum of $18,000,000 to $20,000,000, and it would take four to five years to complete the system." (Rept. S. Com. on Com., 1898, p. ix.; testimony Col. R. S. Taylor, p. 245; testimony Col. G. L. Gillespie, p. 390.)

ENGINEERS' ESTIMATES GROW.

Col. Townsend, in December, 1912, stated before the Committee on Rivers and Harbors that it would cost $58,000,000 "to build existing levees to the height that we estimated the flood of 1912 would have attained," and that the estimate for revetment work, in addition to the building of levees, was "about $90,000,000." (Rept. Com. on R. & H., p. 23.)

Capt. Charles H. West, member of the Mississippi River Commission, before the same committee, said:

"You need not expect to get out short of something like $70,000,000 or $75,000,000 ultimately for levee construction. There is another item that was not included in this estimate, and that was the item of loss."

The average loss for the past 25 years has been something over $1,500,000 per year. (Testimony Mr. West, pp. 26, 30.)

"The estimate for the complete revetment control of the banks from Cairo down was about $158,000,000—slightly under that." (Testimony Mr. West, p. 30.)

Mr. West testified that the total cost of the revetment and the levee work would be $228,000,000, and "that nearly all estimates that are first put up to Congress as well as estimates for great private corporations, are away under the ultimate cost, and I think that that estimate for a control of the lower Mississippi River is a very modest one, and somebody, either you or the States, will spend that or more before the job is completed." (Testimony Mr. West, pp. 30, 31.)

Mr. Davidson, a member of the Rivers and Harbors Committee, correctly stated that facts pertaining to any appropriation approximating $60,000,000 when he asked Mr. West the following question:

"So that when the Government has started with a proposition of $48,000,000 they have only made a scratch on the surface of the levee system, have they not?"

Mr. West replied:

"Well, I think those figures ($228,000,000) are about as well as I can give them." (Rept. R & H. Com., 1912, p. 32.)

Before the flood of 1912 the commission practically considered the work of the Government in the erection of levees to be complete. In its report for 1911, page 3186, the commission said:

"It has been the effort of the commission throughout its history to require from the riparian owners the largest possible amount of self-help as a condition of receiving allotments for the construction and maintenance of levees from the appropriations made by Congress, with a view to the ultimate assumption of the whole burden by them. The time is near by for the realization of that expectation provided the United States will protect the existing levees from undermining by caving."

Such equanimical asseveration of the perfection of their system is hardly tenable now, after the floods of 1912 and 1913, and the commission, cognizant of the absolute failure of its original plan, is still casting about for further funds to be dumped into the Mississippi River.

Senator RANSDELL, in an article published in the Commercial Appeal, of Memphis, May 25, 1913, in support of the Ransdell-Humphreys bill, said:

"All agree with practical unanimity that if the levees are made sufficiently strong and the banks prevented from caving by means of revetment, so that when once constructed the levees will be permanent, the floods of the river can be controlled. The commission estimates that to give sufficient strength to the levees will cost about $57,000,000, which could be prudently and wisely expended within a period of five years."

A FLOOD COMMITTEE ARGUMENT.

The Senator's statement is axiomatic, that "if the levees hold, they will hold," which is about all that his first statement, above quoted, amounts to; but it is to be regretted that Mr. RANSDELL'S authority as to the cost and the required strength can not be relied upon. His estimate is made by the same Mississippi River Commission whose estimate in 1898 was that it would take from $18,000,000 to $20,000,000 and that it would require from 4 to 5 years to complete the system. Meanwhile 15 years have passed and more than forty millions have been spent, and we are further than ever from the goal of complete protection. Mr RANSDELL was very careful to state that the commission's estimate was "to give sufficient strength to the levees." That was the estimate for the levees alone, without the revetment. But the Ransdell-Humphreys bill supporters propose that amount as sufficient for both purposes.

The secretary of the Mississippi River Levee Association knows that sixty millions will not complete the levee system and make it safe from disaster. The president of that association knows that sixty millions will not be sufficient. Yet the president of that association, in an article published in the Commercial Appeal on May 8, 1913, declared that to be the amount required "to put the levees in an impregnable position and forever prevent overflows." Both officials know of the testimony given in the Rivers and Harbors Committee hearing

in December, 1912, by a member of the Mississippi River Commission, to the effect that—

"If you by some process of magic had to-day on the banks of the Mississippi River a levee system that was up to the ultimate height that we [the commission] estimate it should be, you could not maintain that system against disaster until you have prevented the caving of those banks." (Testimony of Mr. West, p. 27.)

All of the "levees only" advocates know of the estimates by members of the commission that it will take from $90,000,000 to $150,000,000 to do the revetment work alone necessary to prevent the caving of those banks. All of these "levees only" advocates, however, very carefully refrain from calling the attention of the public to the fact that the revetment work is to be by far more costly than the levees. Their motives in concealing the true status of the problem from the people of the valley and from Congress while asking for an appropriation of sixty millions is hard to comprehend when one views them, as they would be considered, in the light of public benefactors, working for no ulterior ends, but looking solely to the benefits to be derived from protection.

PRIMARILY A LAND-RECLAMATION PROJECT.

The Mississippi River Commission has said in its report for 1912 that "their immediate and main value—speaking of the levees—is the protection of the alluvial lands for the benefit of their owners." Such protection constitutes reclamation in its true sense.

Now, in two or three cases the Supreme Court—one in Louisiana and another in Tennessee—says of levee building in general along the river.

In a Tennessee case—Reelfoot Levee District against Dawson—the Supreme Court said:

The paramount idea is a fund to reclaim land from inundation, a large body, some 300,000 acres.

By the way, nearly 300,000 acres were lost in Tennessee through levees. I will say to the gentleman from Tennessee [Mr. MCKELLAR], largely because of the character of levees that have been constructed by Government engineers, as I understand. And that overflowed land, caused by these levees breaking, is valued at something over $4,000,000——

Mr. MCKELLAR. Will the gentleman yield for a question?

Mr. FREAR. I yield to the gentleman.

Mr. MCKELLAR. To what case does the gentleman refer?

Mr. FREAR. The Reelfoot Lake case.

Mr. MCKELLAR. The Government did not have anything to do with that.

Mr. FREAR. I understand that. I am speaking about the purpose of the levees generally. It was to reclaim from inundation a large body of land in the Mississippi Valley, and thereby enhance its value.

Mr. MCKELLAR. That has nothing to do with the question we have here. That is not a Government levee and not on the Mississippi River.

Mr. FREAR. Possibly, then, it is conceded this next case has something to do with it. I hold in my hand a statement of the St. Francis levee district in Arkansas. There they are reclaiming a large body of land. I have not the exact number of acres, but the land has increased in value from $8 an acre, so that the estimated value to the company that is floating the bonds is $88,000,000, and they ask the people to contribute to the bonds.

So far as my investigation goes, there can be no question but what this is a reclamation project, as well as a flood-protection project. The statement says the Government is contributing one-third of the expense. I believe I have here a bill introduced in Congress by the gentleman from Tennessee [Mr. MCKELLAR], a very excellent bill, by the way, so far as I have made an examination of its provisions. That bill proposes to do away with the Mississippi River Commission. I have not the bill before me, but I believe it was proposed to put the river improvement into the hands of some kinds of a board.

Mr. MCKELLAR. Will the gentleman permit me?

Mr. FREAR. Certainly; I yield to the gentleman.

Mr. MCKELLAR. I will say that the reason was because the Government did not furnish the Mississippi River with the necessary funds to build the levee. At the time I introduced that bill the commission was jogging along, not doing much of anything. Since then it has gotten busy, and I believe, if we give them the necessary funds, they will soon give us a completed and satisfactory system of levees.

Mr. FREAR. That may have been one of the reasons.

Mr. MCKELLAR. And it was hoped to have just such a scheme as we have now.

Mr. FREAR. I had supposed it was occasioned by the enormous damage caused to the city of Memphis through Government levees erected by Army engineers. The gentleman believes that all we have to do to be saved is to build levees, but the experience of Memphis, Vicksburg, and many other places along the river has brought many claims against the Government through breaking of Government levees.

The Government is now asked to contribute three dollars out of every four to be spent on levees, notwithstanding the waste and desolation caused by levees that have repeatedly broken, and these levees are for private reclamation purposes.

Mr. MCKELLAR. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; I yield.

Mr. MCKELLAR. I know the gentleman does not want to get his facts wrong.

Mr. FREAR. Oh, no. Certainly not.

Mr. MCKELLAR. The gentleman does not take into consideration the $90,000,000 that the owners of this land have already contributed to the building of these levees.

Mr. FREAR. But we have had no public statement, though it has been asked for frequently, how that money was expended and by whom or where it was expended. It was expended wastefully, if we are to believe the facts stated in the report, because the same levees were repeatedly washed away. If you go into business in the State of Tennessee and become a bankrupt, or if you make unwise investments, that is your own fault—you can not capitalize foolish investments—but here are reclamation projects all along the lower part of the river, and they have not accomplished much, because, as the gentleman from Mississippi [Mr. HUMPHREYS] well said, they have been washed out. They were put in poorly, or they would have lasted, if the levee policy is correct.

Mr. MCKELLAR. I think the gentleman misunderstands what the gentleman from Mississippi said. He did not say it had all been wasted, but only a portion of the levees had been washed out.

Mr. FREAR. A large portion, as he said; and, as he is present, I call on him to deny my statement if incorrect, because he stated a large part of the washed out levees were in his own district.

Mr. MCKELLAR. But his own [Mr. HUMPHREYS'S] district amounts to a very small part of it.

Mr. FREAR. Levees have been washed out along the river, and where they have remained intact they have done enormous damage, as at Memphis, Vicksburg, and other points, in times of flood. Levees serve to narrow the river during floods, and necessarily the water rises higher and higher as the river is narrowed.

THAT NINETY MILLION.

But, for another reason, that $90,000,000, if ever expended, can not be considered. Nothing shows how, when, or where the money was ever expended. If it protected private lands that were reclaimed, the parties putting up money had value received. If the levees were poorly constructed, surely the Government can not be called upon to insure poor construction or damages caused by levees that hold as at Memphis or Vicksburg.

For another reason that mysterious $90,000,000 has no place in the calculations whether put up by corporations, syndicates, or private parties or if ever put up by anyone. This committee report says 16,000,000 acres of land is to be reclaimed—the finest land in the world. It has never been reclaimed before—it is 1,500 feet deep—as good at the bottom as at the top, according to members of the committee. All this being so, what relation has $90,000,000 spent on other land to 16,000,000 acres, said to be worth $1,600,000,000, that is about to be reclaimed? I confess it will be hard, as Mr. Davidson said back in 1912 at the hearing of the Rivers and Harbors Committee, which I have quoted—it will be hard to explain such expenditures to the taxpayers of the country.

SOME FACTS NOT GIVEN BY THE COMMITTEE REPORT.

Mr. Chairman, in the discussion last Wednesday the gentleman from Pennsylvania [Mr. MOORE] pinned the chairman of the Flood Committee down to what had become of $87,077,191 spent on the lower Mississippi and what was done with all over $29,000,000, which, the committee report says, is the only money spent by the Government for levees.

Here is the milk in the coconut when the chairman responds, "Of that amount, the sum of $29,000,000 has been spent for levees; $43,000,000 has been spent for revetments, which the engineer says are absolutely in the interests of navigation."

Not a single word about that $43,000,000 appears in the report. It is a large amount of money. The chairman of the committee hastens to say when prodded on the subject that "$43,000,000 has been spent for revetments which the engineer says." What engineer? Why did not the committee furnish us with the facts?

Listen to page 2 of the committee report, which says:

The CHAIRMAN. Just one other question. I would like to get your opinion on this matter. This committee's jurisdiction, as you know, is limited to matters relating to flood control. The Mississippi River

Commission has jurisdiction south of the Ohio River, from there to the Head of the Passes, both for all matters relating to the river, touching flood and navigation interests. If we should report the bill here for the control of the floods of the lower river, is it your opinion that we ought to include in the work which is to be carried on by the commission the interests of navigation as well, or do you think that ought to be separated?

Col. TOWNSEND. That is, I think, a question of congressional policy rather than a question of engineering.

The CHAIRMAN. It is; that is true. Here is what was in my mind, Colonel: In doing this work the Government wants to do both things. We do not want to undertake the control of floods anywhere in any manner that would injure the interests of navigation or commerce. That being true, would it not necessarily follow that the same agency that does the work for one purpose ought to be charged with doing the work for all other purposes?

Col. TOWNSEND. I think it would be very desirable that it should be done by the same agency. I do not say it would be absolutely necessary, but I should say you would relieve a good deal of friction if you provided that the same agency should do it in both cases.

* * * * * * *

The CHAIRMAN. We wanted your opinion as an engineer, of course, primarily in a general way, and then we will probably go into details—if we are to control the floods on the Mississippi River, how shall we proceed?

Maj. MARKHAM. I have more radical opinions about that than I have heard expressed in the last day or two. Assuming it is not objectionable to be radical, I would say that there is no other method that can be devised, within the intelligence of those who have been working on the Mississippi River and thinking about its difficulties, except to build levee structures sufficiently high and to protect them by revetment. That is the sole and only means, in my judgment, of controlling the floods of the lower river, and I state that thus radically, without equivocation, because I believe in it very sincerely.

I think the matter has perhaps gotten into a state of confusion for a number of years, due to the fact that both the advocates and the opponents of other methods have merely stated generalities and have never gotten into details, so far as I can see; but I have convinced myself very earnestly that there is no other method of controlling the floods except by levees and revetments.

* * * * * * *

It is impossible to extend flood control on the Mississippi without revetment.

Then, why did not the committee advise the House that $43,000,000 had been spent already for revetment, with $228,000,000 more needed for levees and revetment? "Incidental for navigation," but the commission has declared the real purpose is to protect the alluvial lands, Report 1912, page 3724.

Maj. Markham says it is absolutely necessary to build revetment with the levees to protect the land. So, accepting the chairman's own statement, in addition to $29,000,000 spent for levees, $43,000,000 has also been spent for flood control and reclamation, or, according to his own figures, $72,000,000 has been spent by the Government for flood control and reclamation, while possibly $15,000,000 has gone for navigation.

The committee statement is vague and valueless when this important proposition is under consideration, but why does not the committee frankly admit, first of all, that $72,000,000 has been spent for flood control and land reclamation?

Let me at this time quote from J. H. Bernhard, who is an expert cited by the committee as to another proposition:

To-day the Mississippi from St. Louis to its mouth affords a channel which is the best to be found in any stream in the world. * * * and see its emptiness. An 8-foot channel is all that the most efficient service requires. The Government works unremittingly to develop waterways only to see the water-borne traffic grow less as the years go by. (J. H. Bernhard, Assc. M. Am. Soc. C. E., Proceedings A. S. of C. E. August, 1915.)

That is the opinion of a man who believes the channel is sufficient and the finest in the world.

LACK OF FRANKNESS BY COMMITTEE.

If, then, the Mississippi now has the best channel of any river in the world, and abundant evidence can be found to support Bernhard's statement, then, why do we need to spend $228,000,000 more for levees and revetment unless purely for flood control and land reclamation?

It is as plain as day that the statement of the committee that only $29,000,000 has been spent for flood control is not correct and is a positive misstatement of fact, and it is a further misstatement that $40,000,000 has been estimated by the commission to be sufficient to insure against floods. Markham says, on the preceding page of the report, that revetment is necessary to insure flood control. West says $158,000,000 is needed to revet the banks, and he testified about three years ago. West also said $70,000,000 would be needed for levees, or $228,000,000 in all; and yet the Flood Committee says $40,000,000 will do the job, and property owners only ought to contribute $10,000,000.

Why? Why should the Government spend $200,000,000 while the owners of 20,000,000 acres are only contributing $10,000,000? Let us see. Turning to the report, page 4, it says:

Since 1882 the States and levee boards of the lower river have contributed toward the construction of levees approximately $80,000,000.

MORE LACK OF FRANKNESS.

Is that true? If so, where is the statement of contributions? How much did the different States pay? What was the amount paid by Louisiana, Mississippi, and other States, and how was it paid and to whom? How much was paid by the State and how much by private parties?

Congress is entitled to know all these things before authorizing an expenditure of $30,000,000 or $200,000,000, if we adopt this reclamation scheme. But let us understand this proposition; and I hope to see every member of the committee arise and from out of the fullness of his own knowledge and personal investigation give facts regarding these contributions so plausibly set forth in the report, to which all have agreed.

The committee says 16,000,000 acres have never been reclaimed. Then why should $90,000,000, assuming that amount is anywhere near correct, be permitted by the committee to offset the reclamation of 16,000,000 acres that have never been reclaimed and that are valued at from one and one-half to two billion dollars? Have I made a point clear which, as Congressman Davidson said, is liable to trouble the average taxpayer? What relation has that $90,000,000 of money contributed by the States, and largely wasted, to 16,000,000 acres about to be reclaimed?

MISSISSIPPI LEVEES DO NOT HELP NAVIGATION.

I will not attempt to set forth any extended argument under the above head, but I believe it will easily be demonstrated that levees built by the Mississippi River Commission distant from the banks do not help the channel or navigation, and for a self-evident reason. Levees built on the banks of the river would naturally confine the waters in a narrow scope so as to make the levees serve as a barrier against waters leaving the regular channel, if they could be maintained. Of course this is impracticable unless the levees were built a hundred feet high in places and reinforced beyond all possibility of present construction methods. It is, however, the only case where levees are of value, according to men who appear to know as much about the subject as Army engineers. When built away from the banks for a distance of several miles they serve to prevent the river from flooding the adjacent country, if they hold, but are of no service in promoting navigation because of distance from the channel. In other words, levees built for reclamation purposes, built for flood control, are, as the commission well says, used to protect the alluvial lands, and not for navigation.

The Mississippi River Commission is sufficient authority, and Mr. Moses in his excellent paper covers that part of the levee subject fully. I can cite many authorities, but it does not seem necessary to go into details further than to quote from two men, one of whom is an Army engineer:

Extract from "The Port of New Orleans," by Capt. C. O. Sherrill, Corps of Engineers, published in "Professional Memoirs," Corps of Engineers, United States Army and Engineer Department at large, Volume VI, No. 25, January–February, 1914, pages 13, 15, 34, 35, and 36.

Another notable feature of the South Pass improvement since the lateral openings were closed and the jetties built is that there has been a constant tendency for the channel depths throughout the pass to become much more uniform. Near the head of the pass and over the bar the scour has been extensive, while throughout the pass itself there is extensive shoaling in the parts formerly deepest, giving an average depth of about 30 to 40 feet. This is an important fact, leading to the belief that levees improve the average condition of a channel, filling in excessive depths and scouring abnormal shoals. This, of course, would only hold true where the levees follow closely the low-water channel of the river, as is the case below New Orleans, and where the stream bottom is of soft material. At localities where there is no relation between the required channel capacity and the sectional area of high-water flow between levee lines, as is found above Bayou Sara, La., on the Mississippi, there does not appear to be the slightest effect produced on the channel by levees, for they have no influence in holding the current over the low-water thalweg.

An injurious effect of the extension of levee lines on the channel is that by restricting the flow to a small sectional area, higher flood heights are caused and more extensive caving of the banks occur. This has been observed recently at the Head of the Passes, where extensive caving is occurring with danger of permanent injury to the improvement works. Since the three high floods of 1912 and 1913, the bank caving is probably greater than ever before observed. Where local conditions as near New Orleans admit of it waste weir outlets would reduce flood heights and be of resultant great advantage without damaging the channel, due to deposits of silt, as is claimed to be the result of natural outlets, since the waste weirs would automatically cease to operate at the desired elevation chosen for the weir crest slightly above bank full stage.

I quote, however, from a man who has given many years of study to this very subject, Mr. George Maxwell, whose views are in harmony with the foregoing:

LEVEES ARE FOR RECLAMATION.

The levee system as it now exists in the Mississippi Valley is designed primarily for the protection of private lands and railroads from overflow and is not even incidentally beneficial to navigation. On the contrary, it is detrimental to navigation.

The fiction that levees benefit navigation was made the basis for applications for large appropriations for years on the Mississippi River and still prevails in theory, but experience has demonstrated that the

original claim that the levees would scour the channel does not hold good when the levees are built 3 or 4 miles apart, as is the present system in the Mississippi Valley. This is done to prevent the levees from caving into the river. The levees so built do not have any effect to deepen the channel. That result follows only when the levees are built on or near the bank of the river. The statement of Capt. C. O. Sherrill on this point is conclusive.

He says, "This, of course, would only hold true where the levees follow closely the low-water channel of the river." See article entitled "the port of New Orleans," in Professional Memoirs Corps of Engineers, United States Army, January–February, 1914.

Where the levees are built not on the banks of the river, but several miles apart, they hold the water over the banks for weeks at a time, saturating the soil and increasing the caving when the high water recedes.

This caving of the banks is the insuperable obstacle to the restoration of the navigability of the river. The bars are formed by the caving banks. The only way to stop the caving, under present conditions and in view of the fact that the levees actually exist so far from the river, is to revet the banks. The total cavings between Cairo and Donaldsonville every year average 9½ acres, 66 feet deep, for every mile of the river, according to engineers' reports.

THE RESPONSIBILITY OF THE SIXTY-FOURTH CONGRESS.

Mr. Chairman, as I view this bill it is one of tremendous importance to the people of this country, who are to be called upon to pay the fiddler, and I can not doubt that a revolt will occur soon among taxpayers—a protest that has no uncertain sound. Increased taxes for favored private land interests along the lower Mississippi Valley will be a legitimate political issue of large proportions where it involves $200,000,000 and more.

That is not the great question, however, involved wherein our own responsibility must be measured. By the passage of this bill we are saving to hundreds of thousands of people living in the lower valley, "Congress is about to take away a life preserver that nature has provided for the valley during countless centuries of the past." No sane man can ignore the tremendous power of the greatest river in the world, and yet we are about to take a step that will increase its destructiveness manyfold.

Without seeking in any way to restrain this enormous volume of water at its headwaters or along its course, this bill proposes to take away 16,000,000 acres of land that to-day affords escape for the lower valley. That mighty reservoir is to be drained, and a mass of flood water which for ages has been escaping through all these natural reservoirs over the 16,000,000 acres is now to be confined within narrow limits between artificial levees. In order to make enormous profits for landowners along the river the Government is about to take away the greatest natural reservoirs in the world and provide no substitute whatever. This proposition does not require a course of scientific training or the genius of a Goethals to comprehend. It is a matter of common sense and one which has aroused the people of the valley to an understanding of this land reclamation scheme conducted under the guise of "flood control." As the people in the valley well say, we are taking away nature's protection, and in doing so we are creating a menace that grows in volume as we endeavor to reclaim these great reservoirs. This is not my opinion alone, for I am only voicing the conclusions of men from along the valley who have stated in person and by letter just what will occur after Army engineers have completed this $200,000,000 experiment—if ever completed. In other words, in order to benefit comparatively a few powerful syndicates, corporations, and men interested in the land reclamation scheme this Government lends itself to their proposal by law, and then, most absurd of all legislative travesties, we are to reclaim these lands for private interests practically at Government expense, and while so doing increase flood danger to the people of the valley living back of the new levees.

DRAINAGE OF NORTHERN STATES NOT THE CAUSE.

Why talk about the responsibility of Northern States for conditions. Some increased flow in the Mississippi results from drainage of lands along the river, but the chairman of the Flood Committee has said to us that floods in the lower valley are not caused by an increased flow on the upper river, but by floods from the Ohio and Missouri coming at the same time.

LEVEES OR CULTIVATION INCREASE FLOODS—WHICH?

Let me refer to another statement made in the wonderful morocco-covered book by Mr. Fox. On page 19 he says the following:

Flood of 1735: Gayarre states that in this year the waters were so high that many levees were broken and much damage done.

Flood of 1770: A great flood.

Flood of 1782: This year the Mississippi rose to a greater height than was remembered by the oldest inhabitant.

Flood of 1785: A great flood at St. Louis in April said to have been equal to that of 1784.

Flood of 1809: A disastrous flood. It was imagined by the flood sufferers that the northern lakes had found a channel to the river.

Flood of 1815: A very great flood. At the mouth of the Ohio it attained the highest point ever recorded, 2 feet above the high water of 1858.

Mr. Fox rather overdid the subject in his beautifully covered book, because these great floods at an early day, the last at the close of the War of 1812, were long before the North had deforested the country and cultivated the land. It was nature's flood, and the disastrous results of 1735 apparently resulted from breaking away of levees that were used to confine or build against the river. Let us take a further illustration from the same page of the same valuable reclamation document. Here are some gauge readings at Cairo, Ill., for the following years:

	Feet.
1858	49.5
1859	46.5
1862	50.7
1867	50.9
1874	47.4
1876	46.4
1881	45.8
1882	51.8
1883	52.3
1884	51.8
1886	51.0
1893	49.3
1897	51.7
1898	49.8
1903	50.6
1907	50.3
1912	53.0
1913	54.7

Again, a test of common sense is of far more value than abstract theories. From 1858 to 1893, for a period of 35 years, the upper Mississippi Valley and the upper-river country had made gigantic strides, and practically all in cultivating land and draining into rivers, and yet during that 35 years the floods from 1858 to 1876 averaged 48.9 feet and from 1881 to 1893, 50.3, or a gain of 1 foot 4 inches in the last 6-year period, during which practically all the farm land tributary to these valleys, excepting in the far West, had been cultivated. The actual flood in 1893 was less than the flood of 1858. It must be remembered that levee building during this period had also begun to have some effect on floods. Abundant testimony of levee effects in raising flood levels can be cited and for obvious reasons.

From 1897 to 1913 levee building was rapidly increasing, although land cultivation in the upper valley had not varied as in the prior period, and yet in that latter period the increase was again 1 foot 4 inches, indicating that levee building and not cultivation or drainage was in large part, if not entirely, responsible for increased flood level. In other words, the beautifully spun theories of the land reclamationists do not stand analysis according to their own elaborate arguments.

Cultivation of land in the north, including drainage and all other agencies that have been constantly presented, have not been the cause of floods and have had little, if any, effect on the lower river. Levee building, on the contrary, has rapidly dammed up the river and where unable to break through the banks, the waters have been held back by a narrowing of the river. This is a simple truth evidenced beyond controversy by the tables submitted. It is in line with the statements of engineers on the effect of levee building, and to sum it up briefly, it is common sense.

It is further to be borne in mind that as the flood height increases the disastrous effect of sand boils and other breaks in the levees also increases in far greater proportion because of the increased pressure and rapid torrent caused by a narrowing of the river through levee construction. Again, this is no high-spun theory but the experience of practical men living on the river, whose opinions are as valuable on this point as the scientific theories of Army engineers, who so frequently disagree among themselves.

Probably any increase through land cultivation is insignificant compared with the natural flow of the river during all the ages, for no floods exist of importance excepting when the Ohio and Missouri are both at flood time. All the $60,000,000 to be spent on Ohio River locks and dams is of no value in staying the flood. Nature will not be governed by the puny works of Army engineers. The flood comes, and all the king's horses and men can not affect it in the slightest degree under this bill, because no effort is put forth to restrain these waters.

They enter the Mississippi at the Missouri and Ohio and flow down the valley as they have always flowed, but now the genius of Army engineers and the cupidity of man have determined that 16,000,000 acres of land which heretofore soaked up and stored the flood waters is to be taken from the river. Its waters for 70 miles wide and 70 feet deep in the channel are now to be confined by levees to a sluiceway 3 miles and less in width, on the average, held by artificial banks that will be undermined, to be swept away just as they have been before under this same fruitless experiment.

Our responsibility goes far beyond the $200,000,000 burden we are about to load onto the taxpayers of the country with this Mississippi Valley scheme; it is now a responsibility to the people of the valley who have been deceived and deluded over

an artificial protection that will not protect, and we are called upon to give legal sanction to the deception. The Government ought to be held liable for future damages and loss of life if caused by our fault. There is no relief, there is no redress, and all the mistakes of Army engineers in levee building have been borne by the people along the river in past years as they will be hereafter.

It is a responsibility not lightly undertaken, and ought not to be determined in a day or a week just because vast private-land reclamation interests are hammering at the doors of Congress.

Let us ascertain from the best obtainable authority, a high-class commission, removed from present influences, just what advance has been made, and instead of plunging blindly in the dark let us show legislative wisdom that befits the responsibility we are called upon to bear and act upon our own judgment and not because of a flimsy report presented on this great problem by a committee of laymen after two months' consideration.

THE CALIFORNIA RECLAMATION PROJECT.

Mr. Chairman, the flood committee's report is unique and one that deserves more than passing mention. Twenty-one pages of the report are given over to a dissertation of the Mississippi River, written presumably by the able chairman of the committee [Mr. HUMPHREYS] who writes of a subject close to his heart and in which he and his constituents have been deeply interested for years.

I call attention to this fact because the report contains 167 pages and all of the balance of the report, covering 146 pages, is written, according to a statement on page 23, by Mr. CURRY, another member of the Flood Committee, and in that report the writer ably and exhaustively covers a subject in his home State of California in which he, too, is deeply interested.

It is rather an unusual proceeding for two members of a committee, and of great influence on that committee, to express the sentiments of the committee in the report on two projects, the only ones contained in the bill, reaching many millions of appropriations. Floods have been brought to public attention all over the country, disastrous floods that filled the streets of cities and created loss of life and property. Floods from North Dakota and Ohio to my own State and Texas. Floods that call for some positive investigation and aid so far as may be permissible under our legislative practices, and yet we find that the only floods that receive attention from the committee are those affecting the Mississippi River, which have challenged the study of engineers and experts for a century or more, only to be decided and disposed of by the committee and its chairman in two months. The other single project is that affecting a land-reclamation proposition in California that has been knocking at the doors of Congress for many years only to be jerked in out of the cold by a Flood Committee which found time during its two months of arduous service, when not studying the Mississippi River problem, to give a few thoughts to the California débris proposition.

Fortunately two very able men, both deeply interested in their respective projects, were serving on that committee and able to render service without the necessity of any exhaustive investigation in either case by committee members. No lives were lost or at stake in the California project, but land reclamationists in the Sacramento Valley were as eager to get their project through as were those from the Mississippi Valley. The Sacramento project would never get through as a separate bill and the Mississippi project might find hard sledding if standing alone, but combined the forces include many veteran defenders, who, incidentally, will support both measures in order to get the one through that lies nearest the heart.

With only two days' notice of the bill, the California project, set forth in the 146-page report, is submitted for our consideration. Not one Member in twenty will be able to read and digest it in the limited time given for its consideration. I do not propose to make any extended statement regarding this project, because time is brief and I can only give one or two suggestions that may be entitled to be considered when it is remembered that $5,200,000 is to be taken out of the Public Treasury for this land-reclamation scheme.

Formerly this project was urged as an adjunct of navigation, but after the Government board said, in House Document No. 81, Sixty-second Congress—

> The board reports that the execution of this project is not necessary in the interests of navigation—

a gloom fell upon and over the reclamation project at Washington.

No claim, so far as I know, is urged that lives or property are in danger, but a large tract of land awaits reclamation and the Government is asked to aid the enterprise.

The project extends from Sacramento to many miles above that city and covers different reclamation districts. It also is part of a by-pass project that extends down near the mouth of the river, according to the map. No one will dispute that the Sacramento River has some considerable navigation near the mouth of the river, where different industries are located, and the Government has been reasonably generous with appropriations for that navigation.

No one will dispute that a small traffic extends to Sacramento, although nothing compared to that around the mouth of the river. I say this from personal observation. However, the lower Sacramento River is entitled to the same Government aid given other rivers with equal commercial importance and no one will seriously object.

But, the reclamation plan proposed, covers a project reaching far up the Sacramento and Feather Rivers where nothing larger than a canoe or a little gasoline launch ever goes, I am advised, and I submit that when it comes to either navigation or reclamation, the committee exceeded its powers in giving $5,200,000 to this project.

I shall not discuss its details as shown by documents referred to in the bill but will say it is a project that has been opposed by others in Congress in times past, and the whole subject deserves careful investigation before we accept the Flood Committee's report recommending over $5,200,000 appropriation.

INCURRING THE IRE OF A DÉBRIS OFFICIAL.

In the early part of the session I placed in the RECORD a few remarks on the subject of Government waste in connection with river and harbor bills. In so doing, incidentally, I referred to the Sacramento and Feather River land reclamation proposition and mildly suggested it did not enter into the province of Uncle Sam to help finance the project. Certainly the suggestion was not made with any intention of arousing the ire of Mr. McClatchy, who has something to do with the débris commission out in California, and is also reputed to run the Sacramento Bee, a publication of "wide circulation" and large influence—to quote a usual allegation encountered in musty legal documents relating to abusive press extracts.

Mr. McClatchy did not like my brief comment on his pile of débris, in fact he said some very harsh things, not as chairman of the débris commission, but as editor of the Bee. His remarks were printed in circular form, one copy coming from friends in my own district, who wrote that such knocks were boosts among my constituents.

Another circular was handed me by a friend in the California delegation with the remark that Mr. McClatchy is a "nice" man, but his hobby is in the direction of débris, and who "touches a hair" of the débris, dies, and so forth.

Long since I have avoided controversies with molders of public opinion, whether of the class represented by Representative MOORE's monthly message to a waiting inland-waterway public or to more pretentious publications. It is unsafe to criticise any waterway venture urged by the gentleman from Philadelphia, because, if so, the vials of wrath of the bulletin are thrown and dumped over the critic. That is a possible reason why the last monthly inland waterway molder of opinion does itself great justice in an issue just at hand. Such effusions also serve to boost canal-joke projects, because frequent reference to Shakespeare's jesters indicates its serious arguments are in a joking humor all its own.

I will not criticize Mr. McClatchy's work as chairman of the débris commission, because I do not care to have the Bee buzzing around in angry mood, and, further, because Mr. McClatchy is properly vouched for as a "nice" man. California has many good men, including its splendid body of Representatives, who are diligent, able, and popular, and well able to care for California's interests. California has many other popular men, including Willard, McClatchy, and Goldberg, and from fighting to humor the great State has its full share of celebrities.

I would not knowingly provoke one who possesses both qualities in a marked degree, but, I submit, a public servant like the chairman of the débris commission ought not to take as a personal affront a difference of opinion possessed by Representatives on this floor on how much of the débris this Government ought properly to take over and pay for out of the Federal Treasury.

That is one of the things we are sent here to determine, and while the private-land reclamation interests of the Sacramento Valley have a right to ask for public money with which to feather their Sacramento holdings, we are charged with a public duty to see that they do not break into the Treasury unless entitled to do so.

SOME INFORMATION NOT FOUND IN THE REPORT.

I have had what purported to be facts regarding this reclamation project presented to me by friends of the project, and by dis-

interested people, on the other hand, who denounced it in general terms, claiming that syndicates, including Armour interests and other large interests, are pushing a project which involves 400,000 acres, and further involves an increased value to these lands of something like $50,000,000, as I am further informed. This is a large stake and well worth fighting for, but the taxpayers of the country, who are footing unprecedented bills at the present time, are concerned in knowing just why they are putting up $5,200,000 in this bill for a land-reclamation scheme, and even at the risk of incurring the displeasure of the chairman of the débris commission out in California, I urge a full investigation by Congress before approving this large expenditure.

PROTESTANTS ARE NOT AGREED ON RECLAMATION PLANS.

I hold a printed protest signed by the board of supervisors of Sutter County and the district attorney of that county and others against legislative action by California tending to prejudice the rights and property of the people of that country by hasty and unwise reclamation work. These people are in the section covered by a part of this reclamation project.

Quoting from page 2:

A few months before the said report of the State reclamation board (in 1912) was transmitted to the governor of this State (California) certain capitalists, commonly referred to as the Armour-Greber interests, had obtained options on the bulk of the overflowed lands lying south of the Tisdale weir.

Then follows a discussion of the project which is of interest, on page 3, where it says:

Immediately upon the change being made by the State reclamation board the Armour-Greber interests introduced into the legislature a bill creating reclamation district 1500. * * * Sutter County and its resident taxpayers protested against the passage of this bill, and attempted to point out to the legislature the danger to the valuable high land lying to the north and east by the proposed by-pass.

The protest continues:

Said reclamation district 1500 began immediately after the passage of the bill creating it to build its system of levees, and was rapidly building the north levee of its system. * * * which, if completed, would have extended a distance of 4½ miles across at a right angle to said Sutter Tules over and across high land not "swamp and overflowed," but purchased from the United States Government and never before subjected to inundation from that source, whereby approximately 30,000 acres of valuable lands thickly populated and under high state of cultivation would be destroyed. * * *

Keep in mind that not one shovelful of dirt has ever been moved to build any levee to keep this water off. Miles of public highways would have been covered and rendered impossible.

The report then says suits were pending in December, 1914, in court, and further says:

Think of it! Letting men who have labored for years in building up and improving their holdings to dig up $2,000,000 to build a levee to keep water from their premises that reclamtaion district 1500 is diverting from its natural course and throwing onto their land never before flooded from that source.

That is what the Government is now engaged in doing along the lower Mississippi near Memphis and elsewhere.

Mr. Chairman, this protest is from property owners and men of standing in their community. I do not know the exact status of proceedings in California concerning their rights, but I do believe from past experience we are entitled to know all the facts and details from the parties who are protesting against acts of reclamation district No. 1500, which, according to the map attached to the committee report, includes a large part of Sutter County. I do not know the parties—either the Armour-Gerber interests or any of those who protest against the reclamation project proposed by district No. 1500. I am not interested in the controversy, but I believe enough has been shown to invite a full statement of present conditions, not only a statement from the Flood Committee, but from the protestants.

Mr. Chairman, I will not take further time, but submit that we ought not to pass this bill precipitately. Both proposals submitted by the Flood Committee are of deep concern to the people of the respective localities, and even if satisfied that no private rights are jeopardized Congress ought not to appropriate public money excepting to aid in the performance of a permanent public work that is in the interest of the general public.

I attach hereto a resolution I have again introduced at this session, and also a proposed bill I have introduced at this session, both of which have a bearing on the matter under discussion:

[House concurrent resolution 37. Sixty-fourth Congress, first session.

In the House of Representatives.]

Mr. FREAR submitted the following concurrent resolution, which was referred to the Committee on Flood Control and ordered to be printed:

Whereas about $200,000,000 have been expended in attempts to control the Mississippi River below Cairo, principally by the use of levees and revetments, which as a means for that purpose are deemed by many to be impracticable and futile; and

Whereas by the present flood-control bill further great sums of money are proposed to be appropriated to continue this questionable attempt by the same means: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That no appropriation made by the present bill shall be available for use upon the Mississippi River below Cairo until the feasibility and advisability of plans which depend upon levees and revetments for control of the Mississippi River below Cairo have been approved or other plans substituted by an advisory board of consulting engineers in accordance with the provisions of H. R. 18169 of the Sixty-third Congress, second session.

Resolved further, That the members of such advisory board of consulting engineers, appointed by the President in conformity with the provisions of said bill, shall be confirmed by the Senate.

IN THE HOUSE OF REPRESENTATIVES,
January 4, 1916.

Mr. FREAR introduced the following bill; which was referred to the Committee on Rivers and Harbors and ordered to be printed.

A bill (H. R. 6821) creating a national waterway commission.

Be it enacted, etc., That a commission is hereby created and established, to be known as the national waterway commission, hereafter referred to as the commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 2. That each commissioner shall receive an annual salary of $10,000, payable in the same manner as the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $5,000, payable in like manner. The commission shall have the authority to employ and fix the compensation of civil engineers, clerks, and other employees it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated by Congress, and in making appointments for continuous service the commission, so far as practicable, shall select its employees from the classified service.

All property of the United States in the hands or under the control of Army engineers or other officials or of private individuals or public contractors, including dredges, steamboats, barges, yards, and other property used in the improvement of public waterways, shall be placed under the jurisdiction and authority of the commission.

SEC. 3. That the Secretary of War may, if practicable, detail such Army engineers as are requested by the commission to assist in organizing and establishing a comprehensive system of waterway improvement, providing that such details of engineers shall not be made to the detriment of their military duties.

SEC. 4. That the commission shall have the authority and it shall be its duty to make an investigation of all waterway projects now constructed in whole or in part by Federal aid. The commission shall prepare a complete and succinct statement, by years, of the amount heretofore appropriated for each project, the estimated amount required to complete such project, a report of the commerce now served and to be served, the character of such commerce given by separate items so far as can be furnished, the source of information, the interests to be served, the kind of water craft used, and such other information as may be useful in determining the public use and value of the project. The commission shall also furnish Congress, at the earliest practicable date, information concerning all harbors and waterways now improved or being improved in whole or in part by Government aid, showing the amount of commerce, character of terminals or landings, ownership thereof, and, so far as practicable, ownership of regular lines of craft used thereon; and the commission shall also report its recommendations for the finishing of the projects now being constructed or modification of existing plans or abandonment of work on any project, together with findings upon which such recommendations are based.

The commission shall further ascertain and report what projects are now being improved for purposes other than navigation, and if for power developments, a full statement of interests concerned, officers and stockholders, public use to be served, if any, private or public contribution toward expense of construction, and the commission's recommendations thereon. Said commission shall further ascertain and report what projects are now being carried on in whole or in part for land-reclamation purposes, the character of such project, amount of lands to be recovered, estimated value of such lands, ownership thereof, and contributions now being made by beneficiaries toward such expenditures, together with the commission's recommendations.

The commission shall make a full investigation into all work now being performed by the Mississippi River Commission, the amount of money heretofore expended on such river, character and permanency of work performed, and reclamation interests now being served if there be any, a full statement of contributions by public or private interests toward said work, together with a comprehensive and intelligible report of the probable cost of the present plans of levee construction or other river improvement now being undertaken, the percentage of project completed, and this commission's recommendation thereon. Such Mississippi River report shall be separate and distinct from reports on other projects now under improvement by the Federal Government.

All of such data and all other available information of a pertinent character affecting particular projects or entire waterway improvements now being conducted by the Federal Government shall be collected in convenient form and presented to Congress in installments at the earliest practicable date.

When the commission shall have reason to believe at any time that the proposed project is not for general use of the public or will not warrant further expenditures, or if contributions shall be required to be furnished before further appropriations are made or further expenditures authorized, such commission shall immediately report to Congress, with a preliminary recommendation thereon, and shall furnish a copy thereof to the United States Treasurer. That thereupon, when so recommended, the Treasurer shall withhold all funds therefore appropriated not specifically obligated under existing contracts and shall refuse further payments until subsequent and specific action shall be had thereon by Congress.

SEC. 5. That prior to the presentation of any new waterway project appropriations the commission shall cause a careful survey of the proposed improvement, and if it shall appear such project is to serve a public use and is feasible, the commission shall thereupon collate data showing the estimated cost thereof, commerce to be served, water craft to be used, public terminals furnished, and contributions recommended to be made by public or private interests, together with such additional data as has heretofore been specifically required to be furnished on existing projects. The commission shall thereupon transmit to the Committee on Appropriations of the House of Representatives a full report concerning such new project or projects, its recommendations thereon, and, if requested so to do, all other and further information that may be required by the Committee on Appropriations.

Whenever the commission shall determine that any waterway project is primarily for power or land-reclamation purposes or to serve special interests, the commission may recommend Government aid for such project, notwithstanding the special interests to be served, and shall prepare data showing the proportionate amount of Federal aid recommended, together with suitable restrictions as to audit and payment of funds from the Public Treasury. Such recommendation shall be presented as a proposed separate bill to the Committee on Appropriations of the House and shall not be embodied in any general waterway appropriation bill by such committee.

Whenever any new survey shall be proposed for any waterway project the commission, prior to such survey, may require data to be furnished showing the public use and prospective commerce to be served and such other information as may be desired, and a brief synopsis of such information shall be furnished to Congress by the commission to accompany any recommendations made for new surveys.

All existing waterways, new projects, and new surveys shall be classified, so far as practicable, prior to each regular session of Congress, together with estimates of appropriations required for maintenance and improvement for the ensuing two-year period, and a brief report as to each project considered shall be separately prepared and, with the commission's recommendation thereon, shall be placed in the hands of the Committee on Appropriations of the House at the beginning of each session.

Whenever the Appropriations Committee so requires, the commission shall furnish additional data concerning any project, and shall further aid the Committee on Appropriations when requested so to do in the preparation of the regular river and harbor bill which shall be presented by the committee to the House.

The commission shall further compile and cause to be published at the earliest practicable date for the use of Congress an intelligible, concise statement of past waterway expenditures by the Government and of amounts needed to complete all continuing projects, and shall further give estimates of future obligations to be incurred by new projects recommended for construction. The commission shall give preference in its recommendations to Congress of appropriations needed to complete the more important projects, and, so far as practicable, shall enter upon a program looking toward the early completion of such projects.

The commission shall make a thorough investigation of reasons for loss of river traffic and shall make recommendations for the reestablishment of such traffic. It shall ascertain and determine the most available craft for river use, and, as soon as practicable, shall prepare plans and build experimental craft for such purpose.

Whenever reason therefor shall appear the commission may fix reasonable freight rates on all interstate water-borne traffic by common carrier and upon all such traffic on navigable waters wholly within the State, subject, however, to the jurisdiction now conferred by law on the Interstate Commerce Commission to fix maximum joint rates between and over rail and water lines.

The commission shall determine the reasonableness of wharfage or water terminal charges, whether such terminals are owned by private persons or municipalities, and all river and harbor improvements, including terminal facilities, shall be under the supervision and control of the commission.

Whenever the commission shall determine that unprofitable railway freight tariffs are maintained in any given case in order to prevent waterway competition, it shall be the duty of the commission to make a report thereon in duplicate to the Interstate Commerce Commission and to Congress, with recommendations that Congress give power, if need be, to the Interstate Commerce Commission for fixing minimum railway rates.

The commission shall at the earliest practicable date adopt an intelligent system of natural waterway improvement and shall perform such other and further duties as may present themselves from time to time.

Whenever it shall be desirable to secure sworn testimony from any witness or witnesses relating to any project or to navigation generally, or whenever the commission shall have reason to believe that private interests are secretly or improperly seeking to influence the commission or to force the passage of any private or public waterway measure through Congress, the commission may cause a hearing or summary investigation to be held, and for that purpose may issue summons, subpoenas, or other writs in the same manner and under the same procedure as is more specifically set forth in the act to regulate commerce approved February 4, 1887, and the amendments thereto, which portions of such act relating to procedure, so far as applicable, are made a part of this act, and may bring before such commission all parties believed to be informed concerning the facts or interested in the passage of such measure. A complete record shall be preserved of the testimony taken at such hearing and a certified transcript thereof shall be transmitted immediately to the Committee on Appropriations.

SEC. 6. That all unexpended balances to the credit of any project not specifically obligated under existing contracts shall from the date of the passage of this act be transferred by the Treasurer to the general fund, and all vouchers thereafter paid by the Treasurer shall be upon order of the National Waterway Commission.

SEC. 7. That the sum of $500,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury, to carry out the provisions of this act.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. I would like to have the attention of the chairman of the committee. This is rather a short bill. Will it be agreeable to the chairman of the committee to have the bill considered by paragraphs rather than by sections? I think it would be better order, and we could get along as rapidly.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would not care to make any agreement on the subject. There is no desire to cut off debate.

Mr. STAFFORD. We are up to that proposition now. We understood the gentleman was going to be liberal in allowing debate. The way to be liberal is to have the bill considered by paragraphs.

Mr. HUMPHREYS of Mississippi. The gentleman does desire to be liberal, and has no desire to force any vote at all. We will give gentlemen what time they desire as far as we can. It is not our desire to crowd the matter, but there is no reason why we can not consider the bill under the rule just as well as any other way.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry. In the consideration of this bill will the bill, under the five-minute rule, be considered by paragraphs or by sections?

The CHAIRMAN. It will be considered by sections. The rule is to that effect, except in the consideration of appropriation bills.

Mr. STAFFORD. Then I understand the chairman is not willing to grant that concession?

Mr. HUMPHREYS of Mississippi. I can not see the gentleman's point. What difference does it make to the gentleman?

Mr. STAFFORD. It improves the consideration of the bill. In the first section it is divided into four different subheads, (a), (b), (c), and (d).

Mr. HUMPHREYS of Mississippi. The river and harbor bill consists of one section which covers 30 pages, and every paragraph is subject to amendment. It will be considered by paragraphs under the rule, as I understand it.

Mr. STAFFORD. That is all I ask. Has the gentleman any objection to considering it in that way.

Mr. HUMPHREYS of Mississippi. Not a bit.

Mr. STAFFORD. Then, Mr. Chairman, with the assent of the chairman of the committee, I ask unanimous consent that the bill be considered under the five-minute rule by paragraphs.

The CHAIRMAN. Is there objection?

Mr. HEFLIN. Mr. Chairman, reserving the right to object, I desire to ask the chairman of the committee if he thinks we can get through with this bill to-day?

Mr. HUMPHREYS of Mississippi. I do not.

Mr. HEFLIN. Does the gentleman think that we can get through with it in another day?

Mr. HUMPHREYS of Mississippi. Undoubtedly. I think we can get through with it in two days.

Mr. HEFLIN. The gentleman has no objection to considering it paragraph by paragraph?

Mr. HUMPHREYS of Mississippi. None.

Mr. STAFFORD. There are only about 12 paragraphs altogether.

Mr. HUMPHREYS of Mississippi. I think we can get through in two days. I have had assurances from gentleman on the other side that they would not attempt to prevent a vote.

The Clerk read as follows:

Be it enacted, etc., That for controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $45,000,000: *Provided*, That not more than $10,000,000 shall be expended therefor during any one fiscal year.

Mr. McKELLAR. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I want to say to the committee that my State is not itself at present at all events directly interested in this measure, inasmuch as none of the appropriations will likely be expended for levees in the State of Tennessee. However, I am heartily and earnestly in favor of this bill because I think it is the only feasible method, so far as we are now advised, of dealing with this great question of flood control in the Mississippi River. Other plans have been suggested, but none of them has made an impression on the public mind generally. Now, we have had to deal with it in Tennessee without any Government aid at all. The city of Memphis, from which I come, has but recently spent a million and a half dollars of its own money for the purpose of building a levee to keep the waters of the Mississippi River out of that city, and Congress declined to contribute a dollar to the work. Why did we have to spend this large sum? Simply because the levees have been built on the other side, which raised the water higher, and thereby brought it into Memphis, and because the flood waters above us are constantly increasing in volume. Now, we have done what we thought was right and——

Mr. FREAR. Will the gentleman yield for a question?

Mr. McKELLAR. For a question.

Mr. FREAR. Has the Government built those levees?

Mr. McKELLAR. Oh, no; the Government did not build them. The city of Memphis built them. There is where the gentleman from Wisconsin is making a mistake——

Mr. FREAR. I have not charged it, I am asking.

Mr. McKELLAR. I know. Now, the gentleman seems to think we are just beginning this levee-building project. Why, gentlemen, that is not the fact at all. This bill simply provides for the completion of a project begun in 1879. The Mississippi River Commission was authorized that year; they have been going along steadily, but by very small degrees at first, the levee districts in Mississippi, Arkansas, and Louisiana contributing most of the funds to build these levees. The levee districts under direction of the Mississippi River Commission have spent up to date $90,000,000. The Government has spent all told only $29,000,000 up to date, and now the time has come when these levees, to be made thoroughly effective, must be completed by building up the low places and lapses and by making stronger and higher portions that are now low and weak. They are for the most part completed already.

Why, the gentleman from Wisconsin [Mr. FREAR] says that lots of work which has been done has been thrown away. Only a very small portion of the work has been useless. The great majority of the money that has been expended by the levee districts has been expended to good purpose, and it is the groundwork of these levees that are to be built up and completed under the provisions of this bill. Some gentlemen say it is a big appropriation. Why, gentlemen, it is not a great deal larger than we have been appropriating for several years. We have been appropriating some five or six million dollars a year for a number of years for this project, but it has been done by piecemeal. The Mississippi River Commission does not know when it is going to be cut down or be cut off. It can make no definite plans. It can not contract, so as to get the work economically done. This bill merely provides for a completed project—gives the commission this money, so that they can go ahead and make their plans to complete the project within about five years. Now is not that a business thing to do? Why take a dozen bites at the cherry? Why dole out the appropriations, and thus make the work more expensive?

Why, some gentlemen say this is a local matter, and ought to be borne entirely by the landowners; and the gentleman from Wisconsin [Mr. FREAR], in his usual vigorous style, talks about its being absolutely for the benefit of these landowners. I do not look at it that way at all. This river, from the mouth of the Ohio down, is a great channel, which takes away the flood waters of a large number of the States. You see from the map there that probably one-third of the United States, nearly, is drained right through this lower Mississippi Valley.

Mr. EAGLE. Thirty-one States.

Mr. McKELLAR. Thirty-one States. All of those States are being drained to a greater extent every day, and therefore a larger volume of water will come down that river every year. The building of levees along the banks of tributaries, the clearing up of woodlands, the draining of low lands above, are to blame for that. Now, who shall say it is not right and proper, where 31 of our States are drained, in whole or in part, by this lower river, that the United States Government should not do its share to protect the people along its banks from flood waters?

Mr. REAVIS. Will the gentleman yield?

Mr. McKELLAR. I will.

Mr. REAVIS. Is there any part of the Mississippi River which has no levee construction at all?

Mr. McKELLAR. Yes, sir. I will say in the State of Tennessee there is practically none. There is in the northeast corner of Tennessee the levee that runs down from Kentucky about 6 or 8 miles, I think, into Tennessee territory, but I will tell the gentleman why there are no levees on the Tennessee side now. The foothills come nearer the river on the Tennessee side, and the amount of land subject to overflow, while large in the aggregate, is small comparatively, and the Mississippi River Commission up to this time has taken the position that levees are not practicable. In other words, the commission claims that if a levee district is created there it would cost the landowner such a tremendous amount of money to levee the lands along the Tennessee shore that it would not make a paying investment, and they have never recommended it. Later on we hope to find a way to make it a profitable matter for the Government and the landowners to build levees on the Tennessee side, too.

There is another matter that I here wish to call to the attention of the committee and of the House, and that is, those landowners who are now between the levees and not protected by the levees are entitled to consideration at the hands of the Government. Of course the flood waters on their lands are made higher by these levees. They are the richest kind of lands and, as a rule, after the flood waters go down splendid crops are made on them, but the lands consist largely of islands. It has been suggested in the hearings that mounds should be built at proper places on these islands so that men and stock and cattle could be carried to these mounds safely even during the highest floods. The cost of these mounds will be small. I would like very much to have a provision of this kind to go into this bill, but inasmuch as the main purpose is to build levees I shall not ask for that amendment now. The amount required for such a purpose would be comparatively small.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAVIS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more—may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. REAVIS. Are floods of more frequent occurrence in recent years than they were formerly?

Mr. McKELLAR. Well, I can not say they are more frequent, but they have gone higher. The effect of clearing up the wooded districts above, the effect of draining great areas above, the clearing of land above has made the volume of water that goes down the river larger, and then, too, the building of levees on either side naturally confines the water to some extent and makes the river higher all along down.

Mr. REAVIS. Has the river had a tendency in recent years to fill up?

Mr. McKELLAR. I think not. I listened with a great deal of interest to the statement made by the chairman of the committee [Mr. HUMPHREYS of Mississippi] this morning concerning the report of the engineers about various rivers in the world, and I agree that heretofore it has been thought, under a misunderstanding, and under a pretty general misunderstanding, too, that the beds of those rivers referred to by Mr. HUMPHREYS rose when levees were erected on either side. He mentioned the River Po, in Italy, the Yellow River, in China, and other rivers. There is nothing along the Mississippi River—and I have lived along it for many years—that suggests that the levees have elevated the bed. I think the levees have a tendency to confine the channel and wash out the river rather than to raise the bed of the river.

Mr. REAVIS. As the watershed has been turned from grazing land to cultivated land, has there been a tendency for silt to flow into these rivers so much? I know the Missouri River has a tendency to fill, as well as similar rivers running into the Missouri, in recent years. Has the gentleman known of anything of that kind with reference to the Mississippi?

Mr. McKELLAR. I can not say that I have. I want to say that when it reaches Memphis we have such a big river there, with such a powerful and tremendous current, that while silt may accumulate in certain places, it washes out in others. I have known a place of 1,500 acres made in one section of the river in a short space of time, and other places of equal size washed out in a period of five years. That happened right near the city of Memphis, where I live.

Mr. REAVIS. Is there a very rapid current in the territory with which the gentleman is familiar?

Mr. McKELLAR. A very rapid current. The river is from 40 to 60 feet deep right in front of Memphis.

Now, Mr. Chairman and gentlemen, I hope that you will pass this bill and permit this great project to be completed. It is a matter of justice; it is a matter of right. It is for the benefit of all the people of our country, I believe, in that it is fair to all. We have the channel there to act as a drain for other States. These flood waters come from 31 other States. It is not fair and it is not right that the States through which this great lower river runs should be made to bear all the expense of draining perhaps one-third of the Nation. Your Republican Party declared for it in its last platform, the Progressive Party declared for it, and the Democratic Party declared for just such a measure as this. The people of the United States, I believe, feel very kindly toward it. I believe that they think it is fair that the people along the banks of this river should not be subjected every year to the fear of overflow from the flood waters of so many other States. The waters have gone higher than was expected. These engineers have been working on it for almost a lifetime. They believe that completion is now within their grasp. They believe they have the facts and figures, and have shown them to you in the hearings here, that with this sum of money and with the sums of money that have already been given and will be given by the landowners through the levee districts, the project can be completed. All the political parties are committed to it. All the great political leaders are in favor of it. The business interests favor it. Let us put it out of the realm of doubt and let us finish the project once for all time. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, the rivers and harbors bill that passed the House last month carried an item of $6,000,000 for the Mississippi River from the Head of the Passes to the mouth of the Ohio River. Bear in mind that we have already appropriated so far as the House is concerned $6,000,000 for the Mississippi River for that section which is specifically referred to in this flood-prevention bill. In addition to that $6,000,000 we appropriated for the Southwest Pass of the Mississippi River $600,000; for the Mississippi, from St. Paul to Minneapolis, $176,000; for the Mississippi, from the mouth of the Missouri to Minneapolis, $1,200,000; for the Mississippi, from the mouth of the Ohio to and including the mouth of the Missouri, $350,000. There are several other Mississippi River items in the rivers and harbors bill. The total, for the purpose of continuing the work upon the Mississippi River, is considerably more than $8,000,000. Now, that is one year's contribution by the Congress of the United States to the purposes of the Mississippi River.

I have here a report, House Document No. 1491, being a résumé of preliminary examinations, surveys, projects, and appropriations for the improvement of rivers and harbors, embodying a letter from the Secretary of War, which sets out in an analysis of appropriations for the various rivers that for the Mississippi River from the Head of the Passes to the Ohio River there has been appropriated up to March 4, 1915, $87,077,000. I am not giving odd numbers. Eighty-seven million dollars has already been appropriated and used for the improvement of the Mississippi for navigation purposes and flood prevention in building levees and revetments up to March 4, 1915.

For the whole Mississippi River—that is to say, from mouth to source—there has been appropriated up to date, March 4, 1915, a total of $166,498,000. Now, when gentlemen say, "Let us continue the improvement; let us go on and finish it," I would not have them forget that under the guise of flood prevention they are now asking for $45,000,000, in addition to more than eight millions already appropriated this year in the rivers and harbors bill and in addition to $87,000,000 already appropriated and spent on the Mississippi from the Head of Passes to the Ohio River.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HUMPHREYS of Mississippi. What warrant has the gentleman for saying that we are asking for this in addition to the $8,000,000?

Mr. MOORE of Pennsylvania. Because the gentleman himself—very naturally and commendably, and if I came from his State and from the banks of that river I would probably stand as he does—advocated these items in the rivers and harbors bill for the Mississippi River improvement and because the same gentleman, who is vigilant and entitled to all the enconiums that are coming to him to-day, now comes in with his flood-prevention bill and blandly asks for $45,000,000 more.

Mr. HUMPHREYS of Mississippi. Well, Mr. Chairman, of course I admit all the good things that the gentleman said about me to be true [laughter], but the gentleman does understand that the appropriations authorized in this bill are for a subsequent year and are not to be applied to the fiscal year for which the $6,000,000 carried in the river and harbor bill was appropriated.

Mr. MOORE of Pennsylvania. That is true.

Mr. HUMPHREYS of Mississippi. And if this bill should become a law the river and harbor bill for the next year would carry no provision for this particular part of the river.

Mr. MOORE of Pennsylvania. Well, that is a declaration that I have heard from the gentleman for the first time.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. That is a declaration which the gentleman may have made before, but I did not hear it. It is such a declaration as the gentleman did not make when he came in with his proposition for the creation of a Flood Control Committee. I think I asked the gentleman—and if I did not ask him, I certainly asked the chairman of the Committee on Rivers and Harbors—whether we would stop making appropriations for the Mississippi River in the river and harbor bill after the Flood Control Committee got to work, and I did not receive a very satisfactory answer to that question.

Mr. HUMPHREYS of Mississippi. I can tell the gentleman just what question he asked and what answer was given, as I recall it. He asked if the appropriations to be authorized by this committee, which has no power to appropriate, would thereafter be carried in the sundry civil bill or the river and harbor bill, and some gentleman stated that, in his opinion, it would still be carried by the river and harbor bill. But I take it that the gentleman from Pennsylvania was not seriously impressed with that statement. Of course the appropriations authorized will be carried in the sundry civil bill.

Mr. MOORE of Pennsylvania. I would much underrate the ability and the assiduity of the gentleman from Mississippi if I thought he would leave unimproved any chance to get in under the sundry civil bill if he gets the authorization desired in this flood-control bill. The gentleman will be there with both feet at the proper time.

Mr. HUMPHREYS of Mississippi. The gentleman means I will have both feet in the river and harbor trough, or in the sundry civil bill. [Laughter.]

Mr. MOORE of Pennsylvania. I mean to say that "if anybody can, the gentleman can." [Laughter.]

Mr. HUMPHREYS of Mississippi. It is nevertheless true that the appropriations authorized in this bill will hereafter be carried in the sundry civil bill, and not in the river and harbor bill.

Mr. MOORE of Pennsylvania. I am glad to hear the gentleman make that statement, because it takes me to the thought that the appropriations transferred to the sundry civil bill will not prevent these numerous other appropriations for tributaries of the Mississippi that will be carried in the river and harbor bill.

Nevertheless I want to say this to the gentleman who plead with us to let them go on and finish this job: You have been at it since 1879, with the best engineering talent that this country could give you, and you have been taken care of to the extreme limit, even to the extent of building shipyards in which to build your boats, and dry docks in which to repair them. It is easy to see why this movement is popular. I can even understand why some great distributing cities like St. Louis or Chicago can appreciate the importance of a measure which means that in their vicinity there will be spent during the next five years, $45,000,000 on this work on the lower Mississippi.

I am not referring to that particularly. I am calling attention to the fact that those gentlemen who are pleading now for "completion," have been at it for 30 years, and in that time have taken from the Treasury $168,000,000, or more than was given to the Atlantic seaboard projects in more than 100 years. When we are asking a little help along the Atlantic seaboard to open a passageway and make more commerce to create more revenue to spend on the Mississippi, "Wait until we complete our job on the Mississippi," is not calculated to encourage any other worthy project. It spells postponement. I have differed with eminent members of my own party on this proposition. Once a President of the United States in a speech delivered somewhere out in Ohio, declared that the first and only project that should be completed was the Ohio River. That meant that if we were to go on with the Ohio River and complete that $63,000,000 project the appropriation would be so reduced that every other worthy project in this country would be postponed. It did not seem fair.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to have more time. I ask unanimous consent for five minutes more.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may have 10 minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Pennsylvania may have 10 minutes more. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. The gentleman says there has been $166,000,000 more spent on the Mississippi than there has been on the Atlantic seaboard.

Mr. MOORE of Pennsylvania. No; I say that is more than was spent on the Atlantic coast. We had only about $140,000,000 up to 1907.

Mr. HUMPHREYS of Mississippi. But the gentleman does not want to convey the impression, by putting that statement

about the $168,000,000 in such close juxtaposition to his criticism of the project now under discussion, that $168,000,000 has been expended upon it.

Mr. MOORE of Pennsylvania. I say on the whole Mississippi River project.

Mr. HUMPHREYS of Mississippi. And its tributaries.

Mr. MOORE of Pennsylvania. No; not its tributaries. I am simply quoting the report of the Secretary of War. I will refer to the page, so that the gentleman and I may not differ on it. It is page 495 of House Document No. 1491. The summary of the total appropriation for the Mississippi River winds up with a total of $168,498,996.99.

Mr. HUMPHREYS of Mississippi. Now, the gentleman does not mean to say that that was spent on that reach of the Mississippi River which is provided for in this bill. If he does, I want to correct him.

Mr. MOORE of Pennsylvania. I know what this bill provides for. It provides for the river from the Head of Passes to the Ohio River.

Mr. HUMPHREYS of Mississippi. Yes. The $168,000,000 has not been spent on that.

Mr. MOORE of Pennsylvania. No; but on the whole Mississippi River, as I have told the gentleman. I have been very careful to differentiate.

Mr. HUMPHREYS of Mississippi. I want the House to get that very clearly in its mind—that there has been $85,000,000, or approximately that, appropriated—it has not all been spent—for the Mississippi River Commission since 1881.

Mr. MOORE of Pennsylvania. The appropriations for the Mississippi River, from the Ohio River to the Head of the Passes, including surveys from Head of Passes to headwaters—that is to say, the Ohio—the appropriations running from June 18, 1878, which was the year before the Mississippi River Commission was created, to March 4, 1915, total $87,077,191.28. Bear this in mind, now. We have differed on this before. This is found on page 492, letter of the Secretary of War, being House Document No. 1491.

Mr. HUMPHREYS of Mississippi. Of that amount, the sum of $29,000,000 has been spent for levees; $43,000,000 has been spent for revetments which the Engineer says are absolutely in the interests of navigation. Now, the gentleman understands that down to the year 1900 the Mississippi River was the greatest highway of commerce in this country—one of the greatest in the world.

Mr. MOORE of Pennsylvania. In the days of the old flatboats, before the railroads; yes.

Mr. HUMPHREYS of Mississippi. Prior to 1900. So that the figures which the gentleman has given, which go back over 40 years, when the river was being improved for navigation, have no relation whatever to the subject of improvement which is now before the House.

Mr. MOORE of Pennsylvania. I beg the gentleman's pardon. The Mississippi River Commission was created in 1879.

Mr. HUMPHREYS of Mississippi. The first appropriation was made for it in 1881.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield as soon as I state these figures. I wish to state them because there has been a misunderstanding, and I want the gentleman from Mississippi to be correct, as I am correct. I am now quoting from pages 491 and 492 of the official statement of the Secretary of War in House Document No. 1491, showing the appropriations for the Mississippi River from the Ohio River to the Head of the Passes from June 18, 1878, one year before the organic law creating the Mississippi River Commission, down to March 4, 1915, amounting in the aggregate to $87,077,191.28. Those are the figures. Now, I yield to the gentleman from Kansas.

Mr. CAMPBELL. What I want to know is this: Do the gentleman from Mississippi [Mr. HUMPHREYS] and the gentleman from Pennsylvania [Mr. MOORE] place the relative value of their measures upon the comparative amount that has been appropriated heretofore for either of those matters? If they do, they are giving to the country something to use in support of the country's campaign against pork-barrel appropriations for rivers and harbors. If the Mississippi River has no better claim for appropriations than the fact that it has not had as much as the Atlantic coast, and if the Atlantic coast has no better claim than that it has not had as much as the Mississippi River, then both of these claims are resting upon a very poor foundation.

Mr. MOORE of Pennsylvania. The gentleman's lecture is about as helpful as it would be for him to suggest that when we are getting appropriations for the cattle tick they are all right, but when we are getting them for rivers and harbors they are all wrong.

Mr. CAMPBELL. No; I am basing it on the position that these gentlemen are now taking.

Mr. MOORE of Pennsylvania. The gentleman is taking a very high plane. I estimate him highly and admire him, but still I do not care to sit here and see all the money that comes into the Treasury of the United States go into the State of Kansas, because they may need it, and none of it go into the State of Pennsylvania; that is all.

Mr. CAMPBELL. We get very little of it in the State of Kansas. Cow Creek does not get an appropriation, and it should be improved just as much as many streams in the country, and we do not have any money for the cattle tick, either.

Mr. MOORE of Pennsylvania. If Cow Creek had more water and fresher water, the cows would be healthier. [Laughter.]

Now, Mr. Chairman, I have no desire to be captious with anyone on this proposition; but so long as gentlemen argue in support of this measure that we ought to be fair with them and give them the money "to complete this project," I think it is fair to say that there are many worthy projects in the river and harbor bill that are awaiting completion, upon which work has been postponed. I submit that if appropriations for rivers and harbors are to be cut down to $25,000,000 per annum, it will be impossible to deal fairly with all parts of the country so long as a project demanding $45,000,000 takes precedence over the other worthy projects. And so, as to the Ohio, which I want to see improved along with the Mississippi, I differed from my President, the President of the United States, when he argued—and I presume it was a matter of State pride—that all else should give way to the completion of the Ohio. The gentleman from Mississippi [Mr. HUMPHREYS] and the forthcoming Senator from Tennessee [Mr. MCKELLAR] imbibe a little of that pride once in a while, and so do I. And it is perfectly natural that even a President should want to see his own project written into the statutes first. But if it takes $63,000,000 to complete the Ohio, for instance, to say nothing of the Mississippi, and all other work is to be suspended until that splendid stream is to be dammed up to the limit, from Pittsburgh to Cairo, 900 miles, with a uniform depth of 9 feet, what is to become of the other great and worthy projects which are bearing commerce, which are creating revenue, and which are capable of doing greater good if properly recognized by Congress?

Mr. MCKELLAR. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MCKELLAR. I want to say that I like the gentleman from Pennsylvania very much.

Mr. MOORE of Pennsylvania. And I like the gentleman from Tennessee.

Mr. MCKELLAR. But I am not quite sure that he is familiar with the project.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have seen the banks of the Mississippi drop off into the river like a piece of cheese clipped from a cake by a sharp knife.

Mr. MCKELLAR. With the gentleman's knowledge of what has already been done to complete the levees and with his knowledge of the whole project, is the gentleman in favor of not completing that project, and will he say that to this House?

Mr. MOORE of Pennsylvania. I should be delighted to vote to complete it to-morrow, if assured that it could be done; but I question whether $45,000,000, taken in this sumptuary manner away from river and harbor work, would complete the project to prevent floods to-morrow or next year or the next 100 years.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DYER. Mr. Chairman, since the beginning of my service in this House I have pointed out upon several occasions the great importance of enacting legislation to control the floods of the Mississippi River and to improve the river for navigation. I have introduced bills to bring this about. This Congress created the Committee on Flood Control. The real work was thus started, and we now have before us this splendid bill. It aims to do two things—control the floods and improve the river, just what I have advocated.

The distinguished chairman of this committee, Mr. HUMPHREYS of Mississippi, has ably explained the details of this bill and its importance. He said, in part:

Under the terms of the bill the Government will contribute $30,000,000 for levees and $15,000,000 for revetment, whereas local interests will contribute not less than $10,000,000 for levees, and, in addition, will furnish rights of way, damages, and so forth, and assume all the burden of maintenance. But even if the commerce had passed from the river never to return, which is untrue and wholly and thoroughly improbable that it will ever be true, the money appropriated will have been well invested. Sixteen million acres of the geological cream of the earth are waiting the magic touch to spring into fields of waving beauty. The people of the lower valley have, out of their own pockets, spent more than $100,000,000 since the Civil War in the construction of

levees. This is more than enough to have built the levees high enough and strong enough to have withstood the greatest flood that ever came down the river had not the States of the northern valley perfected their drainage system. They stand ready to continue their contributions, but they do insist that the Federal Government tote its part of the load. Holland spent $46,000,000 to reclaim 2,000 square miles in the Zuyder Zee. Egypt spent $53,000,000 to reclaim 2,200 square miles in the valley of the Nile. Surely this great Nation can afford to contribute $45,000,000 toward the reclamation of 20,000 square miles, when by the same act more than 1,000 miles of the world's mightiest river will be rendered capable of carrying the commerce of an empire.

Mr. Chairman, this is one of the greatest preparedness and conservation measures that has ever come before the Congress of the United States. It will protect the lives and the property of thousands of the people of the Mississippi Valley.

One very great good that will come with the enacting of this bill into law and the completion of this project will be the assistance and encouragement it will give to restore river transportation. Once the river is safe from overflows, the channel will be more settled and safer for barges and ships to haul commerce. The great States of the Mississippi Valley are now earnestly at work to provide docks, terminals, and barges to carry freight on the river.

In 1880 the traffic on the Mississippi River amounted to nearly 2,000,000 of tons annually. During recent years it has not amounted to more than 150,000 tons. The great falling off has been due to quicker transportation by railroads and to the failure of cities to build docks and terminals. The opening of the Panama Canal has made practically necessary the restoration of Mississippi River transportation, or our cities and the people of the Mississippi Valley must suffer in loss of trade and business. I am glad to say that we are alive to the true situation. St. Louis is beginning to build docks and terminals. In fact, every important city on the Mississippi River is now building or has plans for providing modern docks with rail connections and the proper machinery for loading and unloading. Some of the cities that are taking advantage of this situation in regard to docks, terminals, and so forth, are St. Louis, Minneapolis, St. Paul, Rock Island, Dubuque, Clinton, Davenport, La Crosse, Muscatine, Fort Madison, Keokuk, Quincy, and New Orleans.

Mr. Chairman, the Atlantic coast cities have a vast advantage now over the Mississippi Valley cities in the transportation of their products by reason of the Panama Canal and an all-water route, and I am glad to hear that the distinguished gentleman from Pennsylvania approves of this measure with the exception, as I understand it, he thinks the $45,000,000 should be spent in Pennsylvania, his own State, or in the New England States before it is spent on the Mississippi River.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. DYER. Yes.

Mr. MOORE of Pennsylvania. I made no suggestion of transferring the $45,000,000 to Pennsylvania, for Pennsylvania does not need all of it just now. [Laughter.]

Mr. DYER. I am glad to hear the gentleman make that admission. I suppose he means that they do not want more than $35,000,000 now and the other $10,000,000 later. [Laughter.] It has been the desire, Mr. Chairman, of the Members of Congress residing in the Mississippi Valley, and the Mississippi Valley is a vast territory, to see the project enacted into law that will mean that the levees are to be built and that this vast territory of 75,000,000 acres of land are to be reclaimed for cultivation.

The amount of actual wealth that it will bring to the country is so enormous that figures are almost useless to describe them. It will be of great value to the whole people and to the entire country. The appropriation of money for the Mississippi River work by piecemeal, as we have been doing for so many years, has not fixed definitely in the minds of the people what our purpose is and what is going to become of it. The result is that they have not begun to work as they should to assist to restore the river transportation; and river transportation can not be restored on the Mississippi River until the people of the cities establish terminals and docks so that the freight can be made ready to be moved on the river.

St. Louis, of course, is interested in this bill, because it means so much to the great Mississippi Valley and to the 30,000,000 people living in that section of the country. St. Louis is the great commercial center; it is the great city of the Southwest, and that city will from a business point greatly benefit from the enactment of this bill into law. This great city is willing to do its full part in paying the expenses of this project. I have received many telegrams and letters in support of this bill from citizens and business concerns of that city. Among those who have wired their indorsement are the following: The Business Men's League of St. Louis; John Deere Plow Co.; Oliver Chilled Plow Works; J. I. Case Plow Works; Parlin & Orendorff Plow Co.; the Johnston Harvester Co.; Missouri Moline Plow Co.; the William J. Lemp Brewing Co.; the Majestic Manufacturing Co.; Paul Brown, editor St. Louis Republic; the Caradine Harvest Hat Co.; the O. K. Harry Steel Co.; Crunden Martin Manufacturing Co.; A. L. Shapleigh; Simmons Hardware Co.; F. K. Houston; William R. Compton Co.; the Germans' Savings Institution; Charles F. Luehrmann Hardwood Lumber Co.; the Streckfus Steamboat Line; and many other citizens and business concerns of St. Louis.

St. Louis has already begun to build docks and terminals for the purpose of restoring to the river the transportation that represented millions of dollars a few years ago. New Orleans has done it. The other cities on the Mississippi River will do it if this project is established, and it is known for sure that the river is going to have its banks made so that the overflows will be at an end. The millions of acres of land will become, of course, valuable. No one denies that. But let us look at what the facts are, as gathered by this flood committee. We find that since the United States and the levee districts began to cooperate in levee building for flood control the levee districts have contributed $91,000,000 and the United States $29,000,000. Under the provisions of the pending bill during the next five years the United States will contribute $30,000,000 and no district less than one-third of the amount contributed by the United States, and in addition to this the levee districts will have to furnish rights of way and pay all damages incident to the location of the levee line and provide for the maintenance of the levees. This will probably amount to $15,000,000, so that the account will then stand:

Contributed by levee districts	$106,000,000
Contributed by Federal Government	59,000,000

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DYER. I ask for five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. DYER. Of course we all know that the people who own the swamp and overflowed land will be benefited. The people of the cities and States are going to help, and they have already helped, as I have indicated, in a great amount of money expended in this work. Some of the cities and States have done more than they ought to have done under all the circumstances. This is largely a Government project. It is a project in which all the people of this country ought to be interested, including the gentleman from Pennsylvania and the people of that great State. The result that will come to this country in one way at least is worthy of note, and that will be that the agricultural productions of the Mississippi Valley will be so greatly increased. The land that will be reclaimed for cultivation is the richest land in this whole country, and the production will be so enormous that it will help in reducing the high price that we now have to pay for foodstuffs. It will be the means of bringing about what the Democratic Party promised us but failed to bring, and that is the reduction in the cost of living.

The great increase that will come will be immense, and, Mr. Chairman, I can not understand why any Representative in the Congress of the United States should not be in favor of the project that will benefit more than 30,000,000 people. If the river banks are made secure, and the people who live in that section can go about their business and go to work and outline and lay plans for raising the enormous crops, it will be the means of making the Mississippi Valley, as it ought to be, the greatest and richest agricultural section in all the world.

When that is done, Mr. Chairman, as I said before, all the towns along the river will build their warehouses, will build the docks and the terminals, that will be needed to take care of the vast passenger and freight business on the river, take advantage of the cheap transportation that water always brings, and we will find our boats loaded with commerce at cities lying along the river, we will find them carrying these goods in enormous quantities down the river to the Gulf, and there to be loaded into steamers that will carry the products of the Mississippi Valley through the canal to South America and the Far East. [Applause.]

Mr. Chairman, my city of St. Louis will then by leaps and bounds become much greater, much larger, and much more useful to the people of the Mississippi Valley and the great Southwest. Our population will increase because we will have more business. We will advance from near 800,000 to 1,000,000 and more.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman has painted a beautiful picture, and I would like to see it

come to pass, but what has that to do with flood control? That is a question of navigation, which should properly be considered by the Committee on Rivers and Harbors.

Mr. DYER. Oh, Mr. Chairman, the gentleman would be against this proposition no doubt if it came from the Committee on Rivers and Harbors. It is immaterial where it comes from. This great proposition has come before the House. It is a just and a fair measure; and I want to see it enacted into law. In closing, I want to pay a tribute to one Member of this House to whom I believe more credit is due for the fact that we have an opportunity to vote for this legislation than any other Member in this House at the present time or at any time in the past, and that is my distinguished colleague, the gentleman from Missouri [Mr. CLARK], our beloved Speaker. [Applause.]

Mr. SHALLENBERGER. Mr. Chairman, I am glad to support this bill for flood control and development of national resources by conserving the forces of nature and making them serve us rather than act as destructive agencies. The Mississippi River and its tributaries drain the richest and most productive regions occupied by the human race. The rivers open ways across the earth's surface for both land and water transportation. Mankind has always produced its greatest material achievements in the valleys of the world. Art, science, and labor combine to build cities along the great water arteries of the earth, and agriculture is most profitable and produces its fullest fruitage where the waters of the rivers have throughout the ages accumulated the richest soils and spread them out in level fields for the use of man. One thing is yet left for America to do to make the valleys of our great rivers the home of the highest developed and most successful civilization yet achieved upon earth. It is to control, distribute, and harness the waters of the streams so that they serve and enrich the Nation, not destroy the efforts of those who labor to make the rivers bear the burden of commerce and the lands productive.

Three agencies for national development are benefited by controlling and conserving the floods that now devastate the valleys—navigation and internal commerce; great water powers, that will furnish heat, light, and cheap power for the future; and improved agriculture, by spreading the waters that now destroy over the agricultural lands and storing in reservoirs at the sources of the streams. By intelligent effort we can redeem the submerged valleys of the Southland from floods and make more productive great areas of land in the North and West, where waters now go to waste that should be put to use in producing food to feed the Nation. The Platte River, extending through the center of Nebraska, borders the congressional district which I have the honor to represent. The Republican River, flowing through the second largest valley in the State, extends through the entire southern portion of the same district, from west to east. The Platte drains the largest area of any stream flowing into the Missouri. The Missouri is the greatest tributary of the Mississippi. The Republican is a great feeder of the Kansas River, the second largest tributary of the Missouri. Both of these streams are subject to violent and destructive floods. Diversion and storage of these flood waters upon the lands that border these streams will make the country upon which they are spread bloom and blossom as the rose and at the same time prevent their flow being added to the floods in valleys below. The Republican River destroyed millions of dollars' worth of property only last year by its repeated overflows. The Platte swells annually the floods in the Mississippi Valley by reason of the vast amount of water that comes down from the mountains and the great plains which it drains. Lying between the Platte and the Republican is a most fertile and beautiful table-land, as rich and productive as any upon earth if only enough water is put upon it to make it do its best service for man.

I have introduced a bill that is before the committee which has reported the measure now before the House which proposes to take the waters from the Platte, that now only waste and destroy the valleys below, and spread them over these table-lands and make them a blessing instead of an injury to the lands that are contiguous to them. I expect that this great committee, dealing as it will on a nation-wide scale to control the floods of the Mississippi and Missouri Valleys, will take up the prevention of floods in the Republican and Platte Rivers, both interstate streams, that now cause destruction in those beautiful and productive valleys. These problems are all national in scope and will be worked out in good time by the American Congress for the benefit of the American people. Energetic and progressive farmers and business men in the counties of Phelps, Kearney, and Gosper, in Nebraska, are already associated together in a great project to divert the waters of the Platte onto the table-lands between the Platte and Republican Rivers, and with the assistance that the Government will give them they will develop a great demonstration of the practicability of storing the flood waters for beneficial use in the soil instead of allowing them to run to waste for destruction and damage.

We have had a great deal of talk of late in this House about the hundreds of millions of money expended by the United States in the Philippine Islands. Authorities differ as to whether it is millions or billions we have spent there. In any event, we have appropriated it for another people, an alien race, of another color, with a different language, who do not love the flag as we do nor would not rise to defend it in an hour of peril. We are to spend many millions in Alaska to build a Government railroad near the Arctic Circle. We have spent hundreds of millions at Panama to build a water highway for all the world. I am glad to vote for a proposition to spend a little money at home to encourage the development of American homes and civilization upon American soil. [Applause.]

Mr. MONDELL. Mr. Chairman, the people I have the honor to represent on this floor live approximately a mile in altitude above the troubled waters of the lower Mississippi Valley, and we are so far away from that great stream that we are familiar with it only as we view the sparkling streams in the northwest corner of our State that form the headwaters of its longest tributary.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. And yet, far away as we are from this flood-troubled river, our people feel, in common with most of the people of the country, some responsibility for the Mississippi River and for its control. I yield to the gentleman from Missouri.

Mr. DYER. The distinguished gentleman himself, I take it, however, first learned the beauty and value of this project from having himself been born upon the banks of the Mississippi River.

Mr. MONDELL. Mr. Chairman, I was born on the banks of that noble stream, and I learned to swim in its muddy waters, and I think of it pleasantly in the recollections of my boyhood days, before I left the muddy waters of the Mississippi for the more refreshing and clearer swimming holes of the Gasconade and later the Shoshone and Wind Rivers.

Mr. STEENERSON. Mr. Chairman, the gentleman is aware that the source of the Mississippi is not muddy, for the river rises in my district.

Mr. MONDELL. Mr. Chairman, I am even more fully aware than the gentleman from Minnesota that the source is not muddy, for the source of the Mississippi is not in his State, as he erroneously supposes, but in the State which I have the honor to represent. The Mississippi River rises in the Yellowstone National Park. It is known there as the Fire Hole River in the first few miles of its course, and it then becomes the Madison, eventually the Missouri, and finally the Mississippi.

Mr. STEENERSON. Mr. Chairman, I know that the American people will be very much obliged for this correction of their general geography. It has heretofore been generally supposed that this great river had its source in Lake Itaska, one of the most beautiful lakes on this continent, where the water is as clear as crystal and deservedly has received the Indian name of "Sky Tinted Water." That lake is in the State of Minnesota.

Mr. MONDELL. All of which proves what an important river it is, because it has so many beautiful and widely separated sources. The American people have long appreciated the duty that the country owes in the matter of the control of the Mississippi River. It is the great national ditch, as it has been called, draining thirty-odd States, into which we drain every swamp, into which we pour the waters of all of the reclaimed swamp lands of all the great territory above the Delta of the Mississippi. Out in our country we have been trying to do something toward helping the flood problem by holding back some of the waters of the Mississippi River and its tributaries and utilizing them for the irrigation of arid lands, but we have always realized and understood that that work, while useful from our standpoint, was but an insignificant factor in the settlement of the question of the Mississippi floods. I am glad that we created the Flood Control Committee. I am glad that we were fortunate enough to secure the services of a very able and active man at the head of that committee. I am glad that the Flood Control Committee brought in a bill, and I hope that it will pass, though I think it might be improved.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I want to say to my colleagues who will have to do with the direction and supervision of the expenditure of the money that will be appropriated, that there is a very great responsibility resting upon them. We started in a few years ago to reclaim the semiarid lands of this country by Federal aid. We did not ask, as you gentlemen do in this case, for an appropriation outright of 75 per cent in the one case and 50 per cent in the other from the Federal Treasury, never to be returned. We were very glad to secure a loan, the major portion of which we believe will be repaid.

We have made some mistakes in the reclamation business, not fundamental, not vitally serious, not affecting the investment in the main, and yet mistakes that have not helped along that highly important and useful work. Possibly one of the reasons for that was that Congress did not have at the beginning as complete control and did not exercise as complete jurisdiction or supervision over the work as it might or it should have done. Judging from our experience, it is exceedingly important that all of the friends of flood control of the Mississippi River and other rivers shall see to it not only that the work is undertaken along the proper lines and under the proper plans, but that they keep their eye on the work as it progresses, to the end that as few mistakes as possible may be made. Some will be made in any event. No great public work goes on without some mistakes being made and some expenditures that are not the wisest. In the interest of the development of a great national work, which I am glad to see undertaken frankly on its merits and not as an adjunct to a river and harbor bill, which has to do with navigation, and in the hope that that great work will be wisely inaugurated and sanely developed——

Mr. PLATT. Will the gentleman yield?

Mr. MONDELL. I trust the Members of Congress from the regions affected and the members of this committee will give their personal attention to the work as it develops and see to it that it is carried out in a thorough, competent, and economical manner. I now yield to the gentleman from New York.

Mr. PLATT. The gentleman lives near the headwaters of the tributaries of the Mississippi River. Will the gentleman say it is impossible to control the floods from the sources, near the headwaters? Is that the opinion of the gentleman and of the engineers?

Mr. MONDELL. I think it is the opinion of engineers, arrived at after a great deal of study, that all you can economically and advantageously do in the control of floods by reservoiring at the headwaters of streams, all that can be accomplished in that way, will have comparatively little effect upon floods of great river systems. In order to hold back enough water to have any appreciable effect upon the crest of the great floods of a river like the Mississippi it would be necessary to utilize vastly greater areas for storage than are to be found at the headwaters of streams.

I do not wish to be understood as minimizing the value and importance of the application of water to the soil for irrigation and the impounding of such water in flood time for such use later on the headwaters of the Mississippi and its tributaries as a factor in flood control. In fact, I am so greatly interested in the development of irrigation and the building of irrigation works that I am naturally tempted to view development of that kind as an important factor of flood control; but a regard for the truth compels me to admit that all that we may do and hope to do in impounding the waters of the tributaries and using them for irrigation, we shall not reduce the peak of the Mississippi floods greatly. However, we do expect that the benefits of that irrigation work as a factor in flood control will not be overlooked.

In expressing the hope that this bill shall pass, I do not wish to be understood to favor all its provisions or as enamored with all of its plans. I think it would have been better if the committee had spent a little more time and worked out a better, or at least a more detailed, plan than has been worked out or will be inaugurated under this bill. For one thing, when the work done will be of great and direct benefit in reclaiming lands, there should be some plan by which the lands benefited will pay a considerable portion of the cost in addition to what the States are to pay. I am inclined to think that before we get very far on this work some such plan as this will have to be worked out. Another thing, I know of no very good reason for the differences in the percentages to be paid locally provided for in the bill. Above all, the work must be done permanently and thoroughly, or the country will soon tire of the expenditure. I for one will be as hostile as I am now favorable if it shall develop that the work is to be carried on in such a way as to be of only temporary benefit. It must be permanent and effective or it will be abandoned.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I want to make an observation or two about this bill—I believe that is the way to introduce it. I have supported various propositions for the great Mississippi River, and feel quite willing to do so, though I do not see that the proposition which is pending before the House now makes any material change in the policy which has heretofore been pursued. We have been appropriating five, six, seven, or eight million dollars a year for some years for the Mississippi River, and undoubtedly would continue to do so, and I do not see how it makes any great difference to authorize an appropriation of $10,000,000 a year, with a limitation of $45,000,000, which does not amount to a row of pins. The Appropriation Committee will probably not appropriate $10,000,000 anyhow—certainly will not unless the engineers say they can use it for the next year—and the limitation upon this bill amounts to nothing, because it does not limit the authority to appropriate in the river and harbor bill; no pretense to do that. I believe from the statements that have been made here to-day there are 20,000,000 acres of land subject to overflow. Three gentlemen have made the statement that there are 16,000,000 acres of land which are overflowed, and they are not worth very much because they are overflowed; that this will redeem that land. The total amount of cost which is to be charged against the land under the terms of this bill is one-third of $45,000,000, which is $15,000,000, and in addition to that what may be paid for rights of way and for maintenance. Fifteen million dollars to redeem 16,000,000 acres of land does not seem a very large sum to charge against the property owners. Am I right when I understand that there are 16,000,000 acres of land which may be redeemed by this bill? The gentleman from Mississippi says I am. That land, when it is finally redeemed, when it is certain that it is no longer subject to overflow, was described by one gentleman—I think correctly—as the richest land in the world. It would be worth from $200 to $500 an acre. It is proposed to charge against it for its redemption less than $1 per acre.

Now, that does not seem to be a very careful consideration by our distinguished Committee on Flood Control. That land has always been overflowed. The overflow is not caused, as suggested, from the rapid drainage of the Northern States. It was overflowed when the Government was organized. It was overflowed before the first white settler put his foot on the American Continent. It was overflowed 50 years ago. It was overflowed 10 years ago, and it is overflowed now. Doubtless the rapid drainage of the land in the North helps to add to the quantity of water which comes at certain periods of the year, but the amount that is added no one can tell, because the building of levees and restriction of the water within the banks of the stream have added a great deal more, probably, to the height of the water of the Mississippi River than the extra flow. Where the water used to spread out all over an area they now confine it within two narrow banks. Of course, that raises the gauge of the water, and if there is a break it overflows very rapidly at some places. I think the people of the Delta are entitled to consideration from the Government. I think we should make some contribution, because we have added somewhat to the flood waters of the Mississippi from the rapid drainage in the North, but when we propose to say that we pay three-fourths out of the General Treasury for the redemption of 16,000,000 acres of land, the richest land in the world, and the landowner pays one-fourth, or $15,000,000, it seems to me that we are asking a good deal of the General Government and are asking very little of the landowners.

I had hoped when the Committee on Flood Control was created that it would take a very broad view of the whole subject of flood control. There is not a new idea in this bill. There is not a new thought connected with the report which the distinguished chairman made, and which is a very able report, in reference to flood control. I do not know whether or not it is practicable to save any of the water at the headwaters which now goes to waste, aiding in destruction on the lower end of the river, in order that that water so saved may be utilized in irrigation projects, in order that the water may reach the river more slowly than it does now and on its way help to bring fertility to the soil and add to the produce of the farm. But there is no such thought here. The Committee on Flood Control has acted rather precipitately, it seems to me. They have taken the reports of the Army engineers, and there is no one

doubts that the Army engineers, who have given more careful study to the subject of navigation than they have to flood control, think the only way to take care of flood control is to raise the level of the levees and protect them from being washed away.

Well, that may be correct; but the other side of it ought to be considered. It has not been considered, and is not considered here. We ought to know from most careful investigation whether it is possible to hold back some of the waters which run away in the spring, in order that they may be utilized during the drought of the summer and the autumn. There is no such thought here. The Army engineers have been opposed to it, because they have never had occasion to give special consideration to that side of the question. We have appropriated and expended a very large sum of money—millions of dollars—upon the Mississippi River for the purpose avowed—of aiding navigation. The whole purpose of the river and harbor bill was to aid navigation, not to control flood waters; while everyone knew, as a matter of fact, that the aiding of navigation was, in part at least, only a pretense, a matter of making it constitutional and bringing it before the House in that shape. Still, that has been the thought of the engineers. Some people believe—and some people of somewhat great eminence—that it may be possible to partly control the flood waters of the spring months by saving those waters for use on their way to the sea. [Applause.] This bill abandons the idea. There is no question here at all of ever making any pretense of gathering up the waters when the snows melt and the spring rains fall in order that they may be utilized. This bill only helps to hurry the water to the ocean, where it is of no value.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in answer to the gentleman from Illinois, this fact is very clearly established by the reports of the engineers not that the increased elevation of floods to-day is entirely due to the improvements that have taken place in the northern valleys, but this fact is made perfectly clear, that the people of the lower delta have already out of their own pockets contributed more than enough to have completed a levee system high enough, strong enough to have controlled every flood that would have come down the river or that ever did come down the river prior to the activities of the people of the northern valley.

Now, let us take some figures. The greatest flood that ever came down the river after our records began to be accurate was in 1858, shortly after the development of the upper valley began, and was stimulated by what was called the swamp-and-overflow land grant.

Mr. GREEN of Iowa. Will the gentleman yield there for a question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. GREEN of Iowa. When did the records begin?

Mr. HUMPHREYS of Mississippi. They began about the first of the century, 1800—the early part of the century, shortly after the Louisiana Purchase was consummated. The first general investigation was made by Bernard and Totten, in 1822. A very elaborate investigation was made in the Ohio watershed by Lieut. Elliot, and in his report he made this statement:

> The process by which the country above is relieved is the process by which the country below is ruined.

In 1850—I have forgotten the exact date—Congress passed what is known now as the swamp and overflow land-grant act, under the terms of which all the public lands in the States of the valley were donated to the several States on the condition that the proceeds of their sales should be devoted to the construction of levees and drains—in the lower States to the construction of levees and in the upper States to the construction of drains. But it soon developed, by reason of the fact that the States of the upper valley developed much more rapidly and that it was cheaper to build drains than it was to build levees, that the elevation in the flood area progressed much more rapidly than the people were able to build their levees.

Mr. CAMPBELL. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. CAMPBELL. The gentleman is developing the general proposition that the lower Mississippi has been seriously affected by the developments on the upper Mississippi. Is it not true that the narrowing of the channel raising the levees has been the serious question with the people on the lower Mississippi——

Mr. HUMPHREYS of Mississippi. Undoubtedly.

Mr. CAMPBELL (continuing). Rather than what has been done in the upper Mississippi?

Mr. HUMPHREYS of Mississippi. Undoubtedly.

Mr. CAMPBELL. And that that has caused floods?

Mr. HUMPHREYS of Mississippi. No; that has not caused the flood, but it has seriously elevated, and very materially, the flood heights.

Mr. CAMPBELL. Is it not true that the levees on the lower Mississippi that have been so elevated have rather added to the grievousness of the situation?

Mr. HUMPHREYS of Mississippi. Undoubtedly. Now, I am going to give you some figures.

In 1858 the flood as it came out of the Ohio, just below the mouth of the Ohio, measured 1,475,000 second-feet. I take, as typical of the development of that country, the 11 States which are in the triangle described between the Missouri River on the one side and the Ohio on the other. At that time the farm values were approximately $800,000,000 in round figures. In 1880 those values had increased to $5,000,000,000, evidencing the improvement, among other things, which had taken place.

The flood of 1882, taken exactly at that same point, measured 1,800,000 second-feet. Now, in 1910 farm values in those same States had increased to $20,000,000,000. In the meantime the innumerable drainage districts had been formed, innumerable slashes and natural reservoirs had been drained, and in 1912, following immediately after the census, measured at that same point, the discharge was 2,300,000 cubic feet a second. So that from the date when the value was $800,000,000, measured at the same point just below the mouth of the Ohio, the discharge increased from 1,475,000 cubic feet to 2,300,000 cubic feet.

Now, the people of the lower Deltas have contributed out of their own pockets more than enough money to have taken care of the flood of 1858 easily, without any Federal aid. So much for that.

The precipitation of these tremendous volumes of water—and the reports show that the floods are no more numerous or in their total volume no greater than before, although the volume is precipitated much more rapidly and passes off more rapidly——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. TILSON. Mr. Chairman, I ask unanimous consent that the gentleman have 10 minutes more.

Mr. HUMPHREYS of Mississippi. Five minutes more will be enough.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. This rapid precipitation of the waters caused by the improvement of the drainage areas above has produced this most disastrous effect, and the gentleman from Wisconsin [Mr. FREAR] attributes that to inexpert levee construction. But I think that is not warranted by the facts. The rushing of these waters in the lower channel so rapidly has caused the banks to cave infinitely more rapidly than in the earlier days and before any economical method of revetment and bank protection was discovered. When a levee was located they built it in the hope that it would last for 20 years before it would cave into the river.

Mr. DILLON. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. DILLON. I would like to have the gentleman state to the committee at what period in the year his trouble with overflows on the Mississippi occur? In what months are the most serious floods?

Mr. HUMPHREYS of Mississippi. The most serious floods come in March and April. This year it came in February.

Mr. DILLON. How about June?

Mr. HUMPHREYS of Mississippi. That is what we call the "June rise," but it is rarely serious, although sometimes it is quite a serious matter. Sometimes it happens, as it did in 1912, that the floods came out of the Missouri and the Ohio Rivers at the same time.

Mr. DILLON. We get our troubles in South Dakota usually in the early spring, and then again in the month of June.

Mr. HUMPHREYS of Mississippi. Yes; so that this development up there has assisted in destroying the levees. It has not only put more water into the river at one time, but it has caused the levees that were destroyed to cave into the river.

Now, in view of the fact that the people have had to put up more than $100,000,000 since the Civil War—but let me add before I go further that when the Civil War came on it is stated in the famous report of Humphreys and Abbot of 1860 that the levee system was in a fair way to completion and the cleared lands were valued at $100 an acre and the wooded lands at $25 an acre. In 1880 more than half of the land had passed from private ownership, had passed out of the hands of

the property owners and taxpayers there, after a vain effort to meet the progressively increasing floods that had come as the result of the rapid development of the Northern States.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. GREEN of Iowa. Has the gentleman any figures there as to the increase of floods in the lower Missouri?

Mr. HUMPHREYS of Mississippi. No.

Mr. GREEN of Iowa. I have had occasion to think that the floods in general would be rather less than greater than they had originally been in the upper Missouri.

Mr. HUMPHREYS of Mississippi. I have no figures on the Missouri, except incidentally. I made an investigation on one occasion, not for the purpose of ascertaining the volume of the flood, but I ascertained—and I do not know how long this condition obtained—that for 10 years the engineers kept a record of 800 miles on the Missouri and they found that more than 10,000 acres of farm land caved in annually.

Mr. HELGESEN. Mr. Chairman, will the gentleman yield there?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. HELGESEN. I understand that the gentleman stated that the greatest flood on the lower Mississippi occurred in 1912, and that it was caused by the Ohio and Missouri Rivers both happening at that time to discharge their floods?

Mr. HUMPHREYS of Mississippi. Yes. That contributed very largely to it.

Mr. HELGESEN. Then it would be unfair to charge the development of the North with that condition, because it was a weather condition, and it would have come on just the same even if there had been no development in the North.

Mr. HUMPHREYS of Mississippi. Yes; but the flood came again in 1913 and again in 1916. There has been an increase in the flood volume, and gentlemen must know that as the improvement of the drainage area above proceeds the water must necessarily be discharged more rapidly into the tributaries. That is the purpose of drainage.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. KEATING. I will state frankly to the gentleman that the point that is sticking with me is the point raised by the gentleman from Illinois [Mr. MANN]. The gentleman from Mississippi states that there is to be redeemed 16,000,000 acres of land, and that all that land is in private ownership?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. KEATING. Why should not the men who own that land contribute to the redemption of that land, or reimburse the Government for putting its money into it?

Mr. HUMPHREYS of Mississippi. One reason, I will say, is because they can not do it all. They have tried it once, with the result that more than half of it was forfeited. For 200 years the people have been endeavoring to settle this marvelously fertile valley. It has tempted the cupidity of men ever since they landed at New Orleans. There has been a continuous and constant effort to reclaim these fertile areas, with the result that in 200 years they have been able to put under cultivation three and one-half million acres out of the twenty millions.

Mr. KEATING. The suggestion I was making was not that the Government should not assist you. I am perfectly willing to see the Government put money into this project, as I am willing to see it put money into the reclamation fund. But after you have redeemed it and made it worth $200 or $250 an acre, why not then reimburse the Government?

Mr. HUMPHREYS of Mississippi. It may be that in the course of human events that land will be worth from $200 to $250, but it is not worth it now. The finest land in that country, highly improved, is not worth the fourth of that. Fifty dollars an acre is the most that anybody can get for the finest farming land there. In my district, about half of which is immune from overflow, where we have completed our levee system, and where we have not had a crevasse in 19 years——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HULBERT. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Without objection, the gentleman's time will be extended five minutes.

There was no objection.

Mr. HUMPHREYS of Mississippi. I want to make a reply to one other statement of the gentleman from Illinois which I have not yet reached. I took up my time on this other matter. The question of making a general survey of the drainage area, with a view to ascertaining if it were not possible to husband all the water as it falls from the skies, put it to beneficial uses, and in that way reduce the floods of the lower valley—that matter has been studied. It has been studied for a long time by the engineers. If we were to create a commission with authority to make that investigation and report, we found we were confronted with the statement that no country on the face of the earth has ever been able to make such a survey for less than $70 a square mile. Now, when those figures confronted us, when we were told that it will take, at the lowest estimate, $10,000,000 to make that investigation in the Ohio Valley alone, the committee naturally hesitated. It is estimated by the engineers that $190,000,000 would be required to make the surveys contemplated in one very comprehensive bill which was pending before the committee, that it would require 10 years to make the surveys, and that there are not engineers enough in the Government service to do it in that time.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I yield to the gentleman.

Mr. MANN. A few years ago we sent an Army engineer over to China to tell that country how to prevent floods in one of the greatest streams in the world over there. Did he have to make a survey of all this land, at $70 an acre, in order to tell them how?

Mr. HUMPHREYS of Mississippi. I said $70 a square mile.

Mr. MANN. Seventy dollars a square mile, or any other area that the gentleman wants to fix. I do not care what it is. He did not make any surveys at all, did he?

Mr. HUMPHREYS of Mississippi. I am not fully informed on that. I know what the gentleman is talking about.

Mr. MANN. He did undertake to tell them how to prevent floods in their great rivers. I do not know whether it was successful or not, but he did undertake to tell the Chinese how to prevent that.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. The gentleman says that in this country all of the engineers combined could not do it without spending $190,000,000.

Mr. HUMPHREYS of Mississippi. If the House understood me to say what the gentleman understood me to say, I was unhappy in my statement, because that is not what I intended to say. The gentleman referred to a survey of this country to see if the water could not be put to some beneficial use from the springs down. Now, here is what the committee does provide. Take the Ohio Valley as an illustration. Why spend $10,000,000 for a survey of the entire Ohio watershed, to ascertain the possibility of controlling the floods of that entire watershed, when it is known just what tributaries of the Ohio these disastrous floods occur upon. We know there is trouble in the Allegheny and the Monongahela and the Scioto and the Wabash and the Miami and others that are troubled with floods.

Every stream in this country where there is a flood condition is represented here on the floor of this House, and it is quite certain that those matters will be brought to the attention of the committee. Therefore the committee provided machinery whereby, instead of taking this entire watershed at a cost of untold millions of dollars, and making an investigation, we would accomplish the desirable thing by taking the tributaries where flood conditions do prevail, where everybody knows that they prevail, and examine the watershed of each particular tributary, which can be done for one-twentieth part of the cost of a great comprehensive survey of the entire country. Now, that is what the committee attempts to provide in section 3 of the bill.

Mr. BORLAND. Will the gentleman yield to me at that point?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. BORLAND. I want to ask the gentleman whether it is not true also that the water that would be collected from these sudden spring floods would be collected in a section of the country where it is of no value and in no demand for the purposes of irrigation? In other words, these floods occur in the humid belt, do they not, and the water that would be collected would be of no value as stored water for the purposes of irrigation?

Mr. HUMPHREYS of Mississippi. As a rule that is true, though there are some places where it can be profitably used for irrigation.

Mr. STAFFORD. In Wisconsin we are conserving the waters, not for irrigation but for power purposes, at the headwaters of the streams tributary to the Mississippi River.

Mr. BORLAND. There is a certain amount of that.

Mr. GARD. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I yield to the gentleman from Ohio.

Mr. GARD. In that connection has the gentleman and his committee, in estimating the cost of the surveys of which he has spoken, taken into consideration the very excellent drainage

map afforded at present by the United States Geological Survey, comprising, I think, surveys of nearly all the States of the Union.

Mr. HUMPHREYS of Mississippi. Of course those surveys do not cover all the States of the Union by a great deal, but that was considered in the estimates. Now, what we provide is this: You have a flood situation——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman may proceed for five minutes more. We are all very interested in his explanation.

Mr. HUMPHREYS of Mississippi. I do not wish to take all the time.

Mr. MANN. I am sorry I made a speech of 10 minutes that takes the gentleman 20 minutes to answer.

Mr. HUMPHREYS of Mississippi. I think anyone who can answer a speech of the gentleman from Illinois in 20 minutes is doing very well. [Applause and laughter.]

When a watershed is to be examined we provide in the bill that Congress shall indicate that it desires this particular watershed investigated. Then the engineers are called upon to make a comprehensive survey of the entire watershed, and in their reports these are the things they are called upon to report: They shall state what, if any, water-power propositions are involved, give the character and extent of the area, whether it involves the flooding of cities or farm areas or mining properties or what; what, if any, other beneficial uses of water can be coordinated with the flood appropriations; what, if any, effect it will have on navigation of any stream that will be involved. The examination is comprehensive enough, and it is confined to those watersheds that we know before hand are subject to damage by floods. It occurs to the committee that that is a much more businesslike procedure and a much more economical procedure than to create a commission or authorize any agency we have in the Government to go out and make a comprehensive survey of the entire country involving an expenditure of many millions of dollars.

Mr. CLINE. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I will.

Mr. CLINE. I would like to ask the gentleman whether there was any estimate made by the engineers who were before the committee as to the cost of making a critical examination of the different watersheds that contribute to the flooding of the Mississippi.

Mr. HUMPHREYS of Mississippi. Yes; it was stated that it would cost $10,000,000 to make that survey of the Ohio River Valley, that watershed alone, and if we undertook the surveys contemplated in the comprehensive measure that has been urged for several years it would cost $100,000,000 and take 10 years to complete the work.

Mr. HELVERING. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. HELVERING. Last year in Kansas there were thousands of acres overflowed by the tributaries of the Kaw River. Would that scheme of the gentleman relieve that situation in Kansas?

Mr. HUMPHREYS of Mississippi. Section 3 undertakes to provide the machinery in the War Department whereby Congress hereafter, if it was thought a desirable thing to do, could secure the investigation of the situation that the gentleman suggests, and in that investigation they would make a comprehensive survey of the entire watershed and determine whether the water could be diverted to irrigation or what not.

Mr. HELVERING. Does the scheme which the gentleman has outlined relieve the situation above the one I have mentioned?

Mr. HUMPHREYS of Mississippi. I do not think it does.

Mr. PLATT. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. PLATT. Is it not true that the Ohio Valley is already covered by topographical survey maps, and how it would cost $10,000,000 I do not not see.

Mr. HUMPHREYS of Mississippi. I do not know why, but it has not been done for less than that anywhere else on the face of the earth.

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. CAMPBELL. Mr. Chairman, I was an enthusiastic supporter of the rule creating the Committee on Flood Control. I was in favor of the creation of that committee because I believed that something practical could be done in controlling flood waters that ultimately create great damage on the larger streams near their mouths. You may imagine somewhat my disappointment that this bill, one of the first and most important reported by the committee, does nothing to carry out the purpose indicated by the name of the committee that was created. This amount could as well have been provided for by the Committee on Rivers and Harbors as by the Committee on Flood Control. There is therefore nothing new, nothing in this appropriation that fulfills the mission of the committee.

In the first place, there are, I believe, scientific reasons for believing that flood control is a sound proposition; that it is possible to control the flood waters of the great streams of this country. I believe that it is possible to save the lower Mississippi, the Missouri, the Kaw, and every great river in the country from the serious overflows that result in such great havoc during the flood season.

I had hoped that this committee would take up that question under surveys that have already been made, that are available now in the departments of this Government, and do something that would relieve those living on these streams from the damage that they sustain by reason of the overflow of the streams at every flood season. There is nothing in this bill that will remedy those conditions that have heretofore existed.

I had hoped that along the waters of the Republic, along the waters of the Kaw, along the banks of every stream that is tributary to the Mississippi, there would be an impoundment under the recommendations of this committee of the flood waters used for irrigation or used for power purposes after the flood tide had passed. Nothing of that kind is done.

The whole scheme of this bill is to relieve the flood conditions on the rivers with which the people have been battling for two or three centuries. The floods on the lower Mississippi have always inundated the land tributary to the river. They always will while the waters are permitted to reach the lower Mississippi Valley in flood seasons.

If those sections of the country are to be reclaimed and made available for farming purposes without serious loss to the people who live upon them, that settlement should be made upon these lands on the same conditions under which settlers go upon semi-arid lands of this country to-day, where irrigation is provided, and these lands should be reclaimed in exactly the same way and on the same principle that these arid lands are reclaimed. The swamp lands, the overflowed lands of the Mississippi, of the Missouri, of every stream, should be reclaimed for the benefit of the citizens of this country under exactly the same conditions and the same provisions as the arid lands are reclaimed. The settler should pay for the land, the Government being reimbursed, as suggested by the gentleman from Colorado a moment ago, when the lands have been reclaimed. Why should the Treasury of the United States be mulcted for these enormous amounts every year for flood control when there is no flood control, for navigation when there is no navigation, all for the purpose of temporarily, if possible, aiding some one in settling upon lands that have been subject to overflow ever since there has been a bed for the Mississippi or for the Missouri or for any other of the streams tributary to which the lands are to be reclaimed? The overflow of the Mississippi and of the Missouri and of these other streams is not a matter of modern origin, and it does not occur because of anything that has happened in the upper tributaries of those streams within the last half century or three-quarters of a century. These streams have always overflowed; they always will overflow while the waters of the upper tributaries are permitted to go into those streams during the flood season. So I say I am disappointed that the Committee on Flood Control has not brought in a bill with a view to controlling the floods in the streams tributary to these great rivers and preventing the floods in the flood season, as it has been demonstrated in other countries can be done and as it has been believed in this country by engineers for years could be done, and as is believed in this country to-day by many men who have given the subject serious consideration can be done. There is nothing in the bill, there is nothing in the proposition that is new. There is nothing that differs from what could be brought in here by the Committee on Rivers and Harbors in the regular appropriation bill reported by that Committee. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DILLON. Mr. Chairman, I indorse the position taken by the gentleman from Kansas [Mr. CAMPBELL]. Before making any remarks I would like to ask the chairman of the committee a question, referring to line 3, page 1, which reads "for controlling the floods of the Mississippi River." Would that include the Missouri River and its tributaries?

Mr. HUMPHREYS of Mississippi. It would not.

Mr. DILLON. Mr. Chairman, I thank the gentleman for his clear and positive answer. It seems to me that this committee has overlooked one of the principal elements of flood control. I live on the banks of the Missouri River and know something about its floods. Scarcely a spring passes that we do not have floods that cover thousands of acres of land. It is not a question of the Mississippi River; it is a question of the Missouri River with us. How are we going to control that situation? It is well known what it is, and to control these floods is not a difficult proposition. When the snows melt in the spring the waters come down from the James, the Vermilion, and other rivers flowing to the south, and at the same time from the prairies west of the Missouri River we have the flood waters flowing into the Missouri, which floods thousands of acres of land, not one year, but practically every year. Again in the month of June comes another rise; we call it the June rise. The snows on the mountains in the West are melted, and the waters come pouring down from the West into the Missouri, and we have again a flood that devastates and destroys our crops. I believe it to be a feasible proposition to impound these waters. I think the committee has commenced at the wrong end. You should commence on the tributaries, the streams that feed the Missouri, and impound the waters and store them for irrigation purposes, in order that they may be used for irrigating our lands and thus hold back the floods.

If we can hold back these mountain streams, we will avoid the June rise, we will avoid the spring rise, and we will not be troubled with floods. If this is to be a bill confined only to the Mississippi River, then there is serious objection to it. There is no good reason why it should not be general in its character by which we may stop these waters in the spring of the year caused by the melting of the snow and hold them back until the flood dangers are passed.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. DILLON. Yes.

Mr. DENISON. I would like to know what State of the Union the gentleman would use for the purpose of impounding these waters.

Mr. DILLON. Wherever they may be impounded. For instance, there are narrow defiles in these mountain streams where a small dam costing but little money could hold in check these waters, and the holding of them in check would prevent these floods, and the waters could be used afterwards. As a matter of fact, the Missouri River is the greatest river of the country and the Mississippi is a tributary to it. [Applause.] So I think the committee has overlooked the great question, which is the impounding of the waters and stopping them at their source. If you will do that, you will not be troubled with the Mississippi floods so far as the western country is concerned. [Applause.]

Mr. BENNET. Mr. Chairman, I first want to call the attention of the committee to the fact that Mr. Fox, who is carrying on this propaganda, is not very well acquainted with the constitution of the State of New York. Each Member from New York yesterday received a copy of the bill, and attached to it was what purported to be resolutions adopted by the house of representatives of the State of New York. We never had a house of representatives in the State of New York in the history of the Government. We do have a legislature, and this rather gives the impression, although this book I hold in my hand does not, that these are the instructions to the Members of Congress. It may be that the legislature thinks it has the right to instruct Members of Congress. Now, the fact is—of course, the gentleman from Mississippi did not know it—but the fact is that these resolutions were introduced in our assembly in 1914 as joint resolutions to be passed by both houses of the legislature, and were passed by the assembly of 1914, but were unanimously laid on the table in the senate. [Laughter.] So our legislature has not very thoroughly indorsed it.

Mr. HELVERING. If the gentleman will permit, I was going to suggest possibly there has been a mistake, and there has been an exchange of States, because in my State we do not have an assembly but we have a house of representatives.

Mr. BENNET. The gentleman has my sympathy. [Laughter.] I hope that his house of representatives is as good a body as our assembly.

Mr. BORLAND. They have a representative government in Kansas.

Mr. HUMPHREYS of Mississippi. If the gentleman will permit, the gentleman called on me last night and I explained the matter, and that many of these resolutions were adopted by many legislatures throughout the country, some by the house of representatives and some by the senate, and some by both. I made inquiry at once this morning when the gentleman told me about the New York situation, and I was advised that Mr. Sweet, speaker of the house, requested the leader, Mr. Hinman, to introduce the resolution, which he did, and that resolution passed in that chamber which usually corresponds to the house of representatives. I have certified copies from a number of the States which I could not get hold of to-day; I have them somewhere or other, but I could not get hold of them to-day, but there was no intention on my part to deceive the gentleman from New York or the House. I was simply expressing the opinion of the general assembly or the house of representatives, or whatever they call it in New York, on this subject, and it had done thus and so.

Mr. BENNET. It is called the assembly in my State and the house of representatives in Kansas.

Mr. MANN. If the gentleman desired to express the opinion of the lower house of the legislature, did the gentleman also have an expression of opinion of the upper house?

Mr. HUMPHREYS of Mississippi. My understanding was it was passed by the house of representatives. I did not go into it any more accurately than that.

Mr. MANN. The gentleman from Mississippi was probably imposed upon by some advocate.

Mr. HUMPHREYS of Mississippi. I was not.

Mr. MANN. Then this House was imposed upon.

Mr. HUMPHREYS of Mississippi. If the House was imposed upon, it was imposed upon by me.

Mr. MANN. Of course nobody thinks that the gentleman from Mississippi would impose upon the House.

Mr. BENNET. The gentleman would not do a wrong in any way for the purpose of passing his bill.

Mr. HUMPHREYS of Mississippi. These resolutions were gathered by this Mississippi Levee Improvement Association, which has been conducting this propaganda throughout the country for the last several years, moving pictures, picture books, lectures, and every other means of reaching the people, and among other things it seems they got a lot of resolutions passed by various legislatures, and these were sent to Members of the House for their information.

Mr. MANN. Under the gentleman's frank?

Mr. HUMPHREYS of Mississippi. Under the gentleman's frank.

Mr. MANN. Well, the gentleman was imposed upon.

Mr. BENNET. Mr. Chairman, I ask unanimous consent—inasmuch as I did not have a chance to utter a single sentence—for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. BENNET. Because I wanted to pay my respect to this humorous volume which has been placed in my hands, entitled "The Mississippi River: Its Improvement and Flood Control, Declared to be a National Duty by Governors and State Legislatures."

I think it was Artemus Ward who said that he was perfectly willing to sacrifice his wife's relatives on the altar of his country's devotion; and as I read through this volume I am struck with the unanimity with which the governors of the States are willing to have the United States appropriate money. And in order that this may be embalmed in the CONGRESSIONAL RECORD, I wish to say that Gov. Spaulding, of New Hampshire, is in favor of having it done by the Federal Government. Gov. Beekman, of Rhode Island, cautiously thinks that the Federal Government "should do all in their power to preserve the channel of the Mississippi River"—so long as Rhode Island does not have to pay any of the money. Benjamin Gates, secretary of civil and military affairs for the State of Vermont, is directed by the governor to say, "The project is worthy of the attention of Congress." Charles R. Miller, governor of Delaware, is willing that this should be done through Congress. He is the governor of that great State which consists of three counties at low tide and two at high tide. [Laughter.] The governor of Kansas, without the concurrence of the house of representatives, says this presents "a problem which is worthy of the attention of the National Government"—still protecting the treasury of the State of Kansas. Our old friend L. B. Hanna, governor of North Dakota, is warm-hearted and enthusiastic about it. He says: "I will be glad, indeed, to see our National Government expend money sufficient to see that the floods which have devastated so much country in the South in times gone by might be entirely done away with." And that is before he took the trip abroad with Henry Ford. [Laughter.] Gov. Alexander, of Idaho, says, "It is to be hoped that Congress will see its way clear to provide such appropriation as may be necessary for the protection and reclamation of those valuable lands."

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BENNET. I will.

Mr. MOORE of Pennsylvania. Idaho is a great maritime State, too, is it not?

Mr. BENNET. Our old friend Frank Willis is heard, by saying: "This can be accomplished only by having the general management of the work under the control of the Federal Government. Assuring you of my interest in this worthy movement," and so forth.

G. W. Clarke, governor of Iowa, is anxious. He is in hopes "that Congress will consider this problem at an early date and provide the necessary means for the construction and maintenance of the required levees." Iowa is on board as long as the National Government pays for it. Wisconsin rather varies the monotony of the rest of the governors by indorsing the attitude of the gentleman from Wisconsin [Mr. FREAR] and says, through Gov. Philipp, "I hope this project will not suffer by being confused with the so-called 'pork-barrel' measures which apportion money upon a political basis without legitimate return." The governor is going to be disappointed, because all over this country this is going to be called a "pork-barrel" measure. I did not hear the speech of the gentleman from Wisconsin [Mr. FREAR], but I doubt that he is favoring the bill. Gov. Brewer, of Mississippi, is for the Old Flag and appropriations to the extent of a page of typewriting. Gov. Stuart, of Virginia, had a busy day, and gives us four lines, and simply says that he begs to say that he "regards the levee problem of the Mississippi River of such importance as to deserve the attention of Congress." The secretary of the governor of Colorado conveyed the distinguished consideration of the governor of that great State, and said that Gov. Carlson directed him to say that only the National Government is competent to deal effectively with the same. Gov. Trammell, of Florida, is sure that this thing can only be cared for by Congress at its next session. The governor of West Virginia, whose name I can not make out, but whose initials are "H. D. H.," or were on the 18th of August, 1913, and who may have changed his mind since, says, "I shall be glad to add whatever influence I have to bring about substantial support from the Federal Government."

Who is the governor of West Virginia?

Mr. GARD. Mr. Hatfield.

Mr. BENNET. Gov. Henderson, of Alabama, thinks that this is a national question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for three minutes more. Is there objection?

There was no objection.

Mr. CAREW. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. CAREW. Does the gentleman appreciate how much the time he is now occupying costs the National Government?

Mr. BENNET. No. I think I can discuss that with my colleague outside; and, incidentally, since my colleague has asked the question, I will say that the next letter, from the governor of the State of Indiana, can only be characterized by saying it is worthy of one of our recent Democratic governors of New York, our former colleague, Gov. Sulzer, at his best. I read it in full:

Your letter was received during my absence on the coast, hence the delay in answering it.

It is my judgment that those charged with the responsibility of taking steps looking to a proper solution of the Mississippi River problem will not have to be urged to do their duty. They understand what is required and will do what they can to make the people secure in their rights.

Very truly, yours, SAMUEL M. RALSTON, *Governor.*

[Laughter.]

Gov. Curtis, of Maine, wants the whole country relieved from flood damages—also at the expense of the Federal Government.

The governor of Arkansas is naturally for the proposition.

The governor of Missouri does not have to be shown in relation to this matter. He says:

I think the action should be Nation wide instead of being an expense to the few States bordering on the Mississippi River.

Where is the State of Missouri located? [Laughter.]

The governor of Georgia thinks that the United States alone is the proper body to take care of it. Shades of the representatives of State rights! [Laughter.]

And here is one letter from all the governors that shows thoughtful and careful consideration. It is from a man who served with distinction in this House. He was called from this floor to be governor of his State and is now, unfortunately, dead. It is our old friend, Gov. Hammond, of Minnesota. [Applause.] He says:

In reply to your letter of May 11, let me say that I have always been in favor of Mississippi River improvement. The expenditures made in the past have not produced wholly encouraging results, but it seems to me that our engineers, with the experience they have had, can formulate a plan for the improvement of the river that will include very little of a temporary character, but, even though progress be slow, will make for permanence.

Sincerely, yours, W. S. HAMMOND, *Governor.*

He expected our Committee on Flood Control to take its time and do a good job.

The governor of Oregon says he is in favor of getting something for Oregon first. [Laughter.] If this project does not interfere, he is for that, too. [Laughter.] His letter was written on the 21st of May, 1915. It is signed "James Withycombe."

The governor of North Carolina, Locke Craig, writes:

It is the duty of the General Government to preserve the channel of the Mississippi as a highway for commerce and to protect the lands of the valley from destruction by floods.

The governor of Tennessee says:

The magnitude of the undertaking and the expanse of rich country to be preserved makes it a claim upon the Federal Government rather than upon States and small levee districts.

LOUIS C. YE, *Governor.*

Then Connecticut, with proverbial caution, says, through its governor:

Connecticut is probably as little affected by the conditions upon the Mississippi as any State in the Union, but I think that its people would willingly give their consent for the expenditure of national funds for the completion of the levee system.

Now, here is Pennsylvania, and there has been a little lack of correlation between the governor and at least one Representative of that State here in Congress. [Laughter.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield there?

Mr. BENNET. Yes.

Mr. HUMPHREYS of Mississippi. I want to call the gentleman's attention to the fact that the name of the governor of Tennessee is "Thomas C. Rye."

Mr. BENNET. I thought it was Rye, but I did not dare say "Rye," remembering that Tennessee was a dry State [Laughter.]

Now, the governor of Pennsylvania says this—and I want to have the attention of the gentleman from Pennsylvania [Mr. MOORE]. He says, through his secretary:

The governor has directed me to say, in reply to your letter of May 13, that he will ask the Congressmen from Pennsylvania to act upon the matter mentioned, and that he hopes the money may be given, as he is in favor of the levee system of protection.

Mr. MOORE of Pennsylvania. I think he meant the system of protection to American industry. [Laughter.]

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. GALLAGHER. Has not the gentleman read enough to convince him?

Mr. BENNET. I have read enough to convince me that whenever it is a question of letting the National Government do it the governors of the States are unanimously willing, and also enough to indicate to this House what it seems to me is beneficial to indicate, and that is the ease with which men in high positions permit their names to be attached to documents recommending projects calling for millions of dollars, without giving one useful or careful thought to the matter. [Applause.]

Mr. BORLAND rose.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, before the gentleman proceeds, let us see if we can not read some of the bill. We have had now four hours and a half of debate. I want to see if we can reach some agreement by which we can at least read the first section of the bill before adjournment.

Mr. MANN. Have we not read the first section?

Mr. HUMPHREYS of Mississippi. No; we have read the first paragraph, not the first section.

Mr. MANN. It was to be read by sections.

Mr. HUMPHREYS of Mississippi. That was not the understanding. It was read by paragraphs.

Mr. MANN. It ought to be read by sections.

Mr. HUMPHREYS of Mississippi. Before the gentleman from Missouri proceeds, I want to ask unanimous consent that we read this first section. Then he can proceed.

Mr. DILLON. I have an amendment to offer on this paragraph.

Mr. MANN. Was there an agreement to read it by paragraphs?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. I am sorry about that.

Mr. HUMPHREYS of Mississippi. I did it under the assurance that gentlemen on that side should be given a vote. We have been just as clever as we possible could be.

Mr. MANN. We on this side are willing to close debate now.

Mr. HUMPHREYS of Mississippi. We do not want to close debate.

Mr. BORLAND. What is this—an amendment?

Mr. MANN. An amendment to the first paragraph.

Mr. BORLAND. I have no objection.

Mr. MANN. Does the gentleman from South Dakota want to discuss it?

Mr. DILLON. Briefly; and there may be others who may want to discuss it.

Mr. MANN. How much time does the gentleman want?

Mr. DILLON. Five minutes.

Mr. MANN. I suggest to the gentleman from Mississippi that he ask unanimous consent to close debate on the first paragraph in five minutes.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent that debate on this paragraph be closed in five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] has been recognized.

Mr. BORLAND. Does the gentleman want to take my time?

Mr. DILLON. No; I want to speak on my amendment.

Mr. BORLAND. Then I suggest to the gentleman from Mississippi that he make it 10 minutes.

Mr. HUMPHREYS of Mississippi. I want to hear the gentleman's amendment. I do not know what it is. I will withhold my request for five minutes.

Mr. BORLAND. Mr. Chairman, I am very glad to give my support to this bill, although it does not directly solve the problems in which my section of the country is peculiarly interested. I know, however, that it is the forerunner of legislation which will solve the great flood problem of the Mississippi Valley.

I am for this bill for two reasons. In the first place, I believe that the overflow of the lower Mississippi Valley is a great national problem, which can be effectively dealt with only by Congress. I know that the people of the States affected have not lain idle and permitted this damage to come upon them without exerting to the utmost all of the physical and legal power that they had to prevent it. In spite of the facetiousness of some gentlemen who live safely beyond the Alleghenies, they must recognize the fact that the people in the Mississippi Valley who have had to contend against this flood condition have undoubtedly exerted themselves to the utmost to control the situation. So when they finally came to the conclusion that there is no control which holds out any hope of being effective except national control, their opinion is entitled to great weight.

In addition to that the gentleman from New York [Mr. BENNET] is wrong in assuming that because the Mississippi Valley States are urging this action upon Congress they have not contributed to the purpose out of their own State treasuries.

Mr. BENNET. Will the gentleman yield?

Mr. BORLAND. Very briefly. I have not much time.

Mr. BENNET. I never made any such statement. I know the contrary. They have contributed from their funds.

Mr. BORLAND. I want to assure the gentleman from New York that they have.

Mr. BENNET. I said that they had.

Mr. BORLAND. And especially I am familiar with the contributions of the State of Missouri, on the Missouri River, which forms one of the important parts of this problem, and which to-day is being leveed largely by levee districts organized under State law and existing under local taxation.

But in the brief time I am going to occupy I want to call your attention to the fact that I am for this proposition, not alone upon its individual merits, but because it recognizes a principle for which I have long contended—that the improvement of the interior of the country, the internal development of the country, is a matter of national interest. If we can reclaim this great body of land and make it productive and responsive to the growing wealth of the Nation, it is a matter of national benefit and national concern. More land can be reclaimed by levee construction in this country than can ever be reclaimed by the most expensive irrigations projects that can be adopted, and it can be reclaimed more cheaply, and it is better land after it is reclaimed. I know that in the past we have had to do this to an extent under the navigation clause of the river and harbor bill; but I am glad that Congress is frankly taking charge of the situation as an independent proposition, and solely upon the question of national interest in the reclamation of these lands and their restoration to the productive area of the country, their restoration to the food-producing and raw-material producing area of this country, looking upon it as a national proposition worthy of the attention of Congress.

Mr. FESS. Will the gentleman yield?

Mr. BORLAND. Briefly.

Mr. FESS. I want to ask whether the gentleman has any doubt as to the effectiveness of the work, and whether he can give us assurances that the money expended will not be wasted.

Mr. BORLAND. I do not pass on that from a technical standpoint. I know of no method that has ever been used except the levee method to control flood conditions, but I am in favor of reclamation from a national standpoint.

Mr. WHEELER. Mr. Chairman, it is a question in my mind whether I will support this bill. I am in a little doubt as to what effect it will have on the land lying along the Illinois River. There have been thousands and thousands of acres of land redeemed there, the most productive lands in the State to-day. They have expended anywhere from $75 to $100 per acre in redeeming the land by erecting dikes and levees 15 feet high, establishing pumping stations for pumping the surface water, and if this water along the Mississippi River is confined to the banks as proposed by experts and engineers who have gone over the situation, there is no question in my mind but what it will have a great effect on the water in the Illinois River.

Mr. MOORE of Pennsylvania. What does the gentleman mean, reduce the water level?

Mr. WHEELER. No; raise it up very materially, in my opinion; so much so that these lands will become overflowed, and, in fact, become worthless, because we have June floods there; and the question is, Who is going to pay the damages?

Mr. MOORE of Pennsylvania. Does the gentleman mean that the building of revetments below will tend to back the water up?

Mr. WHEELER. That is my contention; that is, the water in the Illinois River will be so retarded by confinement by the water in the Mississippi River that naturally it will take more time to empty the channel in the Illinois River, and it has got to seek a level somewhere.

Mr. BENNET. Do not some people say that building of bridges on a river obstructs the flow of the river to a certain extent?

Mr. MOORE of Pennsylvania. That has developed in inquiries on certain bridge bills.

Mr. FESS. Two large concrete bridges were built across the Miami, and when the flood came the débris lodged against it and the water backed up so that it turned the course of the water and it went down Third Street.

Mr. WHEELER. I do not contend that it is correct, but I would like to receive some information on it from those who have studied the Illinois River, built dikes and levees at enormous expense, and as to what the engineers say, because, as I said before, somebody is responsible in case that should happen. They are redeeming land every year, forming drainage districts, and if the flow is retarded in the Mississippi River it naturally means a retarding of the flow of the water of the Illinois River. I am of the opinion that the dikes there at present are not high enough to take care of additional water.

Mr. HUMPHREYS of Mississippi. Let me say that the levees of the lower regions of the Mississippi will have no effect at all on the Illinois River. They accelerate the flow.

Mr. WHEELER. But you receive the flow from the Missouri River and it will retard the flow of the Illinois River.

Mr. HUMPHREYS of Mississippi. The flow of the Mississippi is not retarded, and the effect of the improvement on the lower Mississippi on the Illinois River is absolutely nil.

Mr. WHEELER. Do I understand the gentleman to say that if they confine the water in the lower Mississippi it will not retard the flow in that river?

Mr. HUMPHREYS of Mississippi. No; it accelerates the flow. Mr. Chairman, I ask unanimous consent that we read the first section now, and then it will be in order to amend it.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to complete the reading of the first section. Is there objection?

Mr. DILLON. I object; I want my amendment read.

The Clerk read as follows:

Page 1, line 3, strike out the words "Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River" and insert in lieu thereof the following: "Ohio, Missouri, and Mississippi Rivers and their tributaries."

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this section and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. DILLON. Mr. Chairman, as supplemental to what I have already said, I want to present the issue to this committee that if we are to have a drainage system we want one that will be considered from every standpoint. The impounding of the waters is the most material proposition before this Flood Committee, and you have entirely ignored every element of impounding of waters. Now, there is no good reason why we should not commence at the other end of this program and stop the flowing of the flood waters by impounding them and in that way you would benefit the lands along the Missouri as well as the lands lying along the Mississippi. You will never control the flood waters of these great streams unless you impound the waters, because the water will fall as sure as the night follows the day, and when you have great rains and the melting of snows, floods will follow all through this entire valley. It seems to me that we will be making a great mistake if you do not take into consideration these propositions. To do things by piecemeal will be a failure. I want to see this bill perfected so that we can all support it; simply doing it by sections, in the form of levees, will mean a miserable failure. I hope this amendment will be adopted, so that we all may be able to give this bill our support, but without such an amendment it is doubtful if I could support a bill of this character. [Applause.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I hope the amendment will not be agreed to. It provides for including here the Ohio and the Missouri Rivers and their tributaries, for not only controlling the floods in the Ohio and the Missouri Rivers, but also for continuing their improvement. Congress has already adopted a project for the improvement of the Ohio River, costing more than $60,000,000, which is now proceeding, and it has adopted a project for the improvement of the Missouri River, to cost $20,000,000, and that is proceeding. This amendment, if agreed to, will appropriate $45,000,000 for the improvement of the Ohio River——

Mr. DILLON. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. DILLON. The gentleman says that we have adopted a plan for the improvement of the Missouri River. Where does that come in?

Mr. HUMPHREYS of Mississippi In the river and harbor appropriation bill.

Mr. DILLON. That is, from Kansas City to St. Louis?

Mr. HUMPHREYS of Mississippi. I can not yield any further.

Mr. DILLON. We have been trying to get a little appropriation up there and we have not been able to do it.

Mr. HUMPHREYS of Mississippi. To adopt this amendment would provide for appropriating $45,000,000 more for the improvement of the Ohio, which is already proceeding now under a plan to cost $60,000,000, and for the Missouri, which is already proceeding under a plan to the improvement to the extent of $20,000,000. It also would appropriate a portion of this $45,000,000 for the improvement of all of the tributaries of those rivers, without any survey or estimate. Nobody knows whether it will cost $45,000,000 or $145,000,000. I hope the committee will not agree to any such proposition. The Ohio River tributaries—the Wabash, the Miami, the Allegheny, the Monongahela—are now being surveyed with a view to the control of the floods. Those surveys are being made, and reports will be had on them next year, so Congress will know then what it will cost and will be able to determine whether Congress is able to undertake the control of the floods on these various tributaries. This proposition is without any survey, without any investigation whatever, just to undertake the control of the floods in all of the tributaries of the Ohio River and of the Missouri River, and, in addition to that, to undertake their improvement, and appropriate therefor $45,000,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken; and on a division (demanded by Mr. DILLON) there were—ayes 13, noes 30.

Mr. DILLON. Mr. Chairman, I suggest the absence of a quorum.

Mr. STAFFORD. Mr. Chairman, I hope the gentleman will not do that. We had an understanding to run until 5.30 o'clock.

Mr. DILLON. Mr. Chairman, I will withdraw the point of order for the time being, but I will say to the gentleman that I will put it in in some other form.

So the amendment was rejected.

The Clerk read as follows:

(b) That no money appropriated under authority of this section shall be expended in the construction or repair of any levee unless and until assurances have been given satisfactory to the commission that local interests protected thereby will contribute for such construction and repair a sum not less than one-third of such sum as may have been allotted by the commission for such work: *Provided*, That such contributions shall be expended under the direction of the commission, or in such manner as it may require or approve, but no contribution made by any State or levee district shall be expended in any other State or levee district except with the approval of the authorities of the State or district so contributing.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word with the idea of seeing if we can not come to some understanding. There are a number of gentlemen here who wish to offer amendments to this and to some of the succeeding paragraphs. Will the gentleman from Mississippi agree to have the remainder of the section read to the end, with the right to offer amendment to any of the respective paragraphs?

Mr. HUMPHREYS of Mississippi. That is entirely satisfactory.

Mr. LENROOT. I would rather finish this paragraph first.

Mr. HUMPHREYS of Mississippi. Let us read the section and then offer the amendments to the paragraphs.

Mr. LENROOT. With the understanding that as to this particular paragraph there shall be no attempt to cut off debate, that there shall be the same freedom as though it were read separately?

Mr. HUMPHREYS of Mississippi. Oh, yes.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the rest of section 1 may be read to the end with the right to offer amendments to any of the paragraphs beginning with line 15 on page 2.

The CHAIRMAN. Is there objection?

Mr. DILLON. Mr. Chairman, reserving the right to object, I would like to ask the gentleman whether he expects to close this paragraph so that we can not offer amendments next Wednesday?

Mr. STAFFORD. No; the very purpose is to allow amendments to be offered next Wednesday.

Mr. DILLON. If that is understood, I have not read this carefully, and I may want to offer some amendment.

Mr. STAFFORD. That is the very purpose, so that Members can prepare their amendments between now and Wednesday next, and they can be then discussed.

The CHAIRMAN. Is there objection?

Mr. LENROOT. Mr. Chairman, reserving the right to object——

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I desire to know whether, if this agreement is entered into any gentleman can offer amendments to any one of these paragraphs if we read to the end of the section now?

Mr. STAFFORD. That is the understanding, beginning on line 15, page 2.

Mr. MOORE of Pennsylvania. Mr. Chairman, still reserving the right to object, there is this objection to that. The gentleman from Mississippi may want to limit the debate on amendments when that question arises, and that may put some gentlemen to a disadvantage.

Mr. STAFFORD. I would like to say to the gentleman from Pennsylvania, if the gentleman from Mississippi will permit, that this paragraph is one of the important paragraphs in the bill, and the amendments to be offered require consideration for some time and, perhaps, would require a larger membership in the discussion.

Mr. GARD. Why can not the unanimous-consent request include the offering of amendments before to paragraph A, which has been passed?

Mr. STAFFORD. That has already been passed, with opportunity to Members to offer amendment, but nobody saw fit, and I did not think it was right to go back and make the request include a paragraph that had been already read.

Mr. GARD. It is only part of one section, and intimately related.

Mr. HUMPHREYS of Mississippi. It has been read.

The CHAIRMAN. Is there objection?

Mr. BENNET. I object.

Mr. LENROOT. Mr. Chairman, I offer an amendment; in line 20, page 2, strike out the word "third" and insert the word "half."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, strike out the word "third" and insert the word "half."

Mr. LENROOT. Mr. Chairman, the amendment I propose, if adopted, would require the owner of the land or levee district, instead of paying one-fourth of the total cost, to pay one-third

of the total cost. Now, Mr. Chairman, when this committee was created we all recognized that the Speaker of this House was very influential in its creation, and you will remember that he made a speech in favor of the rule creating the committee. In that speech he advocated two things that he believed this Committee on Flood Control would do. He advocated two propositions that he believed would be a solution of this flood question, and the first one was that some means would be devised to curtail the flow of the streams, thus preventing these floods, and he used this language:

The only thing to do, it seems to me, is to appoint a committee that will take the best advice it can get so that a system can be devised to curtail, if that is the word, the vast amount of water which goes down the rivers, overflowing the whole country, and make them go down more gradually.

Now, Mr. Chairman, the committee that has made this report—and I have examined it with some care—not only did not make a report upon that proposition, but it does not seem to have even considered it at all, for the admitted result of the proposition which is now before the House is that the waters will not be curtailed in their flow, but, on the contrary, will be accelerated, so that as to one of the propositions that the Speaker advances it not only has been abandoned by the committee, but has not even been considered by it. And we are now confronted with the other proposition, which is a reclamation proposition, and as to that the Speaker had this to say:

Now, I do not believe that Congress is ever going to drain the public lands, or the private lands either, at public expense, but I will tell you what I believe it will do. It will rig up a scheme like the irrigation scheme except exactly the reverse as to the subject matter, by which these overflowed lands will be drained and the men who own the lands will pay for the drainage.

He says that the theory of irrigation is that the irrigation works will be completed and not cost the Government a single cent, and so forth. Now, in the report of the committee we find that up to this time private interests have contributed $3 in the building of levees on the lower Mississippi for every dollar that the Government has expended. In other words, in the proportion of 3 to 1 contributed by private interests. The United States Government has contributed $29,000,000 for the construction of levees and private interests $90,000,000. Now, this bill before us goes clear to the other extreme.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. LENROOT. Whereas private interests in the past have been contributing $3 for every dollar the Government has been contributing, and making splendid progress at that, now we propose that the Government shall contribute $3 for every dollar that private interests shall contribute. Now, it seems to me that that is an altogether unfair proposition. It is going altogether too far. And admitting, as I do, that the Government ought to contribute a portion of this cost for the reasons that have been suggested, the fact, nevertheless, remains that every acre of this land that is now overflowed will be increased tremendously in value by this improvement. And instead of the Government contributing $3 for every dollar that private interests contribute the contribution should at least be equal. But I have not even asked for that in my amendment. If my amendment is adopted, the Government will contribute $2 for every dollar that private interests contribute instead of $3, as is proposed in the pending bill.

Mr. GARRETT. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. GARRETT. Taking the amount that has heretofore been expended and the amount that is involved in this bil, will it not work out to about the basis that the gentleman suggests?

Mr. LENROOT. It may; but as I have listened to the debate, and I have been very much enlightened by it during the discussion, there are some portions of this river where the levees are completed entirely, and that get no benefit from this bill. Now, while you are really discriminating against those who have paid $3 for $1 of the Government where the work is completed, is it too much to ask that in that portion of the river where levees are still necessary that they shall pay at least $1 for every $2 that the Government contributes, whereas in the past they have had to pay $3 for every dollar that the Government has contributed?

Mr. GARRETT. I have only this suggestion to offer to the gentleman, if he will permit, and that is that this levee system must necessarily be one complete system in order to give the full relief that is necessary. It will be impossible to work out an absolutely equitable system on any basis. I will say to the gentleman.

Mr. LENROOT. I think that is true; but I do insist that where we propose, as would be in the case of my amendment, to pay $2 for every dollar contributed by the State, that that is certainly equitable, whereas in the past the States have contributed $3 for every dollar that the Government has contributed.

Now, it is said that they can not afford to pay any more. Why, Mr. Chairman, every one of us who lives in a city, especially in the case of street improvement, has seen case after case where property has been assessed and where the taxes can not be paid out of the income from that property, and they have been compelled to mortgage the property. In some cases it has actually been confiscated by taxation. But where the improvement increases the value of the property that is no reason why they should not make a fair contribution for the benefits actually received, because, perchance, they might have to mortgage their land in order to pay the assessment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. I call the gentleman's attention to this: He quoted from the Speaker about the drainage of swamp lands. Gentlemen understand it is a fact that after this land is protected from overflow, of course it has to be drained. Every dollar of the drainage is borne by the local interests. The Government contributes nothing whatever to that. There are projects, as I stated a few moments ago, now in process of completion, that cost $40,000,000, in round figures, for drainage, but the Government is not asked to contribute anything whatever toward them.

Mr. LENROOT. Let us see about that. It has been stated during the debate that on a large portion of this river the river will be as high as 15 feet above the land upon either side, the levees protecting the lower land. These levees are themselves going to make drainage unnecessary. You are certainly not going to be able to drain from lowlands into the Mississippi River if the flow of the Mississippi is above the level of the water upon your lowlands.

Mr. HUMPHREYS of Mississippi. Of course you could not drain into higher water; but even if the levee is constructed by the local interests, you still could not drain over the levee into the river. That is certainly true. But whatever drainage has to be done has to be paid for exclusively by the owners.

Mr. LENROOT. There is no difference between us. The fact is when you have low water upon the Mississippi River a very large percentage of those lands will of themselves be drained, and thereafter the levees will protect them.

Mr. HUMPHREYS of Mississippi. They will be protected from overflow, but they have to be drained.

Mr. LENROOT. But they will drain without expense at low water, to a very large extent.

Mr. HUMPHREYS of Mississippi. No; you have to have these drainage projects. You have to have tremendous drainage projects. The drainage cost in my own county, for instance, is equal to $7 on every acre of land in that county.

Mr. LENROOT. That is a very trifling sum; lands worth absolutely nothing improved at $7 an acre expense, to make it worth $100 an acre, is not a very serious matter. The fact is that it is the building of these levees that will make the tremendous value of the land where you can at a comparatively small expense, after the building of the levees, drain them, and where without the levees you can not do anything with them.

Mr. HUMPHREYS of Mississippi. The gentleman is very much mistaken if the gentleman thinks by building levees and constructing drainage systems the land will be made worth $100 an acre. The fact is the land will be worth only half of that after the drainage has been completed and the land placed under cultivation and after the houses are put upon it. It is still worth only about $50 an acre.

Mr. LENROOT. Perhaps I was misled by some of the overenthusiastic statements that have been made here to-day.

Mr. HUMPHREYS of Mississippi. It will cost from $35 to $40 an acre to put the land under cultivation. Then it will cost to drain somewhat more in certain places than in others. There is very little land in that country that can be sold for as high as $50 an acre.

Mr. LENROOT. Let me see if the gentleman's statements are correct. If they can not afford to pay $1 for every $2 which the Government pays, how in the past have they been

able to pay $3 to every $1 that the Government has contributed?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I suggest that it is the proper time now to rise, and the gentleman can take the floor on the next occasion when the bill is under discussion.

Mr. HUMPHREYS of Mississippi. We will do that in a few minutes.

Mr. DENISON and Mr. CURRY rose.

Mr. HUMPHREYS of Mississippi. We have proceeded heretofore—that is, the Government has proceeded—by meager appropriations; that is, very small appropriations, and the fact is before us to-day that we have gone along at such a snail's pace that we have never been able to finish the levee system. The result has been that we would get the levees started and pretty well up, and then the floods would come on and destroy them, and we would then have to start all over again, because we had not proceeded expeditiously and completed them.

Now, if we are to proceed in a business way—and nobody doubts that the Government is going to continue in this enterprise, whether it appropriates a considerable sum or a small sum—we are going to stay in it until it is completed. Now, if we can go on in a business way we will have to appropriate, as is proposed in this bill, $6,000,000. That is the opinion of the commission; and it was the opinion of others who came before us that it was impossible for them to raise more than $2,000,000 to put into levees, because they would have to raise another million for rights of way, damages, administration, and things of that kind, and then they would have to pay a million and a quarter interest on the bonds already outstanding, and they could not raise any more money than that. Now, if we are going to require a larger proportion of contribution by them, the only way it can be accomplished will be by the Government spending less money. That will mean that we will proceed during the years as we have been proceeding, that these levees will be swept away by the next flood, that we will be called upon, as we were a few years ago, to spend a million and a quarter dollars down there after the flood of 1912 in relief matters. We spent a million dollars in the flood of 1913 in emergency work, which the commission says was not permanent; and in the last analysis we will spend more money than is contemplated by this bill; and instead of concluding the whole matter in the next five years we will stretch it out to the next 15 or 20 years, maybe; and instead of completing the levees at an expenditure of $30,000,000 on the part of the Government, they will cost $40,000,000 or more, probably $50,000,000.

Mr. LENROOT. May I ask the gentleman as to the method of raising this money? Is it by selling bonds?

Mr. HUMPHREYS of Mississippi. They have outstanding now $20,000,000 of bonds; and, then, they have anticipated their revenues to a considerable extent by ordinary debentures.

Mr. LENROOT. I want to ask the gentleman whether, by this Government going ahead expeditiously and with a full project, it will not be very much easier in the future to sell levee bonds than it has been in the past when the Government has been pursuing this haphazard policy?

Mr. HUMPHREYS of Mississippi. Undoubtedly it will; and it is contemplated in some of the districts, I know, that if this is done they may be able to float bonds. Most of them are already bonded now up to the limit; and, as I stated before, because of the fact that there was no assurance that they were going to complete the job investors were a little chary about buying the bonds, and the result is a very high rate of interest. It is their hope and expectation that they may be able to float bonds at a lower rate of interest. That is the way in which they expect to raise this money.

Mr. LENROOT. So the gentleman does not believe it will be more difficult to raise money in the future on the basis of $2 expenditure by private individuals and $1 by the Government than it has been in the past on the basis of $3 expenditure by private individuals and $1 by the Government?

Mr. HUMPHREYS of Mississippi. No; not on the basis proposed in the bill. I did not mean to be understood that the districts could not raise the money.

Mr. STAFFORD. Mr. Chairman, I suggest the absence of a quorum.

Mr. HUMPHREYS of Mississippi. I will say to the gentleman that, in compliance with my agreement with him, I was about to move that the committee rise.

Mr. STAFFORD. The Chairman was about to recognize another gentleman. If the gentleman is about to move that the committee rise, I will withhold the point.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CARAWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, and had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. GARRETT. Mr. Speaker, I believe an agreement has already been made to meet at 11 o'clock to-morrow.

Mr. STAFFORD. No such agreement has been made.

The SPEAKER. No; it has not been made.

Mr. GARRETT. I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection?

Mr. STAFFORD. Reserving the right to object, I do not think that it is customary to meet at 11 o'clock on unanimous-consent day, and to-morrow is given over to unanimous consent. As the leader of the minority left a few minutes ago, with the understanding that we should meet at 12, I think I shall be constrained to object.

Mr. GARRETT. I was under the impression that the agreement had already been made. I want to suggest to the gentleman from Wisconsin that the Unanimous Consent Calendar is pretty full, and I think we could expedite business very much.

Mr. STAFFORD. It has not been generally expected that we would meet at 11 o'clock, except on days when appropriation bills are being considered.

The SPEAKER. The Chair will state to the gentleman from Wisconsin that the Unanimous Consent Calendar now contains 8 pages, and the Chair has about 12 or 13 applications to suspend the rules.

Mr. GARRETT. It would relieve the situation very much.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

COMMITTEE ON ELECTIONS NO. 2.

Mr. RUSSELL of Missouri. Mr. Speaker, I want to call up for immediate consideration the resolution which I send to the Clerk's desk pertaining to the business of the House.

The SPEAKER. Is it privileged?

Mr. RUSSELL of Missouri. I think so, but I will ask unanimous consent for the present consideration of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 222.

Resolved, That Election Committee No. 2 be permitted to sit during the sessions of the House for the remainder of the week while holding hearings on the election case of Horgan against Tinkham.

The SPEAKER. Is there objection?

There was no objection, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5424. An act to construct a bridge in San Juan County, State of New Mexico.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 6057) to amend section 14 of the reclamation extension act approved August 13, 1914, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Arizona, Mr. LANE, and Mr. JONES as the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

ADJOURNMENT.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Thursday, May 4, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (S. 3203) granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes, reported the same with amendment, accompanied by a report (No. 625), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 3646) to amend the act of February 11, 1915 (38 Stat. L., p. 807), providing for the opening of the Fort Assiniboine Military Reservation, reported the same with amendment, accompanied by a report (No. 626), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 733) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming, reported the same with amendment, accompanied by a report (No. 627), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLINTIC, from the Committee on the Public Lands, to which was referred the bill (H. R. 12208) adding certain lands to the Teton National Forest, Wyo., reported the same without amendment, accompanied by a report (No. 628), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 14533) to authorize the Secretary of the Interior to issue a patent in fee simple to the district school board No. 112, of White Earth Village, Becker County, Minn., for a certain tract of land upon payment therefor to the United States in trust for the Chippewa Indians of Minnesota, reported the same without amendment, accompanied by a report (No. 629), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PHELAN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 15004) to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create financial agents for the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 630), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PETERS, from the Committee on Claims, to which was referred the bill (H. R. 7504) for the relief of E. W. Rohmeling, reported the same without amendment, accompanied by a report (No. 631), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 1622) for the relief of Henry S. Royce, reported the same with amendment, accompanied by a report (No. 632), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 12267) for the relief of Wallace L. Bell, reported the same without amendment, accompanied by a report (No. 633), which said bill and report were referred to the Private Calendar.

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 1741) for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park, reported the same without amendment, accompanied by a report (No. 634), which said bill and report were referred to the Private Calendar.

Mr. PETERS, from the Committee on Claims, to which was referred the bill (H. R. 3894) for the relief of George H. Grace, reported the same without amendment, accompanied by a report (No. 635), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1087) granting a pension to Henry N. Wilks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2783) granting a pension to Alexander Ellert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6235) granting an increase of pension to Dock J. Miller; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14638) granting a pension to Michael P. Foley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15035) to correct the military record of Charles King; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. OLDFIELD: A bill (H. R. 15311) to amend section 66 of the Judicial Code (36 Stat. L., p. 1104); to the Committee on the Judiciary.

By Mr. CONRY: A bill (H. R. 15312) fixing the compensation of inspectors of customs, and for other purposes; to the Committee on Expenditures in the Treasury Department.

By Mr. SLAYDEN: A bill (H. R. 15313) to provide for the removal of the Botanic Garden to Rock Creek Park and for its transfer to the control of the Department of Agriculture; to the Committee on the Library.

By Mr. WEBB: A bill (H. R. 15314) prohibiting threats against the President of the United States; to the Committee on the Judiciary.

By Mr. CARTER of Oklahoma: A bill (H. R. 15315) authorizing the Secretary of War to have made an appropriate investigation of the Washita and other rivers in southeastern Oklahoma, with a view to controlling floods; to the Committee on Flood Control.

By Mr. McGILLICUDDY: A bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes; to the Committee on the Judiciary.

By Mr. HAYDEN: A bill (H. R. 15317) making an appropriation for drilling test wells for artesian water in the San Simon Valley, Ariz.; to the Committee on Appropriations.

By Mr. STEENERSON: A bill (H. R. 15318) granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States; to the Committee in Interstate and Foreign Commerce.

By Mr. SCULLY: A bill (H. R. 15319) for the encouragement of the production of better horses for agricultural and military purposes; to the Committee on Agriculture.

By Mr. CONNELLY: A bill (H. R. 15320) providing for a site and public building for post-office and other Federal purposes at Hays, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. STOUT: A bill (H. R. 15321) authorizing the allotment of lands to children on the Fort Peck Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. HELGESEN: A bill (H. R. 15322) granting the consent of Congress to the Board of County Commissioners of Traill County, N. Dak., to construct a bridge across the Red River of the North; to the Committee on Interstate and Foreign Commerce.

By Mr. VOLSTEAD: Joint resolution (H. J. Res. 216) proposing to amend the Constitution of the United States to authorize the Congress to enact laws to define and limit the causes for divorce; to the Committee on the Judiciary.

By Mr. KEATING: Resolution (H. Res. 221) making certain inquiries of the Secretary of the Treasury; to the Committee on Expenditures in the Treasury Department.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 15323) granting an increase of pension to Frederick Brunner; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 15324) granting an increase of pension to Quincy A. Cheadle; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 15325) granting an increase of pension to Nancy S. H. Goodwin; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 15326) granting an honorable discharge to Isaac Matthew Edwards; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 15327) granting an increase of pension to Clarinda Branch; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 15328) granting an increase of pension to Elijah Blackhurst; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 15329) granting to Noble D. Preston brevet ranks of major and lieutenant colonel, United States Volunteers; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 15330) granting an increase of pension to William Ellison; to the Committee on Pensions.

Also, a bill (H. R. 15331) granting an increase of pension to Margaret Westcott; to the Committee on Pensions.

By Mr. GREGG: A bill (H. R. 15332) for the relief of A. H. Stein; to the Committee on Claims.

By Mr. HILLIARD: A bill (H. R. 15333) granting a pension to Martin O. Larsen; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 15334) granting a pension to Andy R. Fetter; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 15335) granting an increase of pension to Joseph Walton; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 15336) for the relief of Lena R. McCauley; to the Committee on War Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 15337) granting a pension to Mary Cash; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 15338) granting a pension to John F. Gilliam; to the Committee on Pensions.

By Mr. SMITH of Texas: A bill (H. R. 15339) waiving the age limit for admission to the Medical Corps of the United States Navy in the case of W. Culbert Lyon; to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 15340) for the cancellation of the allotment and trust patent therefor of Agnes Small Head or Follows the Track, a deceased Crow Indian of Montana; to the Committee on Indian Affairs.

Also, a bill (H. R. 15341) to provide for the disposal of the inherited estate of Takes Across the Water, widow and sole heir of Looks At the Water, deceased allottee of the Crow Indian Reservation; to the Committee on Indian Affairs.

By Mr. TAGUE: A bill (H. R. 15342) granting a pension to Ann Riley; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 15343) granting an increase of pension to Eli Hovis; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 15344) granting a pension to Ida Lillis Pettit; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 15345) granting an increase of pension to Ellen J. Stratton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Chamber of Commerce of Honolulu, indorsing Senate bill 203 and House bill 11252; to the Committee on Education.

Also (by request), memorial of State Convention of Nevada Woman's Civic League, at Reno, favoring reporting the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also (by request), memorial of Local Philadelphia, Socialist Party, indorsing House joint resolution 159; to the Committee on Labor.

Also (by request), memorial of Board of Aldermen of New York, favoring preparedness; to the Committee on Military Affairs.

Also (by request), petition of men and women of Sacramento, favoring the Sutherland-Mondell woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of sundry voters of Fallen Timber, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BEAKES: Petition of W. P. Elmore and 72 citizens of Jackson, Mich., protesting against the passage of House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

Also, petition of Paul C. Rowlands and 24 citizens, of Jackson; J. C. Pullen and 47 citizens, of Belleville; Walter H. Smith and 37 citizens, of Monroe; Mrs. E. P. Jones and 28 citizens, of Ann Arbor and Saline; Luther E. Lovejoy and 43 citizens, of Wyandotte; Ann L. Potts and 16 citizens, of Cadmus; E. P. Munn and 24 citizens, of La Salle; Clark T. Woodward and 25 citizens, of Carleton; R. L. Scamehoon and 22 citizens, of Jackson; Rev. Edwin Ewell and 20 citizens, of Monroe County; Lynn A. Barrow and 20 citizens, of Adrian; M. S. Leadd and 23 citizens, of Adrian; J. C. Holser and 24 citizens, of Erie; the Presbyterian Sunday School of Cadmus; the North Street Methodist Episcopal Church, of Jackson; the North Rome Free Baptist Church, of North Rome; the adult members and voters of the Methodist Episcopal Church of Milan; the congregation of the Methodist Episcopal Church of Belleville, all in the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of C. A. Wilkie and 24 citizens of Jackson County; Zearl Stoddard and 24 citizens of Lenawee County; William Colton and 51 citizens of Temperance; the Methodist Church of Alpena; the Baptist Sunday School of Temperance; 400 members of St. Paul's Methodist Episcopal Church, of Monroe; the First Methodist Church of Wyandotte; the Presbyterian Church and Sunday School of La Salle; the First Methodist Episcopal Church and Sunday School of Carleton; the Congregation and Sunday School of the Free Methodist Church of Jackson; the members of the Congregational Church and Sunday School of Maybee; the West Adrian Sunday School, of Adrian; the Friends' Church of Adrian; the Evangelical Sunday School of Erie; the Sabbath School of the Presbyterian Church of Erie; H. J. Gilbert and 40 citizens of Jackson; S. B. Huff and 35 citizens of Medina; and the Baptist Sunday School of Medina, all in the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Oliver Stroll and 100 citizens of Battle Creek; William J. Avery and 19 citizens of Moorepark; and Mrs. E. E. Merchant and 42 citizens of Paw Paw, all in the State of Michigan, protesting against the passage of House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Memorial of Board of Aldermen of New York City, favoring House bill 6915; to the Committee on the Post Office and Post Roads.

Also, memorial of United Boards of Business Agents of New York City, indorsing Senate bill 3457 and House bill 8826; to the Committee on Naval Affairs.

Also, memorial of the Manufacturers' and Business Men's Association of Brooklyn, opposing House bills 8665 and 8677; to the Committee on Labor.

Also, petition of Samuel Baker, of New York, indorsing the Nolan bill; to the Committee on Labor.

Also, petitions of sundry citizens of The Bronx, in favor of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Daniel J. Laverty, of New York, favoring pensions for superannuated postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of Charles Lange, of New York City, favoring pensions for postal employees; to the Committee on the Post Office and Post Roads.

Also, memorial of Board of Aldermen of New York City, favoring preparedness; to the Committee on Military Affairs.

Also, petition of William A. Maguire, of The Bronx, N. Y., favoring House bill 9820; to the Committee on the Judiciary.

Also, petitions of sundry citizens, favoring House bill 8696; to the Committee on the Merchant Marine and Fisheries.

By Mr. BRUMBAUGH: Evidence to accompany House bill 6984, granting a pension to Mary A. McCann; to the Committee on Invalid Pensions.

By Mr. BURKE: Memorial of Evangelical Lutheran Immanuel's Church, of Lebanon; St. John's Church, of Raudenbush Lake; Evangelical Lutheran Church of Herman; Conference of Evangelical Association, at Appleton; Rev. E. Buenger and citizens of Fredonia; Trinity Evangelical Lutheran Church, of Milwaukee; and Trinity Church of Herman, all in the State of Wisconsin, against war with Germany; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of women voters of Nevada, California, and Arizona, favoring suffrage amendment; to the Committee on the Judiciary.

Also, petition of United Military Order of America, relative to preparedness; to the Committee on Military Affairs.

Also, petitions of National Bank of Commerce and P. W. Brooks & Co., of New York City, relative to flood-control bill; to the Committee on Rivers and Harbors.

By Mr. DAVIS of Minnesota: Petitions of business men of the third congressional district of Minnesota, favoring bills taxing mail-order houses; to the Committee on Ways and Means.

By Mr. DAVENPORT: Petitions of the merchants of Nowata, Afton, Miami, and Chelsea, Okla., favoring the passage of House bills 270 and 712, providing for a tax on mail-order houses doing an interstate business; to the Committee on Ways and Means.

By Mr. ELSTON: Protest of Phoebe A. Hearst and others, against action of House Judiciary Committee with reference to Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of E. E. Parlin and other citizens of Alameda County, Cal., against House bills 491 and 6468, amending the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. FLYNN: Petitions of P. W. Brooks & Co. and National Bank of Commerce, all of New York City, relative to flood-control bill; to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of the Illinois Bankers' Association, favoring Senate bill 19, Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Military Order of America, relative to preparedness; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of House of Representatives of Massachusetts, in re flood control; to the Committee on Flood Control.

Also, petition of sundry citizens of Massachusetts, favoring House bill 8665; to the Committee on Labor.

Also, memorial of John Devoy Branch, Friends of Irish Freedom, in re foreign relations; to the Committee on Foreign Affairs.

Also, petition of Ham Parsoom Obanian, of South Boston, Mass., favoring Senate resolution for assigning an Armenian relief day; to the Committee on Foreign Affairs.

By Mr. HADLEY: Petition of citizens of Benton County, Wash., against passage of House bill 13048, for juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HASTINGS: Petition of citizens of Muskogee, Okla., for continued neutrality of United States; to the Committee on Foreign Affairs.

By Mr. HILLIARD: Petition of 20 citizens of Denver, Colo., against the Taylor system in Government shops; to the Committee on Labor.

By Mr. HULBERT: Memorial of Board of Aldermen of New York City, relative to preparedness; to the Committee on Military Affairs.

By Mr. KAHN: Petition of citizens of San Francisco, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. KALANIANAOLE: Memorial of Chamber of Commerce of Honolulu, indorsing House bill 11252 and Senate bill 703; to the Committee on Rivers and Harbors.

Also, memorial of Chamber of Commerce of Honolulu, favoring including the College of Hawaii among the colleges benefiting by the Hatch Act; to the Committee on Agriculture.

Also, memorial of Chamber of Commerce of Honolulu, favoring the Newlands bill; to the Committee on Agriculture.

Also, memorial of Chamber of Commerce of Honolulu, in re trade conditions; to the Committee on Appropriations.

By Mr. LAFEAN: Memorial of Chamber of Commerce of Montgomery, Ala., favoring passage of the Shields bill; to the Committee on Interstate and Foreign Commerce.

By Mr. LIEB: Petition of E. E. Baker, George Appel, A. C. Koch, John Mominee, A. G. Eltonhead, John M. Koch, Albert Griese, Jesse Woods, J. C. Sutherland, John Coakley, Clarence Fehrenbach, William A. Herrscher, Oscar Miller, John C. Ruff, Carl Eberhart, Dello Turpen, H. C. Johnston, Thomas Simpson, Mrs. W. Packard, Mrs. F. Reishert, Fred Hohenberger, Charles Morell, George J. Mutschler, Mrs. Mary McGnire, Miss Lula Merritt, Earl V. Reese, Alexander Thomson, A. G. Ermling, A. A. Miller, Robert Leigh, Ralph Stevens, Charles Minch, Lawrence Hicks, Joe H. Kimburger, and W. Francis Jaus, all of Evansville, Ind., favoring House bill 8665; to the Committee on Labor.

By Mr. LOUD: Petition of A. Clabuesch and 190 other members of the Evangelical Lutheran Zion Church of Remus, Mich., protesting against any declaration of war with Germany; to the Committee on Foreign Affairs.

By Mr. McKINLEY: Petition of sundry citizens of the State of Illinois, against the Taylor system in Government shops; to the Committee on Labor.

By Mr. MAGEE: Petition of sundry citizens of Syracuse, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MAPES: Petition of 16 citizens of Grand Rapids, Mich., against the Taylor system in Government shops; to the Committee on Labor.

By Mr. MATTHEWS: Evidence in support of House bill 15251, to increase pension of Albert Fuller; to the Committee on Invalid Pensions.

By Mr. MILLER of Minnesota: Petition of sundry citizens of Carlton, Minn., against passage of the Moss-Hollis rural-credits bill; to the Committee on Banking and Currency.

By Mr. NOLAN: Petition of Building Trades Council of San Francisco, Cal., transmitting resolutions in opposition to war; to the Committee on Foreign Affairs.

By Mr. O'SHAUNESSY: Memorial of German-Americans of Rhode Island, in reference to shipment of Red Cross supplies; to the Committee on Foreign Affairs.

Also, memorial on postalizing the wires; to the Committee on the Post Office and Post Roads.

Also, memorial of sundry organizations of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of Rhode Island, favoring adequate military preparedness; to the Committee on Military Affairs.

Also, petitions of sundry citizens, favoring House bill 5757; to the Committee on Reform in the Civil Service.

Also, petition of sundry citizens of the State of Rhode Island, against the Taylor system in Government shops; to the Committee on Labor.

Also, petition of John F. McEvoy, of Providence, R. I., in re foreign relations; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Rhode Island, favoring House bill 8665; to the Committee on Labor.

Also, petition of James H. Young, of Edgewood, R. I., indorsing Senate bill 4784; to the Committee on Education.

By Mr. RANDALL: Memorial of women of Sacramento, Cal., urging woman suffrage; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of sundry citizens, opposing becoming involved in the European war; to the Committee on Foreign Affairs.

By Mr. SMITH of Michigan: Petition of Burt Walker and 26 other citizens of Battle Creek, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, additional papers to accompany House bill 14897, in pension case of Eliza C. Spears; to the Committee on Invalid Pensions.

By Mr. STAFFORD: Protest of the Trinity Evangelical Lutheran Church, against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. VARE: Memorial of Chiropody Society of Pennsylvania, in favor of the regulation of podiatry or chiropody in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Civic Club of Philadelphia, relative to the erection of the central power plant, Washington, D. C.; to the Committee on the District of Columbia.

Also, memorial of Wharton Street Methodist Episcopal Church members, favoring amendment to the United States Constitution prohibiting polygamy; to the Committee on the Judiciary.

Also, memorial of Union Veteran Legion, in support of widows' pension bill No. 11707; to the Committee on Invalid Pensions.

By Mr. WASON: Petition of R. E. Lufkin, of Quaker City, N. H., and 17 other residents, all of the second New Hampshire congressional district, favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of F. H. Britton, of Claremont, N. H., and 16 other residents, all within the second New Hampshire congressional district, favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. WHALEY (by request): Petition of Miss Susan Furt and others, in favor of Susan B. Anthony amendment; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 4, 1916.*

(Legislative day of Wednesday, May 3, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

RURAL CREDITS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Newlands	Smoot
Bankhead	Hollis	Norris	Sterling
Beckham	Hughes	O'Gorman	Sutherland
Brady	Husting	Oliver	Swanson
Brandegee	James	Overman	Taggart
Broussard	Johnson, Me.	Page	Thomas
Chamberlain	Johnson, S. Dak.	Phelan	Thompson
Clapp	Jones	Pittman	Tillman
Culberson	Kenyon	Ransdell	Townsend
Cummins	Kern	Reed	Underwood
Curtis	La Follette	Shafroth	Vardaman
Dillingham	Lodge	Sheppard	Walsh
du Pont	Martin, Va.	Sherman	Williams
Fall	Martine, N. J.	Simmons	Works
Gallinger	Myers	Smith, Ga.	
Gronna	Nelson	Smith, S. C.	

Mr. HOLLIS. I desire to announce that the Senator from Delaware [Mr. SAULSBURY], the Senator from Arkansas [Mr. ROBINSON], and the Senator from West Virginia [Mr. CHILTON] are absent on official business.

Mr. GALLINGER. I wish to announce the enforced absence of the Senator from Maine [Mr. BURLEIGH] on account of illness in his family.

Mr. KERN. I desire to announce the absence on official business of the senior Senator from Florida [Mr. FLETCHER] and the unavoidable absence on account of sickness of the junior Senator from Illinois [Mr. LEWIS]. These announcements may stand for the day.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment proposed by the Senator from Iowa [Mr. CUMMINS] to strike out section 29 of the bill.

Mr. WALSH. Mr. President, I rise to submit some remarks upon the very interesting questions presented by the addresses of the Senator from Utah [Mr. SUTHERLAND] and the Senator from Iowa [Mr. CUMMINS]. They have raised the question whether section 29 can be constitutionally sustained, and to my mind that involves the question as to whether the act as a whole can be sustained. The two questions, as I view the matter, being bound up in each other, the seriousness of the question, then, is quite obvious.

Mr. President, it has been repeatedly asserted that this bill is not workable; that it is doomed to failure. The same charge was made with respect to the Federal reserve act. We were told again and again that it was a piece of complicated machinery that would inevitably fall of its own weight; that it would not have the confidence of the business public.

So, Mr. President, predictions that if this pending measure becomes a law it will be a total failure are made by those who rather hope that it will be; and of course whether it is successful or not will depend very largely upon the question whether it is, in the popular mind at least, a constitutional exercise of the power of Congress.

The very complete discussion of these questions by the Senator from New Hampshire [Mr. HOLLIS], who with singular ability has presented this bill to the Senate, practically leaves nothing to be said, and my only excuse for detaining the Senate longer in the discussion of this subject is that something further might aid in dispelling any apprehensions that may have been excited by reason of the comments of these two distinguished Senators, both of them recognized as among the ablest lawyers of this body.

I think, Mr. President, it is rather strange that the Senator from Utah, in the discussion of this subject, should have confined his comment to principles which he thought were supported by the early United States Bank cases and the latter cases dealing with the question whether the property of railroad corporations charged with public functions was exempt, and wholly failed to call the attention of the Senate to the later decisions dealing with the constitutionality of the national bank act and the exemption to which national banks and the property of national banks is entitled under the Constitution and under the statutes.

One would naturally think that when the National Government, in the year 1863, undertook to establish one system of national banks and when now, in the year of grace 1916, it undertakes to establish another system of national banks the question of the constitutionality of this measure would be most safely resolved by a careful study of the decisions construing the act of 1864. Yet this did not receive even a passing notice, as my recollection now serves me, from the distinguished Senator from the State of Utah. They are in great number, among others the Deering case in Ninety-first United States, to which the attention of the Senator was called by the Senator from New Hampshire [Mr. HOLLIS], and the Owensboro case, to which his attention was first invited by the Senator from Illinois [Mr. LEWIS] and later by the Senator from Kansas [Mr. THOMPSON].

As the opinion in that case put into the RECORD yesterday, reported in One hundred and seventy-third United States, a modern case, was decided at a time when the court had before it all the earlier decisions to which the attention of the Senate was invited by the distinguished Senator from Utah, I think it would be wise to direct our attention first to that last general declaration upon the subject and see if we can not make some progress from that as a basis toward determining the question that is now presented concerning this bill.

That was a case in which the constitutionality of a statute of the State of Kentucky was considered, a statute which made the franchises of banks taxable. A later decision of the Supreme Court recites that it presented as well the question whether the property of the bank is taxable, and the opinion in the case, laying down in perfectly clear and positive terms the rule that no property of a national bank is taxable except where it is made so by the act of Congress, was in a way brushed aside on yesterday by remarking that the language is to be considered in connection with the facts, that the question under consideration was the taxability of the franchise.

I invite the attention of the Senate now to the language of the opinion in that case by the Chief Justice. I read from page 667 of One hundred and seventy-third United States, as follows:

> Early in the history of this Government, in cases affecting the Bank of the United States, it was held that an agency, such as that bank was adjudged to be, created for carrying into effect national powers granted by the Constitution, was not in its capital, franchises, and operations subject to the taxing powers of a State. (McCulloch v. Maryland, 4 Wheat., 316; Osborn v. Bank of the United States, 9 Wheat., 738.)
>
> The principles settled by the cases just referred to and subsequent decisions were thus stated by this court in Davis v. Elmira Savings Bank (161 U. S., 283):
>
> National banks—
>
> National banks. We are creating national banks here—
>
> National banks are instrumentalities of the Federal Government, created for a public purpose, and, as such, necessarily subject to the paramount authority of the United States. It follows that an attempt by a State to define their duties or control the conduct of their affairs is absolutely void wherever such attempted exercise of authority expressly conflicts with the laws of the United States, and either frustrates the purpose of the national legislation or impairs the efficiency of these agencies of the Federal Government to discharge the duties for the performance of which they were created. These principles are axiomatic and are sanctioned by the repeated adjudications of this court.

So far for the Elmira Savings Bank case. Then the Chief Justice concludes:

> It follows then necessarily from these conclusions that the respective States would be wholly without power to levy any tax, either direct or indirect, upon the national banks, their property, assets, or franchises, were it not for the permissive legislation of Congress.

Not only their franchises, Senators, but their property, their assets. The court continues:

> The first act providing for the organization of national banks, passed February 25, 1863 (c. 58, 12 Stat., 665), contained no grant of power to the States to tax national banks in any form whatever. Doubtless the far-reaching consequence to arise from depriving the States of the source of revenue which would spring from the taxation of such banks, and the error of not conferring the power to tax, early impressed itself upon Congress, for the following year, act of June 3, 1864 (c. 106, 13 Stat., 99), power was granted to the States, not to tax the banks, their franchises, or property, but to tax the shares of stock in the names of the shareholders.
>
> This provision subsequently was amended and supplemented in various particulars (act of Feb. 4, 1868, c. 6, 15 Stat., 34), and the result of this legislation is embodied in section 5219 of the Revised Statutes, which is as follows:
>
> "SEC. 5219. Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the association is located; but the legislature of each State may determine and direct the manner and place of taxing all the shares of national banking associations located within the State, subject only to the two restrictions—that the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State, and that the shares of any national banking association owned by nonresidents of any State shall be taxed in the city or town where the bank is located and not elsewhere. Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed."

The court then says:

> This section, then, of the Revised Statutes is the measure of the power of a State to tax national banks, their property, or their franchises. By its unambiguous provisions the power is confined to a taxation of the shares of stock in the names of the shareholders and to an assessment of the real estate of the bank. Any State tax, therefore, which is in excess of and not in conformity to these requirements is void.

So that I think, Mr. President, we must accept as law that no property of any of the national banks is subject to taxation, except its real estate, and except that a tax may be levied upon the shares of each stockholder assessable against him, but payable by the bank as the agent for the shareholder, the amount being collectible at the source.

Therefore, Mr. President, I think we can not accept the doctrine that was asserted on yesterday that, if a national bank should loan money upon the security of a herd of cattle and it became necessary to reduce its security and to sell the cattle, or if it seized the cattle under an attachment or execution and sold them and bought them in—I think we can not assent to the proposition that those cattle would be to any extent subject to taxation.

Mr. President, the national banks under the late amendment are now authorized to loan money to a limited extent upon farm mortgages. Those farm mortgages are its property exactly the same as are the farm mortgages to be taken under the provisions of the bill under consideration the property of the banks that shall hold them. Unquestionably the mortgages now held by national banks upon farm property are exempt from taxation. The bank pays taxes upon the real estate which it owns, and it pays those taxes just simply because Congress has permitted the State to tax the property of the banks to that extent, and no further.

So, Mr. President, the question that is now addressed to us touching the taxability by the State of the stock of the banks, of the bonds issued by the banks, of the mortgages taken by the banks, and held as security for those bonds, resolves itself into a question simply as to whether or not there is any essential and material difference, so far as this question of taxability is concerned, between the national banks established and created under the acts of 1863 and 1864, and the national banks which we propose to create under this act.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Montana a question?

Mr. WALSH. Certainly.

Mr. SUTHERLAND. The case to which the Senator has been referring, the case of Owensboro National Bank against Owensboro, I think recognizes the authority of the decision of the court in the McCulloch case. Is that the view of the Senator from Montana?

Mr. WALSH. It clearly says so. It says that the national-bank act was sustained upon the authority of the McCulloch case.

Mr. SUTHERLAND. But I understand the Senator from Montana to cite the Owensboro case as authority for the proposition that the State would be without power to tax any of the property of a national bank unless it were expressly permitted by the act of Congress to do so?

Mr. WALSH. The Senator from Utah has stated my position correctly. I have simply quoted the language of the opinion.

Mr. SUTHERLAND. I ask the Senator from Montana how he reconciles that conclusion with the statement in the McCulloch case, which the Senator now says is the basis for the decision in the Owensboro case, that the decision in that case, namely, the McCulloch case, does not extend to "a tax paid by the real property of the bank in common with the other real property within the State, nor to a tax imposed on the interest which the citizens of Maryland may hold in this institution, in common with other property of the same description throughout the State." In other words, as I construe that language, and as I construe the decision in the McCulloch case, Chief Justice Marshall held that the notes which were issued by the bank were not subject to taxation; that, as a matter of implication, the State could not tax those instrumentalities; but Chief Justice Marshall held in the McCulloch case, as I understand, that the State could tax the real property of the bank in common with the real property of the citizens of the State, and that the State could tax the shares of stock held in that institution by the citizens of Maryland. In the act creating the United States bank there was no provision permitting the State to tax that species of property, and yet the court held that it was taxable by the State.

Mr. WALSH. Mr. President, I will say, in answer to the Senator from Utah, that I do not feel called upon to attempt to reconcile the decision made by the Supreme Court of the United States in the Owensboro case, decided in the year 1898, with some furtive and casual comment that was made in the McCulloch case away back in 1819.

I desire to say further, in connection with this matter, that, of course, the McCulloch case has frequently been reviewed and applied by the Supreme Court of the United States; and I can call your attention again and again to declarations by the court in later cases to the effect that the conclusion at which the court arrived in this case may seem to be not entirely in harmony with some of the declarations of the court in the McCulloch case.

The Senator from Utah referred, in the course of his discussion, to the railroad cases, to which I shall presently advert—the Peniston case and the Thompson case. In the Thompson case the court said "it is true that the remarks made in the course of the opinion in the McCulloch case are probably inconsistent with the conclusion that we arrive at here," but they then went on to say that, however that might be, they reached the conclusion which they did.

So, Mr. President, I do not feel called upon at this time to endeavor to reconcile these clear declarations of the Supreme Court of the United States within our own time, a matter of less than 20 years ago, that none of the property of national banks is taxable except by permission of Congress, with some declarations that may be found in these earlier cases. I shall, however, discuss the railroad cases presently.

I proceed in this connection to say that the court has recognized a vast difference between a bank created by act of Congress and even a railroad corporation, the business of which is the transportation of articles in commerce, with the incidental obligation to carry the mails and military supplies of the Government. But the point I want to address your attention to now is that it was held in the McCulloch case and in the Osborn case, in 1819 and 1823, that a bank is a proper instrumentality for the purpose of carrying out the fiscal operations of the Government. Now, bear in mind, not that bank, not the bank constituted as was the original United States bank, incorporated in 1791 or reincorporated in 1811, but that a bank is a necessary and convenient instrumentality for the purpose of carrying on the fiscal operations of the Government; and apparently this is what is meant by what is said in those cases, that the Government is obliged to have revenue in order to carry on its operations; that it must collect that revenue from time to time; and that it must have a convenient place in which it can deposit that revenue until it shall desire to use it. Likewise it is a fair inference from all of those decisions that it was the conclusion of the court in these early days, as well as of the statesmen who considered it in those times, that the Government would want to borrow money from time to time, and the little banks, private affairs or established under State authority, might not have the funds that would enable the Government to meet its necessities in times of emergency, and that therefore it had a right to create a bank from which it could conveniently borrow large sums of money when it had occasion to do so. Therefore I take it that these earlier decisions declared that the Congress has a right to create a bank.

You will bear in mind that the original United States bank act contemplated the immediate assistance of the Government financially. Doubtless that was one of the factors which entered into the creation of the national banks under the act of 1863 and 1864, but I want to invite your attention to the fact that that was not regarded by the court in any of these cases as an essential consideration in the power to create a bank. The original United States bank act provided, among other things, that a portion of the capital, 20 per cent, should be subscribed by the Government of the United States. It also provided that a portion of the subscriptions of the subscribers to the capital stock should be paid in bonds issued by the Government of the United States, thus making a market for those bonds. Likewise it had the power to issue bills, which, although not legal tender, were accepted in payment of obligations due to the United States and passed current as money, much the same as our national-bank bills do; but that was not considered as a necessary ingredient, as a necessary power, to give to this bank in order that the act should have a constitutional basis. The mere question was whether the United States had the right to organize a bank.

Let me call your attention to the language of the McCulloch case and the Osborn case. I quote first from the opinion of

Chief Justice Marshall in the McCulloch case, reading from page 422:

If a corporation may be employed, indiscriminately with other means, to carry into execution the powers of the Government, no particular reason can be assigned for excluding the use of a bank, if required for its fiscal operations. To use one must be within the discretion of Congress, if it be an appropriate mode of executing the powers of government. That it is a convenient, a useful, and essential instrument in the prosecution of its fiscal operations is not now a subject of controversy. All those who have been concerned in the administration of our finances have concurred in representing its importance and necessity—

Simply a bank—

and so strongly have they been felt that statesmen of the first class, whose previous opinions against it had been confirmed by every circumstance which can fix the human judgment, have yielded those opinions to the exigencies of the Nation. Under the confederation Congress, justifying the measure by its necessity, transcended, perhaps, its powers to obtain the advantage of a bank; and our own legislation attests the universal conviction of the utility of this measure. The time has passed away when it can be necessary to enter into any discussion in order to prove the importance of this instrument as a means to effect the legitimate objects of the Government.

But were its necessity less apparent, none can deny its being an appropriate measure; and if it is, the decree of its necessity, as has been very justly observed, is to be discussed in another place. Should Congress, in the execution of its powers, adopt measures which are prohibited by the Constitution, or should Congress, under the pretext of executing its powers pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land. But where the law is not prohibited and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the decree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground. The court disclaims all pretensions to such a power.

Then, Mr. President, I assert that the Supreme Court of the United States in the McCulloch case did not say that only a bank having the power to issue bills that shall pass current as money is within the power of Congress to create; it did not say that a bank a portion of whose capital stock is paid for by Government bonds is a governmental instrumentality and the creation of such a bank as that is within the power of Congress; it did not say that a bank that agrees to lend money to the Government of the United States is an instrumentality within the power of Congress to create; but it said that a bank is a convenient and a necessary agency and instrumentality in order that the Government might carry on its ordinary fiscal operations, and that, therefore, the power to create it is impliedly granted to Congress; and that was what was said in the Osborn case. In that case the court said, referring to the Ohio law which challenged the act of Congress:

Is that law unconstitutional? This point was argued with great ability, and decided by this court, after mature and deliberate consideration, in the case of McCulloch v. State of Maryland. A revision of that opinion has been requested, and many considerations combine to induce a review of it. The foundation of the argument in favor of the right of a State to tax the bank is laid in the supposed character of that institution. The argument supposes the corporation to have been originated for the management of an individual concern, to be founded upon contract between individuals, having private trade and private profit for its great end and principal object. If these premises were true, the conclusion drawn from them would be inevitable. This mere private corporation, engaged in its own business, with its own views, would certainly be subject to the taxing power of the State, as any individual would be; and the casual circumstance of its being employed by the Government in the transaction of its fiscal affairs would no more exempt its private business from the operation of that power than it would exempt the private business of any individual employed in the same manner. But the premises are not true; the bank is not considered as a private corporation, whose principal object is individual trade and individual profit, but as a public corporation, created for public and national purposes. That the mere business of banking is in its own nature a private business, and may be carried on by individuals or companies having no political connection with the Government, is admitted; but the bank is not such an individual or company. It was not created for its own sake or for private purposes. It has never been supposed that Congress could create such a corporation. The whole opinion of the court in the case of McCulloch v. State of Maryland is founded on and sustained by the idea that the bank is an instrument which is "necessary and proper for carrying into effect the powers vested in the Government of the United States." It is not an instrument which the Government found ready-made and has supposed to be adapted to its purposes, but one which was created in the form in which it now appears, for national purposes only. It is undoubtedly capable of transacting private as well as public business. While it is the great instrument by which the fiscal operations of the Government are effected, it is also trading with individuals for its own advantage.

Mr. President, the question that addresses itself to us is, To what extent are these principles affected, to what extent are they modified, to what extent are they overruled by the railroad cases to which your attention has been called at some length?

In the ninth volume of the compilation known as the Federal Statutes Annotated is a paragraph which, to my mind, quite clearly points out the distinction between the two classes of cases, and it is this: That in the case of the bank, that is in itself an instrumentality of the National Government. The conclusion is to be drawn, even though it were not expressed, as was the case in the United States Bank, that the National Government did not intend that the States should tax these banks any further than it allowed them to tax them; but when it came to create a great railroad corporation that was given a great grant by the Government of the United States of lands constituting an empire, that accumulated an enormous amount of property only incidentally used for public purposes, the conclusion was to be drawn, if Congress was silent upon the matter, that it intended to allow the States to tax the property of these corporations; and the conclusion was drawn that they were subject to taxation because Congress had not in the acts creating them declared, in effect, that their property should not be subject to taxation.

I read as follows from page 232 of the volume to which I have referred:

Congress may, in the exercise of powers incidental to the express powers conferred, make or authorize contracts with individuals or corporations for services to the Government; may grant aid by money or land, in preparation for, and in the performance of, such services; may make any stipulation and conditions in relation to such aid not contrary to the Constitution; and may exempt, in its discretion, the agencies employed in such services from any State taxation which will really prevent or impede their performance. But because of the advancement by the Government of large sums in aid of the construction of the railroad, and the making of large grants of land upon no condition of benefit to itself, except that the company will perform certain services for full compensation independently of those grants, it can not be claimed that the railroad, owing its being to State law, and indebted for these benefits to the consent and active interposition of the State legislature, has a constitutional right to hold its property exempt from taxation—

Now, observe—

without any legislation on the part of Congress which indicates that such exemption is deemed essential to the full performance of its obligations to the Government.

And that fully sustains the view expressed by the Senator from New Hampshire [Mr. HOLLIS] that the property of these corporations would be exempt from taxation if Congress had so declared. Indeed, Mr. President, I want to call the attention of the Senators to a most important fact in that connection.

The case of Thompson against Railroad Co., in Ninth Wallace, presented the case of a corporation created under the laws of a State, but invested with powers and duties of a national character, and enjoying aid by land grants and otherwise from the General Government. The case of Railroad Co. against Peniston, reported in Eighteenth Wallace, was the case of a corporation created by act of Congress for the conduct and operation of a railroad, and it was held that its general property likewise was subject to taxation by the State. Mr. Justice Swayne was one of the judges concurring in the opinion of the court in that case. He filed a separate opinion, as follows:

Mr. Justice SWAYNE (concurring in the judgment): I concur in the affirmance of the judgment in this case. I see no reason to doubt that it was the intention of Congress not to give the exemption claimed. The exercise of the power may be waived. But I hold that the road is a national instrumentality of such a character that Congress may interpose and protect it from State taxation whenever that body shall deem it proper to do so. For some of the leading authorities in support of the principle involved in this view of the subject, I refer to the Chicago & Northwestern Railway v. Fuller, decided by this court a short time ago.

And then three other judges—Bradley, Field, and Hunt—dissented absolutely from the opinion.

In the Thompson case some reference was made to the same thing.

But, Mr. President, this question of the taxability of the property of the Pacific Railroad companies created under the act of Congress, or of those railroad corporations created by virtue of the laws of certain States, but granted aid by Congress in discharging Federal functions, was likewise under consideration in a modern case. I refer to the case of Central Pacific Railroad Co. against State of California, reported in One hundred and sixty-second United States, and decided in 1895. The court in that case reaffirmed the doctrine that the property of that railroad company was subject to taxation; but the court said, in the course of the opinion, as follows:

Of course, if Congress should think it necessary for the protection of the United States to declare such property exempted, that would present a different question. Congress did not see fit to do so here, and unless we are prepared to overrule a long line of well-considered decisions, the case comes within the rule therein laid down. Although in Thompson's case it was tangible property that was taxed, that can make no difference in principle, and the reasoning of the opinion applies.

So that, Mr. President, when we have a statute which expressly declares that for the purpose of carrying out the national purposes that Congress has in view this property is not taxable, we present a case altogether different, as the court says in this case, from the railroad cases to which your attention has been so earnestly invited by the Senator from Utah [Mr. SUTHERLAND].

Now I recur for a moment to the proposition I advanced awhile ago—that the creation of a bank possessing the ordinary functions of a bank, having the power to receive deposits and

having the power to loan money, is within the power of Congress; and that it was so decided in these earlier cases appears to me quite clear from this language of the court in the last Legal Tender case, reported in One hundred and tenth United States. I read from page 445, as follows:

It is equally well settled that Congress has the power to incorporate national banks, with the capacity, for their own profit as well as for the use of the Government in its money transactions, of issuing bills which under ordinary circumstances pass from hand to hand as money at their nominal value, and which, when so current, the law has always recognized as a good tender in payment of money debts, unless specifically objected to at the time of the tender. (U. S. Bank v. Bank of Georgia, 10 Wheat., 333, 347; Ward v. Smith, 7 Wall., 447, 451.) The power of Congress to charter a bank was maintained in McCulloch v. Maryland (4 Wheat., 316) and in Osborn v. United States Bank (9 Wheat., 738) chiefly upon the ground that it was an appropriate means for carrying on the money transactions of the Government.

That was the chief ground on which the court rested its decision.

Now, the court goes on:

But Chief Justice Marshall said: "The currency which it circulates, by means of its trade with individuals, is believed to make it a more fit instrument for the purposes of government than it could otherwise be; and if this be true, the capacity to carry on this trade is a faculty indispensable to the character and objects of the institution." (9 Wheat., 864.) And Mr. Justice Johnson, who concurred with the rest of the court in upholding the power to incorporate a bank, gave the further reason that it tended to give effect to "that power over the currency of the country which the framers of the Constitution evidently intended to give to Congress alone."

Thus you will see, Senators, that the court referred to these matters as additional grounds upon which the power to create the bank rested, but they were not essential at all, the main thing being that it became a convenient means for carrying on the fiscal operations of the Government.

The Senator from Iowa [Mr. CUMMINS] entertains very grave apprehensions that if any such principle as that announced in this bill receives acceptance, and the Congress should later undertake to create corporations for the purpose of engaging in interstate business, all of the property of the corporations thus created will be exempt from State taxation. I hope I have stated the position of the Senator accurately. I have tried to do so.

I think the apprehensions of the Senator have very little foundation, Mr. President. In the first place, even though it were possible for Congress to exempt the property of corporations of that character from State taxation, how can we conceive that the Congress of the United States, in which every State is represented in this body, having an equal voice, will ever undertake to deprive the States of this great power of taxation? Moreover, if the Congress ever should undertake to create corporations of that character, they will be less like a banking corporation than are the railroad corporations, the property of which, it has been held, is not exempt from taxation—at least, unless Congress so declares.

Mr. President, a corporation that might be created by Congress for the purpose of engaging in commerce would not be performing any governmental functions. It would not be necessary nor perhaps even convenient for the purpose of carrying on the Government operations. It would be purely a private enterprise, and would stand upon exactly the same footing as all corporations created by a State to engage in business enterprises of one kind or another.

Mr. THOMAS. Mr. President——

Mr. WALSH. I yield to the Senator from Colorado.

Mr. THOMAS. I have been very much impressed with the soundness of the Senator's argument; and I think it is appropriate here to suggest the query whether, if Congress has not this power of exemption, the States might be in position, or some one or more of them, if it so desired, to tax these agencies or these instrumentalities so highly as virtually to destroy, or at least to cripple, the purpose and object for which the system is designed?

Mr. WALSH. I am very glad the Senator suggested that. That was the point I was coming to—that we do not want to take out this provision in section 29. I agree substantially with the Senator from Iowa that if we have no constitutional power to invade the taxing power of the State so as to make this property exempt we can not, as a matter of course, undertake to do it by a declaration in the statute. The exemption arises by reason of the fact that the banks to be created are instrumentalities of the National Government, and all their property is exempt, except to such extent as the Congress may permit the States to tax them; and we propose to permit the States to tax their real estate, and all their other property, if they have any, and to declare that the stock and the bonds and the mortgages which give substance to the bonds shall all be exempt from taxation.

Mr. President, this is not at all, as the Senator from Iowa seems to believe, an extraordinary or unusual declaration in a statute of the nontaxability of property which is not taxable even though there were no declaration in the statute. The Revised Statutes of the United States, section 3701, declares that—

All stocks, bonds, Treasury notes, and other obligations of the United States, shall be exempt from taxation by or under State or municipal or local authority.

No one can doubt that they would be fully exempt if there was no such declaration as that in the statute. The Senator from Colorado [Mr. THOMAS] called attention a few days ago to the recital in the acts admitting most of the States to the Union within modern times requiring the State to agree that the public lands within their borders should not be subject to taxation. I read the provision of the enabling act under the authority of which four of the great Northwestern States came into the Union. They were each required to enter into a stipulation as follows:

That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes; the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that until the title of such Indian or Indian tribes shall have been extinguished the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State upon lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use.

Then it goes on to provide that lands belonging to the Indians shall not be taxed.

And, Mr. President, it was not necessary by any means that the States should enter into any such compact with the Government of the United States in order that the public lands within their borders should be exempt from taxation. Neither was it necessary that there should be any recital to that effect in any statute; they were, as a matter of fact, so exempt. That was determined in Pollard against Hagan's Lessees in 1845, and the substance of the decision was referred to by Mr. Webster in the great debate over the admission of California into the Union, the enabling act there providing, in substance, as does the act which I have just read to you, that the people of California should stipulate that public lands within that State should not be subject to taxation.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I do.

Mr. SUTHERLAND. I quite agree with what the Senator says with reference to the Treasury notes and the property of the United States, that they would be exempt from State taxation without any act of Congress to that effect. The statute which exempts them in each case is merely declaratory of the rule which would exist in the absence of a statutory provision. But does the Senator contend that the property mentioned in section 29 would be exempt if it were not expressly so provided in the bill?

Mr. WALSH. I am endeavoring to establish that it is not a strange thing in our legislation at all to declare by congressional act that certain property shall be exempt from State taxation which would be exempt even though there were no such statute.

Mr. SUTHERLAND. That is quite true; it is not a strange or unusual thing; it has been done. However, the question I propounded to the Senator is whether or not he thinks that section 29 is necessary to prevent the State from taxing the property there described?

Mr. WALSH. I do not think that it is necessary, except that it is a declaration upon the part of Congress that it believes these instrumentalities which they are creating will not effectuate the national purpose for which they are created unless they are exempted, and therefore there is an express declaration upon the part of Congress that those items of property shall not be subject to taxation.

Mr. SUTHERLAND. Then, if I understand the Senator from Montana, he thinks this property would be excluded from State taxation if section 29 were stricken from the bill.

Mr. WALSH. I do not undertake to say so. The question as to whether it would or would not should be a matter for the construction of the court, guided by no expression of opinion on the part of Congress if you strike it out. The court might say, as the court said in the railroad cases, in the absence of a declaration by Congress that exemption is necessary in order

that this organization may carry out their purpose, we shall assume that Congress permitted the State and desired that the State should exercise the right of taxation.

Mr. SUTHERLAND. That is an entirely different thing from holding that Congress would have the power to forbid the State from taxing property of that kind. As I understand the decision of the court in that particular, they simply said that if that was done it would present a different case. They did not say what they would hold on the question if presented.

Mr. WALSH. Exactly; and the question the Senator was discussing under the railroad cases was one which the court in the Central Pacific Railway Co. case said was entirely different from the question which would have been presented if Congress had made the declaration.

Mr. SUTHERLAND. It would undoubtedly present a different question, but the court does not enlighten us as to what they would have decided if that question had been presented.

However, if the Senator will bear with me for just a moment, the distinction which I see between this measure and the statute to which the Senator referred, namely, where Congress has expressly declared that certain property of the United States should be exempt from taxation, is that they were dealing there with property of the United States, and here we are undertaking to deal with property of an agency of the United States, which property, as I interpret it, is not related to any function which the agency is discharging for the United States Government, but is property owned in its private capacity, and not in any way connected with the exercise of any governmental function.

Mr. WALSH. I call the attention of the Senator now to the declared exemption of certain property which did not belong to the United States—that is, it belonged to an Indian. I read from volume 3 of Indian Laws and Treaties, as follows. This is the act admitting the State of New Mexico into the Union.

That no taxes shall be imposed by the State upon lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid or as may be granted or confirmed to any Indian or Indians under any act of Congress, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as Congress has prescribed or may hereafter prescribe.

Mr. SUTHERLAND. Will the Senator read that latter part again?

Mr. WALSH (reading)—

But said ordinance shall provide that all such lands—

That is, lands of the Indians—

shall be exempt from taxation by said State so long and to such extent as Congress has prescribed or may hereafter prescribe.

Congress there assumed the right to lay down the rule that a State can tax the property of an Indian just to the extent that Congress permits the State to tax the property of the Indian.

Mr. SUTHERLAND. Of course, Congress was there dealing with an individual who occupies a peculiar status and who is the ward of the Government of the United States. It has always been held that the United States Government has peculiar powers with reference to Indians.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I do.

Mr. CUMMINS. Does the Senator from Montana assert what might be inferred from what he has just said that the United States could sell the public domain and exempt it from taxation for all time?

Mr. WALSH. No.

Mr. CUMMINS. In the hands of an individual?

Mr. WALSH. The Senator from Montana does not make any such assertion at all.

Mr. CUMMINS. Why?

Mr. WALSH. Why?

Mr. CUMMINS. I must state my premise. I infer from the last clause of the statute just read that it was read to show that Congress can exempt the lands of the Indians for just so long a time as it pleases, and I am sure the Senator from Montana did not think the Government could attach that condition to the sale of its Government domain generally.

Mr. WALSH. No; the Senator from Montana does not take any such position. I am very sure that the exercise of this power grows out of the peculiar relation between the General Government and the Indians.

Mr. CUMMINS. But I was wondering if the Senator from Montana would give his reason for denying the right of Congress to sell its public domain and attaching to it exemption from taxation. It is an instrumentality. We have complete power to dispose of it.

Mr. WALSH. I do not agree with the Senator at all. When the Government of the United States transfers its land and parts with title to it I do not consider it any longer an instrumentality of the Government.

Mr. CUMMINS. I inferred that you limit the power of Congress in that respect.

Mr. WALSH. Indeed I do not consider it an instrumentality of the General Government at any time.

But, Mr. President, we are simply driven to the question as to what is the essential difference between these national banks and the national banks now known, and until some essential difference in principle is established or pointed out I think we may safely proceed upon the assumption that these banks will be taxable to such an extent, and to such an extent only, as Congress may permit them to be taxed.

Moreover, Mr. President, if there were any doubt about the matter the declaration upon the part of Congress to the effect that they would not be able to carry out their purposes except by this exemption, and that Congress intended they should be exempt, will serve to remove whatever doubt there may be concerning the exemption of this character of property.

I must say, Mr. President, that I am unable to distinguish in principle between these national banks and the national banks now in existence. It is true that the national banks now in existence have the power to issue their notes payable on demand and that those notes circulate practically as money, but wherein in principle do those obligations differ from the obligations these banks issue that are designated as bonds? They differ only in that the bank bills or notes are payable upon demand and the bonds to be issued by these banks are payable at fixed and definite times provided in the bill. There is no other difference between them that I can see, and certainly that distinction will not enable us to discern any difference in principle between the two systems of national banks.

Mr. CUMMINS. I ask the Senator from Montana whether there is in the statute relating to national banks any provision prohibiting the States from taxing national-bank currency in the hands of a citizen or individual?

Mr. WALSH. I think not. I think that if you had a thousand dollars in national-bank bills in your possession you would be subject to taxation by the State of Iowa.

Mr. CUMMINS. Precisely. Then, if I have $1,000 of farm-loan bonds in my hands, I would not be subject to taxation, I assume, under this bill?

Mr. WALSH. I assume not.

Mr. CUMMINS. Where does the Senator from Montana think that Congress can exempt the individual holder of national-bank currency from taxation on account of his ownership of currency?

Mr. WALSH. I have no doubt it can.

Mr. CUMMINS. The Senator has no doubt about it?

Mr. WALSH. No; I have not.

Mr. CUMMINS. It has no authority?

Mr. WALSH. That is what it does.

Mr. CUMMINS. I asked the Senator whether there was any statute so far as he knew which attempted to exempt in the hands of an individual owner national-bank currency from taxation by the State. There is no such statute, is there?

Mr. WALSH. There is no such statute. Perhaps I spoke hastily a moment ago. I am not prepared to say whether they would fall within the general exemption of the statute.

Mr. CUMMINS. There is no exemption, as I read it, with regard to national banks at all. There are certain directions given with respect to the extent of taxation; it must be discriminatory.

Mr. WALSH. The Senator differs with me about that.

Mr. CUMMINS. That relates, however, to the shares of stock. However we may differ with regard to the construction of section 5219 of the Revised Statutes, it is a negative or legislative suggestion, namely, that the shares of stock of national banks shall not be taxed more heavily by a State than other moneyed capital. The only other reference in section 5219 is to real estate. I do not know of any provision in the law which exempts or attempts to exempt national-bank currency from taxation in the hands, of course, of an individual holder. I was asking whether the Senator from Montana knew of any such statute, and I assume that he does not. Now, I ask him whether it is exempt, in his opinion?

Mr. WALSH. I will say to the Senator, I do not know. I am perfectly certain it is not taxable in the hands of a bank.

Mr. CUMMINS. Of course, in the hands of the national bank it becomes simply the property of the national bank and would be treated, I assume, like any other property of the national

bank, but in the hands of an individual holder I think it bears the same relation precisely to the national bank which issued it as does the farm-loan bond bear to the farm-loan bank which issued it. If either of them is exempt from taxation upon the part of the State, it is because the national bank in the one case issued it and the farm-loan bank in the other case issued it, and it would be exempt under the Constitution, if at all. Does the Senator think that if the Constitution does not exempt that currency in the one case or the bond in the other from taxation Congress could exempt either?

Mr. WALSH. Certainly if the Constitution does not permit it, Congress can not do it. That is axiomatic. I could answer that very readily.

Mr. CUMMINS. But neither is the property of the bank; both belong to an individual.

Mr. WALSH. Oh, yes; but they are issued by the bank in pursuance of authority conferred by the act of Congress.

Mr. CUMMINS. They are issued by the bank. I was mentioning this because I yesterday asserted that Congress had never attempted to exempt from taxation the property or the instrumentality of any corporation organized under its laws. I stated to the Senator from Colorado, when he made the suggestion which he did, that my assertion did not cover the question of the property of the United States itself, the status of which, I think, is determined by the Constitution, but concerning which compacts have been made between the States and the Union, and I think the Senator from Montana agrees with me that no such exemption has ever been made by statute; in other words, that if this property is exempt, it is exempt because of the principles laid down in McCulloch against Maryland, in Osborn against The Bank, and in the Owensboro Bank case. That is what exempts the property, if it is exempted, is it not?

Mr. WALSH. That is what exempts the property, beyond question; but the question still presents itself as to whether or not in the particular case Congress intended that an exemption should be extended. Congress may withhold the exemption.

Mr. CUMMINS. I asked the Senator this question—and it was the point of my whole argument—If the property is not exempted by reason of its character, its relation to the instrumentality which Congress has created, can it be exempted by Congress?

Mr. WALSH. I think that is right. I think it can not be exempted.

Mr. CUMMINS. I ask the Senator one more question, and I shall not further detain him. Is there any difference at all between the case of Osborn against the Bank, decided in the early years of the Republic, and the case of the Owensboro National Bank against Owensboro, in Kentucky? Are they not identical so far as the cases are concerned?

Mr. WALSH. Quite so.

Mr. CUMMINS. That is to say, the Osborn bank presented a case of a tax upon the franchise of the United States Bank; the Owensboro bank case presented an instance of a tax upon the shares, but in such manner that the Supreme Court held that it was in fact a tax upon the franchise of the bank.

Mr. WALSH. And the property.

Mr. CUMMINS. Is it not, therefore, true that when the Supreme Court stated in the paragraph that I can not recall sufficiently to quote, but which the Senator from Montana will recognize, that all the property of a national bank is exempt from taxation unless Congress gives the State the privilege of taxing it, it was pure dictum?

Mr. WALSH. Oh, I do not think so at all.

Mr. CUMMINS. There was nothing of that sort involved in the case.

Mr. WALSH. I do not think that was pure dictum. Indeed, in a later opinion—I have not undertaken to analyze just exactly the foundation for it—but in a later opinion the court declared that the question presented in the Owensboro case was the question as to whether or not the State could tax the franchise and property of the bank. So it is not a dictum by any means.

Mr. SUTHERLAND. Mr. President, the question as to whether or not Congress had the power to exempt all the property of the national banks from taxation could not have been presented to the court, because Congress had never attempted to do that thing. Congress had not attempted to exempt all of the property of the national banks; it had expressly said in the statute that the State might tax the shares of the bank, and that it might tax the real estate of the bank. So the question as to whether or not Congress could have passed a statute to the exact contrary and have said that the State could not tax the shares and could not tax the real estate, never was presented to the court, and therefore could not have been decided by the court.

Mr. WALSH. Of course, I do not care to enter into a discussion as to whether it is dictum or is not dictum. The declaration is perfectly plain, and the Supreme Court itself has declared that the question of the taxability of the property of the bank was involved.

Mr. SUTHERLAND. Mr. President——

Mr. HOLLIS rose.

Mr. SUTHERLAND. Just a moment, if the Senator from New Hampshire will permit me. The point I make about it is this: The syllabus of the Owensboro case is to the effect that—

A State is wholly without power to levy any tax, either direct or indirect, upon national banks, their property, assets, or franchises, except when permitted so to do by the legislation of Congress.

No such question as that was presented to the court. The question presented to the court was whether or not the State could impose a franchise tax; and to that extent there was presented precisely the question which was presented to the court in the earlier days in the Osborn Bank case, and which the court in that case held could not be done by the State. That the court went beyond the question presented by the statute is clear, as it seems to me, from the consideration that the court expressly follows, or attempts to follow, the decision of the court in the McCulloch case; and in the McCulloch case the Supreme Court of the United States held that the real estate of the bank and the shares of the bank in the hands of individuals could be taxed, even though there was no permission in the statute passed by Congress to the State to exact the tax. So, if the court followed that decision, as it seems to have done, it must have held that property of that species could be taxed without the permission of Congress.

As a matter of fact, the Senator from Montana knows as well as I do that, following the decision in the McCulloch case, the shares of stock of the United States Bank in the hands of individuals were taxed and that the real estate of the bank was taxed. The question as to whether or not the tax could be exacted upon the shares came up before the State courts in numerous cases. In South Carolina there was a series of cases—I do not remember how many of them—in which the courts expressly held, putting the decision upon the authority of the McCulloch case, that shares of stock in the United States Bank could be taxed, notwithstanding the fact that no permission had been given by Congress to that effect.

Mr. WALSH. Mr. President, because the Owensboro case has been attacked in so far as it declares the property of the national banks not subject to tax except as permitted by Congress, and the question presented there was as to the taxability of the franchise of the bank, I merely wish to read a brief statement of facts from the opinion, so as to show just exactly what was involved in that case. The court said:

This suit was originally instituted in a court of the State of Kentucky by the plaintiff in error, the Owensboro National Bank. The relief prayed was that the city of Owensboro and its tax collector, Simmons, be perpetually restrained from enforcing the collection of alleged "franchise" taxes for the years 1893 and 1894, claimed by the defendants to have been assessed under authority of a revenue act of the State of Kentucky enacted November 11, 1892, as amended. The taxes in question were laid upon the amount fixed by the State board of valuation and assessment provided for in the act, which valuation equaled the combined sum of the par of the capital stock of the bank, its surplus, and undivided profits. It is admitted on the record that the avails of the bank to the amount of the valuation were invested in nontaxable bonds of the United States.

So, really, the tax was a tax laid upon what represented all of the property of the bank.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. WALSH. Certainly.

Mr. SMITH of Georgia. I will also ask it of any other Senator who may have the information. Does the Senator know whether the right to tax national-bank notes in the hands of third parties has ever been tested and sustained by any State court? I know that it is the custom to tax them, at least, I know in my own State that holders of national-bank notes get rid of them just before tax-return day, as far as practicable, and substitute for them Treasury notes, and I know that the rule has been to tax national-bank notes in the hands of private citizens. What I wanted to ask was whether that was a mere voluntary submission by the holders of those notes to taxation or whether the question has ever been before any State court or any court for decision? If it has been, I do not know.

Mr. SUTHERLAND. No one ever submits to voluntary taxation.

Mr. WALSH. Mr. President, I will say to the Senator that I do not recall ever having heard or read of that question being tested, but it seems to me a rather remarkable thing that a man, when the assessor comes around, should have among a miscellaneous lot of currency that would not be taxable certain national-bank notes and that the assessor should demand that

he list those national-bank notes, and that thus the question should be presented to the court for determination. It seems to me that that is a condition of things not at all likely to arise.

Mr. SMITH of Georgia. Mr. President, if the Senator will pardon me, my acquaintance with the subject has simply grown out of my knowing that there has been by certain persons quite a rush on the banks for Treasury notes just before tax-paying time, so as to get rid of their national-bank notes. That is probably a line of conduct with which others are also familiar; but whether it has ever been held anywhere that a national-bank note in the hands of a private citizen is subject to taxation I do not know at all, and I thought possibly I might be able to obtain some information on that subject.

Mr. HOLLIS. Mr. President, I am quite sure there is no such decision as that about which the Senator from Georgia inquires; but I call his attention to the statute which expressly exempts Treasury notes from taxation by the State, but does not exempt national-bank notes.

Mr. President, this question of exemption from taxation has been fully and ably argued on four different days. There was one day last week devoted to it; it was argued on Tuesday, on yesterday, and it has been argued so far to-day. We have had two addresses from the distinguished Senator from South Dakota [Mr. STERLING], two from the Senator from Iowa [Mr. CUMMINS], two from the Senator from Utah [Mr. SUTHERLAND], one from the Senator from Montana [Mr. WALSH], one from the Senator from Colorado [Mr. THOMAS], and I believe it is the opinion of the Senate that the subject has been fully debated. I may be wrong; if so, the vote of the Senate will decide; but in order to test that opinion I move that the amendment of the Senator from Iowa be laid on the table.

Mr. CURTIS. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER (Mr. MYERS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	James	Overman	Sutherland
Brady	Johnson, Me.	Page	Swanson
Brandegee	Johnson, S. Dak.	Pittman	Taggart
Chamberlain	Jones	Poindexter	Thomas
Clapp	Kenyon	Pomerene	Thompson
Culberson	La Follette	Ransdell	Tillman
Cummins	Lane	Shafroth	Townsend
Curtis	Lea, Tenn.	Sheppard	Vardaman
Dillingham	Lee, Md.	Sherman	Walsh
du Pont	Lippitt	Simmons	Warren
Fall	Martin, Va.	Smith, Ariz.	Weeks
Gronna	Martine, N. J.	Smith, Ga.	Williams
Harding	Myers	Smith, S. C.	Works
Hollis	Nelson	Smoot	
Hughes	Norris	Sterling	
Husting	O'Gorman	Stone	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho.

Mr. BORAH. Mr. President, I understand the question is on the motion to lay on the table the amendment of the Senator from Iowa [Mr. CUMMINS].

The PRESIDING OFFICER. The Chair will state that that is the question.

Mr. BORAH. If it is not too late, if the yeas and nays have not been called for, I only want to say——

The PRESIDING OFFICER. The yeas and nays have not been called for, but the motion is not debatable, except by unanimous consent.

Mr. BORAH. I do not care to debate it. I simply desire to say a word, which I can say just as well after the vote is taken.

Mr. GRONNA. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire [Mr. HOLLIS] to lay on the table the pending amendment offered by the Senator from Iowa [Mr. CUMMINS]. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. He is absent from the Chamber, and I therefore withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent. For that reason I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I am told that the junior Senator from Utah [Mr. SUTHERLAND] has a pair of the same kind with the senior Senator from Arkansas [Mr. CLARKE]. His pair and mine, I am informed, are both absent. I transfer the pair of the Senator from Wyoming [Mr. CLARK] to the Senator from Arkansas [Mr. CLARKE] and vote "yea."

Mr. SUTHERLAND (when his name was called). Under the announcement just made by the Senator from Missouri [Mr. STONE], and I am at liberty to vote. I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], which I transfer to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Florida [Mr. BRYAN], but under an arrangement with him I am at liberty to vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

The roll call was concluded.

Mr. DU PONT. I inquire whether the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The PRESIDING OFFICER. He has not.

Mr. DU PONT. As I have a general pair with that Senator, I withhold my vote.

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence, I withhold my vote.

Mr. LODGE (after having voted in the negative). I ask whether the senior Senator from Georgia [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not.

Mr. LODGE. As I have a general pair with that Senator, I withdraw my vote.

Mr. WARREN. I wish to announce the unavoidable absence of my colleague [Mr. CLARK of Wyoming]. He is paired with the senior Senator from Missouri [Mr. STONE]. I make this announcement for the day.

Mr. CURTIS. I have a general pair with the junior Senator from Georgia [Mr. HARDWICK], and therefore withhold my vote. If at liberty to vote, I would vote "nay." At this time I desire to announce the absence of the junior Senator from Maine [Mr. BURLEIGH] on account of illness in his family.

Mr. FALL. I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. In his absence I withhold my vote.

Mr. GALLINGER. I inquire if the senior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDING OFFICER. He has not.

Mr. GALLINGER. I have a general pair with that Senator, and for that reason withhold my vote.

The PRESIDING OFFICER. I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN] to the junior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY].

The result was announced—yeas 39, nays 24, as follows:

YEAS—39.

Ashurst	Johnson, S. Dak.	Poindexter	Swanson
Broussard	La Follette	Pomerene	Taggart
Chamberlain	Lea, Tenn.	Ransdell	Thomas
Culberson	Lee, Md.	Reed	Thompson
Gore	Martin, Va.	Shafroth	Tillman
Hollis	Martine, N. J.	Sheppard	Underwood
Hughes	Myers	Simmons	Vardaman
Husting	Norris	Smith, Ariz.	Walsh
James	Phelan	Smith, S. C.	Williams
Johnson, Me.	Pittman	Stone	

NAYS—24.

Borah	Jones	Overman	Sutherland
Brandegee	Kenyon	Page	Townsend
Clapp	Lane	Sherman	Wadsworth
Cummins	Lippitt	Smith, Mich.	Warren
Gronna	Nelson	Smoot	Weeks
Harding	Oliver	Sterling	Works

NOT VOTING—33.

Bankhead	Catron	Curtis	Gallinger
Beckham	Chilton	Dillingham	Goff
Brady	Clark, Wyo.	du Pont	Hardwick
Bryan	Clarke, Ark.	Fall	Hitchcock
Burleigh	Colt	Fletcher	Kern
Lewis	Newlands	Robinson	Smith, Md.
Lodge	O'Gorman	Saulsbury	
McCumber	Owen	Shields	
McLean	Penrose	Smith, Ga.	

So Mr. CUMMINS's amendment was laid on the table.

Mr. GRONNA obtained the floor.

Mr. CLAPP. Mr. President, will the Senator yield to me for a moment?

Mr. GRONNA. I yield.

Mr. CLAPP. I simply want to say that, no matter how it may place me in the RECORD as in apparent hostility to a matter, I will not vote to table an amendment unless it has become evident that there is a persistent opposition designed to delay the passage of a measure. I make that statement now with reference to all matters. While it may place a Senator in an unfair light with reference to his supposed attitude toward a pending amendment, I shall vote against shutting off debate unless it is evident that debate has reached a point where it is being resorted to merely for delay. I do not believe it is proper, nor do I believe it is fair.

Mr. JONES. If the Senator from North Dakota will permit me, I will simply say that I want to emphasize what the Senator from Minnesota has said, and, further, that if I had had an opportunity to vote on this amendment on its merits I should have voted against it.

Mr. LANE. Mr. President, if the Senator will permit me, I wish to say that I voted against tabling this amendment for the reason that I do not believe in that process of conducting legislation. I like to see a question allowed to come out in the open, and then fight it out, and vote on it upon its merits. I am constitutionally opposed to this way of shutting off debate arbitrarily and tyrannically. I am very glad to have an opportunity to say that, although, if the amendment had been allowed to come up on its merits, I would have voted against it.

Mr. WILLIAMS. If the Senator will yield for my part in this experience meeting, I think about the only precious privilege left to the Senate is the motion to lay on the table. It is about the only way we have of terminating a debate. I welcome it as one of the muniments of human liberty. When a fellow is opposed to anything, the quickest possible way to beat it is to lay it on the table.

Mr. GRONNA. Mr. President, I was about to say what the Senator from Minnesota [Mr. CLAPP] and other Senators have said, that I shall not vote to lay on the table any amendment that to my mind is fundamental, and where it has not been shown that time is taken up for the purpose of delaying the passage of the measure.

The Senator from Montana [Mr. WALSH] referred this morning to the Federal reserve act. He called attention to the fact that some Senators who were opposed to the passage of that measure and had predicted that it would not work well, would perhaps find that the same result that followed the enactment of that bill would come from the passage of this one. I should like to call the Senator's attention to the fact that the so-called Federal reserve act provided that every national bank had to join the Federal Reserve Association or it would lose its charter. How many State banks have joined the Federal Reserve Association, I ask the Senator? I also want to remind the Senator from Montana of the fact that it will not be as easy a matter for this political board to compel the American farmer to mortgage his land under the provisions of the bill as it was to compel the national banks to join the association.

I am in favor of a rural-credits law. I think I know something about the hardships that the farmers of the United States have had to endure, and I am not going to take up the time of the Senate this afternoon with any idea in view of opposing this bill in its entirety. I am going, however, to take the time of the Senate to call attention to some of the imperfections in this bill and to some of the provisions that, in my humble judgment, should be changed, because some of them, as I believe, are unworkable.

Mr. President, knowing as I do how arduously the Senator from New Hampshire has labored to perfect the pending rural-credits measure, and knowing that it has been his sincere desire to secure the enactment of a law which will give real relief to the farmers of the country from the burden of unduly and unjustly high interest rates, I have hesitated to say anything in criticism of the bill, and it is with a feeling of regret that I now undertake briefly to call the attention of the Senate to some features which appear to me to be faulty, and to the effect of those provisions.

The problem of rural credits, it appears to me, should be approached from a somewhat different angle. I believe that what we should aim at is the establishment of associations which will borrow money for the farmer, rather than the creation of banks

or other organizations lending to the farmer. If an association of the farmers of this country can be created which will substitute for the uncertainty of the loan of an individual farmer the security of farm loans as a class, it is my belief that the investors of this country will find the bonds of such an association an attractive investment, even at low rates of interest, and that by this means funds for farm loans can be obtained.

The pending measure lacks cooperative features. In certain respects, it appears to me, it provides for banks and organizations to lend money, rather than associations which will enable the farmer to borrow on more reasonable terms. The Federal land banks provided for are lending institutions; and while the farm-loan associations provided for are to be represented on the board of directors, it may be doubted whether this will result in the Federal land bank being conducted with a view to furnishing loans at as reasonable a rate as possible rather than with a view to making profits.

The farm-loan associations provided for in this bill appear to me to be too small and weak to be of the greatest assistance to the farmers. They are, in fact, small corporations authorized to do a certain amount of banking business. Because of their small size and the fact that only borrowers can be members, it seems to me to be doubtful whether their obligations will be much safer than the mortgage of the average farmer. I believe it is a serious fault to exclude from such associations farmers who are not borrowers; it seems to me that these would add strength to the association, and it would seem probable that the benefit they might derive from their membership when they might wish to borrow money in the future would be a sufficient incentive to them to become members at a time when they were in no need of a loan. This exclusion, it seems to me, weakens the associations needlessly, and I can not perceive any good purpose served by it.

I may also say that I believe there are too many restrictions attempted to be placed on the farmers applying for loans under this measure. A farmer who risks the loss of his farm by placing a mortgage thereon is not going to do so unless he feels that it is necessary. Under these provisions, if the family of a farmer should suffer from serious and protracted illness, or if he should have any other misfortune which would make it necessary for him to raise money by means of a loan, he could not obtain such a loan from the Federal farm banks, even though such a loan might be safer than loans made by the Federal land bank and the farmer might be in more urgent, immediate need of funds than a farmer to whom the bank was authorized to lend money.

The joint-stock land banks authorized in this bill do not appear to me to form part of a rural-credits system. They are merely commercial banks, differing from other national banks in that they are to deal in farm loans.

I might say in passing, Mr. President, that some of those who are recognized as financiers in this country have written to me stating their belief that so far as the joint-stock banks are concerned they are simply loaning institutions, which necessarily must be started in the larger cities, as small banking institutions in small towns could not possibly serve the purpose or could not loan to the farmers the amount of money that will be required. Necessarily, therefore, the so-called joint-stock bank will be started in the larger cities of the country, and they will simply displace the institutions which we already have.

It is provided in the bill that bonds which may be issued, that are exempt from taxation, shall be permitted to be issued by these corporations at a rate of 5 per cent. It seems to me that this provision of the bill should be changed, and that in no case or under no circumstances should a higher rate than 3½ or 4 per cent be allowed to be charged by those large banking institutions if the bonds and mortgages are to be exempt from taxation.

They will compete with State banks which at the present time make the same kind of loans, and to this extent may perhaps reduce in some localities the rates of interest which the farmer has to pay at present. It may be considered doubtful whether they would form any very useful supplement to the State banks. And I may say in this connection, that the banks which have been of most benefit to the farmers in the past have been the State banks, and not the national banks. So far as the negotiable paper of the farmer has been standardized, it has been done by State banking systems.

Two years ago I introduced a rural-credits bill aiming to establish such a system of associations as I believe we should attempt to make provision for. I reintroduced the measure at this session as Senate bill No. 576.

Mr. President, I want to discuss briefly the provisions of the bill which I have had pending in the Senate for a number of years, and while I shall not of course criticize the chairman of the subcommittee, the Senator having the pending bill in charge, for not reporting my bill, I did have the hope that some of the provisions contained in that bill would be adopted, and I still have the hope that the Senator from New Hampshire will accept as amendments some of the provisions to which I shall call attention.

NATIONAL FARM-LOANS ASSOCIATION CREATED.

It is proposed to create a national farm-loans association, with an authorized capital stock of $50,000,000. The stock is to be held solely by State associations provided for in the bill. Each State association is to subscribe for such stock in the amount of 50 per cent of its own capital, but no association is to be required to subscribe more than $2,000,000. The national farm-loans association is to commence business when not less than 10 State associations have been organized and have made the required stock subscription. (Secs. 1 and 3.)

COMMITTEE ON ORGANIZATION.

A committee on organization is provided for, which is to consist of the Secretary of the Trensury, the Secretary of Agriculture, the Comptroller of the Currency, and two additional members named by the President. This committee will appoint in each State a State agent, who will receive applications for membership in the State association and subscriptions to the stock of such association, and when the necessary stock has been subscribed take the steps necessary to effect the organization of the State association. No State association is to be organized if the subscription to its capital stock is less than $50,000. (Sec. 5.)

DIRECTORS OF THE NATIONAL FARM-LOANS ASSOCIATION.

The board of directors of the national farm-loans association is to consist of a member from each State, elected by the members of the State association. When 10 State associations have organized and chosen directors of the national farm-loans association the board of directors is to organize. A director must be a member of the State association by which elected, must be engaged in farming, must be a resident of the State, and must have such further qualifications as the by-laws of the national farm-loans association may prescribe. A director may be removed by a two-thirds vote of the directors or by a majority vote of the State association which he represents. Directors are to be elected for a term of five years, and they are divided into five classes, in such a way that one-fifth of the total number are elected each year. (Secs. 7, 8, and 10.)

BOARD OF GOVERNORS.

The national farm-loans association is to be governed by a board of governors consisting of seven members, two of whom are to be appointed by the President, by and with the consent and advice of the Senate, and five of whom are to be elected by the board of directors. The latter may be removed by a two-thirds vote of the directors and the former may be removed by the President on charges preferred by the board of directors of the national farm-loans association or by the board of directors of any State association. The term of office is to be five years. (Sec. 9.)

I believe the pending bill provides now for a term of 8 years. Originally it provided for a term of 10 years.

STATE ASSOCIATIONS CREATED.

In each State there is to be organized a State association, with a capital stock of not less than $50,000 nor more than $5,000,000. This stock is to be issued in shares of $25 each, and no one person, organization, or association of persons is to be allowed to hold more than 10 shares. Each State association is required to subscribe to the capital stock of the national farm-loans association an amount equal to 50 per cent of its own capital, but in no event more than $2,000,000. (Sec. 4.)

DIRECTORS OF STATE ASSOCIATIONS.

Each State association is to be governed by a board of directors, consisting of members elected by the local associations. The term of office is to be three years, and the directors are to be divided into classes in such a way that the terms of one-third of the total number will expire each year. A director of a State association must be an actual resident of the State, must be engaged in farming, must be a member of a local association, and must be a stockholder in the State association. The by-laws of the State association may prescribe further qualifications. A director may be expelled by a two-thirds vote of the total number of directors, and may be recalled by a majority vote of the local association which he represents. (Secs. 6 and 11.)

LOCAL ASSOCIATIONS PROVIDED FOR.

Local associations may be formed by any number of persons, not less than 50—in the pending bill it is provided that 10 may constitute an organization or association. Anyone who is familiar with conditions in the country knows that that number is not sufficient and that it should be increased. These 50 shall be persons who are actually engaged in farming, covering a territory of not more than 25 square miles. In sparsely-settled sections the board of directors of the State association may authorize local associations covering a greater territory. Each local association is to be governed by a council elected by the members of the association. The association also elects a president, who is ex officio chairman of the council, a secretary, and such other officers as the by-laws may provide for. The term of office is in each case one year. Any person actually engaged in farming and who is of good character may become a member of a local association, but such an association may by a two-thirds vote of all its members exclude an applicant or expel a member. (Sec. 12.)

QUALIFICATIONS OF ELECTORS.

Every member of a local association in good standing shall be qualified to vote for members of the council of such local association and on all questions coming before the association. In order to vote for directors of the national farm-loans association or of the State association, or on questions submitted by the National or State association, he must be a stockholder in the State association. No one is to be permitted to vote in any State of which he is not a resident, nor is any person who is not a member of a local association to be allowed to vote at any election. Each person is to have only one vote, irrespective of the number of shares of stock he may own. All elections are to be by secret ballot. (Secs. 13 and 14.)

GOVERNMENT DEPOSITS.

On the organization of the national farm-loans association the Secretary of the Treasury is to be required to deposit with the association the sum of $5,000,000. For each State association organized with a capital of not less than $50,000 he is to deposit an additional sum of $200,000; and if a State association is organized with a greater capital than $50,000, or increases its capital beyond this amount, the Secretary is to be required to make a further deposit of such a sum as shall be equal to the amount by which the capital of the State association exceeds the minimum of $50,000. (Sec. 15.)

NATIONAL FARM-LOANS ASSOCIATION MAY ISSUE BONDS.

The national farm-loans association is to be given the power to borrow money and to issue bonds. Such bonds are to bear interest at the rate of 4 per cent per annum, payable semiannually. The pending bill provides that the rate of interest on this class of bonds shall be 5 per cent. Such bonds are to be issued for such terms as the board of directors may decide, not exceeding 20 years, with the privilege of paying them at the end of five years. The board of directors may change the rate of interest, but shall not increase it until such action has been authorized by a majority vote of the members of the State associations.

I wish in this connection to venture the statement that no professor of economy, no man who has given the subject any great thought, no man who has been on a board of directors of any great financial institution, either a bank or an insurance company, will say that the time provided for in the pending bill is workable. The pending bill provides for a term of 36 years, which I believe is entirely too long. No obligation of this class should be issued for a longer term than 20 years. It is neither beneficial to the farmer, the community, the State, nor the Federal Government to issue bonds for a longer term than 20 years. I sincerely hope the Senator from New Hampshire will permit us to amend that section of the bill.

As security there is to be held at least an equal amount in face value of mortgage or deed of trust farm loans or of such mortgage loans and lawful money. A reserve of 5 per cent is required against such bonds. Not more than one-half of such reserve may be advanced to the different State associations for the making of short-time loans. (Secs. 16 and 17.)

Mr. President, the pending bill does not provide for short-time loans at all. I believe I am stating the fact when I say that every farmers' organization in this country has called the attention of Congress to the fact that there is more demand for money for short-time loans and which are more acceptable than the long-time loans, but there is no provision for a short-time loan in the pending bill.

LONG-TIME LOANS.

The national farm-loans association is to be empowered to make loans on farm lands, through the State associations, for terms of not less than 1 year nor more than 20 years. Such loans are to bear interest at the rate of 5 per cent, but this rate may be reduced by the board of directors. On all loans for a longer term than five years a part of the principal, in no case less than 5 per cent, must be paid at the end of five years and every year thereafter.

The pending bill provides that the first year 1 per cent of the principal must be paid, together with the interest. My bill provides that only the interest shall be paid during the first five years, but that after the five years not less than 5 per cent must be paid, and after one year both the principal and interest may be paid.

The borrower is to have the right to pay a larger part of the principal if he so desires, and he may at any time pay the entire loan by paying at the same time the interest which would be due at the next interest-due date. There is no provision made for this in the pending bill. The board of directors are required to prescribe the purposes for which loans may be made, the maximum and minimum amounts of such loans, and the ratio which the amount of the loan may have to the value of the land on which made. (Sec. 18.)

All applications for long-time loans are to be submitted to the local council or to its officers, who forward it to the State association, together with their report and such information as the State association may require.

Mr. President, who is more fitted to pass upon the loans than this local association, the members of which know all the conditions in the immediate vicinity?

If the State association approves the application, it calls on the national association for the amount of the loan. All notes and evidences of indebtedness are forwarded to the national association after being indorsed by the president of the State association. Such indorsement creates a binding obligation on the State association for the payment of the loan and the annual installments of interest.

It seems to me that a first mortgage for a reasonable amount upon a productive farm, together with the indorsement of the State association, will make this paper as good as a Government bond, and that a bond based upon those mortgages will find its way through the avenues and channels of ordinary trade, because there are millions of money now awaiting such an investment as could be made under the provisions of the bill.

Mr. President, it is a fallacy to believe that the Federal Government owns all the money. It is the people of the Government who have the money. The bill of the Senator from New Hampshire is constructed upon the fallacious theory that it is the Federal Government which must provide this money.

The applications for long-time loans have to be submitted to this local council, as I said. Loans may be made to actual farmers who are not members of the local association. There is no such provision in the pending bill.

Loans may be made to actual farmers who are not members of a local association or stockholders in the State association on the same terms as to members. No loans can be made on any property except farm lands. (Sec. 19.)

SHORT-TIME LOANS.

Short-time loans for terms of not more than nine months may be made by a State association to extent of one-half of its paid-in capital and to the further extent of such sums as the national association may advance for such purpose, but the national association shall in no case advance a sum greater than the par value of the capital stock of the State association. Applications for short-time loans must be approved by the officers of the local association, and such local association shall be liable to the State association for the payment of such loan.

My bill provides that the local association shall be responsible to the State association for the short-time loans. Short-time loans are to bear interest at the rate of 6 per cent. (Sec. 20.)

I wish to call the attention of the Senator from New Hampshire to this point. I believe some provision should be made in the bill for the disposition of the money when it is paid back by the farmer to the land bank. There is no such provision in the bill.

DISPOSITION OF MONEYS COLLECTED ON LONG-TIME LOANS.

Money collected as part or all of the principal of a long-time loan is to be used for the following purposes only: First, to pay the principal of such bonds as may be due or may be subject to call; second, to make another long-time loan.

Money collected as interest on long-time loans is to be distributed as follows: There is to be paid (a) the actual expenses of the national farm-loans association; (b) the interest due on bonds outstanding; (c) an amount to each State association equal to 10 per cent of the capital stock of the national farm-loans association held by such State association. Of any proceeds remaining, one-half is to be paid into the Treasury of the United States and the remaining one-half is to be paid to the different State associations in proportion to the average amount of outstanding long-time farm loans made through such State associations. The amounts paid into the United States Treasury are to be credited against the sums advanced to the national farm-loans association, and when such payments equal the sum total of all such advancements the debt of the association to the United States is to be considered canceled and thereafter such payments shall not be made. (Sec. 22.)

Under the provisions of my bill I simply start these associations. The Government of the United States puts in a part of the money, but there is a provision made that it shall be returned or the Government shall be reimbursed, and whenever the Government has once been paid in full no further advances are to be made to these associations by the Government of the United States. They stand absolutely on their own resources, just the same as any other business institution should stand.

DISPOSITION OF MONEYS COLLECTED ON SHORT-TIME LOANS.

Money collected as the principal of short-time loans is to be used only in repaying the advancements made to the State association by the national association, or in making other short-time loans.

Money collected as interest on such loans is to be used to pay the expenses the State association incurred in making them, including any losses resulting from such loans; the remainder shall be distributed in such manner as the board of directors of the State association shall direct.

Money received from the national association as provided in section 22 shall be used to pay the expenses incurred by the State association in making long-time loans; any remainder is to be distributed in such manner as the board of directors of the State association may direct. (Sec. 23.)

Mr. President, I said at the outset that I voted against the motion of the Senator from New Hampshire to lay on the table the motion of the Senator from Iowa to strike out the exemption section, 29. On the direct question I should have voted to retain the exemption clause, because I do not believe we can do justice to the agricultural industry or to the farmers of the country unless the mortgages and bonds are made exempt from taxation.

EXEMPTION FROM TAXATION.

The bonds issued by the national farm-loans association, together with the interest thereon, and all notes and mortgages taken by the association, shall be free from taxation of every kind, but this exemption shall not extend to any real estate actually owned by any of the associations. (Sec. 24.)

THE STOCK OF THE NATIONAL FARM-LOANS ASSOCIATION.

Shares of the capital stock of the national farm-loans association are not to be transferred nor hypothecated nor owned otherwise than by the State associations in the proportion prescribed.

If the subscriptions of the State associations exceed the amount of capital stock authorized, the board of directors of the national association may apportion the stock among the State associations in proportion to their respective capital. If a State association surrenders its charter or decreases its capital stock to such an extent that the amount of stock held by it is in excess of 50 per cent of its own capital, the remaining State associations may be required to take over the surplus stock. If at any time the capital stock of the national association should exceed 50 per cent of the combined capital of the State associations, such excess stock is to be retired. (Sec. 25.)

STOCK OF STATE ASSOCIATIONS.

Each State association may increase or decrease its capital stock within the limits provided, and may reduce the number of shares each person may hold to not less than one, and may require any person holding more than such a number of shares to dispose of the excess to any applicant who is not the owner of any stock, at its market value, in no case less than par, but no person can demand that more than one share be sold to him. (Secs. 26 and 27.)

LIABILITY OF STOCKHOLDERS.

Stockholders in every State association are liable to the par value of their stock in addition to the amount which they have invested in such stock. (Sec. 28.)

POWER TO HOLD REAL ESTATE.

The real estate which the various associations can hold is limited to such as is required for their immediate accommodation in carrying on the business, such as may be mortgaged to them as security for loans, such as may be conveyed to them in satisfaction of debts, and such as may be purchased at sales under decrees, judgments, or mortgages held by such association, or in order to secure debts due them. Except for the first-named purpose, no association shall retain title for a longer term than five years. (Sec. 29.) This is practically similar to the provision embodied in the pending bill.

EXAMINING BOARDS.

The board of directors of the national farm-loans association shall select from among its own members an examining board which shall, at least once a year, make an examination of the business of the national association and the State associations, and make a full report to the board of directors. Similarly, the boards of directors of the various State associations shall select examining boards which shall examine the condition of the business of the State association, and may, when deemed necessary, inquire into the management of the local associations in the State. This is provided for in section 30.

REPORTS TO BE MADE BY THE VARIOUS ASSOCIATIONS.

I want to call the attention of the Senator from New Hampshire [Mr. HOLLIS] to this provision.

Each State association is to make a monthly report to the board of governors of the national farm-loans association, and in addition thereto an annual report, one copy of which shall be forwarded to the board of governors and one copy to the Comptroller of the Currency. The board of governors shall similarly make monthly and annual reports to the Comptroller of the Currency. The board shall also make an annual report to Congress. I believe that it is absolutely necessary and important that the report should be made to Congress as well as to the Comptroller of the Currency, showing the operations of the national farm-loans association and the State associations, and shall include in such report the annual reports of the State associations. The Comptroller of the Currency is to have the power to make examinations of the affairs of the national farm-loans association and of the State associations in the same manner as of national banking institutions. This is provided for in section 31.

DISCIPLINE OF STATE ASSOCIATIONS.

If the officers of a State association conduct their business in violation of the provisions of the law or of the by-laws of the national farm-loans association, the board of governors may, with the approval of the board of directors of the national association, refuse to advance further funds to such State association and may require the repayment of all funds previously advanced. In such event, further funds are to be advanced only after the offending officers have been removed and assurances have been given that the offensive practices have been discontinued. (Sec. 32.)

RIGHT TO AMEND ACT RESERVED BY CONGRESS.

The right is to be reserved to Congress to alter or amend the act, to take effect at the end of any decennial period after the organization of the national association. (Sec. 33.)

The underlying idea in framing this bill has been to form an organization of borrowers rather than of lenders, in order to substitute for the uncertain obligation of the individual farmer the bond of a nation-wide association of farmers. As a class farm loans are almost as secure as Government bonds, but at the present time the investor must examine the conditions of each loan in which he may desire to invest. It appears to me that the bond issued by a national association will have such a security that money for farm loans will be attracted in much greater amounts than at present, and at much lower rates of interest.

Membership in these associations has not been restricted to borrowers, as there would seem to be no good reason for such restriction, and the admission of others who are not at the time borrowers would tend to strengthen the system by increasing public confidence in the associations. Furthermore, what is contemplated is a permanent system—an organization, membership in which will enable the farmer to secure a loan when he needs it without requiring him to become a borrower when he does not need it in order to retain his membership.

Rather than selecting an arbitrary number of associations and trying to divide the United States into an equal number of sections it appeared preferable to establish a State association in each State. The laws governing real estate transfers differ in the different States, and each State association will have only the laws of that one State to consider in adapting its operations, while under a system where an association covered a district composed of several States or parts of States the laws of all of such States would have to be taken into consideration, which might seriously interfere with an attempt to make uniform rules for such district. Furthermore, I believe that the fewer kinds of districts we have, with their necessarily artificial boundaries, the less confusion there will be.

It is possible that it may be considered that the aid extended by the Government in the matter of deposits with the national association is larger than is wise. But it is believed that while in the long run the investors of the country will find the bonds issued by the national association attractive investments, there will be some hesitancy at the outset in accepting these bonds, and that if immediate relief, rather than assistance 10 or 20 years hence, is to be aimed at, the credit of the Government must be used to some extent in some manner or other. The Federal Reserve System uses the resources and credit of the Government in carrying on its operations, and it would not seem too much to ask that as much be done to assist in establishing a system of rural credits, especially as it is contemplated that such assistance be withdrawn when no longer needed.

Experience may show that the provision made for the repayment to the Government of the funds advanced is not sufficient, and that provision should be made for the repayment of a greater sum each year. The aim has been to formulate this provision in such a manner as not to embarrass the association at the outset and yet to result in considerable repayments each year when the system is well established.

In the making of long-time loans, instead of the usual amortization schemes whereby the borrower pays a certain sum each year, so apportioned as to result in the repayment of the principal together with all the interest at the end of a certain number of years, it has been thought best to allow some latitude both to the borrower and the associations. Ordinarily it will be found that the borrower will be in a better position to pay a proportionally larger part of the principal each year after the fifth, than to make annual payments the first few years equal to those made the last years during which the loan runs. It is also thought that if the borrower finds he can repay the loan before it is due, he should be allowed to do so without being penalized therefor.

To reduce as much as possible the cost of making loans, it is made the duty of the officers of the local associations to examine the application and submit a recommendation on it, and also to furnish such information as the officers of the State association may require relative to it. In order to protect the national association, the State association is made liable for the full amount of every loan made.

As will be observed, the money advanced by the national farm-loans association for use in making short-time loans can not exceed 2½ per cent of the par value of the outstanding bond issue, nor can it exceed the capital of the State association to which advanced. In addition to this sum, the State association may lend an amount not in excess of one-half of its capital. It is possible that during the early days of the system it will be found that these funds will not suffice to meet the demand for short-time loans, but it has been thought best to err on the side of safety. Some difficulty may be experienced in holding the local associations liable for these short-time loans, but it would appear that the advantages derived by the members of such local associations from affiliation with the State association would be a sufficient inducement to render them willing to pay such assessments as it might be necessary to make as well as to exercise all due caution in the making of such loans.

Provision is made for the disposition of the moneys collected so as to insure the payment of the interest and principal of the bonds issued by the national farm-loans association, the expenses of the National and State associations, and the repayment of the money advanced by the Government.

Since these associations are not organized for profit, it is thought wise to exempt so far as possible their bonds and mortgages from taxation, especially as these are merely evidences of indebtedness, either of the associations or of the members of the associations.

Mr. President, if the Senator from New Hampshire would consent to strike out the provision for the establishment of the joint-stock bank, I should feel that I would not have so much right to criticize the bill; but it is my sincere belief that those so-called joint-stock banks can not perform the functions of a rural-credit system. The joint-stock banks would be simply another financial banking institution, which would supersede the institutions which we now have; but this legislation is proposing to give them an undue advantage as against the institutions which are now in existence, in so far as it permits them to issue bonds which are to be exempt from taxation. I say that

some consideration should be given to the institutions which are now in existence.

As the State associations are dependent on the national association for practically all the funds with which to carry on business, it is thought that the power given the latter to refuse to advance funds will be sufficient to secure observance on the part of the former of the laws and by-laws regulating their operations.

As stated at the outset, the aim of this bill is to provide credit for farmers by forming associations of borrowers rather than of lenders. That is the only way you can form a real farm rural-credit association, by the borrowers and not by the lenders.

Loans based on farm lands ought to be the safest of all loans. Distrust of such loans can come only from a lack of knowledge on the part of the lender as to the security for the particular loan. The formation of a national association as proposed will relieve the lender from the necessity of inquiring as to the safety of any particular loan. With the affairs of such an association wisely administered its bonds should approach in safety that of our national bonds. They would be far safer than any of our industrial bonds or railroad bonds. There would be no opportunity for reckless directors or managers to speculate in the stock of the association, nor would there seem to be any temptation to unduly expand the loans. As the national farm-loans association will have no outstanding demand obligations, a nation-wide panic can affect it only indirectly through the possibly lessened demand for its bonds.

There may be those who believe that this bill contemplates too much governmental assistance to the farmer. The assistance, however, it should be noted, consists mainly in establishing the system and advancing some funds at the beginning of its operations. That there is need of some such system I firmly believe. Few people realize how small are the returns the average farmer enjoys as the result of his year's labor. As the result of investigations made by the Department of Agriculture the following is published in the department's Weekly News Letter, dated April 26, 1916, only a few days ago:

> * * * Recently 64 groups of farms in 19 States were studied in order to ascertain what the farmer obtained for his year's work after deducting the interest at 5 per cent on the value of his farm and other capital—in other words, to find out his labor income or wages. In each of these groups, which included altogether 4,400 farms—

That seems to me, Mr. President, to be a respectable number—

> the conditions were reasonably similar. In each group the farmers were divided into five numerically equal classes according to their labor incomes.
>
> It was found that although the average labor income for all the groups was only $387—

That is for the whole year—

> the average for the farmers in the first class—that fifth of the farmers who did best—was $1,421. In the second class it was $642. The last class—the fifth of the farmers who were least successful—got nothing for wages and lost, on the average, $517.

Instead of receiving pay for their labor, they lost $517:

> That is to say, the interest on the amount of money represented by their farm, stock, and equipment would have been $517 more than the farm returned them. It should be borne in mind in this connection that the labor income is merely the farmer's wages, and that the family has in addition, besides interest on investment, the use of the farmhouse and such fuel and food as the farm supplies free of money cost.

Now, it seems evident that even the class of farmers who were most successful can not prosper greatly if they have to pay the interest rates which farmers have to pay in many sections of this country. In the cases considered by the department, the interest on the investment was figured at 5 per cent. Obviously, in those places where the interest rate is twice this figure, the average farmer can not, if he is considerably in debt, pay the interest on his debt and make anything beyond a bare living.

To me it does not seem too much to ask the Government to enable the farmer to establish a rural-credit system which will make it possible for him at the end of the year to show a fair return for his year's labor, even though in doing so the Government may be asked for a limited time to extend aid by making deposits with the national farm-loans association.

Mr. President, I am not opposed to a rural-credit system; I am intensely in favor of a rural-credit system, but my fear is that the provisions of the pending bill will not give to the farmers the relief to which they are entitled. The rate of interest specified in the bonds should not be 5 per cent; it should not be above 4 per cent. Is there a Senator on this floor who would be willing to vote for an issue of Government bonds bearing interest at the rate of 5 per cent? The farm-loan bonds will be just as safe as Government bonds; why, then, should not the rate of interest be reduced? Is there a Senator on this floor who will say that in the older sections of the country the farmers can not now secure money at 6 per cent? So, what relief will you give to the farmers of the United States by passing this bill? The maximum rate of interest under this bill on farm loans should not exceed 5 per cent.

We all know that the man who is interested in a financial concern feels it is his obligation and his duty to treat that institution fairly. The man who becomes a shareholder or who acts as an officer in such an institution as a bank knows that there is an obligation binding upon him, and that he must see to it that that institution is cared for. You are permitting in this bill—and I say it in all seriousness to the Senator from New Hampshire—banking institutions to be exempt from taxation on their bonds as well as on their mortgages, and yet you make it possible for them to charge the farmer just as high a rate of interest as he is paying to-day.

Mr. President, as I have said, my fear is that the farmers of the United States will not be benefited by this bill unless we change it. I am very sure that the farmers in my section of the country will not submit to the provisions of this bill, with all its restrictions, under which they will be penalized and compelled to pay as high a rate of interest as they are now paying. For that reason, Mr. President, I say that I hope the Senator from New Hampshire will permit us to change some of the provisions in the bill.

I shall not vote against this bill; the Senator from New Hampshire knows that; I believe he knows that I intend to vote for it, because I believe in a rural-credits system; but I sincerely hope that the majority party will permit us to incorporate into this bill some of our ideas, which are practical ideas, and make it a better bill. I for one am perfectly willing to give the Democratic Party credit for it, but give us the opportunity to help you to improve it for the benefit of the American farmer.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from North Dakota yield to the Senator from California?

Mr. GRONNA. I yield to the Senator from California.

Mr. WORKS. I understand the Senator to say that, in his judgment, this bill will be of no practical benefit to the farmers?

Mr. GRONNA. That is my belief.

Mr. WORKS. And yet the Senator says he is going to vote for the bill.

Mr. GRONNA. Yes; I am going to vote for it.

Mr. WORKS. I should like the Senator to explain his position a little in that respect, for I know the Senator is perfectly sincere in any view he may take; but I do not understand very well how the Senator can take that position. I think if we are going to pass a rural-credits bill we should pass one that will do some good, and that no legislation ought to be passed by Congress that is not going to benefit somebody.

Mr. GRONNA. Mr. President, I agree with the Senator from California that it is rather an embarrassing position to take. I have said that there are provisions in this bill which I can indorse. The bonding feature of this bill is, in my judgment, nearly perfect, and I am not complaining of that provision. What I object to is the rate of interest. The maximum rate of interest should not exceed 4 per cent, because the farm-loan bonds will be absolutely as good as Government bonds.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further to the Senator from California?

Mr. GRONNA. I yield to the Senator.

Mr. WORKS. There may be some good things in this bill; I have no doubt there are; but when it comes to a final vote on the passage of the bill we have got to take it as a whole or let it alone; and the fact that there are some good provisions in it will not help the matter if, taken as a whole, it is not beneficial. It is that view of it which was appealing to my mind when the Senator was stating his position with respect to the bill.

Mr. GRONNA. Mr. President, the Senator from California is right; but I have the hope that at some time in the future the Congress of the United States will amend this bill. I am no prophet, but I do predict that the money appropriated for high-salaried officers under the system now proposed will be money thrown away, unless we can secure men as directors upon the farm-loan board and upon the various other boards who will see to it that the maximum amount specified in the bill will not be used; but that is a very unsafe proposition. No man who knows anything about financial affairs will risk his fortune to the good judgment of the other fellow. It may be that this bill will be of some help to the American farmer; but if it shall so happen that it will give the farmer relief, it will be because some men will be appointed on these boards who know more about the conditions than we who make this law.

As I said at the outset, the Senator from New Hampshire has given this bill close attention; he has devoted a great deal of time to it, and he deserves a great deal of credit for doing what he already has done; but no one man can hope to be able to change the whole financial system of a Government like the United States, where the welfare of a hundred million people is involved, without criticism, and I have called the attention of the Senate to some of the provisions of the bill which, in my judgment, are faulty, weak, and dangerous, but not with the idea of opposing a rural-credits system, because I am sincerely in favor of the right kind of a rural-credits bill.

The Senator from California asked me how I could explain my position when I attack certain provisions of the bill and then state that I will vote for it. It is only with the hope, as I have said, that at some time in the future this bill will be amended and improved, not altogether along the lines that I have suggested, but I believe that some of the provisions I have suggested will have to be incorporated into the law, if its provisions are to be successfully carried out and if it is to become a financial success.

Mr. President, I have here a letter from a gentleman, who I understand is not only a business man but a financier, whose name is James A. Johnston and whose post-office address is Poplar Bluff, Mo. I shall not take the time of the Senate to read his letter, but there are so many valuable suggestions in it that I ask to have it printed in the RECORD in connection with my remarks without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

POPLAR BLUFF, MO., *February 5, 1916.*

Hon. ROBERT L. OWEN,
Chairman Committee on Banking and Currency,
United States Senate, Washington, D. C.

DEAR SIR: Referring to your favor of January 22, I beg to submit for your observation a few suggestions concerning S. 2986, introduced by Senator HOLLIS. You will observe that the page and line of said bill is referred to in this brief so far as specific suggestions are concerned.

Page 3, line 1: The words "10 years," I think, should be changed to "5 years."

(a) A man to serve in this place will need to have the experience of half a lifetime, besides a general reputation that will carry with it confidence. All of which follows hard work, and if he should enter on the duties of this post in the prime, his time should be terminated by statute just before he passes a point where ambition and efficiency begin to decline.

(b) Admitting a man of character will be selected. He may have professional ambitions and environments or business interests that will retain a hold upon him, and it is possible, for various reasons, for the appointee to fail, or, at any rate, not handle the work to an advantage. In such an event 5 years would be better for the banking system than 10.

Page 16, line 8. A definite territory should be designated, based either on area or population.

Page 16, lines 15 and 16: It would be a mistake to permit anyone to be a director who is not a stockholder. There would be much danger of business being choked to death.

Page 16, line 21: The president should be a man that is on the outside and in touch with the farming public—that is, active among them and associated in a way to have an opportunity to mix with them in order that farmers may have an opportunity to learn the advantages awaiting them under this law.

(a) In order to encourage the study of the detail, board meetings should be had at fixed periods, say every 15 days, members receiving $3, the president receiving $3.50 per attendance. On the publicity of the provisions under this section much depends, and board members must know the detail of the law, so they can explain it.

(b) (The writer has been a stockholder for nearly 20 years in our local building loan association, and a good portion of the time a member of the loan committee. One of the weak places was that not enough people were interested who knew the detail, and with whom the public came in contact, to encourage the patronage it was entitled to. Said association would be stronger to-day if it had the board meetings every 15 days and each member paid for his attendance.)

(c) The principle as well as the detail will have to be instilled in the borrower's mind, and the explanation must to a large degree come from some one of the association with whom said farmer is acquainted.

(d) For the further reason that the loan applications will have many provisions therein and will need to be fully explained to the borrower when taken home by him, there studied, and be explained again by the officer.

(e) If meetings are too long apart under such necessarily slow procedure, private loan companies, banks, and bankers will get one or more commissions before applicants and the board learn the detail and properly prepare the application.

(f) Every facility consistent with prudence and economy should be written into this section, for the success of the measure depends on applications; at least two members of the board should ever be in a position to encourage new business, as well as take care of that in the records.

(g) Publicity by placard in every post office in the county where association is located should be required.

Page 24, division B: This section in the opinion of the writer will make a weak point, for the reason that it would be considered unwise by the average man who has anything or expects to leave anything to indorse any piece of paper that is to be paid 5, 10, or 30 years hence. That being the feeling of the average individual, competition will use this clause to scare and intimidate those who might otherwise patronise the system. Division A furnishes all the responsibility and safety needed for the creditor. That being the case, everything else should be arranged for the purpose of getting business.

Page 26, line 11: If this certificate could be in $50 and multiples, and draw interest collectible by the bearer at maturity or semiannually at any loan association, bank, or post office, it would be the means of placing them with people who now keep such funds in their sock.

(a) A certain multiple, say $200, to be converted into coupon bonds at a rate higher than the certificate can draw.

Page 27, lines 13 and 18: Provisions should be made to cover all classes of mechanic liens, as they have priority over other liens in some States. In fact it would be a good idea to have all funds loaned to be paid out only on the order of the applicants, the borrower and the president and secretary of the association, the voucher relating purposes of the payment. In this way no money could go out in an improper channel.

Page 27, lines 19 and 20: "Five to 36 years." Thirty-six years is too long. Is there a member of your committee—aye, what Member of the entire Senate would want to indorse any kind of check, draft, or note that would be payable 36 years hence. Twenty years is long enough; and, furthermore, such liens as this may make bond sales weaker by having your farm-loan notes dated too long hence. There are a number of reasons, but the fact that said notes are to be indorsed and guaranteed by all the institutions that handle them is sufficient from a business standpoint to look impracticable. Twenty years is a long time. Trust companies and building loan associations, as a rule, try to have their paper turn over every 5 to 10 years.

Page 28, line 13: Maximum interest rates should be inserted, be it 5, 6, or 7 per cent.

(a) It might be advisable to schedule rate according to the time. For example, 5 years, 6 per cent; 10 years, 5½ per cent; 20 years, 5 per cent.

Pages 29 and 30: Could contain a clause providing that when proceeds of liens was expended on a building that insurance to be assigned to the local association.

(a) It might be that in the event of the destruction by fire the borrower would not have funds to replace and could not borrow from others on account of farm-loan association lien, and that in that way be forced to let property decline. A fire insurance clause would do no harm and might be well worth while for both borrower and the association.

Page 31, end of line 8: Without finding any fault with the contents of this and succeeding sections, would like to suggest as follows:

The essentials about this bill—first stability and second simplicity—in procedure to make it popular with the masses and beyond the influence of criticism; at any rate, the criticism of its enemies. As a whole, this measure is practical, but think it should be changed some, and by such change be better.

For example, to make it stronger and to give it assurance of confidence have all notes, bonds, and certificates of deposit made at one central bank at the seat of government, Washington, D. C. Capital stocks, say, fifty to one hundred million dollars, one half paid in the funds, for the first half to be raised by and paid in by the Federal Government, a part of which might be raised from the sale of bonds, a portion with cash; the other half of the capital stock to be retained in the treasury of said institution to be subscribed and paid for by the State Federal land bank as hereinafter suggested. State Federal land bank to be at seat of State government, capital stock one or two millions, according to the population of the State, and subscribed and paid in the same manner as national institutions.

The national farm-loan association, with each application for a loan, also have application for shares of stock in the State institution for an amount equal to 5 per cent of the loan applied for. The State institution to do likewise with the national institution at the seat of Government. In this way the Government will some day be relieved of all the money it has paid in. This is a slight deviation from the plans you have outlined; it might be stronger and better.

Among the other features that would add to its strength and usefulness would be to have the national institution at the seat of Government issue all of the certificates of deposit and in small denominations drawing a certain small interest rate, sell them or charge them to the State institution, to be countersigned and indorsed and sold to the public or to the national rural association, and in all posterity in said State of a certain class office, to be by them countersigned and sold to the public. Said certificates would be payable on fixed dates with interest, and could be made so as to be exchanged at will for bonds of a higher rate of interest and issued by the national institution, the bond issues to be sold through the same channel or on the open market. Said bonds of course to be issued on liens that have originated with the rural loan association under a detail that almost insures stability and safety. And if it could be done without too much danger of errors, to issue at the national institution a certain ratio of bonds and a certain ratio of currency on the liens gathered from said rural association and indorsed by them and the State institution. It would cut down the interest to be paid and furnish a good circulating medium besides.

(a) For example, $50,000 in notes and liens sent to the national institution by the State institution, on the group, national institution to issue, say, $25,000 in currency. Currency to go direct, $25,000 bonds either sold on open market or sent to State institution.

(b) This would be of the same class of currency as regional law issues on two-name paper, only in this case you have one name and the property and the two banks that indorse it. But under the regional law bank's names are ignored and the two-named paper make the base. In this case it looks as though it would be safe to issue currency against one-half of said notes, other one-half in bonds, all of which to be canceled when security is paid.

Page 32, line 15: Associations should not be permitted to buy land under any circumstances as an investment or otherwise except at sale under its own liens or to protect its lien, and then only when the public will not bid the amount of that lien or liens.

(a) Bondholders will soon learn to like the plan if its resources are always liquid as planned, but if the system permits local associations to get land dumped on them, competition will show it up as having a weak link.

Section 19, D. C., page 41, line 8: This section can not be of much use to farmers, inasmuch as a bank the size stipulated therein would need to be in a city to find the capital for such an organization, and capital in such cities would, if invested in any bank, get into one having other advantages.

(a) And if they did organize would not stand much show to get deposits with the depositing public. Their competitors would see to that on account of the long-time real estate paper and bonds, and their turnovers would most likely be too slow to allow them a net profit after buying time deposits, and meeting competition on loans. If this bank could be one in a State or given territory, and be the middle step

between the farm-loan association and the Federal land bank, it would be a strong link. As it now reads it is doubtful if it will be of any real value as a relief to farmers.

Page 50, line 24: Suppose that on account of the fact that larger and extensive industrial companies, manufacturers, warehousemen, railway, and other borrowers have to (which they are doing now at an enormous rate per month) get their money in the United States for the next 5 to 10 years, which looks at this time as they will do, can the farm-loan bank sell their liens in competition? If they can not, then, of course, they can not supply money for farmers. Such a condition is the case now; that is, no bank with funds on hand that they can, or will, lend to him except for a short time. In order to be its real self and be useful the Federal land bank or banks should have authority to issue a certain amount of circulating medium based on the liens they hold. Such would be new funds in circulation.

All certificates of deposit and all bonds would have a better standing if issued by one bank under proper restrictions; likewise the currency; and if it is considered unwise to have a bank issue the currency, it might be that it could be made to read so the Federal Treasurer could issue money on said liens with and under certain restrictions. The saving of this interest, together with the assurance of the funds, may mean the success of the measure; funds insufficient will also insure its failure.

Criticism of this plan would be based on the principal of a single or central bank, and which would be justifiable if said central bank controlled personal credit. That is, if it was a personal application, and whether or not the applicant got the accommodation depended on the state of mind, opinion, pleasure, or displeasure of the acting official, as is the case in every bank in the United States to-day. But inasmuch as the credit line defined is based on documents and declarations by applicants, appraisers, and others no personal credit will be at stake. Therefore one bank can issue all the credit needed under the detail of the law and do it better, and for less expense, than a dozen or more could. The detail of the law can and will be used to protect the lien holders.

All national-bank methods of the past, all the State banks customs so far as they relate to credit, can be eliminated when we consider this bill, for they are in no way akin. Each of the above-named banks are supposed to do business largely on individual responsibility, in a general way—that is, responsibility as a whole—while your plan deals with the individual in a specific way; that is, you have a specific indestructible thing of his nailed down and sewed up tight, and as a farmer would say "hog tied," and the only danger about the plan is getting the property. Therefore you can afford to deviate entirely from the State and national-bank rules.

Trust companies in this State are selling a great many liens cut up into one to five hundred dollar denominations, to be paid off at fixed periods and sold to the depositing public who prefer them to pass books, and indeed it is a protection to the individual who wishes to be about his own business, be he laborer, guardian, custodian, or retired business person who gets the interest and has the lien for protection. From this class you raise a great deal of money, but this plan, or any rural-credit system you launch, will need a system of automatically furnishing its own resources in order to insure its success.

The late Sam Jones, one time, in delineating his desire and capacity to talk to the rank and file, said one time he had occasion to talk to an audience of colored people, and after he had finished one old black mammy came forward to greet him and said: "Brother Jones, youse got a white skin, but thank the Lord youse got a black heart."

Now I, to a certain and limited extent, know the needs of the farmer for the following reasons: First, I was on a rented farm the first half of my life, the last half of it I have been dealing, a part of the time quite extensively, with farmers, merchants, manufacturers, and banks, and to a considerable extent know their ups and down, needs and abuses of credits, and if you would formulate a set of questions and send them to one or two thousand persons situated and experienced as the writer, you would get a detail not possible for the average lawyer to show, and around such information and facts it would be easy to wrap the law.

If there be any specific question that you would like to ask or any data at my command that you may need, will be glad to supply it on request.

Hoping that this document will be of some use to you, I remain,

Yours, very truly,

JAS. A. JOHNSTON.

Mr. GRONNA subsequently said: Mr. President, I offer a substitute for the pending bill, and I ask unanimous consent to have it printed in the RECORD in connection with the remarks which I made this afternoon. I discussed the provisions of the bill quite thoroughly; I took, I think, an hour or more in doing so, and I do not feel warranted in delaying the action of the Senate on the bill at this time, for I understand that the Senator from New Hampshire [Mr. HOLLIS], having the bill in charge, is anxious to have it passed this evening.

The VICE PRESIDENT. Without objection, the substitute submitted by the Senator from North Dakota will be printed in the RECORD. The Chair hears none.

The substitute referred to is to strike out all after the enacting clause of the bill and insert the following:

That the national farm-loans association of the United States be, and is hereby, created and established for a term of 50 years from the date of filing with the Comptroller of the Currency of a certificate of paid-in capital stock as hereinafter provided. Said association shall have a capital stock of $50,000,000, but shall be authorized to commence business when 10 or more State associations shall have been organized, as hereinafter provided, and shall have made the required subscriptions to the capital stock of the national farm-loans association. The capital stock of said association shall be divided into shares of $100 each. The outstanding capital stock may be increased from time to time as State associations increase their capital or as additional State associations are organized under the provisions of this act. The head office of the national farm-loans association shall be located in Washington, in the District of Columbia.

SEC. 2. That upon duly making and filing with the Comptroller of the Currency the certificate hereinafter required the national farm loans association shall become a body corporate, and as such and by that name shall have power—

First. To adopt and use a corporate seal.

Second. To have succession for a period of 50 years from the date of said certificate.

Third. To make all contracts necessary and proper to carry out the purposes of this act.

Fourth. To sue and be sued, complain, and defend in any court of law or equity as fully as a natural person.

Fifth. To elect or appoint directors and officers in the manner hereinafter provided and define their duties.

Sixth. To adopt by its board of directors by-laws, not inconsistent with the provisions of this act, regulating the manner in which its property shall be transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To purchase, acquire, hold, and convey real estate as hereinafter provided.

Eighth. To exercise by its board of directors or duly authorized committees, officers, or agents, subject to law, all the powers and privileges conferred upon the national farm-loans association by this act.

SEC. 3. That all subscriptions to the capital stock of the national farm-loans association shall be by State associations organized as hereinafter set forth. Each such State association shall subscribe for stock in the national farm-loans association in the amount of at least 50 per cent of its own subscribed capital, but no State association shall be required to subscribe for more than $2,000,000 of such stock in any event. Each State association shall pay at least 20 per cent of its subscription in cash; one-half of the remainder shall be paid in one year from the date of the organization of such State association, and the remaining one-half shall be paid in two years from the date of such organization. When any State association increases its capital it shall subscribe for an additional amount of stock in the national farm-loans association equal to one-half of such increase in its own capital stock, 40 per cent of which shall be paid in cash and the remainder in one year from the date of such increase.

SEC. 4. That there may be organized in each State a State association in the manner hereinafter set forth. Such State association shall have a capital stock of not less than $50,000, but it may at any time increase its capital stock to not more than $5,000,000. Such stock shall be issued in shares of $25 each, and no one person, organization, or association of persons shall hold more than 10 such shares. Such State association may begin business when a certificate of paid-in capital stock is filed with the Comptroller of the Currency as hereinafter provided. One-half of the subscriptions for stock in such State association shall be paid in cash and the remaining one-half shall be paid in one year from the date of organization. Each such State association shall subscribe to the capital stock of the national farm-loans association as hereinbefore provided. Such State associations shall have the same general powers enumerated in section 2 of this act, and may exercise them in any manner not inconsistent with the provisions of this act or the by-laws adopted by the national farm-loans association.

SEC. 5. That the Secretary of the Treasury, the Secretary of Agriculture, the Comptroller of the Currency, and two members to be named by the President of the United States are hereby constituted a committee to effect the organization of the national farm-loans association and State associations. Within 30 days after the passage and approval of this act the President shall appoint the two members indicated, who shall be paid a salary at the rate of $500 per month until such time as the board of governors hereinafter provided for have been elected and assumed office, when their duties and salaries shall wholly cease and determine. Within 15 days after the appointment of such members the committee shall meet in the city of Washington, at a time and place to be designated by the Secretary of the Treasury, and shall proceed to organize by electing a chairman and a secretary. Said committee shall have power to employ such clerks, stenographers, and other employees as may be necessary. The necessary expenses of said committee shall be payable out of the Treasury upon vouchers approved by the chairman of the committee, and the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated for this purpose out of any unexpended balance in the Treasury. The committee shall elect one person in each State as its agent, hereinafter called the State agent, who shall receive applications for membership in the State association in such State and subscriptions to stock in such State association. The State agent shall open an office at a place within the State to be designated by the committee and shall announce by public advertisement that he has been designated to receive applications for membership in the State association and subscriptions to the stock of such State association. When his office has been open for the receipt of applications and subscriptions for a period of 30 days he shall transmit a full report to the committee on organization. If it shall appear that subscriptions of not less than $50,000 have been received the committee shall, under such rules and regulations as it may deem necessary, authorize said State agent to receive the 50 per cent payments on such subscriptions. Said State agent shall also within 15 days from the receipt of such authorization, under regulations to be prescribed by the committee, provide for an election of directors by the persons subscribing to the capital stock of such State association. Such directors shall have such qualifications and shall hold office for such terms as are hereinafter set forth. If it shall appear from the report of the State agent to the committee on organization that subscriptions in the amount of $50,000 have not been received he shall by public advertisement announce that his office will remain open for the receipt of applications and subscriptions for another period of 30 days; if at the end of such additional period the required amount has not been subscribed the office of the State agent shall be closed. No State agent or officers of a State association shall refuse to receive subscriptions to the capital stock of such association until such subscriptions total $5,000,000, but no subscriptions shall be received from any person who is not an actual farmer residing within the State in which such association is organized.

SEC. 6. That 15 days after the election of the directors of the State association they shall meet at a place and on a day to be designated by the State agent and proceed to organize by electing a president, vice president, secretary, treasurer, and such other officers as may be necessary. They shall also adopt a body of by-laws which shall be submitted to a referendum vote by the subscribing members of the State association. The president and secretary shall execute a certificate in duplicate setting forth the name of the association, the amount of capital stock subscribed, the number of stockholders, and certifying that the State association has made the required subscription to the stock of the national farm-loans association. One copy of this certificate shall be filed with the Comptroller of the Currency and one copy with the committee on organization. The subscription of said State association to stock in the national farm-loans association shall become due 15 days after the organization of the said board of directors. On the organization of the board of directors the powers of

the State agent shall cease. Such State agent shall submit a full report of his operations to the committee on organization.

SEC. 7. That not later than 15 days after the organization of the board of directors of any State association said board shall make provision for the election of a member of the board of directors of the national farm loans association, under such rules and regulations as the committee on organization shall prescribe. Such directors of the national farm-loans association shall have such qualifications and shall be chosen for such term as is hereinafter set forth.

SEC. 8. That as soon as State associations have been organized in not less than 10 States and directors of the national farm-loans association have been chosen in such States such directors shall meet in the city of Washington at a time to be designated by the committee on organization, and shall organize by electing a president, vice president, secretary, treasurer, and such other officers as may be necessary. Immediately after such organization they shall adopt a body of by-laws, not inconsistent with the provisions of this act, governing the operations of the national farm-loans association. On a demand of one-third of the directors present any part of the by-laws shall be submitted to a vote of the members of the various State associations. On a similar demand any proposed subsequent changes in the by-laws shall be similarly submitted. The board of directors shall also elect five members of a board of governors, whose duties and terms of office shall be such as is hereinafter provided. Within 15 days after their election and qualification the president and secretary of the board of directors shall execute a certificate setting forth the fact of the organization of said board, the number of State associations which have subscribed to the capital stock of the national farm loans association, and the amount subscribed by each such State association, which shall be filed with the Comptroller of the Currency.

SEC. 9. That the national farm-loans association shall be governed by a board of governors, consisting of seven members, two of whom shall be appointed by the President of the United States, by and with the consent and advice of the Senate, and the remaining five of whom shall be elected by the board of directors, but the members elected by the board of directors may be removed by a two-thirds vote of such directors, and the members appointed by the President may be removed by the President on charges made either by the board of directors of the national farm-loans association or by the board of directors of any of the State associations. The members of the board of governors shall be paid a salary of $7,000 per annum. Members appointed by the President shall serve five years from the date of appointment. Of the five members of the board of governors elected by the board of directors at the first election one shall serve one year, one two years, one three years, one four years, and one five years; thereafter the term of each member shall be five years, and if any vacancy occur the person elected to fill such vacancy shall, under such election, serve only the remainder of the unexpired term. The board of governors shall perform all the duties necessary to carry out the purposes of this act under the provisions of this act and the by-laws of the national farm-loans association in a manner to be prescribed by said by-laws. Until the election and qualification of the board of governors such powers shall, so far as may appear necessary, be exercised by the committee on organization. On the election and qualification of the board of governors the powers and duties of the committee on organization shall cease, and all duties and powers which it may thereafter be necessary to exercise in connection with the organization of any State associations shall be exercised by the board of governors.

SEC. 10. That the board of directors of the national farm-loans association shall consist of one member from each State in which a State association has been organized as provided in this act, who shall be elected by the members of such State association. Each such director shall be a member of the State association of the State from which elected, shall be engaged in farming, and shall be a resident of the State from which elected; the national farm-loans association may by by-laws prescribe further qualifications. The directors and officers of the board shall receive such compensation as the by-laws may prescribe. A director may be removed by a two-thirds vote of the board of directors or by a majority vote of the members of the State association whom he represents. The directors shall be divided into five classes. Those from the following States shall constitute the first class: Alabama, Michigan, Missouri, Nevada, North Dakota, Oklahoma, Pennsylvania, Vermont, Virginia, and Washington. Those from the following States shall constitute the second class: Arizona, Kansas, Kentucky, Massachusetts, Mississippi, New Jersey, North Carolina, Washington, West Virginia, and Wyoming. Those from the following States shall constitute the third class: Arkansas, California, Colorado, Connecticut, Georgia, Indiana, Iowa, Maine, Maryland, and Montana. Those from the following States shall constitute the fourth class: Delaware, Idaho, Louisiana, Minnesota, Nebraska, New Mexico, Ohio, Rhode Island, and South Carolina. Those from the following States shall constitute the fifth class: Florida, Illinois, New Hampshire, New York, Oregon, South Dakota, Tennessee, Texas, and Utah. At the first meeting of the board of directors it shall be determined by lot the terms of which class shall expire in one year, in two years, in three years, in four years, and in five years. Thereafter all directors shall be elected for terms of five years, except that a person elected to fill a vacancy shall serve under such election only the unexpired term of his predecessor.

SEC. 11. That each State association shall be governed by a board of directors to be elected by the members of such association, and shall consist of one director from each local association hereinafter provided for, but the number of such directors shall not be less than 10, and the State associations may at any time, by a referendum vote, change the number. Such directors shall at their first meeting be, by lot, divided into three classes. The terms of the first class shall expire one year from the date of organization of the State association, the terms of the second class in two years, and the terms of the third class in three years. Thereafter all directors shall be elected for a term of three years, but if a vacancy occurs the person elected to fill such vacancy shall under such election serve only the unexpired term. A person to be eligible as a director of a State association must be an actual resident of the State, must be engaged in farming, must be a member of a local association, and must be a stockholder in the State association. The by-laws of the State association may prescribe additional qualifications. The board of directors shall organize by electing a president, vice president, secretary, and treasurer, and they may elect such other officers and employees as shall be authorized by the by-laws of said association. The directors shall serve without pay, but the officers and employees of the association may be paid such compensation for services actually rendered as the by-laws shall prescribe. Any director may be expelled by a two-thirds vote of the total number of directors and may be recalled by a majority vote of the local association or district which he represents.

SEC. 12. That local associations may be formed by any number of persons, not less than 50, actually engaged in farming, covering a territory of not more than 25 square miles, but the board of directors of the State association may authorize local associations covering a greater territory in sparsely settled sections. Each such local association shall be governed by a council, the members of which shall be elected by a majority vote of such association. Such council shall consist of seven members; the local association may by a majority vote change such number, but in no case shall the council consist of less than five members. Each local association shall have the power to adopt such by-laws necessary for the carrying out the purposes of its organization as are not inconsistent with the provisions of this act or with the by-laws adopted by the national farm-loans association and the State association in the State in which located. The members of the council shall be elected for a term of one year. The local association shall also elect by majority vote a president and a secretary, and such other officers as its by-laws may authorize. All officers shall be elected for a term of one year. The president of the local association shall be chairman of the council ex officio. Any person actually engaged in farming and of good character may become a member of a local association, but such association may by a two-thirds vote of all its members exclude an applicant or expel a member.

SEC. 13. That all elections of members of the board of directors of the national farm-loans association and the boards of directors of the different State associations, and all votes on questions submitted to the members of such associations, shall be by secret ballot. Ballots shall be mailed to all qualified electors in each State by the officers of the State association not more than 10 nor less than 6 days before the day of election; after having marked the ballot so as to indicate his choice the elector shall, on the day designated as election day, mail it in a sealed envelope directed to the president of the State association. Such envelopes shall not be opened except in the presence of the canvassing board, to be constituted as shall be prescribed in the by-laws of the State association, which board shall proceed to canvass the votes on a day not later than 10 days after the date of election. The canvassing board shall certify to the board of directors of the national farm-loans association the results of all votes for directors of the national farm-loans association and on all questions submitted to the electors by the national farm-loans association, and shall certify to the board of directors of the State association the results of all votes. The boards of directors of the national farm-loans association and State associations shall prescribe such further regulations as may be necessary to insure the secrecy of the ballot and a correct and honest count of the votes. Each State association may by its by-laws prescribe other modes of electing members of the board of directors of such State association, but in no event shall the secrecy of the ballot be permitted to be destroyed, nor shall such directors be elected otherwise than by a direct vote of the members of such State association. Elections of members of the council of each local association shall be by secret ballot in such manner as such local association shall prescribe.

SEC. 14. That every member of a local association in good standing shall be qualified to vote at elections for members of the council of such local association and on all questions coming before such local association. Members of local associations who have subscribed to the stock of the State association, or are owners of such stock, shall be qualified to vote for members of the board of directors of such State association and for members of the board of directors of the national farm-loans association and on all questions submitted by the national farm-loans association and the State association; but no one shall be entitled to vote in a State of which he is not an actual resident, and no one who is not a member of a local association, an no one who has not subscribed to the stock of the State association, or is not the owner of such stock, shall be qualified to vote for directors of the national farm-loans association or State association, or on any questions submitted by such associations. Each elector shall have only 1 vote, irrespective of the number of shares of stock he may hold.

SEC. 15. That on the organization of the national farm-loans association, as hereing provided, the Secretary of the Treasury shall deposit with such association the sum of $5,000,000. He shall further deposit with such association the sum of $200,000 on proof of the organization of any State association with a subscribed capital of not less than $50,000, and the subscription by such State association to the capital stock of the national farm-loans association in the amount fixed in the manner hereinbefore provided. If a State association shall be organized with a capital greater than $50,000, he shall deposit in addition to the sum of $200,000 such additional sum as shall be equal to the amount by which the subscribed capital stock of such State association exceeds $50,000, and if a State association shall increase its capital stock in the manner prescribed he shall, on proof that such State association has made the required additional subscription to the capital stock of the national farm-loans association, deposit an additional sum equal to the amount by which the capital of the State association has been increased.

SEC. 16. That the national farm-loans association shall have power to borrow money and to issue bonds for this purpose. Such bonds shall bear interest at the rate of 4 per cent per annum, payable semiannually. They shall be issued for such terms as may be decided by the board of directors, not exceeding 20 years, and the privilege shall be retained of paying such bonds at the end of five years or any time thereafter on any date on which interest is due on the giving of such proper notice as may be provided by the board of directors. The board of directors may change the rate of interest, but it shall not be increased above 4 per cent per annum until such action has been authorized by a vote of a majority of the qualified electors. As security for such bonds there shall be held at least an equal amount in face value of mortgage or deed-of-trust farm loans (and of bonds or notes secured thereby), or of such mortgage or deed-of-trust farm loans and lawful money.

SEC. 17. That the national farm-loans association shall have power to make loans on farm lands through the State associations organized under the provisions of this act. The money loaned by the association shall consist of such funds as have been advanced by the United States to the national farm-loans association and such funds as have been obtained by the sale of bonds as hereinbefore provided, but a reserve of 5 per cent shall be maintained against such bonds. Such part of said reserve as the board of governors shall decide may be deposited in any Federal reserve bank, and an amount not exceeding one-half of such reserve may be advanced to the different State associations for the making of short-time loans having a term of not more than nine months.

SEC. 18. That long-time loans made by the national farm-loans association shall be for terms of not less than one year nor more than 20 years. Such loans shall bear interest at the rate of 5 per cent per

annum, payable annually, but the board of directors of the national farm-loans association may reduce such rate. Every contract for a loan for more than five years shall contain a clause providing that five years after the date of the loan and every year thereafter there shall be due and payable, in addition to the interest, a part of the principal, which shall in no case be less than 5 per cent of the original loan; after each such payment interest shall be computed only on that part of the principal remaining. The contract shall also give the borrower the right to pay a larger part of the principal if he so desires on any day on which interest is due, and shall give him the right to pay the entire loan at any time on paying at the same time the interest that would be due on the next interest-due date. The board of directors of the national farm-loans association shall prescribe the purposes for which long-time loans may be made, the maximum and minimum amounts of such loans, the ratio which the loan may have to the value of the land on which made, and such other conditions of the loan as are not inconsistent with the provisions of this act.

SEC. 19. That all applications for long-time loans shall be submitted to the local council or its officers, who shall forward it to the president of the State association, together with a report on the value of and security offered, the standing of the applicant in his community, and such other information as may be required, and a recommendation in the matter. On the receipt of such application the president of the State association, or such officer as may be designated by the board of directors for the performance of such duties, shall, after having obtained such further information as may be necessary in the case, pass on the application without undue delay. If he rejects the application, the applicant shall have the right to appeal from such action to the board of directors of the State association, under such rules and regulations as the board of directors of the national farm-loans association shall prescribe. When an application is approved, the national farm-loans association shall, on a call signed by the president of the State association, forward funds in the amount approved. There shall be transmitted to the national farm-loans association, with the indorsement of the president of the State association, all notes, obligations, and evidences of indebtedness on which such loan is made, and the indorsement shall create a binding obligation on the State association for the payment of said loan at maturity, together with the annual installments of interest, and for this obligation the capital of the State association shall be liable. Any actual farmer, whether or not a member of a local association, and whether or not a stockholder in the State association, may submit an application for a loan; and loans may be made to such nonmembers on the same terms as to members. No loans shall be made on any other property than farm lands.

SEC. 20. That short-time loans for a period of not more than nine months may be made by the State associations on such security and under such regulations as such State association shall by their by-laws prescribe. Each State association may make such loans to the extent of one-half of its paid-in capital, and to the further extent of such sums as the national farm-loans association may advance for such purposes, but the national farm-loans association shall in no case advance a greater sum than the par value of the capital stock of such State association. Applications for short-time loans shall be submitted to the officers of the local association, and unless approved by them, the application shall not be allowed. If approved by them, the State association shall forward to the president of the local association the amount approved, with directions to pay the same over to the applicant on the deposit of the security required. For the payment of such loans the local association shall be liable to the State association. Such loans shall pay interest at the rate of 6 per cent per annum.

SEC. 21. That there shall be no discrimination against an application for a loan shown by any officer of the national farm-loans association or of any of the State and local associations because of the race, creed, political belief, or previous condition of servitude of the applicant, but this shall not be held to prevent such officers from giving due weight and consideration to the applicant's character, thrift, mode of life, and standing in his community.

SEC. 22. That all collections of the interest on long-time loans and the principal of such loans shall be made by the officers of the respective State associations in accordance with such regulations as the board of governors may prescribe. Moneys so collected shall be transmitted to the national farm-loans association, but the board of governors may deposit any part of such moneys with the State association collecting them. Money paid as part or all of the principal of a loan shall be used only for the following purposes: First, to pay the principal of such bonds as may be due or may be subject to call; second, to make a long-time loan as provided in this act. Moneys collected as interest on long-time loans shall be distributed as follows: There shall be paid (a) the actual expenses of the national farm-loans association; (b) the interest due on the bonds issued by the national farm-loans association; (c) an amount to each State association equal to 10 per cent of the stock of the national farm-loans association held by such State association. Of any proceeds remaining one-half shall be paid into the Treasury of the United States and the remaining one-half shall be paid to the different State associations in proportion to the average amount of outstanding long-time farm loans made through each State association, such average to be computed in such manner as the board of directors of the national farm-loans association shall direct. The amounts paid into the Treasury of the United States shall be credited against the sums advanced to the national farm-loans association by the United States, and when such payments equal the sum total of such advancements the debt to the United States shall be considered canceled, and thereafter such payments shall not be made.

SEC. 23. That all collections of the interest and principal of short-time loans shall be made by the officers of the local association or by the officers of the State association, as the board of directors of such State association may direct. Moneys paid as the principal of such loans shall be used only to repay advancements made to the State association by the national farm-loans association or to make other short-time loans as provided for in this act. Moneys paid as interest shall be used to pay the expenses of the State association incurred in making such loans, including any losses from such loans; the remaining profits shall be distributed in such manner as the board of directors of the State association shall direct. Moneys received by the State association from the national farm-loans association, as provided in section 22 of this act, shall be used to pay the expenses of the State association in the making of long-time loans, including any losses which may have resulted from such loans; the remainder shall be distributed as the board of directors of the State association may direct.

SEC. 24. That the bonds issued by the national farm-loans association under the provisions of this act, together with the interest thereon, and all notes and mortgages taken by the national farm-loans association upon farm lands shall be free from all taxation of every kind, National, State, and municipal, but this exemption shall not extend to real estate actually owned by the national farm-loans association or by any of the State associations.

SEC. 25. That the shares of the capital stock of the national farm-loans association shall not be transferable, and under no circumstances shall they be hypothecated, nor shall they be owned otherwise than by the subscribing State associations, nor shall they be owned by such associations in any other than in the proportion herein provided, but the board of directors of the national farm-loans association may, in the event the subscriptions of State associations should exceed the authorized capital stock of the national farm-loans association, apportion such stock among the State associations in proportion to their capital, without regard to the requirement that each State association shall subscribe for an amount of stock equal to 50 per cent of its own capital; but if a State association should surrender its charter or decrease its capital to such an extent that the amount of the stock of the national farm-loans association owned by it is in excess of 50 per cent of its capital, the remaining State associations may be required to take over this surplus stock up to 50 per cent of their respective capitals. If at any time the outstanding capital stock of the national farm-loans association shall exceed 50 per cent of the combined capital of the State associations, such excess stock shall be retired and the shares canceled, and the State association holding such excess shares shall be paid their par value.

SEC. 26. That each State association shall have power to increase and decrease its capital within the limits provided in this act. Each State association may also decrease the number of shares of its stock which any one person may hold to any number not less than one, and may require any person holding such stock in excess of such amount to dispose thereof to any applicant for the purchase of such stock who is a member of a local association, at the market value of such stock, in no case less than par, but no person who is already the owner of stock in such association shall hereby be given the right to demand the sale of stock to him, nor shall anyone be given the right to demand the sale to him of more than one share of stock. When the number of shares which any one person may hold has been decreased, it shall not again be increased unless such increase shall be approved by a majority vote of the members of the State association, and in no case shall such number be increased to more than 10.

SEC. 27. That whenever the capital stock of a State association is increased or decreased, the president and secretary of such association shall execute in duplicate a certificate showing such increase or decrease; one copy of this certificate shall be filed with the Comptroller of the Currency and one copy with the board of governors of the national farm-loans association. If the capital stock of the national farm-loans association shall be increased or decreased, the president and secretary of the board of directors shall execute and file with the Comptroller of the Currency a certificate showing such increase or decrease.

SEC. 28. That the stockholders in every State association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such stock. Persons holding stock as executors, administrators, guardians, or trustees shall not be personally subject to any liabilities as stockholders of the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such trust funds would be if living and competent to act and hold the stock in his own name.

SEC. 29. That the national farm-loans association and the various State associations organized under the provisions of this act may purchase, acquire, hold, and convey real estate for the following purposes and for no other:

First. Such as shall be necessary for the immediate accommodation of their boards of directors and officers in the transaction of the business of such associations.

Second. Such as shall be mortgaged to them in good faith by way of security for debts and loans.

Third. Such as shall be conveyed to them in satisfaction of debts previously contracted in the course of their dealings.

Fourth. Such as they shall purchase at sales under judgments, decrees, or mortgages held by said associations, or shall purchase to secure debts due to them.

But the national farm-loans association and the State associations shall not hold the title and possession of any real estate, except such as is acquired for the first-named purpose, for a longer time than five years.

SEC. 30. That there shall be an examining board elected annually by the board of directors of the national farm-loans association from among their own number, excluding the officers of the association. It shall be the duty of this board to make a careful examination of the condition and the business of the national farm-loans association and of all the State associations at least once every year and to make a full report to the board of directors. Similarly there shall be an examining board to be selected by the board of directors of each State association, which shall examine the condition and business of such State association at least once a year and which may, when deemed necessary, inquire into the management of the local associations in such State. Such board shall make a full report to the board of directors of the State association.

SEC. 31. That each State association shall make a monthly report to the board of governors of the national farm-loans association showing its operations for the preceding month, and in addition thereto shall make an annual report, one copy of which shall be forwarded to the board of governors and one copy to the Comptroller of the Currency. The board of governors shall similarly make monthly and annual reports to the Comptroller of the Currency. The board shall also make an annual report to Congress, showing the operations of the national farm-loans association during the preceding year, together with the operations of the State associations, and shall include in such report the annual reports of the State associations. The national farm-loans association and the State associations shall make public abstracts of their annual reports. The Comptroller of the Currency shall have power, whenever it is deemed necessary and proper, to cause examinations to be made of the affairs of the national farm-loans association and the State associations in the same manner as examinations are made of national banking institutions.

SEC. 32. That whenever it is found that the officers of a State association are conducting their business in violation of the provisions of this act or of the by-laws of the national farm-loans association, the

board of governors shall, with the approval of the board of directors of the national farm-loans association, refuse to advance any further funds to such State association for the making of either long-time or short-time loans, and may require the repayment of all such funds previously advanced. Further funds shall be advanced to such State association only when the offending officers have been removed and assurances have been given that the offensive practices will be discontinued.

SEC. 33. That Congress reserves the right to alter or amend the provisions of this act, to take effect at the end of any decennial period from and after the organization of the national farm-loans association.

Mr. HOLLIS. Mr. President, I have listened with the deepest interest to the very able address by the distinguished Senator from North Dakota [Mr. GRONNA]. He is a good farmer, an accomplished banker, a patriotic citizen, and a sound legislator. We had the benefit of his advice throughout the deliberations of the Senate Banking and Currency Committee. He attended faithfully, as he always does; and there are many provisions in this bill that are due to his advice. We received the greatest help from his opinion.

A year ago Congress established a joint committee to prepare a bill on the subject of rural credits. That committee met the 1st of November. It spent two solid months, meeting mornings and afternoons, preparing a bill. In previous Congresses some twenty or more bills had been introduced, and the joint committee took the one that it thought had the most merit. Starting with that bill, the joint committee prepared the bill that is now before the Senate, with a very few amendments made by the Senate Banking and Currency Committee; so that the bill which is now before the Senate is the result of the work of many, many men who have been interested in this subject, and it does not represent the views of any one man particularly. It represents the composite of the views of many men.

I was particularly struck with what the distinguished Senator said about the quality of the men who are to put this system into force. He is exactly right about that. Unless there are good and learned and able banking men to get behind this system and make it a success, it will be a failure. That is so with every law that is passed. It is so with every form of government that is devised. Unless the men behind the guns are faithful, the guns will not be effective.

I should feel very much gratified if I could agree with the Senator in some of the criticisms he makes of the bill, some that he has previously made, and some that have not been adopted in the bill; but I think the bill has been very, very carefully considered. I do not want the Senator to think that I want to shut off debate on any amendmnt he may offer. I do not feel that way. I made the motion to lay the other amendment on the table merely because it had been discussed for four days.

Mr. GRONNA. Mr. President——

Mr. HOLLIS. I yield to the Senator from North Dakota.

Mr. GRONNA. I will only suggest to the Senator that before a vote is taken on the pending bill I shall ask the privilege of having a vote upon my bill as a substitute for it.

Mr. HOLLIS. Yes; I understand that, and the Senator will undoubtedly have that opportunity.

If there is no amendment pending, I want to make a few verbal changes and corrections in the bill to perfect it.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment.

Mr. HOLLIS. On page 53, line 3, after the word "mortgages," I move to insert the words "and bonds."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the words "first mortgages," in line 3, page 53, it is proposed to insert the words "and bonds."

Mr. HOLLIS. That is for the reason that we are here dealing with the security that is put up for an issue of farm-loan bonds, and the bill provides elsewhere that that may be United States bonds as well as mortgages; and the words "and bonds" were omitted here by mistake.

The amendment was agreed to.

Mr. HOLLIS. I move to make the same insertion, in line 21, after the word "mortgages."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 53, line 21, after the words "said mortgages," it is proposed to insert the words "and bonds."

The amendment was agreed to.

Mr. HOLLIS. In line 9, after the word "bonds," I move to insert a comma.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 53, line 9, after the words "issue of bonds," it is proposed to insert a comma.

The amendment was agreed to.

Mr. HOLLIS. On page 62, line 10, after the word "any," I move to insert the word "other."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 62, line 10, after the word "any" and before the word "Federal," it is proposed to insert the word "other."

The amendment was agreed to.

Mr. HOLLIS. On page 63, line 23, I move to strike out the hyphen after the word "twenty."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 63, line 23, where it reads "twenty-per centum," it is proposed to strike out the hyphen.

The amendment was agreed to.

Mr. HOLLIS. Hyphens are not very popular just now.

On page 64, at the bottom of the page dealing with the reserves and dividends of farm-loan associations, I move to strike out the words "than two per centum of its capital or," for the reason that this is a provision that came over from the former bill, which has been replaced by the words "twenty-five per centum of such net earnings," so that it is of no further value.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 64, line 24, it is proposed to strike out the words "than two per centum of its capital or."

The amendment was agreed to.

Mr. HOLLIS. On page 69, line 1, at the beginning of the line, I move to insert the word "to."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 69, line 1, before the words "the holder," it is proposed to insert the word "to."

The amendment was agreed to.

Mr. HOLLIS. On page 76, line 2, after the word "and," I move to insert the word "shall."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 76, line 2, after the word "and," it is proposed to insert the word "shall," so that it will read: "and shall also make report."

The amendment was agreed to.

Mr. HOLLIS. Mr. President, the section that the Senate now has under consideration deals with the subject of dissolution and appointment of receivers. I invite the attention of the Senator from Kansas [Mr. CURTIS]. He brought up the other day the question of whether the appointment of a receiver should properly be left to the farm-loan board instead of to a court. I have no doubt the Senator was aware that under the national banking act receivers have been appointed for 50 years by the Comptroller of the Currency. I find, on investigation, that 564 receivers have been appointed by the Comptroller of the Currency since 1864, 106 of them within the last 10 years. There are many cited cases dealing with the constitutionality of the procedure that I shall not take the trouble to put in the RECORD unless the Senator desires.

Mr. CURTIS. Mr. President, I have no desire to have the authorities placed in the RECORD. I asked the question because there was some doubt in my mind about the authority of Congress to authorize a board to appoint a receiver. I knew that under the national banking act the Comptroller of the Currency had appointed receivers; but that is done upon the theory that the receivers are Government officers, and I had not studied this bill sufficiently to determine whether or not the receivers appointed by the board would likely be construed to be Government officers. If they are so to be considered, and the courts should hold that they are Government officers, I think that the board would have a perfect right to appoint them; but if it is held that they are not Government officers, then I doubt very much the authority of Congress to grant such power to the board.

Mr. HOLLIS. Mr. President, I will insert in the RECORD, without reading, the authorities that cover the point raised by the Senator.

The PRESIDING OFFICER. In the absence of objection, that may be done.

The matter referred to is as follows:

Washington National Bank of Tacoma v. Eckles (57 Fed., 870).
Bushnell v. Leland (164 U. S., 684).
Clapp v. Beebe (57 N. Y., 339).
Cadle v. Baker (20 Wall., 650).

Mr. HOLLIS. On page 76, in line 6, I move to strike out the comma and the words "to be appointed."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 76, line 6, after the word "receiver," it is proposed to strike out the comma and the words "to be appointed."

Mr. HOLLIS. I do that in order that the declaration of insolvency, as well as the appointment of the receiver, may be made by the Federal farm-loan board, which was the intention.

The amendment was agreed to.

Mr. HOLLIS. On page 29, line 6, after the word "bonds," I move to insert the words "issued by a Federal land bank." This is the feature permitting the purchase of bonds on the installment plan; and I think it should be applied only to those bonds issued by the Federal land banks, not to those issued by the joint-stock land banks.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, line 6, after the word "bonds," the first word in the line, it is proposed to insert the words "issued by a Federal land bank."

The amendment was agreed to.

Mr. HOLLIS. On page 41, in the section dealing with the agents of Federal land banks, it is provided that the—

Federal land banks may pay to such agents not to exceed one-half of 1 per cent per annum upon the unpaid principal of said loan.

I wish to add the provision:

Such payment to be deducted from dividends payable to the borrower on his stock in the Federal land bank.

Otherwise there would be a double payment there. The borrowers coming into the system through the agents would not join the farm-loan associations; they would get their dividends directly from the Federal land bank, and whatever is paid to the agents for expenses should be deducted from their dividends.

Mr. STERLING. Mr. President, will the Senator state that amendment again?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 41, line 9, after the word "loan" and before the period, it is proposed to insert a comma and the words "such payment to be deducted from dividends payable to the borrower on his stock in the Federal land bank."

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, before the Senator passes from that, may I ask just what is the effect of the amendment which the Senator has last suggested?

Mr. HOLLIS. I shall be very glad to state that.

Mr. SUTHERLAND. The effect of it is to have the borrower pay a commission, is it not?

Mr. HOLLIS. No. Under the general provisions of the bill, a borrower would become a borrower through the farm-loan association, and the profits from his loan would be taken out by the land bank, and then would come to the loan association in the form of dividends, and then back to the borrower in the form of dividends from the farm-loan association. Under this provision of the bill a borrower applies through a bank, and we provide that the bank shall get not to exceed one-half of 1 per cent commission. Now, if the borrower were allowed to take this full dividend from the bank, it would include the whole 1 per cent. Therefore there should be deducted from the dividend so much commission as is paid to the bank acting as agent for its services.

Mr. SUTHERLAND. It does come out of the borrower in the end?

Mr. HOLLIS. Yes; it should.

On page 42, line 4, at the beginning of the line, I move to insert the words "ten times." The reason for that is this: In this paragraph of the bill a limitation is put upon the amount of these mortgages an agent may indorse. There should be some limit; but to limit it to the capital and surplus would make it a very small amount in a locality, and on conference with the members of the House Banking and Currency Committee it has been agreed to put that at ten times, thinking that is perfectly safe.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 42, at the end of line 3, after the word "exceed," it is proposed to insert the words "ten times," so that it will read, "shall not exceed ten times its capital and surplus."

The amendment was agreed to.

Mr. HOLLIS. Mr. President, the criticism has been made by the distinguished Senator from North Dakota [Mr. GRONNA] that the farm-loan associations do not have much substance. That is very true. It is not intended that they shall have a great deal. They are merely to act as the local agents for the land banks in placing and supervising the loans and collecting the payments; and under the terms of the bill as it now stands the farm-loan associations will not have any money on which to do business. They will have expenses, but nothing upon which to do business. We have provided that when loans are made through the banks as agents the banks may be allowed one-half of 1 per cent commission; and I think the same advantage should be given to the farm-loan associations, and that they should be allowed to borrow not to exceed one-fourth of the amount of their capital stock in case they have liabilities to meet.

I therefore ask the Secretary to read the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 38, at the end of section 15, it is proposed to insert the following:

Subject to rules and regulations prescribed by the Federal farm-loan board, any national farm-loan association shall be entitled to retain as a commission from each interest payment on any loan indorsed by it not to exceed one-quarter of 1 per cent semiannually upon the unpaid principal of said loan, any amount so retained as commissions to be deducted from dividends payable to such farm-loan association from the Federal land bank, and to borrow from the land bank of the district, at a rate of interest not to exceed 6 per cent per annum, sums aggregating one-fourth of its stock holdings in said land bank.

The amendment was agreed to.

Mr. HOLLIS. On page 13 there is an omission of the word "district," in line 19, after the word "each." I move to insert the word "district" at that point.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, line 19, after the word "each," it is proposed to insert the word "district," so that it will read "each district director shall."

The amendment was agreed to.

Mr. HOLLIS. Mr. President, on pages 18 and 19 are provisions stating that the ownership of stock shall not be a necessary qualification for officers and directors of the farm-loan association. That has been a debated point. The reason for not requiring them to be shareholders is this: No one can be a member unless he is a borrower. Therefore, no one can be an officer unless he is a borrower, if this provision stays in. Now, there will be cases where a man will be a borrower and become an officer, and get very much interested in the association, but pay up his loan; and in those cases that man could not serve any longer as an officer unless this provision were in the bill.

I am satisfied, however, after conferring with many people, that on the whole it is desirable that no one but borrowers shall be members or officers of these farm-loan associations; and I therefore move, on page 18, in lines 17, 18, and 19, to strike out the proviso.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 18, line 17, beginning with the words "*Provided, however*," it is proposed to strike out down to and including the word "director," in line 19, the words proposed to be stricken out being as follows:

Provided, however, That the ownership of stock shall not be a necessary qualification for director.

The amendment was agreed to.

Mr. HOLLIS. On page 19, to carry out the same purpose, I move to strike out the words in lines 6 and 7, "but they need not be shareholders of the association."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19, line 6, after the word "business," it is proposed to strike out the comma and the words "but they need not be shareholders of the association."

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, let me ask the Senator a question there? As amended, will there be a requirement that the directors shall be stockholders?

Mr. HOLLIS. Yes. As amended, as the bill now stands, no one but a shareholder can be an officer.

Mr. SUTHERLAND. Where does the Senator find that provision?

Mr. HOLLIS. That is not in the bill. This is merely left out, and then it will be left for each association to make its own by-laws in that regard. They will do as they think best.

Mr. SUTHERLAND. There would be no requirement that the——

Mr. HOLLIS. Oh, there is nothing compulsory about it. That is left to the individual wishes of each association. In many States no one but a shareholder of a corporation can be a director, but in other States it is not so.

Mr. SUTHERLAND. That is the usual requirement of all laws providing for incorporation.

Mr. HOLLIS. I think that may be safely left to the local custom. However, if anyone wants to offer an amendment compelling it, I shall be very glad to accept it.

Mr. SUTHERLAND. If the Senator should leave the proviso in, that would not alter the rule, would it? The proviso is:

That the ownership of stock shall not be a necessary qualification for director.

But that would allow them to prescribe that qualification, if they desired.

Mr. HOLLIS. I should expect that provision, as it stands, to be construed by these local associations as permitting them to have men for officers who were not shareholders. I should expect it would have the effect that anyone would think it would have on reading it. I agree it would not have that legal effect.

On page 60, line 5, after the word "mortgage," I move to insert the words "or bond," for the same reason as in two other places.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 60, line 5, after the words "first mortgage," it is proposed to insert the words "or bond."

The amendment was agreed to.

Mr. HOLLIS. On page 60, line 9, before the word "mortgage," I move to strike out the word "the" and insert the word "any."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 60, line 9, before the word "mortgage," it is proposed to strike out the word "the" and insert the word "any," so that if amended it will read "credited upon any mortgage entitled to such credit."

The amendment was agreed to.

Mr. HOLLIS. On page 32, line 18, I move to strike out the words "farm-loan association" and insert "Federal land bank." When this provision was originally drawn the loans were made directly by the farm-loan association. It has now been changed so that the loans are made by the Federal land bank through the association.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 32, line 18, it is proposed to strike out the words "farm-loan association," and in lieu thereof to insert "Federal land bank."

The amendment was agreed to.

Mr. HOLLIS. In connection with the provision on page 46, line 17, there have been various changes in the sections, and the numbers have not been properly changed. I therefore move to strike out the words "section 13 or section 20," and insert "sections 12, 20, or 23."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 46, line 17, it is proposed to strike out the words "section 13 or section 20" and to insert "sections 12, 20, or 23."

The amendment was agreed to.

Mr. HOLLIS. On page 51, the amendment that was adopted, offered by the Senator from Ohio [Mr. POMERENE], the printed amendment, is not correct. It should read:

To exercise general supervisory authority over the Federal land banks, the national farm loan associations and the joint stock land banks herein provided for.

The hyphen should come out of "joint-stock."

The amendment was agreed to.

Mr. HOLLIS. On the opposite page, page 50, in line 6, I move to insert at the end of the line "and in its discretion to authorize them to increase their capital stock." That should obviously be allowed, and it has escaped everyone's attention until lately.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 50, line 6, after the word "act" and before the period, it is proposed to insert "and in its discretion to authorize them to increase their capital stock."

The amendment was agreed to.

Mr. SMOOT. Mr. President, I should like to have the provision read as amended.

The VICE PRESIDENT. The Secretary will read the provision as amended.

The Secretary read as follows:

(a) To organize and charter Federal land banks, national farm-loan associations, and joint-stock land banks, subject to the provisions of this act, and, in its discretion, to authorize them to increase their capital stock.

Mr. HOLLIS. On page 31 criticism has been made of the restrictions that are put on the mortgages, and in line 12 it is provided that a loan may be obtained "to provide for the purchase of a farm for a home." I believe myself that is too narrow, and I therefore move to strike out the words "a farm for a home" and insert the words "agricultural land."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In the paragraph on page 31, occupying line 12, it is proposed to strike out the words "a farm for a home" and to insert the words "agricultural land," so that it will read:

(a) To provide for the purchase of agricultural land.

The amendment was agreed to.

Mr. HOLLIS. I have one more provision that I offer because it was recommended to me by an association of farmers who have had a good deal of experience in running organizations of this sort. They said that the by-laws should contain provisions requiring the board of directors to meet at least twice a month and providing a reasonable director's fee for attendance and a reasonable forfeit for failure to attend any meeting. I felt myself that that could be fairly left to the by-laws, but they felt that they would be very much gratified if that could be put in. If there is any objection, I will not offer it.

Mr. SMOOT. I do not think it is wise to put it in this law. I am not going to make any strenuous objection to it, if the Senator from New Hampshire really thinks it ought to be in the bill. I think it is very unwise and I do not think there is any precedent for any such legislation passing Congress.

Mr. HOLLIS. I do not think it ever has been done heretofore. I should leave everything of this sort to local discretion. I will not offer the amendment, then.

That is all I have to offer.

Mr. POMERENE. Mr. President, I offer the amendment which I send to the desk, to come in on page 46. It is the one which was offered, I think, on Saturday.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 46, line 6, it is proposed to strike out the words "and paid in cash" and to insert in lieu thereof:

One-half thereof paid in cash and the balance subject to call by the board of directors.

The amendment was agreed to.

Mr. POMERENE. Mr. President, I offer the amendment which I send to the desk, to be inserted after line 10.

Mr. SMOOT. Before that is acted upon, may I ask the Senator having the bill in charge if he will not accept an amendment, in line 5, increasing the amount of the capital stock to $500,000, now that the amendment has been adopted which was just offered by the Senator from Ohio? In other words, it seems to me that with this provision in, a capital stock of $125,000 would be altogether too small to do any kind of a business. I know that it is not mandatory; but, really, I believe that a capital stock of $250,000 is as small as it ought to be in order to have the institution begin doing business.

Mr. POMERENE. Before finally disposing of the amendment, I want to offer a suggestion.

Under an amendment which was offered by the chairman of the committee a moment ago the capital stock may be increased from time to time. My thought is that in some localities which are sparsely settled it may be deemed wise to organize one of these banks. As they are not banks of deposit, it would certainly jeopardize the financial success of the institutions to some extent if they were obliged to pay in $250,000 at once and not be able to loan it out. For that reason it seems to me that if we start with $125,000, the balance being subject to call, the directors have it absolutely in their power to get this money in just as quickly as it may be needed.

Mr. SMOOT. Of course I always like, in passing a law, to have an absolute understanding as to exactly what they have to meet and when they have to do it, just the same as in the national-bank law, or just the same, generally, as in organizing a State bank.

Mr. POMERENE. Ordinarily, the Senator is right. If this were a bank of deposit, or something of that kind, I would entirely agree with the Senator.

Mr. SMOOT. I am not going to insist upon it, though I believe it would have been very much better to have the amount increased. I will not offer it as an amendment.

Mr. POMERENE. I offer the second amendment.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 46, line 10, after the numerals "$500,000" and the period, insert:

No joint stock bank shall issue any bonds until after the capital stock has been entirely paid up.

Mr. SMOOT. That should be "joint-stock land bank," should it not?

Mr. POMERENE. Yes; "joint-stock land bank."

The VICE PRESIDENT. The amendment will be so modified.

Mr. POMERENE. The reason for this amendment, I think, is apparent. We would not want any bonds to be issued unless the entire capital stock was paid up.

Mr. SMOOT. It is all right.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, whether all the provisions of the rural-credits bill suit me or not, I shall vote for the best bill or the nearest bill to the one that I would like to vote for when it finally comes before the Senate.

Soon after I entered the Senate, more than four years ago, I expressed my deep conviction that no greater contribution could be made to our national prosperity than legislation which improved the condition of the farmers, not in the interest of the farmers alone but in the interest of all the people of the country. I believe intensely in the importance of improving the condition of the small farmer as well as the large farmer. No nation ever went backward when agriculture was going forward. The great necessities of life—food and raw materials for clothing come from the soil.

About four years ago I called to the attention of the Senate five lines of legislation by which I then urged that the agricultural conditions of our country might be improved and which we might properly handle.

I urged that they were lines which could properly be directed and partly supported through national legislation, and that they would greatly add to the fertility of the soil and to the net profits of agriculture and substantially improve the general conditions of farm life.

I urged that there were practical and sane ways for aiding the farming classes of the country, not in a sense of paternalism, not in a sense of taking from them their own responsibilities, but to stimulate them as individuals to a better condition of preparedness as individuals to carry individual responsibility and thus open the door of hope to many a struggling farmer and encourage many a tenant farmer to become the owner of the land he tills.

The five suggested lines of legislation in the interest of the farmer to which I then called attention were parcel post, agricultural-extension work from the colleges of agriculture, a market division to help improve the marketing of farm products, a contribution to good roads, and improvement of rural credits. Three of those five are already laws, and I hope within a few days we will, by passing the good-roads legislation, add legislation upon that subject; we will pass a rural-credits bill to-day.

There are three lines of credit that the farmer needs. One is to aid him in purchasing, holding, and improving his land. This kind of credit necessarily is a long-time credit, and we seek to provide for it in this bill. The other two are, first, in connection with raising his crop, and, second, in connection with marketing his crop.

I do not know whether additional legislation can be passed upon those lines, but I desire to call attention to the fact that the theory that our reserve-bank system is solely in the interest of bankers and merchants is entirely a misapprehension of that legislation. To make easier the time loans which farmers need to raise their crops, we made a provision in that act that notes given in connection with agriculture for farm purposes, though not due for six months, should be good to be discounted in reserve banks, giving the farmer, as compared with the ordinary merchant the right to have his paper discounted, though it ran six months, while the merchant's paper could only be discounted if it ran 90 days.

We also provided in that bill a system of finance by which farmers are greatly aided at the time they become merchants and dispose of their crops. I refer especially to farmers who produce staple crops, such as oats, corn, wheat, or cotton.

I will illustrate what I mean by its effect upon the cotton crop. Coming in at a single season in enormous quantities, the facilities for obtaining money, and obtaining it at a low rate of interest, saved the farmers of the South last fall. The ability to warehouse cotton and obtain money at 6 per cent upon that cotton made it possible to carry a large part of the crop and prevent it from crowding down the price by putting upon the market more than the market could supply. The small farmer who did not warehouse his cotton at all received the benefit even more, perhaps, than the large farmer who warehoused it, because the warehousing process and the loans upon warehousing took off the market great quantities of cotton and left the market for the small farmer to sell his cotton to the consumer and get the benefit of a good price. So it is that the banking and currency act which we passed has been of great service to the farmer.

It has been claimed by some that the Federal reserve banking system was in the interest of the banks and not of the people. Those who make this claim should remember that the national banks of the country were compelled by the Federal reserve act to finance 12 Federal reserve banks. They were required to subscribe all the money for the stock of these banks, and they were only allowed to receive 6 per cent interest upon their stock, no matter how much the banks made. They were required to deposit their reserves in the Federal reserve banks. While prior to the passage of this law the national banks deposited their reserves in the banks of the big cities and received interest upon their reserves, the Federal reserve act required them to deposit their reserves in the Federal reserve bank without interest.

After paying 6 per cent on the capital stock paid into the reserve banks by the national banks, the balance of all profits made by the reserve banks goes to the United States for the benefit of the people of the country. The 6 per cent is only paid when earned.

Mr. President, coming down to the long-time loans that the farmer needs, the suggestion has been made in a number of letters that I have received that this could be done in a simple way merely by the Government issuing Treasury notes and loaning them direct to the farmer. I wish to say just a word about that in reply to the men who make the suggestion. The farm loans are now between four and five billion dollars. Under such a system the loans would readily run to $6,000,000,000. Loaned at a nominal rate of interest, it would be $6,000,000,000 of additional paper money, without any possible basis to maintain specie payments. The country would go at once to a paper basis. Money would be as plentiful as the leaves in autumn and not very much more valuable. It is simply an impossible proposition, as we all know.

The second is that the Government should issue its own bonds at 3 per cent and raise the money for farm loans. That would involve an issue in not a great length of time of Government bonds running from $4,000,000,000 to $6,000,000,000. The low rate of interest at which Government bonds now sell would cease. They would go to a commercial rate higher than the rate of interest they now draw; and if this country were unfortunately confronted with war and the credit of the country were needed for the defense of the country, and an enormous quantity of bonds had already gone into the markets, it would hamper the credit of the Government and hinder the possibility of our properly financing the affairs of the Government, besides the unfairness of selecting simply one class of people to whom such a credit was extended rather than to all the people is a serious obstacle.

There is but one way to effectively handle this subject. It is to overcome the difficulty of disposing of credits upon farm lands secured by mortgages which now can not be readily sold for the reason that the lender is so far separated from the borrower. A man in Washington contemplates a loan in Oregon. He is not familiar with the land; he is not familiar with the land law; he is not familiar with the lawyers. If his note fell due and was not paid, the collection of his debt would be a source of embarrassment. The same thing would be true if living here and the loan were made in Georgia. The expense of the individual transaction is great.

The lands of the country furnish the very best basis for credit, and farm land is the best of all lands. Yet unless the loans can be consolidated, unless the various loans can be brought together and the creditor saved the necessity for supervision of the loan, saved the necessity for investigating the value of the loan, it is impossible to bring them to the lowest rate of interest to which they are entitled.

The rural-credits scheme is to furnish an agency or agencies equipped to examine titles and to pass upon the value of property, to bring the notes secured by mortgages on lands together, and to finance the loan by issuing bonds, secured by the note and land mortgage of the farmer as collateral, the agency handling the mortgage and the bond, taking the responsibility of passing on the title and the value of the property, taking the responsibility of the collection of the money and letting the investor look simply to the central agency that handles the work under Government supervision. In this way we minimize the cost of examining titles, we minimize the cost of examining values, we minimize the cost of collection, and we free the lender from those responsibilities while a complete organization extending all over the United States, handling vast quantities of these loans, is in a position to handle them most economically and to the very best advantage.

I thoroughly approve freeing these loans from taxation. It is an unjust taxation. The farmer pays his tax on his land; he pays his tax on his improvements. If the man who loans him the money must also pay a tax on the note he holds, he must charge that much more interest against the farmer when he makes the loan. The average tax in most of the cities is 2¼ per cent. Take the city in which I live. Our city tax is 1½ per cent, our State and county tax 1 per cent, the two together never less than 2½ per cent. If a citizen loans money to a farmer and wants 5 per cent on his money, he must charge 7½ per cent to get it. If he charges 5 per cent, then 2½ per cent off leaves 2½ per cent interest. If the taxes can be taken off of these loans as they have been in many States, I have no question but that the immediate and complete benefit goes to the farmer.

Suppose one of the banks to be organized issues a 4 per cent bond and that bond is to be subject to taxation. A citizen of my home, Atlanta, gets it and he has to pay 2½ per cent taxes on it. He can not invest in the bond at all. It would leave him only 2½ per cent interest. But if he can buy it on a 4 per cent basis with no taxes there are many who would buy it. We simply can not travel with this movement, we can not succeed in substantially reducing the rate of interest which the farmer is to pay unless these instrumentalities are freed from taxes.

I have thought, Mr. President, and I still think that we would escape some trouble if we had the bill in a little different shape. There are many things in the bill which commend themselves to me. I believe in the plan of the Government furnishing $6,000,000 for the capital of these banks, and $6,000,000 annually to aid in financing it. I approve investing postal savings in these banks. But I believe it would be better if we simply chartered one bank in the District of Columbia, where there is no question about our right to grant the charter, and where there is no question about our right to free it from taxes. Then it could do business only in those States that freed the bonds issued from taxes. All the States would soon free them from taxes. We would thereby induce the States to cooperate in this movement for the benefit of the citizens of the States of the whole country. It seems to me in that way the business could start out more conservatively with expenses in proportion to the amount of loans which are to be made, and gradually grow in expense as it developed in the quantity of loans made. Such an organization would have its land agent in each State of the Union and enlarge the number of its employees as the volume of the loans increased, and the 1 per cent coming to the bank would furnish the means.

A capable land agent and a capable lawyer to examine the titles could for the present do practically the entire work of the central bank in each State. They could travel through the State, meeting the farmers who desire to make loans in their respective counties, examine into the value of the lands, and pass upon the titles.

Such a central corporation located in Washington could be required to deposit all of its farm mortgages with the Treasurer of the United States and receive from him a certificate of deposit of collateral notes secured by mortgage on farm lands equal to the amount of the bonds issued upon such collateral. The certificate of the Treasurer of the United States could be attached to the bonds, showing that the security for the bonds was in the possession of the Government. The collateral would be put up for the bond issue by the central organization from time to time as the issues of the bonds were required to meet the loans needed by the farmers.

The stock in the central corporation would be owned by the Government, the officers would be appointed by the President and confirmed by the Senate, and the safeguard of a Government administration both in passing upon the value of the lands and the titles upon which the mortgages were given to secure farmers' notes would rapidly grow in public confidence and the bonds secured by these collaterals would in my opinion soon find ready sale all over the United States. The 1 per cent difference between the rate of interest charged the farmer and the rate at which the bonds for general distribution were sold would more than cover the expense of operation and the central corporation should rapidly accumulate a surplus. This surplus would be an additional guaranty fund for the payment of outstanding bonds or else be used as a credit upon the farmers' notes. It would be easy under such a system to permit the borrower to increase his rate of interest to 6 or 7 per cent, and this increase beyond 5 per cent would be passed to his credit, reducing the amount of the principal which he owed, or invested for him in other 4 per cent bonds to be held for his benefit. It could be handled with so much less machinery that I regret exceedingly such a change did not occur to me sufficiently early to work out an amendment. I only hope that before the bill passes the House of Representatives or comes back to us for conference some such change may be made.

I throw out this suggestion really only having developed it in my own mind last night, too late to offer an amendment. I introduced a bill somewhat upon these lines 12 months ago, but it was prepared by some one else and I did not really thoroughly comprehend it myself, nor did I comprehend the importance as I do now of eliminating all doubt as to the constitutionality of everything connected with this organization, if we expect the bonds to sell upon the market for their full value with the privileges we are undertaking to give them.

I would be exceedingly gratified if some such line of amendments might yet be worked into this legislation. I would feel great confidence in the ability of an organization here starting with $6,000,000 of capital and reaching out into the States as the call was made, developing in size and force of operators as the business developed. It would certainly be constitutional, because nobody can question our right to create a corporation in the District of Columbia. We certainly have the right to free from taxation the assets of a corporation of the District of Columbia, and I believe we would have the cooperation of the States to free the bonds issued. Indeed in few States would they now be taxable. It is also worth mentioning that the lowest rates of interest on farm loans are paid in those States where the holders of such loans are not required to pay tax on them.

I do not mean to express an opinion that the pending bill is not constitutional. If I were called on to express an opinion from my own original view of what the Constitution meant I might almost be ready to express an opinion, but the decisions of the Supreme Court lean toward a different view, and under those decisions it might be that the Supreme Court would sustain this power. It hardly comports with my own earlier conception of the Constitution.

Mr. CUMMINS. Mr. President, I am prompted to ask a question of the Senator from Georgia. I am sure he desires that the farmer shall have the benefit of the exemption from taxation either under the Constitution or under section 29 of the bill, no matter which. Is there any way in which it can be made absolutely sure that his rate of interest will be reduced by the rate of taxation? That is to say, suppose the rate of taxation of this Federal farm bond was 1 per cent. I wish the Senator from Georgia would tax his ingenuity to prepare an amendment to the bill which will make it compulsory upon the farm-loan bank to loan the farmer at a rate of interest which is at least the rate of taxation less than other institutions which are taxed are loaning money to farmers.

Mr. SMITH of Georgia. I think the bill now does it, and I will explain to the Senator why I think it does. I do not think the Senator was in the Chamber when I suggested that I would greatly prefer an organization located in the District of Columbia, where there would not be any doubt about our right to free it from taxation as we legislate for the District of Columbia. But, passing by that, these organizations sell their collateral bonds. They are not allowed to charge a farmer more than 1 per cent in addition to what they sell their collateral bonds for. They are not operated for profit. They are cooperative. Expenses are limited to 1 per cent of the loans. That expense is subject to the control of the Federal board. They can not spend a cent of that 1 per cent except for legitimate expenses. Now, they can not charge more than 1 per cent above what they sell the bonds for. So the farmer gets the full benefit of the rate at which they sell these bonds.

I say to the Senator without a moment's hesitation that a 4 per cent nontaxable bond will sell for as much as a 5 per cent bond in a community where there is a 1 per cent tax on that bond.

We have the market of the whole United States. We have the little fellow who wants to save some money. We have the big man who wants to invest. Now, with the whole people of the United States in a position to invest, with all those who can invest competing in the purchase of these bonds sold in small as well as large sizes, it must be true that a man figuring upon his income, figuring on his investment, will figure what the investment really amounts to. If he knows he has a nontaxable investment and contemplates investing in that or in some other bonds that would be taxed he looks at the relative rate of interest of the two and he finally computes the investment that will net him the most. There are very few people who have anything to invest, who do not make that kind of a calculation, and unless they are capable of making that kind of a calculation they will not long last as people with anything to invest. My own judgment is that the farmer is sure to get the benefit of it.

Mr. CUMMINS. That depends entirely on the will of the loaner. When the person with money comes to part with it, it is a voluntary act on his part, and he may, if he desires, take into consideration the fact that the bond is not taxable or he may not. It depends entirely upon the grip that those who have money to loan may gain upon the money market. But is there not some way in which it can be reduced to a certainty, so that these bonds shall not be sold unless they can be sold at a rate of interest that will take into account the fact that they are exempt from taxation?

Mr. SMITH of Georgia. There is a provision that under no circumstances can they be sold bearing more than 5 per cent interest at par. That is in the bill.

Mr. CUMMINS. No.

Mr. SMITH of Georgia. Yes; there is a provision of that sort in the bill. Unless they can sell them at par on a 5 per cent basis for par they can not be sold.

Mr. CUMMINS. I agree with that. I was thinking about the mortgage.

Mr. SMITH of Georgia. Then we have the market of the whole United States. We have the little fellow who wants to save some money. We have the big man who wants to invest. Now, with the whole people of the United States in a position to invest, with all those who can invest competing in the purchase of these bonds sold in small as well as large sizes, it must be true that a man figuring upon his income, figuring on his investment, will figure what the investment really amounts to. If he knows he has a nontaxable investment and contemplates investing in that or in some other bonds that would be taxed he looks at the relative rate of interest of the two and he finally computes the investment that will net him the most. There are very few people who have anything to invest, who do not make that kind of a calculation, and unless they are capable of making that kind of a calculation they will not long last as people with anything to invest. My own judgment is that the farmer is sure to get the benefit of it.

Mr. CUMMINS. He would get the benefit of it under the operation of those normal factors in business which the Senator has just stated. But the business of the United States is not normal. We have found that it is not normal in any branch of human activity, and we have been busy for the last two years endeavoring to restore normal conditions, that is, to prevent those combinations and concerns and associations which disturb if they do not destroy the ordinary currents of business by which profits are determined or ought to be determined.

I fear, and I think I have a real basis for it, that the person who has money to invest in these farm-loan bonds will not be the little fellow with a hundred dollars. He has no way of getting it any more than he has of getting any other security. It will be the insurance companies, the savings banks as associations, the very large investors of money who will be attracted to these bonds. As I said yesterday, I think they are a very attractive investment. I do not believe that in determining the rate of interest at which they will take these bonds they will give the farmer or the borrower the benefit of the exemption from taxation.

Mr. SMITH of Georgia. In most of the big cities where the large insurance companies are located to which the Senator refers the States exempt such securities from taxation. They do not now pay taxes upon them; and one of the reasons why we get a considerable sum of fairly low-rate money in my section is that in Connecticut, and I think in New York, the insurance companies do not pay taxes on their loans. In my own State if the loan is made there you do pay a tax on it, and local money is not in competition with this outside money for such loans. If local loans on farm lands were free from taxation, I am confident farmers would obtain money at lower interest rates.

Mr. CUMMINS. So far as the insurance companies are concerned, most of them have a peculiar form of taxation that is applicable only to such business. They are permitted to deduct their liabilities from their assets or property so that they pay taxes only upon their surplus.

Mr. SMITH of Georgia. But they would not pay taxes on the basis of the quantity of the loans they held. I do not think any of them pay taxes on their real estate loans. They pay taxes on the basis of capital and surplus, but not on their farm loans. That is the rule nearly everywhere. Instead of doing a special favor to them, we will be developing a great mass of small holders of money as competitors with them on the same basis of freedom from taxation.

Mr. CUMMINS. But, Mr. President, the exemption of the savings banks really is not any exemption at all; so far as their mortgages are concerned it is but a shadow. The depositors in the savings banks pay taxes on their deposits.

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. Of course, the tax on those deposits is the equivalent of the tax on the mortgages, because they represent exactly the same capital.

Mr. SMITH of Georgia. Yes; and this would not change that.

Mr. CUMMINS. It can not be said that they are free from taxation.

Mr. SMITH of Georgia. As a rule the savings bank itself now pays no taxation on its land loans. If it invests in these 4 per cent bonds and pays no taxes upon them, it would be in just the same position then that it would be in loaning direct to the farmer.

Mr. CUMMINS. I do not assent to that. It seems to me there is an important or vital element left out.

Mr. SMITH of Georgia. So far as the taxes are concerned, I mean.

Mr. CUMMINS. With the farm-land bank—putting aside now the capital stock and their other physical property—money comes in from the East to a farm-land bank in Iowa; it comes from wherever it can be found willing to invest in the farm-loan bonds. That wealth is not taxed anywhere to anybody under this bill; whereas in the case of the savings-bank depositor, who furnishes the money to be loaned, who occupies toward the savings bank the same relation as those who buy the farm-loan bonds do to the farm-loan bank, they pay interest upon their deposits. In that way the wealth represented by that accumulation is taxed. This bill proposes to exempt positively certain wealth or property from taxation. That is not true of a savings bank, even though the savings bank itself is not taxed upon its mortgages.

Mr. SMITH of Georgia. But the Senator from Iowa wanted some way to prevent the big financial institutions from getting the benefit of this exemption from taxation. What I undertook to do in reply to the Senator was to show that their loans are now exempt from taxation, and that, if they invested in these securities, they would no more be placing their money in loans that were exempt from taxation than they are now so exempt; that the average citizen's loan would be subject to taxation in many States, and the effect of this exemption from taxation, instead of inuring to the benefit of the big financial institutions, will make competitors against them in loans of this character; that it will put the average citizen on the same basis as to freedom from taxation and ability to lend his money out at a low rate of interest that the savings banks and the insurance companies now have.

Mr. WILLIAMS. Mr. President, I do not want this bill to go to its passage without announcing to the Senate and to my constituents my emphatic advocacy of it. I am not much of a hand at dividing "a hair 'twixt south and southwest side," nor do I think, as a rule, that that amounts to much in practical life or in practical legislation, or anywhere else outside of a law court bent on technicalities.

In every controversy, Mr. President, there are some things which are conceded and some things which are disputed. I think, as a rule, a sensible debater will inquire what they are, and will plainly state them to his own judgment and as far as he can to the judgment of other people, and will dispose of the question by elimination of the first sort and contrast and comparison of the second.

Mr. President, there is no dispute anywhere about the practical general benefit of this proposed legislation. I have not heard one Senator raise his voice to say that, if this bill became a law, it could do any interest of a general and unselfish character any harm. That is one of the things which is not disputed.

There is another thing which is not disputed. If the Federal Government wishes to render its aid to commercial banking, it ought to render its aid, as far as it constitutionally can, to agricultural banking. Nobody disputes the proposition that agriculture is the fundamental, basic, primordial, healthy pursuit of mankind, and that if any sort of industry at all deserves encouragement at the hands of the Government more than another, it is agriculture. Even that proposition might be disputed to a slight extent; but the proposition that it deserves as much consideration as any other pursuit can not be disputed by anybody; certainly not by anybody who holds office.

Now, having gotten rid of the things that are not in dispute, the things which are conceded in connection with this legislation; everybody admitting that it is good legislation; everybody admitting that it sounds in benefit and not in damage; everybody admitting that we have neglected our farming and agricultural interests beyond every other civilized nation on the globe; everybody admitting that we have nothing in America to compare in its benefits to the German landschaft system, nothing to compare even with the French crédit foncier, nothing to compare even with the Italian land-loan system, we come to disputed questions. Everybody then agreeing that if, as the legislative body of the Federal Government, we have the constitutional power to pass this legislation, we ought to pass it, we come to the questions now that are disputed.

I have listened here for two or three days to some very shrewd arguments by lawyers who are trying to divide "a hair 'twixt south and southwest side," as I said at the beginning, and yet the whole constitutional question reduces itself to this: John Marshall himself once said that, if the end or the purpose of an act be constitutional, then every means for its accomplishment which is appropriate or convenient, if not necessary, is also constitutional.

In the early history of this Republic it was disputed as to whether or not the United States Government had a right to charter a bank at all. Without passing upon the original proposition, the Supreme Court, when John Marshall—the demigod of Republicans and Federalists—was Chief Justice, decided that it had a right to do it; that is res adjudicta; he decided that a bank—any bank—a banking business, from its very nature was a convenient and appropriate fiscal agency for the Federal Government, and that, as the Federal Government needed, in order to carry out its powers, fiscal agencies to render it more efficient in carrying out its granted powers, it had a right to charter a bank.

Now, then, later on the question came up as to whether or not the Federal Government, having a right to charter a bank in which the Federal Government in that particular case had stock, had a right to charter banks in which the Federal Government had no stock, and the sole general purpose of which was to make money in private business, the Supreme Court then decided that the Federal national banking system, as now organized, differing in those respects from the original United States Bank, was authorized by the Constitution.

Now, I lay down this proposition, and I think it is indisputable, not only from the layman's standpoint but also from the lawyer's standpoint: If this Government has the right to institute the banks contemplated under this legislation at all—and leave that question in dispute for the nonce—then it has the right, as a means to the accomplishment of its ultimate purpose, to pass every provision that defends and protects the system, every provision that will render it more efficient as an instrumentality for the purposes for which it has been enacted. That is following in the line of the decision that if the end be constitutional, the means, if it is appropriate and convenient, is constitutional, and that, furthermore, the court will not sit too closely in judgment upon the appropriateness or the convenience of the means, because that, after all, is a question for the legislative branch of the Government.

Now, how is any man going to say that the establishment of this system is constitutional, but that a provision in the bill to render it efficient and to protect it and defend it from the possible attacks of another sovereignty are not constitutional? Again, how is any man going to say that the Federal Government has a right to establish a bank—a bank, any bank, a banking system—from its very nature convenient and appropriate as a fiscal agent of the United States Government, usable for the purpose of strengthening its credit and its cash—how is he going to say that it has the power to do that for the commercial interests of the country and has no power to do the same thing for the agricultural interests of the country?

There is no difference between the national banking act and this act except the differences that grow out of the very character and nature, not of Federal jurisdiction, not of the extent of power granted by the Constitution to the Federal Government, but of the business carried on on the one side by the commercial people and on the other side by the agricultural people.

Everybody with a particle of knowledge of banking laws at all knows that you can not engraft an agricultural system upon a commercial system of banking without bankrupting the commercial system. A commercial bank wants live assets, which are readily convertible into cash. It can not survive a run; that is one of the ordinary incidents of commercial banking if it puts its money out on long time or upon securities which require length of time for foreclosure in the courts. The difference—whatever difference exists—is a difference in the character of the business carried on, not a difference in the constitutional power of the Federal Government.

I agree with an argument made yesterday—in the address commenced day before yesterday and concluded yesterday—by the Senator from Iowa [Mr. CUMMINS] that if these mortgages and bonds can be exempt by act of Congress from local taxation, there is nothing added to the strength of the bill by saying that these banks shall be "construed as being fiscal agencies" of the Federal Government. They either are or they are not; the courts can determine that question; but if a commercial bank, simply because it is a bank—and that is what John Marshall decided—is from its very nature a useful adjunct to the Federal Government and a possible fiscal agency of it, then these banks are also. This is true, because this bill carries with it the same right of deposit and very many other rights which characterize the commercial banks. If it did not, however, the fact still remains that the banks hereby organized will be useful and appropriate agencies for the Federal Government.

Mr. President, there is another reason why I should like to see this bill passed. I should like to see the example set in America of exempting debts from taxation. I hope to live to see the time when no State or county or city will tax the evidences of indebtedness, because, in the long run, when you do that, you tax the people least able to pay taxes, to wit, the debtors.

The Senator from Iowa had a colloquy a moment ago with the Senator from Georgia [Mr. SMITH] about whether or not an exemption from taxes would reduce the amount of interest that a man had to pay upon a loan. There are peculiar abnormal circumstances here and there under which an exemption from taxation will not reduce the interest that the borrower will have to pay; but, when that is the case, it is not *because* of the exemption from taxation, it is *in spite* of it and in the teeth of it, just as a hundred times, in considering economic questions, the application of a general law is locally or temporarily set aside by the more intense operation of some particular law that happens at the place or at the time to assume control. Notwithstanding that, for any man of ordinary common sense to deny that an exemption from taxation upon loans and mortgages will normally and in the long run inure to the benefit of the man who borrows money is equivalent to that man's denying the operation of the law of supply and demand.

I come into the market with a certain amount of money to lend. A and B and C and D and E come into the market with money to lend. X and Y and Z come into the market to borrow money. We meet one another in the marts, just like buyers and sellers of goods do. There is a certain amount of loanable funds; there is a certain demand for loanable funds, and the price of interest is just as thoroughly fixed by the comparison of the demand for loans with the supply of loanable money as the price of cotton or of wheat is fixed upon the market by the supply of spot cotton or wheat on the one hand and the effective demand for either upon the other—meaning by "effective demand" the number of dollars in the hands of would-be buyers. The minute you reduce the cost of any operation you fix it so that normally and in the long run the price to the ultimate consumer of the operation decreases. The ultimate consumer of the operation of borrowing and loaning is the borrower. The Senator from Iowa says "of course the lender will get all he can." Of course he will. So will the seller of cotton get all he can; of course he will; but if there are 18,000,000 bales of cotton and a demand for 10,000,000 bales only, the question resolves itself into this: Not what he wants, but what he can get; and the question of what he can get resolves itself into this: How many people with dollars behind them want this thing? So it is with loanable funds, and so it is with everything else in this world. The opera singer depends upon how many people can sing that way and how many people have money in their pockets willing to pay to hear a particular sort of song sung. The very ballet dancer in the vaudeville show has her price as a dancer depend absolutely upon those two things—how many people are there who can dance that way and how many people are there willing to pay to see somebody dance that way. It may happen in a great war or in a time of great distress that a ballet dancer's time is worth nothing; people are thinking about something else; and it may happen with regard to loans, now and then, that you might exempt them from taxation and furnish half the money, and still the demand for loans would be so great that the interest might be very high; but the normal, general rule—and that is what legislators must obey—is that the cheaper you make the operation of lending, the cheaper the borrower can get his money.

Mr. President, it seems to me, to sum it all up in one sentence, that these are the two great things that ought to appeal to us: If the Federal Government can do for its agricultural interests what Germany and France and Italy have done, we ought to do it, and then when you come to the consideration of whether it can or can not—meaning, of course, constitutionally can or can not—this conclusion presents itself—that if we have the power to inaugurate these banks at all then we have the power to defend and protect and better the system by every possible provision which is an appropriate and germane means for strengthening of the system to make it efficient.

Mr. STERLING obtained the floor.

Mr. LODGE. Mr. President, will the Senator allow me to ask to place in the RECORD a short letter?

Mr. STERLING. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I introduced the other day a draft of a report signed by Mr. Herrick. There was some misunderstanding owing to what was printed at the head of the paper. It was not a report but a draft of a report, and I ask that a letter from Mr. Herrick may be placed in the RECORD. It corrects the mistake in regard to that matter.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

NEW YORK CITY, *May 3, 1916.*

Hon. HENRY C. LODGE,
United States Senate, Washington, D. C.

DEAR SENATOR LODGE: The article appearing on pages 7744–47 of the CONGRESSIONAL RECORD of the 25th of last month is not a report. It is simply my suggestions for a report, which I as chairman submitted on March 31, 1916, to the members of the rural-credits committee of the Chamber of Commerce of the United States of America. The members of this committee are:

Robert W. Brown, secretary American Galloway Breeders' Association, Carrollton, Mo.
Roger A. Derby, Drowning Creek Plantation, Jackson Springs, N. C.
Oscar L. Gubelman, Knauth, Nachod & Kuhne, New York, N. Y.
C. B. Kegley, master of the State Grange, Palouse, Wash.
Clarence Ousley, Agricultural and Mechanical College of Texas, College Station, Tex.

H. J. Sconce, president Peace Valley Farms Co., Sidell, Ill.
R. B. Van Cortlandt, New York, N. Y.
H. W. Danforth, president National Council of Farmers' Cooperative Associations, Washington, Ill.
John J. Dillon, commissioner, Department of Foods and Markets, New York, N. Y.
William Hill, Bethany, W. Va.
F. E. Myers, F. E. Myers & Bro., Ashland, Ohio.
Herbert Quick, Berkeley Springs, W. Va.
Treadwell Twichell, Mapleton, N. Dak.
George Woodruff, president First National Bank, Joliet, Ill.
Myron T. Herrick, Cleveland, Ohio.

The committee has not yet rendered a report, but expects to do so before the end of the month. Would it be possible to have this fact published in the RECORD? If so, I wish you would do me the very great favor of reading this letter into the debate.

The word "report," it is true, is used neither in the heading nor in the text of my article. Nevertheless, as it stands, it could easily be construed as a report because of the use of the name of the Chamber of Commerce of the United States of America at the top of the paper upon which it was written.

Very sincerely, MYRON T. HERRICK.

Mr. STERLING. Mr. President, I realize how apparently useless it is at this stage of the discussion, and after various amendments have been disposed of, to bring forward anything new, especially if it be anything of a radical nature affecting the general plan of this bill; but I trust that Senators will, notwithstanding the lateness of the day, have an open mind with reference to the proposed substitute which I have to offer and the few suggestions I may make in regard to it. The changes I have to suggest are of such nature that the general plan of the system proposed by the Senator from New Hampshire for the Committee on Banking and Currency can be readily changed and adapted to the plan I have in view.

The Senator from New Hampshire is well aware of the fact that I am in hearty sympathy with the main provisions of this measure, rather with what I may term the essential provisions of the measure. I was in favor of section 29, the section which exempted the bonds and mortgages and capital stock of the farm-land banks from taxation, and when I voted against tabling the amendment of the Senator from Iowa, it was not because I was in favor of the amendment but because I was opposed to the principle involved in a motion to table.

Mr. President, the purpose of this measure, as the bill was originally introduced, is "to provide loans of money for the purchase of a farm for a home." That has been broadened so as to include the purchase of agricultural lands, and I think the amendment, as accepted by the Senator from New Hampshire in this respect, is a very wise one. It is "to provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the farm, * * * to provide buildings, and for the improvement of farm lands," and finally "to liquidate indebtedness of the owner of the land mortgaged, existing at the time of the organization of the first national farm-loan association," as provided in his bill, or "indebtedness subsequently incurred for one of the purposes above mentioned."

First and primarily, of course, the great purpose is to enable the farmer desiring money for these several purposes, or any of them, to get that money at a lower rate of interest and on longer time than he is now enabled to do. But the instrumentalities through which it is to be accomplished, or the parts of the machine, as I may term them, are, first, the farm-loan board; second, the Federal land bank; and, third, the national farm-loan association.

The question occurred to me, Mr. President, when I first read the provisions of this bill, as to whether there was not more machinery here provided for than is necessary to effect these very laudable purposes. With that in view I made some study of the bill to see whether a part of this machinery could not be dispensed with, and whether we could not accomplish the same purpose at less expense and more easily than we can with all this machinery. It may be said, with reference to any machine designed to accomplish a certain result or a certain purpose, that the more simple and the less complex that machine is the better it is, the less is the liability to breakage, the less will be the friction, and the less the cost of operating the machine. So I think this machine may be simplified; you may leave out at least one of the parts and still have a perfect machine for the accomplishment of all the purposes contemplated by the bill.

Mr. President, the weak part of the machine, as it occurs to me, the needless part of the machine—and as I now view it, the impractical part of the machine—is the national farm-loan association. I want to call attention to some of the provisions relative to the national farm-loan association.

First, on page 12 it is provided:

Farm-loan associations limited and farm-loan associations unlimited shall, respectively, have representation on the board of directors in proportion to the amount of unpaid principal on loans made to their members by the land bank and actually outstanding three months before each election. If the amount unpaid on the principal of loans outstanding in either division shall amount to less than $1,000,000, all associations in the district shall vote together for all three local directors.

Now, remember that only three directors are to be elected. The other two of the five directors are to be appointed by the Federal farm-loan board. But how shall we apportion the three elected directors between those associations the liability of whose members is unlimited and those the liability of whose members is limited when you have but three to elect?

The proposition is that they shall elect "in proportion to the amount of unpaid principal on loans made to their members by the land bank and actually outstanding three months before each election." Suppose it is an equal amount on the part of the unlimited liability association and the limited liability association, and you have the mathematical problem then of each one, if they elect according to this proportion, electing one and one-half of the three directors. Suppose it is a different proportion than that; it is one and two-thirds, on the one hand, and one and one-third, on the other. There you have the proposition of electing one and two-thirds of the three directors by the unlimited liability association, for example, and one and one-third of the three directors by the limited liability association.

So here is one practical difficulty in the very organization of the national farm-loan association, a difficulty which extends to the government and to the administration of the affairs of the association. There being three directors to elect, the only circumstances under which a proportionate number of directors can be elected by these two classes of associations will be where the proportion would be as 1 to 2, or, in other words, where the amount unpaid of principal on loans made to their members by the land bank and actually outstanding three months before each election is twice as much in one association as it is in the other. Then the election would be practical, and you would have a proportion which would authorize one form of association to elect one, the other form of association to elect two, of the elective directors. Otherwise, and under no other circumstances could you have the three directors elected in proportion to the amount of the unpaid principal of each of these associations.

With this as a practical difficulty in the organization and government of the national farm-loan association, I come to consider for a moment the purposes of the national farm-loan association when it is organized. What purpose does it serve? Primarily it is meant to be the intermediary between the farmer and the Federal land bank from which the farmer, as a member of the national farm-loan association, procures a loan, because it is not the national farm-loan association but it is the land bank that handles the money and loans the money to and takes the mortgage from the farmer. The mortgage runs not to the national farm-loan association but to the Federal land bank.

What other purpose is served, or is it urged upon the floor here is served, by the national farm-loan association? The other purpose is this, namely, that under the terms of the bill the national farm-loan association and all the members of it are liable for the indebtedness of the individual member of the farm-loan association; and it is to be remembered that in order to be qualified to be a member of the farm-loan association he must be a borrower. Otherwise, he is not entitled to belong to the farm-loan association at all. The liability of the loan association, it is urged, adds to the security of the mortgages given by its members and the bonds issued thereon.

But, Mr. President, is that security necessary? It occurs to me that one great trouble with this measure in its entirety is that the framer of the bill, or the committee, have been misled by the provisions of the Federal reserve bank act. They have thought that this bill must be in analogy to that plan; and hence they must have the Federal farm-loan board to correspond to the Federal Reserve Board; they must have the Federal land bank to correspond to the several Federal reserve banks in the 12 districts in the United States; and they must have the national farm-loan association to correspond to the national banks, they being members of the Federal reserve bank system. And why? Because each and every national bank is security for the obligations of its borrowing members, whose obligations it takes to the Federal reserve bank for rediscount, and there gets the currency permitted to be issued under the Federal reserve bank act to the member banks for the purposes of use in business. But there is absolutely no need for the indorsement of a national farm-loan association in order that the mortgages, or the bonds issued upon the mortgages, may be secure.

Under the provisions of this bill the loans are to be made under the most careful limitations and restrictions. The bill is safeguarded throughout in that respect, in the first place, and then, in the second place, a loan may be made only to the extent of 50 per cent of the value of the property mortgaged to secure the

loan. It is the best security in the world; bonds issued thereon will be readily taken by the investing public; the tendency will naturally be to bring down the rate of interest charged the farmer, and all this without a national farm-loan association behind it.

You have what, now, as further security than the mortgagor himself, than the farm he mortgages, and the Federal land bank which loans him the money and takes his mortgage? You have the security of every other Federal land bank for the payment of every coupon interest note upon default of payment by the bank that issued it, and then, finally, as to the ultimate payment of the principal, you have the security of every Federal land bank in the entire system.

Do you need any more security than that to make these, as it were, liquid assets, or the assets upon which negotiable bonds may be issued and pass current as money throughout the country? I think not. So, Mr. President, when it comes, first, to the practical difficulties in the operation of the national farm-loan association, and, second, to the question of the necessity of such associations as security for the loans, it seems to me that in providing for the national farm-loan association we are providing for an institution that is both quite impractical and unnecessary.

In passing, let me refer to another instance that may interfere with the practical success of the National Farm Loan Association. Ten persons under the bill can form a national farm-loan association. They must all be borrowers in order to be qualified to form and be members of it. In a given State or community they may not readily be found. There may be found one at a given place in one portion of the State, and you may not find another would-be borrower within a distance of 10 miles or another within a distance of 20 miles. And so only within the radius of 25 or 30 miles may you find the 10 members required to form the National Farm Loan Association. Thus you can see some of the difficulties of organization to begin with in men getting together to transact the business of such an association, holding their meetings, electing officers, and providing for a course of action by that farm-loan association. If we can dispense with this part of the machinery, which seems to me so utterly useless and may be mischievous, we would better do it if we can, as I said, accomplish the same laudable purpose without it; and I think we can.

How may we do it in the main? I have provided in my proposed substitute, not for 12 Federal land banks, but that the farm-loan board may create as many Federal land banks as there are States in the Union. Let me read the provision in that regard. This is section 4, and it corresponds to section 4 in the original bill:

That each State of the United States is hereby constituted a Federal land bank district, to be known and designated by the name of the State comprising such district. As soon as practicable the Federal farm-loan board shall establish in each such district one Federal land bank, with its principal office located in such city within the district as said board shall designate, and each land bank shall include in its title the names of the city and State in which it is located. Subject to the approval of the farm-loan board any Federal farm-land bank may establish branches within the State or district in which it is located.

In no case shall a Federal land bank be established with a capital stock of less than $250,000.

Senators will remember that in the pending bill the minimum of capital stock is $500,000 and the minimum of all the capital stock of all the Federal land banks under the system provided for in the original bill will be $6,000,000. I have thought that, since we have established so many under the provisions of this bill, $250,000 should be the limit. If we organize 24 Federal land banks in 24 States of the Union we shall have an aggregate capital stock equal to that provided for in this bill, namely, $6,000,000, if we take only half the States in the Union, whereas if one is organized in every State of the Union we shall have just twice the aggregate capital stock provided for in this bill.

Further:

Provided, That if, in the judgment of said Federal farm-loan board, agricultural conditions, or the terms and conditions on which farm loans may be procured from other sources, in any State do not warrant the establishment of a Federal land bank in such State, then such board may defer the establishment of such bank until conditions do so warrant, or may refrain altogether from establishing such bank: *Provided further*—

I do not want to cut anybody out of the privileges he may enjoy under a Federal farm-loan or rural-credits system, and hence I provide this—

That any qualified person seeking a loan on farm lands in a State where no bank has been established may make application to and receive a loan from the Federal land bank of an adjacent or other State under all the provisions and restrictions of this act.

So, throughout my proposed substitute, wherever the farm-loan association has been mentioned, or where there has been any reference to it in the original bill, I have changed or cut out the language entirely. Beginning with section 7 of the original bill, which deals especially with farm-loan associations—those of unlimited and those of limited liability—I cut out all of those provisions, and I adapt then my ideas in regard to the Federal land bank to the rest of the provisions of this bill, and harmonize them with them. In other words, then, the individual farmer, instead of being a member of a national farm-loan association and subscribing to that stock to the extent of one-twentieth the amount he wants to borrow, becomes a subscriber to the stock of the Federal land bank, and his stock is security for the debts of the Federal land bank, as was his stock security for the debts of the national farm-loan association.

Mr. SMITH of Michigan. And as is the stock of the other banks.

Mr. STERLING. Yes; and as is the stock of the other banks. I am glad the Senator from Michigan mentions that fact, because I want to call attention again to that feature of the bill in regard to the class of farm-loan associations where the liability of the members is limited—limited in the ordinary way—where each one is liable equally and ratably for himself, and not one for another, for the debts of the association, to the extent of the par value of his stock and to the extent of the amount paid in on his stock. That is the general limited liability. The other is where he is liable one for another for the indebtedness of the association, without any limit whatever in that liability. Whatever property he may have under that rule liable to execution at all is subject to execution to satisfy any contract, debt, or engagement whatever of the association.

Mr. President, this touches again the practicability of the national farm loan association. How many such associations is it believed will be organized under the unlimited-liability plan? The Senator from New Hampshire [Mr. HOLLIS] hopes that eventually they will all become unlimited-liability associations. Why, he says, it will add to the security, as though under this bill any more security were needed than the value of the man's farm, the mortgage being for not to exceed one-half that value, with the added liability of the Federal land bank from which he borrows, and, added to that, the liability of each and every land bank in the entire system. There is no need for an unlimited-liability association to render the mortgage a better security or the bonds a better investment. I would hesitate before encouraging or advising any farmer friend of mine to identify himself with or become a member of any unlimited-liability association.

Mr. SMITH of Michigan. Especially, Mr. President—if the Senator will permit me—after he has pledged his property, and pledged it for 50 per cent of its value only.

Mr. STERLING. Yes.

Mr. SMITH of Michigan. If the value of the land is arrived at fairly, he has given ample protection for his loan, without assuming the responsibility of others.

Mr. STERLING. Certainly.

So, Mr. President, it seems to me now that the proposition I urge is entitled to the greatest consideration. We are starting out here on a new plan, beneficently intended, and I feel it will be beneficent in its results. I think that the more easily that plan is understood, the more simple the machinery to begin with, the more readily can we say its success will be assured. It is easy to segregate, as it were, this unnecessary part of the scheme from the rest and have, first, your Federal farm-loan board, organized as it is under the provisions of the original bill, and then your Federal farm-land banks, organized, as they are to be, under the provisions of the original bill, with the farmer a member of the Federal land bank instead of the farm-loan association, but having exactly the same rights and subject to the same liabilities he would have and be subject to were he a member of such an association.

Mr. President, I have gone through the original bill and compared my substitute with it, and I think I have now in every respect adapted my substitute to the provisions of the original bill, leaving out, of course, all references to national farm-loan associations. I might have had this substitute read before beginning my remarks, and yet I did not want to take that time. I simply hope that in all fairness, and in order that it may have some further consideration, the bill may not be pressed to a final vote this evening.

Mr. HOLLIS. Mr. President, I notified the Senate last night that it was my intention to pass the bill, if I could, to-day, and I have every hope of being able to do so. I am very sure the point the Senator has made is clear to the Senate. His bill is like the bill before the Senate in every particular, except that the national farm-loan associations are eliminated. I also understand that the Senator is willing to submit his substitute without having it read; and, if so, we may vote upon it at once.

Mr. STERLING. I am willing to submit it. I should like, if I may have unanimous consent, to have the substitute printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. STERLING. I want to call attention to one feature of the bill in which I have made a change, and that is on page 5, I think, of the bill. I have stricken out the provisions relative to the attorneys, experts, assistants, clerks, and so forth, and to their appointment without regard to the civil-service law. It should not have been in my substitute. I had already offered an amendment which was printed providing for striking that out, and it was by inadvertence that it was printed in the substitute.

The substitute submitted by Mr. STERLING is as follows:

Amendment in the nature of a substitute intended to be proposed by Mr. STERLING to the bill (S. 2980) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, viz: Strike out all after the enacting clause and insert the following:

"That the short title of this act shall be 'The Federal farm-loan act.' Its administration shall be under the direction and control of the Federal farm-loan board hereinafter created.

"DEFINITIONS.

"SEC. 2. That wherever the term 'first mortgage' is used in this act it shall be held to include such classes of first liens on farm lands as shall be approved by the Federal farm-loan board, and the credit instruments secured thereby. The term 'farm-loan bonds' shall be held to include all bonds secured by collateral deposited with a farm-loan registrar under the terms of this act; they shall be distinguished by the addition of the words 'regular' or 'joint stock,' as the case may be.

"FEDERAL FARM-LOAN BOARD.

"SEC. 3. That there shall be established at the seat of government in the Department of the Treasury a bureau charged with the execution of this act and of all acts amendatory thereof, to be known as the Federal farm-loan bureau, under the general supervision of a Federal farm-loan board.

"Said Federal farm-loan board shall consist of five members, including the Secretary of the Treasury, who shall be a member ex officio, and four members to be appointed by the President of the United States, by and with the advice and consent of the Senate. Of the four members to be appointed by the President, not more than two shall be appointed from one political party, and all four of said members shall be citizens of the United States and shall devote their entire time to the business of the Federal farm-loan board; they shall receive an annual salary of $10,000, payable monthly, together with actual necessary traveling expenses.

"One of the members to be appointed by the President shall be designated by him to serve for two years, one for four years, one for six years, and one for eight years, and thereafter each member so appointed shall serve for a term of eight years, unless sooner removed for cause by the President. One of the members shall be designated by the President as the farm-loan commissioner, who shall be the chairman and the active executive officer of said board. Each member of the Federal farm-loan board shall within 15 days after notice of his appointment take and subscribe to the oath of office.

"The first meeting of the Federal farm-loan board shall be held in Washington as soon as may be after the passage of this act, at a date and place to be fixed by the chairman of said board.

"No member of the Federal farm-loan board shall be an officer or director of any institution, association, or partnership engaged in banking. Before entering upon his duties as a member of the Federal farm-loan board each member shall certify under oath to the President that he is eligible under this section.

"The President shall have the power, by and with the advice and consent of the Senate, to fill any vacancy occurring in the membership of the Federal farm-loan board; if such vacancy shall be filled during the recess of the Senate a commission shall be granted which shall expire 30 days after the Senate convenes.

"The Federal farm-loan board shall appoint a farm-loan registrar in each land-bank district to receive applications for issues of farm-loan bonds and to perform such other services as are prescribed by this act. It shall also appoint one or more land-bank appraisers for each land-bank district and as many special appraisers as it shall deem necessary. Farm-loan registrars, land-bank appraisers, and special appraisers appointed under this section shall be public officials and shall have no connection with or interest in any institution, association, or partnership engaged in banking.

"The salaries and expenses of the Federal farm-loan board and of farm-loan registrars and special appraisers authorized under this section shall be paid out of any moneys in the Treasury of the United States not otherwise appropriated. Land-bank appraisers shall receive such compensation as the Federal farm-loan board shall fix, and shall be paid by the Federal land banks and the joint-stock land banks which they serve, in such proportion and in such manner as the Federal farm-loan board shall order.

"The Federal farm-loan board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board. All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the Federal farm-loan board.

"Every Federal land bank shall semiannually submit to the Federal farm-loan board a schedule showing the salaries or rates of compensation paid to its officers and employees, and said board shall have power to disapprove such schedule, or any item in it, and to alter any or all salaries therein shown.

"The Federal farm-loan board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

"The Federal farm-loan board shall from time to time require examinations and reports of condition of all banks established under the provisions of this act, and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this act, and shall prepare and publish amortization tables which shall be used by banks under its supervision. It shall, by suitable rules and regulations, require all offenses and delinquencies under this act to be forthwith reported to it and to the United States district attorney for the district in which any such offense or delinquency shall occur, and shall institute immediate proceedings in the proper court for the prosecution of any person committing an offense under any provision of this act.

"The Federal farm-loan board shall prescribe a form for the statement of condition of banks under its supervision, which shall be filled out quarterly by each such bank and transmitted to said board.

"It shall be the duty of the Federal farm-loan board to prepare from time to time bulletins setting forth the principal features of this act, and to distribute the same, particularly to the press, to agricultural journals, and to farmers' organizations; to prepare and distribute in the same manner circulars setting forth the principles and advantages of amortized farm loans and the protection afforded debtors under this act, and advising investors of the merits and advantages of farm-loan bonds; and to disseminate, in its discretion, information for the further instruction of farmers regarding the methods and principles of co-operative credit and organization. Said farm-loan board is hereby authorized to use a reasonable portion of the organization fund provided in section 36 of this act for the objects specified in this paragraph, and is instructed to lay before the Congress at each session its recommendations for further appropriations to carry out said objects.

"FEDERAL LAND BANKS.

"SEC. 4. That each State of the United States is hereby constituted a Federal land-bank district, to be known and designated by the name of the State comprising such district. As soon as practicable the Federal farm-loan board shall establish in each such district one Federal land bank, with its principal office located in such city within the district as said board shall designate, and each land bank shall include in its title the names of the city and State in which it is located. Subject to the approval of the farm-loan board any Federal land bank may establish branches within the State or district in which it is located.

"In no case shall a Federal land bank be established with a capital stock of less than $250,000: *Provided*, That if in the judgment of said Federal farm-loan board agricultural conditions, or the terms and conditions on which farm loans may be procured from other sources, in any State do not warrant the establishment of a Federal land bank in such State, then such board may defer the establishment of such bank until conditions do so warrant, or may refrain altogether from establishing such bank: *Provided further*, That any qualified person seeking a loan on farm lands in a State where no bank has been established may make application to and receive a loan from the Federal land bank of an adjacent or other State under all the provisions and restrictions of this act.

"Each Federal land bank shall be temporarily managed by five directors appointed by the Federal farm-loan board. Said directors shall be citizens of the United States and residents of the district. They shall each give a surety bond, the premium on which shall be paid from the funds of the bank. They shall receive such compensation as the Federal farm-loan board shall fix. They shall choose from their number, by majority vote, a president, a vice president, a secretary, and a treasurer. They are further authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as they may deem necessary, and to fix their compensation, subject to the approval of the Federal farm-loan board.

"Said temporary directors shall, under their hands, forthwith make an organization certificate, which shall specifically state:

"First. The name assumed by such bank.

"Second. The district within which its operations are to be carried on, and the particular city in which its principal office is to be located.

"Third. The amount of capital stock and the number of shares into which the same is to be divided.

"Fourth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this act.

"The organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary, transmitted to the farm-loan commissioner, who shall record and carefully preserve the same in his office, where it shall be at all times open to public inspection.

"The Federal farm-loan board is authorized to direct such changes in or additions to any such organization certificate as it may deem necessary or expedient.

"Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

"First. To adopt and use a corporate seal.

"Second. To have succession until it is dissolved by act of Congress or under the provisions of this act.

"Third. To make contracts.

"Fourth. To sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons.

"Fifth. To elect or appoint directors, and by its board of directors to elect a president and a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, require bonds of them and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at pleasure and appoint others to fill their places.

"Sixth. To prescribe, by its board of directors, subject to the supervision and regulation of the Federal farm-loan board, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected, its officers elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

"Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

"After the subscriptions to stock in any Federal land bank, hereinafter authorized, shall have reached the sum of $100,000, the officers of said land bank shall be elected and appointed as hereinafter provided, and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers appointed and chosen under this section.

"The board of directors of every Federal land bank shall be selected as hereinafter specified, and shall consist of five members, each holding

office for three years. Three of said directors shall be known as local directors, and shall be chosen by the stockholders of said bank in the manner prescribed for the election of directors of national banking associations; and the remaining two directors shall be known as district directors, and shall be appointed by the Federal farm-loan board and represent the public interest.

"The Federal farm-loan board shall designate one of the district directors to serve for two years and to act as chairman of the board of directors. The other district director shall serve for a term of one year. After the first appointments each director shall be appointed for a term of two years.

"At the first regular meeting of the board of directors of each Federal land bank it shall be the duty of the local directors to designate one of the local directors whose term of office shall expire in one year from the date of such meeting, one whose term of office shall expire in two years from said date, and one whose term of office shall expire in three years from said date. In making such designations an equitable allotment shall be made between directors chosen in the two divisions in accordance with the proportional representation determined by the farm-loan commissioner. Thereafter every director of a Federal land bank chosen as hereinbefore provided shall hold office for a term of three years. Vacancies that may occur in the board of directors shall be filled in the manner provided for the original selection of such directors. The board of directors shall at such first regular meeting elect from their number a loan committee of three members.

"Directors of Federal land banks shall have been for at least two years residents of the district for which they are appointed or elected, and at least one district director shall be experienced in practical farming and actually engaged at the time of his appointment in farming operations within the district. No director of a Federal land bank shall act as an officer, director, or employee of any other bank.

"Directors of Federal land banks shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their respective boards, to be paid by the respective Federal land banks. Any compensation that may be provided by boards of directors of Federal land banks for directors, officers, or employees shall be subject to the approval of the Federal farm loan board.

"CAPITAL STOCK OF FEDERAL LAND BANKS.

"SEC. 5. That every Federal land bank shall have, before beginning business, a subscribed capital of not less than $250,000. The Federal farm loan board is authorized to prescribe the times and conditions of the payment of subscriptions to capital stock, to reject any subscription in its discretion, and to require subscribers to furnish adequate security for the payment thereof.

"The capital stock of each Federal land bank shall be divided into shares of $5 each, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States.

"Stock owned by the Government of the United States in Federal land banks shall receive no dividends, but all other stock shall share in dividend distributions without preference. Each borrowing shareholder in any Federal land bank, including the government of any State or of the United States, shall be entitled to one vote for each share of stock held by him or it in deciding all questions at meetings of shareholders, and no other shareholder shall be permitted to vote. Stock owned by the United States shall be voted by the farm-loan commissioner, as directed by the Federal farm-loan board.

"It shall be the duty of the Federal farm-loan board, as soon as practicable after the passage of this act, to open books of subscription for the capital stock of a Federal land bank in each Federal land bank district. If within 90 days after the opening of said books any part of the minimum capitalization of $250,000 herein prescribed for Federal land banks shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the balance thereof on behalf of the United States, said subscription to be subject to call in whole or in part by the board of directors of said land bank upon 30 days' notice, with the approval of the Federal farm-loan board; and the Secretary of the Treasury is hereby authorized and directed to take out shares corresponding to the unsubscribed balance as called, and to pay for the same out of any moneys in the Treasury not otherwise appropriated.

"After the subscription to capital stock, exclusive of Government subscriptions, shall amount to $250,000 in any Federal land bank, said bank shall apply semiannually to the payment and retirement of stock held by the United States, one-quarter of all sums thereafter subscribed to capital stock, until all stock held therein by the United States is retired at par.

"Whenever capital stock of any Federal land bank or joint-stock land bank to the amount of $100,000 is paid in, at least 10 per cent thereof, and at least 10 per cent of any further payment amounting to $100,000, shall be invested in bonds of the United States, not later than two years after such payment.

"GOVERNMENT DEPOSITARIES.

"SEC. 6. That all Federal land banks and joint-stock land banks organized under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. And the Secretary of the Treasury shall require of the Federal land banks and joint-stock land banks thus designated satisfactory security, by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. No Government funds deposited under the provisions of this section shall be invested in mortgage loans.

"SEC. 7. Any person, qualified under the provisions of this act, desiring to borrow on farm-land mortgages from a Federal land bank within the district where the land to be mortgaged is situated shall deposit with the treasurer of said bank for the purchase of stock at par an amount equal to 5 per cent of the face of the desired loan. If the loan is granted, the applicant therefor shall thereupon become the owner of one share of capital stock in said bank for each $100 of the face of his loan, which shall be paid off at par and retired upon full payment of said loan. Said capital stock shall be held by said bank as collateral security for the payment of said loan, but said borrower shall be paid any dividends accruing and payable on said capital stock while it is outstanding. Such stock may at any time, in the discretion of the directors of said land bank, be paid off at part and retired. In such case a holder of said stock shall be credited with the par value thereof, and if said par value shall exceed the amount then due on his loan the balance shall be paid to him in cash.

"SEC. 8. Every Federal land bank formed under this act shall have its organization certificate provide for an increase of its capital stock from time to time for the purpose of securing additional loans for its qualified members and stockholders desiring the same and providing for the issue of shares to borrowers in accordance with the provisions of this act. Such increases shall be included in the quarterly reports of said banks to the Federal farm-loan board.

"SEC. 9. All earnings and reserves of any Federal land bank, together with the capital stock of said bank, shall be primarily applied to satisfy the obligations of said bank; and all mortgages belonging to said bank, whether or not the same have been pledged with the farm-loan registrar, shall be security for the payment of every farm-loan bond issued by said bank.

"RESTRICTIONS ON LOANS BASED ON FIRST MORTGAGES.

"SEC. 10. That no Federal land bank organized under this act shall make loans except upon the following terms and conditions:

"First. Said loans shall be secured by duly recorded first mortgages on farm land within the land-bank district in which the bank shall be situated.

"Second. Every such mortgage shall contain an agreement for the payment of a fixed number of semiannual installments sufficient to provide for an agreed rate of interest during the term and for the payment of the principal during and at the end of the term, on what is known as the amortization plan.

"Third. Every such mortgage shall run for a period of at least 5 years and not exceeding 36 years.

"Fourth. Every mortgage loan made under this act, for whatever period, shall provide for its extinguishment, at the option of the borrower, in whole or in part, at any date set for the payment of interest after five years from the date upon which said loan was made, as follows:

"(a) By the tender at their face value of farm-loan bonds issued by the land bank holding such mortgage, all unmatured coupons being attached to said bonds.

"(b) By advance payments in cash in sums of $100, or any multiple thereof. In such case the Federal land bank receiving such payments shall purchase for its own account, and credit at par upon the mortgage, farm-loan bonds in suitable amount; said land bank may call, as may be necessary, farm-loan bonds in suitable amounts, and when such calls shall have become effective shall credit such payments on such mortgage.

"*Provided*, That farm-loan bonds of any Federal land bank, tendered or purchased under the foregoing two paragraphs to extinguish the whole or any part of a mortgage loan, shall bear the rate of interest current on farm-loan bonds issued by such bank at the time such mortgage loan was made.

"Fifth. The rate of interest charged for such loans shall not exceed the legal rate fixed by law for loans by national banks.

"Sixth. Such loans may be made for the following purposes and for no other:

"(a) To provide for the purchase of a farm for a home.

"(b) To provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the farm; the term 'equipment' to be defined by the Federal farm-loan board.

"(c) To provide buildings and for the improvement of farm lands; the term 'improvement' to be defined by the Federal farm-loan board.

"(d) To liquidate indebtedness of the owner of the land mortgaged, existing at the time of the organization of the first Federal land bank under the provisions of this act, or indebtedness subsequently incurred for one of the purposes above mentioned.

"Seventh. No such loan shall exceed 50 per cent of the value of the land mortgaged, said value to be ascertained by appraisal, as provided in section 16 of this act. In making said appraisal the actual earning power of said land shall be a principal factor. A reappraisal may be permitted at any time in the discretion of the Federal land bank, and such additional loan may be granted as such reappraisal will warrant under the provisions of this paragraph. Whenever the amount of the loan applied for exceeds the amount that may be loaned under the appraisal as herein limited, such loan may be granted to the amount permitted under the terms of this paragraph without requiring a new application or appraisal.

"Eighth. No such loan shall be made to any person who is not at the time, or who does not in his application promise shortly to become, engaged in the cultivation of the farm mortgaged. In case of the sale of the mortgaged land, the Federal land bank may, in its discretion, declare the mortgage thereon due and payable, or permit said mortgage to be assumed by the purchaser. In case of the death of the mortgagor, the mortgage may, on default and if necessary to protect the loan, declare the mortgage due and payable and take all steps necessary for its collection.

"Ninth. The amount of loans to any one borrower shall in no case exceed a maximum of $10,000, nor shall any loan be less than the sum of $200.

"Tenth. Every applicant for a loan under the terms of this act shall make application on a form to be prescribed for that purpose by the Federal farm-loan board, and such applicant shall state the objects to which the proceeds of said loan are to be applied, and shall afford such other information as may be required.

"Eleventh. Every borrower shall pay simple interest on defaulted payments at the rate of 6 per cent per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes or assessments which may be lawfully assessed against the land mortgaged. Taxes or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at the rate of 6 per cent per annum.

"Twelfth. Every borrower who shall be granted a loan under the provisions of this act shall enter into an agreement, in form and under conditions to be prescribed by the Federal farm-loan board, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition or covenant of the mortgage, the whole of said loan shall, at the option of the mortgagee, become due and payable forthwith: *Provided*, That the borrower may use part of said loan to repay any sum borrowed to pay for his stock in the Federal land bank, and the land bank holding such mortgage may permit said loan to be used for some other purpose specified in this section.

"Funds transmitted or paid out to borrowers on loans made to them by Federal land banks shall be in current funds, or farm-loan bonds, at the option of the borrower.

"POWERS OF FEDERAL LAND BANKS.

"SEC. 11. That every Federal land bank shall have power, subject to the limitations and requirements of this act—

"First. To issue, subject to the approval of the Federal farm-loan board, and to sell farm-loan bonds of the kinds authorized in this act, to buy the same for its own account, and to retire the same at or before maturity.

"Second. To invest such funds as may be in its possession in the purchase of qualified first mortgages on farm lands situated within the Federal land-bank district within which it is organized or for which it is acting.

"Third. To receive and to deposit in trust with the farm-loan registrar for the district, to be by him held as collateral security for farm-loan bonds, first mortgages upon farm land qualified under section 10 of this act, and to collect or empower any duly authorized agent, to collect and immediately pay over to said land bank the dues, interest, armortization installments and other sums payable under the terms, conditions, and covenants of the mortgages and of the bonds secured thereby.

"Fourth. To receive and to set apart for expenses and profits the excess of interest payments on indorsed mortgages above the interest payments on farm-loan bonds for which said mortgages are held as collateral security, said excess of interest in no case to be more than 1 per cent of the amount of principal remaining unpaid on said mortgages.

"Fifth. To acquire and dispose of—

"(a) Such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be in part leased to others for revenue purposes.

"(b) Parcels of land mortgaged to it as security where there has been default in payment of the mortgage.

"(c) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate purchased or acquired to secure any debt due to it, for a longer period than five years, except with the special approval of the Federal farm-loan board in writing.

"Sixth. To deposit its securities and its current funds subject to check with any Federal reserve bank or with any member bank of the Federal reserve system, and to receive interest on the same as may be agreed.

"Seventh. To borrow money, to give security therefor, and to pay interest thereon.

"Eighth. To buy and sell United States bonds.

"RESTRICTIONS OF FEDERAL LAND BANKS.

"SEC. 12. That no Federal land bank shall have power—

"First. To accept deposits of current funds payable upon demand except from its own stockholders, or to transact any banking or other business not expressly authorized by the provisions of this act.

"Second. To loan on first mortgage except on direct application of a qualified borrower under the provisions of this act or through agents as provided in section 14.

"Third. To accept any mortgages on real estate except first mortgages created subject to all limitations imposed by section 10 of this act and those taken as additional security for existing loans.

"Fourth. To issue or obligate itself for outstanding farm-loan bonds in excess of twenty times the amount of its capital and surplus.

"Fifth. To demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act. This provision shall also apply to joint-stock land banks.

"SPECIAL PROVISIONS.

"SEC. 13. That any person who shall become a shareholder of any Federal land bank and is otherwise qualified under the provisions of this act shall be entitled to borrow money on farm-land mortgage upon filing his application in accordance with section 7 and otherwise complying with the terms of this act whenever the Federal land bank of the district has funds available for that purpose, unless said land bank or the Federal farm-loan board shall, in its discretion, otherwise determine.

"Such member may, at his option, pay the expenses for appraisal, examining title, drawing legal papers, recording, and similar services, or he may require such expenses to be advanced by the Federal land bank making the loan, in which case said expenses may be made a part of the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the 50 per cent limited in section 10.

"Any person who shall borrow from a Federal land bank for the purpose of purchasing a farm for a home under the provisions of section 10 of this act may, at his option, borrow from the Federal land bank such sum as is needed to pay for his required shares of stock in the Federal land bank, and such sum may be borrowed in addition to the amount permitted to be borrowed under the provisions of said section 10.

"AGENTS OF FEDERAL LAND BANKS.

"SEC. 14. Federal land banks may make loans on farm lands through agents approved by the Federal farm-loan board.

"Such loans shall be subject to all the conditions and restrictions provided by this act, and each borrower shall contribute 5 per cent of the amount of his loan to the capital of the Federal land bank, and shall become the owner of as much capital stock of the land bank as such contribution shall warrant.

"No other agent than a duly incorporated bank, trust company, or mortgage institution, chartered by the Federal Government, or by the State in which it has its principal office, shall be employed under the provisions of this section.

"Federal land banks may pay to such agents not to exceed one-half of 1 per cent per annum upon the unpaid principal of said loan.

"Actual expenses paid by borrowers for appraisal, examining title, drawing legal papers, recording, and similar services may be added to the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the 50 per cent limited in section 10.

"Said agents, when required by the Federal land banks, shall collect and forward to such banks without charge all interest and amortization payments on loans indorsed by them.

"Any agent negotiating any such loan shall indorse the same and become liable for the payment thereof, and for any default by the mortgagor, on the same terms and under the same penalties as if the loan had been originally made by said agent as principal and sold by said agent to said land bank, but the aggregate of the unpaid principal of mortgage loans received from any such agent shall not exceed its capital and surplus.

"JOINT-STOCK LAND BANKS.

"SEC. 15. That corporations, to be known as joint-stock land banks, for carrying on the business of lending on farm-mortgage security and issuing farm-loan bonds, may be formed by any number of natural persons not less than 10. They shall be organized subject to the requirements and under the conditions set forth in section 4 of this act, so far as the same may be applicable: *Provided*, That the board of directors of every joint-stock land bank may consist of more than 5 members.

"Shareholders of every joint-stock land bank organized under this act shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

"Except as otherwise provided, joint-stock land banks shall be subject to all the restrictions and conditions imposed on Federal land banks by this act, so far as such restrictions and conditions are applicable: *Provided, however*, That the Government of the United States shall not purchase or subscribe for any of the capital stock of any such bank; and each shareholder of any such bank shall have the same voting privileges as holders of shares in national banking associations.

"No joint-stock land bank shall have power to issue or obligate itself for outstanding farm-loan bonds in excess of fifteen times the amount of its capital and surplus, or to receive deposits, or to transact any banking or other business not expressly authorized by the provisions of this act.

"No joint-stock land bank shall be authorized to do business until capital stock to the amount of at least $250,000 has been subscribed and paid in cash, and a charter has been issued to it by the Federal farm-loan board. In States having populations exceeding 2,000,000, the capital stock of joint-stock land banks shall be not less than $500,000.

"Farm-loan bonds issued by joint-stock land banks shall be so engraved as to be readily distinguished in form and color from farm-loan bonds issued under this act by Federal land banks, and shall otherwise bear such distinguishing marks as the Federal farm-loan board shall direct.

"Joint-stock land banks shall not be subject to the provisions of section 11 or section 17 of this act as to interest rates on mortgage loans or farm-loan bonds, nor to the provisions of the paragraphs designated first, sixth, eighth, ninth, and twelfth of section 10 as to restrictions on mortgage loans: *Provided, however*, That no loans shall be made in excess of 50 per cent of the appraised value of the mortgaged lands, and all loans shall be secured by first mortgages on farm lands within the State in which such joint-stock land bank has its principal office or within some State contiguous to such State.

"Joint-stock land banks shall in no case charge interest on farm loans exceeding by more than 1 per cent the rate of interest established for the last series of farm-loan bonds issued by them.

"Each joint-stock land bank organized under this act shall have authority to issue bonds based upon mortgages taken by it in accordance with the terms of this act. Such bonds shall be in form prescribed by the Federal farm-loan board, and it shall be stated in such bonds that such bank is organized under section 15 of this act, is under Federal supervision, and operates under the provisions of this act.

"Farm-loan bonds issued by joint-stock land banks shall be called joint-stock bonds.

"APPRAISAL.

"SEC. 16. That whenever an application for a mortgage loan is made to any Federal land bank it shall be first referred to the loan committee provided for in section 7 of this act. Said loan committee shall examine the land which is offered as security for the desired loan and shall make a detailed written report signed by all three members, giving the appraisal of said land as determined by them, and such other information as may be required by rules and regulations to be prescribed by the Federal farm-loan board. No loan shall be approved by the directors unless said loan committee agrees unanimously upon a favorable report.

"The written report of said loan committee shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass upon the loan application which it accompanies, but they shall not be bound by said appraisal.

"Before any mortgage loan is made by any Federal land bank or joint-stock land bank it shall refer the application and written report of the loan committee to one or more of the land-bank appraisers appointed under the authority of section 3 of this act, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable.

"Whenever any Federal land bank or joint-stock land bank shall desire to issue farm-loan bonds under the provisions of section 19 of this act, the Federal farm-loan board shall refer the application of such land bank to one or more of the special appraisers appointed under the authority of section 3 of this act. Such special appraiser or appraisers shall make such examination and appraisal of the mortgages offered as collateral security for such bonds as the Federal farm-loan board shall direct, and shall make a written report to said board. No issue of farm-loan bonds shall be authorized unless the Federal farm-loan board shall approve such issue in writing.

"Forms for appraisal reports for Federal land banks shall be prescribed by the Federal farm-loan board.

"Land-bank appraisers and special appraisers shall make such examinations and appraisals and conduct such investigations concerning farm-loan bonds and first mortgages as the Federal farm-loan board shall direct.

"No borrower under this act shall be eligible as an appraiser under this section, but borrowers may act as members of a loan committee in any case where they are not personally interested in the loan under consideration. When any member of a loan committee or of a board of directors is interested, directly or indirectly, in a loan, a majority of the board of directors shall appoint a substitute to act in his place in passing upon such loan.

"POWERS OF FEDERAL FARM-LOAN BOARD.

"SEC. 17. That the Federal farm-loan board shall have power—

"(a) To organize and charter Federal land banks and joint-stock land banks, subject to the provisions of this act.

"(b) To review and alter at its discretion the rate of interest to be charged by Federal land banks for loans made by them under the provisions of this act, said rates to be uniform so far as practicable.

"(c) To grant or refuse to Federal land banks or joint-stock land banks authority to make any specific issue of farm-loan bonds.

"(d) To make rules and regulations respecting the charges made to borrowers on loans under this act for expenses in appraisal, examining title, drawing legal papers, recording, and similar services.

"(e) To require reports and statements of condition and to make examinations of all banks doing business under the provisions of this act.

"(f) To prescribe the form and terms of farm-loan bonds, and the form, terms, and penal sums of all surety bonds required under this act and of such other surety bonds as they shall deem necessary, such surety bonds to cover financial loss as well as faithful performance of duty.

"(g) To require Federal land banks to pay forthwith to any Federal land bank their equitable proportion of any sums advance by said land bank to pay the coupons of any other land bank, basing said required payments on the amount of farm-loan bonds issued by each land bank and actually outstanding at the time of such requirement.

"(h) To exercise such incidental powers as shall be necessary or requisite to fulfill their duties and carry out the purposes of this act.

"APPLICATIONS FOR FARM-LOAN BONDS.

"SEC. 18. That any Federal land bank, or joint-stock land bank, which shall have voted to issue farm-loan bonds or joint-stock bonds under this act, shall make written application to the Federal farm-loan board, through the farm-loan registrar of the district, for approval of such issue. With said application said land bank shall tender to said farm-loan registrar as collateral security first mortgages on farm lands qualified under the provisions of section 10 or section 14 of this act, or United States Government bonds, not less in aggregate amount than the sum of the bonds proposed to be issued. Said bank shall furnish with such mortgages a schedule containing a description thereof and such other information as may be prescribed by the Federal farm-loan board.

"Upon receipt of such application said farm-loan registrar shall verify said schedule and shall transmit said application and said schedule to the Federal farm-loan board, giving such further information pertaining thereto as he may possess. The Federal farm-loan board shall forthwith cause one or more special appraisers to make such investigation and appraisement of the securities tendered as it shall deem wise, and upon receiving a report from said special appraiser or appraisers it shall grant in whole or in part, or reject entirely, such application.

"The Federal farm-loan board shall promptly transmit its decision as to any issue of farm-loan bonds to the land bank applying for the same and to the farm-loan registrar of the district. Said registrar shall furnish, in writing, such information regarding any issue of farm-loan bonds as the Federal farm-loan board may at any time require.

"ISSUE OF FARM-LOAN BONDS.

"SEC. 19. That whenever any farm-loan registrar shall receive from the Federal farm-loan board notice that it has approved any issue of farm-loan bonds under the provisions of section 18, he shall forthwith take such steps as may be necessary, in accordance with the provisions of this act, to insure the prompt execution of said bonds and the delivery of the same to the land bank applying therefor.

"Whenever the Federal farm-loan board shall reject entirely any application for an issue of farm-loan bonds the first mortgages tendered to the farm-loan registrar as collateral security therefor shall be forthwith returned to said land bank by him.

"Whenever the Federal farm-loan board shall approve an issue of farm-loan bonds, the farm-loan registrar having the custody of the first mortgages and bonds tendered as collateral security for such issue of bonds shall retain in his custody those first mortgages and bonds which are to be held as collateral security and shall return to the bank owning the same any of said mortgages and bonds which are not to be held by him as collateral security. The land bank which is to issue said farm-loan bonds shall transfer to said registrar, by assignment in trust, all first mortgages and bonds which are to be held by said registrar as collateral security, said assignment providing for the right of redemption at any time by payment as provided in this act and reserving the right of substitution of other mortgages qualified under section 10 or section 14 of this act. Said mortgages shall be deposited in such deposit vault or bank as the Federal farm-loan board shall approve, subject to the control of said registrar, and in his name as trustee for the bank issuing the farm-loan bonds and for the prospective holders of said farm-loan bonds.

"No mortgage shall be accepted by a farm-loan registrar from a Federal land bank as part of an offering to secure an issue of farm-loan bonds, either originally or by substitution, except first mortgages made subject to the conditions prescribed in said sections 10 or 14.

"It shall be the duty of each farm-loan registrar to see that the farm-loan bonds delivered by him and outstanding do not exceed the amount of collateral security pledged therefor. Such registrar may, in his discretion, temporarily accept in place of mortgages withdrawn United States Government bonds, farm-loan bonds, or cash.

"The Federal farm-loan board may, at any time, call upon any land bank for additional security to protect the bonds issued by it.

"FORM OF FARM-LOAN BONDS.

"SEC. 20. That all bonds provided for in this act shall be issued under the authority and by the direction of the Federal farm-loan board. They shall be issued in denominations of $25, $50, $100, $500, and $1,000. They shall run for specified minimum and maximum periods, subject to be paid and retired at the option of the land bank at any time after 10 years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, whose amount and term shall be fixed by the Federal farm-loan board. They shall bear a rate of interest not to exceed 5 per cent per annum.

"The Federal farm-loan board shall prescribe rules and regulations concerning the form of farm-loan bonds, and the circumstances and manner in which farm-loan bonds shall be paid and retired under the provisions of this act.

"Farm-loan bonds shall be delivered through the registrar of the district to the bank applying for the same.

"In order to furnish suitably engraved bonds for delivery to Federal land banks and joint-stock land banks, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such bonds of the denominations of $100, $500, and $1,000 as may be required to supply such land banks. Such bonds shall be in form and tenor as directed by the Federal farm-loan board under the provisions of this act and shall bear the distinctive numbers and names of the several land banks by which they are issued. They may be exchanged into registered bonds of any amount, and reexchanged into coupon bonds, at the option of the holder, under rules and regulations to be prescribed by the Federal farm-loan board.

"When such bonds have been prepared they shall be deposited in the Treasury or in the subtreasury or mint of the United States nearest the place of business of each land bank, and shall be held for the use of such bank, subject to the order of the farm-loan registrar of the district.

"The plates and dies to be procured by the Comptroller of the Currency for the printing of such bonds shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating to the preparation of such bonds and all other expenses incidental to their issue and retirement shall be paid by the land banks. The Federal farm-loan board shall levy semiannually against the respective Federal land banks and joint-stock land banks, in proportion to the issue of bonds by each, a sufficient amount to cover such expenses.

"The examination of plates, dies, bed pieces, etc., and regulations to such examination of plates, dies, etc., of national-bank notes provided for in section 5174, Revised Statutes, are hereby extended to include bonds herein provided for.

"Any appropriation heretofore made out of the general fund of the Treasury for engraving plates and dies, for the purchase of distinctive paper, or to cover any other expense in connection with the printing of paper currency, and any distinctive paper that may be on hand at the time of the passage of this act may be used in the discretion of the Secretary of the Treasury for the purposes of this act, and should the appropriations heretofore made be insufficient to meet the requirements of this act, the Secretary is hereby authorized to use so much of any funds in the Treasury not otherwise appropriated as may be required for the purpose of furnishing the bonds aforesaid, adequate reimbursement being duly made therefor under the provisions of this section.

"SPECIAL PROVISIONS OF FARM-LOAN BONDS.

"SEC. 21. That each Federal land bank shall be bound in all respects by the acts of its officers in signing and issuing farm-loan bonds, and by the acts of the Federal farm-loan board in authorizing their issue.

"Every Federal land bank issuing farm-loan bonds shall be primarily liable therefor, and shall also be liable, upon presentation of farm-loan bond coupons, for interest payments due upon any farm-loan bonds issued by other Federal land banks and remaining unpaid in consequence of the default of such other land banks; and every such bank shall likewise be liable for such portion of the principal of farm-loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed: *Provided*, That such losses, if any, either of interest or of principal, shall be assessed by the Federal farm-loan board against solvent land banks liable therefor in proportion to the amount of farm-loan bonds which each may have outstanding at the time of such assessment.

"Every farm-loan bond issued by the Federal land bank shall be signed by its president and attested by its secretary, and shall contain on the face thereof a certificate signed by the farm-loan commissioner to the effect that it is issued under the authority of the Federal farm-loan act, has the approval in form and issue of the Federal farm-loan board, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security of Government bonds, or first mortgages on farm lands, deposited with the farm-loan registrar, and that all Federal land banks, stating the approximate amount of their aggregate capital and surplus, are liable for the payment of each bond.

"APPLICATION OF AMORTIZATION AND INTEREST PAYMENTS.

"SEC. 22. That whenever any Federal land bank, or joint-stock land bank, shall receive any interest, amortization, or other payment upon any first mortgage pledged as collateral security for the issue of farm-loan bonds, it shall forthwith notify the farm-loan registrar of the items so received. Said registrar shall forthwith cause such payment to be duly credited upon the mortgage entitled to such credit. Whenever any such mortgage is paid in full, said registrar shall cause the same to be canceled and delivered to the proper land bank for transmission to the original maker thereof, or his heirs, administrators, or assigns.

"Upon written application by any Federal land bank, or joint-stock land bank, to the farm-loan registrar, it may be permitted, in the discretion of said registrar, to withdraw any mortgages or bonds pledged as collateral security under this act, and to substitute therefor other mortgages or United States Government bonds not less in amount than the mortgages or bonds desired to be withdrawn, such substituted mortgages being qualified under section 10 or section 14 of this act.

"Whenever any farm-loan bonds, or coupons or interest payments of such bonds, are due under their terms, they shall be payable at the land bank by which they were issued, in gold or lawful money, and upon payment shall be duly canceled by said bank. At the discretion of the Federal farm-loan board, payment of any farm-loan bond or coupon or interest payment may, however, be authorized to be made at any Federal land bank, any joint-stock land bank, or any other bank, under rules and regulations to be prescribed by the Federal farm-loan board.

"When any land bank shall surrender to the proper farm-loan registrar any farm-loan bonds of any series, canceled or uncanceled, said land bank shall be entitled to withdraw first mortgages and bonds pledged as collateral security for any of said series of farm-loan bonds to an amount equal to the farm-loan bonds so surrendered, and it shall be the duty of said registrar to permit and direct the delivery of such mortgages and bonds to such land bank.

"Interest payments on hypothecated first mortgages shall be at the disposal of the land bank pledging the same, and shall be available for the payment of coupons and the interest of farm-loan bonds as they become due.

"Whenever any bond matures, or the interest on any registered bond is due, or the coupon on any coupon bond matures, and the same shall be presented for payment as provided in this act, the full face value thereof shall be paid to the holder.

"Amortization or other payments on the principal of first mortgages held as collateral security for the issue of farm-loan bonds shall constitute a trust fund in the hands of the Federal land bank, or joint-stock land bank, receiving the same, and shall be applied or employed as follows:

"In the case of a Federal land bank—

"(a) To pay off farm-loan bonds issued by said bank as they mature.

"(b) To purchase farm-loan bonds issued by said bank or by any Federal land bank.

"(c) To loan on first mortgages on farm lands within the land-bank district, qualified under this act as collateral security for an issue of farm-loan bonds.

"(d) To purchase United States Government bonds.

"(e) To convert said payments into gold or lawful money.

"In the case of a joint-stock land bank—

"(a) To pay off farm-loan bonds issued by said bank as they mature.

"(b) To purchase farm-loan bonds.

"(c) To loan on first mortgages on farm lands within the State in which it has its principal office.

"(d) To purchase United States Government bonds.

"(e) To convert said payments into gold or lawful money.

"The farm-loan bonds, first mortgages, Government bonds, or gold or lawful money, constituting the trust fund aforesaid, shall be forthwith deposited with the farm-loan registrar as substituted collateral security in place of the sums paid on the principal of indorsed mortgages held by him in trust.

"Federal land banks, in the order of their applications, shall have a preference over other subscribers in purchasing the whole or any part of an issue of farm-loan bonds.

"Every Federal land bank, or joint-stock land bank, shall notify the farm-loan registrar of the disposition of all payments made on the principal of mortgages held as collateral security for an issue of farm-loan bonds, and said registrar is authorized, at his discretion, to order any of such payments, or the proceeds thereof, wherever deposited or however invested, to be immediately transferred to his account as trustee aforesaid.

"RESERVE AND DIVIDENDS OF LAND BANKS.

"SEC. 23. That every Federal land bank, and every joint-stock land bank, shall, out of its net earnings, semiannually carry to reserve account 25 per cent thereof until said reserve account shall show a credit balance equal to 20 per cent of the outstanding capital stock of said land bank. Whenever said reserve shall have been impaired, said balance of 20 per cent shall be fully restored before any dividends are paid. After said reserve has reached the sum of 20 per cent of the outstanding capital stock, 5 per cent of the net earnings shall be annually added thereto. For the period of two years from the date when any default occurs in the payment of the interest, amortization installments, or principal on any first mortgage, by both mortgagor and indorser, the amount so defaulted shall be carried to a suspense account, and at the end of the two-year period specified, unless collected, shall be debited to reserve account.

"Whenever the net earnings of any Federal land bank or joint-stock land bank, after deducing the 25 per cent or the 5 per cent hereinbefore directed to be deducted for credit to reserve account, shall amount to 2 per cent upon the face value of the capital stock of such land bank then outstanding, said land bank may, at its discretion, declare a dividend to shareholders of the whole or any part of the balance of said net earnings.

"DEFAULTED LOANS.

"SEC. 24. That if there shall be default under the terms of any indorsed first mortgage held by a Federal land bank under the provisions of this act, the agent, if any, through which said mortgage was received by said Federal land bank shall be notified of said default. Said agent shall thereupon be required, within 30 days after such notice, to make good said default, either by payment of the amount unpaid thereon in cash or by the substitution of an equal amount of farm-loan bonds issued by said land bank, with all unmatured coupons attached.

"EXEMPTION FROM TAXATION.

"SEC. 25. That every Federal land bank, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank under the provisions of section 11 of this act. First mortgages executed to Federal land banks or to joint-stock land banks and farm-loan bonds issued under the provisions of this act shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal State, municipal, and local taxation.

"INVESTMENT IN FARM-LOAN BONDS.

"SEC. 26. That farm-loan bonds issued under the provisions of this act by Federal land banks or joint-stock land banks shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits.

"Any bank of the Federal Reserve System may buy or sell farm-loan bonds issued under the authority of this act; any member bank of said system may accept time drafts against a deposit of such bonds as security; acceptances of a member bank thus made, or the direct obligations of such bank maturing within 60 days, when accompanied by farm-loan bonds as collateral security not less in face value than the amount of such direct obligation, shall be eligible for discount by the Federal reserve bank of its district.

"Section 9 of the act of June 25, 1910, entitled 'An act to establish postal savings depositaries for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes' (vol. 36, U. S. Stat. L., p. 814), shall be, and the same is hereby, amended by adding a new paragraph at the close of said section to read as follows: 'Federal farm-loan bonds authorized by the Federal farm-loan board and issued by any Federal land bank may be purchased by the trustees, in lieu of United States bonds or other securities, for the purpose of investing postal savings deposits under the provisions of this section. Whenever funds shall be withdrawn from postal savings depositaries for investment, the trustees are hereby authorized to purchase Federal farm-loan bonds in the open market or from any Federal land bank authorized to issue the same: *Provided*, That in no case shall such farm-loan bonds be purchased at more than par, nor shall more than 30 per cent of the postal savings deposits be invested at any one time in farm-loan bonds as herein provided.'

"STATE LEGISLATION.

"SEC. 27. That it shall be the duty of the farm-loan commissioner to make examination of the laws of every State of the United States and to inform the Federal farm-loan board as rapidly as may be whether in his judgment the laws of each State relating to the conveying and recording of land titles, and the foreclosing of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemptions as respects first mortgages, are such as to assure the holder thereof adequate safeguards against loss in the event of default on loans secured by any such mortgages.

"Pending the making of such examination in the case of any State, the Federal farm-loan board may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of farm-loan bonds; and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this act, the said Federal farm-loan board may declare said first mortgages on land situated in such State ineligible during the continuance of the laws in question. In making his examination of the laws of the several States and forming his conclusions thereon said farm-loan commissioner may call upon the office of the Attorney General of the United States for any needed legal advice or assistance, or may employ special counsel in any State where he considers such action necessary.

"At the request of the executive of any State the Federal farm-loan board shall prepare a statement setting forth in what respects the requirements of said board can not be complied with under the existing laws of such State.

"EXAMINATIONS.

"SEC. 28. That the Federal farm-loan board shall appoint as many land-bank examiners as in its judgment may be required to make careful examinations of the banks permitted to do business under this act.

"Said examiners shall be subject to the same requirements, responsibilities, and penalties as are applicable to national bank examiners under the national bank act, the Federal reserve act, and other provisions of law. Said examiners shall be required to examine and report the condition of every Federal land bank and joint-stock land bank at least twice each year.

"Said examiners shall receive salaries to be fixed by the Federal farm-loan board, which shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

"PENALTIES.

"SEC. 29. That any applicant for a loan from a Federal land bank or joint-stock land bank who shall knowingly make any false statement in his application for such loan, and any member of a loan committee or any appraiser provided for in this act who shall willfully overvalue any land offered as security for loans under this act shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than $5,000, or both. Any examiner appointed under this act who shall accept a loan or gratuity from any bank examined by him, or from any person connected with any such bank in any capacity, shall be deemed guilty of a misdemeanor, and shall be imprisoned not exceeding one year or fined not more than $5,000, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this act. No examiner shall perform any other service for compensation while holding such office, for any bank or banking or loan association, or for any person connected therewith in any capacity.

"Any person who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any bond, coupon, or paper in imitation of, or purporting to be in imitation of, the bonds or coupons issued by any bank or association, now or hereafter authorized and acting under the laws of the United States; or any person who shall pass, utter, or publish, or attempt to pass, utter, or publish any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by any such bank or association, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering any such bond, coupon, or paper, or shall pass, utter, or publish as true any falsely altered or spurious bond, coupon, or paper issued, or purporting to have been issued, by any such bank or association, knowing the same to be falsely altered or spurious, shall be deemed guilty of a misdemeanor and shall be fined not exceeding $5,000 or imprisoned not exceeding five years, or both.

"Other than the usual salary or director's fee paid to any officer, director, or employee of a Federal land bank or a joint-stock land bank, and other than a reasonable fee paid by such bank to any officer, director, or employee for services rendered, no officer, director, attorney, or employee of any bank organized under this act shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such bank. No bank organized under this act shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized. No examiner, public or private, shall disclose the names of borrowers to other than the proper officers of a Federal land bank without first having obtained express permission in writing from the farm-loan commissioner or from the board of directors of such bank, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress or of either House duly authorized. Any person violating any provision of this paragraph shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both.

"Any person connected in any capacity with any Federal land bank, or joint-stock land bank, who embezzles, abstracts, or willfully misapplies any moneys, funds, or credits, or who without authority from the directors draws any order, assigns any note, bond, draft, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such land bank with intent in either case to defraud such institution or any other company, body politic or corporate, or any individual person, or to deceive any officer of a land bank or any agent appointed to examine into the affairs of any such bank, and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding $5,000 or imprisoned not exceeding five years, or both.

"Any person who shall receive, defraud, or impose upon, or who shall attempt to deceive, defraud, or impose upon, any person, firm, or corporation by making any false pretense or representation regarding the character, issue, security, or terms of any farm-loan bond, or coupon, issued under the terms of this act; or by falsely pretending or representing that any farm-loan bond, or coupon, issued under the terms of this act by one class of land banks is a farm-loan bond, or coupon, issued by another class of banks; or by falsely pretending or representing that any farm-loan bond, or coupon, issued under the terms of this act, or anything contained in said farm-loan bond, or coupon, is anything other than, or different from, what it purports to be on the face of said bond, or coupon, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding $5,000 or imprisoned not exceeding five years, or both.

"GOVERNMENT DEPOSITS.

"SEC. 30. That the Secretary of the Treasury is authorized and directed, upon the request of the Federal farm-loan board, to make advances or deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such advance or deposit, bearing interest at the rate of 2 per cent per annum, to be secured by farm-loan bonds or other collateral to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the direction of the Federal farm-loan board. The aggregate of all sums so advanced or deposited by the Secretary of the Treasury in any fiscal year shall not exceed the sum of $6,000,000 at any one time.

"DISSOLUTION AND APPOINTMENT OF RECEIVERS.

"SEC. 31. Upon default of any obligations by any Federal land bank or any joint-stock land bank, said bank may be declared insolvent and placed in the hands of a receiver, to be appointed by the Federal farm-loan board. Such receiver, under the direction of the Federal farm-loan board, shall take possession of the books, records, and assets of every description of said bank, collect all debts, dues, and claims belonging to it, and with the approval of the Federal farm-loan board, or upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like approval or order, may sell all the real and personal property of such association on such terms as the Federal farm-loan board or said court shall direct. Such receiver shall pay over all money so collected to the Treasurer of the United States, subject to the order of the Federal farm-loan board, and also make report to said board of all his acts and proceedings.

"Whenever the capital stock of a Federal land bank shall be reduced the board of directors shall cause to be executed a certificate to the Federal loan board showing such reduction of capital stock, and if said reduction shall be due to the insolvency of a farm-loan association, the amount repaid to such association.

"No Federal land bank or joint stock land bank shall be dissolved without the written consent of the Federal farm-loan board.

"ORGANIZATION EXPENSES.

"SEC. 32. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Federal farm-loan board, for the purpose of carrying into effect the provisions of this act.

"LIMITATION OF COURT DECISIONS.

"SEC. 33. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

"REPEALING CLAUSE.

"SEC. 34. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved.

"Amend the title so as to read: 'A bill to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.'"

The VICE PRESIDENT. The question is on the substitute of the Senator from South Dakota.

Mr. CURTIS. Mr. President, when this bill was agreed upon by the committee I sent a number of them and copies of the bill introduced by the Senator from North Dakota [Mr. GRONNA] and a House bill to various organizations in the State of Kansas. At that time I thought the Gronna bill would be offered as a substitute for this measure; and I asked the heads of these organizations if they would not comment upon the two bills and write me what they thought of them. I stated in the letter that as this measure had been agreed upon by the committee and was indorsed by the majority, it would likely pass.

I have here a letter from one of the leading farmers of the fourth Kansas district, in which he analyzes this measure, and I should like to have it read in my time. After it is read, I want to submit a few remarks.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Secretary read as follows:

ONAGA, KANS., *March 25, 1916.*

Hon. CHARLES CURTIS,
Washington, D. C.

MY DEAR SENATOR: Under date of February 18 you wrote me asking the farmers' view on rural credits bill recommended by the Joint Committee on Rural Credits. You will pardon my delay in responding thereto, but I desired to give the matter careful consideration before submitting an opinion, and, if possible, ascertain from farmers themselves their consensus of the measure proposed. I feel that I can now give you the general view of the Kansas farmer.

The Kansas farmer has very little trouble to-day in securing real estate loans on improved land, or on land in cultivation upon which improvements are to be made, for a period of five years or longer, to the amount of 50 per cent of the value of the land, at 6 per cent interest. Fully half of these loans are made by loan agents and the other half by trust companies, banks, and private persons. The loan agents and trust companies obtain their money at 5 per cent. They sell the loans in the East so that the purchaser realizes 5 per cent interest on his money, and they thus make 1 per cent profit, less their expense, in securing and writing the business. It is apparent, therefore, that the Kansas farmer is securing money at a fair rate of interest.

Under the proposed measure loans will be made to actual tillers of the soil for 50 per cent of the value of the land, at 5 per cent interest, no loan to exceed the sum of $10,000, or for a longer time than 36 years, said loans to become due in case the land is sold by the mortgagor.

The first criticism of this bill is the complicated machinery for putting same into effect.

1. The appointment of a Federal farm-loan board of five members, with a staff of assistants and clerks.
2. The appointment of a registrar.
3. The creation of 12 Federal land banks, with directors, attorneys, appraisers, stockholders, and a corps of employees.
4. The creation of national farm-loan associations of two kinds.
5. The organization of joint-stock land banks.

It is difficult to determine just how many persons will be required to start the system, but that it will require the services, in whole or in part, of a great number is clear. This will require the expenditure of a large sum of money, and after the system is started the expense of operation will be large.

The second objection is that the system is founded upon the idea of profit. The Federal land bank and the joint-stock land bank are to have paid-up capital stock. This stock is to be subscribed by persons, firms, corporations, by the United States, and by national farm-loan associations. The stock of any one or all of these banks might be held by capitalists. Every subscriber, except the national farm-loan associations, will purchase such stock as an investment, and the incentive to every investment is profit.

If the object of this legislation is to provide funds which are to be loaned to farmers at the lowest rates of interest, then, why should it be founded upon the idea of profit? While we do not think it would happen, however, it is possible that the stock of these banks might be controlled by a very few persons.

There is no good reason why our Government should build up a system of dividend-paying financial institutions in order to supply money to the agricultural interests of the country. If the primary object is the issuing of bonds secured by farm mortgages, then the bank idea should be eliminated.

Now, if banks are necessary in conducting this business, why should the number be limited to 12? It would seem that certain financial centers of the country are to be favored once more, as in the case of the Federal reserve banks.

Any view of this measure looks toward the exploitation of the borrower in the interest of the investor. The bill does not seek to give the borrower the lowest rate obtainable. If money can be obtained on 4 per cent bonds, then it should be loaned to the borrower at 4 per cent plus the expense of handling the business and a slight charge to cover possible losses or depreciation in values. The bill contemplates loaning the money, raised by the sale of 4 per cent bonds, to the borrower at 5 per cent interest. This will give the bank making the loan a profit of 1 per cent, less expenses. The loans are to run from 5 to 36 years, which means that 5 per cent to 36 per cent of the loan will go to the bank making the loan during the period of time.

There is no provision made for distribution of surplus in case the bonds should sell at a premium, which is very probable. Under the bill such premium would be the property of the bank issuing the bonds and could be paid out in dividends.

The farm-mortgage indebtedness of the United States is more than seven and one-half billions of dollars. If this legislation is to be of any benefit to the farmer he must have the privilege of refunding his outstanding mortgage indebtedness, should he desire to do so, and he will desire to do so where he is now paying more than 5 per cent interest. That being the case, it is fair to assume that seven billions of the present mortgage indebtedness will be rewritten within a year after the bill becomes a law, if the money is available. It is very doubtful whether so much money can be raised by the sale of 4 per cent bonds, but that is a fair estimate of the amount which will be required to meet the demand. The profit to the banks on that amount would be $7,000,000 annually. Assuming that there will be 36 banks, with a combined capital of twenty-four millions, and assuming that the business can be handled for one-half of 1 per cent, which is about the cost at the present time, these banks could set aside 12 per cent on their capitalization the first year. If the new business amounts to one billion a year, which is a fair assumption, at the end of five years these banks would be making over 35 per cent. This is manifestly unfair to the borrower, when the paramount purpose of this bill is to furnish money at a low rate. The Government of the United States, which is conducted for the benefit of all the people, should not lend aid to the creation of any financial institution or system which will grow fat on the earnings of the people as a whole. A proposition very similar to this caused trouble in 1836.

As has been said, half of the real estate loans made to-day are successfully made without the assistance of a bank, except to cash the checks. Surely, then, a system can be devised whereby bonds secured by real estate mortgages can be placed on the market and the proceeds loaned without the establishment of dividend-paying financial institutions, where the profits go not to the borrowers but to private investors.

This is the age of cooperation. The producer is learning that the secret of success is to cooperate with those similarly engaged. The most successful cooperative organizations are those where the profits of the business are distributed among the patrons according to the patronage of each. The profits under this bill should be distributed to the borrowers according to the amount of money loaned.

The bill, then, should provide for the issue and sale of bonds, without the aid of joint-stock companies, by associations composed of borrowers, and the profits should be distributed among the members.

There are other objections to the bill, but as these are the leading ones, I shall omit the others. Trusting that this may be of some benefit to you, and assuring you that I shall be pleased to furnish what information I may have at any time, I am,

Yours, truly,

CHESTER A. LEINBACH.

Mr. CURTIS. Mr. President, it is not my intention to comment upon this letter nor to detain the Senate very long in a discussion of this measure. Upon two different occasions I have pointed out objections to the measure. One is that I think it provides for too many offices. In fact, I doubt if anyone now knows how many it will require. The reserve bank system now employs, with only 12 banks, 593 persons, and I judge that this measure will require many more than that number.

I believe it is top-heavy, and I doubt very much if there are many farmers in the State of Kansas who will take advantage of the provisions of the act. I doubt if it will be of any benefit to them.

I doubt if you will get 10 or more farmers in Kansas or in other parts of the country to organize and become responsible for each other's mortgages and the obligations of the association provided for in the act. I doubt that very much. But, in my judgment, if the bill does them no good, it will do them no harm. There may be some sections of the country where the bill will do some good, and because I believe it is a step in the right direction it is my intention to vote for the bill upon its final passage. In the meantime, I shall vote for the substitute offered by the Senator from North Dakota [Mr. GRONNA].

I may say in this connection that I have received several letters from farmer organizations, or, rather, from heads of organizations, who have studied these measures very carefully, and every one who expressed a preference, expressed a preference for the Gronna bill with the exception, I think, of one or two, who favored the House bill, which I think is known as the Morgan bill.

I do not believe we are justified in building up a great organization here and providing for 12 banks in different sections of the country, with a corps of officers of all kinds to be paid large salaries. I believe if we want to help the farmers we should provide for an organization or an association and have the loans made in the simplest way and with just as little expense as possible. As was said by the writer of the letter which was read, these associations should not be organized for profit. If we are going to help the farmers, we ought to help them by making the loans through associations which will not be so expensive as to be burdensome.

Mr. GRONNA. Mr. President——

Mr. CURTIS. I yield to the Senator from North Dakota.

Mr. GRONNA. I do not know whether I misunderstood the letter when it was read, but I understood the writer to say that the rates to the farmers are going to be 5 per cent and that the rates on the bonds would be 4 per cent. I wish to say to the Senator from Kansas that the pending bill—the Hollis bill—provides for a maximum of 5 per cent on bonds and 1 per cent more to the farmer, which, of course, would be 6 per cent.

Mr. CURTIS. I understand that, and in that regard, of course, the writer was mistaken. I wished to say this much before the final vote is taken. I shall vote for the measure not because I believe it is going to do our farmers in Kansas any good in its present shape, but it can do them no harm, and it may do good elsewhere, and in the course of time defects may be discovered in the measure and a future Congress can and will remedy those defects.

Mr. CLAPP. Mr. President, at the proper time I shall offer, in behalf of the senior Senator from North Dakota [Mr. MCCUMBER], a substitute. He is necessarily absent from the Senate. I may say in passing that it will be a pleasure to offer this substitute. If we are unable to substitute either this or the so-called Gronna substitute, I shall vote for the pending bill, although I regret some of its features. It does seem to me that every time we undertake a movement of this kind instead of starting back to the party who is to be benefited we start with a great top-heavy organization here in the city of Washington.

I shall not take the time of the Senate at this late hour to discuss the merit of farm credits. I believe that we are coming to recognize in this country that farm credits require a different system of handling than do commercial credits.

Nor am I at all deterred in supporting either of these measures by the charge that they are along the line of paternalism or constitute class legislation. Nearly all our legislation in the first instance benefits some particular class. We justify such legislation upon the broad ground that in the last analysis the entire public receives the benefit of it. Those who have received directly and at first hand the benefits of such legislation along former lines may as well recognize at one time as another that you can not pass legislation where the direct benefit is first hand to a particular class without sooner or later meeting the proposition that such legislation will be advanced all along the line of our activities.

The pending bill is at least a recognition that farm credits do require a different system of handling than ordinary commercial credits. I have received some requests to vote against the pending bill, but I shall vote for it upon the principle that it is the recognition that farm credits do require a different system of handling, and if we can once get that principle enacted into legislation I have no doubt that whatever imperfections or disappointments may be disclosed in connection with the pending bill will be later corrected.

I will not go over the McCumber substitute. He has twice discussed it at length in the Senate. It is simply a plain proposition to take the agencies that are already in existence all over the country and, instead of establishing additional agencies in every town and village, to use the agencies that are already there and through those agencies make the loans at a rate of 4½ per cent, the Government taking the mortgages and issuing debentures upon them at the rate of 4 per cent. Under this plan there is no question of taxation. The mortgages will belong to the Government and the debentures will be issued by the Government, and naturally, of course, both mortgages and debentures would be free from any taxation.

The plan is a plain one, a simple one, and I believe it is a workable plan. Instead of starting in with a great top-heavy organization, as the pending bill does, it utilizes those organizations and those instrumentalities which are already in operation.

As soon as the pending substitute of the junior Senator from North Dakota [Mr. GRONNA] is disposed of I shall offer the substitute proposed by the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. JONES. Mr. President, I wish to offer an amendment in the nature of a proviso at the close of paragraph 7, on page 32, of the bill.

The VICE PRESIDENT. It will be stated.

Mr. HOLLIS. Mr. President, a point of order. I think the Senator from North Dakota [Mr. GRONNA] has already an amendment pending.

The VICE PRESIDENT. The original text can be perfected before the question is put on the substitute. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 32, line 18, after the word "appraisal" and before the period, insert a colon and the following proviso:

Provided, That whenever a loan is desired for improving land in such a manner as to enhance the value of the land itself as distinguished from increase in value due to the erection of buildings or other similar improvements, and delivery of money to be loaned is not desired until the completion of such improvement, and the application so states and fully describes the proposed improvement, the appraisal shall state the value which such land will have when so improved, and the loan may equal one-half of such valuation, but the loan so made shall not be forwarded by the land bank for delivery until the loan committee appraising such land reports to it that such improvement has been made and that the value of the land as so improved equals the appraised valuation, and if such report be not received within six months after the date of making the loan and notice thereof to the applicant, or such further time as the land bank in its discretion may allow, such loan shall be canceled and the mortgage given to secure it shall be satisfied on payment of the accrued interest. An applicant may apply for a loan to improve land, the loan to be delivered on the completion of the proposed improvement, and at the same time make a separate application on other land for a loan to be delivered immediately.

Mr. JONES. Mr. President, this amendment was suggested by one of my constituents. It takes into consideration a particular situation which he has in mind, but the amendment applies to another situation that is especially applicable to the West.

In the irrigated sections the lands that are to be irrigated are in such a condition that, before they can be put into crop, they require the expenditure of a considerable sum of money to get them levelled, to get the ditches built, and to get them in proper shape. This cost ranges from ten to fifteen, twenty-five, thirty-five dollars, or more, an acre. The particular situation that this gentleman has in mind is where lands have been logged off. It costs a great deal then to get the land clear of stumps, so that it may be cultivated. This amendment, therefore, is intended to cover a situation like the one described; and, in my judgment, it is very important, not only to all the logged-off sections, but to practically every irrigated section throughout the West.

As I understand, under the bill the appraisement is made, if the land is not actually under cultivation, upon the basis of the condition of the land when the application is submitted. Wherever the land is improved by leveling and getting it in proper shape under irrigation projects for the planting of crops, it is worth just the amount, at least, that has been expended to get it in shape more than it is in the raw state. As I say, that cost runs from ten, fifteen, twenty, twenty-five, thirty, or forty dollars an acre. So, with reference to the land that has been cut for the timber, that land is increased in value by clearing away the stumps, practically what it costs to clear the stumps away; and that may be as high as $100 an acre, if the man has to clear it himself, a small tract at a time; but, if it is possible for a man who owns, say 40 acres of this logged-off land, to let a contract, by which a person who is accustomed to do this work can take the whole 40-acre tract, he can get it done for probably $25 an acre.

The purpose of this amendment is to give the man who wants to get a loan, the benefit of the value of the land that has been thus improved and put into shape for cultivation. Under the amendment the money will not be advanced until the improvement is actually made and completed. So if the land is

not cleared of stumps or leveled or put in shape, the loan is not made.

I think that is a very important provision and a very wise one. I think it would accomplish a great deal of good. I doubt myself if any particular use of this bill will be made in my State unless something of this kind is put into it. Unless that be done, I doubt if very much use of it will be made in the different irrigated sections of the country where this rural-credit legislation is really needed by the men who are trying to make homes in that desert country.

So, I hope, Mr. President, that the chairman of the committee will not make an objection to this amendment.

Mr. HOLLIS. Mr. President, the purpose of this bill is to enable farmers to borrow money on land as it exists. The proposed amendment is to permit the land bank to make a contract that it will loan a certain amount of money as the land may exist at some future time. I do not think that will do any particular harm, but we must depend for the money that we are to loan farmers on the money that we can borrow from the investors in farm-loan bonds; and I fear that those investors would look with apprehension on any plan that bound a land bank to loan a certain amount of money on a tract of land as it might exist at some future time.

Mr. JONES. Mr. President, I want to call the Senator's attention to the fact that the loan will not actually be made until the land has been put in the condition contemplated, so that it is in practical effect the same as if the loan were made upon the land in its improved condition.

Mr. HOLLIS. It seems to me that every practicable end will be reached under the bill as it is. It is perfectly easy to go to a land bank, just as a man goes to the savings bank now, to see if he can borrow a certain amount of money if he buys a certain farm. If the land bank thinks that the land under consideration is going to be worth that amount of money when the work has been done, it will undoubtedly give him assurance; but I do not, however, think this matter is very important. I do not feel that I ought to accept the amendment; but my feelings will not be injured if the Senate should adopt it.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. JONES]. [Putting the question.] The "noes" seem to have it.

Mr. JONES. I ask for a division, Mr. President.

The VICE PRESIDENT. All in favor of the amendment will rise and stand until they are counted. [A pause.] Those opposed will rise. [A pause.] The amendment is rejected.

Mr. SMOOT. Mr. President, I have here a letter from the Secretary of the National Civil Service Reform League, of New York. It is in relation to the amendment which was offered by the Senator from Nebraska [Mr. NORRIS] proposing to strike out the part of section 3 beginning on line 21, page 5. It is the provision that all attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars and appraisers of the Federal farm-loan board shall be appointed without complying with the requirements of the civil-service law. I shall not take the time to read the letter, but I ask that it be printed in the RECORD, without reading.

The VICE PRESIDENT. It is so ordered in the absence of objection. The Chair hears none.

The letter referred to is as follows:

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York, May 3, 1916.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR SMOOT: On behalf of the National Civil Service Reform League I earnestly urge that section 3 (page 5, lines 21 and following) of the pending rural-credits bill (S. 2986, Calendar No. 135) be eliminated.

This is the section which provides that all "attorneys, experts, assistants, clerks, laborers, and all other employees, and all registrars and appraisers" of the Federal farm-loan board shall be appointed without complying with the requirements of the civil-service law.

The bill specifically provides that these subordinate places are all to be treated, initially at least, as unclassified offices. The effect is only to subject the administration of the new act to the most serious menace possible, namely, the influences of partisan politics in the entire organization of the subordinates of the board. It will be impossible to keep these influences out if the places are in the unclassified service. Everyone knows this to be true. The adoption of the amendment, in other words, will expose the new rural-credits system of the country to the corrupting and extravagant influences of the spoils system. Nothing could be more surely fatal to the success of the new system than this result. On its merits and aside from its character as a rider it is neither necessary nor in the slightest degree excusable. No more serious menace to the new rural-credits system, for example, could be imagined than that its administration be tainted with politics, and no surer way could be found to make that menace real than by opening the entire subordinate force to partisan appointments, as the rider in the rural-credits bill does.

For the great majority, if not in fact for all, of the places not the slightest difficulty will be encountered in securing efficient men of practical experience without political ties and obligations through examinations conducted by the Civil Service Commission with the aid of the experts which it can employ. If any exceptions are necessary, it would be within the President's power to make such exceptions by Executive order under the civil-service law. This power to classify offices or put them in the unclassified service should be left to the President, as has been the practice under the civil-service law for 36 years.

In explaining the presence of this outrageous spoils item in the bill, Senator HOLLIS referred to the exemption of the employees of the Federal Reserve Board. It is true that these employees were exempted by act of Congress without just cause. The best answer in favor of the elimination of such spoils provisions is the statement of Senator HOLLIS that the Federal Reserve Board is using the machinery of the Civil Service Commission to secure a great many of its employees. The Federal Reserve Board needed the protection of the civil-service law against the pressure of spoilsmen.

It is further contended by the advocates of the rider that competitive examinations would mean a delay for years in the organization of the new rural-credits system. Such a statement is not supported by the facts, inasmuch as the Civil Service Commission is holding examinations to secure highly technical eligibles for many of the great departments. The staff for the railway valuation work in the Interstate Commerce Commission were all obtained as the result of competitive examinations conducted by the Civil Service Commission. Such an explanation on the part of the Senator in charge of the bill can not possibly support the exemption of every single employee of the Federal farm-loan board including "clerks, laborers, and other employees."

For these reasons, the league, therefore, urges that if an opportunity is given you register your opposition to this dangerous provision and vote against its adoption by the Senate.

Very truly, yours,
GEORGE T. KETES, *Secretary.*

Mr. STERLING. Mr. President, I should like to ask the Senator from New Hampshire if there has been any change in the first paragraph of section 17 of the bill?

Mr. HOLLIS. I will say, in reply to the Senator, that I find the only change has been to strike out the word "some," in line 12 of that section.

Mr. STERLING. I should like to call the attention of the Senator to the peculiar language of that paragraph of the section. It reads as follows:

SEC. 17. That whenever, after this act shall have been in effect one year, it shall appear to the Federal farm-loan board that national farm-loan associations have not been formed, and are not likely to be formed, in any locality, because of peculiar local conditions, said board may, in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board.

I call the Senator's attention to the words "after this act shall have been in effect one year." Of course the effect of that would be to prevent any would-be borrower from securing a loan from a Federal land bank during that year unless there was formed a national farm-loan association.

Mr. HOLLIS. That is exactly the purpose of the language; that is precisely the intention.

Mr. STERLING. Well, does the Senator think that is a wholesome and wise provision?

Mr. HOLLIS. Certainly; otherwise they would not organize and we should not secure the cooperative features requiring the assistance of the farmers to the farm-loan association. They would all do it through land banks, and we should miss the important features of the bill which we had in mind when we chartered them.

Mr. STERLING. There may be peculiar conditions in a given locality which will prevent the organization during the first year. You ought to provide every man where there is no farm-loan association the opportunity to apply for a loan during that time.

Mr. HOLLIS. Yes; that is it. We shall have one year to find out.

Mr. STERLING. I move to strike out the words "after this act shall have been in effect one year."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was rejected.

Mr. THOMPSON. Mr. President, I desire to offer a slight amendment in line 3 on page 30, which I think the Senator from New Hampshire will be glad to accept. I have received a large number of letters from farmers and others interested in the passage of this bill, who feel that they should have the right, or at least the option, to make payments annually as well as semiannually. I move as an amendment, after the word "semiannual," in line 3, on page 30, to insert the words "or annual." I think the Senator from New Hampshire will accept that amendment.

Mr. SMOOT. If that is what the Senator desires to reach, why not strike out the word "semiannual" and insert the word "annual"?

Mr. THOMPSON. I think it is proper to give the option of paying either semiannually or annually; that is all.

Mr. HOLLIS. I do not think the purpose will be clearly expressed unless both "semiannual" and "annual" are inserted. That will give the option. In some parts of the country the payments could be made semiannually and in other parts they could be made annually. So far as I am concerned, I am willing to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. JONES. Mr. President, I have a letter from the commissioner of the Washington State Grange, representing the department of rural credits and national marketing, with reference to this bill, in which he points out some features to which those for whom he speaks are very much opposed, stating that they do not think it will bring very much relief, but that he has been advised by different Representatives that the committee bill is the only one that stands any chance of passage. Taking that view of it in this letter, he urges that the bill be amended in certain particulars. One is to strike out all of sections 7, 8, 9, 10, and 11 and insert in lieu section 12 of what he calls the Morgan bill. As I understand the amendment of the Senator from South Dakota [Mr. STERLING], it does that, and so I shall not offer that amendment. Furthermore, I am satisfied that it would be useless to offer the amendment anyhow, because I can see that the Senator from New Hampshire could not very well accept it, and, with his opposition, it would stand no chance of passage.

I want to call the attention of the Senator from New Hampshire also to another suggestion or two which this gentleman makes, and ask the Senator whether or not the committee has considered these propositions. He suggests that paragraph 3 of section 12 be stricken out, and that there be inserted the words "Every such mortgage shall run for a period of at least 5 years and not exceeding 60 years."

Mr. HOLLIS. I am perfectly willing to accept that.

Mr. JONES. If the Senator is willing to accept it, I offer the amendment, namely, in section 12, to strike out paragraph 3 and insert——

Mr. HOLLIS. It will be sufficient to strike out the word "thirty-six," in line 8, and insert "sixty."

Mr. JONES. Very well; that will cover it, and I offer that amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 30, line 8, it is proposed to strike out "thirty-six" and insert "sixty."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JONES. The gentleman referred to also suggests in section 12, that paragraph 5 be stricken out, and that there be inserted in lieu the following. I will read it to the Senator and ask what he things of it:

The rate of interest charged for such loans shall not exceed 5 per cent per annum, of which one-half of 1 per cent shall apply as amortization payment, and one-half of 1 per cent shall be used for administration expense.

Mr. HOLLIS. Mr. President, I can not accept that amendment. The section has already been amended by inserting the following:

No loan or mortgage shall be made under this act at a rate of interest exceeding 6 per cent per annum, exclusive of amortization payments.

If we can not place our farm-loan bonds at 5 per cent, then we can not loan to anybody; but we can do a great deal of good if we can loan in some sections as high as 6 per cent. I am afraid the amendment the Senator has suggested would defeat the object of the bill.

Mr. JONES. The Senator knows much more about that than I do, and I am not going to urge it further, but I desired to offer the suggestion.

I have one further amendment that I should like to see adopted. I know it is late; but I have been hoping to get to present it during the day, but, on account of the continuance of general debate, I have been unable to do so. I desire to offer now an amendment as a new section to the bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add a new section to read as follows:

SEC. —. That the Federal farm-loan board provided for herein be, and it is hereby, authorized and directed, in connection with the loaning system provided for in this act, to organize and put in operation a loaning system under and through which loans of not exceeding $5,000 may be made to any one person at not to exceed 4 per cent interest per annum and for a period of time not to exceed 20 years. Such loans shall be made only for the purpose of acquiring farm lands or city property and improving the same for residence purposes, or for improving residence property, and shall be made to such honest, industrious, temperate, economical persons as, in the judgment of said board, with the property so purchased or improved as security, will reasonably insure the repayment of such loan with interest within the time fixed. The terms of payment shall be arranged as the board may deem wise, and be such as will repay the loan with interest by the time set for the maturity of the same.

The said Federal farm-loan board is hereby authorized to make all rules and regulations necessary to carry out the foregoing provisions and not inconsistent with the provisions of this act.

For the purpose of instituting and carrying on operations under this section the sum of $5,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to continue available until used, and to be supplemented by such appropriations as Congress may from time to time make upon estimates to be submitted by said board. All repayments of loans made hereunder and all income from such loans shall constitute a loaning fund hereunder. All the provisions of this act which are applicable to the purposes of this section and not inconsistent with its provisions shall apply to the same.

Mr. JONES. Mr. President, I am not going to take the time to express my views with reference to the pending measure, further than I have already expressed them and as they have been expressed by several of the Senators who have spoken with reference to it. I am going to vote for it, in the hope that it will accomplish some good, and that it will at least inaugurate a system that can be worked out in the end to bring relief to those whom we are trying to relieve and as the best that it is possible to get now.

Rural-credit legislation has been promised in all of the political platforms, so that it is not a partisan question at all. I fear that this measure will not meet the public sentiment that led to those platform declarations. Money will not be secured as easily or as cheaply as those who have urged rural-credit legislation had hoped for nor by those who expect relief by it.

The amendment which I have proposed is in substance a bill which I introduced at the last session of Congress. When I introduced it I made a brief statement with reference to the purpose of it. At that time a very prominent Senator on the floor seemed to regard it in rather a light way, and made some rather caustic suggestions with reference to it. He seemed to think that there was nothing at all in it except paternalism and socialism, and said with reference to it:

I really think the Senator ought to amend his bill, however. There are a great many young men and young women who would like to go into the mercantile business. They have not the means to buy stock, and present prices for money and interest are too heavy a burden for them. They will have to have their experience, and they need a little Government assistance. There are a great many people who want to go into the fruit business, others into the dairy business, and I might mention half a thousand businesses which people would like to go into, but they really have not the means to start in the business. It will be experimental with them, and they do not want to take the chance of the experimentation. They want the Government to take the chance and give them an opportunity to develop the "individualism" of which the Senator speaks.

Mr. President, we have been trying this same proposition with the American Indian. We have had it in operation for the last 50 years. We furnish them plows, we furnish them farms, we try to start them in business, and every year we have to furnish the same thing over and over again. We have been trying to develop individualism in the Indian to take care of himself, and just so long as we will do that he will allow the Government to take care of him; and almost any individual, be he white or black or yellow, will do substantially the same thing.

Inasmuch as the Senator is seeking to apply our policy with reference to the American Indian to our farmers and people generally, it seems to me this bill ought to be referred to the Committee on Indian Affairs.

Mr. President, I bided my time; I felt the Senator would see the light; I was sure he would join the ranks of those who really want to help those who really need help. He has done so. I am glad to say that this Senator has proposed as a substitute for the pending measure practically the measure I then introduced—at least, a measure under which money will be taken directly from the Treasury of the United States and loaned, not to school-teachers, not to merchants, not to these thousand and one other businesses, but to the farmers. So, I am glad to have my bill now receive the indorsement of this able Senator—not only the indorsement by actually adopting the principle of it but by introducing it here in all seriousness without even having it referred to the Indian Affairs Committee and pressing it with far greater ability than I.

Mr. President, what I propose is to furnish money directly to those who need it without the intervention of an expensive and complex agency upon security that will be just as ample, in my judgment, as what you have under this bill. Under this amendment we provide for the loaning of money at not exceeding 4 per cent interest. The interest rate is fixed. There will not be any question like that raised by the Senator from Iowa [Mr. CUMMINS] with reference to the rate of interest, and the borrower getting the benefit of a low rate. It is to be not exceeding 4 per cent. It must be paid off in 20 years, and so arranged over that period as to meet the interest and make sufficient payments to cancel the obligation at the end of 20 years. The security which the Government will have will be the property that is purchased, and all of the money that is loaned must be used in the purchase of property—farm property or city property—and back of that you have the industry and character of the individual.

Some suggest, "How do you determine the character of these men?" Why, it will be determined by the agencies provided in this bill for passing upon loans. Every loaning association that will be organized under this bill can pass with reasonable cer-

tainty upon the character of any man that may apply for a loan, and the probabilities of his repaying that loan. They will know whether he is reliable or not.

I know and you know in your communities of men to whom, if you had money to loan, you would be perfectly satisfied to loan that money if you could direct what they should purchase with it; and with your knowledge of their character and industry and economy and what they can do, you would count that as a better security than to take farm lands at 50 per cent of their value. Of course the man is apt to die within a day or two after he gets the loan; that is true, but suppose he does. The Government has everything that was purchased with that money. Nothing is lost if proper supervision was exercised in the purchase. Each year that passes the principal is lessened and the amount of security increases. There might be some loss on a particular loan, but on the whole the Government would be amply secured. The sole purpose of this amendment is to get the money to people that need it, with ample security to the Government.

I know of renters in the different States of this country who are not only supporting themselves, but supporting somebody else—not only supporting their own family, but supporting some other family—off 40 or 80 or 160 acres that they have rented. In many of the sections of the Middle West a man who rents a farm gives half his crop to the landlord, and if he takes the risk and pays cash rent, he pays $5, $6, or $7 an acre cash rent. If he gets a crop he is able to pay that and get something himself. If he gets no crop he has to pay the $5, $6, $7, or $8 an acre, if it can be gotten out of him; and in many cases men have had to turn over to the landlord, in effect, every dollar in value of the crops that they have raised on their lands leased in order to discharge their rent. The landlord takes no chances. He gets his return without effort on his part, while the renter may get nothing for his labor and his family suffer from want. These men are honest; they are industrious and frugal; but it is almost impossible for a man to support his own family and some other family at the same time off of farm lands. If the Government is to help anyone these are the men to be assisted. If these men had an opportunity to get money to buy a farm, so that whenever they worked upon it the whole profit of their labor was their own and what they did not have to use for the support of their family they could use for paying the purchase price of land, we would find a great many people who are renters in this country who in a very few years would own their own farms.

So it is with laboring men in the cities. They would soon be able to own their homes. There are building and loan associations, I know, organized and doing a great deal of good. That is true. I think much greater use could be made of them than is made of them. But as we are starting upon a proposition to take the money of the United States to help some of the people of this country, I should like to see some of it used for the men who really need help.

I am not so much interested in helping the man who has a quarter-section of land or a section of land already. I am not interested in his ability to borrow five, ten, or fifteen thousand dollars upon that in order to make more or buy out his poor neighbor so much as I am interested in enabling the poor fellow who has not any land, who has not any home, to get a home. That is what I should like to do something toward accomplishing, if we could.

Mr. SUTHERLAND. Mr. President, does the Senator's amendment contemplate that money shall be loaned at 4 per cent per annum to the full purchase price of the property, and that that is the only security which shall be taken for the loan?

Mr. JONES. That and the character of the man. It contemplates that if a man wants to buy 80 acres of land, which he can get for $5,000, he will come here to the agency provided in this bill and make his showing to them. Then if they approve it and say: "This land is worth $5,000; he is getting it at a reasonable rate; he is the right kind of a man; his industry and character and economy and frugality and all that sort of thing commend him to us, and we recommend that he shall have the $5,000 to buy that 80 acres," that is what the amendment proposes to do.

Mr. SUTHERLAND. How much money does the Senator think the Government of the United States would have to invest in this enterprise to satisfy all the people in the United States who would be willing to acquire farms and city homes upon those terms?

Mr. JONES. Mr. President, we can not go beyond the amount provided in the bill—$5,000,000.

Mr. SUTHERLAND. The Senator proposes to appropriate $5,000,000?

Mr. JONES. Yes.

Mr. SUTHERLAND. And then says that other appropriations shall be made as from time to time may be found to be necessary?

Mr. JONES. Yes.

Mr. SMITH of Michigan. "First come, first served."

Mr. SUTHERLAND. I think the Senator will agree with me that the $5,000,000 would not last very long.

Mr. JONES. Well, I do not know how long it would last; but it certainly would do some good while it did last. Here we put up, for these banks, $6,000,000. How much good is that going to do? How much real, substantial good to the men that need help will the Government money do that you put up under this bill?

Mr. SUTHERLAND. I think probably that $5,000,000 would not get beyond the Members of this Senate, who would be very glad to borrow money upon those terms, pay 4 per cent, and simply use the lands that they had bought as security, and speculate themselves upon the increased valuation of the lands.

Mr. JONES. Oh, no; there would not be any speculation under this. This is to be acquired for a home, and the people of a community know whether a man is acquiring land for a home or not. Of course, if the Senator from Utah went off into the State of Washington and wanted to buy something there, he might not get a report from the loan association at that place under which he would get the money. But if he was right in his home place, where they knew that he was not going to be a candidate for the Senate or for the Presidency or for the Supreme Bench—for all of which he is well qualified—if they knew that he was going to settle down there and stay at home and live among them as one of them, they would probably not hesitate to recommend him for a loan to enable him at the end of his term, when he goes out without anything, to have $5,000 to acquire a home for his declining years. That home, with his ability and industry, would make the loan gilt-edged.

Mr. SUTHERLAND. If the Senator's amendment is adopted, I am quite sure that the Senator and myself will both write out an application for a loan very quickly after his amendment goes into the bill.

Mr. JONES. Mr. President, I will not speak for the Senator from Utah; but I do not think I would apply for the loan, because I will frankly say that I like the work in the Senate. I have seen the time, however, when I was glad to apply for a loan on substantially those terms, and I am glad to say that I got it. I am glad that I could even get a loan without any landed security, and that the man who loaned it never lost a cent, and that he did not hesitate about letting it go. It was suggested to me a moment ago that one of the greatest financiers of this country loaned a large sum of money to some individual without any security except his word; but he knew what was back of the man. He knew what was back of his word. He knew whether or not he was likely to get his money back, and he knew it much better than if somebody that he did not know had come to him with a lot of land security or other kind of security. He knew that honesty, good judgment, and industry are the best kinds of security. They never depreciate.

Mr. President, I will not say that I do not hope this amendment will be adopted; possibly it will not be; and yet the fundamental principle of this amendment—Government aid to private parties—is the fundamental principle of the pending bill, and in the several substitutes that are offered for this bill. The only difference is in the application of the principle. Adopt the principle and its application is only a matter of degree and judgment. Adopt this bill and the time will come when you will adopt my amendment and the Congress of the United States will make it a little bit easier and make it possible for men who really need help, for men who have but very little security except their character to get some help and some relief. You may laugh at this amendment, but you will vote for the principle of it in this bill.

I should like to see some encouragement given to the forming of organizations in this country similar to those abroad, under which men are able to get credit largely upon their character, with security from the neighbors who know them and who know that they can be depended upon. That is the correct system, but we are not yet ready for it here. Possibly we will work out something along those lines by and by, rather than something like this; but there is not anything of that sort in this bill.

Mr. President, I have taken more time than I intended to take. I would not have taken so much except for the interruptions, and for the very great interest I see manifested in the amendment I have proposed; and I shall submit it to the Senate without further argument.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Washington.

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. CUMMINS. Mr. President, to perfect the bill, I offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to section 29 the following proviso:

Provided, That if the farm-loan board finds and certifies as a fact that the foregoing exemption from taxation does not operate to reduce the rate of interest to the borrowers by substantially the rate of taxation from which the aforesaid property is exempted, then this section shall cease to have any force and effect.

Mr. CUMMINS. Mr. President, just a moment with regard to the amendment. I had hoped that the Senator from New Hampshire would at once accept it.

Mr. HOLLIS. I thought the Senator was sure that this exemption from taxation would not be effective. If so, there is no point to his amendment.

Mr. CUMMINS. I do not believe the Congress has any authority to pass section 29. My mind has not been changed upon that subject by the very learned arguments from the other side, to which I have listened with great interest. But the Senator from New Hampshire [Mr. HOLLIS] and the Senator from Montana [Mr. WALSH] believe that Congress has the power to make the exemptions specified in section 29. They have asserted—at least, the Senator from New Hampshire has asserted many times—that the purpose of the exemption is to make it possible for the farmer to borrow money from the land banks at a rate of interest lower than he would be able to borrow the money for if the property were subject to taxation.

This amendment takes the Senator from New Hampshire at his word; and if the effect of the exemption is to benefit the farmer, section 29 will continue in effect. If, however, it shall turn out—as I fear it will turn out—that the exemption from taxation benefits only men or institutions of great capital, and if the farmer is still compelled to pay the rate of interest which he would be required to pay if there were no exemption, then it is a plain, palpable conclusion that we ought not to exempt the property of these moneyed men from taxation.

I believe the amendment I have offered is entirely within our competency. It has been held more than once, I think, that an administrative body may be given the authority to ascertain a fact upon the existence of which the continuance of the operation of a law shall depend. If the farm-loan board is as faithful as I am sure it will be in conserving the interests of the farmers, there ought to be no apprehension of any unwise or unfounded ascertainment of the fact which I have pointed out.

I should like to know from any Senator, whether on this side or the other side of the Chamber, why the proposal should be opposed if it turns out that the borrower does not receive the benefit of the exemption which is said to be made in the section.

I hope the Senator from New Hampshire will not think that I have offered the amendment lightly. I am sincerely in favor of it. I asked the Senator from Georgia, it will be remembered, when he was speaking whether he could make any suggestion that would render it certain that the farmers shall receive the benefit of the exemption. He had no suggestion, except the general operation of unwritten financial or commercial usages. I have since that time put my mind upon it, and this is the result of my efforts to find a way in which we will make it reasonably sure, anyhow, that the intended beneficiary of this exemption shall, in fact, receive what it is intended he should have.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. If the Senator will permit me, the other day some reference was made to our constitution in the State of Ohio, and, if I may repeat very briefly, I think we have an object lesson in that State. The constitution of the State of Ohio adopted in 1851 provided that all property, real, personal, and intangible, including credits, bonds, and mortgages, should be taxed according to its true value in money and according to a uniform rule. That has remained the provision in our constitution except for a period of perhaps three or four years, during which time the constitution had been amended and the amendment remained in force. Under the amendment township bonds, county bonds, municipal bonds were exempted from taxation. Prior to that time all public funds of this character were sold and usually held by the savings banks in the New England States. During the time they were exempt from taxation most of them were bought and held in the State of Ohio by farmers and other small owners. While they could thus be held the bonds sold in Ohio for either a less rate of interest or for a very much higher premium. I have no doubt that that would be the result if these bonds here are exempted from taxation. Later the constitution was again amended and these bonds were again made taxable, and since that time nearly all of them have been held outside of the State.

The Senator may say, if that be true it is no reason why this amendment should not be incorporated in the bill. My judgment is so firm that it will benefit the farmer that I see no need for placing it in the bill, and if it is placed in it will simply be a matter for contention later on. For that reason I for one would be opposed to the amendment.

Mr. CUMMINS. Mr. President, the question propounded by the Senator from Ohio is somewhat intricate. I, of course, shall not attempt to answer it as a question; but it is plain, is it not, that the case he suggests is not parallel to the case under consideration. There——

Mr. POMERENE. I do not agree with the Senator.

Mr. CUMMINS. Allow me to answer the question, if I can. There the State of Ohio or a municipality as the borrower deals directly with the loaner of the money. It is a matter of contract between the two without any intermediary. Under this bill the farmer does not deal directly with the person who ultimately advances the money and who will control the rate of interest. The land bank is the institution which deals with the farmer through the farm-loan association. Even if it were true that ordinarily exemption from taxation does tend to increase the value of a security, and I have no doubt about that, it would be absurd to doubt it, when the farm-loan bonds are offered for investment they will be in competition with similar securities that are subject to taxation. Those who invest in the farm-loan bonds want to secure the highest rate of interest possible under the circumstances. In my judgment, therefore, the fact that farm-loan bonds are exempt from taxation will not diminish the rate of interest upon them to the extent suggested by the Senator from Ohio as to State or municipal bonds. On the other hand, those who supply the money market for these securities will get all the interest they can, and if they believe that they can secure the higher rate of interest by insisting upon it then they will receive the benefit of the exemption and not the borrower.

Mr. HOLLIS. I ask for a vote on the pending amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa [Mr. CUMMINS].

The amendment was rejected.

Mr. STERLING. I offer the following amendment.

The SECRETARY. On page 33, at the end of line 5, add the following:

Nor shall any loan be for a less sum than $200.

Mr. STERLING. Mr. President, just a word with reference to this proposed amendment——

Mr. HOLLIS. I will accept the amendment.

The amendment was agreed to.

Mr. NORRIS. I offer the following substitute——

The VICE PRESIDENT. A substitute for the bill?

Mr. NORRIS. For the bill.

The VICE PRESIDENT. It is not in order. There is a substitute pending now.

Mr. NORRIS. What is the substitute pending?

The VICE PRESIDENT. The one offered by the Senator from South Dakota [Mr. STERLING].

Mr. GRONNA. Mr. President, I move to strike out on page 44, section 18. This is the section which provides for the joint-stock land banks. I do not believe that it should be in the bill. I discussed it quite fully this afternoon, and I shall not take any further time of the Senate, but simply ask to have a vote on it.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Dakota.

Mr. NORRIS. Mr. President, briefly stated this bill provides for three kinds of securities. First we have the security of farm-loan associations that is based upon mortgages, where the liability of the individual members of the farm-loan association is unlimited. Then we have bonds issued by the farm-loan bank based upon mortgages from farm-loan associations in which their liability is limited. Then we have bonds issued by joint-stock banks which are organizations organized with private capital. It is the joint-stock land-bank provision that the Senator from North Dakota seeks to strike out of the bill by his amendment.

I realize that it is perhaps useless now at this stage to try to amend the bill, but I do believe that there ought to be only one kind of bonds issued under this law. I think if we permit the

bill to stand as it is now, with three separate and distinct kinds of bonds that are attempted to be floated under the provisions of the bill, we will have these different kinds of bonds coming into competition with each other, and the investing public will be induced by various means and in various ways to invest their money in one and against the other. The tendency of the private institutions who have organized joint-stock companies for private profit will be to try to induce the investing public to believe that the bonds of the joint-stock company are better as a matter of investment than the other bonds provided for in the bill.

I had intended to introduce an amendment similar to this, but it became apparent to me that it would be useless, although I am glad that the Senator from North Dakota has offered the amendment. It seems to me that it will strengthen this law. I do not believe there can be any doubt about it. More than that, there is no reason why, in my judgment, we should organize by Federal law a system by which we expect to furnish the farmer cheap money by a sort of mutual organization plan, and at the same time and in the same law put into it a provision that will put that very idea into competition with privately owned and privately managed institutions for the purpose of profit, which will certainly come in competition with the other methods provided for in the bill.

There is ample room now under the various State laws for private corporations and stock companies to organize and go into this business if they desire to, and I for one would not want to keep them out of the field; but Congress is trying to devise a plan here by which farmers can organize among themselves associations of borrowers for the purpose of combining their credit and getting money at as near cost as possible. Then we ought to confine our energies and our efforts, it seems to me, to that kind of a plan. As I understand it, this plan was put into the bill, as well as the two forms of farm associations, limited and unlimited, because there were certain people who advocated that we ought to pass a bill, and that the only bill we ought to pass is one that would provide for private individuals to organize for the purpose of profit organizations and corporations similar to the joint-stock provision. There were other people who said that under a certain system in Europe, where they had unlimited liability, they got cheaper money. They advocated that in these associations the liability of the farm membership should be unlimited, and thus we would have a combination of unlimited obligations that would reduce the rate of interest to the farmer and would make the bonds better and sell them at a lower figure, and give the farmer the benefit of it. There were others still who argued that the American farmer could not be induced to go into organizations where the liability of the individual member was unlimited, and that the American farmer, different from the European farmer, would not consent to become obligated for the debt of his neighbor; that he would not permit his farm to be put up as security for some other farmer's debt. Hence they advocated the system of limited liability.

Now, the committee having the bill in charge put all three of them in the measure, so that they would all be satisfied. I am going to vote for the bill whether this amendment is adopted or not, but if I had my way about it I would eliminate what the Senator from North Dakota undertakes to eliminate—the privately organized joint-stock companies—and I would likewise eliminate the unlimited liability associations by which one farmer becomes obligated for the debt of another in the same association, although I am not so particular about that. I do not believe in reality it is necessary to eliminate that, because according to my belief, if this bill goes into effect, there never will be an association organized anywhere in America where the farmers will go in under the unlimited plan. They will not consent to become liable, both individually and with their property, for the debts of somebody else; but as far as the joint-stock company is concerned, it seems to me we ought to eliminate it. If a joint-stock company method is the way to get money for the farmers, then we ought to eliminate everything else that is in the bill. There is not any reason, in my judgment, for having three methods provided for in the bill that will come into competition with each other on the money market and that, I believe, will do injury.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Dakota [Mr. GRONNA].

The amendment was rejected.

Mr. GRONNA. On page 55, line 3, I move to strike out the word "five" and to insert the word "four," so as to read:

They shall bear a rate of interest not to exceed 4 per cent per annum.

I call the attention of the Senator from New Hampshire to this amendment that I am offering.

Mr. HOLLIS. Does the Senator ask me to accept it? He knows well I can not. You can not regulate the rate of interest by passing statutes. It depends on the market. I can not accept it.

Mr. GRONNA. I ask for a vote on my amendment.

The amendment was rejected.

Mr. GRONNA. I move to strike out the word "five" and to insert the words "four and one-half," so as to read:

They shall bear a rate of interest not to exceed 4½ per cent per annum.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from North Dakota [Mr. GRONNA].

The amendment was rejected.

Mr. CLAPP. Mr. President, I offer the substitute——

The VICE PRESIDENT. There is a substitute pending. The Chair is trying to get the original amendment perfected so as to put the question on the substitute.

Mr. CLAPP. I thought the substitute had been acted upon.

The VICE PRESIDENT. Is there any further amendment to the original bill? The Chair hears none. The question now is on the substitute offered by the Senator from South Dakota [Mr. STERLING]. [Putting the question.] The "noes" seem to have it. The "noes" have it, and the amendment is rejected.

Mr. GRONNA. Mr. President, I now offer as a substitute for the bill the amendment to which I have heretofore referred, which has been ordered printed in the RECORD. I ask for a vote of the Senate upon it.

The VICE PRESIDENT. The question is on the amendment in the nature of a substitute offered by the Senator from North Dakota.

The amendment was rejected.

Mr. CLAPP. Mr. President, I offer the substitute which has been heretofore proposed by the Senator from North Dakota [Mr. MCCUMBER], and I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be printed in the RECORD.

The substitute referred to is as follows:

That there is hereby created in the Treasury Department a bureau to be known as the bureau of farm credits. Said bureau shall be presided over by an officer, who shall be designated commissioner of farm credits. The Secretary of the Treasury shall provide for sufficient clerical force to perform the duties of said bureau.

SEC. 2. That there is hereby appropriated and set aside for the use of said bureau in the manner hereinafter provided, the sum of $10,000,000, or so much thereof as may be necessary.

SEC. 3. That the said sum so provided shall be used for the purpose of purchasing notes secured by first mortgages on agricultural lands, as hereinafter provided, for stationery and clerical expenses, and such other expenses as may be incident to the business of said bureau.

SEC. 4. That every national bank and every State bank desiring to avail itself of the privileges herein provided are hereby created and declared to be agencies of the Treasury Department for the purpose of receiving from mortgagors notes and mortgages securing same, advancing the moneys to the said mortgagors and transmitting said notes and mortgages to the bureau of farm credits, and receiving in return therefor the amount advanced to the mortgagor by the said bureau.

SEC. 5. That it shall be the duty of the Secretary of the Treasury to apportion the sum hereby appropriated among the several States according to the agricultural population, importance of the agricultural productions of each States, and percentage of agricultural lands incumbered by mortgages or trust deeds, and to pay for such notes and mortgages as may be presented to the extent of the amount apportioned to any State

SEC. 6. That any owner of agricultural lands within the United States, who is living upon and farming such lands, desiring a loan under the provisions of this act, shall execute a promissory note, due in 10 years, bearing interest at the rate of 4½ per cent per annum, interest payable annually, which interest shall be evidenced by 10 coupon notes attached to said principal note, and which coupons shall also bear interest at the rate of 5 per cent per annum from the date of maturity until paid, payable annually. Said note shall also provide that the principal may be paid on any interest-paying day after the expiration of five years. Said note shall be secured by a first mortgage upon the lands so farmed by the owner and executed and recorded in the manner provided by the laws of the State in which the land is situated, for the execution and recording of mortgages on real estate. Such mortgage shall be accompanied by an application for loan, which application shall recite the purpose for which the loan is desired, the market value of the land, the value at which it was last assessed for taxation, the value and kind of buildings thereon, the number of acres under cultivation, the character and quality of the soil, the number of acres capable of being cultivated, and such other information as may be required by the rules of the said bureau. Said application shall have attached thereto or made as a part thereof an affidavit signed by the owner and at least two neighbors who are thoroughly acquainted with land values in the vicinity, stating the market value of such lands and the market value of the particular lands to be mortgaged. Said note, mortgage, and application shall also be accompanied by an abstract of title duly certified by an abstract company, the register of deeds, or other officer authorized by the laws of the State to make and certify abstracts of lands which abstract shall show no other mortgages, judgments, delinquent taxes, or other liens of any character against the said lands, unless the purpose of the loan is to secure money to cancel such liens. Said owner shall then present to any national bank or State bank accepting the provisions of this act the said loan papers. The said abstract and papers shall be carefully examined by the president, cashier, or other officer of the bank for the purpose of ascertaining whether the title is perfect in the mortgager, whether the land is affected by any liens, who shall certify the result of his examination of the abstract, and who shall further certify what in his opinion and judgment is the actual cash selling price of the land. And no mortgage shall be accepted for a greater amount than one-half of the value of such lands, including improvements, nor in any event to an amount exceeding one-half of the actual market value thereof. The said bank may charge the borrower for its services in examining papers and abstract, and in forwarding the papers to the bureau of farm credits, a sum not exceeding 1 per cent of the amount of the mortgage. No mortgage shall be less than $300 nor more than $10,000 to one person or company, and shall be in multiples of $100. The said notes and mortgages shall not be dated at the time they are executed and presented to the bank. The said bank shall forward all the said papers to the said bureau of farm credits, which bureau shall examine the abstract, note, mortgage, and application, and if said abstract shows the land to be clear or to have no liens of greater amount than the amount desired to be loaned, and all papers properly executed, it shall remit to the bank forwarding the papers the amount of the loan, and shall date the notes and mortgage the date on which the remittance is made, from which date interest shall begin to accrue; and all coupons shall be dated to correspond with the date affixed to the principal instrument; and said bureau shall return, with the remittance, the abstract of title. Upon the receipt of the said abstract of title by the bank said bank shall require the abstract to be continued up to date of payment by said bank to the borrower, and if said abstract, after being continued, shows the land clear, the bank shall indorse over to the borrower the remittance made by the bureau of farm credits. If there are any liens upon the land, the bank, out of the remittance, shall first pay and have cancelled such liens and pay the balance to the borrower. The bank shall be held responsible for any negligence in the performance of its duties as agent of said bureau. The principal and all interest coupons shall be payable at the bank where and through which the loan is negotiated and remitted by said bank to said bureau.

SEC. 6. That whenever the bureau of farm credits shall have received such mortgages to the extent of $1,000,000 it shall issue bonds in the name of the United States payable in 20 years and bearing 4 per cent interest, payable annually, with the privilege and option of the said bureau to pay the principal at the expiration of 10 years. Said bonds shall be issued in denominations from $100 to $500 each, and the said commissioner of farm credits shall sell the said bonds for the face value thereof to any person applying therefor, preference being given to those desiring small investments. Said bonds shall not be subject to taxation by the United States, a State, or municipality. All moneys received by the said commissioner in the sale of bonds and the principal and all interest paid on said mortgages shall be covered into the said fund of $10,000,000 and used in the payment of mortgages as they may be presented, the expenses of the bureau, the interest on bonds, and payment thereof at maturity.

SEC. 7. That all mortgages shall run to the commissioner of farm credits, and said commissioner shall have all the rights and authority of a mortgagee under the laws of the State wherein such mortgage is executed.

SEC. 8. That all taxes of every kind levied by a State or municipality which may become a lien prior to said mortgage shall be paid by the mortgagor at least 30 days prior to the time such lands could be sold for delinquent taxes. Upon his failure to do so, or to pay any other lien that may attach to said lands and become superior to said mortgage, the commissioner may pay the same and the mortgage shall stand as security for such sums so paid and interest thereon at 8 per cent per annum. And said mortgage shall further provide that in default of the payment of any interest or the payment of taxes, or other superior liens, as aforesaid, the commissioner may foreclose the premises pursuant to the laws of the State in which the land is situated. All papers necessary for the foreclosure proceedings shall be prepared and premises foreclosed by the proper law officer of the bureau. In lieu of foreclosure the commissioner may sell the mortgage to any person desiring to purchase the same, without recourse, and the money so received shall be covered into said fund. Upon foreclosure, the said commissioner may transfer and assign the certificate of sale to any purchaser, and after the period of redemption has expired, may sell the lands. And any sum received therefor shall in like manner be covered into said fund.

SEC. 9. That it is the purpose of this act not only to secure and facilitate borrowing upon agricultural lands at a reasonable rate of interest, but also to afford a means for those who desire a safe investment, and so long as the said bureau shall be able to dispose of bonds at par it shall accept mortgages presented to any extent above the $10,000,000 hereby appropriated.

SEC. 10. That said bonds shall be negotiable in form, and transferable by indorsement, and may be bought and sold by Federal reserve banks under the provisions of sections 13 and 14 of the Federal reserve act, approved December 23, 1913, and may also be received as colateral for the issue of Federal reserve notes under the provisions of section 16 of said act.

SEC. 11. That the word "mortgage" shall be construed to include deeds of trust or any other instruments of security on agricultural lands.

SEC. 12. That the Secretary of the Treasury shall make all needful rules and regulations to carry out the provisions of this act.

SEC. 13. That this act shall take effect from and after its passage and approval.

The VICE PRESIDENT. The question is on the amendment, in the nature of a substitute, proposed by the Senator from Minnesota [Mr. CLAPP] for the Senator from North Dakota [Mr. MCCUMBER].

The amendment was rejected.

Mr. NORRIS. Mr. President, I reoffer the amendment which I offered awhile ago.

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert the following——

Mr. HOLLIS. Mr. President, does the Senator from Nebraska care to have the amendment read, if it may be printed in the RECORD?

Mr. NORRIS. No. It has already been printed in the RECORD. I do not care to have it read. I discussed it at considerable length the other day, but I should like to have it printed in the RECORD at this point. I do not care to have the Secretary take up the time to read it.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment referred to is as follows:

That there is hereby established in the Department of Agriculture a bureau to be called the bureau of farm loans. There shall be appointed a director of said bureau, who shall receive a salary of $6,000 per annum, and an assistant director, who shall receive a salary of $4,500 per annum. The assistant director shall perform the duties of the director of said bureau in case of the death, resignation, removal from office, or absence of the director, and he shall also perform such other duties as may be assigned to him by the Secretary of Agriculture, by the director, or by law. There shall also be in said bureau a chief clerk and such other agents, clerks, inspectors, and employees as are provided for in this act or as may hereafter be authorized by law, or as may be authorized by the Secretary of Agriculture. The director and assistant director shall hold their respective offices for a term of 10 years and shall be removed from office during such term only for cause. The Secretary of Agriculture can remove either of said officers for a violation of law or neglect of duty, but only after a public trial upon charges duly made, of which the accused official shall have reasonable notice, and then only upon the approval in writing of the President of the United States. The director and assistant director shall be appointed by the President, by and with the advice and consent of the Senate, and in case there is a vacancy in either of said offices the appointment to fill the same shall be made for the full term.

SEC. 2. That under the rules and regulations made by the director of said bureau and approved by the Secretary of Agriculture, and in accordance with the provisions hereinafter provided, the said bureau shall make loans on farm lands located in any of the States of the Union or in the District of Columbia. Said loans shall be secured by mortgage made payable to said bureau, and shall bear interest at the rate of 4 per cent per annum, payable semiannually. No loan shall be made upon any tract of land less than 10 acres in area. Loans shall be made only for $100 or any multiple of $100 up to and including $2,000. The mortgage securing any such loan shall provide that at the end of five years one-tenth of said loan shall become due, and that thereafter one-tenth of said loan shall become due each year until the entire loan matures. Said mortgage shall also provide that whenever any interest is due, the mortgagor or his grantee shall have the right to pay the entire loan or to make a payment of $100 or any multiple thereof on the principal thereof, and upon such payment being made the interest on the amount so paid shall thereupon cease. Said mortgage shall also provide that both principal and interest shall draw interest at the rate of 6 per cent per annum from maturity.

SEC. 3. That no person shall be entitled to a loan of money from said bureau until he has made application therefor under oath upon blanks to be furnished by said bureau. Such application can be sworn to before any person authorized to administer an oath, and all postmasters and their deputies in the United States are hereby authorized to administer oaths to applicants making application for loans under this act and to administer oaths to such applicants or other persons to any other affidavits made necessary by the rules and regulations of said bureau. Whenever any oath is administered by a postmaster or deputy postmaster no charge shall be made therefor. No person shall be entitled to a loan under this act who is not of good moral character and who does not establish to the satisfaction of said bureau that he is honest and bears a good reputation in the neighborhood where he resides. No loan shall be made to any person who is not an actual resident on and engaged in the cultivation of the land offered as security: *Provided*, That where the applicant for the loan is endeavoring to secure the money for the purpose of building a house upon the land or for the purpose of making part payment upon the purchase price thereof, the bureau can waive this stipulation if convinced that it is the intention of applicant as soon as possible to reside upon the land and to cultivate the same, the intention of this act being to provide money only for persons who intend to reside upon and cultivate the land which they offer as security. No loan shall be made for more than one-half of the value of the land offered as security and only for one or more of the following purposes:

First. To make payment of part of the purchase money of the land to be mortgaged.

Second. To pay off an indebtedness already existing against said land.

Third. To build a house, barn, or other building or buildings upon said land: *Provided*, That said bureau, under proper rule and regulation, can provide that not to exceed 50 per cent of any loan may be used for the purchase of stock and farm implements. Any applicant or other person testifying falsely to any material fact in any application or other affidavit connected with any loan under this act shall, upon conviction thereof, be deemed guilty of perjury and punished accordingly.

SEC. 4. That it shall be the duty of every postmaster, deputy postmaster, or other employee or official of the Government, without fee or pay therefor, to make confidential reports to said bureau, upon request therefor, upon anything pertaining to any loan and upon the character or standing of any applicant or witness. Such postmaster, deputy postmaster, or other officer shall also, when requested by said bureau, appoint appraisers to appraise the land offered for security under the regulations of and upon the blanks furnished by said bureau.

SEC. 5. That any person applying for a loan shall furnish to said bureau an abstract of title to the land offered as security and shall pay all the necessary expenses connected with the making of said loan. Such applicant shall furnish conveyance for the appraisers appointed to fix a value upon land offered for the loan, or shall pay for the transportation of said appraisers to and from said land, and if required by said appraisers he shall pay a fee to each of them, not exceeding two in all, which fee shall be ascertained in advance and fixed by the official appointing said appraisers. It shall be the duty of said bureau and the officials appointing said appraisers to select efficient, qualified, and unbiased persons, but, at the same time, to regulate any fee that they may charge for such service so as to make the same as small as possible. Said appraisers shall make return upon blanks provided by the bureau and shall swear to the same before some person qualified under this act to administer an oath.

SEC. 6. That it shall be the duty of every United States district attorney or deputy district attorney, upon request from said bureau, to examine the abstract of title to any land offered as security under this act and to make return thereof to the said bureau. It shall likewise be the duty of any district attorney or deputy district attorney when

requested by the bureau to foreclose any mortgage taken as security for a loan under this act and to prosecute the same to final judgment. All such services so rendered by an attorney connected with the Department of Justice shall be a part of his official duty and shall be rendered without pay, but said bureau shall pay in all cases the actual expenses of any such attorney in connection with such litigation.

SEC. 7. That it shall be the duty of any post-office inspector, United States marshal, deputy United States marshal, or other employee or inspector of any other department, when engaged in official business in the vicinity of any land mortgaged to said bureau, upon request of said bureau, to make a personal inspection of the same and to report thereon to said bureau. Such inspection shall be made without charge, but said bureau shall pay the actual expenses, if any, made necessary thereby. It shall likewise be the duty of any postmaster, deputy postmaster, or other governmental official residing or doing business in the vicinity of any land that has been mortgaged to said bureau, upon request of said bureau, to make a report upon said loan or as to whether the money borrowed upon said land has been expended or is being expended in accordance with the purposes for which the same was loaned, and in making any loan under this act the said bureau can withhold, under such rules and regulations as it may prescribe, any part of the same for the purpose of insuring the application of said loan to the purposes for which the same was made.

SEC. 8. That should the owner of any land mortgaged to said bureau fail or neglect to pay the interest thereon at or before the time when the same is due, or permit the taxes on the land to become delinquent, or neglect or refuse, without the consent of said bureau, to apply the money borrowed in accordance with the statements made in the application for the loan, or if he has made any false statement as to any material matter in said application, or if he neglects to properly care for the improvements on said land, or if he do any other act that materially injures the value of the security, either by overt act or by neglect and inattention, or should said land, without the consent of the bureau, cease to be farmed and cultivated, then the said bureau shall have the right, at its election and without notice, to declare the entire amount secured by said mortgage due and payable, and may take any steps necessary for the foreclosure of said mortgage and the collection of said loan, and from and after said election so made by the bureau the amount secured by said mortgage shall bear interest at the rate of 6 per cent per annum.

SEC. 9. That in making any payment of interest or payment of the principal, or part payment of the same, upon any loan made under this act the person making such payment can pay the same to any postmaster designated by said bureau, and the same shall be transmitted by said postmaster either directly to the bureau or to such Federal reserve bank as may be designated by the bureau, and such postmaster shall immediately notify the bureau of such payment and the transmission of the money so paid, and thereupon credit shall be given for the payment of such money as of the date the same was paid to the postmaster. The said bureau shall notify each person to whom a loan has been made as to the post office where payments upon his loan can be made. The bureau may make such designation by general circular or by specific notice in writing, and can designate by such notice a post office within a county or other district to which all payments within such district can be made.

SEC. 10. That the bureau shall deposit all money it receives in the Federal reserve banks provided for in the act of December 23, 1913, and in making disbursements of money it shall do so by check upon such banks. Any Federal reserve bank organized under the said Federal reserve act is hereby authorized and instructed to receive such deposits and to pay checks or drafts drawn by said bureau upon said deposits, the same as other accounts authorized to be held by said banks under said act.

SEC. 11. That the bureau shall have power to sue and to be sued, to complain and defend in any court of law or equity having jurisdiction of the subject matter in litigation. To protect any loan it may pay the taxes or any other prior lien due and unpaid against the land securing said loan, and in such case the amount paid in liquidation of such taxes or lien shall be added to and become a part of its mortgage on said real estate, and from the date of such payment shall bear interest at the rate of 6 per cent per annum. It shall have the right and authority to purchase, at sale under judgments or decrees of court rendered in foreclosure proceedings of any mortgage it owns, the land so mortgaged, but in such case it shall not bid a greater amount for such land at such sale than the amount due in such proceedings, together with costs and expenses expended in relation to said loan. In case the bureau obtains title as set forth in this section to any real estate, it shall have authority to sell the same at such price as may be for the best interests of said bureau, in the judgment of the director, and to convey title to the purchaser thereof by deed signed and acknowledged by the director. In making such sale it shall be authorized to take a return mortgage from the purchaser for part of the purchase price thereof in accordance with the provisions of this act.

SEC. 12. That in order to secure money for the purpose of making loans as hereinbefore provided the said bureau shall issue bonds which shall be the obligation both as to principal and interest of the United States. Said bonds shall be issued in denominations of $100 or any multiple thereof, and shall bear interest at the rate of 3½ per cent per annum, payable semiannually. Said bonds, together with the interest thereon, and also all notes and mortgages taken by said bureau upon farm lands, shall be entirely free from all taxation of every kind, National, State, and municipal. When in need of money for the purpose of making loans as provided in this act, the bureau shall give notice of its intention to issue bonds and invite from the public generally subscriptions to said bonds. If the amount of subscriptions shall exceed the then demand of the bureau, it shall give preference in accepting money for said bonds to those offered in the smallest amounts, the intention being to give as wide circulation and distribution to said bonds throughout the country as is possible. Said bonds shall be issued for the term of 15 years, with the privilege on the part of said bureau of paying the same upon the date of maturity of any interest payment after 10 years. After this act shall have been in active operation for one year said bureau shall have authority to change the rate of interest charged for farm loans thereafter made and to also change the rate of interest upon the bonds herein provided for thereafter issued, it being the object of this act to pay as low a rate of interest upon said bonds as will float said bonds at par and to charge as low a rate of interest upon the farm loans herein provided for as will bring in sufficient revenue to pay said bonds, the interest thereon, the expenses connected with the making of said loans, and any losses, if any, incurred therein.

SEC. 13. That it shall be unlawful for any Senator, Member of the House of Representatives, or any other official of the Government of the United States to use or attempt to use any political or other influence to induce said bureau to make or refuse to make any loan or loans. Any person found guilty of the conduct in this section prohibited shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $2,000.

SEC. 14. That it shall be unlawful for any official of any State or any officer or member of any political committee to use or attempt to use any political or other influence to induce said bureau to make or refuse to make any loan or loans. Any person found guilty of the conduct in this section prohibited shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 15. That it shall be the duty of the officials of said bureau to give publicity to any letter or communication from any of the persons named in the above two sections requesting or urging said bureau to make or to refuse to make any loan, and to give to the Department of Justice the names of any of said mentioned persons attempting to influence the action of said bureau in allowing or refusing any application for a loan, together with the evidence connected with said attempt, whether the same be in writing or otherwise.

SEC. 16. That any person who shall make any false representation to said bureau in connection with the making or the investigation of any application for a loan shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000 or be imprisoned for a term not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

Mr. NORRIS. So far as I am concerned, I am ready for a vote on the amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska.

The amendment was rejected.

Mr. LANE. Mr. President, before the bill proceeds further, in justice to myself, I wish to say that it is not so liberal as I would like to have it. It does not render it so easy for the deserving farmer to obtain money as it should. In Oregon we loan $6,000,000 of the school fund to farmers, and have had such a fund for 30 years, at 6 per cent, with the governor, the secretary of state, and the State treasurer acting as a board, under the advice of the attorney general, without the loss of one dollar of the loan. Such a Federal law would be safe, if it were administered with ordinary business acumen; but the Members of this body have not yet arrived at that conclusion, and this bill being the best that we can get under the circumstances, I am going to vote for it in the hope that it may lead to something better.

Mr. NORRIS. Mr. President, the brief remarks of the Senator from Oregon [Mr. LANE] illustrate what I tried to establish the other day, and which I tried to carry out in the substitute which I have offered. How many millions did the Senator say had been loaned of the school fund in the State of Oregon?

Mr. LANE. The loan is now $6,000,000.

Mr. NORRIS. Six million dollars belonging to the school fund. That has been loaned out to the farmers of Oregon for how many years?

Mr. LANE. For about 30 years, if my memory serves me aright.

Mr. NORRIS. That practice has been going on for about 30 years; and, as the Senator states, without the loss of a dollar. The substitute which I proposed, in effect, undertook to carry that into the Nation as it has been carried out in the State of Oregon with the exception that the rate of interest would be 4 per cent, instead of 6 per cent. In my judgment there can be no way in which cheap money can be afforded for loaning purposes to the farmers of the country unless the Government lends its credit for the purpose of floating the bonds that will be placed upon the market. Personally I can not see why the Government should not do so directly with the loans properly supervised in the same way in which the State of Oregon has done it in that State. It would not be dangerous in any respect, as I look at it, to the Government; but it would certainly bring about a reduction in the rate of interest. Unless the Government credit is loaned to any plan of this kind, it will not result in the relief that is possible to be brought about. To my mind the pending bill gives some relief of that kind. It does not do it, however, in the right way, nor does the bill go to the extent to which it ought to go.

I do not believe that it is necessary for the Government to loan its general funds for any purpose of this kind. My substitute did not provide for anything like that; but in some way the Government ought to loan its credit; and, in my judgment, it is a proper use of Government credit, and a proper instrumentality of the Government, if we can bring about a low rate of interest, that must be paid by the man who has the best security in the world and who has to pay the highest rate of interest under present conditions.

I said the other day that I doubted very much whether this bill would work satisfactorily. Other men just as honest and much more able than I think it will. I know it has been conceived and drafted in a very honest intention and with the

honest belief that it will bring relief. I sincerely trust that it will, although I feel morally certain that if it does bring some relief, it will not be to the degree that we ought to go and to the degree that we may properly go if we utilize the Government credit in the proper way.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. HOLLIS. I reserve the amendment which was submitted by the Senator from Utah [Mr. SMOOT] to the committee amendment. I want a separate vote on that amendment in the Senate.

The VICE PRESIDENT. What is the amendment?

Mr. HOLLIS. The amendment is, on page 3, line 12, where, on the motion of the Senator from Utah, the figures "$10,000" were struck out and the figures "$7,500" were inserted.

The VICE PRESIDENT. The question is on concurring in all the other amendments made as in Committee of the Whole.

The amendments made as in Committee of the Whole, with the exception of the reserved amendment, were concurred in.

The VICE PRESIDENT. The question now is on concurring in the amendment which was adopted, as in Committee of the Whole, on the motion of the Senator from Utah [Mr. SMOOT] to the amendment reported by the committee, on which the Senator from New Hampshire [Mr. HOLLIS] desires a separate vote. The amendment will be stated.

The SECRETARY. In the committee amendment, on page 3, line 12, the Senate, as in Committee of the Whole, struck out "$10,000" and inserted "$7,500."

Mr. SMOOT. On that I ask for the yeas and nays.

Mr. HOLLIS. Mr. President, those opposed to the amendment of the Senator from Utah, I understand, will vote "nay"?

The VICE PRESIDENT. Yes.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the Senator from Georgia [Mr. HARDWICK], which I transfer to the Senator from Illinois [Mr. SHERMAN], and vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). I wish to announced the necessary absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. If present and permitted to vote, my colleague would vote "yea."

Mr. FALL (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from California [Mr. WORKS] and vote "yea."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Delaware [Mr. SAULSBURY] and vote "nay."

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). I rise to announce that my colleague has just been called from the Chamber on a very important matter at one of the departments.

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS]. He is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. TOWNSEND (when his name was called). I transfer my pair with the Senator from Florida [Mr. BRYAN] to the junior Senator from Rhode Island [Mr. COLT] and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. LODGE (when the name of Mr. WEEKS was called). My colleague [Mr. WEEKS] is absent from the Chamber. If present, he would vote "yea." He is paired with the Senator from Kentucky [Mr. JAMES].

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. STONE. I thought I had arrangements made with a Senator on the other side for a mutual transfer of pairs; but I do not see him present, and as I am unable to obtain a transfer of my standing pair with the Senator from Wyoming [Mr. CLARK] I will have to withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. JAMES. I desire to withdraw my vote, as I am paired with the junior Senator from Massachusetts [Mr. WEEKS], and he has not voted.

Mr. SMITH of Georgia. I desire to announce the absence of my colleague [Mr. HARDWICK]. He is paired with the junior Senator from Kansas [Mr. CURTIS].

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 29, nays 31, as follows:

YEAS—29.

Beckham	Fall	Norris	Sterling
Borah	Gronna	Oliver	Tillman
Brady	Jones	Overman	Townsend
Brandegee	Kenyon	Page	Vardaman
Clapp	Lane	Poindexter	Wadsworth
Culberson	Lodge	Reed	
Cummins	Martine, N. J.	Smith, Mich.	
Curtis	Nelson	Smoot	

NAYS—31.

Ashurst	Johnson, Me.	Newlands	Smith, Ga.
Bankhead	Johnson, S. Dak.	Owen	Smith, S. C.
Chamberlain	Kern	Phelan	Swanson
Fletcher	La Follette	Pittman	Taggart
Gore	Lea, Tenn.	Pomerene	Thompson
Hollis	Lee, Md.	Ransdell	Underwood
Hughes	Martin, Va.	Sheppard	Williams
Husting	Myers	Simmons	

NOT VOTING—36.

Broussard	du Pont	McCumber	Smith, Ariz.
Bryan	Gallinger	McLean	Smith, Md.
Burleigh	Goff	O'Gorman	Stone
Catron	Harding	Penrose	Sutherland
Chilton	Hardwick	Robinson	Thomas
Clark, Wyo.	Hitchcock	Saulsbury	Walsh
Clarke, Ark.	James	Shafroth	Warren
Colt	Lewis	Sherman	Weeks
Dillingham	Lippitt	Shields	Works

So the amendment of Mr. SMOOT to the amendment of the committee made as in Committee of the Whole was nonconcurred in.

The amendment of the committee was concurred in.

The VICE PRESIDENT. The bill is in the Senate, and open to amendment.

Mr. STERLING. I submit the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out lines 18 and 19 on page 25; and strike out "division A" in line 20 on the same page and insert in lieu thereof the words "national farm loan"; and to strike out pages 26, 27, and down to and including the word "board," in line 10 on page 28.

Mr. STERLING. Mr. President, just a word in explanation of this amendment. The amendment relates to the two classes of farm-loan associations, the limited class and the unlimited class. If the amendment is adopted the provision will read:

That shareholders of every farm-loan association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

In other words, the amendment will provide for the limited liability of the members of the national farm-loan associations, and there will not be any distinction in liability whatsoever.

I wish to say further that I hardly think that the adoption of this amendment will affect any of the other provisions of the bill. If it does, and if the amendment should be accepted, the necessary changes could be made very readily so as to make the bill correspond with the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BRANDEGEE. Mr. President, I shall take only one minute, and it is the first minute I have taken on the floor since this bill has been under consideration.

This bill will do my section of the country no good whatever, in my opinion. There is no demand for it there. The loans are obtainable upon good farm security from the insurance

companies and the savings banks, and, in my opinion, this bill and its provisions will not be availed of at all. I would not, however, vote against the bill for that reason if I were convinced that it would be of any substantial benefit in other parts of the country; but I regard the bill as an unpractical and unconstitutional piece of legislation, and therefore I shall cast my vote against it.

As showing the extent to which the insurance companies have loaned money upon farms and the exceedingly moderate rates which they have charged, I ask permission to insert in the RECORD a short editorial from the Hartford Courant, of my State.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Editorial from the Hartford Courant of May 1, 1916.]

ABOUT FARM LOANS.

While there is agitation over Government banks to afford to farmers the opportunity to borrow on their farms it is well worth while to look over the extent and the experience of one of our great life insurance companies in this field, suggesting alike the worth of such investments and the ease with which the farmer can borrow.

The Connecticut Mutual Life Insurance Co., of this city, the first life insurance company organized under the laws of Connecticut, dating back to 1846, found that the accustomed outlets for investments in city mortgages, Government, municipal, railway, and other securities of the most desirable standard were somewhat limited; and in that year, after a thorough study of the whole situation, the company began making farm loans, and selected for its operations the choicest agricultural areas in the States of Ohio, Indiana, Illinois, Missouri, Iowa, and Nebraska, and northeastern Kansas, commonly known as the "corn belt."

From August 1, 1881, to April 26, this year, the company has made loans on farm lands and improvements in the vast sum of $128,786,021.67. There have been retired on this account, in cash payment or new loans, the sum of $95,038,811.56, leaving outstanding in force on April 26, 1916, $33,747,210.11. In the 35 years of this experience the company has acquired title to these mortgaged farm lands in a sum amounting to only sixty-three one-hundredths of 1 per cent of the principal. These farms so taken have, on the other hand, yielded to the company on sales a net profit of $68,367.61.

These loans have all run directly to the company and have been negotiated through its approved financial correspondents in the various States—men of judgment, experience, and personal integrity; men of the highest standing in their respective communities, competent and experienced in all matters relating to farm-loan securities; experts in valuations, and with personal knowledge of the character and responsibility of the borrowers. These loans have been made on the most favorable rates of interest to the thousands of borrowers, running from a minimum of 4½ per cent to a maximum of 6 per cent per annum. It is a most notable share, through this remarkable experience, that this company has had in the development and conservation of the great agricultural interests so vital to our country's prosperity.

There would seem to be little occasion for the exploitation of the scheme entitled "rural credits," with all its complications, covered in the Hollis bill, so called, pending in the Congress, or for its acceptance, with its many burdensome details, by the multitude of borrowers whose relations with this company and many others transacting a like business have been and are satisfactory in all respects.

It is a significant fact in this relation that at the close of 1914 (the figures for 1915 are not yet available) 148 American life insurance companies carried in their assets $654,650,905 loans on farms in the United States, or 39.3 per cent of their entire mortgage holdings, all of which amounted to $1,677,102,467.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. HOLLIS. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Louisiana [Mr. BROUSSARD] and will vote. I vote "yea."

Mr. HOLLIS (when Mr. CHILTON's name was called). I have been requested to announce that the senior Senator from West Virginia [Mr. CHILTON], the junior Senator from Delaware [Mr. SAULSBURY], and the junior Senator from Arkansas [Mr. ROBINSON] are absent on official business, and are all paired in favor of the bill.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK]. He has authorized me to vote on this bill, as he would vote "yea," and I intend to vote "yea." I, therefore, vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. If present and at liberty to vote, my colleague would vote "nay."

Mr. FALL (when his name was called). I announce my pair with the senior Senator from West Virginia [Mr. CHILTON], but as I am at liberty to vote upon this matter I vote "yea."

Mr. JAMES (when his name was called). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Georgia [Mr. HARDWICK] and will vote. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Delaware [Mr. SAULSBURY] and will vote. I vote "yea."

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). I again announce the unavoidable absence of my colleague [Mr. SMITH of Arizona].

Mr. STONE (when his name was called). I transfer my standing pair with the Senator from Wyoming [Mr. CLARK] to the Senator from West Virginia [Mr. CHILTON] and will vote. I vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is necessarily detained from the Senate. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE].

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS].

Mr. TILLMAN (when his name was called). Repeating the announcement I made a moment ago, I vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. MYERS (When Mr. WALSH's name was called). My colleague [Mr. WALSH] is necessarily absent. If he were present, he would vote "yea."

Mr. LODGE (when Mr. WEEKS's name was called). My colleague [Mr. WEEKS] is necessarily absent. He is paired with the senior Senator from Kentucky [Mr. JAMES]. If present, my colleague would vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last roll call, I vote "yea."

The roll call was concluded.

Mr. HOLLIS. I wish to announce that the senior Senator from Nebraska [Mr. HITCHCOCK] is paired with the junior Senator from Maine [Mr. BURLEIGH]. If the Senator from Nebraska were present, he would vote "yea."

Mr. SHAFROTH. I desire to announce that my colleague [Mr. THOMAS], who is unavoidably absent, is paired with the senior Senator from North Dakota [Mr. MCCUMBER], and that if my colleague were present he would vote "yea."

Mr. MYERS. I desire to announce the pair of my colleague [Mr. WALSH] with the Senator from Rhode Island [Mr. LIPPITT], both of whom are absent.

Mr. CURTIS. I desire to announce that the Senator from New Hampshire [Mr. GALLINGER] is paired with the Senator from New York [Mr. O'GORMAN]. I also desire to announce the absence of the Senator from Maine [Mr. BURLEIGH], who is paired with the Senator from Nebraska [Mr. HITCHCOCK]. I do not know how the Senator from Maine would vote if he were present.

The result was announced—yeas 58, nays 5, as follows:

YEAS—58.

Ashurst	Hughes	Nelson	Smith, Mich.
Bankhead	Husting	Newlands	Smith, S. C.
Beckham	James	Norris	Smoot
Borah	Johnson, Me.	Overman	Sterling
Brady	Johnson, S. Dak.	Owen	Stone
Clapp	Jones	Phelan	Swanson
Chamberlain	Kenyon	Pittman	Taggart
Culberson	Kern	Poindexter	Thompson
Cummins	La Follette	Pomerene	Tillman
Curtis	Lane	Ransdell	Townsend
Fall	Lea, Tenn.	Reed	Underwood
Fletcher	Lee, Md.	Shafroth	Vardaman
Gore	Martin, Va.	Sheppard	Williams
Gronna	Martine, N. J.	Simmons	
Hollis	Myers	Smith, Ga.	

NAYS—5.

Brandegee	Oliver	Page	Wadsworth
Lodge			

NOT VOTING—33.

Broussard	du Pont	McLean	Sutherland
Bryan	Gallinger	O'Gorman	Thomas
Burleigh	Goff	Penrose	Walsh
Catron	Harding	Robinson	Warren
Chilton	Hardwick	Saulsbury	Weeks
Clark, Wyo.	Hitchcock	Sherman	Works
Clarke, Ark.	Lewis	Shields	
Colt	Lippitt	Smith, Ariz.	
Dillingham	McCumber	Smith, Md.	

So the bill was passed.

The title was amended so as to read: "A bill to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes."

PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented a petition of sundry citizens of Rehoboth Beach, Del., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Newark, Del., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Milford, Del., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. THOMAS presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JONES presented petitions of sundry citizens of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented memorials of sundry citizens of California, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of the Friday Study Club, of Santa Barbara, and of the Woman's Club, of Carquinez, all in the State of California, praying for an investigation into conditions surrounding the marketing of dairy products, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Civic Art Commission of Berkeley, Cal., remonstrating against the proposed location of the central heating, lighting, and power plant in the District of Columbia, which was ordered to lie on the table.

Mr. TILLMAN presented a petition of sundry citizens of Salley, S. C., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Michigan, praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Fourth District Michigan Christian Endeavor Union, of Holland, Mich., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Fourth District Michigan Christian Endeavor Union, of Holland, Mich., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Orcutt Camp, No. 10, Sons of Veterans, of Kalamazoo, Mich., praying for an increase in armaments, which was ordered to lie on the table.

Mr. KERN presented a petition of the Lutheran Ministers and Teachers' Conference, of Peru, Ind., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Indianapolis, Ind., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Franklin, Ind., praying for the enactment of legislation to recognize the services of certain employees in the Canal Zone, which was referred to the Committee on Interoceanic Canals.

He also presented petitions of sundry citizens of New Albany, Ind., praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. WADSWORTH presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Jamestown, N. Y., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. SMITH of Michigan. I have a telegram from the mayor of Port Huron, Mich., which I ask may be printed in the RECORD.

There being no objection the telegram was ordered to be printed in the RECORD, as follows:

PORT HURON, MICH., *May 4, 1916.*

Hon. WILLIAM ALDEN SMITH,
Washington, D. C.:

Port Huron is a city of 22,000 and growing. It has varied industries, including elevators, large thrashing machinery plant, railroad shops, and marine interests. At present, because we have no sufficient channel, we do not benefit by large lake commerce which passes our door. We are located at the foot of Lake Huron on the greatest waterway in the world and the St. Clair River, but get no benefit. Consequently the surrounding and interior territory get no benefit. We urge your cooperation and help in securing an appropriation for the construction of an additional channel such as is recommended by engineer and shipping interests.

JOHN L. BLACK, *Mayor.*

Mr. O'GORMAN presented a petition of the Merchants' Association of New York, praying for the extension of the pneumatic-tube service of the New York City post office, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Adolph Lewisohn, of New York City, N. Y., praying for the enactment of legislation to provide a guarantee of the Philippine government bonds in connection with the proposed legislation to grant independence to the Philippine Islands, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Plattsburg, N. Y., praying for the enactment of legislation to provide an adequate standing army, which was ordered to lie on the table.

Mr. PAGE presented memorials of Industrial Grange, No. 127, Patrons of Husbandry, of Andover; of Crystal Lake Grange, No. 441, Patrons of Husbandry, of Barton; and of Mount Philo Grange, No. 329, Patrons of Husbandry, of North Ferrisburg, all in the State of Vermont, remonstrating against an increase in armaments, which were ordered to lie on the table.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BANKHEAD:

A bill (S. 5841) to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.; to the Committee on Commerce.

By Mr. DU PONT:

A bill (S. 5842) granting an increase of pension to Hetty R. Lynch; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5843) granting an increase of pension to Mary J. Yocum; to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 5844) granting a pension to Wilbur C. Gabret; and

A bill (S. 5845) granting an increase of pension to Louise P. Wasem (with accompanying papers); to the Committee on Pensions.

By Mr. BECKHAM:

A bill (S. 5846) granting a pension to James G. Rollins (with accompanying papers);

A bill (S. 5847) granting a pension to Jacob F. Allen (with accompanying papers);

A bill (S. 5848) granting an increase of pension to Cyrus B. Parrigin (with accompanying papers);

A bill (S. 5849) granting an increase of pension to John French (with accompanying papers); and

A bill (S. 5850) granting an increase of pension to William Ingram (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 5851) granting the consent of Congress to the Norfolk-Berkley Bridge Corporation, of Virginia, to construct a bridge across the Eastern Branch of the Elizabeth River in Virginia; to the Committee on Commerce.

By Mr. O'GORMAN:

A bill (S. 5852) for the relief of the Hellenic Transatlantic Steam Navigation Co. (with accompanying paper); to the Committee on Claims.

By Mr. UNDERWOOD:

A bill (S. 5853) to incorporate the Federal Council of the Churches of Christ in America; to the Committee on the Judiciary.

By Mr. SWANSON:

A bill (S. 5854) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. LODGE:

A joint resolution (S. J. Res. 128) authorizing the acceptance of the gift of the Berkshire Trout Hatchery, Berkshire County, Mass.; to the Committee on Fisheries.

GOOD ROADS.

Mr. SHAFROTH submitted an amendment intended to be proposed by him to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, which was ordered to lie on the table and be printed.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, I wish to give notice that to-morrow morning, immediately after the reading of the Journal, or as soon thereafter as I can secure the floor, I shall ask the Senate to consider the conference report on the Indian appropriation bill.

The report has been standing for something like a week, and I shall ask the Senate to dispose of it to-morrow.

GOOD ROADS.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7617, commonly known as the good-roads bill.

Mr. SMOOT. The Senator can take up that bill by motion in the morning just as well.

Mr. BANKHEAD. I will lay it aside at once.

Mr. SMOOT. With that understanding, I have no objection.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. BANKHEAD. I ask that the bill may be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 50 minutes p. m., Thursday, May 4, 1916) the Senate adjourned until to-morrow, Friday, May 5, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 4, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, we thank Thee for all the rich and varied blessings of life, especially for the faculties of mind and soul with which Thou hast endowed us, and we most fervently pray that we may wisely, conscientiously, and efficiently use them in the work Thou hast called us to do, that we may be faithful sons of Thee, the living God. And Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ILLITERACY.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to print in the RECORD an article from the Macon (Ga.) Telegraph on the subject of illiteracy, in which article is incorporated a plan of correction inaugurated most successfully by the very distinguished gentleman from Georgia, Judge PARK, which is worthy of the highest commendation.

The SPEAKER. The gentleman from Georgia asks unanimous consent to print in the RECORD an article from the Macon (Ga.) Telegraph on the subject of illiteracy, incorporating a system of correcting it inaugurated by a Member of the House, Judge PARK. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill (S. 5802) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," in which the concurrence of the House of Representatives was requested.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5802. An act to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901"; to the Committee on the District of Columbia.

S. 509. An act for the relief of the heirs of Joshua Nicholls; to the Committee on War Claims.

S. 3423. An act to provide for the construction of a bridge across the Salt Fork of the Arkansas River near White Eagle Agency, in the Ponca Indian Reservation, Okla.; to the Committee on Indian Affairs.

S. 4425. An act to provide for the retirement of officers and employees of the Bureau of Lighthouses and the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

S. 4426. An act to regulate the salaries of keepers of lighthouses; to the Committee on Interstate and Foreign Commerce.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. Under the order heretofore made the Calendar for Unanimous Consent will be called, and the Clerk will report the first bill.

FRAUDULENT ENLISTMENT.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 7619) to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

Mr. MANN. Mr. Speaker, the gentleman from Ohio [Mr. GORDON] who is interested in the bill is not present, and I am perfectly willing that it should go over without prejudice.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

SECTION 20 OF THE ACT TO REGULATE COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 722) to amend section 20 of an act to regulate commerce, approved February 4, 1887, as amended, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there is a minority report upon this bill. The gentleman from New Jersey [Mr. PARKER] filed a minority report and is not present. In his absence I would have to object, unless the gentleman from Georgia will consent to having it passed over without prejudice.

Mr. ADAMSON. Mr. Speaker, I know the gentleman is in the city, for he attended a committee meeting a few moments ago.

The SPEAKER. Has the gentleman from Georgia any suggestion to make in respect to the bill?

Mr. ADAMSON. Mr. Speaker, I will act on the suggestion of the gentleman from Illinois and ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

JOINT COMMITTEE TO INVESTIGATE INTERSTATE AND FOREIGN COMMERCE.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 60) creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I am making some further inquiries which are not yet complete, and I hope the gentleman from Georgia will ask to have this joint resolution passed over without prejudice.

Mr. ADAMSON. Mr. Speaker, I have no disposition to refuse to oblige the gentleman from Illinois in any respect, but I beg to state to him, in showing the importance of this matter, that probably one-half, or at least a very large percentage, of the bills before our committee are depending on this resolution. Every time we take up one for consideration somebody suggests it will be covered by the jurisdiction of the joint committee, if appointed under this joint resolution. I would be glad to have the joint resolution disposed of one way or the other, so that our committee would be relieved of that embarrassment.

Mr. MANN. Mr. Speaker, I am sure that the gentleman's committee is busy with important work, so that they are not losing anything by putting over some bills.

Mr. ADAMSON. The gentleman speaks correctly, so far as that is concerned, yet there are so many bills as to which that plea is made that it amounts to an embarrassment. The gentleman suggests to me that it can be called up again a week from next Monday, and, in view of that statement, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

FOREST HOMESTEAD ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10968) to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest homestead act, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4 of the act of Congress, approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," be, and the same is hereby, repealed: *Provided*, That lands within forest reserves in Lawrence and Pennington Counties, in South Dakota, shall remain subject to all other provisions of the said act of June 11, 1906.

With the following committee amendments:

After the word "reserves," in line 6, insert "as amended by the act of February 8, 1907 (Stat. L., vol. 34, p. 883), and by the act of July 3, 1912 (Stat. L., vol. 37, p. 239)."

Mr. MANN. Mr. Speaker, I move to amend the committee amendment, line 10, page 1, by striking out the words "two hundred and thirty-nine" and inserting "one hundred and eighty-eight."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 10, by striking out the words "two hundred and thirty-nine" and inserting "one hundred and eighty-eight."

Mr. FOSTER. Mr. Speaker, let me ask the gentleman—he has probably looked it up—as to whether the reference to the page is wrong——

Mr. MANN. The reference is wrong, and I think I am correct in the amendment I offered. I have that notation, and I did look it up.

Mr. FOSTER. All right.

Mr. MANN. It was acknowledged to be wrong when the bill was up the last time.

Mr. FOSTER. That is my recollection.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The amendment as amended was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, line 1, strike out, after the word "repealed," the colon and the words "*Provided*, That" and insert a period and the word "all."

The question was taken, and the amendment was agreed to.

The next committee amendment was read as follows:

Page 2, line 2, strike out the words "forests reserves" and insert the words "a national forest."

Mr. MANN. Mr. Speaker, I ask unanimous consent to amend the committee amendment by striking out the word "a" and inserting the word "the."

The amendment was agreed to.

The committee amendment as amended was agreed to.

The next committee amendment was read, as follows:

Page 2, line 3, after the word "shall," insert the words "be and."

The question was taken, and the amendment was agreed to.

The next committee amendment was read, as follows:

In line 5, page 2, after the word "six," insert the words "and acts amendatory thereof and supplementary thereto."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MANUSCRIPT COPIES OF PATENT OFFICE RECORDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11798) providing for the temporary employment of typewriters in the Patent Office.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman having charge of this bill what is the especial need of this additional force? I see the chairman of the subcommittee on the legislative, executive, and judicial appropriation bill present, and, as I recall, this authorization was included as a Senate amendment to the bill which was not agreed to in conference.

Mr. MANN. Was agreed to.

Mr. BYRNS of Tennessee. No; it was not agreed to. But I will call the attention of the gentleman to the fact that this is a different provision and covers a much wider scope than the Senate amendment, because that amendment was limited to the expenditure of $10,000, and there is absolutely no limit of expenditure that may be made under this bill except the provision here providing that the amount expended for such employment shall not exceed in any month the amount received for furnishing the manuscript copies of records, and so forth.

Mr. STAFFORD. In other words, the language of this bill is broader than the item which was objected to in conference?

Mr. BYRNS of Tennessee. Yes.

Mr. STAFFORD. Mr. Speaker, in the absence of the gentleman having charge of the bill, I am going to ask——

Mr. MORRISON. Mr. Speaker, Mr. OGLESBY has charge of this bill, and I do not see him present at this moment; but I would like to answer any question any gentleman desires to ask in reference to the purposes of this bill.

Mr. STAFFORD. Can the gentleman inform the House whether any other bureau has a similar authority to that intended to be vested by this bill?

Mr. KITCHIN. Mr. Speaker, I suggest that the bill be passed over without prejudice until Mr. OGLESBY returns. He will be in in a few moments.

Mr. STAFFORD. Very well.

Mr. SISSON. Then it will go to the heels of this docket.

Mr. FOSTER. Mr. Speaker, I ask that it be passed over without prejudice.

The SPEAKER. The gentleman asks that this bill be passed over without prejudice——

Mr. MORRISON. Mr. Speaker, I am chairman of that committee, and I am willing to assume the responsibility of answering any question.

Mr. KITCHIN. I beg the gentleman's pardon. I did not so understand, and I withdraw my request.

Mr. STAFFORD. Mr. Speaker, I renew the inquiry I put to the gentleman as to whether there is any other bureau that has a similar authority which is intended to be vested in the Commissioner of Patents?

Mr. MORRISON. Mr. Speaker, I am not able to answer that question, but I would like to be permitted to state how we came to have this bill before the House. The Patent Office is called upon frequently to furnish certified copies of records to be used in litigation. The present force is not able to furnish the work within a reasonable time, and it operates to the great disadvantage of litigants.

Mr. STAFFORD. Will the gentleman permit?

Mr. MORRISON. Certainly.

Mr. STAFFORD. Is this additional work done throughout the year, or is it periodical?

Mr. MORRISON. It is periodical, because it grows very largely, if not exclusively, out of litigation, and there is no assurance in advance how much demand there will be for this work.

Mr. STAFFORD. Of course there are advantages, which the gentleman would recognize, in having a permanent force rather than a small temporary force of employees, as provided in this bill.

Mr. MORRISON. It is not general. As I recall the bill, the Commissioner of Patents has permission to give temporary employment to those who are already eligible to permanent employment, so that this work when it is needed may be done quickly. I will state the financial side of it so far as the Patent

Office is concerned. The typewriters who do the work are paid $2.50 per day. On the average the office will receive for their work $8 to $10 a day. It is not a matter that will involve expense on the part of the Government except long enough to pay for the help, deliver the work, and get back the current price as fixed by law.

Mr. STAFFORD. Under the phraseology of this bill, what would prevent the Commissioner of Patents from detailing these typewriters on other work and keeping them employed continuously throughout the year?

Mr. MANN. The bill, if the gentleman will pardon me, only provides for keeping current the work of furnishing manuscript copies of records. They could not under this bill employ these clerks for any other purposes. It only authorizes the employment for that purpose. Those records are sold. So all this bill does is that if the gentleman or some one else ordered some manuscript copies of patents for use, they could get them promptly. Now you can not always get them promptly because there is no force to copy them. This bill would authorize the temporary employment of typewriters to copy those manuscripts, which are sold at 10 cents a folio, or something like that. Is that the price?

Mr. MORRISON. I think so. That is my recollection.

Mr. STAFFORD. I reserved the objection more to direct the attention of the conferees on the legislative bill to this measure, as they have objected to a similar provision in the appropriation bill as a Senate amendment.

Mr. FOSTER. Mr. Speaker, reserving the right to object, I understand they have 140 copyists over in that office now.

Mr. MANN. Those are permanent employees.

Mr. FOSTER. I know they are.

Mr. MANN. And this bill provides that when there is an excess demand for manuscript copies over those that can be furnished by the permanent employees, the Commissioner of Patents can furnish those manuscripts, which are sold and used in patent litigation.

Mr. FOSTER. There is no limitation on this bill.

Mr. MANN. There is a limitation that they can not be used for any other purpose than that.

Mr. FOSTER. It seems to me that this is not a good way to give the department leave to go ahead and employ copyists.

Mr. MANN. It is immaterial to me, but here is the situation: Here is a patent lawyer who has litigation. He wants to obtain copies of patents. He asks the Government to furnish him those copies. Under the law he is required to pay 10 cents a folio for them, and the office can not furnish them to him. Litigation has to be put off on the ground that the Government of the United States can not furnish copies of the patents which are necessary to the litigation, and that is a reflection upon the governmental operation.

Mr. GOOD. Let me ask the gentleman how far behind the commissioner is in furnishing requests for copies?

Mr. MANN. I do not suppose he is behind at all now, but there are times when he is behind and can not furnish the copies.

Mr. GOOD. He can furnish them within a few days. He has so many clerks there that he can so adjust the work that these copies can be furnished. This is simply another plan to get additional clerks where we have already granted so many additional clerks that for one I do not see what the Commissioner of Patents is going to do with them.

Mr. MANN. I have not talked with the Commissioner of Patents about this bill, but I know a great many patent lawyers in Chicago, where a great deal of patent business is transacted, have frequently complained to me that they were delayed unduly in obtaining copies of patents which they had to have in their litigation, and that occasionally, at least, it required the postponement of litigation which was ready to be disposed of. I do not think that ought to occur.

Mr. MADDEN. I think that in any ordinary business we would do just exactly what this bill proposes to do. We would give to the man in charge of the office the facilities to keep his business up current. And inasmuch as only $2.50 is paid for any person who is employed for every $8 that is received, it seems to me that it is a good business transaction if nothing else, to say nothing at all of the importance and propriety of giving to the people who are interested in the work prompt service.

Mr. SISSON. They are making a little profit out of this work now.

Mr. MADDEN. They always will.

Mr. SISSON. This bill provides that they may employ this temporary service, provided that it does not exceed the return on the sale of these copies—that is, the fees for copies. The result of it is that if you furnish these clerks to the departments then the other clerks will be doing other work, and you simply put more clerks there than are needed, and in that way they will be able to eat up under this bill all the profits that may come to the Government under the present system.

Mr. MADDEN. But they pay them by the folio, do they not?

Mr. SISSON. Not these per diem clerks. Now, they do not pay anything for regular clerks. Where the regular clerks down there copy it is a part of the overhead charge of running the office, which is constant.

Mr. HAMLIN. Here is a limitation which I think the gentleman overlooks in the bill. The commissioner is not authorized to employ these temporary clerks unless it is necessary to keep current the work.

Mr. SISSON. That will always be necessary in all the departments of this Government, and there never will be a time, until you change the system, when that will not be the case. And if you observe closely these departments, you will find, as we all find, that that is true. And the gentleman from Illinois [Mr. MADDEN] has served on the committee, and he will not deny that statement.

Mr. MADDEN. That is true.

Mr. HAMLIN. I think we have to trust executive officers.

Mr. SISSON. I do not know who has the floor, but I am going to object to this bill, anyway.

Mr. MORRISON. I would like the gentleman from Mississippi to withhold his objection until I tell the House the facts, which I think I can do in three minutes.

Mr. SISSON. Very well.

Mr. MORRISON. The fact is that there is no working force in the Patent Office available to furnish these certified copies. The fact is that the litigants of the country from time to time are required to have certified copies. Frequently they must have them within a few days of the time when the order is given.

Mr. GOOD. Where does the litigant get the copies under the present law?

Mr. MORRISON. In some cases he does not get them. In some cases he sends a clerk from his own office to get them, and has them certified after the clerk has made them, and pays the office for the work that his own clerk has done. In other cases he gets a postponement of the trial of the case to some time in the future.

Mr. GOOD. Under the present law the commissioner does not hire people to have these copies made and sent out, does he?

Mr. MORRISON. Under the present law he has no authority to hire persons not regularly on the force to do this work.

Mr. GOOD. No; but he is doing that with his regular force, is he not?

Mr. MORRISON. Yes; when he can, but it frequently happens that it can not be done within five or six or seven weeks after the order is given, and in such instances the litigant must either get the case continued or send his own clerk and have him do the work and get the office to certify the work of his own clerk.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. MORRISON. Yes.

Mr. SISSON. Does the gentleman understand that the legislative bill, the conference report on which has just passed the House and been sent to the President, gives the commissioner nearly $70,000 additional to what he had last year? That is in the present bill.

Mr. MORRISON. I do not recall, even if I remembered the amount given; but not one dollar of that is available for this work.

Mr. SISSON. We anticipated in the committee the very bill which was reported by the gentleman's committee reorganizing the Patent Office. We had come before us in the committee the Commissioner of Patents and the chief clerk, and we had hearings as to what would be needed to carry out the law which you gentlemen recommended to Congress and which passed the House. Now, in carrying out that law we added $67,000 to that bill with the idea that all this work that he has been claiming he had to detail his clerks to do would be done and taken care of with regular clerks, by lower grades of clerks under the civil service, and that there would then be a great profit to the Government in this business. But if you will permit him, as he is permitted under this bill, to permit all that force which is given to be performing various and sundry and other duties, perhaps unnecessary, Congress loses the absolute control of the duties which these permanent clerks may perform, because he will then do all this work with this special $2.50 per day man. In order that Congress may control what these clerks are doing the committee gave him

$67,000 worth of clerks in the places where he said they were needed. I do not think the gentleman's committee were aware of the fact when they reported this bill.

Mr. MORRISON. The committee were aware of all these facts, and still believe that it is a bad thing for the litigants of the country for Congress to refuse this appropriation.

Mr. SISSON. Does the gentleman know how many copyists there are there?

Mr. MORRISON. No; I can not tell the gentleman.

Mr. SISSON. There are 140 copyists there now; what we have given.

Mr. MORRISON. The Patent Office is underofficered and has fewer employees than are needed to give the people of the country the value of their money.

Mr. SISSON. Then I will ask the gentleman what on earth the commissioner can do with 140 copyists? He can have 140 days' work done in one day. Some of these copies that the gentleman refers to include only one typewritten page. The average would not include more than two or three pages to be copied. A great deal of this stuff is in forms printed with cuts. All you have to do is to make that a part of the record and certify to that. All that has been provided for, and the Commissioner of Patents is to be congratulated, as I understand, because he has endeavored to reduce that work to a minimum. Now we have given him 140 copyists. Perhaps he does not like to turn into the Treasury one dollar earned from the work of his office.

Mr. MORRISON. The filing of a claim for a patent and the proceedings thereunder sometimes runs into hundreds of pages. The Patent Office issues a completed patent once in every six minutes of the working time of the employees of that office, and the man who knows that and knows the volume of work that may be entailed by a single application will know what they do with the employees of that office.

The SPEAKER. Is there objection?

Mr. SISSON. I object, Mr. Speaker.

The SPEAKER. The gentleman objects, and the bill is stricken from the calendar.

DISTRICT COURT AT WINCHESTER, TENN.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (S. 377) providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.

The title of the bill was read.

Mr. WEBB. Mr. Speaker, I ask that this bill be considered in the House as in Committee of the Whole. It is on the Union Calendar.

The SPEAKER. You have not got permission to consider it at all yet. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman how much business is likely to be transacted at this new location?

Mr. WEBB. I yield to my friend from Tennessee [Mr. MOON] to answer that question. The report sets out those facts.

Mr. MOON. A very large amount of business is done in the middle district of Tennessee at Nashville. We have two Federal courts in Tennessee, one in the eastern and middle districts of Tennessee and one in the western district of Tennessee. There are two Federal judges. One judge has perhaps two-thirds of all the business in the State—the judge presiding in the eastern and middle divisions of Tennessee.

In east Tennessee court is held at three places, and in middle Tennessee there is one at Nashville and one at Cookeville. It is desired by the lawyers who live at the southern end of the middle district of Tennessee, close to the Alabama line, that a term of court be held in Winchester. Winchester is half way between Chattanooga and Nashville, the distance being 156 miles. The lawyers living east of Winchester, within 25 miles of Chattanooga, are obliged to go to Nashville to attend court, so they have to travel 125 or 130 miles there. The judge sits half the year at Nashville. Winchester is in a very large county—Franklin County—which has much Federal business. Of course I can not tell the number of cases.

Mr. MANN. That is what I want to inquire. The report says there will be a great saving to the people of Franklin County. How much Federal business is there in Franklin County?

Mr. MOON. I am not able to tell the gentleman the number of cases; I should suppose 40 or 50 cases in Franklin County.

Mr. MANN. In view of the statement in the report I think somebody ought to be able to tell.

Mr. MOON. I wrote for a report of the number of cases, but have not received it. Now, the point is this: It will be a great convenience, not only to the litigants and in the saving of the trips of witnesses to Nashville but to the bar of that section of the State, for the judge to hold two terms of court there. I am advised that he has no objection to it, and there will be little or no expense to the Government. If it were necessary to put up a Federal court building at Winchester or to rent quarters for the Federal court there, some question of economy might be involved, but we have a new Federal building there in which we have a Federal court room already.

Mr. MANN. I want to know how you got a Federal court room and a Federal building in a city where there is no authorization to hold a Federal court?

Mr. MOON. I can tell the gentleman very easily how it happened.

Mr. MANN. I know it is a secret that other Members of the House would like to obtain.

Mr. MOON. An appropriation was made for a post-office building, and one large room was set aside for Federal purposes, and could be used for any Federal purpose. The post office does not need specially that room in the building, and it is there, available for use by the Federal judge.

Mr. MANN. What was the occasion for Congress and the department constructing a building and putting in rooms which the Government did not need?

Mr. MOON. Of course, the gentleman understands that the building was not put up for a Federal court room, but there is that space which is not needed for post-office purposes which can be used for a court room.

Mr. MANN. All I know, except what the gentleman says, is the statement in the report:

> It has a new Federal building in which there is room provided for holding court.

Mr. MOON. That simply means that there is a room there which can be utilized for that purpose. I do not mean to say that the law has already directed it to be held there at all.

Mr. MANN. I understand the gentleman to say that the Supervising Architect has provided a room there for which there is no use now.

Mr. MOON. No; he has provided a room which can be utilized for holding court and which is not used for any purpose now.

Mr. MANN. For which there is no use now?

Mr. MOON. There is not, of course, except for that purpose.

Mr. MANN. Of course, that is an extra expense.

Mr. MOON. If the gentleman wants to know about the facts, there is nothing to be concealed. The appropriation for this building was $55,000, and it was requested by the people of Winchester, when that building was put up, that space be given in the upper part of it for the purpose of holding a court, so that if eventually we could get it there that might be done. Now, there is no expenditure outside of the appropriation of $55,000.

Mr. MANN. I will say this, that the people of Winchester are very forehanded, and that is more than can be said of the Supervising Architect's Office, which was not economical.

Mr. MOON. Oh, well, $55,000 is the amount they put in all these buildings. If the gentleman has had any experience with one of these smaller buildings, he knows that if the contractor's bid is $45,000 and the appropriation is $55,000, the Government will force you to use the other $10,000 on the building in some way.

Mr. MANN. Well, we would not. Let me ask the gentleman another question. There is no provision in this bill that I think it is customary to have in some bills in reference to a deputy clerk or marshal.

Mr. MOON. That is not necessary. The marshal, of course, has his deputies, and the clerk can go to Winchester. I think the only expense that will possibly be attached under present conditions to the holding of this court at Winchester will be the purchase of the dockets, and possibly a few tables and chairs for that room.

Mr. MANN. We pay the judge $10 a day while he is holding court.

Mr. MOON. Yes; we pay him that, wherever he is.

Mr. MANN. Oh, no.

Mr. MOON. He is paid that wherever he is in the middle division of Tennessee.

Mr. MANN. We do not pay him that when he is at home.

Mr. MOON. He is not at home except in Knoxville, in east Tennessee, so anywhere he holds court in middle Tennessee he gets the allowance.

Mr. MANN. At how many places are Federal courts now held in Tennessee?

Mr. MOON. They are held in Knoxville, Chattanooga, and Greeneville, in the eastern division, which is smaller than the middle division, and they are held at Nashville and Cookeville, in the middle division, and now we want this one at Winchester to accommodate the people in the lower end or southern part of middle Tennessee. Then court is also held at Jackson, in west Tennessee, and Memphis, in west Tennessee. There are two judges for the State of Tennessee.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. MOON. Yes.

Mr. GREEN of Iowa. Are there jury rooms and the marshal's room and a room for the clerk at Winchester?

Mr. MOON. No.

Mr. MANN. There soon will be an addition.

Mr. MOON. It is not the purpose to hold criminal courts there. The main docket that will be disposed of there will be the equity docket. It is purely for the convenience of lawyers and the judge. Now, we hold a court under exactly similar circumstances. We have a room provided in the post-office building. As a matter of course, if you are going to have a Federal building and maintain three or four terms a year you might want these extra rooms, but here is a term once a year, purely for the accommodation of the judge and the lawyers. As to the convenience of jury rooms, that is altogether available, because we have a fine public building—a courthouse—in less than 200 feet of this new building, which can be used if needed.

Mr. GREEN of Iowa. Does the gentleman think that they will be contented with that very long, and that they will not be in here asking for an appropriation to enlarge that building to provide these additional rooms?

Mr. MOON. Oh, no; I think not. In Greeneville they have been holding court for a number of years, and they have been contented.

Mr. GREEN of Iowa. What is the population of Winchester?

Mr. MOON. The population of the county is about 30,000 to 40,000.

Mr. GREEN of Iowa. Will it be for the convenience of any of the other counties?

Mr. MOON. Grundy County that adjoins is a mountainous county, and there are tens of thousands of acres of land in litigation between the citizens of Tennessee and nonresidents, and it will be a great convenience to the people of that county, and I have no doubt four or five additional counties. It will be observed that there is no separate division made. This is merely a provision that allows the court to be held in another place, in an already legally established court division of the State. I hope there will be no objection.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I think the gentleman ought to get some information definitely before this bill passes.

Mr. MOON. I hope the gentleman will not object. He voted for the passage of a bill for Cookeville and Greeneville.

Mr. MANN. Unless the gentleman asks to have it passed over at this time in order to get the information about the litigation that will be taken care of, I shall object.

Mr. MOON. This county has one-third of the litigation of middle Tennessee.

Mr. MANN. It is easy to ascertain the amount of litigation pending and what will be taken care of by this district, and this information has not been obtained.

Mr. MOON. I will say that that has been written for but it has not been sent. I do not think it is very material, and the gentleman can take the statement of his colleague as to what is to be done.

Mr. MANN. But he does not know.

Mr. MOON. He does know.

Mr. MANN How much is the litigation that is pending there now?

Mr. MOON. I am not able to tell just what the litigation in middle Tennessee is, but much of it comes from Franklin County.

Mr. MANN. I do not think we ought to take up the time of the House any longer, and unless the gentleman asks to have it postponed I shall object.

Mr. MOON. Well, the gentleman can object.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

Mr. MANN. It is too late, the bill is off the calendar.

Mr. MOON. Yes; it is too late, and the gentleman will pay one hundred times for his objection.

Mr. MANN. I am willing to pay a thousand times.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill be passed without prejudice.

Mr. MANN. I object, and I objected before.

The SPEAKER. The bill will go off the calendar.

BRIDGE ACROSS ST. LOUIS RIVER BETWEEN MINNESOTA AND WISCONSIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3032) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of St. Louis, in the State of Minnesota, a municipal corporation organized and existing under and pursuant to the laws of the State of Minnesota, to build, maintain, and operate a bridge across the St. Louis River, at a point suitable to the interests of navigation, between the State of Minnesota and the State of Wisconsin, commencing at or near the intersection of Cherokee Street and One hundred and thirty-fifth Avenue west, in the city of Duluth, Minn., at the suburban village known as Fond du Lac, thence crossing the St. Louis River in a line at right angles to the channel of said river to a point on the Wisconsin shore about 100 feet westerly from the mouth of Dubray Creek, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent that I may proceed for three minutes in relation to a bill on the Unanimous Consent Calendar.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to proceed for three minutes with reference to a bill on the calendar. Is there objection?

Mr. MOON. I object.

STATUE OF JAMES BUCHANAN.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 145) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, let the bill be reported.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the trustees designated in the will of Mrs. Harriet Lane Johnston for the erection of a memorial to James Buchanan, a former President of the United States, on public grounds of the United States in the city of Washington, D. C., in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW.: *Provided*, That the design and location of said memorial and the plan for the treatment of the grounds connected with its site shall be approved by the Commission of Fine Arts, and that the United State shall be put to no expense in or by the erection of said memorial.

With the following committee amendment:

After the word "Columbia," in line 9, page 1, of the resolution, strike out all the words following down to and including the word "northwest," in line 11.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I see that the committee recommends an amendment to strike out the location of this monument. I would like to know where it is to be located.

Mr. SLAYDEN. I will say to the gentleman that that was stricken out because the committee did not feel that the committee or the author of the bill should select the site, and the whole matter is in abeyance awaiting consultation of the Fine Arts Commission, consisting of sundry gentlemen whom the gentleman from Illinois knows and Col. Harts, the secretary of the commission. The matter has not yet been determined, and, so far as I know, the site has not been tentatively selected. The gentleman from Maryland [Mr. LINTHICUM] says it has. I will yield to him.

Mr. LINTHICUM. They have tentatively agreed on a site. I was in conference with Col. Harts yesterday in selecting the Fort McHenry monument at Baltimore, and had a long conversation about this Buchanan monument. He says that the Fine Arts Commission have practically decided to locate it in Meridian Hill Park; that there is to be a large court with an octagonal basin of water in front, and back of this, as a commanding figure, is to be the statue. Then there is to be another line of treatment of the park, all to meet at a central point. This is entirely in accord with the desires of the Fine Arts Commission. They have practically passed upon the statue, with the exception of a few minor changes. The location is well suited and

quite satisfactory, and is in Meridian Hill Park. Col. Harts says that they hope to get busy very shortly.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MILLER of Minnesota. I understand the gentleman to state that the Fine Arts Commission is in favor of this statue.

Mr. LINTHICUM. Yes; and they are in favor of placing it in Meridian Hill Park. I was informed by one of the sculptors, acting as a juror on the Fort McHenry monument, that they have practically decided on the statue executed by Bergé, of Baltimore, which is said to be most appropriate.

Mr. MILLER of Minnesota. I presume it is the desire of the gentleman's committee to erect statues in the Capital City to the great men of the Nation. Can the gentleman from Maryland point out just what claims James Buchanan had for such distinction?

Mr. LINTHICUM. The gentleman from Maryland will not attempt to add to the historical knowledge of the gentleman from Minnesota. Knowing the gentleman so well, it would be useless to call his closer attention to the history and life of Buchanan—lawyer, Congressman, ambassador, and President of the United States.

Mr. MILLER of Minnesota. I wanted to give the gentleman from Maryland a chance to make a speech.

Mr. LINTHICUM. I am not desirous of making a speech. My desire is to pass this resolution.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MOORE of Pennsylvania. James Buchanan was a President of the United States. I will say to the gentleman from Minnesota. And he hailed from Pennsylvania. He was the only Pennsylvania President that we ever had. Some day we will have another, and then we will ask for another monument. I would say further to the gentleman from Minnesota [Mr. MILLER] that Mr. Buchanan was President in a very trying time, when the Union was threatened, and while he was the subject of a very great deal of criticism, he was regarded as one of the very ablest lawyers and statesmen of his day.

Mr. SLAYDEN. And he was also minister to some of the European countries.

Mr. MOORE of Pennsylvania. He had had a very unusual career. He never married. That was one of his failings.

Mr. MILLER of Minnesota. Would it not be more appropriate, then, to erect a monument to the Nation's great who have never married and not specify any particular man?

Mr. MOORE of Pennsylvania. James Buchanan was born in Pennsylvania, and he ought to be given credit for that.

Mr. MILLER of Minnesota. I admit that is a distinction that he could not live down.

Mr. MOORE of Pennsylvania. And he died in Pennsylvania and is buried there. In his earlier career he was a Member of Congress.

Mr. MILLER of Minnesota. Is that on the debit or the credit side of his account?

Mr. MOORE of Pennsylvania. And his name will be found in the archives, where the name of the gentleman from Minnesota will be found some day—not sooner, but later. He was ambassador to Russia and subsequently to the Court of St. James. He was United States Senator and Attorney General of the United States before he was President, and his record was about as strong as that of any man, so far as his serviceability as a citizen is concerned. He was, as I say, President at a time when the Union was in the throes of a very great disturbance, and as the result of his attitude on public questions at that time he was very much criticized, but he was President of the United States, and criticism of a President is not unusual.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. If I may be permitted to do so.

Mr. COOPER of Wisconsin. Speaking of Mr. Buchanan being a great man, a distinguished Pennsylvanian has suggested to me that quite recently he read an authority which said that Pennsylvania had produced but two really great men. One was Benjamin Franklin, of Massachusetts, and the other was Albert Gallatin, of Switzerland. [Laughter.]

Mr. MANN. And I might add for the benefit of the gentleman from Pennsylvania that that statement is quoted from a speech recently made by the President of the United States to which I listened, but he added the name of a third man, of whom I had never heard before or since.

Mr. MOORE of Pennsylvania. I do not care to mention that third name now. [Laughter.] I was about to inform the gentleman from Wisconsin that while he has discovered that Franklin was a Pennsylvanian, and Gallatin also, there are others. Pennsylvania's illustrious men are so numerous that I would not undertake to mention them at this time.

Mr. MILLER of Minnesota. Mr. Speaker, if we are going to erect a statue to a Pennsylvanian who really created something of permanent value and benefit to the people, does the gentleman not think that a statue erected to the memory of James Wilson would be very appropriate? He probably was the most potent influence in the framing of our Constitution.

Mr. MOORE of Pennsylvania. That is very true, and we honor him very much in our State, and people from other States honor him likewise. It is quite unnecessary to say that if we undertook to call the roll of great men who have come from Philadelphia, who started this Nation from that city, it would take more time than the Speaker would permit us to use for the purpose.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. DAVENPORT. Mr. Speaker, will the gentleman yield?

The SPEAKER. To whom does the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to my friend from Nebraska to say that his forbears came from Pennsylvania and that we are proud of the fact.

Mr. SLOAN. The gentleman was naming the eminent natives and citizens of Pennsylvania and among others mentioned Benjamin Franklin and Albert Gallatin, but there is MOORE, I understand. [Laughter.]

Mr. MOORE of Pennsylvania. Oh, yes; but I did not want to mention that.

Mr. DAVIS of Texas rose.

Mr. MOORE of Pennsylvania. Mr. Speaker, it might be interesting to my friend from Texas to know that Daniel Boone also came out of Pennsylvania.

Mr. DAVIS of Texas. I want to suggest that my recollection is that the man who rang the Liberty Bell was a Pennsylvanian.

Mr. GREENE of Vermont. Oh, they always have a lot of old ringers in that State. [Laughter.]

Mr. MOORE of Pennsylvania. In addition to the Liberty Bell I might remind the gentleman that we also contributed the Declaration of Independence and the Constitution.

Mr. MANN. Mr. Speaker, while I am perfectly willing and desirous that as to any of these statues or monuments the Fine Arts Commission should be consulted and that we should not act contrary to their recommendations, yet I am certainly not willing, so far as I am concerned, by unanimous consent, to eliminate the Congress from any consideration in the choice of a place for the erection of any statue anywhere in the District of Columbia. I think the recommendation of the place of erection should be made so that we can approve when we pass the bill.

The Fine Arts Commission under this bill, if passed as recommended by the committee, might erect this statue on the White House Lot, the Washington Monument Lot, in the Potomac Park, in Rock Creek Park, in Meridian Hill Park, or anywhere else. They might erect it down here in front of the Post Office Building or in front of the White House. We ought to have something to say about where these things are to be erected, and unless we can, none of these bills will pass by unanimous consent, and I object until we get that information.

The SPEAKER. The gentleman from Illinois objects.

Mr. LINTHICUM. Will the gentleman withhold his objection for a moment?

The SPEAKER. And the resolution is stricken from the calendar.

Mr. MANN. I am willing that it should be passed over without prejudice.

Mr. LINTHICUM. Mr. Speaker, I ask the gentleman to withhold his objection for a moment to say that this monument and its location have been definitely decided upon for the southern part of Meridian Hill Park, and it was so included in my bill. But the gentlemen of the committee having charge of the bill thought we had better leave the matter entirely in the hands of the Fine Arts Commission. I thought that was the general practice, but if the gentleman objects to it in this shape, I will ask him to withhold his objection and let the resolution be passed without prejudice.

Mr. MANN. Ask that it be passed over.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the resolution be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

CONCURRENT JURISDICTION IN REFERENCE TO FISH IN THE COLUMBIA RIVER.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 6097) to ratify the contract and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia

River and its tributaries in connection with regulating, protecting, and preserving fish.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MOON. Mr. Speaker, I object.

Mr. GANDY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GANDY. I rise to ask unanimous consent to return to the bill H. R. 10668 for the purpose of making a correction.

The SPEAKER. As soon as we get through with this bill. Does the gentleman object?

Mr. MOON. Mr. Speaker, I object, and was on my feet when I did so.

The SPEAKER. The gentleman from Tennessee objects.

Mr. HAWLEY. Mr. Speaker, will the gentleman from Tennessee withhold his objection?

Mr. MOON. No, sir.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. MOON. Mr. Speaker, I object.

The SPEAKER. The bill is ordered stricken from the calendar.

FOREST HOMESTEAD ACT.

Mr. GANDY. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 10668) for the purpose of making a correction.

The SPEAKER. What is the calendar number?

Mr. MANN. Unanimous Consent Calendar No. 94.

The SPEAKER. Is there objection to the request of the gentleman to return to the bill mentioned?

Mr. MANN. Mr. Speaker, I reserve the right to object until I can hear the gentleman.

Mr. GANDY. Mr. Speaker, in line 2, page 2, the amendment recommended by the committee read, "A national forest," and, on the suggestion of the gentleman from Illinois [Mr. MANN], that was changed to "the national forest." I will say there are two forests, and I now ask unanimous consent to strike out the word "the" and make the word "forest" in the plural.

Mr. MANN. What are those forests?

Mr. GANDY. Harney, on the south side of what is known as the Base Line, and the Black Hills National Forest, on the north side, within those two counties.

Mr. MANN. Will the gentleman please make that request a little later, after I have looked this over? I had looked the matter over very carefully before.

Mr. GANDY. I did not understand when.

Mr. MANN. Give me a little chance to look it over again.

Mr. GANDY. All right.

INVESTIGATION OF AVIATION SERVICE IN THE UNITED STATES ARMY.

The next business in order on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 65) creating a joint commission of Congress to be known as the joint commission of Congress to investigate the aviation service of the United States Army.

The Clerk read the title.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will leave the objection to the gentleman from Tennessee——

Mr. MOON. Mr. Speaker, I do not know why the gentleman from Illinois should have made such a gratuitous remark.

Mr. MANN. It was not gratuitous.

Mr. MOON. I have no partnership with him on the subject of objections.

Mr. MANN. It was the action of the gentleman in objecting and his attitude.

Mr. MOON. The gentleman has very little sense, then, in judging a man's attitude.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, what is the necessity or occasion for the passage of this resolution now? Has not the aviation service been reorganized by the Secretary of War?

Mr. CALDWELL. Well, the gentleman will understand that aviation was started in America; that it is commonly understood——

Mr. MANN. Oh, I was here when it started, and helped to start it and put it in the Army.

Mr. CALDWELL. If the gentleman will allow me, I will answer him.

Mr. MANN. But what has all this got to do with this question?

Mr. CALDWELL. If the gentleman will wait a minute I will state, and if he will listen he will learn something. There are men in the world who learn as they grow older.

Mr. MANN. The gentleman from Tennessee does not.

Mr. CALDWELL. Neither does the gentleman from Illinois, apparently. I have endeavored to be as courteous as I possibly can.

Mr. MANN. The courtesy is not too great.

Mr. CALDWELL. I understand that; but it is because the gentleman will not permit it, that is all. Now, as I was saying, aviation started in America. We find ourselves to-day the last in aviation service of all the great powers in the world. The object of this resolution is to get the necessary information for the purpose of framing a law that will put America in the forefront in the matter of aviation. There was, of course, at the time this resolution was first offered, a deplorable condition existing in the aviation service. That condition has been, to some extent, rectified, but at the same time there is no law pending before this Congress, and the Military Committees of both Houses do not feel they are in this position to frame the proper kind of a bill until we know more about conditions. We know men who have appeared before those committees have not been able to give the information that was required. We know men came here who are heads of the service, but who were unable to answer the questions and were compelled to rely upon the people who are their subordinates, and they have proven inefficient. We want this for the purpose of having a law that will protect America in the air as well as she is protected on the land and in the sea.

Now, it is my purpose to offer an amendment to this bill, if we get consent to the consideration of it, to change the time of reporting from July 1 to December 1, in order that a thorough examination of this situation can be undertaken. And I will say to the gentleman that this resolution has been considered by the Committee on Military Affairs in the House and has been unanimously reported, and I have been directed to press it here if possible.

Mr. MANN. Has the gentleman finished?

Mr. CALDWELL. Yes, sir; I have finished.

Mr. MANN. Mr. Speaker, the report in this case, favorably reporting the joint resolution, says:

The committee has had under consideration the evidence on file and the statements submitted by Senator ROBINSON, the author of the joint resolution, to the Senate Committee on Military Affairs, as embodied in Senate Report No. 153.

Mr. MOON. Mr. Speaker, of course everybody understands that the gentleman from Illinois [Mr. MANN] is just trying to take up the time in casting out his insinuations and remarks against gentlemen here who had nothing to say about it. I do not want to take any more time on this matter, and I am going to object right now.

Mr. CALDWELL. I hope the gentleman will withdraw his objection.

The SPEAKER. The gentleman from Tennessee has objected.

Mr. MOON. I give notice right now, that if a bill with the merit in it that the bill possessed which I presented a while ago can not receive consideration under unanimous consent there is no bill on this calendar that will.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent that this bill retain its place on the calendar without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

HEROES OF THE TITANIC.

The next business on the Calendar for Unanimous Consent was the House joint resolution 104, granting permission to the Woman's Titanic Memorial Association to erect a memorial on public ground in the city of Washington, D. C.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. KAHN. Mr. Speaker, I ask unanimous consent that the resolution remain on the calendar and be passed without prejudice.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, I object.

The SPEAKER. The gentleman objects, and the resolution is stricken from the calendar. The Clerk will report the next bill.

FEDERAL RESERVE ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section.

The SPEAKER. Is there objection?

Mr. BENNET. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BENNET. In order to stop the slaughter of the innocents, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The question was taken, and the motion was rejected.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section.

Be it enacted, etc., That the act approved December 23, 1913, known as the Federal reserve act, be amended by adding thereto a new section, to read as follows:

"SEC. 25a. Any national bank possessing a capital and surplus of $1,000,000 or more may purchase and hold stock in foreign or domestic corporations, other than national banks, which are authorized by their charter to do a banking business in foreign countries: *Provided, however*, That the aggregate amount of stock so held by any one national bank shall not exceed 10 per cent of the capital and surplus of the bank: *And provided further*, That before any such national bank shall purchase stock in any such corporation it shall file with the Federal Reserve Board a copy of the charter or articles of incorporation of such association and shall agree to be bound by such special regulations or restrictions regarding its business with, and relations to, such corporation as may be prescribed by the Federal Reserve Board: *And provided further*, That before any national bank shall be permitted to purchase stock in any such corporation, the said corporation shall enter into an agreement or undertaking with the Federal Reserve Board to restrict its operations or conduct its business in such manner or under such limitations and restrictions as the said board may by regulations provide. If at any time the Federal Reserve Board shall ascertain that the said restrictions or limitations prescribed by it are not being complied with by such corporation or by any national bank holding stock therein, said board shall be authorized and shall have power to institute an investigation of the matter and to send for persons and papers, subpœna witnesses and administer oaths, in order to satisfy itself as to the actual nature of the transactions referred to. Should such investigation result in establishing the failure of the corporation in question, or of the national bank or banks which may be stockholders therein, to comply with the regulations laid down by the said Federal Reserve Board, such national banks may be required to dispose of stockholdings in the said corporation upon 30 days' notice, and in the event of their noncompliance with such order the Federal Reserve Board shall request the Comptroller of the Currency to institute proceedings for forfeiture of charter.

"Any national banking association located in a city or incorporated town of more than 100,000 inhabitants and possessing a capital and surplus of $1,000,000 or more may, under such rules and regulations as the Federal Reserve Board may prescribe, establish branches within the corporate limits of the city or town in which it is located.

"Any national banking association located in any other place may, with the approval of the Federal Reserve Board, and under such rules and regulations as such board may prescribe, establish branches with the limits of the county in which it is located, provided that no such branch shall be established unless the capital of the parent bank is at least equal to the aggregate of the amounts which would be required of each branch, under the provisions of section 5138, Revised Statutes, if it were organized as an independent association, together with the amount required of the parent bank itself by that section."

Also the following committee amendments were read:

On page 1, line 10, strike out the colon after word "countries" and insert after the word "countries," in line 10, the word "exclusively," followed by a colon.

On page 2, line 4, strike out the word "special."

On page 2, line 7, strike out the colon after the word "Board" and insert a comma, and insert after the word "Board," in line 7, the following: "and the said board is hereby empowered and directed to make regulations for the conduct of such foreign business for each foreign country where such business is to be conducted," to be followed by a colon.

On page 2, line 13, strike out the words "be regulations."

On page 2, line 13, strike out, after the word "provide," the period and insert the following: "for the foreign country wherein such business is to be conducted."

On page 2, line 15, strike out the word "limitations" and insert in lieu thereof the word "regulations."

On page 3, lines 3 and 4, strike out the words "shall request" and insert in lieu thereof the words "may direct."

On page 3, strike out all of lines 13 to 24, inclusive.

The SPEAKER. Is there objection?

Mr. MOON. Mr. Speaker, I object.

Mr. GLASS. Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. FINLEY. Mr. Speaker, it is not in order to suspend the rules now according to the usual practice here?

The SPEAKER. It is an unusual situation.

Mr. FINLEY. It has not been the practice.

The SPEAKER. The Chair understands that.

Mr. MANN. Did not the bill pass the point of consideration?

The SPEAKER. No.

Mr. MANN. I thought it did.

Mr. GLASS. Mr. Speaker, I move to suspend the rules and consider the bill H. R. 13391.

Mr. MANN. The gentleman will have to make his motion to pass the bill in a certain way.

Mr. GLASS. And pass the bill with the committee amendments and with the further amendment that I send to the Clerk's desk.

The SPEAKER. The gentleman from Virginia moves to suspend the rules and pass the bill, which the Clerk will report. The Clerk will read the amendment into the bill.

Mr. MANN. That is to take something out of the bill?

Mr. GLASS. Yes; it is to strike out.

The SPEAKER. The gentleman from Virginia [Mr. GLASS] had best pay close attention to the reading of this, so as to get the amendment where he wishes it, because he can not amend.

Mr. GLASS. It is a very simple amendment, Mr. Speaker.

The SPEAKER. The Chair suggests to the gentleman from Virginia that the gentleman knows more about his bill than anybody else does, and if he gives close heed to the reading he will get it the way he wants it.

The Clerk read as follows:

Be it enacted, etc., That the act approved December 23, 1913, known as the Federal reserve act, be amended by adding thereto a new section, as follows:

"SEC. 25a. Any national bank possessing a capital and surplus of $1,000,000 or more may purchase and hold stock in foreign or domestic corporations, other than national banks, which are authorized by their charter to do a banking business in foreign countries exclusively: *Provided, however*, That the aggregate amount of stock so held by any one national bank shall not exceed 10 per cent of the capital and surplus of the bank: *And provided further*, That before any such national bank shall purchase stock in any such corporation it shall file with the Federal Reserve Board a copy of the charter or articles of incorporation of such association and shall agree to be bound by such regulations or restrictions regarding its business with, and relations to, such corporation as may be prescribed by the Federal Reserve Board and the said board is hereby empowered and directed to make regulations for the conduct of such foreign business for each foreign country where such business is to be conducted: *And provided further*, That before any national bank shall be permitted to purchase stock in any such corporation, the said corporation shall enter into an agreement or undertaking with the Federal Reserve Board to restrict its operations or conduct its business in such manner or under such limitations and restrictions as the said board may provide for the foreign country wherein such business is to be conducted. If at any time the Federal Reserve Board shall ascertain that the said restrictions or regulations prescribed by it are not being complied with by such corporation or by any national bank holding stock therein, said board shall be authorized and shall have power to institute an investigation of the matter and to send for persons and papers, subpœna witnesses and administer oaths, in order to satisfy itself as to the actual nature of the transactions referred to. Should such investigation result in establishing the failure of the corporation in question, or of the national bank or banks which may be stockholders therein, to comply with the regulations laid down by the said Federal Reserve Board, such national banks may be required to dispose of stockholdings in the said corporation upon 30 days' notice, and in the event of their noncompliance with such order the Federal Reserve Board may direct the Comptroller of the Currency to institute proceedings for forfeiture of charter."

The SPEAKER. Is a second demanded?

Mr. MADDEN. I demand a second, Mr. Speaker.

Mr. GLASS. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

The SPEAKER. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Virginia [Mr. GLASS] has 20 minutes, and the gentleman from Illinois [Mr. MADDEN] has 20.

Mr. GLASS. Mr. Speaker, I shall require only a moment or two to explain the provisions of this bill.

Mr. MOON. Mr. Speaker, I make the point that there is no quorum in this House.

The SPEAKER. The gentleman from Tennessee makes the point that there is no quorum present, and evidently there is not.

Mr. GLASS. I move a call of the House, Mr. Speaker.

The SPEAKER. The gentleman from Virginia moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Collier	Gard	Jones
Aiken	Conry	Gardner	Keister
Anderson	Copley	Garland	Kent
Austin	Costello	Godwin, N. C.	Kiess, Pa
Bacharach	Cullop	Goodwin, Ark.	Kincheloe
Barchfeld	Dale, N. Y.	Gould	King
Barkley	Davis, Minn.	Gray, N. J.	Konop
Barnhart	Dewalt	Griest	Kreider
Beales	Dooling	Griffin	Lee
Britt	Driscoll	Guernsey	Lehlbach
Brumbaugh	Dunn	Hamilton, N. Y.	Lewis
Burnett	Dyer	Haskell	Liebel
Byrns, S. C.	Eagan	Heaton	Lindbergh
Candler, Miss.	Estopinal	Helgesen	Littlepage
Cantrill	Fairchild	Henry	Loft
Casey	Flynn	Hopwood	Longworth
Chandler, N. Y.	Focht	Humphrey, Wash.	McDermott
Coleman	Fordney	James	McFadden

McGillicuddy	Phelan	Scott, Mich.	Stephens, Nebr.
McLaughlin	Porter	Scott, Pa.	Sumners
Martin	Pou	Scully	Sutherland
Morgan, La.	Powers	Sells	Switzer
Morin	Price	Sinnott	Vare
Moss, W. Va.	Ragsdale	Slemp	Walsh
Mott	Rainey	Small	Ward
Neely	Roberts, Mass.	Smith, N. Y.	Watkins
North	Roberts, Nev.	Snell	Watson, Pa.
Norton	Rowland	Snyder	Williams, Ohio
Overmyer	Sanford	Sparkman	Wilson, Fla.
Paige, Mass.	Saunders	Steele, Iowa	Wilson, Ill.
Patten	Schall	Steele, Pa.	Wood, Ind.

The SPEAKER. On this roll call 310 Members, a quorum, answered to their names.

Mr. GLASS. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Virginia [Mr. GLASS] has 20 minutes and the gentleman from Illinois [Mr. MADDEN] has 20.

Mr. GLASS. Mr. Speaker, as previously stated, I shall not occupy more than a minute or two to explain this bill. It is merely an amplification of the provisions of section 25 of the Federal reserve act, authorizing national banks with a million dollars or more of capital to establish branches abroad.

It was found that under the provisions of the Federal reserve act only national banks of very large capital could operate effectively, so that of the six branch banks established abroad, in the South American countries and in Panama and in Cuba, four of them have been established by the National City Bank of New York, and two by a banking association here in Washington. Thus it would appear that under the provisions of the Federal reserve act there is a very great likelihood of the foreign banking business becoming a monopoly. Hence a large number of national banks have petitioned that the law be so amended as to permit a number of national banks to unite and form a banking corporation to do business in foreign countries—to subscribe 10 per cent of their capital to such domestic or foreign corporation doing a banking business exclusively in foreign countries.

That, in a word, is the purpose of this bill.

Mr. KITCHIN. Mr. Speaker, may I interrupt the gentleman a moment?

Mr. GLASS. Yes.

Mr. KITCHIN. Was that a unanimous report from the committee?

Mr. GLASS. It is a unanimous report. There was no objection whatever to the bill.

I may state in this connection that the committee embodied in this bill a provision for domestic branch banking; but in view of the fact that there was considerable opposition to that proposition, and no objection whatsoever to the other proposition, it was thought advisable to eliminate from the bill the domestic branch banking proposition in order to separate it from the foreign banking proposition, to which there was no objection.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. GLASS. I yield.

Mr. STAFFORD. I notice that you provide but 30 days' notice in which a bank that fails to comply with the regulations of the Federal Reserve Board must dispose of its holdings of stock in this foreign banking corporation. Does the gentleman believe that in case a national bank offends in the particular suggested, 30 days would be sufficient time for them to dispose of their holdings in a foreign bank?

Mr. GLASS. It will not necessarily be a foreign bank. There is doubt whether it will be a foreign bank. It will be a bank authorized in the United States to do a foreign business. It is in a new field of banking, and the committee thought that every possible safeguard and precaution ought to be taken in initiating this new adventure in the banking business, and we thought that 30 days will be ample time for an offending bank. A bank has no business to offend.

Mr. STAFFORD. That would be ample time in which to dispose of their stock after they had failed to comply with the conditions?

Mr. GLASS. The committee thinks so.

Mr. RUBEY. Mr. Speaker, will the gentleman yield?

Mr. GLASS. Yes.

Mr. RUBEY. I notice on page 3 lines 13 to 19 have been stricken out.

Mr. GLASS. Yes; lines 13 to 19 have been stricken out. Mr. Speaker, I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I do not intend to take much time in the consideration of this bill. I do not want to consume the time of the House. I think the recommendation made by the committee in this bill fills a long-felt want. We have been in a very embarrassing situation on account of not having any foreign banking connections. I can realize how impossible it would be for any single bank in the United States, even though we may have some very large ones, to organize a bank to do a foreign business; whereas, under the recommendations proposed in this bill it will be possible for national banks to take stock in a bank to do an exclusively foreign business and thereby enable the exporters of the United States to enlarge the scope of their activities abroad. Inasmuch as the committee have thought wise to offer an amendment to modify other clauses of the bill, I see no reason why the bill as proposed to be amended should not pass. Therefore I will not take the time that was allotted to me under my demand for a second.

Mr. GLASS. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

GOLD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13474) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act approved March 2, 1911, be, and the same is hereby, further amended by striking from the last proviso of said section 6 the word "one-third" and inserting in lieu thereof the word "one-half," making the last proviso of said section 6 read as follows:

"*And provided further*, That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any assistant treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in ammounts of not less than $1,000 in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed one-half of the total amount of gold certificates at such time oustanding. And section 5193 of the Revised Statutes of the United States is hereby repealed."

With the following committee amendments:

Page 2, line 3, strike out the word "one-half" and insert "two-thirds"; on page 2, line 14, strike out the word "one-half" and insert "two-thirds."

The SPEAKER. This bill is on the Union Calendar.

Mr. GLASS. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. GLASS. I yield to the gentleman.

Mr. MANN. The law now provides for one-third bullion. The department originally recommended that that be changed to make it one-half, and the committee has now reported in favor of making it two-thirds?

Mr. GLASS. In favor of making it two-thirds.

Mr. MANN. I will say to the gentleman that that seems to me to be perfectly proper. Was there any change in the situation between the time that the department made its recommendation and the bill was introduced and the time when the bill was reported, or was it the result of further reflection?

Mr. GLASS. The alteration was made in consequence of the fact that the Director of the Mint was notified to appear before the committee, and the suggestion was made by my colleague the gentleman from California [Mr. HAYES] that owing largely to the disuse of coin on the Pacific coast, where coin had been most used theretofore, he thought the change should be made from one-half, as suggested by the Secretary of the Treasury, to two-thirds, to which suggestion the Director of the Mint readily agreed that it would be better to have it that way.

Mr. HAYES rose.

Mr. GLASS. I yield to my colleague.

Mr. HAYES. The only place where gold coin is used to any great extent that I know of is in California.

Mr. LA FOLLETTE. Oregon and Washington also.

Mr. HAYES. And Oregon and Washington. Gradually the people of those States are coming to use paper money, and I can see no reason in the world for paying $125,000, which is the difference in cost between what the present law requires us to

coin and what this bill would require, for coining money that will never be put in circulation. The bullion is just as good to base gold certificates on as the coin.

Mr. GLASS. This is unanimously reported by the committee, Mr. Speaker, and it not only saves $125,000 in coinage, but it releases the mints to engage in minting foreign coinage, and to that extent it will be an additional saving.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. GLASS. I do.

Mr. MILLER of Minnesota. I understood from the statement just made by the gentleman from California [Mr. HAYES] that the only place where gold coin is now used is in the States of California, Oregon, and Washington. Will the coining of one-third, as provided for in this bill, no more than accommodate the demand for gold coin in those three States?

Mr. GLASS. The accommodation is now more than ample for all the gold coin that is demanded.

Mr. MILLER of Minnesota. I do not know anything about it, but I want to add that I do know that we want American gold in the various parts of the world, because that is the only thing that you can exchange at a fair, decent rate in the foreign countries of the world.

Mr. GLASS. This bill simply enables the Treasury Department to hold a greater amount of bars against outstanding gold certificates than heretofore, and a less amount of coin. To comply technically with the existing law would involve the Treasury in a useless expenditure of $125,000, and the gold coins are not demanded.

Mr. MANN. Does it not go a little further than that? We have been bringing in a very large amount of foreign coin in the last year or so. It is not unlikely that sooner or later in the course of transfers much of that will go out of the country again, and it is better not to recoin it or even reduce it to bullion, but it is better to send the coin back when we do have to export gold.

Mr. GLASS. That is entirely true.

Mr. HAYES. If the gentleman will yield, I desire to say that the amount provided for here will undoubtedly meet every demand for gold coin that can exist, and if that be not so the Secretary of the Treasury will have authority under the law, as it will be if this bill passes, to coin more if it is demanded.

Mr. GLASS. Oh, yes.

Mr. HAYES. It only authorizes that in case there is no demand for the coin the unnecessary coinage shall be suspended, thereby saving the money that would be uselessly expended.

Mr. HILL. Mr. Speaker, I move to strike out the last word. The gentleman from Minnesota [Mr. MILLER] said that he wants to see American coin go all over the world. Some years ago I visited the vaults of the Bank of England. I had the same patriotic idea that the gentleman from Minnesota has, and I found that the only result of not having such a law as this was that the United States, England, and France all went to the expense of melting down one another's money and coining it into their own coin. This bill will tend largely to prevent that, and save not only this Government but other Governments the expense of unnecessary recoining. The gentleman from Illinois [Mr. MANN] very appropriately says that we have been receiving a large amount of gold from abroad. The probability is that when the war is over a great deal of that gold will go back again. Now, supposing we coin that into American coin, what will happen? It goes over to Paris and to London, and the result will be that if you go into the vaults of the respective banks you will find a little machine with an arm on one side, a funnel at the top, and they pour the coin into the funnel; it runs down grade until it comes to the end of the arm, and then if it is the least mite light weight it is tossed to one side; if it is full weight it is tossed to the other side; it is "separating the sheep from the goats." If it is a light weight in the slightest degree, it is recoined; it goes into the world's commerce and then it possibly comes back here again and we have been in the habit of melting it down into American coin to put it behind our gold certificates, and so it goes on year after year, a perfect economic absurdity, and this bill in a large degree corrects that thing. There ought not to be the slightest opposition to it on the part of anybody.

Mr. BENNET. Will the gentleman yield?

Mr. HILL. Yes.

Mr. BENNET. Is the gentleman sure that this bill does to any large extent cure that trouble?

Mr. HILL. I think it does. It allows the Treasury to use a larger proportion of gold bullion and foreign coin, instead of changing it into American coin, and putting it behind the certificate in the form it was received.

Mr. BENNET. Along about the Sixtieth or the Sixty-first Congress we passed some sort of an act to do away with recoinage.

Mr. HILL. To some extent we did, but this goes further than that, and the further it can be carried with proper convenience to the American people the better. There are some countries where you have to ship American coin. Africa, for instance, in some cases, and certain countries in South America, but the great bulk of it goes back and forth between Paris, Berlin, London, and New York, and you can not stop it.

A word in regard to another matter. I rose to take the time on a former bill, and the gentleman will pardon me if I talk about a bill that has already passed, because I want to correct an erroneous impression in the country.

Mr. GLASS. I have no objection.

Mr. HILL. Mr. Speaker, not long ago a most distinguished citizen of the United States made this statement:

> Until the recent banking act you could not find, so far as I am informed, a branch of an American bank anywhere outside of the United States, whereas other nations of the world are doing their banking business on foreign shores through the instrumentality of their own banks.

Now, that statement was pardonable because the deadly isolation of some official positions in this country are such as excuse it. But when the head of the Bureau of Foreign Commerce, who is supposed to be directly conversant with such things, repeats the statement, and when, if I am not mistaken, it is again repeated on the floor of this House by one of the leading business men of one of the largest States in the Union, it seems to me that it ought to be corrected in the interest of everybody.

I made a trip around the world in 1901, and I then found what I believe to be the best business on earth, and that was foreign banking. I came home, and was gratified to learn that my own State had chartered a bank for the purpose and that it was doing business. And now, for the information of those gentlemen and the country at large, I want to tell you what a modest American bank has been doing the last 14 or 15 years, since 1902, in extending American business and American commerce throughout the world.

The International Banking Corporation was chartered in 1902. They have been carrying on branches at Bombay, Calcutta, Canton, Cebu, Colon, Hankow, Hongkong, Kobe, London, Manila, Panama, Peking, San Francisco, Shanghai, Singapore, and Yokohama. They have $37,000,000 cash assets engaged in that business; and yet, notwithstanding a branch has been kept right here in the city of Washington until a year or two ago, that through all these years it has been a recognized agent of the United States Government in transacting business in the Philippine Islands and all through the Orient, that for 14 years it has been carrying on this business in all the principal commercial centers of the Orient and the North American Continent, the statement is made here that we need to pass this bill—and I think we do—which has been passed in order to encourage American business in foreign countries.

We do not realize what American citizens are doing to carry the honor, glory, and credit of this great country all over the world. [Applause.] It seems to me to be fair to make this statement to the House so that they can realize that the bill as passed a moment ago is but supplementary to what is already being done by our citizens. [Applause.]

The SPEAKER. The gentleman from Connecticut withdraws his pro forma amendment, and the question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GLASS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXCLUSION OF INTOXICATING LIQUORS FROM NATIONAL PARKS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves.

The bill was read by title.

The SPEAKER. Is there objection?

Mr. MOON. I object.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent that the bill may hold its position on the calendar.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be passed without prejudice.

Mr. MEEKER and Mr. GALLAGHER objected.

DRY-LAND AGRICULTURE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 393) to authorize an exchange of lands

with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes.

The SPEAKER. Is there objection?

Mr. MOON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects, and the bill is stricken from the calendar, and the Chair recognizes the gentleman from Tennessee [Mr. PADGETT].

OFFICERS AND ENLISTED MEN OF THE NAVY AND MARINE CORPS DETAILED FOR SERVICE IN HAITI.

Mr. PADGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes, with the committee amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail to assist the Republic of Haiti such officers and enlisted men of the United States Navy and the United States Marine Corps as may be mutually agreed upon by him and the President of the Republic of Haiti: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States.

SEC. 2. That to insure the continuance of this work during such time as may be desirable, the President may have the power of substitution in the case of the termination of the detail of any officer or enlisted man for any cause: *Provided*, That during the continuance of such details the officers and enlisted men shall continue to receive the pay and allowances of their ranks or ratings in the Navy or Marine Corps.

SEC. 3. That the following increase in the United States Marine Corps be, and the same is hereby, authorized: Two majors, 12 captains, 18 first lieutenants, 2 assistant quartermasters with the rank of captain, 1 assistant paymaster with the rank of captain, 5 quartermaster sergeants, 5 first sergeants, 5 gunnery sergeants, and 11 sergeants.

SEC. 4. That the following increase in the United States Navy be, and the same is hereby, authorized: One surgeon, 2 passed assistant surgeons, 5 hospital stewards, and 10 hospital apprentices, first class.

SEC. 5. That officers and enlisted men of the Navy and Marine Corps detailed for duty to assist the Republic of Haiti shall be entitled to the same credit for such service, for longevity, retirement, foreign service, pay, and for all other purposes, that they would receive if they were serving with the Navy or with the Marine Corps.

The SPEAKER. Is a second demanded?

Mr. CALLAWAY. Mr. Speaker, I demand a second.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. CALLAWAY. I object.

The SPEAKER. The gentleman from Texas objects, and the Chair appoints the gentleman from Tennessee, Mr. PADGETT, and the gentleman from Texas, Mr. CALLAWAY, to take their place as tellers, and the House will divide on the question of ordering a second.

The House divided; and the tellers reported—ayes 78, noes 12.

Mr. CALLAWAY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. PADGETT. Mr. Speaker, I move a call of the House.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Under the rules of the House, when the House is dividing on seconding a motion to suspend the rules, and a quorum fails to vote, is there not an automatic call of the House?

The SPEAKER. The gentleman is correct. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on seconding the motion to suspend the rules.

The question was taken; and there were—yeas 229, nays 63, answered "present" 9, not voting 132, as follows:

YEAS—229.

Abercrombie	Cannon	Dale, Vt.	Elston
Adamson	Capstick	Dallinger	Emerson
Aiken	Carew	Danforth	Esch
Allen	Carlin	Davenport	Estopinal
Almon	Carter, Okla.	Davis, Tex.	Evans
Anthony	Cary	Dempsey	Farr
Ayres	Charles	Denison	Ferris
Beakes	Chiperfield	Dent	Fess
Bennet	Church	Dickinson	Fields
Blackmon	Clark, Fla.	Dill	Flood
Booher	Coady	Dillon	Foss
Britt	Connelly	Dixon	Foster
Britten	Cooper, Ohio	Doolittle	Freeman
Browne	Cooper, W. Va.	Dowell	Fuller
Browning	Cooper, Wis.	Drukker	Gallagher
Bruckner	Cox	Dupré	Gallivan
Butler	Crago	Dyer	Gandy
Byrns, Tenn.	Cramton	Eagle	Gard
Campbell	Crosser	Ellsworth	Garland
Garner	Kinkaid	Oakey	Snyder
Gillett	Kitchin	Oldfield	Stafford
Glynn	La Follette	Oliver	Steagall
Good	Lenroot	Olney	Stedman
Gould	Lever	O'Shaunessy	Steele, Iowa
Gray, Ind.	Lieb	Overmyer	Steele, Pa.
Green, Iowa	Linthicum	Padgett	Steenerson
Greene, Vt.	Lobeck	Parker, N. J.	Stephens, Cal.
Hadley	Lond	Parker, N. Y.	Stephens, Nebr.
Hamill	McAndrews	Peters	Sterling
Hamilton, Mich.	McArthur	Phelan	Stiness
Harrison	McClintic	Platt	Stone
Haugen	McCracken	Powers	Sulloway
Hawley	McGillicuddy	Pratt	Sweet
Hay	McKellar	Ragsdale	Swift
Hayden	McKenzie	Raker	Taggart
Hayes	McKinley	Ramseyer	Tague
Helgesen	McLaughlin	Randall	Talbott
Hernandez	Madden	Rauch	Taylor, Colo.
Hicks	Magee	Reavis	Temple
Hillard	Mann	Ricketts	Tilson
Hinds	Mapes	Rodenberg	Timberlake
Holland	Matthews	Rogers	Tinkham
Hollingsworth	Mays	Rowe	Towner
Howell	Meeker	Rucker	Treadway
Hulbert	Miller, Del.	Russell, Ohio	Volstead
Hull, Iowa	Miller, Minn.	Sabath	Wason
Husted	Miller, Pa.	Sanford	Watson, Va.
Hutchinson	Mondell	Sears	Whaley
Igoe	Mooney	Shallenberger	Wheeler
Johnson, S. Dak.	Moores, Ind.	Siegel	Williams, T. S.
Johnson, Wash.	Morgan, Okla.	Sims	Williams, W. E.
Kearns	Moss, Ind.	Sinnott	Winslow
Kennedy, Iowa	Mudd	Sloan	Wood, Ind.
Kennedy, R. I.	Murray	Smith, Idaho	Woods, Iowa
Kent	Nelson	Smith, Mich.	Young, N. Dak.
Kettner	Nicholls, S. C.	Smith, Minn.	
Key, Ohio	Nichols, Mich.	Smith, Tex.	
King	Nolan	Snell	

NAYS—63.

Ashbrook	Gray, Ala.	Lloyd	Sumners
Aswell	Gregg	McLemore	Tavenner
Bailey	Hamlin	Page, N. C.	Taylor, Ark.
Bell	Hastings	Park	Thomas
Buchanan, Ill.	Heflin	Quin	Thompson
Buchanan, Tex.	Helm	Rayburn	Tillman
Burgess	Helvering	Reilly	Tribble
Callaway	Hensley	Rouse	Venable
Caraway	Hood	Ruby	Vinson
Cline	Huddleston	Russell, Mo.	Walker
Crisp	Hughes	Sherwood	Webb
Dies	Jacoway	Sisson	Wilson, La.
Doughton	Johnson, Ky.	Slayden	Wingo
Edwards	Keating	Stephens, Miss.	Wise
Finley	Kincheloe	Stephens, Tex.	Young, Tex.
Gordon	Lesher	Stout	

ANSWERED "PRESENT"—9.

Cantrill	Hull, Tenn.	Montague	Morrison
Glass	London	Moon	Shackleford
Hill			

NOT VOTING—132.

Adair	Doremus	James	Paige, Mass.
Alexander	Driscoll	Jones	Patten
Anderson	Dunn	Kahn	Porter
Austin	Eagan	Keister	Pou
Bacharach	Edmonds	Kelley	Price
Barchfeld	Fairchild	Kless, Pa.	Rainey
Barkley	Farley	Konop	Riordan
Barnhart	Fitzgerald	Kreider	Roberts, Mass.
Beales	Flynn	Lafean	Roberts, Nev.
Black	Focht	Langley	Rowland
Borland	Fordney	Lazaro	Saunders
Brumbaugh	Frear	Lee	Schall
Burke	Gardner	Lehlbach	Scott, Mich.
Burnett	Garrett	Lewis	Scott, Pa.
Byrnes, S. C.	Godwin, N. C.	Liebel	Scully
Caldwell	Goodwin, Ark.	Lindbergh	Sells
Candler, Miss.	Graham	Littlepage	Sherley
Carter, Mass.	Gray, N. J.	Loft	Shouse
Casey	Greene, Mass.	Longworth	Slemp
Chandler, N. Y.	Griest	McCulloch	Small
Coleman	Griffin	McDermott	Smith, N. Y.
Collier	Guernsey	McFadden	Sparkman
Conry	Hamilton, N. Y.	Maher	Sutherland
Copley	Hardy	Martin	Switzer
Costello	Hart	Moore, Pa.	Van Dyke
Cullop	Haskell	Morgan, La.	Vare
Curry	Heaton	Morin	Walsh
Dale, N. Y.	Henry	Moss, W. Va.	Ward
Darrow	Hopwood	Mott	Watkins
Davis, Minn.	Houston	Neely	Watson, Pa.
Decker	Howard	North	Williams, Ohio
Dewalt	Humphrey, Wash.	Norton	Wilson, Fla.
Dooling	Humphreys, Miss.	Oglesby	Wilson, Ill.

So a second was ordered.

The Clerk announced the following pairs:

For balance of day:

Mr. MORRISON with Mr. HUMPHREY of Washington.

For this session:

Mr. DEWALT with Mr. MCFADDEN.

Until further notice:

Mr. DALE of New York with Mr. HASKELL.

Mr. ADAIR with Mr. GRIEST.

Mr. LANGLEY with Mr. CANTRILL.

Mr. SPARKMAN with Mr. MORIN.

Mr. SMALL with Mr. WILLIAMS of Ohio.

Mr. RAINEY with Mr. HILL.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. GODWIN of North Carolina with Mr. NORTH.

Mr. WATKINS with Mr. ROWLAND.

Mr. MAHER with Mr. HEATON.

Mr. HENRY with Mr. FOCHT.

Mr. JAMES with Mr. KONOP.

Mr. OGLESBY with Mr. ROBERTS of Nevada.

Mr. BARKLEY with Mr. FAIRCHILD.

Mr. LEE with Mr. LEHLBACH.

Mr. GARRETT with Mr. MCCULLOCH.

Mr. JONES with Mr. NORTON.

Mr. LOFT with Mr. ROBERTS of Massachusetts.

Mr. NEELY with Mr. SCOTT of Michigan.

Mr. PATTEN with Mr. SWITZER.

Mr. SHERLEY with Mr. WILSON of Illinois.

Mr. HART with Mr. MOORE of Pennsylvania.

Mr. MORGAN of Louisiana with Mr. SCHALL.

Mr. VAN DYKE with Mr. SELLS.

Mr. GRIFFIN with Mr. KELLEY.

Mr. HOWARD with Mr. LONGWORTH.

Mr. HUMPHREYS of Mississippi with Mr. MOTT.

Mr. POU with Mr. SCOTT of Pennsylvania.

Mr. WILSON of Florida with Mr. PORTER.

Mr. PRICE with Mr. MOSS of West Virginia.

Mr. LAZARO with Mr. KREIDER.

Mr. RIORDAN with Mr. VARE.

Mr. SCULLY with Mr. WATSON of Pennsylvania.

Mr. LITTLEPAGE with Mr. KIESS of Pennsylvania.

Mr. LEWIS with Mr. MARTIN.

Mr. SAUNDERS with Mr. LAFEAN.

Mr. SMITH of New York with Mr. PAIGE of Massachusetts.

Mr. MCDERMOTT with Mr. SUTHERLAND.

Mr. LIEBEL with Mr. WARD.

Mr. RAGSDALE with Mr. WALSH.

Mr. ALEXANDER with Mr. CARTER of Massachusetts.

Mr. SHOUSE with Mr. HAMILTON of New York.

Mr. BRUMBAUGH with Mr. DARROW.

Mr. DECKER with Mr. HOPWOOD.

Mr. FLYNN with Mr. KEISTER.

Mr. EAGAN with Mr. KAHN.

Mr. BURKE with Mr. ANDERSON.

Mr. CALDWELL with Mr. BEALES.

Mr. HARDY with Mr. GREENE of Massachusetts.

Mr. CULLOP with Mr. EDMONDS.

Mr. FARLEY with Mr. COSTELLO.

Mr. CANDLER of Mississippi with Mr. BARCHFELD.

Mr. BURNETT with Mr. GRAHAM.

Mr. DOREMUS with Mr. FORDNEY.

Mr. COLLIER with Mr. DAVIS of Minnesota.

Mr. FITZGERALD with Mr. COPLEY.

Mr. DRISCOLL with Mr. GRAY of New Jersey.

Mr. BORLAND with Mr. FREAR.

Mr. CONRY with Mr. CURRY.

Mr. BARNHART with Mr. DUNN.

Mr. BLACK with Mr. GOLEMAN.

Mr. BYRNES of South Carolina with Mr. CHANDLER of New York.

Mr. CASEY with Mr. BACHARACH.

Mr. DOOLING with Mr. AUSTIN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors. The gentleman from Tennessee [Mr. PADGETT] is recognized for 20 minutes and the gentleman from Texas [Mr. CALLAWAY] for 20 minutes.

Mr. PADGETT. Mr. Speaker, two weeks ago this bill was before the House, and there was considerable discussion over the matter, and I do not feel called upon at this time to renew that discussion. Recently the President of the United States negotiated a treaty with the Republic of Haiti, which was ratified by the Senate, but which has not yet been proclaimed. As I understand, it is being held up in order to get this legislation in aid of the treaty. Under that treaty the United States is to appoint and administer the finances of the Republic of Haiti.

Mr. COX. Will the gentleman yield?

Mr. PADGETT. I do.

Mr. COX. What was the necessity for making that kind of a treaty? What conditions existed between the two countries which required such a treaty, in brief?

Mr. PADGETT. There was anarchy there on that little island, which is right here under our protection, and we have felt in reference to Haiti as we have felt in reference to Santo Domingo and a number of other countries, that, as under the Monroe doctrine we will not let anybody else interfere with them, it is necessary for us to maintain order and good government.

Mr. COX. They were wasting and squandering the revenues of that little Republic?

Mr. PADGETT. Absolutely, sir.

Mr. COX. And not applying them to their debts?

Mr. PADGETT. No, sir. Now, also, it was stipulated that the Government of the United States should reorganize their constabulary. We have disbanded their constabulary and have taken charge of it under the military government. Now that this treaty has been ratified, and it must be taken under civil administration, this is for the purpose temporarily of organizing the constabulary of that Republic.

Mr. SISSON. Will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. SISSON. The treaty which the gentleman speaks of provides that the Haitian Government shall pay as much for the constabulary as the Federal Government pays, does it not?

Mr. PADGETT. Not that I know of; I do not know of such a provision.

Mr. SISSON. Now, my understanding of the treaty is that half the amount to be paid for the constabulary shall be paid by the Haitian Government. Now, that being true, since the gentleman has fixed full pay for these officers, the 20 per cent for serving in the tropics simply means, under the treaty, the Haitian Government must respond in like amount, which gives these officers and marines two salaries. Now that is my understanding of the treaty.

Mr. PADGETT. I think there is no such provision in the treaty that applies to the men. A marine, an enlisted man in the Marine Corps, who is receiving somewhere from $18 to $30 or maybe $35 a month goes down there. This provides that he shall have authority to receive from the Republic of Haiti as much additional compensation as the Republic of Haiti may give him, as may be approved by the President of the United States.

Mr. SISSON. Now that is the gentleman's bill?

Mr. PADGETT. Yes, sir.

Mr. SISSON. The President will be compelled, if the treaty is as I have been informed it is, to comply with the treaty.

Mr. PADGETT. No. This being a later law the later law governs always.

Mr. SISSON. That is true; but if the gentleman were President of the United States he would not repudiate a treaty, would he?

Mr. PADGETT. He would be governed by this law that authorizes their employment.

Mr. SISSON. Without consulting the other party?

Mr. PADGETT. This says we shall consult them. It says such compensation as the President of the Republic of Haiti may pay, which may be approved by the President of the United States.

Mr. SISSON. The gentleman is asking Congress to rather buy a pig in a sack until we know what is in the treaty and what we are doing by this bill.

Mr. PADGETT. Not at all, sir; it is as plain as anything can be, and I see nothing to be alarmed over in allowing these marines that receive a small compensation, who go down into that country under hard circumstances, among a population which is not congenial, to organize temporarily a constabulary there and maintain order, this being only a temporary matter, to allow them to receive such additional compensation——

Mr. COX. What will it cost this Government?

Mr. PADGETT. It would cost this Government very little, as it is contemplated sending only about 35 of our marines down there. They have estimated the number at 35.

Mr. CALLAWAY. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. CALLAWAY. I want to know how much extra pay we give for foreign service, which is provided by this bill, that they shall have in addition to what they get under the regular service?

Mr. PADGETT. The men get 20 per cent for foreign service and officers get 10 per cent.

Mr. CALLAWAY. In addition to that, do we pay anything for service in the Tropics?

Mr. PADGETT. No, sir; that is foreign-service pay.

Mr. CALLAWAY. In tropical service, then, or foreign service, we pay 20 per cent additional to our men and 10 per cent additional to our officers. Can you tell us how many men in addition to the ones named here, the increase provided in this bill, will be named in that service?

Mr. PADGETT. Not even all of those are expected to go. There are about 55 additional officers provided there, but it is estimated in the hearing of Gen. Barnett, the commandant of the Marine Corps, that they would employ in the Government of Haiti about 35 men. That is his statement. But this addi-

Campbell Crosser Ellsworth Garland Mr. RAINEY with Mr. HILL.

tional number that is authorized is because the Marine Corps has to operate in detached and irregular bodies, a certain number here, a smaller number yonder, and a different number there, not having a regularly constituted organization, as in the Regular Army, and it would require these additional officers referred to in the bill.

Mr. CARAWAY. Haiti is practically under martial law at the present time, is it not?

Mr. PADGETT. Our Marine Corps is in control there. We are hoping to get this legislation through so that the President of the United States can proclaim the treaty recently ratified by the Senate and put the civil government of Haiti into full control and operation.

Mr. CALLAWAY. Has this anything to do with the treaty?

Mr. PADGETT. With the exception of its promulgation the treaty is complete. It has been ratified by the Senate of the United States, and the President has not yet issued his proclamation, because when the proclamation is issued the treaty would become operative, and it is waiting to have this legislation so that the President will have authority then, as the treaty provides, to take charge under civil administration and civil organization.

Mr. CALLAWAY. Do you mean to tell this House that that treaty can not become operative until this act is passed?

Mr. PADGETT. I do not. But I mean to say this, that the President could not carry out the provisions of this treaty in the way that it is intended that he should without this legislation.

Mr. CALLAWAY. Do you mean it is intended he should in this bill?

Mr. PADGETT. Just exactly.

Mr. CALLAWAY. It does not have anything on earth to do with the operation of the treaty?

Mr. PADGETT. The treaty would become operative as a treaty regardless of this legislation, but the President would not have the means of executing it as he would like to do it.

Now, I desire to reserve the remainder of my time.

Mr. CANNON. Does not the gentleman think that the difficulty in the United States now in getting volunteers for the Marine Corps and for the Army and for the Navy, at pay which is comparatively inconsiderable to what they would receive in private life, is that just such discussions as this, and just such pay as is authorized here, have a tendency to say to a hundred million of people, "After all, what good?"

Mr. HENSLEY. What other countries south of us do we bear the same relation to as we do to Haiti?

Mr. PADGETT. We have a treaty with Santo Domingo. I do not remember whether there are other treaties or not.

Mr. HENSLEY. Nicaragua?

Mr. PADGETT. I do not know whether there is a treaty with Nicaragua or not, but we have done the same thing in Nicaragua, by going down there and putting our marines in control under military authority and military government. This treaty and legislation is to put them in control under civil administration.

Mr. HENSLEY. Now, then, the Marine Corps of this country who are serving in those countries are receiving also the additional pay that this bill provides the marines shall receive in Haiti?

Mr. PADGETT. Down there they receive 20 per cent additional for the enlisted men and 10 per cent for the officers. They are there only for a short time.

Mr. HENSLEY. Why make an exception of Haiti? Why not pass a general law to cover all those countries and permit them to receive this additional pay?

Mr. PADGETT. Because I think it better to deal with each case as it arises and under the peculiar equities of each time. I reserve the balance of my time.

The SPEAKER. The gentleman from Texas [Mr. CALLAWAY] is recognized for 20 minutes.

Mr. CALLAWAY. Mr. Speaker, Haiti is under martial law at the present time, with the United States Government in charge. Now, the impression that the chairman of this committee might have left on the minds of some Members of the House—that we have a treaty entered into between the United States and the Haitian Government, ratified by the Senate, which will not become operative until this law is passed—is pure buncombe. This law has not a thing on earth to do with that treaty. That treaty will go on and operate just as well without this act and just as thoroughly as it will with it. Treaties are not made between the different Governments and ratified that have to have a part passed by the House. The truth about it is that the United States marines do not want to go down to the Haitian Government under the treaty, knowing that this provision is pending, until this law is passed, they will get only one salary instead of two salaries. Now, that is the meat in the coconut; that is the vitals in this bill.

When this bill first came before the committee it provided that the United States troops the United States Government sent to Haiti to administer the Haitian Government would receive the same salary from the Haitian Government that the Haitian Government was accustomed to pay their people for like services, in addition to the salaries they received from the United States Government, which were the regular salaries of the Marine Corps, plus 20 per cent for serving in the Tropics or in foreign service.

Mr. TEMPLE. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. TEMPLE. Is it true that you say this provision is in the treaty between the United States Government and the Haitian Government?

Mr. CALLAWAY. I did not say a word about that.

Mr. TEMPLE. Is there an agreement by which Haiti pays a certain amount?

Mr. CALLAWAY. No, sir.

Mr. TEMPLE. That point was brought out by another gentleman a while ago, and I thought it well to correct it.

Mr. SISSON. Will the gentleman yield?

Mr. CALLAWAY. Yes, sir.

Mr. SISSON. I have not seen a copy of the treaty.

Mr. CALLAWAY. I would like to know if there is a man in the House that has a copy of the treaty.

Mr. MANN. I have one here, and anybody can get one who wants it.

Mr. CALLAWAY. What I said about the treaty I based on my general understanding, that I take it every man in the House has, that a treaty made between the United States and a foreign country, when it is ratified by the Senate of the United States, does not wait on the passage of a law to do what the terms of it provide.

I did not consider it worth while to look to the treaty. We are passing a law, not part of a treaty.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. HUDDLESTON. I would like to inquire of the gentleman if our marines are not there to-day, performing exactly the same duties that they will perform later, and for which it is proposed to pay them this increased allowance, without any increase?

Mr. CALLAWAY. Yes; and they will perform the same service without additional allowance. Some men have spoken to me about this bill. They had letters from relatives and friends and people in their respective districts who were in the service and wanted to go to Haiti, provided this bill passed increasing their pay. That influence, I take it, is largely responsible for this bill.

Mr. DILL. Mr. Speaker, will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. DILL. Will the giving to these men of an extra salary while they are in Haiti, serving there, have any influence upon their desire to continue there?

Mr. CALLAWAY. I take it that the gentleman asked the question knowing he is talking to a practical man, who could not answer but one way. Of course, if they get two salaries while they stay there and only one when they come away, they will want to stay.

Another thing: These men detailed for service in Haiti are the men on whom we depend to put that Government in such a state as that we can withdraw, and they are the men whose advice we will depend on to determine when we shall withdraw. How long will it take them to conclude that it is in such condition that we should withdraw them if they are drawing two salaries as long as they stay and only one salary when they quit staying?

Some may say they are patriots that salaries will not affect. But they are talking to a practical-minded man when they make such statements to one who knows human nature works just the same in the Marine Corps as it works in practical everyday business.

Another thing: When we do this for those sent to Haiti to police that country we will be called on to do it for every police squad sent at any time to any country to do police duty. I can not understand how anybody can argue that we ought to do it. They say that service is hard in a tropical country, but we add 20 per cent to the salary to pay for additional hardships of foreign service. This bill provides not only that they get the 20 per cent provided by general law, but in addition to that they get

such a salary from the Haitian Government as it pays for such service. The testimony before the committee shows this conclusively.

Mr. TILSON. Mr. Speaker, will the gentleman yield there?

Mr. CALLAWAY. Yes; I yield.

Mr. TILSON. This will not increase the salary of these men unless it is approved by the President of the United States. All this is subject to approval by the President of the United States, and if he decides that receiving this additional salary is in any way unwise or productive of sinister effect upon these men he could refuse to approve of it and could stop the payment of additional pay under the terms of this bill. Is that correct?

Mr. CALLAWAY. No; it is not correct at all, because the President will be influenced by the advice of the men sent down there. They are the people who will advise him. It will have to depend upon them. Acting upon their advice, he will be influenced by the extra pay they get.

Mr. BENNET. Mr. Speaker, will the gentleman yield there?

Mr. CALLAWAY. Yes.

Mr. BENNET. Is not the gentleman willing to trust the President of the United States in a matter of this kind?

Mr. CALLAWAY. Well, I am not long on trust anywhere. [Laughter.]

Mr. TEMPLE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Pennsylvania?

Mr. CALLAWAY. Yes.

Mr. TEMPLE. Can the gentleman tell how many officers and men of the Marine Corps are stationed now in Haiti?

Mr. CALLAWAY. No; I can not.

Mr. TEMPLE. Or how it will compare in expense to keep those there that are there or to send the 35 that it is proposed to send?

Mr. CALLAWAY. I do not suppose it would make any difference whether you paid them two salaries or one. Will two salaries enable them to accomplish more than one salary would enable them to accomplish?

Mr. TEMPLE. There are now 1,665 men of the Marine Corps under 82 officers. It would cost a great deal more to keep them there than to keep the 40 men provided by this bill. If the gentleman is in favor of economy, he ought to be in favor of this bill.

Mr. CALLAWAY. Oh, that is pure buncombe that you are working on the House and has nothing to do with the facts.

Mr. TEMPLE. There are 1,665 men.

Mr. CALLAWAY. That has nothing to do with it. The men that are to be sent can do better work if you pay them the two salaries provided in this bill than if you pay them one salary as provided by law. That is all there is to it. Does any man attempt to say if we pay two salaries you can withdraw the Army and 35 could do the work, and if we do not provide two salaries you will have to have the Army? We know that you can not. That is rot, rot, rot.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. CALLAWAY. Yes.

Mr. MANN. Under the existing law would the President have the authority to detail Marine officers to act as officers of the local constabulary there?

Mr. CALLAWAY. I do not think that this bill will affect the President in detailing the officers at all. If that were the question and anybody had made it in the committee or had offered it here, there would be no question raised on that. The whole question involved in this bill is a question of two salaries from different Governments.

Mr. MANN. The gentleman is on the committee. My understanding was that to make legal the detail of these officers is the main proposition.

Mr. CALLAWAY. The President has the right to detail the officers. He has the power under the treaty made and ratified by the United States Senate. It is already in effect. He could detail officers to do the work. This bill simply provides additional salaries. That is the only reason for the bill. That is the only reason I have ever head for it.

Mr. HULBERT. Mr. Speaker, will the gentleman yield for a question?

Mr. CALLAWAY. Yes; but gentlemen have taken up all my time. Some others want to be heard.

Mr. HULBERT. I have not taken up any of the gentleman's time.

Mr. CALLAWAY. I do not refer to the gentleman.

Mr. HULBERT. I have not yet made up my mind. It will depend somewhat on the answer that I get from the gentleman. The gentleman has stated that these men will receive two salaries—one that they are now receiving, plus 20 per cent by the Government. Do I understand that the other salary will be paid to them from the customs receipts of Haiti, or will both salaries be paid by the United States?

Mr. CALLAWAY. One salary will be paid by Haiti and the other by this Government.

Mr. HULBERT. These officers, sent down there, perform dual functions, do they not? In the first place, they are peace officers and maintain peace, and, on the other hand, they perform administrative functions on behalf of the Haitian Government?

Mr. CALLAWAY. I thought when a man was an officer in the Army he performed the service that the United States detailed him to perform, without regard to the number of the services.

Mr. HULBERT. Within the United States.

Mr. CALLAWAY. When he goes into foreign service he gets 20 per cent extra for the foreign service.

Mr. HULBERT. Will the gentleman yield for one more question?

Mr. CALLAWAY. Yes.

Mr. HULBERT. Does the gentleman make any distinction between sending a man into a foreign country with United States forces, in the service of his own country exclusively, and a case where men are sent into a foreign country to act in behalf of the people of that country?

Mr. CALLAWAY. That is a hair-splitting proposition I do not care to go into.

Mr. REAVIS. Will the gentleman yield for a question?

Mr. CALLAWAY. I want to save the rest of my time for the other members of the committee.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] has eight minutes remaining and the gentleman from Texas [Mr. CALLAWAY] has five minutes.

Mr. PADGETT. I yield five minutes of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, last summer and fall a treaty was negotiated between this country and the Republic of Haiti, signed by the representatives of the two Governments on the 10th day of September last. On the 8th day of January last the Secretary of State transmitted that treaty to the President of the United States with a letter, in which he said:

> The undersigned, the Secretary of State, has the honor to submit, with a view to its transmission to the Senate, if you approve thereof, to receive the advice and consent of that body to its ratification, a treaty—

And so forth. On January 11 the President, having approved thereof, transmitted this treaty to the Senate of the United States for ratification.

On February 28 the treaty was ratified by the Senate. This is about the most distinctive act which the present administration has performed in our foreign relations. The treaty was approved by the President, and by the Secretary of State transmitted to a Democratic Senate, and approved by the Democratic Senate. It requires certain action on the part of the House of Representatives to carry that treaty into effect.

The treaty provides that the constabulary in the Haitian Republic shall be officered by officers of the United States Army or Navy. The President can not direct that without an act of Congress. The bill now pending before us was prepared in the State Department and the Navy Department jointly, and transmitted to Congress with the recommendation that it be passed. To-day the motion was made to suspend the rules. To bring it up for consideration required a vote on a second, which is usually dispensed with, and on that vote 46 Democrats voted against considering the bill—128 Republicans voted in favor of considering the bill. [Applause on the Republican side.] Eighty-eight Democrats, not a two-thirds majority of the Democratic side, followed the Republicans in voting to consider the bill. Not a Republican voted against considering the bill. Here is an administration measure. [Applause on the Republican side.] A few days ago I heard gentlemen on that side of the House say, "We must stand by the President, who has asked us to agree to the Clarke amendment to the Philippine bill." Every one of the 46 Democrats who voted against the consideration of this bill meekly and mildly excused himself for his vote the other day on the ground that he was following the President. They roasted the other Democrats who did not follow the President then. Well, gentlemen, you are not following him now.

Mr. HENSLEY. Mr. Speaker, will the gentleman yield?

Mr. MANN. No; I do not yield. It is much more important to this administration to carry out this treaty that it has made with Haiti than it was to have the Clarke amendment in the Philippine bill. You have gone back on your own administration. When it comes to great questions, when it comes to the important problems in dealing with our foreign affairs——

Mr. GORDON. Like the McLemore resolution——

Mr. MANN. When it comes to the important problems, during a whole century of time, all administrations must depend upon the Republican side of the House for support. [Applause on the Republican side.]

The SPEAKER. The gentleman from Texas has five minutes left and the gentleman from Tennessee three minutes.

Mr. CALLAWAY. I yield the time on this side to the gentleman from Missouri [Mr. HENSLEY].

Mr. HENSLEY. Mr. Speaker and gentlemen of the House, it was not my intention to submit any observations concerning this bill, but after listening to the arguments made by both those who are favorable to it and those who are against it I feel inclined to say something. I can not quite understand how the Members of the House can make such arguments in connection with this matter as I have heard made here to-day. I have faith in the intelligence and the honesty of the membership of this body and I can not believe that they, if they fully understood the meaning of this measure, would support it.

It is said by the chairman of the Committee on Naval Affairs and others that it is necessary to pass this bill in order to put into force and effect the treaty which has already been ratified by the Senate between this country and Haiti. There can not be any connection whatsoever between this bill and the treaty. The provisions of the treaty can be put into force and effect without this bill, which has for its purpose wholly the increase in pay of the men and officers in the marine service of this Government. The Good Book says that one can not serve two masters, and yet in the very terms of this bill there is a divided allegiance and a divided authority. The marines in the service of this Government, enjoying full pay from this Government with 20 per cent additional for the enlisted men and 10 per cent additional for the officers for foreign service, are, under the provisions of this bill, to receive a salary from the Haitian Goverment, fixed by certain officers.

The first bill submitted by the chairman of the committee provided explicitly that in addition to the pay from this country they are to receive the same pay of native men and officers of the Haitian Government in similar positions. I stated before the committee and I say now that if it is necessary for these men and officers to receive additional pay over and above what the law provides at the present time that upon a proper showing of that fact I am perfectly willing to vote for an increase, and I have no doubt but that they are entitled to an increase, but the money should be recovered from the Haitian Government by some means or other and the whole pay of our officers and men should be chargeable against the Treasury of this Government. In other words, they should be the servants of this Government even though a portion of the money they receive is first gotten from the Haitian Government. I think it is a bad principle. We bear the same relation to several other small Republics south of us that we bear to Haiti. Now, this will be used as a precedent in case this bill becomes a law, and we will find that bills on the same basis will be introduced to take care of our men and officers in these other countries. If this is necessary, why should not there be a general law to cover all such cases as this?

Then, too, Mr. Speaker, this Government must of necessity depend upon our representatives in these countries for information; and upon the question as to when our relations with these Governments should be changed information must come from these people, and it is as natural as the night follows the day that these people will be considering their own individual interests in reporting to this Government. I am informed now that several Members of the House have friends in the service besieging them for their influence in being detailed for this constabulary service at Haiti; and, in addition to this, there is another point that I wish to call your attention to. Peculiar and extraordinary conditions prevail throughout our country concerning the question of military preparedness. I have not the time to present to you my views with reference to the causes for this situation, but we all know that in this plea of patriotism, if we make military increases, the burden must rest somewhere. Patriotism necessarily requires service. The duty devolves upon the people to render that service, and I say here and now, Mr. Speaker, that my observations thus far during this session of Congress convince me that the military people, who are most instrumental in this propaganda for preparedness, are urging increases in every way they can. I appreciate that I should be more definite and certain in my statement. I should point out to you instances where officers and men are asking and receiving increases in provisions contained in different bills from time to time, but I warn you here and now that you will find from time to time as we progress with this movement that these people will be recognized in their demands for increases simply because the people, they believe, are willing to stand for it now under the present stress of conditions.

In conclusion, Mr. Speaker, I desire again to say that I can not subscribe to this divided allegiance and divided authority. I want our people who are servants of this Nation to serve under the Stars and Stripes and not under the flag of any other nation. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Speaker, the vote against the consideration of this bill, I feel sure, was due to misapprehension as to what in fact is its real purpose and effect. I fully concur in the view stated by the gentleman from Illinois [Mr. MANN] that the primary purpose of this bill is to make effective the treaty between this country and the Government of Haiti. The only opposition, so far as I understood, that was even suggested to the bill was due to the fact that it provided some possible additional pay for the officers and members of the Marine Corps who might be stationed there, such additional pay to come out of the revenues of the Government of Haiti.

The committee carefully guarded against any real objection that might be offered on that ground by providing in the bill that before any additional pay can be received by the officers or members of the Marine Corps, the President of the United States must first approve the same. The duty enjoined on officers and enlisted men of the Marine Corps who may be detailed for service in Haiti under the provisions of the bill are in many respects different from the duties ordinarily imposed on such officers and enlisted men. It has been correctly stated that they will have important administrative duties to perform.

Mr. CALLAWAY. Will the gentleman yield?

Mr. OLIVER. No; I can not yield now. I desire to say in support of the bill that it is my opinion that its passage is important in order to give full effect to the treaty between this Government and the Government of Haiti. The provisions, as stated, in reference to additional pay are fully guarded, and the Marine officers will be entitled to none, unless they first secure the approval of the President of the United States. [Applause.]

The proposed bill has been strongly urged by the Secretary of the Navy and the Secretary of State, and I will here insert in the RECORD as a part of my remarks and for the purpose of showing the necessity of this legislation letters from both of these Secretaries to the chairman of the Committee on Naval Affairs.

DEPARTMENT OF THE NAVY,
Washington, March 3, 1916.

MY DEAR MR. CHAIRMAN: In reply to the committee's letter, inclosing the bill (H. R. 12584) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve in the Government of Haiti, and for other purposes, and requesting my views and recommendations of the department thereon, I have the honor to inform you that the department recommends this bill for your favorable consideration.

However, to better accomplish the purpose of the bill, I suggest that it be redrafted in the form of the draft herein inclosed, which has been prepared with a view to a compliance with those provisions of the treaty with Haiti which require detail for various positions under the Government of the Republic of Haiti of officers and enlisted men of the naval service.

The bill (H. R. 12584) provides for the detail of officers and enlisted men of the naval service to serve with the Haitian Gendarmerie, without reference to the approval by the Government of Haiti, contrary to the provisions of the treaty.

The first proviso in the bill that officers and enlisted men detailed for service with the Haitian Gendarmerie "shall receive the pay and allowances of their grades in the Marine Corps and in the Medical Corps and Hospital Corps of the Navy" is ambiguous for the reason that there are several ranks in some of the grades, and that the rate of pay of the individual may be based rather on his rank than on his grade. In the Quartermaster's Department of the Marine Corps there are only two grades, those of quartermaster and assistant quartermaster, whereas there is one rank in the upper grade, that of colonel, and three ranks in the lower grade, those of lieutenant colonel, major, and captain.

Among the articles of the treaty are the following:

"The President of Haiti shall appoint, upon nomination by the President of the United States, a general receiver and such aids and employees as may be necessary, who shall collect, receive, and apply all customs duties on imports and exports accruing at the several customhouses and ports of entry of the Republic of Haiti."

"Upon the appointment of the financial adviser the Government of the Republic of Haiti, in cooperation with the financial adviser, shall collate, classify, arrange, and make full statement of all the debts of the Republic, the amounts, character, maturity, and condition thereof, and the interest accruing and the sinking fund requisite to their final discharge."

I have been advised that it is the intention to appoint temporarily, and until some further arrangements are made, officers of the line of the Pay Corps of the Navy to the positions provided for in the above articles of the treaty. To provide for this contingency it is deemed necessary that the language in section 1 of the inclosed draft should be employed.

According to the information received by the department, an additional medical officer is desired by the Haitian Government to supervise sanitary measures, and I suggest that provision be made for an increase in the Medical Corps of one surgeon and two passed assistant surgeons, as set forth in the inclosed draft; also that provision be made for the increase of five hospital stewards and two hospital apprentices, first class, in order to provide for the detail of men of those ratings.

The increases noted in the proposed draft are only to replace such officers and enlisted men as may be detailed for service under the Republic of Haiti, and the numbers proposed are in accordance with the plans submitted to the department as having been determined upon and approved after consultation with the Haitian Government. The Marine Corps is now very short of officers and noncommissioned officers, and the Medical Department of the Navy is in a similar condition, and it would seriously embarrass the service to furnish the proposed detail for the Haitian Republic unless legislative provision were made to fill the vacancies so caused. I am informed that it is very desirable to secure the speedy enactment of such legislation, since the plans for assistance of the Republic of Haiti can not be carried into effect without the details being made from the naval service; and, as you are aware, officers of the Navy and Marine Corps can not legally assume or hold offices under the Haitian Government owing to the provisions of Article I, section 9, clause 8, of the Constitution, without the consent of Congress.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

DEPARTMENT OF STATE,
Washington, March 3, 1916.

Hon. LEMUEL P. PADGETT,
Chairman Committee on Naval Affairs,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of March 3, 1916, with which you were good enough to inclose a copy of House resolution 12584, entitled "A bill to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of Haiti, and for other purposes."

In reply to your request for an expression of my opinion on the bill, I venture to suggest that if it meets with your approval the bill be redrafted in the form of the inclosure herewith, which I understand has been already submitted to your consideration by the Secretary of the Navy.

You will note certain increases in the numbers of sergeants, hospital stewards, and hospital apprentices, first class, which have been suggested by the Department of the Navy.

Now that the treaty between the United States and the Republic of Haiti, signed at Port au Prince on September 16, 1915, and approved by the Haitian Chambers November 11, has been ratified by the United States Senate, it is most desirable that every effort should be made to put the provisions thereof in operation with the least delay, and it is therefore my earnest hope that favorable action may be taken upon the bill at the earliest moment possible.

I can not too strongly recommend that officers and enlisted men of the Navy and Marine Corps of the United States can be made available for service in Haiti, not only because I am convinced that the purpose of the treaty would be most advantageously carried to a successful completion by them, but particularly on account of the fact that by their excellent behavior and considerate bearing they have gained the confidence and esteem of the Government and people of Haiti, toward whom this Government has now assumed great responsibilities and obligations.

It is needless for me to assure you that I shall be most happy to be of any assistance in this connection, and I beg to thank you for your courtesy in affording me an opportunity to express an opinion in the matter.

I have the honor to be, sir,
Your obedient servant, ROBERT LANSING.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. CALLAWAY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 239, nays 53, answered "present" 6, not voting 135, as follows:

YEAS—239.

Abercrombie	Dallinger	Glynn	King
Adamson	Danforth	Good	Kinkaid
Alexander	Davenport	Gray, Ala.	Lafean
Allen	Davis, Minn.	Gray, Ind.	La Follette
Anthony	Dempsey	Green, Iowa	Lazaro
Ashbrook	Denison	Greene, Mass.	Lesher
Ayres	Dent	Greene, Vt.	Lever
Beakes	Dickinson	Gregg	Lieb
Bennet	Dill	Hadley	Linthicum
Britt	Dillon	Hamill	Lobeck
Britten	Dixon	Hamilton, Mich.	Loud
Browne	Doolittle	Hamlin	McAndrews
Browning	Doremus	Hardy	McArthur
Bruckner	Dowell	Harrison	McCracken
Buchanan, Tex.	Dupré	Hastings	McGillicuddy
Burgess	Dyer	Haugen	McKellar
Burke	Eagle	Hawley	McKenzie
Butler	Ellsworth	Hayden	McLaughlin
Byrns, Tenn.	Elston	Heflin	McLemore
Caldwell	Emerson	Hernandez	Madden
Campbell	Esch	Hicks	Magee
Cannon	Estopinal	Hill	Mann
Capstick	Evans	Holland	Mapes
Carew	Farley	Hollingsworth	Matthews
Carlin	Farr	Howell	Mays
Carter, Mass.	Ferris	Hughes	Meeker
Carter, Okla.	Foss	Hulbert	Miller, Del.
Cary	Fields	Hull, Iowa	Miller, Minn.
Charles	Fess	Hull, Tenn	Miller, Pa.
Chiperfield	Foster	Humphreys, Miss.	Mondell
Church	Frear	Husted	Mooney
Coady	Freeman	Igoe	Moores, Ind.
Cooper, Ohio	Fuller	Johnson, S. Dak.	Morgan, Okla.
Cooper, W. Va.	Gallagher	Johnson, Wash.	Moss, Ind.
Cooper, Wis.	Gallivan	Kearns	Murray
Cox	Gandy	Kelley	Nelson
Crago	Gard	Kennedy, Iowa	Nicholls, S. C.
Cramton	Garland	Kennedy, R. I.	Nolan
Crosser	Garner	Kent	Oakey
Curry	Gillett	Kettner	Oldfield
Dale, Vt.	Glass	Key, Ohio	Oliver

Olney	Riordan	Snell	Temple
O'Shaunessy	Roberts, Mass.	Snyder	Tilson
Overmyer	Rodenberg	Stafford	Timberlake
Padgett	Rogers	Steagall	Tinkham
Parker, N. J.	Rouse	Stedman	Towner
Parker, N. Y.	Rowe	Steele, Iowa	Treadway
Peters	Rucker	Steele, Pa.	Van Dyke
Phelan	Russell, Ohio	Steenerson	Volstead
Platt	Sabath	Stephens, Cal.	Wason
Powers	Sanford	Stephens, Nebr.	Watson, Va.
Pratt	Shallenberger	Stephens, Tex.	Wheeler
Price	Siegel	Sterling	Williams, T. S.
Ragsdale	Sims	Stone	Williams, W. E.
Raker	Slayden	Sullloway	Wilson, Fla.
Ramseyer	Slemp	Sweet	Wood, Ind.
Randall	Sloan	Swift	Woods, Iowa
Rauch	Smith, Mich.	Taggart	Young, N. Dak.
Reavis	Smith, Minn.	Tague	Young, Tex.
Ricketts	Smith, Tex.	Taylor, Colo.	

NAYS—53.

Almon	Edwards	Lloyd	Taylor, Ark.
Aswell	Finley	London	Thomas
Bailey	Goodwin, Ark.	McClintic	Thompson
Bell	Gordon	Page, N. C.	Tillman
Black	Helm	Park	Tribble
Blackmon	Helvering	Quin	Vinson
Buchanan, Ill.	Hensley	Rayburn	Walker
Callaway	Hilliard	Rubey	Webb
Candler, Miss.	Hood	Russell, Mo.	Wilson, La.
Cline	Huddleston	Sisson	Wingo
Crisp	Jacoway	Slayden	Wise
Decker	Johnson, Ky.	Stephens, Miss.	
Dies	Keating	Sumners	
Doughton	Kincheloe	Tavenner	

ANSWERED "PRESENT"—6.

Caraway	Moon	Reilly	Shackleford
Helgesen	Morrison		

NOT VOTING—135.

Adair	Edmonds	Kitchin	Pou
Aiken	Fairchild	Konop	Rainey
Anderson	Fitzgerald	Kreider	Roberts, Nev.
Austin	Flood	Langley	Rowland
Bacharach	Flynn	Lee	Saunders
Barchfeld	Focht	Lehlbach	Schall
Barkley	Fordney	Lenroot	Scott, Mich.
Barnhart	Gardner	Lewis	Scott, Pa.
Beales	Garrett	Liebel	Scully
Booher	Godwin, N. C.	Lindbergh	Sears
Borland	Gould	Littlepage	Sells
Brumbaugh	Graham	Loft	Sherley
Burnett	Gray, N. J.	Longworth	Sherwood
Byrnes, S. C.	Griest	McCulloch	Shouse
Cantrill	Griffin	McDermott	Small
Casey	Guernsey	McFadden	Smith, Idaho
Chandler, N. Y.	Hamilton, N. Y.	McKinley	Smith, N. Y.
Clark, Fla.	Hart	Maher	Sparkman
Coleman	Haskell	Martin	Stiness
Collier	Hay	Montague	Stout
Connelly	Hayes	Moore, Pa.	Sutherland
Conry	Heaton	Morgan, La.	Switzer
Copley	Henry	Morin	Talbott
Costello	Hinds	Moss, W. Va.	Vare
Cullop	Hopwood	Mott	Venable
Dale, N. Y.	Houston	Mudd	Walsh
Darrow	Howard	Neely	Ward
Davis, Tex.	Humphrey, Wash.	Nichols, Mich.	Watkins
Dewalt	Hutchinson	North	Watson, Pa.
Dooling	James	Norton	Whaley
Driscoll	Jones	Ogleshy	Williams, Ohio
Drukker	Kahn	Paige, Mass.	Wilson, Ill.
Dunn	Keister	Patten	Winslow
Eagan	Kless, Pa.	Porter	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Mr. TALBOTT (for Padgett bill) with Mr. CARAWAY (against).

Mr. PATTEN (for Padgett bill) with Mr. REILLY (against).

Until further notice:

Mr. WHALEY with Mr. MUDD.

Mr. HAY with Mr. GOULD.

Mr. AIKEN with Mr. BARCHFELD.

Mr. FLOOD with Mr. FORDNEY.

Mr. KITCHIN with Mr. MCKINLEY.

Mr. LOFT with Mr. WALSH.

Mr. CLARK of Florida with Mr. DRUKKER.

Mr. DAVIS of Texas with Mr. KREIDER.

Mr. BOOHER with Mr. HAYES.

Mr. SHERWOOD with Mr. MOTT.

Mr. STOUT with Mr. WINSLOW.

Mr. VENABLE with Mr. BEALES.

Mr. BORLAND with Mr. HUTCHINSON.

Mr. MONTAGUE with Mr. STINESS.

Mr. RAINEY with Mr. NICHOLS of Michigan.

Mr. GRIFFIN with Mr. SELLS.

Mr. COLLIER with Mr. MOSS of West Virginia.

Mr. SEARS with Mr. SMITH of Idaho.

Mr. CONNELLY with Mr. HOPWOOD.

Mr. CONRY with Mr. COLEMAN.

Mr. SAUNDERS with Mr. COSTELLO.

Mr. CARAWAY. Mr. Speaker, I voted "nay" and I am paired with the gentleman from Maryland, Mr. TALBOTT. I desire to withdraw my vote of "nay" and answer "present."

The name of Mr. CARAWAY was called, and he answered "Present."

Mr. REILLY. Mr. Speaker, I voted "nay." I am paired with the gentleman from New York, Mr. PATTEN. I desire to withdraw that vote and answer "present."

The name of Mr. REILLY was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the Secretary of State and one from Col. Lejeune, of the Marine Corps, and also a copy of the treaty, all bearing on the bill that has just been passed.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the bill passed in the manner indicated. Is there objection?

There was no objection.

The letter and treaty referred to are as follows:

DEPARTMENT OF STATE,
Washington, April 10, 1916.

The Hon. H. W. TEMPLE,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your communication of the 6th instant in which, referring to House bill 12835, authorizing officers and enlisted men of the Navy and Marine Corps of the United States to serve under the Government of the Republic of Haiti, and authorizing an increase both in the Marine Corps and the Navy, you request further information concerning the purpose for which these officers and men are to be used and how such service differs from that which is performed by the Marine Corps in other services.

You are doubtless aware that a detachment of the Marine Corps of the United States is serving at Peking, China, and that another detachment is performing similar duties at Managua, Nicaragua. Their duties are, as the nature of their service implies, to protect the property and personnel of the respective legations.

The duty contemplated by the bill now under consideration, and which will comprise the only other foreign duty of a permanent nature now being performed by the Marine Corps, differs in that such service contemplates their nomination as officers of the Haitian constabulary, provided for in the treaty between the United States and the Republic of Haiti of September 6, 1915, a copy of which, in accordance with your request, I take pleasure in inclosing. Under the operation of this treaty and the exercise of the good offices of the United States the army of Haiti has been entirely disbanded and replaced by a native constabulary, temporarily officered by officers and men of the United States Marine Corps and naval forces.

The important obligation assumed by us to guarantee the protection of life and property, the maintenance of order, and the establishment of an adequate police force in that Republic renders it highly expedient that, until such time as the Haitians may have proven their ability to act in such capacity, the officers and men of the Marine Corps of the United States be duly authorized to act in the capacity contemplated by the bill now under discussion.

Noting with great pleasure that you are inclined to lend this measure your support, and trusting that the information herein contained may satisfactorily answer you inquiry,

I have the honor to be, sir, your obedient servant,

ROBERT LANSING.

(Inclosure: As stated.)

HEADQUARTERS UNITED STATES MARINE CORPS,
COMMANDANT'S OFFICE,
Washington, April 7, 1916.

Hon. H. W. TEMPLE, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. TEMPLE: Your letter of the 6th instant, in regard to Mr. PADGETT'S bill, H. R. 12835, has been received, and in the temporary absence of the major general commandant I have the honor to reply as follows:

The only foreign countries, except Haiti, in which marines are now serving are China and Nicaragua. At Peking there are 9 officers and 337 enlisted men, and at Managua, Nicaragua, there are 3 officers and 107 enlisted men; these detachments serving as legationary guards for the protection of the ministers and their suites, and of other Americans and their property, from the violence of the turbulent, disorderly, and revolutionary elements in those countries. Such protection was found necessary because of the extreme instability of the Governments, the former detachment having been established in September, 1905, relieving an Army detachment, and the latter in November, 1912.

The First Brigade of Marines, consisting at present of 82 officers and 1,665 enlisted men, is now serving on shore in Haiti, engaged in the preservation of life, property, and tranquillity in that country. The brigade landed in July and August, 1915, and succeeded in a short time in reducing a state of disorder and anarchy to one of order and peace.

The military and police forces of Haiti have been found unreliable and have been abolished. It is proposed to organize and train a gendarmerie composed of native Haitians to assist in and eventually to take over most of the work now being done by the marines. It will be necessary that this force be temporarily officered largely by Americans in order to insure its efficiency and to place it on a sound basis from the start. The treaty signed September 16, 1915, and ratified by the Senate on February 28, 1916, provides for the detail of such officers by the President of Haiti on the nomination of the President of the United States. Marine officers and noncommissioned officers are at present assisting informally in the organization and training of this gendarmerie, but are prohibited by the Constitution from accepting positions contemplated by the treaty above referred to without the authority of Congress.

The bill to which you refer gives the necessary authority of Congress, and provides for the replacing of the officers and enlisted men detached for this duty. Without the provision for filling the places of those necessarily separated from their ordinary duty, the corps would be very seriously handicapped in the discharge of its normal functions.

I trust that the foregoing contains the information that you desire.

Very respectfully,

JOHN A. LEJEUNE,
Colonel, United States Marine Corps.

To the Senate:

With a view to receiving the advice and consent of the Senate to its ratification, I transmit herewith a treaty between the United States and the Republic of Haiti, signed at Port au Prince on September 16, 1915, having for its objects the strengthening of the amity existing between the two countries, the remedying of the present condition of the revenues and finances of Haiti, the maintenance of the tranquillity of that Republic, and the carrying out of plans for its economic development and prosperity.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, January 11, 1916.

The PRESIDENT:

The undersigned the Secretary of State has the honor to submit, with a view to its transmission to the Senate, if you approve thereof, to receive the advice and consent of that body to its ratification, a treaty between the United States, and the Republic of Haiti, signed at Port au Prince on September 16, 1915, having for its objects the strengthening of the amity existing between the two countries, the remedying of the present condition of the revenues and finances of Haiti, the maintenance of the tranquillity of that Republic, and the carrying out of plans for its economic development and prosperity.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE,
Washington, January 8, 1916.

TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF HAITI.

PREAMBLE.

The United States and the Republic of Haiti desiring to confirm and strengthen the amity existing between them by the most cordial cooperation in measures for their common advantage;

And the Republic of Haiti desiring to remedy the present condition of its revenues and finances, to maintain the tranquillity of the Republic, to carry out plans for the economic development and prosperity of the Republic and its people;

And the United States being in full sympathy with all of these aims and objects and desiring to contribute in all proper ways to their accomplishment;

The United States and the Republic of Haiti have resolved to conclude a convention with these objects in view, and have appointed for that purpose plenipotentiaries.

The President of the United States, Robert Beale Davis, jr., chargé d'affaires of the United States:

And the President of the Republic of Haiti, Louis Borno, secretary of state for foreign affairs and public instruction, who, having exhibited to each other their respective powers, which are seen to be full in good and true form, have agreed as follows:

ARTICLE I.

The Government of the United States will, by its good offices, aid the Haitian Government in the proper and efficient development of its agricultural, mineral, and commercial resources and in the establishment of the finances of Haiti on a firm and solid basis.

ARTICLE II.

The President of Haiti shall appoint, upon nomination by the President of the United States, a general receiver and such aids and employees as may be necessary, who shall collect, receive, and apply all customs duties on imports and exports accruing at the several customhouses and ports of entry of the Republic of Haiti.

The President of Haiti shall appoint, upon nomination by the President of the United States, a financial adviser, who shall be an officer attached to the Ministry of Finance, to give effect to whose proposals and labors the minister will lend efficient aid. The financial adviser shall devise an adequate system of public accounting, aid in increasing the revenues and adjusting them to the expenses, inquire into the validity of the debts of the Republic, enlighten both Governments with reference to all eventual debts, recommend improved methods of collecting and applying the revenues, and make such other recommendations to the minister of finance as may be deemed necessary for the welfare and prosperity of Haiti.

ARTICLE III.

The Government of the Republic of Haiti will provide by law or appropriate decrees for the payment of all customs duties to the general receiver, and will extend to the receivership and to the financial adviser all needful aid and full protection in the execution of the powers conferred and duties imposed herein; and the United States on its part will extend like aid and protection.

ARTICLE IV.

Upon the appointment of the financial adviser the Government of the Republic of Haiti, in cooperation with the financial adviser, shall collate, classify, arrange, and make full statement of all the debts of the Republic, the amounts, character, maturity, and condition thereof, and the interest accruing and the sinking fund requisite to their final discharge.

ARTICLE V.

All sums collected and received by the general receiver shall be applied, first, to the payment of the salaries and allowances of the general receiver, his assistants and employees and expenses of the receivership, including the salary and expenses of the financial adviser, which salaries will be determined by previous agreement; second, to the interest and sinking fund of the public debt of the Republic of Haiti; and, third, to the maintenance of the constabulary referred to in Article X, and then the remainder to the Haitian Government for purposes of current expenses.

In making these applications the general receiver will proceed to pay salaries and allowances monthly and expenses as they arise, and on the first of each calendar month will set aside in a separate fund the quantum of the collection and receipts of the previous month.

ARTICLE VI.

The expenses of the receivership, including salaries and allowances of the general receiver, his assistants and employees, and the salary and expenses of the financial adviser, shall not exceed 5 per cent of the collections and receipts from customs duties, unless by agreement by the two Governments.

ARTICLE VII.

The general receiver shall make monthly reports of all collections, receipts, and disbursements to the appropriate officer of the Republic of Haiti and to the Department of State of the United States, which reports shall be open to inspection and verification at all times by the appropriate authorities of each of the said Governments.

ARTICLE VIII.

The Republic of Haiti shall not increase its public debt except by previous agreement with the President of the United States, and shall not contract any debt or assume any financial obligation unless the ordinary revenues of the Republic available for that purpose, after defraying the expenses of the Government, shall be adequate to pay the interest and provide a sinking fund for the final discharge of such debt.

ARTICLE IX.

The Republic of Haiti will not without a previous agreement with the President of the United States modify the customs duties in a manner to reduce the revenues therefrom; and in order that the revenues of the Republic may be adequate to meet the public debt and the expenses of the Government, to preserve tranquillity, and to promote material prosperity, the Republic of Haiti will cooperate with the financial adviser in his recommendations for improvement in the methods of collecting and disbursing the revenues and for new sources of needed income.

ARTICLE X.

The Haitian Government obligates itself, for the preservation of domestic peace, the security of individual rights, and full observance of the provisions of this treaty, to create without delay an efficient constabulary, urban and rural, composed of native Haitians. This constabulary shall be organized and officered by Americans, appointed by the President of Haiti, upon nomination by the President of the United States. The Haitian Government shall clothe these officers with the proper and necessary authority and uphold them in the performance of their functions. These officers will be replaced by Haitians as they, by examination conducted under direction of a board to be selected by the senior American officer of this constabulary and in the presence of a representative of the Haitian Government, are found to be qualified to assume such duties. The constabulary herein provided for shall, under the direction of the Haitian Government, have supervision and control of arms and ammunition, military supplies, and traffic therein throughout the country. The high contracting parties agree that the stipulations in this article are necessary to prevent factional strife and disturbances.

ARTICLE XI.

The Government of Haiti agrees not to surrender any of the territory of the Republic of Haiti, by sale, lease, or otherwise, or jurisdiction over such territory, to any foreign Government or power, nor to enter into any treaty or contract with any foreign power or powers that will impair or tend to impair the independence of Haiti.

ARTICLE XII.

The Haitian Government agrees to execute with the United States a protocol for the settlement, by arbitration or otherwise, of all pending pecuniary claims of foreign corporations, companies, citizens, or subjects against Haiti.

ARTICLE XIII.

The Republic of Haiti being desirous to further the development of its natural resources, agrees to undertake and execute such measures as in the opinion of the high contracting parties may be necessary for the sanitation and public improvement of the Republic, under the supervision and direction of an engineer or engineers, to be appointed by the President of Haiti upon nomination by the President of the United States, and authorized for that purpose by the Government of Haiti.

ARTICLE XIV.

The high contracting parties shall have authority to take such steps as may be necessary to insure the complete attainment of any of the objects comprehended in this treaty; and, should the necessity occur, the United States will lend an efficient aid for the preservation of Haitian independence and the maintenance of a government adequate for the protection of life, property, and individual liberty.

ARTICLE XV.

The present treaty shall be approved and ratified by the high contracting parties in conformity with their respective laws, and the ratifications thereof shall be exchanged in the city of Washington as soon as may be possible.

ARTICLE XVI.

The present treaty shall remain in full force and virtue for the term of 10 years, to be counted from the day of exchange of ratifications, and further for another term of 10 years if, for specific reasons presented by either of the high contracting parties, the purpose of this treaty has not been fully accomplished.

In faith whereof, the respective plenipotentiaries have signed the present convention in duplicate, in the English and French languages, and have thereunto affixed their seals.

Done at Port au Prince, Haiti, the 16th day of September, A. D. 1915.

[SEAL.] ROBERT BEALE DAVIS, Jr.,
Chargé d'Affaires of the United States.

[SEAL.] LOUIS BORNO,
Secretary of State for Foreign Affairs and Public Instruction.

Mr. HENSLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the bill that has just been passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

PREVENTION AND TREATMENT OF LEPROSY IN THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 193) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States.

The SPEAKER. Is there objection?

Mr. MOON. Mr. Speaker, I object.

Mr. ADAMSON. Mr. Speaker, will the gentleman object to passing it over without prejudice?

Mr. MOON. No.

Mr. ADAMSON. Then I so request.

The SPEAKER. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, would the Chair entertain a motion to suspend the rules?

The SPEAKER. He will.

Mr. ADAMSON. Then, Mr. Speaker, I move to suspend the rules and pass the bill as amended, and in addition to the committee amendment I suggest an amendment, on page 2, in line 21, to strike out the words "or homes."

The SPEAKER. The Clerk will report the bill with amendments.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of carrying out the provisions of this act the Secretary of the Treasury is authorized to select and obtain, by purchase or otherwise, a site suitable for the establishment of a home for the care and treatment of persons afflicted with leprosy, to be administered by the United States Public Health Service; and either the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, or the Secretary of Agriculture is authorized to transfer to the Secretary of the Treasury any abandoned military, naval, or other reservation suitable for the purpose, or as much thereof as may be necessary, with all buildings and improvements thereon, to be used for the purpose of said home or homes.

SEC. 2. That there shall be received into said home, under regulations prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, any person afflicted with leprosy who presents himself or herself for care, detention, and treatment, or who may be apprehended under authority of the United States quarantine acts, or any person afflicted with leprosy duly consigned to said home by the proper health authorities of any State, Territory, or the District of Columbia. The Surgeon General of the Public Health Service is authorized, upon request of said authorities, to send for any person afflicted with leprosy within their respective jurisdictions, and to convey said person to such home for detention and treatment, and when the transportation of any such person is undertaken for the protection of the public health, the expense of such removal shall be paid from funds set aside for the maintenance of said home.

SEC. 3. That regulations shall be prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, for the government and administration of said home and for the apprehension, detention, treatment, and release of all persons who are inmates thereof.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized to cause the erection upon such site of suitable and necessary buildings for the purposes of this act at a cost not to exceed the sum herein appropriated for such purpose.

SEC. 5. That when any commissioned or other officer of the Public Health Service is detailed for duty at the home herein provided for he shall receive, in addition to the pay and allowances of his grade, one-half the pay of said grade and such allowances as may be provided by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury.

SEC. 6. That for the purposes of carrying out the provisions of this act there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $250,000, or as much thereof as may be necessary, for the preparation of said home, including the erection of necessary buildings, the maintenance of the patients, pay and maintenance of necessary officers and employees, until June 30, 1917.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Georgia is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. ADAMSON. Mr. Speaker, I do not care to consume much time. The gentleman from Virginia [Mr. MONTAGUE] prepared the bill for presentation. I will take just a minute to state that it is the same bill that we passed last year, I think, with practical unanimity. It was not considered in the Senate. There is a tremendous demand for this all over the country on account of the increasing number of lepers that are upon different communities in the United States. I hope there will be no trouble about passing the bill. I reserve the remainder of my time.

The SPEAKER. Does the gentleman from Illinois care to consume his time?

Mr. MANN. No.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SESSION OF UNITED STATES COURT AT DURANGO, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13765) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER. Is there objection?

Mr. MOON. Mr. Speaker, I reserve the right to object.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman from Tennessee [Mr. MOON] withhold his objection and permit me to make a brief statement in respect to this bill?

Mr. MOON. Yes.

Mr. TAYLOR of Colorado. Mr. Speaker, I earnestly hope that neither the gentleman from Tennessee [Mr. MOON] nor anyone else will object to the consideration of this bill, because it is of very great importance to the people and the business interests of southwestern Colorado. At the present time the State of Colorado is one Federal judicial district. Terms of court are now held in Denver, Pueblo, and Montrose, and the purpose of this bill is to establish an additional term of court in the city of Durango.

Durango is a city of some five or six thousand population and is practically 500 miles from Denver. The business interests, the lawyers, litigants, and all people in the five counties of the southwestern part of Colorado are exceedingly anxious to have a term of court established at that city. The expense at the present time, and ever since Colorado was admitted into the Union, of taking Federal business from that portion of the State to Denver for trial has been very burdensome. In fact, it is prohibitive to litigants of ordinary means. For instance, when a poor man brings a suit in the State court, which is a case that can be transmitted to the Federal court, and the defense elects to transfer it to that court, and takes the case to Denver, it practically prevents the plaintiff from following up, and he is virtually denied his rights.

The board of county commissioners of La Plata County, Colo., in which the city of Durango is located, have filed a guaranty to furnish court rooms for the holding of terms of court, including fuel, light, heat, and janitor services, free and without any expense to the Government until such time as a public building can be constructed in that city. That guaranty is in the form of a resolution, as follows:

RESOLUTION.

Whereas there is now pending before Congress a bill (H. R. 22) to amend the laws relating to the judiciary and to establish a term of the Federal court in the city of Durango, La Plata County, Colo.: Now, therefore, be it

Resolved by the board of county commissioners of said La Plata County, That in consideration of the passage of said bill and establishing a term of the Federal court in the city of Durango, La Plata County, Colo., said La Plata County hereby agrees to furnish court room for the holding of said term of court, including fuel, light, heat, and janitor service, free and without expense to the Government, until such time as a public building may be constructed in the city of Durango.

Passed and approved this 10th day of March, A. D. 1916.

A. E. REECE, *Chairman.*

Attest:

OLIVE ORME, *County Clerk.*

—

STATE OF COLORADO,
County of La Plata, ss:

I, Olive Orme, county clerk within and for said La Plata County, do hereby certify the above to be a true and correct copy of a resolution passed and approved by the board of county commissioners of said La Plata County on the 10th day of March, A. D. 1916. In testimony whereof I have hereunto affixed my name and the seal of said county at Durango, Colo., this 10th day of March, A. D. 1916.

[SEAL.] OLIVE ORME,
County Clerk and Recorder.

A public building at Durango was authorized by Congress some four years ago and the Supervising Architect is preparing to construct that building now. And the people are desirous of having a suitable provision made in that building for the Federal court, and such provision can not be made excepting by authority of Congress in the form of the passage of a bill of this kind. So that there is an emergency for the passage of this bill as soon as possible.

The Southwestern Colorado Bar Association has prepared a statement upon this subject which is very complete, and I ask to have it inserted in the RECORD as a part of my remarks, as follows:

DURANGO, COLO., *March 11, 1916.*

To the DURANGO EXCHANGE,
Durango, Colo.

GENTLEMEN: The Southwestern Bar Association is very much interested in the establishment of a Federal court at Durango, and at your suggestion has taken up the matter of the bill introduced by Mr. TAYLOR for that purpose, together with the suggestions made by Judge Robert E. Lewis. A canvass of the bar association and a study of the conditions show:

1. That the members of the bar to a man are unwilling to accept any provision which does not fix a definite, regular term of court to be held here if there is any business to be transacted.

2. They have no desire to cause expense or to compel the attendance of the court and officials when there is no business to transact, and to the end that the suggestions made by Judge Lewis may be met they are willing that the bill be so amended as to provide:

(a) That when there are no cases to be tried and no business to be transacted the term may be continued or adjourned by the judge in chambers at Denver.

(b) That jurors for each term may be selected from such counties as the judge may designate.

3. The board of county commissioners have by resolution agreed to furnish a courtroom, light, heat, and janitor service, without expense to the Government until such time as a public building may be constructed. Provision for such construction has been made and the site has been purchased. A certified copy of said resolution is herewith transmitted.

4. An office of the district clerk in Durango is maintained in the courthouse. The clerk is in attendance there every day and is available in all business hours. If he were also appointed clerk of the United States court the expense of that office would be nominal, and business could be transacted as readily and promptly as at the offices in Denver and Pueblo.

Under these conditions we feel that the establishment of a term of court here will not involve any considerable expense or serious inconvenience to the judge and court officials, and we think there is no valid objection to the establishment of such court.

The greater part of this district is distant from Denver at least 500 miles. It takes practically 24 hours to get to Denver from Durango, and a day longer from some other portions of the district. It takes substantially the same time and almost the same cost to reach Pueblo, and the only train service to Pueblo lands us there at 1 or 2 o'clock in the morning and makes us leave there at about midnight. It takes as long to reach Montrose, and because of higher rates over the Southern Railroad the expense is about as great as to reach Denver, and the conveniences of travel are very limited. Under these conditions it is preferable to transact the Federal court business from this district at Denver rather than at Montrose or Pueblo, and it is a hardship which should not be imposed upon our people to require them to attend at any of these places.

The bar association has been unable to get any complete data as to the business from this section which has been transacted in the Federal court. It has no record of such business outside of this county, and has no complete record of the business here. Reports made by a part only of the local attorneys to our committee show that they have been interested in the last few years in some 150 matters in the Federal court. The United States commissioner at this place has had upward of 125 cases from 1907 to this time. There are other commissioners in the district and several other counties which would be included in a Federal district to be formed, and the amount of business from these counties has been considerable. At one time, when the mining business was active, there were some 40 mining cases from Dolores County alone pending in the Federal court. During last summer there was tried in Denver a case from this section where more than 150 witnesses were taken to Denver. We think it will appear that the costs to the Government in its cases against the Porter Fuel Co., the New Mexico Lumber Co., the Pagosa Lumber Co., the Denver & Rio Grande Railroad Co., and other cases where a large number of witnesses were required, would maintain a local court here for a great many years. It has happened that most of the larger cases, involving the greatest expense and the largest number of witnesses, arising in this section have not been heard by Judge Lewis, but have been heard by Judges Trieber, Riner, Marshall, and others. For this reason, probably, Judge Lewis is not fully aware of the extent of the business actually arising in this section.

We suggest, further, that in all probability the Federal court business hereafter will increase rather than diminish, for the following reasons:

1. There is a land office here, within whose jurisdiction all kinds of public-land business is transacted and from which before long appeals to the courts will probably be allowed.

2. There are two Indian reservations, with separate agencies, schools, and irrigation projects, and with all questions arising on account thereof or on account of dealings with the Indians.

3. There are two large forest reserves with district offices within this district from the administration of which the usual questions pertaining thereto may be expected to arise.

4. There are a large number of mining districts now again actively engaged in mining. A very large proportion of the properties are owned by foreign corporations or nonresident individuals. There is renewed activity in all these camps, resulting from better prices for products and improved methods, and as well from new discoveries of precious metals and new metals.

5. There are several national banks, having the right in certain cases to sue and be sued in Federal courts.

6. The counties, schools, cities, towns, irrigation districts, power plants, mines, and industrial corporations have outstanding large issues of bonds held by nonresidents.

7. There are a large number of irrigation ditches and projected irrigation ditches, heading in Colorado and covering New Mexico lands. It can readily be seen that this condition is certain to furnish a very considerable business for the Federal courts.

8. There are seven large rivers rising in Colorado and running into New Mexico, Utah, Arizona, and California, and interstate questions as to rights to the use of water and as to respective priorities are continually arising.

9. Important questions are arising as to the priority of the Indians as to the right to use water as against the whites who have made actual, prior usage. These questions will arise as to practically all of our streams, and before long must be settled in the Federal courts.

10. This section is geographically and commercially intimately connected with northwestern New Mexico and southeastern Utah, both rapidly growing and developing communities, and controversies arising out of these relations between citizens of different States must result from this intercourse.

To the above matters may be added the facts that there is a large power plant owned and operated by a foreign corporation, which covers a large part of the territory of this district; that a considerable quantity of land has been sold by the Government with coal and mineral rights reserved to the United States; that the Government surveys of lands are very irregular and defective; and that the boundary line between Colorado and New Mexico has never been satisfactorily adjusted, and perhaps dozens of other circumstances from which Federal questions might arise.

In the course of our investigations a matter has come to our attention which we think should be mentioned. We find that several cases (particularly damage cases) have been removed from the local courts to the Federal courts, with the result that the plaintiff was unable to follow them there and to further prosecute them. We are not advised as to the merits of these cases, but certain it is that their removal to Denver and Pueblo deprived the plaintiffs in these cases of the opportunity to have tried the question involved. This condition ought not to exist, and if for no other reason there should be a Federal court within easy reach where such cases might be tried.

We have a list of the title of something over 200 cases which we can furnish you if desired, and we will endeavor to get returns from other counties, which will largely increase the number. It has been impossible for us to make anything like a full list of the cases from this section, but we have found that a very considerable amount of business, some of which was very important, has originated from this section. A very considerable number of the cases arising in this section have been in charge of Denver attorneys, and consequently are not found on the dockets of our local attorneys.

We ask you to join us in urging the passage of the bill and suggest that you concur in the amendments indicated if such amendments meet with the approval of Mr. TAYLOR.

Respectfully,

THE SOUTHWESTERN COLORADO BAR ASSOCIATION,
By REESE MCCLOSKEY, *President.*
ROBT. S. CLEMENTS, *Secretary.*

REESE MCCLOSKEY,
ROBT. S. CLEMENTS,
B. W. RITTER,
Committee.

It will be observed from the bill that I have therein provided that whenever there is no business to be transacted in any year, if such should ever be the case, that the judge may adjourn the term of court by an order issued at chambers in Denver, and thereby be relieved of the expense and inconvenience of making the trip to Durango. The Judiciary Committee have investigated this matter very carefully and made a complete, unanimous, and strongly favorable recommendation.

Mr. DYER. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. DYER. I just want to state in addition to what the gentleman from Colorado has said that the Committee on the Judiciary of the House had hearings upon this bill and considered it and were unanimous in making a favorable report.

Mr. MOON. May I ask the gentleman from Colorado has he consulted the gentleman from Illinois [Mr. MANN] as to whether this bill should be passed or not?

Mr. TAYLOR of Colorado. I will say yes. [Laughter.] I asked the minority leader just a few minutes ago whether or not he had any objections to this bill, and he very frankly told me he had not. I do not always ask the gentleman from Illinois about my bills, but sometimes I do. This matter is of so much importance to the people of the southern part of my district, that, out of over anxiety, I might say, for the passage of the bill, I endeavored to ascertain whether or not there was going to be any systematic opposition to it on the part of the minority. In view of the number of bills that have been slaughtered here to-day I do not want to take any chances on getting this bill killed if I can possibly avoid it.

Mr. MOON. And he did not object. Mr. Speaker, I want to make a statement for a moment or two. I am not making any captious objection to these bills. I am willing that any bill upon the calendar should pass by a vote of the House of Representatives if it is entitled to pass, but there is a condition existing here that I think is improper. This House took from the Speaker the right of recognition on unanimous-consent requests, and it seems by common consent that everybody now goes to the gentleman from Illinois [Mr. MANN] to see whether he will object or not. I had a bill here to-day to which the gentleman objected that is identical with the bill of the gentleman from Colorado except that he hopes to have a place fixed for his court, and we have already got the place. That is all the difference between them. Just like the balance of you gentlemen, I talked with my friend [Mr. MANN] about the propriety of this matter some time ago, and he wanted to know how many cases arose in that county. Well, I could not tell him how many cases came up in a single county. I knew that division of the State had an immense amount of litigation and that that county furnished a great part of it, and I said I would send for the statement, but it had not come. Now he persists in his objection to a local measure of this kind. He proposes to determine for himself whether my bill shall pass or not. He does not make any objection to the bill of the gentleman from Colorado and does not make any objection to others.

Mr. TAYLOR of Colorado. Will the gentleman permit an interruption?

Mr. MOON. I will.

Mr. TAYLOR of Colorado. I may say the gentleman from Illinois did not agree not to object to it, but he said——

Mr. MOON. I want to say this: The gentleman from Illinois [Mr. MANN] had the right, and I am not questioning his right, to make objections to any bill in this House to which he sees fit to make objection, but when a simple measure like the one I have already referred to is presented in this House, nothing in the world in it except to hold court at two places in one county in a division, not changed or altered by the terms of the law, for the convenience of the lawyers and the convenience of the public, there comes that objection. Under such conditions I felt that it was about time in this House that bills cease to pass by unanimous consent, if a measure of that sort could not pass. I have no objection, of course, to the bills, but I have to the method of procedure—to this method of the minority leader determining in this House as to whether measures shall be passed or not because he likes or dislikes certain Democrats who may have them up. Now, why did not the gentleman object to that bill? He objected to mine. As I said, the gentleman has the right to object to my bill or anybody else's bill, I concede he has the right to continually make any sort of remark that he sees fit, until he gets to the danger line, and then very probably he will not make them—remarks about Members who are not even engaged in the debate, as he did in reference to myself to-day. Decent procedure in this House demands under such conditions that bills hereafter shall pass by a vote of the House of Representatives and not by unanimous consent, and I shall object from now on except in specially meritorious cases.

The SPEAKER. The gentleman from Tennessee objects.

Mr. TAYLOR of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR of Colorado. Will the Speaker entertain a motion to suspend the rules and consider this bill at this time?

The SPEAKER. He will.

Mr. TAYLOR of Colorado. Then, Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13765).

The SPEAKER. The gentleman from Colorado moves that the rules be suspended and the bill be passed which the Clerk will report.

Mr. TAYLOR of Colorado. There are no amendments.

The Clerk read as follows:

A bill (H. R. 13765) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Be it enacted, etc., That section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 73. That the State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesday in May and November; at Pueblo on the first Tuesday in April; at Montrose on the second Tuesday in September. That the counties of Archuleta, La Plata, San Juan, Montezuma, and Dolores, in said State, shall constitute the southwestern division of said district, and a term of said court shall be held at the city of Durango, in said district, on the first Tuesday in October of each year; and the clerk of said district court of said State shall maintain an office at said city of Durango, in charge of himself or a deputy, which shall be kept open at all times for the transaction of the business of the court; and the selection of jurors for attendance upon said court in said southwestern division may be selected from said counties: *Provided*, That if at the time of holding a term of said court in any year at said city of Durango there is no business to be there transacted by said court the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colo.

The SPEAKER. Is a second demanded? [After a pause.] The Chair hears no request for a second. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONCURRENT JURISDICTION OVER COLUMBIA RIVER.

Mr JOHNSON of Washington. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 6097, with an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill and read the amendment into it.

The Clerk read as follows:

A bill (H. R. 6097) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish.

Be it enacted, etc., That the Congress of the United States of America hereby consents to and ratifies the compact and agreement entered into between the States of Oregon and Washington relative to regulating, protecting, and preserving fish in the boundary waters of the Columbia River and other waters, which compact and agreement is contained in section 20 of chapter 188 of the general laws of Oregon for 1915, and section 116, chapter 31, of the session laws of Washington for 1915, and is as follows:

"All laws and regulations now existing, or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States, which would affect said concurrent jurisdiction, shall be made, changed, altered, and amended in whole or in part, only with the mutual consent and approbation of both States."

Nothing herein contained shall be construed to affect the rights of the United States to regulate commerce or the jurisdiction of the United States over navigable waters.

This act shall take effect from and after the date of its passage.

The SPEAKER. Is a second demanded?

Mr. FINLEY. Mr. Speaker, I demand a second.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Washington [Mr. JOHNSON] is entitled to 20 minutes, and the gentleman from South Carolina [Mr. FINLEY] to 20 minutes.

Mr. FINLEY. Mr. Speaker, I would like to ask the gentleman from Washington to explain the necessity for this legislation on the part of Congress.

Mr. JOHNSON of Washington. This matter is explained in the report of the committee which accompanies the bill. The States of Oregon and Washington have each, in joint sessions of their legislatures, passed memorials to Congress asking for this legislation by Congress, which is in the nature of a ratification of an agreement between the legislatures of the two States. Under the Constitution of the United States the different States can not make treaties and agreements with each other. Any compact or understanding that may be reached has to be ratified by Congress. To provide for such ratification is the purpose of this bill.

Mr. FINLEY. How will it affect the fishing rights of the citizens of other States?

Mr. JOHNSON of Washington. Citizens of other States can not be concerned. These two States have concurrent jurisdiction over the waters of the Columbia River, which runs for 300 miles between the States.

Mr. FINLEY. I understand that. So there is nothing of that kind in the statute or enumerated in the bill?

Mr. JOHNSON of Washington. The right to take fish for sale is limited to citizens of the United States and to persons who have declared their intention to become such and who have been residents of one or other of the States on the Columbia River. We have, by amendment, provided that none of the laws of the United States in regard to navigation may be done away with or anything of that kind.

Mr. FINLEY. I was asking a question with reference to fishing rights of the citizens of other States.

Mr. JOHNSON of Washington. They are not affected.

Mr. FINLEY. One provision that I heard read said they may be altered or amended by the respective States.

Mr. JOHNSON of Washington. I will try to make the general situation clear to the gentleman. For 25 years these two States have had fishing laws that differed greatly. For instance, in regard to placing nets at the mouth of smaller streams that run into the Columbia River, the law was different on one side of the river from that on the other side. The law in regard to citizenship was different, and so on. After these 25 years of quarreling and trouble the two legislatures appointed commissions to get together and harmonize the laws. Then the legislatures adopted uniform laws and then they passed identical memorials to Congress asking for the ratification of a compact, as explained in the bill.

I ask for a vote, Mr. Speaker.

Mr. ADAMSON. I would like to ask the gentleman if the saving amendment that he spoke to me about has been read into the bill?

Mr. JOHNSON of Washington. It has been read into the bill.

Mr. ADAMSON. A provision not to interfere with commerce over navigable waters?

Mr. JOHNSON of Washington. Yes; that has been read in.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

APPROPRIATION FOR THE ORGANIZED MILITIA.

Mr. McKELLAR. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 15005.

The SPEAKER. The gentleman from Tennessee moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15005) to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia.

Be it enacted, etc., That for paying the expenses of the Organized Militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," to be immediately available and to remain available until the end of the fiscal year 1917, $200,000 is hereby appropriated: *Provided*, That when it is not practicable to obtain the presence of regular troops for a joint encampment, the funds herein appropriated shall be available for such encampments, maneuvers, and field instruction for the Organized Militia as the Secretary of War may prescribe.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. McKELLAR. Mr. Speaker I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Tennessee [Mr. McKELLAR] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] 20 minutes.

Mr. McKELLAR. Mr. Speaker and gentlemen of the House, this is a bill that comes from the War Department, and the reason for it in substance is as follows:

The Division of Militia Affairs has been arranging for some time to hold summer encampments. It was first contemplated they should be joint encampments composed of divisions of the Regular Army and of the Organized Militia.

However, the Army appropriation bill has been retarded because of the fact that we have to finish the new Army reorganization bill before the Army appropriation bill can be passed. Now they need this money for organizing these camps. Several of them are fixed before the 30th of June, and in the Army appropriation bill the amount appropriated for this purpose will be decreased by this sum of $200,000 appropriated in this bill. The Secretary of War has recommended that this be done. They need the money in order to carry out these summer-camp plans, and I take it for granted that there can be no real objection to the passage of this bill at this time.

Mr. SISSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Mississippi?

Mr. McKELLAR. Yes.

Mr. SISSON. Is there an item in the Army bill of this character?

Mr. McKELLAR. Yes; it is precisely like this; but it will be omitted from the Army bill. This will take the place of the provision that ordinarily goes into the Army bill. It is just appropriating at this time for this purpose in lieu of the usual appropriation in the Army bill. I will say to the gentleman that the Army appropriation bill is frequently passed by this time.

Mr. SISSON. Does the Army appropriation bill carry this amount of money? Is it in the bill?

Mr. McKELLAR. It will be in the bill. The bill has not been reported out yet, and we can not report it out. I will say to the gentleman, until after the Hay or the Chamberlain bill, or a composite bill, is passed.

Mr. SISSON. It is in conference now?

Mr. McKELLAR. Yes.

Mr. SISSON. The conference report, of course, will have to come in and be adopted before the Committee on Military Affairs will be able to understand what organization they will have to appropriate for?

Mr. McKELLAR. Yes.

Mr. SISSON. If that becomes a law, your committee will not appropriate this amount of money for the current year?

Mr. McKELLAR. No; we will not appropriate this amount of money for this purpose this year.

Mr. TILSON. Mr. Speaker, will the gentleman yield to me for a statement?

Mr. McKELLAR. Does the gentleman want time?

Mr. TILSON. Yes; I would like to have two minutes.

Mr. McKELLAR. I will yield to the gentleman from Connecticut two minutes and reserve the balance of my time, Mr. Speaker.

Mr. TILSON. Mr. Speaker, this is by way of anticipation of the usual maneuver-encampment appropriation. It is important that these encampments be extended over as long a period as possible so as to enable as many Regular Army officers as possible to attend them; and if all the encampments must be arranged after June 30, so as to come in under the regular appropriation bill, the time would be very much limited. Hence the importance of having this bill pass ahead of the regular appropriation bill, making $200,000 immediately available. It is the intention of the committee to report just $200,000 less in the item for the joint encampments than would be reported if this bill should not pass.

Mr. McKELLAR. If nobody wishes to be heard, Mr. Speaker——

Mr. MANN. Mr. Speaker, I am not opposed to the passage of this bill. If anyone who is opposed to it desires time, I will

yield time. But I want to make a statement or two in reference to it.

Because of the necessities of the case I am not opposed to the bill, but it is an extremely bad practice. The Committee on Military Affairs does not have jurisdiction over deficiency appropriations. We have passed already in this Congress three deficiency appropriation bills, and if the War Department had attended to its business it would have asked for a deficiency appropriation to have gone in one of those appropriation bills instead of sending in a letter to have an appropriation made, not in an appropriation act at all but as a legislative act.

Mr. McKELLAR. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly; I yield.

Mr. McKELLAR. I imagine that the gentleman will agree that our Army appropriation bill has been delayed because of this new Army reorganization bill.

Mr. MANN. Oh, the Army appropriation bill would not have become a law in any event until after the 1st of July. The gentleman knows that. It did not two years ago.

Mr. TILSON. Mr. Speaker, will the gentleman yield to me?

Mr. MANN. Certainly.

Mr. TILSON. As a matter of fact, the gentleman from Illinois is right, and this appropriation ought to have been made in the Army appropriation bill that passed a year ago. They knew at that time that there ought to be maneuver encampments held prior to July 1, 1916, and this sum ought to have been included in last year's appropriation bill.

Mr. MANN. I am not going so far back as that. We are told every day that we are to follow the military experts all along the line. In the main, I agree with that; but the military experts in the War Department are not very expert as to legislation.

They ought to know, and they do know, that when they want a deficiency appropriation they should make an estimate for it as a deficiency appropriation, and let it go before the proper committee as such. We have passed three deficiency appropriation bills which have become laws at this session of Congress. This item, or a part of it, ought to have been included in one of those bills, if they were in a hurry. If it had not been for the unusual circumstances to-day, any one Member could have knocked this bill into a cocked hat if he had wanted to. That is the way the Army does its expert business at times.

Mr. McKELLAR. I will say to the gentleman that if I had known that was what he was going to say, I would not have interrupted.

Mr. MANN. I am not criticizing the Committee on Military Affairs. They did not ask for a deficiency appropriation. They asked for the passage of a bill, which shows how foolish people can be at times.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

ARMY SUPPLIES TO MILITARY SCHOOLS AND COLLEGES.

Mr. MILLER of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4726) to permit issue by the supply departments of the Army to certain military schools and colleges.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized to issue, at his discretion and under such regulations as he may prescribe, such quartermaster supplies and stores belonging to the Government, and which can be spared for that purpose, as may appear to be required for the establishment and maintenance of military instruction camps by the students of any educational institution to which an officer of the Army is detailed as professor of military science and tactics, and the Secretary of War shall require a bond in each case in the value of the property for the care and safe-keeping thereof and for the return of the same when required.

The SPEAKER. Is a second demanded?

Mr. FOSTER. I demand a second.

Mr. MILLER of Minnesota. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Minnesota is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. MILLER of Minnesota. Mr. Speaker, I can state in a moment's time the reason for the passage of this bill.

For several years the military departments of some of our leading universities, as well as some of the schools in the United States organized and conducted along military lines, have desired the practical experience to be obtained only from fieldwork. Four years ago I introduced a bill permitting the Secretary of War to loan tents and equipages of that kind to schools of this class for the purposes indicated. It did not become a law.

At the beginning of this session of Congress this bill was drawn by the Secretary of War, or under his direction, sent to the Senate and introduced there by Senator NELSON, and passed that body. It has been unanimously reported by the House committee, and is here on the calendar for consideration.

A paragraph in the pending general Army reorganization bill contains this provision. The reason for asking consideration of this bill now is that it is generally agreed that the Army reorganization bill will not become a law until some time in June, or later. There are numerous colleges in the United States that desire to avail themselves of the privileges of this act early in June of this year. I have special reference to the University of Minnesota, with its cadet corps of 1,400 students, which has already made arrangements to mobilize on the Fort Snelling Reservation and conduct a series of field maneuvers lasting eight days, an unusually serious effort for practical military training by this cadet corps, which is pronounced by military inspectors to be one of the best in the United States. The president of the university informs me that it is necessary that this bill be passed immediately, in order that they may avail themselves of the opportunity to get the necessary supplies.

Mr. FOSTER. Mr. Speaker, I do not know that I am opposed to this bill, except for the fact that, as I understand, this provision is in the Army reorganization bill, which in all probability will be reported to the House and Senate for some final action within the next week or 10 days. For that reason I do not see the necessity of passing a separate bill providing for a loan of certain supplies to these military schools and colleges. I suppose that 30 days will not make much difference to these schools and colleges in getting these supplies, which this bill provides shall be obtained from the War Department.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GREENE of Vermont. The gentleman from Illinois realizes, of course, that a summer camp requires advance preparation by the school authorities, and the procurement of the necessary supplies must be anticipated with sufficient certainty so that they may make requisitions in order to get the supplies in time for use.

Mr. FOSTER. Let me say to the gentleman from Vermont——

Mr. MOON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. MOON. To suggest that we have worked here long enough without a quorum. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is not.

Mr. FOSTER. I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Eagan	Howard	Mudd
Anderson	Edmonds	Howell	Neely
Anthony	Edwards	Hubphrey, Wash.	Nelson
Austin	Evans	Husted	Nichols, Mich.
Bacharach	Fairchild	Hutchinson	North
Barchfeld	Fitzgerald	James	Norton
Barkley	Flood	Jones	Ogleshy
Beales	Flynn	Keister	Olney
Borland	Focht	Kelley	O'Shaunessy
Britt	Fordney	Kent	Paige, Mass.
Britten	Frear	Key, Ohio	Patten
Brumbaugh	Freeman	Kless, Pa.	Platt
Burnett	Gardner, Mass.	Konop	Porter
Byrnes, S. C.	Garrett	Kreider	Pou
Campbell	Gillett	Langley	Rainey
Cantrill	Godwin, N. C.	Lee	Roberts, Mass.
Carter, Okla.	Goodwin, Ark.	Lehlbach	Roberts, Nev.
Casey	Gould	Liebel	Rowland
Chandler, N. Y.	Graham	Lindbergh	Rucker
Clark, Fla.	Gray, N. J.	Littlepage	Saunders
Coleman	Griest	Loft	Schall
Connelly	Griffin	Longworth	Scott, Mich.
Conry	Guernsey	McCracken	Scott, Pa.
Copley	Hamilton, N. Y.	McCulloch	Scully
Costello	Harrison	McDermott	Sells
Cullop	Hart	McFadden	Sherley
Dale, N. Y.	Haskell	McGuillicuddy	Sherwood
Darrow	Hastings	Maher	Shouse
Dent	Hay	Martin	Slemp
Dewalt	Heaton	Miller, Pa.	Small
Dickinson	Helvering	Moore, Pa.	Smith, N. Y.
Dooling	Henry	Morgan, La.	Snyder
Driscoll	Holland	Moris	Sparkman
Drukker	Hopwood	Moss, Ind.	Steagall
Dunn	Houston	Moss, W. Va.	Stiness

Stone	Towner	Watkins	Williams, Ohio
Sutherland	Vare	Watson, Pa.	Wilson, Ill.
Switzer	Walsh	Webb	Winslow
Talbott	Ward	Whaley	Wise

The SPEAKER. On this vote 275 Members have responded to their names—a quorum.

Mr. COX. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Indiana moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. Cox) there were 27 ayes and 159 noes.

So the House refused to adjourn.

Mr. FOSTER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. FOSTER. Mr. Speaker, I asked for a second in order to get some information. The gentleman from Minnesota has given this information and says that the War Department asks for this quick action. While I do not like the plan of putting two laws on the statute books relating to the same thing, the other may not become a law for some time, and I shall make no objection.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS TOMBIGBEE RIVER.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for a minute to make a statement that I think will appeal to the brethren.

The SPEAKER. The gentleman from Georgia asks unanimous consent for a minute to address the House. Is there objection?

There was no objection.

Mr. ADAMSON. The gentleman from Alabama [Mr. GRAY], who is sick, has an emergency bridge bill, and has been trying to get it up, but has been unable to, on the Unanimous Consent Calendar. In consideration of the circumstances, I want to request that the Speaker recognize me to move to suspend the rules and take up that bill. It will take but a moment.

Mr. MANN. I have no objection to the Chair recognizing the gentleman to move to suspend the rules.

Mr. ADAMSON. That is what I want.

Mr. MANN. That is a request addressed to the Speaker.

The SPEAKER. The gentleman is recognized to move to suspend the rules.

Mr. ADAMSON. The gentleman moves to suspend the rules and pass the bill S. 4603 as amended.

The SPEAKER. The Clerk will report the bill, reading into it the amendments.

The Clerk read as follows:

An act to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at Princes Lower Landing, near Jackson, Ala.

Be it enacted, etc., That the Jackson Highway Bridge Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and all approaches thereto across the Tombigbee River at or near Princes Lower Landing, near Jackson, Ala., at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That said bridge shall be constructed, maintained, and operated so that it may serve as a roadway for continuous use by the public as a highway bridge, to be used by vehicles, pedestrians, horsemen, animals, and all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded? [After a pause.] The Chair hears no request for a second. The question is on suspending the rules and passing the bill as amended.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to ask the gentleman from Georgia a question. Does the bill contain a provision for tolls?

Mr. ADAMSON. It does, but that is regulated by the general bridge act, which authorizes the Secretary of War to control that.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

INTERLOCKING DIRECTORATES OF NATIONAL BANKS.

Mr. GLASS. Mr. Speaker, I move to suspend the rules and pass the bill S. 4432, to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, be, and the same is hereby, amended by striking out the period at the end of the second clause of said section, inserting in lieu thereof a colon, and adding to said clause the following:

"*And provided further*, That nothing in this act shall prohibit any officer, director, or employee of any member bank or class A director of a Federal reserve bank, who shall first procure the consent of the Federal Reserve Board, which board is hereby authorized, at its discretion, to grant, withhold, or revoke such consent, from being an officer, director, or employee of not more than two other banks, banking associations, or trust companies, whether organized under the laws of the United States or any State, if such other bank, banking association, or trust company is not in substantial competition with such member bank."

The consent of the Federal Reserve Board may be procured before the person applying therefor has been elected as a class A director of a Federal reserve bank or as a director of any member bank.

The SPEAKER. Is a second demanded?

Mr. BUCHANAN of Illinois. Mr. Speaker, I demand a second.

Mr. GLASS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Virginia is entitled to 20 minutes and the gentleman from Illinois 20 minutes.

Mr. GLASS. Mr. Speaker, this is a bill known as the Kern amendment to the Clayton Act, reported unanimously from the Banking and Currency Committee of the Senate and passed there, I believe, without objection. It is reported unanimously from the Banking and Currency Committee of the House. Its purpose may best and most briefly be expressed by reading a paragraph from a letter from Gov. Hamlin, of the Federal Reserve Board, to Senator OWEN. In that letter Gov. Hamlin says:

This amendment, if adopted, will give some elasticity to the provisions of the Clayton Act which prohibit directors of other banking institutions from serving as directors of member banks under certain conditions. It would seem to be desirable to have this discretionary power vested in the board, since in many instances the enforcement of the provisions of the Clayton Act will result in depriving a member bank of the services of a director because of his connection with other banking institutions, even though his serving on both boards would not be violative of the spirit of the [Clayton] act.

In a word, this Kern amendment permits a person to be a member of two banking directorates in the same community and one bank directorate in some other community. This is a modification of the Clayton Act only in that respect. It does not contravene the real spirit and intent of the Clayton Act. The dual or triplicate directorship is to be permitted by the action of the Federal Reserve Board first obtained, and only in cases in which it shall appear to the satisfaction of the Federal Reserve Board that there is no substantial competition between the banking institutions upon whose directorates the person wishes to serve.

I reserve the remainder of my time.

Mr. BUCHANAN of Illinois. Mr. Speaker, when the reserve banking act was passed in the last Congress some of us, at least, hoped that the power of Wall Street would be curbed, but it seemed the administration was very kind to that combination which has been committing the crimes against the people and selected members of the Banking Reserve Board who operated affairs in complete accord with those who had been violating—I will not say violating—those who had been exercising the power of depriving the people of their rights. One of the things that we hoped to get a benefit from was denying to the big-business financiers of the country the power of interlocking directorates. This bill puts that power back into their hands. I believe Members of Congress ought to realize that the currency question is one of the biggest questions there is, and they also, at least by this time, when prices are three and four times the normal amount, should realize that there is a power somewhere by which big financiers of the country and big business continue to rob and plunder the wealth-producing masses of the country. And instead of giving them back any part of the power that was taken away from them in the banking and currency bill we ought to be taking more away from them. Why, gentlemen, to-day, through this power that is being exercised, one of the most important commodities there is to the American people, that is steel, has gone up three and four times the price it was before the war occurred, giving the war as an excuse; but in fact the reason is that they have that power or monopoly. They have the power to charge whatever they see fit to the people of the country, and if that power is enlarged at this time, instead of taking it away from them, what can the people of the country hope for?

Now, on account of that enormous robbing price they are charging it is going to stop one of the most important industries of the country if they are not curbed in some manner or other, because they are getting these prices so high that the building and construction industry of the country can not stand it, and it is about time that the Members of Congress and the people of the country wake up to the fact that something ought to be done and that we should take more power away from these people instead of giving them back some of the power that was supposed to be taken from them. Of course as long as the laws are administered by the agents of these criminals and high financiers and they have the judges to construe, strain, wrench, and twist it to suit themselves, it does not matter much about the laws we have in the country, but let us not weaken any of the laws which have been passed. I want to warn the Members of this Congress that if they start to take a step backward that the people of the country will soon become aroused and will relegate to the political scrap heap those who are responsible for it. The administration now is doing nothing to prevent the crimes that are being committed by big business of the country; in fact, they seem to acquiesce in them. We appropriate money here for the investigation of some poor devil who has not committed any crime; but the agents of big business, who are plundering and robbing the great wealth-producing masses of the country, are permitted to run with a free hand rampant over the rights and interests of the people of the country.

Mr. Speaker, this bill did not come to my attention until I came into the Chamber this afternoon. I am sorry that somebody of greater ability has not seen it of sufficient importance to take up this question and try to stop a step backward in this important legislation. In fact, we ought to be giving the people of the country protection from the money power instead of loosening up the reins, so they may have greater freedom in robbing and plundering the great masses of the people.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. BUCHANAN of Illinois. I will reserve the balance of my time and will yield time to the gentleman, if he desires.

Mr. SMITH of Minnesota. No; I want to ask the gentleman a question.

Mr. BUCHANAN of Illinois. I do not know that I am prepared to answer the question, but I will if I can.

Mr. SMITH of Minnesota. Is the gentleman aware of the fact that this bill simply permits the Federal Reserve Board to permit a director of a member bank of the Federal Reserve System to be a director of not more than two other banks, and those banks must be noncompetitive?

Mr. BUCHANAN of Illinois. Oh, I understand how those things are done, especially when the control of these privileges are in the hands of the agents of the trusts and big business of the country. I want to say it is dangerous to take such a step. It does not matter whether it is noncompetitive. Who is going to say whether or not they are noncompetitive?

Mr. SMITH of Minnesota. Your Federal Reserve Board created for that purpose.

Mr. BUCHANAN of Illinois. I am not willing that the Federal Reserve Board shall have any more power than they have got now. They have got too much power now.

Mr. GLASS. Mr. Speaker, I ask for a vote.

Mr. MANN. Will the gentleman yield me a minute?

Mr. GLASS. I yield the gentleman—how much time?

Mr. MANN. I do not want but a moment.

Mr. GLASS. I yield to the gentleman.

Mr. MANN. Mr. Speaker, a little while ago we passed a bill authorizing national banks to buy stock in foreign banking companies. When that bill was reported to the House it contained a provision authorizing a national bank in a city of 100,000 to establish branch banks.

Partly at my suggestion, I think—I do not want to put the entire responsibility upon the gentleman from Virginia [Mr. GLASS]—when he moved to suspend the rules, he left that provision out in order that it might be considered by itself. It is a matter of some importance to a city like Chicago, both of these propositions, and I presume the same is true in other large cities. There are in the city of Chicago a number of large national banks in the downtown centers. There are in the outlying portions of the city, I think, 30 or 40 or 50 banks, some of them national banks, but most of them State banks. Under the bill now pending these local outlying banks, of course, all clear through the downtown banks. In one sense they are a kind of branch banks, though the stockholders are entirely different. Those local banks cater to the local business. This bill permits a director of one of the downtown banks to be a director of two of these small outlying banks. And the outlying banks always desire, if practicable, to have one of their directors a director of one of the big banks through whom they clear. It is an advantageous arrangement to everybody, adds to the value of the small bank, and facilitates the watching of the business that goes through the big banks. These small banks, however, were not in favor of a proposition to let the big banks establish branch banks in their locality, thinking that if that were done the branch banks would be merely receiving banks, to receive deposits without giving much attention to the needs of the locality.

I am very much obliged to the gentleman from Virginia [Mr. GLASS] for the action that he took on the former matter, so that these people can be heard if they desire to be heard in the future, and I am very glad to support this bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10750. An act permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River, in the State of Montana; and

H. R. 8067. An act to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Friday, May 5, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, inviting attention to an item in the general deficiency bill covering the removal and reerection of the wharf at the quarantine station at Honolulu, Hawaii, and making suggestions thereon (H. Doc. No. 1081), were taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 12582) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office, reported the same without amendment, accompanied by a report (No. 636), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. HOOD: A bill (H. R. 15346) for the purchase of a site for a public building at Beaufort, Carteret County, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. BOOHER: A bill (H. R. 15347) to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning; to the Committee on Ways and Means.

By Mr. PARK: A bill (H. R. 15348) to increase the salaries of the United States district attorney and United States marshal for the southern district of Georgia, and for other purposes; to the Committee on the Judiciary.

By Mr. FERRIS: A bill (H. R. 15349) to amend an act entitled "An act to codify, revise, and amend the laws relating to the Judiciary"; to the Committee on the Judiciary.

By Mr. CARLIN: Joint resolution (H. J. Res. 217) extending until October 15, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. TREADWAY: Joint resolution (H. J. Res. 218) authorizing the acceptance of the gift of the Berkshire Trout Hatchery, Berkshire County, Mass.; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWARD: Resolution (H. Res. 223) authorizing the installation of an electrical mechanical voting machine in the House of Representatives; to the Committee on Accounts.

By Mr. HUGHES: Resolution (H. Res. 224) authorizing the appointment of an annual clerk to the Committee on Education; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 15350) granting a pension to Maria Routte; to the Committee on Pensions.

Also, a bill (H. R. 15351) granting an increase of pension to Robert E. Best; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 15352) granting an increase of pension to Louis C. Baughman; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 15353) granting a pension to Louisa Donnelly; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 15354) granting an increase of pension to Benjamin F. Shipley; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 15355) granting an increase of pension to Herbert W. Barnhart; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 15356) granting a pension to Perneta J. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15357) granting an increase of pension to John W. Buskirk; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15358) for the relief of Lottie Gilstrap; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 15359) granting a pension to Melissa Sisley; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 15360) granting an increase of pension to George W. Wolfe; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15361) for the relief of Daniel O'Connell; to the Committee on Military Affairs.

By Mr. FREEMAN: A bill (H. R. 15362) granting an increase of pension to Sarah V. Pitts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15363) granting an increase of pension to Mary J. Freeman; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 15364) granting an increase of pension to Ellen B. Thomas; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 15365) granting an increase of pension to Cecile F. Jacobi; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 15366) granting an increase of pension to William H. Pitts; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 15367) to remove the charge of desertion against the military record of William H. Thompson; to the Committee on Military Affairs.

Also, a bill (H. R. 15368) granting a pension to Augustine L. Sherwood; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 15369) granting an increase of pension to Edward N. Webb; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 15370) granting a pension to Sarah Katharine Dodge (incompetent); to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 15371) granting a pension to James E. Ratliff; to the Committee on Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 15372) granting an increase of pension to Henry A. Cross; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 15373) granting a pension to Perry L. Lockhart; to the Committee on Pensions.

Also, a bill (H. R. 15374) granting an increase of pension to Isaac Koon; to the Committee on Invalid Pensions.

By Mr. PATTEN: A bill (H. R. 15375) for the relief of the heirs of the late James L. Watson; to the Committee on Claims.

By Mr. RODENBERG: A bill (H. R. 15376) granting a pension to Sarah L. Truck; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 15377) granting a pension to Christopher Dahlen; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 15378) for the relief of James G. Hill; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 15379) providing for disposal of the inherited estate of Kills On Her Own Ground, wife and heir to one-half of the estate of Dummy, deceased allottee of the Crow Indian Reservation, Mont.; to the Committee on Indian Affairs.

Also, a bill (H. R. 15380) providing for the disposal of the inherited estate of Kills On Her Own Ground, mother and heir to two-thirds of the estate of Small Head, deceased allottee of the Crow Indian Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. STINESS: A bill (H. R. 15381) granting an increase of pension to Mary A. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15382) granting an increase of pension to Ellener R. Potter; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 15383) granting an increase of pension to James W. Call; to the Committee on Invalid Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 15384) to give jurisdiction to the Court of Claims to readjudicate the case of Albert H. Gillispie against the United States, No. 30777 on the docket of said court; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition; to the special committee to investigate the charges of contempt against H. Snowden Marshall, United States district attorney for the southern district of New York.

Also (by request), memorials of voters at the Leisure Hour Club, Carson City, and mass meeting of Nevada Woman's Civic League, Reno, Nev., favoring a favorable report on the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. BAILEY: Memorial of churches of the western district of Pennsylvania of the Church of the Brethren, against compulsory military training; to the Committee on Military Affairs.

By Mr. CALDWELL: Memorial of the Board of Aldermen of New York, pledging loyalty to the United States Government and favoring adequate preparedness; to the Committee on Military Affairs.

Also, memorial of the Board of Aldermen of New York, favoring House bill 6915 and Senate bill 3081; to the Committee on the Post Office and Post Roads.

Also, petition of Henry W. Volkman, of Richmond Hill, Long Island, N. Y., opposing House bill 13048; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Glendale, Long Island, N. Y., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Nellie H. Nelson, of Minneapolis, Minn., favoring woman suffrage amendment; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Montgomery, Ala., favoring Shields general dam bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Milk Committee, against Senate joint resolution 120, relative to members of United States Public Health Service; to the Committee on Agriculture.

By Mr. EAGAN: Memorial of the Chamber of Commerce of Montgomery, Ala., in re so-called Shields general dam bill; to the Committee on the Public Lands.

Also, memorial of the American Hardware Manufacturers' Association, in re flood control; to the Committee on Flood Control.

By Mr. ELSTON: Petition of D. P. Decker and other citizens of Oakland, Cal., against Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. EMERSON: Memorial of Ohio Milk Distributors' Association as to sanitary condition of Ohio dairies; to the Committee on Agriculture.

Also, petition of citizens of the twenty-second district of Ohio, against the water-power bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial of Wisconsin Conference of the Evangelical Association, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 414 members of the Evangelical Lutheran St. Peter's Church, of Dorchester, and 2,170 members of Trinity Evangelical Lutheran Church, of Milwaukee, Wis., against United States in war; to the Committee on Foreign Affairs.

By Mr. FESS: Petition of sundry citizens of Franklin, Madison, and Pickaway Counties, Ohio, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. FLYNN: Petition of New York Milk Committee, against Senate joint resolution 120, relative to member of United States Public Health Service in a medical or private health association; to the Committee on Agriculture.

Also, memorial of Chamber of Commerce of Montgomery, Ala., favoring passage of the Shields general dam bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FREEMAN: Petition of Woman's Christian Temperance Union of Norwich and Baptist Church of Clinton, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Illinois Commandery of the Military Order of the Loyal Legion, advocating universal military service; to the Committee on Military Affairs.

Also, petition of Clarence Poe, editor of the Progressive Farmer, relative to rural-credits legislation; to the Committee on Banking and Currency.

Also, petition of associated merchants of La Salle, Ill., opposing the price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany a bill granting an increase of pension to Ellen B. Thomas; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petition of sundry citizens of Massachusetts against the Taylor system in Government shops; to the Committee on Labor.

Also, memorial of Bay State Automobile Association in re present prices of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of New York: Papers to accompany House bill 15301, granting a pension to Harriet E. Fellows; to the Committee on Invalid Pensions.

By Mr. KING: Petition of sundry citizens of Kewanee, Ill., against the Taylor system in Government shops; to the Committee on Labor.

Also, petition of Evangelical Lutheran Church of St. John, of Quincy, Ill., against bills to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of E. Bromley and Methodist Episcopal Church of Mecosta, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McCLINTIC: Petition of sundry citizens of Shattuck, Okla., opposing Senate bill 645; to the Committee on the District of Columbia.

Also, petition of sundry citizens, favoring the Emerson joint resolution; to the Committee on Ways and Means.

Also, petition of citizens of Greer, Okla., opposing House bill 13048; to the Committee on the District of Columbia.

By Mr. MEEKER: Petition of 38 citizens of St. Louis, Mo., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of Lodges Nos. 24 and 41 of the International Association of Machinists, of St. Louis, and 39 citizens of St. Louis, Mo., favoring House bill 8665, against Taylor system; to the Committee on Labor.

By Mr. MONDELL: Petitions of citizens of Wheatland, Wyo., and vicinity, against war with Germany; to the Committee on Foreign Affairs.

By Mr. NEELY: Petition of citizens of the State of West Virginia, against the Taylor system in Government shops; to the Committee on Labor.

Also, petition of citizens of Grafton, W. Va., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. NOLAN: Petition of the Maryland Realty Corporation, Baltimore, Md., and 39 other leading mercantile establishments of Baltimore, favoring the passage of House bill 11876, known as the Nolan minimum-wage bill; to the Committee on Labor.

By Mr. OAKEY: Petition of Capital City Lodge, No. 354, I. A. of M., against the Taylor system in Government shops; to the Committee on Labor.

By Mr. POWERS: Petition of sundry citizens of Somerset, Ky., against the Taylor system; to the Committee on Labor.

By Mr. SCOTT of Michigan: Petition of sundry citizens of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SIEGEL: Memorial of Board of Aldermen of New York City, favoring preparedness; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: Papers to accompany House bill 15222, granting an increase of pension to Patrick F. Corron; to the Committee on Invalid Pensions.

Also, paper to accompany House bill 6796, appropriating to purchase a site and construct a Federal building at Hailey; to the Committee on Public Buildings and Grounds.

Also, memorial of Commercial Club of Lewiston, Idaho, favoring legislation providing for the conducting of experiments for the production of potash and nitrates; to the Committee on Military Affairs.

By Mr. SNYDER: Petition of sundry citizens of the thirty-third congressional district of New York, against Taylor system in Government shops; to the Committee on Labor.

By Mr. STEPHENS of Nebraska: Petition of W. Ganiard and others, of Petersburg, Nebr., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Memorial of executive committee of the Society of the Chagres, in re conditions in Canal Zone; to the Committee on Reform in the Civil Service.

By Mr. TOWNER: Petition of Rev. R. L. Wilson and other citizens of Allerton, Iowa, praying for the enactment of a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of sundry citizens of the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *May 5, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art worthy to receive all our adoration and praise. Every thought Thou hast had to usward has been a thought of grace, and love, and mercy. Thou hast dealt with us in our larger life, our national life, as Thou hast not dealt with any other people. We pray we may not forget our debt of obligation, an obligation that can be paid only by obedience to Thy will. We thank Thee that Thou hast given to us in this land a patriotism that is not based upon any of those forces that disintegrate and destroy, but upon those high ethical ideals which have been made known to men through the revelation of God. Guide us this day in the discharge of our duties. Forgive our sins. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Wednesday, May 3, 1916, was read and approved.

COAST DEFENSES.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of April 24, 1916, a tabulated statement showing the military forces now located in the States of Oregon and Washington, the branch of the service to which they belong, the places at which stationed, and the numerical strength at each place; also the coast defenses in the States mentioned. The communication and accompanying paper will be printed in the RECORD and referred to the Committee on Military Affairs.

The VICE PRESIDENT subsequently said:

This morning the Chair laid before the Senate a communication from the Secretary of War in response to a resolution that was introduced by the Senator from Oregon [Mr. CHAMBERLAIN] without reading the letter of the Secretary of War. It is in reference to coast defenses, and in the letter it is stated that it is confidential in character. The Chair ordered the communication printed in the RECORD. The Chair has now withdrawn that order, and if there be no objection the communication will go direct to the Committee on Military Affairs without printing.

THE REVOLT IN IRELAND.

Mr. BORAH. Mr. President, I ask leave to have read a very short editorial in the New York Sun of to-day, under the heading, "What would have been Abraham Lincoln's counsel?"

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read the editorial, as follows:

WHAT WOULD HAVE BEEN ABRAHAM LINCOLN'S COUNSEL?

The heart of the world will join with John Redmond in hoping and pleading that the course of the British Government regarding the great body of Irishmen recently in armed revolt may be shaped by other considerations than those of a sternly punitive policy. At least three of the leaders—brave men, but both technically and legally in treasonable cooperation with the belligerent enemies of the State—have already paid the extreme legal penalty of their infatuated courage. Even as a matter of political expediency it may be doubted whether further executions either under martial or civil process would add an iota to the repressive effect of example. No man of common sense who has studied the history and justly valued the causes of Irish national discontent can mistake the certain consequences to the Empire's future of an attempt to administer retribution by wholesale.

John Redmond is right; and fortunate it will be for Britain if his loyal advice is taken at this time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4726) to permit issue by the supply departments of the Army to certain military schools and colleges.

The message also announced that the House had passed the bill (S. 4432) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4603) to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tom Beckby, commonly called Tombigbee, River at Princes Lower Landing, near Jackson, Ala., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 193. An act to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States;

H. R. 3032. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin;

H. R. 6097. An act to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish;

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes;

H. R. 13391. An act to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section;

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911; and

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Local Union No. 12, Typographical Union, of Baltimore, Md., praying for Government ownership of telegraph and telephone systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the National Society of the Daughters of the American Revolution, praying for legislation to protect the flag, coat of arms, seal, shield, and other insignia of the United States against desecration and abuse in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. JOHNSON of South Dakota presented a memorial of sundry citizens of Colome, S. Dak., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. JOHNSON of Maine presented a memorial of sundry citizens of Belmont, Me., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. JOHNSON of Maine (for Mr. BURLEIGH) presented a petition of sundry citizens of Cumberland, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also (for Mr. BURLEIGH) presented a memorial of sundry citizens of Belfast and Lincolnville, in the State of Maine, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Jersey, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. O'GORMAN. I have a letter in the nature of a memorial from Mrs. Barbara L. Horne, of New York City, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

126 WEST NINETY-THIRD STREET,
New York, May 3, 1916.

Hon. JAMES A. O'GORMAN,
United States Senate, Washington, D. C.

DEAR SIR: Learning that the State Department has informed the American Red Cross that Great Britain will not permit hospital supplies to be sent forward for the central powers, I desire to enter my protest as an American against such a procedure. It would seem that our Government calmly acquiesces in thus nullifying the act of the Geneva Convention.

We speak in this country of "acting for the rights of humanity," while we ignore those very rights in justice and fair play if we uphold Great Britain in her contention on this subject. The American Red Cross must be neutral, and if supplies are sent to the allies they should also go forward to the central powers.

We who know you feel sure that you will continue to work for right, justice, and fair play in this as you have done in the past in other matters.

Very truly, yours, MRS. BARBARA L. HORNE.

Mr. ASHURST. I present resolutions adopted by the New Century Club, of Philadelphia, Pa., which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the resolutions were referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

THE NEW CENTURY CLUB,
124 South Twelfth Street, Philadelphia, May 4, 1916.

Hon. HENRY F. ASHURST,
Chairman Indian Committee of the Senate, Washington, D. C.

DEAR SIR: At a stated meeting of the New Century Club, held May 3, 1916, the following resolution was unanimously adopted, and a copy thereof was directed to be sent you.

"Whereas there are now pending in Congress certain bills inimical to the best interests of the American Indians who are under the care of the United States Government, viz, the Hastings bill (H. R. 108), the Johnson bill (S. 3904), and the Lane bill (S. 4452); and

"Whereas the New Century Club, of Philadelphia, wishes ever to stand for the rights of the oppressed: Be it

"*Resolved*, That the New Century Club, of Philadelphia, consisting of about 800 women, write to our Senators and Representatives asking them to study the terms of these bills in order that they may become convinced of their wrongful character, and to vote against them; be it

"*Resolved*, That a copy of this resolution be sent to our Senators, our Representatives, and to the chairman of the Indian Committee of the Senate and of the House of Representatives."

Very truly,

MARIE C. (Mrs. CHARLES F.) JENKINS,
Corresponding Secretary.

Mr. GALLINGER presented a memorial of Mount Livermore Grange, Patrons of Husbandry, of Holderness, N. H., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 5855) to provide for the disposal of the inherited estate of Takes Across the Water, widow and sole heir of Looks at the Water, deceased allottee of the Crow Indian Reservation;

A bill (S. 5856) for the cancellation of the allotment and trust patent therefor of Agnes Small Head, or Follows the Track, a deceased Crow Indian of Montana;

A bill (S. 5857) providing for the disposal of the inherited estate of Kills On Her Own Ground, mother and heir to two-thirds of the estate of Small Head, deceased allottee of the Crow Indian Reservation, Mont.; and

A bill (S. 5858) providing for the disposal of the inherited estate of Kills On Her Own Ground, wife and heir to one-half of the estate of Dummy, deceased allottee of the Crow Indian Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. SIMMONS:

A bill (S. 5859) granting an increase of pension to Stephen Rice (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 5860) granting an increase of pension to John A. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5861) to create a Board of Accountancy for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. THOMPSON:

A bill (S. 5862) granting an increase of pension to Frank W. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5863) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.; to the Committee on the District of Columbia.

By Mr. CURTIS:

A bill (S. 5864) to provide for the classification of the Indians under United States Indian agents or superintendents for the selection of a business committee from among the members of each tribe of Indians, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 5865) for the relief of Abner W. Loomis (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5866) granting an increase of pension to Charles E. Anderson (with accompanying papers);

A bill (S. 5867) granting a pension to Sarah E. Baker (with accompanying papers);

A bill (S. 5868) granting a pension to Sarah J. Briles (with accompanying papers);

A bill (S. 5869) granting an increase of pension to Fermon L. Botkin (with accompanying papers);

A bill (S. 5870) granting an increase of pension to George W. Carroll (with accompanying papers);

A bill (S. 5871) granting an increase of pension to Sophronia V. Dodge (with accompanying papers);

A bill (S. 5872) granting a pension to Victoria Duby (with accompanying papers);

A bill (S. 5873) granting an increase of pension to Lewis W. Fulton (with accompanying papers);

A bill (S. 5874) granting an increase of pension to Mary M. Harris (with accompanying papers);

A bill (S. 5875) granting a pension to Mary E. Hixon (with accompanying papers);

A bill (S. 5876) granting an increase of pension to Ferdinand Kunkel (with accompanying papers);

A bill (S. 5877) granting an increase of pension to George M. Kimble (with accompanying papers);

A bill (S. 5878) granting an increase of pension to Nathaniel Minks (with accompanying papers);

A bill (S. 5879) granting a pension to Ella R. Parker (with accompanying papers);

A bill (S. 5880) granting a pension to Mary Ellen Saunders (with accompanying papers);

A bill (S. 5881) granting an increase of pension to Luther M. Summers (with accompanying papers);

A bill (S. 5882) granting an increase of pension to Harriet N. Woods (with accompanying papers); and

A bill (S. 5883) granting an increase of pension to Thomas White (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5884) granting an increase of pension to Fritz Brendler; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 5885) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes; to the Committee on Public Health and National Quarantine.

By Mr. SHIELDS:

A bill (S. 5886) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912"; to the Committee on Commerce.

By Mr. SHERMAN:

A bill (S. 5887) granting a pension to Margaret Boudreaux; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5888) increasing the limit of cost for site and building at Yonkers, N. Y. (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Arizona:

A bill (S. 5889) granting water-power sites on nonnavigable streams to the States in which located; to the Committee on Public Lands.

A bill (S. 5890) to authorize mining for metalliferous minerals on Indian reservations in the State of Arizona; to the Committee on Indian Affairs.

By Mr. REED:

A bill (S. 5891) granting a pension to Famy Kerr; to the Committee on Pensions.

By Mr. OVERMAN (by request):

A joint resolution (S. J. Res. 129) extending until October 15, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

RIVER AND HARBOR APPROPRIATIONS.

Mr. KENYON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

NATIONAL PROHIBITION.

Mr. THOMPSON. I present a paper setting forth some statistics prepared by Mrs. Alice Stone Blackwell, of Boston, Mass., editor of the Woman's Journal, showing the influence of the women voters in regard to securing prohibition in certain States. I ask that it may be printed in the RECORD for the information of the Senate and the country on these important subjects for legislation now pending before Congress.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

WHY DO THE LIQUOR INTERESTS OPPOSE WOMAN SUFFRAGE?—HAVE THEY REASON TO FEAR IT?—LOOK AT THE FACTS.

The women of Oregon and Arizona got the ballot in 1912, and a constitutional amendment for State-wide prohibition was adopted in 1914, at the first general election in which the women could vote.

The women of Washington got the ballot in 1910, and a constitutional amendment for State-wide prohibition was adopted in 1914, at the second general election in which the women could vote.

In all these States both the friends and the enemies of prohibition attribute its victory to the women.

The women of California got the ballot in 1911. In the three years from 1911 to 1915 the number of no-license towns increased from 200 to 690 (Anti-Saloon League Yearbook for 1915, p. 120). Of the cities and towns in southern California, 183 are dry and only 28 wet.

WYOMING AND TEMPERANCE.

Until after 1910 the only States where women could vote were the four Rocky Mountain States of Wyoming, Colorado, Utah, and Idaho. All of these were mining States, where the men outnumbered the women, and where the traditions and atmosphere were such as to make it inevitable that they should be slow to adopt prohibition.

Yet even in Wyoming, where there were about twice as many men as women, the influence of the women voters soon made itself felt. Away back in the Territorial days the Rev. Dr. B. F. Crary, presiding elder of the Methodist Churches in northern Colorado and Wyoming, wrote of the woman-suffrage law: "Liquor sellers and gamblers are unanimous in cursing it." He added:

"The very best ladies of this Territory vote; and, as they generally vote on the right side of all questions, the lies told to their detriment originate with men of the 'baser sort'; with defeated demagogues and the meanest kind of politicians, who hate the majority of the women because of their pure lives and independent ballots." (Thirteen Years' Experience in Wyoming, p. 2.)

Chief Justice Groesbeck, of Wyoming, wrote, in 1897:

"The influence of the women voters has always been on the side of temperance, morality, and good government, and opposed to drunkenness, gambling, and immorality. Our liquor licenses are very heavy and the laws and ordinances are severe against the sale or furnishing of liquor to minors or to habitual drunkards." (Falsehoods about Wyoming, p. 1.)

For a long time the few and scattered women of Wyoming could obtain little more than high license. At present 96,000 of the State's 97,594 square miles are under prohibition (Anti-Saloon Yearbook for 1915, p. 214), including all the unincorporated portion of the State. The incorporated towns and villages are under license and municipal council option. Five of the incorporated cities are dry, and the Sunday-closing law is vigorously enforced throughout the State.

W. C. Deming, editor of the Cheyenne Tribune, says in the Brooklyn Eagle of October 15, 1915: "Women are very strong for strict regulation of the liquor traffic. Saloons have been driven from all unincorporated villages. They were formerly at every crossroad, but they are now conducted only where there is plenty of police regulation, and under high license."

COLORADO AND TEMPERANCE.

The women of Colorado got the ballot in 1893. Within four years the number of no-license towns in the State had more than quadrupled, and it kept on growing. When a constitutional amendment for State-wide prohibition was defeated in 1912, Ellis Meredith, the head of Denver's reform election commission, and a strong advocate of the dry policy, wrote in the Woman's Journal of November 16, 1912: "It is because under our local option law conditions are so good and dry territory increasing so fast that many people feel we shall come nearer regulating the traffic in this way."

In 1914 State-wide prohibition was adopted. Both its friends and its enemies attributed its passage to the women. The organ of the Denver brewers says that Colorado made a great mistake when it gave women the ballot.

TEMPERANCE IN IDAHO

The women of Idaho got the ballot in 1896. The number of no-license towns grew till in 1914 there were only 190 saloons in the State. (Anti-Saloon Yearbook for 1915.) In January, 1915, a prohibition law was passed by the legislature and in November a constitutional amendment for State-wide prohibition was adopted by popular vote.

TEMPERANCE IN UTAH.

In Utah in 1911, 87 cities and towns voted dry and 28 wet, and the number of dry towns has increase since. A State-wide prohibition law was passed by the legislature of 1915, but was vetoed by the governor.

TEMPERANCE IN ILLINOIS.

The experience of Illinois is of especial interest, because in that State the men's and women's votes are cast in separate ballot boxes and it is possible to see just how the women vote. They have voted dry much more generally than the men.

For instance, at the election held in Illinois on April 7, 1914, in Rockford 3,155 women voted dry and 1,048 wet, 4,480 men voted dry and 3,135 wet; in Bloomington 3,806 women voted dry and 2,311 wet, 2,655 men voted dry and 3,896 wet; in Freeport 2,890 women voted dry and 1,877 wet, 1,984 men voted dry and 2,867 wet; in Pontiac 1,137 women voted dry and 364 wet, 768 men voted dry and 797 wet, and so on.

According to the official returns published in the Chicago Tribune of April 22, 1914, in all 121,315 women voted dry and 67,418 wet, while 144,925 men voted wet and 98,179 dry. Of the women, 64.3 per cent voted dry and 35.7 wet; of the men, 59.7 per cent voted wet and 40.3 per cent dry.

Out of 329 townships voting there were only 20 where a majority of the women voted wet, and in all of these the majority of the men voted wet also, so that the women's vote made no difference in the re-

suit. Among these hundreds of cities and towns there was not one where the women's vote turned the scale in favor of license and there were 96 where it turned the scale against license.

The Anti-Saloon Yearbook for 1915 says: "Of the 1,150 saloons that were closed, 900 were closed on account of the majorities found in the women's ballot boxes." And it adds: "The woman's suffrage bill has proved to be the most valuable piece of temperance legislation the State has enacted" (p. 135).

"An ounce of fact is worth a ton of theory."

ALICE STONE BLACKWELL.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of the conference report upon the Indian appropriation bill, made about a week ago.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

Mr. LANE. I ask leave to offer as a substitute for the conference report the following bill.

Mr. ASHURST. Mr. President, much to my regret I am inclined to make a point of order against the motion made by my esteemed friend, the Senator from Oregon. A substitute in the nature of a bill is not in order.

The VICE PRESIDENT. The Chair sustains the point of order. The only question before the Senate is either to accept or reject the conference report.

Mr. LANE. I shall offer the bill, then, for publication in the RECORD.

The VICE PRESIDENT. It will be printed in the RECORD.

The bill, which had been introduced by Mr. LANE February 14, 1916, is as follows:

A bill (S. 4452) for the abolishment of the Indian Bureau, the closing out of Indian tribal organizations, and for other purposes.

Be it enacted, etc., That from and after the passage and approval of this act the offices of Commissioner, Assistant Commissioner, and Second Assistant Commissioner of Indian Affairs shall be, and are hereby, abolished. Hereafter the Bureau of Indian Affairs shall be administered as an independent bureau, subject only to the control of Congress, by three commissioners; that five candidates for said commissionerships shall be selected by a council of all the Indian tribes of the United States congregated in general delegate council, most conveniently located, which shall be designated by the Secretary of the Interior within 30 days after the passage and approval of this act; that there shall be three delegates selected from each tribe of over 1,000 members, and where tribes are formed of several separate and independent bands each such band consisting of over 1,000 members shall select three delegates. All tribes or bands consisting of less than 1,000 and more than 500 members shall have two delegates, and those tribes or bands consisting of less than 500 members shall have one delegate; that such delegates shall be chosen by the Indians in open council after due and proper notice given for at least 15 days; that the said commissioners are given full and complete authority in the management of all Indian affairs now vested in or exercised by the Secretary of the Interior, Commissioner of Indian Affairs, Assistant Commissioner of Indian Affairs, and Second Assistant Commissioner of Indian Affairs, or either or any of them, and whenever in any law the final consent, authority, or decision of the Secretary of the Interior or Commissioner of Indian Affairs is declared to be necessary or final, the authority, consent, and decision of the said commissioners shall be equally necessary and final.

SEC. 2. That said three commissioners, no two of whom shall be from the same State, shall be appointed by the President of the United States, by and with the advice of the Senate of the United States, from the five candidates named by the council, and they shall each receive compensation at the rate of $5,000 per annum. Each of said commissioners shall be paid necessary traveling expenses incurred in the discharge of his duties as a commissioner.

There is hereby appropriated out of the Treasury a sufficient sum to pay the salaries of said officials.

SEC. 3. That the said commissioners shall proceed, as soon after installation in office as possible, to a complete reorganization of the United States Indian Service, with a view to its speedy abolition and the complete emancipation of the American Indian from the control, supervision, and management of the United States Government.

SEC. 4 That all Indians who have received or who may hereafter receive an allotment of land under any law or treaty, and are not already citizens, are hereby declared to be citizens of the United States and the State where they reside, and have the same rights, privileges, and immunities of any other citizen of the United States, and be entitled to the equal protection of the law, and they, and each of them, shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they reside.

SEC. 5 That there is hereby appropriated out of the Treasury the sum of $35,000, or as much thereof as may be necessary, to pay the expenses of the delegations attending the council herein provided for.

SEC. 6. That all laws or parts of laws inconsistent herewith be, and the same are hereby, repealed.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. GRONNA. I wish to ask the chairman of the committee what disposition was made of amendment numbered 127?

Mr. ASHURST. In response to the question propounded by the learned Senator from North Dakota I will state that amendment 127, made by the Senate committee and adopted by the Senate, provided for an appropriation of $250,000, to be used in the erection of buildings and the acquisition of sites for further school buildings for the Sioux Indians. I do not know whether I am permitted to disclose what took place in the conference committee, but I assume that that is the only way I can answer the question. The House conferees simply would not consent to the amendment, and language in lieu of the Senate amendment 127 was suggested as a compromise. It was believed finally by the conferees, after they had been in session nearly a month, that it would not be wise to appropriate $250,000 without an investigation, without any letter from the department. So an amendment was agreed upon providing for the appropriation of $1,000, to be used by the Secretary of the Interior and requiring and directing him to make a report as to the school facilities or lack of school facilities on the Sioux Reservations and to report on the first Monday in January, 1917. I ask the Secretary to read the matter proposed to be inserted in lieu of the Senate amendment.

The SECRETARY. In lieu of the matter proposed insert the following:

The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing on the various Sioux Indian reservations adequate school facilities for the children of the Sioux tribes who are now without Government or public-school facilities on the respective reservations, and to make a report thereof to Congress on or before the first Monday in January, 1917, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off the respective reservations, and there is hereby appropriated for the expense of such investigation and report the sum of $1,000, or so much thereof as may be necessary, to be immediately available.

And the Senate agree to the same.

Mr. GRONNA. Mr. President, I did not object to the immediate consideration of the conference report, but I had hopes that the conference committee would adopt the language proposed by the Senate committee and agreed to by the Senate. As the Senate knows, this has been a very vexatious question, which has come before Congress every year since 1899.

Mr. President, the appropriation of $200,000 for mission schools is not an appropriation to carry out treaty stipulations with the Indians. I want the Senate to know that since 1909 there has been no such treaty. It expired 10 years before that time and was extended for a period of 10 years.

This has, as I said, been a vexatious question pending before this body, and I had hopes that the House conferees would see the benefit of this amendment. It was thoroughly discussed before the Senate Committee on Indian Affairs. There was not a single vote passed against it. Every member of the committee favored the amendment.

I was somewhat curious to know why the conference committee should reject such an important amendment as this. It rests on a fundamental proposition, Mr. President. The Indians residing in this country have asked me at various times to present this proposition to the Senate and to the Congress. They want public schools the same as the white children. They want to have the benefit of the public schools.

Mr. President, I hope that this investigation will be made, and that a report will be made to Congress before the next Indian appropriation bill is presented, and this will be the last time that we shall appropriate money for mission schools on any Indian reservation in the United States. This appropriation is in direct contravention of law and contrary to the spirit of our Constitution.

Mr. JONES. Mr. President, I wish to ask the chairman of the committee what was done with the provision in the bill requiring the Efficiency Board or Commission to provide a system of accounting for the Indian Office.

Mr. ASHURST. In reply to the learned Senator from Washington I will say that the provision requiring the Efficiency Bureau to make an investigation was known and comprehended within amendment 157. That amendment was not considered by the Senate committee. Senators will recall that that amendment was adopted on the motion of the esteemed Senator from Oregon [Mr. LANE], and that there was very little discussion, although there was a discussion of an hour possibly on the amendment.

When the conference committee, composed of the conferees of the two Houses on the disagreeing votes on the bill, met, we received intelligence from the Department of the Interior that that department had already availed itself of efficient and skillful persons, and had commenced the keeping of a proper, sufficient, and adequate set of books, so that all kinds of balances, trial balances or others, could be had; that it had been done at the expenditure of considerable money; and that, as the Secretary of the Interior, therefore, in his opinion viewed it, the efforts and energies of the Efficiency Bureau, so far as the office of the Indian Bureau was concerned, would be an unnecessary and useless expenditure of public money. He said that he had

inaugurated his own system and did not wish and would not consent to the Efficiency Bureau coming in and upsetting the bookkeeping which he had started. The honorable Secretary did not appear before the conference committee, but the Assistant Commissioner of Indian Affairs appeared twice and made the statement to the effect that they had their own system inaugurated, and objected to an outside board coming in and upsetting all their work at an expenditure of four or five thousand dollars, whereby no good could come.

Now, I want to say to my friend, the Senator from Washington, that that is the reason why the Senate conferees receded from the amendment.

Mr. JONES. I want to ask the Senator whether or not the House conferees were very much opposed to this provision?

Mr. ASHURST. Oh, Mr. President, the House conferees, if I am permitted to speak of what they said, were very eager for the amendment; but the Senate conferees, with a view of saving every dollar that they possibly could save, thought that for once a piece of unnecessary work and unnecessary expenditure might be prevented.

Mr. JONES. Well, Mr. President, it does seem to me, on the statement of the chairman of the committee, that a very extraordinary situation appears. According to the statement of the Senator from Arizona, the Secretary of the Interior said he would not consent to having an independent board go into the Indian Office and provide a system of accounts. It is the business of Congress to provide whether or not this shall be done. If Congress provides for it, it is not a question of the consent of any department as to what Congress deems wise.

Then the chairman of the committee says that the House conferees were eager for this amendment, and yet it is receded from by the Senate conferees after the Senate had adopted it.

Mr. ASHURST. Mr. President——

Mr. JONES. And the Senate conferees——

Mr. ASHURST. I beg the Senator's pardon. Of course the Senate conferees would have to recede when the work had already been done. Would you expect your Senate conferees to stand for an appropriation of money to build a bridge when the bridge had already been built?

Mr. JONES. No, Mr. President, but——

Mr. ASHURST. Do you expect that kind of service from your conferees?

Mr. JONES. The Senate expected its conferees to stand for an amendment which the Senate had adopted; and the Senate conferees should at least bring it in here and present to the Senate the reasons, if any, why it should not be adopted, because the Senate might not agree with the suggestion of the Secretary of the Interior that this work was already done. I do not agree with that; I do not think it has been done. I think that we ought to have the Efficiency Board provide for a system of accounting in the Indian Department.

Mr. OVERMAN. Mr. President, do I understand the Senator to say that the Secretary of the Interior had said that no efficiency board should enter his department?

Mr. JONES. The chairman of the committee said that the Secretary of the Interior said he would not consent.

Mr. ASHURST. I said I did not talk with the Secretary. I object to. I take exception to, and resent having words put into my mouth. I said I did not talk with the Secretary of the Interior; that he did not appear before the conference committee; but that in the person of his Assistant Commissioner an appearance was made, and it was there made manifest to the conference committee that the Interior Department objected to this amendment.

Mr. JONES. Of course the Senator from Arizona knows I would not intentionally put any words into his mouth that he did not utter, but I certainly understood the Senator to say——

Mr. SUTHERLAND. A parliamentary inquiry, Mr. President.

Mr. JONES. That either the Secretary or the department would not consent to an outside board going in there. If the Senator did not say that, why, of course——

Mr. ASHURST. They objected for this reason——

Mr. SUTHERLAND. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Utah will state his parliamentary inquiry.

Mr. SUTHERLAND. I should like to know to what amendment this heated argument is directed?

Mr. JONES. It is the amendment with reference to the efficiency committee providing a system of accounting.

Mr. ASHURST. It is amendment 157.

Mr. SUTHERLAND. Amendment 157.

Mr. JONES. Mr. President, I certainly understood the Senator from Arizona to make a statement of that character, and I think that the RECORD will show either that he stated that the Secretary or the department would not permit or consent or, he said, it would not give its consent for that being done; in other words, it appears that the Senate conferees have receded from this amendment because the department objects to it and not because the House conferees object to it.

Mr. ASHURST. No, Mr. President, if the Senator will pardon me. The Senate conferees receded simply and solely and only because the work which the amendment sought to impose upon the department had already been accomplished. Now, if my learned friend, the distinguished Senator from Washington, thinks it has not been done, that is a ground for an honest difference of opinion.

Mr. JONES. Certainly.

Mr. ASHURST. When the Senate adopted this amendment it had not been discussed in the committee, and the Senate had no knowledge whatever of the fact that the work had been done. I did not know about it.

Mr. SMOOT. Mr. President, may I ask the Senator from Arizona a question?

Mr. ASHURST. Certainly.

Mr. SMOOT. I ask the Senator if this work has been done by the Bureau of Efficiency?

Mr. ASHURST. No, Mr. President, it has not.

Mr. SMOOT. That is the object of the amendment. There is no doubt that the department has a form of bookkeeping, and, no doubt, they are following the form that has been in operation there for, perhaps, years and years; but I want to say to the Senator that there has been created by Congress a Bureau of Efficiency. Every year we appropriate for the maintenance of that bureau. For instance, that bureau went into the Post Office Department; and if any Senator will take the time to ask the Postmaster General what he thinks of the work that was done by the bureau, he will ascertain that the department recommends in the highest possible terms the work of the bureau. Not only that, but the Postmaster General will show by actual figures, as he has done to the Appropriation Committee more than once, that that bureau has saved to that department hundreds of thousands of dollars.

Mr. OVERMAN. How about the Treasury Department? That is true also as to the Treasury Department.

Mr. ASHURST. The statement of the Senator from North Carolina is entirely correct.

Mr. SMOOT. I was going to add that if the Senator from Arizona or any other Senator will inquire of the Treasury Department, he will find the same answer from the head of that department. As I have stated, Congress has established the Bureau of Efficiency. I believe the amendment was a wise and wholesome one, and I believe the Senate conferees ought to have insisted upon it. I can not see why the House conferees would object.

Mr. GALLINGER. They did not object; they favored the amendment.

Mr. LODGE. Will the Senator permit an interruption?

Mr. SMOOT. I will.

Mr. LODGE. As I have understood from the statement of the Senator from Arizona, the House conferees wanted the amendment.

Mr. ASHURST. Yes, sir; that is true.

Mr. LODGE. The House conferees wanted the amendment, and the Senate conferees gave it up; gave up the Senate's own amendment.

Mr. SMOOT. The Senate conferees gave up the Senate amendment. I am quite sure that the Senator from Arizona is not aware of the situation. Otherwise, I know that he would not have yielded on this amendment.

This Bureau of Efficiency is now working in other departments of the Government; and it has not entered any department of this Government and done the work which it performs where the head of the department does not give it the highest possible recommendation——

Mr. ASHURST. Mr. President——

Mr. SMOOT. And I am quite sure that when these facts are called to the attention of the Senator from Arizona he will believe that we ought to send this report back to conference, have this amendment insisted upon by the Senate conferees, and agreed to by the conference committee.

Mr. ASHURST. Mr. President, all that the learned Senator says is true, and all that he says was substantially before the committee.

I am not a stickler for economy; I do not pretend that I am at all times standing for rigid economy; but the question did occur to the conferees that since the department advised us that the work was being done and in a large measure, if not wholly, accomplished, why should the energies of this excel-

lent bureau, which would probably involve an expenditure of five or six thousand dollars more, be brought into requisition and the work be duplicated?

It was not in any spirit or desire to avoid responsibility on the part of the Senate conferees that the action was taken. The Senate conferees contended for nearly a month for many of the items put on the bill by the Senate; and we yielded on many amendments only after it was obvious that an agreement could not otherwise be reached. We did not believe we would be doing our duty further to contend for an amendment put on by the Senate, knowing that the Senate did not know that the work had already been done in the Interior Department.

Mr. STONE. Mr. President, may I ask the Senator a question?

Mr. JONES. Mr. President——

Mr. ASHURST. I yield the floor.

Mr. JONES. I understood I had the floor, Mr. President.

Mr. STONE. I merely desire to ask the Senator a question for information.

Mr. ASHURST. I will be glad to answer the question if I can.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Arizona a question.

Mr. STONE. Is this amendment now before the Senate?

Mr. ASHURST. No; it is not before the Senate.

Mr. STONE. It is in the conference report?

Mr. ASHURST. It was disagreed to; the Senate conferees receded from this amendment.

Mr. LODGE. It is before the Senate as a part of the conference report.

Mr. STONE. And the amendment that is now under discussion is a Senate amendment?

Mr. ASHURST. It is a Senate amendment.

Mr. STONE. It was stated by some Senator on the floor that the House conferees were willing to agree to and desired the Senate amendment, was it not?

Mr. ASHURST. I think that, so far as I am permitted to disclose what took place, I ought to truthfully say the House conferees did not object to the amendment. I think I state the truth when I say that there was no objection.

Mr. STONE. Mr. President, this is rather confusing. Why did the Senate conferees desire to reject an amendment which the Senate put on and which the House was willing to accept?

Mr. ASHURST. Because, as I have stated, the work had already been done; and when the Senate adopted the amendment the Senate did not know that the work had been done; that is the only reason.

Mr. STONE. I should like to ask the Senator another question——

Mr. MYERS. Mr. President——

Mr. STONE. Does the Senator desire to interrupt me?

Mr. MYERS. When the Senator from Missouri is through I should like to say a word. I do not want to interrupt the Senator.

Mr. STONE. I am not through. I should like to ask the Senator from Arizona if it be true—and I think it important to the Senate and to the dignity of the Senate to know whether it is true—that the Department of the Interior, whether by the Secretary or any authorized official, stated to the Committee on Indian Affairs or to the conference committee that that department would resent and resist any investigation by a legal body—I mean especially the Efficiency Bureau.

Mr. ASHURST. Mr. President, in reply to the question propounded by the distinguished Senator from Missouri, I will say that we did not keep a stenographic record of the proceedings of the conference committee; but I believe I can state with considerable accuracy, with ordinary accuracy, what took place. The Assistant Commissioner, Mr. Meritt, asked to come before the conference committee. That request was granted. He discussed, if I remember, some other minor details, and then said he wished to discuss in particular amendment No. 157, with reference to the Efficiency Bureau, and that the department was opposed to the amendment. It must not be forgotten that our committee has a habit—and I do not think it is a very good habit—of calling on the department for their opinion with reference to bills. The department was not in favor of that amendment, because it would involve an unnecessary expenditure of public funds and because the objects sought to be brought about by the activities of the Efficiency Board had already been inaugurated, and, if I remember correctly, were about accomplished. That is substantially about what took place and about what was said.

Mr. STONE. If it was merely a suggestion that it was unnecessary and a useless expenditure, I have not anything to say; but if a department of this Government takes the position that a body created by Congress for such a purpose as the Efficiency Commission was created for undertakes to put itself in opposition to the performance of the duties of that body——

Mr. ASHURST. No, Mr. President.

Mr. STONE. I would like to know about it. That is a very different question.

Mr. ASHURST. Mr. President, those who know the Secretary of the Interior may give their perturbed souls rest. They know that he will faithfully execute every law and regulation made by Congress.

Mr. STONE. My soul is not perturbed. It would be a very great surprise to me if the Secretary of the Interior would stand behind a proposition of that character.

Mr. MYERS. Mr. President, I think there is some misunderstanding of the situation by some of the Senators, and I think that a great deal of unnecessary and unjustifiable indignation and resentment has been worked up to a fever heat over no cause whatever and owing to an incorrect understanding of facts and conditions. As is often true in the case of a prolonged meeting, where a lot of people are present and indiscriminate talk back and forth is indulged in which is not taken down by stenographers, my recollection of affairs differs slightly in some respects from the recollection of the Senator from Arizona [Mr. ASHURST], although I agree with him in the main and as to the essentials.

In the first place, when the conferees came to this amendment there was a great deal of talk about it, but it is not my recollection that the House conferees simply rose up as one man immediately and clamored for it. There was a great deal of discussion; it lasted several hours and parts of several days, and a great many suggestions were made about amendments and changes, when, upon the unanimous request of the conferees—eight of them, five House conferees and three Senate conferees—the Assistant Commissioner of Indian Affairs was sent for and requested to come before the conferees and explain the departmental views about this matter. The Assistant Commissioner of Indian Affairs did not come of his own accord; he did not inject himself in there and assume a threatening or domineering attitude or any attitude of that kind; he did not, as I have said, voluntarily inject himself into the matter at all. He did not come until he was sent for at the unanimous request of the conferees of the House and of the Senate, and then I know he came with a little reluctance and had to be assured that it was the unanimous request of the conferees that he should come and answer certain questions. He simply said, as the Senator from Arizona has stated, that the Department of the Interior was not in favor of that amendment. We asked him the attitude of the Department of the Interior, and I, for one, am in favor of giving people a chance to be heard and of getting light on any subject which is being considered. I do not see any objection when a department is involved in any proposed legislation to asking its attitude and views in regard to it.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. MYERS. With pleasure.

Mr. CURTIS. Is it not a fact that the Assistant Commissioner of Indian Affairs was before the committee when the Lane amendment was adopted, and was given full opportunity to be heard?

Mr. MYERS. The Lane amendment? What does the Senator mean by the Lane amendment?

Mr. CURTIS. The amendment from which the Senate receded.

Mr. MYERS. Amendment numbered 157?

Mr. CURTIS. Yes; the one on which the Senate conferees receded.

Mr. ASHURST. It was never before the committee.

Mr. MYERS. Oh, the Senator means in the committee meeting? He is not talking about the conferees?

Mr. CURTIS. No. When the amendment, offered by the Senator from Oregon [Mr. LANE], was being considered by the Indian Affairs Committee of the Senate, was not Mr. Meritt present, and did he not have an opportunity to express himself upon it before the committee, and did not the Senate committee unanimously report it to the Senate?

Mr. MYERS. I do not know. I was not present at that meeting of the Committee on Indian Affairs, but I was present at the meeting of the conferees of which I am talking, and I know that the Assistant Commissioner of Indian Affairs came before the conferees with some reluctance, and had to be assured that it was the unanimous request of the conferees. He stated that he did not want to voluntarily inject himself into

the conference meeting or anywhere else where his presence was not wanted.

Mr. ASHURST. Mr. President——

Mr. MYERS. I am not yielding. I want to say some things. I have not fairly begun yet. I say, I am a believer in permitting a department to express its views about legislation affecting it, and particularly to send a representative to answer questions when his attendance is asked.

Mr. SUTHERLAND. Mr. President, may I ask the Senator a question?

Mr. MYERS. With great pleasure.

Mr. SUTHERLAND. As I understand, this amendment was passed by the Senate, and a conference agreed upon between the two Houses with reference to it, and the Secretary of the Interior appeared before the committee?

Mr. MYERS. Oh, the Secretary of the Interior never appeared before any committee when I was present.

Mr. SUTHERLAND. Before the conference committee?

Mr. MYERS. No, sir; he never did. Oh, no; that is absolutely incorrect. The Secretary of the Interior never did.

Mr. SUTHERLAND. Well, a representative of the Interior Department appeared?

Mr. MYERS. The Assistant Commissioner of Indian Affairs was sent for by the conferees, and in response to that command he appeared.

Mr. SUTHERLAND. He appeared before the committee and asked that the conferees recede from the Senate amendment?

Mr. MYERS. No, sir; he did not.

Mr. SUTHERLAND. What did he do?

Mr. MYERS. I was just getting to that. Now I will go on. I want to state what I have to say in a connected and sequential manner. I am just up to that point.

I had gotten this far—that the conferees sent for Mr. Meritt, the Assistant Commissioner of Indian Affairs. He appeared in response to the request for his attendance. When he appeared he was asked about the attitude of the Interior Department and the Indian Bureau in regard to this amendment, and he stated substantially about what the Senator from Arizona has stated—that the work of investigation, looking to an improved system of accounting and bookkeeping, had been started along a different line, and that in the estimation of the Interior Department the amendment was not necessary. However, what I want to get to and correct is this: Neither the Secretary of the Interior nor anybody connected with the Interior Department ever said or intimated, as some Senators here seem to infer, that he or they would not permit this to be done. They did not threaten to barricade their offices with bolted doors and bars, and with the use of clubs and rifles resist the authority of the United States Government as expressed by the Congress. They never hinted at nor intimated any such absurd state of mind. It was stated that if this work was done it would not be with the consent of the Interior Department, because the Interior Department deemed it unnecessary, and that it would conflict with work which was then actually going on to install an improved system of bookkeeping and accounting; but Congress may do a great many things that people do not ask it to do or consent to having done. Congress may do a great deal that I may not consent to nor assent to; but I do not undertake to defy Congress and say that it shall not be done. Now, there is the line of demarcation. Some of the Senators seem to have gotten the idea that the Interior Department was going to go into a state of rebellion and defy Congress. Nobody connected with the Interior Department ever intimated such a thing. It just stated in response to questions that the department did not consent to this innovation.

Mr. ASHURST. Mr. President, if the Senator will yield to me for a moment, I believe I can pour oil on the troubled waters and propose a solution that will be satisfactory to everybody. I will ask that the conference report be rejected, if the Senator will pardon me.

Mr. MYERS. I want to finish my remarks.

Mr. ASHURST. I was going to make that motion at the appropriate time—that the report be withdrawn.

Mr. MYERS. It can not be done while I have the floor.

I want to say, further, that my recollection differs quite materially from what was stated, in this particular: As to the amendment in question there was a great deal bound up with it; if we adopted that amendment, according to the contention of the House conferees, it involved our consenting to some changes in other sections, according to my recollection; if we retained amendment No. 157, it was to be tied up with and involve certain changes of a somewhat complicated nature in amendment No. 156 and section 27 of the printed bill, and the proposition was that all should stand or fall together; that if we retained amendment No. 157 we must make certain changes in No. 156 and in section 27, which appears between the two. The Senate conferees would not consent to those changes. I was opposed to them, and the Senate conferees as a body would not assent to them, and that is a further reason why this recession was made.

The Senate conferees did not just voluntarily take this action without any opposition; but they finally receded on amendment No. 157 because if they took 157 they had to accept some changes in 156, which they would not accept. It was a dual proposition. It was put up to us in this way: "If you retain 157, you have to make some changes in 156, the two go together," and the Senate conferees would not consent to that dual proposition.

Mr. NORRIS. Mr. President, would the Senator mind telling us what those other changes were?

Mr. MYERS. They were talked over for hours and, in fact, for several days, and I would have to call for the clerk's notes. I can not tell them all. I would not undertake to correctly state them. I simply know that the proposition involved some change in amendment 156. They were talked over for hours and for parts of several days. The conferees sat for about four weeks, sitting nearly every day, and it was a tremendous undertaking. I can not undertake orally to state even a small part of what occurred, but I am sure of this—I know this much—that it involved some change in 156 which was not acceptable to the Senate conferees, and that is the backbone of the reason why 157 was receded from. It was not a bald backdown on the part of some of the conferees, as some Senators seem to have acquired the idea it was.

Under the circumstances, being coupled up with changes in another section which we would not accept, and the information having come to us that the work contemplated had already been undertaken and some of it completed, and that what had been done was entitled to a trial—it having been represented to us that the system which had been installed was first entitled to a trial to see whether it would be effective before we upturned it and went into something entirely new—I think the conferees acted wisely and justifiably. I say, under all these circumstances, taking all of these things into consideration, and not just one thing persistently held up before our eyes, the mere fact that we receded, the conferees were justified in their actions, and should not be criticized.

Mr. NORRIS. Mr. President, will the Senator yield to me for a question?

Mr. MYERS. Certainly.

Mr. NORRIS. I am interested in what the Senator says is now on trial. Is there a system provided by law which they are trying now?

Mr. MYERS. They are making some changes there to improve their system; and to go to work and install this contemplated new system would upset and cause them to abandon all they had done on the system which is now on trial. So, taking all of these things together, I do not think the Senate conferees did a strange or an incomprehensible thing at all. They had ample justification for what they did. We did not just go into the conference meeting and supinely prostrate ourselves and throw up our hands and say, "We surrender immediately, and recede from this amendment." There was discussion about it pro and con in different ways for days. It took a good part of several days, and all sorts of suggestions and amendments and compromises were suggested; and, as I say, right down to the last the proposition of retaining amendment No. 157 involved certain changes in No. 156, to which we would not consent. However, I arose especially to correct the idea that some Senators seem to have acquired, that somebody connected with the Interior Department was defying Congress, or saying that they would not permit any changes. Nobody ever suggested such a thing.

Mr. JONES. Mr. President, will the Senator permit an interruption right there?

Mr. MYERS. With great pleasure.

Mr. JONES. In justice to myself, as well as to the Senator from Arizona, I just want to read an extract from the stenographic notes of his remarks a moment ago upon which my suggestions were based.

Mr. MYERS. I yield for that purpose. I do not yield the floor.

Mr. JONES. He said:

When the conference committee, composed of the conferees of the two Houses on the disagreeing votes on the bill, met, we received intelligence from the Department of the Interior that that department had already availed itself of efficient and skillful persons, and had commenced the keeping of a proper, sufficient, and adequate set of

looks, so that all kinds of balances, trial balances, or others could be had, and that it had been done at the expenditure of considerable money; and that, as the Secretary of the Interior, therefore, in his opinion, viewed it, the efforts and energies of the Efficiency Bureau, so far as the office of the Indian Bureau was concerned, would be an unnecessary and useless expenditure of public money. He said that he had inaugurated his own system and did not wish and would not consent to the Efficiency Bureau coming in and upsetting the bookkeeping which he had started. The honorable Secretary did not appear before the conference committee, but the Assistant Commissioner of Indian Affairs appeared twice, and made the statement to the effect that they had their own system inaugurated, and objected to an outside board coming in and upsetting all their work at an expenditure of four or five thousand dollars, whereby no good could come.

My suggestions were based on that statement of the Senator, and I would not, of course, do him any injustice.

Mr. ASHURST. Mr. President——

Mr. MYERS. In a moment I will yield to the Senator from Arizona. The Senator from Arizona, in speaking of a representative of the Interior Department, said that that representative stated that the department would not consent to the enactment of certain legislation. Well, lack of consent or assent does not mean defiance.

Mr. JONES. Let the language speak for itself.

Mr. MYERS. I want to comment on it. I want to speak about it, too. I remember that about three years ago one of the clerks of the Senator from Washington [Mr. JONES] was taken away from him by the action of the Senate; but he did not consent to that procedure, did he?

Mr. JONES. Oh, Mr. President——

Mr. MYERS. But the Senator from Washington did not go into rebellion about it.

Mr. JONES. I got the clerk; I have him, and I expect to keep him.

Mr. MYERS. The Senator will keep him as long as the majority of this body, in its generosity, will let him.

Mr. JONES. As soon as he was taken away from me——

Mr. MYERS. The Senator did not consent to having his clerical force reduced, did he?

Mr. JONES. No; and it did not stay reduced. I have him, and, as I say, I expect to keep him.

Mr. MYERS. But at the same time the Senator did not resign from the United States Senate, and he did not go into a state of rebellion.

Another illustration: About a year ago the Senator from Washington was running for reelection to his seat in the United States Senate, and he was reelected, which was a tribute to his worth and ability; but if he had been defeated it would not have been with his consent, would it? And he would not have gone into a rebellion against the Federal Government, nor against the State of Washington, would he?

Mr. JONES. Mr. President, if that has anything to do with this conference report, I can not see it. Of course if it is entertaining to the Senator from Montana, it certainly is to me.

Mr. MYERS. It has as much to do with it as the evidently somewhat strained construction of the Senator from Washington to the effect that when a man does not consent to anything he proposes to go into a state of rebellion and defy a superior authority.

Mr. WILLIAMS. Mr. President, will the Senator permit a question?

Mr. MYERS. Certainly.

Mr. WILLIAMS. Does not the Senator think there is a difference that is patent when a Cabinet officer, or one of his agents or representatives, informs the legislative assembly that if a certain thing becomes a law he will not consent to it? Is not that the highest form of rebellion?

Mr. MYERS. It depends upon circumstances. Happily, no Cabinet officer so informed Congress, in this instance.

Mr. WILLIAMS. Well, the Senator says a representative of a Cabinet officer did.

Mr. MYERS. No; I have not so stated, I beg to say. The Assistant Commissioner of Indian Affairs was sent for by the conferees, and was asked the attitude of the Interior Department toward this amendment.

Mr. WILLIAMS. I understand that, and I understood the Senator himself to say that if this amendment were passed it would be without the consent of the Interior Department.

Mr. MYERS. I have not said that. I do not recollect saying anything of that kind. The Senator from Arizona [Mr. ASHURST] stated something to that effect. Please do not tax me with that.

Mr. WILLIAMS. Now, when an executive officer begins to read the riot act to Congress, if he has done it, by saying that he will not consent to a law, he announces beforehand opposition to and defiance of legal authority. The Senator has to consent to every law, whether he will or not, and I must, and so must every Senator.

Mr. MYERS. He submits to it as every good citizen does.

Mr. WILLIAMS. He has to consent to it; because, in a free government, the will of the majority must necessarily be accompanied by the consent of all when that will takes the form of a law. This was to have been part of a law.

Mr. MYERS. I do not believe that the United States Senate is such a high and mighty body that everybody connected with the United States Government has to submissively consent or assent to everything it does. It may do many things to which many people do not consent. Any American citizen has the right to dissent from the wisdom of anything that it may do, and certainly an official of the Government has a right, in his own mind, to say that he does not assent to it.

But I want to say that the Senator from Mississippi imputes to me the assertion that the Interior Department, or somebody connected with it, said that it would not consent to this legislation. I remember of no such language having been used before the conferees. I have not asserted it was. The Senator from Arizona may remember it; but I have not stated that any such language was used, and I do not remember that Mr. Meritt used any such language. The Senator from Arizona may, but I do not; and I want to say that whatever Mr. Meritt may have said, all that he said was certainly said in a most respectful and proper manner, frame of mind, and attitude on behalf of himself and the Interior Department toward the United States Senate and toward Congress. He said nothing, he carried no message, he expressed no idea, he made no suggestion, that carried any implication of disrespect for Congress or defiance of its authority.

Mr. STONE. Mr. President, let me ask my friend if this is not about the truth as he understands it: That this executive official, whatever his exact language was, meant merely to say that he would advise against the proposed legislation, as a matter of policy?

Mr. MYERS. Yes; he said that the Interior Department advised against it; that the Interior Department did not assent to it; did not think it necessary. Whether or not my recollection of it agrees with everybody else's recollection or is absolutely correct there is absolutely nothing in it to cause anyone in this body to assume an air of righteous indignation, and work himself up to a fever heat over some one not showing it proper respect, or bowing quite low enough in obeisance to it.

Mr. THOMAS. Mr. President, I merely wish to inquire if the Vice President at this time will entertain a motion for the previous question?

Mr. LODGE. Mr. President, I have not the honor to be upon the Committee on Indian Affairs and of course was not on the conference committee, but I am always interested in what seems to me to be the proper conduct of the business of the Senate. I have listened, as we all have, I am sure, with great interest to the lucid and ingenious argument of the Senator from Montana [Mr. MYERS], and I have tried to extricate from it what seemed to me the salient facts, setting aside for a moment the reelection of the Senator from Washington.

Mr. MYERS. Permit me to say that that will be no difficult task for a gentleman of the high standing and ability of the Senator from Massachusetts.

Mr. LODGE. Mr. President, I have the floor.

Mr. MYERS. I wanted to pay the Senator a compliment.

Mr. LODGE. I waited until the Senator got through his argument. In fact, nobody interrupted him; it was too fascinating.

It appears that the Senate added an amendment to the Indian appropriation bill known as amendment numbered 157. It further appears that that amendment is as follows:

(157) SEC. 28. On or before the 31st day of December, 1916, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of accounting for the Bureau of Indian Affairs that will meet the requirements of section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103).

Now, to an outsider like myself that seems simple; I mean the object of it seems simple. The language is plain. We are told by the Senator from Montana that the conference committee passed hours and days even in discussing that amendment and trying to amend it and alter it and change it; and I confess it gives me great respect for the powers of that conference committee beyond even what I had before, and that was very great.

Now, the Senate put that on, and the testimony which has been rendered here by the various speakers this morning is, in substance, to the effect that the House conferees were ready to accept it. Then there floats upon the scene the person of the Assistant Commissioner of Indian Affairs.

Mr. MYERS. I wish to say to the Senator that he was sent for by the conferees.

Mr. LODGE. I did not say he was not sent for. I said he floated in.

Mr. MYERS. No; he did not float in. He was drawn in by order of the conferees.

Mr. LODGE. I do not know why he was sent for, except to explain this complicated, intricate amendment. But the substance of what he said was that the Interior Department did not want it. That is what it comes down to in plain English; and having delivered that elaborate and difficult opinion, he then retired, and the clause retired with him from the bill. The Senate put it on; the House conferees were ready to accept it, and the Senate conferees—I suppose perhaps the House conferees cooperated—took it out.

Mr. President, of course I suppose this is an old-fashioned idea, but I have always understood since I have been in the Senate, and I understood when I was in the other House, that it was the duty of the conferees on the part of the Senate to sustain amendments placed on a bill by the Senate; that it did not matter whether the conferees personally approved of an amendment in all respects, it was their duty as representing the Senate to sustain the amendment. The other House, of course, was at full liberty to resist, and if they resisted it might become necessary for the conferees on the part of the Senate to yield or to agree on a compromise.

Mr. GALLINGER. Or to bring it back.

Mr. LODGE. Or to bring it back for further instructions to the body that sent them into conference. But in this case our conferees appear to have abandoned our amendment when the other House was ready to take it.

Now, that is a point, it seems to me, of great importance in the conduct of business. There can be no possible confidence in conferees appointed by the Senate if the fundamental proposition is not agreed to that they are there to represent the will of the Senate.

I trust that this report will be returned to the conferees and that the will of the Senate will be carried out. I am not aware that the Interior Department or any other department or any assistant commissioner has anything to do with conferences between the Houses. I trust the report will go back and that the Senate conferees will not insist, they do not need to insist, but that they will allow the House conferees to keep the amendment in the bill.

Mr. JOHNSON of South Dakota. Mr. President, I am glad that the Senator from Arizona has asked that the conference report shall go back because I had intended to do so if he did not, and I believe then the matter will receive more favorable consideration and I hope will be presented to this body in much better shape. I can not support the conference report as it is and I do not think I shall support the bill.

I live in a State which, under the provisions of this legislation, would be given something like a million dollars for the benefit of the Indians, in line with the policy of the department, but if, in order to secure this appropriation for my State, I have to vote for this bill in its entirety, I say to you now, fellow Senators, I shall not do so.

There are items in the bill of something like three-quarters of a million dollars that is appropriated for the benefit of the Indians I suppose, and which I myself asked a representative of the department in the committee if they thought would be of any real benefit to the Indians and they told me no.

Mr. MYERS. I ask the Senator what items those are?

Mr. JOHNSON of South Dakota. They are items for irrigation.

Mr. MYERS. Of what project?

Mr. JOHNSON of South Dakota. A project in the Senator's State of Montana.

Mr. MYERS. Which project in Montana?

Mr. JOHNSON of South Dakota. The Blackfeet, is it not?

Mr. MYERS. I wish to show how far wide of the mark the Senator is. There is no appropriation of three-quarters of a million dollars for the Blackfeet project. There was an appropriation of $50,000, and the conferees cut it down to $25,000. The Senator is just $725,000 off the facts.

Mr. JOHNSON of South Dakota. I am referring to the appropriations in the bill for irrigation in your State, in all.

Mr. MYERS. There was appropriated only $50,000 for the Blackfeet Reservation project, and that was cut down to $25,000.

Mr. JOHNSON of South Dakota. And for the Flathead project?

Mr. MYERS. There is an appropriation of $750,000 for the Flathead, and I deny that the Indian Commissioner ever said that was not a successful project or was not for the benefit of the Flatheads. He said it was successful, and that it was for the benefit of the Flatheads.

Mr. JOHNSON of South Dakota. I did not say that the Indian Commissioner said that. I said a representative of the commissioner's department told me, on the direct question that I asked him, if that would be of any benefit to the Indians, and he said "No."

Mr. MYERS. The Flathead project? If so, I deny that there is any such language in the report which was taken down verbatim in regard to the Flathead project. I want to have it corrected. I deny that any such statement was made.

Mr. JOHNSON of South Dakota. Now, Mr. President, I am not opposed to reasonable appropriations, where I feel that there will be a return for value received, but I am to-day, and I hope always will be, opposed to any appropriation made under the guise of benefit to those whom it will not benefit and where no advantages come from such appropriations, as the bill specifies, but will accrue to the benefit of some State or some locality which is entirely foreign to the object for which the appropriation is proposed. I shall be censured in South Dakota for my vote on this measure, but that will not deter me from casting it as I believe I ought to cast it.

We are voting away appropriations of millions of dollars by methods of this kind each year, like it was so many postage stamps, and for purposes that in many cases are questionable, at least, and I shall not, as a Member of this Senate, be a party to anything that appears to me of this character.

Mr. President, I am a new Member of this Senate. When I came here I was not familiar with committee legislation matters. I do not profess to be to-day, but I am learning, and as I learn I shall act. I have not taken up much of the valuable time of this Senate thus far, because I have had nothing to say that I believed was important enough to do so. But I presume I shall have more to say as time passes, and shall take up the Indian question on the floor of this Senate very soon, perhaps at some length.

I have lived among the Indians for the past 30 years, and I believe I know what their needs and wants are. I also know of their treatment, which I shall no doubt discuss in the near future. I have had some personal talks with the Indian Department since I have been here, and shall endeavor to have other meetings with them before I discuss at length the Indian question.

There are some splendid features in this bill, particularly one presented by Senator GRONNA, of North Dakota, but the bad ones so far overbalance the good ones that I shall cast my vote against the bill as a whole, when it shall come to vote, if it is not in much better shape than it is to-day.

While I regret that my views do not conform with theirs and with those of the framers of this bill, I shall cast my vote against the conference report to-day believing that I am within my rights in doing so and that, from the light I have, I am doing my duty as I see it.

Mr. ASHURST. Mr. President, I shall take only two or three minutes. I regard my situation as a Senator somewhat different from my position as a conferee. I may be in error, but it is obvious to me that the Senate desires to retain this amendment with respect to the Efficiency Bureau, and, acting upon that belief, which has been made manifest here this morning, I am going to ask unanimous consent that the conference report heretofore submitted about a week ago be withdrawn and that it be committed to the conference committee. I am perfectly willing to adhere, and I hope the Senate will instruct the conferee to adhere, to the amendment of the Senate in regard to the Efficiency Bureau.

Mr. OVERMAN. I think the Senator is doing wisely to ask that the report shall go back. I think there will be no objection to its going back. But when it goes back, like every conference report that is sent back, every item of difference will be before the conferees. I have an item which was in disagreement, about which I intended to say something, but I am not going to do it now. I should like to have the Senator consider it when it goes back to conference.

Mr. SMOOT. I think a very proper thing for the Senator from Arizona to do is to ask unanimous consent that the report be rejected. If he will simply withdraw the report, there will be no action upon it on the part of the Senate; and there should be action upon the part of the Senate, so that he can inform the House conferees.

Mr. ASHURST. Then I ask that the conference report be rejected.

Mr. OVERMAN. That puts all the differences between the two Houses in conference.

Mr. FALL. Mr. President, I have no intention of discussing this matter at any length, but I listened with a good deal of interest to the chairman of the committee, particularly to his statement that the Secretary of the Interior should be thor-

oughly trusted to properly account for the public money appropriated by Congress or received by him as a trust fund from other sources. I do not disagree with the Senator in so far as the honesty or integrity of the Secretary is concerned, and that is not attacked, as I understand, by the proposed amendment nor by any Senator upon the floor.

The question is as to the proper method of accounting to be made. It is a fact known to every member of the Indian Affairs Committee, I presume, that it is almost impossible for any layman to understand at the present time the method of accounting used in that department. It is equally impossible for any layman who has made any investigation of the method of accounting used in the Interior Department to understand the method used in such accounting in that department. It is not only impossible for any layman to understand it, but it is impossible for the department itself to understand it.

It is not possible for a Senator to-day to obtain from the Department of the Interior or from any other source in this Government, which I have been able to reach, an accounting of the expenses of the administration of the Indian department of the Indian lands or of the public lands of the United States, and the departments admit that they can not furnish to the Senate or Senators or to the committees such an accounting under their present methods.

The excuse made, for instance, for presenting a certain report to Congress by the present Secretary of the Interior or his department, in which certain statements are made as an accounting for the public moneys coming into his hands, is simply that he has followed the methods pursued by a former administration. He can not explain it, nor can he give you the figures.

Mr. President, it is a most astounding thing to a man who has been accustomed to dealing in a business way with business problems to know that you can not from any source whatever to-day discover what it costs to administer the public lands of the United States. As illustrative of this—as it is not my desire to go very fully into the matter nor to read into the RECORD documents—I want to call the attention of the Senate to the last report of the Secretary of the Interior, because it involves an accounting for some of the amounts coming into his hands from the Indian Service and is directly in point here, and because it illustrates the methods of keeping accounts in the Interior Department.

In the report of the Secretary of the Interior dated Washington, September 22, 1915, we are told that there is set forth here, presumably accurately, an accounting of the cash receipts and expenditures of the Public Lands Department of the Interior Department. I read from the report. I should like to have the attention, if I may, of the chairman of the Committee on Indian Affairs:

> The total cash receipts for the sales of public land, including fees and commissions on both original and final entries, and sales of Government property in the local offices for the fiscal year 1915 were $3,786,319.54 (1914, $4,256,102.96), a decrease of $469,783.42. Miscellaneous receipts were as follows: From sales of Indian lands, $1,556,630.97 (1914, $1,884,802.77); depredations on public lands, $21,203.54; depredations on Indian lands, $38.33; leases, power sites, etc., act of February 15, 1901, $1,116.21; copies of records, plats, etc., made at General Land Office, $14,738.82, and at 13 surveyors generals' offices, $4,900.79, making the aggregate cash receipts of this bureau during the fiscal year 1915, $5,394,948.20 (1914, $6,148,367.63), a decrease of $753,419.43.

Note the method of accounting, and then answer, Senators, whether it is correct, taking into consideration the further figures from the official records to which I shall call your attention, reading on page 6:

> The total expenses of district land offices for salaries and commissions of registers and receivers and incidental expenses during the fiscal year ended June 30, 1915, were $828,865.71, a decrease of $24,832.89. The aggregate expenditures and estimated liabilities of the public-land service, 'including expenses of district land offices and surveys made were $3,008,996.31—

Now, listen—

> leaving a net surplus of $2,384,922.61 of receipts over expenditures.

This is a statement made by the Secretary of the Interior in accounting to the President and to the Congress of the United States of the administration of his office. Now, let us just follow it for a moment to see how it figures up. The total is, as he has stated, $5,394,948.20 receipts—receipts from the public-land sales and from the other items or the other sources which I have mentioned in detail. There is not one word of the $640,000 appropriated by the Congress of the United States for the support of the General Land Office; not one charge is made against it, nor one cent shown in the report as to the $3,250,100 appropriated by the Congress of the United States for the support of the Department of the Interior; not a charge against it. I will call your attention to that in a moment. I am going to read from a memorandum which I have made:

"The above quoted statements of the commissioner with regard to 'cash receipts and expenditures,' if not incorrect, are to say the least, misleading, as they fail to show the financial transactions of the General Land Office, in the discharge of the Public Land Service.

"It will be seen by the above statement, that the commissioner in arriving at his final conclusion, that there exists a 'net surplus' of $2,384,922.61 in the public-lands fund of receipts over expenditures, has taken into consideration and counted as a receipt from public lands the sum of $1,556,630.97, the proceeds of the sale of Indian lands."

Now, compare the Treasurer's report and you will find that, as a matter of fact, this account was, by the commissioner, covered into the Treasury for the credit of the Indians entitled thereto and forms no part whatever of the public-land receipts; that it was not carried as a portion of the public-land receipts; but, as it was received, was from day to day deposited to the credit of the Indian funds. So, instead of the public-land receipts, according to the Secretary's own report, showing a balance of $2,384,922.21, his books would actually show a balance of $828,291, or $1,555,000 less. This is one of the methods of keeping accounts which the Secretary of the Interior will not consent to have changed. Why? Apparently the public-land business is self-sustaining, while, as a matter of fact, this great magnificent domain, hundreds of millions of acres of property belonging to the United States in the public-land States, is costing the taxpayers of the United States every day of the year more money to administer than is being received under the laws from the sales or from any other source of income from those public lands; but, according to the method of accounting, we have a balance of $2,000,000 a year.

Further reading from this memorandum we find, in addition to the total of $5,394,948.20 shown as receipts, the General Land Office is chargeable with all appropriations made by Congress for the discharge of the public-land service for the fiscal year ending June 30, 1915, the amount of which at this time is not known, but from information at hand will probably total an amount from three and a half to four millions of dollars, and making the total cash and credits with the Treasurer of the United States to be accounted for by the Commissioner of the General Land Office, something like eight and a half or nine millions of dollars.

The Commissioner of the General Land Office refers to "the aggregate expenditures and estimated liabilities of the public-land service, including expenses of district land offices and surveys," as being $3,008,996.31.

The natural inference to be drawn from the remarks of the Commissioner of the General Land Office is that this expenditure was made from the receipts as above set forth. Is not that the natural inference? It is not, however, the case.

The moneys received from the sale of public and Indian lands and other miscellaneous receipts were deposited with the Treasurer of the United States for the credit of funds and accounts entitled thereto, and the moneys from which the operating expenses of the public-land service was paid were the credits on the books of the Treasurer provided by appropriations made by Congress.

To make a statement showing correctly the financial transaction of the General Land Office, the commissioner should, first, charge his office with all appropriation made by Congress, and, second, charge his office with all cash receipts from sale of public lands and from miscellaneous sources.

To offset this total charge, he should take credit for money deposited with the Treasurer, proceeds from sale of public lands and miscellaneous receipts, and further credit for all moneys drawn against appropriations made by Congress for purpose of conducting public-land service.

The commissioner, in his report of 1915, shows, on page 82, that for the year 1914 there was "covered into the Treasury to the credit of the reclamation fund from the sale of public lands and fees and commissions in the several States, under the act of June 17, 1902" (32 Stat., 388), the sum of $3,458,649.19, but does not include in his report for the present year the amount by him covered into the Treasury for the reclamation fund from the sale of public lands, fees, and commissions, but I am informed that this exceeds more than $3,250,000, this going to show that the commissioner deposited receipts from public lands, and so forth, with the Treasurer, and his expenditures were drawn from money to his credit with the Treasurer as a result of appropriations by Congress, and not drawn out of the public-land funds.

Now, I wish to make just a brief statement to show how the bookkeeping methods at present being followed must be incorrect, because these are all taken from the report of the same department—the Department of the Interior. This covering of money by the commissioner, proceeds of sale of lands, and so

forth, is further evidenced by the Director of the Reclamation Service, who, in his report for the fiscal year ended June 30, 1915, on page 456, has a table showing "actual receipts from sale of public land, exclusive of town-site sale, transferred to credit of reclamation fund," and shows a total receipt from this source of $4,100,720.65 instead of $3,250,000.

I have the exact amount made here in the memorandum of the commissioner as to the amount turned into the reclamation fund. The memorandum shown by his books to be turned in to the credit of the reclamation fund was $3,268,057.73. Under the report of the Reclamation Service he turned in during exactly the same period of time $4,100,000.

Is this system of bookkeeping satisfactory to the Senate of the United States? This is the people's money. I do not think that a dollar of it has been improperly expended; but I defy any living human being to ascertain from the report what the actual fact is with reference to the public-land service, to the Reclamation Service, and to the expenditures in the Indian Service, from the books in the Secretary's office or any department thereof. You go to one and you find $4,100,000 credit; you go to the other and you find they claim credit for $3,268,000, a difference of over $800,000, which would be quite an amount if it were shown on the average business man's books.

Mr. President, I have letters from the different departments and correspondence from the different bureaus. I have here a copy of a letter written by me, to which I have never been able yet to receive an answer, because it is impossible to answer it. Under date of January 27, I wrote the Commissioner of the General Land Office with the request that he give me the items going to make up the $3,008,996 of expenditure, "including expenses of district land offices and surveys"; deducting the amount of $828,865.71, as shown to be the expenses of the district land office, leaves a balance of $2,180,130.60 for other expenditures and estimated liabilities:

> Will it be possible for you to give me the items going to make up this last-mentioned sum?
>
> I do not mean, of course, to request of you that I should have every item included in this total, but merely the heading under which items were expended showing the purpose of such expenditure; for instance, an appropriation was made by Congress for salaries of commissioner, and so forth, amounting to $631,250; I presume that no part of this appropriation is embraced in the expenditure as shown of $2,180,130.60.
>
> My secretary is going to the department this morning, and if he could obtain this information I would much appreciate it.

The memorandum made at the time by my secretary is as follows:

> Delivered your letter to Mr. Fallman's office, and was sent by his secretary with the letter to division of accounts. They will be unable to furnish you with the classification of expenditures such as you desire, but will in the course of two or three days make up a statement of various appropriations for the General Land Office, giving the purpose for which the appropriation was made, showing amount of appropriation, and the amount paid from such appropriations during the fiscal year ending June 30 last.
>
> I called attention to the fact that the amount shown by the Reclamation Service to have been received from the sale of public lands was larger than the amount received shown in commissioner's report, after deducting the receipts from sale of Indian lands.
>
> Mr. Newberg, the chief of accounts division, promptly stated that the Reclamation Service must be in error.

The Reclamation Service is under the Interior Department, exactly as is the Indian Service. The chief of accounts says that the accounts of the Reclamation Service must be in error; but still they are furnished here and form the data upon which Congress must legislate and act, the data upon which Congress must proceed now in the matter of making appropriations for reclamation projects, because that matter is now in the hands of Congress and they show $4,100,000—$800,000 more than the accounts of the chief of accounts show.

As I have said, I have never received an answer to this letter—not that every courtesy has not been shown me and every opportunity afforded. I will say that I have had a man, who has been a bank examiner and an expert accountant for 25 years, undertake to obtain from the different bureaus the accountings which would enable him to ascertain what the cost of the administration of public lands was and what the cost of the Reclamation Service and of other bureaus included in the Department of the Interior was, but it has been absolutely impossible for him to do so, in spite of the assistance offered him—and there has been no attempt to hide anything—by the Secretary's office. Their excuse is that they have simply been following the old methods of accounting which have come down to them for unknown generations and through prior administrations; but I will defy anyone to ascertain to-day and to tell the people of the United States what it is costing to administer the different bureaus within the Department of the Interior.

Now, when the Senate Committee on Indian Affairs asks that a method of accounting be adopted so that the committee itself can examine the accounts of any reservation and into the disposition of any appropriations in order that it may be able to account to the Indians for the reimbursable funds which we are constantly appropriating, and which are trust funds in our hands for the benefit of the Indians alone, for the money is theirs and we simply administer it in trust—when the Senate Committee on Indian Affairs asks that a different method of accounting may be instituted, they are answered, as I understand, that the Interior Department will not "consent." I have simply been attempting to illustrate the difficulty.

Mr. BORAH. Mr. President, if the Senator from New Mexico will allow me, does not the Interior Department say more than that? Does it not say that it has now adopted a system of bookkeeping, as I understand, which it expects will cover this entire situation?

Mr. FALL. Well, I understand that the chairman of the committee and the ranking member of the committee on the other side do not agree exactly upon what was said.

Mr. MYERS. Mr. President, I wish to say to the Senator that I do not recollect all that was said, but, as to the use of the word "consent," I never heard anybody say that the Interior Department would not consent to this. I know nothing about that. That is one of the matters as to which I simply differ from the Senator from Arizona.

Mr. BORAH. Mr. President, if I may again interrupt the Senator from New Mexico, as I understood the Senator from Arizona, it was not that the Interior Department objected to the provision in question in and of itself, but by reason of the fact that the Interior Department had adopted or were working out a new system of bookkeeping, which they thought would be efficient and sufficient for all purposes.

Mr. ASHURST. Mr. President, I think the Senator from Idaho [Mr. BORAH] has substantially stated what I conceive to be the position of the department—not that the department in any way were opposed to a searching investigation or to an accurate method of bookkeeping, but the department, or a representative of the department, asserted that they had begun and had fairly well finished such a proper and efficient system of bookkeeping.

I do not want the Senate to get the impression that the Interior Department in any way is opposed to any investigation; on the contrary, the department itself took the initiative and instituted a new system of bookkeeping before any Member of either House of Congress suggested such a thing. I think that answers the question.

Mr. BORAH. I understood that they had begun a new system of bookkeeping in the bureau. If that is not true——

Mr. ASHURST. Mr. President, if the Senator will pardon me for a moment further, I will say that when I came to Congress I was utterly amazed to find that every bill referred to the Committee on Indian Affairs was sent down to the Interior Department with a request for the department's opinion concerning it. I do not now agree with that policy. I do not believe that bills which are introduced should be sent to the department and the department's opinion asked. I think the department should submit facts; but I found that for a long time, running many years back, that policy had been followed; and when I became chairman of the committee, following the ancient policy, which I think is an unwise one, I, as chairman, referred all bills and all amendments, just as had been done for a long time, to the Department of the Interior for its opinion.

I say here and now, that I do not agree to that policy. I wish Congress would get into the habit of making its laws without regard to the opinion of the departments; and of then permitting the departments to exercise their function of enforcing the law Congress makes.

Now, as to the word "consent." I have said, and I say again, that the honorable Secretary of the Interior did not come before the committee. His representative came before us and made manifest to us that the department objected to the legislation; but it was not even remotely suggested that they would fail to enforce the law if Congress should enact the legislation. I do not want any misapprehension to arise in that respect.

Mr. FALL. Mr. President, as I stated in opening the remarks which I have made, I have no doubt, of course, of the honesty and integrity of the different officials, and certainly not of that of the Secretary of the Interior. I am simply calling the attention of the Senate to the fact that in answer to requests for information upon the subject they admit that their accounts are not correct. For instance, the chairman of the committee, I think, will agree with me that there should not be a surplus shown in the administration of the public-land funds of two million and some odd hundred thousand dollars, when $1,555,000 of that money belongs to the Indians, and they take credit for it, but do not charge themselves with it. Mr. President, evidently that is an erroneous system of bookkeeping, involving

Indian funds—one of the very questions now under consideration; in fact, the principal question now under consideration. Under the present method, whether they have adopted a new one or not, they show $1,555,000 of private Indian moneys in the general public-land accounts as a receipt, and they show no charge against the department whereby that amount is placed to the credit of the Indians, to whom it belongs.

Is that a correct method of bookkeeping? Is that the new method which has been inaugurated, and which, in the eyes of the department, is sufficient? It is incorrect. The money is there. It is in the Treasury, or was placed in the Treasury, but never was placed to the credit of the public-land fund at all, as shown by the books of the Treasurer of the United States. While credit is obtained for it, and by that method of keeping the accounts of the public lands the receipts are so swollen as to make it appear to the people of the United States that there is an excess of receipts over expenditures, as a matter of fact the contrary is the truth.

For instance, take the matter of the public lands of the United States, which are the property of the people of the United States. You own the forest reserves. They are public-reserved lands of the United States. After deducting the credit to the Indians, which never should have been credited to the public-land fund, you still show a credit of $824,000 of excess receipts over expenditures to the general-land business. You do not tell the people in the same report that the forest reserves are costing you over $2,000,000 a year to administer more than you are getting out of them. That is part of the public land of the United States. The people of the United States consequently can not tell, unless some man rises here and gives them the figures as they should be given, that in administering the public-land service of the United States, instead of deriving any benefit from it, this great, magnificent domain which you hear Senators from the Eastern States speak of—and which some of them are so very adept in attempting to prevent anybody in the West from getting any undue benefit of—is costing the taxpayers of Massachusetts and New Hampshire and of Connecticut and the other States in the East at least $2,000,000 a year to administer more than it is producing. Properly administered, in a businesslike way, these public lands of the United States should practically support the States in which they lie, and the forest reserves will contribute very materially to the support of the Government.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from New Hampshire?

Mr. FALL. I yield to the Senator.

Mr. GALLINGER. I have been more or less surprised when certain Senators from the Western States have presented here maps showing, as I think the Senator from Idaho has, that one-half the domain of that great State has been made into forest reserves. I do not know what proportion would hold against the State of New Mexico, which the Senator in part represents. Being a friend of the forest-reserve principle, I have wondered very many times if there is not some way in which what is regarded now as an abuse can be corrected. Must we always allow 50 per cent, we will say, of a State to remain in forest reserves, hundreds and tens of thousands of acres of which, perhaps, do not possess a tree? Must we always allow that condition to exist, or have the Senators from these Western States undertaken to devise some plan whereby they can get some degree of relief?

Mr. FALL. Mr. President, speaking for myself, almost immediately upon my being sworn in as a Member of this body, when my State came into the Union, shortly after the Agricultural appropriation bill was under consideration, I made a few remarks upon the Forestry Service at that time, and I offered an amendment to the Agricultural appropriation bill the effect of which I will state. First, however, I showed to the Congress that the forest reserves in New Mexico were obtaining as an income from the people of that State a very large amount of money, something like $150,000 or $175,000, from $150,000 to $200,000 a year, very largely for grazing their stock upon the forest reserves. I showed that in addition to expending that money—every dollar of it which was received, except 25 per cent of the people's own money, which went back to the State—after expending the 75 per cent of the total proceeds they came before this Congress every year and asked for the administration of the forest reserves in New Mexico an excess appropriation out of the taxpayers' money of from one to two hundred thousand dollars per year.

My amendment proposed this: To leave the laws precisely as they stand now regulating the forest reserves; not to change the limits, the boundary lines, or to exclude an acre from them, if it so pleased the Congress; to allow not only the laws but the rules and the regulations of the Department of Agriculture to remain in full force and effect; and that then the administration should be taken over, under those laws and under the regulations, by the State of New Mexico, with a guaranty from the Legislature of New Mexico, for which I spoke, that in accepting the trust they would administer the forest reserves under the laws of the United States, under the rules and regulations as adopted by the Secretary of Agriculture, and under his general supervision, with the right in him to remove any official at any time; that they would administer the reserves without the cost of one cent to the taxpayers of the United States; they would only cut such timber as they were directed to cut; that they would not abuse the trust in any way; that they would administer the trust under the laws of the United States, with the power in Congress at any time to take back the forest reserves if they were not so administered; and that the State of New Mexico would relieve the people of the United States of the burden of administering the forest reserves, which are now costing them $2,000,000 more per annum than they receive from them.

I think this is the solution of the matter, Mr. President, for this reason: I know that the Senator from New Hampshire will agree with me that as to the general subject of the public lands in the States, while they constitute a trust for the people of the entire United States, as Daniel Webster said, they should be administered for the benefit of the people living in the State in which they are. I have been contending for that old theory, settled in 1836, from the moment I entered this body down to the present time, and I am still contending for it. I admit that the people of Massachusetts or New Hampshire or other States may have some interest in the mines situated in my State or in the mineral to be obtained from the mine, whether it is gold, copper, silver, or what it may be, because they can remain as nonresidents or as stockholders in a company operating and taking the wealth of the mines from underground. They may help develop my State in that way; but when the question arises of handling the surface lands of my State, then the question of populating my State arises.

If you interfere with the disposition of the surface lands in a State, if you throw restrictions around that disposition by Federal acts, in that way you prevent the new State from acquiring the population which has made this country what it is, and your acts militate against the progress and the prosperity of these public-land States, unless in your legislation you legislate for population.

Now, while these public lands, or the surface lands, form a trust, or belong to the people of the United States, in the administration of them, as shown by the records of the Public Land Office, instead of producing any revenue for the people of the United States, they are costing the people of the United States money every day; and, if the Senate will bear with me for a moment, I want to show something as to the conditions in my State.

The total area of the State is 78,485,760 acres. It is one of the largest States in the Union. There were extensive Spanish land grants in my State confirmed almost entirely by action of Congress when New Mexico had no representative here. Land grants which as originally made would have covered 20,000 acres were extended to cover a million acres, and they were confirmed without the people of New Mexico being heard upon the proposition, largely by direct action of Congress, to the extent of 9,882,229 acres. The railroad grants in my State amount to 4,035,653 acres. The Indian reserves amount to 3,766,554 acres. The Pueblo Indian reservations amount to 985,300 acres. The national monuments in New Mexico amount to 21,109 acres. The military reservations amount to 162,842 acres. The horse-breeding ranch amounts to 230,000 acres, although no horses are being bred on it. The forest reserves amount to 9,881,660 acres. Under certain special acts 5,861, 13,577, and 1,440 acres were set aside. Coal-land withdrawals existing on December 31, 1915—and this means the surface, now, of the coal lands—amount to 5,712,616 acres. Of the magnificent total of 78,000,000 acres of land there remain 27,000,000 acres of public land.

New Mexico came into the Union as a Territory in 1846. It was a Spanish territory or a Crown province. Its people swore allegiance to the Government of the United States without firing a shot or making any resistance whatsoever. They were promised immediate statehood and the use of their resources as citizens of the United States by Mr. Kearney's proclamation, and afterwards by a treaty—at least, so construed. From that day to this they have remained as good, loyal citizens of New Mexico. We had a total acreage of 78,485,000 acres. Under the public-land laws adopted by the Congress of the United States for the settlement of those lands in New Mexico it has only been

possible for the people of that State to acquire 3,581,000 acres. We pay all the taxes; we build the roads.

It was said here in the debate over the public roads on the forest reserves that we tax ourselves and build a road up to one line of the forest reserve, and to the other line of the forest reserve, and can not build it across. We tax ourselves and build a road up to the line of an Indian reserve, and we can not build it across, and the Government will not help us. For every public road built in Arizona or New Mexico benefiting 1 acre of private land the public lands of the United States receive the benefit to the extent of 10,000 acres—at least for every road going through the State.

I hope the Senate will pardon me for these digressions. I will speak possibly upon some other date upon these matters, which are so material to us; but I wanted to call the attention of the Senate now, once for all, to the fact that the bookkeeping in the Department of the Interior, if carried on in any private enterprise, would cause the immediate discharge of every man connected with it. The system is not an obsolete system; it is an incorrect system, if you can call it a system at all. The Senate amendment should be insisted on in this bill as an opening wedge to give the people of the United States, the taxpayers of the United States, the Indians for whom we are acting in trust, some opportunity to ascertain what goes with their money.

Mr. LANE. Mr. President, before the question is put on agreeing to the conference report, I wish to say that I proposed the amendment which has been under discussion without prejudice, for the reason that the books have never been experted, and it has been asserted that they can not be balanced or a balance sheet placed before the Senate which will show how the money has been expended. The department, through its representatives, states that it can not be done, and on the showing of a body of experts who examined the department's books, and whose expenses the United States Government paid, it can not be done. I wish, therefore, that this body would insist that the amendment stay in the bill without prejudice, in order that we may know what we are doing when we make appropriations for the Indian Bureau.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was rejected.

Mr. ASHURST. I move that the Senate further insist upon its amendments to the Indian appropriation bill and ask for a further conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP conferees at the further conference on the part of the Senate.

GOOD ROADS.

Mr. STONE. Mr. President, I ask the Senate to take up the motion made on Wednesday to discharge the Committee on the Census from the consideration of Senate bill 5796.

The VICE PRESIDENT. It is just 2 o'clock, and it is the duty of the Chair to lay the unfinished business before the Senate. It will be stated.

The SECRETARY. A bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. STONE. I ask to lay aside the unfinished business temporarily that the motion referred to may be disposed of.

Mr. BORAH. Does the Senator from Wisconsin [Mr. LA FOLLETTE] know that the motion is to be made?

Mr. STONE. I told the Senator from Wisconsin that I would have him phoned to at his office, and I have informed him that I am making this motion.

The VICE PRESIDENT. Without objection, the unfinished business is temporarily laid aside. Pending the question on the motion of the Senator from Missouri, the Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 6097. An act to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish; and

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The following bills were severally read twice by their titles and referred to the Committee on Banking and Currency:

H. R. 13391. An act to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section; and

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911.

H. R. 193. An act to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States was read twice by its title and referred to the Committee on Public Health and National Quarantine.

H. R. 3032. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin was read twice by its title and referred to the Committee on Commerce.

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

CALLING OF THE ROLL.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Oliver	Stone
Bankhead	Hosting	Overman	Sutherland
Beckham	Johnson, Me.	Owen	Swanson
Borah	Johnson, S. Dak.	Page	Taggart
Brady	Jones	Poindexter	Thomas
Brandegee	Kenyon	Ransdell	Thompson
Chamberlain	La Follette	Shafroth	Tillman
Clapp	Lane	Sheppard	Townsend
Culberson	Lodge	Sherman	Underwood
Cummins	Martin, Va.	Smith, Ariz.	Vardaman
Curtis	Martine, N. J.	Smith, Ga.	Warren
Dillingham	Myers	Smith, Md.	Works
Fall	Nelson	Smith, S. C.	
Gallinger	Norris	Smoot	
Gronna	O'Gorman	Sterling	

Mr. SWANSON. I desire to state that the senior Senator from Ohio [Mr. POMERENE] is unavoidably detained from the Senate on official business.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Fifty-seven Senators have answered to their names. A quorum of the Senate is present.

ADVISORY VOTE ON DECLARATION OF WAR.

Mr. STONE. I understand that the unfinished business has been laid aside.

The PRESIDING OFFICER. The Chair so understands.

Mr. STONE. Mr. President, the motion which I made on Wednesday and which went over under the rule I wish now to call up. The motion is that Senate bill 5796, which was referred to the Committee on the Census, be now referred to the Committee on Foreign Relations; or more correctly stating the motion, that the Committee on the Census be discharged from the further consideration of this bill, and that the same be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. The Senator from Missouri moves that the Committee on the Census be discharged from the further consideration of the bill (S. 5796) to authorize the Director of the Bureau of the Census under certain conditions to prepare and distribute blank ballots, and to receive and count marked ballots and report to Congress the result of an advisory vote, and that the bill be referred to the Committee on Foreign Relations.

Mr. STONE. Mr. President, I wish to say a few words only by way of explanation. It seems to me so perfectly manifest that the bill ought to go to the Committee on Foreign Relations that I need only call attention to the substantive features of its provisions.

Preliminary to that, I ask the Senate to read the title of the bill. The title reads "A bill to authorize the Director of the Bureau of the Census under certain conditions to prepare and distribute blank ballots and to receive and count marked ballots and report to Congress the result of an advisory vote." Under that title neither the Presiding Officer nor the Secretary upon reading the title would be able to form any kind of impression as to the provisions of the bill or as to its purposes. It was

referred to the Committee on the Census because of the peculiar character of the title of the bill, and because its author requested that reference.

Now, examining the text it will be found that it provides—

That whenever the President shall sever diplomatic relations with any foreign Government, and thereafter, 1 per cent of the qualified electors in each of 25 States, as determined by the votes cast at the last preceding general election at which Members of Congress were voted for in each of said States, shall file with the Director of the Bureau of the Census duly verified petitions as herein provided, it shall be the duty of said director to ascertain and report to Congress, as provided in this act, the number of electors voting at an advisory election in each congressional district in the several States of the Union in favor and the number of such electors voting in opposition to a declaration of war against such foreign Government. Each of the aforesaid petitions shall have written or printed at the top of each sheet thereof substantially the following—

Now, what is the following that shall be written or printed at the top of each sheet sent out? It is as follows:

I, the undersigned, a qualified elector of the city of ———, county of ———, and State of ———, who resides at number ———, on ——— street (or in the town of ———), do hereby petition that the question of declaring in favor of, or in opposition to, war against the Government of ——— (with which Government diplomatic relations have been severed by the President) be submitted to a vote of the electors of the several States.

——— ———,
Name of signer.
In cities: Street ———, number ———.
Date of signing, ———, 19—.

These papers are to be sent out by the Director of the Census to the various postmasters of the country to be distributed by them to the electors of the vicinage. The electors are to fill out the blanks I have read, indicating whether they favor or oppose a declaration of war and return the ballot to the Director of the Census.

Here is the form of the ballot:

Shall the United States declare war against the Government of ——— (here insert name of country), with which Government the President has severed diplomatic relations?

Yes. ———. No. ———.

The voter is required to mark whether he votes affirmatively or negatively. Then follows this:

I do hereby certify that I am a legally qualified voter, residing at No. ———, on ——— Street, in the city, village, or town of ——— county of ———, State of ———, and that I have not heretofore voted at this advisory election.

(Signature of voter) ——— ———.

Dated this ——— day of ———, 19—.

And on the opposite side of said card the address of the Bureau of Census, Washington, D. C., with the words "Official business—Free."

The remainder of the bill is administrative. I have read the substantive features of it.

The ballot is to be sent out to postmasters by the Director of the Census and distributed by the postmasters among the electors in each vicinity. The form of the ballot thus given is to be used, and is to be returned by the voter to the Director of the Census; and the director, in turn, would be required to count and tabulate the returns, and report the result to the Clerk of the House of Representatives, where they are to be preserved, open to the examination of Members of either House of Congress.

Mr. President, it seems so clear that a measure of that kind which concerns and is intended to influence the action of the Congress of the United States in declaring war against a foreign country should go to the Committee on Foreign Relations instead of to the Committee on the Census or to any other committee of the Senate that it is scarcely worth while to elaborate the subject.

Mr. President, we have pending at this hour a situation understood by all of us, by the country, and by the whole world that exemplifies the force of what I have said. I refer to the issue which is at present in the course of diplomatic negotiation between this country and the German Government. It does not matter in the least what the opinion of individual Senators may be with respect to this situation or whatever may be the opinion of individual Senators as to whether the facts and circumstances would justify the Executive in severing diplomatic relations between these two Governments or whether events past or events that might arise would justify a declaration of war by the war-making power of this Nation—that is, the Congress—is a subject of such grave, and it may become one of such emergent, character that Congress should not be held in restraint, and be put in a measurably powerless attitude to take affirmative action. Whatever the opinion of individual Senators may be as to these matters, and without discussing the merits of the bill, I submit to the Senate that the bill presents a question of policy which so intimately and directly concerns the most vital interests of this Government in dealing with foreign affairs that there ought not to be a moment's hesitation in the mind of any Senator that it ought to go to the committee appointed by this body to take charge of our foreign relations.

I think that is all I care to say at this time.

Mr. CLAPP. Mr. President, of course there are two questions involved here. One is as to the advisability of legislation such as is embodied or proposed by the bill under consideration; the other to what committee the bill should be sent, because, of course, no matter what the view of any individual Senator would be as to the merits of the bill it must, in our legislative procedure, go to some committee.

I can not agree with the Senator from Missouri that this is a proper measure to send to the Committee on Foreign Relations. The Committee on Foreign Relations deals with two phases of the attitude of this country toward foreign nations. One is the diplomatic phase, and the other is the consideration of treaties after they have been sent to the Senate by the President. This bill does not deal, of course, with either of those subjects. This bill, if it should become a law, does not become operative in the mechanism, if I may use that term, provided for in the bill until after diplomatic relations have been severed.

I would be the last to embarrass the President in his diplomatic relations, and for that reason, among others, I voted several weeks ago against tabling a substitute resolution which would, in my judgment, embarrass him possibly in subsequent diplomatic matters. After he has dealt, and the Foreign Relations Committee has dealt so far as it may in conjunction with the President, with the matter of diplomatic relations, then, if war were to follow, the question of war in that case would not go to that committee. That committee would have completed its natural functions and ceased to be a material factor in the case when once diplomatic relations were severed. That being true, it is obvious that that committee would not be the committee to which to send this bill. As it is a marked change in law that is proposed, it might, with far more propriety, be urged that it should go to the Judiciary Committee, which deals in a broad way with new legislation. It might even, with much more propriety, be urged that it should go to the Military Committee, which would become the active committee if war were to follow the severance of diplomatic relations.

As to the features of the bill it would seem as though some such provisions as these should have existed long ago as a part of our fundamental law. Twice already the Congress has been placed in a position where it was no longer free to act upon its judgment with reference to the original merits of a question involving war, because, under our Constitution, while the function of declaring war is vested solely in the Congress, yet a President, as Commander in Chief of the Army and Navy, may take such action and may in effect bring on war, and then Congress, in order to avoid the effect of a divided sentiment in this country as to the country or the people involved in that war, must vote aye and approve the course already adopted.

I remember that a year or so ago when our marines were ordered to Mexico, if I had been a Member of the House of Representatives when the motion to approve that action was pending there I would have voted "no" most emphatically. That event is now so far removed from the present contingency in Mexico that there can be no embarrassment in discussing the merits of that act at that time. We had refused to recognize Huerta as the head of a government. Whatever may be said as to inadvertence, of the wrong technically, upon our men, you could not charge it as an international insult to a flag, an act that was not done by somebody recognized and clothed with the prestige and the authority of national existence. Yet it was insisted that Huerta should make an apology; and a difference grew up upon the question of the number of guns that should be fired as a salute. Failing to agree upon that, our marines were ordered to Mexico, and we were upon the verge of a situation there that might well have developed to a war in a broad scale. When that resolution finally reached a vote in the Senate—I think it was early one morning—our soldiers were being shot down upon the streets of Vera Cruz, and we were in actual war; not, of course, upon a broad scale; but, nevertheless, when organized troops of soldiers, recognizing military authority, are actually fighting, combating, that is war. It seems to me that, deplorable as that transaction had been up to that time, there was but one thing to do, and that was to show to the people of Mexico that we were a united people and were behind the President, and for one I voted to approve that action.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. CLAPP. I do.

Mr. LA FOLLETTE. I would ask the Senator from Minnesota if he has any doubt that the action of the President in that instance would have resulted in war if our troops had been ordered into and had actually invaded the country of a nation that was in a position to resist, instead of being a nation that was disorganized, which was in the throes of rebellion, helpless, beyond the power to resist? If it had been a strong nation, that action of the President would have brought war upon this country without Congress ever having had the opportunity to exercise its constitutional prerogative of declaring war.

Mr. CLAPP. Undoubtedly. Then it would have seemed, at least to me, a duty to approve what was being done, rather than to encourage, by a suggestion that there was a division of sentiment here, opposition and the further shooting down of our men.

Mr. President, a few months ago I saw a cartoon in a newspaper which was based upon the suggestion that had been made that an eminent citizen of this Republic was going to Europe to talk peace. Of course I may as well name him. It referred to the proposed trip of William J. Bryan to Europe to talk peace. That picture represented some 12 men huddled together, all wearing crowns, throwing their hands aloft, and saying, "We will have peace if it will only prevent you coming here." It was intended as a humorous slant at Mr. Bryan; it was intended to suggest the thought that those crowned heads would stay their hands in that bloody conflict rather than to have to listen to the speeches of Mr. Bryan. But, Mr. President, there was in that picture a lesson deep and important, and one probably never dreamed of by the man who drew that picture. The question is this: How should it happen that 12 men could say whether or not peace or war should prevail in Europe?

Of all the lessons taught by this terrible maelstrom of war to-day, there is none, to my mind, so important as the thought that there must come a time when no 12 men can say whether or not we shall have war or peace upon any continent of this earth. We have to-day peace societies, and their motives are grand and worthy, but we shall have permanent peace on this earth only when that time comes that the great, broad equation of humanity, composing the nations of the earth, shall declare whether there shall be peace or war, and when that broad equation includes not only those who must bare their breasts to the battle storms on the battle field, but shall include the womanhood of the nations who must bear their share of the burden and the sacrifice of war.

Mr. President, this proposed measure takes from Congress no power whatever. If this Nation should be threatened by war, if, as a matter of defense, it was unwise to await the action of a submission to the people of the question, no one would doubt but that Congress would promptly and efficiently respond to the demand for defense and to repel invasion; but it does contemplate that in this matter of declaring war, when time shall permit of the submission of the question, that the great rank and file of this Republic shall be heard in some effective manner, so far as affecting the presentation of their sentiments upon that question. It is only advisory, after all; and yet, Mr. President, if to-day there were an occasion where we were called upon to say whether as a body we would vote for war, there is not a Member of this body but would take into account the thought of the sacrifice that the people must bear and the thought of the attitude of the American people toward the proposed declaration of war.

Instead of leaving that to the uncertain medium that to-day might be employed to communicate to Congress the sentiment and the purposes of the people, this bill, in an orderly way, seeks to provide that the people of this country may be heard, if Congress in its wisdom, in view of the exigencies of probable war, felt that it was wise to await that decision; taking nothing, then, from the power of Congress for providing an orderly way of getting that sentiment that to-day we all understand must come in an uncertain way—come with no certainty as conveying the real purpose of a people behind the expression. It would seem as though a measure of this kind might well be incorporated into the laws of this country, not with reference to existing conditions, but it should long ago have been a part of the law of this country.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. CLAPP. I do.

Mr. BORAH. Would it interrupt the Senator if I were to ask him a question?

Mr. CLAPP. Not at all.

Mr. BORAH. Does the Senator from Minnesota believe that there is any way by which to have a real plebiscite with reference to this kind of a question under our Government? Is there any way by which, when the result would come back here, we would know that there was any authenticity or verity to the public opinion which apparently was recorded by the vote? How would you get a vote or get an expression which, if Congress desired to be guided by it, would indeed be the public opinion of the country?

Mr. CLAPP. The provisions of this bill are that these ballots shall be sent out; that is, after a petition has been presented by the requisite percentage of voters, and those ballots returned, and when counted reported to Congress. Of course, you might well say that even the result of a general election is not fully decisive of the sentiments of a country. There were, no doubt, things in the political platforms of four years ago that were not sanctioned, and which, if submitted to a careful consideration of the American people, would not have received the sanction of a majority of the voters. The only real decisive thing in an election, of course, is the determination of which of several candidates shall be regarded as having received the requisite number of votes; but clearly this is much more satisfactory, much more orderly, and would much more reflect the will and the sentiments of the people than would any system which we have to-day.

One of those systems was discussed at some length by one of the Senators the other morning, as though he had—and I say it in no spirit of reflection—suddenly discovered the existence of a system. Every Senator who has been here any number of years knows that time and again simulated views of sentiment have been sent to Congress until we have learned to doubt whether they really reflect a settled purpose; but surely this would go far toward relieving that situation.

Mr. President, I did not at this time intend to speak in detail of the merits of the measure. It may be that debate will disclose the fact that this measure will require amendment and perfection. I was speaking more generally upon the broad proposition that the time must come, not only abroad but even here, with a Congress clothed with the power to declare war, when there must be a more general, orderly expression of the will and purpose of the people except when war is essential as a matter of the immediate defense of our country.

But the question that is to-day before us is, Whether or not this bill should go to the Foreign Relations Committee? As I said at the outset, there is nothing in the bill, if it became a law, with which the Foreign Relations Committee would deal. After the severance of diplomatic relations, then, in the ordinary course of things, the next step would be a declaration of war, possibly; but whether Congress would declare war or would refrain from declaring war would not depend upon the views nor would it be a matter within the control of the Committee on Foreign Relations. This measure in no manner impinges upon diplomatic matters; it in no manner limits the authority of the President; nor does it in any manner limit the activity of the Committee on Foreign Relations. It only seeks to provide that, after the function of the President and the function of that committee have ceased and been discharged, because the function has already been performed, whatever that may be, then the question of whether war should follow should be submitted in an advisory manner to a vote of the American people, not even interfering with the power of Congress to take such steps as to it seem wise or necessary.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri [Mr. STONE].

Mr. NORRIS. Mr. President, it seems to me we ought always to bear clearly in mind the distinction between the question now before the Senate and the merits of the bill. It is not a question now as to whether or not this bill should be passed; that is not even indirectly involved in the question before the Senate. The question is, Whether this bill shall be referred to the Committee on Foreign Relations or to the Committee on the Census? To determine which of those committees ought to have the bill for consideration, we must have recourse to the bill itself to see for what it provides.

Mr. President, there is not a provision anywhere in the bill pertaining to any department of the Government or to any bureau of a department, except the Bureau of the Census. All of the work to be done, all of the details to be arranged, are under the terms of the bill put upon the Bureau of the Census. As to whether we want this kind of a law, that question will be determined by the Senate when the bill is reported by a committee to the Senate, and subsequently by the other House. As to the necessity of such a law, the reasons for it, and the objections to it, that is a matter that will be determined, so far as the merits of the legislation are concerned, by the Senate, and

not by any committee; but if we want this kind of a law, if we believe it is wise, its details and the manner of working it out, inasmuch as the bill provides that every single function under it shall be performed by the Bureau of the Census, it seems to me that it can not appropriately go to any other committee of the Senate than the Committee on the Census.

The bill provides that upon the filing of a petition—and that petition will be filed with the Director of the Census—containing a certain number of names, and so forth, the Census Bureau shall do certain things. They shall, under certain conditions, provide a ballot, which they shall send out to the postmasters, and the postmasters shall, under the terms of the bill, distribute the ballots among the people, and every citizen shall be allowed to receive one of the ballots, and when he gets ready to vote he returns the ballot to the postmaster, and the postmaster sends it where? To the Bureau of the Census. It comes back again to the Census Bureau. And when the returns are in the Census Bureau shall report the decision to Congress. No instrumentality of our Government is to be put in operation anywhere, except the Census Bureau, by the terms of this bill.

The bill, merely having been introduced, must take its regular course, as do other bills. We can not determine now what the policy of the Senate will be, whether the Senate will pass the bill or not; but it undertakes to work out certain details, every one of which, without exception, must be carried out in every particular by the Census Bureau. That bureau will do all of the work.

The Foreign Relations Committee, as I understand its jurisdiction and its work, has nothing to do with a matter of that kind. If we had before the Senate a joint resolution to declare war against another country and the question arose as to where that joint resolution should be referred, then, manifestly, it ought not to go to the Committee on the Census, but it ought to go to the Foreign Relations Committee. That question is, however, not presented here; that has nothing whatever to do with this question. This is a bill providing that certain things shall be done by the Bureau of the Census; and, therefore, it seems to me the question immediately before the Senate being, What committee of the Senate should have that kind of a bill, that it should be referred to the committee that deals with census matters.

It is just as much a matter for the Committee on the Census as though it were a bill calling upon the Bureau of the Census to secure certain information in regard to the population of the country or to secure certain information in regard to any class of corporations or any industry of any kind. Any bill that may by its terms make it the duty of the Census Bureau to do anything along its peculiar line of activity should be referred to the Committee on the Census. That is particularly true when there is nothing else involved in the bill except a duty to be performed by the Census Bureau. No other committee of the Senate is so appropriately adapted to the consideration of that kind of a bill as the Committee on the Census. It seems to me we eliminate all difficulty in passing on this question if we draw the distinction between the broad question of passing the bill and the question of getting the bill in shape for the performance of the peculiar duties mapped out in the bill.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield to the Senator.

Mr. BORAH. If the bill had been introduced solely for the purpose of working out the machinery for taking a referendum upon any public question, separating the question of the machinery by which to take a plebiscite from the subject matter upon which it is going to be taken, we would have, as I understand, the proposition for which the Senator is contending—that is, the mere question of working out a method by which to record public opinion?

Mr. NORRIS. Yes.

Mr. BORAH. But the Senator will notice that this bill covers in and of itself a certain subject matter in connection with that, and that is the question of a declaration of war in case of the severence of diplomatic relations. Does the Senator believe that it is possible under our dual form of government to work out a system or method by which we can have anything like an authentic expression of public opinion upon an abstract question, aside from a general election or something of that kind?

Mr. NORRIS. I am inclined to think that this bill does that to quite an extent. I do not believe, however, that is material; and I have not discussed that question because I do not regard it as material in deciding the question now before the Senate, as to which committee ought to consider this bill.

Mr. BORAH. I was going to say that if anyone knows how to work out the machinery or the method by which to get a referendum upon a public question of that kind, I should like such a one to consider this bill, because I would not know how to do it.

Mr. NORRIS. This bill, the Senator must know, provides exclusively for one operation, and it undertakes to carry that out under the exclusive jurisdiction of the Bureau of the Census.

Mr. BORAH. I understand that.

Mr. JONES. Mr. President——

Mr. NORRIS. In just a moment I will yield to the Senator. No other bureau or department of the Government has anything to do with it. As to whether they can work out a good scheme, I do not care to discuss that. I will only say, in answer to the question of the Senator, that I believe they can; I believe this bill contains the outlines of something of that kind. It must be remembered that it is not final. The bill on its face provides that the report shall be made to Congress, and Congress can give it whatever consideration it deems it ought to have. It is not compulsory; it does not undertake to decide whether we shall have war or not; it simply gives Congress the information as to what the people who care to vote on the proposition under the method provided for think in regard to that question.

Mr. BORAH. What I was seeking to call to the Senator's attention was that, it seems to me, a method or a scheme by which this vote shall be taken and the machinery by which it shall be recorded might very properly be separated and distinguished from the subject matter upon which we might finally come to a conclusion to take a vote; and the method of working out the machinery or formulating the machinery might belong to one committee, and then when we came to arrange for taking the vote it might go to another committee.

Mr. NORRIS. There is not anything involved in this bill except the formulation of a program. As I said in the beginning, whether we want to take that step, whether we want such a formulation made, will depend upon the action of the Senate when the bill is reported here; and the Senate will then determine that proposition.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield first to the Senator from Washington [Mr. JONES], who undertook to interrupt me a while ago.

Mr. JONES. Mr. President, I think the Senator from Idaho has practically answered the suggestion that I was going to make, which was simply this: I was going to ask whether or not the Senator thought that the Census Committee could not work this out just as well as the Foreign Relations Committee, so far as that is concerned?

Mr. NORRIS. I think so.

Mr. JONES. We do not know whether it can be worked out or not; but one committee is just as competent to do it as the other.

Mr. NORRIS. I now yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I want to ask the Senator from Nebraska what he regards as the vital matter in this bill? Is it the question as to whether or not Congress, before exercising its constitutional power over the subject of war, shall invite the opinion of the people of the country, or is it the question of what machinery shall be adopted to ascertain that opinion?

Mr. NORRIS. I think in the beginning of my remarks I answered that question. I will say to the Senator that, as to whether we should adopt any machinery, whether we should take any steps to ascertain that, is a matter that no committee of the Senate can determine; but it must be passed on by the Senate, and will be passed on by the Senate, if this bill is ever reported to the Senate, and then voted on, no matter to what committee the bill is referred.

Mr. SUTHERLAND. Of course, Mr. President, that is true of any question.

Mr. NORRIS. Yes.

Mr. SUTHERLAND. The Senate must pass upon it; but under the rules of the Senate—and very wise rules, I think—when a bill is introduced, depending upon its subject matter, it goes to a particular committee. Now, it seems to me that the subject matter of this bill is the question which I first stated in the proposition I propounded to the Senator, namely, whether or not Congress shall, before exercising its constitutional power, invite the opinion of the people at all. The Senator very well said a moment ago that if a joint resolution were introduced here declaring war against any country, that joint resolution, of course, would go to the Committee on Foreign Relations, because such a matter would very profoundly affect our foreign relations. Now this bill deals with that same subject matter. Before the Congress can——

Mr. NORRIS. No; not at all; I do not think so.

Mr. SUTHERLAND. Yes; this deals with the subject matter of war with a foreign country.

Mr. NORRIS. Oh, no; very indirectly it does; but the Senator, I think, is wrong when he says that this bill even indirectly is to determine whether we shall have war with any foreign country. It has nothing whatever to do with that; it seeks only to get the advice of the citizens of the country, and it provides a method by which that advice may be obtained, and uses the Bureau of the Census as the instrumentality.

Mr. SUTHERLAND. Exactly; it undertakes to provide a way by which Congress shall ascertain what is the sentiment of the people of the country with reference to declaring war against a particular foreign country——

Mr. NORRIS. Yes.

Mr. SUTHERLAND. Because it provides that its provisions shall only apply to a case where diplomatic relations have been severed. Therefore it deals with some particular country. The bill provides that—

> It shall be the duty of said director to ascertain and report to Congress, as provided in this act, the number of electors voting at an advisory election in each congressional district in the several States of the Union in favor and the number of such electors voting in opposition to a declaration of war against such foreign Government.

Evidently the purpose of ascertaining the opinion of the people respecting that is that it may have its influence upon Congress.

Mr. NORRIS. Yes; I think so.

Mr. SUTHERLAND. It is to influence the question as to whether we shall declare war.

Mr. NORRIS. Yes.

Mr. SUTHERLAND. So, after all, the fundamental, the vital, question involved in this bill is whether we shall first of all have the opinion of the people before acting on the question of a declaration of war.

Mr. NORRIS. If there were no modus operandi provided as to how that should be ascertained, if we were merely going to pass on the question as to whether we were going to get an advisory opinion from the citizens of this country on any question, war or anything else, why should such a proposition be referred to the Committee on Foreign Relations?

Mr. SUTHERLAND. That is a very pertinent inquiry.

Mr. NORRIS. They have nothing to do with it; they are not peculiarly adapted to consider the question as to whether or not Congress shall ascertain the opinion of the citizenship of the country; they have not any more jurisdiction over a proposition of that kind than has any other committee, nor as much, it seems to me.

Mr. LA FOLLETTE. Mr. President——

Mr. SUTHERLAND. If the Senator will permit me to answer the question, first——

Mr. LA FOLLETTE. Before the Senator answers it, just let me make a suggestion, if the Senator will permit me.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. NORRIS. Yes.

Mr. LA FOLLETTE. Is it not easily conceivable that the Committee on the Census might broaden the terms of this bill so as to provide for an expression from the qualified voters of the country upon any question relating to the public welfare?

Mr. NORRIS. It is.

Mr. LA FOLLETTE. Then surely it would remove any question as to the prerogatives of this special Committee on Foreign Relations.

Mr. NORRIS. Well, in my judgment, if a bill were introduced to get information on this or any other subject—it does not make any difference what; anything that you can conceive of—if it provided, as this bill does, that the instrumentality for ascertaining the information should be the Bureau of the Census, I think that bill ought to go to the Census Committee, just as much as this bill should go there, because it might pertain to something entirely different from a declaration of war.

Mr. SUTHERLAND. Now, may I answer the question which the Senator propounded, which is a very fair question?

Mr. NORRIS. Certainly.

Mr. SUTHERLAND. We are not dealing with some other bill. We are dealing with this bill; and this bill proposes that after diplomatic relations shall have been severed with any foreign government, there shall be a referendum to the people of the country to ascertain their opinion as to whether or not war shall be declared against that particular country. That is the vital subject with which this bill deals.

Mr. NORRIS. Yes.

Mr. SUTHERLAND. So that the question asked by the Senator from Nebraska is a very fair one.

Mr. STONE. Mr. President——

Mr. SUTHERLAND. Suppose the bill dealt with that question alone, and did not deal with the machinery. The Senator wanted to know why it should go to the Committee on Foreign Relations. Now, suppose that a resolution was introduced here which simply declared that it was the sense of the Senate that before war should be declared against a foreign country the opinion of the people of the United States should be ascertained. It seems to me that obviously a resolution of that kind would go to the Committee on Foreign Relations——

Mr. NORRIS. The answer to that——

Mr. SUTHERLAND. Wait a minute; I have not quite finished, if the Senator will permit me—because the subject matter of it is the question of war with a foreign country. The question presented by the resolution is whether or not we shall so far modify the action of Congress under the Constitution of the United States—which vests the war-making power in Congress—as to invite an advisory opinion of the people before Congress acts; but it deals with that question of war, and it deals with that constitutional power to declare war, and therefore, as I have said, deals in the most profound sense with our foreign relations; and I can conceive of no committee to which it could be appropriately referred except the Foreign Relations Committee. Of course, that is only a difference in the point of view of the Senator and myself.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I want first to answer the question propounded by the Senator from Utah.

Mr. STONE. Mr. President——

Mr. NORRIS. I will yield to the Senator in just a moment. I want to refer to what the Senator has said.

I could use the Senator's own language and answer his suggestion. In answering a question of mine, he said: "We have this bill before us, and we must not take into consideration what might be in a bill." In answer to his question as to what we should do with a resolution which said that before we declared war it was the sense of Congress that we should submit the matter to a referendum vote, I will say that that is not the question before the Senate now. That is not the bill that is up for reference. It is an entirely different bill. This bill provides in detail for the operations of the Bureau of the Census. It has nothing to do with the State Department. Not even indirectly can they be interested in it.

Mr. SUTHERLAND. Mr. President——

Mr. NORRIS. Let me finish, now. I let the Senator finish his question.

It does not make any difference what the subject might be, if you provide in the bill for the detail of carrying it out. In this case, for instance, the State Department, as I said a while ago, would have nothing to do. They have not even an indirect interest in it. The question of taking a referendum vote before we pass on the tariff, before we pass on a public-buildings bill, before we pass on a currency bill, if the details of the bill are carried out, is something entirely different from the enactment of a tariff bill, from the enactment of a currency bill, or from the enactment of a public-buildings bill; and that is what this bill undertakes to do.

Why, we could have a bill providing for the raising of revenue by a tariff; it would be referred to the Senate Committee on Finance, and then it might have in it a whole lot of other incidental questions. It might have in it, and always does, legal questions of great importance that would perhaps, and in my judgment would, under the theory of the Senator from Utah, be referred to the Committee on the Judiciary.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri [Mr. STONE] has twice addressed the Chair. Does the Senator from Nebraska yield to him?

Mr. NORRIS. I yield to the Senator from Missouri.

Mr. STONE. I thank the Senator.

The matter before the Senate, of course, is merely one of correct procedure under the rules and practice of this body, and perhaps is far less important for the moment than matters of legislation pending. I wish to say to the Senate and to the Senator from Nebraska that I was permitted to call up this motion after the unfinished business had become the order of the Senate by the courtesy of the Senator from Alabama [Mr. BANKHEAD], and I stated to him that I did not suppose it would take over 20 or 30 minutes to dispose of it; but it seems now that there is likely to be a somewhat prolonged discussion.

I assume, as long as this motion is pending, that the Committee on the Census will await the action of this body. I should like now, if the Senator from Nebraska will consent, out of deference to the wish of the Senator from Alabama, who has charge of the bill which is the unfinished business—and

which he can call up anyhow. I imagine, under the rules—to lay aside for the time being this motion which I have called up, and to-morrow morning, during the morning hour, if I can, I will ask to take it up again.

Mr. NORRIS. I have no objection to that. I will say to the Senator that I was about through.

Mr. STONE. The Senator from Alabama has spoken to me just now, and he is anxious to go on with the good-roads bill. Recognizing and in a sense returning the courtesy he extended to me, I make this request, that the matter may be laid aside.

Mr. LODGE. I understand the Senator will call it up to-morrow in the morning hour?

Mr. STONE. I will call it up to-morrow in the morning hour.

GOOD ROADS.

Mr. BANKHEAD. I ask that the Senate may resume the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The PRESIDING OFFICER. The pending question is upon the amendment of the Senator from Montana [Mr. WALSH] to the amendment of the committee.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Husting	Owen	Swanson
Bankhead	Johnson, Me.	Page	Taggart
Beckham	Johnson, S. Dak.	Phelan	Thomas
Borah	Jones	Pittman	Thompson
Brandegee	Kenyon	Poindexter	Tillman
Chamberlain	La Follette	Shafroth	Townsend
Clapp	Lane	Sheppard	Underwood
Culberson	Lee, Md.	Simmons	Vardaman
Cummins	Lodge	Smith, Ariz.	Walsh
Curtis	Martine, N. J.	Smith, Ga.	Warren
Fletcher	Myers	Smith, Md.	Works
Gallinger	Nelson	Smoot	
Gronna	Norris	Sterling	
Harding	Overman	Sutherland	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present. The question is upon the amendment submitted by the Senator from Montana [Mr. WALSH] to the amendment of the committee.

Mr. TOWNSEND. Mr. President, I have been detained from the Senate on a conference committee during the discussion of this provision, and do not know, therefore, just exactly what has been said or what arguments have been advanced.

I trust, however, that this amendment will not prevail. This is a bill which has for its object a certain specific thing; and if we are going to load it up with the various amendments which have been offered, of course it is the best way to defeat it. I imagine that Senators who are opposed to good-roads legislation of this kind will support these amendments, although I have no doubt that the amendment has been offered and is supported by some in good faith.

I submit, however, that no one of the forest reservation States will get less than its proportionate share of whatever is appropriated under the original bill as presented by the Senate committee. Indeed, if we were to deal with exact equity, they are getting more than their share. There is an element which has not been discussed, but which to my mind has some merit. That is the question as to whether the States which pay the most toward the support of this bill, and will pay the most from the beginning, ought not to have that fact considered in apportioning the appropriation.

Suppose there entered into this as one of the elements for the distribution of the fund the amount of income or corporation tax that is paid by the various States. If that were included in the bill, Michigan and several other States would get much more money than they will get under the pending measure. In fact, applying that rule at the time, when the bill provides for the payment of the $25,000,000 in full, Michigan will pay something like a million dollars and get back something like $700,000.

But, Mr. President, this bill has been worked out with an idea of encouraging the building of good roads for the public good in all the States. The amendment provides that this money shall be paid back out of the forest products; yet I have sat here since I have been a Member of this body and have listened to Senators from the reservation States who insisted that the forest reservations were an expense to the Government; that they were not yielding any profit over and above expenses.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from California?

Mr. TOWNSEND. I yield.

Mr. WORKS. The Senator from Michigan is treating this bill as one intended to improve travel and as being in the interest of the States. I had supposed that from the alleged object of the bill, as contained in it, it was for the purpose of improving rural post roads in the interest of the Government. Now, if that be so, and that is the object of the bill, and is not a mere pretense, why should we stop to figure upon how much of the money one State or another will get?

Mr. TOWNSEND. I am not figuring upon that, Mr. President. I am simply answering suggestions that were made while I was in the Senate based on the question of equity. I have ignored it, and have stated clearly that I did not urge a reason which I thought had some merit—that the States which paid the most might get the most out of the appropriation. But I could have urged it with as good reason as supports this amendment.

I was saying, when interrupted by the Senator from California, that the charge has not been answered conclusively that this money will not be refunded to the Government, because, I repeat, the statements are on record here that these forest reservations are costing us more than we are getting out of them. I have not heard that denied. So that these States that are to get this gift without any contribution on the part of the State itself are getting this extra amount of money over and above what the other States not having forest reservations would obtain.

But, Mr. President, this question of roads through the forest reservations is one which should be submitted to and considered by the Committee on Agriculture. I will vote, if it is necessary, for money to build roads on the public domain through the forest reserves if it is found that they are necessary.

Mr. JONES and Mr. WALSH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Washington?

Mr. TOWNSEND. Yes.

Mr. JONES. The Committee on Public Lands has nothing to do with lands in forest reserves. The Agricultural Department has charge of roads, and they are therefore under the jurisdiction of the Committee on Agriculture and Forestry.

Mr. TOWNSEND. I understand that. I made a misstatement. I meant the Committee on Agriculture and Forestry if it has that matter in charge.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Montana?

Mr. TOWNSEND. I yield.

Mr. WALSH. I rose to make the same suggestion as that made by the Senator from Washington and to add that the bill under consideration originally went to the Agricultural Committee but was taken from that committee and sent to the Committee on Post Offices and Post Roads. If it had been left there this would be entirely appropriate, as would the other matters.

Mr. TOWNSEND. I think it would not be appropriate on a purely good-roads bill.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Utah?

Mr. TOWNSEND. I yield.

Mr. SMOOT. Just for the RECORD, I want to say that wherever lands within a forest reserve are legislated upon—that is, the disposition of those lands—the measure always goes to the Public Lands Committee, and that committee has always considered that class of legislation.

Mr. TOWNSEND. It makes no difference which committee it is, if it be the proper committee. If I made a misstatement as to the committee, I mean the proper committee that has this matter in charge. That is the committee which should consider the question of roads through the national forests.

I have a good deal of sympathy with these western Senators. I have been in their States. I know something about the amount of land that has been set aside for forest reservations, and I should like to have that question brought up and dealt with upon its merits. But I dislike very much, after having considered this road bill, to have it loaded down with a proposition of this kind, which may imperil it, and which may not pass through the House if you have this amendment on it. At any rate, I should like to have a report from the powers that have in charge the forest reservations as to their views upon the need of roads therein.

I say this because I am interested in this particular bill—a bill which has had careful consideration, and which stands a chance of becoming a law if we can pass it through the Senate without encumbering it with other provisions which have not been carefully considered, and which would bring up objections that might be fatal to its final passage.

Mr. NELSON. Mr. President, I am not at all unfriendly to this bill in its original form. I intend to vote for it whether this amendment is put on the bill or not. But there is no part of this entire road scheme, if you group the two together, both under the original bill and under this amendment, that is of such great importance to the people of the country, especially where forest reserves exist, as this amendment of the Senator from Montana.

We have in the northeastern corner of our State a forest reserve created a few years ago. Considerable settlements have been made in that part of the country by homesteaders; and when this forest reserve was created it was in two sections, leaving a strip, a sort of "no man's land," between the two wings of the forest reserve. In fact, the forest reserve up there is like a pair of goggles, and the poor settlers who are inside of that area of land are practically marooned. They have no way of getting out.

In the State of Minnesota public roads are built by the township and county authorities. The State does not build any roads. The State appropriates a small amount of money to aid in the building of roads, but the building of roads is done either by the townships, the towns—we have town government in Minnesota—or by the counties, and they are utterly helpless. They can not invade a forest reserve and build a road there. The counties can not go to a forest reserve and build a road through there. Moreover, the forest reserves up in that part of the country are covered with timber and a dense growth of underbrush, so that it is almost impossible to go through a foot of them.

For four years I have been trying to get a bill passed by Congress providing for the construction of a road from the shore of Lake Superior through a forest reserve, so as to reach those marooned settlers on the interior to whom I have referred. The forest reserve is within a few miles of the shores of Lake Superior. I have not been able, however, to get a favorable report or to get any action. I reintroduced the same bill at this session, hoping to secure something for the building of a road, in cooperation with the towns and counties, into that forest reserve, and what was the result? The department sent back a letter—I think the Senator from Montana has the letter—stating that they were opposed to my bill, but that they favored legislation exactly like the amendment which the Senator from Montana has offered. Practically that amendment has been recommended by the Agricultural Department, and if roads are a necessity anywhere, they are needed under such conditions as prevail in the State of Minnesota.

It is idle to talk about this amendment not being germane to the bill. What did you do here a short time ago? You attached a provision for a nitrate plant to an Army bill. You attached to a bill for increasing our Army a water-power bill, a nitrate bill; and, pray, why is it not as much a necessity and as germane to attach to a road bill a bill for roads through forest reserves to aid marooned settlers in getting out?

I am surprised at the statement that it will imperil the bill if we put on this amendment. I take it that the Members of the House, when this question is presented to them, will look at it in the same light that we look at it—that it is of as much importance to get roads through these forest reserves as it is to build little sections of automobile roads here and there through the country.

That is all there is to it, and I sincerely trust that all those who are friendly to the poor settlers who are marooned in forest reserves will vote for this amendment and give us that relief. I am actuated by no hostility to the original bill. I am simply in favor of this amendment because I regard it as one of prime necessity. Whether the amendment is adopted or not, I intend to vote for the original bill, and it is not in hostility to that bill that I am supporting the amendment.

Mr. BANKHEAD. Mr. President, I assume that the Senator from Minnesota is in favor of this amendment because he has a national forest reserve or an Indian reservation in his State. My information also is that that reservation consists of about a million acres, and under the provisions of this bill the Senator's State gets $2,191,000. It seems to me that after the great effort made on the part of the committee to frame the bill so as to do justice and equity and be fair with every State in the Union and every section of the country, Senators ought to be satisfied with its provisions.

Mr. SMITH of Arizona. Mr. President, as much as I dislike to say anything or do anything which the Senator having charge of this bill may feel retards its speedy passage here or hampers its course through the other House, I can not in the circumstances refrain from supporting the amendment of the Senator from Montana [Mr. WALSH]. No Senator here is more deeply interested than I in seeing that proper aid is extended by the Federal Government to the cause of good roads, better highways in the respective States. The bill now before us is as fair, to the extent it goes, as we can reasonably expect at this session of Congress, especially when the amendment now pending is placed within its provisions. That the proposed amendment will improve the bill by more nearly equalizing its beneficence and at the same time impose in a very slight degree the performance of a duty on the part of the General Government to the public-land States which has been long and scandalously neglected to the injury of those States and the destruction of vast resources belonging to the United States.

The injury to the Western States arises from the boundless reservation of lands from State use, which is now doing no one any good, and costs more for administration than it returns to the Treasury. And this condition will obtain until proper roads and trails are provided whereby the ripe and dying trees may be sawed and transported to market. These roads and trails will also afford the only means of successfully fighting forest fires, which yearly consume more merchantable stumpage than reaches the market in lumber shape in 10 years. Yet we call this conservation of our natural resources. We can never even fortify ourselves against this criminal waste until we devise a means of getting into the forest to cut the overripe and dying trees, thus preventing in a large degree those fire traps and tinder beds caused by fallen and decayed trunks and intermingled branches inviting a spark from a vagrant pipe or a stroke of lightning, to start at once a conflagration that reigns at will over valley and mountain peak and ceases not its mad rule as long as anything destructible lies within its relentless grasp. Yes, this is real modern, up-to-date conservation of our national resources. And the Federal Treasury pays out $2,000,000 a year, above all income derived from the forests, to keep this miserable business going. The amendment now before us looks toward a sensible reform. It proposes to prevent this destruction and waste as far as it can. Roads and trails will help the fire fighters meet the danger of great conflagrations at the start. Roads will make the dangerous timber accessible to the ax and a willing market. The market will produce an income oversufficient to meet the cost of road construction.

If these forests belonged to the States, instead of the National Government, they would to-day be yielding not only a rich income to be applied to State fiscal needs, but the forests would be in fact conserved, by cutting only the ripened trees and giving the young growth the sunlight necessary to its health and swift maturity. The States would build, because it could afford to build the roads. The States would protect the forests because they could not afford to ruin them. We live in the glory of a new day. With enlightened vision we behold the future, without forgetting the tempering lessons of the past. The States are not bent on self-destruction. They are not seeking ways to find bankruptcy. The States have learned as fast as Congress has—the public-land States much faster. These States are more interested, for the problem is at their fireside every day in the year. When will you representatives of Eastern States listen to the voice of justice and consanguinity? If you insist on keeping these vast reservations free from any use by the State, you must furnish the money to build proper roads through them and not impose any part of the expense on the States. We are compelled to police these reservations, yet we can not tax them. We see millions of property going to waste yet we have no power, nay, we have no right, to protect or care for it. We could not build a road or trail through one of them even to connect two important settlements needing each other's products without obtaining the consent of and submitting to the direction of some Government official. But, Mr. President, if we were willing to build such roads the Government—Congress—has put our ability to do it out of the question. Take my own State, Arizona, as a striking example of your wise and beneficent legislation. Forest reservations, extending often over lands on which no tree ever did or ever will grow; Indian reservations, often including lands never occupied and which never will be occupied by any Indian on earth; military reservations, some of them abandoned but not returned to the public domain—these constitute nearly half the area of my State and hold within their borders four-fifths of the really valuable land.

A new Indian reservation of a couple or so million of acres has just been created, and every water-power site—our own

water mind you—has been humanely withheld from our impious hands. The balance left the cities, towns, irrigated districts of small extent, live stock, and the mines must afford from taxes funds to meet the enormous but essential expense attending State, county, and municipal governments. In the face of these facts you hesitate to relieve in the slightest degree the disgraceful situation which your blindness has imposed. A picture often shows a true condition that words however adequate can not reveal.

Look at this map of Arizona [exhibiting], on which I have had the reservations in Arizona plainly painted in colors which catch the eye, so that a glance will show not only the reserved lands but the lands unreserved as well. Turn from this horrid picture to the uncolored and unmarred face of the maps of Indiana, Illinois, Ohio, Michigan, Wisconsin, Kansas, and imagine, if you can, where those States would stand now if in an earlier day the new conservation had been born, and they had contributed a like amount of their birthright to its shortsighted and insatiate zeal. When wisdom shall find a home in the brain and justice an abiding place in the hearts of our national representatives, then, and not till then, will these vast areas be returned to the States in which they are located, and contribute, as they should contribute, to the wealth, prosperity, and happiness of the people, who have undergone unspeakable trials, endured merciless hardships, in laying the foundation of a great State, never dreaming that those boundless resources about them were soon to be withdrawn from their use and dedicated to the General Government—to waste, to destruction.

An early decision of our Supreme Court (Shively v. Bolby, 152 U. S.) held, or at least said in effect, that the lands in the Territories were held by the General Government in trust for the people who should constitute the State when ultimately formed. That this was the original purpose is amply shown in the history of the States first admitted and in the liberal, humane homestead law under which nearly all the agricultural lands were settled. But it is needless to go further into this question now. What I have said, aside from advocacy of this bill, has been to set forth facts showing the propriety and justice of the amendment, which proposes an advance of $6,000,000 to construct roads in Government reservations. The sum is vastly inadequate, but the optimism of western spirit will keep on struggling and despond not, while hoping that a day is coming soon when some measure of justice will to equal extent relieve the burden which your mistaken policy has imposed on the States recently admitted to the Union. I can not, Senators, resume my seat without uttering the protest of the young, strong, virile, hopeful West against being longer mothered at the unyielding breast of experimental theory.

Mr. SWANSON. Mr. President, I have listened to the Senator from Arizona [Mr. SMITH] with a great deal of interest. I do not think there ever was a bill prepared with more liberality to the West than this bill. This bill as it came from the House divided the money according to population and rural and star routes. Star routes and rural-delivery routes are usually fixed according to population. We thought it was an element of justice to include the area of all the States, including public lands, State lands, and all in the division, and that that is taking care of the situation generously in all the States that have forest reservations.

Now, let us see what is done under this bill in the State of Arizona and the State of Alabama. The chairman of the committee and of the subcommittee that prepared the bill so framed it that under the bill every man, woman, and child in Arizona gets $5.20 per capita to aid road development in that State. Under the bill Alabama will get about 80 cents per capita, and the same proportion will exist with the other States. There has never been a bill prepared which is more generous to the Western States with that condition than this bill.

The other House has refused repeatedly to include area in any division that comes out of the Treasury for the construction of public roads, but in addition to that, what will the States of Arizona and Montana get? In addition to that, enough for road construction that they complain of, they get 10 per cent of lands that are sold in the forest reserves to keep up the trails.

It seems to me that this is a bill that these gentlemen ought to acquiesce in. It seems to me that it is just and fair. Montana gets about five times as much money as Alabama, $4.40 per capita. Every man, woman, and child in Montana under the bill will get out of the Public Treasury $4.40 per capita to aid in road development and to aid in transportation facilities. Yet Alabama, the State of the chairman of the committee, gets only 80 cents per capita. It is supposed that money more or less gets into the Treasury according to the per capita population.

There has been a great deal of difficulty in getting the House ever to consent that there should be a division of this kind. We thought and we believed and we are satisfied that the bill generously takes care of the situation in connection with the forest reserves.

If the forest reserves do not pay enough, if 10 per cent more ought to be paid, that is another question, and it ought not to be projected into this bill. This amendment does not recognize the injustice of the present law but it asks the Federal Treasury to advance money for what they get from the forest reserves, 10 per cent, and let roads be built there earlier than they are built in the other sections of the country. It extends credit to certain sections to build roads earlier than where there are immense areas with thick population.

I hope the gentlemen from the Western States like Arizona and Montana, considering the generous provisions of the bill, will acquiesce in it. You are going to have great difficulty in getting the House to accept it. When we prepared the bill in subcommittee, and also in the full committee, contentions were made that it was not fair to certain States; that States of the character described by the Senator from Arizona were treated with too much generosity and received too much. It seems to me that they have been treated with generosity and ought to be satisfied with the provisions of the bill.

I think this bill is just; I think it is fair. We thought as it was done to develop the new parts of the country there was an element of justice in it from the fact that we included the forest reserves and the Government reserves to get this pro rata part of the money. I hope gentlemen will not embarrass the bill and these States in their development by insisting on this amendment, which would be a subject of long contention with the House and the sections that think that this is already too generous a measure in its provisions.

Mr. BORAH. Mr. President, I have already spoken briefly upon this amendment and I am not going to detain the Senate long.

The Senate has been listening for the last seven or eight years, ever since the forest reservations were created and these large withdrawals were made, to the complaints of those who represent the Western States. Manifestly, Mr. President, we would not come here season after season and year after year presenting this condition of affairs if it were not vital, if it were not such a condition as impels us to present it and represent it to the Senate of the United States. It is no pastime affair—it is a task of much moment to us.

We have secured some relief in the last few years, and we feel that we have secured it by constantly presenting this matter to the Senate, feeling that when the Senate understands the situation as it is, knows the facts as they exist, we will get the relief to which we are entitled: that it is not by reason of the desire of any part of the country to really oppress or hold back or retard the development of another part, but that it is by reason of the fact that unfortunately no one can know what the real condition is unless he comes and lives with us and among us. We can only inadequately present it to you. To know the situation as it is in fact you must be a part of that situation. Neither facts nor figures nor excursions even can make it known to you in all its bearings, in all its burdens and discouragements.

Mr. President, the Senator from Michigan [Mr. TOWNSEND] was of the opinion that the amendment is not germane to this bill. The bill is providing for a public-road system and appropriations for aid to States in building public roads. If we were in the same situation that you are in the Eastern States, of course, this amendment would not be here. It is here by reason of a condition of affairs which this bill does not, as it is now made, fit. But, based upon our conditions as contradistinguished from yours, it is not only germane but essential to meet the equities of the problem.

You may think that by including the area of the State, and we appreciate that fact, you have met the situation fully, but you have not met the situation fully, because it is not alone a question of area, but it is the burden upon the State which that area in its idle condition imposes upon the State that makes it necessary for us to represent this question under a different form.

Mr. President, these forest reserves not only have the effect of preventing taxation, and thereby embarrassing us in raising our money by which to keep up our portion of this expense when the roads are built, but there is another feature to the forest reserves which I am sure the Senate of the United States does not fully appreciate, and that is that those forest reserves as

they are maintained are a menace to every piece of property in the States where they exist. The forest reserves in those States, without more thorough equipment and means for taking care of them as against fire, without a better method of preserving them against these accidents, are a distinct menace in every way to our homes, to the property which is situated in any part of the State, because every Senator must know on reflection that when those forest fires break out and rage for a few days in a forest the distance which they go into the settled community is great, and greater injury has been done than it would be possible for me to portray in those parts of the State where really no forests exist, a long way from a real forest reservation. The fires break out and, sweeping beyond the forests, go into the villages and grain fields, and the injury is almost incalculable.

There is only one way by which we can take care of these forests as against fire, and that is to have them properly intersected with roads. There is no other means, so they tell me, and it looks reasonable to a lay mind, by which you can with any reasonable degree protect against those conditions. Roads you must have and trails and methods and means of quick access to different parts of the reserves in order to protect against the spread of fire. The roads are not there now. They have only been begun, and in a most imperfect way have they been extended. The means of protecting us against fire is not there now.

It is not only for our interest and greatly to our advantage, but it is also to the interest of the Government and greatly to the advantage of the Government that these roads should be built for the preservation of these vast estates which belong to the Government.

We did not create these forest reserves. It is not a condition of our own making that we are asking to be relieved against. It is not a folly, if it be a folly, which we created and ask to be protected against. You good people in the East put these forest reserves on us. Now, will you not take care of them? These are your creations. You started the propaganda and voted the leases and issued the proclamations not by our request, but out of your own abundant wisdom and benevolence. Now, will you permit your handiwork to perish, to be destroyed, or will you take care of them?

Mr. OVERMAN. How did the people of the East put the forest reservations on you? I do not understand the Senator.

Mr. BORAH. By eastern Presidents creating reservations and then Congress voting to keep them, and constantly voting against all relief even to the simple and unjust proposition of excluding the agricultural lands.

Mr. OVERMAN. It was done by the Presidents of the United States.

Mr. BORAH. Unfortunately we have not had any President from the West yet.

Mr. WALSH. The condition may be soon remedied, however.

Mr. BORAH. Mr. President, what I mean is this: Those of us—the Senator from Montana and the Senator from Oregon and the Senator from Arizona will bear me out—when we have asked for relief against these conditions in these Western States find an insuperable obstacle in the great number of votes which line up in the Eastern States against us. They take an entirely different view of the conservation question from what we do. I am not going to argue now whether they are right or whether we are right; but they take the view which leads them to cast their votes against any practical relief.

It has been asked what shall we do with reference to these forest reserves? It would seem, Mr. President, that a forest reserve ought not to have agricultural land within its boundaries; and it would seem that anyone anywhere throughout the United States would be willing to vote to eliminate the agricultural land from a forest reserve; and yet I say, without fear of successful contradiction, that there are millions of acres of the forest reserves which are as good agricultural lands as lie outdoors.

I also invite you to consider the fact that in the five years preceding the breaking out of the European war we lost over a hundred thousand settlers during each and every one of those five years, who went into Canada to select farm lands upon which to make their homes. We not only lost the citizens, the best sinew and brain and brawn of the land; we not only lost the wealth which went with them, but we are permitted to have nothing in their place, except the idle and untaxed lands, while if we were permitted to settle our lands we would have these men there as taxpayers and as supporters of the Government, to help build up our educational institutions, to maintain our courts, and to enforce our laws.

Mr. President, with other Members from the West, I have endeavored to get these agricultural lands eliminated, but as soon as the campaign is started here in the Senate or in the House of Representatives there begins a propaganda against their elimination. The story is circulated that it is for the purpose of land-grabbing, and of this and that. The result is that the bills for the purpose die, and hundreds and thousands of acres of tillable agricultural lands remain in forest reserves.

If you will take out of the forest reserves the real agricultural lands, you will hear very little complaint from the State of Idaho as to the forest reserves; and I maintain, sir, that until you do that, so long as you retain these vast areas there, it is your solemn, bounden duty to vote money to preserve them from destruction.

My friends, the argument which is made by conservationists in the East is to the effect that you own these lands. I heard the Senator from North Carolina say one night here in a discussion that these lands belonged to all the people throughout the United States. If so, we are asking you to-day to appropriate sufficient money to preserve from destruction the property which you own. I would be willing to submit this amendment to Mr. Secretary Lane or to Mr. Secretary Houston or to the Chief of the Bureau of Forestry or to anyone else who is familiar with the matter; and if they did not say that the amendment was essential and vital to the preservation of these lands and of this estate, I would be willing to modify my position in regard to it.

Mr. OVERMAN. Mr. President, if the Senator from Idaho will yield to me——

Mr. BORAH. Yes.

Mr. OVERMAN. The question has never been submitted to the Senate as to whether they will give to the States these forest lands. I have never had an opportunity to vote on the question. I am in favor of giving these lands to the States; but the Western people have never given us an opportunity to vote on the question; they have never seemed to press a bill of that kind of which I have any recollection.

Mr. BORAH. Mr. President, at some time within the next few days I am going to gather up the amendments to bills which have been presented here from time to time for the relief of the situation in the West.

Mr. OVERMAN. There have been amendments offered to certain bills, but the straight proposition has never been put up to the Senate, as I recollect.

Mr. BANKHEAD. Mr. President, I want to ask the Senator from Idaho how much money is now annually appropriated from the Treasury for the preservation of the forest reserves and what part of it is appropriated for the building of trails? Then I want to ask him the further question—and he may answer both—suppose you have roads through the forest reserves, what benefit would the citizens of the State of Idaho receive from those roads?

Mr. BORAH. Oh, Mr. President, the benefit would be incalculable.

Mr. BANKHEAD. Wait a minute until I get through with my question. In the first place, agricultural lands included in these reservations are not subject to homestead entry; so there are no homes there.

Mr. BORAH. I did not catch the Senator's suggestion.

Mr. BANKHEAD. I say the agricultural lands in these reserves to which the Senator has so eloquently referred as being the "best out of doors," are not subject to homestead entry, but belong to the Government, and are in a reserve. The timber all belongs to the Government, and that can not be cut and used. I am, therefore, at a loss to understand what great benefit the State of Idaho would receive from the appropriation proposed in the amendment.

Mr. BORAH. Well, Mr. President, there was an illustration given by the Senator from Minnesota a few moments ago as to the situation in that State. When I was at home last summer I had this proposition presented to me, and I presume that there are dozens of them throughout the country. Here was what was known as Smith prairie, in my State, a large, rich valley, which was being thickly settled and well developed. The people living there, by reason of the forest reserves between them and the town where they do their trading, and by reason of the fact that there were no roads through the forest reserves, were practically marooned. They had to travel from 75 to 100 miles to get to their trading points, whereas, if there had been roads through the forests which lie between the two places, they could have gotten there within 35 or 40 miles. Those inconveniences exist all through that country, and they retard development; they discourage development. Not only is development discouraged by reason of the regulations which exist with reference to the taking of title in forest reserves, but a man does not like to go and locate even in a desirable place, so far as the fertility of the soil is concerned, if he is going to be cut off indefinitely and interminably from the

point of civilization, as it were, or the point where he must trade.

If the practical Senator from Alabama would come to the State of Idaho and spend the next 60 days after this session adjourns, and go among those who are settled in those places, and see the hardships and the burdens they have to carry, he would understand, far better than I can convey to him in my inadequate way, the discouragement and the burden to the State having such a vast area with no way to pass over it.

Mr. BANKHEAD. Mr. President, I authorize the Senator from Idaho to pay my compliments to the people of that State, and to say to them for me that I am ready at any time to vote to relieve that situation if the Senator from Idaho will bring a bill into the Senate for that purpose.

Mr. BORAH. Mr. President, I think that the Senator from Alabama means just precisely what he says. I have no doubt but that he would vote for such a bill; I have not a particle of doubt that if such a bill were here and had to pass through the Congress of the United States the Senator and I would both have passed beyond the Jordan before it would get through. We know what we are up against.

Mr. BANKHEAD. I do not see how the Senator from Idaho can know that; he has never tried.

Mr. SMITH of Arizona. We can not get such a bill out of committee.

Mr. BORAH. I have offered this proposition upon the floor of the Senate in the shape of amendments, and I have had it defeated. Such propositions are lying in committees, and they die in committees.

Mr. BANKHEAD. I do not remember that.

Mr. BORAH. Mr. President, I have had pending before this body and before the other body for the last three years a most just, equitable, and fair amendment to the homestead law, to enable the homesteader to get title to his land, and under conditions in which he could get it and live, but the bill is as dead as is Julius Cæsar. The same senseless tirade is made in certain quarters that it is to make land grabbing easy, and timid legislators listen and let it die in committee.

Mr. BANKHEAD. The bill is still in committee, is it not?

Mr. BORAH. It is in a committee of a body of which I am not permitted to speak.

Mr. BANKHEAD. I would suggest that that committee is made up of friends of the measure, who are almost exclusively from the States interested, and they ought to bring it out.

Mr. BORAH. The bill is now, I say, in a committee of the other House, and has been there for over two years.

Do not forget, for instance, that the great State of New York has, I think, about 39 Representatives, while the State of Idaho, the State of Montana, the State of Washington, and these other Western States have not, all combined, as many Representatives in that House as has the State of New York; and ordinarily, if you canvass the State of New York, you will find—I am merely taking that State as an illustration—their sentiment to be against what they universally speak of as making it easy for us in the West to grab more lands. Mr. President, sympathy does not do us any good. We can not get the votes.

The Senator from Montana [Mr. WALSH] has offered this proposition as an amendment instead of as a bill. Why? We never have had any relief here practically except as we could work it in the way of amendments. It is practically impossible to get relief by a bill standing separate and apart, or resting upon its own bottom, as it were; it is practically impossible for us to get relief unless it be associated with those matters in which your people are interested. Why? Nobody is deeply concerned in the proposition except those who represent seven or eight Western States; others do not appreciate it.

I wish the Senator from Alabama could see his way clear to accept this amendment. I presume that he thinks he ought not to do so in the interest of his bill; but I feel he could do so in the interest of justice. I know it is just and fair. It helps the people, but it helps the Government property more. It is spending a few million dollars where many times that amount of property may be destroyed because of inadequate protection—the protection which this amendment would help to give.

Mr. WALSH. Mr. President, I am very glad the Senator from Virginia [Mr. SWANSON] has returned to the Chamber, because I desire to assure him, and to assure the chairman of the Committee on Post Offices and Post Roads, that we do not feel at all that we have been treated badly and that we have not been given proper consideration by the committee. It was a favorable idea that seized the committee to take into consideration the area of the various States, as well as the two other elements considered by them, as a basis for the distribution of this fund among the various States, and in the aggregate the amount that comes to us, as a matter of course, is larger in proportion to our area; but you must bear in mind that if the State is larger the appropriation will spread out and will be a good deal thinner than it is in the small States. Our State is 700 miles from east to west. It takes 24 hours to cross it, riding upon a transcontinental train going at the rate of 25 miles an hour on an average, and crossing the mountain ranges besides. It is nearly 400 miles in width. So we have considerable territory through which to build roads.

Mr. President, area, I think, is a very proper element to be taken into consideration in the distribution of this fund, and we have no fault to find with the committee. The point that we are making here, Mr. President, is that we introduce a consideration which the committee never thought of at all. It never entered into their computations that there were peculiar conditions existing in these States by reason of the fact that the Government holds great reserves within them.

Mr. President, the Senators are all wrong in the assumption that the condition to which we now invite their attention is taken care of by that feature of the bill which makes a distribution of one-third of this fund upon the basis of the area of the respective States. That is a condition that pertains to all the States. For purposes of illustration, the State of Missouri has practically the same area as the State of Idaho. Missouri gets credit for her great area; Idaho gets credit for her area. They stand upon an equal footing with respect to that. The great State of Alabama has an area something like six times that of the State represented by the distinguished statesman [Mr. GALLINGER in the chair] who for the time presides over this body, and in the distribution of one-third the State of Alabama will get six times as much as will the State of New Hampshire. In other words, Mr. President, this distribution upon the basis of area is one which all States get the benefit of or suffer the disadvantage of in proportion to their aggregate area.

But here is another element that enters into the general problem. In certain States, for instance in the State of Missouri, there are no forest reserves. The United States owns no great bodies of timber in that State maturing from day to day, decaying from day to day, dying from day to day, the mast and everything else affording a basis for the scattering of great forest fires. I saw last summer in the Glacier National Park one of the most astounding spectacles that I ever witnessed. It was just nightfall; a storm was coming on; the lightning struck a tree at the summit of a mountain, and at once the whole area was a great blaze. The dead timber caught fire; the flames shot clear to the sky, and lit up the whole area around. Fortunately the rain came and the fire was put out. That is the condition we have in the West, and that is a peril to the homes and the lives of the settlers upon the border of and within these great reserves. They become a peril to the land held in private ownership in the immediate vicinity.

These are great resources. We want them utilized. They are preserved that they may be utilized and be of value to the general community and the people of the country at large, and we say to you that here is an element quite separate and apart from area that you have overlooked, and we invite your attention to it now. We say that those States which have forest reserves within their boundaries that ought to be penetrated by roads for the convenience of the community, as well as for the preservation of the property rights of the Government, ought to be taken care of by appropriate provision in this bill. I have no doubt in the world that the idea was not considered by the committee. I entertain no doubt that if it had been they would have speedily recognized that here is a new and distinct element.

I desire to say a word now with reference to the suggestion made by the Senator from Michigan [Mr. TOWNSEND] that the distribution ought to be based, to some extent at least, on the contribution that each State makes to the General Treasury. Of course that is a consideration quite separate and apart from the one that is addressed to the Senate upon the amendment which has been tendered by me; but it has been a troublesome question ever since the formation of our Government. It was contended very stoutly that representation in some way or other ought to be had in the General Government upon the basis of wealth and of contribution to the national revenues by the States respectively, but that idea was rejected, and I believe it has never had a very honored place in our legislation.

Mr. President, the Senator from Alabama [Mr. BANKHEAD] is, I am very sure, laboring under a very mistaken impression concerning the significance and importance of roads through the forest reserves. He entertains the idea that such roads traverse a wilderness; that there may be here and there, and at distances considerably remote from each other, a homestead claim, or possibly a mining claim or two, but that the remainder of the

country is one of unbroken wilderness, and that these roads will serve no purpose except to afford accommodations to a few scattered people. Why, Mr. President, the situation is quite the contrary of that. I called your attention the other day to two great roads built through the forest reserves in my State last year under the provision of the general act setting apart 10 per cent of the receipts of the forest reserves for road-building purposes, and which we are simply endeavoring to anticipate by this bill—the Libby-Troy Road and the Big Horn-Bitter Root Road. The Libby-Troy Road is a part of a great transcontinental highway, connecting the rich valleys in the State of Washington and Oregon with the equally rich valleys in our State. Why, Mr. President, I wish I had the figures here telling of the automobile travel over that road during the past year. It is but a link between two great, populous sections, separated and segregated by the intervening forests. So it is with the Big Horn-Bitter Root Road. These are two valleys for productiveness and fertility perhaps unsurpassed by anything in the Northwest. In order to reach the adjacent territory it would become necessary to make a circuitous route by rail at least 300 miles in distance, while 30 miles of road constructed between those two great valleys permits an interchange of the products and commodities of each with the other and permits traffic there.

Mr. President, I want to call your attention to another road. My own county of Lewis and Clark last year spent a large amount of money, something like $12,000, in the construction of 5 miles of road through the Helena Forest in my county. Something over $12,000 was spent on 5 miles of it, Mr. President, through a forest reserve, connecting the rich, productive valley of the Prickly Pear, in which I live, with the equally rich and productive Deer Lodge Valley, upon the other side of the main ridge. More than that, Mr. President, this highway affords an easy access now from one side of the range to the other.

It is not an easy task to build a road over the backbone of the continent, across the great Rocky Mountains; and our little county and the adjacent county of Deer Lodge have undertaken and paid for that work, and have built a road to the character of which I desire to invite your attention. I have here a letter which our county commissioners addressed to the forest supervisor asking whether it was not just and right that the Government of the United States should bear one-half of the cost of that road? The letter is as follows:

HELENA, MONT., *December 16, 1915.*

Mr. J. B. SEELEY,
Superintendent United States Forestry Service,
Helena, Mont.

DEAR SIR: Lewis and Clark County has built a public highway through the Helena Forest Reserve, as shown on map herewith attached. This is a standard roadway 60 feet wide, and all timber has been removed therefrom. The average width of the road is 20 feet, and wider at the turns. Considering the great benefit this highway is to the forest reserve as well as the general public, it would seem only fair that the forest reserve should bear their portion of the cost.

We call your attention to the donation of a thousand dollars made to this county for the upkeep of this highway by Col. A. A. White, of St. Paul, whose engineer pronounced this highway one of the best in the western country and the cost of building very much below the general average for work of a similar character.

We solicit inspection and a full investigation of the work done, and do hereby most respectfully petition the United States Government to reimburse this county in such amount as you may determine would be a fair proportion of the amount expended.

You will note the distance from the Powell County line through the forest reserve is 4.6 miles, which cost the county $2,777 per mile, making a total cost of $12,774.20.

Respectfully submitted.

——— ———, *Chairman.*

To this the forest supervisor was obliged to say that he had no funds with which to make any reimbursement to the county for the expenditure thus made, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, DISTRICT 1,
December 22, 1915.

Mr. C. C. COVINGTON,
Chairman Board of County Commissioners,
Lewis and Clark County, Helena, Mont.

DEAR SIR: Your letter dated December 16 addressed to Supervisor Seely has been referred to this office for reply.

This office has previously been advised of the excellent piece of road work constructed by Lewis and Clark County during the past season, through Priest Pass, and traversing for a part of the distance the Helena National Forest. The completion of this road is important and a long-needed improvement. It is regretted, however, that under the circumstances this department will be unable to comply with your request and bear a portion of the cost by reimbursing the county. Aside from the legal difficulties which would render such a procedure impossible, administrative policies would prevent our cooperation on such a basis. The small amount of funds available to the Forest Service for road-building purposes is derived from an act of Congress which returns 10 per cent of the national forest receipts to the Forest Service for the construction of roads. The total amount available from this source for the whole State of Montana from the receipts of the fiscal year ending June 30 last was only slightly over $30,000. In expending such funds a program is outlined several years in advance. Complete location surveys and plans must be made under the direction of engineers in this department. These plans are approved at Washington, and the construction work then carried out the following field season under Government supervision. In view of such circumstances you will appreciate that assistance on the Priest Pass road upon the basis you suggest is not practicable.

Very truly, yours,
R. H. RUTLEDGE,
Acting District Forester.

That is the situation of affairs.

Mr. President, it is only at rare places, among other considerations, that you can find a pass through which a road can be constructed connecting one side of the mountain with the other. About 11 miles north of where this road is constructed through a very low pass, the Northern Pacific Railroad crosses through another pass; but it is rather high and inaccessible, and, although there is a road through there, it is one that is exceedingly difficult to travel, and heavy loads and rapid transportation are absolutely forbidden. Then, Mr. President, from that point on to the international boundary line, some 200 miles farther—and let me ask you to have it in mind in case military operations should be required in that section of the country—for 200 miles it is utterly impossible to cross that great mountain range by any road at all. There is not any.

So, Mr. President, our little county is entitled to credit and to the gratitude of the Nation, considering nothing further than the public defense, by the construction of this road, that will permit easy access from one side of the mountains to the other. It is that condition of affairs that we ask you to take into consideration in connection with this bill; and there need not be any fear either that these roads will not be well constructed. The good-roads spirit is abroad in all that country. They are anxious to have these roads.

Let me speak of another. For the purpose of illustrating that these roads are not in remote sections where travel would be inconsequential, but that they open up great regions and permit them to have intercourse with each other, I will say that I am asking the Forest Service to take up the construction of a road up the Stillwater River. If constructed it will open up an enormously rich mountain section that is now practically unproductive because it is inaccessible. Not only that but it will give an additional automobile opening into the Yellowstone National Park, and will connect a rich and productive agricultural valley with the mining region to which I have adverted, and give an opportunity for the sale of produce; and at the same time it will open up a great area of timber that will be utilized in the mining operations and in the general development of the country that is going on.

You will observe, as stated here, that the law now provides that 10 per cent of every dollar that comes out of these forest reserves from the sale of timber and from allowing cattle to graze within the ranges is set aside and is used for the construction of these roads. We are simply asking to permit the avails from these forest reserves to be anticipated, so that in the stead of $250,000 a year for the construction of these roads we shall have a million dollars a year, and thus open up these resources, so that the avails will be increased, they to be returned from time to time until these appropriations are reimbursed to the Federal Treasury.

I believe that we are asking nothing but that which the great Congress of the United States ought to do, not for us, but for the preservation of their own property.

Mr. VARDAMAN. Mr. President, I am exceedingly desirous that this bill shall be passed, because I think great good will result from legislation of this character. I believe a dollar judiciously invested in good roads—a road that leads to the happy country home—will bring larger returns to the American people—all the people—than a dollar invested in any other way. It is utterly impossible to develop any part of this Republic without adding to the total wealth of the American people. You can not give prosperity and happiness to others without yourself enjoying a larger measure of happiness and prosperity than you give to others. Every home which is constructed and maintained, every field that is cleared and put under the plow, adds materially to the wealth of the Republic in more ways than one. I believe that the country home is the enduring foundation upon which free American institutions rest.

I think the real strength of this Republic depends more largely upon the character of the men who till the soil than it does upon any other class of our citizens. The products of their hands feed and clothe the world. The purity of their lives, their lofty, moral ideals, and their unselfish patriotism make them the great dynamo which vitalizes, inspires, and impels to proper effort the whole body politic. To me, one of the discouraging signs revealed by the recent census is the fact that 51 per cent of our population to-day live in the urban

districts. I hope that I may never take so narrow a view of the function which I am to perform in this Government as a Member of this body as would lead me to be controlled in casting my vote solely by the pecuniary profits which may flow from my action to my immediate constituency, the men who elect me to serve them here. I can serve Mississippi best when my vote adds to the prosperity and happiness of the people of every other State as well as my own.

In the realm of real patriotism there is no partisanship, and the man who is worthy of the people who elect him to membership in this body will not prostitute the functions of his place to serve partisan ends or promote personal advantage. The amendment proposed by the Senator from Montana [Mr. WALSH] appeals to me. It contains merit, and I have been trying to discover some reason why I should not support it. I do not like to differ from the able and prudent chairman of the Post Offices and Post Roads Committee, the senior Senator from Alabama [Mr. BANKHEAD], who is in charge of the bill. The only excuse I have been able to discover for not voting for the amendment other than the one assigned is that it may cause some Senator to vote against the bill and probably defeat its passage. Now, I do not want to do anything that will hinder or delay its passage through this body. I want it to become law; but I believe it is wise economy for the Congress to conserve, to protect the interests of the United States in these Western States, whose conditions have been so graphically and vividly described by the able Senators from those States. It means the opening up of homes there. It means the increase of population. It means putting under the plow those fertile lands. It means adding to the sum total of American wealth. It means more to eat and more clothes to wear for the American people; and, as I said a moment ago, you can not do anything in this way that will help Montana and Idaho without helping Mississippi and Alabama.

I have no sympathy with the selfish doctrine taught by some Senators that these appropriations ought to be controlled by the amount that the State contributes. Why, Mr. President, New York and some other States do not need any help from the General Government in road building. They are rich "beyond the avaricious dream of the ancient princely plunderer," and therefore sufficient unto themselves for any undertaking. But these States that have grown so fabulously rich in the last few years did not produce all the wealth that they now enjoy. Every acre of land in the United States pays tribute to New York, and that is true of many of the Northeastern States, particularly of this Republic. The fields and the forest have paid tribute, the grazing lands of the West, the mines of unmeasured riches have all added their countless millions to the aggregate wealth of these favored States. It strikes me, Mr. President, that the best investment that New York and the other rich States of the Northeast could make would be to invest some of the increments, some of the enormous wealth which they have amassed, in helping to develop the Western and Southern States that have contributed so materially to the great wealth which those States now enjoy. It would be a good investment on their part it seems to me.

I do not want to do anything that is going to imperil the passage of the bill; but I can not vote against this amendment, and I do not see why its adoption should prevent any Senator from supporting the bill, because to my mind it contains great merit. Its effect will be to have the Government of the United States apply good sound business principles to the management of its own affairs. And good governmental business is the manifestation of the highest order of statesmanship.

Mr. TOWNSEND. Mr. President, it seems to me that the question of forest reservations has been unwisely involved in the discussion of the bill under consideration. I can see where, in the forest reservations, there is need of trails or roads for the purpose of protecting the Government property. I am well aware, however, that the Committee on Agriculture and Forestry has charge of that particular subject and is giving it its attention, and I should like to have a recommendation from that committee before voting on a subject about which we have so little information. I should like to know more of what they are doing and what they require, and if they ask for more money there is not any question but that they will obtain it. But the Senator from Alabama asked a question which has not been answered; that is, How much money are the particular States getting out of the forest reservations within their boundaries for road purposes?

The report of the Secretary of Agriculture for 1915 shows that Arizona this year, for her school roads and for her trails and other public roads, will receive $83,000, California will receive $94,000, Colorado will receive $82,000, Idaho will receive $106,000, Montana will receive $111,300 or more, and that Oregon will receive $69,000. Besides that, Arizona and New Mexico will receive for school funds from the school lands that are in the forest reservation an additional amount, Arizona $29,000 and New Mexico $9,000, for that purpose.

Mr. President, these are moneys which come out of the forest reserves and are appropriated for road purposes, and they ought to be considered when we are making an apportionment of the general fund for road purposes if the reserves are to be considered under this bill. Furthermore, there is a thing that I can not quite understand. Senators who are obtaining the benefit for their States under this law of their wide areas, including always the forest reservations and other reservations in their territory which are not occupied by man, and which in a large part, except for roads and trails needed for forest preservation, do not require roads over which the public can go, and yet these States are nevertheless receiving their pro rata share of the appropriation carried by this bill on account of their area.

I have never had an opportunity to vote since I have been in the Senate in favor of a proposition to segregate the purely agricultural lands from the forest reserves. I should like an opportunity to vote on it, because I can not understand why there should be any purely agricultural lands in a forest reservation; but that is a question which should be dealt with upon its merits and through the proper committee. It is not in order on this measure, however. All of these questions are complicated ones which should be dealt with directly and should be considered; but I do not believe it properly in order by amendment to this bill, without the matter having been considered at all by the committee. I sincerely hope the bill before the Senate can be voted upon according to its merits.

Mr. OVERMAN. Mr. President, I desire to ask the Senator from Montana how he arrives at this sum of a million dollars a year, which, after 10 years, will amount to $10,000,000? Has he had any estimate or any survey or any investigation by a committee to show that it will take that much money to build these roads? Is it just an arbitrary sum that is fixed by the Senator himself?

Mr. WALSH. No; I will say to the Senator from North Carolina that the sum is a sum that is recommended by the Agricultural Department.

Mr. OVERMAN. It has been before the Agricultural Committee, has it?

Mr. WALSH. I put in the RECORD day before yesterday a letter addressed by the Secretary of Agriculture to Mr. LEVER, the chairman of the House Committee on Agriculture, in relation to a bill identical in its terms with the one that I introduced, and substantially like this, recommending the enactment of the measure.

Mr. OVERMAN. And he says it will take this much money to build these roads?

Mr. WALSH. Yes; but the Senator can very well understand that that will nowhere near make the amount that will be necessary to cover this great area of a couple of hundred million acres.

Mr. OVERMAN. I know there is a hundred million acres of mountain land, but I do not know how much money it will take to build the necessary roads for the purposes indicated by the Senator in his speech.

Mr. WALSH. I advise the Senator that the amount is proposed on the recommendation of the Secretary of Agriculture. Indeed, the original draft of the bill came from that office.

Mr. BRANDEGEE. Mr. President, I am very glad to have an opportunity to vote for a provision in this bill that I think has some semblance of being a governmental purpose or some warrant under the Constitution of the United States for the expenditure of the public funds. That part of the bill which provides for rural transportation and the marketing of farm products, and so forth, and the building of rural roads, I do not think is warranted by the Constitution of the United States. That part of the title of the bill which says that these roads may be used in interstate commerce and for the transportation of military supplies or postal matters, I think, is nothing but a sham and a subterfuge.

This amendment, providing for the building of roads in the national parks, I think is a very meritorious measure. I do not know why the Government should not protect its national parks, if it is enabled to do so. If this bill stands any chance of passage, I am willing to use it as a vehicle to float through a little merit. I shall vote for the amendment; but I am afraid, even with that good feature of the bill, that I shall not be able to vote for the bill as a whole. But I will take the chance that the bill will pass this branch of Congress at least, and I am quite satisfied that the more money that is put onto it, the more chance it will have of passing.

I shall vote for the amendment.

Mr. GALLINGER. Mr. President, for a somewhat different reason than that given by the Senator from Connecticut [Mr. BRANDEGEE] I am going to vote for the amendment submitted by the Senator from Montana. In fact, it has become so much a habit of mine, dating back a great many years, to vote for what the men from the West want, that I find it difficult to get away from them on any proposition they submit.

I have listened to this debate with a great deal of interest and with a good deal of care, and I confess that I can not see any good reason why an appropriation should not be made for the purpose indicated in the amendment submitted by the Senator from Montana. Whether it is greater than it ought to be, whether or not it might with propriety be reduced, I shall not venture to say, because I have not looked into that matter.

I do not think attaching this amendment to the bill will imperil the success of the bill. I do not know exactly what action I should take if I believed it would, because I am in favor of the bill advocated by the Senator from Alabama [Mr. BANKHEAD] with so much good nature and so much ability. These great forest reservations are of great consequence to the people of the country if they are conserved; but it does seem to me that they are but a desert unless there are some means of traversing them and protecting them and conserving them.

I think this will be a wise expenditure of money. Believing that to be so, hesitating as I have to cast a vote against the opinion of the distinguished chairman of the committee, I shall give my support to the amendment; and whether or not it is attached to the bill I shall give my vote for the bill upon its final passage.

Mr. PITTMAN. Mr. President, I would not urge this amendment, nor would I support it, if I thought it would imperil or endanger the passage of this bill. I do not believe, either, that we are asking anything additional from the Government. I think we are simply asking that the 10 per cent of the value of the proceeds of these forests shall be advanced, rather than to be expended as it is earned.

I can not conceive for one moment that if the building of a street railway in a city were estimated as profitable, that railroad would be attempted to be built mile by mile from the profits of the road. I believe that when a municipality starts in to build a system of railroad, it issues bonds, anticipating the profits upon the enterprise to pay off the bonds.

In this case the amendment expressly provides that no expenditure can be made until after an estimate of the profits of the forest is obtained, and that then such expenditure shall be limited to 10 per cent of such available profits. That in itself prevents any excessive expenditure. It prevents the expenditure of any greater amount of money than is coming back out of that 10 per cent of the profits which is now appropriated for roads. It is simply a question of whether the Government is going to wait for 10 or 15 years to do the necessary development in the forests or whether it is going to advance the money and start the development now. If we wait until this 10 per cent is earned before building the necessary roads through the forests, the development of those forests and the profit to be derived from them will be delayed just that much. Therefore, as a business proposition, this Government should advance the money that it is estimated will come back from such improvements.

There is just one other question that I want to call to the attention of the Senators, particularly the Senator from Alabama, who has the bill in charge, and it is this: That in the West, particularly in my State, the mountain ranges run north and south. There are 12 of these great ranges running north and south in our State. The timber reserves have been laid out on these mountain ranges, along these great ribs that divide our State. It is impossible for us to build roads connecting the 12 valleys in our State without crossing these mountain ranges, which are laid out in forest reserves. Up until the present time the people of our State have built all of the roads across those great forest reserves. It is unfair, in the first place; and in the second place, by reason of the sparsely settled country, it is impossible to build sufficient roads.

I want to call attention to just one little district. I am only going to take up about four or five minutes of the time of the Senate, because I realize that we want to vote. In the northern part of our State, near the Idaho line, is a settlement of 500 or 600 people. It is growing rapidly. It is separated from Idaho and from Nevada by a great forest reserve. Those people had no means of transportation to and from that large settlement. The people of one little county in Nevada built 60 miles of wagon road, most of it through that reserve, to reach those people. To the north of them the road is practically impassable. The snow is so deep in Nevada that that splendid road, built by the people of one county, is frequently impassable in the winter; and for the lack of a road reaching to the north to Twin Falls, in Idaho, the mails are often prevented during many months of the year from reaching such settlement. Now, then, it is all in charge of the Government. The Government is deriving the proceeds from that forest. If those proceeds are estimated to be sufficient to build that road, why not advance the money as a business proposition, put in the roads, sell the timber, and encourage the development there; encourage the ranging and utilizing of the forests?

That is only one condition that I am illustrating. The settlement referred to is called Jarbidge. It is well known to the Senators from the western country. The conditions are well known. The Post Office Department has complained about the great difficulty of maintaining a postal route to such settlement. Take, for instance, the town of Ely, in our State. It is separated from the great farming area to the west of it that supplies it with produce, and yet the people of the one county of White Pine have to maintain 40 or 50 miles of road across the mountains so that their produce may reach the people of Ely from such farming district. These are the conditions.

We are not asking the Government to appropriate any money at all. We are asking the Government simply to advance the money that the Government itself states it will receive back from the 10 per cent of profits of these forest reserves. That is all we have asked.

Mr. BANKHEAD. Mr. President, just one final word on this amendment.

Mr. WALSH. Mr. President, the Senator from North Caroline [Mr. OVERMAN] asked me a question awhile ago about the amendment, and I have here a letter which I should like to read, if the Senator from Alabama will yield for that purpose.

Mr. BANKHEAD. I will be through in a minute. I am going to take only a minute.

I hope the amendment to the amendment will not be adopted. It is not because, as every Senator here knows, I have not the most friendly feeling to the States that are interested in it, but it is unfair, it is unjust, it is inequitable, and it ought not to be put upon this bill.

I want to call the attention of the Senate to another situation. There is another branch of Congress, the gauntlet of which this bill has to run. I do not know what difficulties we will have. I want to say further that while I do not mean to imply that every Senator who votes for this amendment is opposed to the bill, I do mean to say that every Senator opposed to the bill will vote for this amendment, doing so with the deliberate purpose of making it as objectionable as possible, and in the final hope that somehow or somewhere they may be able to defeat it.

Mr. SMOOT. Mr. President, I know that the Senator from Alabama has always been, and is to-day, friendly to the development of the Western States, and I want to assure him that in voting for this amendment I do it with no hostility to the pending bill, but I do it because I believe that it is only simple justice to forest-reserve States.

The Senator from Michigan [Mr. TOWNSEND] wanted action upon this great question postponed until the department had reported upon the feasibility and the advisability of legislation of this kind. I take up the annual report of the Secretary of Agriculture, and I find on page 177 of that report the following statement:

> Large areas within the national forests, as well as in adjacent territory, are without adequate means of communication. Such roads as exist are ordinarily imperfectly constructed, undrained, and have excessive grades. In many instances such roads are all that the local community can afford to build. The Forest Service is endeavoring to correct this condition as fast and as far as funds permit. The amount available from the 10 per cent fund of the past year for 28 States (including Alaska) was less than $240,000. While much good can be done with this amount, it is insufficient even to keep pace with the annual increase in demands for roads made urgent by the increase in settlement. Large areas of timberland of potentially great value are standing unused, partly because of lack of demand, partly on account of lack of transportation. Some method should be found by which the community's interest in these potential values may serve as security for funds for road construction now.

The Secretary of Agriculture tells what sort of roads they have at the present time, limited as they are, and frankly admits that in those sparsely settled districts it is absolutely impossible for the people to build roads so as to make them passable. The Secretary of Agriculture also says:

> The upkeep cost due to the destruction of telephone lines, buildings, etc., by fires, the washing out of roads, trails, and other means of communication by winter storms, and the like, to say nothing of ordinary wear and tear by use, now demands and will increasingly demand heavy allotments for maintenance. In National Forest District No. 1 it was necessary during the year to devote $35,000 out of a total allotment for improvement purposes of $86,000, or over 40 per cent, to the maintenance of existing improvements in usable condition.

Or, in other words, Mr. President, from the washouts that come in almost every forest reserve in the United States, and

come every year, it has taken in forestry district No. 1 alone 40 per cent of all the money that was appropriated for all the reserves by Congress for maintaining the roads in a passable condition.

I believe that if this amendment is agreed to it will be a profitable investment for the Government. Until the roads are built to the timber of these forest reserves it will be impossible to utilize it because of the absolute impossibility of transporting it to market under present conditions. That is understood by the department, and in this report it is referred to. But if roads are made, and all are upon Government property, and the Government itself ought to build them, then the timber can be utilized and it can be brought to market and disposed of. I am not going over the ground again as to why it ought to be used now instead of allowing it to rot and become a menace through forest fires.

In relation to the amount of money that goes to each State of the receipts from the forest reserves, referred to by the Senator from Michigan, I want to say that the amounts the Senator has stated were not alone the 10 per cent that was allowed for the building of trails, but it also included the 25 per cent for school purposes that comes from the forest receipts to the counties in which the forests are located.

When the law was first passed it was agreed by all that in a county where nine-tenths of the area is in a forest reserve it was absolutely impossible to maintain schools and maintain order and the public institutions required for the people living in the county. Therefore, the law was passed giving 25 per cent of the receipts from forest reserves within the county to the people of the county as a partial reward for the lack of taxes that the county could have imposed upon the property if it had been in private ownership.

Mr. WARREN. It was only 10 per cent for many years.

Mr. SMOOT. The Senator from Wyoming calls my attention to the fact that it was only 10 per cent for many years, as I well remember. I do not believe that the Senate or the House would think for a minute that that money ought to be used entirely in the construction of roads within a forest reserve. The assessment upon one-tenth of the area of the county could not support the schools of the county; such restriction was a greater burden on the people of the county than they could bear.

The law was passed to partially repay them for the loss of the power of taxation. The 10 per cent of the forest-reserve receipts was intended for the building of roads within the forest reserves. The most of that comes from grazing privileges—the grazing of sheep, cattle, and horses. Every dollar of it is paid by the people of the State, and all that the Government does is to turn over 25 per cent of the amount collected to the counties within which the forest reserve is located. The 65 per cent is retained and goes into the Treasury of the United States.

It seems to me, Mr. President, that this is a most just amendment. I do not believe that it is going to jeopardize the passage of the bill, but, on the other hand, I believe it will assist the bill in its passage. If it could not be defended, and justly defended, then there could be some question as to whether it would be the proper thing to put upon the bill or not, but I do not believe there is a Member of the House or the Senate who will study the conditions existing to-day who will not say that this amendment is just in every particular.

As has been repeated time and again, it is only an advance of money on the part of the Government, to be returned to the Government out of the receipts from the forest reserves, and every dollar of that fund is collected from the people of the State for grazing their cattle, sheep, and horses upon the forest reserves and the sale of timber. The same privilege was granted to the people of the Middle Western States without charge. No charge was ever thought to be imposed upon the people of the East or Middle West for grazing their stock; but we are living in a new age, the age of so-called conservation. We now are asking that only a part of what the people pay shall be taken and used for the development of the roads in the forest reserves.

Mr. President, there is county after county in my State where it is impossible for a person to go from one to the other without passing over miles and miles of forest reserves. The Secretary of Agriculture admits that the people have done the best they can in establishing roads, but with the washouts that annually occur, with the great distance over mountain tops and always in sparsely settled communities, it is impossible for those people to build the necessary roads or even to maintain them.

I hope, Mr. President, the Senate will agree to the amendment offered by the Senator from Montana, for it is just in all its provisions.

Mr. WALSH. Mr. President, I rise simply to give definite information in answer to the inquiry of the Senator from North Carolina [Mr. OVERMAN]. I read from the letter of the Secretary of Agriculture, as follows.

Mr. BANKHEAD. The Senator from North Carolina is not in the Chamber.

Mr. WALSH. I called the attention of the Senator from North Carolina to the fact that I would put it in the RECORD, and I am doing it especially at his request. The Secretary of Agriculture says:

> The provision of $1,000,000 annually for 10 years, or a total of $10,000,000, will not be more than sufficient to provide the main lines of a system of roads which will eventually be required within the national-forest areas. It will, however, assist greatly in the initial stages of development and will make it possible to open up the resources of the national forests, to increase the sales, and to make a larger fund available under the 10 per cent appropriation for a general program of road construction. The proposed legislation would, therefore, be chiefly intended to meet emergency conditions which it would not be possible to meet by existing appropriations.

I read from the letter of the Secretary of Agriculture to Hon. A. F. LEVER, chairman of the Committee on Agriculture of the House of Representatives, relating to House bill 10400.

Mr. OVERMAN. I am glad the Senator from Montana read the letter. I had never seen it. Now it is estimated for by the proper department. The estimate clearly sets forth the amount of money needed.

Mr. JONES. Mr. President, I will take just a moment or two in addition to what I have already said in regard to this bill. I wish to call attention to the fact that we do not disturb the bill at all. We do not interfere with any of the terms of it or any appropriations made under it. We leave those as they are. We simply put on an additional provision for the protection of some of the property of the United States.

I want to say, Mr. President, that I am not one of those who are opposed to this bill. I expect to vote for the bill in its present form when it comes to final passage, and I do not believe that this amendment will interfere with the passage of the bill at all. I can not see how it would lead anyone to vote against the bill.

I wish to emphasize the suggestions that have been brought out in reference to the condition in our State especially. We can not go from one side of our State to the other without passing through forest reserves; it is absolutely out of the question. We have not been neglecting the building of roads in our State. In 1914, the latest year for which I have the figures, we spent in our State for the building of roads $6,221,131. We have constructed State roads across the State. They have had to go through forest reserves. I think I am safe in saying that we spend every year more money in the construction of roads within the limits of forest reserves than we will get under this bill.

Now, that is for the improvement of the property of the Government; and it does seem to me that the Senator from Alabama, who is very fair, who, I know, wants to promote our welfare, is rather in error when he says this amendment is very unjust.

The Senator from Virginia [Mr. SWANSON] called attention to the amount per capita that is paid to one of the States, the amount that they get under this bill, and so on. I do not think there ought to be any reference to the amount contributed by one State, the amount paid to one State, or anything of that sort. It all comes out of the Treasury. But because the Senator from Virginia did call attention to that I am going to call attention also to the amount contributed by the State of Alabama to the internal revenues of the country. For the year ending June 30, 1915, Alabama contributed to the aggregate internal revenue to the country $661,217.64. The State of Washington contributed $2,329,311.84. The State of Alabama spent for good roads in 1914 $3,125,925. The State of Washington, as I just called attention to, contributed over $6,000,000.

But I do not think that those figures amount to anything. I do not think they have any bearing on this matter, but they show that all these contributions do not come in one way.

Mr. President, we urge the passage of this amendment in the interest of the Government itself, for the improvement of its own property, for making available its own property, and simply expect that whatever is advanced will be repaid out of the proceeds from that property as improved.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana [Mr. WALSH] to the amendment.

Mr. BANKHEAD. Mr. President, I regard this as a most important vote. Therefore, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Nelson	Smoot
Bankhead	Hughes	Newlands	Stone
Beckham	Husting	Norris	Sutherland
Borah	James	O'Gorman	Swanson
Brandegee	Jones	Overman	Taggart
Chamberlain	Kenyon	Page	Thomas
Clapp	Kern	Pittman	Thompson
Culberson	La Follette	Poindexter	Tillman
Cummins	Lane	Ransdell	Townsend
Curtis	Lea, Tenn.	Shafroth	Vardaman
Fall	Lee, Md.	Sheppard	Walsh
Fletcher	Lodge	Sherman	Warren
Gallinger	Martine, N. J.	Simmons	Williams
Gronna	Myers	Smith, Ga.	Works

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Illinois [Mr. LEWIS], on account of illness.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present. The pending question is the amendment proposed by the Senator from Montana [Mr. WALSH] to the amendment reported by the committee.

Mr. BANKHEAD. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. HARDWICK]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. FALL (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the junior Senator from Idaho [Mr. BRADY] and vote "yea."

Mr. HARDING (when his name was called). On account of the absence of my pair, the junior Senator from Alabama [Mr. UNDERWOOD], I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH of Michigan], who is detained from the Chamber, is paired with the junior Senator from Missouri [Mr. REED]. If my colleague were present, he would vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. In his absence, I withhold my vote.

Mr. SUTHERLAND (when his name was called). I ask if the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have a pair with that Senator, which I transfer to the Senator from South Dakota [Mr. STERLING] and vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

The roll call was concluded.

Mr. BECKHAM (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I understand he has not voted. So I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and allow my vote to stand.

Mr. WARREN. I wish to announce the unavoidable absence of my colleague [Mr. CLARK], who is paired with the Senator from Missouri [Mr. STONE]. If my colleague were present, he would vote "yea."

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. WALSH (after having voted in the affirmative). I voted without noting the absence of my pair, the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and will let my vote stand.

Mr. LODGE. My colleague [Mr. WEEKS] is unavoidably absent. I desire to announce that he is paired with the Senator from Kentucky [Mr. JAMES].

Mr. CURTIS. I transfer my pair with the Senator from Georgia [Mr. HARDWICK] to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. GALLINGER. I wish to announce that the junior Senator from Maine [Mr. BURLEIGH] is detained from the Chamber on account of serious illness in his family.

Mr. CHAMBERLAIN (after having voted in the affirmative). Since voting I have learned that my pair, the junior Senator from Pennsylvania [Mr. OLIVER], has not voted. That being so, I withdraw my vote.

Mr. LODGE (after having voted in the affirmative). I have been informed that my pair, the Senator from Georgia [Mr. SMITH], has not voted. I heard him answer to his name on the call for a quorum, and supposing he was in the Chamber I voted. I now withdraw my vote.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 33, nays 18, as follows:

YEAS—33.

Ashurst	Husting	Newlands	Sutherland
Borah	Jones	Norris	Thompson
Brandegee	La Follette	O'Gorman	Vardaman
Clapp	Lane	Page	Walsh
Curtis	Lea, Tenn.	Pittman	Warren
Fall	Lee, Md.	Poindexter	Works
Gallinger	Martine, N. J.	Shafroth	
Gronna	Myers	Sherman	
Hughes	Nelson	Smoot	

NAYS—18.

Bankhead	Johnson, Me.	Sheppard	Tillman
Beckham	Kenyon	Simmons	Townsend
Culberson	Kern	Smith, S. C.	Williams
Fletcher	Overman	Swanson	
Gore	Ransdell	Taggart	

NOT VOTING—45.

Brady	du Pont	McLean	Smith, Ga.
Broussard	Goff	Martin, Va.	Smith, Md.
Bryan	Harding	Oliver	Smith, Mich.
Burleigh	Hardwick	Owen	Sterling
Catron	Hitchcock	Penrose	Stone
Chamberlain	Hollis	Phelan	Thomas
Chilton	James	Pomerene	Underwood
Clark, Wyo.	Johnson, S. Dak.	Reed	Wadsworth
Clarke, Ark.	Lewis	Robinson	Weeks
Colt	Lippitt	Saulsbury	
Cummins	Lodge	Shields	
Dillingham	McCumber	Smith, Ariz.	

So Mr. WALSH's amendment to the amendment of the committee was agreed to, which was to add as a new section, after section 7 of the amendment, the following:

> SEC. —. That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000 for the fiscal year ending June 30, 1917, and each fiscal year thereafter up to and including the fiscal year ending June 30, 1926, in all $10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed 10 per cent of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.
>
> That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter, the Secretary of the Treasury shall apply from any and all revenues from such forest 10 per cent thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest.

DIRECTORS OF BANKS AND TRUST COMPANIES.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4432) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, which was, on page 2, after line 11, to insert:

> The consent of the Federal Reserve Board may be procured before the person applying therefor has been elected as a class A director of a Federal reserve bank or as a director of any member bank.

Mr. SHAFROTH. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

TOMBIGBEE RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4603) to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tom Beckby, commonly called Tombigbee, River at Princes Lower Landing, near Jackson, Ala., which were, on page 1, line 7, to strike out "Tom Beckby, commonly called," and to amend the title so as to read: "An act to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at Princes Lower Landing, near Jackson, Ala."

Mr. BANKHEAD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

RECESS.

Mr. STONE. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 6 o'clock and 7 minutes p. m.) the Senate took a recess until to-morrow, Saturday, May 6, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 5, 1916.

SECRETARIES OF EMBASSIES OR LEGATIONS.

CLASS 3.

Frederic R. Dolbeare, of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3.

Hallett Johnson, of New Jersey, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3.

John Latta Ryan, of Pennsylvania, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3.

Eugene C. Shoecraft, of Missouri, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3.

CLASS 4.

Oliver B. Harriman, of West Virginia, now a secretary of embassy or legation of class 5, to be a secretary of embassy or legation of class 4.

Louis A. Sussdorff, jr., of New York, now a secretary of embassy or legation of class 5, to be a secretary of embassy or legation of class 4.

Sumner Welles, of New York, now a secretary of embassy or legation of class 5, to be a secretary of embassy or legation of class 4.

L. Lanier Winslow, of New York, now a secretary of embassy or legation of class 5, to be a secretary of embassy or legation of class 4.

CLASS 5.

Norman Armour, of Princeton, N. J., to be a secretary of embassy or legation of class 5.

Allen W. Dulles, of Auburn, N. Y., to be a secretary of embassy or legation of class 5.

Robert M. Scotten, of Detroit, Mich., to be a secretary of embassy or legation of class 5.

John C. Wiley, of Indianapolis, Ind., to be a secretary of embassy or legation of class 5.

JUDGE OF UNITED STATES CIRCUIT COURT.

Evan A. Evans, of Baraboo, Wis., to be United States circuit judge, seventh circuit, vice William H. Seaman, deceased.

REGISTER OF LAND OFFICE.

John L. Wiley, of Spokane, Wash., to be register of the land office at Spokane, Wash., vice Hal J. Cole, term expired.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from April 28, 1916.

James Earle Ash, of Massachusetts.
Astley Paston Cooper Ashhurst, of Pennsylvania.
James Harold Austin, of Pennsylvania.
Louis de Keyser Belden, of North Carolina.
Bernard Johan Benker, of Michigan.
John Welch Boyce, of Pennsylvania.
Claude Lee Bradford, of Pennsylvania.
Harry Francis Byrnes, of Massachusetts.
George Fitzpatrick Adair, of New York.
Richard Travis Atkins, of New York.
Julius Benjamin Boehm, of New York.
Walter Whitney Boardman, of California.
Ward Brinton, of Pennsylvania.
Bert Wilmer Caldwell, of Pennsylvania.
Williams Biddle Cadwalader, of Pennsylvania.
Donald William Cameron, of Pennsylvania.
Benjamin Van Campen, of New York.
Brewster Clarke Doust, of New York.
Ambrose Francis Dowd, of New Jersey.
Blake Ferguson Donaldson, of New York.
William Darrach, of New York.
Charles Dudley Eldred, of Illinois.
Thomson Edwards, of Pennsylvania.
Eldridge Lyon Eliason, of Pennsylvania.
Daniel Wadsworth Frye, of Pennsylvania.
Isaac Samuel Gellert, at large.
Curtenius Gillette, of New York.
Thomas E. Gutch, of Iowa.
Edward L. Hanes, of New York.
Walter Ceit Hill, of Ohio.
Daniel Mansfield Hoyt, of Pennsylvania.
Reid Hunt, of Massachusetts.
Henry Barr Ingle, of Pennsylvania.
Frank Hussy Jackson, of Maine.
Floyd Elwood Keene, of Pennsylvania.
Elmer Alexander Klein, of Ohio.
Edward Bell Krumbhaar, of Pennsylvania.
Peirce Henry Leavitt, of Massachusetts.
Burton James Lee, of New York.
Hanson Thomas Asbury Lemon, of the District of Columbia.
John Borneman Ludy, of Pennsylvania.
William Sharp McCann, of New York.
Archibald Alexander MacLachlan, of Pennsylvania.
Thomas William Maloney, of New York.
Harrison Standford Martland, of New Jersey.
Alvah Strong Miller, of New York.
Alfred Meyer, of New York.
Alfred James Ostheimer, of Pennsylvania.
William Barclay Parsons, jr., of New York.
George Morris Piersol, of Pennsylvania.
Thomas Christian Pelghtal, of Pennsylvania.
Edmund Brown Piper, of Pennsylvania.
Martin William Reddan, of New Jersey.
Nathaniel Fulford Rodman, of Virginia.
George Malcolm Laws, of Pennsylvania.
Daniel Augustus Shea, of Vermont.
Andrew Watson Sellards, of Massachusetts.
Henry Larned Keith Shaw, of New York.
Richmond Stephens, of New York.
Henry Joseph Fitz Simmons, of Massachusetts.
John Reid Simpson, of Pennsylvania.
Frederick Jennings Smith, of California.
Joseph Wheeler Smith, jr., of New York.
William Johnson Taylor, of Pennsylvania.
Royden Mandeville Vose, of New York.
John William Warner, of New York.
James Homer Wright, of Massachusetts.
Herbert Maxwell Nash Wynne, of Maryland.
John Edward Williams, of New Jersey.
William Whitridge Williams, of Colorado.
Warren Wooden, of New York.
John Archibald Campbell Colston, of Maryland.
Victor Francis Cullen, of Maryland.
Paul Wiswall Clough, of Maryland.
Arthur Bliss Dayton, of Connecticut.
John Howland, of Maryland.
John Theodore King, jr., of Maryland.
Winford Henry Smith, of Maryland.
Arthur Charles Stokes, of Nebraska.
Thomas Linville, of the District of Columbia.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. William P. Burnham, Infantry, unassigned, to be colonel from May 1, 1916, vice Col. Charles J. Crane, Ninth Infantry, retired from active service April 30, 1916.

Maj. Arthur Johnson, Infantry, unassigned, to be lieutenant colonel from May 1, 1916, vice Lieut. Col. William P. Burnham, unassigned, promoted.

Capt. George H. Jamerson, Second Infantry, to be major from May 1, 1916, vice Maj. Edson A. Lewis, Sixth Infantry, detached from his proper command.

First Lieut. Wallace McNamara, Twelfth Infantry, to be captain from May 1, 1916, vice Capt. George H. Jamerson, Second Infantry, promoted.

Second Lieut. William B. Loughborough, Third Infantry, to be first lieutenant from May 1, 1916, vice First Lieut. Wallace McNamara, Twelfth Infantry, promoted.

POSTMASTER.

NEW JERSEY.

John Y. Bellis to be postmaster at Clinton, N. J., in place of Frank A. Esty. Incumbent's commission expired March 13, 1916.

CONFIRMATION.

Executive nomination confirmed by the Senate May 5, 1916.

POSTMASTER.

TENNESSEE.

John M. Jones, Newport.

REJECTION.

Executive nomination rejected by the Senate May 5, 1916.

POSTMASTER.

Henry F. Pembleton to be postmaster at Central Valley, N. Y.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 5, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art ever near to us and always ready to help those who seek Thee in spirit and in truth, we draw near to Thee that by the touch of Thy spirit we may be purified, ennobled, and made strong for the duties which wait upon us; that with high ideals, pure motives, and earnest endeavors we may hallow Thy name in thought and purpose, and feel the thrill of an approving conscience when the night shall close upon us and bring quiet and peaceful rest to our souls. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEPOSIT OF ASSETS OF INSOLVENT NATIONAL BANKS.

Mr. ROGERS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. ROGERS. Mr. Speaker, I rise to ask that the bill H. R. 3575, which is on the Speaker's table, be laid before the House. It is a House bill with a Senate amendment.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 3575) to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

Mr. ROGERS. Mr. Speaker, I called this bill up on Tuesday, I think it was, and the gentleman from Tennessee [Mr. GARRETT] asked that it go over for the present. Since that time I have consulted the chairman of the Committee on Banking and Currency [Mr. GLASS] and the gentleman from New York [Mr. PLATT], in charge of the bill, and they both authorize me to say they have no objection to the Senate amendment, which is purely a formal one.

I move, Mr. Speaker, that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Massachusetts moves that the House concur in the Senate amendment. Without objection, the Senate amendment is concurred in.

Mr. WINGO. Reserving the right to object, Mr. Speaker, I just came from a meeting of the Committee on Banking and Currency, and I have not a clear idea of what the bill is. As I understand it, it is the Rogers bill, with a Senate amendment?

Mr. ROGERS. That is true.

Mr. WINGO. May I inquire what the Senate amendment is?

The SPEAKER. The Clerk will report it again.

The Senate amendment was again read.

Mr. WINGO. That is simply a formal amendment. I have no objection.

The SPEAKER. The question is on agreeing to the motion to concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. ROGERS, a motion to reconsider the vote whereby the Senate amendment was concurred in was laid on the table.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

OREGON AND CALIFORNIA LAND GRANTS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill H. R. 14864, the Oregon-California land-grant bill, be given a privileged status.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the Oregon-California land-grant bill, H. R. 14864, be given a privileged status.

Mr. FITZGERALD. Mr. Speaker, I propose to object to such requests until we have our appropriation bills disposed of. We have been waiting to dispose of them for some time.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] objects.

Mr. FERRIS. Will the gentleman withhold his objection a moment until I can make a statement?

Mr. FITZGERALD. I will withhold my objection.

Mr. FERRIS. On December 9 the Supreme Court of the United States rendered a decision placing up to Congress a proposition to deal with 2,300,000 acres of land, roughly estimated at about $50,000,000. Your committee has been at work upon it.

The Supreme Court decision gives Congress six months in which to act upon recouping about $50,000,000 worth of railroad land grants in Oregon. Your Committee on Public Lands has been at work on it and has devoted to it as much time as we could, and we secured reports on it from the Department of Justice and the Department of the Interior and the Department of Agriculture.

This six-months' period runs out on June 9, and if I may just read what the Department of Justice says, in a word, about the necessity of Congress acting, I think gentlemen will be convinced that some action must be taken soon. I will read from the Supreme Court decision and also from the official report of the Department of Justice of April 13, 1916. After reciting the six-months' provision in which Congress may act, this paragraph occurs:

The court also decided that:

"If Congress does not make such provision, the defendants may apply to the district court within a reasonable time, not less than six months, from the entry of the decree herein, for a modification of so much of the injunction herein ordered as enjoins any disposition of the land and timber until Congress shall act, and the court, in its discretion, may modify the decree accordingly." (Id., p. 439.)

If, therefore, Congress does not act in the premises, that part of the judgment of the Supreme Court which forbids the railroad company to make any disposition of the land and timber thereon may be set aside by the lower court upon application of the company. The application will undoubtedly be made in due time unless Congress acts, and in all probability the court would grant it and set aside the injunction to that extent. If it did, the railroad company would be free to sell the rest of the lands in accordance with the provisions of the granting acts, at a price not to exceed $2.50 an acre, etc. If sold at this price, the 2,300,000 acres would bring not to exceed $5,750,000, albeit, according to a stipulation of the parties in the suit just referred to, they are worth upward of thirty millions, and many place their value at fifty millions.

If the lands are sold for $5,750,000, the railroad company will take all the proceeds and the Government will lose at least $25,000,000. It is, therefore, of the first importance that Congress should act, and provide for the disposition of these lands and the timber thereon.

The decision of the court contains this extract:

This, then, being the situation resulting from conditions now existing, incident, it may be, to the prolonged disregard of the covenants by the railroad company, the lands invite now more to speculation than to settlement, and we think, therefore, that the railroad company should not only be enjoined from sales in violation of the covenants, but enjoined from any disposition of them whatever or of the timber thereon, and from cutting or authorizing the cutting or removal of any of the timber thereon, until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances, and at the same time secure to the defendants all the value the granting acts conferred upon the railroads.

If Congress does not make such provision, the defendants may apply to the district court, within a reasonable time, not less than six months from the entry of the decree herein, for a modification of so much of the injunction herein ordered as enjoins any disposition of the lands

and timber until Congress shall act, and the court, in its discretion, may modify the decree accordingly.

Decree reversed and cause remanded to the district court for further proceedings in accordance with this opinion.

I may add that the committee provides in section 1 of that bill for complete resumption of title to these lands and the disposition of them as well.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. Let me conclude in just a word more. I may add that I have taken this matter up with the Speaker and with the majority leader [Mr. KITCHIN] and with the minority leader [Mr. MANN], and I think each one of them understands the necessity of early action. And I may also add to that that the committee has no disposition to interfere with the consideration of appropriation bills or other more important measures.

The SPEAKER. May the Chair ask the gentleman one question?

Mr. FERRIS. Certainly.

The SPEAKER. Was not this bill treated as a privileged bill when it was first brought in here?

Mr. FERRIS. It was; and it was reported from the floor. I rather think it is privileged. The rule provides that such matters coming from the Committee on the Public Lands are privileged. It will not take over two or three hours. There is no opposition to it.

Mr. FITZGERALD. When does this six-months' period expire?

Mr. FERRIS. In June.

Mr. FITZGERALD. I thought it was in July.

Mr. FERRIS. No; in June. The Senate has got to act upon it before the six-months' period is up. The gentleman from Wisconsin [Mr. LENROOT] understands the necessity of it. He is acquainted with it.

Mr. MONDELL. I do not think there is any question about its being a privileged bill.

Mr. FITZGERALD. Mr. Speaker, I will withdraw my objection.

Mr. FERRIS. The gentleman from New York withdraws his objection.

Mr. MANN. Reserving the right to object, Mr. Speaker, when does the gentleman expect to call up the bill?

Mr. FERRIS. That rests with the Speaker. I think we can tuck this in between other legislation and dispose of it in two hours, perhaps, in a lull between appropriation bills. I think the House is equally interested in it with the committee. There is nothing selfish about our wanting to take it up speedily. It seems to us a necessity. The committee is anxious to discharge its full duty in the premises.

Mr. MANN. The gentleman does not expect to call it up this week?

Mr. FERRIS. I hope to do it at the first opportunity.

Mr. MANN. I will say frankly to the gentleman that some of the parties interested in the bill do not wish it to come up this week.

Mr. FERRIS. The committee are not at all headstrong about it. We are merely trying to proceed as rapidly as we can.

Mr. MANN. If the gentleman will say he does not intend to call it up this week, I think I shall not object.

Mr. FERRIS. All right; we will not call it up this week.

Mr. MANN. I will take the gentleman's statement, although on January 29 we gave consent to make privileged the Porto Rico bill, and it was expressly stated then by the gentleman making the request and by the Speaker in putting the request in the first instance, that the bill should not interfere with the consideration of appropriation bills.

The SPEAKER. This will not interfere with that now, even if it is given a privileged status.

Mr. MANN. Yet we find that that bill is interfering with two appropriation bills on the calendar and with another ready to be reported. Instead of proceeding with the consideration of appropriation bills, they have been set aside to go ahead with the Porto Rico bill, in violation of the statement which was made when the Porto Rican bill was made privileged.

The SPEAKER. The Chair will not recognize the gentleman from Oklahoma [Mr. FERRIS] or anybody else with a bill which interferes in any way with the appropriation bills.

Mr. MANN. The Porto Rico bill is expected to interfere.

The SPEAKER. But that was by common consent.

Mr. MANN. Oh, no; not at all. There was no common consent about it. That is the reason I am calling the attention of the House to this. When the Speaker first stated the request on January 29, he stated that it was not to interfere with appropriation bills. Yet with two appropriation bills on the calendar we are interfering with their consideration.

Mr. KITCHIN. Mr. Speaker, I ought to remind the gentleman from Illinois that before we took up the Porto Rican bill the other day I spoke to him about it, and it was decided to take it up after the Agricultural bill was finished.

Mr. MANN. Oh, yes; I have no objection to taking it up at any time when there is no appropriation bill ready to be presented. The other day the gentleman from Virginia [Mr. FLOOD], in charge of the Diplomatic bill, did not happen to be here, and we had an hour or two which could be used in that way. I am perfectly willing at any odd time to run in a thing of this sort; but I consented with the understanding that it would not interfere with the consideration of appropriation bills, which it is now doing.

Mr. KITCHIN. I do not think it is interfering with them.

Mr. FITZGERALD. There should not be any misunderstanding. We were ready to proceed with appropriation bills. We had two bills ready from the Committee on Appropriations, and we could not get in; that is all. We were notified that we could not proceed with them.

Mr. GARRETT. Of course there should not be any misunderstanding.

Mr. FITZGERALD. I do not know what the arrangement is. I am just stating what the facts are.

Mr. GARRETT. The order which was adopted, and which is on the calendar, was that the Porto Rican bill should be made privileged. That is the official order.

Mr. FITZGERALD. That may be the official order——

The SPEAKER. The Chair understands the gentleman from Oklahoma to withdraw his request anyway.

Mr. FERRIS. No; there was no objection to it.

Mr. MANN. I make no objection.

Mr. FITZGERALD. I withdrew the objection because of the peculiar conditions affecting this bill, but I will object to any other request which interferes with the consideration of appropriation bills.

The SPEAKER. Without objection, it is made privileged.

FOREST HOMESTEADS.

Mr. GANDY. Mr. Speaker, I ask unanimous consent to vacate the proceedings on the passage of the forest homestead bill (H. R. 10668) which passed yesterday, and to return to the amendment stage, for the purpose of making a correction in the bill that was attempted to be made yesterday, but the gentleman from Illinois [Mr. MANN] asked me to wait until a little later time.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read the title of the bill (H. R. 10668) to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest homestead act, and for other purposes.

The SPEAKER. The gentleman from South Dakota [Mr. GANDY] asks unanimous consent to vacate all the proceedings touching this bill back to the amendment stage. Is there objection?

There was no objection.

The SPEAKER. Now, what is the gentleman's request?

Mr. GANDY. I ask unanimous consent that the word "forest," in line 2 of page 2, be changed to the plural "forests." There are two forests involved in this case.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, in line 2, change the word "forest" to "forests."

The SPEAKER. Without objection, the amendment will be agreed to, and without objection the bill will be engrossed and read a third time and passed; and without objection, a motion to reconsider and to lay that motion on the table will be agreed to.

There was no objection.

PRINT OF THE PHILIPPINE BILL.

Mr. JONES. Mr. Speaker, I ask unanimous consent that the Philippine bill, which passed the House on Monday last, be ordered to be printed. There is no print of the bill, and there have been a great many requests for it.

The SPEAKER. The gentleman asks that the Philippine bill be printed. Is there objection?

Mr. TOWNER. As it passed the House?

Mr. JONES. As it passed the House.

The SPEAKER. Of course. Is there objection?

There was no objection.

CIVIL GOVERNMENT FOR PORTO RICO.

On motion of Mr. JONES, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, with Mr. FOSTER in the chair.

Mr. TOWNER. Mr. Chairman, Porto Rico has an area of 3,606 square miles, or about 2,300,000 acres. It is somewhat larger than the State of Delaware, but is not so large as Connecticut. In conformation the island is mountainous, in its central portions reaching elevations of over 3,500 feet. Interspersed are fertile valleys, with low-lying plains along the coasts. It is the most lovely of all the beautiful cluster of islands washed by the waters of the Caribbean Sea. Climatically it is ideal. The Government records, running for more than 10 years, show a mean annual temperature of 76°. During the coolest month of winter the average is 73°, and during the warmest month of summer it is 79°. There is abundant moisture, but there is no wet and dry season, such as is found in other parts of the Tropics. The trade winds which prevail, combined with the high elevation, make it exceptionally healthful and delightful throughout the year.

Porto Rico has a most interesting and romantic history. It was discovered by Columbus in 1493 in his second voyage to America. Columbus was accompanied on this voyage by Ponce de Leon, on his way to Santo Domingo. Charmed by the beauty of the island and drawn by the tales of the natives of stores of gold in the interior, de Leon soon returned to explore the island and effect a settlement. Entering what is now the harbor of San Juan he named it Puerto Rico, or the gate of riches. A permanent Spanish settlement was soon effected. After many adventures Ponce de Leon was superseded by another governor, and started on his famous expedition in quest of the fabled fountain of perpetual youth. He did not find the fountain, but he discovered Florida, and added it to the possessions of the King of Spain.

For more than 400 years the island remained a colony of Spain. During nearly all these years Porto Rico was at peace, for it was the most pacific of all Spain's possessions in the western world. It was cruelly exploited, however, and Spain's corrupt and rapacious governors kept the island poor. Their object was personal gain rather than the betterment of the people. They were despoilers, not rulers. Against this tyranny and injustice the spirit of revolt was slowly rising, and when in 1898 Gen. Miles landed an army upon its shores the Americans were welcomed as friends rather than invaders. No man not in the pay of Spain lifted an arm to oppose the American occupancy.

In Gen. Miles's first proclamation to the islanders he said:

We have come to bestow upon you the immunities and blessings of the liberal institutions of our Government.

How well that promise has been kept, the history of American control of the island during the last 18 years bears eloquent testimony.

At the commencement of the American occupancy the population of Porto Rico was about 900,000. It now is about 1,250,000; a rate of increase considerably larger than that of the continental United States. Nearly three-fourths of the population are white, mostly of Spanish descent. Two-thirds are engaged in agricultural pursuits. They are a peaceable, tractable, intelligent people, eager for education, enlightenment, and civic betterment. Since their incorporation into our territory they have never given this country the least trouble, nor have they given the governors whom we have sent to them the slightest apprehension or even embarrassment.

The educational development of the island during the American occupancy has been remarkable when it is considered that there was no general public-school system in existence at its commencement, and that now there is a complete system in operation, with over 168,000 pupils enrolled, with 2,500 teachers regularly employed, with 1,500 schoolhouses already built, and an annual expenditure of $2,000,000 in their support. The amount available is inadequate to make the progress desired, but the people willingly tax themselves to their utmost capacity in order to lift the cloud of illiteracy that for centuries has hung over the island. With an anticipated increase of revenue it is reasonable to expect that the time is not distant when every child on the island may receive the blessings of a public-school education as freely and with at least as much appreciation and gratitude as do the children of the United States.

The Spanish language is the ancestral and common language of the people. It is manifest that because of their political relations with the United States a knowledge of English is essential. Instead, however, of trying to force an abandonment of the use of the Spanish language and the substitution of English, from the earliest days of the American occupancy the purpose has been to establish a bilingual system which would insure the conservation of Spanish and the acquisition of English. As Dr. Brumbaugh, the American commissioner, who did so much wisely to build the foundations of their educational system, said:

We want the children to have and use both languages, Spanish and English. * * * It will be a hindrance and not a help to deprive these people of an opportunity to acquire both languages.

The present commissioner, in his last report, pertinently suggests that the people of Porto Rico, situated midway between English North America and Spanish South America, have an unusual opportunity to acquire the two great American languages and thus be enabled to take an active participation in the interchange of ideas and products between the two American continents.

There is absolute freedom of worship in Porto Rico, and while Catholicism is the prevalent religion, most of the Protestant churches are represented in the island.

There are a large number of newspapers and magazines published in the island which are well patronized by the people.

The courts are well established and hold the confidence of the people. Disorder and crime are well under control, and the lives and property of the people are as well protected in Porto Rico as in the United States.

In nothing else has Porto Rico so rapidly Americanized itself as in its politics. Almost every intelligent Porto Rican is a politician. Parties with complete organizations and definite policies have been formed. Party organs have been established and party leaders are recognized and followed. At the last election, held in 1914, the total number of votes cast was 204,233. Of these the Unionist Party cast 107,519 and the Republican Party cast 82,574. The rest were scattered. As might be expected the issues which divide the parties are largely concerned with the ultimate destiny of the island and its relation to the United States. The Republican Party looks to closer relations with this country, and ultimate statehood. The Unionist Party aspired to independence. However, it can probably be said that now there is very little expectation or desire in the island for independence. The Unionist Party, largely in the majority, and hitherto representing especially the independence idea, on October 24, 1915, held a convention in San Juan, and by a vote of more than 3 to 1 resolved to "postpone all action looking toward the independence of Porto Rico, and to devote our entire efforts toward a steady activity in favor of self-government." This, they declare, involves a new policy, which, withdrawing all systematic opposition to the American sovereignty, may gradually establish the foundation for a better understanding between Americans and Porto Ricans on the island. In this way, they believe, the legislative task of Congress as regards a possible reform in the organic act of Porto Rico will be rendered easier of accomplishment. As nearly all the essential concessions looking to a larger measure of self-government for the island are granted in this bill, which if passed will constitute their new constitution, it is confidently believed that the dream and desire for independence will not be longer indulged or cherished, and that Porto Rico may become a great and prosperous self-governing Commonwealth, which if not independent, will maintain its association with the United States because of its desire to continue such association, and because it will be mutually beneficial to Porto Rico and to the United States to continue it. I venture the prediction that the next constitution of government for Porto Rico that will be formulated will not be drawn in Washington, but it will be formulated in San Juan by the people of Porto Rico and sanctioned and approved by the Congress of the United States. [Applause.] As the present constitution of Canada was formulated at Ottawa, as the present constitution of Australia was drawn at Melbourne, and as the constitutions of these great self-governing Commonwealths were approved without change by the Parliament at London, so will the future constitution of Porto Rico be drawn by her own people and approved without modification by the Congress of the United States.

The external commerce of Porto Rico has increased from $17,000,000 in 1901, the earliest year under American occupancy for which we have reliable statistics, to over $83,000,000 for the fiscal year ending June 30, 1915.

Its exports have increased during that period from $8,000,000 to $49,000,000.

Imports from $8,000,000 to $33,000,000.

It is gratifying and important to note that the greater part of this large increase in her external commerce has been with the United States.

From 1901 to 1915 the total foreign trade of Porto Rico had increased from $5,000,000 to only $10,000,000.

During the same period the trade between Porto Rico and the United States had increased from $12,000,000 in 1907 to $73,000,000 in 1915.

During last year Porto Rico sold to the United States nearly $50,000,000 of her products, and we sold to Porto Rico nearly $34,000,000 of ours.

We sell more goods to Porto Rico than we do to Russia, or Austria-Hungary, or many of the other great nations of the world. Only 11 of the great nations of the world purchased more goods from us than Porto Rico.

Eighty-eight per cent of all the external trade of Porto Rico is carried on with the United States, and 91 per cent of its external purchases were made in the markets of this country.

The principal products of the island are sugar, tobacco, coffee, and fruit.

About 483,000 acres, or less than 25 per cent of the cultivatable area of the island, is devoted to production. The exports, amounting, as we have seen, to nearly $50,000,000, are practically all produced on this limited area. It represents an average of about $103 for each cultivated acre of the island, a truly remarkable surplus production.

On October 18, 1898, the United States assumed formal possession of the island. A military government was at once established. A postal system was organized, freedom of speech and of the press proclaimed, a police force was formed, and strict sanitary measures adopted. Free public schools were opened, constitutional rights guaranteed, courts with jury trial established, and municipal elections were instituted. Considerable progress was made both politically and economically under Gens. Brooke, Henry, and Davis, who were successively appointed military governors of the island.

April 12, 1900, Congress passed the Foraker Act, now known as the organic law. It was entitled, "An act temporarily to provide revenues and a civil government for Porto Rico." Nevertheless it has continued and is now the fundamental law governing the island. For 16 years this "temporary" act has been in force comparatively unchanged.

In December, 1909, the President sent Hon. J. M. Dickenson, Secretary of War, and Gen. Clarence R. Edwards, Chief of the Bureau of Insular Affairs, to visit the island of Porto Rico to study conditions of the administration of the island, political, economic, and hygienic, and report such recommendations of changes in the organic law as conditions required. Upon his return the Secretary prepared a bill to provide a new organic law, which was introduced in the House by Mr. Olmstead, then chairman of the Committee on Insular Affairs. The bill, with certain amendments, passed the House, but failed of consideration by the Senate.

In March, 1914, the Committee on Insular Affairs of the Sixty-third Congress reported favorably the Jones bill, which was substantially the same in its provisions as the bill now pending.

Consideration of the bill was pressed by the chairman of the committee, but no action was taken during the last Congress.

The present bill is introduced to supersede the organic act of 1900 with its amendments, and to furnish for the people of Porto Rico a constitution of government commensurate with their present needs and in conformity, as far as possible, with their desires. It has been unanimously recommended for passage by the Committee on Insular Affairs.

It is a pleasure for me to say that in the consideration of this bill there has not been the slightest party spirit manifested by the members of the committee. The discussions have been upon broad constitutional grounds, with the evident purpose and desire on the part of all to give to the people of Porto Rico the best possible government, based upon principles of liberty guaranteed by law, and administered under such regulations as our own experience has shown most advantageous to secure the future safety and progress of the island. The chairman of the committee [Mr. JONES] is entitled to especial credit and praise, not only for his wisdom and care in the original preparation of the bill, but also for his uniform courtesy and fairness to all while presiding during the consideration of the bill. [Applause.]

The principal changes in the law that would result from the passage of the pending bill are as follows:

First. A bill of rights is established.

Second. Citizens of Porto Rico are made citizens of the United States.

Mr. BENNET. Will the gentleman yield for a question?

Mr. TOWNER. I yield to the gentleman from New York.

Mr. BENNET. What portion of the bill covers this sort of a case, which exists in my city of New York? Prior to 1898 there were many Porto Ricans living in New York City, and they are still living there, engaged in business. Under the decision of the Supreme Court they can not be naturalized, because they can not renounce allegiance to any foreign power. They are not citizens of the United States. Under the case of In re Williams they are not aliens. What part of this bill gives those people any status at all?

Mr. TOWNER. I think the act granting citizenship to the people of Porto Rico would grant them this right.

Mr. BENNET. I do not want to interrupt the gentleman unduly, but if the gentleman will read that part of it I think he will find that the people who are now in Porto Rico are taken care of, but the people who were absent from Porto Rico prior to a certain date and who do not wish to return by a certain date are not taken care of. These natives of Porto Rico who lost their Spanish nationality, and who are now residing in the United States, have no definite status at all.

Mr. TOWNER. I think there is no question that there is no provision in the bill that will give citizenship to those people. They have lost their citizenship in Porto Rico, and we would have no authority to give them citizenship now.

Mr. BENNET. I disagree with the gentleman. We have not done it; and yet, why have we not done something to give these people some sort of a status?

Mr. TOWNER. I think there is no provision in the bill that would give them any status.

3. The control over harbors and navigable streams is transferred from the United States to Porto Rico.

4. The offices of the commissioner of agriculture and labor and commissioner of health are created, and members of the Executive Council are made heads of executive departments.

5. The powers of the auditor are increased.

6. An elective senate is created and the Executive Council deprived of legislative powers.

7. The budget system is established, and power is given the governor to veto items in appropriation bills.

8. A public-service commission is established, with extensive powers of control over franchises and public-service corporations.

Other changes are effected which will be referred to during the consideration of the bill.

It will not be possible adequately to discuss even the principal provisions of the bill, but it is confidently believed they will justify themselves in administration and prove satisfactory to at least a large majority of the people of the island. Great care and patient consideration extending over a period of years has been given to the formation of the bill, with a desire on the part of all those engaged in formulating it to give the people of Porto Rico the guaranty of every right and the protection of every personal and property possession which free men and liberty-loving nations possess and value. [Applause.]

Mr. JONES. Mr. Chairman, I yield 20 minutes to the Commissioner from Porto Rico [Mr. RIVERA].

Mr. RIVERA. Mr. Speaker, I want to state, in the first place, that I have taken great pleasure in the declaration of the gentleman from Virginia [Mr. JONES] the other day, and also in the declaration of the gentleman from Iowa [Mr. TOWNER] this morning. Both gentlemen are doing justice to my country. Both have endeavored to make this bill, which I consider a general proposition, a democratic measure, acceptable to all of my countrymen in Porto Rico.

On the 18th day of October, 1898, when the flag of this great Republic was unfurled over the fortresses of San Juan, if anyone had said to my countrymen that the United States, the land of liberty, was going to deny their right to form a government of the people, by the people, and for the people of Porto Rico, my countrymen would have refused to believe such a prophecy, considering it sheer madness. The Porto Ricans were living at that time under a régime of ample self-government, discussed and voted by the Spanish Cortes, on the basis of the parliamentary system in use among all the nations of Europe. Spain sent to the islands a governor, whose power, strictly limited by law, made him the equivalent of those constitutional sovereigns who reign but do not govern. The members of the cabinet, without whose signature no executive order was valid, were natives of the island; the representatives in the senate and in the house were natives of the island; and the administration in its entirety was in the hands of natives of the island. The Spanish Cortes, it is true, retained the power to make statutory laws for Porto Rico, but in the Cortes were 16 Porto Rican representatives and 3 Porto Rican senators having voice and vote. And all the insular laws were made by the insular parliament.

Two years later, in 1900, after a long period of military rule, the Congress of the United States approved the Fornker Act. Under this act all of the 11 members of the executive council were appointed by the President of the United States; 6 of them

were the heads of departments; 5 exercised legislative functions only. And this executive council, or, in practice, the beaurocratic majority of the council, was, and is in reality, with the governor, the supreme arbiter of the island and of its interests. It represents the most absolute contradiction of republican principles.

For 16 years we have endured this system of government, protesting and struggling against it, with energy and without result. We did not lose hope, because if one national party, the Republican, was forcibly enforcing this system upon us, the other national party, the Democratic, was encouraging us by its declarations in the platforms of Kansas City, St. Louis, and Denver. Porto Rico waited, election after election, for the Democratic Party to triumph at the polls and fulfill its promises. At last the Democratic Party did triumph. It is here. It has a controlling majority at this end of the Capitol and at the other end; it is in possession of the White House. On the Democratic Party rests the sole and undivided responsibility for the progress of events at this juncture. It can, by a legislative act, keep alive the hopes of the people of Porto Rico or it can deal these hopes their death blow.

The Republican Party decreed independence for Cuba and thereby covered itself with glory; the Democratic Party is bound by the principles written into its platforms and by the recorded speeches of its leaders to decree liberty for Porto Rico. The legislation you are about to enact will prove whether the platforms of the Democratic Party are more than useless paper, whether the words of its leaders are more than soap bubbles, dissolved by the breath of triumph. Here is the dilemma with its two unescapable horns: You must proceed in accordance with the fundamental principles of your party or you must be untrue to them. The monarchies of the Old World, envious of American success and the republics of the New World, anxious to see clearly the direction in which the American initiative is tending, are watching and studying the Democratic administration. Something more is at stake than the fate of Porto Rico—poor, isolated, and defenseless as she is—the prestige and the good name of the United States are at stake. England learned the hard lessons of Saratoga and Yorktown in the eighteenth century. And in the nineteenth century she established self-government, complete, sincere, and honorable, in Canada, Australia, and New Zealand. Then in the twentieth century, immediately after the Anglo-Boer War, she established self-government, complete, sincere, and honorable, for the Orange Free State and the Transvaal, her enemies of the day before. She turned over the reins of power to insurgents who were still wearing uniforms stained with British blood.

In Porto Rico no blood will be shed. Such a thing is impossible in an island of 3,600 square miles. Its narrow confines never permitted and never will permit armed resistance. For this very reason Porto Rico is a field of experiment unique on the globe. And if Spain, the reactionary monarchy, gave Porto Rico the home rule which she was enjoying in 1898, what should the United States, the progressive Republic, grant her? This is the mute question which Europe and America are writing today in the solitudes of the Atlantic and on the waters of the Panama Canal. The reply is the bill which is now under discussion. This bill can not meet the earnest aspirations of my country. It is not a measure of self-government ample enough to solve definitely our political problem or to match your national reputation, established by a successful championship for liberty and justice throughout the world since the very beginning of your national life. But, meager and conservative as the bill appears when we look at its provisions from our own point of view, we sincerely recognize its noble purposes and willingly accept it as a step in the right direction and as a reform paving the way for other more acceptable and satisfactory which shall come a little later, provided that my countrymen will be able to demonstrate their capacity, the capacity they possess, to govern themselves. In regard to such capacity it is my duty, no doubt, a pleasant duty, to assure Congress that the Porto Ricans will endeavor to prove their intelligence, their patriotism, and their full preparation to enjoy and to exercise a democratic regimé. [Applause.]

Our behavior during the past is a sufficient guaranty for our behavior in the future. Never a revolution there, in spite of our Latin blood; never an attempt to commercialize our political influence; never an attack against the majesty of law. The ever-reigning peace was not at any time disturbed by the illiterate masses, which bear their suffering with such stoic fortitude and only seek comfort in their bitter servitude, confiding in the supreme protection of God. [Applause.]

There is no reason which justifies American statesmen in denying self-government to my country and erasing from their programs the principles of popular sovereignty. Is illiteracy the reason? Because if in Porto Rico 60 per cent of the electorate can not read, in the United States in the early days of the Republic 80 per cent of the population were unable to read; and even to-day there are 20 Republics and twenty monarchies which acknowledge a higher percentage of illiteracy than Porto Rico. It is not the coexistence of two races on the island, because here in North America more than 10 States show a higher proportion of negro population than Porto Rico, and the District of Columbia has precisely the same proportion, 67 white to 33 per cent colored. It is not our small territorial extent, because two States have a smaller area than Porto Rico. It is not a question of population, for by the last census there were 18 States with a smaller population than Porto Rico. Nor is it a matter of real and personal property, for the taxable property in New Mexico is only one-third that of Porto Rico. There is a reason and only one reason—the same sad reason of war and conquest which let loose over the South after the fall of Richmond thousands and thousands of office seekers, hungry for power and authority, and determined to report to their superiors that the rebels of the South were unprepared for self-government. [Laughter.] We are the southerners of the twentieth century.

The House of Representatives has never been influenced by this class of motives. The House of Representatives has very high motives, and, if they are studied thoroughly, very grave reasons for redeeming my country from bureaucratic greed and confiding to it at once the responsibility for its own destinies and the power to fix and determine them. They are reasons of an international character which affect the policy of the United States in the rest of America. Porto Rico, the only one of the former colonies of Spain in this hemisphere which does not fly its own flag or figure in the family of nations, is being closely observed with assiduous vigilance by the Republics of the Caribbean Sea and the Gulf of Mexico. Cuba, Santo Domingo, Venezuela, Colombia, Costa Rica, Honduras, Nicaragua, Salvador, Guatemala maintain with us a constant interchange of ideas and never lose sight of the experiment in the colonial government which is being carried on in Porto Rico. If they see that the Porto Ricans are living happily, that they are not treated with disdain, that their aspirations are being fulfilled, that their character is respected, that they are not being subjected to an imperialistic tutelage, and that the right to govern their own country is not being usurped, these nations will recognize the superiority of American methods and will feel the influence of the American Government. This will smooth the way to the moral hegemony which you are called by your greatness, by your wealth, by your traditions, and your institutions to exercise in the New World. [Applause.] On the other hand, if these communities, Latin like Porto Rico, speaking the same language as Porto Rico, branches of the same ancestral trunk that produced Porto Rico, bound to Porto Rico by so many roots striking deep in a common past, if these communities observe that your insular experiment is a failure and that you have not been able to keep the affections of a people who awaited from you their redemption and their happiness, they will be convinced that they must look, not to Washington but to London, Paris, or Berlin when they seek markets for their products, sympathy in their misfortunes, and guarantees for their liberty.

What do you gain along with the discontent of my countrymen? You as Members of Congress? Nothing. And the Nation loses a part of its prestige, difficulties are created in the path of its policies, its democratic ideals are violated, and it must abdicate its position as leader in every progressive movement on the planet. Therefore if you undertake a reform do it sincerely. A policy of subterfuge and shadows might be expected in the Italy of the Medicis, in the France of the Valois, in the England of the Stuarts, or the Spain of the Bourbons, but it is hard to explain in the United States of Cleveland, McKinley, Roosevelt, and Wilson. [Applause.]

The bill I am commenting on provides for a full elective legislature. Well, that is a splendid concession you will make to your own principles and to our own rights. But now, after such a magnificent advance, do not permit, gentlemen, do not permit the local powers of the legislature to be diminished in matters so important for us as the education of the children. We are citizens jealous of this dignity; we are fathers anxious to foster our sons toward the future, teaching them how to struggle for life and how to reach the highest standard of honesty, intelligence, and energy. We accept one of your compatriots, a capable American, as head of the department of education, though we have in the island many men capable of filling this high office with distinction. We welcomed his appointment by the President of the United States. In this way the island will have the guaranty to find such a man as Dr. Brumbaugh, the first commissioner of education who went to Porto Rico, or as Dr. Miller, the present commissioner, who deserves all our confidence. But

let the legislature regulate the courses of study, cooperating in that manner with the general development of educational work throughout our native country.

I come now to treat of a problem which is really not a problem for Porto Rico, as my constituents look at it, because it has been solved already in the Foraker Act. The Foraker Act recognizes the Porto Rican citizenship of the inhabitants of Porto Rico. We are satisfied with this citizenship and desire to prolong and maintain it—our natural citizenship, founded not on the conventionalism of law but on the fact that we were born on an island and love that island above all else, and would not exchange our country for any other country, though it were one as great and as free as the United States. If Porto Rico were to disappear in a geological catastrophe and there survived a thousand or ten thousand or a hundred thousand Porto Ricans, and they were given their choice of all the citizenships of the world, they would choose without a moment's hesitation that of the United States. But so long as Porto Rico exists on the surface of the ocean, poor and small as she is, and even if she were poorer and smaller, Porto Ricans will always choose Porto Rican citizenship. And the Congress of the United States will have performed an indefensible act if it tries to destroy so legitimate a sentiment and to annul through a law of its own making a law of the oldest and wisest legislators of all time—a law of nature.

It is true that my countrymen have asked many times, unanimously, for American citizenship. They asked for it when through the promise of Gen. Miles on his disembarkation in Ponce, and through the promises of the Democratic Party when it adopted the Kansas City platform—they believed it not only possible but probable, not only probable but certain, that American citizenship was the door by which to enter, not after a period of 100 years nor of 10, but immediately into the fellowship of the American people as a State of the Union. To-day they no longer believe it. From this floor the most eminent statesmen have made it clear to them that they must not believe it. And my countrymen, who, precisely the same as yours, have their dignity and self-respect to maintain, refuse to accept a citizenship of an inferior order, a citizenship of the second class, which does not permit them to dispose of their own resources nor to live their own lives nor to send to this Capitol their proportional representation. To obtain benefits of such magnitude they were disposed to sacrifice their sentiments of filial love for the motherland. These advantages have vanished, and the people of Porto Rico have decided to continue to be Porto Ricans; to be so each day with increasing enthusiasm, to retain their own name, claiming for it the same consideration, the same respect, which they accord to the names of other countries, above all to the name of the United States. Give us statehood and your glorious citizenship will be welcome to us and to our children. If you deny us statehood, we decline your citizenship, frankly, proudly, as befits a people who can be deprived of their civil liberties but who, although deprived of their civil liberties, will preserve their conception of honor, which none can take from them, because they bear it in their souls, a moral heritage from their forefathers.

This bill which I am speaking of grants American citizenship to all my compatriots on page 5. On page 6 it authorizes those who do not accept American citizenship to so declare before a court of justice, and thus retain their Porto Rican citizenship. On page 28 is provides that—

No person shall be allowed to register as a voter in Porto Rico who is not a citizen of the United States.

My compatriots are generously permitted to be citizens of the only country they possess, but they are eliminated from the body politic; the exercise of political rights is forbidden them and by a single stroke of the pen they are converted into parias and there is established in America, on American soil, protected by the Monroe doctrine, a division into castes like the Brahmans and Sudras of India. The Democratic platform of Kansas City declared 14 years ago, "A nation can not long endure half empire and half republic," and "Imperialism abroad will lead rapidly and irreparably to despotism at home." These are not Porto Rican phrases reflecting our Latin impressionability; they are American phrases, reflecting the Anglo-Saxon spirit, calm in its attitude and jealous—very jealous—of its privileges.

We have a profound consideration for your national ideas; you must treat our local ideas with a similar consideration. As the representative of Porto Rico I propose that you convoke the people of the island to express themselves in full plebiscite on the question of citizenship and that you permit the people of Porto Rico to decide by their votes whether they wish the citizenship of the United States or whether they prefer their own natural citizenship. It would be strange if, having refused it so long as the majority of people asked for it, you should decide to impose it by force now that the majority of the people decline it.

Some one recently stated that we desire the benefits but shirk the responsibilities and burdens of citizenship. I affirm in reply that we were never consulted as to our status, and that in the treaty of Paris the people of Porto Rico were disposed of as were the serfs of ancient times, fixtures of the land, who were transferred by force to the service of new masters and subject to new servitudes. The fault is not ours, though ours are the grief and the humiliation; the fault lies with our bitter destiny which made us weak and left us an easy prey between the warring interests of mighty powers. If we had our choice, we would be a free and isolated people in the liberty and the solitude of the seas, without other advantages than those won by our exertions in industry and in peace, without other responsibilities and burdens than those of our own conduct and our duty toward one another and toward the civilization which surrounds us.

The bill under consideration, liberal and generous in some of its sections, as those creating an elective insular senate; a cabinet, the majority of whose members shall be confirmed by the senate; and a public-service commission, two members of which shall be elected by the people, is exceedingly conservative in other sections, most of all in that which restricts the popular vote, enjoining that the right of registering as electors be limited to those who are able to read and write or who pay taxes to the Porto Rican treasury. By means of this restriction 165,000 citizens who vote at present and who have been voting since the Spanish days would be barred from the polls.

Here are the facts: There exist at present 250,000 registered electors. Seventy per cent of the electoral population is illiterate. There will remain, then, 75,000 registered electors. Adding 10,000 illiterate taxpayers, there will be a total of 85,000 citizens within the electoral register and 165,000 outside of it. I can not figure out, hard as I have tried, how those 165,000 Porto Ricans are considered incapable of participating in the elections of their representatives in the legislature and municipalities, while on the other hand they are judged perfectly capable of possessing with dignity American citizenship. This is an inconsistency which I can not explain, unless the principle is upheld that he who incurs the greatest misfortune—not by his own fault—of living in the shadow of ignorance is not worthy of the honor of being an American citizen. In the case of this being the principle on which the clause is based, it would seem necessary to uphold such principle, by depriving 3,000,000 Americans of their citizenship, for this is the number of illiterates in the United States according to the census of 1910. There is no reason that justifies this measure, anyway. Since civil government was established in Porto Rico, supseding military government—that is, 16 years ago—eight general elections have been staged. Eight times the people, with a most ample suffrage law, have elected their legislative bodies, their municipal councils, their municipal courts, and school boards. These various bodies have cooperated to the betterment and progress of the country, which gives evidence that they were prudently chosen.

Perhaps one or a hundred or a thousand electors tried to commercialize their votes, selling them to the highest bidders.

For the sake of argument I will accept that hypothesis, though it was never proved. But even supposing that we had not to do with a presumption, but with an accomplished fact, I ask, Were there not and are there not in the rest of this Nation worthless persons who negotiate their constitutional rights? Did not the courts of a great State—the State of Massachusetts—convict four or five thousand men of that offense? Was there not a case in which the majority of a legislature promised to elect and did elect a high Federal officer for a few dollars? I do not think that these infractions of the law and breaches of honor reflect the least discredit on the clean name of the American people. I do not think that such isolated crimes can lead in any State to the restriction of the vote. They are exceptional cases, which can not be helped. The courts of justice punish the guilty ones and the social organization continues its march. In Porto Rico, if such cases occur, they should have and do have the same consequences. But it would be a sad and unjust condition of affairs if, through the fault of one, 1,000 men were to be deprived of their privileges; or, to speak in proportion, if, through the fault of 160 electors, 160,000 were to be deprived of their privileges.

The aforesaid motives are fundamental ones that require careful attention from the House. But there are deeper motives yet, those that refer to the history of the United States and of the American Congress. Never was there a single law passed under the dome of the Capitol restrictive of the individual

rights, of the rights of humanity. Quite the contrary, Congress even going to the extreme of amending the Constitution, restrained the initiative of the States for the purpose of making them respect the exercise of those rights without marring it with the least drawback. There is the fourteenth amendment. Congress could not hinder States from making their electoral laws, but it could decree and did decree that in the event of any State decreasing its number of electors it would, ipso facto, decrease its number of Representatives in this House. The United States always gave to the world examples of a profound respect for the ideal of a sincere democracy.

I feel at ease when I think of the future of my country. I read a solemn declaration of the five American commissioners that signed, in 1898, the treaty of Paris. When the five Spanish delegates, no less distinguished than the Americans, asked for a guaranty as to the future of Porto Rico, your compatriots answered thus:

The Congress of a country which never enacted laws to oppress or abridge the rights of residents within its domains, and whose laws permit the largest liberty consistent with the preservation of order and the protection of property, may safely be trusted not to depart from its well-settled practice in dealing with the inhabitants of these islands.

Congress needs not be reminded of its sacred obligations, the obligations which those words impose upon it. Porto Rico had nothing to do with the declaration of war. The Cubans were assured of their national independence. The Porto Ricans were acquired for $20,000,000, and my country, innocent and blameless, paid with its territory the expenses of the campaign.

The treaty of Paris says:

As compensation for the losses and expenses occasioned the United States by the war and for the claims of its citizens by reason of the injuries and damages they may have suffered in their persons and property during the last insurrection in Cuba, Her Catholic Majesty, in the name and representation of Spain, and thereunto constitutionally authorized by the Cortes of the Kingdom, cedes to the United States of America, and the latter accept for themselves, the island of Porto Rico and the other islands now under Spanish sovereignty in the West Indies, as also the island of Guam, in the Marianas or Ladrones Archipelago, which island was selected by the United States of America in virtue of the provisions of article 11 of the protocol signed in Washington on August 12 last.

You, citizens of a free fatherland, with its own laws, its own institutions, and its own flag, can appreciate the unhappiness of the small and solitary people that must await its laws from your authority, that lacks institutions created by their will, and who does not feel the pride of having the colors of a national emblem to cover the homes of its families and the tombs of its ancestors.

Give us now the field of experiment which we ask of you, that we may show that it is easy for us to constitute a stable republican government with all possible guaranties for all possible interests. And afterwards, when you acquire the certainty that you can found in Porto Rico a republic like that founded in Cuba and Panama, like the one that you will found at some future day in the Philippines, give us our independence and you will stand before humanity as the greatest of the great; that which neither Greece nor Rome nor England ever were, a great creator of new nationalities and a great liberator of oppressed peoples. [Applause.]

Mr. FESS. Mr. Chairman, I yield 20 minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman, this is an occasion of rather more than passing significance to my mind. At last a bill to reorganize the government in Porto Rico is actually before Congress for consideration and, I trust, passage. The ways of mankind it is difficult even for saints or the powers of heaven, I suppose, always to understand. Two years ago the Committee on Insular Affairs practically agreed upon this same bill. It was reported to this House a year and a half or more ago, but was allowed to rest and sleep in peace without any effort having been made to bring it up and pass it. This bill has been on the calendar now in this Congress for quite a long time. There has even been an agreement under which the bill could be brought up under a privileged condition, and yet effort to bring it up has been delayed until the present moment.

I have heard it suggested in some quarters that it is not the intention of the majority in Congress to pass this bill so that it shall become a law. I do not share in that opinion. I certainly hope that it is not well founded. I certainly trust that at last the wishes of Porto Rico are to receive some consideration at the hands of this Congress. I shall watch the procedure relative to this bill in the future with a great deal of interest.

Some one naturally might arise to inquire what is the present urgency making it necessary to bring in this bill in place of appropriation bills. I do not know; I leave that for some one else to answer. After all the years of delay the spirit has moved somewhere to bring this in, leaving the many bills providing for the carrying on the Government of the United States, which are on the calendar waiting for action. No one for a moment imagines that the revenue bills and appropriation bills will all become a law by the 30th of June, when they ought. Nobody can foresee how long we shall be held in the House, probably all summer; but let me indulge in the hope that this bill is brought in at this time ahead of the appropriation bills for the express purpose of its passing the House and then passing the Senate and becoming a law. If it is to become a law, it marks an epoch in the affairs of the United States as well as in the affairs of Porto Rico.

I know that we have all listened with great pleasure to the distinguished gentleman who has just addressed the House, Señor LUIS MUÑOZ RIVERA. He is the leading statesman of Porto Rico, and has ably represented that insular possession in the House of Representatives of the Congress of the United States for two or three years. [Applause.] He has not been on the floor of the House making a great many speeches, because he did not have a chance. Congress did not see fit to give consideration to measures for Porto Rico in which he and his people are interested, but he has been active nevertheless. He has been persistent and solicitous with the Committee on Insular Affairs to bring forth this bill and pass it. I do not know of anyone who could have been more insistent that he has been during all these years.

Yet we are now listening or have recently listened to him and realize he is not exactly pleased with the bill that is here, but that is not a matter of extreme surprise. The bill that passes and becomes a law is going to put permanently at rest the unrest in Porto Rico relative to the political status of that island. If this bill is enacted into law, and I think it will be, it means that the Congress of the United States says to the people of Porto Rico, once and for all, that they are a part of the United States domain and will always remain there; that the agitation for independence in Porto Rico must come to a decided and a permanent end. I do not suppose it is particularly congenial to those interested in political propaganda to put to one side such a splendid topic to talk upon as the independence of any place, but if there is anything that you and I must be agreed upon, it is this: That Porto Rico will never go out from under the shadow of the Stars and Strips. [Applause.]

The integrity of the United States requires that no sovereignty other than that of the United States shall exercise power over that domain, and it is not a new conception at all. Back 65 years ago leading Democratic statesmen of that time announced to the world that not only was it desirable that the United States should protect itself, but that the United States should also exercise control or sovereignty over—they did not use the words "Porto Rico," though they had it also in mind, but they did use the word "Cuba," saying that Cuba should be acquired in some form, in order that the integrity of the United States might be protected against foreign aggression. That time has long passed away, and the men who were engaged in that received a lot of opprobrium at the time, and I guess they deserved it. But now that we have dug the Panama Canal, and facilities for transportation and communication from here by land down to the canal are so dubious, doubtful, and difficult, beset with difficulties for man and beast, there must be a clean, straight avenue on the sea from here to Panama, and Porto Rico is in a very strategic position relative thereto. Furthermore Porto Rico is necessary to the United States as a key to the defense of the whole American continent against aggression from Europe.

That is not really what I had in mind to say, however, when I took the floor. There has been a peculiar agitation going on in Porto Rico, as there has been in other insular possessions, asking for independence. Two years ago, when the gentlemen interested in the passage of this bill appeared before our committee they said they did not want to be made citizens of the United States, would not take citizenship if we gave it to them—declined, as they said, any such status as citizenship under the American flag. They wanted to be independent, wanted to be free, wanted to have a government of their own. There has been some change in sentiment in the past two years, but not an entire change. This time the same gentlemen appeared before the committee, as well as some others, and they said that they were willing to take citizenship now, but that they still hoped some time to have independence. I said to them then and I say to them now, "If you accept and receive citizenship under the American flag, you will take it for yourselves and your children's children for all time." It is for their own benefit and welfare that they become citizens of the United States, that the independence propaganda be discontinued, and that our sovereignty remain there permanently. When we took over the island the people there had never had an election but once. They had never had the right to exercise the duties of citizenship but once. That was immediately after a small rebellion

against Spain, and they were permitted to elect certain officials in the early months of 1898.

Mr. RIVERA. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. In a moment, if I have the time. I think I am going to answer the gentleman's inquiry. They did hold an election, and they did elect some officials, but before the officials ever could act, before the machinery of government thereby set in motion could more than start, the Spanish-American War came on, and, of course, that ended everything. Now, however, since then they have learned to know that liberty does not necessarily mean independence, they have learned that personal liberty and freedom require an interdependence of individuals in order that they may be mutually protected, that citizenship under the sovereignty of the United States means full and complete liberty and freedom. They really realize that. I say that to their credit. They even realize that when they ask for independence now. They realize also that the schoolhouse is to be the savior of their people. A system of public schools 16 or 17 years ago was only on paper in Porto Rico, as it was everywhere else under the Spanish flag, while now there are something like 2,000 schools in Porto Rico, and every boy and girl born on the island has a chance for education and industrial opportunity.

Materially speaking, the external commerce of Porto Rico about the time of the American occupation amounted to about fifteen or sixteen millions of dollars, and that has increased until now it is $83,000,000, and the difference between those two spells the measure of prosperity that has come to the people of that island, and augurs wonderfully well for the future that lies before them. But in that increase there is something that Americans should note. Somebody has said, and said rightly, that commerce follows the flag, and it does. The total exports of the United States to Porto Rico in 1901 were about $5,000,000. This last year we sold the 1,200,000 people there over $30,000,000 worth of products. Sixteen years ago the relative proportion of trade, external, in Porto Rico, was about equally divided between the United States and Europe, while to-day 88 per cent of the Porto Rican trade is with the United States, and we have been a wonderful purchaser of the things they have raised.

There has been a tremendous stimulus to the sugar industry and there has been a tremendous stimulus to the coffee industry, the two great industries in the island, and as we are the greatest consumers in the world of both sugar and coffee this relationship between Porto Rico and the United States guarantees an ever-increasing prosperity for the people of the island. One gentleman appeared before the committee, and I liked his appearance and conduct very much, but his logic was peculiar. He said one reason why Porto Rico should not be permanently a part of the United States or permanently under the sovereignty of the United States was because Porto Rico was so miserably poor and the United States so tremendously rich that it would not be proper to hitch together a poor spot and a rich one. I called his attention to the fact that had not the great American Desert, as it was known in our boyhood days, been a part of the great American Nation, so many spots would not have been made to blossom like the rose and become the home and habitation of so many millions of people. I called his attention to the fact that the people of Porto Rico now have free access to our markets, a privilege no doubt every other people in the world would well-nigh lay down their lives to obtain. To have that relationship continued means that Porto Rico will cease to be poor and eventually will become rich; that separated, a lonely, isolated spot on the sea, a prey to insurrection and everything else, her poverty, that we have talked too much about in my opinion, will not only be continued, but will be made greater. We have altruistic ideas toward people, and no nation ever lived that had greater, but there are enough Santo Domingos and Haitis in the world; and there are enough Nicaraguas, enough Guatemalas, enough Costa Ricas, enough Honduras.

It is not every group of people that can have an independent and isolated sovereignty. Why, I remember that the spot where I was born and where I now live and have lived all my life has been under three great sovereignties—the sovereignty of France, for the lilies of France were once raised above the plains, rivers, and lakes of Minnesota; later under the sovereignty of Spain; her saffron-colored flag was there flung to the breeze; but, thank God, by renson of a Democratic President, in the year 1803 that land came under the sovereignty of the United States, without the consent of anybody living there, but with the eternal approbation and gratitude of every man who has lived there since. We would be a miserable, pitiful spectacle in Minnesota and Iowa and other States out yonder if we were an isolated interior State with a sovereignty of our own. How infinitely superior and grander is our condition, not only respecting material well-being, but respecting freedom and liberty and opportunities of life, that we are a part of the great citizenship of the United States! So I trust my good friend Señor MUÑOZ RIVERA, who is the real leader and statesman of his people, will take this truth to his people, that they will best be serving their own interests if they remain comfortably under the shadow of Uncle Sam's strong right arm [applause]; that their prosperity and their freedom and their liberties that they think dear, and rightfully, will be equally dear to us, and if ever they shall be assailed by a foreign foe they will have the fleet and the Army and the last drop of American blood to protect them. [Applause.]

There are some things we might call attention to specially in reference to this bill. I am afraid somebody will not call attention to them, so I am going to do it. We are going to give them citizenship. Ten years from now they are all going to rise up and call us blessed for so doing. But we are not going to give everyone the right to vote; and they are all going to rise up and bless us for doing that, too. At the present time there is universal suffrage in Porto Rico——

Mr. RIVERA. Yes; there is.

Mr. MILLER of Minnesota. But I am afraid that universal suffrage does not mean the proper exercise of the responsibilities of self-government. The good Governor of Porto Rico, in his testimony before the committee, stated that the motive which moved most of the people to go to the poles was a monetary consideration. Now, that is not peculiar alone to Porto Rico, so I do not want anyone to take any offense at that. There are some spots in the United States where I understand that is the case, but it is not anywhere around where I live. [Laughter.] This bill is going to disfranchise 70 per cent of the citizens of voting age in Porto Rico. In other words, about 30 per cent of the men over 21 years of age in Porto Rico will now be able to vote. I say that not out of a spirit of trying to rub any sore spots, I say that not out of any spirit of trying to make our Democratic brethren uneasy, but I do say that for once the Democrats and Republicans of the House unite in looking facts in the face and acting intelligently in reference to them.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CANNON. May I just ask one question by unanimous consent?

Mr. TOWNER. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. CANNON. I had hoped that somebody, as we are all busy about many matters of legislation, would tell us about this bill. It seems to me there ought to be time in general debate in which some one would tell us about what this bill does.

Mr. MILLER of Minnesota. The details of the propositions as contained in the bill?

Mr. CANNON. Precisely.

Mr. MILLER of Minnesota. I can do so in a moment. The bill provides for a reorganization of the government of Porto Rico. That government since 1900 has been in essence this: The lower legislative branch has been elected by the people. The upper legislative branch has been appointed by the President of the United States, consisting of 11 men. Prior to the last three years 6 of these were Americans and 5 Porto Ricans. During the last two years 7 of those have been Porto Ricans and 4 Americans. These men, called "the commission," constitute not only the upper legislative branch but serve also as the heads of the executive departments.

This bill reorganizes the government to the extent of creating a full legislature that shall be elected by the citizens of Porto Rico who are qualified to vote; that is, by about 30 per cent of the people. There is a lower house and an upper house; a house of representatives, if you wish to call it that, and a senate. In addition there are six executive officers—heads of departments—that are to be appointed by the President of the United States or by the governor. The auditor of the island is to be appointed by the President and the others by the governor. There is given to the people of Porto Rico a bill of rights, which is the first part of the bill. It is practically a copy of the bill of rights contained in the United States Constitution. Personally I am of the opinion that they have that bill of rights down there now, but anyhow it will do no harm to reenact it here. The chief executive of Porto Rico is to be, as he has been in the past, a governor appointed by the President of the United States. There is continued the Federal court of the island out of deference to the foreign and American business interests, who desire this court to remain, with one Federal judge and one Federal attorney. There is no reorganization made of the other courts, they remaining about the same as they have been heretofore, and on the whole they have been satisfactory.

Now, if there is any other question——

Mr. CANNON. Has the governor the veto power?

Mr. MILLER of Minnesota. The governor has the veto power. However, a two-thirds vote on the part of both houses can override the veto, in which event it will go to the President of the United States, who has the absolute veto.

Mr. CANNON. Now, how are the taxes gathered?

Mr. MILLER of Minnesota. There are customs duties which are covered into the treasury of Porto Rico. In addition to that there are taxes from internal-revenue sources, part of which have gone into the United States Treasury and some into the local treasury. There are spent about $7,000,000 a year, and the total receipts are about the same.

Mr. CANNON. Are the internal taxes of the same character as we have in the United States?

Mr. MILLER of Minnesota. I think so.

Mr. CANNON. Excise tax on tobacco, and so forth?

Mr. MILLER of Minnesota. They have some excise taxes. Some of them have gone into the Treasury of the United States, and that is one of the changes made in the bill. Heretofore all the tobacco, mainly cigars that have been consumed in the United States, having been imported from Porto Rico, has paid an internal revenue in the United States, because consumed here. It is proposed in this bill that that sum of money shall go into the treasury of Porto Rico.

Mr. CANNON. There is complete free trade between the United States and the island?

Mr. MILLER of Minnesota. Absolutely.

Mr. CANNON. What is the qualification of a voter? Is it a property qualification?

Mr. MILLER of Minnesota. At the present time; if the bill becomes a law, it will be property or educational.

Mr. CANNON. Property or educational—one or the other. Suppose that this legislative body declines, as it did once before, to agree to appropriations to carry on the government of Porto Rico, what would happen then?

Mr. MILLER of Minnesota. There is a provision in the bill that if the Legislature of Porto Rico refuses to make appropriations for the conduct of the government, the appropriations made in the last preceding year will be reenacted.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. ANTHONY. I would like to ask the gentleman a question.

Mr. CANNON. How much time is there for general debate?

Mr. TOWNER. An hour and a half on a side. I grant two minutes more to the gentleman from Minnesota.

Mr. ANTHONY. I believe the gentleman stated that under this present bill about 70 per cent of the voters would be disfranchised in Porto Rico?

Mr. MILLER of Minnesota. Yes.

Mr. ANTHONY. Is that correct, in view of this paragraph in the report, which says:

> No one who had acquired the right to vote before the passage of this bill shall be disturbed in the enjoyment of that right.

Mr. MILLER of Minnesota. I am not responsible for what is in the report. I am simply stating the fact and that it was the statement of Gov. Yager, who said that 70 per cent of the people now in the islands would be disfranchised by the terms of this bill.

Mr. ANTHONY. I am calling the gentleman's attention to the way the report is written. It carries the belief that men who are present voters will not be disturbed in their franchise.

Mr. JONES. What report is that?

Mr. ANTHONY. It is the report handed to me at the Clerk's desk. It is by Mr. JONES, and is dated January 25, 1916.

Mr. JONES. The fact is, as stated by the gentleman from Minnesota [Mr. MILLER], that they have what is called manhood suffrage there now, and the purpose of this bill is to restrict it. That is the fact, anyhow.

Mr. ANTHONY. It is intended to restrict the franchise?

Mr. JONES. Yes.

Mr. HARDY. I would like to ask the gentleman from Virginia what the restrictions are, please?

Mr. JONES. I will say to the gentleman the educational qualification is that they must be able to read or write.

Mr. HARDY. Is there any other qualification?

Mr. JONES. I should have said read and write, and the property qualification is that they must pay some taxes.

Mr. CANNON. Either? Or does it require both?

Mr. JONES. Either.

Mr. JONES. I yield 15 minutes to the gentleman from New York [Mr. LONDON].

Mr. CLARK of Florida. Before doing that, the gentleman has just stated as one of the qualifications for the right to vote that the party must pay some taxes. Are those taxes on realty, or can voters pay taxes on personal property alone?

Mr. JONES. My recollection is that it is on realty, but it has been some time since I had occasion to look it up. I think it is on realty, though. I will look that up.

The CHAIRMAN. The gentleman from New York [Mr. LONDON] is recognized for 15 minutes.

Mr. LONDON. Mr. Chairman and gentlemen, it was a tragedy that we witnessed here a few minutes ago when the Commissioner from Porto Rico addressed this House. I believe that there is no citizenship in the world that is so valuable as the citizenship of the United States. But the idea of a compulsory citizenship is the most absurd thing that has ever been advocated. You can not compel people to love you. You can not compel people who, by their elective representatives, say that they prefer to be citizens of their own island, of their own little country, to accept your citizenship. You can not substitute your attachments and your loves, your affections, your habits, and your mode of thought upon people of another race and of other traditions.

I do not question that American citizenship is the most valuable citizenship. I wish the Porto Ricans were a part of the people of the United States. I hope that some day they will be a part of the United States, an integral part of this Republic; but it should be a matter of choice. It should be accomplished by a vote of the people of Porto Rico, and it should not be forced upon them by a decree of this Congress. There is another thing to which I want to direct your attention, gentlemen, and that is a very serious matter. It is the attempt to disqualify and disfranchise 165,000 voters out of a total of 200,000 voters in Porto Rico.

By what right do you lay your hand on the citizenship or the residents of Porto Rico? It is not a question of conferring the right of franchise. No; it is a question of taking away the right of franchise from three out of every four men in the island of Porto Rico. One hundred and sixty-five thousand people out of two hundred and three thousand voters of Porto Rico will be deprived by your bill of the right to vote.

Is that democracy? It seems that the Democratic Party tries to do everything that is bad in the Republican platform. Whenever the Democrats attempt to do something good they will just find enough bad Democrats to help beat it. You attempted to do something good in the Philippines, and sure enough, there were found enough bad Democrats in their own ranks to make the emancipation of the Filipino impossible. Your Porto Rico bill shows that you are incompetent to govern another nation. For that matter, no nation is competent to govern another nation.

I was amused by the thought expressed by the gentleman from Minnesota [Mr. MILLER] about the right of people to be independent. He tells the Porto Rican people that they have no right to be independent. He is going to decide for them whether liberty is synonymous with independence. He is going to tell what their rights and aspirations are. What sort of democracy is that? What sort of republicanism is that? You talk about $80,000,000 of imports and exports. You talk about $17,000,000 worth of imports and exports having increased to $80,000,000. Who is benefited by it? The people of Porto Rico? Not a bit. The Tobacco Trust has benefited by it. The coffee planters have benefited by it. The external commerce of Porto Rico has increased fourfold. Have wages increased? Do not the workers of Porto Rico rebel to-day against the system of wages that compels them to work 12 hours a day for 45 cents? Why has not the 45 cents wage been quadrupled? Why has not the wage been increased? Not a word has been said about wages here. The commerce is $80,000,000, and Republicans and Democrats seem ready to wipe off the Declaration of Independence and forget every noble word of every statesman of the past when you mention the dollar mark. Eighty million dollars, no more independence, no more rights of nations, but $80,000,000.

I say you assassinate the rights of the Porto Ricans by depriving three-fourths of them of the franchise, and I will tell you what you are accomplishing. You deny to a man the right to express his views through civilized methods, through the medium of the ballot.

[Mr. LONDON here uttered certain words which were subsequently withdrawn.]

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

Mr. LONDON. One moment.

Mr. AUSTIN. Oh, Mr. Chairman, I call the gentleman to order.

Mr. LONDON. I repeat what I say.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that

Mr. GARNER. Mr. Speaker, will the gentleman yield now?

Mr. AUSTIN. Mr. Chairman, I ask that his words be taken down. They are a disgrace to the American Congress.

The CHAIRMAN. The gentleman from New York will suspend speaking.

Mr. AUSTIN. I ask that his words be taken down.

The CHAIRMAN. The stenographer will take his words down.

Mr. AUSTIN. I wish I could make a motion to expel him from this House.

The committee rose; and the Speaker having resumed the chair, Mr. TAYLOR of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, during the course of the debate, in the remarks of the gentleman from New York [Mr. LONDON], the gentleman from Tennessee [Mr. AUSTIN] demanded that the words of the gentleman from New York [Mr. LONDON] be taken down.

The SPEAKER. The Chair will state to the gentleman from New York [Mr. LONDON] that the rule of the House is that in a situation like this the Member who is called to order is required to take his seat. The Clerk will report the words complained of.

The Clerk read the words.

The SPEAKER. It is for the House to determine what to do about this. If any gentleman has a motion to make——

Mr. GARRETT. I move that the gentleman from New York be allowed to proceed in order.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I do not remember exactly the precedents. Is it in order——

The SPEAKER. The Chair will read the rule for the benefit of the House.

Mr. MANN. Is it in order now to move to postpone consideration of what should be done in this matter?

Mr. TOWNER. May we not have the rule read?

The SPEAKER. The Chair will read the rule:

> If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order, in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain; and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise; and if the case require, he shall be liable to censure or such punishment as the House may deem proper.

The only difference between that and what happens when the supposed offense is in Committee of the Whole is that the decisions provide that the Committee of the Whole shall immediately rise and report to the House what took place. Now, that has been done. The rule that applies to the conduct of the House for its procedure is stated in that rule. The gentleman from Tennessee [Mr. GARRETT] moves that the gentleman from New York [Mr. LONDON] be allowed to proceed in order. In the meantime the gentleman from Illinois [Mr. MANN] asks if this question might not go over for a while.

Mr. MANN. What I asked was whether the right of the House to take action in reference to expressions of that sort may go over under the rule.

The SPEAKER. The Chair thinks that the gentleman could ask unanimous consent that the matter be postponed until a day or an hour certain.

Mr. MANN. I find this in the Manual:

> Or when he has uttered words alleged to be treasonable, the House has proceeded to censure, or other action, although business may have intervened.

Giving a citation to Hinds' Precedents.

The SPEAKER. The Chair does not think there can be any two opinions about that.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Will it be in order to move to strike the language from the RECORD?

The SPEAKER. There is one motion pending. If that is defeated, anybody may move to strike the language from the RECORD, or censure the gentleman, or do anything the House pleases.

Mr. CLARK of Florida. I would move to amend the motion of the gentleman from Tennessee by moving that the language be stricken from the RECORD. The motion of the gentleman from Tennessee is that the gentleman from New York be allowed to proceed in order.

The SPEAKER. I know, but it seems to the Chair that the motion the gentleman suggests is not germane to the motion that the gentleman from Tennessee [Mr. GARRETT] makes.

Mr. CLARK of Florida. That could be made later, Mr. Speaker.

The SPEAKER. Why, of course, if the motion of the gentleman from Tennessee [Mr. GARRETT] prevails that is the end of it. If it is defeated, then the other motion is in order.

Mr. SHERLEY. Prior to the vote coming upon the motion of the gentleman from Tennessee, is it not in order to move that the gentleman from New York [Mr. LONDON] be given an opportunity to explain his remarks?

The SPEAKER. It seems to the Chair that if the motion of the gentleman from Tennessee [Mr. GARRETT] prevails, that ends the whole matter.

Mr. SHERLEY. The point is this: In the interest of orderly procedure it might be very desirable, and such a motion as I suggest would afford the opportunity to the person charged with an offense against the rules of the House to explain before the House is required to vote upon the motion as to whether he be permitted to proceed or not.

The SPEAKER. The Chair is inclined to think the gentleman from Kentucky is correct.

Mr. AUSTIN. Mr. Speaker, I wish to move to lay the motion of my colleague from Tennessee [Mr. GARRETT] on the table, in order that I may offer a resolution of censure and to strike from the RECORD the language of the speech.

Mr. MANN. Mr. Speaker, I do not know whether the gentleman from Kentucky [Mr. SHERLEY] had the Manual before him when he made his inquiry of the Chair.

Mr. SHERLEY. I have just found it.

Mr. MANN. But if the Chair will look at the third paragraph of section 444 he will find that the motion to explain takes precedence of the other motion.

Mr. SHERLEY. I have just found it. It occurred to me that that ought to be the rule, and I have found a precedent which holds that it is. I therefore make that motion, that the gentleman from New York [Mr. LONDON] be permitted to explain his remarks.

Mr. GARRETT. I think that is in order, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] moves that the gentleman from New York be permitted to explain his remarks.

Mr. MILLER of Minnesota. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER of Minnesota. Is that motion debatable?

The SPEAKER. It is not. None of these motions is debatable.

Mr. MADDEN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. What has become of the motion of the gentleman from Tennessee [Mr. AUSTIN] to lay on the table?

The SPEAKER. He did make that motion to lay on the table.

Mr. SHERLEY. I make the point of order, Mr. Speaker, that my motion is a preferential motion, and the motion of the gentleman from Tennessee [Mr. AUSTIN] to lay upon the table the motion of the gentleman from Tennessee [Mr. GARRETT] can not come up until after the House has acted upon the motion which I have made.

Mr. GARRETT. The motion to permit the gentleman to explain is a preferential motion.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. The question is whether the motion of the gentleman from Tennessee [Mr. GARRETT] that the gentleman from New York be allowed to proceed in order being followed by a motion of the gentleman from Tennessee [Mr. AUSTIN] to lay the motion on the table, whether another motion can intervene.

Mr. BENNET. If the motion of the gentleman from Tennessee should be entertained and carried it would be futile, because then the motion of the gentleman from Kentucky, being a preferential motion, would be entertained before any motion that the gentleman from Tennessee could make.

The SPEAKER. It seems to the Chair that fair dealing and common sense both would indicate that the motion of the gentleman from Kentucky ought to be voted on first, and the motion of the gentleman from Kentucky is that the gentleman from New York be allowed to explain his remarks.

Mr. AUSTIN. Is the motion debatable?

The SPEAKER. None of these motions is debatable; the rule provides for a summary proceeding.

Mr. DYER. Mr. Speaker, is there any limit to the time of the gentleman from New York if the motion is agreed to?

The SPEAKER. The Chair has heard nothing about any time limit.

Mr. AUSTIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. AUSTIN. Will a substitute motion be in order?

The SPEAKER. Not on this proposition.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the words in question may be again reported as a number of Members were not present.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none, and the Clerk will report the words again.

The Clerk again read the words taken down.

The SPEAKER. The question is on the motion of the gentleman from Kentucky [Mr. SHERLEY].

The question was taken, and the motion was agreed to.

Mr. LONDON. Mr. Speaker and gentlemen, I will be very brief. I am extremely sorry that anything I said is the cause of displeasure on the part of the membership of this House. It is evident that if the remarks as reported contained two or three additional connecting words, that would have removed the objectionable feature of these remarks. As they stand it would seem that I advocated or suggested that when the voters of Porto Rico were deprived of the franchise they would have a right to use violence. The substance of my remarks, the idea that I intended to convey to the House, was this, that in all democratic countries men are given an opportunity to express their ideas, their views, their political convictions by means of the ballot; that in those countries where men are deprived of the opportunity to give expression to their views through the use of the ballot they have to use other means, and they do use other means.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. LONDON. I ask the forgiveness of the gentleman, but I do not want to yield at this moment.

Mr. MILLER of Minnesota. I simply wanted to ask. Does the gentleman approve of that course?

Mr. LONDON. One moment, I will yield a little later. Stenographers are my enemies. I talk very fast, I walk up and down so that a stenographer has to be on wheels to follow me so as to understand everything I say. I am not finding fault with the stenographer; for instance, you have an expression here that I am confident I did not use, because it has no meaning at all—the expression, "the right to press his clues through civilized methods." I do not recall, and I am confident I did not use that expression. I probably used the words "express his views." However, the long and short of it is this: I do not advocate the use of violence. I am a Socialist. I believe in political activity. The greater part of my life has been spent in fighting the advocates of the use of violence. You have heard me again and again on the floor denounce the use of violence. I am a great believer in intelligence and love. Love, intelligence, and education are the great powers—the great forces for the improvement of mankind.

Mr. AUSTIN. If that is the gentleman's view, why should he used the words "pistol" and "the knife of the assassin?"

Mr. LONDON. You told—they will be told that they have a right to use it, there will be men who will tell them, and the whole thing will be very clear. I do not want the House to understand for one moment that I advocated the use of violence. I intended to impress on the House the importance of retaining democratic principles.

Mr. HARDY. Will the gentleman yield? Why does not the gentleman ask to cut the thing short—that if anything in his remarks bears that interpretation he desires to withdraw it?

Mr. LONDON. I not only ask for it, but I express my deep sorrow that any Member of the House should have understood me as advocating the use of violence.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. To whom does the gentleman from New York yield?

Mr. LONDON. To the gentleman from Illinois.

Mr. MANN. What the gentleman said was perfectly patent to every one. He said what the stenographer reports him to have said, and if he wants to withdraw it, why does he not withdraw the statement and take that to himself instead of putting it upon the stenographer?

Mr. LONDON. I am not putting any blame upon the stenographer. I say that stenographers find it extremely difficult to follow me.

Mr. MANN. But in this case, if the gentleman will permit, we do not have to rely upon the stenographer. Plenty of Members of the House heard the gentleman, and that is the reason his words were taken down. Why does he not disavow the intent?

Mr. LONDON. I said very clearly that if this language conveys that thought, I am extremely sorry that it is a part of the RECORD.

Mr. GARNER. Mr. Speaker, will the gentleman yield now?

Mr. LONDON. In the absence of the words "they will be told."

The SPEAKER. Does the gentleman yield?

Mr. LONDON. I yield to the gentleman from Texas.

Mr. GARNER. I did not happen to be in the Hall and did not hear the gentleman's statement, but the gentleman says now that the basis of his statement as read from the desk was to the effect that people who can not vote in Porto Rico will be told so and so. If he made that statement——

Mr. AUSTIN. But he never made it.

Mr. MANN. That is not what he said.

The SPEAKER. The Chair would like to ask the gentleman from New York a question. Does he desire to withdraw from the CONGRESSIONAL RECORD the words complained of?

Mr. LONDON. I do.

Mr. GARNER. That settles it, then, Mr. Speaker.

The SPEAKER. It would seem so to the Chair.

Mr. AUSTIN. I think the gentleman ought to apologize.

The SPEAKER. He has already apologized.

Mr. LONDON. I think I have apologized.

Mr. AUSTIN. But he has tried to put it off on the official stenographer. He has been attempting to put the responsibility on the stenographer.

Mr. LONDON. Not at all.

The SPEAKER. The truth is that a great many of us put responsibilities on stenographers and newspaper reporters when we have no business to do it. The remarks that the gentleman from Tennessee [Mr. AUSTIN] objected to will be stricken from the CONGRESSIONAL RECORD, and that being the case, the Chair will put the motion of the gentleman from Tennessee [Mr. GARRETT] that the gentleman from New York be permitted to proceed in order. Does the gentleman from Tennessee [Mr. AUSTIN] withdraw his motion to table the motion of the gentleman from Tennessee [Mr. GARRETT]?

Mr. AUSTIN. Mr. Speaker, if the gentleman from New York will sin no more, I am willing to do it. [Laughter.]

The SPEAKER. The Chair can not guarantee that. The gentleman from Tennessee [Mr. AUSTIN] withdraws his motion to table the motion of his colleague, and the question is on the motion of the gentleman from Tennessee [Mr. GARRETT] to permit the gentleman from New York to proceed in order.

Mr. MILLER of Minnesota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER of Minnesota. Have the words complained of been stricken from the RECORD?

The SPEAKER. They have.

Mr. MILLER of Minnesota. Does it not require unanimous consent?

The SPEAKER. It does not.

Mr. CANNON. Does the apology that the gentleman makes to the House for the use of the words stand in the RECORD?

The SPEAKER. Yes; that stands. What the gentleman said when he was on the floor the last time stands, and what he said when he was up the other time goes out of the RECORD. The question is on the motion of the gentleman from Tennessee [Mr. GARRETT], that the gentleman from New York be permitted to proceed in order.

The question was taken; and on a division (demanded by Mr. MOORES of Indiana) there were—ayes 76, noes 18.

So the motion was agreed to.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN (Mr. TAYLOR of Colorado). The gentleman from New York has six minutes remaining.

Mr. LONDON. Mr. Chairman, by establishing the principle that only one-fourth of the people of Porto Rico shall be entitled to the franchise you reestablish the principle that property is entitled to a vote and not the human being. Instead of each man being entitled to a vote, you will have property recognized as the legal entity, as the political unit of Porto Rico. You know that after the adoption of the Constitution in 1787 many American States were for 50 years struggling with the reactionary elements to remove the property qualifications, and that as late as 1842, in the American State of Rhode Island, there was a rebellion known as the Dorr's rebellion. Do not be terrified by the word "revolution" again, please. In 1848 it was found that in the State of Rhode Island, owing to an old primogeniture law, only landlords and their first-born sons had a right to vote, so that the greater part of the population of the State of Rhode Island did not enjoy the franchise, and a rebellion had to take place before the franchise was conferred upon every citizen of the State of Rhode Island. You are

making a mistake by forcing upon the Porto Ricans citizenship which they do not want. Let us say they are not ripe for it; let us say they are not intelligent enough for it; let us say that they have not learned to love you as much as you deserve. The fact is that all political parties in Porto Rico object to compulsory citizenship. It is a serious error that you are now attempting. Next, you are sowing the seeds of discontent by depriving three-fourths of the population of Porto Rico of the right to give expression to their discontent through the legitimate method of the ballot.

What other methods will they find to translate their views into? What other means will they possess of giving expression to their desires, to their wishes and political convictions? Why force upon Porto Rico reactionary laws against which your own fathers contended for 50 years after the establishment of this Republic? It is a very serious mistake that you are committing, and it is to be regretted that this earnest appeal of mine on behalf of the people of Porto Rico should have been interrupted by an unpleasant incident.

Mr. AUSTIN. Will the gentleman yield for a question?

Mr. LONDON. Yes.

Mr. TRIBBLE. Does the gentleman mean to say by that statement that the House has made a mistake in stopping the gentleman and having those words stricken out?

Mr. LONDON. On the contrary, the House has expressed what was in my own heart.

Mr. AUSTIN. The gentleman favors giving universal franchise to everybody in Porto Rico, whether educated or property holders or not?

Mr. LONDON. I do.

Mr. AUSTIN. Does the gentleman believe in that same thing in Mississippi, Louisiana, and South Carolina?

Mr. LONDON. I believe every human being——

Mr. AUSTIN. Has the gentleman a different rule now——

Mr. LONDON. One moment. This is a problem which I can not go into in the one minute I have. The problem was made clear by the gentleman who represents Porto Rico when he said that in Porto Rico the colored vote is comparatively insignificant and that the relations between the races are more liberal there than in other sections of the country.

Mr. AUSTIN. Does the gentleman believe in that principle?

Mr. LONDON. I believe in the principle that every human being——

Mr. AUSTIN. Should have the right to vote?

Mr. LONDON. Has the right that any other human being has under the same circumstances and under the same conditions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. FESS]. [Applause.]

Mr. JONES. Mr. Chairman, I will ask the gentleman from Ohio if he will yield just for a moment in order to enable me to make a statement?

Mr. FESS. Certainly.

Mr. JONES. Mr. Chairman, I merely desire to make a statement. The gentleman from Kansas [Mr. ANTHONY] a few moments ago asked the gentleman from Minnesota [Mr. MILLER] as to this language, which he said was to be found in the report of the committee:

> No one who had acquired the right to vote before the passage of this bill will be disturbed in the enjoyment of that right.

He asked the gentleman from Minnesota if that statement was in cognizance with the provisions of the bill, and the gentleman from Minnesota replied that he was not responsible for what was in the report. I asked the gentleman from Kansas to what report he referred, and he replied it was in the report accompanying this bill. Now, I was very much surprised at that statement, because I had written the report, and upon examination I find that the language he quoted is to be found in a report made two years ago. It is true that a part of that report is incorporated in the report on this bill. The bill of two years ago contained educational and property qualifications, and provided also that those who had exercised the right of suffrage should be permitted to continue to do so. That language of the bill of two years ago is not to be found in this bill.

Mr. MANN. Will the gentleman yield?

Mr. JONES. I will.

Mr. MANN. In the absence of the gentleman from Kansas—because I have a note made of this same matter—I find this language in large type in this report:

> The other changes made in the bill reported by this committee in the Sixty-third Congress are of such minor importance that it is not deemed necessary to specifically call attention to them. The report upon that bill, hereinbefore referred to and which is made a part of this report, taken in connection with the foregoing, sufficiently fully sets forth the changes which this bill, if enacted into law, will effect in the present organic law of Porto Rico.

Then occurs this language, to which reference has been made:

> No one who had acquired the right to vote before the passage of this bill will be disturbed in the enjoyment of that right.

Was not the gentleman from Kansas justified in thinking that that was a part of the report on this bill when it stated so and when it stated that there were only minor changes, and now the gentleman says 70 per cent are to be disfranchised? Is that a minor change?

Mr. JONES. Mr. Chairman, I think the gentleman from Kansas was justified in drawing that conclusion, but I wanted to explain to the committee that the reference did not apply to this bill. Possibly if this report had been a little more carefully drawn attention would have been called to that fact, but it is a fact that the language in question was in the report of two years ago which is incorporated in this report, and that the provision of the bill of 1914 to which it referred is not contained in this bill. I think the gentleman is mistaken in saying that under the educational qualifications of this bill 70 per cent of the present voters in Porto Rico will be disfranchised.

Mr. MANN. I did not make the statement. That was the statement which the gentleman from Minnesota [Mr. MILLER] made, and in which I understood the gentleman from Virginia to acquiesce. I do not know.

Mr. JONES. The Delegate from Porto Rico [Mr. RIVERA], I think, said some 30 per cent. I think that is more nearly correct.

Mr. MANN. I spoke of it because I noticed it in the report.

Mr. JONES. I simply wish to add that the gentleman from Florida [Mr. CLARK] asked me what the property qualification was. The property qualification is that the voter must pay at least $3 of taxes. It may be upon personal property, real property, or any other sort of property, but it must amount to $3.

I thank the gentleman from Ohio for permitting me to make this statement in his time.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for 20 minutes.

Mr. FESS. Mr. Chairman, I want to address the committee upon the principles involved in this bill in the light of the history of our own country in this sort of legislation. I was greatly interested in reading a statement years ago of the great English historian Macaulay, in which he stated there was not a single virtue of the American system of government that we had not borrowed from the English House of Commons. Of course, I do not agree with that statement, and any student of our system of government must see its faulty meaning. A separation of the three departments of our Government is one of the things that we did not follow Great Britain upon. And our government of Territories is another one of the things that we did not follow the mother country upon. The truth about the matter is Great Britain has outlined her more recent colonial policies from our plan that is announced in the ordinance of 1787. That ordinance was adopted by the Second Continental Congress before the Federal Constitution was adopted, and is the plan of government that we have universally followed, with one exception, in the government of territory. In the Federal Constitution—I think it is the third section of Article IV—there is specific authority given for the making of needful rules for the disposition and the government of a Territory. Of course, we contemplated the territory that is now known as the Northwest Territory and the Southwest Territory. Out of the former we carved five States. Out of the latter we carved four. In other words, there were nine States carved originally out of the territories specifically in mind of the Federal Constitution makers when they said we had authority to make all needful rules governing Territories.

But in 1803 we added to our territory in the purchase of Louisiana. This is a new phase of government. President Jefferson at that time was really the responsible head for the purchase of that territory. You know he said that he stretched the Constitution until it almost cracked, in order to secure the territory, and the Government was of his order. The first was the appointment of governor and 13 legislators, or councilmen, all appointed by the President, and they governed without any reference whatever to the will of those who were governed. And, secondly, it was substituted for another form of appointment of a governor and three judges—called judges, but who acted as the legislature. And then in 1810, seven years after the purchase, we had the first modern form of Territorial government. And in 1812 the State of Louisiana was admitted. But here was the first trial of the government in our country of a territory purchased or acquired after the Federal Constitution was adopted, and the form of government was not like the government that Great Britain had exercised over us and other colonies prior to our independence.

Then the next move was in 1819, when Florida came. We first gave her a Territorial form of government, very largely modeled over the plan of the ordinance of 1787, and in 1845 admitted her into the Union. In the same year Texas came into the Union. It was the first time in our history where by an act of Congress we made citizens of our country by wholesale, without requiring individuals to meet the conditions that are required by our specific naturalization laws. But Texas was not given by this Nation a Territorial form of government, but at once a State form of government, when she was admitted. We did not say "admitted," but "annexed." This was the second instance of giving statehood without an enabling act. In 1846, the year after the annexation of Texas, we occupied the Oregon Territory and provided a government in which we followed the plan of the ordinance of 1787, which had served us as our model for all Territorial government up to that time. We did exactly the same thing with the Mexican cessions of 1848, out of which we carved California, Nevada, Utah, New Mexico, and parts of Colorado. We followed in the same order our government of Alaska, that came to us in 1867, first the unorganized territory, and the next natural step was the organized Territory.

Now, my friends, when Lord Macaulay stated that there was not an item in our system that we had not borrowed from Great Britain that statement surely is far afield of the fact, because the one thing in which we are more distinguished and differentiated from the mother country is the manner of the government of these outlying possessions. Up to the time I have been speaking—the purchase of Alaska—we had not anything beyond our immediate contiguous territory, except Alaska. The dominant population in all save parts of the Mexican cessions was Anglo-Saxon. In 1878, William E. Gladstone wrote an article which was published in the North American Review under the caption "Our kin beyond the sea," in which he said that the daughter had passed the mother in a canter, referring to the United States and Great Britain. He also declared as the British constitution was the most subtle instrument ever adopted by a people, so the American Constitution was the most wonderful instrument stricken off by the brain or purpose of man at any one time.

That was in 1878, soon after the Civil War closed. And if you read the article you will notice that he favorably comments upon our plan of the government of a Territory as outlined by the ordinance of 1787. It was in 1832, and finally in 1835, I think, Lord Durham recommended and England adopted the form of colonial government for Great Britain as applied in modern years. It was first applied to Canada. In the Lord Durham Act the principles of the ordinance of 1787 are very largely respected with the exception, of course, of delegate representation in vogue in our Territorial plan. And to-day the self-government elements in Canada and Australia and New Zealand and South Africa are very largely copied after the form adopted in our country in 1787. That is, the all-but-complete participation of the people in their own government in the British colonies is the dominant note of the famous ordinance.

Now, what is the Porto Rican act, the one that we are now discussing? It is an attempt to do for Porto Rico, the first people that are not our own in that they are not Anglo-Saxon—and Anglo-Saxon seems to be the people who have distinguished themselves in local government and in some sort of a solution of colonial government—the first time our country has been called upon to do for a people not speaking our language—and are trying to give to the people of that island not only the best form of local self-government that we can outline, but at the same time give them United States citizenship, a thing that I would suppose they would very keenly want, because it carries with it all the dignity and honor and power that go with an American citizen. That ought to amount to a great deal. Our insular possessions, the fruits of the Spanish-American War, involved new questions of territorial government. They brought to us new peoples, unused to the principles and practices of local self-government. The problem was how to apply our constitutional authority over Territories to distant possessions, not similar to our former territorial problems. This problem, so far as Porto Rico is concerned, is not producing a partisan division of our people as does the Philippine problem. We are here attempting to bring the people of this island into the closest possible relation with our own people and Government.

Every step of this bill, so far as I know, building upon the same plan as the Olmsted bill, is an enlargement of the freedom of these people and the participation in their local government of these people who were made free in 1898, when we drove out of the western world the country that had them under subjection.

There have been some questions as to whether we are going too far—an elective house; an elective senate;—true, an appointive governor; true, legislation that might be vetoed by the governor, but overcome by a two-thirds vote of the legislature; and when that is done it finally reverts back to the President of the United States, because we must be responsible for the legislation in a certain degree. The same thing might be said of the manner of revenue and finance. We keep our hands on that. The President appoints the auditor for the islands.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Nebraska?

Mr. FESS. Yes.

Mr. REAVIS. As I understand the provisions of the bill, the President retained the right of ultimate veto.

Mr. FESS. Yes.

Mr. REAVIS. Does that obtain in the absence of a veto by the local governor?

Mr. FESS. No; it does not.

Mr. REAVIS. So that if the governor approves the legislation, the President has no right of ultimate veto?

Mr. FESS. All laws are reported to Congress, but the proposed act of legislation first comes to the governor, and if the governor signs it that ends it. It becomes a law. If the governor vetoes it and it is overridden in his veto, then it comes to the President, who has an absolute veto. But under no other circumstances does it come to the President.

Mr. REAVIS. What is the power of Congress upon the reference of legislation to the Congress?

Mr. FESS. The legislation by an autonomous government must be reported to Congress for approval or disapproval, if Congress cares to take action upon it. Of course it goes without saying that Congress will not take action unless something is brought up to be acted upon.

I look into the steps of this legislation with a great deal of pleasure from this standpoint, that it is an attempt to extend local self-government, such as we believe here is the ultimate form, to these people in the islands, with no restriction upon them whatever, except the ones that I have named.

As to the details of the bill, I prefer to leave them to be considered under the five-minute rule when they will be fully considered by the committee. As to the possibilities of perfect satisfaction ultimately on the part of the people of the islands, I think that that is very easily within the possibility, and I may say probability. The proposal to extend citizenship to these people is the one significant feature of this bill. I have tried to find whether there has been any serious opposition to extending it to the people of Porto Rico. There is not any serious opposition that I know of, save this one objection that has been offered, that you are trying to force citizenship upon the Porto Ricans. I am sure that is not serious when once understood. This bill does not require the Porto Rican to take an oath of allegiance to make him a citizen. We citizenize him precisely as we citizenize the man from Texas, but if he frets under it and does not want to be a citizen, then it is his privelege to take the step provided in this bill, to say that he does not want to be a citizen; and when he does not, he is not a citizen, not because we forbid it but because it is his option and he chooses to step out of it.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Wisconsin?

Mr. FESS. Yes.

Mr. REILLY. What would be his status as to citizenship if he should follow out the step and refuse to be a citizen?

Mr. FESS. It would be a question whether he would be a citizen of Porto Rico or "a man without a country." My opinion would be—although I find that it is not the opinion of those who were heard in the hearing—that you do not destroy the citizenship of the place where he lives any more than you destroy my citizenship of Ohio. I have a double citizenship. I am a citizen of the United States and I am a citizen of Ohio. The man who is in Alaska in a sense has a double citizenship. He is a citizen of the United States and a citizen of Alaska.

Now, they say that technically that is true, because citizenship is a matter defined by the Constitution, and it says:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens.

Now, these people were not born in the United States. They are, however, subject to the jurisdiction of the United States. They to-day are not citizens of the United States because they are not born in the United States; but they will be made citizens by this law unless they decline to be citizens, and if they decline I do not know whether you could say they are citizens of a country that is a part of the United States or not. At any rate, the resident of Porto Rico who is now a citizen of a foreign country would not by this law be denied that citizenship.

Mr. REILLY. Was any parallel case called to the attention of the committee?

Mr. FESS. No; there is no parallel in our history to this particular case.

Mr. REILLY. One more question.

Mr. FESS. Very well.

Mr. REILLY. Does the Porto Rican want this sort of citizenship?

Mr. FESS. I would rather have the Commissioner indicate that.

Mr. REILLY. What has been presented to the committee that would indicate that?

Mr. FESS. It has been indicated to the committee that citizenship is desirable, but it is a question whether they want it in this way. This is wholesale legislation of citizen making, covering the whole people of the island, as we did the people of Texas, making them citizens by an act. If they do not want to be, there is a way open; but some of them most naturally seem to feel that that is not the proper way to proceed, just as has been suggested on the question of voting, that if they have the ballot once we are not justified in taking the ballot away from them by the adoption of new requirements. This question was quite fully gone into by the committee after hearing statements covering the local situation from those now in the island and responsible for good order.

I think that when we realize the responsibility which we are assuming to make that island self-governing we will realize that intelligence in the electorate is one of the essential things, and for that reason that has been required.

Mr. HELGESEN. Does the gentleman think that a man can be a citizen of Porto Rico without being a citizen of the United States?

Mr. FESS. I can be a citizen of the United States and not a citizen of Porto Rico. I do not know that I caught the gentleman's question.

Mr. HELGESEN. Can you be a citizen of Ohio and not be a citizen of the United States?

Mr. FESS. I think not.

Mr. HILL. Not since the fourteenth amendment you can not.

Mr. HELGESEN. Does not the gentleman think that will apply to Porto Rico just as well?

Mr. FESS. What was the question of the gentleman from North Dakota?

Mr. HELGESEN. I asked the gentleman if he contended that a man could be a citizen of Porto Rico without being a citizen of the United States?

Mr. CANNON. If the gentleman will allow me——

Mr. FESS. Just a moment. The gentleman from North Dakota wanted to know whether under this law a man could be a citizen of Porto Rico and not be a citizen of the United States.

Mr. HELGESEN. After the passage of this law.

Mr. FESS. I think he can, although the statement has been made before the committee that he can not. They are now citizens of Porto Rico and not of the United States.

Mr. MANN. Oh, there is no doubt about that. They are not citizens of the United States.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. JONES. I yield to the gentleman from Illinois [Mr. CANNON] 10 minutes.

[Mr. CANNON addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, further insists upon its amendments, asks a further conference with the House on the disagreeing votes thereon, and had appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP as the conferees on the part of the Senate at the further conference.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2986. An act to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

CIVIL GOVERNMENT FOR PORTO RICO.

The committee resumed its session.

Mr. TOWNER. Mr. Chairman, I yield six minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, legislation for Porto Rico or the Philippines can not be intelligently considered without reading the treaty of Paris. A few days ago the gentleman from Tennessee [Mr. GARRETT] made the statement that there were no specific guaranties made to Spain or to the citizens of Spain in the treaty of Paris, excepting the article respecting copyrights and some other provisions limited to 10 years. That was a most surprising statement. In Article IX there are specific guaranties made to the citizens of Spain, but in a larger sense every guaranty in this treaty is made to the citizens of Spain, because Spain was a party to the treaty, and for that reason every guaranty found in it is a guaranty made specifically to the citizens of Spain. The treaty, as you know, was concluded in Paris on December 10, 1898, and its ratification was advised by the Senate February 6, 1899. It will be remembered, too, that it was necessary to have Democratic votes in the Senate in order to ratify it, and that Hon. W. J. Bryan came to the Capitol to urge its ratification. The treaty was proclaimed by the President on April 11, 1899. Five distinguished citizens represented the United States—Judge William R. Day, Senator Cushman K. Davis, Senator William P. Frye, Judge George Gray, and Ambassador Whitelaw Reid, and there were also five distinguished gentlemen who represented the Kingdom of Spain.

Article I contained this provision:

Spain relinquishes all claim of sovereignty over and title to Cuba. And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation—

I call particular attention to the fact that our guaranties in respect to Cuba were limited to the time of our occupation, and every other guaranty found in the treaty has no limit of time whatsoever.

Article II provides for the ceding of Porto Rico and Guam. Article III provides for the cession of the Philippine Islands. Article IV provides that the United States will for a term of 10 years admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States. Article V relates to the return of Spanish soldiers.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. MILLER of Minnesota. Suppose we had listened to the demand of the candidate for President in 1900, Mr. Bryan, had he been elected, and given independence to the Philippine Islands, could we have carried out that guaranty that Spanish ships for 10 years should have free access to the ports of the Philippine Islands?

Mr. YOUNG of North Dakota. Absolutely not. Article VI provides for the exchange of prisoners. Article VII provides for the mutual relinquishment of all claims for indemnity against citizens between our country and their country. Article VIII relates to the relinquishment of public buildings and property in the ceded territory; and here is Article IX, which contains the bill of rights. This is the most important article in the treaty and contains, as will be observed, specific guaranties to the citizens of Spain not only if they become citizens of this country, but if they retain their Spanish citizenship. It reads:

Spanish subjects, natives of the peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

In that connection I wish to say, in addition to the very clear statement made by the gentleman from Ohio, Dr. FESS, that the inhabitants of Porto Rico are not having citizenship forced upon them, that they had the opportunity for one year after the signing of this treaty to retain their Spanish citizenship. I think it is quite important to keep that in mind. They may now renounce their citizenship to the United States if they wish to do so, and there was at least one year within which they might have retained their citizenship in Spain.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. HUDDLESTON. That applies to the Spanish-born persons alone, does it not, and not to Porto Rican born?

Mr. YOUNG of North Dakota. I am not prepared to say that it does.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. YOUNG of North Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing the entire treaty of Paris and also the protocol which preceded it and the subsequent treaty by which the island of Cagayan Sulu and other small islands were purchased from Spain.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD by printing certain documents. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman may have the first five minutes he otherwise would have after the bill is taken up for amendment.

The CHAIRMAN. The Chair thinks that that would be establishing a bad precedent.

Mr. STAFFORD. The Chair can not entertain such a motion.

Mr. MILLER of Minnesota. But the Chair did entertain such a motion.

Mr. MURRAY. Oh, that was for Uncle JOE, and anything goes as to him.

Mr. MILLER of Minnesota. I ask unanimous consent that time for general debate be extended so that the gentleman from North Dakota may have five more minutes.

The CHAIRMAN. The time was fixed by the House, and the committee has no power to extend it.

The treaties referred to are as follows:

1898.

PROTOCOL OF AGREEMENT EMBODYING THE TERMS OF A BASIS FOR THE ESTABLISHMENT OF PEACE BETWEEN THE UNITED STATES AND SPAIN.

Signed August 12, 1898.

ARTICLES.

I. Relinquishment of title to Cuba.
II. Cession of Porto Rico, etc.
III. Occupation of Manila.
IV. Evacuation by Spain.
V. Appointment of commissioners.
VI. Hostilities to cease.

PROTOCOL.

William R. Day, Secretary of State of the United States, and His Excellency Jules Cambon, ambassador extraordinary and plenipotentiary of the Republic of France at Washington, respectively possessing for this purpose full authority from the Government of the United States and the Government of Spain, have concluded and signed the following articles, embodying the terms on which the two Governments have agreed in respect to the matters hereinafter set forth, having in view the establishment of peace between the two countries; that is to say:

ARTICLE I.

Spain will relinquish all claim of sovereignty over and title to Cuba.

ARTICLE II.

Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States.

ARTICLE III.

The United States will occupy and hold the city, bay, and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

ARTICLE IV.

Spain will immediately evacuate Cuba, Porto Rico, and other islands now under Spanish sovereignty in the West Indies; and to this end each Government will, within 10 days after the signing of this protocol, appoint commissioners, and the commissioners so appointed shall, within 30 days after the signing of this protocol, meet at Havana for the purpose of arranging and carrying out the details of the aforesaid evacuation of Cuba and the adjacent Spanish islands; and each Government will, within 10 days after the signing of this protocol, also appoint other commissioners, who shall, within 30 days after the signing of this protocol, meet at San Juan, in Porto Rico, for the purpose of arranging and carrying out the details of the aforesaid evacuation of Porto Rico and other islands now under Spanish sovereignty in the West Indies.

ARTICLE V.

The United States and Spain will each appoint not more than five commissioners to treat of peace, and the commissioners so appointed shall meet at Paris not later than October 1, 1898, and proceed to the negotiation and conclusion of a treaty of peace, which treaty shall be subject to ratification according to the respective constitutional forms of the two countries.

ARTICLE VI.

Upon the conclusion and signing of this protocol, hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces.

Done at Washington in duplicate, in English and in French, by the undersigned, who have hereunto set their hands and seals, the 12th day of August, 1898.

[SEAL.] WILLIAM R. DAY.
[SEAL.] JULES CAMBON.

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1898.

TREATY OF PEACE.

(Federal cases: Ortiza v. Jacobus (136 U. S., 330), Duly v. U. S. (182 U. S., 222; 183 U. S., 151), Delima v. Bidwell (182 U. S., 1), Goetze v. U. S. (182 U. S., 221; 103 Fed. Rep., 72), Armstrong v. U. S. (182 U. S., 243), Downes v. Bidwell (182 U. S., 244), Dames v. New York and Porto Rico Company (182 U. S., 392), Crossman v. U. S. (182 U. S., 221), Pepke v. U. S. (183 U. S., 176), J. Ribas Hijo v. U. S. (194 U. S., 315), Derr v. U. S. (195 U. S., 138), Bosque v. U. S. (209 U. S., 91), Ponce v. Roman Catholic Church (210 U. S., 296), Valdes v. Munich (212 U. S., 568), Cabalios v. U. S. (214 U. S., 47), Castro v. Uriarte (12 Fed. Rep., 250; 16 Fed. Rep., 93), In re Cortes (42 Fed. Rep., 47), Ex parte Ortiz (100 Fed. Rep., 955), Armstrong v. Bidwell (124 Fed. Rep., 690), De Pass v. Bidwell (124 Fed. Rep., 618), Sugar Company v. Bidwell (124 Fed. Rep., 677 (683)), Howell v. Bidwell (124 Fed. Rep., 688), De Canevara v. Brooke (135 Fed. Rep., 144).)

Concluded at Paris December 10, 1898; ratification advised by the Senate February 6, 1899; ratified by the President February 6, 1899; ratifications exchanged April 11, 1899; proclaimed April 11, 1899.

ARTICLES.

I. Relinquishment of Cuba.
II. Cession of Porto Rico, Guam, etc.
III. Cession of Philippine Islands.
IV. Spanish trade with the Philippines.
V. Return of Spanish soldiers from Manila; evacuation of Philippines and Guam.
VI. Release of prisoners.
VII. Relinquishment of claims.
VIII. Property relinquished and ceded.
IX. Property and civil rights of persons in ceded territory.
X. Religious freedom.
XI. Legal rights in ceded or relinquished territory.
XII. Determination of pending judicial proceedings.
XIII. Privileges of copyrights and patents preserved in ceded territories.
XIV. Consular privileges.
XV. Mutual privileges of shipping charges.
XVI. Obligations of Cuba.
XVII. Ratification.

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her august son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as plenipotentiaries:

The President of the United States,

William R. Day, Cushman K. Davis, William P. Frye, George Gray, and Whitelaw Reid, citizens of the United States;

And Her Majesty the Queen Regent of Spain,

Don Eugenio Montero Rios, president of the senate, Don Buenaventura de Abarzuza, senator of the Kingdom and ex minister of the Crown; Don José de Garnica, deputy to the Cortes and associate justice of the supreme court; Don Wenceslao Ramirez de Villa-Urrutia, envoy extraordinary and minister plenipotentiary at Brussels; and Don Rafael Cerero, general of division;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam (in the Marianas or Ladrones).

ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following lines:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty-five minutes (4° 45′) north latitude, thence along the parallel of four degrees and forty-five minutes (4° 45′) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35′) east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40′) north, thence along the parallel of latitude of seven degrees and forty minutes (7° 40′) north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars ($20,000,000) within three months after the exchange of the ratifications of the present treaty.

ARTICLE IV.

The United States will, for the term of 10 years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTICLE V.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the Island of Guam, on terms similar to those agreed upon by the commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the protocol of August 12, 1898, which is to continue in force till its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibers, with their carriages and accessories, powder, ammunition, live stock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defenses, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the meantime, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

ARTICLE VI.

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offenses, in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Reciprocally the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The Government of the United States will at its own cost return to Spain and the Government of Spain will at its own cost return to the United States, Cuba, Porto Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

ARTICLE VII.

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government, or of its citizens or subjects, against the other Government that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

ARTICLE VIII.

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands of the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways, and other immovable property which, in conformity with law, belong to the public domain, and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, can not in any respect impair the property rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills, and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

ARTICLE IX.

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

ARTICLE XI.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

ARTICLE XII.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.

3. Criminal actions pending on the date mentioned before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII.

The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba and in Porto Rico, the Philippines, and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary, and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of 10 years, to be reckoned from the date of the exchange of the ratifications of this treaty.

ARTICLE XIV.

Spain shall have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

ARTICLE XV.

The Government of each country will, for the term of 10 years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either Government to the other.

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

ARTICLE XVII.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the 10th day of December, A. D. 1898.

[SEAL.] WILLIAM R. DAY.
[SEAL.] CUSHMAN K. DAVIS.
[SEAL.] WILLIAM P. FRYE.
[SEAL.] GEO. GRAY.
[SEAL.] WHITELAW REID.
[SEAL.] EUGENIO MONTERO RIOS.
[SEAL.] B. DE ABARZUZA.
[SEAL.] J. DE GARNICA.
[SEAL.] W. R. DE VILLA URRUTIA.
[SEAL.] RAFAEL CERERO.

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1900.

PROTOCOL WITH SPAIN EXTENDING THE PERIOD DURING WHICH SPANISH SUBJECTS, NATIVES OF THE PHILIPPINE ISLANDS, MAY DECLARE THEIR INTENTION TO RETAIN THEIR SPANISH NATIONALITY.

Concluded March 29, 1900; advice and consent of the Senate April 27, 1900; proclaimed April 28, 1900.

ARTICLE.

Extension.

Whereas by the ninth article of the treaty of peace between the United States of America and the Kingdom of Spain, signed at Paris on December 10, 1898, it was stipulated and agreed that Spanish subjects, natives of the Peninsula, remaining in the territory over which Spain by articles 1 and 2 of the said treaty relinquished or ceded her sovereignty could preserve their allegiance to the Crown of Spain by making before a court of record within a year from the date of the exchange of ratifications of said treaty, a declaration of their decision to preserve such allegiance;

And whereas the two high contracting parties are desirous of extending the time within which such declaration may be made by Spanish subjects, natives of the Peninsula, remaining in the Philippine Islands;

The undersigned plenipotentiaries, in virtue of their full powers, have agreed upon and concluded the following article:

SOLE ARTICLE.

The period fixed in article 9 of the treaty of peace between the United States and Spain, signed at Paris on the 10th day of December, 1898, during which Spanish subjects, natives of the Peninsula, may declare before a court of record their intention to retain their Spanish nationality, is extended as to the Philippine Islands for six months beginning April 11, 1900.

In witness whereof, the respective plenipotentiaries have signed the same and have thereunto affixed their seals.

Done in duplicate at Washington the 29th day of March, A. D. 1900.

JOHN HAY.
ARCOS.

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1900.

TREATY FOR CESSION OF OUTLYING ISLANDS OF THE PHILIPPINES.

Concluded November 7, 1900; ratification advised by Senate January 22, 1901; ratified by the President January 30, 1901; ratifications exchanged March 23, 1901; proclaimed March 23, 1901.

ARTICLE.

Relinquishment of islands to the United States.

The United States of America and Her Majesty the Queen Regent of Spain, in the name of Her August Son, Don Alfonso XIII, desiring to remove any ground of misunderstanding growing out of the interpretation of article 3 of the treaty of peace concluded between them at Paris the 10th day of December, 1898, whereby Spain cedes to the United States the archipelago known as the Philippine Islands and comprehending the islands lying within certain described lines, and having resolved to conclude a treaty to accomplish that end, have for that purpose appointed as their respective plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States;

And Her Majesty the Queen Regent of Spain, the Duke de Arcos, envoy extraordinary and minister plenipotentiary of Spain to the United States;

Who, having met in the city of Washington and having exchanged their full powers, which were found to be in due and proper form, have agreed upon the following sole article:

SOLE ARTICLE.

Spain relinquishes to the United States all title and claim of title, which she may have had at the time of the conclusion of the treaty of peace of Paris, to any and all islands belonging to the Philippine Archipelago, lying outside the lines described in article 3 of that treaty, and particularly to the islands of Cagayan Sulu and Sibutu and their dependencies, and agrees that all such islands shall be comprehended in the cession of the Archipelago as fully as if they had been expressly included within those lines.

The United States, in consideration of this relinquishment, will pay to Spain the sum of $100,000 within six months after the exchange of the ratifications of the present treaty.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain, after approval by the Cortes of the Kingdom, and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof we, the respective plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at the city of Washington the 7th day of November, in the year of our Lord 1900.

JOHN HAY. [SEAL.]
ARCOS. [SEAL.]

Mr. TOWNER. Mr. Chairman, I yield six minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, I am very glad to have an opportunity to support this bill. I congratulate the American people upon finally doing tardy justice to the people of Porto Rico. The people of Porto Rico have been without citizenship since they were denied the right of citizenship in Spain. They owe no allegiance except to Porto Rico, and that island is not a sovereign government. This bill gives them American citizenship. I am glad this bill provides for an elective legislature in both branches. I have seen the Legislature of Porto Rico in session. I have seen the kind of men who with unlimited male enfranchisement the people of Porto Rico elect to their lower house. They are as fine a body of men as you will see anywhere, well educated, well equipped for the business of legislators. I have examined the laws introduced in the lower house of the Porto Rican Legislature and the laws passed by the lower house. Two things challenged my attention to those laws. First, they are willing to tax themselves at a high rate for educational purposes. Second, they are willing to tax themselves to the limit of their ability to pay for the purpose of internal improvements and good roads, two evidences that they are very well qualified to take part in their own government. I am glad they have become citizens of the United States. They are entitled to it and the people of the United States are entitled to have them brought in as members of the American family. They have been in the anomalous position they now occupy ever since the War with Spain. This will give them an opportunity to become American citizens, with the right of electing their own legislature in both branches. My judgment is that within two years after the enactment of this law and after their participation in the government under it there will be little or nothing said about the severance of relations with the United States. They will become satisfied with their relations to this country, having become citizens of the country.

Mr. MEEKER. Will the gentleman yield?

Mr. CAMPBELL. No; I have not the time. It is doubtful if any people ever made improvement in every way in which a people can improve such as the people of Porto Rico have made in the last 16 years. They have improved physically; their health is better; they have improved materially to a marvelous extent. They have improved their education. Facilities are now furnished in every part of the island and the children are expected to attend the public schools. They have improved the general standard of their citizenship. I would be very glad to see Porto Rico a Territory of the United States under the Constitution of the United States. I do not agree with the idea that simply because they are not exactly like us in Kansas or Illinois or Iowa or Alabama that they should be denied a constitutional status under the Constitution of the United States. I have said to Porto Ricans in Porto Rico that, though enjoying a Territorial form of Government, they might have to wait years and years before they could expect statehood. The Territories of Arizona and New Mexico remained Territories for 60 years. Other Territories have waited long for statehood, but a Territory is a constitutional government in the United States, and I should be glad sometime to see the island of Porto Rico come in as a Territory of the United States.

Mr. SLAYDEN. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. Mr. Chairman, I yield two minutes to the gentleman from Porto Rico [Mr. RIVERA].

Mr. RIVERA. Mr. Chairman, I will not enter into an argument with the gentleman from Illinois [Mr. CANNON]. It would be a very difficult position for me, owing to the high standing of the gentleman from Illinois in this House and throughout the country, and, besides, I have not sufficient time to discuss these matters, because the time allowed for debate on the bill is almost exhausted. However, I want to say that the question appears to some gentlemen here to be only a geographical question, a climatic question. I suppose that, in the judgment of the House of Representatives, the question should be considered as a political question. The House wants and the Congress wants to constitute Porto Rico as a free people, a people under a republican form of government. As regards the Porto Ricans, this is a question of patriotism. They want to be free. They want to be dignified. They do not want to be enslaved by the United States or by any other nation in the world. It is my custom to respect the love of every man for his country and to exact the same respect for my own sentiments of patriotism. I believe that under the dome of this Capitol the Representatives of a great people, undoubtedly the greatest of all, must be just to other people on the earth. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIVERA. Can the gentleman from Virginia give me one minute more?

Mr. JONES. I am sorry I can not. The gentleman desired only two minutes, and I did not reserve any more time than that.

Mr. RUSSELL of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more, if he wants the time, not to affect the order already made.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Porto Rico have five minutes——

Mr. MILLER of Minnesota. Mr. Chairman, I am perfectly willing the gentleman should have that if there is coupled with it the request that the gentleman from North Dakota [Mr. YOUNG] have five minutes. A similar request was made on his behalf a moment ago.

Mr. SLAYDEN. Mr. Chairman, regular order.

Mr. MANN. The request can not be granted—but I believe it can be.

Mr. RUSSELL of Missouri. Mr. Chairman, if there is no objection——

Mr. RIVERA. I only want one minute.

Mr. JONES. Mr. Chairman, I yield the gentleman one minute.

Mr. CLARK of Florida. Mr. Chairman, the House has made an order limiting the time for debate; can the committee change that order?

The CHAIRMAN. Without objection, under the circumstances the gentleman will be recognized for five minutes.

Mr. JONES. I yield one minute to the gentleman.

Mr. SLAYDEN. Mr. Chairman, what is the status?

The CHAIRMAN. That the gentleman shall have five minutes.

Mr. SLAYDEN. Can you do that in the Committee of the Whole after an order of the House, Mr. Chairman?

Mr. MANN. Do not raise the question.

Mr. SLAYDEN. The gentlemen can have it later in the debate. I insist upon the rule.

Mr. JONES. Mr. Chairman, the gentleman asks for only one minute, and I yield that to him.

Mr. RIVERA. Mr. Chairman, Porto Rico, deprived of its national sovereignty, depends upon the generosity and chivalry of the American lawmakers. I consider it very unfortunate that a Porto Rican is obliged to hear on this floor remarks offensive to the dignity of his native land. I do not wish to answer such remarks, except to state that it is not our fault that we are compelled to come here and ask for the enactment of legislation, of a constitution, which should be our undeniable right to make, according to American principles, ourselves. I must conclude, declaring emphatically that I am as proud to be a Porto Rican as the gentleman from Illinois [Mr. CANNON] is proud of being an Illinoisan, and as every gentleman on this floor is proud to be an American. [Applause.]

Mr. JONES. How does the time stand, Mr. Chairman?

The CHAIRMAN. The gentleman from Virginia [Mr. JONES] has two minutes remaining.

Mr. JONES. And the gentleman from Iowa?

The CHAIRMAN. And the gentleman from Iowa has none.

Mr. JONES. Mr. Chairman, the gentleman from Illinois [Mr. CANNON] is the only gentleman on this floor who has opposed the citizenship provision of this bill. It is my opinion that should this bill be passed without the section conferring American citizenship upon the Porto Ricans they would nevertheless become citizens of the United States.

Section 1891 of the Revised Statutes of 1878 provides that the Constitution and the laws of the United States not locally inapplicable shall have the same force and effect in the organized Territories of the United States that they have in every other section of the United States; and Porto Rico will certainly become an organized Territory under the provisions of this bill, if it is not now one. I desire to say, further, that both the great political parties of this country have declared in favor of American citizenship for the people of Porto Rico. The Republican platform of 1908 declared:

We believe that the native inhabitants of Porto Rico should be at once made collectively citizens of the United States, and that all others properly qualified under existing law residing in said island should have the privilege of becoming naturalized.

That is exactly what this bill does.

The CHAIRMAN. The time of the gentleman from Virginia has expired, and the Clerk will read:

The Clerk read as follows:

Be it enacted, etc., That the provisions of this act shall apply to the island of Porto Rico and to the adjacent islands belonging to the United States and waters of those islands; and the name Porto Rico as used in this act shall be held to include not only the island of that name but all the adjacent islands as aforesaid.

Mr. YOUNG of North Dakota. Mr. Chairman, I move to strike out the last word for the purpose of getting the five minutes additional which I believe the House was willing to grant a few minutes ago if the rules had permitted.

I was making a brief analysis of the treaty of Paris and had reached Article IX. Articles IX, X, and XI furnish what might be called a bill of rights in this treaty. I call your attention again particularly to these words found in Article IX, referring to the Spanish subjects:

Retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions.

This is a specific guaranty which we gave to the Spanish subjects.

I call your attention to the fact that a speaker during the recent debate a few days ago stated that we made no specific guaranties to Spain. Now, to give this treaty a fair interpretation, every article ought to have read into it or supplied the words that it applies particularly to Spain, because Spain is a contracting party.

Article X says:

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

Here is used the word "inhabitants." Now, does anyone question that this word does not include the citizens of Spain when Spain was a party to this treaty? Spain would not and did not sign a treaty that did not take care of her citizens, and, I think, in that respect is rather distinguished from the action that was proposed here a few days ago when the majority leaders did not take any pains to protect our own American-born citizens who were residing in and engaged in business in the Philippine Islands.

Article XI provides:

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such court and to pursue the same course as citizens of the country to which the courts belong.

By this article they are guaranteed a fair trial in the courts. Article XII has to do with judicial proceedings pending at the time of the exchange of ratifications of the treaty. Article XIII provides that the copyrights and patents acquired by Spaniards shall continue to be respected.

Article XIV provides that—

Spain shall have the power to establish consular officers in the ports or territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

Article XV provides for a mutual agreement as to port charges for 10 years.

Notice particularly the reading of Article XVI as to what time limit in respect to guaranties there is covering Porto Rico, which we are legislating for now, and also the Philippines. It reads:

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof.

There is absolutely no such limitation, no such language, used in this treaty as regards Porto Rico or the Philippines.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. MILLER of Minnesota. By every principle of statutory construction the restriction made there expresses the intention that the obligation assumed by the United States in regard to Porto Rico and the Philippines are forever.

Mr. YOUNG of North Dakota. Certainly. There is no time limit on the guaranties made between this Government and Spain expressed in the treaty. When no limit was expressed it would, according to the accepted rules of construction, apply for all time; but the intention of those who drew this treaty was clearly indicated and emphasized by the fact that they went out of their way in two different places in the treaty to call attention to the fact that guaranties would not apply to Cuba excepting during the period of our occupation.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

[By unanimous consent Mr. YOUNG of North Dakota was granted five minutes additional.]

Mr. YOUNG of North Dakota. Those who drafted this treaty took pains in at least two different portions of the treaty to call attention to the fact that in respect to the island of Cuba our guarantee should be limited to the period of our occupancy. Article I reads as follows——

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

Mr. YOUNG of North Dakota. Certainly.

Mr. BORLAND. The gentleman is not contending that the sovereignty of the United States over the Philippine Islands is in any degree limited or conditional in such a way as would prevent us from making any disposition of the islands that we saw fit?

Mr. YOUNG of North Dakota. No; perhaps not, so far as our power is concerned, but what I am contending is that when we acquired title, or when these islands or possessions were ceded to us, we assumed certain obligations; we obligated ourselves in this treaty of Paris to do certain things. We extended here certain guarantees to the citizens of Spain, and we can not honorably do anything now which will violate these guarantees, these covenants, that were placed in this treaty in favor of Spain as well as other countries. We can not in honor treat this treaty as "a scrap of paper."

Mr. BORLAND. I am asking the gentleman about the legal right. Is our legal right limited to dispose of the islands as our Government desires?

Mr. YOUNG of North Dakota. Perhaps not, but I should suppose that both sides of the House would want to go further than what our merely legal rights call for. Some day the Supreme Court may pass upon the right of Congress to cede to others the Philippines or Porto Rico. The citizens of these islands may ask the courts to determine what their rights are, and protect them.

Mr. KENT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Dakota yield to the gentleman from California?

Mr. YOUNG of North Dakota. Yes.

Mr. KENT. Is it the gentleman's position that we can not afford to let go the bear's tail?

Mr. YOUNG of North Dakota. That is not my position. This discussion was provoked by the statement of the gentleman from Tennessee [Mr. GARRETT], that there were no specific guaranties in the treaty of Paris made to the citizens of Spain excepting certain minor ones mentioned by him. That is the only excuse I have for discussing this question at this time. It seems to me I have demonstrated that the contrary is true, and unless some one questions this I am ready to yield the floor.

Mr. BORLAND rose.

Mr. YOUNG of North Dakota. I yield to the gentleman from Missouri.

Mr. BORLAND. Mr. Chairman, if the gentleman yields the floor I want to move to strike out the last word.

Mr. PARKER of New Jersey. I want to take the floor.

Mr. SLAYDEN. Mr. Chairman, I have been interested in every effort that has been made to advance the political status of the people of Porto Rico since the series of events that occurred in 1898, by which we acquired authority over the island. I have likewise, Mr. Chairman, been equally interested in efforts to exercise control over and possibly advance the political interests of the Philippine Islands. This effort at legislation is an illustration of the embarrassments that come to us and will abide with us until we, as I see it, decide to do the right thing, inasmuch as we did the wrong and un-American thing in 1898.

Now, I have only the kindliest feelings for the people of Porto Rico, as I have for those of the Philippine Islands. I have not qualified myself, as some Members think they have, to speak as an expert by brief visits to either of those possessions; but, Mr. Speaker, a comprehension of the fundamental American principles can be achieved by an individual of ordinary common sense without having studied the people and the territories on the spot. I believe as firmly, sir, as I do that I am speaking to you now, that if we persist in the retention of the Philippine Islands the time will come, and should come, when there will be a proportionate representation in this House and in the other body from those islands. I believe that the time will come, if we continue to exercise control over them, unless we frankly abandon American fundamental principles, when Porto Rico will have her Representatives and her Senators in the Congress of the United States.

And I want to say to some gentlemen, many of whom I have heard advance the idea since I have been acquainted with public life and public men—that we ought to have and exercise control over Mexico—that, if it is ever done, in all human probability we will have in a few years, and should have, 52 Senators from that country—Yaquis, perhaps, or from some other tribe of Indians down there—contributing to the legislation of this great Republic, helping to direct the destinies of an Anglo-Saxon people. For these profound reasons, Mr. Chairman, I have always been in favor of conceding to the people of the Philippine Islands the same privileges that I claim for myself—the right to absolute independence.

I read in the New York Sun yesterday an exceedingly interesting article, said to have been the last one written by Mr. Pearse, who was president of the "Irish Republic," which had such a troubled existence for a week or so and then went out in tragedy. Mr. Pearse, speaking of a pronunciamento of Wolfe Tone, who figured as an Irish patriot in the last part of the eighteenth century, stated that the declaration of principles of Wolfe Tone expressed those in which the Irish people believed. It was the manifesto of the Irish people, he said, and the best possible statement of their demand for recognition as a self-governing people; and he based it on the human right to be independent. Mr. Chairman, I believe in that doctrine, and I have the courage of my convictions, and I am willing to apply it to this case. I believe in the human right of all people to be free and independent. I claim it for myself; I cheerfully concede it to others.

Mr. GARNER. Mr. Chairman, will my colleague yield?

Mr. SLAYDEN. Yes.

Mr. GARNER. Does the gentleman apply the same rule to Porto Rico as to the Philippines?

Mr. SLAYDEN. No. As I said, that is one of the embarrassments connected with this question. But, I may say to my colleague, when the Porto Ricans with substantial unanimity ask for it, I will be glad to do my part to secure freedom for them. It will be more satisfactory to them and immeasurably better for us.

Mr. BORLAND. Mr. Chairman, I belong to a political party which believes in the largest measure of local self-government that is consistent with national safety. I am very glad to be able to favor this bill, somewhat belated, to do justice to the people of Porto Rico. I believe that they are entitled now to a larger measure of self-government and participation in their own affairs.

Three years ago last March I had the pleasure of visiting that island, soon after the inauguration of the present administration, and I doubt not that the conditions have improved even since that time. But at that time I was thoroughly convinced that the great mass of citizens of that island was entitled to American citizenship and entitled to a large measure of home rule.

I have always believed that it was a mistake for our country to hold any dependencies upon a lower level of political rights than those of our own country. I believe it is a mistake for any republic to undertake to do so. I believe that a country which can be incorporated into a republic and which can look forward to an equality of political rights and a unity of interests is a distinct strengthening of the prosperity and unity of the Republic, but a dependency which looks forward to no unity of political rights and no equality with the dominant country is a source of weakness and danger.

I look forward to the time when the island of Porto Rico will not only be an organized Territory of the Union but will be well on the way toward being one of the sovereign States of the American Nation. It is sufficiently contiguous to our shores, sufficiently like us in most respects, and sufficiently able to bring itself up to the political standard of the average State of the American Union to be entitled to look forward to such recognition.

I do not believe there ought ever to have been, except in the temporary law, which was to have been only temporary for the government of Porto Rico, a distinction between citizenship of Porto Rico and citizenship of the United States. I can not quite conceive of such a thing as a citizenship of Porto Rico or any other country which is denied complete sovereignty. It simply means a denial of citizenship; and it puts those people in the position, if they have any local patriotism and political ambition or aspirations at all, of looking toward a division of political powers and a separation from the United States. I believe that if we will invite them in and make them citizens of this country, and let them see that our industrial problems are their industrial problems and that our political problems are their political problems, we shall have the politics of Porto Rico not founded upon local issues distinct and separate there, but a participation, and a loyal participation, by the Porto Ricans in the great problems of the American Republic itself. I am satisfied that they have both the capacity and the desire to enter as a loyal and integral part of the great American Republic. I think the time has come when they should have the right to choose not only the lower house of their legislature, which they have done so wisely, and the right to choose a Commissioner in Congress, which they have done so wisely, but the right to choose the upper branch of their legislature and to have full charge of the legislative branch of their government, subject, of course, to the veto that we exercise over a Territory, for their own good. So I am glad to support this measure of justice to the people of Porto Rico. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, the distinguished gentleman from Texas [Mr. SLAYDEN] who spoke a few moments ago called to mind that in the debate concerning the Philippine bill we upon this side of the House were charged with being inconsistent with the principles upon which the Government of this country was established, and we were accused of being unwilling to grant freedom to a people who desired it. And yet in some way we have now a unanimous report of the committee, supported, I suppose, by a majority of the other side of the House, a bill which denies the right of separation to another portion of our territory, in which there are a considerable number of people at least who wish to be separated entirely from this country—a people whose educational qualifications are, I believe, far in excess of those possessed by the people of the Philippines, certainly a people whose culture and attainments in every way are at least equal. This bill does not give the people of Porto Rico as great a degree of self-government as the Philippine bill provides. It ought to give more. Gentlemen upon the other side accused us of inconsistency when we were unwilling to vote for the Philippine bill, but I suppose they consider themselves entirely consistent in voting for the bill which is now before the House.

Mr. SLAYDEN. Will the gentleman permit me?

Mr. GREEN of Iowa. With pleasure.

Mr. SLAYDEN. Mr. Chairman, I want to say to the gentleman that I think our position is perfectly consistent. If the people of Porto Rico as unanimously desired separation and independence as the people of the Philippines appear to desire it, I would be perfectly willing that they should have an opportunity

to exercise it. I believe in the right of small governments and small peoples to live and in their right to be independent.

Mr. GREEN of Iowa. Let me say to the gentleman from Texas——

Mr. MILLER of Minnesota. Will the gentleman permit me to ask him a question?

Mr. GREEN of Iowa. Yes.

Mr. MILLER of Minnesota. Upon what does the gentleman base his assumption that the people of the Philippine Islands desire independence?

Mr. SLAYDEN. I base it upon evidence which is entirely satisfactory to my mind.

Mr. MILLER of Minnesota. Will the gentleman inform the House what that evidence is?

Mr. GREEN of Iowa. I would prefer that the gentleman did not undertake to make that disclosure in my time. I fear it would take him too long to find the evidence. [Laughter.]

Mr. MILLER of Minnesota. I think he can state in half a minute all the evidence that he has on that subject.

Mr. SLAYDEN. I am not controlled either by political ambitions or commercial interests.

Mr. GREEN of Iowa. Nor am I. In one respect I agree with the gentleman from Texas, and that is in his purpose with reference to Porto Rico. And let me say to the distinguished gentleman from Porto Rico [Mr. RIVERA], as I would have liked to have said to the distinguished gentleman from the Philippines [Mr. QUEZON] if I could have had the opportunity, that I do not believe a solitary Member of this House wants to deny to the people either of Porto Rico or of the Philippine Islands the right of self-government when they shall have fully shown their qualifications for it.

Mr. SLAYDEN. But you want to reserve the privilege of determining that yourself.

Mr. GREEN of Iowa. We necessarily have that duty cast upon us. We undertook it when we acquired those islands from Spain; and I want to see the time come when the people of Porto Rico shall exercise the full right to self-government, either as a State or in some form like that in which Canada now has the right of self-government. I believe that the day will come when Porto Rico and the Philippines alike will be so attached to the Government that they will not desire to be entirely separated and cut off from this Nation.

Mr. Chairman, in the debate on the Philippine bill some comparisons were made between the situation prevailing with reference to the Philippines—and I suppose also with reference to Porto Rico—with the days when this country was demanding separation from England. Those gentlemen who will examine the grounds upon which independence from England was asked by the American Colonies will find that there is no parallel in the situation. Gentlemen who make that assertion should read the Declaration of Independence and see upon what grounds that important document based the reasons for separation from England. What right or privilege has been denied either to the people of the Philippines or to the people of Porto Rico? What do they wish to do, what might they do in the pursuit of comfort, of happiness, of prosperity which they may not do now?

Mr. RIVERA. Will the gentleman yield?

Mr. GREEN of Iowa. I know what the gentleman would say. He would say they have not now the right to select their own governor. We expect to give that to you some day.

Mr. RIVERA. We have been denied the high privilege of governing ourselves.

Mr. GREEN of Iowa. The gentleman does not answer my question. I ask the gentleman in what way he has been denied anything in the way of comfort, happiness, and prosperity, what wrong has been committed on any person who resides in the Philippines or Porto Rico?

Mr. RIVERA. Does the gentleman think it is possible for people to be happy without freedom?

Mr. GREEN of Iowa. In what does freedom consist? Is it the mere exercise of universal franchise? It is not possessed everywhere in the United States. It is limited here. In what does freedom consist? In electing a governor? Quite a large portion of our communities do not select governors. In this city we have them appointed for its citizens. Freedom consists in the possession of certain inalienable rights created before government was established. Let me say also to the gentleman from Porto Rico, in all kindness and sincerity, that the capacity for self-government does not consist alone in education nor even in refinement nor culture. It is something that must be acquired by years of experience.

Mr. Chairman, neither education nor culture, wealth or refinement are such evidence. If they had been, the ancient governments of Greece and Rome would not have perished from the earth. Five centuries have elapsed since the undying words of the Magna Charta were spoken at Runnymede and a reluctant tyrant was compelled to affix his signature to its principles; but principles will not be enforced until ingrained in the hearts of men. The bitter experience of century after century was necessary before our forefathers learned the true doctrine of self-government. What does it require for self-government? I answer, a capacity for self-control and self-restraint, a spirit of right thinking that recognizes and concedes the rights of others and so influences the majority in numbers or in power as to prevent tyranny over the minority, together with a patriotism that puts country above self, and, most of all, a ready and willing obedience to law and rightfully established authority. If either the Porto Ricans or the Philippine people have learned all this in the brief years of our occupation they are marvels indeed.

Mr. Chairman, I dislike to say it, but it has often seemed to me that the people of the islands which we took over from Spain were raised by us so quickly from a depth of oppression and from the ignorance and poverty which prevailed among the masses to a height of freedom enjoyed by few nations upon the globe that they are unable to appreciate the splendid bounty which had been conferred upon them. In all kindness I would say that the speech which the distinguished gentleman from Porto Rico [Mr. RIVERA] has made to-day bears out this thought, and I am surprised at the ingratitude which seems to prevail among the leaders in the Philippines.

Mr. Chairman, I have often listened on this floor to the gentleman from the Philippines [Mr. QUEZON]. From his speeches one would believe that he and those whom he represents had forgotten the tyranny under which they groaned before Dewey's guns shook Manila Bay with their thunder and shattered the Spanish fleet. They seem to have forgotten the days when those who lifted a hand or voice for freedom in their island were executed wholesale, with as little compunction as when animals are sent to a slaughter pen. They have forgotten that we paid the vast sum of $20,000,000 to keep them from again passing under the Spanish yoke or being sold to Germany. They have forgotten that the islands have been transformed by the restless energy of the American people from a region scourged by pestilence to one almost as healthful as our own; how free schools have been opened where the darkness of ignorance prevailed; how the door of opportunity has been opened for the poor and needy; how thousands of evils which prostrated a helpless people have been removed; how the whole country has been regenerated under the sheltering folds of that flag which never came to any land without bringing a new life, a new hope, and new freedom for the oppressed.

They tell us that the inhabitants of the Philippine Islands are a nation, and that this nation wants its independence. This collection of what is variously estimated from 20 to more than 200 tribes, that speak 20 different languages, that have different customs, that never lived together in peace until our coming, is this a nation? It is not and may never be. We are told that we are not acting in accordance with the Declaration of Independence in governing others without their consent; but when or how have the majority of the people of these islands expressed their dissent? Only a small portion have the right to vote. Does the gentleman from the Philippines claim that he represents the Macabebes, whom his own race could never subdue or conquer? How many of the Igorots even know he is here; and how many of them would have a voice in the new Philippine government which he fondly hopes to create, with himself at the head, and which would be misnamed if it is to be called a republic? Is the bitter hatred that exists between the Tagalogs and the Igorots to be extinguished by making the Tagalogs rulers over the Igorots? And what is to be done with those fierce fighters, the Moros, who have so often declared that they would submit to no control but ours?

To put the Philippines in the control and power of a small group selected from two or three tribes or races, as would be done by this bill, would violate every principle for which this Government has stood.

If the gentlemen upon the other side are really interested in applying the principles of that immortal document of which they have so much to say, a splendid opportunity can be found close at home without straining their eyes to look 3,000 miles across the sea.

Mr. Chairman, some of these races have fought with and for us, relying on the pledge so well understood that it was unnecessary to make it, that as long as they were true to the great Republic across the sea it would be true to them, and shall we now put it beyond our power to protect them from their hereditary enemies? To do so would be to invite the just condemnation of mankind.

Mr. Chairman, while the American people may have assumed the position of tutors and educators, they desire to be no man's master. I have never known an American who did not want the time to come when both Porto Rico and the Philippines would be self-governing and self-sustaining. With this purpose in mind, each year has seen a larger measure of self-government granted as fast, and, as it has seemed to me in the case of the Philippines, faster than they could best exercise it. If the day comes, as it will come in time to the Philippines, when the capacity for self-government had become manifest, when the various tribes were amalgamated into one nation, who would then deny they would have the right to expect to direct for themselves the affairs of these islands, so far as they concern the islands alone? But it is to be hoped that the people would not only be willing but desirous of remaining under the sheltering arm of our Government, with such a degree of control as would be necessary in order that we might protect them from disorder within and invasion from without, as we now protect Cuba. But the people of the Philippines should fully understand that the United States will never be guilty of the gigantic folly of becoming responsible for the acts of a country over which it has no control; that it will commit such an unparalleled blunder in statecraft as to assume the burden of protecting a people whose course and action it can in no way influence. If either the Philippine people or any Members of this House indulge in such idle dreams they will receive a rude awakening when the sensible, practical farmers and workingmen of this country express themselves at the polls.

I am surprised that any thinking man in Porto Rico would suppose that in this day and age that island could remain independent. It must come under the protection of some strong power, and such being the case, can the people of that island think of any Government under which they would have more freedom and more opportunity? When that question is presented to them there is no doubt about the answer. It must be said also that we can not for a moment think of permitting any of the great powers to obtain possession or control over this island. While we hold it it is an outpost for defense of the Panama Canal; held by any other nation it becomes a point of attack in war and danger in peace. For their own good and our good we must retain some kind of control over Porto Rico.

The situation with reference to the Philippines is very similar. Is it possible that the Philippine people can not see what will be the result of a separation in the manner provided by the Senate bill? When a nation such as our own, whose available strength in men and means surpasses that of any other on the globe, feels that it is not safe from aggression unless it maintains a powerful navy, strong fortifications, and half a million of disciplined men ready to call, what chance for self-preservation would any government created by this bill possess? If Australia before the present war had so much reason to provide a powerful military organization and to construct battle cruisers in order to protect itself against Japan, how hopeless would be the situation of the Philippines when cast off to shift for themselves? Protected and sheltered from the howling storm of war that rages over the greater part of the civilized world, the Filipinos seem to have no conception of the real situation. Apparently only a few realize independence now means the ruin of their country in the future, but they have only to look around them to learn what will be their fate.

Taking advantage of the conditions brought about by the present war, Japan issued its ultimatum to China, a country which had given no offense and which sought only to be left alone. Now, Japan is slowly but surely assuming dominion over its helpless neighbor, and soon China will be but its vassal. The Philippines, if not under our protection, will quickly follow.

The problem before us is not easy. We do not know how large a portion of the Philippine people desire a separation on the terms of this bill. We do know that they have been led to believe that some general agreement between nations would be made for their protection when complete independence had been established. That any considerable portion of the inhabitants of the island desire to be cast loose upon the terms of this bill is a supposition that does little credit to their knowledge or understanding.

Mr. Chairman, if the Philippine bill should ever pass in the form agreed to by the Senate, the time is not far distant, as I believe, when the peril to us of the innumerable hordes of the Orient will be changed from an expectancy into a reality, and the Philippine Islands will have passed as a result of the enactment of such a bill into the control and under the dominion of a foreign power where a spirit hostile to this Nation has long prevailed. Then when at length that power has so grown in strength that it is ready to carry out its long-premeditated destres; and when in the midst of war our citizens realize that the strength of their adversary, its wealth, and its power had been increased by the action of this Congress, the historian of that day will read with astonishment of its proceedings and search the record in vain for a justification of its proceedings. [Applause.]

Mr. PARKER of New Jersey. Mr. Chairman, I speak on this bill as an intensely practical question. It seems to me that freedom, happiness, allegiance, loyalty, and Americanism will depend in this country of Porto Rico, as well as in all other countries, in its people being able to make their own living and having money to run their own government. It is, I say, an intensely practical question that confronts us to-day in Porto Rican affairs. The principal revenue of Porto Rico has been and is in duties collected from goods coming there from all parts of the world other than ourselves. There is free trade between Porto Rico and the United States. These imports have fallen to less than a third of what they were, so that there is almost no revenue, and the government does not know how to get along. The same thing is taking place in the Philippines. The question is intensely practical so far as the support of the government is concerned.

It is rather difficult for them to collect taxes in islands like these. In olden times they put an export duty on coffee at the wharves, and so they did not send their tax collectors all over the land but collected the tax at once against the farmer without oppression where the price was paid.

Now export taxes are forbidden, and instead of having export duties that could be paid where the goods were sold after the money was received from the exporter, these taxes have to be placed, as proposed in section 3 of this bill, upon land. As a practical result in Porto Rico, I am informed, that as the poor people there did not understand the payment of taxes on the value of land, which sometimes amounts to more than what it brings in every year, they have been sold out by a large number of tax sales. Is that not right?

Mr. RIVERA. The gentleman is not right; his information is completely erroneous.

Mr. PARKER of New Jersey. Very well; I am glad to hear it. I was afraid that they were being oppressed by tax sales. I do know, however, from reading over the bills of the Porto Rico Legislature that they have been forced to put upon each trade and profession and business a license tax to be paid every year, so that if a man wants to plane or saw and get something from his neighbor for it, that little energy is taxed and he can not do it until he takes out a license as a carpenter. Such taxes are not only imposed by general law for the general government, but by the law municipalities also can tax wholesale stores, dry goods stores, grocery stores, furniture stores, pharmacies, and a long list that I will not read. Thus a man is taxed because he is active and doing business. He is taxed also if he follows a trade. This "cedula," as it is called, is abhorrent; it is repressive of energy.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. Not at present. These taxes are unnecessary. Soon after we took over Porto Rico in the year 1900, under the leadership of the former leader of this House, Mr. Payne, we passed a law that all goods going into Porto Rico should pay United States duties except those that came from or to the United States, which should pay one-quarter of those duties, and that the one-quarter of the duties collected, both in the United States on goods from Porto Rico and in Porto Rico on our goods, should be paid into the Porto Rican treasury. That law had two good results. It gave them money to run their government, and plenty of it. It encouraged commerce between the United States and Porto Rico, but still it gave the small producer in Porto Rico some protection—not very much, compared to our own, because it gave a preference to United States imports, but some protection to their small trades. It is a difficult and terrible thing for an island of this sort, filled with people of a different race and a different language, to be put into immediate competition with our mills. Our shoe factories have driven our own shoemaker out of business and he has become the owner of a shoe factory or works in the factory; but if our factories drive the Porto Rican shoemaker out of business he can not come into a factory here.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, the result is that where you make laws for a different community from your own you must not treat them as part of your own State, as Ireland was treated by England, so that Irish manufactures

were destroyed by the greatness of English power, energy, and organization, but you must give them a chance to develop for themselves, by allowing them some small amount of protection against the great mother country. That protection is what has made the strength of Canada, Australia, and New Zealand. They have been given real independence, an independence which allows them to have their own business managed in their own way [applause], subject, it is true, to revision by the home Government. This is the constitutional way. It is provided in the Constitution of the United States that any State, with the consent of Congress, may put import duties on goods that are brought into that State from other States, provided that the scheme is always under the control of Congress and the money collected goes into the General Treasury. So far as the State is concerned, such duties would be merely for protection.

This law that was passed in 1900—the 25 per cent law—worked well. There is no doubt of that. It was repealed by the influence of American manufacturers who wanted a monopoly of the Porto Rican market. Porto Rico would be far better off now with the revenue and protection that they received from this law. We might go further. We might give the Porto Rico Legislature the right to establish what duties they pleased against all of the world, with the understanding that only one-quarter of those duties should be charged against United States goods and only one-quarter of our duties against Porto Rican goods coming into the United States, and that those funds should go into the Treasury. They need the money and they need the protection.

This is a matter on which I spoke on the 22d of February, 1900, 16 years ago. I then urged the establishment of that 25 per cent tariff rule. I urged it earnestly, because I thought it essential that Porto Rico should have revenue and protection such as we have, as an independent entity, not ready to become part of this Union, because the power of our business and industry would be oppressive, but ready to accept the protection of this Union, and yet to exercise a real independence, just as Canada possesses a business independence from England. I ask unanimous consent to extend my remarks in the RECORD by printing that speech.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I have been consistent in this view. When the present Philippine law was proposed in 1906, which abolished the 25 per cent rule between the Philippines and the United States, I opposed its enactment and urged that it would destroy their revenue, as it has done. The Committee on Insular Affairs will bear me out in the statement that when it was attempted to put a land tax in the Philippines they were unable to enforce it. They had to go without it and to adopt the cedula system of licensing business, a system which is a tax upon energy and a destruction to trade, an injury to the freedom of the individual, which ought not to prevail if it can be avoided in any part of the possessions of the United States. [Applause.]

I urge that before we get through with this bill we should insert a provision such as we had before, that the United States tariff should apply to Porto Rico, but that goods between the United States and Porto Rico should pay only one-fourth of that tariff and pay that into the Porto Rican treasury, or else that we should give the Porto Rican Legislature the right to fix what duties they please on goods from all parts of the world, with the same understanding that only one-quarter of each tariff should be paid on trade between us and them. This provision of a preferential tariff has become the great question of the world between England and her colonies. If she shall adopt a rule that only a certain proportion of all duties shall be paid where the goods go between different parts of the English possessions, and that that proportion when paid shall go into a common fund for a common defense, she will only have adopted the same provision that is contained in Article I, section 10, paragraph 2, of the American Constitution, which provides that no State shall impose any duty upon imports or exports except with the consent of Congress, that the net proceeds of such duty shall be for the use of the Treasury of the United States, and that such laws always be subject to the revision and control of Congress. That provision is not usually brought to our attention, and I point out that it is essentially protective so far as the State is concerned, because the State gets no money whatever and the revenue goes to the United States. It is a section intended for the protection of individual States, with the thought then that they might be as far separated from us as Porto Rico now is. Modern transportation has changed that as to the States, but a preferential tariff for Porto Rico will be for the common benefit of the whole country. [Applause.]

The speech I delivered February 22, 1900, upon the Porto Rico tariff is as follows:

"REMARKS OF HON. RICHARD WAYNE PARKER, OF NEW JERSEY.

"The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 8245) to regulate the trade of Porto Rico, and for other purposes, as follows:

"'*Be it enacted, etc.*, That the provisions of this act shall apply to the island of Porto Rico and to the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which was ceded to the United States by the Government of Spain by treaty concluded April 11, 1899; and the name Porto Rico, as used in this act, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid.

"'SEC. 2. That on and after the passage of this act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Porto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries.

"'SEC. 3. That on and after the passage of this act all merchandise coming into the United States from Porto Rico and coming into Porto Rico from the United States shall be entered at the several ports of entry upon payment of 25 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries; and, in addition thereto, upon articles of merchandise of Porto Rican manufacture coming into the United States, customs duties equal in rate and amount to the internal-revenue tax which may be imposed in the United States upon the same articles of merchandise of domestic manufacture; and upon articles of United States manufacture coming into Porto Rico customs duties equal in rate and amount to the internal-revenue tax which may be imposed in Porto Rico upon the same articles of Porto Rican manufacture.

"'SEC. 4. That the customs duties collected in Porto Rico in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections of customs in the United States upon articles of merchandise coming from Porto Rico, shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President to be used for the government and benefit of Porto Rico until otherwise provided by law'—

"Mr. PARKER of New Jersey said:

"Mr. Chairman, I feel difficulty in addressing this committee after the speech that has been made by the gentleman from Massachusetts [Mr. Moody], a speech that ought to be written in our hearts. It is not to the law of this matter that I should address myself, for wiser lawyers have spoken on that subject. But I want to say to this House that there is no calamity that they could impose upon Porto Rico or upon those people equal to the failure of this bill.

"Porto Rico is our ward; it is for its people we are legislating. It is to give them such financial conditions as will allow them to have peace and prosperity, and to wish to be within the limits of the United States; and to my mind the alternative proposed of giving free trade to Porto Rico would be an unspeakable wrong to them. I say this without the least hesitation because my first impressions were in that very direction of free trade. The extension, through annexation of Porto Rico as a part of the United States, to it of the Dingley tariff means necessarily that we also extend to them our internal revenue. No man can deny that. Otherwise they could distill liquor or make cigars, and make the things which are under our internal revenue, and could send their products free of duty into the United States.

"But to extend the excise law to them means that all small manufactories should be closed and that hundreds of people should be put out of business. It means that these poor people, for they are poor, could no longer smoke cigars, because the price would be so much increased. There is not a witness who does not say that the imposition of these excise taxes would be absolutely impossible in Porto Rico, and for that reason this bill does not impose them. Free trade means more to this island. Its people have lived without machinery, without organized manufactories.

"Small trades, like those of the shoemaker, the tailor, and the furniture maker, such as used to prevail with us, are there still supplying the wants of the people. All at once they would be subjected to the competition of great manufacturing industries which have almost driven these trades from without our midst and would drive them out from their island. We have welcomed the development of manufacturing in spite of that result. Our tradesmen have done better; the shoemaker became the shoe manufacturer, the tailor becomes a merchant tailor or engages in large manufactories. Our eastern farmer, who finds that the railroads have made his farm unprofitable, moves to the West, where farming pays.

"Our eastern manufacturer, if his materials become too expensive, goes where those materials are cheaper. The American can move everywhere, but the Porto Rican is not an American. He speaks Spanish; he is partly of Indian blood. He can not or will not come to this country, and any measure which would put that little island immediately under the unrestricted competition of our great manufactories and drive out its small tradesmen would be an injury that we have no right to inflict.

"There is only one parallel case, and that was cited by the gentleman from Massachusetts [Mr. McCall], who spoke against the bill. It is Ireland. Let me ask what free trade has done for Ireland? Free trade for Ireland meant that England, the country which had the coal, the brains, and the organization, took the profits of an island that was turned into a poor farming country, on which its sister island held the title or the mortgage and from which it drew the rents. We do not mean to create this result in Porto Rico.

"With free trade between Porto Rico and this country, whence is revenue to be got? Revenue is needed for roads and schools, such revenue as we always need for good government, for courts, and the administration of the laws. We can appropriate from the United States Treasury, but no one thinks that is a proper measure; or we can tax property there as we do here. Are we to increase the land taxes there upon a people whose plantations have been ruined by tornadoes? Or are we to increase a tax which they have already—the tax upon production? There every farm pays a certain proportion of its production to the Government. But this produce tax is the worst kind of tax in the world, because it makes an army of assessors all over the country; because it is the most susceptible to fraud; because it is the most susceptible to oppression; because it seeks for money when there is nothing but the crop upon the ground. If that crop be taken away, the expense of its being taken away is to come out, as well as the expense of the tax collector.

"We will adopt no such measure. This bill says that Porto Rico shall have what no State in this Union has ever had. It says first, that these poor people shall have absolute freedom from the excise taxes of the United States, and from the tariff of the United States, so far as paying a single dollar into our Treasury. It says that they shall be treated as our friends. We do not ask them to contribute to our support or even to the repayment of what we have spent in the war which gave them good government. We reduce the Dingley tariff as against them by three-quarters.

"We ask them only to do the same to us, and then we declare that the payments under the tariff shall not go into the Treasury of the United States, but go to the President for the benefit of the people of that island. Was ever so much generosity shown to any people? We give them just enough protection to maintain their own industries during the period of change, and we relieve them as far as we can from land tax or produce tax. [Applause on the Republican side.]

"If the tariff that we lay on their goods is a tariff on their production, it is only when the goods have come here and are able to pay the tariff because at the market and the money is ready to pay for them.

"And then we enact that the duties not only on goods that go to them but on goods that come here shall all go to the benefit of the island. This is what we have been told is tyranny!

"What are we going to give the islands if we do not pass this bill? What are we to do for those people? How is the expense of their government to be paid?

"Gentlemen come to me and others on this side of the House and talk of this measure of kindness as if it were tyranny. And they talk about the Philippines and ask, Will you do the same there? Still more, they ask whether the rights of personal liberty guaranteed by the Constitution shall not go to all the Territories held by the United States? How are these questions incident to a measure providing simply for the raising of revenue for this country and for that island? There is a constitutional provision that 'all duties, imposts, and excises shall be uniform throughout the United States.'

"The provisions as to personal rights are not limited as to place. One says that the writ of habeas corpus shall not be suspended except in certain cases, and says nothing about territory. It may well be argued that the rights of a citizen of the United States go everywhere where the power of the United States may extend. But how has that to do with the question as to whether these people should be given relief to the extent of three-fourths from the tariff bar that now stands between us and them; that they shall be afforded at the same time a revenue for schools and for roads, and that they shall be absolutely relieved from all contributions toward the support of this Government?

"Let us have no sympathy with mere verbal arguments on the subject of our control in the territories that we have received by the treaty with Spain. They are not beyond the pale of the great rights of liberty guaranteed by the Constitution. As soon as peace is established an inhabitant of those islands is entitled to the protection of his life and his liberty. But so far as the territory is concerned, this Government, through its Congress, has the power to acquire territory, and when it has been acquired it is the right of Congress, under the Constitution, even to dispose of or sell such territory.

"Our control over the territory is absolute. If Congress can sell, it can control. It can tax. It can exercise the power of taxation as may be found right, and has the power to make all rules and regulations with reference to such property. There is no limitation on this power, except that taxes must be uniform throughout the States which are united and which contribute by uniform laws to the support of the United States Government while managing their own affairs. This territory is not contributing to the expenses of maintaining the United States Government. The United States is imposing taxes there for the purpose of maintaining the local government there; and it must have all the powers of a State in so doing.

"Mr. FINLEY. Will the gentleman yield for a question?

"Mr. PARKER of New Jersey. Yes, sir.

"Mr. FINLEY. In ordinary legal parlance, is not the term 'rules and regulations' used as meaning provisions for carrying out some enactment of law? In other words, is there not a distinction between a law and what may be termed 'rules and regulations'?

"Mr. PARKER of New Jersey. In this particular article 'rules and regulations' are spoken of as instruments of government, and therefore they are law.

"Mr. FINLEY. Then I understand the gentleman to say that 'rules and regulations' in the sense implied in this article mean law?

"Mr. PARKER of New Jersey. I can not see how it can mean anything else, and I believe the courts have so held.

"Mr. FINLEY. Has the gentleman any authority in support of that statement?

"Mr. PARKER of New Jersey. I have plenty of authorities, but I have not the books at hand. The Supreme Court of the United States has often held that in the Territories under this authority to make rules and regulations Congress must make law.

"Mr. FINLEY. Then, as I understand, the gentleman has no authorities.

"Mr. PARKER of New Jersey. I have plenty of authorities, but I can not on the instant refer to the exact case. I have no books here.

"Mr. GILBERT. Will the gentleman allow me to ask him a question?

"The CHAIRMAN. Does the gentleman from New Jersey yield?

"Mr. PARKER of New Jersey. Certainly.

"Mr. GILBERT. Do you contend that Congress could incorporate a railroad company or a bank in Porto Rico?

"Mr. PARKER of New Jersey. Certainly.

"Mr. GILBERT. Would that corporation become a citizen in the sense of the fourteenth amendment to the Constitution?

"Mr. GROSVENOR. Not necessarily.

"Mr. PARKER of New Jersey. I should say not.

"Mr. GILBERT. Would it become a person in the sense of the fourteenth amendment?

"Mr. PARKER of New Jersey. I should say not necessarily.

"Mr. GILBERT. Does not the gentleman know that the Supreme Court has repeatedly held that corporations are persons within the sense of the fourteenth amendment?

"Mr. PARKER of New Jersey. I believe so.

"Mr. GILBERT. Would not that corporation be entitled to equal protection of the laws in Porto Rico?

"Mr. GROSVENOR. What decision of the Supreme Court is there on that subject since the adoption of the fourteenth amendment?

"Mr. GILBERT. The case of St. Clair County against somebody. There are three or four cases in which the Supreme Court has held that a corporation is a person in the sense of the fourteenth amendment.

"Mr. PARKER of New Jersey. I want to make one or two more propositions, and I do not think the gentleman's question is very pertinent to my argument. It is very easy to ask questions when a man is standing here without books, and it is not easy to answer them without the authorities at hand.

"Mr. GILBERT. If this Congress——

"Mr. PARKER of New Jersey. The gentleman is making an argument, and he is not on the point that I am referring to.

"The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] is entitled to the floor.

"Mr. PARKER of New Jersey. Something has been said about export duties. It was always supposed that export duties were duties levied upon goods because they were exported—that is to say, if a law should be enacted that in a certain State all of a certain class of goods leaving that State should pay a duty, that would be an export duty. On the other hand, if a State, by

or in the District of Columbia, except such as shall have elected

Mr. STAFFORD. The very fact that they lost their nation-

consent of Congress, were allowed to impose a duty on all goods coming into that State, that would be an import duty. Some of those goods would come from other States, but that would not make this an export duty on the goods coming from those States.

"The provision of the Constitution was intended to prevent the imposition of duties on goods, on the classification and because they were exported. Here by this bill duties are levied on goods going into Porto Rico, not because they are exported from anywhere, but because they are imported into that island. They are import duties, pure and simple.

"The bill provides full Dingley tariff rates for goods coming from the rest of the world and one-quarter of those rates for goods from the United States. That is not the imposition of an export duty on goods coming from the United States. That is a reduction by three-quarters of the import duties in Porto Rico because the goods come from the United States. The bill might just as well have said that full tariff rates under the United States laws shall be charged on all goods from wheresoever they shall come, with a rebate of three-quarters to be allowed to goods coming from the United States. The bill substantially orders an import duty with a rebate on goods coming from the United States.

"Now, on that construction of the law we are not without a case exactly analogous. It is the case of Pace against Burgess. Pace made tobacco and Burgess was collector. The law provides that there shall be a stamp tax on all tobacco of so much per pound, but that if the tobacco was to be exported, it was to pay a much less rate per pound, and that a different stamp, marking the tobacco for export, should be put upon the tobacco. The manufacturer went before the Supreme Court claiming that the tobacco was for export, that it was taxed so many cents a pound, and that therefore an export duty was being levied.

"The court denied this claim, holding that while the statute imposed a tax on tobacco that was exported, it was really a rebate on a much larger tax on all manufactured tobacco, and therefore not an export tax, but a rebate of an excise tax. Now, just so in this case, when this bill says that there shall be a tariff imposed upon all goods coming into Porto Rico, and then provides that import duty shall be much less if the goods come from the United States, it is not an export duty from the United States, but a rebate of an import duty into Porto Rico.

"It is idle longer to delay the House with questions of law.

"Mr. BARTLETT. Will the gentleman permit me to ask him one question?

"Mr. PARKER of New Jersey. Certainly.

"Mr. BARTLETT. Do I understand the gentleman to claim that the Dingley law is now in force in Porto Rico?

"Mr. PARKER of New Jersey. By this bill the Dingley law is put into force in Porto Rico, except that practically a rebate from the Dingley law of three-quarters is given on all goods that come from the United States.

"In conclusion, only one word. It is idle to talk of law only. This is an intensely practical question. We must give some relief to these people. We must give them revenue; we must give them a reduction of the tariff; we must give them the means of getting a chance in the progress among nations. Unless that happens we might have revolution, and we shall certainly have poverty and discontent. This bill gives that relief, and we can not help appealing to every member of this House to support it. [Applause on the Republican side.]"

[By unanimous consent, Mr. GREEN of Iowa was granted leave to extend his remarks in the RECORD.]

Mr. BENNET. Mr. Chairman, I move to strike out the last two words for the purpose of asking the gentleman from Virginia [Mr. JONES] a question. During the course of the remarks of the gentleman from Iowa [Mr. TOWNER] I asked him if there was anything in this bill that covered the case of the several hundred former residents of Porto Rico who live in New York City, who were born in Porto Rico, Spanish subjects at that time, left Porto Rico prior to 1898 or since, and now reside in the State of New York, and, doubtless, in other States.

Those men did not desire to take advantage of the treaty and did not renew their allegiance to the Crown of Spain prior to April 11, 1900. Therefore they ceased to be Spanish subjects. They were in the United States at the time of the war, and they had no opportunity to continue their adherence to the Crown of Spain. Now they can not be naturalized in the United States because they can not renounce allegiance to any king or State. As a matter of fact their allegiance is to the United States, but they are not citizens of the United States. This bill does not help them out, because this bill only applies to persons who are either now in Porto Rico or who shall return, and what I want to ask the gentleman was whether—I will ask a two-branch question—whether the omission to do anything for these people was intentional, or if it was not intentional whether the gentleman would have any objection to an amendment which would appeal to his sense of what is right and fair, conferring American citizenship upon these former Porto Ricans, or former subjects of Spain, who have resided for these many years in the United States?

Mr. JONES. Well, I would say to the gentleman in response to the last part of his question that if these Porto Ricans are in the United States and propose to continue to reside in the United States there is no reason why they can not become citizens of the United States——

Mr. BENNET. Oh, yes.

Mr. JONES. Why?

Mr. BENNET. How can they? They can not be naturalized because the law of June 28, 1906, says that no one can be naturalized except a subject or citizen of some foreign power. Now those people lost or rather ceased to become the subjects of Spain——

Mr. JONES. Yes.

Mr. BENNET. By that war, and we may gloss it over as much as we please, but the fact remains that those people are subjects of the United States.

Mr. JONES. The gentleman may be right about that. I had in my mind when I said what I did of a number of Porto Ricans who heretofore have come to New York and have become naturalized citizens of the United States; but I will say to the gentleman that it was not brought to the attention of the committee that there were any Porto Ricans residing in New York who had no intention of going back to the island, and therefore we did not consider that subject at all. We felt that we were going far enough when we extended American citizenship to those Porto Ricans who live in the island and those who are temporarily away and intended to go back. I would not be willing, I think, to extend American citizenship to Porto Ricans who have resided and almost expatriated themselves, and who have no idea of ever going back there.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. BENNET. I will yield first to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Upon what does the gentleman base his statement that those people lost their citizenship in regard to Spain?

Mr. BENNET. Upon the fact that in section 7 of the act of 1902—I will take that back; those people have lost their rights as subjects of Spain through the fact of the conquest of the land of which they were citizens.

Mr. MILLER of Minnesota. And did not avail themselves of the privilege contained in the treaty with Spain of asserting their intention.

Mr. GREEN of Iowa. If the gentleman will allow me a moment, I will say I can not agree with the gentleman at all. I know of no principle of international law, and I doubt whether the gentleman knows, although he may have looked it up more carefully than I have, that the conquest of the island would cause these people residing in New York to lose their citizenship in Spain.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I would ask that I may have five minutes more.

Mr. MANN. Will the gentleman yield?

Mr. BENNET. If I can get the time.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Of course it would not affect the citizenship of Porto Ricans residing in New York at the time of the conquest. That is the point referred to, but those who came from Porto Rico to New York since can not become naturalized, and under this bill they still remain citizens of Porto Rico, which is nothing to them, and they can not become citizens of the United States, which is everything to them.

Mr. BENNET. And if they came shortly after the conquest, I will call the attention of the gentleman from Minnesota to the fact that section 7 of the act of 1900 only applies to Spanish subjects residing on the island of Porto Rico.

Mr. MILLER of Minnesota. I can see no reason why this present bill should not be amended so as to confer citizenship upon the inhabitants of Porto Rico or upon Porto Rican citizens who are now residing in the United States. That would cover the ground.

Mr. TOWNER. Will the gentleman yield?

Mr. BENNET. In a moment. I drafted this, I will say to the gentleman from Minnesota: "That all former Spanish subjects born in Porto Rico, who at the time of the passage of this act reside in any State or Territory of the United States

or in the District of Columbia, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April, 1900, are hereby declared and deemed to be citizens of the United States."

I think possibly that would cover it.

Mr. STAFFORD. Will the gentleman permit——

Mr. BENNET. I now yield to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. The language of the section in the bill by which we give the right to become citizens of the United States says, referring to these citizens of Porto Rico——

Mr. BENNET. What page?

Mr. TOWNER. Page 6—

And have since returned and are permanently residing in that island, and are not citizens of any foreign country.

So that the people to whom the gentleman refers in the United States could not come under the provision of this section.

Mr. BENNET. Certainly not.

Mr. TOWNER. Therefore, not being allowed to become citizens of the United States, because they are not citizens, and who have been citizens of a foreign power, having had their allegiance transferred by the treaty, they can not become citizens of the United States here and can not become citizens of the United States under the provisions of this act unless it is amended.

Mr. BENNET. Certainly; I agree thoroughly with the gentleman.

Mr. FESS. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. FESS. This question is purely for information. The first step in naturalization is to renounce allegiance to the country——

Mr. BENNET. To the country of which the person is a subject or a citizen.

Mr. FESS. And second, to declare an intention to become a citizen of our country.

Mr. BENNET. That is in the declaration of intention.

Mr. FESS. Now, what I want to know is, if the fact of the loss of citizenship in Spain would not satisfy the law of the renunciation of the citizenship for the sake of being naturalized?

Mr. BENNET. It would not. The gentleman from Indiana [Mr. MOORES] is very well informed on legal matters, and tells me that there is a district court decision on this. That was my own impression. He has gone to look up the decision. The reason I brought the matter up so early is just exactly what has occurred, that we might by discussion rather clear our minds as to the best way of covering what I think all of us want to cover, because I am frank to say the fewer subjects the United States has the better I will be pleased.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. MILLER of Minnesota. I am informed that the Federal court in the Hawaiian Islands has just decided that a Filipino man who was then in Hawaii had a right to become naturalized as a citizen of the United States. That case, of course, will be appealed, and, I understand, the Government attorney has taken steps for the appeal, and it ultimately will be decided by our Supreme Court. If our court should hold that that Filipino had a right to citizenship in the United States for naturalization, of course the same reasons would apply to citizens of Porto Rico, and the gentleman in whom the gentleman from New York is interested.

Mr. BENNET. The Supreme Court of the United States in the case of In re Williams had a chance to declare something like that, and did not do it.

Mr. MILLER of Minnesota. I know they did not.

Mr. BENNET. They simply contented themselves by deciding that a resident of the island of Porto Rico was not an alien, and stopped right there.

Mr. STAFFORD. Will the gentleman yield?

Mr. BENNET. I will.

Mr. STAFFORD. Is not citizenship, so far as naturalization goes, predicated upon the act of the individual, and would not your amendment force citizenship upon them regardless of their own desires?

Mr. BENNET. The gentleman is correct up to a certain point. We have done that in a great many instances. We did it in the case of the whole Territory of Louisiana when it was taken over from France. The gentleman from Ohio [Mr. FESS] this afternoon called attention to the fact that we forced, if you want to use that word, citizenship on everybody in Texas that we took with Texas.

Mr. MANN. And we do it when anybody is born.

Mr. BENNET. Yes.

Mr. STAFFORD. The very fact that they lost their nationality as to Spain does not signify that we should necessarily confer citizenship upon them unless they wish it?

Mr. BENNET. I will say to the gentleman from Wisconsin that after we have conferred that citizenship upon them, and we have the right to do it, of course, by right of conquest, if they want to turn around and deliberately expatriate themselves and become Russians or Hindus or anything else, they have that right?

Mr. STAFFORD. Will the gentleman permit further?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for four minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for four minutes. Is there objection?

There was no objection.

Mr. STAFFORD. There may be, as a result of this European war, certain countries effaced from the governmental maps which have a large number of subjects living in this country, but that would be no reason why we should by legislative act confer jurisdiction upon those people without their full assent and will?

Mr. BENNET. Oh, that is entirely different.

Mr. STAFFORD. I think that is a parallel case.

Mr. BENNET. These are people that we have taken over, and to whom we owe a duty to start them off with some sort of citizenship.

Mr. TILSON. Will the gentleman yield?

Mr. BENNET. I will.

Mr. TILSON. Is it not provided in this very bill that if they wish to continue as citizens of Spain or become citizens or subjects of Spain, they can do so under the terms of this bill by signing a certificate within six months after this law goes into effect?

Mr. BENNET. They could go back to Porto Rico, and when they got there they could sign a declaration, and, after they had signed that declaration, I am a little bit doubtful as to what their status would then be. Would they be citizens of Porto Rico or would they be subjects of Spain? I do not know precisely what that language means.

Mr. TILSON. It seems that they may become subjects of Spain if they wish to do so.

Mr. BENNET. The language says:

I, ———, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island.

Well, I do not know that that would get them any further than making them men without a country. I suppose we have the right to do that. But it seems to me we owe it to them to start them off right as American citizens.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes; I yield to the chairman of the committee.

Mr. JONES. I agree with the gentleman from New York as to what he says about the language quoted on page 6 of the bill. That would not help at all. It was intended for just an opposite purpose.

But the gentleman assumes that these Porto Ricans who have, I may say, expatriated themselves, desire to become citizens of the United States. I have no reason for knowing that. The committee has no evidence on the subject. Nobody ever made such statements to us, and this law was framed for the purpose of making the Porto Ricans residing in Porto Rico collectively citizens of the United States, but permitting those who did not want to become citizens to go into the court and make this declaration.

Now, this proposition which the gentleman makes is to make these people who are not residing there, and who have expatriated themselves, collectively citizens of the United States whether they want to become so or not; and they may not all want to become citizens of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVENPORT. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. BENNET] may proceed for two minutes more.

Mr. JONES. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. JONES. That is the difficulty in my mind, I will say to the gentleman from New York. I think we ought to make those who reside in Porto Rico collectively citizens, and to let

the persons who are contemplated in this section who do not desire citizenship to make the declaration that they do not want to be citizens. But does the gentleman think we ought to undertake to say that Porto Ricans who have lived there and who do not want to go back should be made citizens without knowing whether they want to be citizens or not?

Mr. BENNET. Answering the very pertinent question of the chairman of the committee, I happen to know something about these people. They do desire to become citizens of the United States, and in many instances they have gone to the naturalization courts and tried to become citizens of the United States. The gentleman says some of these people have expatriated themselves. The gentleman is as good an American as there is in the United States, and I do not think he would put a term of opprobrium upon any person who left any part of the United States and came to the mainland of the United States to cast in his fortunes with us. So far as they could they have become Americans.

Mr. JONES. But the gentleman realizes that when they came here they were not coming to the mainland of the United States, with reference to Porto Rico. Then Porto Rico was a colony of Spain.

Mr. BENNET. I mean those who have come since then. Take the case of a man who was in the island at the time of the conquest. Take the case of the employees of the Bull Line of steamers, to be specific. I do not happen to know anybody connected with that line, but I know that there is such a line. They have brought people from Porto Rico to New York City to work in their offices, and those people have become permanent residents of New York, and regard themselves as Americans, but they are not and can not become citizens of the United States, and must remain subjects.

Mr. JONES. Subjects of what country?

Mr. BENNET. Subjects of the United States.

Mr. JONES. Is the gentleman certain that they are not citizens of Spain?

Mr. BENNET. Certainly; because prior to the 11th day of April, 1900, they did not exercise their right of retaining their allegiance to the Crown of Spain, as provided by section 7 of the act of August, 1900.

Mr. JONES. They were not in Porto Rico at that time?

Mr. BENNET. Yes; they were. They were in Porto Rico at the time. But when Port Rico became a part of America, and American business commenced to go back and forth, they came to America and engaged in these various lines of occupation as Americans. They had no desire to remain Spaniards. If they had, they could have filed their declaration.

Now, here is the situation: Two men from the same family, both equally desirous of being Americans, one remaining in Porto Rico and one coming to the United States. The man who remains in Porto Rico can become an American citizen, though he is not on the mainland of the United States, but his brother who comes to the United States can not become an American citizen.

Mr. MEEKER. Mr. Chairman, will the gentleman yield for a question?

Mr. BENNET. I yield to the gentleman from Missouri.

Mr. MEEKER. Would it not meet the practical difficulty to offer an amendment similar to the provision in the bill, that those who desire not to become citizens can up to a certain time go into court and make that statement; or, on the other side, make a proviso whereby all those who are already in the United States will be given the opportunity to become citizens of the United States?

Mr. BENNET. I think the suggestion of the gentleman from Missouri is a very practical one, and that it would be possible to couple with the provision that I suggest a provision that if they do not desire to become citizens, then they may file in the United States district court a declaration to that effect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I should like to oppose the motion to mutilate the first section of the bill.

Just a moment on this point: The language of section 5 of the bill provides among other things for the making of American citizens of natives of Porto Rico who were temporarily absent from that island on April 11, 1899, and have since returned, and who are permanently residing in that island, and are not citizens of any foreign country.

Under the language of the bill the man who was absent from the island on April 11, 1899, and who has since returned to Porto Rico, becomes a citizen. If he came to the United States in 1898 and has gone back to the island, he becomes an American citizen; but if he came to the United States in 1898, and has elected to remain here, he pays the penalty because he stays here of forfeiting his American citizenship. If he has shown his love of America by staying here, then he is not to be an American citizen. It seems to me that that was not the intent of the committee, and that it might very easily be corrected——

Mr. JONES. I will say to the gentleman that that point was never presented to us.

Mr. MANN. I would like to finish my sentence without having it interlarded. Then I will be very glad to yield to the gentleman. If you strike out the provision—

And have since returned and are permanently residing in that island—

So that it will read—

All natives of Porto Rico who were temporarily absent from that island on April 11, 1899, and are not citizens of any foreign country are hereby declared, and shall be deemed and held to be, citizens of the United States—

That will cover the case. I gladly yield now to the gentleman from Virginia.

Mr. JONES. What I was saying to the gentleman was that it was never stated to the committee that there were any Porto Ricans who would come within this category, and we did not undertake to make any provision of this kind. I will say to the gentleman that we have not reached this section in the reading of the bill, and that if we do reach it this evening I will ask that this section be passed over, to be returned to; and in the meantime I will take up the matter with the ranking minority member of the committee [Mr. TOWNER], and will see if we can not frame some amendment that will meet the situation.

Mr. MANN. I have no doubt at all that it was a pure inadvertence on the part of the committee.

Mr. BENNET. I will say that that course is entirely satisfactory to me, and the reason I brought it up under the first section was in the hope that what has resulted would result; that is, that the chairman of the committee would commence to think about the best amendment to meet the situation. I have no doubt he will have a better amendment when we get to it than the one that I have suggested.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to be recognized in opposition to the formal amendment. Now that we are on this question of citizenship, I suppose we might as well thrash out some of the details that might more properly come up later. In that connection I want to invite the attention of the committee to the fact that the injustice which it is apparent would have been inflicted upon certain individuals who were born in or who are citizens of Porto Rico may exist in respect to certain natives of the Philippine Islands, all of which was called to the attention of the committee recently, but which the committee did not seem inclined to act upon. I am very glad to find that they are willing to listen to suggestions of this kind, although they turned a deaf ear to my beseeching appeal in committee. When I say "beseeching appeal" I speak advisedly, because I had tears in my voice, if not in my eyes, when I was talking to them. The treaty in regard to citizenship provides that a man must have been in the Philippine Islands at the time the treaty was passed in order to become a citizen. In other words, if a man was born in the Philippine Islands and was temporarily away at the time the treaty passed and was signed and has gone back to the islands he is strictly a man without a country. Now, that seems an anomaly, and it may be that to some people it seems a rarity, as far as any practical application is concerned, and not worthy of consideration. That is not so. As a matter of fact, some of the most learned Philippine people were in Europe and some of the most cultured and wealthy people were in Spain at the time this treaty was signed and some were in the Spanish army in Cuba.

I think I will be pardoned if I mention one gentleman, a somewhat notorious gentleman. He was educated at the University of Spain at Madrid. He was one of the leading physicians of the islands. At the time of the Spanish-American war he was a physician in the Spanish Army in Cuba. He afterwards returned to the Philippine Islands, and while I am not qualified to speak, I am informed he is a most eloquent speaker among the Filipino people. I rather think he is eloquent because he has been elected to the Philippine Legislature, I think, three times by an overwhelming majority in the city of Manila. Each time he has been ruled out on the ground that he is not a citizen of the Philippine Islands. As a matter of fact, he was born of a Philippine father and a Philippine mother within the walled city. It is not for me to say whether or not that position was well taken; but anyhow, the Philippine Legislature, which has the right to judge of the qualifications and election of its own members, the same as we have, finally said that Dominibar Gomez should not have a seat in the Philippine Assembly because he was not a citizen of the islands. I am not defending Dominibar Gomez for his record; I will leave

that to my genial friend from Virginia, the chairman of the committee. I mention this to strengthen the fact that we have overlooked some facts, both in Porto Rico and the Philippines.

Let me emphasize again the case of Dominibar Gomez is not one entirely by itself, there are a large number of others, and in legislating like we are doing in this bill, let us correct, as far as possible, the injustice that has been done. [Applause.]

The Clerk read as follows:

SEC. 2. That no law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to have a copy thereof; to have a speedy and public trial; to meet the witnesses face to face; and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, whenever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted.

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in Porto Rico shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in Porto Rico.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust under Porto Rico.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

That eight hours shall constitute a day's work in all cases of employment of laborers and mechanics by and on behalf of the government of the island on public works, except in cases of emergency.

That the employment of children under the age of 14 years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

That the right of action to recover damages for injuries resulting in death shall never be abrogated.

Mr. MURRAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 3, line 24, after the word "allowed," insert "and that no political or religious test shall ever be required for the exercise of civil or political rights."

Mr. MURRAY. Mr. Chairman, the usual clause in State constitutions carries this provision, but does not include the remaining part of the paragraph. The committee has provided that "no political or religious test other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust." Certainly it is more important that no political or religious test shall become necessary for the exercise of civil or political rights.

Mr. MANN. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection, and the Clerk again read the amendment.

Mr. JONES. After the word "allowed," it provides that "no political or religious test," and so forth. Does the gentleman want to repeat that?

Mr. MURRAY. No; I would strike that out.

Mr. JONES. How will it read with the gentleman's amendment in it?

Mr. MURRAY. I will ask the Clerk to read it as it would read if amended.

The Clerk read as follows:

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and that no political or religious test shall ever be required for the exercise of civil or political rights, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust under Porto Rico.

Mr. MURRAY. I thought of putting it after the word "required," but here is the trouble. You are referring here now to civil rights. You do not want to say that nothing except an oath to the Constitution of the United States shall be required. If you follow the general trend of the Constitution of the United States you strike out everything after the word "allowed," because when you allow civil and political office, that involves the right of holding office without repetition of these words. If you would strike out everything after the word "allowed" and insert my amendment, you would get everything put in here, unless the gentleman wants to retain the expression about taking an oath to obey the Constitution of the United States, and I thought perhaps he had some purpose in that.

Mr. MANN. Mr. Chairman, the provision of the bill is:

And that no political or religious test other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust under Porto Rico.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Not until I have made a statement of some kind. That is an admission, to start with, that an oath to support the Constitution of the United States is a political test, and I think the bill is right in reference to that—it is a political test. The gentleman from Oklahoma [Mr. MURRAY] offers an amendment to the effect that no political test shall be required for the exercise of any civil rights. In other words, a man goes to vote; under our law, in every place that I know of, he might be challenged. He could not make an oath under this provision, because that is a political test, if the amendment of the gentleman should prevail. You have to make a great many affidavits at times in connection with exercising your right to vote, but under the provision offered by the gentleman you could not enact any political test, you could not require a man to make any statement under oath as to his residence when he came to be registered, because taking an oath is a political test.

Mr. MURRAY. The gentleman is using that word differently from its general acceptation.

Mr. MANN. I am using it in the legal acceptation that I understand and which the bill conveys. That was the acceptation of the committee and whoever drafted the bill, because the provision in the bill is:

No political or religious test——

And a religious test has nothing to do with supporting the Constitution——

other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust under Porto Rico.

That is a statement of the bill itself, that an oath to support the Constitution is a political test, and the bill is correct—it is a political test. What the gentleman has in mind is that one shall not be required to state his partisan politics.

Mr. MURRAY. Certainly.

Mr. MANN. But that has nothing to do with the question of a political test.

Mr. MURRAY. But that is the use in every State in the American Union.

Mr. MANN. I do not believe it is used that way anywhere, and if it is, it is used by people who do not understand the English language.

Mr. MURRAY. It is the use in the gentleman's own State constitution, and if that is so then the people in the gentleman's State do not know anything about the English language.

Mr. MANN. Oh, no.

Mr. MURRAY. It is in the early days.

Mr. MANN. Never in the early days. Even in the earliest immigrant days, those who came to our State understood the English language better than that.

Mr. MURRAY. I will ask the gentleman this question——

Mr. MANN. I am not under cross-examination.

Mr. MURRAY. Does the gentleman from Illinois insist that this clause ought not to go in?

Mr. MANN. I insist that the gentleman's amendment ought not to prevail.

Mr. MURRAY. At all in this provision, either here or over further?

Mr. MANN. The amendment offered by the gentleman from Oklahoma is not drawn with his usual ability. It would eliminate the right to exact any kind of a political test, the

gentleman having in his mind partisan politics, but that is not the use of the term "political" in law.

Mr. MURRAY. Does this agree to the gentleman's view, if it is put over on the other page, at the top of page 4, after the word "required"?

Mr. MANN. Why, no; it would still forbid a man taking an oath that he was going to tell the truth when he went to register to vote.

Mr. MURRAY. To make it clear to the gentleman from Illinois, I will ask unanimous consent to change the word "political" to "partisan."

Mr. MILLER of Minnesota. Does that help it any?

Mr. MURRAY. "Any religious or partisan."

Mr. MILLER of Minnesota. Does that help it any?

Mr. MEEKER. Is that in the Constitution?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent for five minutes just to answer this.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to speak for five minutes. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, there are two other matters of some importance to come up in the House to-night, and I think, possibly, if the gentleman will let this go over it will be wise.

Mr. JONES. Mr. Chairman, I am going to suggest that the amendment go over until to-morrow, and move that the committee do now rise.

Mr. COOPER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Wisconsin. Will that leave opportunity when the bill next comes up for further amendment to this section?

The CHAIRMAN. Certainly; the first thing will be the amendment offered by the gentleman from Oklahoma.

Mr. BENNET. The entire section is still open to amendment.

The CHAIRMAN. Certainly.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, and had come to no resolution thereon.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, I call up the conference report on the Indian appropriation bill, H. R. 10385, and ask that the House further insist upon its disagreement to the Senate amendments and agree to the further conference requested by the Senate.

Mr. MANN. What is the request?

Mr. CARTER of Oklahoma. To take up the conference report on the Indian appropriation bill, to insist upon disagreement to the Senate amendments, and agree to the conference requested.

Mr. MANN. The gentleman, I think, does not want to take up the conference report. As I understand, the Senate has already rejected the conference report——

Mr. CARTER of Oklahoma. Yes.

Mr. MANN. Is the gentleman going to move to concur?

Mr. CARTER of Oklahoma. No; my request is that the House further insist on its disagreement and agree to the conference asked.

Mr. MANN. I thought the gentleman was going to move to concur.

Mr. CARTER of Oklahoma. After consulting the gentleman from Kansas [Mr. CAMPBELL], we have decided upon this.

The SPEAKER. Does the gentleman wish to agree to the conference or ask for one?

Mr. CARTER of Oklahoma. The motion is to further insist upon the disagreement of the House to the Senate amendments and agree to a conference.

The SPEAKER. The gentleman from Oklahoma moves to further insist on a further disagreement to the Senate amendments and agree to a conference. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. CARTER of Oklahoma, Mr. HAYDEN, and Mr. CAMPBELL.

EXTENSION OF REMARKS.

Mr. RIVERA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the economic capacity of Porto Rico to maintain her own expenses.

The SPEAKER. The Resident Commissioner from Porto Rico asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I present a conference report for printing under the rule on the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

The SPEAKER. The gentleman from Virginia presents a conference report on the Army reorganization bill, to be printed under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 644).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12766, entitled "An act to increase the efficiency of the Military Establishment of the United States," having met, after full and free conference have been unable to agree.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

GEO. A. CHAMBERLAIN,
J. C. W. BECKHAM,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12766, entitled "An act to increase the efficiency of the Military Establishment of the United States," make the following statement:

The conferees have been unable to agree and have not been able to adjust the differences between the two Houses.

JAMES HAY.
S. H. DENT, Jr.
JULIUS KAHN.

Mr. HAY. Mr. Speaker, in this connection I ask unanimous consent that the following agreement may be agreed to.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

It is ordered that on Monday next the bill H. R. 12766, with the Senate amendments, shall be considered in the House, with a motion considered as pending that the House further insists upon its disagreement to the Senate amendments; that during the pendency of said motion it shall be in order to move that it is the sense of the House that sections 2 and 56 of the Senate amendment to the text of the bill ought to be agreed to, which motion shall be put separately to a vote upon each of said sections; that it shall further be in order to move that it is the sense of the House that section 122 of the Senate amendment to the text of the bill ought to be agreed to, and, pending that motion, it shall be in order to offer amendments to said section to be voted upon for the purpose of expressing the sense of the House; that upon each of said two main motions to express the sense of the House, one as to sections 2 and 56 and one as to section 122 in the Senate amendment, there shall be not more than 80 minutes' debate, one-half to be controlled by Mr. HAY and one-half by Mr. KAHN.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, will the gentleman kindly inform the House what items are covered by these three respective sections referred to in the order now pending?

Mr. HAY. Section 2 is the section in the Senate bill providing for an Army in time of peace of 250,000 men. Section 56 is what is known as the "volunteer section." Section 122 is the section providing for a nitrate plant.

Mr. STAFFORD. Do I understand, under the scope of this order, we will have but one vote on section 2 and section 56?

Mr. HAY. You will have a vote on each.

Mr. STAFFORD. And right of amendment on the nitrate proposition?

Mr. HAY. Yes, sir.

Mr. MILLER of Minnesota. Does that mean there will be 80 minutes on the three propositions.

Mr. HAY. Eighty minutes on sections 2 and 56 and 80 minutes on section 122.

Mr. MILLER of Minnesota. It seems to me that is not a very equitable distribution of the time. I should think they should have a great deal more time on sections 2 and 56, and we could get through with much less time on the other one.

Mr. HAY. There are a great many people interested in this proposition for a nitrate plant, and the other propositions have been debated ad nauseam, anyway.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Speaker, I would like to suggest that this Army matter be taken up immediately after the reading of the Journal on Monday. The order does not so state.

Mr. HAY. I take it the Speaker will control that.

The SPEAKER. The Chair will recognize the gentleman from Virginia [Mr. HAY] the first thing after we clear up the Speaker's table on Monday morning.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title:

H. R. 12207. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3986. An act granting certain coal lands to the town of Kaycee, Wyo.; to the Committee on the Public Lands.

S. 2986. An act to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes; to the Committee on Banking and Currency.

HOUR OF MEETING MONDAY.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock a. m. on Monday next.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that when the House adjourn to-morrow it adjourn to meet at 11 o'clock a. m. on Monday. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. CONRY, by unanimous consent, was granted leave of absence, indefinitely, on account of illness.

MORNING BUSINESS TO-MORROW.

Mr. MANN. Mr. Speaker, I wish to say that owing to some speeches which are to be made in the House to-morrow I hope as many Members will be present as possible when the House convenes, because if there is not a quorum here at that time I intend to have a call of the House in order to have the Members come in.

Mr. STAFFORD. The gentleman refers to the testimonial to the eightieth birthday of Mr. CANNON?

Mr. MANN. Yes.

SUPPLIES TO AMERICAN RED CROSS.

Mr. SHALLENBERGER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution 119, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the present consideration of the Senate joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 119) to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period.

Resolved, etc., That the provisions of section 1 of the joint resolution approved May 8, 1914, authorizing the issue of military and naval equipment to the American National Red Cross be, and they are hereby, so extended as to permit the issue of the same to the American National Red Cross for the instruction of persons who may volunteer to receive training by that association from May 1 to June 1, 1916.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. BENNET. Reserving the right to object, could the gentleman in a sentence or two tell us what it is?

Mr. SHALLENBERGER. The bill provides for the issuance of medical and other supplies of the Army and Navy for the use of the service training school that the Red Cross is now conducting in Washington. It has already passed the Senate and is recommended unanimously by the committee.

Mr. STAFFORD. As I understand it, this resolution is to provide surgical supplies in case the fair ladies in camp at Chevy Chase become ill.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was ordered to be read a third time, was read the third time, and passed.

MARY L. CUSHMAN.

Mr. LLOYD. Mr. Speaker, I offer a privileged resolution.

The SPEAKER. The gentleman from Missouri offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 167 (H. Rept. 647).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Mary L. Cushman, widow of John E. Cushman, late a messenger on the soldiers' roll of the House, an amount equal to six months of his compensation as such employee and an additional amount, not exceeding $250, to defray the funeral expenses of said John E. Cushman.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

H. B. HARE.

Mr. LLOYD. I also desire to offer the following resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 205 (H. Rept. 646).

Resolved, That there shall be paid out of the contingent fund of the House the sum of $500 to H. B. Hare for clerical services rendered as clerk of the Committee on Mileage.

Mr. LLOYD. Mr. Speaker, the Committee on Mileage has no clerk. This is the usual amount allowed to the Committee on Mileage once in two years.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FOSTER ZEIGLER.

Mr. LLOYD. Mr. Speaker, I present another resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 189 (H. Rept. 645).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Foster Zeigler, clerk to William G. Brown, jr., late a Representative from the State of West Virginia, at the time of his death, March 9, 1916, the sum of $125, being an amount equal to one month's salary of a clerk of a Member of the House.

Mr. LLOYD. Mr. Speaker, this is the usual resolution in such cases.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT.

Mr. GARRETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Saturday, May 6, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the chairman of the Federal Trade Commission, transmitting brief summary of facts and recommendations embodied in the detailed report of the Federal Trade Commission's investigation into trade conditions in and with foreign countries, where associations, combinations, or other conditions may affect the foreign trade of the United States (S. Doc. No. 426), was taken from the Speaker's table, referred to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14534) permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana, reported the same with amendment, accompanied by a report (No. 637), which said bill and report were referred to the House Calendar.

Mr. OGLESBY, from the Committee on Patents, to which was referred the bill (H. R. 13981) to amend the copyright law, reported the same with amendment, accompanied by a report (No. 640), which said bill and report were referred to the House Calendar.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15006) to authorize the Board of Commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana, reported the same with amendment, accompanied by a report (No. 638), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 15007) to authorize the Board of Commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana, reported the same with amendment, accompanied by a report (No. 639), which said bill and report were referred to the House Calendar.

Mr. GRAHAM, from the Committee on the Judiciary, to which was referred the bill (H. R. 6450) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same with amendment, accompanied by a report (No. 648), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (H. R. 15313) to provide for the removal of the Botanic Garden to Rock Creek Park, and for its transfer to the control of the Department of Agriculture, reported the same with amendment, accompanied by a report (No. 641), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes, reported the same with amendment, accompanied by a report (No. 642), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal-savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 643), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15331) granting an increase of pension to Margaret Westcott, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and a memorial were introduced and severally referred as follows:

By Mr. TAVENNER: A bill (H. R. 15385) to authorize the Director of the Bureau of the Census under certain conditions to prepare and distribute blank ballots, and to receive and count marked ballots and report to Congress the result of an advisory vote; to the Committee on the Census.

By Mr. HULBERT: A bill (H. R. 15386) to appropriate $300,000 for the improvement of New York Harbor, N. Y., with a view to securing additional width in Bay Ridge and Red Hook Channels; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15387) to appropriate $700,000 for the improvement of New York Harbor, N. Y., with a view to securing a suitable depth of channel to the navy yard; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15388) to appropriate $30,000 for the improvement of New York Harbor, N. Y., with a view to the removal of Craven Shoal; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15389) to appropriate $250,000 for the improvement of New York Harbor, New York Upper Bay, with a view to improving channel opposite anchorage grounds; to the Committee on Rivers and Harbors.

By Mr. GALLIVAN (by request): A bill (H. R. 15390) to regulate the thickness of walls in buildings in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FERRIS: A bill (H. R. 15391) to punish persons who make false representations to settlers and others pertaining to the public lands of the United States; to the Committee on the Public Lands.

By Mr. COSTELLO: A bill (H. R. 15392) providing for the creation and administration of a Government fund for the insurance of compensation for injuries to civil employees of the Government of the United States; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 15393) to provide for the administration of the civil employees' compensation act of 1916 by creating the Bureau of Civil Employees' Compensation of the Department of Labor; providing for the establishment of a civil employees' compensation board to have charge of such bureau; authorizing the division of the country into civil employees' compensation districts and the appointment of civil employees' compensation referees; defining the powers and duties of the Secretary of Labor, the Bureau of Civil Employees' Compensation, the civil employees' compensation board, the civil employees' compensation referees, and the inspectors of the Department of Labor in enforcing the said act; and fixing the salaries of the members of the civil employees' compensation board, the civil employees' compensation referees, and certain of their employees and assistants; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 15394) defining the liability of the Government of the United States to pay damages for injuries received by an employee in the course of employment; establishing a schedule of compensation; and providing procedure for the determination of liability and compensation thereunder; to the Committee on Reform in the Civil Service.

By Mr. SMITH of New York: A bill (H. R. 15395) for the employment of an attorney for the Indians in the State of New York; to the Committee on Indian Affairs.

By Mr. HILL: A bill (H. R. 15396) providing for investment of deposits in savings bank departments of national banks; to the Committee on Banking and Currency.

By Mr. STOUT: A bill (H. R. 15397) to amend section 11 of the act of May 30, 1908 (35 Stat. L., p. 558); to the Committee on Indian Affairs.

By Mr. MATTHEWS: A bill (H. R. 15398) authorizing the Secretary of War to donate condemned cannon and cannon balls to the village of Antwerp, Ohio; to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 15399) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: A bill (H. R. 15400) authorizing the Secretary of Commerce to lease certain property; to the Committee on the Public Lands.

By Mr. KITCHIN: Resolution (H. Res. 225) providing for consideration of the bill (S. 2986); to the Committee on Rules.

By Mr. DYER: Resolution (H. Res. 226) authorizing and instructing the Committee on the Judiciary to make an investigation relative to the rise in the price of horseshoes; to the Committee on Rules.

By Mr. EMERSON: Joint resolution (H. J. Res. 219) against removal of United States forces from Mexico; to the Committee on Foreign Affairs.

By Mr. COOPER of Wisconsin: Memorial of the Legislature of the State of Wisconsin, to provide separate and comprehensive plan for the prevention of floods in the Mississippi Valley; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 15401) granting a pension to Lou Shont; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 15402) granting an increase of pension to Isaac L. Ferris; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 15403) granting a pension to Azupah J. Batman, helpless and dependent child of Andrew J. Batman; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 15404) granting a pension to Frank J. Mitchell; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 15405) granting an increase of pension to Elbridge Diltz; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 15406) to permanently renew patent No. 630352; to the Committee on Patents.

By Mr. FESS: A bill (H. R. 15407) to pay Charles L. Gallaher the sum of $215; to the Committee on War Claims.

By Mr. HAMLIN: A bill (H. R. 15408) granting an increase of pension to John E. Opdyke; to the Committee on Invalid Pensions.

By Mr. HELGESEN (by request): A bill (H. R. 15409) granting an increase of pension to Charles F. Walter; to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 15410) granting an increase of pension to Catharine A. Mell; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 15411) for the relief of James W. Fickle; to the Committee on Claims.

By Mr. HUDDLESTON: A bill (H. R. 15412) granting a pension to John T. Densmore; to the Committee on Pensions.

Also, a bill (H. R. 15413) granting a pension to Samuel A. Holt; to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 15414) granting an increase of pension to Henry D. Sumner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15415) granting an increase of pension to William H. Mix; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15416) granting an increase of pension to Samuel Platts; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 15417) granting an increase of pension to Andrew J. Escue; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 15418) granting a pension to Mary Butler; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 15419) granting an increase of pension to Mathew Hewlett; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 15420) granting a pension to Margaret L. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15421) granting an increase of pension to Edward S. Atkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15422) granting an increase of pension to Louis F. Ursenbach; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 15423) granting an increase of pension to Jefferson R. McKalg; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15424) granting an increase of pension to James Dunn; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 15425) granting an increase of pension to Sophia J. Bartlett; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 15426) granting an increase of pension to Patrick Mahoney; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 15427) granting a pension to Henrietta Schmidt; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 15428) granting an increase of pension to Angie O. Allen; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 15429) granting an increase of pension to Elliott F. Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15430) granting a pension to Ephraim James Hopkins; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 15431) for the relief of the heirs at law of the late Duncan H. Campbell; to the Committee on Patents.

By Mr. WOOD of Indiana: A bill (H. R. 15432) to correct the military record of William B. Young; to the Committee on Military Affairs.

By Mr. DILL: A bill (H. R. 15433) granting an increase of pension to Mrs. Amanda McHenry, wife of John N. McHenry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of 138 citizens of Pittsburgh, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE: Petition of E. J. Seifert and 21 other citizens of Watertown, Wis., asking for the passage of House bill 8665, to prohibit the stop watch or other time study and the premium or bonus system of payment in Government workshops; to the Committee on Labor.

Also, petitions of citizens of Rolling Prairie, Dodge County; 82 citizens of Barton, Washington County; members of Evangelical Lutheran St. Peter's Church, of Lebanon; members of Evangelical Lutheran St. Stephen's Church, of Concord, Jefferson County, numbering 470 souls; and Immanuel Lutheran Church, of Sheboygan, numbering 1,100 souls, all in the State of Wisconsin, protesting against war with Germany; to the Committee on Foreign Affairs.

By Mr. CALDWELL: Petition of sundry citizens of New York City, relative to preparedness; to the Committee on Military Affairs.

Also, memorial of Jamaica Bay Improvement Assocation, in re river and harbor legislation; to the Committee on Rivers and Harbors.

By Mr. COOPER of Wisconsin: Petition of residents of Milton Junction, Wis., protesting against enactment of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of members of American Federation of Labor at Beloit, Wis., urging the enactment of House bill 8665; to the Committee on Labor.

Also, petition of residents of Whitewater, Wis., protesting against enactment of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Milton Junction, Wis., protesting against enactment of House bill 652; to the Committee on the District of Columbia.

Also, memorial of annual Wisconsin Conference of the Evangelical Association, urging passage of proposed prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of men and women voters of Reno and Carson City, Nev., favoring report on suffrage amendment; to the Committee on the Judiciary.

By Mr. DECKER: Petition of business men of the State of Missouri, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. DILLON: Petition of sundry citizens of Freeman, S. Dak., against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Black Hills Augustoria Irrigation Association, urging action on the proposed Augustoria irrigation project, in Custer, Fall River County, S. Dak.; to the Committee on the Public Lands.

Also, petition of sundry citizens of South Dakota, in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of Southwestern Evangelical Lutheran Church, of Beaver Valley, in re foreign relations; to the Committee on Foreign Affairs.

By Mr. FOCHT: Evidence in support of House bill 10797, for the relief of Jacob F. Schild; to the Committee on Military Affairs.

Also, evidence in support of House bill 10338, for the relief of William S. Nall; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 6583, for the relief of Henry H. Schrawder; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of American Hardware Manufacturers' Association relative to prevention of floods of the Mississippi River; to the Committee on Rivers and Harbors.

Also petition of the Chamber of Commerce of Montgomery, Ala., favoring the Shields general dam bill; to the Committee on Rivers and Harbors.

By Mr. GALLIVAN: Petition of sundry citizens of the United States in re shipment of Red Cross supplies; to the Committee on Foreign Affairs.

Also, memorial of Massachusetts State Board of Trade against Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. GARNER: Petitions of sundry citizens of Texas, opposing break in diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. GRAY of Indiana: Petition of Samuel J. Donley and 50 other citizens of Shelbyville, Ind., protesting against the enactment of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of New York: Petition of sundry citizens of Jamestown, N. Y., against passage of bills for Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HILL: Petitions of Rippowam Lodge, No. 24, Independent Order of Odd Fellows, of Stamford, Conn., and Local Union No. 193, Brotherhood of Painters, Decorators, and Paper Hangers of America, favoring House bill 6915 for retirement of aged employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: Petitions of Thomas S. Walsh, A. P. Lane, and 49 others of Denver, Colo., against the Taylor system in Government shops; to the Committee on Labor.

By Mr. LOUD: Petition of Trinity Evangelical Lutheran Church, of Merritt, Bay County, Mich., against war with Germany; to the Committee on Foreign Affairs.

By Mr. McCRACKEN: Petition of sundry citizens of Idaho, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of members of the Rigby (Idaho) Study Circle, favoring bill providing for the creation of the Sawtooth National Park; to the Committee on the Public Lands.

My Mr. McDERMOTT: Memorial of the Traders' Live Stock Exchange, of Chicago, Ill., favoring the passage of the Lobeck classification bill; to the Committee on Agriculture.

By Mr. MADDEN: Petition of sundry citizens of Illinois, opposing passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Memorial of New York Milk Committee, against bills relative to prohibiting officials of Public Health Service in medical organizations; to the Committee on Agriculture.

Also, memorial of Board of Aldermen of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: Petition of Joseph J. Landall, of Peace Dale, R. I., favoring the Smith-Hughes bill; to the Committee on Education.

Also, memorial of Chamber of Commerce of Milwaukee, Wis., and Akron Chamber of Commerce, of Akron, Ohio, favoring the Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Cranston, R. I., favoring peace with Germany; to the Committee on Foreign Affairs.

Also, petition of N. L. Berry & Co., of Providence, R. I., favoring the Stevens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. S. Ogassian, of Providence, R. I., and Peter S. Kaloostian, of Providence, R. I., favoring Senate resolution providing for Armenian relief day; to the Committee on the Judiciary.

Also, memorial of New England Southern Conference of the Methodist Church, on temperance; to the Committee on the Judiciary.

Also, memorial of Indianapolis Board of Trade, favoring the Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Electrotype Molders and Finishers' Union, No. 17, of Washington, favoring the Barnhart bill; to the Committee on Printing.

By Mr. ROWE: Memorial of American Manufacturers' Association, in re flood control; to the Committee on Flood Control.

Also, memorial of Cotton Goods Export Association of New York, favoring the United States retaining the Philippines; to the Committee on Insular Affairs.

Also, memorial of Schlobohm & Co., of Brooklyn, N. Y., favoring the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of District Council of Greater New York, in re labor conditions in Canal Zone; to the Committee on Insular Affairs.

Also, memorial of Kings County Retirement Association, favoring the Hamill pension bill; to the Committee on Pensions.

By Mr. SMITH of Michigan: Additional papers in the pension case of Lydia M. McGowan, House bill 15086; to the Committee on Invalid Pensions.

Also, petition of William S. Forbes and members of Orcutt Camp, No. 10, Sons of Veterans, United States of America, favoring adequate preparedness for defense of our country; to the Committee on Military Affairs.

By Mr. STEPHENS of California: Petition signed by J. N. Russell and 20 others, of Los Angeles, Cal., protesting against House bill 13048, for juvenile court in the District of Columbia; to the Committee on the District of Columbia.

Also, resolutions of Chamber of Commerce of San Francisco, Cal., and Chamber of Commerce of Los Angeles, Cal., favoring system of wagon roads in Alaska; to the Committee on Roads.

Also, resolutions of California Metal Producers' Association, San Francisco, Cal., favoring revision of the mining laws; to the Committee on Mines and Mining.

Also, petition signed by M. A. Remick and 30 other citizens of Los Angeles, Cal., favoring freedom of speech and of the press; to the Committee on the Post Office and Post Roads.

Also, communication from Daughters of the American Revolution, Hollywood, Cal., favoring defense and protection of the Pacific coast; to the Committee on Military Affairs.

Also, communications from General Contractors' Association, San Francisco, Cal., and Realty Board of Los Angeles, Cal., protesting against the building of power plant on the Potomac near the Mall; to the Committee on the District of Columbia.

Also, communication from Chamber of Commerce of Pomona, Cal., indorsing tariff commission bill (H. R. 4726); to the Committee on Ways and Means.

Also, communication from Chamber of Commerce of Sacramento, Cal., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, communication from Chamber of Commerce of Coalinga, Cal., protesting against revenue stamps on checks; to the Committee on Ways and Means.

Also, telegram from Judge M. W. O'Donnell and Capt. P. C. Mulqueeney, protesting against the violating of principles of international law, humanity, and civilization by Great Britain of the Irish prisoners of war; to the Committee on Foreign Relations.

Also, petition signed by K. F. McBride and 85 other citizens of Los Angeles, Cal., protesting against war with Germany; to the Committee on Foreign Relations.

By Mr. TEMPLE: Petition of membership council of the Washington Board of Trade, indorsing the Pomerene uniform bill of lading measure; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill 15345, granting an increase of pension to Eli Hovis; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: Petition of Minnesota State Sunday School convention, against appropriation for sectarian purposes; to the Committee on Indian Affairs.

SENATE.

SATURDAY, *May 6, 1916.*

(Legislative day of Friday, May 5, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

ADDRESS BY EX-SENATOR JOSEPH W. BAILEY (S. DOC. NO. 428).

Mr. SUTHERLAND. Mr. President, at the last meeting of the American Bar Association, held at Salt Lake City, Hon. Joseph W. Bailey, a former Member of this body, delivered an address on the subject of the American judiciary. It is a scholarly and timely contribution to that subject, and I ask unanimous consent that it may be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CLARKE of Arkansas. I ask unanimous consent to present a report from the Committee on Commerce on the river and harbor appropriation bill.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. CLARKE of Arkansas. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and I submit a report (No. 420) to accompany the bill. I hope to have the permission of the Senate to call up the bill for consideration on Tuesday next.

The VICE PRESIDENT. The bill will be placed on the calendar.

ARTICLES BY DR. ARTHUR MACDONALD.

Mr. GRONNA. I have here some articles written by Dr. Arthur MacDonald on War and Humanity, giving general attitude of many American citizens. I ask that it be printed as a Senate document.

Mr. SMOOT. I ask that it may go to the Committee on Printing.

Mr. GRONNA. I will say that I understand it will cost less than the $500 limit to print this matter.

Mr. SMOOT. I think it should go to the Committee on Printing.

Mr. GRONNA. Very well; let it go to that committee.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

THE FOREIGN TRADE (S. DOC. NO. 426).

Mr. BANKHEAD. I ask for the regular order.

Mr. SIMMONS. Will the Senator from Alabama permit me a moment to make a request?

Mr. BANKHEAD. I yield to the Senator from North Carolina.

Mr. SIMMONS. On May 3 the Vice President laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, a summary of the facts and recommendations embodied in the detailed report of the commission's investigation into trade conditions in and with foreign countries where associations, combinations, or

other conditions may affect the foreign trade of the United States, which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

That report, Mr. President, deals with matters that probably will suggest some amendments to the antitrust laws of the country, and I would suggest that probably the report ought to be referred to the Committee on the Judiciary, and I ask that the Committee on Finance be discharged from its further consideration and that it be referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, it is so ordered. House bill 7617 is before the Senate as in Committee of the Whole.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Norris	Smoot
Bankhead	James	O'Gorman	Sterling
Brady	Johnson, Me.	Overman	Stone
Chamberlain	Johnson, S. Dak.	Page	Sutherland
Clapp	Kenyon	Pittman	Taggart
Clarke, Ark.	Kern	Poindexter	Thomas
Culberson	La Follette	Ransdell	Tillman
Curtis	Lane	Reed	Vardaman
Dillingham	Lodge	Shafroth	Wadsworth
Fall	Martin, Va.	Sheppard	Williams
Fletcher	Martine, N. J.	Sherman	Works
Gallinger	Myers	Simmons	
Gronna	Nelson	Smith, Ga.	
Hardwick	Newlands	Smith, S. C.	

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Illinois [Mr. LEWIS] on account of illness. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I rise to announce the unavoidable absence of the Senator from Ohio [Mr. POMERENE] on public business, and also the absence on public business of the Senator from West Virginia [Mr. CHILTON].

Mr. JOHNSON of South Dakota. I wish to announce that the Senator from Wisconsin [Mr. HUSTING] is unavoidably absent. I desire this announcement to stand for the day.

Mr. GALLINGER. I desire to announce the unavoidable absence of the Senator from Maine [Mr. BURLEIGH] on account of serious illness in his family.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present.

HOMESTEADS IN ALASKA.

Mr. MYERS. Mr. President, on the 3d day of this month, on behalf of the Senate Committee on Public Lands, I made a favorable report upon the bill (H. R. 228) to amend the United States homestead law in its application to Alaska, and for other purposes. The report is erroneous in that it fails to incorporate an amendment that the committee ordered incorporated. I ask unanimous consent that the bill may be recommitted to the Committee on Public Lands in order that a corrected report may be submitted.

The VICE PRESIDENT. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10668. An act to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest-homestead act, and for other purposes; and

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia.

The message also announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER of Oklahoma, Mr. HAYDEN, and Mr. CAMPBELL managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof; and

H. R. 12207. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

GOOD ROADS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. WORKS. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend by adding after section 3 of the committee amendment the following:

SEC. —. That the Secretary of the Treasury is hereby authorized and directed to acquire title for the Government, by purchase or condemnation, of all property fronting on Pennsylvania Avenue, in the city of Washington, between the Capitol and the Treasury Building, not already owned by the Government, on the north and south sides thereof, for the erection thereon of such public buildings as are now and may hereafter be needed by the Government for governmental purposes and for the parking and beautification of said avenue.

SEC. —. That hereafter all public buildings of the Government shall be constructed on said avenue so long as there is space sufficient for that purpose, and not elsewhere.

SEC. —. That the sum of $100,000,000, or so much thereof as may be necessary for the purpose of acquiring such property, is hereby appropriated and made presently available therefor.

Mr. WORKS. Mr. President, I have proposed three amendments to the pending bill, the principal object of which is that the District of Columbia may share to some extent in the money that we are proposing to take out of the National Treasury. One of them is the amendment which has just been read. Another is an amendment proposing to appropriate $600,000 for the purpose of condemning and acquiring title to the land in what is known as Snow Court, one of the most notorious slums in the city of Washington. Another is an amendment proposing to appropriate $10,000,000 for the purpose of clearing out all the slums in the city of Washington and constructing therein sanitary buildings to be rented to the poor of the city.

My genial friend, the Senator from Alabama [Mr. BANKHEAD], because of my introduction of these amendments, has referred to me as a practical joker. Mr. President, it may be a joke to present to the Senate of the United States a plain, practical business proposition without money in it to the States and without votes to the politicians. It may be a joke to endeavor to rehabilitate the great national thoroughfare in the Capital of the Nation and at the same time provide for the construction of a building that the Government needs as a pure matter of economy. It may be a joke to endeavor to make the city of Washington, the Capital of this Nation, clean and decent and respectable by the appropriation of a small sum of money compared with the amount that is proposed to be given here to the States. It may not be a practical joke to extract from the Treasury of the United States under false pretenses $75,000,000 to be distributed to the States, which are no more entitled to that money under the Constitution than I am.

The District of Columbia has no representation in either House of Congress. There is no one here to speak especially for the interests of the District. We say, of course, that all of us represent the District of Columbia because it belongs to the United States and is under the exclusive jurisdiction of Congress; but if any Member of this body could go out into this city and see the things that I have seen, he would come to the conclusion that the District of Columbia is being very poorly represented in Congress.

I am not now going to discuss the two amendments that have not yet been offered, but I shall address myself solely to the proposition of appropriating money for the purpose of acquiring the lands on Pennsylvania Avenue to be used for the construction of buildings of the Government that are now actually needed. I think any Member of this body who goes down and takes a look at Pennsylvania Avenue will be ashamed of the conditions that exist there. It is the one great avenue that is intended to connect the Capitol and the White House. It has fallen into neglect. What buildings have been constructed by the Government have not been constructed along the line of this thoroughfare where I think they should have been erected, and a great many of them that are needed have not been constructed at all.

We are to-day paying something like $700,000 a year rent for buildings in which to house the different departments and bureaus of the Government. We are adding to the number of such bureaus constantly, requiring more and more room. Leaving out all sentimental questions and looking at it from a purely business point of view, it would be a matter of economy to acquire these properties along the line of Pennsylvania Avenue on which to construct our own buildings. It is not only a question of the saving of rent. The buildings that are now being occupied are so inadequate that the renting system obstructs materially the efficient working of the force of the Government; and we are losing money every day in that way, to say nothing about the rent.

I know it will be said that this is not the place to legislate about Pennsylvania Avenue; but why not? It is just as appropriate to apply some of the money of the Government to the improvement of this street as it is to apply the money to the building of a road in California. Pennsylvania Avenue falls under the definition of a post road, as set out in this bill, except that it is not rural; but if you go down and look at it, you will think it comes very near filling the latter requirement.

Mr. President, I had the honor to be a member of the joint committee of the two Houses to investigate the financial difficulties between the District of Columbia and the National Government. While it was not strictly within the province of that committee, in connection with it I took upon myself to make a personal examination and investigation of some of the conditions existing in the city of Washington and in the District of Columbia. Taking a broad view of it, it was entirely legitimate that that should be taken into account by the committee, because one of the questions involved was the efficiency of the service that is being rendered here in the District of Columbia under the half-and-half system that was then under investigation. Amongst other things, I took into account the condition of Pennsylvania Avenue, what was due to the Government and the District of Columbia in dealing with that great street, and I want to read to the Senate very briefly what I said on that subject in the separate report that I filed at that time. After referring in a general way to the condition of the streets, I said this about Pennsylvania Avenue:

I take up Pennsylvania Avenue separately, because it is unique and deserves especial attention and more heroic treatment. If one who had read about the magnificent thoroughfare of the National Capital could see it for the first time from the steps of the Capitol Building looking down toward the White House his illusions about it would be rudely dispelled. Aside from its extreme width, and, in that respect, imposing appearance, there is nothing in the Avenue to excite the pride of an American citizen. It was laid out and intended as an imposing and superb thoroughfare between the Capitol Building and the White House, something like a mile apart. But, unfortunately, the Government neglected to preserve in itself the title to the lands bordering on the street, and it went into the hands of private owners, and the street is lined wih cheap and unsightly frame buildings, many of which have fallen into decay and become nothing less than disreputable. They are occupied as small stores, many of them second-hand and most unattractive, with here and there, at frequent intervals, a liquor saloon, often none too respectable. And now the finishing touch is added by making the center of the Avenue a parking place for automobiles. This is the national thoroughfare which the country reads about.

Are we to leave it in that condition indefinitely? Perish the thought. But what is to be done about it? Do with it just what was intended, undoubtedly, in the beginning. Make it a national thoroughfare by condemning every foot of the land bordering on the Avenue between the Capitol and the Treasury Building for a depth sufficient for the purpose and construct upon it the public buildings so much needed for the housing of the several departments of the Government. There would be plenty of room for them all, I have no doubt, and leave room for parks between them for the length of the street. In this way payments of large rents in the city for Government purposes would be avoided, the efficiency of the service would be greatly increased, and the employees of the Government now working uncomfortably in small, overcrowded, insanitary rooms would be properly housed and able to render the best possible service, and Pennsylvania Avenue be made the most beautiful as well as the most imposing municipal thoroughfare in the world.

This could not, of course, be done out of the current revenues. It should be done by issuing long-time bonds for the improvement of the Capital. It should include an amount sufficient to banish the slums and erect model sanitary houses on the ground they now occupy and in all other ways put the city in good sanitary condition. This would not only enhance the beauty of the city and remove the plague spots that now breed crime and vice and disease, but in the long run it would be an economy.

At the present time the department buildings are scattered about the city in many places, many of them rented and poorly fitted for the purpose, difficult of access and communication by people doing business with the Government, and inconvenient in the transaction of business by the officers and employees themselves. It has been suggested that the Government acquire the south side of the street for its buildings. If this should be done and the buildings constructed, the street with magnificent and imposing buildings on one side and the one and two story frame shacks ready to collapse with age on the other, it would be an amazing spectacle.

Unfortunately, the Government buildings have not been located together but have been scattered about the city. This was a great mistake and should be corrected as soon as possible by bringing them together on this one avenue, thus making the buildings a continuous grouping from the Capitol to the White House. The Book of Estimates for last year showed that we were then paying nearly $600,000 a year for rented buildings. The amount, I understand, will increase this year, and continue to grow in amount for the years to come unless we construct our own buildings. This is exceedingly poor economy and bad business policy.

The amount of rent that we are paying, Mr. President, has already increased very largely, even in this short time, and, as I said a while ago, the rents are bound to continue to increase.

Now, I want to say that I have not offered this amendment with any great hope that it will be adopted and made a part of this measure. It will be said, as I suggested a while ago, that it does not properly belong in this bill. Some Senator may conceive the idea that, if it is attached to the bill, it will endanger the bill itself. I am not offering the amendment with any purpose of that kind, though I should not regret it if the bill should be defeated; but, Mr. President, I have taken this opportunity to call the attention of the Senate of the United States to one of the conditions that exist that we ought to take into serious account.

The Senator from Vermont [Mr. DILLINGHAM] asks to what extent we have acquired property on Pennsylvania Avenue. I am not able to answer that question. There has been a part of that property up near the Treasury Building that has already been acquired for the purpose of constructing some of the public buildings.

Mr. BANKHEAD. Mr. President, if the Senator from California will permit me, I think I can answer the question asked by the Senator from Vermont.

Mr. WORKS. I shall be very glad if the Senator from Alabama will do so.

Mr. BANKHEAD. The Government has purchased certain land, beginning on Fifteenth Street, I believe, on the east of the White House Grounds, including three squares on the south side of Pennsylvania Avenue.

Mr. WORKS. But for some unaccountable reason—I do not know why—the Government is now constructing one of its important buildings elsewhere. I have always felt, and felt very strongly, that the Government buildings should be congregated upon this one Avenue, as a matter of convenience, to say nothing else, of communication between the different departments of the Government. It would be an excellent thing.

Mr. NELSON. Mr. President, if the Senator will permit me, perhaps he is not aware of the course of old Tiber Creek, a stream which ran across the foot of the Capitol Grounds and through the area on the south side of Pennsylvania Avenue. If we constructed buildings along there, we would find difficulty, as was found in the case of the Post Office Department Building, for they would be erected in what was formerly swamp. If you examine the old plats of the city of Washington, you will find that there was a canal which ran down there right through the Center Market. If you utilized that area wisely, you should set out rows of Lombardy poplars there instead of erecting public buildings along that canal.

Mr. WORKS. Mr. President, that is a very small consideration, and those things are very easily overcome. Some large buildings have already been erected on that street.

Mr. OVERMAN. Mr. President, I want to say to the Senator that the Senate has, two or three times at least, expressed itself in favor of buying all the property on the south side of Pennsylvania Avenue and putting up public buildings there.

Mr. WORKS. That was before I came to the Senate.

Mr. OVERMAN. That was a hobby, if I may use the expression, of the late Senator Heyburn, of Idaho; and I think he secured the passage through the Senate of such a bill two or three times.

Mr. WORKS. The Senate talking about doing something and actually doing it are two quite different things. We talk about a good many matters here which are never accomplished.

Mr. SHAFROTH. Mr. President, if the Senator will yield to me, I should like to make an observation at this point.

Mr. WORKS. I yield to the Senator.

Mr. SHAFROTH. In purchasing the ground between the Union Station and the Capitol several blocks which are beyond Delaware Avenue, upon which the Senate Office Building is located, have been acquired, and I have understood that on three of those blocks it was intended that fine public buildings should be erected. I understand that was the ultimate desire of many when it was concluded to purchase that ground, and it seems to me that we ought to occupy some of the ground we already own instead of acquiring more ground.

Mr. WORKS. Well, Mr. President, I do not know how that may be. I am going to speak of that after a while, but I supposed all of the ground that was acquired between here and

the Union Station was intended for park purposes, and I myself should think it would be a great mistake to locate any of the Government buildings away off there by themselves, involving difficulty of communication with other departments of the Government. I am very strongly impressed with the belief that the proper thing to do, as a matter of economy, to say nothing about anything else, leaving out of the question the desirability of building up this great street, that the Government buildings ought to be brought together in that one place on that street.

Mr. BANKHEAD. Mr. President, I simply desire to call the attention of the Senate to the provisions of this proposed amendment. It proposes to pay $100,000,000 for the purpose of acquiring both sides of Pennsylvania Avenue from the Peace Monument to the Treasury Department, including, of course, many of the best and most costly hotels in the city, amongst others the New Willard Hotel, and all that. I am not going to argue this question. I am ready for a vote, and I hope the Senate will vote down the amendment.

Mr. VARDAMAN. Mr. President, I suggest that if we are going to pass this amendment in order to clean up the Capital we should move the Capitol, rather than spend a hundred million dollars in this way; and I join the Senator from Alabama in the suggestion that we vote on this question right now.

Mr. SHEPPARD. Mr. President, the Senator from California [Mr. WORKS] adverted to the fact that the District of Columbia was given no representation in Congress. I want to call his attention to the fact that the indifference on the part of Congress ceased the moment that the liquor traffic in the District of Columbia became involved. When the bill was introduced for prohibition in the District of Columbia gentlemen immediately showed great anxiety to have that particular question referred to the people of the District.

Mr. WORKS. Mr. President, I should prefer not to go into the question of the liquor traffic in connection with this matter. I know how earnestly the Senator from Texas is interested in that subject.

Mr. SHEPPARD. I merely wanted to emphasize the point the Senator was making.

Mr. WORKS. I think the Senator is perfectly right about that.

Mr. President, with respect to the amount that is mentioned in this amendment, it is a purely arbitrary amount. I have no means of knowing what amount of money would be necessary for the purpose; and the provision is that such part of it only shall be appropriated as is necessary for the purpose.

Mr. GALLINGER. Mr. President, I rise to ask the Senator from California a question concerning that feature of the matter. Has there been any estimate made as to what the probable cost will be under your amendment?

Mr. WORKS. No.

Mr. GALLINGER. Will the Senator permit me to call attention to some things that occurred in the Senate in relation to this subject before the Senator came here?

Mr. WORKS. I will be very glad to have the Senator do so.

Mr. GALLINGER. The late Senator from Idaho, Mr. Heyburn, who was my neighbor on the right in the Senate for a good many years, took a very active interest in pushing legislation to acquire the property on the south side of the Avenue. To me it has always seemed that the north side of Pennsylvania Avenue was rather more disreputable than the south side. I refer particularly to that portion from the Peace Monument extending to Sixth Street. I thought, if anything was to be done to clean up the Avenue and make it what it ought to be, that the property on the north side ought to be acquired, and the Senator includes that, I notice, in his amendment.

Mr. President, I will give chronologically what has happened on this subject prior to the present time.

On December 4, 1907, Senator Heyburn introduced a bill (S. 122, 60th Cong., 1st sess.) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government, which included all the south side of the Avenue from the Peace Monument to Fifteenth Street and certain other small tracts. The same Senator made a report from the Committee on Public Buildings and Grounds (Rept. No. 9) on the bill which he had introduced.

Senator Heyburn also made a supplemental report (Rept. 9, pt. 2). In that report he printed a letter from the Commissioners of the District of Columbia, giving a statement concerning the value of the property square by square, the value being $11,923,000 for the land and $6,460,000 for the improvements, making a total of $18,383,000. This amount not only included the value of the property on the south side of the Avenue, not then owned by the Government, but also detached pieces which were included in the bill. The value of the property, as submitted by the commissioners, was as follows:

	Land.	Improvements.	Total.
Square 226	$773,000	$450,000	$1,223,000
Square 227	508,000	160,000	668,000
Square 228	193,000	85,000	278,000
Square 229	180,000	50,000	230,000
Square 230	461,000	125,000	586,000
Square 256	400,000	500,000	900,000
Square 257	300,000	150,000	450,000
Square 258	400,000	120,000	520,000
Square 259	410,000	625,000	1,035,000
Square 260	280,000	45,000	325,000
Square 292	417,000	130,000	547,000
Square 293	600,000	250,000	850,000
Square 294	250,000	90,000	340,000
Square 295	220,000	60,000	280,000
Square 349	520,000	250,000	770,000
Square 350	440,000	70,000	510,000
Square 380	578,000	360,000	938,000
Square 381	740,000	180,000	920,000
Square 382	1,270,000	260,000	1,530,000
Square 461	750,000	440,000	1,190,000
Square 575	260,000	270,000	530,000
Square 576	175,000	200,000	375,000
Reservation A	403,000	425,000	828,000
Reservation B	600,000	600,000	1,200,000
Reservation C	300,000	175,000	475,000
Reservation D	275,000	240,000	515,000
Reservation 12	220,000	150,000	370,000
Total	11,923,000	6,460,000	18,383,000

Mr. SUTHERLAND. Mr. President, did that include only one tier of blocks, or did it take the property running back to the Mall?

Mr. GALLINGER. It took the property back to the Mall, as I understand. That was Senator Heyburn's scheme. That bill passed the Senate April 15, 1908, but failed of action in the House.

In the Sixty-first Congress, first session—March 22, 1909—Senator Heyburn introduced another bill of a similar nature, which was favorably reported from the Committee on Public Buildings and Grounds—Report No. 285, with map—and which passed the Senate, again failing in the House.

In the Sixty-second Congress, first session, Senator Heyburn introduced the same bill, which was approved by the Commissioners of the District of Columbia, and was favorably reported and passed the Senate May 23, 1912, but it met the same fate as the previous bills had when it reached the House of Representatives.

In this bill the sum of $15,000,000 was named, the amount in former bills being $10,000,000, which the commissioners represented would necessarily be inadequate.

On April 24, 1913, the Senator from Washington [Mr. JONES] introduced a joint resolution (S. J. Res. 28) authorizing the appointment by the President of a board to ascertain and report to Congress the probable cost of acquiring land on both sides of the Avenue from Eleventh Street east to the Capitol Grounds, as sites for buildings, but no action was taken on the resolution.

Nothing has been heard of the matter until the Senator from Calafornia presented it in the form of the amendment which is now under consideration. I will venture to say that whatever the fate of the pending amendment may be, the amount named in the amendment offered by the Senator from California—$100,000,000—for the acquisition of the property on both sides of the street, is very much in excess of what it would actually cost. The commissioners made a very careful estimate in 1908 (S. Doc. 421, 60th Cong., 1st sess.) and I assume that they made personal inquiry of the owners of the several properties at that time, the amount being, as above stated, $18,383,000.

Mr. President, that is all I care to say. I was impressed with the feeling that probably the Senator had made only an approximate estimate as to the value, which I feel sure is far above the real value of the property.

Mr. SUTHERLAND. Mr. President, the late Senator from Idaho, Mr. Heyburn, as the Senator from New Hampshire has just said, introduced a bill, as I recall, on three different occasions——

Mr. GALLINGER. Three occasions; yes.

Mr. SUTHERLAND. By which he sought to have the Government acquire the south side of Pennsylvania Avenue. It was a subject which that Senator had very much at heart, and a project which he prosecuted with his usual zeal. I became a convert to his position with reference to it, and I believe today that we could not do a wiser thing than to obtain the title

to all of the land on the south side of Pennsylvania Avenue. I am not, as at present advised, quite in favor of going as far as this amendment proposes, and acquiring in addition the lands upon the north side of the Avenue.

The thought about it has been this: The Government of the United States already owns quite a proportion—I am not sure of the exact proportion, but perhaps a third in area—of the lands upon the south side of the Avenue between the Peace Monument and the Treasury Building. The Government owns, I think, nothing on the north side of the Avenue. On the north side of the Avenue there are some very valuable buildings, including the Willard Hotel and the Raleigh Hotel and other buildings that have been very expensive, so that the cost of acquiring the lands on the north side of the Avenue would be many times the cost of the lands on the south side.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

Mr. SUTHERLAND. Yes.

Mr. GALLINGER. Having taken a good deal of interest in this matter in former years, my thought was that if we wanted to make Pennsylvania Avenue a decent thoroughfare, which it is not now, it might be well for the Government to acquire the land on the north side of the Avenue from First to Sixth Streets, and that would not include the expensive buildings. It would take in the shacks and the rum shops and buildings of that kind.

Mr. SUTHERLAND. How deep would the Senator propose to go?

Mr. GALLINGER. I think it ought to run back to the next street.

Mr. SUTHERLAND. That is, a single tier of blocks?

Mr. GALLINGER. A single tier of blocks; yes.

Mr. WORKS. I think the Senator is correct in his view that we probably ought not to go beyond Sixth Street; and I shall be quite willing to modify my amendment to that extent, although if in the future it should become necessary, in order to furnish room for the public buildings, I should then prefer to go farther, in order to bring them together at that point and on that street.

Mr. SUTHERLAND. My judgment about it has been that if we would acquire the south side of Pennsylvania Avenue for it full length, from the Peace Monument to the Treasury Building, and the depth back to the Mall, the south side of the street could be built up in the course of some years—it would require probably 15 or 20 years before it would be finally completed—but that side would be occupied by magnificent buildings, with sufficient ground about them to add to their beauty and dignity and nothing back of them in the way of poor buildings to detract from the beauty; and that if we did that, very naturally, in the course of time the north side of the Avenue would be taken over by people who would put up handsome business houses.

If the Senator has ever been in Edinburgh and seen Princes Street, he will understand, in a way, the picture that is in my own mind with reference to what Pennsylvania Avenue might be made. Princes Street, in Edinburgh, I think is one of the most beautiful streets in the world. I am not clear about the points of the compass there, but, as I recall, the east side of Princes Street is open, except that between the two stations—the Caledonian and the North British—there are occasionally handsome monuments. That side of the street gives upon that great depression along which the railroads run, which are so concealed by shrubbery and banks that one standing in the street does not observe them. But because Princes Street has been made such a handsome avenue the west side of the street is occupied by the handsomest business houses in Edinburgh. I think the same result would follow here, and that if we occupy the south side of the street for public buildings the north side of the street would very naturally build up in that way.

I agree with the Senator from California that it is simply outrageous that a great Government like this should be housing its offices in rented buildings, inconvenient, liable to be burned down at any time—because few of those that are occupied are fireproof or anywhere near approximately fireproof. We are paying, as the Senator says, something over $600,000 a year in rentals for those buildings; and it is not in keeping with the dignity of a great Government like this, which represents a hundred million people, here in the Capital of the Nation, that it should be peddling out its offices all over the city in inconvenient structures that are likely to be burned down at any time.

We made provision, as I remember, for three buildings some years ago, and yet apparently nothing has been done by the Treasury Department to put them up. We made provision more than three years ago for joining these two parks, the park along the Potomac River and Rock Creek Park. We authorized it to be done, and directed it to be done; and yet, so far as I know, no steps have been taken to do it. I do not know how long it would be, if we should provide for this, that, with the present administration in power, before anything would be done to carry it out, but I should like to see an attempt made. I, for one, would like to support the amendment of the Senator, if he would modify it so as to provide that the Government should acquire the south side of Pennsylvania Avenue, and that the sum appropriated should be $15,000,000, or so much thereof as may be necessary.

Mr. NELSON. Mr. President, it may seem a little foolish to take up the time of the Senate on this question, but the remarks made are of such a peculiar character that I can not help but make some comments on them.

It is one thing to acquire the land on the south side of the Avenue and add it to the Mall. That is one thing; but, when you talk about putting all our public buildings in a row there, you are simply asking us to put our buildings in the lowest and swampiest ground in the whole city of Washington. If you will look at the old maps of the city you will find that a stream came in from the north down at the foot of Capitol Hill. It is said that in old times there was a bridge across here, and that sometimes, when Senators had been in session a long time, they found it difficult to cross that bridge. [Laughter.]

Mr. SUTHERLAND. Why?

Mr. NELSON. That stream was known as the Tiber. It was deflected at the foot of Capitol Hill, and a canal ran clear down from there—you will find the end of it somewhere down near the Peace Monument—through where the Center Market is, through the back end of the site of the Post Office Department building; and it was all a swamp and a canal down there. Then, as you went down, there were two streams that came across the hill and joined it, one near Seventh Street and another up this way, and the whole territory was nothing but a swamp.

Look at the Post Office Department building? Why, it puts you in mind of a monastery building in the Middle Ages, away down there; and if you go and look at the flood records in Washington before they improved the Potomac you will find that the Potomac waters were away back, so that they would get into the basement of the Post Office Department building. I have heard it rumored that it was the influence of the Star and the Post that got that big building erected down there. I had always supposed that if you wanted buildings of architectural beauty and buildings that embodied the Grecian style of architecture, like the Corinthian and other columns, you would like to have the buildings on elevated ground and not built in a mudhole or a swamp. If you buy up the ground on the south side of the Avenue, I would suggest to Senators that it would be a good plan to plant a row of Lombardy poplars there, instead of putting all our public buildings down in that swamp.

Why should we go to work and buy up buildings and then tear them down? I want to call the Senator's attention to the south side of the Capitol. Did you ever, as you came up Capitol Hill near what is called the Butler Building, look over that territory? There is a lot of rough ground, hard-looking ground, that needs care. That is what we ought to look after—improving the south side of the Capitol; but, unfortunately, there are not so many buildings on that to be sold to the Government as there are in these other localities.

Here we have been buying blocks and tearing down buildings to make a beautiful place between the Capitol and the Union Station. Why do we not do something on the south side of the Capitol as you come up that hill, where there are only a few scattering buildings, and where, if anywhere, an improvement is needed to make the Capitol look well?

Senators talk about renting public buildings. Well, there is something in the wind. I never could get at it. We used to own a building on the west side of the Riggs Bank, between that and Lafayette Square. The Department of Justice occupied it. It was bought for the purpose of putting a department building on it. They bought it, and the department occupied it for a little while, and then by and by they tore it down, and the Department of Justice found quarters in a residence away below here somewhere, farther in the northwest part of the city, and the piece of ground from which the building was removed lies there unused and vacant.

If you want a place for the Department of Justice, where you will have the Supreme Court and the Law Library accessible to Congress, the place to put it is here on Capitol Hill, right across from the Library of Congress, on the north side of East Capitol Street. If you would build up that square, and locate the Department of Justice there, so that the Supreme Court and the department and the Law Library could all be

there together, you would have one of the finest places in the city of Washington, and, more than that, you would have the Law Library accessible here to Congress.

Mr. CLAPP. Mr. President, if my colleague will pardon me, in addition to that you would then have the Capitol, the House Office Building, the Senate Office Building, the Library, and the building the Senator refers to grouped as the basis of a system—something that is absolutely lacking to-day in the location of the public buildings.

Mr. NELSON. There is a good site on which to put a building, instead of going down into a swamp on Pennsylvania Avenue.

Mr. WORKS. Mr. President, my good friend the Senator from Minnesota is evidently living in the dim past. He is talking about Washington as it was 50 or 100 years ago. I suppose he was here 50 years ago, but not 100. Those conditions do not exist on Pennsylvania Avenue at the present time. The objection he makes as to the location may have some force, but not what he says about the swamps, because, I am glad to say, the swamps no longer exist. It cost the Government a good deal of money to rid itself of that condition; but there is no reason founded on any such statement as that why these buildings should not be located on Pennsylvania Avenue.

The VICE PRESIDENT. The question is on the amendment of the Senator from California to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. WORKS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend by adding, after section 3 of the committee amendment, the following:

SEC. —. That square 28 of the city of Washington, D. C., because of its insanitary condition, the character and quality of its buildings, and their dilapidated and insanitary condition, is hereby declared to be dangerous to the public health, detrimental to public morals and the public safety, and a public nuisance.

SEC. —. That the Commissioners of the District of Columbia are hereby authorized and directed to acquire for the Government of the United States, by purchase or condemnation, the title to said square for the purpose of razing the buildings situate thereon and constructing and maintaining thereon, as hereinafter provided, sanitary dwelling houses for the use of tenants.

SEC. —. That upon acquiring title to said property the said commissioners shall cause the buildings thereon to be removed, the said square replatted with ample streets and passageways and means of ingress and egress, and construct thereon model sanitary houses of moderate size to be rented by the Government to the poor and the laboring classes at reasonable and moderate rentals.

SEC. —. That the Government shall hold and retain title to said square for the purposes above mentioned, and the improvement of the sanitary condition of the said city of Washington, and the said commissioners shall provide such supervision, control, and inspection of said property as to make and continuously maintain it in a sanitary and healthful condition, free as far as possible from immorality and crime.

SEC. —. That there is hereby appropriated, of the moneys in the Treasury not otherwise appropriated, the sum of $600,000, or so much thereof as may be necessary, to carry into effect the provisions of this act.

Mr. WORKS. Mr. President, slum conditions such as we have in Washington have presented one of the greatest problems that has to be dealt with in city life. Whether the Government in this instance should take hold of a matter of this kind and furnish the relief that is so much needed is a question about which people will greatly differ. It has been handled that way by other countries, and handled successfully. We have endeavored here in Washington to deal with it in an entirely different and in an ineffective and inefficient way.

I suppose there are very few Members of this body who have any realization of what the actual conditions are right here in the Capital of the Nation, where they spend most of each year. While I was investigating the other matters to which I have referred, I visited a number of these so-called courts, better named slums. I spent most of the day in going about and witnessing the conditions, and I went home heartsick at what I saw that day.

I do not know, Mr. President, how much attention Senators have given to this subject. It seems to me to be an exceedingly important one. It affects not only the poor people who are compelled to live in these places, but it affects the whole city of Washington; yes, it affects the good name and credit of this whole Nation, that such conditions as I have witnessed here should exist for a day in the Capital of the Nation.

The District of Columbia is under the absolute control and jurisdiction of the Congress of the United States. It may deal directly with this question. There is no reason why it should not take hold of it in an effective way and rid the District of Columbia of the conditions that exist.

It is not a question of the want of money. It is not going to be a very expensive process. It is going to be an economical one because it will save us much of the expense in the prosecution and care for criminals and the insane, and will relieve the city of much of the disease that now exists coming out of these cesspools of vice and crime.

That we ought not to hesitate about the expenditure of the small amount of money that is called for by this amendment, let me call your attention in a very brief way to some of the expenditures that we are proposing to make and some that we have already made, not for the benefit of the District of Columbia but for the outside. Take, for example, the bill providing for a vocational school, a very excellent thing to be brought about if it can be done properly by the Government. We propose to expend $14,250,000 at the beginning and $3,000,000 a year thereafter perpetually for that purpose.

For the Mississippi floods, by a bill that has already passed the House of Representatives, to expend $45,000,000.

We are proposing to expend in two or three of the States $4,000,000 for the purpose of relieving the citrus fruit growers of those States from the effect of the disease of the tree.

We have just passed a bill through both Houses of Congress appropriating $1,000,000 for the purpose of constructing a bridge across the Potomac. We are proposing to build what is called a memorial bridge across the Potomac to cost something like $4,000,000, and that bridge will undoubtedly be very shortly built.

The Public Health Service is making surveys, as they call it, of the counties in the States at an expense of $6,000 a county. They have already made the survey of 9 of them, I believe, and expect at least to expend money enough to make the survey of 40 counties in different parts of the States, making up a cost of $24,000 for that purpose.

Mr. President, we have spent for this so-called Capitol Park to buy those lands between the Capitol and the Union Station and for the removal of those buildings more than $4,300,000.

It does seem to me that we might spend the small sum this amendment calls for—only $600,000 of expenditure—for the purpose of relieving the city from the conditions that I have mentioned.

In dealing with this question I took it up in the report I made and to which I have called attention, and which, I presume, has been read by very few Senators. Therefore I am now going to impose upon as many of them as will remain here long enough by reading some portions of that report, because I think it is something that Senators ought to know about, if they do not. I am not going to read it all, but I ask leave to insert, after reading extracts from it, that portion of it relating to this particular subject.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WORKS. I am reading it, Mr. President, partly for the reason that I can present my views upon it more logically and in less time this way than to undertake it orally.

"THE SLUMS.

"The American people want their Capital to be clean, decent, respectable, and healthful as well as beautiful on the outside. It has fallen far below this standard under a system of government where Congress can shift its responsibility onto the District of Columbia, a spineless and irresponsible municipal body. Under this system the slums, the red-light district, the saloons and unwholesome and insanitary conditions have been allowed to flourish. Crime, vice, corruption, and death have devastated portions of the city that could, and should, have been protected from such conditions. From time to time feeble and ineffectual efforts have been made through inadequate laws to remedy these evils. The better class of people in the District have done the best they could with the insufficient weapons provided them by Congress to ameliorate the conditions and protect the poor people who suffer from them the most, but to a discouraging degree it has been a hopeless task. It is not wholly the fault of the people of the District that these conditions continue down to the present day. Neither is it the fault of the District officers. The chief reason for it is that Congress has failed to enact the laws and appropriate the money necessary to abate these crying evils, though often urged to do so.

"In his message to the Fifty-ninth Congress President Roosevelt said:

"The National Government has control of the District of Columbia and should see to it that the city of Washington is made a model city in all respects, both as regards parks, public playgrounds, proper regulation of the system of housing so as to do away with the evils of alley tenements, a proper system of education, a proper system of dealing with truancy and juvenile offenders, a proper handling of the charitable work of the District. Moreover, there should be proper factory laws to prevent all abuses in the employment of women and children in the District.

"Pursuant to this recommendation the President appointed James Bronson Reynolds, of New York, to investigate conditions in the District and report to him with such recommendations as

suggested themselves to him. In his letter asking Mr. Reynolds to act as adviser in the matter, he said:

"I wish your investigation to terminate in definite, practical recommendations to me with reference to the city's present needs and most notable defects, measured by the highest standards of good administration in this country and elsewhere.

"I shall call attention to Mr. Reynolds's report and recommendations a little later. President Taft, dealing with this subject in his message to Congress of December 6, 1910, has this to say:

"Fair as Washington seems, with her beautiful streets and shade trees, and free, as the expanse of territory which she occupies would seem to make her, from slums and insanitary congestion of population, there are centers in the interior of squares where the very poor, and the criminal classes as well, huddle together in filth and noisome surroundings, and it is of primary importance that these nuclei of disease and suffering and vice should be removed and that there should be substituted for them small parks as breathing spaces and model tenements, having sufficient air space and meeting other hygienic requirements. The estimate for the reform of Willow Tree Alley, the worst of these places in the city, is the beginning of a movement that ought to attract the earnest attention and support of Congress, for Congress can not escape its responsibility for the existence of these human pestholes.

"In pursuance of recommendations made by Mr. Reynolds, President Roosevelt appointed a commission of 15 of the leading citizens of Washington to deal with the subject.

"That commission made a full and exhaustive report of conditions with its recommendations. This report first quoted from Mr. Reynolds's report as follows."

Then follows a report made by the commission that was appointed by President Roosevelt to investigate these conditions, which I hope Senators will read.

Mr. KENYON. May I ask the Senator a question? Where is square 28 which is designated in the Senator's amendment?

Mr. WORKS. It is about 5 minutes' walk or less from the White House in a northwesterly direction.

"The report of Mr. James Bronson Reynolds, referred to in the President's letter as the basis of his action, is as follows:

"REPORT OF THE HOUSING OF THE POOR IN THE DISTRICT OF COLUMBIA, ESPECIALLY IN RELATION TO INSIDE TENEMENTS.

"As you directed me to give particular attention to the housing problem, I visited and examined between 350 and 400 tenements, shacks, and small houses in various sections of Washington and Georgetown and inspected numerous alleys. I talked with their occupants and conferred with many citizens of the District, both white and colored, including representatives of trade unions, to obtain their views regarding housing conditions.

"In my investigation I found three distinct problems—that of small houses, that of alley shacks and alley houses, and that of inside alleys. * * *

"I found nearly all the alley wooden shacks and small brick houses that I visited in a wretched condition. The wooden shacks, as a rule, might properly be condemned on structural grounds. Their yards were apparently storage places for refuse and filth; their water supply inadequate and badly placed, and the privies frequently only open boxes and in many instances without covers, although the latter are required by the health ordinance. I am glad to state that during the past year many of these box privies have been removed.

"I had conversation with the dwellers in these inside shacks, and the comments of many may be fairly summarized in the pathetic remark of an old colored woman who exclaimed, with reference to her neglected, filthy yard and privy: 'Why, my old marse wouldn't ha' kep' his horses stabled in such a place.'

"No argument is needed to show that such ill-conditioned hovels are culture beds of disease, the germs of which may be carried far and wide by the flies which feed on the rotting garbage and excreta. Their number should be promptly ascertained and immediate steps taken for their complete elimination, and buildings constructed in their places should have proper sanitary appurtenances and should open either upon a highway or small street. * * *

"A particularly undesirable and menacing feature of the poor quarters of Washington is the inside alleys. These alleys are centers of disorder and crime, and they make possible the continuance of small communities uncontrolled by ordinary police inspection and unaffected by public observation and criticism. In my opinion all inside alleys, with the exception of service alleys, should be abolished, and a definite scheme for the accomplishment of this object should be adopted. * * *

"A law passed by the Congress in 1906 appropriated $50,000 for the expense of condemnation proceedings in the substitution of minor streets for alleys, but a recent decision of the Supreme Court of the District of Columbia has interposed fresh difficulties by declaring unconstitutional the assumption of the law that the entire cost of opening small streets as substitutes for alleys should be assessed upon the adjacent property owners. I am not prepared to make any specific recommendations to meet this new difficulty, but to urge that it be not allowed to prevent the abolition of inside alleys.

"The commission then proceeded to report the result of its own investigations, make recommendations, and point out the obstacles that prevented effective work, including reports of its subcommittees. From this long and exhaustive report I extract the following:

"A SERIOUS OBSTACLE TO THE CONVERSION OF ALLEYS INTO STREETS.

"The law passed July 22, 1892, and amended on August 24, 1894, prohibited the erection of dwellings in alleys less than 30 feet wide, and imposed restrictions which hindered the building of any more alley houses. It also provided for the conversion of alleys into minor streets, but nothing of importance seems to have been done under this law until the committee on improvement of housing conditions took the matter up a year or more ago with a demand that the change be made in certain typical alleys. This led the commissioners to appoint a committee of District officials to advise them as to the opening of minor streets, and cases were taken up as rapidly as they could be properly handled until, up to the present time, the opening of 12 such streets has been recommended. Two of these have been confirmed by the courts and three other cases are pending in court. The commissioners are proceeding as rapidly as possible in the other cases, but the conflict with private interests led to litigation and a decision by the Supreme Court of the United States on March 11 last, which declared it illegal to assess all the damages on certain property, as the law provides, unless it is found to be benefited to that extent. Although the commissioners are continuing to prepare and present cases they can not, under the law, approve the verdict in any case unless the benefits as assessed equal the damages and expenses. * * *

"Mr. Thompson, in his Housing Handbook, says of private enterprise:

"'It has been assumed by thousands who ought to have known better that private enterprise, unstimulated, unregulated, unassisted, undirected, has hopelessly failed. It has left us face to face with a very deficient supply; it has given us the old slums; it often has given us only acres and acres of new slums in the suburbs, jerry-built 'brick boxes with slate lids' dumped down on dust heaps and put up mainly with the object of getting a quick profit in the few years which will elapse before they degenerate into slum dwellings almost as bad as the old ones in our midst. Where the new houses are well built and on good sites they are of an unsuitable type, and the rents are so unreasonably high as to be beyond the means of one family, so they have to be sublet to other families, and thus by overcrowding, with the increased wear and tear following in its train, they rapidly deteriorate and leave the housing of the mass of the people as bad in many respects as it was before. The product of private enterprise, then, is insufficient in quantity and inferior in quality. * * *

"In the report of the health officer for 1875 it was noted that during the year 689 houses were reported as unfit for human habitation and 198 condemned by the board. In 1876, 424 houses were reported and 371 condemned, and in the report of the board of health for 1877, page 46, we finds:

"'No meaner cabins for temporary or permanent shelter can be found than some our wretched poor are born and exist and die in, here at the Capital of the United States. And, strange as it may seem, none so mean that they have not an owner mean enough to charge rent for them. Down in the alleys, below grade, with combination roof of tar, felt, shingles, rags, tin, gravel, boards, and holes; floors damp and broken, walls begrimed by smoke and age, so domiciled are families, with all the dignity of tenants having rent to pay. The board has condemned 153 such during the past year and 958 during the past four years, of which probably 300 have been entirely demolished. But many owners still cling to the wrecks.

"'Our experience in dealing with filth, crowd poison, and disease among these people during the past four years has taught us that the great public economy, viz, the preservation of public health, is defeated by allowing these filthy, worthless, dependent classes of humanity to congregate in the alleys and byways out of sight, and therefore out of mind, until direful epidemic, incubated and nourished among them, spreads its black wings over the homes of the whole city. Better far to provide for the aged and sick in public institutions of charity, the vagrant in the chain gangs, let the cost be what it may, than to allow them to remain propagators of public disease, an incalculable expense to the District.'

"This report was made at the close of the year 1908."

Let me read what was said in an editorial in the Washington Post as coming from an English gentleman who was here in Washington at the time:

"WE HAVE SLUMS OF OUR OWN.

"An English gentleman, who is also a philanthropist and a student of sociology, has been looking into the slums of Washington. Ten years ago he visited the Capital, but on that occasion saw only our splendid public parks and beautiful private residences. Just like a very large majority of Washingtonians and visitors. He returned to England convinced that Washington was the long looked-for model city. Now he pays a second visit, and this time he goes behind the scenes. The result of the investigation is an amendment to the gentleman's original estimate. He finds that while our areas of squalor and degradation are not as numerous or so extensive as those of London they are in many instances much more appalling. On this point he says:

"'This time I came to see the worst that was to be seen, and it has been a revelation to me. I have seen rooms with half a dozen or more people living in them. I have seen buildings that would be condemned and torn down in London if they were inhabited only by a coster's donkey. Walls tumbling down, floors rotten, ceiling and walls falling in, little yards and outbuildings filled with rubbish and dirt, and absence of all sanitary arrangements. Within a stone's throw of the British Embassy, in an alley, there are hovels that are not fit for pigs to live in. Within the shadow of the Capitol there are others. On Factory Hill and in the holes around the canal in Georgetown there are frightful places full of filth and the direst poverty, where disease and crime must breed rapidly.'

"In December of that year Jacob Riis, in an address delivered at the First Congregational Church of Washington City, had this to say on the subject:

"I am not easily discouraged. But I confess I was surprised by the sights I have seen in the National Capital. You people of Washington have alley after alley filled with people you know nothing about. There are 298 such alleys. They tell me the death rate among the negro babies born in these alleys is 457 out of 1,000, and before they grow up to be 1 year old. Nearly one-half. Nowhere I have ever been in the civilized world have I heard of a death rate like that. Why, I have never seen places like those you have here. * * *

"To fight your slums you ought first of all to acquire the right to deal with the evil man who insists on murdering your babies. But you are sure to run against the old cry of 'property rights.' One-half your children die in hovels before they reach the age of 1 year, because the owners would rather have 25 per cent profit than save their souls. For such a condition there's no defense. Where does the blame lie? With the owners of the slums, you will probably say. But it lies equally with the community which permits such a shameful and sinful condition of affairs to exist within its borders.

"In commenting on this address, the Washington Times said:

"This indictment of a community which has no slums, this astounding disclosure of a condition not paralleled by the squalor of New York

or London or Paris, was the key last night to one of the most remarkable meetings held in Washington in many years. It was the judgment of a trained mind delivered after a trip through the Capital, and expressed with manly courage and plain speech to an assembly of representative Washingtonians.

"Under a more recent date the Times, in an extended editorial on slum conditions, said:

"* * * The thing needed here is such an education of the commercial instinct that owners of houses in the poorer neighborhoods will cease to expect extraordinary percentages on their investments. * * * It has been proved by investigation that the poor can be comfortably housed in clean, sanitary dwellings which will pay from 7 to 10 per cent on the investment if well managed. It has also been ascertained that the profits on much of the old-fashioned tenement and shanty property ran from 10 to 20 per cent, and even higher. This means that a few property owners are content to make money at the cost of the poor and at the risk of endangering the whole community through the disease and filth bred in their property. The way in which this kind of piracy can be avoided lies, first, in strictly enforced laws which will prevent overcrowding and insanitary buildings absolutely. * * *

"Now, let us see how far the conditions have improved since that time. During the year 1910 strenuous efforts were made to secure needed legislation and thus improve conditions which were fully disclosed at that time. Let me quote some of the things that were said of conditions as they then existed.

"In an article in the Washington Times we find the following, quoted in part from remarks of Mr. E. W. Oyster, one of the good citizens here, who has labored incessantly for better conditions in the District:

"Washington is honeycombed with filthy alleys, spreading disease in even the most beautiful parts of the city. Scattered through every residence section are slums more objectionable than the congested districts of New York or London. The health department is fighting a desperate losing battle against conditions too deep rooted to be repaired without public aid.

"This was the warning that E. W. Oyster, of the Petworth Citizens' Association, hurled from the pulpit of the People's Church, East Capitol Street, yesterday morning: * * *

"'The people who own property in these slums,' said Mr. Oyster, 'are selling their souls for cash. And the tragedy of it is they are selling the lives of their own carefully guarded children for cash.

"'I shall not criticize the health department, because I believe Dr. Woodward is an efficient officer, alive to the situation, but terribly handicapped.

"'The public is strangely indifferent. As a special examiner of the Pension Bureau I have had occasion to visit these places, and if the public could see them as I have seen them and as Dr. Woodward and his assistants have seen them there would be a clamor for reform.

"'We are spending millions making Washington beautiful, and it is beautiful; but what is beauty when it is rotten to the core? * * *

"'As it is, the Capital of the Nation is a disgrace, with a death rate higher than even such cities as Denver, where we send our sick people too late to get them well.

"'Behind the great mansions lay hovels that are natural disease breeders. In every part of this city, in the northwest as well as the southeast, citizens are being murdered through their own lack of interest and their own ignorance of what is going on behind their backs.'"

I wish to read also the statement made by the senior Senator from Washington [Mr. JONES]. This statement was made on the 21st of September, 1914, in which he says:

"To those familiar with the alley conditions in the city of Washington no action in relation to the city's needs has been more imperatively needed than their elimination. If the good men and women knew of the actual conditions that exist within the shadow of the Nation's Capitol and realized the dangers to health and good morals that go out from them to all parts of the city, the demand for their eradication would be universal, not from those who profit from conditions that are a disgrace to civilization and Christianity. There would be no grumbling about how to do it, nor would the rights of humanity be sacrificed for the rights of property.

"When the situation is understood there is not much basis except greed for opposition to what has been done. No substantial injury will be suffered by anyone. Any dwelling house lawfully on these alleys now has been there more than 20 years. The real annual profits from this property have been from 10 to 14 per cent, and so the owners have been paid for it more than twice over during that time. No property is confiscated. All these owners have to do is to change the use of their property or the conditions of use.

"If they make the alleys conform to the conditions of the law, they can use their property for homes or business as they do to-day. They may be put to some expense; their excessive profits may be reduced; but their property will still be useful and profitable."

The Senator in that connection was referring to a law that was in existence in the District at that time but which has proved ineffectual, except in a slight degree. He says, further:

"Nothing more strikingly illustrates the power and influence of wealth and greed than the situation in regard to this alley problem. The public has been apathetic, business organizations composed of men of high standing have opposed this legislation unless the so-called rights of property owners are given the last farthing of protection, and the public health and safety and the pleadings of humanity have been subordinated to the financial interests of a few rapacious individuals.

"A few noble women interested themselves in the subject. They did splendid work, but it took the pleadings of a tender-hearted woman in an exalted place as she passed into the Valley of Death to bring action. Action has come, swift, sure, direct, complete, and the city of Washington without its slums and unspeakable alley conditions will be a fitting tribute and monument to the sweet nobility of Mrs. Wilson, who, from her exalted place as the first lady of the land, gave her time, strength, influence, and love for the happiness and comfort of the poor, lowly, and unfortunate, and whose last thoughts were not of her position, but of poor, suffering humanity.

"In a circular published by the Monday Evening Club of Washington, in October, 1912, Thomas Jesse Jones, chairman of the housing committee of that club, has this to say:

"After 40 years of agitation and search for ways and means to eliminate the blind alleys of Washington, they still remain to spread crime and disease throughout the beautiful city and its inhabitants. Two startling facts should have swept these alleys out of existence years ago. One out of every three children born in these byways dies within the first year of life. To make matters worse, these houses, with their diseases and crime, fill the center of many blocks rimmed with splendid houses and hotels.

"A glance at the map of Washington shows the dangerous proximity of these disease centers to the best residential blocks of the city.

"Some alleys have been eliminated to meet the demands of commercial enterprises. One disreputable place was converted into a minor street by assessments upon neighboring property equal to the cost involved in the change. Further application of this method was stopped by a Supreme Court decision in 1907 which cast doubt upon the legality of this form of assessment. At the last session of Congress $78,000 were voted for the change of the most notorious alley in the city into an inner park. This year the commissioners are planning to attack four more alleys.

"But in spite of all these accomplishments and plans there is no plan to attack the problem as a whole. A careful study of the whole situation leads to the conclusion that the final solution of the alley problem awaits the aroused public interest of the Nation. Let us add to our plans for a city beautiful, a demand for a city pure. Let the woman's clubs of the land, the civic associations of the Nation, and political organizations of every State and city unite in the call for a National Capital that shall be both beautiful without and clean within.

"In the same circular Mr. Wilbur Vincent Mallalieu says:

"The moral conditions in such a secluded inclosure as this court can scarcely be imagined. The police who have to do with it agree in speaking of its disreputable character. One officer has remarked that it is the worst place in the United States and that there is no crime unknown to it. The police blotter of the precinct shows that from March 1, 1911, to March 1, 1912, there were 114 arrests among the 204 men, women, and children living in Snow's Court. The charges were drunkenness, disorderly conduct, assault, unlawful assembly, larceny, cruelty to animals, and accusations relating to sexual crimes. Nor does this number of cases represent all the evil, because it does not take into account residents of Snow's Court arrested in other precincts, nor does it include the mischief done in Snow's Court by inhabitants of the neighboring alleys and residents of other parts of the city. * * *

"Snow's Court is a peril to our Capital's life. Only an awakened public conscience that shall demand the abolition of this and other pest centers will rid the city of very grave dangers.

"I might go on almost without limit quoting from the sayings of newspapers and others as of that date condemning conditions and suggesting remedies, but I desist.

"This showing should appeal strongly to Congress for relief.

"In a directory of the inhabited alleys, issued as late as 1912, it is said by way of introduction:

"There are 275 of these interior courts in the city. They contain 3,337 houses used for dwellings and approximately 16,000 persons. They are so widely distributed throughout the city that even the best residential sections are not free from their evil influences. The northwest, the largest of the four general sections of the city, has 161, or nearly three-fifths of all the alleys.

"The statement which follows shows the number of alleys and alley houses for each section of the city:

"Total, alleys, 275; houses, 3,337.
"Northwest, alleys, 161; houses, 1,940.
"Southwest, alleys, 58; houses, 705.
"Northeast, alleys, 30; houses, 336.
"Southeast, alleys, 26; houses, 356.

"The average for each alley is 12.1 houses and 58.1 persons. Each alley house has an average of 4.8 persons.

"Now let us see what Congress has done to remedy or ameliorate these fearful conditions. In a pamphlet published by the committee on housing of the woman's welfare department of the National Civic Federation in November, 1912, it was recited:

"This first health board, which had begun its work of alley reclamation so nobly, was abolished and the office of health officer created by an act of Congress, June 11, 1878. Right here the good work stopped, for in the legalization of the health ordinances in 1880, the section under which the health department acted in the condemnation of insanitary buildings was omitted. Whether this omission was an oversight or was secured by the influence of men whose money interests were at stake is not known, but it was 12 long years before any further remedial legislation was enacted and during those years no houses were condemned and new houses were constantly erected. Alley property had proved a paying investment and brick had succeeded wood as building material.

"In 1892 an act was passed by Congress authorizing the commissioners to 'condemn, open, extend, widen, or straighten alleys on the petition of the owners of more than one-half of the real estate in the square in which such alley is sought to be opened, and so forth.'

"Congress very magnaminously provided in this act that the whole of the expenses of such improvements should be assessed against the property owners in the square to be affected. By an act passed in 1894 the provisions of the act were extended to minor streets of a width of not less than 40 or more than 60 feet in width.

"It goes without saying that these statutes amounted to practically nothing as a means of ridding the city of the evils I am considering.

"By an act passed in 1906 a board for the condemnation of insanitary buildings was created and authorized to investigate and destroy or repair such buildings. This has resulted in the destruction of some of the buildings in these alleys, but it has wholly failed to reach the heart of the evil and has accomplished very little of good in respect of the slum evil.

"In 1914 an act was passed making it unlawful 'to erect, place, or construct any dwelling on any lot or parcel of ground fronting on an alley where such alley is less than 30 feet wide throughout its entire length and which does not run straight to and open on two of the streets bordering on the square and is not supplied with sewer, water mains, and gas and electric light.'

"The intention of this act was good and it is good, as far as it goes but that is a very short distance. It only prevents the construction of additional buildings in some of the alleys, which amounts to but little as a means of putting an end to evils that have existed for many years.

"On March 3, 1915, another well-intentioned act was passed 'to incorporate the Ellen Wilson Memorial Homes.' This was a fitting memorial to a good woman whose generous and sympathetic heart went out in sympathy to the unfortunates who were denied the comforts of sanitary homes. But as a practical means of rendering the help she so much desired them to have, it will amount to nothing of permanent good. The work of correcting this great evil can not be delegated to private individuals. If it is ever done and done effectually it must be done by the Government and with its money, as I shall endeavor to point out further along.

"There was one other act that was effective to destroy one of the worst of these slum alleys. It was the act to condemn Willow Tree Alley. In this instance the Government generously put up half of the money necessary to accomplish this commendable result. But even this beneficent effort has largely failed of its object because instead of opening out the alley to the sunlight and the public gaze it has been turned into an inside or inclosed park that has become the rendezvous of criminals, vagabonds, and the immoral and viciously disposed of the poorer classes that calls for police and sanitary inspection and control which is not always supplied.

"In a report of the committee on improvement of existing houses and elimination of insanitary and alley houses of the President's Homes Commission, above mentioned, made December 8, 1908, some of the existing conditions are described and the difficulties of dealing with them effectually are pointed out.

"For example, in speaking of one of the objectionable alleys it is said:

"One of these cases is Blagden's Alley, square 368, concerning which the chief of police and his associates on the board states in the recommendation for its conversion into a minor street that—

"'Blagden's Alley, located between Ninth and Tenth and M and N Streets, contains 54 houses inhabited by a negro element who live in poverty and are a source of constant trouble. The dwellings are insanitary and dilapidated and afford shelter to 10 or 12 persons each.'

"Another is square 620, as to which the board reported:

"'Logan Place contains 35 insanitary dwellings, which are very much overcrowded and the inhabitants, being of a vicious character, give the police more or less trouble.'

"Everyone familiar with these and other such labyrinths realizes the security from police supervision which they afford, to say nothing of other disadvantages which fully justified the recommendation of the board.

"Then it was said:

"'The principal difficulty with the present law seemed to be that it required that an amount equal to the damages found should be assessed as benefits, and that this should be assessed within a limited area. It was found that the law of 1906 in relation to the opening, extension, widening, or straightening of streets provided that the jury should assess benefits not only upon adjoining and abutting property but upon any and all other lots, pieces, or parcels of land which the jury might find to be benefited by the improvement. This apparently indicated a plan by which the amounts required could be raised in a more equitable manner, but as it seemed probable that in many cases the damages awarded would even then exceed the benefits which the jury might find, it seemed desirable to include also a provision by which a certain proportion of the awards could, if necessary, be paid out of some general fund.

"'One of the commissioners has suggested, when the Engineer Commissioner recommended that the work be stopped on account of the expense, that legislation might be urged providing that the alleys be opened and a certain proportion of the expense be paid by the United States Government, another proportion by the District government, and the remainder be assessed upon the property owners in the neighborhood of the improvement. Inasmuch as the deplorable conditions of the alleys have grown up under the administration of the District government, it seems proper that a considerable portion of the expense of removing them should be borne in this way by those responsible for them; but, as any payment for District purposes by the Federal Government would be contrary to the definite policy adopted by Congress, it did not seem advisable to the committee to advocate such a provision."

Mr. President, after quoting what I have read, and a number of other sayings in print and in speech, I make the following comment upon conditions in this report:

"The picture presented by the quotations I have made is not overdrawn. They do not disclose the whole truth. I have not depended on such information in reaching conclusions. I have examined enough of these slums and inspected enough of the dwellings located in them to speak of my own knowledge. The conditions are unspeakably bad. One who witnesses them for the first time is filled with a profound sense of pity and commiseration for the inmates, not unmixed with a feeling of shame and resentment that a great Nation like this, one of the richest and most powerful in the world, and possessed of almost unlimited resources, should allow such conditions to exist in its Capital City.

"Washington is a city of striking and abrupt contrasts. One may ride along a wide, well-paved, and attractive street lined with beautiful, almost palatial, homes and turn from it upon an old, worn-out, cobblestone or brick paved street lined with old, broken-down houses, many of them dilapidated and apparently unfit for human habitation. From that one can turn into what are politely called 'inhabited alleys,' 'courts,' 'places,' and find an appalling condition of poverty, destitution, and degradation. All this within a distance of two or three squares. Some of these alleys are blind alleys—that is to say, there is but one means of ingress and egress—and within is a labyrinth of alleys covering the entire inside of a square with a fringe of houses around the outside, some of them little better than those within except that they are easier of access.

"Within such a square you find the most degrading conditions. It is almost beyond belief that human beings can live under such conditions. They have very justly been called pest-holes of crime and disease. And yet the owners of the shacks and tumbled-down and insanitary houses are making more money out of the rent of them than is being made by the owners of first-class houses and business blocks. The rents are exorbitantly high. As an example, I visited one little old brick shanty with two small rooms up and two down stairs, without running water in the house, out of repair, plaster off the walls, ill-lighted, and poorly ventilated. This house was occupied by two families, each with two rooms, for which they paid $7 a month each, or $14 for this little, dilapidated, insanitary house, that should have been condemned and destroyed under existing laws long since.

"There is but one effective remedy for this dreadful condition. The Government should condemn the whole square as a sanitary measure and police regulation, tear everything out of it, root and branch, replat the ground, construct upon it model sanitary houses, rent them to the poorer classes of people who now inhabit the slums, and then supervise and inspect them, thus compelling the tenants to keep them in a sanitary condition inside as well as out. It will be said that all this will cost a lot of money. Yes, it will; but it will be money much better spent than are millions and millions of dollars that we are now throwing away for useless and illegal purposes. The Agricultural Department is spending and wasting millions and millions of dollars on useless experiments and in work that should be done by the States and can not legitimately be done by the National Government. The Public Health Service is spending millions more in the States in violation of the spirit of the Constitution. We are spending hundreds of thousands of dollars for the cure of hogs and cattle in the States often where the Federal authorities have no lawful right or business to enter. We spend millions for agricultural colleges and vocational schools in the States, a work that belongs to and should be left to the States. We are spending money lavishly, extravagantly, and paternally in the States. The dividing lines between the States and the Federal Government are fast disappearing by the raid of the States on the National Treasury.

"The States are selling their jurisdiction and their sovereignty for money. We are centralizing our Government at an alarming rate and to a degree that I am afraid few appreciate, and for purely mercenary and selfish reasons. The pork barrel is kept well filled. We are spending millions of dollars for public buildings in the States that are not needed and for the improvement of so-called rivers and creeks that are of no public use. No wonder the National Treasury is bankrupt and the people are being taxed to keep up those many illegitimate and useless expenditures. But when an effort is made to clean up the National capital, which is within the jurisdiction of the Government and for which it is directly responsible, the purse strings are tightly drawn and the cheeseparing begins. The half-and-half system is appealed to as a reason and excuse for economy. And if the half-and-half system is adhered to it may just as well be conceded now, once for all, that this necessary improvement can not be accomplished. The one-half of the money necessary for the initial work can not be raised by taxation. It would be ruinous. And so long as the Government hides

itself behind the half-and-half system and contents itself by meeting one-half of the expenses, the conditions in the Capital will continue as they are now, a disgrace and a reproach to the Nation.

"These are conditions that should not be allowed to exist for a day in any city in a civilized country, much less in the Capital of a great Nation like ours. But, it will be asked, what is the remedy? The remedy is simple and easy, but expensive. The Government should take the matter vigorously in hand. As I have said, it should condemn and clean out these alleys at whatever cost. But it should not stop when it has turned these poor people out of their homes, however poor and insanitary they are. It should provide other homes for them at reasonable rents, to be under the inspection and control of the Government. This could be done as a matter of public safety and as a sanitary measure. This duty of providing homes for the poor and incompetent within the Capital should not be left to private enterprises seeking profits. Neither the cost nor the responsibility should be divided with anybody. To assess the damages resulting from such sanitary improvements to private owners of property is entirely unreasonable and wholly unjust. Our civic pride as well as our sense of justice should impel us to act in this matter promptly and effectively. It has been done in other countries. It can and should be done in this country within its Capital, over which it has exclusive control.

"Of the means resorted to in London, England, and its results, the report of the housing committee above referred to has this to say:

"The housing of the working-classes act, which was passed in 1890 and which superseded and improved previous attempts in this connection, provided not only that individual houses might be condemned as insanitary, as is done under the law of 1906 here, but also that an area containing streets and many houses might be declared 'unhealthy' and taken over by the local authority; and that the buildings might be removed, the streets rearranged, and other dwellings erected, either by agencies to which money would be furnished by the local authority, or if necessary by the local authorities themselves. In fact, the law made it obligatory upon the local authority in London to provide housing accommodations for at least 50 per cent of the people displaced, which has since been raised by an amendment making the required provision equal to all, and in other districts to such an amount as might be determined by the local authority to be adequate under all the circumstances.

"Under this housing of the working-classes act numerous wretched districts have been cleared up and comfortable and healthy dwellings provided, and although the cost to the community has been considerable in certain cases where the evils to be remedied were of long standing and very great, the law has done great good and the attention of those interested in the subject is being given to improving its operation rather than to changing it in any radical way. It aims, so far as possible, to protect the interest of the community in acquiring any property which has become detrimental to the well-being of the district, while at the same time dealing justly with the owners. The method of procedure requires the local authority to take the initiative and where a loan is necessary, as it often is where an area is acquired, the plans for this and for the improvement of the area must be approved by the central authority in London.

"And comparing the conditions there with ours it is said further:

"It will be noticed that the situation in the District of Columbia is similar to that in England in that the District government resembles the local authority, which can take the initiative in regard to any alleys which require attention, but which can not act without the consent of an authority not local, which in the case of the District is Congress.

"The ordinary danger in giving to public officials who are in entire control considerable discretion in the disbursement of public funds is therefore removed, and it ought to be possible for Congress to give such a plan a fair trial without incurring any very great risk.

"The following, published in the Trades Unionist, is worthy of careful consideration:

"That the United States Government should make Washington the model for all cities of the country was the opinion of the delegates to the National City Planning Conference, which met in this city on May 22, 1909. It was the consensus of opinion of the delegates to this conference that the working out of the plans for the beautification along practical lines rather than for mere adornment should be the ideal worked for by all American cities in order that all classes of people shall be benefited.

"One of the speakers at the opening session of the conference was Robert A. Pope, landscape architect, of New York City. He said:

"'Of prime importance to the growth of the city-planning movement in America is the realization of its true nature, its proper aim, its vast social and economic import. Because of ignorance of the true scope of city planning, work in this country has not and can not, as at present understood, accomplish its primary function.

"'For example,' he said, 'we have assumed without question that the first object of city planning is to beautify. We have made the esthetic an objective in itself. We have rushed to plan showy civic centers of gigantic cost, the carrying out of which too often has been brought about by civic vanity, when pressing hard by we see the almost unbelievable congestion, with its hideous brood of evil, filth, disease, degeneracy, and crime. What external adornment can make truly beautiful such a city? Is it genuine foresight to neglect the present-day serious and fast-growing evils of congestion and bad housing, which is so directly a menace to future generations?

"'To forestall the disastrous and otherwise inevitable consequences of these conditions will be the richest service that city planning can accomplish for the future. This this is its true and primary function can be abundantly established. The example of European countries, especially that of Germany, demonstrates that wise city planning, with proper regulations, can alleviate and ultimately eradicate undue congestion, the festering source of most of our disease, crime, and degeneracy. To remedy congestion, then, is to help solve some of our most threatening social and economic problems.'

"The foregoing statement in regard to city planning and city management are probably true of all cities and are certainly true of Washington.

"'What external adornment can make truly beautiful such a city?' The Washington Times appears to have anticipated Mr. Pope's question when it said editorially:

"'No part of the greater Washington can be safely built upon a rotten foundation. There is no room in the city for such contrasts as foul alleyways and a parking system embracing the beauties of a paradise. The spirit that labors for the realization of the beautification project should at the same time strive for the elemination of the slum quarters.'

"The Washington Post says our alleys are 'pest holes'; Rev. J. M. Waldron, president of the Alley Improvement Association, brands them as 'plague spots'; President Roosevelt declared them 'a reproach to the Capital City'; and Senator McMillan 'a disgrace to our civilization.'

"'What external adornment can make truly beautiful such a city?'—a city honeycombed with disease-breeding, death-dealing, and crime-producing slums! Jacob Riis says they are worse than any he ever saw in New York City or in London, and Washington's death rate, when compared with that of the cities named and nearly all the other cities of its class in the United States and Europe, seems to prove the truth of his statement.

"If Congress will abolish the 'local authority' here known as the District of Columbia, which is a mere incumbrance, and the half-and-half system and deal with this awful condition directly and with a free hand the conditions can be eliminated from the life of the Capital as they should be.

"There can be no possible excuse for them to remain. It is a shame to every American citizen that they have been allowed to exist at all."

Mr. President, I might read further from the evidences of the condition that exists here, and the necessity of some action on the part of the Government. I see with some degree of regret that very few Senators seem to be interested in this important humanitarian effort to better the conditions of this city. In the beginning of the session I introduced a bill covering just what I have included in this amendment. That bill is still resting in one of the subcommittees of a committee of the Senate. It calls for the expenditure of only $600,000. It is intended to remove one of the worst of these slum places or courts, known as Snow Court, that has become notorious, and which ought not to be allowed to exist in any civilized community.

When I talk about the Government taking hold of this matter and remedying these conditions, Senators say to me that the Government ought not to go into the matter of building and renting houses; but why not? When this city was threatened from the swamps that were affecting the health of the community the Government spent millions of dollars in filling up those places with dirt. Why not condemn a place of this kind and cover it with sanitary houses for the benefit of the poor? Why should the Government of the United States not spend some of its surplus money, so much of which is being thrown away, by doing this sanitary and humanitarian work itself, and not leaving it to private enterprise, through which profits are attempted to be made?

Perhaps some people are content to leave these conditions as they are. I suppose comparatively few of the people who live right here in Washington have any conception of what those conditions are.

Mr. LANE. Mr. President——

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from California yield to the Senator from Oregon?

Mr. WORKS. I do.

Mr. LANE. I wish to ask the Senator from California if he does not believe that, as a matter of self-protection, these evil spots in the city, the center and source of infection, which must necessarily affect the health of the community as a whole, as well as the health and welfare of other communities, should be eradicated? Do they not also even affect the morals of future generations, and, if they are allowed to continue as disease breeders, will they not also fasten disease upon people who are to come after us?

Mr. WORKS. There is not any question about that. They are breeders of disease; and the diseases that are bred are not kept within the bounds of these objectionable squares, but they go out into different parts of the city. The moral diseases are precisely the same.

Mr. LANE. Then, Mr. President, if the Senator from California will allow me to interrupt him further, would it not be an excellent measure of economy, and would it not be profitable to expend the money to clean up such places?

Mr. WORKS. So I have contended, Mr. President. We have down here a few miles below the city a penal institution at a

place called Occoquan. There are hundreds of prisoners down there. Many of them have been imprisoned for petty crimes, and most of them come out of these slums. They are there in prison for a month, perhaps, or two months or six months. Then, when they are released, they go back into the slums. They are people of that kind, men and women.

Senators, this is one of the most important problems in dealing with the conditions in the city of Washington that we have to meet, if we only had the courage to meet it. The people who know nothing about the conditions may be excused on that account; but I can point my finger at any Member of this body and say, "You are responsible for these conditions. If you do not know what the conditions are, it is your duty to know." When you do know, it is the duty of every Member of this body to see that those conditions are corrected; and there is no escape from that responsibility.

Now, sir, I have said all that I am going to say about this amendment. I have very much at heart the effort to take hold in an effective way of these conditions and eradicate them from this city, the Capital of the Nation. We can do it if we will.

I am only asking in this amendment that the small sum of $600,000 shall be devoted to that purpose. You may take it as an experiment if you like; you may say that we will try what we can do. In this instance, if we are successful, we will extend it to other parts of the city, and eventually rid this city of that condition so horrible in its effects.

There is no use in saying, Mr. President, that this amendment has no place in this bill. If it were some measure that the friends of the bill desired to have passed, they would not exclude it from the bill on any such ground as that. It is useless to say that it will endanger the passage of the bill. I hope there is no Member of this body who would vote against the bill on the ground that this humanitarian and beneficent provision was included in it.

As I said a while ago, Mr. President, I do not know how far Senators have inquired into either the conditions or the proper means of ridding ourselves of the conditions. If I can do nothing more by presenting this amendment and by what I have said about it than to attract the attention of Senators to these conditions, and to get them thinking about them, I shall have accomplished my purpose, because I think it is largely a matter of indifference to the conditions that has kept us from doing what we should have done long ago in dealing with this problem.

Mr. KENYON. Mr. President, I hope the amendment of the Senator from California may receive some attention, although I do not suppose it will receive very much. I feel like congratulating the Senator from California that he is attempting at this session to do a little something for humanity. The testimony of Jacob Riis, which the Senator has read, ought to be considered by everyone. Of course, Jacob Riis belonged to that class of men who were willing to give their life work and even life itself for the benefit of humanity. He belonged to the dreamers, to the uplifters and the reformers, just as the Senator from California does—the men who are so frequently sneered at to-day when they try to accomplish anything; but Jacob Riis has done a work in the world that will live on in the hearts of the poor people of this country as much as the work of any other man we have every had in our history.

Mr. President, the Senator from California is a statesman ahead of his time. He is a man with a vision, and that vision is shown in the amendment which he has suggested. It does not involve a large expenditure of money. It proposes to undertake a great experiment for the working people and for the poor people, and it is not going to hurt the good-roads bill at all. The question of homes for the poor people of this city, the question of helping to get rid of poverty, if it is possible to do so by legislation—and probably it is not—but to help make it easier for men and women to live and for the average, everyday person in this world to have a little better opportunity is one of the things which, if we can help it any by legislation, we ought to be willing to undertake.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON. I do.

Mr. CLAPP. It is the basic principle upon which the pending bill rests, is it not, that we may benefit humanity and make it easier for people to get along?

Mr. KENYON. Exactly; and the amendment of the Senator from California is to meet a troublesome condition, a hard condition of the poor people in this community, and to help to make it a little easier for them to get along.

Mr. President, we have been helping the farmers at this session, and that is a good thing to do. They are the backbone of our country. We have just passed a top-heavy rural-credits bill for their benefit. They do not need help half so much as do the poor people of this country. I wish we could devise some system of personal credit whereby the man with a little home, or the one who is trying to acquire a little home, could secure cheap money from the Government in order to help him get the home. That is vastly more essential than it is to help the farmers, however commendable that may be.

Now, here is a chance to help in a humanitarian work. Why cast it aside? Why will not people pay attention to it? Why will not the Senate give it any consideration? We talk about making Washington a model city, and we are all in favor of that. We have beautiful parks, fine playgrounds, and splendid buildings. Why not get rid of the slums of Washington and help make it a beautiful city morally, a city of opportunity for the poor, as well as a beautiful city physically. Make it a city where the slums shall be banished? That is what the Senator from California is trying to do; that is a good work, and I hope the amendment will be adopted.

Mr. MARTINE of New Jersey. Mr. President, I am heartily in favor of both amendments proposed by the Senator from California [Mr. WORKS]. I was heartily in favor of the amendment that was defeated. I believe the south side of Pennsylvania Avenue should be improved, and I can see very clearly that it would be a very fitting place for the great public buildings of our country. The argument advanced by the Senator from Minnesota [Mr. NELSON], that there was once a swamp there, counts for nothing with me. Millions of dollars have been spent; the Potomac River has been very much changed in character; the swamp exists no more, and in every reasonable probability never will there be a like condition again.

I should like to see the south side of Pennsylvania Avenue purchased by the Government and the great public buildings, as nearly as may be, located along that line. I believe the Senator from Virginia [Mr. SWANSON] introduced a little while ago a bill anticipating the construction of a judiciary building on the south side of Pennsylvania Avenue, beginning at Fifteenth Street. I am in hearty accord and in favor of all that, and I am in favor of this last proposition of the Senator from California. But while I am in favor of both of these, I am also in favor of the good-roads bill. I believe that to be of infinite value to the people, and I am fearful that these propositions may load down or weight the good-roads bill so as to defeat it.

I am not a lawyer, so I ask, Why is it not possible that the Senator, with his sympathetic feelings and his genius and his splendid ability, may prepare a bill that shall encompass these two propositions, if you choose, and let that be presented to the Senate? If that is done, with all heartiness and with all accord I will vote for it.

I have thought many, many times for many years past that the Government of the United States ought to do something toward the making of homes for the people. I am a believer in the theory that in the degree that you make homes for men, just in that degree do you make better citizens. I have been an advocate in my small way, long before I came to the Senate, of having something done by municipalities and by States along that line, and I now here heartily indorse the effort by the Government to build homes for the people, to be rented at a minimum of cost. But I have been confronted with the objection that, "Oh, that is socialistic," and that the Constitution would not permit us to do it.

Now, I should like to know how the Senator from California gets around the Constitution. I revere and respect the Constitution of the land; but, as I said the other day, when the Constitution stands between mankind and bread and butter or shelter, then, I say, let the Constitution yield aside.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from California?

Mr. MARTINE of New Jersey. I do.

Mr. WORKS. I suggest to the Senator from New Jersey that the conditions here constitutionally are quite different from the effort of the United States to go out into the States and do this thing. We are legislating here respecting territory over which the Government has absolute jurisdiction.

Mr. MARTINE of New Jersey. Yes; that is just one of the nice distinctions without a difference that I would expect a lawyer to make; but I think, while he may make it here, he might also make it in Maryland.

Now, what as to the fair name of Washington? Washington, D. C., is one of the most splendid cities in our land, and, I have been told, in the world. At the same time I believe it is an orderly and well-governed city. It has many beauties. Doubtless it has some evils. I have heard it reviled as being filled with slums, and all that sort of thing. I have not found so many of these slums. Other cities of a population equal to this have infinitely more slums, and yet they think they have fairly good government.

As to the alley proposition, there doubtless are some ill-kept and unfortunate alleys; but there are also some splendid alleys. I should like the Senator from California to listen to this. There are some splendidly maintained and kept alleys here. Only this morning my sympathetic and good wife, knowing of an unfortunate family, put up a little package and said to me, "Will you take this to Mrs."—I will not mention the name. I said, "Yes." I found out how I was to go. I left Vermont Avenue—I live on Vermont Avenue—and turned down the first alley I came to, and I was astonished to find, not a condition of slum and filth but a well-paved brick alley, the joints filled full with cement, the sides chinked in. I found one or two factories or little shops. Then I found a cluster of three or four or five brick homes, two stories high, seemingly as clean as wax outside, and several little children playing around the alley. I walked on through that alley across into another street, and then came to a cross-section of an alley. I wandered up that. One was back of the Russian legation. I walked up that, first on one side and then on the other. I found there was a stable there, but it was infinitely well kept for a stable. I looked then on the other side, and I found the condition nearly the same. I walked down through until I came to Sixteenth Street, and, as I say, the alley was a model alley; and that is not the only instance of the kind in Washington, where there are very, very many alleys.

The splendid alley system of Washington geographically reflects credit upon the planners of the city. I have been a large house builder and a platter of land, and I said to myself, "What a splendid thought this alley idea is." It affords opportunities to put in our coal and remove our ashes and carry out the garbage and the frequent necessary accumulations of the ordinary householder. I said, "It is a splendid system, and how well it seems to be maintained."

I will agree with the Senator that some time ago I came across some alleys that seemed to be not so good, generally; but I think it is unfair to the good name of Washington that the Senator should mention only the ill-kept alleys, without even a reference to those which are well kept.

When in Baltimore, within an hour of this city, I had occasion to look over the whole system there; and I say without qualification that the way in which the alleys are allowed to be kept there is an absolute disgrace to that great southern metropolis. Doubtless there are some good alleys there, too; and I say the same thing with reference to the great city of Philadelphia. I say that both those cities are cursed with that; but that is not so much the fault of the municipality as it is the fault of the gregarious habit of mankind. If you put a family out in the middle of a 10-acre lot, they seem to gravitate instinctively to a great cluster of a metropolis, and would rather live there than live outside.

So I feel that in justice to the municipality and government of the city of Washington these few words I must say; but I am with you in any proposition that shall lift the burden of poverty from mankind, that shall make happier homes, easier bread and butter, and I care little how it may come. I do not believe that the Divine Providence, in His wisdom, ever meant that man should struggle, struggle, from the cradle of his birth to the day of his grave, against that hateful, horrid situation of dire conditions—sad, unfortunate homes and almost impossible bread and butter. Something is wrong. I believe it has been largely the legislation of the world that has cursed us; and I hope to live to a better day and to a brighter thought and to a happier result for humanity. But while, as I say, I will join with the Senator from California or any other Senator who shall propose to better these conditions, horrid as they are, I feel that this great physical condition, this great prime necessity of better roads throughout the length and breadth of our land, is needed beyond parallel, and I feel that the Senator's measure would tend to burden it unduly, and mayhap defeat it. So, when I vote "nay" on the Senator's proposition, it is not with the thought that I dislike or am opposed to his proposition, but that I want to aid this great project; and then, in turn, I will be his coworker and ardent supporter in the passage of his proposition.

Mr. LANE. Mr. President, I should like to call the attention of the Senate to the practical features, from a physician's viewpoint, of the danger arising from these centers of infection. If such a condition as the Senator represents exists in a square in the southern or the southeastern portion of the city, other persons living in the northwest who know not of the condition are in peril of their lives from its existence.

Take the little colored child dying of tuberculosis a mile, say, southeast from here, and, on the other hand, the little baby living, we will say, in the Highlands Apartments. There is no connection, apparently, between them, but the germ of tuberculosis escapes from the dwelling where the colored baby is coughing and spraying the germs into the air and, caught up on a vagrant breeze a thousand times lighter than the thistledown, this germ floats through the open winodw, we will say, for illustration, of an apartment of the Highlands, where the Senator's grandchild may be playing upon the floor with its toys. In stirring up the dust from the carpet that baby inhales the germ of this or some other disease. It inhales it. The germ of tuberculosis makes no class distinctions between the lungs or the throat or the flesh of the highest-born baby in the land and that of the humblest and most poverty-stricken negro child; and we have tuberculosis coming, with death resulting eventually to that other child, or maybe, after a long fight, he partially recovers his health, yet crippled for life; and there lies the invisible connecting link between "the hovel of the poor and the palace of the mighty," nature's tie between them. If it were visible, if that tubercular germ were a spark and could be seen by the naked eye of man and traced from its origin on its travels through the air and into that other home, and then the effect of it watched, why, the Senate to-morrow, to-day, this afternoon, would lay aside the good-roads bill, the emergency would be so great, and pass a measure to relieve the city of Washington from the dangers which lurk in such infected and neglected spots.

Mr. STONE. Mr. President. I should like to ask, if it is pertinent to inquire, what bill is under consideration?

The PRESIDING OFFICER. It is the amendment of the Senator from California [Mr. WORKS] to the amendment of the committee.

Mr. STONE. No; what bill are we considering?

The PRESIDING OFFICER. The good-roads bill.

Mr. STONE. The good-roads bill?

The PRESIDING OFFICER. Yes.

Mr. STONE. Oh! I thought we had left that to consider some measure about beautifying Washington or establishing sanitariums or hospitals. We are still on the good-roads bill, presumably?

The PRESIDING OFFICER. We are. The question is on the amendment of the Senator from California to the amendment of the committee.

Mr. BANKHEAD. Mr. President, I rise simply for the purpose of expressing the hope that we may now have a vote on this amendment.

Mr. WORKS. I suggest the absence of a quorum.

Mr. LEE of Maryland. Mr. President, will the Senator withhold that suggestion for a moment? I wish to say one word on this amendment.

Mr. WORKS. Certainly.

Mr. LEE of Maryland. Mr. President, I thought when the Senator from New Jersey [Mr. MARTINE] was talking about conditions in Baltimore just now that it must have been some time since he had made any examination of our great Maryland city; and upon inquiry from him I find that it has been some years since he was there, at or about the time of the Democratic convention. Since that time great changes have taken place in Baltimore. Under the authority of Mayor Preston, the best executive who has ever acted as the mayor of that city, the surface drainage, which the Senator undoubtedly saw, and which impressed him unfavorably, has been done away with and a sewer system has been introduced, and other great improvements, such as paving streets and alleys, and introducing filtered water in the place of the ordinary water supply, and purifying the harbor, and other striking changes of that type have been accomplished in the last year or two under the present municipal administration.

I deem it only proper at this time to correct the impression that otherwise might have gotten into the RECORD as to the existing conditions in the city of Baltimore.

Mr. MARTINE of New Jersey. Mr. President, just one moment in answer to the Senator from Maryland. It is true that the visit to which I referred was about four years ago, and I am very happy to know that that splendid and wealthy city has made strides, as the Senator says, toward the improvement of the conditions that prevailed at the time I was there; but still I do not qualify that which I say. When I went there it was noxious to the eyes, to the sense of smell, and to humanity.

The PRESIDING OFFICER. The Senator from California suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Clapp	Fletcher	Johnson, Me.
Broussard	Clarke, Ark.	Hardwick	Kenyon
Chamberlain	Curtis	Hitchcock	Lane

Lee, Md.	Shafroth	Sutherland	Vardaman
Martin, Va.	Sheppard	Swanson	Warren
Martine, N. J.	Simmons	Taggart	Works
Myers	Smith, Ariz.	Thompson	
Norris	Smoot	Tillman	
Page	Stone	Underwood	

The PRESIDING OFFICER. Only 33 Senators are present in the Chamber. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. ASHURST, Mr. BRANDEGEE, Mr. COLT, Mr. GRONNA, Mr. POINDEXTER, Mr. RANSDELL, Mr. SMITH of South Carolina, Mr. STERLING, Mr. THOMAS, Mr. TOWNSEND, and Mr. WADSWORTH answered to their names when called.

Mr. DILLINGHAM, Mr. LA FOLLETTE, Mr. FALL, Mr. GALLINGER, Mr. PITTMAN, and Mr. JOHNSON of South Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present. The question is on the amendment of the Senator from California [Mr. WORKS] to the amendment of the committee.

Mr. BANKHEAD. Mr. President, inasmuch as there are so many Senators who came into the Chamber a moment ago, who perhaps do not understand the character of this amendment, as they have heard none of the discussion, I wish briefly to state that it is the object of this amendment to appropriate $600,000 on this bill for the purpose of purchasing a square somewhere down here in Washington, I do not know exactly where, tearing down all the houses on it and laying it out systematically, and then the Government is to build houses on that square, sanitary, and so forth, and rent them to people who may desire to live in them, and to operate it under governmental supervision for all time to come.

That is the provision of the amendment, and if the Senate cares to add that to the bill I can not help it.

Mr. WORKS. Mr. President, I am very sorry that Senators were not here to hear the discussion. I should not want them to be misled by the very meager statement made by the Senator from Alabama. This square that is mentioned by the Senator is one of the worst slums in the city of Washington. It has been condemned time and again. It is something that ought to be wiped out of existence by the Government. This is simply an appropriation for the purpose of opening up that cesspool of crime and disease by taking it over by the Government and building upon it sanitary homes to be occupied by the poor. There is no reason I can see why it should not be attached to this bill, that is intended for the public benefit out in the States. Why should not the District of Columbia have some of the benefits of the money we are going to appropriate in this way? It can not by any possibility endanger the passage of the bill.

I call for the yeas and nays on agreeing to my amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). I have a general pair with the Senator from Delaware [Mr. SAULSBURY]. He is absent and I withhold my vote.

Mr. FLETCHER (when his name was called). I have a pair with the junior Senator from Idaho [Mr. BRADY] which I transfer to the Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. HITCHCOCK (when his name was called). I have a general pair with the Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN]. In his absence I transfer that pair to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the senior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the junior Senator from Wisconsin [Mr. HUSTING] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the junior Senator from California [Mr. PHELAN] and vote "nay."

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

The roll call was concluded.

Mr. GALLINGER. Has the senior Senator from New York [Mr. O'GORMAN] voted?

The PRESIDING OFFICER. He has not.

Mr. GALLINGER. I have a pair with that Senator, and in his absence I withhold my vote.

Mr. SWANSON. I am paired with the senior Senator from Washington [Mr. JONES]. I transfer that pair to the senior Senator from Maryland [Mr. SMITH], so that the Senator from Vermont [Mr. DILLINGHAM] and myself can vote, if that is agreeable to him.

Mr. DILLINGHAM. Very well.

Mr. SWANSON. I vote "nay."

Mr. DILLINGHAM. Under the arrangement of pairs suggested by the Senator from Virginia [Mr. SWANSON], I am at liberty to vote, and I vote "nay."

Mr. REED. I have a pair with the Senator from Michigan [Mr. SMITH]. Under the word that he left with me before he was obliged to leave the Chamber I feel at liberty to vote, as I understand I am voting as he would vote. I therefore vote "nay."

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. CHAMBERLAIN. I have a general pair with the Senator from Pennsylvania [Mr. OLIVER]. In his absence I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. PITTMAN. I wish to announce that the Senator from Ohio [Mr. POMERENE] is unavoidably absent and also that the Senator from West Virginia [Mr. CHILTON] is also unavoidably absent. The Senator from West Virginia [Mr. CHILTON] is paired with the Senator from New Mexico [Mr. FALL].

Mr. CURTIS. I wish to announce that the Senator from New Mexico [Mr. CATRON] is paired with the Senator from Oklahoma [Mr. OWEN]; that the Senator from Rhode Island [Mr. LIPPITT] is paired with the Senator from Montana [Mr. WALSH]; that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS]; and that the Senator from Massachusetts [Mr. WEEKS] is paired with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 14, nays 38, as follows:

YEAS—14.

Brandegee	La Follette	Norris	Wadsworth
Clapp	Lane	Sheppard	Works
Curtis	Lee, Md.	Sherman	
Kenyon	Lodge	Sutherland	

NAYS—38.

Ashurst	Hardwick	Reed	Taggart
Bankhead	Hitchcock	Shafroth	Thomas
Beckham	Johnson, Me.	Shields	Thompson
Borah	Martin, Va.	Simmons	Tillman
Chamberlain	Martine, N. J.	Smith, Ariz.	Townsend
Clarke, Ark.	Myers	Smith, Ga.	Underwood
Dillingham	Page	Smith, S. C.	Vardaman
Fletcher	Pittman	Sterling	Warren
Gore	Poindexter	Stone	
Gronna	Ransdell	Swanson	

NOT VOTING—44.

Brady	Fall	Lea, Tenn.	Penrose
Broussard	Gallinger	Lewis	Phelan
Bryan	Goff	Lippitt	Pomerene
Burleigh	Harding	McCumber	Robinson
Catron	Hollis	McLean	Saulsbury
Chilton	Hughes	Nelson	Smith, Md.
Clark, Wyo.	Husting	Newlands	Smith, Mich.
Colt	James	O'Gorman	Smoot
Culberson	Johnson, S. Dak.	Oliver	Walsh
Cummins	Jones	Overman	Weeks
du Pont	Kern	Owen	Williams

So Mr. WORKS's amendment to the amendment was rejected.

Mr. WORKS. Mr. President, I have proposed another amendment, to provide for the condemnation of all the slums in Washington. Having taken the sense of the Senate upon the amendment that has just been voted on, I shall not take up the time of the Senate by offering the amendment, hoping that I may reach it in another way. I sincerely hope that the vote which was given by the Senate to-day is not an indication of the feelings of Senators upon this important question.

Mr. LEE of Maryland. On the 22d of April I sent an amendment to the desk and asked that it might be printed and lie upon the table. I should like to call it up now. I ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add an additional section, to come after section 9, page 14, as follows:

SEC. 10. That the Secretary of War is authorized to have prepared, in cooperation with the Secretary of Agriculture and the Postmaster General, maps and general estimates for such military highways as in the judgment of the Secretary of War should be constructed and maintained, in part or in whole, in the several States for the purpose of the mobilization and concentration of troops and for postal purposes, and further maps and estimates for such military highways as in his judgment should be constructed and maintained, in part or in whole, in the several States adjacent to international boundaries and to the coast lines for the movement and supply of troops and artillery for defensive purposes and for postal purposes; and that the Secretary of War report to Congress on the general subject of military highways for the United States as soon as practicable; and, further, that the sum of $96,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1917, or so much thereof as may be necessary, to be expended by the Secretary of War for the foregoing purposes.

Mr. LEE of Maryland. Mr. President, this amendment provides for a general report by the Secretary of War on the subject of a system of military highways. It also provides for some further reports by him, in cooperation with the Secretary of Agriculture and the Postmaster General, with reference to roads that will be available not only for military purposes but for postal and agricultural purposes.

We will never have anything like an adequate military defense in this country until we have an annual mobilization of whatever troops may exist. Whether they are a citizen soldiery or whether they are a regular army or whatever they may be, until this country mobilizes them annually there will be practically no genuine preparedness.

This proposition of mobilization will imply the concentration and movement of troops from several zones, some on foot, some by automobile, some by rail. The greater movement of course will be by rail. Thus, with reference to mobilization, some consideration of the road question is essential, and that would seem to apply as much to the interior as to the exterior States. With reference to defense proper, defense now is mostly a question of many men and of large guns. The movement and location of great guns can only be made after war has been declared, spies have been ejected from the country, and the great guns can be concealed in places where they will defeat an invading enemy. The roads for this latter purpose have to be made in advance.

There is no fortification such as were made under former military conditions that will be as effective as the preparation of great macadam highways for defense in the border and coast States by which heavy guns and bodies of men can be located at the proper time for repelling an invading enemy.

The location of great guns is the great essential feature of modern military defense. That is one phase upon which the Secretary of War would naturally report on under this amendment. Another will be wherever the great rail highways of the country pass through the mountains, especially in the West. The macadam road would be the alternative line of transportation and repair in case of the destruction of bridges or tunnels by the enemy agents and spies, especially at the beginning of hostilities.

Such an argument as was presented here yesterday by Senators from certain Western States, showing great stretches of mountains as impassable for military purposes, illustrate how important it is that the Secretary of War should make a report on this question. Those States are interested in this matter as well as other States.

When you come to the coast States and the States bordering upon the northern and southern boundaries of this country, the necessity of such roads for the military safety of the country is too obvious to need elaboration.

But especially, Mr. President, should we consider in connection with any genuine preparation or system of defense that it should be self-sustaining, if possible. There is no method of defense that will be more of a self-sustaining system than a system based upon the movement of troops and the movement of great guns by roads which would have a commercial value; and such a defense system will be of much greater benefit to the country and to the States where the roads are located than the loss represented by cost of the entire road system. We would have in this way a defense system, cooperating with development in a way that would make the whole proposition economical as well as effective in the highest degree.

I do not think it is necessary to elaborate this matter any further, Mr. President, than simply to say that the appropriation in this amendment is a small one. It is simply a rough estimate of $2,000 for each State. Some States may have already sufficient data; in other States there will perhaps be more investigation necessary.

It has been stated by the chairman of the committee that he did not wish to load down the bill with anything that would tend to be a weight upon it at the other end of the Capitol. I wish to suggest, in this connection, that if he has any doubt as to the popularity of this bill, which has so radically reduced the amount that the House intended to apply to this purpose, there is no way I can think of by which he may popularize the bill more completely than by making this amendment a part of it, providing for a report upon this important feature of preparedness, namely, military roads or a road system that is absolutely essential to any form of military preparedness which this country may provide. In this connection it must be borne in mind that the existing road systems of the States are laid off on commercial lines and not from a military standpoint and are almost as much of a facility for an invading force as for a defensive force. Very essential additions and changes can be wisely made in every State for defensive purposes and upon such questions of military strategy the Secretary of War should report.

Mr. THOMPSON. Mr. President, good roads and rural credits are naturally kindred subjects, and it was therefore only proper that they should be considered practically together by the Senate. We have passed the rural-credit bill; now let us pass the good-roads bill and clear the calendar of this important legislation.

Good roads are conceded by all to be one of the first requirements for a successful business and farming community. The building of an adequate system of public highways can not properly be regarded as merely necessary for the handling of traffic, but it is also essential for the development of our country and the prosperity of the people. Our present-day civilization seems to follow good roads, just the same as our early settlers followed the streams which in those days carried the traffic. The manufacturer seeking a location for his plant gives first consideration to the means of transportation. The farmer, because his product must also be transported, considers the same thing. The highway is his means of transportation, just as a line of boats or a railroad is the means of transportation for the manufacturer. Good roads are the arteries of the life of a community, through which the current of traffic flows, and on their condition often depends the profit or loss to the manufacturer, business man, and farmer.

It is estimated that there are 1,000,000,000 acres of good, productive, uncultivated land in the United States waiting development, while nearly one-half of our population is crowded together in the cities, and the constant growth of the city population is far outstripping the growth of the country population. This is conceded to be one of the causes of our present unsatisfactory economic condition, resulting in the high cost of living. It is therefore highly important that the unsettled country be opened up and made more accessible, attractive, and profitable by the extension of good roads, so that this drift of population may be turned from the city to the country.

Investigations show that good roads result in increased land values averaging $9 per acre. There are instances in my State where the expenditure of from $1 to $4 per acre for improved roads has increased the land values from $10 to $50 per acre. The extension of good highways has the same effect upon the value of lands as the extension of a railroad into an unsettled community.

The reports of the Interstate Commerce Commission show that the annual freight and express bill of the people of the United States is about $2,500,000,000. This is an average of about $125 for each family. Therefore practically 20 per cent of the total cost of living to the average family goes to pay freight and express charges, which shows clearly the greatest waste and loss to every family in the country. Good roads will reduce this unreasonable cost of transportation. It is estimated that the cost of transportation by water is only about one-fourth of a cent, and by rail four-fifths of a cent per ton per mile. On an improved public highway the cost of hauling is from 5 to 12 cents per ton per mile and on an ordinary road from 20 to 50 cents per ton per mile. The average cost of hauling farm products in the United States is 23 cents per ton per mile. This is over twenty-eight times as much as by rail.

There are about 2,300,000 miles of public roads in the United States, of which only about 10 per cent have been surfaced with any material other than natural earth, and not more than one-half of these can be classed as good roads, comparable to those in European countries. This failure is not because of a lack of money and work, for it is estimated that in 1904, $80,000,000 in money and labor was expended on good roads, and that this figure gradually increased each year for 10 years, until in 1914 it amounted to the enormous sum of $260,000,000; yet the public roads of this country during that period were in an extremely poor and unsatisfactory condition. This was caused principally by the lack of skilled supervision, coordinate and correlate efforts, and the making of poorly designed temporary roads instead of reasonably permanent improvements. The great trouble seems to have been that in each of the 48 States there has been a different system of laws under which road building was attempted. Kansas is one of the States

which has suffered from an old constitutional provision providing that—

The State shall never be a party to carrying on any works of internal improvement.

This has been held by our courts to apply to the State in its sovereign corporate capacity and not to the subordinate political subdivisions thereof. So that these improvements have been carried on by the counties and townships without State aid.

There are about 108,500 miles of public highways in Kansas, and the counties and townships of the State expend about $5,000,000 annually for county roads. This amount exceeds the total cost of running the State government. It is estimated that at least $35,000,000 has already been expended in the last 10 years on roads, bridges, and culverts; yet with all this expenditure less than 1 per cent of the roads have been surfaced with clay, oil, macadam, gravel, or concrete. At least 75 per cent of this money has been practically wasted by being expended in temporary construction, without figuring on permanent and lasting benefits for the future.

While in the Nation we have been backward in the building of public roads, yet the development of traffic has increased enormously. Within the last 10 years the motor vehicle has been brought into service, until there are now over 2,300,000 motor vehicles in use, averaging about one for every mile of public road in the United States. Estimating these vehicles to average 25 horsepower, it would mean a total of over 57,000,000 horsepower now in use on our public roads, which necessarily requires a most substantial surface.

Ordinary horse-drawn traffic has also increased to such an extent that we now speak of tonnage by the hundreds of millions and of the ton-mileage in billions. It has been estimated that to move the wheat crop alone in 1915 it required the hauling of more than 30,000,000 tons over the public roads of the country, at a cost of over $50,000,000. The Department of Agriculture estimates that the production of corn, wheat, oats, potatoes, cotton, and hay in 1915 aggregated 270,807,000 tons, which means that practically all of this great weight had to be transported over the country roads from the farm to the market. It is therefore seen that the good-roads problem is not a local matter by any means. They benefit more people than any other public enterprise. There is not a single person of the community who does not receive some pleasure or advantage from them. Any person living anywhere in the world has the same right with every other person to use the public highway, and the introduction of the automobile has extended its use more than ever before. Nearly half of our population live in the cities, which must be fed by the products from the farm. Therefore the people of the cities are as much interested in the condition of the roads as the people in the country. A good road is therefore a universal public benefaction.

The Federal Government has a direct and increasing interest in the public roads by reason of the extension of the Rural Mail Delivery and the Parcel Post Services, which shows the necessity of its cooperation in this great enterprise. The Government makes an annual appropriation of $53,000,000 for the maintenance of a Rural Mail Service conducted by nearly 44,000 rural mail carriers. The mail carriers travel about 1,100,000 miles of rural-delivery roads nearly every day, of which only 61,495 miles are surfaced with crushed stone or its equivalent, leaving about 94 per cent of this great mileage to be traveled by the mail carriers, with great expense and loss of time. During 1913 more than 52,000,000 parcels were handled on the rural routes; and since that time the weight limit has been raised to 50 pounds, and it is estimated that the volume of parcel-post matter over the rural star routes in 1915 exceeded 113,000,000 packages. The Government is also pecuniarily interested in public roads from a military standpoint, good roads being one of the most essential things to successfully conduct military operations. This has been most forcibly demonstrated by recent operations in the European war. In short, good roads are so important to the financial, social, and educational welfare of the people that in no general enumeration of their advantages is it possible to include all the benefits.

Our school system is intimately related to the road development. It has been shown that the percentage of pupils attending schools located on bad roads is far lower than the percentage of those attending schools located on good roads. In fact it has been demonstrated that the falling off in school attendance in bad-road sections is as high as 18 out of each 100 pupils enrolled, and that in States with improved roads the average daily attendance is 78 per cent, while in the States with unimproved roads it is only 59 per cent. So the whole system of common-school education may be transformed through the medium of good roads. For efficiency and economy of consolidated schools properly managed are now regarded as the best, but the success of the consolidated school depends almost entirely upon the condition of the public roads. The American Magazine recently published the following statement, showing the effect of no roads upon the mountaineers of the South:

Since the days of Daniel Boone they have not changed. We heard of these mountaineers in the Civil War—and then forgot them. Half a million splendid Spartans in the worst of bondage for more than a century.

There are no schools because there are no roads; no roads because there are no taxes; no taxes because there is no money; and no possible interchange of commodities because there are no roads.

The city schools are well equipped, but the rural schools, where about 12,000,000 of our future citizens are studying and where many of the farmers and farmers' wives of to-morrow will receive all the education they ever get, are on the whole less efficient to-day than they were 25 years ago.

The imperfect and incongruous separate systems of the several States have needed Federal aid to give uniformity and permanence to the road-building system throughout the country. This bill gives what is needed in the most practical and simple manner yet devised. It simply contributes to the States according to their population, area, and number of miles of rural delivery and star-route systems, money from the Public Treasury to those States, or road-building agencies of a State, which will contribute an equal amount, commencing the first year by distributing $5,000,000 and increasing at the rate of $5,000,000 annually each year for a period of five years, making a total of $75,000,000 to be distributed. It is simply left with the State, or the road-building authorities in States like Kansas where the State can not contribute by reason of constitutional inhibition, whether they shall take advantage of the system. While the Federal Government offers this contribution for the building of good roads in all the States, yet direct supervision of the work of construction and distribution of the money is left with the States themselves, to be handled according to the best judgment of the local authorities. Every reasonable safeguard is made for the protection of the funds of the Government and to secure its proper use by the local communities. It is expected that through this financial cooperation by the Federal Government with the States that those things which have heretofore been needed, to wit, sufficient funds, uniformity and permanency will be supplied, so that in the near future we will have good public roads crossing the country in every direction from the Atlantic to the Pacific and from the Canadian line to Mexico and the Gulf.

Mr. TAGGART. Mr. President, I desire to say that I am very heartily in favor of the passage of the pending post or good roads bill. Under its provisions, as I understand, plans, specifications, and so forth, in regard to the construction of the roads in the various States are to come under the supervision of the Department of Agriculture. I wish to say as to our State of Indiana, that I doubt if there is another State in the Union which has spent more money or which has constructed more miles of good roads than has that State. It has to-day over 60,000 miles of improved roadways. It spent last year $16,000,000 on the improvement of its public highways. Only recently a commission was created to provide for the construction of what is to be known as the Dixie Highway, which is to run from Miami, Fla., to Chicago, via Indianapolis, with a branch from Indianapolis to South Bend, and around the peninsula of Michigan to Toledo, and from there to Dayton and Cincinnati, Ohio, covering a distance of about 2,500 miles.

I do not know of any project which brings more benefit to the farmers and to the community generally than do good roads. In Indiana the amount of money that has been expended for the maintenance of good roads should have given us much better roads than we possess.

What I desire, however, particularly to call attention to here, is the necessity for the Department of Agriculture to see that the specifications which come before it for acceptance are proper and correct, and by a close and thorough inspection to see that the plans are fully complied with.

If there had been a proper supervision of the money which has been expended in Indiana—probably honestly, but not always judiciously—in providing for grading, for culverts, and for improving the waterways of our roads, the overflow of which washes away the roads immediately after they are built, we should have had far better results from our expenditure.

I wish to call attention to the fact that the Agricultural Department, in conjunction with the States, with the highway commissions, and with the engineers who have charge of the matter, can not be too particular before those roads are accepted to ascertain that the specifications for their construction have been implicitly complied with.

Mr. VARDAMAN. Mr. President, what is the pending question?

The PRESIDING OFFICER (Mr. THOMAS in the chair). The question is on the amendment offered by the Senator from Maryland [Mr. LEE].

Mr. STERLING. Mr. President, can we not have the amendment reported?

The PRESIDING OFFICER. The amendment will be again stated.

The SECRETARY. It is proposed to add as an additional section, to come in after section 9, on page 14, the following:

SEC. 10. That the Secretary of War is authorized to have prepared, in cooperation with the Secretary of Agriculture and the Postmaster General, maps and general estimates for such military highways as in the judgment of the Secretary of War should be constructed and maintained in part or in whole in the several States for the purpose of the mobilization and concentration of troops and for postal purposes and further maps and estimates for such military highways as in his judgment should be constructed and maintained in part or in whole in the several States adjacent to international boundaries and to the coast lines for the movement and supply of troops and artillery for defensive purposes and for postal purposes; and that the Secretary of War report to Congress on the general subject of military highways for the United States as soon as practicable; and, further, that the sum of $96,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1917, or so much thereof as may be necessary, to be expended by the Secretary of War for the foregoing purposes.

Mr. BANKHEAD. Mr. President, I certainly shall not consent to a vote on an amendment so far-reaching as is this amendment, unless more Senators are in the Chamber to vote upon it. I think it is an amendment that ought not to be seriously considered in connection with this bill. It seems to me as though, Mr. President, the entire effort on the part of some of our distinguished friends is to make this bill impossible of passage somewhere else if they can do so.

Here is a plain proposition which we have had before the Senate for weeks, simply providing for the construction of post roads, roads over which the mails are to be carried, and incidentally, of course, the construction of roads by which the products of the farm may be brought to market more cheaply and expeditiously. It seems to me that the Senate ought to be satisfied with the provisions of this bill without adding to it all kinds of amendments.

Mr. LEE of Maryland. Will the Senator yield for a question?

Mr. BANKHEAD. I yield.

Mr. LEE of Maryland. Is there any objection in connection with postal and commercial considerations to consider also the military questions, and to have the Secretary of War report on that subject?

Mr. BANKHEAD. Of course there is no objection to considering military questions at the proper time and in the proper way; but I do not think that such an amendment ought to be added to this bill, and I hope it will not be done.

Mr. LEE of Maryland. I should like to ask the Senator another question. Is not this a proper time to consider the military questions?

Mr. BANKHEAD. Why did not the Senator offer the amendment to the military reorganization bill when we had that bill under consideration?

Mr. LEE of Maryland. But the bill of which the Senator from Alabama is in charge provides for the building of roads, and before the roads are built I suggest that the military aspect of the question should be considered.

Mr. BANKHEAD. But we do not provide in this bill a great scheme for surveying boulevards, military roads, and matters of that sort all over the country, from one end of it to the other. That is not the purpose of this bill; it does not contemplate anything like that. This bill simply seeks, Mr. President, as I have said, to inaugurate a system of building post roads for the purposes I have indicated. If we are going to load it down with all kinds of amendments, if we are going to incorporate in this bill provisions for surveys for magnificent boulevards and military highways all over the country, and appoint a commission to do that kind of work, I do not know where it will end. I hope the amendment will not be adopted.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from Alabama this question: In his opinion, would not the carrying out of the purposes of this bill go largely toward subserving the purpose sought to be accomplished by the amendment proposed by the Senator from Maryland?

Mr. BANKHEAD. That is true.

Mr. SMITH of South Carolina. The amendment of the Senator from Maryland relates to roads for use in the mobilization of troops. If the roads are properly constructed under the provisions of this bill, there will be very little to add in case of an emergency for military roads. So I think the subject is already covered in the pending bill.

Mr. FALL. Mr. President, I should like to ask the Senator from Maryland if he does not think that an amendment to his amendment would be acceptable? If so, I should like to offer such an amendment to build, as a defensive measure, on the southern boundary of New Mexico, which forms one of our borders, a stone wall 10 feet high and 2 feet wide, with broken glass on top of it. We would rather have that than a road.

Mr. LEE of Maryland. Mr. President, if the Senator asks that as a question, which I can answer without being ruled off the floor if I should want to speak again, I simply say that it is better to have good men, good roads, good discipline, and have an efficient citizen soldiery than it is to try to build a wall, as the Chinese did, to keep out an invading enemy. Such a wall might be very useful to prevent a surprise of sleepy Regular soldiers, who can not protect a town, though they may be camped right next to it; it might be of some use in a case of that kind; but I do not believe that it is in the true spirit of American civilization. We want the "open door," and we ought to be men enough, both by vigilance and preparation, to meet anybody who comes through it to invade our country.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland [Mr. LEE] to the amendment reported by the committee.

The amendment to the amendment was rejected.

Mr. SMOOT. Now, Mr. President, if the committee amendment has been perfected, I desire to offer the amendment which I send to the desk by way of a substitute for it.

The PRESIDING OFFICER. The amendment will be stated.

Mr. VARDAMAN. Mr. President, I rise to a parliamentary question.

The PRESIDING OFFICER. The Senator from Mississippi will state his parliamentary question.

Mr. VARDAMAN. Have all the amendments on the desk been disposed of?

Mr. SMOOT. I understand all the amendments offered have been disposed of.

The PRESIDING OFFICER. Every amendment offered up to this time has been acted upon.

Mr. VARDAMAN. That is what I desire to know.

The PRESIDING OFFICER. The Secretary will read the amendment offered by the Senator from Utah to the amendment reported by the committee.

The SECRETARY. It is proposed to strike out all after the enacting clause, and to insert:

That in order to establish, construct, improve, and maintain public roads that are now or may hereafter be needed for use as post roads, military roads, or for interstate commerce, there be, and hereby is, created a fund to be known as the United States highway fund. Said fund shall be raised in the manner herein provided, but the Treasurer of the United States is hereby authorized to receive and place to the credit of said fund any money that may be contributed from other sources and to expend the same upon the order of the United States Highway Commission or in accordance with the conditions of the contribution.

SEC. 2. That for the purpose of providing money for the United States highway fund the Secretary of the Treasury is hereby authorized and directed to issue and sell, on and after July 1, 1918, at par with accrued interest, coupon or registered bonds of the United States in such form as he may prescribe and in denominations of $20 or multiples of that sum, said bonds to be payable in coin 50 years from date of issue, and to bear interest, payable in coin semiannually, at the rate of 3 per cent per annum, the total amount of said bonds not to exceed $500,000,000, and the issue and sale of same not to exceed such amounts as may be necessary from time to time to enable the Treasurer of the United States to make payments from the United States highway fund to the several States in accordance with the provisions of this act. Bonds issued under authority of this act, or the income therefrom, shall not be subject to taxation of any kind for any purpose. Bonds authorized by this section shall be first offered at par as a popular loan under such regulations prescribed by the Secretary of the Treasury as will give opportunity to the citizens of the United States to participate in the subscriptions to such loan, and in allotting said bonds the several subscriptions of individuals shall be first accepted, and the subscriptions for the lowest amounts shall be first allotted. Any portion of any issue of said bonds not subscribed for as above provided may be disposed of by the Secretary of the Treasury, at not less than par, under such regulations as he may prescribe, but no commissions shall be allowed or paid thereon; and a sum not exceeding one twenty-fifth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the expense of preparing, advertising, and issuing the same.

SEC. 3. That before any State shall be entitled to take advantage of the provisions of this act it shall establish by law a State highway commission, which said commission shall have general supervision of road construction and improvement in that State and of the expenditure of money received from the United States highway fund, subject only to the provisions of this act and of State laws not inconsistent herewith. It shall be the duty of each State highway commission annually, on or before the 1st day of January, to make to the governor of the State in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, copies of which said report shall be sent to the Treasurer of the United States and to the United States Highway Commission.

SEC. 4. That the United States highway fund shall be apportioned and credited to the several States in the following manner: The United States highway commission, hereinafter created, shall ascertain in the most practicable manner from the best information available the total land area, the population according to the last Federal census, the total assessed valuation of all taxable property, and the total mileage of public roads in each of the several States, and shall compute the percentage of the total of each of these four items possessed by each

State. They shall then compute the average of the four percentages for each State, and this average shall be the per cent of the $500,000,000 United States highway fund that shall be apportioned and credited to each State. Said commission shall notify the Treasurer of the United States of the result of their ascertainment and computation, which shall be made as of a date to be fixed by the commission. Such fund so apportioned shall be paid to the States only in accordance with the provisions of this act.

SEC. 5. That whenever any State, through its duly authorized agents, shall apply for any part of its share of the United States highway fund, but not exceeding 20 per cent thereof in any year, and shall deposit with the Treasurer of the United States its bonds for such amount payable in 50 years and bearing interest, payable semiannually, at the rate of 4 per cent per annum, the Secretary of the Treasury shall issue and sell, at par and accrued interest, in the manner prescribed in section 2, United States highway bonds to the amount that may be necessary to pay to said State the amount of money applied for, and upon the sale of said bonds shall pay over the proceeds to the custodian of the public funds of the State: *Provided*, That the bonds of any State shall not be accepted if the total amount of bonds of such State, including the bonds issued to take advantage of the provisions of this act, shall exceed 10 per cent of the amount of the assessed valuation of all taxable property in such State: *Provided further*, That any State desiring to do so may deposit with the Treasurer of the United States its 4 per cent bonds maturing in not less than 20 years, or may redeem its 50-year bonds at any time after 20 years from date of issue, but upon redemption of such bonds, whatever the period for which issued, such State shall pay to the Treasurer of the United States, in addition to the balance due on the principal after deducting the accumulated sinking fund, a premium of 2 per cent on such balance due on bonds redeemed, together with accrued interest. When the Treasurer of the United States shall receive any payment of interest on State bonds deposited in the manner above provided he shall devote three-fourths thereof to the payment of the interest due on the corresponding United States highway bonds, and one-fourth, herein designated as a sinking fund, he shall deposit in the Treasury of the United States to be used from time to time for the redemption of United States highway bonds as provided herein. The Treasurer of the United States shall keep an account with each State that shall deposit bonds and receive funds under the provisions of this act, and shall credit said State with interest compounded annually at the rate of 3 per cent per annum on the sinking funds paid in. Money received upon the principal of State bonds shall also be credited to the sinking fund, but no interest credit shall be allowed the State thereon. At the time of the maturity of the bonds deposited by any State, if all payments have been made when due, the Treasurer of the United States shall cancel said bonds and return them to the State issuing the same. Whenever and each time the sinking fund accumulation shall amount to $1,000,000, then the Secretary of the Treasury shall, and he is hereby, directed to go into the open market and purchase, at par if possible, $1,000,000 par value of the United States highway bonds. If unable to purchase all or any at par then he is authorized and directed to pay such premium as necessary determined by competition after public notice of not less than 30 days, but not exceeding a premium of 2 per cent and accrued interest. If he be unable thus to secure the full amount of bonds necessary to comply with this provision, then he is authorized and directed to call at par, plus premium of 2 per cent and accrued interest, such bonds, determined by drawing of bond numbers from among the largest denominations outstanding, as will make up the $1,000,000 purchase. These bonds thus purchased out of the sinking fund accumulation shall be retained in the United States Treasury, being stamped by the United States Treasurer "Non-negotiable," but "kept alive," in order that the United States Government may receive for the sinking fund the benefit of the interest payments on the bonds thus purchased.

SEC. 6. That on the 1st day of February of each year, after the year 1918, the Treasurer of the United States shall pay to the custodian of the public funds of each State, from any funds in the Treasury not otherwise appropriated, an amount of money equal to one-half the amount such State has expended out of its own funds for the maintenance of public roads during the preceding calendar year, but in no case to exceed 2½ per cent of the amount of State bonds said State has deposited with the Treasurer of the United States under the provisions of this act. The money so paid shall be expended by said State only in the maintenance of public roads. The Treasurer of the United States shall withhold the payment of moneys to any State under the provisions of this section in the event that such State shall default in payment of any interest or principal due.

Whenever the United States highway commission shall certify to the Treasurer of the United States that any portion of the amount expended by any State for the maintenance of public roads, during the preceding calendar year, has not been expended with reasonable effectiveness, one-half of such amount shall be deducted from the next succeeding annual appropriation to such State: *Provided*, That if any State shall fail to issue bonds as provided in section 5 hereof, it shall nevertheless be entitled, during the period such failure to issue bonds shall continue, subject to all the conditions and limitations set forth in this section, to receive the maintenance fund provided for in this section; but in no case shall such maintenance fund exceed the amount which such State would have been entitled to receive if it had issued the bonds authorized by section 5 hereof.

SEC. 7. That there is hereby created a United States highway commission, to be composed of the chairman and ranking minority member of the Senate Committee on Post Offices and Post Roads, the chairman and ranking minority member of the House Committee on Roads, the Director of the Office of Public Roads, and a United States Army Engineer to be detailed from time to time by the Secretary of War. Such commission shall have only an advisory voice in the expenditure of the United States highway fund in the several States. It shall have its head office in the District of Columbia, but may create highway divisions, never exceeding in number one for each State, and may maintain a division office in charge of a United States highway engineer in each division. Said commission shall have power to employ such clerical and expert assistance as may be provided for by appropriation made by Congress from time to time, and may require the assistance and cooperation of the officers and employees of any department in its work.

Mr. SMOOT. Mr. President, I should have preferred to speak upon this measure at some other time than late Saturday afternoon. I recognize the fact that there are only a very few Senators in the Chamber. I also recognize the fact that it will not be long until it will be impossible to secure a quorum.

Mr. President, we are about to enter upon a policy of road building in the United States in which the Government of the United States is asked to participate. It is my belief that whenever that policy is entered upon by the Government, the very best plan that can be devised by mortal man ought to be put in force at the beginning; and it is for that reason that I have submitted the amendment as a substitute for the committee amendment.

I do not want to take any credit whatever for the preparation or the working out of this great plan of road building. It is not due me; but in passing I want to say that above all and foremost in the drafting of this legislation stands the ex-Senator from Oregon, Jonathan Bourne, jr. It is commonly known as the Bourne good-roads bill. If the Senate does not adopt my amendment to-day, and the amendment offered by the committee should become a law, I expect to live to see the day when that law will be amended and the principle of the Bourne plan put in operation. What I am fearful of is that under the committee plan there will be an undue waste of public money. It is incomplete in its provisions. It is a makeshift, at best. It is more cumbersome and more expensive than the so-called Bourne plan, and the results that will come from it will be infinitesimal compared with the Bourne system, if it is put in operation in this country. The Bourne plan does not ask to take money out of the Treasury of the United States. All it asks for is that the State be extended the credit of the United States. It is so simple, and so easily accomplished in cooperation with the different States, that there could be no complaint offered by one State against another if this plan were put in operation.

I want to say that ex-Senator Bourne did not spend merely days, but he spent months, and, I believe, nearly two years, in working out this plan. He held conference after conference with the leaders of finance, the greatest road builders, not only in this country but in foreign countries. He had conferences with many of the leading manufacturers of this country. In fact, there was not a captain of industry, so called, with whom he did not get in touch and to whom he did not submit his ideas and those of the committee for criticism and suggestions. He not only worked in the daytime but he worked nights as well. He not only worked with the committee that was appointed to labor with him to bring this about, but there was scarcely a night of the week while Congress was in session that he did not have three or four Congressmen or Senators at his home discussing this proposed great system of road building.

I know as well as any Member of this body that road building is the most popular question before the American people to-day. I know that it is in the hearts of the people to see that in this country there is a system of good roads equal to the system of any other nation on earth, and I do not believe we ought to adopt a makeshift and temporary measure. I believe that nearly every Senator will admit that the plan submitted by the committee can be but temporary. It will not accomplish what the American people want. I believe the proper thing to do is to meet the situation squarely and fairly and pass a bill that we all know will be satisfactory to the people of the United States.

The act creating the Joint Committee on Federal Aid in the Construction of Post Roads became effective August 24, 1912, and a joint committee of five Members of the House and five Members of the Senate was appointed, consisting of the following: From the Senate, Jonathan Bourne, jr., chairman, Senators PENROSE, GRONNA, SWANSON, and OVERMAN. Appointed by the Speaker of the House were the following: Congressman SHACKLEFORD as vice chairman of the joint committee, with Congressmen LEE, MCGILLICUDDY, MADDEN, and AUSTIN.

Shortly after organization the work began, and for 21 months they continued their labors before submitting their report to Congress. The data that were collected was presented in 17 chapters. I do not care how long the question of good roads may be before the people for consideration, the information collected, tabulated, and printed by this committee can always be referred to as the very best that it was possible to obtain in the world up to that time.

Mr. President, the first section of my amendment provides for the creation——

Mr. VARDAMAN. Mr. President, may I ask the Senator a question right there?

Mr. SMOOT. Certainly.

Mr. VARDAMAN. Did the committee on the part of the House report that bill to the House or recommend its passage?

Mr. SMOOT. I do not believe it did. I will state, however, that the Senate committee reported it to the Senate.

Mr. VARDAMAN. I am familiar with that fact. The vice chairman of the joint committee, Mr. SHACKLEFORD, prepared and introduced another bill?

Mr. SMOOT. Yes.

Mr. SMITH of South Carolina. Which is very similar to the one now pending.

Mr. SMOOT. No; the one that is now pending is a very much better bill than the bill which Mr. SHACKLEFORD submitted to the House.

Mr. SMITH of South Carolina. Oh, I admit that; but it was somewhat along the same lines.

Mr. SMOOT. Since the question has been asked me, perhaps I had better refer to the position of the members of the joint committee, so that the Senate will really know how they stood.

On November 25, 1914, ex-Senator Bourne, chairman of the joint committee, addressed a letter to the members of the Joint Committee on Federal Aid in the Construction of Post Roads, and asked them to examine the report, and, if it met with their approval, kindly to indicate the fact; or, if it did not, to state the reasons why it did not. The members replying to that letter were Senator GRONNA, Senator PENROSE, Congressman AUSTIN, Congressman MADDEN, Senator SWANSON, and Senator OVERMAN. There was no reply from Representatives SHACKLEFORD, LEE, or MCGILLICUDDY. The favorable replies from the Congressmen and Senators I have just named spoke in the highest terms of the measure, although the reply from Senators SWANSON and OVERMAN made one exception, and that was some parts of chapter 2. Chapter 2 referred to the desirability of congressional control. That was the subdivision to some parts of which Senator SWANSON and Senator OVERMAN did not agree; but, with that single exception, all of the members of the joint committee from the Senate, and two members of the joint committee from the House, approved the plan most heartily.

Referring to what I was about to say when interrupted, I will state that section 1 creates a fund, to be known as the United States highway fund, which is to be expended upon the order of the United States Highway Commission, or in accordance with the conditions of the contribution. The reason for the latter part of the paragraph I have just read, which is, "in accordance with the conditions of the contribution," is that the fund can be added to by contributions from other sources than the sale of bonds; and I understand that there were a number of sources from which contributions to this fund would have been made.

The State highway commission is provided for in section 7, and is to be composed of the chairman and ranking minority member of the Senate Committee on Post Offices and Post Roads, the chairman and ranking minority member of the House Committee on the Post Office and Post Roads, the Director of the Office of Public Roads, and a United States Army Engineer, to be detailed from time to time by the Secretary of War.

Mr. President, this commission would have only an advisory voice in the expenditure of the United States highway fund in the several States. The States, or the road commissions within the States, had the handling of the fund; but the highway commission was to be in a position to counsel, to advise, to instruct, if you please, the State road commissions whenever asked for information.

Section 2 of the bill provides for the raising of the money by the sale of bonds authorizing not to exceed $500,000,000, but in no one year shall there be issued more than 20 per cent of the amount. Even if the State demanded or had passed by its legislature an authorization of the issuing of bonds for the building of roads, in no one year could the Treasury Department be called upon for more than 20 per cent of the total amount. Of course, I do not believe that there ever would be a year when there would be that much called for. I am quite sure there would not be; and, as I told ex-Senator Bourne, chairman of the joint committee, I would just as soon have had the amount reduced to 10 per cent, because 10 per cent of the amount would have accomplished, I believe, at least for years to come, all that would have been asked for by the different States. But in order to be perfectly safe, and in order to satisfy any particular State that had the credit at its command and desired to issue its bonds and desired to get roads just as quickly as money could build them, I was perfectly willing that it should be 20 per cent of the amount.

The plan, Mr. President, is this: Whenever the road commission of a State decides, by authority of the State, that that State shall build a certain number of miles of road, and the plans are made for it, the specifications are drawn, and the whole system approved, then the State can issue bonds drawing interest at the rate of 4 per cent and can deposit those bonds with the Treasury of the United States, and upon the depositing of the bonds of the State as security the Secretary of the Treasury is authorized to sell 3 per cent Government bonds and advance the money to the amount of the State bonds to the State issuing them for the building of roads. The interest period upon the State bonds will be the same as the interest period upon the Government bonds, and the State in paying 4 per cent per annum upon the amount of bonds it issues to the Government, and the Government of the United States being able to sell its bonds bearing a rate of interest of 3 per cent—and under the bill they can not be sold for less than par—the 1 per cent difference between the rate of interest on the State bonds and the rate of interest on the Government bonds compounded annually in 50 years will pay off the whole debt. In this way, with the credit of the United States extended to the States, the States can spend $500,000,000 in road building in the different States by simply paying the interest upon the State bonds deposited with the Treasury of the United States as security for the amount of Government bonds sold and the proceeds given to the State.

Mr. WILLIAMS. Mr. President, if I may ask a question purely for information, perhaps the Senator did not express himself accurately or I did not clearly understand him. The 3 per cent which the State would pay to the Government would, of course, extinguish the 3 per cent which the Government owed upon its bonds.

Mr. SMOOT. The State pays 4 per cent.

Mr. WILLIAMS. I understand that; but 3 per cent of the amount which the State would pay would extinguish the 3 per cent which the Government would owe upon its bonds. Now, how could 1 per cent for only 50 years extinguish the entire principal? It would amount to only 50 per cent in that time.

Mr. SMOOT. No; I will say to the Senator this is the plan and the acknowledged result: The 1 per cent, compounded annually, will pay not only the 50 per cent in 50 years but a little over 100 per cent.

Mr. WILLIAMS. What arrangement was made for the Government so to invest it as that it will get compound interest?

Mr. SMOOT. The bill provides for it.

Mr. WILLIAMS. It does?

Mr. SMOOT. The bill provides that it shall be done; and I will say the difference between the 50 per cent spoken of by the Senator and the 100 per cent is amply provided for in this way.

Mr. WILLIAMS. The interest alone would pay only 50 per cent.

Mr. SMOOT. Yes. The bill also provides that the difference between the 4 per cent and the 3 per cent shall be invested by the Government and draw the interest that the original bond does, and that makes up the difference between the 50 per cent spoken of by the Senator and the full 100 per cent.

Mr. President, if a State does not want to build a foot of road, she does not have to do so, and she does not lose a cent in not doing so. The State not building roads under this plan is not called upon to help pay for roads built in other States. The State not taking advantage of the provisions of my amendment loses, in my opinion, the benefits that come from good roads; and, Mr. President, it is fast becoming in the minds of the people of this country a settled conviction that they must have good roads. It is necessary; and the States have not the credit, nor can they by issuing bonds, drawing interest at 4 per cent, with the full amount of the principal to be repaid, secure money enough to do the necessary road building. But under my amendment the Government of the United States, upon the State depositing its bond as security, extends its credit to the State, thus enabling the State to secure money at 3 per cent in reality, but by paying 4 per cent, at the end of 50 years the principal depositing its bonds as security, extends its credit to the State, issuing them. Could there be a more ideal way for the Government and the State to build the roads of the country?

Mr. VARDAMAN. The Senator from Utah is doubtless aware that there are a great many State in the Union which could not take advantage of this bill on account of their constitutional limitation.

Mr. SMOOT. I am coming to that, or I can discuss it now. I understand that there are a few States in the Union that could not take advantage of the provision of the bill, because they are bonded now to the amount of 10 per cent of their assessed valuation. I have not a list of the States, but I personally believe that if a State is bonded to the amount of 10 per cent on its assessed valuation, that State should not go further into debt. That is enough indebtedness for the people of the State to carry.

Mr. OVERMAN. I do not think that is the only question. I think the question also is that in some of the States they can provide for no bond issue at all without submitting it to the people.

Mr. SMOOT. Of course that does not prevent them from submitting the question to the people.

Mr. OVERMAN. They can always amend their constitutions if they want.

Mr. SMOOT. I had reference to the question asked me by the Senator from Mississippi. I understand there are a few States that are bonded to the amount of 10 per cent of their assessed valuation, and the amendment prohibits the issuing of money upon State bonds where the State is assessed up to 10 per cent of its assessed valuation, and I believe that that is a very wise provision.

Mr. BANKHEAD. In connection with what the Senator from Utah has said, I will state the additional fact that it not only provides that no State having a bond issue to 10 per cent of the taxable value shall be entitled to any of this money, but it further provides that no money proposed to be given under it shall be added to that. When you take the States that are now up to or near the limit of taxation and then add whatever they are going to get under this provision, you will have a few States in the Union that can not get any of it.

Mr. SMOOT. Oh, no; I want to disavow any such statement as that. The amount the State can get under the bill depends upon what the State itself applies. I doubt very much whether there are many States, if any, that would be barred from the bill by adding the amount of money that they would receive under the amendment where, with that added, it would be more than 10 per cent of the assessed valuation. There are very few States that carry that amount of indebtedness. In fact, in some States they are restricted to 5 per cent, and in my opinion the restriction is a wise one.

Mr. VARDAMAN. If the Senator will pardon me for just a moment, the discussion of this question developed that there are several States represented by Senators on the committee, if I remember accurately, that would be barred from participating in this fund. I wish to say to the Senator that I think the amendment is in many respects almost ideal in its provisions; but this road building by Federal aid is a new thing, and I became convinced early in the discussion that it would be absolutely impossible at this time to enact the bill proposed by former Senator Bourne. We discussed it at some length and, while it commends itself to me very strongly, I feel as though the adoption of that bill as an amendment would defeat legislation of this character at this session. I am particularly anxious that we should begin and that as time moves on, in the evolution of things, we may come to some plan as nearly perfect as possible; but I do not think it is a good plan to adopt it now.

Mr. SMOOT. In answer to the Senator, of course he knows, as I suppose we all do, that there are some States in which the constitution of the State would not allow them to take advantage of this bill; and he also knows as well as I do that the States can amend their constitutions, and without a question, if they so desire. It is true there are a few of the States that have no State road commission, but that could be provided for even before the operation of this bill could possibly take effect.

Mr. VARDAMAN. I wish to say to the Senator before he leaves that point that there are States in the Union the constitutions of which are so written that the change could not be made in four or five years. The amendment would have to be submitted to the people and it would have to be voted on at a general election. It would mean, in order to get this matter into operation, a postponement in some of the States of five or six years, with a very expensive campaign.

Mr. SMOOT. I think it is very much better, even if that were true, that a few States should have to take that course rather than embark upon a system of road building in this country that is not ideal in its provisions. The Senator from Mississippi expresses my opinion of this amendment when he says that it is almost ideal. I have studied it most carefully. I might say that I studied it with Mr. Bourne section by section. I do not believe there is a system which can be devised by man that is more perfect than this system for the beginning and completion of road building in this country.

Mr. VARDAMAN. Does not the Senator realize that if the pending bill as it came from the committee and is at this moment before the Senate should be adopted it will be opening the way for such legislation as he is now proposing? There can not be any waste of funds or expenditure of money upon makeshifts under the terms of the bill reported by the Senator from Alabama. It is so safeguarded that there will not possibly be any misappropriation or misuse or improper use of the fund. When we shall have started this matter it will be very easy to move on toward the perfect measure that the Senator is so eloquently speaking for now.

Mr. SMOOT. When I begin to build a house, I have in mind exactly what I want to construct. I think it would be very unwise to lay the foundation or beginning as perfect as possible, as the structure must rest upon it. We are beginning to-day to construct a great good-roads system, or house, if you please, for the people of the United States, and I want to begin right. I want every dollar that is expended of the people's money, for they will have ultimately to pay every cent of it, to be spent in a way that not one dollar of it will be wasted, nor one step taken that will have to be retraced, nor one effort made that will not be for the ultimate success of a perfect system.

Mr. VARDAMAN. If the Senator were building a house in connection with 40 or 50 other men, the majority of those men are equally interested in the house, and if they differed with him as to material of which the foundation was to be laid the Senator would not decline to build any house at all because he could not have his way absolutely about it?

Mr. SMOOT. No; of course not.

Mr. VARDAMAN. Now, I confess if I had my way about it I would take the Bourne plan, but I am convinced that we can not start with it, and the next best thing is the bill as it came from the committee, which I am sure will pass the Senate and finally be passed by the House.

Mr. SMOOT. No; the Senator would not stop building the house if there was a majority of the men building the house who wanted to construct it in a different way; but I am just as positive as I live that there is a majority of the Senate of the United States who would prefer my amendment to any that has been offered to the pending bill. Of course, if the Senate rejects it, that settles it; but I am quite sure there are other Senators in the same position as that expressed by the Senator from Mississippi. He is convinced that my amendment is the better plan; he is convinced that it is better than the plan proposed by the committee; but he is fearful that if it is adopted by the Senate the House will not approve of it. I wish that the Senate would do its duty to-day and accept the plan that it believes is for the best interests of the people; and I do know that there is not a question but that this is the system that ought to be put in force in the United States.

Mr. KENYON. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. KENYON. I agree with the Senator that a majority of the Senate are in favor of this plan. I have talked with many Senators on the subject. That being so, as the Senator says, why can we not adopt the bill? This is a real road bill and one that would be satisfactory to the people and it would work out well. Why can we not adopt it?

Mr. THOMAS. If the Senator will allow me to answer that question, I think it was pretty well answered by the Senator from Massachusetts [Mr. LODGE] the other day. It is because the bill that is pending was made to be passed.

Mr. KENYON. I suppose the Senator from Utah knows more about it than the rest of us.

Mr. SMOOT. The Senator from Utah has already stated that he is fearful there are other Senators in exactly the same position as the Senator from Mississippi; that they are in favor of this measure, but they believe its passage would defeat any good-roads legislation, because the House would not pass it. I do not believe that that ought to be taken into consideration by the Senate. I think that the Senate ought to express its opinion and pass what it believes is the best measure for the country.

Mr. KENYON. If that is so, then we never can get a bill carrying out the Bourne plan.

Mr. SMOOT. That seems to be self-evident.

Mr. KENYON. And we never can get a real measure that will make for perfect road improvement.

Mr. SMOOT. Until the plan to be adopted proves to the people beyond a question or a doubt that there is a great waste of money. Right in this connection I wish to say that the Senate substitute provides for $75,000,000 appropriation. That is only a beginning.

Mr. THOMAS. The first drop in the bucket.

Mr. SMOOT. Many Senators who are in this Chamber now will live to see the day when the statement I have made will be absolutely verified. It is only a beginning. I hope no Senator will vote for the committee amendment thinking that at the end of five years there will be no more appropriations for good roads in this country. I believe that the expenditure of the money provided for the first year and the second year will convince the people that this is not the proper way of building

roads, because, I tell Senators, now the money appropriated in this bill can be used in refitting or rebuilding present roads, and that is what the most of it will be used for, at least for this and the building of dirt roads.

Section 3 creates a State highway commission. I shall not spend any time in the discussion of that section, because I think it is unnecessary at this time. I referred to it in my opening remarks.

Section 4 provides for the apportionment of the money. It is apportioned, first, upon the total land area; second, on the population according to the last Federal census; third, on the total assessed valuation of all taxable property; and, fourth, on the total mileage of public roads in each of the several States. I think that that apportionment could not be improved upon. I do not think there is any State in the Union that can find fault with it.

Taking all four of these requirements into consideration, it seems to me that it is almost perfect as to the apportionment of the money to the States under the bill.

Section 5 provides for the application of the money. I have already referred to the question of the elimination of a State the indebtedness of which amounts to more than 10 per cent of its assessed valuation, and I shall not take any more of the Senate's time to discuss that question.

Section 6 provides for the maintenance of the roads. It is ideal in its provisions. It is perfect, it seems to me. Every power is left in the State. The good people of the State know as to the amount of money that they wish to spend upon the roads of their State and also the amount of money to be expended upon maintaining them up to the maximum provided for in the amendment. I say without fear of contradiction that if it is complied with by the State roads will be maintained in good order, and it will prevent the deterioration of them and keep the roads as they ought to be kept.

That is the only way good roads in a State can be maintained. I do not care how good a road may be when built; I do not care where located; allow it to go without constant repair, and particularly if the first breaks in it are not attended to, and the neglect will be most costly to the State.

I was over in the Hawaiian Islands not long ago. The people of the islands are beginning to build good roads. They have a few stretches of very good roads, but most of them upon the islands are very poor, particularly outside of the island of Oahu, and I might limit it in and around the city of Honolulu. The first time I went over the roads, and they have not been built long, I noticed breaks in them. I said to the man who was with me, "Why do you not keep this splendid road in repair? Every day that you let it go without it will cost you more and more money, and before long you will have no road and will be compelled to rebuild. Good roads ought to be repaired just as soon as a break is shown in them."

Mr. GALLINGER. Mr. President, at that point——

Mr. SMOOT. I yield to the Senator.

Mr. GALLINGER. It is a pretty well established fact in the States where they have built good roads and where they are intending to build more that the only successful system is to have section hands, as they have on railroads, and have material at hand to repair the roads as they become worn. Until that is done there is a great waste on roads at the present time, and there will continue to be a great waste.

Mr. SMOOT. The States that are building good roads to-day and are successful in maintaining them are following exactly that plan. It is the only plan, Mr. President, whereby roads can be prevented from rapidly deteriorating.

Now, Mr. President, under the apportionment of the bill——

Mr. NORRIS. I was called out of the Chamber and the Senator may have touched upon the question concerning which I am about to ask him, and if so, I will not ask the Senator to repeat it. There are two points in the amendment that I want to inquire about. The first is in regard to maintenance. I understand it does not properly provide that the roads shall be maintained after they are built. The other question is in regard to the 1 per cent extra interest that is used as a sinking fund, and that the Senator says will pay off the State bonds at maturity. As I read the amendment, it provides that the State shall be credited with this 1 per cent and it is given a credit of interest compounded at 3 per cent, but there is not any provision in the amendment under which the sinking fund shall be invested by the United States except it provides that the fund may be used for the redemption of bonds. If they are unable to get bonds, as provided in the amendment, without paying a premium, the State would be relieved from the payment of the State bonds, because the Federal Government is obligated to give the State credit at the rate of 3 per cent per annum on that 1 per cent deposited, compounded semiannually. The Government itself might not be able to get that money, and it would have to be paid out of the ordinary resources raised by taxation by the Federal Government.

Mr. SMOOT. On page 6 it is provided that—

> The Treasurer of the United States shall keep an account with each State that shall deposit bonds and receive funds under the provisions of this act, and shall credit said State with interest compounded annually at the rate of 3 per cent per annum on the sinking funds paid in. Money received upon the principal of State bonds shall also be credited to the sinking fund, but no interest credit shall be allowed the State thereon.

I do not think there is any chance whatever of the Government at any time finding it impossible to invest in these bonds. I do not think a contingency of that kind would arise.

Mr. NORRIS. Still it really prohibits the Government from using this sinking fund for the purpose of investing it in some way that will bring a return, because it provides that when the sinking fund amounts to the sum of $1,000,000, then the Secretary of the Treasury is directed to go into the open market and purchase $1,000,000 par value of the United States highway bonds. If he can not purchase them at par, then he is authorized to pay such premium as is necessary.

Mr. SMOOT. Not exceeding 2 per cent.

Mr. NORRIS. To be determined by competition, not exceeding 2 per cent per annum and accrued interest. There is not any way by which the Government could invest its sinking fund. It would have to use it for the purpose provided for in the amendment, which would be for the purchase of these bonds, and it is paying the State all the time 3 per cent interest on the money, compounded semiannually, as it is bound to do, no matter what it does with the fund or what becomes of it.

Mr. SMOOT. The interest of one year will always amount to more than $1,000,000 as soon as the measure is in operation. Therefore, they will have that amount of money just as soon as the first year's interest is paid. So there is no likelihood that the Government will ever be in a position where it can not invest the interest collected.

Mr. NORRIS. Yes; that would be true; but suppose when the Government has the $1,000,000 it would be unable to buy bonds. The men who invest, especially at the beginning of it when the bonds are just starting to run, getting a Government bond, would not want to sell it again at par. The people or the institutions that buy these bonds would do it for the purpose of making a permanent investment. I do not believe you could go out and buy these bonds, and if you did not, the Government would pay interest on money and be getting no interest.

Mr. SMOOT. I think with 3 per cent bonds and the authority of giving 2 per cent premium in order that they may be redeemed in advance the Government could secure them. That is the opinion of the leading bankers of this country.

Mr. NORRIS. If that be true, then the Government would always be out the premium that it would pay.

Mr. SMOOT. Of course, if it sold the bonds at a premium. I hardly think it would. It has been discussed, I will say to the Senator, with the best bankers in the United States. It was the original plan to provide a 4 per cent Government bond with 5 per cent interest to be paid by the State, but I think ninety-nine out of one hundred of the bankers who were consulted decided that on this plan a 3 per cent bond would sell at par with the credit of the Government of the United States back of it, the best in the world.

Mr. NORRIS. The Senator must remember that all the time the Government of the United States is by law obligated to pay to the State 3 per cent interest on the sinking fund, and that interest must be compounded semiannually. There is not any way to escape that.

Mr. SMOOT. No; but there is a margin.

Mr. NORRIS. A little margin.

Mr. SMOOT. There is a margin.

Mr. NORRIS. Yes; there would be a little margin.

Mr. SMOOT. And that margin will provide for whatever may be lost in the idleness of a part of the money.

Mr. NORRIS. If the Government could get the interest immediately in the sinking fund deposited, and if immediately it could use that money and buy bonds at par, so that it would never have anything on hand in the sinking fund there would be a little margin. I have not figured it out, but it would not be very great. There would be a little margin, because the sinking fund to double in 50 years would have to draw interest, and the interest on that would have to be compounded semiannually, continually compounded. The Government's obligation would keep growing all the time. But there never would be a time when the Government could immediately, on the very day, invest all the money in these bonds that came in from the States. There would necessarily be some time lost, and it would more than make up for this margin. I think, too, if the Gov-

ernment was unable to buy the bonds then, it would lose the interest, and it would be paying for 50 years 3½ per cent interest on the bonds, compounded semiannually, which interest itself, after 25 or 30 years, would amount to an enormous sum. That is the weakness, or one of the two weaknesses of the bill.

Mr. SMOOT. Mr. President, I can only say that I have no apprehension but that the margin will take care of the loss of interest during the time that the interest money is idle. I will also state to the Senator that that is the opinion of the very best bankers in the United States.

The amount which each State would be entitled to issue bonds for and to receive is approximately as follows: Alabama, $8,600,000; Arizona, $5,650,000; Arkansas, $7,200,000; California, $17,950,000; Colorado, $7,950,000; Connecticut, $4,350,000—I am not going to take the time to read the figures for all the States, but ask that this table be printed in the RECORD as part of my remarks. It gives the names of the States, the land area in square miles, the population in 1910, the assessed valuation for the fiscal year 1912, the total mileage of roads within the State, the percentage, and the amount of the apportionment to each State.

The VICE PRESIDENT. Without objection, the matter referred to will be printed in the RECORD.

The table referred to is as follows:

The amount each State would be entitled to issue bonds for and receive is approximately as follows:

State.	Land area in square miles.	Population, 1910.	Assessed valuation, fiscal year 1912	Total mileage of roads.	Apportionment to each State.	
					Per cent.	Amount.
Alabama	51,279	2,138,093	$484,851,212.00	49,639	1.72	$8,600,000
Arizona	113,840	204,354	140,238,191.00	5,987	1.13	5,650,000
Arkansas	52,525	1,574,449	[1] 425,478,611.00	36,445	1.44	7,200,000
California	156,092	2,377,549	2,919,342,899.00	48,999	3.59	17,950,000
Colorado	103,658	799,024	430,000,000.00	29,693	1.59	7,950,000
Connecticut	4,820	1,114,756	[1] 1,041,334,019.00	12,583	.87	4,350,000
Delaware	1,965	202,322	92,575,760.00	3,000	.14	700,000
Florida	54,861	752,619	218,887,518.00	17,579	.95	4,750,000
Georgia	58,725	2,609,121	842,000,000.00	82,230	2.45	12,250,000
Idaho	83,779	325,594	418,780,394.00	18,403	1.16	5,800,000
Illinois	56,002	5,638,591	2,343,673,232.00	94,141	3.94	19,700,000
Indiana	35,885	2,700,876	[1] 891,602,077.00	67,995	2.51	12,550,000
Iowa	55,586	2,224,771	713,318,825.00	102,427	2.50	12,500,000
Kansas	82,774	1,690,949	2,746,900,291.00	98,302	3.28	16,400,000
Kentucky	40,181	2,289,905	[1] 681,265,144.00	53,744	1.98	9,900,000
Louisiana	45,409	1,656,388	546,650,157.00	24,962	1.32	6,600,000
Maine	29,895	742,571	478,192,054.00	25,528	.92	4,600,000
Maryland	9,941	1,295,346	979,509,970.00	16,773	.99	4,950,000
Massachusetts	8,039	3,366,416	4,249,699,855.00	17,272	2.73	13,650,000
Michigan	57,480	2,810,173	[2] 2,288,000,000.00	68,906	2.88	14,400,000
Minnesota	80,858	2,075,708	1,212,867,794.00	70,324	2.50	12,950,000
Mississippi	46,362	1,797,114	[1] 390,029,003.00	39,619	1.48	7,400,000
Missouri	68,727	3,293,335	1,736,371,588.00	107,923	3.35	16,750,000
Montana	145,776	376,053	346,550,585.00	23,319	1.72	8,600,000
Nebraska	76,808	1,192,214	463,471,889.00	80,338	2.05	10,250,000
Nevada	109,821	81,875	[3] 85,347,058.44	12,751	1.12	5,600,000
New Hampshire	9,031	430,572	397,647,530.00	15,116	.51	2,550,000
New Jersey	7,514	2,537,167	2,289,770,280.78	14,842	1.77	8,850,000
New Mexico	122,503	327,301	[1] 72,000,000.00	16,920	1.35	6,750,000
New York	47,654	9,113,614	11,022,985,914.00	79,279	7.86	39,300,000
North Carolina	48,740	2,206,287	[1] 494,708,570.00	48,285	1.74	8,700,000
North Dakota	70,183	577,056	284,770,325.00	61,593	1.56	7,800,000
Ohio	40,740	4,767,121	6,401,000,000.00	88,861	5.02	25,100,000
Oklahoma	69,414	1,657,155	1,326,840,833.00	71,325	2.33	11,650,000
Oregon	95,607	970,765	[1] 935,011,679.00	20,475	1.66	8,300,000
Pennsylvania	44,832	7,665,111	5,917,119,205.25	87,387	5.65	28,250,000
Rhode Island	1,067	542,610	552,991,854.00	2,121	.39	1,950,000
South Carolina	30,495	1,515,400	291,531,003.00	32,075	1.15	5,750,000
South Dakota	76,808	583,888	354,278,413.00	56,354	1.58	7,900,000
Tennessee	41,687	2,184,789	625,010,885.00	45,913	1.70	8,500,000
Texas	262,398	3,896,542	2,515,591,636.00	128,971	5.66	28,300,000
Utah	82,184	373,351	200,299,207.00	8,329	.96	4,800,000
Vermont	9,124	355,956	221,447,887.00	14,403	.42	2,100,000
Virginia	40,262	2,061,612	907,273,651.00	43,409	1.73	8,650,000
Washington	66,836	1,141,990	1,005,085,251.00	34,284	1.64	8,200,000
West Virginia	24,022	1,221,119	1,119,828,173.00	32,109	1.32	6,600,000
Wisconsin	55,256	2,333,860	2,077,925,166.00	61,090	2.56	12,800,000
Wyoming	97,594	145,965	182,028,280.00	10,569	1.05	5,200,000
Total and average	2,974,000	91,972,266	67,763,587,884.45	2,199,646	.....	500,000,000

[1] 1911. [2] Rough estimate. [3] 1910.

Mr. SMOOT. Mr. President, Senators will notice that the apportionment to every State is such an amount as will enable the State to do perhaps more in road building than it would ordinarily do in the next 10 years.

If we adopt the substitute recommended by the committee, we will be creating another bureau in the department; and, as I have said, the appropriations for that bureau will grow. If we adopt the amendment which I have offered, the States will be more careful in the expenditure of the money, because the States will pay the money, or at least they will pay the interest upon the bonds. If you pass either the House bill or the substitute reported by the committee, I am quite sure there will be in some cases a reckless expenditure of the money, and I do not believe that very much of it will be put in permanently good roads. Most of it will be spent in repairing present roads, in maintaining present roads, and at the end of the five years, when we have spent $75,000,000, the roads of the country will be in but little better condition than they are to-day.

For these reasons, Mr. President, I ask the Senate to adopt the amendment which I have offered to the bill.

Mr. GALLINGER. Mr. President, I will inquire of the Senator from Alabama if he expects a vote on the bill to-day?

Mr. BANKHEAD. Mr. President, I had very much hoped, of course, that we would get a vote on the bill to-day, but I fear that it will not be possible, and I am going to ask that the bill be laid aside temporarily, with a view to making a motion that the Senate proceed to the consideration of executive business.

PETITIONS AND MEMORIALS.

Mr. TAGGART. I present a telegram in the nature of a petition from Daniel Foley and other citizens of Indianapolis, Ind., which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Telegram.]

INDIANAPOLIS, IND., *May 5, 1916.*

Hon. THOMAS TAGGART,
Washington, D. C.:

At a mass meeting of citizens of Irish blood held here to-night the following resolution was passed and ordered sent to you for presentation to the Congress, that in view of the dreadful reign of terror which we know has existed for months in Ireland under British rule and the awful sufferings of her people, we ask the Government of the United States, through our representatives in the Senate and in Congress, to make immediate inquiry through our consuls in Ireland for a complete report as to actual conditions in Ireland prior to and during the recent revolt of the Irish patriots and to ascertain the fate of the many American citizens, both students and business men, known to have been in Ireland at the time of the outbreak, and that a request to this effect be immediately telegraphed to our Senators and Congressmen.

DANIEL FOLEY, *Chairman.*
MICHAEL E. HOWARD, *Vice Chairman.*
W. H. FOLEY, *Secretary.*
MAURICE DONNELLY.
P. J. KELLEHER.
J. J. LIPPY.

Mr. TAGGART presented a petition of sundry citizens of Franklin, Ind., praying for the enactment of legislation to recognize the services of certain employees of the Government in the Canal Zone, which was referred to the Committee on Interoceanic Canals.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Oregon, praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Beaverton, Oreg., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Portland, Oreg., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented a petition of Norman L. Sandberg Camp, No. 18, United Spanish War Veterans, of Albert Lea, Minn., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. NORRIS presented a memorial of sundry citizens of College View, Nebr., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. PAGE presented petitions of Industrial Grange, No. 127, Patrons of Husbandry, of Andover; of Lamoille Grange, No. 233, Patrons of Husbandry, of Morrisville; and of Mount Philo Grange, No. 329, Patrons of Husbandry, of North Ferrisburg, all in the State of Vermont, praying for Government ownership of telegraph and telephone systems, which were referred to the Committee on Post Offices and Post Roads.

Mr. WORKS presented a memorial of sundry citizens of Ontario, Cal., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Los Angeles, Santa Barbara, and San Luis Obispo, all in the State of California, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women and remonstrating against the failure of the Committee on the Judiciary

of the House of Representatives to report the proposed amendment, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Ontario, Cal., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. POINDEXTER presented the memorial of H. H. Hayes and sundry other citizens of Tacoma, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Crosby Grange, Patrons of Husbandry, of Nellita, Wash., praying for Government ownership of telegraph and telephone systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Commercial Club of Seattle, Wash., remonstrating against the adoption of the so-called Clarke amendment to the Philippine bill, to grant independence to the Philippine Islands in four years, which was ordered to lie on the table.

Mr. THOMAS presented a petition of sundry citizens of El Paso County, Colo., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. WADSWORTH presented petitions of sundry citizens of Delevan and Sullivan Counties, in the State of New York, praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Rochester, N. Y., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAGGART:

A bill (S. 5892) granting an increase of pension to Sarah E. Aldridge;

A bill (S. 5893) granting an increase of pension to Hamilton B. Pate; and

A bill (S. 5894) granting an increase of pension to Frank Lintz; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 5895) granting a pension to Lorenzo J. McEvoy (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5896) granting an increase of pension to Sybilie Grossart; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5897) for addition and repairs to post-office building at Galveston, Tex.; and

A bill (S. 5898) for a site and building for customs and other Government offices at Galveston, Tex.; to the Committee on Public Buildings and Grounds.

HARBOR IMPROVEMENTS.

Mr. BRANDEGEE submitted the following resolution (S. Res. 182), which was referred to the Committee on Naval Affairs:

Resolved, That the Secretary of War be, and he hereby is, authorized and directed to report to Congress, at the earliest practicable date, not later than December 4, 1916:

First. Specific plans for improvement of the harbors and connecting channels which, in his judgment, after consultation had with the Secretary of the Navy, will best provide adequate facilities for operations of the fleet for defense of the harbors of Portland, Me.; Boston, Mass.; Providence, R. I.; New London, New Haven, and Bridgeport, Conn.; New York, N. Y.; Norfolk, Va.; Savannah and Brunswick, Ga.; Charleston, S. C.; New Orleans, La.; Galveston, Tex.; San Diego and San Francisco, Cal.; and Seattle, Wash.

Second. The feasible extensions requisite to make existing approved projects for improvement of the aforementioned harbors available for the purposes stated in the foregoing paragraph.

Third. The cost of each such several improvements calculated upon the basis of completion thereof under contract within five years.

Fourth. The percentage, not exceeding 50 per cent of the cost of each such improvement, which, in the judgment of the Secretary of War, should be contributed by the several cities or State governments in consideration of the completion within five years of the improvement recommended by the Secretary of War.

Fifth. The replies of the local authorities and State governments to the propositions to them submitted by the Secretary of War to contribute to the carrying out and the cost of such several improvements.

INDIAN APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 427).

Mr. ASHURST. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917. I ask that it be printed as a document, and also that it lie on the table and be printed in the RECORD.

The VICE PRESIDENT. Without objection, that order will be made.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 8, 11, 12, 15, 23, 30, 31, 32, 38, 40, 43, 44, 45, 49, 69, 73, 77, 88, 91, 92, 100, 108, 117, 118, 119, 120, 123, 133, 135, 147, and 149.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 33, 39, 46, 48, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 76, 80, 81, 85, 86, 89, 90, 93, 94, 96, 98, 99, 101, 103, 104, 106, 107, 109, 111, 112, 114, 115, 121, 122, 125 126, 128, 130, 131, 134, 136, 138, 139, 140, 141, 143, 144, 145, 148, 150, 151, 152, 153, 154, and 155, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "the" and insert in lieu thereof the word "Indian," and, in line 8, of said amendment, strike out the word "the" and insert in lieu thereof the word "such"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 1, of said amendment, strike out the word "to" and insert in lieu thereof the following: "$85,000 of which shall": and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "*Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "two permanent warehouses"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "which has been," and in line 2 of said amendment strike out the words "heretofore or"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For beginning the construction by the Indian Service of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War February 14, 1914 (H. Doc. No. 791), $75,000, to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522), the total cost not to exceed $200,000."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For beginning the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., as estimated by the Board of Engineer Officers of the United States Army in paragraph 138 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to remain available until expended, the total cost not to exceed $175,000: *Provided*, That said dam shall be constructed as a part of a

project for the irrigation from the natural flow of the Gila River of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Ariz.: *And provided further*, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *And provided further*, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., 522); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August 13, 1914 (38 Stat. L., 686): *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For extension of the Ganado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately 600 acres of land in addition to the area to be irrigated by said project, as authorized in section 2 of the act of August 24, 1912, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, reimbursable and to remain available until expended."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 16 of said amendment strike out the figures "$15,000" and insert in lieu thereof the following: "$10,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000; in all, $26,400."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available, reimbursable to the United States by the Indians having tribal rights on said reservation."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Potawatomi Indians in the State of Kansas, and to be expended under his direction for the construction of bridges across the Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kans.: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times maintain and repair said bridges: *And provided further*, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson: *And provided further*, That this appropriation shall not become effective until approved by an Indian council to be called for that purpose."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the following language of the amendment: "Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands, the cession of which was provided for in said act, and for which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota": and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the following: "at Keewatou, Wis." and the comma; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "balance," insert the following: "of $3,436.03"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In line 2 of said amendment strike out the word "section" and in line 3 strike out the word "one" and insert in lieu thereof the words "this act"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the figures "$50,000" and insert in lieu thereof "$25,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed, insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

"On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual

installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

"That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

"The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

"That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired, to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

"That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "for the purpose of making necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebr.; also to reconstruct one span of 90 feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under the direction of the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,100"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 290 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $50,430; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all, $62,430."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 4 of the amendment, after the figures "$15,000," strike out the period and insert a colon and the following: "*Provided*, That no part of this appropriation shall be expended for mileage, salaries, or expenses of employees"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the following: "and to remain available until expended"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for the construction of an assembly hall and gymnasium, $25,000; in all, $92,150."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 220 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $38,540; for general repairs and improvements, $5,000; for new school building, $20,000; in all, $63,540."

And the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following:

"To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section 34, township 164 north, range 70 west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the unexpended balance of $9,533.38 is hereby reappropriated and made available for continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war on the Fort Sill Military Reservation, Okla., for the purchase of allotments in Oklahoma, as provided for in the act of June 30, 1913 (38 Stat. L., p. 77), for the three adult heads of families who have not heretofore received allotments."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "except that the Secretary of the Interior is hereby authorized within 30 days after the passage of this act, to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Knppler & Merillat, James K. Jones, Charles M. Fechheimer, and Eugene Hamilton, as attorneys, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim but shall be paid promptly without reference to same"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu

of the matter proposed insert the following: "$12,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200: *Provided*, That the unused balance of $9,830 of the amount appropriated by the act of August 1, 1914 (38 Stat. L., 602), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all, $128,700"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $3,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klamath Indians of the State of Oregon, and use the same for the construction of a bridge across the Williamson River, on the Klamath Indian Reservation, Oreg., under such rules and regulations as he may prescribe."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$67,500: *Provided*, That the unexpended balance of $1,607.44 appropriated by the act approved August 1, 1914, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June 10, 1914, at Flandreau Indian School, S. Dak., is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing on the various Sioux Indian reservations adequate school facilities for the children of the Sioux tribes who are now without Government or public-school facilities on the respective reservations, and to make a report thereof to Congress on or before the first Monday in January, 1917, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off the respective reservations, and there is hereby appropriated for the expense of such investigation and report the sum of $1,000, or so much thereof as may be necessary, to be immediately available."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "highway," insert a comma and the following: "reimbursable out of any funds now or hereafter placed to the credit of said Indians in the Treasury of the United States"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Uintah Tribe of Indians, in the State of Utah, and to use the same to protect the north abutment of the Government bridge at Myton, Utah, under such rules and regulations as he may prescribe, said sum to be immediately available."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of not to exceed 20 acres of that portion of the lands situated on the north side of and within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the act approved August 1, 1914 (38 Stat. L., 584), at not less than the appraised value thereof, and to place the proceeds thereof in the Treasury of the United States to the credit of the Spokane Indians in said State."

And the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called "school lands" and "swamp lands" within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party or parties who shall finally be adjudged to be entitled to such fund: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made."

And the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"SEC. 27. On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That hereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided further*, That this shall not change existing law with reference to the Five Civilized Tribes."

And the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 28. On or before the 31st day of December, 1916, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of bookkeeping and accounting for the Bureau of Indian Affairs that will enable the said Secretary, on or before July 1, 1917, to meet the requirements of section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103)."

And the Senate agree to the same.

HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

C. D. CARTER,
CARL HAYDEN,
P. P. CAMPBELL,
Managers on the part of the House.

HOUSE BILLS REFERRED.

H. R. 10668. An act to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest-homestead act, and for other purposes, was read twice by its title and referred to the Committee on Public Lands.

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia, was read twice by its title and referred to the Committee on Military Affairs.

EXECUTIVE SESSION.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the Senate, in executive session (at 4 o'clock and 30 minutes p. m.), took a recess until Monday, May 8, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 6 (legislative day of May 5), 1916.

UNITED STATES DISTRICT JUDGE.

J. Warren Davis, of Trenton, N. J., to be United States district judge for the district of New Jersey. (Additional position, created by the act approved April 11, 1916.)

UNITED STATES DISTRICT ATTORNEY.

Charles F. Lynch, of Paterson, N. J., to be United States attorney for the district of New Jersey, vice J. Warren Davis, nominated to be United States district judge for the district of New Jersey.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6 (legislative day of May 5), 1916.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from April 12, 1916.

Howard James Knott.
Edwin Roy Tenney.
Edmund McCollam Connely.
Marion Cherigny Palmer.
Alonzo Boler Middleton.
Warren David Calvin.
Edward Cochrane Gow.
John Kelso Ormond.
Frank Nicholls Dealy.
Frank Marion Barker.
Frank Lawrence Putman.
Harry Emerson Foster.
George Ross Winters.
John Charles Calhoun.
Henry Norton Torrey.
Charles Willard Selover.
Lucius Wales Hotchkiss.
Jesse Irving Sloat.
Joseph Leidy.
Charles Venable Carrington.
Paul Hudson Zinkhan.
Carrington Williams.
Edward Douglas Piper.
John Staige Davis.
Austen Fox Riggs.
Emil Altman.
Arthur Bradley Eisenbrey.
Frederick Tilney.
William Evans Bruner.
Gordon Niles Morrill.
Harry Roswell Wahl.
John Eugene Brooks.
Robert Leland Maynard.
Joseph Edgar Rowan.
George Alden Lewis.
Sydney Robotham Miller.
Henry Richmond Slack, jr.
Ralph R. Ryan.
Thomas Caldwell Savage.
William Robert Cubbins.
David Melvin Davis.
Peregrine Wroth, jr.
James Ely Talley.
Oliver Hazard Perry Pepper.
Mordecai Robert Bren.
George Nicholas Acker, 2d.
Samuel Swift.
George Roger Dempsey.
Harry Ezekiel Isaacs.
John William Shaw.
Elliott Carr Cutler.
Albert Alphonso Wood Ghoreyeb.
Frederic Augustus Washburn.
Jacob Jerome Steinfelder.
Edwin I. Bartlett.
Theodore Caldwell Janeway.
Daniel Webster Prentiss.
Howard Thomas Karsner.
Charles Walter Stone.
Albert Clifford Hirshfield.
Harold Colton Herrick.
Wilson George Smillie.
Charles Booth Spruit.
José Penteado Bill.
Harold Everett Eggers.
Eben Winslow Fiske.
Archibald McKay Fraser.
William Joseph McDonald.
Samuel Clark Harvey.
Mortimer Edwin Danforth.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. Sidney H. Guthrie to be captain.
Second Lieut. Edward Roth, jr., to be first lieutenant.

INFANTRY ARM.

Second Lieut. Martin C. Shallenberger to be first lieutenant.

CORPS OF ENGINEERS.

Second Lieut. Oscar O. Kuentz to be first lieutenant.
Second Lieut. William E. R. Covell to be first lieutenant.
Second Lieut. Edwin R. Kimble to be first lieutenant.

POSTMASTERS.

INDIANA.

Alden H. Baker, Westfield.
George P. DeHoff, Winona Lake.
Simeon L. Frost, Orleans.
Daniel A. Riley, Greentown.
William F. Wake, Roanoke.

ILLINOIS.

Charles J. Paar, Warsaw.
Jessie J. Wesse, Dolton.

MICHIGAN.

Harold Murphy, Harbor Beach.
William P. Nisbett, Big Rapids.

MINNESOTA.

M. H. Baskfield, Zumbrota.
J. M. Benson, Lindstrom.
H. J. Essler, St. Peter.
O. J. Rea, Tracy.

NEW JERSEY.

John Y. Bellis, Clinton.
Oliver R. Kugler, Frenchtown.

NEW YORK.

John F. Gilmartin, East Hampton.
T. Benson Smith, Freeport.

NORTH DAKOTA.

H. S. Davies, Devils Lake.

PORTO RICO.

E. W. Keith, San Juan.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 6, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, for every life that has poured itself out for the betterment of mankind, whether in science, literature, art, statesmanship, or religious endeavor; for these are the human dynamos that move the wheels of progress toward the ideal civilization for which every true heart longs, and for the full appreciation accorded to such men in the hearts of their fellows. We thank Thee for the recognition of the long and faithful service of one who stands to-day on the threshold of his eightieth birthday, who, for half of his life, has been a conspicuous figure on the floor of this House; a leader, wise in his counsels, a strong advocate of every measure

for the betterment of popular government, known throughout the length and breadth of the land for his strong personality, independent thought and action, affectionately esteemed by all for faithful service to his country. May Heaven's richest blessing attend him and bring him at last to that immortal youth where a fuller service waits on the faithful. So may Thy blessing attend every Member and crown his efforts with successful service, and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present, and evidently there is not.

Mr. KITCHIN. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Allen	Flynn	Langley	Ragsdale
Anthony	Focht	Lee	Rainey
Bacharach	Fordney	Lehlbach	Riordan
Barchfeld	Gardner	Lesher	Roberts, Mass.
Barkley	Garland	Lieb	Rowe
Beales	Godwin, N. C.	Liebel	Rowland
Bennet	Goodwin, Ark.	Lindbergh	Saunders
Browning	Gould	Linthicum	Schall
Bruckner	Graham	Littlepage	Scott, Pa.
Brumbaugh	Gray, N. J.	Lobeck	Scully
Burke	Green, Iowa	Loft	Sears
Burnett	Griest	Longworth	Sells
Byrnes, S. C.	Griffin	McDermott	Shouse
Caldwell	Guernsey	McFadden	Sinnott
Candler, Miss.	Hamill	Maher	Sloan
Carew	Hamilton, N. Y.	Martin	Smith, Mich.
Carter, Okla.	Harrison	Miller, Minn.	Snell
Casey	Hart	Miller, Pa.	Snyder
Chandler, N. Y.	Haskell	Mooney	Sparkman
Church	Haugen	Moore, Pa.	Stafford
Coady	Heaton	Morin	Stone
Coleman	Helm	Moss, Ind.	Sutherland
Conry	Helvering	Moss, W. Va.	Swift
Costello	Henry	Mudd	Switzer
Cox	Hinds	Neely	Tague
Cullop	Hulbert	Nichols, Mich.	Talbott
Dale, N. Y.	Humphreys, Miss.	Nolan	Tinkham
Darrow	Husted	North	Treadway
Dooling	Hutchinson	Norton	Vare
Driscoll	James	O'Shaunessy	Ward
Drukker	Johnson, S. Dak.	Paige, Mass.	Watkins
Edmonds	Kelster	Parker, N. J.	Watson, Pa.
Fairchild	Kiess, Pa.	Parker, N. Y.	Williams, Ohio
Fields	Konop	Patten	Wilson, Fla.
Flood	Kreider	Pou	Wilson, Ill.

During the calling of the roll Mr. CANNON entered the Hall and was greeted with prolonged applause.

The SPEAKER. Two hundred and ninety-two Members, a quorum, have answered to their names.

Mr. KITCHIN. I move to dispense with all further proceedings under the call.

The motion was agreed to.

JOSEPH GURNEY CANNON.

The SPEAKER. Under a special order of the House made some time ago, the gentleman from Illinois [Mr. RODENBERG] is to control one hour, and he is now recognized. [Applause.]

Mr. RODENBERG. Mr. Speaker, if all sentiment were taken out of life, to live would not be worth while. Sentiment rules the world and controls the action of all mankind. Love of country, devotion to home and family, friendship for our fellow man, all are based on sentiment. It is one of the divine attributes of every true and manly heart; without it the world would be dreary and desolate, forever lost to love and laughter. It fills the soul with hope and joy and lifts the clouds of doubt and gloom. It is humanity's greatest boon, for it brings to all the cheer that makes life worth the living. It is in response to a sentiment that has its foundation in genuine affection that we meet to-day to do honor to the best-beloved Member of this great legislative body. [Applause.]

Mr. Speaker, many stirring and exciting scenes have been staged in this Hall. Here in days gone by many of the Nation's greatest men have engaged in intellectual combat and the world has been enriched by their wit and their wisdom. To-day there rise before us again the towering forms of Garfield and Blaine, of Randall and Cox, of McKinley and Reed, of Crisp and Carlisle, and, as memory reverts to some of the great historic scenes enacted here, and in which they played their parts so well, our blood tingles and throbs, and we thank God that it has been our good fortune to have had service in this House. [Applause.]

I am now concluding my seventh term as a Member of Congress, and during my service here I have often been profoundly impressed by the fact that nowhere is the doctrine of the "survival of the fittest" better exemplified than in this Chamber. Here every man is measured at his real worth, and the measurement is always true and accurate. The House has no difficulty in separating the wheat from the chaff, and is as quick to applaud merit and industry as it is to condemn sham and pretense. The prestige of the man of intellectual integrity is as lasting as that of the demagogue is fleeting.

Leadership in this House is never accidental. On the contrary, it is always natural and entirely logical. Length of service may place a Member at the head of one of the great committees of the House, but the chairmanship of a committee, no matter how important, does not carry leadership with it. It requires something else to be a leader and a man of genuine influence. The real leaders in a legislative body such as this are the men who do not adjust their sails to catch every passing breeze, but who, when the storms of criticism beat and the waves of opposition roll, "stand foursquare to all the winds that blow," let come what may. [Applause.]

If there be one such man among us, if there be one man who has steadfastly pursued the path of public duty, and who, at all times and under all circumstances, in good and ill report, has had the superb courage to give expression to honest conviction, that man is he whom we delight to honor to-day, the grand old hero of a thousand legislative battles, JOSEPH G. CANNON, of Illinois. [Prolonged applause.]

For almost 40 years the calcium light of publicity has been turned full and fair upon him; and the stronger and the brighter the light, the more it has served to reveal to all the world those sterling qualities of head and heart that have given him an enduring place among the ablest and most courageous statesmen of his day and generation. He has made mistakes—of course he has. To err is human, and UNCLE JOE has at all times been intensely human; but no man, living or dead, ever saw him lower his colors or hoist the white flag of surrender. No matter how fast or furious the contest, he was never known to ask for quarter, but, throwing his warlike shield before him, he bade defiance to the enemy, shouting:

Lay on, Macduff,
And damn'd be him that first cries "Hold, enough!"

[Applause.]

Mr. Speaker, including the Continental Congresses, 7,865 men have served in the various Congresses of the United States, and of all this number our distinguished friend enjoys the unique distinction of having had the longest service in the House of Representatives. The record shows that in all the years of our national existence only three men have excelled him in length of legislative service. At the head of the list stands Justin Smith Morrill, of Vermont, whose service in House and Senate covers a period of 43 years, 9 months, and 24 days. Next comes William Boyd Allison, of Iowa, whose combined service in the two bodies totals 43 years and 5 months. The third on the list is William Pierce Frye, of Maine, who served in both Chambers for 40 years, 5 months, and 4 days. And then comes JOSEPH GURNEY CANNON, of Illinois, who, upon the completion of his present term, will have been a Member of the House of Representatives for 40 years; and I know that I voice the sentiments of every man in this Hall when I express the hope that he will continue as a Member of this body until he has established a record for length of service that will never be equaled in all the future history of the Republic. [Applause.]

UNCLE JOE, to-morrow will be the eightieth anniversary of your birth. Entertaining for you, as I do, the deep and abiding affection that a son feels for his father, I deem it an honor indeed to have been selected to extend to you on this happy occasion the felicitations and good wishes of the entire membership of this House. We wish you full measure of life's pleasure to the end of your days, and we unite in the fervent hope that it will be many, many years before the shades of night begin to fall; and when they do, we know their gloom will be mellowed and softened by the golden glow that radiates from the halo that crowns and glorifies the patriotic life of a great American. [Prolonged applause.]

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] is recognized. [Applause.]

Mr. SHERWOOD. Mr. Speaker, 43 years ago, when I was on earth for the first time [laughter], I drifted into this Congress, that being the first term of the distinguished American whose birthday we celebrate to-day. It has already been said, better and more eloquently than I am capable of saying it, that he is the most remarkable man this country has ever produced, counting his service in public life. He has had a public service of 47 years—40 years in Congress—and has been four times

Speaker of the House of Representatives. I understand that UNCLE JOE and the modest Member who is now addressing you are the only surviving Members of the Forty-third Congress now in public life, and it has appeared to me to be fitting to refer to some of the incidents of that Congress, because we were called upon to deal with great questions growing out of the Civil War, questions that appealed to the hearts and the emotions of public men. Gen. Grant, the foremost man of all the world, was starting on his second term as President. I want to call your attention to some of the developments in science and social ethics that have occurred since that time. I remember that the appropriation for the President in that Congress, for salary and for upkeep of the White House, was $42,000. President Grant had no bodyguard, no military aide. We Members were serving at $5,000 a year. We had to furnish our own quarters. We were not allowed any secretaries. The Speaker had no parliamentary expert. We had no Hinds' Precedents. The country had no automobiles. We had no wireless; we had no flying machine; we had no canned music. Edison, the wizard of the scientific world to-day, had not yet appeared. We had no electric cars; we had no moving pictures; no typewriting machines. We had no preparedness talk on this floor [laughter]; we had no Calendar Wednesday [laughter]; we had no Army and Navy League.

We had no twilight tango. [Laughter.]

We are here to-day with a living and knock-down argument against the theory of Dr. Osler. [Applause and laughter.] It is a mistake to suppose that a man who has reached the age of 80 years has reached the acme of his intellectual development. [Applause and laughter.] Pope Leo XIII and John Adams were in the full possession of their intellectual powers at 90. John Wesley was at the height of his eloquence and at his best at 88. Michelangelo painted the greatest single picture that was ever painted since the world began at 80. He made the sky and sunshine glorious with his brush at 83. Gen. Von Moltke was still wearing the uniform at 88, and he commanded the victorious German Army that entered the gates of Paris at 70. George Bancroft was writing deathless history after 80. Thomas Jefferson, Herbert Spencer, Talleyrand, and Voltaire were giving out great ideas at 80. Tennyson wrote his greatest poem, "Crossing the Bar," at 83. Gladstone made his greatest campaign at 80, and was the master of Great Britain at 83. Humboldt, the naturalist, scientist—the greatest that Germany ever produced—issued his immortal Kosmos at 90.

I saw Joe Jefferson play Rip Van Winkle at his best at 75. Goethe wrote Faust, the greatest literary achievement in all literature—the masterpiece of literature—the last section—at 80. The Irish actor Macklin was still on the stage at 99. Robert Browning was as subtle and mysterious as ever at 77, and Victor Hugo was at his best from 75 to 80.

We will concede that UNCLE JOE has passed the period of adolescence [laughter] and that he has reached the age of discretion. You will all concede with me that the best effort of his life was undoubtedly his oration on Abraham Lincoln, which was delivered in this Congress. He has not reached the acme of his intellectual development; that will come later. [Laughter and applause.] When he delivers his masterpiece in this Chamber or in a larger forum, I hope I may be present with ears erect to hear or eyes alert to read. [Laughter and continued applause.]

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] will take the chair. [Applause.]

Mr. COOPER of Wisconsin took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Massachusetts [Mr. GILLETT]. [Applause.]

Mr. GILLETT. Mr. Speaker, I am the only person in the House who ever served on the Appropriations Committee when Mr. CANNON was its chairman. To my mind that was the most glorious and useful part of his career. Perhaps my opinion is biased by the fact that as we grow older we are less impressionable, and that when I was younger I was more of a hero worshiper; but to me, even when he sat omnipotent in the Speaker's chair and tried to be dignified and judicial and nonpartisan, and to regulate this disorderly and sometimes turbulent assembly, he was not so imposing as when he was on the floor, sure to be in the center of any conflict, contributing in no small measure to the heat and violence and interest of the debate, ready always to "ride the tempest and direct the storm." [Applause.]

To see him in his glory you should have seen him as chairman of Appropriations, in the thick of the fray, without manuscript or notes, but all ablaze with energy, now entertaining the House with his quaint conceits and now convincing them with his powerful and ingenious arguments.

That, to my mind, was the sphere where his abilities shone to the best advantage. He is by nature a floor leader. He has the courage, the fearlessness, and that quickness of mind and of tongue accelerating under fire, which make a man effective on this floor.

Those of you who have come here this session can have little appreciation, it seems to me, of what the American Congress has sometimes been and what it may be again. Everything this year has run so smoothly and amiably—there has been so little bitterness and belligerency—that it is difficult to realize the contests of the past. Our Speaker is so genial and so popular with both sides [applause], the minority leader cooperates so heartily with his kindly spirit, and the issues which thus far have arisen have contained so little to excite passion that we seem to be sailing on an eternal summer sea. I hope it may always continue so serene. [Applause.]

But it was in a very different atmosphere that Mr. CANNON was trained. It was different when I first came here. I can remember when the air of this Chamber seemed surcharged with animosity, and there were occasions when it seemed as if the two sides of the House were so hostile and furious that they might at any moment rise against each other in forcible collision.

And yet I suppose during my service it has been calm compared with what preceded it. I suppose in the Fifty-first Congress party heat reached its extreme. It needed then dauntless courage and unfaltering poise to be a successful leader. And it was in that Congress I have always understood that Mr. CANNON really won his indisputable right to be at the front. In that historic contest over the rules it was on him that Speaker Reed, the most powerful and formidable figure I have ever seen within these walls, leaned for his most reliable and effective support.

I came here 23 years ago. I suppose many of you think, as I know some ambitious men in my district have long thought, that 12 terms are an unconscionable time for anyone to serve. [Laughter.] But when I arrived here Mr. CANNON could look back nearly as far as that to the commencement of his service. He was in his prime. In debate his directness, his shrewdness, his brightness of illustration, and his gymnastics always attracted universal attention. I remember being told that once when he was making a speech with his customary vigor, rising on his toes and prancing up and down the aisle, Mr. Reed called out to him, sotto voce, "JOE, are you making this speech on mileage?" [Laughter.]

But while his peculiarities of manner attracted attention, they were but the publicity agents for the real power and originality of his arguments. No one knew better than he how to appeal to both the judgment and the prejudices of the House. His quick and fertile mind not only grasped and developed all the intrinsic force of the argument but also took advantage of the foibles and self-interest of his audience. He did not simply argue the merits of the proposition but he fought strenuously to make his side prevail. He made speeches, not to circulate in his district or to win applause, but to win votes, and if he could not succeed the cause was hopeless.

The chairman of the Appropriations Committee generally has the unpopular side, for he is generally fighting for economy. I do not believe it is simply the natural prejudice of my own membership which makes me feel that a spirit of economy always permeates that committee far more than any other committee of the House. Now is not the time to discuss the reason for it, which would be interesting.

But ever since I have been here the chairman of that committee has been the watch dog of the Treasury and the champion of retrenchment. Mr. CANNON filled that rôle preeminently, but with a good nature, a practical common sense, a sagacious judgment of the temper of the House, and a prudent mitigation of abstract justice by personal necessities which won him extraordinary success. He was ready to compromise when he thought it wise and reasonable, but he never shunned a fight, and he never surrendered till every resource was exhausted. The adversary who anticipated an easy victory just because he had the popular side had little appreciation of the persistence, the knowledge, and the resourcefulness of Mr. CANNON. He was, of course, sometimes beaten, but he often won where another would not have dared to fight.

When I first came to Congress I had a strong prejudice against him. But, as I watched his leadership, the time came when if I suddenly had to vote on a question of which I knew

nothing, there was no man in the House whom I would follow so confidently as him.

In committee he was alert, wise, timesaving, and he had that charming quality so appreciated by ambitious younger men, of giving them plenty of opportunity to show their powers. He never tried to monopolize the chances of distinction, but shared them generously with his lieutenants.

I trust he will not think it disparaging if I say that he is a debater rather than an orator. You will recall that in the golden days of English eloquence Edmund Burke, who, in my opinion, wrote the finest orations ever produced, said of his rival, Charles James Fox, that he was "the most brilliant and accomplished debater the world ever saw."

Some of Fox's friends took umbrage at the phrase, and thought the word "debater" did not do him justice. But I am not sure it is not quite as complimentary as "orator." A debater like Mr. CANNON measures his strength squarely with his opponent, asks no time for preparation, but is always ready, and must rely on his native powers to repel assaults, grapple with his antagonist, and from a hand-to-hand contest win his laurels. The orator at leisure ponders and develops and elaborates his material. In the one case you see the engine at work and can measure its actual force; in the other you see only the result.

It always seemed to me Mr. CANNON had not the taste, if he had the capacity, for elaborate preparation. He seemed to need the stimulus of a fight to arouse his faculties. Then he could summon his resources with unfailing facility, and showed a readiness, an astuteness, a variety, and a vigor which were marvelous.

Of course he was prepared, in the sense that he knew all about his subject, for he was a most thorough and thoughtful student of the questions which came before him. But he never seemed to make any special preparation for his speeches, but to trust to the inspiration of the moment, which has brought the downfall of so many would-be orators, but which never failed him. Indeed, I think his example was a bad influence on young men by discouraging preparation. I, like other New England boys, was brought up to believe that the price of success was industry. I always had dinned into my ears the verse—

> The heights which great men reached and kept,
> Were not attained by sudden flight;
> But they, while their companions slept,
> Were toiling upward in the night.

Since I have known him Mr. CANNON's "toiling in the night" has not been exclusively over his congressional duties [laughter], and yet his mind always seems saturated with knowledge of the varied subjects which come before us.

As he moves among us now, kindly, sedate, respected, beloved—a sort of perpetual statesman emeritus, bearing his 80 years more lightly than anyone I ever saw—he is an honor and a blessing to the American Congress; but I shall always cherish most the memory of the dauntless, resourceful, militant head of the Appropriations Committee, defending the National Treasury against all comers, fearlessly, tenaciously, judiciously, and with a success I have never seen paralleled. [Applause.]

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. KITCHIN] is recognized. [Applause.]

Mr. KITCHIN. Mr. Speaker, I count it a real privilege and pleasure to participate in these ceremonies to-day. I believe the House honors itself more than it honors the distinguished gentleman from Illinois [Mr. CANNON] in taking, amid its busy labors, this hour to celebrate the eightieth birthday of a man who, in my judgment, is the most marked and unique character that has sat in either end of the Nation's Capitol for the last half century. [Applause.] I am going to say in public here now what I have a hundred times said in private, that of all the public men whom I have ever met the gentleman from Illinois is the most remarkable and possesses the strongest, most practical common-sense intellect.

I remember when I first came here 15 years ago he impressed me more particularly as being a big man than any other man in the House. I sat here in my seat for three years without ever opening my mouth on the floor of this House, and that is somewhat remarkable, it seems to me now [laughter], but I had an idea that it was wiser for me at first to hear and see rather than be heard and seen. During that time I was an intent observer, sizing up the men in this body. Outside of partisan politics the gentleman from Illinois impressed me as being the wisest legislator in the House. I have said that, too, a hundred times, and I have really not seen much since then to change my opinion. [Laughter and applause.] But when it came down to partisan questions and partisan politics, and especially when his blood was up—Good Lord, deliver us! [Laughter.] And, Mr. Speaker, his partisanship was not confined to men on the Democratic side of the House, either. One of the most interesting and remarkable debates I ever witnessed in this House was between the gentleman from Illinois [Mr. CANNON] and a gentleman on that side of the Chamber who is now deceased, Col. Pete Hepburn, which occurred some 12 or 13 years ago when the bill for the construction of the interoceanic canal was under consideration. The question then was whether we should build a canal across the Isthmus of Panama or along what was known as the Nicaraguan route. The committee had reported unanimously in favor of the Nicaraguan route. Mr. Hepburn was chairman of the committee, and, of course, strongly advocated the Nicaraguan route. Only a few, led by the gentleman from Illinois, favored the Panama route. I had seen many heated courthouse contests between lawyers, but I never witnessed anything more interesting and exciting than that debate between these two gentlemen. Mr. Hepburn was right-handed and Mr. CANNON was left-handed, both on their feet most of the time, within a step or two of each other, their arms waving about as if in a pugilistic contest. It was a fur-flying debate, but a great debate. I will never forget it. Two giants were wrestling with each other in intellectual combat. The House has had few men equal as a debater to Col. Hepburn. He was a strong, forceful, resourceful man.

Mr. Speaker, I have heard Mr. CANNON in several debates; I have seen him in action in the House for a number of years; I have seen him confront serious and critical situations often; but, in my opinion, the time when he loomed up bigger and stronger and braver than ever was during those two nights and two days' fight over what we called Cannonism—on the Norris resolution—in the Sixty-first Congress. I never saw a man in my life who stood forth such a complete master of the situation. He rode the very whirlwinds and directed the storms for his party. While many harsh things on this side and many on that side were spoken during those two days and nights of the hottest and most exciting contest the House has witnessed in a quarter of a century, I never saw the gentleman from Illinois lose his temper or his head for one moment. He was courteous, cool, courageous, and determined to the last to do what he started out to do the very first moment the fight began. He was going to hold the House here and not make a decision upon the question of order pending until the Republican whip had gathered in from all quarters of the United States every single Republican Member of this House, and he knew exactly how each would vote. Just as soon as he ascertained that every Republican who would vote on his side was here in the House, without sleep for two days and nights, he rapped the House to order and calmly said, "The Chair is ready to rule." [Applause.] And he ruled against us, of course. [Laughter and applause.] In all the conflicts in his long and eventful career as a Member of the House, some of them bitter and severe, he stood out always before the eyes of friend and foe the embodiment of courage, of directness, of integrity. [Applause.]

Mr. Speaker, I think this occasion illustrates the truth of what I heard the minority leader say some time ago, that while that aisle separated the Democrats from the Republicans it did not divide the hearts of the men in this House. [Applause.] It does not divide our respect, confidence, esteem, and affection for each other. There are men on that side of the House whom I regard with as much esteem, admiration, respect, and affection, as on this side, and no doubt that is the case with most of us on either side of the aisle. We differ on questions of policy for the country, on what we call political principles, but we do not differ in our loyalty and love and devotion to our country and our flag, and in our respect, esteem, and affection for one another. When I was a great deal younger than I am now, I used to think that the good folks were all in the Democratic Party and the bad folks all in the Republican Party. I used to think that the big Republicans in Washington had horns and that they were all reaching out with both hands toward somebody else's pocket. But, gentlemen, since I have served in this House I have found so many good and splendid fellows in the Republican Party that, individually, I am willing to admit that it is a pretty good party. Collectively—well, I am not profane and will not be unparliamentary, but anyway, since my association with these splendid Republicans here I have come to the conclusion that a Republican is never dangerous to a good Democrat—except in an election [laughter and applause], and never harmful to the public—except in office. [Laughter.]

In the Sixty-first Congress we had a lot of talk about "Cannonism." I believe the best speech I ever made in the House was on "Cannonism." That was not a fight against Mr. CANNON; it was a fight against a system which the rules created and which he inherited from former Congresses, and, perhaps,

from Democratic Congresses, too, as well as Republican Congresses. I said at the time that we were making a fight against the rules and the power which the rules gave the Speaker, called then "Cannonism," not against Mr. Cannon; that the rules then in force had been in force in both Republican and Democratic Congresses, and only a weak man, without courage, would have done less than the distinguished gentleman from Illinois if exigencies demanded. When the rules of the House put into the hands of one man the life and death of all legislation and all procedure and made him more powerful than even the President of the United States, any strong, intellectual, courageous man would have exercised that power, whether he was a Democrat or a Republican, under the conditions that then confronted the party in control. Since then, as the gentleman from Massachusetts [Mr. GILLETT] says, we have come to smooth and better-tempered times, when most of us vote alike and think alike on many questions. When the people made a change in the House, why, we, with the approval of many gentlemen on that side changed the rules, and we never hear of "Cannonism" now, but we are proud and glad to hear to-day of "Cannon." [Applause.] We are glad to know, too, that every heart that beats within these walls is hoping and praying that we shall have the happiness on many and many another birthday of the gentleman from Illinois to meet here in his presence and do him honor. [Loud applause.]

The SPEAKER pro tempore. The Chair recognizes the Speaker of the House of Representatives. [Loud applause.]

Mr. CLARK of Missouri. Mr. Speaker and gentlemen of the House, this performance here to-day reminds me of one in which Mr. Speaker CANNON and myself participated five or six years ago in the city of New York. About six months after Mark Twain died they memorialized him in Carnegie Hall before an immense audience. The chairman was Dr. William Dean Howells. The Speakers were Joseph H. Choate, Henry Van Dyke, "Marse" Henry Watterson, Mr. Speaker CANNON, George W. Cable, and myself. I believe if Mark Twain knew what was happening that that was exactly the kind of a crowd he would have elected to have participated in his funeral exercises. We did not do anything for four mortal hours except crack jokes and tell anecdotes. I think this hour and a half is well spent [Applause.] It shows the House in its most pleasing phase.

Mr. Speaker, this Government has existed 127 years under the Constitution—a brief, fleeting period in the existence of a nation, but longer than the span of life vouchsafed to any of the latter-day sons of Adam. We are engaged in celebrating the birthday of the only man in our history who has been elected to the House of Representatives 20 times—a unique achievement, which may be duplicated in the next 127 years, but probably will not. Such a record can be made only under a rare and peculiar set of circumstances: First. The constituency must remain in the same political faith during two score years. Second. The man himself must be as constant as the northern star and be possessed of unusual endowments, mentally and physically. Third. His constituency must have such faith in him as would remove mountains.

Mr. Speaker CANNON is now well into his fortieth year in the House, and is in fine fettle in both body and mind—at which we all rejoice. [Loud applause.]

Only three men have exceeded him in length of service in Congress, and they only by adding their House and Senate service together. Justin Smith Morrill, of Vermont, sat 12 years in the House and 31 years, 9 months, and 24 days in the Senate—a total of 43 years, 9 months, and 24 days—while William Boyd Allison, of Iowa, served 8 years in the House and 35 years and 5 months in the Senate—a total of 43 years and 5 months, and William P. Frye, of Maine, who served 10 years and 13 days in the House and 30 years, 4 months, and 20 days in the Senate—a total of 40 years, 5 months, and 3 days. Thus it will be seen that Morrill tops them all by 4 months and 24 days.

William Ewart Gladstone served 53 years in the British House of Commons. I am by no means certain that his service was the longest in that body. Over there, however, they begin younger than we do. Charles James Fox, perhaps the greatest parliamentary orator that ever lived, entered the House of Commons at 19, and the younger William Pitt at about the same age. Another thing that tended for length of service there was the old and condemned borough system, whereby a duke or earl or viscount would take a fancy to some bright youngster and practically appoint him to a seat in the Commons—an agreeable custom, but not promotive of the public welfare, and now happily fallen into "innocuous desuetude."

Henry Clay, the most renowned of all Speakers, served the longest time in the Speaker's chair, being elected for six full terms, resigning twice, with a total actual service of 10 years and 245 days, although the Capitol guides will have it that he served 12 years—a historic fable.

Mr. Speaker CANNON comes next with four full terms—eight years—and if the political complexion of the House had not changed he would in all probability be in his fourteenth year in the chair, thereby exceeding the record of "The Great Kentuckian." [Applause.]

Mr. Speaker Stevenson of Virginia was elected for four full terms, but in the middle of his fourth term he resigned both as Speaker and as Member of the House, having been nominated as envoy extraordinary and minister plenipotentiary to the Court of St. James by President Jackson; but alack! and also alas! a refractory Senate refused to confirm his nomination for more than a year, during which time he was, like Mohammed's coffin, suspended betwixt heaven and earth. At last the Jackson men became strong enough in the Senate to confirm him and he went on his way rejoicing, having learned a lesson about premature resignations which he probably never forgot and which added somewhat to his stock of wisdom.

Mr. Speaker CANNON and Gen. SIBERWOOD were both first elected to Congress at the November election in 1872, when under the lead of Horace Greeley the Democrats met with a crushing disaster, from which they recovered in 1874, only two years later, and swept the country from sea to sea. Speaker CANNON has served under 10 Presidents—Grant, Hayes, Garfield, Arthur, Cleveland, the younger Harrison, McKinley, Roosevelt, Taft, and Wilson. Presidents come and Presidents go, but he, like Tennyson's brook, goes on forever.

James Gillespie Blaine, one of the most brilliant of all the Speakers [applause] administered the oath to him upon his entrance here. While the Speaker's term is two years and the presidential term is four, he has seen the same number of Presidents in the White House and Speakers in the chair, 10—Blaine, Kerr, Randall, Kiefer, Carlisle, Reed, Crisp, Henderson, CANNON, and CLARK.

When he was first elected only about a dozen of the present Members could vote. Many were in their swaddling clothes, trying to achieve the first acrobatic feat any of us and all of us ever essayed to get our big toe into our mouth. [Laughter.] A majority of the Members were then unborn. What an astounding amount of history has been made in this country in the 44 intervening years, all of which he saw and part of which he was!

I am glad that Mr. Speaker CANNON made his great speech on the immigration bill recently—for it was a great speech—glad on his account, glad on my own account; glad most especially on account of you newer Members who have come into the House in the last 13 years; glad that you had the opportunity of not only hearing but seeing him as James Steerforth wished to be remembered, "at his best." We are all James Steerforths in that regard. J. B. McCullough, long-time editor of the St. Louis Globe-Democrat, once said that he had often thought that had there been present a man who could see but could not hear and one who could hear but could not see when Roscoe Conkling delivered his superb speech, nominating Gen. Grant in the famous Chicago convention of 1880, he believed that the deaf man who could see would have derived as much pleasure from Conkling's performance as the blind man who could hear. I confess that seeing Mr. Speaker CANNON in action has always interested me quite as much as what he said. [Laughter and applause.] He has always appeared to me to be made up chiefly of spiral springs. [Laughter.] I saw him once do, while speaking, a thing that I doubt if any other speaker ever duplicated since the confusion of tongues at Babel. In the heat of debate I saw him make a complete circle on his heel. [Laughter.]

He is one of the strongest rough-and-tumble debaters I ever heard or tackled. He belongs to the topnotcher class of mental pugilists. He hits and hits hard, but never below the belt. I remember with pleasure now—though not so pleasant then—that in the first real debate in which I ever participated in the House he catechized me in extenso. It was a red-hot political debate—a cut and thrust affair—on the repeal of the Federal election law. I had not been here more than two months, and was ambitious to break into the limelight, or, as the Kaiser would say, to achieve "a place in the sun." [Laughter.] I did it on that occasion, largely by aid of Mr. Speaker CANNON, though I entertain serious doubt whether he intended assisting a rampant, greenhorn Democratic Congressman, for the billows of politics ran mountain high at that time.

Fight in those brave days of old? Of course we did—many of us, tooth and nail, hammer and tongs. Scars? All who participated in those fierce conflicts bear them—honorable scars, all in front; none of us escaped unscathed. Sometimes we fought over political principles, sometimes about governmental business, and sometimes by reason of what Cæsar denominates cer-

taminis gaudium—the sheer joy of combat. Once Speaker CANNON was in the full tide of speech when I interrupted him, and he waved or shoved me off by saying, "Oh! Not now. I will attend to the Missouri Cyclone presently"—which he did, and I came near having fastened onto me the sobriquet borne now and for many years by the gentleman from Texas [Mr. DAVIS]. [Laughter and applause.].

Mr. DAVIS of Texas. Amen! [Laughter.]

Mr. CLARK of Missouri. On another occasion I had the floor, and when Speaker CANNON interrupted me I conferred upon him the alliterative title of "The Dancing Dervish of Danville"; but out of it all we came forth good, warm personal friends, and will, in the language of the wedding ceremony, so remain "'till death do us two part."

Fame is the scentless sunflower with gaudy crown of gold,
But friendship is the treasure rose, with sweets in every fold.

In 1894 there was the worst slaughter of the innocents since the reign of King Herod. I was one of the victims of that awful landslide. I remember with gratitude that Speaker CANNON was the first person who suggested to me that I might come back. He spoke and predicted from experience.

On the day a few weeks ago when the bill authorizing the Government to take over the title deeds to the land in Kentucky on which stands the splendid memorial building covering and protecting the humble log cabin in which Abraham Lincoln was born, we witnessed a pleasing and amazing spectacle—Mr. Speaker CANNON, 80 to-morrow, and Gen. SHERWOOD, some months his senior, straight as arrows, lithe as men of 50, delivering speeches which thrilled our hearts; and the strangest feature of that remarkable scene was that these two well-beloved octogenarians read whatever they wanted to read without glasses! Verily, like Moses, the master law giver of all the centuries, their eyes are not dimmed nor their natural force abated. [Applause.]

For a long time people poked fun at the Scotch theory of "second sight"; but on the occasion to which I refer we had the best sort of evidence that these two veterans have received their "second sight"—"the ocular proof" which Othello demanded.

In passing, it may be apropos to state that one of the finest couplets in our vernacular grew out of the Scotch theory of "second sight" conferring the gift of prophecy:

"'Tis the sunset of life gives me mystical lore,
And coming events cast their shadow before."

When I first read those splendid lines as a college student they appeared to me so fine that I wanted to read the context. Somehow I got it into my head that Alexander Pope was the author and read all his works to find them, which I did not do for the all-sufficient reason that he never wrote them. They are in Thomas Campbell's poem "Lochiel"; but my time spent in reading Pope was profitably spent. He polished his poems till they glitter as a gem, and he excelled all poets in making couplets or quatrains, each conveying an idea complete within itself. I committed hundreds of them to memory, greatly to my advantage.

While Speaker CANNON was delivering his Lincoln speech, I noted what a remarkable profile resemblance there is in his face and Lincoln's, just as there is a striking resemblance in the face of my good, dear friend, Maj. STEDMAN of North Carolina and the face of Gen. Robert E. Lee.

Mr. Speaker CANNON owes it to himself and to his countrymen to write a book of reminiscences, Job's vengeful declaration, "Oh! that mine adversary had written a book," to the contrary notwithstanding. Evidently the Man of Uz did not have in his mind's eye Theodore Roosevelt and Woodrow Wilson when he gave voice to that far-resounding and malicious desire.

There are two other distinguished Americans who owe it to themselves and the country to write books of reminiscences—Senator Chauncey Mitchell Depew, the incorrigible optimist, and "Marse" Henry Watterson, the last of that marvelous school of editors of whom Horace Greeley, George D. Prentice, James Gordon Bennett the elder, Henry J. Raymond, Shadrack Penn, Thurlow Weed, and Samuel Bowles were the founders. What books these three men could write for our instruction and delight! They would be eagerly read by untold and unborn thousands so long as this Republic endures, which we all fondly pray will be—

"Forever and forever,
As long as the River flows,
As long as the heart hath passions,
As long as life hath woes."

[Applause.]

We, one and all, most cordially and affectionately congratulate Mr. Speaker CANNON on attaining the psalmist's extreme allotment of four-score years and upon having that which should accompany old age, "As honor, love, obedience, troops of friends"; and we hope from the bottom of our hearts that he will live many years full of usefulness, happiness, and prosperity. [Prolonged applause.]

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Speaker may recognize my colleague Mr. CANNON. [Applause].

The SPEAKER pro tempore (Mr. COOPER of Wisconsin). The Chair feels, as he was about to say when the gentleman from Illinois [Mr. MANN] arose, that he voices the earnest wish of every Member—Republican, Democrat, Progressive, Socialist, Catholic, Protestant, Jew, and Gentile—in expressing the hope that the distinguished gentleman from Illinois [Mr. CANNON] will now address the House. [Applause.]

Mr. CANNON. Mr. Speaker and gentlemen of the House of Representatives, it is pleasant for an old man to meet his fellows in the public service, to look in their faces, and feel that they accord to him the same honesty of purpose that they claim for themselves.

And yet upon this occasion, if you will bear with me for a few moments, I recollect a story that John O'Neill told me many years ago. He was an Irishman who represented a St. Louis district, and he had all the brightness, wit, and humor that Irishmen generally have. One day, sitting in the cloakroom, when the conversation was running, he said, "When I was at home last week, having leave of absence for a few days, an Irish client of mine was about to die. He had no relatives in this country and all his relatives in Ireland had crossed over, and he sent for me to write his will. I had been his attorney. He gave so much for the repose of his soul, so much to this hospital, and so much to that hospital, and so much for various charities. He knew exactly what he had, and I wrote the will and read it over to him, and he discovered when he came to make the addition that there was $10 left over that had not been disposed of."

O'Neill said the dying Irishman realized that his time was short and asked if there was time to write the will over. O'Neill said to him, "Oh, I can fix it all right. I will just put in what we call a 'codicil.' What do you want to do with the $10?' He thought a minute and said, "I'll not be knowin' what I want to do with the $10 exactly—but, yes; it can be invested in whisky, to be drank at my funeral." "Going or returning?" asked O'Neill. "Going, of course. I'll be wid 'em then." [Laughter.]

Brother SHERWOOD, you and I came into this House together, elected in 1872. I have been here more of the time than you have, but I think you have been doing as good service, and probably better than I have. You are my senior in years; and, looking in your eye, I appreciate your friendship. We were political friends when we served in the Forty-third Congress. We are political opponents now, but really I think I respect and love you as much as it is lawful for one man to love another. [Applause and laughter.]

These doctors have made great progress in medicine and surgery. Why, with the bloodletting that there was, with the thrust of a lancet that obtained in the West, while the West was being settled, and the 10 grains of calomel, and 10 grains of jalap, you know it would kill people if it was administered now, and the great doses of quinine, and so on. That was heroic treatment. [Laughter.] In medicine and surgery the world has progressed more in your time and mine than it did in the whole history of the race, from Eden down to your time and mine. They talk now about being on the eve of discovering a medicine or elixir, or something, that will make us all live to be at least 150 years old. I want them to hurry up, Brother SHERWOOD. [Laughter.]

Always there have been during my service here, Mr. Speaker, and I believe there always will be in the House of Representatives, fierce contests touching policies, and no truer thing was said by those who have preceded me than when they said, quoting the minority leader [Mr. MANN], that while this side of the aisle contested with that side of the aisle, after the partisanship passed, and even while it was on, we had as many friends on your side, and you as many friends on our side that would go as far outside of the partisanship or the policies to serve one another, as we have upon our respective sides. [Applause.]

The scene here to-day is a sample of the partisanship of the House. I can say with the psalmist, "The lines have fallen unto me in pleasant places;" and as I look into the faces of friends on both sides of the House I am more inclined to accept the plain evidence of fact than the popular and picturesque fiction which divides this body into partisan groups on all questions, shuts out personal relations and the cooperation of Representatives, regardless of party, to work out in legislation the greatest good to the greatest number.

We should not be human if we did not disagree at many points, and there would be no work for Congress if there were not many men of many minds in the country. We are sent here as the Representatives of those people who have different ideas as to Government activities, and we must here thrash out these differences, whether pleasant or unpleasant, for harmony can not always be produced out of the conflicts of the people, even by the best of friends. My own experience here inclines me to the view expressed by Charles Lamb, that he could not hate the man he knew, rather than to the old proverb that "Biting and scratching is the Scots' wooing."

One of my earliest friends on this floor was Alexander H. Stephens, who returned to the House when I came as a new Member. I had heard of the man who, as vice president of the Confederacy was the ablest adversary of Lincoln, and I had opinions; but here on the floor and in the hotel where we both lived I came to know him as a man as different from my opinions, formed by reading the war news, as are my opinions of the archangel and the archdemon of the universe.

So it has been through the years; and to me partisanship means the necessary contests over policies by which the Republic must be governed. There are no personalties in partisanship, and men who meet face to face and discuss different political views are less arbitrary in their views than are those who read headlines and fear that the House has fallen to a low estate, where party advantage is the one aim and effort.

I have seen some changes in partisan policies. When I came here, believing in nationalism, I was impressed with the State rights doctrines of some of the men on that side, and I remember a speech by Randolph Tucker of Virginia, in opposition to Randall's bill to loan fifteen hundred thousand dollars to the Philadelphia Centennial Exposition.

Mr. Tucker warned the House against stretching the welfare clause of the Constitution. He said it would be an advertisement, inviding any clever man who had an idea about spending Government money for the general welfare to come to Congress and it would not be long before we were crowded off our stools by the lobbyists who wanted to get their hands into the Treasury. Mr. Tucker, then, turning to Randall, shouted a final warning that should that appropriation be made Chicago and even Yorktown would some day come for aid to an exposition. Well, they both came, and many others, and Mr. Tucker's son was president of the Jamestown Exposition. That is only an example of some of the changes that have come about the use of Government money to promote the general welfare. We have had quite a spell of it in the consideration of the Agriculture appropriation bill.

In our partisanship we have not been as keen for party advantage as is often represented. There was Gen. Benjamin F. Butler, who was a stormy petrel of American politics, if we have had one, and he is remembered as the author of the civil-rights bill, which caused such a storm of indignation throughout the South. But Gen. Butler was also the chairman of the Judiciary Committee which reported and put through the House the amnesty bill, which removed the political disabilities from many thousands of southern men.

And this leads me to suggest that it was not party advantage which inspired this side of the House when in control to pass amnesty bills which in a large measure gave control to that side; nor was it party advantage which led that side when in the majority to propose an electoral commission to find a judicial method for settling the great controversy over the Presidency. You lost by that machinery; but it was your own creation, and its creation was inspired by patriotic motives to save the country from another civil strife.

May I here cast a doubt on another popular fiction in which a former Member was the hero? I refer to the story which has even got into some political histories, that Col. Watterson organized an army of 100,000 stalwart Democrats to march on Washington and by force place Mr. Tilden in the White House. I have always doubted the correctness of that story, because Col. Watterson was a Member of the House at that time and was here using his influence and his diplomacy to work out a peaceful solution of that controversy. He was one of the best losers I ever saw. When the report of the commission on the Oregon vote was adopted Col. Watterson made a short speech in which he expressed his disappointment over the impending decision and described the blue-grass region in springtime, where the flowers were the signals of God's love and bounty, giving assurance that the heavens should not be robbed of their sunshine, the earth of its fruition, nor the futnre of hope.

That was at the end of February and the beginning of March, 1877. The Democrats thought Tilden was elected and we Republicans thought Hayes was elected. There was a real contest at the polls and a real contest as to which was elected. You were in good faith and we were in good faith. You carried the country and had a Democratic House, which you elected in 1874—strongly Democratic. It was a Republican Senate. The 4th of March was approaching, and in that Democratic House, presided over by Samuel J. Randall, with such Democrats as Ben Hill and Randolph Tucker—noted men, both North and South—there originated on that side the legislation which was agreed to by the Senate for the electoral commission—five judges of the Supreme Court, five Members of the Senate, and five Members of the House.

You supposed you would have a majority of one. You supposed that David Davis, one of the five judges, would be on your side. That would have given you a majority of one. But two days before that commission was appointed Gen. Logan, contesting for reelection to the Senate, was defeated by Justice Davis, and that put Justice Davis out. So Justice Bradley was selected, and he threw the casting vote. It was settled, but it did not turn out as you expected it would turn out. But it was patriotically acquiesced in.

I recollect very well what Col. Watterson said when they commenced to filibuster on that side of the aisle with a motion to adjourn, and a motion to adjourn to a day certain, alternating one motion with the other, as they could do under the rules of the House as they then existed, as long as a man could stand and make the motion. Watterson said:

I shall join in no movement to obstruct the progress of the presidential count. We have had enough of anarchy.

[Applause.]

I never shall forget the scene before the electoral count was completed, when Speaker Randall rose in his place, when it was necessary that action should be had to a point of order being made on the motion under the rule, and declared that it was a filibuster and dilatory, and that the Constitution provided for the count of the electoral vote. He sustained the point of order, and then in the House we did have pandemonium for some time. [Laughter.] But the count was made.

So I have found the partisanship of this House throughout these 40 years sometimes warm and vigorous, but largely mixed with patriotism and much common sense; no barriers in the center aisle to prevent men from crossing that partisan line, and no prohibition against meeting in the lobby or the cloakroom and talking it over in private. It has been to me a pleasant and, I hope, a profitable experience.

There are, so far as I know, only four of my colleagues in the Forty-third Congress, which assembled here 43 years ago, still living. They are my friend and colleague, Gen. SHERWOOD, on this floor; ex-Senator Eugene Hale, of Maine; ex-Secretary of Agriculture James Wilson, of Iowa; and John R. Lynch, of Mississippi. All others who sat in that Congress have crossed over to the beyond.

If I sometimes see the faces and hear the voices of others not now here to answer the roll call, I may not be charged with dreaming, for among these 3,000 men with whom I have been associated in legislative efforts and over partisan contests there were hosts of personal friends of whom I never thought as Republicans or Democrats, except as we discussed different policies. These men had their hour on this stage, did their work in their time, as you are doing it now, following in the line of precedent; here amending where changes in conditions make it necessary, but not attempting to uproot and reconstruct the whole fabric of the people's law. And when I see ghosts in this Chamber I am not frightened, for they typify the spirit of a representative democracy as truly as do the words and works of those who laid the foundation of this Government in the beginning.

Who could fear the ghosts of Blaine and Randall? Of old Alexander H. Stephens and Henry L. Dawes, of Ben Butler and George F. Hoar, of Sunset Cox and Tom Platt, of Fernando Wood and William A. Wheeler, of Charles O'Neill and Pig-Iron Kelley, of Holman and Tyner, of Beck and Blount, of Bland and Mills, of Jerry Rusk and Philetus Sawyer, of Stephen B. Elkins and George Q. Cannon, of Ben Hill and Gen. Banks, of Proctor Knott and David B. Culberson, of John H. Reagan and Randolph Tucker, of Tom Reed and John G. Carlisle, of McKinley and Frank Hurd, of Nelson Dingley and William L. Wilson, of Crisp and Henderson, and the hosts of others whose names are familiar to you or to any who know the history of our country?

There are now more great men and more great women in the United States than there ever have been in the past history of the Republic. Some one asks, "Where are they?" And I answer, They are everywhere, following their vocations; but when necessary, whether it be in Congress or in civil life, or upon the bench, in the State legislature; whether it be in diversifying the industry of the country and carrying on the business of the country, whether it be following the plow or working in the

machine shop, there will be found more people capable for self-government and ready to defend the flag than there ever have been since the discovery of America. [Applause.]

Is there humor in the House of Representatives? Yes. The first notoriety I ever obtained in this House and in the country was by the aid of Sunset Cox, who came into Congress from Ohio and then from New York. A great man was Cox. He had a versatile mind. He was full of humor. One day he was "running amuck," attacking the Republican side, as only he could. We were cheering him at times on both sides, and sometimes there was gnashing of teeth on this side. [Laughter.] Finally he made a remark about a constituent of mine who had just been nominated for Commissioner of Internal Revenue, Gen. Green B. Raum, a good, strong man, a former Member of Congress. Just at that time Alice Ontes was here in opera bouffe. She was inimitable. One of the characters in her opera, as I recollect it, was "General Boom." Sunset Cox in his remarks said: "Why, here at last they have turned out a good, honest Commissioner of Internal Revenue and appointed somebody—I think he is from Illinois—General Boom." Well, that aroused me, and I jumped up and said, "Will the gentleman yield?" "Oh, no," said Cox. "I can not yield. The gentleman shakes his finger, and he scares me." Then a smile came over his face and he said, "Yes; I will yield." "For what time?" inquired Mr. Speaker Blaine. "As long as the gentleman will keep his left hand in his pocket," answered Cox. [Laughter.] I accepted the yielding and stood in that aisle, and I began vigorously to defend Gen. Raum; but I had not talked 60 seconds until I forgot all about the left hand, and out it came. "Time's up," said Cox. And it was up. [Laughter.]

That was my first notoriety. In the campaign of 1874 that finger was cartooned all over the country. The joke was good, and that cartoon abounded on handbills on every tree in my district, with the left hand out, and sometimes one finger and sometimes all the fingers, and they had the fingers sprouting out of the forehead, you know. [Laughter.]

I have had two terms, four years, of absence that I did not ask for; otherwise my service in Congress would measure 44 years. [Laughter.] During that time, with the exception of that great struggle—the Civil War—there has been more of history written, not only upon this continent but I believe more than was ever written anywhere else on earth in the same length of time. Think of it! It was the winding up of that great struggle, when valiant, courageous men of the same race and the same blood fought for four long years. You of the South thought you were right. We knew you were wrong, or thought we did, but it took four years to determine. I see before me a few men who were in that struggle in the Southern Army, and I see the sons of many who were in that great struggle. It was fierce. The world up to that time had never seen such a contest. When it began the navies of the world were wooden walls. Then came the *Merrimac* and the *Monitor*, and when that war closed all the navies of the world were obsolete.

Then came reconstruction, but I will not go into it. None of us remember the many things that happened with pleasure; but as I think about it sometimes I realize it necessarily could not have been otherwise than it was. But how marvelously it has been forgotten, because we sit here upon each side of this aisle friends, Americans, all marching under the Stars and Stripes, each with an equal love for the great Republic. [Applause.]

There was no such contest with any such result in the lifetime of a generation and a half in the history of the world. Why, bless my soul, the Battle of the Boyne was fought 200 years ago, if I remember aright, and on each anniversary it is fought over again now. [Laughter.]

A man said to me the other day, "What would you give, Mr. CANNON, for an insurance policy that you would live to be 100 years old?" I said, "A real policy that would make me live—and would I have to die then?" "Yes," he said; "just a policy of that kind." I said, "Give? I would rather pay something not to have it." "Why?" he said. "Well, there is probably one man in half a million in the United States now living that will live to be 100 years old, and I am going to take my chances." [Laughter and applause.] He said, "That is a slim chance." I said, "Yes; but I would not have the policy anyway, because every day that would pass it would occur to me that it was one day less." The Great Father has arranged it properly; no man can foresee when he will die.

Now, I do not desire to keep you longer. I thank you, Mr. Speaker and gentlemen, with all the sincerity in my power for this compliment. I never had such a compliment before. It would be impossible to have another such, and I appreciate it. [Prolonged applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4603) to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tom Beckby, commonly called Tombigbee, River at Princes Lower Landing, near Jackson, Ala.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4432) to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

RURAL CREDITS.

Mr. GARRETT. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution 225 (H. Rept. 649).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2986; that the first reading of the bill shall be dispensed with; that there shall be not exceeding six hours of general debate, the time to be controlled one-half by the gentleman from Virginia [Mr. GLASS] and one-half by the gentleman from California [Mr. HAYES]; that all debate shall be confined to the subject matter of the bill; that while the bill is under consideration the House shall meet at 11 o'clock a. m., and that the bill shall be in order on all legislative days, except Wednesdays. At the expiration of general debate the bill shall be considered under the five-minute rule and the Committee of the Whole House on the state of the Union shall perfect and report the bill to the House; whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motions except one motion to recommit.

The amendments recommended to the rule are as follows:

On line 1, page 12, after the word "except," insert the word "calendar."

Line 12, page 1, after the word "Wednesdays," strike out the period and insert a semicolon and insert:

Provided, That nothing herein shall interfere with the special order made by the House on May 5, 1916, for the consideration of H. R. 12766.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the amendments may be agreed to without interfering with the regular order.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the amendments be agreed to. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, I will ask the gentleman from Kansas whether we can agree on time for debate?

Mr. CAMPBELL. I think we can. I have requests for 15 or 20 minutes on this side.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that debate may proceed for not longer than 40 minutes, 20 minutes to be controlled by the gentleman from Kansas and 20 minutes by myself, and that at the end of that time the previous question shall be considered as ordered on the rule.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that debate on the rule be limited to 40 minutes, one-half to be controlled by himself and one-half by the gentleman from Kansas [Mr. CAMPBELL], and that at the end of that time the previous question shall be considered as ordered. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, I suggest to the gentleman that he omit from his request the ordering of the previous question for this reason. The understanding was that the bill reported by the House committee as a substitute is one amendment and that it will be considered as an original proposition. The rule, I find on examination within the last few minutes, does not provide for that, and I suggest he leave off the request for the ordering of the previous question on the rule. Of course he can move the previous question at any time. I desire to take the matter up with him and the gentleman from Virginia, Mr. GLASS.

Mr. GARRETT. The gentleman means that he objects to the previous question on the rule?

Mr. WINGO. Yes; because we want to amend the rule. I think the gentleman from Tennessee and myself and Mr. GLASS can agree upon the amendment.

Mr. GARRETT. Then I withhold that request.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that time be limited to 40 minutes—20 minutes to be controlled by himself and 20 minutes by the gentleman from Kansas [Mr. CAMPBELL]. Is there objection?

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if it is the intention to proceed with debate on the bill to-day after the adoption of the rule?

Mr. GARRETT. It is.

Mr. LINTHICUM. What about Monday?

Mr. GARRETT. There is a special order for Monday which was made yesterday afternoon; and this rule provides, by an amendment which has just been agreed to, that the consideration of the rural-credits bill shall not interfere with the special order which was made yesterday.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, do I understand that after debate on the rule some amendments to it are to be proposed?

Mr. GARRETT. The gentleman from Arkansas [Mr. WINGO] asked me to withhold the request for ordering the previous question on the rule for the time being.

Mr. FITZGERALD. The gentleman controls the time himself.

Mr. GARRETT. Certainly; and I intend to move the previous question.

Mr. FITZGERALD. I suggest that the gentleman not have debate closed by unanimous consent until some one knows what the proposed amendment is to be. The gentleman controls the time anyway.

Mr. GARRETT. Yes.

Mr. MANN. The gentleman can move the previous question at the end of 40 minutes.

Mr. GARRETT. Certainly. I desire that gentlemen on the Republican side may have 20 minutes.

Mr. MANN. If the House should determine not to order the previous question, the gentleman might want to debate the amendment.

Mr. GARRETT. I will change the request. I will yield 20 minutes to the gentleman from Kansas [Mr. CAMPBELL], and will ask unanimous consent that he may be permitted to yield out of that 20 minutes as he may choose.

Mr. MANN. He would have that right anyway.

Mr. GARRETT. Then I yield to the gentleman from Kansas 20 minutes.

The SPEAKER. Is the gentleman going to proceed upon the theory that he has an hour?

Mr. GARRETT. Yes.

Mr. CAMPBELL. Mr. Speaker, I should like to have the gentleman from Tennessee or some one favoring the bill or the rule make an opening statement.

Mr. GARRETT. Mr. Speaker, I will take pleasure in doing so. This rule is to provide for the consideration of what is commonly known as the rural-credits bill. It provides that the first reading of the bill shall be dispensed with; that there shall be not more than six hours general debate, the time to be controlled by the gentleman from Virginia [Mr. GLASS] and the gentleman from California [Mr. HAYES], to be equally divided between them; that all debate shall be confined to the subject matter of the bill; that while the bill is under consideration the House shall meet at 11 o'clock; and that the bill shall be in order on all legislative days except Calendar Wednesday with the provision that the special order which was made on Saturday for next Monday shall not be interfered with. It then provides that the bill shall be read under the five-minute rule for amendments. There is no limitation placed upon the power to amend. On the completion of the bill under the five-minute rule it is to be reported to the House, the previous question shall be considered as ordered on the bill and amendments to final passage except one motion to recommit. That is the entire proposition.

Is the gentleman ready to use some time? If so, I will yield 20 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I have no objection to this rule. I do not know of any on this side of the House. It makes a bill in order that is not, in my judgment, such a bill as meets the expectations of the country on the question of rural credits. I regret, therefore, that the rule does not make in order a bill that does not justify the House of Representatives in laying aside the consideration of other important legislation. The rule is worthy of a better rural-credit law than it makes in order. The farmers of the country and those interested in rural-credits legislation have expected that when a rural-credits law was enacted that it would provide easy facilities for securing loans at lower rates of interest than borrowers can now secure them. This bill will not, in my judgment, reduce interest rates to borrowers, especially throughout the mid continent, the Northwest, nor in the Northeast. I am not sure as to what the effect will be in the cotton States, but I am very certain that the provisions of this bill will not benefit borrowers in the mid-continent country. I have received a great many letters relative to rural-credits legislation. Recently I have been in receipt of letters from farmers with reference to this bill, and every letter I have received has been in criticism and opposition to it. The criticism of the bill is that it creates a great bureau, provides for a large number of high-salaried officials, that will entail an expense estimated by the proponents of the bill at 1 per cent of expense in operating the law. This is an enormous charge for securing loans. The farmers of Kansas and of Missouri, Nebraska, and, I take it, of Arkansas and Oklahoma and of the great Northwest are now securing money cheaper, in my judgment, than they can secure it under the provisions of this bill and in any quantities they desire, and——

Mr. TILSON. Will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. TILSON. Who pays these expenses, the borrowers, or are the members of this large force to be paid out of the Federal Treasury?

Mr. CAMPBELL. The bill provides that the force is to be paid out of the Federal Treasury, of course. It creates a system very similar to that of the Federal reserve act. It follows the lines of that act. My judgment is that it is wholly unnecessary to create a highly organized and high-salaried corps of officers and officials, as are provided for by this bill, in order to secure real rural-credits legislation and provide easier facilities for securing farm loans. Now, it is stated by many that they can support this bill in the hope that it can be made better later on. My judgment is that when you have once established this bureau, when you have once started these officials with their $10,000 salaries, with the corps of officers provided here and there, that you will never be able to reduce the number or the salary of any one of these officials while the law remains upon the statute books, and the law will remain if it is enacted. I would rather see a more simple and direct method of supplying the country with money for farm loans than to provide this expensive machinery that I fear will always be fastened upon the country. I would like to give my support to a rural-credits bill that would bring cheaper money upon longer time to the farmers of the country. I would rather support a proposition to amend the Federal reserve act taking off all the limitation upon national banks, permitting them to loan money upon real estate security, on farms and urban properties for long periods than to see this bill enacted into law, giving us two great expensive systems where one would do.

And I have been unable to understand why the Committee on Banking and Currency and why those in charge of our financial legislation have not suggested that the national banking law be so amended that the national banks that are now in existence throughout the country, many of them having farmers as their directors, as their presidents; many of them having farmers as the majority of their stockholders—why those banks are not permitted to take the best security in the communities in which they exist for as long periods as they see fit.

Mr. RUSSELL of Missouri. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. RUSSELL of Missouri. My understanding is that the Glass bill, passed last Congress, provided that national banks may loan upon real estate. Is not that the fact?

Mr. CAMPBELL. It does not provide for farm loans for longer periods than five years.

Mr. RUSSELL of Missouri. I understood the gentleman to say they could not loan upon real estate.

Mr. CAMPBELL. They can upon limited conditions, and there is no reason why the national banks should not be given all the privileges as to farm loans given by this bill, and State banks could do the same under proper State law. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER pro tempore. The gentleman has used nine minutes.

Mr. GARRETT. Mr. Speaker, I would like to prefer a unanimous-consent request if I may before there is further debate. My attention has just been directed to the fact that there was an agreement in the Committee on Banking and Currency that this House bill which has been substituted for the Senate bill should be read section by section in lieu of the Senate bill.

The gentleman from Kansas understands the situation. The Senate bill has been stricken out entirely and the House bill has been substituted.

Mr. CAMPBELL. The House bill has been substituted.

Mr. GARRETT. Of course, that is only one amendment, and when they reach it under the five-minute rule under this rule we have here it would be in the power to shut off debate at any time, because that is only one amendment. And what I desire to ask is unanimous consent that the rule may be modified by striking out, in line 18, the words "the bill" after the word

"debate" and inserting "the committee amendment shall be read in lieu of the Senate bill and considered section by section," so that it will read:

At the expiration of general debate the committee amendment shall be read in lieu of the Senate bill and considered section by section under the five-minute rule, and the Committee of the Whole House on the state of the Union shall perfect—

And so forth.

Mr. LENROOT. It is not the gentleman's understanding that it shall be so considered and deprive the House, if it so desires, of treating the Senate bill separately?

Mr. GARRETT. No.

Mr. LENROOT. It is merely to get a section-by-section amendment to the substitute?

Mr. GARRETT. It provides that it shall be read in lieu of the Senate bill. I ask unanimous consent that that amendment be agreed to.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that the amendment suggested by him be agreed to. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 11 minutes remaining.

Mr. CAMPBELL. Does the gentleman from Tennessee wish to use some of his time now?

Mr. GARRETT. No; I do not.

Mr. HILL. Will the gentleman yield to me for five minutes?

Mr. GARRETT. Yes; I will yield to the gentleman from Connecticut five minutes.

Mr. HILL. Mr. Speaker, I do not know whether I favor this bill or not. During the past two years, while I was not with you, at the request of the gentleman from Texas [Mr. EAGLE], I read every word of the testimony taken by the joint committee with reference to this matter carefully. I have not had time—I see that it was reported on May 3—to review and study this bill. I had formed a clear and distinct impression as to the testimony in fifteen hundred or more pages, which I carefully read and studied during my vacation, and was not strongly impressed with the character of the bill that then seemed to be pending.

But I have the most profound confidence in the chairman of the Committee on Banking and Currency and in his judgment with reference to these matters, and therefore I look at this measure, prejudiced in favor of it, believing that probably many of the unfortunate tendencies which prevailed a year or two ago with regard to proposed legislation of this character have not found a place in this bill. The thing that I regret now, gentlemen, is that the matter is brought forward at all at this time. I do not think that the Federal reserve system as yet has had such a trial as to justify repeating the process of its organization in this measure. I introduced yesterday—and I state it with reference to the remark made a moment or two ago by the gentleman from Kansas [Mr. CAMPBELL]—I introduced yesterday a very brief amendment to the Federal reserve act, which in my judgment will do more and do it more promptly than it is possible to get done under this law in the next five years.

There is now in the hands of the national banks, carried in what is known as savings bank departments, in this country about a thousand millions of dollars loaned to national banks as savings bank deposits. I introduced a bill yesterday providing that national banks having savings bank departments and keeping segregated savings accounts against which a 5 per cent reserve was carried, in accordance with the requirements of the Federal reserve act for time deposits, should have the right to invest those loans under the laws of the respective States in which they were doing business, provided those laws first received the approval of the Federal Reserve Board and regulations were made providing for their supervision and examination.

Now, there are $1,000,000,000 of savings funds already accumulated by national banks. Part of this can be loaned in Texas by the national banks under the laws of Texas and part in Connecticut under the laws of Connecticut, and so in every State which permits savings investments in real estate on either farm or urban property.

Mr. GARNER. Will the gentleman yield?

Mr. HILL. Certainly.

Mr. GARNER. That would not relieve the situation to the extent that it is proposed in this bill, because the rate of interest in Texas is too great, and you can not expect a bank to loan at a lower rate of interest than the usual money loaner did.

Mr. HILL. It depends entirely upon the rate of interest which the banks themselves pay for those deposits as to the amount of the loan. We have in Connecticut a system of mutual savings banks. My impression is there is a very large amount so invested. The savings banks as a rule pay 4 per cent on those deposits, and as a rule the loans are made at 5 per cent. It is true not only in every New England State, but it is true in New York, and I think the same system obtains in California. That system and the system of trust companies which has like privileges is gradually driving the national banking system to the wall, strange as it may seem. But now I propose by the bill which I introduced yesterday to allow national banks to invest under the laws of their respective States savings banks deposits in savings departments of national banks on first-mortgage real estate loans at lower rates than discount loans of current deposits are now made.

Mr. LINTHICUM. Will the gentleman yield?

Mr. HILL. Yes.

Mr. LINTHICUM. I find in my State the savings banks do not want to loan much on real estate.

Mr. HILL. That is undoubtedly true in New York City and other large cities, where the loans can be made on the moment and collected on the moment on stock-exchange collateral. It is not so true in country communities.

Mr. LINTHICUM. I feel that if the savings banks of my city, Baltimore, in particular, would loan more on real estate than on bonds, as they are doing, it would be a great help; but they will not do it.

Mr. RAGSDALE. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Connecticut yield?

Mr. HILL. Certainly.

Mr. RAGSDALE. Does not the gentleman know that one of the great troubles that the banks of the South have in taking this sort of paper is that they experience so much difficulty in rediscounting it in the North? Now, the banks of the gentleman's State do not have that trouble, but in our country many of the banks are dependent on the North at certain seasons of the year for rediscounts. The gentleman should know that in New York and many of the other money centers they are absolutely averse to rediscounting paper of this kind.

Mr. HILL. That is where this thing is going to fall down. You can not fix an interest rate by legislation. You can, it is true, fix a limit above which the rate shall not go; but you can not fix the limit down to which it shall go. It is a matter of supply and demand, and it is impossible for you to legislate arbitrarily in this matter or expect to maintain the same low rate of interest in a new State, in a new country, and under new conditions that you can in the old-settled localities of this country. It can not be done.

The SPEAKER pro tempore. The time of the gentleman from Connecticut has expired.

Mr. CAMPBELL. Mr. Speaker, I yield six minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for six minutes.

Mr. LENROOT. Mr. Speaker, it is not very often that the minority members of the Committee on Rules are able to congratulate the majority members on bringing in a rule that is absolutely fair and just. I am glad that they do that occasionally, and I am glad to be able to say that they have done so upon this occasion.

Mr. GARNER. And in behalf of a worthy cause.

Mr. LENROOT. This rule that is now pending does provide for full and fair consideration upon a very important bill—a bill that ought to be considered and acted upon before the adjournment of the present session of Congress.

The only criticism that could be made of this rule and of the Democratic majority is that they are bringing in a rule for the consideration of this bill at this time, when great and important appropriation bills are pending, which should have been considered before this bill is brought up for consideration, because this bill has already passed the Senate, and there is no question but that this bill could be brought up two or three weeks later, go into conference, and be enacted into law before the adjournment of the present session.

However, I realize that it is the province of the Democratic majority to determine the order of their program, and inasmuch as they have seen fit to go ahead in this very unbusinesslike fashion, it is not for us of the minority to complain. They have that privilege, and they also take the responsibility for doing it.

Mr. Speaker, while I am upon this subject, it might be well to call attention to the absolute incompetency of the Democratic majority in this House to do business in a businesslike way. It is now the 6th day of May. We have been in session since the 7th day of December, and not a single regular appropriation

bill, outside of three urgent deficiency bills, has been signed by the President. Only one regular appropriation bill has been agreed to by both Houses, and that is the legislative, executive, and judicial appropriation bill. Four of the great bills have not even been reported to this House at the present time, namely, the District of Columbia bill, the sundry civil bill, the Naval bill, and the Army bill. There are two appropriation bills now on the calendar awaiting action, the Diplomatic and Consular bill and the fortifications bill. If the Democratic majority had any business sense, if they had any idea of doing business in a businesslike way, they would pass these appropriation bills that are pending; they would report and pass appropriation bills that should have been reported and passed long ago, send them over to the Senate, there to be considered by the Senate; and while the Senate was considering those bills the House could take up the rural-credits bill and other legislation that has been passed by the Senate and consider them in the House and pass them.

But it is only an illustration, Mr. Speaker, of the fact that the Democratic majority does not know how to do business in a businesslike way. They ought to have some interest in knowing what the appropriations are going to be, some time before the 1st of July, because they will have at some time to bring in a revenue bill raising a very large additional amount of revenue. They ought to be interested in getting these appropriation bills enacted promptly, so as to know something about how much revenue they may need. But that is something that they seem to regard as absolutely immaterial and of not the slightest importance; and, as things are going, Mr. Speaker, we will undoubtedly reach the 1st day of July, when the next fiscal year begins, before the appropriation bills have been enacted, and they will be compelled to do as the Democratic majority have been compelled to do ever since they came into power in this House—pass resolutions continuing the appropriations of the previous year because they have not been able, have not been competent, to enact the general appropriation bills by the time they should be enacted into law.

Why, to-day, Mr. Speaker, two of the great departments of the Government, namely, the Post Office Department and the Indian Department, are running not upon appropriations made last year in any appropriation bill, but upon appropriations made the year before. The Democratic majority is so incompetent with reference to legislation that they were not able to pass the appropriation bills for either of those great and important departments last year, but they were compelled to continue by resolution the appropriations of the year before and extend them over the present year. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. FOSTER. Mr. Speaker, I just wanted to suggest to the gentleman, if he will permit, following the suggestion of the gentleman from Wisconsin [Mr. LENROOT], that if we stop indulging in the kind of talk he has been indulging in now and get down to business we would probably pass these bills. But the great difficulty on that side of the House is that they are continually talking about something that does not concern anything in the House or the country.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. LENROOT. In reply to the gentleman from Illinois, I am very glad to state to him publicly, as I have privately to him and other Democratic Members heretofore, that if the Democratic majority would keep as many men on that side of the House during the consideration of appropriation bills as the Republicans keep on this side they would have a quorum all the time and we would be able to do business. The reason why they can not do business is that they can not keep enough Democrats on that side of the aisle in attendance to constitute a quorum of 100 Members.

Mr. HOWARD. Mr. Speaker, I make the point of order that there is no quorum present. It is a travesty on legislation, Mr. Speaker, that there are only 38 Members in this House when such important legislation is pending.

Mr. GARNER. Mr. Speaker, may I have the attention of the gentleman from Georgia?

Mr. GARRETT. I will ask the gentleman from Georgia to let us get to the previous question.

Mr. GARNER. Let me ask the gentleman from Georgia this question: This is a rule passed unanimously by the Committee on Rules, both the majority and the minority; and, being in that condition, the discussion is academic, more or less, and the membership are not here for this discussion.

Mr. GARRETT. Will the gentleman from Georgia at least permit me to move the previous question?

Mr. HOWARD. Mr. Speaker, I do not want to be captious about this proposition at all; but we are voting on a rule, and I think there ought to be somebody on the floor of the House while it is being considered. This is one of the most important pieces of legislation that has been before this Congress in 50 years. I will withdraw the point on this rule, but I am going to serve notice now that the minute this bill comes under consideration if the Members do not stay here I am going to make the point of no quorum and keep enough Members here to learn something about rural credits that they have not yet learned.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN of Oklahoma. Mr. Speaker, I am very glad that this bill is to be brought before the House at this time. A few weeks ago I made some remarks in this House in which I called attention to the apparent delay there has been in bringing rural-credits legislation before the House. If I remember correctly, the chairman of the Banking and Currency Committee informed the House that as soon as the bill could be considered before the House the report of the committee would be ready. At that time I called attention to the fact that that was one difficulty—that the Committee on Banking and Currency would not report the bill, according to the statement of the chairman, until about the time it was ready to be considered—and that that did not give sufficient time for the study of the proposition.

On the 3d of May the bill was reported into the House, a bill of about 75 pages of printed matter; a bill which, in my judgment, is as important as any bill that has been before this House for many years last past. Yet we have only had the real proposition before us since the 3d of May, three days ago. If I remember right, the able chairman of the Banking and Currency Committee told the House at that time that there would be ample time for debate. The objection that I have to this rule is that it provides for only six hours' general debate upon this great measure, a new proposition involving constructive legislation of the greatest importance, a proposition that ought to be discussed in the most thorough manner. In my judgment, if the time for general debate was limited at all, there ought to be at least several days. We all understand the common practice—that the members of the committee are supposed to have the preference right to engage in the general debate. Here is a large committee, composed of about 20 members. This gives six hours for the entire 20 members of the committee to speak. But what are those outside of the committee to do for time? I have indicated to the gentleman on this side of the House who controls our time that I would like to have an hour in which to discuss this bill in general debate. It may be presumption on my part to take that much time, but I ask it simply because I feel that it is my duty to contribute my utmost to make this bill what it should be. I do not know how much time I can have. The gentleman who controls the time on this side of the House has indicated that he would do the best he could. You know, gentlemen, that no man can take up a bill involving this great, important subject, involving so many important points, about which there is bound to be a difference of opinion, and discuss that bill within 10 or 20 minutes.

Then we will go on to the five-minute rule. Of course, there we have unlimited time, but we know how difficult it is to discuss any proposition in five minutes. We know by experience here that it is seldom, if ever, that you can present an amendment to a committee bill and by discussing it for five minutes secure the attention of the House and secure its adoption. It is true that in general debate usually there is not the attendance here that there should be, and yet I feel that if we had three or four days in which to discuss this bill under general debate, there are so many men in this House whose constituents are largely farmers that they would be interested to come into this House and listen to the debate. So, I believe, we are not going to have sufficient time for general debate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT. Mr. Speaker, this resolution proposes to bring up for consideration legislation which looms larger in the public thought than any domestic question of which I have knowledge. Gentlemen have said that we should pass the appropriation bills before we take up these matters of legislation. There is no danger about the appropriation bills, and in order to make them up intelligently it is necessary that we should have such legislation as we can pass in advance, in order that we may know what appropriations will be required.

This is a matter of intense public interest. It is a matter for which there is a universal demand—that is, a universal demand for legislation in some form. The effort of the Committee on

Rules has been to provide a fair method for the consideration of this legislation. It seems to me it has provided a fair method. There can be no objection to it, as it seems to me, and I move the previous question on the adoption of the resolution.

The SPEAKER pro tempore (Mr. HARRISON). The gentleman from Tennessee moves the previous question on the adoption of the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. GARRETT. Mr. Speaker, one moment before the Chair declares the House in Committee of the Whole. I ask unanimous consent that all gentlemen may have the privilege for 10 legislative days following the conclusion of the consideration of this bill in the House to extend their remarks upon this bill in the RECORD.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that all gentlemen may have 10 legislative days, after the conclusion of the consideration of this bill, in which to extend their remarks on the bill in the RECORD. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under the rule, the House automatically goes into the Committee of the Whole.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

An act (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

The CHAIRMAN. Under the rule, the first reading of the bill is dispensed with.

Mr. GLASS. Mr. Chairman, by reason of the fact that I was chairman of the Joint Committee on Rural Credits created by the Sixty-third Congress, and by virtue of the fact that I am chairman of the Banking and Currency Committee of the House, which reported this bill, I have nominally taken charge of it. That, however, should not imply that I am the chief proponent or the architect of the bill presented here to-day for consideration. Quite the contrary is the fact. I had a very modest part in the deliberations and work of the joint committee, and quite as inconsequential a part in the deliberations of the Banking and Currency Committee of the House on the bill.

I want to say to the House that it is a source of infinite gratification to me that the problem, both in the Joint Committee on Rural Credits and the Banking and Currency Committee of the House, was considered in an absolutely nonpartisan way. The utmost frankness prevailed between the members of the joint committee and in the Committee on Banking and Currency, and all members of both committees took an earnest interest in the work submitted to them, and all of them, in a degree, had a part in the construction of this measure in the effort to present to the Congress a rural-credits bill that will prove efficient in its operation and afford just such relief as the proponents may hope for it to the farming community of the United States.

The problem as submitted to the joint committee was very earnestly considered over a period of many months, and that committee, as you know, submitted a measure to Congress last January. That bill was referred to the Banking and Currency Committee, and the latter committee, since last January, has been giving its most diligent and earnest attention to the solution of the problem. As a result of its labors, it to-day presents to the House the bill S. 2986, with all after the enacting clause stricken out, and the House bill, known as the Moss bill, submitted as an amendment in the nature of a substitute.

Mr. Chairman, unlike many people, I have never been willing to concede that nothing in the direction of rural credits has been accomplished by Congress in recent years. On the contrary, my belief and firm conviction is that we have embodied millions of dollars of rural-credits facilities in the Federal reserve act. We have by one provision in the Federal reserve act alone, by a computation of one of the most efficient actuaries and financial experts this country has ever had, afforded land-mortgage facilities in the aggregate of nearly $400,000,000. In other words, for the first time in the history of the country the Federal reserve act has enabled national banks, if they will, to put at the disposal of the farming community in excess of $369,000,000 of their funds, to be loaned on land mortgages for a period of not exceeding five years.

It has been said that the national banks will not loan these funds, but that does not affect the proposition that the Federal reserve act has made these funds, so far as a statutory authorization may do it, available to be loaned on farm mortgages for a period not exceeding five years. No law can compel a bank to loan its funds to anybody, for any purpose, on any character of security, or for any length of time. But we have made it possible for the farming community of this country, through organization, to bring such influence and pressure and self-interest to bear on the banking communities as to insure them use of these funds.

Mr. KINKAID. Will the gentleman yield?

Mr. GLASS. No, I do not care to yield; I have only taken 10 minutes to make a preliminary statement. In another provision of the Federal reserve act, that is to say, the rediscounting provision of the act, we have especially favored the farming community of the United States. We have made the period of maturity for farm paper, for paper used in stock transactions and in all commercial transactions relating to farm products, 100 per cent longer than that of commercial paper. We have not only done these things, but in another provision of the bill we have made it possible for the farmers engaged in exportation of the great staple crops of this country, such as cotton and grain crops, to realize instantly on their commercial transactions through the medium of bank acceptances on the exportation and importation of goods. So I say that Congress has already supplied the farming community of the United States with a wonderful amount of farm credits.

Nevertheless, I realize that the requirements of the farming community are distinctly different from those of the commercial interests of this country. I realize that never has there been any provision for long-time farm loans, and never has there been established this system of amortization payments which the farmers in Europe enjoy and which the farmers in this country ought to have and which we propose in this measure speedily to give them.

Therefore I join with great earnestness my colleagues on the Banking and Currency Committee in the effort to supply those requirements to the farmers. We think we have done it in this bill.

I shall not undertake to outline the general principles of the bill, although I hoped to do so; but the Committee on Rules, contrary to my request, has so restricted the time for general debate that I did not feel like consuming a large part of it. I am rather disposed to yield it to those gentlemen on the committee who deserve vastly more credit than I should like to take to myself for the work accomplished. Therefore, Mr. Chairman, with this preliminary recital of the incidents leading up to the presentation of this bill, I yield 30 minutes to my colleague on the committee, Mr. Moss of Indiana.

Mr. MOSS of Indiana. Mr. Chairman and gentlemen, we are beginning an action to-day that will make this Congress an historic body, and I would rather have my name entered on a roll call in favor of this bill than in favor of any bill devoted to agricultural development that has passed Congress since the homestead law was placed on the statute books. We are to-day creating a system of banks that shall be dedicated exclusively to the interest and to the service of American agriculture. I am aware of the fact that the present banking system was enacted into law about the day that I was born and that we have a great national banking system, but the very best evidence that we need a new banking system is the fact that so far as land-mortgage credit is concerned there is a separate and different rate in every State in the Union, beginning with Vermont, with the lowest average rate of 5 per cent, and running over to Montana, with the highest average rate of 10 per cent, making in the United States a general average of 7½ per cent on farm mortgages. We have 48 different rates, and everyone of them too high. If the variation in individual rates be considered, you will find that the rates on individual loans vary very much more widely. Therefore I submit it as absolute proof of the necessity for the enactment of this bill, that farmers of the Nation, each one having precisely the same class of security, are charged 48 different average rates of interest in the different sections of the United States. This new system is to be composed of organizations chartered and supervised by the National Government; and the very best defense of a national charter is the fact that I have instanced, that every State has a different prevailing interest rate. If it were possible under the present system to bring about anything like uniformity of interest rates, we would have attained it before 50 years.

Mr. Chairman, agriculture is national in its scope, and to secure a more uniform development farmers must be given a more nearly uniform rate of interest and more nearly uniform terms of loaning than is possible under our present system. Therefore, we propose to invoke national authority because it is only through the exercise of national power that these results can be secured.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. MOSS of Indiana. I have only 30 minutes, and I can not yield. Not only do we propose to invoke national authority, but we propose to make this system a separate and distinct system, having no connection whatever with existing commercial banks. We commence in the organization of this proposed system by the creation of a farm-loan board, composed of three members, to be appointed by the President of the United States and confirmed by the Senate. Not more than two members of this board shall be of one political party. General supervisory powers is given to the farm-loan board. I shall not go into details of the board's duties They are given the power to supervise the rates under which bonds shall be sold and loans to farmers made. I heard a very distinguished Senator at the other end of the Capitol make an argument that the great favors in this bill would never reach the farmer, because the capitalists would be the ones to name the terms under which the loans should be made. This very condition was anticipated by the committee, and we have given the farm-loan board the same degree of power to control and supervise the rates of interest under this bill as are given by law to the Interstate Commerce Commission over the railroad rates of the country. Everyone knows that the Interstate Commerce Commission has no power to make a confiscatory rate, but everyone recognizes that the power of supervision over rates by that commission has given us more nearly uniform and lower rates and much better service. The public interests have been safeguarded by the commission. So the Federal farm-loan board is given similar broad powers, and we anticipate equally good results.

The members are appointed for full terms of nine years, removable only for cause. We have provided a generous salary, as we hope to have the board composed of the three best qualified men in the United States. We feel that it will be safe to vest such a board with the general supervisory powers granted in this bill. In addition, the board also has the power to appoint the appraisers who will make the appraisement under which the loans are to be made. I desire to call attention also to the fact that not only is the board appointed by the President, but the salaries are paid out of the Treasury of the United States. I have no desire to criticize the Federal reserve banking system. It has rendered invaluable service to the industries of our Nation and has given us the financial leadership of the world; but one weakness is the fact that the salaries of the Reserve Board are paid by the member banks. We have given the Reserve Board general supervisory power over commercial banks, and every dollar of their salaries and expenses is paid by those who have subscribed to the system and whose activities are to be regulated by the Reserve Board. I am proud that it is proposed in this bill to pay the salaries and expenses of supervision out of the Treasury of the United States. We will have a governing board appointed by the President of the United States with salaries paid by the people of the United States, making them absolutely independent in every sense. One of the difficult features of mortgage credit is the system of appraisement. An honest, conservative appraisement of every tract of land accepted as security will prevent favoritism and will insure perfect safety to the system. Losses are practically impossible under a safe system of appraisement. Under this bill, appraisers are to be public officials. They are appointed by the farm-loan board and are removed from every possible influence, either by borrower or lender. The appraisers have no connection whatsoever with the banks nor any other agency controlling the loan. We give the farmers of the country an impartial official appraisement on their lands.

Having spoken of the general powers of the farm-loan board, we come to the organization of the land banks. The territory of the United States is to be divided into 12 land districts by the Federal farm-loan board. We have here the same problem that has come up on every question of banking in the United States—Shall you have a great central bank or several district organizations? I think it is admitted by ever person that the plan of the Federal reserve system is better than one central bank; but if that were not true of a commercial banking system, I should still contend that the district plan is a better one for land-mortgage credit. One of the problems is to bring the loan agency into immediate contact with the borrowers. The district plan more nearly accomplishes this than the central plan. But there is another important reason. If it shall happen that there is any difficulty in maintaining a uniform rate in the United States, which I do not believe there is, if you had a great central bank, the minimum rate would be fixed at the point of greatest difficulty of getting the money rather than upon the average difficulty of obtaining it. That is to say, the lowest rate for the whole system would be the highest rate which will prevail under the district plan. Therefore I feel that the proposed plan of dividing the United States into districts will commend itself to the judgment of Congress. In each one of these districts a land bank is organized with a minimum capital of $750,000. There will thus be organized 12 land banks, having a combined minimum capital of $9,000,000. Your committee believes this sum to be ample to inaugurate the new system and to give it that sense of security, stability, and importance which will enable it to command the confidence of the farmers on the one hand and the investing public on the other.

The temporary organization is controlled by the Government of the United States. Some weeks ago my friend from Georgia [Mr. HOWARD] inserted in the RECORD an elaborate criticism of the House bill by Charles Hull Davis, of Virginia—and took occasion to say that Mr. Davis is—the most expert authority on rural credits in the United States. The very first item in his criticism on the House bill was that in the temporary organization of these land banks the great banking interests of this country would secure control through the ownership of the temporary stock. This absurd statement proved conclusively that Mr. Davis had never read the House bill or that he is unable to comprehend its plain terms and provisions. Now, how is the bank organized and how is it controlled? As indicated, there is a temporary organization after the minimum capital stock is subscribed. The first step is to secure subscriptions to capital stock; and for a period of 90 days after the books are opened any citizen, corporation, company, or any State in the Union is given permission to subscribe to the captial stock in the amount of $750,000, and if at the end of 90 days this stock has not been fully subscribed then the Treasurer of the United States completes the subscription, precisely as in the organization of the Federel Reserve System.

No voting power goes with any of the stock except that held by the Government of the United States, so that the sole power to organize these banks is vested in the Government of the United States, and it is impossible for any private interests to secure control, as was asserted by Mr. Davis. The Federal farm-loan board organizes the banks by appointing three directors. These directors complete the organization and operates the bank during the period that full control is vested in the Government. I repeat, the land bank is instituted, organized by the Government of the United States, controlled absolutely by the United States Government until the borrowers in that land district shall become strong enough to take over the permanent control under the terms of the bill. The permanent organization is perfected by the borrowers themselves.

Now, when the land bank organizes, how are the loans made? There are two methods in the bill under which loans can be made by the land bank in the federated system. The bill permits the organization of joint-stock land banks. I will speak of that provision of the bill later if I have the time. I am now speaking of the general or cooperative banking system embodied in the bill. There are two methods of making loans under the federated system. One is through the national farm-loan association to be organized by farm borrowers, and the other is through the existing banks of the country. The first method is preferred by the committee and is given first opportunity to control all territory. If, however, such associations are not organized in any part of the United States after fair opportunity for such organizations shall have been given, then loans in such territory may be made through State banks. We are asked, Why organize farm-loan associations? Why not loan direct to the farmer? The first and strongest reason for the national farm-loan association is the question of organization. In union there is strength. We want to have an organization through which the farmers of the United States may act in a business capacity. We hope these associations will form the nucleus which will ultimately extend cooperative methods among farmers to include marketing of standard farm crops and the purchase for cash of standard farm supplies. Better credit facilities is but one phase of better farm organization. There are three great movements among farmers to be organized, fostered, and wisely directed. Farmers need a larger volume of credit at lower rates and upon more favorable terms of repayment. We desire to purchase standard farm supplies for cash at the closest approach to the cost of manufacture, and we desire to sell our farm crops at the smallest possible margin below the price paid by the actual consumer. These desirable results are attainable only through the growth of cooperative organi-

zation, and your committee believes that a greater ultimate benefit will inure to American farmers from these farm-loan associations than from any other one feature of the bill.

The second reason is that if the farmers have an organization they will secure equality as to rates and service in that territory better than any individual farmer can do. Here is a Nation of 48 States, with wide diversity of industrial conditions, over which we seek to extend the farm-land banking system, and I can readily apprehend that without local organization among farm borrowers some section of the country might be greatly neglected. But wherever 10 farm borrowers come together there is an organization and a selection of officers. These borrowers create an instrumentality, and a necessary result is that particular section will secure all the benefits that should come to it under this bill. These associations are favored in order to make the system cheaper in its operation. Now, manifestly the central land bank ought to be under obligation to make loans under certain conditions, and under other conditions the central bank ought not to make loans. The question of reliability of the borrower and the value of his land are vital questions to be determined. It will require an expensive organization if the land bank is compelled to make these preliminary investigations at the instance of every applicant for a loan. It is this difficulty which effectually precludes small borrowers in sparsely settled country districts from securing mortgage loans. The loan agency can only investigate the more profitable deals. We propose in this bill to serve the small borrower. We propose to make loans as small as $100. Such a system is impossible without cooperation on the part of borrowers in making this preliminary investigation of land and character.

The first step in securing a loan under the provisions of this bill is to make application for membership in a farm-loan association or organize one in the community. Any 10 persons who desire to become borrowers can organize one. But it has been alleged in reference to this bill it will be difficult to secure membership in the farmers' loan association. Permit me to say that as far as my experience goes as a member of different fraternal organizations, I have found it is easy enough to secure membership. It is more difficult to debar people who ought not to have membership in such organizations than it is to accept only those who are worthy. I have no reason to believe that any man of good character and credit and good standing in his community can not obtain membership in such an organization.

This association passes upon the character of the borrower and admits or refuses membership. It takes this action through its board of directors. Then this loan association, through its loan committee, makes its estimate upon the land that is offered as security for the proposed loan. We thus impose the duty of making an investigation of a man's character and submitting an estimate on the value of the land that he offers for security, on the membership of the local association without any expense whatsoever to the central bank. If the membership is accepted and the loan committee has passed favorably upon the value of the land offered for security, the bill makes it obligatory upon the land bank to send an appraiser to appraise the land officially; and if the loan for any reason shall be refused there is no expense to be paid by the applicant. It would be exceedingly unjust to compel the central bank, without the payment of earnest money, to investigate every application for loan until there had been a preliminary examination made. Under this bill that preliminary examination is made at the point where the application for loan originates by the local association; then we compel the loaning bank to make a final official investigation by an appraiser appointed by the National Farm Loan Board.

But now then, upon what terms is the loan made to the borrower? First a borrower subscribes 5 per cent of the amount of his loan to the capital of the loan association and takes out shares of stock at par. The loan association at once subscribes an equal amount at par to the capital of the land bank. But some one tells me the farmers will not subscribe this capital. One fact is worth more than all the theories in the world. I am proud of the fact that in the great State of Indiana we now have four farm-loan associations in each one of which the borrower is compelled to subscribe 10 per cent of his loan in cash to the capital of the association. Each of these four associations have a capital stock of a million dollars, and are doing a successful business in the State of Indiana to-day. The same thing is true in the State of Kansas. It is true in the State of Kentucky. It is true in the State of Louisiana, and I believe also it is true in the State of New York.

If Congress were to sit here idle five years longer, under the very plan that the committee is presenting to you and under which these great land banks have been organized since this agitation was begun in America, you will find this business being organized under private initiative in every State of the Union in substantial compliance of the very plan laid down by the committee here in this great bill. We come before you not with a theoretical plan, but with the facts of successful American experience behind us. We can point to at least five States in America where the plan is already in successful operation. We do not impose a 10 per cent subscription under this bill—the farmer pays 5 per cent cash and assumes a credit liability of 5 per cent more. Under this bill we give the borrower the advantage of half the subscription he takes under the private loan association in the different States, and he will be given better credits under the operation of this bill. You will notice, then, that the capital of the land bank grows automatically as the loan grows, remaining always 1 to 20. Each farmer subscribes 5 per cent of his loan to the capital of the loan association, the loan association making a like subscription to the land stock of the bank. Thus the capital of the latter will remain at least 1 to 20.

Now, then, we have the question of making the loan. Perhaps I had better take up the question of how the Government, if it subscribes its stock, recovers its money and how the dividends are passed out of the bank to the borrower. No one can get a membership in a loan association except one who makes an application for a loan, and no one can make an application for a loan except he be a farmer or some one who wishes to purchase land for agricultural uses. After the first capital of the bank is subscribed no stock can be acquired except by some one who takes out a loan. The system goes exclusively into the hands of the borrowers. My friend Mr. Herrick has recently uttered a criticism of this system by saying that it is not cooperative. I shall pause to remark that either Mr. Herrick, when he made that statement, had never read the bill or he most certainly is guilty of making a misstatement of fact.

The system of federated banks is as truly cooperative and mutual as the German Landschaft associations. Every dollar of dividends go to the borrowers in exact ratio to the loans made and every vote is cast, either by the Government in the public interest, or by the borrowers in their own interest.

Under the operation of this bill, so far as its cooperative features are concerned, no man can exercise any control over it whatsoever except he be a borrower. No man can get a dollar of stock after the minimum capital is subscribed except by taking a loan, and then only 5 per cent of his loan. No man can gain membership in the association except he be a landowner, or a purchaser of land for agricultural uses, and makes an application of a loan of between $100 and $10,000.

Then the whole earnings of the system are divided as follows: First, 25 per cent of the net earnings is set aside as reserve, and the other 75 per cent is paid out as dividends on the stock held by the National Farm Loan Association; these associations pass these dividends to their stockholders who are the borrowers in the system. Thus every dollar of surplus earnings is paid out to the borrowers who own the stock, and thus the service of this great system is given at actual and absolute cost to its membership, less only 25 per cent set aside for reserve. The system is purely cooperative. As soon as the borrower pays off the loan the land bank must cancel the shares of stock held by the farm-loan association which were issued when that particular loan was made by paying it off at par. The borrower thus goes automatically out of the system, leaving it at all times absolutely in control of those who hold loans in the system.

The land bank can not begin to make loans until 10 of these farm-loan associations are organized. Its capital may be subscribed and it may be fully organized, pending the organization of these associations, as soon as there shall be $100,000 of subscriptions made by the National Farm Loan Association in any one land-bank district to the capital stock of the land bank, then the Government surrenders absolute control over the system. These farm-loan associations elect six directors, and the Government appoints three, making a new board of nine directors, six of whom are appointed by the borrowers, and they thereby take absolute and final control of the bank.

It is possible under the terms of this bill that the United States Treasury may purchase $9,000,000 stock. This is the full amount of Government funds which may be invested in the system. No guaranty is given by the Government to any bonds issued by the bank. And whenever the subscriptions by farm-loan associations shall aggregate $750,000, making the total capital of any land bank $1,500,000, thereafter one-fourth of all of the subscriptions made by farm-loan associations to the capital of the land bank is turned back to the Government by

the land bank to retire the shares of stock held by it. If any such stock is held by any other subscriber than the Government, payment is likewise made by the bank in the same manner until all the original stock of $750,000 is retired from the system.

Now, having briefly sketched the operation of making the loans, what is the method of securing the money to be loaned by the bank to the borrowers? Here is the real test of any mortgage banking system. If you want to ask me which is the best mortgage banking system in the world, I will answer that it is the system which can get its money in the largest volume at the lowest rate of interest. The question of whether this system shall be a success or a failure will depend largely on the question of price at which they can sell their bonds. And I want to emphasize the fact that any mortgage credit system depends on the sale of its bonds. Mortgage banks do not depend upon deposits nor subscription to capital stock for funds to make loans. They sell bonds. Now, what price do the various systems of mortgage credit which are well established have to pay for money?

I had the reference librarian go over the quotations of land bonds issued by the mortgage associations of the principal nations of the world to secure the actual market quotations of these securities and how such rates compare with the price of bonds issued by the public authority in each particular country. We selected the 1st day of April, 1914, which was before the war, as being a fair date. Germany is one of the countries where land-mortgage credit is best organized. On the 1st day of April, 1914, 4 per cent bonds of the German National Government sold at 100.1; bonds of the State of Bavaria, one of the most prosperous States of the German Empire, sold at 96.5. Land bonds issued by the Frankfort Joint Stock Land Bank sold at 95.10, and the bonds of the Central Landschaft Association of Germany sold at 94.25. These bonds all bore 4 per cent interest. France is one of the wealthy countries of the world and one where interest rates are generally low, when compared with adjoining countries. French national bonds, 4 per cent, sold the same day at 98.70; bonds of the Haute-Marne division were quoted at 96.20; and the 4 per cent bonds of the Credit Foncier, the great joint-stock land bank of France, sold for 97.70. There is no question more vital to the consideration of mortgage credit than the price of land bonds. Here we have valuable data. In these two great European countries, where land credit has reached, perhaps, its most perfect development, though along widely different lines and by means of radically different organizations, we find the land bonds selling at a practical parity—German bonds issued by a private corporation selling at 95.10, while bonds of a like French corporation sell on the same day in that market at 97.70. German Landschaft bonds of same interest rates sold at 94.25. In comparison the national Governments were able to borrow money on slightly more favorable rates. The smaller States, both in France and Germany, paid practically the same price for money as the land banks and associations of their respective countries. That means that under their systems of credit the farmers of Germany and the farmers of France are borrowing money as cheaply as their State Governments, and we believe we have a system here under which we will secure money at a price which will compare favorably with the market quotations of the Government bonds as the banks do either in France or in Germany.

If that be true, it will mean a uniform rate of interest to the farmers of this country below what even any advocate has demanded.

How are the bonds to be issued? Let us take one of these Federal land banks with $750,000 of capital. It starts out by making its first loan. You ask me at what rate of interest it shall be fixed. I answer at once that the Federal farm-loan board appointed by the President of the United States will fix that rate. They will fix the rate until the first issue of land bonds is made in the United States. So we start out the system with 12 great banks endowed with $9,000,000 of capital subscribed—it may be either by altruistic citizens of the United States or by the Federal Treasury—and the first rate of interest to borrowers under this system is fixed at whatever rate the farm-loan board says it ought to be made at the time the loan is negotiated. As soon as a substantial volume of this money is loaned land bonds can be issued. When $50,000 is loaned to farmers these mortgages are deposited by the banks with an official of the United States Government called a registrar under the terms of this bill. Having deposited $50,000 or more of mortgages, and after such securities have been examined by the farm-loan board, permission is given to that bank to issue $50,000 of bonds and offer them on sale in the markets of the United States. What rate of interest will that first issue of bonds bear? Again that is controlled, under the terms of the bill, by the Federal farm-loan board. After the first issue of bonds, then the matter of rates becomes more nearly automatic, but the first bonds will be sold at whatever rate the Federal farm-loan board may authorize.

Under what condition are the bonds to be offered for sale? Federal land bonds will be issued, based on an equal volume of first mortgages, taken after an official appraisement at not exceeding 60 per cent of the value of the land mortgaged. If improvements are estimated, such improvements must be permanent in their character, be fully insured, and provision made in the mortgage contract for the payment of all insurance premiums. The loans will be amortizable, which means that the principal must be reduced at every interest due date, so that the margin of security is constantly widening in favor of the bondholder. The capital and reserves of the land bank issuing the bonds is primarily responsible for the payment of interest and principal at par, and under the terms of the bill each of the other 11 land banks are made to indorse the issue. The assets and credit liability of one loan association is behind every mortgage held by the land bank; and, finally, the borrower is liable under the law of the State for his obligation to the land bank to the full extent of his property subject to execution under the laws of that State. We have here all the elements of financial strength and safety. No critic of the bill has dared to criticize the security of the land bond. It is to be borne in mind that the price of the bond determines the interest rate to the borrower; and these various elements of financial security are granted in the interest of the borrower, because it is only by a credit instrument of undoubted strength that a low interest rate can be granted to the borrower. For the same basic reason land bonds are freed from all forms of taxation—State, municipal, and National—including income taxes. They are given every exemption in this regard which is granted to Government bonds. We expect then to sell at approximately the price of Government bonds, and we are giving them all the attractive elements of such a security.

Mr. MADDEN. Will the gentleman yield for a question there?

Mr. MOSS of Indiana. Will the gentleman pardon me? I am afraid I will not have time. I would like to finish this matter, and then I will try to approach other features of the bill. Some gentlemen say, "Why are you exempting these bonds from taxation?" I am going to tell you why, and I want to make it very plain. There is just one of two systems that is going to prevail in this country. Either the farmers of this country are going to be given the privilege of assembling their securities and selling their bonds on the market under as favorable terms as public bonds, or the Government of the United States will be compelled to borrow this money and loan it direct to the farmers. I do not care who the man is, if any Member shall stand before this Congress in the face of public opinion and in the face of the history of this movement and attempts to defeat the issue of these bonds tax free, the moment that motion prevails you may just as well prepare to vote for a motion directing this Government to issue its own bonds and loaning the proceeds to the farmer.

The Government bonds will be issued tax free and the farmers of the United States will get essentially tax-free money. I want to leave no question about that in the mind of anybody. Let there be no doubt in any man's mind as to the alternative. That is the history of this system in every country where it has been organized. There is no Government in the world that would dare to tax bonds issued on farm mortgages by a land-mortgage bank. I challenge any man to go to any country in the world and find where the farmers of that country have organized land-mortgage credit and have been compelled to pay a tax on the bonds they issue in order to get money.

Mr. GLASS. As a matter of fact, is it not true that many of the States of the United States exempt these mortgages from taxation?

Mr. MOSS of Indiana. That is correct; and by proposing this feature of tax exemption we are enforcing uniform conditions as to taxation of mortgages throughout the United States. If you propose to adopt a system which taxes the land that a man owns and then propose to tax his mortgages, representing his debt, and then propose to tax land bonds, which represent his mortgage, you are placing triple taxation on the farmers of this country who are in debt and who may seek relief through this system. I hope I will live long enough to see the time when debts which are made in order to stimulate the production of food, clothing, and shelter in this country shall everywhere be exempt from taxation. I believe that bonds issued for the purpose of promoting productive operations on the farm should be free from taxation, and that is the answer I am sure gentlemen would want me to make to the question why these bonds are to be issued tax free. We believe under this system we will en-

courage the farmers of the country to come together in a co-operative capacity——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GLASS. I yield to the gentleman from Indiana five minutes more.

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. CLINE. Will the gentleman yield for a question?

Mr. MOSS of Indiana. I yield to my colleague.

Mr. CLINE. Will the farmer have the privilege of taking an exemption against these loans the same as he does with any other loan?

Mr. MOSS of Indiana. That is a question for State legislatures to settle. We are not bothering ourselves with State systems of taxation and have no control over it. This is a national system.

Mr. CLINE. Suppose he takes out a mortgage on Indiana real estate. Will the farmer be permitted to schedule that against his taxable property?

Mr. MOSS of Indiana. That is a question for the Legislature of Indiana to determine by its statutes.

Mr. CLINE. I am asking whether this will be included in that, being exempt from taxation?

Mr. MOSS of Indiana. I trust that the gentleman will accept my answer to his question and permit me to proceed.

The next question that comes up is that of amortization payments.

One of the greatest disadvantages of the present system not only is the small volume of credit offered to the farmer at a high rate of interest, but the fact that such accommodation is granted for a short time. It is not possible for him to convert his loan into a saving investment. In order that I might bring the advantages of amortization before the House in an adequate way I will print in my remarks a computation made for every section in the Union as to the length of time it will require to amortize the loans at a 5 per cent interest rate if payments be continued annually at the present rate for interest alone; but I will here repeat the one made in the report on this bill. The farm loans at the present time aggregate more than $4,000,000,000, and the average rate of interest is 7.5 per cent. That means that the farmers throughout the country are paying interest charges of $300,000,000 a year. If it were possible to refund this debt under an amortization system at the rate of 5 per cent interest, and the farmers of the United States would continue to pay the same rate of 7.5 per cent as at the present—that is to say, if the farmers could borrow $4,000,000,000 at 5 per cent and amortize it by agreeing to pay 7.5 per cent annually—they would pay every cent of their indebtedness, principal and interest, in 22 years and 6 months. That would save them $175,000,000 a year.

Standing here and making this speech and remembering the fact that it is to be taken down on the RECORD, I want to make the prediction that just as certainly as this bill is enacted into law, without substantial or unfriendly modification within five years from the day of its enactment, loans will be made all over the United States at an interest rate lower than 4½ per cent. [Applause.]

Now, Mr. Chairman, having given the main outlines, I think I ought to take the rest of the few minutes allotted to me to let any gentleman ask me any question he cares to ask. I will yield to anyone.

Mr. BAILEY. Mr. Chairman, do I understand from the gentleman's statement that interest is an arbitrary matter?

Mr. MOSS of Indiana. No, sir; you did not understand me to assert that at all.

Mr. BAILEY. Then we are going to control the rate of interest by legislation?

Mr. MOSS of Indiana. No, sir; we are not going to do that. What we are going to do is this: We are going to present a credit instrument based on the security of the farms of this country that will be as attractive to the investors of this country as the security issued by any State or by the Government of the United States, and we confidently expect to get as low a rate of interest as is secured by the Government on its securities.

Mr. BAILEY. A mobilization of credit?

Mr. MOSS of Indiana. Yes; a mobilization of credit and freeing the credit transaction of the burdens imposed in many sections by law at the present time.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. MOSS of Indiana. Yes.

Mr. CRISP. The gentleman's idea is that the borrower would get the money at the same rate of interest that the bonds are sold at?

Mr. MOSS of Indiana. Yes. I am glad the gentleman spoke of that. Under the provisions of this bill, after the first issue of farm-loan bonds the land banks must loan to the farmers thereafter at the same rate of interest that is stated in the bonds plus the rate of amortization, depending on the length of time of maturity, plus not exceeding 1 per cent on the unpaid principal for profits and expenses.

I want to call the attention of the House to the language of this bill: "One per cent on the unpaid principal." The rate of interest is precisely the same to the farmer as that at which land bonds may be circulated. To this rate will be added the amount in the authorized tables of amortization which will pay the principal agreed upon for the life of the loan, which must be between 5 and 35 years. To this the bank may charge not exceeding 1 per cent on the unpaid principal.

Now, 1 per cent on the unpaid principal is a constantly diminishing sum, and if you average it for the entire life of any loan you will find that it is about three-fifths of 1 per cent on the sum originally borrowed. You who are familiar with the European tables will say: "Moss, some banks loan for 0.35 per cent for an administration charge." That is true; but they are estimating this upon the full principal and not upon the unpaid principal. The Bank of France is allowed by law to charge sixty one-hundredths on the full principal, and that is precisely the same charge that the banks in this bill are permitted to make by charging 1 per cent on the unpaid part of the principal. The board, however, has the right to reduce the administration charge at any time whenever they feel that it is in the interest of the borrowers to do so. It may be observed that all surplus net earnings are prorated to the borrowers.

Mr. TILSON. I was interested in what the gentleman was saying about the mortgage loan associations in Indiana. What would be the effect upon a State or private association?

Mr. MOSS of Indiana. The effect would be that they would incorporate under the provisions of this bill and grant loans on more favorable terms than they are now granting, provided the bill is retained in its present form. In all of these States where these associations are formed this law will be broad enough to permit them to continue their beneficent work and to permit them to make their terms more favorable to the borrowers.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. MOSS of Indiana. Yes.

Mr. KINCHELOE. As a prerequisite under this bill a man must subscribe 5 per cent of the bonds and take that in stock?

Mr. MOSS of Indiana. That is true.

Mr. KINCHELOE. Suppose, as an example, a farmer wanted to borrow $4,000 from the bank. Then he would have to subscribe $200 worth of stock, as I understand?

Mr. MOSS of Indiana. Yes; that is correct.

Mr. KINCHELOE. In case he did not have that $200 in money, is there any way he can get credit at the bank for that stock?

Mr. MOSS of Indiana. Yes. It will be made a part of his loan. He makes the application and subscribes for the stock, but does not pay for it. Now, when the loan is granted the land bank deducts from the loan the amount of 5 per cent and pays the residue over; the borrower begins to pay for his stock subscription as part of his loan. He can pay it in cash in advance or permit the land bank to deduct it, as he prefers.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MOSS of Indiana. Yes.

Mr. FESS. Early in your discussion you spoke of the interest rate in Vermont being 5 per cent and the rate in Montana as being 10 per cent, or an average of 7½ per cent. Do we understand you are attempting to secure a uniform rate by this legislation throughout the United States?

Mr. MOSS of Indiana. We know the rate will be uniform in each one of the 12 districts. There can not be more than 12 interest rates in the United States under this bill. Now, as the assets of the different banks are all merged together, and each land bank insures the bonds issued by every other land bank, it follows that every land bond will have the same security back of it, and we believe these conditions will secure very close to a uniform rate. I will not predict that there will be an absolute uniform rate any more than there is a uniform rate under the present Federal Reserve System, but it will approach more and more nearly to a uniform rate.

Mr. TRIBBLE. Will the gentleman yield?

Mr. MOSS of Indiana. Yes.

Mr. TRIBBLE. Suppose A, B, C, D—in all, 10 farmers—go and establish a loan association, and each are borrowers. Suppose D, who borrowed $4,000, failed to pay it back and there is a loss. Do the other nine who compose that institution sustain the loss, or who sustains it?

Mr. MOSS of Indiana. The land bank will ultimately sustain the loss. The borrowers, who own the land bank, will prorate the loss by receiving lower dividends on their stock.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. HAYES. Mr. Chairman, the chairman of the Banking and Currency Committee has correctly stated that this bill is in no sense a partisan measure. It has been a source of great satisfaction to me to serve upon the Joint Committee on Rural Credits appointed by the last Congress and upon the Banking and Currency Committee during the consideration of this measure. The members of the joint committee, as well as the members of the Banking and Currency Committee, have given no indication that they have thought of politics in connection with its consideration. The members of both committees have sat around the board and have brought to the consideration of this measure the best that they had, without reference to which side of the House they served upon. This measure is, therefore, strictly and purely a nonpartisan measure. I believe that, being nonpartisan, it is vastly better than it could possibly have been if it had been framed as a party measure by either party.

This bill probably does not fully satisfy any member of the committee. Like all such measures, many things in it have been the result of compromise. Representing, as we do, all sections of the country, with different laws and different existing conditions, it is impossible that a measure could be made exactly to suit all, and indeed it is impossible that it can be made to fit exactly the conditions of any one of us. I believe that the measure reported to this House is the best measure it is possible to frame at this time under present conditions. This question has been under consideration by some of us for years. I think it is three years since I began the study of it, and during the last year some of the members of the committee have had almost constant study and consideration of it.

In the matter of rural credits this country is farther behind than almost any civilized country in the world. In almost every other civilized country provision is made by the government in some way for long-term loans by agricultural communities, and opportunity given for amortization payments, so that a man can buy or improve land, or buy stock for stocking his farm, or do any other useful thing in connection with agriculture, and have all the time that he needs to pay for it without being obliged to pay big commissions, expenses of renewal, and excessive interest rates, such as farmers in most parts of the United States now have to pay.

In considering this measure the members of the committee found, as all students of the subject find, that one of two systems have been generally employed in the world in providing credit for farmers. First, a subvention by the Government, notably in the case of France, where $2,000,000 was appropriated by the Government and given to the Credit Foncier of France, that had authority to make loans on long time to farmers. As a matter of fact, most of the loans of this bank have been made to owners of urban property rather than to owners of agricultural land; but the principal purpose of the subvention was to assist the owners of farm lands in securing long-time loans.

The other system is the cooperative system, of which the landschaft of Germany is the most notable. This system would probably never have been in existence, but for the fact that Frederick the Great after his great wars, finding his country greatly impoverished and the owners of land in debt, practically bankrupt, by a decree forced the owners of land in certain sections to combine together in the landschaft. The members of this landschaft were required each to become responsible for the debts of all the others. So that the members of the landschaft in Silesia, for instance, were all liable for the debts of all the other members of the landschaft, and every owner of land was obliged by law to assume this liability. This joint liability made the bonds issued by the landschaft so safe that soon they sold at a very low rate of interest. In a very few years the landowners of Prussia were raised from this condition of practical bankruptcy to a condition of great prosperity. As the result, this landschaft system spread over the whole of Germany and some of its features have been copied in many other countries.

When I began the study of this subject, I was prejudiced in favor of the landschaft system. Having done such wonderful things for the German farmer, I tried to find some way to apply its principles to our conditions. I finally came reluctantly to the conclusion that this system in its purity is not adapted to our farmers, our people being more independent and more migratory in their habits than the Germans. The committee also came unanimously to this conclusion, and so we have been obliged to formulate a cooperative system that we believe will be adapted to this country. We believe that no system would be acceptable to our farmers that requires them to become liable for the debts of one another without limit. In order to incorporate the cooperative principle in this measure, we have therefore permitted the would be borrowing farmers to incorporate themselves into a corporation, a national farm-loan association, subscribing for the stock of the association 5 per cent of the amount of their loan. Only those who desire loans can become members of this association. The bill makes each liable in double the amount of his subscription; that is, liable for the subscription of 5 per cent of the amount of the loan and liable for a like amount, as stockholders in national banks and nearly all subscribers to stocks and corporations in this country are liable. In this way we secure a cooperative system, but with only a limited liability of the members, all the members of the association being borrowers and all of them subscribers to the stock of the association in proportion to the amount of their loans.

When the local association in turn makes application to the land bank, which the bill creates, for a loan for one of its members, it must subscribe to the stock of the land bank to the amount of 5 per cent of the loan applied for.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. McKELLAR. When these land associations make applications for mortgages, does it mean that every member who makes an application for a loan is bound for every other member's loan?

Mr. HAYES. It means that he is bound as a member of that corporation, the loan association.

Mr. McKELLAR. Is his land obligated for the debts of his comember?

Mr. HAYES. No; we eliminated that principle of the landschaft, because, as I have said, we were satisfied that our people would not take advantage of any such system. He is liable, however, to the extent of his stock which he subscribed, and for as much more money as his stock represents.

Mr. McKELLAR. How is that liability secured? Is it secured by the mortgage upon his land to that extent?

Mr. HAYES. No; it is secured in this way. He gives a mortgage or a trust deed upon his land for the amount of his loan to the association, and the association indorses or guarantees, as it were, his loan to the land bank, and the land bank makes the loan and supplies the money. Suppose there were a default upon any loan and a loss, that loss would be assessed, first, against the land of the man who made the loan, and if he had any other assets that could be reached, then his assets would next be liable for that loan, and lastly, the association would be called upon to make good the loss.

Mr. McKELLAR. Where would the association get the money to make it good?

Mr. HAYES. Out of its profits; or, if there were no profits to be reached, then the members of the association would have to be assessed in proportion to the amount of their loans or to the amount of their stock in the loan association to make good the loss.

Mr. McKELLAR. Does not that practically mean that the property of each member of the association is really mortgaged to secure the debt of his coborrower?

Mr. HAYES. No. His property would be liable to respond, of course, to the extent of the subscription that he has made to the stock of the association and as much more. That is all. It is a limited liability, and limited in the most extreme case to 10 per cent of the amount of his loan.

Mr. McKELLAR. I believe, as a prerequisite for the farmer's making the loan, he must subscribe for 5 per cent of stock in the land association?

Mr. HAYES. He must.

Mr. McKELLAR. Is not that very nearly what the ordinary commission is when the farmer undertakes to make a loan now? Does not the agent charge him a commission, and is not that practically in lieu of the commission, and will it not be so regarded by the farmer?

Mr. HAYES. It may be so; but the difference is this, that the farmer gets stock worth 100 cents on the dollar for his 5 per cent, and upon that stock he will draw in dividends whatever the land bank may make in profits, and it will go to reduce the amount of his payments of interest and principal.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. WINGO. Possibly the gentleman from Tennessee [Mr. McKELLAR] may have in mind a provision that was in the House bill when it originally was framed, and which is still in the Senate bill, and that is the "unlimited-liability" feature, which, the gentleman will recall, was stricken out of the House bill in the committee upon my motion?

Mr. McKELLAR. Yes.

Mr. WINGO. Possibly that is what the gentleman from Tennessee is speaking of?

Mr. McKELLAR. That is what I had in mind.

Mr. WINGO. That has been cut out of the House bill, but it is in the Senate bill.

Mr. HAYES. Yes; that is in the Senate bill, and was originally in the House bill as reported by the joint committee, but the Committee on Banking and Currency has stricken that out, believing that the farmers of the country would not take advantage of that provision, and that it might serve to confuse them and prejudice them against the system which will be created by this bill.

Mr. McKELLAR. I will say to the gentleman, I think it was wise to take that out, as I think it would prejudice the farmers very much against this.

Mr. HAYES. It is not in the bill as reported to the House.

Mr. WINGO. In the House bill, as it now stands, the only liability of a borrower is that of a stockholder in the local association?

Mr. HAYES. Yes.

Mr. WINGO. In other words, he is simply liable as a stockholder in the association, as a stockholder in a national bank now is liable for the losses that the bank may suffer?

Mr. HAYES. Just exactly the same.

Mr. WINGO. And so far as his 5 per cent subscription to the stock is concerned, the only loss that he can suffer will be by reason of loss as a member of the association?

Mr. HAYES. That is all.

Mr. WINGO. An assessment to the amount of this subscription being made upon him to meet the loss, if any, of the association?

Mr. HAYES. That is it, exactly.

Mr. TILSON. What becomes of a man's stock after he pays his indebtedness?

Mr. HAYES. His stock is paid for by the land bank, or the association, rather, the land bank paying for the stock the association subscribed in the land bank, and the association in turn paying for the stock which the member subscribed at the time of the loan, and then he ceases to be a member of the association.

Mr. TILSON. He must cease to be a member?

Mr. HAYES. Yes.

Mr. TILSON. He can not continue to hold stock?

Mr. HAYES. He can not. The stock is confined entirely to the borrowers. They are the stockholders of both the local corporation and the general corporation or the land bank. The borrowers are the only stockholders.

Mr. HELGESEN. In other words, he can pay the last 5 per cent of his loan with his stock?

Mr. HAYES. He can. That will liquidate the last 5 per cent of his obligation.

Mr. GLASS. And in the meantime he may draw dividends on his stock.

Mr. HAYES. Yes; he will.

Mr. FESS. How many kinds of associations do you provide?

Mr. HAYES. We provide for one kind only, the national farm-loan association, which is the local association.

Mr. FESS. Nothing like the national bond or mortgage association?

Mr. HAYES. Not at all. A national farm-loan association is a local association. Ten or more individuals desiring to borrow money upon farm lands may form such an association, and they must certify or show by their application that they desire loans to the extent of at least $20,000 before they can become an association. These loans with their applications are put up to the national farm-land bank of their district. After the lands are examined and found to be all right for the loan for which they apply and the amount sufficient under the law, then the farm-land bank recommends a charter be granted, and a charter is granted by the Federal farm-loan board to that association and the loans are made and they become stockholders in the local association, which in turn becomes a stockholder in the land bank to the extent of 5 per cent of whatever loans are taken out by that association. That is the system.

Mr. STEENERSON. Will the gentleman yield?

Mr. HAYES. I will.

Mr. STEENERSON. Is there any limitation upon the amount of interest to be paid?

Mr. HAYES. Yes; there is a limitation that not to exceed 5 per cent shall be paid upon the bonds, and not to exceed 1 per cent above that paid upon the bonds shall be charged the farmer by the land bank. Now, it is not provided in this bill that not less than that shall be exacted for interest, profits, and operation expenses, administration expenses, but not more than that. In my judgment, half of 1 per cent would cover these charges after this system gets into operation—and I believe it will in a year or two—half of 1 per cent will probably be sufficient to cover profits and expenses.

Mr. STEENERSON. What is the rate of interest the gentleman anticipates that the farmer will be able to get money for under this bill?

Mr. HAYES. My expectation is that they will get money anywhere in the United States for 5 per cent.

Mr. RUSSELL of Missouri. Will the gentleman yield?

Mr. HAYES. I will.

Mr. RUSSELL of Missouri. I am asking purely for information. What is the lowest amount of money, or is there a minimum amount that can be borrowed?

Mr. HAYES. One hundred dollars is the lowest amount any land bank can loan to the farmer.

Mr. RUSSELL of Missouri. Is there a limit beyond which they can not go?

Mr. HAYES. Yes; $100 is the lowest and $10,000 is the maximum that they can loan to any one party.

Mr. RUSSELL of Missouri. I understand this must be loaned upon farms?

Mr. HAYES. Yes.

Mr. RUSSELL of Missouri. That no money can be loaned upon city property?

Mr. HAYES. It can not.

Mr. RUSSELL of Missouri. How about a farmer who owns land not in cultivation, but he wants to make a farm out of it? Can he borrow the money?

Mr. HAYES. He can borrow the money to buy it.

Mr. RUSSELL of Missouri. On unimproved land?

Mr. HAYES. He can.

Mr. HUGHES. Will the gentleman yield for a question to see if I understand his statement?

Mr. HAYES. I will.

Mr. HUGHES. For instance, a man wishes to borrow $10,000. In that event he must subscribe for $500 of stock?

Mr. HAYES. He must.

Mr. HUGHES. That is 5 per cent. Now, in the event of a defalcation or for nonpayment of interest he is liable to the amount of that sum, to the amount of $500?

Mr. HAYES. Yes; and $500 in addition.

Mr. HUGHES. He borrows $10,000 and therefore he is liable only in the amount of $1,000?

Mr. HAYES. That is all he can ever be liable for.

Mr. HUGHES. That is the extent of his liability?

Mr. HAYES. That is the limit of it.

Mr. MADDEN. Will the gentleman yield?

Mr. HAYES. I will.

Mr. MADDEN. This bill proposes to establish 12 regional banks.

Mr. HAYES. Yes.

Mr. MADDEN. Do I understand under the provisions of the bill any man who wants to borrow money on a farm would be obliged to visit the regional bank in order to make application for the loan?

Mr. HAYES. Not at all. He makes the application to his local association. He joins an association in his neighborhood, or if there is not one he unites with nine other men and they form a local assocation and elect a secretary-treasurer and a loan committee, and they get a charter from the Federal farm-loan board and then he can send his application to the bank as soon as the charter is issued. The bank sends its appraiser to appraise the land and if the land is found to be sufficient, the loan is made. He does not have to go there at all but the money is sent to the association, to the secretary-treasurer of the local association for payment to him upon the loan.

Mr. MADDEN. Does the gentleman think under any possibility of the provisions of this bill it would be necessary for a man who wanted to make a loan to go any considerable distance in order to make application for a loan? If he had to do that would not the expense of the application more than offset the low rate of interest?

Mr. HAYES. If that were true it might, but that is not the situation. There is no need for him to go any great distance.

Mr. VENABLE. Will the gentleman yield?

Mr. HAYES. I do.

Mr. VENABLE. As I understand the bill there are three processes of loaning machinery, one the Federal land bank and then the loan association——

Mr. HAYES. That is subsidiary to the land bank; that is part of the same system.

Mr. VENABLE. And a joint-stock land bank?

Mr. HAYES. That is an entirely different system, and I have not spoken of that at all.

Mr. VENABLE. Possibly this question is not at the proper time, and I do not want to interrupt the gentleman in the continuity of his discussion.

Mr. HAYES. That is all right.

Mr. VENABLE. Is there any difference in the liability of the borrower from one of these banks or associations and another? Is the liability any different?

Mr. HAYES. The gentleman means to ask whether there is a different liability to a joint-stock bank and a Federal land bank?

Mr. VENABLE. Yes, sir.

Mr. HAYES. Oh, yes; the liability is quite different. The joint-stock bank is a private institution and not cooperative at all.

Mr. VENABLE. That is the point I am getting at. In other words, these banks can be competing

Mr. HAYES. Yes; they can be.

Mr. VENABLE. And what do you think will be the probable effect, for instance, on the Federal land bank of a joint-stock association wherein, say, the borrower does not assume the same amount of liability that he does if he borrows from the Federal land bank?

Mr. HAYES. If you want to know my opinion—and it is purely a matter of judgment—it is that very few joint-stock banks will be organized, because they never can compete with the cooperative organizations. It will be impossible for them to make the same rate of interest that the cooperative organizations can make, because they must make profits for their stockholders, and in case of the cooperative organization no profits need to be made, or, if they are made, they go to reduce the payments of the borrowers. The rate of interest on the bonds issued by the Federal land banks should be much lower than on the bonds issued by the joint-stock banks, and therefore the rate of interest to the borrower should be much less.

Mr. VENABLE. Now, if they can not compete, they eventually will be driven out of the business?

Mr. HAYES. In some places they may thrive—where there is no cooperative effort. That is the reason I have agreed to permit them to be organized. I do not think they will be largely organized in the United States; but I think they will do no harm.

Mr. VENABLE. You think that the competition of the Federal land bank will drive these joint-stock organizations out of the business?

Mr. HAYES. I do. In Germany the joint bank and the landschaft exist side by side. The landschaft makes the long term and the joint-stock bank makes the short-term loan. The borrowers are not circumscribed in the purposes of the loan by the joint-stock bank as they are by the landschaft. So it may be possible that I am mistaken. A joint-stock bank may be organized and thrive side by side with the cooperative institution, because they can grant loans that the cooperative institutions would not care to grant, for a shorter time, for instance, and can grant them for other purposes than they will be granted by the cooperative institutions. These cooperative institutions, by the law, and properly so, in my judgment, are restricted in their loans to those things that are going to increase the agricultural efficiency of the country; for the purchase of land for farms, for the improvement of farms, by erecting buildings, and for the stocking of the farms, for buying machinery, or something of that kind, that will make the farmer able the more perfectly and fully to meet the demands of the country for agricultural products. Whereas the joint-stock bank has no such limitation.

Mr. CRISP. I would like to ask the gentleman where the application is made for the loan, what provision is made for inspecting or examining the title to the land? Who is to pay the expense of this examination, and if there is any limitation as to the amount of expense that may be incurred for making the legal investigation?

Mr. HAYES. The provisions of the bill are that a charge limited to the real, exact cost of making the examination may be made against the borrower, and that is all. The land bank, of course, will make that examination, and will have its agents, its attorneys, and examiners for that purpose, and may make a charge limited to the exact cost of the examination.

Mr. PHELAN. And I may suggest in addition, that that is subject to the rules and regulations of the farm-loan board, so that there will be no excessive charges by lawyers.

Mr. POWERS. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. POWERS. Before loaning any money, do I understand that money has got to be invested in the farm in some sort of way, either in stocking or buying?

Mr. HAYES. The provision of the bill is this: That the applicant must be an owner or about to become an owner of farm land which he is trying to cultivate or proposing to cultivate.

Mr. FESS. When this is complete, what will be the legal relation to the Federal reserve bank—that is, what will be the relation of the Federal land bank and the Federal reserve bank?

Mr. HAYES. No relation whatever.

Mr. FESS. Two entirely different systems?

Mr. HAYES. Entirely independent systems.

Mr. FESS. Can one invest in the other?

Mr. HAYES. Yes. There is a provision of the bill that the members of the Federal Reserve System may purchase the bonds and they may be used as security for deposits, and things of that kind, but other than that there is no connection.

Mr. WINGO. Referring again to the question of competition between the joint-stock banks and the Federal land banks, the gentleman stated a few moments ago that he doubted if the joint-stock banks would be able to compete successfully with the land banks, for the reason that they could not make a profit. Now, is not this true, that the joint-stock banks will have a greater opportunity to make a profit than the Federal land banks? Is it not true that the joint-stock banks can issue bonds to the extent of fifteen times their capital stock? That would give them a gross earning on the 1 per cent margin out of which they would pay expenses and dividends of 15 per cent on their capital stock?

Now, the experience of other countries, and the experience of concerns of that kind that are already operating in this country, shows that the administrative expenses would be less than 1 per cent. Then, if they went to the maximum of their capacity, is it not probable that they will be very profitable institutions, because they have that margin, and, in addition, there are no limitations upon them to the extent that there are on the land banks?

Mr. HAYES. Yes; they may in some places become profitable if they do a large business; but they will not be as profitable as the other associations, which are authorized to loan twenty times the amount of their stock, and which may have less overhead charges to pay.

Mr. WINGO. What difference will there be in the overhead charges between a joint-stock bank and a land bank?

Mr. HAYES. None occurs to me just now.

Mr. WINGO. I take it that this is the real question involved: Would it not be impossible for the Federal land bank to compete with the joint-stock bank in the same territory for this reason? Here is a farmer who wishes to take out a loan. If he wishes to patronize the Federal land bank, he must assume a stock liability amounting to 5 per cent of the amount of the loan. If he wishes to take a loan from the joint-stock bank, he does not assume that liability and does not have to go into the organization.

Mr. HAYES. That is true.

Mr. WINGO. Will not that make it possible for the joint-stock bank to crowd out the Federal land bank in that territory?

Mr. HAYES. No. There are other advantages that will offset that.

Mr. MOSS of Indiana. I think in this matter actual experience is worth more than theory. I would like to call attention to the fact that in Germany the landschaft has something like $750,000,000 of loans on the farm lands of Germany, and the joint-stock banks, without restrictions of any kind, have $170,000,000 of loans on the lands of Germany.

Mr. WINGO. But there is no comparison between that and the conditions that will operate here.

Mr. PHELAN. There is some difference in the expenses. For example, the stock of the joint-stock bank is taxable, and the stock of the cooperative banks or the Federal land banks is not taxable.

Mr. HAYES. That is true, and the security behind the bonds of the cooperative bank is much more perfect than that behind the joint-stock bank, making it certain the interest rate of the former will be lower.

Mr. SUMNERS. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. SUMNERS. As to the 5 per cent margin in stock which is provided for in this bill, if that should be absorbed, what authority is there in the bill to prevent the general system from going into bankruptcy?

Mr. HAYES. Of course, there is no power conferred upon anyone by the bill, and there could not be any power conferred—you can not prevent by law any system of financial institutions

from becoming bankrupt. The only thing that can be done is to provide by law for every possible emergency and to make it as safe as it can be made. That is the attempt here. That is the reason for stock subscription by the borrower and for his liability for as much more as his stock, in order to make the institution absolutely safe. It has another purpose also. That stock liability and the liability for 5 per cent in addition makes the loan committee, who are all members of the local association who make the loans and who would be liable for poor loans and for any default on the part of the borrower—it makes them cautious to see to it that they do not make loans that will not be paid back in full by the borrower.

Mr. SUMNERS. In these cooperative associations you permit loans of 20 to 1, and 15 to 1 of the other sort?

Mr. HAYES. Yes.

Mr. SUMNERS. What is the reason for that?

Mr. HAYES. Because we did not want to give the joint-stock bank any advantage over the cooperative. The joint-stock bank stands by itself. It is not bolstered up by all the borrowers, as the cooperative system is. It has to look out for itself and not depend upon anyone or anything else. The cooperative banks have all the rest of the banks to lean upon. The security behind their bonds is therefore much better and the rate of interest should be much lower.

Mr. MADDEN. In the case of the national banks, loans are made in the proportion of 1 to 8.

Mr. HAYES. It depends on whether they are in a reserve or a central reserve city or otherwise.

Mr. MADDEN. That is the average.

Mr. HAYES. Yes; I think it is. I have not figured it out, but I will say to the gentleman from Illinois that the savings banks loan 20 to 1; that is the provision of the Federal reserve act, that the national banks may loan on farm lands on a 5 per cent reserve.

Mr. PHELAN. Mr. Chairman, May I make another suggestion to the gentleman in that connection?

Mr. HAYES. Yes.

Mr. PHELAN. It is practically impossible ever to reach that proportion of 20 to 1. Also in connection with the question that the gentleman from Texas [Mr. SUMNERS] asked; in the case of a joint-stock bank, the proportion is 15 to 1 of the capital and surplus in the joint-stock banks and 20 to 1 in the others?

Mr. HAYES. Yes. The same thing is true of the joint-stock bank. Practically the joint-stock bank could not loan 15 to 1 any more than the land bank could loan 20 to 1.

Mr. McKELLAR. Mr. Chairman, will the gentleman permit a question?

Mr. HAYES. Yes.

Mr. McKELLAR. Suppose I am a farmer and I want to loan $10,000 on a piece of property that is capable of borrowing that much. Do I have to pay $500 in cash to begin with?

Mr. HAYES. You do not.

Mr. McKELLAR. How is that arranged?

Mr. HAYES. If you have not the money so as to pay it in cash, you can have it added to the loan.

Mr. McKELLAR. Or deduct it out of the loan?

Mr. HAYES. Yes. Suppose you borrow $10,000. Your 5 per cent subscription to the loan is added to the $10,000, and the $500 as well as the $10,000 is apportioned in the amortization payments and paid off with the loan.

Mr. SIMS. What per cent of the value of the mortgaged land has the loan?

Mr. HAYES. Sixty per cent.

Mr. SIMS. Is not that the basis of the appraisement?

Mr. HAYES. It should be, if the appraisement is properly made. It is 60 per cent of the value of the land, and 20 per cent of the value of the permanent insured improvements.

Mr. SIMS. What is the limit of the loan as to time?

Mr. HAYES. Not less than 5 nor more than 36 years.

Mr. FERRIS. I want to ask the gentleman a little bit about this cooperative-borrowing association. Of course, the committee considered the proposition of getting rid of that agency, and I want the gentleman to give us his information on that proposition. For instance, I can see why it is necessary for the borrower to be held liable for a certain per cent of his loans, and I can see why he should be held for a limited liability; but it seems to me it will be cumbersome and ponderous to force a local community of unschooled farmers to form an organization, and it seems to me that the committee would have made a more workable proposition if they had designated some national bank in each county or in each county seat, and let the applicant go direct to that bank, subject himself to the same liability as you provide for, and eliminate this cumbersome organization. I do not believe that part of it will pan out.

Mr. HAYES. A national bank would not be under any obligation to act as agent for the borrower unless it chose to do so, and the committee having in mind the fact that the national banks are commercial banks, which should not be engaged in loaning money on farm lands or any other real estate on long time or making any other long-time loans, the committee did not desire to mix up the national banks in this sort of business. They did not think it would be sound.

Mr. FERRIS. But if the gentleman will pardon me, national banks are subjected to national inspection.

Mr. HAYES. That does not matter.

Mr. FERRIS. And they are subjected to national control.

Mr. HAYES. Yes.

Mr. FERRIS. And the National Government could more easily make an arrangement with them, I assume.

Mr. HAYES. But the Federal Government should not do so, in my judgment. I should be absolutely against any such proposition. The national banks are commercial banks, and they should be confined to that business, and should not engage in making long-time loans to farmers.

Mr. FERRIS. I think you will find difficulty getting a group of farmers to organize into a loan association.

Mr. HAYES. Only experience can determine. The gentleman might think so, and I might think differently.

Mr. GLASS. They do form themselves into associations, and they can borrow through an agent who is willing to indorse their paper, and they can borrow through the joint-stock banks.

Mr. HAYES. Yes; and the agent can be paid for his services.

Mr. HASTINGS. I was going to suggest to the gentleman that he explain section 15, which provides for the appointment of agents.

Mr. HAYES. I have not spoken of that. I should like to ask how much time I have consumed, Mr. Chairman?

The CHAIRMAN. The gentleman has consumed 40 minutes.

Mr. HILL. The gentleman comes from a State, as I do, where there are a very large number of savings banks, and a large amount of mortgage loans held by them.

Mr. HAYES. Yes.

Mr. HILL. Has the gentleman investigated at all the effect of this nontaxable bond, or practically nontaxable mortgage loan, upon the savings-banks system of his State and mine?

Mr. HAYES. I can only say that so far I have not received a single protest——

Mr. HILL. I would value the gentleman's opinion more than that of most of the people who might protest.

Mr. HAYES. My opinion is that many of the savings banks will buy these bonds, and it will save them largely the expense and trouble of making the loans individually. I have an idea that they will invest largely in these bonds.

Mr. HILL. What becomes of their existing loans?

Mr. HAYES. Of course they will mature.

Mr. MADDEN. Is there any provision made for an examination of the abstracts, and the survey of improvements, and so forth?

Mr. HAYES. Yes; certainly.

Mr. MADDEN. How do they do that?

Mr. HAYES. The land bank does it, and charges the actual cost only, under regulations of the Federal farm-loan board, to the borrower.

Mr. GLASS. Might it not be explained there that it is under a system that will insure the very least possible cost to the borrower?

Mr. HAYES. Yes; certainly.

Mr. MOSS of Indiana. In regard to what the gentleman from Connecticut [Mr. HILL] has said, I should like to call attention to the fact that notwithstanding the marvelous development of this organized land credit in Germany, the savings banks of the German Empire hold $850,000,000 of mortgages on rural real estate in Germany, or more than any other one class of banks that there is.

Mr. HAYES. And they do it in all countries where they have the landschaft, but, of course, those are mortgages that are on shorter time and for other purposes than those that the landschaft would grant loans for.

Mr. RAGSDALE. In addition to the economy that would necessarily follow the purchase of these bonds by reason of a system of looking into the titles, this would also be a matter of satisfaction and economy in the future purchase of lands in that it would definitely fix the title after it had been once examined.

Mr. HAYES. That is all true.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Idaho.

Mr. SMITH of Idaho. What provision is made for requiring the borrower to expend the amount borrowed upon his farm in the way of improvements?

Mr. HAYES. He applies to the local association, and it is made the duty of the secretary-treasurer of that association to see to it that the money is spent for the purposes provided in the application for the loan. It is his duty to report to the land bank any breach of that agreement on the part of any borrower.

Mr. RAGSDALE. Just as where money is borrowed from a loan building association the association sees to it that the money is used on that lot?

Mr. HAYES. Yes.

Mr. POWERS. What is the remedy if he does violate the agreement?

Mr. HAYES. The loan is declared due and payable and he may be called upon to pay it at once.

Mr. EMERSON. I listened with much interest to the question of the gentleman from Oklahoma as to why this loan matter could not be carried on through the national banks and save the expense.

Mr. HAYES. I do not see that it would save expense. The national banks could not afford to do it without being paid for it. The other banks are paid for it by the people who are the borrowers, and if any profit comes out of it they get it back, and besides that, the national banks ought not to be mixed up in making long-time loans to farmers.

Mr. RAGSDALE. Would it not impair the credit of the national banks on the part of the depositors by feeling that the money was not liquid, as it would be if the bank dealt in ordinary securities?

Mr. HAYES. Yes; it would impair the safety of the bank.

Mr. SNYDER. Is it not a fact that the national banks are handling the loans of all the farm paper to-day?

Mr. HAYES. It is not a fact.

Mr. SNYDER. They are in many communities.

Mr. HAYES. Well, small banks in the country that are national banks, it is true, may handle long-time farmers' paper.

Mr. SNYDER. These are not small banks, but thousands and thousands of dollars are carried for farmers from year to year, and at a very low rate of interest.

Mr. HAYES. Not very.

Mr. SNYDER. I am of the belief that arrangements could be made where this banking business for farmers would be better carried on than in the way proposed.

Mr. HAYES. I can not yield to the gentleman for a speech, but I can not agree with him.

Mr. BAILEY. I want to ask the gentleman if he has considered the possibility of the effect of this measure in the way of stimulating an increase in farm-land values.

Mr. HAYES. Yes; we considered that very carefully. It may have some such effect, and I fear that it will.

Mr. BAILEY. There have been increases in recent years——

Mr. HAYES. In Iowa, which has the greatest facility in the way of cheap loans—I believe they have the cheapest rate of any Western State—the result has been a large increase in the value of farm land.

Mr. BAILEY. And an actual decrease in population.

Mr. HAYES. Not serious—many of the younger men, of course, have gone from farms to the cities, and Iowa has no large cities.

Mr. MORGAN of Oklahoma. Referring to the question of the national banks issuing loans for this land bank, I want to know why it would not be proper to use the national bank, and likewise the State banks, as agents for the Federal land bank without indorsement, but simply receive the applications and transmit them.

Mr. HAYES. Oh, no; I could not agree to that proposition at all, for the reason that the bank making the loan and passing upon it and acting as agent would have no pecuniary interest in the matter at all, and therefore their agency could not possibly have any value.

Mr. MORGAN of Oklahoma. I do not intend that——

Mr. HAYES. I can not yield to the gentleman for a speech; he will have time to make his own speech.

Mr. FESS. The gentleman provides for the principle of amortization in this bill. What is the limit of time?

Mr. HAYES. Thirty-six years.

Mr. SMITH of Minnesota. Is not one of the chief features of this plan to reduce the initial cost of making the loan?

Mr. HAYES. Certainly.

Mr. SMITH of Minnesota. If we use the national banks or any other outside agency, there will be some expense attached to it.

Mr. HAYES. Necessarily.

Mr. SMITH of Minnesota. But under the local associations all of the initial expense is donated by the members of that association.

Mr. HAYES. Absolutely.

Mr. SMITH of Minnesota. No man connected with the local association gets any pay except the secretary-treasurer.

Mr. HAYES. That is true.

Mr. SMITH of Minnesota. He is the only one that does not have to be a member of the association.

Mr. HAYES. Yes.

Mr. GLASS. In connection with the question asked by the gentleman from Oklahoma, is not the basic principle of the bill the sale of the land-bank bonds, and if we should eliminate the indorsement of the land banks, would it not impair the security of the bonds?

Mr. HAYES. I doubt if they would be saleable at all.

Mr. MORGAN of Oklahoma. How does the indorsement of the local association affect the bonds?

Mr. HAYES. Just as the indorsement of the landschaft in Germany makes the bonds saleable. It would be impossible to sell the bonds in the general market without it.

Mr. MORGAN of Oklahoma. A loan association takes it for the Federal land bank and that is all they have.

Mr. HAYES. They have the security from the individual borrower and in addition 10 per cent of the amount of his loan. Besides this each loan has behind it the responsibility of all the members of the local association to the extent of 10 per cent of the amount of their loans; second, the stock and surplus of the Federal land bank; and third, the responsibility of all the other land banks in the system, making it absolutely certain that every bond issued by this system will be paid, principal and interest. Now, I must in justice to my colleague close.

Mr. EMERSON. Mr. Chairman, before the gentleman concludes, will he yield?

Mr. HAYES. Yes.

Mr. EMERSON. As I understand the point, in having these national banks and local banks act as agents it is to save expense?

Mr. HAYES. Not at all.

Mr. EMERSON. Why could not the expense be saved?

Mr. HAYES. It would not save any expense. I can not go into that matter for I have not the time, but the purpose in having the agencies provided for in this bill is to provide opportunities to farmers to get loans from this system before local associations are organized. There may be places in the country where farmers will be very slow to organize into local associations and assume this 10 per cent liability, and in that case we permit the local banks or farm-mortgage associations, or other like instrumentalities, to act as agents for the farm-land bank to make these loans; but in order to do so they must indorse the loan and become liable as indorsers on it.

Mr. SMITH of Michigan. Mr. Chairman, I want to be clear on one point, and that is the expense preceding the making of the loan. I understood the gentleman to say that the expense of the examiners and attorneys in looking up the title, and the clerks and agents, and so on, is paid by these associations?

Mr. HAYES. No. I said that the expense of the appraisement is paid by the land banks and that the expense of examining the title may be paid by the land banks, and the cost of that examination only is chargeable to the borrower. The initial expense is cut down to the very lowest limit by the bill.

Mr. SMITH of Michigan. The appraisement of the land is charged to the association?

Mr. HAYES. I believe not, if I remember right.

Mr. SMITH of Michigan. To whom is it charged?

Mr. HAYES. The land bank. That is a part of its operation expenses.

Mr. SMITH of Michigan. Then that expense is paid by the Government?

Mr. HAYES. Not at all. It comes out of the profits of the system.

Mr. SMITH of Michigan. What does this mean: "The national farm-loan board"——

Mr. HAYES. Its salary is paid by the Government.

Mr. SMITH of Michigan. I wish to read this from page 76:

The Federal farm-loan board—

And it is admitted that their salaries are paid by the Government—

shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board * * * and shall be paid in the same manner as the salaries of the Federal farm-loan board—

Which is out of the Treasury of the United States.

Mr. HAYES. These attorneys, clerks, agents, and laborers are to be employed in the office of the farm-loan board here in Washington and paid, like any other employees in a bureau, out of the Federal Treasury, not to be charged up to the borrower at all.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. CARAWAY. At page 18 it is provided that the secretary-treasurer of the local association enters into a bond conditioned, among other things, upon the prompt collection and payment of interest and principal. I take it that under the language of the bill he and his bond will be responsible for any payment due and unpaid by any member.

Mr. HAYES. For negligence—lack of faithfulness in the discharge of his duties only.

Mr. SNYDER. In a section of the country where farmers are borrowing money now on a basis of 6 per cent for a period of from 1 year to 36 years, how much better off does the gentleman think the farmer of the country would be under this act?

Mr. HAYES. Just as much better off as the interest rate is lower.

Mr. SNYDER. That is what I would like to have the gentleman's judgment upon.

Mr. HAYES. Of course, nobody can tell what interest rate can be obtained on the bonds. They may be before long as they are in Germany. There the landschaft bonds sell at as low a rate of interest as the Government bonds, and there is no reason that I can see why these bonds should not sell as low as 4 per cent. In that case the farmer would get his money, as the gentleman from Indiana [Mr. MOSS] has said, probably at 4½ per cent. That is my expectation. If this system works out—and we hope it will—the ultimate result will be that in a few years the farmers of the country will get their money at 4½ per cent.

Mr. SNYDER. I sincerely hope that will come true.

Mr. FERRIS. Mr. Chairman, I hope the gentleman will deal with section 15 before he concludes. In reply to a question of the gentleman from Ohio [Mr. FESS], the gentleman from California admitted that there were times when it would not be feasible to make up these local cooperative associations for the purpose of borrowing, and I think that will be true all of the time. I do not think that will be feasible at any time, myself, but, inasmuch as the gentleman has conceded that in certain cases it would be, I want to know whom, under section 15, you could get to indorse this paper?

Mr. HAYES. If the gentleman is asking my opinion, I will say frankly to him that I do not think there is much in that provision.

Mr. FERRIS. I do not either. What is it in there for?

Mr. HAYES. Because some gentlemen wanted it there, and the rest of us could see no harm in it, and we let it remain.

Mr. GLASS. May I not say it was in there not because the committee believed there were any farming communities that would not organize any of these associations, but that one member of the joint committee did believe that there might be some communities who would not, and asked to safeguard us against the possibility.

Mr. FERRIS. But what benefit can you get under a provision which everybody admits will not accomplish anything?

Mr. GLASS. That is not the case; everybody does not admit it. It was put in——

Mr. FERRIS. I have never found any banking institution or any other institution that had that affection and generosity so that they would be willing to indorse other people's paper——

Mr. HAYES. They get paid for it.

Mr. FERRIS. Even so, there is no use putting it in when——

Mr. HAYES. But I am not sure that it would not be valuable in some parts of the country.

Mr. MOSS of Indiana. Will the gentleman permit?

Mr. HAYES. I will.

Mr. MOSS of Indiana. There were several statements that I wanted to correct, but I should now like to make this statement: That there are now 11,000 cooperative business organizations among the farmers of the United States, and last year they did a business exceeding $1,400,000,000, and that statement was made before the Committee on Agriculture of the House, and people generally do not seem to understand the extent of this cooperative business.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. HAYES. I am sorry I can not. Mr. Chairman, in conclusion I want to say that this bill is not all that I would have it. There are many things lacking in it that I should like to see in it. There are some things in it that I should like to see out of it; but its imperfections can be corrected by amendment after they have been fully disclosed by actual operation. I believe it is the best bill that can be presented at this time, and I firmly believe that if the farmers will accept it and act upon its provisions and organize these local associations, it will come to be the greatest blessing that ever was conferred by the Federal Government upon the agricultural communities of this country. [Applause.] For that reason I am going to support the bill, although, as I say, it is not all that I could wish for.

Mr. HASTINGS. Mr. Chairman, the gentleman has made such a very comprehensive statement that I wish the gentleman would tell the members of the committee how a member could join a local loan association after one has been formed.

Mr. HAYES. He simply makes application to his local association for a loan and his application for membership goes with that application for the loan. The loan committee immediately takes it up and the association passes upon the loan. If they accept his loan, then he is accepted as a member of that association, subject to be eliminated if the land bank afterwards refuses to make the loan.

Mr. HILL. Will the gentleman yield?

Mr. HAYES. I will.

Mr. HILL. Will the gentleman inform me—I do not seem to find it—whether the bonds issued by the joint-stock bank are exempt from taxation?

Mr. HAYES. Yes.

Mr. HILL. The simple fact is that this farm mortgage is construed to be an instrument of the United States?

Mr. HAYES. Absolutely.

Mr. HILL. Then I would like to ask this question: Would the gentleman believe this Congress had the right to declare that the mortgage bonds of the railroads of the country were instruments of public utility and that they should be exempt from all taxation?

Mr. HAYES. I would say to the gentleman that I am not a great constitutional lawyer, and he will have to propound that proposition to somebody who knows more about constitutional law than I do. The committee has taken the advice of men in whom they had confidence as lawyers, and they tell us it is proper and constitutional for us to exempt the bonds or the mortgages under this system from taxation.

Mr. HILL. Take a State where the land is taxed and mortgage bonds are issued under this banking system; do you think the Federal Government has the right to make them free from taxation in Connecticut when my State taxes them?

Mr. HAYES. I think there is an equity in it. It would be inequitable to the farmer to permit his mortgage instrument, representing a percentage of the value of his land, to be taxed in some other locality when his land has already been taxed at its full value in the State where located.

Mr. HILL. Then this bill practically renders invalid taxation in every State where the tax is now imposed.

Mr. SIMS. In every State where they tax these bonds they certainly will not be sold, because there is a market where they are untaxed; so they would not go there.

Mr. HAYES. I think so.

Mr. GLASS. Will my colleague use some more of his time?

Mr. HAYES. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. MORGAN]. How much time have I consumed?

The CHAIRMAN. Sixty-two minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman and gentlemen of the committee, I can not in a 30-minute talk discuss the important propositions in this bill. I have some very positive views on the questions involved. I do not agree with other gentlemen who I know have given great study to this question and who I know are equally as sincere and honest in their views as I am in mine. There are quite a number of changes that I would like to make in this bill, but I can only discuss a few of them. I may be able to discuss really only one. So I will begin my talk by stating what I think should be the first thing eliminated from this bill, namely, section 16, which authorizes the creation of joint-stock banks. I believe that we should create but one system of banks in starting out with our system of land credits in this Nation. If the joint-stock bank shall be created and organized and have begun the business of issuing bonds, running for 36 years, they will always remain a part of our system. It is a matter of conjecture, of course, as to how many of these banks will be organized and what amount of business they will do, but once organized and doing business they will remain a part of our land-credit system for centuries to come.

I wish to present some arguments against the creation of joint-stock banks as instruments to provide the farmers of the United States with land credit. As introductory to the discussion I present the following propositions:

First. Private banking corporations organized for gain, conducted for profit, managed in the interest of shareholders, whose chief concern must be in the receipt of dividends and clothed with power to levy unjust tribute upon both borrowers and lenders, should not be made Government instrumentalities to act as middlemen between farmers and investors and, by national authority, clothed with power to levy unjust tribute on both borrowers and lenders.

Second. The joint-stock banks will neither enlarge land-credit facilities for the farmers of the United States nor augment the amount of credit at their command.

Third. The creation of joint-stock banks to do business in conjunction with the 12 Federal land banks will increase the average rate of interest paid on farm mortgages by the farmers of the United States.

Fourth. The joint-stock banks will largely increase the total amount paid by the farmers of the United States as administration expenses of the land-credit institutions.

Fifth. The creation of joint-stock banks will largely increase the amount of money expended by the United States in the supervision of our land-credit institutions.

Sixth. The creation of joint-stock banks will make our land-credit institutions less secure and increase the danger of loss to investors.

Seventh. With joint-stock banks operating in conjunction with the 12 Federal land banks there can not be standardization in business methods, in appraisement, or along any other lines of activity.

Eighth. With joint-stock banks and 12 Federal land banks all issuing farm-mortgage bonds, we will fail to attain one of the objects of land-credit legislation, namely, the creation of a standard form of investment.

Ninth. The creation of joint-stock banks will compel farmers to compete against farmers in securing their credit.

Tenth. The creation of joint-stock banks will make uniformity in interest rates an impossibility.

Eleventh. The creation of joint-stock banks will make it impossible to provide equal credit facilities for the farmers of the United States.

Twelfth. In type, in purpose, and in business methods the joint-stock banks are modeled after existing national and State banks. The demand for their creation comes not from farmers, but from men with capital who wish to enlarge and perpetuate their control over the credit power of the people.

I can not discuss all of these proposition at this time, but I will consider some of the main objections to the joint-stock banks.

In discussing the question of the wisdom of creating two kinds of land banks as the instruments of our land-credit system it will be useful to get clearly in our minds how the joint-stock banks and the 12 Federal land banks differ. The committee bill authorizes the creation of 12 Federal land banks operating in connection with local farm-loan associations. It authorizes the organization of any number of joint-stock land banks, each one to be entirely separate and independent of all others, and also all of them entirely distinct and independent of the 12 district banks. The Federal land banks are public institutions; the joint-stock banks are private institutions. The directors of the district banks will be selected by the Government and by the borrowers. The directors of the joint-stock bank will be selected by the stockholders thereof. Temporarily the Government may furnish a part of the capital for the Federal land banks, but ultimately all the capital of these banks will be furnished by the borrowers. The capital of joint-stock banks will all be provided by private individuals. The district banks—that is, the 12 Federal land banks—will be nonprofit sharing. The profits or dividends thereof will go to the borrowers. The joint-stock banks are strictly profit sharing. All the profits of these banks will go to the individuals owning the capital stock thereof. The 12 Federal land banks will be altruistic in their aim. The joint-stock banks will have no altruistic purpose. They will be organized as money-making institutions. Under the joint-committee bill the 12 Federal land banks are made responsible for each other's obligations. The bonds of one bank would thus be guaranteed by all other Federal land banks. The joint-stock banks, whether many or few, are in no way made responsible for each other's contracts or debts. One bank would be under no obligation to pay the bonds issued by another. Being bound for each other's contracts the 12 Federal land banks would in reality be one institution, operated through 12 divisions or departments. The joint-stock banks would constitute many institutions.

Under the provisions of the joint committee bill the 12 Federal land banks, in a large measure, would be controlled by the Federal Government. The Federal Government would not, however, in any manner control the joint-stock banks, but would merely supervise them. The Federal land banks are given no choice in the selection of territory in which they shall do business. The owners of joint-stock banks are free to select the State as well as the county in which they shall do business. Under the provisions of the joint committee bill the 12 Federal land banks are restricted in the purposes for which they may make loans. The money loaned by them must be used for certain purposes only. Joint-stock banks may make loans wholly without regard to the use or uses which borrowers shall make of the proceeds of the loan. Persons borrowing of the 12 Federal land banks must reside upon the land mortgaged to secure the loan. No such requirement is made of borrowers from joint-stock banks.

After the most careful study that I could give this question, I have concluded that in organizing our system of land credits for the farmers of this Nation we should not create private, profit-sharing, surplus-creating, dividend-paying, land-credit banks. It is true, as the gentleman says, that Germany has joint-stock banks. There are 37 of them in Germany. But the joint-stock banks of Germany were not intended primarily as farm-mortgage banks. They were designed mainly for loans on urban property, and have been largely so used. Only 6 per cent of the business of these banks consists of loans on farm lands.

Mr. MOSS of Indiana. Will the gentleman yield for a moment?

Mr. MORGAN of Oklahoma. I will be glad to yield to my friend from Indiana.

Mr. MOSS of Indiana. Is not the Credit Foncier of France a joint-stock bank, with stock owned by citizens of all classes in France?

Mr. MORGAN of Oklahoma. That is a very appropriate question. The gentleman knows as much, and probably more, about that great institution as I do. He knows that the Credit Foncier is a public institution. He knows that France contributed $2,000,000 to its capital to start with. He knows the president and vice president and three of the directors are appointed by the President of France. He knows that the institution is given the benefit of public officers in collecting interest and other dues, and he knows it is a public and not a private institution. I concede that with the exception of this $2,000,000, private persons have subscribed the remaining part of the stock of the bank and that it is also a profit-sharing institution.

Mr. MOSS of Indiana. If the gentleman will yield again, the only assistance the Credit Foncier got from the Bank of France was the $2,000,000 subscribed to the capital stock. What other favors does it get from the treasury of France than that?

Mr. MORGAN of Oklahoma. That is not the question. That institution, as you know, is one of the greatest land-credit institutions in the world. It is an institution, however, that loans upon the city property; that loans to corporations, and does not restrict its business to farm-mortgage loans. The greater part of its loans are not loans upon farm lands.

Mr. HELVERING. Is it not a matter of fact that the Credit Foncier of France offers a premium of a certain number of bonds in order to facilitate the sale? It is a sort of lottery?

Mr. MORGAN of Oklahoma. That is true. But the Credit Foncier is just one institution covering all France with its business. It has a capital of $50,000,000 and commands the best credit of any institution of its kind, perhaps, in the world. You propose to create any number of little joint-stock banks, scattered all over this country, with varying capital stock ranging from $250,000 up to $1,000,000 or $10,000,000 or more, with authority to issue bonds running 36 years. By so doing you destroy the credit of the other system, composed of the 12 Federal land banks.

Mr. MOSS of Indiana. Will the gentleman yield again?

Mr. MORGAN of Oklahoma. Yes.

Mr. MOSS of Indiana. Now, in Chile are there not joint banks in successful operation against associations where the country of Chile itself guarantees the bonds of the associations?

Mr. MORGAN of Oklahoma. It is true, but that great land-credit bank of Chile, as the gentleman knows, dominates the farm-loan business of Chile, a great public institution conducted by that Republic, and the other institutions are comparatively small concerns.

Mr. MOSS of Indiana. There is one bank of $6,000,000 capital that is absolutely a private bank. There are 10 joint-stock banks in Chile.

Mr. MORGAN of Oklahoma. Now, I believe when the National Government undertakes to create a system of land credit for the farmers of this country that we ought, so far as we can, provide equal credit facilities throughout the Nation, to the farmers of the different States. I believe if we create the joint-stock banks that we will not have equal credit facilities in the different States of the Union. Under this bill joint-stock banks

can do business only in the State where they are organized. There is no certainty that they will be organized in any State. We might have one, two, or ten in Indiana, and they might have none in Kansas, Nebraska, or the Dakotas.

Now, then, in this bill you have placed restrictions upon the loans made by the Federal land banks. Loans can be made for only four purposes. The money borrowed must be used to purchase land for agricultural purposes, or to purchase live stock or equipment, or to erect buildings, or to pay debts contracted prior to a certain time. There are other legitimate purposes for which farmers will want to borrow money. If a farmer in a State where there are no joint-stock banks wants to borrow money for a purpose for which the Federal land bank loans, he will not be able to make a loan through any national land-credit institution.

This bill will, then, give the farmers of one State facilities not enjoyed by those of another State. Again, in States which have joint-stock banks farmers may make loans on the amortization plan without contributing to the capital stock of these banks and without assuming in any way financial responsibility for others. But in States which have not joint-stock banks the only way to secure a long-time loan on the amortization plan will be to take stock in the Federal land banks and assume a 10 per cent liability on the amount of the loan for others. This would be rank discrimination. If joint-stock banks shall be created at all, they should be placed within the reach of all.

I believe in equal land-credit facilities. Those joint-stock banks may be popular in Indiana. They may be popular in Illinois. They may be popular in some other States, but they may not be popular in still other States. If you create them, you must understand that you are giving to one State what you are not giving to another. I am in favor of equal land-credit facilities to the South and the North and to the East and West. If a State creates its own institution for its own farmers, it can take into consideration its own farmers only; but when the National Government acts, we should, as far as possible, act for all and give equal credit facilities to all.

Now, second, I believe that when you create these joint-stock banks you place farmers in competition with each other. All of this talk about one bank competing against another is all imagination. Do you think that the banks of this Nation compete with each other in matters of interest rates? Certainly not. There will be no competition of that kind.

Now, what is a land-credit institution? It is simply a corporation instituted between the farmers and the investors, between the farmers who furnish the security and the investors who buy the bonds issued on that security. That is a very simple proposition.

I say, first, that the middleman ought not to be a profit-sharing institution. If there are any profits in this institution, they ought to revert back to the borrowers, as they will under the 12 Federal land banks. If the farmers have the right to complain of anything in the past, if they have the right to complain of anything to-day, so far as the existing order of things goes, it is of the profit that goes to the selfish middleman, existing between the farmer and the consumer. If there is some statesman in this country who can draw the consumer and the producer closer together, he would certainly confer a great blessing upon his country. The $250,000 capital is not what gives the bank credit. It is the farms of the farmers that will give these banks credit. But the stockholders or these private stockholders will be just like stockholders in all private corporations—they will use these banking corporations to make money out of both the farmers and the investors in farm-mortgage bonds.

I am opposed to that. It is unnecessary. When we are creating 12 public Federal land banks that will cover every foot and every inch of our territory, giving equal credit facilities to every farmer in the United States, so far as he has the security, under the control of the Federal Government, with local associations to do every kind and character of business done, why should you deface, weaken, and endanger this great system by introducing these private profit-sharing institutions?

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman yield there?

Mr. MORGAN of Oklahoma. Yes.

Mr. LA FOLLETTE. Would not the formation of those profit-sharing banks really defeat the system in many localities because some would go to the profit-sharing bank and you would not get enough to join the association?

Mr. MORGAN of Oklahoma. Yes. Now, incorporators of these banks will select the State in which they will do business. They will go where the most money is to be made. They will not only go to the best State, but they will go to the best part of that State. It is not only a discrimination by giving unequal credit facilities throughout the country generally, but there will be discrimination as between different counties in the same State.

Now, addressing myself particularly to the gentleman from Indiana [Mr. MOSS], I will say that I was reared in Indiana, and I know something about conditions there. There are some splendid agricultural counties; others are inferior. These banks will do business in some of the choice counties, while in some other counties, where the land is poor, they will not do business. Here will be unequal credit facilities in the same State.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. MOSS of Indiana. How will they do business in these poorer counties if they do not grant a lower rate than the cooperative banks grant?

Mr. MORGAN of Oklahoma. Oh, the gentleman need not worry about that. Those gentlemen will run those banks at less expense than they will run the other system. I believe that. They will have but one object, and that will be to make money. They will have every department fully equipped. They will organize and conduct it in a way to keep down expenses. They are there for business purposes, just as men are engaged in any other kind of business. They have the right to be there to make money.

Now, it is just as much expense to make a thousand-dollar loan and go to see the land and make the appraisement as it is to make a $10,000 loan. But the profit is only 1 per cent a year on the $1,000. If they make a $10,000 loan, they will have 1 per cent on the $10,000 loan at the same expense. They will do business where they will make the most money and not where it is most needed. If we think that 1 per cent annually upon every borrower, running through a period of 36 years, will not give a mortgage company ample funds to make money, you are mistaken.

Mr. PHELAN. Mr. Chairman, will the gentleman yield there?

Mr. MORGAN of Oklahoma. Yes.

Mr. PHELAN. If they give a cheaper credit to certain farmers, as the gentleman asserts, why should we not in the bill that we will frame give an opportunity to those farmers to get cheaper credit?

Mr. MORGAN of Oklahoma. I do not believe they will give cheaper credit.

Mr. PHELAN. How will you deal with the other banks?

Mr. MORGAN of Oklahoma. There are some farmers who will not deal with the other banks at all. They will have a monopoly of those farmers, will they not? There is a large number of farmers who can not do business with the other banks.

Mr. PHELAN. Why not?

Mr. MORGAN of Oklahoma. Because they can not comply with the restrictions.

Mr. PHELAN. We are not concerned in devising a credit system for the benefit of the farmer who wants to borrow money to go and buy automobiles. We are trying to give credit to the farmers who need money for other purposes.

Mr. MORGAN of Oklahoma. I can not yield to the gentleman for a speech. Of course, I believe the American farmer is capable of taking care of himself to a large extent. I believe the average American farmer is an intelligent business man, who understands his business. The average American farmer will not borrow money unless it is for good purposes, and I am opposed to making a ward out of him.

Mr. MOSS of Indiana. Will the gentleman yield for a question?

Mr. MORGAN of Oklahoma. Yes.

Mr. MOSS of Indiana. What reason would the gentleman give to the House for wanting to strike out this section, if, as a matter of fact, there are farmers who you say can not borrow from the 12 land banks and would not have any facilities at all offered under this legislation?

Mr. MORGAN of Oklahoma. I am in favor of striking out the joint-stock bank provisions and I am in favor of striking out all the restrictions. I maintain that the landschaften and every other land-credit system in Europe, where they do a general business, make loans without restrictions.

Mr. KINCHELOE. I understand the gentleman is against this bill. I should like him to give us the benefit of his suggestions in an epitomized way of what he conceives would be a practical rural-credit bill.

Mr. MORGAN of Oklahoma. If I had an hour or two, of course, I might say a good many things; and, indeed, I would be glad to if I had the time.

Mr. GLASS. Will the gentleman yield to me for a question?

Mr. MORGAN of Oklahoma. I shall be glad to yield to the distinguished chairman of the committee.

Mr. GLASS. Can the gentleman cite any banking system in any civilized country of the earth that does not make restrictions on the uses to which its loans may be put?

Mr. MORGAN of Oklahoma. The landschaften of Germany do not.

Mr. GLASS. Do not make restrictions?

Mr. MORGAN of Oklahoma. No, sir.

Mr. GLASS. Do they not say for what purpose the man shall use his money?

Mr. MORGAN of Oklahoma. No.

Mr. GLASS. On the contrary, the landschaft advises itself very particularly about the habits, about the household expenditures, and about everything that affects the credit of the applicant for a loan.

Mr. MORGAN of Oklahoma. The gentleman is mistaken. It will be easy to settle that before we get through with the consideration of this bill. I will get my authorities, and I hope the gentleman will get his; and if the landschaften and the general loan institutions of Europe—the land-credit institutions—make these restrictions, I shall be glad to know it. Of course, there are certain banks that are created for certain specific, definite purposes, and they loan only for those purposes; but the landschaft, the credit foncier, and the principal land-credit institutions of Europe do not make restrictions in the use of their loans, and I can show it before I get through with this bill.

Mr. GLASS. Does the gentleman think there is a National or State bank in the United States that does not advise itself of the purposes for which borrowers seek their loans?

Mr. MORGAN of Oklahoma. When I go to a bank to borrow money on my personal credit, they have a right to know something about what I am going to do with the money; but when I say, "Here is a 160-acre farm worth $10,000, and I want $3,000 on it," there is the security, and it is the security that they are asking for——

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MORGAN of Oklahoma. I yield to the gentleman from Illinois.

Mr. MADDEN. Does the gentleman contend that when he gives security to a bank that does not protect them in the making of the loan?

Mr. MORGAN of Oklahoma. I do not quite understand the gentleman.

Mr. MADDEN. I understood the gentleman a moment ago to make the statement that when he went to a bank with security they had a right to inquire what he was going to do with the money.

Mr. MORGAN of Oklahoma. I said on my personal security. If you go there with bonds, or some collateral that you propose to put up, they do not care what you are going to do with the money, because they have the collateral.

Mr. MADDEN. Does not the gentleman think they have the same right to inquire if you go there with a farm as security?

Mr. MORGAN of Oklahoma. I do not think so. Now, I want to touch upon another proposition. I believe that, in so far as we can, we ought to have not only equal credit facilities but uniform rates of interest throughout the country. Under this 12 federated banks system I believe you get practically a uniform rate of interest throughout this country, because these banks are tied together. They are responsible for each other's bonds, and that will give them equal credit and equal rates of interest. In other words, the South will get the same rate of interest as the North, and the West will get the same rate of credit as the East; but if you create joint-stock banks, you destroy to a large extent any possibility of uniform rates of interest.

Mr. PHELAN. Oh, no; not what they please. There is a limit. No bank can issue a bond with a higher rate of interest than 5 per cent, and the difference between the mortgage rate and the bond rate can not exceed 1 per cent.

Mr. MORGAN of Oklahoma. Well, one bank may make it 5 per cent and the other bank may make it 4 per cent. It destroys the uniform rate of interest.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. MOSS of Indiana. I would like to call the gentleman's attention to the provision that no joint-stock bank can issue a bond except with the consent of the farm-loan board. They have a control over it.

Mr. MORGAN of Oklahoma. But here are two systems. The joint-stock bank will be at liberty to make a loan as they please and at the rate they can, and will sell their bonds at a different rate from the other bank, so there will be a question between the two systems, and if one joint-stock bank does not have as good credit they must sell their bonds at a higher rate of interest. That destroys the credit of both institutions. There is still more than that. Here is one joint-stock bank perhaps with a capital of $250,000, and another with a possible capital of $10,000,000. A joint-stock bank in New Mexico with $250,000 capital will not have as good a credit as the joint-stock bank in Ohio with $10,000,000. But when you put banks in competition with each other in selling their bonds you are putting the farmers into competition with each other.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. LA FOLLETTE. The gentleman from Massachusetts said that the joint-stock bank could not sell a mortgage for over 5 per cent.

Mr. PHELAN. Oh, no; I did not say that. I said that the joint-stock banks could not issue a bond with a higher rate than 5 per cent, and the difference between the bond and the mortgage rate could not be in excess of 1 per cent.

Mr. LA FOLLETTE. I can not find anything here that they can not issue a bond at a higher rate than 5 per cent.

Mr. PHELAN. I am not talking about what they charge: I am talking about the rate of the bond that is in the bill.

Mr. MORGAN of Oklahoma. I say that you are introducing a variety of conditions throughout every department of the two systems, but who is to get the benefit out of that? Certainly not the farmer. We must remember that the farmers will be the ones that will have to pay all the expenses. A little capital of $250,000 will be put in in these joint-stock banks, and it will not go in until assured of proper dividends. Who pays the dividends? The borrowers pay them, as they are the ones who pay for the business they are to transact. It is not costing the men who own the capital a cent, but this is all contributed by the farmers. They are the ones who are interested and should be considered when we come to security of land institutions for the farmers of the United States.

Mr. RAGSDALE. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. RAGSDALE. There was a question asked as to a restriction of the interest rate. On page 101, section 3, it states the rate of interest charged for such loan shall not exceed 6 per cent per annum.

Mr. MORGAN of Oklahoma. Now, I want to come to one other point, because I can not spend all of my time on joint-stock banks. I believe if every man in this House fully understood the interest of the farmers of the United States it would strike that provision out. You remember at the close of the last session of the Sixty-third Congress a bill was brought in providing for two systems of banks, as we have here to-day. The gentleman from Ohio, Mr. Buckley, not a Member of the House at the present time, moved to strike from the bill the joint-stock land provision. After full and complete discussion the House went on record against the provision for joint-stock banks by a large vote, and so it should on this. I know and I have great respect for my friend from Indiana [Mr. MOSS]. He has given a great deal of study to this question. He is honest in his views, but I can not agree with him. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GLASS. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

[Mr. HEFLIN addressed the committee. See Appendix.]

Mr. PLATT. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I acknowledge the importance of this act. I do not know whether it will accomplish the purposes claimed for it or not. One gentleman said it was provided for in the Democratic platform. I think he will find that the Democrats and Republicans and Progressives all declared for rural credits in their last political national platforms.

Mr. MORGAN of Oklahoma. The Republicans first.

Mr. SMITH of Michigan. The Republicans first, my friend informs me, of course; and a good deal has been taken from the provisions of the Republican platform, and the Democrats are all right in pursuing them. They will find many other good things in the Republican platform.

I had not expected that this measure would come on this afternoon, and what I shall say possibly will come from practical experience more than from a study of the measure. I see the bill has been changed a good deal since it was first introduced in the House and Senate, and as reported by the joint committee on rural credits. The first bill provided that a farmer could get a loan up to 50 per cent of the value of the farm upon a

mortgage. This provision now which comes in here from the Senate provides for 60 per cent of the value of the farm to be loaned upon a mortgage, plus 20 per cent of the value of the buildings furnishing the improvements, which is a considerable advance over what was originally provided. Now, the bill provides for a system of banks in the United States. I do not know whether or not those banks are necessary for the purpose of putting in operation the loaning of money to the farmers on real-estate mortgages. Why, under the provisions of this bill you cut off more than half the farmers. There are only but very few farmers who can qualify for money under this bill. The farmer must be, as I understand it, an actual resident upon the farm before he can qualify under the provisions of this law. And the farmer must have his farm half paid for.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. SMITH of Michigan. I will.

Mr. MOSS of Indiana. I would like to inform the gentleman that his interpretation of the bill is entirely too narrow. The bill refers to a person who intends to qualify, but there is no provision in the bill which requires him to reside on the farm.

Mr. SMITH of Michigan. I will state to the gentleman that the bill states that he must be in actual cultivation of that farm, or is immediately to commence cultivation on that farm. In the discussion of the bill in the Senate of the United States it was considered upon the theory that a man must be an actual resident upon the farm. Now, the farm-loan board, I presume, afterwards could make certain provisions or changes, but we are considering this bill the way it is now. The benefit that the farmer is going to get from the bill is so slight that it is going to be disappointing to the farmer, because there is not any farmer who has a farm half paid for—that is, a farm that would appeal to a person to loan money upon it—who can not go down to the bank and get a temporary loan of such an amount that will temporarily bridge him over. Why, do you know, my friends——

Mr. QUIN (interrupting). But do not they charge him a big rate of interest?

Mr. SMITH of Michigan. Let me tell you something: You can pass laws here until you get black in the face and you can not control the rate of interest. You can not find a political economist who ever wrote a book that said you could control the rate of interest by process of law. That is all right.

Mr. DAVENPORT. Will the gentleman yield?

Mr. SMITH of Michigan. I do.

Mr. DAVENPORT. I want to ask the gentleman if the difficulty experienced in borrowing money from local banks is not in the length of time for which you can procure the loan?

Mr. SMITH of Michigan. Let me say to the gentleman from Oklahoma that ordinarily the lender of money is only too happy to extend the time.

Mr. QUIN. Where is that place? I want to locate that place where the farmer can get those long-time loans.

Mr. STEELE of Iowa. Come out to Iowa.

Mr. SMITH of Michigan. I also extend you an invitation to come to Michigan. Let me say to the gentleman who asked where is that bank, that more than three-fourths of the money loaned upon farms to-day is loaned by banks, insurance companies, and so on, and I want to say to my good friend who a little while ago said the rate of interest was 9½ per cent——

Mr. DAVENPORT (interrupting). That probably is true, and I think I agree with the gentleman, in a great many of the older States, but in the Central and Western States that is not true.

Mr. SMITH of Michigan. And the Southern States.

Mr. DAVENPORT. And probably some of the Southern States, that you can not secure long-time loans on your real estate nor can you secure a reasonable rate of interest. In my State I think the average farm loan is from 7 to 8 per cent.

Mr. SMITH of Michigan. That is all right. My friend, the benefit your State will get under this is in the Government of the United States furnishing the money, and they can furnish it at 2 per cent or they can furnish it for nothing.

A MEMBER. I wish they would do it.

Mr. SMITH of Michigan. They can exempt it from interest or exempt it from any other taxation. You dwell in a section which considers this upon the theory they would have this money furnished by the Government in order to loan out to these farmers. I am not complaining about the benefit you gentlemen are going to get in the States where they have that high rate of interest if you can qualify. My good friends from the Southern States, the day is dawning for you. Let me tell you that in coming here to Washington I went through Arkansas and stopped along in Mississippi County. It is as level as a barn floor and the soil is black as the proverbial black hat.

There were not only rods but miles of beautiful crops growing there. A field would look almost like a snow bank. The cotton was being picked, and there were miles of rows of the finest corn that I ever saw. And those people out there were splendid people. The day is coming when that land there will be eagerly sought. It is very productive and is growing into one of the garden spots of the country.

Let me tell you another thing about Texas. My friend the gentleman from Mississippi [Mr. QUIN] lives near that State. The German Empire is only four-fifths the size of Texas. There is more arable land in Texas than in the German Empire. Sixty per cent of Texas is capable of producing crops, while only 48 per cent of Germany is subject to being tilled. And a benefit will come from that. I hope the benefit will come from the fact that you are to have this money. Germany supports a population of 60,000,000; the population of Texas is 4,500,000. Germany has 290 people to the square mile; Texas has 17. I will submit a proposition here and see whether it will come out. The bill provides that as soon as you have loaned $50,000 on mortgages you can issue bonds for a like amount. You loan that $50,000 from some central farm-loan bank. When that $50,000 is loaned I will take those mortgages and convert them into bonds, then I will sell those bonds and get $50,000 more in cash. Then I will loan that $50,000 on mortgages and again convert them into bonds, sell these bonds and get $50,000 more mortgages, and go on in an indiscriminate, endless chain. In this way we can loan all the money we want on mortgages from any of the central land banks in any of the divisions with $50,000. And you can turn your money and sell your bonds, and you only need $50,000 to make the first loan on mortgages, and that will be all the money you want to loan on all the mortgages offered.

Mr. QUIN. If that process will work out, what is the use of having any more money at all?

Mr. SMITH of Michigan. If you think it will not work out, figure it out and see how it will work.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. SMITH of Michigan. Certainly.

Mr. MORGAN of Oklahoma. Is it not a fact that the landschaft will do better than that? They do not have even $50,000. They go on without any money at all.

Mr. SMITH of Michigan. Yes. The Federal Reserve System is helping the farmer out. You can loan one-third of your time deposits upon real estate, and if this Government is going to exempt the mortgages——

Mr. HASTINGS. That is limited to loans for five years, is it not?

Mr. SMITH of Michigan. You will never find a farmer who will come in and want a loan for more than five years. You will not get a farmer to come down there and make an application that must be considered by the farm-loan association if the association must send people out to examine the land, if that association must send an abstract up to the attorney to be examined, if the farmer must wait until the land will have been appraised, then when you get through with that farm-loan association it will take the papers and run them up to the farm-loan bank; and when the farm-loan bank sends an appraiser out to examine the land and make his report, then the farm-loan bank will send it up to the national farm-loan board and that board will examine it, and so on.

Let me tell you what the farmers do. The farmer after dinner goes out and cranks up his Ford self-starter. He will get his wife and put her in the automobile, and he will go down town to some bank or money lender and say that he wants $1,000 or $2,500. He can not get back home quick enough. He is usually in a hurry. He wants it that afternoon, and he gets it if he has got the proposition that you present here. He gets his money that afternoon.

Mr. HASTINGS. If the gentleman will permit me, will that system hurt that man at all?

Mr. SMITH of Michigan. Not at all. I do not see that it will. Now, that is one of the things I say. I do not know that it is going to hurt anything by having a bank on every four corners. But when I come up through places in the South and I see a farmer farming on the side of a mountain, to which he can hardly get up, and where he has to plow the land with a pickax and plant the seed with a shotgun, he does not know how much money he is going to get out of a loan on his farm.

Mr. GLASS. If the farmer can do what the gentleman says that he can do and get an automobile as easily as he says that he can, I am going to resign my seat in Congress and go to farming.

Mr. SMITH of Michigan. Well, I will say to the gentleman from Virginia that I do not know what kind of a farmer he

would make. He makes a pretty good Congressman. [Applause.]

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. WINGO. Of course there are some farmers that belong to the class that the gentleman describes.

Mr. SMITH of Michigan. Oh, I beg the gentleman's pardon. I say that all farmers who can qualify under this bill come under that class. Every such farmer that comes to the bank and applies for the money can get the money.

Mr. WINGO. Of course the gentleman is not familiar with the farmers all over the United States. There is not any question but there are some portions of this country that are undeveloped and——

Mr. SMITH of Michigan. Yes; and they will not come under this bill.

Mr. WINGO. And where the lands are just as rich as the lands in Iowa.

Mr. SMITH of Michigan. Yes; they will be when the time comes.

Mr. WINGO. Now, in some portions of the country that are as yet undeveloped the farmers have no adequate credit facilities. Would the gentleman deny to those who are out on the border or frontier of agriculture, so to speak, adequate credit facilities?

Mr. SMITH of Michigan. Oh, not at all.

Mr. WINGO. Simply because some of the farmers of Iowa and Michigan own automobiles and have ample credit facilities, do you want to deny the less prosperous farmer in Texas and other States the right to proper credit facilities?

Mr. SMITH of Michigan. No. I would not deny it to him. If he will qualify he will get it under this bill.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SMITH of Michigan. I ask unanimous consent, Mr. Chairman, to proceed for one minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Let me read what is stated in this report here:

DIFFICULTY OF SECURING CAPITAL.

The farmer applies to the nearest bank for a loan and offers his farm as security. The banker makes excuses. He doesn't know the farmer; he doesn't know the value of his farm; he doesn't like to tie his demand deposits up in long-term loans; his commercial customers, who carry a substantial line of deposits, have the first claim. These excuses are well founded.

There may be additional excuses not so genuine, such as the scarcity of money, the hard hearts of the directors, unusual demands for loans, and the like. If the farmer gets a loan at all, he pays a high rate or he must be subject to foreclosure on short notice. He usually pays some one a large commission; he is subject frequently to substantial renewal fees; he is sometimes compelled to pay taxes on the mortgage as well as on the land; and he finds himself in the power of some hard-headed banker. He can not complain of this; it is the business of the banker to be hard-headed.—(H. Doc. No. 494, 64th Cong., 1st sess.)

Anybody who has any experience with farmers knows that the banker does not make such excuses. What do you think, gentlemen, of a person writing a report like that, about a farmer coming into a bank to borrow money on his farm and the banker makes such excuses and does not know the farmer? [Laughter.] If the banker does not know the farmer ten chances to one the farmer knows the banker. But as a matter of fact, the banker knows the farmer.

Mr. HEFLIN. The gentleman knows that the banker he speaks of, when the farmer comes in now and says, "I want to borrow some money for five years," would not listen to him?

Mr. SMITH of Michigan. Oh, no. He would get it for 5 years, and for 10, if he wanted it. Men who have experience with men who loan money know that lenders want it loaned out all the time, if the security is good. If the security was not good he would not get it at all under this bill, while the private lender sometimes is willing to take a chance on his friend.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. No; I regret I can not yield to my friend. The writer of this report says the banker does not know the value of the farm. What do you think of that? [Laughter.]

Mr. GLASS. What is the gentleman reading from?

Mr. SMITH of Michigan. From the report made by the Senator from New Hampshire [Mr. HOLLIS], who reported this bill (S. 2986) to the Senate.

The CHAIRMAN. The time of the gentleman from Michigan has again expired. The time is controlled by the gentleman from Virginia [Mr. GLASS] and the gentleman from California [Mr. HAYES].

Mr. GLASS. I ask unanimous consent, Mr. Chairman, that the gentleman may continue for one minute.

Mr. MANN. The time has been fixed by the House.

Mr. SMITH of Michigan. This report says:

The banker does not like to tie his demand deposits up in long-term loans; his commercial customers, who carry a substantial line of deposits, have the first claim. These excuses are well founded.

[Laughter.]

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. SMITH of Michigan. All I want to say is that the hearts of the directors of country banks are not hard. I wish I had time to tell you more about that report. I thank you. [Applause.]

Mr. GLASS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FAIRCHILD, for one week, on account of illness.

To Mr. HUDDLESTON, for 10 days, beginning Monday, May 8, on account of important business.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4726. An act to permit issue by the supply departments of the Army to certain military schools and colleges;

S. 4603. An act to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at Princes Lower Landing, near Jackson, Ala.; and

S. 4432. An act to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 12207. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes; and

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, presented for printing under the rule the conference report and statement on the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, as follows:

CONFERENCE REPORT (NO. 631).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 8, 11, 12, 15, 23, 30, 31, 32, 38, 40, 43, 44, 45, 49, 69, 73, 77, 88, 91, 92, 100, 108, 117, 118, 119, 120, 123, 133, 135, 147, and 149.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 33, 39, 46, 48, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 76, 80, 81, 85, 86, 89, 90, 93, 94, 96, 98, 99, 101, 103, 104, 106, 107, 109, 111, 112, 114, 115, 121, 122, 125, 126, 128, 130, 131, 134, 136, 138, 139, 140, 141, 143, 144, 145, 148, 150, 151, 152, 153, 154, and 155, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "the" and insert in lieu thereof the word "Indian," and in line 8 of said amendment strike out the word "the" and insert in lieu thereof the word "such"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "to" and insert in lieu thereof the following: "$5,000 of which shall"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "*Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "Two permanent warehouses"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "which has been," and in line 2 of said amendment strike out the words "heretofore or"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For beginning the construction by the Indian Service of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522), the total cost not to exceed $200,000."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For beginning the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., as estimated by the Board of Engineer Officers of the United States Army in paragraph 138 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to remain available until expended, the total cost not to exceed $175,000: *Provided*, That said dam shall be constructed as a part of a project for the irrigation from the natural flow of the Gila River of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Ariz.: *And provided further*, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *And provided further*, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August 13, 1914 (38 Stat. L., p. 686): *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For extension of the Ganado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately 600 acres of land in addition to the area to be irrigated by said project, as authorized in section 2 of the act of August 24, 1912, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, reimbursable and to remain available until expended."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 16 of said amendment strike out the figures "$15,000" and insert in lieu thereof the following: "$10,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000; in all, $26,400."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available, reimbursable to the United States by the Indians having tribal rights on said reservation."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Potawatomi Indians in the State of Kansas, and to be expended under his direction for the construction of bridges across the Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kans.: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times maintain and repair said bridges: *And provided further*, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson: *And provided further*, That this appropriation shall not become effective until approved by an Indian council to be called for that purpose."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the following language of the amendment: "Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands, the cession of which was provided for in said act, and for which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the following: "at Keewatou Academy, Wisconsin," and the comma; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "balance," insert the following: "of $3,436.03"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "section," and in line 3 strike out the word "one," and insert in lieu thereof the words "this act"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the figures "$50,000," and insert in lieu thereof "$25,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

"On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charged fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

"That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

"The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

"That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

"That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "for the purpose of making necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebr.; also to reconstruct one span of 90 feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under the direction of the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,100"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 290 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $50,430; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all $62,430."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 4 of the amendment, after the figures "$15,000," strike out the period, insert a colon and the following: "*Provided*, That no parf of this appropriation shall be expended for mileage, salaries, or expenses of employees"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the following: "and to remain available until expended"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,000; for the construction of an assembly hall and gymnasium, $25,000; in all, $92,150."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 220 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $38,540; for general repairs and improvements, $5,000; for new school building, $20,000; in all, $63,540."

And the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following:

"To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section 34, township 164 north, range 70 west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the unexpended balance of $9,533.38 is hereby reappropriated and made available for continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war on the Fort Sill Military Reservation, Okla., for the purchase of allotments in Oklahoma, as provided for in the act of June 30, 1913 (38 Stat. L., p. 77), for the three adult heads of families who have not heretofore received allotments."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "except that the Secretary of the Interior is hereby authorized, within 30 days after the passage of this act, to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Kappler & Merillat, James E. Jones, Charles M. Fechheimer, and Eugene Hamilton, as attorneys; and, in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim but shall be paid promptly without reference to same"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$12,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200: *Provided*, That the unused balance of $9,830 of the amount appropriated by the act of August 1, 1914 (38 Stat. L., p. 602), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all, $128,700"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $3,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klamath Indians of the State of Oregon, and use the same for the construction of a bridge across the Williamson River, on the Klamath Indian Reservation, Oregon, under such rules and regulations as he may prescribe."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$67,500: *Provided*, That the unexpended balance of $1,607.44 appropriated by the act approved August 1, 1914, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June 10, 1914, at Flandreau Indian School, S. Dak., is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing on the various Sioux Indian Reservations, adequate school facilities for the children of the Sioux Tribes who are now without Government or public facilities on the respective reservations, and to make a report thereof to Congress on or before the first Monday in January, 1917, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off the respective reservations, and there is hereby appropriated for the expense of such investigation and report the sum of $1,000, or so much thereof as may be necessary, to be immediately available."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "highway," insert a comma and the following: "reimbursable out of any funds now or hereafter placed to the credit of said Indians in the Treasury of the United States"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Uintah Tribe of Indians, in the State of Utah, and to use the same to protect the north abutment of the Government bridge at Myton, Utah, under such rules and regulations as he may prescribe, said sum to be immediately available."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of not to exceed 20 acres of that portion of the lands situated on the north side of and within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the act approved August 1, 1914 (38 Stat. L., p. 584), at not less than the appraised value thereof, and to place the proceeds thereof in the Treasury of the United States to the credit of the Spokane Indians in said State."

And the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called 'school lands' and 'swamp lands' within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land and to deposit the said proceeds at interest in a national bank, bonded for the

safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party or parties who shall finally be adjudged to be entitled to such fund: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made."

And the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"SEC. 27. On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That hereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided further*, That this shall not change existing law with reference to the Five Civilized Tribes."

And the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 28. That on or before the 31st day of December, 1916, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of bookkeeping and accounting for the Bureau of Indian Affairs that will enable the said Secretary, on or before July 1, 1917, to meet the requirements of section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103)."

And the Senate agree to the same.

C. D. CARTER,
CARL HAYDEN,
P. P. CAMPBELL,
Managers on the part of the House.

HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

STATEMENT.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 1. Makes the reimbursable appropriation for repairs and maintenance of irrigation ditches available until expended.

No. 5. Increases limit of cost of hospitals from $15,000 to $17,500, which are now under construction.

No. 9. Strikes out the word "and" and inserts the word "or" to include blind children so they can receive benefit of the fund to educate Indian children.

No. 13. Provides that hereafter Indian farmers must hold and file a certificate of competency from some college recognized before employment in the service.

No. 16. Increases the reimbursable appropriation for determining heirs of deceased Indian allottees $10,000.

No. 17. Permits the use of $25,000 of the reimbursable appropriation for determining heirs of deceased Indian allottees for employment of clerks in the Indian Office here.

No. 18. Corrects total in accordance with amendment 16.

No. 19. Strikes out the word "heir" and insert "heirs."

No. 20. Places a limit of value of $250 or more upon an heirship in order to charge the fee for determining the heirs.

No. 21. Permits the partition of an allotment of a deceased Indian regardless of competency of heirs.

No. 22. Permits extension of trust period specified in patent to incompetent heirs if necessary.

No. 24. When an Indian allottee by reason of old age or incapability can not personally occupy their allotment that is susceptible of irrigation, the Secretary of the Interior may, in his discretion, lease said allotment for a term not to exceed 10 years for benefit of said Indian.

No. 25. Any Indian who is mentally or physically incapable of managing his or her affairs may apply to Secretary of Interior, who may, in his discretion, withdraw from the Treasury any part of said Indian's pro rata share of funds to their credit and use for their benefit.

No. 27. An appropriation of $2,000 to pay Charles J. Kappler for compiling, annotating, and indexing the third volume of Indian Laws and Treaties.

No. 28. Provides that all bidders for supplies for goods furnished the Indian Service may deposit a certified check or approved bond to guarantee the fulfillment of contract instead of the money in amounts exceeding $5,000.

No. 29. Increases the appropriation $3,500 for the purchase of additional land adjacent to the Phoenix (Ariz.) Indian School.

No. 33. Strikes out the words "to remain available until expended."

No. 39. Makes an appropriation of $3,000 for preservation and repaid of prehistoric pueblo ruins and cliff dwellings in Arizona, under supervision of the Smithsonian Institution.

No. 46. Provides for an appropriation of $8,000 for erection of a barn at Haskell Institute, Lawrence, Kans.

No. 48. For traveling and incidental expenses amounting to $250, to Joseph Bradley, for appearing before Congress in behalf of Indians in Michigan.

No. 50. An appropriation of $3,000 to improve road and to blast out and deepen the ditch and creek leading to the Pipestone Indian School in Minnesota.

No. 51. Provides that not to exceed $60,000 of the $185,000 withdrawn from the trust funds of the Chippewas in Minnesota, and one-fourth of the interest on said tribal funds, may be used for school purposes and compensation of employees, and that $10,000 may be used for road improvements, and that $10,000 may be used for the installation of an electric-light plant at White Earth Agency, provided the residents pay a proportionate share.

No. 52. Provides for sale and conveyance at not less than appraised value of certain lands to independent school district 1 of Mahnomen County, Minn.

No. 53. Provides for the issuance of a fee patent to 40 acres of land on the Nett Lake Indian Reservation in Minnesota to the Methodist Episcopal Church.

No. 54. Appropriates not to exceed $25,000 from amounts derived from sale of timber of the Chippewa Indians in Minnesota, for payment of scalers and check scalers.

No. 56. Appropriates $6,000 out of tribal funds of the Chippewa Indians to pay expenses of general council of said tribe to meet in July, 1916.

No. 58. Amends the act of June 30, 1913 (38 Stat. L., p. 89), by appointing an Assistant Attorney General instead of a selection to be made by the Attorney General.

No. 60. Provides for the completion of the enrollment of allottees within the White Earth Reservation in Minnesota and appropriates $5,000 for that purpose.

No. 61. Provides for the establishment and administration of a forest reserve and for sale of timber within the Red Lake Indian Reservation in Minnesota.

No. 62. That lands within said Red Lake Indian Forest Reserve not covered with merchantable timber and suited for agricultural purposes and that front lake shores may be allotted to individual Red Lake Indians under certain conditions.

No. 63. Authorizes the Secretary of the Interior to issue permits or grant leases on such lands in said forest reserve covered in amendment 61, for a limited time.

No. 64. Authorizes the Secretary of the Interior to select not exceeding 200 acres in sections 20, 21, 28, and 29 for town-site purposes and to be held subject to future legislation of Congress.

No. 66. Authorizes investigation of condition of Indians living in Mississippi and appropriates $1,000 for that purpose.

No. 67. Corrects secton number.

No. 68. Increases appropriation for civilization of Indians at Flathead Agency, Mont., from $14,000 to $20,000 and limits amount to expend in salaries to not exceeding $4,500.

No. 70. Appropriates $750,000 (reimbursable) for continuing construction of the irrigation system on the Flathead Indian Reservation, Mont.

No. 71. Appropriates $100,000 (reimbursable) for continuing construction of the irrigation systems on the Fort Peck Indian Reservation, Mont.

No. 76. Corrects section number.

No. 80. Is a reimbursable appropriation of $30,000 to pay drainage assessments and grant right of way for location of drainage ditches on lands belonging to Omaha and Winnebago Indians in Dixon, Wayne, and Thurston Counties, Nebr.

No. 81. Corrects section number.

No. 85. Corrects section number.

No. 86. Adds the words "in the vicinity of," so that additional land either adjoining or in the vicinity of may be purchased as a school farm for the Indian School at Albuquerque, N. Mex.

No. 89. Corrects section number.

No. 90. Corrects section number.

No. 93. Corrects section number.

No. 94. Makes the appropriation of $4,000 for sinking wells and improving the water system at the Fort Totten Indian School, North Dakota, immediately available.

No. 96. Authorizes the Secretary of the Interior from time to time within his discretion to withdraw from the Treasury money derived from sale of surplus lands and any interest thereon accrued belonging to the Fort Berthold Indians in North Dakota and distribute same per capita, or where any Indian is incompetent said share may be withheld and deposited in some bank and used for benefit of said incompetent Indian.

No. 98. Is an appropriation of $1,497.44 to reimburse Benson County, N. Dak., for caring for certain insane Indians.

No. 99. An appropriation of $100 for the erection of a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief.

No. 101. Corrects section number.

No. 103. Corrects section number.

No. 104. An increase of $10,000 for expenses and administration of affairs of the Five Civilized Tribes and makes it immediately available.

No. 106. Authorizes the Secretary of the Interior to make a per capita payment of $300 to each Seminole Indian in Oklahoma, same to be paid out of their tribal or trust funds.

No. 107. An appropriation of $275,000 for the benefit and aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and the Quapaw Agency in Oklahoma.

No. 109. Authorizes the Secretary of the Interior to use tribal funds of the Choctaws, Chickasaws, Creeks, and Seminoles, Oklahoma, for school purposes.

No. 111. Authorizes a settlement of a compromise of a suit between the United States and E. Dowden in regard to the Tuttle town site, Oklahoma.

No. 112. Corrects section number.

No. 114. Provides that the money derived from sale of lands belonging to Indians on the Siletz Indian Reservation, in Oregon, may be paid out to said Indians, share and share alike.

No. 115. Permits the withdrawal of not exceeding $1,000 from tribal funds of the Klamath Indians in Oregon, to pay the expenses of two delegates elected by their council to come to Washington.

No. 121. Corrects section number.

No. 122. Corrects section number.

No. 125. Strikes out the word "boiler" and inserts the word "boilers," to be installed at the Indian School, Pierre, S. Dak.

No. 126. Increases the appropriation $5,000 for the construction of a barn at the Indian School, Pierre, S. Dak., and corrects total.

No. 128. Corrects section number.

No. 130. An appropriation of $1,684 to reimburse the board of education of Box Elder County, State of Utah, for education of 23 Indian pupils during the years 1913 and 1914, and for the education of 21 pupils during the years 1914 and 1915.

No. 131. An appropriation of $832 for the education of 22 Indian pupils at Washakie, Box Elder County, Utah, for the years 1915 and 1916.

No. 134. Corrects section number.

No. 136. A reimbursable appropriation of $100,000 to pay the third installment for water supply of 40 acres of each Indian allotment on the Yakima Indian Reservation, in the State of Washington.

No. 138. Authorizes the Secretary of the Interior to lease for mining purposes the unallotted mineral lands on the diminished Spokane Reservation, in Washington.

No. 139. An appropriation, reimbursable, of $95,000 and authorizes the Secretary of the Interior to negotiate and pay for water rights for lands heretofore allotted to Indians situated within the boundaries of the West Okanogan Valley irrigation district, Okanogan County, Wash.

No. 140. Corrects section number.

No. 141. This amendment is intended to provide an appropriation to pay certain members of the Stockbridge and Munsee Tribe of Indians enrolled under the act of March 3, 1893 (37 Stat. L., 744), the amount of payments made prior to their respective enrollments. Section 6 of the act of February 6, 1871, provided for the determination of the persons who were members of the Stockbridge and Munsee Tribe and their future relations to the Government. Two rolls were prepared, one containing Indians who it was thought desired to separate their relations from the tribe and become citizens and the other those who desired to retain their tribal character and remain under the guardianship of the Government. It subsequently appeared that some of those Indians who were placed on the first roll did not desire to sever their relations with the tribe, and they were again enrolled under the provisions of the act of March 3, 1893 (37 Stat. L., 744-745).

No. 143. In order to train Indians in the use and handling of money, not exceeding $25,000 of the appropriation allowed may be paid them per capita or deposited in some bank for their use and benefit under such rules as the department may prescribe.

No. 144. That no lands of the Menominee Indians in Wisconsin shall be cleared for agricultural purposes, excepting such lands as have been heretofore completely cut over.

No. 145. Amends the act of March 28, 1908, by permitting the Secretary of the Interior to sell lumber, laths, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulp, and other materials, under such rules as he may prescribe, and deposit the money in the Treasury for the benefit of the Menominee Indians in Wisconsin.

No. 148. Provides for the granting of flowage rights over unallotted Indian lands under rules and regulations prescribed by the Secretary of the Interior and consent of Indians, and the leasing of the allotted lands with consent of allottee for flowage and storage reservoir purposes, and allottee to determine, subject to approval of Secretary of the Interior, as to consideration therefor.

No. 150. A reimbursable appropriation of $6,500 for the completion of a road on the Red Cliff Reservation, in Wisconsin.

No. 151. Corrects section number.

No. 152. Reduces the appropriation 66 cents for repairs at the abandoned military post of Fort Washakie, Wyo.

No. 153. To enable the Secretary of the Interior to prepare and submit to Congress plans and estimates of cost for completing the irrigation of all irrigable lands in the Shoshone or Wind River Reservation, in Wyoming, to also include in the estimates for the ceded lands within said reservation.

No. 154. Provides an appropriation of $5,000 to carry the provisions of amendment No. 153 into effect.

No. 155. For payment of salary and expenses of Joseph T. Norris as supervisor of Indian schools from October 21 to November 11, 1912, $257.

On the following amendments the House conferees receded with modifying or substitute amendments, to wit:

No. 2. Makes the provisions of sections 2140 and 2141, Revised Statutes, apply to beer as an intoxicating liquor, and the possession of intoxicating liquor in an Indian country prima facie evidence of unlawful introduction.

No. 7. Makes $5,000 of the appropriation for maintenance of the sanatoria for the Choctaw and Chickasaw Indians immediately available.

No. 10. Provides that $200,000 of the appropriation for day and industrial schools may be expended for tuition of Indian pupils in public schools.

No. 14. Provides for two permanent warehouses for use of Indian Service.

No. 26. Is an appropriation of $100,000 to reimburse Indians for live stock that may be hereafter destroyed on account of dourine.

No. 34. For beginning the construction of a dam with bridge superstructure for diverting the water of the Gila River in Arizona for irrigating Indian lands on the Gila River Indian Reservation. Reduces appropriation from $200,000 to $75,000 and limits the cost of said work to $200,000.

No. 35. For beginning the construction of a diversion dam and necessary canals in Pinal County, Ariz., at or near Florence, for irrigation of Indian lands. Reduces amount appropriated from $175,000 to $75,000 and limits cost of work to $175,000.

No. 36. For extension of the Ganado irrigation project in Arizona and makes it reimbursable.

No. 37. An appropriation of $10,000 for the purpose of making investigation, survey, and cost of practicable means of holding the Gila River in its channel in Graham County, Ariz.

No. 41. Increases the number of pupils, also appropriation for care of said increase allowed, and permits the purchase of additional land for school farm at the Indian school in Greenville, Cal.

No. 42. Makes the appropriation for improvement and construction of roads on the Yuma Indian Reservation in California reimbursable.

No. 47. Authorizes the Secretary of the Interior to withdraw from the tribal funds on deposit in the Treasury to the credit of the Potawatomi Indians the sum of $10,000 for the construction of a bridge across the Big and Little Soldier Creeks on their said reservation.

No. 55. Strikes from the bill the entire paragraph.

No. 57. Strikes from the bill the words "Keewaton Academy, Wisconsin."

No. 59. Makes the unexpended balance of $3,436.03 available for payment of expenses incurred in preparing a roll of the Indians within the White Earth Reservation, Minn.

No. 65. Provides for sale of timber on lands of the Red Lake Indian Reservation outside of the forest reserve created by amendment No. 61.

No. 72. Decreases the reimbursable appropriation for continuing construction of the irrigation systems on the Blackfeet Indian Reservation, Mont., from $50,000 to $25,000.

No. 74. The work to be done on the irrigation projects on the Blackfeet, Flathead, and Fort Peck Indian Reservations, Mont., may be done by the Reclamation Service with plans approved by Indian Bureau, and authority is also given that a limited amount of said appropriations may be used for purchase of motor vehicles, horses, and horse-drawn vehicles.

No. 75. That the Secretary of the Interior shall assess the charge for cost of irrigation projects as mentioned in amendment No. 74 against the persons who own the land and are receiving benefit of said system.

No. 78. An appropriation of $6,500 for repairs on the Government bridge across the Niobrara River in Nebraska.

No. 79. Corrects total.

No. 82. Increases the number of pupils at the Indian School, Carson City, Nev., and provides for their care.

No. 83. An appropriation of $15,000 to purchase homes, farm sites, water rights, and aid to nonreservation Indians in Nevada, also provides that no part of said appropriation shall be used for payment of salaries, mileage, or expenses of employees.

No. 84. Strikes out the words "to remain available until expended," in the appropriation for support and civilization and purchase of land and water rights for the Washoe Indians in Nevada.

No. 87. Increases the amount for repairs and improvements, and for the construction of an assembly hall at the Indian school, Santa Fe, N. Mex.

No. 95. Increases the number of pupils and provides for their care at the Wahpeton Indian School, Wahpeton, N. Dak., decreases appropriation for repairs and improvements from $8,000 to $5,000, and provides for the construction of a new building to cost $20,000.

No. 97. Makes an appropriation of $1,500 to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian.

No. 102. Making the unexpended balance of $9,533.38 available for the purpose of continuing the relief of the Apache Indians, and for the purchase of lands in Oklahoma.

No. 105. Authorizes the Secretary of the Interior to adjudicate, and, if he deem it proper, to apply the per capita payment or any part of the same herein authorized to be made, to John Calvin Gray, Williams T. Lancaster, Arthur Jennings, and Clyde Jennings, enrolled members of the Choctaw and Chickasaw Nations, in the settlement of attorneys' fees for services rendered said Indians in being restored to the rolls.

No. 110. An appropriation of $15,000 for the salaries and the expenses of six oil-and-gas inspectors to supervise the oil, gas, and mining operations in the Five Civilized Tribes.

No. 113. Appropriates $7,200 for the purchase and the installation of boilers at the Indian school at Salem, Oreg., and makes available an unexpended balance of $9,830, and an additional amount of $2,500 for an addition to the assembly hall.

No. 116. Permits the Secretary of the Interior to withdraw from the Treasury $3,000 out of the tribal funds belonging to the Klamath Indians in Oregon to construct a bridge across the Williamson River.

No. 124. Corrects the total and also makes available an unexpended balance of $1,670 out of a $10,000 appropriation, approved August 1, 1914, for the installation of a water tank and the purchase of dairy cattle.

No. 127. Is an appropriation of $1,000, and authorizes the Secretary of the Interior to make an investigation as to the school facilities among the different Sioux Tribes of Indians and to report to Congress on or before January 1, 1917.

No. 129. Makes the appropriation of $9,000 to pay a proportionate share for the construction of a highway or wagon road through the Kaibab Indian Reservation, Utah, reimbursable.

No. 132. Authorizes the Secretary of the Interior to withdraw $1,000 from the tribal funds now in the Treasury to the credit of Indians in Utah and use the same to protect abutment of the bridge at Myton, Utah.

No. 137. Authorizes Secretary of the Interior to sell not to exceed 20 acres of land on the north side and within the limits of the abandoned Fort Spokane Military Reservation, Wash., that will not be needed for hospital purposes, and place the proceeds in the Treasury to the credit of the Spokane Indians.

No. 142. An appropriation of $5,000 to purchase dairy cattle for the Indian school at Oneida, Wis.

No. 146. Provides that the Secretary of the Interior may sell the timber on the so-called "school lands" and "swamp lands" within the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which there is a disputed claim, and to hold the money derived therefrom until it is ascertained to whom it belongs.

No. 156. Requires the Secretary of the Interior to submit annually to Congress a certain detailed statement as to appropriations and disbursements of tribal funds belonging to Indians.

No. 157. Provides that the Bureau of Efficiency shall submit a system of bookkeeping and accounting for the Indian Bureau in order that the Secretary of the Interior may meet the requirements of existing law.

The following table shows the amounts carried in the bill as it passed the House, the Senate, and as agreed to by your conferees, and is exclusive of amounts appropriated out of trust funds belonging to the Indians:

Item.	Passed House.	Passed Senate.	Agreed in conference.
Surveying and allotting Indian reservations, reimbursable	$100,000.00	$100,000.00	$100,000.00
Irrigation, Indian reservations, reimbursable	244,700.00	244,700.00	244,700.00
Suppressing liquor traffic among Indians, gratuity	150,000.00	150,000.00	150,000.00
Relieving distress and prevention of diseases, etc., gratuity	350,000.00	400,000.00	350,000.00
Indian school support, gratuity	1,550,000.00	1,550,000.00	1,550,000.00
Indian school and agency buildings, gratuity	400,000.00	400,000.00	400,000.00
Indian school transportation, gratuity	72,000.00	72,000.00	72,000.00
Industrial work and care of timber, gratuity	425,000.00	500,000.00	425,000.00
Purchase and transportation of Indian supplies, gratuity	300,000.00	300,000.00	300,000.00
Telegraphing and telephoning, Indian Service, gratuity	10,000.00	10,000.00	10,000.00
Court costs, etc., gratuity	1,000.00	1,000.00	1,000.00
Expenses, Board of Indian Commissioners, gratuity	10,000.00	10,000.00	10,000.00
Pay of Indian police, gratuity	200,000.00	200,000.00	200,000.00
Pay of judges, Indian courts, gratuity	8,000.00	10,000.00	8,000.00
General expenses, Indian Service, gratuity	135,000.00	135,000.00	135,000.00
Inspectors, Indian Service, gratuity	30,000.00	30,000.00	30,000.00
Determining heirs of deceased Indian allottees, gratuity	90,000.00	100,000.00	100,000.00
Industry among Indians, reimbursable	300,000.00	400,000.00	300,000.00
Payment to heirs of Farmer John, gratuity	20.00	20.00	20.00
Suppressing contagious diseases among live stock, gratuity		100,000.00	100,000.00
Payment to Charles J. Kappler, gratuity		2,000.00	2,000.00
ARIZONA AND NEW MEXICO.			
Support of Indians in Arizona and New Mexico, gratuity	330,000.00	330,000.00	330,000.00
Indian school, Fort Mohave, Ariz., gratuity	42,900.00	42,900.00	42,900.00
Indian school, Phoenix, Ariz., gratuity	131,900.00	135,400.00	135,400.00
Indian school, Truxton Canyon, Ariz., gratuity	21,200.00	21,200.00	21,200.00
Maintenance irrigation system, Pima Indian lands, reimbursable	20,000.00	25,000.00	20,000.00
Irrigation system, Colorado River Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Water supply, Papago Indian villages, gratuity	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Navajos, schools, treaty	100,000.00	100,000.00	100,000.00
Water supply, Navajo Indians, Arizona, reimbursable	25,000.00	25,000.00	25,000.00
Construction dam, Gila River Reservation, reimbursable		200,000.00	75,000.00
Payment for water, Salt River allottees, reimbursable	20,000.00	20,000.00	20,000.00
Construction diversion dam, Gila River Reservation, above Florence, Ariz., reimbursable		175,000.00	75,000.00
Ganado irrigation project, reimbursable	3,000.00	22,000.00	22,000.00

Item.	Passed House.	Passed Senate.	Agreed in conference.
(ARIZONA AND NEW MEXICO—Cont.)			
Investigation, Gila River, erosion, etc., gratuity		$15,000.00	$10,000.00
Bridge across Little Colorado River, reimbursable	$15,000.00	15,000.00	15,000.00
Construction additional spans, Gila River, gratuity	17,000.00	17,000.00	17,000.00
Preservation and repair, Pueblo ruins, gratuity		3,000.00	3,000.00
CALIFORNIA.			
Support of Indians in California, gratuity	42,000.00	42,000.00	42,000.00
Purchase of lands for landless Indians, gratuity	10,000.00	20,000.00	10,000.00
Indian school, Riverside, Cal., gratuity	129,500.00	129,500.00	129,500.00
Irrigating allotments, Yuma Reservation, reimbursable	10,000.00	10,000.00	10,000.00
Indian school, Fort Bidwell, Cal., gratuity	21,800.00	21,800.00	21,800.00
Indian school, Greenville, Cal., gratuity	21,600.00	34,400.00	26,400.00
Roads and bridges, Yuma Reservation, Cal., reimbursable		10,000.00	10,000.00
FLORIDA.			
Support of Seminoles in Florida, reimbursable	8,000.00	5,000.00	8,000.00
IDAHO.			
Support of Indians, Fort Hall Reservation, Idaho, gratuity	30,000.00	30,000.00	30,000.00
Maintenance, etc., Fort Hall irrigation system, reimbursable	25,000.00	35,000.00	25,000.00
Fulfilling treaties with Bannocks, Idaho, treaty	5,000.00	5,000.00	5,000.00
Fulfilling treaties with Coeur d'Alenes, treaty	3,000.00	3,000.00	3,000.00
KANSAS.			
Indian school, Lawrence, Kans., gratuity	140,250.00	148,250.00	148,250.00
Indian school, Kickapoo Reservation, Kan., gratuity	16,860.00	16,860.00	16,860.00
Bridges, Pottawatomi Reservation, Kans., gratuity		10,000.00	(1)
LOUISIANA.			
Purchase of lands for Chettimanchi Indians, gratuity	1,500.00	1,500.00	1,500.00
MICHIGAN.			
Indian school, Mount Pleasant, Mich., gratuity	73,450.00	73,450.00	73,450.00
Reimbursement Joseph Bradley, gratuity		250.00	250.00
MINNESOTA.			
Indian school, Pipestone, Minn., gratuity	61,675.00	64,675.00	64,675.00
Support of Chippewas of the Mississippi, Minn., treaty	4,000.00	4,000.00	4,000.00
Enrollment White Earth allottees, gratuity		5,000.00	5,000.00
MISSISSIPPI.			
Investigation condition Mississippi Indians, gratuity		1,000.00	1,000.00
MONTANA.			
Support of Indians of Fort Belknap Reservation, Mont., gratuity	20,000.00	20,000.00	20,000.00
Support of Indians of Flathead Agency, Mont., gratuity	14,000.00	20,000.00	20,000.00
Support of Indians of Fort Peck Agency, Mont., gratuity	30,000.00	30,000.00	30,000.00
Support of Indians of Blackfeet Agency, Mont., gratuity	25,000.00	25,000.00	25,000.00
Irrigation, Fort Belknap Reservation, reimbursable	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Crows, Montana, treaty	6,000.00	6,000.00	6,000.00
Support of Northern Cheyennes and Arapahoes, treaty	80,000.00	80,000.00	80,000.00
Line riders, Northern Cheyenne Reservation, gratuity	1,500.00	1,500.00	1,500.00
Support Rocky Boys Band, gratuity	5,000.00	10,000.00	5,000.00
Purchase of land, Flathead Agency, reimbursable	320.00	320.00	320.00
Irrigation system, Flathead Agency, Mont., reimbursable		750,000.00	750,000.00
Irrigation system, Fort Peck Agency, Mont., reimbursable		100,000.00	100,000.00
Irrigation system, Blackfeet Agency, Mont., reimbursable		50,000.00	25,000.00
NEBRASKA.			
Indian school, Genoa, Nebr., gratuity	84,600.00	103,100.00	91,100.00
Assessment Omaha and Winnebago allotments, reimbursable		30,000.00	30,000.00

[1] Paid out of tribal funds.

Item.	Passed House.	Passed Senate.	Agreed in conference.
NEVADA.			
Support of Indians in Nevada, gratuity	$18,500.00	$18,500.00	$18,500.00
Indian school, Carson City, Nev., gratuity	60,760.00	89,100.00	62,430.00
Home and farm sites, Nevada Indians, gratuity		15,000.00	15,000.00
Irrigation, Pyramid Lake Reservation, reimbursable	30,000.00	30,000.00	30,000.00
Land and water rights, Washoe Indians, gratuity	15,000.00	15,000.00	15,000.00
NEW MEXICO.			
Indian school, Albuquerque, N. Mex., gratuity	97,400.00	97,400.00	97,400.00
Indian school, Santa Fe, N. Mex., gratuity	67,150.00	103,650.00	92,150.00
Counsel for Pueblo Indians of New Mexico, gratuity	2,000.00	2,000.00	2,000.00
Highway, Mesa Verde National Park to Gallup, N. Mex., gratuity	15,000.00	54,000.00	15,000.00
NEW YORK.			
Fulfilling treaties with Senecas, New York, treaty	6,000.00	6,000.00	6,000.00
Fulfilling treaties with Six Nations, New York, treaty	4,500.00	4,500.00	4,500.00
NORTH CAROLINA.			
Indian school, Cherokee, N. C., gratuity	36,000.00	36,000.00	36,000.00
Bridge, Ocona Lufty River, gratuity		15,000.00	(1)
School for North Carolina Indians, gratuity		50,000.00	(1)
Maintenance, school for North Carolina Indians, gratuity		10,000.00	(1)
NORTH DAKOTA.			
Support of Sioux of Devils Lake, N. Dak., gratuity	5,000.00	5,000.00	5,000.00
Support of Indians, Fort Berthold Agency, N. Dak., gratuity	15,000.00	15,000.00	15,000.00
Support of Chippewas, Turtle Mountain Band, gratuity	11,000.00	11,000.00	11,000.00
Indian school, Bismarck, N. Dak., gratuity	56,175.00	56,175.00	56,175.00
Indian school, Fort Totten, N. Dak., gratuity	82,500.00	82,500.00	82,500.00
Indian school, Wahpeton, N. Dak., gratuity	40,200.00	66,540.00	63,540.00
Redemption mortgage, Starr McGillis, reimbursable		1,500.00	1,500.00
Reimbursing Benson County (insane Indians), gratuity		1,497.44	1,497.44
Headstone, Scarlet Crow, gratuity		100.00	100.00
OKLAHOMA.			
Support of Wichitas and affiliated bands, gratuity	5,000.00	5,000.00	5,000.00
Support of Cheyennes and Arapahoes, Oklahoma, gratuity	35,000.00	35,000.00	35,000.00
Support of Kansas Indians, gratuity	1,500.00	1,500.00	1,500.00
Support of Kickapoo Indians, gratuity	2,000.00	2,000.00	2,000.00
Support of Poneas, gratuity	8,000.00	8,000.00	8,000.00
Indian school, Chilocco, Okla., gratuity	93,250.00	93,250.00	93,250.00
Fulfilling treaties with Pawnees, treaty	47,100.00	47,100.00	47,100.00
Support of Quapaws, treaty	1,500.00	1,500.00	1,500.00
Purchase land for Fort Sill Apaches, gratuity		40,000.00	(2)
FIVE CIVILIZED TRIBES.			
Administration affairs of Five Civilized Tribes, gratuity	175,000.00	185,000.00	185,000.00
Probate attorneys, Five Civilized Tribes, gratuity	85,000.00	85,000.00	85,000.00
Cherokee Orphan Training School, gratuity	40,000.00	40,000.00	40,000.00
Indian schools, Five Civilized Tribes, gratuity		275,000.00	275,000.00
Fulfilling treaties with Choctaws, treaty	10,520.00	10,520.00	10,520.00
Oil and gas inspectors, Five Civilized Tribes, gratuity		25,000.00	15,000.00
Compromise suits, U. S. v. Dowden et al., reimbursable		57,500.00	57,500.00
OREGON.			
Support of Indians, Klamath Agency, Oreg., gratuity	6,000.00	6,000.00	6,000.00
Support of Indians, Warm Springs Agency, gratuity	4,000.00	4,000.00	4,000.00
Support of Indians, Umatilla Agency, gratuity	3,000.00	3,000.00	3,000.00
Indian school, Salem, Oreg., gratuity	119,000.00	135,500.00	128,700.00
Support of Indians, Grande Ronde and Siletz Agencies, Oreg., gratuity	4,000.00	4,000.00	4,000.00
Maintenance and operation, Modoc Point irrigation system, reimbursable	20,000.00	20,000.00	20,000.00
Bridges, Umatilla Reservation, reimbursable	18,666.00	14,000.00	18,666.00
PENNSYLVANIA.			
Indian school, Carlisle, Pa., gratuity	152,000.00	152,000.00	152,000.00

[1] Senate receded. [2] Unexpended balance made available.

Item.	Passed House.	Passed Senate.	Agreed in conference.
SOUTH DAKOTA.			
Indian school, Flandreau, S. Dak., gratuity	$67,500.00	$68,955.00	$67,500.00
Indian school, Pierre, S. Dak., gratuity	55,750.00	60,750.00	60,750.00
Indian school, Rapid City, S. Dak., gratuity	83,500.00	83,500.00	83,500.00
Support of Sioux of different tribes, etc., treaty	307,000.00	307,000.00	307,000.00
Education, Sioux Nation, treaty	200,000.00	200,000.00	200,000.00
School facilities, Sioux Indian country, gratuity		250,000.00	1,000.00
Support of Sioux, Yankton Tribe, gratuity	14,000.00	14,000.00	14,000.00
Asylum for insane Indians, Canton, S. Dak., gratuity	45,000.00	45,000.00	45,000.00
Highway, Standing Rock Reservation, reimbursable	5,000.00	5,000.00	5,000.00
UTAH.			
Support of Confederated Bands of Utes, treaty	53,740.00	53,740.00	53,740.00
Support of Indians in Utah, gratuity	10,000.00	10,000.00	10,000.00
Support of Confederated Bands of Utes, seeds and implements, treaty	10,000.00	10,000.00	10,000.00
Highway, Kaibab Reservation, reimbursable		9,000.00	9,000.00
Irrigation, Uintah Reservation, reimbursable	40,000.00	40,000.00	40,000.00
Reimbursement Box Elder County, Utah, gratuity		1,684.00	1,684.00
Education, Indian pupils, Washakie School, gratuity		832.00	832.00
Protection bridge, Myton, Utah, gratuity		1,000.00	(1)
WASHINGTON.			
Support of D'Wamish and other allied tribes, gratuity	7,000.00	7,000.00	7,000.00
Support of Makahs, gratuity	2,000.00	2,000.00	2,000.00
Support of Quinnaielts and Quillehutes, gratuity	1,000.00	1,000.00	1,000.00
Support of Yakima Indians, gratuity	3,000.00	3,000.00	3,000.00
Support of Colville and certain other Indians, gratuity	13,000.00	15,000.00	13,000.00
Support of Spokanes, treaty	1,000.00	1,000.00	1,000.00
Irrigation system, Yakima Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Indian school, Tacoma, Wash., gratuity	50,000.00	50,000.00	50,000.00
Dam across Yakima River, reimbursable	200,000.00	200,000.00	200,000.00
Payment third installment for water, Yakima, gratuity		100,000.00	100,000.00
Acquisition water rights, Indians, Okanogan County, reimbursable		95,000.00	95,000.00
WISCONSIN.			
Indian school, Hayward, Wis., gratuity	51,550.00	51,550.00	51,550.00
Indian school, Tomah, Wis., gratuity	56,125.00	56,125.00	56,125.00
Support of Chippewas of Lake Superior, Wis., gratuity	7,000.00	7,000.00	7,000.00
Support of Potawatomi in Wisconsin, gratuity	7,000.00	7,000.00	7,000.00
Payment to Stockbridge and Munsee Tribe, gratuity		95,000.00	95,000.00
Purchase of cattle, Oneida School, gratuity		10,000.00	5,000.00
Support of Wisconsin Band of Potawatomies, Wisconsin and Michigan, reimbursable	100,000.00	100,000.00	100,000.00
Sidewalks, village of Odanah, Band River Reservation, reimbursable		1,000.00	(1)
Completion road, Red Cliff Reservation, reimbursable		6,500.00	6,500.00
WYOMING.			
Support of Shoshones in Wyoming, gratuity	15,000.00	15,000.00	15,000.00
Indian school, Shoshone Reservation, Wyo., gratuity	36,025.00	36,025.00	36,025.00
Support of Shoshones in Wyoming, treaty	6,000.00	6,000.00	6,000.00
Repairs, Fort Washakie, gratuity	1,721.66	1,721.00	1,721.00
Irrigation system, Wind River Reservation, reimbursable	50,000.00	50,000.00	50,000.00
Plans and estimates for completing irrigation, Shoshone or Wind River Reservation, gratuity	3,000.00	5,000.00	5,000.00
Roads and bridges, diminished Shoshone Reservation, reimbursable	25,000.00	25,000.00	25,000.00
Payment to Joseph H. Norris, gratuity		257.00	257.00
New bookkeeping system, Indian Bureau, gratuity		12,000.00	(2)
Total	8,961,437.66	11,993,796.44	10,966,037.44

[1] Drawn from tribal funds. [2] Senate receded.

C. D. CARTER,
CARL HAYDEN,
P. P. CAMPBELL,
Managers on the part of the House.

EXTENSION OF REMARKS.

Mr. ADAMSON. Mr. Speaker, the gentleman from Virginia [Mr. MONTAGUE] requests unanimous consent to extend his remarks in the RECORD on the leprosarium bill that was passed the other day.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the gentleman from Virginia [Mr. MONTAGUE] may extend his remarks in the RECORD on the leprosarium bill. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. GLASS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned, pursuant to the order previously made, until Monday, May 8, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. REAVIS, from the Committee on War Claims, to which was referred the bill (H. R. 3690) repealing certain sections contained in the urgent deficiency act approved December 22, 1911, reported the same without amendment, accompanied by a report (No. 656), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. GALLIVAN: A bill (H. R. 15434) for erecting a suitable memorial to John Patrick Holland; to the Committee on the Library.

By Mr. ADAMSON: A bill (H. R. 15435) for the establishment of Columbus, Ga., as a port of delivery, under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

By Mr. GREGG: A bill (H. R. 15436) providing for an addition and repairs to the post-office building at Galveston, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. KENT: A bill (H. R. 15437) to establish a national park service, and for other purposes; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 15438) granting a pension to Joseph L. Martin; to the Committee on Pensions.

Also, a bill (H. R. 15439) for the relief of John Curtis; to the Committee on Military Affairs.

By Mr. CARAWAY: A bill (H. R. 15440) granting a pension to Leon C. Johnston; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 15441) for the relief of R. L. Horne, executor estate of Hendley F. Horne; to the Committee on Claims.

By Mr. GRAY of Indiana: A bill (H. R. 15442) granting an increase of pension to Washington E. Carothers; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15443) granting an increase of pension to Ernestine Shetrone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15444) granting an increase of pension to Sarah Wagner; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 15445) granting an increase of pension to Mary M. Samples; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 15446) for the relief of Ira C. Hoover; to the Committee on Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 15447) granting a pension to Teresa F. Farrell; to the Committee on Invalid Pensions.

By Mr. PARK: A bill (H. R. 15448) granting an increase of pension to John P. Phillips; to the Committee on Pensions.

By Mr. RAYBURN: A bill (H. R. 15449) for the relief of Nancy M. Cockerham, heir of Cirley Fairchilds, deceased; to the Committee on War Claims.

By Mr. SANFORD: A bill (H. R. 15450) granting an increase of pension to Emil B. Koenig, or King; to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 15451) granting an increase of pension to Edward McVey; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 15452) granting an increase of pension to James P. Martin; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 15453) granting an increase of pension to William Alice Glenn; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 15454) for the relief of the estate of Robert C. Martin, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURRY: Memorial of California Metal Producers' Association, against the passage of House bill 12275, to revise the mining laws; to the Committee on Mines and Mining.

By Mr. DAVIS of Minnesota: Memorial of Civic Club of Stillwater, Minn., favoring the passage of House bill 175; to the Committee on Mines and Mining.

By Mr. DILL: Petition of Mr. E. J. Crockett and other residents of Twisp, Wash., protesting against the passage of House bill 13048; to the Committee on the District of Columbia.

By Mr. DILLON: Petitions of sundry citizens of Lennox, Freeman, Tyndall, and Spencer, S. Dak., favoring the maintaining of friendly relations with Germany; to the Committee on Foreign Affairs.

By Mr. DYER: Memorial of the Protestant churches of Greater New York, against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Major E. M. Brown Camp, No. 22, United Spanish War Veterans, in re civil-service laws; to the Committee on Reform in the Civil Service.

By Mr. ESCH: Petition of Mr. Carl Hilke and 43 other residents of La Crosse County, Wis., in favor of embargo on munitions of war; to the Committee on Foreign Affairs.

Also, petition of Otto Meyer and 56 other residents of Unity, Wis., protesting against House bills 491 and 6468, authorizing the Postmaster General to exclude certain publications from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. Carl Hilke and 43 other residents of La Crosse County, Wis., favoring the warning of American citizens not to take passage on armed merchantmen belonging to belligerents; to the Committee on Foreign Affairs.

Also, petition of Mr. Carl Hilke and 45 other citizens of La Crosse, Wis., protesting against any action which might involve the United States in war; to the Committee on Foreign Affairs.

Also, petition of Dr. H. A. Klever and 10 other citizens of Taylor, Wis., protesting against House bill 13048, to amend the juvenile court act for the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Protestant Churches Association of Greater New York City, favoring maintaining friendly relations with Germany; to the Committee on Foreign Affairs.

By Mr. FLYNN: Memorial of United Singers of Philadelphia, favoring maintaining peace; to the Committee on Foreign Affairs.

Also, memorial of Protestant Churches Association of Greater New York City, favoring maintenance of friendly relations with Germany; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of Rockford (Ill.) Chamber of Commerce, for the Shields water-power bill; to the Committee on Rivers and Harbors.

Also, petition of Protestant Churches Association of Greater New York, favoring the maintenance of friendly relations with Germany; to the Committee on Foreign Affairs.

By Mr. HILLIARD: Petition of Ellis Meredith Clement and 27 others, all of Denver, Colo., urging the passage of the Tinkham bill, providing a training school for mental defectives in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KELLEY: Petition of 54 citizens of Flint, Mich., against Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 29 citizens of Flint, Mich., against bills amending the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of citizens of New York, recommending retention of section 56 of the Chamberlain bill; to the Committee on Military Affairs.

By Mr. LOUD: Memorial of And. Reuther, president, and J. W. Putz, secretary, in behalf of Local No. 6, Bay City, Mich., composed of 118 members, protesting against war with Germany, and requesting strict neutrality; to the Committee on Foreign Affars.

By Mr. McDERMOTT: Petition of Messrs. Michael P. Duggan, Charles F. Brown, Frank A. Mulholland, Charles E. Nouck, Walter Kull, Daniel F. Lane, William M. Konen, and others, all of Chicago, Ill., favoring the passage of the Lobeck classification bill; to the Committee on Agriculture.

By Mr. McLEMORE: Petition of citizens of Brenham, Tex., against war with Germany; to the Committee on Foreign Affairs.

By Mr. MOORES of Indiana: Petition of 30 members of the Association of Indiana Industrial Teachers, favoring House bill 11250, national vocational education bill; to the Committee on Education.

By Mr. RANDALL: Memorial of United Singers of Philadelphia, protesting any action which may involve this country in war; to the Committee on Foreign Affairs.

Also, memorial of people of Los Angeles, Cal., favoring woman suffrage; to the Committee on the Judiciary.

Also, memorial of Protestant Churches Association of Greater New York City, protesting against breaking relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of people of San Luis Obispo, Cal., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of Vocational Guidance Society of California, favoring Smith-Hughes bill for vocational education; to the Committee on Education.

Also, memorial of 150 people of Santa Barbara, Cal., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of Ida Alexander and 33 other citizens of Beaverton, Oreg., protesting against bill to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Memorial of New England Southern Conference of the Methodist Episcopal Church, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALSH: Petition of New England Southern Conference of the Methodist Episcopal Church, in session assembled at Norwich, Conn., by J. Francis Cooper, its secretary, advocating passage of Sheppard-Gallinger national prohibition resolution, Senate joint resolutions 55 and 64, and for passage of Webb-Smith resolutions, House joint resolutions 84 and 85; to the Committee on the Judiciary.

SENATE.

MONDAY, *May 8, 1916.*

(Legislative day of Friday, May 5, 1916).

The Senate reassembled in executive session at 11 o'clock a. m., on the expiration of the recess, and at 12 o'clock and 20 minutes p. m. the doors were reopened.

GOVERNMENT OF THE PHILIPPINES.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives on the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, insisting upon its amendments and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HITCHCOCK. Mr. President, I move that the Senate concur in the amendments made by the House of Representatives.

Mr. CLARKE of Arkansas. Mr. President, I trust the motion to concur will be adopted. The amendment by the House relates to what I deem to be only a minor feature of one of the largest questions that have ever been presented to the American people. I, of course, refer to the effort to grant independence to the Filipino people, recently disposed of by the Congress in a way that I think will hereafter provoke further consideration of it not wholly dissociated from frank comment about the influences and groups which brought this about. The conceded circumstances attending this event involves the disclosure of a situation that ought not to be overlooked nor ignored. It goes to the vital interests of the Republic, and if it be found to exist as a permanent feature of our national life we must resist and expose it or take the consequences. This particular House substitute bill relates to merely administrative matters and is not at all related to the question as to whether or not we ought to get out of the Philippines nor when we should get out.

Mr. NORRIS. Mr. President——

Mr. CLARKE of Arkansas. I shall not occupy more than a few minutes. My views on the separation question are——

Mr. NORRIS. I want to ask the Senator from Arkansas a question. I do not understand what the amendment is.

Mr. CLARKE of Arkansas. It is what is called the Jones bill, offered by the House as a substitute for the Senate bill recently passed.

Mr. NORRIS. Is it the entire Jones bill?

Mr. CLARKE of Arkansas. It is substantially identical with the bill which passed the Senate with the proposed prohibition amendment and the so-called Clarke amendment left out of it, and probably several other things of minor character.

Mr. President, I do not intend to obstruct the passage of this Jones bill or any bill which deals with merely administrative questions. I think they are distinct from and subordinate to the great question of our getting out of the Philippine Islands. Indeed, I am glad that all questions of procedure and local administration have been separated, so that we may deal now with that one single proposition of withdrawing from the Philippines without having to gain or lose votes because certain other debatable provisions are annexed to a general bill in which the vital provision appears. In view of all that has occurred, I think that the question as to whether or not we ought to go out of the Philippines and when should be made the subject of a discussion and consideration when this is the only question presented. I do not know that an opportune occasion will present itself during the present session, but I hope it may. But I think as much of the general question of Philippine administration as is contained in the pending House amendment in the form of the so-called Jones bill ought to be disposed of now, whether we are to eventually get out of there or whether we are to retain the islands forever.

There are many very wholesome provisions contained in the pending Jones bill. I simply desire to say that I do not want the impression to arise that those of us who believe that we ought to get out of the Philippines now are at our row's end. We believe that that question ought to be still further and more seriously considered in the light of recent developments. I do not believe that we have as yet taken the judgment of the American people upon the main proposition, and certainly not on the difficulties to be encountered and overcome before the interests of the American and Filipino people involved can receive that intelligent, independent, and patriotic consideration which their transcendent importance demands.

For the present I think the wisest course will be taken if the motion of the Senator from Nebraska—to concur in the House amendment—shall be adopted.

The VICE PRESIDENT. The question is on concurring in the House amendment.

Mr. LIPPITT. Mr. President, I wish this matter could be laid over a day or two. I was not aware that the conferees had agreed upon a report.

Mr. BANKHEAD. This is not a conference report.

The VICE PRESIDENT. It is not a conference report.

Mr. LIPPITT. What is it?

Mr. HITCHCOCK. Mr. President, there seems to be some misapprehension here; and, if the Senator from Rhode Island will permit me, I will set it straight.

This is not a conference report. The bill as it passed the Senate went to the other House. A substitute was offered for it there and carried. The substitute is the original Jones bill with a minor change relating to the date of the election. The bill was then sent back to the Senate and has been upon the President's desk.

Mr. LIPPITT. When did the bill come to the Senate?

Mr. HITCHCOCK. Last week. My motion is to concur in the House amendment, the effect of the adoption of which will be to substitute the original Jones bill for the bill which was considered and passed by the Senate.

My reason for making that motion now is that the election provided for is to be held in June, and in order to allow adequate time for the holding of that election prompt action should now be taken.

Mr. LIPPITT. Mr. President, it would seem to me that in that situation this subject should go to a committee for consideration. This is not a conference report and it has no right of way here in any way. The very suggestion which the Senator from Nebraska has made in regard to the short time that would be allowed for an election provided for in this bill is itself an indication that the bill ought to be considered with regard to that point and others. As a matter of fact, here it is now the middle of May and that bill, the Jones bill, requires very elaborate machinery to be put in motion. I should think, considering the long distance of the Philippine Islands from here and the time it takes to communicate with them, that the time was already too short for an election to be held in June. I would therefore ask that the bill be referred to the Committee on the Philippines.

The VICE PRESIDENT. The status of the parliamentary situation is exactly this: The House passed an amendment, requested a conference, and instructed its conferees. It is not possible to refer the matter to a committee. There is just one of two things to do, either to agree to the original House bill, as moved by the Senator from Nebraska [Mr. HITCHCOCK], or to take up the question as to whether or not the Senate will go into a conference with the other House on the question.

Mr. HITCHCOCK. If the Senator from Rhode Island will permit me, I want to call the attention of the Senate to this fact: This question is not new. The Jones bill was carefully considered by the committee, of which the Senator from Rhode Island is an active member. The changes made by the Senate committee, while I think they were helpful, were not of very commanding importance. The substance of the bill as passed by the other House was the original Jones bill. This simply means the abandoning of the amendments which the Senate committee proposed.

Mr. BANKHEAD. Mr. President, I am compelled to call for the regular order.

Mr. HITCHCOCK. Let us finish this.

Mr. BANKHEAD. No; we shall not finish this, because it will run along all day, I fear.

Mr. LIPPITT. Mr. President, it seems to me that under the condition, as described by the Senator from Nebraska—and I now see exactly what it is—the bill should go to conference in the ordinary way in which such bills are managed, and that a conference report should be made upon the bill.

The VICE PRESIDENT. The Senator from Rhode Island has not been here. What good would it do to send this bill to conference? The House of Representatives instructed their conferees to agree to nothing except this bill. So what would the conference amount to in view of an instruction of that kind issued by the House of Representatives?

Mr. LIPPITT. Mr. President, the President may have knowledge beforehand of exactly what the conference committee may do, but I have not been aware that anybody was in position to say in advance just what a conference committee might do. I will state to the Chair, however——

The VICE PRESIDENT. The Senator from Rhode Island has not been here. It is not a conference, in the opinion of the Chair, that the House of Representatives are asking for. They have passed the bill and have instructed their conferees to stand by it. That is not a full and free conference.

Mr. LIPPITT. I think the Chair is in error, if he will allow me to say so.

The House has instructed its conferees to stand by one or two certain items in the bill. There are a great variety of changes which have been made in this bill by the Senate, on which the House did not vote at all, and on which they gave no instructions to their conferees. The Senate committee, as a matter of fact, spent nearly a year studying the bill; they held elaborate hearings, and they made a great variety of changes in it, which have not attracted the attention of the public as much as the one overshadowing item of what shall be done in regard to the freedom of the islands; but in the details of the bill for the purpose of perfecting the management of Philippine affairs there were a large number of changes made, and I think it is certainly very inadvisable to take the action proposed. I should not want to agree to the Senate voting to-day on the question put in the form in which it is put by the Senator from Nebraska. It seems to me it ought to take the ordinary course, which is to have a conference and allow the conferees to decide upon these minor changes in the bill.

Mr. WORKS. Mr. President——

Mr. BANKHEAD. Mr. President, I am compelled to demand the regular order.

The VICE PRESIDENT. The matter, then, will have to go over.

INDIAN APPROPRIATION BILL—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, I desire to make a motion with regard to a privileged matter. On last Saturday the conference report on the Indian appropriation bill (H. R. 10385) was filed. I ask the Senate now to consider that report. It will take but a few moments.

Mr. LANE. Mr. President, I wish to say for the information of the Senator from Arizona that it will take more than a few moments. I want to discuss that conference report at length, if I may be allowed to do so.

The VICE PRESIDENT. The motion of the Senator from Arizona is not privileged. The presentation of a conference re-

port is a privileged matter, but it is not a privileged matter as to when it shall be taken up for consideration.

Mr. BANKHEAD. Mr. President, I understand the conference report is privileged, but I further understand that if this report is brought before the Senate to-day for consideration it will consume perhaps the entire day, and I think the Senator from Arizona should not insist upon it. Let us get the good-roads bill out of the way, as it has been here for several weeks.

Mr. SMOOT. Mr. President, the conference report is not privileged any further than its presentation is concerned; its consideration is not privileged.

The VICE PRESIDENT. The presentation of the report is privileged, but the question of taking it up is not a privileged matter.

Mr. BANKHEAD. Then I demand the regular order.

Mr. ASHURST. I move that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona that the Senate proceed to the consideration of the conference report on what is commonly known as the Indian appropriation bill. [Putting the question.] The Chair is unable to determine by the sound, and will again put the question. [Putting the question.] The ayes seem to have it.

Mr. BANKHEAD. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. In his absence I withhold my vote.

Mr. STONE (when his name was called). In the absence of the Senator from Wyoming [Mr. CLARK], with whom I have a standing pair, I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arizona [Mr. SMITH] I vote "nay."

The roll call was concluded.

Mr. BECKHAM (after having voted in the negative). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from Nevada [Mr. PITTMAN] and will let my vote stand.

Mr. CHILTON. I have a pair with the Senator from New Mexico [Mr. FALL], and on that account I do not vote.

Mr. HITCHCOCK (after having voted in the negative). I transfer my pair with the Senator from Maine [Mr. BURLEIGH] to the Senator from Oklahoma [Mr. GORE] and allow my vote to stand.

Mr. DILLINGHAM. Observing that the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, has not voted I withhold my vote.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent, but is paired with the junior Senator from Missouri [Mr. REED], who, I am informed, is at liberty to vote because, if my colleague were present, he would vote "nay." I desire the statement of the pair of the senior Senator from Michigan with the junior Senator from Missouri to stand for the day.

Mr. REED (after having voted in the negative). I voted, without announcing my pair or a transfer of it, inadvertently; but since that time I am advised by the colleague of the Senator from Michigan [Mr. SMITH] that I am released to vote as I did. I therefore allow my vote to stand.

Mr. HARDING (after having voted in the affirmative). I note the absence of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I am paired, and I therefore withdraw my vote.

The result was announced—yeas 29, nays 39, as follows:

YEAS—29.

Ashurst	Kenyon	Nelson	Sutherland
Brandegee	La Follette	Norris	Wadsworth
Broussard	Lee, Md.	Oliver	Walsh
Catron	Lippitt	Owen	Warren
Clapp	Lodge	Page	Works
Curtis	Martin, Va.	Phelan	
Gronna	Martine, N. J.	Poindexter	
Jones	Myers	Smoot	

NAYS—39.

Bankhead	Hughes	Overman	Sterling
Beckham	Husting	Pomerene	Swanson
Borah	James	Ransdell	Taggart
Brady	Johnson, Me.	Reed	Thompson
Clarke, Ark.	Johnson, S. Dak.	Shafroth	Tillman
Culberson	Kern	Sheppard	Townsend
Fletcher	Lane	Sherman	Vardaman
Gallinger	Lea, Tenn.	Shields	Weeks
Hardwick	Lewis	Simmons	Williams
Hitchcock	O'Gorman	Smith, Ga.	

NOT VOTING—28.

Bryan	Dillingham	McCumber	Smith, Ariz.
Burleigh	du Pont	McLean	Smith, Md.
Chamberlain	Fall	Newlands	Smith, Mich
Chilton	Goff	Penrose	Smith, S. C.
Clark, Wyo.	Gore	Pittman	Stone
Colt	Harding	Robinson	Thomas
Cummins	Hollis	Saulsbury	Underwood

So the Senate refused to proceed to the consideration of the conference report on the Indian appropriation bill.

GOOD ROADS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The VICE PRESIDENT. The pending question is the amendment offered by the Senator from Utah [Mr. SMOOT] in the nature of a substitute.

Mr. BANKHEAD obtained the floor.

WOMAN SUFFRAGE.

Mr. CURTIS. Mr. President, will the Senator from Alabama yield to me to enable me to submit a resolution?

Mr. BANKHEAD. I will if it does not lead to any discussion.

Mr. CURTIS. If the resolution leads to discussion, we can let it go to the table or dispose of it in some other way. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 183) was read, as follows:

Whereas there is now before the Senate of the United States a resolution, No. 1, favorably reported from the Senate Committee on Woman Suffrage, proposing to amend the Constitution of the United States by removing the qualification of sex as a bar to the exercise of the right of franchise; and

Whereas a large number of women voters have delegated to certain envoys the duty of conveying to this Congress an expression of the desire of said women voters that this Congress shall submit to the States for ratification the pending constitutional amendment, generally known as the Susan B. Anthony amendment; and

Whereas the question of woman suffrage is one of the foremost issues before the people of the United States: Therefore be it

Resolved, That on the calendar day of May 16, 1916, this body shall stand adjourned at 5 o'clock and 15 minutes p. m., and immediately thereafter, the envoys from the said women's convention shall be permitted to enter the Senate Chamber and present from the floor the message which they are to bring from the western women voters.

Mr. OVERMAN. Mr. President, I shall object to the present consideration of the resolution. It ought to go to the Committee on Rules, and I therefore move that it be referred to that committee.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina. Without objection the motion is agreed to, and the resolution will be printed and referred to the Committee on Rules.

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The VICE PRESIDENT. The question is on the amendment of the Senator from Utah.

Mr. SMOOT. Mr. President, on Saturday afternoon I discussed this amendment for nearly an hour. I do not want to go over the same ground that I covered on Saturday, nor do I intend to, at this time. I hope that when the amendment is voted upon the Members of the Senate will vote their true convictions, and, if they believe in the system of road building as provided for in the amendment, vote for it; if they do not believe in it, I hope they will vote against it. I am sure from what Senators have told me that if this course is followed the amendment will be adopted.

Under the committee amendment as reported to the Senate I am positive that there will be very little permanent road building in the United States. There are 2,270,000 miles of road in the United States, and the appropriation called for by the amendment of the committee can not possibly cover 10 per cent of the roads of the country; and if the amount of money appropriated is expended in the building of permanent roads, the amount that could be built under the apportionment of the Senate amendment would be so small that there would be but little good done to the roads of the country.

I do not believe it is the intention of the Senators favoring the committee amendment that the money shall be expended in the building of permanent roads in the United States. The most of it will be expended for the refitting and the rebuilding of present roads, and a part of it, no doubt, will be expended in the building of dirt roads; but very few permanent roads, and those only in a very few States, will ever be built under the provisions of the committee amendment.

There are some who have said that they are opposed to the amendment I have offered because the State does not get anything out of the Public Treasury; it does not give us anything. Under my amendment we are not asking appropriations out of the Public Treasury for building the roads. As I stated on Saturday, we are simply asking that the Government of the United States extend its credit to the States. If that is done, and the amendment is adopted, there can be $500,000,000 expended in building substantial roads in the country that will not cost the Government of the United States one cent; and the system as provided for in the amendment is as nearly perfect as it is possible for it to be.

Let us begin right. I doubt whether there is a Senator but who will acknowledge that the committee amendment is nothing but a makeshift, which, if adopted, must sooner or later be changed; but in the meantime there will be expended millions of dollars of the people's money that will be of little and temporary service to the people.

I take it for granted that the Members of the Senate have read the amendment. There has been so much publicity given to it in years past—it is known as the Bourne plan—that I am going to take it for granted that the Senators understand its provisions.

I shall not take the time of the Senate further in discussing this amendment; but I do express the hope, now that the United States Government is to be asked to assist in building roads in this country, that there shall be no false step taken and no plan adopted that could be designated as a "pork-barrel" measure. Let us adopt a plan that most people admit is as nearly perfect as it is possible to provide, and in doing so we shall be establishing a system of road building in the country that will make our roads the equal of the roads of any other country in the world.

Mr. WORKS. Mr. President, from time to time since this debate commenced I have entered some mild objections to the pending bill. I have had occasion to consult with ex-Senator Bourne, who is the real author of this amendment, on various occasions. I know that he spent a great deal of time in an earnest effort to bring out of the situation that we are in legislation that would result in a proper way for the construction of good roads throughout the States. I am in favor of this amendment for two reasons: Because I think it is a more legitimate means of arriving at results, and because I think it will be infinitely more effective in bringing about what is really desired.

Mr. BANKHEAD. Mr. President, I do not intend to consume the time of the Senate in any extensive review of the substitute offered by the Senator from Utah; but I think the Senate is entitled to understand what the parliamentary situation would be in case this substitute should be adopted.

It will be remembered that the Senate for weeks has been considering a bill reported from the Committee on Post Offices and Post Roads, which is a substitute for a House bill commonly known as the Shackleford good-roads bill. The Senate committee struck out the whole of the House bill and substituted the bill that we have been considering. So that, if this amendment should be adopted, the bill that has been before the Senate for weeks and weeks, and has been discussed from every angle, and has been in some particulars amended—some of them good amendments—would be absolutely eliminated. The bill that we have here now would not be before the conferees. They could simply consider the original House bill and the substitute proposed by the Senator from Utah, if it shall be adopted, to take the place of the Senate bill.

Mr. President, briefly, what are the provisions of the House bill? It deals with two factors upon which appropriation shall be made under it. One is population; the other is road mileage. The question of area is not considered in that bill, and therefore it could not go before the conferees. So the Senate would be confined to the provisions of that bill and the substitute here pending.

There are many provisions of the House bill that I do not believe the Senate would consider for a minute. It starts out with a flat proposition of $65,000 to each State. What that is based upon, how that calculation could have been reached I have never been able to understand. The House bill provides for maintenance. This money appropriated from the Government may be used in the maintenance of roads by the States. That has been so emphatically discussed here that it seems to me the Senate of the United States would not want to consider a proposition that appropriated money from the United States Treasury to maintain roads that are built under the provisions of the bill we are now considering.

There are many other provisions of the bill that seem to me to be unwise, but this substitute proposes to put that bill into conference and to eliminate the bill we have had before the Senate.

Now, a word with reference to the substitute. It is a beautiful dream, Mr. President, and sometime in the future, when normal conditions in this country are restored and when we have made the progress toward road building that we expect to see under the provisions of the Senate bill that we have been discussing, will be the time, and time enough, to talk about the Government of the United States issuing $500,000,000 of bonds to this purpose.

I know it is said that it will not cost the Government anything. But the Government must sell those bonds at some price; and when we come to consider it, and we must consider the conditions that confront us—that the Government is likely to be called upon in the near future to issue many millions of bonds for the national defense—how can we accept a measure like this, that commits the Government to the issuance of this vast amount of bonds for the purpose suggested in the substitute?

There is another provision in the substitute which reckons with four factors of this appropriation and division—mileage, area, population, and assessed valuation. It so happens that there are six States in the Union whose assessed values are 50 per cent of the entire valuation in the country. Mr. President, I am not complaining of that. Those States that have accumulated this vast wealth have been fortunate. But, as has been suggested on the floor of the Senate, this wealth has not been created within the State. It has been drawn from every section of the Union. It has been drawn from every State and every hamlet.

The great State of New York, Mr. President, is the gateway to all the commerce, ingoing and outgoing, in this country, and it has collected the tolls from every section of the United States. There are other States, and I am not complaining of them; I am proud of their wealth and their prosperity; but we can not fail to understand the source from which this great wealth has come. It has been gathered from every hamlet in the United States by reason of favoritism shown in the taxing laws of the Government.

Now, these two questions will go to conference if this substitute is adopted, and I am going to venture the assertion now, and I do it with the greatest respect, that every man in the Senate who votes for the adoption of this substitute is opposed to any road legislation of any character, and they can only vote for its adoption with the view that in the end there will be no legislation at all on this subject. As I said, and I say it with the greatest respect and the greatest admiration for the splendid Senators who represent these vastly enormously wealthy States, there is no objection to that, but I am stating what will show on the roll call to be a fact, in my judgment.

I wish to say further, Mr. President, that the legislation we are now considering carries with it and brings with it more sympathy from the people of this country than any other measure which has been discussed in the Senate for a long, long time. The people are for it. They believe that it is just and fair and that they are entitled to this consideration from the Government that they support so cheerfully and whose battles they fight so valiantly when an occasion arises.

Senators talk about building good roads; they talk about throwing away the money that is to be appropriated. Mr. President, I have confidence in the honesty and the capacity of the people and their integrity; I have some confidence left in the governors of the States and their legislatures and their highway commissions and everybody who, directly or indirectly, is interested in this legislation.

When we go to the extent of emphasizing the fact as to how these roads shall be constructed and how this money shall be appropriated and that the States themselves shall have control and direction of the operation of building the roads after an agreement has been reached with the Secretary of Agriculture as to their location and character and the estimate of the cost, it is then turned over to the States practically, and I can not understand how any Senator on the floor can find it in his heart to say that he has no confidence in the people and in the highway commissions and in the governors and legislatures and the other people who are going to have the say as to how this money shall be expended.

There are many things in the House bill that are objectionable. There are many things in this substitute that are objectionable. Under its provisions there are many States in this Union that could not receive a cent of this appropriation so far as values are concerned. Many of them are now bonded to the limit, and added to the existing bonded indebtedness the amount they are supposed to receive under the provisions of this substitute would put them without the pale of the provisions of the law.

There is another provision in the bill, Mr. President, that ought to be designated as a joker. That is what it is. It is the provision creating a highway commission to supervise and direct the operation of this substitute. Who are that commission proposed in this bill? The chairman of the Committee on Post Offices and Post Roads of the Senate and the ranking minority member, the chairman of the Post Office Committee of the House and the ranking minority member, and the Director of Public Roads in the Agricultural Department, and one engineer to be appointed by the Secretary of War. If that is not purely and simply a political committee I never heard of one. No man who is mentioned as a member of that commission has any scientific knowledge of road building. They know nothing of the materials out of which roads should be built, when you are building substantial roads as the provisions of the bill require. They are authorized to appoint I do not know how many people all over the country in every State. There is no limit upon the number whom they may appoint and no limit on the salaries that may be paid. I say that that is a joker, and I say it with all respect.

Mr. President, this is all I care to say about this bill. I want to repeat that if this substitute is adopted it eliminates the Senate bill, and if it reaches the conference nothing can be considered in that conference but the original Shackleford bill and this substitute. I imagine, Mr. President, that it would be difficult to work out of that situation a bill that would meet with the approval of the Senate.

Mr. TOWNSEND. Mr. President, I have heard it stated many times by Senators who oppose the Senate bill that there was no sincerity on the part of the advocates of the measure but who regard it simply as a makeshift. Mr. President, I deny the statement so far as I am concerned, and I believe I can do it with equal truthfulness so far as the other members of the subcommittee which had this matter in charge are concerned.

I was at one time, and am yet, of the opinion that the Bourne bill, if it could be adopted by Congress, would be a scientific and an equitable solution of the road problem. I felt that way some years ago when there was a chance to pass it; that is, when it was not embarrassed by the situations or conditions of the country which now maintain. At that time most of the Senators, and I exclude the Senator from Utah [Mr. SMOOT], but most of the Senators who now are going to vote for the substitute, would not give it even a pleasant word. They denounced it as impracticable and as being simply a theory which could not be made to work. There was a prospect of passing it then and they opposed it. There is no chance to pass it now; hence their hearty support of it.

Mr. President, I realize that there are conditions existing in the country to-day which would make it impractical to adopt this plan at the present time.

The Committee on Post Offices and Post Roads had this matter before it and it was then discovered, at least to my satisfaction, that the House under no circumstances would consider this substitute. I do not believe that the Senate would consider favorably the House bill. Therefore it is simply a question at this time whether State aid of any kind will be afforded by Congress. So the Senator from Alabama is absolutely correct when he states that if the substitute is adopted by the Senate it means the end of Federal-aid legislation to the building of roads at this session of Congress.

I realize that many Senators who oppose Federal aid want just that thing to happen; but I submit, Mr. President, it is not quite a fair way to meet the issue. The issue should be met squarely and not be disposed of by a subterfuge.

I can imagine something of the effect upon the securities of the country if at this time there is authorized an additional issue of $500,000,000 of Government bonds and an attempt to float them for the purpose of building roads in the several States.

Therefore, with me, Mr. President, it is a practical question, not a theoretical one. I did advocate the Bourne bill several years ago, and at that time believed if we could start it under normal conditions it might have been made to work. It would require a change of laws in many of the States and constitutional amendments in others before it could be put into operation. That, of course, would require considerable time; in some instances, years.

I have received many letters from road commissioners in various States; men who, I think, are very familiar with the road question, and they have stated to me in those letters that they are opposed to the so-called Bourne proposition at this time. They favor the measure now pending before the Senate.

We are proposing to spend the money belonging to the people of the various States. Their experts have passed upon this subject, and I think with quite as much intelligence as theorists in the Senate have done.

Therefore, being in favor of good-roads legislation and being convinced that the bill before us is practical and economical and means the building of good roads, I can not vote for a substitute which would mean the end of legislation and thus deprive the people who have given years of careful study to this subject the opportunity to have desired legislation——

Mr. SMOOT. Mr. President, I am a little surprised at the Senator from Alabama [Mr. BANKHEAD] designating the proposed substitute as a beautiful dream. I have always understood that the Senator from Alabama was rather inclined to this scientific system of road building, and I believe that he, as chairman of the Committee on Post Offices and Post Roads of the Senate, reported it favorably to the Senate.

Mr. BANKHEAD. I will say that when that bill was reported to the Senate I was decidedly opposed to it, and I did everything I could to keep it from being reported to the Senate, and I said that I would file a minority report.

Mr. SMOOT. I accept the Senator's word. I understood he had been in favor of it. But I do know there are many other Senators, and nearly every one of them who has spoken against the amendment now, who were in favor of the amendment, and most of them have said on the floor of the Senate that they were at one time in favor of it. The excuse that is given now that the substitute should not be adopted is that conditions have changed, and it is intimated that it would be impossible to sell the bonds.

The Senator from Alabama said that he did not know at what the bonds would sell. The amendment provides that the bonds can not be sold at less than par. It provides that they shall carry a rate of interest of 3 per cent, and I say without a question of doubt that a 3 per cent Government bond can be sold to-day at par or above.

In fact, Mr. President, there is a better market for bonds of all kinds to-day than there has been for the last quarter of a century. The untold millions of dollars in the way of profits, I might say excessive profits, that have been made by American industries through the unfortunate war in Europe are being invested in all kinds of securities, and I have no doubt that to-day the 3 per cent Government bonds would sell most readily. Really, Mr. President, the conditions to-day for the establishment of this scientific system of road building are very much better than they were two or three years ago.

In relation to the apportionment, which was criticized by the Senator from Alabama [Mr. BANKHEAD], I want to say that I can not conceive of any way that that apportionment could be made better than it is made. There was an intimation that, because of the fact that one of the conditions of the apportionment was based upon the assessed valuation of the property of the State, therefore the State of New York would get an undue proportion of the money.

Mr. President, I notice in the apportionment that the State of Texas would be the State that would receive the next largest amount under the form of apportionment provided for in the substitute. If the State of Texas desired to secure Government aid under the provisions of the substitute, it could do so to the amount of $28,300,000; the State of Ohio could secure $25,100,000; the State of Pennsylvania, $28,250,000; the State of Georgia, $12,250,000. So the intimation that this is unfair to the States in which the property assessment is small is uncalled for and, I believe, unjust, because in the Western States and

in many of the Southern States, but particularly in the Western States, the area of the State should be taken into consideration, and that balances in a degree the amount of the apportionment based upon assessed valuation.

Mr. TAGGART. Mr. President, may I ask the Senator from Utah a question?

Mr. SMOOT. Certainly.

Mr. TAGGART. Take a State that has already a bonded indebtedness for the construction of free gravel roads; for instance, the State of Indiana, which has a bonded indebtedness of $30,000,000. What effect would that have in the issuing of bonds under the provisions of this proposed substitute?

Mr. SMOOT. None whatever, unless the bonded indebtedness of the State of Indiana exceeds 10 per cent of the assessed valuation of the property within the State. I will say to the Senator from Indiana that the assessed valuation for the fiscal year 1912 of the property in Indiana was $1,891,602,077. Indiana under this apportionment would, therefore, be entitled to $12,550,000. That would only amount to 2.50 per cent of the assessed valuation of the property in the State of Indiana. So, if Indiana is not bonded to-day to the extent of 10 per cent of the assessed valuation of her property, including the 2.50 per cent spoken of, she could apply under this substitute, and would receive $12,250,000.

Mr. TAGGART. Indiana is spending now from twelve to fourteen or sixteen million dollars a year for road construction by assessments on property in the State.

Mr. SMOOT. Then the substitute will not interfere with that at all. It simply goes to assist the State of Indiana to that amount.

It was also intimated, Mr. President, that the placing upon the market of $500,000,000 of bonds would upset the money market of this country, and dire results might come from such action. The substitute does not provide for that. It specifically states that in no single year can there be more than 20 per cent drawn by the State of the apportionment allotted to the State. If every State in the Union should immediately upon the passage of the bill decide that it wanted to draw every dollar possible to be drawn under the provisions of the substitute, the sum total could not amount to more than $100,000,000 in the first year. That, however, is a thing that is impossible to happen; it could not be. I doubt very much, Mr. President, whether the half of this fund would be applied for during the first or the second or even the third year. It would take time for the States to get into working order to avail themselves of the money provided for under the substitute.

So far as the proposed highway commission is concerned, the provisions for it state very plainly its office and the reasons for its existence. Section 7 reads:

SEC. 7. That there is hereby created a United States highway commission, to be composed of the chairman and ranking minority member of the Senate Committee on Post Offices and Post Roads, the chairman and ranking minority member of the House Committee on Roads, the Director of the Office of Public Roads, and a United States Army Engineer to be detailed from time to time by the Secretary of War. Such commission shall have only an advisory voice in the expenditure of the United States highway fund in the several States. It shall have its head office in the District of Columbia, but may create highway divisions—

Now, note the limitation—

never exceeding in number one for each State, and may maintain a division office in charge of a United States highway engineer in each division.

That does not look as though there was no limit to it; that does not look as though there was going to be built up throughout the United States a great body of employees.

I believe, Mr. President, that the time will come when Congress would rather have the affairs that affect Congress in its own hands than it would to allow those affairs to be in the hands of a bureau of this Government. This is the first piece of legislation which has been proposed that places Congress before the people in its proper light; this is the first piece of legislation proposed that does not transfer the power of its execution to the head of some division of our Government or some bureau of the Government.

Mr. CLAPP. My attention was occupied for the moment, and I will ask the Senator to read again the provision creating the United States highway commission.

Mr. SMOOT. Very well. It is as follows:

SEC. 7. That there is hereby created a United States highway commission, to be composed of the chairman and ranking minority member of the Senate Committee on Post Offices and Post Roads, the chairman and ranking minority member of the House Committee on Roads, the Director of the Office of Public Roads, and a United States Army engineer, to be detailed from time to time by the Secretary of War.

Mr. BANKHEAD. I will ask the Senator to read the remainder of that provision.

Mr. SMOOT. Certainly. It is as follows:

Such commission shall have only an advisory voice in the expenditure of the United States highway fund in the several States. It shall have its head office in the District of Columbia, but may create highway divisions, never exceeding in number one for each State, and may maintain a division office in charge of a United States highway engineer in each division.

Mr. BANKHEAD. That is not all; read the whole of it.

Mr. SMOOT. The Senator from Minnesota [Mr. CLAPP] had reference to the highways commission, I presume; but I am perfectly willing to read it all if the Senator from Alabama [Mr. BANKHEAD] so desires.

Mr. BANKHEAD. There is another provision which I should like to have the Senator read.

Mr. SMOOT. Very well; I will read it.

Said commission shall have power to employ such clerical and expert assistance as may be provided for by appropriations made by Congress from time to time, and may require the assistance and cooperation of the officers and employees of any department in its work.

In effect that is simply authorizing the highway division, which may be created in a State, never to exceed one, to have clerical assistance.

Mr. BANKHEAD. That would mean 48 highway divisions, would it not?

Mr. SMOOT. If they were all created, it would.

Mr. CLAPP. Mr. President, I should like to ask another question. That commission, then, would be the administrative force under this bill, would it not?

Mr. SMOOT. It would be an advisory commission under the bill.

Mr. CLAPP. Where is the final administration vested?

Mr. SMOOT. In the State road commission.

Mr. CLAPP. Is there any other Federal administrative board or commission created by the bill other than the one to which the Senator has just referred?

Mr. SMOOT. None under the bill.

Mr. TAGGART. Mr. President——

Mr. SMOOT. I will yield to the Senator in a moment. There is created, however, a fund to be known as the "United States highway fund," which will be under the supervision of the Secretary of the Treasury. The reason that there is not created a commission with administrative power comes from the fact that the State itself pays the money for the road building; that is, whenever it draws $100,000 under this apportionment from the Treasurer of the United States it deposits its bonds for that amount, drawing 4 per cent, with the Treasurer of the United States as security. The Treasurer of the United States, under the provisions of the amendment, is then authorized to sell $100,000 worth of United States Government bonds at 3 per cent. The difference between 3 per cent per annum interest on the Government bonds and 4 per cent per annum interest on the State bonds will in 50 years, the interest being compounded annually, pay the principal, so that all the States will pay under the provisions of the amendment will be interest upon the amount of money which they secure under the apportionment provided in the amendment from the Treasurer of the United States during the 50-year period.

Mr. TAGGART. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. I yield to the Senator from Indiana.

Mr. TAGGART. I should like to ask the Senator a question. What provision, if any, is there in the bill concerning the specifications and plans for the construction of the roads before they are accepted?

Mr. SMOOT. That is done by the United States Highway Commission. I will read the provision.

Mr. TAGGART. What section is it?

Mr. SMOOT. It is section 1, and it reads:

That in order to establish, construct, improve, and maintain public roads that are now or may hereafter be needed for use as post roads, military roads, or for interstate commerce, there be, and hereby is, created a fund to be known as the United States highway fund. Said fund shall be raised in the manner herein provided, but the Treasurer of the United States is hereby authorized to receive and place to the credit of said fund any money that may be contributed from other sources and to expend the same upon the order of the United States Highway Commission or in accordance with the conditions of the contribution.

Mr. TAGGART. Is there any restriction placed on the commission regarding the kind and character of roads that may be constructed?

Mr. SMOOT. I want to call the Senator's attention, in connection with what I have just read, to section 3, which provides:

That before any State shall be entitled to take advantage of the provisions of this act it shall establish by law a State highway commission, which said commission shall have general supervision of road construction and improvement in that State and of the ex-

penditure of money received from the United States highway fund, subject only to the provisions of this act and of State laws not inconsistent herewith. It shall be the duty of each State highway commission annually on or before the 1st day of January, to make to the governor of the State in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, copies of which said report shall be sent to the Treasurer of the United States and to the United States Highway Commission.

Then section 4 provides:

SEC. 4. That the United States highway fund shall be apportioned and credited to the several States in the following manner: The United States Highway Commission, hereinafter created, shall ascertain in the most practicable manner from the best information available the total land area, the population according to the last Federal census, the total assessed valuation of all taxable property, and the total mileage of public roads in each of the several States, and shall compute the percentage of the total of each of these four items possessed by each State. They shall then compute the average of the four percentages for each State, and this average shall be the per cent of the $500,000,000 United States highway fund that shall be apportioned and credited to each State. Said commission shall notify the Treasurer of the United States of the result of their ascertainment and computation, which shall be made as of a date to be fixed by the commission. Such fund so apportioned shall be paid to the States only in accordance with the provisions of this act.

Mr. TAGGART. There is nothing in the bill, however, is there, directly covering the point in regard to the requirements concerning plans and specifications for the construction of the road before it is accepted as a project or concerning the maintenance of the road after it is constructed?

Mr. SMOOT. The State highway commission has that in hand, and maintenance is provided for also, I will say to the Senator, in section 6, which reads as follows:

SEC. 6. That on the 1st day of February of each year after the year 1918, the Treasurer of the United States shall pay to the custodian of the public funds of each State, from any funds in the Treasury not otherwise appropriated, an amount of money equal to one-half the amount such State has expended out of its owr funds for the maintenance of public roads during the preceding calendar year, but in no case to exceed 2½ per cent of the amount of State bonds said State has deposited with the Treasurer of the United States under the provisions of this act. The money so paid shall be expended by said State only in the maintenance of public roads. The Treasurer of the United States shall withhold the payment of moneys to any State under the provisions of this section in the event that such State shall default in payment of any interest or principal due.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield to the Senator.

Mr. GRONNA. I wish to say to the Senator from Utah that, as I understand, under the amendment the Federal Government will supervise the type of road. As I understood the question of the Senator from Indiana, he wanted to know who would decide as to what kind of road should be constructed. The State highway commission would deal with that altogether, and the Federal Government would only exercise supervision. The type of road and the construction of the road would both be under the control of the State highway commission.

Mr. SMOOT. If I did not say that to the Senator from Indiana, I intended to do so; that was exactly what I meant to say.

Now, Mr. President, I think that covers the points which have been raised.

Mr. CLAPP. Mr. President, if the Senator will pardon me, if that be true, then what force is given to the language of section 6, on page 8, which leaves it to the highway commission——

Mr. SMOOT. To certify to the Treasurer of the United States——

Mr. CLAPP. To certify to the Treasurer that the money "has not been expended with reasonable effectiveness," and if they do so certify, then the Secretary may withhold the apportionment?

Mr. SMOOT. I will say to the Senator that that has reference to the maintenance of the road. Section 6 has reference to the maintenance of the road, as I just read. I stopped, however, on page 8, line 5, and did not continue reading the balance of the section; but all of that section has reference to the maintenance of the road.

Mr. BANKHEAD. Mr. President, I will ask the Senator if he does not believe that under the provisions of the substitute the State highway commission would build any kind of a road they wanted to build—a dirt road, a surfaced road, or any other kind?

Mr. SMOOT. No; I do not.

Mr. BANKHEAD. Then I should like to know what would keep them, under the provisions of the bill, from building any sort of a road?

Mr. CLAPP. Of course I should have gone over this substitute with more care before inquiring of the Senator concerning it. What I want to know is, What is the method and the instrumentality to determine the amount which the State may receive from the Federal Government?

Mr. SMOOT. The bill itself provides exactly the amount that each State can receive under the provisions of the bill.

Mr. CLAPP. That is based upon what?

Mr. SMOOT. That is based upon the apportionment found in section 4, under these conditions: The total land area, the population according to the last Federal census, the total assessed valuation of all taxable property, and the total mileage of public roads in each of the several States; and then it provides further that in no single year can more than 20 per cent of the amount apportioned be drawn from the fund.

Mr. CLAPP. Then, no matter how willing a new State might be to assume its share of the burden of the development of highways, its right to participate under this bill is fixed arbitrarily by the terms of the bill?

Mr. SMOOT. It is, Mr. President; not only as to the amount it shall withdraw, but as to the apportionment that is allowed it.

Mr. CLAPP. It seems to me that that is an unfortunate feature, and that was my impression of the bill; but I wanted to be certain as a result of the analysis which the Senator has given.

Mr. SMOOT. I will say to the Senator that if it were otherwise, then one State could in justice complain, perhaps, of the Government extending more aid than it ought to extend to a sister State. Under the plan of the substitute all of the States are upon identically the same footing. The apportionments are made upon the basis of all four of these subdivisions, and I can not conceive of any more just way of apportioning the money than is provided in this substitute.

Mr. CLAPP. It may be just in one sense; but, while it is said that the Federal Government is going to aid the State, I do not see how there is very much aid in this, except in the use of bonds. The Senator says that in 50 years the bonds would pay themselves through the interest; but, of course, the State has to pay the interest.

Mr. SMOOT. But the State can not borrow money for less than 4 per cent, and therefore the State loses nothing, but it does gain the principal of the bond by accepting the credit of the Government of the United States.

Mr. CLAPP. Yes; I can see that, but what I was getting at was this: So long as a State is willing to assume its share, whatever the relative share may be, in proportion to the benefit to be derived from the Federal Government, why ought not the newer State, or the State that has to-day the least roads and the greatest need for increasing its roads, to have the opportunity so long as that State is willing to comply and assume whatever burden the law imposes upon the State as the price of its receiving the benefaction from the Federal Government?

Mr. SMOOT. Well, there has to be a limit somewhere, and the amendment provides that the limit shall be $500,000,000.

Mr. TAGGART. Mr. President——

Mr. SMOOT. I yield to the Senator from Indiana.

Mr. TAGGART. What is the manner of repaying this bonded indebtedness by the various States?

Mr. SMOOT. Amortization, of course, is the plan; but I will say that this is how the bill provides that it shall be done: The bill provides that the time of the annual payment of interest upon the State bonds shall be the same as the time of the annual payment of interest upon the Government bonds. The bonds of the State are deposited with the Government of the United States, and then the amount of money secured by the sale of the same amount of Government bonds is turned over to the State. All the State has to do is to pay the annual interest of 4 per cent upon the amount of money it has received, being the same as the amount of bonds it has deposited.

The Government of the United States takes 3 per cent of that 4 per cent and pays the interest upon the Government bonds that she sold for that State. The remaining 1 per cent is held by the Treasury of the United States. The bill authorizes the investment of that 1 per cent, to draw compound interest. At the end of the 50 years, when the State bonds are due and when the Government bonds are due that were sold to furnish the money to the State for the deposit of its bonds, the fund created by the 1 per cent of interest difference and the profits compounded upon that will pay the bonds, and the Government of the United States will return to the State the canceled bonds of the State.

Mr. TAGGART. By simply the payment of the 4 per cent each year?

Mr. SMOOT. Yes; and there is no question but that that can be done.

Mr. TAGGART. Let me ask the Senator one more question.

Mr. VARDAMAN. Mr. President, will the Senator from Utah permit me to ask him a question?

Mr. SMOOT. Just as soon as the Senator from Indiana has finished his questions.

Mr. TAGGART. I want to ask the Senator if it is not a fact that under the bill, where 20 per cent is permitted to be used

each year, the probabilities are that those States which would have the benefit of the 20 per cent would not use any of their own money for the betterment of the roads, but would use the 20 per cent? In other words, where the 20 per cent was paid from the sale of bonds for the improvement of roads, would there be any other improvements in the State until that 100 per cent in the five years had been expended?

Mr. SMOOT. I think some of the States, of course, would spend more money than the 20 per cent provided for.

Mr. TAGGART. I was just wondering whether it would not stop road building.

Mr. SMOOT. But I will say to the Senator that there is no question but that that 20 per cent would be used before any other road building would be undertaken by the State.

Mr. TAGGART. That is the point I am getting at.

Mr. SMOOT. Because the States, in order to build the roads, have to sell bonds, anyhow, for that purpose, and the States can not sell their bonds for less than 4 per cent; and, of course, when they do that, at the end of whatever period the bonds are issued for, they have to pay back the principal, and in the meantime they have to pay the 4 per cent.

Mr. TAGGART. In the case of a State, most of whose roads are completed, the taxation has been imposed directly on the immediate township or the county for the construction of those roads. Under the bill, as suggested, instead of making it local to the township or county that had already built its roads, part of the 4 per cent would be paid generally by the entire State, would it not?

Mr. SMOOT. By the entire State; and not only that——

Mr. TAGGART. In other words, the men who had not built their roads would be getting the benefit of the taxation of the others for the purpose of building their roads?

Mr. SMOOT. I was going to say to the Senator that there is not a question but that no State in this Union has her road system complete.

Mr. TAGGART. That is true.

Mr. SMOOT. No county in any State in the United States has her road system complete. That was taken under consideration in framing the substitute. All of those things will adjust themselves; and I do not believe it is possible, under the provisions of the substitute, that there will be partiality shown, either to the county or to any State in the Union.

The PRESIDING OFFICER. Does the Senator from Utah now yield to the Senator from Mississippi?

Mr. SMOOT. I yield to the Senator; yes.

Mr. VARDAMAN. Mr. President, I desired to ask the Senator a question some time ago, but I will not ask it at this time. The matter about which I desired to interrogate the Senator from Utah has been fully discussed heretofore; therefore I shall not consume the time of the Senate for a repetition. The thing I most desire just now is a vote on the passage of the bill.

Mr. BANKHEAD. Mr. President, before the Senator takes his seat I hope he will find time to answer the question I asked; and that is, if there is any provision in the substitute that directs in any manner the character of roads which shall be built, and whether they shall be substantial, or how they shall be built? Is there anything in the substitute that would prevent the highway commission, if they desired to do so, from building an ordinary dirt road? The substitute provides for maintenance. Is there anything to keep them from using a large part of this money in filling up mudholes along the roads, as has been so often suggested here? Is there any limitation on that?

Mr. SMOOT. Why, certainly, Mr. President; there is no provision in the substitute for the filling up of mudholes or the repairing of existing roads. The money must be expended for the construction of roads that may be approved by the State road commission; and, Mr. President, there is a section in the substitute providing for the maintenance of roads.

Mr. BANKHEAD. Yes; I know there is.

Mr. SMOOT. But not one dollar of the apportionment of money could go toward the maintenance of the roads. Not only that, but the substitute provides that wherever a State does not expend money for the maintenance of the roads she can not receive the benefits of this measure.

Mr. CURTIS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Yes.

Mr. CURTIS. Is there any provision in the amendment offered by the Senator from Utah taking care of States where the constitution prohibits the State from engaging in internal improvements, and where that work is left to the counties, townships, and road districts?

Mr. SMOOT. No; Mr. President, there is not; but, of course, if there is any State that has such a provision in its constitution, it can change its constitution so as to fall under the provisions of this act.

Mr. SWANSON. Mr. President, if the Senator will permit me, 24 States in the Union, as found by the joint committee that examined this matter, would have to change their constitutions, and in some of them it would take five or six years. Here are the names of the 24 States, if the Senator wants them, on page 175 of the report of the joint committee that investigated this matter. It is stated there that 24 States would have to make changes in their constitutions before they could get the benefit of this provision, and that in a great many of them it would take long years to change them. I will name the States: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Minnesota, Michigan, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Virginia, West Virginia, and Wisconsin. All of those States would have to change their constitutions before they could avail themselves of the provisions of this substitute.

Mr. SMOOT. The most of the States referred to by the Senator have provisions in their constitutions in relation to the amount of indebtedness they can assume. It is based upon the assessed valuation of the property. The substitute provides that no State can receive a benefit under the apportionment made if the indebtedness exceeds 10 per cent of the assessed valuation of the property of the State. I discussed that question Saturday, and I frankly state now that I do not believe that any State in this Union ought to be allowed to assume an indebtedness greater than 10 per cent upon the assessed valuation of its property.

Mr. SWANSON. But the Senator does not catch the point. This does not prohibit the States appropriating money to aid in the construction of roads, which they may do under the committee bill; but these 24 States are prohibited from issuing bonds under the Senator's amendment, which would deprive them of all the privilege of road improvement. Under the bill, as reported by the committee, the States are authorized to appropriate money, but there are 24 States whose constitutions prohibit the issuance of bonds for road improvement.

Mr. SMOOT. Mr. President, I think the Senator is wide of the mark when he makes that statement. Most of the very States that he has referred to and named fall under the limitation of the amount of indebtedness that they can assume. It is true that under the constitution of Arkansas, in article 16, section 1, it is provided that—

> Neither the State nor any city, county, town, or other municipality in this State shall ever loan its credit for any purpose whatever, nor shall any county, city, town, or municipality ever issue any interest-bearing evidence of indebtedness except such bonds as may be authorized by law to provide for and secure the payment of the present existing indebtedness, and the State shall never issue any interest-bearing treasury warrants or scrip.

They are not barred from this bill except temporarily.

Mr. SWANSON. If the Senator will permit me, I was on the joint committee that examined this matter, and we looked into this feature of it. Every Senator can look on page 175 of the report of the joint committee and ascertain the provisions contained in the constitution of his State with reference to this matter. If there is to be any equality and justice in this scheme, it certainly should be delayed until all these 24 States have changed their constitutions so as to permit them to be treated on an equality with the other States.

Mr. SMOOT. That would simply be holding up a proper system of road building, because some State would not or did not change its constitution.

Mr. SWANSON. No; a proper system is a system that will permit the credit of the Government to be used equally for all sections. The Senator comes in here and proposes to start at once a plan of which 24 States can not avail themselves. If that plan is to be adopted, the right course to pursue is to pass the bill reported by the committee, and then, when these States have been given an opportunity to change their constitutions, to let them start on this matter with an equal opportunity of getting the advantages of it.

Mr. SMOOT. Mr. President, we will take Arizona, for instance. If Arizona desires to come under the provisions of the bill—and the provisions of the bill are applicable to all of the States of the Union, and any State in this Union could more than likely change its constitution in order that it might receive the benefits of the provisions of the bill within the time that the bill could get into operation——

Mr. CLAPP. Mr. President——

Mr. SMOOT. Let me finish my statement about this matter, and then I will yield to the Senator.

Mr. CLAPP. Certainly.

Mr. SMOOT. For instance, take Arizona. Article 9, section 5, of the constitution of Arizona reads:

The State may contract debts to supply the casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more laws, or at different periods of time, shall never exceed the sum of $350,000.

Now, if the State of Arizona can not go into debt more than $350,000, she never can build roads to any extent, because $350,000 is not going to build very many roads in the State of Arizona; and therefore, before she can ever begin to establish roads to any extent, she will have to change that provision of her constitution.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. SMOOT. Certainly.

Mr. SWANSON. There is no limitation in any State that I have seen in regard to raising revenue as the committee bill provides to expend in appropriations for roads. These limitations are upon issuing bonds and going in debt for it. Our bill, as reported by the committee, does not require the issuance of bonds; but we think if you are going into the business of issuing bonds, before you take up that measure these 24 States certainly ought to be permitted to change their constitutions and have an equal opportunity with the other 24 States to avail themselves of the provisions of the bill.

Mr. SMOOT. There is nothing in the bill which prevents them from changing their constitutions.

Mr. SWANSON. The legislatures may not be able to make the change for four or five years. In some States it will really take that long. The legislatures in some States meet only once in two years, and in other States only once in four years, and it will be an absolute injustice to them. As I said, at this time it would put 24 States ahead when these conditions exist. Our bill as reported by the committee treats every State with equal justice. If the Senator will come here in five or six years and if Congress will pass a bill so that it will be operative five or six years from now, when every State will have had an equal opportunity, then it would have an element of justice in it. I am not discussing the relative merits, but I say to start now, as this amendment provides, it discriminates against 24 States in the Union by a constitutional provision which they can not get rid of.

Mr. SMOOT. I do not think the Senator is justified in saying that. Take, for instance, the State of Arizona, just cited. She can not build many miles of roads until she changes her constitution anyhow. This bill does not take anything away from her.

Mr. CLAPP. If the Senator will pardon me, there is this distinction. The State of Arizona can build roads under her existing constitution in conjunction with the pending bill of the committee.

Mr. SMOOT. That is because the money is given to the State.

Mr. CLAPP. Yes. I am loath always to question the fairness of a measure that is advocated by the Senator from Utah because I know if there is any man on earth who wants to be fair he does, but now here is where this leads us. It takes in some States five years at least to amend their constitution. At the end of five years those States which can now come under this measure will have had an opportunity to participate in five annual distributions of the benefactions of this proposed amendment. Under that advantage they have built roads which gives them another increased advantage, because under this bill one of the elements which determines the amount of benefit which a State may derive from the bill is the amount of roads which have been built. So you are not only placing from three to five of these annual distributions beyond the reach of the participation of those States that have to amend their constitutions, but in the meantime the States which do not require an amendment to their constitutions have built an increased amount of roads under the bill, and are consequently entitled to a greater participation in the benefits of the bill.

It does seem to me before the Federal Government adopts that plan a reasonable suggestion ought to be made to the States so that they can, if they desire, place themselves in a position where they may simultaneously at the outset come in and avail themselves of the benefit of the bill. To that extent it does really seem to me, I say to the Senator from Utah with a good deal of deference, because I know there is no man in the Senate who has been actuated by a more earnest desire to be absolutely fair in everything, it is placing 24 of these States at a great disadvantage.

Mr. SMOOT. The only disadvantage that there possibly could be would be the length of time it would take to change the constitution. After they change the constitution they can have the full amount of the apportionment for three years. The 20 per cent of previous years is not taken from them. There is no time limit, I will say to the Senator.

Mr. CLAPP. But they could not go back and take their share of the apportionment for those years.

Mr. SMOOT. I will admit under the committee amendment Arizona can build roads to the amount of her apportionment because of the fact that the money is given to her. It is taken out of the Treasury of the United States and given to the State, and, Mr. President, I do not think that is a proper system.

Mr. SWANSON. If the Senator will permit me——

Mr. SMOOT. I ask the Senator to wait just a moment until I get through with this point and then I will yield to the Senator gladly. Under the committee amendment there is no doubt but what the Treasury of the United States will be called upon for $75,000,000, and I want to say to the Senator from Minnesota that that is just the beginning. I believe it will increase before the end of five years. We are commencing with the system of road building in which the Government of the United States takes the money of the people and gives it for road building in a State. We need not deceive ourselves in that regard. It is a donation out and out.

Mr. SWANSON. If the Senator will permit me, this money in the Federal Treasury is the people's money. They pay the taxes and they put it here. If it is a great success and the roads are improved, the country is benefited. I have no doubt they will increase it. If it is not a success, they will not do so. Those of us who advocate this bill believe that this money is the people's money and that it is the best expenditure which can be made of their money. We believe under this bill if it proves a success the donations will be increased and they ought to be increased. If the benefit does not exceed the expense, it ought to stop, and I for one would favor stopping it.

Mr. SMOOT. On that same line of argument I might say that the capitol building of each State ought to be built by the Government of the United States, and if we appropriate money out of the Treasury of the United States for that purpose we could claim in the same way that that is the people's money, and there ought to be appropriations that the capitol building should be built in every State in the Union. Mr. President, I do not believe that ought to be done.

Mr. SWANSON. If the Senator will permit me, there is this distinction: Here is the Government, which has its Rural Delivery System of 45,000 carriers; it has a star-route system. The expense of delivering the mail over the star routes and the rural-delivery routes is dependent on the condition of the roads. We say the Federal Government ought to put these roads in a good condition, so that the star route and the rural-delivery mails can be promptly and cheaply delivered. There is a vast difference in a case where the Government is a vast user of rural-delivery routes and start routes; and, being a user with the State, we say, "The Government will pay its part to put the roads in a good condition."

Mr. SMOOT. The Senator from Virginia should not say that, because there is an amendment now on the committee amendment that he voted against providing that there shall be money appropriated to build roads in the forest-reserves property owned by the Government. The Senator from Virginia voted against the amendment.

Mr. SWANSON. If the Senator will permit me again, I voted against that amendment because I think that the Western States have been generously treated under the provisions of distribution. For the area of Government lands within the State lines a certain amount of money is given. Let me ask the Senator this question——

Mr. SMOOT. Wait, and let me reply to that. The Senator can not say that truthfully, when he knows in some of the States land has been withdrawn to the amount of over 50 per cent of the area of the State, and more miles of road are required to be built through the various reservations to get from one county to another than there would be within the State. The Senator voted against the proposition that 10 per cent of the amount collected from the people of the States for grazing their sheep and their cattle could be used for building roads through the Government-owned property. He was opposed to that.

Mr. SWANSON. If the Senator will yield again, I have made an estimate, and I have an idea that the bill treats all the States with Government land very generously indeed. They get a large proportion.

Mr. SMOOT. All the States are treated alike under my amendment.

Mr. SWANSON. I am not going to be diverted from the discussion. I should like to ask this question. The Senator always advocates fairness. Twenty-four States would have to wait four or five years to get the benefits of the provisions of the Senator's amendment to any appreciable extent. It will require a constitutional amendment. If bonds were issued to the other 24 States, and we should get into a war or an emergency should arise and the Government did not desire to strain its credit further and would repeal this law, those States would have a chance of getting nothing. I insisted, both in committee and on the commission, that if this plan is ever to be devised, it ought to so apply to the future that every State could have an opportunity to start on equal terms. I should like to ask the Senator this question: If you were to sell a billion dollars' worth of United States bonds, and in time of peace strain your credit, and war or other emergency should arise, and you had to sell bonds for that purpose, do you not think that a billion dollars' worth of bonds, in addition to our present indebtedness, would impair the ability of the Government in its war or trouble in using its credit for that purpose?

Mr. SMOOT. No, Mr. President; but the indebtedness that the Government of the United States has of $500,000,000 in this form would not in any way, shape, or form endanger the credit of the United States. The argument is far-fetched.

Mr. SWANSON. My idea is that the Government in time of peace should be very loath to issue bonds. Its credit should be reserved for an emergency, a time of war, or other time of trouble. Consequently I thought the wiser course to pursue in connection with road construction was for the Government to appropriate the money so that it could pay as it went, and then permit the States to supplement that and pay their part of the burden. That is what the committee thought and that has been the conclusion reached in reference to the merits of these two bills.

Mr. SMOOT. Mr. President, if there was any danger of the United States straining its credit or if the $500,000,000 that was to be paid out at the utmost in five years would have a tendency even to bring about that condition, there might be something in the Senator's argument, but there is nothing in it. No $500,000,000 of bonds that will be issued to the States of the Union secured by the bonds of the State are ever going to affect the credit of the United States.

Mr. SWANSON. If the Senator will permit me, he is very apprehensive that an appropriation of $75,000,000, supplemented by at least an equal amount from each State, will go so far as to bankrupt the Government. Now, if we once get to issuing bonds and the State under this plan can issue its own bonds and in 50 years pay nothing, does not the Senator believe that before we get through ten billions of bonds will be issued?

Mr. SMOOT. Not at all.

Mr. SWANSON. If this works successfully and you get all your bonds for nothing, there will be a greater demand for the issue of bonds than there would be to raise the taxes in the State and have them pay an equal amount.

Mr. SMOOT. No; the State is paying interest all the time upon the amount of bonds on deposit with the Government of the United States, and the State is not going to pay any more interest than the people of the State will vote or the people of the State want to expend in the building of roads. So the argument of the Senator falls to the ground by the mere statement.

Mr. President, I do not want to see the Government of the United States go headlong into debt. I would not for one moment approve of any such thing. The sale of these bonds will not interfere with the credit of the United States in time of war, if war should come, the loyalty of the people is sufficient to see that the money necessary for the Government to carry on whatever war it might be called upon to face is furnished.

Mr. CLAPP. If the Senator will pardon me, of course it would not interfere with the people carrying on a war if war came, but it might interfere with Congress carrying on the road proposition if they had already issued a vast amount of bonds when that occasion arose.

The Senator says that $500,000,000 of bonds would in no sense weaken our credit. What the Senator thinks would be the financial effect is not the question. The question is, what might Congress at that time think of continuing this process, and if they did suspend this process, whether injustice will not have been done to 24 States in this Union that can be avoided by adopting the committee bill.

Mr. SMOOT. There is no need of Congress taking action, because the bill itself is guarded. The bonds have to be sold at 3 per cent. Government bonds, in order to raise the money, must be sold at par; and if the bonds can not be sold at par then the Government of the United States can not raise the money.

Mr. CLAPP. Mr. President, these bonds might be sold at par, but it might occur to Congress at that time that the other bonds necessary to use in an emergency could be sold for less if we did not continue to put these 3 per cent bonds on the market.

Mr. SMOOT. When the Government can sell bonds at 3 per cent interest per annum there will be no emergency.

Mr. SWANSON. Will the Senator give us an assurance that there will not be any emergency within four or five years with the bonds selling at 3 per cent?

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. The Senator from Virginia asks me if I can give him an assurance that there will not be an emergency in four or five years. Of course, no one can give that assurance, and that has not anything to do with the bill or the provisions of it—not in the least.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. I yield.

Mr. TOWNSEND. May I ask the Senator if he has considered carefully what might possibly be the effect upon lower bonds we have already issued if we would authorize an issue of $500,000,000 at 3 per cent?

Mr. SMOOT. This does not say that the bonds shall be sold. They shall not be sold for less than par, and these bonds will be sold upon the same basis as to the rate of interest as the bonds that are in the market to-day. If there is a premium, they will sell at a premium. But the bill provides that in no case can they be sold for less than par. So that question regulates itself.

Mr. President, all I shall do further is to content myself now by asking for a vote upon the amendment.

Mr. BANKHEAD. We are ready to vote on it.

Mr. SMOOT. I ask for the yeas and nays.

Mr. NORRIS. Mr. President, I know that the substitute offered by the Senator from Utah is offered in the best of faith; that ex-Senator Jonathan Bourne devoted a great deal of time to the consideration of the subject, and that this substitute is the result, or partially the result, of his labors.

Mr. SMOOT. Mr. President, I take it for granted that the Senator was not in the Chamber when I spoke on Saturday. In my opening statement I gave Jonathan Bourne credit above all other men for the preparation of this substitute, and I want now, as I did then, to state that I claim no credit whatever for it. I think the Senator heard me say that last Saturday.

Mr. NORRIS. I was not only in the Chamber on Saturday, but I interrupted the Senator with some questions that I think he has not yet answered. I heard all he said. I do not understand why the Senator makes that statement now with regard to Jonathan Bourne.

Mr. SMOOT. For the reason——

Mr. NORRIS. Does the Senator object to my giving some credit to Jonathan Bourne?

Mr. SMOOT. No; that was not it. It has been referred to a number of times to-day as being the Bourne plan—as I myself said it was—that it was prepared virtually by him, and is the Bourne bill. I did not want the Senators present who were not here Saturday to think for a moment that I was trying to claim any credit for the preparation of the amendment, because I had none other than simply advising with Mr. Bourne at the time he prepared it, but Mr. Bourne gave 21 months of his time night and day to the preparation of it.

Mr. NORRIS. I do not yet understand why the Senator should interrupt me with this statement, unless he does not want me to give credit to Mr. Bourne, which I was about to do when I was interrupted. Nobody has intimated that the Senator from Utah was claiming any credit that was not honestly his.

I was going to say, when I was interrupted, that I have the greatest respect and admiration for ex-Senator Bourne. When he devoted his great ability and energy to any subject he went to the bottom of it. He was noted as being a man of a great deal of ability and a great deal of enthusiasm, and when he took up the study of a question he went into all the details, and he was entitled to a great deal of credit. I wanted to say that much before I proceeded to oppose the adoption of the amendment.

I propounded to the Senator from Utah one or two questions on Saturday in regard to this amendment that he has not yet explained. I am going to take them up. One of them is in

reference to maintenance, and that I will take up second. The other is in reference to the payment of the bonds that are issued for the purpose of building roads. Briefly stated, the proposed substitute bill offered by the Senator from Utah provides that the States shall issue bonds drawing 4 per cent interest; that those bonds shall be deposited with the Treasurer of the United States; that the United States Government shall then issue bonds to the same amount, bearing 3 per cent interest; that the Treasurer of the United States will keep the State bonds—they will not be sold, they will be held by the Federal Government; but that the Federal 3 per cent bonds will be sold on the market at not less than par and with the proceeds of these bonds roads shall be built by the States. Then the Federal Government will turn the money over to the States in a certain proportion and in certain amounts provided for in the substitute, not exceeding in the aggregate $500,000,000.

It is proposed in the substitute that the States shall pay interest on those bonds deposited with the United States Treasurer at the rate of 4 per cent, and that when that interest is paid the Treasurer shall pay 3 per cent, and with that money pay the interest that is due on the Federal 3 per cent bonds. That leaves 1 per cent in the hands of the Treasurer of the United States, and it is the intention out of that 1 per cent to pay the principal of the bonds.

The Senator from Utah said, and he repeated it several times, that the adoption of this proposed substitute bill will not cost the Federal Government one cent. I want to demonstrate that it will cost the Federal Government a great deal of money. The bill provides that on this extra 1 per cent paid to the Federal Treasurer the Federal Government shall allow each State 3 per cent interest compounded semiannually, and it is figured that compounding this semiannually for 50 years, the term of the bonds, it will more than pay the bonds, and thus save the Government harmless. But if the Federal Government is going to pay the States 3 per cent interest on that sinking fund composed of this 1 per cent paid in by the State above the amount expended to pay the interest on the Federal bonds, the Federal Government is going to allow the State interest on that at the rate of 3 per cent compounded semiannually. So, if the Federal Government does not have to pay something, it must put that out at interest or do something with it so that it will bring in the money that it is bound by the bill to pay to the State, namely, 3 per cent interest compounded semiannually. Under the bill the Federal Treasurer has no authority to loan that money out or to invest it in anything except as specifically stated in the bill. These particular bonds are then floating on the market, and if every time he got a million dollars in this sinking fund he could take it up and buy a million dollars' worth of bonds, if the Government had issued these 3 per cent bonds, then he would come out whole, because those bonds draw 3 per cent interest, and the Government is liable for that interest.

But, Mr. President, how do you expect the Treasurer of the United States to buy these bonds? In the first place, especially at the beginning of this great system, the men or the institutions who invest their money in these 3 per cent bonds invest them there because the bonds run a long time, they are 50-year bonds, and they are exempt from taxation. They make, in other words, a permanent investment in these bonds. Would they next year sell them at par? Would they turn them over to the Government under any ordinary conditions and times? These bonds would be selling in the open markets of the world at a premium. They would probably be sold in the first instance at a premium, and it would be unreasonable to expect that the Treasurer of the United States could ever buy those bonds at par. The bill realizes that it provides that he must pay a premium of 2 per cent in order to get the bonds and to get the accrued interest on them.

When that can be done you can readily see that the Federal Government is losing some money. It will pay the State 3 per cent interest compounded semiannually, and it will have to go into the market and pay a premium of 2 per cent in order to retire those bonds. So it is going to lose that 2 per cent. It is liable for 3 per cent. If it buys them at par, it will make itself whole, but whatever premium it has to pay it loses. So the Government is out 2 per cent at least. I do not see how it can be figured any other way.

Again, when the Government issues a million dollars, we will say, this year and buys bonds with it during the next year, perhaps every day in the year accumulations are coming in from the various States of the Union in the way of interest, and the Government must pay, from the day it receives that money, to the State 3 per cent interest on it. So while it is accumulating and getting two million it pays interest.

Mr. LIPPITT. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. LIPPITT. The Senator says that under certain circumstances the Government of the United States might have to pay a premium of 2 per cent for these bonds. It is also possible that under other circumstances it will get those bonds below par.

Mr. NORRIS. Yes; I suppose that would be possible.

Mr. LIPPITT. In that case the Government would make money.

Mr. NORRIS. Yes.

Mr. LIPPITT. So when the Senator says the Government would at least have to pay a premium of 2 per cent, I think while it is possible it is by no means a certainty, as the Senator seems to think.

Mr. NORRIS. It is not only possible but it is probable, and there could be no imaginable condition where it would buy, as the Senator from Rhode Island says, at less than par, unless the very life of the Government was at stake in some catastrophe, either in a civil war or an international war.

Mr. LIPPITT. I will say to the Senator there are a great many contingencies that might arise. There might be a scarcity of money just at a moment when there was a plethora of money in the world. Those conditions do not last always. There is an ebb and flow in those matters. It is not at all impossible, not at all improbable, that over a long period of 50 years there will be more than one occasion where the Government of the United States might be able to buy those bonds at less than par. I just make that suggestion in reply to the Senator's supposition that they would always be at a premium.

Mr. NORRIS. Well, Mr. President, the suggestion which the Senator from Rhode Island makes is possible, but it is altogether improbable, and, in my judgment, can never come about, except under the conditions I have named. Take the 3 per cent bonds, take them all the way back from the very beginning of their issue, during which time, except for a short period during the Civil War when the life of the Nation was at stake—and such a condition as that I concede would put these bonds down probably to less than par—but I think from the time of the issue of those bonds up to the present day there has never been an hour of which I know when 3 per cent bonds would not sell at least at par and for nearly all the time at a premium. So, Mr. President, it is safe to say that the Government would have to pay this premium of 2 per cent, and that it would lose that money, which would come out of the Treasury of the United States and the taxpayers would have to pay it. It is not, therefore, true, as has been said in defense of this substitute, that it would not cost the Government of the United States a penny.

Mr. President, let us take up the question of maintenance. The bill before the Senate provides, not so specifically as I should like to have it, but it provides that the State must maintain these roads, and that it must agree to maintain them before it can get any money from the Federal Treasury. Under this substitute no such agreement is required. In the pending bill there is a provision which requires the use of this money for the building of good, stable roads, a provision by which the Secretary of Agriculture must first pass on the kind of road which it is proposed to build before the Federal money can go into it. Under the substitute it makes no difference what kind of a road the State wants to build, the Federal Government has nothing to say about it. The State can get its proportionate share of this money and build any kind of road it pleases, without any Federal supervision and without any Federal control whatever.

Now, as to maintenance. That is another respect in which I think the substitute is not so good as is the pending bill, because, as I have said, the bill before the Senate provides that the State must agree to maintain these roads and to keep maintaining them, and after formal notice is given if the State does not maintain them, and if within that four months it does not proceed to maintain the roads which the Government has assisted in constructing, then it gets no further money from the Federal Treasury.

But what do we find about the maintenance of roads in the substitute? If you want to again find a refutation of the statement that this substitute will not cost the Government a cent, read section 6 in its entirety, with all these provisos, and you will find there where the Federal Government is called upon to contribute to the State, whether they get any of these bonds or not. The only thing they are required to do is to have done some work in maintaining roads in the State. It is provided—

That on the 1st day of February of each year after the year 1918 the Treasurer of the United States shall pay to the custodian of the public funds of each State—

Not from this road fund—nothing of the kind—but that he shall take the money out of the Treasury—

from any funds in the Treasury not otherwise appropriated an amount of money equal to one-half the amount such State has expended out of its own funds for the maintenance of public roads during the preceding calendar year, but in no case to exceed 2½ per cent of the amount of State bonds said State has deposited with the Treasurer of the United States under the provisions of this act.

Then there is a proviso near the end of the section which reads:

Provided, That if any State shall fail to issue bonds as provided in section 5 hereof it shall nevertheless be entitled during the period such failure to issue bonds shall continue, subject to all the conditions and limitations set forth in this section, to receive the maintenance fund provided for in this section; but in no case shall such maintenance fund exceed the amount which such State would have been entitled to receive if it had issued the bonds authorized by section 5 hereof.

Whether or not it takes advantage of this substitute, if it becomes a law, to get a part of the money from the sale of the bonds, there is not a State in the Union but spends millions of dollars in the maintenance of roads within its borders, and under this proposed substitute one-half of what the State would spend it could get from the Treasury of the United States, and it would come out of the taxpayers of the country.

Mr. President, it is fair to assume that all of these $500,000,000 of bonds will be issued. It may be several years before it will be done, but eventually they will all be issued. Then we would have to pay to the States of the Union yearly out of the Treasury of the United States a direct payment of 2½ per cent on those bonds, because it is the limitation of the amount that the States can get for maintenance. There is not any doubt but that each State would pay out of its own funds, as it would have to do under any ordinary circumstances, much more than would give it the right to get the maximum amount from the Federal Treasury for maintenance.

But, Mr. President, it does not end with one year; that does not end the time when these bonds are all issued; but it goes on during all eternity, unless this law should be repealed. There is no end to it.

What would it amount to each year? I have just computed it here. After the act came into full operation it would amount to $12,500,000 every year. That is not out of these bonds, Senators; that is not coming from the interest on these State bonds or anything of that kind, but it is coming out of the Federal Treasury. It would come out of the Federal Treasury if there never was a bond issued. Every State can get that, whether it issues bonds or whether it does not. All it has got to show is that it has spent money during the previous year for the maintenance of its roads. That would give it the 2½ per cent; would give it the amount that I have named.

Mr. President, there is another weakness of the substitute that would cost a great deal of money. That is another refutation of the charge that this would not cost the Government one cent. I have already shown that it would cost the Government many millions of dollars, and a permanent appropriation through all time of $12,500,000 annually. That would not end even when the 50 years were up and these bonds were all paid off, unless the law were repealed.

There is, however, still another provision. This substitute provides for a highway commission, rather an ornamental body. It is stated in the bill that it has only a supervisory capacity. About the only thing it does definitely is to take the statistics, than anybody can get from the census, and figure out what each State should get. That has already been figured out and is already in the RECORD several times, and it would be a very easy matter to figure just to a cent how much a State would get when you knew the area of the State, its population, its taxable property, and the miles of road that it has. Those are the four things that must be averaged and taken into consideration in order to determine what a State will get.

This highway commission that is to do the figuring is composed of two members of the Senate committee and two members of the House Committee on Post Offices and Post Roads. That makes four. They would constitute a majority. One of them belongs to the majority party and one of them to the minority party. The commissioner of good roads would be another one and the engineer from the War Department would be the sixth. So these four Members of Congress, who do not know any more about good roads than do we, would always constitute a majority of that commission. After they had performed the duty which I have described and figured out the data—they would probably employ a clerk to do that—after they had figured out how much each State would get each year, then this is what they might do. I want to read the section.

SEC. 7. That there is hereby created a United States highway commission, to be composed of the chairman and ranking minority member of the Senate Committee on Post Offices and Post Roads, the chairman and ranking minority member of the House Committee on Roads, the Director of the Office of Public Roads, and a United States Army engineer to be detailed from time to time by the Secretary of War. Such commission shall have only an advisory voice in the expenditure of the United States highway fund in the several States.

They could advise, but their advice might be followed or it might not be, as the proper parties saw fit, and probably in most instances it would not be followed.

It shall have its head office—

Now, listen to this—

It shall have its head office in the District of Columbia, but may create highway divisions, never exceeding in number one for each State, and may maintain a division office in charge of a United States highway engineer in each division. Said commission shall have power to employ such clerical and expert assistance as may be provided for by appropriations made by Congress from time to time, and may require the assistance and cooperation of the officers and employees of any department in its work.

Mr. President, that would be a haven of rest for all of the "lame ducks" that ever go out of Congress. There would be or could be under that provision a highway commission established in each State, and undoubtedly there would be also one in the District of Columbia, with a man in charge in each State, with as many clerks and other employees as the highway commission might designate, and with four Members of Congress, meeting the thousands and thousands of applications for positions, and no civil-service law to control the matter. It would be the greatest place in the world to dole out to the various political machines and political bosses over the country safe places for faithful servants to draw upon the Federal Treasury a salary not fixed by law, but fixed by the same men who select the officers to fill the offices.

Mr. President, it seems to me that all this ought to defeat any proposition. To let the bars down in that kind of way and to permit a commission controlled by four men from Congress to establish 49 offices in the various States of the Union, with unlimited salaries and with unlimited numbers of employees, ought to be enough, it seems to me, to defeat any proposition which contained that kind of a provision.

For that reason, as well as for the others which I have outlined, it seems to me that the substitute ought to be defeated.

The PRESIDING OFFICER. The question is on the amendment offered as a substitute by the Senator from Utah [Mr. SMOOT] for the committee amendment.

Mr. SMOOT. On that I call for the yeas and nays.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Nelson	Smith, Md.
Bankhead	Hardwick	Norris	Smoot
Brady	Hitchcock	O'Gorman	Sterling
Broussard	Johnson, Me.	Overman	Sutherland
Catron	Jones	Owen	Swanson
Chilton	Kenyon	Page	Thomas
Clapp	La Follette	Phelan	Townsend
Clarke, Ark.	Lane	Poindexter	Underwood
Colt	Lea, Tenn.	Ransdell	Vardaman
Culberson	Lee, Md.	Saulsbury	Wadsworth
Curtis	Lewis	Shafroth	Walsh
Dillingham	Lippitt	Sheppard	Warren
Fletcher	Martin, Va.	Sherman	Williams
Gallinger	Martine, N. J.	Simmons	
Gore	Myers	Smith, Ga.	

Mr. CHILTON. I desire to announce, for the day, that my colleague [Mr. GOFF] is absent on account of illness.

Mr. BROUSSARD. I have been requested to state that the Senator from Oregon [Mr. CHAMBERLAIN] is absent on official business.

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present. The question is on the amendment, in the nature of a substitute, offered by the Senator from Utah [Mr. SMOOT] to the amendment reported by the committee.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL] and withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. TILLMAN (when his name was called). Transferring my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. ROBINSON], I vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. In his absence I withhold my vote.

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS]. I transfer that pair to the Senator from Ohio [Mr. HARDING] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating my announcement made on the last roll call, I vote "nay."

The roll call was concluded.

Mr. TOWNSEND (after having voted in the negative). I transfer my pair with the junior Senator from Florida [Mr. BRYAN] to the senior Senator from Idaho [Mr. BORAH] and allow my vote to stand.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. OVERMAN (after having voted in the negative). I inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has not.

Mr. OVERMAN. I withdraw my vote, having a general pair with that Senator.

Mr. BECKHAM. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Indiana [Mr. TAGGART] and vote "nay."

Mr. REED. I have a pair with the Senator from Michigan [Mr. SMITH], but I understand if he were present he would vote as I am about to vote, and I therefore feel at liberty to cast my vote. I vote "nay."

Mr. WEEKS. I have a general pair with the senior Senator from Kentucky [Mr. JAMES], which I transfer to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. WADSWORTH. In view of the return of the junior Senator from New Hampshire [Mr. HOLLIS], I withdraw the announcement of the transfer of my pair with him to the senior Senator from Iowa [Mr. CUMMINS] and will allow my vote to stand.

Mr. UNDERWOOD. I transfer my pair with the Senator from Ohio [Mr. HARDING] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. BROUSSARD. I desire again to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is detained from the Chamber on account of official business.

Mr. HITCHCOCK (after having voted in the negative). I transfer my pair with the Senator from Maine [Mr. BURLEIGH] to the Senator from Illinois [Mr. LEWIS] and allow my vote to stand.

Mr. CURTIS. I am requested to announce that the Senator from Wyoming [Mr. CLARK] is paired with the Senator from Missouri [Mr. STONE].

The result was announced—yeas 20, nays 47, as follows:

YEAS—20.

Brady	Gallinger	Lippitt	Smoot
Brandegee	Gronna	Lodge	Sutherland
Colt	Jones	Oliver	Wadsworth
Curtis	Kenyon	Page	Weeks
Dillingham	Lane	Sherman	Works

NAYS—47.

Ashurst	Hollis	Owen	Smith, Ga.
Bankhead	Johnson, Me.	Phelan	Smith, Md.
Beckham	Kern	Pittman	Smith, S. C.
Broussard	La Follette	Poindexter	Sterling
Catron	Lea, Tenn.	Pomerene	Swanson
Clapp	Lea, Md.	Ransdell	Tillman
Clarke, Ark.	Martin, Va.	Reed	Townsend
Culberson	Martine, N. J.	Saulsbury	Underwood
Fletcher	Myers	Shafroth	Vardaman
Gore	Nelson	Sheppard	Walsh
Hardwick	Norris	Shields	Williams
Hitchcock	O'Gorman	Simmons	

NOT VOTING—29.

Borah	Fall	McCumber	Stone
Bryan	Goff	McLean	Taggart
Burleigh	Harding	Newlands	Thomas
Chamberlain	Hughes	Overman	Thompson
Chilton	Husting	Penrose	Warren
Clark, Wyo.	James	Robinson	
Cummins	Johnson, S. Dak.	Smith, Ariz.	
du Pont	Lewis	Smith, Mich.	

So Mr. SMOOT's amendment to the amendment of the committee was rejected.

Mr. LIPPITT. Mr. President, I had hoped that the amendment offered by the Senator from Utah [Mr. SMOOT] might have prevailed. It seemed to me like a scientific and business-like method of distributing national aid for good roads to the States; and if it had prevailed, I should have been glad to vote for the bill. As the bill now stands I can not vote for it.

I have had prepared a table showing the amount of the $25,000,000 that each State would receive under the conditions of this bill, and also showing the amount that each State would pay if this money were collected under the provisions of the corporation and income taxes. This table shows that 36 States receive more than they would pay, and that 13 States pay more than they would receive. Of those 13 States that pay more than they receive, the States of Massachusetts, New York, and Pennsylvania will pay $12,948,750, or more than 50 per cent of the entire amount. Of the total amount of $75,000,000 that is proposed to be appropriated by this bill, those three States would pay a little over $38,000,000.

It seems to me that under the showing of that table this bill is a "pork-barrel" proposition that makes the most extravagant river and harbor bill look like an infant industry. I think if the conditions were reversed, and 36 States paid more than they received, and those 3 States received more than 50 per cent of the benefit, it would be as difficult to get this bill through this body as under the present conditions it is easy.

I ask to have this table printed as a part of my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The table referred to is as follows:

Table showing the amounts each State would receive out of each $25,000,000 appropriated for good roads as proposed in House bill No. 7677, and the amount each State pays of $25,000,000 collected under the corporation and income taxes.

	States that pay less than they receive.	Amount each State would receive.	States that pay more than they receive.
Alabama	$81,500	$536,000	.....
Arizona	39,250	358,750	.....
Arkansas	59,500	424,250	.....
California	.....	778,750	$891,250
Colorado	175,000	434,000	.....
Connecticut	.....	159,500	400,000
Delaware	.....	41,500	88,000
Florida	71,500	280,250	.....
Georgia	137,500	693,250	.....
Idaho	29,750	313,750	.....
Illinois	.....	1,144,000	1,762,500
Indiana	308,500	703,000	.....
Iowa	228,500	753,500	.....
Kansas	173,000	743,750	.....
Kentucky	196,500	703,000	.....
Louisiana	164,000	339,750	.....
Maine	148,000	243,750	.....
Maryland	.....	220,750	318,500
Massachusetts	.....	390,000	1,413,750
Michigan	.....	753,250	908,250
Minnesota	556,000	730,250	.....
Mississippi	33,000	457,000	.....
Missouri	633,750	877,750	.....
Montana	57,750	504,250	.....
Nebraska	87,500	553,500	.....
Nevada	25,750	334,750	.....
New Hampshire	52,250	108,250	.....
New Jersey	.....	304,000	533,250
New Mexico	16,500	411,750	.....
New York	.....	1,292,500	8,615,000
North Carolina	118,750	582,000	.....
North Dakota	20,250	392,000	.....
Ohio	.....	968,500	1,255,250
Oklahoma	126,750	591,250	.....
Oregon	95,250	407,250	.....
Pennsylvania	.....	1,195,250	2,920,000
Rhode Island	.....	60,250	221,500
South Carolina	50,250	570,500	.....
South Dakota	23,000	418,750	.....
Tennessee	127,500	591,250	.....
Texas	326,750	1,505,250	.....
Utah	81,250	289,750	.....
Vermont	60,500	118,000	.....
Virginia	195,500	510,000	.....
Washington	160,500	306,250	.....
West Virginia	155,000	275,250	.....
Wisconsin	272,750	661,000	.....
Wyoming	50,500	318,750	.....
Alaska, District of Columbia, and Hawaii	.....	.....	238,750
Total	5,109,570	25,000,000	19,866,000

Mr. NELSON. Mr. President, time and again during this session I have heard it stated and reiterated that certain States pay a large share of the income tax. I have heard so much of it that I am getting tired of it.

What has enabled these States to pay these income taxes? Why, they have been drawing them from the whole country. If we penned up Massachusetts or New York or Rhode Island and shut them off from the rest of the country, they would not have any big incomes. What enables them to pile up money in these Eastern States and in the large cities but the fact that they have the whole country to draw upon? Yet they are parading before us the fact that they pay these big income taxes. What has enabled them to pay these taxes but the fact that they have been able to pile up these fortunes by drawing them from the rest of us? They ought to remember that.

When you speak about the great fortunes that you have piled up and the great income taxes you are paying you should remember that you have not gotten those from Europe. You have

gotten them from the American people by selling them your products. We consumers in the West have helped you to pile up those fortunes; and why should you parade them before us and say that you are paying more than your share? You are simply paying back, in the form of taxes, a part of that which we have enabled you to put in your pockets. That is all there is to it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes."

INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The VICE PRESIDENT. Is there any objection?

Mr. SUTHERLAND. What was the request, Mr. President? I did not hear it.

The VICE PRESIDENT. To proceed with the consideration of the conference report on the Indian appropriation bill.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

Mr. ASHURST. Mr. President, I know that there are two Senators who are opposed to the conference report, both of whom wish to speak against it. I do not want to have the report adopted in their absence. I do not think it would be good faith; so I think I ought to suggest the absence of a quorum, in order that they may have an opportunity to be heard against the report.

I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Norris	Smoot
Bankhead	Hardwick	O'Gorman	Stone
Beckham	Hollis	Oliver	Sutherland
Brady	Husting	Overman	Swanson
Brandegee	Johnson, Me.	Owen	Thomas
Broussard	Jones	Page	Thompson
Catron	Kenyon	Phelan	Townsend
Chilton	Kern	Pittman	Underwood
Clapp	La Follette	Pomerene	Vardaman
Clarke, Ark.	Lane	Ransdell	Wadsworth
Colt	Lea, Tenn.	Reed	Walsh
Culberson	Lee, Md.	Saulsbury	Warren
Curtis	Lippitt	Sheppard	Weeks
Dillingham	Martin, Va.	Sherman	Williams
Fletcher	Martine, N. J.	Shields	Works
Gallinger	Myers	Simmons	
Gore	Nelson	Smith, Md.	

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the conference report.

Mr. LANE. Mr. President, before the report is finally adopted or rejected I wish to make a correction in the statement which the Senator from Arizona [Mr. ASHURST] made a few days ago, when this report was first submitted. The Senator said that under the amendment offered by me, providing for the inauguration of a new system of bookkeeping in the Indian Bureau by the Bureau of Efficiency there would be considerable expense involved; that a considerable sum of money would have to be expended in placing the new set of books in operation. I am informed, and so stated when I submitted the amendment, that it would not cost anything; that this bureau was already provided for, and that there would be no expense except that of the ordinary work which they are engaged in doing, whether they are engaged upon that particular task or not.

I also understood at the time, or I was informed before the report was submitted here, that it did not meet with the approbation of the Indian Bureau, and that they would defeat the bill if necessary to keep the amendment out of it. I got that information reliably. I see no reason why there should be an objection made to inaugurating a better system of bookkeeping in the Indian Bureau, which handles some eight or nine hundred millions or perhaps a billion dollars' worth of property belonging to a people who are helpless wards. I do not see any reason why there should be any objection to having the accounts kept in such a manner that the Senate and the Congress may know what they are doing when they make appropriations for the support of that department.

As a matter of fact, as nearly as I can ascertain, there has been no experting of those books since they were installed 60 or 70 years ago, since the department first began its work. There has been no balance taken, nor, it seems, can there be one made at this time; and it seemed to me that that was a mere matter of justice to the Congress—who are responsible in part, and in fact held responsible ultimately, for the legislation which carries on the work of that bureau—to have this done.

I do not think that the Senate or the majority of the Members of Congress of either House understand the status of the Indian. The Indian is a ward. He is a "mute and inglorious" ward. He has no voice in regard to his personal liberty or the manner in which his property is handled. He can not buy property; he can not lease his property, nor dispose of it in any way. He is without liberty, for the reason that he is confined to the reservation. His property is handled for him by guardians who are maintained in large part at his expense. In the management of the affairs of the Indians Congress makes appropriations of ten, eleven, or twelve million dollars a year, and I understand that is but a tithe of the expenditure; that hundreds of thousands of dollars and millions of dollars worth of property are handled without any accounting at all, without ever being brought into Congress or within the reach of Congress.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. LANE. I do.

Mr. THOMAS. I want to suggest to the Senator that we have a Committee on Expenditures in the Interior Department, at the head of which is one of the most capable accountants in the United States—a man who seems to have abundant leisure. I suggest that he be requested to take some active part in this question, and inquire into it and report to the Senate his conclusions after a full and careful and exhaustive examination of expenditures in the Interior Department. Of course, I refer to the Senator from Utah [Mr. SMOOT].

Mr. LANE. I have an idea that if the Senator from Utah set to work upon analyzing these accounts he would not quit until he arrived at some definite conclusion. I have that confidence in him from three years' observation of his work here, and I am sorry that some one like the Senator from Utah has not had hold of it before.

The actual condition which presents itself, in a general way, is this: Some tribes have a great deal of property but no available cash. Some even have cash, but it is not available to them personally, although to their credit in the Treasury of the United States. There are Indians in one such tribe whose tribal holdings are valued at $40,000 per capita for each Indian belonging to the tribe. The baby that was born yesterday is worth $40,000 in its tribal rights, and the old man who dies tomorrow is worth the same; and, in addition to that, they have allotments. Yet some of those Indians, the old and the crippled, go hungry; they actually go without enough to eat, for the reason that they are unable to procure it. It is an anomalous state of affairs. It is wrong. There must be something wrong in the management of the affairs of a ward worth $40,000 that he should go hungry, that he should go cold in winter for lack of shelter and for lack of clothing.

It is against that sort of management of the affairs of a people who are voiceless that I make a protest, and against the continuance of that method of handling their affairs. I do that without prejudice to anyone, and without any desire to find fault; yet, being a member of the committee and a Member of this body, I am in part responsible if I allow it to continue without attempting to stop it. That is all I wish to do—to stop it, or to direct it into a channel where the helpless ward, the unfortunate, the ignorant, the person who neither speaks, reads, nor writes our language, who is at the mercy of his guardian and the trustee of his person and his property, may have an opportunity at least to get enough to eat.

There is one reservation in one of the States where $750,000 is appropriated out of the tribal funds, or, at least, made a mortgage upon the lands, for putting in a reclamation project—and it is in the bill at this time—where many of the members of that tribe are eating out of swill barrels, are actually going around and hunting swill barrels and picking up crusts of bread and cast-away potatoes and getting such scraps as will keep them from dying of starvation. There is something wrong about that. Without reflecting upon anybody, that is no way in which to administer the estate of helpless people, of wards—

wards who are tied down onto a reservation and may not depart therefrom, but have to keep within circumscribed limits and are forced to live under those conditions.

If they were given their freedom, if they were given an education, if they were given means with which to take care of themselves, and then they frittered it away and came to poverty, it might be said that they had had a fair chance, and it was "up to them." But not being allowed these opportunities, the responsibility rests elsewhere, and it rests in part right upon the good gentlemen who constitute this body, if you please. The majority of the Members of this body are ignorant of conditions; yet, if the conditions do exist and have existed for years, and go on year after year without any remedy, there comes a time, or there ought to come a time, when the thing should be stopped, or at least when a change should be made, or at least when knowledge should be given to the Members of the Senate of the facts as they exist; and then, if they do not object to them, the responsibility rests rightfully upon them.

I have been told that there is an official report in the possession of the Indian Bureau which states that if the present condition of affairs upon one reservation continues to exist, if there are not radical changes made in the method of handling the affairs of a certain tribe of Indians—and I refer to the Blackfeet Indians of Montana—it is but a matter of time, and not a long time, at that, until the Indians on that reservation will become extinct. They will have been exterminated, through no fault of their own. Those Indians, in the days when I was a boy, were a hardy people who cared for themselves, and they were an able-bodied tribe, too, to whom you had to pay respect if you traveled through their country. They were fighters. But now they have become so pitifully poor that they go hungry. The children die of disease resulting from inanition, from lack of sufficient food to give them vitality to fight off the most ordinary sickness. They live in squalor that is unbelievable, herded in huts without bedding, lying upon rags on the ground, 60 per cent of them tubercular, and 80 per cent of them going blind from trachoma, forced into huts in close contact with one another to keep from dying of cold; and at the same time their property has been mortgaged and a million of dollars has been expended in building a reclamation system which, when it is finished, will probably not be worth one dollar to them. They are barehanded and in hunger and in rags.

Such a condition should not exist. It is worse elsewhere, I am told, and better in some instances; but no such condition should exist. They have no opportunity to improve themselves. Upon that reservation not half of the children have school facilities. Not half of the little children that are now growing up to manhood and womanhood have the opportunity to learn the English language or to do anything in the world. They live at times upon prairie dogs, and are glad to get a skunk for dinner. Now, how can they ever improve? How are we civilizing those people? We are not doing it. We are simply neglecting our duty.

This conference report which is before us to-day upon the bill will pass, perhaps, in lieu of any other measure. Although I offered one abolishing the whole bureau, getting them off of the backs of the Indians, it will not pass at this time, for the reason that the sentiment of the Senate and Congress is not worked up to that point. I think it will come later. But how are these little folks who are growing up ever to escape from that condition, in a climate where it frosts nearly every night in the summer, where the very oats frost down in summer?

We have bought them some cattle lately, and their condition will be somewhat ameliorated by the sale of certain of their irrigable lands at a price, it was estimated in the beginning, of from $2.50 to $10 an acre, while the land just over across the line, the dry and unirrigated land of the white man, sold for $10 an acre. They may after a while, in the cattle business, pull out, but they can not do it farming, for they know nothing of farming, and have no means of ever learning farming.

Those Indians, a number of years ago, were a fairly prosperous tribe. They had cattle upon the range; but, like all Indians, they were improvident, and they did not put up hay, and there came a hard winter. Now, I want you to note this statement as being rather indicative of the manner in which we have handled their affairs. It was stated before the committee that one hard winter they lost nearly all their cattle. They died of starvation or froze to death. Some of them froze to death right at the supply of hay. It was so cold that they chilled and died with food in them, and that is a rare thing to happen to range cattle. But as soon as the majority of the cattle were dead, the Government, which had been furnishing rations to some of those Indians, withdrew the rations, and stopped feeding them just at the time when they needed it most. That forced them to sell their few remaining cattle; and it was testified before the Indian Affairs Committee at one of our hearings a short time ago that some of those traders made 1,000 per cent on the purchase of the cattle from the unfortunate, starving people.

Right then, it seems to me, as a civilized nation, as a nation which sets itself up as one of the greatest in the world, we should have gone to their relief; we should have made them a loan; we should have loaned them rations until they got upon their feet again. The result was, however, disastrous, and they have remained in that unfortunate condition ever since, dying, dying.

This is no new matter. Twenty years ago there was an inspector who visited all of these reservations—more than I shall refer to—and reported the actual conditions as they existed, and he was "fired" by telegraphic message for doing it. You can take his reports made then, at a time when McKinley was President, and redate them down to this day of the month, 1916, and locate them on the same reservation, and 99 per cent of the statements will fit the conditions as they existed at that time. The statements will fit to-day the conditions as they existed at that time. There has not been improvement. That inspector was ex-Gov. McConnell, of Idaho. I know him personally, and he is an able business man, and it is interesting to read his reports and see how they fit conditions as they still exist.

A little Indian woman came in the other day from one of the Western States to our committee and stated that she wanted to buy some "dead allotments"—that is, allotments which had belonged to an Indian who had died. She had 40 acres of land which lay near an irrigating ditch. We asked her if she had no more land than that. She said she had no home, she was without means of operating the land, as I understood her, which she told us she had been allotted by the department. I do not know whether it was a joke or not—it seemed to be a bit sarcastic at any rate—but they gave her 160 acres of pasture lands 50 miles from the former allotment. Just imagine driving cows back and forth morning and night for milking 50 miles each way! But this case is not peculiar. There are other cases that are similar to be found on other reservations.

A short time ago there came a delegation of Indians to the Indian Affairs Committee in relation to the sale of oil and gas land on the Osage Reservation. The gas lands had been leased for 10 years prior to some time in March this year to certain gentlemen, who paid the Indians one-twentieth of a cent per cubic thousand feet for gas; that is, in order words, the lessee received 2,000,000 cubic feet of gas for a dollar. I was looking over my bills this morning and find that I pay $1 for 1,000 cubic feet. Here were certain men who received 2,000,000 cubic feet for $1. Under the new terms which were provided by the Bureau of Indian Affairs for the ensuing 10 years these certain individuals and they were to be assigned the lands—they were not to be sold at public auction or in open market or in competition.

They were to be assigned to the same gentleman for the munificent sum of a half cent per cubic thousand feet; that is, 200,000 cubic feet of gas for a dollar. The gas was worth about 18 cents at the mouth of the well. It is hard to believe yet it is true.

I had passed to me a letter the other day which was written to the chairman of the committee by the Hon. Joseph H. Choate relating to proposed legislation for the administration of Indian affairs. It seems he is the honorary president of the Indian Rights Association, and he criticized me and others for putting in bills before Congress to change the conditions or to abolish them—to get rid of them, if you please—to free the Indians from such conditions, and he criticized me for having put in such a bill.

It would seem to me that here was a very fair opportunity for him to exercise some of his legal ability in securing those rights to the Indians. These lands were to go out at half a cent, we will say, per thousand cubic feet; but about that time there came along a man who had a factory located near these gas wells, and he made an offer of 3 cents per thousand cubic feet. That raised the price to all the other assignees. The gentlemen who were to be assigned this one-half-a-cent gas had to pay 3 cents for it. In assigning these lands, however, this outsider who had intruded himself was like the Indian woman's pasture, assigned land so far away from his factory that he could not use it, and he became rather out of humor about it.

So he went back, I am informed, and made an offer of 3½ cents for the gas, and in addition $50,000 as a premium for the use of that land. He took the precaution to take an attorney with him and a stenographer took down his statements. A little later he was sent for and was assigned the land he applied for, not at 3½ cents and $50,000 bonus, but at 3 cents flat per cubic thousand feet.

They cut his bid. They called his bluff. They would not take any $50,000 bonus; they declined the bonus and spurned the extra half cent raise in the price for gas.

The oil-land leases are sold on a plan or system by which this land is leased to the person who will pay one-fifth or one-sixth royalty or percentage of the production of the property, and in addition to that pay the highest premium for the privilege of operating it. But it must be cash. That naturally eliminates any one who has not the cash. It also eliminates the man who is not thoroughly familiar with the amount of flow which comes from each well, and places the majority of the people of the country at a disadvantage if they desire to operate oil wells.

But this was insisted upon. I wanted to have a method adopted whereby the lands would be leased upon a percentage of production of the land in the way of oil and rating it along as the value of the wells rose and fell. A well which flows a certain number of barrels a day six months from now will depreciate, perhaps. The simple royalty plan would follow equitably; it would provide for the small well of 3 or 4 barrels per day, and the gusher, if you please, the well which produced a thousand barrels a day. I took that up with the department through the committee. They answered me very politely by saying I was not informed on the subject and that I spoke without authority, but the plan would take care equitably of the owners of the property and the lessees of the property as well. That was not, however, adopted. The old bonus plan was followed, and now I have before me a statement from a gentleman who bid 52½ per cent royalty on a property which was rated by the Indian Bureau as yielding 109 barrels a day, and which he stated he found afterwards really yielded 165 barrels a day. That well and that property sold for $50,000 bonus and one-fifth royalty.

The bonus will be repaid in less than a year if the land continues to yield as it now does. One well is now flowing 165 barrels a day, I am informed, and the $50,000 bonus covers all other wells to be drilled on that property.

The Indians will lose heavily, if that statement is true, by having had to accept a $50,000 bonus and a one-fifth royalty in place of the 52½ per cent tendered royalty on the flow of the entire tract. No man knows how many hundred thousands of dollars will come out of the Indians by that deal.

So the Indians' property is handled, and I do not see how anyone could oppose a measure to remedy it.

The council meetings where such sales were agreed upon were held in secret at the Indian Bureau. One-half the Indians who composed the council were ignorant Indians who did not read or write or speak or understand the English language, and were placed under oath not to impart to their fellow tribesmen whom they represented what kind of a bargain they were making in the sale of their lands on such terms, and it is not pleasant to contemplate such proceedings.

A short time ago, or within a couple of years, there came a complaint from the Indians in Wisconsin or Michigan—I have forgotten which State—that under the terms of their contract with a large lumber company the company was confined to a certain territory in logging off timber, but the lumber company went over the line and cut other of the Indians' timber. These men were accused by the bureau of having "trespassed" upon that land in the cutting of thousands and thousands of feet of timber belonging to the Indians. What did the department do? I am relating this to you to show you why I have protested in so many instances against this sort of management of Indian affairs. Out in our country, if you go over the line and cut another man's timber and haul it off and use it for your own use, he does not like it; he resents it. He does not call it a trespass. He calls it stealing, and it is brought to the attention of the sheriff and the grand jury. But in this case it was called a "trespass," and the bureau sent a man out to count the stumps from which the "trespasser" had cut off the trees and removed the timber.

As I said, in the West if a man steals your timber you do not go out and count the stumps and hold a conference with him to see whether he will pay for it or not, but here the Indian Bureau sent out an inspector into Wisconsin or Michigan to count the stumps, to see how many trees, how much timber this company had taken, and then settled with them—compromised it. Such a compromise in our country would be called compounding a felony. I have not much confidence in that kind of method of handling affairs of a people who are without voice and are helpless wards. It is without prejudice that I wish to put a stop to such work. If it did not result so disastrously and were not so pitiable in its results, if it did not lead to poverty and hunger, even to death and to the ruination of a race of people who under proper handling and with proper treatment and encouragement might become one of the strongest factors in the civilization of this country, I would not care so much about it.

There was presented to me a day or two ago a plea addressed to the Senate as a judicial body for justice to the Indians, setting forth some of the conditions as they relate to the affairs of the Osages. I wish to present it as a part of my remarks. It throws a side light upon the subject.

The Committee on Indian Affairs personally can not know all about the management of the affairs of the Indians without full data. It is impossible for them to do so. Pressed upon one hand and another by differing duties, with confusion in the committee in regard to facts which are not presented to it in full, it will never be possible, in my opinion, to secure good, honest, and wholesome management, or even an intelligent management of Indian affairs unless the present system is radically changed or abolished, and the sooner we change it or abolish it the better.

I present this communication to be printed, if there is no objection, as a part of my remarks.

The PRESIDING OFFICER (Mr. KERN in the chair). Without objection, it will be printed.

The communication referred to is as follows:

WILL THE COURT (THE CONGRESS OF THE UNITED STATES) APPROVE OF THE REPORT OF ITS GUARDIAN (THE DEPARTMENT OF THE INTERIOR) IN HANDLING THE PROPERTY OF ITS WARDS (THE OSAGE TRIBE)?

The Supreme Court of the United States has repeatedly held that the relation between the Government and the American Indian is that of guardian and ward. By analogy the Congress of the United States, which created the Department of the Interior, is the court, and the Secretary of the Interior is the guardian, while the Indian is the ward, being controlled and supervised by the Congress or court through its guardian, the Secretary of the Interior, and the Commissioner of Indian Affairs.

Considerable time was spent by the Senate Committee on Indian Affairs during the early part of January and all of February, 1916, in learning something of the oil and gas leases which terminated on March 16, 1916, and which leasing matter has been before the Department of the Interior for two or three years past. These hearings were printed and are entitled "Oil Lands in Osage Reservation. Hearings before the Committee on Indian Affairs, United States Senate, Sixty-fourth Congress, first session, on Senate concurrent resolution 4, relating to the disposition of units of lands of the Osage Reservation in the State of Oklahoma. Printed for the use of the Committee on Indian Affairs (second print)."

It is my object to take the printed record of said hearings, along with my knowledge of the facts, and abstract same with my own comments thereon, to the end that those Members of Congress who are interested in the American Indian and a fair deal may learn the truth concerning the vast oil and gas deal which is about to be consummated, and wherein the Standard Oil Co. is being greatly benefited and enriched at the expense of the tribe of Indians, and the relationship of the guardian to this transaction. (This may assist Members of Congress and the public in solving one phase of the high cost of gasoline.)

The Osage Reservation was purchased by the Osage Indians from the Cherokee Indians in 1872, and title taken in the name of the United States. The reservation comprises approximately 1,400,000 acres, the surface of which was allotted to the individual members of the tribe by act of June 28, 1906 (34 Stat., 539), but all the minerals are yet held in common by the tribe.

In 1896 the entire reservation was leased for oil and gas to Edwin Foster, and this lease was renewed in 1906 for a period of 10 years, but only on 650,000 acres. The lease was assigned and transferred to the Indian Territory Illuminating Oil & Gas Co., which has sublet the greater part of the lease for the development of oil only.

The act of June 28, 1906, supra, allotting the Osages, created the Osage Tribal Council, and in section 4 of said act gave the council the right to lease the oil and gas lands, subject to the approval of the Secretary of the Interior.

This council is elected by a vote of the Osages, as provided by law, and take an oath of office.

The present council is composed of a chief, who is a full-blood, blanket, non-English-speaking Indian; an assistant chief, who is a full-blood Indian, speaking English brokenly; eight members of the tribal council, five of whom are full bloods and three of whom are mixed-blood Osages. The chief presides at the council meetings, only the eight tribal councilmen being permitted to vote and participate in council proceedings, unless a tie vote is cast, when the chief, as presiding officer, casts his vote.

After departmental officials had the matter of re-leasing these Osage oil and gas lands under consideration for about two years the Osage Tribal Council were called to Washington in June, 1915, by the Secretary of the Interior for the purpose of devising plans for the re-leasing of these lands after March 16, 1916. At this time many offers and plans for leasing these lands were on file in the Department of the Interior, but had never been submitted to the Osage Tribal Council, nor had men or companies who wanted to negotiate for these lands been permitted by the department to in any way whatever negotiate with the tribal council, and up until June, 1915, none of these plans or proposals had been submitted or considered by the tribal council.

On Monday, June 7, 1915, the council was called to meet Franklin K. Lane, Secretary of the Interior, proceedings of which meeting are reported on page 96 of the hearings before the Senate committee, supra, which will be spoken of hereafter as the record. At the close of his speech, which had probably gained the confidence of the tribal council, the Secretary requested the members of the council, Commissioner Sells, Supt. Wright, and Mr. Williams to stand, raise their right hands, and take the following oath:

"I promise to be honest, to be loyal to my tribe, to do the right thing by all of my people, and to be a good sentinel for the tribe, and to talk to no one about this except those who are in this room now, and may God help us to come to a right decision." (Record, p. 97.)

The members of the Osage Tribal Council had taken an oath of office when they entered upon their duties as councilmen, and why it was that Commissioner Sells and Supt. Wright took this new oath along with the council I can not understand, unless it was for the purpose of impressing the members of the council, especially the full bloods, because of great formality. Certainly it would not be necessary for the Secretary to swear Commissioner Sells and Supt. Wright to secrecy had he desired that nothing be said as to the transactions of the council meetings yet to follow.

The council then spent several days with Commissioner Sells, Supt. Wright, and Mr. Williams, of the Bureau of Mines, in devising the plan of leasing which was afterwards adopted.

The members of the Osage Tribe had by subscription sent Mr. Edward Simpkins, an intermarried citizen, and Mr. Anthony Carlton, a member of the tribe, along with the Osage council to advise with the council, to the end that the Osages might secure the best results. These two gentlemen were not permitted to attend the council meetings, and, because of the oath of secrecy heretofore mentioned, the council were not permitted to advise with these gentlemen as to their best interests. (The record, pp. 88, 155.)

"Our negotiations were opened by a speech made by Commissioner Sells, which greatly impressed members of the Osage Tribal Council with the commissioner's great sincerity and desire to help the council in the re-leasing of these mineral lands. There was sent by the Osage people to advise and assist the Osage Tribal Council Mr. Anthony Carlton, a member of the tribe, and Mr. Edward Simpkins, a white man, having a large Osage family. For some reason the Commissioner of Indian Affairs, or some one other than the Osage Tribal Council, would not permit these gentlemen to attend the meetings of the tribal council or advise with the members thereof" (p. 88).

Page 155:

"PAWHUSKA, OKLA., *January 22, 1916.*

"GEORGE ALBERTY,

"*Care National Hotel, Washington, D. C.:*

"If you think necessary an investigation, you can have George Pettit, Anthony Carlton, and myself subpenaed as witnesses before the Senate committee, as we know how you were treated.

"E. H. SIMPKINS."

For some reason no stenographic notes were taken of the hearings where the real work was done, but only of the hearings before the Secretary.

The chief of the Osages at the first meeting of the council with Commissioner Sells, Supt. Wright, and Mr. Williams, at which meeting the active work of the council, which terminated in the June 17 resolution, commenced:

"Expressed the confidence of the council and himself in the Secretary and commissioner and desired their aid and counsel as to the best action to be taken, suggesting the advisability of the tribe's having an attorney to be present. The commissioner stated that he himself was an attorney, that the Secretary was one of the ablest attorneys in the country, and that both were their friends; and that as it was a business and not a legal proposition to consider, he did not believe the presence of an attorney necessary, to which the chief agreed." (Record, p. 107.)

During this session of the council and all other sessions of the council, in a room in the Bureau of Indian Affairs, an outer guard was kept at the door for the purpose of assisting the tribal council, Commissioner Sells, etc., in living up to their oath of secrecy.

Among the several offers or proposals that had been submitted for a lease was one from a committee appointed by the National Petroleum Association, representing independent refiners and independent oil producers. This offer was $500 per barrel for the production and one-sixth royalty to the tribe, or $400 per barrel for the production and a one-fifth royalty to the tribe. (Record, pp. 248, 249, 251, 252, 253, 297, 298, 299, 301, 302.)

When a member of the Osage Tribal Council called the attention of the Senate Committee on Indian Affairs to this offer of the National Petroleum Association and to the fact that if considered at all by the council it was not properly considered, the Secretary of the Interior by letter to the Senate committee called attention to the fact that—

"This proposal was known as that of the National Refiners' Association, and you will find on page 107 of the hearings before the Senate Committee on Indian Affairs, dated January 17, 1916, the memorandum of the meeting of the Government officials with the Osage Tribal Council, Mr. Alberty being present at that time. We sought no evidence of the responsibility of the bidder." (Record, 252.)

The memorandum mentioned by the Secretary, found on pages 106, 107, 108, 109, of the record and signed by A-she-gah-hre, principal chief, and G. R. Pettit, secretary Osage National Council, was not drawn by the secretary of the national council, as would be the usual practice, but these council minutes were made up by one of the Government officials and submitted to the chief and secretary at the close of their session in Washington for their signature, and were signed by them without the secretary of the council having read the same. A close reading of these minutes as to the National Refiners' Association proposal would lead one to believe that the compiler of the minutes had suspected that at some time in the future some question might be raised by the National Refiners' Association, or by some member of the Osage Tribal Council, and the minutes make frequent reference to this proposal and the fact that it had been duly considered by the council. (See statement of Councilman Alberty in the record, pp. 248, 249.)

The guardian says that his wards considered this offer, which on its face is several millions of dollars better than what they are to receive under the June 17 resolution, and that the wards of the Government in their great wisdom decided to take the lesser offer. Conceding that Councilman Alberty and several other members of the council are mistaken and that the offer of the National Refiners' Association was duly, sufficiently, and properly considered by the council—the wards—and that the Secretary of the Interior and Supt. Wright, or whoever compiled the minutes of the Osage Tribal Council, are correct, was it not the duty of the guardian to insist on the acceptance by the wards of that proposition which would bring to the Osage Tribe of Indians the greater return? And is the guardian justified in referring to a record made up by himself for the purpose of shifting all responsibility to the ward, and that the council shall make leases on these lands which will bring a less return to the Government's wards—the Osage Indians?

The resolution of June 17, 1915, on which the new leases are to be founded was not drawn by the Osage Tribal Council, but after the council and the Government officials had been in session for something like 10 days the resolution was drawn by some one other than the Osage council, about one day's time being consumed in the drafting of this resolution. The resolution was presented to the council at almost midday, was read once and interpreted to the non-English-speaking councilmen, and without any further consideration the council were taken from the commissioner's office to the office of the Secretary of the Interior, having been told by Government officials that it was necessary to hurry and get the resolution signed, to the end that they might accompany the Secretary of the Interior to meet the President of the United States. (See record, pp. 88 and 104.) Ordinarily, to consider a resolution of the length and character of the June 17th resolution, even if its terms had been discussed and agreed upon—then after said resolution was placed in writing the Osage Tribal Council would have taken from 10 days to two weeks in the consideration of the resolution before adopting same. It is absolutely impossible for a council of Osage Indians, partly composed of full-blood, non-English-speaking members, to get any appreciable understanding of the June 17 resolution in one reading and one interpretation.

The June 17 resolution provides in section 11 thereof that the present sublessees shall have oil leases made to them in the aggregate area of about 70,000 acres of producing territory and approximately 160,000 acres of nonproducing territory. The resolution makes 160 acres the unit for the purpose of leasing. Each 160-acre unit having thereon one oil well is considered a producing unit, and aside from the producing units given to the sublessees, "without competition and without compensation," it is provided that 165,000 acres in nonproducing or undeveloped units should be given the same sublessees "without competition and without compensation." (Record, pp. 105, 106.)

On January 1, 1915, there were 2,666 producing oil wells in the Foster lease, aside from the dry holes and producing gas wells. The producing units and the nonproducing units, which are to be leased under the June 17 resolution, are intermingled, much of the undeveloped territory being adjacent to the developed units. These 2,666 producing wells are so arranged and scattered throughout a large part of the territory, being leased under the June 17 resolution, that they practically prove the undeveloped units which will be received by the former sub-lessees. (Record, 305.)

Section 9 of the June 17 resolution (Record, p. 105), which deals with the gas, absolutely closed the doors to the world and gave this gas territory to the gas companies who had been for years getting this gas at $100 per well. The public was arbitrarily kept from making application for gas territory by this resolution after the date on which the resolution was adopted, to wit, June 17, 1915. On pages 76 and 77 of the record we find the following:

"Senator OWEN. What is the authority under the resolutions that were passed by the Osage council concerning the leasing of gas? I understand everyone was excluded except those who had previously made an application or something of that sort.

"Commissioner SELLS. The resolutions as passed by the tribal council June 17, 1915, paragraph 9, provides that—

"'Gas leases shall be made by the tribal council to the present gas lessees, covering all or part of their present holdings, and for such periods as the Secretary of the Interior may determine: *Provided*, That applications made prior to this date for leases of gas may be granted in the discretion of the Secretary of the Interior.'

"Senator OWEN. What is the purpose of excluding future bidders?

"Commissioner SELLS. I am not able to say. So far as I know, the bidders in sight at the time these resolutions were passed were the present lessees and two or three others.

"Senator OWEN. I understood that. Of course, you read that in section 9 that only those who were at present there holding gas leases would be permitted to have any gas in the Osage country, and I want to know the reason for that.

"Commissioner SELLS. I am unable to give you the reason. That had not been discussed at the time.

"Senator OWEN. Then it is the present policy of the Government to prohibit anybody except those at present holding?

"Commissioner SELLS. Those things are being considered by the department at this time and the probabilities are they will be determined soon." (See pp. 88 and 89.)

The maximum price paid for gas by the pipe-line companies to the developer at the time of the above questioning of Commissioner Sells by Senator OWEN was 34 cents per thousand cubic feet, and at the time of the above questioning, the Osage council being present in Washington, the Department of the Interior had been insisting to the Osage council for nearly two weeks that the June 17 resolution as to gas was binding and as sacred as the Bible, even though the council had been offered an increase of 400 per cent more for their gas than they were to receive under the departmental plan embodied in that June 17 resolution, and the departmental officials kept on with their insistence as to the binding effect of the June 17 resolution as to gas until a member of the Osage Tribal Council called the matter to the attention of the Senate Committee on Indian Affairs and, through the press of this country, to the public generally, after which the Secretary of the Interior sent out notices to the gas men throughout the country that he would hold a public gas hearing. Such hearing was held for two days, and the Osages are to receive 5 cents per thousand cubic feet for their gas instead of one-half cent per thousand cubic feet, as provided for in the departmental plan set forth in the June 17 resolution.

The so-called Foster lease on the 680,000 acres of Osage oil and gas lands, which terminated March 16, 1916, was unlike the ordinary oil and gas lease, which reads for a certain period and as long thereafter as oil and gas are found in paying quantities, in that the Foster lease read for a fixed period, with the right of renewal for 10 years, which renewal terminated March 16, 1916 (see record, pp. 3, 4, 5, and 6), and the above is the construction placed on this lease by the lessees and by the Secretary of the Interior. On page 22 of the record, in a letter from Secretary Lane to the Senate Committee on Indian Affairs, we find:

"The lease rights of the sublessees will expire March 16, 1916, and they do not base their requests for new leases on legal rights. They assert equitable rights by reason of the investments made and the development work performed. The resolution of the tribal council provided for a renewal of the lease in 1906, but no such provision is contained in either the resolution of the tribe or the act of Congress for a renewal of the present lease, which expires in 1916.

"They knew that their leases would expire on March 16, 1916, and it must be assumed that the investments were made with full knowledge of the possibility of not being able to obtain renewals or new leases. However, I realize that large sums of money have been invested in the development of the Osage lands, and in the drafting of the regulations hereafter referred to I have endeavored to recognize the conditions as they exist, without sacrificing the rights and interests of the Indians."

Again, on page 304 of the record, the Secretary, in a letter to the Senate Indian Committee, says:

"These oil and gas properties belong to the Osage Tribe, and in the leasing of the lands our primary duty is to do the best we can for the Indians and see that they receive the highest revenue. The process of leasing oil lands on a fixed royalty and cash bonus is generally in vogue and is nearly as old as the industry itself."

Notwithstanding the fact that these leases terminated and became again the property of the Osage Tribe of Indians, 70,000 acres of producing territory, having thereon at the time 2,800 wells, and 160,000 acres of nonproducing but proven territory is being given to these same sublessees, with no increase whatever in royalty over what the sublessees had been paying to the Indian Territory Illuminating Oil Co., to wit, 16⅔ per cent.

Mr. Barnsdall, who is one of the best known oil developers in the United States, testified before the Senate Indian Committee that when an oil lease terminated the lessee would have to make new terms with the lessor, and that they would frequently have to pay the lessor an additional sum. (Record, p. 73.) Under the departmental plan, as contained in the June 17 resolution, the Osages are precluded from offering this 70,000 acres of developed territory to the oil-producing fraternity and were precluded from dealing with the oil fraternity, including even the present sublessees. The whole thing was managed by the department and the Indians were not permitted to negotiate or attempt to receive a greater sum for their oil from their former tenants.

On page 26 of the record, in his letter to the Senate Committee on Indian Affairs, Secretary Lane said:

"I consider that the Osage Tribe is fully entitled to what it may be able to realize from the sale of the producing units to be released at the expiration of the Foster lease.

"I am opposed to granting special concessions such as the Oliver resolution would include, that the Barnsdall Oil Co. should be held to our regulations the same as any other sublessee.

"The apparent purpose of this resolution is that the Barnsdall Oil Co. may secure valuable property belonging to the Osage Tribe in excess of the acreage permitted under the tribal resolution and the regulations of this department without competition and without compensation."

Why, in view of the Secretary's attitude and his opposition to granting special concessions, does he allow the sublessees to have 160,000 acres of undeveloped, proven territory, upon which they have no improvements whatever, and for which the Osages could receive millions of dollars as a bonus aside from a one-sixth royalty on the oil therefor? Conceding the claim of the sublessees as to equities, should not the Secretary of the Interior have regarded the equities of the Osage Tribe of Indians, and was it necessary to give away in undeveloped acreage property that would bring a return of many millions of dollars? And was it necessary to this end to again bring the Osage Tribal Council to Washington, where they arrived Sunday, April 9, 1916, for the purpose of executing leases on this undeveloped, as well as on the developed, territory; refusing to receive and read a telegram from a mass meeting of Osages protesting against the council executing these leases at this time. And when the council finally authorized the chief to execute these leases, the three mixed-blood members of the council, who are practically white men, refused to authorize the execution thereof, and the Secretary, who believes that the Secretary of the Interior and the Commissioner of Indian Affairs constitute the Government of the United States, living in daily fear of them, voted and authorized the chief to execute said leases.

The Boston pool, which is a part of the old Foster lease, but on a stray section several miles from the body of the lease, made it desirable that the territory adjacent to this section be put up at auction, and the Osages received bids on some of this territory in excess of $500 per acre, and at a royalty of one-sixth of the oil produced. There was one 40-acre tract which looked good to the oil fraternity upon which the Ohio-Oklahoma Oil Co. bid $1,500 per acre.

On pages 74 and 75 of the record, we find:

"Commissioner SELLS. The law simply empowers the President to fix the royalty.

"Senator WALSH. And there is a chance for competition in the matter of the bonus?

"Commissioner SELLS. Yes, sir.

"Senator WALSH. And that bonus runs very high, sometimes?

"Commissioner SELLS. Very high.

"Senator WALSH. About how high?

"Commissioner SELLS. As high as $1,000 an acre.

"Senator OWEN. Did you not have a letting on that basis of a bonus two or three years ago?

"Commissioner SELLS. Yes, sir; in what is known as the Boston pool, adjoining the Boston pool in the Cleveland district."

Then why, in view of the above, should your guardian, the Secretary of the Interior, insist on the council making leases, or permit them to make leases, on thousands of acres of undeveloped, proven territory, worth millions of dollars to the Osages?

An investigation of a map showing the wells of the so-called Foster lease will disclose the fact that many, many thousands of acres of this undeveloped territory, which is being given to the oil developer "without competition and without compensation" is proven territory, adjacent in many instances to the developed territory, and if this adjacent territory was first sold at auction and developed, or partially developed, then the remaining territory, it would mean untold millions to the Osage Tribe. Why should "special concessions" on this undeveloped territory be given to the concerns who have been developing in that field, thereby cutting out the oil fraternity generally, leaving this crude oil where it must be turned over to the Standard Oil Co.?

In the Kansas City Journal, Wednesday, March 29, 1916, page 3, we find:

"WICHITA, KANS., *March 28.*

"Oil men are in a flurry here to-day over the report that the fifth well on the E. C. Varner lease, 5 miles southeast of Augusta, is flowing 1,000 barrels a day, with the drill but a foot in the sand. A 5-inch pipe is not large enough to carry away the oil.

"This is within 600 feet of the Ed Varner 'gusher,' which sent the price of leases in the field as low as $25 an acre to as high as $1,000. The oil men assert that the Varner No. 5 will be the biggest well in Kansas. The sand was found at 2,475 feet."

In the same paper, on the same page, we find:

"GUTHRIE, OKLA., *March 28.*

"The rush for oil leases in this county continues, more than 100 being filed for record to-day.

"Every abstract firm here is working a day and night force. The Prairie Oil & Gas Co. is securing abstracts on many leases which they will file at once.

"The estimate for the recording fees is close to $1,500. As much as $5 an acre is being paid for many leases. A few were sold at $10."

Guthrie is not in an oil county, has not been considered or thought of until recently as a possible oil field. And yet the demand for oil territory is such that the developer will take a chance. The Augusta field is practically a new one, while the Osage field has been under development for years, contains hundreds and hundreds of wells, and the undeveloped territory is practically proven.

With oil at present prices, and there being no question but that if rightly handled the 160,000 acres of undeveloped units, which is being given away "without competition and without compensation," would bring a minimum of $100 per acre, or $16,000,000. Is this too small a sum to be called a "special concession"?

During the month of June, 1915, the oil run from the Osage Reservation amounted to 721,408.96 barrels; the price being at a low ebb, the run was light. Of the above amount there was run to the Prairie Oil & Gas Co. (admittedly the Standard Oil) 481,582.33 barrels, leaving 239,826.63 barrels to all other pipe-line companies, some of which may be Standard under another name, the Prairie Oil & Gas Co. having received more than twice as much of the oil as received by all other concerns. (Record, p. 138.) No "evidence as to responsibility of bidder" was sought for.

Why should the Osage Tribal Council be prevented by the Department of the Interior from having an attorney to advise them in this matter wherein millions of dollars are involved, when they had had an attorney advising them generally up until April 9, 1914, and in view of the fact that the pipe-line companies, as well as the oil and gas companies interested in this matter, had employed many of the most eminent lawyers, men of national reputation, to be found in this country, including ex-Congressman A. Mitchell Palmer, of Pennsylvania; Samuel Untermyer, of New York City; Judge C. B. Ames, of Oklahoma City, Okla.; and dozens of others.

In view of the undertaking of Congress to look after and protect the American Indian and his landed estates, will Congress permit the undeveloped oil lands of this dependent people to be sacrificed to the oil monopoly and against the interests of the American people generally?

Respectfully submitted.

PRESTON A. SHINN.

Mr. OWEN. Mr. President, I notice that amendment No. 2 to the Indian appropriation bill proposed by me and agreed to by the Senate in the following words:

The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506), and the possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be prima facie evidence of unlawful introduction—

was amended by the conferees by inserting the word "Indian" in lieu of the word "the" before the word "country" and striking out the word "the" before the word "introduction" and inserting in lieu thereof the word "such."

My object in presenting this amendment was to apply the rule of stolen property to intoxicating liquors found in the possession of any person in the country where its introduction is prohibited by Federal law, which would include all that portion of Oklahoma formerly known as Indian Territory.

The United States Circuit Court of Appeals for the Eighth Circuit held in the case of Evans against Victor et al. that all that portion of the Indian Territory title to which had passed from the Indian tribes was not Indian country, which portion includes all towns and cities as well as all allotments of unrestricted allottees.

The effect, therefore, of the amendment agreed to by the conferees is practically to annul the provision so far as it relates to Oklahoma, and ordinarily, in view of this action by the conferees, I would oppose the approval of the conference report by the Senate and endeavor to have the Senate insist that the amendment as adopted by the Senate be incorporated in the bill.

This appropriation bill, however, contains a provision for a per capita payment of $300 to the Choctaws and $200 to the Chickasaws. These Indians to whom this payment is to be made are in dire need of it, and its payment I have earnestly urged both at this session and at prior sessions of Congress. I would not feel justified in taking any action which would have the effect of delaying this payment for even an hour, and as much as I would like to have seen this amendment which I had proposed adopted I will not oppose the approval of the conference report, but urge that it be immediately adopted in order that this per capita payment may be made at the earliest practicable date and that the other appropriations may be carried out as promptly as possible.

When this matter came before the conference the suggestion, as I said, was made by some of the Minnesota Members and was presented by Members representing the House as conferees. When my attention was called to it after the report was first made I inquired of the Indian Office and of the Department of Justice as to whether or not this change would leave the eastern part of Oklahoma, where the United States pledged itself to maintain prohibition, so that this language would no longer apply to eastern Oklahoma, and I understood from them that they thought the use of the words "Indian country" would not preclude this amendment from applying to eastern Oklahoma. Therefore, when I was so advised by the Department of Justice I advised the chairman of the conferees on the part of the Senate that I was content with that amendment. But upon a close inquiry I found the case of Evans versus Victor, in the circuit court of appeals for the eighth circuit, in

which it was shown that the change would exclude a very large part of eastern Oklahoma from the application of this language, unless the court should hold that the broad act of Congress admitting the State of Oklahoma still reserved all this country as Indian country for the purpose of the application of the law with regard to the introduction of intoxicating liquors.

Mr. ASHURST. Mr. President, the Senator from Oklahoma is entitled to thanks for his frank statement of the situation. Speaking for myself, I would have gladly adhered to the form of the amendment in which the Senate adopted it, but as the Senator from Oklahoma frankly and truthfully says, the last word almost that he said to me before I went to conference was that he was content to have it in that form, and requested that it be left in that form; and knowing, of course, that ROBERT L. OWEN knows more about Indian affairs than HENRY F. ASHURST, I followed cheerfully the suggestion of the Senator from Oklahoma.

Mr. CURTIS. I should like to ask the Senator in this final report what is done with amendment 156?

Mr. SMOOT. One hundred and fifty-seven?

Mr. CURTIS. I want to ask about 156, and then I will ask about 157.

Mr. ASHURST. The conference report about a week ago, as it was printed in the RECORD, sets out the action of the conferees, in which the House receded with an amendment. I will ask the Secretary to read amendment 156.

Mr. CURTIS. The Secretary need not read it. It is the same that is in the report; it has not been changed at all.

Mr. ASHURST. There has been no change whatever in amendment numbered 156.

Mr. CURTIS. I should like to have amendment 157 as agreed to read.

Mr. ASHURST. If the Senator will pardon me, I will do that. The Senator will recall that amendment 157 was in the following language as it passed the Senate and from which the Senate conferees receded:

(157) SEC. 28. On or before the 31st day of December, 1916, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of accounting for the Bureau of Indian Affairs that will meet the requirements of section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103).

It was obvious to all that the action of the conferees in receding from that Senate amendment was not satisfactory, whereupon the conferees on the disagreeing votes of the two Houses met last Friday or Saturday and the House conferees receded with an amendment which I shall read. If the Senator will turn to page 8539 of the CONGRESSIONAL RECORD of the proceedings of May 6, left-hand column, about the middle of the page, just above the signatures, he will see that it reads:

SEC. 28. That on or before the 31st day of December, 1916, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of bookkeeping and accounting for the Bureau of Indian Affairs that will enable the said Secretary, on or before July 1, 1917, to meet the requirements of section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103).

The Senator will observe that there is a slight change, but it was necessary in order to make it mean what the Senate intended it to mean. The conferees called before them the distinguished Senator from Oregon [Mr. LANE], the father of the amendment, and submitted it to him, and he said it was in the form in which he thought it ought to be.

Mr. CURTIS. I wish to ask another question right along that line. I notice in the conference report that you amend section 26 of the act of 1913.

Mr. ASHURST. I did not catch the question.

Mr. CURTIS. Section 27 of this bill, on page 107, amends section 26 of the Indian appropriation act of 1913. I want to know if the amendment made changes materially section 26 of that act.

Mr. ASHURST. If the Senator will pardon me, are you certain that section 27 of this bill amends section 26 of the act of 1913? I think not. I will read section 27; that is, amendment 156:

SEC. 27. On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That hereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided further*, That this shall not change existing law with reference to the Five Civilized Tribes.

I do not believe that that amends or contemplates any amendment to section 26.

Mr. CURTIS. The Senator will recall that section 27, page 107 of the bill, reads:

SEC. 27. That section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103), is hereby amended so as to read as follows:

Mr. ASHURST. The Senator is reading from the bill. I am reading from the conference report.

Mr. CURTIS. As I understand it, the conferees substitute section 27 as it appears in the report for section 26 and section 27 of the original bill.

Mr. ASHURST. The Senator is correct about that.

Mr. JOHNSON of South Dakota. Mr. President, I should like to ask the Senator from Arizona whether it is the intention to vote on the adoption of this conference report to-night?

Mr. ASHURST. The report was made about a week or 10 days ago, and was laid upon the table. The distinguished Senator from North Dakota [Mr. GRONNA] submitted the report for me. It lay on the table six or seven days. The Senate considered it and rejected it. The matter went back to the conference committee, and was again reported on last Saturday. Of course, my duty requires me to ask for a vote upon the report as soon as every Senator shall have finished speaking upon it. I have been, not exactly censured; but I, at least, have been complained of because I have not sooner urged the consideration of the report. So I undoubtedly think the vote should be taken this afternoon on the report.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. JOHNSON of South Dakota. I will yield for a question; yes.

Mr. CLAPP. I do not desire the Senator to yield for that purpose. I was going to address my question to the chairman of the committee.

Mr. JOHNSON of South Dakota. Mr. President, I am opposed to this conference report. I was notified last week that I should have the opportunity of appearing before the conference committee on next Tuesday to state in a brief way my objection. I was not notified again, and I naturally presumed that I should have that privilege. On Saturday last the chairman of the committee brought the matter up in the Senate, and advised me that they had got in a hurry. I did not ask him who he meant, for I thought I knew. However, the matter has drifted along until to-day, and I thought we had again reached an agreement that it would not be taken up until Wednesday next. Of course, I supposed when the good-roads bill was out of the way the conference report was the matter next in order. So I shall not offer any criticism on its coming up at this time, further than to say that I left the Chamber, and when I returned the matter was under discussion.

Mr. President, I should like to have an opportunity to fully discuss my objections to this conference report. If the report is considered to-night, I shall not have that privilege, because I am not prepared to do so, understanding, as I did, that I should have until Wednesday of this week to make my preparations. I shall vote against the adoption of the conference report, if the matter reaches a vote to-night.

I only wish at this time to make these few brief explanations as to my position in the matter.

Mr. CLAPP. Mr. President, I want to call the attention of the chairman of the Committee on Indian Affairs to the second amendment in the bill. I was not in the committee at the time the amendment was agreed to, and being a part of the general legislation, assuming that it was recommended by the department——

Mr. ASHURST. It was.

Mr. CLAPP. I did not give it very careful attention. I will ask the chairman of the committee what is the effect of the amendment?

Mr. ASHURST. Amendment No. 2, as it passed the Senate, read in this way:

The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., 506).

I think that amendment was adopted upon the suggestion of the distinguished Senator from North Dakota [Mr. GRONNA]. I am very much in favor of it. The other part of the amendment—and it was consolidated into one amendment—was proposed by the Senator from Oklahoma [Mr. OWEN], and read in this way:

And the possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be prima facie evidence of unlawful introduction.

The conferees, acting upon the suggestion of a Member of the House of Representatives from the State of Minnesota, in line 7, struck out the word "the," and inserted "Indian"; and, in line 8, struck out the word "the" and inserted the word "such." When the conference committee made its report the Senator from Oklahoma called my attention to the matter, and said that that amendment was not agreeable to him. Later on, just before the conferees held their last session, the Senator from Oklahoma stated to me that the amendment was satisfactory to him. Inasmuch as it related to his State, and believing, and, indeed, knowing, that the Senator from Oklahoma knows more about his own State than do I, I cheerfully, as I do in many other matters, followed his suggestion.

Mr. CLAPP. The last act, which is amended by chapter 109 of the laws of 1897, referred to in the amendment as the act of January 30, 1897 (29 Stat. L.), provided:

And any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished—

And so forth.

This amendment reads:

The provisions of sections 2140 and 2141——

Mr. CURTIS. Mr. President, it is impossible to hear the Senator from Minnesota. I wish he would speak loudly enough for us to hear him.

Mr. CLAPP. The act that is referred to in the amendment, chapter 109 of the laws of 1897, prohibited the introduction of any malt, spirituous, or vinous liquors, including beer, ale, and wine. The amendment provides that the original sections of the law, being sections 2140 and 2141 of the Revised Statutes, shall also apply to beer and other intoxicating liquors which had already been enumerated in the act of 1897. This amendment provides:

And the possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be prima facie evidence of unlawful introduction.

The amendment that had been offered in the Senate did not contain the words "Indian country," but read "in the country where the introduction is prohibited." What occurs to me is that there is territory in some of the States, notably in the State of Minnesota, in which the sale of liquor was prohibited in the cession of the land to the General Government until Congress might remove the prohibition. It might perhaps be urged that the land ceded but to which the prohibition attached was not Indian country. I am not fully satisfied about putting the word "Indian" into the bill, for I do not want any legislation to pass here, unless Congress deliberately seeks to pass it, that will subject the territory covered by the treaty to a repeal as to the provisions of the treaty.

Mr. ASHURST. Will the Senator yield to me for a moment?

Mr. CLAPP. Yes; with pleasure.

Mr. ASHURST. I take the same position as does the Senator. I agree with him exactly. The Senator twice signed the conference report, and it is the same now as it was when he twice signed it. We must either adopt the report or reject it. The valuable amendment suggested by my friend the Senator from North Dakota was agreed to. The remainder of the amendment was adopted upon motion of the distinguished Senator from Oklahoma [Mr. OWEN] who proposed it and told the conferees that it was agreeable to him. If now Senators change their minds and want to send the bill back for another conference, very well; I have no objection, but I protest——

Mr. WALSH. Will the Senator pardon me for an interruption?

Mr. ASHURST. Yes.

Mr. WALSH. Let me suggest to the Senator from Minnesota [Mr. CLAPP] that the worst that can happen with respect to this is simply that the presumption of all unlawful holdings will not apply within that territory. All laws applicable to that territory remain, of course. I sympathize with the Senator from Minnesota in his desire to extend this further presumption to that territory, but it will be in no worse situation than it now is in any case. You simply will not get the benefit of this additional legislation.

My own impression about the matter is that the Senator need not have any fear that the statute would be considered as applicable to that territory as well as to the territory actually occupied by the Indians, namely, the reservations. In any case, however, if it were otherwise, the only loss you would sustain would be that you would not have the benefit of this new legislation in that territory, making the actual possession evidence of unlawful possession.

Mr. CLAPP. Mr. President, first replying to the chairman of the committee, I will say it is true that I signed this conference report. The report is a very lengthy one, and the presumption is that one who signs it is entirely familiar with it, although as to the insertion of the word "Indian" my attention was not called to the matter until this afternoon. The Senator from Oklahoma has suggested that his information was that the insertion of the word "Indian" was at the request of the Minnesota delegation.

Mr. OWEN. I understood it was inserted at the suggestion of a member of the Minnesota delegation in the other House.

Mr. CLAPP. Yes.

Mr. OWEN. I did not say the Minnesota delegation in the Senate.

Mr. CLAPP. No; the Senator from Oklahoma said the Minnesota delegation of the other House. I should like to have this matter held until I can investigate it, for, whatever may be said of the merits of the controversy in that section of country, these treaties have been upheld by the Supreme Court of the United States; and if Congress sought to modify the terms of the treaties, and the matter came before Congress, and a majority of Congress favored the modification, that would be one thing. But I do not want the situation there further complicated by anything which may be done at this time. It is sufficiently complicated now.

While the Senator from Montana [Mr. WALSH] is correct that the word "Indian" could only limit to the Indian country the presumption which this section bases upon the possession of liquors, it would complicate the situation. At least, I should like an opportunity to look into the matter. I regret very much asking for delay——

Mr. NELSON. Mr. President, to what provision of the bill does the Senator from Minnesota refer?

Mr. CLAPP. I refer to the provision on page 3 of the bill containing the amendments which are numbered. Has the Senator from Minnesota a copy of that bill with the amendments numbered?

Mr. NELSON. Yes. From what line is the Senator reading?

Mr. CLAPP. Line 22. As introduced and adopted by the Senate, it reads as follows:

The provisions of sections 2140 and 2141 of the Revised Statutes shall also apply to beer and other intoxicating liquors—

That was not at all important, because in 1897 Congress passed an act—chapter 109—which included beer, ale, wine, or other ardent and intoxicating liquors. Then it went on—

and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506).

That was the reenactment of the existing law. Then, there was added in the Senate this provision:

And the possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be prima facie evidence of unlawful introduction.

In conference the word "Indian," in line 4, page 4, was inserted in place of the word "the," so that, as reported by the conferees it reads:

And the possession by a person of intoxicating liquors in Indian country.

Then, on page 4, line 4, where the word "the" occurs the second time, it was stricken out and the word "such" was inserted.

Mr. NELSON. Will the Senator please read the whole paragraph as it appears with the changes made?

Mr. CLAPP. Yes. It reads as follows:

The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506), and the possession by a person of intoxicating liquors in Indian country where such introduction is prohibited shall be prima facie evidence of unlawful introduction.

Now, I desire to call my colleague's attention to this thought: In our State there is territory where the sale of liquor is prohibited by virtue of treaties. My colleague, of course, is thoroughly familiar with that. The question that occurred to me was whether striking out the word "the" and inserting the word "Indian," so as to read "in Indian country where such introduction is prohibited," might not be claimed to exclude from that territory in the State covered by these treaties, but which is not now inhabited by Indians, this presumption flowing from possession.

Mr. NELSON. Mr. President, it would undoubtedly have that effect; and it would be a great mistake to allow the provision to stand as it is.

Mr. CLAPP. Yes; I think so. I therefore move that the report be disagreed to; that the Senate ask for a further conference on the disagreeing votes of the two Houses; and that the conferees be appointed by the Chair.

Mr. NELSON. I trust that motion will be agreed to, because a correction should be made. It is a very serious matter.

Mr. CLAPP. I do not know how it came about.

Mr. ASHURST. Mr. President, I am very pleased that my friend from Minnesota, after having worked for a month or so on the committee and signing the report a couple of times, concludes that he has not got the matter right, and I cheerfully join with him in the motion. I should like to make the observation, however, that, although it has been some five or six years since I looked the matter up, I think it will be found from the Federal Statutes Annotated that the country where intoxicating liquors are prohibited is "Indian country." I only practiced at the bar 14 or 15 years, but it does not require any abstruse reasoning or close investigation to see that the country from which liquors are excluded for the protection of the Indians is Indian country. I am unable, because, as I have said, it has been five or six years since I looked at the Federal Statutes Annotated, to speak with absolute certainty; but I think there is no doubt about that being the construction. However, I cheerfully join in the motion, and hope the report will be disagreed to. I feel as if an apology is due to the Senate, and I hereby tender it for myself, because of the trouble occasioned by disagreements which the conferees have seen fit to pour out upon the Senate. I think it is very wise that the conferees should first agree before asking the Senate to agree.

Mr. CLAPP. Well, Mr. President, "a soft answer turneth away wrath," and I will not reply to the Senator's criticism.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Chair will state that the question before the Senate is on agreeing to the conference report. That is the only question before the Senate, and it is the one that must be voted upon. Unless the Senate overrules the Chair, he will take that position.

Mr. CLAPP. Then I ask the Senate to vote against agreeing to the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was not agreed to.

Mr. CLAPP. Now, I move that the Senate ask for a further conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

Mr. ASHURST. Mr. President, I have a few rights here, and I should like that motion to go over for a few days. Let us not consider it now.

The PRESIDING OFFICER. Does the Senator from Minnesota withdraw the motion?

Mr. ASHURST. Let us not be precipitate; let us be sure of what we are doing; let us be very certain that we want a conference upon it. I ask in all courtesy. Why can not the motion be withheld?

Mr. CLAPP. Mr. President, most certainly I am willing that it shall be withheld. There is no occasion for any feeling or friction about this matter. My own judgment is that somehow, inadvertently, a mistake has been made, which I think ought to be corrected.

PENSION FOR SURVIVORS OF INDIAN WARS.

Mr. JOHNSON of Maine. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mr. JOHNSON of Maine. I move that the Senate proceed to the consideration of the bill (H. R. 655) to pension the survivors of certain Indian wars, from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. SMITH of Georgia. Mr. President, the bill has not been considered as in Committee of the Whole.

The PRESIDING OFFICER. It was considered as in Committee of the Whole April 22, 1916.

Mr. SMITH of Georgia. The bill did not pass out of the Committee of the Whole.

The PRESIDING OFFICER. It was amended and reported to the Senate on April 22, and was objected to in the Senate by the Senator from Georgia.

Mr. SMITH of Georgia. Then I desire a copy of the bill. I do not think it was objected to only after it reached the Senate; I think I objected to it earlier than that.

The PRESIDING OFFICER. The record shows that the bill reached the Senate——

Mr. SMITH of Georgia. Of course, I am bound by the record.

The PRESIDING OFFICER. On April 22, and was objected to by the Senator from Georgia.

Mr. SMITH of Georgia. I should like to have the bill read in the Senate.

Mr. WILLIAMS. What is the bill?

Mr. SMITH of Georgia. A bill to pension Indian war survivors.

The VICE PRESIDENT. If there is doubt about it, the Chair will consult the record. The indorsement on the bill shows that it is in the Senate and open to amendment. Does the Senator from Georgia think the record is incorrect?

Mr. SMITH of Georgia. I was under the impression that the bill had not passed from the Committee of the Whole; but I can not undertake to correct the record, because if the report was made to that effect the next day, without a motion to correct it, it stands as the action of the Senate.

The VICE PRESIDENT. The stenographers' notes will show what was done.

Mr. SMITH of Georgia. I have no doubt that I am mistaken. Does the Chair hold——

The VICE PRESIDENT. No; the Chair wants first to see what the CONGRESSIONAL RECORD shows. The Chair is trying to get that.

Mr. SMOOT. I will say to the Senator from Georgia that the bill was reported to the Senate, and then the Senator from Georgia objected to its further consideration, as the RECORD shows.

The VICE PRESIDENT. Here is what the RECORD shows:

> The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole, and open to amendment. If there are no further amendments, the bill will be reported to the Senate.
>
> The bill was reported to the Senate as amended.
>
> The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.
>
> The amendments were concurred in.
>
> The VICE PRESIDENT. If there are no further amendments, the amendments concurred in will be ordered engrossed——
>
> Mr. SMITH of Georgia. Mr. President, I should like to have a little more information about the extension of the benefits of this bill to men other than those who enlisted in the Federal service. The limitation provided seems to be a very indefinite one.

Finally the bill went over.

Mr. SMITH of Georgia. Mr. President, now I desire a ruling from the Chair as to whether my request that the bill shall be read in the Senate is in order.

The VICE PRESIDENT. If it is insisted upon, the bill will be read the third time.

Mr. SMITH of Georgia. I should like to have the entire bill read.

The VICE PRESIDENT. The bill will be engrossed and read a third time.

Mr. SMITH of Georgia. That will exclude amendments.

The VICE PRESIDENT. The Chair can not help that.

Mr. SMITH of Georgia. Then, I desire to proceed to read it myself to the Senate.

In the first place I will say that I had no idea that this bill would come up to-day, and I have not had the opportunity to consider it which I would wish. The bill, together with the amendments reported by the committee, involves an expenditure of over a million dollars a year in pensions. It grants pensions to men who served for only 30 days. We do not know whom it will pension. There is not any report as to whom it will pension. It is not limited to men who have been reported to the War Department as connected with any Indian service. I do not think there is any substantial limitation as to the way in which the rolls shall have been kept. It is just a broad gathering in of anybody, without any knowledge on our part as to whom it will reach, who can show 30 days' service in an Indian war; pensions such persons and provides, I think, for pensions for their widows. That is the kind of bill we are about to pass, putting a charge estimated at a million dollars a year upon the Treasury, and nobody knows how much more.

I shall have to be a little tedious in looking into the bill and reading it as I go along. Of course, the Senate can pass it. I suppose it will pass it. It is asked for, and it simply comes out of the Treasury, and we have no other use for the money. We have not any special calls from the Treasury now for any money. We do not have anything for which to use the surplus money, so we will throw away a million dollars without knowing where it is going.

Mr. ASHURST. Mr. President, will the Senator yield to me right there?

Mr. SMITH of Georgia. Yes; I yield.

Mr. ASHURST. I admire the bravery and frankness with which the Senator from Georgia always speaks; but I want to tell the Senator that the earliest, the most vivid recollection I have is when the white settlers were banded together in a fort, trying in their way to oppose the most bloodthirsty band of savages that ever raided any country; and not only were the men armed, but the women and children who were old enough were armed to protect their lives. This bill simply provides that those old soldiers, those old pioneers—and there are not 20 of them in Arizona—shall receive pensions; and I believe they are entitled to them.

I have read this report. It is an eloquent report; it is a faithful report, in my opinion; and if the Senator could visualize and bring before him——

Mr. SMITH of Georgia. Mr. President, one moment. I do not yield to the Senator to lose my place. I understand that under the ruling of the Chair I can not yield except for a question; and, while I would be glad to yield to the Senator, I do not wish to lose my position upon the floor.

Mr. ASHURST. I certainly have no disposition to have the Senator lose his place on the floor.

Mr. SMITH of Georgia. No; I know the Senator has not; and I just wish an understanding as to what is to be done with me if I yield.

The VICE PRESIDENT. The Senator has had one speech, and now he is entitled to another.

Mr. SMITH of Georgia. Then I can not yield to the Senator.

Mr. ASHURST. I ask unanimous consent to be allowed to finish my short sentence. That ought to be granted.

Mr. SMITH of Georgia. The Chair has already held that I forfeited the right of one speech by allowing the interruption of the Senator from Arizona.

Mr. President, the Senator from Arizona says there are 20 men in Arizona who are splendidly entitled to pensions. If we knew who they were, if a list of them had been prepared, if we had a record to show that they were the proper character of men and that it was the proper character of service, we would have something substantial to act upon. But this bill does not limit its provisions to the men he has described.

Just let me show you, Senators, the breadth of language contained in this bill:

> That the provisions, limitations, and benefits of an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," * * * be, and the same are hereby, extended * * * to the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State * * * and to the surviving officers and enlisted men, including militia and volunteers of the military service of the United States, who have reached the age of 62 years, and who served for 30 days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada from 1865 to 1868, inclusive; the campaign against the Sioux in Minnesota and the Dakotas, * * * and the campaigns against the Sioux in Wyoming, * * * the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory, * * * the Modoc War of 1872 and 1873, and many others I will not stop to read.

Now, mark you, this applies to those who served 30 days, Mr. President. The House had it "90 days." The Senate has amended this bill, and says that 30 days' service is long enough.

Mr. SMOOT. Mr. President, will the Senator yield for a question?

Mr. SMITH of Georgia. Well——

Mr. SMOOT. Just for a question.

Mr. SMITH of Georgia. Only for a question that the Chair holds is a question, Mr. President. I do not want to lose my place on the floor.

Mr. SMOOT. I would not think of causing the Senator to lose the floor. I simply wanted to ask the Senator this question: Is it not true that every Indian-war pension bill that has passed Congress requires a service of only 30 days?

Mr. SMITH of Georgia. I think the fact that there have been so many bad pension bills passed is no reason for another. If they had said "10 days" before, I do not think 30 days' service would be enough for a pension.

The bill provides:

> The campaign against the Apaches of Arizona * * *; the campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico * * *; the campaign against the Northern Cheyennes and Sioux * * *; the Nez Perce War * * *; the Bannock War * * *; the campaign against the Northern Cheyennes * * *; the campaigns in the Black Hawk Indian War in Utah * * *; the campaign against the Ute Indians in Colorado and Utah; * * *; the campaign against the Apache Indians in Arizona * * *; and the campaign against the Sioux Indians in South Dakota * * *; and also to include the surviving widows of said officers and enlisted men who shall have married said survivor prior to the passage of this act: *Provided*, That such widows have not remarried: *Provided further*, That this act shall extend also to the surviving officers and enlisted men of the organization known as Tyler's Rangers, recruited at Black Hawk, Colo., in 1864, for services against the Indians: *Provided further*, That if any certain one of the said campaigns did not cover a period of 30 days, the provisions of this act shall apply to those who served during the entire period of said campaign.

Just listen, Mr. President, and Senators! If they have served 30 days, they get a full pension; and if any campaign did not happen to be that long, they get a full pension the balance of their lives, anyhow!

> *Provided further*, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this act, the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

That is the only real good thing I see in the bill so far. That, I like.

> That the period of service performed by beneficiaries under this act shall be determined by reports from the records of the War Department, where there is such a record, and by the reports from the records of the Treasury Department showing payment by the United States where there is no record of regular enlistment or muster into the United States military service: *Provided*, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

Why, Mr. President, it needs only one more thing to make it perfect:

> *Provided*, That if he can not show service at all, that fact shall be no bar to his pension.

That would make it a bill that would commend itself to its advocates. He need never have occupied the attitude of serving the United States Government. He need never have been on the pay roll of the Government. He need never have served in a war lasting 30 days. None of that is necessary; but he must get a pension the balance of his life, and so must his widow, if he is 62 years of age.

Mr. President, I suggest the absence of a quorum, without losing my place on the floor. I do not understand that the suggestion of the absence of a quorum forfeits my place on the floor.

Mr. SMOOT. That is what has always been held.

The VICE PRESIDENT. The Senator from Georgia suggests the absence of a quorum.

Mr. SMITH of Georgia. All right; I suggest the absence of a quorum. I will take care of myself.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Sterling
Bankhead	Hollis	Norris	Swanson
Beckham	Johnson, Me.	Oliver	Thomas
Broussard	Johnson, S. Dak.	Owen	Underwood
Catron	Jones	Page	Vardaman
Chamberlain	Kern	Ransdell	Wadsworth
Curtis	La Follette	Shafroth	Warren
Fletcher	Lane	Sheppard	Williams
Gallinger	Martin, Va.	Sherman	
Gronna	Martine, N. J.	Smith, Ga.	
Harding	Myers	Smoot	

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present.

Mr. PITTMAN, Mr. BRANDEGEE, Mr. LIPPITT, Mr. WALSH, and Mr. TOWNSEND entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. SUTHERLAND answered to his name when called.

Mr. CHILTON entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present.

Mr. SIMMONS, Mr. LEA of Tennessee, and Mr. OVERMAN entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. SMITH of Georgia. Mr. President, I move to reconsider the action of the Senate in amending the bill, on page 2, by striking out, in line 9, the word "ninety" and inserting the word "thirty."

Mr. SMOOT. Mr. President, is the Senator going to speak on his amendment?

Mr. SMITH of Georgia. Yes.

Mr. WALSH. Mr. President, a point of order. I inquire of the Chair if amendments to the bill are at this time in order?

The VICE PRESIDENT. Amendments to the bill are in order. The bill is in the Senate and open to amendment.

Mr. WALSH. I inquire, then, whether a motion to reconsider a vote taken as in Committee of the Whole is in order?

The VICE PRESIDENT. The Chair does not believe it is in order, but the amendment can be reached in the same way.

Mr. WALSH. I raise the point of order that the motion of the Senator is out of order.

The VICE PRESIDENT. The bill was amended as in Committee of the Whole. It was reported to the Senate. The Senate agreed to the amendments made as in Committee of the Whole. This was not reserved as a separate question, and so the Chair is compelled to sustain the point of order. A motion to reconsider this particular amendment would not be in order.

Mr. SMITH of Georgia. Then I ask, Mr. President, if a motion to substitute "three months" for "30 days" would be in order? Frankly, if the Senate has acted on the 90 and the 30, and we are not at liberty to move to reconsider it, my own opinion would be that it was so disposed of that I could not move to substitute something for the 30. I do not see why a motion to reconsider would not be in order. The Senate has approved an amendment. While the bill is before the Senate, would I not have a right to ask to reconsider what the Senate has done?

The VICE PRESIDENT. The Senator from Georgia can move to reconsider the vote whereby the Senate concurred in the amendments.

Mr. SMITH of Georgia. That was my motion.

The VICE PRESIDENT. No; *the* amendment. There was more than one, and there was no reservation in the Committee of the Whole for a separate vote on this amendment; so all the amendments together were voted on in the Senate. Consequently, a motion to reconsider must be of all the amendments, not one.

Mr. SMITH of Georgia. Then I move to reconsider all the amendments that were adopted in the Senate; and upon that I desire to be heard.

Mr. President, let us see what some of those amendments were. This in an Indian pension bill. The House provided that there should be 90 days' service in Indian wars to entitle men to receive these pensions for the balance of their lives. The House estimated that it would cost a million dollars a year to pay the pensions if the service was limited to 90 days' service. Now the Senate proposes to amend by providing, as a substitute for the 90 days' service, 30 days' service. We have not any estimate at all as to how much that will cost. The estimate of the House was based upon a bill giving the pensions for 90 days' service. This first amendment reduces the service to 30 days.

Now, let me go further and call to your attention some of the other amendments that we put on in the Senate.

The Senate has amended the bill so as to provide that—

When there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives.

I do hope the Senators will listen to this for a moment. You do not know how much you are voting out of the Treasury. Your only estimate is based upon the House bill, and you have amended it in the Senate, making it infinitely worse. It was bad enough as the House sent it to us—$1,000,000. You change the length of service from 90 days to 30 days. Then you change the provision and declare that though there is no record of any service for the Government, though there is no record of the payment of a dollar to any of these men by the Government, you will go somewhere else and find another roll and make it up of a 30-day service; and you do not know how much you are increasing your appropriation beyond the million dollars a year.

Provided, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives.

You abandon any idea of service to the National Government. It was a million dollars if you held to the national-roll rule. It was a million if you held to 90 days. You cut it down from 90 to 30. It was a million if you limited it to those whose service was shown in the War Department, and you changed it by omitting any requirement of evidence of service in the War Department. This amendment proposes to change it.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. For a question.

Mr. TOWNSEND. This bill proposes to give to the Indian war veterans pensions for less service than that for which men were given pensions in the case of the Civil War, does it not?

Mr. SMITH of Georgia. Yes.

Mr. TOWNSEND. In the one case it is 90 days.

Mr. SMITH of Georgia. In this case it is 30 days. Not only that, but the Civil War pensioners were employed by the National Government, were enrolled as soldiers of the National Government; and this amendment proposes to put these men on the roll of pensions without their ever having been enrolled in the service of the National Government.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. For a question.

Mr. CLAPP. Well, then——

Mr. SMITH of Georgia. I can not do more than yield for a question, because there are Senators who are willing to take me off my feet.

Mr. CLAPP. The Senator knows I would not do that.

Mr. SMITH of Georgia. I know that, of course; but under the rules I would be taken off. I do not complain.

Mr. SMOOT. Mr. President, did the Senator look at me when he said that?

Mr. SMITH of Georgia. I did not mean the Senator from Utah. I heard over here from several of my close friends that I have used my privilege of two speeches and could not occupy the floor again.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. For a question only.

Mr. SMOOT. Mr. President, a point of order.

Mr. SMITH of Georgia. I have to yield to that.

Mr. SMOOT. Of course.

The PRESIDING OFFICER. The Senator from Utah will state his point of order.

Mr. SMOOT. I do not want to enforce the rule, but I want, just for the RECORD, to state that the Senator had no right to make the motion that he did, and I call the Senator's attention to the rule. I do not want to stop the Senator from talking, and I only want to make this statement for the RECORD.

Rule XIII says, on page 14 of the Manual:

When a question has been decided by the Senate any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration.

Mr. President, more than two days have passed, but I do not want to take the Senator off his feet. I make this statement for the RECORD; and I want the Senator to have all the time he wants to have to speak upon the bill.

Mr. SMITH of Georgia. Mr. President, I go on. The Presiding Officer held my motion in order. There was no appeal from the decision of the Chair, and the motion is pending under a ruling of the Chair that it was in order.

Now, let us see what these amendments do.

The PRESIDING OFFICER. Will the Senator pardon the Presiding Officer for a moment? His recollection of the matter is not as stated by the Senator from Georgia. The Chair wants to get the RECORD straight. If the reporter has the record of this matter here, the Chair requests that it be read.

Mr. SMITH of Georgia. I will state to the Chair what happened. I first moved to reconsider a single amendment, and the Chair held that that was not in order, because the Chair held that all of the amendments were adopted by the Senate in a single amendment. I thereupon moved to reconsider the action of the Senate which adopted them all, and the Chair held that it was in order.

The PRESIDING OFFICER. That is the recollection of the Chair. The question of whether the pending motion is in order or not has never been submitted to the Chair.

Mr. SMITH of Georgia. Certainly it was submitted, and the Chair held that it was in order, and I proceeded under the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Georgia has not so stated in his statement of the facts. His statement of the facts is in accordance with the recollection of the present occupant of the Chair—that he made his motion and the motion was entertained by the Chair. The question of order, as to whether the motion was in order or not has never been submitted to the Chair.

Mr. SMITH of Georgia. I think that is true—that the Chair advised me that it would be in order, and thereupon I made the motion. My recollection agrees with the view of the Chair in

that respect; but I wish to go further and call the attention of the Senate to this additional provision now, as suggested by the Senator from Michigan:

You require 90 days' service for a soldier during the Civil War as an enlisted soldier of the Government. This bill reduces the time of service to 30 days for these soldiers of Indian wars and then goes further, and you have amended the House bill by providing:

That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives.

Just think about it, gentlemen. Do you mean to do that? Do you mean to put on the permanent pension roll men who never enlisted in the service of the Government but who may be found on some State muster roll; who never had any record to support their national service, to ask for any compensation from the Government for the service; who never had any proof to show their service to the Government, but who can show a muster roll in some State?

And provided further, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

Do you put upon the pension rolls soldiers of the war unless they were honorably discharged? Or honorably mustered out? The truth of this is that they were neither mustered in nor mustered out. Then why is it so broadly stated? They have never been mustered into the service of the Nation and therefore they were never mustered out, and if they ever got on any list in the State they can take a pension for the balance of their lives, though they were never mustered in or out.

Why, it is no more to me than to any of the balance of you. Perhaps it is more to some of the balance of you. It may be good politics for the gentlemen in Northwestern States or some of the States where the boys will get their hands in the Treasury, and they or their widows draw pensions for the balance of their lives. If there are some of these men who are really entitled to a pension let us have a bill that takes them up intelligently and bases it on something.

Mr. CLAPP. Will the Senator permit a question?

Mr. SMITH of Georgia. Yes, a question; but not anything that will take me off the floor.

Mr. CLAPP. Does not the Senator feel that when it comes to a matter of reaching into the Federal Treasury the injunction issued many years ago, "Let him who is without sin among you cast the first stone," ought to apply with force and effect?

Mr. SMITH of Georgia. Certainly I do. Therefore I am casting stones. I have preserved my status to cast stones by declining to help the Spanish War veterans, some of whom live in my own State, from getting pensions without just claims. I have held up wherever I could the Spanish War veterans, although my own State had as many in proportion to its population, as any State, and there would have been more if they had been permitted, as they wished to enter the service.

Mr. CLAPP. May I ask the Senator another question?

Mr. SMITH of Georgia. Yes.

Mr. CLAPP. Does the Senator limit his concept of this unholy act of grasping from the Federal Treasury only to those who reach for it in the form of a pension?

Mr. SMITH of Georgia. Not at all.

Mr. CLAPP. With that broader concept, will the Senator still say he can cast a stone as one without offense?

Mr. SMITH of Georgia. The Senator is still prepared to defend any vote he has ever cast for an appropriation, and he is ready to cast stones when he thinks they ought to be cast.

Mr. CLAPP. If the Senator will permit as an interruption a suggestion——

Mr. SMITH of Georgia. I can not permit a suggestion. I will permit a question. I really think this bill is a proposition to pass pensions that we know nothing about. Just let us see the change since the House sent it to us. The House said that in 90 days, and with the record of the Government to show the service, it would be a million dollars a year. You would fasten it, probably, for 15 or 20 years on the country.

Now, your amendment cuts from 90 days to 30 days, and how many more do you bring in? How many more do you bring in under the Senate amendment? Then your amendment cuts out the requirements that there shall be a register here in Washington showing that there was service at all. You turn them loose. You relieve them from being mustered in and from being mustered out. How many millions will it take? What will it cover? There is not a Senator who knows anything about it.

If there ought to be some pensions to some of these men, let us be reasonable about it. Let us enact a bill that in some sense is justifiable. Do not just throw down every barrier at once and abandon every restraint and give a pension to everybody applying without regard to what he has done. Those are the two main Senate amendments. There is one other to which I wish to call attention.

Mr. FLETCHER. May I interrupt the Senator?

Mr. SMITH of Georgia. For a question.

Mr. FLETCHER. I ask the Senator the meaning of the amendment at page 4, line 25, where it provides further "that the want of a certificate of discharge shall not deprive any applicant of the benefits of this act."

Mr. SMITH of Georgia. He is not to be mustered out or mustered in. He does not under this amendment have to be on the roll here at Washington. He does not have in any way to manifest his service to the Government. He does not have to show that he had a certificate that he was mustered out. I do not think that is the kind of Indian war pensions that you gentlemen really want to pass. It goes too far if you are going to pass any at all.

Mr. President, with reference to the suggestion that my motion to reconsider was later than the time provided, this bill got into the Senate, and the Senate without objection concurred in the committee amendments. It has never been before the Senate since then. I suppose I could have filed a motion between then and now. I do not understand that the formal point of order has been made on my motion. I submit to the Senate my criticism upon these amendments. I do not see how we can justify them.

Mr. THOMAS. Mr. President, I have read this bill once or twice and have noted the significance of some of the provisions that have just been criticized by the Senator from Georgia [Mr. SMITH]. The bill seems to be one of those which originally was designed to subserve a particularly good purpose by providing pensions for veterans of the Indian wars, to which no Senator could properly object in view of the liberal nature of our pension system. Such a bill would be meritorious, as I personally know, if applied to those who have done actual Indian service for an appreciable period of time. But to secure pensions for these deserving veterans it has evidently been necessary to make other provisions for other classes, so that it embraces every individual seemingly indentified with any of those Indian and border outbreaks, giving him equal opportunity for a pension from the Government with him who has borne the heat and the burden.

In other words, in order to secure the benefit of this bill for those who are deserving, it seems to have been necessary to include some classes who may not deserve it. The House bill, liberal as it was, has been so extended by the Senate amendments that it may be possible for any man who enlisted in some of the campaigns and afterwards changed his mind before doing actual service to obtain a pension.

Now, I know that any criticism of a pension bill, however meritorious or well-deserved, inevitably subjects one to misunderstanding, censure, and reprobation. The pension policy has long ago reached a stage where the average legislator does not dare to question the merits of any application, so they go, as a matter of course, to all who seek them. The Military Committee is required to consider a great many bills filed here to remove the disabilities of soldiers who have been dishonorably discharged to enable them, after the removal of such disability, to apply for and receive admission to the pension roll. The committee to-day has a very considerable number of such bills. In many instances the applicant asserts his ignorance of the nature of his own record, until some one called his attention to it, or until the application for a pension under the general laws is denied. Then Congress is appealed to, and, of course, after all human testimony to substantiate the records of the War Department has passed away.

We have removed these disabilities in a good many cases, for some of the applications have been meritorious, unquestionably so. The greater proportion can only appeal to our discretion, and that, too, is sometimes favorably exercised. But the practice emphasizes the fact that the pension roll is no longer a roll of honor. It now embraces within its rolls all sorts of public service, good, bad, and indifferent, or no service at all. He who served his country and served it well receives the same consideration in his old age as and no more than he who served his country not at all or served it grudgingly. Each and all are treated alike. Here and there is an exception. In these days an application for a pension will go as a matter of course. I can not perceive what incentive the soldier of to-day has for giving his country the best that is in him when the soldier who shirked or deserted receives a like reward from a generous Nation.

Mr. President, the Senator from Georgia said that the estimates of the House based upon the bill which it passed and sent

to the Senate mean an increase in our actual fixed expenditures of upward of a million dollars per annum. Of course, in these days in Congress a million is a mere bagatelle. We speak of millions and we appropriate them as flippantly as though they were copper pennies. A hundred million dollars has ceased to be a startling amount in a congressional appropriation, and the time is rapidly approaching when billions will be disposed of quite as unconcernedly as hundreds of millions are now appropriated.

A great many Senators upon the other side of the Chamber have reminded us with painful iteration of that celebrated plank in the Baltimore platform which denounced the profligate extravagance of the Republican Party during its administration of public affairs and pledged Democracy to strict economy of expenditures. They have taunted us with our disregard of that pledge and with the fact that we have seen the Republican extravagance and gone away beyond it.

I have more than once rejoined that I have seen no evidences of a desire upon the other side of the Chamber, with here and there an exception, any more than upon this side to give much heed to that pledge or independently of it to exercise here and there some measure of frugality in our appropriations.

Mr. President, these reminders of Senators upon the other side and these suggestions of mine have availed nothing. We go on our spendthrift way and the people approve. They have almost without exception come to regard the Public Treasury as a vast and exhaustless reservoir of money created for their benefit, and each and all of them strive to secure every dollar from it that they can for themselves. The West, the South, the North, and the East are actuated by a common sentiment when it comes to raids upon the Treasury. The constituents of the Senator from Minnesota, the constituents of the Senator from Georgia, the constituents of the Senator from Maine, and my own constituents are alike in this particular. Each section denounces the extravagances of the Government while insisting that its own demands are entirely reasonable and urgently necessary. Hence it should be excepted from the common rule. The result is obvious. It finds expression in omnibus bills like this, designed to cover the claims of different sections and sometimes of different interests in order to secure a sufficient number of votes to enact the measure as an entirety, and by a system of lumping and logrolling a great many appropriations are secured which but for this method never would be enacted into law.

Now, this has grown to be a practice, Mr. President, honored not in the breach but always in the observance. It is getting worse and worse, and it will continue to do so until public men exhibit the courage to resist the demands of their own constituencies and thus effectually resist the constantly increasing avalanche of demands from every direction upon the Public Treasury.

These continued and ever-increasing appropriations are wiping out the States, which are becoming provinces distinguishable from each other merely by geographical boundaries. State rights used to be a subject of living and important concern. Representatives and Senators were jealous of those rights and defended and safeguarded them here and at the other end of the Capitol. But that was years ago. To-day we are ready to surrender any right of any State, to abandon any prerogative of any Commonwealth and surrender them to the Federal Government, provided we can secure appropriations large enough to justify the policy. When we rise from our seats, as we sometimes do, and denounce the activities of the Government, the extension of its jurisdiction and consequent absorption of many of the reserved rights and powers of the States, we should remember that we are ourselves largely responsible for the evil, and that the people have seemingly ceased to trouble themselves about the fact so long as we can bring home the lion's share of the national plunder.

We have passed a number of bills designed to obtain and disburse money in all the States of the Union in certain proportions duly provided for, and we are going, I presume, to pass others, notwithstanding the fact that there is a day of settlement soon to come. It will come when we turn our attention to the method of raising revenues instead of appropriating them.

In all of the schemes of preparedness with which I have been deluged during the last three months, I have received hardly a suggestion as to the manner in which we should raise the money necessary to meet our increased appropriations for that purpose. Here and there it has been intimated that a return to the good old Aldrich tariff would be necessitated by these conditions, and that an issue of interest-bearing bonds saddling still more of our obligations upon posterity is an easy solution of the problem. Let our children struggle as best they may with the problem after we are dead and gone; meanwhile, we consider preparedness. Let me hope that we shall do neither, but pay as we go.

But we must raise more money, and of course by taxation. And because we must raise more money we should expend at present only what is essential Why, then, should we at the present time increase our pension list by $1,000,000 a year, as provided for in this House bill? And why increase that million by the enactment of a measure, the amount of appropriations to meet which we do not know, and can only imagine? Oh, I know some one will say, "It is only a million dollars; and what is a million dollars to the Treasury of the United States?" It does not count. I am reminded of the Chicago packer who saw a boy in West Virginia driving some hogs along the road one day. On inquiry the boy said he was driving them to a pasture. The Chicago man asked why. "Oh," he said, "so that they can get fat." He was then asked how long it would take them to get fat in that way. The boy said, "About six months." "Well," the Chicago man said, "That is not the way we do in Chicago and around in that section of the country. We take the hogs, my son, and we put them in pens, we feed them corn, and we fatten them in 30 days." "Oh, well," the boy said, "what in thunder is time to a hog?" [Laughter.]

What is a million dollars to us? It is a mere bagatelle. We toss them off with the easy nonchalance of jugglers. And yet we know, Mr. President, that a little million here and a little million there and a couple of millions yonder and some more millions next week amount to many millions in the end. Their distribution will enable the statisticians of the Republican campaign committee to make a pretty respectable showing about the first of next July; and those Senators and Representatives who always vote with us for such appropriations will be the loudest in their denunciation of our extravagance before the people. This will serve us right, because there is this modicum of justice about it, that we are in power, and we could if we would make our denunciation of Republican extravagance most effective by repudiating it in our own practice.

It may be said, Mr. President, that all this has comparatively little to do with this bill, but I am speaking to this question simply because the bill is one of a series. "They come and go as comes and goes the sea;" sometimes one per day, sometimes two, sometimes more.

I said the other day—I think on the 10th of April—that the bills then upon the Senate Calendar, outside of general appropriation bills, if enacted into law, would require $121,000,000 to provide the sums necessary to make them effective. I presume the amount is much larger now, because a good many other bills have since come out of committees. I think it is safe to say that 75 per cent of the bills introduced into this Congress, and perhaps also in the last Congress and in a number of previous Congresses, call for appropriations—small appropriations or large appropriations—in the aggregate collossal appropriations.

Mr. President, I should perhaps keep silence if this bill were to be enacted as it came over from the other House, since, in any event, my words will have but little, if any, influence upon the final vote. But there are opportunities in the House bill for a considerable increase of the amount estimated to be necessary to carry its provisions into effect. For instance, I read from page 4, where it is provided:

> That if any certain one of the said campaigns did not cover a period of 30 days—
>
> "Ninety days," as the bill came from the House—
>
> the provisions of this act shall apply to those who served during the entire period of said campaign.

In other words, if any one campaign lasted but 1 day or 10 days or 15 days or 25 days the provisions of the act will apply as completely to those engaged in such brief campaigns, as they will to a campaign running a year or more. Those of us in the West who have lived there as long as I have can recall some Indian outbreaks, although perhaps not covered by the recitals of the bill, which were over in less than 20 or 25 days. They were extremely brief; they were limited in area and in importance; yet those who rushed to their own defense or to the defense of others, where, perhaps, no gun was fired or no life lost or no wounds inflicted, are treated with the same generosity in this bill as is the hardened, old, war-seasoned pioneer veteran of the plains whose business in life was fighting Indians, and who fought them at all times and fought them well; one of the most splendid set of men which any country ever produced; men who faced every peril of weather, of wilderness, and of savage, fought out their own destiny, conquered all obstacles, and made possible the subsequent settlement of the great States of the West. All honor to them. They deserve well of the Republic.

That sort of man in old age should be liberally provided for, but under the provision to which I have just called attention,

these heroes line up with men of 10 days' service in any capacity—men with no mustering-in and no mustering-out, with no record of service, State or Federal. Mr. President, I ask you what limitation, except the conscience of men, will circumscribe the operation of this bill in actual practice? I can not determine; but I do know when an opportunity to get money from the Treasury of the United States through the provisions of any measure comes along the temptation to avail oneself of that opportunity is well-nigh irresistible. So it seems to me, Mr. President, that this bill as amended is altogether too comprehensive. I do not believe it would have been so amended, but for the apprehension that without them a majority could not be obtained to carry the bill.

Mr. President, I have said more than I intended to say. I do not believe that we should legislate in this loose manner when our legislation means appropriations out of the Treasury of the United States. I believe that we should treat this great fund in the treasury as we would treat trust funds committed to our keeping and calling for our private administration, with due regard, of course, to the public needs and the public demands.

In a book of aphorisms the other day I saw this one: "Public money is like holy water; everyone helps himself." And I could not but think that it was a most appropriate description of the public money of the United States, in view of the careers of the Sixtieth, Sixty-first, Sixty-second, Sixty-third, and doubtless of the Sixty-fourth Congresses.

Senators on this side of the Chamber, I want to venture the prediction that, independently of increased appropriations for so-called preparedness, our annual expenditures will probably aggregate one and a half billion dollars for the next fiscal year, unless we call a halt and in some degree economize. If there ever was a time, Mr. President, demanding economy in legislation this is the time, for it is self-evident that in some degree, either large or small, this Nation, through the stress of foreign war and activities of the Sixty-fourth Congress, is going to enter into a new era of nationality.

It was once said that no nation entering a war and emerging from it is ever the same, and in the presence of this world-wide war, affecting, directly or indirectly, every people upon the face of the earth, and bringing those of our own country face to face with a survey of the consequences of a sudden conflict without some cautionary prevision, we shall consider public sentiment by making some increase of our Army and Navy. This increases, of course, the taxes already pressing heavily upon the people, and particularly upon the consumptive energies of the Nation. This is our task; the task of the majority. It is our burden, and we must assume it, with the certainty of incurring sullen resentments where taxation presses unduly, as it will. Let us make the load as light as we can by saving where we can. The gravest indictment that posterity will return against this Congress may be that at such a time it not only forgot the pledges of Democracy, but increased the extravagances which it denounced in previous administrations, and thus swelled the burdens of the people. Let us prevent this. We can do so if we will.

Mr. JOHNSON of Maine. Mr. President, I quite agree with the Senator from Colorado [Mr. THOMAS], who has just taken his seat, that human nature is apt to be human nature in any party and to manifest itself; but I want to call attention to some provisions in this bill which prompt me to support it as an act of justice to those who were engaged in and who performed a most hazardous national duty and national service.

The Senator from Georgia [Mr. SMITH] has criticized the amendment of the Senate committee because we have shortened the term of service which the House provided. They fixed it at 90 days, and we have made it 30 days. We so amended the bill because in all previous Indian-war pension bills which have been passed by Congress only 30 days' service was required.

The very first bill of this character was passed in 1892. In that measure the survivors of only four Indian wars were included, and under its provisions a service of only 30 days was required. Again, in 1902, 10 years later, the Congress of the United States extended the provisions of the act of 1892 to the survivors of a dozen more Indian wars, so that we had then some 16 Indian wars in all included, and only a 30-days' service was required of those who took part in those wars. Again, in 1908, the provisions of the act of 1892 were further extended to the Texas Rangers and others in Texas who had defended the homes of the people of the then frontier State against Mexican marauders and Indian invaders, and only 30 days' service was required.

The Senator has also criticized the bill because of the provision that no certificate of discharge shall be required. A similar provision was in all the previous Indian-war pension acts which have been passed. It does not preclude or do away with the necessity of showing that the soldier was discharged or mustered out, but he may show that fact in other ways than by a certificate of discharge. That was the provision in the preceding bills.

Having in mind all the Senator from Colorado has said about the duty, which rests upon me as heavily as it does upon him, to guard the Treasury of the United States, it seems to me that we should be just to those who at the particular time when homes of settlers were in danger and we were extending the frontier in the great and growing West hazarded their lives to make sure and safe the pathway of civilization there.

Just think of the great men who served in those Indian wars, men illustrious in the history of your country—such men as Sheridan, Sherman, Custer, and Howard. You have not made provision in any of the Indian-war bills heretofore for the survivors of the Custer campaign and of many other of the bloody wars in which the soldiers of the country took part.

Now, we have come to a point, it seems to me, when justice shall be done. I do not care what it costs, if it is an act of justice to those who sacrificed their possessions, who hazarded life itself, and who saved at times the last cartridge for themselves, knowing that no mercy would be shown if they were taken. I care not about a little cost; we can not reckon it in the money of any realm. When we are asking now for volunteers to come forward and enlist and prepare themselves for the service of this country and we find there are some holding back, I do not want men to point to the Congress of this country as being illiberal, picayunish, and mean with the soldier who volunteered his services for his country.

This surely was a service which called for courage; it called for sacrifice. I do not know what this bill will cost. The House thought perhaps it might cost a million dollars a year, but they had no information upon the subject; and speaking for the Committee on Pensions of the Senate, I have been unable to obtain any information at the War Department as to just what the cost will be. Mr. C. R. Houser, who is the secretary of the Indian War Veterans' Association of the West, thought it would be much less. He stated that for three years he had been attempting to make up a roll of all those who had survived, and he had only been successful in finding some 1,200 or 1,300. There are few, and they will not be affected, in my State.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Georgia?

Mr. JOHNSON of Maine. I do.

Mr. SMITH of Georgia. May I ask the Senator whether that roll would conform to the rules which are prescribed in these amendments or to the rules that the House prescribes?

Mr. JOHNSON of Maine. It was entirely a roll of the survivors. This applies only to those who have reached the age of 62 years.

If the survivors of the earlier Indian wars deserved liberal consideration by the Congress of the United States, I see no reason why those who served in these later wars should not be treated in the same way. If you will count those for whom provision has been made in the acts of 1892 and 1902 and 1908, you will find that you have about 20 Indian campaigns, and that the survivors of those 20 Indian campaigns now draw pensions for a service of 30 days, and with no certificate of discharge, if the certificate of discharge is lost, and they show their service by other evidence outside of that record.

We have followed that provision; and if we had not inserted here, as the Senate committee did, that if the certificate of discharge was lost it should not deprive the applicant of the benefits of the act, and had simply extended the provisions of the earlier acts to the applicants under this, it would have been sufficient without calling attention to this, and they would have been covered by it.

I do not know, as I say, what this would cost, and I think it is not entirely a question of cost. It is a question of justice in dealing with these survivors of the later wars as Congress has dealt with those who served in the Seminole War, the Black Hawk War, the Modoc War, and other wars for the survivors of which you have made provisions for pension.

Mr. SHAFROTH. Mr. President, in reference to the statement which was made by the Senator from Maine [Mr. JOHNSON] in relation to Mr. Houser, whose headquarters are at Denver, Colo., I will state that in his communication he says that the National Indian War Veterans' Association of the United States numbers at present 485 members; that there were advertisements inserted in newspapers for all persons who served in Indian wars to become members of that organization, and he states that the number can not be large; he does not

pretend to say exactly how many, but it falls far short of the number of 5,000 suggested.

I want to say this, however, that the campaigns waged in the western portion of the United States in defense of the homes of the settlers were campaigns where there were greater hardships, and which were more exacting upon the health and even upon the physical endurance of the individuals, than those of many of the battles of the Civil War. There is one man who states:

I saw more fighting at Beecher Island than during all the four years I served with the Army of the Potomac.

When we consider that we have men who have endured these hardships, and we know that they have not had, to any appreciable extent, aid from the States, and that these men are as much entitled to pensions as the men who served in the Civil War, it does seem to me that in order to be just and fair we ought to grant them pensions.

Whether this bill is a little too liberal or not, I am not prepared to say. The bill, as it came from the House, provided for pension upon 90 days' service in these campaigns; but when we find that the exact provisions that are contained in this bill were also in the 16 other Indian war acts passed years ago I can not see how we can well discriminate against the Indian war veterans in this measure.

But the bill is not a law yet. It has to go to the House for consideration. A conference, no doubt, will be had upon it; and if there is a proper showing that there are in it harsh provisions as against the Government, or too liberal provisions for the individuals, it may be that there will be a change. But it seems to me that when we take into consideration the fact, as the chairman of the committee said, that these identical provisions are in the pension legislation of every other Indian war—the veterans of which are being pensioned or have been pensioned by the United States Government, I do not see how, in fairness, that committee could have refused to incorporate in this bill the same provisions.

It seems to me that it is not fair to say that only those persons who were in the Civil War are entitled to pensions, when these men have performed service as valuable to the Government, and they include Regular soldiers of the United States Army. The men who fought with Custer when he was massacred all come within the provisions of this act, unless they draw a pension from some other act of Congress of the United States, and then they would not be entitled to the pension under this bill.

We have a liberal pension policy, it is true—a pension policy more liberal than that of any other Government on the face of the globe—and I am satisfied that that is one of the things which the soldier, when he volunteers at the call of the Nation, considers as one of the protections which may accrue to him or to his widow in the event that he meets with injury or death on the field of battle. It must be remembered that these veterans are old men, and for many years have received no recognition from the Government. The veteran receives no benefit until he is 62 years old, and the majority of them are past that age. The average life of the veterans under this bill will not extend over eight years, and hence the allowance will not be perpetual. In order to make the objections to this bill tenable we should either reconstruct the whole pension laws and cut them down or give pensions to these men, these people in the West, who have fought just as hard and endured just as great hardships as those who are drawing pensions by reason of service in the Civil War. For these reasons, I submit the bill should be enacted.

Mr. CURTIS. Mr. President, I have no desire to take up the time of the Senate in the discussion of this matter. I have a report of the House of Representatives that shows the service of the Eighteenth and Nineteenth Kansas Volunteer Regiments—the Eighteenth some four months and the Nineteenth some six months. I ask to have the report printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[Report to accompany H. R. 8631, 53d Cong., 3d sess.]

The Committee on Pensions, to whom was referred the bill (H. R. 8631) extending the provisions of an act granting pensions to soldiers and sailors, approved June 27, 1890, to the Eighteenth and Nineteenth Regiments of Kansas Cavalry Volunteers, have considered the same and respectfully report as follows:

A report from the officer in charge of the Record and Pension Office, War Department, shows that a battalion of the Eighteenth Kansas Cavalry Volunteers, organized under a circular of June 21, 1867, from headquarters Military Division of Missouri, was mustered into the military service of the United States from July 13 to 15, 1867, at Fort Harker, Kans., to serve for a period of four months, and that it was mustered out of service at the same place November 15, 1867.

It also appears from the records that the Nineteenth Regiment Kansas Cavalry Volunteers, organized under authority contained in a telegram from the Secretary of War to Lieut. Gen. Sherman, dated October 6, 1868, was mustered into the United States service by companies from October 20 to 29, 1868, at Topeka, Kans., to serve for a period of six months, and that the regiment was mustered out of service April 18, 1869, at Fort Hays, Kans.

The official report shows that these organizations were called out to aid in the suppression of Indian hostilities, and the records further show that the battalion of the Eighteenth Kansas Cavalry, above referred to, and the Nineteenth Regiment of Kansas Cavalry are the only two volunteer organizations mustered into the military service of the United States since the War of the Rebellion.

At the time the Eighteenth Kansas was mustered in at Fort Hooker a severe epidemic of cholera prevailed at that place, and it is shown by the records of the War Department that 20 deaths occurred in the battalion from that disease.

On the 21st and 22d of August, 1867, companies B and C of this battalion were in an engagement with the Cheyenne Indians on Prairie Dog Creek in Kansas, with a loss of 14 officers and men killed and wounded, and Maj. Armes, of the Tenth United States Cavalry, commends in the highest terms the officers and men of the Eighteenth who took part in this engagement in saving the State of Kansas from further depredations from the Indians.

In his report the governor of Kansas says:

"On the 30th of August Maj. Moore, with the Eighteenth Kansas, struck a portion of the Indians who had engaged Maj. Armes on the 21st and 22d, and after an engagement of several hours gained a decisive victory. About the same time Maj. Elliott, with a detachment of the Seventh United States Cavalry, attacked another band and drove them in a westerly direction toward the headwaters of the Republican. After these several engagements the Indians retired to their winter haunts and left the frontier settlements of Kansas comparatively at peace."

In Gen. Sheridan's report, dated Chicago, Ill., November 1, 1869, speaking of the depredations of the Indians on the plains during the previous summer and winter, he says:

"So boldly had this system of murder and robbery been carried on that not less than 800 people had been murdered since June, 1862—men, women, and children."

It had been the custom of the Indians to raid the frontier settlements during the summer and then seek security by retiring into the mountains during the winter. Gen. Sherman continues:

"To disabuse the minds of the savages of their confident security and to strike them at the period when they were the most, if not entirely, helpless became a necessity, and the general in chief then in command of this division authorized a winter campaign."

The Nineteenth Kansas Cavalry was mustered into the United States service in the last days of October for the purpose of prosecuting the campaign at this season of the year. On the 5th of November the regiment moved from Topeka, Kans., and, crossing the Arkansas River at Wichita, moved in a southwest direction to join the Seventh United States Cavalry, near the junction of Beaver Creek with the North Canadian, 112 miles south of Fort Dodge, at a cantonment called Camp Supply.

On the march the command was caught in a severe snowstorm, and, becoming entangled in the canyons of the Cimarron, did not reach Camp Supply until the 30th of November. Of this incident in the history of the regiment Gen. Sheridan says:

"The regiment lost its way, and, becoming entangled up in the canyons of the Cimarron and in the deep snow, it could not make its way out and was in a bad fix. * * * It had been subsisting on buffalo for eight or nine days. * * * Officers and men behaved admirably in the trying condition in which they were placed, but the poor horses suffered greatly, and a number of them were lost."

Of the march down the Washita Gen. Sheridan says:

"The snow was still on the ground and the weather very cold, but the officers and men were very cheerful, although the men had only shelter tents. We moved due south until we struck the Washita, near Custer's fight of November 27, having crossed the main Canadian, with the thermometer about 18° below zero. On the next day we started down the Washita, following the Indian trail; but finding so many deep ravines and canyons, I thought we would move out on the divide, but a blinding snowstorm coming on and fearing to get lost with a large command and trains of wagons on a treeless prairie without water, we were forced back to the banks of the Washita, where we at least could get wood and water. * * *

"This was continued until the evening of the 16th of December, when we came to the vicinity of the Indians, principally Kiowas. They did not dream that any soldiers could operate in such cold and inclement weather, and we marched down on them before they knew of our presence in the country."

The result of this campaign was that Santanta and Lone Wolf, chiefs of the Kiowas, were taken prisoners, and by a threat of execution that tribe was forced to report at Fort Cobb, together with the Comanches and Apaches, and finally induced to go on their reservation.

From Fort Cobb the command marched to the base of the Washita Mountains and established Fort Sill, near Medicine Bluff. On the 2d of March following the Nineteenth Kansas Cavalry and the Seventh United States Cavalry, under the command of Gen. Custer, went in pursuit of the Cheyennes. The course pursued was via Camp Radiminski, mouth of Elk Creek, to a point on North Fork of Red River, a few miles above the mouth of Salt Fork.

The Cheyenne trail was struck on Salt Fork on the 6th of March, 1869, and followed to the north along the eastern edge of the Llano Estacado until the 20th of March, when the Cheyennes were caught camped on Sweetwater Creek, about 10 miles west of the eastern line of Texas. This march was made practically without transportation or adequate supplies, and for the last few days the men subsisted on mule meat without bread or salt.

In Gen. Custer's official report of this campaign he uses the following language:

"The point at which we found the Cheyenne village was in Texas, on the Sweetwater, about 10 miles west of the State line. Before closing my report I desire to call the attention of the major general commanding to the unvarying good conduct of this command since it undertook the march. We started with all the rations and forage that could be obtained, neither sufficient for the time for which we have already been out. First it became necessary to reduce the amount of rations; afterwards a still greater reduction was necessary, and tonight most of my men made their suppers from the flesh of mules that have died on the march to-day from starvation. When called upon to move in light marching order, they abandoned tents and blankets without a murmur, although much of the march has been made during the severest winter weather I have experienced in this latitude.

"The horses and mules of this command have subsisted day after day upon nothing but green cottonwood bark. During all these privations the officers and men maintained a most cheerful spirit, and I know not which I admire most, their gallantry in battle or the patient, but unwavering, perseverance and energy with which they have withstood the many disagreeable ordeals of this campaign.

"As the term of service of the Nineteenth Kansas Cavalry is approaching its termination, and I may not again have the satisfaction of commanding them during active operations, I desire to commend them—officers and men—to the favorable notice of the commanding general. Serving on foot, they have marched in a manner and at a rate that would put some of the regular regiments of infantry to the blush. Instead of crying out for empty wagons to transport them, each morning every man marched with his troop, and—what might be taken as an example by some of the line officers of the Regular Infantry—company officers marched regularly on foot at the head of their respective companies; and now, when approaching the termination of a march of over 300 miles, on greatly deficient rations, I have yet to see the first straggler.

"In obtaining the release of the captive white women, and that, too, without ransom or the loss of a single man, the men of my command, and particularly those of the Nineteenth Kansas, who were called into service owing to the murders and depredations of which the capture of these women formed a part, feel more fully repaid for the hardships they have endured than if they had survived an overwhelming victory over the Indians."

Your committee is further advised by Hon. H. L. Moore, Member of Congress, who was the major commanding the Eighteenth Kansas during the whole term of its service, that this battalion, as well as the Nineteenth Kansas, was composed largely of men whose homes had been devastated and families murdered by the Indians during their raids on the frontier settlements. The Eighteenth suffered a loss of some 10 per cent from cholera and the casualties of battle. Its service was constant and arduous during the whole term of its enlistment.

The Nineteenth Kansas, of which Mr. Moore was lieutenant colonel, and which he commanded during the latter half of its term of service, prosecuted this campaign during the most inclement weather, and, as the official report shows, much of the time without adequate food or camp equipage. The result of the campaign was to clear the Plains of the Indians of the Southwest by forcing them onto their reservations, where they have remained ever since.

Upon full and careful consideration of this bill your committee are unanimously agreed that it is one of exceptional merit. The service rendered by these two organizations was of a very exceptional character, and the results of the same have been widespread and beneficent.

No dangerous precedent will be established by the enactment of this bill into law, as it will be remembered these are the only volunteer organizations which have been mustered into the United States service since the Civil War.

Mr. SMOOT obtained the floor.

Mr. STONE. Mr. President, does the Senator think he can dispose of this bill to-night?

Mr. JOHNSON of Maine. Does the Senator from Missouri address his inquiry to me?

Mr. STONE. I do.

Mr. JOHNSON of Maine. Of course, I have no knowledge as to how much time the Senator who is to speak desires to take.

Mr. SMITH of Georgia. Certainly it will occupy until 6 o'clock.

Mr. SMOOT. Then let the bill go over, if an executive session is desired.

Mr. STONE. I desire a very short executive session. I do not care to inconvenience other Senators.

Mr. SMOOT. I suggest that we lay the bill aside temporarily.

Mr. CLAPP. Mr. President, will the Senator from Missouri withhold his motion for a moment?

Mr. STONE. I will.

Mr. CLAPP. I move that the Senate still further insist upon its amendments to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, and request a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP conferees at the further conference on the part of the Senate.

Mr. SMOOT. I understand that the Senator from Maine requested that the bill be temporarily laid aside.

Mr. JOHNSON of Maine. I have not made that request, but I wish to do so now.

Mr. SMOOT. It is not necessary, anyhow.

Mr. JOHNSON of Maine. I ask that the pending bill be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the pending bill may be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. SUTHERLAND. I present a resolution adopted by the Woman's Republican Club of Salt Lake City, Utah, in regular meeting assembled on the 1st day of May, 1916, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolved, That the Woman's Republican Club of Salt Lake City, Utah, in regular meeting assembled on the 1st day of May, 1916, protest against the action of the House Judiciary Committee in suppressing the Susan B. Anthony amendment, and respectfully demand that said amendment be reported out of the Judiciary Committee at once; be it further

Resolved, That a copy of this resolution be sent to President Woodrow Wilson; Representative EDWIN WEBB, chairman of the Judiciary Committee; Representative ANDREW J. VOLSTEAD, minority leader of the same committee; Representative J. R. MANN, minority leader of the House; Senator J. H. GALLINGER, minority leader of the Senate; and to Senator GEORGE SUTHERLAND and Representative JOSEPH HOWELL, of Utah, with instructions to the two latter to read it into the CONGRESSIONAL RECORD.

Mrs. JUSTIN R. DAVIS, *President*.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. McLEAN presented a memorial of the German-American Alliance, of New Haven, Conn., remonstrating against the refusal of the British Government to permit shipment of Red Cross supplies to Germany, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Hartford, Conn., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Mount Livermore Grange, Patrons of Husbandry, of Holderness, N. H., remonstrating against any change being made in the parcels-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of James G. Blaine Council, Junior Order United American Mechanics; of Aerie No. 579, Fraternal Order of Eagles; of Leeds Council, No. 16, Order United American Mechanics; of Rippowam Lodge, No. 24, International Order of Odd Fellows; of Local Union No. 192, Brotherhood of Painters, Decorators, and Paperhangers; and of St. Peter's Council, Knights of Columbus, all of Stamford, in the State of Connecticut, praying for the enactment of legislation to grant pensions to employees of the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of the Trades Council, of New Haven; of District Council, United Brotherhood of Carpenters and Joiners; of Local Union No. 90, Brotherhood of Painters, Decorators, and Paperhangers; of Local Union No. 40, International Union of United Brewery Workmen; of Local Union No. 282, Cigarmakers' International Union; of the Wood, Wire, and Metal Lathers' International Union; of Local Union No. 114, Sheet Metal Workers' International Alliance; and of Local Union No. 488, International Brotherhood of Electrical Workers, all of Bridgeport, in the State of Connecticut, remonstrating against any change being made in the salaries of employees in the Canal Zone, which were referred to the Committee on Interoceanic Canals.

He also presented petitions of Lady Trumbull Council, No. 5, Sons and Daughters of Liberty, of Waterbury; of Volunteer Council, No. 59, Sons and Daughters of Liberty, of Warehouse Point; of Winthrop Council, No. 7, Sons and Daughters of Liberty, of New Britain; of Lady Hale Council, No. 60, Sons and Daughters of Liberty, of Hartford; and of Lady Buckingham Council, No. 10, Sons and Daughters of Liberty, of Hartford, all in the State of Connecticut, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of the Board of Education of New Haven, Conn., praying for the enactment of legislation to provide Federal aid for vocational education, which was ordered to lie on the table.

He also presented petitions of Colonel F. W. Cheney Camp, No. 14, Sons of Veterans, of South Manchester, and of G. A. Stedman Camp, Sons of Veterans, of Hartford, both in the State of Connecticut, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a petition of the Congressional Union for Woman Suffrage, of Milford, Conn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRADY presented a petition of sundry citizens of Clarksfork, Idaho, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KERN presented a petition of sundry citizens of Rockville, Ind., praying for the enactment of legislation to prohibit

the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 934, United Mine Workers of America, of Carbonado, Wash., praying for the enactment of legislation to provide Federal aid in the prevention of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. PHELAN presented a petition of the McKinley School Mothers' Club, of Berkeley, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a memorial of Lincoln Grange, No. 318, Patrons of Husbandry, of Cupertino, Cal., and the memorial of Dr. A. J. Hutching and sundry other citizens of Berkeley, Cal., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Colton and Santa Rosa, in the State of California, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

RIVER AND HARBOR APPROPRIATIONS.

Mr. KENYON. I submit the views of the minority (Rept. No. 420, pt. 2) on the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. The report will be received and printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine, from the Committee on Pensions, submitted a report (No. 421) to accompany the bill (S. 5911) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 13. Nellie M. Leonard.
S. 149. Bowman C. McEwen.
S. 333. Burnum W. Francis.
S. 334. Elizabeth R. Frink.
S. 350. Anna M. Holt.
S. 352. Fitzhugh S. Hoag.
S. 353. Ella P. Hines.
S. 373. Sarah L. Lunt.
S. 374. George H. Bishop.
S. 375. Hatch Chamberlin.
S. 523. Michael Kelly.
S. 689. Horace Berlew.
S. 759. Irvin E. Scott.
S. 947. John B. Way.
S. 1139. William Comstock.
S. 1189. George H. French.
S. 1213. David Devore.
S. 1214. Storm T. Roberts.
S. 1243. Horatio N. Washburn.
S. 1244. Peter Wedge.
S. 1248. Mary F. Fernald.
S. 1255. Hiram R. Brackett.
S. 1333. Harriet S. Crooks.
S. 1449. Frances A. Hall.
S. 1471. Elzie W. Grindle.
S. 1472. Celia E. Gibson.
S. 1485. Amanda Brewster.
S. 1649. Henry Vanderpool.
S. 1678. Charles F. Cooken.
S. 1759. Orrin S. Williams.
S. 1913. Mary J. Holliday.
S. 2255. Samuel I. Scammon.
S. 2264. Amanda M. Ricker.
S. 2347. Henry Stewart.
S. 2508. Ivan S. Ford.
S. 2551. Miles Gary.
S. 2578. Josephine Taylor.
S. 2594. Frances W. Wood.
S. 2598. Mathew Farley.
S. 2602. Charles B. Sutton.
S. 2640. John Harrigan.
S. 2656. Johnson White.
S. 2677. Stinson Books.
S. 2722. Eliza E. Vose.
S. 2736. John T. Warburton.
S. 2738. Phebe J. Asher.
S. 2811. Albertus Bowen.
S. 2832. Milton Rhodenbaugh.
S. 2882. Minnie Anderson.
S. 2891. Christian Howald.
S. 2892. George Lucas.
S. 2920. Jesse L. Pelton.
S. 2948. William E. Chappell.
S. 3050. Sarah E. Hathaway.
S. 3052. Hiram Bender.
S. 3110. John P. Martin.
S. 3142. Orrin A. Johnson.
S. 3215. Harriet A. Cady.
S. 3309. Julia G. Hottel.
S. 3310. Edgar Thompson.
S. 3360. Thomas H. Webley.
S. 3406. Harriet E. Vose.
S. 3407. Charles E. Sawtelle.
S. 3410. Richard Harmon.
S. 3417. Caroline Wannofsky.
S. 3473. Sylvanus H. Ward.
S. 3475. James Rogers.
S. 3476. Alonzo J. Nevers.
S. 3520. Mary A. Holland.
S. 3538. James Somerville.
S. 3599. Richard M. Johnson.
S. 3628. James McNamara.
S. 3630. Hamilton Davis.
S. 3631. John J. Foraker.
S. 3633. John Curtis.
S. 3634. Henry A. C. O'Connor.
S. 3635. Simon Jemson.
S. 3636. John Wilson.
S. 3678. Robert R. Bratton.
S. 3689. Henry Quint.
S. 3695. Morrison Young.
S. 3696. Frank A. Colcord.
S. 3763. Jane McD. Johnston.
S. 3782. Abbie Sloggy.
S. 3784. George M. Titus.
S. 3786. Sarah A. Welliever.
S. 3811. Catherine Goodwin.
S. 3812. Henry Harpham.
S. 3819. Charlotte Randall.
S. 3834. Cassius M. Jones.
S. 3835. John Little.
S. 3842. Marion D. Egbert.
S. 3843. William R. Donaldson.
S. 3847. Charles F. Runkle.
S. 3848. John Brown.
S. 3849. William Painter.
S. 3874. Peleg N. Carson.
S. 3880. Solomon Keffer.
S. 3882. Charles H. Thompson.
S. 3884. John Washburn.
S. 3938. Charles H. Johnson.
S. 3968. Charles W. Sager.
S. 4013. William J. Hull.
S. 4019. Benjamin Weatherby.
S. 4075. Andrew J. Messer.
S. 4090. Dlantha K. Dickey.
S. 4091. Virginia R. Coates.
S. 4117. Nancy R. Brady.
S. 4121. Allie A. Richey.
S. 4122. Marget E. Schrieber.
S. 4123. Eliza Harrison.
S. 4124. Nannie P. Brown.
S. 4156. Tabitha Rask.
S. 4182. Lewis C. Cleavinger.
S. 4195. Ella Louise Collett.
S. 4199. Ellen Collins.
S. 4224. Margaret L. Wood.
S. 4232. Charles E. Cole.
S. 4233. Charles E. Low.
S. 4292. William Banta.
S. 4331. Celestia M. Lull.
S. 4333. John Murphy.
S. 4338. Joseph Lyman.
S. 4351. Hamilton Rogers.
S. 4366. Roxalina Kinney.
S. 4422. Mary A. Hapgood.
S. 4430. George Pullen.
S. 4453. John Pugsley.
S. 4464. Margaret L. Sexton.
S. 4496. Amanda J. Johnson.
S. 4523. Joseph Zeimer.
S. 4527. George T. Conner.

S. 4563. Arcelia Trowbridge.
S. 4584. Chester C. Smith.
S. 4609. Mary C. Harvey.
S. 4636. Henry W. Botsford.
S. 4641. Eliza A. Reed.
S. 4659. Thomas Pemberton.
S. 4675. Antonio Armenta.
S. 4684. John J. Buckley.
S. 4689. James Welsh.
S. 4690. David Ham.
S. 4692. Catherine E. Stamp.
S. 4697. Catharine M. Dunham.
S. 4704. Luther D. Whitten.
S. 4713. Harriette H. Kelly.
S. 4723. Frank B. Stearns.
S. 4729. Mary E. Bradford.
S. 4740. Leafy J. Leavitt.
S. 4743. William A. Collins.
S. 4744. Nettie Lamprey.
S. 4745. Minnie L. Gould.
S. 4756. Sarah S. Humiston.
S. 4773. John Coffron.
S. 4774. Eleazer O. Addlton.
S. 4777. Harriet Aylward.
S. 4778. Samuel E. Griffin.
S. 4780. George S. Ayer.
S. 4781. Edwin F. Witham.
S. 4793. Josephus Clark.
S. 4804. John A. Baird.
S. 4808. Alfred H. Hulburt.
S. 4815. Samuel E. Stainbrook.
S. 4818. Nicholas J. O'Brien.
S. 4823. Adolphus W. Jones.
S. 4851. Victoria Fleischmann.
S. 4855. Michael O'Brien.
S. 4863. Charles B. Clark.
S. 4880. Matilda I. Nason.
S. 4883. Webster A. Whiting.
S. 4892. Abraham J. Yoemans.
S. 4907. Sarah Denney (now Sinley Denney).
S. 4908. Mary A. Flynn.
S. 4921. Mary Whitesides.
S. 4924. Nancy J. Fleming.
S. 4937. Rebecca McC. Laptad.
S. 4938. Robert Irvin Rea.
S. 4942. Rebecca Jane Thompson.
S. 4961. Frank B. Sargent.
S. 4962. John M. Farquhar.
S. 4963. Robert Nichols.
S. 4964. Francis B. Ainsworth.
S. 4976. Edward H. Alliston, alias Henry A. West.
S. 5018. Lucy M. Roach.
S. 5027. Nicholas B. Langley.
S. 5028. Emaline King.
S. 5038. Andrew Mitchell.
S. 5039. Alphonso E. Libby.
S. 5040. James F. Walker.
S. 5041. Uranus Stacy.
S. 5072. George S. Thing.
S. 5073. Allen T. Hodgkins.
S. 5083. Abram Hall.
S. 5094. William J. Bradford.
S. 5095. Myra R. Daniels.
S. 5110. Alonzo P. Hart.
S. 5114. Alfred A. Bonney.
S. 5124. George A. White.
S. 5127. Melvan Tibbetts.
S. 5182. Sallie Rigney.
S. 5185. Henry W. Crow.
S. 5192. George B. Van Pelt.
S. 5194. John Allen, alias John McGuire.
S. 5197. Sarah Maurer.
S. 5205. Mary I. Bradbury.
S. 5209. Frances B. V. Kelley.
S. 5227. Mary Taylor Kain.
S. 5232. Valentine M. Hodgson.
S. 5293. Florence Sanders.
S. 5300. James L. Boothe.
S. 5301. Howard Miller.
S. 5308. Jasper Reeder.
S. 5319. Harlow J. Greenfield.
S. 5341. Charles Leffler.
S. 5342. Michael Galligan.
S. 5343. Anna Stanley.
S. 5370. Edith A. Grover.
S. 5372. Terrence Dobson.
S. 5382. Allen Conner.
S. 5399. Oliver P. Gilison.
S. 5417. Loami E. Scherer.
S. 5420. John R. Kingman.
S. 5433. Oliver Harding.
S. 5434. Albert A. Burleigh.
S. 5436. Charlotte Goding.
S. 5465. Annie K. Ames.
S. 5472. Elizabeth J. Beck.
S. 5531. Sarah L. Chute.
S. 5624. George W. Lukenbill.
S. 5625. Thomas E. Niles.
S. 5633. Ira H. Fuller.
S. 5637. Laban A. Fernald.
S. 5679. Simeon Noble.
S. 5688. Nellie A. Sanborn.
S. 5782. Delia L. Trask.

DEPOSITS OF GOLD BULLION.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 13474) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911, reported it without amendment and submitted a report (No. 422) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 5899) to punish persons who make false representations to settlers and others pertaining to the public lands of the United States; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 5900) providing for the disposal of certain lands in block 69, in the city of Port Angeles, State of Washington; to the Committee on Public Lands.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5901) to provide for the removal of the body of the late Maj. Gen. Winfield Scott Hancock from Norristown, Pa., to the National Cemetery, Arlington, Va., and for other purposes; to the Committee on Appropriations.

A bill (S. 5902) granting a pension to Harry Lunger; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5903) granting an increase of pension to Henry H. Thomas; and

A bill (S. 5904) granting a pension to Levi A. Cooley; to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 5905) granting an increase of pension to John C. Hughes;

A bill (S. 5906) granting an increase of pension to John F. Cartwright; and

A bill (S. 5907) granting an increase of pension to Daniel H. McAbee; to the Committee on Pensions.

By McLEAN:

A bill (S. 5908) granting an increase of pension to Martha E. Fowler (with accompanying papers); and

A bill (S. 5909) granting an increase of pension to Cornelia F. Botsford (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 5910) authorizing the sale of the lighthouse reservation at Scituate, Mass.; to the Committee on Commerce.

By Mr. WALSH:

A bill (S. 5912) to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian Reclamation projects; to the Committee on Indian Affairs.

By Mr. PHELAN:

A bill (S. 5913) to set apart a tract of land in the State of California as a public park, such lands, together with those set aside by the act of September 25, 1890, to be known as the Sequoia National Park; to the Committee on Public Lands.

HARBOR IMPROVEMENTS.

Mr. BRANDEGEE submitted the following resolution (S. Res. 184), which was referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he hereby is, authorized and directed to report to Congress at the earliest practicable date, not later than December 4, 1916:

First. Specific plans for improvement of the harbors and connecting channels which, in his judgment, after consultation had with the Secretary of the Navy, will best provide adequate facilities for operations

of the fleet for defense of the harbors of Portland, Me.; Boston, Mass.; Providence, R. I.; New London, New Haven, and Bridgeport, Conn.; New York, N. Y.; Norfolk, Va.; Savannah and Brunswick, Ga.; Charleston, S. C.; New Orleans, La.; Galveston, Tex.; San Diego and San Francisco, Cal.; and Seattle, Wash.

Second. The feasible extensions requisite to make existing approved projects for improvement of the aforementioned harbors available for the purposes stated in the foregoing paragraph.

Third. The cost of each such several improvements calculated upon the basis of completion thereof under contract within five years.

Fourth. The percentage not exceeding 30 per cent of the cost of each such improvement which, in the judgment of the Secretary of War, should be contributed by the several cities or State Governments in consideration of the completion within five years of the improvement recommended by the Secretary of War.

Fifth. The replies of the local authorities and State governments to the propositions to them submitted by the Secretary of War to contribute to the carrying out and the cost of such several improvements.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On May 4, 1916:

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; and

S. 4876. An act to provide for an increase in the number of cadets at the United States Military Academy.

On May 8, 1916:

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elise McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.; and

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 54 minutes p. m., Monday, May 8, 1916) the Senate adjourned until to-morrow, Tuesday, May 9, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 8 (legislative day of May 5), 1916.

PHILIPPINE COMMISSION.

Eugene E. Reed, of New Hampshire, to be a member of the Philippine Commission, and secretary of commerce and police, vice Clinton L. Riggs, resigned.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from March 13, 1916.

Zabdiel Boylston Adams, of Massachusetts.

Herbert Merton Greene, of Oregon.

NOTE.—Drs. Adams and Greene were nominated to the Senate March 20, 1916, for appointment as first lieutenants in the Medical Reserve Corps, by name Zabdiel Boylston Adams and Herbert Newton Greene, respectively, and their nominations were confirmed under date of March 28, 1916. This message is submitted for the purpose of correcting an error in the name of each of the nominees.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Albert M. Cohen to be a lieutenant in the Navy from the 7th day of September, 1915.

Lieut. (Junior Grade) Emil A. Lichtenstein to be a lieutenant in the Navy from the 17th day of August, 1915.

Lieut. (Junior Grade) George M. Ravenscroft to be a lieutenant in the Navy from the 29th day of September, 1915.

Lieut. (Junior Grade) Arie A. Corwin to be a lieutenant in the Navy from the 11th day of November, 1915.

Asst. Paymaster Oscar W. Leidel to be a passed assistant paymaster in the Navy from the 22d day of August, 1915.

Asst. Paymaster John H. Colhoun to be a passed assistant paymaster in the Navy from the 2d day of December, 1915.

Ensign Herbert A. Ellis to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Robert E. P. Elmer to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

The following-named lieutenants to be lieutenants in the Navy from the dates set opposite their names, to correct the dates from which they take rank as previously confirmed:

Earle F. Johnson, November 12, 1913,
Henry K. Hewitt, December 20, 1913,
Felix X. Gygax, January 11, 1914,
Guy E. Davis, February 13, 1914,
Weyman P. Beehler, February 21, 1914,
Lemuel M. Stevens, February 22, 1914,
Joseph S. Evans, March 5, 1914,
John W. W. Cumming, March 10, 1914,
Charles R. Clark, April 3, 1914,
Roy LeC. Stover, April 9, 1914,
Chester H. J. Keppler, April 25, 1914,
Charles A. Dunn, April 28, 1914,
John W. Lewis, May 5, 1914,
James J. Manning, May 17, 1914,
Charles G. Davy, June 20, 1914,
Louis H. Maxfield, July 1, 1914,
Raymond F. Frellsen, July 10, 1914,
Alfred W. Atkins, October 29, 1914,
Philip H. Hammond, November 5, 1914,
Claud A. Jones, November 13, 1914,
Harry Campbell, December 11, 1914,
George W. Kenyon, December 12, 1914,
Allan S. Farquhar, December 15, 1914,
Lucien F. Kimball, January 1, 1915,
Harvey W. McCormack, February 24, 1915,
Harold M. Bemis, March 4, 1915,
Ernest D. McWhorter, March 22, 1915,
John M. Schelling, April 23, 1915,
Bert B. Taylor, April 28, 1915,
William O. Wallace, May 5, 1915,
Frank R. King, July 11, 1915,
Bruce R. Ware, jr., July 20, 1915,
Carl T. Osburn, July 29, 1915,
William S. Farber, August 1, 1915,
Archibald D. Turnbull, August 6, 1915,
Harry J. Abbett, November 26, 1915,
George McC. Courts, December 4, 1915, and
Charles W. Crosse, December 8, 1915.

Ensign Joseph E. Austin to be a lieutenant (junior grade) in the Navy from the 4th day of March, 1916.

POSTMASTERS.

ALABAMA.

J. F. Manley to be postmaster at Citronelle, Ala., in place of George C. Brown. Incumbent's commission expired April 9, 1916.

ALASKA.

John J. Walsh to be postmaster at Nome, Alaska, in place of Severin J. Bakke. Incumbent's commission expires August 16, 1916.

ARKANSAS.

E. J. Cook to be postmaster at Marmaduke, Ark., in place of A. M. Hall. Incumbent's commission expires May 10, 1916.

CALIFORNIA.

Sarah B. Anthony, to be postmaster at Williams, Cal., in place of Sarah B. Anthony. Incumbent's commission expired December 14, 1915.

John B. Barnard to be postmaster at Niles, Cal., in place of M. E. Chalmers. Incumbent's commission expires May 17, 1916.

Joseph Charles Beard to be postmaster at Burlingame, Cal., in place of Joseph Charles Beard. Incumbent's commission expired April 5, 1916.

John F. Conkey to be postmaster at Santa Maria, Cal., in place of E. T. Ketcham. Incumbent's commission expired March 21, 1916.

Daniel McSweeney to be postmaster at South San Francisco, Cal., in place of E. E. Cunningham. Incumbent's commission expired February 8, 1916.

Isidore J. Proulx to be postmaster at Willows (late Willow), Cal., in place of Isidore J. Proulx (to change name of office).

COLORADO.

J. O. Miller to be postmaster at Boulder, Colo., in place of James L. Moorhead. Incumbent's commission expired April 15, 1916.

CONNECTICUT.

Clarence V. Reid to be postmaster at Central Village, Conn., in place of Jeremiah E. Elliott, removed.

GEORGIA.

Frank Flynt to be postmaster at Griffin, Ga., in place of R. L. Williams. Incumbent's commission expires May 27, 1916.

Dan A. McMillan to be postmaster at Bartow, Ga., in place of G. P. Whigham. Incumbent's commission expired April 11, 1916.

Mattie N. Riley to be postmaster at Butler, Ga., in place of James W. Riley. Incumbent's commission expired April 11, 1916.

IDAHO.

Christopher O. Dice to be postmaster at Glenns Ferry, Idaho, in place of Christopher O. Dice. Incumbent's commission expired January 29, 1916.

INDIANA.

Guy C. Hart to be postmaster at Kendallville, Ind., in place of Joseph T. Stahl, deceased.

Elmer Ritter to be postmaster at Fremont, Ind., in place of George H. Griffith. Incumbent's commission expires May 10, 1916.

J. Ross Robertson to be postmaster at Brownstown, Ind., in place of Charles T. Benton. Incumbent's commission expires May 23, 1916.

ILLINOIS.

Thomas P. McCann to be postmaster at Oglesby, Ill., in place of Frank Allen, removed.

Eli Preston Sanders to be postmaster at Pawnee, Ill., in place of Frank Morrell. Incumbent's commission expired December 20, 1915.

James E. Simpson, to be postmaster at Collinsville, Ill., in place of Frank Nickerl. Incumbent's commission expired March 1, 1916.

IOWA.

Charles V. Dautremont to be postmaster at Riverside, Iowa, in place of Alma G. Ott. Incumbent's commission expires May 17, 1916.

Charles E. Dawson to be postmaster at Rockford, Iowa, in place of H. E. Wyatt. Incumbent's commission expired February 1, 1916.

Mary E. O'Connor to be postmaster at Rockwell, Iowa, in place of W. A. Grummon. Incumbent's commission expired April 5, 1916.

KENTUCKY.

Nannie E. Butler to be postmaster at Elkton, Ky., in place of Wallace R. Wood. Incumbent's commission expires May 17, 1916.

J. B. Stears to be postmaster at Nicholasville, Ky., in place of W. B. Buford. Incumbent's commission expired May 1, 1916.

John R. White to be postmaster at Irvine, Ky., in place of Lewis C. Wilson, resigned.

LOUISIANA.

George H. Thoede, to be postmaster at Gretna, La., in place of E. F. Crawford. Incumbent's commission expires May 31, 1916.

MICHIGAN.

C. C. Hopkins to be postmaster at Breckenridge, Mich., in place of B. S. Watson. Incumbent's commission expires May 8, 1916.

G. D. Mason to be postmaster at Montague, Mich., in place of M. W. Ripley. Incumbent's commission expires June 5, 1916.

Sidney Reynolds to be postmaster at Howard City, Mich., in place of James B. Haskins. Incumbent's commission expires May 23, 1916.

MINNESOTA.

C. F. Callahan to be postmaster at Foley, Minn., in place of C. H. Latterell. Incumbent's commission expired December 21, 1915.

Peter H. McNally to be postmaster at Chokio, Minn., in place of Charles E. McAllen, resigned.

N. P. Seivert to be postmaster at Mazeppa, Minn., in place of M. J. Rucker. Incumbent's commission expired April 17, 1916.

John Svedberg to be postmaster at Aitken, Minn., in place of A. L. Hamilton. Incumbent's commission expires May 10, 1916.

MISSISSIPPI.

Harry L. Callicott to be postmaster at Coldwater, Miss., in place of Maze H. Daily. Incumbent's commission expired April 17, 1916.

Malcolm S. Graham to be postmaster at Forest, Miss., in place of Malcolm S. Graham. Incumbent's commission expires May 28, 1916.

Bennett A. Truly to be postmaster at Fayette, Miss., in place of B. A. Truly. Incumbent's commission expired April 17, 1916.

Martha Ann Womack to be postmaster at Bogue Chitto, Miss., in place of J. M. Tyler. Incumbent's commission expires May 28, 1916.

MISSOURI.

Oliver P. Gentry to be potmaster at Liberty, Mo., in place of Robert E. Ward, resigned.

Sadocin B. Herndon to be postmaster at Fulton, Mo., in place of B. B. Kimbrell. Incumbent's commission expires May 8, 1916.

James S. Herrington to be postmaster at Valley Park, Mo., in place of Louis Haeffner. Incumbent's commission expires May 27, 1916.

NEBRASKA.

Calvin L. Demarest to be postmaster at Bethany, Nebr., in place of W. J. Brunell. Incumbent's commission expired January 18, 1916.

George McCawley to be postmaster at Seneca, Nebr. Office became presidential January 1, 1916.

William L. Ulrich to be postmaster at Stuart, Nebr., in place of R. E. Chittick. Incumbent's commission expired April 5, 1916.

NEW JERSEY.

S. L. Boone to be postmaster at Penns Grove, N. J., in place of T. E. Hunt. Incumbent's commission expired March 13, 1916.

NEW YORK.

Thomas Havey to be postmaster at Orangeburg, N. Y., in place of Matthew McManus. Incumbent's commission expired July 23, 1913.

Thomas McMahon to be postmaster at Poland, N. Y., in place of J. B. Read. Office became presidential January 1, 1915.

Mary L. McRoberts to be postmaster at Tompkinsville, N. Y., in place of Mary L. McRoberts. Incumbent's commission expired January 10, 1915.

Henry J. Neumann to be postmaster at Tuxedo Park, N. Y., in place of S. T. Dusenberry. Incumbent's commission expired February 23, 1915.

Ray S. Sherman to be postmaster at South Glens Falls, N. Y., in place of Ernest H. Palmer. Incumbent's commission expired December 18, 1915.

NORTH CAROLINA.

Bettie Belle Pearson to be postmaster at Moravian Falls, N. C. Office became presidential July 1, 1915.

NORTH DAKOTA.

F. O. Hunger to be postmaster at Hankinson, N. Dak., in place of W. C. Foreman, jr. Incumbent's commission expired April 11, 1916.

Delia C. Tolan to be postmaster at Mayville, N. Dak., in place of Iver O. Fosse. Incumbent's commission expires June 5, 1916.

OHIO.

Frank G. Henry to be postmaster at Marietta, Ohio, in place of Charles A. Ward, resigned.

John L. Norris to be postmaster at New Matamoras, Ohio, in place of Lewis Nikolaus. Incumbent's commission expires June 7, 1916.

PENNSYLVANIA.

F. G. Ackley to be postmaster at Wyalusing, Pa., in place of J. W. Chamberlain. Incumbent's commission expired April 23, 1916.

William Alexander to be postmaster at Chambersburg, Pa., in place of C. A. Suesserott. Incumbent's commission expires May 24, 1916.

William H. Denlinger, sr., to be postmaster at Patton, Pa., in place of Albert E. Rumberger, deceased.

J. Willis Freed to be postmaster at Mount Joy, Pa., in place of J. F. Fenstermacher. Incumbent's commission expires May 28, 1916.

SOUTH DAKOTA.

Tom Larson to be postmaster at Colton, S. Dak. Office became presidential January 1, 1916.

Kate A. Schnacke to be postmaster at Bigstone City, S. Dak., in place of Kate A. Schnacke. Incumbent's commission expired February 14, 1916.

J. A. Zink to be postmaster at Wessington Springs, S. Dak., in place of Fred N. Dunham. Incumbent's commission expires May 24, 1916.

VIRGINIA.

Joseph H. Nave to be postmaster at Broadway, Va., in place of P. W. Pugh, resigned.

WISCONSIN.

C. E. Reichenbach to be postmaster at Merrillan, Wis., in place of Anna M. Merrill. Incumbent's commission expired February 20, 1916.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 8, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, in whom we live and breathe and dwell, we bless Thee for that spark of divinity which glows within us, and which makes us Thy children, and is ever urging us upward and onward to nobler life. Encourage, we beseech Thee, every high and holy aspiration, and discourage every evil intent; that, unfettered by sin, we may grow day by day into the likeness of our Maker; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, May 6, was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

May 1, 1916:

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.; and

H. R. 7239. An act for the relief of Philip H. Heberer.

May 3, 1916:

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith;

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased; and

H. R. 4746. An act granting to the city of Portland, Oreg., the right to purchase certain lands for public-park purposes.

May 4, 1916:

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907;

S. 4876. An act to provide for an increase in the number of cadets at the United States Military Academy; and

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars.

May 8, 1916:

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907;

H. R. 177. An act authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus reliquished;

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act";

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble; and

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elise McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I call up the conference report on the Army reorganization bill, H. R. 12766.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District of Columbia legislation.

The SPEAKER. A conference report takes precedence of everything else. The gentleman from Virginia calls up the conference report on the Army reorganization bill.

Mr. HAY. And in that connection I ask that the unanimous-consent agreement entered into on Friday be put into effect first before we vote on the conference report.

Mr. MANN. The conference report is to disagree to the Senate amendment?

Mr. HAY. Yes.

Mr. MANN. We should first agree to the conference report.

Mr. HAY. We ought to provide that the conference report be considered as pending while the other debate is going on.

Mr. MANN. No——

Mr. HAY. That a motion to disagree to the Senate amendment shall be considered as pending.

Mr. MANN. We should agree to the conference report first. That is a very simple matter.

The SPEAKER. There is a conference report, is there not?

Mr. HAY. Yes; there is a conference report.

Mr. MANN. Merely that they disagree; that is all.

Mr. HAY. The conference report was printed in Friday's RECORD, and that report was that we could not agree.

The SPEAKER. The question is on agreeing to the conference report. Without objection, it is agreed to.

There was no objection.

Mr. HAY. Now, I suggest that the Clerk read the unanimous-consent agreement.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

It is ordered that on Monday next the bill H. R. 12766, with the Senate amendments, shall be considered in the House, with a motion considered as pending that the House further insists upon its disagreement to the Senate amendments; that during the pendency of said motion it shall be in order to move that it is the sense of the House that sections 2 and 56 of the Senate amendment to the text of the bill ought to be agreed to, which motion shall be put separately to a vote upon each of said sections; that it shall further be in order to move that it is the sense of the House that section 122 of the Senate amendment to the text of the bill ought to be agreed to, and, pending that motion, it shall be in order to offer amendments to said section to be voted upon for the purpose of expressing the sense of the House; that upon each of said two main motions to express the sense of the House, one as to sections 2 and 56 and one as to section 122 in the Senate amendment, there shall be not more than 80 minutes' debate, one-half to be controlled by Mr. HAY and one-half by Mr. KAHN.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Fordney	Kreider	Schall
Allen	Foss	Lafean	Scott, Pa.
Bacharach	Gallivan	Langley	Scully
Barchfeld	Gard	Lee	Sears
Brumbaugh	Gardner	Lehlbach	Shackleford
Buchanan, Ill.	Glass	Lesher	Slemp
Burnett	Godwin, N. C.	Liebel	Small
Bryan, Tenn.	Graham	Lindbergh	Smith, Idaho
Caldwell	Gray, N. J.	Littlepage	Smith, Minn.
Cantrill	Greene, Vt.	Loft	Sparkman
Carlin	Griest	Longworth	Steenerson
Casey	Hamill	Maher	Stephens, Miss.
Church	Hamilton, N. Y.	Martin	Sutherland
Clark, Fla.	Hart	Mooney	Switzer
Coleman	Heaton	Morin	Tague
Conry	Helm	Murray	Thomas
Costello	Hilliard	Nelson	Tinkham
Crosser	Hinds	Nicholls, S. C.	Vare
Darrow	Howard	Nichols, Mich.	Ward
Dooling	Huddleston	North	Watkins
Driscoll	Hutchinson	Norton	Watson, Pa.
Drukker	Jacoway	Peters	Webb
Eagan	James	Pou	Williams, Thos. S.
Eagle	Jones	Price	Williams, Ohio
Estopinal	Keister	Rainey	Wilson, Fla.
Fairchild	Key, Ohio	Riordan	
Flynn	Kiess, Pa.	Rowland	

The SPEAKER. On this roll call 328 Members have answered to their names—a quorum.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. KAHN. Mr. Speaker, under the agreement that was entered into last Friday the motion now in order is this; and I move that it is the sense of the House that sections 2 and 56 of the Senate amendment to the text of the preparedness bill ought to be agreed to.

The SPEAKER. On this amendment there are 80 minutes' debate, one-half to be controlled by the gentleman from Virginia [Mr. HAY] and one-half by the gentleman from California [Mr. KAHN].

Mr. OGLESBY rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. OGLESBY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OGLESBY. The motion of the gentleman from California, as I understand it, includes two propositions.

Mr. HAY. I will state to the gentleman that the agreement provides for a separate vote. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Speaker, both section 2 and section 56 of the Senate amendments are disgraceful and outrageous renunciations of the rights of the American Congress upon the subject of the Army. Upon a roll call in this House we rejected an amendment to the House bill proposing to make a standing army of 220,000 men and fixed it at 140,000; and that vote was taken upon careful consideration, upon due deliberation, and, in my judgment, upon the best possible reasons that could be presented. *We have the report of The Adjutant General of the United States Army to the effect that the highest possible number of men that can be raised in this country by voluntary enlistment is 140,000, and it was that number at which this House fixed the maximum number of the standing army.*

Is this House prepared to go on record in favor of compulsory military service? If it is not, it must vote down this section 2 or convict itself of duplicity before the American people. [Applause.]

On the day that the American Congress begins the building of a large standing Army in time of peace by harnessing the dynamic energies of the American youth with conscription and places the reins in the hands of these Regular Army officers, that moment you have started this Nation on a career of military conquest and aggrandizement which leads straight toward the bottomless abyss of oblivion, over which every free nation which preceded ours disappeared.

Now, it may be that the American people are in the mood to exchange the school-teacher for the drill sergeant and to attempt by act of Congress to change the free swinging gait of the American citizen to the goose step of the conscript. I do not believe it. [Applause.] It may be that the mothers of American boys are looking forward with joyful anticipation to the day when their sons will be manacled and led away by a provost marshal to perform for a term of years, in time of peace, the menial duties of a military camp—currying the horses and blacking the boots of our Regular Army officers—but I do not believe it. So much for section 2.

"Why doth the heathen rage, and the people imagine a vain thing?" Why are the Army officers, who are and who have been the motive power behind this section 56 and kindred legislation, so persistent in their efforts to prove their contempt for the letter and spirit of the means for national defense provided in the Federal Constitution, which they have all sworn to support?

It is the same motive which inspired Demetrius, the silversmith, to defend the sanctity of the temple for which he made shrines. The great apostle Paul was preaching the new gospel of the Man of Nazareth "not alone at Ephesus, but throughout Asia," with all his accustomed fiery eloquence, and was seriously interfering with the business of Demetrius, which was to manufacture and sell silver shrines for the temple of Diana.

Demetrius called his agents and employees together in a great assembly and said to them, "This Paul hath persuaded and turned away much people, saying that they be no gods, which are made with hands: so that not only this our craft is in danger to be set at nought; but also that the temple of the great goddess Diana should be despised, and her magnificence should be destroyed, whom all Asia and the world worshippeth"; and we are told in Holy Writ that with great unanimity and in a loud voice they all cried out: "Great is Diana of the Ephesians!" [Laughter and applause.]

The very name "volunteer" is a fraudulent misnomer, designed to sugar coat with a euphonious title what is in practical effect an effort to increase to two and one-half times its present size our Regular Standing Army in time of peace.

There is no military force under the control of the United States, either of officers or men, known to the Constitution and the laws that is not made up exclusively of volunteers. Our Army officers, some of whom appear to spend more of their time in plotting and planning to promote their own private interests than they do in performing the public duties, for which they were educated at public expense and draw pay out of the public Treasury, are determined to force, by this indirect means, an increase in our standing military force which they know Congress would not dare to vote directly for the purpose of compelling a proportionate increase in the number of officers, and thereby bring about their own promotions and the increased pay and allowances resulting to them. This is the whole story, and explains why they have labored so persistently to discredit and destroy the National Guard, for which they are not permitted to supply the officers. [Applause.]

Those who are interested in learning the motives of those behind this section 56 and the "continental army" scheme, its defunct predecessor, will find a very illuminating history published in the RECORD of April 14, 1916, at pages 6952, 6953, and 6954, inserted by Senator REED of Missouri, and I commend this RECORD to your thoughtful consideration.

The only difference between this proposed "volunteer" force and the Regular Standing Army is that the consent of Congress is required to call it out for "field service" more than 30 days in any one year.

William E. Gladstone declared that "the Constitution of the United States is the greatest instrument ever struck off at a given time by the brain and purpose of man," and I believe that he referred to the means provided for national defense more directly than to any other provisions of that magnificent bulwark of our liberties.

In closing a great address upon "The Importance of the Militia," delivered on June 6, 1836, Edward Everett said:

"Times are now changed. We have grown up into a great people. A sum of human interests and blessings of untold amount, an incalculable moral and social treasure, is committed to our charge. With the advantages of a powerful State we have its duties and its exposures. We are subject to insults from abroad and disorders at home. The cloud of foreign war has just rolled away. Had it burst, how would it have found this great and rich metropolis? Without one gun mounted for its defense. I suppose it is pretty generally admitted that a foreign enemy, even so polite a one as France, would pay but little respect to the white staff of our sheriff, though he should go with all his constables and rend the riot act in their hearing.

"Whether these same peaceful emblems are adequate to sustain the majesty of the law when threatened in moments of popular convulsion we can all judge. Then, sir, there are two resources for protection and safety in the first outbreaking of war and in times of civil commotion. One is a well-organized, patriotic militia, ever present, rarely seen, quartered among us, not in camps and forts, but at the fireside, in the counting room, the workshop, the place of business. This is one. The other resource is a standing army, encamped on Boston Common or stationed on Castle Island. One or the other we must have. And the man who sets himself to ridicule the militia, to exaggerate the defects of the system, to embarrass its administration, to bring it into discredit, wishes one of two things—he either wishes the country to be wholly exposed to insult from abroad, and a prey at home to anarchy, to mob law, club law, and a general scramble, or he wishes to see a flagstaff planted in front of the State House, a couple of cannon pointing down State Street, to hear the morning gun at daybreak, and to hold the exercise of his daily rights as a citizen at the discretion of a military commander.

"In a free country this is a pretty serious alternative. I have, sir, for the last six months thought much and deeply upon it. It has been my duty to do so, and I have come to the conclusion that if we intend to hand down unimpaired to our children the inheritance of republican liberty, which we have received from our fathers, if we mean that the civil shall control the military arm alike in peace and in war, in prosperous and adverse times, the militia must again receive the respect of the community.

"I give you, sir, as a toast:

"*A well-organized, efficient, and patriotic militia—in time of peace, the bulwark of the law; in war, the basis of defense: may it be restored to the public favor.*"

Everett might have added to his eloquent description of the concomitants of a large standing army the necessary incidents of compulsory military service: Enrollment, registering, passports, military espionage, an Army officer interrogating you every time you leave home or board a railroad train, and all the other petty and repressive interferences with the personal rights of the citizen.

There recently appeared in the public press the following eloquent and timely appeal for the preservation of the National Guard from the hands of the spoilers, entitled "The Constitution," by Archibald Hopkins, which was read at the first annual dinner of the National Association for Constitutional Government:

With wisdom and with patient skill,
Wide learning and profoundest thought,
With zealous and unselfish will
Our patriotic fathers wrought.
They laid foundations deep and wide,
They made their own immortal plan,
And reared on lines before untried,
A home for freedom and for man.

They fortified each sacred right,
They shielded all from fraud or wrong,
They curbed the power of selfish might,
And armed the weak against the strong.

Upon themselves they put restraint
Lest hasty passion given range,
Should silence reason with complaint,
And bring some heedless harmful change.

Through storm and stress, through many fears,
Through war and fierce domestic strife,
Down through the lapse of changing years
They guarded well the Nation's life.

The Constitution, still it stands,
August, majestic, lofty, lone:
No fabric wrought by human hands
Such strength and symmetry has shown.

The Constitution, there it stands
A beacon in a storm-tossed world;
And peace will reign in other lands
When they its banner have unfurled.

In these late days come buzzing gnats,
To tell us 'tis a thing accurst,
Devised by scheming plutocrats,
Whose cunning work must be reversed.

George Washington and Franklin, too,
James Madison and Hamilton,
Were leaders of the greedy crew
By whom the people were undone.

How light in character and brains
Our Constitution makers seem,
When some great modern statesman deigns,
To take them for an evening theme.

We love the men who gave it birth,
We venerate its every clause;
Benign protector of the hearth,
Stern guardian of the country's laws.

To us belongs the pious task
To ward from it all threatening foes,
Both those who lurk 'neath friendship's mask
And those who deal it hostile blows.

To rouse the people of the land
To know the treasure they possess,
And smite each sacrilegious hand
That's raised to harm or make it less.

That one of the main objects of this so-called "volunteer" force in the minds of the Army officers who are pushing it is to ruin and destroy the National Guard is not open to doubt in my mind. By a system of sapping and mining they hope to draw away from the National Guard enough of the officers and men to disorganize and disrupt it by inducing them to join this new organization, and then they will be in a position to claim that the people of this country are solely dependent upon the standing Army for defense, and will attempt to coerce Congress into voting all the men and money they ask for, together with a conscription law in time of peace to enable them to get the men. Where do they propose to get these "volunteers" without conscription, and where will they train them if the men could be obtained?

If the people of the United States must engage in a hand-to-hand conflict with the Regular Army officers' lobby to save from destruction the means of defense provided by the Constitution during every period of military excitement, such as we are now passing through, then the wise thing for the people of this country to do is to abolish entirely their standing Army by an amendment to the Constitution, as the people of Switzerland did. [Applause.] Every war we have ever been engaged in was fought and won by volunteers, including the War for Independence. A persistent effort has been made by Regular Army officers in recent times to belie history and to discredit the citizen soldier. The Battle of Saratoga, recorded by the great historian, Sir Edward Creasy, as one of the 15 decisive battles in the world's history, was won by volunteers exclusively, and more than 5,000 British regulars were made prisoners as a result of that great battle, which determined in advance the outcome of the Revolutionary War.

They would have us forget Saratoga, Yorktown, New Orleans, and Chapultepec, the great battles of the Civil War, all fought and won by citizen soldiers, in their efforts to discredit the ability of the citizens of this country to defend it by the means afforded and suggested by the Constitution.

The bill originally passed by the House, H. R. 12766, actually authorized two regiments of Field Artillery in addition to the increases asked for by the President in our regular military establishment, and also provided for the citizen soldiers suggested by the President by providing for arming, equipping, organizing, and disciplining the men requested in the Organized Militia or National Guard.

These men will be subject to instant call by Congress and the President to suppress insurrection, repel invasion, or to execute the laws of the United States, and when trained and disciplined in the manner provided will be subject to draft in time of actual war into the service of the United States.

There will soon be built up a reserve of the National Guard, which will afford ample means of national defense to meet any emergency that may arise, and which will not endanger the liberties of the country.

When we recall in our own history the many successful attempts to subordinate the civil authority to the military power, and consider the many recent examples of the imposition of the death penalty by the arbitrary orders of military tribunals in Mexico and Europe upon men and women in civil life, we ought to scrutinize with great care any attempt in this country to build up a military power, the use of which is not subject to the restraints of our written Constitution. [Applause.]

Mr. KAHN. I suggest that the gentleman from Virginia use some more of his time as there will probably be but two or three speeches at the most on this side.

Mr. HAY. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, I see no reason at this time why the House should change the position it has previously taken on section 2 of the Senate bill referring to the size of the Army. As a matter of fact, there has been no logical reason advanced why the maximum of 250,000 should have been fixed by the Senate in their bill. Personally I favored the bill reported from the Senate committee—the bill which provided for increasing the number of regimental organizations and officers as well as men, which raised the Infantry regiments from 30 to 64, which raised the number of Artillery regiments from 7 to 21, which raised the Cavalry regiments from 15 to 25 and the Coast Artillery from about 18,000 to 35,000 men. That would have made a Regular Army of 188,000 men, which, in my judgment, was properly balanced and about the size we expect ultimately to have. But I can see no reason why the Senate should have arbitrarily tacked onto it an amendment further fixing the Regular Army at a maximum of 250,000 men. That simply would mean that you would have had to double the peace strength of the regimental organization in order to carry the total up to 250,000 men. So that I think it is proper at this time that the House should refuse to indorse section 2 of the Senate bill, believing, as I do, that ultimately there will come before the House from the conference committee an increase of about the size reported originally by the Senate bill of about double the number of organizations we now have, providing a standing Army of from 188,000 to 200,000 men, which I think would be proper and better proportioned than the present provision in section 2.

As to the so-called volunteer or "continental" army, in my opinion in time of peace that is absolutely absurd and impractical. It is something to which no man who has given study to military affairs can afford to give his approval. In my opinion this House should lend its every encouragement to the building up and the federalization of the National Guard of this country. [Applause.] Under the policy which will be put in force because of the legislation which the House Committee on Military Affairs has placed before you, I believe that through these provisions and the federalization of the National Guard we will ultimately build up a second line of military defense which will serve the country adequately and well in time of war.

Mr. KAHN. Mr. Speaker, section 2 of the Senate bill provides for an Army of 250,000 men. It is an authorization for an Army of that size. If they are not needed, the President will not enlist them. If they are needed, he should have the authority to enlist them. [Applause.] And in the final analysis, Congress holds the purse strings. No President can enlist them unless he is assured that Congress is willing to foot the bill. That is all there is to it. Gen. Upton in his remarkable book on the Military Policy of the United States says in effect that if such an authority had been given the President of the United States at the time of the Mexican War that war would have been concluded in a much shorter period. But as we have nearly always done in our military legislation, we did not authorize the President in those days to do the very thing that we are trying to have done to-day. In consequence, that war was unnecessarily protracted. The expense to the Government was enormously increased. We want to avoid blunders of the past. We want to write upon the statute book a law which will enable the Government of the United States to defend itself in time of need against any possible aggressor. [Applause.] Patriotism, loyalty, devotion to the country ought to prompt every man in this House to vote for that section. Oh, they will tell you that it is going to cost a lot of money. It will not cost a dollar more than what is absolutely needed, for, as I said a moment ago, if the men are not required the President will not enlist them. They tell you that you can not enlist such a large number of men. I have

more faith than that in the power of the Government to get the required number of men. Our enlistment laws, and especially the regulations, are somewhat rigid. No man can be enlisted at the present time in the Army of the United States unless he be 5 feet 4 inches tall. A man 5 feet tall under modern conditions can fight just as well as a man 5 feet 4 inches tall. Enlistments in the Army are limited to men 21 years and over. The Navy enlists young men at 18.

Under the very terms of this bill the National Guard will enlist young men at 18, and the Army of the United States ought to permit enlistments at the age of 18, especially so if the provision providing for vocational training is incorporated in the legislation; and I understand that there is a good prospect of writing into the law such a provision. There is another thing about recruiting for the Army of the United States. Go into the large cities of the country, look for your recruiting stations, and where do you find them? In many instances near the tenderloin district of the city. We seem to be looking for the derelicts, for the flotsam and jetsam of our national life, for the Army. I do not approve of that. I do not think the country approves it; and the wonder is that we get such good material as we do under the conditions. I believe an earnest effort should be made to bring into the Army hundreds of desirable young men who are willing to take the required training, who are willing and ready to defend their country when defense shall become necessary. I believe that if some reforms be made in the matter of enlistments we will have no difficulty whatever in securing the required number of men in the Regular Army to properly defend the people of the United States in the event of war.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. DYER. Will the gentleman state what reforms he advocates to encourage enlistments?

Mr. KAHN. I have just stated that the enlistment period should be lowered, that the minimum age limit should be lowered, that the regulations are too rigid in some particulars, and that they should be so amended that a man 5 feet tall can be permitted to enlist just as well as a man 5 feet 4 inches tall. I feel that enlisting parties ought to be sent periodically into the smaller communities. I believe many men could be secured in that way.

Mr. DYER rose.

Mr. KAHN. I regret I can not yield any further. I have a great deal of ground to cover. Mr. Speaker, the people of the United States since the Spanish-American War have taken on many new and grave responsibilities. The acquisition of the Philippines, of Hawaii, of Porto Rico, the acquisition of the island of Tutuila in the southern Pacific, all brought with them burdens and obligations to the people of the United States. But in addition we have practically established a protectorate over Cuba, over the Republic of Panama, over Haiti, over Santo Domingo, over Nicaragua. Those countries have to look to us in many matters before they can perform certain functions of sovereignty. These new duties, these new obligations, require us to be ever vigilant and ready to protect the rights of Americans in these countries, as well as to protect those peoples of these American Republics who are looking to us for guidance and support. All of these powerful considerations ought to make the Members of this House realize that the authorization should be given to the President to enlist the requisite number of men in case we should become involved with any foreign power. I can readily see situations in which it would be absolutely imperative that the President should have such a power.

Mr. KELLEY. Mr. Speaker, will the gentleman yield?

Mr. KAHN. I can not yield at present. Take the case of Congress adjourning on the 4th of March. Unless Congress should be convened in extraordinary session there is no Congress in session until the following December, a long interim. Under such circumstances the President could not appeal to Congress for aid if he desired to do so. He might not deem it advisable to call an extra session. Mr. Speaker, I can see conditions that might make it imperative on the part of the President to enlist men, so that if diplomatic channels should fail he would at least be in a position to enlist and equip a proper army to defend the rights of the people of the United States. That is all that this legislation does.

Mr. SUMNERS. Mr. Speaker, will the gentleman yield?

Mr. KAHN. I can not yield to the gentleman. I am sorry, but I have only limited time, and I want to explain these things.

The SPEAKER. The gentleman from California desires not to be interrupted further——

Mr. KAHN (interrupting). At the present time, at any rate, Mr. Speaker, I can see conditions that would make it absolutely necessary that the President should have this right, and that is all we are asking; that is all that the legislation attempts to do. It is simply an authorization.

I want to say, also, in connection with the Army, that the Monroe doctrine places upon our shoulders great responsibilities and great obligations. Take the situation in Mexico to-day. We have not protected the property or the lives of our own nationals in that distracted Republic. We have not protected the lives or the property of the nationals of other countries.

No one can tell what will happen when this war in Europe is over. No one can tell what demands will be made upon us for indemnities for the murder of the nationals of foreign countries, for indemnities for their properties destroyed by the Mexicans. Oh, they will not look to Mexico for indemnity. That at present is a poor, impoverished country. Mr. Speaker, they will look to us for proper indemnification for the loss of the lives and property of their nationals in Mexico. We must be ready to meet any of these problems. And we ought to have learned that the only way our demands will be listened to will be when we have a proper military force behind us. [Applause.] We ought to have learned in recent months that unless we are ready to put force behind our proposals that such proposals are not apt to meet with the prompt respect and approval of the great military powers that the American citizen insists they ought to receive.

Now, Mr. Speaker, a few more words as to section 56. That section creates a volunteer army. I have nothing to say in derogation of the splendid work that the National Guard of the country has heretofore performed, and that I am positive it will again perform if it should be called into the service of the Republic. But what does the Hay bill provide? It provides for a minimum force of 800 National Guardsmen from every congressional district and 800 for every Senator in every State of the Union. Do you think that it is possible to create such a force? The people of the United States have been told that our National Guard provision will provide an army of 425,000 men——

Mr. BUTLER. Mr. Speaker——

Mr. KAHN. When the preparedness bill was discussed on the floor of the House recently, I said that, in my judgment, there could not be over 200,000 people enlisted under that law. The more I study the situation the more firmly convinced I am that I was absolutely right in the matter. Eight hundred men from every congressional district and 1,600 from every State at large, the minimum under the bill, would compel the State of Nevada to raise 2,400 men in the National Guard; the State of Arizona likewise would have to raise 2,400 men in the National Guard; the State of Wyoming, 2,400 men in the National Guard; the State of Utah, 3,200 men in the National Guard; the State of Idaho, 3,200 men in the National Guard; the State of Montana would have to raise 3,200 men for the National Guard. Oregon, North Dakota, and South Dakota would have to raise 4,000 men each for the National Guard. Why, it is ridiculous to think of it. You can not get them. Let us not fool the American people into a sense of security when the security is not there. [Applause on the Republican side.] And right here let me present another phase of the proposition. In the State of Alabama, according to the census of 1910, of the total number of males of the age of 21 years and upward who are capable of being enlisted in the National Guard, 41.7 per cent are negroes; in Arkansas, 28.1 per cent are negroes; in Virginia, 30.5 per cent; in Florida, 41.9 per cent are negroes; in Georgia, 43 per cent; in Louisiana, 42 per cent; in Mississippi, 54.7 per cent; in North Carolina, 29 per cent; in South Carolina, 50.5 per cent are negroes. Are you going to get any National Guardsmen from that source in those sections of the country?

Mr. MADDEN. Yes.

Mr. DYER. Why not?

Mr. KAHN. Are there any colored National Guardsmen in any of the Southern States? I have never heard of any, and yet the bill proposes 800 men from every congressional district in this country. Why, anyone who will study the matter thoroughly must see and must admit that such a force is impossible in the National Guard under the provisions of the Hay bill. Nor will the volunteer-army provision raise the 260,000 men that its proponents feel they can enlist under it. The section provides for 600 officers and men in every congressional district. I give it as my opinion that we never can get that number in every congressional district, but we can get 200 or 250 men from each congressional district and that would give us a volunteer army of fully 100,000 splendid men; men who in most instances can not join the National Guard; men who are in the professions or in such occupations that they can not go to the weekly drills required by the National Guard

provisions of this legislation, but who have a month's vacation in the summer time that they are willing to devote to the service of their country by taking the required intensive training in order that they may become qualified if the need should come to respond to the colors of the Union and help fight the battles of the Republic. [Applause.]

Mr. HULBERT. Will the gentleman yield for a question?

Mr. KAHN. Mr. Speaker, how much time have I consumed?

The SPEAKER. Nineteen and one-half minutes.

Mr. KAHN. I yield to the gentleman for a question.

Mr. HULBERT. If I understand the matter correctly, both sections 2 and 56 are permissive and vest a certain discretion in the President?

Mr. KAHN. Absolutely.

Mr. HULBERT. Is it not the purpose of those two provisions to so clothe the President with authority that in the event of imminent danger he might then have the power to do that which he could not otherwise do without calling a special session of Congress if that imminent danger should occur after Congress has adjourned?

Mr. KAHN. That is exactly the purpose of those two provisions.

Mr. BUTLER. Mr. Speaker, will the gentleman yield for a question?

Mr. KAHN. I will yield to my friend for a question.

Mr. BUTLER. I am much obliged to the gentleman. How much appropriation do we provide this year?

Mr. KAHN. In the estimates which were submitted by the department it is the purpose to provide for an army of 105,000 men this year.

Mr. BUTLER. And then the President will simply be authorized to enlist the balance of the 250,000 and we would not appropriate for them this year?

Mr. KAHN. We will not appropriate for them this year and we may never appropriate for them. The existing law, the law now on the statute books, that has been in force since 1901, authorizes the President of the United States to enlist up to a full number of 100,000 men. Until a few weeks ago no President of the United States since 1901 ever enlisted that number of men. Until recently we have never had 100,000 men, although the law has been in existence for 15 years; because the President will never call a single man unless the needs of the country require it.

Mr. SUMNERS. Will the gentleman yield for just a question?

Mr. KAHN. Yes.

Mr. SUMNERS. If Congress controls this in the first instance through appropriation, how could the President increase the Army in the event of emergency without authorization of Congress?

Mr. KAHN. The Presidents on a number of occasions have increased the Army under existing law without the existence of any emergency, simply because he had authority, and he felt certain that when his reasons were explained to Congress or the committees of Congress, Congress would vote the money for them. And Congress always did vote the money, being satisfied with the President's reasons.

Mr. GORDON. Will the gentleman yield?

Mr. KAHN. I will yield to the gentleman.

Mr. GORDON. Is not the very argument you have just made equally applicable to the authorizing of increase in the standing Army?

Mr. KAHN. Oh, if the President would have to come to Congress to authorize an increase whenever he found the situation warranted an increase it might result in a loss of so much time in a crisis that our troops, those that we happened to have, would be whipped to a frazzle before we could get sufficient troops through legislative enactment. [Applause.] That condition would be simply emphasized if the President needed them, and Congress should happen to be in vacation. The authorization should be there. It costs not a dollar. It does not add a single dime to the expense of the Army. It is simply an authorization, and the authorization ought to be given.

Now, so far as the National Guard is concerned, I believe that the legislation that will be agreed to by the conferees will go, as far as it is possible to go, toward the federalization of the National Guard.

I repeat, the militia section of the present bill goes as far toward Federal control as is possible while the troops remain as State militia, but it leaves many defects that should be removed.

We may lay aside all the constitutional questions over which there is a serious difference of opinion among constitutional lawyers and admit that the militia sections of the bill are constitutional, yet these defects still remain and will continue to remain and can only be remedied by complete Federal control. They are:

First. Transfer of men and property at outbreak of war.

In the chaos and confusion incident to the outbreak of war and when the necessity for speed, smoothness, and celerity is vital, officers and men must be transferred from the status of State troops to that of United States troops, with all the waste of time and energy of making out new papers, books, records, and so forth. And further, the necessity of transferring the property of the United States held by the States back to the custody of the United States. The experience of the Spanish-American War demonstrated the delay these actions caused at that time, a delay that might be fatal to our cause, and under any circumstances should not be tolerated when it so easily may be prevented.

Second. The obligation of strike duty.

Rightly or wrongly, this duty has interfered, does now, and will continue to interfere with recruiting in the National Guard. More so in some States than in others, and usually aggravated whenever strike duty is performed by the State troops. In this duty there is always present the possibility of permanent serious injury to the recruiting of the guard through the rash actions of some young and inexperienced officer.

Again, it is wrong also from the economic aspect; soldiers are not policemen and are not trained as such; one experienced policeman is worth five disciplined soldiers.

And in that very connection of strike duty the State of Pennsylvania felt it had found an ideal system. It created a State constabulary. In discussing the National Guard almost every member of the Committee on Military Affairs of this House referred at some time or other to the Pennsylvania State constabulary. Last week there was a great strike in western Pennsylvania. The State constabulary was not able to cope with the situation. Gov. Brumbaugh only a few days ago called out the National Guard of that State for strike duty. Is that going to aid enlistments in the National Guard of the State of Pennsylvania, the State that has been held up as the one State of the Union that had an ideal National Guard system? Why, everyone knows that the act of the governor in calling out the National Guard has seriously interfered with recruiting in the National Guard. So I say that in addition to the 200,000 men that we will be able to secure for defense through the National Guard, we ought also to provide the volunteer army. Under the provisions of section 56 of the Senate bill they can be called out for only 30 days' training in any year. They are willing to give their vacation period, their summer vacation, for intensive training, at such camps as the Government may establish, in order that they may be taught the art of defending their country whenever defense shall become necessary.

Mr. Speaker, I desire to state a few additional points in which I believe the National Guard provisions will fall short of meeting the hopes of the most ardent enthusiasts for the militia organizations. They are:

Third. Necessity for State appropriations.

The United States should not place its trust for a sound military system upon the false foundations of a reliance for its success upon the voluntary financial assistance of the different States. If a State should refuse assistance there is no penalty under the bill other than the withdrawal of Federal support. Lack of Federal support means that in such States there will be no longer organizations for national defense, yet leaving the United States itself powerless to go into that State and organize a national force directly, notwithstanding the fact that in the State there may be thousands of men who not only desire but are anxious to be part of our national defense. That such an occurrence is possible, it is only necessary to cite even in recent years the example of the great States of New York and New Jersey, which refused to appropriate the necessary money to enable their troops to perform field duty.

Fourth. Lack of sufficient penalty if States fail to carry out certain provisions of the act.

Certain actions are prescribed in the bill which must be taken by the States but which may not be lived up to.

(a) The qualification of the officers who are commissioned.

(b) The organization of particular units of certain branches of the service.

(c) The method of training.

(d) The numerical strength required in each State.

(e) Prohibiting the disbandment of organizations, but accomplishing the same result by allowing the officers to resign.

(f) The replacing or making good of lost United States property.

(g) Physical examination of the enlisted men.

If a State fails to comply with any of the above regulations the only penalty is withdrawal of Federal support, and the argument used in the preceding paragraph would apply with equal force in any of these cases.

Fifth. Control by the President in time of peace.

Any argument in favor of this seems unnecessary. The very fact that the bill itself gives control to the President in time of war and that this control has been advocated by every military man of whatever opinion, should prove that this was where the control should always be. If it is right in time of war, why is it not right in time of peace? This is the position taken by every unprejudiced student of military affairs who believes in a military system at all.

Mr. Speaker, the summer camps that were held at Plattsburg last year and in other sections of the country were a marked success. Some national guardsmen affect to see a danger to the National Guard by the incorporation of this section in the preparedness legislation. I believe that it will strengthen the National Guard. I believe that it will provide a force that we can not get into that organization. I believe that conditions in the United States to-day are such that we must have at first hand, if we become embroiled with any great military power, at least 500,000 trained men. [Applause.] And unless you give us this provision in the Senate bill for any Army authorization of 250,000 men, unless you give us the federalized National Guard, unless you give us section 56, we will not have anything like that number in the hour of our need.

My experience has been such, and from having read frequently the history of my country I have become convinced, that if this Congress shall fail to provide an adequate force for the protection of the Union, the Members of the Congress will be denounced by the American people for failure in the performance of a patriotic duty. [Applause.]

Mr. DIES. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from California yield to the gentleman from Texas?

Mr. TILSON. Mr. Speaker, will the gentleman yield at that point?

Mr. KAHN. Yes.

Mr. TILSON. The gentleman speaks of some part of the National Guard opposing this. That does not refer to the entire National Guard?

Mr. KAHN. Oh, no; far from it. I have had adjutants general of some of the States tell me that they welcome this addition to the defensive force of the Union. The trouble is, with respect to Army legislation, men will come to Congress at times actuated solely by selfish purposes.

Mr. DIES. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. KAHN. In other words, men who hold fat political jobs are afraid they might lose them. To me patriotism stands above the dollar. [Applause.] I believe that a man ought to sink his personal ambitions for the general welfare. The fear of losing a Government salary ought never to stand in the way of legislation necessary for the proper defense of the country. [Applause.]

Mr. DIES. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman yield?

Mr. KAHN. No; I can not yield just now.

The SPEAKER. The gentleman declines to yield.

Mr. KAHN. This is an important question. How much time have I consumed, Mr. Speaker?

The SPEAKER. Twenty-five minutes.

Mr. TILSON. I would like to have the gentleman state, if he will, in regard to some of the States, like Connecticut and Massachusetts and New York, that have actually favored this proposition.

Mr. KAHN. Yes; not only have some of the adjutants general favored this proposition, but I understand that one distinguished labor leader of this country wrote a letter to the gentleman from Massachusetts [Mr. OLNEY] saying, in effect, that he believed training of this kind would lead toward true Democracy in these United States. [Applause.]

The SPEAKER. The Chair was mistaken. The gentleman has used 33 minutes.

Mr. KAHN. I reserve the balance of my time, Mr. Speaker. [Loud applause.]

Mr. HAY. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. CRAGO].

The SPEAKER. The gentleman from Pennsylvania [Mr. CRAGO] is recognized.

Mr. CRAGO. Mr. Speaker, in the short time allotted to me I want to explain my position as best I can. In the first place, I want to be considered as being always in favor of any plan of rational preparedness on the part of my country. I shall vote for the larger Army provided by this bill for two reasons; First, because I want the chairman of the conference committee to feel that he has this House back of him in whatever limit he may see proper to go in regard to the Regular Army, and, second, I shall vote for and support it because I believe the people of the United States would be glad to know that they had an Army of 250,000 men to-day on the Mexican border. [Applause.]

I want also, however, to resent in the short time I have allotted me an unjust attack which has been made on an organization in this country whose only offense, as I take it, has been the fact that they have kept up an organization; that they have prepared for military service to the best of their ability and to the best of their knowledge, and have answered the call of their States and their country on every occasion, namely, the National Guard. [Applause.] The National Guard a year ago was lauded by Maj. Gen. Leonard Wood and welcomed as a part of the first line of the Army. These men were told that they were preparing themselves as a part of the first line and that they would be sure to give a good account of themselves.

Only a few months ago, in an address delivered before the National Guard Association, a former Assistant Secretary of War alluded to the members of the National Guard as follows:

> I desire to give expression to the profound sentiment of appreciation of the service of the men of the National Guard during the last 15 years in the efforts they have made in behalf of the national defense. It is relatively easy now to engage in the movement that is sweeping the country in behalf of adequate and reasonable military preparedness, but 16 months ago it was not easy. Our people—apathetic, ignorant, or heedless of the past military history of ourselves or others—not seeing the awful potentialities for swiftly incurred strife and destruction still inherent in civilization, paid little or no attention to the military needs of the Nation, to the dangers still confronting in the world the best and most pacific intentioned of peoples, and did little or nothing to strengthen the protection required for the safeguarding of the great spiritual and material heritages of the Nation. But ever since the Spanish War there has been a group of men—unselfish, persistent, energetic—that in season and out of season and always without any great favor have dinned into the ears of the American public the now apparent need for expansion and improvement of the land forces of the Nation. These were the men who know that every teaching of history demonstrates that however broad oceans may be, nevertheless wars which commence upon the oceans always end upon the land; that the final resources of nations in conflict can not be brought to bear upon the water, but only can be brought to bear upon the land; that definite and final conclusion of such conflict can only be had by striking at the territory and treasure of an enemy which is situated upon the land; that however great may have been the influence of sea power on history and however essential such sea power might be, nevertheless that the mightiest sea powers of the world could not accomplish their military objects without appropriate and correlative land power; and, furthermore, that the only lasting defense against predominant sea power must be adequate land defenses. These are the principles that the patriotic members of the National Guard have impressed without ceasing upon the public and private minds of the country. To-day as a National Guardsman I proclaim the credit that is due to the guard for nursing and keeping alive in this country an essential and reasonable military spirit and appreciation of the truths of military history when they were most needed. In another capacity, as a representative in some sort of the regular Military Establishment, I wish now to bear testimony to the splendid and effective support that has been given by the National Guard to each and every expansion and improvement of the regular military service. There were no more loyal supporters of the reorganization of the Army in 1901 than the National Guard, and each and every improvement in the size or condition of the Regular Army had its hearty support.

And yet this is the same gentleman who, in season and out of season, has been casting reflections upon the efficiency and the possibilities of this organization which, if it has been weak in anything, has been weak solely because of the failure of the National Government to properly arm, equip, and discipline it.

Attention has been called in public addresses to the fact that a lot of property had been recovered from the National Guard and that much of it had been wasted. Let me call your attention to the fact that officers of the War Department have told us that this loss of property, so called, covers a period of 18 years—since 1898—the time of the Spanish-American War, and that every dollar's worth of that property has been properly expended according to law.

Mention has also been made of a lack of marksmanship on the part of the members of the National Guard. I want to say to you that the organization with which I am familiar does not keep in its ranks a single officer or enlisted man who does not go out every year and qualify as a marksman. In every one of our organizations every man who retains his position and standing in the organization must be a first-class marksman.

I will go as far as any one of you in preparedness for any emergency. I believe that with proper attention and instruction our people will come to realize that universal military instruction and service is the truest democracy. This must necessarily come, however, through education and through a demand for it on the part of the people if it is to be effective. Mere legislative enactment will not bring this about. If you will

spend in educating the people, so that they will understand the necessity for this service, the time you are now spending on these different propagandas, they will soon demand of Congress such legislation as will be necessary. And so in voting against such a volunteer army as has been proposed I do so because I believe, if ever it is built up in time of excitement, it will be done at the expense of the National Guard, and when the National Guard is weakened as a result of this, and when in time to come we do not fear any great emergency, this so-called army will disappear, and you will have nothing; and so instead of giving the country a real program of preparedness you will have destroyed what little force we already have. [Applause.]

In this connection I want to quote you the following taken from a paper delivered by Maj. Gen. John F. O'Ryan, of the National Guard of the State of New York, at the meeting of the National Guard Association of the United States at San Francisco, Cal., a few months ago:

Those who do not believe in the practicability of the War Department plan, further point out that the National Guard of the country is not a plan, it is a force in being, a force which has steadily and in later years rapidly progressed toward a high standard of efficiency, and that this tangible force, with its substantial number of trained personnel, as well as its material plant—valued at approximately $100,000,000, should be substituted as a part of the first line in preference to a plan to create an army—a plan which may not prove practicable. That it might result after a few years in the Government finding itself without any substantial and effective force whatsoever, except the Regular Army.

As a part of Pennsylvania's answer to the abuse heaped upon the guard within the past few weeks, I submit herewith an editorial from the Pittsburgh Dispatch of Monday, April 17, 1916, as follows:

BORAH'S INSULT TO THE GUARD.

Senator BORAH's attack on the National Guard during the Army bill debate in the Senate, reported in Sunday's Dispatch, is rightly regarded here in Pennsylvania as an insult to every man in the guard, and particularly to the officers. But it opened opportunity for one good result. When a United States Senator arises in his place and deliberately charges that the $8,000,000 now appropriated by the Government for the National Guard has been "shamefully wasted" and some of it "embezzled," he can be held responsible for his utterances and compelled to produce his proofs, if he has any, or to confess by his silence that he is a reckless slanderer.

During the discussion of the Army bill less responsible persons have indulged in general charges of lobbying and grafting against the National Guard organization, but they have been careful to confine themselves to insinuations and inuendos for which they could not be brought to book. The Idaho Senator can not get away with any such evasion. He has made a specific accusation of the deliberate theft of Government funds, reiterated it, too, "without any qualification," and the protection of the Public Treasury, no less than the good name of the National Guard demands that he be not allowed to dodge responsibility. If he can prove embezzlement let him submit his evidence to the proper authority and have the offenders punished. If, on the contrary, he has been indulging in a mere oratorical figure of speech, he owes an immediate apology to the organization he has so foully aspersed.

Senator CUMMINS, expressing his indignant disbelief, suggested that consideration of the Army bill be suspended while the Senate ascertains whether officers of the guard are guilty of such charges, but BORAH failed to accept the offer, which was plainly incumbent upon him, if he believed his own accusation. He can not say that he knows Government money is being embezzled and refuse to do anything about it. Nor can he utter such a charge, if baseless and cruelly slanderous, against men who have proved their patriotism by unselfish service extending over many years, without provoking the strongest condemnation for a course so contemptible. The Senate should at once adopt the suggestion of Senator CUMMINS, and demand that the Senator from Idaho place his information on record or be branded as an irresponsible calumniator of better men.

Adjt. Gen. Stewart and the adjutants general of other States should proceed at once to Washington and demand investigation of these reckless charges, and BORAH, failing to prove his assertions, should be pilloried before the country as a deliberate falsifier. It is clearly up to the responsible heads of the National Guard to insist upon a determination of the truth or falsity of accusations directly accusing their organization of the embezzlement of Government funds and they have every right to make such a demand upon the Senate as an act of simple justice to the guard and of common honesty to the country.

Also an editorial from the Gazette-Times, of Pittsburgh, Pa., on Tuesday, April 16, 1916, showing what that great State is doing for the National Guard:

NEW ARMORY BEGUN, GOOD:

"Altogether in keeping with the current American spirit was the breaking of ground yesterday for an addition to the Emerson Street Armory of the First Regiment Pennsylvania Field Artillery. It is a step in that preparedness for defense of the Nation which is demanded by practically all of our people. It makes a fitting answer to such gatherings as that one in a downtown theater on Sunday under the auspices of the "American Union against militarism." The American people are as much against militarism, in the opprobrious sense in which the leaders of the Sunday gathering employ it, as are the most ardent pacifists. But they know the value of military force when rightly employed, and they are determined that this country shall be put in condition to make good its just claims before the world. The work is proceeding rather slowly in Congress, though time presses and the urgency of the situation is apparent to all but such as the gentlemen who led the theater gathering; so it is especially good to witness enhancement of the effectiveness of the National Guard of Pennsylvania.

The antimilitarists ridiculed our Army in Mexico, according to the accounts of the meeting. Why? Simply because it has been impossible, on account of our unpreparedness, to perform the duty thrust upon us with the dispatch that ought to characterize such undertakings. We could not get a good start. We were not ready with the means to support the regiments sent into Mexico and at the same time protect the border. When our boys got a few hundred miles from the international boundary there was difficulty in keeping communications open. We did not have enough men. If we are going to have more trouble, the Army must be reenforced. The first call must be made upon the National Guard, the citizen soldiers of the States. That being well understood, it is the part of wisdom to provide them with proper quarters and drill halls. Pennsylvania is doing that, as is evidenced by the provision making for the new regiment of artillery. It were better to applaud such efforts and help them along than to spend time in ridiculing preparedness and accusing of selfishness men who are promoting a proper spirit for national safety.

I also submit herewith a short statement by Maj. Edward Martin, of Waynesburg, Pa., regarding the mobilization of one of the battalions of the Tenth Regiment when called a few days ago for duty:

At 12.45 a. m. Wednesday morning Col. Coulter called me by telephone and stated that the regiment had been ordered to assemble in its armories in contemplation of strike duty in the vicinity of Pittsburgh. He stated that five companies had been ordered to mobilize at Greensburg and the other companies in their company armories. He directed me to notify "K" of Waynesburg, "A" of Monongahela, "B" of New Brighton, and "H" of Washington, and all of the field and staff in the territories of the Second Battalion.

I immediately placed a call for the following officers, and got in communication with them at the time indicated: Capt. Montgomery, 12.50 a. m.; Lieut. Yohe, Monongahela, 1.10 a. m.; Capt. Hartland, 1.15 a. m.; Lieut. Craft, 1.30 a. m.; Lieut. Harris, 1.50 a. m.; Capt. Aiken, 2.10 a. m.; Capt. Fish, 3.05 a. m.; Maj. Thompson, 3.40 a. m. Maj. Thompson was not reached sooner owing to the fact that he was away from home.

Capt. Hartland called me at 3 a. m., stating that he was in touch with all of his men in the State, and that they were all on the road to the armory.

Company A, with all their men accounted for except two, took breakfast in the armory and were ready to leave for the zone of the strike, with full force, except the two, accounted for at 6.30 o'clock in the morning.

Capt. Aiken had 50 men and 3 officers in the armory ready to move at 7 o'clock in the morning.

Capt. Montgomery had 30 men and 2 officers ready to move at 7 o'clock in the morning, and at 11 o'clock had 50 men ready to move. Capt. Montgomery was delayed owing to the fact that he was unable to reach the boys in the country districts until after 7 o'clock, as the switchboards of the telephones were closed until that time. Capt. Montgomery and Lieut. Ross were both using the phone as soon as they were accessible, and several men came a distance of 10 miles and more and were ready to take the train leaving Waynesburg at 11.15 o'clock in the morning.

Capt. Fish had 45 men and 3 officers in the armory ready to move at 7 o'clock in the morning.

I could have had three companies of my battalion in Pittsburgh very easily at 9 o'clock in the morning by myself taking our 6.25 train, and could have had the whole battalion there by the time our regular 11.15 train arrives in Pittsburgh, which is 1.30.

Immediately after getting in touch with the company commanders I arranged with the superintendent of our local railroad for a special train if it was necessary for us to leave promptly.

The men have been living entirely in the armory since the call was made, and the other companies are in just as good shape as the companies of this battalion. They have been conducting drills, having rifle practice, and making general improvements and repairs about the various armories.

Do not understand from my remarks that the members of the National Guard from the different States are opposing any of this preparedness legislation. They do, however, question whether both the volunteer army, so called, and the National Guard purposed as a Federal force can both exist for any great length of time.

They claim that the men needed to fill the ranks of the National Guard are the same class of men who may, for a short time, be attracted to the new plan, but that in the years to come, when the excitement of the present is over, the volunteer army will gradually disappear, and the National Guard having been made to feel that it is not a part of the first line of defense, but regarded as a State force only, will necessarily lose much of its enthusiasm for service and will have degenerated into the weaker organizations of former years.

If Congress in its wisdom, however, should decide on organizing this additional force, I believe I speak for the membership of the National Guard when I say that these men as loyal, patriotic citizens, recognizing the need of a greater armed force in this country, will give this new organization their united support and encouragement. They know that patriotism is best expressed in service.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CRAGO. I ask unanimous consent to extend my remarks by inserting two editorials from newspapers.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

The SPEAKER. The gentleman from Illinois [Mr. MCKENZIE] is recognized for five minutes.

Mr. MCKENZIE. I dislike very much to differ from my distinguished colleague [Mr. KAHN], the ranking member of the

Military Affairs Committee on our side of the House; but when I have followed him in that committee along certain paths in which he had aided me and when he has helped instruct me to stand for certain propositions, then, when he changes his mind and turns back on those points, I refuse to follow him. [Applause.]

Mr. KAHN. Will the gentleman inform the House when I went back on my paths?

Mr. MCKENZIE. I refer particularly to the volunteer continental army scheme.

Mr. KAHN. This is not the continental army scheme. This is another matter, a different matter altogether.

Mr. MCKENZIE. I hope the gentleman will not take my time. Now, Mr. Speaker, I take it that we are all in favor of national defense, but we differ somewhat as to the methods of achieving what we call adequate national defense.

In the Committee on Military Affairs of the House, after long hearings and listening to the officers of the Army, we decided to report a bill fixing the number in the Army at such a figure as could be filled up by enlistments without compulsory military service. When we got the bill into the House it was amended by a proposition which we thought perhaps would encourage enlistments to a certain extent. The Senate Committee on Military Affairs reported the bill providing for 178,000 men. The amendment we are now considering was tacked on in the Senate, and when I heard that the conferees had agreed that the Army should consist of 175,000 men of the line, I felt that that was a wise agreement; that perhaps under the amendment adopted in the House we could get 175,000 men and do what we pretend we are going to do—give the people such an Army as we provide for in this law.

The amendment we are now considering provides that at no time in peace shall the Army, exclusive of the Quartermaster Corps, Hospital Corps, and Philippine Scouts, exceed 250,000 men. Now, what does that mean to the layman? What does that mean to the different associations over this country that are sending us copies of the resolutions passed by them? What does that mean in the editorials of the great newspapers of this country? It means that they understand that we propose to give them an army of 250,000 men. My fellow Members of this House, we can not afford to be other than honest with ourselves. The gentleman from California [Mr. KAHN] appears before you this morning and attempts to make you believe that it does not mean an army of 250,000 men, that it means only such an army as the President may see fit to enlist. Well, we might get a pacifist President, like the great William J. Bryan, who would not enlist any army at all, and then where would we be? Let us be honest. If it means 250,000, put the teeth in it, my good friend from California, and provide for getting those men. When you talk about men enlisting because we have changed the form of enlistment in the way we did in this House, it is nonsense. There might be the possibility that a psychological condition of mind would overcome the young men of this country, and they would enlist in the Army for $15 a month when they can get $40 a month on the farm; but I want to say to you Members of this House that I do not believe they will do it. Therefore let us be honest with the people and give them an Army that we can fill up with men and say to them, "This is the best we can do without compulsory military service or increasing the pay of the soldiers. If that satisfies you, all well and good." But do not let us perpetrate a fraud on the people of America. [Applause.] We can not afford to do it, and that is what this amendment means. It means deception. It means an Army of 250,000, only in so far as officers are concerned, but not men.

Now, just a moment. In the committee we fought out the question of the volunteer army, and we decided that, in our judgment, the National Guard of this country was a preferable and a more dependable force than such a volunteer army, and therefore we reported that to the House. From the testimony before us we realized that these two bodies could not exist in the same place. One or the other must go down; and believing that, we decided that the guard was the more dependable body, and gave it our support; and when a man stands on this floor saying that he is a friend of the National Guard and at the same time prepares this dagger to stick into the back of the National Guard I feel that he is inconsistent. [Applause.]

Mr. HAY. I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, every citizen of the Republic, from the President to the humblest citizen of the land, ought to do everything within his power, consistent with the honor, the integrity, and the security of the Nation, to prevent the first step that leads to war by the United States now or at any time in the future. [Applause.] The gentleman from California [Mr. KAHN] says that the President should be given authority to increase the Army of the United States during the recess of Congress when he deems the danger to the Republic imminent. The Constitution of the United States wisely provides that the Congress of the United States shall declare and make preparation for war. [Applause.] It would be inconsistent with the Constitution and with the principles of the Republic for the President, in control of diplomatic negotiations, to have in his control at the same time the power to increase the Army of the United States in connection with his diplomatic negotiations. [Applause.] It would be placing the war-making power in the hands of the Executive; because every jingo in the country, when Congress was convened, would say, "Are you going to stand by the President?" when the President had already, in effect, declared war or taken steps from which there would have to be a backdown—or go on to war. Gentlemen, are you going to leave it to the Representatives of the people who do the fighting to declare war, under the Constitution, or are you going to give the President the war-making power in violation of the Constitution?

The gentleman from California says we need 250,000 men to-day on the Mexican border. If so, let Congress ask for that number of men for that purpose, not for a permanent standing army of that number in the United States. [Applause.] If we ask for 250,000 men to defend the Republic, we will have them by Saturday night. [Applause.] If we ask for 500,000 men, or any number that is needed for that purpose, we will have them by Saturday night. Two hundred and fifty thousand men would not feed the present man-destroying implements of war for 10 days. If we are in imminent danger, if we need an army for the Nation's defense to-day, 250,000 men are not enough. Inventive genius has provided implements of destruction in war that to-day eat men up by the tens of thousands and by the hundreds of thousands. Men are no longer slain by the sword alone. They are slain by thousands, eaten up by liquid fire, destroyed by deadly gases, and mowed down by every implement of death. The wars of the future will be fought with greater fury than the wars of to-day, if wars are not prevented altogether.

Statesmanship of the highest order can and should keep the nations out of war. [Applause.] The first step that leads to war should not be taken, and the last step that leads to war should be taken only when every possible effort has been used to prevent it. Mr. Speaker, ever since I have been in Congress, now near 14 years, there has been a war scare every time Army and Navy appropriations have been under consideration. I have favored, and shall favor, a strong Navy and an Army large enough for a frame to which to build if an invading army comes. It would be insane to try in this country to keep a standing army in time of peace to serve us in case of war, the way wars are fought to-day. If we ever have war with any first-class power, we will have to have millions, not thousands, of men. So I say wise statesmanship should take us away from rather than in the direction of war or the first step that leads to war. At this time when men are being swept off the earth by hundreds of thousands in an indefensible war, it is no time for a peaceful Republic enjoying peace with all the world, except that it is chasing bandits in Mexico, to place the power of making war in the hands of the President of the United States, as section 2 of this bill does in effect. [Applause.]

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. HOUSTON].

Mr. HOUSTON. Mr. Speaker, when we come to consider the question of agreeing to the provisions of the Senate amendments or adhering to those in the House bill I shall stand by the House bill. I do not favor a standing army in times of peace of 250,000 men. I am content to rely upon the number provided for in the House bill. If we should become involved in real war, neither would answer our needs. Then we would have to raise a volunteer army, as we always have. But the provisions of the House bill will supply the necessary officers and means of training to organize and instruct the army then called into existence.

I am convinced that it is our duty at this time to make greater preparation than we have to protect and defend ourselves, because after serious consideration of the conditions that now envelop so much of the civilized world I am unwilling to imperil my country by not making preparation to ward off and repel dangers that might come to us. I hope and pray that no war may come and that no enemy may approach our shores, but when we consider the war now raging across the ocean and the complications arising we can but realize possible dangers.

Now, having said this much, I want to say that we should have no war with any nation abroad—and I trust our troubles with Mexico may be tided over without a conflict between the

two nations. I do not think we should go to war with Mexico to protect the private fortunes of those who have gone there to embark in doubtful enterprises and make money out of advantages they have obtained in that country. I have no sympathy with those who have gone there to thus make money and want this Government to furnish a standing army to protect them in their exploitations. Let all such take the consequences of their own adventure rather than involve this Nation in a war that would cost the taxpayers millions of dollars and forfeit the lives of thousands of our young men. [Applause.]

But while I do not believe this country should be involved in a war to protect private rights of questionable virtue, yet I realize the time may come when patience shall cease to be a virtue and this Nation can not properly permit anarchy to reign in Mexico, with the constant infringement of the real rights of our citizens and the all too-frequent destruction of the lives of innocent Americans. No man can view the situation on our border without feeling that this country must be prepared to protect our people and compel obedience to the rights of the United States.

I sincerely trust and believe that by moderation and patience we may keep at peace with all nations, and we have cause to rejoice to-day that the prospects are more encouraging for the peaceful settlement of existing troubles. With courage and wisdom, President Wilson has met the gravest issues and solved questions new and more difficult than have confronted any of his predecessors.

I trust we may do nothing to provoke war or to develop a warlike spirit. I consider the jingo and the militarist enemies to the common good. Nothing is more revolting to the real patriot than the expressions we hear and read that the action of our Government in the complications arising between us and other nations is "weak," "timid," and "vacillating." The man who would attempt to excite passion and take the hazard of rushing our Nation into war merely to play the rôle of the braggart and bully, or who would excite prejudice against the administration for partisan advantage, deserves the condemnation of every patriotic citizen. [Applause.] In times like these patriotism should rise superior to partisanship. No real American ever needed prodding to fire his courage or stir his patriotism. If the hour shall come when the liberties or the honor of the United States shall need defense, there will be no lack of response to such a call. And I believe the hitherto invincible American will be invincible still.

But, Mr. Speaker, with a full sense of the responsibility resting upon us, we must face conditions as they exist, and do what our sober judgment tells us is necessary to enable the patriotism and bravery of our people to find adequate means to protect the country.

I do not believe it is practicable or desirable to create a large standing army in time of peace. We have no desire to imitate the example of the militaristic nations of Europe; but it is essential that we shall create such organization as shall be capable of quick expansion in time of need. This, I believe, we have successfully done in the legislation that has been so ably carried through this House by the distinguished chairman of the Committee on Military Affairs. I have gladly supported him in this regard, and propose to do so to-day.

And, Mr. Speaker, I trust that this House, while safeguarding the water power of America from the grasp of monopoly, will provide for such development of that power as will enable us to cheaply manufacture nitrate, thus freeing us from dependence on Chile and giving us the ability to manufacture in any quantity powder. And it is not the less gratifying to me that in thus making provision for a great national military need we may at the same time as an incident to such work provide a larger and cheaper supply of fertilizer for the benefit of the farmers of our country.

I believe we should increase our naval strength and proceed in the work of making additions to and perfecting our coast defenses. We can make no mistake in equipping our country in the material necessary in time of war, that the bravery and patriotism of our people may not needlessly be called upon when the test shall come.

Mr. Speaker, I desire to speak no word in a spirit of alarm. I trust we may remain at peace with all the world, and my reason tells me there is now no just cause to carry us into war; but I believe we should take these steps for security.

I have heretofore opposed creating a large Navy. Least of all do I favor a large standing army in times of peace. I deplore that spirit for war or thirst for glory that is created by "the roll of the stirring drum." We should know no glory but our country's good. I believe that the House bill provides a nucleus around which to formulate an Army and furnish the instruction necessary to understand the arts and methods of modern warfare.

A large standing army in time of peace is not only a burden to our people but a menace to our free institutions. I shall be the last man, by any action of mine, to invite or provoke war. It is barbarous, and usually may be avoided.

Our Government has blazed the way for human liberty and furnished the pattern for free institutions to all the world, and now let us hope to carry the light of peace to warring nations and aid in ending the greatest and bloodiest struggle in all history. [Applause.]

But if any other nation shall force us into a war of self-defense, then when the hour of necessity comes we must be prepared to defend our altars and our fires. And acting upon this principle I for one am in favor of heeding the warning given us by our great President, the watchman upon the tower, who must know better than we when dangers are imminent or perils are gathering near. I believe in him. I have unswerving faith in his patriotism, and I trust his wisdom. [Applause.]

Mr. KAHN. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. FIELDS].

[Mr. FIELDS addressed the House. See Appendix.]

Mr. KAHN. Does the gentleman from Virginia intend to close with one speech?

Mr. HAY. No; I have one more speech, and I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I do not think the time has arrived, I hope the time never will arrive, in our country when the strength and the fervor of a man's patriotism will be judged or determined by the size of the military establishment for which he stands. [Applause.] If that were a proper test of patriotism, the good patriot would not be the honest man who believes in a standing army of 150,000 men, or even 250,000, but the demagogue who, taking advantage of the momentary public excitement, would insist on a standing army of 500,000 men. [Applause.]

It has been demonstrated as thoroughly as a matter of that kind can be demonstrated that we can not in this country, under volunteer enlistments, secure an army of over about 150,000 men. Therefore any increase of the Regular Army above that size is an act of foolishness and futility.

But what is proposed in the Senate amendment is more than that. The gentleman from California [Mr. KAHN] says, "Very well, if the men do not volunteer or if the President does not enlist them, we will not have them to pay for." But in the Senate amendment we give the President authority to provide for all the organizations, not only the specific organizations provided for in the amendment, but general authority to organize regiments and companies not to exceed 250,000 enlisted men on a peace strength.

I have faith in the patriotism of the President, but I know and we all know the pressure that would come upon him immediately the Senate provision became a law to organize all these units and organizations that would give half of the officers now in the Regular Army field rank and the other half, including those who have just graduated from the Military Academy, the rank of captain and upward. [Applause.] So, whether we add another enlisted man or not, by the Senate provision we would have an enormous top-heavy, expensive military organization. If the President organized these forces we would, of course, pay for them. It is not conceivable that Congress will at any time have so lost faith in the President that it will not provide for the men and units of the Regular Establishment which he had organized. So that whether we secure more enlistments or not, we are certain, under the Senate provision, to have a largely increased number of units, a largely increased number of officers, and therefore not only an expensive but a top-heavy and altogether inadequate Military Establishment.

The second proposition is the old continental army, discredited and disapproved everywhere, with no friends anywhere in the country, except among the friends of conscription. It comes to us under a new title and revamped form, and yet the idea is the same old discredited volunteer army. If you can not fill up the Regular Organization under enlistment, how are you going to get a volunteer army under volunteer enlistment? And if you do get a volunteer army, what is to become of your National Guard? [Applause.]

Back of the continental army and this Federal volunteer army is the shadow of conscription and universal compulsory military service. The House provision will, in fact, provide as large a Regular Army as we can get under volunteer enlistments. About 150,000 men, as many, in fact, as we need in time of peace, and in time of war we must in any event depend on volunteers. The Senate provision which would give us 250,000 in time of peace if the men would enlist, would, in fact, give us no more men than the House provision, because the men would not enlist in time of peace. It would, however, give us a large number of officers and organizations, great expense, and little to show for it.

Mr. HAY. Mr. Speaker, I have but one more speech, I will say to the gentleman from California.

Mr. KAHN. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I repeat I am against war and in favor of preparation against the possibility of war. [Applause.] I hope that we will keep out of war, but I believe it is wiser to spend some money and effort in being prepared if war comes than to waste treasure and blood in getting preparation after war has begun. There will be two votes on this motion, one on section 2, which authorizes the President practically to increase the Regular Army to 250,000 men, and the other on section 56, authorizing a volunteer army. There is a limitation in the House bill of 140,000; it is a limitation. Section 2 of the Senate bill makes a limitation of 250,000.

The principal argument we have heard to-day against the Army of 250,000 is that we can not raise them. How childish an argument! If we can not raise them, there can be no objection to that limitation. The question is whether we may need them—and we may need them.

Gentlemen say that section 56 is the continental army over again, and my colleague says that those who favor it have reversed themselves. Section 56, which apparently these gentlemen who have spoken against it have never read, only authorizes the President to carry into effect an act which we passed on April 25, 1914, two years ago—reported unanimously from the Committee on Military Affairs and passed unanimously in the House, in contemplation of raising a volunteer army when emergency arose.

Those who think there is no emergency in the world, who think that there are no cloud either in the sky or upon the horizon, who are satisfied that peace reigns throughout the world, ought not to carry into effect this act which two years ago we passed in contemplation of the possibilities which might arise, and no one then contemplated, even in his imagination, the terrors which have since arisen and which cause the emergency. Why did we pass the act at that time if it were not, under conditions like these, to authorize the President to carry them into effect? Did the Committee on Military Affairs two years ago by this act then provide for a volunteer army which they now denounce? This is not the continental army over again. It is to authorize the President now to provide a needed army in order that they may be trained, and which, when the emergency has passed, may be disbanded and sent back to their peaceful pursuits. We ought to have trained men. We need the National Guard for the training which it gives, and we need the volunteer army in order that we may train them under governmental supervision. We need the increase in the Regular Army that we may have the first line of defense prepared for war. Having provided these, we will have shown that we have some common sense, and then, if we have common sense, to go further and keep out of war, we will show that we are capable of self-government [applause]; but if we fail to provide against the possibilities of war in these days when war is hovering over the world, when danger lurks in every corner, when trouble may come from every side, we write ourselves down as incapable of managing the affairs of a great people. [Applause].

Mr. HAY. Mr. Speaker, the President of the United States has so far been able to keep this country out of war, and, looking to what is now taking place in Europe, we may expect that the country will still be kept out of war. [Applause on the Democratic side.] I am sorry that the gentleman from California [Mr. KAHN], in his desire to impress upon the House the importance of an army of 250,000 men, invited the countries of Europe to come here and make war upon us to obtain in this war an indemnity for their loss. He must have been very much perturbed, he must have wanted much to make an impression upon the House, or he would never have extended such an invitation. But we may rest assured that the countries of Europe are not coming across the water to exact from us any indemnity. We may rest assured that this country, having preserved the peace thus long during this great crisis in the world's history, has the respect of the world, and that we will have no war to meet, and, therefore, that it is unnecessary to place upon the citizens of this country for all time the burden of a standing army of 250,000 men. The gentleman from Illinois [Mr. MANN] says if you can not raise the men what harm is there in it. Why, my friends, the people who are behind this movement for an army of 250,000 men are telling us every day that you can not raise them except through compulsory military service. They want you to make the experiment under the present system so that they will be able to come back here and tell you that you must have compulsory service or you can not get the men necessary to defend the country. That is their purpose in advocating this army of 250,000 men. It is their purpose in advocating the volunteer army of 261,000 men. Trained men! Why, if this is put into effect, if you adopt section 56, what sort of trained men will you have? Men who only train 30 days in a year, and you want to put that against the National Guard, because you can not have both. You must choose to-day whether you will have the volunteer army or the National Guard. I for one do not propose to vote to put upon this country both the National Guard and the volunteer army. The expense of one is enough without having another burden of that sort placed upon the people for no reason at all, and if the House to-day votes in favor of the volunteer army I shall consider it as an instruction not to insist upon a provision in the bill for the National Guard.

Mr. Speaker, this subject has been talked over and talked over, and I want to appeal to the common sense of this House not to vote for provisions in order to fool the people of this country. The men who are telling us to vote for an Army of 250,000 men are doing it for the purpose of going to the country and saying, we have got 250,000, and everybody knows that we can not get them—and what is more, in time of peace we ought not to have them. [Applause.] Suppose these measures which these gentlemen advocate go into law and are effective. Suppose you can get 250,000 men in the Regular Army. What does that cost? Two hundred and fifty million dollars a year. Suppose you can get 261,000 men in the volunteer army, what does that cost under the provisions of this section? Under the provisions of this section the President, while he can train them in field service for only 30 days, can train them at home every day in the year, and under the provisions of the bill they receive the same pay as men and officers of the Regular Army, and that means $261,000,000 a year—a half billion dollars that you propose to vote upon the taxpayers of this country in addition to what the National Guard will cost. That is what you are opening up an avenue to do, and I appeal to you as men of sense, as men who have the best interest of the country at heart, to let the conferees do what they ought to do with the Regular Army, and not to vote up this volunteer army, but let the country have a sane and sensible and reasonable preparation and not place upon the people of the country an enormous burden of taxation. [Applause.]

The SPEAKER. Under the special agreement the first vote is on agreeing to section 2 of the Senate bill. The Chair thinks the Clerk had better read it.

The Clerk read as follows:

Page 105 of the printed bill:

SEC. 2. Composition of the Regular Army: The Regular Army of the United States, including the existing organizations, shall consist of 64 regiments of Infantry, 25 regiments of Cavalry, 21 regiments of Field Artillery, a Coast Artillery Corps, the brigade, division, corps, and Army headquarters, with their detachments and troops.

Mr. HAY. Mr. Speaker, the House understands they are voting on an Army of 250,000 men.

The SPEAKER. Then there is no use in the Clerk reading any further. The question is on a Regular Army of 250,000 men——

Mr. HAY. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Virginia demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 222, answered "present" 1, not voting 69, as follows:

YEAS—141.

Austin	Curry	Garland	Johnson, Wash.
Beales	Dale, N. Y.	Gillett	Kahn
Bennet	Dale, Vt.	Glynn	Kearns
Borland	Dallinger	Gould	Kennedy, R. I.
Britt	Danforth	Greene, Mass.	Kent
Britten	Dempsey	Greene, Vt.	King
Browning	Denison	Griffin	Lewis
Bruckner	Dooling	Guernsey	Linthicum
Burke	Dunn	Hadley	Loft
Cannon	Dyer	Hamilton, Mich.	Lund
Capstick	Edmonds	Haskell	McAndrews
Carew	Elston	Hawley	McArthur
Carter, Mass.	Emerson	Hayes	McDermott
Cary	Farley	Hernandez	McFadden
Chandler, N. Y.	Farr	Hicks	McKinley
Charles	Fitzgerald	Hill	Madden
Chiperfield	Focht	Hopwood	Magee
Coady	Foss	Howell	Mann
Cooper, W. Va.	Freeman	Hulbert	Meeker
Cooper, Wis.	Fuller	Humphrey, Wash.	Miller, Del.
Copley	Gallagher	Husted	Miller, Minn.
Crago	Gardner	Johnson, S. Dak.	Montague

Moore, Pa.	Phelan	Sinnott	Tilson
Moores, Ind.	Platt	Slemp	Timberlake
Moss, W. Va.	Porter	Smith, N. Y.	Tinkham
Mott	Powers	Snell	Treadway
Mudd	Pratt	Snyder	Walsh
Nolan	Price	Stafford	Wason
Oakey	Roberts, Mass.	Steele, Pa.	Wheeler
Oglesby	Roberts, Nev.	Stephens, Cal.	Wilson, Fla.
Olney	Rogers	Stiness	Wilson, Ill.
O'Shaunessy	Rowe	Stone	Winslow
Paige, Mass.	Russell, Ohio	Sulloway	Wood, Ind.
Parker, N. J.	Sanford	Swift	
Parker, N. Y.	Sells	Talbott	
Patten	Siegel	Temple	

NAYS—222.

Abercrombie	Doughton	Kennedy, Iowa	Rubey
Adair	Dowell	Kettner	Rucker
Adamson	Dupré	Key, Ohio	Russell, Mo.
Aiken	Eagle	Kincheloe	Sabath
Alexander	Edwards	Kinkaid	Saunders
Almon	Ellsworth	Kitchin	Scott, Mich.
Anderson	Esch	Konop	Shallenberger
Anthony	Estopinal	La Follette	Sherley
Ashbrook	Evans	Lazaro	Sherwood
Aswell	Ferris	Lenroot	Shouse
Ayres	Fess	Lever	Sims
Bailey	Fields	Lieb	Sisson
Barkley	Finley	Lloyd	Slayden
Barnhart	Flood	Lobeck	Sloan
Beakes	Foster	London	Small
Bell	Frear	McClintic	Smith, Idaho
Black	Gandy	McCracken	Smith, Mich.
Blackmon	Gard	McCulloch	Smith, Tex.
Booher	Garner	McGillicuddy	Steagall
Browne	Garrett	McKellar	Stedman
Buchanan, Ill.	Glass	McKenzie	Steele, Iowa
Buchanan, Tex.	Good	McLaughlin	Steenerson
Burgess	Goodwin, Ark.	McLemore	Stephens, Miss.
Butler	Gordon	Mapes	Stephens, Nebr.
Byrnes, S. C.	Gray, Ala.	Matthews	Stephens, Tex.
Byrns, Tenn.	Gray, Ind.	Mays	Sterling
Callaway	Green, Iowa	Miller, Pa.	Stout
Campbell	Gregg	Mondell	Sumners
Candler, Miss.	Hamlin	Moon	Sweet
Caraway	Hardy	Morgan, La.	Taggart
Carlin	Harrison	Morgan, Okla.	Tavenner
Carter, Okla.	Hastings	Morrison	Taylor, Ark.
Church	Haugen	Moss, Ind.	Taylor, Colo.
Clark, Fla.	Hay	Murray	Thomas
Cline	Hayden	Neely	Thompson
Collier	Heflin	Nelson	Tillman
Connelly	Helgesen	Nicholls, S. C.	Towner
Cooper, Ohio	Helm	Oldfield	Tribble
Cox	Helvering	Oliver	Van Dyke
Cramton	Henry	Overmyer	Venable
Crisp	Hensley	Padgett	Vinson
Crosser	Holland	Page, N. C.	Volstead
Cullop	Hollingsworth	Park	Walker
Davenport	Hood	Quin	Watson, Va.
Davis, Minn.	Houston	Ragsdale	Webb
Davis, Tex.	Howard	Rainey	Whaley
Decker	Hughes	Raker	Williams, T. S.
Dent	Hull, Iowa	Ramseyer	Williams, W. E.
Dewalt	Hull, Tenn.	Randall	Wilson, La.
Dickinson	Humphreys, Miss.	Rauch	Wingo
Dies	Igoe	Rayburn	Wise
Dill	Jacoway	Reavis	Woods, Iowa
Dillon	Johnson, Ky.	Reilly	Young, N. Dak.
Dixon	Jones	Ricketts	Young, Tex.
Doolittle	Keating	Rodenberg	
Doremus	Kelley	Rouse	

ANSWERED "PRESENT"—1.

Cantrill

NOT VOTING—69.

Allen	Godwin, N. C.	Lee	Schall
Bacharach	Graham	Lehlbach	Scott, Pa.
Barchfeld	Gray, N. J.	Lesher	Scully
Brumbaugh	Griest	Liebel	Sears
Burnett	Hamill	Lindbergh	Shackleford
Caldwell	Hamilton, N. Y.	Littlepage	Smith, Minn.
Casey	Hart	Longworth	Sparkman
Coleman	Heaton	Maher	Sutherland
Conry	Hilliard	Martin	Switzer
Costello	Hinds	Mooney	Tague
Darrow	Huddleston	Morin	Vare
Driscoll	Hutchinson	Nichols, Mich.	Ward
Drukker	James	North	Watkins
Eagan	Keister	Norton	Watson, Pa.
Fairchild	Kiess, Pa.	Peters	Williams, Ohio
Flynn	Kreider	Pou	
Fordney	Lafean	Riordan	
Gallivan	Langley	Rowland	

So the motion of Mr. KAHN as to section 2 was rejected.

The Clerk announced the following pairs:

For this vote:

Mr. PETERS (for section 2) with Mr. HILLIARD (against).

Mr. FAIRCHILD (for section 2) with Mr. LEE (against).

Mr. SCULLY (for section 2) with Mr. LITTLEPAGE (against).

Mr. BACHARACH (for section 2) with Mr. SHACKLEFORD (against).

Mr. DRUKKER (for section 2) with Mr. BURNETT (against).

Mr. GRAY of New Jersey (for section 2) with Mr. SEARS (against).

Mr. LONGWORTH (for section 2) with Mr. POU (against).

Mr. HAMILTON of New York (for section 2) with Mr. HUDDLESTON (against).

Until further notice:

Mr. LESHER with Mr. SWITZER.

Mr. WATKINS with Mr. NORTH.

Mr. CALDWELL with Mr. FORDNEY.

Mr. CONRY with Mr. LAFEAN.

Mr. BRUMBAUGH with Mr. MOONEY.

Mr. CASEY with Mr. HINDS.

Mr. MAHER with Mr. COLEMAN.

Mr. FLYNN with Mr. DARROW.

Mr. DRISCOLL with Mr. COSTELLO.

Mr. GODWIN of North Carolina with Mr. KIESS of Pennsylvania.

Mr. HART with Mr. SCOTT of Pennsylvania.

Mr. RIORDAN with Mr. WARD.

Mr. ALLEN with Mr. NORTON.

Mr. CANTRILL with Mr. LANGLEY.

Mr. GALLIVAN with Mr. HEATON.

Mr. HAMILL with Mr. GRIEST.

Mr. TAGUE with Mr. GRAHAM.

Mr. EGAN with Mr. KEISTER.

Mr. SPARKMAN with Mr. BARCHFELD.

For this session:

Mr. LIEBEL with Mr. ROWLAND.

The result of the vote was announced as above recorded.

The SPEAKER. The vote will now be taken on agreeing to section 56 of the Senate bill.

Mr. KAHN. Mr. Speaker, may I ask that that section be read?

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

SEC. 56. The volunteer army: The President is hereby authorized, at any time, to organize, maintain, and train, under the provisions of sections 3 to 12, both inclusive, of an act entitled "An act to provide for raising the volunteer forces of the United States in time of actual or threatened war," approved April 25, 1914, volunteer forces, not exceeding an average of 600 officers and enlisted men for each congressional district. The term of enlistment, which shall in no event be greater than that of the Regular Army, the period of service with the colors and with the reserve, and the period of training shall be as the President may prescribe, those passing to the reserve to have the status and obligations prescribed for reserves of the Regular Army: *Provided*, That as reserves no compensation shall be paid except for actual services. Officers and enlisted men of the volunteer forces raised under the provisions of this section shall be entitled to the pay and allowances of officers and enlisted men of corresponding grades in the Regular Army during periods of training only: *Provided further*, That without the consent of Congress such volunteer forces shall not be called out for field service for more than a total period exceeding 30 days in any one year.

Temporary appointments and promotions of officers of the Regular Army arising from the operation of this section may be terminated at the discretion of the President.

Officers of the Regular Army who receive commissions in the volunteer army herein authorized shall in time of peace receive the pay and allowances of their respective grades in the Regular Army, and no more.

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 251, answered "present" 2, not voting 71, as follows:

YEAS—109.

Austin	Farley	La Follette	Roberts, Nev.
Bennet	Farr	Loft	Rogers
Britten	Fields	Loud	Rowe
Bruckner	Foss	McArthur	Sanford
Cannon	Freeman	McFadden	Sells
Capstick	Fuller	McKinley	Sherley
Carew	Gardner	Magee	Siegel
Carter, Mass.	Gillett	Mann	Smith, N. Y.
Cary	Glynn	Mapes	Smith, Tex.
Chandler, N. Y.	Gould	Miller, Del.	Snell
Charles	Greene, Mass.	Moores, Ind.	Snyder
Chiperfield	Griffin	Moss, W. Va.	Stafford
Coady	Guernsey	Mott	Stephens, Cal.
Cooper, W. Va.	Hadley	Mudd	Stiness
Cooper, Wis.	Hamilton, Mich.	Nolan	Sulloway
Copley	Haskell	Oakey	Swift
Curry	Hayes	Oglesby	Tilson
Dale, N. Y.	Hernandez	Olney	Tinkham
Dallinger	Hicks	O'Shaunessy	Treadway
Danforth	Hill	Paige, Mass.	Walsh
Darrow	Hopwood	Parker, N. J.	Wason
Dempsey	Hulbert	Parker, N. Y.	Wheeler
Dewalt	Humphrey, Wash.	Patten	Wilson, Ill.
Dooling	Husted	Phelan	Winslow
Dunn	Johnson, Wash.	Platt	Wood, Ind.
Edmonds	Kahn	Porter	
Elston	Kennedy, R. I.	Pratt	
Emerson	King	Roberts, Mass.	

NAYS—251.

Abercrombie	Aswell	Blackmon	Burke
Adair	Ayres	Booher	Butler
Adamson	Bailey	Britt	Byrnes, S. C.
Aiken	Barkley	Browne	Byrns, Tenn.
Alexander	Barnhart	Browning	Callaway
Almon	Beakes	Brumbaugh	Campbell
Anderson	Beales	Buchanan, Ill.	Candler, Miss.
Anthony	Bell	Buchanan, Tex.	Caraway
Ashbrook	Black	Burgess	Carlin

Carter, Okla.	Gray, Ind.	McDermott	Shallenberger
Church	Green, Iowa	McGillicuddy	Sherwood
Clark, Fla.	Greene, Vt.	McKellar	Shouse
Cline	Gregg	McKenzie	Sims
Collier	Hamlin	McLaughlin	Sinnott
Connelly	Hardy	McLemore	Sisson
Cooper, Ohio	Harrison	Madden	Slayden
Cox	Hastings	Matthews	Slemp
Crago	Haugen	Mays	Sloan
Cramton	Hawley	Meeker	Small
Crisp	Hay	Miller, Minn.	Smith, Idaho
Crosser	Hayden	Miller, Pa.	Smith, Mich.
Cullop	Heflin	Mondell	Steagall
Dale, Vt.	Helgesen	Montague	Stedman
Davenport	Helm	Moon	Steele, Iowa
Davis, Minn.	Helvering	Moore, Pa.	Steele, Pa.
Davis, Tex.	Henry	Morgan, La.	Steenerson
Decker	Hensley	Morgan, Okla.	Stephens, Miss.
Denison	Holland	Morrison	Stephens, Nebr.
Dent	Hollingsworth	Moss, Ind.	Stephens, Tex.
Dickinson	Hood	Murray	Sterling
Dies	Houston	Neely	Stone
Dill	Howard	Nelson	Stout
Dillon	Howell	Nicholls, S. C.	Sumners
Dixon	Hughes	Oldfield	Sweet
Doolittle	Hull, Iowa	Oliver	Taggart
Doremus	Hull, Tenn.	Overmyer	Talbott
Doughton	Humphreys, Miss.	Padgett	Tavenner
Dowell	Igoe	Page, N. C.	Taylor, Ark.
Dupré	Jacoway	Park	Taylor, Colo.
Dyer	Johnson, Ky.	Pou	Temple
Eagle	Johnson, S. Dak.	Powers	Thomas
Edwards	Jones	Price	Thompson
Ellsworth	Kearns	Quin	Tillman
Esch	Keating	Ragsdale	Timberlake
Evans	Kelley	Rainey	Towner
Ferris	Kennedy, Iowa.	Raker	Tribble
Fess	Key, Ohio	Ramseyer	Van Dyke
Finley	Kincheloe	Randall	Venable
Fitzgerald	Kinkaid	Rauch	Vinson
Flood	Kitchin	Rayburn	Volstead
Foght	Konop	Reavis	Walker
Foster	Lazaro	Reilly	Watson, Pa.
Frear	Lenroot	Ricketts	Watson, Va.
Gallagher	Lever	Rodenberg	Webb
Gandy	Lieb	Rouse	Williams, T. S.
Gard	Linthicum	Rubey	Williams, W. E.
Garland	Lloyd	Rucker	Wilson, La.
Garner	Lobeck	Russell, Mo.	Wingo
Garrett	London	Russell, Ohio	Wise
Glass	McAndrews	Sabath	Woods, Iowa
Goodwin, Ark.	McClintic	Saunders	Young, N. Dak.
Gordon	McCracken	Scott, Mich.	Young, Tex.
Gray, Ala.	McCulloch	Scott, Pa.	

ANSWERED "PRESENT"—2.

Borland Wilson, Fla.

NOT VOTING—71.

Allen	Godwin, N. C.	Kreider	Peters
Bacharach	Good	Lafean	Riordan
Barchfeld	Graham	Langley	Rowland
Burnett	Gray, N. J.	Lee	Schall
Caldwell	Griest	Lehlbach	Scully
Cantrill	Hamill	Lesher	Sears
Casey	Hamilton, N. Y.	Lewis	Shackleford
Coleman	Hart	Liebel	Smith, Minn.
Conry	Heaton	Lindbergh	Sparkman
Costello	Hilliard	Littlepage	Sutherland
Driscoll	Hinds	Longworth	Switzer
Drukker	Huddleston	Maher	Tague
Eagan	Hutchinson	Martin	Vare
Estopinal	James	Mooney	Ward
Fairchild	Keister	Morin	Watkins
Flynn	Kent	Nichols, Mich.	Whaley
Fordney	Kettner	North	Williams, Ohio
Gallivan	Kiess, Pa.	Norton	

So the motion of Mr. KAHN as to section 56 was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. LONGWORTH (for section 56) with Mr. LITTLEPAGE (against).

Mr. BORLAND (for section 56) with Mr. GOOD (against).

Mr. SCULLY (for section 56) with Mr. WILSON of Florida (against).

Mr. PETERS (for section 56) with Mr. HILLIARD (against).

Mr. HAMILTON of New York (for section 56) with Mr. HUDDLESTON (against).

Mr. FAIRCHILD (for section 56) with Mr. GOOD (against).

Until further notice:

Mr. CASEY with Mr. WILLIAMS of Ohio.

Mr. EAGAN with Mr. SUTHERLAND.

Mr. TAGUE with Mr. MORIN.

Mr. WHALEY with Mr. LEHLBACH.

Mr. LEWIS with Mr. KREIDER.

Mr. SEARS with Mr. HUTCHINSON.

Mr. ESTOPINAL with Mr. NICHOLS of Michigan.

Mr. FLYNN with Mr. MOONEY.

Mr. HART with Mr. JAMES.

Mr. GALLIVAN with Mr. SMITH of Minnesota.

Mr. HAMILL with Mr. GRAY of New Jersey.

Mr. KETTNER with Mr. BACHARACH.

Mr. BURNETT with Mr. DRUKKER.

Mr. SHACKLEFORD with Mr. VARE.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. SHACKLEFORD, indefinitely, on account of illness.

To Mr. EAGAN, for three days, on account of illness in his family.

To Mr. STINESS, for one week, on account of important business.

REMOVAL OF BOTANIC GARDEN.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask unanimous consent to file a minority report on H. R. 15313, a bill to remove the Botanic Garden to Rock Creek Park. (H. Rept. 641, pt. 2.)

The SPEAKER. The gentleman from Florida asks unanimous consent to file a minority report on the bill H. R. 15313.

Mr. MANN. What is the request?

Mr. CLARK of Florida. To file a minority report on the bill (H. R. 15313) to remove the Botanic Garden to Rock Creek Park.

The SPEAKER. Is there objection?

There was no objection.

THE MILITARY ESTABLISHMENT.

The SPEAKER. The next question is on section 122, and there has been provided 80 minutes' debate on it.

Mr. HAY. Do the gentlemen desire to have it read?

The SPEAKER. If the gentleman will state in a word what it is, there will be no use in reading it.

Mr. MANN. It is the nitrate proposition.

Mr. HAY. Do you want it read?

Mr. MANN. No.

Mr. HAY. I offer a substitute.

The SPEAKER. The gentleman from Virginia [Mr. HAY] offers a substitute.

Mr. MANN. Just a moment. Under the agreement it is in order to move that it is the sense of the House that the amendment ought to be agreed to.

Mr. HAY. I will make that motion.

Mr. MANN. I think that some one ought to make the motion and have it pending.

Mr. HAY. I will make that as a formal motion, that it be agreed to with the following substitute.

Mr. MANN. First that it be agreed to, and then you offer your substitute.

The SPEAKER. The gentleman makes the formal motion that section 122 be agreed to, and then he offers a substitute for it, which the Clerk will report.

The Clerk read as follows:

Amend Senate amendment to H. R. 12766 by striking out all of section 122 and inserting in lieu thereof the following:

"SEC. 122. That the President of the United States is hereby authorized and empowered to make or cause to be made such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use, and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites upon any navigable river or rivers or upon the public lands as, in his opinion, will be necessary for carrying out the purposes of this act, and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power if in his judgment is best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

"That the President is authorized to lease, purchase, or acquire by condemnation, gift, grant, or devise such lands and rights of way as may be necessary for the construction and operation of such plants and to take from any lands of the United States, or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

"That the products of such plants shall be used by the President for military or naval purposes, and any surplus of either products or power not necessary for governmental purposes may be sold and disposed of under such regulations as he may prescribe: *Provided*, The surplus power so sold and disposed of shall be used in the manufacture of fertilizer and other useful products.

"That the President is hereby authorized and empowered to employ such officers, agents, or agencies as may, in his discretion, be necessary to enable him to carry out the purposes herein specified and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

"That the sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.

"That the plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

"That in order to raise the money appropriated by this act and necessary to carry its provisions into effect, the Secretary of the Treasury, upon the request of the President of the United States, may issue and sell or use for such purpose or construction hereinabove authorized any of the bonds of the United States now available in the Treasury of the

United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $20,000,000: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable, and fix instead of 50 years after date of issue, as in said act of August 5, 1909, not exceeding 50 years."

Mr. LENROOT and Mr. FOSTER rose.

Mr. FOSTER. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] offers an amendment.

Mr. MANN. Mr. Speaker, I submit that this side of the House is entitled to recognition.

The SPEAKER. I think that is correct. The gentleman from Wisconsin [Mr LENROOT] is recognized.

Mr. LENROOT. Mr. Speaker, I offer an amendment to the original section.

Mr. FOSTER. Being recognized, Mr. Speaker, I think I have the right to offer an amendment.

The SPEAKER. The Chair can not hear what the gentleman says.

Mr. FOSTER. I said I thought I had the right to offer an amendment to this amendment.

Mr. MANN. You will have that right.

Mr. HAY. I suggest, Mr. Speaker, that all gentlemen who desire to offer amendments may be permitted to do so, so that all phases of this matter may be voted upon.

Mr. MANN. There is no difficulty about it at all. The gentleman from Wisconsin [Mr. LENROOT] is offering an amendment.

Mr. FOSTER. The gentleman from Wisconsin is no more entitled than I am. It seems to me I ought to have the right.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOSTER] and then the other.

The Clerk read as follows:

Amendment offered by Mr. FOSTER: Strike out all of the third paragraph of the amendment and insert the following:

"That the products of such plant shall be used by the President for military and naval purposes, to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.".

The SPEAKER. Now the Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Amend Senate amendment to H. R. 12766 by striking out of said amendment lines 14 to 25, inclusive, on page 206, and lines 1 and 2, on page 207, and inserting in lieu thereof the following:

"That the Secretary of War is authorized and directed to investigate and to recommend for designation or withdrawal such dam sites and water-power sites as in his opinion will be necessary for carrying out the purposes of this act.

"That the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture are constituted a commission whose duty it shall be to ascertain the most practicable means and comparative costs of producing within the United States nitrogen compounds by the fixation of atmospheric nitrogen or otherwise needed for munitions of war and useful in the manufacture of fertilizers and other useful products. In making such investigation the commission may utilize the various agencies of the Government and may cooperate with States or other agencies in the performance of its duties.

"It shall as early as practicable, not later than December 1, 1916, report the facts ascertained together with its recommendations to the President, which recommendations shall include the designation of a site or sites for the construction of a plant or plants for the purposes aforesaid.

"If the commission shall recommend the production of such nitrogen compounds through the utilization of water-power sites, then the Secretary of War is hereby authorized to construct, maintain, and operate at or on any water-power site designated or withdrawn by the President and recommended by the commission as herein provided dams, locks, power houses, and other plants and equipment necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and nitrogen compounds useful as or in the manufacture of fertilizers.

"If such commission shall recommend the production of such nitrogen compounds by means other than the utilization of water-power sites, the Secretary of War is likewise authorized to construct, maintain, and operate at any point recommended by such commission as aforesaid plants and equipment of such character as may have been recommended by such commission as herein provided: *Provided*, That no expenditure shall be made or contracts entered into by the Secretary of War requiring an expenditure for the construction of said plant or plants of a greater amount than the appropriation hereinafter made: *Provided further*, That no expenditure shall be made or contracts entered into for the construction of any dam or plant herein authorized until such processes, patented or otherwise, necessary for the operation of such plants and for the manufacture of such products are first secured."

Further amend by striking out lines 11 to 15, inclusive, on page 207, and insert in lieu thereof the following:

"That the products of such plants shall be used by the Secretary of War and Secretary of the Navy for military and naval purposes to the extent that they may deem necessary, and any surplus which they shall determine is not so required shall be sold and disposed of by the Secretary of Agriculture under such regulations as he may prescribe."

The SPEAKER. The gentleman from Virginia [Mr. HAY] is entitled to 40 minutes and the gentleman from California [Mr. KAHN] to 40 minutes.

Mr. HAY. Mr. Speaker, I will ask if anybody else wants to offer any further propositions. Does the gentleman from South Carolina [Mr. LEVER] want to offer an amendment?

Mr. LEVER. No.

Mr. HAY. I want to say, Mr. Speaker, that if anybody wants to offer an amendment, he ought to do it now. It ought to be pending. There will be no five-minute debate after the general debate is ended.

Mr. LEVER. Mr. Speaker, with that statement, I offer the following amendment to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]. I offer it to the second amendment.

The SPEAKER. The Clerk will report it.

Mr. MANN. Let that be offered by unanimous consent. Let us see what the status would be.

The Clerk read as follows:

Mr LEVER offers the following as a substitute for the amendment offered by Mr. LENROOT: "That the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture are constituted a commission whose duty it shall be to ascertain the practicability and best means of producing within the United States nitrogen compounds by the fixation of atmospheric nitrogen or otherwise and of obtaining potash from kelp, alunite, feldspar, or any other material for use in the manufacture of munitions of war and fertilizers.

"The commission may utilize the various agencies of the Government and may cooperate with States and with private persons or agencies in carrying out its purposes, and shall report to Congress as early as practicable, not later than the first day of the next regular session of this Congress, the facts ascertained, together with recommendations for action by Congress and the draft of a bill to carry out such recommendations.

"The commission may elect a chairman, and the funds appropriated for its use shall be paid out on warrants signed by him, or by an acting chairman designated by him, drawn on the Secretary of the Treasury.

"There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the sum of $50,000, to enable the commission to carry out its purposes, including the hire of experts, clerks, and other employees, and payment of rent, traveling and other expenses, within and outside of the District of Columbia.

"To provide an adequate supply of nitrogen compounds produced by the fixation of atmospheric nitrogen or otherwise, and to provide an adequate supply of potash for the military and agricultural needs of the United States, the appropriation hereafter of such sum or sums as may be necessary is hereby authorized."

Mr. LENROOT. Mr. Speaker, reserving a point of order upon it, this is a substitute for the entire section. My amendment amends only certain portions of the section. Therefore I shall have to make a point of order. I do not think there will be any difficulty in securing a separate vote upon this proposition.

Mr. HAY. I ask unanimous consent, Mr. Speaker, that all these propositions may be voted upon.

Mr. LEVER. That is satisfactory to me.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that all these amendments and substitutes, and so forth, be voted for by the House. Is there objection?

There was no objection.

Mr. SMALL. Mr. Speaker, I offer an amendment.

The SPEAKER. To what?

Mr. SMALL. To the amendment offered by the gentleman from Virginia [Mr. HAY].

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. SMALL to the substitute offered by Mr. HAY: After the word "other," in line 7, strike out the word "power" and insert the word "method."

Mr. LENROOT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LENROOT. As the amendments now stand, would I not be entitled to a vote upon my amendment in advance of the other propositions that have been made, mine being an amendment to the original section?

Mr. HAY. The vote on the substitute comes first.

The SPEAKER. This unanimous consent to offer all these things knocks the rule endwise.

Mr. MANN. There has not been any unanimous consent to offer them all, has there been?

The SPEAKER. Yes. The gentleman is mistaken. It has not been two minutes since the gentleman from Virginia [Mr. HAY] asked unanimous consent.

Mr. MANN. We did not understand it that way.

The SPEAKER. The Chair can not help that.

Mr. MANN. I think the Chair should help.

The SPEAKER. The Chair put the question, as he always does, and nobody objected.

Mr. MANN. The Chair did not state the question. I understood it only related to the Lever amendment. I have no objection, though.

Mr. HAY. I asked unanimous consent that all gentlemen should have the right to offer these amendments and that they

should be voted upon at some time during these proceedings. As I understood, the Chair put the question.

The SPEAKER. The Chair did put the question.

Mr. MANN. What the Chair stated was, "Is there objection."

The SPEAKER. And nobody objected.

Mr. MANN. That is true; but hereafter when the Chair states that, I shall object unless the Chair states the question. We understood that it related only to the Lever amendment. I want everybody to have a chance to offer amendments, but it is important to know in advance the order of voting.

Mr. HAY. I know, and that is a thing that the Speaker must decide.

Mr. MANN. We ought to have it decided in advance, then; and, as I understand——

The SPEAKER. The Chair carried out the technical rule exactly. The Official Reporter's notes show that the Chair said that the gentleman from Virginia asked unanimous consent that all of the amendments and substitutes be voted on, and the Chair asked if there was any objection, and nobody objected. That is what the Official Reporter's notes show.

Mr. MANN. I have no doubt that is what the Official Reporter's notes show, but that is not the question.

The SPEAKER. What is the question?

Mr. MANN. As the Chair just stated, it was that all those amendments should be voted upon.

The SPEAKER. That is all the Chair could state.

Mr. MANN. But it was not in order to offer them.

The SPEAKER. The Chair knows that technically under the rule you can have one amendment, an amendment to the amendment, a substitute for that, and one amendment to the substitute. That is the rule, and when the gentleman from Virginia [Mr. HAY] got unanimous consent that these amendments should be voted on, as the Chair stated a while ago, that knocked the rule in the head temporarily.

Mr. SLAYDEN. Knocked it endwise, the Speaker said.

Mr. HAY. I will say to the gentleman from Illinois——

Mr. MANN. I have no objection to the amendments being offered, but we would like to know what the order is as to voting before we give consent.

Mr. HAY. There is no trouble about that.

The SPEAKER. There will be no trouble about that.

Mr. MANN. That remains to be seen.

The SPEAKER. The vote is first on the amendment to the substitute. That is Dr. FOSTER's amendment.

Mr. HAY. As a matter of fact, Mr. Speaker, neither one of these propositions is a substitute. They are both amendments to the section.

The SPEAKER. The gentleman offered his substitute. Then the gentleman from Illinois [Mr. FOSTER] offered an amendment to that. The gentleman from Wisconsin [Mr. LENROOT] offered an amendment, or a paper that from the hasty reading of it seemed to the Chair to be a substitute.

Mr. MANN. No; to the original text.

Mr. LENROOT. To the original text, not to strike out all.

The SPEAKER. Then in the fourth place the gentleman from South Carolina [Mr. LEVER] offered a substitute. Then the gentleman from North Carolina [Mr. SMALL] offered an amendment to the substitute. Now, the Chair thinks that the proper order of voting would be that the amendment of the gentleman from Illinois [Mr. FOSTER] be voted on first, and the amendment of the gentleman from Wisconsin [Mr. LENROOT] be voted on second; then, that the substitute of the gentleman from Virginia [Mr. HAY] be voted on, and if that is agreed to that is the end of it.

Mr. SHERLEY. If the Chair please, the motion made by the gentleman from Virginia [Mr. HAY] does not differ in its character from that made by the gentleman from Wisconsin [Mr. LENROOT]. At the instance of the gentleman from Illinois [Mr. MANN] it was suggested that a motion ought to be made by someone to agree to this amendment of the Senate, and then these other amendments would come in; whereupon the gentleman from Virginia [Mr. HAY] made that motion, and with it the amendment which he sent to the desk and which was read. Now the gentleman from Wisconsin [Mr. LENROOT] offered in lieu of that an amendment to section 122, and that is exactly what the gentleman from Virginia [Mr. HAY] has done. He has offered an amendment to section 122.

Mr. LENROOT. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. LENROOT. The gentleman from Virginia has offered a substitute for section 122. I have offered a simple amendment.

Mr. SHERLEY. The gentleman is mistaken in fact, because what happened was this: The gentleman from Virginia moved that section 122 be agreed to, and he did it at the suggestion of the gentleman from Illinois, and then immediately followed it with an amendment. In other words, if the motion be agreed to——

Mr. LENROOT. The gentleman is mistaken about what took place.

Mr. SHERLEY. The record will show.

Mr. LENROOT. We know what took place, but the gentleman is mistaken as to the——

The SPEAKER. The gentleman from Virginia [Mr. HAY] made two motions, and they have nothing in the world to do with each other.

Mr. MANN. Mr. Speaker, the gentleman from Virginia [Mr. HAY] offered a motion that it be the sense of the House that section 122 of the Senate amendment be agreed to, because that was necessary, under the rule that was adopted, to get in another amendment.

The SPEAKER. Yes; that is correct.

Mr. MANN. Then the gentleman from Virginia offered a substitute for section 122. We had figured the matter out. The gentleman from Virginia could offer an amendment to section 122, to strike out all after the first word, and if he had we should have offered a substitute for it, to make it six of one and half a dozen of the other. Then the gentleman from Illinois, my colleague, Dr. FOSTER, offered an amendment to the substitute. Then the gentleman from Wisconsin, Mr. LENROOT, offered an amendment to the original text. So far, that is easy, and that is as far as you could go under the ordinary rule.

The SPEAKER. Yes.

Mr. MANN. And under that the first vote in order would be upon perfecting the original text of the bill and then on perfecting the text of the substitute, and then on the substitute.

Mr. HAY. That is the Hay substitute.

Mr. MANN. Yes. Then the gentleman from South Carolina, Mr. SMALL offered what he called a substitute, though, of course, he could not offer a substitute except by unanimous consent, to the motion of the gentleman from Wisconsin [Mr. LENROOT] and several others. Now, of course, you can not vote on the substitute of the gentleman from Virginia first, because if it is agreed to that ends everything. We do not care how we vote, so that we understand. Having got beyond the parliamentary stages of amendment, we must have an understanding and agreement as to how the vote is to be taken.

Mr. LEVER. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. LEVER. As I understood it the gentleman from Virginia [Mr. HAY] in his first motion moved that the sense of the House is not to agree to the Senate amendment.

Mr. MANN. No; to agree. That is the form of the motion. That motion had to be made.

Mr. LEVER. To agree to the Senate amendment; yes.

The question I wish to ask is, Will that be a straight vote unencumbered by amendments to the substitute?

Mr. MANN. Undoubtedly there will be a straight vote on that.

Mr. HAY. It seems to me that I having offered a substitute and the gentleman from Illinois [Mr. FOSTER] having offered an amendment to that substitute, the first vote is on his amendment to the substitute.

The SPEAKER. No question about that.

Mr. HAY. Very well; when the substitute is perfected then the vote comes. I take it, on the amendment of the gentleman from Wisconsin [Mr. LENROOT] who desires to perfect the text.

The SPEAKER. Yes.

Mr. HAY. Then it comes on the substitute offered by the gentleman from South Carolina [Mr. LEVER] if that is still where it can be gotten up. Then some other gentleman over on that side seemed to want to offer some amendments.

Mr. MANN. That is all we want to get at, to know the order of voting.

Mr. FERRIS. Mr. Speaker, irrespective of, and way beyond the offering of amendments, the gentleman from Virginia [Mr. HAY] asked unanimous consent that a separate vote be had on each proposition in the order that they were offered. The Speaker of the House put the motion and there was no objection heard. The gentleman from Illinois now comes in and wants to change that because he says he did not understand it. I submit that if there was a bona fide misunderstanding——

The SPEAKER. Here is what the gentleman from Oklahoma gets wrong. The reporter's notes do not show, and I do not think it ever happened, that the gentleman from Virginia made any request that they be voted on as they were offered.

Mr. HAY. No; the request I made was that everybody who wanted to offer an amendment be allowed now to offer it. That was all.

The SPEAKER. The only question bothering anybody now is to get at the order in which the various propositions that are contrary to the rule shall be voted on.

Mr. FERRIS. I submit that the chairman of the committee, who offered the original proposition under a tacit consent, should have his proposition voted on first.

Mr. SHERLEY. Mr. Speaker, if the Chair will permit, I think the matter can be arrived at by unanimous agreement. As long as consent is being given that a vote be had on every amendment, it must follow that we shall arrange not to have a vote come on an amendment at a stage at which it can not properly have any effect. I suggest that it ought to be this, that the amendment offered by the gentleman from Virginia——

Mr. MANN. To perfect the text of the substitute.

Mr. SHERLEY. First to perfect the text of the substitute offered by the gentleman from Virginia; then there should be a vote on the amendment to the one offered by the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. There is none pending.

Mr. SHERLEY. I understood the gentleman from South Carolina [Mr. LEVER] offered one.

Mr. LENROOT. I made a point of order, and he withdrew it.

Mr. SHERLEY. Then let the vote come on the amendment of the gentleman from Wisconsin; and if that carries there will then come a vote on the motion of the gentleman from Illinois. If it is voted down, then there comes a vote on the motion of the gentleman from Virginia——

Mr. MANN. That is all right; that is perfectly agreeable. Let us see if we understand it. As I understand the gentleman's proposition, it is that the final vote shall be taken on the first motion that we agree to the Senate amendment 122; that the vote before the final vote shall be had on perfecting the substitute of the gentleman from Virginia.

Mr. HAY. I did not understand that; I understood the Speaker to say that the first vote was on the amendment of the gentleman from Illinois [Mr. FOSTER].

Mr. MANN. I have not got to that yet.

Mr. FITZGERALD. Why does not the gentleman from Illinois state it in the reverse order?

Mr. MANN. The first vote should be on the amendment, either in the order or reverse order, as the gentleman from Kentucky said, but he did not say which, to the Hay substitute.

Mr. SHERLEY. I do not think it matters. What you have to do is to perfect the Hay substitute.

Mr. MANN. The order in which they are offered or the reverse order—it is immaterial to me.

Mr. SHERLEY. I do not care.

Mr. LENROOT. I would like to inquire whether as a matter of parliamentary law we are not entitled to perfect the original section before any amendment is voted upon to a substitute?

Mr. HAY. This is not an original section; this is a part of an amendment of the Senate.

Mr. LENROOT. For this purpose it is considered a separate section.

Mr. HAY. It is not; it does not come within the usual parliamentary procedure. We are considering a proposition contained in one section of the Senate amendment, and the proposition is, I offer a substitute for that section and the gentleman from Illinois [Mr. FOSTER] offers an amendment to the substitute and the gentleman from Wisconsin offers an amendment to the section. I thought it was understood that we should first perfect the substitute I offered and then vote on the amendment offered by the gentleman from Wisconsin and then vote on the substitute.

The SPEAKER. That is easy enough down to where you strike the amendment of the gentleman from North Carolina. What becomes of him?

Mr. HAY. If the proposition of the gentleman from Wisconsin is voted down, then we can vote on the amendment offered by the gentleman from North Carolina.

Mr. LEVER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVER. There are a number of us here who desire a straight vote on the Senate proposition.

It seems to me, as the parliamentary situation stands, there can be no direct vote on the proposition, and it looks to me as if it would expedite matters if we could have a separate vote on the Senate proposition. If that is voted down, then these other propositions would logically follow.

Mr. MANN. That can not be done.

Mr. LEVER. We are taking up a lot of time here the other way in not getting a separate vote.

Mr. MANN. Mr. Speaker, I am going to make a request for unanimous consent, after I call the attention of the Chair to the rules.

The SPEAKER. This whole matter is entirely out of the usual rule, and the only thing to do is to get a unanimous-consent agreement as to how to vote on these various propositions. If we do not get an agreement, the Chair will exercise the best sense he has as to which amendment shall be voted on first.

Mr. MANN. The Chair I suppose will observe the rules as far as they apply.

The SPEAKER. The Chair will observe the rules as far as they apply.

Mr. MANN. Under the agreement section 122 of the Senate amendment is before the House, with the right to offer amendments to it. The rule—Rule XIX—provides:

> When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected.

That clearly states whether you shall vote on the amendment to the original text or on the substitute first, and states that while all of these amendments or motions may be pending at one time the vote is first taken on the motion to perfect the text. I ask unanimous consent that the vote may first be taken on the amendments to perfect the text of section 122.

The SPEAKER. Is that the Lenroot amendment?

Mr. MANN. And the Lever amendment in the order in which they are offered, and that then the votes may be taken on the amendments to perfect the substitute in the order in which they are offered.

Mr. LEVER. Why would not the gentleman give us a separate vote on the Senate proposition first and then these other matters will work out easily? There are a number of us who would like to have a separate vote on it.

Mr. MANN. Suppose on a separate vote the House should determine, with nothing else before it, that it was the sense of the House that section 122 be agreed to. Then there would be nothing else left.

Mr. LEVER. That is what we would like to have done.

Mr. MANN. I know, but the gentleman wants to prevent us voting on any other proposition, and we will not consent to that.

Mr. HAY. Mr. Speaker, for the purpose of leaving the whole matter with the Speaker, I object.

Mr. MILLER of Pennsylvania. That is right, and that ought to have been done half an hour ago.

The SPEAKER. If the whole thing is left with the Speaker, this is the order in which the vote will be taken. The first vote will be taken on the Lenroot amendment. That goes to perfecting the text. Then the vote will be on the Foster amendment to perfect the substitute of the gentleman from Virginia [Mr. HAY]. Then the vote will be taken on the Small amendment to perfect this extraordinary substitute of the gentleman from South Carolina [Mr. LEVER].

Mr. HAY. But, Mr. Speaker, the gentleman from North Carolina [Mr. SMALL] offered an amendment to the substitute which I offered.

The SPEAKER. Then that is to be voted on after the Foster amendment. Then the vote will be on the Lever amendment as a substitute for the substitute.

Mr. STERLING. Mr. Speaker, I have an amendment which I desire to offer to the original text.

The SPEAKER. The gentleman will send it up, and the Clerk will report.

The Clerk read as follows:

> Amendment by Mr. STERLING: Page 207, strike out lines 20 to 23, inclusive.

Mr. ANTHONY. Mr. Speaker, I have an amendment that I would like to offer.

The SPEAKER. What is it to?

Mr. ANTHONY. Section 122.

The SPEAKER. To perfect the text?

Mr. ANTHONY. It is a substitute for the section.

The SPEAKER. We have two substitutes now.

Mr. ANTHONY. But it has been the understanding that section 122 was open to amendment and that all amendments would be pending, so I desire to offer it.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. On the amendments offered as substitutes for the original text, I take it that the first vote would be on the Hay substitute.

The SPEAKER. Yes.

Mr. MANN. If that should be agreed to, would there be anything else left of the other substitutes offered? I do not see how there could be myself.

The SPEAKER. The Chair will state it over again. The first vote will be taken on the Lenroot amendment. The second vote will be on the Sterling amendment because it is an amendment to perfect the text. The third vote will then be taken on the Foster amendment to the Hay substitute. The fourth vote will be on the Small amendment to the Hay substitute.

Mr. LEVER. Mr. Speaker, I think probably I can help cut the Gordian knot by asking unanimous consent to withdraw my amendment.

The SPEAKER. The Chair is much obliged to the gentleman. [Laughter and applause.] The gentleman from South Carolina withdraws his amendment. Then the vote will be taken on the Hay substitute as perfected.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. Then on the Hay substitute as perfected.

Mr. ADAMSON. Mr. Speaker, I would like to propound a parliamentary inquiry to the Speaker. There is pending here on the calendar a substitute for the Shields bill, reported by the Committee on Interstate and Foreign Commerce, that if passed would guarantee the use of private capital for all these desired projects. I want to know whether if it would be in order anywhere in connection with all this complicated situation to offer that bill as a solution?

The SPEAKER. The Chair does not think it would be germane. The gentleman from Virginia is recognized for 40 minutes.

Mr. MANN. What becomes of the Anthony substitute?

The SPEAKER. Is the paper sent up by the gentleman from Kansas an amendment or a substitute?

Mr. ANTHONY. I sent up a substitute.

The SPEAKER. Is it a substitute or an amendment?

Mr. ANTHONY. It is offered as a substitute.

The SPEAKER. For what?

Mr. ANTHONY. For section 122.

The SPEAKER. The Chair knows, but the gentleman from Virginia has offered a substitute.

Mr. ANTHONY. I ask that my substitute be considered after that of the gentleman from Virginia is considered.

The SPEAKER. All right. The gentleman from Virginia is recognized for 40 minutes.

Mr. FITZGERALD. If this substitute is offered, I am going to make a point of order against it. Mr. Speaker, I make the point of order that no other substitute is in order.

The SPEAKER. The Clerk will report the Anthony substitute.

Mr. HAY. There was unanimous consent asked to offer the substitute.

The SPEAKER. Yes; and the Chair has ordered the Clerk to read it.

The Clerk read as follows:

> That a commission of three officers of Engineers shall be designated by the Secretary of War to investigate and report at the earliest date practicable on the most desirable site for the location for the establishment of hydroelectric power for the purpose of the location of a plant for the manufacture of atmospheric nitrogen, and that the President is hereby authorized to select the most desirable location, and the construction of dams, power houses, and the installation of suitable machinery is hereby authorized: *Provided further*, That the President is also authorized to approve, should he deem it advisable, a contract with such responsible manufacturers of atmospheric nitrogen as will pay the United States not less than 3 per cent per annum on the value of site, dam, and power plant, and reserving to the Secretary of War the right to use such manufacturing plant exclusively if necessary for the purposes of the Government in time of war, and to equitably regulate the prices at which these products shall be sold in time of peace.

Mr. HAY. Mr. Speaker, I desire to be recognized for five minutes—that is, I want the time called at the end of five minutes. Mr. Speaker, if there is any one proposition that makes for preparedness in this bill it is the proposition to establish a nitrate plant through which the Government can manufacture powder enough to supply its needs in time of war. At present the Government and every other powder manufacturer in this country has to rely upon the Chilean nitrate beds for the nitrates which are necessary to manufacture powder. I am opposed to the proposition of the gentleman from Wisconsin [Mr. LENROOT] because it provides for a commission and postpones the preparation which we ought to make at once. I am opposed to the proposition of the gentleman from South Carolina [Mr. LEVER] for the same reason. I want to see the House authorize a nitrate plant and appropriate the money to put it up and have that done as soon as possible. [Applause.] I know nothing about this question of water power that seems to enter into this proposition. All I want is to give the Government the power to do this and to do it at once, and all these questions of water power I leave for other gentlemen to settle, and ask the House in the final analysis to vote for a plant and to vote for the money to build it. I reserve the balance of my time. [Applause.]

The SPEAKER. The gentleman has used three minutes.

Mr. KAHN. Mr. Speaker, I yield 20 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, the gentleman from Virginia [Mr. HAY] has just stated that he knew nothing about the water-power proposition in connection with this question, and that ignorance upon his part, and that alone, excuses the gentleman from Virginia for offering a substitute in the form in which he has offered it. Mr. Speaker, I have in times past expressed a fear that this water-power lobby, which has been so active and so pernicious about this Capitol, would get that which it desired from the conference committee upon this bill, and, Mr. Speaker, if the substitute of the gentleman from Virginia, as proposed, is adopted, this water-power lobby gets exactly what it wants. This water-power lobby then gets what it has been before the Committee on Rivers and Harbors trying to get, before the various committees of the House trying to get. The Muscle Shoals Water Power——

Mr. GORDON. Will the gentleman yield?

Mr. LENROOT. I can not yield now—selling to this company the surplus that is not needed for the governmental uses provided for in this bill to this American Cyanamide Co. something over 150,000 horsepower for $3 per year, whereas they are now paying, this same company, at Niagara Falls, $10.50 per year. That is the proposition. I am sorry, indeed, that the gentleman from Virginia has been led into it. The amendment that he has proposed is deceptive in itself. He has one provision that provides that there shall be no private cooperation in this business and he has another proposition absolutely inconsistent and in conflict with it that requires the sale of this surplus power to corporations, for what?

The manufacture of fertilizer means either the American Cyanamide Co. or the Du Pont Powder Co., for they have the only two processes known in the United States for the manufacture of fertilizer through fixed nitrogen.

Now, Mr. Speaker, the amendment I have proposed ought to appeal to every Member of this House. It provides that this entire matter be investigated by a commission consisting of the Secretary of Agriculture, the Secretary of War, and the Secretary of the Interior, with instructions to investigate the methods of obtaining fixed nitrogen and nitrogen compounds, with power to designate the site upon which a plant shall be constructed, and to make their recommendations to the President as soon as may be, but not later than December 1 next. If they find that the cheapest and best method is the extraction of this nitrogen from coal and peat and products of that kind, they may so recommend, and such a plant will be constructed. If they find that water power is the best means, they will recommend that. But until this investigation is made, until they make the report to the President, the Secretary of War is not authorized by my amendment to expend a single dollar, and he ought not to be.

Why, Mr. Speaker, it is unthinkable, almost, the way this situation comes before Congress. We have a proposition here upon which no committee of the House has ever taken any testimony or attempted to secure any information, except from Frank Washburn, the president of the American Cyanamide Co., and the corporations that he represents. Who is Frank Washburn? He is chairman of the board of directors of the Alabama Water Power Co., which is the Muscle Shoals proposition. He is president of the American Cyanamide Co., which has a plant at Niagara Falls. His associate is J. W. Worthington, director of the Alabama Water Power Co.; and, Mr. Speaker, inasmuch as the gentleman from Virginia [Mr. HAY] has offered this amendment and asked you upon the Democratic side of the House to follow him, I want to read into this RECORD a telegram from this same J. W. Worthington to N. C. Elting, Florence, Ala., dated March 7, right after the Army bill was reported, and which, as you know, contained an authorization for this kind of a plant. He says:

> Will you please extend my thanks and hearty feeling of congratulations and encouragement to the courageous, upstanding, constructive people of Florence, and tell them that the bill introduced in the House by the Military Committee authorizing the development of water power and construction of atmospheric nitrogen nitric-acid plants, and Chairman HAY, in his report on the bill, in part says:
>
> "The committee consider this question of the first importance in the consideration of preparedness for national security."

Mark what follows, with reference to this water-power lobby:

> Our efforts, supported by the lead of Florence, secured the authorization for the proposed development, and if Florence will stand pat, put up, and see us through, we will get these plants. The total development with fertilizer plants established to cost $50,000,000.

He boasts of the fact that it was this lobby that secured in this Army bill, reported by the gentleman from Virginia, the nitrate plant which this House voted out by a very large majority when it was originally before the House. And, Mr. Speaker, in connection with the efforts of some of these gentlemen, I want to submit to the House a very interesting matter. The Smithsonian Institution has been making some investigations of the different methods of securing nitric acid. They sent to the newspapers of the country a communication, to be published or released on May 6, which was last Saturday. It is as follows:

NATIONAL MUSEUM SHOWS SOURCE OF WAR NITRATES.

WASHINGTON, D. C.

One of the prime essentials in the manufacture of explosives is nitrogen. To-day this country's supply of nitrates is drawn solely from Chilean sources, which would become either unavailable or insufficient to meet the demands in case of war. In view of the importance of nitrogen as nitric acid for military purposes, therefore, it is worth while to know the available sources within the United States, and to this end the United States National Museum has just assembled an exhibit covering the situation.

As indicated in the exhibit, there are three sources of nitrogen, namely, mineral deposits of nitrogen in ores, nitrogen in the air, and nitrogen in coal, together with its present-day analogue, peat. Of the three, the first-named source is at present confined entirely in Chile, and it is doubtful whether any significant deposits will ever be uncovered in this country. The air is composed approximately of four-fifths nitrogen, and accordingly affords an absolutely unlimited source of nitrogen, if feasible means for its extraction were known. Much has been said recently about the discovery of a process of extracting it by means of electricity. It is a fact that, in passing through an electric arc, the oxygen and nitrogen of the air combine to form nitric oxide—a fact which accounts for the odor which is so often noticeable in the immediate vicinity of a flash of lightning.

Many attempts have been made to put this scientific fact on a practical basis, but thus far the only successful efforts in this direction have been made in Norway, where an enormous amount of water power is available for electric generation, and where at the same time, owing to limited manufacturing industries, relatively little of this hydroelectric power is needed commercially. In this country, however, all electric power developed finds a ready market for manufacturing purposes at prices which have thus far rendered its use in the fixation of nitrogen impractical.

There is one other method of recovering nitrogen from the air, known as the cyanamide process, but this, like the direct electrical method, is based fundamentally on the development of water power, and accordingly is open to much the same restrictions as the other process, although this country has one company, located at Niagara Falls, which is actively engaged in the manufacture of nitrogen by the cyanamide process.

The third source, that of nitrogen in coal, is of more practical nature, as is evidenced by the fact that Germany has been able to supply from this one source alone all of the vast requirements in connection with her present state of war. To do this, according to the most authentic statistics available, she has an annual yield of between 250,000 and 300,000 tons of ammonium sulphate from her by-product coking operations. Our own country to-day, according to the latest Geological Survey reports, is producing ammonium sulphate at the rate of 212,000 tons per year, or five-sixths of the total now available to Germany in her present extreme crisis. Moreover, with the wastefulness characteristic of this country's methods, sufficient additional coal is coked by old-fashioned methods to swell the total sulphate production, if saved, to 730,000 tons, or more than twice that of Germany. It is thus seen that without the least extension our present sources can more than care for any emergency, even while supplying all agricultural and other chemical needs.

The nitrogen liberated from coal, it is true, is in the form of ammonia, but its conversion to nitric acid is an extremely simple matter. Some years ago the famous German chemist Ostwald discovered that ammonia gas mixed with air and heated to a moderate temperature in the presence of a platinum wire was oxidized to nitric acid. Accordingly all that is necessary is to pass a correctly proportioned mixture of air and ammonia through a pipe supplied with a platinum wire and let the resultant gas exhaust into a vat of water. The reason why this simple procedure has not long since been put in practice by American manufacturers is that our by-product coke industry is really just in its infancy. The number of our by-products plants now in operation and saving the essentials of nitric acid as well as other valuable coal products is over 40, but the number is constantly increasing at the expense of the wasteful beehive type of oven, which only a few years ago reigned supreme in this country. This gradual elimination of the beehive type of oven in favor of the by-product oven is bound to continue, even if unhastened by any awakening to a real sense of our wastefulness. They are located characteristically at industrial centers, removed from the dangers of the seacoast, and, for the most part, constitute portions of the very type of works which would be called upon to furnish munitions supplies. In the event of war, therefore, an adequate nitrate supply should be among the simplest problems confronting this country.

On May 1 this communication went to the newspapers of the country, reading as follows:

SMITHSONIAN INSTITUTION,
May 1, 1916.

Kill article "National Museum shows source of war nitrates," released for May 6, and return in inclosed franked envelope for insertion of additional data and later publication.

H. W. DORSEY,
Chief Clerk Smithsonian Institution.

Mr. BUTLER. What does that mean?

Mr. LENROOT. I think this House surmises what that means. It means that this communication went to the newspapers of the country and some of the newspapers that were interested with this water-power monopoly communicated the fact, and the lobby here in Washington, through some influence, secured the killing of that article by the Smithsonian Institution.

Mr. SHERLEY. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. SHERLEY. What is there in the Senate provision 122 that would in any way, if it was adopted in its present form, help any water-power company?

Mr. LENROOT. Only one.

Mr. SHERLEY. Put your finger on the language.

Mr. LENROOT. Only one; but nobody proposes, let me say to the gentleman——

Mr. SHERLEY. I propose.

Mr. LENROOT. The gentleman from Virginia does not propose to accept the Senate proposition.

Mr. SHERLEY. I do.

Mr. LENROOT. I will be very frank with the gentleman. There is a very serious question whether we can condemn patented processes so far as the manufacture of fertilizer is concerned, and the gentleman recognizes that is a question there; and my proposition proposes that before we expend money upon a proposition involving $15,000,000 or $20,000,000 that that question shall be first determined so that we may know, after we spend our $15,000,000 or $20,000,000, that we are going to be able then to get nitric acid and nitric-acid compounds.

Mr. RAGSDALE. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman yield?

Mr. LENROOT. No; I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. LENROOT. That is what the situation is, Mr. Speaker. This water-power lobby, infesting every nook and corner of this Capital, is boasting of the fact that it has secured the incorporation of what it desires in the Army bill, as reported to the House. Now it is fair to say that that same interest secured the killing of a communication sent out by the Smithsonian Institution of this city, because they knew that that information, if promulgated, would be detrimental to their proposition.

Now, the gentleman from Kentucky [Mr. SHERLEY] asked me a moment ago what there was in the Senate proposition that would be of interest or benefit to the water-power lobby. I will tell him further that the Senate amendment limits these plants to water powers. Both processes are controlled by a monopoly to-day. Let me read what Mr. Washburn, of the American Cyanamide Co., said in his statement before the Committee on Agriculture. I read:

The CHAIRMAN. Are their processes available to the general public, or are they controlled by one set of men in this country?

Mr. WASHBURN. They are controlled by one concern under patents. We have about 100 patents.

Mr. RUBEY then asked him this question:

Then the next year and the next year you would have additional patents, so that it never would come?

Mr. Washburn interrupted and said:

We propose that no time shall ever come when anybody can compete with us if it is within our power to prevent it.

Now, Mr. Speaker, if this House would act as a business man should act, it would adopt the proposition I have pending, which calls for a full and free investigation by three members of the Cabinet; to investigate the entire question; investigate the methods and cost and determine the sites. Then my proposition permits them to go ahead. There is no delay.

The substitute offered by the gentleman from Virginia [Mr. HAY] looks very fair upon its face. He proposes to put this matter into the hands of the President. I say it looks fair on its face, outside of the proposition that provides for the sale of all surplus power for the purpose of manufacturing fertilizer. But he puts it in the hands of the President. What does that mean? I am not criticizing the President; but it means that the President will turn it over to the Secretary of War, just as the President turned, and very properly turned, the Alaskan Railroad over to the Secretary of the Interior. The Secretary of War very naturally will turn the matter over to the Army engineers, and when we reach the Army engineers we reach Muscle Shoals and this same water-power monopoly.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. FITZGERALD). Does the gentleman yield?

Mr. LENROOT. Yes.

Mr. GORDON. Do you claim the engineers of the Army are controlled by any water-power trust?

Mr. LENROOT. I claim this, and it is not a claim of mine, because it is in black and white——

Mr. GORDON. Let us have your authority for it.

Mr. LENROOT. The Army engineers have recommended to Congress practically the proposition that these gentleman are trying to get.

Mr. GORDON. Is that proof of corruption, or proof that they are controlled by somebody?

Mr. LENROOT. I am not charging them with being corrupt or with being controlled. I am stating the facts, and the result of the matter, sir, is just as injurious if a man honestly recommends giving away a public right as if he does so corruptly. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield to the gentleman from Pennsylvania?

Mr. LENROOT. Yes.

Mr. MOORE of Pennsylvania. The Senate amendment, as I recall it, calls for an appropriation of $15,000,000. The Hay substitute calls for an appropriation of $20,000,000. Can the gentleman explain why the additional $5,000,000 is needed now?

Mr. LENROOT. From the best information I can get I will say this: On streams, other than Muscle Shoals, $15,000,000 would undoubtedly be sufficient, but on Muscle Shoals it will require $20,000,000.

Mr. MOORE of Pennsylvania. Then there must have been some additional information.

Mr. LENROOT. I have no doubt of it.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. SHERLEY. The gentleman wants to be fair, I know.

Mr. LENROOT. Certainly.

Mr. SHERLEY. But there is this difference between the Senate provision and that of the gentleman from Virginia: The Senate provision provides for making nitrates for war purposes, whereas the amendment of the gentleman from Virginia provides for making nitrates also for agricultural purposes.

Mr. LENROOT. The gentleman is mistaken. The Senate amendment does provide exactly what the amendment of the gentleman from Virginia provides for.

Mr. SHERLEY. Very well; all right; but I would rather trust my eyes than your memory.

Mr. LENROOT. It is patent to any Member of the House. There is this difference, that the Senate amendment provides that none of this power shall be disposed of, and that there shall be no private cooperation with plants in connection with the Government plant, while the amendment of the gentleman from Virginia provides that there may be that private cooperation, and that this same American Cyanamide Co., after this expenditure of $20,000,000, may get the benefit of that $20,000,000, except so much of the nitric acid as may be used for Government purposes.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. LENROOT. Yes.

Mr. MOORE of Pennsylvania. The gentleman from Virginia said he knew very little about water-power sites. His substitute, however, appropriates $5,000,000 more than the amendment of the Senate. Can the gentleman give the reason for thus increasing the appropriation by one-fourth?

Mr. LENROOT. I am going to do the gentleman from Virginia the justice to say that I believe he is very ignorant about this question. If he had not been, it can not be possible that he would have offered the amendment that he did.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield for one question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. COOPER of Wisconsin. To see if I understand the gentleman from Wisconsin correctly.

Mr. LENROOT. Yes.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that the only testimony ever taken by the Committee on Military Affairs or by the Committee on Rivers and Harbors or any other committee was the testimony of Mr. Washburn, an officer of this corporation, and his associates?

Mr. LENROOT. So far as this nitrate plant is concerned, yes—except that there was some testimony from Gen. Crozier and another Army engineer.

Mr. GORDON. Will the gentleman yield for a question?

Mr. LENROOT. I can not yield. I want to answer this question; but I want to say that while this particular proposition was before the committee there were only two witnesses before the committee. One was Frank S. Washburn, whom I have referred to, and the other one was Maj. Burgess, the engineer in charge of the Muscle Shoals district, and when he was asked by the committee what he knew about the nitrate proposition he said he did not know anything about it.

Mr. HAY. I yield five minutes to the gentleman from Illinois [Mr. FOSTER], and I understand the gentleman from California will also yield him five minutes.

Mr. KAHN. I yield him five minutes.

The CHAIRMAN. The gentleman from Virginia yields 5 minutes and the gentleman from California yields 5 minutes, and the gentleman from Illinois is recognized for 10 minutes.

Mr. FOSTER. Mr. Speaker, I hope that I am as good a conservationist on water power as is the gentleman who has just taken his seat [Mr. LENROOT]. The gentleman has done good service for the people in this regard, and I have been pleased to be associated with him in this valuable work. I can remember a time only a few years ago upon this floor when there were a number of bills upon the Unanimous Consent Calendar granting franchises for water-power sites, and that I raised my voice here each unanimous-consent day until permission was denied. So I do not think the gentleman from Wisconsin can take to himself all the credit of saving to this Government and to its people all the rights of this valuable asset of the Government.

The gentleman from Wisconsin [Mr. LENROOT] has told you that this means a water-power grab by some great water-power company. I want to call your attention to the fact that in the amendment offered by the gentleman from Virginia [Mr. HAY] the first paragraph provides not only that three Cabinet officers shall investigate this matter and report to the President, but it provides that the President shall make or cause to be made an investigation of the best means and the cheapest way to provide nitrogen for war purposes if necessary. He has the right to call on the Cabinet officers for assistance, and also any other person he sees fit, and then to take what steps in his judgment which are necessary to establish that plant by water power or by other means. It does not necessarily mean he will select water power for this work. Then the amendment which I have offered to the amendment of the gentleman from Virginia [Mr. HAY] provides that the Government shall not go in partnership with anybody, and that whatever surplus power is developed shall be used to make fertilizers and sold to the people. It preserves to the Government the exclusive control of this plant, so that it shall not go into the hands of any monopoly. Can you have a better provision than that? The gentleman from Wisconsin [Mr. LENROOT] failed to tell you these things.

Again, he reads to you a letter from the Smithsonian Institution, a letter that was recalled, as he told you. That letter, I understand, was gotten out in the absence of the curator, and when he returned to the Smithsonian Institution he saw what had been done and he took the proper steps to recall the letter.

Mr. SIMS. Will the gentleman state why he did that?

Mr. FOSTER. I will tell you why in my judgment he did it, because he found it was not correct, and in that case he properly withdrew the letter. Let me say this first: The gentleman speaks about Germany manufacturing such a large amount of nitrogen through its coke ovens. It is true, it has manufactured nitric acid from every conceivable source that was possible. When the war broke out they had in Germany, as I understand, a six weeks' supply of nitric acid on hand. They thought the war would be short. Then after they had gotten into Antwerp they found there a supply of nitric acid. They confiscated that and used it. Then they prohibited the burning of a pound of coal in the German Empire. They made it into coke, and in that way secured the products from the coal, and they manufactured nitric acid and explosives in that way. They used not only the cyanamide process, but they used the arc process and they used every process that it was possible for them to use, because they not only supplied nitric acid for their own country but they supplied very large amounts of nitric acid for Austria for the manufacture of munitions of war. Then it is necessary for Germany to use large quantities of fertilizer if they are to produce food products. Now, these are the facts, and when the gentleman from Wisconsin [Mr. LENROOT] talks about the use of coke ovens, let me say to my friend that it is true that they do develop a great deal of sulphate of ammonia from the coke ovens of the country. It used to be that all the coke was made in what is called the beehive oven, in which the volatile by-products escaped and were wasted; but in the last few years these by-products have been saved so they have been making large quantities of ammonia sulphate. I can give gentlemen the figures to show just what this amounts to. The production of ammonium sulphate and ammonia reduced to sulphate equivalents was 29,279 tons in 1901. It has increased each year from that time to the present. In 1915 there was produced a total of 212,000 tons. Now,

that looks like a large amount and it is increasing very largely, but let me say that with this large increase there was imported into this country in 1915, 67,434 tons of ammonium sulphate, so with what we made and imported there was consumed a total of 279,434 tons.

You must remember that more than one-half of all the products of the coke ovens goes now into the refrigerating business and into the chemical industries of the country. The other 50 per cent goes largely into the manufacture of fertilizer and not into munitions of war. Let me give you some more facts in reference to this matter: There is the cyanamide process of manufacturing nitric acid; there is the arc process; there is the Haber process; the manufacture from nitrate salts imported from Chile; and there is the product of the coke ovens, which is another process. Now, let us see what is the cost of these various processes. I do not know in the proposed plants what process would be used, but the cost of the cyanamide process is 20 per cent less than that produced by the Haber process and over 25 per cent less than that produced by the arc process, assuming that a reasonable power can be secured for the cyanamide per year. It may be assumed that the Haber process will find its place in the highly developed industrial communities, where the necessary skilled labor is available, although the power cost is slightly higher than the above figures because of location. So with this calculation it may reasonably be assumed that the cyanamide process is about $50 or $55 per ton for nitric acid; the Haber process at $65 a ton, if made from Chilean nitrate, and cost about $80 per ton, and from the by-products which come from the coke ovens, which is more expensive than either of the others, would cost about $90 per ton for nitric acid, counting the cost of power at about $8 per horsepower. I do not know what process the President would adopt, but the figures show that the cheapest way to manufacture nitric acid is by the cyanamide process, if a reasonable priced power can be secured. This plant, if established, would require possibly 20,000 or 25,000 horsepower—not to exceed that—to manufacture the 10,000 or 12,000 tons of nitric acid necessary for the use of the Army and Navy in time of peace. It would require at least 100,000 horsepower additional to produce the additional 180,000 tons of nitric acid in time of war. If they develop more than necessary in time of peace, shall we let that power go to waste? It seems to me we ought not to do that, but that we ought to apply the power for some good and useful purpose, which may be used in time of peace and will help the people of this country. What is it? In my judgment, we can not do better than to manufacture fertilizer, that will be sold to the farmers at a reasonable price in this country, and thereby increase the products of the soil.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. HUMPHREY of Washington. If the statement made in the letter read by the gentleman from Wisconsin is true, will it be advisable from the standpoint of cost, as a matter of necessity in case of war, to manufacture it from air?

Mr. FOSTER. Yes; I think it would, but we do a great many things in war that we do not do in peace as cost is not then counted. We talk about manufacturing this product from coke ovens. Let me say that if the letter which the gentleman from Wisconsin read is true, what would be the result if you increase the supply of ammonia from coke ovens? There is no doubt that the products from the coke ovens will increase very materially in the next few years, may go beyond the consumption so that we will have an available supply for converting into nitric acid, in case war should come, a process much more expensive than by either of the other means of securing it as known at the present time.

It is very essential, in my judgment, that we should encourage the production of ammonium sulphate by the coke-oven process and not permit this valuable product to go to waste as it has been in the past. There was a time when the steel industry of the country had a prejudice against coke made from any other process than by the beehive oven, but now that prejudice is gone and manufacturers of iron rather prefer the new process in which all of these products are saved.

There is imported into this country each year 500,000 tons of nitrate of sodium salts of which 200,000 tons equivalent of 152,000 tons ammonia sulphate is used as fertilizer. The amount of nitrate fertilizer used in 1915 amounted to about 260,000 tons. No data are at hand to show what proportion of the amount of ammonia produced in this country is used as fertilizer, but it is probably not less than 50 per cent. The development of conserving by the completion of by-product ovens ought to continue until every part of the coke is made in all of the by-product ovens, and it is to be hoped the use of coke as a domestic fuel for heating and power may be increased so as to increase the production of the by-product of coal. In some of the great cities the amount of coke used for domestic purposes is already very largely increased. In each of the cities of Detroit and Chicago the consumption of coke amounts to 200,000 tons per year. It is not at all improbable that in the near future large quantities of coke from by-product ovens will be used for other than metallurgical purposes, and if this should prove to be the case, the possible growth of the by-product industry and the consequent increase of the production of ammonia will be very large, and then the production of the ammonia sulphate from this process will also secure large amounts of toluol and benzol, which are used in the manufacture of explosives. The great difficulty in converting the by-product of the coke ovens to nitric acid is much more expensive than any other process.

The Secretary of Agriculture in the Reclamation Record of February, 1916, says, "In 1913 when conditions were normal about $125,280,000 worth of commercial fertilizer was used in the United States; of this amount the farmer paid $48,830,000 for nitrogenous substances, $56,000,000 for phosphates, and $20,450,000 for potash salts. Practically all of the potash salts were imported from Germany and the entire quantity of nitrate from Chile. Ammonia sulphate to the value of $3,730,000 was received from abroad, mainly from England. The remainder of the fertilizer materials was derived from domestic sources," so to the farmers of this country the production of cheap fertilizer is a very important thing. Germany has largely increased the production of her soil by the use of large quantities of fertilizer and her production in comparison per acre to this country is very much larger. With whatever process it may be decided to secure this necessary amount of nitric acid in times of peace and in the emergency in times of war, we should look to the importance of some plan that will enable us to secure for our people an ample and cheap supply of fertilizer. You have to find a market for all the by-products of the coke oven, and that means the coke and all the by-products that come out of it. You have to dispose of them. I am with Members of this House in the fight to keep these valuable properties the Government now owns from falling into the hands of any monopoly. This House has always voted to conserve these valuable resources. It does not seem to me, however, we should sit still and refuse to do anything. Let us properly safeguard these franchises and have them used for the benefit of the whole people. With the amendment I have proposed to the substitute of the chairman of the Committee on Military Affairs there can come no harm to the people, for all this power will be reserved to the Government for the use of all the people. No monopoly can secure control of any water power under this amendment I have offered, and if the plant is built it must be owned and operated by the Government. I hope that my amendment will be adopted.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Kentucky, Mr. SHERLEY.

Mr. SHERLEY. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] is not alone in his zeal to protect the country from the grasp of water power or other monopolies. I fought with him to prevent legislation that I thought was vicious touching the water power of America, and I am prepared to fight with him again when necessary. But I asked him the express question as to what there was in the Senate amendment which would give the water-power people any sort of advantage, and he was unable to say.

Now, there is nothing in the Hay amendment, if amended as proposed by the gentleman from Illinois, which would give them any possible advantage. There is now in the Hay amendment three words that, if they were stricken out, would eliminate all this talk about monopoly. There are words which permit the sale of the surplus product or power. Strike out the words "other" and "or power," and leave it to sell the surplus product and then the water-power companies are in no sense concerned because they could not buy any of the power. All they could do would be to buy the product and that would be nitrates, and they are not interested in that proposition.

So we are faced with the proposition that those of you who believe the time has arrived when this country should take a position to be independent touching the nitrate supply for reasons of public safety, will vote for the Senate amendment or vote for the Hay amendment as proposed to be amended by the gentleman from Illinois. Those who want further to consider the matter, and postpone a year or more action, are at liberty to vote with the gentleman from Wisconsin, Mr. LENROOT.

What is the fact? We have 50,000,000 pounds of nitrate now as a reserve, and it takes 2¼ pounds to make 1 pound of powder. So if we used every bit of the nitrate we have today we would be able to make a little over 21,000,000 pounds

of powder. That is not a condition that speaks for the safety of America. I believe that we can well afford to develop the water power that we own in the manufacture for Government use of nitrate that is necessary in making ammunition.

Mr. LENROOT. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. LENROOT. The gentleman stated that my amendment would postpone it for a year. Is the gentleman aware that the only difference between my amendment and the Hay amendment is that my amendment provides for a commission of three Cabinet officers——

Mr. SHERLEY. No; there is more difference than that, if I caught the gentleman's amendment right. I asked the gentleman if the Hay amendment was amended as proposed by the gentleman from Illinois what there would be that the water-power people would be interested in. He answered the question, and said "certain patent rights." They have the patent rights, and neither you nor I, by legislation, can change their actual rights. We provide for the purchase or condemnation of all processes that may be necessary. I assume that a Government agency is going to have ordinary common sense; that it is not going to undertake to make a great investment of many millions of dollars in building a nitrate plant without having arranged for the proper processes to do the work. I do not think you need a commission of three Cabinet officers. The gentleman talks about the President relegating the authority down to some Army officer. Will the power he proposes to confer on these members of the Cabinet be exercised personally by them? Not at all. It will be delegated also, and even if not, I would rather have Gen. Crozier's opinion touching the manufacture of nitrates that all the Cabinet put together.

Mr. LENROOT. The gentleman knows that the Army engineers are committed to one proposition?

Mr. SHERLEY. I do not know anything of the kind. I have talked with Gen. Crozier many times, and I know that if this provision is put in there it does not necessarily mean Muscle Shoals, but it does mean a development without a dollar of private interest or advantage to any private concern on earth.

I may not know how to manufacture nitrate, but I can read law, and I do know the effect of a statute, and when you cut out the right to sell power and leave in the right to sell the product. I defy the gentleman to point wherein any power-development company is going to be helped or benefited.

Now, it is up to this House to determine whether it wants to further postpone this matter or whether it wants action. I am a man who would a good deal rather talk less about preparedness and do more of it than what has been the habit around this Hall these many years past, and the important thing is to create a supply of nitrate for the Government. I hope that the House will adopt the amendment offered by the gentleman from Illinois, and failing that—I do not know but what preferentially—I hope they will adopt the Senate amendment. [Applause.]

The Senate amendment has no provision in it for the sale of surplus power. It has a provision for the sale only of products, and it differs from the Hay amendment as it would be amended——

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Speaker, can the gentleman from Virginia give me one more minute?

Mr. HAY. I can not do it.

Mr. SHERLEY. Can the gentleman from California?

Mr. KAHN. I am sorry to say that I can not do it.

Mr. HAY. Mr. Speaker, I yield to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Speaker, I hope it is not unfortunate for this good project that the best water power is located in the South, and I hope it is not unfortunate for this worthy project that the farmers are to get some benefit from it. The fact that Muscle Shoals has been frequently mentioned upon the floor of this House is because everybody knows that Muscle Shoals is the best water power in the United States for this plant, and it is located right in the center of the territory where 60 per cent of the surplus nitrates would be used. It is a matter of fact that there is too much selfishness in this preparedness propaganda that we hear all over this country. The selfishness of the Armor Trust is to keep the money flowing into its pockets, and the selfishness of the Powder Trust is to keep the money flowing into its pockets and to prevent the Government from establishing manufactories and producing these articles of necessity cheaper than they produce them, thereby destroying the trust. [Applause.]

Mr. Speaker, I admit some personal selfishness in this nitrate-plant proposition, and that selfishness is a desire to serve my people not only in securing munition nitrates, but to furnish fertilizers more cheaply to the farmers of the country. So, Mr. Speaker, my selfishness is not like that of the Armor Trust and the Powder Trust, who wish to make enormous profits out of the Government, but my selfishness is a desire to serve the patriotic farmer, that he may be supplied with fertilizer to aid him in his efforts to prosper. On his prosperity the success of our country depends. In time of war the farm furnishes the great bulk of brave men who shoulder their arms and lead on to victory. When the farmer prospers the merchant, banker, manufacturer, and every enterprise are thrilled with prosperity.

There is no war in this country, and yet we have a fertilizer famine. Nitrates are selling at $85 per ton. This is twice as much as the cost of nitrates before the European war. As a matter of truth, 40 per cent of the fertilizers used in this country is nitrogen. We have nothing to do but reach out into the space above our heads and gather it by chemical process. Our farms are unprofitable in many places for lack of proper fertilization, and yet with all this nitrogen in the atmosphere above us there is not one plant in this country producing nitrogen. Nitrogen is produced in many foreign countries from the atmosphere at one-half the cost we are forced to pay for Chilean nitrates in time of peace. The farmers of Germany use about four times as much nitrogen and phosphates as the farmers of this country, and while their land is by no means as fertile as the farms of this country the yield in Germany is twice as much per acre as in the United States. It is proposed to produce at this plant nitrogen products used as munitions for war and fertilizer. This bill provides for an appropriation of $20,000,000 to produce these products. Compare that outlay with $75,000,000 spent in 1914 in the United States for farm nitrates. The Government can reduce the price of fertilizers more than one-half, thereby enabling the farmer to use more fertilizer to the acre, producing greater yield at less cost. I mean to say nitrates extracted from the air should cost not more than one-half the price of Chilean nitrates before the war. The price before the war was $42 a ton; now it is $85.

The reduction in price of munition nitrates for Army and Navy would save the Treasury many millions annually, in addition to furnishing fertilizers to the farmer. When the war began in Europe, and Germany was blockaded, she was ready for the emergency. The Government was producing nitrates and phosphates sufficient for munitions of war and also to fertilize farms at reasonable price. The farmer in Germany continues to produce his abundant yield because the Government furnishes him cheap fertilizer, and consequently the farms continue to feed the people and the army. If Germany had not prepared for this emergency, the ring of the cavalry horse's hoofs of the French Army would have been heard on the streets of Berlin before this day. Nitrogen is absolutely necessary in time of war. I use Germany as an illustration because of the blockade forcing that country to rely on her own resources. The Government provides fertilizer and the farmer by his abundant yield with cheap nitrates feeds the most powerful army ever organized in the history of the world.

Mr. Speaker, this is a serious proposition, both for war purposes and farm advancement. Chilean mines lie south of the Panama Canal, and should we be cut off from that source the plight of this great and wealthy country would be serious beyond conjecture.

Mr. Speaker, let us construct the plant with Government money, supply the Army and Navy, and furnish our farmers cheap fertilizers. If the farmers can secure cheap fertilizers from the atmosphere above our heads, the South especially will blossom and prosper as no country on earth prospers in agricultural resources.

This is a Government function, and I can not understand this opposition on the ground of "Government ownership." The Government controls the water power and also controls the atmosphere above us. The material is abundant; in fact, unlimited. The Government can make it available for the wants of mankind. Without Government action, I fear it will lie dormant.

My honest opinion is that the Government can furnish all the nitrogen required for munitions and for farm use for one-half the price charged before the European war. Frequently I hear the appeal, "Back to the farm, young man." Mr. Speaker, the reply to that appeal is, make the farm more profitable. We have it in our power right now to do the farmer a great service, and I appeal to you to respond to the promises many of you have made to help the farmer to become more prosperous.

We have the same air above our heads as the Germans have, and yet not one plant in all the United States producing nitrates. The supply is inexhaustible. The atmospheric nitrogen above

1 square mile of land, amounting to 20,000,000 tons, is equivalent to what the world would require in the next 50 years. Atmosphere consists chiefly of nitrogen—78 per cent volume. The leading European countries are producing nitrogen. Shall we as a Government stand in the way of development and let the scare of Government ownership retard progress?

We have the same opportunities of producing potash that Germany has. The kelp beds on the Pacific Ocean would produce an inexhaustible supply of phosphate, and yet no effort is made to utilize them.

Mr. Speaker, I trust that this famine of fertilizers and necessary ingredients for munitions of war will hasten action on the part of our Government to supply these demands. I am opposed to further delay pending investigation. In ordinary times the German farmer pays one-half as much for nitrogen (commonly called ammonia) as the American farmer pays. This is because of the fact that nitrogen is extracted from the air in European countries. There is one small nitrogen plant in Canada.

It is proposed to establish one plant and spend $20,000,000, and men marvel at the amount. Since the outbreak of the war Germany has spent $100,000,000 on the nitrogen industry.

We have lessons before us, and why allow our preconceived idea of Government ownership stand in the way of contributing real and substantial aid to the farmer? If I can help relieve the hardships of the farm and add some little assistance to the prosperity and happiness of the farming people, among whom I was reared and who trusted me to make their laws, I shall feel that my life has not been entirely wasted. We have all kinds of Government manufactories and are establishing more. This is the most-needed Government plant in the entire list of Government-owned manufactories, because it will not only supply the needs of Army and Navy but will add to the peace, prosperity, and happiness of the entire country by making farming more profitable and attractive. [Applause.]

Mr. KAHN. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. HAY. Mr. Speaker, I yield five minutes to him.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for eight minutes.

Mr. FERRIS. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] has rendered no small patriotic service toward the adoption of efficient, well-poised, well-arranged water-power policy in this country. As chairman of the Committee on the Public Lands, I willingly acknowledge my debt of gratitude to him for the help and patriotic service he has given, but at the same time the gentleman from Wisconsin is suffering to-day from one or two things. He is suffering from too much pride in his own opinion and his own words. His amendment is not greatly at variance with the amendment offered by the gentleman from Virginia [Mr. HAY], except in one particular, and that particular is remedied by the amendment of the gentleman from Illinois [Mr. FOSTER]. The language in the amendment offered by the gentleman from Virginia [Mr. HAY] provides that surplus power may be sold, and that is followed with a proviso that it must be sold for cyanamide or fertilizer purposes. Those two provisions of the Hay amendment are clearly mistakes. Those provisions if agreed to, I want to say to you gentlemen who are so solicitous for the farmers, will mean that they will buy their fertilizers from the cyanamide companies and not direct from the Government; but if you want to do your farmers some real service vote, first, for the Hay substitue plus the Dr. Foster amendment, and you will have then, first, nitrates made by the Government for war purposes, and, second, cyanamide made by the Government of the United States for farming purposes, and there is no mistake about it. There will be no middlemen. There will be no entangling alliances with water-power men. It will be a straight Government proposition and there will be nothing to have doubts and fears about. [Applause.] I take it the great majority of this House would, if they could, first vote for a clean, square, fair proposition for a Government-owned munition plant, because it is my firm belief that the belief is prevalent in this House that the Du Pont Powder Co. and the other ammunition companies are meddling too much to-day in national affairs. [Applause.]

If you believe that, vote for the Hay substitute, and you will have a Government-owned munition plant, and no man can gainsay it. If you believe that the Government ought to make cyanamide and ought to sell fertilizer for the impoverished soil of this country, vote for the Foster amendment, which perfects the Hay amendment, and does all that the majority of this House would hope to do to-day, if they could properly understand it.

What does the amendment of the gentleman from Wisconsin [Mr. LENROOT] do? Largely the same thing, but cumbering it, making it more ponderous, by providing for a long circuitous investigation before anything is done. It is not the wish of the great majority of this House, if they understand this proposition, to vote for any circuitous investigation. It is not kind words, it is not kisses and caresses that they want, but they want a provision that will and does deliver the goods. Will you adopt a meandering, circuitous, ponderous, cumbersome proposition like that of the gentleman from Wisconsin, or will you really go about the task of doing the thing the majority of the House wants to do? [Applause.] What are the facts? The facts are plain and our duty is plain. If you ask me if this is a comprehensive water-power plan I say no, it does not even squint at it. If you ask me if we have any chance to get a comprehensive water-power bill through Congress this year I answer I do not know. The House wants one. The House has twice passed one, each time it was allowed to die at the other end of the Capitol. This one may die, too, but I do not want the blood of delay to be on our hands; I do not want us to be charged with failing in our duty. Nearly always I am in accord with the gentleman from Wisconsin. He is a clear-headed, good lawyer, a far-seeing man, but to-day he is tinged a little too much with pride of opinion, and he is wandering into details rather than going to the substance, and we ought not to follow him when he leaves the beaten path.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. HARDY. What difference is there between the Hay amendment as amended by the Foster amendment and the Senate amendment as sent to us?

Mr. FERRIS. The Senate amendment, if I understand it, and I may be in error about it, provides—and I will read it so that I do not make any mistake—how much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has two minutes and a half.

Mr. HARDY. Do not read it; just tell us what it is, in brief.

Mr. FERRIS. The Senate amendment provides this, without reading—I only wish I could. It provides this plant shall be created for two things only, for Army and Navy purposes. Now, there is a direct limitation. You will find at page 207, in the last paragraph on the page—read it yourself—it provides that it can only be used for Army and Navy purposes. This excludes any Government-made fertilizer for the farmers. This is not what you want. You farmers and farmers' friends think you are going to get fertilizers out of that? You are mistaken. You will not, but all the surplus power under that amendment will necessarily have to be sold to the American Cyanamide Co., and they, in turn, will sell to the farmer for their own sweet price. Such procedure is not aiding the farmer; such a provision will prove wanting in all that is expected of it.

Mr. SHERLEY. If the gentleman will permit, there is no provision to sell the surplus power; only surplus products.

Mr. FERRIS. That is right, but there is no power in the Government or the President or the Secretary of War to make cyanamide. They can only make products strictly for Government use, and of course cyanamide manufacture is not a Government function. There is where the danger lies.

Mr. SHERLEY. I agree with the gentleman in that.

Mr. GALLAGHER. Will the gentleman tell the House where this plant is to go when established?

Mr. FERRIS. I have not the slightest idea. I rather think it will be established at Muscle Shoals, on the Tennessee River, in Alabama. I am not blinking at that, because I think it is the best location in the United States to-day. There is nothing about Muscle Shoals to frighten me if we have a proper provision and proper safeguards.

Mr. GALLAGHER. Where could they get the land to locate that plant?

Mr. SHERLEY. What is the gentleman's objection to the Foster amendment, which would prevent the sale of power but would permit them to make fertilizers as well as nitrates?

Mr. FERRIS. I am very earnestly in favor of the Foster amendment, and counseled with him in reference to it. I am heartily in favor of it. It is precisely what the House ought to adopt. In fact, I was there when it was born. It is precisely what the House desires to do, if they can understand it properly.

Mr. SHERLEY. Then I have no quarrel with the gentleman.

Mr. FERRIS. The great bulk of the House will not be able to-day to understand fully the hydroelectric proposition, and I

do not expect them to. It is a study for an ardent student that would cover years to accomplish. I do not pretend to know but little about it myself, although I have studied it ardently for the past four years. It is a great subject; in my judgment, the greatest economic subject of the day and hour. If the farmers want cyanamide to improve their impoverished farms, I ask you to vote for the Foster amendment to the Hay substitute, and then adopt the Hay substitute, and you will get the thing you are after. If you believe that a Government munition plant is justified, as distinct from the Du Pont and other privately owned munition plants, you will vote for the Hay substitute, and you will not be mistaken in doing so. I am getting letters—so are you—from the Du Pont Co. and other munition people, urging us not to adopt a Government-owned plant. As the gentleman from Wisconsin says, the power people are here. So they are, and they have been here for two or three years; but, on the other side, so are the Du Pont and munition people here, too, by letter, if not in person. The thing to do when there is such a stress of circumstances, when three-fourths of the world's map is at war, is to build our own munition plant and thereby legislate the profit out of war and war material. We can do it under this substitute amendment and at the same time and by the same plant furnish cyanamide to American farmers at cost. [Applause.] I yield back the balance of my time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. RAGSDALE].

[Mr. RAGSDALE addressed the House. See Appendix.]

Mr. KAHN. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, the present method in which the House is considering this very important amendment is really a reflection upon our way of doing business. This House is now considering whether or not it shall appropriate fully $20,000,000 through substitutes and amendments that have not even been printed, and doubtless not one-tenth of the membership of the House really know what they are going to vote upon—that is, the language of the amendments and the substitutes.

Now, I am not afraid of this talk about lobbies; I am not afraid of any graft in this nitrate proposition. I believe we need a nitrate plant in this country. Furthermore, I believe that any one of these amendments, any one of these substitutes, which puts power into the hands of the President or the Secretary of War to carry out the purposes of the amendment will be fulfilled in a manner satisfactory to the American people. I do not care whether it is a Democratic President or a Republican President; any such authorization can be safely intrusted in his hands.

Now, I have prepared a substitute which I believe embodies some business principles that have not been put in the other amendments or the other substitutes. In brief, the substitute I have offered provides for the appointment of a commission of three Engineer officers, who shall report to the President of the United States upon the feasibility of this proposition. Authority is then conferred upon the President, if he deem advisable, for the construction of a water-power plant. Then further authority is conferred upon the President to make such a contract as he may deem advisable with some private corporation for the manufacture of nitrates and fertilizers, with the proviso that the corporation shall pay not less than 3 per cent to the Government on the value of such water power and moneys as are invested by the Government. And, furthermore, that the Government reserves the right to regulate the price at which the products of such a plant shall be sold. I hope that some practical proposition of this kind shall be adopted by the House. [Applause.]

Mr. KAHN. I yield four minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Speaker, I intend to support the Lenroot amendment, because, in my opinion, the United States Government will have its interests looked after in the best manner, with respect to this proposed nitrate plant, if it is adopted.

As a preface to what I intend to say in the few minutes of my time, I beg to state that I favor a Government nitrate plant if Uncle Sam is going to come out ahead on it; I favor a Government powder factory if Uncle Sam comes out ahead on it; I favor a Government armor-plate factory if Uncle Sam comes out ahead on it. That is plain English; it can not be misunderstood, and I mean it. With all due respect to my friend from Oklahoma [Mr. FERRIS] he did an unfair thing, in my opinion, when he brought up the bugbear of the Du Pont Powder Co., stating that they were opposing and fighting this nitrate proposition. He put them up as a straw man and knocked them down in order to get votes for his proposition.

Now, I know whereof I speak, because I have taken the trouble to acquaint myself with the truth and facts, in view of the attacks and accusations made against this company, when the nitrate proposition was considered in the Senate. The Hay bill went through the House with section 82—the nitrate proposition—voted out of it by a vote of 224 to 179.

One hundred and eighty Republican Members voted against it, as did 44 Democrats, while 174 Democrats and 5 Republicans voted to retain it. When it was taken up in the other body a very distinguished Senator, a man whom I look up to as possessing marked ability and integrity, saw fit to look after the interests of a certain water-power company in his particular locality, and in doing this he made similar accusations, namely, that the Du Pont Co. was fighting the nitrate proposition. In the few minutes that I have I can not bring out all the points in the controversy that ensued between this company and the distinguished Senator, but if gentlemen will read what was said in answer to the remarks that he made on the floor you will see a complete refutation of the statements made by my friend from Oklahoma [Mr. FERRIS] and other gentlemen on the floor to-day.

It was stated a few minutes ago that the Du Ponts were writing letters, I presume to Members of Congress and other officials, in opposition to this nitrate plant. On March 28, 1916, a letter was addressed by the president of the Du Pont company to the Secretary of War. This letter can be found in the CONGRESSIONAL RECORD of March 30, which was the first time I was aware of it. There is nothing in that letter that smacks of opposition to this nitrate amendment. On the other hand, it offers to put up, free of charge, a plant and to deliver to the United States for military or naval purposes all or any part of the output of nitric acid at a price which shall include such profit as the Secretary of War shall determine to be reasonable. The only other letters of which I am aware is the correspondence between Senator UNDERWOOD and various officers and employees of the company which the Senator so graciously inserted in the CONGRESSIONAL RECORD, and which were an answer to the charges he had made against them. These letters which, as I have said, are part of the CONGRESSIONAL RECORD and therefore accessible to anyone, show that there is absolutely no basis to the charge that the powder company was fighting and opposing this proposition. Coming from Delaware, it is probable that my remarks will not be taken with the weight that they would if I came from another part of the country. I want to say to you that there is not a pound of smokeless powder, not a pound of war munitions made within the State of Delaware by these people. They are made down in the district of the gentleman from Virginia [Mr. WATSON] and in the State of the gentleman from New Jersey [Mr. BROWNING], and, as the Speaker aptly said one day, some are made in his district. I just heard a voice ask where the money goes. The money goes into the hands of the workmen who vote in those districts referred to. This company work their men on eight-hour shifts and they are paid 20 per cent for a bonus besides their wages.

Mr. Speaker, I am not controlled or sent down here by anyone. I make this statement because some gentlemen have seen fit to make that reference on the floor of the House before. If they were familiar with conditions in my district they could not and would not make that charge. But I am down here to see that the fair thing is done, and especially when anything in my State is concerned. With all due respect to my friend from Oklahoma [Mr. FERRIS], and anyone else—I dare say there are a good many of you who have that idea in your minds—this does not in any way control or form my action in the House.

Mr. FERRIS. Will the gentleman yield?

Mr. MILLER of Delaware. I can not yield.

Mr. FERRIS. The gentleman misquoted me.

Mr. MILLER of Delaware. I will not yield. If you want to break up my time, keep it up.

My reference to the gentleman from Oklahoma relates to his charge that the powder company was fighting this proposition.

The distinguished gentleman in the other body to whom I have referred quoted as his authority one R. B. Carter, whom, it was alleged, was an employee of the powder company. It was stated that this man went to dinner with certain officials and employees of the powder company and gained the impres-

sion that the company was fighting this proposition; you will read what was said in the CONGRESSIONAL RECORD. I purposely, of my own free will, went to find out who he was. I found that he was a former labor foreman at their Hopewell, Va., plant and later on a guard. He was fired for passing worthless checks on some of his friends at Hopewell, and warrants are now out against him. Needless to say, the story he told was a fabrication, and I say, with all due respect to the distinguished Senator, that he was imposed upon at that time, and later he inserted in the CONGRESSIONAL RECORD in the other body statements that absolutely refute and knock out the bugbear brought up here to-day by certain Members. [Applause.]

Mr. MONDELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. Mr. Speaker, some of the real friends of the people and of the Public Treasury have been in hopes that there would be an opportunity to vote on an amendment in the form of a substitute providing for an investigation by four of the heads of the departments of the Government and a report to Congress on this subject—this and nothing more.

Mr. HAY. Mr. Speaker, I make a point of order.

Mr. MONDELL. We hoped to have an opportunity to do that on the amendment offered by the gentleman from South Carolina [Mr. LEVER]. My parliamentary inquiry is, Is it in order to present such an amendment at this time?

The SPEAKER. It is not.

Mr. MONDELL. Then, Mr. Speaker, I ask unanimous consent to offer such an amendment, to be voted on at the proper time.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to reoffer the substitute or amendment, or whatever it was, of the gentleman from South Carolina [Mr. LEVER].

Mr. MANN. Why is it not in order, if unanimous consent was given to offer amendments? Why is it not in order for him to offer it?

Mr. BUTLER. Without any further unanimous request?

The SPEAKER. The Chair guesses it is in order under that language. [Applause.]

Mr. HAY. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. LEVER].

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] is recognized for three minutes.

Mr. LEVER. Mr. Speaker, I shall vote for the Hay amendment as amended by the Foster amendment; and if these amendments are defeated, I shall vote for the amendment that has now been suggested by the gentleman from Wyoming [Mr. MONDELL]—my own amendment, which was offered by me in the first instance on the theory that possibly everything else would go out and this might be held in, and thus make better the situation for the final attainment of a Government nitrate plant.

Now, Mr. Speaker, the situation is this. We have an opportunity, in voting for the Hay amendment as amended by the Foster amendment, both to provide for a munition plant controlled and operated by the Government and at the same time to provide a source of fertilizer for the farmers of this country. Speaking for the agricultural interests, I wish to call the attention of gentlemen of the House to the fact that we are spending in this country $75,000,000 a year for nitrogen products. We are absolutely dependent for nitrates upon Chile, and nitrates go into the manufacture of nitric acid, which is necessary in the manufacture of munitions. I am more concerned, naturally, with the proposition of controlling nitrogen for fertilizer purposes in the interest of agriculture in this country. As it is now, the rates on fertilizer are absolutely controlled, in my judgment, by a few great concerns. The farmers are absolutely at the mercy of these great concerns, and if in the program of preparedness we can find some method of furnishing both nitric acid for munition purposes and at the same time nitrogen for fertilizer purposes, it seems to me we have accomplished two of the great purposes of preparedness in this country, because, gentlemen of the House, you must not forget that preparedness is more comprehensive than the mere matter of military preparedness. The Army and Navy of this country can not be any stronger than the economic forces which feed and clothe the Army and the Navy, and it is necessary for us in the promotion of agriculture to furnish to our farmers the cheapest possible ingredients that go into fertilizer.

I wish it were in order, I wish it were possible at this time that we might include potash in this proposition; but it is not, and therefore I shall vote for the Hay amendment plus the Foster amendment, and if they are beaten I shall vote for my proposition. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. HAY. Mr. Speaker, I yield such time as he needs to the gentleman from Mississippi [Mr. QUIN].

The SPEAKER. The gentleman from Mississippi [Mr. QUIN] is recognized.

Mr. QUIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Mississippi [Mr. QUIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAY. Mr. Speaker, we have but one speech on this side.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. HULBERT].

The SPEAKER. The gentleman from New York [Mr. HULBERT] is recognized for five minutes.

Mr. HULBERT. Mr. Speaker, a great deal has been said to-day in the consideration of the conference report on the Army reorganization bill upon the subject of preparedness. I venture the prediction that the action of this House, if it adopts any one of the amendments which have already been offered and read to section 122 of the bill, will not square up before the people of the country with the previous action of this House on the two previous amendments authorizing the enlistment of 250,000 men and the organization of the volunteer army, respectively, which were rejected. Gentlemen have urged here this afternoon the importance and the necessity of the adoption of this amendment, either in the form proposed in the bill as it came back from the Senate or in the form of any one of the several amendments which have been proposed thereto this afternoon; and yet, while as one gentleman said a few moments ago, with three-fourths of the countries upon the map of the earth at war and evidencing the necessity that we should vote ourselves into a position where we would be prepared to produce and have at our disposal a sufficient quantity of nitrogen for the manufacture of ammunition, if my recollection serves me aright, that gentleman and a large number of the gentlemen who will vote for this amendment voted against that provision of the Chamberlain bill, the purpose of which was to provide the men to use the ammunition which you say is so essential. [Applause on the Republican side.]

Mr. Speaker, when I became a member of the Committee on Rivers and Harbors that committee had already paid its visit to Muscle Shoals, and in view of the adoption by the committee of the rule that there would be no new projects in the rivers and harbors bill I did not, as I intended to do at that time, take up the consideration of the testimony on the hearings held on that project. So far as I have been able to find since this matter came back from the Senate there is not another committee in this House which has given this matter consideration from the standpoint of military necessity, and even before the Committee on Military Affairs, both in the House and in the Senate, there were no hearings on that point, and the only testimony I have been able to find bearing directly on section 122 is contained in the hearings before the Committee on Agriculture and Forestry in the United States Senate in the present Congress and at the present session on the bill S. 4971, which is practically in the same phraseology as section 122 incorporated in this bill.

Now, I believe there is a necessity for a nitrate plant. I believe there is not only a necessity from the standpoint of preparedness, so far as the Army and Navy are concerned, but I believe there is also a necessity to promote and advance our agricultural interests. But I am one of those who believe that before this House acts upon a proposition in which there will be spent upward of $18,000,000 of the people's money it is a necessity in the discharge of our duty that we should conduct public hearings upon this point. [Applause on the Republican side.]

I hope, Mr. Speaker, that gentlemen of this House will act with wisdom in voting upon the amendments successively that we may have the opportunity to pass upon, and, I trust, adopt the amendment suggested by the gentleman from South Carolina [Mr. LEVER], and reoffered by the gentleman from Wyoming [Mr. MONDELL].

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield for a question?

Mr. HULBERT. Yes; I yield for a question.

Mr. SMITH of Michigan. Are you sufficiently informed upon the subject, so that you can tell us whether or not the Government already owns enough water power to manufacture nitrates or anything else it wants to manufacture?

Mr. HULBERT. I am not; and therefore I say I can not conscientiously discharge my duty to the people who have sent me here until I have had an opportunity to inform myself, as I believe all you gentlemen ought and I trust the majority of you desire to have an opportunity to inform yourselves, upon this important subject.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HAY. Has the gentleman from California [Mr. KAHN] used all his time?

The SPEAKER. The gentleman has used all his time.

Mr. HAY. I yield the remainder of my time to the gentleman from Alabama [Mr. DENT].

The SPEAKER. The gentleman from Alabama [Mr. DENT] is recognized for 13 minutes.

Mr. DENT. Mr. Speaker, after listening to the debate on this proposition to-day, it seems to me that the House is thoroughly agreed upon the proposition that this Government at this time ought to take care of itself so far as may be necessary in providing a sufficient supply of nitrogen for its uses. The only question at issue is the method by which this should be done. I have heard gentlemen on the floor of this House talk about a lobby. I listened with a great deal of interest to the remarks of the gentleman from Wisconsin [Mr. LENROOT] in regard to a water-power lobby that had infested this House upon this proposition. Why, Mr. Speaker, there is no doubt, if you want to use the word "lobby" in an inoffensive sense, that there has been a lobby on both sides of this proposition. There is no doubt of the fact that the Du Pont powder people have interested themselves in opposition to a water-power proposition. There is no doubt of the fact that certain people having an interest in water-power sites have concerned themselves in talking to Members of Congress about this matter. There is no doubt also of the fact that the Farmers' Union and the National Grange have had their representatives here in Congress talking to the Members of Congress about this proposition. [Applause.] I do not understand, and I can not understand, therefore, why gentlemen will make an argument about a great big proposition simply on the ground that a lobby has been present on one side or the other of this question.

The question is, What is best for the Government of the United States to do in the matter of supplying itself with nitric acid and supplying itself with a sufficient amount of explosives for use in the event of war and for practical purposes in time of peace?

Mr. KELLEY. Will the gentleman yield?

Mr. DENT. I will yield for a question only.

Mr. KELLEY. What part of this $20,000,000 is intended to be used for the building of the dam?

Mr. DENT. Fifteen million dollars. Now, Mr. Speaker, the simple proposition is this: If you adopt the Lenroot amendment, you appoint a commission, which postpones the action of Congress upon the most important proposition in the matter of preparedness that has been presented to Congress. [Applause.]

Mr. LENROOT. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman for a question.

Mr. LENROOT. I know that the gentleman does not want to misrepresent me. My amendment does not call for any further action of Congress.

Mr. DENT. The gentleman need not state that I do not wish to misrepresent him. Of course, I do not.

Mr. LENROOT. I want to ask the gentleman whether he understands that my amendment calls for any future action of Congress?

Mr. DENT. It does not call for any future action of Congress, as I understand it.

Mr. LENROOT. Certainly not.

Mr. DENT. But it calls for an investigation, which postpones the matter.

Mr. LENROOT. No; it calls for going ahead under this amendment to construct the plant.

Mr. DENT. Well, the effect of it will be to postpone it, as everybody knows. The effect of it will be to postpone it, as every other commission of that kind that has ever been appointed by Congress has done. [Applause.]

Mr. FERRIS. And is it not also true that this matter has been before Congress for the last 10 years, and that this House has twice, by unanimous consent, passed a water-power bill?

Mr. DENT. Why, certainly, that is true; and there is no necessity for any further investigation of the subject. Every committee of Congress charged with this proposition has been fully advised on the subject, and if we do not know now how to act, then the Lord only knows when we can act. [Applause.] I have discussed this matter with gentlemen who entertained all kinds of views upon the subject. My desire as a conferee on the part of the House is to get something that will give the Government a nitrogen plant and that will give the farmer a cheap fertilizer. [Applause.]

Mr. OGLESBY rose.

Mr. DENT. I can not yield to the gentleman now, because my time is limited. The only difference between the Hay proposition and the proposition of the gentleman from Illinois [Mr. FOSTER] is this: The Hay proposition proposes that the Government shall establish its own plant for the manufacture of its own munition supplies, so as to give the Government a sufficient supply of powder in time of peace or in time of war; and in time of peace, when this power is not necessary, the Hay amendment authorizes the President to dispose of the surplus power to some party or parties who will establish a plant of their own and not utilize the Government plant, but establish a plant of their own, and buy from the Government the use of the power that it has constructed under the provision to supply itself with munitions of war. And in doing this the President of the United States is absolutely authorized to fix the terms upon which any private concern that may establish this plant and agree to purchase this power shall pay for it to the Government of the United States; and it goes farther and authorizes the President of the United States to fix the price at which it shall sell its fertilizer products.

Now, what can be better for the farmers of the United States than a provision of that character? In simple words, then, the difference is this: Under the provisions of the proposition of the gentleman from Illinois [Mr. FOSTER] the sale of the products will have to be conducted by a multitude of agents appointed by the Government of the United States to sell the surplus products, whereas under the Hay provision the Government simply utilizes the plant for the purpose of manufacturing that which it uses only in its own business, and sells the surplus power under restrictions upon the purchaser as to what price the purchaser shall pay for the power and receive for the product thus manufactured. [Applause.] Now, Mr. Speaker, that is the simple proposition that is submitted to this House. This is the simple difference between the Hay amendment and the Foster amendment that is presented to the House. We all agree that the greatest question of preparedness to-day relates to furnishing powder with which men can shoot. You may build up an Army as big as that of Xerxes, you may have millions of men in your Infantry and Cavalry and Artillery and Cost Artillery, but unless you have the powder with which to shoot they are helpless. We are dependent to-day, absolutely dependent, upon the plains of Chile for nitrate to supply the Army and the Navy. Shall we omit this one opportunity, this one great advantage of bringing to this country a hydroelectric plant that will concentrate the production of nitrate in such quantities and in such amounts that it can never be exhausted? Shall we omit this one great opportunity when we are trying to prepare the people against war?

Mr. OGLESBY. Will the gentleman yield?

Mr. DENT. I will.

Mr. OGLESBY. The gentleman stated that a bill to establish a water power at Muscle Shoals had twice passed the House. Will the gentleman be kind enough to tell us what was the purpose——

Mr. DENT. Oh, the gentleman is mistaken; I did not make any such statement. I have not said anything about any bill relating to Muscle Shoals. The whole trouble about every proposition of this nature has been that it is attributed to Muscle Shoals. Muscle Shoals is in the State of Alabama, and has made a great showing, and I hope is not objectionable on that account. [Applause.]

Now, so far as I am concerned, I do not care where you establish the plant. I do not care what the plant may be. I have demonstrated this by yielding to a suggestion of the gentleman from Illinois to the effect that if there could be found any product, method, or process by which the Government of the United States could obtain a sufficient supply of nitrate without being dependent upon the plains of Chile I would support it, and that is the proposition I have advocated from the beginning to the end.

I ask this House to-day not to neglect its greatest opportunity that it has had on the subject of preparedness. I plead with this House, as a humble lieutenant of the greatly admired chairman of the Military Committee, Mr. HAY [applause] to give us the privilege of bringing in something that will be substantial. [Applause.]

The SPEAKER. All time has expired, and the Clerk will report the amendment.

Mr. HAY. Mr. Speaker, I understand the first vote will be on the amendment of the gentleman from Wisconsin, and that has been reported to the House.

Mr. MANN. But the amendment offered by the gentleman from Wyoming has not been reported.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

Strike out all of section 122, after the word "That," on the first line of the section, and insert the following: "the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture are constituted a commission whose duty

it shall be to ascertain the practicability and best means of producing within the United States nitrogen compounds by the fixation of atmospheric nitrogen or otherwise for use in the manufacture of munitions of war and fertilizers.

"The commission may utilize the various agencies of the Government and may cooperate with States and with private persons or agencies in carrying out its purposes and shall report to Congress as early as practicable, not later than the first day of the next regular session of this Congress, the facts ascertained, together with recommendations for action by Congress and the draft of a bill to carry out such recommendations.

"The commission may elect a chairman, and the funds appropriated for its use shall be paid out on warrants signed by him, or by an acting chairman designated by him, drawn on the Secretary of the Treasury.

"There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the sum of $50,000, to enable the commission to carry out its purposes, including the hire of experts, clerks, and other employees, and payment of rent, traveling and other expenses within and outside the District of Columbia."

Mr. OGLESBY. Mr. Speaker, I rise to ask unanimous consent that the Lever-Mondell substitute be voted on first.

Mr. HAY. I object.

The SPEAKER. The gentleman from Virginia objects, and the first vote will be taken on the Lenroot amendment.

The question was taken; and on a division (demanded by Mr. LENROOT) there were 112 ayes and 132 noes.

Mr. LENROOT. Mr. Speaker, I demand the yeas and nays.

The question was taken, and 62 Members having arisen in favor thereof, the yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 194, answered "present" 5, not voting 76, as follows:

YEAS—158.

Anderson	Elston	Kinkaid	Rowe
Beales	Esch	La Follette	Russell, Ohio
Bennet	Farley	Lehlbach	Sanford
Britt	Farr	Lenroot	Scott, Mich.
Britten	Fess	Lobeck	Scott, Pa.
Browne	Fitzgerald	Loft	Sells
Browning	Focht	Loud	Siegel
Bruckner	Foss	McCracken	Sinnott
Burke	Frear	McCulloch	Slemp
Butler	Gallagher	McDermott	Sloan
Campbell	Gallivan	McKenzie	Smith, Idaho
Cannon	Gardner	McKinley	Smith, Mich.
Capstick	Garland	Madden	Snell
Carew	Gillett	Magee	Snyder
Carter, Mass.	Glynn	Mann	Stafford
Cary	Gould	Mapes	Steenerson
Chandler, N. Y.	Gray, Ind.	Miller, Del.	Stephens, Cal.
Charles	Greene, Mass.	Miller, Pa.	Stiness
Chiperfield	Greene, Vt.	Mondell	Stone
Cooper W. Va.	Griffin	Moore, Pa.	Sulloway
Cooper Wis.	Hadley	Moores, Ind.	Sweet
Copley	Hamilton, Mich.	Moss, W. Va.	Swift
Cox	Haskell	Mudd	Tague
Crago	Haugen	Nelson	Temple
Cramton	Helgesen	Nolan	Tilson
Curry	Hernandez	Oakey	Timberlake
Dale, Vt.	Hicks	Oglesby	Tinkham
Dallinger	Hill	Olney	Treadway
Danforth	Hollingsworth	O'Shaunessy	Volstead
Darrow	Huddleston	Paige, Mass.	Walsh
Dempsey	Humphrey, Wash.	Parker, N. J.	Wason
Denison	Husted	Parker, N. Y.	Wheeler
Dillon	Johnson, Ky.	Phelan	Williams, T. S.
Dooling	Johnson, S. Dak.	Porter	Wilson, Ill.
Dowell	Johnson, Wash.	Pratt	Winslow
Drukker	Kelley	Rainey	Wood, Ind
Dunn	Kennedy, Iowa	Ramseyer	Woods, Iowa
Dyer	Kennedy, R. I.	Reavis	Young, N. Dak.
Edmonds	Kent	Roberts, Nev.	
Ellsworth	King	Rogers	

NAYS—194.

Abercrombie	Connelly	Goodwin, Ark.	Kincheloe
Adair	Crisp	Gordon	Kitchin
Adamson	Cromer	Gray, Ala.	Konop
Aiken	Cullop	Green, Iowa	Lazaro
Alexander	Dale, N. Y.	Gregg	Lever
Almon	Davenport	Guernsey	Lewis
Anthony	Davis, Minn.	Hamlin	Lieb
Ashbrook	Davis, Tex.	Hardy	Linthicum
Aswell	Decker	Harrison	Lloyd
Austin	Dent	Hastings	London
Ayres	Dewalt	Hawley	McAndrews
Bailey	Dickinson	Hay	McClintic
Barkley	Dies	Hayes	McFadden
Barnhart	Dill	Heflin	McGillicuddy
Beakes	Dixon	Helm	McKellar
Bell	Doolittle	Helvering	McLaughlin
Black	Doremus	Henry	McLemore
Blackmon	Degre	Hensley	Matthews
Booher	Eagle	Hinds	Mays
Buchanan, Ill.	Edwards	Holland	Meeker
Buchanan, Tex.	Emerson	Hood	Montague
Burgess	Estopinal	Houston	Moon
Byrnes, S. C.	Evans	Howard	Morgan, La.
Byrns, Tenn.	Ferris	Hughes	Morgan, Okla.
Callaway	Fields	Hulbert	Morrison
Candler, Miss.	Finley	Hull, Iowa	Moss, Ind.
Caraway	Flood	Hull, Tenn.	Murray
Carlin	Foster	Humphreys, Miss.	Neely
Carter, Okla.	Gandy	Igoe	Nicholls, S. C.
Church	Gard	Jacoway	Oldfield
Cline	Garner	Kahn	Oliver
Coady	Garrett	Keating	Padgett
Collier	Glass	Key, Ohio	Page, N. C.

Park	Rucker	Steele, Iowa	Towner
Patten	Russell, Mo.	Steele, Pa	Tribble
Pou	Sabath	Stephens, Miss.	Van Dyke
Powers	Saunders	Stephens, Nebr.	Venable
Quin	Shallenberger	Stephens, Tex.	Vinson
Ragsdale	Sherley	Sterling	Walker
Raker	Sherwood	Stout	Watson, Va.
Randall	Shouse	Sumners	Webb
Rauch	Sims	Taggart	Whaley
Rayburn	Sisson	Talbott	Williams, W. E.
Reilly	Slayden	Tavenner	Wilson, La.
Ricketts	Small	Taylor, Ark.	Wingo
Roberts, Mass.	Smith, N. Y.	Taylor, Colo.	Wise
Rodenberg	Smith, Tex.	Thomas	Young, Tex.
Rouse	Stengall	Thompson	
Rubey	Stedman	Tillman	

ANSWERED "PRESENT"—5.

Cantrill	Cooper, Ohio	Fuller	McArthur
Clark, Fla.			

NOT VOTING—76.

Allen	Good	Kreider	Peters
Bacharach	Graham	Lafean	Platt
Barchfeld	Gray, N. J.	Langley	Price
Borland	Griest	Lee	Riordan
Brumbaugh	Hamill	Lesher	Rowland
Burnett	Hamilton, N. Y.	Liebel	Schall
Caldwell	Hart	Lindbergh	Scully
Casey	Hayden	Littlepage	Sears
Coleman	Heaton	Longworth	Shackleford
Conry	Hilliard	Maher	Smith, Minn.
Costello	Hopwood	Martin	Sparkman
Doughton	Howell	Miller, Minn.	Sutherland
Driscoll	Hutchinson	Mooney	Switzer
Eagan	James	Morin	Vare
Fairchild	Jones	Mott	Ward
Flynn	Kearns	Nichols, Mich.	Watkins
Fordney	Keister	North	Watson, Pa.
Freeman	Kettner	Norton	Williams, Ohio
Godwin, N. C.	Kiess, Pa.	Overmyer	Wilson, Fla.

So the Lenroot amendment was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. FREEMAN (for Lenroot amendment) with Mr. JONES (against).

Mr. GOOD (for Lenroot amendment) with Mr. BORLAND (against).

Mr. MCARTHUR (for Lenroot amendment) with Mr. HAYDEN (against).

Mr. FAIRCHILD (for Lenroot amendment) with Mr. LEE (against).

Mr. HAMILTON of New York (for Lenroot amendment) with Mr. HUDDLESTON (against).

Mr. PETERS (for Lenroot amendment) with Mr. HILLIARD (against).

Mr. LONGWORTH (for Lenroot amendment) with Mr. LITTLEPAGE (against)

Mr. BACHARACH (for Lenroot amendment) with Mr. SHACKLEFORD (against)

Mr. GRAY of New Jersey (for Lenroot amendment) with Mr. BURNETT (against).

Until further notice:

Mr. CLARK of Florida with Mr. FULLER.

Mr. PRICE with Mr. HEATON.

Mr. KETTNER with Mr. HOWELL.

Mr. OVERMYER with Mr. MILLER of Minnesota.

Mr. SCULLY with Mr. GRAHAM.

Mr. DOUGHTON with Mr. MOTT.

Mr. DIXON with Mr. PLATT.

Mr. BRUMBAUGH with Mr. WATSON of Pennsylvania.

Mr. WILSON of Florida with Mr. KEARNS.

Mr. OVERMYER. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. OVERMYER. Mr. Speaker, I was called to the telephone.

The SPEAKER. Was the gentleman in the Hall?

Mr. OVERMYER. I was at the telephone in the cloakroom.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. MCARTHUR. Mr. Speaker, I voted "aye" on this roll call, but I am paired with the gentleman from Arizona, Mr. HAYDEN, and I wish to withdraw that vote and answer "present."

The name of Mr. MCARTHUR was called, and he answered "Present."

Mr. MILLER of Minnesota. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. MILLER of Minnesota. I was not in the Hall until just after my name had been passed. I was in the Hall after that.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. KEARNS. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. KEARNS. I was not in the Hall. I came in just as the Clerk was concluding the call of the roll.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The next vote will be taken on the Sterling amendment to perfect the text.

Mr. STERLING. Mr. Speaker, I ask unanimous consent that the Clerk read the portion to be stricken out of the bill under my amendment.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

On page 207, strike out lines 20 to 23, which are as follows:

"That the plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital."

The SPEAKER. The question is on agreeing to the Sterling amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The next vote will be taken upon the Mondell amendment. The question is on agreeing to the Mondell amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 134, noes 145.

Mr. POWERS. Mr. Speaker, I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 176, answered "present" 6, not voting 79.

SENATE BILLS REFERRED.

YEAS—173.

Anderson	Focht	Kinkaid	Rogers
Beales	Foss	La Follette	Rowe
Bennet	Frear	Lehlbach	Russell, Ohio
Britt	Freeman	Lenroot	Sanford
Britten	Gallagher	Loft	Scott, Mich.
Browne	Gallivan	Loud	Scott, Pa.
Browning	Gardner	McCracken	Sells
Bruckner	Garland	McCulloch	Siegel
Butler	Gillett	McDermott	Sinnott
Campbell	Glynn	McFadden	Slayden
Cannon	Gould	McKenzie	Slemp
Capstick	Gray, Ind.	McKinley	Sloan
Carew	Green, Iowa	McLaughlin	Smith, Idaho
Carter, Mass.	Greene, Mass.	Madden	Smith, Mich.
Charles	Greene, Vt.	Magee	Snell
Chiperfield	Griffin	Mann	Snyder
Cooper, Ohio	Guernsey	Mapes	Stafford
Cooper, W. Va.	Hadley	Matthews	Steenerson
Cooper, Wis.	Hamilton, Mich.	Meeker	Stephens, Cal.
Copley	Haskell	Miller, Del.	Stiness
Cox	Haugen	Miller, Minn.	Stone
Cramton	Hawley	Miller, Pa.	Sulloway
Curry	Hayes	Mondell	Sweet
Dale, N. Y.	Helgesen	Moore, Pa.	Swift
Dale, Vt.	Hernandez	Moores, Ind.	Tague
Dallinger	Hicks	Nolan	Temple
Danforth	Hill	Oakey	Tilson
Darrow	Hinds	Oglesby	Timberlake
Dempsey	Hollingsworth	Olney	Tinkham
Denison	Howell	O'Shaunessy	Towner
Dillon	Hulbert	Paige, Mass.	Treadway
Dooling	Hull, Iowa	Parker, N. J.	Volstead
Dowell	Humphrey, Wash.	Parker, N. Y.	Walsh
Drukker	Husted	Phelan	Wason
Dunn	Johnson, Ky.	Platt	Wheeler
Dyer	Johnson, S. Dak.	Porter	Williams, T. S.
Edmonds	Johnson, Wash.	Powers	Wilson, Ill.
Ellsworth	Kahn	Pratt	Winslow
Elston	Kearns	Ramseyer	Wood, Ind.
Emerson	Kelley	Reavis	Woods, Iowa
Esch	Kennedy, Iowa	Ricketts	Young, N. Dak.
Farr	Kennedy, R. I.	Roberts, Mass.	
Fess	Kent	Roberts, Nev.	
Fitzgerald	King	Rodenberg	

NAYS—176.

Abercrombie	Byrnes, S. C.	Dewalt	Gregg
Adair	Byrns, Tenn.	Dickinson	Hamlin
Adamson	Callaway	Dies	Hardy
Aiken	Candler, Miss.	Dill	Harrison
Alexander	Caraway	Dixon	Hastings
Almon	Carlin	Doolittle	Hay
Anthony	Carter, Okla.	Doughton	Heflin
Ashbrook	Cary	Edwards	Helm
Aswell	Church	Estopinal	Helvering
Austin	Clark, Fla.	Evans	Henry
Ayres	Cline	Farley	Hensley
Bailey	Coady	Ferris	Holland
Barkley	Collier	Fields	Hood
Barnhart	Connelly	Finley	Howard
Beakes	Crago	Flood	Hughes
Bell	Crisp	Foster	Hull, Tenn.
Black	Crosser	Gandy	Humphreys, Miss.
Blackmon	Cullop	Garner	Igoe
Booher	Davenport	Garrett	Jacoway
Buchanan, Ill.	Davis, Minn.	Glass	Keating
Buchanan, Tex.	Davis, Tex.	Goodwin, Ark.	Kettner
Burgess	Decker	Gordon	Key, Ohio
Burke	Dent	Gray, Ala.	Kincheloe

Kitchin	Neely	Sabath	Talbott
Konop	Nicholls, S. C.	Saunders	Tavenner
Lazaro	Oldfield	Shallenberger	Taylor, Ark.
Lever	Oliver	Sherley	Taylor, Colo.
Lewis	Overmyer	Sherwood	Thomas
Lieb	Padgett	Shouse	Thompson
Linthicum	Page, N. C.	Sims	Tillman
Lobeck	Park	Sisson	Tribble
London	Pou	Small	Van Dyke
McAndrews	Quin	Smith, N. Y.	Venable
McClintic	Ragsdale	Smith, Tex.	Vinson
McGillicuddy	Rainey	Steagall	Walker
McKellar	Raker	Stedman	Watson, Va.
McLemore	Randall	Steele, Pa.	Webb
Mays	Rauch	Stephens, Miss.	Whaley
Moon	Rayburn	Stephens, Nebr.	Williams, W. E.
Morgan, La.	Reilly	Stephens, Tex.	Wilson, La.
Morgan, Okla.	Rouse	Sterling	Wingo
Morrison	Rubey	Stout	Wise
Moss, Ind.	Rucker	Sumners	Young, Tex.
Murray	Russell, Mo.	Taggart	The Speaker

ANSWERED "PRESENT"—6.

Cantrill	Fuller	Montague	Steele, Iowa
Dupré	McArthur		

NOT VOTING—79.

Allen	Godwin, N. C.	Lafean	Patten
Bacharach	Good	Langley	Peters
Barchfeld	Graham	Lee	Price
Borland	Gray, N. J.	Lesher	Riordan
Brumbaugh	Griest	Liebel	Rowland
Burnett	Hamill	Lindbergh	Schall
Caldwell	Hamilton, N. Y.	Littlepage	Scully
Casey	Hart	Lloyd	Sears
Chandler, N. Y.	Hayden	Longworth	Shackleford
Coleman	Heaton	Maher	Smith, Minn.
Conry	Hilliard	Martin	Sparkman
Costello	Hopwood	Mooney	Sutherland
Doremus	Houston	Morin	Switzer
Driscoll	Huddleston	Moss, W. Va.	Vare
Eagan	Hutchinson	Mott	Ward
Eagle	James	Mudd	Watkins
Fairchild	Jones	Nelson	Watson, Pa.
Flynn	Keister	Nichols, Mich.	Williams, Ohio
Fordney	Kiess, Pa.	North	Wilson, Fla.
Gard	Kreider	Norton	

So the Mondell amendment was rejected.

The Clerk announced the following additional pairs:

For this vote:

Mr. BACHARACH (for Mondell amendment) with Mr. SHACKLEFORD (against Mondell amendment).

Mr. LONGWORTH (for Mondell amendment) with Mr. LITTLEPAGE (against).

Mr. PETERS (for Mondell amendment) with Mr. HILLIARD (against).

Mr. HAMILTON of New York (for Mondell amendment) with Mr. HUDDLESTON (against).

Mr. FAIRCHILD (for Mondell amendment) with Mr. LEE (against).

Mr. GOOD (for Mondell amendment) with Mr. BORLAND (against).

Mr. GRAY of New Jersey (for Mondell amendment) with Mr. BURNETT (against).

Mr. FULLER (for Mondell amendment) with Mr. CLARK of Florida (against).

Mr. MCARTHUR (for Mondell amendment) with Mr. HAYDEN (against).

Mr. NELSON (for Mondell amendment) with Mr. DUPRÉ (against).

Mr. STEELE of Iowa (for Mondell amendment) with Mr. HOUSTON (against).

Mr. MUDD (for Mondell amendment) with Mr. MONTAGUE (against).

Until further notice:

Mr. PATTEN with Mr. CHANDLER of New York.

Mr. LLOYD with Mr. VARE.

Mr. COADY with Mr. MARTIN.

Mr. EAGLE with Mr. SMITH of Minnesota.

Mr. JONES with Mr. HOPWOOD.

Mr. GARD with Mr. NICHOLS of Michigan.

Mr. DOREMUS with Mr. MORIN.

Mr. WILSON of Florida with Mr. KREIDER.

Mr. HOUSTON. Mr. Speaker, I desire to be recorded "no."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. HOUSTON. No, sir; I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. MONTAGUE. Mr. Speaker, I voted "no." I am paired with the gentleman from Maryland [Mr. MUDD], and I desire to withdraw my vote and to be recorded "present."

The name of Mr. MONTAGUE was called, and he answered "Present."

Mr. MCARTHUR. Mr. Speaker, I voted "aye" on the first roll call. I am paired with the gentleman from Arizona [Mr. HAYDEN]. I desire to change my vote to "present." I desire to say I am paired with the gentleman from Arizona [Mr.

HAYDEN], and not the gentleman from New York [Mr. LONDON], as read by the Clerk.

Mr. DUPRÉ. Mr. Speaker, is the gentleman from Wisconsin [Mr. NELSON] recorded as voting?

The SPEAKER. He is not.

Mr. DUPRÉ. Then I desire to withdraw my vote of "no," being paired with the gentleman from Wisconsin, and to answer "Present."

The name of Mr. DUPRÉ was called, and he answered "Present."

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he answered "No."

The result of the vote was announced as above recorded.

Mr. HAY. Mr. Speaker, I accept the amendment of the gentleman from Illinois [Mr. FOSTER] and call for a vote on it.

The SPEAKER. The question is on the Foster amendment.

Mr. MANN. By unanimous consent, I suppose, that amendment is agreed to.

The SPEAKER. Without objection, the Foster amendment is agreed to. [After a pause.] The Chair hears none. The vote is on the Hay amendment.

Mr. HAY. Mr. Speaker, the gentleman from North Carolina [Mr. SMALL] offers an amendment to the text, which I also accept.

The SPEAKER. The Chair understood all the time—he may have been dead wrong—that the Small amendment was an amendment to the Hay substitute.

Mr. HAY. Yes, sir; that is correct. I ask the Clerk to report the amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. SMALL to the amendment offered by Mr. HAY: On line 7 of the amendment, after the word "other," strike out the word "power" and insert the word "method."

The SPEAKER. The question is on the amendment of the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FOSTER. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks for a division.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to withdraw the amendment.

The SPEAKER. The gentleman does not have to have unanimous consent. The gentleman from North Carolina withdraws his amendment. The question is on the Hay substitute as amended by the Foster amendment.

The substitute as amended was agreed to.

Mr. HAY. Mr. Speaker, I ask that the Senate amendment be disagreed to.

The SPEAKER. Wait a moment. There is one more vote to be taken—a vote on the Anthony substitute.

Mr. ANTHONY. Mr. Speaker, I ask to withdraw it.

The SPEAKER. The gentleman from Kansas withdraws it.

Mr. HAY. Mr. Speaker, I move that the House further insists on its disagreement to the Senate amendment.

Mr. MANN. We have to vote now on the original motion. By unanimous consent that can be voted down.

The SPEAKER. There has to be a vote on the motion of the gentleman from Virginia [Mr. HAY] to concur.

Mr. MANN. The sense of the House——

The SPEAKER. The sense of the House is to concur in the amendment as modified by the Hay substitute.

Mr. MANN. To concur in the original amendment. It is only to express the sentiment of the House. The vote is upon the original motion.

Mr. HAY. The question is to take the sense of the House on section 122 of the Senate amendment as amended by the substitute which the House has just adopted.

The SPEAKER. That is just exactly what the Chair said five minutes ago.

Mr. MANN. That is not it.

Mr. HAY. What is it?

Mr. MANN. We have expressed the sense of the House on the Hay substitute, but now we are required to express the sense of the House on the original Senate amendment as it stands. It is an easy proposition.

Mr. HAY. As I understand it, the question is on section 122 of the Senate amendment.

The SPEAKER. As modified by the Hay substitute.

Mr. MANN. That is the original proposition.

Mr. SHERLEY. Mr. Speaker, if the Chair will permit, it was necessary under the terms of the agreement for the gentleman from Virginia [Mr. HAY] to move to concur in the Senate amendment No. 122. It was also in order to offer various amendments, which were offered. Now, the House having expressed by its vote a preference for an amendment, the thing in order is the motion of the gentleman to concur in No. 122, which ought to be voted down.

Mr. MANN. Certainly.

Mr. FITZGERALD. Mr. Speaker, if the gentleman will permit me, the House has substituted the Hay provision with the Foster amendment.

Mr. MANN. The House could not express its sense.

The SPEAKER. The question is on the Hay motion, that it is the sense of the House that section 122 of the Senate amendment be concurred in.

The question was taken, and the motion was rejected.

Mr. HAY. Mr. Speaker, I move that the House do further insist on its disagreement to the Senate amendment and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. HAY, Mr. DENT and Mr. KAHN.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

MINORITY VIEWS ON SHIPPING BILL.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent to have five legislative days in which to file minority views on the bill H. R. 10500, the shipping bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for five legislative days in which to file minority views on the bill H. R. 10500, the shipping bill. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2517. An act for the relief of Edward W. Whitaker; to the Committee on Military Affairs; and

S. 4371. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims; to the Committee on Claims.

EXTENSION OF REMARKS.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SMALL. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. COADY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the stadium bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD on the stadium bill. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Speaker, I understood that the bill to which I referred (H. R. 10500) had been reported to-day. The chairman tells me it has not been reported.

The SPEAKER. The gentleman can file his views within five legislative days, anyhow.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. BARNHART. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman from Wisconsin what the nature of his remarks will be?

Mr. CARY. On the embargo resolution which I introduced.

Mr. BARNHART. Is it an original speech?

Mr. CARY. Yes, sir.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

JOSEPH GURNEY CANNON (H. DOC. NO. 1092).

Mr. MANN. Mr. Speaker, I ask unanimous consent that there may be printed as a House document the usual number of copies of the proceedings of last Saturday relating to former Speaker CANNON, including the prayer of the Chaplain.

The SPEAKER. The gentleman from Illinois asks unanimous consent to make a House document of the proceedings in honor of former Speaker CANNON last Saturday. The Chair will take the liberty of making this remark, that if that is done, he wants whoever edits it to edit out the "15 months" and make it "5 months," as I wrote it, in my reference to Senator Allison. Is there objection to the request of the gentleman from Illinois?

Mr. BARNHART. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Illinois if this is not an unusual proceeding?

Mr. MANN. It is a very unusual proceeding for me to make such a request.

Mr. GARRETT. And it was a very unusual day.

Mr. KITCHIN. I hope no one will object.

Mr. MANN. I think it would be proper to print 10,000 copies of it. I have not asked for that, however.

Mr. BARNHART. I have no objection to that, but I think the gentleman from Illinois understands that it is an unusual proceeding, so that hereafter when he does object to a request he will remember that this was an extraordinary occasion and an extraordinary proceeding.

Mr. MANN. I will remember that; and I will modify my proposition by asking that 10,000 copies be printed, to be distributed through the folding room. I make that request, Mr. Speaker, that 10,000 copies be printed and distributed through the folding room.

The SPEAKER. The gentleman from Illinois modifies his request and asks that 10,000 copies be printed and distributed through the folding room. Is there objection to either one of these requests?

There was no objection.

Mr. MANN. I amend my request, Mr. Speaker, and ask that on this document the portrait of Mr. CANNON be printed.

The SPEAKER. The gentleman also asks that the portrait of former Speaker CANNON be printed on this document. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to extend my remarks on the Army reorganization bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD, as indicated. Is there objection?

There was no objection.

Mr. ABERCROMBIE. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BARKLEY. I make the same request, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered at Durham, N. C., by R. F. Beasley, of Monroe, N. C., on the subject of taxation.

Mr. BARNHART. Reserving the right to object, was the gentleman a former Member of the House?

Mr. DOUGHTON. I think not.

Mr. BARNHART. Was he a former governor of the State?

Mr. DOUGHTON. Not that I know of.

Mr. BARNHART. Then I think I shall object to that, Mr. Speaker.

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] objects.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I renew my motion to adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Tuesday, May 9, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting estimate of an emergency appropriation for spring repairs to the road system in the Yellowstone National Park to be used prior to June 30, 1916, and to be deducted from the appropriation for maintenance and repair for the fiscal year ending June 30, 1917 (H. Doc. No. 1082); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, submitting a change in the wording of the estimate of appropriation to cover repair of roads within the arsenal grounds, West Troy, N. Y., so as to read "for the repair of roads within and of one public road running through the arsenal grounds, $20,000" (H. Doc. No. 1083); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, submitting draft of legislation to be inserted in the bill making appropriations for the service of the War Department under the heading, "Transportation of the Army and its supplies" (H. Doc. No. 1084); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Secretary of the Treasury, submitting a tentative draft of legislation relating to auditor's statement to the Secretary of the Treasury, of all checks issued which shall have then been outstanding and unpaid for three years or more (H. Doc. No. 1085); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

5. A letter from the Secretary of War, submitting an addition to the estimates heretofore submitted under the heading "Panama Canal," subhead "Fortifications, Panama Canal" (H. Doc. No. 1086); to the Committee on Appropriations and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Albert G. Lewis v. The United States (H. Doc. No. 1087); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 15314) prohibiting threats against the President of the United States, reported the same without amendment, accompanied by a report (No. 652), which said bill and report were referred to the House Calendar.

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12123) to appropriate money to build and maintain roads on the Spokane Indian Reservation, reported the same with amendment, accompanied by a report (No. 653), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 10116) for the relief of certain settlers under reclamation projects, reported the same with amendment, accompanied by a report (No. 654), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. O'SHAUNESSY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 204) to promote the efficiency of the Public Health Service, reported the same without amendment, accompanied by a report (No. 655), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11958) to provide for the sale of certain Indian lands in Oklahoma, and for other purposes, reported the same with amendment, accompanied by a report (No. 656), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (H. R. 12889) authorizing the Secretary of the Interior to convey certain land to the town of Newell, S. Dak., and for other purposes, reported the same with amendment, accompanied by a report (No. 657), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R.

15295) granting an increase of pension to Henry Borghardt, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: A bill (H. R. 15456) to amend section 1754 of the Revised Statutes of the United States; to the Committee on Reform in the Civil Service.

By Mr. GREGG: A bill (H. R. 15457) for a site and building for customs and other Government offices at Galveston, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. MURRAY: A bill (H. R. 15458) to provide credit for farm-home societies; to the Committee on Banking and Currency.

By Mr. STEELE of Iowa: A bill (H. R. 15459) authorizing the Secretary of War to deliver to McDowell Post, 391, Grand Army of the Republic, Early, Iowa, two condemned bronze or brass cannon with their carriages and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 15460) to provide for the payment of assessments for benefits for the opening of streets, avenues, roads, and alleys in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. TRIBBLE: A bill (H. R. 15461) to pay to Confederate soldiers and to the widows of Confederate soldiers $50 per month during the remainder of their lives; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 15462) to create a commission to be known as the Federal Motion Picture Commission, and defining its powers and duties; to the Committee on Education.

By Mr. MURRAY: A bill (H. R. 15463) to protect private property taken for public use in Porto Rico; to the Committee on Insular Affairs.

By Mr. VAN DYKE: A bill (H. R. 15464) to repair and remodel the post-office and courthouse building at St. Paul, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. LOUD: A bill (H. R. 15465) to establish a United States shipping board, for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. WALKER: A bill (H. R. 15491) to regulate the labeling of cotton fabric sold in the District of Columbia, the District of Alaska, and the Territories of the United States, or shipped in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa (by request): Resolution (H. Res. 227) for printing 5,000 copies of the record of the investigation of the Interstate Commerce Commission of the financial affairs of the Chicago, Rock Island & Pacific Railway Co.; to the Committee on Printing.

By Mr. FULLER: Resolution (H. Res. 228) to amend the rules; to the Committee on Rules.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 229) authorizing the Committee on the District of Columbia to investigate and inquire into the condition of the financial relations between the United States and the District of Columbia; to the Committee on Rules.

By Mr. SCOTT of Pennsylvania: Joint resolution (H. J. Res. 220) to create a joint subcommittee from the membership of the Senate Post Offices and Post Roads Committee and the House Post Office and Post Roads Committee to investigate the condition of and the recent changes in the Rural Mail Delivery Service in the United States; to the Committee on the Post Office and Post Roads.

By Mr. KENT: Concurrent resolution (H. Con. Res. 36) authorizing the printing of the bulletin prepared by the Department of Agriculture entitled "Testing Grape Varieties in the Vinifera Regions of the United States"; to the Committee on Printing.

By Mr. FREAR: Concurrent resolution (H. Con. Res. 37) limiting appropriations for flood control; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and a resolution were introduced and severally referred as follows:

By Mr. BEALES: A bill (H. R. 15466) to correct the military record of Daniel M. Witmyer; to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 15467) granting a pension to Ernest P. Sumner; to the Committee on Pensions.

By Mr. DEMPSEY: A bill (H. R. 15468) granting an increase of pension to Phebe A. Talcott; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 15469) granting a pension to Sylvester F. Gilmore; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 15470) granting a pension to Frank Hall; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 15471) granting an increase of pension to Edwin P. Arnold; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 15472) granting an increase of pension to David Mordhart; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 15473) granting an increase of pension to Samuel A. Pyc; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15474) granting an increase of pension to Alexander Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15475) granting an increase of pension to Israel Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15476) granting an increase of pension to Elizabeth Strayer; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 15477) granting an increase of pension to George W. Kilmer; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 15478) granting a pension to Florence Woodward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15479) granting a pension to Margaret C. Dunlap; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 15480) to remove the charge of desertion from the military record of Porter Hill; to the Committee on Military Affairs.

By Mr. RAUCH (by request): A bill (H. R. 15481) granting a pension to Margaret M. Zurmehly; to the Committee on Pensions.

Also, a bill (H. R. 15482) granting a pension to Simeon H. Johnston; to the Committee on Pensions.

Also, a bill (H. R. 15483) granting a pension to William F. Randle; to the Committee on Pensions.

Also, a bill (H. R. 15484) granting an increase of pension to Lewis A. Huddleston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15485) granting a pension to William T. Murphy; to the Committee on Pensions.

By Mr. SCULLY: A bill (H. R. 15486) granting a pension to Annie M. France; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 15487) granting an increase of pension to James A. Thompson; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 15488) granting a pension to Samuel Hoover; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 15489) for the relief of Richard T. Ishmael; to the Committee on Military Affairs.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 15490) granting a pension to Mary Bruce; to the Committee on Invalid Pensions.

By Mr. LENROOT: Resolution (H. Res. 230) for the relief of Frank Murray; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of National Society of the Daughters of the American Revolution, in reference to proposed legislation affecting the Daughters of the American Revolution; to the Committee on the District of Columbia.

By Mr. ASHBROOK: Papers to accompany House bill 15324, for relief of Quincy A. Cheadle; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of M. Kaufman & Son, favoring House bill 13916; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens, in reference to our foreign relations; to the Committee on Foreign Affairs.

By Mr. BENNET: Memorial of New York City Board of Aldermen, in regard to preparedness; to the Committee on Military Affairs.

By Mr. CURRY: Petition of 112 citizens of Sacramento, Cal., against passage of House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. DALE of New York: Memorials of various clubs and organizations, favoring reporting the Susan B. Anthony suffrage amendment from the Judiciary Committee; to the Committee on the Judiciary.

Also, petition of sundry citizens in re preparedness; to the Committee on Military Affairs.

Also, memorial of Pelton Water Wheel Co., of New York, in re Shields bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Chamber of Commerce of New York, in re House bills 8665 and 8677; to the Committee on Labor.

Also, memorial of Chamber of Commerce of New York, in re rural-credit banking; to the Committee on Agriculture.

By Mr. DALE of Vermont: Petition of 46 residents of Jamaica, East Jamaica, and West Townshend, Vt., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of 53 residents of Jamaica, East Jamaica, and West Townshend, Vt., protesting against the passage of House bill 6468; to the Committee on the Post Office and Post Roads.

Also, memorial of Granite Polishers, of Barre, Vt., indorsing House resolution No. 137, providing for a commission to investigate the dairies and dairy products of the United States; to the Committee on Rules.

By Mr. DANFORTH: Petition of R. H. Wonderly and 34 others of Rochester, N. Y., favoring House bill 8661, to regulate the method of directing the work of Government employees; to the Committee on Labor.

Also, petition of Christian Roeyink and 13 others of Rochester, N. Y., against House bill 13048, to amend an act creating a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Oliver L. Hardy and 12 others, of Rochester, N. Y., against House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DAVENPORT: Petition of citizens of church of Inola, Okla., favoring the passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. DENISON: Petition of certain citizens of Cairo, Ill., in favor of an embargo on the shipment of arms; to the Committee on Foreign Affairs.

By Mr. DILLON: Petitions of sundry citizens of South Dakota, in reference to foreign relations and favoring maintaining friendly relations with Germany; to the Committee on Foreign Affairs.

By Mr. DYER: Memorial of Benjamin Franklin Council, No. 6, Junior Order United American Mechanics, opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Memorial of citizens of New Orleans, favoring the maintaining of friendly relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of the Farmers' Educational and Cooperative Union of America, in re legislation; to the Committee on Military Affairs.

By Mr. FLYNN: Memorial of Chamber of Commerce of the State of New York, in re House bills 8665 and 8677; to the Committee on Labor.

Also, memorial of Citizens' Peace Committee of New Orleans, La.; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of State of New York, in re rural-credit banking; to the Committee on Agriculture.

Also, memorial of Farmers' Educational and Cooperative Union of America and of the National Grange, in reference to proposed legislation; to the Committee on the Public Lands.

By Mr. FOCHT: Papers to accompany House bill 10165 for relief of George P. Vance; to the Committee on Pensions.

Also, papers to accompany House bill 7080 for relief of John C. Kuhn; to the Committee on Invalid Pensions.

By Mr. HILL: Petition of Central Labor Union of Norwalk, Conn., of 12 members in reference to House bill 8665; to the Committee on Labor.

Also, memorial of St. Peter's Council, No. 1303, Knights of Columbus, of Stamford, Conn., in favor of House bill 6915, for the retirement of superannuated postal employees; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petitions of citizens of Williamsport, Pa.; St. John's Lutheran Church, of Renovo, Pa.; and Salem Lutheran Church, of Williamsport, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of city commission of Jackson, Mich., favoring pension for Federal employees after 25 years of service; to the Committee on Reform in the Civil Service.

By Mr. LONDON: Petition of Socialist Party local, Tonopah, Nev., requesting that the American expeditionary forces in Mexico be withdrawn, and protesting against the sending of any more military forces into Mexico; to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of E. S. Chaffee and 39 other voters of Greenwood Township, Clare County, Mich., favoring passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. McDERMOTT: Petition of Messrs. William Landers, Walter L. Knise, C. M. Rapp, and others, all of Chicago, Ill., favoring the passage of the Lobeck classification bill; to the Committee on Agriculture.

By Mr. MAPES: Petition of members of Grand Haven (Mich.) Union of Christian Endeavor, urging the passage of the bill to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Grand Haven (Mich.) Union of Christian Endeavor, favoring the Smith-Hughes bills for Federal censorship of films; to the Committee on Education.

By Mr. MATTHEWS: Protest of 36 residents of Paulding County, Ohio, against American citizens traveling on armed merchant vessels and against the President's last ultimatum to Germany; to the Committee on Foreign Affairs.

By Mr. NOLAN: Petition of O. A. Longley, of Oakland, Cal., and sundry other citizens of Oakland, favoring the passage of House bill 5792, by Representative LOBECK, in behalf of the employees of the Bureau of Animal Industry; to the Committee on Agriculture.

Also, resolutions of the representative women of the city of Sacramento, Cal., favoring the submission to the State legislatures for ratification the Sutherland-Mondell woman suffrage amendment; to the Committee on the Judiciary.

Also, petition of the North Danish Methodist Episcopal Church Sunday School, of San Francisco, Cal., and sundry other citizens of California, for the passage of the Webb-Smith prohibition resolution; to the Committee on the Judiciary.

By Mr. OVERMYER: Petition of 21 citizens of Tiffin, Ohio, favoring the enactment of House bill 8665, to discontinue and prevent the establishment of the Taylor and similar systems in Government workshops; to the Committee on Labor.

By Mr. RANDALL: Petition of Mrs. L. I. Davis and 16 others, of Hillsboro, Oreg., opposing bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of mass meeting held on the grounds of the Panama-Pacific International Exposition at San Diego, Cal., favoring woman suffrage; to the Committee on the Judiciary.

Also, memorial of City Commission of Jackson, Mich., favoring the passage of a bill for pensions for Federal employees; to the Committee on Reform in the Civil Service.

By Mr. RIVERA: Petitions of temperance and Christian Endeavor organizations in Porto Rico, asking for prohibition; to the Committee on Insular Affairs.

By Mr. ROBERTS of Massachusetts: Petition of Industrial Lunch Commission of Merrimac, Mass., for passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of a committee of Massachusetts women, relative to the action of the British Government in prohibiting the shipment of Red Cross supplies to the central powers; to the Committee on Foreign Affairs.

By Mr. ROBERTS of Nevada: Petition of numerous citizens of Reno, Washoe County, Nev., favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, memorial of Woman's Baptist Mission Circle, of Reno; McKinley Park Mothers' Club, of Reno; the Women's Faculty Club of the University of Nevada, at Reno; and the Ladies' Aid of the Methodist Episcopal Church of Reno, Nev., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, memorial of Orvis Ring Mothers' Club, of Reno, Washoe County, Nev., favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Marine Engineers' Beneficial Association, favoring House bill 8036; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of United Boards of Business Agents of Greater New York and Long Island Building Trades, favoring Senate bill 3457 and House bill 8826; to the Committee on Labor.

Also, petition of sundry citizens, favoring peace with Germany; to the Committee on Foreign Affairs.

By Mr. SHOUSE: Petition of citizens of Waterloo, Kans., to prohibit the importation, manufacture, and sale of intoxicating liquors in the island of Porto Rico; to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Ford County, Kans., for an amendment to the Constitution of the United States providing for national prohibition; to the Committee on the Judiciary.

Also, petition of the Ministerial Association of Reno County, Kans., for the prohibition by Congress of the importation, manufacture, and sale of all intoxicating liquors in the island of Porto Rico; to the Committee on Alcoholic Liquor Traffic.

By Mr. SMITH of Michigan: Additional papers to accompany House bill 14897, for relief of Eliza C. Spears; to the Committee on Invalid Pensions.

Also, petition of Elirra Bourne and 41 citizens of Ceresco, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. Henry W. Ellenger and 17 citizens of Sunfield, 5 citizens of Lake Odessa, and 4 citizens of Portland, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of E. A. Moore and 24 citizens of Allen, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of G. Cross and 43 citizens of Oxford, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. A. R. Johns and 65 citizens of Albion, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of O. W. Thompson and 13 citizens of Ransom, 14 citizens of Osseo, 9 citizens of Waldron, and 3 citizens of Pittsford, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of A. H. Coors and 73 citizens of Bellevue, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of J. F. Phillips and Methodist Episcopal Church of Allen, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Fred Phelps and 58 citizens of Climax, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of L. H. Draper and 4 citizens of Montgomery, 10 citizens of Quincy, and 2 citizens of Reading, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Mrs. Mary Burnett and 34 citizens of Union City, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Addie McConnell and 40 citizens of Charlotte, 3 citizens of Vermontville, and 3 citizens of Potterville, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of A. D. Jones and 26 citizens of Bellevue, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of George J. Lamb and 31 citizens of Vermontville, 2 citizens of Nashville, and 7 citizens of Chester, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of N. E. Palmiter and 20 citizens of Battle Creek, 6 citizens of Penfield, and 7 citizens of Ceresco, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Walter S. Vaughn and 22 citizens of Reading, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of W. G. Shane and 45 citizens of Grand Ledge, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of E. R. Fish and 26 citizens of Homer, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Earl E. Hayward and 25 citizens of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of S. E. Brown and 16 citizens of Pittsford and 9 citizens of Prattville, both in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Fred C. Throop and 20 citizens of Lansing and 5 citizens of Grand Ledge, both in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of H. E. Holmes and 24 citizens of Quincy and 1 citizen of Litchfield, both in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Frank Beckwith and 27 citizens of Quincy, 2 citizens of Montgomery, and 2 citizens of Reading, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Robert Smith and 21 citizens of Montgomery and 2 citizens of Coldwater, both in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Mrs. Eliza Holcomb and 9 citizens of Hillsdale, 4 citizens of Allen, and 14 citizens of Reading, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of J. B. Edmonson of Hillsdale and 38 citizens of Osseo, both in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Alfred Hart and 34 citizens of Tekonsha, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of L. E. Perry and 25 citizens of Coldwater, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of C. Fremont Mosher and 77 citizens of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of W. A. Howard and the congregation of Methodist Episcopal Church of Tekonsha, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of J. B. Edmonson and congregation of Freewill Baptist Church of Osseo, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Carl L. Doolittle and the Baptist Sunday School of Tekonsha, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of L. E. Perry, by church and Sunday School of Wesleyan Methodist Church, of Coldwater, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of C. Fremont Mosher and the Washington Heights Methodist Episcopal Church, of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of J. G. Phillips and the Methodist Episcopal Church of Allen, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of F. E. Dunning and congregation of Methodist Episcopal Church of Homer, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Frank Holcomb and church and Sunday School of Reading, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of W. R. Tyrill and Baptist Sunday School of Reading, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Jacob Van der Meulen and congregation of Bethany Reformed Church, of Kalamazoo, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of H. Liddicost and Methodist Episcopal Church of Osseo, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of William J. Coates and congregation of the Upton Avenue Methodist Episcopal Church, of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of W. H. Rowe and congregation of the First Methodist Church of Union City, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of E. R. Claflin and Methodist Episcopal Sunday School, of Charlotte, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of A. D. Jones and Baptist Church of Bellevue, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of E. W. Stevens and the First Methodist Episcopal Church and Sunday School of Vermontville, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of F. Merritt and Sunfield Methodist Episcopal Sunday School, of Sunfield, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of C. H. Palmatier and congregation of Methodist Sunday School of Climax, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of H. S. Herseff and Methodist Episcopal Sunday School of Sherwood, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of J. R. Wooten, pastor, and the public congregation of the Methodist Episcopal Church of Grand Lodge, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. H. R. Strong and Methodist Episcopal Church of Pittsford, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. V. M. Meeds and the members of Second Baptist Church of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. M. B. Kelley and Maple Street Methodist Episcopal Church, of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. O. P. Beston and the congregation of the Baptist Church of Ceresco, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. R. S. Brown and the congregation and Sunday School of the Methodist Episcopal Church of Bronson, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

By Mr. TAYLOR of Arkansas (by request): Petition of Mr. R. Malley and many others, of Pine Bluff, Ark., favoring House bill 8665, to prohibit stop-watch or other time study; to the Committee on Labor.

By Mr. TIMBERLAKE: Petition of 18 members of the Second Presbyterian Church of Colorado Springs, Colo., praying for a Christian amendment to the Constitution; to the Committee on the Judiciary.

Also, memorial of Ladies' Aid Society of the Methodist Episcopal Church of Greeley, Colo., favoring adoption of constitutional amendment prohibiting polygamy; to the Committee on the Judiciary.

Also, petition of citizens of Boulder, Colo., protesting against House bill 652, providing for the closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

By Mr. VAN DYKE: Petition of sundry citizens, opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of St. Paul, Minn., and Ramsey, Minn., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 9, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, all Thy blessings wait upon the changeless and eternal order of the divine mind. Thou hast spoken to us by all that Thou hast made. The earth about us and the heaven above us speak to us the same language, reveal to us the same God, whisper to our hearts the blessedness of hope and of good cheer.

We bless Thee that Thou dost lead us on. Thou hast put responsibility upon human life. May we think Thy thoughts after Thee. We pray that this day we may be enabled to go forward under the inspiration of Thy holy spirit. May the laws that are made in this Congress be a transcript of the divine will. May blessings come because we are following the divine order in all our national life. We ask for Christ's sake. Amen.

The Journal of the legislative day of Friday, May 5, 1916, was read and approved.

LAND IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, relative to the acquisition by the Government of certain property in the city of Washington fronting on the Anacostia River, which was referred to the Committee on the District of Columbia.

YELLOWSTONE NATIONAL PARK (H. DOC. NO. 1082).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, requesting an emergency appropriation of $15,000 for spring repairs to the road system in the Yellowstone National Park, which was referred to the Committee on Appropriations and ordered to be printed.

LIST OF CLAIMS (S. DOC. NO. 435).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of causes referred to the Court of Claims by the United States Senate and dismissed by that court, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

CHARLES E. CURRIER V. UNITED STATES (S. DOC. NO. 436).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Charles E. Currier v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

WILLIAM J. LAUCK ET AL. (S. DOC. NO. 434).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the order of the court filed by the court in the cause of William J. Lauck et al., heirs of James F. Lauck, deceased, v. United States, which was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 119) to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, further insists upon its disagreement to the amendments of the Senate to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4726. An act to permit issue by the supply departments of the Army to certain military schools and colleges;

S. 4603. An act to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at Princes Lower Landing, near Jackson, Ala.;

S. 4432. An act to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; and

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town.

NATIONAL DEFENSE.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Estab-

lishment of the United States, having met, after full and free conference, have been unable to agree.

GEORGE E. CHAMBERLAIN,
J. C. W. BECKHAM,
F. E. WARREN,
Managers on the part of the Senate.
JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

The VICE PRESIDENT. The question is on the adoption of the conference report.

The report was agreed to.

Mr. CHAMBERLAIN. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 12766.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, further insisting upon its disagreement to the amendments of the Senate to the bill, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate still further insist upon its amendments, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. CHAMBERLAIN, Mr. BECKHAM, Mr. BROUSSARD, Mr. DU PONT, and Mr. WARREN conferees at the further conference on the part of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate resolutions adopted at a mass meeting of citizens of Covington, Ky., urging the President and Congress to employ all honorable methods to preserve peace and refers the same to the Committee on Foreign Relations, not knowing whether it should be printed.

Mr. SMITH of Georgia. I ask to have printed in the RECORD resolutions passed by the Eastern Arts Association, assembled in convention at Springfield, Mass., approving the bill giving Federal aid to vocational education which is now pending in the Senate.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

The Eastern Arts Association, assembled in convention now being held in Springfield, Mass., approves the principles of the United States giving a Federal aid to vocational education. The association firmly believes that this aid will stimulate and assist the States of the Union in carrying on to greater success this important and very desirable form of educational activity.

The Eastern Arts Association resolves therefore to express its sincere hope that the Smith-Hughes bill will be passed by Congress during its present session.

The Eastern Arts Association believes that the work of carrying out the measures of the act is so important and of such a special character as to make most advisable the creation of a Federal board which will give its entire attention and capacity to the administration of the act.

The association resolves therefore to express its sincere hope that the members of the Federal board shall be really representative of the industrial, agricultural, educational, and labor interests which will be served by the act.

Respectfully submitted by the committee on resolutions.

Mr. W. B. ANTHONY.
Mr. L. H. CARRIS.
Miss JEAN KIMBER.

Mr. JOHNSON of South Dakota presented a petition of sundry citizens of Lennox, S. Dak., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented petitions of Council No. 25, Sons and Daughters of Liberty, of Nashua; of Banner Council, No. 18, Sons and Daughters of Liberty, of Pittsfield; of Old Glory Council, No. 14, Sons and Daughters of Liberty, of Center Barnstead; of Columbia Council, No. 20, Sons and Daughters of Liberty, of Manchester; and of Hope Council, No. 3, Sons and Daughters of Liberty, of Milford, all in the State of New Hampshire, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented the memorial of J. H. Hesser, of Manchester, N. H., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a memorial of the Protestant Churches Association of Greater New York, remonstrating against unfriendly relations between the United States and Germany, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the Southwest Presbyterian Church, of Los Angeles, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. GRONNA. I have here a letter from Mr. C. N. Barnes, of Grand Forks, N. Dak. Mr. Barnes is a member of the executive committee of the National Retail Hardware Association and writes to me in connection with the bill introduced by the Senator from Texas [Mr. SHEPPARD] to establish the National Chamber of Agriculture of the United States. It is a short letter, and I ask that it be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection it is so ordered.

The letter referred to is as follows:

THE NATIONAL RETAIL HARDWARE ASSOCIATION,
Grand Forks, N. Dak., May 2, 1916.

A. J. GRONNA,
Washington, D. C.

DEAR MR. GRONNA: My attention has been called to Senate bills 5687 and H. R. 14903, and I would appreciate very much receiving a dozen copies of each of these bills.

From what I am able to gather of the legislation contemplated, it seems to me that the Government is attempting to teach and encourage altogether too much mail-order buying, to the detriment of the merchants and small towns of the country. I hope I am mistaken in this, but it looks to me as though a great many of the Government activities were directed along such lines.

It is the feeling of a large class of merchants throughout the United States that legislation is not fairly divided; that there is entirely too much directed against the small dealer; but why, I have never been able to understand. From the interest taken in this contemplated legislation by officers of several of the large mail-order houses in the United States, it is evident that they are greatly interested in it, and it has been reported to me that President Thorn, of Montgomery-Ward & Co., has distributed over 1,000,000 copies of Senate document No. 240, but I have never happened to hear of a merchant receiving one through that source.

As I feel you are interested in the success of the small merchant and the small towns of the country, I ask you as a personal favor to investigate this contemplated legislation and write me as fully as you can when sending copies of the bills.

Assuring you of my appreciation for your cooperation in this matter, I am,

Yours, very truly,

C. N. BARNES.

Mr. PHELAN. I present resolutions adopted at a meeting of sundry men and women voters of San Francisco, Cal., and they submit a request that I ask, that the resolutions be printed in the RECORD. Therefore, I ask that the resolutions may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolutions are as follows:

Resolutions passed by about 600 people, citizens of San Francisco.

Be it resolved, That this meeting of men and women voters of San Francisco, held at the Civic Auditorium April 25, 1916, protest against the unfair action of the Judiciary Committee of the House of Representatives in blocking the passage of the Susan B. Anthony Federal suffrage amendment, and demands that it take favorable action upon it, so that it may be voted upon during this session of Congress;

Be it further resolved, That we call upon the administration to put its strength behind the amendment that it may be passed on to the State legislatures without delay, so that all the women of the country may enjoy the blessings of political liberty now possessed by the women of California; and

Be it further resolved, That we call upon our Representatives in Congress to work and vote for this amendment; and

Be it finally resolved, That a copy of these resolutions be sent the administration leaders, the chairman and members of the House Judiciary Committee and the entire California congressional delegation, with the request that it be read into the CONGRESSIONAL RECORD by Senator PHELAN and by Congressman NOLAN and to John B. Sanford, national Democratic committeeman.

Resolutions unanimously passed at a luncheon given by Mrs. Phoebe A. Hearst to the envoys of the Congressional Union at the Hacienda del Posode Verona, Pleasanton, Cal., April 24, 1916.

Be it resolved, That as voters we protest against the action of the Judiciary Committee of the House of Representatives in unjustly blocking the passage of the Susan B. Anthony Federal suffrage amendment and demand that it be given an immediate favorable report that it may be passed during this session of Congress;

Be it further resolved, That we urge Senator JAMES DUVAL PHELAN to work and vote for the passage of the bill in the Senate this session;

Be it finally resolved, That copies of this resolution be forwarded to the administration leaders, the chairman and members of the Judiciary Committee of the House of Representatives, and to the Members of the California congressional delegation, with the request that it be read into the CONGRESSIONAL RECORD; in the Senate by Senator PHELAN, and in the House by Congressman ELSTON.

(Mrs.) PHOEBE A. HEARST,
Chairman.

Mr. PHELAN presented a petition of the California State Rural Letter Carriers' Association, praying for the enactment of legislation to improve the Rural Free Delivery Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Grange, No. 342, Patrons of Husbandry, of Dinuba, Cal., remonstrating against any change being made in the parcels-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Sacramento, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. THOMPSON. I present a communication from Mrs. Sophie L. W. Clark, superintendent of the Civic Housekeeping Department of the Woman's Christian Temperance Union, of western Washington, inclosing a memorial in favor of a bill I introduced relative to the naturalization of women. I should like to have printed in the RECORD the communication and the accompanying memorial passed by the society, and ask that they be referred to the Committee on the Judiciary.

There being no objection, the communication and memorial were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

WOMAN'S CHRISTIAN TEMPERANCE UNION,
Seattle, April 27, 1916.

Senator WILLIAM HOWARD THOMPSON,
Washington, D. C.

DEAR SIR: Am sending a memorial, just received from Colby, Wash., on the question of a married woman's citizenship. The memorials presented by Senator POINDEXTER on February 28 were placed with Judiciary Committee. May I ask to have this memorial placed with others on same subject.

Have secured action through various organizations in favor of this measure, which I hope will aid in bringing measure out of committee. It is a very simple matter of justice and safety to all concerned. Surely while the war clouds are darkest is the psychological moment to put citizenship upon the basis of individual choice.

This question has been upon my heart for six years, so am anxious to know what further action Washington women must take before bill will be passed.

Cordially, yours,

MRS. SOPHIE L. W. CLARK.

COLBY, WASH., *April, 1916.*

To the Senate and House of Representatives of the United States of America:

Whereas citizenship is automatically acquired by aliens through marriage; and

Whereas such procedure is neither sane, safe, nor expedient, especially now when our country is overshadowed by the great European war; and

Whereas American citizens are automatically deprived of their birthright through arbitrary acts of Congress solely on account of sex; and

Whereas such acts violate the principle, if not the letter, of section 1, Article XIV of the amendments to the Constitution of the United States of America, being unjust and un-American, tending to undervaluation of the possession of citizenship, which, in the interest of true patriotism, should depend solely on birth or deliberate intelligent choice:

Therefore we, citizens of the United States and of the State of Washington, do memorialize the Sixty-fourth Congress to repeal such acts, especially section 3 of expatriation act of 1907, and to amend the Constitution of our United States by forever forbidding the expatriation or naturalization of any citizen on account of marriage.

Mr. SHERMAN presented memorials of sundry citizens of Centralia, Bloomington, Nashville, Valmeyer, New Baden, and Breese, all in the State of Illinois, remonstrating against certain provisions of the so-called migratory game law, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Commercial Club of Elgin, Ill., praying that a permit be granted for the construction of the Illinois waterway between Lockport and Utica, which was referred to the Committee on Commerce.

He also presented a petition of the Local Branch, Sons of Veterans, of Batavia, Ill., praying for an increase in armaments, which was ordered to lie on the table.

Mr. LANE presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented memorials of sundry citizens of Cheyenne, Wyo., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented memorials of sundry citizens of Northampton County, Pa., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of the Typothetæ of Reading, Pa., praying for the placing of an embargo on the export of manufactured papers and materials that enter into the manufacture of paper, which was referred to the Committee on Finance.

He also presented petitions of the congregations of the Sixth United Presbyterian Church and the Eighth Street Reformed Presbyterian Church, of Pittsburgh, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the United Singers of Philadelphia, Pa., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Sewickley, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. COLT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Washington County Pomona Grange, Patrons of Husbandry, of Westerly, R. I., praying for Government ownership of telegraph and telephone systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Improvement Association of Bristol, R. I., praying for the establishment of a large naval base on Narragansett Bay, which was referred to the Committee on Naval Affairs.

Mr. KERN presented a petition of the Indiana State Industrial Teachers' Association, praying for Federal aid for vocational education, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Hammond, Whiting, Muncie, and Gary, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Greenwood, Ind., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented a memorial of sundry citizens of Muldoon, Tex., remonstrating against section 11 of the so-called cotton-futures act, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia and the Hawaiian Islands, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Douglas, Tex., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. WORKS presented a memorial of sundry citizens of Los Angeles, Cal., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Los Angeles, Cal., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented petitions of sundry citizens of Spring Hill and Girard, in the State of Kansas, praying for the passage of the so-called Federal good-roads bill, which were ordered to lie on the table.

He also presented a petition of the guards at the United States Penitentiary at Leavenworth, Kans., praying for an increase in their salaries, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Ornoque, Kans., praying for prohibition in the island of Porto Rico, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Utopian Club, of Gove City, Kans., praying for an investigation of conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Parsons, Kans., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Horton, Kans., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Independence, Kans., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Baul, Kans., remonstrating against the proposed creation of a juven-

the court in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Kansas, New York, New Jersey, Maine, Texas, Pennsylvania, Iowa, California, Massachusetts, Virginia, Ohio, and the District of Columbia, remonstrating against the enactment of legislation to make October 12, Columbus Day, a legal holiday in the District of Columbia, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Coffeyville, Kans., remonstrating against certain provisions of the so-called migratory bird law, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of sundry citizens of Kansas, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Topeka, Kans., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Kansas, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Lyon County and Wabaunsee County, Kans., praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JAMES. Mr. President, I have received a letter from William A. Byrne, of Covington, Ky., transmitting, in compliance with the request of a mass-meeting of citizens of Covington and Kenton Counties, Ky., held at the Library Auditorium in that city on the 1st instant, a certified copy of the call for the meeting, and also resolutions adopted at the meeting, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

COVINGTON, KY., *May 4, 1916.*

Hon. OLLIE M. JAMES,
United States Senator from Kentucky,
Washington, D. C.

DEAR SENATOR: In compliance with the request of a mass meeting of citizens of Covington and Kenton County, Ky., held at the Library Auditorium in the city of Covington on May 1, 1916, I take the liberty of forwarding herewith a certified copy of the call for said meeting and of the resolutions there adopted, which are submitted for your consideration; also, under separate cover, a picture of the vote on said resolutions.

Very respectfully, yours,

WM. A. BYRNE,
Covington, Ky.

The undersigned committee on resolutions respectfully recommend that the following declaration be adopted as representing the convictions and wishes of this meeting, to wit:

"The people of Covington and Kenton County, Ky., represented by 400 citizens and residents of the city and county, who, in the exercise of their constitutional rights as part of a free and sovereign people, on this, the evening of the 1st day of May, 1916, have come together at the Library Auditorium in the city of Covington for the purpose of taking mutual counsel upon the present international situation, and of submitting their convictions and wishes relative thereto, in just and proper manner, to the executive and legislative departments of the Federal Government, do hereby solemnly declare:

"In common with all other good and loyal citizens of our country we stand, now and at all times, for the honor, safety, and happiness of the United States of America.

"Our hearts go out to the President of the Nation in this his hour of unexampled responsibility for the weal or woe of 100,000,000 of American citizens intrusted by them to his keeping.

"Should it come to pass that the last word will have to be said, and nothing but the duty of action remain, we shall be ready and willing to make the utmost sacrifices of life and property upon the altar of our common country.

"We deem it, however, against the best and highest interests of the American people to let to-day's friction, due to a world in upheaval, result in the severance of friendly relations or in bringing on a state of war with Germany or any other country, unless our final decision be in completest harmony with the principle of the golden rule and the dictates of national common sense.

"Believing that the present crisis in international affairs does yet admit of fair, honorable, and humane alternatives which will enable our Government to spare this Nation the unutterable distress and horrors of war, we ask the President of the United States to continue his efforts at peaceable adjustment of our differences with the distracted nations of Europe, and we ask the Congress of the United States, and more especially our Senators from Kentucky, and our Representative from the sixth congressional district of Kentucky to use all honorable means toward the prevention of a state of war with Germany or any other nation in the event our President should deem it his duty to sever the friendly relations of a century or more.

"And this we ask in the name of God and the American people."

The chairman and secretary of this meeting are hereby authorized and directed to forward certified copies of this resolution, together with certified copies of the call of this meeting, to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, to the Hon. OLLIE M. JAMES and the Hon. J. C. W. BECKHAM, United States Senators from Kentucky, and to the Hon. A. B. ROUSE, Congressman from the sixth congressional district of Kentucky.

The committee on resolutions: Robert J. Trimble, Charles W. Reynolds, M. D., Theo. Von Hoene, John J. Craig, H. W. Percival, H. C. Dickhaut, John B. Read, Theodore Kluemper, J. T. Earle, William Riedlin, sr., Joseph B. Theissen, R. J. Dibowski, Henry Feltman, Edward W. Pflueger, Frederick W. Schmitz (chairman).

STATEMENT.

We, the undersigned, chairman and secretary of above-mentioned mass meeting of citizens of Covington and Kenton County, Ky., do hereby certify that there were present at said meeting from 400 to 500 citizens and residents of Covington and Kenton County, Ky.; that the resolutions herein above set out were unanimously adopted, and that the foregoing is a true and correct copy of same.

WM. A. BYRNE, *Chairman.*
F. J. HERMES, *Secretary.*

CERTIFICATE.

STATE OF KENTUCKY, *County of Kenton:*

I, H. Tilden Reinke, a notary public in and for the county and State aforesaid, do hereby certify that the foregoing statement was sworn to and subscribed before me by William A. Byrne, chairman, and Ferdinand J. Hermes, secretary, on this the 4th day of May, 1916.

Given under my hand and seal of office this 4th day of May, 1916.

[SEAL.] H. TILDEN REINKE,
Notary Public, Kenton County, Ky.

My commission expires January 13, 1918.

TO OUR NEIGHBORS AND FELLOW CITIZENS:

We, the undersigned, citizens and residents of Covington and Kenton County, Ky., believing it to be against the best and highest interests of the American people to let anything but real danger or necessity admit of war with Germany, who has been the friend of the United States since the birth of the Nation, hereby call upon all of our fellow citizens of like mind to meet with us on Monday, May 1, 1916, 8 p. m., at the Library Auditorium, Robbins and Scott Streets, Covington, Ky., for the purpose of giving expression to our convictions upon this all-important issue and to make our wishes known to our President and Representatives at Washington before it is too late. Let us put aside or postpone for the few moments required all business or private engagements and give our best thoughts to the present and future welfare of our common country, the one remaining hope of a troubled world:

Charles A. J. Walker, Theodore Kluemper, Harry N. Percival, Rev. J. B. Reiter, H. F. Pauly, Chas. H. Wagner, John B. Read, Orlando P. Schmidt, J. H. Kruse, E. L. Pleck, Frederick W. Schmitz, Pat Murphy, Jos. H. Meese, George F. Frecking, R. T. Von Hoene, O. J. Harcourt, C. A. Schroetter, Geo. Lohre, William Macke, Thos. Bailey, Ben H. Brames, F. S. Gottschalk, Henry Olges, H. Von Lehman, A. B. Dailey, Al G. Zumberge, John N. Middendorf, Wm. F. Schild, H. Reinecke, Peter Dehlinger, George Wilken, A. J. Dehlinger, Ben Biedenharn, sr., Ed W. Pflueger, F. H. Hugenberg, R. J. Dibowski, George E. Engel, A. C. Heckman, Jos. Feltman, R. C. Dressman, Wm. A. Byrne, Stephens L. Blakely, George L. Hill, John H. Loebker, T. J. O'Brien, Chas. W. Reynolds, M. D., Orrin Lyle Reynolds, M. D., J. A. Averdick, M. D., Frank J. Helle, Daniel Fries, Jos. B. Wilkie, A. Dibowski, H. Tilden Reinke, John J. Craig, William Riedlin, Rev. Theophilus Beusen, Henry Feltman, C. B. Schoborg, John Schlarman, Rev. Gilbert Schmidt, B. Bramlage, J. T. Earle, Selmar Wachs, Wm. C. Rieger, Jos. R. Gronotte, Theo. Von Hoene, James A. Ryan, M. D., Frank Olberding, Jos. H. Dressman, F. D. Anthe, Jos. B. Theissen, Rev. J. C. Klingeberger, A. C. Wintermeyer, M. D., Rev. Henry W. Lenz, J. B. Linnemann, R. Scheper, Henry Jansen, Henry Depenbrock, Fred Dotchengall, Henry Meimann, Theo. C. Wolking, Ed C. Feuss, W. A. Shore, F. J. Hermes, John H. Schulte, Clarence Cobb, Arthur G. Muth, Jacob Gieswein, H. H. Beerman, H. A. Schroetter, Wm. A. Rabe, A. Schramm, Frank J. Huelefeld, H. G. Klostermann, Jos. L. Ruth, John Brinker, Fred J. Ruh, Chas. C. Schmidt, J. G. Debheler, Rev. Henry Tappert, H. Frank Ostendarp, H. J. Grote, Frank Rowekamp, Anton Ruh.

STATEMENT.

We, the undersigned, chairman and secretary of above-mentioned mass meeting of citizens of Covington and Kenton County, Ky., do hereby certify that the foregoing is a true and correct copy of the call issued for said meeting, and published on April 29 and 30, 1916, in the newspapers circulating in Covington and Kenton County, Ky.

WM. A. BYRNE, *Chairman.*
F. J. HERMES, *Secretary.*

CERTIFICATE.

STATE OF KENTUCKY, *County of Kenton:*

I, H. Tilden Reinke, a notary public in and for the county and State aforesaid, do hereby certify that the foregoing statement was sworn to and subscribed before me, William A. Byrne, chairman, and Ferdinand J. Hermes, secretary, on this the 4th day of May, 1916.

Given under my hand and seal of office this 4th day of May, 1916.

[SEAL.] H. TILDEN REINKE,
Notary Public, Kenton County, Ky.

My commission expires January 13, 1918.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 228) to amend the United States homestead law in its application to Alaska, and for other purposes, reported it with an amendment and submitted a report (No. 424) thereon.

Mr. RANSDELL, from the Committee on Public Health and National Quarantine, to which was referred the bill (S. 2215) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service, reported it without amendment and submitted a report (No. 425) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, submitted a report (No. 423) accompanied by a bill (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, which was read by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 74. William Bell.
S. 408. Michael Lacey.
S. 449. Margaret Rowsell.
S. 572. Odelon Valcour.
S. 601. John E. Halaas.
S. 863. Michael Urell, alias Charles Welsh.
S. 891. Thomas F. Lancaster.
S. 916. Adesta L. Kendall.
S. 1149. Wilber Feaster.
S. 1150. Joseph T. Kling.
S. 1208. Minnie A. Curtis.
S. 1356. Thomas E. Sims.
S. 1418. Jennie G. George.
S. 1421. George A. Wilson.
S. 1555. Henry Lee.
S. 1600. Mary S. Colborn.
S. 1709. Edward Smith.
S. 1716. Martha L. Sternberg.
S. 1755. Henry Koehler.
S. 1815. William R. Claxton.
S. 1903. Dale C. Cook.
S. 1937. Raymond Christian.
S. 2063. George P. Thompson.
S. 2196. Henry Sparman.
S. 2247. Milford W. Oxley.
S. 2269. John B. Lucas.
S. 2563. Minnie Jeffers.
S. 2599. Fonetta W. D. Scott.
S. 2617. John McClintic.
S. 2782. Minnie Kinder.
S. 2784. William Meyers.
S. 2788. Joseph England.
S. 2838. George W. Mosier.
S. 2871. Reuben Allred.
S. 2954. Henry B. Helm.
S. 3313. George Rhode.
S. 3316. Margaret S. Gemberling.
S. 3418. Jennie S. Gilman.
S. 3701. William A. Bowen.
S. 3712. Mary A. C. Knigler.
S. 3718. Willie Hall.
S. 3992. Thomas Campbell.
S. 4023. Caroline Carr.
S. 4081. Charles Groves.
S. 4115. Newton H. Reed.
S. 4183. Oliver Bryant.
S. 4235. Horace A. Gerald.
S. 4285. Sarah J. Lewis.
S. 4318. Jen Rody Chauncey.
S. 4335. Charles M. Bradbury.
S. 4359. Robert H. Cowan.
S. 4433. Irene Blalock.
S. 4601. Joseph W. Carrier.
S. 4653. William B. Hanley.
S. 4741. Peter F. Weasel.
S. 4758. Karl S. Newstrom.
S. 4875. Margaret A. Ede.
S. 4996. Flora C. Plumb.
S. 5089. Margaret R. Thompson.
S. 5104. Mary O'Hara Carnes.
S. 5177. Grace Post.
S. 5219. Edward Louden.
S. 5226. Mary A. Loveland.
S. 5241. Marie A. Hastings.
S. 5277. Lilias E. Knapp.
S. 5278. Isaiah S. Watkins.
S. 5279. Sarah A. Herndon.
S. 5333. Susan L. F. Rand.
S. 5359. Louise D. Finley.
S. 5429. Susan S. Stran.
S. 5430. Frank D. Haskell.
S. 5446. Helen A. Gibbs.
S. 5505. Thomas J. McBride.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 114, authorizing the Committee on Public Health and National Quarantine or any subcommittee thereof to employ a stenographer and to send for persons, books, and papers, etc., reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 176, extending the resolution of March 9, 1916, authorizing the Committee on the Census to employ an additional clerk, reported it with amendments.

He also, from the same committee, to which was referred Senate resolution 119, authorizing the Committee on Fisheries to employ a stenographer to report hearings held before the committee, reported it with an amendment.

He also, from the same committee, to which was referred Senate resolution 111, authorizing the Secretary of the Senate to pay to the heirs of Richard Shaw, late head waiter in the Senate restaurant, a sum equal to six months' salary at the rate he was receiving at the time of his death, etc., reported it without amendment.

MISSISSIPPI RIVER BRIDGE AT MEMPHIS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 5886) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912," and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL ARCHIVES BUILDING.

Mr. POINDEXTER. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 5839) to repeal paragraph 4 of section 21 of the public-buildings act, approved March 4, 1913, providing for the construction of a national archives building, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. OWEN. What is the purpose of the bill?

Mr. POINDEXTER. The purpose of the bill is to relieve the Treasury Department of the duty of sending a commission to Europe for the purpose of making an inspection in Europe of the archives buildings there. In the first place, it is impracticable to go to Europe for that purpose at this time. In the second place, the Second Assistant Secretary of the Treasury, who has charge of this branch of the department work, advises the Committee on Public Buildings and Grounds that they can form as good an idea of the archives buildings from an examination of plans and designs that they have here as they could by going to Europe. It will save the Government some ten or fifteen thousand dollars and enable this work to go ahead in accordance with the terms of the law which was passed in 1913.

Mr. OWEN. Mr. President, I raise no further question.

There being no objection, the bill was considered as in Committee of the Whole. It provides that paragraph 4 of section 21 of the public-buildings act, approved March 4, 1913, which reads as follows: "That before the said designs and estimates are completed inspection shall be made under the direction of the Secretary of the Treasury of the best modern national archive buildings in Europe, and consultation shall be had with the best authorities in Europe on the construction and arrangement of archive buildings," be, and the same is hereby, repealed; and the acquisition of a site for a national archives building, and the construction of the building according to the terms of the act of March 4, 1913, is hereby authorized without such inspection and consultation in Europe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN CALIFORNIA.

Mr. WORKS. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 6099) to amend section 72 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That section 72 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 72. The State of California is divided into two districts, to be known as the northern and southern districts of California. The south-

ern district shall include the territory embraced, on the 1st day of July, 1910, in the counties of Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, and Tulare, which shall constitute the northern division of said district; also the territory embraced, on the date last mentioned, in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Fresno on the first Monday in May and the second Monday in November; and for the southern division, at Los Angeles on the second Monday in January and the second Monday in July, and at San Diego on the second Monday in March and September. The northern district shall include the territory embraced, on the 1st day of July, 1910, in the counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, Eldorado, San Joaquin, Amador, Calaveras, Stanislaus, Tuolumne, Alpine, and Mono, which shall constitute the northern division of said district; also the territory embraced, on the date last mentioned, in the counties of San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito, which shall constitute the southern division of said district. Terms of the district court for the northern division of the northern district shall be held at Sacramento on the second Monday in April and the first Monday in October, and at Eureka on the third Monday in July; and for the southern division of the northern district, at San Francisco on the first Monday in March, the second Monday in July, and the first Monday in November. The clerk of the district court for the northern district shall maintain an office at Sacramento, in charge of himself or a deputy, which shall be kept open at all times for the transaction of the business of the court."

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. THOMAS. Mr. President, I should like to inquire of the Senator from California as to the manner in which this bill affects the present provisions of the law?

Mr. WORKS. The only effect of the bill will be to provide that the district court shall sit twice a year in Sacramento, whereas it now sits only once.

The bill was passed.

LABOR CONDITIONS IN HAWAII (S. DOC. NO. 432).

Mr. SMOOT, from the Committee on Printing, reported the following resolution (S. Res. 188), which was considered by unanimous consent and agreed to:

Resolved, That the report transmitted by the Secretary of Labor on April 17, 1916, entitled "Fifth report of the Commissioner of Labor Statistics on labor conditions in the Territory of Hawaii," be printed as a Senate document, with illustrations.

GRAND ARMY OF THE REPUBLIC.

Mr. SMOOT, from the Committee on Printing, to which was referred House concurrent resolution 26, reported it favorably without amendment, and it was considered by unanimous consent and agreed to as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the journal of the fiftieth national encampment of the Grand Army of the Republic, for the year 1916, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

BANKRUPTCY LAWS.

Mr. FLETCHER. From the Committee on Printing I report back favorably without amendment House concurrent resolution 27, authorizing the printing of a revised edition of the bankruptcy laws as prepared by the Committee on Revision of the Laws of the House of Representatives, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The concurrent resolution was considered by unanimous consent and agreed to as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 20,000 copies of the revised edition of United States bankruptcy laws as prepared by the Committee on Revision of the Laws of the House of Representatives, the said 20,000 copies to be distributed as follows: Three thousand copies to the Senate folding room, 3,000 copies for the Senate document room, 7,000 copies for the House folding room, and 7,000 copies for the House document room.

ANNA R. NIXON.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 135, to pay Anna R. Nixon, widow of Richard B. Nixon, late financial clerk of the Senate, a sum equal to one year's salary.

Mr. STONE. Mr. President, I would like to have that resolution considered at this time.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to Anna R. Nixon, widow of Richard B. Nixon, late financial clerk of the Senate, a sum equal to one year's salary at the rate he was receiving by law at the time of his demise, said sum to be considered as in lieu of funeral expenses and all other allowances.

COMMITTEE ON MANUFACTURES.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with an amendment Senate resolution 175, granting an additional clerk to the Committee on Manufactures until the beginning of the second session of the Sixty-fourth Congress, and I call the attention of the Senator from Missouri [Mr. REED] to the resolution.

Mr. REED. I ask unanimous consent for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 3, after the word "until," to strike out "the beginning of the second session of the Sixty-fourth Congress" and insert "the end of the present session of the Sixty-fourth Congress," so as to make the resolution read:

Resolved, That the Committee on Manufactures be authorized to employ an additional clerk, at a salary of $100 per month, for a period lasting until the end of the present session of the Sixty-fourth Congress, the same to be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 159, authorizing the Committee on Manufactures to employ a stenographer to report hearings, and so forth, and I call the attention of the Senator from Missouri [Mr. REED] to the resolution.

Mr. REED. I ask unanimous consent for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution, which was agreed to, as follows:

Resolved, That the Committee on Manufactures, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-fourth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

MINERALS ON PUBLIC LANDS (S. DOC. NO. 430).

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 185), which was considered by unanimous consent and agreed to:

Resolved That the manuscript submitted by the Senator from Colorado [Mr. SHAFROTH] on January 26, 1916, entitled "Government Control of Minerals on the Public Lands," by J. F. Callbreath, secretary of the American Mining Congress, be printed as a public document.

MAINTENANCE OF ROADS (S. DOC. NO. 429).

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 186), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from Florida [Mr. FLETCHER] on March 4, 1916, entitled "Road Maintenance and its Significance," by E. W. James, chief of maintenance, Office of Public Roads, be printed as a Senate document.

WATER POWER (S. DOC. NO. 431).

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 187), which was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from Colorado [Mr. SHAFROTH] on March 8, 1916, entitled "The Future of Water Power in the United States," by Charles W. Comstock, former State engineer of Colorado, be printed as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of South Dakota:

A bill (S. 5915) granting an increase of pension to John O'Hara (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 5916) authorizing an investigation to determine the true north and west boundaries of the Warm Springs Reservation in Oregon; to the Committee on Indian Affairs.

By Mr. BORAH:

A bill (S. 5917) granting a pension to Elizabeth Sparks (with accompanying papers); to the Committee on Pensions.

By Mr. BECKHAM:

A bill (S. 5918) granting an increase of pension to Charles Robinson (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 5919) granting an increase of pension to Sarah A. Higby (with accompanying papers); and

A bill (S. 5920) granting an increase of pension to Mary A. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 5921) granting an increase of pension to Joshua M. Roller (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER (for Mr. BURLEIGH):

A bill (S. 5922) granting a pension to Frank W. Trull; and

A bill (S. 5923) granting an increase of pension to Charles H. Skillings; to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 5924) for the relief of Henry Garfield Clemons; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5925) granting a pension to Priscilla M. Lamphiere (with accompanying papers);

A bill (S. 5926) granting an increase of pension to Lizzie B. Williams (with accompanying papers);

A bill (S. 5927) granting a pension to Annie E. Rock (with accompanying papers);

A bill (S. 5928) granting an increase of pension to Lydia A. Lane (with accompanying papers);

A bill (S. 5929) granting a pension to Isabelle Johnson (with accompanying papers); and

A bill (S. 5930) granting a pension to Walter H. Sterling (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 5931) granting an increase of pension to Erastus T. Cressey (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5932) granting an increase of pension to Helen Slade; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 5933) granting an increase of pension to Mary E. Hart; and

A bill (S. 5934) granting an increase of pension to Della H. Johnson; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMITH of South Carolina. I submit an amendment intended to be proposed by me to the Agricultural appropriation bill (H. R. 12717). The amendment relates to the cotton-futures section, and I ask that it be printed and referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND. For my colleague [Mr. SMITH of Michigan], who is necessarily detained from the Senate, I submit an amendment intended to be proposed to the river and harbor appropriation bill (H. R. 12193), which I ask may lie on the table and be printed.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate $20,000 for an international farm congress and soil-products exposition, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for special demonstration work in the sheep, wool, and mohair industries in farming sections in cooperation with the State reclamation service, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BROUSSARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was ordered to lie on the table and be printed.

Mr. GORE submitted an amendment proposing to appropriate $150,000 for investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 for investigation and experiment in the utilization for coloring purposes of raw materials grown or produced in the United States, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for all necessary expenses for the eradication of the southern cattle ticks, etc., from $632,400 to $880,000, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. ASHURST submitted an amendment proposing to appropriate $50,000 for the elimination and eradication of the purple loco weed, the white loco weed, and other poisonous leguminous plants known as loco weeds in Arizona, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. HUGHES submitted an amendment providing that hereafter no official, superintendent, foreman, or other person having charge of the work of any employee in the Postal Service shall be permitted to make or cause to be made with a stop watch, or other time-measuring device or system, a time study of the movements of any such employee, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $12,000 for acquiring the Hawaiian Volcano Observatory at the Kilauea Volcano, Hawaii, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. CURTIS submitted an amendment authorizing the Postmaster General to adopt the Howell system of addressing mail matter, intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Post Offices and Post Roads.

Mr. RANSDELL submitted an amendment proposing to increase the appropriation for investigation of insects affecting southern field crops, etc., from $64,400 to $74,400, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

TREATMENT OF LEPROSY.

Mr. RANSDELL submitted the following resolution (S. Res. 189), which was referred to the Committee on Printing:

Resolved, That there be printed 7,500 additional copies of Senate Report No. 306, Sixty-fourth Congress, first session, entitled "Care and Treatment of Persons Afflicted with Leprosy," for the use of the Senate document room.

NOMINATION OF LOUIS D. BRANDEIS.

Mr. CULBERSON. Mr. President, as chairman of the Committee on the Judiciary I have had some correspondence with the President with reference to the nomination of Louis D. Brandeis to be Associate Justice of the Supreme Court. I ask that that correspondence may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The correspondence referred to is as follows:

LETTER FROM THE PRESIDENT OF THE UNITED STATES IN RESPONSE TO A LETTER FROM THE CHAIRMAN OF THE COMMITTEE ON THE JUDICIARY.

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D. C., May 5, 1916.

DEAR MR. PRESIDENT: As you are aware, the Committee on the Judiciary of the Senate has under consideration the nomination of Mr. Louis D. Brandeis for Associate Justice of the Supreme Court of the United States.

In response to the formal and usual request of the committee made to the Attorney General for all papers in the possession of his department touching this nomination, he replied that there were no such documents in his department.

Inasmuch as this request usually results in the presentation to the Committee on the Judiciary of papers showing the reasons which actuated the President in making the nomination, I would be glad to have you state these reasons for the benefit of the committee, in case you see no objection to so doing.

Very sincerely, yours,

C. A. CULBERSON.

To the PRESIDENT,
The White House.

THE WHITE HOUSE,
Washington, May 5, 1916.

MY DEAR SENATOR: I am very much obliged to you for giving me an opportunity to make clear to the Judiciary Committee my reasons for nominating Mr. Louis D. Brandeis to fill the vacancy in the Supreme Court of the United States created by the death of Mr. Justice Lamar, for I am profoundly interested in the confirmation of the appointment by the Senate.

There is probably no more important duty imposed upon the President in connection with the general administration of the Government than that of naming members of the Supreme Court; and I need hardly tell you that I named Mr. Brandeis as a member of that great tribunal only because I knew him to be singularly qualified by learning, by gifts, and by character for the position.

Many charges have been made against Mr. Brandeis; the report of your subcommittee has already made it plain to you and to the country at large how unfounded those charges were. They threw a great deal more light upon the character and motives of those with whom they originated than upon the qualifications of Mr. Brandeis. I myself looked into them three years ago when I desired to make Mr. Brandeis a member of my Cabinet and found that they proceeded for the most part from those who hated Mr. Brandeis because he had refused to be serviceable to them in the promotion of their own selfish interests, and from those whom they had prejudiced and misled. The propaganda in this matter has been very extraordinary and very distressing to those who love fairness and value the dignity of the great professions.

I perceived from the first that the charges were intrinsically incredible by anyone who had really known Mr. Brandeis. I have known him. I have tested him by seeking his advice upon some of the most difficult and perplexing public questions about which it was necessary for me to form a judgment. I have dealt with him in matters where nice questions of honor and fair play, as well as large questions of justice and the public benefit, were involved. In every matter in which I have made test of his judgment and point of view I have received from him counsel singularly enlightening, singularly clear-sighted and judicial, and, above all, full of moral stimulation. He is a friend of all just men and a lover of the right; and he knows more than how to talk about the right—he knows how to set it forward in the face of its enemies. I knew from direct personal knowledge of the man what I was doing when I named him for the highest and most responsible tribunal of the Nation.

Of his extraordinary ability as a lawyer no man who is competent to judge can speak with anything but the highest admiration. You will remember that in the opinion of the late Chief Justice Fuller he was the ablest man who ever appeared before the Supreme Court of the United States. "He is also," the Chief Justice added, "absolutely fearless in the discharge of his duties."

Those who have resorted to him for assistance in settling great industrial disputes can testify to his fairness and love of justice. In the troublesome controversies between the garment workers and manufacturers of New York City, for example, he gave a truly remarkable proof of his judicial temperament and had what must have been the great satisfaction of rendering decisions which both sides were willing to accept as disinterested and even-handed.

Mr. Brandeis has rendered many notable services to the city and State with which his professional life has been identified. He successfully directed the difficult campaign which resulted in obtaining cheaper gas for the city of Boston. It was chiefly under his guidance and through his efforts that legislation was secured in Massachusetts which authorized savings banks to issue insurance policies for small sums at much reduced rates. And some gentlemen who tried very hard to obtain control by the Boston Elevated Railroad Company of the subways of the city for a period of ninety-nine years can probably testify as to his ability as the people's advocate when public interests call for an effective champion. He rendered these services without compensation, and earned, whether he got it or not, the gratitude of every citizen of the State and city he served. These are but a few of the services of this kind he has freely rendered. It will hearten friends of community and public rights throughout the country to see his quality signally recognized by his elevation to the Supreme Bench; for the whole country is aware of his quality and is interested in this appointment.

I did not in making choice of Mr. Brandeis ask for or depend upon "endorsements." I acted upon public knowledge and personal acquaintance with the man, and preferred to name a lawyer for this great office whose abilities and character were so widely recognized that he needed no endorsement. I did, however, personally consult many men in whose judgment I had great confidence, and am happy to say was supported in my selection by the voluntary recommendation of the Attorney General of the United States, who urged Mr. Brandeis upon my consideration independently of any suggestion from me.

Let me say by way of summing up, my dear Senator, that I nominated Mr. Brandeis for the Supreme Court because it was, and is, my deliberate judgment that, of all the men now at the bar whom it has been my privilege to observe, test, and know, he is exceptionally qualified. I cannot speak too highly of his impartial, impersonal, orderly, and constructive mind, his rare analytical powers, his deep human sympathy, his profound acquaintance with the historical roots of our institutions and insight into their spirit, or of the many evidences he has given of being imbued to the very heart with our American ideals of justice and equality of opportunity; of his knowledge of modern economic conditions and of the way they bear upon the masses of the people, or of his genius in getting persons to unite in common and harmonious action and look with frank and kindly eyes into each other's minds, who had before been heated antagonists. This friend of justice and of men will ornament the high court of which we are all so justly proud. I am glad to have had the opportunity to pay him this tribute of admiration and of confidence; and I beg that your committee will accept this nomination as coming from me quick with a sense of public obligation and responsibility.

With warmest regard,

Cordially and sincerely, yours,

WOODROW WILSON.

Hon. CHARLES A. CULBERSON,
United States Senate.

ADDRESSES BY HON. W. G. M'ADOO.

Mr. FLETCHER. I ask unanimous consent to have printed as a public document an address delivered by Hon. W. G. McAdoo, Secretary of the Treasury, chairman of the United States section of the International High Commission, delivered at the second session of the commission at Buenos Aires, Argentina, Tuesday, April 4, 1916. (S. Doc. No. 438.)

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. FLETCHER. I ask unanimous consent to have printed as a public document an address delivered by Hon. W. G. McAdoo, Secretary of the Treasury, at a luncheon given in his honor by the minister of finance of Chile, Union Club, Santiago, Chile, Tuesday, April 18, 1916. (S. Doc. No. 437.)

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESS BY SENATOR NORRIS (S. DOC. NO. 439).

Mr. KENYON. Mr. President, I ask to have printed as a public document an address delivered by the Senator from Nebraska [Mr. NORRIS] at the thirty-fifth annual meeting of the National Civil Service Reform League, held in Philadelphia, Pa., December 2, 1915, on the subject of the application of the merit system to post offices of the presidential class.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMAND OF THE AIR.

Mr. SHEPPARD. Mr. President, I have a copy of an article headed "Command of the Air," read before the twentieth annual meeting of the American Academy of Political and Social Sciences, April 28 to 29, 1916, on the subject of "What shall the United States stand for in international relations," and also on the effect of a policy of naval and military preparedness on America's influence as a world power. I ask that the article be referred to the Committee on Printing with a view to its publication as a public document.

The VICE PRESIDENT. The article will be refererd to the Committee on Printing.

POSTAL SAVINGS SYSTEM (S. DOC. NO. 433).

Mr. BANKHEAD. I submit the conference report on the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System. I do not desire the report to be considered at this time, but I ask that it be printed and also that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, that action will be taken.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment to the title of the bill and agree to the same.

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows:

In lieu of the matter inserted by the amendment of the Senate insert the following:

"SEC. 2. That postal savings funds received under the provisions of this act shall be deposited in solvent banks, whether organized under national or State laws, and whether member banks or not of the Federal Reserve System established by the act approved December 23, 1913, being subject to national or State supervision and examination, and the sums deposited shall bear interest at the rate of not less than 2¼ per cent per annum, which rate shall be uniform throughout the United States and Territories thereof, but 5 per cent of such funds shall be withdrawn by the board of trustees and kept with the Treasurer of the United States, who shall be treasurer of the board of trustees, in lawful money as a reserve. The board of trustees shall take from such banks such security in public bonds or other securities, authorized by act of Congress or supported by the taxing power, as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt payment of such deposits on demand. The funds received at the postal savings depository offices in each city, town, village, and other locality shall be deposited in banks located therein (substantially in proportion to the capital and surplus of each such bank) willing to receive such deposits under the terms of this act and the regulations made by authority thereof: *Provided, however*, if one or more member manks of the Federal Reserve System established by the act approved December 23, 1913, exists in the city, town, village, or locality where the postal savings deposits are made, such deposits shall be placed in such qualified member banks substantially in proportion to the capital and surplus of each such bank, but if such member banks fail to qualify to receive such deposits, then any other bank located therein may, as hereinbefore provided, qualify and receive the same. If no such member bank and no other qualified bank exists in any city, town, village, or locality, or if none where such deposits are made will receive such deposits on the terms prescribed, then such funds shall be deposited under the terms of this act in the bank most convenient to such locality. If no such bank in any State or Territory is willing to receive such deposits on the terms prescribed, then such funds shall be deposited with the treasurer of the board of trustees and shall be counted in making up the reserve of 5 per cent. Such funds may be withdrawn from the treasurer of said board of trustees, and all other postal savings funds, or any part of such funds, may be at any time withdrawn from the banks and savings depository offices for the repayment of postal savings depositors when required for that purpose. If at any time the postal savings deposits in any State or Territory shall exceed the amount which the qualified banks therein are willing to receive under the terms of this act, and such excess amount is not required to make up the reserve fund of 5 per cent hereinbefore provided for, the board of trustees may invest all or any part of such excess amount in bonds or other securities of the United States. When, in the judgment of the President, the general welfare and interests of the United States so require, the board of trustees may invest all or any part of the postal savings funds, except the reserve fund of 5 per cent herein provided for, in bonds or other securities of the United States. The board of trustees may in its discretion purchase from the holders thereof bonds which have been or may be issued under the provisions of section 10 of the act of June 25, 1910. Interest and profit accruing from the deposits or investment of postal savings funds shall be applied to the payment of interest due to postal savings depositors, as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury of the United States as a part of the postal revenue: *Provided further*, That postal savings funds in the treasury of said board shall be subject to disposition as provided in this act, and not otherwise: *And provided further*, That the board of trustees may at any time dispose of bonds held as postal savings investments and use the proceeds to meet withdrawals of deposits by depositors. For the purposes of this act the word 'Territory' as used herein shall be held to include the District of Columbia, the District of Alaska, and Porto Rico, and the word 'bank' shall be held to include savings banks and trust companies doing a banking business.

"SEC. 3. That the Postmaster General, in cases of emergency, between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

"SEC. 4. That when, during a weighing period, on account of floods or other causes, interruptions in service occur on railroad routes and the weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, is hereafter authorized, in his discretion, to add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal, or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct: *Provided further*, That readjustments from July 1, 1913, may be made under this provision on routes in the first section affected by the floods in the Ohio Valley and tributary territories, commencing about March 25, 1913.

"SEC. 5. That so much of section 4 of 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes,' approved August 24, 1912, as provides that no adjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected is hereby repealed.

"SEC. 6. That section 3949 of the Revised Statutes be amended to read as follows:

"'All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement: *Provided, however*, That such contracts require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract.'

"SEC. 7. That whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General be, and he is hereby, authorized, out of the appropriation for inland transportation by star routes, to employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies.

"SEC. 8. That whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law: *Provided*, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor.

"SEC. 9. That if any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the department his contract for such service and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the month in which such service shall have been performed, the Postmaster General may cause the amount due to be paid said party or parties and charged to the contractor: *Provided*, That such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor.

"SEC. 10. That the act of March 4, 1909 (35 Stat., p. 1126), be amended to read as follows:

"'That whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than $1,000 or by imprisonment for not more than three years.'

"SEC. 11. That the limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth class: *Provided*, That no article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the acts of June 8, 1896 (ch. 370, 29 Stat., p. 262), and June 26, 1906 (ch. 3546, 34 Stat., p. 477).

"SEC. 12. That postage stamps affixed to all mail matter or to stamped envelopes in which the same is inclosed shall, when deposited for mailing or delivery, be defaced by the postmaster at the mailing office: *Provided*, That when practicable postage stamps may be furnished to postmasters precanceled by printing on them the name of the post office at which they are to be used, under such regulations as the Postmaster General may prescribe.

"SEC. 13. That section 2 of the act of April 28, 1904 (ch. 1759, 33 Stat., p. 440), be amended to read as follows:

"'That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails, without postage stamps affixed, quantities of not less than 300 identical pieces of third-class matter and of second-class matter and 250 identical pieces of fourth-class matter, and packages of money and securities mailed under postage at the first or fourth class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single pieces of such matter.'

"SEC. 14. That the act approved January 21, 1914 (38 Stats., p. 278), authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty, be so amended as to include Navy mail clerks and assistant Navy mail clerks.

"SEC. 15. That hereafter the Postmaster General may enter into contracts for the conduct of contract stations for a term not exceeding two years.

"SEC. 16. That on and after July 1, 1916, when the total compensation of any postmaster at a post office of the fourth class for four consecutive quarters shall amount to $1,000, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,900, the Auditor for the Post Office Department shall so report to the Postmaster General, who shall, in pursuance of such report, assign such post office to its proper class, to become effective at the beginning of the next succeeding quarterly period, and fix the salary of the postmaster accordingly.

"SEC. 17. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed."

And the Senate agree to the same.

J. H. BANKHEAD,
E. D. SMITH,
CHARLES E. TOWNSEND,
Managers on the part of the Senate.

JOHN A. MOON,
D. E. FINLEY,
H. STEENERSON,
Managers on the part of the House.

PROTECTION OF FISH ON COLUMBIA RIVER AND TRIBUTARIES.

Mr. LANE. Mr. President, I wish to make an inquiry with regard to the reference of the bill (H. R. 6097) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with rgulating, protecting, and preserving fish. It seems that that bill came over from the other House and was referred to the Judiciary Committee. In my opinion, it relates entirely to the regulation, protection, and preservation of fish, and, being a ratification of a compact in respect to that matter, it should have gone to the Fisheries Committee of the Senate. I am chairman of that committee, but I am not jealous of my prerogatives. The people of the State of Oregon, however, and the people of the State of Washington have initiated a measure providing for the proper protection of salmon in the Columbia River. They wish, and they should be allowed the right, to be heard upon the subject. It seems to me this measure should not be rushed through before the people of these two States have had an opportunity to voice their sentiments and their opinions in reference to the disposition of their own property. There is a fight being waged between the fishing interests in different portions of the river—those who catch the salmon near the mouth of the river and those above in the upper portions of the river, who catch the fish nearer the spawning grounds. The laws proposed to be ratified are in existence now.

The so-called fishing interests, those who pack salmon, both of the upper and lower Columbia River, are in agreement and work in harmony, and have done so for several years in the past; but at this time some of the people are protesting against the method of catching those fish, and claim that the river is being exhausted of its supply of the better grade of salmon, if you please; and that, in my opinion, is true. The salmon are diminishing. They are going the road to-day of the elk, the deer, and the blue grouse, and the timber, and every other thing that we had there in the early history of the State, to my personal knowledge. I have lived there all my life, and I have seen them go.

The people ask that they be allowed to say what they want done with their own property. Why this bill should have been referred to the Committee on the Judiciary instead of to the Committee on Fisheries I do not understand. There is a question, of course, relating to the binding of two States to a compact which prevents either State in the future from ever passing a law to control fishing until that law is agreed upon by the people of another and an adjoining State. The laws of the State of Washington, where the waters are entirely within the jurisdiction of the State of Washington, already provide the protection for salmon which some of the people of Oregon want and are now trying to pass. They ought to be allowed the right to be heard on the subject.

There have been sundry gentlemen here from Oregon who are interested in the catching of fish and marketing them for profit—a sort of a lobby, if you please—working industriously to get this legislation through quickly, promptly—pronto, if you please—before the people of the two States are allowed an opportunity to express their opinion on the subject.

I want this bill referred where it belongs, to the Committee on Fisheries. The Committee on Fisheries have heretofore had a similar bill, which originated here in the Senate, and it refused to report it out favorably. This bill, however, when it comes over from the House is not sent to that committee, but is sent to the Committee on the Judiciary. There are several other committees to which the bill could have gone. It could have been referred to the Committee on Foreign Relations or to a dozen other committees, but it belongs to the Committee on Fisheries. The people of Oregon, those not engaged in making profits by the catching of salmon and grabbing them off the spawning grounds and elsewhere, if you please, want to be heard upon the subject, and in the name of those people I ask that it be referred to the Committee on Fisheries; and I want to know why it was sent elsewhere. I move that the bill be referred to the committee which has the subject in its charge, which is composed of able gentlemen who will handle it fairly, I trust and believe.

For 50 years I have lived on the banks of the Columbia River. I have seen the Chinook salmon and the blueback salmon so thick in the river that they died from injuries and exhaustion in attempting to climb the falls and rapids of the Willamette and the Columbia Rivers. They were so thick that the boys who went in swimming—and I was one of them—had to be careful where they put their clothes or where they stepped lest they might land on a dead salmon and regret it. They have become scarce now. In those days a 50 or 60 pound Chinook salmon sold on the wharves at 25 cents, for the reason that that was the smallest sum of money we had in circulation, having never seen a 10-cent piece, much less a nickel or a copper penny, and when you went to buy a salmon you did not pick a 50 or 60 pound one, but selected a small one, because the large ones were too heavy to carry home. We lived on them; we ate them salted; we ate them fried; we ate them baked and cooked in every other way until we got tired of salmon; but now, when a man goes down to the market to buy Chinook salmon early in the season, he pays 25 cents a pound for it, and later on he gets 2 pounds for a quarter. It is so expensive that the poor man can not afford it. The little blueback salmon, which was the best pan fish of all of them, has been practically exterminated; there are hardly any left. They are using all kinds of nets of every size, and they catch the large fish, the medium-sized fish, and the small fish at the mouth of the river, and in

the upper river, by means of fish wheels and traps; they catch everything that swims up the natural runways and channels which the salmon have used for all time since their existence.

So, as I have said, they are becoming exterminated; and the people of the State of Oregon demand the right and ask that they may have an opportunity to vote upon a measure to set a guard upon the fishing, so as to place it on a reasonably just and fair basis of protection for that food supply. The very men who are now trying to rush this measure through and are here with their importunities in behalf of the measure, are the men who are catching the fish and canning them. They want to tie the hands of the two States, so that there can be no interference on the part of either one of them to change laws which many people believe do no protect the salmon for the future food supply of that country.

The salmon constitute a natural resource of that country of incalculable value to the people who inhabit it, but their rights are to be tied up at the behest, if you please, of gentlemen who want to get rich quick and who do not want anything to stand in the way of putting money in their purses.

I want this measure referred to the Committee on Fisheries, if I can bring that about, and held there until the time when the people of the States of Oregon and Washington say what they want done with their property. I therefore ask that the Committee on the Judiciary be discharged from the further consideration of this bill and that it be referred to the Committee on Fisheries.

The fisheries of Alaska are also declining; the salmon are disappearing, and there will soon be none left, any more than there are buffalo or elk or the wild pigeon, or anything else which men with insatiable maws can reach out and grab.

The VICE PRESIDENT. The Chair referred this bill to the Committee on the Judiciary. The Chair will read it for the benefit of the Senate:

Be it enacted, etc., That the Congress of the United States of America hereby consents to and ratifies the compact and agreement entered into between the States of Oregon and Washington relative to regulating, protecting, and preserving fish in the boundary waters of the Columbia River and other waters, which compact and agreement is contained in section 20 of chapter 188 of the general laws of Oregon for 1915, and section 116, chapter 31, of the session laws of Washington for 1915, and is as follows:

"All laws and regulations now existing, or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States, which would affect said concurrent jurisdiction, shall be made, changed, altered, and amended in whole or in part only with the mutual consent and approbation of both States."

Nothing herein contained shall be construed to affect the right of the United States to regulate commerce, or the jurisdiction of the United States over navigable waters.

This act shall take effect from and after the date of its passage.

Mr. LANE. Mr. President, I have no fault to find with the President for having made the reference, for upon the face of the bill it was a legitimate reference. Yet an identical Senate bill, containing the same language, was referred previously to the Senate Committee on Fisheries. It is a matter regarding the regulation of the catching of fish; and the title misled the President. It has reference to the catching of fish and canning them. There is a contest between the two different factions. I have nothing to do with either of them, but I want the fish protected. A law is in existence now in both States; there is a private agreement also between the canners; and this bill does nothing to either one of them; but it does this: It ties the hands of the people of both States and denies the State of Oregon the right of initiating a proceeding for the protection of their own property without first securing the consent of another State which forbids the catching of salmon in its own waters in the manner here attempted to be fixed on Oregon. I ask then, Mr. President, that the Committee on the Judiciary be discharged from the further consideration of the bill, and that it be referred to the Committee on Fisheries, which is more especially engaged in looking out for the protection of the fish of this country.

The VICE PRESIDENT. Is there any objection to the present consideration of the motion of the junior Senator from Oregon to discharge the Committee on the Judiciary from the further consideration of this bill and refer it to the Committee on Fisheries? The Chair hears none.

Mr. CHAMBERLAIN. Mr. President, it is always unpleasant to find oneself separated from his colleague in the Senate on matters which affect the interests of his State; but I am totally at variance with my colleague, not only as to the reference which has been made of this bill to the Judiciary Committee but as to some of the statements which he has hastily made with with reference to the motives behind the effort to have this bill considered by the Senate.

In the early days of the session, at the request of the good people of my State, I introduced the counterpart of this bill which is now in controversy, and it was referred to the Committee on Fisheries of the Senate. It was probably hastily and inadvertently referred, probably because it used the words "fish" and "the fishing industry" in the title as well as in the body of the bill itself. But, Mr. President, the Senate bill ought to have been referred at that time to the Judiciary Committee, because there is nothing involved in it except a question of law as to whether or not a compact can be entered into between two great commonwealths, under an authorization of the Congress of the United States, as provided by the Constitution.

The Senate bill has not been reported out of the Fisheries Committee of the Senate, and will not be, probably, because at the last meeting the committee, by a vote of 3 to 3, with two members of the committee absent, disagreed. While that did not destroy the bill, it had the effect of tying it up in the committee; and the two absent members, I have been advised, were favorable to the bill. But however that may be, the bill ought to have been referred to the Judiciary Committee in the first instance, so that it might determine as a legal proposition whether or not any constitutional provision has been violated in the agreement which has been sought to be authorized.

Mr. President, I have been as strong a supporter of the initiative and referendum amendment to the constitution of Oregon as any man in the State. It was my privilege, as governor of the State, to see to it that the legislature lived up to the laws which had been enacted by the people of the State; and I believe in that amendment now. If I were in accord with the views of my colleague in this matter, and felt that if this bill were passed the people of Oregon would be denied the right to legislate upon the subject involved, either by initiative or by the legislature, I would be in hearty accord with him in an effort to defeat this measure. But it does not have any such effect; and if it is passed the people of Oregon will have the same right to initiate legislation that they have there now, either through the instrumentality of the people or through the legislature, as they may see fit.

Mr. LANE. Mr. President, I should like to ask my colleague a question. With all due respect, have not the people of Oregon already initiated a measure of this kind, and have not the people of Washington done the same, and are they not trying this out, and is it not in a way interfering with the trial before a court of a case already inaugurated?

Mr. CHAMBERLAIN. I shall discuss that feature of the matter very briefly, Mr. President, and in a general way answer my colleague.

So that the people of Oregon, either by the initiative method of legislation, or through the legislature, and the people of Washington, either through the initiative method or through the legislature, can still legislate upon the subject. Neither State is deprived of any of its constitutional rights. The proposition involved here is to adjust the differences between the people of the two States on a boundary stream so that there may be some cessation from legislation in behalf of special interests, whether those interests be up the river or at the mouth of the river. As my colleague has said, there has been constant warfare between those engaged in the fishing industry on the upper stretches of the Columbia River and those engaged in fishing near or at the mouth of the river.

Mr. President, what have the people of Oregon and Washington sought to do here? They have sought to put at rest, by the concurrent and joint action of the two bodies, this eternal trouble that they have had over the fishing industry in the two States.

From 1902 to 1909, during the time that I had the honor to represent my State as its chief executive, there was constant trouble between those fishing at the mouth of the river and those fishing on the upper stretches of the stream; and so serious did it become sometimes that they were engaged in practical warfare along the river, and the courts went so far as to hold that those who violated the laws of the State of Oregon were protected in the violation if, forsooth, they had a license from the authorities of Washington. So that no matter what laws the people of Oregon might enact for the protection of the fishing industry, if these individuals had licenses from the State of Washington, they could violate the Oregon laws with impunity; and the people of Oregon and the people of Washington then attempted to get together in the hope that they might be able to adjust these differences by uniform legislation. Conference committees of the two legislative bodies were appointed. The legislatures of both States appointed distinguished men on the committee. One of the gentlemen who now represent Oregon in the National House of Representatives was at one time a mem-

ber of this joint commission. So that the two States attempted a number of times through these joint committees to reconcile these differences by formulating a statute which both States could agree upon and which would put at rest the disputes which had been waging between the people engaged in this industry.

Finally, after having had repeated hearings where those interested in fishing on the upper stretches of the river and those engaged in it at or near the mouth, these joint commissions finally formulated a statute and agreed upon it, and then went back to their respective legislatures, and both States enacted laws for the protection of the salmon industry on this boundary stream entirely uniform in character.

Now I call attention to the act. At its session in 1915 the Legislature of Oregon enacted what is known as chapter 188, General Laws of Oregon, covering the whole subject of the fishing industry on the Columbia River, providing the devices that might be used by the fishermen along the whole stream, fixing the license fees which should be paid, and making provision for every contingency that could possibly happen on account of the violation of any of these laws. This law was also enacted by the Washington Legislature, and both of these statutes have in them the provision I am about to read. The laws are identical; there is not any question about that. Section 20 of the Oregon act provides:

SEC. 20. Should Congress, by virtue of the authority vested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between States, ratify the recommendations of the conference committees of the States of Oregon and Washington, appointed to agree on legislation necessary for the regulation, preservation, and protection of fish in the waters of the Columbia River, over which said States have concurrent jurisdiction, and other waters within either State which would be affected by said concurrent interest, recommendation being as follows:

"We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification only by joint agreement by said States"; and said recommendation having been approved by resolution adopting the report of the conference committee, then, and in that event, there shall exist between the States of Oregon and Washington a definite compact and agreement, the purport of which shall be substantially as follows:

"All laws and regulations now existing or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States which would affect said concurrent jurisdiction, shall be made, changed, altered, and amended, in whole or in part, only with the mutual consent and approbation of both States."

It is thus seen that the law which was enacted for the protection and regulation of salmon fishing on the boundary stream of the two States provided for submitting this compact to Congress, and asking authority from Congress to enter into it. This resolution was adopted by both legislatures, and these bodies memorialized the Senators and Representatives in Congress to endeavor to have the compact authorized by Congress; and the bill which has now been referred to the Judiciary Committee and which passed the House by a unanimous vote is the bill which has been presented in accordance with the memorial of both legislative bodies. It is almost identical with that introduced by me in December.

Mr. President, this is not a new proposition. It is as old as our Government. It is not the first time in the history of this country that Congress has been appealed to and has granted such an authorization as the bill provides. The legality of such legislation has been directly passed upon by the Supreme Court of the United States, and the legality and constitutionality of the legislation is all that is here involved. There is no question of fact to be tried out before and determined by the Fisheries or any other committee. It is simply a question of law as to whether or not this proposal of the two States of Oregon and Washington is in any way or manner violative of the provisions of the Constitution, and whether or not the Congress has power, under the Constitution, to authorize them to enter into this compact and agreement.

In the case of Wharton against Wise—and I am only going to refer to one case—in One hundred and fifty-third United States, at page 155, this whole subject of the power of the States and of Congress was discussed and passed upon by the Supreme Court of the United States. It grew out of a compact that was entered into under the Articles of Confederation; but, so far as the law of the case is concerned, it is on all fours with that involved in the question pending here.

I am merely going to call attention to it, Mr. President.

This case involved the compact of March 28, 1785, between the States of Virginia and Maryland, which, having been duly ratified by each State, was held by the court to be binding upon both the States of Virginia and Maryland as to all the provisions embraced within it, so far as these provisions were not in violation of any of the provisions of the Constitution of the United States. In reference to the pending bill there is simply a question for the Judiciary Committee to determine as to whether or not there is any infringement upon the constitutional provision authorizing compacts between the States of Oregon and Washington—purely a legal question, and properly referred to the Judiciary Committee.

In the case to which I have called attention, the court says, at page 166:

The provisions of the compact were well designed to promote the peace, good neighborhood, and welfare of both States and facilitate intercourse between their citizens, and it was clearly within their competency at the time to adopt them, if not restrained by the Articles of the Confederation, then in existence, and in which they had joined. They were then sovereign States, possessing, unless thus restrained, all the rights and powers of independent nations over the territory within their respective limits, and could exercise any control and dominion over their navigable waters and make any regulations necessary for the protection of their navigation or to promote the commerce upon them of their respective States.

Mr. LANE. Mr. President, I should like to ask my colleague, with all due respect, if either of those States had the right at that time to inaugurate its own laws, as Oregon and Washington do? And if they had, would not that have modified that decision?

Mr. CHAMBERLAIN. No; not at all. The right to initiate statutes in the States is a matter of recent adoption. Oregon was held at one time to be the fool of the family of States because it had undertaken to adopt this method of legislation. It has been charged that Oregon was the legislative experimental State; but whether it was the fool of the family or not, many of the older and more staid States of the Union have followed in the footsteps of Oregon; and if Oregon was the fool of the family, the family of fools has somewhat increased since Oregon started.

But this legislation does not at all interfere with the right of the people to initiate legislation—not at all. As I said to the Senator a little while ago, if it interfered with the right of the people to initiate legislation, or if it interfered with the right of the legislature, which acts concurrently with the people in the matter of legislation—if it interfered with the rights of the people in any respect—I myself would stand with my colleague in undertaking to defeat this legislation. Any attempted interference with these fundamental rights would be an unconstitutional exercise of power, and that is what the Judiciary Committee of the Senate is called upon to determine.

Mr. WORKS. Mr. President, that statement of the Senator from Oregon presents rather a curious situation. Suppose these States are legally bound by this compact after we give our consent, does the Senator think that under those circumstances the people of one of the States could initiate proceedings to set aside the existing law that had been confirmed in that way? I am doubtful about that. Could the people in that way, acting in a mass, do something that the legislature could not do? Or would the States be bound by this compact, and the confirmation of it or the consent to it by the Government, so that it could not be set aside in either way?

Mr. CHAMBERLAIN. Each State has the power of legislating upon the subject; but that legislation, under the proposed bill, would not become binding until the other State had acted.

Mr. WORKS. I think the Senator is mistaken about that. I think the effect of this compact is to prevent the States from legislating on the subject at all—that is to say, legislating in any way that would conflict with this compact.

The Senator will remember that I was and am a member of the Fisheries Committee, and have given some attention to that matter; not very much, but I suggested some of the difficulties that were in the way of giving this consent, and I am listening with a great deal of interest to what the Senator says about it.

Mr. OVERMAN. The Senator is also on the Judiciary Committee.

Mr. CHAMBERLAIN. I know the Senator's views. I appeared before the Fisheries Committee; and I know, too, that the Senator is a member of the Judiciary Committee; but I was not afraid on that account to ask the Vice President, when the matter came to him, to refer it to that committee. I want the Senator to examine it; and I know that when the Senator does examine it, with the clear judicial mind that he has, he will come to the conclusion that this compact is authorized.

Mr. WORKS. Mr. President, I have given some further attention to that matter since the Committee on Fisheries had it under consideration, and I am quite free to say to the Senator that those authorities, one of which he has now cited to the Senate, changed my views somewhat as to the power of Congress to give the consent; but with me it was largely a question of propriety. If Congress is asked to give its consent, it certainly ought to know what the facts are, and to what it is consenting. I do not quite agree with the Senator that it is purely a question

of law. The Congress, of course, has the right to determine, and for that purpose to investigate the facts in reaching a conclusion as to whether it is a case where that consent ought to be given and the States bound on this particular subject.

Mr. CHAMBERLAIN. I think that question of fact can be safely relegated to the States; and I will ask the Senator if he does not think it is a case where the Committee on the Judiciary ought to have jurisdiction?

Mr. WORKS. There are two questions involved. The Senator is quite right in saying that as far as the legal question is involved the appropriate reference of the bill is to the Judiciary Committee. I think there is no question about that. But the question of fact—that is, the question as to what the nature of the compact is and the effect of it—is one that could be better determined, I think, by the Committee on Fisheries.

Mr. CHAMBERLAIN. That is where we differ. I do not think any question of fact is involved at all. The tribunal to try the question of fact and to determine what ought to be the policy of particular States is a question for the legislature or the people of the State to determine.

Now, I am going to call the Senator's attention——

Mr. WORKS. Before the Senator passes to that, will he allow me to suggest that Congress is now called upon to give its consent to certain legislation by these two States. Does the Senator think Congress has no choice about that matter, but must give its consent, if asked to do it, simply because the States have called for it, or may Congress investigate the fact and determine whether it ought to exercise that power, conceding the power to exist?

Mr. CHAMBERLAIN. I think that is a question for the Judiciary Committee to determine, first, as to constitutionality of the legislation, and then Congress can pass the bill or not, as it sees fit. It is not in duty bound to comply with the memorials from the two legislative bodies.

Mr. SUTHERLAND. Mr. President, I am not entirely sure that I understand the precise situation. Am I correct in my understanding, first, that the State of Washington and the State of Oregon have passed identical laws dealing with the subject of fishing in the Columbia River?

Mr. CHAMBERLAIN. The whole subject.

Mr. SUTHERLAND. The whole subject of fishing in the Columbia River.

Mr. CHAMBERLAIN. Yes.

Mr. SUTHERLAND. Of course, the law passed by Washington and the law passed by Oregon were each severally within the powers of that State.

Mr. CHAMBERLAIN. There is no doubt about that.

Mr. SUTHERLAND. And the validity of the law in each State did not in any manner depend upon the consent of Congress. Congress had nothing to do with that. The sole question is whether or not Congress shall consent to a compact between these States by which the States bind themselves not to alter those laws except by mutual consent.

Mr. CHAMBERLAIN. That is the question.

Mr. SUTHERLAND. If the Senator will permit me to interrupt him further, it seems to me that the Senator is right about that. That simply presents a question for the Judiciary Committee. In other words, Congress is not concerned with the wisdom of these laws. That is a matter for each State to determine, because it is a matter wholly within the power of each State with which Congress has nothing whatever to do. The sole question, therefore, is whether Congress shall give its consent that the status established by these laws shall remain until both the States give their consent to a modification of them. That is the sole question involved, as I understand it.

Mr. CHAMBERLAIN. That is the question as I understand it, exactly as the Senator states it. The question of policy is for the two States to determine. The question of power to grant the petition of the States is purely a legal question, and Congress can withhold or give consent to the legislation as it sees fit after the Judiciary Committee reports back the bill.

Mr. WORKS. I think the Senator from Utah has made a mistaken statement as to the issue presented here and the Senator from Oregon has assented to it. I think it is a very serious question whether these States had a right to pass any such law as that which will bind future legislatures so that they may not legislate upon an important matter of this kind. That is the first question to be determined. I think Congress has the right to determine that question before it gives its consent.

Mr. SUTHERLAND. If the Senator will permit me, I have not made any such assertion as that.

Mr. WORKS. I understood the Senator to say that the legislatures had a right to pass this act.

Mr. SUTHERLAND. No; I say that the several States did have a right to pass the act regulating fishing in the Columbia River, but they have no right to agree that those acts shall remain unrepealable and unchangeable unless both States agree to it. That is a matter that must be submitted to Congress, but it is the sole matter to be submitted to Congress. Whether the legislation considered by itself is wise or unwise is a matter that rests with the legislature or the people of the two States and not with Congress.

Mr. WORKS. Upon that matter I take issue with the Senator. I do not think that Congress is bound by the action of the States to give its consent.

Mr. CHAMBERLAIN. I think the Senator from California [Mr. WORKS] has misapprehended the situation. Neither the State of Oregon nor the State of Washington has undertaken to bind the other State. They have only gotten together, and each of them has passed identically the same statute and has asked Congress for the authorization of a compact between them.

Mr. WORKS. The effect of those statutes is to bind the States, and it is being treated here as a compact or contract between the States which is binding, and binding for all time.

Mr. CHAMBERLAIN. As a matter of policy, I think the Senate could almost take judicial notice of the fact, if it was necessary to do so, that there can be no rest and no cessation of litigation and of trouble unless these States are authorized by Congress to enter into this compact, because the river is a boundary stream.

Mr. SUTHERLAND. As I understood the reading of that portion of the statute, it was not a present compact between the two States that they would not alter their laws, but it was an agreement that when Congress consented to it the compact should go into operation.

Mr. CHAMBERLAIN. That is all there was to it.

Mr. SUTHERLAND. There was no existing compact—no completed compact between the States?

Mr. CHAMBERLAIN. A reading of the statutes will disclose that. I hope the Senator will permit me to proceed, as I have already detained the Senate longer than I had intended.

Mr. WORKS. Before the Senator asks that he be not interrupted let me say a word in this connection. The statement made by the Senator that Congress must necessarily determine that there is such a condition here as would authorize the making of this contract shows there is a question of fact to be determined by Congress whether that condition was then existing or not. With reference to what the Senator from Utah says, it is not an existing compact now, but there will be if Congress takes the action that is asked for; it is simply asked to give consent to a compact that has been agreed upon between the States.

Mr. CHAMBERLAIN. Neither the Oregon Legislature undertook to bind the Washington Legislature nor did the Washington Legislature undertake to bind the Oregon Legislature. They simply did this: In view of the conflicts that had occurred between citizens of the two States on the boundary stream, the legislatures of both appointed a joint commission composed of members of the two legislative bodies to hold hearings of all interested and to report a bill that might be acted upon by both States, with the view of uniformity in legislation. This joint commission reported to each legislature, and each legislature enacted the same law, and now both States appeal to Congress for an authorization of the compact between the States in order that this uniform law may be binding upon both States unless both agree to change it. That is all that is involved in the pending bill. It is for the Judiciary Committee to pass upon the legality of such legislation, in the first instance, and for Congress to determine whether it should be enacted.

Mr. LODGE. They want to turn two individual States into a compact as provided by the Constitution.

Mr. CHAMBERLAIN. That is all. I am going to call the Senator's attention to this fact: In the case that I have called attention to this very question was in issue between the States of Maryland and Virginia. They legislated uniformly upon a variety of different subjects, and they covered the whole field of legislation practically as the compact authorized them to do. Amongst other things in that compact was this. The eighth clause of that compact provided:

All laws and regulations which may be necessary for the preservation of fish, or for the performance of quarantine in the river Potowmack, or for preserving and keeping open the channel and navigation thereof, or of the river Pocomoke, within the limits of Virginia, by preventing the throwing out ballast or giving any other obstruction thereto, shall be made with the mutual consent and approbation of both States.

Now, that is all the present compact provides—that where the States have mutually enacted uniform legislation in conformity upon a given subject for the purpose of harmonizing differences between the citizens of the two States, no change can be made by one without the consent of the other.

Mr. President, I have discussed this at some length for the purpose of showing that there is involved in this a simple question of law, that is all; and the President was perfectly right in referring the bill to the Judiciary Committee. I believe the distinguished Senator from California [Mr. WORKS] when he looks into this question as I have attempted to do, and examines the decisions of the courts of Oregon and of Washington bearing upon the subject, will favor this proposed compact. The courts have practically nullified the laws by exempting from punishment those violating the laws of Oregon who happen to hold a license from the State of Washington and vice versa; and in view of this condition, the only way in the world to protect the fishing industry and the people of the two States is by the authorization of Congress for a compact between the two States as is here proposed.

Mr. President, I have received very few protests against the enactment of this legislation. My distinguished colleague intimates that those who are interested in destroying the salmon industry and who are engaged in putting up fish for sale are the men who are behind this bill. But the people of the State are behind it as evidence by the action of two legislative bodies. The chambers of commerce of different sections of the State have appealed to me to assist in enacting this legislation for the purpose of putting an end to litigation and turmoil and trouble on this boundary stream.

I appeal to Senators here to have this bill remain with the Judiciary Committee. If there is any question of law involved which would make this compact improper or inadvisable I would cheerfully acquiesce in the judgment of that distinguished committee at once, but it ought to be with that committee, and I have every reason to believe, knowing that committee as I do, that it will determine the question fairly in view of the law involved and the Constitution of our country.

Mr. SUTHERLAND. May I ask the Senator from Oregon whether there is any opposition on the part of any considerable number of people in either Oregon or Washington to an arrangement of this kind?

Mr. CHAMBERLAIN. The only opposition I have heard, I will say to the Senator, comes from the union fishermen at the mouth of the Columbia River. The seiners' union, on the other hand, a large body of men who are engaged in fishing on the Columbia River, favor the legislation. It is the same old conflict I will say to the Senator between those at the mouth of the river who want to stop the people of the upper river from fishing and those at the upper stretches who want to stop those at the mouth of the river from fishing. That is about the size of it.

Mr. SUTHERLAND. This is the same suggestion which a few years ago resulted in the inauguration of a proposition under the initiative at the instance of the seine fishermen by which the wheel fishermen were to be prohibited from taking fish by that device and of a proposition on the part of the wheel fishermen to prohibit the seine fishermen from taking fish by seining. The result of the referendum was that the people accommodatingly passed both laws with the result that fishing was prohibited altogether.

Mr. CHAMBERLAIN. I am glad the Senator has mentioned that, because I want to say to the Senator there was some conflict of opinion on the subject in Oregon.

Mr. SUTHERLAND. It illustrates the wisdom of the initiative, I suppose.

Mr. CHAMBERLAIN. It does, and I am going to show how it does.

Mr. SUTHERLAND. I should like to have it explained.

Mr. CHAMBERLAIN. There was a conflict between the men on the lower river and those on the upper river. That conflict exists now, and it will continue to exist unless this compact is authorized and uniform legislation is enacted. The people at the mouth of the river framed a law that would practically put those on the upper river out of business. The people on the upper stretches of the river formulated a law that would practically put those at the lower end of the river out of business. Now, that was a fight between the men who were engaged in the industry and the fish were lost sight of. The people of Oregon, knowing that this conflict had been on for years, concluded that the best thing to do was to do something to protect the fish. So that by the enactment of these laws they made a closed season that was unsatisfactory to all.

Mr. SUTHERLAND. That is, the people decided that both were right and both were wrong.

Mr. CHAMBERLAIN. They decided that this fight must stop, and they protected the fish by enacting a law that made a closed season for a longer period than was necessary. The result of that was that the fish were protected; they could not be taken. There could be no satisfactory fishing at either end of the river. The result was that the legislative bodies of Oregon and Washington then got together and formulated uniform laws. They did what both sides wanted to do, but what they could not do until driven to it by the laws enacted by initiative to which the Senator from Utah [Mr. SUTHERLAND] refers.

Mr. LANE. Mr. President, if I may be allowed to say a few words, the law is beautiful, regular, also, no doubt; but just as the Senator said in answer to the Senator from New Jersey, the fishing interests got together and secured a law passed by each legislature which protected their interests all right. But in my opinion, and in that of others, it was eternal damnation to the salmon and the people at large who eat them, if you please. They did get together and they got the legislatures of both States to pass a law which requests Congress to tie the people so securely to it that the law never in the future can be changed without the consent of the other sovereign State.

Now, the State of Washington permits no such method of catching salmon in the streams which are entirely within its boundaries, and the people of Oregon are now asking for a similar law in their State which will protect their interests in the salmon. Neither the State of Washington nor British Columbia nor any other civilized country in the world permits the methods that are used and are here to be fastened upon the Columbia River. It means the extinction of the salmon.

While this proposed compact may in part be a legal question by way of authorizing two States to enter into a compact which deprives them of the right of saying what they shall do with their own property, may have been drawn in the manner which meets all legal technicalities, ultimately it lands on the fish and the food supply of the people of two States. That is my contention.

The rule of the Senate, on page 25, states that the Committee on Fisheries shall consist of nine members, to which shall be referred all matters relating to fish and fisheries, and that is all this does refer to. The right to grant a compact is perhaps a legal question, and I have no doubt it may be one. I do not know. It may be that it is constitutional, that it is lawful, but it ties the two States in respect to their fishing rights, which are the rights of the people.

It would not be so bad if the people took no interest in it, but the people have initiated a measure, and at this time it is upon record and it will be upon the ballot. The people of the State of Oregon will say what they want done with their fish, and they have a right to say it. They are, or should be, one of the sovereign powers to settle this question. We are their representatives. I stand here as a servant of the people of one of the States who will cast their vote on this question at the next election.

They have the right to express their wishes to Congress. The laws are now in effect; there is no trouble. There has been no war for years. My colleague will not dispute that. The fishing interests have worked in harmony for years. There was no war last year, or the year before, or the year before, or the year before that. There will not be any this year or next year. But if a compact is entered into they will be tied to certain laws which will, it is feared, exterminate the salmon. I have petition after petition, until one is tired of reading them, asking me to introduce bills into this body to appropriate money to construct hatcheries to breed more salmon in the Columbia River for the urged reason that they are being exterminated. I presented a bill here and it passed this body appropriating $100,000 to take care of this depleted food supply. The gear for catching salmon has increased tenfold in the past few years. The better salmon are going down before the onslaught, and I tell you the day will come when you yourselves will have cognizance of it.

Mr. SUTHERLAND. Is it the position of the Senator from Oregon that the legislation passed by the two States is unwise?

Mr. LANE. The legislation of the past has, in a great measure, been unwise. It is unwise so far as the fish are concerned and the consumers of fish are concerned. It is all right for the canners and those who are catching fish and making immediate profit out of them.

Mr. SUTHERLAND. But does not the Senator from Oregon agree with me that the question as to the wisdom or the unwisdom of legislative action on this subject matter is addressed to the legislature of each State? Does the Senator from Oregon think that Congress ought to review the question as to whether or not this legislation taken by itself is unwise?

Mr. LANE. I think what Congress ought to do is to say this: The Congress here at Washington, knowing not of your local affairs but wishing you well, will not act upon this matter until you, the people of Oregon and Washington, have spoken upon it, and said what you want directly, not what your legislature has said, which body may not have understood the wishes of all of the people or known all of the subject. It is alleged that there were executive meetings, and when these hearings were had all the people having interest in the subject did not have access to them and some were denied them. That is one protest that comes to me.

Why not let the people of Oregon, or of Utah, if you please, say what they want, and then give respectful consideration to it? When we have an initiative measure already on the ballot and the case is being tried before the people and will be settled by them one way or another within a short time why not hold it in abeyance until they have spoken? That is all I ask. If they say it shall go this way, no man will more quickly help put it in effect. Why not give them the right, the right that belongs to them, to say what is to become of their own property when their interests and property are being weighed in the balance? Why put our hand down on one side of the scales and disturb it?

Why the continued effort here and the pressure—the unending pressure—of those who are canning salmon for profit and not permit a hearing from the people who want to eat it to sustain life in the bodies of themselves, their wives, and their children? Why not give them the right to be heard? Why, for once or for many times—I make no reflection there—should not Congress say, "It is your property; do with it as you like, and we will help you to do it"?

Mr. STONE. Mr. President, I should like to ask the Senator from Oregon a question bearing somewhat upon the vote or determinative of the vote which I shall cast upon this matter. That question relates to the immediate issue before the Senate. Does the Senator from Oregon understand that this bill, which has been referred to the Judiciary Committee, but which the Senator now moves shall be referred to the Committee on Fisheries, concerns the preservation of fish in the river? Is that the immediate question involved, or is the question one which concerns an agreement or compact between two States? In other words, is it essentially a legal question, or is it a fish question? Is not the fish question involved a secondary one?

Mr. LANE. Mr. President, in answer to the Senator from Missouri I will say that the fish question is primarily the foundation stone of the whole matter. All of the statistics—and Senators and other members of the committee will bear me out in the statement that they came into the committee by the ream—related to salmon, showing the catch of this year, of last year, of the year before, dating back, if you please, to 1876, if I remember correctly, showing that the fish were increasing or decreasing—sworn statements, affidavits, all bearing upon the fish, if you please, not upon the law. There is no question about it; nothing; not a word; all the tabulated statements of canneries, mercantile associations, and chambers of commerce, even so far back east as New York, are in relation to fish. It is the fish. It is really a gentleman's agreement, if you please, between the two legislatures to tie up the salmon into the nets or the fish wheels or the traps; and certain gentlemen who are catching the fish and the people have a right to be heard. They may agree to it. I do not think, if they are wise, that they will. I should not do so. I would ask them to let salmon enough in numbers get by their devilish contrivances to catch them and let them go up into the headwaters of the river and spawn and raise their own young instead of asking the Congress each year to appropriate money to hatch them artificially by the hand of man.

Believe me when I tell you that I have watched that process all my life. The salmon are going. The blueback, the best one of all of them, has gone practically, as has also the good chinook, the richest salmon in the world; the king salmon is going, and now we are eating steelheads and what we used to call dog salmon, which in the early days no man would eat unless he was starving. It will be dog salmon and steelheads until they are exterminated, and then I suppose we shall have to come to mud cats and carp until it becomes profitable to can them; when they, too, will go out of the waters.

The people are merely asking—and I in their behalf am just asking of the Senate—that you allow this bill to be referred to the Committee on Fisheries. There I will hold it without prejudice until the people of the State of Oregon and the people of the State of Washington have said directly by their own voices and their own votes what they want done. If they want the salmon skinned out of the Columbia River, I will not stop them; but give them a chance to say what they wish. That is all I ask of you. This is directly a question of fisheries; it pertains to fish, and to fish alone, and the men who are catching them for profit, if you please. Under the rules the matter belongs to the Fisheries Committee. I now ask for a vote on my motion.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

Mr. JONES. Mr. President, as I understand, Congress has no jurisdiction over the fisheries of the Columbia River. All the control which Congress has over that river relates to navigation. The States of Oregon and Washington are the only legislative bodies that can legislate with reference to the fishing industry of that stream. So it seems to me that the question here is simply a question of law, as to whether or not Congress can give its consent to this compact, and probably, then, secondarily, whether or not we should do it. We can not, however, regulate the fishing in the Columbia River; we can not control that.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. Yes.

Mr. NORRIS. I want to ask the Senator from Washington if he has read the rule providing for the Committee on Fisheries, which is found on page 25 of the rules, and which reads as follows:

> A Committee on Fisheries, to consist of nine Senators, to which shall be referred all matters relating to fish and fisheries.

Mr. JONES. Yes.

Mr. NORRIS. It occurred to me that, while this was a legal question, it did refer to fish and fisheries; and under that rule it is mandatory that the bill be referred to the Committee on Fisheries, regardless of the fact as to whether it may have a legal question or nothing but a legal question involved in it.

Mr. JONES. I think that rule refers to a subject in connection with fisheries over which Congress may have jurisdiction to legislate, and not to one——

Mr. NORRIS. Does not this bill refer to fisheries?

Mr. JONES. Not in the sense that Congress has any right to legislate upon it. Of course, the subject matter of legislation between the two States relates to fisheries and the subject matter of the compact between the two States relates to fisheries; but the sole question with which we have to deal is to determine whether or not we shall give our consent to the compact made between two States. It seems to me that it is purely a legal question, and, therefore, a proper question for the Judiciary Committee.

I am a member of the Fisheries Committee, and I should like to see that committee retain all the rights that it may have under the rules of the Senate, but I must say that it does seem to me that this is not a question that relates to fisheries in the sense of the rule, because we can not legislate with reference to fisheries.

Now, just a word as to the desire of the people of the two States: I want to say, Mr. President, that I have not received a single communication of any kind or character from anybody in my State protesting against the Congress giving consent to this compact, but I have received many telegrams and petitions urging that it be granted. I received a long telegram a few days ago from the governor of the State and I have received telegrams from the members of the legislature who were members of the joint commission of the two States which framed this legislation, urging its passage. They are on file with the Fisheries Committee.

Mr. LANE. Mr. President, I should like to ask the Senator if they pertain to the legal question or to the fisheries?

Mr. JONES. They urge the ratification of the compact.

Mr. LANE. For the protection of the fish?

Mr. JONES. The Senator may take it in that way, but they think that the agreement made between the two States and the legislation framed between the two States is for the interest of the two States, and that involves, of course, the protection of the fish. That is a question that I think should more properly be considered when the bill comes before the Senate for its final passage, although I doubt if that is a question really for us to pass upon.

I have not lived out there as long as has the Senator from Oregon; I have not lived as near the Columbia River as has the Senator from Oregon; but I do know that last summer I went up on the headwaters of a stream 150 miles away from the Columbia River, and there was not a riffle upon that stream upon which there were not from 10 to 15 salmon, and the shores of the stream were lined with dead salmon. There were so many that the odor was a little offensive to persons coming near the stream.

Mr. LANE. I should like to ask the Senator what kind of salmon they were?

Mr. JONES. I am not an expert, as is the Senator, but I know they were big salmon.

Mr. LANE. I suspect they were dog salmon.

Mr. JONES. I do not know whether or not the Senator is right as to that. They were the kind of fish apparently which the Indians have been gathering for a long time, and they were drying lots of them there, but whether they were dog salmon I do not know. I am not willing on that question to take even the word of the Senator from Oregon. I am satisfied that he thinks he is right about it, but I did not see him in that neighborhood, and I did not hear of his being in that neighborhood, and so I can not exactly accept his positive statement as to the character of the fish. At any rate there were lots of them.

But that is not the question. The question simply is whether Congress will give its consent to this compact between the two States. As the Senator from Oregon has said, for many years we had turmoil and all sorts of controversies, resulting in loss of life and the wounding of people. Several years ago the two States got together and adopted uniform laws; they have agreed to those laws, and since those laws have been put into effect we have not had any trouble. They come now to Congress and ask Congress to give its consent to their entering into that compact, so that the laws which have worked so well may not be changed without the consent of both States.

It is in the interest of the preservation of the fish, in the interest of harmonious relations between the people of the two States, and it seems to me Congress ought to be willing to give its consent to the compact. At any rate, the Judiciary Committee should not be discharged from the consideration of this measure. The measure, I think, is properly there. The Senator from Oregon does not know whether the committee will report on it favorably or unfavorably. They may report in favor of his position and in favor of his contention.

The Senator says, "Send this bill to the Committee on Fisheries, and I will hold it up." That is just exactly what we do not want done. We want the committee to act on it one way or the other, to bring it out here and give the Senate an opportunity to say whether or not legislation which passed the House unanimously shall be acted upon by the Senate. The Senator from Oregon says, "I will hold it up." How can he do that? By not calling the committee together and not giving us an opportunity to vote upon it. While that argument has nothing to do with the merits of the proposition, it does not commend the motion of the Senator to my favorable consideration. I think that the Judiciary Committee ought to be left in charge of this measure, and left to take such action and to make such recommendation to the Senate as it may see fit.

Mr. LANE. Mr. President, I am willing to consent that the Judiciary Committee make findings upon the legality of the measure, and then, when it is brought back to the Senate with their report, I reserve the right to move to refer it to the Committee on Fisheries, in respect to the influence and effect it will have upon the fisheries of Oregon.

I will say that there have been held a number of meetings of the Committee on Fisheries. I have called three or four meetings, but there has been a very slim attendance. Finally there were a majority of the committee present, and we had a vote upon a bill identical with this, but they declined to report it out favorably. There has been pressure made—not much, but some pressure—for a further hearing, but there were also requests made that the matter be allowed to rest until such time as the people of Oregon might have an opportunity to present their side of the case. They have not been before the committee. Every man who has been before the committee has been one who is engaged either in catching or in canning the salmon; but the people who eat them, the people who depend upon them for a food supply, have entered their plea, their protest, if you please, in the high court of the State of Oregon to the people of Oregon, and I want to hear from and be advised by them before I take action.

Now, Mr. President, I will withdraw the motion, with the understanding that the Committee on the Judiciary will consider the legal aspects of the matter, and that I may ask when the bill is reported back to the Senate that the Committee on Fisheries be allowed to take up that portion of the measure which refers to the economic aspects of it as it relates to fish. I do not know whether that would be proper, but, if that is possible, I should like that course taken.

Mr. CLAPP. Mr. President, if the Senator will allow me, while that might not be the subject of an arrangement, the Senator will have the absolute right when the bill is reported to the Senate to move to have it referred to the Committee on Fisheries.

Mr. LANE. I do not know how the Chair feels about that.

The VICE PRESIDENT. The Chair has no feeling in the matter.

Mr. LANE. I will let it go in that way, then.

Mr. BRANDEGEE. Mr. President, I think it will be impossible to have any such general understanding as the Senator from Oregon has asked for——

Mr. LANE. I do not ask for it.

Mr. BRANDEGEE. Because any bill that is referred to the Judiciary Committee, I assume, would be open to amendment by the committee, and that committee could consider any feature of it which they wanted to consider. Of course, whatever the committee may report, the Senator can make any motion that he desires to make after the bill is reported to the Senate.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. The Senator from Oregon has a clear right when the bill is reported from the Judiciary Committee to move then to refer it to the Committee on Fisheries. That is his clear right.

Mr. LANE. Very well; I will rest upon that, and withdraw my motion.

Mr. CULBERSON. Mr. President, I simply want to reiterate the statement made by the Senator from Connecticut [Mr. BRANDEGEE], that it would be impossible for any such agreement as that suggested by the Senator from Oregon to be entered into.

Mr. LANE. I withdraw the request in that respect.

Mr. SMOOT. Mr. President, is morning business closed?

The VICE PRESIDENT. The introduction of bills and joint resolutions is still in order.

Mr. SMOOT. That is what I thought.

Mr. JONES. As I understand, the Senator from Oregon has withdrawn his motion to discharge the Committee on the Judiciary from the further consideration of the bill.

Mr. LANE. I have withdrawn the motion.

The VICE PRESIDENT. If there are no concurrent or other resolutions, morning business is closed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CLARKE of Arkansas. Mr. President, I merely wish to make an announcement. The river and harbor bill is ready for consideration, the report having been filed, and the bill printed. I understand the Senator from Maine [Mr. JOHNSON] has in charge a bill connected with pension matters which will require a short time to complete. I give notice that, immediately upon the disposition of that measure, I will ask the Senate to proceed to the consideration of the river and harbor bill (H. R. 12193).

GOVERNMENT OF THE PHILIPPINES.

Mr. HITCHCOCK. I ask that the Philippine bill be laid before the Senate.

The VICE PRESIDENT. The Senator from Nebraska moves that the Senate proceed to the consideration of what is known as the Philippine bill.

Mr. SMOOT. Mr. President, I should like to call the attention of the Senator from Nebraska to the fact that it is now 20 minutes of 2 o'clock. Does the Senator think that he can get the Philippine bill disposed of in 20 minutes?

Mr. HITCHCOCK. I have no reason to believe that there will be any extended discussion on the measure, after the situation is understood. I am satisfied that there is nothing to be said on this side of the Chamber. The Senator can speak better for the other side.

Mr. LODGE. Mr. President, I think there will be more than 20 minutes occupied on the motion to concur.

Mr. SMOOT. I only had in mind the saving of the 20 minutes' time.

Mr. HITCHCOCK. I had hoped I might be able to persuade the Senator from Maine [Mr. JOHNSON], in case we ran over 2 o'clock, to permit the discussion of the Philippine matter to be concluded, as I think it should.

Mr. SMOOT. I am perfectly satisfied with that, so far as I am concerned, with the exception that I know that the Senator from Arkansas [Mr. CLARKE] desires to take up the river and harbor bill.

Mr. LODGE. The Senator from Arkansas has given notice that he is going to take up the river and harbor bill.

Mr. HITCHCOCK. Yes. For that reason I thought if I could crowd in the Philippine bill now, and the Senator from Maine would be lenient, we could finish that; and that would be followed then by the bill of which the Senator from Arkansas has charge.

Mr. SMOOT. I do not know how long this is going to take.

Mr. LIPPITT. Mr. President, I think there will be some little discussion on the question of disposing of the Philippine bill in the way in which the Senator from Nebraska proposes. I almost doubt if it would be finished to-day, even if the entire time of to-day were given to it. It opens up some entirely new questions in connection with the whole matter. I only suggest that. I know that there are several Senators on this side who have indicated a disposition to make some remarks in regard to it.

Mr. HITCHCOCK. Under those circumstances, I give way to the Senator from Maine, Mr. President.

PENSION FOR SURVIVORS OF INDIAN WARS.

Mr. JOHNSON of Maine. I move that the Senate proceed to the consideration of House bill 655, which was under consideration at the time of adjournment.

The VICE PRESIDENT. The Senator from Maine moves that the Senate proceed to the consideration of House bill 655, which is the unfinished business.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

Mr. SMOOT. Mr. President, my good friend from Georgia [Mr. SMITH], in his criticism of the bill, laid particular stress upon the fact that the bill requires but a 30 days' service to entitle a person to a pension. There are a number of Indian appropriation bills that have passed Congress and are now in force, and every one of them requires but a 30 days' service. There is a good reason for this. An Indian campaign or war is not the same as a war between civilized nations. Many times in the early days a band of roving Indians, 100 to 1,000 of them, would make a raid upon a city or a remote town within the territory without any notice whatever, and there was no time to muster in an army. There was no time to examine the men physically and see whether or not they were unfit to enter the service. They were called upon to act immediately to defend their lives; and it is for this, as well as other good reasons, that all past legislation granting pensions to Indian-war veterans have required only a 30 days' service.

There is, as I stated, a great difference between defending a sparsely settled community from Indian attacks and fighting a civilized army. Any man who went into a fight with Indians knew before he entered it that if the Indians were successful the chances for his life were not worth considering. If captured, he was butchered in the most inhuman and brutal way. They did not kill him at once. About the first thing they did was to scalp him, and I know of cases, Mr. President, after the man had been scalped he was taken by his captors and tied near an ant heap, and the ants would feed upon him until death came. That was the kind of a death that many of the early Indian fighters experienced. The amendments that have been proposed to the bill by the Senate Committee on Pensions are simply following previous laws granting pensions to Indian fighters.

The Senator objected to the provision that the want of a certificate of discharge shall not deprive any applicant of the benefits of this act. That is simply following the language of every pension bill granting pensions to Indian fighters, from the first that was passed in 1892 until the last one passed. The early Indian fighter was considered a minuteman. No one knew when he would be called upon to serve, nor how long he would have to serve. He furnished his own horse and saddle, as well as his own provisions.

Mr. SMITH of Georgia. They defended their own homes, too.

Mr. SMOOT. Yes; and they were defending the property of the United States at the same time.

Mr. CLAPP. Mr. President——

Mr. SMOOT. I wish also to say to the Senator from Georgia that the pioneers of that great, vast territory that has made the United States what it is to-day never could have settled that territory successfully unless these men had taken their lives in their hands and defended not only the property but the interests of the United States.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of South Carolina in the chair). Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. For a question.

Mr. SMITH of Georgia. Is not that equally true of the coast States on the Atlantic? If our ancestors had not come over here and driven out the Indians, we would not have occupied the lands, would we?

Mr. SMOOT. Mr. President, they were in an entirely different situation in the 13 coast States. The country west of the Rocky Mountains was a vast wilderness, an empire, with very few people in it. Take the conditions in the year 1847, when the pioneers first settled Utah. There were about 1,500 white people, surrounded by twenty or thirty thousand savage Indians. They were defending their homes then as did the people in the original States of the Union. This bill does not provide pensions for the pioneers of 1847. We are not asking in this bill that pensions be granted on account of Indian attacks under those conditions. The Government was not requested to defend the people against the Indians until years after. The policy of those early pioneers was to divide everything they had with the Indians, and it proved to be a wise policy, and if it had not been adopted none would have been spared from a cruel death.

This bill does pension the veterans of the Black Hawk War of 1865–1868. That war occurred after the settlements had been established, titles to lands had been secured from the United States, business that had been established with eastern States. The organization was a Territorial one and was called upon not only to defend the cities but to defend the property and interests of the United States at the same time. The United States troops located at Fort Douglas were ordered to protect the mail route between Council Bluffs and San Francisco, and in addition a company of Utah men assisted in that campaign; but this bill has not reference to that class of service. The United States Indian agent located at Salt Lake City asked the Government for protection against the Indian raids, and the department responded that it was impossible for the Government of the United States to comply with the request, for they had no soldiers in the West except those that were engaged in protecting the mail route between Council Bluffs and San Francisco. So, Mr. President, we are not asking for pensions for anyone who did not serve as a defender not only of his home and the lives of his wife and children but of his country.

There are very few of these Indian war veterans living. They were not boys when called upon to fight. They were grown men, necessarily so, whereas in the Civil War the great majority of the enlistments were boys between the ages of 15 and 22 years. Indian fighters were generally middle-aged men, and there are very few of them alive.

I have a letter dated April 30, 1916, from Mr. William O. Taylor, of Orange, Mass. Mr. Taylor served in the Civil War, as many of the Indian fighters who are affected by this bill served in that war, and they can not receive a pension under this bill. Mr. Taylor has undertaken to write a history of the campaign known as the Little Bighorn Indian campaign. That was the campaign that was led by Gen. Custer. He says:

> I have been collecting data for the purpose of writing my reminiscences of that campaign, and have tried to keep in touch with as many of the regiments as possible; and as a result I find that out of the 27 officers who, under Custer, led our regiment, the Seventh Cavalry, against Sitting Bull that day in June but 4 are living to-day.

The Senator must remember that upon that fatal day in June over 50 per cent of all the soldiers under Custer's command were slaughtered, and there live to-day but 15 survivors who took part in that campaign.

Mr. President, this campaign is but one, but points with accuracy to how few of the Indian fighters are left. The Indian fighters provided for in this bill are entitled to pensions just as much as any Indian war veteran who has been pensioned in the past; and I do not believe that we ought to be straining at a gnat when we have already swallowed a camel.

The Senator from Colorado [Mr. THOMAS] rightfully referred—and I have no criticism for his doing so—to the enormous expense that the Government is under and will be burdened with by this year's appropriation bills. I wish that the Senator, at an early day, would help me pass a law requiring that the heads of every department of this Government shall file an itemized statement of the expenditure of all lump-sum appropriations, and shall also file a statement of the number of employees and the salaries paid out of lump-sum appropriations; and I will guarantee now that if such a law were passed we would not only save the $1,000,000 per annum, the very most this bill will amount to, but we would save, I was going to say, tens of millions of dollars.

Let me call attention to one such report to show what I mean in this regard. Congress appropriated $2,000,000 for the eradication of the foot-and-mouth disease in the year 1915, and the Secretary of Agriculture was required to file an itemized statement of the expenditure of the money; and this is not any different, in my opinion, from what we would find in many lump-sum appropriations made by Congress if examined into.

Was it all used for the purpose it was appropriated for? No; I am sorry to say. I am going to refer to only a few of the misuses to which the fund was converted. For instance:

To inspect renovated butter factories and creameries, $468.72; to investigate the cheese industry in the Western States in the way in which the bureau might help this industry, $511.76; to attend the meeting of the potato growers of Maine, $291.38; to assist in organizing cow-testing associations, $255.62; to study market stock and grades of wool, $903.96; to attend meeting of the Southeastern Sanitary Association, $49.05; to investigate cooperative ostrich-breeding work being done in Arizona and other points, $271.81; and so forth.

Mr. President, if we had a law requiring an itemized statement of the appropriations of lump sums I am sure occurrences such as above would not happen often, and there would be tens of millions of dollars saved to the Government.

Mr. SMITH of Georgia. I ask the Senator how much is appropriated in all in lump sums? Can he tell us?

Mr. SMOOT. Hundreds of millions of dollars, I will say to the Senator. The Committee on Appropriations have been trying to reduce them, and have done so to a limited extent, but the departments claim they do not know what emergencies will arise; that they must have sufficient to cover every possible contingency; that every dollar will be spent economically; but I am sure an investigation would prove the latter to be untrue.

I know that such appropriations are unwise. I wanted to make this much of a statement, pointing out our obligations and the responsibility as Senators in the matter. No one has followed the appropriations of the Government who does not know that these evils exist, for they can not be classed as being other than evils.

Mr. President, it seems to me that this is a bad time to say to the country that Congress will not recognize the patriotic service of men who defend our country. I believe the Senator from Georgia will admit that Indian war veterans in the early days fought a canny and brutal foe under the most trying circumstances and conditions, and are entitled to a pension at least equal to some of the men who enlisted in the United States Army for the War with Spain.

Mr. CLAPP. Mr. President——

Mr. SMOOT. In saying this, Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. CLAPP. In the first place, I would want to question the statement the Senator made a moment ago when he said he thought this was an inopportune time to show a want of willingness to recognize those who had served. Of course, I think any time is an inappropriate time to withhold justice, but I could not agree with the Senator if he had in mind the probability of immediate enlistment.

Mr. SMOOT. I had no such idea in mind, I will say to the Senator. What I had in mind was that if the Congress of the United States should refuse to grant these few veterans a pension right at the time when the Government of the United States is asking for volunteers it would be, it seems to me, a rather unfortunate thing.

Mr. CLAPP. I do not think so with reference to any existing condition, for I do not believe that when the men enlist they have any thought of pension.

Mr. SMOOT. I do not say that they have.

Mr. CLAPP. I would differ with the Senator in his comparison of service.

Mr. SMOOT. I will try to explain just what I had reference to when I made the statement. When interrupted I had just began a statement in these words, "In saying this, Mr. President"—I would have added I do not want to be understood as casting any reflection upon the service that was rendered by or the patriotism of the soldiers in the Spanish War.

Mr. CLAPP. I do not think in all history there is any instance where men went forth——

Mr. SMOOT. With greater willingness.

Mr. CLAPP. With greater willingness and with more absolute altruism, because they were not going to defend their own country, they were going prepared to die for an alien race to whom they were under no obligation.

Mr. SMOOT. I heartily agree with the Senator, and if I had not been interrupted I would have made my former statement clear. I had no idea whatever of reflecting upon that remarkable show of patriotism.

Mr. CLAPP. I knew the Senator had not, and that nothing was further from the Senator's line of thought.

Mr. SMOOT. Mr. President, I do not believe there is any particular need of discussing the question further. I think Senators understand the purpose of the bill, and I think they are convinced that it is a just and proper one, if the country is to pay pensions to its worthy defenders, and I say there is no class of veterans who are more worthy than the men provided for in this bill.

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). The question is on the motion of the Senator from Georgia to reconsider.

Mr. SMOOT. Mr. President, yesterday I stated to the Senate that I did not desire to make a point of order against the motion of the Senator from Georgia until the discussion was over but I did intend to make it whenever the discussion had ended. I do not want to foreclose anybody from making whatever statement they desire upon the bill, but if no one desires to speak futher——

Mr. NORRIS. Will the Senator yield to me? I have an amendment that I intend to offer, and I will perhaps submit some remarks upon it, but the debate will not be precluded by this motion. So I have no objection to the Senator making his point of order and letting that be disposed of as far as I am concerned.

Mr. SMOOT. I will say to the Senator the point of order has nothing to do with whatever the Senator may decide to do in relation to offering an amendment. Rule 13, paragraph 1, provides that—

When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day, or on either of the next two days of actual session thereafter, move a reconsideration, etc.

Mr. SMITH of Georgia. It is not necessary for the Senator to take any time to debate that proposition. He is right about it. The point of order is made. My motion came too late.

Mr. NORRIS. Did the Senator from Utah make a point of order?

Mr. SMOOT. I make the point of order that the motion to reconsider came too late.

Mr. BRANDEGEE. I understand the Senator makes the point of order. That is the end of the motion to reconsider, of course.

Mr. SMOOT. The Senator from Georgia so stated.

Mr. SMITH of Georgia. I do not think there is any doubt about it. I never argue a point of order before the Senate when I have a clear conviction that the other side is the correct view. I have no doubt that under the rule the motion should have come earlier. The truth is these amendments went into the Senate and were adopted by the Senate and I did not know it. The President of the Senate just inquired formally and put them through, and the point of order being made I am too late.

Mr. BRANDEGEE. I was aware of that, but I assumed that the Senator made a motion simply to give him a parliamentary standing to debate it.

Mr. SMITH of Georgia. No; I hoped no point of order would be made on it. I want to have it reconsidered, and I have still another motion to make. There are several other motions that are entirely proper.

The PRESIDING OFFICER. The Chair sustains the point of order made by the Senator from Utah.

Mr. NORRIS. The bill being in the Senate, I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 17, after the semicolon and the words "eighteen hundred and sixty-eight," insert:

To the following organizations of the First Regiment Nebraska Militia engaged in fighting Indians and guarding United States mails on the western frontier: Company A, First Regiment, First Brigade, Nebraska Militia, who served from August 30, 1864, to November 12, 1864; Company B, First Regiment Nebraska Militia, who served from August 13, 1864, to February 13, 1865; Company C, First Regiment, Second Brigade, Nebraska Militia, who served from August 24, 1864, to February 7, 1865; to Capt. Edward P. Childs, Artillery detachment, Nebraska Militia, who served from August 30, 1864, to November 12, 1864; and Company A, First Regiment, Second Brigade, Nebraska Militia, who served from August 12, 1864, to December 24, 1864.

Mr. NORRIS. Mr. President, I do not care to discuss this amendment. I have gone over it with the chairman of the committee. There is not any doubt in my mind about its being meritorious, and I think the chairman agrees with me. There are four companies included in this amendment. The least service of any of them was 74 days, and from that up to 6 months. The bill under consideration provides for giving relief in case of a service of over 30 days. So all these mentioned companies, so far as length of service is concerned, at least, will be much more meritorious than the minimum provided for in the bill.

In 1864, when the State of Nebraska was still a Territory, the Secretary of War asked the then governor, Gov. Saunders of that Territory, to enlist a regiment of militia under Territorial law to defend the frontier. The soldiers were engaged in the Civil War throughout the South, and the Indians were committing various depredations throughout the West. The governor of the Territory, in accordance with that request, started out and enlisted the companies named in the amendment.

The first company had 44 enlisted men, the second company had 50 enlisted men, the third one mentioned in the amendment had 54 enlisted men, the Artillery detachment mentioned in the amendment had 11 enlisted men, and the last one mentioned in the amendment had 51 enlisted men.

A great many of these men had served in the Civil War prior to this service. Some served afterwards. So there are a great many of them getting pensions now. Of course, there are a great many of them dead. The majority of them are dead. There is no way to ascertain just exactly how many are still living. I have tried to find out, but can get nothing definite.

I have here a letter from the captain of one of these companies, and he gives it as his judgment that there are not to exceed 25 or 40 men left who would come under the provisions of the bill if my amendment were adopted. They are either dead or they are getting pensions for other service in the Civil War as he was himself.

After these regiments were enlisted they were placed under the command of Federal officers. They were officered by United States Federal officials. They were clothed by the Federal Government; they were fed by the Federal Government. Their horses were furnished by the Federal Government. Their arms and ammunition were furnished by the Federal Government, and the only reason why they are not occupying a pensionable status now is the one technicality that they were not sworn into the service.

As a matter of fact they were paid by the Territory, and later on the Government of the United States, recognizing its obligation, reimbursed the Territory for the payment of all these men who served, so that the Government has recognized them. There can be, in my judgment, no question but that the survivors of these companies occupy a position much more meritorious than the provisions of the bill technically require. But they are not included in the bill.

In preparing the amendment that I have offered I procured the names of the different companies from the War Department. I have here a letter from The Adjutant General, from which I quote:

The records of this office show that four companies of mounted men, which are shown by the roster of Nebraska Volunteers (1861 to 1869), compiled from records on file in the office of the adjutant general of the State of Nebraska, to have belonged to the First Regiment Nebraska Militia, and a detachment of artillery were called out by the governor of the Territory of Nebraska in the year 1864 and placed under the command of the commanding general of the troops of the United States in that Territory.

Let me say to the Senate that when they were brought out into the service at the various times mentioned they were not only put under the command of Federal officers but they served with Federal soldiers side by side. They saw some very severe service, as I shall show. The Adjutant General's office did not have the records of the payments and I took it up with the Treasury Department. I have from the Auditor of the Treasury a letter from which I quote the following:

I have the honor to inform you that the records of this office show that in the claim of the State of Nebraska for reimbursement for moneys expended for raising, equipping, etc., her militia for the above-named service, there are found five company rolls of organizations.

I inadvertently used the word "four." There were four companies and one detachment of artillery, which make five. Then follows the description in this letter as contained in my amendment, with the exception that in the amendment I did not tell how many men there were in each one.

In conclusion the officer says:

For the services above mentioned the several organizations were paid by the State of Nebraska and said State has been reimbursed by the United States.

They were under the command of Brig. Gen. R. B. Mitchell of the Federal Army. He had other soldiers besides these under his command and these men served with them. As a matter of fact at that time there were some very severe depredations by the Indians. These men followed the Indians clear across the State of Nebraska. They went into Colorado. It was partly in the wintertime, you will notice. It commenced in August and ended up in February.

Gen. Mitchell, after the service had been completed and the Indians driven out of the country, issued a field order in which he referred particularly to these particular companies that are included in this amendment. I want to quote from that order. It was issued in January, 1865. Some of these men served nearly a month after this order was issued:

The general commanding wishes to tender his thanks to the men of his command who were with him on his recent expedition against the Indians.

This was just one of the expeditions, and then he mentions various persons by name. Capt. T. J. Majors was an officer of one of these companies commanding detachments of the First Regiment Nebraska Militia, and Capt. N. J. O'Brien commanding a battery formed from artillery detachments; Capt. E. B. Murphy for valuable services rendered while on the march. Then he says:

Hardships were encountered which to overcome requires the highest order of soldierly qualities, patience, and endurance, and during a march of over 300 miles over a wild and desolate country in the midst of winter and during intense cold, not a word of impatience or complaint was heard.

The general commanding further wishes to call especial attention to the admirable conduct of Capt. Wiles's Company B, and Capt. White's Company C, First Nebraska Militia, who although poorly equipped and supplied and their time of service expired excited admiration by their soldierly conduct and cheerful performance of duty.

This Capt. Wiles mentioned here particularly by the commanding general is still alive and lives in my State. He has written a very lengthy letter in regard to this service performed at the time he speaks of. He himself would get no benefit from the amendment that I have offered because he also served in the Civil War and was a captain or lieutenant in that service. So there is in no way any personal advantage for him in it. He is now receiving a pension for his services in the Civil War.

I want to quote a few things from Capt. Wiles. He says:

I also served—

He has just spoken of his services in the Civil War—

I also served about six months in Company B, First Regiment, Second Brigade, Nebraska Militia.

That is one of these organizations included in the amendment.

We were ordered to report to Fort Kearney for duty, which order was promptly obeyed. We were consolidated with First Nebraska Veteran Cavalry for duty.

That was a Regular Army organization.

We performed the duties of soldiers in every particular.

In other words, they served just the same as the Regular soldiers did who were mustered into the service.

In another place in the letter he says:

Gov. Saunders—

Who was then governor of the Territory—

had been requested by the Secretary of War to raise a regiment of four-months' troops to protect the settlers and United States mails and express.

The men were most of them farmers, but were well acquainted with the use of firearms. I am willing to admit that we were not mustered into the United States with a regular mustering officer, but we were mustered by Col. P. P. Mason, of Nebraska City, who was a provost marshal.

So, as a matter of fact, while they were mustered into the State service, the man who actually did the work and administered the oath was a United States official, and he was only acting there under the request of the governor, who had been requested to take this action by the Secretary of War.

Capt. Wiles further on says:

The United States furnished transportation, forage for the army, and ammunition and clothing and provisions for the men.

My requisition was honored by the quartermasters and commissary while I was captain of Company B just as prompt as when I was first lieutenant of Company H, Second Nebraska Cavalry.

That was a regiment in the Regular service. So there was absolutely no difference.

Mr. President, as a matter of fact, most of these men never did know for years afterwards that they had not actually served in the Federal service.

I have here, Mr. President, received from Capt. Wiles a large number of receipts for various supplies—the originals that were given to him. When his company went into this service the United States quartermaster's department supplied them with guns, with revolvers, and with ammunition, with saddles, and with bridles, and at the end of the service this was all turned back to the United States, and I have here the original receipts given to him by the quartermaster's department of the Federal Government when he returned them at the end of this service. It seems to me, therefore, that there can be no question, and I am satisfied the Senator from Maine is perfectly satisfied that these men not only rendered a very meritorious service, but that they ought to be included in this bill.

Mr. JOHNSON of Maine. Mr. President, I have conferred with the Senator from Nebraska in regard to the claim covered by his amendment, and I can see no objection to its being adopted. It seems to me that they should all be treated alike, and that these citizens of Nebraska who served should also be covered by the bill as well as those who participated from the other States. I have no objection to the amendment, and, as far as I have any authority as the chairman of the committee, I consent to its adoption.

Mr. WALSH. Will the Senator advise the Senate as to which of the Indian wars are provided for in the early statutes, the statutes of 1892, 1902, and so on?

Mr. JOHNSON of Maine. They are all included, I will say to the Senator, in the act of 1892 and in the act of 1902. I have before me the act of 1892, which covers the Black Hawk War, the Creek War, and the Florida war with the Seminole Indians.

Mr. WALSH. The veterans of the Creek and Seminole Wars, at least, my understanding is, were drawn largely from Tennessee, Georgia, and Florida, and they have in the past been provided for.

Mr. JOHNSON of Maine. Yes; in the act of 1902.

Mr. WALSH. My understanding is also that the veterans of other wars who served 30 days are provided for.

Mr. JOHNSON of Maine. That is true.

Mr. WALSH. The Senator from Georgia seems hardly in line with his predecessors. I dare say they were asking for legislation for their own people.

Mr. SMITH of Georgia. There is no doubt about that. I think the legislation was inexcusable. If they asked for it, I never before heard of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. SMITH of Georgia. I move a rereference of the entire bill to the Committee on Pensions; and while I have the floor, I want to take a look, if the Senator will give it to me, at these bills.

Mr. NORRIS. Mr. President, I will ask the Senator from Georgia if he will not permit this amendment to first be voted on before he makes his motion?

Mr. SMITH of Georgia. Oh, I am afraid the Senator will get a chance to have it voted on after the motion that I have now made is voted down; and I want to make a few remarks on it before it is voted on.

Mr. NORRIS. Mr. President, I make the point of order on the Senator's motion. I do not believe a motion to recommit is in order while there is a motion to amend pending.

Mr. SMITH of Georgia. Mr. President, in answer to the point of order, that is one of the very bases of the motion to recommit. The object of the motion to recommit is to turn the whole subject back to the committee for investigation; and the pendency of any number of amendments would be no reason on earth why the motion should not be made. The rules of the Senate expressly provide that at any stage of the procedure a motion to recommit is in order.

Mr. NORRIS. I do not know but that the Senator from Georgia has the right to make the motion; but, though I have not looked up the rule, I do not believe he has a right to insist on that motion while another motion is pending.

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to Rule XXII, which, under the heading of "Precedence of motions," says:

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain—
And a number of others. Then—
To commit.

So the motion of the Senator from Georgia [Mr. SMITH] would be in order, if he desires to make it.

Mr. BRANDEGEE. In what order of preference does the motion to amend come with reference to the motion to commit or to recommit?

Mr. SMOOT. The order is as follows:

To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit.
To amend.

Mr. NORRIS. Mr. President, I withdraw my point of order pending the motion of the Senator from Georgia to recommit the bill. It does not make much difference anyway.

Mr. WALSH. Mr. President, the story of Andrew Jackson's war against the Creeks and his march through the State of Georgia, particularly, is one of the thrilling incidents of the interesting history of our Indian wars. I assume that the patriotic and spirited people of the State of Georgia flocked to his standard, and that very likely they furnished a considerable number of the veterans who had the advantage of the act to which the Senator's attention is now invited.

Mr. SMITH of Georgia. Mr. President, if the Senate will permit me, the Senator from Nebraska [Mr. NORRIS] is so anxious to have his amendment first acted on that I will withdraw my motion to recommit until he may have his amendment acted upon.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

The amendment was agreed to.

Mr. NORRIS. Mr. President, in connection with the amendment which I have offered, I should like to offer one more amendment to correct the phraseology in one place, where I think the adoption of my amendment makes it necessary. I want the chairman's attention to this provision of the bill on page 4, beginning on line 6, where the second proviso reads:

Provided further, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this act, the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service.

The Nebraska regiments were paid by the Government; but through the instrumentality of the then Territory of Nebraska. I want to add after the name "United States," in line 9, the words "either to the soldier or to the State or Territory," so as to read:

That there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this act, the record of pay by the United States, either to the soldier or to the State or Territory, shall be accepted as full and satisfactory proof of such enlistment and service.

Mr. THOMAS. Mr. President, does the Senator from Nebraska know whether or not the record of payment by the United States to the State specifies the names of the soldiers?

Mr. NORRIS. No.

Mr. THOMAS. Or whether it is merely the record of the payment of a sum in gross?

Mr. NORRIS. No; but the record shows that, I take it, and the communication which I had from the department shows exactly how many men there were and the exact length of service of those men, but that was handed to the reporter.

This is not a new procedure. For instance, there was a bill passed some time ago putting some Texas soldiers who had served in Indian wars on the pension list, where they had been paid just as these have been paid. They had been paid by the State of Texas, and the State of Texas was reimbursed by the United States.

Mr. THOMAS. I shall not object to the amendment; but the fact that other legislation has set a precedent for legislation of this kind does not appeal to me at all.

Mr. SMOOT. Mr. President, I will say to the Senator from Nebraska that I think the names of all the veterans are included as a basis for the claims. I know that as to the Walker war, the name of every soldier who served therein was reported.

Mr. NORRIS. Mr. President, these names, of course, are all in the adjutant general's office of the State of Nebraska; there is not any doubt about that. Before a man could get a pension under this bill he would have to prove that he was a member of the organization named in the law. I really do not know that this amendment is necessary to give effect to the other amendment, but it certainly can do no harm and it relieves the situation from any doubt.

Mr. SUTHERLAND. Mr. President, I do not object to the amendment offered by the Senator from Nebraska, of course; but I wish to ask him whether or not the same thing is not accomplished by the proviso contained on line 20, page 4, which reads:

Provided, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives.

That would seem to be a broader rule than the one which the Senator from Nebraska proposes.

Mr. NORRIS. I am rather inclined to think that it would be; but I can not see any possible objection to this amendment, and it would make the matter certain.

Mr. SUTHERLAND. I am not objecting to the amendment, but I merely call the Senator's attention to the feature which I have cited.

Mr. JOHNSON of Maine. Mr. President, I had in mind the proviso to which the Senator from Utah [Mr. SUTHERLAND] has called attention. It seems to me that covers the case which the Senator from Nebraska [Mr. NORRIS] has in mind, and that the amendment which he has proposed is unnecessary. I am afraid it would open up too wide a door to provide that the record of payment by the State shall be received as sufficient evidence without any record of the soldier to whom the payment is made. It seems to me that when we have provided that the muster rolls of the State shall furnish evidence and be resorted to for evidence as to the service of the soldier, that sufficiently covers the cases mentioned by the Senator from Nebraska.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was rejected.

Mr. CATRON. Mr. President, I have two small amendments which I wish to offer to the bill.

The PRESIDING OFFICER. The first amendment proposed by the Senator from New Mexico will be stated.

The SECRETARY. It is proposed to amend section 1, on page 2, line 23, by inserting, after the word "Arizona," the words "and New Mexico, or either of them."

Mr. CATRON. The object of the amendment is merely to make the legislation apply to New Mexico as well as to Arizona.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Mexico.

The amendment was agreed to.

The PRESIDING OFFICER. The second amendment proposed by the Senator from New Mexico will be stated.

The SECRETARY. On page 3, line 15, after the name "Arizona," it is proposed to insert the words "and New Mexico, or either of them."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

Mr. SMITH of Georgia. I move that the bill be recommitted to the Committee on Pensions.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia that the bill be recommitted to the Committee on Pensions.

Mr. SMITH of Georgia. Upon that motion I desire to address the Senate.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. SMITH of Georgia. Mr. President, in support of this measure and its remarkable provisions reference has been made to other pension bills. Most of those that I find—I am not entirely familiar with them—were passed very much longer after the war than it is now proposed to pass this bill. The Cherokee Indian pension bill seems to have been passed some 50 years after the war.

Mr. SMOOT. It is now 51 years since the war of 1861–1865.

Mr. SMITH of Georgia. Some of the wars covered by this bill ended much later. The former Indian pension bills seem to have been passed so long after the wars that there were almost none left to receive pensions.

Mr. SMOOT. That is just the way these are.

Mr. SMITH of Georgia. That is just the way these are not, because it is admitted that this bill will necessitate a million dollars a year tax on the Treasury, as it passed the House, and with all the amendments that have been offered here if we get through with five millions annually we shall be fortunate.

Mr. SMOOT. I will say to the Senator that there has not been an amendment offered here to-day and accepted that increased the amount carried by the bill, with the exception of one offered by the Senator from Nebraska [Mr. NORRIS], but that only increases the number by 15 men.

Mr. SMITH of Georgia. I am talking about the amendments put on by the Senate, which I moved to reconsider, and which motion was properly held out of order because it came too late. The amendments got into the Senate with the usual rapidity, and, not being reserved, they were approved in the Senate without many of us hearing even what was done.

Now, I wish to call attention to the peculiar language in this bill:

That the provisions, limitations, and benefits of an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," approved July 27, 1892—

If the law was approved in 1892 it was over 70 years after the Creek-Cherokee Wars took place, for, as I recall it, they were away back before the War of 1812. The Cherokee veterans were not, therefore, pensioned until 70 years after the war.

The bill goes on—

as amended on February 19, 1913, be, and the same are hereby, extended from the date of the passage of this act—

To whom?

to the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State against Indian depredations from January 1, 1859, to January 1, 1861, inclusive, and from the year 1866 to the year 1876, inclusive.

There is a comma at that point. Whom does that cover? Practically anybody who enlisted with the Texas Volunteers and served any portion of the entire time, so far as the language indicates. Then the language goes on—it does not say "who have reached 62 years of age"; it does not say anything about age. The bill goes on—

and to the surviving officers and enlisted men, including militia and volunteers of the military service of the United States, who have reached the age of 62 years.

To whom do the words "who have reached the age of 62 years" apply? To "the militia and volunteers of the military service of the United States"; to all of them. The language is very indefinite; it is not at all clear. Nor is it at all clear that the words "who have reached the age of 62" apply to any of the classes subsequently mentioned; indeed, I do not think they do. The age limit of 62 years, as expressed in line 9, is certainly limited to the provisions which precede it. The bill continues—

and who served for 30 days in the campaign in southern Oregon and Idaho—

The first part applies, without reference to length of service, to anybody who served with any of these troops or any of these organizations during all of those years named. Then is added—

and who served for 30 days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada.

The limitation of 30 days' service has no reference to those lines which precede it and the age limit of 62 has no reference to the lines that follow it. There is no comma in the clause "and who served for 30 days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada." That 30 days' limitation does not apply to the language that precedes it, but applies alone to those who served "in the campaign in southern Oregon and Idaho and the northern parts of California and Nevada from 1865 to 1868, inclusive."

Mr. SMOOT. If that is the construction which the Senator puts upon it, of course, those who were Texas Volunteers and "served in the defense of the frontier of that State against Indian depredations from January 1, 1859, to January 1, 1861, inclusive," will certainly all be more than 62 years old, because 1861 was 55 years ago; and it is quite evident that no one would serve in the army at 6 years of age.

Mr. SMITH of Georgia. The bill includes, however, service as late as 1876, and unquestionably a man could have served in 1876 who is not now 62.

Mr. SMOOT. The Senator's statement had reference, as I understood, to the "Texas Volunteers who served in defense of the frontier of that State against Indian depredations from January 1, 1859, to January 1, 1861, inclusive."

Mr. SMITH of Georgia. There are two different classes of Texas Volunteers.

Mr. SMOOT. But did not the Senator make a statement that the limitation as to 62 years of age only applied to——

Mr. SMITH of Georgia. Texas troops.

Mr. SMOOT. No; the limitation is as to the wars after the campaigns in which they were engaged—that is, to the words that follow that clause, and not to the words that precede it.

Mr. SMITH of Georgia. No; I said that the limitation of 30 days only applied to the language which followed. If I did not say that, I will say that whether the words "who have reached the age of 62 years" apply to the class mentioned previously or to the class mentioned subsequently is uncertain; but it is absolutely certain that the 30 days' limitation only applies to the remainder of that sentence. There can be no question about that. Now, let us look at it and see. It reads:

And who served for 30 days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada from 1865 to 1868, inclusive.

Mr. SMOOT. Mr. President——

Mr. SMITH of Georgia. Wait a moment; let me go on. There is no comma; there is no punctuation in that entire sentence.

Mr. SMOOT. There is a comma after the words "sixty-two years."

Mr. SMITH of Georgia. There is a comma after the words "sixty-two years," yes; but the entire sentence, "and who served for 30 days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada from 1865 to 1868, inclusive," is a sentence by itself, and the words "who served for thirty days," modify and affect alone those who were in the campaign in southern Oregon, Idaho, California, and Nevada. It might be held that the entire sentence modifies the preceding sentences and requires the Texas Rangers to have also served in Oregon and Idaho. That is one construction which could be placed upon it; but unquestionably the 30 days' limitation has no application to any troops except those who served "in southern Oregon and Idaho and northern

parts of California and Nevada," unless the entire sentence qualifies the preceding or subsequent sentences, in which event those to whom it applies must not only have served 30 days, but also have served in southern Oregon and Idaho and northern parts of California and Nevada.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. Yes; for a question.

Mr. WALSH. I can put it in the form of a question.

Mr. SMITH of Georgia. Very well.

Mr. WALSH. What, then, precedes the words "the campaign against the Sioux in Minnesota," and so forth, appearing in lines 13 and 14?

Mr. SMITH of Georgia. I am coming to that now; I have just reached that.

Mr. WALSH. Does it not mean those who are 62 years of age and who served for 30 days in the campaign in southern Oregon; those who are 62 years of age and served 30 days in the campaign against the Sioux; those who are 62 years of age and served 30 days in the campaign against the Cheyennes; those who are 62 years of age and served 30 days in the campaign against the Apaches, and so on? Is not that the proper construction of the language?

Mr. SMITH of Georgia. I am coming to that part now; I have not read it as yet. A semicolon separates the words "the campaign against the Sioux in Minnesota" from all of the preceding language. The 30 days' limitation is separated by no punctuation from the words "in the campaign in southern Oregon and Idaho and northern parts of California and Nevada." There is really nothing which clearly shows——

Mr. JOHNSON of Maine. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maine?

Mr. SMITH of Georgia. Yes.

Mr. JOHNSON of Maine. If that is the only ground of the Senator's objection, I will be glad to remove it and make certain the meaning by inserting the words, "who have reached the age of 62 years and served for 30 days," in the first line after the word "who," so as to make it clear, and the Senator need not spend further time upon that.

Mr. SMITH of Georgia. Mr. President, I am much obliged to the Senator. I am criticising the loose construction of this language as well as its loose distribution of the public funds. I do say that, grammatically construed, you can not tell to what the age limitation of 62 years applies, and that the words "who served 30 days" are limited to the language in the sentence in which it is found.

Mr. SUTHERLAND. Mr. President, may I ask the Senator a question about that?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

Mr. SUTHERLAND. Is it the Senator's contention that the language beginning in line 13, "the campaign against the Sioux in Minnesota and the Dakotas in 1862 and in 1863 and the campaigns against the Sioux in Wyoming in 1865 to 1868," is not related to what precedes it?

Mr. SMITH of Georgia. I do not deny it is related to it; but I do say you can not tell how it is related to it or what part of the preceding language applies to it.

Mr. SUTHERLAND. I ask the Senator whether or not that language standing alone contains a proposition at all? It is a mere incomplete clause, and it must refer either to something that precedes or something that follows, and evidently it can not refer to anything that follows.

Mr. SMITH of Georgia. I am criticizing the indefinite and crude manner in which the language is presented to the Senate. How much of the preceding language applies to it, I can not tell. It might be held that it also meant to relate to the entire preceding sentence, and that the men in the campaign against the Sioux in Minnesota must have also served in the campaign in southern Oregon and Idaho. Of course, this is the language as the bill came to us from the House. It goes on with campaign after campaign, and campaign after campaign, and includes the campaign in the Black Hawk Indian War, the campaign against the Ute Indians in Colorado and Utah, the campaign against the Apache Indians in Arizona, the campaign against the Sioux Indians in South Dakota from 1890 to 1891, and also includes the surviving widows of the officers and enlisted men. I think it may safely be said that just what portion of the preceding language applies to the clauses beginning "the campaign against the Sioux," is certainly not clear.

Mr. SUTHERLAND. May I interrupt the Senator again?

Mr. SMITH of Georgia. Yes.

Mr. SUTHERLAND. I invite the Senator's attention to the proviso on page 4, which reads:

Provided, further, That if any certain one of the said campaigns—

The words "said campaigns" obviously refer to all of the campaigns that have been enumerated preceding it.

Mr. SMITH of Georgia. What page and line is that?

Mr. SUTHERLAND. Page 4, line 2. I will read it again:

Provided further, That if any certain one of the said campaigns—

Meaning all of them—

did not cover a period of 30 days, the provisions of this act shall apply to those who served during the entire period of said campaign.

There is a statement that the 30 days' limitation applies to all of the campaigns that are enumerated.

Mr. SMITH of Georgia. No; that statement is not made except as it is made in the proviso. There is an indication from that language that it was intended that the preceding limitation as to 30 days should apply to all of the campaigns, but there is no such express declaration.

Mr. SUTHERLAND. It is a pretty clear indication that the 30-day limitation was intended to apply to all of the campaigns.

Mr. SMITH of Georgia. Yes; I think there is an indication there that the 30 days' limitation was intended to apply, but it does not say so; and if so, the entire sentence, including the 30-day limitation, applies to them. The trouble is the language, starting with the words "the campaign against the Sioux," is not grammatically connected with the preceding language; it is not put together properly, and does not show clearly what really is meant. You can not say from the language used to what the 62-year age limit is to apply or to what the 30 days' service limitation is to apply, or whether the soldiers must also have served in the campaign in southern Oregon and Idaho.

Additional amendments have been made to this bill. The Senator from Utah insisted that this was a bad time to be particular about granting pensions. Why, Mr. President, men do not enlist for a pension. Pensions are not so much given on account of enlistment as incident to conditions long after a war has taken place, and, I fear, largely for political reasons.

It is conceded that as the bill came from the House it involved an expenditure of a million dollars a year; but no one knows what it involves now, with the amendments which have been added. Have we not some other use for the money?

It is said we have before granted pensions to men who had not been any length of time in the service of the United States and who really may not have done any fighting at all, and that we have heretofore made the 30 days' service provision applicable to veterans of Indian wars. The Senator from Utah dwells upon what a terrible thing Indian fighting has been in the West. Why, we have all read the stories of our ancestors long before they passed the Mississippi, upon the shores of the Atlantic, when it was all a wilderness before them, and when they were in the first process of driving the Indians out and taking the land of the Indians from them. They wanted the land, and they drove out the Indians. These splendid pioneers who went to the West wanted the land that was there, and when the Indians bothered them they did just like our ancestors did; they drove them out. It was not a great national service. It was taking care of themselves and taking care of the property they wanted; and as they got close to where the Indian was and drove him farther back there was some danger incident to the acquirement of the possession of the property that the Indian did not want to give up.

Mr. President, if all the bills on this calendar for pensions are passed, it is hard to tell how much the annual increase will be. I think it will amount to forty or fifty million dollars a year. There is another bill on the calendar from the West which, if it is passed, will give up fifty millions of oil lands belonging to the Government.

The Senator from Minnesota [Mr. CLAPP] suggested that at times I have favored bills that involved public expenditures. I have, and I still do. There is a bill now on the calendar providing for work by the National Government in the interests of vocational education, looking toward extending to the people of this country an opportunity to prepare for the struggle of life, extending its beneficial provisions to all of them; not singling out a few to give them a bounty the balance of their lives out of the National Treasury, but broadly seeking to stimulate a better preparedness by all of the children of this country for the struggle of life. Yet this pension bill was selected and brought up ahead of such legislation as the bill for vocational education. I suppose it will be passed. I do not recall any pension bill that was ever entirely defeated.

Mr. President, I shall not detain the Senate longer on this bill. It is not my purpose in any sense to seek to obstruct a vote on the measure. I suppose—in fact, I think I realize—that I am wasting the time of the Senate and wasting my own

energy, and I got into it because it so shocked me. It does not seem to shock many others. I am going to ask for a yea-and-nay vote on this measure. I hope the Senate will give it; and I will not take any more of the time of the Senate.

I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia [Mr. SMITH] to recommit the bill to the Committee on Pensions, on which the yeas and nays have been demanded.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. CLAPP (when his name was called). I have a pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not seeing him here, and not knowing what his vote would be on this matter, I withhold my vote.

Mr. CHILTON (when Mr. GOFF's name was called). I desire to announce for the day that my colleague [Mr. GOFF] is absent on account of illness.

Mr. SAULSBURY (when his name was called). Has the junior Senator from Rhode Island [Mr. COLT] voted?

The PRESIDING OFFICER. He has not voted.

Mr. SAULSBURY. I have a pair with that Senator, and therefore withhold my vote.

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH of Arizona] is unavoidably absent from the Chamber. If he were present, he would vote "nay."

Mr. STONE (when his name was called). I have a pair with the senior Senator from Wyoming [Mr. CLARK], who is absent from the Senate on an important matter. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Arkansas [Mr. ROBINSON] and will vote. I vote "yea."

Mr. UNDERWOOD (when his name was called). I desire to inquire whether the junior Senator from Ohio [Mr. HARDING] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. UNDERWOOD. I have a general pair with that Senator. I transfer that pair to the junior Senator from South Dakota [Mr. JOHNSON] and will vote. I vote "yea."

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT], who appears to be absent. I transfer that pair to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. As he is absent, I withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Arizona [Mr. SMITH], I vote "yea."

The roll call was concluded.

Mr. HITCHCOCK. I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

Mr. REED. I have a pair with the senior Senator from Michigan [Mr. SMITH]. In his absence I withhold my vote.

Mr. JONES. I have a pair for the afternoon with the junior Senator from Virginia [Mr. SWANSON]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and will vote. I vote "nay."

Mr. DILLINGHAM. I inquire whether the senior Senator from Maryland [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. DILLINGHAM. Having a pair with that Senator, I withhold my vote.

Mr. CHILTON. I understand that my pair, the senior Senator from New Mexico [Mr. FALL], if present, would vote as I desire to vote. I therefore vote "nay."

Mr. GALLINGER. I ask whether the senior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. GALLINGER. I have a standing pair with that Senator and for that reason withhold my vote.

Mr. MYERS. Has the junior Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDING OFFICER. He has not voted.

Mr. MYERS. I have a pair with that Senator, which, in his absence, I transfer to the senior Senator from Indiana [Mr. KERN] and vote "nay."

The result was announced—yeas 26, nays 33, as follows:

YEAS—26.

Bankhead	Lane	Simmons	Townsend
Beckham	Lee, Md.	Smith, Ga.	Underwood
Brandegee	Martin, Va.	Smith, S. C.	Vardaman
Clarke, Ark.	Overman	Stone	Wadsworth
Fletcher	Ransdell	Taggart	Williams
Gore	Sheppard	Thomas	
Hardwick	Shields	Tillman	

NAYS—33.

Ashurst	Gronna	Martine, N. J.	Sherman
Borah	Hitchcock	Myers	Smoot
Broussard	Hollis	Nelson	Sterling
Catron	Husting	Norris	Sutherland
Chamberlain	Johnson, Me.	Owen	Walsh
Chilton	Jones	Page	Warren
Clapp	La Follette	Pittman	
Curtis	Lea, Tenn.	Poindexter	
du Pont	Lodge	Shafroth	

NOT VOTING—37.

Brady	Goff	McLean	Smith, Ariz.
Bryan	Harding	Newlands	Smith, Md.
Burleigh	Hughes	O'Gorman	Smith, Mich.
Clark, Wyo.	James	Oliver	Swanson
Colt	Johnson, S. Dak.	Penrose	Thompson
Culberson	Kenyon	Phelan	Weeks
Cummins	Kern	Pomerene	Works
Dillingham	Lewis	Reed	
Fall	Lippitt	Robinson	
Gallinger	McCumber	Saulsbury	

So the motion to recommit was rejected.

The PRESIDING OFFICER. The question is on the engrossing of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

The bill was passed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CLARKE of Arkansas. I move that the Senate proceed to the consideration of House bill 12193, commonly known as the river and harbor appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. CLARKE of Arkansas. Mr. President, I ask that the formal reading of the bill be dispensed with and that the Senate proceed to consider first the Senate amendments, second the amendments to strike out the text of the House bill or to amend the same, and third the amendments offered by individual Senators.

In that way we will classify the amendments, and Senators who propose to offer amendments belonging to either one of the groups will know when to attend and what preparation to make.

Mr. GALLINGER. Will the Senator from Arkansas kindly repeat the order?

Mr. CLARKE of Arkansas. That the formal reading of the bill be dispensed with, and that the Senate proceed to consider first the committee amendments, second the amendments to strike out the House text or to amend it, and third the amendments offered by individual Senators to insert.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas.

The motion was agreed to.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. CLARKE of Arkansas. The formal reading of the bill was dispensed with. That was included in my motion.

The VICE PRESIDENT. It is being read now for committee amendments.

Mr. CLARKE of Arkansas. I think it is the purpose of the Senator from Iowa [Mr. KENYON] to address the Senate at this stage.

Mr. KENYON. Mr. President, I desire to discuss this bill at considerable length. I do not know what the purpose of the chairman of the committee may be as to the time to be occupied this afternoon, but I am very firmly of the opinion——

Mr. CLARKE of Arkansas. Mr. President, in so far as I can control the matter, whatever the Senator from Iowa desires to be done will be done.

Mr. KENYON. I want to say, Mr. President, that so far as I am personally concerned, as I understand the situation now, there is no purpose on my part to enter into a filibuster against this bill. I should certainly be very glad if, in the progress of the debate, enough Senators could be attracted to a study of the problems in the bill to fight the bill by any legitimate parliamentary tactics. I have not the power to do it alone, and am not going to do it; but I am going, candidly and fairly, and without passion, and I hope without inciting any bad feeling on the part of anyone else, to discuss the various items and the general policy which, to my mind, make this an absolutely indefensible bill.

I know it is a very unpopular thing to question any appropriation bill, especially a river and harbor bill or a public buildings bill; that any Senator who raises any objection is heralded in sneering and slurring terms as a "reformer" or an "uplifter" or a "Horatius at the bridge," or as trying to set himself up as the only honest person in the Senate. I have perfect confidence in all my fellow Senators, and the same honesty of purpose which I accord to them I claim for myself.

There has been no chance, as far as the Senate is concerned, to consider the various items of this bill. I think it will not be claimed that the Senate Committee on Commerce paid practically any attention to the various items of this bill. I say that in no spirit of criticism, because it was suggested that the bill would be thoroughly discussed upon the floor. Especially would I make no criticism of the distinguished chairman of the committee, who has a very speedy and creditable habit of getting through with business, and the various motions which were made before that committee were very speedily disposed of. I think I might say in passing that I should be glad to see a river and harbor bill that would be framed by the distinguished chairman of that committee, and I doubt if many objections then could be raised.

So, having no opportunities before the committee for a full and free discussion of the various items of this bill, I think it is right and proper that we should take some time in the discussion of the general policy of the bill, the various questions that arise concerning river and harbor appropriations, and a calm consideration of the projects included in the bill.

This bill as it came from the House carried a total of $39,608,410. That included the appropriation of approximately $37,000,000 and the authorization of contracts of $1,710,000. The Committee on Commerce first decided, I think, that there should be no new projects, but as the bill is now presented to the Senate there is a total net increase in cash appropriations of $2,991,525 and in authorized contracts of $334,950, making a total net increase of $3,326,475; or this bill carries a grand total of $42,934,885.

I do not believe, Mr. President, that anyone is objecting to river and harbor appropriations that are national in scope and character. I do not believe we are ready to abandon in this country all river and harbor work, certainly not harbor work. I know we are confronted with very serious problems as to whether transportation by river can be a success in this country. But there is a sentiment in the country, and we might just as well face it, against the system of appropriations not purely for navigation but for local interests and along the line of getting something out of the National Treasury that is not for the benefit of the whole Nation.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I yield.

Mr. THOMAS. I am very glad to hear the Senator announce that there is such a sentiment in the country. My experience is that there is no such sentiment except as we see it occasionally in some of the magazines or newspapers. I have been looking and hoping for a development of that sort of sentiment, but my experience is that if the bill is broad enough and comprehensive enough, if it contains enough of appropriations judiciously scattered over the country, the sentiment is just the other way, and because the sentiment is the other way such bills invariably pass and the passage of each becomes a precedent in time, and it encourages similar legislation with reference to all conceivable projects. I hope the Senator is right, but I am afraid not.

Mr. KENYON. I hope I am right, but my judgment is weakened somewhat, of course, by the statement of the Senator from Colorado, which I realize has great force. I had sometimes thought that the whole responsibility, or at least a large part of it, for our system of appropriations in river and harbor bills might be placed upon the people, who, it is true, insist upon Members of Congress getting certain appropriations for their States and their districts; but at the same time while that is in a measure true, yet it is true also that the sentiment in this country against that kind of appropriations is certainly growing. The last two river and harbor bills were defeated because of the public sentiment, and I have not observed that the country particularly suffered because of their defeat.

A general discussion of the policy of river and harbor legislation, of the effect of the construction of waterways upon railroad rates, of the reasons for diminishing water traffic is just as important, I think, as the discussion of specific matters in this bill. But I want to call attention to just a few facts in the bill. The bill strikes out an appropriation for the East River at New York, an appropriation that the President of the United States deemed so important that he wrote a letter, or rather his Secretary wrote a letter, to the House committee, which I will read, in which he urged the House committee to insert this provisions:

THE WHITE HOUSE,
Washington, February 11, 1916.

MY DEAR MR. SPARKMAN: The President directs me to say to you that he is strongly of the opinion that the pending river and harbor bill should carry an appropriation for the immediate improvement of the East River adjacent to the Brooklyn Navy Yard. He fully appreciates the fact that this would be contrary to the rule of the committee not to recommend appropriations for new projects at this time, but he feels that the importance of the matter in its relation to the question of national preparedness fully justifies an exception to the rule.

The President understands that Secretary Daniels has fully explained this matter to the committee.

Sincerely, yours,
J. P. TUMULTY,
Secretary to the President.

Hon. S. M. SPARKMAN,
Chairman Committee on Rivers and Harbors.

The President of the United States thought it so important on the question of preparedness and arousing the country that he left his place of duty and went into the West along about the 1st of February and aroused the people to some extent. We have seen very little here of any preparedness measure undertaken by Congress, but the one sent here that the President asked along the line of preparedness, that our battleships might reach the Brooklyn Navy Yard, is stricken out of this bill by the committee and the appropriations for Podunk Creek and Skillet River are kept in. I suppose that is done for the purpose of trading in conference. If it is, it illustrates the exact vice that gets into these river and harbor appropriation bills.

The committee also struck out Cache River.

Mr. THOMAS. Before the Senator passes from the East River project may I ask what reason was assigned by the committee for its elimination? I take it for granted that the reason given was not stated in so many words to the committee. I should like to know what the ostensible reason was.

Mr. KENYON. I do not know whether there is a rule——

Mr. THOMAS. That is, if the Senator is at liberty to state it.

Mr. KENYON. I do not know whether there is a rule against disclosing what took place in committee or not. There ought not to be.

Mr. CLARKE of Arkansas. Mr. President, if there is any such rule, as far as the chairman of the Commerce Committee has a right to waive it it will be waived, and there is nothing which transpired in the committee which may not be commented on by the Senator from Iowa or anyone else.

Mr. THOMAS. That being the case, I am sure the Senator will answer the question.

Mr. KENYON. I am glad to answer it. The only discussion I heard in committee was to the effect that it would be a good thing to have something to trade about in conference.

Mr. THOMAS. Trade with whom? Trade with the House?

Mr. KENYON. Trade with the House.

Mr. THOMAS. That is a good reason.

Mr. KENYON. It is one of the best reasons that can be given for a lot of these appropriations.

The Cache River is a good name for a river in a river and harbor bill. It has sometimes been known to have over 6 and 8 inches of water in it and has had a large amount of appropriations. It was also stricken out. I think the committee ought to have some kind of a resolution of thanks for that. Its action there was a good job.

Mr. THOMAS. May I ask the Senator if that was stricken out for trading purposes also?

Mr. KENYON. I am unable to say. I believe the Senator from Arkansas had concluded that that was no longer a navigable river, that it was very expensive to maintain the bridges over this mighty stream of 6 to 8 inches in depth, and the chairman of the committee making that request the balance of us interested in these great projects who had sometimes felt that Cache River might sometimes be used as a place for submarines to hide did not feel like opposing it.

Then our old friend Arcadia came into the bill. I am sorry that the distinguished Senator from Michigan [Mr. SMITH] is not here, because any subject that involves Arcadia commands his enthusiastic attention. Arcadia is a little harbor up in Michigan where quite a sum of money has been spent, not a great sum possibly, but Arcadia has been condemned as a project by the Army engineers. I hold in my hand a document relating to Arcadia of February 8, 1916, signed by Mr. Kingman, Chief of Engineers of the United States Army. First the report of Col. W. M. Black of January 12, 1916, says:

It was anticipated when maintenance was undertaken by the United States that there would be a great increase in water shipments of fruit and farm products as the timberlands were denuded. This has not been the case, although there has been an increase in the production of these commodities. They have sought other means of transportation, and there is no evidence that this condition will not continue.

Mr. Kingman says:

The district officer is of opinion that the present and prospective commerce is too small to justify the necessary expenditure for the maintenance of this harbor and he recommends that the improvement be abandoned by the United States. The division engineer and the Board of Engineers for Rivers and Harbors concur in this opinion.

You could not have the East River, the greatest port in the world, with more commerce than any other port in the world, a place for battleships to get to the navy yard in these times of preparedness. We struck that out, but we saved Arcadia.

The Chief of Engineers concurred in that recommendation. Of course, the Senator from Michigan, who is deeply interested in Arcadia and can almost transport you in romance to the beautiful land of Arcadia, is a member of the Committee on Commerce.

Also in this bill, on page 11, is found a new item:

Maintenance and repair of the Government iron pier, Harbor of Lewes, Del., hereafter under regulations prescribed by the Secretary of War, to be opened to public use, $10,000.

What appealed to the committee to insert that item above the East River item? What is the great necessity of fixing this particular pier. The report of the Chief of Engineers on this subject shows that the amount expended for maintenance of the pier since completion is $34,292.99, making a total of $387,339.40 expended on the work up to the close of the previous fiscal year. The pier has never been used, says the Chief Engineer, to any extent for the interchange of commerce. It has been used occasionally as a landing place for vessels reporting at Lewes, and is in bad condition, because it has been there so long that the worms have eaten through and almost destroyed the piling.

Mr. REED. When was it put in?

Mr. KENYON. It was commenced April 15, 1871, completed in 1882, and there never has been any commerce, and there never has been any use of it, as far as the reports of the engineers go to show.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. KENYON. I do.

Mr. SAULSBURY. If the Senator will permit me, of course he is wrong about the worms eating the piling, because that pier was built of solid iron piles.

Mr. KENYON. If I am wrong, the engineer is wrong.

Mr. SAULSBURY. Then the engineer is wrong, because that pier was built of solid iron piles. The reason why that pier has never been used is because there have been no regulations made by the War Department permitting its use, and they report as a reason for not repairing it that it is not used.

The amendment inserted by the committee is that hereafter the pier is to be opened to public use under regulations of the War Department.

If the Senator will permit me, I will say in addition to that it so happened that, with the Secretary of Agriculture, I was making a short tour of the lower portion of my State, and I came to the town of Lewes. I found there at a public meeting, when I just happened in, the representatives of steamboat lines trying to interest the town in establishing new steamboat lines, and among those present was the mayor of Cape May, N. J., and he was very anxious to have this pier opened to public traffic.

There is every reason in my judgment why $385,000 of Government property, or $360,000 as originally expended for the building of that pier, should not be utterly and entirely wasted. I think it is a commentary on the very poor management or the very poor recommendations of the body in the War Department having charge of these matters that they should allow the flooring of that pier, which is the trouble with the pier, to go to rack and ruin so that no one can now safely use the pier.

This appropriation of $10,000 is to put $360,000 of public property in a condition where it may be of some use to the public.

In addition to that, the Government has just about completed a canal opening 500 miles of shore line from which commerce will come to a small canal between Rehoboth and Lewes, and much of it will certainly use this pier.

In my humble judgment, and I know the locality as well as I know my way from the Capitol to the Willard Hotel, there could be no more useful appropriation made than to enable the people, as this amendment does, to use that $360,000 of public property. Steamers used to run, and I hope will soon again run, daily to New York and Philadelphia. They have a number of private piers used for landing at Lewes, but this appropriation will open the greatest pier there to public use without charge.

I hope the Senator from Iowa will find upon further examination that this is as meritorious an appropriation and as meritorious an object of public attention as I know it to be.

Mr. KENYON. I think it is fully as meritorious as 50 per cent of the bill, possibly more so.

I want to correct my statement, because the Senator is right about the misstatement I unintentionally made in wrongly reading the record. The structure I should have referred to as having the piles honeycombed by boring worms seems to have been a structure that preceded this.

Mr. SAULSBURY. That is quite possible. I do not know anything about that.

Mr. KENYON. I am in error about that. But I cited this, I say to the Senator, as a comparison with the New York item. I think—and believe the Senator will agree with me—that New York Harbor, East River, is an item infinitely more important than taking care of that pier at Lewes, Del.

I wish to put in the RECORD before I leave this subject what I did not have in my hand a moment ago, and that is on page 907 of the Report of the Army Engineers for 1914 concerning this somewhat famous Cache River as showing the kind of project on which the money of the people of this country has been spent, and it is not alone among that class:

In its original condition this river was much obstructed by snags, drift, and overhanging timber. The low-water depth on the controlling shoals was 6 to 8 inches.

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To June 30, 1914, there has been expended $25,127.04 on maintenance of channel. The total expenditures to that date under all projects were $34,127.04.

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The operations this fiscal year were by hired labor with Government plant, and were for maintenance of channel by snagging operations between Brasfield and the mouth of the river, 31 miles. There were 307 snags removed from the channel, 597 trees were cut, and 142 others were girdled.

Mr. THOMAS. What project is the Senator reading about?

Mr. KENYON. Cache River, which was taken out of the bill—the only item, I think, taken out of the bill. I think I will put a little more of that in the RECORD:

Grays Bridge, 95 miles above the mouth of the river, is considered the head of steamboat navigation; but the river is not navigable to that point all the year, the ruling depth in the channels over the shoals throughout the river being only 8 to 10 inches during lowest water. During high-water seasons rafts are run from 100 or more miles above Grays Bridge.

* * * * * * *

The commerce was made up of forest products, 99 per cent, and agricultural products and supplies, 1 per cent; 61 per cent of the total commerce was rafted saw logs.

Now, think of it going on, a project of that kind up to this time, 8 to 10 inches of water! Yet if anybody says a word against appropriations in these river and harbor bills in the past we are met with, "It is small to take up these little things; act on the broader basis"; whatever is best for the good of the whole country. So it goes on year after year, and you gentlemen who are insisting on this kind of propositions might just as well make up your minds that you are the worst enemies to real, substantial waterway legislation, because the people of the country, I believe, despite what my good friend the Senator from Colorado says—and if they are not, I am going to despair of popular government—are not going to stand it much longer to pay taxes and war taxes for little creeks and rivers that are good for nothing except to help reelect people to Congress.

Now, what are you Democrats going to say about a $42,000,000 river and harbor bill at this time? I do not want to discuss this question in any partisan way. I believe the Republicans are just as bad as the Democrats when you come to appropriations. I may have my idea of what are right appropriations and may not agree with you, and you have your idea of what are right and not agree with me, and both probably be perfectly honest in our judgment. But you Democrats are in power for a while yet, not for long, and the responsibility is upon you for these appropriations. You can not dodge it. You can not go out to the people this fall and point to your platform and then point to what you have done and not confess that you have

made a miserable failure in these expenses of the Government. I do not say that in any harsh way, because I have an affection for my Democratic friends individually. I am not going to say anything about them. They certainly have shown a wonderful degree of incompetency as a collective institution. I can not understand how such splendid individuals, such economical individuals, when you get them bunched up in a party can be so absolutely incompetent. If the Republicans come into power, as of course they will, and carry on appropriations as you have carried them on, and create the offices and salaries and spend the money as you have spent it, I hope the Republican Party will be turned out of power just as quickly as it can be.

I know that in pleading with Senators to defeat a bill of this kind it may be out of place for a Republican to appeal to the Democrats to stand by their platform. Everybody recognizes, of course, that we must have appropriations. Wise appropriations, considered as investment, not waste, find no complaint from the people. It is the wasteful appropriations, and when you pass this river and harbor bill, with $42,000,000 to be placed upon the backs of the people in taxation, you have just about broken the last plank that is left in your platform. You have now broken your Philippines plank, apparently through the influence of some great political organization in New York City, known as Tammany Hall.

Mr. VARDAMAN. I should like to ask my friend, the Senator from Iowa, if almost the entire Republican membership of the House did not vote with the Tammany body?

Mr. KENYON. They did.

Mr. VARDAMAN. So it did not depend altogether on Tammany.

Mr. KENYON. But without the Tammany vote and the Tammany influence they would have been helpless.

Mr. VARDAMAN. I am sorry the Republicans were seduced by Tammany. Without the assistance of the Republicans Tammany could not have done anything.

Mr. KENYON. Of course, the Republicans were standing by their platform. I did not agree with my party on that proposition. I voted for Philippine independence and received considerable condemnation therefor. But that is a plank in your platform which has been shattered. I know my good friend from Mississippi is a man who believes in keeping the platforms of his party and he has been consistent in this Chamber. With a high courage and fidelity to public duty he has attempted to keep the platform of his party.

Mr. VARDAMAN. I will say to my friend I am greatly obliged to him for the tribute he has paid to me. I know how the Senator from Iowa felt about it, and I am sincerely sorry that the Republicans of the House made it possible for a small contingent of the Democratic Party in the House to defeat the will of the American people as expressed at the polls nearly four years ago.

Mr. KENYON. Of course, there will not be any Democratic contingency after the next election that will have much influence. You had in your platform free tolls. You violated that. You had in your platform the reduction of the tariff, proclaimed by the distinguished Senator from Kentucky [Mr. JAMES] in a masterly address here one evening to mean free sugar. You violated that.

What you got in your tariff on sugar is just about the amount that you can put into the river and harbor bill, and he pictured that night so eloquently how you were going by free sugar to lift the burden from 20,000,000 homes in this country and provide the laboring men out of that tax alone with 140,000 homes. If you did not have your river and harbor bill you could probably have stood for your free sugar. You have broken your platform in all those things.

Mr. REED. Mr. President, will the Senator from Iowa pardon an interrogatory?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. I yield.

Mr. REED. The Senator says that if we did not have the river and harbor bill we might have had free sugar; in other words, that the total amount carried in this bill is about the equivalent of the present tariff on sugar. I want to ask the Senator if he is in favor of passing any river and harbor bill or of appropriating any money for that purpose?

Mr. KENYON. The Senator from Missouri knows very well that I am in favor of passing some river and harbor bill; but I am in favor of smashing, if it can be done, the present system of formulating river and harbor bills.

Mr. REED. Now, manifestly the inference the Senator left by his argument a moment ago was that it was this wicked river and harbor bill that made it necessary to keep the tax on sugar, and just as manifestly the only way we could dispense with the tax on sugar would be to entirely destroy the river and harbor bill, and yet the Senator does not propose to do that?

Mr. KENYON. No.

Mr. REED. And I apprehend if he were giving a pruning knife and told to go through it and cut out everything that his conscience would let him that he would leave the majority part of the bill stand.

Mr. KENYON. I think I would cut it in half.

Mr. REED. Then we should have to have a tax on sugar.

Mr. KENYON. We would have to have a tax on sugar, but we would not need to have so high a tax on sugar as you people have placed on it.

Mr. REED. No; as we left on, and as you people put on.

Mr. KENYON. And that you people promised the country you would take off.

Mr. REED. Yes; and I voted to do so.

Mr. KENYON. I know the Senator did; he had the courage of his convictions.

Mr. REED. And I should continue to vote for it, and raise the difference on incomes.

Mr. KENYON. I agree with the Senator in raising it on incomes for proper purposes.

Mr. SHAFROTH. The Senator from Iowa has called attention to the fact that the Republican platform was of such a nature concerning the Philippine Islands as not to recognize their independence. I want to call the attention of the Senator to the fact that the declaration of the Republican Party upon the Philippines is as follows:

> The Philippine policy of the Republican Party has been and is inspired by the belief that our duty toward the Filipino people is a national obligation which should remain entirely free from partisan politics.

So I do not see, when the Senator cast his vote and made his speeches concerning Philippine independence, that it was contrary to the expressed plank of his party in its platform of 1912.

Mr. KENYON. I possibly made my statement a little strong. What I said was that I thought that many Republicans of my State felt my vote was contrary to the policy of the Republican Party, but nevertheless I thought it was right. World conditions have changed some since that time, and I might have a different opinion now.

Mr. SHAFROTH. I do not see how they could have so interpreted that declaration, which says that it is a nonpartisan question. Consequently, as a Republican, the Senator from Iowa would be entitled to vote as he pleased, and I believe the Senator has done nothing in his career which does him greater credit.

Mr. KENYON. Does the Senator feel that his party has now carried out the pledge they made in the platform concerning the Philippines?

Mr. SHAFROTH. No; we have not done so yet, because the bill has not yet become a law.

Mr. KENYON. But when does the Senator think that the pledge will be carried out?

Mr. SHAFROTH. The pledge of the Democratic Party, according to the Democratic platform, is not as to any definite date at which the Filipino people are to be granted their freedom. I had hoped just as had the Senator from Iowa that we should fix a date to give the Filipinos independence; but that has not been done, according to the action of the other House. What the action of the Senate will be I do not know; but it seems to me that though the platform of the Democratic Party recognizes that the Filipinos will be given independence, it does not state when.

Mr. CLARKE of Arkansas. Mr. President, I am not in the habit of injecting a partisan argument into a discussion relating to an important governmental function; but I want to say that in this particular instance the Democratic Party made a fair effort to redeem that pledge. Of course we had the assistance of five excellent Republicans on the other side of the Chamber in redeeming the part of it that was performed by the Senate; but when we got to the House of Representatives it was made a party question. The Democratic Party, speaking through its recognized organ of communication with the public, stood for the proposition to the extent of giving it all the votes that it could control through its party action; and the President of the United States lent his influence in favor of its enactment. I think the Democratic Party has a fairly good record on that particular plank of the platform; thanks to the Senator from Iowa and other progressive and patriotic Senators on the other side of the Chamber.

Mr. THOMAS. Mr. President, will the Senator from Iowa permit me a word?

Mr. KENYON. Yes.

Mr. THOMAS. I have always understood the Democratic policy regarding the Philippines to mean that whenever it had the power to do so it would give them their independence. My reading of Democratic platforms since we acquired the Philippine Islands has confirmed this view. I think the Democratic Party has tried by the imperfect and unfinished and now mutilated legislation of this session to comply with the requirements of its frequently repeated pledges.

I also believe that, if the Democratic Party, as such, were in control of the House of Representatives it would have fulfilled that obligation, and that the bill which passed the Senate with the Clarke amendment would by this time have become a law; but, Mr. President, it is painfully evident that at times the Democratic majority in the other House is no majority at all, but that its membership is composed of about an equal number of Democrats and Republicans, the balance of power being held by an organization which wears the livery of the Democratic Party, wears its colors, and dishonors its name.

Mr. KENYON. Would the Senator put them in our party?

Mr. THOMAS. Of course I would not do that, although they are sometimes its useful instrument; and yet there are organizations in other cities of a similar character which call themselves Republican, just as this organization calls itself Democratic, because it is necessary to assume the prevailing party public sentiment. The organization to which I refer is a politico-commercial affair, in politics for practical purposes, and always ready to do that which is practical and, therefore, profitable, whether Democratic or not.

For my part, Mr. President, I want to repudiate the notion that the Democratic Party of the country, as a party, has up to this time been faithless to its Philippine pledges. I assert that it will be in actual power when and only when, independently of the membership to which I have just referred, it has an actual majority in both Houses. Until then it must encounter the rear attacks like that which so recently assassinated the Philippine bill in the House of its reputed friends.

Mr. KENYON. Mr. President, I did not expect to start a discussion on the Philippine question. I was simply taking up some of the broken planks of the Democratic platform, more particularly desiring to call attention to the plank as to economy. I notice another plank which I think I shall perhaps put into the RECORD.

Mr. SIMMONS. Mr. President, the Senator from Iowa has denounced the Democratic Party for extravagance and he has cited the present river and harbor bill as an illustration of the failure of the Democratic Party to carry out its platform pledge of economy. I wish to ask the Senator if, as a member of the Committee on Commerce, he is not the only Republican member of that committee who voted against reporting this bill in the form in which it now is?

Mr. KENYON. I think not.

Mr. SIMMONS. Then, I ask the Senator if there were others?

Mr. KENYON. The Senator from Illinois [Mr. SHERMAN], I think——

Mr. SIMMONS. The Senator from Illinois, I think, voted against some of the provisions of the bill.

Mr. KENYON. He voted against reporting the bill, I think. I know he signed the minority report.

Mr. SIMMONS. He voted against some of the new items of the bill.

Mr. KENYON. He signed the minority report.

Mr. SIMMONS. The Senator from Illinois voted against some of the new items of the bill, but I do not understand that the Senator from Illinois, or any other Republican Senator on the committee, voted against the bill as a whole.

Mr. KENYON. I will say that, in my judgment, as I remember the matter, the Senator from Illinois voted against reporting the bill as it was reported; but I am not absolutely certain as to that.

Mr. REED. Mr. President——

Mr. KENYON. I yield to the Senator from Missouri.

Mr. REED. I think I can throw a little light on the attitude of the Senator from Illinois. I think he voted in favor of every appropriation for his State, but was very economical as to other States.

Mr. KENYON. Mr. President, I think the Senator from Illinois did not hear the statement which has just been made by the Senator from Missouri; it is a very unfair statement; for the Senator from Missouri, as I remember, was seldom present at committee meetings, and the Senator from Illinois claimed the right to file a minority report, and said that he objected to many items in the bill. I think the Senator from Missouri is not fair in his statement.

Mr. REED. I think the Senator from Iowa did not understand me, or he would not say I am unfair. I say, as I understood the attitude of the Senator from Illinois, he voted in favor of all appropriations for his own State, but when it got to other States he was economical.

Mr. KENYON. I will say this about the Senator from Illinois——

Mr. SHERMAN. I will answer that.

Mr. KENYON. That the Senator from Illinois——

Mr. SHERMAN. Will the Senator yield to me?

Mr. KENYON. I will yield.

Mr. SHERMAN. I will answer the statement made by the junior Senator from Missouri [Mr. REED] in due time, when I have more leisure, and when I can do so under the rules as they might be administered here without taking the Senator from Iowa off his feet.

The cutting off of the appropriations for my own State will not deter me in the least from criticizing or voting against any of the items of this bill, should I deem it proper to do so when I get the opportunity. If the penalty for such criticism is to be the cutting off of appropriations from this bill that may affect my own State, I will challenge the Senators to cut them off at their pleasure, and I will take the consequences.

Mr. KENYON. I hope the Senator from Missouri will join in that challenge.

Mr. SHERMAN. That possesses no terror whatever for the Senator from Illinois; and I refuse to be punished or afflicted in that way.

Mr. REED. Mr. President, no one has made the slightest suggestion that anything could at all imperil the courageous attitude of the Senator from Illinois. I did not charge that the Senator from Illinois was not economical with reference to appropriations for other States; but I failed to notice him practicing any particular economy when it came to the State of Illinois. That is all I said. I know that the high courage and magnificent patriotism of the Senator from Illinois will lead him to take an exalted ground when it comes to the discussion of this bill; and yet I venture to say that he will in no single instance move to reduce an Illinois appropriation.

Mr. KENYON. Mr. President, the Senator——

Mr. SIMMONS. Mr. President——

Mr. KENYON. Just a moment. The Senator from Illinois asked the committee that the State of Illinois be permitted to spend $5,000,000 of its own money. That is all the Senator from Illinois asked of the committee. I suppose that remarks of the kind we have heard must be made about men who express their convictions about this bill, but they seem to me very unfair to the Senator from Illinois.

Mr. SIMMONS. Mr. President, I, of course, do not care to enter into the controversy as to how the Senator from Illinois voted, because I do not remember as to that. I was, however, under the impression that the Senator from Iowa was the only Republican member of the Committee on Commerce who voted against this bill as a whole. I thought the Senator from Illinois voted against some new items which were put on the bill, as some Democratic members of the committee probably did; but there are eight Republicans on the committee; and, if the Senator from Illinois joined the Senator from Iowa in voting against the bill, they are the only two Republicans, I am sure, who did pursue that course. I think the bill comes here with the joint approval of all the members of the committee, except those two Senators. I am speaking of the bill as a whole; I am not speaking of items, because I think there were differences in the committee as to items.

Mr. JONES. Mr. President——

The VICE PRESIDENT. This is about the time for the Chair to begin to call attention to a rule of the Senate. The Senator from Iowa has lost the floor three or four times, in accordance with the rule. The Chair has not been enforcing it, but we are getting nowhere, and the Chair is going to enforce it from now on.

Mr. KENYON. I yield to the Senator from Washington for a question.

Mr. JONES. I have no question to ask.

Mr. SIMMONS. Then, Mr. President, if the Chair is going to enforce the rule now, after having permitted its violation repeatedly since the Senator from Iowa has been upon his feet, I will ask permission of the Senator to ask a question.

Mr. KENYON. I yield to the Senator for a question.

Mr. SIMMONS. I wish to ask the Senator if it is not a fact that up to this time no river and harbor bill has been passed since the Democratic Party came into power and has been in

control of both Houses of Congress, except a lump-sum appropriation?

Mr. KENYON. I think that is true.

Mr. SIMMONS. No river and harbor bill proper has been passed by the Democratic Party since it came into power. Now I will ask the Senator, further, if the present bill as it came from the House was not a bill that included only old projects, with the single exception of the New York item, to which the Senator has referred?

Mr. KENYON. I think so.

Mr. SIMMONS. Is it not true, then, that the bill as it came from the House, carrying $40,000,000 of appropriations, provided for projects that had been approved by the Republican Party while it was in power?

Mr. KENYON. I do not know and do not care. I have already said that the Republican Party has been just as wasteful in this regard as the Democratic Party; but I say the Senator's party is now charged with responsibility, and the Senator's party in its platform and upon the stump has gone before the people of this country telling them what they would do along lines of economy and denouncing the Republican Party. I denounce the Republican Party, too, where it deserves to be denounced.

Mr. SIMMONS. But did not the Senator hold the Democratic Party up as responsible for the items in this bill?

Mr. KENYON. Oh, of course.

Mr. SIMMONS. And I am asking him if every one of these items was not a Republican item——

Mr. KENYON. Oh, no.

Mr. SIMMONS. Adopted and approved by the Republican Party and appropriated for before the Democratic Party came into power?

Mr. KENYON. Mr. President, I do not want to lose the floor; but I do not wonder that the Democratic Party seeks to avoid responsibility for some of the things that have gone on; but these items can not go into the law without the action of your party; and, to use an expression of the Senator from New Jersey [Mr. MARTINE], God knows you tried hard enough to pass two river and harbor bills, and you would have done so had it not been for the former Senator from Ohio, Mr. Burton.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. For a question.

Mr. JONES. Was there any roll call in the committee upon the vote to report this bill?

Mr. KENYON. There was not, as I remember.

Mr. JONES. I will ask the Senator whether or not several Republican Senators reserved the right to oppose provisions of the bill on the floor of the Senate?

Mr. KENYON. They did, and I remember very distinctly the Senator from Pennsylvania making that suggestion, and also the Senator from Washington.

Mr. President, I want to proceed with a few more of the planks in the Baltimore platform. There is one that is to be broken in a few weeks now.

Mr. CLARKE of Arkansas. Mr. President——

Mr. KENYON. I yield to the Senator.

Mr. CLARKE of Arkansas. I rise rather to a parliamentary inquiry than otherwise. The Senate, by a yea-and-nay vote, determined that the question as to whether or not a Senator lost the floor by submitting to an interruption was not a question for the Chair to decide, but that an objection of that kind must originate upon the floor and become operative at the instance of the Senate. We have been proceeding under that modified form of the rule so long that I think it is but fair for the Chair to give notice that he will not be bound by it, so that we may know in the further progress of this debate how to conduct ourselves. It must either be one or the other; it must either be a matter that the Chair must decide or that the Senate must decide.

The VICE PRESIDENT. The Chair does not think that the Senate so decided. The Chair thinks that the Senate decided that the Chair could not autocratically and dictatorially say to a Senator——

Mr. CLARKE of Arkansas. Of course, the present occupant of the chair would not do anything autocratically or dictatorially. He is a very mild-mannered individual.

The VICE PRESIDENT. That a query only consists of one question with an interrogation point at the end of it. The Chair thinks a Senator, if he wants to ask a question, is entitled to the right to state a premise as the basis of the question. That is as the present occupant of the Chair understands the action of the Senate.

Mr. CLARKE of Arkansas. We can only accept the ruling as it was made; and it determined one fundamental question, and that was, that it was not for the Chair to determine what constituted a question. In that particular instance the Chair did determine that the character of the interruption was material.

If the attempt is going to be made to enforce the rule now, which has not been enforced since that time, I think there ought to be no misgivings as to how the debate shall proceed. If the rule as announced by the Chair is going to be enforced, so far as I am concerned, I am entirely agreeable to submit to it. There are, however, one or two matters I should like to address to the Senator from Iowa, but I do not want to do so at the risk of having him arbitrarily taken off the floor, and I will take occasion to say what I have in mind at a later period, in my own time.

Mr. GALLINGER. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New Hampshire will state it.

Mr. GALLINGER. I will premise the inquiry by a single observation. I have been here a long time, and at one time I thought I understood the rules of the Senate fairly well; but now I will ask the Vice President to have read the rule to which he refers, providing that a Senator can be taken off the floor if he yields to anything more than a simple question. I should like to have the rule read.

The VICE PRESIDENT. There is not any such rule as that. There is a rule to the effect that no Senator shall speak more than twice in one day upon any one question without leave of the Senate.

Mr. GALLINGER. Certainly.

The VICE PRESIDENT. And there have been innumerable decisions, which were not made by the present occupant of the chair, but were made long before he came here, to the effect that a Senator could not yield the floor for any other purpose than for a question; otherwise when he obtained possession of the floor he could farm it out as he pleased. The Chair has never until this moment heard it insisted upon that when a Senator yielded for any other purpose than for a question he did not yield the floor thereby, so that it could be considered that he had made one of the speeches which he is entitled to make on any one day.

Mr. GALLINGER. Mr. President, the Chair says that the Chair has never heard that questioned before. The fact is the issue which the Chair raised on a certain memorable occasion was in direct antagonism to the custom of the Senate. Debate is about all there is in this body that is worth anything, and we can not have debate unless we have an interchange of views. The idea that a Senator has got to stand on the floor and talk for hours at a time, to be followed by another Senator, and then by another, is to me rather preposterous. We had a short time ago a debate on a very important question, and we spent a whole day interchanging views. Most of the debate was in the nature of interrogatories, as a matter of fact, and it was the most enjoyable day that I have spent in the Senate since the rule was enforced that a Senator occupying the floor and keeping the floor could not allow an interruption, except by way of an interrogatory. Of course if it is patent that it is the purpose of a Senator to farm out the floor to other Senators in order that he may get rest, that is an entirely different affair; and I remember that there are decisions that that can not be done; but I confess that I think it is going to take from the Senate of the United States its highest prerogative and the most enjoyable conditions that exist here if we can not have an interchange of views, except by way of simple questions.

Mr. JONES. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington will state his inquiry.

Mr. JONES. I merely want to inquire whether or not the decisions to which the Chair referred a moment ago were not decisions made upon objections raised from the floor?

The VICE PRESIDENT. The Chair can look those questions up, but the Chair has no recollection as to whether or not they were made from the floor. The Chair has not the slightest desire in the world to enforce this rule; he does not care whether it is enforced or not. If the Senate does not want it enforced, then all they have to do is to say so. The interruptions that were taking place were not taking place on a discussion of the river and harbor bill.

Mr. CLARKE of Arkansas. I ask unanimous consent that the Senator from Iowa may proceed with his argument and yield to such Senators as he may see proper, and yield for purposes that may be satisfactory to him and to the Senator interrupting him.

Mr. KENYON. I will be very glad, of course, to do that.

The VICE PRESIDENT. The Chair does not care anything about it.

Mr. CLARKE of Arkansas. I ask that that request be submitted to the Senate.

The VICE PRESIDENT. Is there any objection?

Mr. JONES. Mr. President, before that request is submitted, I merely want to suggest that there are certain rules which it is expressly required shall be enforced by the Presiding Officer. There are other rules concerning which there is no such provision, and I take it that, as to them, no action will be taken unless there is some objection from the floor.

The VICE PRESIDENT. There seems to be no objection to the request of the Senator from Arkansas; and the rule will not be enforced until the Chair is notified of the further desire of the Senate.

Mr. KENYON. I thank the Chair.

Mr. CLARKE of Arkansas. Mr. President, will the Senator from Iowa indulge me in just one little observation?

Mr. KENYON. Certainly.

Mr. CLARKE of Arkansas. Reference has been made to the so-called political alignment of the Committee on Commerce. No such alignment exists in that committee, and nothing of that kind was apparent in the preparation of this bill. Ninety per cent of the additions that we made to the bill were made at the instance of Republican Senators; but no notice was taken of that fact, and no point should be made on it here. They were considered on what we supposed to be their merits, and they were freely voted for by Democrats and Republicans alike. We took no notice of the fact that they were of one party or the other, and I hope we never will, because the matters to which the legislation pending before that committee relates can not by any possibility have a partisan application.

There was a reservation made by several Republican members of the committee of the right to vote against any item in this bill that they saw proper to vote against, and they are at liberty to do so now if they desire, just as the Democrats on the committee are at liberty to do so. We did the best we could in the preparation of the bill under the limitations that surrounded us. Whilst we have not made an excellent job, we did the best we could under the circumstances.

Mr. KENYON. Nor do I think I made any intimation—I did not intend to—that there was any partisanship in the bill as far as the committee was concerned or in any other way. I do not believe party lines exist when it comes to getting appropriations out of the Federal Treasury. I was simply contending that the Democratic Party were responsible for the expenses of this session and of these Congresses, and that they were breaking the platform of their party in passing these enormous appropriation bills. I do not know that you can ever economize. It seems almost impossible; but if you can not economize do not announce in your platform what you are going to do.

I was passing along to these various violations of the Democratic platform. I want to put one or two more in the RECORD.

Our Democratic friends declared themselves in favor of the civil-service law, and yet we behold, in the rural-credits bill just passed, that as far as that is concerned it seems to be formulated on the proposition of getting the appointees into office absolutely regardless of the civil service; and many other violations of that plank could be cited.

Here is another one:

> We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

Of course, that may be defended on the ground that it was absolutely superfluous, because the people of the country will see that that plank in the platform is carried out.

Here is another one:

> The constitutional rights of American citizens should protect them on our borders and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United State Government, both for himself and his property.

As to whether or not that plank has been violated would be a matter for serious reflection; but here is the plank I have been leading up to. With all this record of broken promises, the one that you Democrats will have to face—and I am sorry for you when you face it—is the one about extravagance:

> We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

We have had four urgent deficiency bills in this session, and how many more are to come God only knows! The other day when you placed the salaries of the directors of these land banks at $10,000 per annum and had the proposition squarely up to you along the line of your platform as to high salaries, what did you do? I think practically all the Republicans voted to reduce the salaries, and some Democrats; but you, the party of economy, voted to keep them at $10,000. What a joy to the farmers of this country when they study your platform and then look at the record! How they will enjoy helping to pay $10,000 per annum for somebody to do what they can do just as well themselves!

So there is a lot of buncombe about this platform business. How you can sit quietly by, with easy consciences, and keep voting this money out of the Public Treasury and piling up the taxes for the people to pay I can not understand.

Here is a good Senator from Colorado [Mr. THOMAS]. He stands up here and fights for economy. He votes against things that his own State is after, at times. [Laughter.] He is one of the consistent men on this economy proposition. I did not mean to qualify my words in that sudden fashion. The urgent deficiency bills come in here now carrying over $25,000,000—$25,730,000, as I am told by the Senator from Utah [Mr. SMOOT], who always knows about these matters. Are you going to stop at all? What about the trips of battleships to South American countries, with distinguished lawyers thereon from New York, and trips to San Francisco fairs? Whose money is this that we are continually voting away? Is it our own?

Mr. WORKS. Mr. President, I hope the Senator will not overlook the good-roads bill in his denunciation of extravagance on the part of our friends on the other side of the Chamber.

Mr. KENYON. I supposed, when I referred to the California Exposition, that that was what had drawn the Senator from California to his feet.

Mr. WORKS. Not at all.

Mr. KENYON. I do not stand here to say that a lot of these appropriations are not wise. I am trying to plead with my Democratic friends before it is too late for them to get a little salvation on this question of economy, and to carry out the provisions of their platform to some extent, and to start now by cutting this river and harbor bill squarely in two. Then you can go out to the country and say that you at least have cut the thing down $20,000,000.

In the case of the last two river and harbor bills, which were cut in that way, has the country suffered from the reduction? I have not heard, though I may be mistaken, of any meritorious projects that have suffered at all. At this time, when the expenses of the Government for preparedness are going to amount to enormous sums, do you not honestly think, without stopping internal improvements, without letting any worthy projects suffer, that it is a good time to try to cut down a bill of this character?

Mr. SHERMAN. Mr. President——

Mr. KENYON. Mr. President, I should like to make a parliamentary inquiry, as to whether the rules are in force or not.

The VICE PRESIDENT. Oh, the rules are not in force.

Mr. KENYON. There are no rules?

Mr. SHERMAN. I should like to make an inquiry.

Mr. KENYON. I yield to the Senator from Illinois.

Mr. SHERMAN. I will promise not to deliver an address ad interim. Will the Senator, before he leaves that very comprehensive and alluring subject——

Mr. KENYON. Did the Senator think I had left it?

Mr. SHERMAN (continuing). Refer to some of the methods of thumb-screw taxation that must be resorted to in order to supply this deficiency and consider the sources from which this revenue is to be derived?

Mr. KENYON. Every farmer, of course, as he goes to the telephone for messages over 15 cents, I think, pays his cent, or on any telegrams he sends pays his tax, or when he makes a deed of his farm he pays his tax. Of course, he can be expected to hurrah for Mud Creek and Newbegun Creek and Contentnia Creek and all these things. I do not know how the money is going to be raised. Does the Senator from Illinois know how it is going to be raised?

I hope we will increase the income tax. We will have to raise a large amount of taxes outside of this river and harbor bill, of course; but that may be a forerunner of other great expenses that are to come. I think we will have plenty of time to discuss that during the warm summer months.

Mr. President, our appropriations and expenses are simply going up to an enormous extent.

In such a precarious condition is the Federal Treasury that my good friend from Texas [Mr. SHEPPARD], on the 11th day of January, 1916, stimulated by this spirit of economy, introduced a bill providing for temporarily reducing the salaries of persons in the Federal service, in which he recited—and that was very apropos to the present condition of the Treasury:

Whereas the war in Europe has caused a serious decrease in importations and a serious decline in the revenue ordinarily derived from importations; and
Whereas these conditions are imposing an enormous strain on the Federal Treasury and have made it necessary to levy additional taxes on the people; and
Whereas the present emergency calls for every legitimate measure tending to relieve the Treasury and the people as far as possible: Therefore

Be it enacted, etc., That the salaries of persons in the civil, military, naval, or other employment of service of the United States, including Senators, Representatives, and Delegates in Congress, exceeding $6,000 per annum, are hereby reduced 12 per cent per annum; that the salaries of persons in said employment or service amounting to $1,200 and not exceeding $1,500 per annum are hereby reduced 2 per cent per annum; that the salaries of persons in said employment or service exceeding $1,500 per annum and not exceeding $2,000 are hereby reduced 3 per cent per annum; that the salaries of persons in said employment or service exceeding $2,000 per annum and not exceeding $3,000 are hereby reduced 4 per cent per annum; that the salaries of persons in said employment or service exceeding $3,000 and not exceeding $4,000 are hereby reduced 6 per cent per anum; that the salaries of persons in said employment or service exceeding $4,000 per annum and not exceeding $5,000 are hereby reduced 8 per cent per annum; that the salaries of persons in said employment or service exceeding $5,000 per anuum and not exceeding $6,000 are hereby reduced 10 per cent per anaum.

I summon that to my help in this argument; that the Senator from Texas—the country of the Brazos and of the Trinity, with enormous appropriations in this bill and in all the bills that have gone before us—felt that the condition of our Treasury was such that we ought to reduce the salaries of the poor clerks around here who are drawing from twelve to fifteen hundred dollars a year.

Mr. GALLINGER. Mr. President——

Mr. KENYON. I yield to the Senator from New Hampshire.

Mr. GALLINGER. That bill was introduced on the 11th day of January, as I recall. On the 12th day of January the Senator from Texas, who was going to save something to the Treasury, introduced a bill appropriating $250,000 for a Federal building at Brownsville, Tex.; $75,000 for one at Childress, Tex.; $75,000 for one at Huntsville, Tex.; $75,000 for one at Memphis, Tex.; and $50,000 for one at Canadian, Tex.

Mr. KENYON. Has the Senator overlooked the one at Huntsville, Tex., where an appropriation of $75,000 was proposed, Huntsville having a population of 2,072 people?

Mr. GALLINGER. I stated that, Mr. President.

Mr. HARDING. Mr. President——

Mr. KENYON. I yield to the Senator from Ohio.

Mr. HARDING. I wanted to ask the Senator from Iowa, inasmuch as he had read the preamble to the measure of the Senator from Texas, reciting the decrease of imports incident to the European war, if he would not like to put into the RECORD the fact that the imports for March, 1916, were thirty-one millions more than for March, 1914; fifty-nine millions more than for March, 1913, when Mr. Wilson came into the White House; and seventy-four millions more than for March, 1911?

Mr. KENYON. Mr. President, of course I have no knowledge of the accuracy of the figures; but, knowing that the Senator from Ohio is engaged upon a very important work shortly to take place and undoubtedly is familiar with the figures, I am willing to accept them.

Mr. SHEPPARD. Mr. President——

Mr. KENYON. I yield to the Senator from Texas.

Mr. SHEPPARD. I know the Senator wants to be fair. I have also introduced bills directing the Secretary of the Treasury to examine the building needs at the points in Texas quoted by the Senator from New Hampshire, and at all other points in the country for which building bills are introduced, and to report what the need actually is, what the postal receipts and rentals are, what Government offices are established at such places, and also the lowest possible cost at which the proper buildings, if needed, could be erected.

I believe that method ought to be adopted in making public-building appropriations. I think the present system is a wasteful system, an unscientific system, and that it ought to be fundamentally changed. Projects of pressing importance are now compelled to await the preparation of an omnibus bill covering the entire country and covering places where the need can not be said to be especially urgent.

For instance, if the Senator will pardon me, at Paris, Tex., some weeks ago a disastrous fire destroyed the public building there. The need for a new structure is immediate and imperative. The blackened walls have been standing there, a menace to the passers-by; and yet, on account of the custom that prevails with regard to public buildings—the custom that has prevailed for the last 15 or 20 years—that situation can not be promptly cared for. Senators and Representatives with projects of similar urgency in their States and districts must wait until the pressure becomes so great from all parts of the country that an omnibus building bill carrying thirty or forty million dollars is introduced and literally forced through, including many projects that could not stand on individual merit. This system should be discontinued. Each project should stand or fall on its own inherent worth.

Mr. KENYON. I think the Senator's resolution applied only to buildings in Texas, did it not?

Mr. SHEPPARD. I introduced a general resolution or bill requiring all measures providing for the erection of public buildings to be referred to the Secretary of the Treasury for investigation and for report as to whether they are actually justified by Government needs.

Mr. KENYON. I always have a great admiration for the ability of the Senator from Texas, because I believe he is one of the few persons who have been able to discover water in the Trinity River. I do not want to enlarge very much on what the Senator from New Hampshire has said; but, inasmuch as that question has arisen, and the Senator from Texas has by this bill placed himself on the side of economy, certainly he must feel that there is a great need for economy when we are to take a certain percentage from the salaries of the poorly paid Government employees.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Iowa yield to the Senator from Texas?

Mr. KENYON. I do.

Mr. SHEPPARD. I think it is in the interest of economy to make necessary improvements, which, if not made, will necessitate a greater expenditure in the future. I shall answer the Senator as to the Trinity later.

Mr. KENYON. Well, Mr. President, I prefer the kind of economy that gives living wages to the employees of the Government in Washington than to take the money and dump it in the Trinity and the Brazos Rivers.

Mr. LEWIS. Mr. President, will the Senator from Iowa allow an interruption?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. KENYON. I do.

Mr. LEWIS. I desire, with the Senator's permission, to address myself to the inquiry of the Senator from Ohio [Mr. HARDING].

The Senator from Ohio interpolated the address of the Senator from Iowa, asking the Senator if he would not consent to allow the figures suggested by the Senator to be introduced in his remarks. Those figures, suggested by the able Senator from Ohio, suggest the increase of importations of one month in this year, as being in excess of those of the same month in the previous year.

I desire to ask the able Senator from Ohio if he is able to state whether those importations did not include items which paid tariff duties, and if he knows the amount of revenue they did pay, and if the latter item of importations does not include one-third gold, being money?

I am quoting from a newspaper observation. I am not able to say that I know that fact, as reported in this article.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I am always glad to have anything I may say added to or illuminated by the distinguished Senator from Illinois. I do not want to be responsible for the figures. I do not know anything about them, myself.

Mr. LEWIS. I thank the Senator. I am asking the Senator from Ohio if he has investigated the figures in the respect I have mentioned? I am sure he will state the matter as he knows it.

Mr. HARDING. Mr. President, I should be very happy, indeed, to enlighten the distinguished Senator from Illinois. I do not happen to have in my possession the figures, and I should not attempt to quote them from memory. I had not singled out one month to compare it unfavorably to the Democratic Party with the same month under a Republican administration. I only know that the figures given for the month of March are fairly representative of the various months of this administration as compared with those of the previous administration. I should not attempt at this moment to go into detail as to an analysis of the imports.

Mr. LEWIS. Mr. President, the Senator does not assume to say that the imports to which he alludes might not have been imports upon the protected list and pay a duty as they came in?

Mr. SMOOT. Mr. President, I think the Senator——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. Mr. President, I dislike to have such a good address as I am making spoiled by a tariff debate.

Mr. LEWIS. I think myself that should not be done. I withdraw the query.

Mr. KENYON. If it will end shortly, I will yield.

Mr. LEWIS. I withdraw the query. It may lead to a consumption of time. I did not notice how late the hour was.

Mr. KENYON. And it destroys the continuity of the address I am making.

Mr. LEWIS. That is sufficient objection—that it does interfere with the joyous, as well as the harmonious, flow of an otherwise delightful utterance. [Laughter.]

Mr. KENYON. I return, Mr. President, to this delightful interruption—this question of economy in Texas.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I should like to inquire if it is an inquiry concerning the tariff?

Mr. SIMMONS. It may have some remote relation to the tariff.

Mr. KENYON. Some remote relation? I yield to the Senator.

Mr. SIMMONS. Does the Senator object to having an inquiry with relation to the tariff?

Mr. KENYON. Not at all; but all tariff inquiries I turn over to my friend from Ohio [Mr. HARDING].

Mr. SIMMONS. What the Senator from Ohio said had some relation to the tariff. I simply wish to point to the fact that I have from the department the imports and exports for the month of March. That is the month he quoted from. I have also the summary of foreign commerce for the month of January, and I think the report for that month is somewhat similar in character and in amount. As to the imports for the month of January, 1916, I have not made an accurate calculation, but they were about $60,000,000. However, $40,000,000 of that amount was crude material for use in manufactures and about $8,000,000 of that amount was for manufacture for further use in manufactures. So $48,000,000 of the $60,000,000 represented materials used by our manufacturers.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I yield.

Mr. HARDING. I should like the Senator from North Carolina to specify the character of the materials to which he refers and whether there were changes in the duties thereon.

Mr. SIMMONS. I was quoting at that time the materials that come in free; crude materials for use in manufactures, in 1915, $33,000,000 in round numbers; in 1916, $83,000,000 in round numbers; an increase of about $40,000,000 of these products used by our manufacturers in making goods that they are exporting in such large quantities now to foreign countries; then, manufactured for further use in manufacturing, about $13,000,000 free in 1915 and about $21,000,000 free in 1916, a difference again of about $8,000,000. So I say about $48,000,000 of these goods that came in free used in manufacture were things that were used by our manufacturers in making the things that we are exporting in such enormous quantities, and so much in excess of what we ever exported before to foreign countries.

Mr. KENYON. Mr. President, if we are through with the tariff question now, we will return to a more interesting subject. The Senator from New Hampshire has referred to several public-building bills that have been introduced in towns of rather small population, and I think I will not take the time to enlarge upon that except as to one town, the town of Childress. There is a bill now pending for a $75,000 public building. According to the 1910 census Childress had 3,818 souls.

Mr. SHEPPARD. What are the postal receipts? If I am correctly informed, the postal receipts are now in excess of $10,000 a year.

Mr. KENYON. That is remarkable; it is wonderful.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. KENYON. I do.

Mr. GALLINGER. The town of Canadian, in the State of Texas, has 1,648 people, and there is an appropriation of $50,000 proposed for a public building.

Mr. SHEPPARD. Will the Senator give us the postal receipts at that place?

Mr. GALLINGER. I can not.

Mr. SHEPPARD. Then the Senator ought to take the time to obtain the information.

Mr. GALLINGER. I am giving the population.

Mr. SHEPPARD. That is not the entire test. The postal receipts and the fact that there may be other Government offices besides the post office are elements of equal importance with population.

Mr. GALLINGER. The city of Memphis calls for an appropriation of $75,000 and they have 1,936 people in that town, and Huntsville, which calls for $75,000, has actually 2,072 people. They are doing pretty well. The only place that has a population sufficient, as I think, to warrant a public building is Brownsville, where they have 10,000 people. Big Springs has 4,002 people.

Mr. President, I am not a great believer in liberal appropriations for public buildings in small towns. I have not asked it for my own State, and I never expect to, and I think we ought to stop making appropriations for little towns of two or three thousand people.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. KENYON. I do.

Mr. SHEPPARD. In the last public building bill which passed Congress, I think, on March 4, 1913, a clause was inserted, on motion of the Senator from Indiana [Mr. KERN] to the effect that thereafter public buildings should not be constructed in towns having less than $10,000 in annual postal receipts. Some of these towns for which I have introduced bills are the only towns of any size within a radius of 50, 100, or 200 miles, and in that section of the country towns of 1,500 and 2,000 people are of as much relative importance as cities of 10,000, 15,000, 20,000, and 30,000 in the North and East. I think the Senator will find that these places come within the minimum as to postal receipts established by the last public buildings act, a minimum that was voted for by the Senator from New Hampshire, if I am not mistaken.

Mr. GALLINGER. I quite agree with the Senator on that point. We ought to have some limit as to postal receipts. I think we ought to have a limit also as to population. But what attracted my attention—and I thought it was inadvertence, probably, on the part of my genial friend from Texas—was that he offered the very extraordinary and, as I think, indefensible bill reducing the salaries of the poorly paid clerks in Washington and then offered these six bills on the following day for public buildings in these small towns. I did not think it was consistent, and I thought he probably did it inadvertently.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from Texas?

Mr. KENYON. I do.

Mr. SHEPPARD. If the Senator will permit me, the bill that I introduced reducing salaries provided a very small reduction in the salaries of clerks, perhaps 1 or 2 per cent, and a much greater reduction was made in the salaries of Members of Congress and other salaries that exceeded $6,000 a year. As to salaries below $1,200, my bill made no reduction at all. I think it was a fair measure.

Now, Mr. President, another thing. It is well known that the amounts called for by these public-building bills, when they are introduced, are merely nominal, merely tentative, and that the determination of the proper amount is left to the investigation of the Public Buildings Committees and the Treasury Department. The bills I introduced had most of them been pending for some time in both the House and the Senate. Some of them I had introduced at different times during the past several years in the House during my membership there. I simply got them all together on one day and introduced them at one time for the consideration of this Congress.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I do.

Mr. VARDAMAN. While it is not relevant to the question before the Senate, it occurs to me that the erection of buildings for the United States Government, if economically constructed, is not an extravagance. It does not become a liability; it is an asset; and I think it would be very wise economy if the Government were to erect buildings and occupy them here in Washington. Not all would be wise economy, because the Government might not need it. If the building is not needed, of course, it is an extravagance; but I refer to cases where the Government needs a building, when it pays rent. I was informed a few days ago that the Government is paying for a building here in Washington 16 per cent on the amount invested in that build-

ing. It is no economy for the Government to do that. The Government can borrow money at 2½ per cent and construct its own buildings, and I think very often, if instead of renting post-office buildings and public buildings of that kind, money is prudently expended in the erection of buildings it is not a liability; it is an asset.

Mr. KENYON. I only want to say about the colloquy with the Senator from Texas, I know him so well, I know he would not introduce any bill or do anything he did not thoroughly believe in; I cited it merely because I felt that when the question was reached here of additional money for Brazos and Trinity, feeling as he did about these items, he certainly would not care to press the matter.

Mr. CLARKE of Arkansas. Would it suit the Senator from Iowa to suspend at this point and conclude on to-morrow?

Mr. KENYON. I would be very glad to do so.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 10, 1916, at 12 o'clock meridian.

[Mr. KENYON continued his remarks on the river and harbor appropriation bill (H. R. 12193) Wednesday, May 10, Thursday, May 11, Friday, May 12, and Saturday, May 13, as follows:]

Wednesday, May 10, 1916.

Mr. KENYON. Mr. President, I desire to place in the RECORD a few more citations from the platforms in the past of the Democratic Party on the question of economy.

In 1876, this party that has always pretended at least to stand for economy, in its platform said:

> We demand a judicious system of preparation by public economies, by official retrenchments, and by wise finance.

Again in 1880, when that splendid old soldier, General Hancock, was nominated for President, this same party said:

> We congratulate the country upon the honesty and thrift of a Democratic Congress which has reduced the public expenditures $40,000,000 a year.

In 1884 you said:

> We demand that Federal taxation shall be exclusively for public purposes and shall not exceed the needs of the Government, economically administered.

In 1888 you said:

> Every Democratic rule of governmental action is violated when, through unnecessary taxation, a vast sum of money far beyond the needs of an economical administration, is drawn from the people and the channels of trade and accumulated as a demoralizing surplus in the National Treasury. * * * Debauched by this immense temptation, the remedy of the Republican Party is to meet and exhaust, by extravagant appropriations and expenses, whether constitutional or not, the accumulation of extravagant taxation. The Democratic policy is to enforce frugality in public expense and to abolish unnecessary taxation.

In 1892 you said in your platform:

> We pledge the Democratic Party if intrusted with power not only to defeat the Force Bill, but also to relentless opposition to the Republican policy of profligate expenditures.

In 1896 you said:

> We denounce the profligate waste of the money wrung from the people by oppressive taxation and the lavish appropriations of recent Republican Congresses, which have kept taxes high, while the labor that pays them is unemployed, and the products of the people's toil are depressed in price till they no longer repay the cost of production. We demand a return to that simplicity and economy which befits a democratic government, and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

I wonder what they might have thought when an under Secretary of State was provided for in an appropriation act, to emulate the effete monarchies of Europe.

In 1900 you said:

> We favor a reduction and speedy repeal of the war taxes and a return to the time-honored Democratic policy of strict economy in governmental expenditures.

And the people now favor a speedy repeal, I think, of the war taxes, and the return, if possible, to economic expenditures.

In the platform of 1904 you said:

> Large reductions can easily be made in the annual expenditures of the Government without impairing the efficiency of any branch of the public service, and we shall insist upon the strictest economy and frugality compatible with vigorous and efficient civil, military, and naval administration as a right of the people too clear to be denied or withheld.

Yesterday I think I placed in the RECORD something from the platform of 1912. To have the matter complete I quote from the platform of 1908:

> The Republican Congress in the session just ended made appropriations amounting to $1,008,000,000, exceeding the total expenditures of the past fiscal year by $90,000,000, and leaving a deficit of more than $60,000,000 for the fiscal year just ended. We denounce the needless waste of the people's money, which has resulted in the appalling increase, as a shameful violation of all prudent considerations of government and as no less than a crime against the millions of working men and women from whose earnings the great proportion of these colossal sums must be extorted through excessive tariff exactions and other indirect methods. It is not surprising that in the face of this shocking record the Republican platform contains no reference to economical administration or promise thereof in the future. We demand that a stop be put to this frightful extravagance and insist upon the strictest economy in every department compatible with frugal and efficient administration.

Mr. Bryan, who has recently left office, I assume because of the extravagance of this administration, in a great speech to the farmers of Minnesota during that campaign took occasion to denounce, as only he can denounce, the extravagances of the Republican Party. He said:

> Why is it that the Republican Party is so much more extravagant than the Democratic Party in the expenditure of public money? There are two reasons: First, because the Republican leaders are more intimately associated with the tax eaters than with the taxpayers. They hear the hungry clamor of the men who spend money more than they do the protests of the masses who contribute revenues.
>
> * * * * * * *
>
> The Democratic Party—
>
> Says Mr. Bryan—
>
> is in a position to bring reform in the matter of expenditures.

Yet we find the Democratic administration piling up the cost of government beyond what any Republican administration has ever done.

The distinguished Senator from Texas [Mr. CULBERSON], along about the close of the Roosevelt administration, denounced in a wonderfully strong speech in this Chamber the Republican Party for its extravagance. He had a right to do it. The Senator from Mississippi [Mr. WILLIAMS] in a speech in this body some time ago, talking of the extravagances of government, said, among other things:

> Mr. President, I have drawn a picture. What is the lesson from it? That we ought to strain our nerves to try to circumscribe and limit the expenditures of this Government. There is no sense in having the expenditures increase 400 per cent while population increases only 84 per cent.

In 1896, I think it was, in the House of Representatives a distinguished citizen from Missouri, once governor of that State or since then governor of the State, in a speech on the river and harbor bill, a gentleman who is now, I think, connected with the administration as Third or Fourth Assistant Postmaster General, Mr. Dockery, said:

> Why, Mr. Speaker, there was not a King of France who ever laid the heavy hand of the tax gatherer upon the people who did not claim to do it in the interest of the people.
>
> And there is not a single item in this bill—

He said, referring to the river and harbor bill—

> that does not come here challenging our approval in the name of the people. [Applause.] And I say further that you know, and I know—because I have not the time to analyze the items of this bill in the limited time accorded me—you know that while the bill has many meritorious features, yet it is honeycombed with local projects for private purposes. I know—

He said—

> that my protest will be unheeded. I know that my voice will fall on dull ears. I know the claim will be made here and throughout the country that the enormous total of this bill, covering as it does about $80,000,000 of liabilities, is for the public weal. But I desire to say—

Then a question was interposed, after which he continued:

> But I appeal from this tribunal to the great body of the American people. [Laughter on the Republican side.]

It was a great joke among the Republicans apparently at that time if anybody raised any objection to a river and harbor bill; but this distinguished Democrat continued:

> I appeal from the Representatives here who intend to support this bill to the farmers of the country, to men who follow the plow and toil for their daily subsistence. I appeal to the men who work in the fields and in the factories and in the mines, and to the men who are engaged in the various business avocations of the country. I appeal to the vast army of men who earn their bread by their daily toil. I appeal, Mr. Speaker, to them to condemn this riotous, this enormous, this unjustifiable, this profligate appropriation of public money.

That distinguished man from Missouri seemed to believe that there was a sentiment in the country in favor of some kind of economy. That was some years ago, and possibly he was mistaken.

Mr. THOMAS. May I ask the Senator in what year the speech from which he has been reading was delivered?

Mr. KENYON. My recollection is that it was a number of years ago—10 years ago.

Mr. THOMAS. I think the Senator will admit that the appeal was a fruitless one.

Mr. KENYON. Yes.

Mr. THOMAS. I have no knowledge of any year elapsing since then in which a river and harbor bill was not introduced, and, with the exception of the last two years, enacted into law.

Mr. KENYON. I think that is true. The appeal was a fruitless one. The Senator from Colorado, in his suggestions of yesterday, may be absolutely correct that there is no public sentiment in this country for any economy, but that the people enjoy having their money spent. If they do, they ought to have been pretty happy through all these years.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. I do.

Mr. WORKS. May I suggest to the Senator whether we are likely to reach any different rule or different system of legislating on this subject so long as we make it a partisan issue? Whenever such a bill comes from the Democratic side of the Chamber, it is charged against them as being a partisan measure, and when it comes from this side of the Chamber the same charge is made on the other side. This is not a political issue at all, and I do not believe that politics ought to be brought into it in any way whatever. It ought to be treated upon broader grounds of economy. I insist that both parties are equally at fault so far as this kind of legislation is concerned. It happens just now to be the Democratic Party that is in control, but exactly the same conditions existed when the Republican Party was in control. If we can get this legislation on a little higher ground and deal with this question as an economic question, and leave out of it all politics or charges of one side against the other with respect to it, we may accomplish something.

Mr. KENYON. I do not agree with the Senator from California that it has been made in any way a party question or that there is any politics in it.

Mr. THOMAS. Mr. President, I think this is one of the bills that are entirely nonpartisan. This bill is drawn for the purpose of appropriating money to distribute it all over the country. Consequently it will go through by a very large vote.

The Senator from Iowa referred just now to the fact that the speech from which he has read, and which was delivered in the other House some years ago, was received with derision. I want to tell the Senator that his speech now is being received with quiet derision. He is making a speech here against a bill which carries $45,000,000, to be distributed throughout the country; he is making a splendid fight, but in so far as the effect of his opposition is concerned, I think it will be like that of the distinguished Democrat from Missouri. As was stated by the Senator from Massachusetts [Mr. LODGE] the other day, this is one of the bills that are "made to pass."

Mr. KENYON. I realize that and I realize that any effort I may make in opposition is perfectly futile, a waste of strength, and probably a waste of the time of the Senate; but I am simply calling attention to this bill, and performing what I think is a public duty, realizing full well what the Senator says as to the derision and the sneers with which any such effort is met, and the charges of bad faith and matters of that kind, which I care nothing about. I am going to do my duty as I see it.

Mr. WORKS. Mr. President, I hope the Senator from Iowa will understand that in what I said I was not in any sense criticizing his effort in this matter. I sympathize with him entirely, and I think he is deserving of great credit that he has the courage to make the fight which he is making against this bill.

Mr. KENYON. I think the Senator from California, in whose judgment I have such confidence, probably has in mind some criticism of me—which is perfectly proper; and I accept it in the best of faith, because I like criticism—that I have been attempting to make this a political question.

Mr. POINDEXTER. Mr. President——

Mr. KENYON. Just a moment. I have not intended so to do. I realize that any raid at any time upon the Public Treasury is not a political question. I was calling attention, however, along the lines of the platform of the Democratic Party, looking toward economy in reference to this bill, because this bill, with others, helps to pile up the enormous expenses of this Government, and thus to belie that part of their platform. That is the only politics that is in it, so far as I am concerned. Now I yield to the Senator from Washington.

Mr. POINDEXTER. Mr. President, I have not had the privilege of hearing the entire remarks of the Senator from Iowa; hence I make this inquiry. I ask whether the Senator has undertaken, or whether he will before he concludes his speech, undertake to segregate those items in the bill which he believes to be unwarranted from those which he thinks are meritorious? That is a practical problem which has ultimately to be dealt with on some system—either on this system or through some commission or administrative tribunal. We either have to do it ourselves or appoint somebody else to do it for us.

The Senator from Iowa participated in the great attack that was made upon the river and harbor bill in the last Congress, in which he had the cooperation of the former Senator from Ohio, Mr. Burton. As he is renewing it this year, I take it for granted that the Senator from Iowa has made an exhaustive study not only of the bill in general and the principles upon which this great public work has been conducted, the system, but the details of it.

I am in utmost sympathy with any effort which is made to eliminate from the bill any items which have no substantial merit, if there are any such items in it—and I take it for granted that there are some of that kind—while, at the same time, I deprecate very much any general attack—I am not saying that the Senator from Iowa is making any general attack—upon the great principle of waterway improvement and water transportation. I think that is essential to the growth and progress of this country.

Mr. KENYON. I am not, I will say to the Senator, making an attack upon water transportation that may be national in its character and that may do some good either in the regulation of railroad rates—and that is a subject I will discuss later—or in the actual transportation of traffic. I am attacking the system of these expenditures for local interests where they have no beneficial effect, apparently, upon the nation at large; and I will say to the Senator that I do propose later to take up specifically a large number of items in this bill, and make my case against this bill from the records as furnished by the Army engineers; and I have spent a good deal of time in trying to get the data ready.

Mr. POINDEXTER. Mr. President, may I make a further inquiry of the Senator?

Mr. KENYON. Certainly.

Mr. POINDEXTER. Does the Senator propose, by a motion to strike out, or by any kind of an amendment, or otherwise, to present to the Senate an opportunity to render judgment upon the separate portions of the bill which have no merit?

Mr. KENYON. I certainly do. I said yesterday that I would be glad to see a sufficient number of Senators who are opposed to this bill resort to any proper legislative tactics to defeat the bill. I know that situation does not exist, and I have not the physical strength nor the ability to stand up here and do it, and so I am going to point out the specific items in the bill, and then I am going to urge that this amount be cut squarely in two.

Mr. SIMMONS and Mr. WORKS addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Iowa yield?

Mr. KENYON. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I am very glad the Senator from California [Mr. WORKS] made the observations which he did a little while ago. Of course we have no objection on this side of the Chamber if the Senator desires to make a political issue of this bill for him to do so, but I regret very much the character of speech that he has pursued up to this time with reference to the bill. I think it has been more of a political discussion than a discussion of the items of the bill, and I assume the Senator will soon get to the items of the bill.

What I wish to say, however, is this: I do not think there is any capital to be gained for either party out of the river and harbor bill. I have been here now for about 15 years and during a part of that time I have been on the Committee on Commerce. I have never known the river and harbor bill to be regarded as a political measure, and my observation during those 15 years has been that Republican Senators have been just about as much in favor of these appropriations as Democratic Senators have been.

My impression is that, if an examination is made of the river and harbor bills which have passed heretofore, it will be found that they carried pretty nearly as large appropriations as recent river and harbor bills have carried, and that they have had the support of Republicans and of Democrats alike. When the Republican Party framed the river and harbor bills they were generally supported by the Democrats, and the bills which have been framed by the Democratic Party—no one of which has been passed up to this time—have had, generally speaking, the support of Republican Senators. The last two bills of this character were antagonized by certain Republican Senators as they were antagonized by certain Democratic Senators; but I am under the impression that the proportion of Democrats who opposed those bills was something near as large as the proportion of Republicans who opposed them. This is the first time, so far as I know, that there has been an effort to make political capital out of the appropriations carried in a river and harbor bill.

Mr. KENYON. Mr. President, I think my motives must have been misunderstood. I had no desire to make any political capital out of the bill. I was calling attention to the promises of the Democratic Party for economy and its failure to fulfill those promises, and the fact that this is an extravagant bill, un-

justifiable in many particulars, goes to the question I was discussing. Of course, when you come to local interests, there is no politics in it; everybody knows that.

Mr. SHEPPARD and Mr. WORKS addressed the Chair.

Mr. KENYON. I yield to the Senator from Texas.

Mr. SHEPPARD. Under the substitute which the Senator proposes every item which he denounces may be provided? To a certain extent.

Mr. KENYON. Yes; that is one of the unfortunate situations with which we are confronted.

Mr. SHEPPARD. Why does not the Senator stand for the abandonment of every project that he may consider unworthy?

Mr. KENYON. I am going to give the Senator an opportunity along that line.

Mr. SHEPPARD. And make the necessary motion to accomplish that end? What does the Senator gain by merely cutting the amount in half and leaving in the measure every project that he considers objectionable?

Mr. KENYON. All that is gained is to save half of the waste; that is all.

Mr. SHEPPARD. But the projects the Senator considers objectionable will be preserved and will be appropriated for later on——

Mr. KENYON. Perhaps so.

Mr. SHEPPARD. And finally nothing will be saved by that course.

Mr. KENYON. Possibly not, but it has seemed to me plain——

Mr. WORKS. Mr. President, I was just going to suggest the same idea that has been advanced by the Senator from Texas [Mr. SHEPPARD]. I suppose what is desired by the Senator and by others of us is to eliminate from this bill the unworthy projects, projects that ought not to be supported by the Government. Certainly to cut this bill in two, as is suggested, would not accomplish that result. It may be a very difficult matter to reach it in a proper way, but it seems to me that what should be done is to eliminate from this bill such projects as ought not to be supported by the Government and to let the meritorious ones stand.

Mr. KENYON. I agree with the Senator.

Mr. WORKS. Certainly, there are some projects, as the Senator says, that ought to be supported by the Government.

Mr. KENYON. There is no doubt about that. I agree with the Senator on that proposition, and I propose at the proper time to make the different motions and let us vote upon them.

Mr. GALLINGER. Mr. President, will the Senator yield for me to make a correction of the RECORD?

Mr. KENYON. Certainly.

Mr. GALLINGER. Mr. President, on yesterday I mentioned certain towns in Texas for which appropriations had been made for public buildings, and stated their population. I gave the figures correctly, but a mistake was made by the reporter in one case to which my attention has been called. I am reported as having said, on page 8685:

> The city of Memphis calls for an appropriation of $75,000, and they have 936 people in that town.

What I did say was that there were 1,936 people. I ask that the correction be made.

Mr. SHEPPARD. I thank the Senator for making the correction.

The VICE PRESIDENT. The correction will be made.

Mr. KENYON. Just one thing more along this line, and then I will accept the suggestion of my friends and pass from anything that may be termed a political discussion; but I do want to put in the RECORD a part of a statement made by Mr. FITZGERALD in the other House some time ago. Mr. FITZGERALD is chairman of one of the important committees of that body, and he said:

> In a few months I shall be called upon, in the discharge of my official duties, to review the record that this Democratic House shall have made in its authorization of the expenditure of the public moneys. Whenever I think of the horrible mess that I shall be called upon to present to the country on behalf of the Democratic Party I am tempted to quit my place. I am looking now at Democrats who seem to take amusement in soliciting votes on the floor of this House to overturn the Committee on Appropriations in its efforts to carry out the pledges of the Democratic platform. They seem to take it to be a huge joke not to obey their platform.

I have wondered a little, Mr. President, why it was that the Army appropriation bill and the naval appropriation bill, after the suggestions of the President on his western trip, were not brought before the Senate ahead of the river and harbor bill; but it seems the steering committee has decided that the river and harbor bill shall come first. All I want to say about that, in closing that branch of the discussion, is this: It is not an excuse that the Senator——

Mr. THOMAS. Mr. President, I am a member of the steering committee, to which the Senator refers, and I want to correct his statement that this bill was reported by that committee in advance of or with reference to the bills concerning preparation. We are waiting upon the House. The military bill is passed and is in conference, as the Senator knows.

Mr. KENYON. The general reorganization bill?

Mr. THOMAS. Yes.

Mr. KENYON. I referred to the Army appropriation bill and the naval bill.

Mr. THOMAS. The Army appropriation bill and the naval bill have not yet reached us. When those bills reach us, I am satisfied that they will be given the right of way.

Mr. KENYON. This bill is placed first by the steering committee?

Mr. THOMAS. This bill is here because there is no other matter of importance ready for consideration.

Mr. KENYON. I should like to inquire if any action was taken as to the child-labor bill by the steering committee?

Mr. THOMAS. There has been no definite action taken by the committee with reference to any bill up to this time.

Mr. KENYON. Except this.

Mr. THOMAS. This was taken up as a matter of tacit consent, because it was here before the Senate, and is an appropriation bill.

Mr. KENYON. I only want to say this in closing as to that question and I am not going back to that proposition. The excuse offered by the Senator from North Carolina that projects in this bill, if they are bad projects, are Republican projects, and were started by the Republican Party, and so are now carried on by the Democratic Party, is rather a poor excuse; because, if they are bad, that is exactly what you told the people you were going to stop. If you can not do any better than the Republicans did about it, and they were wrong about it, and you are going to confess that your defense is that they were wrong, then we had all better get out, and let somebody have a chance here who can do something.

Mr. President, as suggested by the Senator from North Carolina and the Senator from California, this is not a party question. It ought not to be determined on any party lines. It ought to be determined on the question of whether it is right or wrong; and the propositions in this bill ought to be settled on the question of whether they are right according to our various judgments, or whether they are expenditures that can not be justified. I am not criticising any Senator for his view, however much I may be criticised for mine. I recognize that the men in this body who are standing for parts of the appropriations in this bill believe they are proper expenditures of public money. I do not claim for myself any more patriotism than I accord to my fellow Senators; but I sincerely believe that a large number of these items are unwarranted, and should be stricken from the bill.

Col. Townsend, the chairman of the Mississippi River Commission, I think, made a speech to one of the river and harbor congresses, and that speech was placed in the CONGRESSIONAL RECORD of December 10, 1915. We hear a good deal about the Army engineers in these matters. Apparently we take the recommendations of the Army engineers. They are given tremendous power. Col. Townsend is one of them. He was the district engineer, I think, at Memphis, and he has been or is now chairman of the Mississippi River Commission. Of course he has given great study to these problems; and I want to read one or two things he says in this speech, extracts here and there. He says:

> St. Louis for the past 50 years has been the principal origin or terminus of the traffic on our western rivers, and its records summarize their tendencies. Its river commerce attained its maximum of 2,120,000 tons in 1880 and has since steadily declined to 153,000 tons in 1914. In contrast, it may be stated that the commerce at Sault Ste. Marie, the outlet to Lake Superior, in 1880 was 1,300,000 tons, and attained a maximum of 79,000,000 tons in 1913. The commerce of New York Harbor exceeds 125,000,000 tons.

He takes the position that the falling off in river traffic is not due to unfair methods of railroads. I myself believe that the falling off in river traffic has been caused to some extent by the unfair methods of the railroads and the attempts to put the water traffic out of business in the days that have gone by. He says:

> Whatever may have occurred in early days, such methods have practically ceased since the establishment of the Interstate Commerce Commission; but the decline in river commerce has been more rapid, since the railroads have been compelled by law to give the shipper equal rates, than when there was no restraint on the practices of which they are accused.
>
> Nor can the decline of commerce be attributed solely to the shallowness of our rivers, nor the failure of Congress to make adequate appropriations for them. For the past 10 years there has been maintained in the Mississippi River at all stages a channel of 9 feet from Cairo to New Orleans, and one of 8 feet from Cairo to St. Louis—a channel which far exceeds in navigability that of the far-famed Rhine with its 50,000,000 tons of freight annually.

He calls attention to the difference between this country and European countries on this question, which I shall take up a little later.

> It is thus seen that a revival of commerce on our western rivers can only result from a revolution in our methods of doing business. A southern market must be substituted for the eastern, and this can only occur from a radical reduction of freight charges in a north and south direction. Such a reduction can be produced by water transportation, but to be a success requires cooperation by four agencies—first, the General Government, which must provide a proper depth of channel in the river bed; second, the municipality, which must create suitable terminal facilities, or at least prevent the obstruction of those which nature has provided; third, the boat owner, who must substitute for the obsolete packet at present in use an economical freight carrier; and fourth, the most important member of the combination, the shipper, who must be in a position to utilize the opportunities the other agencies afford him.

Mr. NORRIS. Mr. President——.

Mr. KENYON. I yield to the Senator from Nebraska.

Mr. NORRIS. I was going to ask the Senator if he would not give us at that point the tonnage on the Mississippi River, in connection with his statement about the depth of the channel that has been maintained from Cairo down of 9 feet, and from Cairo to St. Louis of 8 feet. How does the tonnage compare, since that depth has been maintained by the Government, with the tonnage prior to that time, and what is the tonnage on the river between those points?

Mr. KENYON. I can only give that now from recollection, and I may be in error. If so, I will correct it later. At what date does the Senator want me to give it?

Mr. NORRIS. I wanted to compare the tonnage since the maintenance by the Government of the depth of channel that the Senator has just spoken about with the tonnage prior to that time, and also to get the tonnage now, during the last year.

Mr. KENYON. The St. Louis Merchants' Exchange reports that it gave out that tonnage, or, rather the shipments and receipts of freight, which would be the same thing, from 1890 to 1913; and I have here a statement which was compiled from the St. Louis Merchants' Exchange reports.

In 1890, on the upper Mississippi River, there were 22,547 tons; on the lower Mississippi, 543,805 tons.

Mr. NORRIS. Where is the division-point between the lower and the upper Mississippi River?

Mr. KENYON. That is taken from St. Louis shipment and receipts at St. Louis—above and below St. Louis.

That traffic seems to have reached its maximum about 1893, when the tonnage on the upper Mississippi was 54,230 tons, and the tonnage on the lower Mississippi, 342,785 tons.

Getting down later, in 1909 on the upper Mississippi there were 16,695 tons, and on the lower Mississippi, 21,140 tons.

In 1912, on the upper Mississippi, 9,025 tons; on the lower Mississippi, 24,330 tons.

In 1913, on the upper Mississippi, 8,830 tons; on the lower Mississippi, 20,000 tons.

So the tonnage has gone down from 54,000 on the upper Mississippi in 1893 to 8,830 tons in 1913, and from 342,785 tons on the lower Mississippi in 1893 to 20,000 tons in 1913.

Mr. NORRIS. If the Senator will permit me, it would be interesting, I think, if the Senator would give us his idea of the reasons for that wonderful decline in the tonnage, when the river has been so greatly improved. At the same time that the tonnage was going down, the river had been improved by the Government. What is the cause of that great decline?

Mr. KENYON. Of course that raises a large number of questions. I was going to discuss that at some later time.

Mr. NORRIS. If the Senator had that in mind, I hope he will not consider my question now.

Mr. KENYON. Yes; I did.

Mr. NORRIS. I did not want him to omit it; that was all.

Mr. KENYON. The question of the character of boats, the question of transshipment, the question of warehouse terminal facilities, the question of the development of the railroads, the speedier traffic on the railroads and the safer traffic on the railroads, the manner in which the railroads build switch tracks to the side doors and the back doors of factories, saving all the expense incident to loading, and many other questions, enter into that matter. I want to discuss them more at length after a while. I think the reports will substantiate the statement that the commerce on the Mississippi in the last 40 or 50 years has decreased something like 90 per cent, even though we have been spending money in trying to improve the channel.

I want to read a little further from Col. Townsend. He says:

> It is impossible with the present state of public opinion to ignore geographical subdivisions, but I believe an enlightened public opinion can be created which would enlarge the subdivisions. Instead of thinking by congressional districts or States the people could be readily taught to seek the welfare of groups of States. While Congress must recognize the East and West, the North and South, the Great Lakes, and the Mississippi Valley, and make an equitable distribution of funds between those sections, the inherent patriotism of the people can be aroused so that the appropriations thus made can be expended in such a manner as to produce the greatest good. By considering the Mississippi Valley as a whole, and treating the problem of transportation by water just as a railroad handles transportation by land, i. e., first completing a trunk line connecting those localities where there is a large commerce awaiting transportation, and then successively completing the most important branches, much better results would be obtained.

Many times the branches of these streams have been improved before the main channel was improved, and he says this—and this is the point I am particularly anxious to emphasize:

> Specifically the writer would not abandon any navigable stream in the Mississippi Valley that has been partially improved, but would leave 58 of them in their status quo, confining operations to snagging and the maintenance of existing works, and would concentrate appropriations on opening up a channel of the capacity of that existing on the lower and middle Mississippi to Chicago and Pittsburgh. * * * But it must frankly be admitted that such a program will be impossible of accomplishment without a change of sentiment in the average American voter. While it is impossible to indite a people, they can be educated.

The trouble with the whole manner of these expenditures, it seems to me, is that we have no budget system in this country. We are about the only civilized Nation in the World without a budget system. We have different committees appropriating money in both branches, with no coordination between them, no relationship between receipts and expenditures, and the result is, of course, an irresponsible, unbusinesslike, uneconomical carrying on of public affairs.

Parliament 200 years ago passed a resolution that it would consider no bill appropriating money except on the representation or recommendation of the responsible minister of the Crown, and that was the foundation, as far as Great Britain was concerned, of the budget system. I can not understand why we are perfectly helpless in trying to have a budget system in this country. President Taft in a message to Congress appealed to Congress to do something along that line. Bills have been introduced here for that purpose. It may be that because we have no responsible ministry the budget system might not work out as well as in other countries, but if some Cabinet officer presented an investigation of projects for rivers and harbors with his sanction and his approval and his request, and stood good therefor, it might be that some money could be saved.

There have been a good many vetoes of river and harbor bills. President Jackson vetoed one on the ground that it was no part of governmental affairs to make appropriations for internal waterways. President Arthur vetoed another; President Cleveland vetoed one; and President Taft, while he did not veto the river and harbor bill, sent a most illuminating statement to Congress in relation thereto.

There has grown up an absolute industry in this country of creating sentiment for river and harbor appropriations. There are booster clubs, commercial clubs, river and harbor congresses, some of them advertised in the letterhead as second only in importance to the Congress of the United States, and invitations extended to prominent citizens to participate in banquets. Senator Burton said on the floor that he had attended these banquets where at 9 o'clock in the evening they were in favor of a 9-foot channel, at 10 o'clock they were in favor of a 12-foot channel, at 11 o'clock they were in favor of a 15-foot channel, and at midnight they were all shouting for a 35-foot channel. [Laughter.]

Mr. MARTINE of New Jersey rose.

Mr. KENYON. That was not in New Jersey.

Mr. MARTINE of New Jersey. I suppose that at that hour of the night there was a greater increase in liquid and hence the necessity for a deeper channel than there was at the earlier stages of the game. [Laughter.]

Mr. NORRIS. And evidently they did not use water. [Laughter.]

Mr. KENYON. So we have this agitation going on in great books presented. I have some here. Here is one as to Freeport Harbor, with your name printed in gold, and there are wonderful illustrations. What is the result of all this, and this constant boosting? It is perfectly natural for communities who feel that there is a lot of money to be turned loose in the community to carry an absolute campaign all over the country to develop sentiment in favor of river and harbor appropriations.

As a result of all this we have as some of the plans and schemes, from the Lake to the Gulf deep waterway, canalization of the Mississippi River from St. Paul to St. Louis, there to connect with the Lakes to the Gulf waterway, estimated cost $53,000,000; Missouri River improvement, canalization of the Missouri River from Kansas City to Sioux City, estimated cost of improvement $43,000,000; canalization of the Ohio River for the entire length, estimated cost $63,000,000; canal from Lake Michigan to Lake Erie, canal across central Michigan, Grand and Saginaw Valley waterway; Erie barge canal, Lakes to Atlan-

tic waterway; Lake Erie and Ohio River ship canal, Boston to the Gulf of Mexico, a great canal project to parallel the ocean, costing millions upon millions of dollars; Atlantic and Great Western waterway, connecting St. Louis, Mo., with Brunswick, Ga.; canalization of the Columbia River above and a canal with locks around The Dalles.

These may be all right, but they ought to be investigated and then carried out in some comprehensive plan by some board that had some knowledge upon such subjects.

France and Germany do not appropriate as we do upon the installment plan. They find out whether the improvement is good for the country, and if it is, they go ahead and appropriate the necessary sum for the improvement. They do not have a committee plan in which the members of the committee seem to have the power to simply put upon the bill nearly anything they desire, especially surveys.

I understand it is the rule of the committee that any survey asked by any member of the committee is put upon the bill. A survey is merely a consolation prize, but a large percentage of these surveys actually become projects, and it is the first step. We have in this bill now surveys, more surveys of the Trinity, and the Brazos; for the St. Francis River, in, I think, Louisiana.

Mr. RANSDELL. In Arkansas.

Mr. KENYON. Is it in Arkansas? Does it flow into the Gulf?

Mr. RANSDELL. No, sir; it empties into the Mississippi River considerably above the Louisiana line.

Mr. KENYON. One hundred thousand dollars is added to the amount of the House appropriation in order to have these new surveys.

There is added to this bill also a provision for investigating the Kansas floods. I ought perhaps to say in relation to flood matters that a bill is on its way here now for that purpose. I do not know whether it has passed the House; I will ask the Senator from Louisiana.

Mr. RANSDELL. It has not. It is under consideration in the House to-day, I understand.

Mr. KENYON. That bill is under consideration in the House to-day, appropriating $45,000,000 for flood control on the lower Mississippi and also some projects in California.

Mr. RANSDELL. With an addition of $5,500,000 for the California project, making $50,500,000 in all, $45,000,000 for the lower Mississippi and five and a half millions for the Sacramento River, California.

Mr. KENYON. Forty-five million dollars on the lower Mississippi and something like $5,000,000 on the Sacramento.

Mr. OLIVER. Will the Senator allow an interruption?

Mr. KENYON. I yield.

Mr. OLIVER. I ask the Senator if he has heard any intimation of how the money is to be raised for all these improvements that are projected?

Mr. KENYON. The only intimation I have about money being raised is that we shall tax the people of Pennsylvania and New York and Connecticut and the States having a large amount of money. That bill carrying $50,000,000 will be here shortly. I think this bill ought to wait for that. That is more important than this bill. That, I hope, is going to get at the question in some scientific and rational way.

The Senator from Louisiana [Mr. RANSDELL] is certainly entitled to credit for what he has tried to do on the flood-control question and likewise the Senator from Nevada [Mr. NEWLANDS], whom I have always regarded as a statesman with a great vision and one of the real constructive statesmen of the country. But why would it not be wise to wait for that bill and take them both up together and work out some plan of flood control and navigation, if we can, and some plan of coordination between the States and the Government and the local interests?

Mr. NEWLANDS. Mr. President——

Mr. KENYON. I yield to the Senator.

Mr. NEWLANDS. The Senator has alluded to an item in this bill providing for an investigation of the question of floods in Kansas. Is the Senator aware that last fall there was a conference held at the office of the Governor of the State of Kansas, which was attended by representatives from all parts of the State, some of the most prominent and distinguished men in the State participating in that conference, at which it was unanimously determined that broad treatment of this subject was required, that it embraced the study of every watershed in the country, and the promotion of the use of the flood waters for beneficial purposes in such a way as to make them agencies in the creation of wealth and prevent them from being made agencies for the destruction of wealth, and that it was the unanimous judgment of that conference, composed of over 100 men, that the bill which I have been urging for many years, and which is commonly known as the Newlands-Broussard bill, was best adapted to that purpose?

Is the Senator also aware that in the consideration of the so-called Humphreys bill, recently reported by the Committee on Flood Control to the House of Representatives, when the matter was under consideration as to what the form of legislation should be, and when this administration, through four department chiefs, the Secretaries of War, Interior, Commerce, and Agriculture, had expressed their view to the President that the form of coordination called for by the so-called Newlands-Broussard bill and providing for a council consisting of these four department chiefs was the best method of organization with a view to a comprehensive treatment of this subject, the House committee refused on that bill to present that scheme of coordination and left the measure simply a measure for the development of the lower Mississippi with simply the power to the Secretary of War, at his discretion, to call on other scientific services of the Government for information, and with the power to them in their discretion and to furnish such information, and that that bill is coming to the Senate, notwithstanding the vast experience that we have had with reference to the failure of the present system, absolutely rid of every suggestion of a method for meeting in a broad and comprehensive way the requirements of the country?

Mr. KENYON. I did not know that.

Mr. CURTIS. I should like to state that it is true that there was such a meeting held at Topeka, Kans., and they did endorse a broad plan covered by the bill suggested by the Senator from Nevada.

Mr. KENYON. That was after the Senator from Nevada had addressed them, was it not?

Mr. CURTIS. I think perhaps it was, but when the bill was introduced——

Mr. NEWLANDS. If the Senator will permit me, as the Senator from Iowa suggested that that was after the Senator from Nevada had addressed them, I will state that in the first place I received a communication from Governor Capper, of Kansas, asking me to be at this conference, and stating that they had had a previous meeting and had studied this bill and felt that it met their requirements, and that that conclusion they came to without the presence of the Senator from Nevada.

Mr. KENYON. I had noted in the papers, as I remember, that a meeting had been held there and the Senator from Nevada had addressed it, and after his address they had adopted the resolution.

Mr. CURTIS. The Senator is correct. He was invited there by the governor of the State and other citizens.

But what I was going to say is that the amendment was not proposed until after it was ascertained that the House bill was limited to the lower Mississippi and probably the California stream. The committee having charge of this matter requested me to propose this amendment, and it was offered as an amendment to the river and harbor appropriation bill because of the fact that the other bill had been limited. We thought the Missouri and its tributaries would not have any consideration if the House measure should become a law. Our people believe, as does the Senator from Iowa, that much good can come from controlling the flood waters, and if the flood waters were controlled, there would not be such large appropriations required to prevent destruction on the lower Mississippi, the Missouri, and other rivers.

Mr. RANSDELL. Will the Senator from Iowa yield to me for a moment?

Mr. KENYON. I yield.

Mr. RANSDELL. I should like to say, Mr. President, that I do not think the Senator from Nevada [Mr. NEWLANDS] has correctly stated the bill which he designates the so-called Humphreys bill, now pending in the House of Representatives. That bill not only provides for flood control on the lower Mississippi in a very comprehensive way, carrying out the plans of the Mississippi River Commission, which they have been evolving through 35 years of continuous study, but it also provides for a very businesslike, comprehensive plan of flood relief on the Sacramento River, in the State of California, and for a study and report on flood problems in various parts of the United States, without specifically designating them, however; said investigation and report to be made by United States Army engineers, and the only machinery——

Mr. CURTIS. Mr. President, let me ask the Senator a question.

Mr. RANSDELL. Pardon me; let me make my statement. I will be through in a moment.

The only machinery we have ever had in this country for carrying on great works of Government expenditure on waterways, unless you call the irrigation work in the West waterworks; they are in a way connected with water, but the only

machinery which has developed in this country during our long history for flood control and for the improvement and development of our waterways is the Engineer Corps of the Army, with some slight assistance in additional members of the Mississippi River Commission from civilians, and some members of the Panama Canal Commission, who were not members of that corps. The flood control bill now pending provides that the investigation shall be carried on by this corps of the Army. It does not say specifically just what project it shall investigate. I assume that the corps will be directed to make investigations of a great many projects in this country, or a great many flood problems, not alone those in Kansas and on the Colorado or the upper Missouri or the Savannah or a number of other rivers.

I might mention that the Allegheny presents a tremendous flood problem. I know the thought of the Flood Control Committee is to develop the very best possible machinery for looking into the question of flood control in every part of the United States, and for that purpose using this corps and the very best trained hydraulic engineers that we have.

Personally, I would have been entirely willing to have had some civilians added to the corps in a commission; and I so stated to some of the members of the other House when they were working on the bill; but after a complete study of the question, they concluded that the best machinery we could adopt or devise was that which we already have; and that is provided in the bill. I now yield to the Senator from Kansas.

Mr. CURTIS. Mr. President, I want to state, if the Senator from Iowa [Mr. KENYON] will permit me, that since the great flood of 1903 the Government, at the request of citizens of Kansas, has been studying the flood conditions on some of our rivers. The State has employed outside engineers to study the question with our local engineers. We hope that something may be done that will aid and assist in putting through a general plan that will not alone take care of the floods on the lower Mississippi and in California; but which will take care of flood conditions all over the country. In other words the people of Kansas would like to see a broad and workable plan adopted by Congress.

Mr. RANSDELL. Let me say to the Senator from Kansas that that is the idea back of this flood control bill. My understanding is that the Flood Control Committee of the other House was created for that purpose. It certainly was not created for the benefit of the Mississippi River alone. It has general jurisdiction; it will look into flood problems everywhere, and will try to work out just as comprehensive a plan as is possible.

Mr. President, I may say to the Senator from Kansas [Mr. CURTIS] that I sympathize with him deeply. The Senator has alluded to the flood of 1903. I wish to say that I was personally a sufferer by the flood of 1903, which did so much harm in his State. I myself lost at least $8,000 or $10,000 in Louisiana by that flood, because of a break which occurred in the levees early in the spring of that year. We were unable to close that break before the second rise in the river came; and when it came in the Senator's State, and did such awful damage there—I think it was estimated to be between $30,000,000 and $40,000,000 in the vicinity of Kansas City, Kans., and Kansas City, Mo.—these flood waters swept on down the Missouri, down the Mississippi, and down on to Louisiana, where all those floods have to come, and they poured through the gaps in the levees caused by the break in the spring; and I, individually, lost the second crop which I had planted that year, and I could not make another crop, because it was too late for me to do so. I may say to the Senator that I sympathize with him and his people.

There are big flood problems in many other places in this country besides those on the Mississippi. There is a tremendous flood problem in my own State on the Red River. We are not asking anything for it now, but we should like that flood problem studied. There are flood problems in Texas; there are flood problems in every portion of the country, so far as I know. There are immense flood problems at Pittsburgh. Every few years we read of losses to the extent of ten or fifteen million dollars at Pittsburgh. I repeat that the purpose of the flood-control bill now pending in the House of Representatives, and which I hope will be passed to-day, is to provide the machinery—and the most comprehensive machinery—for looking into all these matters and reporting to Congress from time to time. We can not do it all in a moment, Senators, but, as we get reports, we can act upon them; and I hope we shall act upon them in the very best manner.

Mr. CURTIS. Mr. President, if the Senator from Iowa will pardon me I would like to place in the RECORD a statement of the losses incurred by the flood of 1903. I wish to state that the flood of 1903 caused very much greater damage than twenty or thirty or even forty million dollars in and about Kansas City. In and around Topeka alone the damage was over $20,000,000, and a number of lives were lost, and there have been great and damaging floods in Kansas every two or three years since that time.

Mr. RANSDELL. I am glad to have the correction which the Senator from Kansas has made. I was basing my statement merely on what I had read in the newspapers at the time.

Mr. KENYON. Mr. President, I think it is very unfortunate for the great question involved that there is this disagreement between the Senator from Louisiana [Mr. RANSDELL] and the Senator from Nevada [Mr. NEWLANDS]. I have been hoping that they could get together on some proposition. Without committing myself to any particular bill or to any particular proposition, I wish to say that I have very great sympathy with the people of Louisiana in the struggle which they have made against the ravages of the Mississippi River. It has never seemed fair to turn the water from the North, from my State and from Illinois and Ohio, and to focus it all down the Mississippi River, without taking some means to protect the people who are there. While I do not know as to just what bill I may support, and while I want to study the bill that comes from the other House very carefully, I will say that I am anxious to support some measure that will give relief to those people.

I want to revert just a moment to the subject which I was discussing when interrupted. I have been taken away somewhat from my train of thought. When the river and harbor bill was here some two or three years ago, I remember the Senator from Ohio [Mr. POMERENE] producing at that time in the discussion a letter from business houses urging him to assist in hurrying along the passage of the bill because it was hurting their business and stopping the sale of their clamshell buckets; and that was a part of the general kind of campaign that existed all over the country.

Mr. President, a large number of important questions arise, and I am glad that we have such a large attendance here to take them up, in this voting away of $42,000,000 of the people's money. It shows a remarkable interest in the project, and I do not take it at all as complimentary to myself or to what I am saying that the seats here are not so crowded.

Are we going to give up all river improvement? Why has traffic decreased on rivers? Are we to build waterways to regulate freight rates? If so, why not build railways to regulate freight rates? Is transportation by water cheaper than by rail? In the final analysis, can waterways and expenditures thereon be justified on any other theory than making them actual carriers of traffic? Are the building of waterways and the canalization of rivers too expensive a method of regulating railroad rates? Would the power to fix a minimum rate help in preventing railroads destroying waterway traffic? Can plans be devised and worked out for coordination between rivers and other waterways and railroads?

The countries of the Old World, I think, solve the problem, and can do so much easier than can we, for they compel the waterways and railroads to cooperate and prevent one from destroying the other. These are all questions of interest and of importance.

I believe there are very few candid people who are willing to contend that our system of appropriations as at present carried on for rivers and harbors is altogether satisfactory. One of the great objections, it seems to me, to our present method is what is known as the "dribbling" policy. This policy has resulted in very great loss and very great waste. It has always seemed to me as if there should be a smaller number of projects undertaken, and then have the bill provide sufficient funds for their completion. That is important not only as saving waste, but because of the effect upon the community and because of the investments that may be made by boat lines and capital in the development of the traffic upon the rivers.

We have in this country an examination of projects by the Corps of Army Engineers. I do not wish to be critical of the Army engineers, but I think they feel that they must carry out the wishes of Congress and execute the congressional desires, and that, if Congress starts out on a policy of waste and extravagance, it is not for them to question it.

Piecemeal appropriations and the dribbling policy delay the use of the streams. We have projects under way now which I think it would require, if work on them is pursued at the same rate with which it has been pursued in the past, from 15 to 30 years to complete. How is it possible to get any development with that kind of a system?

President Taft in his veto message of 1910, on this subject, said:

> The chief defect in the bill is the large number of projects appropriated for and the uneconomical method of carrying on these projects by the appropriation of sums small in comparison to the amounts required to effect completion.
>
> The figures convincingly establish the fact that this bill makes inadequate provision for too many projects. The total of the bill,

$52,000,000, is not unduly large, but the policy of small appropriations with a great many different enterprises without provision for their completion is unwise. It tends to waste, because thus constructed the projects are likely to cost more than if they were authorized to complete the whole work within a reasonably short time. The appropriation of a small sum lessens the sense of responsibility of those who are to adapt the project and who do not therefore give to their decision the care that they would give if the appropriation or contract involved the full amount needed for completion.

Mr. RANSDELL. Mr. President, will the Senator permit me there to interrupt him, to make a slight correction?

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. KENYON. I yield.

Mr. RANSDELL. The Senator stated that the matter which he is reading is from the veto message of President Taft. The Senator, I presume, meant to say President Taft's message on the bill.

Mr. KENYON. President Taft's memorandum.

Mr. RANSDELL. He did not veto the bill.

Mr. KENYON. The Senator is correct.

Mr. RANSDELL. I merely wanted the Senator to make that correction.

Mr. KENYON. I thank the Senator for calling my attention to it. President Taft used this language in his memorandum accompanying the bill. He continued:

Moreover, the appropriation of a comparatively small sum for a doubtful enterprise is thereafter used by its advocates to force further provision for it from Congress on the ground that the investment made is a conclusive recognition of the wisdom of the project, and its continuance becomes a necessity to save the money already spent. This has been called a "piecemeal" policy. It is proposed to remedy this defect by an annual river and harbor bill, but that hardly avoids the objections above cited, for such yearly appropriations are apt to be affected by the state of the Treasury and political exigency.

If enterprises are to be useful as encouraging means of transportation, they ought to be finished within a reasonable time. The delays in completing them postpone their usefulness and increase their cost. The proper policy, it seems to me, is to determine from the many projects proposed and recommended what are the most important, and then to proceed to complete them with due dispatch, and then to take up others and do the same thing with them.

He declined to veto the bill because he considered the projects under way were in urgent need of further appropriation for maintenance and continuance.

In this bill, for instance, there are piecemeal appropriations for projects which will run on for years and years, and in regard to some projects there is absolutely no time at which they shall end. Some of them have been running for, I think it is safe to say, 30 years.

I desire to place in the RECORD a comparative statement of appropriations in the present bill and the cost for completion. The East River and Hell Gate project will require for completion $13,400,000.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. KENYON. I yield.

Mr. MARTINE of New Jersey. I desire to ask whether the Senator deems that an improper bit of work?

Mr. KENYON. I do not.

Mr. MARTINE of New Jersey. I am very glad to hear the Senator say that. Hell Gate is a most remarkable point along the East River. It being very narrow, the formation being rocky, and an immense amount of shipping going through there, in the interests of commerce and general transportation, it seems to me a prime necessity that that passageway should be made as deep as the engineers have recommended.

Mr. KENYON. Of course, it may be, generally speaking, that Hell Gate entrance ought to be made less difficult; but in this case I agree with the Senator that it is a good project.

Mr. MARTINE of New Jersey. It would be difficult to overestimate the immense value and importance to trade and commerce of the particular passageway known as Hell Gate, across from the city of New York. As I have said, it is very narrow and a torrent rushes through there, but it floats an immense amount of commerce for Brooklyn and the great city of New York.

Mr. KENYON. It is some comfort to know that Hell Gate is narrow. [Laughter.] I am simply contending that that is a great project that ought to be completed, and completed soon, and not carried on by a dribbling policy for years to come.

Mr. MARTINE of New Jersey. I should think that would be a proper method; and yet I feel that I can say, without in any way reflecting on the Senator, that neither he nor I are scientific engineers, and, when the engineers have reported upon this project, I have so much faith in the wisdom and honesty of our Engineer Corps that I believe it would be safe to take their recommendation.

Mr. KENYON. Mr. President, if the Senator feels that way, there are projects in this bill that he will vote to eliminate, because there are projects in this bill that have been condemned by the Board of Engineers.

Mr. MARTINE of New Jersey. I will stand with the Senator on that. I have no partisanship in the matter. I am radical in my ideas, but I have no partisanship in the matter of the improvement of the great rivers and harbors of our country. I do not care whether their improvement is advocated by Republicans or by Democrats, if a project is wrong and if it is robbing the people of their money, without any beneficial results to be accomplished, I am irretrievably against it.

Mr. KENYON. I know the Senator is generally right about everything. I have very little difficulty in agreeing with him in regard to almost anything, except some of these water questions.

The Delaware River is another great project. This bill carries $2,165,000 for the Delaware River. I do not believe anybody is objecting to that. It has a great commerce.

Mr. MARTINE of New Jersey. I think we should realize the fact that this formation at Hell Gate, as well as in the Delaware, is an exceedingly rocky formation, and there is much of that work, in order to deepen and correct the channel, that involves a process of blasting. It is not a matter of scooping out silt and depositing it on the banks, as it is in the case of the Mississippi. The situation is widely different, and naturally it would take a little larger expenditure. But there is a very great and important commerce there. I do not know just how far they go up above the city of Trenton or up to the city of Trenton. The improvement of the Delaware there would accrue immensely to the general welfare of the country, I think, in the matter of lower rates of freight.

Mr. KENYON. I agree with the Senator about that.

In the case of the Galveston Channel, Tex., the bill carries $200,000. The cost of completion of that is $1,185,000. I believe that is a project that every one would recognize as a perfectly proper project and one that ought to be completed.

The Brazos River carries in this bill $215,000, and that is indefinite as to the time of completion.

The Trinity River carries $300,000, and that is indefinite.

The Cumberland River above Nashville carries $5,000. Below Nashville the bill carries $705,000, and the cost for completion will be $1,615,000.

The Ohio River carries in this bill $5,000,000. The cost for completion is estimated at $51,057,000, which is doubtless too low.

The Mississippi River between the mouth of the Ohio and the mouth of the Missouri carries $350,000, and the cost of completion is $17,250,000.

I want to say, about that, that in 1880 the traffic on the Mississippi was at its maximum. The Senator from Nebraska [Mr. NORRIS] has asked me as to the tonnage, and I have tried to give it to him; but at that time 44 per cent of the shipments out of St. Louis were by boat. That has changed, until in 1909 only, I think, one-half of 1 per cent went by boat. In that strip of the river on which we are to spend $17,250,000 there has been generally a channel of 8 feet. That is a deeper channel than the average depth of the Rhine, which carries a traffic of 40,000,000 tons a year. Yet we have spent, and will spend, on that strip of the river, more money than the Prussian Government has spent on the Rhine; and if any water system in the world can be considered a success, it is certainly the Rhine, with its tremendous commerce. But of course the Rhine has many things in its favor. It is nearly a straight stream. It has cities developed around it. It passes through the great Westphalian coal fields, and it has the great port of Rotterdam at its mouth.

So that the proportion of shipments by the Mississippi River in 1880 was 88 times as large as in 1909. Apparently, therefore, the more money we spend on this dribbling policy on the Mississippi, the farther away we seem to be from results.

In the upper Mississippi the bill originally carried $1,200,000. That has been increased by the committee to, I think, $1,500,000. That question, in its general relationship, I propose to discuss when I reach the Mississippi River proper.

In the bill of 1907 the policy of this continuous dribbling was ended, and now Congress appropriates merely enough to finish a part of the stream, and sometimes before the waters near the mouth of the stream are made navigable and that portion of the river improved, we are improving the waters far up and away from the mouth of the stream.

We have also pursued a practice—perhaps I should not call it a practice, but we have done it, at least—of improving branches before the main stream is improved. Senator Burton said here, with respect to the Ohio, that there is not a stream

emptying into it which is improved with locks and dams but which, for seasons of the year, continuing sometimes for months, has higher water in the tributaries than there is in portions of the Ohio River itself.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr KENYON. I do.

Mr. CLAPP. I just wanted to suggest that in some kinds of work in the rivers where there is more or less of a disturbance of the soil, loosening, and consequent drifting, no doubt the reason they begin farther up is that the soil there, when it is once taken out, is out forever, instead of beginning nearer the mouth, and having it fill from the work which is done above.

Mr. KENYON. Of course, that would be a perfectly good and feasible reason, and that may be true in many instances.

There are works carried on which were started years ago, and which it would require as much as 60 years, at the present rate of progress, to complete. I think the James River, Va., project has been in progress about 30 years, and it is possibly 42 per cent completed. This bill carries $190,000 for the James River, and it will cost about $3,000,000 to complete the project. Having been in progress 30 years, it will require 14 years more, or 44 years to complete one project.

President Elliott, in an article in the Atlantic Monthly some years ago, called attention to a lock on the Columbia River in building which 25 years were used.

On the Lookout Harbor we have spent over $3,000,000, and it is nowhere near completion anywhere along the line. Col. Kingman said of Lookout Harbor in 1910:

It is dear at any price.

But he was overruled.

On the Sandy Bay Harbor we have spent millions. Something like 60 years, at the rate of progress that has gone on there, would be required to complete it, or something like 120 years according to the biennial system of appropriations.

There has been appropriated for the Harbor of Refuge at Cape Lookout $800,000. It will require $2,726,000 more to complete that Harbor of Refuge, but I think that item is not included in this bill.

In the river and harbor act of 1907 the policy was established of not starting new projects unless provision was made for their completion. It was departed from in 1910, and so we have built up our present system; and it has been estimated by competent engineers that the cost of the piecemeal system is from 5 to 30 per cent more.

The piecemeal system has been condemned by the Army engineers. Gen. Marshall, one of the Army engineers, said about it:

Few, if any, of the larger works have ever been prosecuted at a rate sufficiently rapid to realize the fullest efficiency and economy.

Mr. President, no private enterprise would ever be or could ever be carried on in this dribbling-policy fashion. Some of these projects, as I have said, involve canalization schemes of 37 locks and dams, and absolutely no time is fixed for their completion. They are not located, in most instances, for the best benefit of navigation, but are spread out along Congressional districts, in order, I assume, that the people may think that they are securing something.

I think I have perhaps sufficiently called attention to and spent enough time on this objection to the dribbling policy; and I will finish what I have to say as to that by reference to the Sandy Bay harbor of refuge, where the estimated cost of completion is $4,954,925.25. Work has been in progress since 1885, for a period of 30 years, at a cost of $1,767,174.15; but no appropriations whatever have been made for that harbor since 1909.

On the Columbia and lower Willamette rivers below Portland work was commenced in 1877, and the total amount expended on the original and modified projects is $2,769,260.45. It is estimated that $2,315,000 will be required to complete the project. That is a project that has been going on for 30 years.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. KENYON. I do.

Mr. LANE. The Senator from Iowa is getting over into my country now.

Mr. KENYON. I would not do anything against the Senator's country.

Mr. LANE. I do not know whether he knows the fact to exist or not, but on the lower Willamette and the Columbia the people themselves have expended several millions of dollars in assisting the Government to make the improvements.

Mr. KENYON. I want to ask the Senator why it is that the project has not been completed? Why has it run so long?

Mr. LANE. I think that is due to changing conditions. In the early days we made provision for lighter draft boats than we now use, for one thing, and I do not think a comprehensive plan was made in the first place to fit the conditions as they exist now. In the days when they began the work, the city of Portland was a city of seventy or eighty thousand people. Now it has about 250,000 people. Conditions have changed.

Mr. KENYON. I will ask the Senator how near completion the project is?

Mr. LANE. It is not more than half completed, I should judge. It will require about 40 feet of water, and that will take a great deal of money.

Mr. KENYON. It will require about 30 years more at the present rate of progress.

Mr. LANE. Well, probably not so much as that. If they had gone about it in a systematic manner, and started in for a 40-foot channel, which was not considered necessary in the days when we had boats running in and out that only drew 20 feet, much of this money would have been saved; and had they adopted the plan of throwing the silt behind bulkheads up and down the river, it would not have been again washed into the channel to make sandbars which have to be dug out again. But the State of Oregon and the city of Portland have put up millions of dollars which have been expended upon that project.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. I do.

Mr. JONES. I just wanted to ask the Senator from Oregon if it is not a fact that that is largely a dredging project?

Mr. LANE. It is.

Mr. JONES. And that the depth originally was, as he has suggested, to accommodate vessels of a light draft, but that as the commerce has increased the size of the vessels has increased, and that has necessitated dredging out to an additional depth?

Mr. LANE. That is the fact, Mr. President, to which I call the attention of the Senator from Iowa. The fact is that the work has been carried on in large part by the people, and it has not been a wasteful expenditure. It has been expensive, but that has been due, as I have already said, to changing conditions and circumstances. In the early days the boats that came in and out of the Columbia River and navigated the lower Willamette and Columbia were deep-sea craft, not of over 15 feet draft; the tonnage was small. I think when I first moved to Portland nobody suspected that the city would ever have a population to exceed 10,000. It had 3,500 then.

Anybody who would have come in and proposed a 40-foot channel to the sea or a 30-foot channel to the sea from the city of Portland would have been considered an insane person. If a man in those days made the assertion that some day we would have electric lights or electric power for street cars, it was considered idle talk. I heard statements made in those days that some day we would have electric lights and some day we would also have electric power for street cars, and the man who made such statements was considered to be an idle dreamer, little short of insane.

So it could not have been provided for at that time. The same conditions existed at Seattle. I remember the day when Seattle was nothing but the Yessler wharf and a few inhabitants on the hill. I was there at the time, and if anybody had said that some day Seattle would be a city of two or three hundred thousand or three hundred and fifty thousand people and a port of any importance whatever they would have looked at him as a dreamer.

This work has been carried on, I think, consistently, but I have no doubt somewhat extravagantly; I have no doubt the Senator is quite right in that respect, but the people of Oregon have borne the cost of it.

Mr. JONES. Do you not levy taxes in Portland to carry on the improvement?

Mr. LANE. We levy taxes.

Mr. KENYON. The point I was trying to make was simply this, not so much the extravagance perhaps in this particular project, but going ahead year after year and not finishing a project, that it was an extravagant method of bringing it about.

I take it possibly from what the Senator says that it may have been fortunate that the project was not earlier completed because it would have been inadequate for the purpose.

Mr. LANE. It would all have had to be done over again. No man then knew the requirements that exist to-day. They could not have foretold it.

Mr. KENYON. No man of course on that theory can foretell what the requirements will be 20 years from now.

Mr. LANE. It will perhaps never require over a 40-foot channel.

Mr. KENYON. That is the project now.

Mr. LANE. That is the estimate. I do not think the project calls for that much.

Mr. JONES. There are 25 or 30 feet now.

Mr. LANE. No result can be accomplished in such matters until a comprehensive method is begun, a system following from the primary drainage down to the mouth of the river into the ocean. The method suggested by the Senator from Nevada or some such plan will economically accomplish the result, but even then it will take a farsighted engineer, an imaginative person who can look ahead and see what the future needs will be to accomplish final and full improvements.

Mr. KENYON. I think the Senator is exactly correct. I ask leave to insert, Mr. President, as a part of my remarks a table showing the cost of the completion of a number of projects and the appropriation for projects in this bill, without taking the time to read it.

The PRESIDING OFFICER. Without objection it is so ordered.

The statement referred to is as follows:

	Appropriation in present bill.	Cost for completion.
East River and Hell Gate	$200,000.00	$13,400,000
Improving Harlem River, N. Y	250,000.00	1,628,000
Delaware River, Pa., N. J., and Del., cash and continuing contract	21,65,000.00	6,809,200
Chesapeake & Delaware Canal		8,000,000
Harbor at Norfolk, Va	1,000,000.00	1,114,000
Cape Fear River above Wilmington	83,000.00	416,000
St. Johns River, Fla., to ocean	300,000.00	777,000
Channel from Pensacola Bay to Mobile Bay		432,435
Waterway, Mississippi River to Bayou Teche, La	10,000.00	1,655,500
Galveston Channel, Tex., by the construction of a sea wall	200,000.00	or 2,062,900 1,185,000
Brazos River, Tex. (locks and dams)	215,000.00	Indefinite
Trinity River, Tex. (locks and dams)	250,000.00	Do.
Cumberland River below Nashville	795,000.00	2,201,882
Cumberland River above Nashville	5,000.00	4,500,000
Ohio River	5,000,000.00	51,057,000
Mississippi River between Ohio and Missouri	350,000.00	17,250,000
Mississippi River between Missouri River and St. Paul	1,200,000.00	13,500,000
Fourth Lock, St. Marys River	800,000.00	2,475,000
Missouri River, Kansas City to the mouth	1,500,000.00	15,600,000
Sacramento and Feather Rivers, Cal	115,000.00 75,000.00	5,800,000
Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C	1,000,000.00	4,000,000

Mr. SHEPPARD. Mr. President——

Mr. KENYON. I yield to the Senator from Texas.

Mr. SHEPPARD. The Senator speaks of piecemeal appropriations and long periods of time required to complete various projects. I wish to say to him that the United States is not the only country subject to that criticism and experiencing that difficulty.

For instance, the Prussian Government has been making appropriations for the Rhine throughout a period of 90 years—from 1826 to 1916.

The River Marne, in France, has been improved for a distance of 115 miles from its mouth and has 19 locks and dams. It required 78 years to finish that project—from 1822 to 1900.

The River Yonne, in France, has 26 locks and dams, and it took 62 years to complete that project.

The River Seine, in France, on which Paris, the capital, is located, has been improved with 34 locks and dams, and it took 63 years to complete that improvement.

The River Saone, in France, has 30 locks and dams, and it took 18 years to finish that improvement.

The Vistula, in Germany, is improved for a considerable distance from its mouth, and it took some 75 years to complete that improvement.

The River Oder, in Germany, was in process of improvement for 90 years by the German Government.

So I simply wish to make the point that the United States is not alone in this matter of piecemeal and long-drawn-out appropriations.

I agree with the Senator that something should be done on this line, that better and more expeditious methods should be adopted.

Mr. KENYON. I am obliged for the suggestion of the Senator. I have not seen his figures.

Mr. SHEPPARD. These figures are taken from an official report by a British commission which made an investigation of the German and French rivers a few years ago.

Mr. KENYON. I do not question the figures at all, but I have labored under the thought, perhaps mistakenly, that the German Government and the French Government made their investigation of the projects before anything was done and then appropriated sufficient to carry through the project.

Now they may have appropriations that run a long term of years, but if that is the fact then my information is not correct.

I wish to leave the question of a dribbling policy and take up a few instances of the waste and extravagance. We have expended in the last 40 years on rivers and harbors approximately—I have not the exact figures—$850,000,000. Of course a great deal of that money has been properly expended, and just as surely has a considerable portion of that money been absolutely wasted.

I do not know how far we are ready to go, Mr. President, in building canals and deepening rivers in order to regulate railroad rates. That is a very vital question.

I had some years ago a good deal of experience in studying the proposition of railroad rates, as I was counsel for a railroad company and wanted to get at the philosophy, if I could, of railroad rates. We have the Interstate Commerce Commission with power, and if it has not sufficient power we should give it sufficient power, it seems to me, to regulate that question, because if we have spent a large part of this money merely to regulate railroad rates we confess our incompetency to handle that question. I am not ready to concede that we can not by law regulate railroad rates and compel the railroad not to charge discriminatory or excessive rates. To admit that we must carry on these great canalization enterprises merely to regulate railroad rates is to admit that they are so powerful and enjoy such a monopoly in this country that they are more powerful than Congress.

We have spent on the Mississippi River $150,000,000, with a constantly decreasing traffic. One of the Army engineers at one time took the position that we could afford to spend money on rivers if there was absolutely no navigation on the river because it would regulate railroad rates, and a good many people have that idea. Perhaps they are right, but we could, if we wanted to regulate rates, take the money we have spent on the Mississippi River and build a railroad from New Orleans on both sides of river and regulate railroad rates in that way, if that is the proper way to do it.

If the canalization work cost more than the construction of the railroad—it does not in every case—if it does, however, in a given instance, is it not folly to spend more money canalizing the rivers than it would to build the railroads and in that way hold railroads to reasonable rates? But I refuse to acknowledge that Congress has not the power, the ability, the efficiency, to grapple with the railroad problem as it affects rates.

The Big Sandy River is a sample of some of our extravagance. The Hennepin Canal is another. We have spent on the Hennepin Canal $7,597,781. There are 33 locks. In 1914 there were 5,868 tons of grain carried. I can remember when I was a boy the people of my State were told that the Hennepin Canal was going to save the farmers of Iowa $20,000,000 a year in freight rates. I was attending college in the district, and there were great congratulations from the towns about Hennepin Murphy getting the Hennepin Canal for the farmers of Iowa. The commercial tonnage on that canal as I remember it for the year 1914 was about 12,000 tons. If we take the money that it cost, the interest on it, and the cost of maintenance, it has been figured out that every ton of commercial freight that went through that canal in the year 1913 or 1914 cost the Government $36.75, or the Government would have been ahead, as some one stated concerning the tonnage of the Muscle Shoals Canal, if it could have bought the freight and burned it up.

Did the Hennepin Canal regulate railroad rates? There may have been some effect here and there upon railroads; I am not prepared to say there was not, but it was trivial if at all. At an expenditure of nearly $8,000,000 there were 12,222 tons of commercial freight.

On the Big Sandy it was claimed a dozen years ago when that project was established that by the canalization process in that river a million or more tons of coal a year would be floated down the river. We have spent on the Big Sandy River $1,626,125 and in 1913 12 tons of coal were floated 20 miles on that river, and that coal was for Government use. If that expenditure is figured out it will be discovered that it cost the Government about $350 per ton for that year. That is not in this bill. I do not want to make any mistake about that. We have stopped apparently appropriating for that, and I hope so.

Mr. President, such projects have been going on in this country. It is said there is no politics in this, but of course they are charged up to the Republicans. They were in power at the time. So our mouths are supposed to be closed from

arguing against a system of appropriating that can bring about such criminal waste as that. If a thing is wrong, why not stop it? This is wrong.

Some of the notions that get into people's minds about appropriations are pretty well illustrated by the facts surrounding the Crystal River in Florida. There was a booster proposition. It was in one of the preceding bills. Crystal River City, a beautiful little city, was interested in having an appropriation, and naturally so. They had a committee and a board to importune Congress. Here were some of their reasons and it illustrates the vice of the whole system. In this communication, which is made part of a public document in the hearings of the Crystal River, they say:

> Our people are alive to their interests, and mean to forge onward. They mean to have deep water. If 100 by 6 feet will not answer the purpose, they propose to have sufficient dimensions.
>
> You will recall that Capt. Spalding, on his visit here with you, without reserve favored the project. We feel that when Capt. Slattery goes over the route with you, as he indicates his willingness to do, he will also favor the scheme. We will at least try to not let him regret having come among us.
>
> Kind Providence has endowed us with almost inexhaustible beds of phosphate, timber, valuable hard rock, sea food, fertile lands, beautiful waters, and landscape scenery—every natural advantage except a sufficient channel. We can not get on the pension list nor profit by the public buildings appropriation.

Mr. President, that is a most candid, frank statement from good people who seem to think that they are entitled to something out of the public Treasury.

The Sabine River is a proposition that has received some consideration by the engineers, and while I do not have the record of Sabine River apparently before me at this time, there the engineers' report shows that they actually recommended selling the logs out of the river which they said they could sell for sufficient to do the work of making the river navigable. I shall refer to that later.

Mr. President, we are always admonished that we must not question what the Army engineers do or what they say. It seems to be a rule that does not work both ways. The Army engineers have made as to certain projects certain recommendations. The district or division engineer has decided against certain propositions. Then Members of Congress have appeared before them—in one instance, I think 11 Members of Congress—and argued out the propositions until they reversed their judgment upon it. There is not any use of saying that Army engineers, being human, are not influenced by arguments presented by Members of Congress. It would take a very strong character to resist the ordinary arguments of Members of Congress. They are surrounded with such an atmosphere that they would like to do what they think Congress wants done. So we read hearing after hearing on these projects before the Army engineers where Members of Congress appear and argue the proposition. I am not prepared to say that that is an improper thing at all, but I refer to it as one of the things that does to some extent either consciously or unconsciously influence Army engineers.

There ought to be some board of review of this whole question. Army engineers may well be questioned as to their judgment even by those who have no scientific knowledge, when they recommend some appropriations that they have as to this bill and other bills that have gone before it.

They have noted these wild schemes. They have thought they were approved by the country. They wanted to execute the designs of Congress. They have been flooded with speeches and letters of Senators and Representatives, and why should they not believe that they are there to carry out these ideas? The Army engineers distributed last year over $5,000,000 for I think 10 projects where a resurvey had been ordered by Congress. While that resurvey possibly was not a condemnation of the project it would have seemed that when Congress believed that one of those projects should be resurveyed it at least should have curbed the enthusiasm of the Army engineer until that resurvey was made.

The dredging contracts of the Beaufort Canal carrying 80 per cent profit are approved by the Army engineers, and I have here somewhere a copy of a letter in which they take the position that those contracts are not disadvantageous to the Government, although the testimony of Col. Taylor before the House committee showed that the Government did the work itself for less than one-half what the private contracts were as to that particular piece of work.

We place these Army engineers in positions of trust, and then unconsciously perhaps seek to break down that barrier. They can not be independent. Political pressure on the Army engineers ought to cease. That is one of the things that has broken down this system.

Concerning this limitation in dredging contracts I have a part of Col. Black's letter now to Chairman Sparkman. He said:

> At the present time it is believed that the contracts are let at prices which are as low as will permit the contractors to maintain their plants and make any profit whatever.

Col. Black is the man who overruled Col. Deakyne on the Missouri River proposition.

The Trinity River was thoroughly exposed and condemned in both Houses of Congress. The Army engineers on October 8, 1914, gave $203,000 to the Trinity River. March 2, 1915, Congress demanded a resurvey. April 1, 1915, the Board of Engineers gave $35,000 more to the Trinity, and further surveys were ordered by Congress. They did not wait to apportion any large sums of money at their disposal.

I want to refer for just a moment to the interesting Sabine River and the recommendation of the board there and what they said about this river on page 3 of the Army engineers report.

> The channel is greatly obstructed by drift, snags, etc., the principal source of supply being saw logs, which become water-logged and sink. Caving banks, however, add drift and trees to the obstructions. The channel is a series of pools and shoals, the latter varying from a few inches in depth to a few feet.

The river is so full of logs that objection was made even to taking out the logs, because the water would then flow out of the river. That is one of the propositions on which we have been spending money all these years.

I have referred to Sandy Bay Harbor in passing; and will not take up any more time with that.

The Muscle Shoals Canal was a project which was adopted in 1868. We have expended some $3,191,726.50 on it. In the year 1912, as shown by the engineer's report, the freight carried through the canal was 5,520 tons. That had increased in the year 1914 to 8,585 tons. It has been figured by experts that the cost to the Government of the freight through that canal was $41.76 per ton for the year 1912.

The Colbert Shoals Canal is a canal on which the Government, I think, has expended over a million dollars. I am not certain as to the amount, and may be wrong as to that; but anyway a very substantial sum of money has been expended upon it. In 1912 the tonnage transported through that canal was 31,943 tons. Of that, lumber constituted 30,518 tons; so the commercial tonnage was almost nothing. Eighty-one tons of cotton were transported; live stock 1, of an estimated value of $135.

So with many instances that might be cited of large expenditures of money and absolutely ridiculous commercial tonnage on the stream or through the canal.

The Ohio and Monongahela Rivers have proven more of a success commercially. The Monongahela has had a very large commerce; and while we have expended $150,000,000 on the Mississippi, and it has lost 90 per cent of its commerce and the Missouri River has become practically deserted, after an expenditure of nearly $20,000,000, the Ohio River has had some commerce after an expenditure of nearly $50,000,000, and with some 53 million to 60 million dollars yet to be spent.

The Tennessee River, as the records of the engineers and the analysis of the freight will show, has lost most of its river trade of 50 years ago, although something like $11,000,000 has been appropriated for locks and dams.

So we can go on in the years to come and spend another $850,000,000, and secure nothing more than we have secured, unless some different plan is adopted.

I ask, Mr. President, the privilege of inserting in the RECORD excerpts from the veto message of the river and harbor bill by President Jackson, the veto of the river and harbor bill by President Cleveland, the veto of President Arthur, and the statement of President Taft, who signed the river and harbor bill of 1910, after making some observations regarding it.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The matter referred to is as follows:

[From President Jackson's veto message.]

> After the extinction of the public debt it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of the debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided.
>
> Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the General Govern-

ment. It is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has by many of our fellow citizens been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

* * * * * * *

The bill before me does not call for a more definite opinion upon the particular circumstances which will warrant appropriations of money by Congress to aid works of internal improvement, for although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated has, as we have seen, been long claimed and exercised by the Federal Government, yet such grants have always been professedly under the control of the general principle that the works which might be thus aided should be "of a general, not local; National, not State" character. A disregard of this distinction would of necessity lead to the subversion of the Federal system. That even this is an unsafe one, arbitrary in its nature, and liable consequently to great abuses is too obvious to require the confirmation of experience. It is, however, sufficiently definite and imperative to my mind to forbid my approbation of any bill having the character of the one under consideration. I have given to its provisions all the reflection demanded by a just regard for the interests of those of our fellow citizens who have desired its passage and by the respect which is due to a coordinate branch of the Government, but I am not able to view it in any other light than as a measure of purely local character; or, if it can be considered national, that no further distinction between the appropriate duties of the General and State Governments need be attempted, for there can be no local interest that may not with equal propriety be denominated national. It has no connection with any established system of improvements, is exclusively within the limits of a State, starting at a point on the Ohio River and running out 60 miles to an interior town, and even as far as the State is interested, conferring partial instead of general advantages.

* * * * * * *

From the official communication submitted to you it appears that, if no adverse and unforeseen contingency happens in our foreign relation and no unusual diversion be made of the funds set apart for the payment of the national debt, we may look with confidence to its entire extinguishment in the short period of four years. The extent to which this pleasing anticipation is dependent upon the policy which may be pursued in relation to measures of the character of the one now under consideration must be obvious to all, and equally so that the events of the present session are well calculated to awaken public solicitude upon the subject. By the statement from the Treasury Department and those from the clerks of the Senate and House of Representatives herewith submitted it appears that the bills which have passed into laws and those which in all probability will pass before the adjournment of Congress anticipate appropriations which, with the ordinary expenditures for the support of the Government, will exceed considerably the amount in the Treasury for the year 1830. Thus, whilst we are diminishing the revenue by a reduction of the duties on tea, coffee, and cocoa the appropriations for internal improvement are increasing beyond the available means of the Treasury. And if to this calculation be added the amounts contained in bills which are pending before the two Houses, it may be safely affirmed that $10,000,000 would not make up the excess over the Treasury receipts unless the payment of the national debt be postponed and the means now pledged to that object applied to those enumerated in these bills. Without a well-regulated system of internal improvement this exhausting mode of appropriation is not likely to be avoided, and the plain consequence must be either a continuance of the national debt or a resort to additional taxes.

* * * * * * *

Through the favor of an overruling and indulgent Providence our country is blessed with general prosperity and our citizens exempted from the pressure of taxation, which other less-favored portions of the human family are obliged to bear; yet it is true that many of the taxes collected from our citizens through the medium of imposts have for a considerable period been onerous. In many particulars these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessaries of life, and this, too, in cases where the burden was not relieved by the consciousness that it would ultimately contribute to make us independent of foreign nations for articles of prime necessity by the encouragement of their growth and manufacture at home. They have been cheerfully borne because they were thought to be necessary to the support of government and the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence when it is known that the necessity for their continuance would cease were it not for irregular, improvident, and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent system of expenditure as will pay the debts of the Union and authorize the reduction of every tax to as low a point as the wise observance of the necessity to protect that portion of our manufactures and labor whose prosperity is essential to our national safety and independence will allow?

* * * * * * *

What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free government throughout the world: Would we not ourselves find in its effect an additional guaranty that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these can not be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement and whose good effects must of necessity be very limited. In the best view of these appropriations, the abuses to which they lead far exceed the good which they are capable of promoting. They may be resorted to as artful expedients to shift upon the Government the losses of unsuccessful private speculation, and thus by ministering to personal ambition and self-aggrandisement, tend to sap the foundations of public virtue and taint the administration of the Government with a demoralizing influence.

* * * * * * *

I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue which deserves commendation, our country is blessed with an abundance of it, for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted; none certainly are so degenerate as to desire their success at the cost of that sacred instrument with the preservation of which is indissolubly bound our country's hopes.

[From President Cleveland's veto message.]

A more startling feature of this bill is its authorization of contracts for river and harbor work amounting to more than $62,000,000. Though the payments on these contracts are, in most cases, so distributed that they are to be met by future appropriations, more than $3,000,000 on their account are included in the direct appropriations above mentioned. Of the remainder, nearly $20,000,000 will fall due during the fiscal year ending June 30, 1898, and amounts somewhat less in the years immediately succeeding. A few contracts of a like character authorized under previous statutes are still outstanding, and to meet payments on these more than $4,000,000 must be appropriated in the immediate future.

If, therefore, this bill becomes a law, the obligations which will be imposed on the Government, together with the appropriations made for immediate expenditure on account of rivers and harbors, will amount to about $50,000,000. Nor is this all. The bill directs numerous surveys and examinations which contemplate new work and further contracts, and which portend largely increased expenditures and obligations.

There is no ground to hope that in the face of persistent and growing demands the aggregate of appropriations for the smaller schemes not covered by contracts will be reduced, or even remain stationary. For the fiscal year ending June 30, 1898, such appropriations, together with the installments on contracts which will fall due in that year, can hardly be less than $30,000,000; and it may reasonably be apprehended that the prevalent tendency toward increased expenditures of this sort and the concealment which postponed payments afford for extravagance will increase the burdens chargeable to this account in succeeding years.

In view of the obligations imposed upon me by the Constitution, it seems to me quite clear that I only discharge a duty to our people when I interpose my disapproval of the legislation proposed.

Many of the objects for which it appropriates public money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests.

On the face of the bill it appears that not a few of these alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of millions of dollars new experiments for their accomplishment have been entered upon.

While those intrusted with the management of public funds in the interest of all the people can hardly justify questionable expenditures for public work by pleading the opinions of engineers or others as to the practicability of such work, it appears that some of the projects for which appropriations are proposed in this bill have been entered upon without the approval or against the objections of the examining engineers.

I learn from official sources that there are appropriations contained in the bill to pay for work which private parties have actually agreed with the Government to do in consideration of their occupancy of public property.

Whatever items of doubtful propriety may have escaped observation or may have been tolerated in previous Executive approvals of similar bills I am convinced that the bill now under consideration opens the way to insidious and increasing abuses, and is in itself so extravagant as to be especially unsuited to these times of depressed business and resulting disappointment in Government revenue.

This consideration is emphasized by the prospect that the public Treasury will be confronted with other appropriations made at the present session of Congress amounting to more than $500,000,000.

Individual economy and careful expenditure are sterling virtues which lead to thrift and comfort. Economy and the exaction of clear justification for the appropriation of public moneys by the servants of the people are not only virtues, but solemn obligations.

To the extent that the appropriations contained in this bill are instigated by private interests and promote local or individual projects their allowance can not fail to stimulate a vicious paternalism and encourage a sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors, and that the extent to which they are realized may furnish an estimate of the value of governmental care.

I believe no greater danger confronts us as a Nation than the unhappy decadence among our people of genuine and trustworthy love and affection for our Government as the embodiment of the highest and best aspirations of humanity, and not as the giver of gifts, and because its mission is the enforcement of exact justice and equality, and not the allowance of unfair favoritism.

I hope I may be permitted to suggest, at a time when the issue of Government bonds to maintain the credit and financial standing of the country is a subject of criticism, that the contracts provided for in this bill would create obligations of the United States amounting to $62,000,000 no less binding than its bonds for that sum.

[President Arthur's veto message.]

EXECUTIVE MANSION, *August 1, 1882.*

To the House of Representatives:

Having watched with much interest the progress of House bill No. 6242, entitled "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," and having since it was received carefully examined it, after mature consideration, I am constrained to return it herewith to the House of Representatives, in which it originated, without my signature and with my objections to its passage.

Many of the appropriations in the bill are clearly for the general welfare and most beneficent in their character. Two of the objects for which provision is made were by me considered so important that I felt it my duty to direct to them the attention of Congress. In my annual message in December last I urged the vital importance of legislation for the reclamation of the marshes and for the establishment of the harbor lines along the Potomac front. In April last, by special message, I recommended an appropriation for the improvement of the Mississippi River. It is not necessary that I say that when my signature would make the bill appropriating for these and other valuable national objects a law it is with great reluctance and only under a sense of duty that I withhold it.

My principal objection to the bill is that it contains appropriations for purposes not for the common defense or general welfare and which do not promote commerce among the States. These provisions, on the

contrary, are entirely for the benefit of the particular localities in which it is proposed to make the improvements. I regard such appropriation of the public money as beyond the powers given by the Constitution to Congress and the President.

I feel the more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tend to an increase in number and in amount. As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus as the bill becomes more objectionable it secures more support. This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the lawmaking power.

The appropriations for river and harbor improvements have, under the influences to which I have alluded, increased year by year out of proportion to the progress of the country, great as that has been. In 1870 the aggregate appropriation was $3,975,900; in 1875, $6,648,517.50; in 1880, $8,976,500; and in 1881, $11,451,000; while by the present act there is appropriated $18,743,875.

While feeling every disposition to leave to the legislature the responsibility of determining what amount should be appropriated for the purposes of the bill, so long as the appropriations are confined to objects indicated by the grant of power, I can not escape the conclusion that, as a part of the lawmaking power of the Government, the duty devolves upon me to withhold my signature from a bill containing appropriations which, in my opinion, greatly exceed in amount the needs of the country for the present fiscal year. It being the usage to provide money for these purposes by annual appropriation bills, the President is, in effect, directed to expend no larger an amount of money within so brief a period that the expenditure can not be made economically and advantageously.

The extravagant expenditure of public money is an evil not to be measured by the value of that money to the people who are taxed for it. They sustain a further injury in the demoralizing effect produced upon those who are intrusted with official duty through all the ramifications of government.

These objections could be removed and every constitutional purpose readily attained should Congress enact that one-half only of the aggregate amount provided for in the bill be appropriated for expenditure during the fiscal year, and that the sum so appropriated be expended only for such objects named in the bill as the Secretary of War, under the direction of the President, shall determine; provided, that in no case shall the expenditure for any one purpose exceed the sum now designated by the bill for that purpose.

I feel authorized to make this suggestion because of the duty imposed upon the President by the Constitution "to recommend to the consideration of Congress such measures as he shall judge necessary and expedient," and because it is my earnest desire that the public works which are in progress shall suffer no injury. Congress will also convene again in four months, when this whole subject will be open for their consideration.

CHESTER A. ARTHUR.

[From President Taft's memorandum on signing the river and harbor bill of 1910.]

The chief defect in the bill is the large number of projects appropriated for and the uneconomical method of carrying on these projects by the appropriation of sums small in comparison to the amounts required to effect completion.

The figures convincingly establish the fact that this bill makes inadequate provision for too many projects.

The total of the bill, $52,000,000, is not unduly large, but the policy of small appropriations with a great many different enterprises without provision for their completion is unwise. It tends to waste, because thus constructed the projects are likely to cost more than if they were left to contractors who were authorized to complete the whole work within a reasonably short time. The appropriation of a small sum lessens the sense of responsibility of those who are to adopt the project and who do not therefore give to their decision the care that they would give if the appropriation or contact involved the full amount needed for completion. Moreover, the appropriation of a comparatively small sum for a doubtful enterprise is thereafter used by its advocates to force further provision for it from Congress on the ground that the investment made is a conclusive recognition of the wisdom of the project, and its continuance becomes a necessity to save the money already spent. This has been called a "piecemeal" policy. It is proposed to remedy this defect by an annual river and harbor bill, but that hardly avoids the objections above cited, for such yearly appropriations are apt to be affected by the state of the Treasury and political exigency.

If enterprises are to be useful as encouraging means of transportation they ought to be finished within a reasonable time. The delays in completing them postpone their usefulness and increase their cost. The proper policy, it seems to me, is to determine from the many projects proposed and recommended what are the most important, and then to proceed to complete them with due dispatch, and then to take up others and do the same thing with them.

It is now three years since a river and harbor bill was passed. The projects under way are in urgent need of further appropriation for maintenance and continuance, and there is great and justified pressure for many of the new projects provided for by the bill. It has been made clear to me that the failure of the bill thus late in the session would seriously embarrass the constructing engineers. I do not think, therefore, the defects of the bill which I have pointed out will justify the postponement of all this important work; but I do think that in the preparation of the proposed future yearly bills Congress should adopt the reforms above suggested, and that a failure to do so would justify withholding Executive approval, even though a river and harbor bill fail.

Mr. KENYON. Mr. President, I did not, in speaking of the Big Sandy a few moments ago, have the figures which I desired to place in the RECORD in reference to that river. I will now state that we have expended $1,700,000 in the construction of five locks and dams; the cost of maintenance has been $260,000; the total tonnage in 1912, excluding railroad ties, timber, and telegraph and telephone poles, was 500 tons. It has been estimated by experts that, after deducting the floatable timber which would float without the locks and dams, it costs the Government $100,000 annually to float 277 tons of commerce 33 miles, an average of $350 a ton per mile, or $11 per ton-mile. If any Senator can justify that kind of an expenditure of public money, I will yield the floor while he does it.

I think I shall put into the RECORD the accurate figures as to the Hennepin Canal. I gave them from my recollection previously. The total cost of construction to June 30, 1913, of the Hennepin Canal was $7,576,496.56; operation and care to June 30, 1913, was $1,166,851.39; or a total of $8,743,347.25. In 1913 there were 11,962 tons of commercial freight transported through the canal. The tonnage was about 35 per cent less than that of the previous year, the shrinkage being due to the smaller quantities of rock, earth, and gravel carried by Government boats.

There have been influences at work to secure large appropriations for rivers and harbors besides those I have enumerated. The Dredgers' Association has been somewhat busy. The Atlantic and Gulf Coast Dredge Owners' Association had some proceedings some years ago, in which they made certain assessments upon their members, according to their records, for the entertainment of prominent and influential people at banquets. While Members of Congress are not to blame for being included in the records as among those whom they desired to entertain, that association had the exceeding nerve to state in their records that this amount which was levied should be cheerfully paid for the purpose of entertaining influential people, including Members of Congress. So the Dredgers' Associations, with their contracts, as has been shown—or as I have tried to show, and as Colonel Taylor showed before the House committee—for double the amount, and more in some instances than it cost the Government, have felt that they could influence river and harbor appropriations.

We hear a good deal about the railroads being opposed to river and harbor appropriations. I have had it insinuated to me that, because at one time I had been counsel for a railroad company, I had become prejudiced as to waterways. Well, of course, any one having that opinion is entitled to keep it; but it is interesting to note that the railroads have contributed to the Mississippi Levee Association. I have said before that I believe it has been true that the railroads have tried in the past to injure water transportation, just as they have tried to injure anything or anybody who stood in their way; but evidently that has not been a serious thing with them in the last few years, because they have contributed to this association, of which Mr. Fox was secretary and manager; and those contributions were set forth in the New Orleans Item of October 21, 1913, a very influential and truthful paper. Those contributions were as follows: The Southern Railway Co., $1,000; the Mobile & Ohio, $1,000; the 'Frisco, $1,000; the Missouri Pacific, $1,000; the Chicago, Rock Island & Pacific, $1,000; the St. Louis & Southwestern, $1,000; the Illinois Central, $1,000; the Yazoo & Mississippi Valley, $1,000; the International Harvester Co., $1,000. That is not a railroad, of course. So the railroads at that time did not seem to fear water transportation.

We have had a good many waterway conventions and pamphlets and papers. These conventions have met at New Orleans; they have met at Washington. They have borne the following names: "Lakes to Gulf," "Upper Mississippi Improvement Convention," "Interstate Waterway Trans-Mississippi Irrigation Congress," "Celebration of the Opening of the Hennepin Canal"—that should have been a great celebration—"Atlantic Deeper Waterway Conference," "Drainage Congress." Some of these associations, I think, have consisted largely of letterheads. The "Seaboard Waterway Convention" in 1909 was probably the crowning effort. President Taft floated down the Mississippi River at that time—which is sufficient indication that there was then ample water in the river [laughter]—and Gov. Ansell, of South Carolina, wired the convention:

We want water, more water, and deeper water.

Resolutions were drawn up at that convention demanding certain things of Congress, pledging that they would support no candidate for Congress who would not unqualifiedly indorse and maintain their policies.

We have had other commissions visiting Europe, one in 1909. President Taft in 1911 in his message to Congress expressed himself as favorable to the Lakes-to-Gulf project, a project that the booster clubs and commercial clubs have been advocating for years. I do not know much about it; it may be a perfectly good project, but all these things combine to add a certain force and impetus to the movement, not a movement to regulate the water question on any scientific basis, but merely, as a general thing, to get something for local interests and local conditions.

Robert Toombs once said that it had become a national disgrace for Congress to engage in a miserable scramble for a slice from the Public Treasury. The distinguished Senator from South Carolina [Mr. TILLMAN] once stated on this floor something I would not want to say, but he said it and, as I remember his language, it was that—

> The Mississippi itself has quit having any steamboats on it almost, and the whole scheme of river improvement is a humbug and a steal, but if you are going to steal, let us divide it out, and do not go to complaining.

I would not like to believe, and I do not believe, that that represents the sentiment of Congress. It may be the spirit of some people in this country who continually hammer their Congressmen to get more, but the time will come, I believe, when the people of this country are going to insist that their Senators and Representatives shall stand for the proposition that this Government shall be conducted as a great business, and that a public dollar shall be appropriated and spent with the same care and honesty and fidelity as a private dollar. When that day comes, it will be possible to cut down some of these useless expenditures; but, Mr. President, in the meantime what will be the outcome if this waste and extravagance is to go on and appropriations are to continue piling up and piling up, not only in this bill, but in every other bill, and local influences are permitted to intrude into Army bills and Navy bills?

The creation of Army posts has been urged all over this country. There is one in my State, for which there is no more justification, in my opinion, than there is for any of the others. I do not mean by that that they should all be abolished, but from the list of Army posts in this country sent to Congress in response to a resolution adopted, while I do not remember the figures, it seems to me that that document showed we had spent over a hundred million dollars on Army posts. Do you tell me that those Army posts were in every case located for the benefit of the people of this country? Did they not rather result from some system operating on the principle of "You give me an Army post and you can have a navy yard," or something of that kind? When I was a member of the Committee on Military Affairs, I remember having seen the committee start in to ask the Secretary of War about these Army posts, and he would laugh; and while I am not at liberty to say what he may have said privately—I do not mean the present Secretary of War—he knew that he could not change the system; he knew that when you started to take an Army post away from a man he would say, "That is my Army post," just as I have heard it said in the Commerce Committee, "This is Senator So and So's river, and Congressman So and So's creek, and somebody else's harbor."

The same thing is true of navy yards. I imagine there are navy yards in this country where you could not find enough water to float any kind of a battleship. That is the trouble with the whole thing. It enters into this bill and every other appropriation bill.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. I do.

Mr. WORKS. The Senator has expressed the belief that the people of this country will demand that the affairs of government shall be managed with integrity and honesty and economically. I hope the Senator is right about that; but what evidence has the Senator just now of any change of sentiment on the part of the people in that respect? I have been impressed with the idea all along that the foundation of this evil is with the people themselves; that they are demanding from their Senators and Representatives just such things as the Senator is commenting upon, and that they measure their usefulness as servants of the people by what they can get for their people at home. If we could so educate the public mind as to condemn that sort of thing instead of insisting upon it, we might reach results.

Mr. KENYON. Well, I will ask the Senator what are we going to do? Sit still and do nothing or say nothing because of the sneers that are leveled at anybody who attempts to say anything about it?

Mr. WORKS. Not by any means; but I think the thing that will have to be done will be to educate the people up to a better sense of things; and until you do that, you are going to have just this sort of service from Senators and Members of the other House. I am not criticizing the attitude the Senator has taken in this matter—not by any means; I sympathize with him entirely.

Mr. KENYON. I have no objection at all to the Senator criticizing me.

Mr. WORKS. We must get at the root of this evil if we are going to accomplish anything, and I think the root, the bottom of it, is the sentiment that exists on the part of the people themselves that brings about this sort of legislation.

Mr. KENYON. Take a little thing. We have in the Senate twice stricken from the agricultural appropriation bill the free-seed provision, but it has been put back in conference. The free-seed proposition, I understand, costs this Government something like $250,000 a year. Of course, that is not a great amount of money in the running of a government. I do not know that the Senator can remember such an incident, but I can remember when we used to get a package of those seeds when I was a boy, with the name of a Senator or a Representative in the corner. That was really a great event in our home. We had a feeling that we were highly honored by the Member of Congress. I used to plant the seeds, but never had such a high regard for the Congressman after they grew. [Laughter.] However, that little thing, the sending out of free seeds, which are nothing but political seeds, is an illustration of the manner in which the system works. It is not fair to the man outside who is running against the man inside, and the sending of seeds ought to be listed as a political campaign expenditure, and ought not to be put upon the Government.

Mr. WORKS. Mr. President, that is precisely what I am talking about. The Senator and his family wanted the seeds; they thought it was a nice thing to get them. The Member of the House of Representatives perhaps argued from that that probably he would get votes from the family which prized the receipt of the seeds. I have been opposed to the free distribution of seeds; I myself think it is an unmitigated fraud; and whenever I have had an opportunity I have voted against it; but the reason why it is retained is just as I have mentioned, that the people themselves want to get from the Government those things and everything else they can. Of course there are honorable exceptions to that rule. There are a great many people who protest against the receipt of seeds when they get them. They appreciate the fact that the seeds ought not to be sent out, but I am talking about the general idea upon that subject as evidenced by the desire upon the part of the people to get anything they can out of the National Treasury.

Mr. KENYON. To get something for nothing.

Mr. WORKS. Yes.

Mr. KENYON. But I am glad to learn that a good many people who are getting the seeds are sending them back; and when the people begin to do that it will be found that we will not hear all these tearful stories on the floor about the poor fellows upon the mountain side who want to have some of these seeds in order to grow vegetables and flowers.

Mr. MARTINE of New Jersey. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. KENYON. Certainly.

Mr. MARTINE of New Jersey. I voted for the free-seed provision, and I have no regrets for doing so. I do not believe that the animating motive of all those who desire seeds is simply to obtain them because they can get something for nothing. There are very many men who are prompted by as lofty motives as is the Senator from Iowa—and they are very high motives, indeed, and I say that most earnestly—or as is any other Member of this body. They feel that, in asking for seeds from the Government, they are getting something novel and at the same time something better than they would get at a seedsman's store. It may be that the Government seeds are not any better than his, but, in the main, they are very good seeds, and infinitely good results have accrued to the people from the dissemination and distribution of the seeds. I am well satisfied of that. I believe that the Government can not go very much astray in the matter of the distribution of seeds or plants, whether they may be of the blooming variety or of the fruitful variety. I believe all those things accrue to the well-being of the country as much as does the dissemination of literature.

The Senator perhaps does not find much fault—I do not—with the dissemination of Government literature to our people. I believe many Government documents which are sent out are blessings, and the same thing may be said of the addresses which are being made here. They are of great value to the people.

There is another class to whom they do not quite so much appeal; but I believe the distribution of seeds should be continued to those who may desire them and who will take care of them, as many of them do, making brighter and prettier spots around their homes and blessing the community in the promotion of vegetation. I believe that by such means we are advancing the public good.

Mr. KENYON. I have had, I think, about 20 letters from my State protesting against the sending out of the Senator's speech against woman suffrage.

Mr. MARTINE of New Jersey. Well, I think probably they may have been absolutely justified in sending out those protests. I have not been directly the means of disseminating them. It is true that I did make some remarks against woman suffrage, and I have no regrets for that. I say to the Senator now that if I thought woman suffrage would advance the well-being of our country and elevate woman, God knows I would be the most radical advocate of it; but because of the fact that I believe these two results would not occur, I have opposed it.

I have no apology to make for what I said, though I did not send out the literature. Somebody else did.

Mr. KENYON. The women, perhaps, do not need elevating as much as the men. Woman suffrage may elevate the men. I do not want to get into any discussion of the woman-suffrage question, however.

Mr. MARTINE of New Jersey. Well, I will not argue it. God knows if there is any man in the world who has a warm place in his heart for woman, I am the individual. [Laughter.]

Mr. KENYON. Then the Senator had better let them vote. But I hope this appeal of the Senator for free seeds will be read by his constituents, and that they will write to him for the seeds, and that it may very materially aid in bringing about a result which I am anxious to see accomplished, namely, the reelection of the Senator, although I do not belong to his party; and if the seeds will do him any good, I will turn over a large part of my allotment to him.

Mr. MARTINE of New Jersey. That is very nice. I think I would like about a thousand packages at once. [Laughter.]

Mr. KENYON. This is one of the occasions when seeds ought to be used.

Mr. MARTINE of New Jersey. That may be the animus with a good many, but I will say that I have been as free from any such thought or purpose as any man could be. I am a candidate for reelection, and I am vain enough to believe that I am going to succeed, notwithstanding the Republican community in which I live. But I will say that I have been as free from any prompting or animus of that kind of self-laudation or of assisting in my reelection as the remotest thing in the world.

Mr. KENYON. And I am not enough of a partisan to want to see any harm come to the Senator.

Since we have disposed of woman suffrage and the seed question, I want to go back to the subject at issue. There is very little objection, I think, raised generally to the improvement of our harbors. They perform a wonderful service. Of course there are different standards to determine their importance. If we took the value of imports and exports, or receipts and shipments, that would be one standard that many would follow. Others would want to measure our harbors by the proportion between foreign and domestic trade. Others would want to rate our harbors by the net tonnage of boats entering and clearing, and others by the quantity of freight or the tonnage received and shipped. I think probably the latter would be the wise standard. Under this standard the harbors of relative importance are, of course, first, New York City; second, the Duluth-Superior Harbor; third, Philadelphia; fourth, Buffalo; fifth, Cleveland; sixth, Baltimore; and it seems to me that New Orleans and Galveston must be very close to those harbors. The vessels going to Galveston now can carry a draft of 30 feet into that harbor.

Those harbors ought to be improved; they ought to be kept up. There is not any doubt about that. We have certain rivers that connect cities of considerable size with the sea, tidal streams that enable ships of a draft of 15 feet or more to go from the sea to the cities. Those are very important. The Mississippi to New Orleans would be such a stream; the Delaware to Philadelphia, and the St. Johns to Jacksonville, and the James River to Richmond. These are all important rivers. I have not heard any complaints from people about rivers of that character, which are substantial and which amount to something.

There is a class of rivers affording passage for boats of smaller size and of less draft. The Connecticut River to Hartford, or the Kennebec River to Augusta, would come under that class of rivers. Little complaint is made about these rivers.

Then we have the rivers used for traffic between inland points. The Mississippi and the Ohio and the Hudson possibly are in a class by themselves. They have a very great and substantial commerce, national in its scope. No one is raising particular objection to those. I do think the plan of spending $63,000,000 on the Ohio River—without including terminals, which would run the matter up to $70,000,000, I should say—is a wise experiment. It is somewhat of a doubtful one; but if any experiment is to be tried, that is perhaps the best.

As to these harbors, in the harbor appropriations there ought to be some plan whereby, when the railroads own all the terminals, they will contribute to the improvement. The Commissioner of Corporations a few years ago made an investigation of the question of transportation by water in the United States. That is a most interesting document, consisting of three volumes; and it has been amazing to me, in a study of that document, to discover that in very nearly all of our harbors the railroads seem to own the entire shore. Mr. Herbert Knox Smith, the then Commissioner of Corporations, says, on the first page:

> Our harbor organization, as a rule, is faulty. A harbor has two prime features, "commercial" and "industrial." The commercial function deals chiefly with "through" freight, with the transshipment between rail and water lines (or between water lines) of freight not destined to or originating at the harbor itself. The industrial function, on the other hand, deals with local freight. It affords railway connection and wharf storage for local industries and distributing houses. It affects local interests far more deeply than the mere passage of through traffic. * * * * * * Private interests control nearly all of our active water frontage. Public control exists in considerable degree only at New Orleans, San Francisco, Baltimore, and New York, and is greatly modified at New York by exclusive private leases for long terms. Out of fifty of our foremost ports, only two, New Orleans and San Francisco, have practically complete public ownership and control of their active water frontage; eight have a small degree of control, and 40 none at all. Out of 37 ports for which data are available (excluding New Orleans and San Francisco), only 14 have any publicly owned wharves (about 200 such wharves in all, many practically controlled under long leases). Out of 25 ports with available data (excluding New Orleans and San Francisco), only 10 have wharves "open" to general traffic, with a total of only 40 such wharves, the majority insignificant and antiquated. Out of 46 such ports (excluding the same two cities), a majority of the active frontage is privately owned in 40, and in 6 a small amount is so owned. Out of the 50 foremost ports above mentioned, there are 21 in which railroad ownership and occupancy covers over 50 per cent of the active frontage, and 12 more between 25 and 50 per cent. It is our theory that the waterways are public highways. In fact, their essential terminals are largely under private control.

Mr. WORKS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. I do.

Mr. WORKS. I wish to ask whether the harbors are enumerated that are not under city or county or State control?

Mr. KENYON. I can not say that those are enumerated that are not. Those are enumerated that are.

Mr. WORKS. I do not know what he regards as the principal harbors of the country. I know that at Los Angeles and San Diego, both, the two cities have absolute control of their harbors.

Mr. KENYON. Yes; he speaks of that. Did the Senator say San Diego?

Mr. WORKS. Los Angeles and San Diego.

Mr. KENYON. He does not speak of Los Angeles, but he does speak of San Francisco. He says:

> Two ports only, New Orleans and San Francisco, are noteworthy for their high degree of public ownership, control, efficiency, and equipment. * * * At San Francisco there is an excellent system of wharves under State control, kept open for general traffic. The water terminal situation in these two cities is by far the best in the country. * * * * * * *
>
> At four of the most important Lake ports there is a total front of about 12 miles protected by breakwaters. On this entire 12 miles there are only about ten active wharves, nearly all under railroad control. Of this frontage, railroads own about 7 miles, other private parties about three, and the cities about two.

He says, further:

> Terminal charges are a considerable factor in water traffic, especially "dockage," a charge on the vessel, and "wharfage," a charge on the freight passing over the wharf. Particularly on the Mississippi system excessive landing charges have hindered traffic. * * * The Government's enormous expenditures on channels are in many cases largely neutralized by the action or nonaction of the local authorities on terminals. * * * Localities should, as a rule, be required to furnish and keep open adequate terminals as a condition precedent to channel improvement by the Federal Government. It is their fair share of the work, and they alone can do it effectively.
>
> There are thus five salient facts: First, that terminals are as important as channels; second, that our harbors have not fully developed their terminal frontage, nor are they properly organized or controlled; third, that railroads largely control water terminals, often to the disadvantage of general water traffic; fourth, that there is almost no linking-up of the rail and general water systems at the water's edge, but rather the opposite tendency; fifth, that there is little cooperation by localities with the Federal Government which improves their channels.

Along the same line he sets forth, on page 3, some matters which I should like to put in the RECORD. I will read this part of it; I will not read it all:

> Private control of terminal facilities may seriously impair or practically destroy the real public character of the channel. For example, this part—

That is, this part of the report—

> shows that a surprisingly large proportion of the most available water frontage and terminals is controlled by railroads. It is only proper to add, however, that in order to serve the proper needs of transportation,

railroads must have the continued use of a certain amount of water terminals; also, that much of the railroad-owned water frontage is merely rights of way, and not in any sense active terminal property.

In New York he shows how, between ownership and long systems of leasing, the railroads practically control all of the frontage.

In Jersey City most of the frontage was originally granted in perpetuity to private parties many years ago, at very low rental rates. The city has only one "open" wharf.

In Boston there is some rail and water coordination, but—

It is represented mainly by the so-called Union Freight Railroad, controlled by the New York, New Haven & Hartford Railroad Co., connecting also with all the other railroad systems there, but running along only a small fraction of the water front. * * *

The ownership of the Boston water front is chiefly private, consisting of a large area of railroad holdings, about eight important wharf companies, and much industrial frontage. The city owns a few scattered and unimportant wharves, but most of its frontage is used for park, municipal, and ferry purposes. The State has an undeveloped tract, known as the "Commonwealth Flats," with large possibilities for terminal use. Most of the trans-Atlantic lines use railroad piers.

In Philadelphia—

A considerable proportion of the most active water front is controlled and occupied by railroads, to the extent that such commercial use for through traffic unduly hampers the proper local and industrial use. * * * The city owns less than 8 per cent of the developed Delaware frontage, and its holdings are mainly narrow and practically unavailable street ends.

The railroad holdings are very large. Of nearly seven miles of the most highly developed part of the Delaware River frontage, railroads own over 45 per cent and occupy still more. * * *

The attitude of the railroads as to their frontage holdings has been highly exclusive and adverse to general water traffic. Railroads, as a rule, refuse any use of their piers for freight not going over their particular lines and oppose independent lighterage. Thus, lighters can not come to a railroad pier to get freight for independent water or rail lines. The results are important, in view of the extensive railroad control of water terminals. * * *

The Philadelphia situation has long been one of almost complete absence of public control of the water terminals.

In Baltimore—

Of the entire harbor frontage, the city now owns 9 per cent, the railroads 17 per cent, and other private interests 74 per cent.

And so it goes on.

At Portland, Me., the water front is all private, about one-half of it owned by railroads. At Bangor the frontage is nine-tenths private, and much of it railroad holdings. * * * Most of the important New Haven frontage is railroad owned. * * * At Trenton, N. J., the city owns none of the frontage on tidewater. * * * Richmond, Va., is exceptional, in that none of its frontage is owned by railroads. The city owns about 11 per cent of the frontage. * * *

At Charleston, S. C., practically all the best frontage is controlled by the Charleston Terminal Co., which concern is controlled jointly by the Atlantic Coast Line and the Southern Railway. At Savannah, Ga., the frontage is mostly private, the best of it being owned by railroads. At Augusta, Ga., the city owns all of the Georgia frontage. Jacksonville, Fla., is an important port, and at present is considerably congested. The city owns only street ends, and there are important railroad terminals and holdings here.

And so the whole story goes on. At Mobile—

Railroads own a large part of the frontage.

At Galveston the city owns some stock in the Galveston Wharf Co., which owns considerable of the dockage space.

San Francisco is noteworthy, the report says:

By reason of its advanced policy of public ownership and control of the water front and its policy of public construction, maintenance, and regulation of the vast majority of the wharves; also because very few of the public wharves are under long leases, and most of the wharves are practically "open" or can be made "open" at need.

Both the commercial and the industrial functions are important, with a fair degree of harbor organization. * * * There is an unusually good equipment of modern wharves, built by the State Board of Harbor Commissioners, with considerable warehouse space and with some transshipping machinery.

I think the harbor of Los Angeles is not given.

At Tacoma—

The Northern Pacific Railway owns about 16,000 feet of the city water front.

At Portland, Oreg.—

The frontage is all privately owned, mainly by railroads.

In the case of the Great Lakes harbors——

Mr. WORKS. Mr. President, may I ask the Senator what is the date of that report?

Mr. KENYON. The date of the report is September 26, 1910.

Mr. WORKS. Since the making of that report, Los Angeles has acquired title to the harbor frontage, partly through litigation that has just been terminated in the Supreme Court of the United States.

Mr. KENYON. That is probably why the report does not cover it.

Mr. WORKS. That may be so. The difference between San Francisco and Los Angeles is that the San Francisco frontage is owned by the State, while in the case of Los Angeles it is owned by the city of Los Angeles, and is under the complete control of the city, and the city has constructed its own wharves; and the same condition exists in San Diego.

Mr. KENYON. What does the city do, I should like to ask the Senator, about toll at the wharves?

Mr. WORKS. They have a regular system of tolls, fixed by the city authorities.

Mr. KENYON. San Francisco is evidently rather advanced over the other harbors of the United States in that respect. The point I was trying to make was this, and I do not know whether it is sound or not: That where we are appropriating these large sums for harbors where the water front is practically all owned by railroads, there ought to be some plan of cooperation by which a portion of the sums necessary to improve these harbors shall be paid by the railroads.

Mr. WORKS. Does the Senator know that under the system that is now in force cities like Los Angeles, for instance, are compelled to pay one-half of the expense of improving the harbors?

Mr. KENYON. The cities pay one-half? I did not know that.

Mr. WORKS. Almost invariably, where an appropriation is made, it is required that the city shall contribute the same amount that is contributed by the Government. That has been true in some instances, I know—in Los Angeles and San Diego, both.

Mr. KENYON. There have been provisos in river and harbor bills, where certain appropriations are made, that certain local interests shall contribute the same amount. There is a benefit connected with that. Take the case of New London Harbor: There the people have taxed themselves a million dollars for that harbor and have asked the Government to assist them to the extent, I think, of some three hundred and odd thousand dollars. When the people themselves have enough faith in a proposition to tax themselves for it, they are not going to try to get up propositions that are lacking in merit; and there will be a very restraining influence, as there was in the project for a part of the Cumberland River. When the Board of Army Engineers took the position that the State of Kentucky—I am not certain about Tennessee, but I am certain about Kentucky—should contribute part of the cost of the improvement, the enthusiasm very quickly diminished.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. Certainly.

Mr. JONES. I just wanted to suggest here that practically all of the harbors along the Pacific coast, especially those of any size, have contributed toward their improvement. That is almost the universal rule on the Pacific coast. They have contributed to a greater or less extent. Many of them have formed what they call port or harbor commissions, and have imposed taxes upon the people to assist in the prosecution of the work or the maintenance of it.

Mr. WORKS. Mr. President, may I call the Senator's attention, as an illustration, to the case of San Diego?

Mr. KENYON. Yes.

Mr. WORKS. There is an appropriation in this very bill, I think, of $220,000 for the improvement of San Diego Harbor by increasing the depth of one of the channels. The people of San Diego have expended a million dollars in putting up a sea wall, to begin with. It was done at their own expense, without any contribution by the Government. They have already expended on this very channel $300,000 of the city's money. They are simply asking that this additional amount shall be contributed by the Government; and in addition to that—and it is provided for in the bill—the city conveys to the Government a tract of land near by which will be used for training grounds, a naval station, or anything of that sort—land that is estimated to be worth half a million dollars. So the city is getting $220,000 for all of that contribution on its part.

Mr. KENYON. Does not the Senator believe that the plan of cooperation in all of these matters is an exceedingly good one?

Mr. WORKS. Yes; I think it is, for the very reason suggested by the Senator, that appropriations will not be readily asked for if the people have to contribute their share of the expenses. Otherwise, I should say not, because it is a Government improvement. Strictly speaking, the harbors should be improved by the Government; but there is a local interest attached to it, so I am not complaining of that.

Mr. KENYON. If the shore line of a harbor is entirely owned by private interests, then the improvement of that harbor works a great benefit to those private interests. Now, why should not the private interests contribute some part?

Mr. WORKS. I think they should.

Mr. KENYON. I desire, as a part of my remarks on this subject of cooperation, to suggest for the RECORD that in the case

of the James River proposition the city of Richmond has spent $1,044,000 in the improvement of the channel and the construction of public terminals.

In the case of the harbor at Oswego, while no conditions were imposed at the time of the adoption of the project, the work for the benefit of the public has been aided with funds supplied by other sources than Congress, on the theory of all interests being benefited by the improvement.

Cold Spring Inlet, N. J., is a sample of cooperation, where $100,000 was contributed by local interests.

In the Coquille River project, in Oregon, there was also local cooperation. Local interests spent $43,000 for dredging the channels and $500 for repairs of pile jetties; and I have hope that in any general plan that may be eventually worked out this question of cooperation may be taken care of.

The Senator from Oregon referred to the city of Portland contributing—I do not know that he mentioned the amount; my recollection is that it was $5,000,000—in cooperation with the improvement of the Columbia River.

The city of Cleveland has contributed very large sums for the purpose of cooperating in maintaining the inner harbor; and that has been true of Boston and other points.

Before taking up the projects specifically I want to refer to one more general question, and that is the general project of waterways versus railways. Mr. President, what is the matter and why is it that water traffic has decreased on our rivers? Is it going to be possible to bring it back, and if so, how? Is it advisable from the economical standpoint to expend the money that might be necessary to bring it back?

I hope Senators will read the report, when they have leisure, if Senators ever do, of the National Waterway Commission. It is a most interesting document dealing with these questions, which questions must certainly attract the serious attention of Congress. It deals with all subjects concerning waterways, and this commission, consisting of a number of Senators, I think the present chairman of the Committee on Commerce, former Senator Burton, the Senator from North Carolina [Mr. SIMMONS] and others, dealt very exhaustively with this subject and they attempted to find the explanation for the diminished use of inland waterways. They discussed the relation between these two agencies of transportation, the inherent and fundamental differences based upon current conditions that the railways may have, the increasing importance of terminals, which they give as some of the reasons why railway traffic has supplanted waterway traffic, the cost of hauling freight, the facilities for unloading freight, the readier transfer of traffic from one road to another as compared with the transfer from water to land, the through haul of cars without break of bulk, all helping the railroads, the higher speed, the more reliability of schedule, the right of railways to charge lower rates between points in competition with water lines, the power to acquire steamboat lines for the purpose of stifling water-borne traffic, the refusal to pro rate, the great attention given by railroads to provision for warehouse terminals and equipment for handling freight, the question of a minimum rate, the canal question, the relation of waterways to bank protection, flood control, the policy relating to harbors, the ownership of docks, the relation of the waterway improvements to water power in comparison with European waterways.

That commission was composed of 12 Members of the Senate and House of Representatives and was created by act of Congress of March 3, 1909. It is interesting to note, as set out by that commission, a portion of the constitution of the Confederate States framed at Montgomery in February, 1861, on this question, and there the Confederacy adopted this provision in their constitution:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes, but neither this, nor any other clause contained in the constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation, in all which cases such duties shall be laid on the navigation facilitated thereby as may be necessary to pay the costs and expenses thereof.

They also discussed the question to which I have tried to draw attention, of cooperation between the communities interested and their duty to bear a part of the burden, the question of the improvement of rivers for the protection of land and of these matters of coordination, the question of construction of waterways to regulate freight, even when there is no commerce in the waterways, and the question of suitable boats.

Mr. President, the railroads outside of the question of unfair competition with waterways have had certain advantages in the race for commerce. Any unprejudiced thinking man knows that to be true. One of the greatest difficulties about restoring water transportation on our rivers is that ofttimes you merely have the trip, the freightage, in one direction. Take the Ohio River. The Ohio River has a very large commerce in barging coal floating down the river. You must have something to come back or you can not have successful river commerce. The railroads have that distinct advantage.

They have the advantage too that they serve different cities and towns, while the water transportation serves only those places that are located along the river. They have a great advantage in their terminal facilities in bringing their tracks to the side doors and the back doors of the places of business, in avoiding transshipment and the expense of hauling. They have a great advantage in their bill of lading, because the shipper can take his bill of lading with draft attached and go to the bank and secure his money. It would be rather an unusual case when he could do that with river transportation.

Rivers and canals are impeded portions of the year in northern climates with ice, and that is a very material factor. The railroads are faster and safer, though I have read an address of the distinguished Senator from Louisiana [Mr. RANSDELL], delivered some years ago before a political economy society, in which he contended that boat traffic like the hare and the tortoise eventually was the fastest because it kept on. But I believe that if the figures were taken, and you should include all the cars that are on sidetracks in getting your proportion and your amount to divide, you ought also to include boats that are not in use. However, I do not know how the Senator figured it. The paper may have misstated it.

Then the railroad has had more improvement in engines and equipment. The water-craft boat has not kept pace with the development of the railway equipment. The railways have had more passenger traffic, which has been more profitable to them I assume, which the boat does not have to any marked extent.

All these things enter into the problem of whether or not water transportation on our great waterways can ever be restored. I have always believed there should be a minimum rate, and I introduced a bill the first session I was here to give to the Interstate Commission the power to fix a minimum rate. They ought to have that power just as much as the power to fix a maximum rate. If they had had that power in the past and had applied it, it may be that there could have been a prevention of the unfair methods at times that the railroads have used toward water transportation.

The National Waterways Commission do not in words, but I think it a fair inference from their report, conclude that there must be some kind of cooperation between the railways and the waterways to bring back this commerce.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I yield.

Mr. THOMAS. I have no doubt the Senator is more familiar than I am with the fact that that is the plan which has long been in operation in Germany and which has resulted in the remarkable increase of river traffic in that country.

Mr. KENYON. I intended to refer to that. That is a fact.

Mr. THOMAS. I have no doubt of it. I anticipated the Senator.

Mr. KENYON. I am very glad of it.

Mr. THOMAS. It is my judgment that without such cooperation all the improvements which are susceptible to engineering and to finance will be powerless to increase the traffic of our navigable rivers; and unless the Government acts, either by Government control or by enlarging the powers of the commission, as the Senator suggested, coupled with the power to enforce its orders, there will be no restoration of our water traffic in this country.

Mr. KENYON. Of course, the Senator realizes that Germany owning and controlling its railways compels the railroads to treat the waterways fairly, and compels certain kinds of traffic to be carried on the waterways, the heavy, bulky traffic, so that the finer and more expensive traffic can be carried on the railroads. That system of cooperation has made the waterways of Germany a success—yes, a success, because I think it must be considered that the German waterways are a success.

Now, some writers have said of the waterways and the railway cooperation in Germany that the railways have made the waterways profitable because of the bringing of this heavier freight and the carriage of it by water.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. KENYON. I do.

Mr. RANSDELL. I wish to ask the Senator if he does not regard the Germans as a very wise, far-seeing race of people, probably as good business men as there are in the world?

Mr. KENYON. I regard them as the most efficient people in the world.

Mr. RANSDELL. And you also agree, I believe, with me in the statement that Germany has spent very large sums for the improvement of its waterways, has connected nearly all its streams by transverse canals, and that it has used those waterways to a very, very great extent.

Mr. KENYON. Yes. I do not know that I could agree with the Senator that that would be true as to all the waterways of Germany. I would agree that it is true as to the Rhine. I think there are waterways in Germany that have not been anywhere near the success that the Rhine has been; but as a general proposition I agree with the Senator that their waterways have been a success.

Mr. RANSDELL. Then, if the improvement of the waterways in Germany has been such a marked success, and if the Germans are a very wise and businesslike nation and race, do you not think we might fairly conclude therefrom that it would be wise and beneficial for us to improve our waterways, provided we would do it in a businesslike way?

Mr. KENYON. In a businesslike way. That is what I am contending for. Then, I want to ask the Senator, because we must consider these in like condition, does not the Senator believe that governmental ownership of railroads by Germany is what has in fact made their waterways a success?

Mr. RANSDELL. To some extent that is true.

Mr. KENYON. Does not the Senator believe that that is the solution of this problem?

Mr. RANSDELL. I do not understand that they have government ownership of railways in France.

Mr. KENYON. In Germany?

Mr. RANSDELL. They do have more or less government control; they do protect their waterways. My understanding is that in France there is a law which prohibits the railroads from charging within a certain per cent of the water rate.

Mr. KENYON. In France, 80 per cent.

Mr. RANSDELL. I would distinctly favor a reasonable control of our railroads. I have been advocating that for years and I have pending at this moment before the Senate a bill providing for giving the Interstate Commerce Commission the right to fix the minimum as well as the maximum rates, which they now do.

Mr. KENYON. I am glad the Senator has a bill here. I have had such a bill here for five years. It has never seen the light of day from the committee. Has the Senator had any success in getting his bill out of committee?

Mr. RANSDELL. No; I have not had any success with it.

Mr. KENYON. Strange!

Mr. RANSDELL. I have been doing my utmost, I may say, for a number of years in trying to get the waterways of this country protected from what I conceive to be very unfair rail competition, and I will say unless we are going to reasonably protect them against unfair rail competition it is unwise to spend all these sums in improvement. I agree absolutely with the Senator on that.

Mr. KENYON. We have gotten on common ground.

Mr. RANSDELL. We have always been on that ground as far as I am concerned. Perhaps the Senator does not know my position. That has been my ground always.

Mr. KENYON. Then I am ready to unite with the Senator, and I know others are, in some plan to do that very thing. Is not this Congress powerful enough or able enough to solve that problem?

Mr. RANSDELL. It looks like we ought to be able to do it, but we have been trying to do it without very great success for some time. We had a National Waterways Commission created several years ago, with which the Senator is familiar. The president of it was Hon. Theodore E. Burton, of Ohio, one of the greatest students of waterways we ever had in this country. They made a most elaborate study of this subject, visiting many countries of Europe, studying the waterways systems over there and the laws regarding the waterways in Europe. They made a number of recommendations to Congress, most of which were practically carried out by section 11 of the Panama Canal act. You are familiar with it, of course. It was thought under the administration of section 11 of the Panama Canal act we probably would be able to navigate our waters, and I want to say to some extent there has been a revival, a considerable revival, in water transportation since that time. I believe we are getting along better. Everything practically that was suggested by it at that time was done. I think we have to go further, and I would be very glad to cooperate with the Senator in any wise law that will enable our waterways to be used.

Mr. KENYON. Does not the Senator believe that until we reach that point we are simply going on and wasting money here by millions?

Mr. RANSDELL. I do not think we are wasting money by millions. I can not agree with the Senator on that proposition. I believe that water transportation is much cheaper than rail, and even without all this control, if we will improve the waterways properly we will get very great benefit from their improvement. I can cite to you some cases where we spent considerable money in improving waterways, and I believe it will be of remarkable benefit. I refer to the Great Lakes system.

Mr. KENYON. Oh, yes.

Mr. RANSDELL. Pardon me.

Mr. KENYON. You can not compare that with a river.

Mr. RANSDELL. Let me make my statement. We have spent on the Great Lakes in round numbers $100,000,000. A large portion of that was spent in digging out the channels of the Detroit and St. Marys Rivers. They have harbors so that deep-draft boats can run there, and the rate of the water-borne commerce on the Lakes is ridiculously small compared with the rail rates. It is only about one-ninth of the average rail rate. Last year there were about 80,000,000 tons of commerce carried over those improved waterways.

I grant you it is not absolutely comparable to a river, but I can cite you to a big commerce of a certain character on the Ohio River, according to testimony of men like the leading member of the Panama Canal Commission. He was a member of the Panama Canal Commission for years and was stationed on the Ohio River. He made an elaborate study of the transportation system of that river and stated in a report to Congress, which I think I can furnish you, that coal was carried in enormous quantities on the Ohio at about one-third of 1 mill per ton per mile. There is very large commerce there.

There is no doubt, in my judgment, that if you had a dependable channel on the Ohio, if you had a channel that when you started a boat out you knew it was going to get somewhere, that it was not going to be stopped by shoal water, and there is shoal water sometimes as much as 11 months in the year because there are records where it has been shoaled for 11 months, you could get very cheap freight on the Ohio River and down that river to New Orleans. New Orleans is a big consumer of coal. It uses about 3,000,000 tons annually and they ought to get all the coal from Pittsburgh. We never know when we can depend on the Ohio. You have your load in a ship, but when you start out with a load you do not know how long it is going to take that boat to get to its destination. It is so unsatisfactory that we do not want to depend upon it.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SMOOT. The Senator just stated, and he has on one or two other occasions, that water transportation is much cheaper than rail transportation. I know that that is commonly accepted, but I believe the Senator must admit that in Germany rail transportation would have driven the water transportation companies out of business if it had not been for the action of the German Government. Take the great River Rhine. From its mouth to the head of navigation, paralleled with a railroad running on both sides of it, and the railroads controlled the business of that great river. It would control it to-day if the German Government did not make the freight rate for the railroads and also the rate for water transportation, as well as the classification and the kind of products to be transported by rail and by water.

I say it is my belief that a railroad can be constructed through the Mississippi Valley with terminals at Chicago and New Orleans, say four tracks, can carry general freight from New Orleans to Chicago and vice versa cheaper than by water even if the Mississippi River was in a condition for water transportation. I believe the railroads could drive the shipping off the Mississippi River with the exception of exceedingly heavy products such as coal and grain.

Water transportation will never be a success in handling light articles for short distance transportation. It never will be a success for the reason that distances to the interior are so great in this country that it takes too long a time to transport and deliver articles purchased for commerce, and particularly does this apply to the remote districts of the United States. It never will be able to transport successfully perishable articles.

In Germany where the distances are short, in fact you could put the whole country inside one of our States, even there with the great river Rhine it is impossible for water to compete with rail transportation.

The Senator will claim that this is on account of unfair competition. It was not brought about by unfair competition in Germany. The German Government regulated the railroad rates at the time the railroads drove the commerce off the rivers in that country, and the only way that it was ever restored was by allowing water transportation companies to charge a less rate than the railroads. Water transportation companies could not survive to-day if that preference was not given them, as every one knows.

If I speak on this subject later, I will call attention to the amount of money that it will require to place rivers of the United States in a condition so that it will be possible to use them successfully for water transportation. When we take the cost of improvement into consideration and figure the amount of interest on the money that it will take to put our rivers in proper shape for water transportation, I believe that anybody who will stop to figure it will say that the cheapest mode of transportation in this country, distances and cost taken into consideration, is by rail rather than by water.

Mr. RANSDELL. Will the Senator yield to me for a moment?

Mr. KENYON. I yield.

Mr. RANSDELL. Mr. President, I think the Senator from Utah practically admits the refutation of his own statement in regard to Germany. It is probably true that if there were no regulations of the German railroads which go away into the interior and serve a vast number of points far back from the rivers as well as points adjacent to the rivers, and if they were allowed to destroy water competition and then could operate as they have done in this country repeatedly, they might drive the commerce off the Rhine, just as they have driven it off the rivers in this country.

Mr. SMOOT. Mr. President——

Mr. RANSDELL. I decline to yield until I have answered your question. Then I will yield.

Mr. SMOOT. I did not want the Senator to put me in a false position.

Mr. RANSDELL. I decline to yield at this moment.

The PRESIDING OFFICER. The Senator from Louisiana declines to yield.

Mr. RANSDELL. I believe the Senator will admit, just as the Senator from Iowa did, that there is no better business race in this world than the German.

Mr. SMOOT. I admit it.

Mr. RANSDELL. Then, sir, if you admit that, why do they spend these enormous sums of money to improve the Rhine?—because they have spent enormous sums.

Mr. SMOOT. I will tell the Senator when I secure the floor.

Mr. RANSDELL. They are spending enormous sums now, in spite of the war.

You talk about preparedness in this country, and the Germans in the midst of the greatest war in the world's history are carrying on improvements in the waterways right at this moment, because they know that that is the cheapest transportation and they know it is the best transportation. Does any sane man contend that that wise race would spend a great many million dollars to improve those rivers if the water-transportation agent was a more expensive agent than the rail? Why not abandon them entirely? If water is not a better agency to convey freights than rail why do those wise people resort to the water? The mere statement of the question answers itself. They do it because they know that the frictional resistance of the fluid we call water is very much less than the frictional resistance of a steel rail; they know that a given amount of force can transport a much greater quantity of freight over that fluid, water, than it can possibly do over a steel rail. All those who have studied the subject carefully admit that it is less expensive to convey over water than it is to convey over rail. The freight rates on the ocean are so ridiculously small, as compared with the rates on land, that no one would make the comparison. The rates on the Great Lakes, as admitted by the Senator from Iowa just a few moments ago, are very much less than those on land. I assert, and I can produce from Government reports the actual figures to prove my statement, that the average cost of the transportation of freight on the Great Lakes is only about one-ninth as much as is the cost of transportation on the railroads of this country. If the freight rate be so much less on the ocean and so much less on the Lakes, why is it not less on the rivers? It is less on the rivers; but the rivers of this country have not been protected; the rivers of this country have not had terminals; the rivers of this country have not had facilities for handling freight in competition with the railroads.

Bear in mind, Senators, that the railway serves not only the people adjacent to the river, but it goes 5 miles back, 10 miles back, 50 miles back, 500 miles back, and it can serve them all. Its opportunities are very much greater than are those of the rivers. If it charges rates which cause it to suffer a loss on the points adjacent to the river, it can recoup the loss in the interior; and, as a matter of fact, the railroads have been doing that for many years. They did that until they drove the boats off the river. Those are facts which can not be denied.

I admit that there has been an improvement since the Panama Canal act was passed, but I want to cite you to one big river, as to which an exhaustive study was made within a very few months. I refer to the Missouri River, which has been criticized and which is going to be further criticized. I ask all Senators to read the report made by the Board of Engineers for Rivers and Harbors on the Missouri River. There is a river on which a boat company has been organized and is doing business in a businesslike way. That company is now carrying freight from Kansas City to St. Louis, with terminal facilities at both ends; they are giving through bills of lading; they are handling freight from the cars at one end to the cars at the other end. They are taking that freight to any point where the shipper desires it to go; and their charge, which includes insurance and everything else, is but 80 per cent of the average railroad rate. If that rate is 80 per cent, it is a very decided cheapening. A report on that subject, which is accessible, came out in the last few weeks, as to a river which is in a most unimproved condition; a river on which there are a number of shoals, so that boats can not depend on doing their work quickly, promptly, efficaciously, with a big load; they are held back; but on that unimproved stream, with a number of shoal places, they are at this moment carrying freight at 80 per cent of the average rail rate. On the Ohio River they are carrying it a great deal cheaper than that.

Mr. SMOOT. Mr. President, will the Senator yield for just a moment?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah.

Mr. SMOOT. I assure the Senator that I will take only a moment.

Mr. KENYON. I have no objection to the Senator taking all the time he desires.

Mr. SMOOT. The Senator from Louisiana (Mr. RANSDELL), in answer to my statement as to conditions existing in Germany, intimated that they existed because the railroads were not controlled as to the rates they could charge; and because of that drove water transportation off the rivers. The Senator must know that the German Government fixes the railroad rates; and the railroad rates fixed by the German Government, the rates so fixed being the same as water rates, drove the water transportation companies out of business. At that time it was impossible for water transportation to compete with railroad transportation at rates made by the German Government. The only reason the water transportation companies remained in business was because the German Government advanced the rates to be charged by the railroad transportation companies, and allowed a lower rate for water transportation than was allowed for rail transportation from the same place of shipment to the same destination.

Mr. RANSDELL. I was going to ask the Senator if the rates were not lower by water than by rail?

Mr. SMOOT. The only reason they were so was because the German Government fixed them so.

Mr. RANSDELL. Why did the German Government say so?

Mr. SMOOT. Because the German Government wanted the river Rhine utilized in transporting the heavy products out of Germany for transportation to foreign countries. Germany concluded it was wiser to classify her freight and use water transportation as well as rail transportation; and water transportation was saved by an act of the German Government in maintaining the rates that were in existence at the time rail and water rates were equal and advancing the rail prices so that the water transportation companies had a preference. That could not be done in this country without further legislation or further power being conferred upon our Interstate Commerce Commission, as the Senator from Louisiana well knows and as the Senator from Iowa stated but a short time ago.

I admit that Germany is wise in her economic policies. I admit the thrift and the wisdom of that great people. In the past she has taught the balance of the world lessons in enterprise, in invention, in efficiency, but Germany does not spend money upon her rivers and harbors as it is spent in the United States. The river and harbor appropriations made by Germany are not distributed so much in this part, so much in that part of

the country, and so much in another part of it. The appropriations are not distributed to secure votes for the passage of a river and harbor bill. The German people are too intelligent for that kind of legislation. When they appropriate money it is for a specific project, without reference to any other project. I think, Mr. President, before the improvement of rivers and harbors of this country is a success, we shall have to follow some such policy as that which has been adopted by Germany.

Mr. RANSDELL. Will the Senator from Utah yield for a question?

Mr. SMOOT. I am through.

Mr. KENYON. I will yield in order that the Senator from Louisiana may ask a question.

Mr. RANSDELL. Does the Senator from Utah mean to say that river and harbor bills as passed in this country are framed to get votes for their passage?

Mr. SMOOT. I know, Mr. President, and I have noticed it ever since I have been in the Senate, that wherever there is an item put into the river and harbor bill which confessedly should not be there and whenever a vote has been taken upon it, no Senator or Representative who is greatly interested in items in the river and harbor appropriation bill has voted against such an item, though I have heard them say that the appropriation never should be allowed; I have heard them say that the project was not a worthy one, and never ought to be in a river and harbor appropriation bill, and so I can not draw any other conclusion than I have already drawn, when such items as those appear in river and harbor appropriation bills.

Mr. RANSDELL. Mr. President, the Senator from Utah makes a very serious arraignment against his colleagues in this body and in the other branch of Congress when he says that items are placed in the river and harbor bill to secure votes. That means that we are a set of grafters; that means that we are dishonest. Now, I for one repel any such insinuation. I know that it is not a truthful statement, Mr. President.

I was a member of the Rivers and Harbors Committee of the other House for many years. I know that before an item could get on a river and harbor bill it had to run the gauntlet of the most careful and painstaking investigation; it had first to be examined by the engineer in charge of that district; it then had to be sent to the Board of Engineers for Rivers and Harbors, a board composed of seven able, honest men, just as honest as are we—the honor men of West Point. Then it had to be approved by the Chief of Engineers. There is not such a system of checks and balances anywhere in our Government as there is as a condition precedent for an appropriation for rivers and harbors. We have no such system anywhere else.

Mr. KENYON. Mr. President, I want to ask the Senator from Louisiana, in my own time, if it is not true that in the Commerce Committee—the Senator has been a member of that committee much longer than have I—when any member of that committee says "I have a survey which I want to put on here," it is a rule of the committee to merely let him or any other Senator put on the bill any survey which he pleases?

Mr. RANSDELL. It is a rule of the Commerce Committee as to these things——

Mr. KENYON. Why is it that there are——

Mr. RANSDELL. Wait, now, if you please. You have asked me a question, and I am trying to answer it. A Senator of the United States asks for a survey—and a survey usually is not a very expensive thing. The process is this: A Senator, by senatorial courtesy, asks that a survey be put on the bill, and it is put on. Under our system, which is written into law, the engineer makes what is called a preliminary examination. He does not go to any expense. He gets into a boat and rides up and down the stream.

Mr. KENYON. Not in all of these instances.

Mr. RANSDELL. I am going to answer that part of it. If the stream is not big enough, he will go in his skiff, and if it is not big enough for a skiff—and sometimes Senators ask for a survey where a stream is not big enough for a skiff—the engineer will ride on horseback.

Mr. KENYON. Or go in a buckboard?

Mr. RANSDELL. Or go in a buckboard; probably so; but he makes a preliminary examination, ascertains all he can about it, and submits his report on that preliminary examination to the Board of Engineers for Rivers and Harbors. That board examines the report carefully, and if they say it is all right, if they believe it is a good idea to have the survey made, that it is possibly a good project, but they do not know until it is all surveyed elaborately, and then it is possibly all right; they examine it with great care, and then send their report to the Chief of Engineers. If the Chief of Engineers finds that on the preliminary examination, which has been a very inexpensive one and costs but a few dollars——

Mr. KENYON. I notice that we raised the sum appropriated for such surveys $100,000 over the House bill.

Mr. RANSDELL. If the project is approved by the Chief of Engineers, he then provides for an accurate survey. When it goes back, there is a survey made in the field, and that survey sometimes costs a good deal of money; but is it not a good idea to spend a good deal of money to find out about a project, to secure all the facts concerning the physical characteristics of the stream, the actual commerce on the stream, the prospective commerce, and every other fact that can be ascertained about it, before Congress is asked to make an appropriation? That is what is done with every item in a river and harbor bill, and I wish some Senator would tell me of any other appropriations made by Congress where that is done.

Mr. THOMAS. Mr. President, will the Senator allow me to interrupt him?

Mr. RANSDELL. I will be delighted if the Senator from Iowa has no objection.

Mr. KENYON. I yield.

Mr. THOMAS. I should like to ask the Senator from Louisiana a question right here.

Mr. RANSDELL. If I may be permitted, I will be glad to answer the question.

Mr. KENYON. Mr. President, I understand the rule in regard to a Senator yielding is not being enforced, and that I will not lose the floor.

Mr. THOMAS. I find on page 54 of this bill the following amendment:

State of Kansas, floods in: Investigate the flood periods of the waters of the State of Kansas by an examination of the territory and from data already gathered by governmental, State, and private efforts by the Board of Engineers of the War Department, and to devise some general plan which will best guard against the recurrence of such floods and diminish their damaging effects upon the lower valleys of the Kansas, Arkansas, Missouri, and the Mississippi Rivers

I should like to ask the Senator from Louisiana why this amendment to make an investigation regarding flood periods and to prevent flood damage by waters in the State of Kansas should be inserted in this bill, and whether that has ever been investigated by the War Department?

Mr. KENYON. I should like to know if that was ever voted on in the committee?

Mr. RANSDELL. I do not know anything about whether or not it was voted on; I presume it was; it would not be in the bill unless it was voted on.

Mr. KENYON. Every survey asked for was just thrown into the bill.

Mr. RANSDELL. I understand that was an amendment offered by the Senator from Kansas [Mr. CURTIS], but in our river and harbor system we have a certain amount of investigation of flood damage. The Senator from Colorado will recall that in 1913 there were terrible floods in the States of Ohio and Indiana and that a great many lives were destroyed by those awful floods at Dayton, Columbus, and other points, and an enormous property loss incurred, running into a great many million dollars. But in the next Congress——

Mr. THOMAS. I remember that, but——

Mr. RANSDELL. Wait a moment.

Mr. THOMAS. We now have a flood-control bill.

Mr. RANSDELL. In the next Congress we passed a provision requiring the Engineering Corps to make an examination of the floods on the rivers which brought about this awful destruction to life and property in Ohio and Indiana. We have had that done in several cases in the United States. It is not unique; this is not the first time it has been done; but I call the Senator's attention to the fact that making a survey is one thing and making an appropriation to carry out the project is an entirely different one.

I remind the Senator that there has been more or less investigation of floods on the Sacramento River. For a number of years that project has been under investigation—I would say at least for 10 or 15 years. The State of California has had investigations made; the reclamation districts out there have had investigations made; I know the Government has had several investigations made, and in the flood-control bill now pending in the House of Representatives they are going to make an appropriation, if that bill becomes a law, for assisting in this reclamation work on the Sacramento River.

Continuing to answer the Senator's question, I will say that that provision, if enacted into law—I do not know whether the House is going to accept it, and I do not know, even if we pass it, whether or not it will be agreed to by the conferees—would simply instruct the Engineer Corps to look into the flood problem in Kansas and make a report to Congress, just as they will look into navigation problems in other places and make a report to Congress.

The Senator knows that there have been terrible floods in Kansas at times. The Senator from Kansas [Mr. CURTIS] made a statement an hour or two ago on the floor here, that in 1903 the damage from floods around Kansas City amounted to a great many million dollars. I said $20,000,000 or $40,000,000, but he said "You are wrong; the damage was a great deal more than that." It was stated that last year the floods in Kansas caused a great many million dollars of damage. So, it is not such a vicious thing to ask for an investigation of something that causes many million dollars' loss to the American people.

Mr. THOMAS. Mr. President, I have not suggested that this was a vicious matter. I simply wanted information about it. To my mind it is unique. The Senator says it is not.

Mr. RANSDELL. There are precedents for it.

Mr. THOMAS. I will accept his statement, as a matter of course; but I think such a provision has no business whatever in a river and harbor bill. This bill is an omnibus bill, whatever the motive behind it may be, and if it has heretofore or will hereafter be enlarged so as to include investigations of every flood that occurs in the country, I see a splendid opportunity for my State after awhile to get in on this river and harbor bill.

Mr. KENYON. The Senator from Colorado will notice that, whereas the Senator from Louisiana says these matters do not cost anything——

Mr. THOMAS. I am aware of the fact that they all cost something.

Mr. RANSDELL. I did not say that they cost nothing. I said the preliminary examinations cost very little. The investigation to which the Senator from Colorado refers may cost considerably more than most surveys.

Mr. KENYON. The Senate committee raised the amount appropriated in the House bill for surveys from $250,000 to $350,000.

Mr. THOMAS. Yes.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. RANSDELL. Will the Senator allow me to say there, in answer to the point just raised by the Senator from Iowa, that that covers surveys for all the United States. There are a great many of them, not only preliminary surveys, but final surveys. A number of these will be final surveys.

Mr. KENYON. The $100,000 which the committee added to the bill, I assume, is to cover items that the Commerce Committee of the Senate placed in the bill, because I assume the House appropriation would cover the rest of the surveys. I now yield to the Senator from Utah.

Mr. SMOOT. I was led to believe, Mr. President, by what the Senator from Louisiana has said that there was no project appropriated for in this bill unless it had been approved by the Board of Engineers.

Mr. RANSDELL. The Senator misunderstood me. I said that that was the general rule. There are some very few exceptions; but that is the general rule.

Mr. SMOOT. I was led to believe from what the Senator said that that was the rule. Now he admits that there are a few exceptions; and, so long as he does that, I am not going to call attention to the number in the bill at this time.

Mr. KENYON. It is the theory that "exceptions prove the rule."

Mr. SMOOT. I was going to say that there was no lack of exceptions, Mr. President. Every river and harbor bill that I have examined contains such items, and there is no lack of them in this bill.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. I yield.

Mr. JONES. In reference to that point, I do not understand that there are items in the bill that have not been approved by the engineers.

Mr. KENYON. There are, I will say to the Senator.

Mr. JONES. I should like the Senator to point out one.

Mr. KENYON. I am going to point them out. The Arkansas River is one.

Mr. JONES. I notice the Senator has in his hand a pamphlet which appears on our desks, the figures in which I was looking over just a little while ago, and I wish to call attention to one item that may mislead the Senator. There are other items of the same character.

Mr. SMOOT. I will refer, I will say to the Senator, to the hearings upon each item that I have reference to.

Mr. JONES. I want merely to call attention to one item. It may be that the Senator is right, but I do not know that to be the case. On page 7, under the items for the State of Washington, appears the item "Willapa Harbor and River," and then in the column "Engineers recommended" there is a blank. That is not correct. The engineers have recommended it, and I have the report here. This document is simply printed as a separate report, and is not the regular, full Engineer's Report. There are a good many of the items in this little document concerning which it is indicated that there has been no engineers' recommendation, although they have been really recommended.

I will say that I did not know that there were any items put on this bill by the Senate committee without the indorsement of the engineers, and, if there are any such, I am absolutely opposed to them.

Mr. KENYON. The Senator says "put on by the Senate committee."

Mr. JONES. Yes.

Mr. KENYON. I would not want to have the Senator understand my statement as covering that. I do not know as to that. I know there are items in this bill that have been condemned by the district engineer, the division engineer, and the Board of Engineers; but I think they came from the House.

Mr. JONES. Even if such items were included in the bill by the House, I am in favor of cutting them all out. I do not think that any appropriation ought to go into this bill which has not at least had the approval of the engineers. We do not put in all the items that have their approval, but we certainly ought not to put any in the bill against their approval.

Mr. SMOOT. Mr. President, I want to say to the Senator from Washington that, if the Senator from Iowa does not cover them, I shall call attention to them when the Senator from Iowa shall have concluded.

Mr. KENYON. I had intended to cover them, but I hope the Senator will cover them also.

Mr. President, the discussion as to the destruction of water traffic by the railroads has been, I think, valuable and enlightening. Section 4 of the act to regulate interstate commerce, in the judgment of the National Waterway Commission, has had a good deal to do with enabling the railroads to injure water transportation. That section of the act provides:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the intermediate rates subject to the provisions of this act; but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the Interstate Commerce Commission such common carrier may in special cases, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section: *Provided further*, That no rates or charges lawfully existing at the time of the passage of this amendatory act shall be required to be changed by reason of the provisions of this section prior to the expiration of six months after the passage of this act, nor in any case where application shall have been filed before the commission, in accordance with the provisions of this section, until a determination of such application by the commission.

Whenever a carrier by railroad shall in competition with a water route or routes reduce the rates on the carriage of any species of freight to or from competitive points, it shall not be permitted to increase such rates unless after hearing by the Interstate Commerce Commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition.

Under that section actual water competition is a circumstance that is sufficient to relieve the carrier otherwise from the operation of the law, and actual water competition has resulted in rates being cut to a very great degree upon the railroads, and undoubtedly has injured the particular system of water transportation which a railroad was trying to destroy. I desire now to read just a word from the Waterway Commission on this subject:

The words "under substantially similar circumstances and conditions" found in this section have been interpreted to mean that the existence of actual water competition constitutes a circumstance sufficiently dissimilar to relieve the carrier from the operation of the law. Under this interpretation the cutting of rates, where water competition exists, has been carried to an almost unlimited extent. It is now a question whether the right to lower competitive rates has not been exercised to an extent much in excess of what was intended when the act was passed and, it may be added, to a degree quite inconsistent with the most salutary policy for the commercial and industrial interests of the country.

As has been pointed out here, Germany has handled the matter because it has compelled the railways to maintain such rates as would enable the waterways to live. I believe the Senator from Utah is exactly right—and the Senator from Louisiana squints a good deal in that direction, too—that we must do that in this country, if it is feasible, if we ever expect to bring traffic back upon the rivers.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. KENYON. I do.

Mr. SHEPPARD. In this country the Interstate Commerce Commission may authorize and does authorize the railroads to lower their rates on account of waterway competition, either actual or potential.

Mr. KENYON. Does not the Senator think that a mistake?

Mr. SHEPPARD. I do; I think the section of the interstate commerce act permitting such reduction ought to be repealed, or fundamentally modified.

Mr. KENYON. It is undoubtedly a mistake if we are going to develop water transportation.

Mr. SHEPPARD. That is true.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON. I do.

Mr. NELSON. I want to call the Senator's attention to the fact that in the case of Germany nearly all the railroads are owned by the Government.

Mr. KENYON. They are all owned by the Government.

Mr. NELSON. Well, practically all. There is a little mileage in private control.

Mr. SMOOT. All the railroads are government-controlled, except a little mileage in Bavaria.

Mr. NELSON. Practically all the railroads in Germany are owned by the Government and the water courses are controlled by the Government, so that it is a very easy proposition there for the Government to regulate railroad transportation and water transportation side by side, but we are not in such a fortunate condition as that in the matter of railway regulation.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I do.

Mr. FLETCHER. While on that subject, perhaps it would be well to suggest to the Senator that, whereas there may be reductions in railway rates allowed in case of water competition, it would appear that the other provisions of that act would correct any harm in that respect, for it is provided that once rates are lowered by railway companies they can not be raised again without the permission of the Interstate Commerce Commission on a proper showing. Does not the Senator think that that ought to correct any harm that can possibly come from the other provision alone?

Mr. KENYON. It is certainly helpful. I should like to ask the Senator, so that it may appear in the RECORD, when that amendment was passed? I tried to find it, but did not do so, although I knew an amendment had been passed. It was some time after the passage of the original act, was it not?

Mr. FLETCHER. My recollection is that it was in the Panama Canal act.

Mr. KENYON. That provision has undoubtedly been helpful, but it does not seem to have accomplished the full measure desired.

Mr. SHEPPARD. Mr. President, the harm comes from the fact that the railroad may proceed to reimburse itself at the expense of interior points.

Mr. KENYON. There is another difficult proposition. Here is one community which has a competitive water point and a potential commerce. It secures a reduction of rates. That may be by a canalized river. All the people have contributed to that. Along that river, as a basic point, they secure their reduction. Then the people in the interior have to make that up; and it is a pretty serious question as to just where justice dwells in a matter of that kind.

Mr. SHEPPARD. Mr. President, in order to keep boats off a river, a railroad will frequently reduce its rates to river points to a degree below the line of profit.

Mr. KENYON. I agree with the Senator; and then the people of the interior have to make it up.

Mr. SHEPPARD. Exactly.

Mr. KENYON. Then, if you build another canal somewhere to help the people in the interior, that will reduce rates some more, and then the people in the rest of the interior have to make that up; and where is the thing going to end, unless the Government takes over the whole thing?

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. KENYON. I do.

Mr. MARTINE of New Jersey. I am prompted, from that which I see in Report No. 420, which embodies the report of the engineers, to state a few facts with reference to my own little State. There has been some little money expended there; and I find, in looking over these engineering reports, that in every one of these cases the result has been the lowering of freight rates.

I see here, with reference to the Raritan Bay improvement:

> It appears from statements of the shipping interests of the great railroad terminals that the improvements have resulted in a reduction of towing rates and a proportionate reduction of freight rates, owing to the greater quantity of freight that can be carried and towed through these channels over that which was carried before the improvement was made.

I find that to be true in every one of them, I think.

I find that at Absecon Inlet—

> The steamship *Atlantic City*, intended for the regular line between Atlantic City and New York, is now making three trips a day.

With the result of reduced rates.

Then I find again at Cold Spring Inlet, which I heard the Senator mention a little while ago, that the effect of the improvement has been—

> increased use by commercial and fishing interests and as a harbor of refuge,

And a reduction in rates.

Then in the instance of the Newark Bay and Passaic River improvement, the effect of the improvement is stated as follows:

> This improvement has reduced freight rates $1 a ton on coal and building materials, and its continuance is necessary to the successful operation of the business in this locality.

Then I find that in the case of the Hackensack River, where some improvement has been made—

> Freight rates have been lowered 50 cents per ton in some localities, and a large increase in commerce is anticipated.

I find that at Woodbridge Creek the effect appears to be that—

> Freight rates have been reduced as a result of this improvement.

Then I find again, at Keyport Harbor, that the effect of the improvement, according to the testimony of the engineers—

> has been to greatly reduce freight rates, especially in the marketing of farm products.

And at Shoal Harbor and Compton Creek, N. J.—

> It appears from statements received from shippers that there has been a reduction of freight rates from 20 to 50 per cent.

In the case of the Shrewsbury River, it appears that—

> Freight rates have been lowered and maintained as results of the improvement by the United States, also that the commerce has increased.

That seems to be the case in every one of these little inlets, where expenditures of money, though not large ones, have been made.

So, unlike the German situation, while unfortunately we do not own the railroads, too, yet, even with the railroads standing out in competition with their great power, the result has been that in every one of these instances there have been reductions of rates, in some instances a dollar a ton and in many other instances 50 cents per ton.

Mr. KENYON. Mr. President, I should like to ask the Senator a question. Of course there have been Federal appropriations to improve those rivers and harbors.

Mr. MARTINE of New Jersey. Yes, sir.

Mr. KENYON. And the whole country has contributed to that, evidently.

Mr. MARTINE of New Jersey. That is unquestionably true.

Mr. KENYON. And those people, by the contribution of the whole country, have secured lower rates.

Mr. MARTINE of New Jersey. That is undoubtedly true.

Mr. KENYON. And the railroads are entitled, under the law, to a reasonable return upon their investment.

Mr. MARTINE of New Jersey. Well, they have that.

Mr. KENYON. Now, the railroads make that up on other people who are not so fortunately located. Is that just?

Mr. MARTINE of New Jersey. That may be true, Mr. President; and I do not know how it will ever be corrected until the Government's strong arm shall control and own the railroads; but of course that is a big proposition. I realize the fact that you can not impose these benefits on some locality by the improvement without, of course, taxing the rest.

Take the great port of New York that we talked about this morning. While it is the port of New York, it is also the port of the Nation. That is the truth of it. Practically everything that comes to this country enters the great port of New York; so that, while not directly, yet intangibly the whole country does receive the benefit of these great improvements. I feel that that is true very generally in all legislation. I do not know how it can be different.

Mr. KENYON. The Senator believes in the doctrine of "special privileges to none"?

Mr. MARTINE of New Jersey. Yes; I do.

Mr. KENYON. When the country contributes to the improvement of these rivers and creeks and inlets in the Senator's State, and thereby the people living on those streams secure less than a fair freight rate, the railroads make that up in some other part of the country. For instance——

Mr. MARTINE of New Jersey. I will not admit with the Senator that it is less than a fair freight rate. The rate that has been in vogue heretofore has been beyond a fair freight rate.

Mr. KENYON. The railroads would make less than a fair freight rate, would they, to drive out water traffic?

Mr. MARTINE of New Jersey. Oh, yes; the railroads would be willing to do almost anything.

Mr. KENYON. You can ship freight by rail from the Senator's State right through to California for less than you can ship it from the Senator's State to the State of the Senator from Utah [Mr. SMOOT], or the State of the Senator from Colorado [Mr. THOMAS], and the cars go right through those States. Somebody makes that up.

Mr. MARTINE of New Jersey. I do not know whether that is true or not.

Mr. SMOOT. Mr. President——

Mr. KENYON. I yield to the Senator from Utah.

Mr. SMOOT. In order to assure the Senator from New Jersey, as I understood him to say that he did not know whether that was true or not, I will state that a merchant in San Francisco can buy a carload of denims in New Jersey, we will say, or New York, and he can ship that carload of denims to San Francisco, passing through Salt Lake City, for $400 a car less than the amount paid by a merchant in Salt Lake City who buys the same kind of merchandise from the same merchant in New York and ships it from New York to Salt Lake City.

Take the Utah Hotel in Salt Lake City: If the steel that was put into the Utah Hotel had been purchased at Pittsburgh, as it was, and shipped to San Francisco, instead of Salt Lake City, passing through Salt Lake City on the way to the coast, it would have cost the San Francisco merchant over $20,000 less than it cost the purchaser in Salt Lake City.

Mr. MARTINE of New Jersey. I am perfectly conscious of the method pursued on the part of the railroads. I live 24 miles from the city of New York, or about 23 miles from the water front, and coal is shipped from the Pennsylvania mines and sold 23 miles beyond my home at a lower rate than it is sold at my home. When we arraign the coal dealers, they say it is the fault of the railroads. I ask the railroads, and the railroads say that it is because of the fact that they have to stop their trains and break bulk. But all of these arguments converge to the one point—that we have the hand of the railroad monopoly at our throat, and that our only hope and salvation for equity, fairness, and justice to the people is the ownership and control of these great transportation lines throughout the length and breadth of our country. I still insist upon that. I believe that will be our only salvation.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I yield to the Senator from Colorado.

Mr. THOMAS. I think it is appropriate, perhaps, to give the Senator from New Jersey another illustration of the benefit which his section of the country derives through these increasing freight rates, because they must increase in order to compensate for the decrease in such favored sections as his.

The rate upon oranges and lemons from California is 84 cents a box to New York in carload lots, and also to the Senator's State. The rate is also 84 cents a box to my State and to all intervening points. The rate from the eastern coast to my city is about $1.36 a box in carload lots. The Senator's constituency gets these oranges and lemons and citrus fruits upon the payment of 84 cents freight. My constituents have to pay that 84 cents freight plus the $1.36 from the eastern coast back to my section of the country. In that way the Senator can easily perceive how the general problem operates and why his section is favored through these appropriations.

Let me say, before I take my seat, that I fully agree with the Senator that the only solution of the question is going to be the absolute control or ownership of these lines of transportation by the Government and their cooperation with our lines of waterway, as has been done by Germany for so long, and as is done to some extent in France.

Mr. MARTINE of New Jersey. I know that that condition prevails, and I realize the difficulty of correcting it. Of course the impossibility of fixing a system of taxation—and this is a process of taxation—on all people absolutely equitably all over the length and breadth of the land presents almost a staggering problem, and I do not know just how it may be accomplished. But take your great developments in the West in the way of irrigation schemes: A man in my State asks what benefit he gets from them, and he holds up his hands aghast at the appropriations. But, after all, we have to look at this proposition from other than simply a selfish standpoint, and do that which will best enhance and advance the well-being of our whole land.

I believe our purposes are all right; but I can not join with the Senator in his denunciation of waterways wholesale and generally. I believe they are great blessings to this land, and I believe that if properly improved and looked after they will result in a great blessing.

Mr. KENYON. Mr. President, I think this general discussion has developed one fact, at least, and that is that the economical carriage of freight in most instances involves the use or cooperation, in any event, of our railways and waterways; and if we can not have voluntary cooperation, the time is coming when we must have compulsory cooperation.

A great deal has been said about Germany and its waterway system, and that country is always referred to as a country that has perfected its water transportation system. I want to put just an observation or two into the RECORD concerning that matter.

Germany in 1900 completely reorganized her waterway system. She has spent enormous amounts of money; but I do not think Germany has spent as much money on her waterways as we have spent in this country, and her waterways possibly have not reached the high point that we are always willing to concede as to successful waterways. Of course Germany is a smaller nation. Her rivers are shorter. Her population is more dense. Wages are lower. Her factories and manufacturing concerns have been developed along her rivers. Her traffic has increased immensely by rail, as it has by water; and since the formation of the German Empire the world has never known such a remarkable growth. Since 1871 the population of Germany has practically doubled. Her business has increased tremendously in all lines of development and inventive genius. Germany has set a mark along those lines for the world.

The Elbe and the Rhine carry about 70 per cent of all Germany's water traffic. The length of the Rhine within German territory is 355 miles, and the length of the Elbe is about 386 miles. The Rhine, which is always pointed to as the most successful river along the lines of waterway traffic, carries fully 50 per cent of the entire water commerce of Germany. The Rhine has an industrial and economic advantage. It carries a great commerce from the Westphalian coal region. Another factor that I have referred to before is the great port of Rotterdam, situated at the mouth of the Rhine, and the fact that the Rhine is a remarkably straight stream. The current is not strong, its descent being a foot and four-tenths, I think, per mile, with very few interruptions on account of ice. It is largely fed by the melting of the glacial ice of the Alps. The cities have developed harbor facilities all the way along. The rates charged for the use of the harbors are very low.

In counting the cost of our waterways we seldom pay any attention to the harbors and wharves. The other canals in Germany we seldom pay much attention to. What are known as the Mark waterways give Berlin several waterway connections with the sea. Coal on the rivers of Germany is the main commodity, as is generally true of waterway traffic. It is certainly true of the Ohio in this country. Then Germany has a great inland canal, the Berlin-Danzig Canal.

Mr. OLIVER. Mr. President, I should like to ask the Senator if it is not also a fact that there are two other matters in favor of the success of traffic upon the German rivers? One of these is the fact that as a rule the rail rates are higher per ton per mile than they are in this country, and the other the fact that on account of the enormously increased tonnage of the German Empire the railroads are not equipped to take care of and actually could not take care of the increased tonnage, their cars being smaller, their rails lighter, and their whole equipment not calculated for the hauling of heavy tonnage, as is the equipment of the railroads in our country.

Mr. KENYON. The Senator, I know, has traveled in that country and has had a better opportunity of observation than I have, but is it not also true that the bulky freight goes by water and the higher-class freight is carried more largely by rail?

Mr. OLIVER. Yes; the freight which would not stand a high rate per ton goes by water and the light, high-class freight—what we call the high-class freight in this country—naturally would be hauled by the railroads. But as a matter of fact, although I have not the statistics at hand, I should say that the railroads of Germany could not take care of this heavy freight even if they were disposed to compete for it.

Mr. KENYON. I am very much obliged to the Senator for his contribution to the discussion.

In the seventies the Government of Germany assumed the entire control, I think, of waterways and railways. At that time the railways were getting the best of the waterways, and this action was essential to save the waterways; but at the present time of course there is no competition between railways and waterways, and the waterway traffic in Germany has increased enormously. It is probable that the railway traffic has increased faster than in any other country in Europe. So that Germany is developing the railways and the waterways as a single system, and many of the railways are merely feeders of the waterways. Then the transshipment charges are lighter. As has been suggested by the Senator from Illinois, the wages are less, so that the transshipment charges can be less.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON. I do.

Mr. NELSON. I want to say to the Senator that I think the figures will show that if you take mileage into account, the railroad rates are many times higher in Germany than they are here, and even water rates are higher, because they move in harmony with the railroad rates in that country. If you bear that in mind, you must never overlook the fact that whatever else has been accomplished by our improvement of water transportation, it has had a tendency to reduce railroad rates, and give us cheaper railroad transportation in this country than they have in any other country on earth. If you take it even in the case of passengers, except in the one case of third-class passengers, both in respect to passengers and freight we are much below any other country on the face of the earth.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SMOOT. I will say to the Senator that even in the case of third-class passenger rates in England the rate is 2 cents a mile—a penny a mile—but in this country the first-class rate between Chicago and New York is less than 2 cents a mile.

Mr. NELSON. Not now; not since the railroads were allowed to raise their rates last fall. The Senator is mistaken about the rate since that time.

Mr. KENYON. It is about 2 cents now, I think.

Mr. NELSON. I want to say to the Senator that the effect of the increase granted by the Interstate Commerce Commission last year was to raise the rates on passengers between here and Chicago a dollar a head. I know that I first came to Washington in 1883 as a Member of the House, and in coming through here from Chicago to Washington last fall I had to pay a dollar more for my ticket than I did in 1883. I inquired why it was, and they said it was owing to the increase granted by the Interstate Commerce Commission. The rate is more than 2 cents a mile between Washington and New York on the railroads to-day, and they will not sell round-trip tickets.

Mr. KENYON. Two cents and a half.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. KENYON. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I will say that the regular passenger rate is two and a half cents a mile, but mileage tickets are sold at the rate of two and a quarter cents.

Mr. SMOOT. I will say to the Senator——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SMOOT. I will say to the Senator that I have bought many a ticket from Washington to Chicago for $18.

Mr. NELSON. The Senator has not done it this year.

Mr. SMOOT. I have not tried. I have bought a through ticket whenever I have left Washington. At that time, when it was $18, the rate was a little less than two cents a mile. It may be higher now.

Mr. NELSON. It was raised last fall.

Mr. KENYON. I want to add, in this comparison about Germany, that Germany has only one-fifteenth the area of the United States, and possesses about a third of her river mileage.

Another matter as to water travel which has not been mentioned is the matter of travel at night. The canals must be lighted on both sides in order to carry on night traffic. Germany does that with the Kiel Ship Canal.

The question of accidents on canals is another impediment. Dr. Sympher, who is the head of the waterway division of the department of public works, I think at Berlin, claims that the waterways have been the cause of the railways' prosperity. German waterways have helped, of course, in her military policies; and waterways in our country might be of great service in time of war, in relieving the railway of the ordinary traffic, leaving the railways free to transport troops and munitions, as they can do in Germany. But the fact remains that the success of waterway traffic in Germany is only because of governmental aid and regulation. Owning the railroads, of course, she does not need waterways as a means of regulating railroad rates.

Another thing: Germany requires of interested districts either definite contributions for the building of waterways or else an absolute guaranty of the defrayal of the annual deficit; and in that way no money is spent in a community unless that community has enough faith in the plan to pay something itself. That is a good principle, which we ought to adopt in our river and harbor matters.

Now, there will always be handicaps.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. KENYON. Certainly.

Mr. NELSON. Speaking about water navigation, I want to call the Senator's attention to another respect in which we are deficient. On the Rhine, for instance, they have a special class of boats for their traffic. They call them the Rhine boats. When freight reaches Rotterdam, for instance, on ocean-going vessels, it is transshipped to a special class of boats—long, low, flat boats drawing only a few feet of water—called the Rhine boats; and most of the freight carried on those boats is iron ore and coal. That is the chief freight that is carried on them; but it is carried at much higher rates than the rates for our water transportation here.

Another thing to which I want to call the Senator's attention is that we sometimes overlegislate. In our great zeal to effect reforms, we sometimes go beyond all limits. In our Panama Canal legislation we provided that no railroad company could own or navigate any water craft in connection with their railroad lines. That seemed to be a good thing for the canal, but we unfortunately found ourselves in an awful fix on Lake Superior. The railroads, under that law, sold out their steamboats, as they could not navigate them any more—the steamboats that they had run in connection with their railroad traffic from Duluth to Buffalo—and there was a standstill. Merchants wrote me from Minneapolis and St. Paul. They did not know what to do. They finally had to go to work and organize steamship companies and buy the steamships from the railroad companies, and it is only lately that they have gotten it into that condition, owing to our overzealous legislation in connection with the Panama Canal.

Mr. WADSWORTH. Will the Senator yield?

Mr. KENYON. Certainly.

Mr. WADSWORTH. May I ask the Senator from Minnesota if that legislation has not operated to the distinct advantage of the Canadian Pacific Railroad which now is permitted under the Canadian law to operate steamers through at the expense of the American transportation companies?

Mr. NELSON. That was charged then and, I suppose, it is the charge now, but I am not prepared to say that it is the case because the Canadian railroads in summer have the same facilities on the Great Lakes that we have. The Grand Trunk Pacific, the Canadian Pacific, and the Canadian Northern Pacific have terminals on Lake Superior, the one at Fort William and the other at Fort Arthur, and when navigation is open on the Lakes they have the same transportation facilities that we have.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I yield.

Mr. THOMAS. I wish to suggest that a fleet of the Canadian Pacific Railway can not use the Panama Canal any more than boats belonging to American railways.

Mr. NELSON. That is true.

Mr. KENYON. Mr. President, I wish to submit an observation or two as to England's method of handling this question. England had a river commission in 1906 to inquire into the canals and inland navigation of the United Kingdom. This commission collected a large amount of evidence from various companies, heard witnesses, and their report filled some 11 volumes, and probably the most reliable data on the British waterways to be found came from that investigation.

A writer in the Fortnightly Review said, concerning the royal commission, that it had expended time and labor on a forlorn hope, and had only succeeded in recommending, and that in a half-hearted way, to the public a project for the expenditure of millions which no responsible government would ever dare to lay before the House of Commons.

The great English canal is the Manchester Ship Canal which connects Manchester with the sea at Liverpool. Its commerce is tremendous, that is, it was in 1907, when it reached its high-water mark and since that time it has somewhat declined.

In our country we have been somewhat in the habit of developing waterways by States without regard to national questions and our development must be placed on some systematic basis.

I was going to speak of the French system, but I think I will not. I only want to say that the solution of all our troubles along this line would be government ownership of railways if that ever comes, and then there would be no difficulty in taking care of the waterway proposition. But it might entail more momentous difficulties.

Thursday, May 11, 1916.

Mr. KENYON. Mr. President, I have submitted a few preliminary observations with reference to this river and harbor bill, and I want to-day to take up some of the projects. I do not believe that I could be particularly criticized for taking plenty of time for a full and free discussion of this bill, especially in view of the fact that we were told a day or two ago that the war measures were not ready, even though the President three months ago advised Congress that we were in a very critical situation. We have sat here and done nothing as far as preparedness is concerned except to pass an army reorganization bill, which is in conference and seems to have a poor show of getting out very soon.

But of course it is important that this particular bill should be passed, whatever may become of the army appropriation bill or the naval appropriation bill. I prophesied a couple of days ago, and I have been called somewhat to account for it, because of the injection of politics into this otherwise very illuminating debate, in saying that the country was going to call the Democratic Party to account for its wasteful expenditure of public money. You Democrats have heard the first call where in an election a couple of days ago in the State of West Virginia a Republican was elected from a Democratic district, and that is the fate that is going to befall your party. It ought to befall it.

I wish to take up a number of these projects. I can not discuss all of them. Some of them would not be subject to criticism if a policy of river and harbor improvement was to be carried out that covered the expenditure of money for the smaller streams of the country; and the question always will remain as long as this method of river and harbor appropriations is carried out as to how large a stream must be to warrant any large expenditure.

There are a number of creeks in the State of my good friend from New Jersey [Mr. MARTINE] that he referred to on yesterday. They illustrate to some extent the system that has been in vogue. He stated that the engineers' reports shows that in practically all these streams, or by virtue of the water competition from the streams, inlets, and creeks, railroad rates had been reduced. That led to a somewhat interesting discussion as to just how far Congress was warranted in voting money of all the people in order to create a situation of favoritism to a few people.

Absecon Creek is one of the creeks referred to by the distinguished Senator, and also Absecon Inlet, which is a distant relative of Absecon Creek. Absecon Creek does not receive a very large appropriation and has not very much commerce.

Mr. MARTINE of New Jersey. Mr. President, I hear the Senator making reference to Absecon Creek and Absecon Inlet. I know the Senator realizes that Absecon Inlet is within the city of Atlantic City, and I need not state here in this presence what Atlantic City is, because I think if the Senators from some of the dry and arid States of the far West could come over and get some of the blessings and benedictions from Atlantic City and our wonderful seacoast they would feel a little more liberal.

I want the Senator to realize that Atlantic City has a population of about 50,000, and a great portion of the year over 150,000 people. It is more than simply a seashore resort. Investments in hotels, mercantile interests, and other enterprises run into the millions.

I made some remarks yesterday regarding this matter, showing the effect of the improvement. While it is, in a degree, we will say, selfish, so with every one of the great improvements. A roadway is selfish in a degree. Yet, after all, I feel that we were elected for a bigger and a broader purpose than to simply stand for that which helps ourselves individually. I believe the effect of the ramifications and the improvements of these bays, waterways, and inlets accrues to the well-being and prosperity of the whole country, as does a roadway running through a country. Property immediately fronting it gets more benefit than the man who owns property behind it, and yet it is a blessing to the whole country.

Mr. KENYON. I am very glad to have the remarks of the Senator from New Jersey interpolated into my rather dry remarks. It gives them more of a zest and flavor. I was only referring to this to show how we had been spending money, not, perhaps, in any criticism of this project, because I wanted to put in the RECORD what the engineers have said about these various projects, in order that the thinking people of the country may in time wake up and smash this whole system of river and harbor appropriations and insist on some better plan, if it is possible to devise one.

Whatever case I make, I want to make from the Army engineers' report. The report on this creek, page 355 of the report for 1915, says:

> This creek rises in and flows easterly through Atlantic County.
>
> * * * * * * *
>
> The creek was very crooked, obstructed by numerous shoals, and near its head by the ruins of an old dam. There was an available depth of 3½ feet in the creek and about 1 foot across Absecon Bay. The head of navigation is Absecon village, two miles above the mouth.

We had spent on the creek and on the inlet something like $320,000 up to 1915. That project originally was reported against by Chief Marshall but overruled by Chief Bixby. The commerce last year on the inlet was 13,413 tons. There has been no local cooperation. The engineers say as to Absecon Creek:

> In addition to the above—
>
> That is, seven motor boats—
>
> there are a number of small boats that ply over this stream for pleasure purposes.

It is of course a very enjoyable thing to spend the public money in order that a few motor boats may ply along the stream for purposes of pleasure.

Another New Jersey creek is Mantua, a project that is 85 per cent completed, on which a considerable amount of money has been spent. The engineers say, page 2215:

> No operations were in progress during the year as no dredging was necessary for maintenance in the portion of the improvements completed nor any repairs to the jetty, and the remainder of the project is unimportant.

This seems to be a proposition to put a channel of 12 feet up to some phosphate works. The engineers' report shows a loss in commerce of 45 per cent in the last two years.

Cold Spring Inlet is another proposition to which I invite the attention of the Senator from New Jersey. That is near Cape May. The engineers, as I understand their record, only recommended $20,000 for this project, but I think the bill carries $40,000. I will look at that and make certain.

That is a $1,311,000 project, of which $905,000 has been expended. The commerce in 1914 was 6,193 tons. It was estimated, when that project was originally in the river and harbor bill, that the valuation of the commerce would run up to $2,226,000. Capt. Lockwood, in an official document, said:

> The project of improvement, if carried to completion, will be of material benefit to the city of Cape May as a pleasure resort by filling the adjacent swamp lands, obliterating mosquito-breeding beds, and furnishing opportunity for expansion of building sites.

That is a laudable purpose.

Mr. MARTINE of New Jersey. That certainly will be desirable.

Mr. KENYON. Certainly, if you could eradicate the New Jersey mosquitoes it would be worth the appropriation.

In that event a real estate company seems to have expended $100,000. Document No. 388, which is an official document, on page 5, states that that—

> would also permit a resumption of the yacht races that were at one time sailed at Cape May and formed the most attractive event of the season.
>
> The Cape May cup, an international trophy, I am informed, is now sailed at New York.

Mr. HUGHES. What is the Senator reading from? I am trying to follow him.

Mr. KENYON. I am reading from page 5, Document No. 388. It is a House document—a report on this project made some years ago.

Of course, Mr. President, since we have stricken out of this bill the improvement of the East River——

Mr. THOMAS. For trading purposes.

Mr. KENYON. For trading purposes, it will perhaps be a good thing to fix up Cold Spring Inlet so that the yacht races can take place there. And again:

> Together with the project of real estate improvement at Cape May, the establishment of a secure harbor would, I am sure, largely increase the present patronage of summer visitors at this locality.

That is one of the things that no one must call attention to or say a word against or he is very unpatriotic.

The commerce is about 6,000 tons and there were a large number of passengers in and out.

The engineers' report states the general character of commerce for the current year to be fish, oysters, clams, agricultural products, coal, and general merchandise. I do not know why the bill carries as to this item more than the engineers have recommended.

I only refer to Oldmans Creek in passing. On that the commerce has gone down from 88,000 short tons in 1913 to 25,000 tons in 1914. That is true of almost all of these various creeks and rivers.

Tuckerton Creek: The short tons have decreased from 16,755 in 1913 to 8,818 in 1914.

Tyuskin Creek: Navigable portion about three-fourths of a mile. The Government has expended $27,000 on that creek. Commerce has gone down from 10,000 tons in 1912 to 3,987 tons in 1914. Another creek that the Senator referred to yesterday was Woodbury Creek.

Mr. MARTINE of New Jersey. I beg pardon. What is the name of that creek?

Mr. KENYON. Woodbury Creek.

Mr. MARTINE of New Jersey. Woodbridge Creek, was it not?

Mr. KENYON. There is a Woodbury Creek and also a Woodbridge Creek. I understood the Senator to say "Woodbury Creek." I call attention to that only as to its commerce. In 1912 there seemed to be no statistics as to the commerce, nor in 1913, but in 1914 there were 11,279 short tons. If this improvement is for commerce, it has not been a great success, although the expenditures have not been large in comparison with the expenditures for other creeks and rivers. So I do not offer serious criticism as to that. I merely cite it to show the decline of commerce.

Mr. MARTINE of New Jersey. Mr. President, I can not understand just what the Senator from Iowa is reading. I have here Calendar No. 384, river and harbor appropriation bill, being the report made on May 5, 1916, by Mr. CLARKE of Arkansas, from the Committee on Commerce, and so forth, and I read from it with regard to the effect of the improvement of Woodbury Creek, as follows:

Effect of improvement.—The improvement, although not completed, has already facilitated the movement of vessels. It is reported that upon the completion of the work a steamboat line for both passengers and freight will be established between Woodbury and Philadelphia.

Mr. KENYON. Now, if the Senator will just run his eye down that page, he will find the statement as to commerce, from which I have been briefly quoting on the same page.

Mr. MARTINE of New Jersey. It says:

Commercial statistics. The general character of commerce for the current year was coal, manure, agricultural products, building material, and miscellaneous merchandise.

Mr. KENYON. Now, read just below that.

Mr. MARTINE of New Jersey. I find this further:

The commerce for 1914 amounted to 11,279 tons, valued at $3,839.

That is doubtless true, for the creek was in an almost impassable condition.

Mr. KENYON. What was the matter with the creek?

Mr. MARTINE of New Jersey. If the creek had been improved, the commerce would have been multiplied.

Mr. KENYON. What was the matter with the creek which made it impassable—lack of water or lack of appropriations?

Mr. MARTINE of New Jersey. It was not necessarily the lack of water. We have got more water in that section than anything else except air. The impassable condition of the creek was due to the silt, the sand, if you choose, which formed a bar in the creek. I know the Senator from Iowa holds these little creeks up to ridicule, but I wish to say that that section is a veritable hive and is inhabited by a populous and busy mass of people. There are many factories located there, and, of course, there is much of agriculture. These highways facilitate trade and commerce and make cheaper the transportation of coal; they make cheaper the transportation of freights of all kinds to the average householder and builder and farmer, and in the opposite direction afford cheaper freight and cheaper produce to be sent to the great marts of New York and Philadelphia.

Mr. THOMAS. Mr. President——

Mr. KENYON. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator from Iowa has perhaps given more study and more attention to this bill than has any other Member of this body. I speak, of course, with regard to its details. I am curious to know whether there are any of these projects outside, of course, of the great harbors and highways like New York and the Sault Ste. Marie Canal—whether there are any of these projects which show an increase in their traffic instead of a decrease of the tonnage?

Mr. KENYON. I think there are one or two that show a slight increase, but they are very few.

Mr. THOMAS. Merely one or two?

Mr. KENYON. I would say not over five of all of them, and I think that would be a perfectly safe estimate.

Mr. THOMAS. The others showing a tendency——

Mr. KENYON. To a constant decrease.

Mr. THOMAS. To a constant decrease. Then is it not true, generally speaking, that as the appropriations for the improvement of these projects increase the tonnage which passes through them seems to decrease?

Mr. KENYON. That seems to be true.

Mr. THOMAS. Well, I should like to inquire if the Senator has made any estimate as to what the amount of our appropriations will have to be to bring about a total cessation of business?

Mr. KENYON. To bring about a condition where there will be no commerce?

Mr. THOMAS. Yes.

Mr. KENYON. We have appropriated about $850,000,000 in the last 40 years. I suppose the river traffic has gone down now 80 per cent; and if the Senator will take those figures—he is as good a mathematician as am I—he will find, I suppose, that in 20 years more we shall not have any tonnage.

Mr. THOMAS. That we shall not have any?

Mr. KENYON. And also that in 20 years more we shall not have much money left in the Treasury at the rate we are going. I do not know, indeed, whether the statue of Freedom will be left on the dome of the Capitol.

Mr. THOMAS. Or the dome, either.

Mr. KENYON. Matawan Creek is another New Jersey project. I see my friend (Mr. MARTINE of New Jersey) has gone, and I am sorry for that. This creek has a little more water and a little more commerce than some of the others. If any of the projects for these creeks are justifiable, possibly this one is. We have spent some $90,122.99 on it, and the commercial statistics as to that show that it has been a decreasing commerce.

I only want to refer to one more river in New Jersey, and that is Toms River. I do not know Tom who, but it is Toms River. Most of these rivers, I have understood, in the Committee on Commerce, were some Senator's rivers or some Representative's rivers; but this is Tom's River. That river at some places has a depth of two and a half feet, according to the engineers' report, and they recite:

Increased transportation facilities are afforded, resulting in a large increase of traffic, particularly of pleasure craft, and passenger business. No effect on freight rates is shown, as there is no competition.

Last year there were 92 tons of commerce, valued at $2,714. In 1912 there was no commerce, so far as the records of the engineers show; in 1913 there was no commerce. Possibly I should revise my statement to the Senator from Colorado. This mighty stream in 1914 had increased in commerce to 92 tons.

Mr. THOMAS. What was the appropriation?

Mr. KENYON. We have made for that river not heavy appropriations—$10,171.73.

Mr. THOMAS. That is encouraging.

Mr. KENYON. There were two railroads there in 1907. These railroads carried from fifteen to twenty thousand tons of freight. Maj. Flagler said in the document upon that subject—and this is very important—

Toms River is located upon one of the three principal automobile lines of travel and has a large and increasing business from this source. Stable depth in the river would increase this traffic, owing to the ease with which owners could communicate with their yachts at this point.

The enterprising engineers have thus given us a new reason for river and harbor improvements, and let no one in the future be heard to question the Toms River project. Tom may come to Congress some day. [Laughter.]

Now, Mr. President, I pass to a more important project, the Norfolk and Beaufort Canal. I rather dislike to discuss this project in the absence of my friend from North Carolina [Mr. SIMMONS]. This bill carries an appropriation of $1,000,000 for the Norfolk and Beaufort Canal. This is a $5,400,000 canal project. It is part of the great intercoastal waterway, which is to be constructed some time from Boston on down the coast, paralleling the ocean, and across the Gulf of Mexico to the Rio Grande, and I suppose on down to the city of Mexico.

Mr. SHERMAN. Including the Trinity River.

Mr. KENYON. Possibly this may be justified, on account of the present condition of affairs in Mexico, as a war preparedness measure.

This is part of a great dream and scheme to parallel the ocean with a series of canals. I wonder sometimes why it is that anybody wants to parallel the ocean with a canal. Why not transport the commerce on the ocean? We have been told—and I think the engineers discuss that feature—that this canal will

be valuable in times of war, although it is not deep enough yet for that; but when one of these canals is once started with a 6 or a 9-foot depth, it does not take long or require many dinners or banquets to get people thinking it ought to be a 15-foot or a 35-foot waterway. The Norfolk and Beaufort canal project is a part of the great scheme, which is held in abeyance for a while, of canalizing the whole country, paralleling the ocean, and to cost some $300,000,000.

Col. Taylor stated to the committee of the House that private contractors who had been doing the work charged nearly double what it cost the Government for the dredging. Further, he said that $200,000 would keep the Government dredging crews busy during the year; but we are appropriating in this bill a million dollars for that project. If we can not save anywhere else a little money, why would it not be a good idea, if the whole project is not abandoned, to cut the appropriation to $200,000? We have already cut out of this bill, as I understand, $3,000 for the Cache River, and if we could cut a little more out we would not feel that we had wasted all our time.

In Document No. 1478, Sixty-third Congress, $2,000,000 more is asked for, and $40,000 for maintenance for Pungo River and Goose Creek Canal somewhere in that same section of the country.

The excavations of which Col. Taylor speaks have cost, when carried on by the Government, about $0.043 per cubic foot, while under private contract it has cost practically twice that ($0.0752).

According to the report of the engineers for 1915, the total commerce through this canal was 229,047 tons. Of that there were 48,900 tons of logs, 34,178 tons of lumber, 44,000 tons of piling, 29,000 tons of wood, 1,000 tons of ties, and 3,000 tons of staves, making a total of 163,000 tons of that class of commerce, which does not need any canal or any locks or dams. Take that away from the total of 229,047 tons, and it leaves 66,000 tons of commerce through that canal last year.

In 1914, according to the engineers' report, there was $647,000 worth of work done on this canal, and there was a decrease of tonnage compared with 1913 of over 29,000 tons. This is a $5,400,000 project, to which the engineers last year allotted $400,000.

Col. Black, on page 27 of House Document No. 391, Sixty-second Congress, shows that the depth from Norfolk to Beaufort is sufficient for navigation, and that for the movement of troops water transportation affords many advantages over rail, and he says that to move a division of troops it would take 12 ships of 20-foot draft or 22 ships of 16-foot draft, and, of course, that is what is proposed for this canal.

On page 117 of the same document I find this:

The possible danger of interruption to traffic via the Albemarle & Chesapeake Canal route by the forces of the enemy has been suggested as a reason why this route should not be chosen. At its nearest point this route is distant fully 6½ miles from the seashore, and some 8 miles from the 6-fathom curve in the ocean.

What a ridiculous proposition to build a canal 6½ miles from the ocean. Why have an ocean? We have spent now on this project $1,800,000, approximately, and it is claimed that the million dollars provided for in this bill will complete the section from Norfolk to Albemarle Sound, leaving $2,000,000 to be hereafter appropriated.

I hold in my hand a report on the Intercoastal Waterway. That portion of it from Beaufort to Key West, Fla., with a 10-foot depth is to cost $31,054,000, while for a 7-foot depth the cost will be $18,995,063.46.

It is somewhat interesting to note the hearings and the arguments that were advanced at the hearings concerning this great canal scheme—this wild canal scheme. The Boston to Narragansett Bay section, with a depth of 25 feet, is to cost $43,000,000; the Narragansett Bay-Long Island Sound section, with a depth of 25 feet, is to cost $24,736,635.

New York Bay and Delaware River section, 25 feet, cost $45,000,000.

Delaware River and Chesapeake Bay, cost $9,910,000.

Norfolk and Beaufort Inlet——

Mr. THOMAS. Mr. President, does that include the purchase price of the Delaware & Chesapeake Canal?

Mr. KENYON. It could not.

Mr. THOMAS. Or is that designed merely for its improvement after we purchase it?

Mr. KENYON. Its improvement after we purchase it. It could not include the purchase price of the Delaware & Chesapeake Canal, because, as I understand, the plans for the purchase of the canal contemplated the expenditure of $20,000,000.

Mr. THOMAS. Something like that amount, as I remember.

Mr. KENYON. Yes; but that is a part of this great general plan.

Mr. THOMAS. I know it is. That is the reason for my query.

Mr. KENYON. Norfolk and Beaufort Inlet—which is the proposition before us now—estimated cost, $5,401,580. The Army engineers recommended that the Delaware River and Chesapeake Bay section, which carried an estimated cost of $9,910,210, should be started and pushed to a termination at the earliest practicable date.

There seems to have been an investigation as to the projects of the Albemarle & Chesapeake Canal Co. and the Dismal Swamp Canal Co. The Albemarle Canal route was offered for $500,000 and the Dismal Swamp route for $1,750,000. As I understand, the project was adopted by Congress, and the Albemarle & Chesapeake Canal was purchased for $500,000. The Dismal Swamp advocates laid great stress on their route, owing to the fact that it would drain a great many thousand acres of land and increase its value. In this document of the hearings, at page 112, they show that while the Albemarle & Chesapeake is the longer of the two, it was the route which the Army engineers decided it was best to improve. They claim that the excavated channel would be exposed to cross winds and currents.

Mr. Calvin Tompkins, who is commissioner of the department of docks and ferries, city of New York, as appears on page 228 of House document 391—which is the document to which I have been calling attention—construing terminal facilities to mean such facilities as are afforded by car floats, transfer bridges, and railroad connections, practically showed that there was nothing of that kind at New York; and it was also shown, from the Board of Trade of the City of Newark, that all of the available frontage on the Passaic River was occupied by private corporations. I am not quite clear as to why that was presented with reference to this canal, and I will not spend any time on that.

I just want to call attention in passing, in order that I may place them in the RECORD, to some of the arguments that were made at that time against the particular canal route that was established and in favor of the Dismal Swamp route.

Mr. Lamb, of Elizabeth City, made a strong argument against the Albemarle & Chesapeake Canal, and in favor of the Dismal Swamp Canal. He says on page 257:

The Dismal Swamp Canal was the keystone to the arch upon which we built. Since the ditch that first floated the logs that were used by the Government to construct a Navy, we have drained the lands, shipped the timber, builded cities and villages, and established homes that vie in comfort and elegance with the best settlements of North Carolina and Virginia.

All of which was made possible by the use of the Dismal Swamp Canal. The Dismal Swamp Canal is ours by right. * * *

Our enemies they are who charge that we are delaying this great project that has been the dream of legislators for years. That charge is a stab from the hands of a Brutus who has fed at our breast.

Take hold of this canal—

Says another—

and maintain it, for its services are needed not only to develop this wonderland but to assist in bearing the "white wings of commerce" over peaceful waters through the inside route to pour their valuable cargoes in the lap of trade, escaping the tortuous Hatteras where death and destruction constantly await a victim.

And then this further argument is presented by Mr. Lamb:

Our forest products handled in Elizabeth City during the past year foots up 242,990 tons. The farm products 55,079 tons. The water products 28,262 tons, giving credit to us for the contribution to the three great essentials of life—food, shelter, and raiment—the sum total of 326,336 tons. May it please the court, I can not omit to add, we have 400 tons of holly and mistletoe to our credit, and that we are contributing our share to the joys and pleasures of our fellow man and to the happiness of the children of this great country, to whose welfare you have devoted your lives.

I do not know how they resisted such a powerful argument as that and decided on the other canal.

Mr. Lindsey also says—I will only refer briefly to these arguments:

I represent the community of Deep Creek, with a population of about 100 thriving and thrifty farmers, people representing 10,000 acres of cultivated land.

He said that if the canal is built—

It will bring under cultivation a great quantity of land and reduce the cost of living one-half; it will bring into cultivation the greatest garden spot of the word—not of America, but of the world. I can state that at my own expense I have built a dredge to drain my land to act in conjunction with the Dismal Swamp Canal Co., and this year's increase will pay for it. That is based on the present level of the land, by lowering the water in my ditches.

This man is a great find. He can reduce the cost of living by these canals one-half. He ought to be commended to our good

Democratic friends and brought to Washington at once, because I omitted the other day, in discussing the platform, to refer to that part of your platform where you are going to reduce the high cost of living. Mr. Lindsey can do it, so he says, by the construction of these canals. Of course it ought to be said in your favor that you have reduced the high cost of living on certain things—golf balls and Edam cheeses, but nothing else that anyone has ever been able to discover.

So we go ahead, now, with this million-dollar expenditure on this project of a decreasing commerce. I hope to present a motion at the proper time that will enable the Senate to go on record as to whether that appropriation should be made and whether, if the project should stand, the amount should not be reduced to that which Col. Taylor says can be spent by the Government in doing its own work.

I refer in passing, and hurriedly, to a number of smaller projects.

Mr. NORRIS. Mr. President, before the Senator leaves those projects I should like to ask him a question. I notice that in one of the projects he said that the engineers recommended $200,000, and the committee placed a million dollars in the bill.

Mr. KENYON. No; the Senator misunderstood me. I did not say that.

Mr. NORRIS. What were the facts?

Mr. KENYON. I said that Col. Taylor, before the House committee, stated, in substance, that $200,000 would cover the work which the Government could do with its own dredges, and that work is done for at least half the expense of the contract work. That led to an amendment on this bill which provides:

That no part of the funds herein appropriated shall be used to pay for any work done by private contract if the contract price is more than 25 per cent in excess of the estimated cost of doing the work by Government plant.

But there is no recommendation of the Army engineers to that effect.

Mr. TAGGART. Mr. President——

Mr. KENYON. Just a minute. Col. Black wrote a letter about this, which I have somewhere in my papers, that tended in favor of the contract system, and that said, in substance, that the profit was not too large a profit. I judge that is true, from the easy way in which the Army engineers can handle public money.

Mr. NORRIS. The point I wanted to have the Senator elucidate was, how did the committee arrive at the amount of $1,000,000?

Mr. KENYON. That is the recommendation of the Army engineers—a million dollars.

Mr. NORRIS. Oh, yes.

Mr. TAGGART. That was virtually the question I wanted to ask the Senator, except that I wanted to ask how the committee arrived at the various amounts under the various items. Was it through the advice of an expert engineer? How did they arrive at the conclusions and the amounts which they set opposite the items, as a rule?

Mr. KENYON. I think the Senator probably is familiar with the system.

Mr. TAGGART. No; I am not.

Mr. KENYON. We have a board of Army engineers to pass on these questions. There is a division engineer and a district engineer. They pass on these questions, and from them the matter goes to the Board of Army Engineers constituted for this purpose, consisting of men in the Army, of which Col. Kingman is now the chief. They pass on those matters and make the recommendations in their reports which are the basis for the committee's action.

Mr. TAGGART. Does the committee usually follow their recommendations?

Mr. KENYON. I think so, in most cases; though I will say to the Senator that there are some projects in this bill that have been condemned by the Army engineers.

Mr. TAGGART. That was the question I wanted to ask the Senator.

Mr. KENYON. I do not say there are very many of those. I think generally the plan of the Army engineers is followed.

I only refer in passing to a number of these smaller matters as bearing on this question of commerce.

The appropriation for the Meherrin River is not a large one, nor are the sums that have been appropriated particularly large. The commerce on that river is small, but the proposition would be justified if these smaller propositions are to be carried out. The commerce on that river has gone down from 27,258 tons in 1912 to 16,640 tons in 1914. The expenditures have been only about $10,000 on that stream.

One of the smaller projects, and one that has always seemed to me rather indefensible, is Fishing Creek, in North Carolina. The commerce on that stream has gone down from 2,763 tons in 1912 to 1,096 tons in 1914. The Government has expended about $30,000 on that project; and last year, under the act of 1914, the engineers allotted $1,000. I want to read just a little that the engineers say about that stream:

Before improvement the stream was badly obstructed by masses of fallen timber, overhanging trees, and snags, and was navigable by rafts only a few miles above the mouth. Depth, about 4 feet at ordinary stages; width, 40 to 100 feet. Coffields Bridge, 21 miles from the mouth, is the present head of navigation. Logging and rafting can be carried on for some distance above.

Present project: The original project, adopted by Congress under the river and harbor act approved September 19, 1890, * * * was to clear the stream of logs, snags, trees, etc., up to Bellamy's mill, about 50 miles above its mouth, so as to give a minimum low-water depth of 20 inches and a minimum width of 40 feet, at an estimated cost of $25,000.

Think of spending money to get a depth of 20 inches in Fishing Creek!

Mr. NORRIS. Would not that improve it for fishing, and make it a better place for the fish?

Mr. KENYON. I do not know just what kind of fish could exist in that amount of water. The commerce for the calendar year 1914 was 1,096 short tons; in 1912 there had been 2,763 short tons, and in 1913, 2,459 short tons.

Mr. NORRIS. Mr. President, can the Senator tell what effect this improvement did have, if any, on the production of fish?

Mr. KENYON. No; I do not know anything about that. It is one of the small matters to which we ought not to refer. If we do, it is a small piece of business, and all that; but it simply illustrates, if we are to go on with this system of appropriating where it is desired by certain communities to fix up certain creeks or small rivers, what it will lead to—taking the public money and using it to get 20 inches of water. Of course, 20 inches of water might be the salvation, at certain times, of certain places.

Pamlico and Tar Rivers are not subject, it seems to me, to particular criticism in themselves, just as a part of the general system, showing commerce has gone down from 354,000 tons in 1912 to 288,000 tons in 1914. I refer to only one thing in connection with them in the report of the engineers, and I am taking everything from those reports.

There were removed last year 608 snags, stumps, logs, and so forth, giving a unit cost of $6.33 per obstruction. The project is 99 per cent completed. I do not know why commerce has so decreased on these rivers.

The hoister *Contentnia* started active operations on Tar River on October 13, 1914, beginning at the twenty-third milepost and working up to the fifty-seventh milepost, the mouth of Fishing Creek. She discontinued operations on this stream on December 3, 1914, having removed from the channel 95 snags, 33 stumps, 37 logs, 7 saw logs, 23 trees, and one-half cord of small snags, besides having cut and hauled back from the banks 35 overhanging or leaning trees.

Then the snag boat *Trent* also seems to have been put on Tar River and Pamlico River, with a record of 42 snags and 266 stumps and 36 saw logs and 18 trees from the channel, cutting back from the bank 15 overhanging or leaning trees. I do not know, Mr. President, whether those kind of improvements are good or not, or whether they are justified.

I only refer to the Bay River to call attention to the commerce there. In 1912, the short tons were 17,733; in 1913, they were 16,047; in 1914, they were 8,089 tons; and there has been expended on this project $22,796.86. Of this commerce, a large portion of it was timber, also fertilizer, fish, groceries, hardware, and lumber.

Another one of these small projects that discredit the bill is Swift Creek. I want to read just a little to place in the RECORD from the engineer's report.

Mr. NORRIS. The Senator did not state what State the river is in.

Mr. KENYON. It is in North Carolina.

The hoister *Contentnia* started work on this stream on June 4 and completed her work on June 15, having snagged the creek from the mouth to the fifteenth milepost, removing from the channel 21 snags, 10 stumps, 9 logs, 36 saw logs, and 3 trees, as well as cutting and hauling from the banks 10 overhanging or leaning trees. The cost being $292.32, gives a unit cost to the United States of $3.28 per obstruction, or threatened obstruction, removed.

Now as to the commerce. Upstream, there were 3,656 short tons; downstream, 11,986 short tons, of which 11,600 were wood, lumber, and timber, leaving only a few hundred tons of what you could call traffic that ordinarily needed water improvement, unless we are to say that the floating of logs and lumber is such

as to warrant the expenditure of sums of money. The Army engineers assigned last year $500 to Swift Creek.

Cape Fear River above and below Wilmington has so far cost the Government, I think, in the neighborhood of $7,000,000. The project in the upper part of the river is an 8-foot project. There has been some modification, I think from an 8-foot project to a 4-foot project and from $1,350,000 to $615,000. The river and harbor act of 1910 provided for 8 feet of navigation to cost $615,000 with $85,000 for maintenance, and I think that $85,000 is the amount that is carried in this bill.

Above Wilmington up to last year we had spent $183,000 on the Cape Fear River. Seventy thousand dollars was allotted for locks and dams, and $175,000 was allotted under the act of either October, 1914, or March 4, 1915.

Below Wilmington there was allotted $115,000 in the act of October, 1914, and $150,000 below Wilmington. I am not certain as to those figures. The engineers say that $10,000 can be profitably spent.

I want to read a little about this project for the RECORD. The Engineer's Office of the United States Army, November 24, 1911, Document No. 1356 of the Sixty-second Congress, third session, on page 5, set forth some matters concerning this northeast Cape Fear River:

Northeast Cape Fear River rises in the extreme northern part of Duplin County, flows in a general southerly direction through Pender and New Hanover Counties, and empties into the main Cape Fear River at Wilmington. It has a total length of about 130 miles—70 miles in a straight line. In its upper portion it is about 12 miles distant from the Atlantic Coast Line Railroad; during the lower 90 miles it is never more than 6 miles away from this railroad.

At ordinary low water a draft of 8 feet can be carried to Rocky Point Landing, 35 miles above Wilmington; 6 feet to Smiths Bridge, 52 miles above Wilmington; and 3 feet to Crooms Bridge, 56 miles above Wilmington. The next 24 miles—from Crooms Bridge to Chinquepin—is navigable for boats drawing 3 feet for about eight months during the year, when the water is up. For the next 8 miles—up to Hallsville—the stream is narrow, shallow, and crooked, and is suitable mainly for the use of the pole boats and rafts, but steamboats drawing 3 feet occasionally reach this point during high stages. Between Hallsville and Kornegays Bridge, 103 miles above Wilmington, it is only suitable for pole boats and rafts during freshet stages. The minimum low-water depth to Rocky Point Landing is 8 feet; to Smiths Bridge, 6 feet; to Crooms Bridge, 3 feet; to Chinquepin, less than 1 foot; to Hallsville, 0.5 foot; and to Kornegays Bridge, about 0.1 foot.

It may be the proper expenditure of public money to improve streams in order to get one-tenth of a foot of water, and it may not be.

I want to refer now to the Great Peedee River in South Carolina. I believe I have no more observations to make concerning the North Carolina projects at this time.

Mr. SIMMONS. The Senator has finished the discussion of the North Carolina items. I have no dispositon to interrupt him and I shall not interrupt him, but at some time later I shall probably take occasion to discuss the various items he has discussed to-day.

Mr. KENYON. I have no more references. I will say to the Senator, to the North Carolina items.

Mr. SIMMONS. I just stated that I understood the Senator had finished them.

Mr. KENYON. I have.

Mr. SIMMONS. I would not now interrupt the Senator for the purpose of answering any of his arguments as against these projects, but at some time hereafter I shall probably discuss them.

Mr. KENYON. I assumed that possibly the Senator wanted to go out, so I was simply comforting him by saying that I was through and that he need not wait.

Mr. SIMMONS. I have been listening to the Senator.

Mr. KENYON. The work of improvement, the Army engineers say—

has consisted in snagging and dredging with Government plant and hired labor. The river had been cleared of snags from the mouth to the Wilmington, Columbia & Augusta Railroad bridge (now the Atlantic Coast Line Railroad), 103 miles, and between that bridge and Cheraw, 167 miles, a 3½-foot channel had been formed; but as there has been no navigation lately above Caines Landing (mile 86), the upper portion of the river is blocked again. About 9 feet can be carried to Smiths Mills and about 3 feet to Caines Landing, the present head of navigation.

The total amount expended on existing, which is also the original, project up to June 30, 1914, was $328,609.25, of which $183,712.41 was for original work and $144,896.84 for maintenance.

Now, what about the commerce on this stream where we have spent practically $330,000? For the year 1912 it was 20,094 short tons; for 1913, 13,945 short tons; in 1914, 17,461 short tons, with an investment of $330,000. There were removed from this river during the year 161 trees, 220 logs, 166 stumps, 247 snags, a total of 794 obstructions. What a tremendous river that must be, Mr. President.

Another instance, in order to secure very little commerce almost negligible.

Now, with the apportionments that have been made, $340,000. Of course those things are funny, jokes. The taxpayers of this country seem to be a good deal of a joke anyhow, as far as Congress is concerned, like the ultimate consumers who are declared to be a myth. But the myth will become a reality one of these times.

Santee, Wateree, and Congaree Rivers. The bill carries $55,000 for this aggregation. I should like to have somebody defend the expenditure of public money on those rivers. We have expended on the Santee now, approximately—I may be a few thousand out of the way, but approximately—$272,245.74; we have expended on the Congaree $599,029.01; on the Wateree, that has not water in it except in its name, $195,000, or practically $1,000,000 on these three affiliated propositions. Now let us see what they are. As to the Santee, I read from the engineers' report, volume 2, page 2397, reports of 1915:

Snagging was begun August 14, 1914, by the U. S. snag boat *Wateree*, and up to and including October 10, 1914, there were removed from the upper end of the river, between miles 120 and 143, 2,374 obstructions from the channel and 188 trees from the banks of the river. The U. S. snag boat *Pedee* on one day removed 31 obstructions and 7 trees.

Some day for the snag boat *Peedee!* The appropriations for the Santee have been, according to that report, $393,727.35, including one transfer of allotment of $15,000.

What has been the commerce on this great stream of snags and stumps? Fifty-five thousand six hundred and forty-two short tons. That seems a good deal, but of that there were 31,286 tons of logs, 5,000 of cordwood, leaving less than 20,000 short tons of freight.

Vessels going on this stream during the year were three steamers of 141 and 133 and 344 net tons, small sailing vessels, tugs, and gasoline tugs. How they ever got around the snags and stumps is not recorded.

The Wateree work was done during nine months, and for three months, January, April, and June, the snag boat worked for short periods only. In July and January much loss of time was caused by high water. The snag boat was laid up January 27. There were 6,584 obstructions removed from the channel and 821 trees cut from the banks. Many of these obstructions were very large trees. The narrowness and crookedness of the river necessitated cleaning out the usual width of the stream and removal of overhanging trees on both banks.

On the Wateree we have appropriated $204,600.44. I will have a little more to say of the Wateree in a moment.

Congaree. The dredge *Congaree* started to work April, 1913, at Gills Creek Shoals and was continued until June 15. A short cut was made at Seegers Shoal and this dredge was sent to the Southern Railway bridge. The U. S. snag boat *Wateree* worked until August, 1913, when it was sent to the Santee River. Work was resumed but was interrupted by working five days at the locks on the gates. During November only five days were spent in snagging. The snag boat *Peedee* worked a few days in August near the mouth of the river.

On the Congaree we have appropriated, according to these reports, $618,000, and in 1914 there were carried 6,077 short tons of freight—another joke.

Again, as to the Santee, on page 565 of the Engineers' Report, volume 1, it is stated—and I am reading this so that it may be in the RECORD for the people in the future to read, after these streams have completely dried up and blown away:

This river was originally much obstructed throughout its length by snags, logs, and overhanging trees. The width ranged from 200 to 500 feet, and the least depth was 3 feet. Its bar entrance was narrow, crooked, and shifting, and so situated as to be very difficult and expensive to improve. It had less than 5 feet of depth at low tide. The river was navigated by several small steamers (drawing 4 feet or less) from the sea to the junction of the rivers and thence to Columbia on the Congaree or to Camden on the Wateree River.

The original estimated cost of the present project was $350,000.

Again, as to the Wateree. I have here the commercial statistics for the Wateree on which we have expended $200,000 and on which we ought to have some commerce. What was it?

Commercial statistics: None reported for the year. A few logs were floated, and some shingles and staves were hauled by a gasoline boat.

Mr. President, that is a good deal worse than anything New Jersey ever had. I am glad to have the Senator from New Jersey [Mr. MARTINE] in the chair now, where he can not say anything back. But think of it! That is one of the propositions for which money, collected by taxation, goes; and anybody who says anything about it is a crank, a reformer, an uplifter, and is putting himself up as the only honest person in the country, for it seems almost to be a breach of senatorial

dignity or courtesy to question appropriations of that character.

Then, again, in reference to the Congaree:

Prior to Federal improvement, begun in 1886, this stream had a low-water depth of 3 to 4 feet from its mouth to the railroad bridge at Columbia; thence 1 foot low-water depth 2 miles farther to its head. Navigation of the lower 47 miles was blocked at all stages of water by the South Carolina (now the Southern Railway Co.) railroad bridge, 5 miles from the mouth, and by sunken logs, snags, and overhanging trees. The navigation of the remaining 2 miles was prevented by swift currents and numerous rock ledges and bowlders.

The present project provided for a 4-foot navigation over the lower 47 miles, at a cost of $54,500. Then, subsequently, under the river and harbor act of March 3, 1899, it was raised to $250,000. The total expenditures on the existing, which was also the original, project were $599,029.01. No change in freight rates has been made by the railroads. Complaints made by the Columbia merchants of discrimination have caused the Interstate Commerce Commission to order a reduction in certain rates, thus giving Columbia some advantage of water transportation.

So there has been some little advantage in the Congaree which I have not heretofore noticed. Now, what was the commerce of this mighty river on which we have spent half a million dollars? Six thousand and seventy-seven short tons in 1914; 4,307 tons in 1912; 3,631 tons in 1913. I must say to the Senator from Colorado that there is an instance of where commerce has increased, just as if you had at first one ton and then subsequently two tons on one of the rivers, it would be a tremendous increase. It increased there from 3,631 tons to 6,077 tons.

Here is House Document No. 805, of the Sixty-fourth Congress, first session, on the Wateree River, submitting some examinations. The engineer, Gen. Kingman, says:

Up to June 30, 1915, the total expenditures amounted to $195,343.59, of which $50,000 had been applied to new work, and the balance, $135,343.59, to maintenance. Since 1900 rafting has been the only business on the river, and since 1908 this commerce has practically ceased. The district officer states that there appear to be no prospects of any increase of commerce in the near future, and he is of opinion that neither existing nor prospective conditions warrant continuation of this project by the United States. The division engineer and the Board of Engineers for Rivers and Harbors concur in this opinion.

Says Col. Biddle, of the Corps of Engineers:

2. The river is very crooked and its banks generally low and subject to overflow. There are no towns and but few habitations visible from the river, and aside from the small amount of remaining marketable timber there is little to suggest possible commerce.

* * * * * * *

4. The commerce, which has consisted almost entirely of rafted timber and its products, decreased from 93,000 tons in 1900 to 3,400 tons in 1909, since which time there has been practically none, although there has been an average annual expenditure of about $5,700 in the removal of obstructions.

* * * * * * *

5. It will be seen that the commerce on this river declined as better railroad facilities were afforded and with the cutting of the best timber in the immediate vicinity of the river. At present there is no commerce, and the condition of the adjacent country is such that but little, if any, can reasonably be expected.

I do not believe that anyone in this Chamber will get up here and defend these three projects. The Army engineers allotted in 1914 $30,000 to these projects and in 1915 they allotted $15,000 to them. Are we going to keep on pouring money into streams of that character, with a commerce that is nil absolutely as to one of them and nearly so as to the other two?

Mr. President, is the business of taxing the people of this country, who have to work and toil and save, a cloakroom joke or is it a serious matter?

I pass now to another trinity that is as nearly as bad. I refer to the Altamaha, the Oconee, and the Ocmulgee Rivers. I hardly know how to pronounce the names of those rivers.

Mr. THOMAS. I can inform the Senator as to their pronunciation, for my mother's plantation was on the Ocmulgee, and I was born on the Altamaha.

Mr. KENYON. I hesitate to say anything about them since I have learned that the Senator was born on one of these rivers. That is the greatest distinction, I am sure, that any of those rivers has. [Laughter.]

Mr. THOMAS. That is my reason for being here to hear what the Senator has to say.

Mr. KENYON. Possibly, then, I will try to be a little milder in what I have to say about those rivers.

Mr. THOMAS. I hope the Senator will not do that on my account.

Mr. KENYON. I have such great regard for the birthplace of the Senator from Colorado that I should not want to say anything hostile to it.

Mr. President, we have expended on these three streams up to 1914 approximately $878,000. The engineers allotted $40,000 in 1914 and $40,000 under the act of March, 1915, to these streams, making approximately $958,000.

Now, let us see what these streams are, and then I wish to read after that a most interesting statement about these streams taken from the House committee hearings. First, the Altamaha. The report of the Chief of Engineers, 1915, on page 1815 says:

The first project for this river was submitted November 27, 1881 (Annual Report for 1881, p. 1107), and the first appropriation for it was made by the river and harbor act of March 3, 1881. This project provided for securing a 3-foot channel, not less than 80 feet wide, by the excavation of rocks shoals, dredging, and the removal of snags and other obstructions, at an estimated cost of $60,000. * * * Under this project there were removed 3 rock shoals, 10 sand bars, numerous snags, sunken logs, stumps, and overhanging trees, and the river was straightened at several points by cut-offs.

Concerning the Oconee, I quote from the same report, as follows:

The first appropriation for this river was made by the river and harbor act of June 18, 1878, a project having been submitted January 29, 1875, to secure a low-water channel 3 feet in depth from the confluence of the Oconee and Ocmulgee Rivers to Milledgeville, by removing rock ledges, shoals, snags, logs, and overhanging trees, at an estimated cost of $10,150. (Annual Report for 1875, Part II, p. 41.) This estimate was increased to $15,000 in 1878 (Annual Report for 1878, p. 768); to $50,000 in 1880 (Annual Report for 1888, p. 1704); and in 1888 to $100,000, with $5,000 annually for maintenance. (Annual Report for 1888, p. 1171.) Operations were carried on at irregular intervals as funds permitted commencing in 1878. A small amount of work was done in June, 1888, near the mouth of the river. A specific appropriation of $1,500 in the river and harbor act of August 5, 1886, for improving the section of the river between Skull Shoals and the Georgia Railroad bridge was expended so as to give a least depth in that reach of 20 inches at extreme low water. In all, there were removed from the river 2,264 snags and logs, 1,552 overhanging trees, and 487 cubic yards of rock. There were also some small brush jetties built. The expenditures under this project amounted to $44,822.18.

The river and harbor act of September 19, 1890, adopted a project for establishing a navigable steamboat channel 3 feet deep at ordinary summer low water from Milledgeville to the forks, by removing rafts, rock shoals, and sand bars; enlarging portions of the river; revetting caving banks; closing incipient cut-offs; removing snags and logs from the channel, and overhanging trees from the bank of the stream, at an estimated cost of $171,000; with from $3,000 to $5,000 for annual maintenance. (H. Doc. No. 211, 51st Cong., 1st sess., reprinted without maps or profile in Annual Report for 1890, p. 1430.) Under this project numerous logs, snags, stumps, bowlders, and overhanging trees were removed; several threatened cut-offs closed and others opened; 6 training dikes; 1 spur dam, and 900 feet of shore protection built; 23 rock shoals and several sand shoals removed, all below Milledgeville.

As to the Ocmulgee the report says:

The first appropriation for the Ocmulgee River was made by the river and harbor act of August 14, 1876, which adopted a project for a 4-foot channel 80 feet wide from the forks to Macon at a cost estimated at $112,480. (Annual Report for 1875, Pt. II, p. 671.) This channel was to be obtained by the excavation of sand and rock shoals and the removal of sunken rafts, snags, logs, overhanging trees, and other obstructions. Under this project there were removed from the river 7,705 snags and stumps, 13,144 overhanging trees, 359 cubic yards of rock, and 1,869 cubic yards of earth; 112 logs were cut up on the bank, 801 trees were girdled, 2 jetties were built at Tillmans Bar, 2 snag dams were built at Ashleys Landing and 1 at Indian Timber Landing.

* * * * * * *

The river and harbor act of September 19, 1890, adopted a project establishing a navigable steamboat channel 3 feet deep at ordinary summer low water from the forks to Macon at an estimated cost of $210,000 for original work and an annual cost of maintenance of from $3,000 to $5,000. (H. Doc. No. 215, 51st Cong., 1st sess., reprinted without maps in Annual Report for 1890, p. 1455.) The channel was to be obtained by removing rock shoals and sand bars, closing incipient cut-offs, revetting caving banks, removing snags and logs from the channel and overhanging trees from the banks of the stream.

Under this project there were removed from the channel 27,332 snags, logs, and stumps, 8 wrecks, and 2 old bridge piers; 1,722 trees were girdled and 121,143 overhanging trees, saplings, and logs were cut on the banks; 12 spur dikes were built at Tillmans Bar; 3 spur dikes aggregating 400 feet in length were built at Macon Bar; 1 spur dike was repaired; Atwoods Jetty was extended 155 feet; training dikes were built in the vicinity of Macon with an aggregate length of 8,089 feet—

And so forth.

The appropriations, I think, covering all of these streams up to March 4, 1915, and, including the allotment made then, amounted to $259,951.35. As to the commercial statistics the report of the Chief of Engineers states:

There is in regular operation on this river one steamboat, which made during the year 65 trips from Doctortown to the forks, a distance of 77 miles. The commerce for the calendar year 1914 was as follows: * * * Total by boats, 13,666 short tons.

To which was added "lumber rafted, 89,640 short tons," making a total, with the lumber rafted, of 103,306 short tons.

The appropriation that I gave was simply as to the one river. As to the next one, the appropriations have been $286,515.70, and the commerce of that river is set forth on page 2425 of volume 2. A steamboat made about 85 trips between the Central of Georgia Railroad and Darien, a distance of 244 miles. The commerce for the calendar year 1914 was 22,542 short tons; lumber rafted, 15,700 tons. In the case of the other river, I have heretofore given the appropriations.

Now, Mr. President, I want to read a little from the hearings of the House committee on these streams—these streams with very little commerce, as has been shown, outside of lumber. Here is Mr. Walter De Four, who appears before the House committee at page 7 of division 7. This book is not indexed or consecutively paged. It runs by divisions. I give those pages in order to assist the reporter.

Speaking of these streams, he said:

The shallow water made it necessary for us to get together all the information that it was possible to get and then, in addition to all the information we could get from the outside, to apply a little ingenuity of our own and develop a boat about which Mr. Long will tell you later on—a boat with which we are able to navigate the river. We can now navigate this river, which is something we were never able to do before, notwithstanding the fact that the people of Macon had spent more than $100,000 in the building of boats. This $100,000 to which I have referred was spent by the people of Macon mainly in building boats along the old lines. After spending that amount of money we saw that we were going in the wrong direction and that in order to navigate the shallow river we would have to build boats on different lines, on different principles, on principles other than those that had been governing the construction of boats heretofore. Realizing this, we have done that; we have a boat now on the river that will carry 100 tons of freight and draw, probably, less than 3 feet of water. That boat is now in actual operation, Mr. Chairman. When we appeared here in 1914 we promised to build a boat and put it in operation on the river if given the necessary appropriation. We did not give up, but we have built the boat. * * * In building this first boat and operating it since July 20 last, we have learned more about navigation than we knew when we undertook to build that boat.

* * * * * * *

We desire that the committee be placed in full possession of all these facts, because when this second boat is built, with the appropriation that we have had heretofore, we will be enabled to get along, but we can not make the time and get the transportation or tonnage that we could if the appropriation was increased.

Certainly not; but there is encouragement in the fact that there is to be a second boat built by these people.

Mr. Long said, speaking of their boat:

We therefore determined to build a steel boat. That was the first thing we arrived at. The second question was how large a boat should we build and how should that boat be equipped, and so forth. That required considerable investigation, because we did not want to make a mistake, and we have not made a mistake. We finally settled upon a steel boat 120 feet long and 24 feet wide and 5 feet deep, built throughout of steel. There is not a piece of wood in this boat as big as your lead pencil, except what went into the screens to keep the mosquitoes from biting the crew and what went into the construction of the ice box. I have a photographic history of the construction, and I will be glad to pass these photographs around to the different members of the committee in order that they may see just what we are doing.

I recommend the screens to the distinguished Senator from New Jersey [Mr. MARTINE].

He says:

We put an electric plant on this boat.

Listen to this great work of navigation, for which we are spending hundreds of thousands of dollars:

We can blow a horn—

There never was anybody advocating these appropriations who could not blow a horn for them—

or rather—

he says—

a whistle by electricity, and do various other things. We have a number of conveniences and so on. Our boat carries 83 tons on a 30-inch draft; 160 tons on 48 inches. We can load that boat down as low as 54 inches. When those photographs get back to me I will go into detail, because there are some points that are very important. It requires a crew of 10 men on this boat to run it night and day. We do run it night and day. By the way, it is the first boat that was ever installed on that system of rivers that runs night and day. It is the first boat that ever made the trip between Hawkinsville and Macon in less than 40 hours' running time.

Some boat, that! One of the members of the committee asked Mr. Long:

As a general proposition, was it not unwise to start in a 36-inch river with a 30-inch boat?

The witness replied:

I am very glad to answer that question. I will say that we were very cautious.

We must have been.

When we reached Brunswick, knowing our capacity, we met one of the chief assistants of the engineer or the division engineer. We told him about the freight that we had waiting for us, and asked his judgment as to whether we should take it on or leave part of it there.

There is another part of the description of that boat that I should like to find. Mr. Long further says, in describing this wonderful boat:

The propellers are all submerged. Say, for instance, that you are going around a bend. It is practically impossible for the stern to follow the bow.

[Laughter.]

Why, Mr. President, that is a serious thing with a boat. But these people are not dismayed by the fact that the stern of their boat will not follow the bow around the bends of that mighty river.

This part here [indicating] comes in contact with a side obstruction, and it is this that gives us trouble. We have no trouble navigating straight runs, because the bow is of sufficient strength, if it comes in contact with an obstruction, to force it out of the way, but because the stern can not follow the bow it is the cause of practically all the trouble we have with these boats.

That boat needs a surgical operation. [Laughter.]

Now, is not that ridiculous? We laugh about it, but it is a fine way to spend public money.

The Chairman asked Mr. Long:

Suppose we appropriate $40,000. Would that give you all-year-around navigation for boats now being constructed for use on the river?

Mr. LONG. I rather think it would, Mr. Chairman, but $40,000 is not going to be sufficient, if we may judge by the past, to make any permanent improvement at all, and I do not believe it will be sufficient to keep the river clean, because we found that river in a horrible condition.

Mr. Waterman also submits some very interesting matters. He says:

As Mr. Long has suggested, even now with this ordinary appropriation, as it has been for the last two years, so much will be spent for a new boat that it will do us very little good. It reminds me of my boyhood days, when we used to go to the branch and stick our toes down in the mud and pour water in to fill up the holes. Most of these improvements on the river have been made in that way. So much has been spent in equipment that after this money was expended there was just a small amount left that could go for small improvements, and this water has come up and filled the improvements with sand. These boats have been tied up, and they are practically useless to-day.

Mr. SMALL. In view of the fact that the Chief of Engineers recommends only $43,000 and the committee is in the habit of following or not exceeding the estimate of the Chief of Engineers, how are you going to meet that appropriation?

Mr. Weatherly, on this same proposition, says, on page 25:

I do not think our present method of improving our rivers and of appropriating money is the best method, by any means. I do not agree that the method of appropriating just a small amount for each river for each year is the best one. I do believe that a large bond issue, to be applied to a thoroughly mapped out scheme, is a proper one.

He says the Government should issue $2,000,000,000 worth of bonds.

A Member of Congress before that committee says:

We have not stopped spending money. We have not stopped in our exertions. We have gone back and raised more money, some $80,000, and put it into the hands of this company. We bought a boat and tried to navigate the river, and we came here to tell the committee that the people of Macon and this section of the country have made up their minds to build boats that can navigate that river. They have built a boat that will navigate it and they have another one under construction.

Here is a very interesting telegram from the secretary of the Dublin Chamber of Commerce, Mr. Charles P. Caldwell, in relation to these rivers:

Re Altamaha system appropriation, you have detailed explanation of our position as far as those who can and should be served by the Government under this enterprise are concerned. A local boat captain here with 100 pounds of dynamite has effected as much real improvement on our river as has ever come out of our share of the appropriation for the Oconee. Present practice is for a Savannah crew to go to Dublin once or twice a year on high water. This is exactly the time when they can not accomplish anything. Instead of this desultory work our full share of the appropriation for the Oconee should be spent through a substation, under Savannah office, located here in Dublin, with equipment working systematically up and down the river, particularly at low-water stages, when something worth while can be done. Our local boat lines will cooperate liberally with such a plant, depending upon you to defend our rights.

Then there is a letter to the Congressman as to what is necessary to put these rivers in condition. Here are some extracts from it, appearing on page 33:

First. Remove leaning trees at Toms Point. Step up old sack with a jetty 100 feet long.
Second. Snag the river from this point to Parsons Shoals.
Third. Remove rocks on east side of river in the gap at this point.
Fourth. Snag from this point to Deep Creek; remove the rock on the point and clean out the gap at this point.
Fifth. Clean out the bight at Gum Spring, also Dry Creek bight, and the one bight below Gum Springs, and snag from this point to the boat yard.

Sixth. Clean out the gaps above the boat yard and one below; also clean old Blackshears Ferry Gap.
Seventh. Remove rock at upper end of Car Shoals and clean out all the gaps in the shoals to Dublin.

It does not take much to make a river out of this. [Laughter.]

Eighth. Clean out the river at Dublin.
Ninth. Complete the unfinished job of removing rock at Rattle Snakes Shoals.
Tenth. Build a jetty at Buzzard Bar 400 feet long.
Eleventh. Extend the jetty at Fish Trap Cut and snag to Troup Spring Lake.
Twelfth. Take the rock out of the middle of the river at this point.
Thirteenth. Snag from this point to just below Ann Smith Landing. Build a jetty 400 feet long at this point.
Fourteenth. Snag the river from this point to B. C. Bluff; fill up jetties at this point.

This is a bluff, all right.

Fifteenth. Snag river from this point to Rassle Jack, then put a jetty across Old River.
Sixteenth. Build a jetty at Troups Ferry.

There is nothing much to do to make a river out of this.

Seventeenth. Build a jetty at the bight just below Loose Bluff.
Eighteenth. Clean the snags to the bight just above Silver Bluff. Build a jetty at this bight.
Nineteenth. Clean snags from this point to the mouth of Old River; stop up Old River with jetties, then snag to Stallings Bluffs, and some snagging to be done between this point and Frying Pan.
Twentieth. Build a jetty across the neck at this point.
Twenty-first. Build a jetty across Old River and snag to Bells Ferry; fill up the old jetties at this point.
Estimated cost of this work, $50,000.

* * * * * * *

It seems to me that a light barge with proper machinery on it would accomplish much more for the river, as it could be handled during low-water periods.

Trusting that you may be able to do something for us, and wishing you a merry Christmas and a happy New Year, I am,
Yours, truly.

That is a fine proposition! I hope somebody will defend it before we vote any more money in addition to the million dollars of waste that has already occurred.

The Chattahoochee River: We have expended over a million dollars on this stream. The project is about 90 per cent completed. The commerce has gone from 100,122 tons in 1912 to 93,442 tons in 1914. There is apparently some considerable commerce on that river.

I think I will not spend any time on the Oklawaha River. It carries a very small appropriation in this bill. It carried some $733,000 in one of the former bills. It is a proposition that has always seemed to me absolutely indefensible, but probably to others it seemed to be perfectly proper.

The Orange River is another of the smaller propositions. I want to put in the RECORD just a few words about that.

Before improvement the river was obstructed by snags and overhanging trees and by nine shoals, all of small extent, consisting of sand and mud, with some bowlders and loose rock. The limiting depth over the shoals was 2½ feet, though elsewhere depths of from 6 to 24 feet were found. The width of the stream was about 90 feet at its mouth and 50 feet at Buckingham. The usable width of the available channel was about 30 feet. The head of navigation is the iron bridge at Buckingham, 5.7 miles above the mouth. The length of the navigable portion of the river is 5.7 miles.

There appears to be considerable water, however, on that river. During the fiscal year snags and overhanging trees were removed, and cuts made through obstructive shoals, making a continuous channel 4 feet deep, 50 feet wide for the lower 2½ miles and 40 feet wide in the upper 3 miles, where the banks limit the width to about 40 feet.

The commerce for the year 1912 was 9,930 tons; for 1913, 13,196 tons; for 1914, 4,100 tons. Of the 4,100 short tons, citrus fruits and fertilizer were the main products. It is one of the very small projects. If we are to go into the small-project proposition it has as much merit as many, many others in the bill.

The Anclote River in Florida received an appropriation in this bill. It is 3½ miles long. Outside of lumber the commerce is 2,470 tons. Tarpon Springs is located on this river. It is the great sponge center, perhaps, of the whole country, and we have spent on it $56,725. I believe that a transfer of fund was made last year or else an allotment of about $5,000 more.

The reports of the Army engineers give one launch as the number of regular steamers in the trade.

Crystal River, Fla., I have before referred to, and I will not take the time to do so again.

Withlacoochee River: There are three launches in this stream—4 miles. We have spent $339,000. Commerce seems to be largely for a phosphate establishment. The commerce fell off something like 50 per cent last year, one concern furnishing the bulk of the commerce. The tons last year were 96,778.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I do.

Mr. FLETCHER. If the Senator will permit me, I desire to state that a large portion of the tonnage on this river was phosphate rock, but by reason of the falling off of shipments of the rock the tonnage has decreased from 1914; and this decrease in the shipment of phosphate rock was due to the war, because it had previously been largely sold in Germany. That has been the case with all phosphate shipments from Florida since the war. The freight rates have been practically prohibitory, in the first place, and, in the next place, the market has been largely closed because Germany was the chief purchaser abroad.

Mr. KENYON. I suppose everything that happens can be blamed on the war.

Mr. FLETCHER. It is not a question of blaming anything. The statement I make is a statement of fact. It is not an excuse that I am making. I am simply stating the fact. The Senator will find in the report, the official statement, on page 189, the following:

The large decrease in commerce for the year was due to the suspension of phosphate shipments in consequence of the European war.

Mr. KENYON. I know that is in the report, and I have no reason to question it. This project has the advantage of most of the other projects in having some real excuse for the decrease of commerce. The engineers say the improvement of the upper river has no appreciable effect on freight rates, and other observations which they make I will not take the time to read.

An interesting proposition is the appropriations for removing water hyacinths. We have in this bill two of these propositions. I wish that we could in some way devise a plan whereby we might use these water hyacinths for the free bulb or free seed distribution. It seems strange that it may be absolutely necessary to spend large amounts of money to get hyacinths out of streams in order to make them navigable. I assume that the Army engineers, however, consider that that is important.

The Apalachicola River is another one of these medium streams, the improvement of which is justifiable if improvements of the smaller streams are to be carried on. We have appropriated some $226,000 for that stream. The commerce downstream, according to the engineer's last report, was 67,000 tons, of which 22,000 tons were logs and lumber. This bill carries $6,000 for that stream. It is a stream that is badly obstructed by logs, snags, trees, and other matters. During the year 1914 there were removed in the way of obstructions 431 snags from the channel, 139 logs, 537 trees, and 96 overhanging trees. The appropriations have run $226,250. I have given the freight traffic as reported by the engineers.

The Choctawhatchee River is one that I hope may be explained and defended by somebody. It seems to me to be a good deal of a farce to keep on appropriating money for a river of this character. The bill carries $20,000. I want to read from parts of the engineers' reports and have them in the RECORD.

For the year 1914 there were removed from the channel snags above Geneva 3,818, and below 869; saw logs above Geneva 775, below Geneva 573; trees above Geneva 2,259, below Geneva 814; stumps, 41 above Geneva and 42 below. Then, they removed from the banks trees and brush and wood.

We have altogether either appropriated or expended or had alloted for that stream $278,208.12. For the year 1914 the traffic upstream was 5,994 tons and downstream 19,446 tons, of which lumber and timber constituted some 8,000 tons, leaving about 11,000 tons of what could be called commercial traffic.

I do not know whether this results in any regulation of freight rates. I think the engineers' reports do not state it, but the expenditure of such a sum of money for the development of such a commerce can not be defended, in my judgment.

Mr. FLETCHER. Will the Senator allow me?

Mr. KENYON. I yield to the Senator.

Mr. FLETCHER. I call the Senator's attention to the report, which says:

At present, in connection was the Holmes River, it affords transportation to a large section of Florida without other means. Its restoration to good condition will probably result in the lowering of freight rates by rail to Geneva.

Mr. KENYON. It will probably result?

Mr. FLETCHER. Yes.

Mr. KENYON. It is always the prediction, Mr. President. But this project has been established for some time. I do not remember the exact year when it was started. We have certainly spent enough money to commence pretty soon to see some return in the regulation of freight rates.

The Alabama River. The appropriations for that river have reached $1,289,000. This bill calls for $100,000 more. Excluding logs and timber, there are about 41,000 tons of commerce. Previous project carried $419,445.69, the present one carrying $720,895.50. Commerce has gone down from 153,295 tons in 1913 to 112,345 tons in 1914. Fifty thousand dollars was allotted in 1914 by the Army engineers and $75,000 in 1915. So we have outside of logs and timber and the things that float without any particular work a very small commerce.

The Coosa River is a project upon which a large amount of money has been expended, a project of some eight locks and dams. The engineers tell us now that one of the dams is about 99 per cent completed. I assume that it would be rather wasteful not to complete that particular project, if anything ever was going to be done. The bill carries $98,000 for the Coosa River. We have expended heretofore $2,482,252. Forty thousand dollars was allotted to this stream by the engineers in 1914 and $186,000 in 1915. The scheme involves some $10,000,000 before it is completed.

The 1912 commerce was reduced about 45 per cent up to 1914. Here is a river improvement commenced in 1876 where the commerce, exclusive of timber and those matters, is less than 28,000 tons in 1914, and the Engineer's Report for 1915, on page 749, states that the decrease from last year is probably permanent. Only one boat is operating on this improvement, and that is not proving a paying investment. We have expended $2,500,000 on this proposition, and are going on now until we spend $10,000,000 on it.

In the House hearings it was stated by witnesses that the commerce on this stream for the calendar year 1914 consisted principally of fertilizers, general merchandise, timber products, and groceries, amounting to 28,751 short tons. The report does say that freight rates have been reduced for navigation from Rome down to Lock and Dam No. 4, and the same argument is presented that the commerce has been reduced on account of the war. But Maj. Brown, on page 8 of subdivision 22 of the hearings, throws some rather interesting light upon that subject and upon the question as to whether or not the people of the vicinity of those streams are supporting river navigation. He says:

That little boat is only a gasoline affair, and although it may be carrying general commerce now, it was not at the time this report was submitted. Referring to the regular commercial boat, I have talked with the owners of the boat line a great deal. They were very much discouraged at the prospects. They say that the merchants at Gadsden and Rome are not supporting them as they should and that business is constantly falling off. They also have trouble in getting through the shoals. There are some bad shoals which are now under improvement.

The chairman asked him:

You do not think the possibility—

That is, of the development of commerce—

is very flattering now?

Maj. BROWN. It did not look very flattering to me. Of course, there is at present something like $1,500,000 worth of local commerce, but it will always be of that local character.

So, Mr. President, we may well pause, it seems to me, and consider whether, having spent two and a half million dollars and a development of practically no commerce, we are going on with a scheme that involves $10,000,000.

I now pass for a moment to the Tombigbee and Warrior Rivers. We have spent $9,901,295 on these. There are only a few tons of commerce outside of timber; 56,000 tons in 1914, outside of timber, was averaged at the 17 locks, 95 per cent of which was coal.

The Black Warrior is not in this bill, and I only refer to it as one of the wasteful projects that has been passed by Congress, carrying nearly $10,000,000. It has a very small commerce.

On the Tombigbee we have spent $367,858.22. The commerce above Demopolis, according to the engineer's last report, was 29,000 tons, of which 21,000 tons was lumber and logs; commerce below, 299,000 tons, over 100,000 tons of which was logs.

I place in the RECORD some statistics as to another proposition covered in this bill—Pearl River and East Pearl River. The engineer's reports tell us as to the Pearl River below Rockford, Miss., that during the fiscal year ending June 30, 1915, the United States snag boat carried on snagging operations, struck a snag and sank, but a bank party was clearing the banks of overhanging trees; and overhanging trees felled and cut up numbered 1,183; logs cut up or stumps leveled on the banks, 1,869; stumps removed from river, 1,276; snags removed from the river, 5,457; logs removed from the river, 1,747.

Our appropriations have been something like $311,000. The project is about 43 per cent completed. A maximum channel 8 feet deep and 50 feet wide at low water now exists for 145 miles above the mouth of the river; and thence to Columbia, a distance of 10 miles, the maximum low-water depth is 1½ feet.

What about the commerce? There has been considerable commerce. In 1912, 191,173 short tons had decreased in 1914 to 111,497 short tons, the decrease being due principally to the lumber market. The Pearl River commerce is, I think, shown by the reports as being entirely timber, logs, and lumber, and not being rafted for over 1 or 2 miles, and the Government spends its time and its money in taking out all the snags in this river.

The complaints or criticism on Pearl River do not apply in the same way to the East Pearl River, which seems to have considerable commerce, but not very much outside of the question of lumber.

I do not believe, Mr. President, that any business man handling his own money would feel justified in spending it on that kind of a proposition.

I had intended to comment a little on the Yazoo River, but will not do so, as I should like to get through.

Bear Creek merely exhibits how things have been done. It is a very small affair. There is no local cooperation. It is proposed to remove snags and shoals and leaning trees. There was no commerce in 1913 and no commerce in 1914 and 187 tons in 1915. Freight is carried on in private gasoline launches by the owners, and they keep no records of the reports.

I take up for a moment the Big Sunflower proposition. On the previous project we have spent $224,000 and on the present project $149,000. The estimate to complete it is some $500,000. The commerce, except lumber, is about 16,000 short tons. But this work, according to the Army engineers, has reduced freight rates about 33⅓ per cent. So it has accomplished something locally for the good of the community.

The amount expended on all projects connected with this, including maintenance, was $472,749.27.

Another appropriation in the bill to get rid of water hyacinths I pass.

Mr. President, I will not be able, I think, to finish what I have to say to-night. I had hoped to finish, but I find myself very weary. The Senator from Illinois [Mr. SHERMAN] desires to occupy the floor for some time, and I think, therefore, I will stop at this point and resume my remarks at some later time.

Friday, May 12, 1916.

Mr. KENYON. Mr. President, I think the Senator from Illinois [Mr. SHERMAN] and the Senator from Iowa are not particularly to be criticized for discussing somewhat deliberately this important bill. It is a bill that ought to be discussed thoroughly, possibly not item by item, but at least items which we find objection to, and while that discussion we realize does not change any vote in this Chamber, and receives scarcely any attention in this Chamber, it is the discussion of matters that we believe the people of the country will pay some attention to.

Nor do I think we should be criticized for occupying the time of the Senate, because the Senate apparently has nothing of importance in the way of business to transact. The President on his western trip told the people that he wanted them to vocalize. We are trying to do that in a mild way. While the President urged upon the people that they should try and stimulate Congress in the way of preparedness, we find ourselves two and a half months after that time, with troubles on our border and other matters of an acute nature, absolutely doing nothing. So long as the time is not to be occupied in these important things it is well to discuss this bill very thoroughly. That we are trying to do with the hope that when the bill is put to a square vote with a motion to recommit it, or on a substitute for one-half, we may have interested enough Senators to make a fairly respectable showing on those propositions.

I wish to put in the RECORD some figures which I referred to the other day, but I did not very accurately state them. Those were the appropriations in the Sixty-first, Sixty-second, and Sixty-third Congresses, showing, as the Senator from Illinois has referred to the fact, that from the expenditures of the Sixty-first Congress of $1,956,125,776.99, came in the Sixty-third Congress to $2,231,055,150.57. I ask permission to insert that table for these three Congresses in the RECORD without reading.

The PRESIDING OFFICER (Mr. HUSTING in the chair). Without objection, it is so ordered.

The table referred to is as follows:

Appropriations—fiscal years 1875 to 1916, inclusive.

[Prepared by the clerk to the Committees on Appropriations of the Senate and House of Representatives.]

[Footnotes at end of table.]

Title.	Forty-third Congress.		Forty-fourth Congress.		Forty-fifth Congress.[a]	
	Appropriations, 1875.	Appropriations, 1876.	Appropriations, 1877.	Appropriations, 1878.	Appropriations, 1879.	Appropriations, 1880.
Army	$27,788,500.00	$27,933,830.00	[a]$27,621,867.90	[a]$25,812,500.00	$25,593,186.01	[b]$26,797,300.00
Diplomatic and consular	[c]3,401,864.00	1,374,985.00	1,187,197.50	1,138,374.50	1,077,635.00	1,087,835.00
Fortifications	904,000.00	850,000.00	315,000.00	275,000.00	275,000.00	275,000.00
Indian	5,680,651.96	5,360,554.55	4,572,762.01	4,529,865.69	4,746,275.70	4,714,478.58
Legislative, etc	20,783,900.80	18,992,236.99	15,417,933.33	15,450,345.30	15,271,251.30	[b]16,287,457.73
Military Academy	339,835.00	364,740.00	290,065.00	286,604.00	292,805.00	319,547.33
Navy	[d]20,813,946.20	17,001,006.40	12,742,155.40	13,541,024.40	14,152,993.70	14,029,968.95
Pension (including deficiencies therefor)	29,980,000.00	30,000,000.00	29,533,500.00	28,533,000.00	29,371,574.00	[e]56,233,200.00
Post Office [1]	35,756,091.00	37,524,361.00	34,585,701.00	33,884,143.00	33,246,373.00	36,121,400.00
River and harbor (including amounts in sundry civil, deficiency, and special acts)	5,218,000.00	6,643,517.50	5,015,000.00	.....	8,201,700.00	7,846,600.00
Sundry civil (exclusive of amounts for rivers and harbors)	27,009,741.81	26,844,350.00	16,331,474.58	17,133,750.06	[f]26,004,409.26	[g]21,656,340.06
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	4,083,914.26	4,703,699.18	2,908,177.09	2,745,480.97	14,138,742.29	3,163,297.15
Total	181,763,388.03	177,303,280.71	150,540,833.81	143,330,087.92	172,381,855.26	188,531,424.80
Miscellaneous	1,921,614.13	1,862,929.19	4,012,805.84	1,262,061.31	2,049,638.61	1,926,020.26
Total regular annual appropriations	183,685,002.16	179,166,209.90	154,553,639.65	144,592,149.23	174,431,493.87	190,457,445.06
Permanent annual appropriations	141,981,789.73	148,961,989.42	145,037,498.42	151,414,544.98	157,976,282.81	181,662,184.21
Grand total	325,666,791.89	328,128,199.32	299,591,138.07	296,006,694.21	332,407,776.68	372,119,629.30
Total appropriations by Congresses	653,794,991.21		595,597,832.28		701,527,405.98	

Title.	Forty-sixth Congress.[b]		Forty-seventh Congress.		Forty-eighth Congress.	
	Appropriations, 1881.	Appropriations, 1882.	Appropriations, 1883.	Appropriations, 1884.	Appropriations, 1885.	Appropriations, 1886.
Agricultural	[a]$253,300.00	$335,500.00	$427,280.00	$405,640.00	$480,190.00	$585,790.00
Army	26,425,800.00	26,687,800.00	27,258,000.00	24,681,250.00	24,454,450.00	24,014,052.50
Diplomatic and consular	1,190,335.00	1,192,435.00	1,256,655.00	1,296,755.00	1,219,390.00	1,242,925.00
District of Columbia [1]	3,425,997.35	3,378,617.44	3,496,060.47	3,507,247.96	3,559,835.54	3,622,684.20
Fortifications	550,000.00	575,000.00	375,000.00	670,000.00	700,000.00	725,000.00
Indian	4,657,262.72	4,587,866.80	5,229,374.01	5,358,655.91	5,859,402.91	5,762,512.70
Legislative, etc	16,274,023.59	17,678,308.99	20,038,000.65	20,454,246.22	21,393,141.85	21,376,708.70
Military Academy	316,234.28	322,435.37	335,557.04	318,657.50	314,563.50	310,021.64
Navy	14,405,797.70	14,566,037.55	14,819,976.80	15,884,434.23	14,980,472.59	15,070,837.95
Pension (including deficiencies therefor)	[b]41,644,000.00	[c]68,282,306.68	[d]116,000,000.00	[e]80,575,000.00	[f]20,810,000.00	60,000,000.00
Post Office [1]	39,093,420.00	40,957,432.00	44,643,900.00	44,489,520.00	49,040,400.00	53,700,999.00
River and harbor (including amounts in sundry civil, deficiency, and special acts)	8,951,500.00	11,441,302.00	18,738,875.00	.....	13,949,200.00	.....
Sundry civil (exclusive of amounts for rivers and harbors)	22,515,428.91	21,984,194.12	25,589,358.06	23,679,575.44	22,299,434.30	26,079,257.49
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	4,207,226.44	5,092,138.92	12,992,025.16	2,749,941.49	7,057,509.00	4,926,855.30
Total	183,900,325.99	217,081,572.87	291,200,062.19	230,080,921.75	186,117,999.69	217,417,634.98
Miscellaneous	[g]5,618,865.22	1,072,933.64	6,111,540.10	1,912,723.88	[h]9,592,598.40	2,177,648.20
Total regular annual appropriations	189,519,191.21	218,154,506.51	297,311,602.29	231,993,647.63	195,710,598.09	219,595,283.18
Permanent annual appropriations	172,053,013.18	147,810,973.32	124,826,471.02	123,304,227.60	123,118,901.04	116,844,630.02
Grand total	361,572,204.39	365,965,479.83	422,138,073.31	355,297,875.23	318,829,499.13	336,439,913.20
Total appropriations by Congresses	727,537,684.22		777,435,948.54		655,269,402.33	

Title.	Forty-ninth Congress.		Fiftieth Congress.		Fifty-first Congress.	
	Appropriations, 1887.	Appropriations, 1888.	Appropriations, 1889.	Appropriations, 1890.	Appropriations, 1891.	Appropriations, 1892.
Agricultural	$654,715.00	$1,028,720.00	$1,716,010.00	$1,669,770.00	$1,799,100.00	[a]$3,028,153.50
Army	23,753,057.21	23,724,718.69	24,471,300.00	24,316,615.73	24,206,471.79	24,613,529.19
Diplomatic and consular	1,364,065.00	1,429,942.44	1,428,465.00	1,980,025.00	1,710,815.00	1,655,925.00
District of Columbia [1]	3,721,050.99	4,284,590.66	5,046,410.32	5,682,499.91	5,769,541.15	5,597,125.17
Fortifications	.....	.....	3,972,000.00	1,233,594.00	4,232,925.00	3,774,893.00
Indian	5,546,262.84	5,226,897.66	[b]8,263,700.79	[c]8,077,453.39	7,262,016.02	[d]16,385,284.86
Legislative, etc	20,634,346.37	20,745,023.67	20,758,178.07	20,843,615.81	21,030,752.75	22,027,674.75
Military Academy	297,805.00	419,936.93	315,043.81	902,596.60	435,296.11	402,064.64
Navy	[e]16,489,907.20	25,767,348.19	19,942,835.35	21,692,510.27	[f]24,136,035.53	[g]32,541,634.78
Pension (including deficiencies therefor)	[h]82,075,200.00	[i]83,152,500.00	[j]85,258,700.00	[k]89,758,700.00	[l]123,779,368.35	[m]164,550,383.34
Post Office [1]	54,365,863.25	55,694,650.15	60,860,233.74	66,605,344.28	72,226,698.99	77,907,222.61
River and harbor (including amounts in sundry civil, deficiency, and special acts)	14,473,900.00	.....	22,397,616.90	.....	25,138,295.00	[n]2,951,200.00
Sundry civil (exclusive of amounts for rivers and harbors)	22,662,310.58	22,386,540.96	26,320,804.84	25,297,341.65	29,738,282.22	35,459,163.99
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	7,896,719.62	.....	[o]16,063,383.26	8,330,518.30	13,295,541.61	8,364,148.62
Total	253,925,203.06	243,860,879.35	296,814,682.08	276,390,665.03	354,739,152.52	399,290,333.45
Miscellaneous	[p]9,989,410.19	4,811,991.49	[q]10,170,862.55	[r]10,255,795.29	[s]7,010,905.27	3,271,531.10
Total regular annual appropriations	263,914,613.25	248,672,870.84	306,985,544.63	286,646,460.32	361,750,057.79	402,531,864.55
Permanent annual appropriations	123,416,358.74	110,338,652.68	101,638,912.74	98,875,907.29	147,598,288.07	111,892,154.94
Grand total	387,330,971.99	359,011,523.52	408,624,457.37	385,522,367.61	509,368,345.86	514,424,019.49
Total appropriations by Congresses	746,342,495.51		794,146,824.98		1,023,792,365.35	

Appropriations—fiscal years 1875 to 1916, inclusive—Continued.

Title.	Fifty-second Congress.		Fifty-third Congress.		Fifty-fourth Congress.	
	Appropriations, 1893.	Appropriations, 1894.	Appropriations, 1895.	Appropriations, 1896.	Appropriations, 1897.	Appropriations, 1898.
Agricultural	$3,232,966.50	$3,323,500.00	$3,223,620.06	$3,303,750.00	$3,255,592.00	[a]$3,192,902.00
Army	24,308,490.82	24,225,639.78	23,592,884.68	23,252,699.19	23,278,402.73	23,129,344.30
Diplomatic and consular	1,604,045.00	1,557,445.00	1,563,918.76	1,574,018.76	1,642,558.76	1,605,438.76
District of Columbia [1]	5,317,973.27	5,413,221.91	5,345,658.57	5,745,145.25	5,900,310.48	6,186,981.06
Fortifications	2,734,276.00	2,210,055.00	2,427,004.00	1,904,555.50	2,377,888.00	9,517,141.00
Indian	7,664,047.84	7,854,240.48	[b]10,659,565.16	8,762,751.24	7,990,496.79	7,674,120.80
Legislative, etc	21,900,132.97	21,865,802.81	21,305,983.29	21,891,718.08	21,319,324.71	21,880,768.80
Military Academy	428,917.33	432,556.12	400,335.08	364,261.66	449,525.61	479,572.83
Navy	23,543,385.00	22,104,661.38	25,727,128.72	29,416,245.31	30,562,660.95	33,003,214.19
Pension (including deficiencies therefor)	[c]154,411,682.00	[d]180,681,074.85	151,581,570.00	141,881,570.00	141,428,580.00	141,263,980.00
Post Office [1]	80,331,276.73	84,004,314.22	87,226,599.55	89,545,997.86	92,571,564.22	95,665,338.75
River and harbor (including amounts in sundry civil, deficiency, and special acts)	[e]21,968,218.00	[f]14,166,153.00	[g]20,043,180.00	[h]21,462,115.00	[i]16,244,147.00	[j]20,832,412.91
Sundry civil (exclusive of amounts for rivers and harbors)	26,851,076.93	27,550,188.15	25,853,775.55	35,109,045.40	29,812,113.19	[k]34,490,370.47
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	8,230,850.50	8,127,361.51	11,811,004.06	9,825,374.82	15,041,911.07	[l]9,096,417.34
Total	382,527,385.89	403,515,586.11	390,578,048.48	383,636,986.97	396,375,024.21	407,907,801.40
Miscellaneous	3,208,922.82	520,199.18	577,936.55	297,667.37	416,010.06	749,057.80
Total regular annual appropriations	385,736,308.71	404,035,785.29	391,156,005.03	381,934,564.34	396,791,034.27	408,656,859.30
Permanent annual appropriations	77,948,076.49	75,886,581.79	68,769,173.59	73,153,780.38	72,702,975.84	76,345,185.42
Grand total	463,684,385.20	479,902,667.08	459,925,178.62	457,088,344.72	469,494,010.41	485,002,044.72
Total appropriations by Congresses	943,617,052.28		917,013,523.34		954,496,055.13	

Title.	Fifty-fifth Congress.[c]		Fifty-sixth Congress.		Fifty-seventh Congress.	
	Appropriations, 1899.	Appropriations, 1900.	Appropriations, 1901.	Appropriations, 1902.	Appropriations, 1903.	Appropriations, 1904.
Agricultural	$3,500,202.00	$3,736,022.00	$4,023,500.00	$4,582,420.00	$5,208,960.00	$5,978,160.00
Army	23,193,392.00	80,430,204.06	114,220,085.55	115,734,049.10	91,730,136.41	77,898,752.83
Diplomatic and consular	1,752,208.76	1,714,533.76	1,771,168.76	1,849,428.76	1,857,925.00	1,948,250.00
District of Columbia [1]	6,426,840.07	6,834,535.77	7,577,369.31	8,502,399.94	8,544,499.97	8,638,067.00
Fortifications	9,377,494.00	4,909,902.00	7,383,628.00	7,364,011.00	7,298,955.00	7,188,416.22
Indian	7,673,854.90	7,504,775.81	8,197,989.24	9,747,471.09	8,998,028.10	8,540,406.77
Military Academy	21,625,846.65	23,410,840.79	24,175,652.53	24,594,968.45	25,396,981.50	27,398,653.06
Navy	458,649.23	575,774.47	674,306.67	772,633.68	2,627,324.42	652,748.67
Pension (including deficiencies therefor)	56,098,783.68	48,089,980.58	65,140,916.67	78,101,791.00	78,856,363.13	81,476,791.43
Post Office [1]	[a]149,304,702.46	145,233,830.00	145,245,230.00	145,245,230.00	139,842,230.00	137,848,600.00
River and harbor (including amounts in sundry civil, deficiency, and special acts)	99,222,300.75	105,634,138.75	113,658,238.75	123,782,688.75	138,416,598.75	153,311,549.75
Sundry civil (exclusive of amounts for rivers and harbors)	[b]14,627,449.56	[c]25,110,038.94	[d]16,285,605.75	[e]7,046,623.00	[f]32,540,199.50	[g]20,233,150.00
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	34,222,762.70	39,467,733.86	49,504,309.70	54,749,285.21	54,394,601.63	62,139,210.10
	[h]341,341,517.50	[i]24,905,912.26	15,688,330.61	15,917,406.94	[j]28,050,007.32	[k]21,485,660.25
Total	768,835,084.26	517,558,212.05	573,636,341.54	597,980,337.32	623,950,481.42	617,527,447.37
Miscellaneous	6,560,311.29	[l]28,744,590.24	3,802,301.34	[m]7,990,018.67	[n]52,852,795.13	2,941,238.65
Total regular annual appropriations	[o]775,395,395.55	546,302,802.29	577,438,642.88	605,980,355.99	676,703,276.55	620,468,686.02
Permanent annual appropriations	87,287,091.51	144,364,386.25	141,840,184.01	151,627,108.73	119,930,588.24	116,109,716.74
Grand total	862,682,487.06	690,667,188.54	719,278,826.89	757,607,464.72	796,633,864.79	736,578,402.76
Total appropriations by Congresses	1,553,349,675.60		1,476,886,291.61		1,533,212,267.55	

Title.	Fifty-eighth Congress.		Fifty-ninth Congress.		Sixtieth Congress. [d]	
	Appropriations, 1905.	Appropriations, 1906.	Appropriations, 1907.	Appropriations, 1908.	Appropriations, 1909.	Appropriations, 1910.
Agricultural	$5,902,040.00	$6,882,090.00	$9,930,440.00	$9,447,260.00	$11,672,106.00	$12,095,036.00
Army	77,070,300.88	70,396,631.64	71,817,165.08	78,634,582.75	95,382,247.61	101,105,883.34
Diplomatic and consular	2,020,100.00	2,121,047.72	3,091,094.17	3,092,333.72	3,538,852.72	3,613,901.67
District of Columbia [1]	11,018,540.00	9,801,197.62	10,138,672.16	10,440,598.63	10,001,898.85	10,699,531.49
Fortifications	7,518,192.00	6,747,893.00	5,053,993.00	6,898,011.00	9,316,745.00	8,170,111.00
Indian	9,447,961.40	7,923,814.34	9,200,560.98	10,125,076.15	9,253,347.87	11,854,982.48
Military Academy	28,558,258.22	29,136,752.06	29,681,919.30	32,126,333.80	32,432,913.50	32,007,040.00
Navy	973,947.26	673,713.38	1,664,707.67	1,929,703.42	845,634.87	2,531,521.33
Pension (including deficiencies therefor)	97,505,140.94	100,336,679.94	102,091,670.27	98,958,507.50	122,663,895.47	136,935,199.05
Post Office [1]	[a]142,960,700.00	[b]142,750,100.00	[c]143,745,500.00	[d]147,143,000.00	[e]173,053,000.00	160,908,000.00
River and harbor (including amounts in sundry civil, deficiency, and special acts)	172,545,998.75	181,022,093.75	191,695,998.75	212,091,193.00	222,970,892.00	234,692,370.00
Sundry civil (exclusive of amounts for rivers and harbors)	[f]10,872,200.00	[g]28,726,007.41	[h]17,254,050.04	[i]43,500,813.00	[j]18,092,945.00	[k]20,190,261.00
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	49,968,011.34	56,999,318.66	[l]81,284,720.28	[m]104,376,481.30	[n]93,865,143.23	[o]117,942,100.36
	[p]22,771,890.18	[q]27,185,288.72	[r]35,620,035.45	[s]11,408,998.91	[t]46,702,309.06	[u]31,571,750.68
Total	638,533,281.66	669,973,228.24	712,339,566.15	770,172,923.18	850,191,911.18	894,307,609.40
Miscellaneous	1,167,273.52	3,375,086.72	[v]27,173,299.01	738,900.62	[w]4,011,337.26	[x]1,259,515.96
Total regular annual appropriations	639,700,555.18	673,348,314.96	739,512,865.16	770,911,823.80	854,203,248.44	895,567,185.36
Permanent annual appropriations	92,497,300.66	92,205,305.10	131,528,982.24	147,450,505.27	132,048,409.16	132,939,385.58
Grand total	732,197,855.84	765,553,620.06	871,041,847.40	918,362,329.07	986,251,657.60	[y]1,028,506,570.94
Total appropriations by Congresses	1,497,751,475.90		1,789,404,176.47		[z]2,014,758,228.54	

***Appropriations—fiscal years 1875 to 1916, inclusive*—Continued.**

Title.	Sixty-first Congress.[a]		Sixty-second Congress.[f]		Sixty-third Congress.[g]	
	Appropriations, 1911.	Appropriations, 1912.	Appropriations, 1913.	Appropriations, 1914.	Appropriations, 1915.	Appropriations, 1916.
Agricultural	$13,487,636.00	$16,900,016.00	$16,651,496.00	$17,986,945.00	$19,895,832.00	$22,971,782.00
Army	95,440,567.55	93,374,755.97	[b] 90,958,712.88	94,266,145.51	101,019,212.50	101,974,195.87
Diplomatic and consular	4,116,081.41	3,988,516.41	3,838,047.41	3,790,042.66	4,369,856.66	4,061,780.01
District of Columbia[1]	10,608,045.99	12,056,786.50	10,670,733.00	11,383,739.00	12,172,539.49	11,859,583.45
Fortifications	5,617,200.00	5,473,707.00	4,036,235.00	5,218,290.00	5,627,700.00	6,060,216.90
Indian	9,266,528.00	8,842,136.37	8,920,970.66	[c] 9,486,819.67	9,771,802.76	[h] 9,771,902.76
Legislative, etc	34,158,767.00	35,378,149.85	34,216,463.38	36,172,434.50	37,609,229.70	36,904,799.75
Military Academy	1,858,289.87	1,163,424.67	1,064,668.26	1,069,302.87	987,889.54	1,009,817.37
Navy	131,330,854.38	126,478,338.24	123,225,007.76	140,899,643.53	[d] 144,888,716.61	149,661,861.88
Pensions (including deficiencies therefor)	155,758,000.00	156,182,000.00	165,146,145.84	[e] 195,400,000.00	169,150,000.00	164,100,000.00
Post Office[2]	243,907,020.00	259,134,463.00	271,429,599.00	285,376,271.00	313,369,607.00	[h] 313,361,667.00
River and harbor (including amounts in sundry civil, deficiency, and special acts)	[a] 49,380,541.50	[a] 30,883,419.00	[a] 41,259,620.50	[a] 51,118,889.00	[a] 26,988,500.00	[a] 33,982,000.00
Sundry civil (exclusive of amounts for rivers and harbors)	[a] 106,015,198.82	[a] 135,236,967.14	[a] 102,538,934.40	[g] [a] 106,749,532.01	[a] 103,081,727.39	[a] 122,940,750.79
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	[a] 12,729,214.80	[c] 9,542,828.44	[a] 9,700,939.67	[i] 10,818,310,749.73	[a] 23,363,586.61	[a] 12,316,343.99
Total	873,691,905.32	892,635,502.99	883,457,573.86	976,100,366.48	972,212,370.26	991,039,201.68
Miscellaneous	[a] 23,275,138.74	[c] 4,923,306.81	[a] 2,748,712.93	[j] 1,380,597.22	[a] 12,709,961.29	[a] 2,230,601.34
Total regular annual appropriations	896,967,034.06	897,558,809.80	886,206,286.79	977,480,961.70	984,921,731.55	993,369,801.02
Permanent annual appropriations	79,775,890.40	81,824,842.73	80,917,072.27	76,062,019.71	[k] 131,196,407.00	[k] 121,567,209.00
Grand total	976,742,924.46	[c] 979,382,652.53	967,123,359.06	[l] 1,053,542,981.41	1,116,118,138.55	1,114,937,010.02
Total appropriations by Congress	[c] 1,956,125,776.99		[j] 2,020,666,340.47		2,231,055,150.57	

[a] The Army appropriation act for 1878 was passed during the special session of the Forty-fifth Congress, but for purposes of comparison is included under appropriations by the Forty-fourth Congress.

[b] The Army and legislative appropriation acts for 1880 were passed during the special session of the Forty-sixth Congress, but for purposes of comparison are included under appropriations by the Forty-fifth Congress.

[c] The agricultural, Indian, and sundry civil appropriation acts for 1898 and the general deficiency appropriation act for 1897 and prior years were passed during the special session of the Fifty-fifth Congress, but for purposes of comparison are included under appropriations by the Fifty-fourth Congress.

[d] There is in the total of appropriations for 1910 the sum of $11,261,410.76 passed during the first or extra session of the Sixty-first Congress as deficiency appropriations, including $10,000,000 for the Thirteenth Census for 1910, which failed to be appropriated at the last session of the Sixtieth Congress.

[e] There is in the total of appropriations for the fiscal year 1912 the sum of $451,852.20 passed during the first or extra session of the Sixty-second Congress. Of this amount $301,852.20 constitute deficiencies and $150,000 is a miscellaneous item.

[f] There is in the total of appropriations for 1914 the sum of $6,257,837.42 passed during the first or extra session of the Sixty-third Congress. Of this amount $5,335,837.42 constitute deficiencies and $922,000 are miscellaneous items.

[g] The Indian appropriation bill for 1914 failed of final agreement between the House and Senate at the third and last session of the Sixty-second Congress and the sundry civil bill for 1914 was vetoed by the President on Mar. 4, 1913. Both were passed at the first or extra session of the Sixty-third Congress, but for purposes of comparison are included under appropriations by the Sixty-second Congress.

[h] The Indian and Post Office appropriation bills failed of enactment at the third and final session of the Sixty-third Congress. A separate joint resolution was passed for each service continuing and making available for 1916 the appropriations made for the respective services for 1915 not to exceed in the aggregate the respective totals appropriated for 1915.

[1] Fifty per centum of the amounts appropriated for the District of Columbia are paid by the United States, except the amount for the water department, which is paid out of the revenues of that department, and was first included in the bill for 1883.

[2] The appropriations for the Postal Service are paid out of the postal revenues, and any deficiency in the revenues is provided for out of the Treasury of the United States.

[3] Includes award of $1,929,849 to British subjects under treaty of May 8, 1871.

[4] Includes $4,000,000 for extraordinary expenses of the naval service, appropriated by special act.

[5] Includes $1,634,700 in special act to increase the Cavalry force of the United States to aid in suppressing Indian hostilities.

[6] Includes $5,500,000 for Halifax fishery award.

[7] Includes $26,867,200 in special act for pension arrears.

[8] Includes $2,090,000 by special act for expenses of the United States courts omitted from the sundry civil act for 1880.

[9] Prior to 1881 appropriations for the Agricultural Department were provided for in the legislative acts.

[10] Includes $9,240,000 by special act for arrears and pension deficiencies for 1880.

[11] Includes $1,250,000 for additional Postal (star route) Service.

[12] Includes $18,282,306.68, pension deficiencies for 1881.

[13] Includes $16,000,000 by special act for pension deficiencies for 1882.

[14] In addition to this amount for pensions for 1884, and unexpended balance of about $38,000,000 was reappropriated and made available for that fiscal year.

[15] In addition to this amount for pensions for 1885, an unexpended balance of about $66,000,000 was reappropriated and made available for that fiscal year.

[16] Includes the following items: Tobacco-tax rebate, $3,791,965; Mississippi River improvements, $1,000,000; New Orleans Exposition, $1,000,000; District of Columbia sewerage, $500,000; and Ohio River overflow sufferers, $500,000.

[17] Includes $3,500,000 by special act for "increase of the Navy."

[18] Includes $6,000,000 by special act for pension deficiencies for 1886.

[19] Includes $5,769,015.28 for payment of Alabama claims awards.

[20] Includes $6,900,000 for Mexican War pensions, appropriated by special act.

[21] Includes $2,858,798.62 for payment of judgment of Court of Claims in favor of the Choctaw Nation.

[22] Includes $3,500,000, pension deficiencies for 1888, appropriated by special act.

[23] This is the aggregate amount of the deficiency acts passed during the first session of the Fiftieth Congress, exclusive of $3,500,000 for pensions. No deficiency act was passed during the second session of the Forty-ninth Congress.

[24] Includes the following: Public buildings, $4,727,800; establishing quarantine stations, $642,600; and procuring division of Sioux Reservation, $1,018,000.

[25] Includes $1,913,942.02 for payment to Seminole Indians for lands.

[26] Includes $6,000,000 in general deficiency act for pension deficiencies for 1889.

[27] Includes the following: Milwaukee public building, $1,200,000; Omaha public building, $600,000; payment to Creek Indians for land, $2,280,857.10; expense of Eleventh Census, $1,000,000; and to procure division of Sioux Reservation, $3,153,200.

[28] Includes $1,000,000 appropriated by joint resolution Sept. 29, 1890, for nickel ore or nickel matte for naval purposes.

[29] Includes $26,321,007.15, pension deficiencies for 1890.

[30] Includes $1,000,000 for procuring farm-mortgage and other statistics, $1,364,000 for aid to agricultural colleges, $1,200,000 for Rock Creek Park, and $598,085.81 for additional clerical force for Pension and other offices.

[31] Includes $880,753.50 for the Weather Bureau, heretofore in the sundry civil act under the War Department.

[32] Includes special appropriations for ratifying agreements with various Indian tribes, together with a payment of $2,991,450 to the Choctaw and Chickasaw Nations of Indians; in all, $8,617,793.75.

[33] Includes $1,000,000 by deficiency act to carry on work on new naval vessels.

[34] Includes $20,335,596.34, pension deficiencies for 1891.

[35] No general river and harbor appropriation act was passed for 1892, but an appropriation of $1,000,000 for the improvement of the Mississippi River was made by joint resolution approved Mar. 3, 1891, and appropriations amounting to $1,981,300 for the improvement of certain harbors and rivers under contracts were included in the sundry civil act, making in all for 1892, $2,981,300.

[36] Includes $7,674,332, pension deficiencies for 1892.

[37] Includes $414,000 in the sundry civil act for harbor and river contract work.

[38] Includes $14,149,724.85, pension deficiencies for 1893.

[39] No general river and harbor appropriation act was passed for 1894, but appropriations amounting to $14,166,153 for the improvement of certain harbors and rivers, under contracts, were included in the sundry civil act.

[40] Includes $1,330,668.67 to be placed to the credit of certain Indians for the face value of certain nonpaying State bonds or stocks, including certain abstracted bonds described on pages 153 and 154 of the Book of Estimates for 1895, and which become the property of the United States; also $2,472,407 to carry out agreements with various Indian tribes ratified by the Indian appropriation act for 1895.

[41] Includes $8,400,000 for harbor and river contract work appropriated by the sundry civil act.

[Footnotes—Continued.]

[a] No general river and harbor appropriation act was passed for 1896, but appropriations amounting to $11,462,115 for the improvement of certain harbors and rivers, under contracts, were included in the sundry civil act.

[b] Includes $3,284,397, appropriated by the sundry civil act, and $300,000, appropriated by a deficiency act, for harbor and river contract work.

[c] No general river and harbor appropriation act was passed for 1898, but the sum of $18,578,412.91 was appropriated in the sundry civil act to carry out contracts authorized by law, and $543,000 additional for river and harbor improvements for 1898, in all, $19,121,412.91. The general deficiency act also appropriated $1,200,000 to carry out contracts authorized by law and $11,000 additional for river and harbor improvements, and the joint resolution of Mar. 31, 1897, appropriated $250,000 for the improvement of the Mississippi River to carry out contracts authorized by law, and the joint resolution of Feb. 26, 1897, appropriated $250,000 for closing the crevasse in Pass a Loutre, an outlet of the Mississippi River, making in all for river and harbor improvements in sundry civil act for 1898, in general deficiency act, and in joint resolutions, $20,832,412.91.

[d] Includes $8,070,832.46, pension deficiencies for 1898.

[e] No general river and harbor appropriation act was passed for 1899, but the sum of $14,631,613.56 was appropriated in the sundry civil act to carry out contracts authorized by law, and $235,836 additional, and $300,000 in the general deficiency act, for river and harbor improvements for 1899, in all, $14,627,449.56.

[f] Includes $329,661,795.77 on account of expenses of War with Spain.

[g] Includes $361,859,927.26 on account of expenses of War with Spain.

[h] Includes $8,918,197, appropriated by the sundry civil act, and $100,000, appropriated by a deficiency act, for harbor and river contract work.

[i] Includes $15,140,464.70 on account of the Military Establishment.

[j] Includes $20,000,000 to carry out the obligations of the treaty between the United States and Spain concluded Dec. 10, 1898, and $3,146,143.97 for payment of claims under the Bowman and Tucker Acts and French spoliation and other claims.

[k] Includes $12,200,035.75 appropriated in the sundry civil act to carry out contracts authorized by law for harbor and river improvements for 1901, and $3,730,000 additional for harbor and river improvements for 1901, made in said act.

[l] No general river and harbor appropriation act was passed for 1902, but appropriations amounting to $7,046,623 for the improvement of certain harbors and rivers under contracts, were included in the sundry civil act.

[a] Includes $1,500,000 for payment to Baltimore & Ohio Railroad Co. toward cost of elimination of grade crossings in Washington, D. C., and $5,000,000 in aid of the Louisiana Purchase Exposition.

[b] Includes $5,768,737.30 for harbor and river contract work appropriated in sundry civil act.

[c] Includes $3,218,586.91 for refunding to States expenses incurred in raising volunteers, $1,860,000 for collecting revenue from customs, $3,150,000 for rebate of tobacco tax, and $4,000,000 for armor and armament of new ships of the Navy.

[d] Includes $50,130,000 for Isthmian Canal.

[e] No general river and harbor appropriation act was passed for 1904, but appropriations amounting to $20,233,150 for the improvement of certain harbors and rivers, under contracts, were included in the sundry civil act.

[a] Includes $2,300,000 for collecting revenue from customs, $2,085,850 toward construction of new public buildings, $1,570,000 for rebate of tobacco tax, $946,083.89 prize money, battle of Manila Bay, and $3,301,475.96 for refunding to States expenses incurred in raising volunteers.

[b] Includes $4,000,000 pension deficiencies for 1904.

[c] Includes $7,872,200 for harbor and river contract work appropriated in sundry civil act.

[d] Includes $4,600,000 loan to Louisiana Purchase Exposition, $2,400,000 for collecting revenue from customs, $570,000 for House of Representatives Office Building, and $921,134.36 for refunding to State expenses incurred in raising volunteers.

[e] Includes $4,500,000 pension deficiencies for 1905.

[f] Includes $10,544,132 for harbor and river contract work appropriated in sundry civil act.

[g] Includes $4,500,000 for collecting revenue from customs, and $14,962,466.77 for the Naval Establishment.

[h] Includes $3,500,000 for pension deficiencies for 1906.

[i] No general river and harbor appropriation act passed for 1907, but appropriations amounting to $17,254,050.04 for the improvement of certain harbors and rivers, under contracts, were included in the sundry civil act.

[j] Includes $25,456,415.95 for the construction of the Isthmian Canal.

[k] Includes $16,990,786 for the construction of the Isthmian Canal, $4,500,000 for the collection of revenue from customs, $2,214,920.80 for the Naval Establishment, $1,940,386.50 for the Military Establishment, and $601,717 for construction or repair of buildings on the Pacific coast damaged by earthquake.

[l] Includes $10,306,600 toward construction of public buildings, $10,000,000 for the use and benefit of the common schools of Arizona and Oklahoma, $2,500,000 for the relief of sufferers from earthquake and conflagration on the Pacific coast, and $1,000,000 to increase the efficiency of the militia.

[m] Includes $1,000,000 pension deficiency for 1907.

[n] Includes $6,392,230 for river and harbor contract work appropriated for in sundry civil act.

[o] Includes $27,161,367.50 for the construction of the Isthmian Canal.

[p] Includes $4,714,018.50 for the Military Establishment, $538,069.41 for the Naval Establishment, $1,000,000 to the Jamestown Exposition, and $1,921,866.40 for the Postal Service.

[q] Includes $10,000,000 pension deficiency for 1908.

[r] No general river and harbor appropriation act was passed for 1909, but appropriations amounting to $18,092,995 for the improvement of certain harbors and rivers, under contracts, were included in the sundry civil act.

[s] Includes $29,177,000 for the construction of the Isthmian Canal.

[t] Includes $12,431,250 toward the construction of public buildings, $5,021,814.19 for the Military Establishment, $5,207,275.87 for the Naval Establishment, $12,178,900 for the construction of the Isthmian Canal, $950,000 for the collection of revenue from customs, and $1,760,293.01 for the Postal Service.

[u] Includes $2,000,000 to promote the efficiency of the militia.

[v] Includes $19,754,314 for river and harbor contract work appropriated for in sundry civil act.

[w] Includes $33,638,000 for the construction of the Isthmian Canal.

[x] Includes $500,000 for payment to the Republic of Colombia under treaty agreement, $300,000 for the collection of revenue from customs, $5,299,378.72 for the Military Establishment, $2,201,843.74 for the Naval Establishment, $5,458,000 for the construction of the Isthmian Canal, $1,453,493.86 for the Postal Service, and $10,000,000 for the Thirteenth Census.

[y] Includes $800,000 for the relief of the citizens of Italy.

[z] Includes $8,051,428 for river and harbor contract work appropriated for in sundry civil act.

[a] Includes $37,835,000 for the construction of the Isthmian Canal.

[b] Includes $250,000 for the collection of revenue from customs, $2,430,678.91 for the Military Establishment, $1,569,195.19 for the Naval Establishment, and $983,207.05 for the Postal Service.

[c] Includes $20,020,000 for advances to reclamation fund, reimbursable from receipts of reclamation fund.

[d] Includes $7,028,077 for river and harbor contract work appropriated for in sundry civil act.

[e] Includes $48,560,000 for construction and fortification of the Isthmian Canal.

[f] Includes $500,000 for the collection of revenue from customs, $801,703.33 for the Military Establishment, $1,059,699.27 for the Naval Establishment, $490,000 for Meridian Hill Park, District of Columbia, and $900,000 for general expenses, Forest Service.

[g] Includes $4,200,000 to protect watershed of navigable rivers from fire, and for examination, survey, and acquirement of lands on headwaters of navigable streams for development for navigable purposes.

[h] Includes $1,350,000 appropriated in a joint resolution, approved July 8, 1912, for the Organized Militia.

[i] Includes $9,500,250 for river and harbor contract work appropriated for in sundry civil act and $700,000 in various special acts for flood protection along the Missouri and Mississippi Rivers.

[j] Includes $31,786,950 for the construction and fortification of the Panama Canal.

[k] Includes $350,000 for the Customs Service, $2,434,693.52 for the Military Establishment, $596,113.37 for the Naval Establishment, $201,752.25 for United States courts, $1,076,789.17 for Postal Service, $379,000 for Lighthouse Service, $370,000 for engraving and printing, $500,000 for expenses of Thirteenth Census, and $350,000 for Revenue-Cutter Service.

[l] Includes $300,000 for equipment of Army transports with life-saving appliances, $1,239,179.65 for relief of flood sufferers of the Mississippi and Ohio Valleys, and $400,000 for the protection of fur seal and sea otter.

[m] Includes $15,100,000 pension deficiency for 1913.

[n] Includes $10,045,795 for river and harbor contract work appropriated for in sundry civil act.

[o] Includes $21,135,393 for construction and fortification of the Panama Canal, $5,500,000 for the Customs Service, heretofore a permanent annual appropriation, and $500,000 for participation by the Government at the Panama-Pacific International Exposition.

[p] Includes $250,000 for payment to Panama under treaty requirements, $850,000 for the Customs Service, $796,880 for public buildings, $4,611,679.51 for the Military Establishment, $1,271,082.40 for the Naval Establishment, $405,000 for the Interstate Commerce Commission, $1,607,854.26 for the Postal Service, $722,600 for the Lighthouse Service, $682,614.09 for United States courts, and $3,303,257.19 for payment of a judgment of the Court of Claims in favor of the Confederated Band of Ute Indians.

[q] Includes $4,635,000 out of proceeds of sale of battleships Idaho and Mississippi.

[r] Includes $6,988,500 for river and harbor contract work appropriated for in sundry civil act.

[s] Includes $21,842,525 for construction and fortification of the Panama Canal, $500,000 for a Government building at the Panama-Pacific International Exposition, and $55,000 for the exposition to celebrate the fiftieth anniversary of the emancipation of the Negro.

[t] Includes $1,125,810 for public buildings, $475,150 for engraving and printing, $300,000 for Customs Service, $7,088,932.24 for Military Establishment, $1,890,931.79 for Naval Establishment, $484,746.70 for United States courts, $3,348,219.96 for Postal Service, $250,000 for payment to Panama under treaty requirements, and $2,609,350 for construction and fortification of Panama Canal.

[u] Includes $5,100,000 for War Risk Insurance Bureau, $1,000,000 for railroads in Alaska, $2,750,000 for relief of American citizens in Europe, and $1,000,000 for representation of foreign Governments incident to the European war.

[v] This is the amount originally submitted to Congress by the Secretary of the Treasury as estimated to be necessary under permanent specific and indefinite appropriations. For the fiscal year 1914 and preceding years the amounts are those reported by the Treasury as having been actually appropriated and expended.

[w] Includes $3,982,000 for river and harbor contract work appropriated for in sundry civil act.

[x] Includes $19,579,048.30 for construction, maintenance and operation, and fortification of the Panama Canal and $13,530,000 for the Reclamation Service, heretofore paid from a permanent annual appropriation.

[y] Includes $500,000 for the Interstate Commerce Commission, $3,891,141.34 for Military Establishment, $985,616.65 for Naval Establishment, $303,283.72 for United States courts, $880,971.39 for Postal Service, $250,000 for payment to Panama under treaty requirements, $2,500,000 for eradication of foot-and-mouth disease, and $349,240 for general expenses of the Forest Service.

[z] Includes $1,866,555.04 in omnibus claims act.

Mr. LEWIS. Will it interfere with the Senator from Iowa if I make some momentary allusion to his observation about our doing nothing respecting the trouble on the border of Mexico?

Mr. KENYON. I do not think we had better go into that. I do not mean doing nothing as to those troubles. What I referred to is the Army appropriation bill and the naval appropriation bill.

Mr. LEWIS. I only desire to say——

Mr. KENYON. I will say to the Senator I did not mean to raise the Mexican question.

Mr. LEWIS. I am gratified the Senator did not mean to raise the Mexican question, but this much, Mr. President, in the able Senator's observation that we had troubles on the border and that nothing was being done, might be construed when reported in public as meaning that nothing was being done to meet those troubles.

For myself, Mr. President, if the Senator will allow an interpolation, and the only one I shall make in his speech——

Mr. KENYON. If the Senator will pardon me, I do not want to be put in the position of claiming that. I was talking about the question of preparedness in relation to the Army and Navy bill. I realize that the guard is being called out and that something is being done.

Mr. LEWIS. I accept, Mr. President, the able Senator's qualification that he did not mean to intimate that nothing was being done by the Government to protect the condition that he referred to, but that nothing adequate was being done for general preparedness for the Navy and Army.

I may be permitted at this point, if the Senator will allow me a second observation. For myself on the floor of the Senate some time ago I there stated that the duty of the Government was to send soldiers in multiplied numbers to Mexico in order to meet those conditions, not parley with it nor falter, and that the guards of the border States should be called out and put on duty as a border patrol.

For myself I want to say that I regret that there has been any delay in taking this course. I deplore to say that the delay that has transpired in failing to add to those troops the reenforcement I then stated on this floor was necessary and calling out the State Guard as a border patrol has to a great degree, I fear, been responsible for those very conditions to which the Senator from Iowa alludes.

At this point, for myself and not further taking time, speaking as much as I can in conjunction with my colleague for my constituents, I will never lend my voice in any consent to withdrawing that support which we are now giving to the American soldiers in Mexico. I shall never give my consent to the withdrawal of any support in Mexico until there has been a proper and adequate punishment of the wrongs inflicted upon America and the murder of her citzens.

I will go further. I would not only continue the addition of these reenforcements, but I would continue them despite any protest that may come from any people anywhere who are themselves the source, direct or indirect, of the murder of American citizens.

I say to the able Senator from Iowa I am glad to have his observations, and that he did not mean that we were doing nothing, and that he only meant to infer that we were doing nothing that he regards adequate. For myself I am sure I join him, and I feel the whole Senate will be found unanimous behind what the President or any other force of this Government that will promptly, hastily, and efficiently reenforce and continue to reenforce in Mexico sufficient numbers to execute the object of our going there, and to do this despite any form of opposition which may come from Mexico and to meet the opposition, whatever it is, as an exhibition of enmity to the United States, if that opposition is against the United States carrying out the policy of punishing those who murdered American citizens.

I thank the Senator for allowing this interpolation in reference to his remarks, which I now understand differently, with his explanation, than I did at the time he uttered it.

Mr. KENYON. I am very glad, indeed, to have the remarks of the distinguished Senator interpolated in mine. I thoroughly agree with him. I did not say anything, I am sure, that could be construed as a criticism. I had not intended to. I have believed that in the difficult task the President was handling he was entitled to the support of Congress in whatever he might do, and criticism shall not come from me on the floor. I had in mind that it would seem more appropriate to be considering the Army appropriation bill or the naval appropriation bill at this time instead of the river and harbor bill.

Mr. President, I pointed out on yesterday a number of rivers in this country, two sets of three each that were woven together, where we had expended in one instance practically a million dollars and in the other $500,000, and on which there was scarcely any commerce at all. I pointed out that in the hearings before the House committee the ridiculous assertions of men who came before that committee, and it seems difficult to believe that they were solemn about it, when they set forth that on one of those streams where we had spent $500,000 as a great triumph that they had one boat, but there were difficulties, they said, about navigating the boat, because the stern would not follow the bow around the bend. That is the kind of ridiculous thing that we are fighting in this bill; and there are many other similar instances.

I was proceeding with the different projects, and I did discuss briefly about 20 of them. I want, if I can reach them this afternoon, to discuss others, worse if possible, and some where the appropriation is carried in this bill, as it comes from the Committee on Commerce of the Senate, raising the amount of the House appropriation for a project that has been condemned by the division engineer, by the Board of Army Engineers, and by the Chief of the Army Engineers. That proposition is the hardest one in the bill to object to, or it is the hardest one for me, for the reason that it is in the State of the distinguished chairman of the committee [Mr. CLARKE of Arkansas], for whom I have a very great respect, and whom I honor as I have seldom respected or honored any man I have ever known. That item, however, ought to be put up to the Senate for a straight vote. If the Senate votes to include that item in the bill, against the recommendations of the division engineer, the district engineer, the Board of Army Engineers, and the Chief of the Board of Army Engineers, then, of course, there is no use of making any motions as to any of the other items in this bill. But I shall reach that a little later on.

I want to follow along some of the bayous in Louisiana, not anywhere nearly in the same class as the instance that I have cited, but one of them, where the testimony before the House committee was that you could not tell when you got into it and you could not tell when you got across it; that the weeds grew up some 12 or 14 feet; and that was a kind of a stream for which there is an appropriation in this bill; yet Senators will stand up here and say that this is a splendid bill. The Senator from Michigan said of the last bill that every item in it was all right, and he gloried in the man from Peachtree Creek standing by the Peachtree Creek proposition. Passing along, I simply want to put in the RECORD, from public documents, some statements by the Army engineers. I want to observe, however, before taking up these bayous, just this as to the Kentucky River:

The Kentucky River is now improved by 13 locks and dams for a distance of 239 miles. It shows considerable commerce through some of the locks. That stream, it was pointed out in the discussion of 1910, on the river and harbor bill of that year, with 11 locks in 1909 carried less traffic than it did with 5 locks in 1889. The tonnage for 1914 amounted to 204,696 tons, excluding logs, lumber, timber, and things of that character.

The Bayou Vermilion is not a very bad project, but simply one of these useless ways of wasting public money. As to that the Army engineers say, on page 845:

Original condition: Prior to improvement it was navigable at its higher stages to a point 49 miles above its mouth, but was obstructed, principally in the upper reaches, with snags, logs, fallen and overhanging trees, and shoals over which a depth of only 2 feet existed at low water. It was also obstructed by a bar at its mouth, over which there was a depth at low tide of only 2 feet.

Its commerce in 1912 was 25,687 short tons; in 1913 it was 35,369 short tons; and in 1914 it was 27,915 short tons, or a decrease from 1913. We have spent on this small stream some $38,000 in the last few years. In 1912 there seems to have been no record of commerce, because there had not been sufficient work to permit navigation.

For the Bayou Grossetete we have appropriated some $30,000, and the tonnage in 1914 amounted to about 8,000 tons—another one of these "miniature" propositions.

Another one along the same line is the Bayou Queue de Tortue. We have appropriated over $13,000 for that. There was a large balance on July 1, 1915, for use. The commerce there was almost nothing in that year.

Mr. CURTIS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. KENYON. Yes.

Mr. CURTIS. Does the Senator from Iowa mean that there was an unexpended balance that might be used?

Mr. KENYON. Yes; an unexpended balance. In the description of this stream the engineers say:

The stream has been surveyed from mouth to a point 23.9 miles above, the distance being measured along the bayou. Above this point the stream consists of short open stretches of water and straight sections of swamp, thickly covered by timber.

A very remarkable stream. The work of removing overhanging trees and other obstructions was begun in 1913 by hired plant, and was practically completed. The commerce in 1912 was 6,739 tons; in 1913 it was 7,382 tons; and in 1914 it was 6,752 tons. The decrease of commerce during the fiscal year is attributed to unusual international conditions, superinduced by the European war. If there is anything that can not be attributed to the European war, it has not yet been discovered.

Johnsons Bayou is another little affair; but it illustrates the ridiculousness of some of the projects. We have not spent very much money on that—something like $7,000. It has had a commerce of 2,214 tons in 1914. The engineers say as to that:

Prior to its improvement the minimum usable low-water depth across the bar was approximately 2½ feet. Above the bar to Deep Bayou there was a minimum usable low-water depth of about 5 feet, mean low Gulf level. The minimum usable low-water depth in Shallow Bayou was about 2½ feet.

So it runs on up to 6 feet.

Effect of improvement: This waterway affords the only outlet for the commerce of the locality. The work of improvement has facilitated navigation across the bar.

The commerce for the year 1912 amounted to 6,941 tons; for 1914, 2,214 tons.

What justification can there be for the development of a waterway that carries only 2,000 tons a year? There may be some justification, but it is difficult to understand just what it can be.

Another item in this bill covers the Bayous Bartholomew, Macon, D'Arbonne, and Corney, and Boeuf and Tensas Rivers, La. This is one of the items, it seems to me, that makes a river and harbor bill ridiculous.

We have expended on this combination of bayous $283,955.50, and there is scarcely any commerce on them. The engineers report that some of these bayous have a depth of 1 foot. Let us take up Bayou Bartholomew first. I quote from the report of the Chief of Engineers:

Original condition: Before improvement the bayou was navigable for light-draft boats to Baxter, Ark., 182 miles, about three months of the year, but the passage was difficult and dangerous on account of snags and leaning timber. The channel in the section included in the project was from 100 to 200 feet wide with minimum usable low-water depth of 1 foot.

* * * * * * *

Operations and results prior to the fiscal year: Snags and sunken logs were removed and overhanging trees cut from time to time as necessary, thus keeping the channel free from such obstructions and making its navigation easy at medium and high stages. The amount expended on the present project prior to the beginning of the fiscal year was $77,705.35, of which amount $45,873.53 may be regarded as for original work and $31,831.82 for maintenance. In view of the nature of the work it is impracticable to accurately separate these two items, and it is probable that the former item included some operations for maintenance.

* * * * * * *

Condition at the end of fiscal year: The channel is reasonably free from snags. The maximum draft that can be carried over the shoalest part of the channel in the section under improvement at medium and high stages is about 8 feet, and at low water about 1 foot. The total expenditures under the existing project to June 30, 1915, were $80,355.13, of which amount approximately $45,873.53 was for original work and $34,479.60 was for maintenance.

Local cooperation: None.

Effect of the improvement: The work done has reduced freight rates about 50 per cent.

That is always the argument that is used in connection with these matters.

Proposed operations: With the funds for which estimate is submitted it is proposed to maintain the improvement by removing snags, sunken logs, and leaning trees when they obstruct or threaten to obstruct the channel.

The commercial statistics show that for 1913, 396 tons were moved, while in 1915, 533 tons were moved, consisting of farm products and general merchandise.

Mr. BRANDEGEE. Mr. President, has the Senator the information to give as to what amount of money is appropriated for these bayous in this bill? The reason I ask the question is because the Senator is giving the amounts that have been expended on these bayous in the past, but he does not state how much it is proposed to expend on them this year.

Mr. KENYON. The amount appropriated, as shown by the bill, is $10,000 in all.

Mr. RANSDELL. Mr. President, will not the Senator please read the item?

Mr. KENYON. "For maintenance, $10,000."

Mr. RANSDELL. I ask the Senator to read the whole item so that we may understand what it is.

Mr. KENYON. It is on page 21 of the bill, and reads as follows:

Bayous Bartholomew, Macon, D'Arbonne, and Corney, and Boeuf and Tensas Rivers, La.: For maintenance, $10,000.

Mr. RANSDELL. There are six projects included in the item, are there not?

Mr. KENYON. Yes.

Mr. BRANDEGEE. The Senator has evidently examined the House hearings with some care.

Mr. KENYON. Yes.

Mr. BRANDEGEE. What statement was made in those hearings as to why this sum should be appropriated or as to the commercial value of the development of these projects? What is it supposed that they will accomplish in the way of aiding commerce and navigation?

Mr. KENYON. I will say to the Senator that, as I remember the House hearings, there was nothing whatever said about these projects.

On Bayou Bartholomew we have spent some $80,000, as I read this record.

Mr. BRANDEGEE. I understood the Senator to say that on the group of bayous we have heretofore appropriated altogether about $280,000.

Mr. KENYON. Two hundred and eighty-three thousand dollars.

Mr. BRANDEGEE. And the depth of water is only 1 foot at low water?

Mr. KENYON. At low water. That is true as to several of them. It was so stated in what I read as to one, and I am going to read concerning the others in order that the matter may be put in the RECORD. I quote the following concerning Boeuf River:

Original condition: Before improvement the river was navigable at high stages to Point Jefferson, La., 150.8 miles, but passage was difficult and dangerous on account of snags, logs, and leaning timber. The channel in the section included in the project was from 20 to 500 feet wide, with minimum usable low-water depth of 1½ feet.

That is a little deeper stream—

Operations and results prior to the fiscal year: Snags, sunken logs, and overhanging trees have been removed from time to time, as necessary, and the channel has been thus kept free from such obstructions and rendered navigable at medium and high stages.

* * * * * * *

Condition at the end of fiscal year: The work in progress is maintenance and is indefinite in extent. The channel is reasonably free from snags and sunken logs. The maximum draft that can be carried over the shoalest part of the channel in the section under improvement at medium and high stages is about 8 feet, and at low stages about 1½ feet. The total expenditures under the existing project prior to June 30, 1915, were $84,787.13, of which amount it is estimated about $30,000 was expended on original work and $54,787.13 on maintenance.

Mr. NORRIS. Mr. President——

Mr. KENYON. I yield to the Senator.

Mr. NORRIS. As I understand, these are completed projects.

Mr. KENYON. They are completed projects.

Mr. NORRIS. And the appropriation in this bill is for maintenance.

Mr. KENYON. It is for maintenance; that is true.

Mr. NORRIS. Has the Senator any statistics as to the passenger traffic on these various bayous?

Mr. KENYON. There is no passenger traffic on them.

Mr. NORRIS. I can not quite understand that. I should think there would be a great deal, because travel ought to be very safe on those bayous. There would not be any danger of drowning if the ship were blown up by a submarine.

Mr. KENYON. I presume it is like some of the other rivers which are too crooked and snaggy and winding for one end of the boat to follow the other.

Mr. NORRIS. A passenger could get on the rear end of the boat and get there first.

Mr. KENYON. That would sink the boat, I will say to the Senator, so that it would hit bottom, the bottom being only a foot and a half away.

Mr. NORRIS. But the boat could not sink. In that lies the safety of travel; and that is what I was calling attention to.

Mr. KENYON. I thank the Senator. That is one of the strongest arguments I have heard in favor of the appropriation.

But, listen to the commerce! In 1913 it amounted to 7,293 tons and in 1915 to 8,986 tons, consisting of lumber, logs, farm products, and general merchandise, and when you take away the lumber and the logs there is practically nothing left.

Mr. NORRIS. Does the Senator know whether the boats on this stream carry life preservers?

Mr. KENYON. I do not know about that, I will say to the Senator; but I think a good many of these appropriations are life preservers for Members of Congress. Tensas River is an-

other one of these streams concerning which I desire to quote the following:

Original conditions: Before improvement both streams were navigable at high stages, but passage was difficult and dangerous on account of snags and leaning timber. Westwood Place, 81 miles above the mouth, was the head of navigation on Tensas River; and Floyd, 112 miles above the mouth, on Bayou Macon. The channel in the section of the streams included in the project varied from 75 to 500 feet in width, with minimum usable low-water depth of 1 foot.

There is a stream, I will say to the Senator from Connecticut, in the same class as Bayou Bartholomew.

Operations and results prior to the fiscal year: Snags, sunken logs, and leaning trees have been removed from time to time, and the channels have thus been kept free from such obstructions and rendered safely navigable at medium and high stages. Owing to there being no demand for improvement of the Tensas above Westwood Place, 81 miles above the mouth, work on the Tensas has been limited to the portion of the river below this point. The amount expended on the present project prior to the beginning of the fiscal year was $71,420.06, of which amount it is estimated $32,862.44 was for new work and $38,557.62 was for maintenance.

* * * * * * *

Local cooperation: None.

Effect of the improvement: The work done has reduced freight rates about 35 per cent.

It will be seen that all of this work and the expenditure of these sums is to reduce freight rates for a few communities. The commerce in 1915 was 6,940 tons, consisting principally of lumber and farm products.

Next I will take up the Bayous D'Arbonne and Corney, La.:

The channel in the section included in the project varied from 50 to 150 feet in width, with a minimum usable low-water depth of 1 foot.

Snags, sunken logs, and overhanging trees have been removed from time to time, as necessary.

It all sounds very much alike.

The amount expended on the present project prior to the beginning of the fiscal year was $22,828.59, of which amount $8,125.06 was for original work and $14,703.53 was for maintenance.

It is said that this improvement has reduced the freight rates.

Commercial statistics: In the year 1915 there were 4,855 tons, and we have expended on the stream the amount I have heretofore stated.

I want to call attention now to the Bayou Bartholomew, as to which the engineers say:

A party equipped with tools, tackle, and explosives, and housed in United States quarterboat *No. 10*, began work on this bayou at Ohio Landing, Ark., August 10, 1914, and continued operations downstream to the mouth of the bayou, which was reached October 27.

Here is the work of destruction that this party, armed with explosives, did:

Snags cut and destroyed, 1,843.
Shore snags cut, 2,647.
Logs removed from channel, 700.
Leaning trees cut, 878.
Trees girdled, 2,972.
Jams removed, 2.
Square yards willows and brush cut, 325.
After completion of this work the party was transferred for work in Ouachita River.

I should think they would have been. That is the kind of a proposition on which we have been spending money all these years, and it needs a complete and thorough airing.

Mr. BRANDEGEE. Mr. President, when these engineers' reports state that the improvement has had the effect of reducing freight rates, does the Senator happen to know whether it was by actual competition or whether it was simply because there was a potential or possible water competition that enabled the railroad to reduce the rate and have it sustained on the theory that the Interstate Commerce Commission has adopted—that where there is a possibility of water competition, the rate may be justified?

Mr. KENYON. I want to be perfectly fair about that, and say that in most instances the latter suggestion of the Senator is the one that seems to have been taken into consideration by the engineers.

Mr. NORRIS. Can the Senator state the nature of this freight—whether it was logs or cordwood?

Mr. KENYON. That is what I was trying to do. Here in the 533 tons that I have referred to on one of these streams there were 25 bales of cotton, 5,935 sacks of cotton seed, 150 sacks of grain, 334 bundles of shingles, 80 bales of hay, and 534 packages. They may have been packages of garden seed. It does not state.

Mr. NORRIS. Do those boats carry the mail? Does the Senator know about that?

Mr. KENYON. I do not know.

Mr. NORRIS. Does the Senator believe that the carrying of a few dozen bunches of shingles and two or three hundred packages would have the effect of reducing freight rates? Can the Senator tell us about the towns and the settlements along these streams?

Mr. KENYON. Certainly there can not be very many if the commerce is carried along these streams. No; I can not. I have never been down these streams.

Mr. NORRIS. Does the Senator know whether there are any railroads in this vicinity?

Mr. KENYON. I do not, as to these particular ones.

Now as to the boats: In the case of one of these bayous, there was one steamboat, three gasoline boats, and two unregistered barges. That was the mighty fleet of commerce!

On the Bouef River the commerce was 8,986 tons. Of that, about 5,000 tons was timber and staves and lumber barged.

Mr. SHEPPARD. Mr. President, do the figures show the value of the tonnage?

Mr. KENYON. They do.

Mr. SHEPPARD. Will the Senator add the value of the tonnage to the number of tons?

Mr. KENYON. I have given a good many figures. I will say to the Senator that if he will specify the particular ones he desires, I will give the value. As to the last, the value is $215,877. As to the 533 tons, the value is given as $22,582; average haul, 68 miles; rate per ton per mile, $1.66.

That is somewhat in keeping with my reference on yesterday to the Sabine. I want to put in the RECORD a letter from the Sabine Tram Co., of Beaumont, Tex., to Maj. Jackson. That is in Document No. 668, a letter from the Secretary of War, and accompanying suggestions:

We are in receipt of yours of the 29th relative to the Sabine River, Tex. and La., to Logansport, La., and note contents.

We have some 50 miles of river front along the Sabine River in Newton County, Tex. At this time we think it would do harm to the river instead of benefit for the reason that whenever the logs are cleaned out it will result in lowering the water by letting it run off. This is shown north and south of our mill at Deweyville, Tex. By taking the logs and obstructions out it caused the river to get shallower each year the logs were removed. Mr. Axtell, while with the Government, was up at our mill while it was low. We think he was of the same opinion.

For the above reason, and for the reason there is but little traffic on the river, we think it would be a waste of money to attempt to clean the channel.

We have the largest mill on the river, and it would not benefit us in the least to have it cleaned out, as none of our incoming or outgoing traffic would move by water; further, as above stated, we believe the river would be less in shape for navigation than it is now were all obstructions cleaned out.

In other words, here is a river that we have been contributing to, full of logs, and they urge the people along there not to take the logs out of the river, because if they do the water will run out. That is the same proposition where the wise Army Engineers recommended taking the logs and selling them to pay for the improvement of the river.

Mr. BRADY. Mr. President——

Mr. KENYON. I yield to the Senator from Idaho.

Mr. BRADY. Was there an appropriation made for that?

Mr. KENYON. Not in this bill. There is not an appropriation in this bill for that. I am citing and have cited that simply as a sample of governmental waste.

Now, Mr. President, I want to refer to the Brazos River. I would not want to do it in the absence of the Senator from Texas. If he is going out, I will take up something else.

Mr. SHEPPARD. I have just been called out of the Senate Chamber temporarily.

Mr. KENYON. Yes; I will say to the Senator that I will take up something else.

Mr. SHEPPARD. I will return in a few minutes.

Mr. KENYON. The Red River is one that I approach with some hesitancy because of its being one of the rivers of the distinguished chairman of the committee. The Red River is a rather interesting stream. We have appropriated for the Red River over $2,800,000. The report for 1914 shows commerce, not including logs and timber, reaching about 1,694 tons, and the commerce there has gone up some. In 1912, excluding the valuable timber, it reached 1,227 tons. At the time Senator Burton filed his minority report he stated that on the Red River below Fulton, covering a distance of 475.4 miles, there was in the year 1912 a total tonnage of 44,967 tons, and of that 42,640 tons were saw logs, of which the average haul was 131 miles; and up to that time we had appropriated for that stream $2,768,377.

This project was adopted in 1892, and there has been a cost of $100,000 annually for maintenance. The present bill carries an appropriation for this river. The district engineer has recommended the abandonment of the project. The division engineer has concurred with the view of the Board of Engineers.

Now, I want to call attention to some facts about this river.

From below Fulton, and also from Fulton to the mouth of the Washita—it is treated in two divisions—the engineers say, on page 948, that—

The present project was adopted by the river and harbor act of July 25, 1912, and has for its object to facilitate navigation by light-draft boats at medium and high stages from Fulton to the mouth of

the Washita River by the removal of snags, logs, and drift, the clearing of timber on caving banks—

And so forth.

* * * * * * *

The total expenditure under the existing adopted project up to the end of the fiscal year was $96,254.33, of which $19,790 was for new work on the combined dredge and snag boat *Denison* and $76,464.33 for maintenance.

* * * * * * *

Navigation on the Red River above Fulton has practically ceased. No steamboats are now in operation, and the rafting of logs has been reduced to an almost negligible quantity.

Below Fulton, on page 953 of volume 1 of the engineers' reports for 1915, it is stated:

Prior to improvement the entire channel of the river for 92 miles from Loggy Bayou to Hurricane Bluffs was filled by a mass of sunken logs and stumps which was known as the great raft. The head of navigation was at the foot of this raft, 257 miles above the mouth. The river everywhere was obstructed by snags and drift, and at Alexandria, La., by a ledge of rock. * * * The low-water depth on many shoals was 1½ feet and the width 90 feet.

* * * * * * *

The project has until recently given river towns freight rates about 25 per cent lower than towns not on the river.

The commerce for the fiscal year ending June 30, 1915, was 47,351 tons; and the appropriations on that river, as I have heretofore indicated, have run to an enormous amount.

The Secretary of War transmitted to the Committee on Rivers and Harbors of the House a document known as Document 947, and I want to read some parts of this document for the RECORD.

Col. Black, Chief of Engineers, discusses the river in this report as to the two projects above Fulton and from Fulton to the mouth of the Washita. Below Fulton, first:

The amount expended on this and previous projects to June 30, 1915, is $2,763,896.40. As a result of the work done the channel has been greatly improved, especially in the lower part of the river, but notwithstanding the improved navigation conditions, water-borne commerce has decreased until it has now nearly disappeared. The decline of water-borne commerce has been due in large measure to the better transportation and terminal facilities provided by the railroads, and the district officer doubts whether the river can be adequately improved so as to be fitted to the needs of modern transportation for any sum at all commensurate with the commerce of the present or near future. He finds, however, that there is a demand for Federal assistance in levee building and bank revetment.

I think there is no doubt of that; and this proposition ought to be urged as a flood-control proposition, and not as a navigation proposition.

The division engineer recommends that future work be confined to snagging and the prevention of cut-offs.

On the same river, from Fulton to the mouth of the Washita:

The amount expended on this and previous projects to November 30, 1915, is $487,400.95. * * * The commerce on this section of the Red River is very small. No steamboats are now in operation, and the rafting of logs has been reduced to an almost negligible quantity. Navigation may be said to have practically ceased, although the facilities for navigation at medium and high stages are greater than they were in the past, when the river was more generally used. No project of greater scope would be warranted and no lesser improvement would provide useful navigation. For these and other reasons, the district officer expresses the opinion that further work of improvement is not worthy of being carried on by the United States and that the present project should be abandoned. The division engineer concurs in these views.

Col. Black says:

After due consideration of the above-mentioned reports, I concur in the views of the Board of Engineers for Rivers and Harbors, and therefore report that it is deemed advisable to discontinue work under the present projects for improvement of Red River, La., Ark., Tex., and Okla.

Mr. SHERMAN. Mr. President, will the Senator yield for a moment?

Mr. KENYON. I yield.

Mr. SHERMAN. The Senator himself referred to some matters of flood control, and in the document he read there are certain portions relating to flood control. I wish to inquire if the flood-control question, properly operated and handled, will, so far as navigation can be made useful, also develop navigation by preparing these channels and utilizing the water?

Mr. KENYON. I should hope so, and I believe so.

Mr. SHERMAN. And this duplication of effort will result in duplication of the cost?

Mr. KENYON. Well, we have a $45,000,000 flood-control bill on its way over here, where all those questions can be discussed; but, of course, as a proposition of navigation, the Red River proposition is simply ridiculous. If it is not needed for flood control, so far as the commerce is concerned, and the reduction of freight rates, and all of that, the money seems to have been practically wasted.

Between Shreveport and Fulton, the report says, 2 feet can ordinarily be carried, but even this depth is not always available.

When this report was made it seems that there was a public hearing attended by Senator RANSDELL and Members of Congress and citizens protesting, but it does not seem to have had the usual effect, for Col. Black says:

The physical conditions of the Red River are such that no material increase in depth has been secured, and this is not practicable at reasonable expense. The stream has been kept fairly clear of snags, however, thus making the natural depths available, and this is all that can be accomplished at anything like justifiable expense.

I see also a communication was received from the Senator from Texas [Mr. SHEPPARD] by the Board of Army Engineers in reference to this stream.

I wish to refer in this connection to the public hearings which are found in Document 947, page 44. The Senator from Louisiana [Mr. RANSDELL], making speeches there, and he always makes a good speech, said to the Board of Engineers:

You have come here to examine into one of the great rivers not only of our State but of the Nation. Red River is one of the longest rivers on the continent.

Then he goes ahead and describes that river.

Representatives in Congress appeared before them. One of them said:

We have had in mind for a great many years actual transportation or the actual use of the river and the transportation of traffic on the river, and it is not for the purpose of simply and purely reducing rates, as some of the engineers may think. But just a few years ago a boat was put in the river. Navigation had suspended. The boat was put in the river and snags knocked the bottom out of it.

The shippers, it seems, have not patronized it.

The Senator from Louisiana goes into an interesting observation in that speech concerning the acts of Congress in ordering a resurvey, urging upon the board that the power of Congress ordering a resurvey should have no effect upon them at all; that the resurvey was put in by the act of one man taking Congress by the throat and forcing this legislation.

Mr. President, I do not know whether, with the Army engineers reporting against the further carrying on of this improvement——

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. KENYON. Yes.

Mr. SHEPPARD. The engineers recommended a further appropriation in the case of the lower Red River.

Mr. KENYON. Yes; in the case of the lower river.

Mr. SHEPPARD. I understood the Senator to state that they reported adversely.

Mr. KENYON. I say they recommended the abandonment of certain parts of the project. Does the Senator say they did not?

Mr. SHEPPARD. They did not recommend the abandonment of the lower section from Fulton to the mouth, and they did not recommend the entire abandonment of the upper section.

Mr. KENYON. They recommended as follows:

5. After due consideration of the above-mentioned reports, I concur in the views of the Board of Engineers for Rivers and Harbors, and therefore report that it is deemed advisable to discontinue work under the present projects for improvement of Red River, La., Ark., Tex., and Okla., and to adopt the provisional modified project recommended by the board and described above, subject to the conditions specified.

Mr. SHEPPARD. That is it; they modified the project.

Mr. KENYON. I agree with the Senator. They did not recommend a complete abandonment as to the river from Fulton to the mouth.

Mr. SHEPPARD. They did not recommend the complete abandonment of any portion.

Mr. KENYON. They recommended a very material modification of the project.

Mr. SHEPPARD. They recommended a modification of the project on both sections.

Mr. KENYON. Yes; they did.

Mr. SHEPPARD. On the lower section they recommend an appropriation of $55,000 a year for three years, giving the people a chance there to show that they are in earnest in the matter of navigation, and on the river above Fulton they recommend a continuing appropriation for the sole purpose of preventing an accumulation of rafts.

Mr. KENYON. We have spent over $2,000,000 giving them a chance to ascertain whether or not there could be any navigation on the river, with apparently no substantial results, so far as commerce is concerned, there being merely a negligible commerce.

Mr. SHEPPARD. The Senator is mistaken in that assertion. There has been a large navigation on the river for many years.

Mr. KENYON. There may have been in the past, but according to the engineers' report there has not been a large navigation for the last few years.

Mr. SHEPPARD. Oh, yes. In 1915 the Senator will find there was a large amount of tonnage on the lower river.

Mr. KENYON. Not if you exclude the timber and logs, which can merely float along without any particular work being done.

these streams?

July 25, 1912, and has for its object to facilitate navigation by light-draft boats at medium and high stages from Fulton to the mouth of

hearing attended by Senator RANSDELL and Members of Con- | can merely float along without any particular work being done.

Then the Senator will find the commerce is very small. I will put in the RECORD exactly what those figures are, but there are only a few thousand tons.

Mr. SHEPPARD. Will the Senator permit me to quote from page 245 of the report?

Mr. KENYON. What report is it?

Mr. SHEPPARD. The report of the Senate Committee on Commerce accompanying the river and harbor bill. On page 245 there is found a statement to the effect that for the fiscal year ending June 30, 1915, the navigation amounted to 47,351 short tons, of a value of nearly $3,000,000.

Mr. KENYON. Forty-four thousand nine hundred and sixty-seven tons.

Mr. SHEPPARD. Forty-seven thousand three hundred and fifty-one tons.

Mr. KENYON. That proportion will run just the same, I assume, as in 1912. I have the figures for 1912 before me. I assume the Senator's figures are correct. There was a total tonnage of 44,960 tons, of which 42,642 were saw logs; the average haul, 171 miles; leaving only about 1,000 tons of really what you would call commercial traffic. That proportion was in 1912, and it is undoubtedly about the same in 1914. I claim without fear of successful challenge that when the figures are analyzed and the saw logs and the floatable lumber are taken out the commerce is practically negligible.

Mr. SHEPPARD. The Senator was never more mistaken in his life.

Mr. KENYON. I am different from the Senator from Texas. I have been mistaken many times.

I will put in the RECORD the exact figures in the morning. I thought I had them here, but have them for 1912 instead of for 1914.

In getting at this commerce these figures should be analyzed as to how far the different tons have moved. For instance, on the Mississippi River the average haul is 30 miles. On some of these streams the engineers have counted the tonnage through various locks and dams; every time it goes through they are counted again, the same as counting passengers on a street car at every corner of the block.

Mr. SHEPPARD. There are no locks and dams on the Red River.

Mr. KENYON. I am not talking about the Red River; I am talking about the Ohio and the Tennessee. I know there are no locks and dams on the Red River. There is not enough water there for any.

Saturday, May 15, 1916.

Mr. KENYON. Mr. President, at the time of the recess last evening a controversy had arisen concerning the increase of commerce on the Red River and just what has been the recommendation of the engineers. I wish to straighten that matter out so that it may not be subject to any controversy in the future.

As to the Red River below Fulton, where we have expended $2,700,000, the engineer recommends in Document No. 947, Sixty-fourth Congress, first session, page 3:

10. It is therefore recommended that further work on the Red River in the interest of navigation be discontinued, but that in the interest of conservation of national resources snagging operations on a reduced scale be carried on, levee building be participated in to the extent of 25 per cent of the cost of such levees as follow the meanders of the channel, and such spur levees and revetments be constructed as necessary to prevent cut-offs.

On the part of the Red River from Fulton to the mouth of the Ouachita, on which we have expended $487,000, the engineers recommend as follows, on page 3 of the same document from which I have quoted:

After due consideration of the above-mentioned reports, I concur in the views of the Board of Engineers for Rivers and Harbors, and therefore report that it is deemed advisable to discontinue work under the present projects for improvement of Red River, La., Ark., Tex., and Okla., and to adopt the provisional modified project recommended by the board and described above, subject to the conditions specified.

That modified project is also included on page 3.

Now, Mr. President, as to the commerce here is the amount of it given. I think I will also put in the RECORD the commerce on the Red River during the last year.

Snags destroyed, 3,610; stumps destroyed, 361; shore snags cut, 6,146; logs removed from channel, 1,038; drift burned, 67; leaning trees cut, 34,410.

Here is the commerce above Fulton: Lumber, 840 tons; miscellaneous, 5 tons; saw logs by raft, 473 tons; making 1,318 tons of commerce for the last year on the river above Fulton.

Below Fulton the work done by the snag boat during the fiscal year was as follows:

Snags pulled, 1,872; stumps pulled and destroyed, 1,850; shore snags cut, 1,144; leaning trees cut, 6,549; side jams removed, 10; brush cut, 30; people removed from overflow, live stock removed from overflow.

The commerce upon this part of the river, which is the important part, was 47,351 tons. That is a matter concerning which there was some dispute yesterday between the Senator from Texas [Mr. SHEPPARD] and myself. That would seem to be commerce which hardly justifies the tremendous amount of money which has been spent on this river.

When we analyze that commerce we find that 2,000 of those tons was lumber. Timber rafted, 7,500 tons. Timber barged, 9,875 tons. So of that sum 18,000 tons is lumber barged and otherwise, leaving about 29,000 tons of commercial traffic, 30,000 tons, including the river above and below, and on that project there has been spent over $2,000,000.

Of course it is wrong to question a thing of that kind, because the spending of the money of the people is a delightful pursuit.

What the engineers recommend as to the river above Fulton is a conservation proposition. They themselves say it is not at all a proposition of navigation, and that raises the question as to what Congress should do in matters of that character.

The National Waterways Commission, which was established along about 1910 to examine the waterways in this country and in Europe, laid down certain fundamental principles that it is well to consider at this time. They said in relation to this navigation proposition, on page 3 of House Document 254, part 2:

It should always be borne in mind that the waterway improvements made by the Federal Government under the exercise of its authority should be restricted to navigation. Whenever bank protection or flood prevention or the clarification of water is the sole object of improvements the question presents little difficulty in its solution. Such projects are not a proper charge upon the Federal Treasury. * * * In many instances proposed improvements have as their main object the protection or benefit of private property. In such cases there is a distinct benefit conferred upon individuals or localities which is only of remote or very indirect benefit to the country as a whole. Lands subject to periodical overflow or lands of uncertain value because of the danger of erosion, when improved are multiplied many times in value, and there is a constant danger that such improvements will be advocated under the guise of river and harbor legislation framed to benefit navigation when the real object is the benefit which will accrue to individuals or localities. * * * The line should be carefully drawn between improvements which, in whole or in part, are for the protection or development of private property and those which are made in the sole interest of navigation.

That report is signed by Theodore E. Burton, J. H. Gallinger, S. H. Piles, William Alden Smith, F. M. Simmons, James P. Clarke, William Lorimer, D. S. Alexander, Frederick C. Stevens, Irving P. Wanger, S. M. Sparkman, and J. A. Moon.

I pass, then, from the Red River, with the claim that the figures I gave last night are substantiated by the record I have produced this morning, and take up another interesting river, known as the Ouachita.

I hope, Mr. President, before we get through, that somebody will rise in this Chamber and defend the Ouachita River, on which we have expended $3,700,000. Certain recommendations are made by the Chief of Engineers, this project having been resurveyed under an act of Congress; but this bill goes further than the Army engineers in any way recommend. The most that they recommended was money for the completion of Lock and Dam No. 3. They had money on hand, they say, for Lock No. 2, and that was $234,000 that they recommended. This bill carries $474,000 for the construction of locks and dams.

Now, let us see what this Ouachita River is. I should like to know how anybody, with any regard for the Public Treasury or with any regard for the people of this country, who have got to pay for these things, can vote for this Ouachita River item. You will have a chance to go on record about it, and I hope the constituents of every Senator who votes for that proposition will study the figures and study the record of a traffickless stream, with no commerce to amount to anything, sinking nearly $4,000,000 on a project that has run for 20 years, and which will run for 20 years more.

Mr. TOWNSEND. Where is that river?

Mr. KENYON. It is in Arkansas and Louisiana.

Three locks have been completed of this construction and two are under way. Work has been going on for nearly 30 years. The commerce, according to the engineers' report, which I shall discuss later, comes up to about 70,000 tons a year. In the year 1913 there were removed from this remarkable stream 14,840 snags, leaning trees, and deadheads. I want to put a little history in relation to this stream into the RECORD in order that perhaps some time around the quiet firesides of the country a few people may study how their money is going.

Original condition: Prior to improvement navigation was much obstructed at all stages by snags, logs, wrecks, and leaning trees, and was rendered practically impossible at low stages by these obstructions,

together with sand and gravel bars. The minimum usable water depth in the portion covered by the project was 15 inches. Low-water channels varied from 150 to 500 feet in width. The streams were navigable in fact during high water from mouth of Black River, La., to 10 miles above Camden, Ark., a distance of 360 miles.

Previous projects: The date of the original project was March 3, 1871. Subsequent modifications were made June 10, 1872; August 14, 1876; and July 5, 1884. The amount expended under these projects was $614,802.19. For scope of previous projects, see Appendix, page 1869.

Present project: The present project is based on plan contained in House Document No. 448, Fifty-seventh Congress, first session (Annual Report for 1902, p. 1435), which proposes to obtain a navigable depth of 6½ feet at low water from the mouth of Black River, La., to a point about 10 miles above Camden, Ark., a distance of 360 miles, by the construction of nine locks and movable dams, with available horizontal lock-chamber dimensions of 268 by 55 feet, and with low-water depth of 6½ feet over miter sills, at an estimated cost (as revised) of $4,876,654.35.

From the manner in which appropriations have been made for this improvement it has been held that the project has never been adopted in its entirety by Congress.

And it never has been approved, as projects generally are, by the engineers before they are commenced. Different river and harbor acts have provided for locks and dams, and the work has been carried on as the funds were provided.

Condition at end of fiscal year: The project for constructing locks and dams is 46½ per cent completed. Maintenance by snagging work will have to be continued indefinitely. Locks and Dams Nos. 4, 6, and 8 have been completed and are in operation, but as the pools are not continuous little benefit has been obtained. The maximum draft that can be carried at low water over the shoalest part of the section under improvement is 8 inches. The total expended under the existing project to the end of the fiscal year was $2,447,936.32 for new work and $267,121.67 for maintenance, a total of $2,715,057.99.

* * * * * * * *

Effect of improvement: The project has caused considerable reduction in freight rates.

It has been a help in that respect.

Commercial statistics: These statistics were compiled for the fiscal instead of the calendar year, because the former more nearly coincides with the commercial year, and the period of navigation ordinarily closes in June.

Comparative statement.

Fiscal year ending June 30.	Short tons.	Value.
1913	48,222	$1,894,939
1914	64,874	1,923,231
1915	70,619	3,074,465

Apparently a considerable increase in commerce.

The freight carried during the last fiscal year consisted of lumber and logs, farm products, and general merchandise.

I will analyze that commerce in a moment or two. I now read from page 2693 of the Engineers Report:

Operations were suspended on account of lack of funds from July 1 to October 21, 1914. The U. S. snag boat *Jos. E. Ransdell* began work at Jonesville, La., October 22, 1914.

Some Senators are famous for having cigars named after them and others for having snag boats named after them. This is what this particular snag boat accomplished:

Snags pulled	1,711
Stumps pulled and destroyed	830
Leaning trees cut	2,151

Destroyed cylinder timbers and part of hull of wrecked steamer *Poplar Bluff* (sunk December, 1894) with dynamite December 2, 1914.

When snagging operations were suspended the *Ransdell* was employed in towing material barges for the lock and dam construction work on this river until March 17, 1915.

And continued to get out a few more snags.

Mr. WORKS. Are their dimensions given?

Mr. KENYON. The dimensions of the river?

Mr. WORKS. No; the dimensions of the snags.

Mr. KENYON. I think not. Here is another summary of the work that this boat did:

Snags cut and destroyed	715
Shore snags cut	1,871
Logs removed from channel	378
Leaning trees cut	4,540
Trees girdled	69

The total amount of appropriations I think I have given—$3,741,616.45—and the commerce on this river was 70,619 short tons, 4,655 tons of staves, 509 of timber, timber rafted 7,515 tons, timber barged 18,956 tons, cross ties 3,444. So, taking out these things that certainly do not need locks and dams or all of this work to float, leaves about 38,000 tons as the commerce on this river, upon which we have spent over $3,000,000 and on which we propose to spend millions more.

As to the river above Camden, the statistics are that there was no commerce reported for that portion of the Ouachita River during the fiscal year.

Now, I want to read a little, Mr. President, from the Army Engineer's report. The last river and harbor act provided for a resurvey of this river. I read now from House Document No. 979, Sixty-fourth Congress, page 2:

Two projects are now in force for the improvement of this river. One provides in part for the construction of 8 locks and dams with a view to securing a channel 6½ feet deep from the mouth of Black River to a point 10 miles above Camden, Ark., while the other provides for removing snags, leaning trees, and other obstructions between Camden and Arkadelphia. In addition, the removal of obstructions below Camden is continued under an earlier project.

Here is the point I want to direct attention to: "Nos. 2 and 3 are under construction," and it is urged by many that it would be wasteful not to go ahead and complete those locks.

The engineer, Col. Black, continues:

Funds on hand are sufficient to complete No. 2, but it is estimated that an additional amount of $234,000 will be required to complete No. 3, and $1,804,000 to complete Nos. 5, 7, and 9. The district officer is of opinion that the resources of the adjacent country are sufficient to justify further work on the lock and dam project to and including Lock and Dam No. 8, but that the building of No. 9 should be postponed until the development of traffic on the canalized river indicates the necessity of its construction. He believes that it is advisable to undertake such open-channel work between Lock No. 8 and Camden as may be necessary to maintain existing conditions, and that the project for open-channel improvement above Camden should be abandoned. The division engineer is of opinion that Locks and Dams Nos. 2 and 3 should be finished in order to complete the canalization of the river below Monroe, and that the construction of additional locks should be deferred until the influence of the improvement below Monroe has been determined, work being confined meanwhile to operating the completed locks and snagging.

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4. After due consideration of the above-mentioned reports, I concur in the views of the division engineer and the Board of Engineers for Rivers and Harbors, and therefore report that it is deemed advisable to discontinue the project for improvement of Ouachita River between Camden and Arkadelphia, and to modify the project for improvement below Camden to provide for the completion of Locks and Dams Nos. 2 and 3, and their operation when completed, and continuing the operation of Nos. 4, 6, and 8, together with such snagging as may be necessary to facilitate navigation up to Camden. An appropriation of $234,000 should be provided in one sum for completion of Lock and Dam No. 3.

Let us see what the Army engineer, who, we are told, is practically infallible, asks for and what the bill provides. He asks for the completion of Locks Nos. 2 and 3, but says that they have money on hand for the completion of No. 2, and need $234,000 to complete No. 3. The bill, on page 24, provides:

Continuing the improvement for construction of locks and dams heretofore authorized, $474,000.

Of course, the increase involves only a little matter of $230,000 or $240,000, which is perfectly trifling, of course, when it comes to the appropriation of public money.

Col. Abbot, one of the Corps of Army Engineers, submits some observations also as to the Ouachita River, which I want to put in the RECORD. He says:

Ouachita River above Camden to Arkadelphia, Ark.: This project, adopted by the river and harbor act of June 25, 1910, provides for removing snags, leaning trees, and other obstructions between Camden and Arkadelphia, a distance of 90 miles. The amount expended under this project to June 30, 1915, was $22,500, resulting in a channel reasonably free from obstructions. No commerce has been reported on this section of the river for the past three years, and there is no evidence that any is in prospect.

As to commerce on the river the engineer says:

Of 70,619 tons in 1915, over 35,000 tons were timber products and 8,768 tons were sand and gravel. Local interests claim that commercial developments would justify the completion of the project. Moreover, it has been stated that the United States is under moral obligations to complete the work on account of private investments made under this expectation.

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7. At the request of interested parties a hearing was given at the office of the board on March 7, 1916, at which Senator J. E. RANSDELL, Hon. W. S. GOODWIN, M. C., Hon. R. J. WILSON, M. C., and a delegation from the locality appeared in favor of the continuation of the lock-and-dam project.

Col. Abbot continues:

8. This canalization project was not preceded by the usual form of investigation to determine its advisability. An item of the river and harbor act of August 18, 1894, directed the Secretary of War to submit plans and estimates for improvement of the Ouachita River by locks and dams, "to give slack-water navigation as far above its mouth as in his judgment such improvement is practicable."

So it has grown.

9. The present commerce, consisting largely of timber products, is not extensive, and owing to the character of the adjacent country, which is devoid of large commercial, mining, or manufacturing industries, the river traffic can not reasonably be expected to assume the magnitude considered essential to warrant the construction and maintenance of an expensive system of locks and dams. The question is now complicated, however, by the work already done, and it must be decided to what extent the unexecuted portion of the project should be continued or abandoned.

10. Below Monroe, where, apparently, is the more important general commerce, one lock and dam have been completed and the remaining two are well advanced, and if left in their present condition they will not only be of no value, but will form obstructions to navigation. It therefore seems desirable to finish these structures which will complete the slack-water improvement up to Monroe. Above Monroe two locks and dams have been completed, and practically nothing

has been done on the remaining three, which would require, as now estimated, $1,804,000 to complete. In the opinion of the board there is not sufficient commerce, present and prospective, to justify the expenditure of this amount. The board therefore concurs with the division engineer and reports that, in its opinion, it is advisable in the interests of general commerce and navigation to modify the existing projects for the improvement of the Ouachita River, Ark. and La., so as to provide only for the completion of Locks and Dams Nos. 2 and 3, and the operation of these when completed, and of Nos. 4, 6, and 8, together with such snagging as may be necessary to facilitate navigation up to Camden. The advisability of further lock-and-dam construction (Nos. 5, 7, and 9) should be investigated again after there has been an opportunity to note the results of the complete canalization below Monroe.

There may be some reason, although I do not know what it is, when the Army engineers recommend $234,000 that the bill should carry $474,000.

Capt. Fiske says in this same document, consisting of a number of reports made by the Government since 1871:

Due to the improvements made by the Government since 1871 the river is now practically free from snags, overhanging trees, etc., and can be navigated safely at any point below Arkadelphia where there is sufficient depth of water.

A very necessary requisite for navigation, of course.

Further in the statement of Capt. Fiske:

If much freight can be found here, it will be due to the increased use of a section now but little developed, and it is in part for the purpose of developing this section that the improvement of the Ouachita is sought.

I have already, I think, referred to the commerce, consisting largely of lumber and staves and crossties and shingles.

Col. Townsend, who is the division engineer, in passing, passed also on this matter. He says:

The district officer has based his recommendations on an existing river tonnage of about 70,000, of which 50 per cent consists of logs or similar timber products, and over 10 per cent of sand dredged from the river and merely transported to the nearest landing for further shipment by rail.

* * * * * * *

Below Monroe the construction of the locks and dams has progressed to such an extent that they can not be abandoned without the works already built causing serious obstructions to navigation. As the district officer estimates that they can be completed for an additional appropriation of $234,000, and the commerce which does not consist of timber products is generally confined to the lower portions of the river, the completion of Dams Nos. 2 and 3 is recommended.

Above Monroe work has not been begun on three of the dams, whose estimated cost is $1,804,000.

The hearings which took place after this recommendation were somewhat interesting. I want to quote in a few minutes, on the Arkansas hearings, some statements by the chairman of this committee which are about the best thing along this line that I have heard from any one. I do not know whether he will stay and hear them. I hope he will.

At the hearings at Monroe there were present Senator JOSEPH E. RANSDELL; Hon. RILEY J. WILSON, Member of Congress; ex-Senator Lorimer; and about 150 residents of Monroe. The district engineer explained the reason for calling the hearing and asked for information about a number of points:

Senator RANSDELL then gave a brief account of the history of the project, and urged its completion to Camden, as originally contemplated, in the interest of fair-play to those residing in Arkansas.

Senator Lorimer then spoke. He represented—

A large lumber corporation which had located its mill on the Ouachita because of the excellent transportation facilities that would exist when the project under way was completed. * * * It was impossible for his company to profitably market their oak and other hardwoods except by making use of water transportation. In conclusion, he stated that he was investing the money of the best set of friends that mortal man ever had on the face of God's green earth in this enterprise, the success of which largely depended upon the provision of an adequate channel in the river as at present contemplated.

Other hearings were held along the line; one at Felsenthal, where 50 persons were present, including Senator ROBINSON; Hon. W. S. GOODWIN, Member of Congress; and a delegation from El Dorado. The arguments were summed up by Senator ROBINSON on this occasion.

The Columbia hearing was held on board the snag boat *Ransdell* September 17. Twenty persons were present, and the large and increasing commerce of this river was gone into.

At Camden about 100 persons attended the hearings, and a United States Senator there presented the cause of this river. Mr. King gave some very interesting information:

He stated finally that the Standard Oil Co. had already built tanks at Camden with a view to making Camden its local distributing point, that the company's intention was to supply their tanks by means of a barge line operated between Baton Rouge and Camden as soon as the channel of the river was improved sufficiently to permit.

Another gentleman stated that—

There was 384,000 acres of bottom land bordering the river between Camden and Arkadelphia, much of it covered with green timber that can not be profitably moved until the river improvement is completed. * * *

Senator ROBINSON stated that Congress as a whole approved of the vast majority of projects recommended by the Engineer Department; that some few mistakes were believed to have been made by the department; that the action of Congress in calling for the reexamination of the Ouachita and other rivers was taken solely in order to get the last river and harbor bill through, and should not be construed as indicating a general doubt on the part of Congress as to the worthiness of even the streams specified.

Other gentlemen addressed this hearing, and Mr. King rather hit the nail on the head when he said:

As we understand the proposition down there, the chief trouble we have had with the Board of Army Engineers in considering the expenditure of Government money on the Ouachita River has been the fact that they do not see what we have done with the work already accomplished. They do not see, if we are so interested in the river, if the people are so interested in the river and consider that their commercial destiny is tied up in the river, why we do not use the river.

Senator RANSDELL stated that this was a project—and so, I assume, he will defend this project—with which he had been closely associated during 17 years of congressional life, and he said:

You gentlemen are probably aware of the fact that the first estimate for this project was a fraction under $2,000,000, and now the estimated cost is considerably over $4,000,000, under the revisions which have been made from time to time.

And then there is some rather mild denunciation of ex-Senator Burton because of his work in defeating the last two river and harbor bills, which I think will stand to his credit as the best work of his life. In conclusion, he says:

It seems to me that the Ouachita River is one of the very few streams in this country in which, if I may say so, the Engineer Corps itself is on trial, because if this project is costing a great deal of money, and if we have spent considerably more already than it was thought the whole project would cost, it is the mistake of the Engineer Corps—

This was directed to the gentlemen—

$2,700,000 have already been expended, and you are less than 50 per cent finished. You have not quite completed 50 per cent of it. The original project, as stated, was to cost less than $2,000,000. It seems to me it is up to you to maintain the honor of the corps by saying, frankly, "Yes; we made some mistakes, like all human beings will make mistakes. It was a different river from any other river in the country, but we are going to stand by it and put it through. We are not going to yield to any sentimental cry against the 'pork barrel' and to the improper influence of one man forcing legislation of this kind upon a bill in the dying hours of the session."

That may be sentimental in a way, but you gentlemen are sentimental, just like all other human beings.

It is too bad that the sentiment did not move them to tears, and the tears fall in this river so as to increase its flow. [Laughter.]

Mr. President, that is one of the projects. While I know it can not happen, I wish that in every farm home of this country, and in every shop where men are working, and in every place where women are bending their backs and toiling to make a living the story of the Ouachita River could be told them, and that they could see the sneers and hear the laughter and the jokes about spending the people's money. You can delude yourselves that you can put that kind of business over on the American people. It has been done for a long while. The day is going to come when it will stop, and it will stop short, and the men who are responsible for it will terminate their careers in Congress. You can fool all the people, as Abraham Lincoln said, some of the time, and some of the people all the time, but you are not going to fool all of them all the time. They are "getting on to the curves" of these appropriations. You can hide your heads, ostrich-like, in the sand and say, "It does not affect us," but a day of reckoning is going to come.

I pass from that to a worse one, if it is possible.

Mr. NORRIS. Mr. President, did I understand the Senator to express the wish that some Senator would get up in this body and defend that proposition?

Mr. KENYON. I do. I wish that, with this great concourse of Senators here, some one would arise and defend it.

Mr. NORRIS. Why is the Senator so cruel as to wish such a difficult and impossible task on any of his colleagues?

Mr. KENYON. I should like to know what the defense is. I should like to know, when we come to vote on cutting down $474,000, which has not been recommended, to $234,000 how many votes will be for it. I wonder how many Senators will rush in and say, "What does the bill say? We vote for it." The degree of intelligence exhibited on some votes cast is remarkable.

Now I pass to a worse one—and I wish I did not have to discuss it, because it is the river which the distinguished chairman of this committee, I think, defended. I would be willing to stake my life or my hope of salvation on the honor and the rectitude of the chairman of this committee. I know this is right in his home country. That river is the Arkansas River.

We have expended over three and a half million dollars on the Arkansas River. It is as good a river, possibly, as some of the others. The commerce in 1913, excluding timber and sand, was almost nothing. The engineers in 1915 allotted $193,350. In 1913 and 1914 there were 44,127 snags removed from the river. The engineers, as I understand, recommended

the abandonment of the project; and I want to read a little for the RECORD about this river.

It has a length of 1,460 miles. There have been a number of previous projects on this river, running back to 1832. We have spent on previous projects up to June 30, 1902, $2,249,085.20, distributed as follows: Construction of permanent works, $903,311.93; maintenance of permanent works, $314,119.14; operating snag boats, $1,031,654.13, or a total of $2,249,085.20. Between July 1, 1902, and June 30, 1915, we have spent $1,153,844.35.

There has been no material effect—

The engineers say on page 989—

on freight rates. Snagging and dredging operations are of benefit through the low-water period, in which the work is performed, by reason of cleared channels and increased depth.

* * * * * * *

Commercial statistics: Plantation products and supplies made up 10 per cent, miscellaneous freights 30 per cent, and forest products 60 per cent of the commerce for the calendar year 1914.

The work altogether, including maintenance, amounts to $3,402,929.55.

Commerce, 79,169 short tons in 1914; of that, 35,000 tons were logs, 3,000 tons lumber, sand and gravel 17,000 tons hauled 7 miles. So that the actual commerce, as we understand commerce, was almost nothing on a project where we have spent over $3,000,000.

We talk a good deal about the Army engineers and following the Army engineers. We will have a chance to see on this project how many Senators will follow the Army engineers when it is a question of striking something out of a bill.

Let us see what the Army engineers report. This is Document No. 461. A resurvey was ordered of this river in the last river and harbor bill, and the Chief of Engineers, Gen. Kingman, reports as follows:

The Arkansas River has been under improvement by the United States since 1832, when snagging operations were inaugurated. The present project provides for improving the river from its mouth to the head of navigation by snagging operations, removing shoals by dredging and the use of contraction works, and holding the improved channel by revetment where necessary; the tentative use of two dredges on that part of the river between the mouth and Ozark, 318 miles; and the maintenance of existing works, including those at Pine Bluff, Ark. It was not expected that the operation of the two suction dredges between the mouth and Ozark would be able to maintain a navigable channel throughout that section, but these dredges were recommended for use in an experimental way to determine the practicability of improving the river by this method and at the same time to aid and encourage navigation. Experience has now demonstrated that no benefit commensurate with the cost can be expected from them, even if confined to the short reach below Pine Bluff, where they have been operated. The commerce has been decreasing and now amounts to only about 55,000 tons, a large part of which consists of forest products, which can usually be handled at medium and high stages without improvement. In view of the existing physical and commercial conditions the district officer thinks that the work of revetting the banks should be revived, and he recommends that the project be modified to provide for—

Certain improvements, and so forth.

After due consideration of the above-mentioned reports, I concur in the views of the division engineer and the Board of Engineers for Rivers and Harbors, and therefore recommend that legislation be enacted modifying the existing project for improvement of Arkansas River so as to limit the work to snagging the river from its mouth to the mouth of the Neosho, at an annual cost of about $35,000, and authorizing the transfer without charge of the dredges and other plant not required for snagging to such other works of improvement as the Chief of Engineers may designate.

There is a recommendation of the Chief of Engineers; and this bill carries $209,000 when he recommends $35,000.

Col. Black set forth in his report that there has been expended to June 30, 1914, a total of $3,243,650.91; that the snagging will cost $35,000 annually, and it will require $118,000 for the operation of two dredges. He says that the commerce has been decreasing, and now amounts to only about 55,000 tons, a large part of which consists of forest products.

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The Arkansas River flows through an alluvial bed, and the channel is subject to unusually rapid changes in position and depth. Its banks are easily eroded, and experience has shown that no permanent improvement of channel can be expected unless the banks are protected by revetment. This would necessitate practically continuous work on one or both banks, similar in character to that being done on the Missouri River under the existing project for that stream. Such work on the Missouri River costs from $50,000 to $60,000 per mile, and is expected to result in a channel depth of 6 feet or more.

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The board fully realizes the advantages of water transportation and the benefits that would result to a large section of the States of Arkansas and Oklahoma if a stable channel of good navigable depth were available. The physical conditions on this stream, however, and particularly its small low-water discharge, are such as to prevent any radical improvement except at a cost which is entirely disproportionate to resulting benefits, as far as they can now be foreseen. The removal of snags, at an estimated cost of $35,000 per year, will make the natural depths available and permit a light-draft navigation, such as has been carried on in the past. It is believed that this work should be continued.

In view of the foregoing, the board recommends legislation modifying the existing project so as to limit the work to snagging the river from its mouth to the Neosho, at an annual cost of about $35,000, and authorizing the transfer without charge of the dredges and other plant not required for snagging to such other improvement as the Chief of Engineers may designate.

There is the recommendation of the Board of Army Engineers. And so I might go on.

I want to quote from Maj. Putnam the commerce on the river for the last few years. That appears in the document, page 10. In 1905, 86,000 short tons; in 1910, 59,516 short tons; in 1913, 55,228 short tons. Maj. Putnam advises a little more improvement than the balance do.

Col. Townsend also, who is the Chief of Engineers, stands for the same proposition as Col. Black and Gen. Kingman. Col. Townsend says on page 12 of the same document:

3. Whatever may be the causes of this decline of river traffic, they are of general application to all the western rivers, and the density of traffic on the Arkansas River is so small that there is no probability that the improvement of its channel will counteract this general law, particularly since the radical improvement of the Mississippi River from St. Louis to New Orleans, which has existed for the past 10 years, has had no appreciable effect upon it.

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5. It is therefore recommended that the improvement of the Arkansas River be at present confined to snagging, which is warranted by the existing commerce, and that all attempts to permanently improve the river channel be deferred until there is an appreciable revival of commerce on the Mississippi River.

There was a very interesting hearing on this proposition by the people interested, which took place at Little Rock. The distinguished chairman of this committee spoke and I want to read something he said that is the eternal everlasting truth about some of these appropriations. He said in arguing this matter to the board—I am quoting what the chairman said to the board, and I quote it with my most enthusiastic approval:

There are millions of dollars scattered over the United States not doing any good except to improve the political prospects of some party. I have been aware that, whether from oversight or whatever it is, there comes up to our committee recommendations that seem to me to be discriminatory. Some things that are not half so worthy as other things are recommended where other things are not recommended. If it is the policy of this administration and of this board to adopt a more rational, businesslike system, I shall aid them in their efforts to do so, and if, after a fair test, the Arkansas River falls under the condemnation of any rule that has been adopted and will be uniformly applied, I will stand as religiously for that as any other; but, when I am backed by such reports as the two I have called your attention to—and the policy was reasonable of digging out this stretch of 173 miles of river from here to the Mississippi River—I believe I am justified in showing some earnestness and protesting with some emphasis against the report made, and which is now under consideration by you.

Before the House committee arguments were made by Members of Congress, a Member of the Senate, and other parties who claimed to be familiar with this river, and in some way the appropriation came back in the bill.

Mr. President, I expect when this question is reached to move to strike this item from the bill as a test at least whether anything can be stricken from a river and harbor bill, whether recommended by the engineers or not.

If this is a flood proposition, if it is to protect the people from floods, that is a very different matter. I should not feel like withholding my vote from assisting in all proper ways people who might be in distress from overflows for which they are in nowise responsible.

I wish for a moment to refer to our old friend, the Brazos River. My impression is that under the act of March 4, 1915, a reexamination was ordered of this river from Old Washington to Waco, a part for which $200,000 is appropriated in this bill. I should like to ask the Senator from Texas if that is not correct. Was not a reexamination ordered?

Mr. SHEPPARD. The Senator is correct.

Mr. KENYON. Has any report ever been filed?

Mr. SHEPPARD. The reexamination is in progress now on a very elaborate scale.

Mr. KENYON. It would seem that where a reexamination had been ordered of a project and the engineers were working on that reexamination and had not as yet filed their report the project could well await the report of the engineers. That would seem reasonable.

I want to refer to the engineers' report on this project, and I shall take but little time on it. I dislike to raise objection to it on account of the very great interest of my friend from Texas in it.

From Velasco to Old Washington is one of the divisions of the Brazos. The other is Old Washington to Waco. The Brazos is a very long stream at the entrance of the Gulf of Mexico 50 miles from Galveston.

For a distance of about 40 miles to the head of tidewater at Bolivar Landing the river had a depth of about 4 to 20 feet at mean low tide; thence up to Old Washington the depths were 1 to 3 feet at ordinary stage of water on the shoals; and the river was obstructed by snags and overhanging trees. The widths varied from 200 to 400 feet. It

had a small low-water discharge, and the flood discharge, though small, can not be carried in the channel and the banks are overflowed during all large floods. The banks erode readily, consequently the navigable channel is unstable.

Previous project: Adopted by river and harbor act approved June 3, 1896, for improvement between Velasco and Richmond only. A total of $123,676.79 was expended on these projects, all of which was for new work. (For scope of previous projects, see Appendix, p. 1860.)

Present project: The river and harbor act approved June 13, 1902, extended the improvement between Richmond and Old Washington, and the river and harbor act approved March 3, 1905, included all the river between Velasco and Old Washington, 254 miles. The project consists in the removal of snags and overhanging timber and in narrowing the river at its shoals by training walls and spur dikes, in order to concentrate the current and obtain greater depths, at an estimated cost of $225,000, with $20,000 annually for maintenance.

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Operations and results during the fiscal year: Snagging work was carried on by U. S. snag boat *Waco* between 35 and 242½ miles above the mouth of the river, removing a total of 19,262 snags and overhanging trees, at a total cost of $16,567.88. Level lines to establish high-water marks were run at a cost of $208.57. Alterations to convert the snag boat *Guadalupe* to a suction dredge were made, and the sum of $5,939.28 charged to this work. A total of $21,925.33 was expended on the work, all for maintenance.

Condition at the end of fiscal year: The river has been fairly well cleared of snags and obstructions; those remaining were passed over while snag boat was working at higher stages of water. About 50 per cent of the bank trimming has been done, and the river has been deepened somewhat and bank caving has been reduced materially. A total of $275,814.85 has been expended on existing project, of which $93,312.69 was for new work and $182,502.16 was for maintenance.

Speaking now of the part from Velasco to Old Washington, page 913 of the volume of the report:

Commercial statistics: No record of commerce could be obtained for 1914. The record for 1913 shows 1,080 short tons, valued at $81,000. No record of commerce had been obtained for 1912. One boat makes weekly trips from Galveston to Columbia, but no record could be obtained.

And we have spent $399,491.64.

There has been allotted under the act of October, 1914, $10,000, and under the act of 1915, $10,000, making a total on that portion of the river of $419,814.85—one boat; a thousand tons of commerce!

Old Washington to Waco:

Original condition: The profile of this section of the river shows an alternating series of steep and gentle slopes, not navigable above Hidalgo Falls, 260 miles above the mouth of the river. The ordinary discharge is so small that open-river navigation is impracticable.

So March 3, 1905, was the date of the act for the improvement of this portion of the Brazos.

Under the provisions of this act the examination was made and report submitted for a project which contemplated securing a navigable depth of 4 feet at ordinary stage of water for four months and 3½ feet for six months of the year by constructing eight locks and dams and 103 miles of open-channel work, at a total estimated cost of $2,915,000.

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Operations and results prior to the fiscal year: Lock No. 1, near Navasota, Tex., had been brought to 98 per cent of completion, and Lock No. 8, 7 miles below Waco, Tex., was 75 per cent completed. A total of $853,052.11 has been expended, of which $441,564.63 was expended at Lock No. 1, and $404,060.06 at Lock No. 8, near Waco, Tex., and $7,407.42 for investigating sites for two additional locks, preparing plans, etc.

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Effect of improvement: There has not been any effect on freight rates, and none is expected until the improvement is completed.

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Commercial statistics: No freight is now carried on this section of the river, nor can be economically until the improvement is completed.

We have spent on that part of the river $993,689. Twenty thousand dollars was allotted in 1914; $200,000 was allotted in 1915 after this Congress had passed an act for a resurvey, or a total altogether on the Brazos of $1,818,503.85—no commerce at all on one part of it and a thousand tons on the other. Go home and tell your people that you are spending their money and piling up taxes to dump into propositions like the Brazos River.

Not everybody in Texas is so enthusiastic about the Brazos River. Congressman CALLAWAY on the floor of the House—it may be violating the rule to refer to it, but there are not enough here to object to the violation—said that for a large part of the time there is no water in the river to furnish irrigation needs; that they had locks and dams; and you could not find water at times in the Brazos and the Trinity. It was the Trinity I was thinking of, the river where Col. Riché had recommended the sinking of artesian wells to get water. But that is the Trinity. The people laughed at that, and it seems funny for the Government to spend its money to sink artesian wells in the bottom of the river to get water. Let us go home and tell the folks that we are standing for that kind of a proposition, so they may give three extra cheers when they pay some of their war taxes.

But everybody in Texas is not afflicted with this desire to have something out of the Public Treasury. Another citizen of Texas, Mr. Guyler, has written a letter which was placed in the CONGRESSIONAL RECORD by Congressman FREAR. Congressman FREAR is entitled to the thanks of his countrymen for the fight he has made against this measure, resulting in the House of Representatives in nearly 150 votes cast against this bill. Mr. Guyler writes Congressman FREAR on January 26, as follows:

WALLIS, TEX., *January 26, 1916.*

Hon. JAMES A. FREAR,
Washington, D. C.

DEAR SIR: Noticing in the press your attitude respecting appropriations toward improvement of various streams, and more particularly those applying to the Brazos and Trinity Rivers of Texas, I felt constrained to write you expressing my complete approval of your course. I am a native Texan, born and raised within 2 miles of the Brazos River; am 50 years old. My father and myself have owned land bordering on the Brazos for 58 years. I now own one tract which borders river for about 3 miles. I beg your pardon for mentioning these items. It is done to evidence my familiarity with the subject. The Brazos is an alluvial-banked stream, easily caves in banks. The work the Government has done and is doing is so utterly useless that it is contemptible and farcical, and apart from the absolute, complete, total, utter waste of such appropriations engineers have made regulations which are costing the people along the banks of said streams large sums of money.

I will mention two. If I should put in a ferry, I have to raise my cable 60 feet above low water—40 feet ordinarily would do. This additional height necessitates longer cables and stronger and more costly posts for elevating. The same applies to bridges. It has cost the people of Fort Bend County at least $40,000 excess to erect four bridges across the river, and this same expense will apply to every bridge and ferry from the mouth to Waco. The reason given for this is to allow height sufficient to clear steamboats. Now, I have lived on Brazos for 50 years and my father since 1858, and never in all that time has there ever been a steamboat either up or down, except the Government snag boat and possibly one or two small gasoline launches sent out by Waco boosters to prove the navigability of the stream. I am not a civil engineer, but I believe it would be cheaper to dig a canal from the Gulf to Waco then attempt to deepen the Brazos; and if an honest, capable engineer would investigate without being wined and feted by those interested, it would be overwhelmingly defeated. Our politicians seemed to be governed by those who make the loudest noise and the common people have no horns or bands or champions—

They ought to take that boat that was navigating on the Altamaha with a loud horn—

I wish you every success. * * * You are welcome to use my name.

Yours, respectfully, R. W. GUYLER.

So we go on with $1,700,000 in this project, going on for a number of years, God knows when, and a number of millions more that are to be put into it.

I want in passing just to say a word or two about the Trinity River, which carries an appropriation of $250,000 for locks and dams. This is a 37-lock canalization project. There is not anything definite about it as to the time when it will be completed. One lock and dam is built one year and another lock and dam is built another year. It has been estimated that it will cost the Government $12,000,000. There is no commerce; and that is met by the statement that, of course, there can not be commerce until the project is completed. At the rate of progress at which it has been going on it will take something like a hundred years to complete it.

This is the stream I referred to where Col. Ritchie once recommended sinking artesian wells in order to get water. It should be remarked that the city of Dallas is to contribute $50,000 to this enterprise. Dallas at an early time in the history of this project contributed sixty or sixty-six thousand dollars to the enterprise. It is creditable, of course, that there is some cooperation, though undoubtedly it is more of a booster proposition, for Dallas is one of the liveliest places in the whole country.

Mr. SHEPPARD. Mr. President, the people of Dallas have contributed altogether over a million dollars in connection with the Trinity River.

Mr. KENYON. Dallas, of course, is one of the most enterprising places in the country.

Mr. SHEPPARD. And they have at this session offered to put up $3,000,000 if the Government will complete the project.

Mr. KENYON. I do not doubt it. Well, is this not assisting Dallas as a drainage proposition for their sewage?

Mr. SHEPPARD. Not at all.

Mr. KENYON. But if they are willing to put up $3,000,000, why do they not go ahead and build this thing themselves?

Mr. SHEPPARD. Because it will cost anywhere from $6,000,000 to $9,000,000; or probably more.

Mr. KENYON. Well, Dallas was enterprising enough to almost get the Democratic national convention, so I suppose the putting up of an amount of this kind is not at all troublesome to them.

Mr. SHEPPARD. Does not the Senator from Iowa think that the project evidently has some merit if the people interested offer to put up an amount of that kind?

Mr. KENYON. That is the first argument I have ever heard that would make me think at all that it did have some merit.

It would seem that the people there, at least, think it has some merit.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. KENYON. I do.

Mr. LODGE. If I may ask the Senator from Iowa a question, Is not the real benefit obtained by these appropriations overlooked by him? Do they not promote and tend to the support of many worthy and deserving persons?

Mr. KENYON. Undoubtedly.

Mr. LODGE. I thought that had been overlooked.

Mr. KENYON. That is an argument. I thought I had covered the subject pretty completely, but I am sorry to say I omitted that.

Mr. SHEPPARD. We on this side could not hear the observation of the Senator from Massachusetts.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. KENYON. The "Senator from Iowa" will yield to the Senator from Texas.

Mr. LODGE. My observation was simply that the Senator from Iowa had overlooked one very important reason for these appropriations, and that is that their expenditure led to the support of a number of very deserving persons, whether the river was improved or not.

Mr. SHEPPARD. I will state, Mr. President, that there is no such reason in connection with any river that I know anything about.

Mr. LODGE. Somebody does the work.

Mr. SHEPPARD. A motive of that kind would be an essentially unworthy motive.

Mr. LODGE. I am delighted to hear the Senator say so.

Mr. SHEPPARD. And I would hesitate before I would intimate that anybody had an idea of that kind.

Mr. LODGE. That some deserving person would be supported by the work?

Mr. SHEPPARD. Yes, sir; before making any suggestion of that kind I should hesitate a long time; I certainly would not make it in connection with anything that the Senator from Massachusetts had anything to do with.

Mr. LODGE. The support of deserving persons is a very worthy object.

Mr. KENYON. Mr. President, I very much hope that this interesting discussion may proceed without any unusual friction. I want to place in the RECORD from the engineers' report what I may have to say about this project. I now quote from page 938:

Original condition: Prior to the beginning of improvement the river had a navigable depth of about 4 feet at ordinary low water from its mouth to Liberty (limit of tidal influence), a distance of approximately 40 miles. Rafting of logs could be carried on at ordinary low water to a point about 50 miles above the mouth. The river above tidal action is a narrow stream with a low-water depth insufficient for even light-draft navigation.

* * * * * * *

From the manner in which appropriations have been made for the improvement of the Trinity River, it has been held that the entire project outlined in House Document No. 409, Fifty-sixth Congress, first session, has never been adopted in its entirety by Congress, but that only such locks and dams have been authorized as have been specifically appropriated for. The report in question contemplated the construction of 37 locks and dams with incidental dredging and other open-channel work, at an estimated cost for a 6-foot navigation of $4,650,000 and $280,000 annually for maintenance after completion, but of this number only 7 locks and dams have been specifically appropriated for and the location of 2 others authorized.

The amount so far expended on this project is given on page 940, at the end of the fiscal year, as being $2,062,262.42.

Effect of improvement: Owing to the fact that the river is not yet navigable to Dallas, the only place at which it can come into active competition with the railroads, no effect on freight rates has been produced.

* * * * * * *

Commercial statistics: The commerce transported during the calendar year 1914 consisted mainly of logs in rafts and of merchantable timber, with a small amount of cotton and other farm products.

Comparative statement.

Calendar year.	Short tons.	Value.
1912	60,677	$768,115
1913	27,147	406,428
1914	12,610	102,394

All of the above tonnage, except the rafting of logs, originated at or below Liberty, Tex. In addition, during the calendar year 1914, 20 bales of botton and 300 passengers were carried by the light-draft gasoline boat *Commodore Duncan* between Dallas and Lock and Dam No. 2.

Financial summary.

Amount expended on all projects to June 30, 1915:

New work	$1,830,595.06
Maintenance	238,667.36
Total	2,069,262.42

As shown by the engineer's reports, volume 2, page 2677:

The snag boat *Trinity*—

The principal navigation on these rivers seems to be the navigation of snag boats—

The snag boat *Trinity* remained laid up at Liberty, Tex., from the beginning of the fiscal year until October 15, 1914, due to lack of funds. An allotment for this work having been made from the river and harbor act of October 2, 1914, the snag boat was placed in commission October 16, 1914, working down the river from Liberty, Tex., and continued work until February 10, 1915, on which date it was again laid up, due to shortage of funds. It resumed work on May 26, 1915, and worked from that date to the end of the fiscal year. The items of work performed were as follows:

Number of miles worked over	18
Snags destroyed	28
Stumps destroyed	4
Shore snags cut	758
Logs removed from channel	1,825
Leaning trees cut	7,509
Trees girdled	204

A very great work. What a farce!

There is all of that money so far expended; and, of course, when any objection is raised we are met by the argument, "Why, you would not spend all of this money and then waste it by doing nothing more?" So we go on and on, building more locks and more dams, until 37 are now to be completed. I suppose that that project will be defended. I know my good friend from Texas [Mr. SHEPPARD] thoroughly believes in it, and I thoroughly believe in the honesty of all of his purposes; but how people who are not in Texas—I mean it in no sectional way—can vote for this project with the showing made by the engineer's report as to the absolute lack of commerce and the millions so far expended I can not see, unless it be for one thing, and that is in time to give the people of that part of Texas a potent force to regulate railroad rates.

The Brazos appropriation and the Trinity appropriation certainly can not be defended on the ground of navigation. The defense must be that their improvement will give to the people along their banks actual water competition, which will reduce freight rates. That is a great big subject, which we have discussed here considerably in days gone by. Undoubtedly water transportation on the Lakes has resulted in a great deal of benefit to the people of the Middle West in giving actual water competition; but we are always confronted with that proposition, that people along the rivers are getting better rates. The truth is, however, that the whole people of the country are contributing to that end. If the people along these rivers are getting better rates, then somebody else has got to pay for it, and you are working an injustice to some one else.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. What is the length of that river?

Mr. KENYON. The Trinity River?

Mr. NORRIS. Yes.

Mr. KENYON. "The Trinity River rises in north central Texas and flows approximately 650 miles southeasterly to Galveston Bay."

Mr. NORRIS. I mean that portion of it included in the provisions for improvement.

Mr. SHEPPARD. I will say that it is about 500 miles from Dallas to the mouth of the river.

Mr. KENYON. The Senator from Texas says about 500 miles.

Mr. SHEPPARD. A little over 500 miles from Dallas to its mouth.

Mr. KENYON. I see from the report of the Chief of Engineers that that stretch is 512¾ miles long.

Mr. NORRIS. How many of the dams are now completed?

Mr. KENYON. Seven have been appropriated for and two others authorized. There have not been seven completed. I presume the Senator from Texas can state how many have been completed.

Mr. NORRIS. What is the maintenance cost, approximately, for each one of these dams, and how many of the employees of the Government have to stay there all the time to look after them?

Mr. KENYON. I can not tell the Senator that; I have not figured that out.

Mr. NORRIS. How many dams are there to be in all?

Mr. KENYON. There are to be 37 dams altogether; and I think four or five have been completed. I will ask the Senator from Texas whether that is correct?

Mr. SHEPPARD. About five have been completed, and the other two are almost completed.

Mr. NORRIS. What do they cost? Has the Senator that information?

Mr. KENYON. I have the figures somewhere as to the cost of these various dams, but the Senator asks questions so fast that it is hard to keep up with him. I think they cost in the neighborhood of $350,000 each.

Mr. NORRIS. And there are to be 37, the Senator says?

Mr. KENYON. There are to be 37.

Mr. NORRIS. The river will be dammed worse when it is completed than the Senator is damming it now.

Mr. KENYON. I do not know but that the people who make it possible will be dammed worse than the river.

Now, I wish to put in the RECORD a couple of letters in regard to this river to a Member of the House of Representatives from Texas. Not all of the people of Texas are enthusiastic about this river, nor are all of the Members of Congress from that State. One Member of the House from Texas has fought this river; he has ridiculed it, and has said that the appropriations for this river were unjustifiable. He has exhibited a good deal of courage, as I understand he lives very near the river. Here is a letter to him which was placed in the CONGRESSIONAL RECORD in the other House, and which I wish to place in the Record here:

CITIZENS' NATIONAL BANK,
Waxahachie, Tex., January 30, 1913.

Hon. OSCAR CALLAWAY,
Washington, D. C.

DEAR SIR: I wish to commend you for your course on the rivers and harbors appropriation bill. That you are right in your position there can be no question. Money appropriated to make navigable dry creeks hundreds of miles away from tidewater is money wasted. How so-called engineers can make favorable reports on such schemes is past comprehension. But they do it. Many seem to think the Government a big institution, with money without limit, and that every dollar they can get from the Government by any means is fair, and that the people are gainers to that extent, when in truth all governments as purely governments are paupers. Every dollar the Government has must come from the people. If all these foolish appropriations were placed where good results would follow, it would be commended. Why Congressmen will vote for such wild, foolish appropriations is passing strange.

I will not read the reasons he assigns—

It can only be assigned to ignorance or insincerity. The people are getting tired of such foolishness. I have heard many commend you for your stand.

Yours, truly, O. E. DUNLAP.

I read another letter from the same town:

THE CITIZENS' NATIONAL BANK,
Waxahachie, Tex., April 1, 1913.

Hon. OSCAR CALLAWAY,
Washington, D. C.

DEAR SIR: From press reports I note that you have been opposed to further appropriations for the furtherance of the proposed navigation of the Trinity River. I do not think this a practical project at all, and I wish to congratulate you on the fair, unprejudiced stand you have taken, especially so in the face of all the opposition and criticism this stand has brought upon you. Personally the cleaning and clearing of the underbrush along the river would be of much personal benefit to me, as I have considerable land adjoining same, but I do not think it right that the funds of the Federal Government should be used in bringing this about, although, as stated, should the Trinity be made a navigable stream it would be of considerable benefit to me and a project which would meet with my hearty support could I conscientiously believe it practicable, which I do not.

With best wishes to yourself, I am,

Yours, very truly, R. W. GETZENDANER.

I am not acquainted with these gentlemen, but I assume the Representative from Texas must be, and in placing their letters in the RECORD he vouches for their standing and probity.

So we have this proposition, Mr. President, that on a stream with about 12,000 tons of commerce, over $2,000,000 have been expended, and millions more are yet to come.

I will take up now for a moment the Black and Current Rivers. They are not particularly important; and the commerce on them, after the exclusion of logs and timber rafted, is practically nothing. For the Black River we have appropriated $257,457.96, and for the Current River $77,043.24 have been appropriated. I will read just one brief statement from the engineers with regard to these rivers:

The low-water widths—

Referring to the Black River—

of Buttermilk Bend are 120 and 140 feet. Its low-water depths are uniformly 8 feet. The corresponding depths in the reach and crossing immediately below the bend are 3 feet. There are no shoals immediately above or below the bend that interfere with navigation, the controlling shoal above being the Indian Ford, 3 miles upstream, where a low-water depth of 18 inches obtains, and the controlling one below being Mussel Shoal, 4½ miles downstream, where a low-water depth of 2 feet obtains.

Eighteen inches of water in a stream, and yet we are asked to make appropriations for it!

Now, I come to a very interesting stream, upon which there were some illuminating hearings in the House. I refer to the St. Francis River. This is one of the streams where a witness testified in the House that you did not know when you got to it and you did not know when you got across it.

In its original condition—

Say the engineers in their report, on page 1006, volume 1—

this stream was not navigable above Lesters Landing (190 miles above the mouth) at any stage. Between Lesters Landing and Marked Tree, 41 miles below, navigation was possible at high stages only, and below Marked Tree to the mouth, 149 miles, it was difficult at medium and ordinary low stages and impossible at extreme low water. The minimum usable depths below Marked Tree were 10 to 12 inches for a width of 30 feet. Above Marked Tree the depths and widths were 6 inches and 10 feet, respectively. Wappapello, Mo., 340 miles above the mouth, has been considered to be the head of steamboat navigation, and logs and ties are floated from about 40 miles farther up; however, by reason of the fact that a section of river below—Lesters Landing to head of Varney River—is navigable during high water only, and even then with great difficulty, Lesters Landing is the practicable head for any form of power-boat navigation from below.

Another one of the rivers included in this group is the L'Anguille, concerning which the report of the engineers, on page 1007, says:

During periods of no backwater the minimum usable depths are but 6 to 8 inches, with a channel width of 10 to 20 feet.

Six to 8 inches of water!

Neither of the tributary streams are navigable—

Say the engineers' reports, on page 2729—

during low water, and the main stream—the St. Francis—is navigable by only very light-draft boats at that time. During the calendar year 1914 the St. Francis River in the vicinity of Madison was too low for navigation purposes from June 17 to December 29, and in the vicinity of Marked Tree from June 14 to December 31.

And so it runs.

Freight traffic: Logs and lumber are practically all the freight traffic. They amount to 294,000 tons, and the balance of the traffic amounts to but a few hundreds. But I want to call attention more especially to some of the hearings in the House.

The St. Francis River—

Says Mr. CARAWAY, in the House hearings—

for 81 miles has no defined channel or banks. It varies in width—that is, the sunk lands—from a quarter of a mile to about 7 miles. I notice that in the report the engineer states that it is from one-fourth to 2½ miles, but, having lived for quite a while in the so-called lake or sunk-land section, I am entirely familiar with it, and know that he is in error somewhat. The channel of the river, or what used to be the channel, has almost entirely disappeared. When I first knew the river, as far up as Lake City, through the sunk lands, steamboats of considerable size ran. That was only 15 years ago. Where the wagon and railway bridges cross the lake at Lake City, and which have draws, and were built within the last six or seven years, under these draws there are now islands and willow trees growing, which are tall enough to reach from this floor to the ceiling. The channel is choked with a growth which we locally call smartweed. It grows to a height of 15 or 20 feet, and at places I have seen it so thick that it appeared to be land on which you might walk, but if you attempted to do so you would sink in 10 or 15 feet. I knew a very estimable gentleman to lose his life because he mistook that formation of weeds for land. He walked out on it and was drowned.

He says, further:

With all due deference to the chairman, I understand that a great deal of the river and harbor improvement work has commerce only as a secondary incident, though it is the alleged reason for the improvement.

This is the part I especially call attention to, as a stream for which we are appropriating money, and, further, carrying a survey in this bill for some more of it beyond the line of anybody dreaming, I should think, of navigation:

Sixteen miles above the head of the sunk lands the St. Francis River has a channel with banks 17 feet above the low-water state; 9 miles below the sunk lands, at Marked Tree, it has 18 feet, and a short distance below that, at Madison, in St. Francis County, it has 38-foot banks. Through the sunk lands, in some places, it has a well-defined bank on one side, but on the other the average above low water, I should think, was not over 18 inches, and it may be less than that. In fact, when you approach it at many place you will not know when you reach the river, and the channel winds around through logs and growth and this smartweed, as we call it, and you can actually cross the river and never know it. As I said, where they have built the railroad bridge and wagon bridge at Lake City, and where I have seen steamboats at least 30 or 40 feet in length, there are willows growing up, in some places coming through the flooring of the bridges. There is no sign of a river there, and for three-quarters of a mile up and down stream, where I used to see the river, there is nothing now to be seen but vegetation. However, there is water there, and if you should probe down through this growth you would be apt to find water anywhere from 18 inches to 10 feet deep. If you canalize this river, you make it a continuous navigable stream for whatever uses it may be put, and I think the reports will show that this river carries about as much commerce as the ordinary streams.

So we have a river as to which the witnesses testify that you do not know when you reach it and when you cross it.

Now, as to the surveys in this bill, the committee seemed to have a rule that anybody wanting a survey could have it put on, because surveys do not cost much, although the Commerce Committee of the Senate increased this appropriation by $100,000 to cover surveys, and there is one survey which runs up into these sunken lands. As to that, the engineers say that in this section there is a low-water depth of about 2½ feet, with many logs, snags, and overhanging trees and a discharge of about 170 cubic feet per second. The commerce consists mainly of logs and mill supplies. In the sunken lands for 81 miles the banks are usually submerged and the stream divided into a number of poorly defined channels, having a depth of not more than 15 inches at average stage and but 8 to 10 inches at low water. If we are going as a business proposition to consider anything, I think we should hesitate somewhat about extending any surveys to that kind of a proposition. The controlling depth at ordinary low water, the engineers say, is about 12 inches, while in dry years it is as little as 8 inches.

So much for the St. Francis.

I only want to refer, in order that I may have it in the RECORD, to the Cumberland River, which carries a very heavy appropriation in this bill. The continuing improvement provided for in this bill is below Nashville, and only maintenance is carried in the bill above Nashville. There are two projects on the Cumberland—the upper Cumberland, extending from Nashville to the headwaters of navigation, and the lower Cumberland, extending from Nashville to the Ohio River. The appropriation is to carry on the work on the lower Cumberland, providing for seven locks and dams.

We have spent on the Cumberland River about $5,000,000. The commerce amounts to about 130,000 tons. When one of the projects, either above or below Nashville—I think above Nashville—was up for consideration the Army engineers recommended the cooperation of the States of Kentucky and Tennessee, and that a portion of the money should be contributed by those States; but it was stated in that hearing that the State of Kentucky could not contribute, owing to her constitutional provisions. In any event, the Army engineers recommending that, it would seem that if we intend to follow the Army engineers we should make that kind of a provision.

This bill carries $710,000 for that river, in addition to over $5,000,000 heretofore appropriated; and if the valuable wood, timber, and sand is deducted it would leave a traffic of around 100,000 tons in 1914. The amount expended above Nashville is $3,295,640.73. Under the allotment of March 4 there was allotted $378,000. Below Nashville the amount expended has been $1,214,801; the allotment of October, 1914, was $210,000, making a total of $5,088,441.30.

Now, let us see a little about the commerce.

The commerce looks large in some of these reports. There are great duplications of commerce. Logs and lumber and sand and gravel hauled only a few miles are put in to swell the commercial statistics, but on careful analysis and an exclusion of these matters the ordinary statistics in few cases amount to very much.

Above Nashville, as given on page 2847 of volume 2, the short tons for the year 1914 were 314,028. Upon analyzing that we find that 68,583 tons was logs, 20,656 tons lumber, 60,240 tons railroad ties, 100,925 tons sand and gravel, which was hauled about 12 miles. So, excluding those matters which do not require any canalization or any large channel, there would not be to exceed 100,000 short tons.

Below Nashville there is apparently 153,458 short tons of commerce for the year 1914. Of that, sand and gravel, hauled an average of 12 miles, constitute 38,976 tons; railroad ties, 96,092 tons; lumber, 580 tons; logs, 2,903 tons. So if that was deducted we would have a commerce that would not amount to over 20,000 or 25,000 tons.

I make this estimate, so that it may go in the RECORD, from the engineers' report of 1915, volume 2, page 2847:

Above Nashville, 314,028 tons, as follows: Sand and gravel hauled 12 miles, 100,925 tons; logs, ties, and lumber, 172,507 tons; or a total of 273,432 tons, which, deducted, leaves a net amount of 40,596 tons.

Below Nashville, 153,458 tons, as follows: Sand and gravel, 38,976 tons; logs, ties, and lumber, 102,024 tons; making 141,000 tons, or a net amount of 12,458 tons as the commerce on this stream, where we have expended $5,000,000!

The engineers say, as I understand their record, that the appropriation should be $340,000. This bill carries $705,000. In 1914 there was $210,000 allotted for the Cumberland River below Nashville, and in 1915, $378,000. I shall offer an amendment as to this at the proper time, for which I shall ask consideration, reducing that appropriation.

I want to place in the RECORD some facts as to the Tennessee River. That is given $944,000 in this bill. About $11,000,000 has been appropriated for this river. Deducting sand, gravel, and valuable timber, the commerce in 1914 reached about 186,000 tons. That included ore and marble hauled from 5 to 15 miles, amounting to about 78,000 tons. Of that, it seems almost impossible from the engineers' reports to determine just what is for maintenance and what is to continue the project; and it must always be borne in mind, in the discussion of the commerce on the Tennessee, that the coal and marble were hauled a very short distance, and that is a factor to take into account.

I want to analyze the commerce a little.

The commerce for the year 1914 above Chattanooga would appear to be rather large—305,616 short tons. Of that, 5,000 tons was logs in barges, 25,000 rafted; lumber towed, 8,000; ties, 18,000; and sand hauled 27 miles, 145,000, which, when deducted, leaves rather a small commerce in consideration of the large amount expended.

Between Chattanooga and Florence the engineers give us, on page 2871, 124,872 tons for the year 1914; but of that 15,000 tons is logs towed in barges, 1,000 rafted, 10,000 lumber, ties 2,000, sand hauled 25 miles, 54,000; and if that should be deducted there would be a very trivial commerce left. Between Florence and Paducah, applying the same rule, the same result would follow. So the commerce, if we are to justify these expenditures in that way, certainly would not warrant the large expense.

I ask permission to place in the RECORD an analysis of the commerce on that river which I do not want to take the time to read.

The PRESIDING OFFICER (Mr. HUSTING in the chair). Without objection, it will be so ordered.

The matter referred to is as follows:

TENNESSEE RIVER ABOVE CHATTANOOGA.

Season of navigation, year 1914: Closed June 10, 1914; opened December 2, 1914.

Vessel classification.

American registered steamers	14
Net registered tonnage	764
Unregistered rafts	Not reported.

About 46 barges, with a total capacity estimated at 3,795 tons, were employed by the steamboats operating in this section.

Freight traffic.

Articles.	Amount.		Valuation.	Average haul or distance freight was carried.	Average rate per ton-mile.
	Customary units.	Short tons.			
				Miles.	*Cents.*
Cotton	500 bales	125	$25,000	60	5.0
Grain	302,012 bushels	10,604	308,896	48	2.3
Hay	67,773 bales	2,258	67,740	49	2.6
Live stock:					
Large	280 head	140	30,200	49	8.6
Small	1,250 head	126	17,626	46	9.8
Other farm products		634	36,442	55	5.2
Logs:					
Towed in barges	1,811,600 feet b. m.	5,435	48,489	32	3.2
Rafted	8,379,436 feet b. m.	25,138	201,106		
Lumber:					
Towed in barges	4,155,127 feet b. m.	8,310	141,274	35	2.8
Rafted	100,000 feet b. m.	200	3,400		
Ties	215,424	18,850	107,712	21	5.9
Other timber products		34	1,020	30	4.2
Fertilizer		601	15,025	62	2.8
Flour	1,395 barrels	140	7,700	46	5.7
Merchandise		4,820	725,850	63	7.6
Machinery		196	58,800	70	8.8
Miscellaneous		2,514	8,625	10	1.9
Marble	12,630 cubic yards	26,418	436,270	5	7.9
Sand	97,228 cubic yards	145,832	72,916	27	1.09
Iron ore		50,000	57,500	15	1.7
Total		305,616	2,356,992	24	2.1

[1] Part transported by owners.

Number of passengers carried, 5,741.

TENNESSEE RIVER BETWEEN CHATTANOOGA AND FLORENCE.

Season of navigation, year 1914: Open all the year between Bridgeport and Decatur. Between Chattanooga and Bridgeport and between Decatur and Florence navigation was suspended from June 15 to December 1, though light-draft traffic was carried on during the low-water season between Lambs Ferry and Lock 6, Muscle Shoals Canal.

Vessel classification.

American registered steamers	20
Net registered tonnage	1,373
Unregistered rafts	Not reported.

About 30 barges, with a total capacity estimated at 5,069 tons, were employed by the steamboats operating in this section.

Freight traffic.

Article.	Amount. Customary units.	Amount. Short tons.	Valuation.	Average haul or distance freight was carried.	Average rate per ton-mile.
				Miles.	*Cents.*
Cotton	18,102 bales	4,626	$525,200	44	6.8
Cotton seed		3,090	90,900	73	2.5
Grain	184,558 bushels	5,095	140,301	74	1.6
Hay	6,831 bales	342	6,840	53	3.0
Live stock:					
Large	1,712 head	857	104,725	78	3.7
Small	700 head	70	9,800	80	6.3
Other farm products		102	16,485	82	6.3
Logs:					
Towed in barges	5,104,404 feet b. m.	15,314	122,515	35	3.0
Rafted	477,310 feet b. m.	1,432	11,455		
Lumber	5,464,450 feet b. m.	10,933	185,791	39	2.0
Ties	31,971	2,798	15,985	50	2.1
Other timber products		202	2,114	5	20.0
Fertilizer		11,623	290,573	76	2.3
Flour	7,565 barrels	757	41,635	77	3.3
Merchandise		10,550	1,583,850	70	6.3
Miscellaneous		419	2,390	64	2.8
Sand	36,472 cubic yards	54,708	27,354	25	[1] 1.6
Machinery		1,955	586,500	80	8.7
Total		124,872	3,754,313	42	3.1

[1] Part transported by owners.

Number of passengers carried, 3,182.

The foregoing tabulation does not include the freight transferred between the Nashville, Chattanooga & St. Louis Railway Co.'s terminals at Hobbs Island and Guntersville, Ala. Two towboats, handling large transfer barges that accommodate from 8 to 10 freight cars each, are employed by the railway company as a connecting link between its lines on the north and south banks of the river. Freight is not unloaded from the cars, and the railroad keeps no separate traffic records pertaining to this car ferry, but regards it in the same light as any ordinary crossing, although the terminals are 22 miles apart. It is considered that this business is not altogether in the nature of actual river traffic, but inasmuch as the statistics heretofore compiled for this section have included the commerce thus handled, a condensation of the railroad company's report for the last calendar year is given on next page.

Traffic handled in 1914 by railway transfer boats between Hobbs Island and Guntersville, Ala. (22 miles).

Class of commodities.	Quantity.	Estimated value.
	Tons.	
Farm products	12,544	$1,379,840
Timber products	4,267	64,105
Merchandise	44,838	6,725,700
Miscellaneous	20,711	410,665
Total	82,360	8,580,310

With the addition of this business the total traffic for the year 1914 amounts to 207,232 tons, valued at about $12,334,623. These totals should be employed in any comparison of the commerce of this section for 1914 with that reported for years previous to 1910.

TENNESSEE RIVER BETWEEN FLORENCE AND PADUCAH.

Season of navigation, year 1914: Navigation was continuous throughout the year from Paducah to Hamburg. From Hamburg to Riverton navigation was interrupted during the months of June, July, August, and September, though vessels drawing less than 24 inches could pass over the shoalest sections above Hamburg at all times during the year.

Vessel classification.

American registered steamers 25
Net registered tonnage 2,534
Unregistered rafts ..... Not reported.

About 95 barges, with a total capacity estimated at 39,380 tons, were employed by steamboats operating in this section.

Freight traffic.

Articles.	Amount. Customary units.	Amount. Short tons.	Valuation.	Average haul or distance freight was carried.	Average rate per ton-mile.
				Miles.	*Cents.*
Cotton	7,126 bales	1,782	$356,400	100	5.0
Cotton seed		3,106	80,756	86	2.9
Grain	223,541 bushels	5,994	180,418	126	1.6
Hay	18,140 bales	907	18,140	171	1.9
Live stock:					
Large	6,681 head	3,042	924,975	188	1.5
Small	7,016 head	589	97,936	121	2.5
Peanuts	91,403 bags	4,570	22,850	155	1.9
Other farm products		1,305	257,420	73	3.3
Logs:					
Towed in barges	4,131,161 feet b. m.	12,394	99,148	124	1.3
Rafted	9,999,476 feet b. m.	29,818	238,547		
Lumber:					
Towed in barges	5,630,538 feet b. m.	11,261	191,438	163	1.2
Rafted	500,000 feet b. m.	1,000	17,000		

Freight traffic—Continued.

Articles.	Amount. Customary units.	Amount. Short tons.	Valuation.	Average haul or distance freight was carried.	Average rate per ton-mile.
				Miles.	*Cents.*
Ties:					
Towed in barges	2,286,044	200,029	$1,143,022	168	[1] .5
Rafted	1,480,677	130,347	744,839		
Poles, telegraph and telephone (rafted).	50,000	20,000	87,500		
Other timber products		3,934	302,600	195	[1] 1.0
Fertilizer		1,822	45,550	121	1.6
Flour	34,258 barrels	3,426	188,430	174	1.6
Merchandise		9,357	1,374,102	192	1.6
Miscellaneous		5,077	56,123	145	1.9
Marble	47 cubic yards	106	1,590	200	1.0
Total		449,959	6,428,874	164	.7

[1] Part transported by owners.

Number of passengers carried, 21,561.

Mr. KENYON. I refer for just a moment, as not so particularly important, to the harbor of Ontonagon, Mich., where they have expended large sums of money, and the tonnage last year was 12,032 short tons.

Grand River, Mich., is one of the wasteful projects, where we have appropriated $518,000. The commerce has been a decreasing commerce, until it is down to 49,000 tons, and the work is practically abandoned in that river.

On Clinton River we have expended $99,000. There is a small tonnage. About all there seems to be there is a few gasoline boats. The tons last year were 14,108. We expended $72,919.57. It seems to be more of a pleasure resort than anything else.

On the Fox River, Minn., which I will not take the time to go into, we have made large expenditures. There is a very small traffic. It seems to have benefited the people by making a good place for skating on in the wintertime.

The Sacramento and Feather Rivers are put into this bill, carrying appropriations of, I think, $75,000, but committing us to an expenditure of $5,860,000. I am not sufficiently familiar with that to go into it.

I want to refer now to the Ohio River. The Ohio River is the most expensive project that is being carried by the Government. It has cost millions and will cost millions more. It has a large tonnage, and if any improvement of this character can be justified as an experiment it would probably be the Ohio River.

Some years ago there was an examination of the Ohio River by the War Department, with a view to obtaining a channel depth of 6 and 9 feet, respectively, and that Board of Army Engineers, through Gen. Mackenzie, made a most interesting report. They found that a 6-foot navigation at low water could be established from Pittsburgh to Cairo by the construction of 45 locks and movable dams, at a cost of fifty million nine hundred and sixty-two thousand and some odd dollars, and a 9-foot channel at a cost of $63,731,488, with a cost of maintenance of $15,000 for each lock and dam, a total of $675,000 for the 6-foot project and $810,000 for the 9-foot project.

These projects were outside of terminals, which do not seem to have been considered by the board, so that the cost combined is $63,731,488 and $1,000,000 a year for maintenance.

There has been considerable of that work done. The question is whether it should be abandoned or not. The Ohio River has some advantages in being the great industrial center of Pittsburgh and the fact that it flows through a country that has a large population, many manufacturing plants and coal interests. The traffic on the Ohio River is largely coal, and the difficulty with the situation is that you get your movement only in one direction; there is not much to come up the river.

The Ohio Valley Improvement Association has for years besieged the Government for appropriations with which to deepen the Ohio River to 9 feet. The present plan was adopted in 1910 and involved, as I have said, an expenditure of about $63,000,000, but if the terminals are included which are necessary in any plan of river improvement to be successful the project would come closer to $70,000,000.

The Ohio is one of the few American rivers that has retained any large traffic in recent years. At Cincinnati there has been an increase of over 56,000,000 bushels of coal in 1893 to 62,000,000 bushels in 1906. It is not a large increase but is more substantial than on any of the other rivers.

As I have said, the Ohio River has some advantages that other rivers do not have. Its headwater is the great industrial center

of Pittsburgh and there are various industrial towns along the river. It is perhaps the best river on which to attempt any scheme of canalization.

The Board of Army Engineers were of the conclusion that there would be a tremendous traffic on the Ohio River, agricultural products and coal and raw material of all kind. Perhaps the traffic on the Ohio River will be, if anything, the raw material that enters into the many industrial enterprises along the line.

Lumber traffic presents no prospect along the Ohio River, because the forests are cut down, sand and gravel are hauled but a short distance, and what is to be hoped for would be the raw material entering into manufactures, because the Ohio Valley is becoming a very great manufacturing center.

The board estimated the cost of necessary dredging, in addition to the $63,000,000, to be about $5,000,000, and, as I have said, that does not include the cost of the terminals, which would run the project over $70,000,000.

The board believes that the traffic of 3,500,000 tons of coal may be moved from Pittsburgh to Cairo in a year, and there would be a profit in that for the boat company. It has to be borne in mind that the river line is generally farther than the railroad. For instance, along the Ohio the distance from Pittsburgh to Cincinnati is 468 miles on the river, while on the railroad it is 326 miles. Whether the average rate per haul per ton-mile by water can be made less than by railroad is, of course, problematical. If the Government furnishes the waterway entirely free to boatmen and we did not take into consideration at all the capital invested in making the river navigable, then the water transportation will, of course, be lower.

There now are about 100,000 tons of continuous commerce apart from soft coal that has always floated down the river. It reached a very large sum in 1914. One-half of the valuation of the commerce is from trade ferried across the river.

I do not know, Mr. President, whether the Ohio River plan warrants further expenditures or not.

I had expected to take up the Missouri River project and the Mississippi, but the junior Senator from Missouri [Mr. REED] is not present, who desired to be here; and I think I will discuss what I have to say about the Missouri River when we reach that item in the bill, and also the Mississippi River.

Mr. President, I have covered—in I know a very uninteresting way—some of the projects in this bill which have led my mind to the conclusion that the bill ought not to be passed by Congress, even in different times from those we are now engaged in, but that especially at a time when there are so many necessary expenses, apparently this is certainly an indefensible bill. I have said very frankly that if there were enough Senators who would enter into a legislative fight—proper legislative tactics—to defeat this bill I would be glad to join in that kind of a movement. There are not, and, so far as I am concerned, I am going to criticize this bill all the way through, and fight it all the way through, and offer amendments to these various projects, and try and have half the amount substituted, and put these matters up to the judgment of each individual Senator and let all these questions be voted on.

I hope the bill will have a full and free discussion from both sides. I have tried to discuss it in a fair way without any insinuations or reflections upon anybody. I feel deeply that this system of appropriations is going to stop before many years, and that the real friends of river and harbor legislation have to get rid of all the little indefensible schemes that are placed in this bill, and that the awakened conscience in this country is going to demand that Congress, not only in this but in other measures, shall have some regard for the people who have to pay the bills.

I shall discuss other features of the bill as the consideration of the measure proceeds.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 9, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, Almighty God, our heavenly Father, for the spirit of evolution potent in the mind of man from the beginning, leading him from savagery to civilization, the earnest of the grander possibilities which lie with us all. Help us, therefore, to be earnest, to be faithful, to be true to ourselves and true to Thee, until we all come unto the measure of the stature of the fullness of Christ; and Thine shall be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech on the subject of Our Merchant Marine, by Mr. Andrew Furuseth, before the Economic Club of Boston, on February 23.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a speech on the subject of Our Merchant Marine, delivered by Mr. Andrew Furuseth in Boston last February. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Philippine bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to extend his remarks in the RECORD on the Philippine question. Is there objection?

Mr. FITZGERALD. We all have 10 days to print on that subject. That time is not up yet. I think there ought to be a limit on the gentleman from Illinois. There is on the rest of us.

Mr. STAFFORD. There is no limit on the gentleman from Illinois. He is limitless in his activities.

Mr. FITZGERALD. Five legislative days.

Mr. SLAYDEN. Make it ten.

Mr. FITZGERALD. The gentleman from Illinois is not so busy that he can not write his remarks within five days.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] proposes to limit the time of the gentleman from Illinois to extend his remarks to five legislative days.

Mr. MANN. I ask that my request be submitted.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the Philippine bill. Is there objection?

Mr. FITZGERALD. Reserving the right to object, Mr. Speaker, I wish to say that I think five days are enough. There is no reason why the gentleman should have unlimited time, and I will object. I ask unanimous consent that the gentleman have five legislative days.

Mr. MANN. The gentleman need not ask unanimous consent for me. I am able to ask my own unanimous consent.

The SPEAKER. The gentleman from New York objects to the request of the gentleman from Illinois, and that is the end of it.

Mr. FITZGERALD. I ask unanimous consent that the gentleman from Illinois may have five legislative days.

The SPEAKER. No; he does not want it.

Mr. KITCHIN. I withdraw the objection of the gentleman from New York. [Laughter.]

The SPEAKER. The gentleman from North Carolina withdraws the objection of the gentleman from New York, and the gentleman from Illinois gets his chance to print his speech, anyway.

Subsequently,

Mr. FITZGERALD. Mr. Speaker, was my objection to the request of the gentleman from Illinois withdrawn?

The SPEAKER. Yes; it was withdrawn by the gentleman from North Carolina [Mr. KITCHIN].

Mr. FITZGERALD. I wanted to know, because I wanted to see how easy it was to make the gentleman from Illinois petulant.

The SPEAKER. The objection was withdrawn by the gentleman from North Carolina.

Mr. MANN. I did not hear the remark of the gentleman from New York.

Mr. FITZGERALD. The gentleman can read it in the RECORD to-morrow.

DIXIE HIGHWAY BRIDGE.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for my colleague from Georgia [Mr. WALKER], who has an emergency bridge bill, that it may be considered by the House.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River, to be known as the Dixie Highway Bridge.

Mr. ADAMSON. I ask unanimous consent for the present consideration of this bill, because it is an emergency matter.

Mr. GLASS. I ask for the regular order.

RURAL CREDITS.

The SPEAKER. The gentleman from Virginia demands the regular order, and the House automatically resolves itself into

the Committee of the Whole House on the state of the Union for the further consideration of the rural-credit bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes, with Mr. GARNER in the chair.

Mr. GLASS. Mr. Chairman, I would like to inquire how much time remains for general debate.

The CHAIRMAN. The gentleman from Virginia has used 55 minutes and the gentleman from California [Mr. HAYES] 1 hour and 47 minutes.

Mr. GLASS. I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, the importance of this bill can not be overestimated. In my judgment, no bill which is likely to be considered by this Congress will have more far-reaching and beneficial effect. While the European countries have had a system of rural credits for a great number of years, it is new legislation, so far as the United States is concerned.

By the act of March 4, 1913, Congress authorized the appointment of a commission to visit Europe and make a study of this great question. Under this act a commission was duly appointed by the President, made a trip to Europe, collected and compiled valuable information, made an exhaustive study of the subject, and submitted a comprehensive report.

A number of rural-credit bills were introduced in the last session of Congress, referred to the respective committees, reported back to the House and Senate, and some consideration given them. However, it was finally decided to defer action upon the matter. The whole subject was referred later on to a joint subcommittee of both branches of Congress, with authority to hold hearings during the recess last summer, and instructed to report back by the 1st day of January, 1916. This was done by bills being introduced in both the Senate and the House and referred to the respective Banking and Currency Committees.

PURPOSE OF THE BILL.

We have just concluded consideration in the House of the Agricultural appropriation bill, which carries an appropriation of $24,501,093. Broadly speaking, the money appropriated by that bill is for the purpose of securing beneficial information for the use of farmers in applying scientific methods in planting and growing their crops and in caring for and marketing them. Farming has become a great industry, and to be carried on successfully it must be done along business lines. Everyone recognizes this. To do it the farmer must have money not only to buy land, but improve it, buy live stock, and purchase machinery in order to make it productive.

The accommodations offered by commercial banks do not meet the needs of the farmer, as they must always have quick assets with which to pay the checks of their depositors. The farmer should have a different system of credit. He requires loans upon longer terms and can not afford to pay the interest rates charged by commercial banks.

The purpose of this bill is to create a means whereby he may secure loans upon long terms at the lowest possible rate of interest and payable in small amortization payments.

It is only in exceptional cases where a farmer can borrow money at commercial rates, buy a farm, and pay his note within the time usually granted by commercial banks. If crops fail and he is unable to meet the interest and the installment when due, the mortgage is foreclosed and he loses his initial payment, together with the time and work he has expended upon it.

This bill makes it possible for him to secure money as a loan for 5 to 36 years and enables him to get it at a low rate of interest. If thrifty and industrious, he will be able to make the payments and ultimately own his home free from all incumbrances.

FARMING IS THE GREATEST INDUSTRY WE HAVE.

The census of 1910 shows the total area of the United States to be 1,903,269,000 acres, and of this 878,780,000 acres, or 46.2 per cent, is given as productive land. The amount actually cultivated is given as 478,451,750 acres. The total number of farmers is about 6,500,000. The size of the average farm is 138.1 acres, and of this the average acreage of improved farm land is 75.2 acres and the average of the unimproved is 62.9 acres.

The last census gives the number of farms in Oklahoma as 190,192 and the number of acres of farm land as 28,859,353. The size of the average farm in the State is 151.7 acres, and of this the number of productive acres is given as 92. The total value of farm property in Oklahoma in 1910 was $918,198,882.

The census shows the mortgage debt for the entire United States to be $1,726,172,851 for 1910, but exact figures are not thought to be available. The entire debt is variously estimated at between four and five billion dollars.

The rate of interest upon land mortgages varies in the different sections of the country, ranging from 6 to 10 per cent, including commissions. The average is given at 7.5 per cent. Dr. C. W. Thompson, in charge of rural organization in the Department of Agriculture, gives the average in Oklahoma, including commissions, as 8.4 per cent.

These figures impress us with the very great importance of enacting rural-credits legislation.

NECESSITY FOR LEGISLATION.

The Federal reserve act, approved December 23, 1913, encouraged short-time six months' loans to farmers and permitted national banks to make a limited amount of loans on first farm mortgage security for a period not to exceed five years. The time is too short, renewals are too frequent, and the interest rates of commercial banks are too high. The threat of foreclosure is always hanging over the farmer, who is dependent upon the seasons. In the event of a drought, a total or a partial failure follows. Excessive rains cause a loss of time, and often subject him to great damage and financial loss by ruining his grain. Every one who grew up on the farm as I have, has an intimate knowledge of farm life. He knows that the farmer runs more risk of losing his year's labor than any other class of producers. He works longer hours and gets smaller compensation.

During the consideration of the Agricultural appropriation bill it was stated that the average farmer, after deducting 5 per cent upon his investment, received only $402 per annum for an average family of 4.6 persons, and yet the prosperity of the entire country is dependent upon him. Let there be a shortage in the wheat crop or an unusual demand for it, such as was occasioned by the European war, and the price of flour goes up. The increased cost is felt in every home throughout the land. On the other hand, let there be an abundant supply of all farm products, and the entire Nation is benefited.

The value of all farm products for the year 1914 aggregated the staggering total of $9,873,000,000, and the value of all the crops for 1915 perhaps exceeds this sum. These facts conclusively show the necessity for legislation to encourage and assist the farmer.

Reflect for a moment that only 46.2 per cent of the land in the United States—less than one-half capable of being cultivated—is actually producing. Because of insufficient improvements, poor live stock, lack of machinery, and other things necessary to make a crop, the land only yields one-half of what it is capable of producing. In other words, four times as much could be produced as is actually raised, or farm products of the value of $40,000,000,000 could be harvested yearly. This vast wealth turned into the channels of trade would bring unparalleled prosperity to the country and be felt by every citizen of this Republic. To help bring this condition about is the object of this legislation.

I would rather be the author of a real rural-credits bill, one that would meet the needs of the actual producers of this country, than of any other legislation.

Without financial assistance it is difficult to succeed in any occupation or profession. Every laborer must have tools. Every physician or lawyer must have instruments, books, and office equipment. No merchant can do business without money. The same is true of the farmer. [Applause.]

OTHER APPROPRIATIONS COMPARED.

We appropriate large sums of money for various purposes—more than a billion dollars for the present fiscal year ending June 30, 1916. There is now pending in this House a bill authorizing the expenditure of $45,000,000 for flood control. I am not criticising these appropriations, but only invite attention to them. This bill only appropriates $100,000 to pay the salaries and expenses of a part of the officers provided for, in addition to authorizing the Secretary of the Treasury to advance the initial capital of $750,000 for each of the 12 Federal land banks, to be repaid as the loans are made and the stock is subscribed for by the borrowers. To be more definite and lest I may not be understood, after subscriptions from national farm-loan associations to any Federal farm-land bank aggregate $750,000, thereafter 25 per cent of all subsequent subscriptions shall be semi-annually applied to the retirement of the capital stock subscribed by the Government.

Complaint is voiced by a comparatively few against this small initial encouragement by the Government to the greatest

industry of the country. We appropriated $39,608,410 for rivers and harbors a few days ago. Perhaps it was all justified. I am not an expert on such matters. We will soon be called upon to appropriate large sums for other purposes. The small amount authorized, expended and advanced, by this bill is trifling, as compared with other appropriations and the beneficial results that will follow.

PROVISIONS OF THE BILL.

The administrative features of this bill are patterned after the Federal reserve act.

FEDERAL FARM-LOAN BOARD.

A nonpartisan Federal farm-loan board consisting of three members appointed by the President and confirmed by the Senate, with a salary of $7,500 each, having offices in the city of Washington, is charged with the general supervision of the system.

FEDERAL LAND BANKS.

The entire United States is to be divided by the farm-loan board into 12 Federal land-bank districts, and a temporary organization of the banks is provided for with a capital of $750,000 each, which is divided into shares of $5 each. In the event all or any part of this amount is not subscribed for within 90 days after the opening of the books for subscription, it is made the duty of the Secretary of the Treasury to subscribe for the balance of the stock unsubscribed for on behalf of the United States.

After $100,000 of the stock is subscribed for by national farm-loan associations, the bank is permanently organized with nine directors. Six directors are elected by the national farm-

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loan associations and three are appointed by the Federal farm-loan board to represent the public interest. Their salary and expenses are fixed by the directors subject to the approval of the board.

NATIONAL FARM-LOAN ASSOCIATIONS.

Local corporations known as national farm-loan associations are authorized to be organized and chartered upon the application of not less than 10 natural persons, who desire to borrow not less than $100 each and not more than $10,000, providing the aggregate amount desired to be borrowed is not less than $20,000. Each local association elects not less than five directors and a secretary-treasurer, none of whom receive any compensation except the secretary-treasurer, who is to be paid only such salary as the board of directors may determine. The other officers are a president, vice president, and a loan committee of three members, all serving without pay, except their actual expenses may be paid. Nobody but a borrower can become a member, and when his loan is paid he ceases to be a member.

HOW TO SECURE A LOAN.

There are three ways of securing a loan:

First. From Federal land banks through national farm-loan associations.

Second. From Federal land banks through agents.

Third. From joint-stock land banks.

Let us take them up in their order.

To secure a loan through a national farm-loan association the prospective borrower must become a member, either as a charter member or by a two-third vote of the directors, after the association is organized and chartered. In any event, he must be a prospective borrower. The members may borrow 60 per cent of the value of their farm lands and 20 per cent of their insured permanent improvements through the association by subscribing for stock in the local association to the amount of 5 per cent of the desired loan. The local association in turn subscribes for a like amount in the Federal land bank. This stock is capable of paying dividends, and is paid off at par when the loan is paid. The stock held by the Government receives no dividends and is paid off as the stock is subscribed for by local associations by applying 25 per cent of the subscriptions after $750,000 has been subscribed. Ultimately all the stock in the Federal land bank will be owned by the local associations.

The application for a loan must be made out in proper form, prepared by the Federal farm-loan board, and must be accompanied by the abstract or evidence of title, as well as by an appraisement signed by the members of the loan committee of the local association and approved by the local directors. This application goes to the Federal land bank and an appraiser is sent to view the land. If the application is in proper form, the title good, and the appraiser's report favorable, the loan is made. Each loan must be indorsed by the local association.

To illustrate: If a farmer wants to borrow $500, he joins a local association, makes an application on proper form to the secretary-treasurer of the local association for a loan, and subscribes for 5 per cent, or $25 worth, of stock. This application is referred to the loan committee, who view the land and who must make a unanimous written detailed report to the directors of the local association. If they approve it, the loan is indorsed by the local association, the application is forwarded to the Federal land bank, and the local association subscribes for $25 worth of stock in the Federal land bank. The title is examined, and an appraiser is sent to view the land. If this report is favorable, the loan is made.

Each farmer will want to know to what extent he will become liable. His land will stand security for the amount of his loan, and he will be personally liable for all loans of the local association to an amount double the stock he holds, just as a director of any bank is now liable for the indebtedness of the bank.

No member need fear this liability, when it is remembered that no one can borrow more than 60 per cent of the value of his land and 20 per cent of the value of his insured permanent improvements; that the character of each borrower is vouched for by the association; that his land is appraised by the local loan committee of three; that their report must be unanimous; that it must be approved by the directors of the local association; that the proposed loans must receive favorable reports from the Government appraiser; and that the loans must meet with the approval of the directors of the Federal land bank.

It must be kept in mind that the cooperative spirit which will be developed by the formation of these local associations will be of great value to the farmer.

FOR WHAT PURPOSES LOANS ARE MADE.

Loans are only made on first mortgages on farm land for the following purposes:

To purchase land for agricultural uses, equipment and live stock necessary for the operation of the farm, and to provide buildings, and for the improvement of farm lands, and to liquidate existing indebtedness. The purpose of this legislation is to help real farmers and not speculators.

THE TERMS AND INTEREST.

The bill provides that loans may be made for 5 to 36 years, payable on the amortization plan. The rate of interest will be governed by the rate charged on bonds sold. The bill provides that the Federal land banks shall not charge more than 1 per cent upon farm loans in excess of the rate of interest borne on the last series of bonds sold. This 1 per cent is for administrative expenses. It is thought this much will not be needed, and that the rate will soon be greatly reduced. The bill provides that in no event shall interest be charged in excess of 6 per cent. Experts familiar with the price of securities testify that in their judgment the bonds authorized to be issued by Federal land banks will be so safeguarded that a 4 per cent bond will find ready sale at par. By adding not to exceed 1 per cent for administrative purposes and 1 per cent for the amortization payment the interest charged the farmer would be 6 per cent, which, in 36 years, would liquidate both the principal and interest.

The average rate of interest in Oklahoma, including commissions on mortgage loans, is 8.4 per cent. This bill would enable the farmers of Oklahoma to borrow money upon their farm lands and repay both principal and interest at 6 per cent.

When it is enacted into law the rate of interest throughout the United States will be uniform, because each Federal land bank is liable for the bonds of the other. Therefore, the bond of one land bank will be as attractive and secure and sell at as low a rate of interest as the bond of any other land bank. Hence, the farmers of Oklahoma would be able to borrow money at as low a rate of interest as those of New England.

The farmers not only want low rates of interest but they want a place where they can get money. This bill provides for both.

Any loan can be repaid in whole or in sums of $25, or any multiple thereof, after five years, at any interest-bearing date.

WHERE THE MONEY IS SECURED TO LOAN FARMERS.

One question that will be asked by every farmer throughout the country is, "Where will you get the money to loan farmers?"

In the first place, this bill authorizes the organization of 12 Federal land banks, with a capital stock of $750,000 each, and in the event this stock is not subscribed for in whole or in part the Secretary of the Treasury subscribes for the amount unsubscribed for on behalf of the United States. Loans are made upon farm lands to the amount of $50,000. Bonds may then be issued by the Federal land bank, and these bonds are secured, first, by first mortgages on land; second, the stock of the local loan associations; third, by the Federal land bank; fourth, by all the other 11 Federal land banks; and, fifth, by knowledge of the fact that authority for the issuance of these bonds was granted by the Federal farm-loan board, and they were regularly and legally issued, and that all of the requirements of the

law were complied with. This last will inspire confidence on behalf of investors.

It is believed that a ready market would be found for an unlimited amount of such bonds at a rate of interest not to exceed 4 per cent. In no event can the bonds bear a greater rate of interest than 5 per cent. In my judgment they would be as safe as Government bonds. It would bring the small investor in the East in touch with the borrowers throughout the country. The bonds are issued in denominations of from $20 to $1,000. As rapidly as loans to the amount of $50,000 were made bonds would be issued and sold, and the proceeds would then be used to make additional loans. In this way, ample funds would be secured to meet all the requirements of the farmers.

AGENTS.

Section 15 of this bill provides that in the event local associations are not formed in any locality the Federal farm-loan board may, in its discretion, authorize the appointment of State banks, trust companies, and mortgage companies to act as agents for the Federal land bank. They would be required to indorse each loan and become liable therefor and would be authorized to receive as compensation for their services not to exceed one-half of 1 per cent. It is not seriously contended by anyone that an agent under the terms of this bill would ever be appointed.

I attempted to amend this section in the committee by making it mandatory upon the Federal farm-loan board to appoint postmasters of the first, second, and third class agents in the various localities where local associations were not formed within 90 days after the organization of the Federal land bank of any district, giving the agents authority to administer oaths and attest their acts with a seal as well as to forward applications for loans without charge to the Federal land bank.

My fear has been that the farmers of Oklahoma would not readily understand the organization of local associations and that there might be delays incident to the organization of these associations, as well as in securing loans. If each prospective borrower could, through some local person appointed for the purpose, submit his application upon a form prescribed by the Federal farm-loan board, accompanied by a note and mortgage, with the affidavits of two of his neighbors acquainted with the land, whose reputation was vouched for by some responsible person, such as the postmaster, loans could be initiated in this way and forwarded to the Federal land bank. They would thereafter take the same course as if forwarded by a national farm-loan association. The abstract of title accompanying the application would be examined, and if found good the application for a loan would be submitted to an appraiser appointed by the Government, who would view and appraise the land before a loan was finally made, as is required where the application for the loan is forwarded through the local association.

I advocated the appointment of the postmaster, because he is a responsible Government official already paid a salary. He is acquainted with everyone in the community and could be required to perform this extra service free of charge to the farmers. What is most desired is to do away with the expense of conducting the local association and the delay. If this amendment is adopted, it will do both.

JOINT-STOCK LAND BANKS.

The bill also provides for the organization of joint-stock land banks. The stock in these corporations would be privately owned. Their capital could not be less than $250,000, and they would be authorized to make loans upon first mortgages and to issue bonds based upon said loans upon a form prescribed by the Federal farm-loan board. These banks can not charge the farmers more than 1 per cent in excess of the rate of interest established for the last series of farm-loan bonds issued by them.

It is urged by some that the joint-stock land banks will compete with the Federal land banks and that they should not be established. It is also contended that they would loan at a lower rate of interest than the Federal land banks, and in this way prevent the organization of the local loan associations.

What I am interested in is to get cheap accommodations for the farmers—whether they get it through the Federal land banks or the joint-stock land banks, as provided in this bill. For this reason I am willing to have both. They have both in Europe.

EXEMPTION FROM TAXATION.

The stock of the national farm-loan associations and Federal land banks, including reserve and surplus, and the mortgages executed to Federal land banks and to joint-stock land banks, as well as farm-loan bonds issued by them, are exempt from Federal, State, and local taxation. This is in the interest of the farmer.

The more secure and attractive you make the bond to the investor the more ready market the bonds will find, and the lower the interest for which the bonds will sell, the lower will be the rate at which the loans will be made to the farmers. For this reason I favor exempting them from taxation.

The question of the constitutionality of this provision has been argued at great length in the Senate. Upon the authorities there cited I have no doubt as to the constitutionality of the provision. See Owensboro National Bank against Owensboro, One hundred and seventy-third United States, page 664, and cases cited.

WHAT HELP THE GOVERNMENT GIVES THE FARMER IN THIS BILL.

It may be asked "What assistance does this bill give to the farmers of the country?" In the first place, it provides an agency by means of which the borrower and the investor are brought together. It enables the borrower to secure a loan upon long terms at a low rate of interest payable on the amortization plan. It provides initial capital of $9,000,000, or $750,000 for each of the 12 farm-land banks, to organize and begin making loans. It appropriates $100,000 to pay the salaries and expenses of the Federal farm-loan board, as well as all other officers whose salaries and expenses are provided in the bill to be paid by the Government. It exempts the stock of the local associations and Federal land banks and the mortgages and bonds of the Federal land banks and joint-stock land banks from taxation.

WILL AID FARMERS TO SECURE HOMES.

My earnest desire is to assist the man of small means to own his own home and to encourage and aid him in every way to buy a tract of land. When he becomes the owner of the land, he will necessarily become more deeply interested in permanently improving it. Crops will be rotated, fertilizers will be used, and the land will be made more productive. Every foot of it will be tilled, and nothing will go to waste about the premises.

He knows that good roads add value to the land and will feel justified in spending more time and money upon them. The same is true of schoolhouses and churches. As the country becomes more permanently settled and thickly populated there is more demand for rural mail delivery. Other conveniences will follow and all will have a tendency to stop the movement away from the farm to the towns and cities, greatly strengthening the citizenship of this Nation.

How will this bill assist the man without any money or land to secure a home? This question is an important one, and it will be asked by many, especially in a new State like Oklahoma.

Anyone who desires to purchase a home under the terms of this bill can borrow 60 per cent of the appraised value of the land on a long-time first mortgage at a low rate of interest, payable upon the amortization plan; and if he has a reputation for being honest, industrious, and economical, he can secure enough additional money on a second mortgage or other security from other sources to pay the balance of the purchase price. In this way this bill will assist the tenant farmer or the man without land to own a home.

SAVING TO FARMERS OF OKLAHOMA.

The total farm-mortgage debt of Oklahoma is given as $73,129,000. The interest on this sum at 8.4 per cent, the average farm-mortgage rate in Oklahoma, amounts annually to $6,142,836. Pass this bill and the farmers of Oklahoma, by paying $4,387,740 annually, or 6 per cent of the above amount, will save $1,755,096 each year in interest. In addition, they will pay the principal with the interest. If the bonds sell under 4 per cent the interest rate would be lower and a greater amount would be saved to the farmer. The certainty of being able to pay the debt when due, and the gradual reduction of the principal by including it in the interest, and providing an agency through which the farmers can get the money, will greatly relieve them in Oklahoma.

CONCLUSION.

On the whole, I think this is a splendid bill. With the exception of section 15, providing for the appointment of agents, and some other amendments which will be offered, it meets with my most hearty approval.

It is new legislation so far as this country is concerned. Its imperfections, if there be any, will soon be discovered and corrected by Congress. Every safeguard is thrown around the bonds. They are as good as Government bonds and should find as ready a market. The proceeds derived from their sale should amply meet the requirements of all prospective borrowers. The safer the bonds the lower will be the rate of interest they will bear, and a corresponding low rate will be given the farmer.

Rural-credits legislation was recommended by President Wilson and the principles of this bill are understood to meet his approval. It passed the Senate by a vote of 58 to 5. When it passes the House and finally becomes a law, history will record the verdict that this is the greatest piece of constructive legislation enacted by this or any other Congress within the last half century. [Applause.]

OTHER LEGISLATION BY THIS CONGRESS.

No other Congress has considered or will have enacted so much beneficial legislation for the farmers of the country. The House has passed and there are pending in the Senate:

(1) A bill appropriating $25,000,000 in aid of good roads, and this bill has passed the Senate with amendments.

(2) The Post Office appropriation bill making an adequate appropriation for the parcel post and increasing the amount for the Rural Mail Delivery Service.

(3) The Agricultural appropriation bill appropriating $24,501,093 to enable the Department of Agriculture to experiment with every subject affecting farm life, including animal diseases, the testing of seeds and soils, and diseases of plant life, including cotton, corn, potatoes, wheat and forage crops, and the studying of diseases of fruit trees. Finally through bulletins, yearbooks, reports, books of various kinds, agricultural journals, and the press, as well as through farm demonstrators, the department will give this information to farmers for their use, so that great results will be obtained.

In addition, the Agricultural appropriation bill contains:

(a) An appropriation for a bureau of marketing, to assist the farmer in marketing his crops to the best advantage.

(b) The cotton-futures act is reenacted, to make its validity certain.

(c) The grain-grades act, to insure the uniform grading of grain, so that the farmer may sell his farm products upon the same grade for which they are sold elsewhere in the markets of the world.

(d) The warehouse act providing for establishing and licensing warehouses, the storing of grain, and the issuance of warehouse receipts in such a way as to enable the farmer to store and hold his crops for a better market and to use his receipts as collateral security.

(4) And this bill providing for a system of rural credits, which I have been attempting to analyze, and the importance of which I have been attempting to emphasize. [Applause.]

Mr. GLASS. Does my colleague Mr. HAYES desire to use any time right now?

Mr. HAYES. I can use time if the gentleman desires, but we have consumed considerably more of our time than the gentleman's side have consumed of their time.

Mr. GLASS. Very well. I yield 10 minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman, there is nothing that more vitally affects our prosperity than a highly developed agriculture. This interest not only lies deep at the foundation of our industrial progress and economic independence but it is inseparably interwoven with the promotion of that morality and patriotism, indispensable to a great civilization. [Applause.]

Let us look briefly into the tendencies that confront us. The rural population of the United States decreased from 70.5 per cent in 1880 to 53.7 per cent in 1910. The tenant farmers, in 1880 constituting 25 per cent of the total, in 1910 had increased to 37 per cent. No thoughtful man, solicitous for our future prosperity and happiness can look upon these figures without alarm. Indeed, they constitute an unerring prophecy of approaching evils that challenge the best effort of combined wisdom and patriotism, if we are to hand down to our children the freedom and independence we now enjoy. The lessons taught by these figures are embodied in the history of many of the greatest nations the world has known, but which, lacking the power to correct these tendencies, have passed away or sunk into comparative weakness and decay. As long as they had an enduring agriculture and independent rural citizenship they grew and prospered, drawing their strength in wealth and men from the farm; but as cities were built they drew from the farms the sturdiest and strongest characters; the products of the soil decreased; the cost of living ran higher and higher; and as idleness, and extravagance, and waste, and vice multiplied in the great centers of population, the nation, through inherent weakness—always more deadly and dangerous than any foreign foe—sickened and died or fell before some stronger people fresh in activity and free from the infirmities of age.

The young man who would attain his highest possibilities in life does well to inaugurate early the practice of conserving his physical, moral, mental, and financial resources. Only by steadfast adherence to this course of conduct may he hope to develop well-rounded strength or hold commanding station among his fellows. The prudent man keeps watch on his physical well-being. If dangers threaten, he seeks the cause, then applies a remedy. Even so, we who are charged with responsibility in this period of our country's youth and strength, seeking the conservation of the moral and material resources with which God has so abundantly blessed us, should extend our vision across the unfolding years of the future in search of every threatening danger, then seek in patience and prudence to apply a permanent remedy. [Applause.] The tendencies in our economic life to which I have pointed present an unhealthy symptom, manifestly serious and portentous.

Before seeking a remedy let us examine causes. Thus we may hope more directly to find a way of relief. A number of influences may have contributed to the growth of these unhealthy conditions. But undoubtedly they are chiefly the result of economic evils and injustice. It is estimated that the aggregate wealth of the farmers of the United States is about $40,000,000,000 and that their indebtedness totals about $6,000,000,000, approximately half of this amount being secured by mortgages. The estimated interest rate paid by the farmer averages about 8½ per cent, making a total of something like $500,000,000. Figures show that the fair earning capacity of money in this country is about 4 per cent. So we see that the farmer pays more than twice the rate at which it is possible for him to prosper. In other words, the farmers of the country pay in interest about one-quarter of a billion dollars more than they can successfully carry. One cause of this comparative injustice is found in the provision of the law by which the resources of the national banks have been denied to the farmers. The total resources of our national banks are about $10,000,000,000. This amount comprises about one-half of the banking funds of the country. This vast credit resource has by arbitrary provision of law been practically denied to the man having only land to offer as security.

Again, under the banking laws as they have existed the reserves provided for have been carried to the large financial centers and withheld from the great agricultural sections of the South and West. As a legitimate result of these unwise and unfair provisions of law the farmers in the vast undeveloped sections of our country—in the South and West—that stand most in need of capital with which to develop their marvelous resources, pay an interest rate vastly in excess of the older and less needful sections contiguous to financial centers where banking reserves are assembled. It can not be denied that it lies in our power to correct these inequalities and remedy these conditions. Just here it is only fair to say that this administration, in the passage of the great Federal reserve act—that splendid achievement that freed the banking and commercial interests of the Nation from the domination of the coterie of financiers who formerly controlled our supply of money—made provisions permitting loans by national banks on real estate. This measure, in a limited way, strikes down the discrimination against the farmer, but in the very nature of things complete and adequate relief is not afforded. The national-bank system after all remains a commercial system, not adapted to the practical use of the farmer offering real estate as security.

The farmer needs a system of credit adapted to agricultural development. This is not possible under the terms and customs that govern commercial transactions. His business is not the buy and sell sort where rapid exchanges take place, but is a sort of buy and build enterprise. The products of the soil are not forthcoming except at yearly stated periods. Whether the farmer's crop be grain or cotton or fruit or food or live stock, his business is not such as is suited to short-term and fast-maturing loans. He is entitled to a system adapted to his needs just as is provided for other classes; and he is entitled to have counted in the consideration the investment in land which is necessary to enable him to ply his trade. There can be no insistence that the farmer offering land upon reasonable valuation and limitation has not as good security as may be found. Moreover, it is indisputably true that as population increases, and the demands for the products of the soil multiply, land security must become stronger and stronger with the years. The commercial interests of the Nation are cared for under the laws by which security held by the banks are hypothecated to the Government, and currency issued upon it to the banks as middlemen. As for my part, I do not hesitate to say that it is the part of wisdom and statesmanship for the Government to lend its aid and control to a system that will make available to the farmer offering land and its improvement as security the same resources of credit now open to others.

Far-seeing men, who saw the unfortunate conditions to which I have alluded, began the agitation of a rural-credits system that would remove discrimination and give to the farmer the credit resources indispensable to his prosperity. This agitation began with us in 1912. In that year the Democratic Party, in its national convention, declared in favor of permitting national banks to loan a reasonable portion of their funds on real estate, and

pledged the people that, if intrusted with power, it would investigate the rural-credits system of the Old World with a view of establishing here a system suitable to conditions in the United States. In fulfillment of this promise an act was passed in 1913 authorizing the President to appoint such a commission. They conducted careful and extensive investigations in a number of the leading foreign countries and submitted reports to Congress. The bill now under consideration is in large part the product of that investigation.

The countries of the Old World have demonstrated that long-term land credits, such as is embodied in the landschaft of Germany and other systems can be made available to farmers at 3 and 4 per cent interest. If the farmers of those countries enjoy such a rate of interest, the farmers of this great Nation are not unreasonable in expecting their representatives to provide a system that will do the same for them. There is no difficulty in finding available capital in the United States at low rate of interest. There are $4,000,000,000 on deposit in the savings banks of the country drawing less than 4 per cent interest. In the State of New York depositors have loaned nearly $2,000,000,000 at less than 4 per cent. There are $3,000,000,000 invested in bonds and other securities that do not pay as much as 4 per cent. The farmer, whose security, if properly assembled and systematized, would be safer and more stable than these, pays an average of nearly 9 per cent, and in some sections often 10 and 15.

The bill under consideration seeks to vitalize and standardize the security of the landowner. The plan provides for the organization of 12 regional land banks with a capital of $750,000 subscribed by the Government. These banks are to be under rigid Government control and supervision through a Federal farm-loan board to be appointed by the President. In pursuance of the cooperative feature running through the plan, and to secure uniformity of rates throughout the different sections of the country, each of the 12 banks established is responsible for the obligations of all.

The bill provides for the organization of farm-loan associations whose capital stock shall be not less than $10,000 and whose stockholders shall be not less than 10 in number. No loan can be made for more than 60 per cent of the value of the land. The borrower executes to the farm-loan association a mortgage upon his land, and the farm-loan association indorses the mortgage to the land bank. Each borrower subscribes and pays 5 per cent of the amount of his loan to the capital stock of the Federal land bank, and is liable for a like amount in addition, just as are stockholders in national banks. The loan must be approved by the board of directors of the farm-loan association, by the appraiser, and by the Federal land bank. It is recognized that in order to obtain funds at the low rate desired the utmost caution and care prevail in the granting of loans. Upon these mortgages as security, the Federal land banks issue bonds, each Federal land bank, as before stated, being responsible for the bonds of the other Federal land banks. It seems to me that every possible safeguard short of Government indorsement has been thrown around these securities.

In Germany, in France, in Great Britain, such bonds have ranked in the money markets close to the Government bonds themselves. We often hear objection to the cooperative provisions of the bill, because one borrower is involved in the security for the debts of another, and, strange to say, this objection usually comes from those who insist that the bonds of the land banks should be secured by the Government. This is rather a remarkable argument. If the securities are not properly safeguarded, certainly the Government ought not to indorse them; and if they are safeguarded, no harm can come to the individual borrower by reason of his joint liability. Moreover, under the cooperative plan, the securities put on the market will be guarded by the judgment of individual borrowers in every community, who are in position to judge of the character of the applicant and the quality of his security. For my part, I believe in Government aid, but I would not advocate such a course unless convinced that the securities offered were absolutely sound. I represent a constituency among whom the need for credit of this character is so accentuated that I believe in the most liberal system consistent with safety, with the greatest amount of Government aid and encouragement.

The gentleman from Oklahoma [Mr. FERRIS] makes inquiry regarding the section of the bill which provides for loans to individuals without the organization and intervention of farm-loan associations. I will say to the gentleman that I have given careful study to this section of the bill, and my views are these: If the Government is to be involved in further liability than is provided by the bill as reported, I think the system ought to be limited in granting loans only through farm-loan associations. If there is to be no Government liability added to the provisions of the bill as framed, I should be glad to see the section providing for individual loans liberalized and made practicable. I am fully aware that as that section reads it can not meet the views of those who contend for a system providing for direct loans without the intervention of farm-loan associations. However, it is clearly erroneous to insist that there are no benefits whatsoever to come from that section of the bill. In the State of Alabama—and I have no doubt the same conditions exist in other States—there is such great demand for money and the banks are so strained in the effort to accommodate their customers that I have no doubt many of them would gladly avail themselves of the provisions of this section in order to enable their patrons to secure additional accommodations. The truth is, speaking for the section that I represent, I believe this bill will carry benefits that will be felt by the small bankers. I have no doubt they will welcome its passage.

Not only the safeguards enumerated have been thrown around the bonds of the land banks, but the bill exempts the bonds from taxation of every sort. This makes the difference of fully 1 per cent in itself. It is thought not unreasonable to expect that under the practical operation of the system the bonds will find ready sale at less than 4 per cent. If this be true, the farmer will be enabled to borrow money at less than 5 per cent, because the bill provides that the farmer can not be charged more than 1 per cent above the rate on the bond. In no case can the interest rate exceed 6 per cent. The minimum loan permitted is $100 and the maximum $10,000, and improvements on land are recognized in the valuation to be taken.

Not only does the farmer need a reasonable interest rate as compared to others, but in the very nature of things any system to afford relief must provide for long-term credit. The bill before the House provides for the amortization plan of payment, the minimum period being 5 and the maximum 36 years. Under this plan it is estimated that a loan of $1,000 at 5 per cent would be extinguished in 20 years by payment of $80.24 each year. If the rate to the farmer is as low as 5 per cent, which it is hoped may be the case, the farmers of the district that I represent could by paying 8¼ per cent annually—which is less than the amount of interest at which they are now permitted to obtain money—extinguish the entire debt, including principal and interest, in 20 years.

The long-term provision eliminates the expenses involved in annual payment and renewal, removes the constant dread of foreclosure, gives a permanent basis upon which to base calculations and activities, and will stimulate hope, economy, and thrift.

A most serious aspect of agricultural conditions is found in the swelling swarm of tenants, now numbering nearly 3,000,000, the percentage of whom is increasing with such alarming rapidity. It is not unusual to hear expressions of concern for the welfare of the negro here in these parts. I do not object to that, though I believe with all my heart that many men who would be his friends have proven his worst enemies; but all good men everywhere are desirous of his improvement. The greatest man that race has ever given to the world taught his people just as their white neighbors have always contended—that their proper sphere of real growth and usefulness lies along industrial lines and in their increased capacity in the production of wealth. A large percentage of our tenants are negroes. No man, white or black, living upon another's land, sleeping under another's roof, and whose toil is sold or mortgaged in advance can ever find heart and hope and stimulus to build a permanent prosperity or an enduring civilization. I know of no legislation ever attempted for the negro's uplift that carried so much of practical benefit to him as will, in my judgment, be accomplished by the passage of this bill. It will throw the light of hope across the darkened path of every tenant in this land, white or black, and quicken the step and brighten the face of every man who tills the soil and bring to the American people a richer yield from every field and farm. This system will constitute an effective call upon every man who toils to put forth his best effort and practice utmost economy. It will point the way by which, when once able to make the beginning, he may borrow money at low rates upon long terms and complete his plan for becoming an independent landowner.

The opposition to the bill is based in large part upon inconsistent and antagonistic contentions. On the one hand we find those who tremble at the suggestion of paternalism, and at the same time objection is made because the bill does not go far enough in its provisions for Government aid. For my part, I think there is much greater support for the latter view. The cry of paternalism has lost much of its force. The Government in the Federal reserve act provides for loaning its credit to the banks. Government credit and Government funds are expended

in the organization of the Bureau of War-Risk Insurance. The Government has been using its funds in the construction of a railroad in Alaska and the development of the Panama Railway, and it is proposed that the Government shall purchase ships for the development of a merchant marine. These efforts, like the purpose of the rural-credits bill, are the promotion of the welfare of the people as a whole.

But, after all, the measure before the House does not seriously involve the Government in gifts nor make it a lender. It only provides the machinery to organize and vitalize the security of the farmer to enable him to compete upon fair terms with others in reaching the money supply of the country. I do not suppose the present bill embodies entirely the views of any man on the subject of rural credits. Even the pioneers in this great work, the learned gentlemen of the recess committee, were never able to agree as to all details of any particular bill. The measure is, in plain truth, like every great scheme of its kind, a compromise. It is not to be expected that in a matter to us new and untried Congress could in its first attempt construct a bill free from every imperfection. But the passage of the present bill will insure rural-credits legislation by the present Congress. It is at least a long step in the right direction. To defeat it would defer this reform indefinitely and disappoint deeply those who expect relief at our hands. If the system proposed shall prove destructive in its operation, as feared by some, I believe we may trust the wisdom and patriotism of a subsequent Congress to repeal it. If it shall prove unsatisfactory and insufficient in the measure of relief sought to be accomplished, we may trust those who come after us to amend and perfect it. I repeat that it is at least a good beginning, a step in the right direction, that ought not to be defeated or delayed. The passage of the Federal reserve act has freed the banking and commercial interests from the few so-called financiers, too long allowed to control the supply of money and, under threats of panic, dictate legislation or defeat the administration of law. A greater achievement will crown our efforts in the passage of this bill that will enable the farmers of the country to secure credit upon equal advantages with the commercial, industrial, and manufacturing interests.

This step must be taken not only out of consideration for the future of the farmer; general economic necessity demands it. If delayed, the time will come when the interests of our population not engaged in agricultural pursuits must compel it.

From 1900 to 1910 the crop production in the United States increased only 10 per cent, while the population increased more than twice that rate. The cost of food increased 80 per cent from 1896 to 1912. Every rule of common sense and economic necessity calls upon us to open the way for the highest agricultural productiveness. There can be no doubt that Germany's military efficiency, of which we hear so much, is in large part the outgrowth of her agricultural forces, through which her powers of production have been perfected. This forms the basis of her military superiority. Under her splendid system of agricultural development and intensification her crop yields are 80 per cent more to the acre than the same crops in the United States. This Nation's greatest asset is peace, and her greatest source of defense in war is her army of skilled, educated, independent farmers. Their products command the world's gold in time of peace and sustain those who defend the flag in time of war.

Some one has said that "the man who kindles a fire upon a free and independent hearthstone burns the best incense to liberty." Domestic environment is a controlling factor in the development of character; love of home constitutes the basis of real patriotism; and from the home life of the masses spring the lofty ideals upon which must rest the perpetuity of our institutions. As the years come and go, with the swelling tide of irresponsible immigration sweeping upon our shores, as our cities grow and multiply, with their vexing problems of want and vice, it is from the pure sunlight and free fresh air of the farm that must come the strong young men who are to sustain this Republic. In promoting their interest and providing for their future we further the fulfillment of its mission. [Applause.]

Mr. GLASS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I am glad of the opportunity to address the committee for a few moments touching the merits of this bill. In my opinion, the Federal reserve act will stand as a monument to the constructive wisdom and patriotism of the Democratic Party. [Applause on the Democratic side.]

This measure will prove to be an efficient system in behalf of the farmers of the country if certain amendments are adopted. When we passed the Federal reserve act it was then promised by this administration that a rural-credit bill would be given to the agricultural population of the country, and now such measure is pending before this body. The fundamental principles are good, and I regard it as most admirable in many features. It does not contain all that I would have in such a measure, but the underlying principles of it are sound.

Let us analyze it. In the first place it provides a separate and distinct system for the benefit of the farmer. That is essential, because the commercial banking system is not adequate to the needs of the farmer. The farmer requires a long-time loan. Here we have a measure modeled after the Federal reserve act. It is constructed on the same foundation and around that framework. We have the Federal farm-loan board to supervise this system, and it is set up separately from the banking system. [Applause.]

Mr. Chairman, that is a feature commending itself to me. Another good thing is that it provides for 12 Federal land banks. The Government comes to the aid of the farmers here. It is provided that the Government shall supply the capital for the farmers, and extends Government aid and provides for the capitalization of $750,000 for each one of the banks. This is Government aid, but, in my opinion, does not go quite far enough. I believe in addition to the Government providing the capital for the 12 Federal land banks and allowing them to issue debentures or farm-loan bonds, we should go further and provide that the Federal Government guarantee every one of these farm-loan bonds issued by each and every one of the 12 Federal land banks.

In my opinion we would do no more than we have for the business world, because when we set up the Federal Reserve System we provided that the merchant, the business man, the corporation could bring their assets to the 12 Federal reserve banks and deposit them as collateral and have advanced on the collateral by the Federal reserve banks obligations of the United States redeemable in gold—Federal reserve notes. Therefore I say that by the same logic we should place the credit of this Government behind the farmers' system, and we should guarantee every one of the farm-loan bonds issued upon the farm mortgages of the country, just as we have guaranteed every Federal reserve note issued against the assets of the bankers and merchants and business men of the country.

And I believe the time will come when we will pursue the same course in regard to this system pursued for the benefit of the commercial world. Individually I would go further than that. I would provide that this Government should purchase every year at least $50,000,000 of these farm-loan bonds, so as to give them a marketable status throughout the world. In my opinion under the system as it is drawn here these bonds will be salable and this system will be workable; but I would make "assurance doubly sure" by writing into the law that the Federal Government will purchase $50,000,000 or $100,000,000 of these bonds every year, and then they will sell throughout the world and never go below par. [Applause.] I shall certainly vote for such an amendment. I would vote for the proposition to guarantee all of these bonds.

Another splendid feature is the provision for the national farm-loan associations, the initial units to be organized with Federal charters for the benefit of the farmers, in order that they may begin the operation of the system and assemble the mortgages given on farm lands and such mortgages to be deposited in the 12 Federal land banks and on which the loans are to be advanced by those banks. I think that is a workable plan and believe the bill, after the Government has supplied the capital to organize the 12 banks, will from the beginning prove a practical and efficient measure with the suggested amendments. [Applause.] We should have no doubt upon that subject. We should at least do as much for the farmer as we have done for the business world. The farmer asks no more at the hands of this Government.

When we placed the credit of the Government behind the commercial world we made it possible for the farmer to knock at the doors of the American Congress for legislation in his behalf, and we should give him no less than we have given the business world. [Applause.]

This bill is a thing of tremendous importance and will be of great benefit to the American farmer. *It undoubtedly reduces the rate of interest to 6 per cent on long-time loans.* It ought to go below that, but that is the maximum rate fixed here. At the present time in many States of the Union the interest rate ranges from 6 per cent up and in some States the average rate is over 8 per cent on long-time loans. Indeed the average in all of the States in the Union is more than 8 per cent on long-time loans. This is a crying shame and a disgrace. In Europe the farmer can have his needs financed, and they never think of paying more than 3 per cent on long-time loans.

And I am glad we can hail the day when the interest rate is to be reduced for the benefit of the farmer. [Applause.] I predict that after this bill is passed under this administration, and the system is organized, it will be perfected and will prove to be a worthy companion piece to that other great constructive legislation, the Federal reserve act, and bring untold blessings to the farmers of America.

And, Mr. Chairman, this bill should be further amended by raising the capital stock of the 12 Federal land banks to $1,000,000 each, and thus require the Government to subscribe the $12,000,000 capital stock and place Government aid of substantial value in the act. We should also make these farm-loan bonds rediscountable at the Federal reserve banks.

The postal savings funds to a very liberal degree should be made available for investment in the farm-loan bonds.

And, Mr. Chairman, I would provide that immediately the Government should deposit $12,000,000 public funds from the United States Treasury in the Federal land banks—$1,000,000 in each land bank.

With these amendments we will establish a very strong farm-loan banking system. I hope and believe the bill will be thus bettered and perfected.

The day of reckoning is here, and I shall continue to fight for the toiler, the producer, and the farmer until he is placed on an equality with every other citizen.

Mr. HAYES. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. PLATT].

Mr PLATT. Mr. Chairman, the bill before us is comparatively simple in its main outlines, though it creates a rather complicated cooperative system fostered by Government capital, and also authorizes alongside of it a system of joint-stock mortgage banks, direct and plain in their operation. The joint-stock banks make loans directly to the farmers and sell their own bonds based on the mortgages taken. They may not operate, however, beyond State lines. The Federal land banks of the cooperative system are to be 12 in number, one for each district, the districts to be similar to but not coterminous with the Federal reserve districts. The Government is authorized to furnish $750,000 to each of these Federal land banks for so long a time as may be necessary without dividends or interest, but no money may be paid to any Federal land bank until at least 10 farm-loan associations have been organized in its district. The Federal farm-loan associations are expected to be organized in small districts, perhaps one for each county, and are to be wholly associations of borrowers, every borrower subscribing an amount equal to 5 per cent of the amount of his loan to the stock of the association, which in turn subscribes to the stock of the Federal land bank of its district to which it passes up its mortgages after indorsing them and from which it receives the money to be loaned. The land bank sells bonds, based on the mortgages, to get more money, and that in turn is loaned again. This process it may repeat up to twenty times its capital of $750,000. Theoretically, each Federal land bank might, therefore, loan $15,000,000 without increasing its capital, but when the subscriptions from borrowers reach $750,000, the capital subscribed by the Government or by private individuals or corporations shall begin to be refunded and their stock canceled, so that ultimately the borrowers shall be in full control.

The salient features of the system are the exemptions from taxation, the long-time amortized loans, and the selling of bonds based on the mortgages received, so that the money first loaned comes back and can be loaned over and over again.

Mr. Chairman, it seems to me that a brief story of the evolution of this bill may be of service. President Taft started the ball rolling when he called upon American representatives abroad to report upon European institutions that make a specialty of the financial needs of the farmers and landowners. One of our representatives, Hon. Myron T. Herrick, ambassador to France, became greatly interested, and wrote what is probably the best book on the subject. The discussion in our own country practically began with the publication of the reports received, and was gathering much force when President Wilson's administration began. As a first result two commissions went abroad in 1913 to study further the foreign farm-credit institutions. Senator FLETCHER of Florida and Representative RALPH Moss of Indiana were members of the United States commission, and on their return began the preparation of bills providing for a new system of farm-mortgage banks. Senator FLETCHER was at first strongly in favor of a central banking institution, and a bill was drawn embodying that idea. This bill, with some modifications, has been introduced in the House by the gentleman from Georgia [Mr. HOWARD]. It deserves more attention than it has received from the various committees and joint commissions that have worked upon the question since. The United States commission itself, however, soon abandoned the central-bank plan, and the final ideas of the commission were embodied in the report of January 29, 1914, Senate Document No. 389, and in the Moss-Fletcher bill of the Sixty-third Congress—an excellent measure worked out in its details by the gentleman from Indiana [Mr. Moss].

This Moss bill I still believe the best rural-credits bill that has been presented to Congress. It provided for a simple system of joint-stock mortgage banks under supervision of the United States Government, the banks to issue bonds upon the security of the mortgages taken, with provision for the exemption of the mortgages and the bonds from taxation. There were some rather serious defects in the plan, defects clearly recognized by Mr. Moss, and afterwards corrected by him, the chief of which was the small minimum capitalization of the banks. These defects could easily have been remedied, but instead of trying to remedy them the joint subcommittees of the House and Senate Banking and Currency Committees of the Sixty-third Congress started, de novo and without consulting Mr. Moss, in the construction of a bill, the chairman of the subcommittee of which I was made a member being Mr. Bulkley, of Cleveland, Ohio. This subcommittee had the almost constant advice and expert help of Mr. Willis, now secretary of the Federal Reserve Board, and it was he who embodied in writing many, if not most, of the ideas developed at the discussions. In a general way the Moss bill was used as a starting point, but the Bulkley-Hollis bill developed into something very different. It created small incorporated farm-credit associations—the idea being that one would be located in each county—but following the too easy analogy of the new Federal Reserve System made them subsidiary to central land banks, one in each of the Federal reserve districts. These land banks were private corporations, but again on the too easy analogy of the Federal Reserve System the Government was to subscribe to the capital—$500,000 for each—if private capital should not be forthcoming.

In the original Moss bill there was only one set of institutions, which might be organized with as small a capital as $10,000, but they were not expected to remain small in capitalization. In the Bulkley bill the farm-loan associations were capitalized as separate institutions at the same minimum but were expected to remain small and were not allowed to sell bonds. They were required to send their mortgages up to the land banks, which in turn were to sell the bonds. The farm-loan associations might be cooperative, but were not compelled to be. The whole system under the terms of the bill might have been conducted by private capital under Government supervision. Private capital was welcomed. This plan was workable, but in order to satisfy the agitators for Government aid a section was added permitting, practically requiring, the Government to purchase not to exceed $50,000,000 of the bonds issued by the land banks each year. To that the Secretary of Agriculture and President Wilson objected—rightly in my judgment—and the sound-money Democrats and Republicans in the House committee stood together and prevented the reporting of the bill.

The matter came before the House nevertheless in the closing days of the long session through a freak Government-aid bill passed with very little consideration in the Senate, as a rider on the Agricultural appropriation bill, and was only sidetracked by the authorization of the appointment of the joint commission which prepared the main outlines of the bill now before us.

Right here I want to say a few words about the predicaments that good people sometimes get into by compromising with evil. The way of the transgressor is hard, and the Democratic Party has brought upon itself the difficulties it has encountered in formulating and passing a sound rural-credits bill by its transgressions in framing and passing the Federal reserve act. That act by its express terms gives, or appears to give, an enormous special privilege to the commercial national banks. Section 16 provides that Federal reserve notes are to be issued "for the purpose of making advances to Federal reserve banks," by which they are in turn advanced to the member banks. "The said notes shall be the obligations of the United States." They are by these words made practically greenbacks to be loaned to the banks upon collateral security, and to the extent that applications for these greenbacks are granted by the Government "the Federal Reserve Board shall supply Federal reserve notes so issued to the bank so applying, and such banks shall be charged with the amount of such notes, and shall pay such rate of interest on said amount as may be established by the Federal Reserve Board." One draft of the bill said at not less than one-half of 1 per cent. There you have what appears on its face to be an enormous special privilege for the bankers and great moneyed interests of the country. Naturally every farm-credit agitator

and many politicians ask why the same privilege can not be extended to the farmers. I pointed out in some remarks made when the Federal reserve bill was under discussion in September, 1913, that the farmers would ask just that question, and stated that they would be entirely justified in so doing. And they have asked it. We heard it just now from the gentleman from Texas [Mr. HENRY].

The only defense anyone can make with regard to the words quoted about the Federal reserve notes is that they are false words put into the act to deceive that great and good man, William Jennings Bryan, without whose support the bill never could have been put through the Democratic caucus. The Federal reserve notes, whatever the act may say of them, are not greenbacks but are bank notes and some day, when the Republicans get into power, we are going to amend the act so as to make it say what it means, and take the deception out of it.

Mr. PHELAN. Mr. Chairman, will the gentleman yield?

Mr. PLATT. I can not yield just now to my Democratic colleague on the committee. I know what the gentleman wants to say, and I know that he agrees with me.

Mr. PHELAN. I was just going to ask if he would not have that remedy applied sooner than when the Republicans get into power?

Mr. MANN. Oh, that would not be practicable; we will be in so soon.

Mr. PLATT. I should be very glad to cooperate with my colleague from Massachusetts in amending the Federal reserve act now, if he thinks it can be done in a Democratic Congress.

One of the immediate results of the false statement in the Federal reserve act was the introduction of a great crop of bills, calculated to make the Government "do for the farmers what it has done for Wall Street and the bankers." One of these bills introduced in the last Congress by Hon. Elsworth R. Bathrick, a Democrat from Ohio, a bald scheme for loaning money from the Treasury of the United States to the farmers, was given very wide circulation and was indorsed by the National Grange, by the Farmers' Union, and by nearly every farmers' organization in the country. That bill did more, perhaps, to poison the public mind on the subject of rural credits than any other, and the Bulkley-Hollis bill with its Government bond purchase feature added to the disturbance.

It was with this accumulation of difficulties, and after fighting off—with the aid of Republicans near the close of the last Congress—the McCumber scheme, which was about as bad as either of the others, that the joint rural credits commission, appointed then, began its work, and I must frankly say that it deserves some credit for making the bill before us as good as it is.

If it remains as it is I intend to vote for it, although I disagree with some of its provisions and believe that it would be much wiser to enact the United States commission or Moss bill, as reintroduced by Mr. Moss in January, 1915, than to attempt to enact at this time such an elaborate scheme of Government-forced cooperation.

The bill before us establishes a cooperative system, not under the Federal Reserve Board but under a new board, which will give at least two deserving Democrats and presumably one deserving Republican $10,000 jobs, with a whole army of subordinates—examiners and appraisers—all to be appointed without civil-service examination.

Mr. MADDEN. And all paid out of the Federal Treasury.

Mr. PLATT. Most of them. The Federal land banks are to be organized with Government capital, which is to receive no dividends, unlike the similar institutions of the Bulkley bill. Private capital is discouraged from participation, as it is given no voice in the management whatever. Now, I do not subscribe at all to the distrust of private capital shown in the provisions with regard to the Federal land banks. I believe that economic laws are superior to statute laws in the long run, and I think that the joint-stock banks, which are also provided for in this bill, with the exemptions from taxation of mortgages and of bonds, would work a solution of the whole question of land credits.

After all, it is largely a question of taxation. Many States require high interest rates by law. What, you say, do not all States have usury laws to prevent high interest rates? Oh, yes; they have usury laws, which are easily evaded, and then they turn right around and compel high interest rates by taxing mortgages and other instruments of credit at local general property rates. If money is normally worth 5 per cent on good security and I borrow $1,000 from a man who lives in a place where the local tax rate is 2½ per cent, the lender would net only 2½ per cent on the loan if he has to pay the full tax on the note or mortgage. Naturally he would not loan money at such a ridiculously low rate. There are too many other profitable ways for the employment of his money. If he has to pay such a tax he will make his loan at 7½ per cent, which is the average rate on farm mortgages in this country, according to the gentleman from Indiana [Mr. Moss].

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes; I yield to the gentleman from Nebraska.

Mr. SLOAN. I would like to ask the gentleman from New York if the average farm rates are as high as 7½ per cent in this country for long-time loans?

Mr. PLATT. There are no long-time loans now to any extent.

Mr. SLOAN. On five-year loans.

Mr. PLATT. Those are the figures which the gentleman from Indiana [Mr. Moss] obtained from the Department of Agriculture.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes; I yield to my colleague on the Banking and Currency Committee.

Mr. MOSS of Indiana. Those are the figures given by Prof. Thompson, of the Department of Agriculture, who has just made a study of that matter, and he gave them before the joint committee in his report. Of course, I arrived at the figures by adding together the rates in the different States to get the average rate. I did not take the amount of loans in each State.

Mr. SLOAN. That is the point I desire to make—that that is an average of the State rates rather than an average of the loan rates.

Mr. PLATT. Yes; I think that is true. The average rate is probably a little lower on the total of nearly $4,000,000,000 of farm mortgages in the country.

Mr. SLOAN. It leaves a wide way open for a difference.

Mr. PLATT. That is true. Now, apart from the risks of depreciation of value, this matter of local taxation is about all there is of it. If the exemptions from taxation in this bill are constitutional they will work great good in forcing the States to abolish antiquated uneconomic systems of taxation. We do not tax mortgages in New York, and that is one chief reason for our low interest rates.

The joint-stock land banks provided for in this bill will pay their fair share of taxation in the localities in which they will be established. Their stock will be taxable, while the stock of the Federal land banks will go free, and I believe they will be able to serve the farmers just as well as the more elaborate cooperative Government-forced Federal land banks. They are not required to pry into the reasons why a farmer wants a loan. They are far simpler in organization and will go after business instead of waiting for business to come to them. When once fairly established, probably their bonds will sell as well as those of the Federal land banks, because there will be less red tape about collecting their money. In my opinion they will be in many sections the most valuable institutions established under this bill and will render excellent service to the farmers.

Certainly there can be no valid objection to the inclusion of this system of joint-stock banks, adapted from the original Moss-Fletcher bill, in this bill. To say that they will interfere with the establishment of the larger cooperative system, which has the enormous and really unfair advantage of Government capital furnished without interest, is idiotic. The cooperative system provided is carefully safeguarded, and in my opinion is wholly workable. If the farmers of any section do not organize under it, it will be because they can obtain equally low rates elsewhere or because they do not want to cooperate. What can they ask more than the free loan of $9,000,000 from the Government to start the system? What right have they really to ask that? It is an enormous special privilege, and given to a class which does not need it. There never was a time, Mr. Chariman, when agriculture in this country was more prosperous than it is at the present time. The very fact that the average rate on farm mortgages in this country is 7½ per cent—if that really is a fact—is evidence of prosperity. Generally speaking, farming is most profitable in the sections where the interest rates are highest. It is in our hilly, rocky eastern country—a country won from the woods with infinite labor in clearing—that farming is least prosperous and that interest rates are lowest. I greatly doubt whether any system of farm-mortgage banks can be of much influence in lowering interest rates in the East; but I do believe that it may be a marked advantage to popularize long-time loans, to be paid on an amortization plan. To some extent this has already been done by the savings and loan associations. They are purely cooperative, and might cover the field; but the competition of the institutions created under this bill may be of some assistance. Then, I believe, further, that the farm-loan and joint-stock bonds created under this bill may become a popular form of investment, and in some sections of the country, notably in the Middle West, the real problem of farm

are we not drifting away from the real functions of govern-

Mr. MOSS of Indiana. These is

Commission itself, however, soon abandoned the interests of the country. Naturally every farm-credit agitator

the employment of his money. If he has to pay such a tax he

country, notably in the Middle West, the real problem of farm

credits is to find some safe and popular form of investment for the farmer's savings.

For the reasons stated I shall vote for the House bill, which is not unreasonably unsound for a Democratic measure. If, however, any of the sound features should be stricken out, or if any of the foolishness of the Senate bill should be put in, I shall vote against the final passage and urge others to do the same. [Applause.]

Mr. HAYES. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. McFADDEN]. [Applause.]

Mr. McFADDEN. Mr. Chairman, the present bill, S. 2986, which has been reported from the Committee on Banking and Currency, is created for the purpose of providing capital for agricultural development, to create standard forms of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create financial agents for the United States, and for other purposes.

These epitomes contain two opposite proposals—of providing capital for farm-credit purposes and to furnish a market for United States bonds. They are competitors in the world of finance, and it is difficult to see how their interests can be served by the same agency, and it is an undisputed fact that the United States Government will be furnishing aid to the farmer at the expense of the Government, its Treasury, and its bonded indebtedness, and this money, therefore, is derived from taxes paid by the whole people. This bill is subject to criticism in the following respects. It creates a separate system of banks in the United States devoted entirely to the interests of the farmer.

The operation of the system in its present form has many complications and might, under certain conditions, become unworkable. In its present form the Federal reserve system of establishing 12 district banks throughout the United States has been copied, and it will only benefit well-to-do farmers but furnish no help for the worthy farmer who has no capital and desires to follow farming as an occupation, and thus divides the farming community into two classes.

There is no crying need among the farmers, who are to be benefited most, for this kind of legislation. The operation of the system as proposed might develop into a political machine.

Nothing, in my opinion, could work greater injury to the progress that agriculture is making than to legalize any plan which would make easy the obtaining of credit or money through Government aid. I wish to be understood as favoring legislation which will positively aid the farmers of our country and those who desire to engage in agriculture to finance their operations on as favorable a basis as possible, for their highest success, but to preserve for them their integrity and their independence. In other words, the real credit system, to render satisfactory service, should have for its purpose the creation of more individually owned farms. The men who own their farms are seldom in need of long-time credit, and what credit they do need is usually available through their banks.

The trouble about rural-credit plans heretofore, and even now, is that the idea developed is usually too lofty. Practically any farmer in good standing in his community can borrow 50 per cent of the value of his own land on very reasonable terms at any time that he wishes to do so; but if an effective rural-credit plan is to be devised it must come upon a more liberal basis to reach the nonlandowner who wishes to acquire his farm for a home and livelihood. This bill, in my judgment, does not answer this question, and I challenge anyone to prove that it does.

And if this present bill is adopted I am practically certain now that it will not open a way for landless men without capital to become landowners; and the real important thing is to stimulate and encourage the acquirement of land, to make more home-owning farmers, and thus increase the number of farmers and the tilling of the soil.

Section 1 of this bill provides for the administration of this act under the direction and control of the Federal farm-loan board and contemplates the creation of an agency similar in form to the Federal Reserve Board, of which it is a direct imitation. The difference between the two creations is this: The Federal Reserve Board was created upon the superstructure of six thousand and odd prosperous national banks.

On the other hand, this farm-loan act proposes to begin by creating a head resting upon nothing tangible. This head must produce its own body by using the funds of the United States Government to create Federal land banks and then this body must create its foundation.

There can be no farm loans until there are farmers' local societies. There can not be adequate support for that body until there is an adequate number of farmers' societies carrying on business of sufficient volume to bear the weight of the burden first created.

The Federal Reserve System was built upon an existing foundation. This bill is an experiment and has no foundation. A genuine foundation is a prospective contingency. This, however, is certain—once it is created with the United States money to the extent of $9,000,000, or $750,000 for each of the 12 district banks, it is bound to remain a burden on the United States Government; and the wisdom or need of 12 district banks, with their separate and expensive organizations, has never been explained satisfactorily and is entirely uncalled for. One bank would be sufficient for its purposes and less expensive to operate, and should be centrally located.

If the United States Government can and should afford the expense of conducting the Federal farm-loan board, and go without a dividend or any interest whatever upon its $9,000,000 investment in the capital of the proposed land bank for an indefinite period of time, while national farm-loan associations are being organized, and in addition pay the salaries and expenses of many lawyers, appraisers, courts, and laborers in all States of the Union, there might be no criticism. It would seem to me, however, that if proper consideration could be given, that some system could be devised that would be less expensive, and that some plan might be worked out whereby present organizations or banks or societies, of which there are a very large number in this country in existence at the present time, and some plan might be worked out that would parallel the Federal reserve law as a superstructure upon the national-bank foundation; some such plan is outlined in the Hill bill recently introduced in Congress.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. For a question.

Mr. GREEN of Iowa. If I understand the gentleman correctly, he does not think the scheme is workable, or would the gentleman go to that extent?

Mr. McFADDEN. I do not know I would go to that extent entirely; no, sir.

Mr. GREEN of Iowa. Well, if the plan was worked out, does the gentleman think it would reduce the rate of interest to the farmer?

Mr. McFADDEN. On the average it might.

Mr. GREEN of Iowa. Would it reduce the rate of interest relatively? The gentleman is in the banking business, I understand. Now, has the Federal Reserve System decreased the rate of interest relatively between the East and the West, or has it remained substantially the same difference in interest rates?

Mr. McFADDEN. Why, I think they are probably the same. Of course rates at the present time are low, because of the fact there is an overabundance of available funds for loaning purposes. I think this, in answer to the gentleman's question, that the probabilities are that the South and the West might be helped somewhat in the rate of interest.

Mr. MOORE of Pennsylvania. Will my colleague yield?

Mr. McFADDEN. For a question.

Mr. MOORE of Pennsylvania. Under this plan will Government funds be used to pay the overhead—that is to say, the maintenance of the various institutions, clerk hire, and things of that kind?

Mr. McFADDEN. They will; and if the gentleman will wait a moment I can make that perfectly clear to him.

The present situation as regards the need for a land credit system is not much different than when the Federal Reserve System was created. All farmers are not suffering any more than all business men were suffering, and the Federal Reserve System was created simply to meet those conditions that needed correction, and the existing machinery was utilized for this correction. It would seem to me that some of the existing systems could be adapted in a corrective way for the operation of a proper rural-credit system.

Now, if this act becomes a law, a grave situation arises. The United States Government is about to engage in one feature of the banking business of this country, and is bound under this bill to pay the overhead charges, which at a conservative estimate will cost the United States annually $500,000. The query might well arise, How long will it be before it engages in other forms of business and commerce? And the question might properly be raised, Is this country preparing to pay the overhead charges of all the various industries of the country? And will such other institutions as are injured by this novel institution have no redress, when the money to pay the expenses of this institution is procured from revenues derived from taxes paid by the people, and is it not a bad practice and tendency to expect so much from the Federal Government, and

are we not drifting away from the real functions of government?

Independent shareholders have no voice in the management of these Federal land banks, notwithstanding the fact that the Government of the United States must furnish the capital of these land banks. While the Government funds are in control its own appointees will hold office. It is therefore clear that the managers of these institutions will so conduct the business that as much as possible of the capital stock shall be permanently held by the United States Government and as little of the capital as possible shall be entitled to dividends. And the institution remains a political factor. While under this bill having consideration by this House at this time it is not permissible to receive deposits from the public, it does appear that the Federal land banks are to be permitted, under certain conditions, to hold Government funds. And under what conditions and for what purpose are these funds to be so used? We are assured that these Government funds are not to be asked for except in an emergency. It would therefore seem perfectly logical that if the Federal land banks are permitted to call upon the Treasury of the United States for funds in an emergency, that the United States is bound to respond. And the query naturally arises, in view of this fact, whether or not the United States is not assuming a further burden and responsibility in addition to the $9,000,000 appropriation provided for in this bill.

Mr. MOSS of Indiana. What provision of the House bill asks for deposits from the Treasury?

Mr. McFADDEN. That provision permitting deposits by the Secretary of the Treasury.

Mr. MOSS of Indiana. But not at any solicitation on the part of the system. It is only in case the Secretary of the Treasury requests them to do it.

Mr. McFADDEN. That is very true; but when Wall Street has been in trouble it has generally been quite apt to come down and ask Washington to help out, and I think that case will apply as much to this bank as the other permits already given.

And whether by this very action, in case of a crisis, the United States will be not only morally but legally bound to protect and maintain the credit and stability of these 12 land banks. And might not this also include the responsibility of maintaining the market value of the securities sold to the public, or redeem such securities during a critical period? No provision is outlined in this measure, and the act is not clear in this respect, whether or not any portion of these funds shall be used to erect beautiful office buildings to house these institutions.

It is true that these banks are required to pay only such interest as the Secretary of the Treasury may require. And if the Government is paying the overhead charges and expenses and receives no interest or remuneration on its capital-stock investment, is it not fair to assume that it will be treated in respect to interest upon the same liberal plan? And is it not a fact that Government money at 2 per cent will be used to buy farm-land bonds and the money loaned to farmers at from 4 to 6 per cent? And if that is the case, why not loan the Government money direct to the farmers at 3 or 4 per cent?

The Federal land banks must create "national farm-loan associations" as channels for investment, and by the terms of the act these societies "may be organized by persons desiring to borrow money on farm-mortgage security." It is quite clear that the effect will be a speculative rise in farm-land prices as a result of this inflation. Inflation it is, when the entire country is covered by the agents of the Federal land banks, engaged as a business in urging farmers to organize associations for the purpose of putting themselves in debt.

Mr. MOON. Mr. Chairman, will the gentleman yield for a question?

Mr. McFADDEN. I have only a limited time and prefer not to yield.

Mr. MOON. Very well.

Mr. McFADDEN. I shall not consider details of the management of these farm-loan associations and the irresponsible character of their officers and directors, naturally selected politically. The power granted these associations to levy an assessment on "members and prospective members" to liquidate the debts and current expenses of the concern should and probably will be its death stroke.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. McFADDEN. I have only a few minutes remaining.

Mr. MOSS of Indiana. But the gentleman does not want to state a provision in the bill that is not in there. There is no provision in the House bill to levy assessments on prospective members. The gentleman is well aware of that.

Mr. McFADDEN. There is a provision permitting the levying of assessments for expenses of investigation of land.

Mr. MOSS of Indiana. There is a provision for assessment of members, but not of prospective members.

Mr. CANNON. Mr. Chairman, this is very interesting, but I wish the gentlemen would either whisper lower or elevate their voices.

Mr. MOORE of Pennsylvania. The gentleman is making an interesting speech.

Mr. CANNON. Yes.

Mr. McFADDEN. What sensible man would borrow from it under such circumstances? If the alternative be followed, the Federal land banks will pay the current expenses of the associations, and the cost will ultimately fall upon the United States Government or its nondividend receiving capital. It is quite clear that with such backing the expenses of these associations will not be curbed, there being Federal supervision over no such expense except the salaries of its officers.

The membership of these farm-loan associations is confined to farmers, prospective farmers, and speculative owners of farm lands. Anyone acquainted with the qualifications for banking possessed by this class of our people must be aware that the organizations will be permanently in the hands of the speculators and manipulators of farm lands. The other capable men of the community are excluded.

The qualifications for membership are further reduced. Membership is confined to farmers, prospective farmers, speculators, and manipulators of farm lands who are borrowers from the Federal land bank. The prosperous, capable, businesslike farmer is excluded.

Then follows a peculiar provision. Every borrower from the Federal land bank is compelled to apply for and receive, include in his mortgage, and pay interest upon, a larger sum of money than he actually needs. This is vicious inflation. The section requires that every borrower shall pay in cash through the association to the capital stock of the Federal land bank to remain there "as collateral security for the payment of said loan" 5 per cent of its amount.

What will happen in practice is this: The borrower does not have 5 per cent in cash and must borrow it in addition to his need. That is, if the borrower needs $10,000 and must pay $500 to the capital of the land bank, he will borrow it in excess of $10,000. This additional loan may be added to the mortgage, increasing it to $10,500; at least this seems to be the meaning of the provision of section 12 which reads: "The borrower may use part of said loan to repay any sum borrowed to pay for his stock in the farm-loan association."

It is self-evident, therefore, that if he needed $10,000 and could not pay 5 per cent to the capital stock of the land bank, he would borrow $10,500. The so-called "collateral security" of this stock is therefore a fiction. It is a forced increase of the amount of the loan, and nothing more. It is based upon a misconception of facts, a false doctrine exploded when the so-called "national building-loan associations" were swept out of existence by their unwise methods of inflation. To bolster up the proposition with some sort of color, it is provided that "in the discretion of the directors" such stock "may be paid off at par and retired," but whether this can be done during the lifetime of the loan is doubtful. It is not likely to be done so long as it pays the land bank to make the farmer pay interest on $10,500 when he has received only $10,000.

As a matter of simple fact, the land is the sole collateral security for the loan, and it is a plain proposition that the mortgage on a farm for $10,000 and interest is a better collateral security than one for $10,500 and interest, nothwithstanding the fact that $500 has not been paid over to the borrower. Either way you look at it the value of the land is not increased, and no fiction regarding shares of capital can increase its value intrinsically or as collateral security. The man is a plain, ordinary debtor of the land bank, and his debt can not be diminished by manipulation. He is not a capitalist, nor will any transaction of this sort do anything more than confuse the individual. The fiction of his holding a share of stock and the land bank itself providing the money to give him some shadow of title to it is an absurdity.

The land bank must provide its own capital. The idea that after the land bank has provided its capital funds it lends them to the stockholders so that they must pay interest upon them and then takes these funds back so that the names of the borrowers may be registered as stockholders is a technical way of making a great show, but getting nowhere. It runs contrary to all sound banking.

It would occur to the casual observer that the machinery to be set in motion by this bill is complicated and hard to understand by the average farmer, and the necessary time consumed after the farmer has made up his mind to enjoy the benefits under this act will be found to be quite discouraging to the

there is an adequate number of farmers' societies carrying on a tendency to expect so much from the Federal Government, and

ing of assessments for expenses of investigation of land.

under this act will be found to be quite discouraging to the

average farmer; and, when it is taken into consideration that loans to the extent of $20,000 must be applied for, and that Federal land banks can not be established until 10 associations have been formed, might it not prove that many worthy borrowers would become discouraged and abandon their hope of relief? Might they not also become discouraged when they must subscribe to the stock of loan associations to the extent of 5 per cent when making an application for a loan, and when also informed that they must pay interest on this amount or run the chance of receiving dividends on this amount, providing the bank earns a dividend over and above the operating expenses?

Might not the right of the associations to levy additional assessments or collect fees from the members of the association for necessary operating expenses also prove disconcerting to the timid or prospective borrower, and the fact that the applicants are to be held as permanent stockholders, and that many complications would arise in case of a sale or transfer of these mortgaged lands?

The methods proposed defining the powers of the association under certain regulations, referring solely to the Federal land banks, and under it the farm-loan associations, have the practical power, first, to sell land-bank bonds and receive other moneys and deliver the same to the Federal land banks; and, second, to indorse mortgages which they have no power either to make or prevent the making, and thus the indorsement would become questionable. And whether or not any official responsibility is present is a question.

And the methods proposed of handling the funds by and between the association under the amortization plans of payments might work out a decided hardship. And the method of redemption of bonds or the cancellation of mortgages by payment might also well be questioned. And there can be no substantial reason why the cancellation of the mortgage would not be effected by the free purchase of any bond by the land bank upon the same basis as their purchase and tender by the mortgagor. Authority is also given to the Federal land bank to engage others than farm-loan associations and joint-stock associations to act as duly authorized agents, and various powers and authorities are given in this respect. The agents are, however, to be empowered to collect and immediately pay over to said bank the dues, interest, amortization instalments, and so forth, under the terms and conditions under which the loans are made. A broad construction of this special clause of this bill might mean that the mortgagor could be burdened with a good many legal fees and charges.

In my judgment the whole labored effort to create farm-loan associations is most feeble. They are endowed with many features condemned by sound banking judgment, such as irresponsible dummy directors, the powers to exact undefined sums of money in excess of the interest rate, provided it is stipulated in the mortgages, and the power to assess its members. The whole routine is very cumbersome, and, in my judgment, few borrowers will wait the length of time contemplated in this act. There is altogether too much red tape, and, in my judgment, the system will be found to be useless except to aid well-to-do farmers and expensive to operate, and is without corresponding practical value to the poor farmer, who is the real man that we are trying to help.

The farm-loan-association scheme herein proposed is a useless proposition. It has no real earning power or responsibility, and it subserves no useful purpose; and, in my judgment, the joint-stock part of this bill so far outshines the association plan that if any portion of this act becomes operative it will be the joint-stock system or that portion operated under the agency plan. I believe that no mortgage taken by these land banks should be permitted to exact any payment beyond principal, interest, taxes, and insurance, and that the regulations regarding the securities of both Federal land banks and joint-stock land banks should be similar. And it must be borne in mind at all times that all of the expenses and charges of the farm-loan commissioner, farm-loan board, farm-loan registrar, special appraisers, attorneys, special attorneys, experts, assistants, clerks, laborers, other employees, examiners, printing, appraising, and, in fact, all other expenses, amounting in all to an excess of $500,000 a year, is to be paid by the United States, to say nothing of loss of interest on $9,000,000 invested, thus making a total cost to the United States annually of about $1,000,000. And there can be no justification for the use of Government funds as capital in these Federal land banks without a participation, at least, in the dividends, if the banks earn a dividend.

The United States is entitled to its share, and the dividend so earned should not be used to swell the returns upon the private capital invested side by side with it.

One of the most serious features of this measure is the fact that the laws regarding land titles and foreclosures, and so forth, affecting the security back of the bonds which are proposed to be sold to the investing public, are so varied, unsatisfactory, uncertain in the various States that it might become a serious menace to the whole stability of the security back of these bonds. And, in my judgment, a uniform system of laws should be enacted throughout this country before an institution of this kind is authorized to do business, because no investor wants to feel when he buys a bond for investment purposes that he is buying a lawsuit or a litigation. And it would therefore seem to me that if loans are made under existing laws, that it might be that the United States was assuming a still further burden—that of the guaranteeing of titles—and as a defender in the courts defending its banks in litigation suits of foreclosure, titles, and so forth, and as the laws of the various States now exist, this act is an unwarranted interference with the land laws of the various States, wherein the farm-loan board is charged with the duty of challenging and interfering with these laws. The use of United States Government money in banking in competition with that of its citizens is revolutionary. And when it is further provided that Government money may be used as capital in that competition and without just compensation, the whole banking world is put in jeopardy.

I do not believe there can ever be a thoroughly safe credit system based upon the special-class idea; and the greatest need which it is sought to correct by this bill is the personal-credit system, because I fully believe that the farmers of this country who will be benefited by this bill are not seeking this special privilege, but are fully capable and able with the facilities at hand, to take care of their needs quite satisfactorily; and I believe that these bills now before Congress have not inspired a definite or well-defined demand either for or against; and I believe it would be much better to postpone action now than to force a system upon the people before the laws of our country have been unified or are ready for it. And I believe there are plenty of facilities afforded by the Federal reserve act and existing institutions, already equipped when properly understood and fully worked out, to take care of the pressing needs of the farmers of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. GLASS. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. SHOUSE].

Mr. SHOUSE. Mr. Chairman, the rural-credits bill, or the Federal land-bank act as it will be called, is the most important new legislation before the present Congress. Indeed, when passed, and its passage is assured, it will take rank with the Federal reserve act, and the two will be considered in history the most important pieces of constructive legislation in 50 years.

For two decades the need of a comprehensive system of rural credits in this country has been strikingly apparent. During 16 years of that time the Republican Party was in power. It got no further in its alleged efforts to take care of land credits than it got in its promised reform of the antiquated and inadequate currency system, and it has remained for the Democratic Party to give the people of the Nation the relief they have needed so seriously along both lines.

A number of diverse rural-credits bills were presented in the Sixty-third Congress. No agreement was had on any one, and it was finally determined to appoint a joint committee from the Senate and House to devote themselves to framing, for presentation to the Sixty-fourth Congress, a measure that would embody the best ideas that had been advanced on the subject. That committee agreed on a bill that was introduced into the House by Mr. Moss of Indiana and into the Senate by Senator HOLLIS, of New Hampshire. It was reported by the Senate committee and passed the Senate last week practically as introduced. In the House, however, a different course has been pursued. Our Committee on Banking and Currency held daily meetings for three months, devoting itself exclusively to this bill, and then a subcommittee of five was named to rewrite the measure entirely. As a member of that subcommittee, I can attest that its task was well performed. We worked day and night, eliminating, condensing, improving, elaborating, developing the matter that the bill contained, and when final draft of the bill was reported out by our committee it was in many essentials an entirely new measure and admittedly in all respects a great improvement over the original bill.

It will be noted that the bill provides a Federal farm-loan board at Washington, which is directed to divide the Conti-

nental United States, exclusive of Alaska, into 12 districts and to establish in each of these district a Federal land bank—a plan similar to that followed in the Federal reserve act, which provided for the establishment of 12 reserve banks. Each of these banks must have in the beginning a capital of $750,000, to be subscribed by the Government pending the development of the system which provides for ultimate and absolute control by the borrowers themselves. The borrowers will band themselves together into organizations knows as national farm-loan associations, and through these local association will apply for loans to the Federal land bank established for the territory in which they are respectively located. The Federal land bank will issue bonds based on the first-mortgage security taken from the borrowers.

In order that existing agencies may not be injured and, further, that the farmer may have a choice of methods whereby to secure a loan, the bill provides for the organization and charter of joint-stock land banks under Government supervision, but owned and controlled by private capital. These joint-stock land banks also are authorized to issue bonds based on first-mortgage securities.

The provisions of this bill and a summary of it have been outlined by several members of the Committee on Banking and Currency. It is not necessary to go over the ground already well covered by Mr. Moss of Indiana for the majority and Mr. HAYES, of California, for the minority, and I shall attempt to devote the time allotted to me to answering some of the objections that have been raised against the bill and to making clear as best I can the provisions of the bill, which of themselves, in my judgment, entirely overcome those objections.

The gentleman from New York [Mr. PLATT], who has been one of the most valuable members of the Banking and Currency Committee in framing this measure, raised an objection a while ago on the ground that the Government subscription to these various Federal land banks will discriminate against private capital and will shut out the possibility of the investment of private capital. It was so intended, and I believe that is one of the wisest provisions of this bill, because if we did not shut out private capital from the original subscription to the stock of these Federal land banks we could not possibly place the system under the control and in the hands of the borrowers themselves, and that is one of the very strongest features of the system. The provisions of the bill make it possible, make it mandatory, indeed, for the Government to organize the system, but just as soon as the borrowers themselves have sufficient capital of the banks to control the system, the entire control is passed from the Government into the hands of the borrowers, and there is no opportunity for private capital to reap the benefits which it might attempt to reap at the expense of the borrowers.

The gentleman from Pennsylvania [Mr. McFADDEN], another member of the committee, who just addressed the House, raised various objections. One of them was that the bill would help only the well-to-do farmer. In answer to that I want to call attention to the fact that under the Federal land-bank plan, worked out for the individual communities through the national farm-loan associations, it is not possible for one individual to borrow more than $10,000, and the objects for which that money may be used are very specifically set forth in the bill and the use of the money confined entirely to those objects, which must be stated by the borrower in his application for the loan. Instead of helping only the well-to-do farmer, this cooperative feature of the bill, extended through the local associations and the Federal land bank, is intended to help the farmer who is not well to do; is intended to help the tenant farmer to get a home; is intended to help the man who is struggling to gain a foothold and to put live stock on his farm. It discriminates not on behalf of the well-to-do farmer, but, on the contrary, it discriminates against the well-to-do farmer, because a large number of the well-to-do farmers of the country, if they want to borrow money at all, want to borrow more than $10,000.

Yet I want to direct attention to the fact that there is no discrimination in the bill itself against any class of farmers. The bill provides two agencies through which money may be loaned, both of them under Government supervision. For the class to which I have referred there is the Federal land bank and the local association—the national farm-loan association. For the other class there are the joint-stock land banks, which are organizations of private capital to be run by private capital for profit, and this private capital, against which the gentleman from New York [Mr. PLATT] said the bill discriminated, has every opportunity to come in under the provisions of the bill, and to come under it, we believe, in a way which will prove vastly beneficial to the farmers of the country; because a man, for instance, who wants to borrow $20,000 or $25,000 or $50,000, as the case may be, shut out as he is from joining a national farm-loan association and from getting the benefits of the cooperative features of the bill through the Federal land bank, has every opportunity to borrow through the joint-stock bank.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield to the gentleman from Pennsylvania?

Mr. SHOUSE. My time is limited and I prefer not to yield.

There is another consideration in connection with these joint-stock land banks that I will try to make clear. We have now a large number of existing agencies through which money is being loaned to the farmers. The joint-stock land-bank feature of the bill will take care of those existing agencies and will make it possible for every one of them, if they so desire, to come under the provisions of this bill, to continue their business along the lines on which it is now being conducted, and to continue it under Government supervision, with certain very distinct and very marked benefits which these joint-stock banks do not have now.

On account of those benefits, particularly the exemption of the bonds from taxation, the joint-stock land bank will be enabled to make a very much lower rate of interest than it is at present enabled to do, and in order to get the business it will be compelled to make a lower rate of interest, because it will be directly in competition with the system which is operated through the Federal land banks.

Now, the gentleman from Pennsylvania [Mr. McFADDEN] raises objection to the fact that there are going to be 12 Federal land banks under this system instead of just 1. I would call his attention, and I would call the attention of the House, to the reason in the minds of the authors of the bill. It is obvious that this is a new system, practically a new thing, a thing up to which the farmers of the country have to be educated. The closer you can bring the system down to the individual farmer, the more interest the individual farmer is going to take in it and the sooner the individual farmer is going to take advantage of it; and it was with the very definite idea of spreading and propagating the system over the entire country that the committee agreed that 12 Federal land banks are in every way infinitely more to be desired than 1.

The gentleman from Pennsylvania [Mr. McFADDEN] also raises various other objections to the bill. He states that all the overhead charges of the system are to be borne by the Government. He asserts that these charges will amount to more than a half million dollars annually, and that they, together with loss of interest on $9,000,000 subscribed to the capital of the land banks, will make the cost to the Government about $1,000,000 a year. Surely the gentleman can not intend such an alleged estimate to be taken seriously. The only salary expenses borne by the Government are for members of the farm-loan board at Washington, the 12 farm-loan registrars, and the examiners appointed by the board. The various other employees are paid by the individual banks with which they are connected or in the territory of which they perform their duties. For my own part I think it a wise provision that the Government should pay such salaries as it will pay under this bill.

The Federal reserve act, in my judgment, would be strengthened if the salaries of the Federal Reserve Board were a Government expense instead of being placed on the member banks with which the board deals. Nor do I feel that the Government is doing one whit more than its duty when it bears this part of the expense involved in the establishment of a credit system for the great agricultural interests of the country.

The gentleman from Pennsylvania takes alarm at the possibilities of inflated land values which will follow the passage of this measure. If through some wise instrumentality interest rates on farm land can be reduced one-half, if the possibility of profit to the farmer can thus be greatly increased, if his condition can be made more tolerable and his future more promising, if the tenant can be given legitimate assistance toward the ownership of land, and if, as a result, land values increase, as they assuredly will, is the gentleman justified in designating such increase as an alarming inflation? I say, let us have such inflation, if inflation it be, and let it extend to every corner of these United States.

The gentleman also decries the provision which enables the farmer to add to the face of his loan the 5 per cent necessary to pay for his stock in the Federal land bank. Mr. Chairman, I think I may claim entire responsibility for the insertion of that provision in this bill. I am proud of its authorship. I have desired from the beginning to make it as easy as possible for the man with small resources to take advantage of this proposed new system and that is a liberalizing feature which will be of real service to many borrowers.

Some even find fault with the requirement of a 5 per cent stock subscription by the borrowers, claiming it is a hardship

which should not be imposed. Now, what is this provision? If a farmer wishes to borrow $1,000 he gives his note for $1,050; he receives $1,000 in cash and stock in the land bank for $50. This $50 is secured to the bank by the sale of bonds precisely as the $1,000 which is loaned to the farmer. In other words, the bank sells $1,050 worth of bonds; it gives the farmer $1,000 of the proceeds and keeps $50 in its treasury. This $50 is invested in interest-bearing securities and the farmer who holds the stock receives the dividends. As the land bonds will bear a lower rate of interest than the securities in which the $50 is invested, the bank will make a profit on the transaction. The farmer loses nothing, because he pays interest on his note and receives dividends on his bank stock. The one offsets the other. When he pays off his thousand-dollar note the bank cancels the mortgage and cancels the bank stock at the same time. The farmer has borrowed $1,000 and has paid back the same sum. He did not pay in the $50 which the bank holds, and he does not get the $50 when he pays his debt in full.

This $50 represents the proportion of control which the farmer has over the management of the bank; it makes it a mutual system; it places the control absolutely in the hands of the borrowers. Admittedly some one must control the system. The authors of the bill believe that control should be lodged in the borrowers. Through what means other than the ownership of stock by the borrowers could that result be brought about? If there be a better plan, let some man suggest it. But let him withhold criticism until he can improve upon the method outlined.

Other critics claim that the borrowers who form the local associations, which we call national farm-loan associations, should not be liable for twice the amount of their stock, or 10 per cent of their respective loans, for the debts of these associations. Do these gentlemen realize that under the German system, conceded to be the most successful land-credit system in the world, there is unlimited liability among all borrowers? Have they taken into account the necessity for a check, a safeguard against the admission of undesirable parties into the local associations? Entirely apart from these two features, let us see just how great is the risk. The local association, through its loan committee, first makes appraisal of the land on which a loan is sought. Report of that appraisal is sent to the Federal land bank. An employee of the bank then visits the land and submits his report. The bank finally decides how large a loan it will grant after checking over all this information. In no case can the loan be in excess of 60 per cent of the appraisal. Suppose the farmer defaults in his interest. Immediate foreclosure is neither desired nor attempted. The bank has a reserve account out of which it can pay interest on its bonds pending the receipt of interest due to it. The farmer is encouraged and assisted to adjust his affairs so that he can meet his obligations. If in spite of the help given him no satisfactory adjustment can be arranged and foreclosure becomes necessary, the land bank acquires a farm on which not more than 60 per cent of a fair valuation was loaned in the beginning, with the face of the loan reduced by every payment that has subsequently been made. The farm need not be sold immediately. It can be kept by the bank for five years if desired. And only in case it is finally disposed of for less than the amount of the loan and interest due and unpaid at the time of foreclosure, will the other members of the local association suffer loss through their liability for a fellow member. If this system is properly and honestly managed, as it will be, the possibility of such loss is so small as to be negligible.

The very basis of the bill is cooperation among farm borrowers. We seek to create an agency, under benevolent Government supervision, which is owned and controlled absolutely by the borrowers, an agency which can work to promote only the interests of its owners—the borrowers—to whom all the benefits accrue and to whom every cent of dividends earned must be paid. Some gentlemen claim that the cooperative feature will not appeal to the farmers; that they are suspicious of and unfamiliar with cooperative methods, and hence will not care to join the organization. Little do these gentlemen realize to what extent cooperative agencies have already been established nor what excellent results have been achieved through cooperation. In the United States to-day there are more than 11,000 farm organizations, conducting a mutual business for their membership, and in the year 1914 this business amounted approximately to $1,400,000,000, as shown by the testimony of Mr. Bassett before the Agricultural Committee of the House in the present Congress.

Along cooperative lines will come the greatest development and the greatest benefit to the farmer in the future, and I, for one, believe that among the strongest features of our bill is its cooperative foundation. No system could be more strictly mutual than the one we propose. No individual can own a share of stock in the land bank, cast a vote in its management, or draw a cent of its dividends except he be an actual farm borrower. The borrowers will employ the help, the borrowers will receive the benefits—in short, the borrowers have absolute control from bottom to top, from beginning to end.

Now, Mr. Chairman, it is an old but a very true proverb that the proof of the pudding is in the eating. This bill is valuable only as it will work out to the benefit of the farmers of the country. If it helps them it does what we claim for it. If it does not help them it fails of its object. The encouragement of cooperation, with whatever indirect benefits that may carry, will be conceded. Let us see whether the bill will reduce interest charges. In conjunction with the gentleman from Indiana [Mr. MOSS], with whom it has been a pleasure and a great benefit to be associated in the work of the Banking and Currency Committee, I have outlined the practical application of this bill to my own home State, the State of Kansas. The last census gives the mortgage indebtedness of Kansas as $70,819,736. This is only a partial estimate, as all farms in the State are not included in the computation.

The average rate of interest on these mortgages, including commissions, is estimated by the Department of Agriculture as 6.9 per cent. These figures were obtained by Prof. Thompson after special inquiry and study of this subject during the past year. Accepting both estimates as nearest the actual condition, the farmers of Kansas are paying annually $4,886,561 in interest charges, with no reduction in the principal sum. I feel perfectly confident that these estimates are too small. President Taft stated that the average rate of interest on all farm mortgages in the United States, including commissions, was 8.5 per cent, and he was nearer right than is Prof. Thompson.

Our bill has been drawn so as to secure a national rate of interest below 5 per cent, with earnings on all annual payments computed at compound interest rates and returned to the borrower to shorten his debt-paying period. Assuming that the rate is maintained at 5 per cent to the borrower, and the amortization payments are compounded according to standard tables of amortization, what will be the actual result to a Kansas borrower as compared with his present system? Accepting Prof. Thompson's estimate of an average interest rate of 6.9 per cent and a mortgage indebtedness of $70,819,736, Kansas farmers, as stated above, are now paying annually $4,886,561, with no reduction in their principal; but if this debt were to be refunded under the proposed plan of our bill at 5 per cent interest, and the farmers of Kansas would continue to pay annually the same amount as at present, $4,886,561, they would pay off the entire sum, interest and principal, in 26 years. This is no mere estimate or guess—it is a computation made from Fisher's tables of amortization. Any Kansas school boy or girl who has learned to compute simple interest will tell you that this is giving a rate of interest only a shade above 3 per cent—to be exact, 3.1 per cent—if the computation is made as we now compute payments on mortgage indebtedness. This reduction from a nominal rate of 5 per cent to the real rate of 3 per cent is what is meant by the investment of the interest payments at compound interest by what is technically known as the "amortization" plan of making mortgage loans.

The basic rate of 5 per cent depends upon the sale of land bonds at 4 per cent. These bonds are made free from all forms of taxation—income, State, and local. They are made legal investments for all trust funds. They are secured by the mortgaged real estate, by the capital of the land bank issuing them, and by the combined assets of all 12 land banks in the United States. These bonds will be as safe as our Government bonds. They are as free from taxation. They are made security for all trust funds where Government bonds can be tendered as collateral. In every other country such bonds are sold at as low a rate of interest as Government bonds, and we have been assured by bankers and other investors in high-grade securities that bonds issued under the safeguards contained in our bill will command a ready and practically unlimited sale at 3½ per cent. The estimate given you, however, is based on bonds at 4 per cent; this will mean the retirement of all Kansas mortgages in 26 years without any increased rate of payment, which is a reduction in rate to a 3 per cent basis. If the bonds command the more favorable price—that is, if they should sell for par at 3½ per cent rate, as many expert financiers think is possible—it will mean a corresponding reduction in the rate. It will mean that the debt would be paid off in 23 years instead of 26.

This result is absolutely assured if the bill becomes a law. Is it a fair statement to call such a bill a "fake rural-credit" measure? If enacted into law, it will reduce the annual interest charge now paid by Kansas farmers from $4,886,561 to $2,241,281. If the computation be extended to include the 48 States

of the Union, the results are truly staggering. Is it any wonder that we find certain powerful interests opposed to the bill? Is it surprising that those who have selfish ambitions to serve are attempting to cast discredit upon it and to fool the farmers into believing that they are not getting what they should? Were a more liberal bill introduced, these gentlemen would be the first to oppose it. The plain truth is that they want no system of rural credits, but they lack the courage to say so.

It is true that this bill does not go as far in some respects as it might. I may say that it does not go as far as I would have it if I could consider only my own personal views and predilections. But beyond doubt it is a great piece of constructive legislation, a measure that will work to the vast benefit of the agricultural sections of the country and thereby will add to the prosperity of every other interest of the Nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHOUSE. Mr. Chairman, may I have two minutes more?

Mr. GLASS. Mr. Chairman, I yield two minutes more to the gentleman.

Mr. SHOUSE. Now let me summarize briefly what the bill will accomplish:

It will reduce interest rates on farm loans by an average of 50 per cent or more throughout the United States.

It will provide loans for as long as 36 years.

It will offer a system of amortization payments for the steady reduction of the principal on each interest payment date.

It will place in the hands of the borrowers themselves absolute control over the system.

It will teach the value of cooperation among farmers and will encourage all undertakings for mutual benefit.

It will standardize the farm loans of the country.

It will provide a uniform rate of interest for all sections of each State.

It will reduce the weight of debt upon the farmers of the country, will offer hope to the man who is struggling for a foothold, will hold out promise to the tenant who would acquire land of his own, and will add vastly to the prosperity of the entire Nation, which, in the last analysis, always depends upon the prosperity of the farmer.

Mr. Chairman, the easiest thing in the world is to criticize, to find fault, to tear down. This bill is not perfect. True, it represents the best thought, the most diligent and devoted and prolonged work of one of the important committees of this House. True, it embodies the ideas and the study and the development of rural credits during the past quarter of a century. And yet, no doubt, within the next decade amendments will be added which will make it of greater value. It is not perfect. We do not say that it is. But we know it will accomplish what we claim for it. If any man can improve it, let him come forward. If any man has a better plan, let him present it. But let us have no more of the carping criticism which would attempt merely to destroy without offering any sure foundation on which to build. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had disagreed to the second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, had further insisted upon its amendments and asked a further conference with the House on the disagreeing votes thereon, and had appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP as the conferees on the part of the Senate at the further conference.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7617. An act to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

The message also announced that the President had approved and signed bills and joint resolution of the following titles:

On May 4, 1916:

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; and

S. 4876. An act to provide for an increase in the number of cadets at the United States Military Academy.

On May 8, 1916:

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble; and

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCauley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.

RURAL CREDITS.

The committee resumed its session.

Mr. HAYES. I yield 20 minutes to the gentleman from Oregon [Mr. HAWLEY].

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] is recognized for 20 minutes.

Mr. HAWLEY. Mr. Chairman and gentlemen of the committee. It is my intention during the time I shall speak to discuss the bond features of the bill. The success of the system as at present planned depends upon the ability of the several banks to sell the bonds which they are authorized to issue.

There has never been—at least in recent years—any system like this undertaken by Congress, by the experience of which we might be guided in determining what features the bonds should possess. So in this matter we are necessarily constrained to turn to the results of experience in the sale of municipal bonds, and to inquire what are the factors in municipal bonds that make them salable—why some sell for 6 per cent in the market and some will sell in the same market at 3 per cent, and with varying prices between.

There are several essentials of a good municipal bond. The first is its physical basis. There must be property in evidence—taxable—which can be assessed and on which taxes can be collected to pay the interest as it accrues and the bonds as they mature. If there is any doubt in the mind of the purchaser whether the physical basis is adequate, that doubt becomes a speculative element and will be reflected in the price of the bonds. They will go down one or more points below par, depending on how great the doubt in the mind of the purchaser is.

There are several kinds of bonds in the market. There are bonds that have a speculative value, but these are not municipal bonds, speaking generally. Such bonds are dependent on the earnings of companies or corporations for the payment of the interest charges and matured bonds. Anyone may buy bonds of that character and earn 6 or 7 or 8 per cent in interest, it may be, depending upon the amount of risk he is willing to assume, both in the possible loss of interest and of a portion of his investment due to decline in price of the bonds. There are municipal bonds that have a speculative element in them, and that is reflected in a higher rate of interest that the sellers of the bonds must offer and a lower price that the buyer will pay. Then there are municipal bonds and school bonds from which the element of speculation or risk has been very largely eliminated; the bonds of great cities, well-established communities, strictly or considerably within the limit fixed by law to which they can incur indebtedness and where the authorized tax levy will amply provide for the payment of the interest charges and the bonds when matured. Such municipal bonds and school bonds will sell in the market on their value with the speculative element eliminated.

Now, in this system we have endeavored to prepare a regular plan by which a good bond will be offered to the investing public without risk. I say "we," and speak in that sense because I have the honor to be a member of the Joint Committee on Rural Credits of the Senate and House that framed the bill which has been used as a basis by the House committee, and I will say in passing that I speak on the subject of bonds because for the past 15 years I have been one of a board of five, and for a considerable period its chairman, buying bonds to the extent of many millions of dollars for the investment of the surplus and reserve funds of a great fraternal association—the Pacific Jurisdiction, Woodmen of the World—and I have had experience in buying many millions of bonds and in the selection of those bonds from some hundreds of millions.

Mr. MOORE of Pennsylvania and Mr. GLASS rose.

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. HAWLEY. I will yield first to the gentleman from Virginia [Mr. GLASS].

Mr. GLASS. I would like to say, with the assent of the House also, that there are few men I have come in contact with who have rendered more valuable service in the solution of this ques-

tion than the gentleman who is now addressing the House. [Applause.]

Mr. HAWLEY. I am grateful to the gentleman for his remark.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. MOORE of Pennsylvania. In view of the gentleman's experience in buying municipal or city bonds, I will ask him whether such a bond, a municipal bond, does not measure the strength of the municipality's credit or strength in property, and so forth? There is tangible property behind that bond, is there not?

Mr. HAWLEY. Yes. I spoke of that a few minutes ago, when I referred to the physical basis; and that physical basis is available for purposes of taxation for the payment of the interest and the bonds as they mature, up to the limit of authority to levy taxes conferred on the municipality by the State. If the tax limit is 7 per cent and the amount necessary required a levy of 9 per cent, a portion of the municipal bonds would go unpaid as they matured and wait until the taxing power might be able to pay them.

Mr. MOORE of Pennsylvania. We have in the municipal bond the strength of the municipality?

Mr. HAWLEY. Yes; the strength of the municipality, up to their authority to levy taxes to pay.

Mr. MOORE of Pennsylvania. And that is the limit?

Mr. HAWLEY. Yes; without further legislation.

Mr. MOORE of Pennsylvania. There is no Government security there at all?

Mr. HAWLEY. No.

Mr. MOORE of Pennsylvania. Now, what is there behind these farm-loan bonds?

Mr. HAWLEY. I will tell the gentleman in the course of my remarks.

Mr. MOORE of Pennsylvania. Is there any Government security behind them?

Mr. HAWLEY. I will tell the gentleman later. I prefer not now to interrupt the course of my remarks further than to say that the bill as reported provides no Government guaranty.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SMITH of Michigan. I am interested in the experience of the gentleman, which is valuable in the discussion of this question. Has the gentleman ever purchased a bond when he has any question about the principal at all, because it offers a high or low rate of interest?

Mr. HAWLEY. I might for my own personal account, but I would not for a trust fund.

Mr. SMITH of Michigan. Such bonds as those, if there was any question as to the principal, would not be purchased?

Mr. HAWLEY. No.

Mr. SMITH of Michigan. Just a question further.

Mr. HAWLEY. Very well.

Mr. SMITH of Michigan. There are a great number of highway bonds sold throughout the United States at the present time, and they are bringing a rate of 5 per cent. Will these bonds be better secured than the highway bonds that are assessed on the whole property of the township, county, or district?

Mr. HAWLEY. Much better; and I will proceed with that later, if the gentleman will permit. We have endeavored, as I say, to prepare a system under which bonds can be issued that will offer to the investing public a good bond without the element of risk, amply secured in physical basis, legal and regular in issue, and possessing all other requisites of a good bond; bonds that will be the best in the market.

Mr. MOON. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. HAWLEY. If the gentleman will be brief, I will.

Mr. MOON. I wanted to ask the gentleman what is the maximum rate of interest that can be charged under this bill?

Mr. HAWLEY. The maximum rate of interest under this bill is 5 per cent on the mortgage loan as interest, and 1 per cent on the mortgage loan for purposes of administration. That is, the rate the mortgagor will pay as interest will not exceed 5 per cent, and I expect that it will be materially less than 5 per cent; then he will pay an administration charge of not to exceed 1 per cent. The amortization payment which he will pay, being payment on the principal sum, can not be considered as interest. Also he will pay these rates at any time only on the unpaid portion of his mortgage, as the amortization payments and advance payments are deducted semiannually from the face of the mortgage.

Mr. MOON. Is that all it pays?

Mr. HAWLEY. There is an additional charge to be added to that, not in the nature of interest, but for the amortization of the loan.

Mr. MOON. Does the Government furnish any money to constitute the basis of this loan?

Mr. HAWLEY. The Government advances, or may advance, $750,000 for each of the 12 banks as an initial capital.

Mr. MOON. I want to ask the gentleman if he has considered the fact that money in the greater part of the United States can be obtained by farmers on good farms to the extent of 75 per cent of their value, at 6 per cent per annum.

Mr. HAMILTON of Michigan. I will say to the gentleman that that is true in Michigan.

Mr. MOON. I mention that because I want to suggest to the gentleman that it has occurred to me that this measure, while proper, perhaps, for us to vote for as a beginning of legislation of this sort, will not afford any great relief or benefit to a farmer who under the terms of the bill has to pay 7 per cent for the money that he borrows.

Mr. HAWLEY. I will speak of that in a moment. I would like to continue my argument, as I have it in mind.

The rate of interest is the next essential factor in the sale of a bond. Of two bonds that are equally good, one bearing 4½ per cent and the other 5 per cent, the 5 per cent bond at the same price, of course, would sell more readily; and even on an equalized basis, equalizing the cost as between premiums, the 5 per cent bond would probably sell the best, for the reason that bonds usually have an optional period, and after the beginning of the optional period, the owner receives the rate of interest specified in the face of the bond. In the case of all bonds sold at a premium the interest earning will be greater after the beginning of the optional period than before.

Bonds are known by the periods they run as serial where certain portions of an issue become due at specified times, as without option, where they all become due at one time, and as optional, which may best be explained by an illustration as in the case of a bond called a 20-30, which means that the issuer can not call it for payment nor the holder demand payment for a period of 20 years, except by mutual consent, and that for a period of 10 years the issuer can call any or all of them for payment at his option, but must pay them all at the end of 30 years. After they become optional the rate of interest prescribed in the bond is the only interest that can be earned. After a bond becomes due or optional it never has a premium. I should like to emphasize that fact a little more and make it a little stronger if I can, as it has a very essential bearing on one feature of the bill. A bond never carries a premium after it becomes due or payable. Neither does it sell below par. It goes to par and stays there after the optional period has run.

The essential features of municipal bonds which give them marketable values are good physical basis, rate of interest, length of term before the optional period, where payable, the reputation of the place of issue for paying its obligations, character of the people, sources of prosperity, developments, financial resources of community issuing them, location, transportation facilities, nature and diversity of business enterprises, with other elements. The investor demands, unless he is willing to take speculative risks, certainty in the payment of interest as accrued and principal as the bonds mature, convenient and inexpensive conditions of collection of interest and principal, and then the best possible interest return consistent with the above.

The length of the term of the loan is a factor in the sale of a bond. Corporations and associations desiring to invest trust funds, or persons desiring to make an investment, prefer a bond running for a long period at a fixed rate of interest rather than to buy bonds running five, six, or seven years, with the necessity of reinvesting at the end of a short period, with the probability of finding no satisfactory investment and the loss of interest that would accrue between the termination of one investment and the reinvestment of the funds. Now, applying these last two remarks to the bill before us, it provides in section 19, page 114, of the House print of the bill that the bonds shall run for a maximum and a minimum period—

> They shall run for specified maximum and minimum periods, subject to payment or retirement at the option of the land bank issuing them at any time after five years from the date of issue.

That is, at the end of five years any land bank can call in any series of bonds that it has out, or any bond of any series. That makes the optional period five years. That makes the life of the bond, during which it may bear a premium that may be reflected in the interest rate, five years.

Now, if we provide that there shall be a longer period before any bond can be called we increase its value. A bond running for five years without option, bearing semiannual interest at

the rate of 5 per cent per annum, let us say, sells for 102.22 and earns interest at the rate of 4½ per cent on the investment. In the same market this bond would sell, if it ran for 10 years without option, for 103.99, and would earn 4½ per cent. That is, the additional period of five years before the optional period has increased the value of the bond 1.77 cents for each dollar of the face value of the bond, or would increase the value of a $1,000 bond by $17.70. Take another instance. In the market of last February any municipal bond at all comparable in value with the bonds which will be issued under this system, bearing interest at 5 per cent, running for 10 years, would have sold, I think, at better than 106.06, or on a 4¼ interest-earning basis. The same bond, running for a period of five years to earn the same rate of 4¼ per cent, in such a market would have sold for 103.35. That is, this bond on a 10-year basis was worth $27.10 more than a five-year bond for each $1,000 of face value. This is a conservative statement, and I think the difference would have been greater, as I recall the quotations. If in the above illustrations, the term prior to the optional period were 15 years, in the first case the bonds would have sold for 105.41, or at a premium of $31.90 for each $1,000 bond in excess of that received for the same bond on a five-year basis, and in the second case for 108.26, or at a premium of $49.10 for each $1,000 bond, in excess of that received for a five-year bond. If the term were 20 years, the differences would have been $43.30 and $66.90, respectively. I think these illustrations will suffice to show the extent to which added years, prior to the optional period, increase the value of a bond.

The above figures are taken from standard bond tables. The result is this: By lengthening the period during which the bonds can not be called you increase the value of the bond. This increase in value will enable you to sell the bond for a lower rate of interest, and therefore makes it possible to reduce the rate of interest to be charged under the system to the farmer borrowers. Practical experience proves that investors will take a lower rate of interest on long-term bonds than they will on short-term bonds.

A bond running for a very short period will sell but little, if any, above par, no matter what interest rate it bears, because the time is too short to amortize much premium in the interest rate received. The market is unable to indicate properly the real intrinsic value of the bond. The longer the period the bond has to run prior to being called the more fully the market is able to express by the premium offered the strength and value of the bond.

When a 4½ per cent bond sells for 105.60, to earn 4 per cent prior to the optional period, it is apparent that the same bond, if it had borne 4 per cent interest, would have sold at par. It is desirable that the bonds proposed in this system should be sold at par or nearly at par. Doubtless at times they will bear premiums, owing to fluctuations in the market. Since the interest rate in the mortgages is to be based upon the interest rate at which preceding sales of bonds were floated, if the rate is so high in the bonds as to entitle them to be sold at any considerable premium, then we would be charging the farmers too high an interest rate in their mortgages. There is a great deal of difference between a premium arising out of a high interest rate and one due of the length of the life of the bond. A high interest rate may be an indication of some weakness, and part of that rate is in the nature of insurance against risk or uncertainty of some kind. A long life, prior to the optional period, strengthens the bond. It adds also to its salability. These bonds, I think, will be distributed to the ultimate purchasers, by banks, bond dealers, and others, who must have opportunity to find a market, which they would not have if the period is very short. The market for bonds which mature in short periods is not large or certain enough to be of much value to us in selling bonds under this system.

I believe we can safely provide that the term of the bonds prior to their becoming subject to call shall be 10 or more years.

But the rate of premium on any five-year bond will be very small, for the reason that the time is coming, and not far distant, when the man must take back his money and reinvest it. He runs the risk of having no satisfactory investment at hand, and while waiting to find a satisfactory investment he loses interest during that period, and in a short period but little premium can be amortized in the interest rate.

There are several other objections that I will not take the time at this moment to raise. I want to submit this to the distinguished gentleman from Virginia [Mr. GLASS] and the other members of the Banking and Currency Committee and the Members of the House, that every year you can add to the life of these bonds prior to their optional period you reflect that added year in a decrease of the interest rate. For that very reason it was fixed at 10 years in the bill reported by the joint committee and in the bill passed by the Senate.

The place of payment is an important factor in the price of the bonds. Most municipal bonds are made payable in some great financial center like New York, Chicago, or some other large financial center. They are, however, usually made payable at the place of issue and a great financial center, so that if the bonds are taken up locally, interest and matured bonds can be paid locally; but if they must seek a general market, like the bonds of a State, or road-construction bonds, such as California issued last year, or if they are bonds of a great city like Chicago, Cincinnati, or St. Louis, then they must be payable at a financial center.

The reason for that is this: If I should be fortunate enough to own $50,000 of the bonds of the city of St. Louis while living in the city of Washington, when the coupons for accrued interest were cut off I could take them to a bank to be collected through the regular channels, and they would charge me with collection charges, express, and insurance, because the coupons are like money. They can be collected by anyone into whose possession they may chance to fall. Consequently they must go by insured express, and those charges would be a reduction from the amount I would receive in interest, and in the course of a year, on any considerable sum, those charges amount to a very great deal. Or I could take them myself to the express office and send them to the bank in St. Louis or to the city treasurer in St. Louis, pay the express charges and insurance myself, and have the money sent back to me in the form of a draft. The same conditions apply also to the collection of matured bonds. And in any event the insurance, express, and collection charges must be paid. So that large issues of bonds are usually made payable at some large financial center. To provide otherwise would decrease their desirability.

The bill provides that the coupons, accrued interest on registered bonds, and matured bonds are payable by any bank in the Federal land-bank system without collection charges, express or insurance charges. It is an excellent provision. The purpose of that is this: The great proportion of the bonds sold in the United States are purchased by buyers living in the territory east of the Mississippi River, north of the Ohio, to the Atlantic Ocean. If this system works, a great proportion of the bonds will be absorbed by an investing public in that section of the country.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. HAYES. I yield the gentleman five minutes more.

Mr. HAWLEY. For instance, there is a widow living in New England who has received $10,000 insurance money on account of the death of her husband. The bonds of the rural-credit system, being recommended to her as safe bonds and earning more than the savings bank will pay, will cause her to invest her $10,000 in these bonds. If she can take these bonds to the nearest correspondent of the Federal land bank and get the face value of them as they mature and of the interest coupons as they mature, she will be more strongly than ever induced to purchase the bonds. But if she must pay collection, express, and insurance charges, the reduction on the amount she expects to receive from her investment will disincline her to make the purchase. The bill provides that these should be paid for at the bank in the locality where presented, and lets the 12 banks iron out the difficulties and settle the balances between themselves.

And it must be always remembered that these bonds must be sold in competition in the market with all other kinds of bonds and with rates paid by banks on deposits.

Now, during the two or three minutes that remain I want to speak of the character of the bonds. Who will buy them? Who can afford to buy them? Can a business man intrusted with the administration of trust funds, a trustee appointed by the court, boards engaged in the management of insurance organizations, houses dealing in bonds, the men engaged in the management of banks which have surplus funds from time to time they need to invest in order to keep them working, and others—can they safely buy the bonds? What is back of the bonds? Beginning with the way in which it will appeal to the person who has money to invest, this is the situation.

Suppose I should own $50,000 of these rural-credit bonds. I go to the land bank which issued the bonds and present my coupons or matured bonds. I know that they have coming in interest on mortgages and mortgages maturing an amount equal to or in excess of the interest and principal sums due me and all bondholders; that these mortgages are on land the loan on which was made at 60 per cent of the appraised value, with a 40 per cent surplus over in the real value of the land and an

80 per cent surplus over in the value of the improvements; that they are not subject to taxation; that there is an association of individuals which have 5 per cent of the face of their loans put up in stock of the bank, with an equal additional liability that can be taken to meet the payment of coupons and bonds if not paid when due; that if the bank to which I apply can not pay them out of the interest and amortization payments they have received, then the capital, surplus, earnings, and all other funds of that bank are liable for the payment of these interest coupons and bonds that I have presented. If that does not suffice to pay what I have presented, an equal general liability to pay exists on the other 11 banks. So that behind any issue stands the individual liability of the bank of issue, the general liability of the other 11 banks, the certificate of the board in Washington that the physical basis is good, that the bonds are legal and regular in form and issue, the liability of members of the local association, the liability of the farm lands on which mortgages have been taken; that for every $60,000,000 of mortgages there are $100,000,000 of real estate at a fair appraisement, and for every $20,000,000 of improvements on which mortgages are based there are $100,000,000 improvements standing behind the mortgages.

So it seems to me, and I have thought it over very carefully, that, as a member of a board charged with great responsibility, I would be willing to buy the bonds provided for in this system as a perfectly safe investment for trust funds. [Applause.] It would be difficult to conceive of a safer bond or one offering a more attractive investment, subject to the suggestions I have made.

Under the provisions of the bill as they now stand the interest rate in each Federal land-bank district will depend upon the success that bank has in marketing its bonds. And under this arrangement there is likely to be a difference of interest rates in the 12 districts. The newer and less developed sections of the country may have to pay higher rates of interest. It is important, if it can be arranged, that the interest rates to farmers should be as nearly uniform as possible over the entire country. For this reason the board in Washington is given control of interest rates that they may be made as nearly uniform as possible. [Applause.]

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. GLASS. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. MCKELLAR].

Mr. MCKELLAR. Mr. Chairman, I am going to vote for this bill, regardless of the form it may take, because it will at least be a first step toward an American rural credits system, so much needed by the farmers of our country. The bill as it has been reported by the committee does not have my unqualified approval, and there are some defects in it that I desire very briefly to point out, with the hope that they may be corrected by amendment before the bill is finally passed.

Since I have been in Congress the subject of rural credits has greatly interested me, and I have given to it considerable study. Having been a farmer in early life myself, naturally I have looked at the question from the farmer's standpoint. I still look at it from the farmer's point of view, and I believe after an examination of this bill that it is seriously defective, and I sincerely hope that we may so amend it as to make it of genuine value to the farmers of the United States.

The provisions providing for a Federal farm-loan board at Washington, for 12 regional banks, for the Government to buy stock in these land banks, for the exemption from all kinds of taxes are essentially all right and have my approval. But the provisions creating national farm-loan associations, joint-stock banks, other profit-making governmental agencies, and the provisions requiring 5 per cent stock subscriptions by borrowers and binding each borrower for 10 per cent of his loan to secure better other loans of his neighbors are, in my judgment, cumbersome, impracticable, and not to the best interest of the farmers, and I hope these provisions will be stricken out by amendment. I am not going into these matters in detail, because I have not the time, but I want to discuss the glaring defects.

The provision requiring the farmer to buy 5 per cent of the amount of his loan in the national farm-loan association and pay for it in cash, or have it deducted from his loan, is not to the best interest of the farmer. It is too much like private loan companies, of which it has been said, it takes 15 minutes to get in, 15 per cent to stay in, and 15 years to get out. The farmer wants a simple method of borrowing money. He will be perfectly willing to pay the expense of having his lands examined and appraised, and having the titles to the same examined. This bill ought to provide that these things should be done in the most direct and in the cheapest way, and charge the farmer for them and for nothing else. When you require him to take stock, which may or may not be valuable, he will look upon it as a charge of commission for letting him have the money. It is a tax on him that is unnecessary to levy and it ought not to be levied.

In the next place, the provision requiring him to guarantee to the extent of 10 per cent of his loan, all the loans in his association, is one that he will not want to agree to, and one that he should not be required to agree to. I am fully aware that this system of cooperative associations has worked well in Germany and in other European countries, but I do not believe it will work well in this country. Individualism is so strong in this country, and especially so with the farmers, that any system that makes them bound for each others debt, in whole or in part, will not, in my judgment, be a workable measure, and that when it is explained to the farmer that he has not only to buy stock to the extent of 5 per cent of his loan, but he has to become obligated for his neighbor's debt to the extent of 10 per cent of his loan, I do not believe that the great mass of them will be willing to go into such a scheme. If we enact these provisions into law they will have, in my judgment, to be changed, and if they are not voted out, while I will vote for the measure, I hope in the future to change them by amendment. What we want to do is to make a start on this law, and if this or other provisions are found to be erroneous, we should change them.

In the next place, I am opposed to building up a large number of corporations in our country, whether they be called national farm-loan associations, joint-stock banks, or agencies; all of which will make money out of the funds that we intend to provide for the farmers. Of course, I know that there must be agencies, but I believe that these agencies should be the direct agencies of the land banks, and not intermediate profit-making corporations or agencies. There is no demand in this country for more banks.

The country is not demanding the building up of a new system of profit-making banks. What we want to do is to provide the simplest means by which farmers can get long-time loans on the amortization plan at low rates of interest, and with the least possible red tape. Every other consideration should be made secondary to this main purpose if we want to make the rural-credits system a success. If the land banks are authorized to issue bonds upon the security of farm first-mortgages, taken after inspection, appraisal, examination of title, and further guaranteed by the capital and surplus of the land banks, as provided in this bill, they will be amply secured, and there will be no trouble about obtaining purchasers therefor. The guarantee of farm-loan associations will not add anything to their market value, and these farm-loan associations will be very expensive if practical at all. If they are found impracticable and the joint-stock banks found practicable, then the Government will be placed in the attitude of building up a large system of joint-stock banks at its own expense, or at the expense of the farmers, because, whatever profits are made by these farm-loan associations, or joint-stock banks, or the agencies provided for in the bill, will be made out of the money furnished by the Government to the farmers.

I approve very heartily the provision exempting these bonds from National, State, and local taxation, because it will make the bonds more easily salable and at a low rate of interest; so that the farmers will in turn get their money at a smaller rate of interest. [Applause.]

I would much prefer that the details of the agencies through which these mortgages are taken should be left to the several farm-loan banks, allowing them to take the mortgage agents in their employ or through creating nonprofit-making branch banks in each State if they saw fit to do so. This would be a much simpler plan, and would do away with the necessity of the farmers taking stock in the national farm-loan associations and becoming liable in part for his neighbor's debts. It would also greatly lessen the cost of the system.

Mr. Chairman, in our platform we promised the farmers a rural-credits system, and they undestood this meant money on long time at small rates of interest. They thought it meant a system for the farmers and not one for the benefit of the banks. Let us give them what we promised. Let us not institute a system that will create a large number of banking associations at the expense of the Government or at the expense of the farmers. But, let us institute a simple system, making it as direct as possible, make it as plain as possible, make it as individual as possible. Take out all the red tape; take out all requirements about buying stock; take out all requirements about guaranteeing in part his neighbor's debts; take out every middleman possible, and let us make this a real farmer's measure, not a banker's measure. Then, and not till then, will we have fully

complied with out promise to furnish a rural-credits system for the farmers. [Applause.]

Mr. GLASS. Mr. Chairman, I yield to the gentleman from Mississippi, Mr. VENABLE.

Mr. VENABLE. Mr. Chairman, in any kind of legislation we have to make compromises. In a sense, all legislation is the result of a compromise of individual opinions. I intend to support this measure even though it is not modified, for the reason that I believe it is the beginning of a policy of aid to the agricultural interests of this country which have been neglected for a long time. I trust that I can say that without any charge of demagogy being brought against me.

There are some features of the bill, however, that I would like to see changed, or some features added. I personally would be in favor of the Government guaranteeing the payment of the land-bank bonds. I can see no objection to this either in principle or in policy. It is absolutely no new thing for the Government to lend financial aid to various interests when it is considered to be to the interest of the entire body of the citizenship so to do. We have countless illustrations of that in the economic history of this country. In fact, this very bill itself provides that the Government, to the extent of practically $9,000,000, shall extend aid to those land banks which are to be established. Another thing that I do not think is wise is the establishment of two sets of machinery, the public banking system of the national land banks and the private land associations. I understood that the gentleman from New York said that anyone who had the idea that these two institutions might militate the one against the other was guilty of a piece of idiocy or asininity. I do not remember which word was used, but if it be that such a charge can be brought, I solace myself with the reflection that we have the authority of Holy Writ that at least on one occasion the ass was wiser than the prophet.

I do not see how two institutions can occupy the same field at the same time, imposing different liabilities on those who deal with them, without the stronger eventually hurting the weaker. It seems to me that is true according to the laws of competition. The borrower, for instance, who can go to the private land association and borrow money without assuming the 10 per cent liability will certainly go there in preference to your land banks where he does assume such a liability. Be that as it may, however, it seems to me to be wiser, or would be wiser, to concentrate all of our efforts on constructing one piece of machinery, surrounding that with wise regulations, making that universal in its operation and making it efficient to do the work in hand. However, as I said, regardless of these two objections, and others which have arisen in my mind and which I believe can be sustained by at least plausible argument, I shall support the measure even if unmodified, because it is a very far step, in my opinion, in the economic practice and theory of this Government. [Applause.]

The conditions out of which the demand for a rural-credit system arose are well known. From the very nature of the case the commercial banks of the country were unable to extend the credit to the agricultural interests that is necessary to prosperity. By reason of the fact that the commercial bank must pay each depositor on demand, it is necessary that the assets of the bank be kept in the most liquid form and that the credits extended be short as to term. In addition to this, in many parts of the country, the commercial interests could and now do use almost the entire amount of money commanded by the commercial banks; and since the collateral security which they are in a position to offer is more liquid than that which can be offered by the agricultural interests it is but natural that the commercial interests are taken care of to the exclusion of the agricultural.

In addition to this, the commercial bank being an institution designed to make money for its stockholders, charges the rate of interest that is current in the local market, and this is almost always prohibitive, as far as profitable borrowing for the farmer is concerned, even if the farmer felt justified in borrowing the money for the short period of time that the bank demands as one of the conditions of lending. This being true, the farmer who desires money for the improvement of his farm and the equipment of his farm plant for profitable production is forced to seek funds from individual lenders, with the result that he finds conditions in many parts of the country in no wise improved.

The individual lender, being in business for profit, charges the highest rate of interest obtainable, as they have the right to do, and loans are necessarily made for short periods—so short, in fact, that the farmer can not from his improved plant make the profit to discharge the debt and keep up the interest, and always has the fear before him that at the expiration of the short term, if unable to reborrow the money or to negotiate a new loan from another, with all of its expense for abstract fees, and so forth, his mortgage will be foreclosed.

This situation has resulted in a stagnation of agricultural progress in the proper equipment of farm-plants for profitable production. And out of this condition has grown the need for some system which would supply a simple and inexpensive method by which the farmer can borrow money at a low rate of interest and for long terms for farm improvement or farm purchase.

It is apparent that when anyone has something that he wishes to dispose of the price at which he can sell it depends upon the ratio of his anxiety to sell to the purchaser's anxiety to buy. If a farmer wishes to give security in the form of a farm mortgage and his promise to pay interest at certain periods on money borrowed, the rate of interest that will be charged depends upon the degree of anxiety of lenders to invest. In short, where money is plentiful and is seeking investment the rate of interest is less than where money is scarce and the borrowers many. Under present conditions the individual farmer can not take his security to the cheapest money market. The security is too far away for inspection and suspicion of title and the very human inertia that we are all heir to prevents the lender from making the loan, the security for which he is not familiar with and with which he could not become familiar without expense and trouble. As a result from these and other conditions not necessary to mention the farmer is confined in his borrowing to his local community where capital is scarce and interest rates high.

It is thus apparent that if any relief is to be given the farmer a system must be devised whereby money can be obtained at a low rate of interest for a long term.

Since the high rate of interest that has been demanded is due to the fact that the farmer has been confined to his local community for his borrowing, where the money was either entirely or nearly absent and where the interest rates were high and the terms of lending short, it is apparent that the remedy lies in devising a scheme whereby the security that the farmer offers may be sold in the market where money is cheapest and investors most anxious to invest and also whereby the security may be surrounded with such guaranties of soundness that the interest rate will be low. It is a well-known economic principle that the higher the risk the higher the interest, and vice versa. In short, the problem is to transmute the farmers' security that now has only a local market and is subject to suspicion on the part of the foreign investor into such form as to make it marketable everywhere and to make it so sound and secure that it will be taken and money advanced thereon at low interest rates.

In this bill this is sought to be done by providing a system of national land banks, not less than 12 in number, under Government control through a general board, capitalized at not less than $750,000 each, the stock of which shall be owned eventually by national farm-loan associations composed as to membership of borrowers who shall own the stock of the association to an amount equal to 5 per cent of the amount borrowed. The national land banks have power to issue bonds equal to twenty times their capital and to sell these in the market for the purpose of procuring additional money to lend to farmers. Each loan made is secured by a first mortgage on real estate, and the loan is not to exceed 60 per cent of the value of the land and 20 per cent of the value of permanent improvements. Each Federal farm-loan bond is secured by the capital, reserves, and earnings of the land bank which issued it; by the capital, reserves, and earnings of all the other land banks; by the collective security of all the mortgages pledged, which must be equal in amount to the outstanding bonds unless replaced by United States bonds or cash. Each land bank issuing a bond is protected, and hence the bond is protected by the personal undertaking of the borrower; by the security of the mortgaged land; by the capital, reserves, and earnings of the local association of borrowers indorsing the loan; and by the individual liability of the members of the farm-loan association, which is fixed at twice the amount of their stock in the association, or 10 per cent of their loans.

It is thus seen that the scheme is to establish land banks with a stipulated minimum capital, stock in which shall be owned by various farm-loan associations, and the stock of these farm-loan associations shall be owned by borrowers who compose the membership. Each borrower who joins a farm-loan association takes stock in it to the amount of 5 per cent of the amount that he borrows from the Federal land bank, the amount being deducted from his loan, and the farm-loan association in turn takes the same amount of stock in the Federal land bank. The sum borrowed is secured by a first mortgage given to the farm-loan association, appraised by it, and approved

by a Federal appraiser, and subject to such regulations as the Federal farm-loan board shall prescribe and such as are prescribed by this bill.

It is thus seen that a cooperative system is provided, the work being done largely by borrowers, expenses reduced, and all profits being returned eventually to the borrowers. In short, the securities of the various individual farmers is collected, surrounded by guaranties, and the credit thus provided is transmuted into the form of bonds with the purpose that the security in this form may be salable anywhere in the United States where money is cheapest, with the result that money for lending to the farmer may be obtained at the lowest possible rate of interest for long terms; the greatest length of time allowed being 36 years on the amortization plan. That is, that the borrower may pay in installments, principal and interest, by such yearly payments that at the expiration of the term of the loan both principal and interest are discharged, thus enabling him from his improved plant to make the money with which to discharge the debt—a result impossible with a short-term loan.

So far, so good. The principle of the bill is good. It is a sound method to collect credit and to make it mobile. But, Mr. Chairman, my objection is that it does not go far enough. I do not mean to say that as a matter of fact it is not sufficient. I do not know. I think that possibly it is. This is a question that the actual operation of the measure can alone disclose. But I wish to make assurance doubly sure.

Mr. Chairman, no measure before the House at the present session of Congress is as important, in my opinion, as is this. The need of a rural-credits system is imperative, and we wish to provide one that will be efficient to accomplish the purposes sought. The farmers of the country need it. Justice demands that we give it to them. Not only justice, but our own interests dictate its enactment. When we make the farmer prosperous, we make the Nation prosperous.

I believe that there is a virtue of honesty and strength in the soil that is infused into those who live near to it. The rural communities are the great reservoir from which we must draw the man power so needed and to be needed in this Government. That our citizens shall stay in the rural communities, rural life must be made prosperous and happy. Maybe I am radical on this subject. I try not to be radical about anything, but I believe that we should omit no step to make this bill the means for the establishment of a rural-credits system that will be successful without doubt.

The bill provides a method by which the individual security of the individual farmer is collected, merged, transformed into bonds, and thus made mobile enough to travel for purposes of sale to any part of the United States where money is cheapest.

It is seen from the provisions of this measure that the method by which money additional to the capital of the various land banks is to be obtained for lending to the farmer is by the sale of these bonds. So it is not enough that the security of the farmers' lands should be made mobile by transmutation into bonds, but, if the money is to be obtained, it is further necessary that the bonds should be made so secure as to be in demand for investment purposes and should bear a low rate of interest. The higher the rate that the bonds bear, the higher the rate that must be charged the farmer for the money lent to him by the banks. It is said that the bonds, secured as they are under the provisions of this bill, are so secure that the demand for them will be instant and immediate, and that the interest rate will be low. As I have said, this may be. Experience alone can demonstrate this. It yet remains to be seen whether the land-bank bonds will compete successfully with the bonds of private corporations, municipalities, and so forth, which are considered as good investments by the investing public. Under the provisions of this bill the Federal land banks are really private cooperative lending corporations, under Government supervision, it is true, but still having no greater strength than would any other corporation whose business was surrounded with equally wise regulations. This being true, the investing public will consider investments in the bonds of this corporation from the same viewpoint as it would other private corporations in whose management and securities it has confidence.

This being true, from the very nature of the case the purchasers of securities will not buy the land-bank bonds at a low rate of interest when they can buy the bonds of some private corporation in whose financial integrity they have equal or almost equal confidence. This will force the land-bank bonds to bear the same rate of interest as the bonds of those corporations, which means a higher rate than would be required by the purchasers if the safety of the bonds were beyond all doubt.

It seems thus apparent that if these land-bank bonds are to be made salable at the lowest possible rate of interest, and thus enabling the banks to lend to the farmer at a correspondingly low rate, and also, if the money is to be provided instantly by the sale of bonds when needed, it is apparent that this requisite certainty of soundness should be supplied.

As far as I know, there is one way, and one way only, to do this, and that is for the Federal Government to guarantee the payment of these obligations. This would mean that the Federal land-bank bond would sell instantly as soon as placed upon the market, and since it would be a perfectly secure investment, it would bear a very low rate of interest. The result would be that those investors who desire certainty rather than large profits would buy. The millions of fiduciary funds of the Nation would seek this investment, as well as those millions of other characters who desire certainty and safety rather than large profits.

It would provide money in unlimited quantities, as far as the ability of each bank to issue bonds on mortgage securities, and so forth, was concerned, for lending to the farmer; and, indeed, the land-bank bond would be the standard investment of this country.

It is urged, however, that for the Federal Government to guarantee the land-bank bonds would do violence to what is called a sound governmental theory that no direct aid should be extended to a particular class of persons; that so to do is essentially unjust and an invidious discrimination against others. If there be such a sound governmental theory, it is already violated in this measure, for we are possibly appropriating approximately $9,000,000 toward the capital of the several land banks in the provision that the Secretary of the Treasury shall subscribe for all of the capital stock to this amount not taken by individuals or others authorized to subscribe. There is no such theory, however, nor is any such rule demanded by a sound governmental policy. All Governments, in all ages, this one included, have extended governmental aid to particular classes of people whenever so to do was thought to be beneficial to all the people of the Nation. Our Republican friends can not complain, for they advocate a protective tariff, a system of direct aid or, rather, gift to that class of citizenship engaged in manufacture. The sending of garden seed to the farmer is a direct Government aid, as likewise river and harbor improvement is in the sense that it directly benefits those people owning lands adjoining these waterways. The illustrations and precedents of direct Government aid are countless, or nearly so, and it is needless to enumerate them.

But assuming that direct Government aid to a particular class is generally wrong and that a sound public policy should, as a rule, preclude it, it is nevertheless true, in my opinion, that it should be extended as far as guaranteeing the land-bank bonds are concerned. All rules of life are the outgrowth of the usual and the ordinary; they are the precepts that experience, with constantly recurring phenomena or happenings, has fashioned into guides for conduct. This is true, and for the very reason that these rules are the outgrowth of the usual and the ordinary they can have no application as guides when we are confronted with the unusual and the occasional. In emergencies and in the face of necessities the general rule must give way. Recognizing this rule, those who oppose direct Government aid in any form as a general rule have agreed to support that provision of this bill providing that the Government, if necessary, should take stock in the land banks, for the reason that such a provision was necessary to guarantee the institution of the system. I say that the necessity goes further than this. It is not only necessary to institute the system but it is necessary to make the system adequate to do the work; and to absolutely assure this the Government should guarantee the bonds of the various banks. Even though we be opposed to direct Federal aid, as a rule, if such be our position, the need is vital to furnish the farmers a system under which they may obtain money on the security of farm lands for a long term at a low rate of interest for farm improvement, and this necessity justifies the action on the part of the Government that I advocate.

Normal rules of life can not be applied in emergencies. He who seeks to do so meets with disaster or causes it. An Englishman with a monocle in his eye stood on a swimming raft, and, stooping over, saw a companion go down three times and never come up. A hardy swimmer trying to reach and save the drowning man finally reached the raft, but too late. "My God!" said he, "couldn't you save the man?" "Ah, I rawther think I could, old top, but really I had never been introduced to the gentleman, and of course could take no liberties with his person."

Mr. Chairman, the farmer has gone down twice; he now has his hands in the air and is sinking for the third time. I trust

that we will not stand with our monocles in our eyes and see him drown simply because some of us are trying to apply a normal rule to an abnormal situation.

Permit me to say, in conclusion, that what I have said is not in criticism of the especially able committee who prepared this measure. They doubtless have brought in the measure which they thought that current sentiment would sustain. It may do all that they claim for it. This nothing but actual experience can demonstrate, but these considerations do not relieve me of the duty of contending for and supporting that amendment which, in my opinion, will place the success of the rural-credits system beyond doubt of success. It is said that the land bonds are so secure that the Government's guaranty is unnecessary. May be not, as far as the question of security is concerned, but the bonds to sell must not only be secure as a matter of fact, but the public must believe them so. Government guaranty supplies this public confidence. If they be secure, and I believe they are, the Government can not suffer loss. It simply lends its credit without danger of having to pay its money.

I have not the time to discuss the other objection to the bill that I have mentioned, and permit me to say that even though the measure is passed without the amendments that I favor, I will rejoice, for, as I have said, it is a recognition of the need of the farmer and an attempt to meet it—a far step in the economic progress of our country.

Mr. GLASS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. EAGLE].

Mr. EAGLE. Mr. Chairman, I really wish I had an hour, so that I might thoroughly discuss this bill, the general principles which, in my opinion, ought to underlie a proper system of rural-credits legislation, the history of the movement during the Sixty-third and Sixty-fourth Congresses, and the facts and figures upon which the committee which framed the bill has been acting, as a basis of stating the particular reasons why I intend to give my whole-hearted and undivided support to this particular measure. But at least in these five minutes I can say that I have no divided allegiance and make no conditions upon which I propose to vote for this measure, but will wholeheartedly give it my support. It is so much a better measure, in the interest of the farmers, than I ever heretofore hoped would be formulated by a committee of this House that I am deeply gratified by the opportunity to vote for it. [Applause.]

Mr. Chairman, it is easy enough for me or for any other Member of this House to point out particular reasons why we should object to a measure and to suggest amendments here and amendments there; and in due course we hope we shall have opportunity to vote for those amendments which seem to us to make it better. But I want to say that during the Sixty-third Congress the Federal reserve act, which was framed by the committee on which I have the honor to serve—the Banking and Currency Committee—received painstaking, deliberate, earnest attention; and while a hundred changes were proposed by as many men, mutual concessions resulted in a measure so splendid that, in the wreck and chaos of international war, in the confusion of industrial and financial conditions the like of which this world has not heretofore seen, it was so noble a measure as it finally went through the House of Representatives, with finally a few i's dotted and t's crossed by the Senate, without amending in any material respect what the Banking and Currency Committee of the House, and later the caucus, and later still the House of Representatives did, that it has enabled this country to withstand the shock of war and its financial institutions to stand steady like the Rock of Gibraltar. And I want to say that my deliberate judgment is that the Banking and Currency Committee of the House of Representatives in the Sixty-fourth Congress have labored with not only the same zeal but with the same intelligence, and the same industry, and the same common sense, and the same mastery of national agricultural needs and conditions in the formation of this rural-credits bill that it did with reference to the Federal reserve act. [Applause.] There is not a man in this House on any side of the Chamber, from any section of the country, whether he be a representative of a rural constituency or a representative of the great industrial, manufacturing, and financial cities of the country, who may not feel, in justice to his judgment and in justice to his conscience, that he will do no harm to any interest in this Nation by voting unreservedly for this bill, but that he will thereby help lift the oppressive burden from the shoulders of the farming and producing classes of this Nation, who owe now between four and five billions of dollars of farm-mortgage debt bearing more than 9 per cent interest every year, and that he will make it possible for the farmers of the United States, within 10 or 15 years, to change that present gigantic total of debt, bearing such present oppressive burdens of interest, into a bonded indebtedness with amortization features, so that it may be paid in due course by an annual payment of not exceeding 6 per cent, to include payment of both principal and interest. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GLASS. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman, the Democratic Party in its platform adopted at Baltimore pledged the farmers an adequate and just rural-credits law. Relying on that promise, they returned our party to power. To-day we are endeavoring to redeem that pledge. It is, however, with much misgiving that I shall support this bill, unless it is amended in many particulars. I should not do so at all were it not that in some respects it may tend to relieve the farmers of this country of burdens and discriminations from which they have long suffered. I feel certain that the farmers will not accept this proposed measure in full satisfaction of our promise. I am frank to say that I should cast my vote against this bill were it possible at this session of Congress to secure consideration of any other dealing with this subject. With all deference to the Committee on Banking and Currency, which reported out this measure, I feel that it has not been altogether sympathetic with the farmers in drafting this proposed law. If so, I know it did not understand the difficulties under which the farmers of my section labor, and it can not, therefore, know the disappointment which they will feel when asked to accept this instead of the law for which they had long labored and hoped. I am sure that no farm organization anywhere—I know no farm organization in the section from whence I come—was consulted in the drafting of the provisions of this bill. I know that no one who appreciates the difficulties that have for long beset the southern farmer will ask him to accept this bill as an adequate and comprehensive rural-credits law.

I shall refer but briefly in the time allowed me to some of its many defects, the most glaring and unjust, as they appear to me. Then I shall with pleasure set out some of its many splendid provisions. I shall point out its defects with no desire to criticize either the measure or its proponents, but solely with the hope that its framers may consent to modifications that will to some extent, at least, make it the more acceptable to the people in whose interest it was framed. In the beginning I am pleased to say that this is a much better bill than the one prepared and introduced on behalf of the special committee appointed at the conclusion of the Sixty-third Congress to investigate this subject, and it is by far a better bill than the one recently passed by the Senate. I shall, therefore, vote for it, notwithstanding the misgivings I entertain and the objections which I shall endeavor to point out.

In the first place, this bill has too much machinery. There are too many provisions which serve no purpose except to puzzle, confuse, and discourage farmers seeking relief under its provisions. As a consequence there are too many places to be filled by high-salaried officials, the burden of which eventually must fall upon the farmer. It seems to me the makers of this bill have ignored the fact that a rural credits system has nothing in common with banking. A rural credits system, as the term implies, is a system of credits devised to meet the needs of agriculture. These are a low rate of interest and a long-time repayment plan. There are no necessities for the organization of banks, and the system is only crippled and weighed down by these provisions, and they confer no corresponding benefits.

This bill provides that there shall be organized a board to be known as the Federal farm-loan board. It shall consist of three members, who are to be appointed by the President, by and with the consent of the Senate. Each member is to receive a salary of $10,000 per annum. Neither is required to possess any knowledge of agriculture or the conditions which confront farmers. These commissioners, when organized into a board, are to divide the continental United States, excluding Alaska, into 12 districts. In each of these districts is to be organized a Federal land bank. Each of these Federal land banks is to be controlled by a board of directors of nine members. Six of these are to be elected by the stockholders and three to be appointed by the Federal farm-loan board. These directors shall receive such salaries as the Federal farm-loan board may approve. They are to have the power to employ attorneys, clerks, agents, appraisers, and all necessary help to transact the business of the Federal land bank over which they preside. Incidentally the salaries and the expenses of all these employees will rest upon the farmers, who become borrowers under the system. Farmers who seek to borrow money under the organization must form what is known as a national farm-loan association. This is to be a corporation. It is to be controlled by a board of directors of not less than five members. This board of directors shall elect their officers and appoint a loan committee of three members. It shall also employ a secretary-treasurer, whose duties

it shall be to keep the books, have charge of all papers and securities, collect all moneys due the association, and transmit the same to the Federal land bank, to see that no borrower shall appropriate the money for any other purpose than that for which it was borrowed, and to do all the things necessary in the interest of the Federal farm association. Of course, he is to receive a salary and expenses. This salary and these expenses are to be paid by the farmers who form the association.

No association will be formed having less than 10 members, and they must in the aggregate borrow not less than $20,000. Each borrower must subscribe and pay for stock in the association equal to 5 per cent of the amount that he wishes to borrow. This stock he must carry as long as he is indebted to the association. When he shall have paid his debt and canceled out his mortgage, the stock is canceled, and he is returned its par value. It is true the bill provides that he shall share in the dividends on this stock. However, another provision of the bill makes it apparent there can be no dividends. In the first place, the Federal land bank is allowed for the purpose of administration and other expenses a sum not in excess of 1 per cent per annum on the amount borrowed. After all the expenses are paid 25 per cent of the net earnings is carried to the reserve until that reserve shall equal 20 per cent of the capital stock of the bank, which is never to be less than $750,000. When the individual farmer cancels out his loan he is not to be permitted to share in this reserve. There are other provisions that are required to be met also before any dividends can be paid, and I think a careful reading of the bill will convince anyone that no dividend will ever be paid on the stock held by the farmer.

In addition to this, when a farmer applies for a loan the three appraisers appointed by his association appraise the lands and furnish to the Federal land bank of his district a written and comprehensive report. The Federal land bank thereupon sends down one or more appraisers to reappraise the lands and make a written report thereon. Unless all these appraisements agree that the farmer is entitled to borrow, his application is rejected. If it is accepted, he must furnish an abstract of title, for which, of course, he must pay. The Federal land bank will have the abstract examined, for which the farmer is to pay. If all these are approved, then a mortgage will be made out, for which the farmer must pay, and will be recorded, for which the farmer also must pay. The expense incident to a loan is apparently burdensome. For illustration, let us suppose a farmer wishes to borrow $1,000, to run for a period of 36 years. He must take out stock in the farm association of $50—which, by the way, is never delivered to him—and carry that for a period of 36 years. He must then have the lands appraised by the local appraisement committee, consisting of three men. He must bear the expense of this. Then the Federal land bank will send down one or more appraisers from the Federal land bank, which is located in some city, possibly 500 miles away. The appraiser or appraisers will again appraise his lands, the expense of which he must bear. I think we might reasonably say that will not be less than $50.

The farmer must then have prepared an abstract of title at whatever exorbitant price the abstractor may see fit to charge him—I should think not less than $25. An attorney appointed by the Federal land bank must then pass upon this abstract. For this service the farmer must pay, and I should think not less than $10. The farmer must then pay for the execution of a mortgage and its recording—I should think not less than $5. To sum it up, he would pay $50 for stock, $50 for appraisement, $25 for the abstract, $10 for the examination of the abstract, and $5 for executing and recording the mortgage, making a total of $140. This will be taken from his $1,000, or he will receive, we will say, $860. He must pay interest, however, on the entire $1,000, which is not to be in excess of 5 per cent. That will be $50. Then he is compelled to contribute toward the expense of the Federal land bank, which is not to be in excess of 1 per cent, or $10, per annum on his $1,000. Then he must bear his proportional part of maintaining and paying a secretary-treasurer, which will possibly be not less than 1 per cent, or $10, per year. The farmer, therefore, will receive $860, which is $1,000 less the expense incident to making the loan. He will be compelled to pay on this $70 per annum as interest, which is a rate of little more than 8¼ per cent per annum. This he can not afford to pay, and should not be asked to do so.

In addition to all this he is compelled to assume a liability of twice his stock for all other members of his association. This is to guarantee that all other subscribers will pay their interest and debt upon maturity. He should not be required to become responsible for another's default. No one supposes that when you go to a bank to borrow money you ought to be compelled to subscribe for any part of its stock or to become liable for the obligations of anyone else who may also be a borrower of the bank in order to procure a loan. No merchant would do business with a bank that restricted him in any such way. Why, then, should the farmer be required, if he is to receive any of the benefits of this law, to subject himself to such unjust burdens and discriminations?

The bill provides the uses for which money may be borrowed under its provisions. First, to purchase farm lands. Second, to buy equipment for the farm. Third, to erect buildings and make improvements. Fourth, to liquidate any debt owing by the borrower at the time the first Federal farm association within and for his county was organized. This right named in the fourth subdivision is denied him if the debt he wishes to pay has been contracted after the organization of first farm loan association in his county. In other words, after the farm association had been organized the farmer can borrow money only for the first three purposes, and is denied the right to borrow on his lands for any other purpose. I feel that this is an unjust and unnecessary restriction. Farmers are intelligent and certainly they are as much entitled to the use of their credit based on their lands for any legitimate purpose as the business or professional man is to his. Yet under the provisions of this bill, even if the farmer be honest, intelligent, economical, and progressive, he can use his lands only to borrow money for the purpose of purchasing farm lands, buying equipment, and to erect buildings and make improvements thereon. He can not use it, for instance, to educate his children, contribute to any public benefit, to have the care and skill of a physician, or for any other legitimate purpose for which farmers, like other people, may find it necessary to borrow money.

There is a provision in the bill, and with it I am in thorough accord, that prohibits anyone from borrowing money under this system unless he is a farmer or shortly to become one. The system is devised to promote the ownership of lands by farmers, not the building up of vast estates by the speculators. This certainly is a most desired result, for no country has ever prospered as it should where the lands are held by the few and the great masses of the people are tenants. Not that tenants are not good men, but the very conditions under which they labor prevent them from developing the best there is within them and withholds from their families the fruits of their toil. Now, under this system, however, which permits no one but a farmer to borrow, and he not more than $10,000, and permits him to sell the lands to whomsoever he pleases, and the purchaser, though he be a nonresident, a corporation, or a speculator, may within 60 days make known his intention of carrying out the provisions of the loan and thereby secure all the advantages that the original borrower possessed. By this means of evasion the speculator has but to use an agent to be able to do what he is denied to do directly—that is, to borrow money under the provisions of this bill and build up large estates, on which he does not live, and thereby, instead of reducing the number of tenants, increase them. I believe this section should be amended so that when the lands pass into the hands of one not a farmer the sum for which the lands are mortgaged should at once become due and payable, or if one who is a farmer should acquire lands on which the aggregate loans are in excess of $10,000 that this excess should be due and payable. The result of this law, if it succeeds in bringing cheap money, will increase rather than decrease the number of tenants. It will foster the building up of larger landed estates instead of placing the lands in the hands of the small farmers, which is, or should be, the end sought.

Another provision equally unfair and dangerous is that upon a farmer's failure to pay the interest or any other obligation when due, whether the failure is the result of his own misconduct or an act of God, the bank has the power to declare the entire debt due and payable, and the farmer may be dispossessed of his lands, although the amount that he was in arrears may be but a few dollars. I know it is within the discretion of the bank to waive this forfeiture, and in many instances, and perhaps in most of them, the bank will do so. However, there are possibilities under the very organization of the scheme that will make temptation sometimes great and the consequences disastrous. For instance, some borrower under the system becomes distasteful to the others of his association. They dislike either his religion or his politics, or for any other reason. Misfortune overtakes him, his crops are blighted, or his health fails, unlooked for and unforeseen expenses are laid upon him. He makes default in some payment, possibly but a trifle. The opportunity is at hand to get rid of him. The directors of the association make representation to the Federal farm bank. A forfeiture is declared. All of his obligations are required to be met at once when, in fact, he is unable to meet even a part thereof. The result is his lands are sold at a forced sale.

They bring but possibly a fraction of what they are worth. The unfortunate man is from that day homeless. The accumulations of a lifetime are swept away in an hour. You say this will not happen. It may not, but that possibility is in the law. It should not be.

There are many other provisions with which I do not agree. However, I do not think they are more serious than the ones pointed out.

I shall not discuss at all the purpose of the joint-stock land banks. I do not believe that any under this system will be organized. I am sure none will be in the section with which I am familiar.

I shall not undertake to refer to some of the wholesome provisions of this bill, and some of the conditions they are meant to remedy. This is an effort to mobilize the credits of the farmers and to provide them an avenue through which they may sell these credits in a market where there is money seeking an investment at a low rate of interest and long-time repayment if the security is ample. If it meets the expectation of those who drew it, it will bring to the farmer money at a rate sufficiently low for him to pay and prosper. I know it would do it if it were so amended as to get rid of the unnecessary burdens and expenses incident to its administration. Its intention to make it possible for tenants to become farm owners meets with the approval of all of us, and if it is so amended as suggested it will accomplish this result.

A further provision, which provides a loan value on the buildings, is also to be commended. Both of these provisions were contained for the first time in any rural-credits bills, so far as I know, in the one I introduced in the Sixty-third Congress. I think that the most important provision of the bill. While 40 acres of land, or any other number, will produce as much corn or as many bushels of wheat or pounds of cotton, with a shed in which a family may exist, and without any shelter for live stock, yet it does not meet the requirements nor the deserts of the producers of America's wealth. Therefore, not only to encourage the erection of comfortable homes and adequate outbuildings but to make possible these improvements, a loan value for that purpose is provided in this measure.

There are other features of the bill that I approve. However, these are the ones most to be commended. This bill is evidently a compromise between those who favor governmental aid to establish and maintain a system of rural credits and those who oppose that assistance. I have believed that the Government is as much obligated to support agriculture by this method as it it is to promote trade and industry. The reasons for its doing so to me are most apparent. To the makers of this bill, however, I am sure those reasons did not appeal. The measure, as I have said, is a compromise between the two. It provides that the Government may subscribe to the capital stock of the 12 Federal loan banks all or any part thereof. Should the Government subscribe and pay for all this stock, it would have invested in the system $9,000,000. A provision of the bill, however, provides that after the borrowers—that is, the farmers—have subscribed for the capital stock equal to the $750,000 necessary to be subscribed before the banks are opened for business, 25 per cent of all sums paid in for stock thereafter shall be applied to cancel out all of the original stock. Under that provision the Government will at once go out of the system—I feel certain within a year after its organization. It is true after that it contributes toward the expense of the administration by paying the salaries of the members of the Federal farm commission and certain other employees. This may require $100,000 per annum, but very likely not exceeding 50 per cent of that amount. This is a much less contribution than it makes to the Federal Reserve Banking System. In addition to that, it guarantees the redemption in gold of all the circulating medium of the regional banks under the Federal reserve act, while it guarantees nothing for this system under this bill.

In other words, for commercial banking the credit of the United States is available, while for farm credits there is nothing. I know that those who oppose governmental aid for a rural-credit system think that we who advocate it are seeking undue advantages, and special legislation for farmers. They forget, or seem to forget, what we have done for the bankers, the merchants, and the manufacturers. Since I have been a Member of this Congress we have provided by law for commercial agents at big salaries to tour the world and hunt out markets for the merchants and the manufacturers. The salaries and expenses are paid by the Federal Government. We have poured millions of dollars into industrial centers to prevent panics, and have deposited other millions in banks without interest, and we are now about to appropriate other millions to build or buy ships to transport the goods and wares of the merchants and manufacturers to the markets beyond the seas, and all of these are thought to be entirely proper expenditures for the Federal Government. No one declaimed against them, nor do I, but on the other hand, when we seek to have included the laborer and farmer in the same class, and to share the same benefits, we are denounced upon the floor of the House as if we were seeking to despoil the Treasury. I contend that legislation that promotes agriculture is the only legislation that is free of any taint of class legislation. All that men eat or wear, wherever they may live, or whatever occupation they may follow, is produced by farmers. This cost of production depends to some extent on the interest rate the farmer has to pay. Since then the cost to the consumer is affected by the interest rate charged farmers for production, necessarily the lowering of the interest rate will result in a lower cost of living, and therefore all will share alike, be he farmer or man of any other calling. Therefore it is not class legislation to directly appropriate public moneys to establish and maintain a rural-credit system that would give the farmer an interest rate so low that he could pay it and prosper.

There are 12,000,000 farmers in these United States. Their aggregate wealth, including all property, is $41,000,000,000. They owe $6,000,000,000. Their farms are mortgaged for $3,000,000,000 of this sum. Annually they pay interest amounting to $510,000,000, an average interest rate of 8½ per cent. Statistics show they can pay only 5½ per cent and prosper. They could pay, therefore, if they are to prosper, instead of $510,000,000 annually for interest, only $330,000,000 on their borrowed money. In other words, there is wrung from the farmers an annual interest charge of $180,000,000 in excess of what they can afford to pay. Industrial 5 per cent bonds now sell at par. Panama 3 per cent bonds are quoted at 99. The farmer, notwithstanding he produces all the wealth, and in the last analysis possesses it, pays 8½ per cent interest. This he can not afford to do, and under just economic laws would not be required to do. For that reason they demand of us, their Representatives in the American Congress, and have the right to demand of us, the enactment of a law to right this wrong. I myself am glad to acknowledge this obligation, and here and now pledge myself to that service. When we shall have dealt justly with the farmers of this country they will have had their interest rate for agricultural enterprises reduced from 8½ per cent, the present rate, to not to exceed 3½ per cent, and thereby retain for themselves and their families $300,000,000 annually which they now unjustly are compelled to pay as excess interest on this borrowed money. This is the sum they now pay to a system which is not adapted to their needs and which the enactment of a just rural-credit law would avoid.

Of all persons the farmer is the most exposed to conditions over which he has no control. He plants and cultivates his crop subject to conditions of season; he markets it at the mercy of the speculator. And so great has been this burden that the number who own the land they till have considerably decreased until now more than 37 per cent of our farmers are tenants. Let us so amend this bill that it will make it possible for every man to own the field that he tills. When he shall have done this we shall have discharged our duty to the farmers of this country, and until we have done that this great body of American citizens will have just cause for complaint.

Mr. GLASS. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Chairman, four years ago when the Democratic Party wrote the plank in its platform promising the people of this country to bring about rural-credits legislation I think it was one of the promises that made us as strong as we were before the country. It was a matter that had not been fully discussed at that time, and when I became a Member of this body it was practically an unknown subject here. My efforts at that time, along with the efforts of other gentlemen, to secure congressional aid for a project of this kind seemed to meet with general disfavor, and it was only after a long effort here that people became even partially reconciled to the idea of governmental aid. This bill that we have before us today does not go as far in some sections as I would like to see it, but certainly it does more for the farmer in furnishing long-time loans at a reasonable rate of interest than any piece of legislation that has ever been written upon the statute books of our country [Applause.] While I should like to see it amended in some particulars, still even without any amendment if this bill, or the Senate bill that is under the same cover here, comes to a final vote, with or without amendments, I will vote for it. To my mind we all want to see these bonds made safe. The safety of the bonds, the security of the bonds in the public mind is of prime importance.

One of the things in my mind that we ought to do to make them safe is to require the sum of $1,000,000 dollars per annum

to be deposited in each one of these 12 land banks in order that, if there be a drought, if there be good reason for holding crops, if there be reason for taking the commodities, the products of the farmer, off the market for a period of time, the Government may make these deposits in these land banks just as they do in Federal reserve banks when there are great disturbances in New York and elsewhere, and thereby guarantee that these banks will annually pay the sums of money that may be due by way of interest on these bonds. I wish to congratulate the gentleman who prepared this report [Mr. PHELAN] upon his splendid presentation of this bill, the real necessity for this legislation, and the justification of governmental aid.

Mr. HAUGEN. Will the gentleman yield for one question?

Mr. RAGSDALE. I have only five minutes. I am very sorry, but I can not yield. In his report, Mr. PHELAN has called attention to the absolute safety of these bonds. There can be no loss, as he wisely points out, on the part of the holders. There is only the possibility that there may come times when this interest payment may not be made promptly by individuals. That, to my mind, is the only consideration the public is going to have in the purchase of these bonds. If commercial corporations, electric-light plants, municipalities, and great railroad companies have a falling off in earnings they can issue their own short-time notes and get the amount necessary, but this could not be true in reference to these mortgaged farmers; they would be put in a position where they might default and thereby create necessity for foreclosure. If these deposits can be made and the interest payments tided over, they could meet them later, and thereby the whole system would be strengthened. We realize that the stronger the bonds the greater the certainty of prompt payment of interest, the greater would be the demand for them, and the more readily they would be absorbed by the public, and necessarily, therefore, the lower would be the interest rate to the borrowing farmer and the greater the benefit he would enjoy.

It seems to me that there ought to be a provision by which the Government could make these deposits in these 12 regional land banks in order that they might take care temporarily of these default payments that come due. The same security would be held by them. The same mortgages would be held by them. There would not be any greater risk anywhere. It would merely provide an absolute certainty that this interest, falling due year after year, would be paid promptly. These bonds would certainly then be salable, and if we provide a safe and salable bond it seems to me we are going to reduce the rates of interest in rural communities, and make it possible for men who are now tenants to be landowners, make it possible for this country to be a greater producer of the things on the farm than it ever has been, and create an economic condition that this country certainly needs in view of the conditions that now exist throughout the world. [Applause.]

Mr. GLASS. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, there are many weird rural-credit proposals now pending before the Congress. There is much misinformation abroad both here and elsewhere about this subject. Still in the wide discussion which has been given rural credits there has developed no serious disagreement as to the urgent necessity for legislation that will, first, reduce the interest rates to the farmer, and second, make it possible for him to secure loans for long tenure, which will enable him to repay without bankruptcy and foreclosure.

I am convinced that I am speaking for every thoughtful citizen of my State, who is not in some way selfishly interested, when I say that the farmers of Oklahoma need and deserve, first, lower rates of interest; second, longer tenure to repay the loan; and that they need this relief not next year but now.

SYNOPSIS OF PENDING BILL.

What is it we ask the Congress to do this day? Simply to do what every civilized country of the world has done—establish an adequate, workable, feasible, sensible, rural-credit system that will enable the American farmer with adequate security to borrow money on liberal terms at a low rate of interest with which to remove his present indebtedness and relieve him from exorbitant rates of interest, and to better enable him to purchase a home that he can exist upon while here and to bequeath to the loved ones who are to follow him when he has gone.

You ask me if rural credits and agitation about it is not new in this country, and I answer you that in this country it is new. The agitation concerning it has covered a period of from four to eight years, but in Europe it began in 1848 and both there and elsewhere it has grown like a weed in fallow soil.

You ask me if the bill under consideration is a perfect bill. I answer you, with such limited information as I have at my command, it is not. You ask me if the rural routes provided for in 1890 with an appropriation of $40,000 were adequate and free from fault at that time. I answer you they were not, but they were the beginning of a great system that has grown and developed and scattered its blessings generally throughout the homes of the 100,000,000 American citizens more than any other governmental agency.

What does this bill actually do that will be of benefit to the American farmer? What are its provisions that shall serve as a foundation of a great system that will be of help to all our people and lend strength and lift aloft the welfare of the producer and all other citizens? Stripped of all details, stripped of all complications, the salient features of the bill now before us are as follows:

First. It establishes 12 farm-land banks equitably distributed over the United States, whose duty it shall be to lend money to the American farmers on farms or for the purpose of purchasing farms upon which they are to reside.

Second. The bill before us appropriates and provides for the disposition of Government money out of the Treasury of the United States of $750,000 in each of the 12 land banks to install them, start them off, and to make the transaction of business possible at the beginning.

Third. The bill we are now considering, and that I hope we will to-day pass by an overwhelming majority, exempts all mortgages and bonds issued upon such mortgages from taxation of any sort. This is a distinct help to the farmer; this is a great advantage given to the system; this will help beat down interest rates on loans made through these institutions.

Fourth. The farm-loan board, the members of which are appointed by the President and who are Government men, determines the rate of interest to be charged and the price at which the bonds shall be sold. This insures to the farmer a decent rate of interest and assures him that the bonds issued upon the mortgages shall not be sacrificed.

Fifth. Loans may be made in amounts ranging from $1,000 to $10,000.

Sixth. Banks may loan only 60 per cent of the farm value. This is thought to be a proper amount on a fair valuation. No good man wants the Government to lose its money or its confidence in the American farmers, and this makes due allowance for depreciation in farms from lack of management, fire, floods, and other disasters that may sweep away farm values.

Seventh. These banks may make loans for periods of time ranging from 5 to 36 years.

Eighth. These 12 banks may make loans for four purposes only: (a) Mortgages on farm lands; (b) money with which to buy land; (c) to make permanent improvements, such as buildings, fences, orchards, and so forth; (d) to buy live stock to stock the farms, to the amount of 50 per cent of their value.

Ninth. Each of the 12 Federal land banks indorse every bond issued upon the mortgages as they are collected in, and this is thought to be a highly desirable feature of the legislation, due to the fact that it will make uniform the value of the bonds and make a bond issued on Oklahoma or Texas mortgages as valuable as one issued on Illinois or Ohio mortgages, and it is thought this will make uniform the farm-loan rate throughout the United States. This will put an end to 10 per cent in Oklahoma and 5 per cent in Ohio and Vermont. This will equalize the rate as it should be.

TENANTRY INCREASING TO ALARMING DEGREE.

In 1880, 25.6 per cent of the farms of this Nation were farmed by tenants; in 1890, 28.4 per cent of the farms were farmed by tenants; in 1900, 35.3 per cent of the farms were farmed by tenants; in 1910, 37.1 per cent were farmed by tenants. These facts can to the thoughtful man leave but one thought behind, and that is that the farmers of the country are gradually withdrawing from the farm and engaging in a more lucrative business and the still less unfortunate man who has no more lucrative business to engage in must of necessity become an actual farmer and farm the farm. I maintain in earnestness and good faith that these figures disclose a somber fact which should appeal to every thoughtful Congressman and Senator that something should be done to prevent this most undesirable trend of affairs.

OKLAHOMA'S TENANTRY NEEDS ATTENTION.

For example, in my own State, which was formed and made up from the twin Territories of Oklahoma Territory and the Indian Territory, respectively, and was formally admitted to the Union on November 16, 1907, the startling facts regarding tenantry are as follows: The total number of farms is 190,192; the total number of farms occupied by owners is 85,404; the total number of farms occupied by tenants is 104,137. These amazing figures regarding my own State come from the fact that the great bulk of the State is Indian land and by Federal statutes

exempted from sale, and much of it exempted from taxation; but I present the figures for what they are worth and assert them to be no less than astounding.

TENANTRY ON INCREASE—HOME OWNERSHIP AT STANDSTILL.

From 1890 to 1910 tenantry in the United States increased 16.3 per cent and home ownership increased only eight-tenths of 1 per cent. Can figures so conclusive as these go unnoticed? Can we close our eyes to the fact that this condition of affairs needs and deserves attention? Can Members from the city districts in the East, who consume more than they produce, longer insist that the farmer has had more than his share? I can not believe that Members from the East who represent manufacturing districts and consuming districts, as distinguished from producing districts, can afford to longer stand in the way of legislation that will right and adjust this great wrong. To do so longer is but to stand in their own light; to prevent us of the producing section from this just recognition is but to cripple and hamper your own endeavors, though they be in an independent and different field. We of the West are proud of you and your factories, and delight to see you prosper and improve, but in humbleness and in simplicity we insist that neither your cities nor your factories would long thrive were it not for the products of the mine, the field, and the forest.

MORTGAGES INCREASING ON AMERICAN FARMS.

In 1890 only 28.2 per cent of American farms carried mortgages; in 1900, 31.6 per cent carried mortgages; in 1910, 33.6 per cent of the farms carried mortgages. Let us pause for a moment and consider what is the real reason for this undesirable trend. Can it be said that the American farmer is mortgaging his farm for reasons other than necessity? In the main, I can not believe that such is the case. I full well appreciate that there will be notable exceptions where farmers mortgage their farms as a result of indolence, idleness, lack of thrift, and mismanagement. I full well understand there will be other notable cases where farmers mortgage their farms for extravagance and luxuries that are not necessary for the station in which he lives. I am also full well aware that there will be some exceptions in certain sections of the country which are due to drouth, hot winds, crop failure, and other disasters that befall a properly planted and cultivated crop. But I still insist that these cases are exceptions to the rule rather than the rule.

While it is eminently true that no legislation that this Congress can pass can legislate away indolence, extravagance, or crop failure occasioned by climatic conditions, still this Congress has in its power and, I believe, the solemn duty resting upon it to help, in so far as possible, to reduce the interest the farmer must pay and liberalize the loans that he must execute, to the end that he may retain his homestead, educate his children, and properly care for himself and his family in the station in which the American farmer deserves to live.

IN 20 YEARS MORTGAGES ON FARMS INCREASED $640,257,001.

The total amount of mortgages on farms in 1890 was $1,085,915,850; in 1910 it was $1,726,172,851. This discloses an increase in the mortgages on American farms in a single 20-year period of $640,257,001. I can not believe that I am in error in thinking that this increase in the mortgage debt is but an increase of the farmer's burden, is but an additional load for him to carry, is but a further bending him down under a load that is already too heavy for him to carry. For me and for mine, I would much prefer to use the strength, the credit, the stability, and even, if necessary, the revenues, of the Government to reduce, to lower, and, if necessary, to sweep away this John Bunyon load upon the back of the American farmer than to bend the Nation for arms and armament that is not now and in all probability will not be needed. The one will instill hope, comfort, education, and prosperity in the American citizen, while the other, at best, can only be defended as a burden that necessity drives us to endure. The man or the political party who can emancipate the American farmer from this turmoil of exorbitant interest and debt is greater and will live longer in the hearts of the people than will he who engulfs them in debt and bondage for fears of an imaginary war and conflict that are not well grounded and scepticism of intrigue that will never come true.

AVERAGE LOAN PER FARM LARGER EACH YEAR.

The population of this Republic in 1890 was 62,947,714, but the average mortgage of the several farms covered thereby in that year was $1,224, while in 1910, with a population of 91,972,266, it had increased to $1,715 per farm. Those opposed to this legislation will assert and do assert that farm lands have increased in value, and therefore may properly carry the increased burden. No successful denial can be made of this statement; but away and beyond all this is the incontrovertible fact that the mortgage debt, both in the aggregate and per farm, is gradually increasing. This, I assert, is not as it should be; this, I assert, deserves the attention of this Congress; this, I assert, demands renewed energy and activity on the part of Congress; this should even tug at the heartstrings of the gentlemen in and out of this House who are opposing this measure by means fair or foul. These stubborn facts should at least ameliorate your feelings, and let us remedy this unhealthy trend of affairs that abides among us.

ACREAGE PER FARM DECREASING.

The average acreage of the 5,737,372 farms in the United States in 1900 was 146.2, while in 1910 it was diminished to 138.1 acres to each of the 6,361,502 farms of the American Republic. Can we close our eyes to the fact that while the acreage is diminishing the mortgages are increasing? Unless something is done to equalize interest rates and reduce the same as well I fear this unwholesome and abnormal situation will go on and on to the very great impairment of home ownership. Can a true American, full of hope, patriotism, and love of country, sit idly by, unabashed and inactive? For me and mine, as one who loves the Republic well and as one who would uphold the flag and the country in all that upholding it means, I say these ills shall not go on without attention, these conditions shall not prevail without protest and restraint.

CITY POPULATION INCREASES 100 PER CENT WHILE FARM POPULATION INCREASES ONLY 20 PER CENT.

From 1890 to 1910, a short period of 20 years, within the memory of every man who sits in this Hall to-day, cities increased in population 100 per cent, while the farm population increased only 20 per cent. This makes the growth of the Republic produce five men who are destined to reside within the city for every man who shall reside upon the farm. I assert the fact to be that all that our Republic is to-day, all that it can ever hope to be, must in one form or another spring from the very loins of the field, forest, and mine. [Applause.] This trend of American boyhood rushing to the city and abandoning the farm renders it necessary for one farmer to produce enough to support five residents of the city, which is all out of proportion, all wrong, and should be remedied by this Congress, as distinguished from the next. You of the East—of the crowded centers engaged in business other than agriculture—complain of the high cost of living and assert that your living expenses are more than you can bear. Can there be a better panacea for this ill than to improve the conditions on the farm, enable the farmer to secure better credit and enable him to enjoy more of the good things of life, so that the boy who has abandoned the homestead and gone to the city may return and again take up his abode in the rural community? Can you of the East and you Congressmen representing manufacturing districts longer be upheld even in your own districts, much less in the Republic, by thwarting and opposing us in legislation that we believe will improve us, will help us? I again assert that this rural-credit legislation before Congress is not a local matter, is not a sectional matter, is not class legislation, but is strictly in the interest of the development of a great Republic, whose teeming millions only ask a chance at the race of life and a willingness to help provide for this Republic in peace and to defend her in case of adversity. These, and many things more, are some of the things that make me so hopeful that we may secure now rural-credit legislation that will be of benefit not alone to the farmer but to the health, wealth, and progress of this great and prosperous Nation in its entirety, and that she may go on in peace, prosperity, and development until she is the foremost nation in all the world.

RURAL-CREDIT SYSTEM WILL SAVE ANNUALLY $120,000,000 IN INTEREST TO AMERICAN FARMERS.

The total farm mortgages on American farms to-day amount to almost $4,000,000,000. The interest on this amount at 8 per cent would amount to $320,000,000. I pause to note that the exacting of this enormous sum annually from the American farmers denies many promising boys and girls education, and is a load extremely hard to bear. If by the legislation under consideration we can reduce the interest rate to 5 per cent, the drain in interest upon American farmers would be only $200,000,000, a saving to them of $120,000,000 annually. Who is there present who would not delight if he could help to save the American farmer this $120,000,000 annually? Who is there present who would not be willing to say that the lifting of this partial load from the back of the farmer would be an inducement to the boy who has left the farm to return to it and try again?

To withhold credit from a business man is but to stifle his efforts and bankrupt both him and his business. To withhold credit from the American farmer by extortionate rates of interest on loans has been but to pile up his burdens, to press down

upon his hopes and ambitions, and make life on the farm more intolerable than attractive as the years have sped by.

The average rate of interest in Vermont is 5 per cent, and this low rate largely prevails in the other Eastern States. The rate of interest in Montana is 10 per cent, and throughout the West that is but little, if any, in excess of the amount the western and southern farmers pay. I know of no good reason why one section should be favored with 5 per cent and another tortured with 10 per cent. Surely our patriotism, our industry, our love of country is equal to that of Vermont and the East. Surely our farm lands, that are not depleted by centuries of use, are as valuable and as good a risk as theirs. Surely, then, the legislation provided for in this bill would tend to make the mortgages and the bonds issued upon them uniform in value and make the rate of interest uniform, which is bound to be of help to all States suffering from extortionate rates of interest.

I want to say that section 23, which makes the bonds exempt from taxation, is a distinct recognition of the farmer's claim and will be a distinct help to him. This can not be questioned by anyone. No one can deny it is a help to the farmer; no one can deny it is an aid to the system.

The 36-year period is a long-time credit. In order to accomplish anything the farmer must have a long time in which to pay the original debt. He, of necessity, earns slowly and must have a long time to repay the principal. Now, the $9,000,000 provided for maintains firm the principle of Government aid. There may be more polite names for it than that, but it is the name I will give it, and I am heartily in favor of it. The only trouble with it is that it is not enough to satisfy me. It is more than the Senate allowed—the Senate provided only $6,000,000. I think it ought to be amended so as to make it $25,000,000. I know the chairman of the committee will say it is useless to try to have that much put in this bill. I see that the gentleman from Indiana [Mr. MOSS] is indulging in great glee at such a suggestion, but I call his attention to something that I think will make him change his mind about that. We appropriated on yesterday $20,000,000 for a nitrate plant on one branch of one river in one State, and which I presume was necessary and all right. We appropriated $40,000,000 for river and harbor improvement this year, which a great majority of the House voted for, and probably properly, but it only affected a small part of the people.

Mr. MOSS of Indiana. And the gentleman will remember that we appropriated $25,000,000 on the Agricultural bill.

Mr. FERRIS. Yes; and we appropriated $40,000,000 for rivers and harbors, and $20,000,000 for a nitrate plant, and we have a bill pending, which will be considered to-morrow by the Flood Committee, appropriating about $55,000,000 for flood control on the Mississippi River.

Mr. RUSSELL. But that is in five years.

Mr. FERRIS. I understand. Who is there here in the face of those appropriations who will say that $9,000,000, as provided for by the House bill, or $6,000,000, as provided for by the Senate bill, is enough to start off a great national system like this? Now, you can not say that is not a fair comparison, because it is one. Within the last few days we have, and within the next few days we will, appropriate for more specific propositions, affecting only a few of the people, four or five times what we appropriate for this great system, affecting all the people.

Mr. CALLAWAY. Does not the gentleman think that we ought to save this and put it into battleships? We only appropriate about $400,000,000 for those things.

Mr. FERRIS. The gentleman will pardon me for not going into that. It involves the question of national defense that I do not wish to refer to. I presume the gentleman from Texas and I are not so far apart in our views on battleships.

During this debate many Members hostile to this legislation have asserted that it was unsound to have the Government lend its credit and deposit its money in these 12 land banks, to the end that it might be loaned to farmers. I can not agree with these gentlemen in either their analysis or their logic. Since the birth of the Republic Government funds have from time to time been deposited in commercial banks, usually without security, and until recently without interest. If this has been done for 140 years with safety and impunity, why is it now so unsound and unsafe to loan faith and credit to these farm-loan banks, which in turn are to loan to farmers only upon the most stable of all security, the soil itself? How can it be so safe and sound to lend to commercial banks without security and without interest and so totally wanting in soundness and feasibility to lend to these land banks for interest and with the very best of security? No; I can not think it is unsound; I can not think your objections are other than the usual objections made to any new Government agency, however just and beneficial that agency may be. For me and for mine, I believe this is an earnest, honest effort on the part of an honest Congress to afford to the American people a system of rural credits that will benefit the farmers and the farms; that will beget farmers with farms; that will instill greater hope in the hopeful, greater zeal in the zealous, and bring good results to the teeming millions of America. The American farmer, who cries aloud for this legislation, has been the true builder of the proudest Republic in all the world, and I can not in justice remain silent while his cause is in the balance. Each year I have journeyed among the industrious, brave, and heroic people of my district, have journeyed among these builders of an empire, and each time I have faithfully promised them to help them secure a system of rural credits that would help them beat down interest rates and give them ample time for repayment. I am so happy that I have lived long enough and remained their servant long enough to be able this day, first, to speak in their behalf, and, second, to cast one vote in their behalf, for a bill that I believe will be of towering strength and help to them. It pleases me more than I am able to tell to be able to aid in doing in office the thing I promised to do while securing office—the enactment of a feasible, reasonable, sensible, workable rural-credits law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GLASS. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Chairman, to-day will witness in this House the fulfillment of another very important pledge made to the American farmer in the last national Democratic platform. In that platform, legislation, giving to the agricultural classes of America a system of rural credits, was pledged.

It has been stated by a Member on the Republican side of the House that this is not a party measure. Of course it is not, and it should be considered in an entirely nonpartisan manner. However, the fact will neither be overlooked nor forgotten that the Democratic Party is responsible for legislation in this Congress, and it is the first party ever to make manifest in substantial form and to recognize the need of this legislation, which the farmer has so often requested and for which he has waited so long and patiently.

It will be remembered that in considering the Federal reserve act, at the first session of the Sixty-third Congress, its passage was long delayed by those on that side of the aisle and especially by the Republicans at the other end of the Capitol. It was filibustered against for months and when a vote was finally taken only 35 Republicans could be found in this body and only three at the other end of the Capitol who would give it their support. Yet, it is now admitted by all sane, fair-minded men everywhere, in Europe as well as in America, that the Federal reserve act is the greatest masterpiece of financial legislation ever enacted by any legislative body. [Applause.] It has been characterized as a miracle in legislation. Under its wholesome operation money panics are impossible and the control of credit is removed from Wall Street, where it had been left by the Republican Party for 50 years, and is now placed in the hands of the Government and the people.

When the legislation which we are to-day considering is placed upon the statute books and the farmers are given the same opportunity for obtaining credit that the commercial interests of the country have, agriculture will celebrate its emancipation and henceforth be free from the thraldom that has kept it enslaved so long. Since the time when the memory of man runneth not to the contrary, the Republican Party has told the farmer that if the Democratic Party should come into power and apply its policies the farmer would be ruined. Yes; the farmer was told that if the high protective tariff was lowered the price of his crops—produce, live stock, and so forth—would drop to nothing; that his land values would depreciate; that he would be reduced to the state of the common beggar and walk the earth in poverty's embrace, and many honest farmers believed this fabrication. They believed that in some way the tariff and the value of farm products were inseparably linked together and that lower customs duties meant a corresponding lowering of farm products and stagnation and death to the farming industry. But that deception can no longer control. The farmer has been shown by actual results that he has too long been the victim of misrepresentation. He is to-day receiving larger prices for his products than ever before in the history of the country and enjoying the greatest season of prosperity. But what is now coming his way is only an earnest of the additional advantages and blessings that are to be his when our entire legislative program for his benefit has been completed.

Farming is as much a business as manufacturing or merchandising is a business, and can only be successfully operated and managed when given adequate facilities for credit, such as are

necessary for the successful operation of any other business. While there are a few individuals here and there who have ample funds for the operation of their business enterprises, yet the undeniable fact remains that practically all business is done on a credit. Deny manufacturing, merchandising, railroading, or any other business adequate credit facilities and you plunge the dagger to its heart. Credit is the foundation of our whole commercial and industrial structure, and the same is true of agriculture. Therefore it can not develop and flourish without adequate credit.

This bill is intended to provide Federal land banks whose sole purpose and function shall be to serve the farmer and furnish him money on long time, at a low rate of interest, and payable on the installment or amortization plan. The farmer has the best of all security with which to make safe his loans—something that fire can not consume, rogues can not steal, nor floods wash away. Therefore he should be able to procure the use of money on the same terms and at as low rate of interest as any corporation or even the Government of the United States itself.

Under the present conditions, when the farmer can borrow money at all, the terms are so unreasonable and work such extreme hardships upon him that once he becomes a victim of the policy he remains a slave to it the remainder of his natural life. Interest rates are so high and the time of maturity of his paper so short and often the uncertainty of being able to renew is so great that it is impossible for him to save himself from the viciousness of the system, and weaker he grows and poorer he becomes until he finally winds up in bankruptcy. The last state of the man is worse than the first. But under the system that we are soon to write upon the statute books, the man who has land and character can secure long-time, low-rate loans, payable on the amortization plan—that is, the interest and a certain part of the principal annually, making his payments small and due only as his crops are ready for market. He will be free from the ever-present nightmare of foreclosure, which obtains under the present system. No longer will he be at the mercy of the heartless Shylock, who would arbitrarily and mercilessly sell him into poverty's bondage.

This system provides an American plan of finance, adapted and dedicated especially to the peculiar needs of agriculture and for the direct needs of the American farmer. It is so arranged as to give immediate and permanent relief to our struggling agricultural population. Of course the system will not be perfect to begin with, but it is the result of the combined wisdom and thought of the best American experts on the subject.

At the inception of his administration, President Wilson appointed a commission to work in conjunction with the committees appointed in the various States to make a study of the subject of rural credits in all of the countries of Europe. Then a special subcommittee in both the House and the Senate were appointed and after careful study of the report made by the commission appointed by the President and after months of careful investigation evolved the plan now presented to Congress. When it is written into law, as it soon will be, and the test of operation is applied and such amendments as experience demonstrates to be necessary are added, a blessing will come to agriculture, such as the American farmers have never known.

Added to this legislation and to its benefits is a bill providing for Federal aid to good roads and also the Smith-Lever bill, which appropriates thousands of dollars annually for farm demonstration work, and carries direct to the farmer all the scientific discoveries made by the various specialists of the Department of Agriculture. In addition to this, the Democratic Party has given the parcel-post legislation, which carries to rural life the benefits of transportation as well as greatly extending the Rural Free Delivery System throughout the country. And the farming classes who are intelligent and have long memories are not apt soon to forget what party brought them these substantial reforms in the way of legislation, nor, on the other hand, what party it was that fed them so long on promises and hypocrisy. [Applause.]

Mr. GLASS. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, the farmers of this country have been knocking at the doors of Congress for a long time trying to get a rural-credit bill. They asked for fish and were always handed a serpent. I am proud that this committee has brought them out at least an eel, and I hope in the course of a few years that Congress will develop it into a speckled trout, because we realize that the proposition is going to help the farmers of this country. I know that the poor farmer of this country is not going to get money under this bill, because there is too much machinery about organizing banks and associations, but it is a recognition of a system that will develop into a rural-credit bill that will let the 40-acre farmer get money from this Government at a low rate of interest for a long term of years. That is what the American farmer must have.

The gentleman from Michigan [Mr. SMITH] the other afternoon stated that the banks in his country, three-fourths of them, loan money at long time at a low rate of interest. It is not true in the southern portion of this Union. I do not think it is true in the southwestern portion. We can not get money there except for a short period of time and at a high rate of interest, and it is proper, because the commercial banks of this country are not presumed to make long-time loans at a low rate of interest. It is not in their line.

Under those circumstances, the Government ought to back the rural-credit system with national aid. I favor the Government of the United States being responsible for every dollar of the bonds. Then the farmer could get his money at a decent rate of interest. If the Government of the United States stands behind the national banks, if we have the Federal Government backing the national reserve banks for $800,000,000 under the currency act, why is it not proper for the Government itself to be behind the great rural-credit system of this country, to back the farm, the best security on earth? [Applause.]

It strikes me that the $9,000,000 proposed in this bill is nothing but a bagatelle. Still it is a good start. Nine million dollars is a mere trifle compared with the Army and Navy expenses, and yet for the great industrial business of the Republic the agricultural class must depend for its starter upon this bill, and it is finally going to develop into a real rural-credit bill, under which the average farmer can go and get his money at a low rate of interest for a long term of years up to 50 per cent of the value of his farm.

I congratulate the Committee on Banking and Currency for bringing out what it has. The great banking interests of this country have never wanted a rural-credit system put in operation. This committee, as I say, has brought in a bill that is a starter, and to the credit of this committee be it said that they have done more than any other committee has ever done in aiding the farmer to get a credit-banking system. We can not hope that the farmer will compete with the commercial enterprises, because the rate of interest for 90 days or 60 days is low.

The farmer must have his money for no shorter period than 12 months, and he needs it for several years, during a period of amortization, where he can make a small payment and an interest payment that will not hamper his business. But no business can succeed that must borrow half of its capital for 12 months at 8 or 12 per cent interest and pay it back at the end of the year. He can not pay it back unless he sells some of his resources. If the farmer could get the profit of his farm and pay back half the value of that farm in 12 months, all of us would be engaged in that business.

I am in favor of the McCumber bill in the interest of the farmers of this country. [Applause.] That bill has a simple method by which the farmer could get his money direct from the Government—the Government guaranteeing the bonds that would be issued for every deed-of-trust note up to half the value of the land covered by the deed of trust. Gentlemen talk about paternalism, but you forget that the agricultural business is the backbone of our Nation. All other types of industry and enterprise depend at last on the products of the farm. You can have no prosperity in this country unless the agricultural business is prosperous.

It has always been my contention that the Federal Government, even from the standpoint of economic reasons, ought to do more for the farmers than any other class in our country. Ask yourself the simple question, How can farm products necessary to feed and clothe the people be secured unless you have the requisite number of people engaged in farming to produce what our people must have? How do you expect to keep people engaged in the farming business if that business continues to prove unprofitable? Congress is doing a great deal in teaching the farmers scientific methods of farming—how to enrich impoverished soil and crop diversification, all of which is very valuable. We are also on the road to help him sell his products under a national marketing system, but we have not given him the benefit of any banking system adapted to his business. The farmer must have aid through some system to finance his farming operations. The bill we are considering to-day is intended for that purpose. I feel that it will not be of any especial benefit to the small farmers. Mr. Chairman, I voted for the McCumber bill in the closing days of the last Congress, and was sorry we failed to get it enacted into law.

The present bill, the joint work of the committees, is the best that could be reported, and if it fails to work after it becomes

a few public sentiment throughout this great country will force Congress to pass a rural-credit bill with sure enough Government aid in it. I am going to vote to amend this bill, and if we fail, then I will stand by the measure in its present form and do all I can to secure its passage, because I realize it is a long step in the right direction and an unmistakable recognition of the principle of Government aid in a banking system for the American farmer.

Gentlemen, I feel that sentiment is going to ripen, and in a very few years Congress will pass the real rural-credit bill, which the farmers need and to which they are entitled. This bill we are discussing is only the beginning of the legislation which I see in sight. The great city banks of America have been standing in the way of a rural-credit bill. We have knocked down their barriers and started on the road to rural-credit legislation. The farmers are not going to let Congress stop. They are going to elect men to this body from all over the country who will stand up for their rights. It took them a long time to overcome the forces of the railroads and express companies in the fight for the parcel post. Yet they finally won; but they still have a fight to keep that splendid blessing in operation.

By some great power the Madden amendment was tacked on the Post Office appropriation bill that reduced the weight from 100 to 50 pounds for a package. I was greatly surprised when the vote was announced that the amendment had carried. I did not criticize anyone for voting that way. I was simply astounded, and wondered why the people had such a hard time getting and maintaining their rights in legislative bodies.

Mr. Chairman, while this bill may not be of much real value to the farmer in need of money, yet it is the first thing of its kind ever passed by Congress, and marks the dawn of a brighter day for the American farmer. All of the real friends of the farmer know that we will keep improving on it until in a very few years we will get through this body the bill we know the farmers ought to have. I for one shall keep on fighting his battles. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. GLASS. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. DOOLITTLE].

The CHAIRMAN. The gentleman from Kansas [Mr. DOOLITTLE] is recognized for five minutes.

Mr. DOOLITTLE. Mr. Chairman and gentlemen, I am an exponent of direct Government loans. I have talked that in this House during the time I have been in Congress.

This bill, while it does not provide for a direct loan, and has an amount of machinery in it which, in my opinion, is not a matter of necessity, nevertheless recognizes the feature which those believers in Government loans have thought necessary to reduce the interest rate paid by borrowers in that this bill recognizes and incorporates the Government-aid feature. The bill is a compromise between direct Government-loan advocates and private-capital advocates. If we can not get a whole loaf, we better take a half and continue our efforts toward a perfect measure.

The people of the State of Kansas, a part of whom I have the honor to represent on this floor, have gone on record, through a joint resolution of the House of Representatives and Senate of the State of Kansas, as favoring direct loans. And when the bill is read for amendment I shall offer the so-called Doolittle farm-loan bill as a substitute. I can foresee now that you will reject it, but the advocacy of direct loans as provided by my bill has not been all in vain. It is one extreme—and the proper one, I think—and the private-capital bills without any Federal aid are the other extreme.

It is a purely nonpartisan proposition, this matter of rural credits, and the resolution I have just referred to was passed by a Republican house of representatives and by a Democratic senate and was signed by a Republican governor.

It has been, indeed, a gratification and a pleasure to me to listen during the hours of debate on the measure before us to statements made by Representatives on this floor who at a former time had denounced or favored other rural-credit bills which had appeared before the House for consideration, but who to-day and on other days when this bill was under consideration have, I believe, unanimously expressed themselves as favoring the bill now under consideration. This is the best rural-credit bill ever favorably reported by the committee, and is the first one to contain any Federal-aid feature. At this time, Mr. Chairman, it looks as though this measure will pass the House unanimously—a wonderful expression of confidence in the Committee on Banking and Currency. I shall support the measure. It does not meet my approval in whole, but——

Mr. HAUGEN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Iowa?

Mr. DOOLITTLE. I yield to the gentleman.

Mr. HAUGEN. The gentleman has given this subject a great deal of study, and his judgment I greatly respect. In what respect is our section of the country to be benefited by this bill? That is, the gentleman's State and the State of Iowa, or the corn belt, where money is loaned at a low rate of interest?

Mr. DOOLITTLE. I will be candid in the expression of my opinion by saying that the eastern part of Kansas and the State of Iowa, as I understand the State to be developed in an agricultural way, will not materially benefit, so far as the rate of interest is concerned. There is much 5 per cent money to be had there now, but it may advance again. Other States and in the western part of Kansas, where the interest rate is higher than it is in the gentleman's State and in the eastern part of Kansas, will benefit in that respect.

Mr. HAUGEN. The high rate of interest is due, however, to the security offered?

Mr. DOOLITTLE. In a way; yes.

Mr. HAUGEN. And the productiveness of the soil and the safety of the guarantee are taken into consideration?

Mr. DOOLITTLE. Yes. But under this bill we will have this advantage that we do not now have under the private loaning system, namely, the amortization and the long time [applause], and those two items alone, coupled up with the Federal aid features of this bill, will be, in my opinion, sufficient to make it appeal to the vote of every man in this House who wants something better for the borrower than the private loan companies. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. GLASS. I yield two minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL of Missouri. Mr. Chairman, there is a great demand throughout the country, and especially among farmers, for the enactment by this Congress of a rural-credit or a farm-loan bill, and I am glad to know that President Wilson desires and has asked Congress to pass such a bill as promptly as possible.

I am not a member of the Currency Committee, that has reported this bill to the House, but as a member of four other important committees I have been so very busy considering bills before them that I have not been able to give to this proposed legislation as careful attention as I would like to have done under different circumstances. I have great confidence in the chairman, in fact all of the members of the Currency Committee that have considered and approved this bill, and especially have great confidence in the judgment of the gentleman from Indiana [Mr. MOSS], who is himself a practical farmer and who is, as I understand, the author of the bill now before the House. He has given much time and attention to this important question from the standpoint of the farmers and for the protection of their best interests. The bill as it is written may not be perfect, and I think probably should be amended in some particulars. However, it is a step in the right direction, and I will be glad to give it my support, but will be glad to vote for such amendments as may be offered that I think will improve its present provisions.

This and the last Congress have made splendid records for constructive legislation in the interest of the people, and I know of none that is more desirable or that will do more good to a greater number than a reasonable, a practical, and an effective farm-loan law, that we hope will enable the farmers of the country to borrow money for longer terms and at a lower rate of interest than they can at this time.

The Federal reserve act passed by the last Congress is and, I believe, will be a fitting monument to the efficiency and the wisdom of that Democratic Congress, and that law is to-day almost universally approved by the business and commercial interests of the country. This bill, if it becomes a law, will be a fitting companion to the currency law, and we hope and believe will give great assistance to many people.

I sincerely hope the bill will pass and prove to be a great benefit to the entire country, and especially to the farmers of the country, many of whom are among the constituency that I have the honor to represent. [Applause.]

Mr. GLASS. I yield one minute to the gentleman from Missouri [Mr. ALEXANDER].

[Mr. ALEXANDER addressed the committee. See Appendix.]

Mr. GLASS. Will the other side use some of their time?

Mr. MANN. How does the time stand, Mr. Chairman?

The CHAIRMAN (Mr. FOSTER). The gentleman from Virginia has 30 minutes and the gentleman from California 19 minutes.

Mr. GLASS. There will be only one more speech on this side.

Mr. MANN. I yield nine minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Chairman, I am in favor of a rural credit bill. I have listened to the gentlemen on the other side felicitating themselves that they are about to carry out the Democratic platform; but I am a little fearful that the farmers will find that the gentlemen who are giving them this rural credit bill, instead of giving bread to the farmers are handing them a stone. I hope it may be amended and materially perfected.

I realize that this is bound to be to some extent experimental legislation. We have not had anything of this character in this country. Probably the country is to be congratulated that it has not had anything of exactly this kind. There are a great many different features of this bill that are worthy of consideration, and no man can digest it and it can not be argued and all the points brought out in five or six hours' debate.

I will say for this particular bill that I think it is one of the best that has been introduced into the Congress since I have been a Member of the House. I have studied all the bills with some degree of care, but I am afraid that this will not be workable, and that you have put in a private banking provision that is going to militate against the success of your principal plan. You will start a lot of banks that, for the sake of making profit, will make concessions to the best people of the particular neighborhood in which they have established their bank, and will in that way prevent a great many neighborhoods from forming associations and getting the benefit of the new law. I do not consider it wise or expedient to inaugurate a business that is largely experimental and make provision under the same bill for establishing competition against the enterprise, and that is what the joint-stock land bank does.

It would naturally cater to the better and most prosperous would-be borrowers, and leave the less desirable risks for the Federal land banks to serve. The ability of the wealthier farmer to procure money at practically as low a rate through the joint-stock bank without buying stock or assuming any liability will induce him to do so, thus preventing in many instances the formation of associations that would have served his less fortunate neighbors.

Mr. TILSON. Will the gentleman yield for a question?

Mr. LA FOLLETTE. I will.

Mr. TILSON. From the gentleman's study of the bill does he conclude that farmers generally will be able to get money more readily and at a better rate than they are already able to secure money now?

Mr. LA FOLLETTE. I think the farmers in the better localities of the East and Middle West can get money more cheaply and to better advantage now than they can get it under this bill.

Mr. TILSON. Then the thing that it surely does is that it provides very expensive machinery and some very high-priced officials, and so far as we can be to any degree certain it will not benefit the farmer at all.

Mr. LA FOLLETTE. I would not go that far. I think it will benefit some farmers and in some localities, but I think it is not going to help the class of farmers who really need the help, because these private banks will take the best risks, and that will prevent those who can not get money easily from forming associations and getting the benefit of this principal plan. I think, if they are going to have this private banking feature, they should at least wait until they have established the principal banking plan, and then if they see that the other is needed provide it later. There has for many years been a demand and a need for rural-credit legislation, and, in my judgment, each year we have neglected and delayed the passage of a practical and efficient rural-credit law has added to the number of our tenant farmers, and is fast perpetuating a system that is extremely unwise and deleterious to the best interests of our country. No nation can have as high an order of citizenship or the same degree of patriotism in a land tilled by tenant farmers as it would have from a land of home owners, and I think the children raised under the two conditions would develop very different ideals and conceptions of country surrounded by the two environments. God grant that tenantry will never predominate in our beloved country.

Mr. MILLER of Pennsylvania. Will the gentleman permit a question?

Mr. LA FOLLETTE. I will.

Mr. MILLER of Pennsylvania. I have heard it spoken of that this will benefit the tenant farmer. If a tenant farmer has nothing but his team and farm implements, how can he borrow money under this bill?

Mr. LA FOLLETTE. He may.

Mr. MILLER of Pennsylvania. How?

Mr. LA FOLLETTE. If he can get some one to agree to sell him a piece of land, and then if his neighbors will take him into the association, and he is satisfactory to the board of appraisers, and all of the rest of the red tape that has to be cut before he can borrow the money, why, he will get it.

Mr. MILLER of Pennsylvania. He can only get 60 per cent, then, of the value. What becomes of the other 40 per cent?

Mr. LA FOLLETTE. He gets 60 per cent of the value of the land, and he can borrow 20 per cent on such improvement as he can carry full insurance on. The landowner can take the money thus borrowed as first payment and take a second mortgage to secure him on the balance.

Mr. MILLER of Pennsylvania. I should like to know how this bill benefits the tenant farmer, who has not got anything.

Mr. LA FOLLETTE. I think that is one of the weaknesses of this bill—that it does not look after the man who really needs assistance.

Mr. GLASS. I will say that if the gentleman will devise some scheme that will give something to a man who has not got anything I will be obliged to him if he will tell how to do it.

Mr. LA FOLLETTE. That would, of course, be a hard proposition; but I think it can be made possible for men with but very small holdings in property to become home owners and acquire that independence and feeling of security in their present and future that only abide with those "who can sit under their own vine and fig tree and no man can make them afraid." It is a difficult matter to help those who have nothing.

Mr. MILLER of Pennsylvania. If a man has got nothing, he can get nothing.

Mr. LA FOLLETTE. I will say to the gentleman that we have got to devise some plan in this country to assist those who practically have but little or else we will be a land of tenant farmers in a short time, and the country will be in the condition that some of the old countries in Europe were a few years ago.

Mr. CLINE. Does not the gentleman think that the bank where anybody could get something for nothing would be the best patronized bank in the country?

Mr. LA FOLLETTE. Yes; but if anybody can borrow money on land at a reasonable appraisement of its value, the loaner is liable to come out safe in the long run. What the Government needs to-day is to make provision for taking care of those who really need assistance and not to fix it so that people who do not need assistance can get money on land at any time. I realize that there has been a lot of study and investigation given to this matter by the framers of the bill, and that the intention of the proponents is good, but I am inclined to think that it will not work out for the benefit of the class of farmers that I mention and that the rate of interest is not going to be as low in the near future as gentlemen think it will be.

Mr. SWITZER. Will the gentleman yield?

Mr. LA FOLLETTE. Certainly.

Mr. SWITZER. What rate of interest does the gentleman think has to be paid under this bill.

Mr. LA FOLLETTE. Well, the gentleman from Arkansas [Mr. CARAWAY] figured out that it would cost the farmer 7 per cent, and I agree with him fully. The committee figures on 6 per cent as the maximum.

Mr. Chairman, I have had many letters in regard to this bill as it was originally introduced into the House. Many have asked me to vote against it, saying it would be of no practical benefit. I am loth to do that.

I have said that I hope this bill may be amended, although I am afraid that the committee, through pride of authorship, will be slow to accept amendment. The committee lays great stress on the time it has taken to investigate the various propositions incident to the legislation and the deep study given to the matter. Its members forget that other gentlemen have likewise given much thought to the subject and that more than two score of rural-credit bills have been introduced into the two branches of Congress, all of them containing more or less of real merit.

Mr. Chairman, I am not one of those who would turn down a measure, even though it had merit, because it had originated in committee where the control rested with my opponents politically. I have never been that narrow; I hope I may never be. Neither will I vote against a proposition that has merit simply because I think it does not go far enough in the right direction. I think it wiser to enact the law and trust it to be amended for the better after there has been some chance to demonstrate its shortcomings by its operation. He who expects

or waits for perfection before enactment is doomed to wait forever.

Mr. Chairman, I think it is time for this country to enact some rural-credit legislation. I can but think it will eventually prove to be of great benefit to our country. Some localities will naturally benefit more than others, because the relief is needed to a much larger degree in some sections of our country than it is in other communities. If it is beneficial to any considerable proportion of the United States, it is indirectly beneficial to all parts. I hope that by rural-credit legislation we may add to our home owners and to our rural prosperity.

If the investing public once acquires confidence in the securities offered by the Federal land bank, there is no doubt but that their bonds will be taken readily; and it is to be hoped that the bonds can be placed at 4 per cent or lower in a short time, and in all probability they will find a ready market in time at as low a rate as 3 per cent. This would give the borrower a maximum rate, covering all expenses, not exceeding 4 per cent. It will be that low, and, in my opinion, lower in time, but not in the near future. The main thing is to get the system firmly established; improvements and betterments will then naturally follow.

Mr. MANN. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. KINKAID].

Mr. KINKAID. Mr. Chairman, the friends of a rural-credit system, for the last three Congresses, including the present, each successive session, have been promised an opportunity to vote upon such a measure. I am glad that finally we are to realize the privilege long delayed.

Mr. Chairman, I shall vote for the bill in order that rural-credits legislation, so important to the farming industry, shall be accorded a commencement. The bill is not acceptable to me, but I trust amendments may be secured before it shall be passed which will make it less objectionable. I shall work and vote for amendments which, in my judgment, are calculated to improve its provisions, and, in the end, shall vote for the bill on the ground that it will be the best measure now obtainable. My objection, in the main, is to the kind of a rural-credits system provided for rather than to the construction of the bill as a matter of form. I am frank to say, if the system or basic principle were acceptable to me I should not cavil about the form; in fact, I think the committee is entitled to credit so far as construction goes, and I wish to accord special credit to the distinguished and able gentleman from Indiana [Mr. MOSS], who has performed so large a part in the make-up of the measure, as he was entitled to do, being a member of the commission sent to European countries to investigate rural-credit systems there. But the gentleman from Indiana was peculiarly well adapted for the great task independently of the trip made by the commission.

Mr. Chairman, the fundamentals of the bill, I fear, will not be acceptable to my constituents and the farmers in general throughout the United States. A very conspicuous objection to me is the top-heaviness of the system; the official machinery is too much extended, too complex, too many smaller wheels within the larger wheels, all of which amounts necessarily to the making of many steps to reach the goal of the granting of a loan. For instance, the intended borrower must first get himself initiated a member of a national farm-loan association, which will be attended with perhaps as much routine and scrutiny as if he were joining a fraternal or insurance society. He must first pass the requirements of this organization, then that of the Federal land bank, and even then the consummation, including the issuance of the bonds, must be approved by the Federal farm-loan board.

Mr. Chairman, why make the process of securing a loan so extended? In the first place, why have 12 regional Federal land banks? One would do better and cost less. In any event, before bonds can be issued the action of the Federal farm-loan board, sitting in Washington, will be required. Why not cut across the lots and allow the application to go direct to the final authority at the start? It is plain that much time would be saved in this way. It is now a matter of legislative and administrative history, well established by many years of experience which was very expensive to the Government, that the former policy of establishing district pension agencies here and there throughout the United States to cooperate with the Bureau of Pensions at Washington was uneconomical. It became so manifest that these district agencies were cumbersome and superfluous that session after session this body voted a repeal of the law creating them, but for many years the repeal was not adopted by the Senate. While the district pension agencies lasted it took longer to secure the payment of pensions than it does now, because now the bureau here at Washington communicates directly with the pensioner, while under the district system the Washington bureau first reported to the district agency and then the agency to the pensioner. It will be apparent to anyone that the time in which the pensioner would ordinarily receive his quarterly pay was at least doubled, and I have personal knowledge of many instances where, by reason of this complicated system, mistakes arose resulting in weeks and months of delay in the pensioner receiving his pension, which would not have occurred had he been communicated with directly by the bureau from Washington. It was a waste of time and money, with the likelihood of mistakes increased. I maintain there is even less excuse for the maintaining of the 12 regional banks than there was for the keeping up of these district pension agencies.

Assuming the bill will become law, I anticipate it will soon become the practice that the commercial banks will dispose of the bonds. It will be found as a fact that they will find most of the buyers of the bonds. One strong reason for this is that the business in general of the communities is transacted with commercial banks, while the province of the Federal land banks is so narrow and restricted as not to bring them in close touch with many persons having money with which to buy the bonds. It is very plain that if they should receive deposits subject to check, which very properly they will not be permitted to do, this would place them on a more nearly equal footing with the banks doing a commercial business with would-be bond investors.

The scheme is, of course, European and not American, in that it operates so directly against the single effort of one borrower. Individualism has been a strong characteristic of our American people, and, in my judgment, it has been one of the principal causes of the greater relative advancement made in our country than in European countries in all the walks of life. Under the system provided by the bill this single handedness, this individual independence concerning one's business transactions must be greatly impaired. The borrower can not make a start toward a loan without combining with nine of his neighbors and knowledge of the transaction becomes the common property of the whole neighborhood before anything has been accomplished. The news will travel from Dan to Beersheba before the loan has gotten started. The loan accomplished, it constitutes a very tangling alliance, for the borrower has tied himself up with nine other borrowers, and, while their interdependency is complete, the benefits and responsibilities are not necessarily to be equal; the loans are certain to differ greatly in amount. This combination of loans essentially creates a community of interest between the mutual borrowers; each is interested in the prosperity of the other nine, to the end that the loans may be paid and the legal individual liability therefor thereby become discharged. I do not argue that there is anything morally wrong in such a system, but it will constitute a great change fundamentally in the manner of doing business in our United States of America. It will inculcate and operate for dependence and against independent endeavor.

Mr. Chairman, so far I have not referred to the joint-stock banks provided for by the bill. These banks are not to be capitalized by Government funds, as are the Federal land banks. Ten or more individuals may secure a charter for one of these banks when they have paid in capital of at least $250,000. In some respects these banks are provided the same advantages and privileges as are accorded the Federal land banks, likewise in some respects are subject to the same restrictions, but in the main the two systems differ materially. Under the joint-stock bank system each borrower constitutes a tub standing on its own bottom, secures his own loan, and is responsible for the payment thereof independently of third persons. Like the Federal land bank, joint-stock banks are entitled to issue bonds representing the mortgages they hold and to place the same in the markets, the bonds not to draw interest at a greater rate than 5 per cent and, in effect, the mortgage made by the borrower to draw interest at a rate not to exceed 6 per cent. But much greater latitude is allowed these banks, and consequently a greater latitude will be afforded borrowers than is permitted Federal land banks. For this reason some of the Members view it that the joint-stock bank will militate against the successful operation of the Federal land bank; therefore, that it is not wise to create the joint-stock bank system, assuming that the Federal land bank is to be preferred as a system.

Mr. Chairman, why originate two different systems at the same time? Why not experiment with one system singly to begin with? It is plain to me as a mathematical proposition that the securing of a trial of the merits of the Federal land banks is diminished at least 50 per cent, maybe 75 per cent, by placing them in competition with the joint-stock land-bank system provided for in this bill.

Mr. Chairman, I beg to recall to the memory of the membership the McCumber bill, which was adopted in the Senate as an amendment to the Federal reserve act passed in 1913, but which the joint conference discarded. The essential part of the first section of that bill reads as follows:

Be it enacted, etc., That there is hereby created in the Treasury Department a bureau to be known as the bureau of farm credits.

Mr. Chairman, these two lines constitute the foundation of a rural-credits system which it would be so easy for farmers to avail themselves of. It would establish a bureau of farm credits here in Washington to be presided over by an officer to be designated commissioner of farm credits. The bill further provides that National and State banks may become the agents of the bureau in taking applications for loans, examining and appraising farms, and examining the abstracts and sending all such papers to the commissioner here in Washington. Ten million dollars was to be appropriated for the purpose of purchasing the mortgages given, and the issuance of bonds representing the amount of the mortgages was authorized. The provisions of the bill are brief, simple, and practicable and easy of administration, mutually to borrowers and to the Government.

Mr. Chairman, the McCumber bill, instead of providing for a complicated system, is simplicity itself. Instead of employing language covering 60 pages, like the pending bill, the foundation of the bill is contained in 2 lines, and, with all details, covers but 8 pages. Instead of providing for 12 regional farm-land banks and authorizing in addition thereto joint-stock banks and providing national farm-loan associations, in addition to the farm-loan board to be established at Washington to govern all, the McCumber bill provides for only a farm-loan bureau, which would constitute a branch of the Treasury Department, with one chief officer at the head, to be named farm-loan commissioner. Instead of farm-loan applications having to pass the muster of two separate appraisals, action by two separate loan committees, and still await the final action of the farm-loan board at Washington, under the McCumber bill the application could be made to the nearest National or State bank acting as the agent of the bureau of farm credits at Washington; and the application being found acceptable, it would be forwarded by the bank to the bureau and the loan there consummated without further red tape or routine. Instead of paying 6 per cent interest semi-annually, as the present bill provides, the McCumber bill requires the payment of but 4½ per cent annually. And instead of being tied up with nine other borrowers, each holden for each and all, under the McCumber bill each borrower acts independently of all others and he, individually, and his property are holden only for the amount he borrows. This bill was offered in the Senate as a substitute for the pending bill, but was voted down; and, without going into details, all the membership know it would not be practicable to secure its adoption in this body.

Mr. Chairman, I said at the start that I was going to vote for the bill in order to secure a commencement of rural-credits legislation, and I contemplate that the experience with the operation of the law which will be passed will commend further legislation as improvements upon the system. I shall vote for every amendment offered which I think will improve the bill as now formed and shall finally vote for the passage of the bill, because I am convinced of the great necessity for providing for the farming industry a means of securing long-time loans at low rates of interest to be paid on the amortization plan. Any amendments which may simplify the operation of the act or which may tend to add value to the bonds issued, anything which may improve their negotiability, to make them a gilt-edge security, in the estimation of the buyer, I shall deem it my duty to vote for for the mutual interests of both borrowers and the purchasers of the bonds. The more reliable the investment the easier it will be to sell the bonds and the bigger prices they will bring; hence the lower rate of interest it will be necessary for borrowers to pay. [Applause.]

Mr. MANN. Mr. Chairman, how much time remains to this side?

The CHAIRMAN. Ten minutes.

Mr. MANN. Mr. Chairman, I had not intended to discuss this bill at this time, not having been allowed any time, but one or two gentlemen who have been promised time are not here, and the gentleman from California turned the time over to me.

I want to ask a question or two of some one who has the knowledge and can answer. I will ask the gentleman from Virginia what rate of interest under this bill can be charged on the farm mortgages provided for in the bill?

Mr. GLASS. The limit of interest is 6 per cent.

Mr. MANN. Very well. I read in the bill, in reference to bonds, that the bonds shall bear a rate of interest not to exceed 5 per cent per annum. That seems very clear. That is on page 115:

Second. Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a given number of annual or semiannual installments sufficient in amount to cover, first, interest on the loan at a rate which shall be the same as that of the last series of farm-loan bonds issued by the bank making the loan.

The limit of interest on the bonds being 5 per cent, the last series could not have exceeded 5 per cent; and, as the bill says, the rate of interest on mortgages can not exceed that of the rate of interest on the last series of farm-loan bonds, apparently it would provide that the rate of interest on the mortgage could not exceed 5 per cent. This is as clear as can be. It is true that there is a provision for a charge for administration of 1 per cent, but that is not interest.

Mr. PHELAN. I can explain that, if the gentleman desires me to in his time.

Mr. MANN. If the gentleman will be brief; I can not yield for a speech.

Mr. PHELAN. I will point out that the first money that is loaned is not determined as to its rate, because no bonds will be issued. So it is possible to loan under the bill at 6 per cent.

Mr. MANN. Before any bonds are issued?

Mr. PHELAN. Yes.

Mr. MANN. Why did not somebody say that instead of saying that the rate of interest on the mortgages might be 6 per cent?

Mr. PHELAN. I will explain that, but it will take too long now.

Mr. MANN. It could not be 6 per cent.

Mr. GLASS. What it was intended to mean was that the rate of interest and the expense charges involved would be 6 per cent.

Mr. MANN. That is an explanation. I think the gentleman from Virginia is correct that that was what was meant to be said, but what was said was something different, because the two provisions are as contradictory as 5 and 6 trying to be made equal each other.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. MANN. Briefly.

Mr. MOSS of Indiana. The point that the gentleman raises is not a new one in the committee.

Mr. MANN. I had hoped that it was.

Mr. MOSS of Indiana. The best information that we can get is that the rate of interest includes not only the rate of interest but that which the bank charges for expenses.

Mr. MANN. That is no explanation. That does not explain, because the bill says that the rate of interest shall not exceed that on the last series of farm-loan bonds issued by the bank.

That rate of interest could not exceed 5 per cent. According to the gentleman from Indiana [Mr. Moss] the 5 per cent includes 1 per cent administration charges, which would bring the real rate of interest down to 4 per cent, and nobody has claimed that.

Mr. MOSS of Indiana. The gentleman from Indiana never said any such thing.

Mr. MANN. That is exactly what the gentleman just said. He said that the rate of interest was supposed to include the administration charges—at least that is what I understood him to say.

Mr. MOSS of Indiana. I said that on the subject of mortgage banking Prof. Thompson——

Mr. MANN. Oh, I am not discussing mortgage banking. I am discussing this bill. There is one other thing to which I desire to call attention, because it seems to me to be amusing, and there is nothing like getting a little fun as you go along. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has used six minutes.

Mr. MANN. Good. I can do this in four minutes. There is a provision for agents of Federal land banks. The Federal land bank can employ an agent to loan money. The Federal land bank may pay to the agent the actual money expended by him for expenses, and, in addition, may allow said agent not to exceed one-half of 1 per cent per annum upon the unpaid principal of the loan. That is the commission—one-half of 1 per cent per annum upon the unpaid principal of said loan. That is not an excessive rate of commission, just for attending to the business, but the agent, in addition to that, must collect the interest and the principal and forward it without charge, which probably would not entice the agents to do it, and, in addition to that, any agent negotiating any such loan shall indorse the same and become liable for the payment thereof. [Laughter.] I can just imagine these bankers in the country, who are intended to be the agents, lining up in solid phalanx, pushing to get into a Federal land bank for the opportunity to make a loan, attend to all

of the business for one-half of 1 per cent, and guarantee the payment of the loan!

Mr. MILLER of Pennsylvania. Supposing the agent is worth nothing, then what?

Mr. MANN. That is the only kind that would ever guarantee the loan. [Laughter.] How anyone could expect to find an agent who would attend to the business of loaning money on farm mortgages, investigating the security, drawing the papers, looking after the title, for one-half of 1 per cent, and then in addition to that collecting the interest twice a year and forwarding it without expense—if there be any expense he pays the charges—and in addition indorsing the paper and guaranteeing its payment, beats me. I would like to find that kind of "suckers" in Chicago. [Laughter.] It may be that nobody will ever borrow money in this way—I do not know; that is not the only method provided, and it may be that my distinguished friend from Indiana [Mr. MOSS], who has given great study to this subject, can fully explain the matter, which I hope he will do when we reach it under the five-minute rule.

Mr. MOSS of Indiana. There are plenty of banks that do that for one-third of 1 per cent, who do not charge the one-half.

Mr. MANN. There may be. I would like to know some of them.

Mr. MOSS of Indiana. The Crédit Français, in France.

Mr. MANN. Oh, in some other country! Always when you can not give the information cite some place where you can not go. It is a wonder to me that they have not told us that that is the way they do it in heaven, for some day we may go there; but we can not get the information now.

Mr. GOOD. Does the gentleman from Illinois think that the indorsement of a person who would accept that kind of employment would add anything to the value of the paper?

Mr. MANN. I do not think that anybody will ever guarantee such paper who has any care at all for his own reputation, much less his own property.

Mr. MILLER of Pennsylvania. If he had nothing, he could afford to do it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GLASS. Mr. Chairman, do I understand that all time on that side has expired?

The CHAIRMAN. Yes.

Mr. GLASS. I yield the balance of my time to the gentleman from Massachusetts [Mr. PHELAN]. [Applause.]

The CHAIRMAN. The gentleman from Massachusetts is recognized for 39 minutes.

[Mr. PHELAN addressed the committee. See Appendix.]

The CHAIRMAN. General debate being concluded, the Clerk will read the bill.

Mr. LA FOLLETTE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LA FOLLETTE. At what time can we offer a substitute for the committee amendment?

The CHAIRMAN. By a rule which the House adopted, the Chair understands that we will now read the House bill section by section for amendment.

Mr MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. As I recollect, the other day while I was eating lunch with the Speaker the rule was changed so as to provide that the House substitute should be read section by section, but I think nothing was said in reference to the status of it, whether it should be read section by section as an original bill or section by section as an amendment, to which only one other amendment could be offered. It seems to me that it ought to be considered as though it were an original bill, so that an amendment to it might itself be amended.

Mr. WINGO. I think if the gentleman from Illinois will refer to the agreement that was adopted by unanimous consent——

Mr. MANN. I have referred to it.

Mr. WINGO. It provides for doing the very thing that the gentleman suggests.

Mr. MANN. I think not.

The CHAIRMAN. The Chair has examined this rule, and evidently the intention of the House was that we should read the House bill as an original proposition.

Mr. MANN. It did not so state. Let us have an understanding about it.

Mr. GLASS. I hope that will be done.

Mr. MANN. Let us agree by unanimous consent.

The CHAIRMAN. Without objection, the bill will be considered as an original proposition.

Mr. MANN. To be read section by section.

The CHAIRMAN. The Chair hears no objection.

Mr. MANN. That was not what the rule stated.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. MORGAN of Oklahoma. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MORGAN of Oklahoma. Will it be proper for me to offer an amendment?

The CHAIRMAN. At the end of the section.

The Clerk read as follows:

Be it enacted, etc., That the short title of this act shall be "The Federal farm-loan act." Its administration shall be under the direction and control of the Federal farm-loan board hereinafter created.

Mr. DOOLITTLE. Mr. Chairman, I offer a substitute for the section just read.

The Clerk read as follows:

Strike out the section read and substitute the following:

That a bureau is hereby created to be known as the bureau of farm loans, which is to be conducted under the control and direction of the Secretary of the Treasury, for the purpose of loaning money to bona fide tillers of the soil, taking as security for the repayment of said loans farm mortgages. Said Secretary of the Treasury is hereby authorized to prescribe and publish such rules and regulations, not inconsistent with the provisions of this act, as are necessary to put into force and effect the purposes and intent of this act.

SEC. 2. That the President of the United States shall, by and with the advice and consent of the Senate, appoint for a term of four years, at a salary of $6,000 per annum, a commissioner, who shall have, with the limitations herein stipulated, full charge of said bureau. The commissioner is hereby authorized to appoint one assistant commissioner, at an annual salary of $4,000 per annum, engage other employees, and incur other expenses necessary to establish, organize, and maintain said bureau, but the total preliminary and other expenditures for the fiscal year next succeeding the passage of this act shall not exceed the sum appropriated herein.

SEC. 3. That the President of the United States shall, by and with the advice and consent of the Senate, appoint an assistant commissioner for each State of the Union, whose term of office shall be for four years, or until his successor shall have been appointed and qualified, and his compensation shall be $4,000 per annum. The official title of such assistant commissioner shall be assistant commissioner of the bureau of farm loans, and the said assistant commissioner shall be a citizen of the State in which he is to serve as such assistant commissioner at the time of his appointment. He shall be well acquainted with the farming interests and the farm-land values of the State, and he shall maintain an office at the capital of said State. He is hereby authorized to employ such persons to aid him in and about the duties of his office as shall be actually necessary to carry on and perform the duties of his office.

SEC. 4. That whenever the said assistant commissioner of any State shall have ascertained that the value of the farm land offered as security is sufficient, and that the applicant or applicants are possessed of a good and sufficient title to the said property and are otherwise legally competent to execute a mortgage deed thereto, he shall, in writing, recommend to the commissioner of the bureau of farm loans at Washington, D. C., that the loan be made to said applicant or applicants, and thereupon the said commissioner of the bureau of farm loans, if he shall find that all the proceedings had in connection with the application for said loan were had and done in due form, shall, upon receipt of the mortgage deed properly drawn in favor of the Treasurer of the United States, pay over to the mortgagor or mortgagors the sum specified in said mortgage deed, but no loan shall be made in excess of 65 per cent of the value of the property, and the rate of interest on said loans shall not exceed 3 per cent per annum: *Provided*, That all loans shall be made for a period of 50 years, payable at the expiration of said time, or at any interest-paying period prior thereto at the option of the borrower: *Provided further*, That the borrower shall have the option of paying 2 per cent of the whole loan each year, and interest shall cease on the sums so paid from the date of payment, and at the expiration of said loan period of 50 years or upon repayment of all of said loan and interest the Secretary of the Treasury shall execute and deliver to the said mortgagor, his successor, heirs, administrators, devisees, trustees, or assigns, a good and sufficient receipt and release of said mortgage, provided all the conditions of said mortgage shall have been fulfilled by said mortgagor, his successors, heirs, executors, administrators, devisees, trustees, or assigns: *And provided further*, That no loans under this act shall be made for any other purpose than for the purchase of real estate to be actually occupied and used as indicated in section 1 by the borrower as a home, or for the erection, maintenance, or repair of permanent improvements on real estate owned by the borrower and occupied by him as a home, or for the repayment of prior outstanding indebtedness contracted for the purchase price of the real estate or for permanent improvements thereon.

SEC. 5. That each applicant for loans under the provisions of this act shall make written application therefor to the assistant farm-loan commissioner of the State where the land is situated and where the applicant is a resident, and shall state under oath in writing the true purpose for which said loan is desired. The taxable value as stated in the last local assessment of the land shall be considered the actual value thereof for the purposes of this act. Any false statement in the application for said loan shall, at the option of said assistant commissioner, notwithstanding any contract previously entered into, render the whole principal and interest on said loan immediately due and payable and subject to all legal processes for collection: *Provided*, That no person shall be permitted to borrow more than $12,000 regardless of the value of his land.

SEC. 6. That in order to provide the funds for said loans the Secretary of the Treasury of the United States of America is hereby authorized to have engraved and printed Treasury certificates to be designated Government currency of the United States, payable to bearer, which is hereby declared lawful money and legal tender in payment of all debts, public and private, taxes, excises, and dues to the United States, except duties on imports, and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt. The quantity and amounts of said Government currency shall be equal to the loans made under the provisions of this act, and in such denominations as may be determined by the Secretary of the Treasury: *Provided*, That as said loans and mortgages are repaid said Treasury certificates issued under this act shall be retired and canceled by the Secretary of the Treasury in amounts equal to the loans and parts thereof repaid. The mortgage deeds to farm lands accepted by the bureau of farm loans shall be held and deposited with the Secretary of the Treasury of the United States as security for said Treasury certificates.

SEC. 7. That any person or persons who shall make false representations respecting the value or title of any property with intent to procure a loan from said bureau of farm loans for more than 65 per cent of the value of the land or any person making a false statement as to the uses for which the funds borrowed under this act are to be employed shall be subject to a fine to be paid into the farm-loan fund of not exceeding $5,000 or subject to imprisonment for a term not exceeding five years at hard labor, or both such fine and imprisonment, within the discretion of the court.

SEC. 8. That the sum of $500,000 is hereby appropriated from any unexpended balance in the Treasury of the United States for the purpose of carrying out the provisions of this act.

Mr. MORGAN of Oklahoma. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MORGAN of Oklahoma. Is this a substitute for the section or for the entire bill?

The CHAIRMAN. The gentleman from Kansas offers it as a substitute for section 1.

Mr. DOOLITTLE. I will say to the gentleman that if the substitute is accepted, I shall move to strike out the rest of the committee bill.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that all debate on this proposition be closed in 5 minutes.

Mr. DOOLITTLE. Reserving the right to object, Mr. Chairman, it might not be that any further discussion will be desired, but will not the gentleman withhold the request until after the 5 minutes have expired.

Mr. GLASS. I will.

Mr. DOOLITTLE. Mr. Chairman, during the time in the last two sessions of Congress when this House has been considering rural-credit legislation there has been a demand for direct Government loans and to do away with cumbersome and what some gentlemen deem unnecessary machinery, for the enactment of a bill that will reduce the interest rates to the borrower. This bill, in almost precisely its same form, was introduced by me during the Sixty-third Congress (H. R. 11755). It was reintroduced in this Congress last December (H. R. 4697).

The bill provides, as you have heard read from the Clerk's desk, for the establishment of a bureau of farm loans in the Treasury Department of the Government, to make loans on real estate as security to benefit the tillers and prospective tillers of the soil.

It is a home builder's bill, and will put a family on every quarter section in the Middle West, and insists that borrowers shall be residents of the farm to obtain the benefits of its provisions. It provides for the appointment of an assistant farm loan commissioner in each State, whose office shall be at the State capital. This is done to make the department easier of access and to expedite business. This commissioner is to pass on the title and see that all applications are made in due form; if he finds everything correct, he recommends the making of the loan to the bureau in Washington, who in turn instructs the preparation of the funds, and the money is sent to the borrower through the proper State commissioner. The loan can not exceed 65 per cent of the taxable value of the land nor more than $12,000 in any event. This limitation is made for safety, and the tax value is taken as the real value to do away with the necessity of a lot of appraisers and the chance for any favoritism. The loan can only be made for the purposes of purchasing land, permanently improving it, or paying off indebtedness for prior incumbrances contracted for the purchase price or improvements. This limitation is to prevent speculation. All loans are made for 50 years at not exceeding 3 per cent interest, payable at any time, and provides that 2 per cent per year may be paid on the principal sum—amortization it is called—thus wiping out the whole debt by paying 5 per cent, which includes interest and principal each year. As the mortgages are paid, just so is the currency issued on them retired and canceled. When the mortgage is all paid it is canceled and release recorded. And in the concluding section a penalty is provided for false statements and breach of conditions.

Could anything be more simple or of more merit?

Gentlemen, we have had a contest for many months during the last two sessions of Congress between those gentlemen opposed to any sort of Federal aid and those who believe in direct loans or some sort of Federal aid that will decrease the rates of interest. It has been my contention, and I believe the contention is still good, that so long as we have to rely on private capital to loan to borrowers, that the interest rate will not be materially lessened. It is nothing more than natural that a man or a company fortunate enough to have money to loan will loan it at the best rate of interest that he can get.

The money loaner is entitled to a reasonable rate of interest, and when the Government itself borrows money at 2 per cent, and these same capitalists furnish it, is it not time that we make a successful effort to have the United States to do this kind of loaning? There are more than enough other opportunities for the investment of capital. Good bonds and stocks are plentiful. If the facilities for procuring the cheapest loans are in the Government, as they are, why can not the citizens who compose it use it to supply their needs? Personally I am opposed to bonding the Government to raise funds for any purpose when it is possible to realize funds from any other legitimate source. We can make it unnecessary for the Government to issue bonds to loan to home builders. To avoid a bond issue, or, in other words, to avoid the necessity of the Government borrowing money to loan again, why not let the borrower execute his first mortgage to the Government and the Government issue the money required to him direct or through the proper intermediaries, and hold the mortgage for security? Is there any better security? I know of none. When any person desires to go to the farm to farm or to make improvements on his farm is there any reason why the interest rates should be so high that he can not, with all his effort and good seasons, make ends meet? And when the harvest comes after the year of toil and waiting should he not have the right to pay off so much of this mortgage as he wants to? And if he can not pay, because of crop failure or sickness or other misfortune, should he not have such a long-time loan that he need not be worried? And should not he be able to pay it off in installments without paying as much altogether as he now has to pay for interest alone? Of course. And this is brought about in my substitute. It is what we need. People the country over are interested in Government loans. It is before you now.

My bill provides for a larger scope. It goes on the theory that profit to the lender is not the prime consideration. It takes into consideration the welfare of the man who is to borrow, and the question of profit is not a consideration in the bill. I hope, Mr. Chairman, to have the expression from the House as to whether we are in favor of a direct loan or whether we are not in favor of a direct loan——

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DOOLITTLE. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HOWARD. Will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. HOWARD. If under your bill we give the farmers the right to take their land mortgages to the Federal Treasury and get money on them, by what process of reasoning can you deprive the industrial toiler from bringing up his security, his little house and lot he owns in the city, and getting his money from the Treasury?

Mr. DOOLITTLE. That has been a question which it will take some time to answer; but to be brief, I will say that other countries recognize that the farmer is at the mercy of the elements always.

Mr. HOWARD. Not any more than the industrial toiler.

Mr. DOOLITTLE. I have the resolution of the Kansas Legislature I referred to a while ago in my pocket—and I propose to put it into the RECORD—favoring this legislation and this particular bill:

House concurrent resolution No. 23.

A resolution requesting the Senators and Representatives from the State of Kansas in the United States Congress to vote for and to use their influence to secure the passage of a resolution entitled "A bill to establish a Government bureau to loan money on agricultural land as security," by Hon. DUDLEY DOOLITTLE.

Whereas the Hon. DUDLEY DOOLITTLE, Representative from the fourth congressional district of the State of Kansas, introduced in the National House of Representatives on January 16, 1914, H. R. 11755, a resolution entitled "A bill to establish a Government bureau to loan money on agricultural lands as security"; and

Whereas the said resolution or bill is in the interests of the agricultural classes of Kansas; and

Whereas this State prospers as the farm interests prosper: Therefore be it

Resolved, by the House of Representatives of the State of Kansas, the senate concurring therein:

SECTION 1. That the Senators and Representatives in Congress from the State of Kansas are requested and urged to give not only their votes but their undivided support and entire influence to this measure, and to inform the people of Kansas and the members of this legislature

of anything that can be done, either by the people or by their representative law-making bodies, to secure the passage of this beneficent legislation.

SEC. 2. That the Kansas delegation in Congress are hereby requested to unite in an energetic and vigorous effort to secure from the Congress of the United States this just recognition of the great agricultural interests of this State.

SEC. 3. That the chief clerk of the house and the secretary of the senate be instructed to prepare certified copies of this resolution and send one of such copies to each Member from the State of Kansas in the House of the National Congress.

SEC. 4. That a copy of this resolution be spread upon the journal of the house and of the senate.

I hereby certify that the above concurrent resolution originated in the house and passed that body February 5, 1915.

ROBERT STONE,
Speaker of the House.
I. E. LAMBERT,
Chief Clerk of the House.

Passed the senate March 12, 1915, as amended.

W. Y. MORGAN,
President of the Senate.
BERT E. BROWN,
Secretary of the Senate.

House concurred in senate amendment March 13, 1915.
Approved March 17, 1915.

ARTHUR CAPPER, *Governor.*

The bill appeals to these Members of Congress who would have the welfare of the borrower at heart as distinct from the matter of profit for the lender. It provides a sure and simple and an absolute way of reducing the interest rate, so that the farmer, or the man who would go to farming, may sometime be able to own his home. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read, it being in the nature of a substitute for the bill.

Mr. GLASS. Mr. Chairman, the amendment is very long, and I suggest that the gentleman from Oklahoma might take up a reasonable amount of time to explain his bill. As I have examined it, about 90 per cent of it is the verbiage of the bill reported by the Committee on Banking and Currency, and I think that we would make progress if he would explain the differences between his bill and that before the committee.

The CHAIRMAN. Does the Chair understand that the gentleman desires to ask unanimous consent that the amendment be not read but printed in the RECORD and that the gentleman from Oklahoma explain his amendment?

Mr. GLASS. I would like to take that course.

Mr. MANN. Mr. Chairman, I am not willing to vote against an amendment without first hearing it read.

Mr. MADDEN. I think it ought to be read.

Mr. MORGAN of Oklahoma. I would be very glad to do that.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the amendment referred to be printed in the RECORD and be considered as read pending the explanation of the gentleman from Oklahoma. Is there objection?

Mr. MANN. Mr. Chairman, I ask for the reading of the amendment.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will read.

Mr. SMITH of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Michigan. During the reading of this amendment, which is a long bill, is it to be subject to the five-minute rule?

The CHAIRMAN. It is but one amendment, and the amendment must be reported.

The Clerk read as follows:

That the short title of this act shall be "The Federal land-credit act."

DEFINITIONS.

SEC. 2. That wherever the word "county" is used in this act it shall be held to include any civil division of a State corresponding to a county. The term "Federal land-bank bonds" shall be held to include all bonds secured by farm mortgages or other collateral deposited with a Federal fiduciary agent under the provisions of this act. Wherever the term "first mortgage" is used in this act it shall be held to include any instrument in writing which gives a Federal land bank a first lien upon a farm to secure a loan thereon, together with the notes or other credit instruments secured thereby.

FEDERAL FARM-LOAN BOARD.

SEC. 3. That there is hereby created at Washington, D. C., a Federal farm-loan board, which shall be charged with the administration and execution of this act and of all acts supplementary or amendatory thereof.

The Federal farm-loan board shall consist of three members, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate. Before appointing said board the President shall divide continental United States, excluding Alaska, into five districts, which he shall designate by number. He shall certify said districts to said board, which shall cause the same to be made of record. One member of said board shall be appointed for each of said districts, and the person so appointed shall have been an actual resident of said district at the time of his appointment for more than two years immediately prior thereto. Thereafter not more than one member of said board shall be a resident of any one of said districts. Not more than three of said members shall be appointed from one political party. They shall be citizens of the United States and shall devote their entire time to the business of the Federal farm-loan board and shall each receive an annual salary of $7,500, payable monthly, together with actual necessary traveling expenses.

One member of said board shall be designated by the President to serve for 2 years, one for 4 years, and one for 6 years, and thereafter each member so appointed shall serve for a term of 10 years, unless sooner removed for cause by the President. One of the members shall be designated by the President as the farm-loan commissioner, who shall be the chairman and the active executive officer of said board. Each member of the Federal farm-loan board shall within 15 days after notice of his appointment take and subscribe to the oath of office.

The first meeting of the Federal farm-loan board shall be held in Washington as soon as may be after the passage of this act, at a date and place to be fixed by the chairman of said board.

No member of the Federal farm-loan board shall be an officer or director of any institution, association, or partnership engaged in banking. Before entering upon his duties as a member of the Federal farm-loan board, each member shall certify under oath to the President that he is eligible under this section.

The President shall have the power, by and with the advice and consent of the Senate, to fill any vacancy occurring in the membership of the Federal farm-loan board; if such vacancy shall be filled during the recess of the Senate a commission shall be granted, which shall expire 30 days after the Senate convenes.

The Federal farm-loan board shall appoint one Federal fiduciary agent, one or more Federal land-bank appraisers for each land-bank district and as many special appraisers as it shall deem necessary. Federal fiduciary agents and Federal land-bank appraisers and special appraisers appointed under this section shall be public officials and shall have no connection with or interest in any institution, association, or partnership engaged in banking.

The salaries and expenses of the Federal farm-loan board and of Federal fiduciary agents and special appraisers authorized under this section shall be paid out of any moneys in the Treasury of the United States not otherwise appropriated. Federal land-bank appraisers shall receive such compensation as the Federal farm-loan board shall fix, and shall be paid by the Federal land banks which they serve in such proportion and in such manner as the Federal farm-loan board shall order.

The Federal farm-loan board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board. All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the Federal farm-loan board. All such attorneys, experts, assistants, clerks, laborers, and other employees, and all appraisers, shall be appointed without regard to the provisions of the act of January 16, 1883 (vol. 22, U. S. Stat. L., p. 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

Every Federal land bank shall semiannually submit to the Federal farm-loan board a schedule showing the salaries or rates of compensation paid to its officers and employees, and said board shall have power to disapprove such schedule or any item in it and to alter any or all salaries therein shown.

The Federal farm-loan board shall from time to time require examinations and reports of condition of all Federal land banks established under the provisions of this act, and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this act, and shall prepare and publish amortization tables which shall be used by banks under its supervision.

The Federal farm-loan board shall prescribe a form for the statement of condition of banks under its supervision, which shall be filled out quarterly by each such bank and transmitted to said board.

POWERS OF FEDERAL FARM-LOAN BOARD.

SEC. 4. That the Federal farm-loan board shall have power—

(a) To organize and charter the united Federal land bank, Federal land banks, and national farm-loan associations, subject to the provisions of this act.

(b) To establish, in connection with the united Federal land bank, the rate of interest to be charged by Federal land banks for loans made by them under the provisions of this act and the rate of interest farm-loan bonds shall bear.

(c) To grant or refuse to Federal land banks authority to make any specific issue of farm-loan bonds.

(d) To make rules and regulations respecting the charges made to borrowers on loans under this act for expenses in appraisal, examining title, drawing legal papers, recording, and similar services.

(e) To require reports and statements of condition and to make examinations of all banks or associations doing business under the provisions of this act.

(f) To prescribe the form and terms of farm-loan bonds, and the form, terms, and penal sum of all surety bonds required under this act and of such other surety bonds as they shall deem necessary, such surety bonds to cover financial loss as well as faithful performance of duty.

(g) To exercise such incidental powers as shall be necessary or requisite to fulfill their duties and carry out the purposes of this act.

THE UNITED FEDERAL LAND BANK.

SEC. 5. That the united Federal land bank is hereby created. It shall be located in such State and at such city as shall be determined by the board of directors of such bank, subject to the approval of the Federal farm-loan board. Said bank shall have no capital stock or shareholders and no funds except such as shall be contributed by Federal land banks. It shall not be conducted for profit. Its chief work shall be to issue Federal farm-loan bonds for and in behalf of Federal land banks, to aid Federal land banks in the sale of their bonds, and to act for such banks, subject to the approval of the Federal farm-loan board, in all matters which will contribute to the unity of such banks, to the standardization of their business methods, to their economical administration, to the strengthening of their credit, or to the success in general of the land-credit system hereby established. The united Federal land bank shall be controlled by a board of 12 directors. Each Federal land bank shall elect one of said di-

rectors. At the time of his election such director must be a director of the bank by which he is elected. Should a director of the united Federal land bank cease to be a director of the bank by which he was elected, he shall thereby cease to be a director of the united Federal land bank. The terms of office of such directors and the officers of such bank shall be fixed by the Federal farm-loan board. The board of directors of the united Federal land bank shall elect a president, vice president, secretary, and treasurer. Such officers shall be directors of such bank at the time of their election.

The officers of such bank shall give their entire time to the business thereof, and shall receive such compensation as shall be fixed by the Federal farm-loan board. The board of directors may employ all the necessary assistants for the proper transaction of the business of such bank and fix their compensation, subject to the approval of the Federal farm-loan board. Within 90 days after its organization each Federal land bank, through its board of directors, shall elect one of its directors as a director of the united Federal land bank. Such directors, under a call or notice issued by the farm-loan commissioner, shall under their hands forthwith make an organization certificate containing such statements as shall be prescribed by the Federal farm-loan board, and file the same with said board, where it shall be preserved and made of record. The certificate shall be acknowledged before the judge of a court of record or a notary public.

Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession until it is dissolved by act of Congress, or under the provisions of this act.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons.

Fifth. To elect a president and a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, require bonds of them and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at pleasure, and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, subject to the supervision and regulation of the Federal farm-loan board, by-laws not inconsistent with law, regulating the manner in which its officers shall be elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To establish a uniform rate of interest which every Federal land bank shall charge upon farm loans for the ensuing year and until otherwise ordered by said bank; to fix a uniform rate of interest which Federal farm-loan bonds issued under the provisions of this act shall bear, and a uniform rate of discount at which such bonds may be sold by any Federal land bank until otherwise changed by said bank, and to fix uniform fees or commissions which Federal land banks shall pay agents for receiving applications for farm loans and services connected therewith, and for the sale of farm-loan bonds, all of which shall be subject to the approval of the Federal farm-loan board and within the limitation and restrictions of the law.

Eighth. It shall have power, subject to the approval of the Federal farm-loan board, to act upon all propositions which will aid the Federal land banks to cooperate in conducting the business which they are authorized by this act to perform, with a view to standardizing business methods, appraisements, bookkeeping, forms, records, and any other things which will contribute to the economical administration of such banks, the welfare of borrowers, the security of investors, and to the prosperity of agriculture.

Ninth. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

The funds necessary for the operation of the united Federal land bank shall be contributed by the Federal land banks in such proportions as shall be fixed by the Federal farm-loan board, based upon the amount of loans made by such bank.

FEDERAL LAND BANKS.

SEC. 6. That within 30 days after the passage of this act the Federal farm-loan board shall divide the continental United States, excluding Alaska, into 12 districts, which shall be known as Federal land-bank districts, and shall be designated by number. Said districts shall be apportioned with due regard to the farm-loan needs of the country, the conveniences of borrowers, and the economical administration of Federal land banks. No such district shall contain a fractional part of any State. Said districts may be changed by an act of Congress.

The Federal farm-loan board shall establish in each Federal land-bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each land bank shall include in its title the number of the district in which it is located, as Federal land bank No. 1, Federal land bank No. 2, and so on, and there shall be no other distinguishing feature in the names of Federal land banks.

Each Federal land bank shall be managed by nine directors. Three of these shall be appointed by the Federal farm-loan board and shall be known as public directors; three shall be elected by the shareholders of the founders' capital stock and shall be known as founders' directors; and three shall be elected by the advisory council of each Federal land bank and shall be known as borrowers' directors: *Provided*, That borrowers' directors shall be appointed in the first instance by the Federal farm-loan board and shall continue in office until their successors shall be elected by the advisory council of each Federal land bank. Not more than one borrowers' director or one public director shall be a resident, when appointed, of any one State, except in case a Federal land-bank district shall contain less than three States.

No person shall be eligible to the office of borrowers' director unless he shall be experienced in practical farming and at the time of his appointment actually engaged in farming operations within the State of which he is a resident. No director of a Federal land bank shall act as an officer, director, or employee of any other bank.

Directors of Federal land banks shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their respective boards, to be paid by the respective Federal land banks. Any compensation that may be provided by boards of directors of Federal land banks for directors, officers, or employees shall be subject to the approval of the Federal farm-loan board.

When $500,000 shall have been subscribed to the founders' shares of the operating capital stock of a Federal land bank, the Federal farm-loan board shall appoint three of such subscribers to constitute an organization committee, one of whom said board shall designate as chairman and another as secretary of such committee. The chairman shall call a meeting of the persons whose subscriptions to such stock shall have been accepted by the Federal farm-loan board and give notice to each subscriber by registered letter, addressed to the post office given in making such subscription. Such letter shall be mailed at least 10 days before the time set for such meeting. The chairman and secretary of such organization committee shall act as chairman and secretary, respectively, of the meeting of subscribers to such capital stock. Every subscriber shall have votes in proportion to the number of shares of stock for which he has subscribed. At such meeting the subscribers shall elect three directors of such bank. Within 10 days after the election and appointment of said nine directors they shall meet at such time and place as shall be fixed by the Federal farm-loan board and elect, from their number, a president, vice president, secretary, and treasurer.

The organization committee shall receive such compensation as shall be fixed by the Federal farm-loan board and the same shall be paid by the Federal land bank organized by it.

That at any time after its organization any person may make application to the Federal farm-loan board to become subscribers to the founders' shares of the operating capital stock of any Federal land bank at not less than the par value thereof in lieu of any portion of such stock held by the United States. Should such application be approved by the Federal farm-loan board the Secretary of the Treasury shall surrender to such bank such portion of its stock as the applicant applied to purchase, on the payment to such bank the price therefor, which shall be approved by the Federal farm-loan board. Thereupon the stock of the United States to the amount so surrendered shall be canceled, reissued, and delivered to such applicant. The said bank shall thereupon pay to the Secretary of the Treasury the par value of said stock. Any premium paid on said stock to said bank shall be placed in the guaranty capital thereof.

Said directors shall, under their hands, forthwith make an organization certificate, which shall specifically state—

First. The name assumed by such bank.

Second. The district within which its operations are to be carried on, and the particular city in which its principal office is to be located.

Third. The amount of capital stock and the number of shares into which the same is to be divided.

Fourth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this act.

The organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary, transmitted to the farm-loan commissioner, who shall record and carefully preserve the same in his office, where it shall be at all times open to public inspection.

The Federal farm-loan board is authorized to direct such changes in or additions to any such organization certificate as it may deem necessary or expedient.

Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession until it is dissolved by act of Congress or under the provisions of this act.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to elect a president and a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, require bonds of them and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at pleasure, and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, subject to the supervision and regulation of the Federal farm-loan board, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected, its officers elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To do such other acts as shall be authorized by law and exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

POWERS OF FEDERAL LAND BANKS.

SEC. 7. That every Federal land bank shall have power, subject to the limitations and requirements of this act—

First. To issue through the United Federal Land Bank, subject to the approval of the Federal farm-loan board, and to sell, farm-loan bonds of the kinds authorized in this act, to buy the same for its own account, and to retire the same at or before maturity.

Second. To invest such funds as may be in its possession in the purchase of qualified first mortgages on farm lands situated within the Federal land-bank district within which it is organized or for which it is acting.

Third. To receive and to deposit in trust with the Federal fiduciary agent for the district, to be by him held as collateral security for farm-loan bonds, first mortgages upon farm land qualified under section 12 of this act, and to collect the dues, interest, amortization installments, and other sums payable under the terms, conditions, and covenants of the mortgages and of the bonds secured thereby.

Fourth. To receive and to set apart for expenses and profits the excess of interest payments on mortgages above the interest payments on farm-loan bonds for which said mortgages are held as collateral security.

Fifth. To acquire and dispose of—

(a) Such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be in part leased to others for revenue purposes.

(b) Parcels of land mortgaged to it as security.

(c) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate purchased or acquired to secure any debt due to it for a longer period than five years, except with the special approval of the Federal farm-loan board in writing.

Sixth. To deposit its securities and its current funds subject to check with its depository or depositories as prescribed by this act, and to receive interest on the same as may be agreed.

Seventh. To buy and sell United States bonds.

RESTRICTIONS ON FEDERAL LAND BANKS.

SEC. 14. That no Federal land bank shall have power—

First. To accept deposits or to transact any banking or other business not expressly authorized by the provisions of this act.

Second. To loan on first mortgage except as provided in this act.

Third. To accept any mortgages on real estate except first mortgages created subject to all limitations imposed by this act.

CAPITAL OF FEDERAL LAND BANKS.

SEC. 8. That every Federal land bank shall have three kinds of capital, namely: Operating capital, reserve capital, and guaranty capital.

First. Every Federal land bank shall have operating capital stock of $4,000,000, which shall be divided into 100,000 shares of $10 each. Fifty thousand shares shall be known and designated as founders' shares and 50,000 shares shall be known and designated as public shares. Founders' shares may be subscribed for by any individual or by the United States. Public shares may be subscribed for only by the United States. The Secretary of the Treasury is hereby authorized and directed for, and in behalf of, the United States to subscribe for 50,000 public shares in the operating capital stock of every Federal land bank, and pay for the same out of any funds in the Treasury not otherwise appropriated, and there is hereby appropriated $6,000,000 for such purpose.

Within 30 days after organization of the Federal farm-loan board it shall open books of subscription for founders' shares of the operating capital stock of every Federal land bank. If within 90 days thereafter 50,000 shares of such stock shall not have been subscribed, the Secretary of the Treasury, for the United States, shall subscribe for the remainder thereof. He shall pay for the same out of any funds in the Treasury not otherwise appropriated.

No dividends shall be paid upon the public shares of stock owned by the Government of the United States. Dividends upon the founders' shares of stock shall be paid in the same amount as shall be paid upon shares of stock in the reserve capital of each Federal land bank.

The operating capital of any Federal land bank may be increased on petition of its directors and on the approval of the Federal farm-loan board: *Provided*, That said board shall not authorize the increase of the operating capital stock of any such bank to an amount that shall be more than one-twentieth of the reserve capital stock of said bank; *Provided further*, That should said board at any time authorize the increase of the operating capital stock of any Federal land bank, the original subscribers to such stock shall have a preferred right to subscribe for any increase in such stock under such rules and regulations as shall be prescribed by said board.

The Federal farm-loan board is authorized to prescribe the times and conditions of the payment of subscriptions to capital stock, to reject any subscription in its discretion, and to require subscribers to furnish adequate security for the payment thereof.

Founders' shares of stock owned by the United States shall be voted by the farm-loan commissioner, as directed by the Federal farm-loan board.

Second. Every Federal land bank shall have a reserve capital equal to at least 5 per cent of its outstanding loans. Every person applying for a loan from any Federal land bank shall also apply for the purchase of stock in said bank in an amount equal to 5 per cent of the amount of his loan. He shall also authorize the bank to retain out of the proceeds of his loan, in full payment for such stock, a sum of money equal to 5 per cent of the amount of the loan granted under said application and shall authorize the bank to cancel such stock on the payment of his loan. The reserve capital stock of every Federal land bank shall be divided into shares of $1 each, which shall not be assigned or hypothecated in any manner whatever. Said stock shall be held by said bank as collateral security for the payment of said loan and for the payment of the loans of others, as provided in this act. When any loan is paid in full, the reserve stock held by the borrower shall be canceled and retired, and the borrower shall be paid the face value thereof. Semiannual dividends shall be paid on reserve capital stock in an amount equal to the semiannual interest rate on the loan of the holder of the stock, which dividend shall be cumulative.

The reserve capital and the guaranty capital of every Federal land bank shall be managed separately and apart from other funds and shall constitute a trust fund for the use and benefit of the owners of Federal land-bank bonds and to secure the payment of such bonds, together with the interest thereon. Should any borrower fail to pay when due the interest on his loan, or the principal thereof, the Federal land bank in which said borrower holds reserve stock may enforce the lien on the reserve capital stock held by such borrower. Should such borrower at any time thereafter meet his obligations to said bank in full, so far as they may be due at any time, the said bank shall restore to said borrower such portion of his reserve capital stock which had been used to make good his defaults as aforesaid.

The reserve capital stock held by any borrower in a Federal land bank shall not be utilized to meet the default or defaults of other borrowers until said bank shall have first used its entire guaranty capital stock in making good its obligation due on farm-mortgage bonds.

When any portion of the reserve capital or of the guaranty capital of any Federal land bank has been used to pay the interest or principal on any mortgage or mortgages upon which the borrower or borrowers are in default and thereafter such borrower or borrowers shall meet such default or defaults through voluntary payment or foreclosure proceedings, the sum or sums so paid or so recovered shall be credited to the guaranty capital or reserve capital of such bank in proper proportion, and each borrower whose reserve capital stock may have been used in part to meet the original default in such cases shall be given due credit on the reserve capital stock held by him in such bank.

Third. That every Federal land bank shall have guaranty capital as follows:

First. Every Federal land bank shall set aside as a part of its guaranty capital, from the annual interest payment of each borrower, a sum equal to one-fourth of 1 per cent of the amount of each loan until the operating capital, the reserve capital, and the guaranty capital of such bank combined shall be a sum equal to 10 per cent of the outstanding bonds of such bank, and thereafter only when necessary to maintain a like ratio between the outstanding bonds of such bank and the total amount of its operating capital, reserve capital, and guaranty capital.

Second. Six millions of dollars is hereby appropriated, out of any funds not otherwise appropriated, which shall become a part of the guaranty capital of the 12 Federal land banks created by this act, which sum shall be divided equally between said banks. The Secretary of the Treasury is hereby authorized and directed to pay to each Federal land bank $500,000, which shall become a part of the guaranty capital of said bank.

The guaranty capital shall be a trust fund to insure the payment of the farm-mortgage bonds issued by each Federal land bank and for the use and benefit of owners of such bonds who shall have a first and prior lien thereon over all other creditors of such bank. It shall be deposited in one or more of the depositaries of the Federal land bank, secured by an equal amount of farm-loan bonds or United States bonds, and as soon thereafter as possible shall be invested in farm-loan bonds or United States bonds, which shall be deposited for safe-keeping in such way as shall be prescribed by the Federal farm-loan board. The funds constituting the reserve capital of any Federal land bank shall be under the joint control of such bank and the Federal fiduciary agent for such bank.

The guaranty capital of every Federal land bank shall constitute the first and primary fund upon which such bank shall draw to meet the payments of any bond or interest thereon issued for it when such payments can not be met through funds otherwise provided herein. After any Federal land bank has exhausted its guaranty capital in the payment of its bonds and interest thereon, it may then use its reserve capital to meet any of its obligations due on farm-mortgage bonds.

It shall be unlawful for any Federal land bank, or any officer, director, or employee thereof, to use or appropriate any part or portion of the funds constituting the reserve capital or the guaranty capital of any Federal land bank for any other purpose than herein provided. It shall be the duty of the Federal land-bank board to provide special rules and regulations for safeguarding the reserve capital and the guaranty capital: *Provided*, That when the reserve capital, the guaranty capital, and the operating capital of any Federal land bank combined shall be equal to 10 per cent of the outstanding bonds of any Federal land bank, and so long as the same shall remain equal to 10 per cent of the outstanding bonds of any Federal land bank, the annual contributions of borrowers to the guaranty capital shall be placed in the general fund of such bank and be used in the payment of dividends on founders' shares and shares in the reserve capital, or for any other purpose for which such fund may be used under the terms of this act.

FEDERAL LAND-BANK ADVISORY BOARDS.

SEC. 9. That an advisory board for each Federal land bank is hereby created. Each State council of Federal land-bank associations shall elect three members of such advisory boards. The advisory board of each Federal land bank shall meet annually at the office of the Federal land bank of such district unless otherwise ordered by such bank and the chairman of the board of directors of such bank, or in his absence some other director of such bank shall act as chairman of the advisory council, and said council shall consider matters which have for their object the success of the land-credit system hereby established and the welfare of the borrowers of such banks. It shall be the special duty of members of said advisory council to present matters which are of special interest or importance to the borrowers in the States they represent. The advisory council may be in session three days, unless additional time be granted by the Federal farm-loan board. The Federal land bank shall pay the reasonable expenses of the members of such council in coming from their homes to attend such meetings, and also the returning thereto, and in addition thereto shall pay to such members a reasonable per diem for the time occupied in attending such meetings.

Should the advisory council make any recommendation to such bank in the interest of the borrowers from said bank which shall not be followed by said bank, the council, through its vice chairman, may appeal the matter to the Federal farm-loan board. If the matter appealed from be within the power of the Federal farm-loan board, or something over which it has jurisdiction, it may by order require the Federal land bank to comply with the recommendation of the advisory council.

FEDERAL LAND-BANK DEPOSITORIES.

SEC. 10. That prior to commencing business as herein provided every Federal land bank shall select one or more Federal reserve banks, or member banks thereof, or other banks or trust companies, to be approved by the Federal farm-loan board, as a depository or depositories, in which the said Federal land bank shall deposit all its funds of every kind and character, and no part or portion of such fund shall be withdrawn from such depository or depositories except on check or order signed by the secretary of such bank and countersigned by the president of such bank: *Provided*, That any funds which are, by the terms of this act, designated as trust funds shall not be withdrawn from any such depository or depositories except on check or order signed by the secretary of such bank and countersigned by both the president of such bank and the Federal fiduciary agent for such Federal land-bank district. From time to time additional depositories may be designated on the approval of the Federal farm-loan board. Every bank or other institution acting as a depository for the funds of any Federal land bank shall pay interest upon such deposits, payable semiannually, based upon the average daily balances. Every such depository shall secure the deposits of Federal land banks by delivering to such banks United States Government bonds, Federal farm-loan bonds, or other collateral security approved by the Federal farm-loan board. Such security in amount shall be such as shall be required by the Federal farm-loan board.

BANKS AUTHORIZED AGENCIES OF FEDERAL LAND BANKS.

SEC. 11. That all national banks and all State banks, including trust companies and savings banks, are hereby authorized to act as agencies for Federal land banks in receiving and transmitting applications for loans, in furnishing information as to the value of lands covered by applications for loans or other information relative thereto; to receive from Federal land banks the proceeds of any loan and pay the same to mortgagors or to the order of mortgagors, to sell Federal farm-loan bonds, and to do such other acts as shall be authorized by any Federal land bank, subject to the approval of the Federal farm-loan board: *Provided*, That every such bank authorized to act as aforesaid as the agent of any Federal land bank shall furnish such security to the Federal land bank for which it may act as shall be prescribed by the Federal farm-loan board.

For services rendered by any bank under the foregoing provisions Federal land banks are authorized to pay to such bank such sum as shall be fixed by the general council of Federal land banks, subject to approval by the Federal farm-loan board.

It shall be unlawful for any director, officer, or employee of any bank to make any charge or to receive or accept any pay whatsoever from

any person who is an applicant for a loan from a Federal land bank in securing such loan.

It shall be unlawful for any director, clerk, officer, or employee of any Federal land bank, either directly or indirectly, to secure loans from any Federal land bank, or to be interested financially therein, or to have any interest whatever in any bond or other security issued under the provisions of this act, or to be in any way personally interested in any of the business transactions of any Federal land bank. No bank shall be held responsible for any information he may give to any Federal land bank as to the value of any tract of land upon which an application for loan is pending, unless it shall be shown that such bank did not furnish such information in good faith, but with the intention of defrauding the Federal land bank for which it was furnished.

FEDERAL FARM-LOAN ASSOCIATIONS.

SEC. 12. That corporations to be known as Federal farm-loan associations shall be organized as hereinafter prescribed. When five or more persons in any county shall have secured loans from any Federal land bank, such bank shall appoint three of such persons as directors of the Federal farm-loan association of such county. Such directors shall hold their offices until their successors shall be duly elected at any regular meeting of the members of such association. The Federal farm-loan board shall prepare a form of an organization certificate to be used in the incorporation of Federal farm-loan associations. At least two of such forms shall be transmitted to the persons so appointed as directors by the Federal land bank. Such directors shall sign such organization certificate and duly acknowledge the same before a notary public or some other officer duly authorized in such county to administer oaths. Such certificate shall be transmitted to the Federal farm-loan board, and a copy thereof shall be transmitted to the Federal land bank of such district.

If the Federal farm-loan board shall find that such organization certificate shall be duly executed and in proper form, it shall approve the same and issue to said association a charter or certificate of its incorporation, and said Federal farm-loan association shall become a corporation as of the date of the acknowledgment of its organization certificate.

Every person who shall obtain a loan from any Federal land bank shall thereby become a member of the Federal farm-loan association of the county in which the land mortgaged to secure such loan shall be located, and in his application for loan he shall accept membership in such association, under the terms and conditions as prescribed in this act. He shall also, in such application, agree to assume all of the responsibilities and liabilities of such membership. He shall be entitled to all the advantages and benefits of membership in such association without the payment of any fee, commission, or assessment of any kind or character, except as provided in this act. His membership in such association shall continue until the payment in full of his loan, at which time his membership therein shall cease.

Federal farm-loan associations shall have no capital stock and shall not be conducted for profit. Their objects shall be to assist in the administration of the system of land credits established by this act, to assist Federal land banks in conducting their business, and to provide an organization through which and by which the members thereof shall cooperate with each other in securing credits, in the payment of their loans and in other proper lines for their mutual benefit and for the promotion of agricultural development.

The directors elected at the first election of any Federal farm-loan association shall hold their offices for one, two, and three years, respectively. Thereafter directors shall hold office for terms of three years each. The directors shall serve without pay. Any Federal land bank may, however, employ any director or member of any Federal farm-loan association and pay him for such service. One of the directors shall be designated as chairman, one as vice chairman, and one as secretary-treasurer. Such officers shall perform such duties as are customary for such officers to perform and such other duties as may be prescribed by such association.

Every Federal farm-loan association shall adopt by-laws and rules for its government on such form as shall be prepared and approved by the Federal farm-loan board.

Every farm-loan association shall appoint one or more appraisement committees consisting of three members, who shall perform such duties in the appraisement of land offered as security for loans in said county as shall be prescribed by the Federal farm-loan board.

Federal farm-loan associations shall have power to adopt and use a corporate seal, to have succession until dissolved by act of Congress or under the provisions of this act, to sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons, to do and exercise all such powers as are usual in such contracts as may be prescribed by the Federal farm-loan board.

The directors of Federal farm-loan associations shall meet at such time and place as shall be designated by the chairman of the board. A majority of such board shall constitute a quorum for the transaction of such business.

The members of every Federal land-bank association shall meet every three months in regular meeting. Special meetings may be called by the chairman of the board of directors. A majority of such members shall constitute a quorum. The officers of the board of directors shall be the officers of the general assembly of the members of the Federal farm-loan association. In all meetings of Federal farm-loan associations each member thereof shall have one vote.

Until such time as borrowers in any county or parish shall be organized as provided in this section, the individual borrowers in such county shall be regarded as a national farm-loan association, and all the provisions in this act in any way referring to national farm-loan associations shall be held to refer to individual borrowers in any county before organized as herein provided.

Where it shall be determined by any Federal land bank that a county includes a larger area than should be included in a single national farm-loan association, such county may be subdivided into more than one district, and a national farm-loan association may be organized in each of said subdivisions, and each of such subdivisions shall be held to constitute a county, so far as the provisions of this act shall relate to the organization and administration of national farm-loan associations and the liabilities of the members thereof.

MUTUAL PROTECTIVE FUND.

SEC. 13. That a separate account shall be kept by every Federal land bank of dividends due to the members of each Federal land-bank association. The dividends due any borrower shall not be paid to him in cash until such dividend shall be an amount equal to 3 per cent of the face value of his loan, but shall be placed to the credit of the member, and also to the credit of such Federal land-bank association, and so remain until the loan of such member shall be paid, unless paid out as herein provided. The amounts so credited shall be known as the mutual protective fund. Such dividends shall draw interest in favor of the member at the annual rate the bank receives thereon from its depository or depositories. Should any member of any Federal land-bank association at any time be in default in the payment of interest due on his loan he may apply to his association for financial assistance, and should the said association by majority vote of its members act favorably thereon said association shall direct the Federal land bank holding such loan to pay the interest in default as aforesaid and charge the same to the mutual protective fund of such association.

ASSOCIATION DISTRICTS.

SEC. 14. That every Federal land bank shall divide each State included in the Federal land-bank district in which it is located into as many divisions as there shall be congressional districts in said State at the time of the passage of this act, and said districts shall be known as "association districts." They shall be formed with a view to the convenience of members of Federal land-bank associations and with a view to providing facilities of transportation for such members in attending meetings of the district council of such associations, but no association district shall contain a fractional part of a county. The chairmen of the board of directors of the Federal land-bank associations within each association district shall constitute the district council of Federal land-bank associations. The district council of each Federal bank association shall meet annually at such time and place as shall be designated by the Federal land bank of the Federal bank district in which such association is located. One of the directors of such Federal land bank shall meet with the district council of Federal land-bank associations and shall act as chairman of such council. Such district council may take under consideration any matter which may aid borrowers in the payment of their obligations to the Federal land bank or that may in any way contribute to the well-being of such borrowers or to the success of the land-credit system established by this act. It shall be the duty of every Federal land bank, through the district councils of Federal land-bank associations, to render every assistance possible to the borrowers of such bank and to encourage and enable such borrowers to use the system of land credit established by this act for the promotion of agricultural expansion and prosperity and to contribute to the welfare of its borrowers.

The Federal land bank of such district shall pay the chairman of the board of directors of each Federal land-bank association his reasonable expenses in attending such meetings and may also pay him reasonable compensation for the time necessarily occupied. District associations may be in session three days.

STATE COUNCILS OF ASSOCIATIONS.

SEC. 15. That there is hereby established in each State a State council of Federal land-bank associations, which shall be composed of two delegates from each district council of Federal land-bank associations. State councils shall be held at such time and place as shall be fixed by the Federal land bank of each district. At the annual meeting of the district councils of Federal land-bank associations such councils shall each elect two delegates to the State council of the Federal land-bank associations of such State. When practicable, one of the directors of the Federal land bank of the district shall attend each State council of Federal land-bank associations, and when so attending shall act as chairman of said council. It shall be the duty of said chairman to bring before the council such matters as in his judgment will contribute to the success of the land-credit system established by this act, that will contribute to the agricultural development of such State, to the prosperity of the borrowers from the Federal land bank, or that will enable such borrowers to meet their obligations to such bank or add to their general welfare. Each State council of Federal land-bank associations shall elect two members of the advisory board of each Federal land bank. The Federal land bank shall pay the reasonable expenses of the delegates to the State council of the Federal land-bank association and allow them a reasonable compensation for the time occupied in attending the meetings of the said association.

RESPONSIBILITY OF BORROWERS.

SEC. 16. That the responsibility of borrowers from Federal land banks shall be as follows:

First. Every borrower from any Federal land bank shall be held individually responsible, equally and ratably and not one for another, for all contracts, debts, and engagements of every other borrower from said land bank to the amount of his stock in the reserve capital thereof. Such stock shall be held as collateral security for the responsibility herein prescribed: *Provided*, That the responsibility of one borrower for another, as prescribed in this section, shall be limited, restricted, and enforced as hereinafter set forth.

Second. Primarily the responsibility of one borrower for another or others as set forth in this section shall be held to apply and shall be enforced as follows:

First, as between members of each Federal land-bank association;

Second, as between members of Federal land-bank associations comprised in each association district;

Third, as between members of Federal land-bank associations in each State;

Fourth, as between members of all the Federal land-bank associations in each Federal land-bank district.

INTEREST ON BONDS AND MORTGAGES.

SEC. 17. That the rate of interest charged by Federal land banks on farm loans shall be uniform throughout the United States. The rate of interest which farm-loan bonds bear shall be uniform.

Before any Federal land bank shall make any farm loan the board of directors of the United Federal Land Bank, with the approval of the Federal farm-loan board, shall establish a uniform rate of interest which every Federal land bank shall charge on farm loans until such time as the said board of directors, with the approval of the Federal farm-loan board, shall establish a different uniform rate of interest which Federal land banks shall charge upon farm loans. Neither the board of directors of the United Federal Land Bank nor the Federal farm-loan board shall have power to authorize any Federal land bank to charge a rate of interest on farm loans which in any way varies from the uniform rate charged by other Federal land banks established under the foregoing provisions.

Before the united Federal land bank shall issue any farm-loan bond the board of directors thereof, with the approval of the Federal farm-loan board, shall establish a uniform rate of interest which all farm mortgage bonds issued for and in behalf of Federal land banks shall bear, until such time as the directors of the united Federal loan bank and said board shall establish another or different rate of interest which farm-loan bonds issued by such bank shall bear. Neither the

board of directors of the united Federal land bank nor the Federal farm-loan board shall have power to authorize any Federal land bank to issue farm-loan bonds bearing any other interest rate than the uniform rate established aforesaid. No farm mortgage bond shall bear interest in excess of 4 per cent per annum.

The annual interest charge, including amortization payments, upon any farm loan made by any Federal land bank shall not exceed 5 per cent upon the face of the loan. Interest shall be paid semiannually. From the annual interest payment of every borrower from any Federal land bank, such bank shall set aside an amount equal to at least one-half of 1 per cent of the face of the loan as a payment on the principal, which amount shall be placed in the sinking fund and used as provided in this act.

From the annual interest payment of every borrower from a Federal land bank an amount equal to one-fourth of 1 per cent of the face of the loan shall be placed in the guaranty capital as provided in this act.

From the annual interest payment of every borrower from a Federal land bank an amount equal to one-fourth of 1 per cent of the face of the loan shall be set aside by such bank to be used in the payment of the administration expenses of such bank, in the payment of dividends, and for any other purpose that may be authorized by law.

No Federal land bank shall sell its farm loan bonds at less than par value unless authorized to do so by the united Federal land bank, with the approval of the Federal farm-loan board.

Should it be necessary at any time, in order to secure the proper sale of farm-loan bonds, that such bonds shall be sold at less than their par value, the united Federal land bank, by its board of directors, may, with the approval of the Federal farm-loan board, establish an uniform rate of discount at which every Federal land bank shall sell farm-loan bonds issued for and in its behalf and thereafter, until otherwise ordered by the united Federal land bank, with the approval of the Federal farm-loan board, every Federal land bank shall sell such bonds so issued for it at the rate of discount so fixed.

SINKING FUND.

SEC. 18. That all amortization payments on the principal of any mortgage shall be set apart into a separate fund, to be known as the sinking fund, and is hereby declared to be a trust fund. The sinking fund shall be used for no purpose except for the payment, redemption, and retirement of the Federal farm-loan bonds issued by Federal land banks. The sinking fund of every Federal land bank shall be deposited in one or more of the depositories thereof, which shall pay interest thereon, payable semiannually, said interest to be paid upon the average daily balances in such fund for the six months immediately preceding the interest payment. Such interest shall be credited to such fund and become a part thereof. Such deposits shall be secured by United States Government bonds or Federal farm-loan bonds equal in amount to the sinking fund on deposit in any such depository.

The Federal farm-loan board shall prescribe rules and regulations which shall control every Federal land bank in its method and manner of selecting Federal farm-loan bonds for retirement or payment.

Every six months every Federal land bank shall call for payment or retirement Federal land-bank bonds equal in amount to the total sinking fund on hand at that time.

FARM-LOAN BONDS.

SEC. 19. That farm-loan bonds shall be issued in the name of the united Federal land bank for and in behalf of the Federal land bank asking for their issue, and the name of such bank shall plainly appear on the face thereof. All farm-loan bonds shall be secured as hereinafter provided in this section, and the facts showing such security shall be clearly stated on the face of said bond.

Farm-loan bonds issued by the united Federal land bank for and in behalf of any Federal land bank shall be secured—

First. By the farm mortgages deposited as collateral security therefor and by the reserve capital, the guaranty capital, and the operating capital of such bank; and the owners of farm-loan bonds issued for and in behalf of any Federal land bank shall have a first and prior lien over all other creditors upon farm mortgages so deposited and subject to the proviso next following upon such reserve capital, guaranty capital, and operating capital for the payment of said bonds: *Provided*, That the foregoing provision shall be subject to the right of any Federal land bank to use any part or portion of its reserve capital, guaranty capital, and operating capital, or any other fund or asset it may have, except farm mortgages deposited as collateral security for the payment of any issue of farm-mortgage bonds, to meet the default in the interest payment on the bonds of any other Federal land bank and to meet the obligations, contracts, and debts of any other Federal land bank, in case of the insolvency thereof, as provided hereinafter in this section.

Second. By any other fund, capital, or asset of such Federal land bank in common with the claims of other creditors.

Third. By the reserve capital, the guaranty capital, the operating capital, and other assets of all other Federal land banks; and the owners of farm loan bonds issued for and in behalf of one Federal land bank shall have a first and prior lien over all other creditors, except the owners of the farm-loan bonds of such banks, upon the operating capital, the reserve capital, and the guaranty of all other Federal land banks for the payment of such bonds.

Fourth. Every Federal land bank shall be primarily liable for farm-loan bonds issued for it and in its behalf and shall also be liable, upon presentation of farm-loan bond coupons, for interest payments due upon any farm-loan bonds issued by other Federal land banks and remaining unpaid in consequence of the default of such other land banks; and every such bank shall likewise be liable for such portion of the principal of farm-loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed: *Provided*, That such losses, if any, either of interest or of principal, shall be assessed by the Federal farm-loan board against solvent land banks liable therefor in proportion to the amount of farm-loan bonds which each may have outstanding at the time of such assessment.

In the organization certificate of every Federal land bank the subscribers shall set forth that the liabilities prescribed in this section are fully assumed as one of the conditions upon which said bank shall be organized.

Every Federal land bank before commencing business shall, by appropriate action of its board of directors, in such form as shall be prescribed by the Federal farm-loan board, duly recorded in its minutes, obligate itself to become liable on farm-loan bonds as prescribed in this section.

The form of farm-loan bonds issued by a Federal land bank shall include, among other provisions, a copy or synopsis of this section of this act and a statement that the assets of all the Federal land banks are jointly and severally liable for the payment of each bond, and shall further state the physical basis of such bonds in farm lands and such other information as may be prescribed by the Federal farm-loan board.

APPLICATIONS FOR FARM-LOAN BONDS.

SEC. 20. That any Federal land bank which shall have voted to issue farm-loan bonds under this act shall make written application to the Federal farm-loan board, through the Federal fiduciary agent of the district, for approval of such issue. With said application said land bank shall tender to said agent as collateral security first mortgages on farm lands qualified under the provisions of section 12 or section 17 of this act, or United States Government bonds, not less in aggregate amount than the sum of the bonds proposed to be issued. Said bank shall furnish with such mortgages a schedule containing a description thereof and such further information as may be prescribed by the Federal farm-loan board.

Upon receipt of such application said agent shall verify said schedule and shall transmit said application and said schedule to the Federal farm-loan board, giving such further information pertaining thereto as he may possess. The Federal farm-loan board shall forthwith cause one or more special appraisers to make such investigation and appraisement of the securities tendered as it shall deem wise, and upon receiving a report from said special appraiser or appraisers it shall grant in whole or in part, or reject entirely, such application.

The Federal farm-loan board shall promptly transmit its decision as to any issue of farm-loan bonds to the united Federal land bank, to the land bank applying for the same, and to the Federal fiduciary agent of the district. Said agent shall furnish, in writing, such information regarding any issue of farm-loan bonds as the Federal farm-loan board may at any time require.

ISSUE OF FARM-LOAN BONDS.

SEC. 21. That whenever any Federal fiduciary agent shall receive from the Federal farm-loan board notice that it has approved any issue of farm-loan bonds he shall forthwith take such steps as may be necessary, in accordance with the provisions of this act, to insure the prompt execution of said bonds and the delivery of the same to the land bank applying therefor.

Whenever the Federal farm-loan board shall reject entirely any application for an issue of farm-loan bonds, the first mortgages tendered to the Federal fiduciary agent as collateral security therefor shall be forthwith returned to said land bank by him.

Whenever the Federal farm-loan board shall approve an issue of farm-loan bonds, the Federal fiduciary agent having the custody of the first mortgages and bonds tendered as collateral security for such issue of bonds shall retain in his custody those first mortgages and bonds which are to be held as collateral security, and shall return to the bank owning the same any of said mortgages and bonds which are not to be held by him as collateral security. The land bank which is to issue said farm-loan bonds shall transfer to said Federal fiduciary agent, by assignment in trust, all first mortgages and bonds which are to be held by said agent as collateral security, said assignment providing for the right of redemption at any time by payment as provided in this act and reserving the right of substitution of other mortgages qualified under section 12 or section 17 of this act. Said mortgages shall be deposited in such deposit vault or bank as the Federal farm-loan board shall approve, subject to the control of said agent and in his name as trustee for the bank issuing the farm-loan bonds and for the prospective holders of said farm-loan bonds.

No mortgage shall be accepted by a Federal fiduciary agent from a Federal land bank as part of an offering to secure an issue of farm-loan bonds, either originally or by substitution, except first mortgages made subject to the conditions prescribed in said sections 12 or 17.

It shall be the duty of each Federal fiduciary agent to see that the farm-loan bonds delivered by him and outstanding do not exceed the amount of collateral security pledged therefor. Such agent may, in his discretion, temporarily accept in place of mortgages withdrawn United States Government bonds, farm-loan bonds, or cash.

The Federal farm-loan board may, at any time, call upon any land bank for additional security to protect the bonds issued by it.

FORM OF FARM-LOAN BONDS.

SEC. 22. That all bonds provided for in this act shall be issued under the authority and by the direction of the Federal farm-loan board. They shall be issued in denominations of $25, $50, $100, $500, and $1,000. They shall run for specified minimum and maximum periods, subject to be paid and retired at the option of the land bank at any time after their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, whose amount and term shall be fixed by the Federal farm-loan board. They shall bear a rate of interest not to exceed 4 per cent per annum.

The Federal farm-loan board shall prescribe rules and regulations concerning the circumstances and manner in which farm-loan bonds shall be paid and retired under the provisions of this act.

Farm-loan bonds shall be delivered through the Federal fiduciary agent of the district to the bank applying for the same.

In order to furnish suitably engraved bonds for delivery to Federal land banks and joint-stock land banks, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such bonds of the denominations of $25, $50, $100, $500, and $1,000 as may be required to supply such land banks. Such bonds shall be in form and tenor as directed by the Federal farm-loan board under the provisions of this act, and shall bear the distinctive numbers and names of the several land banks by which they are issued. They may be exchanged into registered bonds of any amount and reexchanged into coupon bonds, at the option of the holder, under rules and regulations to be prescribed by the Federal farm-loan board.

When such bonds have been prepared they shall be deposited in the Treasury, or in the subtreasury or mint of the United States nearest the place of business of each land bank, and shall be held for the use of such bank, subject to the order of the farm-loan registrar of the district.

The plates and dies to be procured by the Comptroller of the Currency for the printing of such bonds shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating to the preparation of such bonds and all other expenses incidental to their issue and retirement shall be paid by the land banks. The Federal farm-loan board shall levy semiannually against the respective Federal land banks, in proportion to the issue of bonds by each, a sufficient amount to cover such expenses.

The examination of plates, dies, bed pieces, etc., and regulations relating to such examination of plates, dies, etc., of national-bank notes provided for in section 5174, Revised Statutes, are hereby extended to include bonds herein provided for.

Any appropriation heretofore made out of the general fund of the Treasury for engraving plates and dies, for the purchase of distinctive paper, or to cover any other expense in connection with the printing of paper currency, and any distinctive paper that may be on hand at the time of the passage of this act may be used in the discretion of the Secretary of the Treasury for the purposes of this act, and should the appropriations heretofore made be insufficient to meet the requirements of this act, the Secretary is hereby authorized to use so much of any funds in the Treasury not otherwise appropriated as may be required for the purpose of furnishing the bonds aforesaid, adequate reimbursement being duly made therefor under the provisions of this section.

SEC. 23. That the form of farm-loan bonds issued under this act shall be prepared by the Federal farm-loan board.

Each bond shall contain a certificate in the face thereof, signed by the farm-loan commissioner, to the effect that this bond has the approval in form and issue of the Federal farm-loan board and is legal and regular in all respects. It shall be signed by the president of the united Federal land bank and attested by its secretary. It shall contain in the face thereof a certificate, in such form as shall be prescribed by the Federal farm-loan board, signed by the president of the Federal land bank for which and in whose behalf said bond was issued, showing in effect that such bond was issued for and in behalf of said bank, and the said bank is bound primarily as prescribed by law for the payment thereof.

Each Federal land bank shall be held to be bound in all respects by the acts of its president in signing farm-loan bonds as prescribed in the foregoing paragraph and by the acts of the Federal farm-loan board in authorizing their issue, and every Federal land bank shall be held to be bound in all respects by the acts of the president of the united Federal land bank in signing farm-loan bonds.

There shall appear on the face of each farm-loan bond provided in this act the statement that such a bond is not taxable by National, State, or municipal authority.

AMORTIZATION AND INTEREST PAYMENTS.

SEC. 24. That whenever any Federal land bank shall receive any interest amortization, or other payment upon any first mortgage pledged as collateral security for the issue of farm-loan bonds, it shall forthwith notify the Federal fiduciary agent of the items so received. Said agent shall forthwith cause such payment to be duly credited upon the mortgage entitled to such credit. Whenever any such mortgage is paid in full, said agent shall cause the same to be canceled and delivered to the proper land bank for transmission to the original maker thereof, or his heirs, administrators, or assigns.

Upon written application by any Federal land bank to the Federal fiduciary agent, it may be permitted, in the discretion of said agent, to withdraw any mortgages or bonds pledged as collateral security under this act, and to substitute therefor other mortgages or United States Government bonds not less in amount than the mortgages or bonds desired to be withdrawn, such substituted mortgages being qualified under section 12 or section 17 of this act.

Whenever any farm loan bond, or coupons, or interest payments of such bonds, are due under their terms, they shall be payable at the land bank by which they were issued, in gold or lawful money, and upon payment shall be duly canceled by said bank. At the discretion of the Federal farm loan board, payment of any farm loan bond or coupon or interest payment may, however, be authorized to be made at any Federal land bank or any other bank under rules and regulations to be prescribed by the Federal farm loan board.

When any Federal land bank shall surrender to the proper Federal fiduciary agent any farm loan bonds of any series, canceled or uncanceled, said land bank shall be entitled to withdraw first mortgages and bonds pledged as collateral security for any of said series of farm loan bonds to an amount equal to the farm loan bonds so surrendered, and it shall be the duty of said agent to permit and direct the delivery of such mortgages and bonds to such land bank.

Interest payments upon hypothecated first mortgages shall be at the disposal of the land bank pledging the same, and shall be available for the payment of coupons and the interest of farm loan bonds as they become due.

Whenever any bond matures, or the interest on any registered bond is due, or the coupon on any coupon bond matures, and the same shall be presented for payment as provided in this act, the full face value thereof shall be paid to the holder.

Amortization or other payments on the principal of first mortgages held as collateral security for the issue of farm loan bonds shall constitute a trust fund in the hands of the Federal land bank receiving the same, and shall be applied or employed as follows:

(a) To pay off farm loan bonds issued by said bank as they mature or as they shall be called for payment by any Federal land bank.

(b) To convert said payment into gold or lawful money.

(c) To deposit in the depository or depositories of such bank on interest, subject to the provisions of this act, until the same shall be used in the payment of farm loan bonds.

Federal land banks, in the order of their applications, shall have a preference over other subscribers in purchasing the whole or any part of an issue of farm loan bonds.

Every Federal land bank shall notify the Federal fiduciary agent of the disposition of all payments made on the principal of mortgages held as collateral security for an issue of farm loan bonds, and said agent is authorized, at his discretion, to order any of such payments or the proceeds thereof, wherever deposited or however invested, to be immediately transferred to his account as trustee aforesaid.

SEC. 25. That the board of directors of every Federal farm loan association shall appoint one or more appraisement committees, consisting of three persons, which committees may be designated by number. Every application for a loan must be accompanied with an appraisement of the land offered as security by one of such appraisement committees.

Said appraisement committee shall examine the land which is offered as security for the desired loan and shall make a detailed written report, signed by all three members, giving the appraisal of said land as determined by them and such other information as may be required by rules and regulations to be prescribed by the Federal farm loan board.

The written report of said appraisement committee shall be submitted to the Federal land bank, together with the affidavit provided for in this act, and the directors of said land bank shall examine said written report when they pass upon the loan application which it accompanies, but they shall not be bound by said appraisal.

Before any mortgage loan is made by any Federal land bank it shall refer the application, affidavit, and written report of the loan committee to one or more of the land bank appraisers appointed under the authority of this act, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable.

Whenever any Federal land bank shall desire to issue farm loan bonds under the provisions of this act, the Federal farm loan board shall refer the application of such land bank to one or more of the special appraisers appointed under the authority of section 3 of this act. Such special appraiser or appraisers shall make such examination and appraisal of the mortgages offered as collateral security for such bonds as the Federal farm loan board shall direct, and shall make a written report to said board. No issue of farm loan bonds shall be authorized unless the Federal farm loan board shall approve such issue in writing.

Forms for appraisal reports for farm-loan associations and land banks shall be prescribed by the Federal farm-loan board.

Land-bank appraisers and special appraisers shall make such examinations and appraisals and conduct such investigations, concerning farm-loan bonds and first mortgages, as the Federal farm-loan board shall direct.

No borrower under this act shall be eligible as an appraiser under this section, but borrowers may act as members of an appraisal committee in any case where they are not personally interested in the loan under consideration. When any member of an appraisal committee or of a board of directors is interested, directly or indirectly, in a loan, a majority of the board of directors of any farm-loan association shall appoint a substitute to act in his place in passing upon such loan.

RESTRICTIONS ON LOANS BASED ON FIRST MORTGAGES.

SEC. 26. That no Federal land bank organized under this act shall make loans except upon the following terms and conditions:

First. Said loans shall be secured by duly recorded first mortgages on farm land within the land-bank district in which the bank shall be situated.

Second. Every such mortgage shall contain an agreement for the payment of interest, and for the payment of a fixed number of semiannual installments sufficient to provide for an agreed rate of interest during the term and for the payment of the principal during and at the end of the term, on what is known as the amortization plan.

Third. Every such mortgage shall run for a period of at least 5 years and not exceeding 40 years.

Fourth. Every mortgage loan made under this act, for whatever period, shall provide for its extinguishment, at the option of the borrower, in whole or in part, at any date set for the payment of interest after one year from the date upon which said loan was made, as follows:

(a) By the tender at their face value of farm-loan bonds issued by the land bank holding such mortgage, all unmatured coupons being attached to said bonds.

(b) By advance payments in cash in sums of $25, or any multiple thereof. In such case the Federal land bank receiving such payments shall purchase for its own account, and credit at par upon the mortgage, farm-loan bonds in suitable amounts and of the proper series; said land bank may call, as may be necessary, farm-loan bonds in suitable amounts and of the proper series, and when such calls shall have become effective shall credit such payments on such mortgage.

Fifth. The rate of interest charged for such loans, including the annual amortization payment and all other annual or semiannual charges thereon, shall not exceed 5 per cent per annum.

Sixth. No such loan shall exceed 55 per cent of the value of the land mortgaged, said value to be ascertained by appraisal, as provided in this act.

In making said appraisal the actual earning power of said land shall be a principal factor. A reappraisal may be permitted at any time in the discretion of the Federal land bank, and such additional loan may be granted as such reappraisal will warrant under the provisions of this paragraph. Whenever the amount of the loan applied for exceeds the amount that may be loaned under the appraisal as herein limited, such loan may be granted to the amount permitted under the terms of this paragraph without requiring a new application or appraisal.

Seventh. The amount of loans to any one borrower shall in no case exceed a maximum of $10,000.

Eighth. Every applicant for a loan under the terms of this act shall make application on a form to be prescribed for that purpose by the Federal farm-loan board, and such applicant shall state the objects to which the proceeds of said loan are to be applied and shall afford such other information as may be required.

Ninth. Every borrower shall undertake to pay when due all taxes which may be lawfully assessed against the land mortgaged.

EXEMPTION FROM TAXATION.

SEC. 27. That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks under the provisions of this act shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation.

Farm-loan bonds issued under the provisions of this act and the income derived therefrom shall be exempt from Federal, State, and local taxation.

INVESTMENT IN FARM LOAN BONDS.

SEC. 28. That farm-loan bonds issued under the provisions of this act by Federal land banks shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits.

Any member bank of the Federal Reserve System may buy or sell farm-loan bonds issued under the authority of this act and accept them as collateral security for any loans made.

STATE LEGISLATION.

SEC. 29. That it shall be the duty of the farm-loan commissioner to make examination of the laws of every State of the United States and to inform the Federal farm-loan board as rapidly as may be whether in his judgment the laws of each State relating to the conveying and recording of land titles, and the foreclosure of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemptions as respects first mortgages, are such as to assure the holder thereof adequate safeguards

against loss in the event of default on loans secured by any such mortgages.

Pending the making of such examination in the case of any State, the Federal farm-loan board may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of farm-loan bonds; and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this act, the said Federal farm-loan board may declare said first mortgages on land situated in such State ineligible during the continuance of the laws in question. In making his examination of the laws of the several States and forming his conclusions thereon said farm-loan commissioner may call upon the office of the Attorney General of the United States for any needed legal advice or assistance, or may employ special counsel in any State where he considers such action necessary.

At the request of the executive of any State the Federal farm-loan board shall prepare a statement setting forth in what respects the requirements of said board can not be complied with under the existing laws of such State.

EXAMINATIONS.

SEC. 30. That the Federal farm-loan board shall appoint as many land-bank examiners as in its judgment may be required to make careful examinations of the banks permitted to do business under this act.

Said examiners shall be subject to the same requirements, responsibilities, and penalties as are applicable to national bank examiners under the national bank act, the Federal reserve act, and other provisions of law. Said examiners shall be required to examine and report the condition of every Federal land bank at least twice each year.

Said examiners shall receive salaries to be fixed by the Federal farm-loan board, which shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

PENALTIES.

SEC. 31. That any applicant for a loan from a Federal land bank who shall knowingly make any false statements in his application for such loan, and any member of an appraisement committee or any appraiser provided for in this act who shall willfully overvalue any land offered as security for loans under this act, shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than $5,000, or both. Any examiner appointed under this act who shall accept a loan or gratuity from any bank examined by him, or from any person connected with any such bank in any capacity, shall be deemed guilty of a misdemeanor, and shall be imprisoned not exceeding one year or fined not more than $5,000, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this act. No examiner shall perform any other service for compensation while holding such office, for any bank or banking or loan association, or for any person connected therewith in any capacity.

Any person who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any bond, coupon, or paper in imitation of, or purporting to be in imitation of, the bonds or coupons issued by any Federal land bank, now or hereafter authorized and acting under the laws of the United States; or any person who shall pass, utter, or publish, or attempt to pass, utter, or publish any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by any such bank, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering any such bond, coupon, or paper, or shall pass, utter, or publish as true any falsely altered or spurious bond, coupon, or paper issued, or purporting to have been issued, by any such bank or association, knowing the same to be falsely altered or spurious, shall be deemed guilty of a misdemeanor and shall be fined not exceeding $5,000 or imprisoned not exceeding five years, or both.

Other than the usual salary or director's fee paid to any officer, director, or employee of a national farm-loan association or a Federal land bank, and other than a reasonable fee paid by such association or bank to any officer, director, attorney, or employee for services rendered, no officer, director, attorney, or employee, of an association or bank organized under this act shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such association or bank. No bank or association organized under this act shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized. No examiner, public or private, shall disclose the names of borrowers to other than the proper officers of a Federal land bank without first having obtained express permission in writing from the farm-loan commissioner or from the board of directors of such bank, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress or of either House duly authorized. Any person violating any provision of this paragraph shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both.

Any person connected in any capacity with any farm-loan association or Federal land bank who embezzles, abstracts, or willfully misapplies any moneys, funds, or credits, or who without authority from the directors draws any order, assigns any note, bond, draft, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such association or land bank with intent in either case to defraud such institution or any other company, body politic or corporate, or any individual person, or to deceive any officer of a farm-loan association or land bank or any agent appointed to examine into the affairs of any such association or bank, and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding $5,000 or imprisoned not exceeding five years, or both.

Any person who shall deceive, defraud, or impose upon, or who shall attempt to deceive, defraud, or impose upon, any person, firm, or corporation by making any false pretense or representation regarding the character, issue, security, or terms of any farm-loan bond, or coupon, issued under the terms of this act; or by falsely pretending or representing that any farm-loan bond, or coupon, issued under the terms of this act by one class of land banks is a farm-loan bond, or coupon, issued by another class of banks; or by falsely pretending or representing that any farm-loan bond, or coupon, issued under the terms of this act, or anything contained in said farm-loan bond, or coupon, is anything other than, or different from, what it purports to be on the face of said bond, or coupon, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding $5,000 or imprisoned not exceeding five years, or both.

DISSOLUTION AND APPOINTMENT OF RECEIVERS.

SEC. 32. That upon becoming satisfied that any Federal land bank has failed to meet its outstanding obligations of any description whatever when due and is in default, the Federal farm-loan board may forthwith declare such bank insolvent and appoint a receiver and require of him such bond and security as it deems proper. Such receiver, under the direction of the Federal farm-loan board, shall take possession of the books, records, and assets of every description of such bank, collect all debts, dues, and claims belonging to it, and, with the approval of the Federal farm-loan board, or upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like approval or order, may sell all the real and personal property of such bank, on such terms as the Federal farm-loan board or said court shall direct. Such receiver shall pay over all money so collected to the Treasurer of the United States, subject to the order of the Federal farm-loan board, and also make report to said board of all his acts and proceedings.

No national farm-loan association, Federal land bank, or joint-stock land bank shall be dissolved without the written consent of the Federal farm-loan board.

ORGANIZATION EXPENSES.

SEC. 33. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Federal farm-loan board for the purpose of carrying into effect the provisions of this act.

LIMITATION OF COURT DECISIONS.

SEC. 34. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

REPEALING CLAUSE.

SEC. 35. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask unanimous consent that I may proceed for 30 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that he may address the committee for 30 minutes. Is there objection?

Mr. GLASS. Mr. Chairman, I object.

Mr. MORGAN of Oklahoma. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three members present, a quorum.

Mr. MORGAN of Oklahoma. Mr. Chairman, I regret very much that I could not have been granted 30 minutes in which to explain this measure.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Oklahoma may proceed for 10 minutes. Is there objection.

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Chairman, I am very glad, while we are under the five-minute rule, to have been allotted even 10 minutes in which to explain this bill. I called attention a few weeks ago to the fact that the Committee on Banking and Currency had made no report, although it had had the bill reported by the joint committee for several months, and if I remember correctly the chairman of the Banking and Currency Committee said at that time that there would be ample time for debate. Under the special rule adopted for this bill we were given only three hours on a side for general debate. I do not think there has been ample time given for discussion of this great problem.

Mr. MADDEN. How much time would the gentleman consider proper for an important matter like this?

Mr. MORGAN of Oklahoma. Mr. Chairman, so far as that is concerned, when we considered the bill to provide for the banking, commercial, and financial interests of the country a new currency and a new banking system, we had almost unlimited time. If I remember, the majority were weeks in the preparation of the bill in caucus, and we had a week, I think, for general debate—ample time. We considered the bill at a special session of Congress, when no other matters were before the Congress. The Members of the House had an abundance of time to study the bill. Now, when we have a bill in the interest of agriculture, in the interest of 6,500,000 farmers, we are cut off from proper time for discussion. The bill is taken up only a few days after it has been reported. We are given only six hours of general debate. We are then placed under the five-minute rule. We are allowed only five minutes to discuss an important amendment. Do you tell me that is ample time

for deliberation? Do you tell me that is sufficient time for proper consideration? Do you tell me that is fair to the farmers of the Nation? Not at all. It looks to me as though an effort was being made here to put through this bill without giving proper time in which to discuss it and to point out its defects. Why was not this bill reported here months ago?

When the Senate bill was sent over here a few days ago immediately the Committee on Banking and Currency comes into the House with a report substituting the Banking and Currency Committee's bill for the Senate bill. The committee could not have had time to give any serious thought to the important provisions in the Senate bill. So after months of delay the bill is to be rushed through the House without careful and deliberate discussion. I do not care for myself individually, I care nothing about this bill so far as my party is concerned. I have given the very best effort I could to contribute my mite to the proper solution of this great problem—not in the interest of my party or myself—and not alone in the interest of the farmer, but, as I believe, in the interest of the whole country. [Applause.] Yet when I ask for 30 minutes the chairman of the Banking and Currency Committee objected, which, under the rule, he has the right to do, but I say that that is not giving proper time for the explanation of the bill which I have offered as a substitute for the committee bill, neither is it giving the time that a subject of this importance deserves.

Mr. GLASS. Will the gentleman permit an interruption?

Mr. MORGAN of Oklahoma. Certainly; I will be very glad to do so.

Mr. GLASS. I will say to the gentleman that he has had more time than any gentleman on the Republican side. He has had 20 minutes more than the chairman of the Banking and Currency Committee, and furthermore I will say to the gentleman that when the question of time originally came up I consulted, as I always do, the senior Republican member of the Banking and Currency Committee and he suggested that three hours was ample time for general debate. Instead of three hours I asked for eight hours, and the Committee on Rules gave six hours, which is twice what the senior Republican member thought was sufficient. [Applause on the Democratic side.]

Mr. MORGAN of Oklahoma. I do not know, but I would like to hear from the senior member of the Banking and Currency Committee on the Republican side, who can answer for himself, and if he thought three hours was sufficient for the entire debate I differ from him very materially.

Mr. HEFLIN. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will be glad to do so.

Mr. HEFLIN. The gentleman complains about not having time enough to discuss the bill. We have given the gentleman by unanimous consent 10 minutes, and the gentleman seems to be opposing the bill and not telling anything about its provisions or anything that is to take the place of them.

Mr. MORGAN of Oklahoma. Well, if I knew no more about it than some gentlemen I could tell all I knew in five minutes. [Applause on Republican side.]

Mr. HEFLIN. I judge that the gentleman knows very little about it because he is not now telling us anything about it.

Mr. MORGAN of Oklahoma. I can not yield further. I have offered a substitute here for the bill. In the few minutes I have left I will try to explain what it is. In the first place there is no provision which authorizes the formation of joint-stock banks. As you know, I think that is one of the great defects in the bill reported by the committee, and I hope when the proper time comes some gentleman will move to strike it out, and if no other person does so I shall try to do so myself, and I hope that provision will be stricken out. I believe with the provision stricken out the bill on the whole is a good measure and I expect to vote for this bill [applause], even if it is not amended in any particular. I think it can be amended in many particulars to help it, and I hope as we go along I will be able to show some of those points.

In the first place, I would strike out the profit-sharing joint-stock banks and give to the farmers of this Nation an institution which they will own and to whom all the profits will go, if there are any profits. This bill proposes that the Government shall help the farmers establish a great land-credit system. It proposes—and I think wisely—to use Government funds to aid in establishing these institutions. I believe if you will eliminate the joint-stock banks you will give to the farmers of this Nation a land-credit system that is surpassed by the land-credit system of no other nation in the world. Still, I think there are other important amendments which should be made. The bill which I have offered as a substitute for the committee bill creates the 12 district banks, following the system provided in the committee bill, and in addition to that it creates a central bank called the united Federal land bank.

Mr. HOWARD. Will the gentleman yield there?

Mr. MORGAN of Oklahoma. I will.

Mr. HOWARD. Why does the gentleman adopt the 12 regional banks for land-mortgage credit? What was the gentleman's object in doing so?

Mr. MORGAN of Oklahoma. Here is the point: I think the gentleman from Georgia and I have always agreed upon one thing, namely, that the bond-issuing power should be centralized in one institution; that is what I believe. But when the proposition was made to create 12 banks and make them responsible for each other's obligations, each other's bonds, I accepted the proposition as meeting the idea of centralization in the bond-issuing power.

Mr. HOWARD. Will the gentleman yield right there? Does not the gentleman think if that is true he has created eleven times more machinery than is necessary to run this system, and has made it much more expensive than it should be?

Mr. MORGAN of Oklahoma. I thought I would go that far with them, but my bill creates the united Federal land bank, which would be controlled by 12 directors, each one of those 12 banks electing one of the directors. Now, this united Federal land bank would not have any capital stock. It would not be a money-making institution, but it would be a legal corporation through which and by which and with which these 12 banks could carry out the purposes for which they are created.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN of Oklahoma. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes. Is there objection?

Mr. GLASS. I was just about to make the same request.

The CHAIRMAN. The Chair hears no objection and the gentleman is recognized for five additional minutes.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will.

Mr. MOSS of Indiana. The gentleman also in his bill adopts the farm loan association?

Mr. MORGAN of Oklahoma. Yes, sir.

Mr. MOSS of Indiana. Will the gentleman kindly tell the committee why he adopts the farm loan association?

Mr. MORGAN of Oklahoma. The gentleman wants to know why I adopt the farm loan association. My bill does provide for this association, but there is a very important difference between the farm loan association in my bill and the committee bill. In my bill these farm loan associations do not make loans. They are organizations by which and through which the borrowers can act in their own interests and for their own mutual benefit and to help the Federal land banks carry on their work. They have no power to make loans. They can not employ salaried officials. They are not allowed to make assessments and fines, as they are allowed to do in the committee bill; and, in other words, they are an organization which will accomplish all the farm loan associations will accomplish as constituted under the committee bill, and without any expense. And I warn the gentleman that the farm loan associations under his bill will be expensive to operate and largely increase the expense of the Government in their supervision.

Mr. MOSS of Indiana. Now, do you understand that the farm-loan association has the power to make any loans?

Mr. MORGAN of Oklahoma. I know this——

Mr. MOSS of Indiana. Does not the gentleman know that they do not have the power to make any loans?

Mr. MORGAN of Oklahoma. I know this, that in the bill the application to make loans is to the local association. I know that the money is transmitted through the local association. I know the profits that are made are transmitted to the stockholders of those associations. I know those associations are allowed to employ a salaried secretary and treasurer. I know they are allowed to make an assessment and a fine upon the members of that association. I know there is no limit to the expense which those associations may be to the borrowers, while under my bill there can be no expense. [Applause.] There is simplicity, there is economy; and one of the real objections to this 12-district bank system, with their farm-loan associations, is that it can not be economically administered.

Mr. MOSS of Indiana. How can the land bank, under your bill, make a loan, providing one of the national banks or State banks should refuse to act as agent?

Mr. MORGAN of Oklahoma. Under my bill all that is necessary is for the farmer in the least improved county of Indiana, or in that splendid county which the gentleman so ably represents in this House, or out on the prairies of northwestern Okla-

homa, or in New Mexico, to sit down at his table, around his own fireside, and address a postal card to the Federal bank, and it will bring a blank application for a loan. He will not need to intercede through a local association.

Mr. MOSS of Indiana. Do you mean to tell me that you can get the loan to the borrower without the intervention of an agent?

Mr. MORGAN of Oklahoma. I make that assertion. Cut out this red tape, cut out these formalities. Give the right to the bank to send an appraiser down there and appraise that land.

Mr. MOSS of Indiana. I am afraid the gentleman is not familiar with his own bill; that is all.

Mr. MORGAN of Oklahoma. Now, let us take the question of Government aid. There is more Government aid in my bill than in the bill that is pending.

Mr. MADDEN. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will.

Mr. MADDEN. The advantage of the gentleman's bill over the bill pending in the House would be that all the man who wanted to make a loan would have to have would be a postal card, pen and ink, and a fireside? [Laughter.]

Mr. MORGAN of Oklahoma. Before he could get that loan he would have to furnish the required security.

I provide for three kinds of capital stock—operating capital stock, and reserve capital stock, and a guaranty capital stock. The operating capital of each bank will be $1,000,000, one-half furnished by the Government and one-half by private individuals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask that the gentleman have 10 minutes more. He has devoted months to this, where other people have devoted hours.

Mr. MADDEN. To the substitute?

Mr. SMITH of Michigan. To the one that we are considering. It was introduced last Saturday only.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from Oklahoma may proceed for 10 minutes. Is there objection?

Mr. GLASS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes and that at the end of 10 minutes we vote on the proposition.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this proposition close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MORGAN of Oklahoma. Mr. Chairman, I certainly thank the gentleman, the chairman of the committee.

The guaranty capital of each bank is to consist, first, of $520,000 subscribed by the Government.

Mr. MADDEN. In which bank? The one referred to in the gentleman's bill?

Mr. MORGAN of Oklahoma. Yes. Five hundred thousand dollars contributed to each bank by the Government.

Mr. MOORE of Pennsylvania. And that means a total of $6,000,000?

Mr. MORGAN of Oklahoma. Then I provide that there shall be $500,000 additional operating capital, which shall be subscribed by individuals and, if not subscribed by individuals, to be subscribed by the Government, but I give them representation on the board under such conditions that I believe private capital would subscribe that other $500,000.

Mr. MADDEN. The gentleman stated a moment ago that the capital in each one of the regional banks in his bill would be $500,000?

Mr. MORGAN of Oklahoma. It would be $1,000,000.

Mr. MADDEN. But the Government contribution?

Mr. MORGAN of Oklahoma. Yes; $500,000.

Mr. MADDEN. Whereas in the pending bill it is $750,000?

Mr. MORGAN of Oklahoma. It is just a loan in the present bill. There is no gift at all.

Mr. MADDEN. It will be a gift. There is no question about that.

In the gentleman's bill the regional banks save $12,000,000 to the people to start off with.

Mr. CARAWAY. The gentleman from Illinois says that under the pending bill $750,000 would be a gift. He overlooks the provision in the bill where private capital comes into the system, and 25 per cent of other stock subscribed is devoted to retire the Government loan.

Mr. MORGAN of Oklahoma. There is $1,000,000 in each bank for operating the bank. We have them make the loan and sell the bonds and turn the money over and over. I provide in my bill that when a man applies for a loan he shall also apply to purchase stock in the Federal land bank equal to 5 per cent of his loan. In that respect, while my system is more direct and plain, it really corresponds with what they contend for in this system. I require the farmer to put up 5 per cent, and that is what I call a reserve capital; and I require it to be set aside and be invested in Government bonds and be placed in trust funds to guarantee the payment of the bonds of the bank.

Mr. SMITH of Michigan. I am very much interested in the furnishing of this money. They have already stated in the pending measure that the Government is to furnish $9,000,000. Is that right?

Mr. MORGAN of Oklahoma. Yes, sir.

Mr. SMITH of Michigan. Now, I would like to inquire whether that is the Government's money or the people's money?

Mr. MORGAN of Oklahoma. The Government loaned it to start on.

Mr. SMITH of Michigan. Whose money is it—the Government's or the people's?

Mr. MORGAN of Oklahoma. The people gave it to the Government—paid it in.

Now, then, I provide, in addition to the operating capital, the reserve capital, which would always equal 5 per cent of the loans and 5 per cent of the bonds. Then I would provide for a guarantee capital. The guarantee capital is secured in this way: Every borrower out of his annual interest sets aside one-fourth of 1 per cent, which is placed in the guarantee capital. In addition to that I require the National Government to contribute $500,000 to the guarantee capital of each Federal land bank. Then I provide that that one-fourth of 1 per cent shall be continually paid until the operating capital, the reserve capital, and the guarantee capital shall equal 10 per cent of the bonds in circulation.

Now, gentlemen, after all is said and done, the most important feature of our land credit system is——

Mr. MADDEN. Mr. Chairman, will the gentlemen yield there?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Illinois?

Mr. MORGAN of Oklahoma. Yes.

Mr. MADDEN. What will become of the 10 per cent, and how will it be utilized?

Mr. MORGAN of Oklahoma. That will be invested in farm-mortgage bonds or Government bonds, and held as a trust fund to secure the payment.

Now, what I was going to say is, that after all the most important feature for the success of this system is that the bonds shall be secured beyond the peradventure of a doubt. I do not care what other fault your bill may have, what other imperfections there may be in it, if your bond issue is secured beyond doubt, and if there are proper reserves for its protection and payment, then your system of land credit is bound to be a success. You go back to the old Landschaften, the oldest institution of its kind in the world, running for 150 years. The fact that their bonds are absolutely secure is the one thing that gave them the best credit that has ever been secured by a land-credit institution.

I believe the one great defect of this bill is that you have not properly safeguarded the reserves. I believe the reserves in your bill are not sufficient. I believe you are building up here an extension of credit that is not sound, and I shall try, as amendments are offered, to point out those defects, not to destroy the bill, not to prevent its passage, but to contribute all I can to make our land-credit system secure and sound, because when we are creating instruments of credit, manufacturing securities to go out and represent the farmers of this country, we owe it to the farmers that these securities shall be good beyond all question. And, on the other hand, in the interest of our Nation, in the interest of the thousands of investors, rich people and poor people, widows and orphans, whose funds will go into those bonds, we owe it to them that these bonds shall be made secure, and we can hardly go too far in creating a reserve fund that shall be ample to meet every loss. While it will take a little more funds and not be quite so active or productive, the benefits of that will be reflected back in the form of lower interest rates given to millions of farmers that will borrow money under this system. I believe, if you create these Federal land banks, if you take from the farm-loan association the power to make loans and make expenses that are bound to come through their operation, and increase to a certain extent the amount of funds to be furnished by the Government for operating capital, you will strengthen the reserve and make a better bill and confer more credit on Congress and on the party in power.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield there?

Mr. MORGAN of Oklahoma. Yes.

Mr. MOSS of Indiana. As a student of economics and banking, the gentleman ought to know that under this bill the loan

associations have no power to make loans, and therefore you can not take that power away from them.

Mr. MORGAN of Oklahoma. I have heard it repeatedly stated, and I think the gentleman himself stated to me, that loan associations have no power to make loans; and yet I have read that section over and over again, and I still believe I am right. I will take the opportunity to read it when we come to that section. Is it not a fact that they make collections?

Mr. MOSS of Indiana. Not the farm-loan associations. The secretary-treasurer may, as he may be authorized by the land bank.

Mr. MORGAN of Oklahoma. Does not the farm-loan association distribute whatever dividends the borrowers get?

Mr MOSS of Indiana. The farm-loan association distributes dividends on its own stock.

Mr. MORGAN of Oklahoma. That is all there is to distribute dividends on—their own stock.

Mr. MOSS of Indiana. The only function that the farm-loan association has under this bill in making a loan is that the farm-loan association, through its directors, passes upon the character of the borrower, and through the loan committee makes the first estimate on the value of the land. It has nothing more to do but to transmit that information, and the whole subsequent transaction is with the land bank.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, I want to thank the committee for its indulgence and courtesy.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MORGAN of Oklahoma. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 25, noes 59.

So the amendment was rejected.

Mr. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Dakota [Mr. NORTON].

The Clerk read as follows:

Mr. NORTON offers as a substitute the following:

"A bill for the establishment of a farm credit bureau in the Department of Agriculture, to reduce the rate of interest of farm mortgages, and to encourage agriculture and the ownership of farm homes.

"*Be it enacted, etc.*, That there is hereby established in the Department of Agriculture a bureau to be known as the farm credit bureau. The said bureau shall be in charge of a commissioner, to be appointed by the President of the United States, by and with the consent of the Senate. The commissioner shall hold office for a term of 10 years, and shall be removed from office during such term only for cause. He shall receive a salary of $8,000 per annum. The commissioner may be removed from office by the Secretary of Agriculture for violation of law or neglect of duty, but only after a public charge duly made, of which he shall have reasonable notice, and then only upon approval in writing by the President of the United States."

Mr. GLASS. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with, and that it be printed in the RECORD, and that the gentleman from North Dakota [Mr. NORTON] be permitted in 10 minutes to state the substance of it.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent to dispense with the further reading of the amendment, and that the gentleman from North Dakota [Mr. NORTON] be permitted for 10 minutes to discuss the amendment. Is there amendment?

Mr. MANN. Reserving the right to object, Mr. Chairman——

Mr. MADDEN. I object, Mr. Chairman. I would not want to vote against an amendment which had not been read.

The CHAIRMAN. The gentleman from Illinois objects.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CULLOP having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 6999. An act to amend section 72 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) entitled "An act to increase the Military Establishment of the United States," and had further insisted upon its amendments to the bill, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. BECKHAM, Mr. BROUSSARD, Mr. DU PONT, and Mr. WARREN as the conferees on the part of the Senate.

RURAL CREDITS.

The committee resumed its session.

The Clerk read as follows:

There shall also be in said bureau a chief clerk and such other clerks, agents, and employees as are provided for in this act, or as may be hereafter authorized by law or as may be authorized by the farm-credit board hereinafter provided for.

SEC. 2. That the said commissioner shall appoint a chief clerk, chief examiner, and a treasurer as officers of the bureau. This chief clerk shall receive a salary of $5,000 per year. The treasurer shall receive a salary of $4,000 per year, and each shall give bond in such sum and terms as shall be prescribed by the board hereinafter provided for. The commissioner shall engage such employees as shall be necessary, appoint appraisers and administrative agents of the bureau, and shall have charge of all employees and conduct of the business of the bureau. The commissioner shall have power to dismiss any of said officers, and is hereby authorized to incur all expenses necessary to the establishment, organization, and maintenance of the said bureau.

In the absence or disability of the commissioner the chief clerk shall act as deputy commissioner, and during the time he so acts shall perform the duties of the said commissioner, and no legal action shall rest upon a question of the authority of the said deputy commissioner to perform such duties.

Mr. MOORES of Indiana. Mr. Chairman, I ask unanimous consent that the further reading of this amendment be discontinued, and that the gentleman from North Dakota be given 10 minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to discontinue the reading and that the gentleman from North Dakota [Mr. NORTON] be given 10 minutes. Is there objection?

Mr. MANN. Reserving the right to object, I do not think the crime of seventy-three ought to be repeated.

Mr. COX. I object to dispensing with the reading.

The CHAIRMAN. The gentleman from Indiana objects.

The Clerk read as follows:

SEC. 3. That the purpose of this act shall be to loan money upon the security of farm first mortgages direct to farmers, to farmers through the agency of farm credit associations, or as hereinafter provided. The term "farmer" for the purpose of this act shall be construed to mean any person, firm, or corporation engaged exclusively in the business of tilling the soil and raising farm products, or that shall hereafter engage in the said business.

The term "farm credit association" shall be construed to mean any association of farmers who actually reside upon and operate farms organized for the purpose of procuring better credit facilities with which to conduct the business of raising farm produce, and which shall comply with regulations prescribed by the board hereinafter created.

SEC. 4. That there is hereby created a board to be known as the farm credit board, hereinafter referred to as the board. This board shall consist of the Secretary of the Treasury, the Secretary of Agriculture, and the Postmaster General of the United States, who shall act without additional compensation, and two citizens of the United States, who are farmers within the meaning of this act, and who shall fairly represent the agricultural interest of the different sections of the country. The said farmers shall be appointed by the President, by and with the consent of the Senate, for a term of three years. Said farmers shall receive a per diem of $20 for each day their services are required by the board, together with their actual necessary traveling expenses between their homes and the place where the board may convene.

The board is hereby authorized and directed to prescribe procedure, regulations, and forms, not otherwise herein prescribed, and to provide, if at any time found necessary, for the establishment of branch bureaus in each of the several States for the best means of carrying out this act.

The Secretary of Agriculture shall be president of the board. Within 30 days after appointment, as hereinbefore provided, of the commissioner and chief clerk of the bureau, the board shall meet in the city of Washington, D. C., at a place designated by its president, and perform the duties herein provided, and shall hold further meetings upon the call of its president. The chief clerk of the bureau shall be secretary of the board without additional compensation. The secretary of the board shall keep a record of all its proceedings, and all rules and regulations which shall be preserved in the archives of the Department of Agriculture, and copies thereof shall be transmitted to the commissioner of the bureau. All decisions on matters coming before the board shall be by vote of the majority, each member having one vote, and three members present shall constitute a quorum for the transaction of business.

SEC. 5. That the commissioner of the bureau shall receive applications for loans, supervise collections, keep a correct registry of all securities, and, by his direction, all disbursements from the funds of the bureau necessary to carry out this act shall be made. He shall keep correct account of the loans, sales, investments, receipts, expenditures, profit and loss, and make a report of these and other work of the bureau to Congress at the end of the fiscal year.

SEC. 6. That the commissioner, chief clerk, and the treasurer of the bureau shall constitute the staff of the bureau before which all applicants for loans may appear personally or by attorney, and present additional evidence if their application shall have been denied in whole or in part. The decision of the majority of the said staff shall be final.

SEC. 7. That the commissioner of the bureau, by himself or his agent, duly appointed for such purpose, for and on behalf of the Government of the United States, is hereby authorized and empowered to appear in any United States court, or State, Territory, or District court in the United States in any legal procedure on any question arising from the making or collecting of loans, sales, or purchase made under the provisions of this act. The said commissioner may designate, under regulations prescribed by the board, any farm credit or financial association as loan agent, but farm credit association shall be preferred.

SEC. 8. That to secure money for the purpose of making the loans, as herein provided, and for the carrying out of the provisions of this act, the Secretary of the Treasury is hereby authorized and directed to

borrow money on the credit of the United States, as may be directed and under the terms and conditions prescribed by the board, and from time to time he shall, as may be requested, issue registered bonds to the United States, which shall be duly countersigned by the Comptroller of the Treasury. If so directed by the board the said Secretary of the Treasury shall issue registered bonds of one series to redeem the bonds of another series. All the bonds provided by this act shall bear interest not in excess of 3½ per cent per annum, payable semiannually, and shall be exempt from taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. The bonds issued under this act shall be issued for a term of 20 years and with the privilege of paying the same upon the date of maturity of any interest payment after 5 years. The bonds so issued shall not be sold at less than par, and shall be of such maximum and minimum denominations and terms not herein provided for as shall appear to the board to secure the best market among all the citizens of the United States, and the Treasurer shall give notice of his intention to issue bonds, and shall invite from the public generally subscriptions to said bonds. If the amount of said subscriptions shall exceed the amount of bonds to be issued, he shall give preference in accepting money for said bonds to those offered in the smallest amounts, the intention being to give as wide circulation and distribution to said bonds throughout the country as possible: *Provided*, That the total sum of bonds outstanding shall bear as close relation as possible to the sum of securities and accepted applications for loans held by the bureau: *Provided*, That after this act shall have been in active operation for one year said board shall have authority to reduce the rate of interest charged for farm loans thereafter made, and so also reduce the rate of interest upon the bonds herein provided for thereafter issued. It being the object of this act to pay as low a rate of interest upon said bonds as will float said bonds at par and to charge as low a rate of interest upon the farm loans herein provided for as will bring a sufficient revenue to pay said bonds, the interest thereon, and expenses connected with the making of said loans and losses, if any, incurred therein.

SEC. 9. That each day all sums of money procured by the sale of bonds, together with all receipts of the bureau, shall be covered into the Treasury of the United States, and it shall be the duty of the Treasurer of the United States to keep an account of such sums in his charge, and they shall not be used for any purpose other than as herein provided, With the exception of such part of this fund as shall be required to pay the running expenses of the bureau, the accrued interest on outstanding bonds, and the amount of bonds as they may mature, the fund so provided shall constitute a loan fund which shall be loaned or invested with as little delay as possible as herein provided.

SEC. 10. That the treasurer of the bureau is hereby authorized to draw warrants, which shall be countersigned by the commissioner, against the said loan fund, and the said treasurer shall keep account of such moneys in manner as shall be prescribed by the commissioner, and all accounts of the bureau shall be audited by the Auditor for the Department of Agriculture in the Department of the Treasury.

SEC. 11. That the bureau shall make to farmers loans on farm lands located in any of the States in the Union or in the District of Columbia, under rules and regulations made by the board and in accordance with the provisions herein. Said loans shall be secured by first mortgages made payable to the bureau, and shall bear interest at the rate of 4 per cent per annum, payable annually. That the terms of every loan extending for more than five years shall contain a mandatory provision for its amortization or reduction by annual or semiannual payments on account of the principal, and the terms of every loan shall provide that at any interest-due date the mortgagor or his grantee shall have the right to pay the entire loan or to make payment of $100 or any multiple thereof on the principal thereof, and upon such payment being made the interest on the amount so paid shall thereon cease. Said mortgage shall provide that both the principal and interest shall draw interest at the rate of 6 per cent per annum from maturity.

That the bureau shall make loans to farmers upon farms (first mortgages), through farm-credit associations or designated financial associations acting as agents of the bureau, under regulations prescribed by the board, upon the same terms as prescribed in the preceding paragraph of this section, and the commissioner shall pay to the said association a commission annually of not in excess of one-half of 1 per cent on said loans: *Provided*, That said associations shall become security for all mortgages upon which loans are made through them.

SEC. 12. That no person shall be entitled to a loan of money from the bureau until he has made application therefor under oath upon blanks to be furnished by the bureau. Such application can be sworn to before any person authorized to administer an oath, and all postmasters and their deputies in the United States are hereby authorized to administer oaths to applicants making application for loans under this act, and to administer oaths to such applicants or other persons to any other affidavits made necessary by the rules and regulations of the board. Whenever any oath is administered by a postmaster or deputy postmaster no charge shall be made therefor. No person shall be entitled to a loan under this act who is not of good moral character and who does not establish to the satisfaction of said bureau that he is honest and bears a good reputation in the neighborhood where he resides. No loan shall be made to any person who is not an actual resident and engaged in the cultivation of the land offered as security: *Provided*, That where the applicant for the loan is endeavoring to secure the money for the purpose of building a house upon the land, or for the purpose of making part payment upon the purchase price thereof, the bureau can waive the stipulation if convinced that it is the intention of the applicant as soon as possible to reside upon the land and to cultivate the same, the intention of this act being to provide money only for persons who intend to reside upon and cultivate the land which they offer as security. No loans shall be made for more than 60 per cent of the value of the land offered as security, and only for one or more of the following purposes:

First. To make practical improvements on the land to be mortgaged.

Second. To aid in increased production of said land.

Third. To make payment of the part of the purchase money of the land to be mortgaged, or to pay off an indebtedness already existing against said land: *Provided*, That 50 per cent of any loan may be used for the purchase of stock and farm implements. No loan shall be made upon the security of a single mortgage for an amount in excess of $15,000 and no loan shall be made for less than $200, and loans upon single mortgages for amounts less than $6,000 shall receive the preference. No loans shall be made in any case for an amount in excess of 60 per cent of the value of the property offered as security.

SEC. 13. That it shall be the duty of every postmaster, deputy postmaster, or other employee or official of the Government, without fee or pay therefor, to make confidential reports to said bureau, upon request therefor, upon anything pertaining to any loan and upon the character or standing of any applicant or witness. Such postmaster, deputy postmaster, or other officer shall also, when requested by said bureau, appoint appraisers to appraise the land offered for security under the regulations of and upon the blanks furnished by said bureau.

SEC. 14. That any person applying for a loan shall furnish to said bureau an abstract of title to the land offered as security and shall pay all the necessary expenses connected with the making of said loan. Such applicant shall furnish conveyance for the appraisers appointed to fix a value upon the land offered for the loan, or shall pay for the transportation of said appraisers to and from said land, and if required by said appraisers he shall pay a fee to each of them, not exceeding two in all, which fee shall be ascertained in advance and fixed by the official appointing said appraisers. It shall be the duty of said bureau and the officials appointing said appraisers to select efficient, qualified, and unbiased persons, but at the same time to regulate any fee that they may charge for such service so as to make the same as small as possible. Such appraisers shall make return upon blanks provided by the bureau, and shall swear to the same before some person qualified under this act to administer an oath.

SEC. 15. That it shall be the duty of every United States district attorney or deputy district attorney, upon request from said bureau, to examine the abstract of title to any land offered as security under this act, and to make return thereof to the said bureau. It shall likewise be the duty of any district attorney or deputy district attorney, when requested by the bureau, to foreclose any mortgage taken as security for a loan under this act and to prosecute the same to final judgment. All such services so rendered by an attorney connected with the Department of Justice shall be a part of his official duty and shall be rendered without pay, but said bureau shall pay in all cases the actual expenses of any such attorney in connection with such litigation.

SEC. 16. That it shall be the duty of any post office inspector, United States marshal, deputy United States marshal, or other employee or inspector of any other department when engaged in official business in the vicinity of any land mortgaged to said bureau, upon request of said bureau, to make a personal inspection of the same and to report thereon to said bureau. Such inspection shall be made without charge, but said bureau shall pay the actual expenses, if any, made necessary thereby. It shall likewise be the duty of any postmaster, deputy postmaster, or other governmental official residing or doing business in the vicinity of any land that has been mortgaged to said bureau, upon request of said bureau, to make a report upon said loan or as to whether the money borrowed upon said land has been expended or is being expended in accordance with the purposes for which the same was loaned, and in making any loan under this act the said bureau can withhold, under such rules and regulations as the board may prescribe, any part of the same for the purpose of insuring the application of said loan to the purposes for which the same was made.

SEC. 17. That should the owner of any land mortgaged to said bureau fail or neglect to pay the interest thereon at or before the time when the same is due, or permit the taxes on the land to become delinquent, or neglect or refuse, without the consent of the bureau, to apply the money borrowed in accordance with the statements made in the application for the loan, or if he has made any false statement as to the material matter in said application, or if he neglects to properly care for the improvements on said land, or if he do any other act that materially injures the value of the security, either by overt act or by neglect and inattention, or should said land, without the consent of the bureau, cease to be farmed and cultivated, then the said bureau shall have the right at its election and without notice to declare the entire amount secured by said mortgage due and payable, and may take any steps necessary for the foreclosure of said mortgage and the collection of said loan, and from and after said election so made by the bureau the amount secured by said mortgage shall bear interest at the rate of 6 per cent per annum.

That in making any payment of interest or payment of the principal, or part payment of the same, upon any loan made under this act the person making such payment can pay the same to any postmaster designated by said bureau, and such postmaster shall immediately notify the bureau of such payment, and the transmission of the money so paid, and thereupon credit shall be given for the payment of such money as of the date the same was paid to the postmaster. The said bureau shall notify each person to whom a loan has been made as to the post office where payments upon this loan can be made. The bureau may make such designation by general circular or by specific notice in writing, and can designate by such notice a post office within a county or other district to which all payments within such district can be made.

SEC. 18. That the bureau shall have power to sue and to be sued, to complain and defend in any court of law or equity having jurisdiction of the subject matter in litigation. To protect any loan it may pay the taxes or any other prior lien due and unpaid against the land securing said loan, and in such case the amount paid in liquidation of such taxes or lien shall be added to and become a part of its mortgage on said real estate, and from the date of such payment shall bear interest at the rate of 6 per cent per annum. It shall have the right and authority to purchase at sale under judgments or decrees of court rendered in foreclosure proceedings of any mortgage it owns the land so mortgaged, but in such case it shall not bid a greater amount for such land at such sale than the amount due in such proceedings, together with costs and expenses expended in relation to said loan. In case the bureau obtains title as set forth in this section to any real estate, it shall have authority to sell the same at such price as may be for the best interests of said bureau, in the judgment of the commissioner, and to convey title to the purchaser thereof by deed signed and acknowledged by the commissioner. In making such sale it shall be authorized to make a return mortgage from the purchaser for part of the purchase price thereof in accordance with the provision of this act.

SEC. 19. That it shall be unlawful for any Senator, Member of the House of Representatives, or any other official of the Government of the United States to use or attempt to use political or any other influence to induce said bureau to make or refuse to make any loan or loans. Any person found guilty of the conduct in this section prohibited shall be fined in any sum not exceeding $2,000, and in addition thereto shall be removed from office.

That it shall be unlawful for any official of any State or any officer or member of any political committee to use or attempt to use any political or other influence to induce said bureau to make or refuse

to make any loan or loans. Any person found guilty of the conduct in this section prohibited shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000 or be imprisoned for a term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

SEC. 20. That any person or persons who shall make any false representation to said bureau in connection with the making of any loan or in connection with the investigation of any application for a loan, shall be guilty of a felony, and upon conviction shall be fined not more than $5,000, which fine shall be paid into the loan fund, or shall be imprisoned for a term of not exceeding five years, or shall be sentenced to both such fine and imprisonment, in the discretion of the court.

SEC. 21. That there is hereby appropriated from any unexpended balance in the Treasury of the United States, the sum of $100,000 for the purpose of carrying out the provisions of this act pertaining to preliminary expenses and organization.

Mr. NORTON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. GLASS. Reserving the right to object, I ask unanimous consent that debate on this section and all amendments thereto conclude in 10 minutes.

Mr. CARAWAY. Make it 25 minutes.

Mr. MANN. This is the day we long have waited for, you know.

Mr. GLASS. At the request of several gentlemen I revise my request and ask unanimous consent that debate on this section and all amendments thereto close in 25 minutes.

Mr. MANN. I hope the gentleman will make his request as to this amendment only. Other Members want to offer amendments, and it will be of some advantage to them.

Mr. GLASS. I will ask the gentleman from Illinois how long does he think we are to be—well, I will not say afflicted with this sort of thing—how long is it to go on?

Mr. MANN. I do not think it will be very long.

Mr. GLASS. It may be that I am too serious a man, but I have not much toleration for quixotic performances.

Mr. MANN. The gentleman is in favor of this bill?

Mr. GLASS. Yes; I am.

Mr. MANN. I do not know whether that it quixotic or not.

Mr. GLASS. I rather think not.

Mr. MANN. I think the gentleman and I have about the same impression, but I will not ask him to state what he really thinks.

Mr. GLASS. I want to know how long this is to continue.

Mr. MANN. Let us try it for a little while and see.

Mr. GLASS. Very well, Mr. Chairman, I will test it a little longer. I ask that all debate on this particular amendment close in 10 minutes.

Mr. MADDEN. May I ask the gentleman a question?

Mr. GLASS. Certainly.

Mr. MADDEN. Does the gentleman from Virginia want to cut off amendments to this section of the bill?

Mr. GLASS. The gentleman knows very well that I do not want to cut off any serious amendment to this section of the bill, or to any other section of the bill for that matter, but we want to get to work on this bill. That is what we want to do.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia that debate on this amendment close in 10 minutes?

There was no objection.

Mr. MANN. Now, I ask unanimous consent that the gentleman from North Dakota [Mr. NORTON] have the entire 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NORTON. Mr. Chairman and gentlemen of the committee, in my judgment this legislation that we are now considering is the most important legislation that has been before this or any Congress during the past quarter of a century. I have offered this substitute in all seriousness, realizing, with regret, however, that it will not be adopted by the committee.

This substitute includes what I believe would be the most desirable character of Federal legislation on this subject, as far as the interest of the farmer is concerned. Gentlemen of the committee know there are in this country two quite distinct schools of thought on the subject of Federal rural-credit legislation. One proposes that the loans be made directly by the Government from a fund supplied by the issuance and sale of bonds of the Government. That is not a new idea. It is a system that is being carried out to-day and one that has been carried out for several years by other nations. It is a system that has, after years of trial, proven itself highly successful in its operation and in its beneficial results; but after the consideration that has been given this subject by the present and the preceding Congress it has been determined by the committees of the House and Senate that such a system shall not be adopted by this Government at this time.

Legislation for a system of rural credits providing for direct loans by the Government out of a fund provided by the issuance and sale of Government bonds has been opposed in this Congress by a majority of the Banking and Currency Committees of both the House and the Senate, and has in this and in the Sixty-third Congress met with the determined and unyielding opposition of President Wilson.

The other school of thought on the question of Federal rural-credit legislation is opposed to direct Government aid to the system, and maintains that the problem of a safe and efficient rural-credit system can be best solved by a system of private land banks under Government supervision and without assistance of Government funds or Government credit.

The bill introduced by Representative Moss, which the House Committee on Banking and Currency has reported favorably as a substitute for the bill introduced by Senator HOLLIS—Senate 2986—which was passed by the Senate last Thursday, is a cumbersome compromise between the direct government-aid system and the private land-bank system for rural credits. The organization provided in the Moss bill for its operation is unnecessarily complex and costly and will tend in a large measure to defeat the fundamental purpose of this legislation.

The substitute that I have offered for the Moss bill is based on the idea of direct Government aid. The organization provided for carrying out the purposes of the legislation is safe, simple, and comparatively inexpensive. The substitute is the same as the bill which I introduced on this subject in the Sixty-third Congress and which I at another time discussed at length before the House. Under its provisions Government bonds bearing a rate of 3½ per cent would be issued and sold to provide a fund for making loans direct to farmers through agents of the Government or through cooperative farm-loan associations at a rate of 4 per cent per annum. While I have no mere personal pride or desire to have the legislation which I have proposed enacted into law, my study of this important economic question had led me firmly to believe that the adoption of a system of rural credits, such as provided for in the substitute I have offered, would, with all proper degree of safety to the interests of the Federal Government, better and more satisfactorily and efficiently meet the needs of the farmers of this country for a rural-credit system than the legislation proposed in the pending bill and recommended by the Committee on Banking and Currency. I was particularly interested in the question that was asked by the gentleman from Illinois [Mr. CANNON], "Why should not the present bill be enlarged so as to take in workers in factories, those who live in the cities, and provide aid for them in the erection of their homes, and so forth?" As to that, I must say that I feel that one who asks that question misses the very gist and purpose of this legislation, at least as I undertand it. I undertand this legislation to be intended to increase the number of our population who are engaged in farming, in producing the things we eat and the material for the things we wear—to aid in having those things produced in larger quantities, thereby reducing the cost of living for all our people and making more permanent and stable our Government.

The farming industry in this country, as in any country, is of the greatest importance. It is the industry upon which all others are founded.

Mr. MADDEN. Will the gentleman yield?

Mr. NORTON. I will.

Mr. MADDEN. Has the factory worker anything to do with the economical production of agricultural products?

Mr. NORTON. Why, Mr. Chairman, I will say to the gentleman from Illinois that I recognize that he has. But does the gentleman from Illinois think that this country or any country could exist solely with the manufacturing industry? This country and other countries could exist, while not in the highly developed condition we have to-day, still with the farming industry alone. There is a very clear distinction between the importance of the industries of manufacturing and farming.

Mr. MADDEN. The gentleman would not want to go back to that period?

Mr. NORTON. No; I would not want to go back to that period. I maintain, however, that if this Nation owes assistance to any of the industries of the country, it owes it to the farming industry more than to any other.

Mr. STEENERSON. Will the gentleman yield?

Mr. NORTON. I shall be pleased to yield to the gentleman.

Mr. STEENERSON. Does the gentleman think that the farmers of North Dakota are interested in reducing the cost of living?

Mr. NORTON. I will say to the gentleman from Minnesota that the farmers of North Dakota are very much interested in reducing the cost of living.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. NORTON. Certainly.

Mr. SMITH of Michigan. I take it that the gentleman has had considerable experience in loaning money on real estate.

Mr. NORTON. Yes; I have had some experience in making farm loans.

Mr. SMITH of Michigan. Would the gentleman make it a rule to loan money on real estate on 60 per cent of the value plus 20 per cent of the value of the buildings? Would he make that a rule, or does anyone else who loans money that he knows of make as broad a rule as that?

Mr. NORTON. I think that as a rule that loans in my section of the country, the Northwest, are made for the most part to equal about 50 per cent of the value of the farm property, including buildings. In the richer and more prosperous parts of the State the loans run sometimes as high as 80 or 90 per cent of the value of the farm property.

Mr. CULLOP. Will the gentleman yield?

Mr. NORTON. I shall be pleased to yield to the gentleman.

Mr. CULLOP. Does not the gentleman in determining the amount loaned take into consideration the way and manner in which the value of the property has been fixed?

Mr. NORTON. Certainly; that must always be taken into consideration.

I observe that my time has expired and I regret that the gentleman in charge of the bill [Mr. GLASS] is not disposed to grant more time for present discussion of the bill before us. I shall, however, discuss different objectional features of the bill recommended by the Banking and Currency Committee when the several paragraphs of the bill are read.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. NORTON].

The question was taken, and the amendment was rejected.

Mr. CARAWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert the following as a substitute for the first section:

"That the short title of this act shall be 'A rural-credits act.'

"SEC. 2. That there is hereby created in the Department of the Treasury at Washington, D. C., a commission to be known as a rural-credits commission, said commission to be composed of five members appointed by the President, by and with the advice and consent of the Senate. These commissioners shall be selected from the various sections of the United States, and three of whom shall be actual bona fide farmers, who reside upon their farms and have no other occupations. Two shall be men of business affairs and recognized financial ability. The said rural-credits commission shall herein be referred to as the commission. They shall elect one of their members chairman.

"SEC. 3. That at first said commissioners shall be appointed for one, two, three, four, and five years, respectively, and after that their terms of office shall be for five years each unless removed by the President for cause. The salary shall be $6,000 each, payable quarterly.

"SEC. 4. That the Secretary of the Treasury shall assign them rooms for the conduct of their business, and they shall have power to appoint clerks and employ assistants that may be necessary for the transaction of the business of the department.

"SEC. 5. That said commission shall have power to prescribe all rules and regulations necessary for carrying into effect the provisions of this act and for the conduct of the business of the department.

Mr. GLASS. Mr. Chairman, I ask that the further reading of the amendment be dispensed with and that the gentleman from Arkansas have 10 minutes to explain the difference in the bill.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the further reading of the amendment be dispensed with and that the gentleman from Arkansas have 10 minutes to explain the provisions of the amendment. Is there objection?

Mr. TRIBBLE. Reserving the right to object, Mr. Chairman, I urge the passage of this bill as a substitute. I think it is well enough for the House to know that this is a bill that was framed by the Farmers' Union, Charles S. Barrett, president. I am for this bill and insist upon a vote. The bill should be read, and I insist upon reading and voting on it. Therefore, I object.

The CHAIRMAN. The gentleman from Georgia objects, and the Clerk will continue.

The Clerk continued the reading of the amendment, as follows:

SEC. 6. That all postmasters throughout the United States and Territories thereof and the District of Columbia, for the purpose of carrying this act into effect, and for the proper conduct of its business, shall be the agents of the commission and perform whatever services may be required of them without pay.

SEC. 7. That the purpose of this act shall be to enable farmers to procure long-time loans at low rate of interest to purchase farms or to develop and extend their agricultural productiveness. The word "farmer" as herein used shall mean one who actually resides upon his farm and is engaged in the business of farming, and the benefits of this bill shall be applicable to farmers residing in any State or Territory of the United States of America or the District of Columbia. The loans herein contemplated shall run in series of 5, 10, 15, 20, 25, and 30 years, at the option of the borrower, interest to be payable annually. The terms of such loan shall provide that at any interest-paying date beyond five years the borrower shall have the option to pay the principal, or to make payment of $100, or any multiple thereof, and upon such payment being made the interest on the amount so paid shall cease. Payment may be made at any post office or national bank. No person shall be entitled to a loan unless he actually resides upon his farm, or shall use the loan in payment of lands upon which he shall immediately fix his home. The amount of the loan shall be determined by the commission herein created, except anyone applying who is entitled to the loan, shall, if he desires, receive a loan as much as 50 per cent of the actual value of the improvements thereon, and as much more as may, in the judgment of the commission, be safe and prudent to extend him.

SEC. 8. That all securities or deeds of trust executed by anyone to secure a loan hereunder shall be made payable to the chairman of the commission as the trustee for the United States of America. Said instrument shall recite the amount of the loan and date of maturity, but shall not name the rate of interest to be paid thereon. Said instrument must be executed by the borrower according to forms of the State or Territory in which the lands are situated and in conformity with the rules and regulations prescribed by the commission. In addition to executing the said instrument herein referred to the borrower shall execute notes with coupons attached for interest periods named in said deed of trust and in the form that may be prescribed by the commission. These coupons are redeemable or payable at any national bank or any post office of the first, second, or third class. These notes, securities, coupons, and obligations and funds shall not be subject to taxation, municipal, State or national. The title to said lands shall be shown by a suitable abstract, which shall be forwarded with the application for the loan, except in those States where the Torrens system may prevail, and in those States the certificate of the State shall be sufficient evidence of title. There shall be proper officers appointed for the examination of titles, for which services no fee shall be charged.

SEC. 9. That a farmer desiring to avail himself of the provisions of this act shall file with the local postmaster a written application under oath, setting forth the security he has to offer, the amount of the loan he desires, and the purposes for which he desires it, and such other facts as may be desired by the commission. Whereupon the postmaster shall appoint two committees consisting of three members each; the first named of each shall act as chairman of his committee. The first committee shall consist of three farmers residing in the immediate vicinity of the farm upon which the loan is desired and who shall be familiar with its value, and they shall make an appraisement of the value of the lands and the improvements thereon separately. Said appraisements shall be under oath and secret and shall be filed with the postmaster appointing said committee. The second committee shall consist of three men of affairs who are familiar with the land and improvements upon which the loan is sought and with the general conditions in that vicinity, as to whether values of real estate are advancing or declining, and whether the applicant is a progressive farmer or otherwise. They shall likewise appraise the farm and improvements and give whatever other information may be necessary to determine the hazard of the loan. These appraisements shall likewise be secret and made under oath and filed with the postmaster appointing said committees. When these appraisements are received by the postmaster, the postmaster and the chairmen of the two committees shall proceed to open the appraisements and to make therefrom a just and accurate appraisement of the property, both lands and improvements, and transmit the same to the chairman of the said commission at Washington, together with whatever other information may be necessary with reference to the applicant in the loan sought to enable the commission to determine the amount to be loaned, if any. When the application is received and approved by the said commission it shall cause to be forwarded to the postmaster from whom it was received the necessary notes and instruments to be executed by the borrower, who shall execute them in the manner prescribed by the commission and return to said commission. Thereupon said notes and instruments for the loan shall be sold in the open market for par at the lowest rate of interest procurable. The proceeds of said sale shall be transmitted to the borrower. The borrower shall not only pay the rate of interest agreed upon in said sale but shall pay whatever per cent may be necessary for the amortization of said loan at maturity thereof. The per cent of amortization shall be fixed by the commission.

SEC. 10. That the moneys paid in under amortization herein provided for shall be a trust fund available for the payment of any interest that may be due and unpaid on any loan made under the provisions of this act, and shall be deposited in the Treasury of the United States or put out at interest, as may be determined by said commission.

SEC. 11. That if any borrower shall make default in the payment of principal or interest under the provisions of his loan, then, under such rules and regulations as the commission may prescribe, his lands shall be seized and sold subject to the terms of the loan, and for the purpose of said seizure and sale suit may be brought in the name of the commission, and all district attorneys are hereby authorized and commanded to prosecute said suits without fee. Said suits shall be in the United States district court for the district in which the lands are situated. From the proceeds of said sale all costs shall be first paid and accrued interest and principal, if due, and the residue, if any, shall be paid to the borrower. Real estate sold under the provisions of this act may be redeemed from said sale by anyone holding the equity therein within one year from the date of sale.

SEC. 12. That the United States of America shall guarantee the payment of all interest and principal of loans procured under the provisions of this act.

SEC. 13. That no loan shall be in excess of $5,000. If the premises mortgaged under the provisions of this act shall pass into the ownership of anyone who is not a bona fide farmer, the indebtedness shall at once become due and payable. If anyone shall acquire lands upon which there is a loan under the provisions of this act in excess of $5,000, the excess of $5,000 shall at once become due and payable.

SEC. 14. That this act shall be in force from and after its passage.

Mr. WINGO. Mr. Chairman, I ask unanimous consent that my colleague [Mr. CARAWAY] may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that the gentleman from Arkansas [Mr. CARAWAY] may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I realize that all the bankers and all the "shade-tree" farmers in this House will oppose my amendment. I am conscious they will oppose any amendment that will give to the farmers of this country any kind of assistance from the Federal Government. The present bill that we are considering is proof of that. While apparently it contains Government aid, it is only in appearance. We have extended aid to practically every other line of industry, and it seems with everybody's approval, but the instant anyone seeks to get legislation through this House that is designed directly or indirectly to extend Federal assistance to the farmers somebody rises up and objects.

Most people seem to think the farmer is prosperous, that he needs no assistance, that he has always cared for himself, and that the future offers no greater difficulty than the past. But conditions have changed for the farmer as well as for everyone else. He is now paying interest on $6,000,000,000, and is paying at the rate of 8½ per cent. Investigation has shown that he can not afford to pay in excess of 5 per cent.

Mr. PLATT. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. PLATT. How does he manage to pay it if he can not afford it?

Mr. CARAWAY. By providing less for the support of his family than many gentlemen in this House spend for luxuries. No man should compel his family to live under conditions that do not provide equal opportunities of education and other advantages that the children of those in other callings enjoy.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. PLATT. How does it happen if that is true there are so many farmers in this House that did not get all of these advantages?

Mr. CARAWAY. Oh, all of the farmers in this House are shade-tree farmers. They farmed with their mouths. They have farmed the farmer. That is the reason.

Mr. MANN. And that is what they are attempting to do now.

Mr. CARAWAY. Yes; and that is what the gentleman from Illinois [Mr. MANN] has been doing ever since I have known him.

Mr. MANN. But the gentleman has not known me very long.

Mr. CARAWAY. I have known him long enough to know that.

Mr. MANN. But I am not doing it now, as the gentleman is.

Mr. CARAWAY. You are not, because I have the floor, and that is the only reason. As I said, all who think a banker is entitled to Federal aid but want a farmer denied the same privilege will oppose my amendment, and I know they are going to vote against it; but I owe an obligation to my people and I am going to represent them here as I think they should be as long as I hold a seat in this House. [Applause.]

I realize that 10 minutes is too short a time in which to explain any rural-credit system, but if you will let me explain one feature of it that is all I can expect to do. Under this proposed bill for which I am offering my substitute every farmer must become a banker. He must organize a corporation. He must subscribe to its capital stock, on which he will never realize a cent. There is no use of all this machinery and expense. I fear under this present bill that no farmer can borrow money at a rate of interest less than 8 per cent. The bill I have offered is stripped of all that machinery. The one provision which I think the most important I can explain, and no other, and that is this: It is a Government guaranty of both the principal and the interest, but in this way: It provides that the board that is appointed by the President shall prepare an amortization table that will show how much is necessary to pay the interest charge and the amortization of these bonds, and take into consideration whatever may be the probable loss to the system. This is done by the same method that insurance companies use in lending money. It is a calculation of the probability that some one may fail to pay. If he does not each of the borrowers has a bonus coming to him at the maturity of his loan. The Government guarantees that the borrower will perform his agreement, and charges to all the borrowers that fraction of a per cent which will produce a fund sufficient to meet any probable loss. It also collects all interest and principal and pays all interest coupons and the bond itself at maturity. It takes the borrower's bond and sells it with this guaranty back of it. All of us know there is magic in the Government's guaranty.

People do not trust private institutions. I do not know why, but they will not do it. For instance, in a town in my district the post office and the First National Bank are situated almost opposite each other. On the window of this national bank is a sign saying that that bank pays 4 per cent interest semi-annually on time deposits. The post office pays but 2 per cent, and yet people will deposit in the postal savings bank. They will deposit their money in the post office and get but 2 per cent, and then the postmaster takes it immediately across the street to that bank where the sign says that 4 per cent is paid and redeposit it. The bank is solvent, and we know that and everyone else knows it, but there is something about the Government's guaranty that makes people prefer to have 2 per cent from the Government rather than 4 per cent from a national bank.

Mr. PLATT. Do they really do that in any considerable number in the gentleman's town?

Mr. CARAWAY. They do it in every man's town to the limit of the provisions of the law. It is necessary to place a limit on the amount any one person is permitted to carry in a postal savings bank. They would otherwise strip the banks.

Mr. TRIBBLE. Will the gentleman yield?

Mr. CARAWAY. I will.

Mr. TRIBBLE. As I understand the gentleman's bill, in short it provides that no obligation is assumed by the borrower for a loss?

Mr. CARAWAY. Only in this way——

Mr. TRIBBLE. And that the collateral offered is sold in the markets of the world just the same as the collateral provided for in this bill?

Mr. CARAWAY. That is true, and I hope to explain that. Under the provisions of this bill a bond that rests primarily for the redemption on the land is sold by the agents of the Government in the open market. The interest and amortization fund is paid by the borrower directly to the Federal Treasury. Out of the Federal Treasury the interest and principal is then paid the lender. The lender is not concerned with the borrower or his security. He is paid out of this amortization fund. This would, in my judgment, make the borrower obtain money at almost as low interest rate as the Government. It would also make the interest rate uniform throughout all the States. The necessity for this is illustrated near where I live. I live south of the Missouri line. I have a friend, a man by the name of Hill, who owns a farm that lies on both sides of the State line—Missouri and Arkansas. The State line there runs east and west. We cotton growers, under the belief that sunshine helps open the cotton, run our cotton rows north and south. The rows of this man's cotton cross the State line. You may stand in his field with one foot in Missouri and one in Arkansas. This man has two loans on his land. The one in Arkansas at 8½ per cent on a valuation of $60 an acre, and the one in Missouri, with a valuation of $140, on which he pays but 5½ per cent; and yet there is not any difference in soil or production nor the width of an inch between the land lying in Arkansas and the land lying in Missouri. This difference in valuation and interest rate illustrate the need of a just rural-credits bill. The produce of these lands must be sold in the same market. The difference is not artificial. My amendment would correct this injustice.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. WINGO) there were—ayes 48, noes 27.

Mr. GLASS. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided, and the tellers (Mr. GLASS and Mr. CARAWAY) reported that there were—ayes 28, noes 46.

So the amendment was rejected.

The Clerk began the reading of the bill.

Mr. HAWLEY. Mr. Chairman, I move to correct the spelling of the first word in line 10, page 75.

Mr. CULLOP. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CULLOP. I understand that under the rule the whole section has to be read before an amendment can be offered.

The CHAIRMAN. The Chair did not know but what the section had been read. The Clerk will finish reading the section.

Mr. CANNON. Is that true?

Mr. CULLOP. The section has not been finished yet.

Mr. CANNON. That the special rule so provides?

Mr. CULLOP. The special rule so provides that it shall be read by sections and not by paragraphs.

The Clerk read as follows:

FEDERAL FARM-LOAN BOARD.

SEC. 3. That there shall be established at the seat of government a Federal farm-loan board, which shall be charged with the execution of this act and of all acts amendatory thereof.

The Federal farm-loan board shall consist of three members, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate. Not more than two of said members shall be appointed from one political party. They shall be citizens of the United States and shall devote their entire time to the business of the Federal farm-loan board and shall each receive an annual salary of $10,000, payable monthly, together with actual necessary traveling expenses.

One member of said board shall be designated by the President to serve for three years, one for six years, and one for nine years, and thereafter each member so appointed shall serve for a term of nine years, unless sooner removed for cause by the President. One of the members shall be designated by the President as the farm-loan commissioner, who shall be the chairman and the active executive officer of said board. Each member of the Federal farm-loan board shall within 15 days after notice of his appointment take and subscribe to the oath of office.

The first meeting of the Federal farm-loan board shall be held in Washington as soon as may be after the passage of this act, at a date and place to be fixed by the chairman of said board.

No member of the Federal farm-loan board shall, during his continuance in office, be an officer or director of any other institution, association, or partnership engaged in banking, or in the business of making land-mortgage loans or selling land mortgages. Before entering upon his duties as a member of the Federal farm-loan board each member shall certify under oath to the President that he is eligible under this section.

The President shall have the power, by and with the advice and consent of the Senate, to fill any vacancy occurring in the membership of the Federal farm-loan board; if such vacancy shall be filled during the recess of the Senate a commission shall be granted which shall expire 30 days after the Senate convenes.

The Federal farm-loan board shall appoint a farm-loan registrar in each land-bank district to receive applications for issues of farm-loan bonds and to perform such other services as are prescribed by this act. It shall also appoint one or more appraisers for each land-bank district and as many examiners as it shall deem necessary. Farm-loan registrars, appraisers, and examiners appointed under this section shall be public officials and shall, during their continuance in office, have no connection with or interest in any other institution, association, or partnership engaged in banking or in the business of making land-mortgage loans or selling land mortgages: *Provided*, That this limitation shall not apply to persons employed by the board temporarily to do special work.

The salaries and expenses of the Federal farm-loan board and of farm-loan registrars and examiners authorized under this section shall be paid out of any moneys in the Treasury of the United States not otherwise appropriated. Appraisers shall receive such compensation as the Federal farm-loan board shall fix, and shall be paid by the Federal land banks and the joint-stock land banks created under this act, which they serve, in such proportion and in such manner as the Federal farm-loan board shall order.

The Federal farm-loan board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board. All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the Federal farm-loan board. All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the act of January 16, 1883 (vol. 22, U. S. Stat. L., p. 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

The Federal farm-loan board shall from time to time require examinations and reports of condition of all land banks established under the provisions of this act, and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this act, and shall prepare and publish amortization tables which shall be used by national farm-loan associations and land banks organized under this act.

The Federal farm-loan board shall prescribe a form for the statement of condition of national farm-loan associations and land banks under its supervision, which shall be filled out quarterly by each such association or bank and transmitted to said board.

Mr. PHELAN, Mr. CULLOP, and Mr. MANN rose.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PHELAN].

Mr. PHELAN. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 75, lines 23 and 24, amend by striking out all after the word "expire," in line 23, and insert the following: "at the end of their next session."

Mr. PHELAN. Mr. Chairman, it was called to the attention of the committee that the wording there provides if the commission given by the President during the recess of the Senate should expire 30 days after the Senate convenes it would not be consistent with the provision in the United States Constitution, so those words are copied out of the Constitution of the United States in order that no question may be raised.

Mr. MURRAY. In other words, the gentleman wants to ratify the Constitution.

Mr. MANN. Mr. Chairman, the amendment offered by the gentleman from Massachusetts is quite proper, although I am not at all sure it remedies all the defects of this paragraph. The provision of the Constitution is that the President shall have power to fill all vacancies which may occur during a recess of the Senate by granting a commission which shall expire at the end of their next session. It is not necessary to put anything in this bill on the subject at all.

I think what the gentleman ought to do is to strike out the whole paragraph. The President would have power, by and with the advice and consent of the Senate, to fill any vacancies by nomination to the Senate, without anything in the bill on the subject at all. Now, the paragraph undertakes to say that the President shall have the power, by and with the advice and consent of the Senate, to fill any vacancy occurring in the membership of the board, and so forth. That would appear to be by the terms of the bill an exclusive power, that he could only fill vacancies by and with the advice and consent of the Senate, but that is contrary to the Constitution, because the Constitution provides that he can fill vacancies without regard to the consent of the Senate until the Senate has had a chance to meet. I do not suppose that putting this in the bill would change the Constitution.

Mr. CULLOP. Will the gentleman yield?

Mr. MANN. But there is no occasion for putting it in at all. I yield to the gentleman from Indiana.

Mr. CULLOP. There would not be any necessity for having the Senate confirm the appointee. This is a statutory act, and if the law did not provide that the Senate was to confirm the appointment, that could be made by the President without the advice and consent of the Senate.

Mr. MANN. The gentleman has not read the bill; that is the trouble. The prior part of the bill provides that this board shall be appointed by and with the advice and consent of the Senate. That is already in the bill. Now, to say that vacancies can only be filled by and with the advice and consent of the Senate is contrary to the Constitution, so far as vacancies occur while the Senate is not in session, but at any other time, under the other language of the bill, appointments would have to be made by and with the advice and consent of the Senate. I suppose, Mr. Chairman, the truth is—and I called this to the attention of the gentleman from Massachusetts [Mr. PHELAN] a few days ago, and which I think was quite apt then and is quite apt now—the gentlemen drawing this bill, knowing there was no warrant in the Constitution for most and probably all of its provisions, did not dare to read the Constitution for some time before drawing the bill, and hence they neglected to have called to their attention this provision of the Constitution. I do not wonder that the gentlemen who drew the bill did not want to read the Constitution in connection with it.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

Mr. CULLOP. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. CULLOP. It would not be necessary to have this provision in the bill at all. The Constitution does not require all the officers appointed by the President to be confirmed by the Senate, and I call attention to this paragraph of the Constitution:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law, but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The appointment of every one of the officers provided for in this bill or any other statute relative to this matter could be made by the President without the advice and consent of the Senate. And it is only such officers as are created by statute that the statute must provide in order to have them confirmed by the Senate. If it does not specifically require it, then it does not have to be so done. Otherwise the President could appoint and fill the office without referring the matter for confirmation to the Senate or without consultation of the Senate at all.

The Constitution expressly provides what officers shall be confirmed by the Senate and all offices created by statute may all be filled, unless it is otherwise provided in the statute creating the office, without the advice and consent of the Senate. So it was not necessary in the creation of these offices for any provision to be placed in the bill whatever. And they can only be referred to the Senate for confirmation by the express provision of the statute creating the offices. Otherwise, the President would have the power to appoint the officer without any action of the Senate whatever, under the Constitution. These are statutory offices and the Constitution does not require the appointments to fill them to be with the advice and consent of the Senate. If it is done, it must be so because of the express provision of the law creating them. We have many offices which can be filled by the President and some by heads of departments which do not have to be confirmed by the Senate and are not because the statute creating them did not require them to be so made. Doubtless it might tend to the betterment of the public service and the expediting of the same if more offices were exempt from this red-tape method. It was, in my judgment a useless provision here to fix such a requirement; it was not necessary; but doubtless the committee had some good reason for it, and in the end it may prove beneficial, but it was not essential to the appointment and there was no obligation it should be so done. The provision of the Constitution which I have read specifically names the offices for which the President must have the advice and consent of the Senate; all others he can appoint without such advice and consent, unless the statute creating them requires the appointment to be made in that way. It was not necessary to have that provision here.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts [Mr. PHELAN].

The question was taken, and the amendment was agreed to.

Mr. CULLOP. Mr. Chairman, I offer the following amendment: On page 74, line 20, strike out "$10,000" and insert "$7,500."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The Clerk read as follows:

Amend, on page 74, line 20, by striking out "$10,000" and inserting "$7,500."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. CULLOP. Mr. Chairman, I have offered this amendment with the hope that it would be adopted. The expenses of operating this system of rural-credit banks are fixed, so far as these salaries are concerned, unusually high. Competent men can be secured who will administer this law just as efficiently for $7,500 a year as for $10,000 a year.

I do not believe in the contention some have made that efficient men can not be had for these positions unless the salary is fixed at $10,000 per year. The terms of service are for nine years; a long term. There is no expense attached to the position, like an elective office, and it will be an easy matter to secure the very best of talent for these positions at the compensation named in the amendment I have just offered. No one is more interested than I in securing good talent for these positions and in seeing the law a great success.

I would reduce the salaries of officials proposed in the bill for the administration of this law and make the application of the reduction of them to the reduction of the interest rate which the farmer has to pay if the bill remains as it is written. If we are legislating here for the benefit of the farmer, let us by the law itself give him the benefit of it.

Six per cent is an unusually high rate of interest for good farm loans. It is too much, and if it remains in the law at that figure the banks will not be patronized, and the farmer will not be furnished the relief he expects, and the measure will therefore not perform the functions its promoters hope for it. The importance of this measure must not be underestimated, but if it is so written that it will not be patronized because farmers can secure better terms of private concerns, then all this work will be in vain, and the people who expect to be benefited by it will be disappointed, and it will become a matter of injury rather than benefit to those who are responsible for its enactment. We should endeavor, therefore, to work out a law that will stand the test and produce the splendid results expected of it.

The security that will be given to secure the payment of these loans is the best security that is offered in the world. The farm that has a loan upon it of 50 per cent of its actual value is worth 100 cents on the dollar in any market in the world, and if our Government bonds, if our drainage bonds, if our gravel-road bonds will sell on the market above par at 4 per cent annual interest, why will not the bonds upon the rich, fertile farms of this country, at 4 per cent interest, sell at par in any market in the country?

They will do so, will be in demand, as the investor is always looking for a bargain. He well knows such an investment is a good bargain, and he will be anxious to have such an investment. This is a question of great importance, and it is well worth the serious consideration of every man here. Let no one doubt but what every feature of this bill will be carefully scrutinized by the people who are expecting relief from it.

A number of the States issue gravel-road bonds, drainage bonds, which sell, every time they are offered, above par. They draw only 4 per cent interest; some draw less. When put up to the highest bidder the contest is spirited and the demand for them great. They are no better security than is provided for here. They are no better security than the bonds based on the farms of this country at 50 per cent of their value. Another reason: These bonds are exempted from taxation, and when we are putting them on the market at 6 per cent interest per annum it is equivalent to 8 or 9 per cent interest on these loans; and if we fix this rate at 6 per cent, we will find these farm mortgages readily taken at 50 per cent of the value of the farm on which the mortgage is placed if any farmer is so unfortunate as to have to patronize the system. Now, if private concerns will loan at 5 per cent interest, not exempt from taxation, as is being done in many parts of the country, how could anyone conclude that by this legislation any relief or assistance is being furnished the farmer? On the contrary, is it not creating a legalized institution for the money changer to employ to exploit the farmers of the country? Would he not, after its passage, refuse to loan to the farmer, join the organization created by this law and compel the farmer to accept its terms, and harness upon the farmer an additional burden? It seems to me that would be the natural result. If people will loan to banks, as they are doing, for 3 per cent, when such loans are subject to taxation, surely it would be no trouble to secure loans on farm mortgages at 4 per cent when such loans are exempted by law from taxation. No doubt the loan on the farm is just as secure as the one made to the bank.

The farm loan furnishes the best investment, the safest, the speculator can find. There is no better, and no man can anticipate a time when farm property will be worth less than it is to-day.

If the farm loan is exempt from taxation, the rate of interest should not be higher than 4 per cent; if it is, a great injustice is done the farmer, because by such procedure the volume of taxable property is lessened, and as the volume is reduced the rate necessarily must be increased. The farmer's property is visible property; it can not be hidden from the assessor, and hence he would have the burden thus increased to bear. Now, it is plain if the rate of 6 per cent, as written, is to remain in this bill, no help will by the measure be furnished the farmers of this country, and the only person assisted will be the money lender, and he is always prosperous and does not need it.

If we are legislating in the interest of the farmer, let us do it right. Give him a 4 per cent loan here. If we are exempting the mortgage from taxation, they can readily sell the bonds, as they can and do sell the drainage and gravel-road bonds, upon the market. Let us give the farmer the benefit of this, and not the speculator.

I hope the amendment will be adopted, because we can readily get men at $7,500 a year who will perform these duties just as satisfactorily as if they were paid a salary of $10,000. Let us reduce the salaries and reduce the rate of interest and really help the farmer by the adoption of this legislation.

Some will doubtless contend here that to reduce the salaries of the officials will not help the farmer, because all such salaries are paid out of the Public Treasury; but it is well enough to remind all who make such a claim that every dollar of money in the Public Treasury has been collected from the people through some method or another and the farmer has paid his share, and the less taken out of the Treasury the less will have to be paid in, and hence the farmer will be the beneficiary as well as all other business men. One thing certain, every dollar expended in the administration of this law will be charged up to the business by the Government, and the higher the expenses of administration the higher the rate of interest will be, and hence the reverse, the lower the cost of administration the lower the rate of interest can be made. The adoption of this amendment will be a step in the right direction and will inure to the benefit of the farmers, the class it is proposed to assist by the enactment of this legislation.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HOWARD rose.

The CHAIRMAN. Does the gentleman desire to oppose the amendment?

Mr. HOWARD. I do.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] is recognized.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I rise to oppose this amendment for this reason: I think the worst mistake on earth that any government can make is paying niggardly salaries to public officials. The three men who are to have charge of this system will in all probability, if it works as I hope it will, soon have the direct supervision of three to four billion dollars of loans, and probably more. These men ought to be the very highest-class men in the United States. We ought to provide salaries that will attract men of that character to these positions. I have always said when you pay a small salary as a government, or as a city,

or any other governmental institution, you can not attract the best men to these positions, and it is false economy not to obtain the most efficient.

Now, if you reduce this salary from $10,000 to $7,500, I admit you can get men to fill the jobs; but what I will be glad to see is that this system should start off with the very best experts that we can get in this country to take charge of it, because from my reading of this bill I am of opinion that this business is not going to start off with any great rush. There will not be anybody smothered to death around the doors of these banks to start with. [Laughter.] It is going to be a slow growth until our farmers learn to use it and understand it. It is going to take men of exceptional executive ability, men who know something about the finances and financial affairs of this country, to administer this great system that we are to-day inaugurating in the interest of the farmers of this country.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HOWARD. With pleasure.

Mr. MADDEN. I understood from what the gentleman said who reported this bill that there was so much demand for farm loans that the board of managers would be swamped with business. Does the gentleman wish to have the House understand that they would have to go out and look for business and that the farmers do not want loans?

Mr. HOWARD. This is what I mean by that: This is like every other new thing. When a thing starts in, and it just bursts on the folks all at once as this is going to do, the people are a little inquisitive at first, then they are interested, and then they want to get into it. It is going to take some time to educate American farmers on the question of rural credits, because I am frank to say that I have been discussing this matter here for five years with Members of the House, those who are here now and those of blessed memory who have passed on; and I am frank to say that I have not met over 40 or 50 gentlemen in the House itself who had really devoted very much study to this question, and it is an intricate question.

Mr. MADDEN. I have been led to understand that the farmers all over the country were crying for this thing like children are supposed to cry for Mrs. Winslow's soothing syrup.

Mr. HOWARD. They do want it. The farmers demand a system by which they can mobilize their credit and procure money to meet their capital requirements at lower rates of interest. That is what they are demanding, and I believe this bill will give it to them if it falls into proper managerial hands. Without question the farmer is in great need of some relief from the land sharks and skinflints.

Mr. HEFLIN. Will the gentleman yield?

Mr. HOWARD. Yes; I yield to my friend.

Mr. HEFLIN. I will ask my friend if he does not think this agricultural banking system that we are about to inaugurate is of such great importance that the salaries of this board ought to be sufficient to attract the very best men in the country?

Mr. HOWARD. That is exactly what I said in the outset, that you can not attract men of great financial experience and ability to fill these places by paying them meager salaries.

Mr. MORGAN of Oklahoma. Mr. Chairman, I move to strike out the last word.

Mr. GLASS. I ask unanimous consent that all debate on this amendment be limited to 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment close in 10 minutes. Is there objection?

Mr. MORGAN of Oklahoma. Reserving the right to object, may I be allowed five minutes of that?

Mr. GLASS. I have no objection.

The CHAIRMAN. The gentleman from Oklahoma was on his feet and will be recognized by the Chair.

Mr. GREEN of Iowa. Reserving the right to object, I should like at least one minute.

Mr. GLASS. That is with the Chair. There will be 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on this amendment be limited to 10 minutes. Is there objection?

Mr. MANN. Reserving the right to object—I am not going to object to these requests—will we be likely to quit about half past 5 to-night?

Mr. GLASS. I should think so; yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Chairman, I am in favor of this amendment. I believe, of course, that we should have competent men to protect the affairs of the institution which we are here creating, and I believe that such men can be secured at a salary of $7,500 per annum. Look at the salaries paid in the Department of State. The Secretary gets $12,000 a year; but there is only one other officer in the State Department who gets as high as $7,500. Then, there are only two officers who get $5,000, and there are only three who get as high as $4,500.

Take the Treasury Department. The Secretary of the Treasury gets $12,000. There are only three officers who get as high as $5,000 in the Treasury Department.

Take the Department of Justice. The Attorney General gets $12,000 and the Solicitor General $9,000, and the next highest is $3,500, and only two who get as high as $3,500.

In the Department of the Interior the Secretary gets $12,000, the next highest officer $5,000, and only one other gets $4,500, and one other $4,000.

In the Department of Agriculture the Secretary gets $12,000, the next highest officer gets $5,000, and only two get $5,000, and the next highest gets $3,500.

The Secretary of Commerce gets $12,000; only one other officer gets as high as $5,000.

The Department of Labor is the same rate.

Mr. SLOAN. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. SLOAN. Congressmen receive only $7,500.

Mr. MORGAN of Oklahoma. Only that.

Mr. SLOAN. Does the gentleman know of anybody that works harder or is more efficient than Members of Congress?

Mr. MORGAN of Oklahoma. I do not; and I know of no one here that is more efficient than the gentleman from Nebraska.

The judges of the United States circuit courts get $7,000 and judges of the United States district courts get $6,000. It is true that the members of the Federal Reserve Board get $12,000, and I believe the members of the Federal Trade Commission get $10,000. But those salaries were fixed since the Republican Party went out of power. It seems to me that my good friends on the other side of the aisle ought not to continue to create offices with extravagant salaries. I believe it is a bad policy and a bad precedent. My theory is that when a man accepts a high Federal position or a high position in any State, he ought to be like I believe the most of you are—not here entirely for the compensation you receive, but you are here because you want to serve your country and your constituents, and because you appreciate the high honor they have bestowed upon you. [Applause.]

Mr. STEAGALL. I desire to add my indorsement of all the gentleman from Georgia has just said. The salary of the members of the Federal Reserve Board is fixed at $12,000. The system provided for in the bill under consideration for the benefit of the farmers of this country is just as important, if not more so, as the Federal reserve act. I do not believe it unfair to ask that the men to be placed in charge of this great system of the farmers should be paid as much as the members of the Federal Reserve Board, though the bill provides for $2,000 less than is paid members of that board. I do not believe in poorly paid public officials. In my judgment it is a mistaken policy to allow only meager and insufficient salaries for public officials charged with great responsibility and called upon to discharge duties of vast importance. We ought to fix these salaries so as to command the services of the very best men to be had. Certainly the men in charge of this system of the farmers ought to be of the same high class and ought to be paid as high compensation as is the case with the commercial banking system.

I think it is safe to say that the only argument offered that is calculated to win support for the amendment is the suggestion made by the gentleman from Indiana [Mr. CULLOP] that the reduction in salaries sought to be accomplished be used in lowering the interest charges to the farmers on their mortgages. But there is nothing whatever in that argument, for the reason that the salaries of the members of the Federal farm-loan board provided for in this bill are to be paid by the Federal Government. So we see it necessarily follows that the reduction sought by the amendment could not be applied in that way. [Applause.]

Mr. CULLOP. Does the gentleman yield?

Mr. STEAGALL. I shall be glad to yield to my friend from Indiana.

Mr. CULLOP. Is it not true that the farmer pays the taxes that are to take care of the salaries of the members of the Federal farm-loan board; and if so, would they not be benefited by the reduction provided for in the amendment?

Mr. STEAGALL. Of course, it is true that the farmers pay taxes like others; and I am sure in many instances they pay more than their just proportion. But the gentleman sought to convey the impression that the amount attempted to be saved

on the salaries of the Federal farm-loan board would, under the provisions of the amendment offered by him, be expended in the reduction of interest charges to be paid by the farmers on their mortgages, when the fact is that under the provisions of the bill every dollar of these salaries is paid by the Federal Government, and not one single dollar of it could be expended to pay interest on loans to the farmers. [Applause.]

Again, Mr. Chairman, the system we are attempting to establish is new. It has to be inaugurated and set to going. The members of the Federal farm-loan board must put the system into operation and will have to deal with problems in finance not only embracing several billion dollars but extending to every acre of the area of this country. They will be called upon to travel extensively and to meet many demands necessarily incident to the discharge of the duties directly devolving upon them as members of that board. It is true that the bill provides that the Government shall pay their expenses, but no one could anticipate, and no high-minded man holding an important office would care to charge every item of expense that would be unavoidable to one engaged in such activities. The farmers of the country will not object—on the contrary, it is their desire—that the Government in the inauguration of this system place in charge only the best men that can be secured, and they know that the surest way to accomplish that is to make the salaries such as to attract the services of such men. What they really want and expect at the hands of the Government is a system of rural credits that will make available to them the vast credit resources of the Nation upon the same rates at which they are open to other interests, and upon terms suited to the requirements of their business. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I favor the amendment, and I favor it because I think I know something about the farm-loan business. I have had something to do with it in years past. What these men have to do is purely administrative. It is laid down by the provisions of the bill, and they have no business to deviate from it. They have but a very little discretion, and that is the discretion of the banker or the manager of the loan business that is carried on to a large extent in my State, where I regret to say we have $450,000,000 of mortgages on Iowa land. There are many men carrying on the land-mortgage business on a large scale who do not get the lower figure mentioned here. There are men who are presidents of great savings banks in New York that have deposits up in the hundreds of millions and who do not get any very large salary.

Mr. HARDY. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HARDY. Would it not be better to start these salaries at $7,500 and then raise them in the future if it is necessary, rather than to start them at $10,000 and then try to cut them down?

Mr. GREEN of Iowa. I think so. I have not been impressed with the success of paying enormous salaries in the beginning. I know of one railroad that went through my State where they made a contract with a man to act as president for $100,000 a year for four years, and after he had run it one year they were glad to pay him any price to get him out. Similar other cases are to be found. The price does not always fix the value of a man with respect to his understanding of his business. [Applause.]

Mr. RAGSDALE. Mr. Chairman, I think this amendment ought not to carry. Certainly it is going to be difficult to successfully inaugurate any farm-loan system. Men are not put in there, like the presidents of banks, to stay for a long period of time and serve as long as their services are satisfactory. These men, by change of administration, will lose their positions. They will give up their positions at home——

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. RAGSDALE. No. They will give up their positions at home and come to Washington, where it is expensive to live, and they will have to maintain themselves here. They will not know how long they are going to be here. They will have to take up an entirely new idea and put it into use and make it practicable; and I say that by comparison with services being rendered by other men in other departments, that in no single department in the city of Washington will the people of the country, the producers of the raw wealth, the farmers, get more return than they will from this board at this salary.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and on a division, demanded by Mr. HOWARD, there were—ayes 50, noes 33.

Mr. GLASS. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. CULLOP and Mr. GLASS took their places as tellers.

The committee again divided, and there were—ayes 56, noes 34.

So the amendment was agreed to.

Mr. McKELLAR. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 76, line 12, after the word "mortgage" insert "and shall not be pecuniarily interested directly or indirectly in any farm loan applied for under this act or in any farm loan association, joint stock bank, or Government agency provided for by this act."

Mr. McKELLAR. Mr. Chairman, may I have the attention of the chairman of the committee? Does the gentleman have any objection to that amendment?

Mr. GLASS. It is already covered in the bill.

Mr. HAYES. The penal sections cover that.

Mr. McKELLAR. I had overlooked that and I withdraw the amendment.

[Mr. CANNON addressed the committee. See Appendix.]

Mr. GLASS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee had had under consideration the bill S. 2986 and had come to no resolution thereon.

FEDERAL AID TO ROADS.

Mr. SAUNDERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS. Mr. Speaker, I would like to have unanimous consent to take from the Speaker's table the bill known as the Federal aid to roads bill, which came over from the Senate this morning, to disagree to the Senate amendment, and ask for a conference.

Mr. STAFFORD. Mr. Speaker, I ask that the gentleman postpone that request until to-morrow.

The SPEAKER. The Clerk informs the Chair that the bill has not come over.

Mr. SAUNDERS. Yes; it came over to-day, Mr. Speaker.

The SPEAKER. The gentleman from Virginia asks unanimous consent——

Mr. SAUNDERS. I withdraw that, Mr. Speaker.

The SPEAKER. The gentleman from Virginia withdraws his request.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of our rights upon the seas.

The SPEAKER. The gentleman from Ohio [Mr. FESS] asks unanimous consent to extend his remarks in the RECORD upon the subject of our rights upon the seas. Is there objection? [After a pause.] The Chair hears none.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Army bill, which was before the House on yesterday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks on the Army bill, which was before the House yesterday. Is there objection? [After a pause.] The Chair hears none.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5172. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.; to the Committee on the District of Columbia.

S. 1162. An act authorizing the President to appoint Col. James Jackson, United States Army, retired, to the rank of brigadier general on the retired list; to the Committee on Military Affairs.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes) the House adjourned to meet to-morrow, Wednesday, May 10, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of York Harbor, Me. (H. Doc. No. 1088); to the Committee on Rivers and Harbors, and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Frankfort Harbor, Mich. (H. Doc. No. 1089); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Guadalupe River, Tex., to Victoria, with a view to improvement by locks and dams (H. Doc. No. 1090); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of the Treasury submitting estimates of deficiencies in appropriations required by the Treasury Department to complete the service of the fiscal year ending June 30, 1916, and for prior years (H. Doc. No. 1091); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes, reported the same without amendment, accompanied by a report (No. 659), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MURRAY, from the Committee on Indian Affairs, to which was rreferred the bill (H. R. 10555) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims, reported the same with amendment, accompanied by a report (No. 658), which said bill and report were referred to the Private Calendar.

Mr. SHOUSE, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 660), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 15492) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. ADAIR: A bill (H. R. 15493) to authorize the erection of a public building at Decatur, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. EMERSON: Joint resolution (H. J. Res. 221) to instruct the Commissioners of the District of Columbia to forbid the display of "The Birth of a Nation" in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ALMON: Resolution (H. Res. 231) providing for printing additional copies of soil survey of Madison County, Ala.; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. SHOUSE [from the Committee on Invalid Pensions]: A bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ANTHONY: A bill (H. R. 15495) granting an increase of pension to Elmer S. Battin; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 15496) granting an increase of pension to Mrs. Bettie Pinnell; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 15497) granting a pension to John Amberg; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 15498) granting an increase of pension to William R. Gillespie; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 15499) granting a pension to Donald E. Graham; to the Committee on Pensions.

By Mr. GUERNSEY: A bill (H. R. 15500) granting an increase of pension to Henry O. Nickerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15501) granting an increase of pension to George W. Plummer; to the Committee on Invalid Pensions.

By Mr. HULBERT: A bill (H. R. 15502) granting an increase of pension to Siegmund Silberberg; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 15503) granting a pension to James R. Milbee; to the Committee on Pensions.

By Mr. KELLEY: A bill (H. R. 15504) granting a pension to Augustus A. Bush; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 15505) granting an increase of pension to Velma Lehr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15506) granting an increase of pension to Matilda Devenney; to the Committee on Invalid Pensions.

By Mr. LAZARO: A bill (H. R. 15507) to reimburse the postmaster at Bayou Chicot, La., for money taken by burglars; to the Committee on Claims.

By Mr. McARTHUR: A bill (H. R. 15508) granting a pension to Mary E. Steepy; to the Committee on Pensions.

By Mr. OAKEY: A bill (H. R. 15509) granting an increase of pension to Eliza N. Oliver; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15510) granting a pension to Mrs. Susannah E. Martin; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 15511) for the relief of Henry S. Stratton; to the Committee on Claims.

By Mr. RICKETTS: A bill (H. R. 15512) granting a pension to Mary A. Strawn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15513) granting an increase of pension to Andrew Rambo; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 15514) granting a pension to Mary J. McGuire; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 15515) granting a pension to Jessie M. Engel; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 15516) granting an increase of pension to Nathan G. Martin; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas. A bill (H. R. 15517) for the relief of the estate of Francis Posey, deceased; to the Committee on Claims.

Also, a bill (H. R. 15518) for the relief of the estate of William A. Smith, deceased; to the Committee on Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 15519) granting an increase of pension to James Chalmers; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 15520) granting a pension to Clark Brown; to the Committee on Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 15521) granting a pension to Joseph K. Bellemey; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of mass meeting of citizens of Kentucky, in reference to our foreign relations, and favoring honorable peace with other countries; to the Committee on Foreign Affairs.

By Mr. BEALES: Papers to accompany House bill 15054, for relief of James O. Whorl; to the Committee on Invalid Pensions.

By Mr. BURKE: Memorials of members of the Emmanuel Lutheran Church of Watertown, Wis., protesting against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Reformed Church of Fillmore, Washington, Wis., protesting against war with Germany; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of National Security League, in re national defense; to the Committee on Military Affairs.

By Mr. CHARLES: Petitions of various residents of the thirtieth district of New York, against war with Germany because of the submarine issue; to the Committee on Foreign Affairs.

By Mr. COOPER of Wisconsin: Petition of residents of Franksville, Wis., protesting against enactment of House bill 6468 and like measures; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Franksville, Wis., protesting against enactment of House bill 929; to the Committee on the District of Columbia.

Also, petition of members of Belle City Lodge, No. 437, International Association of Machinists, urging enactment of House bill 8065; to the Committee on Labor.

By Mr. CROSSER: Petition of sundry citizens of Cleveland, Ohio, against House bill 13048, for juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CURRY: Memorial of Evangelical Association of Sacramento, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 34 citizens of Vallejo and Vallejo Trades and Labor Council, against Taylor system in Government shops; to the Committee on Labor.

Also, resolution by the Retail Merchants' Association of Richmond, Cal., protesting against any increase in revenue tax upon promissory notes, bank checks, and other commercial papers; to the Committee on Ways and Means.

Also (by request), petition by Mr. L. E. Davison and other citizens of Lodi, Woodbridge, Lakeside, and Acampo, all in the State of California, protesting against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also (by request), petition by Mrs. A. A. Price and other citizens of Lodi, Cal., protesting against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of women voters of California and Washington, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. DILL: Petition of Mr. Arthur Shore and other residents of Metaline, Wash., protesting against House bill 13048; to the Committee on the District of Columbia.

Also, petition of Rev. George W. Bailey and other residents of Spokane, Wash., protesting against the passage of House bill 13048; to the Committee on the District of Columbia.

By Mr. DILLON: Petition of sundry citizens of South Dakota, against war with Germany; to the Committee on Foreign Affairs.

By Mr. DOREMUS: Petition of citizens of Detroit, favoring Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of citizens of New Orleans, La., against breaking with Germany; to the Committee on Foreign Affairs.

Also, memorial of National and State officials of the Farmers' Educational and Cooperative Union of America and of the National Grange, favoring legislation for using nitrogen, etc.; to the Committee on Military Affairs.

By Mr. FULLER: Petition of National and State officials of the Farmers' Educational and Cooperative Union of America and of the National Grange, for a Government nitrate plant; to the Committee on Military Affairs.

Also, petition of Citizens' Peace Committee of New Orleans, against severance of diplomatic relations, etc.; to the Committee on Foreign Affairs.

Also, petition of Juvenile Protective Association of Chicago, Ill., favoring House bill 13666, to provide for an institute for the feeble-minded in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GALLIVAN: Memorial of citizens of New Orleans, in reference to our foreign relations and opposing breaking off diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. GOOD: Petition of sundry citizens, favoring House bill 8065; to the Committee on Labor.

By Mr. GUERNSEY: Petition of citizens of Mapleton, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Memorial of Merchants and Manufacturers' Association of Baltimore, opposing House bills 8665 and 8677; to the Committee on Labor.

By Mr. LOUD: Petition of Mrs. J. B. Allen and Ladies' Aid Society of Sheridan, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOORES of Indiana: Petition of 64 women of United States, against war with Germany or other nations; to the Committee on Foreign Affairs.

Also, petition of mass meeting of Irish citizens, Indianapolis, Ind., asking United States to investigate conditions in Ireland; to the Committee on Foreign Affairs.

By Mr. NOLAN: Resolutions by representative women of San Francisco, Los Angeles, San Diego, Santa Barbara, and San Luis Obispo, Cal., protesting against the unfair blocking of the Susan B. Anthony Federal suffrage amendment by the Judiciary Committee of the House of Representatives, and demanding that favorable action be taken thereon by the present Congress; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of a citizen of Providence, R. I., favoring the maintenance of friendly relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of Utica (N. Y.) Chamber of Commerce, favoring the Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of B. A. Armstrong, of Providence, R. I., favoring House bill 8828; to the Committee on Appropriations.

By Mr. RAKER: Protest by the California Retail Dry Goods Association of Oakland, Cal., against the enactment of the Stephens-Ayres bill providing for price control by manufacturers after they have parted with ownership of merchandise; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Corning, Cal., against Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. RICKETTS: Petition of millers of Ohio opposing the passage of House bill 9409—the Rainey bill; to the Committee on Ways and Means.

Also, petition of sundry citizens of Ohio favoring House bill 8665; to the Committee on Labor.

Also, petition of sundry citizens of Ohio opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. SHOUSE: Several petitions of citizens of Ford County, Kans., for an amendment to the Constitution of the United States providing for national prohibition; to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of W. F. Alger and others, of Manchester, N. H., praying that this country may not be drawn into this war on account of the submarine issue; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Memorial of women's clubs, of Denver, Colo., against the Judiciary Committee reporting suffrage amendment; to the Committee on the Judiciary.

Also, petition of citizens of Grand Junction, Colo., favoring House bill 8665 to regulate working conditions of skilled labor on Government work; to the Committee on Labor.

By Mr. TILSON: Petition of New Haven (Conn.) Trades Council, favoring passage of House bill 8828, relative to wage scale on Panama Canal; to the Committee on Appropriations.

SENATE.

WEDNESDAY, *May 10, 1916.*

(Legislative day of Tuesday, May 9, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CLARKE of Arkansas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Martine, N. J.	Smith, S. C.
Beckham	Husting	Myers	Smoot
Borah	James	Norris	Swanson
Broussard	Jones	Owen	Taggart
Catron	Kenyon	Page	Thomas
Chamberlain	Kern	Phelan	Tillman
Clapp	La Follette	Pittman	Underwood
Clarke, Ark.	Lane	Poindexter	Vardaman
Dillingham	Lea, Tenn.	Ransdell	Wadsworth
du Pont	Lee, Md.	Saulsbury	Warren
Gallinger	Lodge	Shafroth	Williams
Gore	McLean	Sheppard	
Gronna	Martin, Va.	Simmons	

Mr. ASHURST. I have been requested to announce that the following Senators are detained from the Senate in the Judiciary Committee:

The Senator from Texas [Mr. CULBERSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from West Virginia [Mr. CHILTON], the Senator from Florida [Mr. FLETCHER], the Senator from Missouri [Mr. REED], the Senator from Tennessee [Mr. SHIELDS], the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. SMITH], the Senator from Min-

nesota [Mr. NELSON], the Senator from Utah [Mr. SUTHERLAND], the Senator from Connecticut [Mr. BRANDEGEE], and the Senator from California [Mr. WORKS].

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. MYERS. I ask leave to submit a resolution for reference.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. MYERS submitted the following resolution (S. Res. 190), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands be authorized to employ an additional clerk, at a salary of $100 per month, for a period lasting until the end of the present session of the Sixty-fourth Congress, the same to be paid out of the contingent fund of the Senate.

PERSONAL EXPLANATION.

Mr. LANE. Mr. President, if the Senator from Iowa [Mr. KENYON] will permit me a moment for a personal explanation, I wish to state that I made a mistake in my vote yesterday. I find that I voted "yea" upon the motion to recommit House bill 655, to pension the survivors of certain Indian wars from January 1, 1859, to January 1, 1891, inclusive, and for other purposes. I voted under a misapprehension. I was called out of the Chamber, and when I came in I was not familiar with the question I was voting upon, and I made a mistake. My intention was to vote "nay" on the question instead of "yea."

I have always been in favor of the measure which was before the Senate at that time, but I did not understand that the question was on a motion to recommit it. I wish the fact to go upon record that had I been fully advised in regard to my vote I would have voted the other way.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON addressed the Senate in continuation of the speech begun by him yesterday. After having spoken, with interruptions, for five hours, he said:

I should like to say to the chairman of the committee that I have reached a point now where I will take up the specific items in the bill, and I would be very glad, if he is willing, to discontinue until to-morrow.

Mr. CLARKE of Arkansas. Very well. Unless there is some executive business to be disposed of——

Mr. STONE. There is.

Mr. CLARKE of Arkansas. I was going to move that the Senate take a recess until to-morrow, but I withhold the motion for the present.

[Mr. KENYON's entire speech is printed in the Senate proceedings of May 9, 1916.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER of Oklahoma, Mr. KONOP, Mr. HAYDEN, Mr. CAMPBELL, and Mr. NORTON managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. SMOOT. I present resolutions adopted by citizens of Utah assembled in mass meeting in Mackintosh Hall, Salt Lake City, May 1, 1916, to celebrate the anniversary of international labor day, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolved, That we, citizens of Utah, assembled in mass meeting in Mackintosh Hall, Salt Lake City, Utah, May 1, 1916, to celebrate the anniversary of international labor day, protest against this continued suppression of women's right to political recognition and demand an immediate report.

Resolved further, That copies of this resolution be sent to the President of the United States, the Speaker of the House, majority leader of the Senate, floor leader of the House, chairman of the Judiciary Committee, chairman of the Rules Committee, and Senator SMOOT and Representative MAYS, with instructions to the two latter to read the resolution into the CONGRESSIONAL RECORD.

Mr. SMOOT presented memorials of sundry citizens of Salt Lake City, Utah, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. THOMAS presented petitions of sundry citizens of Denver, Colo., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMITH of South Carolina presented a petition of the Foreign Missionary Societies of the First Methodist Church South of Dillon, S. C., praying for the enactment of legislation to prohibit the exportation of intoxicating liquors to Africa, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented petitions of Camp No. 770, United Confederate Veterans, and of Wade Hampton Chapter, United Daughters of the Confederacy, of Los Angeles, Cal., praying for the enactment of legislation to grant pensions to Confederate veterans and widows of such veterans, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Madera County, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Northern San Joaquin County, Cal., praying for an appropriation of $300,000 for the improvement of the Yosemite National Park, and for the creation of a national-park service, which was referred to the Committee on Appropriations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHIELDS:

A bill (S. 5935) granting an increase of pension to Walter P. Norris (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 5936) granting a pension to George D. Doble;

A bill (S. 5937) granting a pension to Moetia Atwater;

A bill (S. 5938) granting an increase of pension to John C. Johnson;

A bill (S. 5939) granting an increase of pension to Edmond de Jarnac; and

A bill (S. 5940) granting a pension to Benjamin F. Jenkins (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5941) granting a pension to Joseph E. Fulton (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment providing that the unexpended balance on June 30, 1916, remaining to the credit of the appropriation authorized in the Agricultural act approved March 4, 1915, for the expenses of a commission to investigate and report to Congress on European cooperative land-mortgage banks and rural-credit unions, be appropriated and made available for the fiscal year 1917, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. I submit the conference report on the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with the various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917. I ask that the report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 8, 11, 12, 15, 23, 30, 31, 32, 38, 40, 43, 44, 45, 49, 69, 73, 77, 88, 91, 92, 100, 108, 117, 118, 119, 120, 123, 133, 135, 147, and 149.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 33, 39, 46, 48, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 76, 80, 81, 85, 86, 89, 90, 93, 94, 96, 98, 99, 101, 103, 104, 106, 107, 109, 111, 112, 114, 115, 121, 122, 125, 126, 128, 130, 131, 134, 136, 138, 139, 140, 141, 143, 144, 145, 148, 150, 151, 152, 153, 154, and 155, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506), and the possession by a person of intoxicating liquors in the country where the introduction is prohibited by treaty or Federal statute shall be prima facie evidence of unlawful introduction."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "to" and insert in lieu thereof the following: "$5,000 of which shall"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "*Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools:"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "two permanent warehouses"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "which has been," and in line 2 of said amendment strike out the words "heretofore or"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For beginning the construction by the Indian Service, of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522), the total cost not to exceed $200,000."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For beginning the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., as estimated by the Board of Engineer Officers of the United States Army in paragraph 138 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to remain available until expended, the total cost not to exceed $175,000: *Provided*, That said dam shall be constructed as a part of a project for the irrigation from the natural flow of the Gila River of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Ariz.: *And provided further*, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *And provided further*, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August 13, 1914 (38 Stat. L., p. 686): *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For extension of the Gamado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately 600 acres of land in addition to the area to be irrigated by said project, as authorized in section 2 of the act of August 24, 1912, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, reimbursable and to remain available until expended."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 16 of said amendment strike out the figures "$15,000" and insert in lieu thereof the following: "$10,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000; in all, $26,400."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available, reimbursable to the United States by the Indians having tribal rights on said reservation."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Potawatomi Indians in the State of Kansas, and to be expended under his direction for the construction of bridges across the Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kans.: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times maintain and repair said bridges: *And provided further*, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson: *And provided further*, That this appropriation shall not become effective until approved by an Indian council to be called for that purpose."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the following language of the amendment: "Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands, the cession of which was provided for in said act, and for which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota"; and the Senate agree to the same.

Lake City, Utah, remonstrating against the enactment of legislation

150, 151, 152, 153, 154, and 155, and agree to the same.

reclamation projects, approved August 13, 1914 (38 Stat. L.,

agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the following: "at Keewaton Academy, Wisconsin," and the comma; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "balance," insert the following: "of $3,436.03"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "section" and in line 3 strike out the word "one" and insert in lieu thereof the words "this act"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the figures "$50,000" and insert in lieu thereof "$25,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

"On the 1st day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

"That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

"The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

"That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired, to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

"That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "For the purpose of making necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebr.; also to reconstruct one span of 90 feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under the direction of the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,100"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 290 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $50,430; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all, $62,430."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 4 of the amendment, after the figures "$15,000" strike out the period and insert a colon and the following: "*Provided*, That no part of this appropriation shall be expended for mileage, salaries, or expenses of employees."; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the following: "And to remain available until expended"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87,

and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for the construction of an assembly hall and gymnasium, $25,000; in all, $92,150."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 220 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $38,540; for general repairs and improvements, $5,000; for new school building, $20,000; in all, $63,540."

And the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following:

"To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section 34, township 164 north, range 70 west, of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the unexpended balance of $9,533.38 is hereby reappropriated and made available for continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war on the Fort Sill Military Reservation, Okla., for the purchase of allotments in Oklahoma, as provided for in the act of June 30, 1913 (38 Stat. L., p. 77), for the three adult heads of families who have not heretofore received allotments."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "except that the Secretary of the Interior is hereby authorized within 30 days after the passage of this act to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Kappler and Merillat, James K. Jones, Charles M. Fechheimer, and Eugene Hamilton, as attorneys, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim, but shall be paid promptly without reference to same"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$12,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200: *Provided*, That the unused balance of $9,830 of the amount appropriated by the act of August 1, 1914 (38 Stat. L., p. 602), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all, $128,700"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $3,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klamath Indians of the State of Oregon, and use the same for the construction of a bridge across the Williamson River, on the Klamath Indian Reservation, Oreg., under such rules and regulations as he may prescribe."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$67,500: *Provided*, That the unexpended balance of $1,007.44 appropriated by the act approved August 1, 1914, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June 10, 1914, at Flandreau Indian School, South Dakota, is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing on the various Sioux Indian Reservations, adequate school facilities for the children of the Sioux Tribes who are now without Government or public-school facilities on the respective reservations, and to make a report thereof to Congress on or before the first Monday in January, 1917, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off the respective reservations, and there is hereby appropriated for the expense of such investigation and report the sum of $1,000, or so much thereof as may be necessary, to be immediately available."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "highway," insert a comma and the following: "reimbursable out of any funds now or hereafter placed to the credit of said Indians in the Treasury of the United States"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Uintah Tribe of Indians, in the State of Utah, and to use the same to protect the north abutment of the Government bridge at Myton, Utah, under such rules and regulations as he may prescribe, said sum to be immediately available."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he hereby is, authorizd to sell and dispose of not to exceed 20 acres of that portion of the lands situated on the north side of and within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the act approved August 1, 1914 (38 Stat. L., p. 584), at not less than the appraised value thereof, and to place the proceeds thereof in the Treasury of the United States to the credit of the Spokane Indians in said State."

And the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called 'school lands' and 'swamp lands' within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land and to deposit the

said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party or parties who shall finally be adjudged to be entitled to such fund: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made."

And the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed, insert the following:

"SEC. 27. On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That thereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided further*, That this shall not change existing law with reference to the Five Civilized Tribes."

And the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the amendment proposed, insert the following:

"SEC. 28. On or before the 31st day of December, 1916, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of bookkeeping and accounting for the Bureau of Indian Affairs that will enable the said Secretary, on or before July 1, 1917, to meet the requirements of section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103)."

And the Senate agree to the same.

HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

C. D. CARTER,
THOMAS F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of House.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceded to consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 14 minutes p. m., Wednesday, May 10, 1916) the Senate took a recess until to-morrow, Thursday, May 11, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 10 (legislative day of May 9), 1916.

REGISTER OF LAND OFFICE.

William H. Canon, of Medford, Oreg., to be register of the land office at Roseburg, Oreg., vice James M. Upton, deceased.

APPOINTMENT IN THE ARMY.

DENTAL CORPS.

Acting Dental Surgeon Harry Morton Deiber to be dental surgeon with the rank of first lieutenant from May 7, 1916, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. David A. Henkes, Sixteenth Infantry, to be captain from May 5, 1916, vice Capt. Henry A. Wiegenstein, Twenty-fourth Infantry, who died May 4, 1916.

Second Lieut. James W. Peyton, Eleventh Infantry, to be first lieutenant from May 5, 1916, vice First Lieut. David A. Henkes, Sixteenth Infantry, promoted.

FIELD ARTILLERY ARM.

Second Lieut. Lucien H. Taliaferro, Sixth Field Artillery, to be first lieutenant from May 8, 1916, vice First Lieut. Edwin E. Pritchett, Fifth Field Artillery, who died May 7, 1916.

Second Lieut. Harold H. Bateman, Third Field Artillery, to be first lieutenant from May 8, 1916, vice First Lieut. Harold S. Naylor, Fifth Field Artillery, who died May 7, 1916.

TRANSFERS TO ACTIVE LIST OF THE ARMY.

MEDICAL CORPS.

Maj. William O. Owen, United States Army, retired, to the grade of colonel in the Medical Corps, with rank from April 12, 1912.

CAVALRY ARM.

Capt. Ben H. Dorcy, United States Army, retired, to the Cavalry Arm, with his present date of rank.

Second Lieut. Joseph I. McMullen, United States Army, retired, to the grade of first lieutenant in the Cavalry Arm, with rank from September 21, 1908.

INFANTRY ARM.

Maj. Lorenzo P. Davison, United States Army, retired, to the grade of colonel in the Infantry Arm, with rank from November 20, 1914.

Capt. Robert C. Williams, United States Army, retired, to the grade of lieutenant colonel in the Infantry Arm, with rank from October 2, 1915.

Capt. Harold L. Jackson, United States Army, retired, to the grade of major in the Infantry Arm, with rank from March 11, 1911.

POSTMASTERS.

NEW YORK.

Hugh C. Dever to be postmaster at South Glens Falls, N. Y., in place of Ernest H. Palmer. Incumbent's commission expired December 18, 1915.

Robert C. Halpin to be postmaster at Hyde Park, N. Y., in place of John Hopkins. Incumbent's commission expired April 17, 1916.

John C. McGreevy to be postmaster at Hornell, N. Y., in place of W. H. Prangen. Incumbent's commission expired January 29, 1916.

Charles P. Monro to be postmaster at De Ruyter, N. Y., in place of Warren W. Ames. Incumbent's commission expires May 24, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 10 (legislative day of May 9), 1916.

UNITED STATES CIRCUIT JUDGE.

Evan A. Evans to be United States circuit judge, seventh circuit.

UNITED STATES MARSHAL.

William A. Shelton to be United States marshal, western district of Missouri.

SECRETARIES OF EMBASSIES OR LEGATIONS.

CLASS 3.

Frederic R. Dolbeare to be a secretary of embassy or legation of class 3.

Hallett Johnson to be a secretary of embassy or legation of class 3.

John Latta Ryan to be a secretary of embassy or legation of class 3.

Eugene C. Shoecraft to be a secretary of embassy or legation of class 3.

CLASS 4.

Oliver B. Harriman to be a secretary of embassy or legation of class 4.

Louis A. Sussdorff, jr., to be a secretary of embassy or legation of class 4.

Sumner Welles to be a secretary of embassy or legation of class 4.

L. Lanier Winslow to be a secretary of embassy or legation of class 4.

POSTMASTERS.

COLORADO.

J. O. Miller, Boulder.

MISSOURI.

Oliver P. Gentry, Liberty.
Sadocia B. Herndon, Fulton.
James S. Herrington, Valley Park.

NORTH DAKOTA.

S. K. Kringlie, Portland.

OHIO.

Franklin Harper, Mount Vernon.
Frank G. Henry, Marietta.

WISCONSIN.

Dennis F. Blewett, Fond du Lac.
Joseph Le Fevre, Pulaski.

WITHDRAWAL.

Executive nomination withdrawn May 10 (legislative day of May 9), 1916.

Ray S. Sherman to be postmaster at South Glens Falls, N. Y.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 10, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We praise Thee, O Lord God, our heavenly Father, for the light of this another day, which fills the earth with its glory and makes glad the heart of man. So flood our souls, we beseech Thee, with the light of truth, that with clear vision and earnest hearts we may strive to do Thy will in whatsoever our hands findeth to do, in the faith, grace, courage, and fortitude of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EMBARGO ON SHIPMENT OF ARMS.

Mr. FLOOD. Mr. Speaker, some question has arisen about the position of the German Government in reference to an embargo upon the shipment of arms, ammunition, and munitions of war from that country during the Spanish-American War. It has been contended by some that such an embargo was placed by that Government upon such shipments, and statements in the autobiography of Andrew D. White, the American ambassador to Germany at that time, have been cited to sustain the contention that such an embargo existed.

This contention is not justified by the facts, and in order to put this matter right I ask unanimous consent to extend my remarks by the insertion in the RECORD of the following:

Extract from the autobiography of Andrew D. White (vol. 2, p. 168).
Letter written by Mr. White to Mr. W. B. Blake and published in the New York Times, Saturday, January 29, 1916.
Letter from Secretary of State Lansing to Rev. William E. Barton, of Oak Park, Ill., which appeared in the New York Times, January 29, 1916.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent to extend his remarks in the RECORD by publishing a letter from the Hon. Andrew D. White, at one time ambassador to Germany, and other documents and letters. Is there objection?

There was no objection.

Following are the documents and letters referred to:

THE AUTOBIOGRAPHY OF ANDREW D. WHITE.

[Vol. 2, p. 168.]

As to the conduct of Germany during our war with Spain, while the press, with two or three exceptions, was anything but friendly, and while a large majority of the people were hostile to us on account of the natural sympathy with a small power battling against a larger one, the course of the Imperial Government, especially of the foreign office under Count von Bülow and Baron von Richthofen, was all that could be desired. Indeed, they went so far on one occasion as almost to alarm us. The American consul at Hamburg having notified me by telephone that a Spanish vessel, supposed to be loaded with arms for use against us in Cuba, was about to leave that port, I hastened to the foreign office and urged that vigorous steps be taken, with the result that the vessel, which in the meantime had left Hamburg, was overhauled and searched at the mouth of the Elbe. The German Government might easily have pleaded in answer to my request that the American Government had generally shown itself opposed to any interference with the shipment of small arms to belligerents, and had contended that it was not obliged to search vessels to find such contraband of war, but that this duty was incumbent upon the belligerent nation concerned.

This evidence of the fairness of Germany I took pains to make known, and in my address at the American celebration in Leipzig on the Fourth of July declared my belief that the hostility of the German press and people at large was only temporary, and that the old, good relations would be restored.

[From the New York Times, Saturday, Jan. 29, 1916.]

CORNELL UNIVERSITY,
Ithaca, N. Y., October 6, 1915.

W. B. BLAKE, Esq., *New York City.*

DEAR SIR: The simple facts in the case to which you refer are as follows:

Receiving a message by wire from our American consul at Hamburg early during the war, to the effect that a Spanish vessel, supposed to carry munitions for Spain, was just leaving Germany, I asked the foreign office that the vessel be searched before leaving, my purpose being not only to get such incidental information as possible regarding the contraband concerned but particulars as to the nature of the vessel—whether it was so fitted that it could be used with advantage by our adversaries against our merchant navy, as had happened during our Civil War, when Great Britain let out of her ports vessels fitted to prey upon our merchant ships.

The German Government was very courteous to us in the matter, and it was found that the Spanish ship concerned was not so fitted up, and that the contraband was of a very ordinary sort, such as could be obtained from various nations. The result was that the vessel, after a brief visit, proceeded on her way, and our agents at Hamburg informed me later that during the entire war vessels freely carried ammunition from German ports both to Spain and to the United States, and that neither of the belligerents made any remonstrance. Of course, I was aware that, under the usages of nations, I had, strictly speaking, no right to demand seizure of the contraband concerned; but it seemed my duty at least to secure the above information regarding it and the ship which carried it.

I remain, Dear Sir, etc.,

ANDREW D. WHITE.

LETTER OF SECRETARY OF STATE LANSING TO REV. WILLIAM E. BARTON, OF OAK PARK, ILL.

[New York Times, Jan. 29, 1916.]

The department has received your letter asking whether it is true that during the Spanish War this Government requested the Government of Germany not to sell ammunition to Spain, and that the Government of Germany acceded to its request. In reply to your inquiry I have to say that no such request was made by the Government of the United States.

ROBERT LANSING,
Secretary of State.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5886. An act extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912"; and

S. 5839. An act to repeal paragraph 4 of section 21 of the public-buildings act approved March 4, 1913, providing for the construction of a national archives building.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 655. An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town.

WITHDRAWAL OF PAPERS.

Mr. CLARK of Missouri, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Jason L. Boyd, Sixty-third Congress, no adverse report having been made thereon.

CALL OF THE HOUSE.

The SPEAKER. This is Calendar Wednesday.

Mr. MOORE of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. To make the point of no quorum.

The SPEAKER. The gentleman from Pennsylvania makes the point of no quorum. Evidently there is no quorum present.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken	Drukker	James	Peters
Allen	Eagan	Johnson, S. Dak.	Pou
Anderson	Eagle	Jones	Pratt
Anthony	Edmonds	Kahn	Price
Austin	Fairchild	Keister	Ragsdale
Ayres	Farley	Kennedy, R. I.	Rowland
Bacharach	Finley	Kless, Pa.	Saloath
Barchfeld	Flynn	Konop	Schall
Beales	Focht	Kreider	Scott, Pa.
Bennet	Fordney	Langley	Scully
Borland	Gardner	Lee	Sears
Brumbaugh	Godwin, N. C.	Lewis	Shackleford
Burnett	Gordon	Lieb	Sherley
Butler	Graham	Liebel	Siegel
Byrns, Tenn.	Griest	Lindbergh	Sisson
Capstick	Griffin	Lloyd	Smith, Minn.
Casey	Hamill	Loft	Snyder
Chiperfield	Hamilton, N. Y.	Longworth	Sparkman
Clark, Fla.	Hart	Loud	Steenerson
Coleman	Haskell	Maher	Stiness
Conry	Hay	Martin	Sutherland
Costello	Heaton	Montague	Taggart
Dale, N. Y.	Hill	Mooney	Taylor, Colo.
Danforth	Hilliard	Morin	Tinkham
Darrow	Hinds	Moss, W. Va.	Vare
Davis, Minn.	Hollingsworth	Nelson	Watkins
Dewalt	Hopwood	North	Whaley
Dooling	Houston	Overmyer	Williams, Ohio
Driscoll	Huddleston	Patten	Wilson, Fla.

The SPEAKER. On this roll call 317 Members, a quorum, have answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CARTER of Oklahoma. To ask unanimous consent to call up the bill H. R. 10385, the Indian appropriation bill, for the purpose of asking that the House further insist upon its disagreement to the Senate amendments and agree to a conference.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to call up the Indian appropriation bill, insist on the disagreement to the Senate amendments, and agree to a conference. Is there objection?

Mr. MANN. Mr. Speaker, I shall not object to the request, which would be in order to-morrow, and I would not object if it were not in order. I think it proper to call to the attention of the House, and possibly others, the fact that in violation of all parliamentary practice—and I am not sure but that it would be subject to a point of order—the distinguished body at the other end of the Capitol acted upon the conference report on the Indian appropriation bill while the papers were in the possession of the House.

It is not possible, Mr. Speaker, to keep track of proceedings with reference to a bill that has been passed by one body where there is only one official copy of the bill, unless the two bodies of Congress observe the parliamentary practice of taking action on a bill only when it has the physical possession of the papers. There have been some bills lost, and it puts a burden upon the enrolling clerk which is unjust to him and unfair to the House. If papers become lost and both bodies act upon a bill without having the papers, it gives an opportunity either to make a mistake by accident or intentionally, which would not be done by the present enrolling force of the House, but it is bad practice. I do not think the Senate had any right to act upon the conference report without having the papers in the Senate. The papers were in the House.

Mr. CARTER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes; I yield.

The SPEAKER. The Chair desires, if the House will permit, to indorse the remarks of the gentleman from Illinois [Mr. MANN]. The handling of these conference reports, with papers in them, ought to be done very carefully. Now the gentleman from Oklahoma [Mr. CARTER] and the House Members are not to blame. The Senate just walked off and left these papers lying on the table. It was like that case in the experience of Mr. UNDERWOOD in his first conference.

Mr. MANN. The papers were properly in the possession of the House conferees. That is where they belong.

Mr. CARTER of Oklahoma. If the gentleman will permit, I will say that the House conferees understood perfectly, and so did the Senate conferees, that the papers were in the possession of the House conferees. That matter was thoroughly discussed by the conferees, and it was agreed that the House should and would act before action by the Senate. What precipitated action in the Senate I am unable to say.

Mr. MANN. Well, it was either bad parliamentary law or a total disregard of the rights of the House, I do not know which.

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. CARTER of Oklahoma, Mr. KONOP, Mr. HAYDEN, Mr. CAMPBELL, and Mr. NORTON.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to Mr. SNYDER to extend his remarks in the RECORD.

FLOOD CONTROL.

The SPEAKER. This is Calendar Wednesday, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the flood-control bill, H. R. 14777.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, with Mr. CARAWAY in the chair.

The CHAIRMAN. There is an amendment pending, offered by the gentleman from Wisconsin [Mr. LENROOT]. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LENROOT: On page 20, strike out the word "third" and insert the word "half."

Mr. LENROOT. Mr. Chairman, this is an amendment that was offered last Wednesday, which, if adopted by the committee, will compel the States or levee districts in the building and construction of levees to contribute $1 for every $2 contributed by the Federal Government under this bill.

As the bill now stands the Government will be compelled to contribute $3 in the building of these levees for every $1 contributed by the local interests.

Mr. Chairman, the report of this committee shows that in the levees constructed in the past the local interests have contributed $3 for every $1 that has been contributed by the Government. Now, it is proposed in this bill to go to the other extreme and have the Government contribute $3 for every $1 contributed by local interests, and I submit that that is entirely unfair and unjust. If they have been able in the past, as they have been, to contribute $3 for every $1 the Government has contributed, surely they will be able in the future to contribute $1 for every $2 that the Government contributes, which is my proposition.

Mr. Chairman, the chairman of the Committee on Flood Control has addressed a circular letter, which I suppose every Member of the House has received, urging the defeat of this amendment that I have proposed. In this letter he undertakes to show that even though my amendment is adopted, there will be a saving of only $3,000,000 to the Government. What is $3,000,000 to the Democratic majority? Only a bagatelle. Evidently the gentleman thinks it is so small that the committee should not consider such an infinitesimal sum as that, and therefore that the saving of $3,000,000 is not of the slightest importance.

Further than that, the gentleman goes on in his letter and says:

The money spent in revetment should not be charged against flood control, but should be charged against navigation.

Let me say here that the bill as it now stands proposes that $30,000,000 of the Government's money shall be contributed in the next five years to the building of levees, and that the balance of it, or $3,000,000 a year, shall be used for the building of revetments.

Mr. Chairman, the hearings before the committee show that, while upon the face of this bill an expenditure of only $45,000,000 upon the part of the Government is authorized, if these levees are built, it is expected that before they shall be fully protected by revetments instead of an expenditure of $45,000,000 there shall be an expenditure of $105,000,000.

The CHAIRMAN. The gentleman's time has expired.

Mr. LENROOT. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. LENROOT. It is expected that there will be an expenditure of $3,000,000 a year for the next 25 years to come. Now,

the gentleman from Mississippi [Mr. HUMPHREYS] in this circular says these revetments should not be charged against the levees, because they are for navigation only. Mr. Chairman, I want to read from the hearings before this committee from the testimony of Col. Townsend, so that we may see whether or not these revetments are a part of this reclamation proposition or whether they are solely for navigation, as the gentleman from Mississippi [Mr. HUMPHREYS] contends. He says, on page 247:

What we do first, we set aside a certain fund for dredging and the maintenance of the channel of the river. That sum will also include the funds for running the commission—for services. Then, within the last few years, we are setting aside a sum which will utilize our plant for revetment work; and that, as we are revetting the banks which are threatening the destruction of levees, is practically a levee proposition. Then the remainder of the funds goes to levee construction.

Again, he says:

As I say, the revetment work itself is absolutely going into levees; it is a protection of the levees. It is saving a levee that would cost more to rebuild than it would to build this revetment. So I consider really that the revetment is as much levee construction as the money that is spent directly upon the levee.

That is hardly in consonance with the letter that the gentleman from Mississippi [Mr. HUMPHREYS] sent to each Member of this House.

Another thing that probably is not known by this House concerning these levees upon which we propose to expend this enormous amount of money: The location of these levees is not determined by the Mississippi River Commission or by any agent of the Government. The location of these levees is determined by the States and the levee districts in which they are situated, but the Government spends the money upon them. Upon that proposition I want to read from Col. Townsend. On page 240 of the hearings he says:

Well, under our present arrangement the location of the levee line is decided by the local authorities, especially in the State of Louisiana; in fact, the levee line of the State of Louisiana is decided by the chief engineer of the State levee board. That is about the only authority in the State of Louisiana that can decide the question.

And again he says:

There is always a chance for friction where you have two independent bodies, but practically we have found that if we apply to a local board and say we desire to have such-and-such a levee line located that it will locate the line where we desire it. Theoretically I am willing to say that I can not indorse our methods at all, but practically they have not worked so badly as you would think.

In other words, we are spending this $30,000,000 on these levees without any agency of the Government determining where the levees shall be built. Yet gentlemen object to an amendment of this character that requires these levee districts to contribute $1 for every $2 that the Government expends upon them. Mr. Chairman, if justice should prevail there would at least be equal contributions upon the part of these levee districts, and I sincerely hope that this amendment will be adopted. And let me say one word to the Republican side of this House:

Many have been stampeded on the assertion that the Republican platform calls for a vote for this bill. I want to say that it does nothing of the kind. The Republican platform pledges only that the United States Government ought to contribute its proportional share toward the expense of flood control. No man can say that the provision in this bill is a fair or equitable share for the Government to contribute. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, I wish to say a word in opposition to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]. It occurs to me that the United States Government could well afford to pay for all the improvements of this country necessary to prevent these disastrous floods. The United States Government has expended $400,000,000 in completing the Panama Canal. Why did it build the Panama Canal? Was it deterred in that great project simply because it improved adjacent territory? Is there anyone here asking that the people who owned the land adjacent to this great waterway should contribute one farthing toward its building? There are slides constantly occurring which is taking millions and millions of dollars to clean them out, and that results in improvement to the adjacent territory. Is there anyone here claiming that the adjacent territory should be made to contribute for that purpose?

I wish to say that it is my opinion that the improvement of the Mississippi River, in caring for the flood waters emptying into the Mississippi River is of more commercial importance to the people of the United States than the digging and construction of the Panama Canal.

This is a United States waterway, it does not belong to those people down there, and they are in no way responsible for the condition that presents itself by reason of the floods.

The gentleman from Wisconsin would have you believe that it is only the immediate territory adjacent to the Mississippi that is damaged by the floods. That is not the case, for hundreds of miles back from the river every time that the river gets on a rampage the lands are inundated, property destroyed, and lives endangered. If we had a great foreign foe threatening this country, would we not think it part of our duty toward our fellow citizens that we should repel the foe and protect the citizenship from it? Here is a foe not only threatening but doing the work each year, and it is a foe that these people should not be made to defend themselves against alone. It should fall upon the entire United States.

The waters from the North—from Montana, from New York, and all those States—flow down upon these people, and they are absolutely helpless. So I say that this thing should not be narrowed down to individual localities, because it is national in its scope. From 1881 down to 1890 every provision that passed the House in reference to the floods had a provision in it that it should not be used to prevent floods in that section of the country, but was merely for aid to navigation. I want to say to you that in my opinion in the observations we made from Cairo to New Orleans the navigation is a mere incident in comparison with the greater work that will be done in saving the country down there from the ravages of the floods.

So I say that in fixing the amount that the people of the locality ought to pay we should take into consideration the reasonable amount that the people in that locality should bear by reason of these floods. If that were to be the rule, they would have to contribute but a very small part individually, for they are responsible for a very small part of the flood waters of that country. If that were the rule, the country at large should contribute nearly the entire amount of the expenditure. I do not know how the gentleman from Wisconsin arrived at the amount the locality should contribute as compared with the amount the United States Government should contribute. It is a mere arbitrary fixation.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MOORES of Indiana and Mr. DUPRÉ asked that the time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD of Indiana. Mr. Chairman, as I said, it is a mere arbitrary fixation of the amount. You might as well say that they should contribute it all, or that they should contribute three-quarters, or that they should contribute any given amount.

Mr. SMITH of New York. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. SMITH of New York. Is it not a fact that the people in the vicinity of Dayton and Hamilton, Ohio, are arranging to pay all the expenses of preventing the floods on the Ohio River?

Mr. WOOD of Indiana. I do not understand that that is true. I know the people of the Miami country which was visited by the flood waters in 1913 were asking this committee that they be given relief. I know that by a recent petition that came from the people of that country that the Army engineers now are trying to work out a scheme and making plans to take care of the flood waters of the Miami River. I know that some rivers in my own State are included and in Ohio and Pennsylvania that will be taken care of in time.

Mr. GARD. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. GARD. For the information of the gentleman I will state that I hold in my hand a report of the engineer in charge of the improvement of the Miami Valley comprising a form of flood-control improvement, not an appropriation bill but a bill which seeks to have the land benefited take care of the needed improvement. [Applause.] I commend this to the gentleman and members of his committee.

Mr. WOOD of Indiana. Who is the author of the report that the gentleman has?

Mr. GARD. The author of the report is the man employed by the people, a commission employed by the people out there to take care of their own problem. [Applause.]

Mr. WOOD of Indiana. That may be true. I am not here for the purpose of disputing it, but I am here for the purpose of edifying the Members of this House upon the fact that there are gentlemen engaged in States, perhaps Ohio may be one of them, who are exploiting different kinds of interests for the purpose of forwarding their different selfish interests. I hope that is not true in the State of Ohio, but I do know that the people of the State of Ohio are asking relief from this committee and that we are receiving communications from them.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. FREAR. Is it not true in this case that 15,000,000 acres are reported by the committee to be reclaimed by this act, and, according to the testimony, they will be valued at about $100

an acre when reclaimed—not the testimony before the committee, but the testimony of those who have submitted statements?

Mr. WOOD of Indiana. I admit that is true, but what of it?

Mr. FREAR. The gentleman suggests private interests. That would amount to $1,500,000,000 in that one case; that ought to pay its fair share toward this reclamation project.

Mr. WOOD of Indiana. I admit that that is true, but what is its fair share? The same thing might be said with reference to the gentleman's country. If it had not been for Federal aid, if it had not been for the strong arm of the Government in developing his country by reason of putting the great railway systems through there, would the lands in his State have been worth a hundred dollars to-day? By reason of the fact that the railroads were put through and that millions and millions of dollars were expended in the improvement of the rivers and harbors in his State the lands there are worth what they are to-day.

Mr. FREAR. Every dollar of expense for the reclamation of lands in my State from swamps is borne by the property holders and those lands are just as valuable and important to the people of my State as are the lands along the Mississippi River important to the people who reside there.

Mr. WOOD of Indiana. Yes; and your streams are but little bits of branches that are within the confines of the State, rising there, perhaps, and having their outlets into other streams that are directly contributing to this great flood situation down in the Mississippi Valley. That is the reason I say the Members of this Congress should be broad-minded enough to know that in the improvement of our lands throughout the north country we are devastating the lands of the south country. Every string of pile put in in Indiana is precipitating that much more water into this flood situation down there.

Mr. FREAR. Has the gentleman studied the gauge reports at Cairo, which show that it is not the cultivation of the lands, it is not the drainage of the lands, that causes the floods, but the erection of levees, which are damming up the waters to-day, bringing the water from a distance of 70 miles at Vicksburg down to a distance of from 3 to 5 miles. It is the damming up of the waters.

Mr. DUPRÉ. Does not the gentleman know that that has been contradicted by every engineer of repute?

Mr. FREAR. I have quoted an engineer to that effect.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. I took up a good deal of his time.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, before the gentleman proceeds, I wonder if we can not agree on some time for debate on this paragraph?

Mr. LENROOT. I have another amendment to the paragraph. I am willing to agree to close debate on this amendment.

Mr. GOOD. I want to offer another amendment to this paragraph.

Mr. HUMPHREYS of Mississippi. We ought to be able to agree on some time. We are reading this bill by paragraphs, gentlemen understand, and not by sections, on the assurance that we will be able to get through; that there would be no attempt to delay.

Mr. LENROOT. I suggest that we agree on time on this amendment and run on a while.

Mr. MANN. Let us agree on time on this amendment. I agree with the gentleman that there was the understanding in the House that we would endeavor to finish this bill to-day; that we would conclude the bill to-day, and I shall try to help the gentleman in that respect.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 50 minutes, one half of that time to be controlled by myself and the other half by the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. Is there objection?

Mr. CULLOP. Mr. Chairman, I would like to inquire if the 50 minutes include the 5 minutes to be granted, I hope, to my colleague from Indiana [Mr. WOOD]?

Mr. FOSTER. Let the gentleman have 5 minutes additional to the 50 minutes.

Mr. HUMPHREYS of Mississippi. I understand the gentleman from Indiana to have five minutes in addition to that.

The CHAIRMAN. Is there objection?

Mr. SMALL. Mr. Chairman, I object.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move that all debate on this amendment close in 55 minutes.

The CHAIRMAN. The gentleman from Mississippi moves that all debate on the amendment close in 55 minutes.

Mr. SMALL. Mr. Chairman, I move to amend by making it 60 minutes.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I will accept the amendment and modify my motion to make it 60 minutes.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Mississippi that all debate on the pending amendment close in 60 minutes.

The motion was agreed to.

Mr. WOOD of Indiana. Mr. Chairman, I will say only a few more words with reference to the suggestion of the gentleman from Wisconsin [Mr. FREAR] concerning what the engineer says about the floods and the increasing floods at Cairo. Those floods are shown to be increasing not only in frequency but in volume at Cairo. The devastation is below Cairo. The cause of the floods is attributed to a great many reasons. Some gentleman has figured out that it is caused entirely by the destruction of the forests, and we are told that one elm tree 2 feet in diameter drinks five hundred and sixty-odd gallons of water in a day. That may be true, but that is getting it down so fine that it is beyond my ken. But we are not confronting a theory, we are confronting a condition, and what is true with reference to the reclamation of those lands down there and their being made to bring forth material wealth to the country is a matter that is of importance to the United States, including all sections of the country.

And if the flood waters of this country, that come from more than three-fourths of the territory of the United States, are devastating that land there and keeping this 16,000,000 acres worthless, why is it not the part of economy for the United States to undertake to remedy the evil that is making this devastation possible? This is a project that belongs to the United States. It is a flood that is caused by the waters of the United States; not by the waters of Indiana or Ohio alone, but by the waters that come from far-away Montana and far-away New York, all of which spread themselves out over that country, and the North is precipitating its waters faster and faster each year onto this flood district.

Mr. FESS. Will the gentleman yield?

Mr. WOOD of Indiana. Yes, sir.

Mr. FESS. Conceding that deforestation and also drainage do put water in the channels quickly and produce this flood, is the gentleman satisfied that this inevitable flood that is bound at times to come down—is the gentleman satisfied that this method will remedy it?

Mr. WOOD of Indiana. Yes; I am satisfied that it will remedy it. I am satisfied that these engineers—Col. Townsend, who especially has spent more than half his lifetime in studying the problem, I believe that he, impartial as he is, fair-minded in all things as he is, will convince any man here if he will listen to him that this project is a feasible one and that it will reclaim the land which they are claiming it will reclaim.

Mr. FESS. Will the gentleman permit another interruption?

Mr. WOOD of Indiana. Yes.

Mr. FESS. The only concern I have in voting this money out of the Treasury is whether or not it will not be wasted. That is the only concern I have. I would vote for it quickly if it would do the work.

Mr. WOOD of Indiana. We do know that the levees will do it where the levees are made high and strong. We saw a demonstration of the practicability of the strong levee, and we saw a demonstration of the impracticability of the weak levee down there. We went about a distance of 35 miles, going from Greenville to Vicksburg, really 150 miles, but 35 miles of that distance was in 52 inches of water on top of the railroad iron, through which we were running with two engines. That water came by reason of a break in a levee that happened more than 60 miles away. Had that levee been intact and strong, as the Government levees have been, and they do not break, this country through which we were running would not have been flooded—there was water 40 miles on either side like that—and it would have been as dry as this floor is here to-day. So there was a demonstration of how the thing works; and the trouble about the whole business is there has been enough money wasted in work down there to have completed a flood-control scheme if it had been scientifically applied, if it had been invested under the direction of one central scheme and one supervising architect.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MOORE of Pennsylvania. What difference is there in the method that has heretofore been employed and the method that is to be employed?

Mr. WOOD of Indiana. There is this difference in the method. These people when they depended entirely upon their own resources in building these levees built them low and narrow and they did not take pains to see that the rubbish was moved out from inside of the levees. In consequence of that as quickly as the rubbish on the inside began to rot away these breaks came in these levees, and they have been repairing them and repairing them and they have been making the best that they could out of the situation that has presented itself.

Mr. MOORE of Pennsylvania. The gentleman knows the Mississippi River Commission has been in operation since its creation in 1879 and that this bill proposes to continue its work. Now, if there has been waste in the past and this money has been misapplied, what is the advantage in continuing the system as proposed in this bill?

Mr. WOOD of Indiana. This advantage—and I am glad the gentleman asked the question. Heretofore they have been making these improvements as an incident to the navigation of the Mississippi River, and the flood control of the waters for the purpose of saving the devasted country was a mere incident. The prime purpose was that of navigation. Now, it is the purpose of this measure, and measures that are to follow it, to take up the thread of the work where it is left off and continue it and have the work continued. The trouble has been in times past that they have reached the end of their string and had to quit. They did not have any money with which to go on, and in that way a great amount of money was wasted. Now, it will be a continuous proposition until it is completed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLINE. Is it not true that the revetment of the levees constitutes a very material element in making the levees substantial enough to hold the water back?

Mr. WOOD of Indiana. Absolutely.

Mr. CLINE. And that is a new feature.

Mr. WOOD of Indiana. My time has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. ADAMSON having taken the chair as Speaker pro tempore, a message from the President, by Mr. Sharkey, one of his secretaries, announced that the President had, on May 10, 1916, approved and signed bills of the following titles:

H. R. 12207. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes; and

H. R. 10750. An act permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River, in the State of Montana.

FLOOD CONTROL.

The committee resumed its session.

Mr. GARD. Mr. Chairman——

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is the gentleman from Ohio for or against the amendment?

Mr. GARD. Mr. Chairman, I speak for the Lenroot amendment.

Mr. Chairman and gentlemen of the committee, what I am about to say is not said in complaint or criticism, for I realize the fact that the lower part of the Mississippi River bears a great burden of flood waters and therefore it, of all parts of the United States, ought to be adequately protected. And I do not speak and shall not speak against any appropriation of necessary money for the protection of the lower part of the Mississippi River, but will gladly do all in my power to afford such protection.

I have been prompted to speak at this time because of the statement of the gentleman from Indiana [Mr. WOOD], who is a member of this newly created Committee on Flood Control, concerning the character of improvements for flood control in the State of Ohio. My only objection to this bill, which has been brought out from the Flood Control Committee, is that it is not a bill such as the House has been led to expect. When this committee was created, I think it was in the mind of every man who voted for the creation of the committee that this body of men would give their study to the problem of affording protection and control of flood waters as a nation-wide project. I am sorry that the committee has not approached it in that way, but has chosen instead to present a system of local improvements and appropriations for local improvements.

I realize that this is the big unit in flood control, but I feel that the plan which the committee was by the House invested with power to determine was greater than merely the consideration of the one largest unit. Therefore my regret, and I think the regret of the Members of the House, and I am sure the regret of the people of the United States, is that this committee has not tried to report to this House a comprehensive plan of flood control.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague?

Mr. GARD. I will momentarily. I have not much time.

Mr. SWITZER. Will the gentleman please state to the House the outline of the Ohio plan that he has in mind, in contradistinction to the plan embodied in this bill?

Mr. GARD. I was about to come to that, Mr. Chairman. On the Great Miami River in Ohio, which, of course, is inconsequential in comparison with the great Mississippi River, in a region typical of the average country damaged by flood, the people of Ohio have made through legislative provision a law which is State-wide in its aspect and its benefit, and as to that I shall endeavor briefly to advise this committee. This law was written largely by one man, the Hon. John A. McMahon, of Dayton, Ohio, the dean of the Ohio bar, and a man who saw honored service in this House of Representatives, and who, as the climax of a career of public service, has given his very best efforts in order that the people of his community and the State of Ohio may be protected, in so far as legislative enactments can protect, against damage by flood.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARD. May I ask unanimous consent to proceed for five minutes?

The CHAIRMAN. The time has been allotted.

Mr. REAVIS. Mr. Chairman, I was given five minutes' time on this debate. I will yield my time to the gentleman.

Mr. GARD. I thank the gentleman.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes more.

Mr. GARD. Coming immediately to the discussion of the way in which the State of Ohio takes care of its problem, I will say that in 1914 the Legislature of the State of Ohio passed what is called a "conservancy law," for the purpose, first, of controlling floods and regulating stream channels by widening and deepening the streams; second, of reclaiming and filling wet and overflowed land; third, of providing irrigation where it may be needed; and, fourth, of regulating the flow of streams by diverting in whole or part and eliminating watercourses, and so forth. In other words, it is a proposition that deals, not in a local way, but is beneficial to the people of the entire State and, indeed, Nation, in the solution of the problem of control of flood waters.

The distinction between the Ohio plan and the plan of the committee of which the gentleman from Mississippi [Mr. HUMPHREYS] is chairman is that the Ohio plan recognizes the necessity of a general plan for taking care of its flood waters and provides for the payment therefor by assessments. The land benefited by this improvement bears the cost of making the improvement.

I realize that this question of protection of the lower Mississippi Valley is, of course, necessarily on a scale of much greater magnitude than the protection afforded in any non-navigable river such as the river I have spoken of, but the plan should be the same; and I think what the House has been led to expect from this committee is a plan which would extend all over the United States, which would preserve the property and lives of the people everywhere against the encroachment of floods.

That is what the House wants to know, and not merely that an appropriation of $45,000,000 is brought here for passage. That is not what this committee should have done, because I think everyone will vote, if it is deemed necessary to do so, for the appropriation of any amount of money for the protection of the lower Mississippi River. I am sure that I would do so.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GARD. Yes. I have but a very short time, but I will yield.

Mr. SWITZER. By what method would you control the water of a flood according to the Ohio plan, and in what way does it differ from the method proposed for the control of the Mississippi? That is what I wanted the gentleman to point out.

Mr. GARD. The Ohio plan is a legislative enactment which provides that a board which is selected shall have the power to call before it competent engineers to determine the proper kind of protection for a given locality. Everyone knows that the question of flood protection depends on the locality, that one sort of protection may be properly afforded in the Mississippi Valley and another in the Missouri and another elsewhere. There is no one general plan of flood protection that you may lay down as

being right and another wrong. What the House wants here is a general plan of authorization to act. It wants information from the committee as to what it recommends as a constructive and general law. If the committee is to take the place of an appropriation committee and make local improvements, that is one thing; but I do not think that is what the House wants.

As I conclude, I wish to say again that I have no criticism against the members of the committee or against what they have done, except to regret that they have not done what the House desired them to do. I believe that in the matter of flood protection, if it is possible for the people of a locality to contribute according to the benefits derived, they should participate in the cost of that improvement. Unquestionably this should be done in any land-reclamation project where the value of adjacent lands is greatly increased, as it is said would be done by this bill. Therefore I shall vote in favor of the Lenroot amendment.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. HUSTED rose.

The CHAIRMAN. The gentleman from New York [Mr. HUSTED] is recognized.

Mr. HUSTED. Mr. Chairman, I sincerely trust that the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] will not be adopted, because I believe that it is unnecessary and unjust and is fraught with a certain amount of danger to the success of this undertaking.

Since 1880, when the United States Government took charge of the matter of the construction of levees on the Mississippi River, $90,000,000, in round numbers, has been contributed by local interests and $30,000,000 by the Federal Government. The amount which has been contributed by local interests has been very largely, if not wholly, controlled by the Federal Government, because the Federal Government has been in a position to say that it will not extend any aid to any particular levee district unless the local interests contribute as much as in the opinion of the Mississippi River Commission is a just and fair share.

Many gentlemen seem to proceed upon the idea that under this bill, in the form in which it was introduced, the local interests would contribute only $10,000,000. That is not true, and it is only fair to assume that the Mississippi River Commission, which is an agency of the United States Government, will continue to compel the local interests to contribute as much as in their opinion is a just and equitable share, as they have done in the past, ever since 1880.

In my opinion, if this bill becomes a law in its original form, the local interests will contribute not $10,000,000, but at least $15,000,000.

Now, the territory along the Mississippi River on which these levees have been constructed and are to be constructed is divided into levee districts. There are some 22 of these levee districts. Some of them have a very large assessable area in proportion to their levee frontage; others have a very small assessable area in proportion to their levee frontage. Some of these districts are very prosperous; others are on the verge of bankruptcy.

Now, the reason why the committee provided in this bill that the local interests should contribute not less than one-third of the amount contributed by the Federal Government was because there are several of these levee districts which can not afford to contribute more than one-third toward the cost of the project. The question was put to Col. Townsend, the chairman of the Mississippi River Commission, "Colonel, what in your opinion is the most which the least financially able levee district could afford to contribute toward the cost of this improvement?" And Col. Townsend, in reply to that question, said that there were several districts that could not afford to put up $1 to the Government's $2, and that is the reason why the one-third ratio was fixed in the bill. Now, the gentleman from Wisconsin [Mr. LENROOT] says if these districts have contributed three times as much in the past as the Government has contributed, they certainly will be able to contribute one-half as much in the future; but the gentleman from Wisconsin fails to realize that while those levee districts were contributing three times as much as the Federal Government they were exhausting their ability to contribute, and some of these districts are now in such a condition that they could not raise enough money, unless you burdened them beyond the bounds of reason and beyond the bounds of justice. [Applause.]

Mr. GOOD. Mr. Chairman, in 1909 there were quite a number of the Members of Congress who took a trip down the Mississippi River from St. Louis to New Orleans. I had the good fortune to be in that party, and I do not believe that I understood the great problem of the control of the flood waters of the Mississippi before as I did after taking that trip. It is a great problem, and one that I believe should have the assistance of the National Government so far as paying for the control of the floods is concerned; but I believe the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] is a reasonable amendment and should be adopted. I recall one day on that long trip down the river looking out over Arkansas, and as far as one could see there were no signs of habitation. The question was asked some of the Arkansas Members as to the reason for that lack of occupancy and cultivation of the soil, because the land seemed to be fertile. It was of that character described by the chairman of the committee, Mr. HUMPHREYS of Mississippi, in his speech, when he said:

> Sixteen million acres of the geological cream of the earth are awaiting the magic touch to spring into fields of waving beauty.

It did seem to us that that was the case, and the question was asked of the Members from Arkansas as to whom does that land belong and what its value was. The reply was that it was largely held in large holdings; that it had no value except a speculative value; that it is held by men who kept it for speculative purposes. If I understand these hearings correctly, there are 20,000,000 acres sought to be controlled in this way, 20,000,000 acres that we are going to reclaim. I do not believe this bill correctly states the amount of expense necessary for the redeeming of this land. Maj. West, an Army engineer, before the Committee on Rivers and Harbors a couple of years ago, said that it would cost $228,000,000 to revet and build levees for the Mississippi, and that did not include the revetting or building of levees on its tributaries. Now it is proposed here to do this work for $45,000,000. I do not believe the gentleman from Mississippi [Mr. HUMPHREYS], the chairman of this committee, will seriously contend that $45,000,000 will at all complete the great work and control the floods of the lower Mississippi. From my reading of the testimony I am satisfied that it will take a great deal more than that, and if that is not true then some of the Army engineers have laid themselves liable to severe censure by Congress.

What is the Lenroot amendment? The Lenroot amendment provides that one-third of the cost of this improvement shall be borne by the States and two-thirds by the Government. The States, through their legislatures, have a right to levy an assessment upon these large holdings of land for improvements that add to the value of the land. I will say that I have no doubt if floods could be prevented that land on the Arkansas side of the character I have described would actually sell for more than $100 an acre, and I was told at the time of my trip that that land was selling for speculative purposes at from $5 to $15 per acre. Are we not going to do something to prevent these land sharks from reaching their hands into the Federal Treasury and taking out large sums to make an improvement that is to add greatly to the value of their land, without in some way providing that they shall pay some adequate return for the benefits they receive? I think the gentleman from Ohio [Mr. GARD] has hit the nail on the head with regard to improvements of this kind. In practically every State of this Union, in making internal improvement of this kind, it is provided that at least a portion of the cost shall be assessed against the property that is benefited. We provide nothing of the kind here, and we hold out to the States whose lands are to be improved no inducement to pass that kind of legislation. Why adopt a plan of economy for expending State and municipal funds and one of extravagance for Government funds? I am sorry my Republican friend failed to read what the party said in its last platform with regard to an equitable division of the cost of this improvement. [Applause.]

Mr. DUPRÉ. Mr. Chairman, the people of Louisiana are watching with strained and eager eyes the proceedings of this House to-day, and praying with anxious hearts that before it adjourns this bill, which means so much to us and for which we have been working so long, will have passed and have been sent to another Chamber for consideration. Their interest and hopes are not limited to any class or section of our people. The sentiment for flood control, under Government auspices and with Government aid, is universal in our State, but I do not suppose that there is any part of it more vitally interested in and more anxious for its early consummation than the district that I represent, bisected as it is from end to end by the great Father of Waters. The city of New Orleans, which I have the honor in part to represent and beside whose doors flow the waters of 40 States, is especially concerned about this question and has a right to expect and believe, after the liberality with which it has taxed itself for protection, that the Government will do its share. It is not asking for aid for itself, for we, without any Government assistance and under a system of taxation which almost amounts to confiscation, have built a system of levee protection that will care for that city; but the

interests of the whole State and that of its great city are inseparably interwoven, and so the entire population of that metropolis is aroused to the greatest tension over what is being done here to-day.

In the four parishes which I represent—Jefferson, St. Charles, St. John, and St. James—however, the question is even nearer and a more personal one, involving as it does, every piece of property in those parishes, and the life of every man, woman, and child, for, sad to say, some of the worst crevasses in the whole history of levee breaking have taken place in those parishes. It is a long tragic roll—the crevasses at Bonnet Carre, Nita, Belmont, Ames, and Hymelia, the most recent and one of the most disastrous of all, which occurred in the terrible flood of 1912, and which, according to the hearings on this bill, caused a property loss of more than $5,000,000.

Our people, Mr. Chairman, want to thank this House for the way in which this measure has been received and for the nonpartisan character of support which it has obtained, and which, we trust, will be further evidenced on final passage. [Applause.]

It is, of course, discouraging to us that the gentleman from Wisconsin [Mr. LENROOT] has seen fit to offer an amendment to increase the proportion of local contribution that our people will have to make should this bill pass, over and beyond that suggested by the committee. We are not mendicants; we are willing to help ourselves, but after all we have done in that direction we had hoped that the relative basis of Government and local aid on a proportion of three to one would be recognized by all as fair and just.

The Government engineers, in their statement before the committee, thought that it would be reasonable and equitable, in view of the tremendous sums that the States of the Mississippi Valley have already contributed out of their own pockets, for the Government of the United States to contribute four dollars to every one tendered by the local communities. The committee modified the engineer's suggestion and adopted the plan of three to one. Now comes the gentleman from Wisconsin, and, I am sorry to say, in a sense, the gentleman from Illinois [Mr. MANN], suggesting that a further modification should be made, and that the levee tax-ridden people of Tennessee, Arkansas, Mississippi, and Louisiana must put up one dollar for every two that comes out of the Public Treasury. Oh, I suppose we will do it if you drive us to it. Certainly it will be better than what we have been doing in the past, putting up three dollars for every dollar that you, with niggardly and almost unwilling hand, have given us. But I do want to call your attention to the fact, for instance, that since 1880 my State has spent more than $45,000,000 in an effort to protect itself from the ravages of the river. Why, gentlemen, do you know that the levee tax in the city of New Orleans alone some years ago amounted to $675,000—3 mills on an assessed valuation of $225,000,000? The Orleans Levee Board is authorized by constitutional amendment to meet a bond issue, which was floated some years ago, to levy a tax of from 1 to 3 mills, as necessity required. Last year the tax was 2 mills, or $500,000. Is it right to ask one community to bear such a burden as that? And what is true of levee taxation in New Orleans is equally true in other levee districts, not so rich as ours and not so well able to bear the awful burden as we have been.

I plead to you gentlemen not to support the Lenroot amendment. Show that you realize the national character of the Mississippi River problem, and that you, even those who have never seen the river at flood time and have no knowledge of its horrible possibilities and of the awful feeling of insecurity that comes over our people every spring when a rise is anticipated, will stand by the committee's proposition, fair and just, and vote down the ungenerous and narrow and, I do not like to believe, sectional spirit that prompts the amendment of the gentleman from Wisconsin.

Mr. Chairman, I was not in the Chamber on last Wednesday when the other gentleman from Wisconsin [Mr. FREAR] made his speech, but, learning that he had made certain observations concerning Mr. John A. Fox, I watched with interest for its appearance in the CONGRESSIONAL RECORD. It finally appeared in Monday's publication, 20 pages of it—I suppose in the usual revised form that the gentleman makes a practice of indulging in—and to those who have any intention of reading it, if there be such, I will suggest that it is entirely worthy of its author.

The House knows the gentleman from Wisconsin, his characteristics and tendencies and obsessions on the subject of river and harbor matters, and so I will not undertake to answer any portion of his address save only to say a few words regarding Mr. John A. Fox, to whose open and active efforts in behalf of the Mississippi River he seeks, by innuendo and insinuation, to give a sinister aspect. It happens, gentlemen, that I have known Mr. Fox well and closely for more than 30 years. We were boys together in the same part of the State in which I was born and lived until I went to New Orleans. We were classmates at the Tulane University in that city during the entire four years of our college course, and we received our bachelor degree on the same day, back in June, 1892. Though our paths diverged for a while thereafter, I have always kept in touch with him and have renewed my close personal intimacy with him during the six years of my congressional service. When I first came to Washington he was connected with the National River and Harbors Congress, engaged in the same character of work which he has been latterly doing for the Mississippi River Levee Association. His work has always been in the open, his methods have been scrupulously honorable in every particular, and I regard his labors as one of the most effective factors in molding the public opinion that is compelling Congress to-day to take cognizance of the Mississippi River problem and to seek to solve it. John A. Fox was born on the river and lived on its banks below the city of New Orleans for a number of years. He was connected with the Louisiana State board of engineers and subsequently with levee work in the State of Arkansas, and his standing in his profession is attested by the fact that he is a member of the American Society of Civil Engineers. One of the reasons why he has been so effective is because his work has been a labor of love. He knew at first hand the conditions in the Mississippi Valley, and was able, through his own experiences and familiarity with the subject, to convince those who were in ignorance of them. Let the gentleman from Wisconsin call him what he cares to—lobbyist, publicity agent, universal legislator, or anything else that the gentleman wants to apply to him in an effort to discredit his activities—but I will tell you the people of the Mississippi Valley owe him a debt which never can be repaid. [Applause.] And I say now that in any element that goes to constitute a clean, high-minded, industrious, intelligent, honest man I would sooner take my chances with John A. Fox than with some Members of this House whom I know and might mention. [Applause.]

Mr. SMALL. Mr. Chairman, this paragraph under discussion relates to the construction of levees, and while it may be contended that there is some incidental benefit to the navigation of the river from the construction of the levees, the main, primary purpose is for land reclamation. This amendment has to do with the proportion of the contribution by the ownership of the land to be reclaimed. The amendment seeks to fix that proportion at one-half instead of one-third, as fixed in the bill. I think the amendment is wise, just to the United States, and just to the landowners. Out of the 77,000,000 acres of unreclaimed wet land in the United States, as reported by the Inland Waterways Commission, there are millions of acres of this land which, if ever reclaimed, will be reclaimed at the entire expense of the landowners. In the progressive States of this Union modern drainage laws have been enacted for reclamation of wet lands, the total expense being borne by the landowners themselves.

Now, we will all agree that exceptional conditions are presented as to these lands along the Mississippi River. As one Member of the House I am in favor of the United States contributing and aiding in their protection and reclamation, but one-half is a fair local contribution.

It is said, Mr. Chairman, that these levee districts have already paid large exactions in the form of assessments that in some instances they have become impoverished. Admit that, if you please, Mr. Chairman—and as to the truth of it, I know nothing except from the statements made here—and what is the inference from it? It is that the States in which these levee districts are situated are not contributing their share as States and are not looking upon this question from the broad viewpoint which they should. There is in this bill a provision for the protection of land in the Sacramento Valley and the San Joaquin Valley in California, but the State of California is to make a contribution dollar for dollar. The difficulty with these States along the lower Mississippi is that there is no unity of purpose, there is no cooperative spirit among their people. Only the State of Louisiana levies a State tax for levee purposes. In the river and harbor bill, where the Mississippi River has been provided for heretofore, both for land protection and for navigation, the delegation from the State of Mississippi has been divided. It is the duty of the great States lying along the lower Mississippi which are benefited, whose lands are reclaimed by this protection and which are benefited as a whole by this protection, to go to the rescue of these levee districts and by their aid contribute their proportion for their reclamation and protection.

I say again, Mr. Chairman, favoring as I do this idea of cooperation by the United States, believing that it is more than a

levee-district matter, more than a State matter, that after all the chief and primary benefits come to the lands to be reclaimed; and, secondarily, to the States in which they are located; and it is the duty of the several contiguous States to meet the United States fairly.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Just one moment. I would like to make one other suggestion. Was this Committee on Flood Control created entirely for the protection of wet and overflowed lands along the Mississippi and the Sacramento and San Joaquin Rivers, or are there other sections of the United States containing overflowed lands which are looking to this committee and to Congress in the future for legislation and appropriations for their reclamation? If there are, let me say to them that they will find the temper of the committee, as I believe, and I am sure the temper of the House, such that there shall be a larger proportionate cooperation than one-third—at least one-half—for we must treat every section alike. I now yield to the gentleman from Illinois.

Mr. DENISON. Mr. Chairman, the gentleman has spoken of State contribution. I assume he means the State government should contribute?

Mr. SMALL. Yes.

Mr. DENISON. I think we will all agree that the States ought to contribute, but if they are not in a financial condition to do so they can not, and if they can not do so for that reason, or if they refuse to do so for other reasons, then does the gentleman think that this Government ought not to step in and do anything for those people down there?

Mr. SMALL. Mr. Chairman, I do not believe the people of the United States should be penalized for a lack of public spirit and enterprise on the part of the people of those States primarily benefited. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. RUSSELL of Missouri. Mr. Chairman, the purpose of this amendment is to require the local districts along the Mississippi River to contribute one-half as much as the Government contributes of the necessary taxes to protect that country from floods of the Mississippi River. The bill, as it is written and now pending in the House, provides that the local levee districts shall pay not less than one-third the amount paid by the Government. That proportion is discretionary, I understand, or will be with the Mississippi River Commission. If in any case the Mississippi River Commission thinks the local authorities ought to pay more than one-third of what the Government pays, they will have the right to require them to do so.

Mr. RUCKER. One-fourth.

Mr. RUSSELL of Missouri. One-fourth of the entire amount, one-third of the amount the Government pays. I am very familiar with the Mississippi Valley, at least a part of the valley. I realize very well from practical experience and observation what floods in that country mean to the people and the great inconvenience suffered and damages sustained.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. RUSSELL of Missouri. I have not the time. The floods that periodically come to the people of the Mississippi Valley are something not realized by people who do not live in that country or who have not given close attention to the subject. A commission was appointed by the governor in our State in 1912 to make a report of damages sustained by the people in five counties in my district during the flood of that year, and they reported that the damages by reason of that flood in one year were more than $13,000,000. The gentleman from North Carolina [Mr. SMALL] says that we should be willing to pay at least one-half of the amount the Government pays, and he thinks that would be a fair proportion for the local authorities to pay. He seems to forget that local levee districts have already paid more than three dollars to one on the levees that have been heretofore constructed, and if we carry out the provisions of this bill the Government will not then have paid one-half as much as the local authorities will have paid.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. RUSSELL of Missouri. I have not the time. I know very well that in the district which I represent we have already expended $2,500,000 in the construction of levees, while the Government has expended in that time about $1,200,000, only about one-third of what the local authorities have expended. The county in which I live, a small county, has already paid or obligated itself by bonds to pay $1,600,000 for the building of levees.

The Mississippi River is a great national stream that drains all or part of 31 States, and the entire country should help our people to secure protection from its flood waters.

The people of the Delta are now taxed almost to the limit of their capacity, and I hope this amendment will be defeated.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. WILSON of Louisiana. Mr. Chairman, as has been stated, the ratio as fixed in this bill of three dollars by the Government to one by the local interests was not fixed except after a very close and deliberate consideration of the testimony adduced before the committee. The testimony showed that since 1880, since there had been any cooperation whatever between the Government and the local interests, the local interests have expended for levee construction $91,000,000 to the Government's $29,000,000. The ratio was fixed in the bill upon the basis of the financial condition of the levee boards to contribute to this work.

This has very often been referred to as a drainage or reclamation proposition. I want to say to the gentleman from Wisconsin [Mr. FREAR] that these levees are not built for the purpose of draining lands. There are drainage districts along the Mississippi Valley now bonded up to $40,000,000 for that purpose. The Government is not asked to contribute one dollar toward the drainage of the lands in this country, and I want to say, further, that while it is true that bank revetment often saves and protects a levee, yet the bank revetments are constructed solely for the purpose of preserving the integrity of the channel of the Mississippi River, and that should not be charged up to levee construction. Under the ratio as fixed in the bill, if the bill passes, the local interests will have contributed $106,000,000 while the Government will have contributed $56,000,000 toward levee construction. Col. Townsend knows more about the ability of these levee boards to pay than any other man, and, according to his testimony, a fair ratio of contribution would be $4 by the Federal Government to $1 by the local interests, and when the committee fixed the ratio at three dollars to one, it placed upon the local interests every dollar that they are able to contribute within five years for the completion of the levees.

Mr. REILLY. Mr. Chairman, the gentleman says that this is not a drainage proposition.

Mr. WILSON of Louisiana. It is not.

Mr. REILLY. Is it not a reclamation preposition?

Mr. WILSON of Louisiana. No; it is a protection proposition.

Mr. REILLY. Is it not for reclaiming lands?

Mr. WILSON of Louisiana. It is for preventing the flood waters of the Mississippi from going over the lands along the banks of the Mississippi; but it is not a reclamation; it is not a drainage proposition.

Mr. CHIPERFIELD. Mr. Chairman, I would like to have the gentleman yield for one question, even though the time has expired. I would ask unanimous consent for that purpose if it may be done.

The CHAIRMAN. There is no power in the Chair to do that.

Mr. CHIPERFIELD. Let me suggest that it is a matter concerning which I wish to inquire that we ought to have some information about, a matter which I think is highly essential, and I would like to have some Member give us some information upon it, as it will be a controlling factor in voting upon this section of the bill sought to be amended by the Lenroot amendment.

The CHAIRMAN. The Chair would suggest that there are other gentlemen to speak on either side.

Mr. CHIPERFIELD. But, Mr. Chairman, is it not in the power of this committee to allow a question to be answered that is of such importance that it may affect some votes?

The CHAIRMAN. The gentleman has not made any request of the Chair.

Mr. CHIPERFIELD. I asked unanimous consent, if the Chair will recollect.

The CHAIRMAN. The Chair begs the gentleman's pardon.

Mr. CHIPERFIELD. I am sure it was not intentional.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Louisiana may be extended one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. CHIPERFIELD. Mr. Chairman, the question I desired to ask the gentleman—and it is simply for the purpose of information and not to interfere in any way—was this: How will the sum be divided between the Government and the landowner, say, for instance, either under the plan of the present bill or the Lenroot amendment? There is a general plan in the river and harbor scheme to be worked out to control floods, but when it comes to a particular district or a particular locality how will the sum be apportioned?

Mr. WILSON of Louisiana. It is to be done by districts. For instance, it is under the control of the Mississippi River Commission, and they say there is so much levee line to be built and that the proper contribution of this levee district is the sum fixed by the commission, not less than $1 to $3 by the Government.

Mr. CHIPERFIELD. I understand that.

Mr. WILSON of Louisiana. And when that money is forthcoming they build that, and the levee is built under its direction.

Mr. CHIPERFIELD. That is as to a particular district, but if there be general work of a flood-control character that is not particularly connected with or chargeable to that district, where will that general charge fall?

Mr. WILSON of Louisiana. There is not any except the district in cooperation with the Government, as they do now, and there is not any friction.

Mr. CHIPERFIELD. The gentleman thinks there will not be any general work that does not apply particularly to a district where it may be apportioned either in the proportion which the bill fixes or in the proportion which the Lenroot amendment fixes?

Mr. WILSON of Louisiana. It might be fixed at one-half, but that is under the direction of the Mississippi River Commission.

Mr. CHIPERFIELD. Without regard to how it is fixed, will there be by this scheme, with which I am not sufficiently familiar to fully understand, a general expenditure that could not be properly chargeable to any particular district? That is the question upon which I desired information.

Mr. WILSON of Louisiana. Not for levee construction, it would not.

Mr. CHIPERFIELD. I thank the gentleman.

Mr. DENISON. Mr. Chairman and gentlemen of the committee. The strongest argument against this Lenroot amendment—the one, at least, that appeals to me—is the financial condition of a great many districts up and down the river.

Now, if the Members have read the evidence that was heard by the committee, they will see the condition that is presented there. I know how it is, particularly in the city of Cairo and in the levee districts just north of Cairo. The people of Cairo and in those levee districts have already expended for their protection the sum of about $2,000,000, and they can not raise another dollar by taxation. They have good levees that will protect them; but the river, by erosion, is eating into the levees and the levees will be destroyed unless they are protected by revetment and mattressing. Now, that will require a pretty large amount of money in those districts, and they can not raise the money by themselves to do this work; so that, to my mind, is sufficient justification for the proportion which is fixed here. There are a great many other districts up and down the river that need protection, and without some action——

Mr. REILLY. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. REILLY. How are the people going to raise what is required in this bill?

Mr. DENISON. By taxation.

Mr. REILLY. Why can not they raise the rest, then, by taxation?

Mr. DENISON. They can not raise it at once——

Mr. REILLY. But the gentleman made the statement they are unable to raise any more money.

Mr. DENISON. They can raise more by taxation in the course of years; but I meant they could not raise enough by taxation to go ahead and make these repairs now.

Mr. REILLY. Do some of these people own land to be reclaimed?

Mr. DENISON. Not in my district. Now, I am going to answer a point which was made. The argument has been that this is a reclamation project, and that there are millions of acres of swamp land that will be reclaimed. Now, if the unoccupied swamp land there was the only land that would be benefited by this bill, there would be some force to the argument of the gentleman from Wisconsin; but this money will be expended for the protection of the people up and down the Mississippi River, from Rock Island clear down to the Passes, and we want to take into consideration the other people as well as those who own these vacant or swamp lands. If we were going to ask Congress to appropriate this money simply to reclaim this swamp land, I would not be in favor of it.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. DENISON. Yes.

Mr. REILLY. Will not the occupied land be increased in value?

Mr. DENISON. Yes; I presume it will be.

Mr. REILLY. Why should they not be required to contribute more?

Mr. DENISON. They have already paid $3 to $1 contributed by the Government.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Wisconsin?

Mr. DENISON. In one moment. If this bill is passed as it is introduced, then you take the two amounts that have been contributed by the Government before the bill was passed and afterwards and the amounts contributed by the local districts before the bill was passed and afterwards, and it will make it about half and half, as I understand it, which is not inequitable.

Mr. LENROOT. The gentleman states that $3 has been contributed by private interests. Does not the testimony show that where $3 have been contributed by the private interests those levees have been largely completed, and they will get no benefit from this bill at all?

Mr. DENISON. No, sir. I do not think that is true. There are just a few places where the levees have been completed in accordance with the specifications and requirements of the Government engineers, but those levees that have been completed to the required height have not been completed as will be required by the Mississippi River Commission, because that commission will require the strengthening of the levees by building embankments behind and revetments in front of them.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. SMALL. If these levee districts in the past have contributed $3 to $1 when there was no compulsion of law requiring them to make any particular contribution, why should they object now to paying $2 for $1, or $1 for $1?

Mr. DENISON. Simply for the same reason that the Irishman did not go to the Waldorf Hotel to stop; because, although perfectly willing, he did not have the money. And that is a good enough reason. [Applause.]

Mr. Chairman, last Wednesday I listened with a great deal of interest, and some surprise, to the discussion of this bill. I had expected that a bill of this kind, which represents the unanimous opinion of the committee after an exhaustive hearing, and which presents legislation upon a subject indorsed by the three great political parties in their national platforms, would meet with almost the unanimous approval of the Members of the House. Some objections to the bill have been seriously urged, while others have been presented in a spirit of humor. I hope this sense of humor may not sway our better judgments and lead us to fail in our duty toward those hundreds of thousands of our people whose homes are annually devastated or threatened by destructive floods.

This bill logically presents to Congress two important questions:

First. Shall the Federal Government continue the policy of, and enter seriously upon plans for, the general control of floods, or shall it abandon what has already been done and renounce the policy?

Second. Does the bill reported by the committee present a wise and practicable solution of the problem?

These questions ought to be discussed and settled in the order named. It ought to be apparent that unless Congress is willing to adopt and vitalize its policy of national aid in the control of floods, any discussion of the relative merits of different plans for doing so is not only unnecessary but would be wholly inexcusable.

I thought that Congress had settled the question of whether or not it would continue its policy of flood control by appointing, after mature deliberation, a permanent Committee on Flood Control. I do not think there is any difference of opinion among the Members as to the general duty of the Government in this respect. There may be some difference of opinion as to the wisdom of continuing the policy at this time. I use the term "continuing," because this bill does not attempt to inaugurate any new policy. It only provides for a comprehensive and continuous plan for carrying to completion, with respect to the two rivers mentioned, the policy long ago adopted but heretofore unwisely executed by Congress.

Mr. Chairman, the problem of controlling the floods of the Mississippi River has been before Congress for almost a century. Since 1822 commissions have been appointed and engineers authorized by Congress to examine and report on its flood conditions. The people who settled and reclaimed that great valley have always appealed to the Government to help protect them from the floods which annually swept down upon them. It was

partly in response to these appeals that the Mississippi River Commission was created in 1879. And the act of Congress creating the commission and defining its powers made it the duty of the commission, among other things, "to prevent destructive floods." It was then that Congress recognized its duty to extend national aid in the control of floods. In 1880 Congress adopted this policy by making and expending an appropriation for that purpose, and since then Congress has appropriated and expended the sum of $29,000,000 for the construction and repair of levees to control the floods of the Mississippi River. But the trouble has been that this great problem of flood control has never heretofore been seriously and intelligently handled. Appropriations have been made at irregular intervals and in varying and uncertain amounts, and the money expended where urgently needed in particular places and for repairing broken levees, rather than with a view to carrying to completion a comprehensive plan for a complete project. Local levee boards have constructed levees with a view to their own interests alone, and without regard to the needs of those above and below them, while many have not been completed at all in such manner as to successfully resist the floods they were intended to provide against. There has never been a correlated plan for a complete levee system that would control the floods of the entire valley, and there has never been any legislation to provide for continuous work until the project was completed. In other words, Congress years ago recognized as a national problem the control of the floods of the Mississippi River and has made large appropriations for that purpose, but the aid given has been temporary and unsystematic, and has, in fact, amounted to nothing more than patchwork. The result is that the money appropriated by Congress has not always been wisely spent, and the work that has been done has cost the Government at least 20 per cent more than it would have cost if a connected plan had been adopted, and if provision had been made by Congress for continuous work until the project was completed.

Moreover, the jurisdiction of the Mississippi River Commission to construct levees for flood control has heretofore been limited to that part of the Mississippi River between the Head of Passes and the mouth of the Ohio River. There are parts of the Mississippi north of the mouth of the Ohio, as well as its tributaries and other rivers of the country, that are visited with destructive floods and are entitled to national aid in securing flood protection. Mr. Chairman, Congress has wisely recognized the national character of the flood problem, but has unwisely, and I may say unfairly, dealt with it.

The result has been neither satisfactory nor economical, and the time has come, it seems to me, when Congress should either abandon the policy entirely or deal with it intelligently. Year after year these appalling floods sweep down the Mississippi River from the 31 States that are drained by it, and the levees that have either been improperly located or insecurely constructed give way. Lives are lost, stock drowned, crops destroyed, homes ruined, and the country devastated to the amount of many millions of dollars. I learn from the estimate of the Mississippi River Commission that the destruction of property, not including the loss of crops, by the floods of 1912 and 1913 in the Mississippi Valley amounted to $61,000,000; that in 1912 there were 272,000 people who were fed by the Government after they were driven from their homes; all of which could have been prevented if the levees had been properly located and constructed. Losses of this magnitude in the Mississippi Valley, year after year, are economic losses of the Nation, and Congress should aid in preventing their recurrence. These floods will continue just as surely as the seasons return, and the people of that valley will continue to suffer losses, or be ever in danger of them, unless the levees are completed as the engineers say they should be completed. While they do come, and so long as the levees give way and the people are driven from their homes by the thousands, we have not heretofore and we can not hereafter disregard their appeals for help. Congress has already appropriated and expended $3,044,388 for the relief of victims of the floods of the Mississippi and other rivers. As a matter of economy merely, to say nothing of the duty we owe the people who live there, it is the course of wisdom for Congress to take hold of this flood problem and solve it. It is folly to continue the wasteful practice of spending millions for patching and repairing levees and relieving suffering people after the levees have been broken and the losses sustained.

Now, as to the wisdom or propriety of our doing so, the Members of the House need not worry nor suffer any pangs of conscience. We were all chosen by one or the other of the great political parties to which we claim allegiance. It was repeatedly stated here last Wednesday that the great political parties had indorsed the policy of national aid in controlling the floods of the Mississippi River in their national platforms. Mr. Chairman, that is true. And it is a matter of such significance to my mind that I am going to read those parts of the platforms, I will not say for the information, but for the satisfaction of the Members and for the information of the country.

Now, the Democratic national platform of 1912 contains this statement:

> We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel, and the prevention of the overflow of the land and its consequent devastation, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property, impose an obligation which alone can be discharged by the General Government.

And now while I am reading from this important document I want to read this further concluding paragraph, for I know it sounds like sweet music to my Democratic friends and arouses noble impulses in their very souls:

> Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign, and we invite the cooperation of all citizens, regardless of party, who believe in maintaining unimpaired the institutions and traditions of our country.

Now, there are some who do not have very deep respect for planks in a political platform. But, of course, there are none among the Democrats here who would take that view of it. I believe it was the President who said in a speech made soon after he was nominated that in this platform "there was no molasses to catch flies." I have always understood that by that the President intended to say that the planks in the Democratic platform were statements of principles in which that party believed and by which its representatives would be guided, and not mere empty phrases with which to win the support of the people at the polls.

In accepting the Democratic nomination upon this platform Mr. Wilson said:

> In the case of the Mississippi River, that great central artery of our trade, it is plain that the Federal Government must build and maintain levees and keep the great waters in harness for the general use.

Now, we have heard much during these late days about standing by the President. If there is any substance and virtue in this appeal to stand by the President, I commend it to our Democratic friends here with the hope that they will stand by the President in this expression of his policy, by supporting this bill, which will carry it into effect.

On the other hand, the Republican national platform of 1912 contains this declaration:

> The Mississippi River is the Nation's drainage ditch. Its flood waters, gathered from 31 States and the Dominion of Canada, constitute an overpowering force which breaks the levees and pours its torrents over many million acres of the richest land in the Union, stopping mails, impeding commerce, and causing great loss of life and property. These floods are national in scope, and the disasters they produce seriously affect the general welfare. The States, unaided, can not cope with this giant problem. Hence, we believe the Federal Government should assume a fair proportion of the burden of its control, so as to prevent the disasters from recurring floods.

President Taft, in speaking on one occasion about the flood problem of the Mississippi River, said:

> I am strongly in favor of spending the whole $50,000,000 to save that part of the country from floods in a reasonable time and to provide a proper levee system.

These provisions of the national platforms, Mr. Chairman, and these declarations of the party leaders ought to be sufficient to settle the first question involved and justify Congress in acting now and providing for the control of the rivers mentioned in this bill.

The history of the settlement and development of the Mississippi Valley is the history of a struggle as desperate as any ever waged by men against the forces of nature. Lured by the beauty of its scenery, the richness of its soil, and the commerce of its waters, men have from the beginning of the century gone to the valley of the Mississippi to build their homes and found their fortunes. Thriving cities sprang into existence, and years ago its commerce exceeded that of any other river in the world. Year after year these great floods came and left their ruin, but the people began building levees to keep them back; and with a sacrifice, fortitude, and perseverance unsurpassed anywhere among men they have continued the struggle, believing that the waters of the great river could be kept back. In order to build these levees the people have burdened themselves enormously with taxes. They have leveled to the very limits of their constitutional rights and have issued bonds as long as bonds could be sold. And all this sacrifice has been made under the hope and belief that some day the National Government would awaken to its duties and aid in the construction of levees to protect them from the flood of waters that is drained by this great river from 40 per cent of the Nation's territory. The people along that river could not have made the sacrifice they have nor borrowed

the money they have with which to build their levees but for the hope that Congress would some day aid them.

Mr. Chairman, the people of the district I represent are peculiarly interested in this bill. They are threatened by the floods of the Mississippi on the west and those of the Ohio on the south and the east, and the people of Cairo and the drainage districts near there have taxed themselves with every dollar they can under constitutional limitations to build levees to protect them from these floods.

I know that the Members of the House who are opposing this bill do not appreciate the importance of it to the people of Cairo and of other cities and levee districts similarly situated in the Mississippi Valley. At Cairo and in the levee districts north of Cairo the people have had to raise their levees a little higher every few years in order to keep back the flood, which keeps rising higher and higher. As the country north is cleared and drained its waters come down upon us with greater volume and with greater rapidity; and as the levees are constructed to the south of us and across from us these waters are confined to a narrower channel and held back upon us, so that year after year my people have had to rebuild and raise their levees higher, until this burden is no longer a natural one, but is an added burden brought upon us by the drainage of the country above us and the building of levees below us. This past winter the water in the Mississippi River rose higher on the levees of Cairo than it had ever been known before; and the people who have their homes and their property there are wondering and fearing what the future will have in store for them unless the National Government takes charge of the levee system of the entire river and aids in their protection.

The perplexities of the levee system and the unnatural conditions which have been brought about by the drainage and reclamation of the swamp lands and the building of levees have made this, more than ever before, a problem for the National Government to handle. It would be a crime to withdraw from this work and abandon the people of that great valley to their fates. I have read the reported hearings, and I find abundant proof submitted to the effect that the levee districts themselves can not possibly raise enough money to complete their levees according to the specifications found by the Government engineers to be necessary to hold back the floods.

There is, then, to my mind, one paramount and sufficient reason why Congress ought to aid in the completion, and the rapid completion, of this work, and that is that either Congress must do so or the work will in all human probability not be done. The aid which Congress has heretofore given to the building of levees has accomplished more by giving hope and credit to the people than it has in actual levee building. This money has been spent in driblets here and there to strengthen weak places, repair breaks, and relieve sufferers, rather than in completing the levees so they would permanently resist the floods. If Congress will but rationally take hold of the problem and make it a national project, the Mississippi River can soon be harnessed so as to effectively control its floods and save to the Nation its most fertile and productive valley.

Mr. Chairman, I get the following facts from the reported hearings, which I wish to refer to briefly:

There are about 20,000,000 acres of land as fertile as there is in the world that is or can be protected from floods in the Mississippi Valley alone. This is an area equal to the combined States of Delaware, Massachusetts, Connecticut, Rhode Island, and Maryland. It is nearly four times the area of the Hawaiian Islands. It is seven times the area of the island of Porto Rico, more than half the size of the State of Pennsylvania, and more than one-fifth the size of the combined area of all the Philippine Islands, for which we have expended nearly a hundred million dollars.

Of the 20,000,000 acres there are 16,000,000 that are capable of cultivation, if properly protected, and on which there could be raised as much cotton as is to-day grown in all of the remainder of the United States, which, at 12 cents a pound, would be worth $960,000,000 per year.

In 1910 the population of the protected area was about 830,000. It is over a million now. Of the 16,000,000 acres that could be protected and cultivated, 4,000,000 acres are now under cultivation.

The farm value in the protected district in 1910 was about $175,000,000 and the value of personal property on these farms was over $50,000,000 more.

The Government has already spent $29,000,000 on these levees, while the local levee districts have spent about $90,000,000. A great deal of this money will have been spent in vain if the work is not completed. It can be completed, according to the estimates of the engineers, for $40,000,000, of which $30,000,000 is to be paid by the Government, according to this bill. The money that will be saved to the Government alone, to say nothing of the millions that will be saved to the people who live in the Mississippi Valley, is so out of proportion to the amount required to complete this project, it seems to me that Congress should not hesitate or longer delay.

I think the statements made by the Speaker, Mr. CLARK, while addressing the House on the resolution to create the Committee on Flood Control, is correct—that this question of controlling the floods of the Mississippi River is the greatest economic problem that is before the American people to-day. And I believe the time is coming, and now is, when Congress should solve it and solve it once for all.

There remains, then, the second question, whether this bill offers the most effective and most practical solution to the problem. Of course, we must try to find the best way to control these floods. But in doing so we must be practical; and we can not leave out of consideration the question of economy. We must understand, too, that any remedy proposed is no remedy at all unless it can be made available now. I find that Senator Percy, of Mississippi, made the following statement before the committee:

> If this work is going to be done at all, it ought to be done in the shortest time within which the amount of money necessary to do it can be expended economically and without waste. There isn't any other way to measure the time. Every year that the completion of the work is delayed means that your entire expenditure is jeopardized. A levee line is as strong as the weakest part in it, and the Government could pursue the course that it outlined in 1910 of giving $4,000,000 a year for levees and could give that for a hundred years, and your levees practically wouldn't be any better than they are to-day, because from 50 to 75 per cent of that would go in repair after disasters and not in strengthening your levee lines. We got $4,000,000 from the Government in 1912 for levees. More than 50 per cent of it went to fill in the crevasses made by the flood of 1912 and not to add one spadeful to the permanent levee system.

Last Wednesday the gentleman from South Dakota [Mr. DILLON] in opposing this bill advocated the theory of controlling floods by the construction of reservoirs. Mr. Speaker, this theory of controlling floods by storage reservoirs is, in my judgment, the most fantastic, the most impracticable, and absurd dream ever conceived to meet a serious situation. It is but the pipe dream of some ingenious theorist who never saw a real flood, at least such a flood as those of the Mississippi River. No one who has ever passed down the Mississippi River on the crest of a spring flood would seriously advocate reservoirs as a means of protection; at least no engineer has ever done so. Yet this theory has been suggested in times past and been given special investigation. It was found absolutely inapplicable to the conditions in the Mississippi Valley. Col. Townsend, one of the ablest engineers of this country and a member of the Mississippi River Commission for many years, said in one of his reports:

> In a mountainous country, where short, high dams can create reservoirs of great depth and volume, or in a comparatively level country where low dams can form lakes of large area, it may be practicable to control floods by means of reservoirs. There is but a comparatively small section of the Mississippi Basin that fulfills either of these conditions, and in such areas the rainfall is generally light. The rolling country, which forms the greater part of the Mississippi Valley and from which the water that produces its floods is derived, can be protected from floods by reservoirs only by an enormous expenditure.

Col. Bixby is reported to have made the statement before the Rivers and Harbors Committee that it would take a reservoir as large as the State of Kentucky to affect the flow of water in the Mississippi River appreciably. No engineer who has studied the flood problem of the Mississippi River has ever claimed that reservoirs could be used to control them, except possibly at an enormous expense. On the other hand, all the engineers who have made a study of this subject have discarded the reservoir theory as impracticable and prohibitive on account of the cost. It would bankrupt the Nation to try to store the flood waters that are discharged from 31 States through the Mississippi Valley. Rather than undertake such a titanic scheme it would be far better to remove the levees already built and let the Delta be a reservoir for the floods as it was in a state of nature.

The gentleman from Wisconsin [Mr. LENROOT] objects to the Government contributing $3 to every $1 contributed by the local districts to complete this project, and this amendment which he has proposed would reduce the proportion the Government is to pay. We must consider the proportion of contribution provided in the bill, in view of what the local authorities have already expended on their levees, and in view of their present financial condition. As I have already stated, Congress has already contributed about $29,000,000, while the local authorities have contributed about $90,000,000, or a proportion of about 1 to 3. As I stated in the beginning, this proportion, when considered in connection with the contribution provided by the bill, will make the Government and the local

authorities contributing about an equal amount for the completion of the levee project.

It is important, too, that we keep in mind the fact that these levee districts have resorted to every known method of taxation. Many of them have reached their constitutional limitations. It is impossible, according to the reported testimony, for the local authorities to raise more than $2,000,000 per year, which is not sufficient to complete the levees so as to prevent recurring disasters. While the people of the district I represent have raised all they can by taxation, and are willing to make every sacrifice necessary to make themselves secure, the preservation of their levees from the erosions of the river will require a large amount of money, and it is absolutely necessary that they have assistance from the Government in order to save what they have already expended and remove the danger with which they are constantly threatened. In this respect they are situated like many other districts that are annually exposed to these floods. I hope the House will vote down this amendment proposed by the gentleman from Wisconsin [Mr. LENROOT], because I do not believe the people there can raise the larger amount that will be required in order to complete the levee system as soon as it should be completed, if this amendment is adopted.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. OAKEY. Mr. Chairman and gentlemen, there are, in my judgment, two or three objections to the passage of this bill. In the first place, it seems to me that this question of Government aid and Government help and Government control is becoming just a trifle too prevalent. I realize, as has been very forcibly and eloquently said here, particularly by the gentleman from Ohio, Judge GARD, that the Mississippi Valley is the greatest unit for such a proposition as is concerned in this bill; but the thought occurs to me, my colleagues, that in a proper and a real consideration of this problem all of the localities and all of the communities that are damaged by water running rampant should have been considered in this bill, rather than one or two or three units alone.

I live in a community where we have a little trouble of this nature. On the banks of the historic Connecticut we get a little trouble from the district of my colleague from Massachusetts [Mr. GILLETT] and from the district of my other colleague from Massachusetts [Mr. TREADWAY]. A part of their landscape and a lot of their water come down through our town and down through the Dardanelles of this hemisphere to the Sound. It causes us a lot of trouble. It takes away a lot of our property by the erosion of our banks, the filling up of our channels, the overflowing of our lands. But, like the great State of Ohio, we are trying as best we can to protect ourselves; but if this problem of river overflow and the damages incident thereto is to become a national problem, surely the valuable lands that are annually lost to their owners by erosion and floods on such rivers as the Connecticut, where only a little of the public fund would be needed for riprapping and protecting, such systematic scientific aid should be given where the expense would only be a trifle of the tremendous volume of Government help asked for in this and kindred bills.

I just wanted to say here, my friends, that in this discussion it struck me that in the consideration of this Mississippi Valley problem for 35 years it has been said here that all of the Government help and all of the Government assistance has been wasted. Does it not occur to you that we have not sufficient proof, that we have not sufficient knowledge as yet to know that this tremendous appropriation will not be wasted?

I think, my colleagues, that in these serious hours of our country's history, in these difficult moments of the world's progress, we ought to try and forget, for at least a part of one Congress, so much geography, so many congressional districts, and so many interested localities. [Applause.] And when so many of these important problems are knocking at our doors for consideration, problems that may concern our national safety, our national integrity, and our future welfare, can we not, I say, forget and forego at least for a little while geography, sectionalism, partisanship, or personal opportunity, that we may proceed to the consideration of more important legislation that we may protect as best we can our country and its highest and best ideals.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. OAKEY. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have made the point that the Mississippi River problem, so far as the expert engineering knowledge of the country goes, has been cared for in the river and harbor bill. That has been the practice heretofore, and it ought to be the practice now, so far as matters of navigation in the Mississippi are concerned.

There is positively nothing new in the bill that is presented by the Committee on Flood Control, so far as the matter of flood control is concerned. It involves the problem of navigation just the same as it has existed heretofore, and in its treatment of the flood-control problem conditions are just the same as heretofore. Witness the first paragraph of the bill, that "for controlling the floods of the Mississippi River and continuing its improvement," and so forth, "the Secretary of War is hereby empowered," and so forth, "to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted"; and then the appropriation is fixed at $45,000,000, which is to be expended in amounts not exceeding $10,000,000 per annum.

In the river and harbor bill, passed about a month ago by this House, provision was made for the improvement of the Mississippi River, by the construction of levees or otherwise, according to the plans of the Mississippi River Commission, to the extent of $6,000,000 direct for the section of the river referred to in this bill. Upward of $8,000,000 was appropriated altogether for the river.

Now, at the time the Flood Control Committee was organized the question was raised as to whether it would not duplicate the jurisdiction of the Committee on Rivers and Harbors, but we were told then that there was to be something new, some new method of treatment of the problem of flood control on the Mississippi. Remember that we have appropriated money to the extent of $168,000,000, I think, up to the present time in river and harbor bills for the improvement of this river by the construction of levees and otherwise.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I do.

Mr. COX. Is there a thing in this bill that could not have been taken care of by the Committee on Rivers and Harbors?

Mr. MOORE of Pennsylvania. Absolutely nothing. I have not heard a gentleman advocating this bill indicate that there was anything new whatever. A careful scrutiny of the report, which is lengthy and able, indicates that all the purposes of navigation are to go forward just as heretofore, and that all the purposes of flood control are to be conducted in accordance with the plans of the Mississippi River Commission, which was created in 1879, and which has been operating down to the present time according to the plans and specifications heretofore approved and approved in this flood-control bill.

Mr. GOOD. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GOOD. Then this is just an addition to the river and harbor bill?

Mr. MOORE of Pennsylvania. The only difference between the plans herein presented and the plan presented in the river and harbor bill is that this guarantees a fixed sum of $45,000,000 at the rate of $10,000,000 per annum, whereas they have not been getting quite that much per annum in the river and harbor bill. It is a case of getting more money, and getting it more directly, and having it more sure, at the expense of all other projects in this country, than they could have obtained in the river and harbor bill.

Mr. FREAR. And it reduces the proportionate payment that is to be made by the locality under this bill.

Mr. MOORE of Pennsylvania. It does reduce the proportionate payment to be made by those who will be benefited.

Mr. DENISON. Does the gentleman know——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman——

Mr. RUCKER. Mr. Chairman, I should like to be heard on this.

The CHAIRMAN. The time for debate on this amendment has been limited, and the Chair recognizes the gentleman from Mississippi [Mr. HUMPHREYS], chairman of the committee.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] just propounded an inquiry to the gentleman from Pennsylvania [Mr. MOORE], which the gentleman from Pennsylvania answered incorrectly. He said that the proportion to be contributed by the local interests as provided for in the river and harbor bill is reduced under this

bill. That is not the fact. We have never required any contribution heretofore. This bill is the first one to require any contribution from local interests. It was because it was suggested to us that if the Federal Government makes this continuing contract some local interest might not contribute as much as has heretofore been contributed; that we put the provision in the bill that no money should be expended until local interests did make a contribution.

Mr. FREAR. Do not the Army engineers determine the proportion that shall be contributed by the localities in the St. Francis district and others? Have they not done so?

Mr. HUMPHREYS of Mississippi. They never have. The contribution is determined by the ability of the local interests to contribute. Nothing else has ever limited it. No people ever taxed themselves more than the people in those deltas have taxed themselves for this particular purpose. Since 1881 they have expended $91,000,000.

Mr. HUMPHREY of Washington rose.

Mr. HUMPHREYS of Mississippi. I yield to the gentleman from Washington, although all the time except 10 minutes has been taken up by those in favor of the amendment, and I hoped that I might get 5 minutes without interruption.

Mr. HUMPHREY of Washington. There is also something involved besides the ability to pay for this local benefit, is there not?

Mr. HUMPHREYS of Mississippi. With all due respect to my friend, I hope nobody else will ask a question that has no more direct bearing than that one. We have contributed $91,000,000.

Now, the gentleman from Wisconsin [Mr. LENROOT], as I understood him, said that it was not fair to consider all of that. Very well; suppose we consider half of it. That, perhaps, in his opinion, would be fair—half of the $91,000,000. Let us say $45,000,000 has been contributed. Under this bill they contribute $15,000,000 more. That makes $60,000,000. Under the bill, counting what the Government has heretofore contributed, the Government will have contributed $59,000,000, so that the local interests will have contributed, even under that arrangement, more than half. The gentleman from North Carolina [Mr. SMALL] says we ought to be required to put up more, because we are requiring it on the Sacramento. The Sacramento puts up half under this proposition. The local interests in the Mississippi Valley will have put up more than half, even if we count only half of the $91,000,000 that has been contributed since the Government and the local interests have been proceeding together.

Now, gentlemen, this is not a new project. This project was adopted by Congress many years ago. It has been carried on by haphazard appropriations—sometimes one sum, sometimes another. The engineers have told us that if we will adopt this particular plan of a continuing contract, authorizing them to go in there and complete this job in 5 years, instead of stringing it out over 10, 15, or 20 years, as they would have to do under the old plan, they will save somewhere between 10 and 20 per cent of the total cost to the Federal Government. So, whereas we increase the appropriation over those carried heretofore of $6,000,000, and make it $9,000,000, we do it upon the assurance of the most conservative of all the engineers who have estimated it that we will save thereby $1,000,000 a year. It is no new project.

Now, gentlemen have insisted that we have done nothing except take care of these two projects. We have taken care of these two projects because they were the only projects in the United States which have been certified in proper shape and were ready to be taken care of. When we reach section 3 I believe the committee will be able to answer many of the criticisms that we have heard of this bill. But so far the committee have tried to confine themselves to a discussion of the particular paragraph pending at the time. When we reach section 3 I have no doubt at all that I can explain to the perfect satisfaction of a great majority of the House that just as ample and just as wise provision has been made by which we can investigate the various flood problems throughout the country as ought to have been made.

I ask for a vote, Mr. Chairman.

The CHAIRMAN. The time has expired.

Mr. RUCKER. Mr. Chairman, I realize that the time is up, but I want to ask the committee for unanimous consent to speak for five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. HUMPHREYS of Mississippi. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi objects. The question is on the amendment of the gentleman from Wisconsin.

The question being taken, on a division (demanded by Mr. LENROOT) there were—ayes 59, noes 63.

Mr. LENROOT. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. HUMPHREYS of Mississippi and Mr. LENROOT.

The committee again divided; and the tellers reported—ayes 65, noes 64.

Accordingly the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 2, line 24, strike out all after the word "approved," down to and including the word "contributing," in line 2, on page 3.

Mr. WALSH. Mr. Chairman, the words which I seek to strike out seem to me to indicate the whole-hearted, unselfish spirit which prevails in the district seeking relief under this bill. They seek to contribute, but they do not care to have any of the money they contribute spent anywhere except upon their own lands. What a noble example of unselfish cooperation! I submit that that is only an example of the spirit prevailing in the section where the floods have done so much damage in the past, because, with one exception, not a single State through its legislature has appropriated money to remedy this condition, but they have sought to leave it to Federal aid or to the particular district which has been affected. I submit that if this condition is so terrible the State legislatures should take notice of it and some taxes should be imposed upon the people of those States.

I have been waiting for some of the gentlemen from that section to rise up and tell you that the poor farmers down there are interested and how they are crying for relief, but apparently the farmers own but a very little of the 16,000,000 acres which it is sought to reclaim. This paragraph, from all the arguments and explanations given on the part of the committee and of those interested in this project, is nothing but a reclamation project pure and simple, although perhaps I should eliminate the word "pure." It seems to me that the people down there object to having the money they contribute used anywhere but on their own property, because they are interested in benefiting or protecting their own property only, and they do not want to have the money that they contribute put into one common fund and have it expended throughout the entire portion of the State or section affected by the overflow of this great river.

Mr. DUPRÉ. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. DUPRÉ. May I say that every farmer in Louisiana is in favor of this legislation?

Mr. WALSH. I thought that that statement should have been made; it comes rather late, and I am sorry the oversight occurred. The farmers have not been brought into the discussion heretofore. We have passed bills for rural roads, for free seeds, for reclamation, census of cottonseed products, and now they seek to pass a navigation bill in the interests of the farmers of the South. [Laughter and applause.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the State of Louisiana does—with all due respect to the gentleman from Massachusetts—spend money outside of the State of Louisiana. It spends money up in Arkansas in order, however, to protect the land in the State of Louisiana. This provision was put in so that the commission could not spend money outside of the levee district where it was contributed without the consent of the levee district. Of course nobody doubts that Louisiana would give its consent for the construction of levees in Arkansas to protect its own land.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 3, line 2, after the word "contributing," insert the following: "*And provided further*, That where the expenditure of money under this act directly or indirectly adds to the value of lands the owners of which have not contributed to the fund applied to the improvement herein provided for, such assessments shall be levied against the owners of such lands as the Mississippi River Commission may deem warranted by the benefits accruing to such noncontributing landowners."

Mr. MOORE of Pennsylvania. Mr. Chairman, it has been said several times in the course of the discussion of this bill that the small farmer along the Mississippi was not greatly concerned; that the lands were largely in the hands of operators; and that the general purpose of this scheme of taking the

appropriations away from the Rivers and Harbors Committee and putting them under the charge of the Committee on Flood Control was reclamation; that is to say, the making valuable of land which is not valuable; the protection of land which might be subject to overflow and which would be more valuable if floods were prevented.

Now, it is just possible, so far as the arrangement under the bill affecting the distribution of Federal money is concerned, that some landowners—large operators, not the small tenant farmers who have small interest in the matter—that some large operators might be largely benefited by the construction of levees, and that tremendous values would accrue to them by the expenditure of the Government money. When we consider that in sections of the country where reclamation has already proceeded and expenditure has been made by the State itself or by private enterprise, it seems a fair proposition that in the distribution of public money along the banks of this particular river there should be some assessment for the benefits actually accruing to the owners of property.

Mr. GARRETT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield.

Mr. GARRETT. I will ask the gentleman if he has considered carefully the legal phase that is involved in his amendment. Does the gentleman think that this Congress could go about levying taxes in that way, delegating the taxing power to the Mississippi River Commission? Could the Congress itself lay a tax on land, so far as that is concerned?

Mr. MOORE of Pennsylvania. I submit that the section we are now considering proposes that what is to be done shall be done largely by agreement between the Mississippi River Commission and the levee association and the State. That is to say, if a levee breaks in a certain section, then by agreement between the States and the commission Federal money may be used. While that agreement is pending, I submit, it would be possible for the commission under the amendment I have proposed to say to the levee association or the State: "Yes; we will rebuild the levee, protect the land, provided that in the event of an increment accruing to the value of the property the men who derive the benefit shall contribute along with the Federal Government."

Mr. GARRETT. If the gentleman will permit, this fixes the proportion of the expenditure, and it provides for the enforcement of that proportion as fixed by withholding action on the part of the Federal Government, whereas the gentleman's amendment undertakes to put into operation a positive direction.

Mr. MOORE of Pennsylvania. Suppose it should develop that on the banks of the Mississippi somewhere you were about to start a large plantation corporation or a building operation or industrial improvement, and that thousands and tens of thousands of acres of land subject to overflow belonged to a great railroad corporation or some great lumber corporation or that it belonged to some great cotton corporation, would it not be in order to make these large owners pay something for the increment that must necessarily come to them as the result of the Government expenditure?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. REAVIS rose.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, can we not come to some agreement about time for debate upon this amendment?

Mr. MANN. Gentlemen over here seem anxious to have 35 minutes more on the paragraph.

Mr. HUMPHREYS of Mississippi. Oh, I submit to the gentleman from Illinois that gentlemen on that side ought not to ask for 35 minutes on this paragraph. It is now half past 2 o'clock and we have not yet read one section of the bill.

Mr. MANN. I think we had better agree to that, and we will try to expedite the matter.

Mr. HUMPHREYS of Mississippi. Why not let us make it on the section, so that we will get along more quickly?

Mr. MANN. We have not yet read the section.

Mr. HUMPHREYS of Mississippi. I know; but we can agree upon time to debate it.

Mr. LENROOT. I think if we close on this paragraph that the gentleman will get along quite rapidly.

Mr. HUMPHREYS of Mississippi. If we are to debate an amendment such as the one the gentleman from Pennsylvania [Mr. MOORE] has proposed for 35 minutes, it will take three weeks to pass this bill.

Mr. MANN. This is a request as to the entire paragraph.

Mr. GARRETT. And all amendments thereto.

Mr. MANN. Yes.

Mr. FOSTER. Are there any more amendments to be offered to the section?

Mr. MANN. There are not very many, but there are some.

Mr. FOSTER. Why not 35 minutes on the section and then let the section be read?

Mr. LENROOT. I think we had better make it on the paragraph.

Mr. FOSTER. Let us be fair about it and try to get it through.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to call the attention of the gentleman from Wisconsin [Mr. STAFFORD] to the fact that we gave up all of last Wednesday to general debate, practically, and agreed to consider it by paragraphs, upon his assurance that there would be no attempt to delay and that we should get a vote on the bill.

Mr. MANN. On the assurance of many Members that we would wind this bill up to-day.

Mr. STAFFORD. I wish to assure the gentleman——

Mr. HUMPHREYS of Mississippi. And I want to enlist the kindly offices of the gentleman from Wisconsin in our behalf with those on his side of the House who apparently are not willing to carry out that agreement.

Mr. STAFFORD. Mr. Chairman, when that agreement was made I stated that I would like to have 10 or 15 minutes for debate under the five-minute rule, and I would like now to speak upon this bill, but I am not pressing that. There are bona fide amendments offered on this side, and there is no intention as intimated by the gentleman's remarks to delay the consideration of the bill.

Mr. HUMPHREYS of Mississippi. We have now put in two days and have gotten only two pages.

Mr. MANN. Mr. Chairman, let us be absolutely fair about it. The gentleman from Mississippi [Mr. HUMPHREYS] was very lenient on last Wednesday, allowing practically general debate under the five-minute rule, upon the assurance, openly stated in the House by a number of gentlemen on this side of the House, that we would come to a final vote on this bill to-day, and if we can not do that I think we ought to have an understanding that we will make it in order again on another Wednesday, because otherwise it would not be fair to the gentleman. I think we ought to take the vote to-day if it is possible, but it would be contrary to good faith in the House if we did not carry out such understandings.

Mr. MOORE of Pennsylvania. Mr. Chairman, I wish to submit to the gentlemen who are now addressing each other on the floor that I did not hear that understanding and was not a party to that agreement. I respect the right of leadership, and I follow it, so far as I can, but here is a bill in which it is proposed to appropriate $50,000,000, which is a tax of 50 cents per head on every man, woman, and child in the United States, that we are expected to pass——

Mr. FOSTER. Mr. Chairman, I demand the regular order.

Mr. MOORE of Pennsylvania. Very well, the gentleman can go ahead.

Mr. FOSTER. If the gentleman is going to make a speech——

Mr. MOORE of Pennsylvania. Very well. The gentleman does not like certain kinds of speeches.

Mr. FOSTER. I like the gentleman's speeches when he makes one with sense in it.

Mr. MANN. Oh, withdraw the demand for the regular order.

Mr. FOSTER. I withdraw it. I do not think it is fair to make a speech of that kind on the floor, however.

Mr. MOORE of Pennsylvania. Mr. Chairman, have I the right to proceed? Here is a bill proposing to appropriate $50,000,000 of the people's money, a tax of 50 cents per head upon every man, woman, and child in the United States, being a bill that is brought in by a committee which with one or two exceptions is composed of gentlemen who come from the very territory concerned, which is being made the subject of an agreement between gentlemen who live in the Mississippi Valley.

Mr. MANN. I beg the gentleman's pardon. His geography is not good. I do not live in the Mississippi Valley.

Mr. MOORE of Pennsylvania. I was not referring specifically to the gentleman.

Mr. MANN. I was the one who made the agreement.

Mr. MOORE of Pennsylvania. The gentleman lives very close to the Mississippi River.

Mr. MANN. I do not live even close to the Mississippi River.

Mr. MOORE of Pennsylvania. Oh, the gentleman lives on high land, as high as can be found around about Lake Michigan; but what I wish to say is this, that I do not care to vote away $50,000,000 of the people's money without having a chance for discussion by Members from the various States of the Union, whose constituents have to pay the bill. There are other rivers in the country that need improvement; there are other rivers in the country subject to overflow; there are other areas in the country greater than this area, and they ought to be considered in the regular way. Here is a short cut to appropriations, vast appropriations, gentlemen having withdrawn from the River and Harbor Committee and from pursuing the usual course. I do not like to have legislation of this kind go through the House without the people being given a chance to know that they have to pay the bill.

Mr. MANN. Mr. Chairman, still reserving the right to object, the statements which were made upon the floor of the House last Wednesday were made openly in the House. I do not recall that the gentleman from Pennsylvania [Mr. MOORE] was absent, although he may have been, during the time those statements were made. They were made openly and loudly, and there was considerable discussion in the House at that time as to whether there should be an extension of general debate by unanimous consent over that allowed by the rule; and the statement was made from both sides of the House that if the gentleman from Mississippi [Mr. HUMPHREYS] was willing to allow generous debate on last Wednesday under the five-minute rule, both sides of the House would cooperate with him to bring this bill to a vote to-day. I am one of those who carry out their obligations, but I do not ask the gentleman from Pennsylvania or any other gentleman on this side of the House who has contrary scruples to stand by me upon that; but I will ask the Republican Members of the House to stand by their leader when he makes a binding obligation on the floor of the House. [Applause.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CARAWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14777 and had come to no agreement thereon.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent that if no vote is had on this bill to-day that it be in order to further consider the bill on next Calendar Wednesday.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that if the consideration of this bill is not concluded to-day it shall be in order on next Wednesday. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, may I ask the gentleman from Mississippi whether he contemplates bringing in a rule to pass this bill on next Wednesday?

Mr. HUMPHREYS of Mississippi. Whether I contemplate bringing in a rule?

Mr. MOORE of Pennsylvania. Yes.

Mr. HUMPHREYS of Mississippi. No.

Mr. MOORE of Pennsylvania. Well, does the gentleman contemplate limiting debate at all next Wednesday? I submit to the gentleman that this is one of the most important bills that has come before the House this session. It involves a problem which I would like to see settled and also involves an enormous expenditure about which there ought to be a fair time for discussion.

Mr. HUMPHREYS of Mississippi. Well, Mr. Speaker, there has certainly been no disposition to cut off debate up to this hour.

Mr. MOORE of Pennsylvania. That is true. I think the gentleman has been fair; and yet I want to say it seems to me the regular course should be pursued.

Mr. HUMPHREYS of Mississippi. It is my hope to conclude the consideration of the bill to-day. It is my hope—I may be disappointed in it—that the House may be permitted to reach a vote to-day; but if it does not reach it to-day, it is my hope and expectation that on next Wednesday we will get to a vote.

Mr. MOORE of Pennsylvania. The gentleman expects to act on the bill to-day, to resume work in the Committee of the Whole House on the state of the Union?

Mr. HUMPHREYS of Mississippi. Yes; I expect to go back into the Committee of the Whole, and it is my hope we might complete its consideration.

Mr. MOORE of Pennsylvania. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. MOORE of Pennsylvania. Mr. Speaker, if I may be permitted to do so, I will withdraw the point of order.

The SPEAKER. The gentleman withdraws the point of no quorum, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14777, the flood-control bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14777, with Mr. CARAWAY in the chair.

Mr. MANN. Mr. Chairman, will the gentleman from Mississippi ask unanimous consent to close debate on the pending amendment in 10 minutes, to be occupied by the gentleman from Nebraska [Mr. REAVIS]?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I will ask unanimous consent that debate on the pending amendment be closed in 10 minutes, that time to occupied by the gentleman from Nebraska [Mr. REAVIS].

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on the pending amendment close in 10 minutes, that time to be given to the gentleman from Nebraska. Is there objection? [After a pause.] The Chair hears none.

Mr. REAVIS. Mr. Chairman, I want to supplement the remarks of the gentleman from Ohio [Mr. GARD] and to express my disappointment at the character of bill which has been returned to the House from the Committee on Flood Control. I had indulged the hope that this committee had some excuse for its very recent creation other than that of furnishing a method of appropriations for the same general purpose, but nevertheless additional to the appropriations returned by the Committee on Rivers and Harbors. I had hoped that it would formulate and return to this House some legislation, national in scope, that looked to the control of the flood waters, not in any given locality, but in the Nation at large.

Mr. Chairman, in my own State, as the product of some 8 or 10 years of development, there has been evolved a method of flood control similar in some of its aspects to the Ohio law as detailed by the gentleman from Ohio [Mr. GARD]. Whenever there is farm land subject to overflow a certain number of landowners, representing a specified number of acres, may, by petition to a court of record, report the fact that their land is subject to overflow and seek the incorporation of a company for the purpose of devising some means to control the flood waters. That petition is accompanied by the report of an engineer as to the benefit that will accrue to the land in case the overflow should cease, together with the proposed method of improvement and the probable cost of the same. If the benefit which will accrue to the land is greater than the cost of the proposed improvement, a company is incorporated and assessments are made against the land at so much per acre for the purpose of paying for the proposed improvement. Just this morning I received a notification of a drainage tax upon a small piece of land that I own within one of these districts. I am burdened with this assessment for the purpose of relieving my own land from overflow and am now brought face to face with a bill carrying appropriations running into the millions, putting the additional burden upon me and upon mine of preventing the overflow upon the land of somebody else. Within my own district within the past six years millions of dollars have been expended by the farmers for the purpose of preventing the overflow of their lands. They are carrying that burden to-day, and it is a heavy burden, some of them not financially able to bear it.

The National Congress now purposes that they must not only bear the burden of the reclamation of their own land, but that in addition they must bear the burden of reclaiming the lands of others. It was stated by the gentleman from Illinois [Mr. DENISON] that the argument which was persuasive with him was the fact that these landowners adjacent to the Mississippi River were poor and unable to bear the burdens that would fall upon them for the reclamation of their own land. Mr. Chairman, is this bill a matter of philanthropy? Is the Government of the United States to be turned into a charitable institution? Poor? Of course they are poor; many of my people are poor; but we bear our own burdens without complaint. This Congress, gentlemen, can not be just and generous at the same time. We have nothing of our own to give. If we are generous to those in one section of the country, we must take from those in another section of the country that which we have no right to take. If you pass this bill in its present form and contribute millions from the Treasury of the United States for the purpose of enhancing the value of the land adjacent to the Mississippi River, you must take the money from the other sections of the United States for that purpose. It is generous to one; it is unjust to the other. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. WALSH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] offers an amendment, which the Clerk will report.

Mr. WOOD of Indiana. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WOOD of Indiana. An amendment is already pending, as I understand it.

The CHAIRMAN. No. The committee has voted on that amendment. It was not agreed to. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 3, line 2, after the word "contributing," insert the following:

"*And provided further*, That where the expenditure of money under this act directly or indirectly adds to the value of lands no part of the fund herein provided for shall be expended for the purposes herein provided unless the owners of such land shall have, either directly or through a local governmental authority having jurisdiction over such land or lands, contributed to the extent of the benefit so conferred."

Mr. HUMPHREYS of Mississippi. Mr. Chairman, can we agree upon time for the discussion of this amendment? I ask unanimous consent that debate on this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent that the debate on this amendment close in 10 minutes. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, the purpose of this amendment is to compel the people who are to be directly benefited, or whose lands are to be increased in value, to participate in the contribution of funds and to assume part of the expense of this work; and if, as has been said during the debate on this measure, there are vast tracts of land down there which are to be reclaimed and which are to be greatly increased in value, it seems only proper, before the Government should step in there, under this vast appropriation, that they should be required to contribute to the expense that is to be borne and that they should be asked to bear a proportional part of the burden by way of a betterment contribution that is placed upon the taxpayers throughout this entire country.

Mr. WILSON of Louisiana. Mr. Chairman, will the gentleman yield there?

Mr. WALSH. Yes.

Mr. WILSON of Louisiana. Is not the gentleman aware of the fact that they are contributing now, and that they have contributed in the past, $3 to every $1 that the Government has contributed?

Mr. WALSH. I understand the statement has been made that some of them have contributed and that some of them are contributing now; but by leaving that clause in the bill which I endeavored to strike out, which confines the expenditure and local contributions to the district where the local contributions are made, you will find that it will discourage rather than encourage local contributions in the future.

Mr. WILSON of Louisiana. Does not the gentleman know that there is not a section to be benefited by this bill but that has already contributed by the payment of taxes?

Mr. WALSH. I understand that certain persons down there are contributing and paying a tax, but no contributions have come from the State legislatures, with one exception.

Mr. WILSON of Louisiana. I want to say to the gentleman that all sections are doing it.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. CROSSER. If they are contributing $3, as the gentleman says, and are locally benefited to the extent of $75, that can not be considered as contributing according to the real benefits, can it?

Mr. WALSH. Not at all, Mr. Chairman; and this amendment which I have offered proposes to make them contribute in proportion to the benefits which they receive and in proportion to the increased value of the property which they hold.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. MEEKER. In case that were done and the levee should break, would the Government pay the damages?

Mr. WALSH. Of course not; not any more than if this amendment is not adopted and the levee should break would the Government pay damages. If you make a Government appropriation, it does not necessarily follow that it creates Federal liability.

Mr. MEEKER. Is the liability or risk of holding the land behind the levee to be considered in the matter?

Mr. WALSH. Apparently not. Mr. Chairman, if the words of the gentlemen proposing this measure are to be taken seriously, then there is no liability on the part of the gentlemen owning property behind the levee to be considered at all. They seek to impose the liability, though, upon each and every taxpayer throughout this country, and do not seek to take the taxes to themselves. There is only one State that has appropriated money. No State, except one, as the chairman of this committee has very well said, and that is the State of Louisiana, through its legislature, has appropriated a dollar to help remedy this condition. None of the other States through their legislatures have recognized this crying need for relief or have appropriated money. That certainly is not a sort of public spirit to be commended.

Mr. Chairman, I can not support the pending measure, which has been "benevolently" termed the flood-control (?) bill. The proponents would have us take our choice as to whether this bill is a navigation project, a reclamation matter, or an indorsement of a long-continued scheme, which has admittedly resulted in the waste of millions of dollars.

We were given to understand that the creation of this new committee was for the purpose of submitting measures of merit looking to the adoption of some new and comprehensive method or plan for the control of the flood waters of the great Mississippi and other rivers. But we find nothing new in this scheme; it is the same old story, only it appears on the scene under a new cognomen.

They take out of the rivers and harbors bill an item or two, dress them up a bit, ask for forty or fifty millions of dollars, and seek to have the approval of the House placed upon the measure. And from the sentiment as it has been expressed during the discussion of the bill, the House will approve it, but I submit in so doing it will swallow at one gulp the doctrine heretofore occasionally revered, or at least held in some degree of respect, that States owe some duties to remedy conditions arising within their boundaries from disasters and misfortune, and the expense of such remedial measures should be shared by the taxpayers within the borders of such States.

Hereafter this measure, as indeed other measures of like import, will be cited as precedents to encourage and support legislation seeking to shift to the Federal Government burdens and expenditures properly belonging to the several States. Why should not these States rise to the occasion and appropriate through their legislatures money to remedy the loss occurring. How easy it is to sit supinely by and wait, until by constant dinning and importuning the Federal Treasury is tapped and the taxes necessary for the acquisition of the funds appropriated are levied on the portions of the country that now pay the larger proportion of the revenues received from direct taxation.

You are lessening State responsibility. You are burdening the people of the country by legislation that is not planned with a view to equitable taxation.

You refuse to give consideration to the claims of sections where the need is equally as great; you seek to set apart a certain section to receive the special favor of an inequitable Federal appropriation; you make no provision for participation in the expense occasioned by the States where the moneys are to be expended; nor do you provide for any repayment or reimbursement by the sections or interests directly benefited.

It is only fair to note that the Sacramento Valley project does recognize the principle that the State owes some duty to the country to share the expense, and it is to be commended that the Federal Government is to have its appropriation supplemented by an equal sum appropriated by the State or parties interested.

But on the lower Mississippi no equitable participation is offered, and in view of the broad-visioned perspective of course ought not to be expected.

It is time to cry a halt. Congress ought not to be sledge hammered into appropriating millions of dollars for a project such as is here presented, particularly in view of the history of the plan, as related during the debate on the bill.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. LOBECK. How would you ascertain the value of these improvements?

Mr. WALSH. Well, you have the Mississippi River Commission and the Board of Engineers, that apparently has ascertained every other unsolved problem, whether connected with this matter or not, and it has also fixed the amount which should be contributed by local interests in the past before they would get Federal aid.

Mr. Chairman, I trust that this amendment will be adopted.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the bill does provide that everybody must contribute. We just adopted an amendment, offered by the gentleman from Wisconsin [Mr. LENROOT], that none of this money shall be expended until there is contribution.

Now, gentlemen talk about reclamation by these drainage districts. The Federal Government is not asked to spend any money for the purpose of draining any land or reclaiming any land. There are now in process of construction drainage projects in the Deltas amounting to $40,000,000 in round figures, but it will take at least a hundred millions to drain those 16,000,000 acres, every dollar of it to be paid by local interests.

All this talk about the land being made worth $100 an acre by the construction of these levees is ridiculous. Nobody testified as to that except Members on the floor of this House. After the levees have been constructed, after the land has been drained at tremendous cost, after the country has been cleared of its undergrowth and underbrush, after it has been put under cultivation, after the houses have been built upon it and the fences constructed, you can not get $75 an acre for it if you are in luck. It will not average $50 an acre. I happen to know of a plantation in my county, one of the most progressive and best-developed counties in all of the Delta. It was a plantation of 1,200 acres, of which 1,000 acres were under cultivation and 200 acres woodland. It was in a drainage district, and with all the farming implements, stock, and everything else it was sold for $60,000, or $50 an acre, and the seller thought he was getting a good price for it. It is utterly ridiculous to talk about adding to the value of the wild land there $75 an acre by building levees. In the course of human events, if it is made possible by this work for the land to be reclaimed, if the people go in there and bear all the burden of the reclamation, after they have cut the trees down and built their houses and subjected that country to cultivation, possibly the land will be worth $75 an acre. I hope so; but certainly it is unfair for any man to say that this land will spring into values such as have been mentioned here by the mere construction of levees.

Mr. CROSSER. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I yield to the gentleman from Ohio.

Mr. CROSSER. If there is no benefit that actually accrues, then this amendment can not do any harm, can it; and if benefit does accrue, if this land is immediately raised $25 or $50 or $75 an acre in value, should it not pay accordingly?

Mr. HUMPHREYS of Mississippi. Nobody has ever said that no value would accrue. I can understand how the gentleman from Ohio could hold that opinion, of course; but this country has not come to that yet, and I think it will not come to the point where this unearned increment must be turned over to the Government. They do that in Germany. When they improve a canal in Germany, like the Delaware & Chesapeake Canal that my distinguished friends Mr. MOORE of Pennsylvania and Mr. SMALL are so much interested in, they buy up the land on either side of it, and the Government holds that land, so that when it enhances in value the Government gets the benefit of it. I dare say it is not in the contemplation of this Congress to embark upon any such legislation as that now, to buy up all the land, in order that when the land happens to increase in value as a result of any governmental improvement the Government, that does the work, shall get the benefit of it. I put in this report a speech made by Abraham Lincoln, which, it occurs to me, ought to convince any man who reads it of the futility of undertaking anything like that. I hope this amendment will not be agreed to.

The CHAIRMAN. The gentleman's time has expired. All time has expired. The question is on the amendment.

The amendment was rejected.

Mr. MOORE of Pennsylvania. I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 3, line 8, after the word "and"——

Mr. HUMPHREYS of Mississippi. We have not reached that paragraph, Mr. Chairman.

Mr. MOORE of Pennsylvania. I withdraw the amendment.

Mr. LENROOT. I have an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 2, line 20, after the first word "sum," insert the words "which the commission shall determine to be just and equitable, but which shall be."

Mr. HUMPHREYS of Mississippi. We have no objection to that.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. LENROOT].

The amendment was agreed to.

Mr. FREAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FREAR: Amend, lines 17, 18, 19, and 20, on page 2, by striking out the words "assurances have been given satisfactory to the commission that local interests protected thereby shall contribute for such construction and repair," and inserting in lieu thereof the following: "there shall have been raised and placed on deposit in a place designated by the Mississippi River Commission and to the credit of the commission."

Mr. FREAR. The purpose of this amendment is to make distinct one of the most important provisions which appears in the bill. The general provision now is that there shall be assurances given to the commission. There is nothing definite as to how long the assurances are to continue, or what kind of security, what kind of guaranty is to be afforded. So I have placed here practically the same condition as exists in the river and harbor bill, that when a contribution is required from any district the contribution shall be fixed and the money placed to the credit of the Secretary of War. In the amendment it is to be placed to the credit of the Mississippi River Commission.

Mr. HUMPHREYS of Mississippi. I think the gentleman is mistaken, and that it is a very unusual thing for any such provision as that to be in the river and harbor bill. The language carried in the river and harbor bill is "upon assurances given to the Secretary of War." That is the usual language. That is the reason we adopted it here.

Mr. FREAR. That may be the language used in some cases, but frequently I have seen the other—not exactly as it is here, but I am trying to make it definite, because this is a very important proposition that we have here. On the question of local contributions there ought not to be any objection to protecting the Government by placing an amount of money that is to be raised to the credit of the commission, so that it can be used. Otherwise assurances may be given and the Government money may be advanced. Then, when you are half way or a quarter of the way through with the construction of the levee, the local community fails to provide the money. The commission ought not to be embarrassed, but the money ought to be available so that they can enter into their contracts with perfect certainty, without any question. We are considering a bill that is direct in its provisions, and we are insisting that there shall be certan contributions made by the locality. In a case like this I can see no objection to requiring the locality to raise by taxation or otherwise the required amount and place it on deposit to the credit of the commission that is to make the expenditure.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, this matter was thrashed out thoroughly with the commission. We had the engineer's report. We wanted to make the matter safe, and this was the advice of the commission, just as it is now. As I said a few minutes ago, that is the language that is almost universally used in the river and harbor bill. Occasionally they require deposits, but that is unusual. Nearly always assurances are given that are satisfactory to the Secretary of War.

Mr. FREAR. What would be the objection to this amendment?

Mr. HUMPHREYS of Mississippi. I can conceive of several. It is necessary for these levee districts to maintain and keep in operation their force for the construction of levees. Because in times of flood when these emergency campaigns have to be made and which cost a tremendous lot of money in temporary work, the Government very largely, almost exclusively, relies on the levee force under supervision and direction of the local engineer.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. I ask for an additional five minutes for the purpose of securing additional information.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Now, if the gentleman will yield. They have been at work under cooperation, and while Col. Townsend stated that "theoretically it was not satisfactory, practically it was not so bad," and there is where the gentleman stopped reading; but it afterwards shows that Col. Townsend is very much in favor of continuing the present plan.

Now, they have to have an organization to collect the tax; they will, under the direction of the commission provided for in the bill, let contracts and have a certain amount of work done. There is no occasion, and I suppose no disposition on the part of the House to hamper these people in these activities. We want to encourage them so that they will raise as much as they possibly can and put into the levees. If we should require that

they collect the money in the beginning of the year and put it in the bank instead of letting the contract, then paying when the collector of taxes collected his money in the fall, it will seriously handicap them.

We have never had an occasion in actual practice where any assurance given to the Secretary of War or given to any of the engineers was not considered sufficient absolutely to compel compliance by those who were contributing.

Mr. FREAR. What protection has the Government in any case providing the levee association should fail to levy the tax, or provided that the local community refused to make the contribution after we have once started on the project? We can not levy a tax, as was suggested by the gentleman from Tennessee [Mr. GARRETT]; we are left absolutely helpless. Why is it not a safe plan, as it would be in any case, to require that the Government be protected?

Mr. HUMPHREYS of Mississippi. There are several reasons I could give. They have to make an assurance satisfactory to the commission; they have to enter into a contract; and they are liable on it and can be made to pay it. But the best assurance is the whip the commission has under this bill—that they will not contribute anything toward the work until the assurance which is satisfactory is given.

Mr. FREAR. But suppose a calamity happens and they can not raise the money. It has been said here that some of them are bankrupt. We have in this case an assurance that they will give to the Government; but who is to make up the balance? The Government is to furnish a certain proportion and the district fails to contribute its share; then we must make up the balance or construction stops where it is—unfinished.

Mr. HUMPHREYS of Mississippi. The Government will not contribute anything further to that district. It is just a question of life and death, and there is no sort of doubt that they will put up their share. They have put up 3 to 1 without compulsion, and why should we have any sort of doubt that they will put up 1 to 2 when they are compelled before they can get a dollar's worth of work done to give a satisfactory assurance?

Mr. FREAR. The answer is that the levee system is no good after it has once begun until it is completed. We have no power to tax; we are helpless under this bill to enforce anything, and have to accept what assurances have been given, and which under the circumstances can not be carried out during construction. It is a businesslike proposal that ought to be accepted if we are to protect the Government in making such agreements.

Mr. HUMPHREYS of Mississippi. I will offer an amendment, when we get to it, that the local interests must look out for the maintenance after the work is completed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. FREAR. Mr. Chairman, I have another amendment to this same section, which I send to the desk.

The Clerk read as follows:

Amend line 2, on page 3, by inserting after the word "contributing" the following: "and the Mississippi River Commission is directed to withhold all work in every State and levee district unless approval is given by the authorities of such State and district that all moneys so contributed by the district or State may be expended in any other State or district whenever required in constructing a levee system along the Mississippi River, and that levee-district lines and State lines shall not be considered by the Mississippi River Commission but that levees wherever constructed shall be built for the system as a whole and not for any particular district or State."

Mr. FREAR. Mr. Chairman, this is somewhat similar to the amendment proposed by the gentleman from Massachusetts [Mr. WALSH]. Here is the importance of adopting such a provision according to my reading of the bill. The bill states at the bottom of page 2:

But no contribution made by any State or levee district shall be expended in any other State or levee district except with the approval of the authorities of the State or district so contributing.

Now, for illustration, a levee is to be completed up to the border line of one of the districts. The people of adjoining districts refuse to raise the money. The money can not be distributed along from one levee district to another, or from one State to another, and you are handicapping the commission by any condition that the money can not be expended outside of the district or State. The commission ought to be able to raise the money and ought to be thoroughly protected. You can not do it without some such provision as I have offered.

Now let me say in a general way in regard to the bill, and I will speak for only a moment or two on that.

There have been some suggestions here about the general character of this land to be reclaimed. In my judgment, as near as I can ascertain from authorities, good authorities, on the subject, a reclamation project is not a flood-control project. In fact, the two are not in harmony. When this commission endeavors to bring this land, now covered by water, some 16,000,000 acres, under this reclamation project, we will have brought the waters within a very narrow levee system. The danger from floods, therefore, will be emphasized. The menace will be greater, because we have taken away the great reservoir which we formerly had before reclamation. That is the opinion of men who have given much time and study to the subject. The two projects are antagonistic. For that reason this is a reclamation project. By bringing these levees close to the river channel I believe the people who are enjoying the benefits of the reclamation project ought to be obliged to pay. They ought to protect the Government clear to the extreme in everything that is necessary, and I do not believe that we are doing so under this bill.

Mr. MANN. Mr. Chairman, I am not able to vote for the amendment offered by the gentleman from Wisconsin [Mr. FREAR]. I think if he will reflect for a moment he will see that it is largely a constitutional question. I doubt whether there are very many States whose constitutions will allow them to appropriate money through the legislature for expenditure in another State. I question whether there is any State that authorizes the formation of a drainage district, with authority to raise money to expend in another State, and there are probably not many cases where they can expend it away from the drainage district. For instance, we have a drainage district in the city of Chicago that has had expended upon it perhaps more money than any other drainage district in the world. A part of the water that runs into our drainage district rises in Indiana, and in a way we have to take care of their flood waters.

Some years ago I looked the matter up, and it is my recollection that the State of Indiana was not authorized to raise money for expenditure over in Illinois, as we would not have been authorized through our drainage district to raise money in Chicago for expenditure in Indiana. I do not believe that a bill of this sort, if it is to be enacted, should be enacted upon the theory that all of the States shall have to amend their constitutions in order to authorize them to expend money outside of the State in the way of public improvements. The States have quite enough to do now in the way of public improvements in the expenditure of money within their own boundaries, and it is not likely that constitutional amendments would be agreed to that merely covered this particular case. It might be desirable for the State of Wisconsin to expend money building a public road in Illinois so that the people in Wisconsin could go to Chicago, but I question whether it would be a desirable thing for them to have the constitutional authority to do that.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FREAR. Suppose that the highway was to be extended through Wisconsin and Illinois, and the condition was made by the General Government that contribution would be made of two-thirds by the General Government providing a certain amount was contributed by the State of Wisconsin and by the State of Illinois. Could it not very readily be determined what would be the fair proportion? Otherwise would there not be links left out throughout the highway if you were depending upon the local counties to pay the contributions?

Mr. MANN. I do not quite catch the drift of the gentleman's question, but if it means that the construction of the highway depended upon Illinois being permitted to expend money in Wisconsin and Wisconsin being permitted to expend money in Illinois, I do not think it would be constructed. The gentleman's proposition is that none of this money shall be expended until the States and the drainage districts not only have obtained authority but have agreed to contribute money which may be expended outside of their respective borders. I do not believe there is a State in the Union whose constitution at present would allow that. About that I may be mistaken, though I doubt it; but I am very sure there ought not to be any such authorization to expend money on public improvements raised by one State in another State. However desirable it may be in the particular case, it would be a vicious practice to inaugurate.

Mr. FREAR. If that be true, let me suggest that it shows the weakness of the proposition so far as the Government's interest is concerned, when we have no protection whatsoever in this particular.

Mr. MANN. That is another question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. ROGERS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, lines 18, 21, and 23, strike out the word "commission" and insert in lieu thereof the following: "Secretary of War."

Mr. ROGERS. Mr. Chairman, paragraph (a), at the top of page 2, provides that the Federal half of the money shall be expended under the direction of the Secretary of War. This paragraph (b), to which my three amendments are directed, provides that the other half of the money, the local half, shall be expended under the direction of the Mississippi River Commission. It seems to me that that is rather poor business practice and procedure, that it is likely to result in conflicts and complexities, and that probably harmony and efficiency would be promoted if both halves of the money, local and Federal, were to be expended under the direction of the Secretary of War.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. MANN. What does the gentleman mean by "halves" of the money? There is nothing in here about "halves" of the money.

Mr. ROGERS. I understand; but one-half of the money is to be appropriated by the Federal Government

Mr. MANN. The gentleman is mistaken about that. It is two-thirds under the amendment that has been agreed to.

Mr. ROGERS. I thought the Lenroot amendment, adopted a few moments ago, was to the effect that the local community should contribute one-half and the Federal Government——

Mr. MANN. Contribute one-half as much as the Federal Government; that makes one-third.

Mr. ROGERS. I did not so understand; but I do not think that changes the effect of the pending amendments.

Mr. MANN. Not at all.

Mr. ROGERS. I was mistaken merely as to the percentage of contribution to be made, respectively, by the Nation and the several localities. Another thing, Mr. Chairman, which I think is worthy of consideration in connection with these amendments is that the expenditure of money under the direction of the Secretary of War would be more likely to safeguard the interests of the country as a whole than would the expenditure under the direction of a more or less local commission.

Mr. DYER. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. DYER. I would like to have the gentleman state why he thinks it should be expended under the Secretary of War, an official who changes very often, whereas the Mississippi River Commission is a continuing commission, the officers of which—at least the chairman has been such for a number of years—and who have given all of their time to this particular work.

Mr. ROGERS. As I understand the functions of the Mississippi River Commission, it is a subordinate board under the Secretary of War—a bureau, so to speak, in the War Department. If that is true, why should not we go to the fountain head of authority and put the direction under the Secretary of War himself, especially as the other portion of this fund is to be expended under the Secretary's direction?

Mr. DYER. The Mississippi River Commission is a separate and is practically an independent authority, I will say to the gentleman, by act of Congress.

Mr. ROGERS. But it is subordinate to the Secretary of War in a great many important respects.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. HUMPHREYS of Mississippi. The gentleman will notice that the bill says this is to be expended under the direction of the Secretary of War, but that is not all. It further says, "in accordance with the plans, specifications, and recommendations of the Mississippi River Commission." It is under the general direction of the Secretary of War, but the work must be done just exactly as the Mississippi River Commission says.

Mr. ROGERS. We should have an additional check upon the wise expenditure of this local fund, if the Secretary of War were given supervision here also——

Mr. MANN. Of course this money is to be expended by the local people themselves in the main——

Mr. ROGERS. Yes.

Mr. MANN. Under the direction of the commission, which is on the ground. If it had to be expended under the direction of the Secretary of War apart from the commission, you would have to have another set of officers in Washington, then the Chief of Engineers—a part of them a long way from the ground——

Mr. ROGERS. But I presume that both the Federal and local contributions will be expended as a part of a general scheme.

Mr. MANN. Yes.

Mr. ROGERS. And it would, therefore, seem wiser to have the work carried on under one general scheme rather than two.

Mr. MANN. It is; but the gentleman proposes to make it two. The bill makes it one. The plans of the Mississippi River Commission have to be approved by the Secretary of War and Chief of Engineers to begin with.

Mr. ROGERS. Yes.

Mr. MANN. The Mississippi River Commission is on the ground where the work is to be done. It gives directions there, whereas if you have to come to Washington from the levee district and make application to the Secretary of War here, it would have to be sent by him to the Chief of Engineers and referred by the latter to the Mississippi River Commission, going down to the ground and coming back through this routine, and then the Secretary of War would authorize the expenditure in that way.

Mr. ROGERS. Is not this the situation: Is it not a fact that there is to be one fund, in part contributed to by the Federal Government and in part contributed to by the local units interested?

Mr. MANN. That is not the case as I understand. The Federal Government expends its money. The local money must be expended under the direction of the Mississippi River Commission. But it is not essential, as I understand, that the Mississippi River Commission shall contract to do the work for the local——

Mr. ROGERS. I should like to ask the gentleman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I should like to have two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. ROGERS. I should like to have the chairman of the committee say whether I am correct in my understanding from the bill and his statement relative to the bill, namely, that there is to be one combined general fund to be contributed to by the Federal authorities in part and by the State or local authorities in part.

Mr. HUMPHREYS of Mississippi. Not necessarily. The work is to be done under the commission, and, as has been done in the past, they will allot so much of the work to the local interests. They make the contract. They have the whole equipment there, and they are prepared to do that work, but they must do it under the direction of the commission. It is very much better, in view of the fact that there are in the neighborhood of 25 different levee boards, to have the commission direct this than to have it sent back to Washington under the Secretary of War. And, in fact, the Secretary of War, I presume, if he wanted to act intelligently about it would have to take the recommendation of the Mississippi River Commission.

Mr. ROGERS. Is not the situation similar to that which is presented in the course of the river and harbor bill when one of the States through which a river flows agrees to appropriate a proportion of the amount for the improvement of that river?

Mr. HUMPHREYS of Mississippi. Well, I think not, for this reason. The levee districts are already equipped to do this work; the State is not, the local interest is not.

Suppose you are going to improve the harbor at Pascagoula, Miss., for instance, if that happened to be one of the items in this bill, on the condition that the local interests would contribute $150,000. The Secretary of War would very properly require the cash to be deposited.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Any funds which may hereafter be appropriated under authority of this act for improving the Mississippi River between the Head of the Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended upon any part of said river between the Head of the Passes and Rock Island, Ill.

Mr. FREAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The Clerk read as follows:

Amendment by Mr. FREAR: Amend, line 8, page 3, by inserting, after the word "Illinois," the following: "but if said Mississippi River Commission shall at any time ascertain and determine that the levee system is increasing the danger to lives and property along the river the commission is authorized and directed to report back to Congress its conclusions, and shall immediately withhold all additional expenditures until further legislation is had by Congress."

Mr. FREAR. Mr. Chairman, I will state that this carries out my general understanding of the sentiment of many people in the Mississippi Valley at the present time, that this is a dangerous project, this reclamation of land, and that it is not a legitimate part of flood control. If it should be ascertained by the commission that this bringing together of the levees is gradually raising the height of the water and making it more dan-

gerous, from the experiments conducted, so that as this work proceeds—because this bill is for five years—then the duty of the commission is to withhold payments and report back to Congress its conclusions.

We have not any very good convictions expressed by members of the commission so far as I can ascertain; no assurances. Opinions? Yes; but this is an important proposition upon which the people of the valley are very much divided. If it should come to pass that the commission should find this condition to arise, that the system is wrong and that it is becoming threatening and dangerous to the people, then they have the right under this amendment to withhold further payments until they report to Congress and receive further instructions.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Missouri?

Mr. FREAR. Yes.

Mr. MEEKER. Have you any method or suggestion other than the levee system, aside from the reservoir system, which you think should be put into effect?

Mr. FREAR. I will say this to the gentleman, that I am not expressing an opinion except in so far as I am expressing the declaration of men familiar with the conditions, that when you decrease the distance between the levees and undertake to reclaim land, the danger of breaking the levees is increased measurably by that limitation.

Mr. MEEKER. Then the gentleman's suggestion is that in case we undertake this levee system and the commission should report that the system is not a success, we should turn the whole thing loose and lose the money already expended?

Mr. FREAR. No. Here it is provided that they shall go on and spend $45,000,000 and whatever else may be appropriated in addition. It is simply for the protection of the commission itself.

Mr. MANN. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] is one of the able and indefatigable Representatives on this side of the House. We need more of them. The Mississippi River proposition is one of the difficult problems of the Government. We need able Representatives all the time. We need more on this side of the House, and I am happy to say, Mr. Chairman, that after the election yesterday in West Virginia we shall have one more. [Applause on the Republican side.]

Mr. FOSTER. It is unfortunate for the country, though.

Mr. MANN. Last fall we had a special election in a Democratic district in New York, which returned a Republican Member to the House. Yesterday they had an election in West Virginia, where a year ago last fall the late Mr. Brown was elected by 1,350 majority and there yesterday Mr. Bowers, Republican, was elected to succeed him by 1,125 majority.

Gentlemen, I invite you to look at the wall. The handwriting is on the wall. [Applause on the Republican side.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the last word.

Mr. STAFFORD. Mr. Chairman, the proposition involved in this bill is one for levee improvement only. It makes no provision whatever for any lateral basins or reservoirs to relieve the surplus flood waters of the Mississippi. It does not require any expert information to know that if you are going to confine in a narrow channel of 2 to 6 miles in width what nature has, in years gone by, been carrying as widely as 60 miles that the banks will have to be considerably raised.

Mr. SWITZER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Ohio?

Mr. STAFFORD. In a little while. It does not require expert knowledge to know that if you are going to raise the height of the water of that stream the levee required will mount and mount until somewhere or other lands will be overflowed which were formerly free from such devastation.

This is confirmed by the statistics that are available, so far as the levee improvement of the Mississippi has been developed up to the present time. During the flood in the Mississippi in 1882 the headwaters at Cairo were 52 feet above normal, whereas at Memphis during the height of the flood the water was 35 feet above normal. In 1912—and it is agreed that the flood of that year was about the same as that of 1882—the headwaters at Cairo were 54 feet, whereas at Memphis there was a height of 45.2 feet, occasioned by the confining of the waters in a narrower confine by reason of the building of the levees on the lower banks of the Mississippi. In 1913, during the flood, there was a height of water at Cairo of 54.7 feet, whereas at Memphis it was 46½ feet.

This only goes to show that this proposal is not one that will result in benefit to the whole stricken districts of the South, but one that will be localized and restricted to those lateral lands that are tributary immediately to the levee district. This phase has been called to the attention not only of the Court of Claims but of the Supreme Court. The facts show that uplands, which formerly in flood times were free from the devastating waters of the Mississippi, by reason of the confinement in a narrow channel and the breaking of the levees, have been overflowed, and injury inflicted upon lands which in the history of the Government had never suffered damage before, they being under water for the first time and occasioned by the backwater from a levee break.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. In just a moment. I call attention to the language of the report of the Mississippi River Commission for 1910, involving that, where it says:

> That these people should be condemned to perpetual inundation without the possibility of relief or redress, for the sake of an improvement from which their fellow citizens are enjoying great benefit, is intolerable to any man's sense of justice.

These cases are great in number. The height of the river bed has been raised, and uplands which in old times were known to be free from the devastating influences of the flood are now subjected to inundation.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent that I may proceed for five minutes

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. By the erection of these levees you are attempting to do the reverse of what the Isthmian Canal engineers decided should be the policy in the control of the flood waters of the Chagres. It was known that when the great floods of the Chagres came down the valley they overspread that great basin. But instead of confining those waters in a narrow channel the Government provided a great lake that will impound the waters in a surface level of 154 miles.

Mr. MOORE of Pennsylvania. And a spillway.

Mr. STAFFORD. And a spillway to provide that that excess water shall be drained off gradually. Here you propose to back up the water. You propose not only to back it up toward Illinois but to back it up in all the tributary streams in Arkansas and all the other adjoining districts. This is the first time that Congress by deliberate action approves a policy whereby the Government will be called upon in the future to pay millions and millions of dollars in claims arising directly out of its own policy, by forcing the waters back and overflow adjacent lands. These claims will run into the millions and millions of dollars.

It is not fair for the proponents of this bill to say that the total will amount to an aggregate expenditure of $45,000,000. The hearings admit that these levees, if they are to be lasting, must be revetted, and the cost of that revetment for the purposes of navigation is estimated at from $100,000,000 to $158,000,000.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. HUMPHREYS of Mississippi. That estimate of $158,000,000 made by the Mississippi River Commission was made in response to an inquiry contained in a resolution of Congress to ascertain what the cost of complete revetment of the Mississippi River would amount to. They said $158,000,000; but they also said, and still say to-day, that no such revetment is necessary. There is no occasion to revet it all, and not more than $60,000,000 to $75,000,000 will ultimately be required in the next 20 or 25 years.

Mr. STAFFORD. Mr. Chairman, accepting the very modest suggestion of the father of this proposition, that it will cost $75,000,000, I claim this is the most stupendous loot of the Federal Treasury that has ever been submitted to this Congress during the past 15 years. Here we have a proposition involving an expenditure of $45,000,000 within 5 years, superimposed with an additional appropriation of $75,000,000 for revetment purposes. If this proposal provided for reservoirs where these flood waters could be accommodated, then we might consistently claim that it was something for flood control; but we know that it is a mere reclamation project to increase the value of the bottom lands that to-day are worth only $20 an acre, but when they are secure from inundation will be worth from $75 to $100 an acre. We know that it is nothing more nor less than a

localized improvement proposition and not for the benefit of all the country.

Mr. GREEN of Iowa. I think 20 cents an acre would be nearer the present value than $20.

Mr. STAFFORD. I have inquired from gentlemen who are acquainted with the value of these lands, and I wanted to be very moderate in my statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I will not ask for any further time.

Mr. HUMPHREYS of Mississippi. Let us have a vote now on the pending amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin.

The amendment was rejected.

Mr. TILSON. I move to strike out the last word.

Mr. HUMPHREYS of Mississippi. Let us see if we can not agree on debate on this paragraph. The gentleman, as I understand it, just wants to strike out the last word; that is, he simply wants to make a talk on this subject?

Mr. TILSON. I may possibly ask for the indulgence of the House for 10 minutes, but I have five minutes already granted to me.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I think the gentleman will make time if he will extend that to 25 minutes.

Mr. HUMPHREYS of Mississippi. Oh, no. Why not let us read this section and then talk? Let us get through with the section and then talk.

Mr. MOORE of Pennsylvania. I have an amendment to offer to this section. The gentleman from Ohio and the gentleman from Connecticut each want five minutes.

Mr. HUMPHREYS of Mississippi. It is not on any amendment. Let us read this section. I submit to the gentleman that we ought to be fair. We have been here two days now on one section. The gentleman from Wisconsin [Mr. STAFFORD] came and assured me that there would be no delay on the matter if I would permit this bill to be read by paragraphs instead of by sections. I submit that to occupy two days in debate is not keeping that promise in good faith.

Mr. STAFFORD. There has been no attempt to delay the consideration of the bill.

Mr. HUMPHREY of Washington. What authority had the gentleman from Wisconsin [Mr. STAFFORD] for making any such agreement?

Mr. STAFFORD. I did not assume any authority.

Mr. HUMPHREYS of Mississippi. The gentleman from Illinois [Mr. MANN] spoke with some authority, and he called on his party associates to stand by that agreement.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. I object, Mr. Chairman.

Mr. TILSON. Mr. Chairman, the bringing in of this bill has served at least one useful purpose. It removes the mask from what was for the most part only a plausible pretext that the large sums appropriated and spent in the so-called improvement of the Mississippi River were expended for the improvement of navigation. In the discussion of this bill it has not been necessary to talk navigation where there is no navigation, or commerce where there is none. That is a distinct advance.

It is practically admitted that this is a reclamation project, or, at any rate, it has been demonstrated that it is by the facts and arguments produced. It is a reclamation project on a grand scale, one that appeals to the imagination and, I believe, to the sound sense of broad-minded men. It is a project whose magnitude and possibilities arouse the most intense interest, just as the boundless expanse of semiarid land in the West has appealed to the stout-hearted American and has challenged his daring and enterprise to go out and reclaim it. Just five years ago I crossed from east to west the State of Louisiana and part of the great State of Texas. It was a dry season, but in Louisiana I saw unnumbered miles of the richest alluvial land on the earth covered with water, while in Texas boundless areas of black waxy and other fertile lands were producing little or nothing for lack of the one thing an oversupply of which rendered much of the adjoining State valueless. It naturally occurred to me what a wonderful transformation the genius of man might bring to pass by reducing the amount of water in Louisiana and increasing it in Texas.

The 16,000,000 acres of unprotected overflowed alluvial land along the Mississippi must be saved, not only for the sake of the present owners of this land, who will undoubtedly gain most, but for the sake of the people of the entire Nation. We are a Nation of a hundred million people. Continental United States alone could support easily 500,000,000, but it will support them far better if the fertile arid lands are watered and the alluvial overflowed lands are protected from the floods.

The only question is how to bring it about. We are solving the question in the case of the semiarid lands of the West. The practical problem is somewhat more difficult in the case of the overflowed land, owing to the fact of its being entirely in private ownership.

In the case of the irrigation projects where the United States owns the lands they can be sold after being made valuable, and thus recoup the Treasury for what has been expended. At least this is the theory upon which the work is proceeding. The bill under consideration presents the proposition baldly that the United States shall build levees and revet the banks of the Mississippi River so as to prevent overflow and that the private owners of the land thus protected shall pay one-fourth of the cost—one-third if the Lenroot amendment is finally adopted. This does not appear to be entirely fair to all the other people of the country who are only indirectly benefited.

I believe that it is necessary for the United States to take charge of this great problem and work it out. It is too large a problem for individuals, levee districts, or even States to work out alone. It must be done by intelligent cooperation with the General Government. It seems to me it ought to be possible to work out a plan by which the United States would finance and control this work, but that the lands specially benefited should bear at least the major portion of the expense. No such idea is contained in this bill, but it proceeds upon the same old theory that while the benefit is largely special, the cost shall be made general under the same old river improvement guise.

I believe in river and harbor improvement wherever there is business to justify it. I believe that more money rather than less should be expended in deepening harbors, keeping open the channels of rivers and in opening up new waterways, but I would insist that before large sums of public money are expended on such work it should be clearly demonstrated that the commerce is actually there to be carried. If it is there in sufficient quantity, the most effective and most economical means of carrying it should be provided, but I am opposed to projects of the character pointed out in some previous rivers and harbors bills where the total commerce is not equal in value to the sums expended for improvement.

Mr. RICKETTS. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. RICKETTS. What is the plan proposed now by which this $45,000,000 is to be expended in order to protect the lands from the floods?

Mr. TILSON. It was proposed originally that the Government should pay three parts of it and the private owners should pay one part. Unfortunately, if the land which is now practically valueless should become very valuable, the private individual would not receive as his share one-quarter and the Government three-quarters, but the Government would get nothing, while the private owner would receive all the benefit of the increase.

Mr. RICKETTS. That is the proposed expense; but what is the plan of spending this $45,000,000 to protect these lands?

Mr. TILSON. It is the same old plan under a new guise. It consists in spending a great deal of money under the pretext of improving navigation, under the same plan that the money has been spent heretofore, for navigation nominally, but really for the reclamation of the land.

Mr. MOORE of Pennsylvania. There is no change between this plan and the plan carried on under the river and harbor bill.

Mr. TILSON. There is really no change in the plan.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. TILSON. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REAVIS. Will the gentleman yield?

Mr. TILSON. For a question.

Mr. REAVIS. If the report of the engineer is correct that navigation and flood control are incompatible, we make appropriations through one committee for navigation and through another committee for flood control, and one appropriation nullifies the other, and what is the end?

Mr. TILSON. If that be true, we are working at cross purposes, and the first thing to do should be to coordinate our plans.

The passing of this bill as it is written will set a bad precedent and open wide the door for such "pork" appropriations as Con-

gress has never known before. It is frankly stated that this is just the beginning. The gentleman from Indiana [Mr. WOOD], in his remarks last Wednesday, said:

If the project commenced with this measure is carried out, as it is the intention of the committee it should be, the flood waters of the Wabash, White, and Miami Rivers will be controlled, and the awful havoc and destruction committed by them in 1913 will be rendered impossible of repetition.

Yes; and there are hundreds of other streams in the country, in addition to the Wabash, the White, and the Miami, just as destructive to lands along their banks when floods come. I shall cite just two instances in widely separated parts of the country, both having come under my own personal observation. These will serve as illustrations of numerous cases in all parts of the country.

Mr. FESS. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. FESS. The Wabash, the Ohio, the Illinois, and the Missouri all probably will require some attention as to flood control. Is this bill written on a basis that when the improvement is made it will take care of any future improvement above the place where it is now made?

Mr. TILSON. I assume that if this bill passes we shall first attend to the lower Mississippi and then provide for all other streams in the country, build levees at the danger points, revet the crumbling banks, and proceed to protect the whole country. However, I have wondered what will become of the Treasury while we are doing it.

Mr. FESS. Why was not a comprehensive plan set out before we began in this piecemeal way?

Mr. TILSON. I am not a member of the committee, and therefore can not explain why that course was not pursued.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. MOORE of Pennsylvania. You have floods in Connecticut, but Connecticut is not provided for.

Mr. TILSON. Yes; we have floods in Connecticut, of which I am going to speak after referring to another illustration in a different part of the country.

In the southern Appalachians the Blue Ridge is the watershed, while the highest crest of the Allegheny Range is the boundary between North Carolina and Tennessee. Four rivers, rising in Virginia and North Carolina, break through the Allegheny Range and flow down through the upper east Tennessee Valley—the Holston, Watauga, Nolichucky, and French Broad. In 1901 there was a somewhat unusual flood in these rivers, destroying land and buildings, mostly land, to the estimated value of $10,000,000. Like the dwellers along the lower Mississippi, the landowners of Tennessee were helpless. Virginia and North Carolina gathered their combined waters and hurled them through the mountain gorges upon Tennessee. Why should not the Government come to the rescue, erect levees, and revet the banks of these rivers in order to protect the alluvial bottoms along their banks? The answer will be: It should and it will if this bill is to determine our policy, for I never knew Tennessee to miss a trick, especially when the old flag and an appropriation are involved. [Laughter.]

The other case is in my own State of Connecticut and occurs annually, some years being worse than others. As you will recall, if you have studied the geography of New England, the Connecticut River rises near the Canada line, forms the boundary between Vermont and New Hampshire from north to south, crosses the entire width of both Massachusetts and Connecticut, and empties into Long Island Sound. The waters of three States are poured out upon little Connecticut, and never does a year pass without great and irreparable damage being done to the very fertile and productive lands lying along the river. Are we to make it a "pork" proposition and have the United States build levees at the danger points and revet the banks of the lower Connecticut, where during the early spring floods half a Connecticut farm will fall into the river at once?

The gentleman from Indiana [Mr. WOOD] tells us it is not a sectional bill. He says:

That it is not intended that this improvement is to be sectional is adequately proven by this initiatory measure, which provides not only for the flood control of the Mississippi River, but for the flood control of the Sacramento River in far away California, thus demonstrating that the people of the South have joined hands with the people of the West to assist each other for the common good of all their citizens, and as readily will they respond and join hands with the people of the North and the people of the East.

Yes, and will be sure to join hands with enough to pass the bill. The amendment and remarks of the gentleman from South Dakota [Mr. DILLON] are illuminating on this point. He proposed to strike out "Mississippi River from the Head of the Passes to the mouth of the Ohio River," and insert "Ohio, Missouri, and Mississippi Rivers and their tributaries." Of course, he should have included the Connecticut River. He omits even the Sacramento River, mentioned in the bill. After informing us that the Missouri is the important river and the Mississippi only a tributary to it, he goes on in support of his amendment:

It seems to me that we will be making a great mistake if we do not take into consideration these propositions. To do things by piecemeal will be a failure. I want to see this bill perfected so that we can all support it; simply doing it by sections in the form of levees will mean a miserable failure. I hope this amendment will be adopted so that we all may be able to give this bill our support, but without such an amendment it is doubtful if I could support a bill of this character.

In other words, if we distribute the appropriation widely enough, it will be done wisely so far as passing the bill is concerned.

I believe in internal public improvement, and there are many things that must be done, if at all, by the Federal Government; but I deprecate the inception of any policy which in its essence consists in collecting revenue by Federal taxation and attempting to distribute it again to the States, to localities, or to the people themselves. It can not be done wisely, or satisfactorily except to the few receiving it. It ought not to be attempted. I fear that this bill will lead strongly in that direction. Therefore, while favoring the cooperation of the Government in the work of building the levees, revetting the banks, and saving the overflowed lands of the Mississippi Delta, I think the problem should be worked out differently from the solution offered in this bill. [Applause.]

Mr. MOORE of Pennsylvania rose.

Mr. HUMPHREYS of Mississippi. Will not the gentleman from Pennsylvania permit us to proceed now with the reading?

Mr. MOORE of Pennsylvania. I would like to have five minutes on an amendment.

Mr. HUMPHREYS of Mississippi. Why not take it on the next paragraph?

Mr. MOORE of Pennsylvania. Let me offer my amendment, and I will speak to that. I have an amendment to this paragraph.

Mr. HUMPHREYS of Mississippi. Very well.

Mr. RUSSELL of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 8, after the word "and," strike out the words "Rock Island, Ill.," and insert the words "St. Paul, Minn."

Mr. MOORE of Pennsylvania. Mr. Chairman, several times comment has been made upon the fact that there is very little difference between obtaining appropriations for flood prevention under a Flood Control Committee and obtaining them under a River and Harbor Committee in the regular way. My judgment is that we should adhere to the old practice, because that was fair to every section of the country.

The flood-control bill has been organized along lines somewhat similar to the river and harbor appropriation bill in this particular, that while the Mississippi Valley is fairly well taken care of up to the point of the Ohio River and is extended in the bill so that the Mississippi River Commission can have control up to Rock Island, taking in two or three more States along the line, California and the western coast is provided for by an appropriation for the Sacramento River. This is the way to get votes for a proposition of this kind. We take care of certain sections of the country where the voting power is strong, and thus we get recognition in the House of Representatives. It is a perfectly natural proposition which any experienced member of the Committee on Rivers and Harbors understands full well, because under various administrations long since passed it was worked very successfully in organizing the votes.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Washington, who first addressed me, and then I will yield to the gentleman from Illinois.

Mr. HUMPHREY of Washington. I want to ask the gentleman how much chance he thinks the California proposition would have of passing through this House if it was not hitched onto the Mississippi River proposition?

Mr. MOORE of Pennsylvania. I do not think it would have any chance. The California proposition is in the river and harbor appropriation bill which has been passed, just as is the Mississippi proposition. Provision was made in that bill for the Sacramento River, but see the importance of linking up these sections of the country!

It takes a man who understands how to get an indorsement from three national political conventions to be capable of bringing about this sort of an arrangement. Anyone who can go to a Republican convention and get an indorsement for flood control, then go to a Democratic convention and get an indorsement for flood control, and then to a Progressive convention and get an indorsement for flood control can link up the Sacramento River and the votes on the Pacific coast with those in the Mississippi Valley, and thus put himself in the position of passing his bill. It is a strong play.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. GALLAGHER. I would like to ask the gentleman, if the House should adopt his amendment, how much money would be expended upon the stretch of the river proposed to be taken in under this bill?

Mr. MOORE of Pennsylvania. I think it would be fair to take care of that portion of Missouri which is included in this extension of the line from Cairo to Rock Island. I think it would be fair to provide for the great navigation State of Iowa, which raised some objection to the river and harbor appropriation bill when it was under consideration in the House, and in that way we might get some Iowa votes; but I can scarcely see the reason for stopping at Rock Island. We have already voted $20,000,000 for the construction of a nitrate plant at Muscle Shoals in Tennessee. Maybe Rock Island, being public property and located in the interior of the country, is to be considered for that purpose.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes, because I have not yet come to the merits of my amendment.

Mr. HUMPHREYS of Mississippi. I hope the gentleman will not insist upon that. He said he wanted to discuss his amendment, and the gentleman has not discussed it in the five minutes he has just consumed.

Mr. MOORE of Pennsylvania. But gentlemen diverted me, just like the course of the channel of the Mississippi River. I will proceed now directly to the amendment.

Mr. MANN. I suggest to the gentleman from Mississippi that he ask to close debate on the paragraph in 10 minutes. I would like to have 5.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

Mr. BARKLEY. Mr. Chairman, reserving the right to object, there is some information that I desire to obtain with respect to the paragraph, and I would like the gentleman to make it 11 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield for one question.

Mr. GOOD. If this bill should include flood control of the Delaware or the inland waterways, I would ask the gentleman if that would be sufficient to obtain the vote of the gentleman from Pennsylvania?

Mr. MOORE of Pennsylvania. Oh, we have our floods. We are in the same position that the gentleman from Connecticut [Mr. TILSON] described. When the freshets overcome us we have to go down into our own pockets and pay for damages ourselves.

Mr. BARKLEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield unless the gentleman will grant me more time. Well, I yield.

Mr. BARKLEY. Oh, well——

Mr. MOORE of Pennsylvania. Very well. Now, Mr. Chairman, apart from the fact that the pork barrel applies only to rivers and harbors and not to flood control—and, by the way, Eastern newspapers will please take notice, especially such papers as work themselves into a frenzy over a $1,000 appropriation for Mud Creek and then go to sleep over a $50,000,000 appropriation for the lower Mississippi—the question here is whether we are proceeding upon the right course. The question is, Are we going to throw $50,000,000 in a ditch or expend it wisely so that it will be of some real benefit to the people of this country? The committee itself, on page 16 of its report, sets out with some gusto a table showing that as the levees have been built and the waters of the Mississippi have contracted, the velocity of the flood has increased enormously, and therefore the damage has been greater. At the same time and in the same table the committee shows that while the floods have been increased and this farm soil from the Northern States has settled upon these southern bottoms, the value of the land has been increased correspondingly. Now, are we operating upon right lines? Our chief witness here, apart from the gentleman who wrote this eloquent report, is the colonel at the head of the Mississippi River Commission, Col. Townsend, and the Colonel has made numerous reports upon this subject. Does the Colonel say the only way to prevent floods is to contract the channel, to build these banks high all along the line?

Let us see. In an official report of October 26, 1912, and I hope I may have time to read the peroration of that report, the Colonel had something to say that has not been quoted here. It pertains to the wisdom of having the Government of the United States take over these lands that are not worth reclaiming and make them flood basins, basins into which the flood waters may flow so that they will not interfere with navigation or destroy property. It is such a report as indicates that a man who goes in upon these danger zones and builds a little home, as described by the gentleman from Mississippi a little while ago, will have notice that he had better not do it because the Government might not be in a position to spend $50,000,000 to help him out. The report suggests that the Government ought to take these lands. I quote from Col. Townsend's report:

83. The disposition of the long, narrow basins which are not worthy of protection is a matter that requires careful consideration. The wooded areas therein do not suffer materially from the overflows that occur. Whether the land should be purchased for the use of the United States or the owners compensated for the damage done by increased flood heights due to levee construction complained of, is a complicated problem, owing to the participation of the States in levee construction, which has contributed much more to the change in flood heights than the work done by the United States.

84. The land embraced in these basins is in places covered with willow and material that would be valuable for use in the work of river improvement and in such cases it is desirable that the ownership should be in the United States. In fact, the earlier reports of the commission recommended that such lands be acquired for that purpose. This becomes more and more important as the demand for material increases, and is further emphasized by the fact that a disposition is shown to secure possession of these lands by private owners in order to compel the Government to pay largely increased prices for the material needed.

85. In view of recent sales of lands in the basins and prices that have been quoted from time to time it is the opinion of the commission that an estimated value of $10 per acre may be regarded as the average price at which the lands whose protection is impracticable can be acquired. The total cost of such acquisition on that basis would amount to $6,226,210.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Shall the Government own this land and hold it for flood basins or shall we make the Government pay for improving it for private use?

Mr. MANN. Mr. Chairman——

Mr. PARKER of New Jersey. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New Jersey rise?

Mr. PARKER of New Jersey. I was going to ask unanimous consent for five minutes.

The CHAIRMAN. The time has been limited to 10 minutes on this paragraph.

Mr. MANN. Is there objection to the gentleman from New Jersey having five minutes?

Mr. HUMPHREYS of Mississippi. Can not the gentleman take that right after the next paragraph?

Mr. MANN. Would the gentleman just as leave proceed at the end of the next paragraph?

Mr. PARKER of New Jersey. I would rather not, because the observations I desire to submit are upon the general problem.

Mr. HUMPHREYS of Mississippi. The gentleman can certainly speak on the general problem at the end of the next paragraph as well as this.

Mr. PARKER of New Jersey. But it comes in right after the remarks made by the gentleman from Pennsylvania [Mr. MOORE].

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey may have five minutes, not to be taken out of the time already agreed upon.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. I thank the gentleman. Mr. Chairman, it seems to me that the time has come when a few words should be said in an effort to make plain what the Mississippi problem really is. That great river, like a big snake, moving, twisting, and curling, from Cairo through low country down to the sea, has built up from before the memory of man, on either side, its own natural system of levees. Its sediment when it rises falls first on its banks, so that the country back from the banks is much lower than the banks. That back country is swampy, and the lowest part is often known as the "back river." These back rivers extend over 300 miles, from

the Yazoo on the north to the Atchafalaya on the south, all the way to and beyond New Orleans, and it is well known that the city of New Orleans has a large, high bank between it and the river, but runs back to swamps and then to Lake Pontchartrain, which, at 8 miles distance, is some 8 feet lower than the ordinary level of the river at low water. The levee there is about 15 or 20 feet above the ordinary low water of the river, but when the river rises there was no trouble in old times, because it overflowed at some place where there was a break in the bank, perhaps through some inlet or branch stream, filled up the back rivers, covered the low country 50 miles wide, and left the plantations along its own banks safe, because there was another outlet furnished for the flood water.

These back lands were swamps and not in private hands. I think it is fair to say that none of them were taken up by private owners at the time that Louisiana was admitted to the Union, or for long afterwards. They belonged, after the cession of Louisiana, to the United States, and the United States, owning that land and finding that it was not taken into private ownership, as is stated on page 3 of the report on this bill, conveyed these back lands, the channels, and swamps of the back rivers that relieved the floods of the Mississippi to the various States, on the condition that the proceeds of any sales should be used wherever it should be found profitable to build levees and reclaim lands. Therefore, if these lands are overflowed now, it was understood that they were to be overflowed when the United States made that cession of those lands to the various States, because they always had been, necessarily, overflowed when "all the mighty floods were out."

As time went on a new policy was adopted, namely, of attempting to keep the river from going into those back channels. This was contemporaneous with the attempt to make the Mississippi River deeper, because in order to be deeper it must have a fixed channel and not be allowed to cut through; thereupon the river bed and surface rose foot by foot as time went on, until it got higher than the surrounding country, just as the Po is 16 feet above the surrounding fields of Italy. The Scheldt in Holland is the same, and rivers in Japan are 40 feet above the surrounding country. As the mouth makes out into the sea, the river rises on its upper bed.

By the levee system the river engineers tried to prevent the natural remedy for the rise of the river bed, which always had been that the river sometimes broke through its natural higher banks and went through the low ground to the sea by a shorter cut. Instead of allowing this it has been attempted for many years, first by the States that received these grants of lowlands and afterwards by the United States, to build a levee wall to confine the river and to keep the floods from flowing in their natural channels in the back lands.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. I would like to have one minute more.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for one minute more.

There was no objection.

Mr. PARKER of New Jersey. The Mississippi River in times of flood was often 50 miles wide. That water can not be passed by a channel a mile wide unless it is at least ten or fifteen times as deep, and that means a levee 100 feet high. The reason why certain smaller levees stand now is that other levees break and relieve them.

In the next room are some instructive maps of rainfall in the Mississippi Valley, for which, I think, we are indebted to the gentleman from Mississippi [Mr. HUMPHREYS]. One of them shows that in six days, January 26 to 31, 1916, there were 500,000 square miles of territory which seemingly received an average of a fifth of a foot of rain—that means 100,000 square miles of water a foot deep. If that water be confined in a channel 1 mile wide, even if it be 100 feet deep—much deeper than the Mississippi at most parts of the levees—it would occupy that channel for a thousand miles, and if that water pass through that channel at the rate, we will say, of 100 miles a day, it would take 10 days to pass; all that water fell in 6 days. It would take 10 days to pass if the river were 100 feet deep. It averages only 10 feet in many places. To hold the water 100 feet deep would need levees 100 feet high. But no such levees 100 feet high could be built. It is impossible to hold the floods to 1 mile in breadth. In the end we must rely upon the old-fashioned plan by which the river in flood sought and took its own broad course through the low grounds. Any plan that attempts anything else is fighting against the Power that sends the rain. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. MANN. Mr. Chairman, this bill has been to me, in its consideration, one of the most interesting parliamentary experiences in my service in the House. For years, ever since I have been a Member of the House, the river and harbor bill has carried appropriations for this identical work on the Mississippi River, and I have heard more discussion in the last two days, during the consideration of this bill, in reference to this item than I have heard during the entire 18 years of my service in the House before on this item in the river and harbor bill.

It is an interesting parliamentary experience, because, as everybody knows, the river and harbor bill is one of the bills that are called "pork-barrel" bills. I do not use the term invidiously. It is made up primarily—or maybe it is made up secondarily—with a view to having the majority of the House favor the various items in it and stand by each other and put it through; and the question frequently has been asked whether it was not possible to consider these items in separate bills on their merits. We have one of the items that is practically one of the items in the river and harbor bill on its merits now under consideration in the House.

Some of the Members are opposed to it because they are opposed to the same item in the river and harbor bill. Others are opposed to it because they do not want to take it out of the river and harbor bill, for fear it will weaken that bill as a "pork-barrel" bill in its passage through the House.

That bill goes through by inertia. During my service in the House I do not think half a dozen amendments to the river and harbor bill were ever agreed to that did not meet the approval of the gentleman reporting the bill. Gentlemen vote consistently against putting anything in the bill that is not O. K'd by the chairman of the committee reporting the bill. They stand by each other. Those gentlemen do not want to weaken the bill. The Mississippi River improvement has a large number of people interested in it. It has carried through this House more than one river and harbor bill. I think it is wise to take out of this river and harbor "pork-barrel" bill the main item in it and let the other items see if they have strength enough to work themselves through the House on their merits. I think this bill should be considered on its merits, but not because it weakens the river and harbor bill.

I have heard very distinguished and able men in this House, the ablest men we have in the House on both sides of the Chamber, oppose this bill, but in all my service I have never heard them lift their voices against the same item in the river and harbor bill. They have always supported the item when it was in the river and harbor bill and helped to carry through their own items, which would not stand on their own bottoms. [Applause.]

I wish we could have more of these things come before the House on the individual merits of the propositions and see if we could not break up a ring, to which I confess I have been a party in the past, in the consideration of the river and harbor bill, standing by what the Committee on Rivers and Harbors did because I had a valuable item in it myself and proposed to get it through, and did. [Laughter.]

I think it would be wise if we would consider more of the propositions on their merits and less on the "pork-barrel" theory.

Mr. FESS. Will the gentleman yield?

Mr. MANN. I would, if I had time.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment.

Mr. BARKLEY. Mr. Chairman, I understood that the time was to be extended to 11 minutes instead of 10, in order to give me a chance to ask the chairman of the committee a question.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Kentucky [Mr. BARKLEY] may be permitted to proceed for one minute. Is there objection?

There was no objection.

Mr. BARKLEY. I simply desire to ask the chairman of the committee why was it provided in this paragraph that the money appropriated in this act for use along the Mississippi River between the Head of the Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended upon any part of said river between the Head of the Passes and Rock Island, Ill.? What is the object of that?

Mr. HUMPHREYS of Mississippi. That is the law now—that is, it has been in the river and harbor bills that have passed the House the last three times. It is because the flood situation on the Mississippi River begins at Rock Island.

Mr. BARKLEY. Why not provide that these appropriations may be made for the Mississippi River as far as Rock Island?

Mr. HUMPHREYS of Mississippi. Because the river above the mouth of the Ohio, for the purposes of improvement, is not under the Mississippi River Commission. It is under the Chief

of Engineers, and the improvement is of an entirely different kind, by locks and dams.

Mr. BARKLEY. This puts it under the Mississippi River Commission, so far as levees are concerned.

Mr. HUMPHREYS of Mississippi. As far as levees are concerned, but the improvements up there continue under the Chief of Engineers.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

(d) No money appropriated under authority of this act shall be expended in payment for any right of way for any levee which may be constructed in cooperation with any State or levee district under authority of this act, but all such right of way shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred by any State or levee district in securing such rights of way, or in any temporary works of emergency during an impending flood, or for the maintenance of any levee line, shall be computed as a part of the contribution of such State or levee district toward the construction or repair of any levee within the meaning of paragraph (b) of this section.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. HUMPHREYS of Mississippi. May I ask, has the gentleman an amendment to offer to this?

Mr. MOORE of Pennsylvania. No; I am simply going to move to strike out the last word.

Mr. HUMPHREYS of Mississippi. Does the gentleman from Washington [Mr. HUMPHREY] want any time?

Mr. HUMPHREY of Washington. I want five minutes.

Mr. HUMPHREYS of Mississippi. Not on an amendment?

Mr. HUMPHREY of Washington. No; on a motion to strike out the last word.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes. That will accommodate the two gentlemen who desire time.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, following the address of the gentleman from Illinois [Mr. MANN], who approved of segregating the flood-control proposition on the Mississippi River from the river and harbor bill, I wish to quote from the very able report of the Committee on Flood Control, page 9.

After announcing that the Committee on Flood Control is composed of laymen, and admitting that since the organization of the Mississippi River Commission 65 engineers of the Government had been connected with it, a very strong body of men who have formulated plans which do not seem to have been entirely successful up to date, the committee comes bluntly to the point at issue. It says:

The question thus confronted was greatly simplified for the committee by the fact that Congress had already (March 3, 1881, and September 15, 1890) adopted the project—

That is to say, the old project of the Mississippi River Commission—

And during the past 35 years—

It is no new thing, you will observe—the Rivers and Harbors Committee was mighty fair to the Mississippi River Commission during all that time—

And during the past 35 years had appropriated toward its prosecution many millions of dollars.

The Flood Control Committee is very modest in the statement of the fact. The actual amount appropriated during that time for the portion of the river between the Head of the Passes and the mouth of the Ohio River was $87,000,000. But the committee continues:

The question, therefore, which demanded an answer from the committee was not whether the United States should be embarked upon some new sea of Federal activity and another channel opened up into which—

Not the waters of the Mississippi, mark you, but—

the funds of the Federal Treasury might flow, but was rather whether an adopted project which had tarried so long upon the legislative stage should now be abandoned outright or the old and costly policy of meager and inadequate annual appropriations terminated by an order to the engineers to go in and complete the job.

That was the idea. The Flood Control Committee could not wait any longer for river and harbor appropriations of six or eight million dollars per annum. The process was too slow. So the plan was to cut loose from the River and Harbor Committee, form a Flood Control Committee, come out and tell of the devastation, the loss of life, and all that sort of thing, and go in for $45,000,000 "to end the job." It is natural that the gentleman from Illinois should approve of the proposition. He believes in "the short cut" to appropriations on the Mississippi.

Now, the whole project is to reclaim 16,000,000 acres of land, a part of which, according to the Army engineers, should be owned by the Government to store up the flood waters. Sixteen million acres of ground is to be reclaimed. Estimates vary as to its value; gentlemen differ as to what it is worth, they differ as to whether it belongs to the small farmer or to the land speculator. We have not much information from the committee. But 16,000,000 acres is what we are to reclaim——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for three minutes.

Mr. HUMPHREYS of Mississippi. I shall have to object, because we have agreed on a limit of time.

Mr. LA FOLLETTE. Mr. Chairman, this bill is one of great importance. I was over at my office a little while ago and I received a letter on the subject and a few clippings. Among others there was a clipping from the News Scimitar, Memphis, Tenn., down on the Mississippi—Memphis under the hill. I will read a part of it and put it all in the RECORD. It is as follows:

[From the News Scimitar, Memphis, Tenn., Jan. 12, 1914.]

THE RANSDELL-HUMPHREYS BILL SHOULD BE ENTITLED "A BILL TO DESTROY THE NAVIGABILITY OF THE MISSISSIPPI RIVER AND TO EVENTUALLY MAKE IT IMPOSSIBLE TO PROTECT THE VALLEY FROM DEVASTATION BY FLOODS."

RIVER REGULATION AND FLOOD CONTROL.

The argument advanced against the pending Newlands bill is the old argument that it can not be passed. This argument has been used with great effect against many meritorious measures, but it has been demolished so often that it should be abandoned. At the great mass meeting held in New Orleans on November 20, the then Senator-elect, BRANDEGEE, dealt it a death blow when he declared with much earnestness:

"No man has a right to say that a bill can not be passed into which has been written the performance of the demands and a fulfillment of the pledges of the Democratic platform in the last campaign, on which President Wilson and a majority of both Houses of Congress were elected to office."

The consensus of opinion among experts is that the fundamental defect of the Ransdell-Humphreys bill is that, although it professes to be in aid of navigation, it provides for large expenditure for levees, which increase the rapidity and total volume of the caving of the banks into the river.

The Chief of Engineers reported to the Secretary of War that until the caving of banks into the Mississippi below St. Louis can be stopped it is practically hopeless to expect any improvement of low-water conditions in the river. In other words, the stream can not be continued navigable.

It is estimated that there are 749 miles of caving banks on the lower Mississippi, from which 9 acres in area by 66 feet deep for each mile is thrown in the stream, which in 50 years would mean half a million acres of land to a depth of 66 feet tumbled in to obstruct navigation.

Col. Townsend is careful enough not to say that the bed of the river is not rising, a fact which everyone familiar with the question knows. He would go no further than stating that the investigations of the Mississippi River had shown "not a deepening but an enlargement of the section," which can be nothing more nor less than a shallowing of the river by the raising of its bed.

It is claimed by those high in authority that the Ransdell-Humphreys bill should be entitled:

"A bill to destroy the navigability of the Mississippi River and to eventually make it impossible to protect the valley from devastation by floods."

This is just what the railroads want and have been working for so successfully, and this is why they are behind the levees-only people, who are making so much noise, but which is "all cry and little wool." The more the people investigate the matter the more they see the futility of patchwork and mud pies. Those who have been forced to study the question because it has been brought home to them, like Mayor Reubenstein, of Stockton, Cal., who has had experience in the San Joaquin Valley, know something about flood control. In replying to a communication from Secretary Fox, of the Mississippi River Levee Association, Mayor Reubenstein exposes the fallacies contained in the Ransdell-Humphreys bill, and states:

"Fortunately for our country a plan has been submitted that is sufficiently comprehensive to insure an orderly start on this great work and with ample means for its successful completion."

In this he is referring to the pending Newlands river-regulation bill, and he asks his correspondent to give it thorough consideration in the hope that he may see the error of his present way.

[Editorial from Duluth News-Tribune.]

THE LESSON OF THE FLOODS.

There is a man down in New Orleans who, as he sees the horrible devastation from the waters of the Ohio River and its feeders, can say, "I told you so." He is a man of vision, of ideals, of endless enthusiasm and persistence, who for years has preached flood control.

George H. Maxwell is this man, and he has labored unceasingly to convince the public that the one way to prevent such floods is to control their sources, to hold back the surplus waters at their place of origin, so that torrents would not sweep out dams, letting loose reservoirs, nor pour of their own volume over embankments, levees, dikes, and lowlands.

A fund equaling the present property losses in Ohio and Indiana would, if used for headwater control, be sufficient to forever prevent a recurrence of such a flood anywhere in the Ohio Valley.

A fund similarly equaling the losses in the lower Mississippi Valley, if used in a like way, would forever prevent such floods in that valley.

But until such means of prevention are used, until the necessary investment is made for this purpose, such floods in the future are as inevitable as the succession of the seasons.

It is useless to depend on any form of local protection. Losses will be repaired, cities rebuilt, homes reestablished, fields recultivated, crops grown, cattle raised, only again to be swept away.

This will be next year maybe, not for 10 or 20 years maybe, but some time. And every year, while not the present horror, yet lesser ones with millions of dollars of property losses, will recur.

Is not this lesson enough and will not Congress at last act to supply the only possible complete prevention?

Mr. HUMPHREY of Washington. Mr. Chairman, the distinguished gentleman from Illinois [Mr. MANN] says that this is different from the river and harbor bill. Well, it is. In this bill it is proposed to put all the pork in one barrel, and after they get it in they say that nobody else shall get any. [Laughter and applause.] My friend from Pennsylvania [Mr. MOORE] seems very much agitated because he thought the bill was principally for the purpose of taking care of the Mississippi River. I wonder what he thinks the Committee on Flood Control was formed for in the beginning? There would be no mistake if he knew where the suggestion came from and what was back of it. The purpose was to take care of the Mississippi River. They were afraid that they were not getting as much from the river and harbor bill as they wanted, and did not know as they would be able to get more than their share in that bill; and so the scheme was formed, and I have never seen a finer piece of generalship since I have been a Member of this House. When the average Member of the House found out what it was, there was a combination that nobody could stand against.

Mr. TILSON. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. TILSON. Will the gentleman explain why the Sacramento Valley was taken onto the segregated process that the gentleman from Illinois referred to?

Mr. HUMPHREY of Washington. I imagine it was taken on because there was some feeling that, in order to get the Mississippi through, they had better extend a little bit, and after it was once through it could be very easily shut down on. I have been very much amused to see some of my good colleagues who think they are going to get something sometime from the Committee on Flood Control. I make the prophecy that after this bill is passed none of us will ever live to see the day that this committee will make an appropriation for another river. After you take care of the Mississippi, the rest of the rivers can take care of themselves. There is no difference whatever, as far as the Mississippi River is concerned, in regard to the flood problem than any other, except as to size. It contains no more merit and no more necessity for improving the Mississippi River in this way and taking the Government money than there is in improving any other section where there has been overflows and floods.

Mr. GALLAGHER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. GALLAGHER. The gentleman spoke of the river and harbor bill. It might be that it was taken out of there because the river and harbor bill is not a sure thing.

Mr. HUMPHREY of Washington. If they had been getting as much or more than they wanted out of the river and harbor bill, I do not think there would have been this agitation.

The CHAIRMAN. All debate is exhausted and the Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

That the watercourses connected with the Mississippi River to such an extent as may be necessary to exclude the flood waters from the upper limits of any delta basin, together with the Ohio River from its mouth to the mouth of the Cache River, may, in the discretion of said commission, receive allotments for improvements now under way or hereafter to be undertaken.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. HUMPHREYS of Mississippi. Can we not agree on a limitation for debate? The gentleman has no amendment except to strike out the last word.

Mr. FREAR. I want to offer an amendment and have five minutes on it.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have a committee amendment which I desire to offer, and I will ask the gentleman from Pennsylvania to defer his remarks for a moment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add as a new paragraph, after line 2, page 4, the following——

Mr. STAFFORD. Mr. Chairman, I make a point of order. I understand the amendment now proposed is a new paragraph, whereas the gentleman from Wisconsin [Mr. FREAR] says that he wishes to offer an amendment to the paragraph which has just been read.

Mr. FREAR. That is all right.

Mr. STAFFORD. I withdraw the point of order.

The Clerk read as follows:

Add as a new paragraph, after line 2, on page 4, the following:

"Upon the completion of any levee constructed for flood control under authority of this act, said levee shall be turned over to the levee district protected thereby for maintenance thereafter."

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. This amendment having been offered, and it being a new paragraph, are we precluded from discussing the paragraph as it stands in the bill?

The CHAIRMAN. The Chair thinks not.

Mr. MOORE of Pennsylvania. Then, Mr. Chairman, may I be recognized to discuss the paragraph at this time?

Mr. HUMPHREYS of Mississippi. What is the gentleman's parliamentary inquiry?

Mr. MOORE of Pennsylvania. The gentleman introduced an amendment to the bill in the nature of a new paragraph. My inquiry is whether we are precluded from discussing the paragraph as printed in the bill.

Mr. HUMPHREYS of Mississippi. Oh, no.

Mr. MOORE of Pennsylvania. We may not revert to it if the gentleman's amendment is adopted.

Mr. HUMPHREYS of Mississippi. That question was asked me by the gentleman from Wisconsin [Mr. FREAR]. He said he had an amendment. I will ask the gentleman to just let this amendment be considered as pending.

Mr. MOORE of Pennsylvania. But this is a new paragraph.

Mr. MADDEN. I wish to ask the gentleman from Mississippi a question.

The CHAIRMAN. Does the gentleman from Mississippi yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MADDEN. Does the language of the amendment of the gentleman from Mississippi, which provides for the turning over of these levees to the owners of the land, when constructed, mean that the private owners are in the future obliged to reconstruct them if that should be necessary?

Mr. HUMPHREYS of Mississippi. It provides that they shall maintain them.

Mr. MADDEN. Suppose it should so happen that they are required to be reconstructed?

Mr. HUMPHREYS of Mississippi. There is no requirement of that kind. They have to maintain them or they will get soaked. The theory we proceed upon is this, and I will state it to the gentleman for it does not seem to be understood by anyone who is discussing it. The levee at present is high enough as a rule. All this volume of water is carried between the levees that are there now. There has been a lot of wild talk here about this matter, but all that we are trying to do is to strengthen the levees. That is not going to raise the water any higher. This last flood was carried all of the way down the river to below Vicksburg before there was any crevasse.

Mr. MADDEN. The point I wish to make in connection with the amendment of my friend from Mississippi is this: I thought the language of the amendment ought to be broad enough to convey the idea that the owners of the land should not only be compelled, when the levee is completed, to maintain it in the future, but to reconstruct it in case it should have to be reconstructed.

Mr. HUMPHREYS of Mississippi. We could not do that. The gentleman from Illinois [Mr. CANNON] the other day asked me why it was that we had a provision of this kind in respect to the Sacramento River and not in respect to the Mississippi. I explained to the gentleman at that time why it was that it so happened and said that there was no objection to putting in a similar provision in respect to the Mississippi River, and that I would offer that amendment at the proper place. So I have just copied the Sacramento provision and have offered it and will ask that it be considered pending.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I yield to the gentleman.

Mr. STAFFORD. Has the gentleman considered the proposal as to the right of the United States to condemn some of these levees in case the engineers should determine in later years that they were in the wrong place and were impeding navigation?

Mr. HUMPHREYS of Mississippi. Oh, yes. Let me say this to the gentleman: The United States has that right now. The question of the location of the levee lines is left to the local interest for this reason: The Mississippi River Commission, as a matter of fact, agree on where the levee shall be located, and then they say to the local authorities, "You go ahead and locate it." They tell them where it should be located, and then the

State of Louisiana, for instance, or the levee board, locates it and is responsible for all of the damages which occur.

Mr. STAFFORD. My question was predicated upon the idea whether, after the location and after the transfer to the local districts for maintenance, the National Government then would have any right to have these levees removed in case they interfered with navigation.

Mr. HUMPHREYS of Mississippi. The National Government would undoubtedly. The gentleman understands that there is no river on the face of the earth that has ever been studied as has the Mississippi River. There is no difference of opinion among the engineers who have been sent by the Government to make this investigation. They have worked at it continually for 35 years and they agree with conclusion reached by the engineers that this is the way to control floods, and that the revetment, about which the gentleman, in my opinion, unfairly complained, is the only way, the sole way by which the navigability of the river can be preserved. Now, they have all agreed upon that; there is no disagreement among Government engineers on that proposition. Of course, if it should develop in years to come that they were mistaken and that these levees were obstructions to navigation, unquestionably there would be the right to relocate them or have them torn away and subject that country once again to devastation.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. LENROOT. Will the gentleman yield——

Mr. MOORE of Pennsylvania. Mr. Chairman, I hope this will not be taken out of my time, and I will yield to the gentleman to ask a question if he so desires.

Mr. LENROOT. I wanted to ask the chairman at this time——

Mr. MOORE of Pennsylvania. Mr. Chairman, have I been recognized?

The CHAIRMAN. Yes; the gentleman has been recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I shall have to insist——

Mr. HUMPHREYS of Mississippi. Can not we agree upon time?

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. HUMPHREYS of Mississippi. I know, but I just wanted to ask—of course, this does not come out of his time—to see if we can not agree on debate on this section and all amendments.

Mr. BARKLEY. I want about seven minutes.

Mr. LENROOT. And I would want about three minutes to ask some questions.

Mr. HUMPHREYS of Mississippi. Can we agree that debate on this section and all amendments thereto close at 5.30?

Mr. MANN. All right.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close at 5.30.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this section and all amendments thereto close at 5.30. Is there objection?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I had in mind certain gentlemen who arose for recognition—the gentleman from Pennsylvania [Mr. MOORE], the gentleman from Wisconsin [Mr. FREAR], the gentleman from Iowa [Mr. GREEN], the gentleman from Washington [Mr. LA FOLLETTE], the gentleman from Wisconsin [Mr. LENROOT], the gentleman from Kentucky [Mr. BARKLEY], and I should like the last five minutes.

The CHAIRMAN. What is the agreement?

Mr. HUMPHREYS of Mississippi. That the gentlemen whose names I called be recognized, and that debate on this section and all amendments thereto close at 5.30.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this section and all amendments thereto close at 5.30. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, when this matter came before the Committee on Rivers and Harbors the gentlemen favoring the improvement of the Mississippi usually argued for navigation. They did not care so much about discussing flood control at that time. It was the custom when they came before the committee, of which I am not and never have been and never expect to be a member, for the gentlemen to prove that what they wanted to build levees for was to protect the interests of navigation, but now, as some one said to-day, and I am not saying it invidiously, under the auspices of the Flood Control Committee, the "mask is off," gentlemen are out in the open advocating this large appropriation to protect the land, to protect land that is privately owned against the ravages of floods.

Now, I believe that we ought to do all we can to improve the Mississippi, and I have voted when the river and harbor bill was up to help it along, although I have not always been satisfied that the methods pursued were the best. Our experience in the East has proven, in some instances, at least, that if you contract the flow of a stream and increase the rapidity of the flow, the danger of flood increases. Where we build bridges or otherwise impede the flow of the water we add to the possibility of flood. The Mississippi is not so vastly different from other streams in this respect. But while we all agree that we would like to extend measures of relief to the Mississippi, we must not forget that, under the auspices of the good old Committee on Rivers and Harbors, the Mississippi River got $87,000,000 from the Head of the Passes to the mouth of the Ohio, and that as a whole the Committee on Rivers and Harbors saw to it that the river was provided with $168,000,000, and that now, because it is too slow a process, the Mississippi River breaks away from its old associations and comes in under the new system, stealing a march upon other worthy rivers, and seeks to obtain $45,000,000 at one time, by a short and sure cut, in order to protect 16,000,000 acres of land.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. MOORE of Pennsylvania. No; I can not yield. Sixteen million acres of land! That looks like a large area. But, as I have stated, there are other sections of the country that need protection against flood, and that must be postponed if this bill with its large appropriations goes through. For example, take the State of Virginia. See where it stands. How much land has that State awaiting the hand of the tiller to-day? Valuable land that does not need reclamation. The total amount of land area in Virginia is upward of 25,000,000 acres, of which only four million and odd acres are under cultivation at the present time. That leaves for improvement and cultivation in the one single State of Virginia 21,500,000 acres, a great deal more than you have here under consideration in these various States which you picture so graphically upon the map and upon which you want to spend this additional $45,000,000. To-day there is uncultivated and awaiting the hand of the tiller in Virginia alone nearly 10,000,000 acres, more than half of all that you propose to reclaim by the expenditure of this $45,000,000 appropriation along the Mississippi Valley. Apparently Virginia must wait for her improvements until you get through.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FREAR. Mr. Chairman, I wish to offer an amendment to strike out all after the enacting clause and substitute the waterway bill that I have. I want to read but one section, by unanimous consent, if I may, because this has a direct bearing upon the proposition that is under consideration.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GARRETT. Of course, it is understood that points of order are reserved?

Mr. FREAR. Yes; I understand that. That is why I do not want to read it all. I will read the paragraph commencing page 4, line 22, and ending with line 10 of page 5. I read:

The commission shall make a full investigation into all work now being performed by the Mississippi River Commission, the amount of money heretofore expended on such river, character and permanency of work performed, and reclamation interests now being served if there be any, a full statement of contributions by public or private interests toward said work, together with a comprehensive and intelligible report of the probable cost of the present plans of levee construction or other river improvement now being undertaken, the percentage of project completed, and this commission's recommendation thereon. Such Mississippi River report shall be separate and distinct from reports on other projects now under improvement by the Federal Government.

Following is the entire amendment offered by Mr. FREAR:

That a commission is hereby created and established, to be known as the national waterway commission, hereafter referred to as the commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not

impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 2. That each commissioner shall receive an annual salary of $10,000, payable in the same manner as the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $5,000, payable in like manner. The commission shall have the authority to employ and fix the compensation of civil engineers, clerks, and other employees as it may from time to time and necessary for the proper performance of its duties and as may be from time to time appropriated by Congress, and in making appointments for continuous service the commission, so far as practicable, shall select its employees from the classified service.

All property of the United States in the hands or under the control of Army engineers or other officials or of private individuals or public contractors, including dredges, steamboats, barges, yards, and other property used in the improvement of public waterways, shall be placed under the jurisdiction and authority of the commission.

SEC. 3. That the Secretary of War may, if practicable, detail such Army engineers as are requested by the commission to assist in organizing and establishing a comprehensive system of waterway improvement, providing that such details of engineers shall not be made to the detriment of their military duties.

SEC. 4. That the commission shall have the authority and it shall be its duty to make an investigation of all waterway projects now constructed in whole or in part by Federal aid. The commission shall prepare a complete and succinct statement, by years, of the amount heretofore appropriated for each project, the estimated amount required to complete such project, a report of the commerce now served and to be served, the character of such commerce given by separate items so far as can be furnished, the source of information, the interests to be served, the kind of water craft used, and such other information as may be useful in determining the public use and value of the project. The commission shall also furnish Congress, at the earliest practicable date, information concerning all harbors and waterways now improved or being improved in whole or in part by Government aid, showing the amount of commerce, character of terminals or landings, ownership thereof, and, so far as practicable, ownership of regular lines of craft used thereon; and the commission shall also report its recommendations for the finishing of the projects now being constructed or modification of existing plans or abandonment of work on any project, together with findings upon which such recommendations are based.

The commission shall further ascertain and report what projects are now being improved for purposes other than navigation, and if for power development, a full statement of interests concerned, officers and stockholders, public use to be served, if any, private or public contribution toward expense of construction, and the commission's recommendations thereon. Said commission shall further ascertain and report what projects are now being carried on in whole or in part for land reclamation purposes, the character of such project, amount of lands to be recovered, estimated value of such lands, ownership thereof, and contributions now being made by beneficiaries toward such expenditures, together with the commission's recommendations.

The commission shall make a full investigation into all work now being performed by the Mississippi River Commission, the amount of money heretofore expended on such river, character and permanency of work performed, and reclamation interests now being served, if there be any, a full statement of contributions by public or private interests toward said work, together with a comprehensive and intelligible report of the probable cost of the present plans of levee construction or other river improvement now being undertaken, the percentage of project completed, and this commission's recommendation thereon. Such Mississippi River report shall be separate and distinct from reports on other projects now under improvement by the Federal Government.

All of such data and all other available information of a pertinent character affecting particular projects or entire waterway improvements now being conducted by the Federal Government shall be collected in convenient form and presented to Congress in installments at the earliest practicable date.

When the commission shall have reason to believe at any time that the proposed project is not for general use of the public or will not warrant further expenditures, or if contributions shall be required to be furnished before further appropriations are made or further expenditures authorized, such commission shall immediately report to Congress, with a preliminary recommendation thereon, and shall furnish a copy thereof to the United States Treasurer. That thereupon, when so recommended, the Treasurer shall withhold all funds theretofore appropriated not specifically obligated under existing contracts and shall refuse further payments until subsequent and specific action shall be had thereon by Congress.

SEC. 5. That prior to the presentation of any new waterway project appropriations the commission shall cause a careful survey of the proposed improvement, and if it shall appear such project is to serve a public use and is feasible, the commission shall thereupon collate data showing the estimated cost thereof, commerce to be served, water craft to be used, public terminals furnished, and contributions recommended to be made by public or private interests, together with such additional data as has heretofore been specifically required to be furnished on existing projects. The commission shall thereupon transmit to the Committee on Appropriations of the House of Representatives a full report concerning such new project or projects, its recommendations thereon, and, if requested so to do, all other and further information that may be required by the Committee on Appropriations.

Whenever the commission shall determine that any waterway project is primarily for power or land reclamation purposes or to serve special interests, the commission may recommend Government aid for such project, notwithstanding the special interests to be served, and shall prepare data showing the proportionate amount of Federal aid recommended, together with suitable restrictions as to audit and payment of funds from the Public Treasury. Such recommendation shall be presented as a proposed separate bill to the Committee on Appropriations of the House and shall not be embodied in any general waterway appropriation bill by such committee.

Whenever any new survey shall be proposed for any waterway project the commission, prior to such survey, may require data to be furnished showing the public use and prospective commerce to be served and such other information as may be desired, and a brief synopsis of such information shall be furnished to Congress by the commission to accompany any recommendations made for new surveys.

All existing waterways, new projects, and new surveys shall be classified, so far as practicable, prior to each regular session of Congress, together with estimates of appropriations required for maintenance and improvement for the ensuing two-year period, and a brief report as to each project considered shall be separately prepared and, with the commission's recommendation thereon, shall be placed in the hands of the Committee on Appropriations of the House at the beginning of each session.

Whenever the Appropriations Committee so requires, the commission shall furnish additional data concerning any project, and shall further aid the Committee on Appropriations when request so to do in the preparation of the regular river and harbor bill which shall be prepared and presented by the Committee on Appropriations of the House.

The commission shall further compile and cause to be published at the earliest practicable date for the use of Congress an intelligible, concise statement of past waterway expenditures by the Government and of amounts needed to complete all continuing projects, and shall further give estimates of future obligations to be incurred by new projects recommended for construction. The commission shall give preference in its recommendations to Congress of appropriations needed to complete the more important projects, and, so far as practicable, shall enter upon a program looking toward the early completion of such projects.

The commission shall make a thorough investigation of reasons for loss of river traffic and shall make recommendations for the reestablishment of such traffic. It shall ascertain and determine the most available craft for river use, and, as soon as practicable, shall prepare plans and build experimental craft for such purpose.

Whenever reason therefor shall appear the commission may fix reasonable freight rates on all interstate water-borne traffic by common carrier and upon all such traffic on navigable waters wholly within the State, subject, however, to the jurisdiction now conferred by law on the Interstate Commerce Commission to fix maximum joint rates between and over rail and water lines.

The commission shall determine the reasonableness of wharfage or water-terminal charges, whether such terminals are owned by private persons or municipalities, and all river and harbor improvements, including terminal facilities, shall be under the supervision and control of the commission.

Whenever the commission shall determine that unprofitable railway freight tariffs are maintained in any given case in order to prevent waterway competition, it shall be the duty of the commission to make a report thereon in duplicate to the Interstate Commerce Commission and to Congress, with recommendations that Congress give power, if need be, to the Interstate Commerce Commission for fixing minimum railway rates.

The commission shall at the earliest practicable date adopt an intelligent system of natural waterway improvement and shall perform such other and further duties as may present themselves from time to time.

Whenever it shall be desirable to secure sworn testimony from any witness or witnesses relating to any project or to navigation generally, or whenever the commission shall have reason to believe that private interests are secretly or improperly seeking to influence the commission or to force the passage of any private or public waterway measure through Congress, the commission may cause a hearing or summary investigation to be held, and for that purpose may issue summons, subpenas, or other writs in the same manner and under the same procedure as is more specifically set forth in the act to regulate commerce approved February 4, 1887, and the amendments thereto, which portions of such act relating to procedure, so far as applicable, are made a part of this act, and may bring before such commission all parties believed to be informed concerning the facts or interested in the passage of such measure. A complete record shall be preserved of the testimony taken at such hearing and a certified transcript thereof shall be transmitted immediately to the Committee on Appropriations.

SEC. 6. That all unexpended balances to the credit of any project not specifically obligated under existing contracts shall from the date of the passage of this act be transferred by the Treasurer to the general fund, and all vouchers thereafter paid by the Treasurer shall be upon order of the national waterway commission.

SEC. 7. That the sum of $500,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury, to carry out the provisions of this act.

Mr. FREAR. I ask unanimous consent to waive the reading of the rest of it. I realize that a point of order may be raised to it. But I wanted to offer this, in answer to several gentlemen who have asked what recommendation can be offered as a substitute for what is proposed in this bill. This would permit an investigation by a high-class commission, as is provided in this case, the highest class commission that can be conceived of, I take it, to make a thorough investigation. I have presented in the RECORD of Monday many complaints made by people of high standing throughout the Mississippi Valley, men of high character, newspapers, and citizens generally, who say that the levee plan is not a successful one; that it is not only dangerous in character, but a standing menace to the people of the valley; and that it will have to be abandoned in a very short time.

If that is so, we ought not to proceed hastily, and this commission bill that I introduced some time ago carries with it this particular provision, whereby an investigation shall be made of this whole subject—the Mississippi River flood problem—a careful investigation, not a two months' committee investigation. I realize that this committee has acted upon information that must come to it from Army engineers, and——

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Certainly.

Mr. CLARK of Missouri. I would like to ask the gentleman if this same subject has not been investigated off and on for the lifetime of a generation?

Mr. FREAR. I presume that is true, Mr. Speaker.

Mr. CLARK of Missouri. What is the sense, then, of investigating it any more?

Mr. FREAR. Because of the complaints that have been made, and repeatedly made, by the people who are more affected

than anybody else in the district, those who live in the valley who say that the present plan is not a successful one, and that it has been practically turned over to Army engineers, that floods are caused by levees and much property destroyed. Now, the purpose is to extend it beyond the usual scope of Army engineers, and select a high-class commission of the ablest men we can find in the country, men like Gen. Goethals, and distinguished men of that character, who will ascertain whether or not this levee plan is a success, or will ever be a success, before we spend $45,000,000 or more, as provided in this bill.

Mr. CLARK of Missouri. What kind of an investigation would you undertake to find out whether the levee system is correct or not? That is the whole thing involved here. The rest of it is mere detail.

Mr. FREAR. I say many people in the valley who have lost their property because of building of narrow levees that break in flood time, high-class people who are vitally interested in this matter and whose property is at stake, they have a right to protection; men who have made a study of this problem say reclamation of lands is directly antagonistic to flood control for reasons I have stated. We ought to have the best thought in the country. Army engineers have been experimenting for years and changing plans and estimates. We should know from the best men in the country what course to pursue.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. I would like to have two minutes more in order to answer the Speaker.

Mr. HUMPHREYS of Mississippi. We have not the time.

Mr. FREAR. I realize that the amendment may be subject to the point of order.

Mr. GARRETT. I make the point of order.

Mr. STAFFORD. Mr. Chairman, it has never been reported.

Mr. GARRETT. That is very true, but by unanimous consent it was agreed that it might be printed without being read.

Mr. STAFFORD. Unanimous consent has never been granted.

Mr. GARRETT. I so understood.

Mr. STAFFORD. It was never submitted.

Mr. FREAR. As far as I am concerned, I am perfectly willing to have it appear in the RECORD without being read. It will appear in the RECORD, I assume.

Mr. GARRETT. Yes.

The CHAIRMAN. The point of order is sustained. Unanimous consent is asked that the amendment be printed in the RECORD without reading. Is there objection?

There was no objection.

[The amendment appears on pages 7785 and 7786.]

Mr. WILSON of Louisiana. Mr. Chairman, in reply to the statement of the gentleman from Wisconsin [Mr. FREAR], which has been repeatedly made, that the people of the lower Mississippi Valley are divided on this question, I desire to read into the RECORD a telegram showing a resolution just passed by the General Assembly of Louisiana:

BATON ROUGE, LA., *May 19, 1916.*

Hon. BEN. G. HUMPHREYS,
Washington, D. C.:

The General Assembly of Louisiana has passed the following resolution:

"Whereas the interests of this State imperatively require the adoption by the Congress of the bill now pending in the House of Representatives, known as the flood-control bill: Be it

"*Resolved by the house of representatives (the senate concurring)*, That the Congress of the United States be informed that it is the desire and hope of this legislature that the said bill be passed without delay in order that the relief contemplated thereby may be immediately available for the people of this State and of the Mississippi Valley: Be it further

"*Resolved*, That the contents of this resolution be telegraphed to the chairmen of the proper committees of the Senate and the House of Representatives of the United States."

O. H. SIMPSON,
Secretary of the Senate.
THOS. W. CAMPBELL,
Clerk, House of Representatives.

I desire to say that just a few days ago the Association of Commerce of the city of New Orleans passed a resolution indorsing this bill, and that every daily newspaper in the city of New Orleans has editorially indorsed the provisions and recommended the passage of the bill. I make that statement relative to the newspapers, because a statement printed back in 1913 has been circulated among the Members of the House to make it appear that the New Orleans Item was opposing the bill. But that is not true, because since this bill has been before the House that newspaper has editorially indorsed it and recommended its passage.

I yield back the remainder of my time.

Mr. LENROOT. Mr. Chairman, if I may have the attention of the chairman of the committee with reference to the paragraph that is now pending—

Upon the completion of all works for flood control herein authorized the said works shall be turned over—

And so forth, may I ask the gentleman what the present condition is, as to whether or not some of these levees are Federal property and belong to the Government?

Mr. HUMPHREYS of Mississippi. No; they are not Federal property. The title to the right of way is in the levee board.

Mr. LENROOT. What control has the Government now, or what right to exercise control over these levees has it after it has expended its money upon them?

Mr. HUMPHREYS of Mississippi. I do not understand just what the gentleman means by what control. As far as maintenance is concerned, or protection?

Mr. LENROOT. In any respect. Suppose it desired to increase the height of a levee?

Mr. HUMPHREYS of Mississippi. Undoubtedly the Government can do that. That is exactly what we expect to do under this bill. The levee lines are nearly all completed. There are very few gaps. There are only two gaps that I recall now in the line. The levees are high enough in most places. They were high enough this last year to carry that entire flood almost to Natchez on the Mississippi before there was a break. What they need is to be strengthened by work behind the levees, to make them strong, so that they will not break. For good reasons they are located by the local interests. The Mississippi River Commission prefer that they should be. They have said so to our committee that they greatly prefer to have the line located by the local interests. As a matter of fact, they get together and determine where they will put the line. The commission, of course, can finally say where the line must be, because the commission have the money, and they say, "We will give you the money, but you must build the levee here." They have always done that. There has never been any conflict between them.

Mr. LENROOT. Are there any levees upon the lower Mississippi that are now Government property?

Mr. HUMPHREYS of Mississippi. Yes; there are several levees. They do not protect any property from overflow, however. For instance, here is a sharp bend in the river that runs up 4 or 5 miles, that has no levees on it at all.

Now, in order to prevent the river from flowing over the bend and cutting across and thereby destroying the navigability—it is a great calamity when we have a cut-off in a bend—the Mississippi River Commission will build a dike which comes out from the main line of levees running right straight down the middle of the bend. It does not protect anybody from overflow, but it is a Government levee, and the Government maintains it and owns the right of way.

Mr. LENROOT. I am entirely in accord and sympathy with the gentleman's amendment, but I want to ask him, in order to safeguard any rights the Government has, would he have any objection to adding this to his amendment, "But for all other purposes the United States shall retain such control over the same as it may have a right to exercise after completion"?

Mr. HUMPHREYS of Mississippi. I do not know that I would. I will look it over and see.

Mr. LENROOT. I will reserve the balance of my time.

Mr. GREEN of Iowa. Mr. Chairman, it is with considerable hesitation that I rise to oppose the bill which has been unanimously reported by the committee, headed by the distinguished gentleman from Mississippi, in whose ability and integrity of purpose the whole House has so much confidence. But I think it is plain why this committee was appointed, and it has well carried out the purpose of its appointment. No matter what might have been the appetite of any gentleman in this House for pork, if $50,000,000 more had been added to the river and harbor bill, of which $45,000,000 was to be expended on the Mississippi River, there would not have been 50 gentlemen in the House who could have swallowed it.

It is quite apparent that this committee was created for the purpose of adding an enormous amount for the reclamation of lands in the vicinity of the Mississippi River which could not have been obtained if this item had been left in any form in the river and harbor bill.

Mr. MEEKER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MEEKER. Does the gentleman mean to say that the purpose of this committee, advocated by the Speaker of this House and supported by him, was for the purpose of a reclamation proposition in the Mississippi River? Does he want that to stay in the RECORD as his opinion?

Mr. GREEN of Iowa. I have heard nobody deny it

make the improvement for the ensuing two-year period, and a brief report as to each project considered shall be separately prepared and,

Mr. FREAR. Because of the complaints that have been made, and repeatedly made, by the people who are more affected

I yield back the remainder of my time.

to stay in the RECORD as his opinion?

Mr. GREEN of Iowa. I have heard nobody deny it.

Mr. MEEKER. Nobody has been foolish enough to make such a statement until right now. [Laughter.]

Mr. GREEN of Iowa. I am obliged to the gentleman from Missouri for his courtesy and fairness, which is of the kind which is characteristic of him. I think I fully understand what I am talking about, and I make the same statement that has been made fifty times since this discussion started and nobody has denied it. It is a reclamation project pure and simple, and everybody knows it and understands it as well as it could be understood if it had been engraven in letters 50 feet high.

Mr. CLARK of Missouri. I would like to ask the gentleman from Iowa a question.

Mr. GREEN of Iowa. I will yield with pleasure.

Mr. CLARK of Missouri. I would like to ask the gentleman if he does not know that they have established a boat line to run from Kansas City to St. Louis and that at all these towns on the Missouri and Mississippi they are fixing river terminals, and that they are raising $2,000,000 in St. Louis to put a line of boats on from St. Louis down to New Orleans?

Mr. GREEN of Iowa. I have so understood.

Mr. CLARK of Missouri. We are trying to get navigation started on the river again and we intend to do it. [Applause.]

Mr. GREEN of Iowa. Let me say, in all deference to the distinguished gentleman, that you will never get navigation through any such project as this.

Mr. CLARK of Missouri. What kind of a project can you get navigation through? That is what I want to find out.

Mr. GREEN of Iowa. If the gentleman from Missouri will let me proceed I will tell him. The only project that will help navigation is a revetment project, which the engineers of the War Department have reported will cost upward of $158,000,000. I have had some experience on the Missouri River. I have had none on the Mississippi River, but I have seen acre after acre of a whole farm swept away into the Missouri River. I understand the same thing occurs along the Mississippi River.

Mr. CLARK of Missouri. I would like to ask the gentleman if reveting the banks is not exactly the same process as building a levee, if it has not the same effect?

Mr. GREEN of Iowa. The distinguished gentleman surely does not think that revetment is a similar process to building a levee? It is altogether different.

Mr. CLARK of Missouri. Let me ask the gentleman one question more. Does it not aid navigation just as much to keep a ton of débris from falling into the river as it does to dig it out after it has fallen in? [Laughter and applause.]

Mr. GREEN of Iowa. A great deal more, and that is the reason why, for navigation purposes, it is necessary to put in revetment instead of building levees, which sooner or later are bound to tumble into the river.

Revetment does not prevent floods; it simply secures the channel of the river and prevents the caving of the banks. It does not raise the natural banks of the river, but it prevents the main channel being one month in one place and the next month a mile, or sometimes 10 miles, away, with perhaps no water at all in the old channel.

Mr. BARKLEY. Mr. Chairman, it is a source of regret to me that the distinguished gentleman from Pennsylvania [Mr. MOORE] and the distinguished gentleman from Washington [Mr. HUMPHREY], who in the few speeches they have made since I have been here during the last four years have always appeared to be so broadly national in their views, have become so narrowly provincial when a proposition is under consideration which by all of the political parties of the Nation has been declared to be a national problem; and if it were not for the fact that we all recognize the disinterested qualities of their statesmanship we might have the right to assume that the reason they are against this project is because their feet have been eliminated from the trough of pork-barrel appropriations against which they proclaim now so loudly, but in which they have participated so freely in bills heretofore. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. For just a question.

Mr. MOORE of Pennsylvania. The gentleman's feet are still in the river and harbor appropriation bill, are they not?

Mr. BARKLEY. They are not only in the river and harbor bill——

Mr. MOORE of Pennsylvania. But they are also in this, so he has it coming and going.

Mr. BARKLEY. If my feet are in this bill and in the river and harbor bill, that is not the reason why I am in favor of the bill; but from the gentleman's remarks, judged by his conduct, he opposes this bill because of the fact that his feet are not in it as well as in the river and harbor bill. In the Mississippi Valley our feet are in the trough of its great flood waters, and we are by this bill trying to get them out onto dry land.

Mr. Chairman, this is not, as the gentleman from Iowa [Mr. GREEN] says, purely a reclamation project, when the water of more than 31 States and part of the Dominion of Canada sweeps down the Mississippi River and destroys the property and drives people out of their homes, and in many cases causes them to lose their lives. It is not a reclamation project when we undertake to pass legislation to protect them from these floods. [Applause.] I am sorry that my good friends, these two distinguished gentlemen, these deputy Republican leaders, the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Washington [Mr. HUMPHREY], see fit so vociferously to oppose this project, which everyone recognizes as not a matter of charity, not a matter simply of reclaiming waste lands, but a matter of justice in undertaking to protect the people of the Mississippi Valley from the flood waters of 31 States. I happen to live in the Mississippi Valley. I have swum in the waters of that stream. There is no stream in the United States, none in the world, which is so treacherous and so damaging and so dangerous as the Mississippi River, especially when the floods come down from all of these States. I have seen poor people, tenants, landowners, farmers, laboring men of every description driven out of their homes onto the hills, and I have seen refugees come in from one State to another in order to receive protection and food and to protect their lives or property; and because we want to try to protect these people and their property, which they have spent a lifetime in accumulating, the gentleman from Iowa [Mr. GREEN] and others rise up and say it is a reclamation project and unworthy of attention. Heretofore the Mississippi River Commission has taken the position that it could not expend the funds allotted to it in the river and harbor bill for flood control, but could only use them in aid of navigation. In this bill we give them authority to expend these funds to protect life and property from the great floods of the Mississippi Valley, and I hope the bill will speedily become a law.

Mr. LA FOLLETTE. Mr. Chairman, there has been $168,000,000 or $170,000,000 already spent for flood control on the Mississippi River, and it has been expended in about the same way that this will be expended, and as yet you have not controlled any floods, and the navigation is less now that it was 25 years ago.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield for a correction?

Mr. LA FOLLETTE. Yes.

Mr. HUMPHREYS of Mississippi. I am sure the gentleman does not want to misstate the facts. Of that $168,000,000, $29,000,000 has been spent for levees and $43,000,000 for revetments, and the rest of it was spent from the headwaters of the Mississippi all the way down solely in the interest of navigation, including what has been expended in building jetties at the mouth of the river.

Mr. LA FOLLETTE. That is all right, but it has been spent on the Mississippi River to improve navigation and for flood control.

Mr. HUMPHREYS of Mississippi. Not for flood control.

Mr. LA FOLLETTE. The gentleman confesses in his own figures that half of it has gone into levees and revetments.

Mr. HUMPHREYS of Mississippi. Yes; but revetment is in behalf of navigation.

Mr. LA FOLLETTE. What I want to say is this: I am in favor of flood control, but I think under this bill that flood control is a misnomer. You leave the waters at the head of these streams to go down uninterrupted, and you narrow up your channel below, and consequently in time the water tears out the levees and your banks and floods the country; and you will be coming back to Congress for forty or fifty million dollars more over and over again, and it will be that way for the next hundred years if you can get the people to put up the money. If you had expended one-half of the money at the head of these streams, taking care of the floods at their inception, you would not only have prevented the damage below and the water could have been used, especially on the west side of the Mississippi River, to take care of thousands, hundreds of thousands of acres of semiarid and arid lands, and that on the east side to gradually be turned into the streams for the improvement of navigation during the low-water period, also preventing stagnation, thereby contributing to the comfort and health of those living in proximity to the streams.

It is not the expenditure of money that I complain of; it is the unwise way of expending it, trying to control floods at the lower end of a stream instead of starting where the floods originate. I think that the principle is wrong, not that I find any fault with the intent. I think that the intent is all right, but

I do not think you will make a success of this method after you have expended your $45,000,000. You will reclaim some of this land for a while, and then it will be flooded and swamps again in the future; and until some comprehensive plan is formulated and entered into to take care of the waters up at the heads of these streams you will never have any flood control.

Mr. COOPER of Wisconsin. Mr. Chairman, I only want to ask one question of the chairman of the committee. The gentleman from Washington [Mr. LA FOLLETTE] just stated that the proper way to control these floods was to begin at the head of these streams. Now, as I understand, from what I have read and heard on the floor here, this last great flood in the Mississippi Valley did not have its origin at the headwaters of these streams, did it?

Mr. HUMPHREYS of Mississippi. No; neither did the flood of 1912 nor the two floods of 1913 nor the flood of 1916. If there had been a dam that could not have been passed constructed at Pittsburgh and another one at St. Paul and another at Keokuk, it would not have affected the height of the flood in the lower Mississippi 6 inches.

Mr. COOPER of Wisconsin. That is what I have heard.

Mr. HUMPHREYS of Mississippi. This theory about the reservoirs is a beautiful dream, and it is one that appeals to the imagination of men and commends itself to their favor until they are charged with the responsible duty which devolves upon this committee of actually studying the question. Now, the engineers are hard-headed fellows. They have to take pen and paper in hand and figure. They have to estimate, they have to investigate this subject just as thoroughly as they can. This question of reservoirs is not new. It was urged most strongly in Congress in 1850 when Congress finally set great engineers to work, a commission known as the Humphreys-Abbott Commission—not a relative of mine, I am sorry to say; a very distinguished man, however—another distinguished member of the family. [Laughter.] Now, those engineers made a most thorough investigation of the river for 10 years. Their report is the most comprehensive report that has ever been made upon any river on the face of this earth. They went very thoroughly into this question of reservoirs, and they demonstrated the inadequacy of reservoirs.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. In a moment I will yield. The Civil War came on about that time, and after the Civil War, in 1875, we appointed another commission of engineers, known as the Warren Commission, headed by Gen. Warren, United States Army Engineers. They made another very elaborate investigation into this subject. They reported again the inadequacy of reservoirs. In 1879 we created the Mississippi River Commission, just such a commission as the gentleman from Wisconsin [Mr. FREAR] wants now to create. But he does not believe in Army engineers, just as some gentlemen then did not believe in them, but I was struck by the remark of the gentleman from Wisconsin [Mr. FREAR] when he said that he did not want these Army engineers, but he wanted some distinguished engineer like Col. Goethals. He was the only man he mentioned, and he is an Army engineer.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. HUMPHREYS of Mississippi. I will.

Mr. COOPER of Wisconsin. The gentleman will recall a quotation, which I read here during a recent debate, from former Senator Burton, when he was a Member of the House, when he said that of all men to make this investigation, if there was a commission to be appointed, it should be a commission of Army engineers, because they were disinterested absolutely and were much less amenable or susceptible to political influence than any other board possible to be selected.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Just in a second, and I will yield to the gentleman. They created then the Mississippi River Commission. I would like to get this history straight before I yield. Upon that they put three Army engineers, two engineers from civil life, one engineer from the Coast and Geodetic Survey, and one civilian, not an engineer. That particular civilian in this instance was Benjamin Harrison, afterwards President of the United States.

That commission has gone into everything connected with reservoirs, and issued reports which treat of rivers and the sources of streams, and studied the whole question for 35 years. That commission got out about 35 or 50 volumes of reports. That commission of Army and civilian engineers, with always one distinguished citizen not an engineer, are unanimous in the opinion that the only way to control the floods of the lower Mississippi River is by building levees along the banks and protecting those banks from caving.

There is but one place—and the map out there shows it—where a reservoir could be constructed, and that is near the mouth of the Ohio River, because sometimes the rain falls here and sometimes here, always revolving upon the mouth of the Ohio River as a pivot. You would have to put reservoirs in three or four different places unless you put it at this one pivotal place, where all this water accumulates.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HUMPHREYS of Mississippi. I would like to be recognized for five minutes in my own right. I am sorry to have taken the gentleman's time.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUMPHREYS of Mississippi. They reported that it would require a reservoir so large that the amount of dirt excavated for it would build levees 150 feet high 7,000 miles long. [Laughter.]

Now, when gentlemen go into the details of this and study it as I have studied it for 13 years—and I have thought of it and thought of practically nothing else for 13 years—they will realize that my people are not confronted with a theory, but are confronted with an actual condition. We would not put $90,000,000 in levees simply for the pleasure of spending that money. Our lives and property are at stake. Two hundred and seventy-two thousand people were fed by the War Department in the flood of 1912 at one time. Those people are in earnest about it. They do not want theories. They know there is only one salvation, and that is to build levees along the banks. That is the knowledge that has come from the experience of all of the history of the world. In Egypt, from the time of the twelfth dynasty down to this good day, it has been the only way in which the Nile Valley has been fully protected from floods. If the gentlemen want to go up into the sources of the stream, the only estimate we have ever had on the Ohio watershed, to control the waters there, is that it would cost from $500,000,000 to $1,000,000,000. Think of it! They could not come within $500,000,000 of the cost of it.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit a question right there?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. COOPER of Wisconsin. I have read and have been told also within the last few days that somebody who ought to know said it would cost $100,000,000 to make even the surveys.

Mr. HUMPHREYS of Mississippi. It would cost $190,000,000 to make the surveys contemplated in one very elaborate bill that has been advocated here. It would cost $10,000,000 on the Ohio alone to make the survey.

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. LA FOLLETTE. Does not the gentleman think the time spent on that Ohio dam and figuring on it was simply time wasted? They could not build it without flooding much land up the Ohio River if they were going to put it as high as you say and excavate as much dirt as you speak of.

Mr. HUMPHREYS of Mississippi. The reservoir was to hold the water.

Mr. LA FOLLETTE. I know; but does not the gentleman think that if the Government had put in reservoirs on the different streams and had taken care of the spring freshets as much as possible, and then the people of the South had put in the millions and millions of dollars that they have put in to reclaim and protect their lands, the two together would do more than could be done by simply putting in levees and letting the water come down untrammeled and tear down the levees that had been constructed?

Mr. HUMPHREYS of Mississippi. I would think I was a very bold man, being a layman and not an expert; I should think I would have unconscionable assurance, if I were to put my opinion against the opinions of all the engineers that this Government has employed in the last 100 years and say that engineers know nothing about it, that all they have done is to study the question and figure it out.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield there?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. SMITH of Michigan. From the great study and investigation which the gentleman has made, what has he to say about constructing a levee that would be permanent, and which would resist this great flow of water?

Mr. HUMPHREYS of Mississippi. I have not the remotest doubt about it. In one levee district in my congressional dis-

trict we have built the levees high enough and strong enough to withstand any flood that has come down or that will come down the river. We have not had a crevasse in it for 19 years, and when the flood comes the people behind this levee are not concerned, except as they have a general interest in the fate that they fear is going to befall their neighbors elsewhere. That is the only way that God Almighty prevents rivers from overflowing. That is the only reason why the Hudson River does not overflow, because of the high hills and high bluffs which God built along there, a hundred or two hundred feet high, strong enough to withstand any flood that ever came down the river.

Mr. SMITH of Michigan. How long is the levee that the gentleman is speaking of now?

Mr. HUMPHREYS of Mississippi. Something more than 100 miles long; I have forgotten exactly, about 118 miles, or something like that. As I say, for 13 years this subject has been my pillar of fire by night and my pillar of cloud by day. I have studied it as I have studied nothing else; because all of my district is subject to overflow whenever the waters come down the river. It is the breath of our nostrils; and I give it as my deliberate opinion that there is one way and no other way to control these floods, and that is the way provided in this bill.

The CHAIRMAN. The time of the gentleman has expired. The question is on the committee amendment.

Mr. LENROOT. Mr. Chairman, I desire to offer an amendment to the amendment.

Mr. GARRETT. I should like to say a word about the amendment. I ask unanimous consent to proceed for two minutes.

Mr. LENROOT. I should like four minutes.

Mr GARRETT. I ask unanimous consent that the time be extended four minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time be extended four minutes, so that he may have two minutes, and the gentleman from Wisconsin may have two minutes. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Chairman, I want to say that if the chairman of the committee insists on this amendment, of course I will not oppose it; but really it is not necessary. This is a legal question that is involved in this amendment. The adoption of this amendment will not change in any respect the legal situation that now exists. As I understand it, all that the gentleman desires is to maintain the legal situation as it now exists. I give it as my opinion, from a hasty examination, that the adoption of this amendment is not at all necessary.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. GARRETT. Certainly.

Mr. LENROOT. Under the existing situation, is the Mississippi River Commission permitted to expend money for the maintenance of levees already constructed?

Mr. GARRETT. Yes; it is.

Mr. LENROOT. If it is, then, of course, this would change that situation.

Mr. GARRETT. They are permitted to expend money for maintenance, and they do it.

Mr. LENROOT. Then this should go in, should it not? We desire to relieve the Government from that maintenance.

Mr. GARRETT. I think the situation would remain the same if this amendment is not adopted.

Mr. LENROOT. If it is not adopted, the appropriations hereafter made could be used for maintenance, could they not; and if this amendment is adopted they could not be so used after completion?

Mr. HUMPHREYS of Mississippi. There would be no appropriations after the levees were completed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I desire to say a word.

Mr. LENROOT. I yield to the gentleman one minute of my time.

Mr. HUMPHREYS of Mississippi. I do not think this amendment is at all necessary. The gentleman from Illinois [Mr. CANNON] suggested that it ought to be put in. I did not see any special objection to putting it in, but I do not think there is any occasion in the world for it, because when we complete the levees the people protected by them are bound to maintain them unless we provide the means to maintain them ourselves, and all we have to do is to say nothing; and then there is no maintenance provided by us. It occurs to me that there is no occasion for the amendment, but I do not object to it.

Mr. LENROOT. I think it would be wise to put it in, in view of the fact that they might use a portion of the appropriation for maintenance, and in that case I desire to offer an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Add, at the end of the paragraph, the following: "But for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion."

Mr. HUMPHREYS of Mississippi. There is no objection to that.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The amendment as amended was agreed to.

By unanimous consent, leave was granted to Mr. GREEN of Iowa to extend his remarks in the RECORD.

By unanimous consent, leave was granted to Mr. BARKLEY to extend his remarks in the RECORD.

Mr. HUMPHREYS of Mississippi. Now, Mr. Chairman, let us begin the reading of the next subdivision.

The CHAIRMAN. There is an amendment pending, offered by the gentleman from Mississippi [Mr. QUIN] that has not been reported.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry. Is that an amendment to the Mississippi River section?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. Because there was an agreement that we should not go beyond that section this afternoon.

Mr. HUMPHREYS of Mississippi. That amendment has been pending all the while.

Mr. MOORE of Pennsylvania. I shall object to any reading beyond the Mississippi River paragraph this afternoon.

The CHAIRMAN. There is an amendment pending offered by the gentleman from Mississippi [Mr. QUIN], which the Clerk will report.

The Clerk read as follows:

Insert, after the second line, on page 4 of said bill, a paragraph, as follows:

"Jurisdiction is hereby conferred upon the Court of Claims to hear and determine and adjudicate to judgment claims for destruction of private property and damage thereto as the result of the construction of levees along the Mississippi River, and other improvements of the Mississippi River, where such damage is now officially declared to be the fact by the Mississippi River Commission in their report to the Secretary of War, June, 1910."

Mr. STAFFORD. Mr. Chairman, I make the point of order that that amendment is not germane. It hardly needs any discussion; it is apparent that this bill has nothing to do with claims resulting from damage.

The CHAIRMAN. The point of order is sustained.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CARAWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14777) to provide for control of floods in the Mississippi River, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. BAILEY, by unanimous consent, was given leave of absence for five days on account of important business.

MINORITY REPORT.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to file a minority report on this bill (H. R. 14777) for flood control.

The SPEAKER. For how long?

Mr. CROSSER. Until next Monday.

The SPEAKER. The gentleman from Ohio asks unanimous consent to file a minority report on the flood-control bill not later than next Monday. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the flood-control bill.

The SPEAKER. Is there objection?

There was no objection.

THE PHILIPPINE BILL.

Mr. GARRETT. Mr. Speaker, while the Philippine bill was under consideration unanimous consent was given to all Members to print for 10 days. I am not entirely certain whether that would include some matter that I desire to insert. I desire to insert in the RECORD a speech delivered by the Hon. J. M.

Dickinson, former Secretary of War, upon the subject of the Philippines.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to insert in the RECORD as a part of his remarks a speech by the Hon. J. M. Dickinson, former Secretary of War. Is there objection? [After a pause.] The Chair hears none.

Mr. BARKLEY. Mr. Speaker, during the consideration of the Philippine bill did the order that was made provide that all Members who spoke on the bill could extend remarks in the RECORD or that all Members could have 10 days to extend remarks?

Mr. GARRETT. It provided that any Member could within 10 days extend his remarks in the RECORD. I want also to say that there is a part of a letter that I want to insert in the same connection.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6099. An act to amend section 72 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 119. Joint resolution to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Thursday, May 11, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Duncan M. Reid and Milton Whinnery v. The United States (H. Doc. No. 1093); to the Committee on Claims and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Roebuck Lake, Miss., from its outlet to Ittabena, including consideration of any proposition for cooperation on the part of local or State interests (H. Doc. No. 1094); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Clark Fork River between Albany Falls and Lake Pend Oreille, in Idaho (H. Doc. No. 1095); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of the Treasury, requesting that item of appropriation for central heating, lighting and power plant, public buildings, Washington, D. C., be eliminated from the sundry civil estimates for the fiscal year ending June 30, 1917 (H. Doc. No. 1096); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, submitting, for inclusion in the sundry civil appropriation bill now pending, estimates of appropriations for commencement, continuation, and completion of sundry public buildings (H. Doc. No. 1097); to the Committee on Appropriations and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John Gerteisen v. The United States (H. Doc. No. 1098); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Albert A. Haskett v. The United States (H. Doc. No. 1099); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Herbert S. Sleeper v. The United States (H. Doc. No. 1100); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of R. Sherman Lerch v. The United States (H. Doc. No. 1101); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George B. Loud v. The United States (H. Doc. No. 1102); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Albert G. Peabody v. The United States (H. Doc. No. 1103); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Guy C. Pierce v. The United States (H. Doc. No. 1104); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jemima R. Clevenger, widow (remarried) of Henry Richardson, deceased, v. The United States (H. Doc. No. 1105); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk and referred to the several calendars therein named, as follows:

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 3423) to provide for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla., reported the same without amendment, accompanied by a report (No. 663), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GANDY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 13298) authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota, reported the same with amendment, accompanied by a report (No. 664), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10872) making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation, reported the same without amendment, accompanied by a report (No. 662), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7135) granting a pension to Samuel L. Vandever; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15191) granting an increase of pension to Annie E. Welch; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4641) granting an increase of pension to Jasper Johnson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. KENT: A bill (H. R. 15522) to establish a National Park Service, and for other purposes; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 15523) to punish persons who make false representations to settlers and others pertaining to the public lands of the United States; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 15524) providing for the abandonment of the Vashon Island Military Reservation in the State of Washington, and for other purposes; to the Committee on Military Affairs.

By Mr. GRAY of Alabama: A bill (H. R. 15525) to improve, enlarge, remodel, and modernize the building at Mobile, Ala., known as the customhouse; to the Committee on Public Buildings and Grounds.

By Mr. RAINEY: A bill (H. R. 15526) authorizing the removal of dams in the Illinois River; to the Committee on Flood Control.

By Mr. FOCHT: Joint resolution (H. J. Res. 222) "The Birth of a Nation" picture; to the Committee on the District of Columbia.

By Mr. KITCHIN: Resolution (H. Res. 233) providing for consideration of the bill H. R. 15455; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and a resolution were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 15527) granting a pension to Nancy J. Fetron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15528) granting a pension to Martha Bell; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 15529) for the relief of Martin L. Cuppels; to the Committee on Military Affairs.

By Mr. BOOHER: A bill (H. R. 15530) granting an increase of pension to Roderick Schoonover; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 15531) granting a pension to Frank A. Crawford; to the Committee on Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 15532) granting an increase of pension to Charles B. Kunstler; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 15533) granting a pension to Anna R. Sharp; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 15534) granting an increase of pension to Benjamin W. Skelton; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 15535) granting an increase of pension to William H. Lott; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 15536) granting an increase of pension to Marquis D. Usher; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 15537) granting an increase of pension to Stillman P. Daily; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15538) granting a pension to M. Elizabeth Gorton; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 15539) granting an increase of pension to John Hutchinson; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 15540) authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. LAFEAN: A bill (H. R. 15541) granting an increase of pension to Joseph A. Wisner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15542) granting an increase of pension to Augustus F. Woltman; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 15543) granting an increase of pension to Joseph Walton; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 15544) granting an increase of pension to George W. Daniels; to the Committee on Invalid Pensions.

By Mr. PAGE of North Carolina: A bill (H. R. 15545) for the relief of the estate of John B. Johnson, deceased; to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 15546) for the relief of Emily J. Mullins; to the Committee on Claims.

By Mr. REILLY: A bill (H. R. 15547) granting an increase of pension to Albert P. Jackson; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 15548) granting a pension to Lucy Freeman; to the Committee on Invalid Pensions.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 15549) granting an increase of pension to Louisa J. Kottcamp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15550) granting an increase of pension to Albert M. Gerwalt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15551) granting an increase of pension to Kathrine Hake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15552) granting an increase of pension to Matilda W. Leightner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15553) granting an increase of pension to Aaron Markle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15554) granting an increase of pension to Maggie A. Meals; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15555) granting an increase of pension to Samuel Platts; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 15556) granting a pension to Brother Buls; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 15557) granting an increase of pension to James C. Haslett; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15558) granting a pension to Harry G. Hodges; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 15559) granting an increase of pension to Stephen Lampman; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 15560) granting a pension to Mary R. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15561) granting a pension to Julia Ford; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 15562) for the relief of Henry N. Rumley; to the Committee on Claims.

Also, a bill (H. R. 15563) granting an increase of pension to Benjamin M. Ammons; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 15564) granting a pension to Hattie S. Swift; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 15565) granting an increase of pension to Ernestine Shetrone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15566) granting an increase of pension to Frederick Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15567) granting an increase of pension to Jacob Haar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15568) granting an increase of pension to William H. Swartz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15569) granting an increase of pension to Laura V. Croll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15570) granting an increase of pension to Maggie Sponsler; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 15571) granting a pension to Talbert T. Wates; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R. 15572) for the relief of W. T. Dingler; to the Committee on Claims.

By Mr. POU: Resolution (H. Res. 232) for the relief of R. L. Jennings; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of sundry citizens and organizations, favoring a report by the Judiciary Committee on the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. BAILEY: Memorial of Local Union No. 2179, United Mine Workers of America, favoring House resolution 139; to the Committee on Rules.

By Mr. BOOHER: Petition of S. M. Clark, G. E. Walter, Russell Burke, and 40 other citizens of Atchison County, Mo., against regulations enforcing the migratory-bird law; to the Committee on Agriculture.

By Mr. BRUMBAUGH: Evidence to accompany House bill 11976, granting an increase of pension to Washington G. Marshall; to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of citizens of Plymouth and St. John's Lutheran Church, of Woodland, Wis., against war with Germany; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of Chamber of Commerce of the State of New York, in re rural-credit banking; to the Committee on Banking and Currency.

By Mr. DALE of New York: Petition of Arnon L. Squiers, of New York, in re House bill 14337; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of New York Academy of Medicine, in reference to the number of medical officers provided for in the United States Army; to the Committee on Military Affairs.

Also, petitions of various and sundry citizens and organizations, favoring the reporting out of the Susan B. Anthony amendment by the Judiciary Committee; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce of the State of New York, in re pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. DILL: Petition of H. C. Boger, of Snohomish, Wash., and other residents of that locality, protesting against House bill 652; to the Committee on the District of Columbia.

Also, petition of H. C. Boger, of Snohomish, Wash., and other residents of that locality, protesting against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of G. W. Dial and other residents of Hillyard and Spokane, Wash., urging the passage of House bill 8665; to the Committee on Labor.

By Mr. DILLON: Petitions of sundry citizens of Freeman, S. Dak., in reference to our foreign relations and opposing war; to the Committee on Foreign Affairs.

By Mr. DOOLING: Petition of New York Academy of Medicine, favoring a change in the number of medical officers in the United States Army; to the Committee on Military Affairs.

By Mr. EMERSON: Memorial of citizens of twenty-second district of Ohio on House bill 5308; to the Committee on Ways and Means.

By Mr. FLYNN: Memorial of the New York Academy of Medicine, favoring a change in the number of doctors in the United States Army; to the Committee on Military Affairs.

Also, memorial of Chamber of Commerce of the State of New York in re pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Chamber of Commerce of the State of New York, relative to rural-credit banking; to the Committee on Banking and Currency.

Also, petition of Association of Drainage and Levee Districts of Illinois, relative to flood control in the Illinois River Valley; to the Committee on Rivers and Harbors.

By Mr. GALLIVAN: Petititon of citizens of Boston, Mass., against United States in war; to the Committee on Foreign Affairs.

By Mr. HOWELL: Memorial of Commercial Club of Salt Lake City, Utah, favoring Shields water-power bill; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Washington: Petition of 33 citizens of Clarke County, Wash., against House bill 652—Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of 30 citizens of Tacoma, Wash., favoring House bill 8665, against the Taylor system; to the Committee on Labor.

Also, petition of 59 citizens of Clarke County and 64 of Pierce County, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Memorial of National and State officials of the Farmers' Educational and Cooperative Union of the National Grange; to the Committee on Agriculture.

Also, petition of Chamber of Commerce of New York State, meeting held May 4, 1916, adopting report on antiefficiency bills; to the Committee on Labor.

Also, petition of Chamber of Commerce of State of New York, meeting held May 4, 1916, on rural-credit banking; to the Committee on Banking and Currency.

Also, petition of Chamber of Commerce of the State of New York, meeting held May 4, 1916, adopting report on pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of A. W. Gibbons and Orient and Sylvan Sunday School Association, of Sears, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McDERMOTT: Petition of Messrs. S. J. Dorsch, Joseph J. Rusch, F. Schultz, G. Dittman, and others, all of Chicago, Ill., favoring the passage of the Lobeck classification bill; to the Committee on Reform in the Civil Service.

By Mr. MAPES: Petition of 13 citizens of Grand Rapids, Mich., urging the passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: Petitions of 408 citizens of San Francisco, Cal., against war with Germany; to the Committee on Foreign Affairs.

By Mr. PAGE of North Carolina: Petition of sundry citizens of North Carolina, favoring rural-credit bill; to the Committee on Banking and Currency.

By Mr. ROUSE: Memorial of citizens of Covington, Ky., regarding international situation; to the Committee on Foreign Affairs.

By Mr. SANFORD: Papers to accompany House bill 15450, for relief of Emil E. Koenig, or King; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: Communication from Marielia Stanton and E. H. Sharp, both of Los Angeles, Cal., opposing preparedness; to the Committee on Military Affairs.

Also, resolutions from public meetings at Hotel Alexandria, Los Angeles; Panama-Pacific International Exposition, San Diego; Polytechnic High School, Los Angeles; also from San Luis Obispo, Sacramento, and Santa Barbara, all in the State of California, favoring the woman suffrage amendment; to the Committee on the Judiciary.

Also, communications from the E. W. Reynolds Co., Los Angeles; the Broadway Department Store, Los Angeles; and the Retail Dry Goods Association, Oakland, all in the State of California, protesting against the Stephens-Ayres maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, petition from Giles Otis Pearce and others, Soldiers' Home, Cal., favoring import tax upon gold and silver; to the Committee on Ways and Means.

Also, petition from Giles Otis Pearce and others, Soldiers' Home, Cal., concerning the free coinage of silver; to the Committee on Coinage, Weights, and Measures.

Also, communication from Labor Council, San Francisco, Cal., favoring exclusion of Asiatic laborers; to the Committee on Immigration and Naturalization.

Also, communication from Realty Board, Los Angeles, Cal., favoring the relocation of a Government power plant in Washington; to the Committee on the District of Columbia.

Also, communication from Vocational Guidance Society, San Francisco, Cal., favoring the Smith-Hughes bill; to the Committee on Education.

Also, communication from Young People's Society, Immanuel Presbyterian Church, Los Angeles, Cal., favoring a Federal motion-picture commission; to the Committee on Education.

Also, communication from California Association for the Prevention of Tuberculosis, favoring the Kenyon-Norris bill; to the Committee on Interstate and Foreign Commerce.

Also, communication from 25 members of the German Ministerial Association of Los Angeles, Cal., protesting against war with Germany; to the Committee on Foreign Relations.

Also, communication from Merchants' Association of Watsonville, Cal., protesting against stamps on checks; to the Committee on Ways and Means.

Also, communication from Labor Council, San Francisco, Cal., favoring peaceful settlement of international disputes; to the Committee on Foreign Relations.

Also, petition of Joseph A. Powers and 72 others of Sawtelle, Cal., protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

Also, petition signed by Joseph A. Powers and 100 other citizens of Sawtelle, Cal., opposing House bill 8348; to the Committee on the District of Columbia.

Also, petition signed by Joseph A. Powers and 102 other citizens of Sawtelle, Cal., favoring freedom of speech and of the press; to the Committee on the Post Office and Post Roads.

By Mr. SULLOWAY: Memorial of Hillsborough County (N. H.) Medical Association, favoring proper medical service in the United States Army; to the Committee on Military Affairs.

By Mr. WARD: Petition of citizens of White Lake, Monticello, Stevensville, and Liberty, N. Y., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 11, 1916.*

(*Legislative day of Tuesday, May 9, 1916.*)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON resumed the speech begun by him on Tuesday. After having spoken for two hours and a half, he said:

Mr. President, I will not be able, I think, to finish what I have to say to-night. I had hoped to finish, but I find myself very weary. The Senator from Illinois [Mr. SHERMAN] desires to occupy the floor for some time, and I think therefore I will stop at this point and resume my remarks at a later day.

[Mr. KENYON's entire speech is printed in the Senate proceedings of May 9, 1916.]

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Harding	Jones	Lodge
Brandegee	Hardwick	Kenyon	Martine, N. J.
Chamberlain	Hitchcock	La Follette	Myers
Clarke, Ark.	Hollis	Lea, Tenn.	Norris
Dillingham	Husting	Lee, Md.	Oliver
du Pont	James	Lewis	Page
Gallinger	Johnson, Me.	Lippitt	Poindexter

Pomerene	Shields	Thomas	Walsh
Ransdell	Simmons	Tillman	Warren
Shafroth	Smith, S. C.	Underwood	Works
Sheppard	Smoot	Vardaman	
Sherman	Sutherland	Wadsworth	

The PRESIDING OFFICER. Forty-six Senators have responded to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators, and Mr. BECKHAM, Mr. GORE, Mr. JOHNSON of South Dakota, Mr. MARTIN of Virginia, Mr. NELSON, Mr. OVERMAN, Mr. PITTMAN, Mr. REED, Mr. SMITH of Georgia, Mr. STERLING, and Mr. SWANSON responded to their names when called.

Mr. LEWIS. Mr. President, I wish to announce the necessary absence of the Senator from Mississippi [Mr. WILLIAMS], who is detained from the Senate on business.

The PRESIDING OFFICER. Fifty-seven Senators have responded to their names. A quorum is present.

Mr. SHERMAN addressed the Senate. After having spoken nearly two hours and a half, he said:

I will state, Mr. President, that I can not conclude to-night. I am perfectly willing to yield at any time.

Mr. CLARKE of Arkansas. Whenever it may suit the pleasure of the Senator to suspend it will be satisfactory here. The Senator from West Virginia [Mr. CHILTON] has a matter that he desires to present, and it may as well be presented while this bill is pending as at any other time.

[Mr. SHERMAN's entire speech is printed in the Appendix.]

CHARLESTON-DUNBAR TRACTION CO.

Mr. CHILTON. On the 17th of March I introduced the bill (S. 5103) authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River, in West Virginia, and it was referred to the Committee on Military Affairs. It should have been referred to the Committee on Commerce. I ask unanimous consent that the bill be taken from the Committee on Military Affairs and referred to the Committee on Commerce. Clearly, it ought to go there.

The VICE PRESIDENT. Without objection, the change of reference will be made.

Mr. CHILTON. I also present a letter from the Secretary of War to accompany the bill.

The VICE PRESIDENT. The bill and accompanying letter will be referred to the Committee on Commerce.

CONGRESSIONAL ELECTION IN WEST VIRGINIA.

Mr. CHILTON. Mr. President, I understand that while I was out of the Chamber the Senator from Iowa [Mr. KENYON] referred to the recent election held in West Virginia and predicted that what had happened to the Democratic Party in the second district of West Virginia was in store for it at the November election. I sincerely hope that the Senator is a prophet and that the magnificent gains made by the Democratic Party in the second West Virginia district are an omen of what is going to happen to the party to which the Senator has given his allegiance all his life in November.

Mr. President, I wish to put in the RECORD something about the second congressional district. In the year 1902 the Republicans carried that district by 1,341. In the year 1904 the majority was much in excess of 2,000; it was two thousand and something like three or four hundred. In 1906 the Democratic candidate received 16,752 votes and the Republican candidate 20,384 votes, a majority of 3,632.

In the year 1908 the Republican candidate received a clear majority of 2,561. In the year 1910 the Democratic Party nominated a most remarkable man, Hon. W. G. Brown. He carried the district by 3,984, but everyone understood that it was a victory for Brown and not a victory for the Democratic Party. The largest Republican county in the district, Preston, is usually good for a Republican majority of from 2,000 to 2,500. Instead of its giving a majority against Mr. Brown, he was related to so many people, connected with so many people, and personally was so popular there, as he was here to the time of his death, that he carried that county by a substantial majority and won his election.

In the year 1912 that district gave Mr. Roosevelt 14,934 votes and Mr. Taft 10,420 votes, making a combined opposition vote of 25,354 to 21,955 given for Mr. Wilson, making a Republican majority of 3,399. Notwithstanding that Mr. Brown was elected to Congress.

Mr. THOMAS. By what majority?

Mr. CHILTON. I have not the exact majority, but I think it was 196, less than 200.

In that same year notwithstanding the fact that Gov. Hatfield ran considerably behind his ticket he carried that district by 2,463.

In 1914 Mr. Brown had a plurality of 1,361 votes and the Progressive vote was 1,296, leaving Mr. Brown with a majority of only 65.

In the county of Preston, where Mr. Brown lived, in 1908 the Republican majority was 2,141 on the vote for Representative in Congress.

Mr. SUTHERLAND. All of which indicates, as I understand, Mr. President, that there never has been more than one Democrat in the district whom the people were willing to trust.

Mr. CHILTON. That is one way to state it but not the correct way. I want to state to the Senator further that in the election which has recently taken place Mr. Wood, the Democratic candidate for Congress, was beaten in Preston County by only 1,100, and so there was in the district a substantial Democratic gain in all the counties except probably two.

One of them was the county of Berkeley, where Mr. Bowers, the Republican candidate lived, and I have no doubt in the world that when the other House of Congress comes to investigate that question it will find ample reasons why that county happened to slump to prevent the Democratic Party from getting the splendid advantage which they would have had by virtue of the popularity of the present Democratic administration.

In other words, Mr. President, it can be easily shown that the official vote in two counties in that district was not a fair expression of the sentiments of the voters, and that at least unfair means were used to eke out the meager majority of about 400, which is now being paraded as a sign of a Democratic slump. The truth is that even if it were fairly obtained the returns from the second West Virginia district show a falling off in the Republican majorities—a district, normally Republican by over 2,000, went Republican by about 400.

If the Senator from Iowa can find any consolation in these figures I hope that consolation will keep up until November for his benefit. The wise politicians in his party will not base hopes of victory in November upon that result.

Mr. KENYON. Mr. President, I simply want to say that I join in the joy which the Senator from West Virginia may feel about myself, and I am doubly glad if the Senator from West Virginia can get any comfort out of the situation.

I read a prophecy a few days ago of the Senator as it was reported in the newspapers when he left for the scene of the recent election in which he was reported to have said that everything was all right, and that the Democrats would see that the district was carried for their candidate. If the Democrats keep up, of course, this kind of a game the result will be clearly apparent when November comes. I only know that whereas a Democrat represented that district for the last six years a Republican has been elected. I know nothing more about it, of course, and I am glad the Senator can get comfort out of the situation.

THE SHIPPING SITUATION.

Mr. FLETCHER. I ask to have printed in the RECORD a statement made by the members of the United States Section of the International High Commission, and also a statement by Secretary McAdoo, chairman of the commission, as to the work of the commission on its recent trip to South America.

Mr. SMOOT. Does the Senator ask to have the matter printed in the RECORD as a document?

Mr. FLETCHER. These are very brief statements, and I propose that they shall be printed in the RECORD.

Mr. SMOOT. The other two statements of Secretary McAdoo have been printed as public documents.

Mr. FLETCHER. Those were addresses delivered on public occasions.

The VICE PRESIDENT. Without objection, the request of the Senator from Florida is complied with.

The matter referred to is as follows:

THE SHIPPING SITUATION.

WASHINGTON, D. C., *May 8, 1916.*

So important did the members of the United States Section of the International High Commission find the shipping question in South American countries that they deem it their duty especially to report the statements brought to their attention by residents of the countries visited as well as by members of the commission from the Republics of Central and South America attending the Buenos Aires conference.

Without exception, in every country we found the shipping question uppermost in the minds of Government officials, bankers, and business men. Practically every business man with whom the members of the commission discussed conditions emphasized the absolute need of greatly increased ocean tonnage, while the members of the American colonies in the various cities sought every opportunity to impress upon the members of the commission the importance of action at the earliest moment to improve conditions.

It was pointed out repeatedly that under the normal circumstances preceding the war the operation of many lines to European countries for both passengers and freight, making the trips in less time than steamers plying to the United States, gave Europe a great advantage in the sale of merchandise, not only because of the larger tonnage available and quicker service but because of the lower freight rates enjoyed. Representatives of the American business houses declared that it would be very difficult to extend American trade with such a handicap.

As a result of the war, the cost of ocean tonnage to South American ports has increased enormously, and instead of an improvement in the conditions the fear seems to be well grounded that they will become worse. As an illustration of present rates, it may be stated that before the war the rate on coal from the United States to Buenos Aires was 16s. to 20s. per ton; for a considerable time recently it has been 102s. 6d., and on occasions the rate has been as high as 120s. As a result coal has been selling in Buenos Aires at $28 to $30 a ton, nearly $25 of this price being represented in freight payments. Before the war it sold in cargo lots at $7.75 to $8.

Rates on hardware, drugs, paper, and general merchandise have increased in like proportion, and notices of general advances approximating 50 per cent additional were given to Buenos Aires houses about the middle of April. Even at these prices immediate acceptance of cargo space was necessary. We are advised bottoms are available in very much larger proportion from Great Britain than from other countries, and British merchants are enjoying rates 50 to 75 per cent less than American manufacturers. The situation as to rates does not obtain in the Argentine alone but applies in all the countries. A number of notable cases were brought to the attention of members of the commission where important contracts have recently gone to Europe, which would have been given to the United States, but for the wide difference of freight rates which made it impossible for our manufacturers to compete.

It was pointed out by the representatives of American shippers in these countries that very much higher rates to the United States, as against Europe, seriously militate against our manufacturers in the purchase of raw materials, which become available to European manufacturers at lower cost because of the cheaper transportation. This, of course, adds to the difficulty our manufacturers encounter in marketing manufactured products in competition with Europe.

American houses in Brazil and the Argentine informed the commission that they had been notified in the middle of April that a number of ships now in service from New York to South American ports would be taken off of this direct service and would soon make the trip from New York via Europe, thus still further restricting a service already so seriously impaired as to constitute a grave menace to our South American commerce.

The representatives of all the Governments participating in the Buenos Aires conference took every opportunity to urge that the shipping conditions could only be improved on the initiative of the United States. They made clear their inability to finance new steamship enterprises, but at the same time promised that cooperation would be given in every way that their Governments could aid. It was also urged upon us that, while the present situation constituted a serious emergency calling for the quickest possible relief, the development of the commerce of the United States with South American countries in times of peace necessitated very much greater tonnage than had ever been available, while fast passenger lines were also essential if increased trade and communication between the countries were to be developed.

The United States commission does not as a commission assume to say what remedies should be applied by our Government, but they are convinced that there is no more vital question affecting our commerce with the Latin American countries than that of providing greatly increased shipping facilities.

W. G. MCADOO.
D. U. FLETCHER.
A. J. PETERS.
PAUL M. WARBURG.
SAMUEL UNTERMYER.
JOHN H. FAHEY.
ARCHIBALD KAINS.

STATEMENT BY SECRETARY M'ADOO.

WASHINGTON, D. C., *May 4, 1916.*

We have had a most instructive and interesting trip. In every country visited the United States delegates were received with the greatest cordiality. The friendship and hospitality extended to us were delightful, and we are extremely grateful for the generous attentions bestowed upon us everywhere. It would be impossible to convey an adequate idea of the personal charms and exquisite hospitality of the people of Latin America. They have an enviable distinction of their own.

I shall not undertake now to give impressions of the various countries, except that, although I expected to find well-built and beautiful cities, they far exceeded my expectations.

I wish that every American business man and capitalist could visit these Latin-American countries and see for themselves how rich they are in natural resources, how rapidly they are developing, and how full of opportunity they are for American capital and enterprise.

I had the honor and privilege of meeting and conversing with the Presidents of Brazil, Uruguay, Argentina, Chile, Peru, Panama, Cuba, and Haiti, and I also met many of the leading statesmen of South America, with whom I discussed questions of national interest. Everywhere I found an earnest desire to strengthen commercial, financial, and political relations with the United States, and everywhere we went there was a genuinely friendly attitude and a complete absence of that suspicion and distrust of the United States which has, until recently, existed to a more or less degree in some, at least, of the Central and South American countries. This is a very fortunate development. It is due primarily to the policies and utterances of President Wilson and to the suggestions made by the United States for mutual guaranties of the territorial integrity and political independence of all of the American Republics. If this happy consummation can be realized it will do more, in my opinion, to promote stable, rapid, and peaceful development of the American States than any single political act of the last century. It will be a transcendent achievement if the territorial and political integrity of every American nation, large and small, can be made secure through unity of action and interest. With this accomplished there is no limit to the future of the Americas—they will be as impregnable as they will be potential for good. The numerous Pan American conferences recently held, bringing together as they have leading men of the various Latin-American States, have contributed greatly to a better understanding and have helped to create sentiment in favor of Pan American unity and solidarity.

Every leading statesman in South America with whom I talked emphasized the paramount importance of a merchant marine under the flag of the United States, or under the flags of the different American nations, if American financial and commercial relations are to be enlarged upon an enduring foundation. Without a single exception, they all concurred in the view that the merchant-marine question is the most important one now confronting the American States. The hope was expressed in every country, and was voiced in the resolutions unanimously adopted by the International High Commission, that the United States will promptly solve this pressing problem, and there was frank recognition that the United States alone has the financial resource to do so. A number of the leading statesmen of South America did not hesitate to say that if our Government really wanted to serve her own interests in the highest degree and help her suffering neighbors of South America in their extremity—because the commerce of many of these countries is seriously hurt for lack of shipping—the United States will not fail to do something practical and promptly. Many prominent men told me that there has been an abundance of Inter-American conferences and friendly expressions for many years, but that concrete results had been relatively small; that if the United States wanted to take advantage of the greatest opportunity in its history to strengthen its commercial, financial, and political relations with the Latin-American States, it would be necessary to do more than merely exchange friendly messages and sentiments; that the surest foundation of better relations was the establishment of ample means of communication, so that the products of the different countries could be quickly moved in mutually profitable trade with each other. Sufficient credits would then follow, because wherever there is profitable trade between the people of different countries it is not difficult to find the means of financing it.

Another question of great importance is the completion of the Inter-Continental Railway, connecting North and South America through the Isthmus of Panama. Outside of ocean transportation, no other undertaking is more essential to the future development of North and South America than the construction of this great railroad. It is not a visionary idea; it is a very practical idea, and one that can be realized at much less cost than the Panama Canal. This is the kind of constructive enterprise that appeals to the imagination and spirit of our people. There are no people to whom a great and daring development of this character appeals so strongly as the people of the United States. If the ideal of Pan American unity, based upon mutual guaranties of territorial integrity and political independence, should come about, the construction of this Pan American trunk line will be all the more important and all the more easily secured, because there will be no hesitation then about the adoption of a standard gauge in all countries. As it stands now, different gauges have been adopted by various countries as a protection against invasion of one by another. This fear will disappear, and greater cooperation will be assured when territorial integrity and political independence of each nation is removed from doubt.

The total distance between New York and Buenos Aires by rail is 10,300 miles, of which approximately 7,400 miles have been built and are now in operation, leaving approximately 2,900 miles to be constructed. The principal gaps in the Inter-Continental Railway are in the countries of Central America and in Colombia, Ecuador, and Peru, in South America, and the estimated cost of construction is, roughly speaking, $150,000,000. With these links completed it would require only a relatively small amount of additional construction to connect the main trunk line with Santiago, Chile, and Rio de Janeiro, Brazil, and then practically all the principal capitals of Central and South America will be connected with each other and with all the cities of the United States. "All aboard for Buenos Aires," when shouted in the railroad stations of New York City, will be a thrilling announcement. Some day, and in the not remote future, this announcement will be heard.

The sessions of the International High Commission began in Buenos Aires April 3 and ended April 13. The proceedings were brilliantly opened by the President of the Argentine Republic, Dr. de la Plaza, and the Argentine Minister of Finance, Dr. Oliver, was, on motion of the United States delegation, elected president of the conference. One of the fundamentally important things agreed upon was the permanent organization of the International High Commission. Washington was selected as the headquarters for the next two years, and a central executive committee was created, whose duty it is to coordinate and carry on the work of the commission. As there are 20 sections of the high commission, 1 being located in each American State, it was necessary to have a central authority to keep in touch with the various sections and direct the general work. By locating the headquarters at Washington a signal honor was conferred on the United States, and by this action the Secretary of the Treasury of the United States becomes president, Hon. John Bassett Moore, vice president, and Dr. Leo S. Rowe, secretary general of the central executive committee for the next two years. The work of the commission will be pushed vigorously and every effort will be made to carry into effect the conclusions of the Buenos Aires conference.

The commission adopted a resolution recommending that a Pan American financial conference, so as to bring together the ministers of finance of all countries, be held every two years, and agreed upon the city of Washington as the place for the financial conference of 1917.

Senator FLETCHER represented the United States on the committee to which was referred wireless telegraphy, improved cable and telegraphs, and postal facilities. The conference declared in favor of exclusive control by the various Governments of wireless telegraphy, it being recognized that it was essential to the security and protection of the various States that this new science should be under the control of their respective Governments. A conference of wireless experts of the different countries was recommended to be held in Washington in the near future.

The conference also declared in favor of the policy of connecting up the telegraph system of the various South American countries, improving the service and establishing a system of more uniform and equitable rates. It was recognized that the telegraph service through South America could be immensely improved by cooperation between the different Governments. The conference also declared for increased cable communications at more reasonable rates, it being recognized that the insufficient cable service between North and South America and the high rates prevailing are a serious handicap upon commerce and intercourse.

The conference considered very thoroughly the subject of a uniform gold standard and increased banking facilities. Mr. Warburg, of the Federal Reserve Board, and Mr. Kains, governor of the Federal Reserve Bank of San Francisco, represented the United States on the commit-

tees dealing with these subjects. While it was recognized that the

Assistant Secretary Peters represented the United States in dealing

There being no objection, the resolutions were ordered to be

He also presented a petition of the Local Union of Charleston

fees dealing with these subjects. While it was recognized that the adoption of a uniform gold standard in all of the Central and South American countries, especially under existing conditions, was impossible at this time, nevertheless a great step forward was taken when the conference approved and recommended to the various Governments the adoption of a standard unit of money of account, and recommended that this unit should be based on a gold coin of .33437 grams in weight and 900/1000 fine. This unit is exactly one-fifth of the gold dollar of the United States, and if adopted by the various States as a money of account will provide a uniform basis of account for transactions between all of the Latin-American countries and North America. Moreover, it offers a basis likely to be adopted for the actual coinage of gold by the various countries when and as they find themselves able to put into effect a gold currency system of their own, in which case all such American gold coins would be of the same fineness and would be in simple multiples of the United States dollar; and this new Pan American coin and the United States dollar would circulate freely throughout the United States and such other American nations as adopted the standard. There are so many recognized advantages in this uniform money of account and interchangeable gold coins that it is not worth while to enumerate them here.

In this connection another admirable idea put forward by Messrs. Warburg and Kahn, and recommended by the conference for careful study, was the suggestion for gold trust funds between the different American States, similar in some respects to the gold clearance fund maintained by the Federal reserve banks at Washington and administered by the Federal Reserve Board. If such international gold trust funds can be established, it will prove of the greatest convenience and assistance to commerce, saving unnecessary transfers of gold in settlements of balances, with all the attendant loss and expense. Treaties would, of course, be necessary to bring about this result. The matter will be followed up by the central executive committee.

The conference approved the idea of encouraging banks of each country to establish branches, or taking an interest in banks operating in other countries, for the purpose of facilitating commerce and exchanging accurate credit information, and it recommended legislation for the protection of merchant creditors.

Mr. Untermyer represented the United States on the committees having to do with negotiable instruments, bills of exchange, laws with reference to credits, as well as questions relating to patents, trade-marks, and copyrights. Here notable progress was made toward securing uniformity between the laws of the various countries, especially with respect to bills of exchange. The Hague Convention of 1912 formulated a uniform law on this important subject, which has not, however, received general adhesion. In order to secure the tentative approval of that law by the representatives at The Hague it had been necessary to accompany it with a convention, which was signed at the same time, by which independence of action contrary to the terms of the uniform law was expressly reserved to the various signatory States upon many of the important features of the uniform law, thus largely nullifying the effect of the latter.

The task to which the conference addressed itself was that of securing uniform action among the Pan American countries upon the many points contained in the convention as to which independent and conflicting action had been expressly reserved. The conference was able to make a unanimous recommendation for harmonious action upon all except one of the many points thus reserved.

Substantial progress was also made toward securing uniformity in the laws relating to patents, trade-marks, and copyrights among the Pan American countries. The Buenos Aires Conventions of 1910 on these subjects, which have as yet been ratified by only eight, including the United States, of the 20 signatory countries, were reaffirmed, with certain changes on the subject of trade-marks to clear up ambiguities. An important addition to the copyright convention was recommended, the effect of which will be to create monthly exchanges between the various countries of the copyrights registered in each country. This will prevent future conflicts as to copyright ownership, and will enable every applicant for a copyright to learn from the records of his own country whether he is entitled to copyright in the other signatory countries, and will obviate months of delay and endless litigation.

Senator FLETCHER represented the United States on the committee which considered improved postal facilities between the Latin-American States. The conference approved the recommendation for a Pan American postal union, which would, in turn, cooperate with the existing International Postal Union, whose headquarters are Berne, Switzerland, and recommended that an early meeting of postal experts be held in Montevideo for the purpose of going carefully into these important postal questions. Recommendations were adopted which when put into effect will mean a reduction of letter postage to a Pan American rate of 4 cents.

Assistant Secretary Peters represented the United States on the committees having charge of classifications of merchandise, with respect to commercial statistics and regulations affecting customs administration and sanitation. The conference approved, with slight modifications, the uniform nomenclature agreed upon at Brussels for uniform classification of merchandise for the purpose of commercial statistics and the use of the standard monetary unit of account recommended by the committee on banking. As the uniform classification of merchandise for statistical purposes is a matter of administrative regulation in each country and does not require new laws, it is believed that the recommendations of the conference can be carried into effect in the near future. If this is done, the statistics of exports and imports of each country in the Latin American Union will be issued on the same basis, and will, therefore, for the first time, give thoroughly comparative and accurate statistics on these important subjects.

The conference recommended that customhouse entries be simplified and requirements made uniform and that port dues be limited to reasonable charges for services actually rendered to vessels. This reform will remove some of the most vexatious restrictions on commerce.

Mr. John H. Fahey represented the United States on the committees to which were assigned the questions of uniform regulations for commercial travelers and their samples and arbitration of commercial disputes. In dealing with the vexed question of commercial travelers and their samples, the unanimous action of the conference marks a long stride forward in the direction of securing the abolition of license fees and the many other onerous obstacles that now confront our business men in transacting business in Central and South America. The arbitration of commercial disputes between citizens of the Pan American countries, through their respective commercial bodies, was given a distinct impetus on the lines of the agreement reached between the Chamber of Commerce of the United States and the Buenos Aires chamber, which was formally approved by the conference.

Assistant Secretary Peters represented the United States in dealing with the problems of labor and labor conditions. The commission went upon record in favor of the most progressive legislation on these subjects and recommended numerous legal provisions now existing in the United States for the betterment of labor conditions.

Secretary McAdoo represented the United States on the committee on natural resources and their development. The conference earnestly recommended the fullest and most systematic study of the mineral resources of all the American Republics, with a view to uniformity of analysis and classification. It was also suggested that the plan for this survey, on which will be based an inter-American policy as to conservation of natural resources, be prepared under the direction of the Pan American Union.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 6099. An act to amend section 72 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

S. J. Res. 119. Joint resolution to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period.

MEXICAN SISAL HEMP (S. DOC. NO. 440).

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, in response to a resolution of April 17, 1916, a report concerning the requirements of Mexican sisal hemp by manufacturers in the United States for the production of binder twine to fill orders for domestic consumption during the season ending August 1, 1916, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

TRANSPORTATION BETWEEN ATLANTIC AND PACIFIC PORTS.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, in response to a resolution of May 16, 1914, a report relative to corporate interests of railroads in vessels or steamship lines engaged in transporting freight between Atlantic and Pacific ports and in the coastwise trade of the United States, which, with the accompanying paper, was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present resolutions of the Monarch Local, American Society of Equity, of Monarch, Mont., in favor of legislation for the homesteaders on the Fort Peck Indian Reservation in Montana. I ask that the resolutions be printed in the RECORD together with the signatures.

There being no objection, the resolutions were ordered to be printed in the RECORD as follows:

Whereas the cooperative farmers of Montana, known as the American Society of Equity, realize that our country now stands in the midst of difficulties, deem it necessary that all farmers should be induced to raise all food possible; and

Whereas we find a vast area of fertile land on the Fort Peck Reservation practically uninhabited on account of the present law requiring all homesteaders to pay from $2.50 to $7 per acre for said land, one-fifth to be paid at time of entry, the other four-fifths to be made in five annual payments, that said law is keeping actual settlers from this land: Therefore be it

Resolved, That we ask our Senators and Congressmen to introduce a law asking a reduction of one-half of the appraised value of said land and that 10 years' extension of time be granted on all payments after the first one has been made, that being one-fifth down at time of entry. We also ask that said law be made to cover all payments that have been made, with the exception of commutements, so that the actual settler who is on the land at the present time may receive the same benefits from time of their entry as those who are yet to homestead. That as we consider this one of the first steps toward preparedness, we ask our Senators and Congressmen to act as soon as possible, as the planting time is near at hand and through this law not only our State but our Government would be greatly benefited, as this is one of our greatest wheat belts.

FRED DANIELSON, *President*,
STEVEN FULLER, *Secretary*,
Monarch Local, American Society of Equity.

Mr. MYERS. I also present resolutions of Little Belt Local, American Society of Equity, of Belt, Mont., favoring legislation for homesteaders on the Fort Peck Indian Reservation in Montana. I ask that the resolutions be printed in the RECORD, together with the signatures.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the cooperative farmers of Montana, known as the American Society of Equity, realize that our country now stands in the midst of difficulties, deem it necessary that all farmers should be induced to raise all food possible; and

Whereas we find a vast area of fertile land on the Fort Peck Reservation practically uninhabited on account of the present law requiring all homesteaders to pay from $2.50 to $7 per acre for said land, one-fifth to be paid at the time of entry, the other four-fifths to be made in five annual payments, that said law is keeping actual settlers from this land: Therefore be it

Resolved, That we ask our Senators and Congressmen to introduce a law asking a reduction of one-half of the appraised value of said land and that 10 years' extension of time be granted on all payments after the first one has been made, that being one-fifth down at time of entry. We also ask that said law be made to cover all payments that have been made, with the exception of commutements, so that the actual settler who is on the land at the present time may receive the same benefits from time of their entry as those who are yet to homestead. That as we consider this one of the first steps toward preparedness, we ask our Senators and Congressmen to act as soon as possible, as the planting time is near at hand, and through this law not only our State but our Government would be greatly benefited, as this is one of our greatest wheat belts.

ISAAC RANTIA, *President*,
ALEX. STONE, *Secretary*,
Little Belt Local, American Society of Equity.

Mr. PHELAN presented a petition of the Teachers' Club, of Los Angeles, Cal., praying that an adequate appropriation be made for the improvement of the Yosemite National Park and for the creation of a national park service, which was referred to the Committee on Appropriations.

He also presented a memorial of Lasker Lodge, No. 370, Independent Order B'nai B'rith, of San Diego, Cal., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the California State Retail Hardware Association, praying for the enactment of legislation to provide 1-cent letter postage, for the taxation of mail-order houses, and for the fixing of standard prices on patented and trade-marked articles, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Lodi and Armona, in the State of California, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. WARREN presented a petition of the Sweetwater County (Wyo.) Branch of the Congressional Union for Woman Suffrage, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. VARDAMAN presented a petition of the Woman's Christian Temperance Union in State convention at Belzonia, Miss., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. JOHNSON of South Dakota presented a petition of sundry citizens of Miranda, S. Dak., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

Mr. WADSWORTH presented a petition of Clyde Grange, No. 33, Patrons of Husbandry, of Clyde, N. Y., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented the memorial of Mrs. F. O. Noble and sundry other citizens of Vancouver, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of the Woman's Civic Club of Seattle, and of sundry citizens of Spokane, Tacoma, Everett, Wenatchee, and Cashmere, all in the State of Washington, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented a petition of the confederated Indian tribes located along the Columbia River in Washington and Oregon; of the Walla Walla Tribe of Indians, located on the Umatilla Indian Reservation in Oregon; and of the Yakima Tribe of Indians on the Yakima Reservation, Yakima County, Wash., relative to their property rights and general welfare, which was referred to the Committee on Indian Affairs.

Mr. TOWNSEND presented petitions of sundry citizens of Harrison and Greenwood, in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Real Estate Board of Detroit, Mich., remonstrating against the proposed location of a Government power plant in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Local Union of Christian Endeavor of Grand Haven, Mich., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Trades and Labor Council of Escanaba, Mich., praying for Federal aid in the treatment of indigent persons afflicted with tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

REPORTS OF COMMITTEES.

Mr. REED, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3265) for the extension, remodeling, and improvement of the public building at Jefferson City, Mo., reported it without amendment and submitted a report (No. 426) thereon.

Mr. SHAFROTH, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (H. R. 9525) to establish a national park in the Territory of Hawaii, reported it without amendment and submitted a report (No. 431) thereon.

He also, from the same committee, to which was referred the bill (S. 5777) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii, reported it with amendments and submitted a report (No. 427) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 5274. A bill to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii (Rept. No. 429);

S. 5638. A bill to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii (Rept. No. 428); and

S. 5776. A bill to amend certain public-utility company franchises in the Territory of Hawaii (Rept. No. 430).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 5942) for the relief of Orrin Mayo (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5943) granting an increase of pension to Annie Davis;

A bill (S. 5944) granting a pension to James Kelley (with accompanying papers);

A bill (S. 5945) granting an increase of pension to Eugene A. Libby (with accompanying papers);

A bill (S. 5946) granting a pension to Helen Deering (with accompanying papers);

A bill (S. 5947) granting an increase of pension to Nora E. Danforth (with accompanying papers);

A bill (S. 5948) granting an increase of pension to Abbie M. Fernald (with accompanying papers);

A bill (S. 5949) granting a pension to Mary Miller (with accompanying papers);

A bill (S. 5950) granting an increase of pension to Effie Herbert (with accompanying papers);

A bill (S. 5951) granting a pension to Charles H. Kelley (with accompanying papers);

A bill (S. 5952) granting a pension to John B. Wallace (with accompanying papers);

A bill (S. 5953) granting an increase of pension to Eli O. Colson (with accompanying papers);

A bill (S. 5954) granting a pension to Harriet T. Draper (with accompanying papers);

A bill (S. 5955) granting an increase of pension to Charles G. Bridges (with accompanying papers);

A bill (S. 5956) granting an increase of pension to Gustavus A. Thompson (with accompanying papers);

A bill (S. 5957) granting an increase of pension to James Fairbrother (with accompanying papers);

A bill (S. 5958) granting an increase of pension to Joseph H. Knox (with accompanying papers);

A bill (S. 5959) granting an increase of pension to George W. Butterfield (with accompanying papers);

A bill (S. 5960) granting an increase of pension to Thomas J. Dill (with accompanying papers);

A bill (S. 5961) granting an increase of pension to William E. Cunningham (with accompanying papers);

A bill (S. 5962) granting an increase of pension to Aaron O. Houghton (with accompanying papers);

A bill (S. 5963) granting an increase of pension to Albion K. P. Marston (with accompanying papers);

A bill (S. 5964) granting an increase of pension to Elias A. Lothrop (with accompanying papers); and

A bill (S. 5965) granting an increase of pension to Hiram Ellis (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 5966) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913; to the Committee on Finance.

By Mr. POINDEXTER:

A bill (S. 5967) granting a pension to Mahalath Leonard (with accompanying papers);

A bill (S. 5968) granting an increase of pension to Thomas Brown (with accompanying papers);

A bill (S. 5969) granting an increase of pension to Mary A. Miller (with accompanying papers); and

A bill (S. 5970) granting an increase of pension to Mary C. Kessinger (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 5971) to provide for aviation in the Coast Guard; to the Committee on Commerce.

By Mr. FLETCHER:

A bill (S. 5972) for the relief of the legal or equitable owners or claimants of the U. S. S. *Nueces* (with accompanying paper); to the Committee on Claims.

AMENDMENTS TO APPROPRIATIONS BILLS.

Mr. STERLING submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was ordered to lie on the table and be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate $65,000 to enable the Secretary of Agriculture to gather information relative to the number of different classes and grades of marketable live stock, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m., Thursday, May 11, 1916) the Senate took a recess until to-morrow, Friday, May 12, 1916, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 11, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, our heavenly Father, that we are living in this age of gigantic industries, vast commercial enterprises, scientific discoveries, wonderful inventions, wide-spread knowledge and acumen; when the central truths of the Gospel, fatherhood, brotherhood, are being universally acknowledged through the innumerable philanthropic institutions which are reaching out helping hands to the needy; when character and right living are set above creeds and dogmas. Help us, we beseech Thee, to use these blessings with an eye single to Thy glory, that Thy kingdom may come and Thy will be done on earth as it is in heaven. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

POSTAL SAVINGS SYSTEM.

Mr. MOON. Mr. Speaker, I call up for consideration the conference report on the bill H. R. 562, to amend the act of June 25, 1910, authorizing a Postal Savings System, and ask unanimous consent that the statement may be read in lieu of the report.

Mr. GLASS. Mr. Speaker, I demand the regular order under the rule under which we are operating.

The SPEAKER. The Chair will see what the rule provides.

Mr. MANN. Mr. Speaker, my recollection is that some time ago under a similar rule which purported to cut out all other business I made the point of order that a conference report was not in order, and the Speaker overruled the point of order.

The SPEAKER. The Chair is inclined to think the gentleman is correct about that.

Mr. MOON. I understand that the consideration of conference reports is in order at any time under the general rules, except during the calling of the roll or when the House is considering some matter fixed by special order. I was not aware that there is any special order that would preclude the consideration of this matter at this time.

Mr. MANN. The language of the rule would cut it out, but I think that was the fact in the case to which I have just referred.

The SPEAKER. It is certainly within the power of the House to bring in a rule that would cut out a conference report, temporarily. The Chair will examine this rule.

Mr. GARRETT. Mr. Speaker, I will ask the gentleman from Tennessee how long this will take?

Mr. MOON. Only a few minutes.

Mr. GARRETT. Then I ask unanimous that the gentleman from Tennessee may be permitted to call up the conference report.

Mr. MOON. Mr. Speaker, I do not want to do it by unanimous consent.

Mr. MANN. I think we ought to have a ruling upon it.

The SPEAKER. After examining the rule the Chair concludes that it does not exclude the consideration of conference reports, and the Chair recognizes the gentleman from Tennessee. The gentleman from Tennessee asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 661).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment to the title of the bill, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the Senate insert the following:

"SEC. 2. That postal savings funds received under the provisions of this act shall be deposited in solvent banks, whether organized under National or State laws, and whether member banks or not of the Federal Reserve System established by the act approved December 23, 1913, being subject to National or State supervision and examination, and the sums deposited shall bear interest at the rate of not less than 2½ per cent per annum, which rate shall be uniform throughout the United States and Territories thereof; but 5 per cent of such funds shall be withdrawn by the board of trustees and kept with the Treasurer of the United States, who shall be treasurer of the board of trustees, in lawful money as a reserve. The board of trustees shall take from such banks such security in public bonds or other securities, authorized by act of Congress or supported by the taxing power, as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt payment of such deposits on demand. The funds received at the postal savings depository offices in each city, town, village, and other locality shall be deposited in banks located therein (substantially in proportion to the capital and surplus of each such bank) willing to receive such deposits under the terms of this act and the regulations made by authority thereof: *Provided, however*, If one or more member banks of the Federal Reserve System established by the act approved December 23, 1913, exists in the city, town, village, or locality where the postal savings deposits are made, such deposits shall be placed in such qualified member banks substantially in proportion to the capital and surplus of each such bank, but if such member banks fail to qualify to receive such deposits, then any other bank located therein may, as hereinbefore provided, qualify and receive the same. If no such member bank and no other qualified bank exists in any city, town, village, or locality, or if none where such deposits are made will receive such deposits on the terms prescribed, then such funds shall be deposited under the terms of this act in the bank most convenient to such locality. If no such bank in any State or Territory is willing to receive such deposits on the terms prescribed, then such funds shall be deposited with the treasurer

of the board of trustees and shall be counted in making up the reserve of 5 per cent. Such funds may be withdrawn from the treasurer of said board of trustees, and all other postal savings funds, or any part of such funds, may be at any time withdrawn from the banks and savings depository offices for the repayment of postal savings depositors when required for that purpose. If at any time the postal savings deposits in any State or Territory shall exceed the amount which the qualified banks therein are willing to receive under the terms of this act, and such excess amount is not required to make up the reserve fund of 5 per cent hereinbefore provided for, the board of trustees may invest all or any part of such excess amount in bonds or other securities of the United States. When, in the judgment of the President, the general welfare and interests of the United States so require, the board of trustees may invest all or any part of the postal savings funds, except the reserve fund of 5 per cent herein provided for, in bonds or other securities of the United States. The board of trustees may in its discretion purchase from the holders thereof bonds which have been or may be issued under the provisions of section 10 of the act of June 25, 1910. Interest and profit accruing from the deposits or investment of postal savings funds shall be applied to the payment of interest due to postal savings depositors, as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury of the United States as part of the postal revenue: *Provided further*, That postal savings funds in the treasury of said board shall be subject to disposition as provided in this act, and not otherwise: *And provided further*, That the board of trustees may at any time dispose of bonds held as postal savings investments and use the proceeds to meet withdrawals of deposits by depositors. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the District of Alaska, and Porto Rico, and the word "bank" shall be held to include savings banks and trust companies doing a banking business.

"SEC. 3. That the Postmaster General, in cases of emergency, between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

"SEC. 4. That when, during a weighing period, on account of floods or other causes, interruptions in service occur on railroad routes and the weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, is hereafter authorized, in his discretion, to add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal, or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct: *Provided further*, That readjustments from July 1, 1913, may be made under this provision on routes in the first section affected by the floods in the Ohio Valley and tributary territories, commencing about March 25, 1913.

"SEC. 5. That so much of section 4 of 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes,' approved August 24, 1912, as provides that no adjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected is hereby repealed.

"SEC. 6. That section 3949 of the Revised Statutes be amended to read as follows:

"'All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement: *Provided, however*, That such contracts require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract.'

"SEC. 7. That whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General be, and he is hereby, authorized, out of the appropriation for inland transportation by star routes, to employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies.

"SEC. 8. That whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law: *Provided*, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor.

"SEC. 9. That if any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the department his contract for such service and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the month in which such service shall have been performed the Postmaster General may cause the amount due to be paid said party or parties and charged to the contractor: *Provided*, That such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor.

"SEC. 10. That the act of March 4, 1909 (35 Stats., p. 1126), be amended to read as follows:

"'That whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than $1,000 or by imprisonment for not more than three years.'

"SEC. 11. That the limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth class: *Provided*, That no article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the acts of June 8, 1896 (ch. 370, 29 Stats., p. 262), and June 26, 1906 (ch. 3546, 34 Stats., p. 477).

"SEC. 12. That postage stamps affixed to all mail matter or to stamped envelopes in which the same is inclosed shall, when deposited for mailing or delivery, be defaced by the postmaster at the mailing office: *Provided*, That when practicable postage stamps may be furnished to postmasters precanceled by printing on them the name of the post office at which they are to be used, under such regulations as the Postmaster General may prescribe.

"SEC. 13. That section 2 of the act of April 28, 1904 (chap. 1759, 33 Stats., p. 440), be amended to read as follows:

"'That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails, without postage stamps affixed, quantities of not less than 300 identical pieces of third-class matter and of second-class matter and 250 identical pieces of fourth-class matter, and packages of money and securities mailed under postage at the first or fourth class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter.'

"SEC. 14. That the act approved January 21, 1914 (38 Stats., p. 278), authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty, be so amended as to include Navy mail clerks and assistant Navy mail clerks.

"SEC. 15. That hereafter the Postmaster General may enter into contracts for the conduct of contract stations for a term not exceeding two years.

"SEC. 16. That on and after July 1, 1916, when the total compensation of any postmaster at a post office of the fourth class for four consecutive quarters shall amount to $1,000, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,900, the Auditor for the Post Office Department shall so report to the Postmaster General, who shall, in pursuance of such report, assign such post office to its proper class, to become effective at the beginning of the next succeeding quarterly period, and fix the salary of the postmaster accordingly.

"SEC. 17. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed."

And the Senate agree to the same.

JOHN A. MOON,
D. E. FINLEY,
H. STEENERSON,
Managers on the part of the House.

J. H. BANKHEAD,
E. D. SMITH,
CHARLES E. TOWNSEND,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House make the following written statement in explanation of the action agreed upon by the conference committee submitted in the accompanying conference report:

Page 2, section 2, line 10: The words "a reserve bank created by the Federal Reserve" have been stricken out, and in lieu thereof the following inserted: "the Federal Reserve System established by the." This change was made in order to give the Federal Reserve System its accurate title.

Page 3, lines 7 and 8: The words "a reserve bank created by the Federal reserve act" have been stricken out, and in lieu thereof the following inserted: "the Federal Reserve System established by the act." This change was made in order to give the Federal Reserve System its accurate title.

Page 4, lines 6 to 12: So much as relates to the investment of postal savings funds is stricken out, and in lieu thereof provision is made that when the banks in a State refuse or are unable to accept postal savings deposits originating in that State and the deposits are not needed to make up the 5 per cent reserve fund the board of trustees are empowered to invest such funds. The authority conferred upon the President to direct the investment of postal savings funds when, in his judgment, the general welfare and interests of the United States so require is continued in the exact terms of the original postal savings act.

This section also modifies the present laws in two other important respects. At present only member banks of the Federal Reserve System are eligible to receive postal savings deposits. Postal savings deposits under this section as agreed upon may be made in both member and State banks, but preference is given to member banks. If, however, a member bank in a community is unwilling to accept the deposits, or if there is no member bank in that locality, a State bank may qualify as a postal savings depository and receive the funds.

Under present laws the board of trustees are authorized to accept only bonds or other securities supported by the taxing power as security for postal savings deposits. The bill agreed upon goes further by authorizing the board of trustees to accept as security for postal savings deposits not only bonds or other securities supported by the taxing power, but also bonds or other securities authorized by act of Congress.

Section 3: Entire section stricken out.

Section 4: Entire section stricken out.

Reason: Both sections are embraced in the Post Office appropriation bill (H. R. 10484) which passed the House February 28, 1916. If adopted, would require an appropriation to carry out provisions.

The conference committee agreed to the Senate amendment without change as embraced in the following sections, all of which are included in the Post Office appropriation bill which passed the House February 28, 1916.

Section 5, now numbered section 3: Provides for the transportation of mail bags in mail trains at railroad mail rates.

Section 6, now numbered section 4: Provides for the substitution of weights of mails for weights not taken or omitted.

Section 7, now numbered section 5: Provides for readjustment of pay for diversions of mail.

Section 8, now numbered section 6: Provides for star-route service under special conditions.

Section 9, now numbered section 7: Provides for transportation for star-route service when in the judgment of the Postmaster General bidders enter into combination to fix rates.

Section 10, now numbered section 8: Provides for temporary star-route service on account of failure of contractor or carrier to peform service.

Section 11, now numbered section 9: Provides for payment to carrier when contractor for star-route service fails to pay.

Section 12, now numbered section 10: Provides for protection of letter boxes.

Section 13, now numbered section 11: Provides for limit of weight of mail matter.

Section 14, now numbered section 12: Provides for use of precanceled postage stamps.

Section 15, now numbered section 13: Provides for mailing of a number of identical pieces of third or fourth class mail matter without affixing postage stamps.

Section 16, now numbered section 14: Amends act approved January 21, 1914, authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, etc., and includes Navy mail clerks.

Section 17, now numbered section 15: Provides that the Postmaster General may enter into contracts for conduct of contract stations for the term of two years, instead of four years, as proposed.

Section 18 was stricken out: Provided for nonaccounting offices.

Section 19, now numbered section 16: Provides for advancement of fourth-class offices.

Section 20, now numbered section 17: Provides for repeal of all laws in conflict with provisions of this act.

JOHN A. MOON,
D. E. FINLEY,
H. STEENERSON,
Managers on the part of the House.

Mr. MOON. Mr. Speaker, it is hardly necessary in view of the report and the statement to consume very much time in reference to this bill, so I shall move the previous question on the adoption of the report after a discussion of a few moments, unless gentlemen desire to be heard, and then, of course, I shall withhold it.

Mr. MADDEN. Mr. Speaker, I would like to have the chairman of the committee yield me 30 minutes.

Mr. MOON. I will yield 30 minutes to the opposition to the report.

Mr. MADDEN. I am in opposition to it.

Mr. MANN. Will the gentleman from Tennessee yield to me for a question first?

Mr. MOON. Certainly.

Mr. MANN. As I understand it, no change is made from the House bill so far as it went?

Mr. MOON. Not any.

Mr. MANN. And the only change in the conference report, respecting section 2, which was the first section in the Senate amendment, is in the description of the Federal reserve bank?

Mr. MOON. Yes; that is the only one that affects the first section.

Mr. STAFFORD. Mr. Speaker, would the gentleman from Tennessee be able to yield to me for 5 or 10 minutes?

Mr. MOON. I think I can. I will be glad to do so if I can. I want to proceed myself now for a few minutes. The maximum amount which the postal savings depositors may have on interest is increased in the original bill from $500 to $1,000, and $1,000 is permitted to be deposited in the discretion of the board of trustees, which does not draw interest. That was the original bill which passed the House. The Senate added one amendment in 19 sections as reported in the conference report. The effect of the Senate amendment on the original bill was this: It provided that funds might be deposited in State banks and savings institutions other than those that were not members of the Federal reserve board. That is a change in the law. It, however, gives preference to the reserve banks. It is further provided that the board of trustees might take as security for the postal funds not only bonds which were supported by the taxing power but any bonds authorized by an act of Congress; for instance, if you passed the rural-credits bill the farmers' land bonds might be for acceptance under the provisions of this bill. That is a change in the law recommended by the Senate and agreed to by the conferees.

Now, the second and third sections of this bill had reference to the payment of claims of railroad companies on account of

diversions of mails, companies that were not fully and adequately compensated, owing to the conditions described in the third and fourth sections. Inasmuch as that would require an appropriation, and there were no funds at this time to meet it, this money would necessarily have to be appropriated in the general appropriation bill for the fiscal year 1917, and it was thought wise not to let those two sections remain in this bill, and therefore they were stricken out. They are, however, in the Post Office appropriation bill, where we think they properly belong.

I will not undertake to discuss the other sections of this bill that are agreed upon, because all of those sections are now in the Post Office appropriation bill, and they are matters of postal administration and are simply placed by the Senate committee in this bill to relieve them from the Post Office bill, and might as well be passed at one place as another. The House has fully considered all of them, and they have already passed in the House; not a change is made in any of them by the Senate, but they simply put them into this bill, and, of course, when we come to the consideration of the Post Office appropriation bill they will be stricken from that bill if passed in this measure.

There was, however, one other section of the amendment known as No. 18, the nonaccounting office amendment, which the Senate put in this bill and the conferees struck out. That was a proposition by which the Post Office Department could take any one office in a county or State, or the United States, as far as that is concerned, and make it a central accounting office, and all other offices might be made subsidiary to it or substations and nonaccounting to the general office at Washington, but accounting only to the central office of which it was made a substation. That would place all first, second, and third class postmasters under a new name by operation of the law under the civil service. It is too big a question, we thought, for consideration without a very full hearing, although there was a disposition to let fourth-class postmasters remain now under the civil service. Even as to these offices it was thought best by the conferees not to take up that question and not to undertake to determine it now, in view of the fact that it involved more consideration than ought to be undertaken by a mere conference on a newly suggested item. Later we hope to give full consideration to these suggestions. A majority of the conferees thought best not to do so now.

Mr. Speaker, I reserve the remainder of my time, and I will yield to the gentleman from Illinois [Mr. MADDEN], who desires to discuss the question I have last mentioned, 30 minutes?

Mr. MADDEN. It may be I will get through sooner than that, but I would like to have 30 minutes.

Mr. MOON. I yield the gentleman 30 minutes.

Mr. MADDEN. Mr. Speaker, I consider my membership in Congress equivalent to a membership on the board of directors of the great business corporation known as the United States, and I regard my position on the Post Office Committee as a member of the executive committee of the board of directors, with special reference to the work of the Post Office Department, and as such I feel it to be my duty to advance the interests of the corporation in every honorable way that will facilitate and systematize the transaction of the public business.

I regard it as one of the first obligations of a Member of Congress to make a thorough study of the particular work to which he is assigned, to familiarize himself with every detail of the Government service, and to utilize the information thus acquired to advance the public interest.

I regard the Post Office as the people's department, for it comes into contact with every individual in the land, and I look upon my membership on the Post Office Committee as a responsibility which should be seriously assumed.

Wherever it is possible to furnish better facilities or to exercise greater economy by putting the department on a better business basis, it should be done. The first consideration should be service to the people, and as it is not possible for all Members of the House to give careful study as to how this can best be done, the members of the Post Office Committee should, whenever possible, give them such information as will enable them to intelligently cooperate with the department and the committee to the end that the management of the department may have the cooperation which the importance and magnitude of the business justifies.

In any business corporation a recommendation from the head of a department for the institution of economies would be welcomed by the board of directors; indeed, the head of the department would not be considered as worthy to act in that capacity unless he called to the attention of the board of directors every modern method which he believed proper to apply. It is because of the close cooperation between the executive heads and the boards of directors of business cooperations that they succeed. Initiative upon the part of the head of a business corporation is not only encouraged but demanded by the board of directors, and wide latitude is always given to the head of the corporation in administrative affairs. That should be the case in governmental affairs, and wherever it is shown that the head of a department is willing to apply business methods in the conduct of his department he should be encouraged by the Congress to do so; indeed, the Congress should cooperate with him to that end. There should be no politics in the conduct of a business department of the Government. Members of Congress should not play politics; they should not permit the department head to do so. Strict business methods should be applied.

Two years ago the Postmaster General recommended the enactment of a provision reading as follows:

> Hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting, for the transaction of any post-office business which may be required for the convenience of the public.

His recommendation was adopted by the committee and approved by the House and Senate. Although both Houses adopted this provision, it did not become law because the post-office bill failed of passage on the last day of the Sixty-third Congress.

It is a matter of regret that the House committee failed to report the provision in the appropriation bill which recently passed the House, and a matter of still greater regret that the conferees on the part of the House failed to approve that provision which the Senate embodied in the administrative measures attached to the amendment to the postal savings-bank bill, which is now before the House for consideration.

If the provision had been approved by the House conferees, it would now be before us for consideration and undoubtedly would be adopted, and if adopted it would enable the Postmaster General to reorganize the department on a business basis and make a saving to the department of $10,000,000 a year and at the same time increase the efficiency of the service without taking any facilities away from the people.

Mr. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I will.

Mr. LLOYD. The saving would be made, would it not, in the reduction of the salaries of the postmasters?

Mr. MADDEN. It would be made by the substitution of superintendents of stations where now postmasters preside.

Mr. LLOYD. And those superintendents could be employed for a much less sum than is now paid to the postmasters for the discharge of the same duties?

Mr. MADDEN. They undoubtedly would; there is no doubt about that. I am going to get to that.

Mr. RUCKER. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes, sir.

Mr. RUCKER. Does the gentleman think that the superintendents could be employed cheaper than the ordinary salary paid to a second or third class postmaster?

Mr. MADDEN. I am going to describe that, if the gentleman from Missouri will permit, and show exactly what effect it would have upon the service. In the great cities of the country the law provides:

> The Postmaster General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices (stations or substations) for the receipt and delivery of mail matter and the sale of stamps and envelopes; and he shall prescribe the rules and regulations for the government thereof. But no letter shall be sent for delivery to any branch office contrary to the request of the party to whom it is addressed.
>
> 2. No station, substation, or branch post office shall be established beyond the corporate limits or boundaries of any city or town in which the principal office to which such station, substation, or branch office is attached is located, except in cases of villages, towns, or cities of 1,500 or more inhabitants not distant more than 5 miles, as near as may be, from the outer boundary or limits of such city or town in which the principal office is located. * * *

The arbitrary limitations of population and distance embodied in the second paragraph of the law above quoted operate as a bar to the application of the principle of consolidation to the detriment both of the department and of the public.

Of the 55,935 independent post offices now being operated, 46,760 are of the fourth class, where the compensation of the postmaster is less than $1,000. It should be apparent that this low compensation will not attract to the position of postmaster persons possessing the training, experience, and ability to administer the post office in the most efficient manner. The supervision of these small post offices, under the present system of organization, is conducted principally by correspondence from the department, supplemented by infrequent visits of post-office inspectors. In addition to the direct correspondence between the department and the 55,935 independent post offices, it is necessary for the auditor to maintain a separate account with each of these offices, which account is closed four times each year, and voluminous correspondence is conducted by the auditor in

the adjustment of these accounts every three months. Furthermore, supplies and equipment, including stamped paper, are furnished by the department separately for each of the independent post offices. The matter of stamped paper is particularly important. Under the present system it is necessary for offices to be furnished with stamped stock ample for three months. Most of the small offices have no adequate means of safeguarding this property of the Government, and the result is frequent loss by burglary and peculation.

From the standpoint of the public the present law prevents the extension of more effective postal service to small communities adjacent to or in the vicinity of larger post offices. Not only is the conflict of the post offices as they exist less efficient than it would be under consolidation with the larger offices, but the communities in which they are located are deprived of the better facilities which would flow from consolidated management, principally in the way of city delivery and collection service.

With a view to removing the limitations of the present law and paving the way toward simplified and improved administration by the department, as well as more effective service for the smaller communities throughout the country, the department has recommended the enactment of the following provision of law:

Hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting, for the transaction of any post-office business which may be required for the convenience of the public.

Under the proposed law the goal would be to establish territorial units of postal management, in each of which there would be one central office with as many nonaccounting branches and stations as the postal needs of the communities might require. It should be clearly understood that the attainment of this goal would be gradual.

The immediate benefits, however, would be great. The department would proceed to apply the law to the cases in which the immediate need for consolidation was most apparent.

The principal advantages which would accrue from the administration of the proposed law may be summarized as follows:

Each community in which a nonaccounting station or branch office is substituted for an independent post office will receive the benefits of improved service resulting from supervision by trained and experienced postal officials close at hand, and will be entitled upon installation of the requisite public improvements to the extension from the central office of city delivery and collection service.

The community will lose none of its local identity. Its name will continue to be carried in the Postal Guide and, so far as the public is concerned, there will be no change in the service except for improvement.

The establishment of each nonaccounting station or branch office in lieu of an independent post office will relieve the administration of the service in the following ways:

Direct correspondence with the department regarding the conduct of the office would be eliminated.

Direct accounting to the auditor and correspondence with the auditor on this subject would be eliminated.

The furnishing of supplies and stamped paper by the department would be discontinued. The supplies and stamped paper would be obtained from the central office in quantities sufficient for demands for one week. Opportunities for burglary and peculation would be minimized.

The proposed law has been objected to on the ground that it would destroy the identity of small communities and that it fixes no limit which the department may not exceed in the consolidation of post offices. This objection has been met by the suggestions contained in the Postmaster General's letters of March 18 and 20 to the chairman of the House Post Office Committee, to the effect that the proposed law contains the following provisions:

Provided, That there shall be at least one independent accounting office in every county.

Provided further, That the Postmaster General in establishing branch offices or nonaccounting offices in lieu of independent offices shall not change the name of the office because of the consolidation, and that all post offices so consolidated shall not be deprived of any postal facilities which they may have prior to the time of consolidation.

Does that answer the question?

Mr. CANNON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. CANNON. Now, this provision does not go into this bill?

Mr. MADDEN. It does not go into the bill, but it ought to be in the bill.

Mr. CANNON. And is not to be enacted into law this session?

Mr. MADDEN. Unless the House refuses to approve the conference report and sends it back.

Mr. CANNON. Precisely; and it will not be upon the Post Office appropriation bill?

Mr. MADDEN. Not this time, although it passed before.

Mr. CANNON. The gentleman is making a very strong speech and a very able one. I gather from his speech that in every county in the United States, as far as the recommendation of the Postmaster General is concerned, there will be one central post office?

Mr. MADDEN. Yes.

Mr. CANNON. And probably when the act goes into force what are now local post offices will be——

Mr. MADDEN. They would be stations.

Mr. CANNON. They would be stations.

Mr. MADDEN. Presided over by superintendents responsible to the postmaster at the county seat.

Mr. CANNON. Precisely; yet the postmaster of the county seat must have, in the larger counties, a corps of clerks to do the auditing; and when we multiply that by all the county seats in the country getting an independent auditing force in the various county seats, does not the gentleman think that that would be much more expensive, against the whole thing as provided for, than to let the accounting be done by the auditing office at Washington?

Mr. MADDEN. On the contrary, after having given two or three years of careful study to the question, I conclude it would be much more economical, to the extent of $10,000,000 at least, and much more effective and efficient.

Mr. BRITT. Will the gentleman yield?

Mr. MADDEN. I have only 30 minutes, but I will yield to my colleague on the committee.

Mr. BRITT. I would like to ask if the economy would not lie in lessening the large amount of accounting between the present post offices and the department?

Mr. MADDEN. There would be some.

Mr. HAMILTON of Michigan. Would this system go under the classified service?

Mr. MADDEN. It would. I am going to get to that.

The law recommended by the Postmaster General will enable the department to bridge the gap between the present unscientific and ineffective organization of the Postal Service and the organization of this service upon strictly scientific business principles recognized by every up-to-date business executive.

And I apprehend if the people knew the situation with respect to this that every Member of the House and every Member of the Senate would find himself deluged with telegrams demanding the enactment of this law. Oh, but you say, you take away a post office from some fellow that wants a job. There is only one in every community. The rest of the people have something to say and would say it if they understood the situation, and the purpose of my making this statement here to-day is with the hope that somehow or other information will get into the minds and hearts of the people.

Mr. FESS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. FESS. Under this plan instead of 15 or 20 postmasters to be appointed in the county in which I live there will be one?

Mr. MADDEN. Yes.

Mr. FESS. Would not that be some relief to a Congressman?

Mr. MADDEN. It would be a great relief to you.

Mr. COX. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. COX. I am particularly interested in the part of the gentleman's speech wherein he says he believes it will tend to bring about an economy of $10,000,000.

The gentleman remembers, does he not, that a few years ago the Postmaster General recommended that he be given authority to let out to a private bidder rural routes, to be given that bidder in each county in every congressional district in the United States? He proved conclusively, to my mind, that by paying to those contractors the same amount of money that is now paid to the highest priced star-route contractor in the United States it would save $18,000,000 a year. But we did not go very far with it in the House, did we?

Mr. MADDEN. I know you did not, and you may not get very far with this. But I think it is the duty of the members of the Post Office Committee to present the facts to the House and then allow the House to decide what it wants. I think we would be negligent in our duties if we did not present the facts.

If the provision referred to is enacted into law it will reduce the number of postmasters from 56,000 to 3,000.

The present method requires the preparation and settlement of approximately 1,150,000 monthly and quarterly accounts and upward of 5,000,000 separate remittances to the various depository offices, and this would be reduced in the proportion which 3,000 bears to 56,000 by the adoption of the proposed plan.

Mr. CANNON. Will my friend allow me to interrupt him right there?

Mr. MADDEN. Yes, sir.

Mr. CANNON. Does my friend say that that saving would be net? Does he not count something for the auditing in these 3,000 post offices?

Mr. MADDEN. No additional expense is required to do the auditing in these post offices. We have in Chicago, for example, to-day—a city of 2,500,000 people, covering an area of 200 square miles—one postmaster, 52 post offices, and over 51 of these post offices a superintendent presides, and he reports to the postmaster. And there is no such system anywhere in any business in all the world as has been inaugurated there.

The SPEAKER. The gentleman has spoken 30 minutes.

Mr. MADDEN. Mr. Speaker, may I have a few minutes more?

Mr. MOON. I have not the time to give.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Tennessee [Mr. MOON] be extended 10 minutes.

Mr. MOON. Mr. Speaker, I am not asking any unanimous consent. If the gentleman wants it and can use it, I have no objection.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the time of the gentleman from Tennessee [Mr. MOON] be extended 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOON. I yield the time to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. I thank the gentleman.

I shall not allow any interruption now, I think; but if I finish before the 10 minutes is up, I shall be glad to permit interruptions.

It would enable the Postmaster General to establish one post office in each county, the postmaster of which would have supervision over all the other post offices within the county. It would place every man subject to the orders of the county postmaster under civil service, giving him permanent tenure, and encourage him to do the work better on that account. The department should be so reorganized as to place the First, Second, Third, and Fourth Assistant Postmasters General and all of the postmasters proposed to be named under the provisions of this law under civil service. Every man who enters the service should be eligible to promotion, from the lowest to the highest place in the department, whenever he proves himself qualified.

The adoption of such a system would invite a higher type of men into the service, enable them to learn the business from the bottom, and qualify them to fill the places at the top. Each man would be an expert. The business would be run by experts, as commercial businesses are run. The service would be more responsive to the people's needs than it is to-day.

The Congress should encourage the department by authorizing its reorganization and giving the Postmaster General an opportunity to show what can be done in the department by the introduction of business methods. Members of Congress would be relieved from the burden of selecting postmasters and from the many disagreeable things that confront them in connection with that work. They would have more time to attend to their legislative duties, and they would lose no prestige at home; on the contrary, the adoption of this measure would merit the plaudits of the American people and give the satisfaction to those who were responsible for its enactment of knowing that they had performed a service calculated to meet the wishes of the people by providing the best facilities possible to be devised for the transaction of the enormous business of this great department.

It may be asked, What will become of the fourth-class postmasters, where the compensation is small, and whether such offices would justify the appointment of a superintendent? I am frank to say that it would not; but in all the great cities of the country where they have one postmaster and numerous superintendents the Postmaster General also has the right to provide contract stations for the sale of stamps, registry of letters, and for the transaction of such other business as the community may require. Wherever a station with a superintendent would not be justified a contract station would be established and the business of the community carried on in that way.

There need be no fear on the part of any Member of Congress that the facilities for the transaction of the postal business will be curtailed by granting the Postmaster General the authority which I have outlined. The important question is, Does the Congress of the United States feel that the department ought to be put on a business basis? If it does, it will reject the report of the House conferees and send them back with instructions to report this provision of the bill favorably. If it does not, of course, it will adopt the conference report and thus place itself on record in favor of continuing the present antiquated spoils method of conducting the postal business of the country.

The progressive thought of the country will approve the adoption of the plan outlined here, for I am sure the people of America are anxious that their representatives shall, while furnishing them every facility which they ought to have, do so in the most scientific manner possible and with the greatest degree of economy.

The department is now employing more than 273,164 men. They are appealing to the Congress for pensions, and, judging from the sentiment which seems to prevail both in and out of Congress, the time is not far off when the enactment of some law to provide for the worthy superannuated employees of this great department must be enacted.

The adoption of the suggestion which I have outlined will make it possible for the department to save $10,000,000 annually, part of which, if need be, can be used to retire many of the men who have reached that stage in life where they are no longer able to do a young man's work.

In addition to making this saving and the possibility of its use in part for the purpose indicated, we will, by the enactment of this provision of law, have modernized the department, increased the facilities for the transaction of its business, encouraged new blood to enter the service, created a stimulus among the men for better work in the hope of promotion, taken the department out of politics and have shown our disinterested devotion to the cause of good government. [Applause.]

Mr. Speaker, I ask unanimous consent that I be permitted to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MADDEN. I submit the following under the leave to extend my remarks:

PAGES 126 TO 144, INCLUSIVE, OF HEARINGS ON THE POST OFFICE APPROPRIATION BILL BEFORE HOUSE COMMITTEE, EMBODYING DISCUSSION OF DEPARTMENT'S RECOMMENDATION FOR NEW LEGISLATION GOVERNING ESTABLISHMENT OF STATIONS AND BRANCH OFFICES (NONACCOUNTING).

BRANCH OFFICES.

The CHAIRMAN. This new item reads:

"That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices, or stations, of any post office for the transaction of such postal business as may be required for the convenience of the public."

Now, as to that nonaccounting office, do you want to take up this matter now?

Mr. MADDEN. I think, if it is agreeable to the chairman, that the committee itself ought to take up that question of legislation and see how far we want to go.

The CHAIRMAN. I was asking you whether you wanted any further hearing from Mr. Roper on it.

Mr. MADDEN. I think we might want to talk it over first and then call him back.

The CHAIRMAN. Well, General, you can come back at any time.

Mr. STEENERSON. That will be agreeable.

(Thereupon the committee adjourned to meet Monday, January 10, 1916, at 10 o'clock a. m.)

COMMITTEE ON THE POST OFFICE AND POST ROADS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Monday, January 10, 1916.

The committee met at 10.30 o'clock a. m., Hon. JOHN A. MOON presiding.

Present: Representatives COX, ROUSE, BEAKES, AYRES, RANDALL, STEENERSON, MADDEN, and COPLEY.

STATEMENT OF HON. DANIEL C. ROPER, FIRST ASSISTANT POSTMASTER GENERAL—RESUMED.

BRANCH OFFICES.

The CHAIRMAN. I believe you testified to everything except this matter on page 47?

Mr. ROPER. Yes, sir.

The CHAIRMAN. Let me ask you about this matter:

"Hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting, for the transaction of any post-office business which may be required for the convenience of the public."

What is meant by that statement in there?

Mr. ROPER. We find in the operation of the Postal Service that we could give more satisfactory service if the Postmaster General had greater leeway in the matter of establishing stations than under the present law, which requires that the villages, towns, or cities shall have not less than 1,500 population and be located within 5 miles of the post office to which the proposed station is to be attached.

With the expanding Postal Service we are able to give to these outlying communities better facilities, as by establishing such stations we are able to extend the delivery service to such communities in many instances, and in many cases, by tacking on such outlying communities to the larger postal district, to give more satisfactory supervision. That is, the station would fall under the general supervision of a man more experienced in handling postal affairs. This measure also would add materially to the convenience and economy of distributing supplies, and keeping in general touch with the smaller locality. It is a matter which would naturally be very gradually administered. We are now, as you know under the law, gradually bringing such districts under this superior supervision when the conditions justify it. We

are simply seeking here a little more leeway in the administering of the station feature.

Mr. RANDALL. That provision was incorporated in the last bill which was filed, was it not?

Mr. ROPER. Yes; this was passed favorably upon by this committee a year ago, and, Mr. Chairman, in that connection I would like to make this general statement: In constructing our estimates this year, as well as the legislation, we have endeavored to follow what we believe to be the attitude of this committee as expressed last year. We have therefore passed over in our group of special recommendations the measures which you failed to act favorably on last year, and have grouped for this year only those on which we interpreted your attitude last year as being favorable. That is, passed on by this committee, passed by the House, and submitted to the Senate, where the bill died.

The CHAIRMAN. Have you got up a statement of the legislation you want outside of this report?

Mr. ROPER. Yes, sir; I have. These items of proposed legislation which we are seeking at this time include the elimination of the position of assistant postmasters; the reclassification of the salaries of supervisory officers in post offices, based on gross receipts; the reclassification of the salaries of station superintendents, based on receipts and on the number of employees; the establishment, when desirable, of nonaccounting branches of post offices to serve outlying territory; the advancement of fourth-class post offices to the presidential grade on the basis of annual instead of quarterly returns; the readjustment of postmasters' salaries on the basis of the receipts for the preceding calendar year instead of the year ended March 31; four-year terms for contract stations; and the payment of all substitute clerks and carriers at the uniform rate of pay of 35 cents an hour.

Mr. MADDEN. That is not following the attitude of the committee last year.

Mr. ROPER. I was about to say that that is not exactly in line with the attitude of the committee, but we have suggested this for the sake of uniformity and equitable treatment not out of line, we trust, with the attitude of the committee.

In this connection I also refer to two other matters which seem to be forced upon us and which I desire to bring to the attention of the committee again. These are the legislation in line with the Postmaster General's recommendation for a guaranty fund in lieu of the surety bond for postmasters and other postal employees; and the acquisition, in conjunction with the post offices, of the telegraph and telephone utilities in Alaska, Porto Rico, and Hawaii. This is a general list, and inasmuch, Mr. Chairman, as we have now discussed all of these items except the bonding feature, I should like to ask that the committee consider what I am about to submit with regard to the bonding feature in executive session. I feel that it is my duty to submit it in executive session.

The CHAIRMAN. I want to ask you a few questions about this other matter before we get to that.

Mr. MADDEN. So do I, Mr. Chairman.

The CHAIRMAN. It is your purpose in establishing a nonaccounting office to extend the jurisdiction of the main or central office beyond 5 miles, you say, the limit in taking in these nonaccounting offices?

Mr. ROPER. We are removing the limitations and leaving that to administration.

The CHAIRMAN. So that if at the county seat one county has a large town and you saw fit to do it, you would take in the post offices of the adjoining county?

Mr. ROPER. We could make the unit what good administration proves to be the best.

The CHAIRMAN. Whether it was 5 miles or 100 miles, you make it what you saw fit?

Mr. ROPER. Yes, sir.

The CHAIRMAN. Is that intended to apply to anything except fourth-class offices?

Mr. ROPER. The legislation sought would make it broad enough to apply to other offices.

The CHAIRMAN. To make it apply to other offices—first, second, and third class offices?

Mr. ROPER. To make it apply to any offices where the administration of the service showed it necessary, practicable, and best for the service and the people affected.

The CHAIRMAN. Then, for instance, at Indianapolis, where you have a post office, you could make all your second, third, and fourth class offices subordinate to the Indianapolis office that you saw fit in the State of Indiana?

Mr. ROPER. Of course the object of this is to create practical units. It would have to be determined from experience in handling this service what the most workable and satisfactory units would be.

Mr. STEENERSON. Did I understand the answer to be in the affirmative?

The CHAIRMAN. Yes. That would have the effect of putting under civil service all the offices you saw fit to put under the control of the chief office, would it not?

Mr. ROPER. Under the present civil-service law it would have the effect of making the postmaster of the office consolidated eligible for classification as station superintendent.

The CHAIRMAN. Do you think that would be satisfactory to the people to have their first, second, and third class offices all subordinate to another first-class office; to have no postmasters, excepting superintendents, appointed under the civil service for them?

Mr. ROPER. I could hardly see how the people would recognize any difference at all, because the station would carry the same name as the offices heretofore carried, and it would carry all the facilities, too.

Mr. BEAKES. They would get city delivery, would they not?

Mr. ROPER. In many instances they would get city delivery, and in all instances they would have better supervision. The offices would be more readily checked up than now, and the cost of auditing accounts would be materially reduced. The losses by burglary would be reduced for the reason that the stock of stamps would be replenished from day to day by the central post office.

The CHAIRMAN. The postmaster, however, would be just as apt to come from some other town as that one, would he not?

Mr. ROPER. It would make it possible to establish an interchangeable personnel in the service.

The CHAIRMAN. And civil service throughout?

Mr. ROPER. Civil service throughout.

Mr. MADDEN. This would put the Postmaster General in position to appoint one postmaster in the county, would it not, and would put all the other post offices in the county as nonaccounting offices, subject to his jurisdiction?

Mr. ROPER. If the county should be the unit.

Mr. MADDEN. It would make it possible?

Mr. ROPER. Yes, sir.

Mr. MADDEN. That would reduce the number of accounts to be kept in the general office from, say, 60,000 to 3,000, that being the number of counties in the United States, would it not?

Mr. ROPER. Yes, sir; it would very materially reduce the work here.

Mr. MADDEN. It would make the tenure of office of the men who are now postmasters, in every case except those that would not be changed, permanent?

Mr. ROPER. The Postmaster General has already recommended the classification of postmasters of the third and second classes.

Mr. MADDEN. It would introduce a system similar to the system we have, say, in the big cities, like New York and Chicago. For example, we have 2,500,000 people in Chicago, and we have 1 postmaster and 52 post offices, in effect, because we have 51 stations outside of the post office, over each of which there is a superintendent presiding.

Mr. ROPER. From an administrative standpoint, we look upon the entire county as an enlarged city.

Mr. MADDEN. Surely. And you believe that this suggestion is a suggestion in line of good administration for the department, do you not?

Mr. ROPER. I do.

Mr. MADDEN. I am inclined to agree that it is, myself.

Mr. COX. What is your judgment as to economies it would bring about, cost of administration, etc.? Would it lessen or increase them?

Mr. ROPER. I think anything which adds to the efficiency of operation necessarily results in economy, and in this we would certainly have very material efficiency added to the service.

Mr. COX. Have you any data or compilations along that line showing the approximate amount that would be saved to the Government if a plan of that kind should be worked out?

Mr. ROPER. I have no data except the information relating to localities which have become stations during this administration, compared with the operation of those stations prior to the time when they were stations.

Mr. COX. Are you in a position to put that data in the record?

Mr. ROPER. We can compile some data along that line and will put it in the record.

Mr. COX. I wish you would do it.

(The following is the data referred to:)

"The following statement refers to a majority of instances where the present administration has substituted classified postal stations for independent post offices and truly reflects the financial changes resulting from the consolidation of the offices named, in so far as the expense for clerical and carrier assistance and the rental of quarters are concerned.

"Except in the cases of Theological Seminary, Va., Secaucus, N. J., and Cedar Point, Ohio, all of the independent post offices replaced by classified stations were of the presidential class, and in every instance City Delivery Service was extended to the territory served by the independent post office.

"Where the word 'postmaster' appears after the title 'superintendent' or 'clerk,' under the heading 'Cost after consolidation,' it means that the postmaster was transferred to the classified service at the compensation stated. In some instances the postmaster asked that he be not classified, while in other cases, owing to the advanced age and the lack of previous postal experience, it was deemed inadvisable to classify the postmaster.

"In addition to the consolidations referred to in the statement a large number of fourth-class post offices were replaced by contract stations attached to first or second class post offices and City Delivery Service was extended to the territory served by the fourth-class offices. The contract stations were established at an expense approximating the salary of the fourth-class postmaster, and in many instances the postmaster was appointed clerk in charge of the contract station.

DAYTON, OHIO.

Consolidation of National Military Home. Effective July 1, 1914.

Cost before consolidation:	
Salary of postmaster	$1,500
Clerk hire	300
Rent, light, and fuel	0
	1,800
Cost after consolidation:	
Two clerks, at $800 each	1,600
One carrier	800
Rent, light, and fuel	0
	2,400

WEEHAWKEN, N. J.

Consolidation of Secaucus. Effective May 1, 1914.

Cost before consolidation: Salary of postmaster	$1,000
Cost after consolidation:	
One clerk (postmaster)	800
Rent, light, and fuel	300
Auxiliary clerk hire	375
1 carrier	800
Horse hire	360
	2,635

SANDUSKY, OHIO.

Consolidation of Cedar Point. Effective June 13, 1915.

This is a summer resort station open only during three months of the year.

Cost before consolidation:	
Salary of postmaster	$1,000
Clerk hire	240
	1,240
Cost after consolidation:	
Auxiliary clerk hire	481
Rent, light, and fuel	200
	681

MONTCLAIR, N. J.

Consolidation of Verona. Effective April 1, 1914.

Cost before consolidation:	
Salary of postmaster	$1,400
Clerk hire	240
Rent, light, and fuel	360
	2,000
Cost after consolidation:	
Superintendent (postmaster)	$1,100
One clerk	800
Auxiliary clerk hire	280
Two city carriers, at $800 each	1,600
Rent, light, and fuel	480
	4,260

DENVER, COLO.

Consolidation of Englewood. Effective December 1, 1913.

Cost before consolidation:	
Salary of postmaster	$1,500
Clerk hire	180
Rent, light, and fuel	204
Rural carrier service	110
	1,994
Cost after consolidation:	
One clerk (postmaster)	800
One clerk	800
Three carriers, at $800 each	2,400
Rent, light, and fuel	600
	4,600

ALEXANDRIA, VA.

Consolidation of Theological Seminary. Effective January 1, 1915.

City delivery service was extended to a large territory by authorizing one regular carrier in place of 12 hours' auxiliary service a day.

Cost before consolidation: Compensation of postmaster	$742
Cost after consolidation:	
One clerk	800
Rent, light, and fuel	20
	820

JOHNSTOWN, PA.

Consolidation of Conemaugh. Effective August 1, 1915.

Cost before consolidation:	
Salary of postmaster	$1,900
Clerk aire	600
Rent, light, and fuel	500
	3,000
Cost after consolidation:	
Superintendent (postmaster)	1,100
Two clerks, at $800 each	1,600
Four carriers, at $800 each	3,200
Rent, light, and fuel	500
	6,400

DETROIT, MICH.

Consolidation of Hamtramck. Effective January 25, 1915.

This office would have advanced to the second class July 1, 1915, when the cost of the independent office would have been $13,645 a year.

Cost before consolidation:	
Salary of postmaster	$1,600
Clerk hire	1,060
Rent, light, and fuel	405
	3,065
Cost after consolidation:	
Four clerks, at $800 each	3,200
Six carriers, at $800 each	4,800
Rent, light, and fuel	2,100
	10,100

HOUSTON, TEX.

Consolidation of Houston Heights. Effective March 1, 1915.

Prior to consolidation a large part of the territory attached to this office was served by city carriers from the main office at Houston. The transfer of carriers and clerks to the station permitted the serving of additional territory without authorizing additional carriers or clerks other than the classification of the postmaster.

Cost before consolidation:	
Salary of postmaster	$1,200
Rent, light, and fuel	264
	1,464
Cost after consolidation:	
Superintendent (postmaster)	1,200
Rent, light, and fuel	400
	1,600

WHEELING, W. VA.

Consolidation of Elm Grove. Effective November 1, 1915.

The number of city carriers attached to the Wheeling office being in excess of the requirements, it was possible to extend city delivery service to Elm Grove without authorizing additional carriers.

Cost before consolidation:	
Salary of postmaster	$1,600
Clerk hire	360
Rent, light, and fuel	360
	2,320
Cost after consolidation:	
Two clerks, at $800 each	$1,600
Rent, light, and fuel	360
	1,960

CINCINNATI, OHIO.

Consolidation of Mount Healthy. Effective August 1, 1913.

Cost before consolidation:	
Salary of postmaster	$1,400
Clerk hire	219
Rent, light, and fuel	300
	1,919
Cost after consolidation:	
Two clerks, at $800 each	1,600
Two city carriers, at $800 each	1,600
Rent, light, and fuel	300
	3,500

NORTH ATTLEBORO, MASS.

Consolidation of Plainville. Effective July 1, 1915.

Cost before consolidation:	
Postmaster's salary	$1,500
Clerk hire	240
Rent, light, and fuel	500
	2,240
Cost after consolidation:	
Superintendent (postmaster)	1,100
Two clerks, at $800 each	1,600
One carrier	800
Rent, light, and fuel	500
	4,000

OMAHA, NEBR.

Consolidation of Benson. Effective November 17, 1913.

Cost before consolidation:	
Salary of postmaster	$1,600
Clerk hire	400
Rent, light, and fuel	404
	2,404
Cost after consolidation:	
Two clerks, at $800 each	1,600
Two carriers, at $800 each	1,600
Rent, light, and fuel	480
	3,680

MAUCH CHUNK, PA.

Consolidation of East Mauch Chunk. Effective October 1, 1913.

Cost before consolidation:	
Salary of postmaster	$1,500
Rent, light, and fuel	248
	1,748
Cost after consolidation:	
Two clerks, at $800 each	1,600
Auxiliary clerk hire	187
Two carriers, at $800 each	1,600
Rent, light, and fuel	450
	3,837

YONKERS, N. Y.

Consolidation of Hastings-upon-Hudson. Effective April 1, 1913.

Cost before consolidation:	
Salary of postmaster	$2,000
Two clerks, at $800 each	1,600
Rent, light, and fuel	600
	4,100
Cost after consolidation:	
Superintendent (postmaster)	1,000
Two clerks, at $800 each	1,600
Three carriers, at $800 each	2,400
Rent, light, and fuel	600
	5,600

Mr. MADDEN. I could illustrate one or two cases myself, Mr. Cox. For example, Chicago to-day has about 200 square miles of territory. Before the annexed outside territory came in we had 37 square miles of territory. With each new annexation we brought in one or more post offices, over which postmasters presided. After annexation the post office, with the postmaster, was discontinued. The post office itself was continued as a station with a superintendent. The salary of the superintendent was probably not in any case more than one-half the salary of the postmaster before it came in.

Mr. ROPER. Not less than two-thirds and in some cases more. The minimum salary paid to a superintendent of a station is $1,200. As the majority of offices consolidated with larger offices are of the third and fourth classes, consolidation usually results in an increase in the salary of the postmaster of the discontinued office. Although when larger offices are consolidated the postmasters of the discontinued offices suffer a reduction in salary, they are compensated for this by being made secure in their positions.

Mr. MADDEN. I would not think it was that much. Perhaps it may be. I would not undertake to say certainly. But I think it is agreed by everybody that the service rendered by the superintendent of the station is infinitely more satisfactory than the service rendered by the post office as such before the annexation.

Mr. COX. Right in that connection you have found from experience out there that there has been a great economy in the way of saving of salaries?

Mr. MADDEN. Oh, yes.

Mr. COX. Now, in the way of supplies and reports backward and forward, have you any estimate of that?

Mr. MADDEN. They all make their reports to the postmaster of the city of Chicago and he makes his report to the Postmaster General, which only makes one account from Chicago between the general office and Chicago, whereas if we had the 52 post offices we would have 52 reports and 52 sources of supplies.

Mr. COX. And the department here would be running 52 accounts with 52 postmasters in the city of Chicago?

Mr. MADDEN. Yes, sir.

Mr. COX. Whereas now it is only running one account?

Mr. MADDEN. That is right. That is what will happen all over the country if this provision recommended by the Postmaster General be adopted.

The CHAIRMAN. If you had just one office in each State, you would have 48 accounts?

Mr. MADDEN. Yes; that is true.

The CHAIRMAN. And if you had only one in the United States you would only have one account. That is the logic of that.

Mr. STEENERSON. About how many offices would there be if this new provision were enacted into law? Could you give an estimate?

Mr. ROPER. I would state, Mr. STEENERSON, that these units would have to result from experience in operating the service. I mean the size of the units would have to be determined from experience. It would be impossible to advise in advance just how large or how small those units should be.

Mr. STEENERSON. It has been suggested here that there are 3,000 counties in the United States, approximately, and there are approximately 60,000 post offices now.

Mr. ROPER. Yes; 56,000 post offices.

Mr. STEENERSON. So it might reduce it to 6,000?

Mr. ROPER. There are sometimes several important municipalities within one county. That might make it necessary to have in some counties several units, but there would be a great many counties, no doubt, in which one unit would answer.

Mr. STEENERSON. Probably in the majority?

Mr. ROPER. Probably in the majority of the counties of the country.

Mr. STEENERSON. Right here I should like to have you give the substance of the law now as it is on the subject, so we can compare it with the proposed provision.

Mr. ROPER. I will insert it in exact terms and ask the stenographer to insert the law.

Mr. STEENERSON. We should like to have your version so we can understand how it is interpreted.

Mr. ROPER. It simply gives to the Postmaster General the right to extend the service of these large communities so as to take in communities where the population is as much as 1,500, and where such communities are within a radius of 5 miles of the post office to which it is to be attached.

Mr. STEENERSON. You might insert the exact language.

Mr. ROPER. It is as follows, Postal Laws and Regulations, which is the law:

"SEC. 249. The Postmaster General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices (stations or substations) for the receipt and delivery of mail matter and the sale of stamps and envelopes; and he shall prescribe the rules and regulations for the government thereof. But no letter shall be sent for delivery to any branch office contrary to the request of the party to whom it is addressed.

"2. No station, substation, or branch post office shall be established beyond the corporate limits or boundaries of any city or town in which the principal office to which such station, substation, or branch office is attached is located, except in cases of villages, towns, or cities of 1,500 or more inhabitants not distant more than 5 miles, as near as may be, from the outer boundary or limits of such city or town in which the principal office is located."

Section 252 of the Postal Laws and Regulations:

"2. No post office established at any county seat shall be abolished or discontinued by reason of any consolidation of post offices made by the Postmaster General under existing law * * *: *Provided, however*, That this provision shall not apply to the city of Cambridge, Mass., or to Towson, Md., or to Clayton, St. Louis County, Mo."

Mr. COX. I wish to ask you a question in that connection. Practically the plan that you are seeking to have incorporated here is now in force in the large cities, is it not? Only one post office, and all the rest of the stations accounting to the post office?

Mr. ROPER. Yes. We have now, of course, the service in that respect organized by municipalities, as you say. Then we have around these municipalities certain communities which have been tacked on for the purpose of giving them city-delivery service.

Mr. COX. In what cities do you have this kind of service in force?

Mr. ROPER. In nearly all of the large cities.

Mr. COX. Your idea now, if I gather it, is to simply enlarge and to extend the service out over the State, or out over the United States?

Mr. ROPER. We are asking authority to do that when it seems to be in the interest of the service. There are no fixed units in our minds at this time, and I doubt whether you could fix uniform units for the entire country. You would have to deal with the conditions as they exist.

Mr. COX. Under your present system of only having one accounting officer in the cities, practically, like Chicago, there is no question but what we have better service under the present system than we would have if we had 52 different offices, is there?

Mr. ROPER. I think that we have absolutely uniform testimony that the service is superior.

Mr. COX. Is superior?

Mr. ROPER. Yes.

Mr. COX. Supposing that the department here, just as an illustration, was compelled to deal with 52 different post offices in the city of Chicago, instead of with only 1. How much additional cost would that throw on the department? Have you any idea at all?

Mr. ROPER. I shall have to ask the auditor. I will endeavor to get the auditor to put that in a statement.

(The following statement has been furnished me by the Auditor for the Post Office Department:)

"PRESENT SYSTEM.

"In round numbers, there are 56,000 post offices in operation. In addition, there are 6,000 branches and stations and 43,000 rural-delivery routes, which collect and deliver mail, sell stamps and money orders, and serve the public in much the same manner as regular post offices. It is generally admitted that the public is more efficiently served on rural routes and at stations and branches than at the 47,000 fourth-class post offices because rural carriers and clerks-in-charge are under the immediate supervision of the postmaster at a large office, and cases of incompetency, neglect of duty, or improper conduct are speedily disclosed and corrected. On the other hand, the fourth-class postmaster is accountable to the department at Washington direct. At the time he assumes charge of the post office there is usually no one to instruct him in the performance of his duties, and he must acquire the routine details of conducting his office as best he can unless he is fortunate enough to secure the assistance of a post-office inspector. Nor has the department any means of keeping informed as to the character of the service which he subsequently renders, except through an occasional visit by a post-office inspector, complaints on the part of the public, and reports from the Auditor for the Post Office Department relative to the nonrendition of accounts or failure to deposit surplus postal and money-order funds.

"The system of accounting at post offices is also unsatisfactory, as the maintenance of so many thousands of independent crossroads post-offices necessitates the preparation and settlement of approximately 1,150,000 monthly and quarterly accounts each year and the transmission of upward of 5,000,000 separate remittances (many of them consisting of only a few dollars) to the various depository offices. Not only does the maintenance of such a cumbersome system materially augment the clerk-hire cost, but it likewise necessitates the holding of larger money-order reserves and increases the loss by burglary, fire, and other unavoidable casualties.

"PROPOSED SYSTEM.

"By making the county the unit and each post office located therein subsidiary to one main office situated at the county seat the number of accounting offices would be reduced from 56,000 to 3,000. The county postmaster would be assisted by a clerk in charge, under his immediate supervision, at each subsidiary office, instead of a regularly appointed postmaster and the business conducted in precisely the same manner as at stations in the larger cities. All supplies would be sent to the county postmaster direct, and the subsidiary offices would obtain their stocks from him in small quantities daily, weekly, or as often as local conditions might require. All surplus funds would likewise be turned in at the time of getting additional supplies. Under this plan the stocks of money-order forms, postal-savings certificates, stamps, and other supplies could be reduced to a fraction of the amount now carried, thereby reducing the amount of losses sustained from fires, burglaries, etc.

"As postmasters at the larger offices are almost invariably selected from the ranks of successful business men of demonstrated executive ability, there can be no doubt that the shifting of the administrative supervision in the manner outlined would result in an immediate and marked improvement in the character of the service rendered to the general public.

"SYSTEM OF ACCOUNTING AT POST OFFICES.

"The stamp account and postal account should be combined and rendered monthly instead of quarterly, as at present. This and the decrease in the number of accounting offices would reduce the number of accounts to be rendered and settled from 1,150,000 to 110,000 annually and make it possible for the department to complete the settlements and compile a monthly financial statement covering the entire fiscal operations of the service within 30 days after the close of each month, and in time to be utilized by the various officers of the department in the administration of the service.

"ADMINISTRATIVE EXAMINATION OF ACCOUNTS.

"The preliminary administrative examination and journalizing which has operated so successfully with respect to mail transportation and supply accounts, representing annual disbursements of $100,000,000, and revenue collections on account of stamps and stamped paper totaling upward of $250,000,000, should be extended to the combined monthly stamp and postal accounts of postmasters.

"The audit of postmasters' money-order accounts presents a radically different problem from that encountered in any other class of Government accounts, due to the fact that money orders are valid for payment for 12 months from the last day of the month of issue. It follows, therefore, that a postmaster's money-order account can not be finally audited until all orders issued by him have either been presented for payment and returned as paid or become invalid by lapse of time. Manifestly, under such conditions it would be impracticable to make a double examination of money-order accounts—once in the Post Office Department and again in the Treasury Department. After thorough consideration, I have reached the conclusion that the system worked out by the Hockery Commission, after months of investigation and study and subsequently enacted into law, is still the best solution of that problem. Moreover, the findings of that commission are further strengthened by reason of the introduction of automatic electric machinery, which has to a large extent eliminated the human element in the audit, cut the cost in half, and placed it on a plane of almost absolute mechanical accuracy.

"FINAL AUDIT AND SETTLEMENT OF ACCOUNTS.

"As outlined, the proposed system contemplates that the monthly postal savings and consolidated stamp and postal accounts from the 3,000 accounting offices shall be sent to the Post Office Department direct for administrative examination and journalizing, after which the accounts, copies of the journal, and all supporting vouchers, pay rolls, and abstracts shall be sent to the Auditor for the Post Office Department for final audit and settlement. Judging from my experience in the settlement of accounts in this office, I am of the opinion that the additional labor incident to the administrative examination of the postal accounts, pay rolls, and vouchers from the 3,000 accounting offices will be about offset by the saving resulting from the reduction of the number of postal savings accounting offices from 9,000 to 3,000, and most certainly will this be the case if modern labor-saving machinery is utilized in the various administrative bureaus affected by the change. The change in system will also make possible an initial saving of from $75,000 to $100,000 annually in the auditor's office. Past experience teaches that in the introduction of radical changes in system the initial saving which may be effected is usually only about one-half of what may be expected eventually.

"In my opinion, the proposed reorganization of the service, if carried into effect, will result in more effective administrative supervision of the field operations, insure better postal service to the public, provide a more efficient system of accounting, and result in a large saving in cost, both in the field offices and in the various administrative bureaus of the department."

Mr. COX. I wish you would. I suppose the same system in force in Chicago is in force in New York, Philadelphia, Boston, and St. Louis, is it not?

Mr. ROPER. Certainly. In Boston we have about 80 stations.

Mr. MADDEN. You go outside of the city of Boston?

Mr. ROPER. Yes, sir; we take in municipalities like Cambridge, the university city of Boston, Brookline, Chelsea, etc.

Mr. MADDEN. For example, we have some stations in Chicago with as many as 200 men—I think one, at least—and I think the superintendent of that station, which is the Canal Station, gets about $2,200 a year, if I am not mistaken.

Mr. COX. As postmaster he would get $4,000?

Mr. MADDEN. From 160 to 200 men would be a big post office, would it not?

Mr. COX. It would; surely.

Mr. MADDEN. You can imagine what he would get if he was postmaster.

Mr. COX. Take the State of Indiana, with Indianapolis as the center, and it is nearly the center of the State. Would it be your idea to gradually work the plan out over the State so as to make Indianapolis the accounting office for the whole State of Indiana?

Mr. ROPER. That would not be my idea. That would be too large a postal district.

Mr. COX. Too large a territory?

Mr. ROPER. If you will permit me to give an offhand opinion, I should say that, as a rule, the counties of Indiana would constitute about as large districts as would be found practicable for this purpose.

Mr. COX. That would mean 92 postmasters in the State of Indiana, and the remainder of them stations?

Mr. ROPER. Probably we would have to make exceptions to that and deal with those large municipalities as separate districts.

Mr. COX. But in rural communities, where you have 1,000 to, say, 3,000 inhabitants, you would make one town in each county the accounting office and the rest of them to be served from there?

Mr. ROPER. The county, or part of county agreed upon, would constitute the unit, and in that unit there would be one accounting office and the others would be stations of that office.

Mr. COX. The head of the accounting office would be the postmaster for that territory?

Mr. ROPER. He would be the postmaster for that territory.

Mr. COX. And he would be an appointed officer?

Mr. ROPER. Yes, sir.

Mr. COX. And the stations would be under civil service?

Mr. ROPER. Stations would be under civil service.

Mr. RANDALL. Gen. Roper, in the matter of auditing the accounts of the 52 stations of the Chicago post office it was to be shown in the record the amount that is saved to the department at Washington on that account. Is it not the fact that the accounts of those 52 stations will have to be audited in the Chicago post office instead of being audited here, and would it not cost as much to audit them there as in the Post Office Department in Washington?

Mr. ROPER. We find not. That is a question for the auditor to answer, but it seems to me that the auditing can be done much more expeditiously and much more economically by these accounting offices. The former is very important, namely, the expedition. We have been, as you know, for a number of years endeavoring to lessen the period between the transaction and the audit, in order that we might get in closer touch with the transactions of the post offices of the country with regard to the handling of our funds.

Mr. MADDEN. So you keep these accounts——

Mr. ROPER. I can see no other way in which it can be made and kept current the postal accounts.

Mr. RANDALL. I refer only to expenses. It strikes me that you are better equipped in the auditor's office here to audit accounts than you would be in Indianapolis or Topeka or any such place as that.

Mr. ROPER. I am unable to see why these districts could not be made just as effective, through their knowledge of local conditions, as we are in the auditor's office in Washington; but a more important feature than you have mentioned is getting this auditing on a current basis and checking and protecting the revenues of the Government.

Mr. ROUSE. This only could be applied to presidential offices, could it not? For instance, if you had a county without a presidential office in it, you could not establish this provision, could you?

Mr. ROPER. Oh, yes.

Mr. MADDEN. Yes; because it would make it presidential. If you take the receipts of the whole county it would make it presidential; do you not see?

Mr. ROUSE. But could you do that? There are a number of counties, take for instance in the mountains, where you have nothing but fourth-class offices; some in other sections that are not mountainous; for instance, Mr. COX'S district.

Mr. MADDEN. But if you took the aggregate receipts of all fourth-class offices in that county, that would make one presidential office.

Mr. ROUSE. But that is not contemplated; is it, General?

Mr. ROPER. We have endeavored to ask you here for legislation that will permit us to work this out in the most feasible and practicable manner. I can not undertake to say to you now just what experience will show to be the most practicable unit.

Mr. ROUSE. Let me get back to that original proposition again. I referred to Mr. COX'S district, which is not fair. But I will take my own district, for instance. I live in a county that has not a presidential office. I know of one town in the county, the county seat, with less than 200 people. It has a fourth-class office. There is not one presidential office in the county. The nearest presidential office to my home is 15 miles away, at Covington, Ky., in an adjoining county. Could Covington be made the accounting office and all of the offices in my home county get their mail by star routes; could they be made to account to the Covington office under this plan?

Mr. ROPER. As I have stated in answer to Mr. COX'S question, I feel now that the county is as large a unit as we would want to deal with, and even in a county where there are several municipalities that county might be subdivided into further units.

Mr. AYRES. Under this plan the second and third class post offices come under the same plan, and the fourth class being under civil service.

Mr. ROPER. The Postmaster General has already recommended the classification of the postmasters of the second and third classes, and this would naturally result in classifying the offices that would be consolidated with the accounting office.

The CHAIRMAN. If there was only one first-class office——

Mr. ROPER (interposing). There might be some counties where the office might not be rated as a first-class office—might be rated second class.

The CHAIRMAN. Say the program for change put the second and third class offices under civil service; presidential offices would only be first class?

Mr. ROPER. Yes; really the approval of the recommendations that the Postmaster General has made accomplishes that.

Mr. RANDALL. Would it not be possible, and would it not be the policy of the department, to establish a number of small stations and rural routes where fourth-class postmasters have been discontinued on account of the establishment of rural routes? Would it not be possible to restore service, to get the same accommodations that the fourth-class post office formerly afforded, by establishing small stations?

Mr. ROPER. As I say, we no doubt would find through experience that such conditions as you mention would arise, but in advance of any experience along this line I could not say whether the suggestion that you have made would be considered or not. It might be.

Mr. MADDEN. If this suggestion should be adopted and the county was made the unit, or whatever was made the unit would be made large enough, the unit would be made large enough so that the postmaster appointed for the unit would be the first-class postmaster. It necessarily would be a first-class post office, because the receipts within the unit would be large enough to justify his appointment as such.

Mr. ROPER. In answer to the chairman, I have just said that I presume that would be the case in most instances, although there are some small counties, no doubt, where the postmaster would not be ranked perhaps above the second class.

Mr. MADDEN. But there would not be anything below the first and second class?

Mr. ROPER. First and second class offices.

Mr. MADDEN. And all fourth-class postmasters would be done away with and superintendents of stations would take their places?

Mr. ROPER. No; they would not be done away with. The fourth-class postmaster would simply become the superintendent of the station or clerk in charge.

Mr. MADDEN. That is what I say. He would not be a postmaster any longer, but the superintendent of a station?

Mr. ROPER. For all intents and purposes he is a postmaster.

Mr. MADDEN. Suppose he is a postmaster; what would be the basis of pay for the fourth-class postmasters?

Mr. ROPER. You are here providing a scale in this bill for the payment of station superintendents.

Mr. MADDEN. But that scale generally does not go as low as the salaries of those fourth-class postmasters?

Mr. ROPER. The lowest salary we could have would be an $800 clerk, the entrance grade.

Mr. MADDEN. That is too much to pay these men, is it not? Suppose the man's salary as fourth-class postmaster amounts to but $200 or $300; are you going to put him under civil service and pay him $800?

Mr. ROPER. You understand we have different kinds of stations where that might result in establishing not a classified but a contract station, with a clerk in charge receiving a salary as low as $50, based upon the business of the station, the same as is now done in large cities.

Mr. STEENERSON. I think there are probably 25 post offices in my district where the postmaster's salary is less than $50 a year. Would their salary be raised under this plan or would it be reduced?

Mr. ROPER. In all probability the salary of such postmaster would remain the same as at present. We probably might not disturb your district at all, if it were not in the interest of better service for your district. The object of this is to improve the service, and if we could not get better service through the plan here suggested we would maintain the present service.

Mr. STEENERSON. But the suggestion made by Mr. MADDEN that in counties where there are no second-class and no third-class offices, no presidential offices, that all the offices might be consolidated so as to form a presidential office; that is not contemplated by this, is it?

Mr. ROPER. No; he used the word "might."

Mr. STEENERSON. But it might not. As I read this proposed law you would not have any such authority. You would have to change your language in this provision if you were going to do that, because this proposed language only authorizes you to consolidate with some existing third or second class office or first-class office. I do not think you can create or consolidate offices in a whole county and make that kind of office a presidential office.

Mr. ROPER. I will read the language:

"That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices or stations, of any post office for the transaction of such postal business as may be required for the convenience of the public."

Mr. MADDEN. That would give him the right, then, Mr. Roper, to appoint a superintendent of a station where it was justified instead of a postmaster, or it would give him a right to establish a contract station where he would not be justified in appointing a superintendent of a station.

Mr. ROPER. Yes; or maintain the present system.

Mr. MADDEN. Yes; either one.

Mr. ROPER. Yes, sir.

Mr. BEAKES. Would there not be economy in the shipment of supplies from Washington to the central post office instead of to the several post offices?

Mr. ROPER. I will answer for the Fourth Assistant on that. In my opinion it will effect very great economy in that respect, but a greater economy than even the one you have mentioned would be the better care of supplies.

Mr. BEAKES. I was going to speak of that.

Mr. ROPER. Better supervision.

Mr. BEAKES. Has not the department found that these offices have no use for a great many of the supplies, and would they be likely to get those supplies if they asked for them from the central post office?

Mr. ROPER. Not only that, but this central postmaster could deal more equitably with the demand and conditions of these other offices accounting to him than probably could be done from Washington.

Mr. BEAKES. Would it not be possible to work out a scheme which would preserve the local communities by allowing them to keep the name of the post office while putting them on the station basis?

Mr. ROPER. That is what I intended to say in the outset. It is our idea not to disturb the name, not to infringe on the pride of the community which it may have in regard to its name; to give the community everything it now has and a superior service to what it now has.

Mr. RANDALL. Would you object to the addition of language something like this: "Except where the sentiment of the offices proposed to consolidate with the other was clearly against such a consolidation"?

Mr. ROPER. I regard the Postal Service, Mr. RANDALL, as the people's service. We can not administer this service out of harmony with the

will of the people. We do not undertake to do it. Hence the phraseology where we say, "As may be required for the convenience of the people."

That language cares for the point that you have in mind. The convenience of the people reflects, of course, the sentiment of the community.

Mr. STEENERSON. Is there not another point, General, in which this would be an improvement in bringing about supervision of the smaller offices? To illustrate: Most of the smaller offices that I know of have not seen an inspector, a post-office inspector, for four or six years. They do not get any instruction until about the time for them to go out—until their four years are nearly up. They would have that instruction if they were under a central post office, would they not?

Mr. ROPER. True. This is a little bit out of the line of the hearing, but I should like to say, Mr. BLAKNE, that we are endeavoring to correct that as much as we can by sending out inquiries to be answered by all these fourth-class postmasters at the end of every quarter. These inquiries develop the way they are conducting their offices and enable us to check up and see just how much out of line they may be. But the supervision which we are seeking under this particular provision will be superior, because it keeps in even closer touch with them.

Mr. STEENERSON. You spoke of a sentiment of the patrons. Now, in these recent consolidations—for instance, in Boston—have you consulted the sentiment of the people?

Mr. ROPER. The consolidations in the Boston district were made in the administration immediately preceding this.

Mr. STEENERSON. Have you heard of any dissatisfaction?

Mr. ROPER. There was some dissatisfaction growing out of what would appear to have been a too rapid consolidation. We have in Boston about 80 stations, and the previous administration absorbed a great many large communities. Among them was Lynn, the large shoe-manufacturing community adjacent to Boston. In the case of Lynn some protests were filed, which we carefully investigated, and after due investigation reached the conclusion that Lynn should be kept as a postal district to itself, and we therefore have removed Lynn from the station classification made under Mr. Hitchcock's administration, and it is now a separate postal district. We discovered, Mr. STEENERSON, that Lynn was a better district to itself. We have other offices consolidated with Lynn.

Mr. STEENERSON. How was it about Cambridge?

Mr. ROPER. In the case of Cambridge I know of no special opposition.

Mr. STEENERSON. And you have never heard of any?

Mr. ROPER. I would not go so far as that, Mr. STEENERSON, because I should have to refer to department files for positive data.

Mr. STEENERSON. When was that included as a substation?

Mr. ROPER. We have made no consolidation in and around Boston during this administration.

Mr. STEENERSON. They were all made before?

Mr. ROPER. Before my connection with the Postal Service.

Mr. STEENERSON. But under the same law now in operation?

Mr. ROPER. Under the law now in operation. We have not disturbed that district except as to Lynn——

Mr. STEENERSON (interposing). You then retained Lynn as an independent post office?

Mr. ROPER. Yes, sir.

Mr. STEENERSON. If a similar discontent among the patrons of the office existed in Cambridge you would reestablish that?

Mr. ROPER. We would consider it.

Mr. STEENERSON. You would give them the same show you gave Lynn, would you not?

Mr. ROPER. We endeavor to treat all alike.

Mr. MADDEN. We have some outlying territory outside the city limits of Chicago—Argo and Mount Greenway. You probably recall some correspondence on Mount Greenway?

Mr. ROPER. I do.

Mr. MADDEN. The people at Mount Greenway would be very anxious to have a station established there and have the delivery made from the Chicago post office rather than to have a separate post office established. So far the department has not been able to give them the Chicago delivery, so they get their mail by rural delivery. The sense of the people is to the effect that they would prefer to have Chicago delivery than to have a separate post office.

Mr. ROPER. We have a very interesting illustration at North Kansas City. North Kansas City is a community that has developed very rapidly within the last few months, because of the establishment of large mail-order business in that community, but it just happened that the population is not 1,500, and consequently we can not extend the desired facilities to that community under the present law.

The CHAIRMAN. Is there anything further on this matter? The other matter you felt you wanted to discuss in executive session?

Mr. ROPER. The Second Assistant is here, Mr. Chairman, with a statement in answer to certain requests made by Mr. Madden the other day, and I shall be glad to give way to him and not keep him here, if he wishes to make his statement at this time.

PAGES 126 TO 144, INCLUSIVE, OF HEARINGS ON THE POST OFFICE APPROPRIATION BILL BEFORE SENATE COMMITTEE, EMBODYING DISCUSSION OF DEPARTMENT'S RECOMMENDATION FOR NEW LEGISLATION GOVERNING ESTABLISHMENT OF STATIONS AND BRANCH OFFICES (NONACCOUNTING).

The CHAIRMAN. The basis now is two years, is it not?

Mr. ROPER. Senator, you authorized it in the bill last year, but the bill did not pass. You approved the two years' provision last year, but the bill did not pass.

Now, so far as the next section is concerned, the amendment asked for regarding postal stations is carried in the administrative bill, which is now in conference between the two Houses. So I do not know that we need to dwell upon that. I desire, however, to insert at this point two communications which will explain themselves and make slight modifications in the recommendation made to the House committee.

(The communications referred to are here printed in full, as follows:)

MARCH 18, 1916.

Hon. JOHN A. MOON,
House of Representatives.

MY DEAR JUDGE MOON: With further reference to our recent personal conversation in relation to section 19 of H. R. 562, giving the Postmaster General authority to establish branch offices, nonaccounting offices, or stations of any post offices, I understand there is some lack of support of the measure among the Members because of doubt as to the administrative unit to be used by the department. I accordingly suggest that there will be no objection on the part of the department to having this unit fixed by a proviso to be inserted after the word "public" in line 18, page 12, as follows:

"*Provided*, That there shall be at least one independent accounting office in every county."

This is in accord with the act of Congress approved August 24, 1912, reading as follows:

"No post office established at any county seat shall be abolished or discontinued by reason of any consolidation of post offices made by the Postmaster General under existing law."

The advantages which will accrue to the Postal Service through the enactment of the section with this proviso are many. Some of these are as follows:

The superintendent or clerk in charge of the branch office or nonaccounting office would be under the direct supervision of competent officials of the central post office, whereas the postmaster is now upon his own resources without particularly comprehensive knowledge of the service and must rely upon instructions received by mail from the department at Washington. The local postmaster assigned as superintendent or clerk in charge of any independent office which would be converted into a branch office or nonaccounting office would be in line for promotion to higher and more responsible positions in the central office.

The service would be further improved at the offices so designated as branch offices, nonaccounting offices, or stations because of the fact that city delivery service may be extended to these places from the central office, provided the requirements of the Post Office Department as to necessary improvements are complied with.

There will be no disadvantages to the public on account of the substitution of branch offices in lieu of independent post offices. The branch office will not lose its identity as a post office and its name will still appear in the Postal Guide. Money orders issued will be under the same name as when the branch was an independent office. Mail addressed to patrons at the branch office will continue to arrive just as before the consolidation, and mail dispatched will bear a postmark showing the name of the present office. Postal savings business will be handled as at present and deposits will be made in local banks as now. In fact, patrons of these branch offices will not be affected adversely in any way, nor will the community suffer by loss of any prestige or service due to a consolidation.

The losses from burglary will be reduced by reason of the fact that the branch office or nonaccounting office need not carry stamps and stamped paper in excess of $100. The present independent post office, since it must secure its supplies directly from Washington, must necessarily carry sufficient stamps and stamped paper for at least one full quarter. The protection against burglary at the small office is inadequate and annual losses by reason of burglaries aggregate a considerable sum.

In addition to reducing the risk of loss by burglary, there will be a smaller risk of defalcation on the part of employees at these branch offices, as such offices will be required to deposit funds daily at the central office. It is the practice at present for the independent post offices to transmit money-order funds for deposit at intervals, depending upon the amount received, and to deposit postal funds received from the sale of stamped paper, etc., when accounts are transmitted to the Auditor for the Post Office Department. As the central office will deal with those branch offices on a cash basis, there will be a small amount of stamps and stamped paper on hand and practically no funds carried over from day to day.

The present voluminous correspondence maintained by the department with the many smaller independent offices will be reduced materially by the establishment of branch offices in lieu of many independent offices. There will be a marked saving of time, labor, and money in the office of the Auditor for the Post Office Department by the elimination of a large volume of small accounts now received from independent post offices.

In view of these and many other service reasons for the enactment of section 19, as modified by the proviso prescribing that the accounting unit shall not be larger than the county, I sincerely hope that this matter may have your hearty support.

Sincerely, yours,

A. S. BURLESON.

MARCH 20, 1916.

Hon. JOHN A. MOON,
House of Representatives.

MY DEAR JUDGE MOON: Referring to my letter of the 18th instant, concerning section 19 of the House resolution 562, relative to the establishment of branch post offices, I would advise that, as stated in that letter, there is no disposition on the part of the department to change the name of or decrease the postal facilities at the post offices affected by the section, if enacted into law, and there will be no objection to so stating in the provision suggested in my former letter.

The provisos carrying the restrictions could, therefore, read as follows:

"*Provided*, That there shall be at least one independent accounting office in every county.

"*Provided further*, That the Postmaster General, in establishing branch offices or nonaccounting offices in lieu of independent offices, shall not change the name of the office because of the consolidation, and that all post offices so consolidated shall not be deprived of any postal facilities which they may have prior to the time of consolidation."

I sincerely hope that with these additional restrictions on the administration of the section you may be able to give it your support.

Sincerely, yours,

A. S. BURLESON.

Mr. MOON. Mr. Speaker, I was very much interested in the remarks of my colleague on the committee [Mr. MADDEN]. I appreciate the fact that there might be some saving to the Government by a proper accounting system in certain classes of post offices in the United States, but as yet it is purely a matter of speculation. Some figure a loss along that line and some figure, as the gentleman does, that there may be a saving. However, it is a question we have not been able to work out, and I think we best not go into that too rapidly.

Mr. HAMILTON of Michigan. These superintendents that the gentleman from Illinois has spoken about would perform the function of postmasters, and these various postmasters and post offices would have to have employees as they have now?

Mr. MOON. Of course, if that system were adopted.

Mr. HAMILTON of Michigan. And the central post office would have to have an additional force to handle reports from these branch post offices?

Mr. MOON. I will read section 18 to show that the gentleman has discussed the proposition in part on a wrong basis. This section does not provide for any county unit:

SEC. 18. That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices, or stations of any post office for the transaction of such postal business as may be required for the convenience of the public.

That was assumed at one time to be applicable alone to the fourth-class post offices, but a careful consideration of it shows that that is not true. In fact it is elicited by an examination of the First Assistant Postmaster General himself, that the county is not necessarily the unit; even the State may not be the unit. The United States may be the unit. Mr. Roper said in reply to an inquiry submitted to him, when he was asked if at Indianapolis one office were maintained, every other office in the State of Indiana could be made into substations and subsidiary to the Indiana office, that that could be done.

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Georgia?

Mr. MOON. Yes.

Mr. TRIBBLE. Section 15 states that "hereafter the Postmaster General may hereafter enter into contract for the conduct of contract stations for a time not exceeding two years." What do you mean by "contract stations"? What do you mean by that?

Mr. MOON. By that is meant those little stations that they have in the cities, like the drug-store post offices, and so on.

Mr. TRIBBLE. It does not refer to the little country places?

Mr. MOON. No. It does not hit your place at all. [Laughter.]

Now, Mr. Speaker, I want to impress upon Members the fact that this will, in the department's discretion, take away every distinct post office in the State, remove every postmaster in the State, except one, or it might remove him if in the discretion of the department it was deemed proper, and all the post offices would be made substations and nonaccounting.

This could be, but probably would not be, done. While I do not know what you gentlemen think about it, to my mind the most humiliating, corrupt, and infamous statute that was ever passed or allowed to exist is that old civil-service fraud. [Applause and laughter.]

I do not want, so far as I am concerned, to give any more power along that line to anybody. I am entirely willing, if any economy can be effected by making the offices nonaccounting, to consider that change, and to preserve still the present status of postmasters in doing that. I hope we may be able to work out something along that line. I did not intend to say this much.

Mr. LLOYD rose.

Mr. MOON. I now yield to the gentleman from Missouri to ask me a question.

Mr. LLOYD. My only purpose in rising was to say, in response to the inquiry of the gentleman from Georgia [Mr. TRIBBLE], that what was intended by the Post Office Department in this connection was to make all post offices in the United States nonaccounting offices, like these little stations that he talks about.

Mr. MOON. Now, Mr. Speaker, I yield to the gentleman from Minnesota [Mr. STEENERSON].

Mr. TOWNER. Before the gentleman leaves the floor, will he allow me one suggestion?

Mr. MOON. Yes.

Mr. TOWNER. Is it not true that this accounting that the gentleman speaks of must be done in any event by somebody?

Mr. MOON. Yes; it has to be done somewhere.

Mr. TOWNER. Is it not at least as economical that it should be done in the way it is now done, by clerks who are accustomed to that business, as it would be to have it done by somebody whose work would have to be passed upon later by the central station here in Washington?

Mr. MOON. I do not know just how that would be; I have not worked it out. But, generally speaking, I should think we could perhaps effect an economy by abolishing in all departments about one-third of the useless places we have now. [Laughter.]

Mr. TOWNER. If these accounts of substations were required to be passed upon, it would in reality require two accountings to dispose of the business, and it would not effect any economy?

Mr. MOON. Possibly; but I hope we may be able to effect some economy in the line of accounting. Probably we can do so by nonaccounting offices. I am not opposed to nonaccounting offices if economy can be accomplished in their establishment. We will work this out later.

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 23 minutes.

Mr. MOON. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. I would like to have more than five minutes.

Mr. MOON. Then, I yield 10 minutes to the gentleman. He is a member of the committee.

The SPEAKER. The gentleman from Minnesota [Mr. STEENERSON] is recognized for 10 minutes.

Mr. STEENERSON. Mr. Speaker and gentlemen of the House, the conferees did not feel justified in agreeing to a proposition that had never been before this House in any form or shape, because it was of such a revolutionary and far-reaching character. The identical proposition, it is said, was incorporated as a rider on the Post Office appropriation bill a year ago, but it received no discussion. It came in with a lot of other legislative propositions as riders, and was not explained either in committee or in the House. The language is so blind that unless a man is familiar with the intent and purpose of it he can not guess at it. The provision reads as follows:

SEC. 18. That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices, or stations of any post office for the transaction of such postal business as may be required for the convenience of the public.

It was brought up in the Committee on the Post Office and Post Roads, and it was explained at length. Members of the committee, including myself and others, asked Mr. Roper, the First Assistant Postmaster General, the effect of it, and it was explained. The hearings were printed. When the postal savings bank bill, which is now before us, was brought back with this amendment on the 17th of March, last, and the chairman of the Committee on the Post Office and Post Roads asked unanimous consent to disagree to the Senate amendments, including this, which is section 18 in the amended postal-savings bill, I asked unanimous consent for five minutes in which to explain this provision, which for the first time then appeared before the House, and I printed as a part of my explanation the hearings that I refer to. I am sure that a great many Members, judging from their remarks afterwards, were surprised that so important a provision should be sought to be enacted in that manner.

Now, the gentleman from Illinois [Mr. MADDEN] is an ardent advocate of this proposition, although I do not recall that he ever advocated it specifically before. But he reflects the opinion of the Post Office Department, no doubt, to some extent. He makes a wild assertion here about saving $10,000,000. It is a surprise to me that he did not say $15,000,000. He has as much basis for the one as he would have for the other. He does not know, nor does anybody else know, and it can not be proved that it will save a single dollar. I can figure out that they will lose money on it. If you do away with the many thousands of little postmasters who receive but a small pittance for their services, and put those little offices and substations in charge of clerks at $1,200 a year, which is the way it is proposed to furnish efficient men such as they have not got in the local communities, it would increase the expense of the Postal Service.

But the most serious objection to this proposition lies in the fact that it is along the line of many other propositions that come here at every session of Congress for an increase in the discretionary power of the department. It is advocated here as "civil-service reform." We have been told that this will promote "efficiency." Well, perhaps if you put in a czar, an autocrat, that will improve efficiency. I believe it is an old doctrine that a despotism is the best government, provided you have got a good despot.

But we are told and we should always remember that the foundations of this Government are laid upon the basis that it is a Government of laws and not of men; and every time that we unduly increase the discretionary power of administrative officers we find that we reap trouble. Look at the Rural Delivery Service. The law simply authorizes the department to establish it. There are no restrictions except those prescribing the salaries. The department has used those large discretionary powers, and now see where we are. They have sought to revolutionize and reform that service. Every time you get a new Postmaster General he thinks it is his function to turn things upside down, to undo everything that was done by his

the administrative unit to be used by the department. I accordingly suggest that there will be no objection on the part of the department

post offices would have to have employees as they have now?

Mr. MOON. Of course, if that system were adopted.

predecessor, Republican or Democrat. Hence we find an outcry on both sides of this Chamber against the changes in the Rural Delivery Service, and bill after bill is introduced to limit the discretion of the Post Office Department. The gentleman from Florida [Mr. CLARK] and various others propose amendments to the Post Office appropriation bill limiting the discretion that the Post Office Department now has, which they say has been misused, and the people are up in arms.

Cotemporaneously with that experience we are asked here—the proposition is not before the House now, because the conferees struck it out, but this proposition asks—that the power of the Post Office Department be increased to an almost unheard-of degree. As explained by the chairman of the Post Office Committee, you would place it in the power of the Post Office Department to abolish all the offices except one in each county. They say they would not abolish the county-seat post office, but they could under this authority, and, as was stated in the hearings, they could establish one post office at Indianapolis, for instance, and abolish all the others in the State of Indiana.

Then it is said that this is in the interest of the civil service. Yes; it would abolish 56,000 post offices and create that many superintendents in charge, or superintendents of contract stations. Where a fourth-class office does not pay enough to employ a $1,200 clerk, they would make it a contract station for whatever contract they could make, the same as they do with the drug stores in the cities. Necessarily, if you should pass this law, it would wipe out all those offices. Of course, it may be considered partisan, but I may be permitted, seeing that my Democratic friends agree with me, to suggest that if you pass this law you could make vacancies for 56,000 men, to be filled in this case by worthy Democrats, and then put them into the civil service forever. As to the efficiency, who can tell? Unless you spend more money you will not get any more efficient men. It seems to me that it is a sufficient answer to all of these arguments to say that they are merely speculative. They are the dream of an imaginative mind. The results that we have heretofore reached from increasing the discretion of the department have not been satisfactory. If you want to do something in the interest of the civil service, let us not by changing the title of these offices create 56,000 new places to be filled and then put under the civil service.

But it is said that you can save $10,000,000.

The SPEAKER. The time of the gentleman has expired.

Mr. HAMILTON of Michigan. I ask unanimous consent that the gentleman's time be extended five minutes, not to come out of the hour.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time of the gentleman from Minnesota be extended five minutes, not to be charged up to the hour. Is there objection?

There was no objection.

Mr. STEENERSON. The gentleman from Illinois [Mr. MADDEN] suggested that by the saving that would be accomplished by this change they could establish a pension system. Yes; you would put all the fourth-class postmasters that are not in contract stations into the positions of clerks in charge.

Mr. RUCKER. Will the gentleman yield there?

Mr. STEENERSON. Yes.

Mr. RUCKER. In making a fourth-class office a contract station, that would necessarily do away with the rural delivery out of those fourth-class post offices, would it not?

Mr. STEENERSON. Exactly. That is another consequence that hardly anyone has thought of. One or two Members have suggested that when you center the mail in the county seat, for instance, the routing of the mail is different, and you play havoc with every rural route in the county. You destroy the Rural Delivery Service.

But just think how many men there would be advocating a pension system. The more men you put into the civil service the more advocates there will be; and if the gentleman's plan of pensioning all these civil-service employees is carried into effect, you will use up ten times more than you ever could save.

These are the reasons why the conferees could not agree to this, because it was too revolutionary a proposition to be adopted without debate and without being explained and understood and considered by the House. It looked too much like bringing in a joker upon the American Congress to adopt this thing in conference without any discussion either in the committee or on the floor of the House. And even if it were as meritorious as it has been explained and supposed to be by some of its friends, we insist that it was proper for the conferees to disagree to this proposition, and if it has any merit, let it come in like other propositions and stand on its own merits. For that reason, gentlemen, it seems to me that we can do nothing less than to vote to agree to the conference report, which eliminates this section 18 entirely.

There are a great many features of this thing that I could go into, but in the limited time I have I do not think it would be wise to undertake it. We might discuss this from various standpoints, but I simply wish to say this: It is a remarkable thing that when in the last Congress you created 14,526 new offices—and you will have created over 100,000 new offices before this administration ends, at the present rate—and a great many of them are not put under the civil service; but when you find an old office, like that of a postmaster or an assistant postmaster, then you seek to wipe it out and create it under a new title in order that you may fill the vacancy and then put it under the civil service. It is a new way of finding jobs, but it is too transparent to fool anybody.

Mr. HAMILTON of Michigan. Effective, though.

Mr. STEENERSON. This is not a civil-service measure at all. The effect would be that you would fill these places by first creating vacancies in them, and I believe that is the real motive behind the proposition. You would make a changeable personnel in the Postal Service, so that if in Racine, Wis., or in Crookston, Minn., they wanted to put in a new postmaster they could send him up from Virginia. Out in the Northwest, where people make money and can not afford to be in the public service, the supply will be furnished from these States near Washington, where everybody seems to be willing to serve the public under the civil service. [Laughter.] The quota from Maryland and Virginia and these near-by States is always full, and they have a surplus at all times. Under this proposition you could send these carpetbaggers all over the United States to fill places in the North and West. [Laughter.]

It is a proposition that is hostile to popular government and tends to despotism. I would rather see the postmasters elected by the people than imposed upon them against their will. In my opinion it is neither in the interest of economy nor efficiency, but would tend to create an office-holding class to rule over the people.

Mr. MOON. Mr. Speaker, I yield 10 minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, I am opposed to carpetbag postmasters. This will be not only possible, but probable if the Senate amendment—section 18—is enacted into law, and for that reason, and a great many others, I heartily agreed with the conferees on the part of the House and Senate in striking out section 18 as it passed the Senate. And I want to say, while speaking of that, that while there was a mild protest on the part of certain gentlemen, not Members of the House, there were no tears shed when section 18 went out of the bill.

It is a section fraught with far-reaching importance; no man in this body can tell how far. No one knows what section 18, as it passed the Senate, would mean to the American people. The law as it stands to-day makes the small postmaster in the community the nearest approach to a democracy in government. He is responsible, and a complaint can reach him. This would not be the case with a civil-service clerk in charge of the post office. Under section 18 as it was recommended by the department and as it passed the Senate you would do away with personal responsibility to a large extent. Not necessarily, I mean, but you would legislate to increase the discretion in the Post Office Department.

I am not criticizing any present or past Post Office Department, but when I am called upon to legislate and help to place a law on the statute book I do not act for the past or the present alone, but for all time, until conditions change, or until other legislation is had. Under section 18 it would be possible, as has been stated here, to abolish every post office in each county in the United States, every post office in each congressional district in the United States, every post office in each State in the United States, and only leave one post office, as my friend from Minnesota stated, in the United States.

It may be argued that of course that would not be done. Certainly it would not be done, but how much of it would be done we do not know and we are not going to take any chances. When we are legislating we should know. You do not know and can not know what would be the effect of section 18.

The present law requires one post office at least in each county located at the county seat. Very well. Take my own home county, where there are two second-class post offices. The county-seat post office is only about one-third in size to one other second-class office. Would you have the larger office account to the county-seat office, or reverse it, or what would you do? I am opposed to this class of legislation, and I am in favor of the law as it stands now.

There must be under the present law at least one post office and that located at the county seat, and the establishment of other post offices is in the discretion of the Post Office Department.

The gentleman from Illinois [Mr. MADDEN], whose ability in a business way we all admire, argues that it will save $10,000,000 a year. He gives us no basis for these figures. Let us see about that. Ten million dollars a year saving! How he would save it he did not tell us, but the nonaccounting office would be a substation, and that office would be in charge of a clerk, and, of course, what salary that clerk would have we do not know, but it would be more or less on the contract order, open to competition, for 56,000 post offices, and I am of the opinion that when you got through paying the clerks in charge of the 56,000 post offices you would be more than $10,000,000 in the hole. Instead of this being a good business proposition I think it is a very poor one. So, Mr. Speaker, this bill if enacted into law would serve no good purpose whatever.

One other point and that is this: What you want in this country is not too large centralization of power. This power would place it in the hands of the Postmaster General, absolute power, to centralize the postal activities of this country whenever he saw fit. That the present Postmaster General would do that nobody believes. But who will be Postmaster General in years to come we do not know.

Section 18 went out by unanimous vote of the conferees on the part of the House and the Senate. It went out because it is unnecessary legislation. It is legislation that no one understands the effect and purport of, and we should not legislate in any such manner. So, Mr. Speaker, the conference report, in my opinion, should be adopted, and adopted unanimously. [Applause.]

The SPEAKER. The gentleman from South Carolina yields back three minutes.

Mr. MOON. That leaves me six minutes?

The SPEAKER. Yes.

Mr. MOON. Unless some gentleman wants to use the time I will move the previous question.

Mr. BUTLER. Will the gentleman yield to my colleague Mr. McFADDEN three minutes?

Mr. MOON. Yes. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. McFADDEN] three minutes.

Mr. McFADDEN. Mr. Speaker, I simply want to call the attention of this House to the provision set forth in this conference report, presented by the gentleman from Tennessee [Mr. MOON], chairman of the Post Office Committee, permitting the deposit of postal savings deposits in other than national or Federal reserve banks, namely, State banks, savings banks, and trust companies, and the tendency on the part of the United States Government to give recognition to banks outside of those under the direct supervision of the United States, a bad precedent to be established, in view of the extreme desire of the men who are administering the affairs of the Federal reserve act, namely the Federal Reserve Board and their associates, to make the system so attractive as to bring these State banks and trust companies into the Federal Reserve System. [Applause.]

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

RURAL CREDITS.

The House automatically resolved itself in Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes, with Mr. GARNER in the chair.

Mr. MANN. Mr. Chairman, I desire to offer an amendment. I move to amend, on page 76, by striking out, in line 17, the words "out of any moneys in the Treasury of" and inserting the word "by," and by striking out, in line 18, the words "not otherwise appropriated," so that it will read:

The salaries and expenses of the Federal farm-loan board and of farm-loan registrars and examiners authorized under this section shall be paid by the United States.

Mr. GLASS. Mr. Chairman, I accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I now move to strike out, on page 77, all after the word "board," in line 6, down to the end of the paragraph.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 77, by striking out after the word "board," in line 6, down to line 15, the following:

"All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the act of January 16, 1883 (Vol. 22, U. S. Stat. L., p. 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service."

Mr. MANN. Mr. Chairman, the provision which I have moved to strike out is the provision which refuses to the President of the United States the right to fill these positions by appointment under the civil-service law, but which grants to him the right to thereafter cover the said employees into the classified service. It seems to me that if there ever be a bill which ought to be free from political consideration it is this rural-credits bill at this time in the House. I do not think these appointments ought to be made as political appointments. Under the provisions of the Constitution we can not direct the President how he shall make appointments, but sometimes we endeavor to do so and sometimes we do enact it into the law, and I presume the President usually follows the provision of the law, though he is not required to do so. We can, of course, refuse to the President the authority to use a law which we have passed, and I suppose we can refuse to the President the right to use the civil-service act in making appointments. That act is only permissive, at best. It only authorizes the President to make appointments or have appointments made in conformity with its provisions. Possibly we have the right to say that he shall not make use of the act, but the Constitution provides that the President shall make the appointments; and under the civil-service act appointments are made in accordance with that act unless the President issues an order to the contrary.

This provision which I have moved to strike out forbids the President making use of the civil-service act in the making of his primary appointments under this law. It seems to me that the purpose of that is to make partisan appointments. I suppose it would be resented by the gentleman in charge of the bill if one should say that after this act became operative it was intended only to loan money to Democrats if they were in power, or to Republicans if they were in power. Gentlemen would say that that was a childish, silly argument. Then why make appointments on a political basis? Why not give to the President the discretion to say that the appointments shall be made under the civil-service law, so far at least as the President shall determine they ought to be made under that law. There may be temporary appointments; there may be experts appointed, for aught I know, that ought to be made regardless of the civil-service law, but to say that clerks and all of the other employees shall be appointed under the old political system does not seem to me to be a desirable thing in enacting a bill designed for the benefit of a whole class regardless of politics. [Applause on the Republican side.]

Mr. GLASS. Mr. Chairman, I desire to state that there is no Member of this House who is a more sincere advocate of the civil-service law than I am. I do not believe in the spoils system in any way, shape, or degree. Nevertheless, this provision of this bill, taken bodily from the Federal reserve act, seems to the Committee on Banking and Currency of the House to be a desirable thing. In our judgment it is utterly impossible upon the initiation of a system like this to select experts, and appraisers of land values, and employees of that description, by the hard and fast regulations of the civil-service act. I do not believe in partisan appointments in the Government service, and I can not better illustrate my conviction upon that point than by saying to the House that, although I had some part in the construction and the enactment of the Federal reserve act, I have never to this day so much as made a recommendation to the Federal reserve board for the appointment of a typewriter or a janitor or any other position under the system. I detest Federal patronage, and if I could conceive that this provision of the bill would be administered in any partisan way, there is no Member of this House who would be quicker to vote it out than I; but I think it is necessary in the initiation of this system to proceed along these lines. Therefore, I hope the committee will not vote out the provision.

Mr. GILLETT. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Certainly.

Mr. GILLETT. May I ask the gentleman if this language were not in, Whether the President would not have absolute

power to make such exceptions as the gentleman thinks are necessary?

Mr. GLASS. Perhaps that is true, but that would put a matter of detail up to the President that I would not think he would care to bother with. This provision simply gives the farm-loan board, which is to be nonpartisan, the power to make these appointments of experts and appraisers without unnecessary restrictions. Can my friend from Massachusetts [Mr. GILLETT] imagine that any civil-service regulations could affect the qualifications of a man charged with the duty of valuing lands in various parts of the country?

Mr. GILLETT. If that be the only purpose, why include clerks and laborers?

Mr. GLASS. Because, as I have stated, the provision was taken bodily from the Federal reserve act. How that has been administered I am not prepared to say, except upon the general belief that it has been administered without regard to partisan considerations.

Mr. HUMPHREY of Washington. Mr. Chairman, it seems to me that we are about to repeat the folly that we committed when we created the Federal Trade Commission. If I am correctly informed, and I think I am, the Federal Trade Commission, much to their credit, I think, as well as for their self-protection, have appealed to the Civil Service Commission to hold examinations for them, although we did not provide that this should be done.

Mr. GLASS. May I interrupt the gentleman to remark that the Federal Reserve Board has done that precise thing, and that every appointment under the Federal Reserve Board that could be made subject to the civil-service regulations has been so made.

Mr. HUMPHREY of Washington. Well, I understand the Federal Trades Commission have asked the Civil Service Commission to hold examinations where they have appointments to make, although not required by the law. They did it, as I understand, not only for the good of the service but for self-protection. If I understand, when they started there were 1,500 or 2,000 applicants for something like 100 places, and the pressure was so terrific they went to the Civil Service Commission and appealed to them for assistance, and asked them to hold examinations, and in that way reduced the number to something like 250 from which they could make selections.

Mr. GLASS. I will say to the gentleman precisely that course was pursued by the Federal Reserve Board where the question of expert employees was not involved.

Mr. HUMPHREY of Washington. Now, it does seem to me when this commission went voluntarily to the Civil Service Commission and asked that they be protected in this way, for the good of the service and for the good of the country, we ought to enact the amendment that the gentleman from Illinois [Mr. MANN] has proposed.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that debate on this proposition be closed——

Mr. GILLETT. I would like to have five minutes.

Mr. MANN. There are some other gentlemen over here who desire time.

Mr. GLASS. I do not want to shut off debate, but I do wish to proceed.

Mr. MANN. We would like to have 15 minutes more over here.

Mr. GLASS. I will ask, Mr. Chairman, that debate close in 20 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on this paragraph close in 20 minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. CULLOP. Mr. Chairman, as I read the provision which the gentleman from Illinois [Mr. MANN] has moved to strike out, it does not prevent the President from going into the classified service and appointing these men to these positions. The language of it is as follows:

> All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the act of January 16, 1883.

Now, that does not compel him to go into the classified service to appoint them, and it does not prevent him from doing so. In other words, he is not bound to ignore it, but he may under this provision make his appointments out of the men who have passed the civil-service examination, or may not do so, at his option. So there is nothing here that requires the construction to be put upon the language of this provision which the gentleman from Illinois has placed upon it in the statement he has made in support of his amendment. Now, Mr. Chairman, the President may conclude that men who have not passed the civil-service examination are better qualified to fill these positions at the inception of the operation of this law, at the time that this administration is begun, than men who have passed the examination; and therefore, under the language of this statute, he may select anyone he pleases, without reference to the civil-service law, or he may take upon himself the initiative and select from the classified service the men who shall be appointed to these places.

Now, that is all there is in this language; and if they have been proceeding in other departments, such as the Trades Commission and one or two others, to select men from the classified service, the language is such that it does not compel him to resort to the classified service to make these appointments at the start, and in the proviso the gentleman moves to strike out there is nothing which will prevent the President from placing the employees in this department under the classified service.

Now, if I were to write the act, I would write it freed of the classified civil service. I believe that the President of the United States and the men in charge of the initiation of this great system can better select the men who can popularize this great system, who can make it more effective and a greater success than by resorting to the civil-service law to make the selections. I would like at this time to call attention of the committee to this fact, that under the classified service of this Government there are 500,000 employees. That constitutes an enormous army of officeholders. The number now is almost able to dictate here in Congress what the legislation of the National Congress shall be. It is too great a power, too valuable a patronage to be intrusted to the hands of any one man in this country, I care not who that man may be. [Applause.] This power is great enough to be felt in every department of public affairs, and is asserting itself in dictating public legislation and the development of public policies. Its power should not be increased by multiplying its numbers, but, on the contrary, its powers should be curtailed, its numbers reduced, in order that it may not direct the policies of the people. Selfish interest on the part of this great army of public officials will direct their efforts in promoting their welfare rather than the welfare of the people. The power should be decentralized and its growth checked in order that it may not become arbitrary and autocratic and thereby menace the best interests of the public. [Applause.]

Mr. GILLETT. Mr. Chairman, according to the argument of the gentleman from Indiana [Mr. CULLOP] this clause means nothing at all, but it is perfectly clear that it has a meaning and has an effect, and to my mind it is perfectly clear what the intent of it is, and that is it is to allow these appointments to be made according to the old spoils system and to give patronage to the Democratic Party. Now, I believe thoroughly in the sincerity of the chairman of this committee in what he has said. I do not believe if the chairman of this committee had had the drafting of this clause he would have inserted it. Mr. Chairman, if that clause was not in at all, then the President of the United States had absolute power over the method of appointment. He could cover these into or except these from the civil service according as it was necessary; and if the experts, to whom the gentleman from Virginia [Mr. GLASS] referred, ought to be excepted, he could have excepted them; but to pretend that the clerks and the laborers at least—those two classes—to pretend that they should be excepted from the civil-service law because they could not be procured through the Civil Service Commission is preposterous; and, Mr. Chairman, I think that the Democrats might as well admit that they put in this clause in order to give the Democrats patronage.

Now, I will admit that it is much easier for a member of the minority to criticize such a clause as this than it is for a member of the majority. I admit the party that is in the majority always has the temptation to put in such a clause as this in order to get patronage for themselves, but the Democratic Party since they have been in power have distinguished themselves by these numerous exceptions which they have put into different bills. They put a clause into their tariff bill excepting the income-tax collectors from the operation of the civil-service law.

They put a special provision on the deficiency bill excepting the deputy marshals and the deputy internal-revenue collectors, and they have every little while, apparently distrusting their own President, taken the subject out of his hands and put positions into the classified service; and, thinking apparently he was too much of a civil-service reformer, they have tried, just as they are trying here, to take away from him the power, and I think they deserve to be criticized and condemned for it.

The gentleman from Virginia [Mr. GLASS] quotes as a precedent the case of the Federal Reserve Board. To my mind the Federal Reserve Board was a rank case of partisanship. President Wilson appointed the board, and every member of it

was a Democrat, and it was intended, I believe, there, just as it is intended here, by excepting its subordinates from the civil-service law to give patronage to Members of Congress. As the gentleman from Washington [Mr. HUMPHREY] says, that board finally, to protect itself, was compelled to go to the Civil Service Commission and ask them to select its subordinates by examination. But I do not believe they did that until the most pressing needs of the leading Democrats had been relieved. I venture to suspect that some prominent individuals in the Democratic Party got patronage. I do not believe the Secretary of the Treasury, for instance, was neglected. I think the Democratic Members of Congress are deceiving themselves in putting this clause in and thinking they are going to get a good deal of patronage out of it. I believe the officials of this board will want to protect themselves against Members of Congress.

A few of the very important Democratic magnates will probably get positions such as they want, but when it comes down to feeding the ordinary Member of this House I am inclined to think these gentlemen of the farm-loan board will be obliged in self-defense to do as the Federal Reserve Board did and the Federal Trade Commission did, and in order to keep the Congressmen from pestering them for offices will resort to some form of examination. But the vice of this provision is that it allows them to give such places as they please to their favorites, or the favorites of their friends or patrons, and that I believe is the only purpose of the proposition. The Republican Party when it was in power was not always blameless in this respect. There was always a large element in it as there will probably always be in every majority party which wanted to give itself patronage and the distribution of offices. But there were generally enough genuine believers in civil-service reform to detect and prevent such selfish legislation as this. But since the Democratic Party obtained power there has been a constant effort to let down the bars, to take advantage of every excuse to abrogate the civil-service law and provide a few places for deserving Democrats who could not pass a competitive examination. The President, despite his professions of devotion to the merit system, has approved these attempts and has seconded them by issuing an unprecedented number of Executive orders authorizing the appointment of favorites in opposition to the advice of his Civil Service Commission. The result is that the pledge of the Democratic platform promising an honest enforcement of the merit system has been shattered and dishonored like so many other of its planks by the legislative action of the Democratic Congress and by the Executive action of the Democratic President.

Mr. MAPES. Mr. Chairman, this is another raid on the civil service. It is too bad to prejudice this important piece of legislation by starting it off under the spoils system. This bill has been changed in a great many particulars, from the rural-credits bill, which was considered in the House during the last Congress, but this provision to do away with the civil service remains the same.

It is proposed that all the clerks and other employees provided for in the bill shall be appointed without regard to the civil service. Not satisfied with that, after they are once appointed it is provided, "that nothing herein shall prevent the President from placing said employees in the classified service." The authors of the bill are not willing to take any chances on the merit system in selecting employees under the act but are perfectly willing to make their positions secure after they have once been appointed.

The action here proposed, however, is in harmony with other legislation enacted since this administration came into power. I must confess, Mr. Chairman, that I was surprised to hear the distinguished chairman of the Banking and Currency Committee say a few minutes ago that he was a thorough believer in the civil-service law and opposed to the spoils system. The two principal bills reported by his committee in the last and this Congress, which is as long as I have been a Member of the House, have contained express provisions exempting all of the employees created by those bills from the civil service. The Federal reserve act, for which the gentleman from Virginia [Mr. GLASS] was principally responsible, contained a provision similar to this one, providing that all the employees of the Federal Reserve Board should be appointed without regard to the civil service, and the rural-credits bill reported by his Committee on Banking and Currency in the last Congress contained the same provision. It is now proposed again to appoint all the employees of this new rural-credits system without regard to the civil service.

In this connection, if I may be pardoned for calling attention again to an instrument which has been so much discredited as the last Democratic platform, it might not be out of place to read the plank in that platform on this subject. It was there solemnly declared by the Democratic Party that—

> The law pertaining to the civil service should be honestly and rigidly enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than services rendered to a political party.

As if to make assurance doubly sure, the platform further declared:

> Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign.

In spite of these promises and platform pledges no administration in recent years—in fact, no administration since the civil-service law was enacted—has made such attacks on the civil service as has this one. In addition to the laws already called attention to in which the civil-service law has been set aside are the following enacted by this administration:

The Underwood Act exempted collectors of the income tax from the civil service.

The deficiency appropriation act of the last Congress took deputy United States marshals and deputy collectors of internal revenue out of the civil service.

The Post Office appropriation bill in the last Congress attempted to take assistant postmasters out of the civil service, but that provision was defeated on the floor of the House.

This amendment would strike out the language in this bill which provides that all the employees under this act shall be appointed without regard to the provisions of the civil-service law. If adopted, they would have to be selected the same as other employees of the Government are selected.

It seems to me, Mr. Chairman, that it would be particularly unfortunate to have this rural-credits act, which has been considered in such a nonpartisan way both by the committee and by the House, and which is so important to the farmers of the country, started off under the spoils system. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I do not know whether there is any use in appealing to the other side of the House to adopt this amendment; but I would think that after the election in West Virginia on Tuesday enough Members, at least, upon that side of the aisle would stop and consider the record they are making, in their own interest, if not in the interest of the party to which they belong.

Mr. Chairman, the Democratic Party, like the Republican Party, in every platform and in the last platform pledged themselves to the civil-service law, and insisted—and I have it in my hand, but I shall not take the time in the five minutes I have to refer to it—that it should be carried out in spirit and faithfully applied. And yet, Mr. Chairman, every time an opportunity has arisen to destroy the civil-service law a very large majority of the membership upon the Democratic side of this aisle have voted to destroy it.

Now, Mr. Chairman, what reason can there be for exempting all of these employees from the civil-service law? Why, we all remember, when President Taft covered fourth-class employees into the civil-service—a thing which I did not at all approve as to the manner in which it was done—that this Democratic administration, in ordering civil-service examinations, said that their only purpose was to know whether the fourth-class postmasters that had been covered into the classified service were competent or not. And they held examinations all over the United States ostensibly for that purpose. Of course we all realize that their actual purpose was by indirection to get Democrats into those fourth-class post offices. But, Mr. Chairman, if it was necessary, according to their theory, to ascertain by competitive examination whether fourth-class postmasters were competent to perform the duties of their office, how can they vote consistently to keep this section in the bill which provides that there shall be no examination at all? I realize, Mr. Chairman, as does everyone upon that side of the aisle, that even though you do put them in the classified service, you upon the other side will find ways and means to get these places for Democrats rather than Republicans. That is not the point. But if this is in the classified service, the Democrats that will go in there will have to pass an examination and show they are qualified to perform the duties to which they are appointed.

That is exactly why you want these exempted from the classified service, because you on that side want the privilege of appointing Democrats who are not competent to perform the duties. You want to treat this as a piece of political pie, irrespective of the merits or the services which they will perform; and so far as this bill is concerned a very large majority upon that side of the aisle are looking a good deal more to the jobs

that will be created for Democrats in this bill than to the benefit to the farmers that will result from the bill. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MANN. I call for a division, Mr. Chairman.

The committee divided; and there were—ayes 46, noes 81.

Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. GLASS and Mr. MANN to act as tellers.

The committee again divided; and the tellers reported—ayes 59, noes 89.

So the amendment was rejected.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the amendment just defeated.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I move to amend, page 77, line 15, by striking out the word "employees" and inserting the word "positions."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 77, line 15, by striking out the word "employees" and inserting the word "positions."

Mr. MANN. So that it would read, Mr. Chairman:

Provided, That nothing herein shall prevent the President from placing said positions in the classified service.

Mr. GLASS. I accept that amendment, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GLASS. Mr. Chairman, on page 77, line 18, there is a misprint. The word "lands" ought to be "land." I ask unanimous consent that the alteration be made.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the amendment suggested be agreed to. Is there objection?

There was no objection.

Mr. GLASS. Mr. Chairman, I submit to the committee that this bill was hastily printed, and I have discovered quite a number of typographical errors, and I ask unanimous consent that those obvious typographical errors may be corrected by the Clerk.

Mr. MANN. Let the Clerk correct them.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] moves to strike out the last word.

Mr. WALSH. In view of the vote that has just been taken on the amendment offered by the gentleman from Illinois [Mr. MANN]——

Mr. GLASS. Mr. Chairman, if there are no further amendments——

Mr. HOWARD. I have an amendment, Mr. Chairman.

Mr. GLASS. How many amendments are proposed to be offered?

Mr. MANN. Three gentlemen over here wish to offer amendments to the section, besides the pro forma amendment offered by the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, in view of the vote that has just been taken on the amendment of the gentleman from Illinois [Mr. MANN], I should like to call the attention of the committee to a little ancient history, and to read the words of the late lamented President of this Nation, William McKinley, spoken in debate on April 24, 1890, when an attempt was made to strike out the appropriation for enforcing the civil-service law. And I want to direct the attention of the members of the committee to the fact that it was on that side of the House almost entirely that the opposition has just now developed to the amendment of the gentleman from Illinois [Mr. MANN]. Speaking on the proposition in 1890, Mr. McKinley, of Ohio, said:

If the Republican Party of this country is pledged to any one thing more than another, it is to the maintenance of the civil-service law and its efficient execution; not only that, but to its enlargement and its further application to the public service.

The law that stands upon our statute books to-day was put there by Republican votes. It was a Republican measure. Every national platform of the Republican Party since its enactment has declared not only in favor of its continuance in full vigor, but in favor of its enlargement so as to apply more generally to the public service. And this, Mr. Chairman, is not alone the declaration and purpose of the Republican Party, but it is in accordance with its highest and best sentiment—aye, more, it is sustained by the best sentiment of the whole country, Republican and Democratic alike. And there is not a man on this floor who does not know that no party in this country, Democratic or Republican, will have the courage to wipe it from the statute book or amend it save in the direction of its improvement.

I regret that since that time, apparently, some gentlemen on that side of the House have received sufficient inspiration and encouragement from somewhere to attempt to do by indirection what they do not dare to do directly.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Oklahoma?

Mr. WALSH. No; I regret I can not yield. I have but a few minutes remaining of my five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. WALSH. Mr. McKinley proceeded further, and said:

The merit system is here, and it is here to stay, and we may just as well understand and accept it now and give our attention to correcting the abuses, if any exist, and improving the law wherever it can be done to the advantage of the public service.

I want to call the attention of that side of the House to the fact that what the lamented McKinley said at that time is true to-day; that the people of this country believe that the civil-service laws should be enforced in spirit and in letter; and that they will resent any attempt on the part of the majority party, as indicated in its vote upon this amendment proposed by the gentleman from Illinois [Mr. MANN], to break down those laws and throw open that class of service to be filled by the political henchmen of the majority party, who are lieutenants in that vast army of deserving Democrats, hungry for jobs. [Applause on the Republican side.]

Mr. GLASS. Mr. Chairman, I do not think much credit is to be derived by any side or any party by diverting this House from modern legislation by going into ancient history and by holding post-mortems over a proposition that has already been decided. I hope we will confine ourselves to the consideration of this bill. [Applause on the Democratic side.]

Mr. POWERS. Mr. Chairman, I move to amend section 3, page 77, line 9, by striking out the word "without" and substituting the word "with," and on page 77, lines 12 and 13, by striking out the words "or any rule or" and substituting "with regard to rules and," and on line 13, after the word "thereof," by striking out the words "*Provided*, That nothing herein shall prevent the President from placing said employees in the classified service," so that as amended it will read:

All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed with regard to the provisions of the act of January 16, 1883 (vol. 22, U. S. Stat. L., p. 403), and amendments thereto, and with regard to the rules and regulations made in pursuance thereof.

Mr. GLASS. Mr. Chairman, I make the point of order that substantially the same proposition has just been voted down.

Mr. POWERS. I want to say, Mr. Chairman, that this is not the same proposition at all, because the amendment of the gentleman from Illinois [Mr. MANN] proposed to strike out the entire provision and leave it in the discretion of the President to appoint, without regard to the classified service. My provision makes it incumbent upon the President to appoint with regard to the classified service.

The CHAIRMAN. The Chair is inclined to believe that the point of order is not well taken, because of the fact that the other provision would leave it discretionary with the President, whereas under the amendment offered by the gentleman from Kentucky he would be compelled to observe the civil-service law.

Mr. GLASS. I ask unanimous consent that all debate on the amendment conclude in five minutes.

Mr. FERRIS. Make it seven minutes.

Mr. GLASS. I ask unanimous consent that all debate on the amendment conclude in seven minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on the amendment be closed in seven minutes. Is there objection?

There was no objection.

Mr. POWERS. Mr. Chairman, one plank of the Democratic platform adopted at Baltimore in June, 1912, reads in part as follows:

The law pertaining to the civil service should be honestly and rightly enforced, to the end that merit and ability shall be the standard of appointment and promotion, rather than service rendered to political parties.

Mr. Chairman, the Democratic Party of this Nation went before the voters of this great country with that as one of the planks in their platform. They made a sacred pledge that if entrusted with power they would carry out in letter and in

spirit the civil-service laws and regulations on the statute books of this great country.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. POWERS. I yield to the gentleman.

Mr. LA FOLLETTE. Was there any plank sacred except that one? They seem to have broken them all.

Mr. POWERS. In further answer to the gentleman's question I desire to say, Mr. Chairman, that apparently no plank of the Democratic platform adopted at Baltimore has been regarded by them as binding upon them in the legislation that they have enacted since they came into power. The Panama Canal tolls plank was broken——

Mr. MOORE of Pennsylvania. Have not all these broken planks to which the gentleman refers been repeated by common consent?

Mr. POWERS. If they have not been, they will be in the approaching November election. [Applause on the Republican side.] I can not discuss at this time all the broken pledges of the Democratic Party.

Mr. HUMPHREY of Washington. Not in five minutes' time.

Mr. POWERS. By no means. It would take a month to reiterate them all and to lay them before the people of this Nation.

Of course, Mr. Chairman, in regard to the violation of the civil-service law, so far as this bill is concerned, let me say that this is one bill of all bills that ought to be free from the spoils system. The farmers of our country are interested in good legislation. They have never stood at the pie counter. They have never stood at the public trough. They are far removed from all that in the business in which they are engaged. They are entitled to have a rural-credits system set up in such a way as will produce the very best results for them and the country generally. When the President of the United States was a candidate for the Presidency, he wrote a letter to the National Civil Service Reform League, of which he was vice president up to the time of his election, stating that he would see to it that at all times the service laws and principles should be upheld by him.

Mr. FERRIS. Mr. Chairman, I will detain the House only long enough to say that while the Democratic side of the House are passing bills beneficial to the farmers and in keeping with our platform pledges, the Republican side of the House are, as usual, engaged in talking politics. [Applause on the Democratic side.] But before I pass from that I want to refer to the speech of the gentleman from Massachusetts [Mr. WALSH] just a moment ago, who took occasion to read from the utterances of President McKinley when he was a Member of this House. I wonder why he did not take time to read from President Taft's last Executive order, which, in effect, placed under the civil service some 28,000 or 30,000 partisan Republicans, who had been appointed on the recommendation of partisan Republican politicians. [Applause on the Democratic side.] And again, while I am not the defender or spokesman of the present administration and am not in any way commissioned for that purpose, I may add that the fact of the business is that the Wilson administration has enforced the civil-service rules to a very much greater extent than any reasonable man would expect them to do under the circumstances. Talk about abusing the civil service! It was abused more in the last few days of the Taft administration than it probably ever will be again.

Mr. POWERS. Will the gentleman yield?

Mr. FERRIS. The gentleman from Kentucky made a bland prophecy a few minutes ago about what the Republicans would do to us in November. They had a little victory on Tuesday. In a district normally Republican by 4,000 or 5,000 they carried it by a few hundred. So that is the much talked of and wonderful victory that they enjoyed on yesterday; and so with all their victories and all their bland prophecies. They might all be properly consigned to the scrap heap together, but this is not the time or place to discuss but very few of the Republican delinquencies and short comings. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Kentucky.

Mr. COX. May we have the amendment reported?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. POWERS: Page 77, line 9, strike out the word "without" and insert the word "with"; line 12, strike out "or any rule or regulation" and insert "and with regard to the rules and regulations"; line 13, after the word "thereof," strike out the remainder of the paragraph, so that the paragraph as amended will read:

"All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed with regard to the provisions of the act of January 16, 1883 (22 U. S. Stat. L., 403), and amendments thereto, and with regard to the rules and regulations made in pursuance thereof."

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All debate upon this amendment is closed. The question is on the amendment of the gentleman from Kentucky [Mr. POWERS].

The amendment was rejected.

Mr. McLAUGHLIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN: Page 77, line 8, strike out the word "shall" and insert the word "may."

Mr. McLAUGHLIN. Mr. Chairman, the speeches made by some gentlemen on this paragraph indicate a belief on their part that this paragraph will be construed just as I wish by my amendment to have it provide clearly and without question; that is, that it ought not in so many words to require the President to make these appointments without regard to the civil-service law, but to permit him, in his discretion, to make appointments without regard to that law. They may be right as to the construction and meaning of the word "shall." Often the word "shall" is construed to mean the word "may," but it seems to me that it will be better to use the word "may" rather than the word "shall." It will show a better disposition; it will not show a disposition on the part of the House to require or to ask the President to regard civil-service law or to demand that he shall violate it or fail to observe it. It will be better to permit him to disregard it if the exigency of cases coming before him seem to require him to disregard it.

I appreciate that some of the places may be better filled in the first instance when the force is to be organized by making some selections without regard to the civil-service law. But it seems to me that Congress ought to be slow in placing itself upon record directly in opposition to that law, which in its platforms it has promised to observe.

The Democratic Party, in control of the House, ought to make some effort to comply with and keep some of the promises of its platform. Evidently there is only one pledge made in the Baltimore platform that is to be kept, and observance of that pledge will not be kept by the Democratic Party itself or of its own accord; observance will be demanded and enforced by the people of the country in November, when they will insist by an overwhelming vote that the one-term plank of the platform must be fulfilled. [Applause on the Republican side.]

I offer this amendment in good faith, hoping our Democratic friends will consent to it and make the provision permissive instead of obligatory upon the President.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the gentleman from Oklahoma [Mr. FERRIS], endeavoring to console himself and the other Democrats in the House a moment ago, said that the Republicans had elected a Republican Member of the House in West Virginia last Tuesday in a Republican district. The statement was entirely true. All the districts, with a very few exceptions, all over the North in the United States are to-day Republican [applause on the Republican side], including the district represented by my genial friend from Oklahoma. [Laughter and applause on the Republican side.]

Mr. HOWARD. Mr. Chairman, I want to say a few words for the sake of those gentlemen on the other side of the House who seem to be suffering from political cramp colic.

Mr. MANN. We are enjoying it, not suffering.

Mr. HOWARD. And want to play politics on a bill of this sort. They talk about what they are going to do in November. Why, they are going to be the sickest set of Republicans in November that you ever saw in your life. [Applause and laughter on Democratic side.]

The gentleman from Michigan referred to the one-term plank. That is the main thing that seems to interest all of you. You are as scared of President Wilson as you are of a cinnamon bear. You stay awake at night to keep from having a Wilson nightmare. [Laughter and applause on the Democratic side.] Here you are, 30 days from the great convention of your party, running around like a cat shot with a paper of No. 8 tacks, trying to find some one to take a nomination that they know will not be worth anything after they get it. [Laughter and applause on the Democratic side.] One day it is Root; the next day it is Roosevelt, or WEEKS, or Burton, or Fairbanks, or CUMMINS, or LA FOLLETTE, or Hughes. Then your Republican papers let out a wail for a man to beat Wilson. No one seems to have any

interest in the coming convention but the southern negro delegates. Do you know why they are interested? They want to be at the auction. It is really amusing to see the bravery and the front that you are putting on—whistling while you go through the graveyard. You may keep on whistling, but everybody knows you are scared. [Laughter and applause.]

What I want to call attention to is this: The gentleman from Massachusetts [Mr. WALSH] delivered a speech over there a while ago about civil service. Now, the people do not know so much about your application of the civil-service law, because you have been pretty smooth in the way in which you couched the language when you wanted to evade it, but brave when you did it vie et armis, and broke the world's record by covering 36,000 of the old faithful Republicans into the civil service at one stroke of the pen. Of course, that was not an assault upon civil service. That was literal murder. Of course, you blessed Republicans over there condemn that now. How it shocks your modesty to even refer to it; it makes you shudder to think one of your Presidents was so naughty.

The result after the Democrats came in, after your being in power 16 years, was that we found that 95 per cent of the post-office inspectors were Republicans—85 per cent of all the civil-service employees were Republican—and you lambasted every Democrat that raised his head up and got a decent salary. You were doing it with a bludgeon, and we have been trying to do it more decently. [Laughter and applause.]

Now, as a matter of fact, I want to show you how you have evaded the civil service. When you established the Tariff Board, one of the most innocent little things I ever saw, couched in perfectly innocent language, and if I did not love my friend from Illinois [Mr. MANN] like I do, I would accuse him of having written the paragraph, and I believe he did have something to do with it.

Here is the way you handled the Tariff Board:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

The President did employ every blessed one of them, from the president of the board to charwomen. He never consulted the civil service; he only consulted your Republican patronage dispensers who happened at that time to have on hand a very healthy supply of "lame ducks." He took care of the "lame ducks" until we sent them off on crutches by abolishing the whole inefficient shooting match.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after the word "Senate," on page 74, line 16, the following: "Before assuming said board the President shall divide continental United States, excluding Alaska, into three districts, which he shall designate by number. He shall certify said districts to said board, which shall cause the same to be made of record. One member of said board shall be appointed for each of said districts, and the person so appointed shall have been an actual resident of said district at the time of his appointment for more than two years immediately prior thereto. Thereafter not more than one member of said board shall be a resident of any one of said districts."

Mr. MORGAN of Oklahoma rose.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Chairman, the amendment that I offer I think should be accepted by the chairman of the Banking and Currency Committee and adopted by the Committee of the Whole. This bill provides that we shall create a Federal farm-loan board consisting of three members. This board, as we all know, is given very great powers in directing the affairs of these land-credit institutions. The members of the board are to hold office for nine years, which is almost equivalent to life positions. All this amendment proposes is that, before making the original appointments, the President shall divide the United States into three districts. As there are 48 States, there will be an average of 16 States in each district, one, say, in the West, one in the South, and one in the central or eastern part. My amendment provides that one member of that board will be appointed from each one of those districts. I do not see how there can be any objection to the proposition. There would naturally be, to some extent, different conditions in the different parts of the United States. The wants and needs of the farmers in one section would differ from those in another section. Why would it not be proper to divide the country into three districts and appoint one of the members of this board from each one of those three districts? That would give fair representation to the farming interests of the entire country. There may be a time, with all the power that we give to this Federal farm-loan board, a majority of the board may live in the East, that the West might not have proper consideration, although the members of the board might be absolutely honest.

There is something in environment, there is something in the point of view. No man can understand the West or the great Southwest or the Pacific coast unless he is, to some extent, identified with those sections of the country, and likewise a man who lives in the far West and gets his inspirations, ideas, and conceptions from that part of the country can not have a proper conception of the conditions in the East. It would seem to me to be a wise precaution to make this division and have one member of the board appointed from each one of three great districts. Of course, this does not change the bill in any important particular. It probably would run all right without it, but, in my judgment, it would be a wise precaution to take.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. MORGAN of Oklahoma) there were—ayes 30, noes 47.

So the amendment was rejected.

Mr. HOWARD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 76, line 21, strike out the words "and the joint-stock land banks."

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, if I can get the attention of the committee for a moment or two on this proposition I would be very glad. I would like only to inject this question at this stage so that Members may think it over. My honest, cool judgment, after studying this proposition, is that the mixture of a different form of banks with the land-mortgage banks of the Federal system is the worst mistake we can make. There are two very strong objections, as I see them, to the adoption of this joint-stock bank provision in this bill. First, there is no limitation upon the rate of interest to be charged. The section says that they can charge only 1 per cent above what the last bonds sold for, but it does not restrict the loans made to farm loans.

Mr. MOSS of Indiana. Oh, the gentleman is mistaken when he says that there is no limitation fixed.

Mr. HOWARD. No fixed rate.

Mr. MOSS of Indiana. Yes; there is a fixed rate. No bond can be issued at a higher rate than 5 per cent.

Mr. HOWARD. They can charge 1 per cent above what the bonds sold for the last time, but you provide that this rate shall not be in excess of 6 per cent, including the 1 per cent.

Mr. MOSS of Indiana. And no bond can be issued higher than 5 per cent.

Mr. HOWARD. Well, we will eliminate that for the present; but what is the object of establishing a system of farm credits for the farmers of this country? Let us get right down to the reason for this legislation and let us reason about it.

Mr. MANN. Does the gentleman want an answer to that question now?

Mr. HOWARD. No; not from the gentleman. [Laughter.] Not right now. The reason for the establishment of farm-loan banking is this: As a Nation we are dependent upon the farming element of our population for the subsistence of our people. That is the reason we want to induce some of the great influx of citizens that is pouring into the civic centers for the purpose of educating their children and making a better living to stay in the country on the farm; and we are endeavoring to permit them to finance their capital demands at a reasonable rate of interest that farming may become a more profitable business. What do you do? When you establish these joint-stock banks you depart from the very principle of rural-credits banking, every single principle of it. You allow the badge of respectability, Government respectability and integrity, to be pinned to individuals who go into these joint-stock banks, establish them with $250,000 capitalization, and issue fifteen times their capital stock in bonds purely for individual gain. I will admit that their bonds are distinctive in color, that they are distinctive in print, and the general public will not be deceived as to which bond it is getting; but I want to submit that if one of these privately owned corporations ever fails and the American public gets bitten by one of these failing banks, then your rural-credits system as a whole is gone to the bowwows, and you will displace the confidence of the American investing public in this kind

of security as a good investment and shake the confidence of the country in the system. People say that it is safeguarded against fraud.

If you are going to establish a system of farm-loan credits for farmers and the Government is going to exercise supervisory powers over it, do so. This field is amply covered now by the insurance companies. This field is amply covered by the private land-mortgage banks of this country that are doing business, but gentlemen will say this is to meet the demands for shorter time loans than five years. If that be true, then the farmer who needs the loan can go to these private corporations and secure his loan; he would certainly drive as good a bargain with them out of this bill as he could with them in the bill. Why, the gentleman from Illinois, the gentleman from Indiana, the gentleman from Iowa in their States are getting money from three to five years from land banks already organized at 6 per cent. Why do you want to put in jeopardy a system that the Government of the United States is behind for the purpose of allowing a few private individuals that have got $250,000 capital, engaged with the Government side by side with them, to enjoy practically the same privileges, and a great deal more privileges, than the rural-credit banks themselves are enjoying, and take the risk of jeopardizing the farmers' banks with this scheme to exempt some established banks from taxation? What interest will these banks have in selling bonds at a minimum rate of interest? They are to do business by marketing the most attractive interest-bearing bond. They enjoy all the privileges and none of the burdens of the system. The farmer gets nothing back in the way of dividends from these joint-stock banks. You create a corporate parasite to suck the life blood out of the very system you are trying to create with puny Government aid.

For love and mercy let us do something one time in the Congress for the farmer that will give him complete freedom so far as his affairs are concerned.

The CHAIRMAN. The time of the gentleman has expired.

The question is upon the amendment offered by the gentleman from Georgia.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent that the amendment be again stated. Some gentlemen have come in since it was reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Upon a division (demanded by Mr. HOWARD) there were—ayes 34, noes 41.

Mr. HOWARD. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman asks for tellers. Sixteen gentlemen have arisen, not a sufficient number.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. POWERS. Mr. Chairman, before going to the next section I desire to move to amend section 3, page 76, line 20, by striking out the word "and" and substituting in lieu thereof the following:

Not exceeding in amount as salary more than $5,000 each annually and same.

So that that part of the section as amended will read——

Mr. GLASS. Mr. Chairman, I make the point that debate is exhausted.

The CHAIRMAN. All debate was closed on the amendment.

Mr. MANN. But that does not prevent an amendment being offered to the section.

Mr. CULLOP. Mr. Chairman, I call attention to the fact that the Clerk had begun to read the next section.

Mr. MANN. That point of order was not made.

Mr. GLASS. I make the point of order now.

The CHAIRMAN. The Chair thinks the gentleman is in time. The Clerk will report the amendment.

Mr. POWERS. I will read the language as it will read as amended:

Appraisers shall receive such compensation as the Federal loan board shall fix, not exceeding in amount as salary more than $5,000 each annually and same.

I have put a limitation there that they shall not receive more than $5,000 annually. Can I offer a few remarks on it?

The CHAIRMAN. Debate is closed. The gentleman will have to send up his amendment to the Clerk. The Clerk can not report the amendment without its being sent up.

Mr. POWERS. I ask unanimous consent that discussion on the bill may go on; I think it will save time——

The CHAIRMAN. But debate is closed by unanimous consent.

Mr. POWERS. I ask that the section be passed and that we may revert to it.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to pass the section and to permit him to go back and offer an amendment.

Mr. POWERS. It is just to save the time; I do not want to take up the time of the committee.

Mr. PHELAN. Mr. Chairman, does the gentleman mean to go back to the section without debate just for the purpose of offering his amendment?

Mr. POWERS. I understand that debate is closed.

Mr. PHELAN. Does the gentleman now ask to go back to the section to offer an amendment without debate?

Mr. MANN. I shall ask unanimous consent that the gentleman be permitted to address the House for three or four minutes, if we go back.

The CHAIRMAN. Let the Chair see if he understands the request. What is the request of the gentleman?

Mr. MANN. That the gentleman from Kentucky have the right to recur to this section for the purpose of offering his amendment.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

The Clerk read as follows:

POWERS OF FEDERAL FARM-LOAN BOARD.

SEC. 4. That the Federal farm-loan board shall have power—

(a) To organize and charter Federal land banks, and to charter national farm-loan associations, and joint-stock land banks, as hereinafter defined, subject to the provisions of this act.

(b) To review and alter at its discretion the rate of interest to be charged by Federal land banks for loans made by them under the provisions of this act, said rates to be uniform so far as practicable.

(c) To grant or refuse to Federal land banks, or joint-stock land banks, authority to make any specific issue of farm-loan bonds.

(d) To make rules and regulations respecting the charges made to borrowers on loans under this act for expenses in appraisal, determination of title, and recording.

(e) To prescribe the form and terms of farm-loan bonds, and the form, terms, and penal sum of all surety bonds required under this act and of such other surety bonds as they shall deem necessary, such surety bonds to cover financial loss as well as faithful performance of duty.

(f) To suspend or to remove for cause any district director or any registrar, appraiser, examiner, or other official appointed by said board under authority of section 3 of this act; the cause of such suspension or removal to be communicated forthwith in writing by the Federal farm-loan board to the person suspended or removed, and in case of a district director to the proper farm-land bank.

(g) To exercise such incidental powers as shall be necessary or requisite to fulfill their duties and carry out the purposes of this act.

Mr. PLATT. Mr. Chairman, I move to strike out the last word simply to call attention to subsection (b). It seems to me the authority there given the Federal farm-loan board is wholly unnecessary, but I know the probability is it would not be stricken out if I should so move. Here we are establishing a system of Federal farm-loan banks controlled at the outset by Government directors and afterwards controlled wholly by the borrowers themselves, and it does not seem to me it is at all necessary that any authority in Washington should be given the right or discretion to review the rate of interest charged by those banks. It is conceivable that such authority might do harm. If our system is workable—and I believe it is—this matter of interest will regulate itself. There is a similar provision in the Federal reserve act, and I believe this is taken from that. There is no use in putting language in here unless it will do some good, and it seems to me it is wholly unnecessary.

Mr. MOSS of Indiana. If the gentleman will permit, the power given to farm-land banks to make charges to borrowers is provided for on page 105, and it says it is to charge the borrowers under rules and regulations promulgated by the Federal farm-loan board, because if you keep in the language on page 105 it is necessary to give that board the right to promulgate rules and regulations.

Mr. PLATT. That is not the section to which I was referring.

Mr. MOSS of Indiana. That is on page 105, under subsection 8.

Mr. PLATT. That refers to reasonable fees, and so forth, and this subsection (b) refers to the rate of interest on loans. They are entirely different things.

Mr. MOSS of Indiana. On page 104, section 13, it relates to the power of the Federal land banks to charge borrowers, under rules and regulations promulgated by the Federal farm-loan board, reasonable fees not exceeding the actual cost of appraisement and determination of title. Now, then,

under section 4 the farm-loan board is given powers to make rules and regulations respecting the charges made to borrowers. It only gives the power to carry out what is provided on page 1.

Mr. PLATT. I am referring to subsection (b) and not to subsection (d). It seems to me the system we are creating is workable. I think it will work out a lower rate of interest in the long run, and if it does it ought to be permitted to take care of itself. The economic laws and competition between the two systems here will bring the rates of interest down. You can not have a board in Washington to regulate the rates of interest all over the country.

Mr. SISSON. I notice that there seems to be some latitude given as to interest charges fixed under this subsection (b). Does that mean that this board will have the right to fix one rate, we will say, in California and another rate in Iowa and another in New England?

Mr. PLATT. I think it does. It would practically mean that, I should think.

Mr. SISSON. It enables the board to have practically as many different rates of interest as they desire?

Mr. PLATT. It says that said rates are to be uniform so far as practicable.

Mr. GLASS. The gentleman will remember that the commodity rate fixed for the Atlanta banks was different from the commodity rate fixed by the St. Louis banks, but all the rates must be within the maximum. But there might be an entirely different reason in commercial banking and the loan on farm lands, which lands are fixed in their nature. There may be many reasons in commerce where you might want to make a rate of interest high in order to force the retirement of currency or to make it low in order to force an issuance of currency. But here we are having a fixed loan, a loan intended as nearly as possible to be a fixed loan.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I move to strike out the last two words. I did not really want to take the time from the gentleman from New York.

Mr. PLATT. I do not want to take any more time unless the gentleman wishes to ask me further questions.

Mr. SISSON. I was just wondering why, in fixing the interest on land values, this discretion should be vested in the board to make the change of interest.

Mr. MOSS of Indiana. I would like to give my own opinion. We give the board the power practically to say under what conditions the bonds shall be sold. Now, then, there is 1 per cent, which is the difference between the bonds and what the borrower pays. Now, then, the bank is given the power to charge the 1 per cent, but at the same time the board is given power to regulate, but they can make it less than 1 per cent if they want to. That is the power they would still exercise.

Mr. SISSON. I want to understand just why this power was given to the committee. Suppose the rate of interest in the South is higher with the local banks than it is, we will say, in Illinois or Indiana, is it intended that this board should be able to meet the differences in that State?

Mr. MOSS of Indiana. Oh, no; it means this. We have 12 land districts. In one there may be a very large volume of business done by the bank, and the bank can do it at a less rate per $100. Here is a district that is sparsely settled, and it costs more to place business on the books.

Mr. SISSON. The overhead charges would be greater?

Mr. MOSS of Indiana. Here is 1 per cent, and the board will have an option as to whether the land banks will charge the full 1 per cent or a fraction of 1 per cent.

Mr. SISSON. Suppose the pressure should become great, and the rate of interest being greater in the South, then would it mean that the balance of the country might get money at a cheaper rate of interest than the people of the South, where the interest is high, as in Oklahoma, in Texas, and in Mississippi, that they might get money from the Government cheaper than they would where there is a great competition for money?

Mr. WINGO. If the gentleman will look closely, he will see that there can not be any variation except in the 1 per cent, as suggested by the gentleman from Indiana [Mr. MOSS]. The market price of the bonds will fix the rate of interest, and within 1 per cent.

Mr. SISSON. Then, as a matter of fact, this board does not fix the rate, but the sale of the bonds fixes it?

Mr. WINGO. Yes; but the gentleman overlooks the suggestion made by the gentleman from Indiana [Mr. MOSS]. If one of the banks was doing a very large volume of business, it might be impossible for it to operate upon less than the 1 per cent. For that reason, then, they could require them to make their loans at 5½, say, where the bonds had been sold at 5. That was the object and the theory which I understood the committee had in mind.

Mr. SISSON. The only fixing of the rate, then, would be the difference between the price at which the bonds were sold plus 1 per cent?

Mr. WINGO. Yes. This would only go to 1 per cent. That would be the limit of their control. If they wanted to require them to make their loans at 5½, where the bonds had sold at 5, they could do it, but they could not make it 6½.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. HAWLEY. This situation will frequently arise: The 12 land banks will be in the market to sell their bonds. Suppose they think a bond issue at a given time should be floated at 4½ per cent, then the bonds, selling at 4½ per cent, would fix the rate of interest on the succeeding mortgages. Thereafter they have acquired a number of additional mortgages and wish to float another bond issue of $50,000. They wish to sell them at the former rate of 4½. But the board finds that they sold the former issue of bonds at a premium, and they can now sell a 4½ per cent bond at par. Therefore they will refuse permission to them to sell the bonds at 4½ and get a premium for them—which premium would come out of the farmer—and require them to sell a 4½ per cent bond at par, and therefore they would reduce the interest rate to the farmer one-fourth of 1 per cent.

Mr. SISSON. Suppose the bond might be sold at 3½, exempt from taxation? Then the limit of interest to be charged the borrower would be 3½ plus 1?

Mr. HAWLEY. Three and one-half plus such part of 1 as the operating charge would amount to.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word. The gentleman speaks in opposition to the amendment.

Mr. MANN. Mr. Chairman, paragraph 6 gives to the Federal farm-loan board the power to grant to the Federal land bank authority to make any specific issue of farm-land bonds. I have read this bill over a number of times, and I would like to have had an opportunity to read it over a number of times more, so that I would know more about it. I am trying to avail myself now of the opportunity to really know more about it by asking gentlemen who do know. I hope it is excusable, because I do not think any one of us knows, unless he has made an expert study of it, and I do not think we will know when we go home unless we have given to it such a study.

This apparently would say that the land banks could not authorize or make any farm-loan bonds without first having received specific authority from the Federal farm-loan board—that is, they could not grant any authority by general regulations, apparently. This provision is to grant or refuse the right to make any specific issue of farm-loan bonds.

Now, what is to be the process? First, you have your joint-loan association get together some applications for mortgages, and the mortgages are made and recorded. The appraisal of the property is made by the various different appraisers and comes within the provisions of the regulations. They are ready to issue the money. They have some money on hand, and they pay out the money on these mortgages, and they have a certain number of mortgages on hand. They would want to issue some farm-loan bonds. Well, that is all right when you have a large amount at once, but in course of time the capital furnished by the Government will be absorbed. Supposing a man wants to get a mortgage then. Will he have to wait until other people want $100,000 more and make an application here and have the Federal farm-loan board go over that specific application each time? That would apparently be the process. It looks to me as though it would be very long-winded. I am asking for information.

Mr. PHELAN. The gentleman wants an answer now?

Mr. MANN. Yes.

Mr. PHELAN. Well, each time there is an issue of bonds it would be necessary to get the consent of the farm-loan board.

Mr. MANN. How often will Federal bonds be issued, then? They could not issue them before they have the mortgages ready, could they?

Mr. PHELAN. No. I will explain that process, but it will take two or three minutes to do it.

Mr. MANN. I hope the gentleman will, because I have listened quite diligently to the general debate on this bill, and I did not hear anything explained about the process, except that the gentleman from Massachusetts [Mr. PHELAN]

explained the bill very intelligently, as did some of the other gentlemen.

Mr. PHELAN. Mr. Chairman, the gentleman from Illinois has raised a pertinent inquiry, and asks to have some explanation made about these bonds. There is some difficulty, in reading a bill of this kind, to understand all its provisions. I shall try to make this particular provision clear.

It is intended by those who prepared the bill that there shall be no issue of bonds by either the Federal farm-loan bank or the joint-stock bank without the specific consent of the farm-loan board. The purpose is this: We realize that the money that is going to the farmer on mortgage loans comes from one source, and can come in greatest measure from one source only, and that is the investors of the United States. The Government has not enough money, and under proper conditions and restrictions can not get enough money to give the farmer. The money must come from the investors. Now, since the money must come from the investors, those investors must be assured that the investment is to be good. Accordingly, we have made careful provision in the bill for the appraisal, in order that the mortgage will be thoroughly good. Then we have taken the precaution that before the bank can issue any bonds, the board shall look over the security, and if there is any suspicion or doubt regarding it they can make further inquiry about it.

I think the ordinary procedure will be that they will take the mortgages from the banks. They will look into the case; they will be satisfied, probably, in a short time that everything is all right, and they will grant the consent to have the bonds issued. Now, let us take the procedure.

Mr. HAWLEY rose.

Mr. PHELAN. If the gentleman will wait just a moment, I will be glad to answer his questions.

To start at the beginning, the bank starts with $750,000. It will loan out a certain portion of that amount to the farmer borrowers through the local associations. When it has loaned a certain amount—not the entire $750,000, but a certain amount, in the discretion of the board of directors of the bank—then the bank will go to the public and say: "Here, we want you to buy some bonds." The banks have the mortgages, because they have loaned the money. With those mortgages as security, they will again offer their bonds to the public. As I said, they will have the mortgages ready. If the public takes those bonds, they will have more money to loan over again through the association to the farmers; and when they are pretty nearly out of that money, or at any time within their discretion, they will go to the public again and will offer some more bonds. Again they have the mortgages, and they will sell their bonds to get the money to loan to the farmer, and that thing goes on indefinitely as long as they can sell bonds to the public and as long as the farmer wants to borrow money which the banks obtain from the sale of the bonds, provided that the banks do not exceed the limit permitted in the issue of bonds of twenty times the capital.

Mr. MANN. They have $750,000 to begin with, from the Government, under this provision.

Mr. PHELAN. Yes.

Mr. MANN. They get $100,000 of mortgages. They can not issue any more bonds than the amount of mortgages on hand, can they?

Mr. PHELAN. It is barely possible, but in general they will not. There is a provision whereby they can substitute United States bonds for mortgages, but that will hardly be done.

Mr. MANN. I mean practically they can not issue more bonds than they have securities on hand?

Mr. PHELAN. No.

Mr. MANN. They authorize an issue of bonds. Another man wants to borrow a small amount of money. Of course it is all right as long as they have money on hand belonging to the Government.

Mr. PHELAN. Yes.

Mr. MANN. Does the gentleman apprehend that there never will be a time when this $750,000 will not keep revolving round, to take care of all the borrowers? If so, why not start with $100,000?

Mr. PHELAN. One hundred thousand dollars contribution by the Government?

Mr. MANN. Yes.

Mr. PHELAN. You could hardly get that system started with as small an amount as $100,000.

Mr. MANN. I agree with the gentleman. I am not sure that you could get it started with $750,000. Who determined just the amount that was going to be necessary in every district of the United States to make that revolving fund out of which you could get mortgages and then issue bonds by specific authority, there being no authority for the issue of bonds until you had obtained the mortgages?

Mr. PHELAN. To make an exact answer again I will state that the Banking and Currency Committee of the House determined upon $750,000. The Senate bill fixed the amount at $500,000.

Mr. MANN. Did they do it by lot?

Mr. PHELAN. No; they did it because——

Mr. MANN. I would not criticize them if they had.

Mr. PHELAN. I understand. They fixed it at that amount because after figuring the thing out they believed the system would work with $750,000 original capital. There may be more capital than that under the provisions of the bill. But the minimum was $750,000, and they felt that after $300,000 or $400,000 or $500,000 had been loaned, then the banks would be perfectly safe in going to the public and selling their bonds, because the security for the bonds was believed by the committee to be ample, and the public will have every confidence in the bonds as soon as they are issued. I do not know that I have made myself clear to the gentleman.

Mr. MANN. I think the gentleman is very clear in his statement.

Mr. CANNON. I should like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CANNON. I move to strike out the last word, and will yield to the gentleman from Massachusetts if I am recognized.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CANNON. Suppose that the farm-land bank is organized. I want $100,000, or there are enough people with me who want $100,000 or any other sum, complying with the provisions of the law. Or suppose I go alone and want it, will I have to wait, after the mortgage is drawn and the title is examined, until it goes to the boss bank—what do you call that?

Mr. PHELAN. The Federal land bank, under one system.

Mr. CANNON. Yes. Suppose the Federal land bank turns down the loan, will I get my money in the meantime?

Mr. PHELAN. You mean your loan?

Mr. CANNON. Yes.

Mr. PHELAN. Oh, no; certainly not.

Mr. CANNON. Then it has to go through the appraisers?

Mr. PHELAN. Yes.

Mr. CANNON. And the mortgage has to be recorded?

Mr. PHELAN. Yes.

Mr. CANNON. The abstract of title must be made?

Mr. PHELAN. Yes.

Mr. CANNON. And they say, "Yes; we will take that," but still I do not get my money until it goes up to Washington to this Federal land bank and they bless it. But if they turn it down I do not get anything.

Mr. PHELAN. Does the gentleman ask that in the form of a question?

Mr. CANNON. Yes; precisely, and in good faith.

Mr. PHELAN. If the gentleman will excuse me, that is not quite a correct statement of the situation. In the first place, the gentleman says the Federal land bank at Washington.

Mr. CANNON. Wherever it may be.

Mr. PHELAN. There will be 12 of these banks. Perhaps none of them will be at Washington. I thought perhaps the gentleman meant the Federal farm-loan board. That is in Washington.

In the first place, the man does not make out his mortgage in the beginning. I will state the procedure.

I want to borrow some money, and I have some farm land on which I want to borrow it. I go to the local association. In the first place, the local association must admit me as a member, because under the cooperative plan nobody can borrow money without belonging to the local association. Under the joint-stock plan anybody can secure a loan, if the joint-stock bank is willing to make it to him. But under the other system, I go to the association and tell them I want to borrow some money, and incidentally to join the association. If they admit me to the association they have a loan committee that looks into my land, and if their report is favorable the application goes to the land bank. The land bank has an appraiser who looks over the land. If his report is favorable and the board of directors want to give me the loan, I get it.

Now, that looks like a rather cumbersome proposition.

Mr. CANNON. The gentleman means one of the 12 banks?

Mr. PHELAN. Yes. Let me state incidentally that there is a provision in the bill whereby the land banks may have branches, so that as business expands they can have a branch here and there and some place else that will perhaps not be

more than an examining office in which they can have some of the work done.

Mr. CANNON. Will that branch have the power to give me my money?

Mr. PHELAN. No; it would simply make a report. I think in practice this would all work out so that there would not be much delay. Now, in a particular district there may be, say, half a dozen or 12 or 15 farmers who want to borrow some money, and they will make application about the same time. The loan committee can quickly determine what the situation is and make a report to the land banks, and almost before the committee has any report made the land banks can have the appraiser there, and out of the 12 or 15 that make application there will be at least 4 or 5 probably every one of whom will receive a favorable report from the loan committee. So that the whole thing can be done up, I think, in a comparatively short space of time. I think after a while the directors of the farm-land-banks will get so that they can depend on the appraisers, and they can pass the things in a short time, as the national banks do on many loans to-day. The investment committee of the board of directors of the national bank will look into the whole matter and make a report, and in most cases the report will be accepted without question, except in particular cases where there might be some question that they wanted to ask. Now, while there might seem to be some delay, I think the thing will work out with more or less speed.

But we must be careful and look out for the appraisal, even though it may cause delay. One thing we must do, and that is to make the investor certain that his investment is going to be secure, because the mortgages are the security on which the bonds depend, and no man is going to invest his money unless he is absolutely certain that the appraisal is proper and correct and safe.

Mr. CANNON. That is undoubtedly true, but before the money can be had the appraisement must be made, an abstract must be perfected, the mortgage recorded——

Mr. PHELAN. Not necessarily must the mortgage be recorded, all it is necessary to do is to have the appraisal correct, and incidentally I suppose the title will be looked up, to save time, as soon as the application to the board is made.

Mr. CANNON. In the meantime he might sell the property.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 79, after line 11, insert as a new paragraph the following: "If at any time a Federal land bank, the fair value of whose assets is at least equal to the total of its liabilities, shall find that it may soon be without funds, immediately available, sufficient to meet its obligations with respect to the payment, when required, of the principal of, or the interest on, bonds issued under this act, or of both principal and interest, it may make application to the Federal farm-loan board for a temporary deposit by the Secretary of the Treasury of the sum needed to make such payment, during the period for which its funds, immediately available, will be insufficient, setting forth in its application such information as the Federal farm-loan board may require. If, after investigation, the Federal farm-loan board approve said application, it shall give notice thereof to the Secretary of the Treasury, stating the sum required, the period for which needed, and such other facts as may be necessary. Thereupon the Secretary of the Treasury may deposit such sum, or from time to time so much thereof as may be required, with said Federal land bank, to be expended under the direction of the Federal farm-loan board for the purposes for which the application for such deposit was approved. Any sum so deposited shall bear a rate of interest fixed by the Secretary of the Treasury, not to exceed the current rate charged for other Government deposits, and shall be repaid as may be required, but not later than the expiration of the period fixed by the Secretary of the Treasury. To secure the repayment of any such deposit, together with the payment of the interest thereon, said Federal land bank shall issue to the Secretary of the treasury its certificate of indebtedness, and the United States shall have a first lien upon the assets of the said Federal land bank: *Provided*, That the aggregate of all such deposits in any one Federal land-bank by the Secretary of the Treasury shall not exceed in any fiscal year or at one time the sum of $500,000."

Mr. GLASS. Mr. Chairman, I reserve a point of order on the amendment, and I would like to inquire how much time the gentleman wants on this amendment.

Mr. LEVER. I think 45 or 50 minutes.

Mr. GLASS. It seems to me that is too much; can not we make it 30. I ask unanimous consent that all debate on the amendment may close in 30 minutes.

Mr. HENRY. I would like to have it understood that I get five minutes.

Mr. LEVER. Let me say that this will probably call for considerable debate, and I suggest that it might be well and would save time to be liberal in the matter of time.

Mr. GLASS. I want to be altogether liberal, but as my colleague from Pennsylvania [Mr. MILLER] suggested, at the rate at which we are proceeding it will take 34 days to get through with this bill. I will agree to 40 minutes.

Mr. MANN. We would like 40 minutes on our side on this amendment.

Mr. GLASS. Well, Mr. Chairman, we seem unable to reach a unanimous-consent agreement. I will let the debate run on, and then I will move to close it.

Mr. LEVER. Mr. Chairman, the amendment I have offered is the result of many months of study upon my part as a member of the joint committee on rural credit which was authorized to be organized by the last session of Congress. My study of rural-credit systems in other countries and of the various plans suggested for such a system in this country convinces me that the strength of the system proposed by this bill depends upon the strength of the bond to be issued under it. The bond is the bridge which connects up the borrowing farmer on the one side of the stream with the investing public on the other. The system will be only just as strong as this connecting bridge—this bond. The system will succeed or fail just in proportion as the bond is strong or weak. The all-important part of this machinery is the bond. It is the bond that will get the money for the farmer in the first instance; it is the strength of the bond in the investing mind that will determine the rate of interest to the borrower and more readily the bonds sell, the more favorable the terms under which it sells, the lower will be its own interest rate, and more important, the lower will be the rate of interest to the farmer. It is this that I am trying to do.

Now, what is this proposition? The amendment proposes to allow the Secretary of the Treasury, under certain circumstances, to deposit with any Federal land bank during any fiscal year a sum of money not to exceed $500,000, or a total of $6,000,000 for all the land banks of the entire system in any one year.

It may happen that in the State of Kansas the grasshoppers may eat up the crop; it may happen in the Mississippi Valley the levees break with great disaster to the growing crops; it may be that a severe drought sweeps over a section of the country and the farmers find themselves unable to meet the annual interest upon their mortgages, with the result that the bank, which in turn must meet the interest on its bonds and the maturing principal thereof, will find itself without means to meet these obligations. In that case the system would shake from foundation to top, because the land banks can meet their obligations only from funds paid into them by the borrowers in the way of interest or amortization, and a severe disaster over a large area of country might greatly embarrass the system, or, at least, the land bank immediately involved especially in the early life of the system. It is to safeguard against such a possible but not probable contingency that I think the fund proposed by this amendment should be available.

What will be the effect of this provision upon the salability of the bonds? What influence will this guarantee against possible temporary contingencies have upon the minds of those who have funds to invest and wish to place them in the most certain security? It is perfectly patent to me what the effect will be. The investor, the insurance company, the trustees of an estate, the school-teacher with a few hundred dollars, who desires a perfectly safe investment, one that can not fail in an emergency, will look to these farm-loan bonds as furnishing the best security. They will find certain security behind them—the mortgages, the capital stock of the bank, the reserves of the bank, the joint responsibility of the 11 other banks, and all that—but in addition to that they will see that in case of an emergency which might by the merest possibility overtake one of these land banks the Federal Treasury stands ready to deposit $500,000 to take care of the situation. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, what is the result? The effect of that kind of guarantee upon the mind of the investor—and we get our funds from the private investor—makes him buy these bonds readily and at the very lowest rate of interest, because of the superlative safety of the investment. What is the ultimate effect of this amendment upon the rate of interest the borrower back in the country must pay upon his mortgage? This whole system is being initiated to help the man who wants to pay off debts already hanging over his farm or who wants to negotiate a mortgage to buy a farm. The system is for him. We are trying to get him, among other things, the lowest possible rate of interest by the mobilization and liquidation of his assets. Will this amendment help in this direction? It will, unquestionably, for the reason that the rate of interest to the farmer is fixed by the terms of this bill, by the rate of interest

at which the bonds will sell in the open market. The farmer can not pay more than 1 per cent in excess of the rate at which the bonds sell.

If the bond is made so secure, if it is made so good that the investor is willing to buy it at 103, for example, the borrowing farmer will be able to get his money on that issue of bonds at 4 per cent interest, so that the stronger we make the bonds the lower will be the rate of interest to the farmer, and it is the purpose of this amendment to make the bond so strong that it will reflect its strength in materially reducing the rate of interest charged the farmer for his loan. I believe it will reduce the rate possibly as much as 1 per cent, and the aggregate saving in that apparently small reduction is very great.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. HOWARD. Does the gentleman not create by this very amendment a superior lien in the Government of the United States over any outstanding bondholders of the bank, and does not the Government have the superior lien upon the entire assets of the bank as against the bondholder, thereby weakening instead of strengthening the system?

Mr. LEVER. I recognize the force of the gentleman's suggestion, and I am willing to amend the proposition in that respect, and would have included it in my amendment except for tactical reasons which are clear to me.

Mr. HOWARD. If the gentleman does not amend it, he will destroy all of his argument.

Mr. LEVER. I am trying to suggest a principle here, and we will work out the details elsewhere. I want to call the attention of the committee to the fact that this is no new proposition. I am not asking the Congress or the Treasury to do anything more by this amendment for this system of rural banks than the Government now is authorized to do, and frequently does, for the commercial banks of the country. Time and time again the Federal Treasury has gone to the rescue of tottering banks and saved them and their depositors, and I am asking that the Treasury do no more and no less for the system of banks which we are establishing for the farmers of the country. The system of land banks which we inaugurate for the farmers is at least entitled to equal treatment with commercial banks at the hands of this Congress.

Mr. MILLER of Pennsylvania. Does the gentleman mean to say that the commercial banks give their own notes to the Government and get its assistance?

Mr. LEVER. I am going a little bit further than that.

Mr. MILLER of Pennsylvania. Do they now?

Mr. LEVER. I do not know about that; but if they do not, I am asking the farmers to do more in the way of giving security than the Government requires now of the banks in the country.

Mr. MILLER of Pennsylvania. Does not the gentleman know that the commercial banks have to give good paper to the Government for every dollar that they get?

Mr. LEVER. If there is any better paper on earth than mortgages on good farm land, I would like to see the paper.

Mr. MILLER of Pennsylvania. The gentleman is not saying that they are not good; he is just saying that he wants to make them good.

Mr. LEVER. I am not. I am trying to make assurance doubly sure that we are going to issue a bond the absolute safety of which the investing public will not doubt for a single instant, and that brings me to say this: We are about to establish an entirely new system of credits in this country. We have never tried it before. It is bound to be more or less of an experiment. We are sending out a ship, as it were, on an uncharted sea. We have an untried captain in the cabin, we have an untried pilot at the wheel, the crew is green and untried, and we do not know what may happen to the ship. I am certain it is safe and sound just as she stands, but it is a foolish shipmaster who sends his boat to sea without providing it with all necessaries to weather all kinds of storms. Out of an abundance of caution I am underwriting a certainty, putting the life preservers in their places.

Mr. MILLER of Pennsylvania. And pour in Government money.

Mr. LEVER. That is the gentleman's opinion, but I differ with him. I am trying to make it absolutely sure that in the initiation of this system we are going to have a ship strong enough to save us in the mightiest storm that may come upon us. [Applause.]

Mr. HENRY. Mr. Chairman, this amendment raises a very important question. I am glad the distinguished gentleman from South Carolina [Mr. LEVER] has introduced it. I wish the amendment went further than it does. *However, we must concede that it does extend Government aid in a large degree to this rural-credits system.* It seems to me that this Congress might well afford to go this length, and if I thought it possible to secure the adoption of a stronger amendment than this I would be glad to offer it, because it is strictly in keeping with the exact provisions of the Federal reserve act and would be doing no more for the farmer than we have already done for the commercial world.

If writing it I would make it read thus:

Whenever any Federal land bank presents to the Secretary of the Treasury farm-land bonds in any amount he shall advance therefor an equal amount of money out of the Treasury, not otherwise appropriated, at their par value: *Provided*, That the aggregate value of the sums so advanced by the Secretary of the Treasury in any fiscal year shall not exceed the sum of $50,000,000.

Mr. Chairman, a little more than a year ago this House, by a vote of nearly 3 to 1, decided, when we passed the rural-credits bill, known as the Bulkley-Henry-Bathrick bill, through the House, that the Government could purchase in any one year as much as $50,000,000 of the farm-loan bonds. Has anything occurred since that time to make us change our conclusions? I say the Government has already in the enactment of the Federal reserve act underwritten and guaranteed every Federal reserve note placed at the disposal of the business world.

Mr. PLATT. Will the gentleman yield?

Mr. HENRY. If I can get a little more time.

Mr. PLATT. Does the gentleman say the Bulkley bill passed the last House?

Mr. HENRY. It passed through the House.

Mr. PLATT. It never was reported to the House.

Mr. HENRY. Oh, yes.

Mr. RAGSDALE. That is so.

Mr. HENRY. I am not mistaken in what occurred. I stayed here for 18 hours and never left the House. We amended the bill that came before the House and put in every meritorious and substantial feature of the Bulkley bill, including section 3—Government aid—on the 2d day of March a year ago.

Mr. RAGSDALE. Will the gentleman yield?

Mr. HENRY. I am not mistaken; I remember distinctly.

Mr. RAGSDALE. It is very true the Republicans, consolidating with a few Democrats in the committee, prevented the bill from coming before the House, although it was moved by the gentleman from Arkansas to bring it out; but on the floor of the House amendments were offered to the Hollis-Bulkley bill and it passed the House, but it was defeated in the conference between the two Houses.

Mr. GLASS. If the gentleman will permit, as a matter of fact the bill which passed the House was the Agricultural bill with what is known as the McCumber amendment attached to it as a rider, and then one of the provisions of the Bulkley bill, which the gentleman is discussing, was proposed as an amendment to the McCumber bill and it did pass, but not upon its merits.

Mr. HENRY. Yes, I remember the history of all these occurrences. We took up the bill for consideration and every amendment proposed by the gentleman from Ohio, Mr. Bulkley, who is not now in the House, was adopted—every one of them—and by a vote of nearly 3 to 1 this House declared that the Government could purchase every year as much as $50,000,000 of these farm-loan bonds. I say we have extended to the commercial world the credit of this Government, and I want to make it more explicit, if need be, by quoting the exact language of that act. I think it ought to go into the RECORD here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. HENRY. Now, section 16 reads this way, and I ask Members to mark the language:

SEC. 16. *Federal reserve notes, to be issued at the discretion of the Federal Reserve Board for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinafter set forth and for no other purpose, are hereby authorized. The said notes shall be obligations of the United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues. They shall be redeemed in gold on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or in gold or lawful money at any Federal reserve bank.*

And, Mr. Chairman, just so long as the 40 per cent gold requirement is observed the commercial world can bring its assets, its paper, into the Federal reserve bank and have the obligations of the Government issued to them upon that collateral.

Mr. GLASS. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. GLASS. It occurs to me the gentleman does not go far enough in his illustration. Is it not a fact that the instant that

one of these Federal reserve notes is presented to the Treasury for payment in gold the Treasury in turn may send it instantly to the Federal reserve bank and require that bank to furnish the gold?

Mr. HENRY. I understand.

Mr. GLASS. And is not there a very material difference between advancing Government notes upon obligations which experience showed mature in 28 days and obligations issued for 36 years?

Mr. HENRY. I thought the gentleman would ask that question, and there the gentleman from New York [Mr. PLATT] stands in front of me and says when his party comes into power—which, I pray God, may never happen [laughter and applause]—that they will repeal this provision and will make the banks wholly responsible for Federal reserve notes.

Mr. PLATT. They are responsible now; they keep a reserve against them.

Mr. HENRY. I understand that; and the Federal Government is responsible and must redeem them in gold. The Government should be as just to the farmer—and you may call it demagogy if you please—when he brings his mortgages, based on the fertile lands of this country, and deposits them in the Federal land bank. They are as good and better security than the mere promise of any man to pay a sum at a certain date.

The Government should be as just to the farmer—and you may call it demagogy if you please—when he brings his mortgages, based on the fertile lands of this country, and deposits them in the Federal land bank. They are as good and better security than the mere promise of any man to pay a sum at a certain date.

Mr. Chairman, the farmer does not ask anything that we have not given the commercial world. All that he asks is equality. Here you have started in the right direction. You have said that you will take this $6,000,000 out of the Government Treasury and put it into the Federal land banks for the purpose of being loaned to the farmers. Let us go further and take off the limit, as you did when you issued the Federal reserve notes, and without restriction say that we will underwrite every one of these bonds, that we serve notice on the world that they are the obligations of the United States Government, and give them a marketable status wherever the sun shines, and then there will be no question of their value and marketable merit. If this Government will say that these bonds are good security, drawing 4 per cent, they will circulate and be salable wherever people inhabit the earth, and it will not be necessary for the Government to purchase a single dollar of them or to deposit one dollar of its funds in these banks. If you concede the principle, which you have done to-day, of Government aid, why not make it more substantial? Let us not reverse ourselves. Let us go back and reenter the verdict of the House of a little more than a year ago and say that we stand where we stood then, when rural-credits legislation died in conference, and guarantee these bonds, if necessary. If you gentlemen provide that the Government shall purchase them, it will make this system workable from the beginning. Why discriminate against the farmer? Let us deal as equitably with him as we have done with the business world.

Mr. MILLER of Pennsylvania. Mr. Chairman, I move to strike out the last word.

That address reminds me of the days of 1876, when the wild-eyed financier traveled over the United States stating that the only way to get cheap money was for the Government of the United States to start its printing presses and print the bills and distribute them among the people as they needed them. That is the old greenback theory revamped. I presume this gentleman was not old enough to know about it at the time.

Mr. HENRY. Will the gentleman yield a moment?

Mr. MILLER of Pennsylvania. Yes.

Mr. HENRY. It is true I was not born back in 1876, as I remember it, but I have never said that this Government should ever issue one dollar of its paper money that is not to be redeemed in gold in fact. Therefore I am not a greenbacker from any standpoint, and never have been, and never could be.

Mr. MANN. Was not the gentleman for free silver?

Mr. HENRY. Yes; and I have no apology to make for it.

Mr. MANN. That was not redeemable in gold.

Mr. MILLER of Pennsylvania. In the first place, they propose to have 12 banks each of $750,000 capital, and whatever amount is not subscribed by individuals is to be subscribed by the Government, and they provide for $9,000,000 to take up all the stock of these banks if need be. That is doing something for the farmer. Then this gentleman proposes by his amendment that whenever a drought occurs or a grasshopper pestilence happens to visit the farmers owing the banks, and are not able to pay the interest installments, then the Government shall take the money out of the United States Treasury and pay the interest; or, in other words, buy the bonds from the Federal banks to enable the banks to advance the interest. Why does not the Government do all this at once without the interference of these little associations? Why not propose that the Government shall loan the money direct to the farmers, take the mortgages, issue bonds on them, and guarantee the bonds? Why do they not do that? That is the old greenback theory. That is a plausible theory to go on. That makes the bonds good. That makes money plentiful. That gives it to everybody who wants it, no matter whether they have got the security or not.

We have been on this bill under the five-minute rule for two days, and we have gotten over pretty nearly four pages. If we keep on for 24 more days with the same dilatory tactics we will get through with it. Do you not think, Mr. Chairman, it is about time that somebody would propose some measure by which we can get through a little short of 24 days? [Applause on the Republican side.]

Mr. KINCHELOE. Mr. Chairman, the time has come in the history of this country when everyone realizes that to properly develop agriculture it requires capital. The American farmer is not a sluggard nor a mendicant seeking alms. He does not ask the Federal Government to give him a cent, but he is asking, and rightly so, that same equality before the law that the manufacturer, the large banking interests, and other commercial enterprises have.

There are two necessary prerequisites for the farmer's success in this country. They are money at a low rate of interest and a long-time loan. The manufacturer, the jobber, and the other business men of the country can use money advantageously on three or four months' time, because the most of them turn over their money three or four times in a year. Not so with the farmer. He makes only one crop during the year, and therefore realizes on his investment only once a year.

As an example, take a young man who starts out with the ambition to own a farm and to make farming a life business. What more laudible ambition could prompt him to human endeavor? He buys a farm, say, for $2,000, makes a cash payment of $500, and executes two notes for $750 each, due in one and two years, for the balance of the purchase price, with a lien on the land. He goes to work with high hopes and bright prospects, but the first year a drought burns up his crop and the second year floods drown them. Both notes are now due. The holder of the notes needs his money. The young man tries to borrow this money elsewhere and fails. The holder of the notes brings suit, gets judgment, and order of sale. The land is put up and sold at the courthouse door at public outcry, and brings barely enough to satisfy the debt and costs. This young man, under circumstances over which he had no control, has lost, not only two years' work and the farm but the cash payment he made. This is not overdrawn. Thousands of similar cases have actually happened in this country. We need a rural-credit law which will give every farmer a long time in which to pay for his land, and an opportunity to borrow the money at a low rate of interest.

This Democratic administration has done more for the American farmer in 3 years than the Republican Party did in 40 years. It passed the currency bill, which gives national banks authority to loan money to farmers and take mortgages on their land. And yet for 40 years under Republican administration the farmer was not allowed to borrow a dollar from national banks and secure the loan by mortgage on real estate. Under the provisions of this currency bill $359,000,000 are made available for loans on farm mortgages, having five years to run.

I am glad that this Democratic administration is going to pass a rural-credit bill at this session. Briefly, this bill provides for the establishment of 12 land-bank districts, in each of which is to be established a Federal land bank with a minimum capital of $750,000. In case the whole or any part of the amount required is not otherwise subscribed for, the Government makes subscriptions for the required amount. Provision is made for the return to the original subscribers, Government, or otherwise, of the amounts subscribed after the land banks are firmly established. The management of each bank is intrusted to a board of nine directors, three of whom are selected by the Federal farm-loan board and six of whom are selected by the national farm association. Loans under the provisions of this bill shall be secured by first mortgage on farm lands, and no Federal land bank is permitted to loan on land outside of its district. Every mortgage deposited as security is on the amortization plan, so that part of the principal is paid up at least annually. The money must be borrowed either for productive purposes, to liquidate existing indebtedness, or to acquire ownership of farm lands. No loan shall exceed 60 per cent of the appraised value of the mortgaged land and 20 per cent of the

appraised value of permanent insured improvements. Every borrower takes stock in the farm-loan association to the amount of 5 per cent of his loan, but he shares the profits earned by the banks after expenses and charges have been deducted. The minimum loan to one borrower is $100 and the maximum loan to one borrower is $10,000. The rate of interest charged shall under no circumstances exceed 6 per cent. The farm-loan bonds are exempted from National, State, and local taxation, which will make them attractive investments for those who have money to lend. The time of the loan may extend from 5 to 36 years. So we see under this bill that the amount the Government subscribes can not exceed $750,000 to each of the 12 banks, or a total of $9,000,000.

This bill may not be just what we all would like to have. I confess it is not all I want, but it is a step in the right direction, and the law can be amended as the years go by to better suit the needs of the farmer. This being new legislation in this country, of course we can not expect a perfect law at first. If it were left to me to write this bill, I would not require the farmer to subscribe for any of the stock unless he so desired. I would also have the Government guarantee the payment of the bonds sold. It would be no imposition upon the Government to do this, because every $60,000 worth of bonds that it would guarantee the payment of would be secured by first mortgage on $100,000 worth of farm lands. By the Government guaranteeing the payment of these bonds, together with the fact that they are exempt from all taxation, a ready sale for them could be had at all times, and in addition to this they would sell at a premium, and I would let this premium be applied to lowering the rate of interest which the farmer would have to pay. I would also fix the maximum rate of interest at 4½ per cent. I think this would be practical. Practically all railroad bonds, municipal bonds, and road bonds bear less than this rate of interest and sell at a premium.

Everyone knows that a loan secured by a mortgage on farm lands is the best security obtainable in the business world. However, this is a cooperative bill, and the management and the administration of the association will be entirely in the hands of the borrower. Six of the nine Federal land-bank directors are elected by the members of the association.

The general average farm-mortgage interest rate in this country has been conservatively estimated at 7½ per cent. The total farm-mortgage indebtedness of this country is approximately $4,000,000,000. So we see that the annual interest which the American farmer pays is $300,000,000, with no reduction of the principal. The interest alone which the American farmer pays is equal to two-thirds of the value of the wheat crop of this country in ordinary seasons. If this indebtedness could be refunded under the provisions of this bill at the rate of 5 per cent per annum and the farmers would engage to pay annually $300,000,000, the same sum that is now being paid by them for interest alone, the entire debt—principal and interest—would be paid in 22 years and 6 months. This would mean a net saving to the American farmer of more than $175,000,000 per annum. It would mean the wiping out of the entire existing farm-mortgage debt by the operation of the system provided for in this bill in 22 years and 6 months without increasing the annual payment over that now made to meet the interest charges alone. I believe that when this bill is in good working order the farmer can borrow money at a rate of at least 5 per cent; and, if this can be done, we can see what a great blessing it will be to the agricultural interests of this country. There is no reason why the farmer when purchasing a farm at a fair valuation should not be given long enough time to pay his obligations through the proceeds arising from his intelligent and honest operation of the farm so purchased. I want to see the time when a rural-credits bill will be so practical and just that the tenant of to-day may become a landowner to-morrow.

Railroads, interurban lines, manufacturing plants, as well as all kinds of municipal corporations, have no difficulty in floating their securities at a low rate of interest and running from 10 to 20 years well up to the full value of the property on which the security is given. None of these securities can be any safer or better than the securities on land, because all of these industries in the final analysis depend upon agriculture for life and maintenance.

Practically every European Government lends aid to its farmers in the establishment of rural credits.

In Germany the landschaft, or German rural-credit scheme, has been in existence for 150 years, and the records show that there has not been a single failure under this system. There have been no foreclosures or other litigation, no losses of any kind, no repudiation, no depreciation or shrinkage of security. The landschaft debentures always find a ready market and are considered the safest investments for widows, orphans, savings banks, or anyone who has money to invest. These landschaft debentures are as staple as the bonds of the Government. The German Government now provides supervision and control of this system. Under the landschaft system the farmers of Silesia get money on land at 3½ per cent, adding 1½ per cent to 2½ per cent a year to apply on extinguishing the debt.

In France the Credit Poncier was subsidized by the Government and given a monopoly for 25 years. This Credit Poncier is simply a Government-subsidized and Government-controlled bank for lending money on real estate, and no other land-credit institutions have ever made any marked progress in France. Interest is 4.2 per cent. The Credit Agricole Mutuel is subsidized by the French Government, money obtained from the Bank of France being supplied to district banks without interest, these lending to local associations upon suitable securities.

In 1913 England appropriated $500,000,000 to help the Irish tenants buy land, and they became owners by paying 3½ per cent a year—2¾ per cent interest, three-fourths per cent on principal—for 68 years. The history of land legislation in Great Britain and Ireland is a record of direct government aid.

Russia has even gone further than Great Britain in extending Government aid to purchasers of small farms. Through land-purchasing acts 20,000,000 small holdings, to the value of over $1,000,000,000, were created, the Government funds so advanced being payable on long-time and at a very low rate of interest. In 1883 the Russian Peasants' Land Bank was organized. Loans to the extent of 90 per cent and even 100 per cent of the value of the lands are made, repayable in from 13 to 55½ years, with interest at the rate of 4 per cent.

In Austria-Hungary the Government aided rural-credit institutions in starting.

Switzerland has 28 land-credit institutions owned or operated by the State, whose debentures are guaranteed by the State.

Denmark, a little country no bigger than the average congressional district, advanced $5,360,000 without interest to found the Mortgage Bank of the Kingdom of Denmark. It buys their debentures and makes annual appropriations out of the treasury amounting in 1900 to $1,720,000, to be lent to small holders.

Sweden endowed the Swedish General Mortgage Bank at its founding with $2,144,000, and in 1890 the bank was given a subsidy of $8,040,000 in Government bonds. This is a central institution to aid the 10 local landowners' mortgage associations in the sale of their debentures.

Egypt controls the Agricultural Bank of Egypt, and the Government guarantees the payment of its bonds.

Japan guarantees a 5 per cent dividend for 10 years on the stock of the Kwango Ginko or Central Land Credit Bank of Japan. It also gave subsidy of $4,980,000 to the 46 local or district land banks, called the Noko Ginko.

South Australia, Western Australia, New South Wales, Victoria, Queensland, and New Zealand, through State land-credit banks or direct appropriations, make loans to their farmers.

In the Philippine Islands the United States Government has subscribed the stock of the Philippine Agricultural Bank ($500,000), and among the lendable funds of this bank are the postal savings bank of the country. Should not Uncle Sam treat our loyal taxpayers, the American farmer, as well as he treats the Filipino farmers, his rebellious tax eaters?

If I were writing this bill, I would have the Government aid in the organization and starting of these 12 land banks to the amount of at least $36,000,000. It would not impair the credit of the Government in the least, and it could be done with impunity.

This Government in its early days helped to start commercial banking in this country. We will remember Alexander Hamilton proposed the organization of the first United States bank, with a capital of $10,000,000, and in 1791 the Congress of the United States authorized it and subscribed $2,000,000, or 20 per cent of the capital stock. Federalists and Republicans alike voted for it, and President Washington approved it. When the second United States Bank was incorporated in 1816 Democrats and Federalists alike voted for it, and President Madison approved it. The second bank had a capital of $35,000,000, and the United States subscribed $7,000,000, or 20 per cent of its capital stock.

This Congress is proposing Government aid to the extent of $50,000,000 for the establishment of a merchant marine in this country, which will aid the producers in getting their goods to market, but when it come to the Government assisting the farmer in any way you will always find some Members of Congress on this floor opposing it. What Europe has done for her farmers America should do for hers. What America has done for commercial interests America should do for agricultural interests.

Adam Smith, when he came to write his Wealth of Nations in 1776, remarked upon it as a truism that the policy of all great nations since the downfall of the Roman Empire "has been more favorable to arts, manufactures, and commerce, the industry of towns, than to agriculture, the industry of the country." No one who has read his history carefully can doubt that this great philosopher was right.

The time has come that if this country is to continue to prosper, if the rising generation is to be content to live on the farm, there must be some provisions made whereby there will be more farm owners and fewer tenants. The concentration of wealth in the hands of a few, the drift of the population from the country to the overcrowded cities, were two of the causes of the downfall of the Roman Empire, and I sometimes feel will eventually be the handwriting on the wall of our Government if something is not done to stop it, and the way to prevent it is to throw open the door of opportunity to everyone to buy and pay for his farm by an elastic and practical rural-credit system. I believe that the farmer's children should have an equal opportunity for an education with the children of others and an equal chance in the race of life.

I know the hardships with which the farmer has to contend, the obstructions which are in his path to progress, the difficulties which he has to overcome to own his farm, and the exorbitant rates of interest he has had to pay. So long as I am a Member of Congress and represent the patriotic and intelligent constituency that I do I shall always be found voting, working, and fighting for legislation that will redound to the happiness and prosperity of the American farmer, for in the doing of this I am conscious of the fact that agriculture is the bedrock upon which every other business of this country is based, and when I am assisting the farmer I am thereby promoting every other legitimate business in this country and assisting every other man, regardless of the business in which he is engaged. [Loud and continuous applause.]

Mr. MANN. Mr. Chairman, the distinguished gentleman [Mr. KINCHELOE] who has just taken his seat thanked God that he had voted against an appropriation to construct a bridge connecting Fort Myer, the military defense of the Capital, with the Capital itself, in order that the troops maintained at Fort Myer might come into the District of Columbia and protect the Capital if there were any occasion for it.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. MANN. He thanked God for that.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. KINCHELOE. I am glad that I did not vote to put a million dollars into that bridge; yes, sir; because there is one there now, and it could be repaired so that it would serve the same purpose.

Mr. MANN. Well, the gentleman is not informed. There is a bridge there now which the War Department, after careful investigation, has reported is unsafe to travel on now, and the War Department has declared that it can not be repaired. Doubtless the gentleman, thinking that he knows all about farming, thinks that he also knows more about bridge building than the experts in bridge building, but I doubt it.

My distinguished friend from Texas [Mr. HENRY], whom we are all glad to welcome here for a few days [laughter], a few years ago, in fact only two years ago this coming summer, kept the House here on tenterhooks quite a while. He shed tears, which flowed from his eyes as well as through his voice, telling how trials and tribulations had come upon the South, owing to the war depressing the price of cotton, and asserting that unless Congress appropriated money out of the National Treasury for the benefit of the southern farmers every one of them would starve to death. We all remember. The gentleman was enthusiastic, even ecstatic, in his declarations of grewsomeness. [Laughter.] There was nothing that would not happen to the southern farmers unless my friend from Texas had his way about appropriating money out of the National Treasury for their help and aid. [Laughter.] Yet now he is telling the farmers in Texas how prosperous they are because of the legislation he did not get. [Renewed laughter.]

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. HENRY. I did not say the farmers would starve to death.

Mr. MANN. I leave it to the House to determine what the gentleman said. The Members who were here will remember what the gentleman said, as I remember. There was no tale which imagination could think up that the gentleman did not tell about the distress that was imminent in the South at that time unless we appropriated money out of the National Treasury.

Mr. HENRY. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. MANN. The gentleman was shedding tears every day, every hour, all the time. [Laughter.]

Mr. HENRY. Mr. Chairman, will the gentleman let me ask him a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. I yield.

Mr. HENRY. Do you think the farmers who had produced that crop of cotton in 1914 at a cost of 8 and 10 cents a pound should have been forced to sell it at 4 or 5 cents a pound?

Mr. MANN. Oh, I myself was carried away by the tearsome tale of the gentleman from Texas about the farmers in the South, until I was almost led myself to favor an appropriation from the Public Treasury. But, lo and behold, they did not get it. They are not unprosperous now, are they? Are they bankrupt now?

Mr. HENRY. We got $30,000,000 last year that the Secretary of the Treasury deposited down there.

Mr. MANN. Oh, they did not.

Mr. HENRY. So far as that is concerned, the farmers of the South would be prosperous despite the Republican administration.

Mr. MANN. Well, they will have occasion and opportunity to try that very soon. [Laughter on the Republican side.] The gentleman from Texas is great as a doleful prophesier of what will happen——

Mr. HENRY. The gentleman from Illinois himself has spoken in a very melancholy vein about what will happen from time to time. [Laughter on the Democratic side.]

Mr. MANN. But the gentleman from Texas never admits what has happened. Those who are new Members in this House can not understand how tearful my friend from Texas can become, how doleful his tales, because there is no one else in the country who has ever been able to match him anywhere, in my experience, and I expect that the tales he tells now about the difficulties at present are very much on the same lines as his tales were then.

Mr. HENRY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. You have been making doleful prophecies——

Mr. HENRY. You have been making doleful prophecies yourself about this Democratic administration.

Mr. MANN. That is not a true statement.

Mr. HENRY. And the gentleman must confess that the country is more prosperous under a Democratic administration than it has even been under a Republican administration.

Mr. MANN. I will confess this, if the gentleman wants it: I will confess that owing to the European war the country is more prosperous under this Democratic administration than it ever has been under any Democratic administration before. It will be a long time before we can find out whether it is more prosperous than it would be under a Democratic administration hereafter, because there will be none.

Mr. HENRY. If that is the best analysis the gentleman can give, I will let it go at that.

Mr. MANN. I suppose the gentleman does not understand it. It is very hard for him to understand anything.

[Mr. SISSON addressed the committee. See Appendix.]

Mr. MORGAN of Oklahoma was recognized.

Mr. MORGAN of Oklahoma. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I only want two or three minutes. Mr. Chairman, I am very much interested in this bill. There has been much said about it that would tend to deceive people, and which has tended to deceive me, because I am only one of the people; but I want to know about it, and I am learning some things about it.

The bill as reported is much preferable to the bill as it will be in the event that this amendment is adopted. I think perhaps the gentleman from Virginia [Mr. GLASS], who comes very near being the author of the bill, the chairman of the Committee on Banking and Currency, will bear me out in that statement.

Mr. GLASS. I will bear the gentleman out in his statement, but I would not like to admit the authorship of the bill, because I am not the author of it.

Mr. CANNON. Very well, then, we will take the bill without regard to its authorship.

Mr. GLASS. I would not want to convey the idea that I am not heartily in favor of the bill. I am in favor of it, but I do

not want to take the credit of authorship which belongs to other people.

Mr. CANNON. I understand that. Now, there is a great hurrah about the farmer—that the poor farmer needs relief. The farmer is very well off. Now, take Texas. I have here the estimates of wealth made officially in 1904 and again in 1912. Take the States west, south-central division, namely, Arkansas, Louisiana, Oklahoma, and Texas—four States. In 1904 the wealth of those four States was $5,567,000,000. In 1912 it was $15,435,000,000, nearly three times as much as in 1904—300 per cent. That is the best record any four States ever made. For comparison take New England—Maine, New Hampshire, Vermont, Rhode Island, and Connecticut—five States. In 1904 their aggregate wealth was $8,500,000,000. In 1912 it was nearly $12,000,000,000, an increase of about 50 per cent; whereas the increase in the States of Arkansas, Louisiana, Oklahoma, and Texas was from $5,767,000,000 in the year 1904 to $15,435,000,000 in the year 1912, or 200 per cent. It is wonderful, if you take the statement which I have had tabulated and see what it shows.

Now, I think I have been as much of a farmer as a great many other Members here. Some people think I am a better farmer than I was a lawyer, although I practiced law for 16 years; and I can find a whole lot of people who think that I was a better lawyer and a better farmer than I am a Member of Congress. [Laughter.]

Mr. Chairman, the farmers are one-third of our population. They have greater wealth in proportion than the other two-thirds of our people, and I am glad of it. Their products increase in price and their lands increase in price from decade to decade, while the price of capital—I mean interest on money—decreases in price; and the farmers are rapidly becoming capitalists as well as farmers.

Many Representatives, especially from the South and some of the newer Western States, are seeking to enact this legislation and other legislation to advance the price of farm products by law—especially cotton—notwithstanding the official records show that the sections of the country which they represent increase in wealth much faster than other portions of the country.

Mr. Chairman, I place in my remarks the official estimated wealth of the several States of the United States, by groups, in the years 1904 and 1912:

Official estimated wealth.

	1912	1904
New England (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut)	$11,905,000,000	$8,823,000,000
Middle Atlantic (New York, New Jersey, Pennsylvania)	46,211,000,000	29,478,000,000
East North Central (Ohio, Indiana, Illinois, Michigan, Wisconsin)	39,208,000,000	23,990,000,000
West North Central (Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas)	31,208,000,000	16,830,000,000
South Atlantic (Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida)	14,843,000,000	7,936,000,000
East South Central (Kentucky, Tennessee, Alabama, Mississippi)	7,660,000,000	4,284,000,000
West South Central (Arkansas, Louisiana, Oklahoma, Texas)	15,435,000,000	5,767,000,000
Mountain (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada)	6,753,000,000	3,973,000,000
Pacific (Washington, Oregon, California)	13,626,000,000	6,019,000,000
United States	187,739,000,000	107,104,000,000

Mr. BYRNES of South Carolina was recognized.

Mr. GLASS. Mr. Chairman, I would like to reach some agreement now if I can as to concluding debate on this amendment. We have been discussing it for 40 minutes. I ask unanimous consent to close debate on this section and all amendments thereto in 20 minutes, half the time to be used by the proponents and the other half of the time by those opposed to it.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment be closed in 20 minutes, one half to be controlled by those in favor of it and the other half by those opposed to it. Is there objection?

Mr. NORTON. Reserving the right to object, may I have five minutes of that time?

Mr. GLASS. I can not say as to that.

Mr. MOORE of Pennsylvania. Mr. Chairman, my colleague, Mr. MCFADDEN, a member of the committee, would like to speak.

Mr. GLASS. Well, Mr. Chairman, I will make it 30 minutes.

The CHAIRMAN. The gentleman from Virginia modifies his request and makes it 30 minutes. Is there objection?

Mr. RAGSDALE. Who is going to control the time?

Mr. MOORE of Pennsylvania. Mr. Chairman, there are some gentlemen on this side against the amendment, and they ought to be heard. The gentleman from Ohio [Mr. RICKETTS] would like to have five minutes if an arrangement can be made to care for these gentlemen.

Mr. GLASS. Mr. Chairman, I do not want to be unreasonable, but I want to get through with the legislation some time. We have been discussing this amendment 40 minutes.

Mr. NORTON. This is a very important amendment, and I feel certain that when this is disposed of we shall make good progress in the consideration of the bill.

Mr. GLASS. Well, Mr. Chairman, I make the request for unanimous consent.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto close in 30 minutes, one half to be controlled by those in favor and the other half by those opposed. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, who will control the time?

The CHAIRMAN. The Chair will control the time if there is no one else to dispose of it.

Mr. GLASS. Mr. Chairman, I move that all debate on this section and amendments thereto be closed in 30 minutes.

The CHAIRMAN. The gentleman from Virginia moves that all debate on this section and amendments thereto close in 30 minutes.

The question was taken; and on a division (demanded by Mr. MORGAN of Oklahoma) there were—67 ayes and 27 noes.

So the motion was agreed to.

The CHAIRMAN. Is the gentleman from South Carolina for the amendment or opposed to it?

Mr. BYRNES of South Carolina. I am for the amendment.

The CHAIRMAN. The gentleman from South Carolina.

Mr. BYRNES of South Carolina. Mr. Chairman, I am for this amendment because I do not believe it is the revolutionary legislation that some of my good friends would have us believe.

Mr. MADDEN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. I understood the gentleman from South Carolina was recognized before the motion of the gentleman from Virginia was put.

The CHAIRMAN. He was.

Mr. MADDEN. Then his time is not included in the 30 minutes.

The CHAIRMAN. The Chair thinks not.

Mr. BYRNES of South Carolina. Mr. Chairman, the figures read by the gentleman from Illinois [Mr. CANNON], showing the marvelous growth in the wealth of the agricultural States of the Union, only tend to prove that farm values are increasing, and therefore a mortgage over farm lands is the best security that an investor can demand. This proposition is not a revolutionary one. It is almost identical with the provisions of section 34 of the rural-credits bill passed by the Senate. It provides that whenever one of the farm-mortgage banks shall not have on hand or immediately available a sufficient amount of cash to meet the interest upon any of its bonds, that it shall have the right to apply to the Secretary of the Treasury for a deposit of Treasury funds; that in case the assets of the farm-mortgage bank are as great or greater than its liabilities, the Secretary of the Treasury may deposit a sum not exceeding $500,000, and shall take as security for its deposit the certificate of indebtedness of the bank bearing interest at the rate of 2 per cent. Such deposit can be withdrawn by the Secretary of the Treasury at such time as may be fixed by him. Notwithstanding the criticism of the gentleman from Pennsylvania [Mr. MILLER], that this is a populistic scheme, I am heartily in favor of it. The national-bank act authorizes the Secretary of the Treasury to deposit funds in the national banks, and this is done by the Secretary of the Treasury every year. It has been said that the national banks are required by the national-bank act to act as fiscal agents of the Treasury Department. This is true; but it is also true that this bill requires the farm-mortgage banks to act as fiscal agents of the Treasury Department; and while it places upon the farm-mortgage banks the same burden as it places upon the national banks, it does not give to the farm bank the same privilege that is given to the commercial banks.

In practice I doubt seriously whether the Secretary of the Treasury will ever be called upon for such a deposit as is referred to in this amendment. The result of the adoption of the amendment will be to give the investing public unlimited confidence in the bonds to be issued by the farm-mortgage banks. The investor will be satisfied that when the interest on his bond

is due it will be promptly paid, because in case the bank does not have the necessary funds on hand at the time with which to make the payment, they will be able to secure from the Treasury Department a deposit sufficient to enable them to make the payment, and a result of this confidence will be a wider market for the bonds and a lower rate of interest for the farmer.

Mr. HOWARD. Do you not think that there should be stricken from the amendment that part of it which gives to the United States Government the first lien upon the assets of the bank?

Mr. BYRNES of South Carolina. I think so, because that would tend to lessen the confidence of investors, and I understand that your suggestion will be agreed to.

This bill does not contain all the features I would have included in it, but I know that all legislation is enacted as a result of compromise, and I am therefore in favor of its passage because it will establish this rural-credit system, and when it is put in operation, if it shall fail to provide the relief Congress intends to give to the farmer, it can be amended until it does prove an agency for securing money for the farmers of this country at a lower rate of interest than they have heretofore paid. It provides for farm loans payable in from 5 to 36 years, at a rate of interest not to exceed 6 per cent. Of course, it will not in a day or month be able to handle the entire situation. It is estimated that the aggregate wealth of the farms of the United States is about $40,000,000,000, and that their indebtedness totals about $6,000,000,000. Approximately one-half of this amount is secured by mortgages, the estimated rate of interest being 8½ per cent, which makes the interest paid by the farmers of the Nation about $500,000,000. This gives some idea of the magnitude of the problem that we are endeavoring to solve by the passage of this bill. If this system can gradually enable the farmers who now are indebted in the sum of $3,000,000,000, secured by farm mortgages bearing interest at 8½ per cent per annum, to borrow from the farm-mortgage banks at 6 per cent and pay up the existing mortgages, the annual saving to the farmers will be $60,000,000. To-day 37 per cent of our farmers are tenants, and this condition will continue as long as it is impossible for a man to borrow money at a rate of interest less than 8 per cent. By enabling a man to borrow money at 6 per cent for agricultural purposes we will enable every man to own the farm he cultivates and thus materially contribute to the prosperity of the Nation.

Mr. RAGSDALE. Mr. Chairman, a question has arisen here as to what action was taken on the Bulkley-Hollis bill, and by referring to page 5048 of the CONGRESSIONAL RECORD of March 1, 1915, we find this colloquy took place between Mr. RAKER, of California, and Mr. Bulkley:

Mr. RAKER. Do I understand the Bulkley-Hollis bill is the one that the two committees of the House and the Senate in joint session have been considering?

Mr. BULKLEY. That is the one, and it included section 30, providing for the purchase of bonds by the Government.

Mr. RAKER. One other question.

Mr. BULKLEY. All right.

Mr. RAKER. Is the Hollis bill now before the House practically the Hollis-Bulkley bill with section 30 eliminated, which you are seeking to have inserted?

Mr. BULKLEY. It is practically the same.

Mr. RAKER. Then, if we vote for the Bulkley amendment it will be the bill in the shape that the Senate and House committees recommended it should be in?

Mr. BULKLEY. Yes.

Then on page 5049 it will be seen that on a division, demanded by Mr. Bulkley and Mr. RAGSDALE, there were ayes 130, noes 81, and the amendment offered—the Bulkley amendment—was adopted; so that the Hollis-Bulkley bill was considered by this body and it was passed, and it was defeated in a joint conference between the House and the Senate.

The great question that has arisen here nearly every time we have considered rural-credits legislation has been the extent to which the Government aid should be given to rural-credits banks. The opposition that has prevented it all of the way through has been this opposition of governmental aid; and yet, although our committee first considered it as a committee, although the Senate committee considered it as a committee, although subcommittees were appointed and brought in their reports, although the gentleman from Indiana [Mr. MOSS] prepared his bill, although a subcommittee from the Committees on Agriculture and Banking and Currency of the House and Senate went out and drew bills, there has never been a bill reported to this House that was believed to be workable that did not carry something of governmental aid; and in my opinion there can be no legislation that will bring relief to the borrowers of the country who need long-time loans at reasonable rates of interest unless we do give them governmental aid. To my mind this bill without this amendment will fall far short of giving that relief that the people of the country need at this time.

The chairman of the Committee on Agriculture, the gentleman from South Carolina [Mr. LEVER], has given this matter careful study. Nobody considers him an extremist. Giving this matter, as he has, careful attention, he has come here after months of careful study and cooperation with the House and Senate subcommittees and he has offered this amendment, which he believes to be necessary to perfect the bill. What will this amendment do? Does the Government run the risk of loss, does the Government run any risk by lending this money for a short period of time? Does the Government assume any unlimited responsibility as to the amount it shall spend? Does the Government become an indorser or liable on any of the bonds outstanding? Nothing of the kind. The Government does not obligate itself to meet any of the bonds now outstanding. The deposits are made for the purpose of perfecting a system designed to reduce interest rates, provide long loans, and relieve the heavy burden now being carried by the borrowers in rural communities.

I would have preferred one large land bank located at the Capital here to the 12 land banks as I think it would have been stronger, more easily managed, run less expensively, and avoided constitutional questions that may be raised in some provisions in this bill creating the 12 banks and granting certain immunities. As the bill creates the 12 banks, I feel that the provision for these deposits should certainly be written in it.

We are providing that in certain contingencies the Secretary of the Treasury may deposit a sum total in the 12 banks aggregating $6,000,000 for the purpose of meeting the interest and principal that may fall due in one year; and, Mr. Chairman, a condition of affairs exists in this country that justifies the creation of a rural-credit system, that justifies any machinery necessary to bring this system into existence. Certainly then there is justification for these deposits to be made in the banks that will take care of this interest and payment of principal.

We are now creating a system to put bonds in the hands of purchasers all over the country. We are creating a system here that the Government itself may accept these bonds as security for Government deposits. We provide that these bonds may be accepted for fiduciary investment, and so forth. All over the country these bonds are going to be accepted and it seems to me when the United States Congress goes to the people of this Nation and invites them to become purchasers of these bonds, invites women and children, widows, executors, and administrators, invites all the people who are looking for safe investment that will pay interest annually to buy them, then it becomes a duty on the part of this Congress to take such action as makes it absolutely sure that this interest will be met annually, and this is the only way we can guarantee it, as I see it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. Mr. Chairman, this is only one of the many Populistic schemes presented to the Committee on Banking and Currency and the Joint Committee on Rural Credits appointed in the last Congress. If this House is not prepared to go much further than this, it should resist the attempt to put this amendment into this bill. Unless you are prepared to start the printing press and loan money not only to the farmers but to the laboring people in order that they may build their homes, or to every other class who think that they ought to have money, you should vote down this amendment. The time to stop that sort of thing is right now and to say that you will shut down on every proposition that will seriously involve the credit of the Government in any loan proposition. Any system of rural credits or any other kind of credits that can not carry itself after the liberal subvention by the Government provided for in this bill, that will not run itself after it has been started in a substantial way, ought not to pass. For one, I am unalterably opposed to involving the general credit of the Government in any system to loan to anybody. I believe that should be the attitude of every Member of this House and I hope it will be. I yield the balance of my time to the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. HAYES. I will.

Mr. MOORE of Pennsylvania. No provision is made in this bill to loan money to anybody but the farmer?

Mr. HAYES. No.

Mr. MOORE of Pennsylvania. No workingman is permitted to borrow money under this bill?

Mr. HAYES. No.

Mr. MOORE of Pennsylvania. Is there any provision of law of which the gentleman has knowledge that enables the workingman, who is just as industrious as the farmer, but who does not happen to work on a farm, to obtain money from the Government in this way?

Mr. HAYES. I do not. But, of course, there is a strong, a special reason why it is for the interest of all the people that agriculture should be encouraged and stimulated in every legitimate way.

Mr. MCFADDEN. Mr. Chairman, I rise to oppose the amendment of the gentleman from South Carolina [Mr. LEVER], because, in my judgment, it is a bad precedent to establish. I am also opposed to the tendency which exists in this country—and it evidently does exist to quite an extent in this House—of an attempt to make liquid fixed assets. I am absolutely opposed to the principle, and I am sorry to see it is advocated by even some bankers in the United States to make liquid railroad securities and other permanent assets. I am absolutely and unqualifiedly opposed to making or attempting to make liquid farm real estate. I think it is an extremely bad proposition and one we should avoid by all means. Since I have been a Member of this House I have sat here and watched the public hand go into the Treasury and take out sums of a million, ten millions, twenty millions for the establishment of a Government owned and operated nitrate plant, and possibly $50,000,000 in a few days for flood control of the Mississippi and Sacramento Rivers. The difference between these specific appropriations and this proposition is that on this proposition we leave our hand in the Treasury to fondle the Government's money, which is produced from taxes on all the people, and take it out as we see fit. I am absolutely opposed to this kind of legislation, and if this amendment is adopted which the gentleman from South Carolina offers, and which I understand has the approval of the present Secretary of Agriculture, I believe it will and should quite properly be just cause for defeating this bill.

Mr. NORTON. Mr. Chairman, this is a very large and most important subject of legislation with which we are dealing at this time. There is no real occasion for the friends and true supporters of rural-credit legislation to become alarmed and afraid of scarecrows of Populism which those unfriendly to this legislation have adroitly set up in this debate. The magnitude of the problem with which we are dealing will be appreciated if we bear in mind that the farm-mortgage loans of this country amount to between three and four millions of dollars. A reduction of the interest rate 1 per cent would amount to nearly $40,000,000 a year. It is generally conceded that a good Federal rural-credit system, if adopted in this country, would reduce the interest rate about 4 per cent, or about one-half of what it now is. This would mean to the farmers of the country a yearly saving in interest of about $160,000,000, which is quite a tidy sum in itself. The gentleman from Illinois [Mr. CANNON] has told you how well to do the farmers of the country are and he has told you of the great wealth of property they have. The conclusions that he would have you draw from the facts stated are not such as should be drawn, however. Yes; the farmers of this Nation now own property having a value of upward of $40,000,000,000, and the 6,500,000 farmers of this country last year produced farm products having a value of about $12,000,000,000. But, gentlemen, the fact that they own a large amount of property and produce each year a great amount of wealth is no reason in the world why we should continue a system in this country which burdens them with an average interest rate of about 8½ when we can adopt in the Congress legislation for a system of rural credits which will reduce the present average interest rate to an average interest rate of 4 or 5 per cent, saving them more than $100,000,000 a year. An unconscionable, heavy, and unjust burden in the way of interest charges has for generations in this country been imposed upon the farmers of the country by the money changers and the idle rich of the country. This condition should no longer be allowed to continue, particularly when the way is clear before us to remedy it.

Mr. PLATT. Will the gentleman yield for a question?

Mr. NORTON. Certainly.

Mr. PLATT. Is it not true that the high rates paid in some of the States are due to the laws of those States which require high rates of interest?

Mr. NORTON. No; I do not think so.

Mr. PLATT. I thought the gentleman from Arkansas [Mr. CARAWAY] told us the other day of one man in Missouri who paid 8½ per cent on a loan on one side of his farm and on the other side he paid 6 per cent, where the line of his farm crossed the border. Now, is not that due to State laws?

Mr. NORTON. If the gentleman had made any study of this question, and he now thinks that the high rates of interest in some of the States that the farmers are paying are due principally to the interest laws of the States, I am sure that he wholly misses the purpose and object of this character of legislation and the economic laws which determine interest rates.

Mr. PLATT. I know it is so in some cases. I can prove it.

Mr. NORTON. The gentleman may know that the rates of interest are different in different States, but he does not know that the interest laws of the States are the principal cause of these high or low rates.

The amendment before the committee proposes that in case the land banks, due to some emergency, are not able to meet their interest payments or payments on bonds coming due, the Government will loan each land bank not to exceed $500,000; that is, an amount altogether not exceeding $6,000,000. If that will make this proposed system a better system, and I believe it will, I think that it would be a very good proposition for the Government to advance this amount of money. Six million dollars is not a large amount of money as we deal with funds here. In this case it is not an amount of money of which the Government will lose a single cent. The time has arrived in this country when we should cease thinking that because the farmers have a great amount of property the money lenders and idle rich have a good right to prey upon them like parasites. This amendment should be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I desire to offer an amendment to the Lever amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment to the amendment of the gentleman from South Carolina, which the Clerk will report.

The Clerk read as follows:

Amend, on page 2, by striking out, in lines 4 and 5, after the word "indebtedness," in line 4, the following:

"And the United States shall have a first lien upon the assets of the State Federal land bank."

Mr. FERRIS. Mr. Chairman, it is patent what I am trying to do. I am trying to strike out the language in the Lever amendment which makes the Government, after depositing its funds in a perfectly solvent bank, a preferred creditor. I feel sure any such provision as that would in all probability destroy the sale of the bonds. I am in favor of the Lever amendment. I will vote for it. I think the bulk of it is good. I am not sure, but the gentleman from South Carolina said something about accepting such an amendment.

Mr. LEVER. I will say to the gentleman from Oklahoma that, personally, I would be very glad to accept the amendment.

Mr. FERRIS. In the first place, there can be no deposit made until the assets are the equivalent of the liabilities. That makes the bank a perfectly solvent concern. Now, if the Federal Government elects to deposit funds in the bank as in other United States depositories, it is not the thing to do to make it a preferred creditor.

Mr. PHELAN. Does it require the deposit of securities when it puts these notes in national banks?

Mr. FERRIS. Some of them require bonds and some do not, but certainly none of them make the Government a preferred creditor, and if you do it you destroy the sale of your bonds.

Mr. MADDEN. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MADDEN. I wanted to ask the gentleman whether or not he did not believe if these deposits are made in the Federal land banks the same kind of security should be given by these banks for deposits that is now required by the national banks?

Mr. FERRIS. This requires more security than they do in the national banks, and for the further reason that this original subscription is nothing but a loan anyway, and they put a provision in here that amortizes and regains to the Treasury every cent of this money at an earlier period than I think it ought to do.

This is a good bill, but it is our duty to vote for good amendments when we are sure we can make it better. I would not favor complicated amendments, not easily understood, to be added on the floor, but this is an amendment easily understood, and is undoubtedly a help to make this a better bill. I hope my amendment to the Lever amendment will be first agreed to, then adopt the Lever amendment as perfected.

Mr. MOSS of Indiana. The purpose of this amendment is to obligate the Government more deeply to the Federal land-bank system as proposed in this bill. When we read section 16, the gentlemen who want to put this amendment on this bill on the theory that a system of banks that has $20,000,000 of public money given to it, in connection with other large governmental favors, is a failure in its present form, will ask you to strike out section 16, and will assert that purely private banks, acting on their own capital and on their own initiative, will be able to drive this system of Government-aided banks out of existence.

Under this bill in its present form we endow each of the 12 banks with $750,000 of Government money. That money must stay there until the borrowers who may take out loans shall have paid in $750,000 more. Then these banks will each have $1,500,000 of capital, $750,000 of which belongs to the Government. Under the terms of the bill, before the Government money can be taken out of any bank, the proposed borrowers will have paid in $4,500,000 as capital. It is proposed in this motion to make possible a further contribution of $500,000, but the Government will have $500,000 in each land bank at the time when the capital of that bank amounts to $2,500,000. We have so organized the system that at that period of the bank's growth its capital will amount to the sum of $2,500,000; the sum of $2,000,000 will have been paid in by the cooperative borrowers and $500,000 by the Government. Now, at the time the Government money shall have been completely retired from all of the 11 banks the system itself will have a capital of $54,000,000 over and above every possible debt it can have contracted, if it has been honestly managed. By this motion gentlemen are asserting that a bank with a capital of $4,500,000 in absolute cash that has been paid in there by the borrowers of that system is possibly insolvent, and they ask you to deposit $500,000 more in its treasury. That is the situation which will then present itself under the conditions of this bill before the Government money can be retired from the system. The farmers of this country will have paid in $54,000,000 to the bank on capital and 25 per cent of all net earnings will be held for reserves, and yet the proponents of this amendment stand here and assert that the system is unstable and that the land banks may become insolvent. The banks must hold as assets as many dollars in first mortgages on the lands of the people of the United States, plus $54,000,000, as they can possibly have bonds outsanding, and yet this amendment is offered on the theory that the interest to the bondholder may not be promptly paid. I repudiate the intimation, Mr. Chairman, and confidently assert that this proposed support is not necessary for the successful operation of the banks as organized under the provisions of this bill.

I yield the rest of my time to the gentleman from Virginia [Mr. GLASS].

Mr. GLASS. Mr. Chairman, my colleague on the committee, the gentleman from Indiana [Mr. MOSS], has so clearly stated the objections to this amendment that I scarcely feel it necessary to say a word except in response to the specious argument that nothing is asked here for the farmers that is not asked for the business men and merchants of the country. As a matter of fact, that is not true. You are asking something here that is not granted by any provision of the national-bank act or the Federal reserve act or any other statute. You are asking that the Government of the United States be authorized to tie up its current funds in time loans, and there is nothing in any Federal statute that makes provision for any such thing now. There is a vast deal of difference between the Government of the United States depositing its current funds in Government depositories at the discretion of the Secretary of the Treasury, to be instantly withdrawn whenever the Government needs those funds, and this thing of depositing Government funds on time obligations. It ought not to be done. It is not expedient or businesslike to do it, and I sincerely hope the House will vote down this amendment.

Mr. WINGO. Mr. Chairman, we have had something like an hour's debate on this amendment, and only seven minutes have been used in discussing it. There have been but two men who spoke and by their statements show that they knew what the amendment is. I, for one, have been much amused by this "tempest in a teapot" over the weakest form of Government aid that could be put into this bill. What is there in this amendment that caused my genial friend from California [Mr. HAYES] to cry out "Populism!" and protest against this as being one of the many schemes to ram the arms of the farmer into the Federal Treasury? No farmer will do it under the amendment that is now pending; and if the gentleman from California will study it—as he has had an opportunity to study it ever since the 24th day of February—he would know that that is so. First, let us see what relation these Federal land banks bear to the Government. Under the act as reported by the committee each and every one of these Federal land banks is a fiscal agent of the United States Government.

Is it Populism for the United States Government to deposit in an emergency, in order to protect the interest upon bonds that have been issued under the supervision of the United States Government, $500,000? Is that Populism? If it is, then Populism has been practiced in the State of California and is being practiced to-day by the Secretary of the Treasury, because greater deposits than that are being put into the banks in the State of California.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from California?

Mr. WINGO. No; I can not yield. What does the gentleman from South Carolina [Mr. LEVER] propose to do by his amendment? He says that if at any time any Federal land bank shall find that it will soon be without funds immediately available sufficient to meet its obligations—with respect to what? To the payment, when required, of the principal or interest on bonds issued under this act. Then it may make application to the Federal farm-loan board for a temporary deposit by the Secretary of the Treasury of the sum needed to make such payments during the period for which its funds immediately available will be insufficient. If, after investigation, the Federal farm-loan board shall approve the application, it shall give notice thereof to the Secretary of the Treasury, stating the sum required, the period for which it is needed, and such other facts as may be necessary. Thereupon the Secretary of the Treasury may deposit such sums, or from time to time so much thereof as may be required, with the Federal land bank for one purpose, and that is to prevent default of interest and principal of the bonds that the Federal land bank of the United States, operating under this provision of this act has issued, back of which, whether you put it in the bill or not, are the faith and credit of the United States.

Is there any Populism in that? It occurs to me it is the weakest kind of Government aid you could give to this bill. I would go much further. I regret that we do not go further, and that is one reason why I have not said more on this bill. I regret that we could not give to the farmer of this country such a rural-credit bill as meets my view of what rural credits are and should be. How any man who favors this bill can oppose this amendment I can not understand. This aid that is proposed here is not aid to the farmer but aid and protection to the investors who buy these bonds; and the only benefit that the farmer can get from it is that the bonds will be paid, and thereby the farmers, by reason of the confidence in the security, may get a low rate of interest.

Shall it be a permanent deposit? Is it a loan? No; it is simply a deposit like that which the Secretary of the Treasury makes with a depository of the United States Government under existing law. The Secretary of the Treasury fixes the time, and the bank must make provision to return the deposit not later than the expiration of the period fixed by the Secretary of the Treasury.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. PLATT. Mr. Chairman, I hope this amendment will be voted down by a large majority. If such a scheme as this is put into the bill I shall have to vote against the bill, and others of us who have worked long and earnestly on this bill will have to vote against it.

I was a member of the Subcommittee on Farm Credits in the last Congress, when the Bulkley bill was written, and that bill contained Government aid in two forms. One was in the form of subscriptions to farm-land banks, but the Government entered into the farm-land banks on an investment basis, and was to receive dividends. Under this bill the Government subscribes without interest or dividends. The bonds are guaranteed with every sort of safeguard that we could possibly devise.

The gentleman from Arkansas [Mr. WINGO] has just told us that the Government deposits were wanted in the banks to safeguard the bonds. The bonds do not need any safeguarding. They will be as safe as any investment that anybody could get, in my opinion. I trust that the amendment will be voted down.

Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized.

Mr. FESS. Mr. Chairman, this amendment assumes that this proposed legislation will not be successful. It asks that in case any land bank is unable to pay the interest on the bonds or the principal, or both, it will have that ability supplied by the Federal Government. The General Government is to come to the support of an incompetent institution whether because wrongly built or badly conducted and fill in the weak places that somebody fears will be in this law. This is a confession of lack of faith in the institution proposed.

That is the very feature that we want to avoid. If an institution is not sufficient to stand on its own feet without the support of the General Government, the proposal to lend the credit of the Government with no guaranty other than the institution's assets is an expression of the wildest Populism.

There are people on this floor that believe that it is possible for the Government to stamp a piece of paper and make it

money simply because it is stamped. You can put on one side of the paper the obligation of "$2" and on the other side of it "$5," and use it as of either denomination at your convenience [laughter], and you can make a $5,000 bill with as little effort as you can make a $1 bill. It will require no more ink or paper. Just so the Government stands ready to make good a self-confessed bad business deal. In other words, it is the Government itself that is making the credit, without regard to whether the institution is going to be a success or not. It is a serious question whether such a proposal can be made workable in certain sections, hence this call upon the Government.

Mr. HENRY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Texas?

Mr. FESS. Yes.

Mr. HENRY. Does the gentleman think that the greenbacks that were issued under the Lincoln administration were good money?

Mr. FESS. The first $60,000,000 were good money, because they were redeemable on demand and in gold. The other $450,000,000 were not, because they were not so redeemable. They went down to 37 cents on the dollar.

Mr. HENRY. They are in existence to-day, are they not?

Mr. FESS. Yes; but because every dollar of them is made equal in value to every dollar in gold, under the law of 1879 providing for the resumption of specie payments. But you provide under this amendment that in case the bank can not pay its interest the Government shall come in and do it. It is not to take care of the bonds. The bond itself rests upon the assets upon which it is issued, but you propose to take care of a bank that is unable to pay its interest or unable to pay its principal. What is bad as a business proposition is certainly not sound as a Government proposition.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FESS. No; I regret I can not yield. In other words, it is a question of the Government coming in and making something out of nothing. That is the dangerous feature of this proposed amendment which revives the soft-money idea, and should be defeated.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HENRY. Will the gentleman yield further just there?

The CHAIRMAN. The time of the gentleman has expired. All time has expired. Is there objection to the acceptance of the amendment of the gentleman from Oklahoma [Mr. FERRIS] to the amendment of the gentleman from South Carolina [Mr. LEVER]?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The question is on the amendment of the gentleman from Oklahoma [Mr. FERRIS] to the amendment of the gentleman from South Carolina [Mr. LEVER].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment as amended.

The question being taken, on a division (demanded by Mr. LEVER) there were—ayes 63, noes 58.

Mr. GLASS. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. LEVER and Mr. GLASS.

The committee again divided; and the tellers reported—ayes 80, noes 66.

Accordingly the amendment of Mr. LEVER as amended was agreed to.

The announcement of the result was received with applause.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

Mr. LEVER. Will the gentleman withhold his amendment a moment, so that I can perfect this?

Mr. MORGAN of Oklahoma. Certainly.

Mr. LEVER. I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LEVER: On page 79, line 8, within the parenthesis, strike out the letter "g" and insert in lieu thereof the letter "h."

The amendment was agreed to.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MORGAN of Oklahoma: Page 79, after the word "act," in line 10, insert a new section, as follows:

"THE UNITED FEDERAL LAND BANK.

"SEC. 4a. That the United Federal Land Bank is hereby created. It shall be located in such State and at such city as shall be determined by the board of directors of such bank, subject to the approval of the Federal farm-loan board. Said bank shall have no capital stock or shareholders and no funds, except such as shall be contributed by Federal land banks. It shall not be conducted for profit. Its chief work shall be to issue Federal farm-loan bonds for and in behalf of Federal land banks, to aid Federal land banks in the sale of their bonds and to act for such banks, subject to the approval of the Federal farm-loan board, in all matters which will contribute to the unity of such banks, to the standardization of their business methods, to their economical administration, to the strengthening of their credit, or to the success in general of the land-credit system hereby established. The United Federal Land Bank shall be controlled by a board of 12 directors. Each Federal land bank shall elect one of said directors. At the time of his election such director must be a director of the bank by which he is elected. Should a director of the United Federal Land Bank cease to be a director of the bank by which he was elected, he shall thereby cease to be a director of the United Federal Land Bank. The terms of office of such directors and the officers of such bank shall be fixed by the Federal farm-loan board. The board of directors of the United Federal Land Bank shall elect a president, vice president, secretary, and treasurer. Such officers shall be directors of such bank at the time of their election.

"The officers of such bank shall give their entire time to the business thereof, and shall receive such compensation as shall be fixed by the Federal farm-loan board. The board of directors may employ all the necessary assistants for the proper transaction of the business of such bank and fix their compensation, subject to the approval of the Federal farm-loan board. Within 90 days after its organization each Federal land bank, through its board of directors, shall elect one of its directors as a director of the united Federal land bank. Such directors, under a call or notice issued by the farm-loan commissioner, shall under their hands forthwith make an organization certificate containing such statements as shall be prescribed by the Federal farm-loan board, and file the same with said board, where it shall be preserved and made of record. The certificate shall be acknowledged before the judge of a court of record or a notary public.

"Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

"First. To adopt and use a corporate seal.

"Second. To have succession until it is dissolved by act of Congress, or under the provisions of this act.

"Third. To make contracts.

"Fourth. To sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons.

"Fifth. To elect a president and a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, require bonds of them and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at pleasure, and appoint others to fill their places.

"Sixth. To prescribe, by its board of directors, subject to the supervision and regulation of the Federal farm-loan board, by-laws not inconsistent with law, regulating the manner in which its officers shall be elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

"Seventh. To establish a uniform rate of interest which every Federal land bank shall charge upon farm loans for the ensuing year and until otherwise ordered by said bank; to fix a uniform rate of interest which Federal farm-loan bonds issued under the provisions of this act shall bear, and a uniform rate of discount at which such bonds may be sold by any Federal land bank until otherwise changed by said bank, and to fix uniform fees or commissions which Federal land banks shall pay agents for receiving applications for farm loans and services connected therewith, and for the sale of farm-loan bonds, all of which shall be subject to the approval of the Federal farm-loan board and within the limitation and restrictions of the law.

"Eighth. It shall have power, subject to the approval of the Federal farm-loan board, to act upon all propositions which will aid the Federal land banks to cooperate in conducting the business which they are authorized by this act to perform, with a view to standardizing business methods, appraisements, bookkeeping, forms, records, and any other things which will contribute to the economical administration of such banks, the welfare of borrowers, the security of investors, and to the prosperity of agriculture.

"Ninth. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

"The funds necessary for the operation of the united Federal land bank shall be contributed by the Federal land banks in such proportions as shall be fixed by the Federal farm-loan board, based upon the amount of loans made by such bank."

Mr. GLASS. Mr. Chairman, I make the point of order against this amendment that it is clearly not germane to this section.

Mr. MORGAN of Oklahoma. It is offered as a new section.

The CHAIRMAN. The gentleman offers it as a new section.

Mr. GLASS. I ask unanimous consent that all debate on the amendment be closed in five minutes.

Mr. MOORE of Pennsylvania. Reserving the right to object, I wish the gentleman would extend that to 10 minutes, so that the gentleman from Ohio [Mr. RICKETTS] can be recognized.

Mr. GLASS. Well, in 10 minutes, then.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on this amendment be closed in 10 minutes. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Chairman and members of the committee, if this amendment were adopted it would in no way interfere with the general plan of the committee bill. The committee bill, as you know, creates 12 Federal land banks. This amendment creates the united Federal land bank, a central institution uniting the 12 banks. It provides that each one of these 12 Federal land banks, through their directors, shall each select one member of the board of directors of the united Federal land bank. This united Federal land bank is not to be a money-making institution. It is not to have capital stock. Its sole purpose is to aid and assist the 12 Federal land banks.

I think every student of rural credits knows that in almost every country where they have numerous land-credit institutions there comes a time when the need of a central institution is recognized. The landschaften of Germany were each independent; but the time came when a central landschaft was organized, in which at least eight landschaften were united. The object was to secure better credit for the local institutions. Bonds issued by the central landschaft had a better market. This means a better credit and a lower rate of interest. The committee bill creates 12 district banks. In reality these constitute but one institution, because they are responsible for one another's contracts and must pay on demand the interest on one another's bonds. This makes them one institution, working in 12 divisions; but under the committee bill there is no legal authority, no legal corporate body created, whereby those 12 parts or divisions may get together and act in unison in the interest of all. We have 48 States, but we have only one Union, which acts in the interest of the whole country. You here create 12 States, so to speak—12 departments—but you do not unite those departments. The amendment which I have offered creates the united Federal land bank and gives it power to do a number of things. First, it has power to act generally to promote the success of all the banks. I can not now go into detail, but I will mention two important things the united Federal land bank, with the approval of the Federal farm-loan board, may do.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MORGAN of Oklahoma. Yes.

Mr. MADDEN. What is this Federal farm-loan board that is created in the committee bill? Is that the institution that the gentleman is seeking to set aside?

Mr. MORGAN of Oklahoma. No; I do not seek to set that aside.

Mr. MADDEN. Does the gentleman want another board of control?

Mr. MORGAN of Oklahoma. I think the central corporation which I propose can do much in the administration of the business affairs that do not come within the line of the duties of the Federal farm-loan board.

Now to go back to where I was, the united Federal land bank, through its directors, is required to do two important things, namely, fix a uniform rate of interest at which loans shall be made until changed and fix a uniform rate of interest at which farm-loan bonds shall be sold, until such time as a different rate shall be established.

To create 12 Federal land banks, great public institutions, to act for all the farmers of the United States, and yet leave these banks to act entirely independent of each other, as competitors of each other, and give them no legal corporate body through which they may cooperate and work together in the interests of all the farmers of the United States, to my mind would be a great blunder. The institutions we are creating are designed to promote the development of agriculture and bring greater profits and greater prosperity to our farmers. We are creating corporations through which the farmers may cooperate to secure better credit facilities and lower rates of interest. We should make these instruments as efficient and perfect as possible. These are farmers' institutions. They will be supported by the farmers. They are to serve the farmers. But, beyond this, they are intended to render a service to the Nation, and this they will do. The success of these institutions depends largely upon the sale of the farm-mortgage bonds issued by these institutions. Who can not see the advantage in having all these bonds issued in the name of one institution—the united Federal land bank? And yet the primary liability to pay the bond would rest upon the land bank for whose benefit and in whose behalf the bonds were issued. But these bonds would gain the confidence of investors more readily if they were all issued in the name of a great central institution, representing the combined credit of these 12 banks. The central institution—the united Federal land bank—will strengthen the credit of the farmers, promote economy in the administration of these institutions, and contribute largely to their success.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN of Oklahoma. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that permission by order of the House.

Mr. MORGAN of Oklahoma. Do I understand that we can extend our remarks on any of these five-minute speeches?

The CHAIRMAN. Yes.

Mr. GLASS. All Members have leave to extend their remarks for 10 days.

Mr. MORGAN of Oklahoma. That means unlimited authority to extend remarks, as I understand it?

Mr. GLASS. For 10 days.

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, I had not intended to discuss this bill during this debate, but the more I study it the more clearly I am convinced that the bill contains many objectionable features.

This is no new question to me. I have been considering the subject for a couple of years, and last year I had the pleasure of reading a book on this subject compiled by Hon. Myron T. Herrick, of Cleveland, Ohio. I think it will be conceded that he is the best-posted man in the country on the subject of rural credits. He has given the subject more careful study and greater investigation than even the proponents of this bill.

It is proposed by the enactment of this law to benefit the farmers of the country, and I fear that unless certain features of the bill are amended, and especially section 16, that the benefit to the farmer will not prove to be what is claimed for it, or what is expected on the part of the farmer. I frankly admit that the bill, in a great measure, is a meritorious one; and I do not mean to say that I shall not support it, even though the objectionable features in it are not corrected. My present impression is that it is my duty to support it, and I shall be governed accordingly. However, should this bill be enacted into law, unless it is properly guarded it will give rise to what is known as "wildcat speculation."

I think Col. Herrick has very clearly pointed out in his work on this subject the weak points in this bill, and I fully concur in his conclusions.

There are important as well as minor objections to the bill. It contravenes the spirit of American Government in its plan to enact special as distinguished from general law, and to create a Federal bureau clothed with both executive and judicial powers and authorized to establish a system through which, when Congress is not in session, it may abstract money for use of private individuals from the Treasury and involve the credit of the United States in the issue of unlimited millions of dollars of bonds bearing interest at a rate as high as 5 per cent, and possibly 6 per cent, per annum, besides the overhead charges, and running for indefinite periods, even to several future generations. The bureau may establish any number of Government banks in addition to the 12 first ones; and since no maximum is prescribed for capital stock, such public institutions may emit, upon forms prepared by the Secretary of the Treasury and Comptroller of the Currency, upon the certificate of officials of the United States, continual issues of bonds that may be endless, so long as qualified mortgages may be supplied.

The bureau may withhold the benefits of the proposed system from any State or from any groups of farmers; it may shift the public funds, and, through its registrars, certain other funds of the land banks, and direct such funds to any section of the country as it pleases. The bureau may arbitrarily entirely forbid bond issues and fix different rates of interest for bonds and loans according to district, and even fix the rate after the bonds have been issued, and thus it can favor one land bank to the detriment of any other land bank, and force the latter to suspend business. The bureau has absolute authority to grant or disallow charters, and to dissolve any land bank or association. It may, upon dissolution, appoint the receiver, compound debts and claims, cancel obligations to the United States, and dispose of assets in any way it sees fit. The courts can not intervene if it acts first, and no dissolution shall occur without its written consent. No appeal can be taken from any of its decisions. The bureau is a supreme autocratic body, with its great powers absolutely unrestrained except by its own discretion and prejudice. In my judgment this method is un-American.

The report of the committee asserts that the system is cooperative, and that all profits are to be distributed among the borrowers. The bill itself contains a clause authorizing the Federal board to encourage and promote cooperative credit and cooperative organization. This report and provision are glaringly inconsistent with the plan of the bill. The basic principle of cooperation is organized mutual self help, resting upon individual initiative and private enterprise. The essentials of a cooperative association are that the management shall consist

of members elected by members, and that any distribution of profit should be confined to members. Nevertheless, this bill provides for Government initiative, aid, and direction; authorizes national farm-loan associations to be managed by directors and officers not members; prevents them from making any loans except with the consent of outside parties—a Federal land bank and official appraisers; and permits any individual, firm, association, corporation, or State, whether a member or not, to participate in the profits through ownership of dividend-paying stock in the land banks. Similarly also, the Federal land banks may divert from borrowers and turn over to agents one-half of 1 per cent of the profits on loans made through them. The bill, it is true, requires collective liability, either limited or unlimited, but the effect of this would be to subject the borrowers to all the risk of loss, while allowing them only a part of the profit. So the system not only violates cooperative principles, but it would work an injustice to borrowers.

The investment of deposits in loans which must run for 5 and may run for 36 years is dangerous finance. It would be equally wrong and dangerous also to permit a savings institution to pyramid on its credit and encumber its assets with debt through bond issues. Such methods and practices brought the public savings banks of Italy so near to ruin a few years ago that they would have become bankrupt if the Government had not come to their assistance, repealed the laws, and refunded their obligations on terms which it compelled the creditors to accept.

The main trouble with this bill is the fact that it contains too much machinery, to much harness. It is distinguished by its "red tape," and it will be entirely unsatisfactory to the farmers. The farmer has been led to believe that the establishment of a rural-credit law gives him the right of way, unobstructed, to the Public Treasury to secure a loan necessary in the prosecution of his business and relieve him of any financial embarrassment. If this bill should be passed by Congress it will be a sad disappointment to a great many farmers who are expecting Federal aid through the rural-credit system. There are 6,500,000 farmers in the United States, who are looking to Congress for a practical law.

The principle upon which rural credits is based is a sound one, and the legislation necessary to put it into operation should be distinguished for its simplicity and rapid and quick relief. This bill in its present form does not measure up to that standard; and should the bill pass, I predict that in 25 years from now Congress will be endeavoring to correct its imperfections.

For several years rural credits has been the subject of great public discussion. Interest in it has been aroused in the farming communities of this Nation, and the farmers are looking forward to the time with considerable anticipation when they can be accommodated and thereby assisted in developing the agricultural resources of this country.

This bill is denominated "An act to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes."

This title sounds well, and every farmer who reads it will conclude that when this bill shall become a law all he needs to do is to mount a train for the National Treasury and receive the amount of money which he needs in the prosecution of his business by simply placing a mortgage upon his farm at 50 or 60 per cent of its true value in money. When he reaches his destination he will be confronted with a procedure necessary to obtain the loan that will at once bewilder him and lead him to believe that he has been buncoed under the guise of Federal aid in establishing a rural credit system. So far as I am concerned, I want this bill so simplified that these loans may be made with as little red tape as possible and at the same time in a strictly businesslike manner.

I am deeply in sympathy with the principle involved in this bill and I most heartily concur in the theory of rural credits, and want to assist the farmer to obtain reasonable loans on the best security that any man can offer in the world—that of a farm mortgage.

While this bill does not conform to my views and while I clearly understand that there is quite a diversity of opinion with reference to the establishment of a law which will meet the requirements, in order to assist the farming communities of this country in the development of their resources, yet I shall not vote against the bill. I make these suggestions at this time that the committee may take the proper steps to correct and perfect the bill so as to comply with the basic principle of the rural credit theory. I know that the farmers of the district which I have the honor to represent, or at least quite a large per cent of them, are heartily in favor of the rural credit system, and for that reason I am going to support this bill, believing that in time it will be more nearly perfected to suit the purposes for which it is intended. No more important legislation has been before this House during this session, and we should consider it carefully and with a view to give the farmer what he wants in order to more successfully prosecute his business and develop his land. [Applause.]

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 5. That as soon as practicable the Federal farm-loan board shall divide the continental United States, excluding Alaska, into 12 districts, which shall be known as Federal land-bank districts, and may be designated by number. Said districts shall be apportioned with due regard to the farm loan needs of the country, but no such district shall contain a fractional part of any State. Said districts may be readjusted from time to time. In no case shall a Federal land bank be established with less than $750,000 capital stock.

The Federal farm-loan board shall establish in each Federal land-bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal farm-loan board, any Federal land bank may establish branches within the land-bank district.

Each Federal land bank shall be temporarily managed by three directors appointed by the Federal farm-loan board. Said directors shall be citizens of the United States and residents of the district. They shall each give a surety bond, the premium on which shall be paid from the funds of the bank. They shall receive such compensation as the Federal farm-loan board shall fix. They shall choose from their number, by majority vote, a president, a vice president, and a secretary, who shall also act as treasurer. They are further authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as they may deem necessary and to fix their compensation, subject to the approval of the Federal farm-loan board.

Said temporary directors shall, under their hands, forthwith make an organization certificate, which shall specifically state:

First. The name assumed by such bank.

Second. The district within which its operations are to be carried on, and the particular city in which its principal office is to be located.

Third. The amount of capital stock and the number of shares into which the same is to be divided: *Provided*, That every Federal land bank organized under this act shall by its articles of association permit an increase of its capital stock from time to time for the purpose of providing for the issue of shares to national farm-loan associations and stockholders who may secure loans through agents of Federal land banks in accordance with the provisions of this act.

Fourth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this act.

The organization certificate shall be acknowledged before a judge or clerk of some court of record or notary public, and, together with the acknowledgment thereof, authenticated by the seal of such court or notary, shall be transmitted to the farm-loan commissioner, who shall record and carefully preserve the same in his office, where it shall be at all times open to public inspection.

The Federal farm-loan board is authorized to direct such changes in or additions to any such organization certificate not inconsistent with this act as it may deem necessary or expedient.

Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession until it is dissolved by act of Congress or under the provisions of this act.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to elect a president and a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, require bonds of them, and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at pleasure and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, subject to the supervision and regulation of the Federal farm-loan board, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected, its officers elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

After the subscriptions to stock in any Federal land bank by national farm-loan associations, hereinafter created, shall have reached the sum of $100,000, the officers and directors of said land bank shall be chosen as herein provided and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers selected under this section.

The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of nine members, each holding office for three years. Six of said directors shall be known as local directors, and shall be chosen by and be representative of national farm-loan associations, and the remaining three directors shall be known as district directors, and shall be appointed by the Federal farm-loan board and represent the public interest.

At least two months before the date specified by the Federal farm-loan board for the first election the farm-loan commissioner shall notify each national farm-loan association in writing that such election is to be held, giving the number of directors to be elected for its district and requesting each association to nominate one candidate for each director to be elected. Within 10 days of the receipt of such notice each association shall forward its nominations to said farm-loan commissioner. Said commissioner shall prepare a list of candidates for local directors consisting of the 20 persons receiving the highest number

of votes from national farm-loan associations making such nominations. At least one month before said election said farm-loan commissioner shall mail to each national farm-loan association the list of candidates. The directors of each national farm-loan association shall cast the vote of said association for as many candidates on said list as there are vacancies to be filled, and shall forward said vote to the farm-loan commissioner within 10 days after said list of candidates is received by them. The candidates receiving the highest number of votes shall be elected as local directors. In case of a tie the farm-loan commissioner shall determine the choice.

The Federal farm-loan board shall designate one of the district directors to serve for three years and to act as chairman of the board of directors. It shall designate one of said directors to serve for a term of two years and one to serve for a term of one year. After the first appointments each director shall be appointed for a term of three years.

At the first regular meeting of the board of directors of each Federal land bank it shall be the duty of the local directors to designate two of the local directors whose term of office shall expire in one year from the date of such meeting, two whose term of office shall expire in two years from said date, and two whose term of office shall expire in three years from said date. Thereafter every director of a Federal land bank chosen as heretofore provided shall hold office for a term of three years. Vacancies that may occur in the board of directors shall be filled for the unexpired term in the manner provided for the original selection of such directors.

Directors of Federal land banks shall have been for at least two years residents of the district for which they are appointed or elected, and at least one district director shall be experienced in practical farming and actually engaged at the time of his appointment in farming operations within the district. No director of a Federal land bank shall, during his continuance in office, act as an officer, director, or employee of any other institution, association, or partnership engaged in banking or in the business of making or selling land-mortgage loans.

Directors of Federal land banks shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their respective boards, to be paid by the respective Federal land banks. Any compensation that may be provided by boards of directors of Federal land banks for directors, officers, or employees shall be subject to the approval of the Federal farm-loan board.

Mr. McFADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 79, line 12, strike out all after the words "Sec. 5," to and including line 4, page 80, and insert the following: "That as soon as practicable the Federal farm-loan board shall establish its principal office in the city of St. Louis, Mo., and the capital stock of the Federal farm-loan board so established shall not be less than $9,000,000."

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment to the amendment, and I would like to offer it now.

Mr. McFADDEN. I have no objection.

Mr. HOWARD. I offer it as a substitute for the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

ORGANIZATION OF UNITED STATES FARM-LAND BANKS.

SEC. 31. That there is hereby incorporated the United States farm-land bank, with an authorized capital of not less than $12,000,000 and with the right of indefinite increase. The principal place of business of said bank shall be at Washington, D. C. Its charter rights and privileges shall continue for a term of 50 years, with the right of renewal by Congress, subject to amendment or repeal by Congress during that time: *Provided*, That the rights of creditors of such institution shall not be changed or affected by any such amendment, repeal, or change.

Mr. McFADDEN. Mr. Chairman——

Mr. GLASS. Mr. Chairman, I would like to have some agreement as to the time.

Mr. MANN. This is rather an important proposition, and I think we ought to have the debate started before we close it. We just adopted one amendment, for which I did not vote, because we did not have long enough discussion.

Mr. McFADDEN. I do not desire over 10 minutes.

Mr. HOWARD. I want 10 minutes. I will state to the chairman that this is a proposition I have been pretty much wedded to, and I would like to discuss it intelligently.

Mr. GLASS. Mr. Chairman, I ask unanimous consent to close debate in 30 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to close debate on this section and all amendments thereto in 30 minutes. Is there objection?

Mr. MANN. I object.

Mr. GLASS. Mr. Chairman, I move that debate close in 30 minutes.

Mr. MANN. And I make the point of order that that motion is not in order at this time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. McFADDEN. Mr. Chairman, I want to say a word or two in connection with the consideration of this bill and by way of explanation. As a member of the Banking and Currency Committee, I would like to say that I have given as much attention and consideration to this subject as I have been permitted to, and I have not looked at or considered the proposition in a factional or political way in any sense. My efforts on the committee have been, with other gentlemen of the committee, to get just as good a bill perfected for the benefit of the American farmer as it was possible to get. In that connection, however, I have not become satisfied with the result of the work and accomplishment of the Banking and Currency Committee thus far. The other day I made reference to certain sections of this bill that I did not approve of, and judging from some of the discussion we have had on the floor of the House to-day, I think my assertions have been confirmed.

Now, in regard to this special amendment.

Section 5 of this act provides that the Federal farm-loan board shall divide the continental United States, including Alaska, into 12 districts which shall be known as Federal land-bank districts. The said districts shall be apportioned with due regard to the farm-loan needs of the country, and it is further provided that any district shall not contain a fractional part of any State, and the section also provides that readjustments may be made from time to time. It also provides that district Federal land banks shall have a capital of $750,000, and that each Federal land bank shall include in its title the name of the city in which the bank is located, and each bank shall be managed by boards of directors and the usual quota of officers, clerical force, including attorneys, experts, laborers, and such other employees as they may deem necessary.

This plan of dividing the continental United States into 12 districts is patterned after the plan adopted by the Federal Reserve System, but for the purposes of this system is entirely superfluous and will tend to complications and will retard the successful operation of the system, and it seems to me entirely uncalled for. Under the plans as proposed by this act many farm-loan associations and joint-stock banks are to be organized, or at least they are to be organized where there is a demand for such associations. It would therefore seem to me that these associations and joint-stock banks will fulfill every purpose for which these 12 banks are an excuse.

In addition to this, in the matter of issuance and guarantee of mortgage bonds which are to be taken, issued, and sold under this system by the 12 separate banks, each of the 12 banks issuing bonds must guarantee the bonds issued by each other. How much more simple this whole matter could be made if but one bank were in existence, and I contend that there would be a tremendous saving in the cost of the operation of this system by having but one bank, centrally located in the city of St. Louis, Mo., as it would be if my amendment is adopted.

In the sale of the bonds to be issued under this act prospective purchasers are going to be confused by the designation of different classes of bonds offered for sale, and prejudices are sure to arise against bonds issued by banks located in the south and southwestern parts of the United States by scrutinizing investors of the East and North, and I need only to cite the fact that there exists at the present time in the minds of the investing public in this country uncertainty as regards investments in these sections, and is one of the causes why interest rates in the South and West are higher to-day than in more favorable investment sections of this country.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. GLASS. Mr. Chairman, reserving the right to object, I ask unanimous consent that all debate on this section and all amendments thereto shall conclude in 30 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and all amendments thereto close in 30 minutes. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, this is a long section, and there are some things in it that I would like to find out about, myself. Several gentlemen would like to be heard briefly in reference to it. I do not think it is fair to close debate in that way.

Mr. GLASS. Mr. Chairman, I do not want to shut off any real serious discussion of any provision in this bill.

Mr. MANN. We do not want to do anything except discuss the real provisions of the bill.

Mr. GLASS. That is all I want. I tried to elicit from the gentleman from Illinois [Mr. MANN] a while ago what would be a reasonable time upon which we could agree.

Mr. MANN. I think it is wiser on a section so long as this, where we can not tell what is coming up, to let the debate run on for a time. Some proposition may be developed, as there was on the last section, that will prove very important. It will soon develop whether there is any such thing.

Mr. GLASS. Would the gentleman agree to close debate on these particular amendments in 15 minutes?

Mr. MANN. I am perfectly willing to do that, as far as I am concerned.

Mr. GLASS. Then, Mr. Chairman, I ask unanimous consent that debate on these particular amendments that are now pending be closed in 15 minutes.

The CHAIRMAN. Is there objection?

Mr. HOWARD. I object.

Mr. GLASS. Then, Mr. Chairman, I move that debate on these particular amendments now pending be closed in 15 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia that all debate on the pending amendments close in 15 minutes.

The question was taken; and on a division (demanded by Mr. HOWARD) there were—ayes 55, noes 21.

Mr. HOWARD. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count.

Mr. HOWARD. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. McFADDEN. Mr. Chairman, I make the contention that these bonds could be sold on a more favorable basis if but one issue were made, and it would work a decided benefit to the sections of country where high interest rates now prevail and might continue to prevail if they are kept in a class by themselves. There is going to be no influx of people daily entering these 12 institutions and these Federal land banks can be of no particular value to the cities in which they are to be located, as they are not going to deal primarily with the people in the cities in which they are located, except as they may or might become sales agent for these securities for the bonds issued. My prediction is, however, that bonds offered for sale by this system would be offered by advertisement in lots of probably not less than $1,000,000, and that in all probability many of these issues would be taken by the larger bond houses existing in the United States to-day.

Mr. MEEKER. Mr. Chairman, it seems to me that there are two features to the amendment that has just been offered. The first is the centralization of this entire system. It is said that people wonder why the rates of interest vary so widely in the different parts of the country; but if one has ever invested in land in some sections of the country he will know why. Purchasing land in certain sections at $30 an acre and selling it at five is not conducive to a low rate of interest.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. MOORE of Pennsylvania. What difference does it make if you have the United States Treasury to fall back on?

Mr. MEEKER. It would make no difference, inasmuch as the guaranty feature has been voted in this afternoon, that the Government will make this a fool-proof bill. Nobody except Uncle Sam can lose.

Mr. FESS. What effect would it have on the Treasury of the United States?

Mr. MEEKER. The Treasury of the United States, so far as this administration is concerned, is a mere bag of shells. We pay no attention to the Treasury, so far as getting something into it is concerned. Our attention seems to be devoted under this administration to getting something out of it.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. LEVER. I would like to ask the gentleman if he knows a provision similar to the one referred to by the gentleman from Pennsylvania passed the other body of this Congress with only 5 dissenting votes?

Mr. MEEKER. That shows the wisdom of the Senate as to this particular measure. I believe that only by the pooling of these bonds in one institution will it ever be possible to in any degree whatever make bonds from certain sections of the country salable, and I do not think that would be true of 12 separate institutions located in different parts of the Nation for the purpose of evening up as much as possible the rates at which the bonds are to sell. If they are in one institution, the purchasing public, especially since the United States Treasury is back of the bonds, will look with more favor upon them. I heard a gentleman say just a few moments ago that he would now purchase these bonds since the Government would back them up. I said, How about the Government guaranteeing the bonds; are you in favor of that? Inasmuch as this last amendment has just been put in—the Lever amendment—it would seem evident that now there is no longer any necessity for these 12 districts, and that it would be better to permit the Government to manage this through one institution. So far as the other part of the amendment is concerned, it has simply to do with the location of this one central bank. St. Louis is suggested. It was named in the amendment. It is not because I come from the city of St. Louis, but because St. Louis is near to some of these sections where possibly the rate will be a little high; because St. Louis is near to the people who will ask for this assistance; because it is near the section of the United States from which appeals on the floor of this House have been coming since this bill has been up; because of the proximity of St. Louis to that particular territory it certainly makes it a very desirable location. If you are going to back it up with United States funds, you are welcome to come now with any sum.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, the proposition now before the committee is one which appeals to the judgment of every man who wants an economical administration of this system. The great European experts, where they have had in operation a rural-credit system for over 100 years, admit to-day that the only mistake they have made in the organization of the rural-credit banks was in not mobilizing the entire credit of all the agricultural assets of the country into one central institution and that institution issuing all the bonds.

Now, what do you do about it? You practically admit the weakness of the 12 systems. You practically establish a central bank! You tied them together. When the Bulkley-Hollis bill was here before us you had them all separate, and now you make the liability of one the liability of the other in degree. Now, you want to reduce expenses to the farmer. You say that you desire his interest rate to be low. What do you do? You go and create 12 times more machinery than is necessary to get the farmer's debenture bonds upon the market, and you know it is a fact. [Applause.]

Let us see. You talk about 1 per cent, and you say that 1 per cent is an arbitrary amount for the expense of this system. The minimum and maximum amount of expense of the great landschaft system of Germany has been fifteen one-hundredths of 1 per cent and sixty-five one-hundredths of 1 per cent, respectively.

Now, let us see what is the difference between a central bank in commercial banking and a central land bank in mortgage banking. I will admit that a central bank in commercial banking can be used for the oppression of the people in any section, but what is the difference? What function does a commercial bank perform? A commercial bank gathers together all of the cash in the community into one institution, and they sell that cash for interest-bearing notes or bonds. What does a rural-credit bank do? It gathers together all the credit in a community and it sells that credit for cash. They are the exact antithesis of each other, as I said on the floor of this House two years ago. Now, I want to appeal to you gentlemen on the Republican side and you gentlemen on the Democratic side from the West and you gentlemen on the Democratic side from the South. You put in these 12 regional banks and there is no more reason for the establishment or the division of this country into 12 regional rural-credit districts—and you gentlemen know it—there is no more reason for the division of it into land banks than there is for the division of the heavens into 12 regions for the study of the solar system, not a bit.

Mr. PLATT. Will the gentleman yield?

Mr. HOWARD. I will.

Mr. PLATT. There was no more reason for dividing the country into 12 Federal reserve districts.

Mr. HOWARD. Yes, there was; and I will tell the gentleman why. The country was divided into 12 districts according to the channels of trade and the movements of business in a given area. The curse of the country was the centralization of money in Wall Street, and you divided it up into 12 systems to keep the money in those regions that produced the wealth for the benefit of the region.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. HOWARD. A short question.

Mr. SMITH of Michigan. Suppose a person lived in Washington or Oregon and wanted to mortgage his farm, would you not suppose it would be more convenient to have a regional bank in that locality than here in Washington? [Applause.]

Mr. HOWARD. Let us see. You all applaud that. The sensible, sane system is to start this system with the county, and the local institution confined in its operation to the county, and bring all the counties of a given State into a central institution in the Sate, the State bank to be owned by the local banks, and bring all the collective credit of all the States of the Union into

Just as good a bill perfected for the benefit of the American

one central institution—a bond-issuing institution for the entire system.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD. Now, what is the objection? Just as the gentleman from Missouri [Mr. MEEKER] said and my friend on the Banking and Currency Committee said. The concentration of the credit in one institution strengthens it, and when you establish a central bank in farm-mortgage credits you make it twelve times stronger than these 12 units that you establish all over the country.

Now, let me say to you gentlemen from the South, that many of the commercial banks of the South have been robbing the poor farmers of that section. They with unblushing shame admitted in their sworn reports to the Comptroller of the Currency that they have been charging the farmers of the South from 10 to 2,000 per cent. The farmers of Georgia to-day are paying on an average of 14 per cent for the money they are borrowing to make the present cotton crop with.

Mr. STEAGALL. Do you not think that with the system now obtaining the reserves of the bank are assembled at a few centers, which are far removed from the people to whom you refer?

Mr. HOWARD. I will tell you what effect it will have. The gentleman from New York [Mr. PLATT] hit the nail on the head awhile ago. The legislatures in the West and the legislatures in the South have been doing this sort of business ever since the Civil War. When they elect bankers to the legislature they put all those bankers on the banking committee of the State legislature, and they do nothing to reform the usury law. If you had put some of these skinflint, Shylock, pawnbroker bankers in the chain gang, this country would prosper a great deal more than it is prospering now. [Applause.] They are openly violating the usury laws in 30 States in the Union every day.

But I have not time now to discuss the iniquities of the commercial banking business of the country. I will have to refer you gentlemen to the able and fearless Comptroller of the Currency, Hon. John Skelton Williams. He will let the white light in for you. But I have time to appeal to you gentlemen who know something of this subject. The gentleman from Oklahoma to-day—and I have given him a great deal of credit for his courage—went back on a principle in which he believes as I do. He wanted to have the one bank of issue, to wit, a central bank, but he wanted to leave in existence the other 12 absolutely useless institutions, which would perform no real function of any value to the farmer.

When this system gets under way, you will have 12 Federal land banks, with their bonds seeking the investing public in competition with each other, which inevitably means high-interest rates, giving the advantage to the developed and highly prosperous sections of country over the sparsely settled and undeveloped sections of the country. The investing public will always fix the rate of interest by comparison of the bond offered them with the bond of the most prosperous and best developed agricultural region.

A central bank of issue would do away with the competition for investment money necessarily incident to having 12 different institutions, and by bringing the collective credit of all the farmers of all the States in the Union together in one central institution one bond would be as good as another and each and every one would be placed on the same footing, thereby giving strength to the bonds from the States yet undeveloped and at the same time detracting nothing from the salability of the bonds from the well-developed and more prosperous States.

My judgment is that we are making a grave mistake in creating a system causing competition among the land banks that will be to the disadvantage of the farmer and to the very great advantage of the investor.

The bill I introduced in the Sixty-third Congress and in this Congress placed the control of the entire system eventually in the hands of the borrowers, starting with the farmer in the local community, confining the operations of the local association to a county, bringing the counties of a State together in a central bank in the State and bringing the States together in the one central bank at the Nation's Capital. My amendment, if adopted, will make one central institution to start off with twelve millions of capital, this stock to be eventually absorbed by the local and State banks of the Nation and the entire system eventually owned by the farmers of the Nation. The distinct advantages of this system are that the farmer is given the benefit of—

First. The collective credit of the community, as represented by the guaranty of his mortgage by the local bank.

Second. The collective credit of the farm-land banks of the State, as represented by the guaranty of his mortgage by the State bank.

Third. The collective credit of the farm-land bank of the Nation, as represented by the guaranty of his mortgage by the central bank.

Each farmer borrower, no matter where he may be, will get the benefit of the collective credit of his community, of the collective credit of the farm-land banks of his State, and of the collective credit of the farm-land bank of the Nation, as represented by the central bank. Can there be any question that, as a consequence, he will be able to obtain money on the best terms and at the lowest interest rates?

Mr. Chairman, what I have said is not in criticism of the painstaking work of this committee. I have directed my remarks to the expediency of the system created by the bill and the system of marketing bonds which I have tried to explain. I think the committee recognized the soundness of this principle when they made the 12 Federal banks restricted guarantors of each other's obligation. If they had made the system of the 12 banks joint makers of farm-loan bonds they would have accomplished exactly what my bill accomplishes, but the other banks of the system, in case of the default of any one of them, only become responsible for the payment of unpaid principal and interest after all the assets of the issuing bank are liquidated and distributed. Consequently this restricted guaranty of the farm-loan bonds of each land bank by the other 11 banks in no sense gives to these bonds the full benefit of the collective credit of the entire system, as would be the case with a central bank alone issuing land-bank bonds, and it will be impossible to prevent the investing public from looking upon the 12 Federal land banks as separate and distinct institutions acting for separate sections of the country. The poorer farmers in the poorer sections will not get the full benefit of the system, and one of the great objects for the creation of this system will be defeated.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to address the House for five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. SMITH of Michigan. If you will pardon me, gentlemen, I will try not to detain you long. The gentleman from Georgia [Mr. HOWARD], who last spoke, had something to say about usury laws. Down in his State I notice the usury law provides:

A deed given to secure a loan tainted with usury is voidable. In a note containing homestead waiver tainted with usury, the waiver is voidable.

I would like to say that in the gentleman's State of Georgia the savings banks have loaned on real-estate mortgages $14,828,323 at an average rate of 6.28 per cent interest. A good many gentlemen have spoken here about the robbery committed by the banks in loaning money, and I have heard it frequently mentioned here on the floor of this House that the rate of interest is from 8 per cent to 10 per cent. There is loaned in the United States by the insurance companies alone on farm lands $646,961,371 at the average rate of interest of 5.55 per cent.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Tennessee?

Mr. SMITH of Michigan. Yes.

Mr. McKELLAR. These figures did not give the commissions that are charged by the insurance companies in making the loans. If they did, you would find that they cost the farmer from 7 to 8 per cent.

Mr. HOWARD. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. HOWARD. Out of 114 banks doing business in the State of Georgia, 66 of them swore that they charged on their entire loans in the State of Georgia from 10 to 134 per cent, and their oaths are on file in the office of the Comptroller of the Currency now.

Mr. SMITH of Michigan. I will say to the gentleman that that is not an interest rate. That is not fixed by law or in any

other way. A charge of 100 per cent is compounding. It is not interest or anything else.

Mr. HOWARD. A bank down in Oklahoma charged 2,000 per cent.

Mr. SMITH of Michigan. That is not a matter of interest; that is simply robbery. Why do you not, you gentlemen down in Georgia and Oklahoma, pass State laws waiving all interest upon mortgages if the rate is too high? Your people are not in favor of that or they would do it. The gentleman from Illinois raised an interesting question a little while ago. He says because these land banks are an instrumentality of the Government all the taxes on those bonds and those mortgages are to be waived and their assessable tax value raised on the other taxable property. My friends, this bill will only apply to less than one-half of the people who borrow money. Why do you restrict it to the person actually engaged in the cultivation of the farm? Why, a mortgage is just as good whether the owner lives on the farm or does not live on the farm. If you are going to secure bonds by real estate, why not apply them to all the mortgages that are given on real estate? I have not the time, but I would like to show you that even down in Mississippi they get only 6 per cent on their farm-mortgage loans. There is not any hardships down there in securing money on real-estate mortgages at 6 per cent.

Let me tell you this, gentlemen from the Southland: You will benefit your country a great deal more if you will refrain from passing laws that destroy the best interest you have—the sugar interest. Now, you want $20,000,000 for Muscle Shoals and $45,000,000 for the Mississippi River, and you are asking an appropriation of $2,000,000, or some large amount, for the extermination of the boll weevil, and more millions for the eradication of the cattle tick; and yet by your own law you have destroyed the best industry in the South, namely, the sugar industry. Now you come along and ask for Government aid in loaning money on farm mortgages. You are changing this bill—and I have no objection to that—but I would like to read you something about that report that the joint committee sent in here. You are getting the matter arranged around so that there will be Government security of these bonds. That may be all right, providing there are good first-class real-estate farm mortgages behind them. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on agreeing to the substitute offered by the gentleman from Georgia [Mr. HOWARD].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question recurs on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. McFADDEN].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. McFADDEN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 21, noes 64.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 25 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that all debate on this section and amendments thereto close in 25 minutes. Is there objection?

Mr. MANN. Let the gentleman save some time for himself.

Mr. GLASS. Then I will make it 35 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto close in 35 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 79, line 20, after the word "than," strike out "$750,000" and insert "$500,000."

Mr. MOORE of Pennsylvania. Mr. Chairman, in view of the adoption of the Lever amendment, which puts the Treasury of the United States behind the bonds that are to be issued by these farm banking associations, it seems to me that a little money ought to be saved to the people who have to contribute to the general fund; so I have offered this amendment, cutting down the amount to be taken out of the Treasury of the United States for each of the 12 Federal land banks, from $750,000, as recommended by the committee, to $500,000.

In advocating his amendment the gentleman from South Carolina [Mr. LEVER], together with others who have spoken, indicated that it was necessary, or at least advisable, in order that investors should be secured, that the United States Treasury should be made responsible for these bonds. That is to say, if any one of these 12 associations fail, by reason of bad management, by reason of defalcation, by reason of poor judgment in making the loans, by reason of a variation in prices after the loans have been made, by reason of a general tendency to falling prices, then the Treasury of the United States, to which all people contribute, shall be called in to make good the loss. The gentleman pleaded for the investor. Other gentleman have pleaded for the investor. It is the first time since I have been in this House that I have heard any real, true, honest, sincere "friend of the farmer" plead for the investor. According to the gentleman from South Carolina [Mr. LEVER] and others, we ought to pass this bill in order to protect the man whose money is to be invested in these bonds. In other words, we will drop the farmer for the moment, to look after the Rockefellers; we will take care of the Carnegies now. If Wall Street will only buy these bonds, we will assure Wall Street and Rockefeller and Carnegie, and the whole rich caboodle of them, that if the farmer's local associations fail to make good, or the farmer's cattle die, or the farmer's crop fails and he can not pay the Treasury of the United States will make good the bonds to the investor.

Mr. LEVER. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I yield to the gentleman from South Carolina.

Mr. LEVER. Does the gentleman recall that under the Taft administration the gentleman's party passed a bill permitting the Philippine government to guarantee to the stockholders in a Philippine bank a 4 per cent dividend on their money?

Mr. MOORE of Pennsylvania. The gentleman has got no comeback on that proposition, because the Democratic Party in its Philippine bill is ready to repudiate the assurance given to investors when they bought Philippine bonds. The situation is different, because the United States authorized the Philippine government to issue those bonds.

Mr. WINGO. Will the gentleman yield for a question on the merits of the proposition he is discussing?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Arkansas.

Mr. WINGO. The gentleman understands that these bonds will be issued for a specific term. They would not necessarily be issued at the beginning or at the middle of the fiscal year, so that the time of payment of the interest on the bond would not be the same as the semiannual or annual payment upon the loan. Suppose that the interest payment should fall due in May, and the semiannual installment upon the loan should not fall due until the 1st of June, and by reason of something that was not foreseen there should be a small difference, or a lack of availability of immediate funds. Does the gentleman see anything wrong or unbusinesslike in the Federal Government depositing with its fiscal agent a small sum, if the Secretary of the Treasury approves it, for that temporary purpose? Is there anything wrong in that from a business standpoint?

Mr. MOORE of Pennsylvania. I think so. I think it is an immoral financial proposition as affecting Government money.

Mr. WINGO. Let me ask the gentleman another question——

Mr. MOORE of Pennsylvania. I think it is playing favorites with the farmer or whoever is the beneficiary against the workingmen generally, who have to pay the taxes along with the farmer.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes?

The CHAIRMAN. The Chair will call attention to the fact that debate on this paragraph and all amendments thereto has been ordered closed in 35 minutes. The gentleman asks unanimous consent to proceed for 5 minutes. Is there objection?

There was no objection.

Mr. WINGO. The gentleman said that that was an immoral financial transaction. Was it an immoral financial transaction for the Secretary of the Treasury, both under Republican administrations and under Democratic administrations, to deposit public funds in national banks in the city of Philadelphia to meet an emergency?

Mr. MURRAY. Oh, that was different.

Mr. MOORE of Pennsylvania. The gentleman from Virginia very clearly explained that situation; he explained the difference.

Mr. WINGO. I ask the gentleman to state the difference.

Mr. MOORE of Pennsylvania. I will refer the gentleman from Arkansas to the answer given by the gentleman from Virginia.

Mr. WINGO. I ask the gentleman if he considers it an immoral financial transaction?

Mr. GLASS. "The gentleman from Virginia" did not say it was immoral; he said it was an inexpedient and unbusinesslike transaction.

Mr. LEVER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. No; I want to get in a few words for the workingman who does not work on the farm, and who is not considered in this legislation.

Mr. LEVER. I want to call the gentleman's attention to some benefits that the Government is conferring on some of the gentleman's friends.

Mr. MOORE of Pennsylvania. Will not the gentleman do that in his own time? The gentleman has worked out a beautiful scheme which has gone into this bill and which will make him famous among the borrowing farmers and those men who have farm lands to dispose of.

I observed that I was delighted to hear the gentleman break away from his usual agricultural trend and say something for the "poor, downtrodden investor." Usually the gentleman from South Carolina stands with the gentleman from Texas [Mr. HENRY] on this proposition of using the Government Treasury to back up a rural-credit bill. The gentleman from Texas some time ago—and I must differ somewhat from my own leader when I make the statement—had with him when he wanted to valorize cotton at least 120 Members on that side of the House who were in favor of sticking their hands into the Treasury of the United States to pay the cotton farmers of Texas and other Southern States for their product. They wanted the Government Treasury to boost the price of cotton. They stood up for cotton all right, and if they keep it up I do not know where the rest of the producers will get off.

Why, only yesterday we nearly passed a bill appropriating $50,000,000 to reclaim lands along the Mississippi to raise more cotton. I was amazed at it, because gentlemen from Texas and others who valorously champion the cotton interests have been endeavoring to restrict the output of cotton. It was difficult, therefore, to understand the great rush to get money out of the Treasury to reclaim swamp lands so that they could raise more cotton.

Mr. HENRY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I decline to yield. Before we get through making the various appropriations that the Democratic Party is taking unto itself while it happens to be in power we will be taxing the cotton of the gentleman from Texas, possibly, and maybe we will add a little to the tobacco of the gentleman from Oklahoma. We will have to find the money somewhere.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. In view of the interruptions, Mr. Chairman, I ask to proceed for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that he may proceed for five minutes more. Is there objection?

Mr. MURRAY. Reserving the right to object——

Mr. IGOE. The regular order!

Mr. FERRIS. I object.

Mr. PHELAN. Mr. Chairman, I am sorry that there has been so much politics discussed in this bill, which ought not to have any politics or partisanship in it. I want to state that I have served on two committees in the preparation of this bill, with Republican members on both committees. There never for one second has been any partisanship raised in any of the meetings by Democrats or Republicans. I hope that for the remainder of the discussion of this very important bill, at least, some of this partisan discussion may be eliminated. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. MOORE of Pennsylvania. The gentleman comes from a great industrial district, and he is in favor of voting $9,000,000 for the farmers of the country. Now, would the gentleman favor a bank with $9,000,000 of Government money to enable those who borrow money of building associations to have the backing of the United States Treasury?

Mr. PHELAN. I will take that up when we come to it. I want to call the attention——

Mr. MOORE of Pennsylvania. In view of the gentleman's statement about partisanship I wish to suggest that there is some favoritism in this bill.

Mr. PHELAN. Mr. Chairman, I want to call the attention of the gentleman to the fact that the committee of which I am a member has now had two great legislative matters before it—in the last Congress the Federal reserve act and in this Congress the rural-credits bill—and that we are doing something that the Republican Party never has done in the quarter of a century that it was in power. [Applause on the Democratic side.] We are getting results, and we will meet every one of these propositions as it comes to us.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. I can not yield any more. I want to speak about the proposition raised by the gentleman from Pennsylvania [Mr. MOORE]. I hope his amendment will not prevail. We have gone over this matter very carefully, and I am glad that the gentleman, in moving to cut down the appropriation from $750,000 to $500,000, indicates that he favors the principle of the proposition. I hope his motion will not prevail. If it does, he will defeat the very purpose which he advocates on the floor with reference to the other provision.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. I have not the time. We want to start these banks with sufficient capital so that they can make loans to some reasonable amount before they are obliged to go to the public and ask the public to buy bonds. In other words, we want to get the system well started before the banks go to the public and attempt to obtain money by the sale of bonds. That is the reason we have made it $750,000. It is an arbitrary amount. You might argue all day whether it ought to be $500,000, $750,000, or $800,000, or any other amount. We think we have hit upon a reasonable and proper amount, and that with that amount the banks will get well started.

Mr. HAYES. Mr. Chairman, I have been very slow to bring myself to the point where I could consent to any Government aid to start these rural-credit banks, and I would not be willing now to vote for any sum to be appropriated from the Treasury to put these banks on their feet if I could see any other way to do it; but having brought myself to the point where I am willing that some money may be temporarily advanced by the Government in order that this very important matter may be started properly, I am anxious that a sufficient amount shall be advanced so that the banks may be put upon their feet in a manner to get the confidence and respect of the investing public. In my humble opinion $750,000 is all too small. [Applause.] I am not sure but it ought to be a million dollars. If the Government is going to do this thing at all, it ought to do it right. I think $500,000 is too little. I hope the amendment will not prevail.

Mr. MURRAY. Let's make it a million.

Mr. CANNON. Oh, make it two.

Mr. MEEKER. Mr. Chairman, I would like to ask the gentleman a question. On the principle of this endless-chain proposition of buying mortgages and issuing bonds and selling bonds and buying mortgages why would not $100,000 be enough?

Mr. HAYES. It would be enough if any considerable number of the bonds had been sold and the thing was on its feet.

Mr. MEEKER. The Government is back of it now.

Mr. HAYES. The only purpose of $750,000 is to start it on its road.

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. HAYES. In a moment. The bill requires that this money shall be returned to the Government after the system is fully under way. This is not a gift on the part of the Government. It is only intended to put it on its feet and get it started, and in my opinion $750,000 is none too much for that purpose.

Mr. HENRY. Will the gentleman yield for a moment? Will the gentleman vote for an amendment increasing it to $1,000,000 for each one of these banks?

Mr. HAYES. No; I can not. I might be willing to do so if I had not agreed to the $750,000 in the committee. After a thorough discussion and some compromises back and forth, the committee arrived at that sum as the proper sum to put behind each bank, and I shall stand by it.

Mr. HENRY. The gentleman sees no objection to it?

Mr. HAYES. I see objections under the circumstances. We fixed it at $750,000 as the least that the majority of the committee thought it was safe to put behind this proposition. I am still of the opinion that $750,000 is as little as should be used to put this system into operation. For that reason I hope the amendment of the gentleman will not prevail.

Mr. LEVER. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] is disturbing his peaceful soul a good deal about the amendment which the Committee of the Whole adopted by an overwhelming vote a moment ago, the amendment which I had the honor to offer. I desire to call the attention of the gentleman to the fact that under the last Republican administration—the last, by the way, we are going to have for a good

long while [applause on the Democratic side]—the Republican Party passed a bill to provide for the establishment of an agricultural bank in the Philippine Islands. Among the provisions in that bill is this:

For the purpose of aiding in the establishment and operation of such an agricultural bank in the Philippine Islands as the general government thereof may hereafter specifically authorize the Philippine government is empowered to guarantee an income not exceeding 4 per cent per annum upon the cash capital actually invested by individuals or corporations in such agricultural bank.

It does not lie in the mouth of the gentleman from Pennsylvania to complain about this proposition here which looks to making the farmer's loan bond, issued under this bill, so strong that it will bring back to the farmer, the borrowing farmer, a lower rate of interest. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. For a question.

Mr. MOORE of Pennsylvania. Does not that act which the gentleman quotes simply authorize the Philippine government to do something?

Mr. LEVER. It does.

Mr. MOORE of Pennsylvania. That is all.

Mr. LEVER. Surely. The gentleman was willing to write his approval to the Philippine government that the government should have the power to guarantee to individual and corporate investors in the bank a certain dividend upon their investment, but he now complains when we are undertaking to write such a bond as will bring back the lowest possible rate of interest to the borrowing farmers of this country.

Mr. MOORE of Pennsylvania. Will the gentleman again yield?

Mr. LEVER. For a question.

Mr. MOORE of Pennsylvania. Are any farmers in this country in any State in such a position as were the Filipinos when that act was passed giving them a chance for civilization?

Mr. LEVER. Oh, but the gentleman was complaining of the principle and not of the circumstances or the facts, and now when I confront him with the fact that his own party has gone a long way further in guaranteeing the stockholder in a Philippine bank against loss than we go by this amendment in helping our own farmers, he wants to fall back and say that the poor Filipinos were in a worse fix than we are in this country, which I, of course, admit.

Mr. GLASS. May I call the attention of the gentleman to the fact that, while I do not want to inject any partisan feeling into this sort of a discussion, if it is to be persisted in I want to have the opportunity of calling attention to the fact that every single, solitary Republican in the Senate who voted on the proposition at all voted for the proposition of the gentleman from South Carolina, only in a very much worse form. [Applause on the Democratic side.]

Mr. LEVER. With the exception of five.

Mr. GLASS. With the exception of none.

Mr. LEVER. I believe the gentleman is right.

Mr. MOORE of Pennsylvania. Will the gentleman yield for one question?

Mr. LEVER. I can not at this point. I want to call the attention of the gentleman to another thing. In 1862, when Southerners were not in control in either branch of Congress, you passed another act, an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes, and you authorized the Treasury to issue its 30-year 6 per cent bonds to these railroads to the extent of from $16,000 per mile to $48,000 per mile to aid them in their work. There the party of the gentleman was guaranteeing the Government's credit and the Government's money, issuing its own bonds to help a railroad corporation build a transcontinental railroad, and yet when we offer a modest proposition which will get for the producing farmer of this country a lower rate of interest than he can get under existing conditions the gentleman throws 15 fits a minute. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVENPORT. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Pennsylvania [Mr. MOORE] by striking out the figures "$500,000" and inserting "$1,000,000." [Applause.]

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out "$500,000" and inserting in lieu thereof "$1,000,000."

Mr. DAVENPORT. Mr. Chairman, for many years we have been providing for all classes of business and all classes of enterprises in Congress, and in doing so every man on both sides of the aisle has been advocating that it was for the interest of the farmer. We come now to a proposition where we can do some good to the farmer if we are willing so to do, and if we are going to do it let us provide each of those banks with a sufficient amount of capital in starting, that the farmers may secure loans and get their money without taking time to issue bonds and float them and then await a reissue and sale before we can make other loans. I say to you that $1,000,000 is a small amount to start these banks with. It is going to take some time under the system and the machinery provided in this bill to put those banks in operation, and it is going to take some time after getting them started to get a sufficient number of mortgages executed in order that you may place upon the market a sufficient amount of bonds in order to have sufficient funds to accommodate the new loans.

It is but a few years since we authorized and in a way donated to 34,000 white people in Alaska a $35,000,000 contribution to build a railroad. Only a few days ago we authorized or donated, if it gets through the other end of this Capitol, about $20,000,000 for a nitrate plant, and, if the bill passes that we are now considering, known as the flood-control bill, in a few days you will appropriate about $45,000,000 for those living in the Mississippi Valley. And if we are going to be so liberal with our contributions let us donate, or place at the command of the farmers of this country where they may get it upon proper security a sufficient sum of money, or at least let us give them $12,000,000 for the many farmers throughout the United States.

Mr. FESS. You use the word "donate" advisedly, do you not?

Mr. DAVENPORT. It is nothing more or less, so far as the Alaskan Railroad is concerned, but a donation, as we have not been able to do much up there but spend money and will not for many years, if ever. And the appropriations for the other enterprise mentioned are purely local, and I am not now complaining of them, but mention them so that our liberality should be as generous toward the farmers throughout the United States as in any special locality.

Mr. HENRY. Let me suggest to the gentleman that this Congress has placed in the hands of the 16 Western States the proceeds from the public lands for irrigation and reclamation work, which amount to nearly $100,000,000.

Mr. DAVENPORT. We have been giving benefits to certain localities and industries in certain localities, and here is a time when we can give something to the average farmer from the Lakes to the Gulf and from Maine to California.

Mr. MOORE of Pennsylvania. In fact, there is nothing that this Congress could give away but what Congress has given away?

Mr. DAVENPORT. In fact, the Delaware River could have gotten a good deal more if the wishes of my friend from Pennsylvania had been realized. I am like my friend from Pennsylvania or the gentleman from the Mississippi Valley, I am ready to take all that we believe we are rightfully entitled to, and I do not believe that we have ever gotten any more than we were entitled to. And for that reason I believe that, as a matter of legislation, we ought to have more than $1,000,000 capital in each of these land banks.

Mr. GLASS. Mr. Chairman, I would like to inquire how much time is remaining.

The CHAIRMAN. There are five minutes more remaining.

Mr. MANN. There was 35 minutes allowed at 5 o'clock.

The CHAIRMAN. It was 6 minutes of 5 o'clock, as the Chair recalls it, and the Chair can call all those who have used the time. The gentleman from Pennsylvania [Mr. MOORE] consumed 10 minutes, the gentleman from Massachusetts [Mr. PHELAN] used 5, the gentleman from California [Mr. HAYES] used 5, the gentleman from South Carolina [Mr. LEVER] 5, the gentleman from Oklahoma [Mr. DAVENPORT] used 5.

Mr. MANN. It was 1 minute of 5 o'clock when we made the order.

The CHAIRMAN. That is so, and these gentlemen have all had the floor and have had their five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Was the arrangement made before the amendment offered by myself?

The CHAIRMAN. All to this section and all amendments thereto, and the gentleman from Oklahoma [Mr. DAVENPORT] offered an amendment in his time to the amendment offered by the gentleman from Pennsylvania.

Mr. GLASS. Mr. Chairman, if there were any real necessity for the proposed increase in the capitalization of these regional farm-land banks, I should not object; but there is absolutely no necessity in the world for it. And I warn gentlemen that they

are in danger of proceeding too far in matters of this kind, and that the first thing they will know we will have no rural-credits legislation by this Congress at all. The matter of fixing the capital of these banks at $750,000 was gone into with the utmost care. The figure was reached after careful estimate of what was required, and I hope the committee will not change it.

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Oklahoma?

Mr. GLASS. Yes.

Mr. DAVENPORT. I would like to ask the gentleman if that figure was not agreed upon by the committee as the basis of what possibly might be necessary? If it were fixed at $1,000,000, does the gentleman think that Members would vote against it, even if it were necessary and they believed it should be passed, simply because it was fixed at $1,000,000?

Mr. GLASS. The committees charged with the solution of the problem gave to this subject intelligent study, and the members of the committee think that a $750,000 advance by the Government for the purpose indicated is more than ample. Some thought $500,000 ample; but in order to reach a harmonious conclusion and bring out a practically unanimous report from the committee concessions were made and we put the amount at $750,000. That is quite enough, in the judgment of those who have given the matter careful consideration.

Mr. EAGLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Texas?

Mr. GLASS. Yes.

Mr. EAGLE. I want to ask my friend if this be not also true, in his opinion, that it is largely immaterial whether the initial amount of capital stock of any one of these 12 banks be $250,000, $500,000, $750,000, or even $1,000,000; for is not this true, that automatically under this bill the amount of the capital stock will increase as the people adopt and put into effect this system by the farm-land associations themselves subscribing to and thereby increasing the capital stock of these land-credit banks?

Mr. GLASS. Practically, that is a very accurate statement of the case; so that $750,000 is easily ample for the purpose. It is the judgment of the committee that this amendment should not prevail.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Yes.

Mr. TILSON. Then, as I understand the gentleman, in his opinion and in the opinion of the committee that have had this subject under consideration there would be no good purpose served by adding to this $750,000, and it might be harmful. Is that the correct understanding?

Mr. GLASS. It would be psychologically harmful; harmful to the bill, and might endanger the legislation.

Mr. SISSON. The gentleman does not mean to convey the idea that the committee agreed unanimously to something that they regarded as harmful?

Mr. GLASS. No. I did not say that.

Mr. SISSON. In other words, the opinion of the committee was that $750,000 was a proper amount, and therefore the committee unanimously reported it?

Mr. GLASS. Precisely.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Yes.

Mr. FERRIS. Inasmuch as the Senate passed the bill, I believe, at $500,000 per bank, or $6,000,000 all told, there can not be anything sacred either about the $9,000,000 or the $6,000,000?

Mr. GLASS. There is nothing sacred about any part of it. Nevertheless, there is a question of sound economics involved in this particular item, which should not be too greatly accentuated if we really desire to have rural-credits legislation at this session of Congress.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oklahoma [Mr. FERRIS] to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. FERRIS. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 22, noes 46.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 11, noes 67.

So the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I offer the following amendment.

Mr. MANN. I suggest to the gentleman from Virginia that it is time to move to rise.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] offers an amendment, which the Clerk will report.

Mr. CULLOP. It is to amend page 82, line 8, after the word "complain" by inserting the word "interplead." I have conferred with the committee, and that amendment is satisfactory to the members of the committee.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 82, line 8, after the word "complain" insert the word "interplead."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. CULLOP. Also insert a comma after the word "complain" and before the word "interplead."

The CHAIRMAN. Without objection, the amendment will be agreed to. Is there objection?

There was no objection.

Mr. DILLON. I move to strike out the last word.

The CHAIRMAN. All debate on the paragraph is closed. The gentleman can make his motion if he desires to do so.

Mr. GLASS. Let us read the next section.

Mr. MANN. What is the object in reading it? Nobody will know what it is to-morrow.

Mr. GLASS. The object in reading it is to make some progress on this bill.

Mr. MANN. I doubt whether it will make any progress simply to read the section.

Mr. GLASS. I had hoped to finish the section. It is a short one, and I can not conceive that there will be any amendment proposed to it.

Mr. MANN. It will not take any longer to-morrow than it will to-night.

Mr. GLASS. We have gotten into this situation: It was supposed when the special rule was adopted that none of these conference reports would intercept the consideration of this bill, but I am told that a conference report will be brought up here to-morrow. In addition to that I have a request that the House proceed with the consideration of pension business after 5 o'clock to-morrow, to which I do not want to raise any objection, and therefore I hope we may get through with this section before 6 this afternoon.

Mr. MANN. I thought we had an understanding that if we met at 11 o'clock we would quit at half past 5. I do not think the conference report on the Indian appropriation bill will take very long, if that is the one the gentleman has reference to.

Mr. GLASS. I wish the gentleman would assist me in getting through with this section, at least, to-night. It will take only a minute.

Mr. MANN. It will not take any longer to-morrow than it will to-night. I do not know whether there will be any amendments to it or not.

Mr. GLASS. It will not take any longer to-night than it will to-morrow.

Mr. MANN. It is the adjourning hour.

Mr. GLASS. I think the gentleman from Illinois ought not to be too unyielding about these matters. [Laughter.]

Mr. MANN. The gentleman has his responsibility while this bill is pending, but I have to do this every day to protect the House.

Mr. GLASS. The gentleman is inured to this sort of trouble, and I want to get rid of it if possible.

Mr. MANN. I think we had better quit at half past 5.

Mr. GLASS. All right. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents

for the United States, and for other purposes, and had come to no resolution thereon.

PENSIONS.

Mr. SHOUSE. Mr. Speaker, I ask unanimous consent that to-morrow, Friday afternoon, at 5 o'clock the House shall take up pension bills on the Private Calendar.

Mr. MANN. Mr. Speaker, it does not require unanimous consent. All the gentleman needs to do is to arrange with the gentleman from Virginia.

Mr. SHOUSE. It is arranged with the gentleman from Virginia.

The SPEAKER. It is understood that we will take it up at 5 o'clock.

Mr. MANN. To-morrow is pension day, and it is in order.

LEAVE TO EXTEND REMARKS.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter received from Hon. Robert J. Bulkley, in reply to a request from me relative to an expression of opinion on the pending bill on rural credits.

The SPEAKER. The gentleman asks leave to extend his remarks by printing a letter from Hon. Robert J. Bulkley.

Mr. MANN. The gentleman has that authority. I have no objection.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD on the subject of equal suffrage.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend remarks in the RECORD on the subject of equal suffrage. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3304. An act concerning the exportation of alcohol and other distilled spirits; to the Committee on Ways and Means.

S. 5708. An act for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned until Friday, May 12, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting additional estimates of deficiencies in appropriations for the Marine Corps, required by the Navy Department to complete the service of the fiscal year ending June 30, 1916 (H. Doc. No. 1107); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State requesting that the unexpended balance of the appropriation made by public resolution No. 48, September 11, 1914, and reappropriated in 1915 and 1916, be again reappropriated and made available for like purposes for the fiscal year ending June 30, 1917 (H. Doc. No. 1108); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and a resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11864) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes, reported the same with amendment, accompanied by a report (No. 676), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM, from the Committee on the Judiciary, to which was referred the bill (H. R. 12541) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader, reported the same with amendment, accompanied by a report (No. 677), which said bill and report were referred to the House Calendar.

Mr. GARD, from the Committee on the Judiciary, to which was referred the bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes, reported the same without amendment, accompanied by a report (No. 678), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (H. J. Res. 63) authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes, reported the same without amendment, accompanied by a report (No. 675), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 14570) for the relief of Cathrine Grace, reported the same with amendment, accompanied by a report (No. 666), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 13636) for the relief of R. L. Jennings, reported the same without amendment, accompanied by a report (No. 667), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 14645) for the relief of the legal representatives of P. H. Aylett, reported the same with amendment, accompanied by a report (No. 668), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13247) for the relief of The Ferries Co., reported the same with amendment, accompanied by a report (No. 669), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3253) for the relief of Hudson Bros., of Norfolk, Va., reported the same without amendment, accompanied by a report (No. 670), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 7396) for the relief of Hiram P. Geaslin, reported the same with amendment, accompanied by a report (No. 671), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 606) for the relief of James C. Hilton, reported the same without amendment, accompanied by a report (No. 672), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 2601) for the relief of William W. Fineren, reported the same with amendment, accompanied by a report (No. 673), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4581) for the relief of Victor A. Ermerins, reported the same without amendment, accompanied by a report (No. 674), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 2859) granting a pension to Ellen T. Harris, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. HINDS: A bill (H. R. 15573) to define the standing of officers of the Coast Survey during the late Civil War; to the Committee on Military Affairs.

By Mr. GARDNER: A bill (H. R. 15574) to authorize the acquisition of a site and the erection of a Federal building at Salem, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. DILL: A bill (H. R. 15575) to amend the act of March 22, 1906, entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

By Mr. QUIN (by request): A bill (H. R. 15576) providing for the creation of optometrists corps in the Army; to the Committee on Military Affairs.

By Mr. KONOP: A bill (H. R. 15577) authorizing the Secretary of War to donate condemned cannon and balls to the village of Lena, Wis.; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 15578) granting public lands to the State of Arizona for the construction, repair, and maintenance of public roads and highways; to the Committee on the Public Lands.

By Mr. GRAHAM: A bill (H. R. 15579) to authorize the purchase of a site for a post office in the city of Philadelphia, State of Pennsylvania, and to make an appropriation therefor; to the Committee on Appropriations.

Also, a bill (H. R. 15580) to make an appropriation for the purchase of a site and erection of a building thereon for a post office in the city of Philadelphia, State of Pennsylvania; to the Committee on Appropriations.

By Mr. SABATH: A bill (H. R. 15581) for the relief of the victims of the *Eastland* disaster; to the Committee on Claims.

By Mr. HOLLINGSWORTH: A bill (H. R. 15582) to increase the pensions of the blind who served in the War with Mexico or the Civil War; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: Concurrent resolution (H. Con. Res. 38) requesting the President to invite neutral powers to join in a conference in the interest of peace; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and a resolution were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 15583) granting an increase of pension to George W. Bowers; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 15584) granting an increase of pension to Lisetta Bundy; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15585) granting a pension to Margaret M. Smith; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 15586) for the relief of Frank Collins; to the Committee on Claims.

By Mr. DOWELL: A bill (H. R. 15587) granting an increase of pension to Samuel E. Edmondson; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 15588) granting an increase of pension to Louise Menkel; to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 15589) for the relief of the legal representatives of Thomas, Winn & Holman; to the Committee on War Claims.

Also, a bill (H. R. 15590) for the relief of Sarah E. Edmondson; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 15591) granting an increase of pension to William M. Sprinkle; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 15592) granting a pension to Sarah H. Parker; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 15593) granting a pension to Mary S. Lovejoy; to the Committee on Invalid Pensions.

By Mr. HART: A bill (H. R. 15594) granting an increase of pension to Hannah Conse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15595) granting an increase of pension to Whitfield H. Lance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15596) granting an increase of pension to Lewis W. Mills; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 15597) granting a pension to Mrs. Rachel Hill; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 15598) granting an increase of pension to Raymond E. Fisher; to the Committee on Pensions.

By Mr. MOTT: A bill (H. R. 15599) granting a pension to Phoebe Jane Pickard Edwards; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 15600) for the relief of W. D. Wilson; to the Committee on War Claims.

By Mr. RANDALL: A bill (H. R. 15601) granting a pension to Nora Dickerson; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15602) granting an honorable discharge to Thomas Baker; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 15603) granting an increase of pension to Winthrop Johnson; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 15604) for the relief of Peter T. Coons; to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 15605) granting an increase of pension to Ella M. Robards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15606) granting an increase of pension to Hezekiah Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15607) granting an increase of pension to Mary E. Gibson; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 15608) granting an increase of pension to Lois F. Eaton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15609) granting an increase of pension to Josephine P. Ham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15610) granting an increase of pension to John C. Toombs; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 15611) granting an increase of pension to Charles S. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15612) granting an increase of pension to Elery Wheeler; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15613) granting a pension to William Warren; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 15614) granting an increase of pension to Charles Holstein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15615) granting an increase of pension to Chauncey W. Young; to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 15616) for the relief of John H. Cowley; to the Committee on Military Affairs.

By Mr. IGOE: Resolution (H. Res. 234) for the relief of William S. Eames and Thomas C. Young, composing firm of Eames & Young; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of National Association of Conservation Commissioners, favoring legislation for game sanctuaries; to the Committee on Agriculture.

Also (by request), memorial of Interstate Sportsmen's Protective Association, Kansas City, Mo., relative to certain regulations provided for in the migratory-bird law; to the Committee on Agriculture.

By Mr. CAREW: Petition of American Statistical Society, in re Public Health Service; to the Committee on Reform in the Civil Service.

Also, petition of Irish-American Athletic Club, in re bill to establish a national athletic stadium; to the Committee on Appropriations.

By Mr. DALE of New York: Memorial of United States Openers and Packers' Benevolent Association of the Port of New York, favoring passage of House bill 11876, the Nolan bill; to the Committee on Labor.

Also, petition of James C. S. Bates, of Hoboken, N. J., favoring increase in Army and Navy, etc.; to the Committee on Military Affairs.

Also, petition of New York State Society of Oregon, favoring the Chamberlain bill relative to 40 per cent of sales from Oregon and California land grant to Oregon school fund; to the Committee on the Public Lands.

By Mr. DOOLING: Petition of Irish-American Athletic Club, in re bill to establish a national athletic stadium; to the Committee on Appropriations.

By Mr. EMERSON: Memorial of citizens of the twenty-second district of Ohio, against passage of Senate bill 645; to the Committee on the District of Columbia.

By Mr. FLYNN: Petition of James H. S. Bates, M. E., of New York, in re military preparedness; to the Committee on Military Affairs.

Also, memorial of New York State Society of Oregon, favoring the Chamberlain bill in re land grant; to the Committee on the Public Lands.

By Mr. GALLIVAN: Petition of Boston Music Publishers' Association, favoring the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of New York: Papers to accompany House bill 15537, granting an increase of pension to Stillman P. Daily; to the Committee on Invalid Pensions.

By Mr. HAWLEY: Petition of citizens of Woodburn, Oreg., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Statements to accompany House bill 11505, for the relief of Ashley H. Shoot; to the Committee on Military Affairs.

By Mr. LOUD: Petition of E. E. Moher and Baptist Church of Twining, Mich., for national prohibition; to the Committee on the Judiciary.

By Mr. MEEKER: Petition of 24 citizens of St. Louis, Mo., against bills to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petition of sundry citizens of Bristol, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Builders' Iron Foundry, of Providence, R. I., against House bill 8665; to the Committee on Labor.

Also, petition of E. E. Trowbridge, of Peace Dale, R. I., favoring House bill 11250 and Senate bill 703; to the Committee on Education.

Also, petition of Builders' Iron Foundry, of Providence, R. I., in re use of the metric system; to the Committee on Coinage, Weights, and Measures.

Also, memorial of American Statistical Association, opposing the Works resolution; to the Committee on Reform in the Civil Service.

Also, petition of Gilbert Johnson, jr., of Providence, R. I., favoring House bill 8828 and Senate bill 3456; to the Committee on Appropriations.

Also, memorial of New York State Retail Jewelers' Association, favoring House bill 13305; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Bristol Improvement Association, favoring the establishment of a naval base on Narragansett Bay; to the Committee on Naval Affairs.

By Mr. PHELAN: Petition of sundry societies of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RANDALL: Memorial of sundry citizens of Los Angeles, Cal., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of citizens of Pequot, Minn., protesting against the passage of House bill 652, Sunday closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Pequot, Minn., protesting against the passage of House bills 491 and 6468, to amend the postal laws, etc.; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of citizens of New Wilmington, Ellwood City, and New Castle, Pa., favoring the passage of House bill 270, Roberts mail-order bill; to the Committee on Ways and Means.

Also, petition protesting against the Taylor system in Government workshops, signed by 40 citizens of Beaver Falls and New Brighton, Pa.; to the Committee on Naval Affairs.

SENATE.

FRIDAY, *May 12, 1916.*

(*Legislative day of Tuesday, May 9, 1916.*)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Lea, Tenn.	Smith, Md.
Beckham	du Pont	Lodge	Smoot
Brady	Gallinger	Martin, Va.	Stone
Bankhead	Hardwick	Martine, N. J.	Sutherland
Broussard	Hitchcock	Myers	Swanson
Catron	Hughes	Norris	Taggart
Chamberlain	Husting	Page	Thomas
Chilton	James	Poindexter	Thompson
Clapp	Johnson, Me.	Pomerene	Townsend
Clarke, Ark.	Johnson, S. Dak.	Ransdell	Vardaman
Colt	Kenyon	Shafroth	Warren
Culberson	Kern	Sheppard	
Curtis	Lane	Sherman	

Mr. CURTIS. I have been requested to announce that the Senator from Montana [Mr. WALSH], the Senator from North Dakota [Mr. GRONNA], the Senator from Idaho [Mr. BORAH], and the Senator from California [Mr. WORKS] are detained in committee.

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness. I make this announcement for the day.

Mr. LEA of Tennessee. I have been requested to announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS].

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

WITHDRAWAL OF ALCOHOL FROM BOND.

Mr. LODGE. I ask unanimous consent to submit a favorable report from the Committee on Finance.

I am directed by the Committee on Finance, to which was referred the bill (S. 5966) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, to report it favorably without amendment. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That subsection 2, paragraph N, of section 4, be amended as follows: At the end of the first paragraph add the words "That any person or persons heretofore mentioned may, under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, also withdraw alcohol from bond, free of tax, for denaturation only."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEW JERSEY DAY.

Mr. MARTINE of New Jersey. Mr. President, I desire to ask unanimous consent for a matter that is in a way personal. In my little Commonwealth this day has been set apart by our governor as New Jersey Day, and I desire to make a few little comments upon the merits of my State. I ask for unanimous consent. It will take but a few minutes.

Mr. JAMES and others. All right.

Mr. MARTINE of New Jersey. Is there objection?

The VICE PRESIDENT. It comes in under the pending bill very well.

Mr. MARTINE of New Jersey. Mr. President, as Senators, I deem it is our privilege and duty to advance the welfare of our land and the people thereof, and to that end I feel that we may be justified in proclaiming the merits and claims of our respective States. Mr. President, with us to-day, May 12, in my State is New Jersey Day. New Jersey was one of the original thirteen Colonies to join the Union. New Jersey was the third State to ratify the Federal Constitution, which it did unanimously on December 18, 1787. The spirit of our fathers bade them to pit their lives and their fortunes against Great Britain that liberty might live. Their warm, rich blood soaked the battle fields of Monmouth, Princeton, Trenton, Springfield, and Elizabeth to gain the heritage that to-day we enjoy.

But in recent years New Jersey, through her sons, has contributed honor and glory to our country. That superb son of New Jersey, Grover Cleveland, added fame and honor to our history. Another painstaking and patriotic son, the present President of the United States, Woodrow Wilson, has by his unselfishness and patriotism honored and blessed our land, and placed his name high on the scroll of fame. And, too, the honored position you to-day so ably and acceptably fill, was occupied by a distinguished son of New Jersey, Garrett Hobart; his genial presence shed sunshine wherever he might be.

New Jersey was the first to float our flag over the Continental Armies.

To-day our State is a veritable hive of industry. The clang of our anvils, the buzz and hum of our mills, sing the tune of industry, liberty, prosperity, and happiness.

From a point in our State, taking the city of Trenton as a center, in a radius of 60 miles there is a throbbing population of over 12,000,000 souls.

Our State is sandwiched between the great States of New York and Pennsylvania. The cities of New York and Philadelphia affording rich markets for our products. The great railroads of our country must cross our favored Commonwealth in their effort to seek the world's market. The great pipe lines, draining half the continent of mineral oil, cross our State and flow to the great refineries located on our coast.

Senators, we are proud in the thought that we are the gateway of our Nation. No State exceeds New Jersey in variety of manufacture. We lead in copper smelting and refining, in

Pensions.

the Chamberlain bill in re land grant; to the Committee on the Public Lands.

manufacture of silk, linoleum, sewing machines, rubber goods, jewelry, varnish, and pottery. We boast of more miles of railways per square mile of territory than any other State of the Union. Nine-tenths of our State is water bounded, thus affording ample bays and dockage for shipping.

The manufacturing capital invested in New Jersey is about twice as much as was invested in the whole of the United States in 1850. Transportation in our State is developed to a marked degree; we have 1 mile of railroad for every 3 square miles of land.

New Jersey was the first to adopt the State-aid system in the system of road construction. We now have 7,344 miles of improved roads. Our schools rank among the best, under a total expenditure of $17,000,000. Our State school property is valued at over $65,000,000. In this connection let me state that under our system we convey, in the rural districts, high-school pupils to and from the schools to their homes when far distant. The upland area of New Jersey is 4,808,960 acres; improved farm land, 1,903,336 acres; land in forest, 2,069,819 acres. Our population in 1915 was 2,844,342, or about 378 per square mile.

As a State we are and have been blessed by good legislation; we are favored with glorious climatic conditions; our territory is ramified by a superb road system. Beautiful and happy homes dot our hills and dales, all combining to make a most charming landscape.

The glories of our wonderful Atlantic seacoast, the health-giving air along the sea, bring to us tens of thousands of visitors each year. The green clad hills of Union, Sussex, Warren, Morris, and Somerset reach to an elevation of 1,300 feet, with crystal lakes nestling in the valleys throughout the northern section, transforming that territory into a veritable Switzerland. To this fair-pictured land New Jersey bids welcome to all seeking health, wealth, and happiness. In this historic Commonwealth one will find more completely combined the advantages of the city with the delights and blessings of the green fields than any other section of our country. We bid you come; our latchstring hangs out; a warm hand will greet you.

NEW JERSEY.

"The rolling wave is on thy shore,
Jersey land, my Jersey land!
Aloft thine azured mountains soar,
Jersey land, my Jersey land!
Hilltop and vale, low-lying plain,
Thy pines, thy streams with murmuring strain,
Those ne'er will let thy beauty wane,
Jersey land, my Jersey land!
On fame's bright roll thy name is found,
Jersey land, my Jersey land!
Thine every road is hallowed ground,
Jersey land, my Jersey land!
At Trenton and on Princeton's field,
On Monmouth's plain, with valor steeled,
Thy sons their lives for freedom sealed,
Jersey land, my Jersey land!
Minerva holds thee near her heart,
Jersey land, my Jersey land!
Their gifts the sacred nine impart,
Jersey land, my Jersey land!
Fair wisdom's sons thou lov'st to call
From wayside shrine or college hall,
Thine altar fires bid welcome all,
Jersey land, my Jersey land!"

[Applause.]

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SHERMAN resumed the speech begun by him on yesterday. After having spoken for some time,

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, will the Senator from Illinois yield to me for a moment?

Mr. SHERMAN. Certainly.

Mr. ASHURST. Mr. President, a message from the House of Representatives received a few moments ago announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Indian appropriation bill (H. R. 10385). I should like to have the report considered by the Senate now. I think it will take only about five minutes to dispose of it. No one wishes to speak at length against it, and I ask unanimous consent that the Senate consider the conference report at this time, assuming, of course, that it will not take the Senator from Illinois off the floor. The report has already been submitted by me and has been printed in the RECORD. I do not think it will be necessary to read it.

The PRESIDING OFFICER (Mr. JOHNSON of South Dakota in the chair). Is there objection to the request of the Senator from Arizona?

Mr. CLARKE of Arkansas. I shall not object, with the qualification that if it leads to protracted debate or controversy the Senator will ask that the further consideration of the conference report be postponed to another time.

Mr. ASHURST. If the report leads to extended debate, I will ask to postpone its consideration for the time.

Mr. GRONNA. Mr. President, will the chairman of the Committee on Indian Affairs be kind enough to tell the Senate what changes have been made in the report, so that we may know on what we are voting?

Mr. ASHURST. Mr. President, this is, I might say, the third time this report has been made to the Senate. It was twice rejected. It was rejected the last time because the Senate found serious objection to the way in which the conferees had altered amendment numbered 2. Amendment No. 2, as adopted by the Senate, read as follows:

The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stats. L., p. 506).

That amendment was adopted on the motion of the Senator from Oklahoma [Mr. OWEN], and what follows was the amendment adopted on the motion of the Senator from North Dakota [Mr. GRONNA]:

And the possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be prima facie evidence of unlawful introduction.

The conferees made that rule of evidence apply only to Indian country, which was not satisfactory to the Senate, whereupon the report was recommitted to the conference committee, and the conferees then changed it by inserting the words "by treaty or Federal statute," so that it now reads:

The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506), and the possession by a person of intoxicating liquors in the country where the introduction is prohibited by treaty or Federal statute shall be prima facie evidence of unlawful introduction.

It merely shifts the burden of proof, so that whenever any person with intoxicating liquor in his possession is found in any country where liquor is prohibited the burden of proof is on him; he must prove that he has it there lawfully, instead of the United States being required to prove that he has it there unlawfully.

I desire to state further that before the conferees agreed to that provision, knowing that that item was in controversy, we called before us a number of Senators interested in it and consulted with them, and we were assured that it was satisfactory.

Mr. LANE. Mr. President, in relation to that clause——

Mr. JONES. Mr. President——

Mr. LANE. Does the Senator from Washington desire to speak to the conference report?

Mr. JONES. I desire to take about a minute.

Mr. LANE. Very well, I yield to the Senator.

Mr. JONES. Mr. President, I have here a paper, which was read before the conference of the Society of American Indians at Lawrence, Kans., September 30, 1915. It is a paper prepared by a full-blooded Apache Indian, who, I understand, is a very successful business man in Chicago. I ask that the paper be printed in the RECORD, together with a brief sketch of the author's life, which appears on the back of the last page.

Mr. LANE. Mr. President, I ask that the paper be read at this time. There is no better time to have that matter brought to the attention of the Senate than right now, and I ask unanimous consent that it be read. If I can not secure unanimous consent for that purpose, I will read it myself.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

Mr. JONES. Mr. President, I have no objection to its being read, but I did not want to take the time of the Senate to have it read.

Mr. LANE. This is a good time to have it read.

Mr. JONES. In presenting it I will say that I do not wish to be understood as indorsing everything that is in the paper, but I present it partly to show the views of an educated full-blooded Indian with reference to the conduct of Indian affairs.

Mr. ASHURST. What is his name?

Mr. JONES. Dr. Montezuma. I understand the Senator from Oregon has secured unanimous consent that it may be read, and I send it to the Secretary's desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary proceeded to read the document referred to. After reading for about five minutes,

Mr. LANE. Mr. President, I ask that the rest of the document be printed in the RECORD. No one is paying any attention to it. You might just as well go out on the front porch and whistle against the east wind as to read that in here, so far as its receiving any attention is concerned, so I ask that the further reading of it be dispensed with.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The document referred to is, in full, as follows:

LET MY PEOPLE GO.

[Dr. Montezuma, speaking in the interest of his race, the American Indians, read before the conference of the Society of American Indians, at Lawrence, Kans., Sept. 30, 1915.]

From time immemorial, in the beginning of man's history, there come echoes and reechoes of pleas that are deeper than life.

This is an age of abusiveness, "man's inhumanity to man," where man experiments with man; it is an age where money (the idol) is dominant; it is an age of tyranny, where might is right; yet producing such material achievements and advancement as the world has never seen. It is an age where we slide and ask God, "Am I my brother's keeper?" It is an age where man's noblest character that reaches to God must not waver but must be strong and see the right.

The Society of American Indians has met and met. This coming together every year has been the mere routine of shaking hands, appointing committees, listening to papers, hearing discussions, passing a few resolutions, electing officers, then reorganizing—and that has been the extent of our outlook and usefulness for our race. Our placing too much faith and confidence in the Indian Bureau has caused us to evade the vital, the most important and fundamental, object of our society. Mohonk Conferences, Indian Rights Association, Indian Friends, and other similar organizations have also evaded the vital, paramount issue; if they did touch on it, they did it in the form of a whisper.

In the bloody and gloomy days of Indian history public sentiment was against the Indians, that they could not be civilized; they could not be educated; they were somewhat like human beings, but not quite within the line of human rights; the only hope was to let the bullets do the work, cover up the bloody deeds, and say no more—God and humanity were forgotten.

At that hour, when Indians were made "good Indians," as a lightning from the clear sky, out from the frontier, among Indian-fighting soldiers, a voice came: "Stay the sword; the Indian is a man." That voice was no less than Lieut. R. H. Pratt (founder of the United States Indian School, Carlisle, Pa., 1879), now our most beloved and honored benefactor, a brigadier general.

Patient, silent, and distant the Indian race has been these many years. There comes a time in human events when abandonment of racial responsibilities becomes very oppressive, unbearable, intolerable, and there seems to be no hope—then man must exert himself, speak, and act.

The status of our people is not on the square for that reason. Brothers, that time has come to our race. The Society of American Indians is not free. We are wards; we are not free! In a free country we are not free; our heritage is freedom, but we are not free. Wake up, Indians, all over America! We are hoodwinked, duped more and more every year; we are made to feel that we are free when we are not. We are chained hand and foot; we stand helpless, innocently waiting for the fulfillment of promises that will never be fulfilled in the overwhelming great ocean of civilization.

Civilization is our mandate. As a race we are at a crisis. Our position as a race and our rights must not be questioned. Looking from all points of the compass there is only one object for this Society of Indians to work for, namely, "freedom for our people."

It seems so strange that some members of the society can not understand the object of this paper, and these are their questions: "We are ready to abolish the Indian Bureau, but how?" "Wait, let us settle this and that first." Another one says, "Doctor, I stand pat with you on doing away with the Indian Bureau, but let us get an understanding of this and that first." "Do not stir up a revolution until we are ready." "Evolution and not revolution."

Some well-meaning people feel very bad over this matter of taking away the support of the Indians. They pass their hands over their foreheads, take a long sigh, sadly look into space, and wonder how we are going to free the Indians and what will become of the poor Indians then. This going here and there seeking to find a solution to the Indian problem is all nonsense. It has been a problem so long that it has become a problem.

Gen. Pratt's words are true that "the Indian (paper read by Capt. Pratt before the Women's New Century Club, Philadelphia, Pa., Jan. 10, 1896) is no problem." It is all in our mind. To free the Indian is to free the Indian. There is nothing complicated about that. It is so simple that we can not believe it.

Common sense teaches us that when you free the Indian in civilization, the Indian will civilize himself—it is automatic and involuntary—and that to free the Indian from bureaucism is to free him from bureaucism.

My coworkers, if we disagree as a society of Indians in this matter, those who do not think as we do will just chuckle and gloat over our factions. It is just what they want. It favors them and weakens us as an Indian organization. If we can not attend to our own affairs as a society of American Indians, they will point to us and say, "I thought so. They are Indians; they can't do anything." Now, we must do something and show that the Indians can do.

The question of abolishing the Indian Bureau is not a new idea. Eleven years ago the progress of the Indian race had reached that stage of preparation that enabled them to be independent of Government supervision and to be told to go their own way and be their own self-supporters.

Gen. Pratt sounded the keynote when he said:

"I believe that nothing better could have happened to the Indians than the complete destruction of the bureau, which keeps them so carefully laid away in the dark of its numerous drawers, together with all its varied influences, which only serve to bolster and maintain tribal conditions.

"The early death of the 'Freedmen's Bureau' was an infinite blessing to the negro himself and to the country as well. If you say the turning loose of this large number of ignorant and unprepared people would threaten the peace of our communities, I say that not a year within the last 30 but we have imported from foreign countries and turned loose in the United States a much greater number of no less unprepared and ignorant people. One thing is certain, this bureau will never lift its finger to end its own life, and we can rely on it that its emotions are most pleasurable when Congress adds to it increased responsibilities in the distribution of money, etc. It is a barnacle to be knocked off sometime.

"Better, far better for the Indians had there never been a bureau. Then self-preservation would have led the individual Indian to find his true place, and his real emancipation would have been speedily consummated." (Address delivered before the Baptist ministers' meeting in New York City, 1904.)

When Gen. Pratt uttered those words, he thought that the country and the President were with him in heart and soul for the betterment of the Indians as in the past. Not so—humiliatingly he was made to realize that there was some one higher than he, some one to be considered, some one to be reckoned with. He found himself relieved from the great institution he founded and cherished, and where he had hoped to see his last days. He had said too much. He was in the Indian Service under the bureau and his head was cut off—1904.

With regret the writer must mention the fact that the Mohonk Conference, Indian Rights Association, and National Indian Association were silent and dumb. Not a word of protest was heard from them. Shame upon them! If they were true and loyal friends of the Indians, such would not have occurred.

Government: "Say, Sitting Bull, I know you are a good fellow, but you are as a child in looking after your business, you are easily cheated and robbed. I know it, because I have done it myself. Now, my good friend, Sitting Bull, I will tell you what to do. You give everything over to me, and I will do everything for you."

That is about how we came to be wards of the Government. They and we as their children have paid dearly in every way to have the United States Government in charge of us as wards.

It is a psychological fact that by everlastingly harping and pointing that "you are an Indian," that "you are a ward," that "you are a child and must be protected," that "you have property, and we must be your real estate agent," that "you must not do anything without your superintendent's approval," that "you are not ready to live as a free man," it is a scientific fact that after a while you will actually believe that it is all true, that you are different from other races, that you have "Washington" for your father, that he feels your weakness as a child, and that the Government is so good as to protect you, that the superintendent and "Washington" will attend to your rights, and that if they want you to sign your thumb mark or name to their papers, you have to. The Indian knows nothing else. Alas, everything is taken from him without his consent and without his being consulted. The jail is close by if the Indian does not obey.

To-day the Indian Bureau is founded on a wrong basis. It is un-American. It is pursuing unnatural methods to reap natural results. Being unnatural, it has come to be a heavy burden instead of a help to the Indians. It is dominated by the Indian Service regulations, thus dominating the Indians and perpetuating itself. It has swerved from its noble course. It has derailed the Indians from the main road that other races travel. It has gone into commercial business; it is methods and methods and promotions.

The original grand, noble, and ideal object of the Indian Bureau was to aid and protect the Indian and prepare him to emerge from his wigwam into civilization, and it has been a total failure.

Within my period of years there have been 10 or 12 Commissioners of Indian Affairs. Most of them are dead, and the machine still exists to be greased and tinkered with. It is a political machine, where one goes out and another comes in, taking turns greasing and adjusting the Indian machine.

The gradual process of civilizing the Indian seems well enough, but experience teaches us, and as we study the case it seems more and more like the good saint's method of shortening his dog's long tail. He was a very sympathetic and humane man. He concluded to shorten it by the gradual process. To do it nicely he cut off a little piece of the tail one day and another piece off at another time, and so he continued to sever the dog's tail by installments, so as not to hurt the dear dog too much.

This humane and sentimental process has not been practical and has done the Indian a great deal of harm before the world. It has been a blind; a pretention that you are doing something. It is never ceasing, never ending.

There is a wrong feeling, a wrong thought, and a wrong judgment that we must fight. It is an individual battle! It is called "prejudice."

Keep in mind that Indian Bureau, Indian reservations, Indian schools, Indian college, Indian art, Indian novels, Indian music, Indian shows, Indian movies, and Indian everything create prejudice and do not help our race. To tackle prejudice it is better to do it face to face in the busy world. To play the same card as the other fellow we must know him.

Before leaving the Indian Service I wrote to a good friend asking him what he thought of my leaving the Government service and hanging out my shingle in Chicago. He replied, "Well, Doctor, I would advise you to stick to the Government job where the pay is sure. If you come to Chicago, I am afraid you will not make a success here, because there will be prejudice against you, even though you may be the best physician—you are an Indian."

When I read these words my Apache blood rushed into my head, and I said, "God helping me, I will resign the Government service and go back to Chicago and fight prejudice." I was willing to sacrifice everything for my race, so I took the choice of coming in contact with prejudice and going against the current of life and defying the world for the rights with which God has endowed the Indian, as one of His creatures, and I assure you I am not discouraged or dismayed.

To fight is to forget ourselves as Indians in the world. To think of oneself as different from the mass is not healthy. Push forward as one of them, be congenial, and be in harmony with your environments and make yourselves feel at home as one of the units in the big family of America. Make good, deliver the goods, and convince the world by your character that the Indians are not as they have been misrepresented to be.

Members of this society, we have been drilling in our uniforms, but not fighting. Now we must fight or go out of existence. When Gen. Pratt was unjustly dismissed from the Indian Service, the bar that debarred special-interest people was let down. The Indians were no longer protected by a wise father. These would-be friends of the Indians discovered the Indian to be an ideal and fit subject to be exploited by the Indian Bureau, by the missionaries, by the philanthropists, by the anthropologists, by the sociologists, by the psycholo-

gists, by the archaeologists, by the artists, by the novelists, and, O Lord, no telling how many can use the Indian. Scientifically the native child of the forest is so useful. They rushed in pell-mell, tumbling over one another, and the Indian was used as an Indian—as a man he was lost sight of. Our race fell back in its advancement 50 years, and where is our Gen. Pratt?

The reservation is a hothouse, the wrong "melting pot," a demoralizing prison of idleness, beggary, gambling, pauperism, and ruin, where the Indians remain as Indians, a barrier against enlightenment and knowledge. There is not on redeeming feature on the Indian reservations for the Indians. The Indians condemn it; anyone who knows the reservation condemns it, and those who have thought seriously to ascertain its redeeming qualities have condemned it; even the Indian Department condemns it, but does not dare to say so or it would be without a job. The one feeds the other.

The reservation system is a ruinous phantom for the Indians, a deceptive dream of hope that has rainbow spectrum. It is like that mirage upon the burning sands of the desert—now you see it, now you don't see it, and you die dreaming of it. It is a decoy that leads us to our doom.

The paleface boys and girls are kept at home and sent to public schools and sent away to colleges. When they finish school, these same boys and girls go away from home and make their own way in the busy, active life of the country—to succeed or fail, survive or perish. They know not what may befall them; they only take their chance away from home. For in this journey of life God's decree is that we can not see the path all the way—only from day to day—nor the hereafter, only by faith. The start is hard; we know it is hard and killing, but it fits us to compete with the world.

The Indian boys and girls are schooled on reservations near their Indian homes. By promotion they go into nonreservation Indian boarding schools. To go higher, they enter Carlisle, Haskell, or other Government Indian boarding schools; and when these same boys and girls finish the eighth grade they are carefully sent back to their homes on the reservations. That ends his or her school chapter, and what has been the outcome of such method of Indian schooling? Back, back in everything, of course.

But, thanks be to God, illustrious names can be mentioned whose owners did not get all their education on reservations—Senator OWEN, Congressman CARTER, ex-Senator CURTIS, Dr. Eastman, the late Dr. Oronhyatekha, Mr. Parker, formerly of the Treasury, Rev. Wright, Dr. Favill, and many others. Now, where are the names of those Indians who have been educated on reservations? It is not surprising that no name can be mentioned.

Somehow or other the idea prevails that the Indian's sphere of action in this life and in America should be limited within the wigwam, and when an Indian boy or girl goes away to school you hear the hounding voices saying, "Go back, go back to your home and people." These good people and many others seem to convey the idea that Indians are strangers in America; and strange to say, these people have the whole world for their action, and they are far away from their place of birth, and when they came the Indian was here; and, of course, the Indians, too, must have the whole world for their sphere of action.

There are hundreds of Indian employees in the Indian Service. To a casual observer this may appear as though the United States Government is magnanimous, considerate of its wards by giving employment to the schooled Indian boys and girls and to others who can fill positions and pass civil service examinations. Man is the outcome of his environment. If employed in the Indian Service of the Government, that person will carry with him the atmosphere of that service, be he from any race. Anyone who conscientiously and unselfishly starts in the Indian Service to sacrifice his ambition in behalf of the Indian in time will fall into the rut, get tired, disgusted, and lose interest, and finally see no use, and he will fall into the level of his surroundings and stick to his job. He has lost sight of the grand object that he had at first, but he sticks to his job.

Just so with the Indian employees in the Indian Service; their personality is destroyed. To keep their positions, to be in the swim, they must not express themselves; they have nothing to say. They stick to the Indian Service and hate to lose their jobs.

Indian employees in the Indian Service are working against the freedom of their race.

Truth hurts, but it is never wrong, and in the long run it conquers. The Indian Bureau is the only obstacle that stands in the way, that hinders our people's freedom. It seems so strange, so incredible, and so unheard of that we Indians must fight and kill the very organ that was organized to free us in order to free ourselves.

What is the Society of American Indians good for? Dare we run? Dare we cower? And dare we hide when our duty is so plainly written before us? As a society with the greatest object for our people, it should be no longer possible to evade the issue; the responsibility rests with us to be message runners to every camp and to let every Indian know that it remains with every individual Indian to be free.

It is appalling and inexplicable that the palefaces have taken all of the Indian's property—the continent of America—which was all he had in the world. The Indian asks for public school, college, and university education for his children. To refuse such a noble request would be as cruel as to give a stone when he asks for bread. Will the department defray the expenses of any college or university Indian students? The Indian Bureau's motto seems to be, "Eighth grade and no more." And therefore we may assume that the Indian Department does not want the Indian educated. It may be wise, and is afraid that they will make too many lawyers who will fight to a finish. It may be that the Indian Bureau fears something may happen from the Indian's knowledge of doing something.

To dominate a race you do not want to educate them. All one needs to do is to make them believe black is white and get them to believe everything you do is all right. Let them live Indian life. Let them fear you. Let them quibble among themselves. Give them plenty of sweets and tell them things will come out all right, for them not to worry, but leave it all to their "Washington father"; he is "good medicine," and all will be well. Blessed is the superintendent who has this executive ability.

The life of the Indian Bureau is supported by plausibilities and by civil service. No discredit to the principles of civil service, but when it comes to clinch and hold the lid down and keep the Indians from their liberty by its good name, then it is time that a loud protest should come from the Society of American Indians. The merit system has a limit when it stands in the way of human rights.

The Indian Bureau is willing and anxious to do everything for the Indians, but! It says: "If there is anything wrong, we can remedy it ourselves, because we are in a position to know the needs of the Indians and do not believe, but!

"Thou good and faithful servant" can not be applied to the Indian Bureau; from a lamb it has grown to be a strong monster. It looks with furious glare at every movement we make, lest we take away the Indians from its blood-stained paws, because it pays to continue the same old policy, to keep us within due bonds.

The Indian Bureau could dissolve itself and go out of business, but what is the use? Just think, 8,000 employees would be jobless and there would be no $11,000,000 appropriation. By dissolving it would be killing its hen that lays the golden egg. Having nursed the Indians for so long, they might be lonesome living without Indians. There is no other race to draw upon to keep the wolf from the door. The last thing it thinks of is to let go of the Indians. It will fight to the last ditch, because they are its bread and butter; they are its money and have sacrificed their service to the cause.

Therefore it is useless to look within the Indian Department for relief. It must come from the outside—from Congress and the people.

Some may ask, Can we not adjust or reform the Indian Bureau so that it will accomplish something for the Indians? The Indian Bureau system is wrong. The only way to adjust wrong is to abolish it, and the only reform is to let my people go. After freeing the Indian from the shackles of Government supervision, what is the Indian going to do? Leave that with the Indian, and it is none of your business. Leave an Indian and a Yankee on a desert to live or die. I will vouch on an Indian every time—that he will make a living. This idea that the Indian will starve to death when the Indian Bureau is abolished is all talk, and there is nothing to it. He has to settle everything for himself. He has to do the same as you and I—and that is freedom.

The Indian Bureau has not left the Indians, but is awfully busy with a third party. The third party wants this and wants that, backed by Congressmen and by Senators and by a long list of petitioners. The Indian Bureau jibes in with the third party, and they both agree that the Indian has too much land. He has no use for so much. Let us open up a part of it to the public, sell the land, and deposit the money to his credit in the Treasury, and have the interest money paid to him quarterly." If the Indian wants the land and the tribe has $200 in the Treasury, the department takes the 50 cents from the $200, and the Indian believes it comes from Washington by taxing the public. That honest, if you can call it honest, method is called the reimbursement fund.

Reimbursement charity is the most damnable charity conceivable, and it takes away as much burden from the Indians as that good and kind-hearted old lady did when she held her heavy market basket out of the wagon on scaling the steep hill so that the poor horses would not have such a heavy load to pull up the hill. The Indians have to pull the heavy load up the hill of the Indian Bureau system, while the Indian Bureau rides and thinks it is helping us by holding its heavy basket out of the wagon.

What did the Indians get for their land that is flooded? How much did the Indians get for the land that irrigation ditches pass through? How much did the Indians get from the forest reserve and the national park reserve? These are the questions yet to be settled, if the Government has not protected us as its wards.

Is the Indian's reimbursement fund Government appropriation, or is it the Indian paying himself?

Has the Indian no right to express himself or to be consulted and give his approval and disapproval of the construction of a dam on his domain?

Has he no right to say what part of his reservation may be sold?

Coming down to the fine point, has the Indian any right to open his mouth, to think for himself, or to do for himself, or even to live and breathe for himself?

Not at all; not at all! The Indian Bureau—the Indian Bureau does it all. If there is such a place as hell, O, it's like hell! O, it's like hell to me.

Fairly speaking, the Century of Dishonor, by Helen Hunt Jackson, bears a tale that is mild in comparison to the present Indian administration.

The iron hand of the Indian Bureau has us in charge. The slimy clutches of horrid greed and selfish interests are gripping the Indian's property. Little by little the Indian's land and everything else is fading into a dim and unknown realm.

The Indian's prognosis is bad—unfavorable, no hope. The foreboding prodromic signs are visible here and there now; and when all the Indian's money in the United States Treasury is disposed of; when the Indian's property is all taken from him; when the Indians have nothing in this wide, wide world; when the Indians will have no rights, no place to lay their heads; and when the Indians will be permitted to exist only on the outskirts of the towns; when they must go to the garbage boxes in alleys to keep them from starving; when the Indians will be driven into the streets, and finally the streets will be no place for them, then, what will the Indian Bureau do for them? Nothing, but drop them. The Indian Department will go out of business.

In other words, when the Indians will need the most help in this world, that philanthropic department of the Government that we call the Indian Bureau will cease to exist; bankrupt with liabilities—billions and billions—no assets. O Lord, my God, what a fate has the Indian Bureau for my people.

If we depend upon the employees of the Indian Bureau for our life, liberty, and pursuit of happiness, we wait a long while. They are too busy looking after the machinery of Indian Affairs; they have no time to look ahead; they have no time to feel the pulse of the Indian; they have no time to think of outside matters; they have no time to adjust matters. "Well, what time have they?" you may ask. All of their time is devoted to the pleasure and will of their master at Washington that we call the Indian Bureau.

Blindly they think they are helping and uplifting, when in reality they are a hindrance, a drawback, and a blockade on the road that would lead the Indian to freedom, that he may find his true place in the realms of mortal beings.

The reservation Indians are prisoners; they can not do anything for themselves. We are on the outside, and it is the outsiders that must work to free the Indians from bureaucism. There is no fear of the general public; they are our friends. When they find out that we are not free they will free us. We have a running chance with the public, but no chance with the Indian Bureau.

The abolishment of the Indian Bureau will not only benefit the Indians, but the country will derive more money annually from the Indians than the Government has appropriated to them. Why? Because by doing away with the Indian Bureau you stop making paupers and useless beings and start the making of producers and workers.

Does this seem like a dream to you? Is your position a foreign attitude? From aloft, do you look down? Have you gone so far as to forget your race? Have you quenched the spirit of our fathers? As their children, dare we stay back, hide ourselves, and be dumb at this hour when we see our race abused, misused, and driven to its doom? If this be not so, then let whatever loyalty and racial pride be in you awaken and manifest itself in this greatest movement of "Let my people go!"

The highest duty and greatest object of the Society of American Indians is to have a bill introduced in our next Congress to have the Indian Bureau abolished and to let the Indians go. We can not be disinterested in this matter; we can not be jealous or hate one another; we can not quibble or be personal in this matter. There must be no suspicion.

We must act as one. Our hearts must throb with love, our souls must reach to God to guide us, and our bodies and souls must be used to gain our people's freedom.

In behalf of our people, with the spirit of Moses, I ask this—the United States of America—"Let my people go."

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The author of this article (Dr. Montezuma) is a full-blood Apache of Arizona. His tribe was considered the most ferocious, unpromising specimen and the most primitive of the aborigines. When but 4 years of age he was taken prisoner by the Pima Indians, who sold him for $30 to Mr. C. Gentile, one of the founders of the Chicago Press Club and the Chicago Art Institute, who brought the Apache boy East, and traveled together, and after a short stay at Grand Rapids, Mich., they came to Chicago, where the Apache Indian entered the public schools (spring, 1873) before he could command the English language intelligently. In a short time the little Indian boy curiosity unconsciously did just the same things as his white school playmates—played marbles, ran away from school to go fishing on the lake front, watered P. T. Barnum's elephant, sold newspapers, hitched behind buses, and in every way he was just like any other street-orphan boy.

In 1875 and 1876 he went to a country school near Galesburg, Ill. Mr. Gentile sold out his business in Chicago and went to New York City and took along his Indian boy. Unfortunately, Mr. Gentile's new gallery in New York City burnt out and he failed in business in 1877. He could no longer finance, even though it was against his wish, his Apache protégé.

At an early age of 11 years the boy from Arizona had to shift for himself. After one year's schooling in Brooklyn, N. Y., he was brought back to Urbana, Ill., where he was tutored for the preparatory course connected with the State University of Illinois. He matriculated in 1880 and in 1884 graduated in the school of chemistry with the degree of bachelor of science. While at Illinois University he worked at anything and everything, and during vacation he worked on a farm. After his graduation he launched out and landed in Chicago, secured a place in a drug store, where he worked and made his home. In the fall of 1884 he began to attend lectures at the Chicago Medical College while working and living in the drug store. Five years at the Medical College of the Northwestern University, at the same time behind a drug counter, he killed two birds with one shot—he secured the degree of doctor of medicine as well as being a practical pharmacist. It is worthy of note to say that Montezuma made his own road and traveled in it alone, and for every step of the way he earned and paid for it himself, with now and then kind helping hands.

Gen. T. J. Morgan, Commissioner of Indian Affairs, learned of the Apache's graduation in medicine; he offered him a position in the Indian Service, and in 1889 the young physician accepted and was stationed as Indian school clerk and physician at Fort Stevenson, N. Dak., agency physician at Western Shoshone, Nev., Colville Agency, Wash., and resident physician at the renowned United States Indian school at Carlisle, Pa., where he came face to face with Gen. Pratt and his work. After serving the United States Government for seven years and a half the doctor resigned his position at Carlisle in 1896 and again returned to Chicago to "buck up" against the world, where he is making a successful demonstration for his race in his profession and as a citizen.

Mr. LANE. I wish to say a word in regard to the item governing the introduction of liquor upon Indian reservations, and making the having in one's possession whisky or alcoholic liquor of any kind prima facia evidence that you have brought it in there for evil purposes.

I am sorry the Senator from Minnesota [Mr. CLAPP] is not here; but it is a measure, while well intentioned, can be used with deadly effect for evil. For instance, in the State of Oregon there is a reservation known as the Klamath Reservation that is some 400 miles by rail from the Federal court in Portland, Oreg. Many of those Indians, the half-breeds, are as white as we are. You would not know them from many Members of the Senate, so far as their complexion is concerned. There is a reward or a salary attached to convicting as many men as possible for introducing liquor on the reservation, or for selling liquor to the Indians. A hobo will come along through the country, or some man hunting work, a stranger, unfamiliar with the law or the pale-faced Indian—absolutely ignorant of both, in fact. A young fellow will approach him, a white man, apparently, and he will say to him: "Here is a dollar. Go and get me a 50-cent bottle of whisky, and keep the change." "Why don't you go and get it yourself?" "Well, the barkeeper down there and I don't agree. We had a little trouble yesterday; and I would consider it a great favor, and would be willing to give you half a dollar commission."

Well, the unfortunate greenhorn goes into the saloon, buys the whisky, and hands him the bottle—the quart or pint, or whatever it is, of "Sheep-herder's Delight"; and then that man is placed under arrest and taken down to Portland, 400 miles away, at a heavy expense to the Government, with this Indian and others as witnesses.

It became a business, a regular occupation, to catch strangers in that way to make these fees, to get this trip back and forth, and $2 a day for witness fees and board and lodging. It became so much of a regular business that the late Judge Bellinger, when he sat upon the bench, after he found out what was going on, dismissed every case of the kind that was brought before him. He would not try them. He threw them out of court, and threatened to fine people for contempt if they brought in such cases. Half of the time, perhaps, of the Federal court and district attorney in Portland, Oreg., is put in trying such cases as that—mere manufactured, humbug cases. If the amendment of the Senator from Minnesota fastens more of that sort of work on the people of this country, I do not like it or think much of it.

This so-called "Sheep-herder's Delight" is a very poor quality of whisky which is sold to Indians. If they sold the Indians fairly good whisky, they would probably last longer; but they do not. They have to buy the cheapest quality and pay the highest price for it.

If this amendment further fastens that condition of affairs upon the Government, I am opposed to it. As a matter of fact, it costs the Government hundreds of thousands of dollars. About half the time of the court and the district attorney is put in trying these cases, many of which are fraudulent and manufactured. I introduced a bill to remedy it a short time ago. Now, can we not have a provision in the bill protecting the people of the country and the Government from such work as that?

Mr. CLAPP. Mr. President, there is a provision in this bill the purpose of which—its operation may fall short of the purpose—is to protect the Indian from strong drink.

Mr. LANE. Yes; "fire water."

Mr. CLAPP. That is the purpose of this measure. I hope and trust it will be a factor in affording that protection.

Mr. LANE. I hope so, Mr. President. I was down in that country last summer, and I went on that reservation and found 13 Indians locked up in the "caboose." It was a wretched building, dilapidated, dirty, without any conveniences. Among these Indians were two married women. When an Indian is thrown into that jail he is compelled to furnish his own bedding. If he does not, he sleeps without any. It was in the fall when I was there. It was getting nipping cold at night. A little later it would get down to zero; at times perhaps below zero. Probably you do not know just how it feels to sleep without bedding when the temperature is around about zero. They had brought their bedding, most of them. Some of them had no bedding, and they were sleeping on the floor in their clothing.

I asked, "What were these Indians arrested for? What have they been doing?" They said, "Gambling. We have a new man here, an expert in capturing gamblers, and he is making a reconnoissance through the country and getting in all the gamblers he can," and he had the jail loaded with them. Two or three of the Indians were out doing chores for some of the officials during my visit and I did not see all of them. At any rate, I asked them what kind of gambling they had been doing. I said, "Have they been playing faro, three-card monte, poker, fan-tan, or what?" They said they had been playing "sticks."

I do not know whether you know what "sticks" is or not. It is the game which the Indians have always played. They played it when I was a boy. They will play it when my children are dead, if they are alive and have the opportunity. It is an old game. They had been given sentences of from 30 to 40 days for playing this game of "sticks," which is the old game of "hull-gull." One places a pebble or a button, anything will do, in his hand and hiding his hands behind him shifts it from one hand to the other back and forth. The opponent guesses which hand holds it. If he guesses right he puts a stick down in the ground and has won one point. If he guesses wrong the other Indian sticks one in the ground, and wins one point, and so on. It is the old game of "hull-gull," for playing which they got from 30 to 40 days. At that rate of punishment I have a thousand years in jail coming to me, for when I was a boy I played it many a time. [Laughter.]

At any rate, one of these Indian prisoners asked me: "How do you ever expect to civilize the Indians when you send them in here for 30 or 40 days for playing 'sticks' at 5 cents a game?" I said: "Well, I do not. There are others, perhaps, who do, but not me." He said: "I have had to leave my family who are over on the farm, with nobody to care for them or my cattle. My hay crop needs to be put away at this time. It has not been put under the barn; and here I am, confined for 40 days, for having played a game of 'sticks.' You are a Member of the Senate. Do you think you are going to civilize me, or my family, by keeping me jailed to the neglect of them and their

affairs?" I said: "No; I do not think so. There are others however who think it is a highly moral and very righteous way of treating you. As far as I am concerned, I think it is tommy-rot."

This bill provides ample salaries for sending men around over the country to catch Indians who are playing "sticks"—"hull-gull," if you please—and others who it is alleged induce Indians to take half a dollar or a dollar, give it to a white man to buy whiskey in order to obtain preferment for the one and witness fees for the other. Such work is fraudulent.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask the Senator from Oregon whether, in the gambling that exists there, they have any gambling in cotton futures, or Standard Oil stocks, or railroad stocks, or things of that character?

Mr. LANE. No; that is only indulged in by the better class of people; not by the poor Indians.

Mr. MARTINE of New Jersey. I should like to ask the Senator whether he considers the enormity of the crime or wrong any less than in the case of these poor Indians?

Mr. LANE. I think it is an awfully wicked thing for Indians to play "hull-gull" for nickels. [Laughter.]

Mr. MARTINE of New Jersey. I should like to ask the Senator what he thinks of the man who gambles in cotton futures and Standard Oil stock?

Mr. LANE. They are persons of much larger influence with Members of the House and of the Senate than are the Indians who play "hull-gull."

Mr. ASHURST. I ask that the question be put on agreeing to the conference report.

The PRESIDING OFFICER. Consent having been obtained to consider this conference report at this time, I think I am within my rights to announce from the Chair that I am opposed to its passage, and shall discuss my objections fully at a later time in the near future.

Mr. LANE. I understand the Presiding Officer is willing that the motion should be put at this time, but that he is not in favor of the conference report.

Mr. ASHURST. That is true. The present occupant of the Chair has been very fair. He has stated that he is opposed to the adoption of the report, but that he will not at this time discuss it. He is perfectly willing to have the question put, and has given notice that he will discuss the report later, as he has a perfect right to do. I ask that the question be put.

Mr. LANE. Before the question is put, as there probably will not be a call of the roll, I wish to say that if there were a call of the roll, and my name were called to vote upon this report, I should vote against its adoption with a great deal of pleasure.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

POSTAL SAVINGS SYSTEM—CONFERENCE REPORT.

Mr. BANKHEAD. Mr. President, I desire to call up for consideration at this time the conference report on the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System.

Mr. CLARKE of Arkansas. Mr. President, I will consent to that only on condition that the report will not provoke any debate.

Mr. SMOOT. I ask the Senator to withhold that request. I have sent the conference report to the senior Senator from New Hampshire [Mr. GALLINGER] to look it over, as he is interested in the matter. I have no objection, but I very much prefer that the Senator should withhold the request until the Senator from New Hampshire has completed his examination.

Mr. BANKHEAD. Very well, Mr. President. I withdraw the request for the present.

STATISTICS ON IMPORTS (S. DOC. NO. 441).

Mr. SMOOT. Mr. President, will the Senator from Illinois yield for just a moment?

Mr. SHERMAN. Yes, sir.

Mr. SMOOT. I have certain statistics collected relative to the general imports of merchandise, and a letter transmitted in connection with them, all of which I ask may be printed as a public document for the use of the Senate.

The PRESIDING OFFICER. If there is no objection, the matter will be printed as a public document.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a concurrent resolution requesting the President to return to the House the enrolled bill (H. R. 759) entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof," in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

[Mr. SHERMAN resumed and concluded his speech. The entire speech is printed in the Appendix.

Upon concluding his speech,

Mr. SHERMAN said: I wish, Mr. President, if the Senate will permit me to offer an amendment to the amendment concerning this $5,000,000 expenditure. It recites specifically the date of the passage of the act which I had not before me at the time I drew it in the committee, giving the date approved June 18, 1915, and further some amendment providing that the Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation, covering the questions raised by the Chief Engineer. I ask that it may be printed.

Mr. CLARKE of Arkansas. Let it be printed and lie on the table until that item is reached in the consideration of the bill.

Mr. LEWIS. Mr. President, my colleague, in closing his address, tendered an amendment which recited an act concerning the expenditure of $5,000,000. May I ask my colleague, if the question be so important, will he be so kind as to add that it refers to the $5,000,000 to be expended not by the Federal Government but by the State of Illinois?

Mr. SHERMAN. Certainly, nothing whatever from the Government but entirely out of the treasury of Illinois.

Mr. LEWIS. I thank my colleague for making that clear in the RECORD.

Mr. KENYON obtained the floor.

Mr. BANKHEAD. Will the Senator from Iowa yield to me?

Mr. KENYON. I yield to the Senator.

POSTAL SAVINGS SYSTEM—CONFERENCE REPORT.

Mr. BANKHEAD. Mr. President, I again call up the conference report on the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System, and ask that it be considered at this time.

The PRESIDING OFFICER (Mr. HUSTING in the chair). Is there objection to agreeing to the report?

Mr. SMOOT. Will not the Senator have the report read?

Mr. BANKHEAD. There is no objection to its reading, but it has been printed as a document and printed in the RECORD.

Mr. SMOOT. There is no objection to the adoption of the report.

Mr. CLARKE of Arkansas. It is not necessary to read the report. It has been printed.

Mr. SMOOT. Very well; I will not ask to have it read.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON resumed the speech begun by him on Tuesday. After having spoken for some time, he said:

Mr. President, I should like to stop at this point, unless the chairman of the committee desires to go on.

Mr. CLARKE of Arkansas. If it suits the Senator from Iowa to suspend at this point, it is entirely agreeable to this side of the Chamber to take a recess until to-morrow.

[Mr. KENYON's entire speech is printed in the proceedings of May 9, 1916.]

PETITIONS AND MEMORIALS.

Mr. WADSWORTH presented a petition of sundry citizens of Oswego, N. Y., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. SMITH of Maryland presented a memorial of the Merchants and Manufacturers' Association of Baltimore, Md., remonstrating against the enactment of legislation to provide methods of directing the work of Government employees, which was referred to the Committee on Education and Labor.

He also presented a memorial of Merchants and Manufacturers' Association, of Baltimore, Md., remonstrating against the enactment of legislation to prohibit the use of stop-watch devices in the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEE ON FINANCE.

Mr. LODGE, from the Committee on Finance, to which was referred the bill (S. 5495) for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota, reported it without amendment.

Mr. HUGHES, from the Committee on Finance, to which was referred the bill (S. 4384) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911, reported it without amendment and submitted a report (No. 432) thereon.

Mr. THOMAS, from the Committee on Finance, to which was referred the bill (S. 5268) for the relief of Copper River & Northwestern Railway Co., reported it without amendment and submitted a report (No. 433) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 5973) to establish the National Chamber of Agriculture for the purpose of promoting the equitable distribution of farm products; to the Committee on Agriculture and Forestry.

By Mr. CATRON:

A bill (S. 5974) for the relief of Ellen B. Walker; to the Committee on Indian Affairs.

By Mr. KERN:

A bill (S. 5975) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes; to the Committee on Education and Labor.

By Mr. SMITH of Maryland:

A bill (S. 5976) to amend an act approved May 29, 1908, entitled "An act to amend an act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia," approved June 8, 1896; to the Committee on the District of Columbia.

By Mr. CURTIS (for Mr. PENROSE):

A bill (S. 5977) granting a pension to Uain A. Bigler; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5978) providing for the payment of the amounts due the employees in, and the contractors who furnished castings to, the United States armory at Harpers Ferry, Va., in March and April, 1861; to the Committee on Claims.

A bill (S. 5979) granting an increase of pension to Dora Broom (with accompanying papers);

A bill (S. 5980) granting a pension to George W. Parks (with accompanying papers); and

A bill (S. 5981) granting a pension to Ida P. Duffy (with accompanying papers); to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS (H. R. 12193).

Mr. HARDWICK submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. ASHURST submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. GORE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. SMITH of South Carolina submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—A. PURDEE.

On motion of Mr. FLETCHER, it was

Ordered, That the papers in the case of Senate bill No. 2647, Sixty-third Congress, for the relief of A. Purdee be withdrawn from the files of the Senate, no adverse report having been made thereon.

PROPOSED RULE RELATIVE TO EXECUTIVE SESSIONS.

Mr. KENYON. I submit a resolution and ask that it lie on the table.

The resolution (S. Res. 191) was read and ordered to lie on the table, as follows:

Resolved, That it is the judgment of the Senate that all executive sessions shall hereafter be open to the public, except when treaties are considered, or when the Senate by unanimous consent orders otherwise.

And the Committee on Rules is directed to prepare such amendments to the present rules, or to prepare new rules, or both, as may be necessary to carry out the terms of this resolution, and present the same to the Senate for action thereon.

THE NEW AQUEDUCT BRIDGE.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 39) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the enrolled bill (H. R. 759) entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof."

Mr. SWANSON. I move that the Senate concur in the resolution of the House.

The motion was agreed to.

RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m., Friday, May 12, 1916) the Senate took a recess until to-morrow, Saturday, May 13, 1916, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 12, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the faith which holds us close to Thee, a most potent influence among the civilizing forces of the world, inspiring, cheering in the struggle for existence, purifying and ennobling amid the temptations which surround us. It comforts us in our sorrows and bids us wait on Thy goodness. Increase and strengthen it in all our hearts, that we may be true to Thee, to ourselves, and to our fellow men. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE AQUEDUCT BRIDGE.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 39.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the enrolled bill H. R. 759 entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge across the Potomac River, and for the building of a bridge in place thereof."

The SPEAKER. Is there objection?

Mr. MANN. I shall not object, but I would like to make this remark in view of the statement in the evening paper and the morning paper of this morning, which would indicate that there had been an error in the enrollment or engrossment of the bill. There was no error in the enrollment of the bill. If it was the fault of anybody, it was the fault of the Members of Congress.

Mr. ADAMSON. The gentleman from Illinois is entirely correct. I inadvertently misled the House by stating that the Senate amendment had not hurt the bill much. I failed to notice, what the Senate failed to notice, that in renumbering the section we referred to the preceding section making provision for the appropriation of money and failed to note that the section had been renumbered. We referred to it as section 5 when it should have been section 4.

Mr. MANN. I was not criticizing the gentleman from Georgia, because it was no more his fault than the fault of others.

Mr. ADAMSON. I take my part of the blame, for I allowed the Senate to mislead me, and I never will do it again. [Laughter.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1274. An act for the relief of Edward Stewart; to the Committee on Military Affairs.

S. 1286. An act for the relief of John P. Wagner; to the Committee on Military Affairs.

S. 1860. An act in reference to the issuance of patents and copies of surveys of private land claims; to the Committee on the Public Lands.

THE CORBETT TUNNEL.

Mr. STOUT. Mr. Speaker, I ask unanimous consent that Senate joint resolution 51 be re-referred to the Committee on Irrigation of Arid Lands.

The SPEAKER. What does it relate to?

Mr. STOUT. To the Corbett Tunnel claim.

The SPEAKER. The gentleman from Alabama asks unanimous consent that Senate joint resolution 51 be re-referred to the Committee on Irrigation of Arid Lands. Is there objection?

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, I call up for consideration the conference report on the bill H. R. 10385, the Indian appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I think the statement is a good deal longer than the conference report.

Mr. CARTER of Oklahoma. That is the customary request.

Mr. MANN. I know, but that is because the statement is usually shorter than the conference report and is more explicit, but in this case the statement happens to be longer.

Mr. CARTER of Oklahoma. Very well, Mr. Speaker, I will withdraw the request.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 665).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 8, 11, 12, 15, 23, 30, 31, 32, 38, 40, 43, 44, 45, 49, 69, 73, 77, 88, 91, 92, 100, 108, 117, 118, 119, 120, 123, 133, 135, 147, and 149.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 33, 39, 46, 48, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 76, 80, 81, 85, 86, 89, 90, 93, 94, 96, 98, 99, 101, 103, 104, 106, 107, 109, 111, 112, 114, 115, 121, 122, 125, 126, 128, 130, 131, 134, 136, 138, 139, 140, 141, 143, 144, 145, 148, 150, 151, 152, 153, 154, and 155, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506), and the possession by a person of intoxicating liquors in the country where the introduction is prohibited by treaty or Federal statute shall be prima facie evidence of unlawful introduction."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "to" and insert in lieu thereof the following: "$5,000 of which shall": and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "*Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "two permanent warehouses"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "which has been" and in line 2 of said amendment strike out the words "heretofore or"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For beginning the construction by the Indian Service, of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000 to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522), the total cost not to exceed $200,000."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For beginning the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., as estimated by the Board of Engineer Officers of the United States Army in paragraph 138 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $75,000, to remain available until expended, the total cost not to exceed $175,000: *Provided*, That said dam shall be constructed as a part of a project for the irrigation from the natural flow of the Gila River of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Ariz.: *And provided further*, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *And provided further*, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., 522); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August 13, 1914 (38 Stat. L., 686): *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For extension of the Gamado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately 600 acres of land in addition to the area to be irrigated by said project, as authorized in section 2 of the act of August 24, 1912, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, reimbursable and to remain available until expended."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and

agree to the same with an amendment as follows: In line 16 of said amendment strike out the figures "$15,000" and insert in lieu thereof the following: "$10,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000; in all, $26,400."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available, reimbursable to the United States by the Indians having tribal rights on said reservation."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Pottawatomi Indians in the State of Kansas, and to be expended under his direction for the construction of bridges across the Big Soldier Creek and Little Soldier Creek, within the Pottawatomi Indian Reservation, Jackson County, Kans.: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times maintain and repair said bridges: *And provided further*, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson: *And provided further*, That this appropriation shall not become effective until approved by an Indian council to be called for that purpose."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the following language of the amendment: "Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands the cession of which was provided for in said act and for which the United States has not conveyed title shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 6 of said amendment strike out the following: "at Keewaton Academy, Wisconsin" and the comma; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "balance," insert the following: "of $3,436.03"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "section" and in line 3 strike out the word "one" and insert in lieu thereof the words "this act"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the figures "$50,000" and insert in lieu thereof "$25,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

"On the first day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, 5 per cent of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in 15 annual installments, the first 5 of which shall each be 5 per cent of the construction charge and the remainder shall each be 7 per cent of the construction charge. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any allottee, entrymen, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

"That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

"The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

"That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be

That not more than $200,000 of the amount herein appropriated

disagreement to the amendment of the House recede from its disagreement to the amendment of the Senate numbered 37, and

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and

Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be

continued in full force and effect until the Indian title to such land is extinguished.

"That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "for the purpose of making necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebr.; also to reconstruct one span of 90 feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under the direction of the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,100"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 290 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $50,430; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all, $62,430."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 4 of the amendment, after the figures "$15,000," strike out the period, insert a colon, and the following: "*Provided*, That no part of this appropriation shall be expended for mileage, salaries, or expenses of employees"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 2 of the amendment strike out the following: "and to remain available until expended"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for the construction of an assembly hall and gymnasium, $25,000; in all, $92,150."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"For support and education of 220 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $38,540; for general repairs and improvements, $5,000; for new school building, $20,000; in all, $63,540."

And the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following:

"To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section 34, township 164 north, range 70 west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the unexpended balance of $9,533.38 is hereby reappropriated and made available for continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war on the Fort Sill Military Reservation, Okla., for the purchase of allotments in Oklahoma, as provided for in the act of June 30, 1913 (38 Stat. L., p. 77), for the three adult heads of families who have not heretofore received allotments."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "except that the Secretary of the Interior is hereby authorized, within 30 days after the passage of this act, to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Cyde Jennings as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Kappler & Merillat, James K. Jones, Charles M. Fechheimer and Eugene Hamilton, as attorneys, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim but shall be paid promptly without reference to same"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$12,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200: *Provided*, That the unused balance of $9,830 of the amount appropriated by the act of August 1, 1914 (38 Stat. L., p. 602), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all, $128,700"; and the Senate agree to the same.

Adendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $3,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klamath Indians of the State of Oregon, and use the same for the construction of a bridge across the Williamson River, on the Klamath Indian Reservation, Oregon, under such rules and regulations as he may prescribe."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "$67,500: *Provided*, That the unexpended balance of $1,607.44 appropriated by the act approved August 1, 1914, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June 10, 1914, at Flandreau Indian School, South Dakota, is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing on the various Sioux Indian reservations adequate school facilities for the children of the Sioux Tribes who are now without Government or public-school facilities on the respective reservations, and to make a report thereof to Congress on or before the first Monday in January, 1917, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off the respective reservations; and there is hereby appropriated for the expense of such investigation and

report the sum of $1,000, or so much thereof as may be necessary, to be immediately available."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "highway," insert a comma and the following: "reimbursable out of any funds now or hereafter placed to the credit of said Indians in the Treasury of the United States"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Uintah Tribe of Indians, in the State of Utah, and to use the same to protect the north abutment of the Government bridge at Myton, Utah, under such rules and regulations as he may prescribe, said sum to be immediately available."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of not to exceed 20 acres of that portion of the lands situated on the north side of and within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the act approved August 1, 1914 (38 Stat. L., p. 584), at not less than the appraised value thereof, and to place the proceeds thereof in the Treasury of the United States to the credit of the Spokane Indians in said State."

And the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called 'school lands' and 'swamp lands' within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party or parties who shall finally be adjudged to be entitled to such fund: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made."

And the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"SEC. 27. On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from all tribal funds of Indians for the ensuing fiscal years; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended; and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That thereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided further*, That this shall not change existing law with reference to the Five Civilized Tribes."

And the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 28. On or before the 31st day of December, 1916, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of bookkeeping and accounting for the Bureau of Indian Affairs that will enable the said Secretary, on or before July 1, 1917, to meet the requirements of section 26 of the Indian appropriation act approved June 30, 1913 (38 Stats. L., p. 103)."

And the Senate agree to the same.

C. D. CARTER,
THOMAS F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.

HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 1. Makes the reimbursable appropriation for repairs and maintenance of irrigation ditches available until expended.

No. 5. Increases limit of cost of hospitals from $15,000 to $17,500, which are now under construction.

No. 9. Strikes out the word "and" and inserts the word "or" to include blind children, so they can receive benefit of the fund to educate Indian children.

No. 13. Provides that hereafter Indian farmers must hold and file a certificate of competency from some college recognized before employment in the service.

No. 16. Increases the reimbursable appropriation for determining heirs of deceased Indian allottees $10,000.

No. 17. Permits the use of $25,000 of the reimbursable appropriation for determining heirs of deceased Indian allottees for employment of clerks in the Indian Office here.

No. 18. Corrects total in accordance with amendment 16.

No. 19. Strikes out the word "heir" and inserts "heirs."

No. 20. Places a limit of value of $250 or more upon an heirship in order to charge the fee for determining the heirs.

No. 21. Permits the partition of an allotment of a deceased Indian regardless of competency of heirs.

No. 22. Permits extension of trust period specified in patent to incompetent heirs if necessary.

No. 24. When an Indian allottee, by reason of old age or incapability, can not personally occupy their allotment that is susceptible of irrigation, the Secretary of the Interior may, in his discretion, lease said allotment for a term not to exceed 10 years for benefit of said Indian.

No. 25. Any Indian who is mentally or physically incapable of managing his or her affairs may apply to Secretary of Interior, who may, in his discretion, withdraw from the Treasury any part of said Indian's pro rata share of funds to their credit and use for their benefit.

No. 27. An appropriation of $2,000 to pay Charles J. Kappler for compiling, annotating, and indexing the third volume of Indian Laws and Treaties.

No. 28. Provides that all bidders for supplies for goods furnished the Indian Service may deposit a certified check or approved bond to guarantee the fulfillment of contract instead of the money in amounts exceeding $5,000.

No. 29. Increases the appropriation $3,500 for the purchase of additional land adjacent to the Phoenix (Ariz.) Indian School.

No. 33. Strikes out the words "to remain available until expended."

No. 39. Makes an appropriation of $3,000 for preservation and repair of prehistoric pueblo ruins and cliff dwellings in Arizona, under supervision of the Smithsonian Institution.

No. 46. Provides for an appropriation of $8,000 for erection of a barn at Haskell Institute, Lawrence, Kans.

No. 48. For traveling and incidental expenses amounting to $250 to Joseph Bradley, for appearing before Congress in behalf of Indians in Michigan.

No. 50. An appropriation of $3,000 to improve road and to blast out and deepen the ditch and creek leading to the Pipestone Indian School, in Minnesota.

No. 51. Provides that not to exceed $60,000 of the $185,000 withdrawn from the trust funds of the Chippewas in Minnesota, and one-fourth of the interest on said tribal funds, may be used for school purposes and compensation of employees, and that $10,000 may be used for road improvements, and that $10,000 may be used for the installation of an electric-light plant at White Earth Agency, provided the residents pay a proportionate share.

No. 52. Provides for sale and conveyance, at not less than appraised value, of certain lands to independent school district 1 of Mahnomen County, Minn.

No. 53. Provides for the issuance of a fee patent to 40 acres of land on the Nett Lake Indian Reservation in Minnesota to the Methodist Episcopal Church.

No. 54. Appropriates not to exceed $25,000 from amounts derived from sale of timber of the Chippewa Indians in Minnesota, for payment of scalers and check scalers.

No. 56. Appropriates $6,000 out of tribal funds of the Chippewa Indians to pay expenses of general council of said tribe to meet in July, 1916.

No. 58. Amends the act of June 30, 1913 (38 Stat. L., p. 89), by appointing an Assistant Attorney General instead of a selection to be made by the Attorney General.

No. 60. Provides for the completion of the enrollment of allottees within the White Earth Reservation in Minnesota and appropriates $5,000 for that purpose.

No. 61. Provides for the establishment and administration of a forest reserve and for sale of timber within the Red Lake Indian Reservation in Minnesota.

No. 62. That lands within said Red Lake Indian Forest Reserve not covered with merchantable timber and suited for agricultural purposes and that front lake shores may be allotted to individual Red Lake Indians under certain conditions.

No. 63. Authorizes the Secretary of the Interior to issue permits or grant leases on such lands in said forest reserve covered in amendment 61, for a limited time.

No. 64. Authorizes the Secretary of the Interior to select not exceeding 200 acres in sections 20, 21, 28, and 29 for town-site purposes and to be held subject to future legislation of Congress.

No. 66. Authorizes investigation of condition of Indians living in Mississippi and appropriates $1,000 for that purpose.

No. 67. Corrects section number.

No. 68. Increases appropriation for civilization of Indians at Flathead Agency, Mont., from $14,000 to $20,000 and limits amount to expend in salaries to not exceeding $4,500.

No. 70. Appropriates $750,000 (reimbursable) for continuing construction of the irrigation system on the Flathead Indian Reservation, Mont.

No. 71. Appropriates $100,000 (reimbursable) for continuing construction of the irrigation systems on the Fort Peck Indian Reservation, Mont.

No. 76. Corrects section number.

No. 80. Is a reimbursable appropriation of $30,000 to pay drainage assessments and grant right of way for location of drainage ditches on lands belonging to Omaha and Winnebago Indians in Dixon, Wayne, and Thurston Counties, Nebr.

No. 81. Corrects section number.

No. 85. Corrects section number.

No. 86. Adds the words "in the vicinity of," so that additional land either adjoining or in the vicinity of may be purchased as a school farm for the Indian school at Albuquerque, N. Mex.

No. 89. Corrects section number.

No. 90. Corrects section number.

No. 93. Corrects section number.

No. 94. Makes the appropriation of $4,000 for sinking wells and improving the water system at the Fort Totten Indian School, N. Dak., immediately available.

No. 96. Authorizes the Secretary of the Interior from time to time within his discretion to withdraw from the Treasury money derived from sale of surplus lands and any interest thereon accrued belonging to the Fort Berthold Indians in North Dakota, and distribute same per capita, or where any Indian is incompetent said share may be withheld and deposited in some bank and used for benefit of said incompetent Indian.

No. 98. Is an appropriation of $1,497.44 to reimburse Benson County, N. Dak., for caring for certain insane Indians.

No. 99. An appropriation of $100 for the erection of a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief.

No. 101. Corrects section number.

No. 103. Corrects section number.

No. 104. An increase of $10,000 for expenses and administration of affairs of the Five Civilized Tribes, and makes it immediately available.

No. 106. Authorizes the Secretary of the Interior to make a per capita payment of $300 to each Seminole Indian in Oklahoma, same to be paid out of their tribal or trust funds.

No. 107. An appropriation of $275,000 for the benefit and aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and the Quapaw Agency in Oklahoma.

No. 109. Authorizes the Secretary of the Interior to use tribal funds of the Choctaws, Chickasaws, Creeks, and Seminoles, Oklahoma, for school purposes.

No. 111. Authorizes a settlement of a compromise of a suit between the United States and E. Dowden in regard to the Tuttle town site, Oklahoma.

No. 112. Corrects section number.

No. 114. Provides that the money derived from sale of lands belonging to Indians on the Siletz Indian Reservation, in Oregon, may be paid out to said Indians, share and share alike.

No. 115. Permits the withdrawal of not exceeding $1,000 from tribal funds of the Klamath Indians in Oregon to pay the expenses of two delegates elected by their council to come to Washington.

No. 121. Corrects section number.

No. 122. Corrects section number.

No. 125. Strikes out the word "boiler" and inserts the word "boilers," to be installed at the Indian School, Pierre, S. Dak.

No. 126. Increases the appropriation $5,000 for the construction of a barn at the Indian School, Pierre, S. Dak., and corrects total.

No. 128. Corrects section number.

No. 130. An appropriation of $1,684 to reimburse the board of education of Box Elder County, State of Utah, for education of 23 Indian pupils during the years 1913 and 1914 and for the education of 21 pupils during the years 1914 and 1915.

No. 131. An appropriation of $832 for the education of 22 Indian pupils at Washakie, Box Elder County, Utah, for the years 1915 and 1916.

No. 134. Corrects section number.

No. 136. A reimbursable appropriation of $100,000 to pay the third installment for water supply of 40 acres of each Indian allotment on the Yakima Indian Reservation, in the State of Washington.

No. 138. Authorizes the Secretary of the Interior to lease for mining purposes the unallotted mineral lands on the diminished Spokane Reservation, in Washington.

No. 139. An appropriation, reimbursable, of $95,000 and authorizes the Secretary of the Interior to negotiate and pay for water rights for lands heretofore allotted to Indians situated within the boundaries of the West Okanogan Valley irrigation district, Okanogan County, Wash.

No. 140. Corrects section number.

No. 141. This amendment is intended to provide an appropriation to pay certain members of the Stockbridge and Munsee Tribe of Indians enrolled under the act of March 3, 1893 (37 Stat. L., 744), the amount of payments made prior to their respective enrollments. Section 6 of the act of February 6, 1871, provided for the determination of the persons who were members of the Stockbridge and Munsee Tribe and their future relations to the Government. Two rolls were prepared, one containing Indians who it was thought desired to separate their relations from the tribe and become citizens, and the other those who desired to retain their tribal character and remain under the guardianship of the Government. It subsequently appeared that some of those Indians who were placed on the first roll did not desire to sever their relations with the tribe, and they were again enrolled under the provisions of the act of March 3, 1893 (37 Stat. L., 744–745).

No. 143. In order to train Indians in the use and handling of money, not exceeding $25,000 of the appropriation allowed may be paid them per capita or deposited in some bank for their use and beenfit under such rules as the department may prescribe.

No. 144. That no lands of the Menominee Indians in Wisconsin shall be cleared for agricultural purposes excepting such lands as have been heretofore completely cut over.

No. 145. Amends the act of March 28, 1908, by permitting the Secretary of the Interior to sell lumber, laths, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulp, and other materials, under such rules as he may prescribe, and deposit the money in the Treasury for the benefit of the Menominee Indians in Wisconsin.

No. 148. Provides for the granting of flowage rights over unallotted Indian lands under rules and regulations prescribed by the Secretary of the Interior and consent of Indians and

the leasing of the allotted lands with consent of allottee for flowage and storage reservoir purposes, and allottee to determine, subject to approval of Secretary of the Interior, as to consideration therefor.

No. 150. A reimbursable appropriation of $6,500 for the completion of a road on the Red Cliff Reservation, in Wisconsin.

No. 151. Corrects section number.

No. 152. Reduces the appropriation 66 cents for repairs at the abandoned military post of Fort Washakie, Wyo.

No. 153. To enable the Secretary of the Interior to prepare and submit to Congress plans and estimates of cost for completing the irrigation of all irrigable lands in the Shoshone or Wind River Reservation, in Wyoming, to also include in the estimates for the ceded lands within said reservation.

No. 154. Provides an appropriation of $5,000 to carry the provisions of amendment No. 153 into effect.

No. 155. For payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools from October 21 to November 11, 1912, $257.

On the following amendments the House conferees receded with modifying or substitute amendments, to wit:

No. 2. Makes the provisions of sections 2140 and 2141, Revised Statutes, apply to beer as an intoxicating liquor, and the possession of intoxicating liquor prima facie evidence of unlawful introduction in any country where prohibited by treaty or Federal statute.

No. 7. Makes $5,000 of the appropriation for maintenance of the sanatoria for the Choctaw and Chickasaw Indians immediately available.

No. 10. Provides that $200,000 of the appropriation for day and industrial schools may be expended for tuition of Indian pupils in public schools.

No. 14. Provides for two permanent warehouses for use of Indian Service.

No. 26. Is an appropriation of $100,000 to reimburse Indians for live stock that may be hereafter destroyed on account of dourine.

No. 34. For beginning the construction of a dam with bridge superstructure for diverting the water of the Gila River in Arizona for irrigating Indian lands on the Gila River Indian Reservation. Reduces appropriation from $200,000 to $75,000 and limits the cost of said work to $200,000.

No. 35. For beginning the construction of a diversion dam and necessary canals in Pinal County, Ariz., at or near Florence, for irrigation of Indian lands. Reduces amount appropriated from $175,000 to $75,000 and limits cost of work to $175,000.

No. 36. For extension of the Ganado irrigation project in Arizona and makes it reimbursable.

No. 37. An appropriation of $10,000 for the purpose of making investigation, survey, and cost of practicable means of holding the Gila River in its channel in Graham County, Ariz.

No. 41. Increases the number of pupils, also appropriation for care of said increase allowed, and permits the purchase of additional land for school farm at the Indian school in Greenville, Cal.

No. 42. Makes the appropriation for improvement and construction of roads on the Yuma Indian Reservation in California reimbursable.

No. 47. Authorizes the Secretary of the Interior to withdraw from the tribal funds on deposit in the Treasury to the credit of the Potawatomi Indians, the sum of $10,000 for the construction of a bridge across the Big and Little Soldier Creeks on their said reservation.

No. 55. Strikes from the bill the entire paragraph.

No. 57. Strikes from the bill the words "Keewaton Academy, Wisconsin."

No. 59. Makes the unexpended balance of $3,436.03 available for payment of expenses incurred in preparing a roll of the Indians within the White Earth Reservation, Minn.

No. 65. Provides for sale of timber on lands of the Red Lake Indian Reservation outside of the forest reserve created by amendment No. 61.

No. 72. Decreases the reimbursable appropriation for continuing construction of the irrigation systems on the Blackfeet Indian Reservation, Mont., from $50,000 to $25,000.

No. 74. The work to be done on the irrigation projects on the Blackfeet, Flathead, and Fort Peck Indian Reservations, Mont., may be done by the Reclamation Service with plans approved by Indian Bureau, and authority is also given that a limited amount of said appropriations may be used for purchase of motor vehicles, horses, and horse-drawn vehicles.

No. 75. That the Secretary of the Interior shall assess the charge for cost of irrigation projects as mentioned in amendment No. 74 against the persons who own the land and are receiving benefit of said system.

No. 78. An appropriation of $6,500 for repairs on the Government bridge across the Niobrara River in Nebraska.

No. 79. Corrects total.

No. 82. Increases the number of pupils at the Indian school, Carson City, Nev., and provides for their care.

No. 83. An appropriation of $15,000 to purchase homes, farm sites, water rights, and aid to nonreservation Indians in Nevada; also provides that no part of said appropriation shall be used for payment of salaries, mileage, or expenses of employees.

No. 84. Strikes out the words "to remain available until expended" in the appropriation for support and civilization and purchase of land and water rights for the Washoe Indians in Nevada.

No. 87. Increases the amount for repairs and improvements, and for the construction of an assembly hall at the Indian school, Santa Fe, N. Mex.

No. 95. Increases the number of pupils and provides for their care at the Wahpeton Indian School, Wahpeton, N. Dak., decreases appropriation for repairs and improvements from $8,000 to $5,000, and provides for the construction of a new building to cost $20,000.

No. 97. Makes an appropriation of $1,500 to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian.

No. 102. Making the unexpended balance of $9,533.38 available for the purpose of continuing the relief of the Apache Indians, and for the purchase of lands in Oklahoma.

No. 105. Authorizes the Secretary of the Interior to adjudicate, and, if he deem it proper, to apply the per capita payment or any part of the same herein authorized to be made, to John Calvin Gray, Williams T. Lancaster, Arthur Jennings, and Clyde Jennings, enrolled members of the Choctaw and Chickasaw Nations, in the settlement of attorneys' fees for services rendered said Indians in being restored to the rolls.

No. 110. An appropriation of $15,000 for the salaries and the expenses of six oil-and-gas inspectors to supervise the oil, gas, and mining operations in the Five Civilized Tribes.

No. 113. Appropriates $7,200 for the purchase and the installation of boilers at the Indian school at Salem, Oreg., and makes available an unexpended balance of $9,830, and an additional amount of $2,500 for an addition to the assembly hall.

No. 116. Permits the Secretary of the Interior to withdraw from the Treasury $3,000 out of the tribal funds belonging to the Klamath Indians in Oregon, to construct a bridge across the Williamson River.

No. 124. Corrects the total and also makes available an unexpended balance of $1,670 out of a $10,000 appropriation, approved August 1, 1914, for the installation of a water tank, and the purchase of dairy cattle.

No. 127. Is an appropriation of $1,000, and authorizes the Secretary of the Interior to make an investigation as to the school facilities among the different Sioux Tribes of Indians, and to report to Congress on or before January 1, 1917.

No. 129. Makes the appropriation of $9,000 to pay a proportionate share for the construction of a highway or wagon road through the Kaibab Indian Reservation, Utah, reimbursable.

No. 132. Authorizes the Secretary of the Interior to withdraw $1,000 from the tribal funds now in the Treasury to credit Indians in Utah, and use the same to protect abutment of the bridge at Myton, Utah.

No. 137. Authorizes Secretary of the Interior to sell not to exceed 20 acres of land on the north side and within the limits of the abandoned Fort Spokane Military Reservation, Wash., that will not be needed for hospital purposes, and place the proceeds in the Treasury to the credit of the Spokane Indians.

No. 142. An appropriation of $5,000 to purchase dairy cattle for the Indian school at Oneida, Wis.

No. 146. Provides that the Secretary of the Interior may sell the timber on the so-called "school lands" and "swamp lands" within the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which there is a disputed claim, and to hold the money derived therefrom until it is ascertained to whom it belongs.

No. 156. Requires the Secretary of the Interior to submit annually to Congress a certain detailed statement as to appropriations and disbursements of tribal funds belonging to Indians.

No. 157. Provides that the Bureau of Efficiency shall submit a system of bookkeeping and accounting for the Indian Bureau in order that the Secretary of the Interior may meet the requirements of existing law.

The following table shows the amounts carried in the bill as it passed the House, the Senate, and as agreed to by your conferees, and is exclusive of amounts appropriated out of trust funds belonging to the Indians.

Item.	Passed House.	Passed Senate.	Agreed in conference.
Surveying and allotting Indian reservations, reimbursable	$100,000.00	$100,000.00	$100,000.00
Irrigation, Indian reservations, reimbursable	244,700.00	244,700.00	244,700.00
Suppressing liquor traffic among Indians, gratuity	150,000.00	150,000.00	150,000.00
Relieving distress and prevention of disease, etc., gratuity	350,000.00	400,000.00	350,000.00
Indian school support, gratuity	1,550,000.00	1,550,000.00	1,550,000.00
Indian school and agency buildings, gratuity	400,000.00	400,000.00	400,000.00
Indian school transportation, gratuity	72,000.00	72,000.00	72,000.00
Industrial work and care of timber, gratuity	425,000.00	500,000.00	425,000.00
Purchase and transportation of Indian supplies, gratuity	300,000.00	300,000.00	300,000.00
Telegraphing and telephoning, Indian service, gratuity	10,000.00	10,000.00	10,000.00
Court costs, etc., gratuity	1,000.00	1,000.00	1,000.00
Expenses, Board of Indian Commissioners, gratuity	10,000.00	10,000.00	10,000.00
Pay of Indian police, gratuity	200,000.00	200,000.00	200,000.00
Pay of judges, Indian courts, gratuity	8,000.00	10,000.00	8,000.00
General expenses, Indian Service, gratuity	135,000.00	135,000.00	135,000.00
Inspectors, Indian Service, gratuity	30,000.00	30,000.00	30,000.00
Determining heirs of deceased Indian allottees, gratuity	90,000.00	100,000.00	100,000.00
Industry among Indians, reimbursable	300,000.00	400,000.00	300,000.00
Payment to heirs of Farmer John, gratuity	20.00	20.00	20.00
Suppressing contagious diseases among live stock, gratuity		100,000.00	100,000.00
Payment to Charles J. Kappler, gratuity		2,000.00	2,000.00
ARIZONA AND NEW MEXICO.			
Support of Indians in Arizona and New Mexico, gratuity	330,000.00	330,000.00	330,000.00
Indian school, Fort Mohave, Ariz., gratuity	42,900.00	42,900.00	42,900.00
Indian school, Phoenix, Ariz., gratuity	131,900.00	135,400.00	135,400.00
Indian school, Truxton Canyon, Ariz., gratuity	21,200.00	21,200.00	21,200.00
Maintenance irrigation system, Pima Indian lands, reimbursable	20,000.00	25,000.00	20,000.00
Irrigation system, Colorado River Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Water supply, Papago Indian villages, gratuity	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Navajos, schools, treaty	100,000.00	100,000.00	100,000.00
Water supply, Navajo Indians, Arizona, reimbursable	25,000.00	25,000.00	25,000.00
Construction dam, Gila River Reservation, reimbursable		200,000.00	75,000.00
Payment for water, Salt River allottees, reimbursable	20,000.00	20,000.00	20,000.00
Construction diversion dam, Gila River Reservation, above Florence, Ariz., reimbursable		175,000.00	75,000.00
Canado irrigation project, reimbursable	3,000.00	23,000.00	23,000.00
Investigation, Gila River, erosion, etc., gratuity		15,000.00	10,000.00
Bridge across Little Colorado River, reimbursable	15,000.00	15,000.00	15,000.00
Construction additional spans, Gila River, gratuity	17,000.00	17,000.00	17,000.00
Preservation and repair, Pueblo ruins, gratuity		3,000.00	3,000.00
CALIFORNIA.			
Support of Indians in California, gratuity	42,000.00	42,000.00	42,000.00
Purchase of lands for landless Indians, gratuity	10,000.00	30,000.00	10,000.00
Indian school, Riverside, Cal., gratuity	129,500.00	129,500.00	129,500.00
Irrigating allotments, Yuma Reservation, reimbursable	10,000.00	10,000.00	10,000.00
Indian school, Fort Bidwell, Cal., gratuity	21,800.00	21,800.00	21,800.00
Indian school, Greenville, Cal., gratuity	21,630.00	34,400.00	26,400.00
Roads and bridges, Yuma Reservation, Cal., reimbursable		10,000.00	10,000.00
FLORIDA.			
Support of Seminoles in Florida, reimbursable	8,000.00	5,000.00	8,000.00
IDAHO.			
Support of Indians, Fort Hall Reservation, Idaho, gratuity	30,000.00	30,000.00	30,000.00
Maintenance, etc., Fort Hall irrigation system, reimbursable	25,000.00	35,000.00	25,000.00
Fulfilling treaties with Bannocks, Idaho, treaty	5,000.00	5,000.00	5,000.00
Fulfilling treaties with Coeur d'Alenes, treaty	3,000.00	3,000.00	3,000.00
KANSAS.			
Indian school, Lawrence, Kans., gratuity	140,250.00	148,250.00	148,250.00
Indian school, Kickapoo Reservation, Kans., gratuity	16,860.00	16,860.00	16,860.00
Bridges, Pottawatomi Reservation, Kans., gratuity		10,000.00	(1)

[1] Paid out of tribal funds.

Item.	Passed House.	Passed Senate.	Agreed in conference.
LOUISIANA.			
Purchase of lands for Chettimanchi Indians, gratuity	$1,500.00	$1,500.00	$1,500.00
MICHIGAN.			
Indian school, Mount Pleasant, Mich., gratuity	73,450.00	73,450.00	73,450.00
Reimbursement Joseph Bradley, gratuity		250.00	250.00
MINNESOTA.			
Indian school, Pipestone, Minn., gratuity	61,675.00	64,675.00	64,675.00
Support of Chippewas of the Mississippi, Minn., treaty	4,000.00	4,000.00	4,000.00
Enrollment White Earth allottees, gratuity		5,000.00	5,000.00
MISSISSIPPI.			
Investigation condition Mississippi Indians, gratuity		1,000.00	1,000.00
MONTANA.			
Support of Indians of Fort Belknap Reservation, Mont., gratuity	20,000.00	20,000.00	20,000.00
Support of Indians of Flathead Agency, Mont., gratuity	14,000.00	20,000.00	20,000.00
Support of Indians of Fort Peck Agency, Mont., gratuity	30,000.00	30,000.00	30,000.00
Support of Indians of Blackfeet Agency, Mont., gratuity	25,000.00	25,000.00	25,000.00
Irrigation, Fort Belknap Reservation, reimbursable	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Crows, Mont., treaty	6,000.00	6,000.00	6,000.00
Support of Northern Cheyennes and Arapahoes, treaty	80,000.00	80,000.00	80,000.00
Line riders, Northern Cheyenne Reservation, gratuity	1,500.00	1,500.00	1,500.00
Support Rocky Boys Band, gratuity	5,000.00	10,000.00	5,000.00
Purchase of land, Flathead Agency, reimbursable	320.00	320.00	320.00
Irrigation system, Flathead Agency, Mont., reimbursable		750,000.00	750,000.00
Irrigation system, Fort Peck Agency, Mont., reimbursable		100,000.00	100,000.00
Irrigation system, Blackfeet Agency, Mont., reimbursable		50,000.00	25,000.00
NEBRASKA.			
Indian school, Genoa, Nebr., gratuity	84,600.00	103,100.00	91,100.00
Assessment Omaha and Winnebago allotments, reimbursable		30,000.00	30,000.00
NEVADA.			
Support of Indians in Nevada, gratuity	18,500.00	18,500.00	18,500.00
Indian school, Carson City, Nev., gratuity	60,760.00	89,100.00	62,430.00
Home and farm sites, Nevada Indians, gratuity		15,000.00	15,000.00
Irrigation, Pyramid Lake Reservation, reimbursable	30,000.00	30,000.00	30,000.00
Land and water rights, Washoe Indians, gratuity	15,000.00	15,000.00	15,000.00
NEW MEXICO.			
Indian school, Albuquerque, N. Mex., gratuity	97,400.00	97,400.00	97,400.00
Indian school, Santa Fe, N. Mex., gratuity	67,150.00	103,650.00	92,150.00
Counsel for Pueblo Indians of New Mexico, gratuity	2,000.00	2,000.00	2,000.00
Highway, Mesa Verde National Park to Gallup, N. Mex., gratuity	15,000.00	84,000.00	15,000.00
NEW YORK.			
Fulfilling treaties with Senecas, New York, treaty	6,000.00	6,000.00	6,000.00
Fulfilling treaties with Six Nations, New York, treaty	4,500.00	4,500.00	4,500.00
NORTH CAROLINA.			
Indian school, Cherokee, N. C., gratuity	36,000.00	36,000.00	36,000.00
Bridge, Ocona Lufty River, gratuity		15,000.00	(1)
School for North Carolina Indians, gratuity		50,000.00	(1)
Maintenance, school for North Carolina Indians, gratuity		10,000.00	(1)
NORTH DAKOTA.			
Support of Sioux of Devils Lake, N. Dak., gratuity	5,000.00	5,000.00	5,000.00
Support of Indians, Fort Berthold Agency, N. Dak., gratuity	15,000.00	15,000.00	15,000.00
Support of Chippewas, Turtle Mountain Band, gratuity	11,000.00	11,000.00	11,000.00
Indian school, Bismarck, N. Dak., gratuity	56,175.00	56,175.00	56,175.00

[1] Senate receded.

Item.	Passed House.	Passed Senate.	Agreed in conference.
NORTH DAKOTA—continued.			
Indian school, Fort Totten, N. Dak., gratuity	$82,500.00	$82,500.00	$82,500.00
Indian school, Wahpeton, N. Dak., gratuity	40,200.00	66,540.00	63,540.00
Redemption mortgage, Starr McGillis, reimbursable		1,500.00	1,500.00
Reimbursing Benson County (insane Indians), gratuity		1,497.44	1,497.44
Headstone, Scarlet Crow, gratuity		100.00	100.00
OKLAHOMA.			
Support of Wichitas and affiliated bands, gratuity	5,000.00	5,000.00	5,000.00
Support of Cheyennes and Arapahoes, Oklahoma, gratuity	35,000.00	35,000.00	35,000.00
Support of Kansas Indians, gratuity	1,500.00	1,500.00	1,500.00
Support of Kickapoo Indians, gratuity	2,000.00	2,000.00	2,000.00
Support of Poncas, gratuity	8,000.00	8,000.00	8,000.00
Indian school, Chilocco, Okla., gratuity	93,260.00	93,250.00	93,250.00
Fulfilling treaties with Pawnees, treaty	47,100.00	47,100.00	47,100.00
Support of Quapaws, treaty	1,500.00	1,500.00	1,500.00
Purchase land for Fort Sill Apaches, gratuity		40,000.00	(1)
FIVE CIVILIZED TRIBES.			
Administration affairs of Five Civilized Tribes, gratuity	175,000.00	185,000.00	185,000.00
Probate attorneys, Five Civilized Tribes, gratuity	85,000.00	85,000.00	85,000.00
Cherokee Orphan Training School, gratuity	40,000.00	40,000.00	40,000.00
Indian schools, Five Civilized Tribes, gratuity		275,000.00	275,000.00
Fulfilling treaties with Choctaws, treaty	10,520.00	10,520.00	10,520.00
Oil and gas inspectors, Five Civilized Tribes, gratuity		25,000.00	15,000.00
Compromise suits, U. S. v. Dowden et al., reimbursable		57,500.00	57,500.00
OREGON.			
Support of Indians, Klamath Agency, Oreg., gratuity	6,000.00	6,000.00	6,000.00
Support of Indians, Warm Springs Agency, gratuity	4,000.00	4,000.00	4,000.00
Support of Indians, Umatilla Agency, gratuity	3,000.00	3,000.00	3,000.00
Indian school, Salem, Oreg., gratuity	119,000.00	135,500.00	128,700.00
Support of Indians, Grande Ronde and Siletz Agencies, Oreg., gratuity	4,000.00	4,000.00	4,000.00
Maintenance and operation, Modoc Point irrigation system, reimbursable	20,000.00	20,000.00	20,000.00
Bridges, Umatilla Reservation, reimbursable	18,666.00	14,000.00	18,666.00
PENNSYLVANIA.			
Indian school, Carlisle, Pa., gratuity	152,000.00	152,000.00	152,000.00
SOUTH DAKOTA.			
Indian school, Flandreau, S. Dak., gratuity	67,500.00	68,955.00	67,500.00
Indian school, Pierre, S. Dak., gratuity	55,750.00	60,750.00	60,750.00
Indian school, Rapid City, S. Dak., gratuity	83,500.00	83,500.00	83,500.00
Support of Sioux of different tribes, etc., treaty	307,000.00	307,000.00	307,000.00
Education, Sioux Nation, treaty	200,000.00	200,000.00	200,000.00
School facilities, Sioux Indian country, gratuity		250,000.00	1,000.00
Support of Sioux, Yankton Tribe, gratuity	14,000.00	14,000.00	14,000.00
Asylum for insane Indians, Canton, S. Dak., gratuity	45,000.00	45,000.00	45,000.00
Highway, Standing Rock Reservation, reimbursable	5,000.00	5,000.00	5,000.00
UTAH.			
Support of Confederated Bands of Utes, treaty	53,740.00	53,740.00	53,740.00
Support of Indians in Utah, gratuity	10,000.00	10,000.00	10,000.00
Support of Confederated Bands of Utes, seeds and implements, treaty	10,000.00	10,000.00	10,000.00
Highway, Kaibab Reservation, reimbursable		9,000.00	9,000.00
Irrigation, Uintah Reservation, reimbursable	40,000.00	40,000.00	40,000.00
Reimbursement Box Elder County, Utah, gratuity		1,684.00	1,684.00
Education, Indian pupils, Washakie School, gratuity		832.00	832.00
Protection bridge, Myton, Utah, gratuity		1,000.00	(1)
WASHINGTON.			
Support of D'Wamish and other allied tribes, gratuity	7,000.00	7,000.00	7,000.00
Support of Makahs, gratuity	2,000.00	2,000.00	2,000.00
Support of Quinnaiults and Quillehutes, gratuity	1,000.00	1,000.00	1,000.00

[1] Unexpended balance made available. [2] Drawn from tribal funds.

Item.	Passed House.	Passed Senate.	Agreed in conference.
WASHINGTON—continued.			
Support of Yakima Indians, gratuity	$3,000.00	$3,000.00	$3,000.00
Support of Colville and certain other Indians, gratuity	13,000.00	15,000.00	13,000.00
Support of Spokanes, treaty	1,000.00	1,000.00	1,000.00
Irrigation system, Yakima Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Indian school, Tacoma, Wash., gratuity	50,000.00	50,000.00	50,000.00
Dam across Yakima River, reimbursable	200,000.00	200,000.00	200,000.00
Payment third installment for water, Yakima, gratuity		100,000.00	100,000.00
Acquisition water rights, Indians, Okanogan County, reimbursable		95,000.00	95,000.00
WISCONSIN.			
Indian school, Hayward, Wis., gratuity	51,550.00	51,550.00	51,550.00
Indian school, Tomah, Wis., gratuity	56,125.00	56,125.00	56,125.00
Support of Chippewas of Lake Superior, Wis., gratuity	7,000.00	7,000.00	7,000.00
Support of Potawatomi in Wisconsin, gratuity	7,000.00	7,000.00	7,000.00
Payment to Stockbridge and Munsee Tribe, gratuity		95,000.00	95,000.00
Purchase of cattle, Oneida School, gratuity		10,000.00	5,000.00
Support of Wisconsin Band of Potawatomies, Wisconsin and Michigan, reimbursable	100,000.00	100,000.00	100,000.00
Sidewalks, village of Odanah, Bad River Reservation, reimbursable		1,000.00	(1)
Completion road, Red Cliff Reservation, reimbursable		6,500.00	6,500.00
WYOMING.			
Support of Shoshones in Wyoming, gratuity	15,000.00	15,000.00	15,000.00
Indian School, Shoshone Reservation, Wyo., gratuity	36,025.00	36,025.00	36,025.00
Support of Shoshones in Wyoming, treaty	6,000.00	6,000.00	6,000.00
Repairs, Fort Washakie, gratuity	1,721.66	1,721.00	1,721.00
Irrigation system, Wind River Reservation, reimbursable	50,000.00	50,000.00	50,000.00
Plans and estimates for completing irrigation, Shoshone or Wind River Reservation, gratuity	3,000.00	5,000.00	5,000.00
Roads and bridges, diminished Shoshone Reservation, reimbursable	25,000.00	25,000.00	25,000.00
Payment to Joseph H. Norris, gratuity		257.00	257.00
New bookkeeping system, Indian Bureau, gratuity		12,000.00	(1)
Total	8,961,437.66	11,993,796.44	10,966,037.44

[1] Senate receded.

C. D. CARTER,
THOS. F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.

Mr. CARTER of Oklahoma. Mr. Speaker, in view of the fact that we are very anxious to pass the rural-credits bill at the earliest possible moment, I shall only make this short statement in justification of the conference report:

The consideration of this Indian appropriation bill was taken up by the House Committee on Indian Affairs prior to the Christmas holidays. The estimates as presented by the departments contained several claims and a great many legislative provisions, most all of which were eliminated by your House Committee on Indian Affairs and reported to the House on January 28. The House passed the bill with a few amendments on February 8, and it was taken up by the Senate Committee on Indian Affairs and reported to the Senate on March 9. The Senate passed the bill, with 157 amendments, on March 28, and returned it to the House with a request for a conference. The House did not agree to the conference immediately, but sent the bill to the House Committee on Indian Affairs, where each Senate amendment was taken up, department representatives and others called before the committee, and all the information possible obtained. The House committee then again reported the bill back to the House with recommendation that all Senate amendments be disagreed to and the conference requested by the Senate agreed to. The recommendation of the committee was concurred in by the House, and the bill was sent to conference on April 11.

Your managers on the part of the House then found themselves confronted with what I believe to be the most difficult situation that any House conferees on the Indian bill had faced during my service in the House. Amongst the 157 Senate amendments which had been added to the bill we found every character

of claim and legislation imaginable, running from small items, set in order upon the bill, to sweeping legislative provisions sending vast and complicated matters to the Court of Claims and other matters over which the Committee on Indian Affairs had no semblance of jurisdiction.

Moreover, it will be remembered that the conference report on the Indian bill last year failed of passage on account of a filibuster conducted in the United States Senate until a few minutes before Congress was forced to adjourn on March 4. To my mind no more deplorable or extravagant thing can be done than to pass a joint resolution in the place of a bill carefully worked out to meet existing conditions. For these reasons the affairs in the Indian Service are changing day by day, week by week, and year by year, so that the appropriations necessary for one year do not begin to fit the occasion in the succeeding year. On account of certain temporary conditions we are often called upon to appropriate very large amounts for certain branches of the service, while items for other branches of the service can be correspondingly reduced. When a joint resolution is passed the amounts necessary in excess of the usual amounts can not be taken care of, while the amounts which can and should be reduced are really not reduced at all, but the excessive appropriations of the year before are placed in the hands of our administrative officials for disbursement. The result is that the excessive amounts are usually all expended and the insufficient amounts have to be cared for in the following year by the succeeding Indian appropriation bill.

Take for instance the so-called industrial item. On account of conditions existing at that time, the bill passed in 1914 carried $600,000 for "encouraging industry and self-support among Indians," while the department, if I remember correctly, only requested some $400,000 for that appropriation last year, and, if I mistake not, only $300,000 was carried in the bill that failed. Consequently the joint resolution carried just twice the amount, or $300,000, in excess of the amount which Congress had decided, after careful investigation, was sufficient for the ensuing fiscal year. So it is throughout the bill.

While your conferees on the part of the House felt impelled to agree to some of the claims that had been placed in the bill by the Senate, we did not agree to any at all until we were convinced of the justice of same and the necessity of an agreement in order to secure the passage of the bill.

I further call your attention to the fact that all the large, complex items sending matters to the Court of Claims were rejected.

The Senate amendments provided for construction of many roads and bridges on Indian reservations, all to be paid out of the funds in the Federal Treasury. The House had provided for the construction of some roads and bridges out of tribal funds and in these instances the language was changed by the Senate so that the tribal funds might be relieved of this expense and the payment made direct from the Treasury. The House Committee on Indian Affairs has always taken the position in the past that no funds should be appropriated from the Federal Treasury for roads and bridges on Indian reservations and that Indian funds should only be appropriated when the expenditure of the funds and construction of roads and bridges were manifestly for the benefit of the Indian. In each of these road and bridge items our managers succeeded in having payment come from the tribal funds in case any tribal funds were available and, when not available, the conferees insisted that the appropriations should be made reimbursable in case the tribe had any reimbursable assets and, in case the tribe had no reimbursable assets, your conferees insisted upon the elimination of the items.

Different Senate amendments provided $310,000 for the establishment of new schools in addition to the $1,550,000 carried for this purpose in the general item and over and above all other specific appropriations. The House conferees insisted upon the elimination of the establishment of these extra schools on the meager information obtainable and provided for an investigation in one case to ascertain if the construction of these schools is really necessary.

On account of the conditions I have stated, your conferees were not able to make as clean a job of this bill as we desired but we have done the very best we could under existing circumstances, and I want to thank my fellow conferees for the diligent manner in which they stuck to the task, for their prompt and punctual attendance upon the conference meetings, and their loyalty to the contentions of the House.

Unless some gentleman desires some information about the pending measure, I shall move the previous question on the report.

Mr. MONDELL. Mr. Speaker, I would like a little time to discuss some items in the conference report.

Mr. CARTER of Oklahoma. How much time does the gentleman want?

Mr. MONDELL. About 15 minutes.

Mr. CARTER of Oklahoma. Can not the gentleman cut it down to five?

Mr. MONDELL. No; I want to discuss three items.

Mr. CARTER of Oklahoma. Can not the gentleman make it 10 minutes?

Mr. MONDELL. The gentleman from Pennsylvania [Mr. MOORE] wants 5 minutes, and I do not see how I can get through in less than 15.

Mr. CARTER of Oklahoma. Very well, Mr. Speaker, I ask that the previous question be considered as ordered at the end of 20 minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that at the end of 20 minutes the previous question be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for 15 minutes.

Mr. MONDELL. Mr. Speaker, there are quite a number of items in the conference report, in the Senate amendments, that are, in my opinion, very questionable. There are a number of them that can not well be defended, but in the time allotted to me I can not discuss the items at length. I shall therefore confine my remarks to three items in the bill.

The first one is Senate amendment No. 35. The House recedes from its disagreement to amendment No. 35 and agrees to the same with an amendment. The amendment is lengthy, and the Members have heard it read. I do not think that the matter as it stands, the provision in the bill, is particularly objectionable. I think it rather important, however, that it be clearly stated just what the conference report contemplates, just what is intended to be done.

It is very clear that the original Senate amendment contemplates, at least would have authorized, the undertaking of what has been known at one time and another as the Gila or the San Carlos reclamation project, a project estimated to cost anywhere from six and a half million to seven million dollars, and a project with very many questionable features. Now, it may or may not have been the intent of those who drafted the Senate amendment to authorize the construction of that great and very questionable irrigation enterprise. The language of the Senate amendment would, however, have authorized it and every feature of it. The language of the House amendment, however, I am sure does not, on a fair interpretation, authorize the undertaking of the San Carlos project, and particularly does not authorize the building of the San Carlos Dam, and I understand the gentleman from Arizona [Mr. HAYDEN] so takes it. The gentleman nods his head in affirmation of my statement.

Mr. HAYDEN. Mr. Speaker, as to whether this amendment authorizes the construction of the San Carlos project the gentleman can save his own time and that of the House. It does not do it. Amendment No. 35 contemplates nothing more than the construction of a diversion dam.

Mr. MONDELL. I do not desire to take the time of the House, and yet I am not wasting the time of the House if I may make it quite clear that the conferees have agreed to a provision that does not contemplate and does not authorize the building of the San Carlos project.

Mr. HAYDEN. Such is the fact.

Mr. MONDELL. And I will say to my friend I am never worried when we undertake an irrigation project in the West. On the contrary, I am always highly pleased when some good irrigation project is undertaken in the West, but I think, in the first place, the House ought to know what it is doing when it undertakes a great project of any kind, and in the second place as a Member from the West I do not want to see a project undertaken which is not feasible, and which could not possibly be carried out in a way to be helpful and beneficial to anything like the amount of the expenditure involved.

Mr. HAYDEN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAYDEN. I will state to the gentleman that there has been no irrigation project of any character ever submitted to this House that has had a more full investigation than that item in this bill. During the past 20 years there has been spent nearly $100,000 upon various investigations on the Gila River. The construction of this diversion dam has been recommended as the result of all that time and study and is fully justified by the facts regardless of whether the San Carlos project is ever undertaken or not.

Mr. MONDELL. What the gentleman says is true in a sense. The San Carlos project has never been approved as a complete

project fully and unqualifiedly by anyone at any time. It can not be by an honest man who knows his business.

Mr. HAYDEN. And is not approved in this bill.

Mr. MONDELL. The item as it stands is not altogether meritorious, and I doubt if it is the sort of an item that ought to be on an Indian bill, because I think the benefits the Indians will receive from this expenditure will be very small, indeed. By building a dam and thereby putting in good headworks at the head of a privately owned ditch and then extending the canals down to the Indian reservation later we may benefit the Indians somewhat, and bring this item within the proper scope of an Indian bill, but the expenditure that shall be made under this appropriation will not, in my opinion, benefit any Indian a particle or irrigate any of his land. While the appropriation contained in the bill is not large, it will require further expenditure to carry out even the moderate program begun by this item. It is the difference between five or six or seven million dollars for a questionable project, as provided by the Senate amendment, and the possible expenditure in all of $250,000 or $300,000 on a flood-water project which, perhaps, has more virtue.

Mr. HAYDEN. I can say to the gentleman that I do not believe that this project will ever run to such figures as that.

Mr. MONDELL. Never run to $300,000? Well, I shall be surprised if it does not in future bills and appropriations aggregate that amount; but, at any rate, it does not authorize the San Carlos project; that is very clear. It authorizes the building of a dam and eventually the extending of some ditches.

Now, I want to discuss for just a moment amendment No. 37 of the Senate. Just how this sort of an amendment got into an Indian bill it is difficult for me to understand. I take it for granted that the fact that the gentleman from Arizona in the House and the gentleman from Arizona in the Senate are on the Indian committees and in the conference had nothing whatever to do with having an item in the Indian bill that does not relate in any way, shape, or form to any Indian project, and the carrying out of which will not benefit any Indian, an item that if it has a place anywhere it is on the bill reported by the Flood Control Committee.

I know my friend from Arizona will say there are a few Apaches down on the San Carlos Reservation who have a few tracts of bottom land, and that this money for revetment and control of the Gila River would be of some benefit to them, but my opinion is that but little of this money will be spent on the reservation. There is nothing in the language of the appropriation which requires that it shall be spent on the reservation. As a matter of fact, the difficulties are in Graham County, below Solomonville, where the river has been cutting into the bank. They have a condition there no different from that found on streams throughout the country everywhere—north, south, east, and west—the river cutting into the bank and washing out farms. It is quite an unfortunate situation, no doubt, but just why we should provide for remedying it by a Federal appropriation and in an item on the Indian bill I am at a loss to understand. If we are to start on the work of flood protection, we should do it after full consideration and on a report from the proper committee. We have organized a committee with that object in view, to cure conditions of that sort, and the Indian bill is not the place to begin that sort of work. It has no relation to Indian work of any sort or kind.

Now, my friend from Arizona [Mr. HAYDEN] rose a moment ago. I do not know whether he wanted to propound a question or make a statement.

Mr. HAYDEN. In my opinion, the money appropriated by this amendment will probably be expended within the limits of the San Carlos Reservation, which contains about 3,000 acres of irrigable land.

Mr. MONDELL. The report only says 1,200 acres, and my experience with Indian reports with regard to the irrigation of land by Indians is that they never overlook any patch, and they never get the area too small. They call it 1,200. From other sources of information I gathered the notion it was about 600; but the fact is there has been very little difficulty down in the lower river, I am told.

Mr. HAYDEN. The gentleman is entirely mistaken. The heads of all the irrigation ditches were washed out by the recent floods, and the experiments conducted there will be very valuable, whether the money is expended within the limits of the San Carlos Reservation or not. The purpose of this appropriation is to ascertain an inexpensive way of controlling the Gila River when it is in flood. The conditions on this stream are rapidly growing from bad to worse, and it is absolutely necessary that something be done at once.

Mr. MONDELL. If the intent of the gentleman from Arizona was to have this work carried on in an Indian reservation in order that it may be properly on an Indian bill, why did not the gentleman so provide? Whoever drafted this provision provided that it could be used anywhere in the broad expanse of Graham County. This river runs through Graham County for many miles.

Mr. HAYDEN. About half of that distance being within the San Carlos Indian Reservation in the same county.

Mr. GREEN of Iowa. I understood the gentleman from Wyoming to say that he did not exactly understand why the provision was put in this bill. Would it not furnish more jobs in this way than it would under the Flood Commission?

Mr. MONDELL. I do not know as to that. It may furnish Indian jobs instead of jobs under some other department, but I am not worried about that. But I do think if we are going to undertake this work of flood control, not on Indian reservations, but anywhere in Graham County—and that county is bigger than the State of Massachusetts—the item should not be on the Indian bill.

Mr. STEPHENS of Texas. The gentleman overlooked that part of the language of the amendment in this, that he states this entire amount may be used on lands other than Indian lands. This provides that this appropriation shall be used only for the purpose of irrigating Indian lands.

Mr. MONDELL. Where is the gentleman reading?

Mr. STEPHENS of Texas. I am reading from amendment No. 35.

Mr. MONDELL. But I am discussing amendment No. 37. The gentleman is not keeping up with the procession.

Mr. STEPHENS of Texas. I know that, but this proposition——

Mr. MONDELL. I have made no criticism of amendment No. 35 at all. I have passed that over as one of those questionable things which you can not help, and the less said about it the better.

Mr. STEPHENS of Texas. Do they not have to be considered together? Does not the gentleman so concede? And under amendment No. 35 the matters you complain of will be regulated.

Mr. MONDELL. Not at all. They are entirely separate and distinct items. They have no relation to each other and do not have to do with the same situation.

The SPEAKER pro tempore (Mr. CANTRILL). The time of the gentleman has expired.

Mr. CARTER of Oklahoma. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. The understanding was that 20 minutes was to be used, as I recall it, and I would like to know how much time has been consumed?

The SPEAKER pro tempore. Fifteen minutes has been used.

Mr. MOORE of Pennsylvania. Then I have five minutes.

Mr. CARTER of Oklahoma. I wanted to yield three minutes to the gentleman from Utah [Mr. MAYS].

Mr. STEENERSON. I want one minute.

Mr. MONDELL. I hope the gentleman can extend the time so that the gentleman from Pennsylvania [Mr. MOORE] can have five minutes.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the time be extended five minutes.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that the time be extended five minutes.

Mr. CARTER of Oklahoma. Five to be used by the gentleman from Pennsylvania [Mr. MOORE] and five to be controlled by me.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I wish the chairman of the Committee on Indian Affairs would explain whether the improvement contemplated in amendment No. 37 is wholly within an Indian reservation. That is the amendment the gentleman from Wyoming [Mr. MONDELL] was discussing a minute ago.

Mr. HAYDEN. That amendment was in the Senate, providing for the expenditure of $15,000 within Graham County, Ariz., about half of which is within the San Carlos Indian Reservation.

Mr. MOORE of Pennsylvania. It has been cut by agreement to $10,000?

Mr. HAYDEN. For the reason that the conferees did not think that more than $10,000 was necessary for experimental work at this time.

Mr. MOORE of Pennsylvania. The amendment provides that the Secretary of the Interior shall set competent engineers to work to determine the most practicable method, and so forth, of "constructing levees, revetments, or other suitable work sufficient to prevent the Gila River from further eroding and

wearing and washing away its banks, and from further overflowing its banks at any point in Graham County, Ariz."

Now that, as it appears in the amendment, is clearly such work as should come within the jurisdiction of the new Committee on Flood Control, which has a bill now pending before the House.

Mr. HAYDEN. I think the gentleman is absolutely correct about that, so far as the House is concerned. But the gentleman will understand that this is an amendment adopted in the Senate, where they have no Committee on Flood Control.

Mr. MOORE of Pennsylvania. The Committee on Flood Control is to have jurisdiction of all flood matters. The language of this amendment shows that the project is clearly one falling within the jurisdiction of the Committee on Flood Control.

Mr. HAYDEN. I intend to bring this project to the attention of the Committee on Flood Control. There is no question but that the gentleman is correct in his statement that this is a matter wholly within the jurisdiction of that committee.

Mr. MOORE of Pennsylvania. This work is not wholly within the Indian reservation, is it?

Mr. HAYDEN. No; but whether it is or not, it is a matter having to do with the control of floods.

Mr. MOORE of Pennsylvania. I am interested in the work of flood control. The Committee on Flood Control has taken away from the Committee on Rivers and Harbors a great deal of the work heretofore assigned to that committee. Now, if the Committee on Indian Affairs is going to take away from the Committee on Flood Control jurisdiction of matters that were formerly lodged with the Committee on Rivers and Harbors or the Committee on Indian Affairs is going to take over matters which apparently belong to the new Committee on Flood Control, I would like to know where to go with respect to these matters.

Mr. HAYDEN. We have no such intention. I will say to the gentleman; and hereafter all matters of this kind will go to the Committee on Flood Control. When this amendment was offered and adopted at the other end of the Capitol there was no such committee as the Committee on Flood Control.

Mr. MOORE of Pennsylvania. The gentleman says he will bring this to the attention of the Committee on Flood Control?

Mr. HAYDEN. Yes.

Mr. MOORE of Pennsylvania. How will the gentleman do that?

Mr. HAYDEN. I shall introduce a bill and have it referred to the Committee on Flood Control, directing attention to the damage caused by floods in my State, and particularly along the Gila River.

Mr. MOORE of Pennsylvania. Would that mean that this particular improvement mentioned in this paragraph is not on an Indian reservation, or will it mean that it is general?

Mr. HAYDEN. The fact that the lands to be benefited are not all on an Indian reservation has nothing to do with the case. We should ascertain what damage is done by the floods and then adopt a plan to control them. We should also determine what part of the expense should be borne by the landowners and what part should be paid by the Government.

Mr. MOORE of Pennsylvania. The other day, when the flood-control bill was brought into the House, the Speaker overruled a point of order that I made against it, that the bill was properly assignable to the Committee on Rivers and Harbors. Now, how can any of us get an opportunity to raise the question?

Mr. HAYDEN. That difficulty frequently happens when Senate amendments come over to the House. Now that the Committee on Flood Control has been established, undoubtedly amendments of this character will be hereafter stricken from the Indian bill.

Mr. MOORE of Pennsylvania. I understand that the gentleman appreciates the point I am making and intends to introduce a resolution?

Mr. HAYDEN. Far be it from me to take anything away from the jurisdiction of the Committee on Flood Control. I voted in favor of creating that committee, and I have every confidence that it will give careful consideration to all matters properly coming before it.

Mr. MOORE of Pennsylvania. It seems to me that the Committee on Flood Control, which proposes to be a general committee, but which has brought in a bill pertaining only to one or two rivers, ought to be alive to a situation like this. If the Committee on Flood Control has a general jurisdiction over a matter of this kind, up to date it has exercised its jurisdiction only with respect to the Mississippi River and the Sacramento River. Now, why does not the Committee on Flood Control, which promises to help all sections of the country, step forward and raise the point now, when a new river to be improved for flood control is brought in by the Committee on Indian Affairs? Where is the Committee on Flood Control?

Mr. CARTER of Oklahoma. Mr. Speaker, I yield three minutes to the gentleman from Utah [Mr. MAYS].

The SPEAKER. The gentleman from Utah [Mr. MAYS] is recognized for three minutes.

Mr. MAYS. Mr. Speaker, I wanted to inquire of the committee in regard to Senate amendment 133, on page 90, with reference to the opening up of the mineral lands of the former Uncompahgre Indian Reservation to entry.

Mr. CARTER of Oklahoma. That was an amendment over which the Committee on Indian Affairs had no jurisdiction. It was proposed to open up to mineral entry certain lands there which are public lands, but not Indian lands, and for that reason the managers on the part of the House refused to consider the amendment.

Mr. MAYS. I think the conferees should be commended for that. It is a peculiar situation out there. The former Uncompahgre Indian Reservation has not been considered Indian land since 1880. That land comprises the entire gilsonite deposits, all that are of any value, in the United States, and the Barber Asphalt Co., a monopoly, apparently, of Philadelphia, Pa., I believe, or St. Louis, Mo.——

Mr. DYER. Mr. Speaker, will the gentleman yield there?

Mr. MAYS. Yes.

Mr. DYER. I hope the gentleman will not use St. Louis as the home of the Barber Asphalt Co.

Mr. MAYS. I beg the gentleman's pardon. There is a company called the American Co., of St. Louis.

Mr. DYER. It is not a trust.

Mr. MAYS. No; I am told it is not a trust. There are people attempting to select this land through their dummies, and at the present time I understand they have hundreds of dummy entrymen around and about these deposits, ready to select any deposits of any value, should this measure be passed. It is not a proper amendment for the Indian appropriation bill to carry, and I believe that the Senator from Utah was imposed upon by this trust, the Barber Asphalt people. If they should secure these deposits in Utah they would control the entire deposits of gilsonite that are of any value in the United States. It is a very useful product.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MAYS. Yes.

Mr. MANN. Is that provision carried in this conference report?

Mr. MAYS. No; it was carried in the bill, but the gentleman from Oklahoma [Mr. CARTER] has just informed me that the House conferees would not agree to it, and it was stricken out.

Mr. MANN. I have asked the question because if it were in this conference report I would do what I could to defeat the bill.

Mr. MAYS. Certainly it has no business in this bill.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. MAYS. Yes.

Mr. FERRIS. Is it not a fact that some of these claims are worth $20,000 for a 20-acre tract? Are they not?

Mr. MAYS. Yes. Members of the company came before the committee and said that this company would give $25,000 each for such gilsonite tracts—20-acre tracts, 1,500 feet long and 600 feet wide. There was a $32,000,000 trust there ready to get these claims. The Senator from Utah, who was instrumental in putting this amendment in the bill, was imposed upon, as I believe. I do not think he could afford to stand for a moment for the dummy entrymen acquiring all these lands in the interest of existing monopoly.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. MAYS. Yes.

Mr. DYER. Does not the gentleman think that something ought to be done whereby gilsonite should be made available for proper use?

Mr. MAYS. Yes. And I will say in that connection that a bill has just been reported that will carry out the idea that the gentleman has in mind. The Public Lands Committee, to which such matters should be referred, have conducted hearings upon this matter and have reported a bill which will serve to open up these lands to entry under regulations designed to prevent their being acquired by the trust and yet provide a source of revenue for taxation purposes. That bill, in brief, provides that a permit granting the right to prospect and mine the land may be issued for 10-year periods free of royalty, with a provision that bona fide citizens of the counties in which deposits occur are to be preferred, and that no assignments can be made without the consent of the Government. This will defeat the designs of the trust. It will cause the horde of dummy squatters to disperse to their legitimate avocations if they have any.

Having been assigned the task of reporting this bill, the attorneys and other representatives of the asphalt companies sought interviews and admitted that their "representative entrymen" were on the job ready to make selections. One attorney recommended that the land be sold under a sealed-bid system and stated that his company would pay high figures for the claims. But, Mr. Speaker, the Barber Asphalt Co., owning the only railroad into that field, and already owning practically all the gilsonite lands so far opened to entry, would very probably seek to perpetuate its obnoxious monopoly by purchasing the deposits. This would be especially easy to accomplish, because of the very limited supply of this useful resource. No other available supply of much value seems to have been yet discovered.

In the act of March 3, 1903, every odd-numbered section of this field was thrown open to entry, and this with the result that about everything of value was grabbed by the monopoly. The Senate amendment now seeks to open to entry all the remaining deposits, to be sold under the mineral laws in unlimited numbers of claims at $5 per acre.

Under the bill reported by the Public Lands Committee, the proper committee to deal with public-land matters, the Government will regulate the operation of these deposits and will permit the widest possible range of distribution.

The nature of the deposits permits the poor man to operate it at a profit with little initial investment. The deposits occur in veins from 3 to 20 feet in width and of indefinite depth, and often outcropping at the surface.

The product is easily mined and is sold, without treatment, to the market at from $25 to $30 per ton.

An attorney of the American Asphalt Association, which claims not to be a trust, but which admits that its "representative entrymen" are awaiting the passage of this Indian appropriation bill, states that his company would be glad to buy the product of these small miners who may operate under the lease or permit.

The Barber Asphalt Trust owns and operates the only railroad into that region, and, I am informed, a prohibitive freight rate is exacted from any operator who would have the temerity to compete with the trust. The rate for a distance of less than 60 miles of haul runs from eight to ten dollars per ton.

New railroad facilities are promised, but in the meantime steps should be taken to correct such apparent injustice, and the acquisition of further lands by this monopoly should be prevented.

The SPEAKER. The time of the gentleman from Utah has expired.

Mr. MAYS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. I yield to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I wish to speak relative to amendments 61, 62, 63, 64, and 65, which pertain to the timber on the Red Lake Indian Reservation. Those amendments are as follows:

(61) To carry into effect the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, approved January 14, 1889, to provide for the establishment and administration of a forest reserve and for the sale of timber within the Red Lake Indian Reservation, Minn.," that the following-described lands within the Red Lake Indian Reservation, Minn., be, and the same hereby are, created into a forest reserve, to be known as the Red Lake Indian Forest: Townships 150 and 151 north, ranges 32, 33, 34, 35, and 36 west, and townships 152 and 153 north, ranges 32, 33, and 34 west of the fifth principal meridian, except the lands in townships 151 north, range 36 west, which lie north of the north line of sections 26 to 30, inclusive, and except all lands within sections 4, 5, 6, 7, 8, 9, and 18, in township 153 north, range 34 west. The provisions of this paragraph shall not apply to any lands which have heretofore been reserved for school, agency, church, or town-site purposes or granted to private parties or corporations within the area described, nor to the town site of Red Lake, for the creation of which provision is made herein: *Provided*, That when any of said lands are no longer needed for the purpose for which they are reserved, the Secretary of the Interior may declare such lands to be a part of the Red Lake Indian Forest.

(62) That lands within said Red Lake Indian Forest, which are not covered with standing and growing merchantable pine timber and which are suited for the production of agricultural crops and which are fronting upon a lake shore, may be allotted to individual Red Lake Indians: *Provided*, That no such allotment shall exceed 80 acres nor have more than 80 rods fronting upon a lake shore: *Provided further*, That in case an Indian has improved and cultivated more than 80 acres, his allotment may embrace his improvements to the extent of 160 acres.

That said forest shall be administered by the Secretary of the Interior in accordance with the principles of scientific forestry, with a view to the production of successive timber crops thereon, and he is hereby authorized to sell and manufacture only such standing and growing pine and oak timber as is mature and has ceased to grow, and he is also authorized to sell and manufacture from time to time such other mature and marketable timber as he may deem advisable, and he is further authorized to construct and operate sawmills for the manufacture of the timber into merchantable products and to employ such persons as he shall find necessary to carry out the purposes of the foregoing provisions, including the establishment of nurseries and the purchase of seeds, seedlings, and transplants when needed for reforestation purposes: *Provided*, That all timber sold under the provisions herein shall be sold on what is known as the bank scale: *Provided further*, That no contract shall be made for the establishment of any mill, or to carry on any logging or lumbering operations which shall constitute a charge upon the proceeds of the timber, until an estimate of the cost thereof shall have first been submitted to and approved by Congress.

(63) That the Secretary of the Interior may issue permits or grant leases on such lands for camping or farming. No permit shall be issued for a longer term than one year and no lease shall be executed for a longer term than five years. Every permit or lease issued under authority of this act to Indians, or to other persons or corporations, and every patent for an allotment within the limits of the forest created by section 1, shall reserve to the United States the right to cross the land covered thereby with logging roads or railroads, to use the shore line, or to erect thereon and use such structures as shall be necessary to the proper and economical management of the Indian Forest created by this act; and the Secretary of the Interior may reserve from allotment tracts considered necessary for such administration.

After the payment of all expenses connected with the administration of these lands as herein provided, the net proceeds therefrom shall be covered into the Treasury of the United States to the credit of the Red Lake Indians and draw interest at the rate of 4 per cent per annum. The interest on this fund may be used by the Secretary of the Interior in such manner as he shall consider most advantageous and beneficial to the Red Lake Indians. Expenditure from the principal shall be made only after the approval by Congress of estimates submitted by the said Secretary.

(64) That the Secretary of the Interior shall select and set apart an area not exceeding 200 acres, in sections 20, 21, 28, and 29, township 151 north, range 34 west, cause the lands thus selected to be surveyed and platted into suitable lots, streets, and alleys, and dedicate said streets and alleys and such lots and parcels as he may consider necessary to public uses. The lands thus selected shall not be allotted, but held as an Indian town site subject to further legislation by Congress.

That the timber on lands of the Red Lake Indian Reservation outside the boundaries of the forest created by section 1 may be sold under regulations prescribed by the Secretary of the Interior, and the proceeds administered under the provisions of the general deficiency act of March 3, 1883 (22 Stat. L., 590), and the Indian appropriation act of March 2, 1887 (24 Stat. L., 463).

The timber on Red Lake Reservation, mostly spruce, pine, and tamarack, has been estimated as from 129,000,000 to 300,000,000 feet board measure. A large part is within the proposed forest, which will be administered under forestry methods and reproduce timber in perpetuity.

The balance of the timber outside of the forest reserve is authorized to be sold and the proceeds to be used for the benefit of the Indians. The Interior Department has favorably recommended these provisions.

The Red Lake and Pembina Bands own this reservation separate and apart from all other Chippewa bands, and the timber alone will probably bring two or three million dollars.

I introduced the first bill on this subject nearly four years ago, and three years ago, in company with officials of the Interior Department, inspected the timber and agricultural lands on the reservation. The western portion of the reservation is now swamp land, but if drained will be rich agricultural land. I obtained a drainage survey of this part of the reservation as a preliminary to putting a drainage project into operation. I insert the report on this survey in the RECORD (H. Doc. 971, 63d Cong., 2 sess.).

The Red Lake Indians have in the last years made considerable progress in industry and civilization, particularly agriculture. Great credit for this progress is due to the very able and diligent service of Walter F. Dickens, Indian superintendent at Red Lake Agency. He has, among other things, inaugurated an annual agricultural fair at the agency, which has been a great success. The interest of the Indians in this fair and the active competition for prizes for agricultural products is perfectly wonderful.

Even old Indians, men and women, have come in with samples of corn, grain, and vegetables of high quality.

The different schools have increased their attendance, and especially the Cross Lake School has done great work. This school is located among the most conservative of all the Chippewas, who until lately opposed schools and Christian churches in their midst.

In company with Indian Agent Dickens and the agency physician I visited the school recently, and the grade scholars in the evening rendered a program of literary exercises which would have been creditable anywhere. One of the pupils, John Everywind, took the prize a couple of years ago for the best essay on agriculture by any grade-school pupil in the county, and was given a free trip to the State fair by the State fair management.

By authorizing the sale of the mature timber we enable the department to help the Indians to further progress in farming.

When the swamp lands are reclaimed every family on the reservation can be supplied with a farm of 160 acres of fine agricultural lands, and there will still be a couple of townships over, which could readily be sold to white settlers for more than enough to repay the cost of the drainage of all the other land that require, drainage.

There is only one serious difficulty to be overcome in this drainage plan, and that is the lack of an adequate outlet.

The Red Lake River will have to be straightened and deepened and enlarged and regulating works at the outlet will have to be provided.

There is an item in the river and harbor bill for a survey of this whole river with a view to controlling the flow and to dividing the cost among local interests. It is hoped that through this comprehensive survey of the river from Red Lake to Grand Forks a plan can be devised that will prevent disastrous floods, conserve the water supply for domestic purposes, and improve navigation also. The successful solution of this problem will affect the drainage of all the land in the Red Lake Basin, in Koochiching and Beltrami Counties as well as west of the lake, and upon it will depend to a large extent the future development of northern Minnesota.

I congratulate the people on the fact that Congress has by this legislation taken the first step toward this development.

Mr. Speaker, this proposition has been embraced in several prior bills, both in this Congress and in the previous Congress, and I am very glad that it is contained in the Indian appropriation bill, because there is great urgency for its passage.

The Government has never been authorizd to cut timber on this reservation as it has on all other Indian reservations. They could only cut dead and down timber; but this bill, after establishing the Red Lake Indian Forest, authorizes the Government to lumber the timber outside of that forest and dispose of it.

I append the following letter from the Secretary of the Interior as a part of my remarks:

DEPARTMENT OF THE INTERIOR,
Washington, April 20, 1914.

MY DEAR MR. STEENERSON: In compliance with your request of April 17, I transmit herewith for your information copy of the report submitted by the United States Geological Survey on the drainage survey of the Red Lake Diminished Reservation, Minn., executed under the provisions of the Indian appropriation act approved June 30, 1913.

Cordially, yours,

FRANKLIN K. LANE.

Hon. HALVOR STEENERSON,
House of Representatives.

REPORT ON THE DRAINAGE SURVEY OF THE RED LAKE DIMINISHED RESERVATION, MINN.

A survey of the swamp lands of the Chippewa Indians in northern Minnesota was authorized by act of Congress June 30, 1913, the object being to determine whether such lands may not be profitably and economically reclaimed by drainage and converted to agricultural uses.

A similar survey of the ceded lands of the Chippewa Indians was made in 1906, 1907, 1908, and a report, including map, tables, ditching plans, and estimates was submitted in House Document No. 607 to the second session of the Fifty-ninth Congress, covering an area of about 630 square miles lying east and north of Thief River Falls. An additional report was submitted in House Document No. 27 to the first session of the Sixty-first Congress, covering an area of over 4,000 square miles, lying principally between Red Lake and the international boundary. That survey was preliminary in character and consisted practically of thousands of spirit-level determinations covering the area in such a way as to establish the divides between drainage basins and the general slope or grade of the land. Many permanent bench marks were established which will be of value in starting future surveys.

The township and subdivision surveys of the General Land Office represent the ground control upon which the topographic features determined by the survey of 1913 were shown. Since the first surveys were made there has been a great development in actual drainage construction under State and county supervision in the ceded land area, particularly to the east of Thief River Falls and extending to the boundary of the present diminished reservation.

The plan of drainage construction as outlined in House Document No. 607, (2d sess. 59th Cong.) and shown on the map accompanying same, has been followed in a general way by the engineers in charge of the work, who have expressed their appreciation of the data and plans and estimates furnished by the Government survey.

Within the district they have constructed about 550 miles of ditches, the same number of miles of good roads, with 1,800 culverts and 22 steel bridges, providing at least one-half mile of ditch bordering each quarter section, also contributing $62,000 to the improvement of Thief River, at a total cost of about $3 per acre. Agricultural development and increased land values have rapidly followed these improvements.

The swamp lands within the boundaries of the Indian reservation are similar in character to those outside which are already drained, and it is safe to assume that they will have equal value when converted to agricultural uses.

The survey of the Chippewa Indian Reservation has been of the same general character as that of the ceded lands above mentioned. The drainage of this area presents no difficult problems. The Red Lake and Clearwater Rivers afford a natural outlet for the surface and ground waters. The accepted method of excavation is by one or more of the different types of dredges. In the following plans there are but two long ditches, each about 24 miles in length, and both to the north of Red Lake River. Short laterals and local ditches draining into the rivers named fill the intervening area.

The plans and estimates given herewith are preliminary in character, and cover drainage only, not road construction nor the building of bridges. A more detailed survey would be necessary to properly locate ditches and establish grades, but it is believed the general plan would be about the same and that the actual number of cubic yards excavated and the final cost would be within the estimates.

In determining the size of ditches, a variable coefficient for run-off has been used, the run-off for small areas being proportionately greater than for large areas. A plan frequently used, and one which has given satisfactory results in completed drainage projects, is to provide for a run-off in each 24 hours equivalent to three-eighths inch for a drainage outlet of 10 square miles, one-fourth inch for an outlet of 25 square miles, and three-sixteenths inch for an outlet of 200 square miles. For an area of 25 square miles such ditches would have a capacity for a mean monthly run-off of 7½ inches, or 60 per cent greater than the mean monthly rainfall in that region occurring during the month of greatest rainfall. The heaviest rainfall recorded in any month, as shown by the precipitation records from 1899 to 1908, was 10.63 inches in August. Supposing a maximum monthly rainfall of 12 inches and a run-off of 50 per cent, or 6 inches, the ditch capacity would still exceed the run-off by 1½ inches.

Farm laterals to reach each quarter section of land have been provided for in the estimates. These will not be over 2 miles in length. Two sizes have been used, each with a bottom width of 3 feet and slopes of 1 to 1, one being 3 and the other 4 feet in depth and containing, respectively, 3,520 and 5,475 cubic yards per mile.

The main ditches are estimated at 13 cents per cubic yard, which is about the price for which dredge work is being done in adjacent territory. The smaller ditches and some of the laterals are estimated at 15 cents. The total area for which it seems desirable to provide drainage is 370 square miles, or 236,800 acres. The total estimated cost is $369,680, or an average of about $1.56 per acre, which is exclusive of any assessment of these lands that might be deemed equitable as a portion of the cost of the improvement of Red Lake River, should such improvement be found necessary. This estimate is less than it would be if there were no main outlet channels, such as the Red Lake and Clearwater Rivers afford.

No survey was made of that portion of the reservation lying south of the lower Red Lake and east of the Clearwater-Beltrami County line, nor of that portion between the upper and lower lake. These areas consist mostly of high timbered sand ridges and scarcely any swamp area, and have therefore not been considered in the foregoing drainage plans.

The question has arisen as to the effect of the proposed drainage of the Indian lands upon those just west of the reservation which are contiguous to Red Lake River. It would undoubtedly result in increasing the burden of water carried by the river, whose current is sluggish and banks low in many places, and this condition might be detrimental, if not destructive, to the agricultural development of these lands. It is obvious that in the improvement of the Indian lands it would not be right to cause damage or destruction to the lands outside the reservation.

The run-off from Indian lands already finds its way into Red Lake and Red Lake River, and there would be no greater annual run-off after than before drainage improvement, yet the construction of ditches would provide a much quicker means of run-off and would result in an increased flow during any flood period. It would seem, therefore, that there may be some foundation for the fears of white settlers who occupy lands below the Indian reservation along the Red Lake River.

At the present time the ditches already constructed in Red Lake and Marshall Counties extend eastward to the reservation line, and in Beltrami County, on the north side of the reservation, these ditches extend eastward parallel to the reservation boundary for a distance of 15 to 18 miles from the west boundary. It is not the intention to burden the capacity of any of these ditches by diverting any of the water from the reservation into them. Some of the drainage will be into the Clearwater River, but nearly all will be into the Red Lake River, and by constructing a ditch near the west boundary of the reservation, south into Red Lake River, the adjacent lands of white settlers on the west will be benefited by taking away from them the water which naturally finds its way in that direction. Probably one or more townships would be so benefited. The only people, therefore, whose lands might be harmed by the proposed drainage plans are those who live near the Red Lake River from the reservation line to High Landing, a distance of about 18 miles. Below High Landing the banks are probably sufficiently high and wide to provide ample drainage for adjacent lands. The area outside the reservation thus subject to overflow can not be definitely stated without a more detailed survey, but can be approximately stated at 10,000 acres.

There are two possible plans for the relief of congested conditions in this river during flood periods. The capacity may be increased by dredging the present channel, and there are several opportunities to reduce the distance and increase the grade by cut-offs. From the outlet of Red Lake to the reservation line, a distance of 19 miles, there is a fall of little more than 6 inches per mile. In the next 14 miles there is a fall of about 0.9 foot per mile. For this distance the river is bordered by swampy banks whose elevation is nearly the same as the river. No measurement of run-off has ever been taken at the outlet, but approximately from the records at Thief River Falls and Crookston the maximum flood run-off at this point may reach as much as 5,000 cubic feet per second. With a grade of 6 inches per mile a channel sufficiently large to contain this volume of water within its banks would have a bottom width of 150 feet, a depth of 11 feet, and slopes of 1 to 1. To care for one-half this volume on the same grade would require a channel 90 feet wide on bottom and 10 feet deep. The expense would render impracticable the construction of so large a channel. The best that could be done would be to improve the present channel so as to assist the run-off and care for the water at ordinary stages. An estimate of the cost of such improvement can not be made with the data at hand, but may be roughly approximated at $4,000 per mile for a distance of 30 miles, or a total of $120,000.

A cheaper and more effective plan may be found in the construction of a storage dam at the outlet of Red Lake impounding the entire run-off, or so much as may be necessary, from an area of 2,000 square miles.

Red Lake is formed by two bodies of water connected by a narrow channel. The combined area is 440 square miles. The depth of water may be increased from 2 to 5 feet without in any way injuring or flooding the surrounding land. On the south and west shores the water is very shallow, and where docks have been established they have had to be extended recently because of the falling of the lake level. From October, 1907, to October, 1913, there was a fall of 17 inches, as shown by elevations taken at those dates.

The benefits of storage would be felt in the aid to navigation on the lake, some aid to navigation on Red River of the North, increased water power on Red Lake River, complete protection from floods on the same river, and some aid in reducing flood waters of the Red River.

During a period of 28 months, from May, 1899, to August, 1901, gauging records were taken by the United States Army Engineers at a point about 5 miles above Thief River Falls. During the period the annual rainfall was about 30 inches, or somewhat in excess of the average rainfall for that section. The average monthly run-off was about 2,500,000,000 cubic feet, or an equivalent to an annual run-off of 5¾ inches in depth over the drainage basin of 2,400 square miles. Assuming an annual rainfall of 30 inches and a run-off of 20 per cent,

or 6 inches, there would be a total of 28,000,000,000 cubic feet, all of which could be withheld in the reservoir without raising the lake level more than 27 inches. The retention of this vast volume of water, allowing a gradual run-off, would effectually relieve the congestion in Red Lake River during flood periods.

In a report on the water-resources investigation of Minnesota it is estimated that a dam at the outlet of Red Lake would have a length of 400 feet at the water surface, 950 feet at 2 feet elevation, and 1,050 feet at 4 feet elevation. A dam 4 feet above the lake level would probably cost not over $10,000. If it should be considered necessary to provide for navigation on Red Lake River and Red Lake, then a lock and dam would be required, and the cost greatly increased. According to a report of the United States Engineer Corps, the cost of such a lock and dam would be $65,000, the necessary dredging of river and lake $180,000, and plant and equipment $25,000, or a total of $270,000.

The project was not approved by the Chief of Engineers, who stated that the amount of commerce itself would not warrant the expenditure of so large a sum of money. Later reports on the same project have confirmed this opinion.

In the years before the building of the International & Great Northern Railway and the line from Bemidji to Red Lake the only possible way to reach the Red Lake country was by way of Red Lake River. Several small steamers and some gasoline boats plied the river, carrying freight and passengers up and bringing back logs, lumber, and passengers. The maximum freight and passenger traffic was in 1899, when 997 tons of freight and 5,344 passengers were carried. The number of passengers that year was nearly five times greater than any other year. The maximum log and lumber traffic was in 1904, when 115,000,000 feet were brought down. The amount declined gradually to 31,000,000 feet in 1911. In 1910, 300 tons of freight and 600 passengers were carried. In 1911, on account of low water, there was no steamboat nor launch traffic, and there has been none since. An electric line now runs from Thief River Falls eastward for 16 miles, and is under construction to the reservation line. Other lines are projected which will give an outlet to all farm products to the immediate west and north of Red Lake. With the advent of electric and steam roads in the near future, it seems most probable that the need and demand for river navigation will cease.

The timber available in this region which might naturally find its way down Red Lake River is practically exhausted, with the exception of that on Indian land. Here there are approximately 125,000,000 feet b. m., of which 50 per cent is white pine. Whether this timber should eventually be taken down the river or sawed at some point on Red Lake matters little. Provision can easily be made for running logs through a sluiceway.

Leaving the question of river navigation out of the reckoning, we find an easy and economical solution of the problem of floods on Red Lake River in the construction of a storage dam at the lake outlet.

On the accompanying map there is outlined a system of main drainage ditches into which the smaller farm laterals are to drain.

In the northwest half of township 154 north, range 38 west, there are about 10,000 acres for which no specific drainage plans have been made. These lands, which are naturally drier than the usual swamp areas, have been considerably improved by the construction of ditches just outside the reservation, but adjacent to the north and west boundaries of the township. With the construction of ditches on the east and south it is believed there will be little need for any ditch construction on this area, unless it be the smaller type of farm lateral.

The following tables give the dimensions and excavation quantities for all ditches and the summary showing the number of miles of farm laterals for each general drainage area.

AREA NORTH OF RED LAKE RIVER.

The area drained by main ditches Nos. 1 and 2 lies north of Red Lake River and west of Red Lake and a high ridge, in range 36, extending north from Red Lake. It occupies the northwest corner of the reservation. Of a total area of about 153,000 acres, all but about 20,000 are swamp land and easily reclaimable.

Main ditch No. 1 and laterals.

	Section.	Length.	Area drained.	Dimensions. Bottom width.	Dimensions. Depth	Slope.	Grade per mile.	Velocity (feet per second).	Cubic yards.
Ditch No.:		*Miles.*	*Sq. miles.*	*Feet.*	*Feet.*		*Feet.*		
1	A	2.0	5.0	8.0	3.5	1 to 1	2.00	1.84	15,740
1	B	2.0	9.0	10.0	4.0	do	2.00	2.00	21,910
1	C	3.0	13.0	10.0	4.5	do	1.70	2.00	38,280
1	D	2.0	24.0	11.0	5.0	do	2.00	2.35	31,290
1	E	2.0	35.0	13.0	5.5	do	2.00	2.56	39,900
1	F	2.0	44.0	15.0	5.5	do	2.00	2.70	44,100
1	G	2.0	54.0	17.0	6.5	do	1.33	2.40	59,740
1	H	1.0	59.0	18.0	6.5	do	1.33	2.45	31,140
1	I	2.0	61.0	19.0	6.5	do	1.25	2.40	64,820
1	J	2.0	71.0	20.0	6.5	do	1.50	2.65	67,370
1	K	2.0	81.0	20.0	7.0	do	1.50	2.80	73,920
1	L	2.0	91.0	19.0	5.5	do	5.00	4.32	56,400
Laterals:									
1	A	1.0	3.0	4.0	3.5	do	2.00	1.57	5,120
1	B	2.0	7.0	10.0	3.5	do	2.00	1.85	18,480
1	C	2.0	8.5	12.0	3.5	do	2.00	1.90	21,220
2	A	2.0	7.0	10.0	3.5	do	2.00	1.85	18,480
2	B	2.0	8.5	12.0	3.5	do	2.00	1.90	21,220
3	A	2.0	6.0	10.0	3.5	do	2.00	1.85	18,480
3	B	2.0	7.5	12.0	3.5	do	1.50	1.67	21,220
4	A	1.0	4.0	6.0	3.5	do	2.00	1.70	6,500
4	B	2.0	6.0	10.0	3.5	do	1.85	1.75	18,480
5	A	2.0	3.0	8.0	3.5	do	1.05	1.30	15,740
6	A	2.0	5.0	10.0	3.5	do	1.32	1.50	18,480
6	B	2.0	8.0	12.0	4.0	do	1.32	1.67	25,030
7	A	2.0	5.0	10.0	3.5	do	1.32	1.50	18,480
7	B	2.0	8.0	12.0	4.0	do	1.05	1.50	25,030
8	A	1.0	3.0	8.0	3.5	do	1.05	1.30	7,870
8	B	1.5	8.0	8.0	3.5	do	2.00	1.80	11,810
									822,170

Cost of excavation, at 13 cents per yard	$106,880
Farm laterals, 36 linear miles, 3 by 3 feet (slope 1 to 1), at 3,520 yards per mile, 126,720 cubic yards, cost of excavation at 15 cents	19,010
	125,890
Engineering and contingencies, 10 per cent	12,590
Total	138,480

Area, 90 square miles, or 57,600 acres.
Average cost, $2.40 per acre.

Main ditch No. 2 and laterals.

	Section.	Length.	Area drained.	Dimensions. Bottom width.	Dimensions. Depth.	Slope.	Grade per mile.	Velocity (feet per second).	Cubic yards.
Ditch No.:		*Miles.*	*Sq. miles.*	*Feet.*	*Feet.*		*Feet.*		
2	A	1.0	5.0	6.0	3.5	1 to 1	4.00	2.40	6,500
2	B	2.0	9.0	10.0	4.0	do	2.00	2.00	21,900
2	C	2.0	12.0	10.0	4.0	do	2.00	2.10	21,900
2	D	2.0	15.0	14.0	4.0	do	1.50	1.90	28,160
2	E	2.0	17.0	14.0	4.0	do	1.50	1.95	28,160
2	F	2.0	19.0	14.0	3.5	do	3.17	2.50	23,980
2	G	3.0	32.0	14.0	4.5	do	2.90	2.80	48,840
2	H	2.0	45.0	19.0	5.5	do	1.50	2.40	53,000
2	I	2.0	57.0	20.0	6.0	do	1.50	2.50	61,000
2	J	1.5	69.0	20.0	7.0	do	1.00	2.30	55,440
2	K	3.0	75.0	18.0	5.5	do	3.83	3.80	75,830
Main laterals:									
1	A	2.0	6.0	8.0	3.5	do	3.17	2.26	15,740
1	B	2.0	10.0	8.0	4.0	do	3.43	2.52	18,770
2	A	2.0	3.0	4.0	3.5	do	3.43	2.07	10,270
2	B	2.0	8.5	6.0	4.5	do	2.90	2.40	18,480
2	C	2.0	12.5	10.0	5.0	do	1.10	1.70	29,330
3	A	2.0	5.0	6.0	3.5	do	2.64	2.15	13,090
3	B	3.0	10.0	7.0	4.5	do	2.38	2.30	30,360
4	A	2.0	6.0	6.0	4.0	do	2.64	2.12	15,640
4	B	3.0	10.0	8.0	5.0	do	1.32	1.90	38,130
									614,510

Farm laterals and local ditches:	
38 miles 3 by 3 feet, at 3,520 yards per mile	133,760
8 miles 3 by 4 feet, at 5,475 yards per mile	43,800
Summary:	
614,510 cubic yards, at 13 cents	$79,866
177,560 cubic yards, at 15 cents	26,634
	106,520
Engineering and contingencies, 10 per cent	10,650
Total cost	117,170

Area of swamp land drained, 117 square miles, or about 74,880 acres.
Average cost per acre, $1.57.

The area between Red Lake and Clearwater Rivers contains about 75,000 acres and is practically all swamp land, but can be drained by local ditches emptying into these rivers and into Red Lake. No ditch would be over 5 or 6 miles in length.

Area between Red Lake and Clearwater Rivers.

	Section.	Length.	Area drained.	Dimensions. Bottom width.	Dimensions. Depth.	Slope.	Grade per mile.	Velocity (feet per second).	Cubic yards.
Ditch No.:		*Miles.*	*Sq. miles.*	*Feet.*	*Feet.*		*Feet.*		
1	A	1.50	3	6.0	3.0	1 to 1	1.32	1.40	7,920
1	B	1.00	4	6.0	4.0	do	1.05	1.40	7,920
1	C	1.00	5	6.0	3.5	do	4.17	2.20	6,700
2	A	1.00	2	4.0	3.0	do	2.10	1.30	4,110
2	B	2.00	3	4.0	3.0	do	2.90	1.70	8,210
2	C	1.50	6	8.0	3.5	do	2.64	2.10	11,810
3	A	2.00	4	6.0	3.0	do	2.64	1.80	10,560
3	B	2.00	8	8.0	4.0	do	2.38	2.10	18,770
3	C	1.50	11	8.0	4.0	do	5.28	3.10	14,080
4	A	2.00	5	8.0	3.5	do	2.00	1.80	15,500
4	B	2.00	7	8.0	3.5	do	4.75	2.70	15,500
5	A	2.00	5	8.0	3.5	do	1.05	1.35	15,500
5	B	1.00	6	6.0	3.5	do	8.00	3.15	6,500
6	A	1.00	3	6.0	3.0	do	2.90	1.90	5,280
6	B	2.00	4	8.0	3.5	do	1.60	1.60	15,500
6	C	1.00	5	6.0	3.5	do	6.60	2.90	6,500
7		2.00		6.0	3.0	do			8,210
8	A	3.00	19	11.0	5.0	do	1.05	1.80	46,990
8	B	1.30	21	8.0	5.0	do	2.38	2.50	16,520
9		2.00	7	6.0	4.0	do	2.64	2.20	15,640
10	A	1.00	4	6.0	3.0	do	2.90	2.10	5,280
10	B	1.75	5	6.0	3.0	do	3.40	2.30	9,240
11		2.50	5	6.0	3.0	do	3.70	2.30	13,200
12		1.75	4	6.0	3.5	do	2.40	1.90	11,330
									296,700

Main ditches, cubic yards	297,700
15 miles laterals 3 by 4 feet (1 to 1 slope at 5,475 yards per mile)	82,120
33 miles laterals 3 by 3 feet (1 to 1 slope at 3,520 yards per mile)	116,160
Total	494,980

At 15 cents per yard equals	$74,247
Engineering and contingencies, 10 per cent	7,423
Total	81,679

Area drained, 118 square miles, or 75,520 acres.
Average cost per acre, $1.08.
In townships 153 and 154 north, range 35 west, there are about 29,000 acres of swamp lands desirable for reclamation. All the drainage would be into Red Lake through several local ditches.

Area north of Red Lake.

	Section.	Length.	Area drained.	Dimensions. Bottom width.	Dimensions. Depth.	Slope.	Grade per mile.	Velocity (feet per second).	Cubic yards.
Ditch No.:		*Miles.*	*Sq miles.*	*Feet.*	*Feet.*		*Feet.*		
1	A	2.00	4.0	4.0	3.0	1 to 1	4.75	2.45	8,210
1	B	2.60	7.0	7.0	3.0	do	5.60	2.80	11,730
1	C	.50	8.0	6.0	3.0	do	9.24	2.67	2,640
2	A	2.00	6.0	8.0	3.0	do	2.00	2.17	12,910
2	B	1.00	8.0	8.0	3.5	do	3.17	2.45	7,870
2	C	.75	8.5	7.0	3.0	do	6.60	3.20	4,400
3	A	1.50	3.0	5.0	3.0	do	1.52	1.33	7,040
3	B	1.20	4.0	5.0	3.0	do	5.28	2.70	7,040
4	A	2.00	20.0	7.0	4.0	do	6.60	3.70	17,210
4	B	3.00	30.0	12.0	4.0	do	3.70	3.10	25,020
4	C	3.80	38.0	12.0	5.0	do	2.10	2.60	14,670
4	D	4.30	43.0	14.0	5.0	do	2.60	3.00	37,150
									135,900

15 miles of farm laterals, at 3,520 yards per mile	52,800
	135,900
	208,700
114,640 yards, at 15 cents	$17,196
94,060 yards, at 13 cents	12,224
Total	29,420
Engineering and contingencies, 10 per cent	2,940
	32,360

Forty-five square miles drained, or 28,800 acres, at average cost of $1.13 per acre.

Mr. CARTER of Oklahoma. I yield the remaining time to the gentleman from Utah [Mr. HOWELL].

Mr. HOWELL. Mr. Speaker, Senate amendment No. 133 in the Indian appropriation bill has been the subject of some unnecessary discussion by my colleague [Mr. MAYS] since it was disagreed to by the conference and eliminated from the bill and is not now before the House.

It was not my intention, therefore, to discuss the question at this time, but, in view of the criticism and strictures made by my colleague upon this provision and his remarks with respect to the propriety of such an amendment being placed upon the Indian appropriation bill, I feel constrained to give a brief history of the legislation affecting these lands, from which it will be seen that the Committee on Indian Affairs has heretofore had exclusive jurisdiction of the subject, and every law on the statute books pertaining to the lands has been enacted on the Indian bill.

By treaty dated March 6, 1880, the Indians relinquished to the United States the lands in the Uncompahgre Reservation, in Colorado, and were removed and settled upon lands in Utah, a part of which were embraced in the Uncompahgre Indian Reservation, in Utah, which was created by Executive order of January 5, 1882, and included the lands now in question.

In further pursuance of the said treaty of March 6, 1880, the Indian appropriation act of August 15, 1894, contained the following direction:

SEC. 21. That the remainder of the lands on said reservation shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States: *Provided*, That no person shall be entitled to locate more than two claims, neither to exceed 10 acres, on any lands containing asphaltum, gilsonite, or like substance.

The Indian appropriation act of June 7, 1897 (30 Stat., 87), provided in part as follows:

The Secretary of the Interior is hereby directed to allot agricultural lands in severalty to the Uncompahgre Ute Indians now located upon or belonging to the Uncompahgre and Uintah Reservations or elsewhere in said State. And all the lands of said Uncompahgre Reservation not theretofore allotted in severalty to said Uncompahgre Utes shall, on and after the 1st day of April, 1898, be open for location and entry under all the and laws of the United States, excepting, however, therefrom all lands containing gilsonite, asphalt, elaterite, or other like substances.

And the title to all of the said lands containing gilsonite, asphaltum, elaterite, or other like substances is reserved to the United States.

The Indian appropriation act of March 3, 1903 (32 Stat., 938), provided as follows:

That in the lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite, asphaltum, elaterite, or other like substances, which were reserved from location and entry by provision in the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," approved June 7, 1897, all discoveries and locations of any such mineral lands by qualified persons prior to January 1, 1891, not previously discovered and located, who recorded notices of such discoveries and locations prior to January 1, 1891, either in the State of Colorado or in the office of the county recorder of Uintah County, Utah, shall have all the force and effect accorded by law to locations of mining claims upon the public domain. All such locations may hereafter be perfected, and patents shall be issued therefor upon compliance with the requirements of the mineral-land laws, provided that the owners of such locations shall relocate their respective claims and record the same in the office of the county recorder of Uintah County, Utah, within 90 days after the passage of this act. All locations of any such mineral lands made and recorded on or subsequent to January 1, 1891, are hereby declared to be null and void; and the remainder of the lands heretofore reserved as aforesaid because of the mineral substances contained in them, in so far as the same may be within even-numbered sections, shall be sold and disposed of in tracts not exceeding 40 acres, or a quarter of a quarter of a section, in such manner and upon such terms and with such restrictions as may be prescribed in a proclamation of the President of the United States issued for that purpose not less than 120 days after the passage of this act and not less than 90 days before the time of sale or disposal, and the balance of said lands, and also all the mineral therein, are hereby specifically reserved for future action of Congress.

The foregoing is a summary of the various acts relating to these lands, and in every instance the legislation was considered by the Committee on Indian Affairs and included in the various annual Indian appropriation acts, and it can not be said, therefore, that the Committee on Indian Affairs is not fully informed upon the subject and fully prepared to legislate upon it.

Senate bill No. 43, which is identical with Senate amendment No. 133, on the Indian appropriation bill, provides as follows:

That the lands and also all the mineral therein, within the former Uncompahgre Indian Reservation, in the State of Utah, which were specifically reserved for future action of Congress, in the act approved March 3, 1903 (32 Stat., 998), and the remainder of the lands within even-numbered sections, in said reservation, reserved in the act approved June 7, 1897 (30 Stat., 87), as containing gilsonite, asphaltum, elaterite, or other like substances, and which were, by said act of March 3, 1903, authorized to be sold and disposed of in tracts not exceeding 40 acres, shall, unless otherwise reserved, be immediately open to settlement, location, occupation, and entry under all the land laws of the United States according to the character of the lands or of the mineral deposits therein.

The bill was duly referred to the Secretary of the Interior for report, and after consideration the Secretary reported favorably upon the bill, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 7, 1915.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I am in receipt of your request for report upon S. 6623, Sixty-third Congress, second session, providing that lands and the minerals therein within the former Uncompahgre Indian Reservation, in the State of Utah, reserved for future action of Congress by the acts of March 3, 1903 (32 Stat., 998), and June 7, 1897 (30 Stat., 87), as containing gilsonite, asphaltum, elaterite, or other like substances, shall, unless otherwise reserved, be immediately opened to settlement, location, occupation, and entry under all the land laws of the United States.

The act of June 7, 1897, *supra*, opened to location and entry under the land laws of the United States the unallotted lands in the former Uncompahgre Indian Reservation, except lands containing the substances named, the title to the latter being reserved to the United States.

The act of March 3, 1903, supra, validated certain locations made upon the lands in question under the mining laws, provided that the even-numbered sections containing the minerals named might be disposed of by the President in tracts not exceeding 40 acres each, and that the balance of the lands and all mineral therein should be specifically reserved for future action of Congress. This reservation, it will be noticed, was of the odd-numbered sections within said former reservation.

The act of June 21, 1906 (34 Stat., 376), validated and confirmed, as against the United States, certain patents issued upon said lands prior to March 3, 1903, upon locations made prior to January 1, 1891.

The Director of the Geological Survey reports that, in so far as he is advised, no elaterite, ozocerite, or sand asphaltum has been produced in commercial quantities from these lands, but there are in existence therein extensive and valuable veins of gilsonite, estimating that there are situated upon the even-numbered sections within said reservation upon unpatented lands 20 miles of veins and upon the odd-numbered sections 30.2 miles of veins.

Letters have been written to this department by some residents of the State of Utah, urging the opening of these minerals to disposition under the general mining laws, on the ground that this would open to location and entry by the general public considerable areas of land containing the minerals described, and promote a healthy competition with the owners of the deposits, the title to which has heretofore passed from the United States.

Upon careful consideration of the entire matter, I am of the opinion that the lands in question should be opened to disposition under the public-land laws. It is presumably the intent of the bill that lands containing valuable deposits of gilsonite or other minerals shall be subject to location, entry, and patent under the general mining laws of the United States, and the nonmineral lands, if any, be subject to disposition under appropriate nonmineral laws. In this connection, attention is directed to the act of July 17, 1914 (Public, No. 128), "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals."

In order to make it entirely clear that the lands in question, if mineral, shall be opened only to location and disposition under the

mining laws, and if nonmineral, only under the nonmineral land laws of the United States, it might be well to amend line 7, page 2, to read: "Entry under all the land laws of the United States according to the character of the lands or of the mineral deposits therein."

Cordially, yours,

FRANKLIN K. LANE.

The bill passed the Senate on March 9, 1916, and was referred by the Speaker to the Committee on Indian Affairs, which by practice and precedent had always taken jurisdiction of the subject. While the measure was pending before the Committee on Indian Affairs of the House, the Indian appropriation bill came up for consideration in the Senate, and the provision of Senate bill No. 43, very consistently, was placed upon it as an amendment.

The Committee on Indian Affairs of the House had the bill referred to the Committee on the Public Lands, and having lost jurisdiction of the subject the item embracing its provision as it came over from the Senate was disagreed to and eliminated, and the subject has now been acted upon by the Committee on the Public Lands.

A reference to the schedule of the various acts relating to these lands shows that since 1897, now 19 years ago, a portion of these lands containing gilsonite, asphalt, elaterite, or other like substances, has been reserved from all forms of entry or location. When the act of June 7, 1897, was passed that entire portion of the State of Utah was included in the Uintah Indian Reservation and uninhabited by white settlers. Even at that early day special privileges of leasing hydrocarbonous mineral lands on the Uintah Indian Reservation had been given, and when the Indian reservation was thrown open to homestead settlement these special interests were permitted to locate and acquire 2,640 acres of mineral lands, and this was the foundation of the monopoly that still controls the output of these minerals.

But the conditions which existed when Congress decided to reserve these lands have completely passed away. With the opening to settlement of the Uintah Indian Reservation, more than 10 years ago, there has been a steady flow of industrious and undismayed settlers to this part of the State who, despite the great difficulty and expense involved in diverting water for irrigation, which is absolutely essential to successful cultivation in that arid section, have constructed expensive canals and irrigation works, overcome the obstacles of nature, and by their pluck and industry have laid the foundation for one of the most populous and prosperous sections of the State. By their courage and industry they have accomplished marvelous results in developing the latent resources of that country.

The homesteader was required not only to reclaim his land, but, in addition, was obliged to pay full value for it. Under these conditions the homesteader ought justly to have his homestead right restored. These hardy, thrifty settlers in the van of civilization deserve well of their country, and Congress can well afford to be liberal and helpful to them in their efforts. These communities, bearing the burdens and hardships and expenses incident to a new country, with roads, bridges, schools, and public buildings to construct and maintain, can not understand why the natural resources which surround them ought not to be utilized for the growth and development of the country. They are restricted in a great measure in their pursuits by the lack of railroad transportation facilities. With adequate railway communication the country would grow in leaps and bounds. Its natural resources and agricultural possibilities are unsurpassed by any other part of the State.

But these resources are withheld from development, with the consequent delay in such inducements as would surely bring about the early extension of a railway to reach them. These people have been earnestly working to encourage the extension of railroads to their section, and while their prospects of success in this respect are very good, the opening of these mineral lands to development would prove the decisive factor in bringing about the early construction of such facilities of transportation.

Is it, then, strange that the people of that section are demanding that these resources be thrown open to development?

It is claimed that the unrestricted opening of the lands under the mining laws would result in their passing into the possession of the monopoly now controlling these minerals. This is a specious argument. The cry comes from the companies now enjoying the monopoly in the production of these minerals, because the companies plainly understand that if these lands were thrown open their profitable monopoly would be destroyed and there would be competition.

The sealing up of these resources plays most effectively into the hands of the monopoly and against the natural and rightful development of the country. There has, no doubt, been considerable interest aroused by the prospects of the passage of legislation making these lands subject to our general land and mining laws, and some people are ready to file promptly on the claims at the proper time. But any undue or disorderly scramble for possession of the lands could be easily averted by limiting the number of claims to each person and providing for an orderly method of preferential location by lot and restricting the right of location to bona fide residents of the land district.

These simple amendments would have safeguarded against the control by a monopoly and meet the criticisms leveled against unrestricted entry.

The leasing system proposed by the Committee on Public Lands as a solution of this question will not hasten the development of the country that is so urgently demanded and deserved by the intrepid pioneers who are struggling for the advancement and growth of their locality. These settlers have contended against many unjust and arbitrary regulations in the matter of acquiring rights of way for canals and ditches. Many of the best agricultural lands, contrary to the spirit of the law, were set aside as grazing lands for Indian stock. These open lands are a constant source of friction between the whites and the Indians, and these unhealthy conditions ought to be remedied. The citizens of the Uintah country very clearly set forth some of their grievances and the relief which they seek in the following petition, which they have asked me to transmit to Congress:

Your petitioners also beg to call attention to one of the clauses of congressional joint memorial No. 31, approved June 9, 1902 (32 Stat., 744), which reads as follows:

"In addition to the allotments in severality of the Uintah and White River Utes, the Secretary of the Interior shall, before any of the said lands are opened to disposition under any public-land law, select and set apart for the use of the Indians of the reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians."

Your petitioners would respectfully represent that in the setting aside of said grazing lands the provisions of the above resolution were not adhered to as to the lands being nonirrigable. Much of the lands so set aside is along the rivers and streams of the basin and is highly agricultural and irrigable and the water is plentiful and easily accessible for the irrigation of the same. These lands now lie largely unused and unproductive to the settlers or the Indians, and lying as they do between the valleys and the mountain ranges it is impossible for the settlers to reach the latter for either timber or for grazing purposes without crossing these grazing lands, which are now, in fact, an Indian reservation to all intents and purposes as they were before the opening. Settlers, therefore, in taking their stock to and from the summer forest ranges and in getting lumber and timber from the forests trespass in crossing this Indian grazing land.

Your petitioners most respectfully represent that it would be to the best interests of the Indians and the settlers to have this grazing land pass to the control of the forest reserves, and while applying all regulations now enforced as to the white settler as to grazing and homesteading give the Indian free access to the same as he now has.

Your petitioners respectfully request that Congress enact legislation attaching said Indian grazing lands to the Ashley National Forest Reserve, and while reserving to the Indians free and unlimited grazing privileges of the same, that all irrigable, agricultural lands be subject to homestead entry and governed as other homestead lands within such reserves.

At the last session of the Utah Legislature, this menacing situation was considered and the following memorial adopted and forwarded to Congress:

House joint memorial 3.

A memorial to the Congress of the United States of America petitioning the United States Government to make a part of the Ashley National Forest certain lands formerly within the Uintah Indian Reservation.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the governor and the Legislature of the State of Utah, respectfully represent that—

Whereas certain lands located in Wasatch, Duchesne, and Uinta Counties, in the State of Utah, and formerly within the boundaries of the Uintah Reservation, are now held and set apart as Indian grazing lands; and

Whereas said lands are now patrolled by Indian police, whose actions in the handling of cattle owned by residents of said counties continually cause the said residents serious inconvenience and much damage:

Now, therefore, the governor and the Legislature of the State of Utah respectfully petition that the said lands so set apart as Indian grazing lands be made a part of the Ashley National Forest and placed under the control of the Forest Service.

Approved March 16, 1915.

STATE OF UTAH,
SECRETARY OF STATE'S OFFICE.

I, David Mattson, secretary of state of the State of Utah, do hereby certify:

That the foregoing memorial is a full, true, and complete copy of the original thereof, which was filed in the office of the secretary of state of the State of Utah on the 16th day of March, 1915.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 21st day of June, A. D. 1915.

[SEAL.] DAVID MATTSON,
Secretary of State.

I brought this grazing matter to the attention of the Commissioner of Indian Affairs, who instituted an investigation, but from the tenor of the report by the employees of that department there does not appear to be much chance for immediate relief, unless through remedial legislation. The following

correspondence with the Commissioner of Indian Affairs treats of the matter from his viewpoint, and sets forth his attitude upon it:

DECEMBER 24, 1915.

Hon. CATO SELLS,
Commissioner of Indian Affairs, Washington, D. C.

MY DEAR COMMISSIONER: The governor and the Legislature of Utah have memorialized Congress, earnestly asking on behalf of the people in that section that the lands of the Uintah Indian Reservation, which were set aside by the act of March 3, 1905 (33 Stat., 1018), as Indian grazing lands, be included in the Ashley National Forest. It is alleged that annoyances and losses occur to the white settlers who have grazing permits on said reserve and whose live stock occasionally stray upon the adjoining Indian lands and are promptly taken in custody by the patrolling Indian police and driven off. I have presented this question to the Chief Forester, who expresses the opinion that these grazing lands could be economically and advantageously administered as a part of the Ashley National Forest. It is my sanguine opinion that if some plan can be proposed suitably safeguarding the interests and rights of the Indians by which these lands can be administered as a part of the Ashley National Forest it would materially conduce to the good relations and friendship between the whites and the Indians. I am presenting this matter to you in the hope that you will outline a plan that would effectuate this purpose and meet with your approval.

Yours, truly,

JOSEPH HOWELL.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 28, 1916.

MY DEAR MR. HOWELL: This will refer further to your letter of December 24, 1915, in regard to the proposal to add the tribal grazing reserve of the Uintah and Ouray Indians to the Ashley National Forest.

The proposed action would place the tribal grazing reserve entirely under the control and management of the Forest Service, whose primary concern is the conservation of the forests of the United States rather than the welfare of the Indians. While the grazing of stock on forest reserves may be permitted under certain conditions, yet the regulations on this subject are somewhat complicated, and it would be very difficult and burdensome for the Indians to comply with them in order to obtain their proportionate share of the benefits of the range in competition with white stockmen, as, under the regulations, the range would be open to whites and Indians alike on equal terms, except that "special concessions may be made by the Secretary of Agriculture to Indians who are enrolled upon the records of the Office of Indian Affairs." However, such concessions are merely optional and not obligatory, in the discretion of the Secretary of Agriculture, and there is no assurance that they will be made, as I fear that strong and successful pressure might be brought to bear by white stockmen to prevent such action.

The only concessions which would adequately protect the interests of the Indians would require that they be given the preference right to free grazing privileges up to the capacity of the range, as at present, which their stock demands, with that of white lessees, as explained below. In other words, this would involve merely the placing of the tribal reserve under the jurisdiction of the Forest Service instead of the Indian Office, with practically no change whatever in the conditions upon which the Indians may range their stock thereon. This would accomplish no useful purpose in behalf of either the Indians or the whites; moreover, it is hardly conceivable that the Forest Service could consistently grant such liberal concessions to the Indians as entirely to exclude white stockmen from the reserve (except lessees of Indian land), who would likely crowd the Indians out if the latter were compelled to compete with them on equal terms, should the concessions not be granted, which might be the case.

Apparently the only reason for the proposed action, as set forth in the memorial of the Utah State Legislature, is as follows:

"Whereas said lands are now patrolled by Indian police, whose actions in the handling of cattle owned by residents of said counties continually cause the said residents serious inconvenience and much damage * * *"

I have had this matter thoroughly investigated and attach hereto for your information copies of the superintendent's report, with accompanying inclosures, from which it will be seen that this complaint is apparently unfounded, so far as the evidence shows. The superintendent's investigation was complete and exhaustive, and he transmits statements from old settlers in that vicinity controverting the charge that the Indian police have caused any trouble of the nature referred to in the memorial.

On most reservations the Indians are allotted individual tracts of both agricultural and grazing lands, but under the act of May 27, 1902 (32 Stat. L., 263), on this reservation they were allotted agricultural land only, in 40 and 80 acre tracts, the entire grazing reserve of 250,000 acres being held in common (joint resolution of June 19, 1902, 32 Stat. L., 744). According to the latest figures, the population of the reservation is 1,161. These Indians own live stock worth approximately $209,407, and with no individual range facilities they must depend entirely upon the tribal grazing reserve.

An irrigation project has been constructed on this reservation at a total cost (for construction) of $834,207.79, with 78,502 acres of land now under ditch. The water rights on this project expire under the State laws applicable thereto in 1919. Only 7,138 acres were cultivated by the Indians during the fiscal year 1915, and with but 291 able-bodied male adults it will be a physical impossibility for the Indians themselves to get all the land in cultivation by 1919 and save the water rights.

After exhaustive investigation it was decided that the only solution of the difficulty was to lease the surplus irrigable lands (beyond that which the Indians can cultivate) to white settlers on liberal terms, as the land is raw, rough, and unbroken sagebrush, and extraordinary inducements must be offered to prospective lessees. Pursuant thereto a comprehensive plan was put into effect on March 24, 1915, with that end in view.

An important and vital feature of this plan is that white lessees of Indian agricultural land are permitted to graze not to exceed 100 head of stock on the tribal grazing reserve at $1 per head per annum. Many five-year leases have been entered into with this grazing privilege as a part thereof, 2,284 head of stock belonging to white lessees of Indian allotments now being grazed thereunder. However, there is no law which authorizes the leasing of land within national forest reserves for grazing purposes, mere revocable permits being issued from year to year by the Secretary of Agriculture, who has authority to permit, regulate, or prohibit grazing in the national forests * * * when it does not interfere with the purposes for which national forests are created." Should the tribal grazing reserve be taken from the Indians and placed under the jurisdiction of the Forest Service, the carrying out of these agreements would be greatly complicated if not made entirely impossible, thus seriously embarrassing the Indian Service in fulfilling such contracts.

It is estimated that the tribal grazing reserve of 250,000 acres will accommodate 6,000 head of cattle or horses, in addition to which the Indians may graze 2,000 head on the present forest reserve in return for the privilege of forest-permittee stock crossing the tribal reserve twice each year, making a total available capacity of 8,000 head. The superintendent reports that this range is now stocked as follows:

Indian:	
Horses	1,224
Cattle	2,759
Sheep, equal to (cattle)	250
Total	4,233
White	2,284
Grand total	6,517

This is only 1,483 head less than the total estimated capacity of the Indian range plus the 2,000 head which they may graze on the forest reserve. The live-stock holdings of the Indians are being increased each year, as this industry is necessarily an important item in their self-support, and additional leases of Indian allotments are constantly being made to white settlers, with the privilege of grazing not to exceed 100 head of stock on the tribal reserve at $1 per head per annum, as above stated. The comparative statement given below shows the excellent results thus far achieved under the leasing system adopted on March 24, 1915: In 1914, number of allotments leased, 177; acres, 8,982; 1915, number of allotments leased, 524; acres, 34,132.

With the 7,138 acres cultivated by Indians during the fiscal year 1915, this makes a total of 41,270 acres now actually under cultivation, the water rights to which have thus been saved, leaving 37,232 acres yet to be cultivated by 1919, which must necessarily be done largely by lessees, as explained herein.

If the privilege now allowed white lessees of grazing stock on the tribal reserve is withdrawn or made difficult of accomplishment, it will greatly interfere with the leasing of this land, and thus endanger the water rights. The Indians themselves are considerably alarmed over the prospect of losing their grazing reserve, as shown by the attached copy of letter addressed by them to the superintendent. Particular attention is invited to the following extracts therefrom:

"We were allotted very small tracts of land in severalty; heads of families receiving 80 acres and only 40 acres each to all others, and many married men who had no children were allotted as not heads of families. It was explained that this was done because we were to be allowed a grazing reserve for the use of the tribe.

"The balance of our reservation was thrown open to homestead entry. All of such land is now occupied by settlers, most of them owning 160 acres each, as compared to our 40-acre tracts. Many of these homesteaders were unmarried men or women, yet they were considered as heads of families and allowed homesteads equal to others who had children. Our homes are very far from the aforesaid homesteaders, that they have not enough room on their 160-acre ranches and must have our grazing lands turned over to the Forestry, that they may be allowed the use of the said land for their stock.

"In 1906 Congress set aside the best part of our grazing land as a forest reserve, leaving us only the foothills along the base of the mountains for our grazing lands, and the above-mentioned forest reserve has been open to homesteaders for the grazing of their stock.

"We Indians have cattle and horses, beside sheep, and as we understand stock raising better than we do other things, we want to continue in that business; therefore we must retain what little grazing lands we have left.

"We do not understand the rules and regulations governing the Forestry, and if we were placed under the supervision it would work a hardship on us, for white men would beat us to the grazing privileges just as they do now on the national forest reserve."

Some correspondence on this subject was published in the Roosevelt Standard of January 5, 1916, including copy of a letter addressed to you on December 22, 1915, by Mr. M. P. Potter, Acting Forester. I note particularly that portion thereof reading as follows:

"In 1902 a very thorough field examination was made by an experienced forest officer for the purpose of determining what lands in the then Uintah Indian Reservation should be permanently reserved for forest and watershed protection.

"The act of March 3, 1905 (33 Stat. L., 1018), authorized the President to set aside such lands before opening the Indian reservation, with the further proviso that the proceeds from any timber sold from such reserved lands prior to June 30, 1920, should be paid to the Indians. Under this authority and before opening the reservation the President reserved all lands valuable for national forest purposes.

"It appears from the records of this office that none of the remaining lands are such as should properly be included within a national forest, since they are neither valuable for timber nor for stream-flow regulation. This office could not, therefore, approve their addition to a national forest under the presumption of their being forest lands. On the other hand, it is realized that adjacent the national forests in that region are very valuable grazing lands which might be economically and advantageously administered in connection with the national forest lands. These lands, however, were specifically reserved for grazing purposes by the Indians, and in accordance with joint congressional resolution No. 31, approved June 9, 1902 (32 Stat. L., 744)."

It thus appears that the forest reserve authorized by law has already been set aside by the President; that none of the remaining lands should properly be included within a national forest; and that they are, in fact, classified as "grazing lands" which have been specifically reserved for the Indians.

To summarize, this proposal appears to be predicated entirely upon an alleged condition which does not, in fact, exist, so far as the evidence shows. Based on official reports, the land is apparently not such as should properly be included within a national forest reserve. It will greatly embarrass the Indian service in carrying out present grazing contracts entered into in good faith as an important part of plans to protect the water rights and complicate, if not prohibit, the execution of further necessary contracts of this nature. The entire grazing reserve is absolutely essential for Indian stock and that of white lessees. This service, rather than the forest service, is responsible for the proper and efficient management of Indian Affairs. The Indian

Service is now engaged in an aggressive campaign to save the water rights on this reservation, the success of which, so necessary to the future industrial welfare and progress of the Indians, depends upon its undisputed control of all contributory factors, including the tribal grazing reserve.

For these reasons, considered from every standpoint and taking the most optimistic and hopeful view of the situation, it is my opinion that the proposal necessarily involves such elements of danger to the welfare and progress of the Indians, which must at all times be my primary concern, that I can not consistently give it my approval.

I would therefore greatly regret to see any further action with the view of adding this tribal grazing reserve to the Ashley National Forest.

Very truly, yours,

CATO SELLS, *Commissioner.*

Hon. JOSEPH HOWELL,
House of Representatives.

I have already referred to the justice of restoring the homestead rights to settlers upon the lands of the Uintah Indian Reservation, and who were required to pay the full cash value of the lands in addition to complying with the homestead law. The situation is so clearly expressed and the relief sought so convincingly stated in the petition of the citizens concerned that I take pleasure in inserting it as a part of my remarks and commend it to the attention of the Congress:

A PETITION FOR THE RELIEF OF SETTLERS OF THE FORMER UINTAH INDIAN RESERVATION IN UTAH.

To the President of the United States and Members of the Senate and House of Representatives in Congress assembled, greeting:

Your petitioners, citizens of the United States and residents of the former Uintah Indian Reservation, Utah, beg to respectfully represent that—

Whereas the act providing for the opening to settlement of the lands of the former Uintah Indian Reservation of Utah provided that the lands could be obtained only under homestead entry and full compliance with the homestead laws and the payment of $1.25 an acre at the time of making final proof; that

Whereas all said lands are arid and no crops can be raised without irrigation, and that entrymen were compelled to construct large and expensive canals with which to irrigate said lands before crops could be produced; that as a result of having to comply with the homestead laws, the constructing of expensive irrigation canals, and the payment of $1.25 per acre for the lands homesteaded said entrymen find themselves in financial embarrassment and their substance all spent before returns have been possible from crops raised from the lands so homesteaded; that

Whereas at the end of the five-year period after the opening of said reservation all lands not entered as homesteads or otherwise reserved by the department were offered at public sale to the highest bidder for cash at the land sales in Provo, Utah, and that many thousands of acres of agricultural, mineral, and grazing lands were thus sold, much of it bringing but the minimum price of 50 cents per acre, and sold without condition as to residence or occupancy; that said lands are held mostly by persons of large or unlimited means, are not occupied, save as grazing lands, nor are they being improved; that said lands are held and owned largely by nonresidents of the county in which the lands are situated, and their value is being appreciated by the occupancy and improvement of the homesteaded lands, whose owners must remain with said lands in order to comply with the conditions of the homestead laws.

Your petitioners respectfully represent the above conditions have been and now are unequal and unjust, and that the entryman who has had to comply with the exacting conditions of the homestead law ought not to have had to pay the purchase price of $1.25 an acre for his homesteaded lands.

Your petitioners therefore respectfully request that Congress immediately enact legislation restoring the homestead right to all entrymen on the former Uintah Indian Reservation who have complied with the homestead laws, submitted his final proof, and paid the $1.25 per acre for his land so homesteaded.

[By unanimous consent, Mr. HAYDEN was given leave to extend his remarks in the RECORD.]

Mr. CHIPERFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks on that portion of the conference report that embraces the lands of the Red Lake Indian Reservation and the attempt to use them for timber purposes.

The SPEAKER. Is there objection?

There was no objection.

By unanimous consent, Mr. RAKER, Mr. JOHNSON of Washington, and Mr. STOUT were given leave to extend remarks on the Indian appropriation bill.

The SPEAKER. The question is on agreeing to the conference report. Without objection, it will be agreed to; and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of S. 2986——

Mr. CAMPBELL. Mr. Speaker, there was so much confusion that I did not hear the Chair announce the result of the vote on agreeing to the conference report.

The SPEAKER. Without objection, the conference report will be agreed to.

Mr. MANN. Mr. Speaker, I would rather have it voted on.

The question was taken, and the conference report was agreed to.

RURAL CREDITS.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the rural-credits bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes, with Mr. GARNER in the chair.

The Clerk read as follows:

CAPITAL STOCK OF FEDERAL LAND BANKS.

SEC. 6. That every Federal land bank shall have, before beginning business, a subscribed capital of not less than $750,000. The Federal farm-loan board is authorized to prescribe the terms, conditions, and time of the payment of subscriptions to capital stock, to reject any subscription in its discretion, and to require subscribers to furnish adequate security for the payment thereof.

Mr. CULLOP. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CULLOP. As I understand it, the Clerk is reading section 6, when section 5 has not been disposed of.

The CHAIRMAN. Section 5 has been read, and that section and all amendments to it have been disposed of. The Clerk will read.

The Clerk read as follows:

At least 20 per cent of the capital stock of any Federal farm-land bank which is paid in by national farm-loan associations shall consist of cash in the vaults of said land bank or of deposits in member banks of the Federal reserve system or of investments in negotiable interest-bearing securities, approved by the Federal farm-loan board: *Provided*, That not less than 5 per cent of such capital stock shall be invested in bonds of the United States.

Mr. HENRY, Mr. MORGAN of Oklahoma, Mr. BENNET, and Mr. McFADDEN rose.

The CHAIRMAN. The gentleman from Texas.

Mr. HENRY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. HENRY offers as a new section the following——

Mr. MORGAN of Oklahoma. Mr. Chairman, I wish to offer a substitute for the section just read, and also an amendment to it.

The CHAIRMAN. The gentleman from Texas offers an amendment as a new section, and it would not prevent the gentleman from Oklahoma from offering his amendment. The Chair thinks the proper procedure, however, will be to perfect the section first.

Mr. HENRY. No one offered an amendment, and so I offered mine.

The CHAIRMAN. It is hardly correct to say that no one offered an amendment, because gentlemen were on their feet to offer amendments.

Mr. HENRY. Mr. Chairman, I withdraw my amendment for the present.

Mr. MORGAN of Oklahoma. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MORGAN of Oklahoma. I wish to ask the Chair if after the substitute is offered and it should fail it would be in order to offer an amendment to the section?

The CHAIRMAN. Yes; but the proper procedure is to offer the amendment to the section first before the substitute.

Mr. MANN. The substitute is in order to be offered, but the amendment takes precedence.

Mr. McFADDEN. Mr. Chairman, I offer an amendment to perfect the section.

Mr. MORGAN of Oklahoma. As I understand, I have the right to offer an amendment, even after the substitute should be voted down?

The CHAIRMAN. Yes; but the better practice is to offer the amendment first.

Mr. MORGAN of Oklahoma. From my discussion it will be better, I think, to offer the substitute first.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. McFADDEN].

The Clerk read as follows:

Page 86, section 6, strike out lines 18, 19, and 20, and insert the following:

"Stock owned by the Government of the United States in Federal land banks shall receive dividends at the rate of 2 per cent per annum."

Mr. McFADDEN. Mr. Chairman, the purpose of the amendment is to provide a reasonable rate of interest to be paid by this Federal land banking system into the Treasury of the United States to help compensate somewhat for the liability which the United States is assuming in advancing $9,000,000 as

an initial amount to set in motion this land-credit system, to say nothing about the additional liability which might and probably will occur if this present measure is enacted into law. I can see no reason why the United States should be discriminated against in this manner, and I think it is only just and right that, after this system makes reasonable earnings and before any distribution is made of these profits, after setting aside a proper reserve, the United States should be paid a small rate of 2 per cent per annum on the money invested in this system, which is the basis and the foundation of the whole system. It would be the rankest kind of hypocrisy and favoritism if this were not done; and I can see no reason, nor do I believe the farmers of the United States desire to be so favored at the expenses of the other two-thirds of the population of the United States. My knowledge of the American farmer is such that I do not believe he is asking a special privilege of this nature. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. FESS. What was the purpose, may I ask, for exempting the Government from the right of receiving interest?

Mr. McFADDEN. It was to aid the system and eventually be a source of income to reduce the rate of interest to the borrowers.

Mr. FESS. In other words, the whole scheme is a subsidy by the Government.

Mr. McFADDEN. A subsidy pure and simple.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. McFADDEN].

The question was considered, and the amendment was rejected.

Mr. SHOUSE. Mr. Chairman, I offer two committee amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

On page 88, line 1, strike out the word "farm."

Mr. SHOUSE. These amendments, Mr. Chairman, are to perfect the text.

The amendment was agreed to.

Mr. SHOUSE. I ask that the Clerk report the other amendment.

The Clerk read as follows:

Page 88, line 8, strike out the word "farm."

The amendment was agreed to.

Mr. MORGAN of Oklahoma. Mr. Chairman, I now offer my amendment as a substitute for the section.

The Clerk read as follows:

Strike out all of section 6 and insert in lieu thereof the following:

"CAPITAL OF FEDERAL LAND BANKS.

"SEC. 6. That every Federal land bank shall have three kinds of capital, namely: Operating capital, reserve capital, and guaranty capital.

"First. Every Federal land bank shall have operating capital stock of $1,000,000, which shall be divided into 100,000 shares of $10 each. Fifty thousand shares shall be known and designated as founders' shares and 50,000 shares shall be known and designated as public shares. Founders' share may be subscribed for by any individual or by the United States. Public shares may be subscribed for only by the United States. The Secretary of the Treasury is hereby authorized and directed for, and in behalf of, the United States to subscribe for 50,000 public shares in the operating capital stock of every Federal land bank and pay for the same out of any funds in the Treasury not otherwise appropriated, and there is hereby appropriated $6,000,000 for such purpose.

"Within 30 days after organization of the Federal farm-loan board it shall open books of subscription for founders' shares of the operating capital stock of every Federal land bank. If within 90 days thereafter 50,000 shares of such stock shall not have been subscribed, the Secretary of the Treasury, for the United States, shall subscribe for the remainder thereof. He shall pay for the same out of any funds in the Treasury not otherwise appropriated.

"No dividends shall be paid upon the public shares of stock owned by the Government of the United States. Dividends upon the founders' shares of stock shall be paid in the same amount as shall be paid upon shares of stock in the reserve capital of each Federal land bank.

"The operating capital of any Federal land bank may be increased on petition of its directors and on the approval of the Federal farm-loan board: *Provided* That said board shall not authorize the increase of the operating capital stock of any such bank to an amount that shall be more than one-twentieth of the reserve capital stock of said bank: *Provided further*, That should said board at any time authorize the increase of the operating capital stock of any Federal land bank, the original subscribers to such stock shall have a preferred right to subscribe for any increase in such stock under such rules and regulations as shall be prescribed by said board.

"The Federal farm-loan board is authorized to prescribe the times and conditions of the payment of subscriptions to capital stock, to reject any subscription in its discretion, and to require subscribers to furnish adequate security for the payment thereof.

"Founders' shares of stock owned by the United States shall be voted by the farm-loan commissioner, as directed by the Federal farm-loan board.

"Second. Every Federal land bank shall have a reserve capital equal to at least 5 per cent of its outstanding loans. Every person applying for a loan from any Federal land bank shall also apply for the purchase of stock in said bank in an amount equal to 5 per cent of the amount of his loan. He shall also authorize the bank to retain out of the proceeds of his loan, in full payment of such stock, a sum of money equal to 5 per cent of the amount of the loan granted under such application and shall authorize the bank to cancel such stock on the payment of his loan. The reserve capital stock of every Federal land bank shall be divided into shares of $1 each, which shall not be assigned or hypothecated in any manner whatever. Said stock shall be held by said bank as collateral security for the payment of said loan and for the payment of the loans of others, as provided in this act. When any loan is paid in full, the reserve stock held by the borrower shall be canceled and retired, and the borrower shall be paid the face value thereof. Semiannual dividends shall be paid on reserve capital stock in an amount equal to the semiannual interest rate on the loan of the holder of the stock, which dividend shall be cumulative.

"The reserve capital and the guaranty capital of every Federal land bank shall be managed separately and apart from other funds and shall constitute a trust fund for the use and benefit of the owners of Federal land bank bonds and to secure the payment of such bonds, together with the interest thereon. Should any borrower fail to pay when due the interest on his loan, or the principal thereof, the Federal land bank in which said borrower holds reserve stock may enforce the lien on the reserve capital stock held by such borrower. Should such borrower at any time thereafter meet his obligations to said bank in full, so far as they may be due at any time, the said bank shall restore to said borrower such portion of his reserve capital stock which had been used to make good his defaults as aforesaid.

"The reserve capital stock held by any borrower in a Federal land bank shall not be utilized to meet the default or defaults of other borrowers until said bank shall have first used its entire guaranty capital stock in making good its obligation due on farm-mortgage bonds.

"When any portion of the reserve capital or of the guaranty capital of any Federal land bank has been used to pay the interest or principal on any mortgage or mortgages upon which the borrower or borrowers are in default and thereafter such borrower or borrowers shall meet such default or defaults, through voluntary payment or foreclosure proceedings, the sum or sums so paid or so recovered shall be credited to the guaranty capital or reserve capital of such bank in proper proportion, and each borrower whose reserve capital stock may have been used in part to meet the original default in such cases shall be given due credit on the reserve capital stock held by him in such bank.

"Third. That every Federal land bank shall have guaranty capital as follows:

"First. Every Federal land bank shall set aside as a part of its guaranty capital, from the annual interest payment of each borrower, a sum equal to one-fourth of 1 per cent of the amount of each loan until the operating capital, the reserve capital, and the guaranty capital of such bank combined shall be a sum equal to 10 per cent of the outstanding bonds of such bank and thereafter only when necessary to maintain a like ratio between the outstanding bonds of such bank and the total amount of its operating capital, reserve capital, and guaranty capital.

"Second. Six millions of dollars is hereby appropriated, out of any funds not otherwise appropriated, which shall become a part of the guaranty capital of the 12 Federal land banks created by this act, which sum shall be divided equally between said banks. The Secretary of the Treasury is hereby authorized and directed to pay to each Federal land bank $500,000, which shall become a part of the guaranty capital of said bank.

"The guaranty capital shall be a trust fund to insure the payment of the farm-mortgage bonds issued by each Federal land bank and for the use and benefit of owners of such bonds who shall have a first and prior lien thereon over all other creditors of such bank. It shall be deposited in one or more of the depositaries of the Federal land bank, secured by an equal amount of farm-loan bonds or United States bonds, and as soon thereafter as possible shall be invested in farm-loan bonds or United States bonds, which shall be deposited for safe-keeping in such way as shall be prescribed by the Federal farm-loan board. The funds constituting the reserve capital of any Federal land bank shall be under the joint control of such bank and the Federal fiduciary agent for such bank.

"The guaranty capital of every Federal land bank shall constitute the first and primary fund upon which such bank shall draw to meet the payments of any bond or interest thereon issued for it when such payments can not be met through funds otherwise provided herein. After any Federal land bank has exhausted its guaranty capital in the payment of its bonds and interest thereon it may then use its reserve capital to meet any of its obligations due on farm-mortgage bonds.

"It shall be unlawful for any Federal land bank, or any officer, director, or employee thereof to use or appropriate any part or portion of the funds constituting the reserve capital or the guaranty capital of any Federal land bank for any other purpose than herein provided. It shall be the duty of the Federal land-bank board to provide special rules and regulations for safeguarding the reserve capital and the guaranty capital: *Provided*, That when the reserve capital, the guaranty capital, and the operating capital of any Federal land bank combined shall be equal to 10 per cent of the outstanding bonds of any Federal land bank, and so long as the same shall remain equal to 10 per cent of the outstanding bonds of any Federal land bank the annual contributions of borrowers to the guaranty capital shall be placed in the general fund of such bank and be used in the payment of dividends on founders' shares and shares in the reserve capital, or for any other purpose for which such fund may be used under the terms of this act."

Mr. MORGAN of Oklahoma. Mr. Chairman and members of the committee, I recognize the difficulty of getting clearly before the committee what is in the substitute which I have offered. I wish it to be understood that I am friendly to this legislation, and in many respects I believe a splendid bill has been presented here. All the amendments which I have offered or shall offer until the bill is finally acted upon I shall offer in good faith, solely for the purpose of perfecting and improving the bill, and not for the purpose of discrediting it or preventing its final passage.

This section provides for the capital stock, and I have offered an amendment which can be substituted without in any way affecting the other parts of the bill.

Under the section in the bill the capital stock is $750,000. In the substitute I offer the capital stock is placed in three divisions. It may seem complex at first, but it is very simple. One division is the operating capital, the second the reserve capital, and the third the guaranty capital. The object of the operating capital is to give the bank funds to do business. The object of the guaranty capital and the reserve capital is to create a fund which will make the bonds which these banks issue secure beyond a question of doubt. I provide that the $1,000,000 of operating capital shall be divided into two kinds of shares, the founders' shares and the public shares.

The Government subscribes for the public shares to the amount of $500,000. The founders' shares are to be subscribed for by individuals, and the founders—those who subscribe for these shares—are allowed representation on the board of directors. I believe that if you have two of these directors to represent private capital on these banks to act with the public directors that you will get better administration than you would if it were entirely controlled by public directors. So I believe that $500,000 will be subscribed by private individuals, because they will have representation on the board of directors. Then we have $1,000,000 for operating capital, one-half subscribed by the Government and one-half by private individuals. Now, I provide that the reserve capital shall be equal to 5 per cent of the amount of loans, and that every borrower shall in his application make application for 5 per cent of the amount of the loans in the reserve capital of that bank; so that it would not make any difference how many loans you might make or how much the amount of the loans might be in the future—every time you make a loan you set aside 5 per cent of that loan as a reserve, to be specially invested, to be safeguarded in a way that it would not be under the exclusive control even of the bank. This would insure greater safety to the fund and give bondholders more confidence in the bonds issued by the bank.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that all debate on this amendment may close in five minutes unless some other gentleman indicates he wants to speak on it.

Mr. MANN. I have another amendment, but not on this.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MORGAN of Oklahoma. Now, then, I provide that there shall be guaranty capital. The guaranty capital is secured in this way. Every bank is required to set aside annually one-fourth of 1 per cent from the interest payment of each borrower to the guaranty capital. That is to go on under the provisions of the amendment until the operating capital, the reserve capital and the guaranty capital combined, shall equal 10 per cent of the outstanding bonds. Now, some may say that that is a very large reserve to hold, but it is not too great. I know of no respectable land-credit institution of Europe that requires a less reserve than 5 per cent of the outstanding bonds, and in the amendment which I present I start out requiring 5 per cent shall be set apart as a reserve. Then I require one-fourth of 1 per cent annually on the face of the loan to be placed in the guaranty capital until it shall accumulate to about 8 per cent and until the guaranty capital with the operating capital and reserve capital shall equal 10 per cent of the outstanding bonds.

In addition to the annual contributions to the guaranty capital by borrowers under my amendment the Government contributes $500,000 to the guaranty capital of each bank.

My good friends who are in charge of this bill, I think I can show, and I will show before the day passes, that the reserve provisions of this committee bill are not sufficient; that you have not provided sufficient reserve funds to guarantee the losses, and that is the very great defect in the bill.

Now, I would have one and a half million capital for each bank. These 12 banks would have $18,000,000 capital, double the amount of capital the committee bill provides for. I believe in Government aid, but I believe in that kind of aid that will place these banks upon a solid foundation, that will place them in a position where they will not be required to go to the Government to borrow money. You take the amendment offered yesterday. It is a makeshift because it admits that these banks may get in a position where they will not have sufficient reserves to meet their losses from the nonpayment of interest, so you provide they shall go to the Federal Government and borrow the money. Now, while I am in favor of sufficient Government aid, I believe that kind is the poorest aid you can give to these public institutions. What the Government does it should do at the outset. What this Nation should do is to start these institutions out upon such a basis, upon such a foundation as to preclude the possibility that they should be compelled sometime to come to the National Treasury to get funds to prevent their becoming bankrupt. There is your difficulty. You are starting out timidly, and yesterday you adopted an amendment which provided that these banks might go to the Treasury of the United States and borrow money when they could not meet their payments. That might, of course, help out; but if you start them out with a sufficient reserve fund, which you have not done in this bill, you will put them in a position so they will never need to go to the Government—so they will never be required to go to the National Treasury and ask for a loan out of that Treasury to continue them in business. You are treading upon dangerous ground when you organize institutions and let them start out to do business without providing a sufficient reserve fund. I have provided a reserve fund that will make these institutions as strong and secure as any land-credit institution in the world. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 87, strike out lines 24 and 25, and lines 1 to 6, on page 88.

Mr. MORGAN of Oklahoma. Now, Mr. Chairman, if you notice, this amendment proposes to strike out all of that part of the section which provides for the repayment of $750,000 which the Government is supposed to subscribe at the beginning. I believe you are going to get into trouble through this matter of retiring these bonds, and I expect to show that in another amendment which I shall offer after this.

Mr. HOWARD. Will the gentleman yield right there?

Mr. MORGAN of Oklahoma. Yes.

Mr. HOWARD. You say you believe we are going to get into trouble. Now, then, if you really believe that, then you admit that this whole system is a failure; that it is going to prove an absolute farce if you say we are going to get into trouble by not retiring the original capital?

Mr. MORGAN of Oklahoma. I think the gentleman is hardly justified in that conclusion.

Mr. HOWARD. If this particular bank, as I understand it, and all of these Federal banks, are simply clearing houses for these securities, and if you have to subscribe the capital stock to take care of the mortgages that come into them, then your $1,500,000 is mere pretense as compared to the mortgages you are going to handle. If you can not make enough by charging 1½ per cent, it is going to be a complete failure.

Mr. MORGAN of Oklahoma. I say that the best aid that can be given is to give these banks outright what we are going to give them, and I believe that $750,000 or $1,000,000 in cash should be given to each of these Federal land banks.

Mr. MOORE of Pennsylvania. Will my colleague yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. MOORE of Pennsylvania. I do not know whether I am dragging the gentleman over old straw or not, but I would like to know of what earthly use these farm-land associations will be.

Mr. MORGAN of Oklahoma. I have an amendment which I will offer to that, if I get the opportunity.

Mr. MOORE of Pennsylvania. Is the gentleman favorable to that sort of red tape?

Mr. MORGAN of Oklahoma. I am opposed to the kind they have.

Mr. MOORE of Pennsylvania. I am wondering where the ordinary farmer comes in after he complies with the regulations and goes through this labyrinthian system.

Mr. MORGAN of Oklahoma. So I say that this entire provision ought to be stricken out, and whatever you give to these banks give to them outright, whether it be $200,000, $250,000, $500,000, $750,000, or $1,000,000. And then investors would know to what extent the Government would aid these banks. I have heard some people say, "Oh, well, it looks good to require it to be paid back, and that is not quite as populistic as to say we give it to them outright." But if we intend this to be a gift we ought to say so at the start.

Now, then, at the beginning of any system of land credit the expenses will be much larger. It will be a new proposition, and the greater care will have to be exercised, and, in addition to that, the loans will be smaller, and the banks can not stand the expense. But if you will give them outright this amount, you to some extent will give them an endowment fund, and that has

not been uncommon in the history of the land-credit legislation of the world. I know of no European nation of any importance that has not made donations to land-credit institutions. Now, when the great Republic of France founded the Credit Foncier it gave that bank $2,000,000 outright—not $2,000,000 to be paid back, but $2,000,000 outright—as a guaranty capital and as a help to secure the bonds which should be issued by that great institution.

Mr. TILSON. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. TILSON. Will the gentleman please explain why, if the Government should give $750,000 to each of these 12 banks outright, it would not be just as fair for the workingmen of my district or for any city in this country to come and ask that the Government contribute $750,000 for a bank upon which they can draw also?

Mr. MORGAN of Oklahoma. Well, of course, I believe that the National Government, through the Congress and through the Executive, can do anything for the public welfare, under the Constitution, and I would favor such aid for institutions to aid laboring men in our towns and cities to acquire homes.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN of Oklahoma. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. GLASS. Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto be concluded in five minutes.

Mr. HENRY. Mr. Chairman, I shall have to object to that, because it will take a little more time to consider another amendment.

Mr. MANN. I want to get a little information about one paragraph and offer an amendment to this section.

Mr. GLASS. How much time does the gentleman from Illinois want?

Mr. MANN. Personally I do not want very much time.

Mr. MORGAN of Oklahoma. I have one further amendment to this section.

Mr. GLASS. Say 10 or 15 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that all debate on this section and amendments thereto close in 15 minutes.

Mr. HENRY. That does not include the new section that I will offer?

The CHAIRMAN. No. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Ohio?

Mr. MORGAN of Oklahoma. Yes; I shall be glad to yield to the gentleman from Ohio.

Mr. FESS. Is it not true, according to the vote of yesterday, that it does not make much difference whether the bank can pay interest on the bonds or not? Will not the Government take care of it any way?

Mr. MORGAN of Oklahoma. I do not think that is true.

Mr. FESS. What is the use of limiting the amount?

Mr. MORGAN of Oklahoma. Because I believe that gentlemen of the committee on both sides of the House are honest in their convictions, doing the best they can for the interest of the country, trying to make this bill the best they can. I do not believe in creating these institutions in a way so that there is a possibility of their having to go to the Government to borrow money. It can be done. I do not believe that it has been so used in other land-credit propositions in other countries, because, going back to the very founding of the Landschaften, the idea has been to create for the farmer a security that will go out in the money market among investors of all kinds and that will be regarded as the highest type of security. That has been done so successfully that in most of the institutions the farmers' securities in debentures or farm-loan bonds are almost equal to the best Government bonds of Europe.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. HOWARD. What is your idea of the conditions thrown around joint-stock companies?

Mr. MORGAN of Oklahoma. I am going to discuss the question of reserves in the debate on the next amendment.

Mr. HOWARD. Now, as a matter of fact, the Landschaften bonds, which the gentleman has just mentioned, at the outbreak of the European war and for several months after the outbreak of the European war really sold for a higher value than the Prussian Government bonds themselves.

Mr. MORGAN of Oklahoma. You mean the late war?

Mr. HOWARD. Yes.

Mr. MORGAN of Oklahoma. I so understand, but I am not posted in a way so that I can assert it to be a fact.

Mr. HOWARD. Were they not quoted at $4 above the price of Government bonds themselves?

Mr. MORGAN of Oklahoma. I am not posted as to that.

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. McFADDEN. It is your assertion that these 12 banks can issue and guarantee twelve times their capital?

Mr. MORGAN of Oklahoma. I will answer that in the debate on the next amendment.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 88, line 6, after the word "par," strike out the period and insert a semicolon and also insert the following:

"*Provided*, That in no case shall the original stock be retired to an amount that will reduce the capital of any Federal land bank so that it will be less than one-twentieth of the outstanding bonds of the bank."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MORGAN of Oklahoma. Mr. Chairman, section 6 of this bill, which we are now considering, requires that every Federal land bank, before beginning business, shall have a subscribed capital of not less than $750,000. Any individual, firm, or corporation, or the government of any State or the United States is authorized to subscribe for this stock. After the books have been opened for a period of 90 days, if any part of the $750,000 capital shall have not been subscribed, the Secretary of the Treasury is authorized, in behalf of the United States, to subscribe for any amount that may not have been taken by other parties. Now, following this provision is the paragraph now under consideration, which provides that after the national farm-loan association shall have subscribed $750,000 to the capital of any Federal land bank, thereafter 25 per cent of all sums subscribed by national farm-loan associations shall be used to retire the capital stock held by the United States Government.

In the preceding amendment offered by me I moved to strike out this entire provision, because I believe that the United States Government would not be doing too much toward establishing a land-credit system for the farmers of the United States by subscribing permanently a reasonable amount to its capital. But the majority of the House have voted otherwise. The amendment which is now pending I have offered for the purpose of preventing any Federal land bank from issuing bonds in an amount which shall be greater than twenty times the capital of the bank. Under the provisions of this bill the capital stock of each Federal land bank automatically will be increased as new loans are made in an amount equal to one-twentieth of the amount of the loans, because every borrower is required to put up in capital an amount equal to 5 per cent of the amount of his loan. If no part of the capital shall be used to pay losses, the capital would always remain one-twentieth of the amount of loans. The amount of bonds issued can never exceed the amount of loans. However, we can not tell what emergencies may arise. Conditions may arise when the bank will be compelled to use a part of its capital to meet losses. The amendment which I have offered would simply prevent the retirement of the capital subscribed by the Government when such retirement would reduce the capital to an amount less than one-twentieth of the outstanding bonds. This would seem to be a wise provision.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, one more amendment.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question which probably can be answered very shortly.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I do not quite understand the last paragraph of this section, which provides that at least 20 per cent of the

capital stock of any Federal land bank which is paid in by any farm-loan association shall consist of cash in the vaults of said land bank, and various other things. Is it the purpose of that provision that 20 per cent of the amount of the capital stock shall be retained in the bank as cash or deposits or negotiable instruments?

Mr. PHELAN. Without that provision in the bill the banks were confined in their investments almost, if not entirely, to mortgages or United States bonds. We wanted to have a provision in the bill that some of the capital should be invested in liquid securities, so that if the banks were in need of cash at any time to pay their cash demands they would have it or could get it quickly; that was the reason for putting it in.

Mr. MANN. Let me get it straight in my head. The language of the bill is—

At least 20 per cent of the capital stock of any Federal farm land bank * * * shall consist of cash—

Of course that is an impossibility.

Mr. PHELAN. Yes; that is true.

Mr. MANN. Now, I did not know whether it meant that at least 20 per cent of the subscription should be paid in cash by the farm-loan association, or whether it was intended that when paid in the Federal land bank should retain 20 per cent in cash or other negotiable securities. What was it?

Mr. PHELAN. That is a mistake. What was meant was that it should be either kept in cash or invested in these liquid securities.

Mr. MANN. The language is not very fortunate.

Mr. PHELAN. We will ask to go back and perfect that.

Mr. MANN. You have not gone by it yet. It says—

Or of investments in negotiable interest-bearing securities.

These mortgages are negotiable securities.

Mr. PHELAN. I do not believe a mortgage is a negotiable security.

Mr. MANN. The mortgage may not be a negotiable security, but the note which it secures is a negotiable security. All of their money is invested in negotiable securities. I assume that when a man gives a mortgage on his land he signs a note.

Mr. PHELAN. The securities have to be approved by the Federal farm-loan board, and our intention was to have short-time liquid assets. I think the wording is not as clear as it ought to be, and we will be glad to make a change in the section for the purpose of making it clear.

Mr. MANN. I am asking for information, because I thought when I first read it that the 20 per cent had to be paid in in cash.

Mr. PHELAN. I am afraid the wording is not as clear as it ought to be.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. MANN. Yes; but first I want to go to another matter.

Mr. MOSS of Indiana. Go ahead.

Mr. MANN. I move to strike out, on page 86, lines 18 and 19.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 86 strike out lines 18 and 19.

Mr. MANN. Mr. Chairman, the language of the bill is that the stock owned by the Government shall receive no dividend. If my amendment prevails, it will read:

Stock shall share in dividend distributions without preference.

It seems to me if we take the Government money and put it into these banks, and the Government furnishes the most of the money and owns the most of the capital stock in the banks, and then the people who borrow own a portion of the capital stock, if there is a profit which is paid in the form of dividends, there is no reason why the profit which naturally would go to the Government should go to the borrowers. I would not say that the Government money should be deposited on interest, or that there should be any requirement that the money furnished by the Government should draw interest; but if there are dividends to be paid on the capital stock, suppose the Government owns most of the capital stock and there are considerable dividends to be paid, under the terms of the bill apparently a few borrowers would get all the dividends. I do not think that is a fair proposition. I do not say what I shall do, but I have been inclined to vote for this bill if it is left in a reasonable shape, and I am perfectly willing to have the Government advance some money for the purpose of putting into operation a plan somewhat experimental, in the hope that it will be successful; but I have always been opposed, and still am opposed, to the Government advancing money side by side with private individuals, and then if there is a profit which comes out of it, that the private individuals shall get all the profit and the Government get nothing. That is not a fair proposition, either in this or any other scheme where the Government intends to be a part owner.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PHELAN. Mr. Chairman, in explanation of that provision to which the gentleman from Illinois [Mr. MANN] has referred, I will state, first of all, that as with many provisions in many bills, there were differences of opinion in the committee as to just what the provision ought to be, and that particular provision was one upon which there was some disagreement in the original committee which sat between Congresses and also in our Banking and Currency Committee; but we had to come to an agreement at some time, and I am going to state one of the things which offsets some of the very pertinent objections of the gentleman from Illinois [Mr. MANN].

In the provisions of the bill you will notice that there is a provision for a reserve fund, and that a very large proportion of the original earnings are set aside until that reserve fund reaches a certain amount. Accordingly the greatest part of the reserve will come out of the first earnings of the bank. But in a general way those earnings will go into the reserve, while the Government money——

Mr. MANN. Nobody is objecting to that.

Mr. PHELAN. A certain part of the earnings will be going into the reserve; and, inasmuch as the Government is contributing to this system and trying to get it started, some of the members felt that it was reasonable enough to have the Government's money, or a certain part of it, in the Government reserve. That is not exactly mathematical——

Mr. MANN. Nobody objects to that; but does not the gentleman think it much more likely that it will not go into the Government reserve if the private individuals who have capital stock may receive it in dividends and the Government get nothing?

Mr. PHELAN. Except that there is a very definite provision that 25 per cent of the net earnings shall go to the reserve. It is not discretionary with the board of directors at all. They are absolutely obliged to take that much and put it into the reserve.

Mr. MANN. I should be perfectly willing that 25 per cent should go to the reserve; but, if the Government has 80 per cent of the stock and private individuals have 20 per cent, the private individuals would say, "You can afford to pay us a dividend instead of turning it all into the reserve in the first instance."

Mr. PHELAN. Yes; but I was pointing out that the proportion, which is a very large proportion—25 per cent—must go into the reserve, and it will have to go in for some years after the system starts.

Mr. MANN. Seventy-five per cent of the earnings might go to the owner of less than one-half of the capital stock as dividends.

Mr. PHELAN. I have told the gentleman that it is not scientific and it is not mathematical, but it is the conclusion we came to.

Mr. MANN. Nobody objects to building up the reserve and not paying any dividends; but when you do pay dividends, why should the dividends be paid to a class of small holders of the capital stock and nothing to the Government?

Mr. MOSS of Indiana. Will the gentleman from Massachusetts allow me to answer the gentleman from Illinois?

Mr. PHELAN. Yes.

Mr. MOSS of Indiana. I would like to call the attention of the gentleman from Illinois to the fact that in the beginning 25 per cent of all the net earnings of a land bank goes to the reserve until such reserves amount to 20 per cent of the capital of the bank, and then the reserves fall to 5 per cent of the net earnings. So at the beginning 75 per cent of the net earnings is distributed to the borrowers as a dividend, and later on 95 per cent may be distributed. It is manifest that after the bank shall have been in operation some years a larger proportion of the earnings will probably be distributed in dividends, thereby reducing the rate of interest which the borrower may actually pay. We believe that the earnings on the Government capital during the first generation of borrowers will not make the net rate of interest any lower than it will be during the second generation of borrowers, after such capital will be retired. The dividends to the first borrowers will not amount to more than 75 per cent of the earnings, while later such dividends will amount to 95 per cent. It is mutual.

Mr. MANN. Oh, it is not mutual; it is one-sided.

Mr. MOSS of Indiana. We take 25 per cent and build up the reserve fund, and after the reserve is built up the next generation will only contribute 5 per cent to the reserve fund and will get 95 per cent of the earnings in dividends, which will reduce their interest rates. It is evident that those borrowers who come in later will get a lower rate of interest than those who went in

earlier. This disadvantage is not more than offset by the advantages which the possession of Government funds will give. Then, again, we provide a definite time for the retirement of the Government capital.

Mr. MANN. I think it would be wiser not to endeavor to retire the Government capital, but pay dividends as you pay them to other people after you have built up your reserve.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were 31 ayes and 48 noes.

So the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 88, line 7, after the word "least," strike out "twenty" and insert "fifty."

The CHAIRMAN. All debate on this section is exhausted, and the question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. HENRY. Mr. Chairman, I offer my amendment.

The Clerk read as follows:

Amend, page 88, by inserting after line 14 the following:

"Whenever any Federal land bank presents to the Secretary of the Treasury farm-loan bonds of any amount he shall advance therefor at their par value an equal amount of money out of the Treasury not otherwise appropriated: *Provided*, That the aggregate of all sums so advanced by the Secretary of the Treasury in any fiscal year shall not exceed the sum of $50,000,000."

Mr. HENRY. Mr. Chairman, this amendment, in my judgment, is the one thing that will make it certain that this bill is workable. Why should this House balk at Government aid in this system in the most abundant fashion? Why, Mr. Chairman, the Senate, in section 34, in many respects went a long way, and that section has been practically rewritten into the bill in the amendment offered by the gentleman from South Carolina [Mr. LEVER].

A little more than a year ago this House voted by the most decisive majority of nearly 3 to 1 to insert section 30 of the Bulkley bill in the bill then pending, which really provided for genuine Government aid. This amendment provides that the Government stands ready to purchase $50,000,000 of farm-loan bonds in any one year, and by an overwhelming vote in this House we declared it to be our judgment that it was necessary in order to make the system effective.

Every country in the world that ever set up a rural-credit system has extended Government aid. Frederick the Great, more than 100 years ago, when the Silesian landschaft was established, provided for Government aid, and when the other landschaften of Germany were authorized Government aid in superabundance was provided. In 1852, when France wrote her rural-credit act, after 26 years of agitation, she came to the rescue of the men who till the soil and produce the food and raiment for the balance of the world.

To-day the farmer can go to the treasury of France, through the proper banks, and secure funds for the purpose of purchasing a home and improving it and financing his needs. Up to this good hour no Government has ever undertaken to establish a system of rural credits for the benefit of the farmer without coming to his rescue in a practical and sensible way. [Applause.] Then why should this Congress, composed of the Representatives of the American people, tender to the farmers something that may be doubtful?

We said more than a year ago that we were willing to write Government aid into the bill. Let us not reverse our record; let us do it to-day. Here is a simple amendment in a few words: Provided that whenever any Federal land bank shall present to the Secretary of the Treasury farm-loan bonds in any amount the Secretary shall advance upon those bonds an equal amount of money in payment therefor, provided that there shall not be more than $50,000,000 of these bonds purchased by the Government in any one year.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HENRY. Yes.

Mr. MANN. In view of the provision of the Constitution which provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law, does the gentleman think that his amendment would accomplish the purpose sought?

Mr. HENRY. Oh, I think so. I understand all that. The Secretary of the Treasury holds that he has authority to sell the Panama Canal bonds now if he desires to.

Mr. MANN. Oh, certainly.

Mr. HENRY. And we are providing for appropriating it by this very amendment.

Mr. MANN. Oh, no; not by the amendment.

Mr. HENRY. It will be appropriated.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HENRY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, will the gentleman allow a suggestion?

Mr. HENRY. Yes.

Mr. CANNON. Why limit the matter to fifty million? Why not throw the whole Treasury open?

Mr. GLASS. Mr. Chairman, I would like to have a unanimous-consent agreement to close debate in five minutes.

Mr. MANN. Oh, no. I got skinned yesterday without talking. It may be the same bunch to-day, in favor of this. Their leader is in favor of this, and they have followed him pretty well so far.

Mr. GLASS. How much time would the gentleman suggest?

Mr. MANN. Oh, let it run along a little bit and see.

Mr. MADDEN. It seems to me that we ought to have an opportunity to discuss an important question like this.

Mr. GLASS. Is it an important proposition?

Mr. MANN. It is. It is the most important question that has been before the House. I want to know whether we are going to take all of the money in the Treasury under the amendment of the gentleman from Texas. He says fifty millions, but it is fifty millions now and fifty millions again. Why not take it all?

Mr. GLASS. Does the gentleman think that we are going to take any of it?

Mr. MADDEN. I seriously think that some gentlemen in the House think so.

Mr. MANN. Of course the Democratic majority in the last Congress was larger than in this, but they put it in once or twice.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment close in 15 minutes. Is there objection?

Mr. HENRY. That does not interfere with my request that was put for five minutes, does it?

Mr. MANN. I object, anyway.

Mr. GLASS. Mr. Chairman, make it 20 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate close in 20 minutes. Is there objection?

Mr. MANN. I object.

Mr. HENRY. Mr. Chairman, why should gentlemen squirm about this proposition? It is plain and simple. In the Federal reserve act you have placed the credit of the Government in pawn for the benefit of the banking and business world. You have placed the credit of 100,000,000 people at the disposal of the commercial interests of the country. You provide for issuing Federal reserve notes. Why should gentlemen who have placed the credit of this Government in the hands of the commercial world complain when we ask that a small portion of it be placed in a system for the benefit of the farmer? You have guaranteed every Federal reserve note for the benefit of the commercial interests, and provided that they may be issued almost without limit as long as you keep a 40 per cent gold reserve. Here is a proposition exactly on all fours with that. No man can differentiate and make any distinction in the principle. This amendment proposes to put the credit of the Government behind the farmer's banking system so that we will offer him nothing not bottomed upon the good faith and resources and credit of this Government. While I shall vote for the bill if the amendment fails, yet I believe it is the very quintessence of good judgment to make it a part of this measure. You have many admirable features in the bill already. It goes very far in the right direction and is a splendid basis upon which we may build in the future. You provide for a Federal farm-loan board, which is a long step toward effective legislation. Two years ago when we proposed a separate farm-loan board for such a system as this some gentlemen frowned at the idea and said no. They said the farmer's system must be put under the Federal reserve system and the farmer chained to the chariot of the banking fraternity in this country. And yet to-day you come with a system with a separate and distinct farm-loan board to direct and supervise this law for the benefit of the farmer. But you should go further. You provide for going into the Treasury and using $9,000,000 by taking stock in the 12 Federal land banks. That is Government aid and is all right, but it is not enough. You exempt these bonds and certain instrumentalities from taxation. This is Government aid and is all right, but you do not go far enough. If gentlemen want to tender the farmer something really worth while, let them see to it that these bonds shall be underwritten and guaranteed by the Government. When it is understood that the Government will purchase $50,000,000 of these bonds every year, there is not a money market in the world where they will not sell at par at any and all times. Then it will not be necessary to take this money out of the Treasury and purchase them. Let us make assurance doubly sure and write this amendment into the law. [Applause.]

Mr. SMITH of Michigan rose.

Mr. STEAGALL. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized; but, without objection, the amendment to the amendment will be considered as pending.

Mr. MANN. The gentleman has a right to offer his amendment to the amendment.

The CHAIRMAN. Does the gentleman desire his amendment reported at this time?

Mr. STEAGALL. I will wait until the gentleman from Michigan is through.

Mr. SMITH of Michigan. Mr. Chairman, some of the arguments and talk we hear in the discussion of this important question are strangely at variance with the talk we heard during the discussion of some of the revenue measures when they were presented to the House. We listened very frequently then to talks to the effect that the money to be so raised by levying a duty upon imports was money and a tax levied upon the backs of the people.

Now, they have all discussed this question as if it was Government money that is going to be used for the establishment of these banks. Now, that is a mistake. That money is the people's money, and, according to the discussion we have heard in the consideration of those revenue measures, it is the money that is taken out of the pockets and off the backs of the people, and is not Government money. Now, I want to take for my text a little extract from what the gentleman from Georgia [Mr. HOWARD] said about bankers in Georgia. He states:

When they elect bankers to the legislature they put all those bankers on the banking committee of the State legislature, and they do nothing to reform the usury law. If you would put some of these skin-flint, Shylock, pawnbroker bankers in the chain gang, this country would prosper a great deal more than it is prospering now.

Now, I want to say about that that the insurance companies of this country have got $647,000,000 loaned upon farm mortgages of this country at the rate of 5.55 per cent. All the banks of this country have total bank assets of $27,000,000,000. The national banks have total assets of $12,000,000,000.

Mr. HARDY. Will the gentleman yield for a suggestion there——

Mr. SMITH of Michigan. Yes.

Mr. HARDY. In reference to the 5 per cent money. I want to say I have borrowed money, and that insurance money cost me 7 at the lowest and even 8 per cent on farm loans.

Mr. EAGLE. And commission.

Mr. HARDY. Eight per cent, including commission, and the farmers do not get in my section any 5 per cent money.

Mr. EAGLE. And on three years' time.

Mr. HARDY. Five years' time, paying 8 per cent.

Mr. SMITH of Michigan. Down in Texas. Now, the gentleman says, "commission." Now, the commission you pay is just exactly what you agree with the commission man to pay, and you pay commission under this land-bank system also.

Mr. HARDY. It is just what it costs the farmer.

Mr. FESS. Will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. FESS. If the insurance company does not lend for less than 7 per cent, is that an indication of bad credit on the part of the borrower? They are lending for less than that at other places.

Mr. SMITH of Michigan. Certainly. I wish to state that before coming here this morning I saw a copy of a paper published in my home city. It is dated the 28th day of January, 1916, and in this newspaper there are two notices in reference to commissions on the loaning of money upon farm mortgages, and I wish to call attention to one of them, a savings bank in my town:

Money to loan on real estate security. No commission, no expenses.

That paper was sent to my colleague from Michigan, Congressman MAPES, whose name appears on the address slip here, from my own town. Now, I can remember the time, gentlemen, when a,) in Michigan a gentleman gave a mortgage for $500 and got $450 in money, and he paid 10 per cent interest upon the face of the mortgage; but that time has long since gone by. Michigan and Illinois are the only two States in the Union that have legal rates of interest at 5 per cent, and I can not see, gentlemen, how it comes that you stand here and plead for a lower rate of interest when under the laws of your own States the legal rate of interest is from 6 to 8 per cent. Why do not the people of your own States say there shall be no interest over 5 per cent collected upon a mortgage? What you are asking us to do is, as an instrumentality of the Government, to establish these banks and loan money on farm mortgages at a low rate of interest, but if you want to help the farmer with a low rate of interest why do you not enact a law in your own State providing that they shall not pay interest above a certain low per cent? Why not enact State laws upon the same theory? I have a little document here——

Mr. HARDY. May I ask the gentleman if he seriously——

Mr. SMITH of Michigan. Just wait a minute.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask unanimous consent that the gentleman have five more minutes.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that debate on this amendment be closed in 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on this amendment close in 10 minutes. Is there objection?

Mr. FESS. I would like to have five minutes on this amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment close in 10 minutes. Is there objection?

Mr. FESS. Reserving the right to object, I want five minutes.

Mr. SMITH of Michigan. And I would like to have five minutes more.

Mr. EAGLE. Mr. Chairman, reserving the right to object, I should request five minutes.

Mr. MANN. We would like to have 15 minutes over here.

Mr. GLASS. Mr. Chairman, it will be observed that gentlemen are not discussing this amendment. They are talking about other things, and I want to get along with this bill, and I think it is very advisable to close debate.

Mr. MANN. I think that the gentleman from Michigan means to talk to the amendment.

Mr. SMITH of Michigan. The only trouble is, I did not have the time.

Mr. GLASS. Mr. Chairman, I move that all debate close in 15 minutes.

Mr. MANN. We want 15 minutes over here.

Mr. GLASS. Well, 10 minutes over there and 5 over here.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment close in 15 minutes. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object——

Mr. BARKLEY. Mr. Chairman, I object.

Mr. GLASS. Mr. Chairman, I move that all debate on the amendment close in 15 minutes.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. GLASS. Mr. Chairman, I move that all debate be closed in 20 minutes.

The CHAIRMAN. The gentleman from Virginia moves that all debate on this amendment be closed in 20 minutes.

Mr. MANN. I think the gentleman had better arrange something by unanimous consent.

Mr. GLASS. Mr. Chairman, I ask unanimous consent——

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment close in 25 minutes.

Mr. MANN. We want 15 minutes over on this side.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that all debate on this amendment close in 25 minutes. The Chair will say he understands that the gentleman from Alabama [Mr. STEAGALL] and the gentleman from Texas [Mr. EAGLE] and three gentlemen on the Republican side will be recognized. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. SMITH] have five minutes.

The CHAIRMAN. In addition to the time?

Mr. MANN. Oh, no.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] is recognized for five minutes. Is the gentleman one of the three on his side?

Mr. MANN. He is one of the three who desired time.

Mr. SWITZER. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Ohio?

Mr. SMITH of Michigan. Yes, sir.

Mr. SWITZER. Inasmuch as the proponents of this amendment refuse to allow me to ask a question, I would like it if the gentleman would explain how long this would be to the advantage of the farmers of the United States so long as there is no money in the United States that is unappropriated.

Mr. SMITH of Michigan. We may get the money by selling the Panama bonds. Now, the question becomes——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. MOORE of Pennsylvania. Suppose we use up the Panama Canal bonds in paying for the nitrate plant and the ships that we are to buy; then where will we go for money?

Mr. SMITH of Michigan. We heard it discussed here when we were talking about the warehouse bill that cotton was the best security in the world.

Now, I wish to read from a pamphlet I have here, entitled "What is Populism?" written by T. C. Jory, A. B., A. M. It says:

What is "the subtreasury plan of the Farmers' Alliance"? This plan proposes, first, the establishment of Government warehouses in all countries having need of the same for the safe storage of nonperishable farm products; second, the issue of warehouse receipts by the Government agents in charge of said warehouses to depositors of such produce; third, Government loans, at 2 per cent, on said warehouse receipts as security, to the extent of not more than 80 per cent of the local market value of the produce represented by said receipt.

So it is not anything new to argue for Government aid, as it has been the hobby of quite a few.

Now, you can not, as the gentleman from Illinois stated here so succinctly one day on the floor of the House, relieve a certain part of the property in any community by taxation without increasing the burden upon the remaining taxable property in that community. That is true enough. Now, you are going to relieve certain taxable property, and I wish to make the statement that you have not asked for an instrumentality that can not be performed by the member banks that are already established under the regional reserve system. Any mortgage that comes to a National bank or a State bank is readily accepted in our part of the country. The money is readily provided by the bank or money lender to take it up, and the banking law provides that national banks can loan one-third of their time deposits, which means a very large amount.

This law was considered for three long weeks in the Senate of the United States by distinguished and most able men. I do not think it is fair to the House to bring this bill in here and speed it up and have it put through in such a short time without giving the Members time to give it due deliberation, discussion, and consideration.

Mr. STEAGALL. Mr. Chairman, I desire to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment to the amendment in the gentleman's time.

Mr. MANN. The reading of the amendment is not taken out of his time.

The CHAIRMAN. The Chair thinks it is. The time to report the amendment to the amendment is the time when it comes up.

Mr. MANN. But where debate is limited, the time occupied in reading or reporting an amendment is never taken out of the time for debate.

The CHAIRMAN. The Chair understands that fully. The gentleman asks that this amendment be reported, but the Chair thinks it is out of order.

Mr. MANN. It is not out of order.

The CHAIRMAN. The Chair thinks it is, but may be mistaken.

Mr. MANN. The amendment is an amendment to an amendment pending, and is in order.

The CHAIRMAN. The gentleman can offer it out of his time.

Mr. MANN. He can offer it and then is entitled to five minutes to debate it.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amend the amendment by adding at the end thereof the following: "*Provided further*, That such bonds so to be purchased by the Secretary of the Treasury shall be furnished in equal amounts by each of the 12 Federal land banks."

Mr. HENRY. Mr. Chairman, I have no objection to that amendment. I accept it.

The CHAIRMAN. Does any other gentleman desire to be recognized? If not, the Chair will put the question.

Mr. HEFLIN. The gentleman from Alabama [Mr. STEAGALL] does not care to use his time. I wish to say a few words, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] is recognized.

Mr. HEFLIN. Mr. Chairman, the Government in substantial fashion gives aid to the commercial banking system now operating in the United States, and we must provide at least as much Government aid to this agricultural banking system.

The amendment of the gentleman from Texas [Mr. HENRY], I think, contains an important provision. It strikes me that it would be well to amend his amendment by saying that when, in the judgment of this Federal farm-loan board, the conditions warrant the same, said board may present to the Secretary of the Treasury farm-loan bonds, and then let his amendment follow the words that I have suggested. I would provide that when conditions required it the Federal farm-loan board could take the farm-land bonds to the Secretary of the Treasury and obtain money for each of the 12 regional banks to the amount of a million dollars each, if conditions warranted it. If for any reason disturbed conditions should suddenly come and the Federal farm-loan board deemed it necessary to obtain additional money to meet the requirements of this agricultural banking system, that board ought to be permitted to go to the Federal Treasury with farm-loan bonds and obtain that money and not be compelled to wait and cripple the bank in its business until the bonds could be placed upon the market and sold. [Applause.]

When our present banking system felt the need of a large sum of money in 1914, in order to prevent serious disturbances and financial injury to its business the Government gave assistance and loaned the banks millions of dollars, and I submit to this House that it is fair and just that we should provide for quick and immediate relief for this new banking system and arrange for it to obtain money from the Secretary of the Treasury by depositing with him farm-loan bonds. Republican Members protest against this recognition by the Government of farm-loan bonds, but they interposed no objection when under a Republican administration Mr. Cortelyou, as Secretary of the Treasury, issued money on railroad bonds. [Applause.]

There are no better bonds than farm-loan bonds, and yet the Republicans are willing to have money issued to railroads on their bonds, but they would deny to the business of millions of our farmers the same treatment by the Government.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Michigan?

Mr. HEFLIN. I have not the time to yield. The Federal farm-loan board, when conditions required it, could go to the Treasury and say, "We have some farm-loan bonds. You know that they are good. We want some money for the farm-loan banks, and we want it now. We do not want to be forced to place these bonds on the market now." The gentleman from Michigan is a banker——

Mr. SMITH of Michigan. And a farmer.

Mr. HEFLIN. Well, a banker and a farmer, and both occupations are good. But he seems to be trying pretty hard to keep us from getting a farm-credit system in operation, fearing, I suppose, that it will be in competition with his banking system. The agricultural business of the United States is big enough to have a banking system suited to its demands, and we propose to pass this bill with amendments and provide a banking system for the millions of our farmers who produce that which helps to feed and clothe the world. [Applause.] I see some gentlemen over there from the large cities of the East shaking their heads. Of course some of you will vote against the bill. I have been amazed, Mr. Chairman, during this debate at the suggestions made by four or five gentlemen from these big cities, talking about what should constitute a good farm-credit system in the United States.

Mr. Chairman, these gentlemen, clever enough personally, are the very last men in the world that I would select to write a banking bill in the interest of the farmer. No, gentlemen, Lord God of Hosts, be with us yet, lest we forget! [Applause and laughter on the Democratic side.]

Mr. MADDEN. Mr. Chairman, the amendment offered by the gentleman from Texas [Mr. HENRY] is a most extraordinary piece of gall, it seems to me.

The CHAIRMAN. What did the gentleman say? [Laughter.]

Mr. MADDEN. But it is not to be wondered at, because only a year or two ago, when the Underwood bill was under consideration here, you opened the American markets to the farm products of every other country in the world, and the products of these farms in foreign countries have been admitted to the American market to the extent of hundreds of millions of dollars. You have emptied the Treasury by your extravagant expenditures. You have destroyed the opportunity of the American farmer to maintain the American market, and now you propose to dive into an empty Treasury to take out $50,000,000 of money every year to buy bonds against which there are no liquid assets and no gold reserve.

Mr. HOWARD. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. No; I regret I can not yield now. I have only a minute. Why, that proposition would make a dog laugh. [Laughter.] No wonder the American farmer has no confidence in the integrity of purpose of the Democratic Party. There is not a farmer in America that has a particle of confidence in anything that you undertake to do. They do not want this legislation. They do not need it. The farmers of America, by and large, are better off than any other class of people in America.

You propose in this bill to charge them 5 per cent. They can get money at that rate at any place in America. Then you propose to permit the charge of 1 per cent for overhead charges. They do not have to pay more than three-tenths of 1 per cent for overhead charges when they are borrowing their money from private parties. You propose in this bill to deposit $9,000,000 to establish banks. You propose to deposit $6,000,000 more to pay the interest, and now you propose to charge the Treasury with an expenditure of $50,000,000 a year to buy the bonds.

Is there anything else you can think of? [Laughter.] If there is, put it in the bill. [Renewed laughter.] If you want this bill to be ridiculed by the American people, add all these iniquitous things you can think of to it, and you will have a bill that nobody would spit upon. [Laughter.]

Why, this bill is ridiculous, and you are making it more ridiculous by every amendment you offer. The farmer can get along without your legislation. There is no sentiment for this legislation in the country. I heard a lot of farmers here the other day. They were in the gallery, listening to what you had to say. They were laughing at you. They said you were ridiculous; that you did not know anything about the farmers; that they did not need you; that all they needed from you was to be let alone and allowed to work out their own destiny. Do not make the mistake of believing that you are pandering to the sentiment of the farmer, because the farmer has more sense in a single minute than all the aggregated sense combined on that side of the House. [Laughter and applause.]

Mr. HARDY. Hooray for Chicago. [Laughter.]

Mr. EAGLE. Mr. Chairman, the remarkable spectacle just observed, the remarkable temper just displayed by the gentleman from Illinois [Mr. MADDEN] is well worthy to be made [laughter], not in the American Congress, where the proud and free representatives of a great people devise means for the advancement of civilization in this noble country, but rather it is a fitting harangue to be made over in the down-east side of Chicago, where the gentleman dwells, where recently they had a banquet given to negro men who had married white women.

Mr. MADDEN. Chicago will take care of itself. It does not need any defense from the gentleman from Texas.

Mr. EAGLE. Yes; and the spirit of honorable men on both sides of this Chamber will not tolerate the further oppression of the American farmer by the misuse of financial power through usurious farm-mortgage dealings. The farmers who produce the wealth of this Nation do need but never get any defense from the gentleman from Illinois. [Applause.]

I have seen all sorts of things in the three years I have been here, but his is the most remarkable exhibition of agricultural ignorance, of smug self-assurance, of unblushing affrontery that I ever observed here or anywhere else. [Laughter.]

But during the two minutes left I at least want to say this: The particular proposition to which we are now giving consideration is not in the exact form or in the position in the bill in which I think it ought to be. But I do believe the Government ought to aid this system. Now, I want to assure this House, as a member of the Banking and Currency Committee, that, in my deliberate judgment, this measure is so framed that it constitutes the groundwork of a system through which the American farmer may work himself to freedom from obligations and from under the oppression of abnormal and enormous burdens. [Applause.] The $5,000,000,000 for which the farm lands of America are mortgaged at the present time bear an average of between 8 and 9 per cent. I know from personal experience in my great State of Texas, where nearly 5,000,000 people dwell, perhaps 65 per cent of whom are engaged in agriculture, that the burden of agents' commissions, of the interest rate expressed on the face of the mortgage, of attorneys' fees, of abstract charges, of renewals which are enforced by the short loans of three years, of the 10 per cent attorneys' fees for foreclosure and the starting again of the same loan, wipe out the annual increment of the average Texas farmer.

Mr. SLOAN. Will the gentleman yield?

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. EAGLE. You must give me a little more time and then I will yield to all of you. I yield first to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. I want the gentleman's authority for the statement that interest rates on farm loans are 8 or 9 per cent. I challenge the correctness or the approximate accuracy of that statement. I am in favor of legislation of this character, but I challenge the accuracy of the statement and ask the gentleman to give his authority.

Mr. EAGLE. If the gentleman will read the 1,500 pages of hearings taken before the Bulkley-Hollis joint committee of the House and Senate during the Sixty-third Congress——

The CHAIRMAN. The time of the gentleman has expired.

Mr. EAGLE. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FESS. Is that to be taken out of the time already allotted?

The CHAIRMAN. Is there objection?

Mr. MANN. Can we have the time extended five minutes?

Mr. BUCHANAN of Illinois. I ask unanimous consent that the time be extended five minutes and that the gentleman from Texas have five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time for debate be extended five minutes, and that the gentleman from Texas [Mr. EAGLE] have five minutes. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. EAGLE. I have not answered the gentleman from Nebraska [Mr. SLOAN] yet. In the 1,500 pages of hearings which we caused to be printed, and which are subject to the gentleman's order in the document room, he will find the unmistakable evidences, in substance, of what I have said, except that I was really overmoderate in stating the outside amount of the exactions under the guise of interest charges which the American farming community is paying for that $5,000,000,000.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. EAGLE. I want to get on with what I have to say, but I will yield to my friend from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. Because of the remarks of my colleague from Chicago [Mr. MADDEN], I feel called upon to make a statement, in which I believe I represent the sentiments of the working people of the city of Chicago.

Mr. EAGLE. I do wish my friend would not do it in my time.

Mr. BUCHANAN of Illinois. I wish to say that the working people of the city of Chicago are in favor of Government aid to the farmer in the way of farm loans.

Mr. MADDEN. This does not apply to the working people of Chicago. This applies to the farmers of the country.

Mr. RAGSDALE. Mr. Chairman, I make the point of order that the gentleman from Chicago [Mr. MADDEN] has no right to "butt in" on this debate without the permission of the gentleman who has the floor.

Mr. BUCHANAN of Illinois. I want to say that the working people of Chicago, as well as myself, are pleased to have an opportunity to assist in passing legislation that is really beneficial to the farmer, in the way of making it easier for farmers to secure loans.

Mr. EAGLE. In the three years I have served here the votes of the gentleman from Illinois have always been on the side of the farmers and the laboring men of this Nation. [Applause.]

Now, I submit that the financial interests of this country are made up of the State and National banks and trust companies, and I submit that the manufacturing interests of this Nation are just as much interested as are the farming communities in every county in this Nation in the passage of this form of legislation, because a happy and contented rural people who own their own homes are better purchasers of the goods, wares, and merchandise of the manufacturer and are better and more secure borrowers of the funds of financial institutions than are a tenant farming community driven from "pillar to post" by excessive charges. [Applause.] I tell you that except in great States like Iowa, Indiana, Ohio, Illinois, and Pennsylvania, which have had a century already to advance to their present condition of farm development and farm ownership, and to free themselves from debt——

Mr. McFADDEN. Will the gentleman yield——

Mr. EAGLE. I wish to complete this statement. Except in such States as those I have mentioned the average total amount paid on farm loans by way of interest, bonuses, lawyers' fees and agents' commissions and for renewal charges amounts to the annual burden at least 18 or 20 per cent, just to carry the loans along, without any amortization or payment of the principal whatsoever. That is an intolerable thing. I say, as a man living in a city of 125,000 people, but born and reared in the country, and forming my impressions, therefore, by the course of my life as you do from the course of your lives, the foundations of this Nation, not alone in its food supply, in its clothing supply, in the opportunity for it to progress, but also in its fundamental stability and in the rock-ribbed adherence to constitutional principles, are the American farmers. [Applause.]

I helped with all my heart in a humble way and played a humble part in framing the Federal reserve bank system, under which in the midst of a financial crisis created by world-war conditions this Nation has stood as steady as a rock. It was in substance that which the 7,500 national banks and the 18,000 State banks and trust companies, with twenty or thirty billion dollars of assets, had to have in order to prevent panic. It is a law which has made them so secure in their stability that never again can a panic overrun this land. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. EAGLE. I am going to be presumptuous enough to ask for five minutes more, not to be taken out of the allotted time.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. SWITZER. Will the gentleman yield?

Mr. EAGLE. Yes.

Mr. SWITZER. Is the gentleman interested in any banking institution in his State?

Mr. EAGLE. I have not a nickel invested in any enterprise of that kind.

Mr. SWITZER. But the gentleman says that these institutions are robbing the farmers.

Mr. EAGLE. My point is that the net result of the operation of the present methods of placing and carrying the farm-mortgage loans throughout the country, just as it is conducted in its many ways and methods and by the several disjointed instrumentalities, is to take away from the American farmers far too much of their annual earnings and to discourage farm owning and to create a tenant farming class. [Applause.]

Mr. SWITZER. But the gentlemen said that these institutions were robbing the farmers.

Mr. EAGLE. I said that these loan institutions of other States were coming into Texas, employing local agents in a legitimate way, and putting out their money in our State; that the local agents exacted 10 per cent out of the loans extended, to be deducted from the loan passed by the loan or trust company, and that was divided with the headquarters in that section. Then the farmer has to employ a lawyer to pass on the title, and to procure an abstract; and then they make the papers in such a way that the loan matures in three years, during which period of time the property can not pay the debt, and they foreclose and add 10 per cent more and start him off again on the same endless chain of extortion and almost despair; and so his "nose is kept to the grindstone." It shall not longer be done if I can help it.

Mr. SWITZER. Then the gentleman says that Texas lawyers conspire with the agents to rob the farmers in Texas.

Mr. EAGLE. Oh, no; that is the gentleman's fancy. It is the system I am describing. We want to change that into a sensible, workable, moral system giving hope and help to the farming class, and thereby blessing the entire Nation.

Mr. MANN. The gentleman is too amusing when he gets mad.

Mr. EAGLE. I am not conscious of having "lost my head"; but if what I say makes gentlemen wince, it is their misfortune and not mine. [Laughter and applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. EAGLE. No; I decline further to yield.

Mr. Chairman, this system will, in 15 or 20 years' time, provide freedom to the American farmers from the exactions and oppressions of excessive interest rates and other charges on their outstanding $5,000,000,000 of farm-loan debts. So that in a period of 10 or 15 years the entire amount of $5,000,000,000 can be funded into bonds, the total annual payment thereon not exceeding 6 per cent, and that will include the interest, overhead charges, and pay the amortization portion of the principal to discharge it in less than 30 years. So you will have millions of American farmers owning the lands that they live on, free and independent, instead of being "drawers of water and hewers of wood."

Now, there is one error in this bill that I want to point out, and that is the reason that I wanted to address the committee. If at any time under the safeguarded provision of this measure there be no public ready market for the bonds provided for in the measure, this system would for the time being come to a standstill. Furthermore, the very fact that the Treasury is authorized to buy them, even in limited quantities, will operate to create a general market for them among the investing public.

Otherwise, a condition of war, or industrial depression, or the fact that the Treasury is not backing them, or the change of mind of the investing public for a time being might cripple the system in its very infancy. It ought to be provided in this bill that to the extent of at least $50,000,000 a year, to be apportioned according to the needs of the several Federal land banks, to be determined by the Federal farm-loan commission, that they can in such event present for purchase by the Treasury an amount of these bonds to such an extent as not in any one year to exceed $50,000,000. If the Federal Treasury should buy $50,000,000 of these valid first-mortgage bonds per year, it would take 100 years to absorb the debt against the farm lands in this country. But, after the system is fairly started, the investing public will be only too glad to buy so safe a bond at its satisfactory rate of interest, and the farmers will have a mountain of burden lifted from their shoulders. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FESS. Mr. Chairman, this amendment in connection with the amendment we adopted yesterday is a great scheme. Yesterday we adopted an amendment which provides that the Government is to pay interest on the bond when any land bank is unable to do it. To-day comes an amendment requiring the Government to accept the bonds to the amount of $50,000,000. I am not sure, reading it carefully, whether it will not amount to $600,000,000, for it says that—

Whenever any Federal land bank presents to the Secretary of the Treasury farm-loan bonds of any amount he shall advance therefor at their par value an equal amount of money out of the Treasury not otherwise appropriated: *Provided*, That the aggregate of all sums so advanced shall not exceed the sum of $50,000,000.

If that is to be limited to a Federal land bank, and there are 12 of them, that would make $600,000,000. A fair interpretation of the amendment will lead to such a conclusion. Yesterday we adopted an amendment which provided that the Government shall guarantee the bonds of this proposed institution.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. FESS. I have only five minutes and I can not yield, and if I should ask for an extension of time somebody would object. Taken in connection with other parts of this law, that is a wonderful scheme, to the first part of which I call attention, aside from the amendment that was adopted yesterday. I refer to that part of section 6 which proposes to loan to farmers without interest. It provides that stock owned by the Government shall receive no dividend. Stock owned by the individual shall receive a dividend. The meaning of this is clear. The stock owned by the individual will pay a dividend to offset the interest he is required to pay on the bond that the individual holds. Therefore the dividend on the stock will cancel the interest on the bond, and if the Government is to remit that dividend by section 6 and pay the interest by the amendment we adopted yesterday, you have a beautiful scheme by which you indirectly undertake to loan to the farmer through the proposed land bank money without interest. There is not a farmer in my State who asks for any such discrimination as that. They do not wish to be treated as subjects of special governmental care. They are not paupers. They do not ask something for nothing.

I had occasion just recently as the head of an institution to try to find a place where I could loan $10,000 of the endowment of a college. This fund had been invested in 4 per cent nontaxable bonds. We hunted for the opportunity of a loan at a higher rate. We did not want to loan it to any distant corporation or any capitalist. We wanted to loan it on first mortgages on farm property in my own county. We loaned it ultimately at 5 per cent, the very best that we could do, and felt complimented that we had succeeded so well. This rate was not low because it was a large sum; small sums will not rule much higher. In other words, the people in our State, and I am quite certain in other States, are not asking for such a discrimination as this amendment and this bill in certain provisions would insist upon. For that reason I can not believe that

the situation which has been depicted so eloquently by our friends from Texas obtains in that State. I do not believe that there can be advantage taken of persons in Texas with credit capable of paying an obligation that would cause them to be robbed in the manner depicted by my eloquent friend who spoke a moment ago in respect to this amendment.

Mr. PLATT. Does the gentleman know that the laws of Texas are such that the farmer can not mortgage his farm and, therefore, has to use the poorest security he has in order to borrow at all?

Mr. HENRY. Oh, the gentleman is mistaken about that. You can encumber the homestead for the purchase money.

Mr. FESS. Mr. Chairman, I know this: That if the State of Texas, so ably represented upon this floor—for there is no stronger delegation on the floor than the one from Texas—if the State of Texas under the domination of men of that ability can continue to do what they say it does, then these people are not the people to say what this Nation shall do in matters of finance. Let them go home and take care of it there. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Ohio has expired. Without objection, the Steagall amendment will be considered a part of the Henry amendment.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent that the Henry amendment as amended be again reported.

The CHAIRMAN. The Chair hears no objection, and without objection the Henry amendment will be again reported as amended.

Mr. SHOUSE. Mr. Chairman, I ask unanimous consent that time be extended for five minutes so that the gentleman from South Carolina [Mr. LEVER] may address the committee.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time may be extended for five minutes in order that the gentleman from South Carolina [Mr. LEVER] may address the committee. Is there objection?

Mr. CANNON. Make it 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks that it be made 10 minutes.

Mr. SHERLEY. Mr. Chairman, reserving the right to object, I think the chairman in charge of the bill might desire in case there is additional debate to close that debate.

The CHAIRMAN. The gentleman from Virginia has not said anything about it.

Mr. GLASS. I had purposed asking unanimous consent to occupy the time of the committee for two minutes.

Mr. CANNON. Let it be made 10 minutes and I will yield the gentleman two minutes.

Mr. SHOUSE. Then, Mr. Chairman, I make my request for 10 minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate be extended for 10 minutes, 5 minutes to be controlled by the gentleman from South Carolina [Mr. LEVER] and 5 minutes by the gentleman from Illinois [Mr. CANNON]. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, this bill, which means so much, in my judgment, to the agricultural interests of the country, is in a very dangerous situation at this moment. I would not ask the House to hear me if I were not genuinely in favor of rural-credits legislation. I would not ask the House to give me its attention if I did not believe that the adoption of this amendment means a serious endangering of any rural-credits legislation of any character at this session of Congress.

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I can not yield in five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. LEVER. Mr. Chairman, I spent many, many months of study as a member of the Joint Committee on Rural Credits and I read thousands and thousands of pages of literature upon the subject. I have tried to keep in the closest touch with the evolutions which have resulted in the framing of this bill, and I believe that the Banking and Currency Committee has reported to this House a measure which, amended in a few particulars, will prove to be a workable rural-credits system of real value to the farmer. I believe that it is an improvement under American conditions over any rural-credits system in existence in any country in the world. I make the assertion also that there is contained in the provisions of the pending bill, without any amendments whatever, more of Government aid in the way of subscription to capital stock, in the way of exemption from taxation, and the like than has ever been vouchsafed to any rural-credits system in the world since the stars shone together over the Garden of Eden, and I defy any man on the floor of this House to deny the accuracy of that statement. I am for Government aid, so called, that really aids the system and helps in a substantial and sane manner the workability of the system. I take second place to none in that respect.

I would be for the proposed amendment if, in my judgment, it meant practical help to the system. It does not afford such help as its sponsors think it will give.

Now, what does this amendment propose to do? It writes on the face of this bill that your system is a failure, to start with. I do not believe the system proposed is a failure. I believe it will work. If the system is not a failure, if these bonds will sell, as I believe they will sell in the open markets of the world, then we do not need to open the Treasury of the United States to buy them. That is a proposition from which no sane man can get away. If, on the contrary, the system that you have proposed here is a failure and must of necessity require an indefinite and indeterminate drain upon the Treasury, not this year, not next year, not the next, but year after year, forever and a day, then this Congress should have the courage and show the ability and the patriotism to draw a bill which will not make that kind of a proceeding necessary. [Applause.] We have done this already, in my opinion.

And I stand here, Mr. Chairman, representing a rural district, representing a State 85 per cent of whose population is agricultural, and I ask the friends of the farmer, the real friends of the farmer, those who do not want to feed him with words but with acts, to vote down this proposition, because I say in all the earnestness of my nature that I believe the adoption of this amendment means no rural-credits legislation at this session of Congress. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I may say later on on a pro-forma amendment all which I desire to say now, and so far as I am concerned the gentleman from Virginia [Mr. GLASS] can have the five minutes to conclude the debate.

Mr. GLASS. Mr. Chairman, I thank the gentleman from Illinois [Mr. CANNON] for his courtesy. The gentleman from South Carolina [Mr. LEVER] has just said everything that I would care to say except this, which everybody here ought to know, that the repeated suggestion made here to the effect that this proposition is "intended to do for the farmers of the country what is done for commercial banking" is literally and utterly untrue. There is absolutely no special privilege akin to this proposition in any system of commercial banking in this or any other country on earth. There is an immeasurable difference between tying up annually and arbitrarily $50,000,000 of Government demand notes, payable in gold, on long-time obligations, as proposed by this amendment, and issuing notes to banks on a 40 per cent gold reserve and 100 per cent commercial paper having an average maturity of only 28 days. There is a vast difference in banking between liquid paper of quick maturity and investment securities running from 5 to 36 years; and the man who has not intelligence enough to comprehend that difference has not sense enough to participate in legislation here on this or any other question. [Applause.]

Mr. Chairman, I represent a constituency 85 per cent farmers, and I would dislike to stand here and so discredit either their intelligence or their patriotism as to signify my approval, in their behalf, of this grotesque and absurd proposition. It has no business here, and ought to be voted down.

That is all I have to say about the matter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. HENRY) there were—ayes 19, noes 81.

So the amendment was rejected.

The Clerk read as follows:

GOVERNMENT AGENCIES.

SEC. 7. That all Federal land banks and joint-stock land banks organized under this act shall perform all reasonable duties as financial agents of the Government that the Secretary of the Treasury may require of them.

Mr. BENNET. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BENNET. To make a few remarks. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York.

Mr. BENNET. Mr. Chairman, I was interested in the remarks of the gentleman from Alabama [Mr. HEFLIN], and so far as I am concerned, his remarks were entirely impersonal, because I had not said a single word on the bill, although I do represent in part a large city. The gentleman proceeded at some length and with some sarcasm in relation to the efforts by gentlemen from large cities to write a bill affecting rural communities.

I hold in my hand the bill H. R. 15455, which is a bill in relation to shipping, affecting largely the Atlantic coast, introduced by the distinguished gentleman from Missouri [Mr. ALEXANDER]. Now, does anyone think the distinguished gentleman from Missouri was not acting absolutely within his rights when he introduced a bill affecting the seaboard? No man would dare arise and say that, and any man representing a city either in whole or in part, who thinks he has views that are worthy, not only has the right to try to draft a bill relating to the rural portions of the country but under his sworn oath of office it is his duty to attempt to draft a bill.

Gentlemen from large cities are not per se opposed to a rural-credits bill. In the State of New York we have a land bank. We have had that law on the statute books for two years, and I will say to the gentleman from Alabama and others, in order to be not only exact but just, it is my recollection that the legislature that put that land-bank law on the statute books was one branch Republican and the other branch Democratic. This was not a partisan measure, and I will say in justice to my associates from the city of New York that the Democratic majority was made up from the city of New York, and that the men who put the land-bank bill on the statutes of the State of New York were city men. Why, because they are not narrow and provincial, and because they have an enlightened selfishness and they realize that a thing that is good for any portion of the country, if it is good, is good for the whole country.

Men from the cities have made studies of this rural-credit system for years. I would be very willing to debate with the gentleman from Alabama [Mr. HEFLIN] this minute that most interesting system called the Zemstvo system of Russia as modified by the Stolypin law of 1910, and probably I could give him some information. I would be glad to debate with him the three different land-bank systems of Italy, of which I made a study several years ago, and all over the country you will find city men that have studied this question, because it is one of the great big, oustanding questions. And I will say to the gentleman that as this bill originally came on the floor it was my intention to vote for it, and I was not alone among city men in that. But, of course, you can load this bill down with populistic amendments and raids on the Treasury until there is not any man from city or country that would dare to vote for it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto close in five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I desire to strike out this section. I ask it to be considered when the proper time comes.

Mr. SMITH of Michigan. I would like five minutes. Mr. Chairman.

Mr. GLASS. Make it 10 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that all debate on this section and amendments thereto close in 10 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I desire to offer a motion to strike out the paragraph.

The CHAIRMAN. The gentleman from Pennsylvania will be recognized by the Chair in one of these five minutes.

Mr. MOORE of Pennsylvania. I desire to get a vote on the proposition.

The CHAIRMAN. At the end of the five minutes we will vote on his amendment.

Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none.

Mr. HEFLIN. Mr. Chairman, I did not expect to so stir and excite my friend and the financial expert from New York City [Mr. BENNET], who did not by word of mouth make reply to what I said a little while ago, but shook his head when I said something about some Members over there being for the bill. I understood the gentleman to mean that he was against it. I thought that before he even shook his head, and since he has spoken I know that he is against it. The gentleman undertakes to make what I said about him apply to other Members from New York City. I said nothing about any of them. With regard to New York, I had the gentleman, and the gentleman alone, in mind. There is another big city Republican over there who would like to write a farm-credit system for the farmers, and he is the gentleman from Chicago [Mr. MADDEN], but I am not willing for the gentleman to write it. Some gentlemen over there will vote for this bill. The gentleman from New York [Mr. BENNET], in keeping with the past conduct of his party in the matter of evasion and postponement, wants me to discuss with him the land-bank system of Russia, and he intimates strongly that he is fully capable of discussing with me the land-bank system of Germany. He desires me to leave the subject alone here and journey with him to France and discuss the farm-credit system over there. [Laughter.] How true, Mr. Chairman, to the teachings of the Republican Party. That party established an agricultural bank for the Filipino farmer in the Philippine Islands, but refused to establish one for the millions of American farmers in the United States. [Applause.] No wonder the gentleman wants to lead me and others who favor farm-credit legislation into the realm of farm-credit discussion in the land beyond the sea. [Laughter.] He no doubt does this in the hope that while we sail with him to the land over yonder we postpone legislation for the farmers here at home.

The gentleman says that men who come from the city can write good banking laws. That may be true, and I have no doubt that there are some good friends of the farmer in the city, but, unfortunately for the farmer, they are exceedingly scarce on that side of the House just now when we are trying to pass a real agricultural banking bill, one that will be useful to the farmers of our country. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out this section.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 88, strike out lines 16 to 19, inclusive.

Mr. MOORE of Pennsylvania. This section refers to Government agencies and it brings up as squarely as any other section does the general Government-control proposition. I am opposed on general principles to Government ownership and control, which has been obtaining a very rapid and fast hold upon legislation in this country. There are a number of reasons why I fear the gradual encroachments of the Government upon legitimate business throughout the United States. I can understand why gentlemen coming from a particular State or a particular locality are anxious that their special interests should be served, but my idea of legislation generally is that it should be uniform. That was the spirit of the Constitution and that has been the spirit of the law. Now, it happens that we have a very fine illustration of the failure of Government ownership and control up to date in the construction of the Alaskan Railway——

Mr. GLASS. Will the gentleman permit an interruption?

Mr. MOORE of Pennsylvania. Yes.

Mr. GLASS. I will say to the gentleman that the purpose of this section of the bill is to insure the constitutionality of it. It was proposed, if I may be permitted to say so, by the member of the committee from New York [Mr. PLATT] to meet any constitutional objections to the bill.

It is a perfectly harmless section. If it will do no good, it will absolutely do no harm. It does not involve the question of Government ownership in any sense.

Mr. MOORE of Pennsylvania. Then I may reserve much of what I have to say for another paragraph.

But I was about to suggest that this bill proposes a certain governmental control of a certain specialized financial system. The eloquent gentleman from Alabama [Mr. HEFLIN] and the gentleman from Texas [Mr. HENRY] also and others constantly refer to the fact that what they want here for the farmer is exactly what is conceded by the Government to the commercial interests of the country. Now, if that is all they want, I presume the commercial interests of the country would at once concede the point, because the commercial interests have no such specialized or subsidized banking system. There is no Government appropriation to maintain commercial banks. There is no $9,000,000 appropriation to begin commercial or industrial institutions.

So much for commerce itself as it pertains to the commercial banks. No one seems to rise here except to speak for the special interest of the farmer.

Why, gentlemen, there are wage earners all over this land to be considered, wage earners in my district—as many wage earners in my district, I assume, as there are farmers in the district of any gentleman on this floor. They have no $9,000,000 appropriated for their special benefit or to help them buy homes. They organize building and loan associations and take care of themselves. What money they borrow upon their homes, or what money they borrow in advance to build homes, from such associations is money that they put into a common pot from which they draw. They have no Government funds to fall back upon.

But gentlemen pleading for the farmer only insist that the farmer shall be given public money, that the Treasury shall be used for the farmer's benefit. They do not seem to understand

that the Treasury of the Government ought to be as much the property of the man who works in the mill or in the factory as it should be of the farmer.

Gentlemen say they want to play fair with the cities. Let them remember that the city man is also a bearer of burdens. He has no such special favor, no such special interest, as is shown in this bill for the farmers of the country. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL FARM-LOAN ASSOCIATIONS.

SEC. 8. That corporations, to be known as national farm-loan associations, may be organized by persons desiring to borrow money on farm mortgage security under the terms of this act. Persons desiring to form such an association shall enter into articles of association which shall specify in general terms the object for which the association is formed and the territory within which its operations are to be carried on, and which may contain any other provision, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. Said articles shall be signed by the persons uniting to form the association, and a copy thereof shall be forwarded to the Federal land bank for the district, to be filed and preserved in its office.

Every national farm-loan association shall elect, in the manner prescribed for the election of directors of national banking associations, a board of not less than five directors, who shall hold office for the same period and under the same conditions as directors of national banking associations.

It shall be the duty of said board of directors to choose in such manner as they may prefer a secretary-treasurer, who may receive such compensation as said board of directors shall determine. The board of directors shall elect a president, a vice president, and a loan committee of three members.

The directors and all officers except the secretary-treasurer shall serve without compensation, unless the payment of salaries to them shall be approved by the Federal farm-loan board. All officers and directors except the secretary-treasurer shall, during their term of office, be bona fide residents of the territory within which the association is authorized to do business, and shall be shareholders of the association.

It shall be the duty of the secretary-treasurer of every national farm-loan association to act as custodian of its funds and to deposit the same in such bank as the board of directors may designate, to pay over to borrowers all sums received for their account from the Federal land bank upon first mortgage as in this act prescribed, and to meet all other obligations of the association, subject to the orders of the board of directors and in accordance with the by-laws of the association. Said secretary-treasurer shall likewise collect, receipt for, and transmit to the Federal land bank all payments of interest, amortization, installments, or principal arising out of loans made through the association. He shall be the custodian of the securities, records, papers, certificates of stock, and all documents relating to or bearing upon the conduct of the affairs of the association. He shall furnish a suitable surety bond to be prescribed and approved by the Federal farm-loan board for the proper performance of the duties imposed upon him under this act, which shall cover prompt collection and transmission of funds. He shall make a quarterly report to the Federal farm-loan board upon forms to be provided for that purpose. Upon request from said board said secretary-treasurer shall furnish information regarding the condition of the national farm-loan association for which he is acting, and he shall carry out all duly authorized orders of said board. He shall assure himself from time to time that the loans made through the national farm-loan association of which he is an officer are applied to the purposes set forth in the application of the borrower as approved, and shall forthwith report to the land bank of the district any failure of any borrower to comply with the terms of his application or mortgage. He shall also ascertain and report to said bank the amount of any delinquent taxes on land mortgaged to said bank and the name of the delinquent.

The reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm-loan associations, and the salary of the secretary-treasurer may be paid from the general funds of the association, and the board of directors is authorized to set aside such sums as it shall deem requisite for that purpose and for other expenses of said association. When no such funds are available, the board of directors may levy an assessment on members in proportion to the amount of stock held by each, which may be repaid as soon as funds are available, or it may secure an advance from the Federal land bank of the district, to be repaid with interest at the rate of 6 per cent per annum, from dividends belonging to said association. Said Federal land bank is hereby authorized to make such advance and to deduct such repayment.

Ten or more natural persons who are the owners, or about to become the owners, of farm land qualified as security for a mortgage loan under section 12 of this act, may unite to form a national farm-loan association. They shall organize subject to the requirements and the conditions specified in this section and in section 5 of this act, so far as the same may be applicable: *Provided*, That the board of directors may consist of five members only, and instead of a secretary and a treasurer there shall be a secretary-treasurer, who need not be a shareholder of the association.

When the articles of association are forwarded to the Federal land bank of the district as provided in this section, they shall be accompanied by the written report of the loan committee as required in section 10 of this act, and by an affidavit stating that each of the subscribers is the owner, or is about to become the owner, of farm land qualified under section 12 of this act as the basis of a mortgage loan; that the loan desired by each person is not more than $10,000, nor less than $100, and that the aggregate of the desired loans is not less than $20,000; that said affidavit is accompanied by a subscription to stock in the Federal land bank equal to 5 per cent of the aggregate sum desired on mortgage loans; and that a temporary organization of said association has been formed by the election of a board of directors, a loan committee, and a secretary-treasurer who subscribes to said affidavit, giving his residence and post-office address.

Upon receipt of such articles of association, with the accompanying affidavit and stock subscription, the directors of said Federal land bank shall send an appraiser to investigate the solvency and character of the applicants and the value of their lands, and shall then determine whether in their judgment a charter shall be granted to such association. They shall forward such articles of association and the accompanying affidavit to the Federal farm-loan board with their recommendation. If said recommendation is unfavorable, the charter shall be refused.

If said recommendation is favorable, the Federal farm-loan board shall thereupon grant a charter to the applicants therefor, designating the territory in which such association may make loans, and shall forward said charter to said applicants through said Federal land bank: *Provided*, That said Federal farm-loan board may for good cause shown in any case refuse to grant a charter.

Upon receipt of its charter such national farm-loan association shall be authorized and empowered to receive from the Federal land bank of the district sums to be loaned to its members under the terms and conditions of this act.

Whenever any national farm-loan association shall desire to secure for any member a loan on first mortgage from the Federal land bank of its district it shall subscribe for capital stock of said land bank to the amount of 5 per cent of such loan, such subscription to be paid in cash upon the granting of the loan by said land bank. Such capital stock shall be held by said land bank as collateral security for the payment of said loan, but said association shall be paid any dividends accruing and payable on said capital stock while it is outstanding. Such stock may, in the discretion of the directors, and with the approval of the Federal farm-loan board, be paid off at par and retired proportional to any reduction which may be made in the principal sum loaned to the member; and the directors shall pay off at par and retire such stock outstanding when the loan shall have been fully repaid. In such cases the national farm-loan association shall pay off at par and retire the corresponding share or shares of its stock which were issued when said land-bank stock was subscribed.

Mr. GREEN of Iowa and Mr. McKELLAR rose.

Mr. MURRAY. Mr. Chairman, I have an additional section to offer, if somebody has an amendment to either of these paragraphs.

The CHAIRMAN. The information of the Chair is that the gentleman from Tennessee [Mr. McKELLAR] also desires to offer a substitute.

Mr. McKELLAR. Yes; I desire to offer an amendment by way of substitute.

Mr. MOORE of Pennsylvania. I desire to offer a direct amendment.

Mr. MANN. Let us have the substitute read, so that we may know what it is before correcting the original text.

The CHAIRMAN. The gentleman from Tennessee [Mr. McKELLAR] offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. McKELLAR: Strike out section 8 of the bill and substitute therefor the following:

"It shall be the duty of said farm-land banks to choose in each land-bank district secretary-treasurers, who may receive such compensation as said farm-land banks shall determine.

"It shall be the duty of the secretary-treasurer of every farm-land bank district to act as custodian of its funds, and to deposit the same in such bank as the farm-land banks may designate, to pay over to borrowers all sums received for their account from the Federal land bank upon first mortgage as in this act prescribed, subject to the orders of the farm-land banks. Said secretary-treasurers shall likewise collect, receipt for, and transmit to the Federal land bank all payments of interest, amortization installments, or principal arising out of loans made through said secretary-treasurers. He shall be the custodian of the securities, records, papers, certificates of stock, and all documents relating to or bearing upon the conduct of the affairs of said land bank in his district. He shall furnish a suitable surety bond, to be prescribed and approved by the Federal farm-loan board for the proper performance of the duties imposed upon him under this act, which shall cover prompt collection and transmission of funds. He shall make a quarterly report to the Federal farm-loan board upon forms to be provided for that purpose. Upon request from said board, said secretary-treasurer shall furnish information regarding the condition of all farms in his district for which he is acting, and he shall carry out all duly authorized orders of said board. He shall assure himself from time to time that the loans made by him are applied to the purposes set forth in the application of the borrower as approved, and shall forthwith report to the land bank of the district any failure of any borrower to comply with the terms of his application or mortgage. He shall also ascertain and report to said bank the amount of any delinquent taxes on land mortgaged to said bank and the name of the delinquent."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

Mr. McKELLAR. Mr. Chairman, I would like to be heard.

Mr. GLASS. I would like to inquire how many substitutes and amendments there will be to this section, if I can develop that fact.

Mr. MORGAN of Oklahoma. I have a substitute and two amendments.

Mr. MOORE of Pennsylvania. I have an amendment.

Mr. DILLON. I have two amendments.

Mr. HOWARD. I have three.

Mr. PLATT. I have one.

Mr. GLASS. Then, at that rate, it will be about to-morrow before we finish this section. I ask unanimous consent, Mr. Chairman, that all debate on this section and amendments thereto be concluded at 3.30 o'clock.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto be concluded at 3.30 o'clock. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Chairman, of course yesterday they had 35 minutes' debate in 25 minutes. They could not do it to-day. That would be only 35 minutes. Some of that would be lost.

Mr. GLASS. Then say 3.45 o'clock.

Mr. MORGAN of Oklahoma. Mr. Chairman, reserving the right to object, I do not think 45 minutes would be sufficient time.

Mr. MANN. That would be 50 minutes from now. I think that is reasonable. The Chair will control the time.

Mr. OLIVER. Mr. Chairman, I would like to have two minutes in which to ask a question.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that all debate on the pending section and amendments thereto close at 3.45 o'clock.

Mr. GREEN of Iowa. How are we to control the time?

The CHAIRMAN. The Chair will do the best he can to recognize gentlemen who have bona fide amendments to offer to the section.

Mr. GREEN of Iowa. I have no amendment other than a pro forma amendment, but I want to speak to the section.

Mr. MORGAN of Oklahoma. Reserving the right to object, Mr. Chairman, I think there should be more time allowed.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. MCKELLAR] is recognized for five minutes.

Mr. McKELLAR. Mr. Chairman and gentlemen, the purpose of my amendment is to do away with some of the red tape in connection with this bill and what are to me two very unsatisfactory features—the 5 per cent stock subscriptions and the 10 per cent guaranty of other loans.

The CHAIRMAN. The committee will be in order. Gentlemen desiring to converse will please retire to the cloakroom. Some of these amendments may be of some importance. [Laughter.]

Mr. McKELLAR. I think this amendment is important. It does away with a large amount of red tape in the bill. Under section 8 of the bill these farm-loan associations are created. My amendment is to strike out the section, which means to strike out the farm-loan associations and to substitute therefor the provisions of the bill as to secretary-treasurers, making the secretary-treasurers the secretary-treasurers of the farm-loan banks direct and not secretary-treasurers of the farm-loan associations.

Now, to my mind, to require the farmer to take 5 per cent of stock in the farm-loan association, and then have this farm-loan association in turn take 5 per cent of stock in the land bank, is wholly unnecessary.

Why, there is no use whatever for this double-stock subscription. It does not make the bill any better. It is a lot of red tape. It costs the farmer more, because the cost comes out of him in the end. Why have two associations or corporations to do the work of one? I think the direct plan is the better one. I think all that is necessary is to have the farm-land bank in the district and turn over to it the methods by which this rural-credit system is to be carried out. I do not see a particle of use in the provision for the borrower taking 5 per cent stock in the farm-loan association, and I certainly am opposed to making every borrower liable in the amount of 10 per cent of his loan for the debts of his neighbor. It is all wrong. It will not work. If we put it in this bill, we will have to strike it out again in some future bill. You gentlemen know it is not going to work. We are not going to have all that red tape. The scheme will not work if you keep it in. If you are going to have this a workable measure, you must make it simple. It is not going to work in its present form.

The farmers are not going to subscribe for this stock, in the first place, and, in the next place, they are not going to become responsible for one another's debts. We know that that will not work here in America. It is a part of the European scheme that is grafted onto this bill. I know that gentlemen have read the reports, which tell how beautifully this scheme works in foreign countries, and they want to adopt it here. They want to graft onto an American system the European system. We do not need to copy from these systems. I have read them all. They are not suited to our habits of business and customs of life. They are contrary to our democratic views. We believe in individualism. Let every man stand on his own merits. Do not require his neighbor to stand for him. When you let the merchant have money at a bank, you do not require him to go surety for all the other merchants in his city to the extent of 10 per cent of his loan. Then why make this requirement of the farmer borrower?

Mr. GLASS. If the gentleman will yield, it seems to me the statement that farmers are not willing to become responsible for other people's debts is a rather broad statement.

Mr. McKELLAR. He does to the extent of 10 per cent of his loan.

Mr. GLASS. It is just 10 per cent.

Mr. McKELLAR. Just 10 per cent! Would the gentleman, if he went to the bank to borrow money and was told all right, if he would also obligate himself to pay all his neighbors' debts to the extent of just 10 per cent of his loan—would the gentleman do it? Oh, no. Now, what does the farmer have to become responsible for? He loses the use of 5 per cent of his loan to begin with.

Mr. PHELAN. Will the gentleman allow me to interrupt him?

Mr. McKELLAR. Just one moment. He first has to get nine neighbors together and organize an association. He can not borrow a cent till he does this. Then he has to take 5 per cent of stock. He has got that much dead money to begin with. Then what else does he have to do? He has to pay probably 6 per cent interest and all the expenses of organization, examination, appraisal, and purchase of title papers. And what else does he have to do? He has to become responsible to the amount of 10 per cent of what he borrows to secure his neighbors' loans. Gentlemen, that is not right. Let us make a workable measure out of this bill. Let us make a measure that will do the farmer some good. Let us make it simple. Let us make it direct. I think the bill is admirably arranged for the most part, but these provisions here complicate it and make it burdensome on the farmer, and do away with his individuality and attempt to graft on a worn-out system brought here from Europe, and these provisions are all wrong and ought to be stricken out of this bill. In my judgment, it is just a question of time when they will be stricken out, because they will not work. Let us pass a law that will be simple in its details and that all people may understand. Let us leave out the complications and unwise hardships.

Now I am glad to yield to any gentleman who wishes to interrupt me.

Mr. MORGAN of Oklahoma. I should like to ask the gentleman if under his amendment the farmers are not to subscribe for any part of the stock?

Mr. McKELLAR. They do not subscribe to the stock at all. That part of it is stricken out. The amendment that I have offered just does this: It makes these secretary-treasurers who are provided for in this bill take the place of provisions for stock subscriptions, of agreements to pay in part the debts of his neighbors, and of all this red tape. It literally cuts out the farm-loan associations, the stock subscriptions, the 10 per cent guaranty of other loans of other stock subscribers, and practically all of the red tape in this bill.

Mr. PHELAN. Will the gentleman yield for a question?

Mr. McKELLAR. Yes.

Mr. PHELAN. What security is there behind the mortgages on the farm lands?

Mr. McKELLAR. They have the farm lands at 60 per cent of their value behind the mortgages, and they have all the farm-land banks themselves behind them and a Government board behind them. These backings will make them guilt-edge securities without the cumbersome and unnecessary farm-loan associations.

Mr. PHELAN. The money contributed by the Government.

Mr. McKELLAR. Yes; and, besides, all the profits made by these banks are behind it. It is under the control of the farm-loan board; and, surely, under the control of the Federal farm-loan board, it will have the capital of all these various banks behind it, and the farm-loan board can see that enough profits are accumulated to make the bonds absolutely safe. In addition to all these is the additional security found in the amendment of the gentleman from South Carolina. Still, in addition, they have absolute exemption from all kinds of taxation.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. McKELLAR. I ask unanimous consent for two minutes more.

Mr. DILLON. Is that to come out of the time already fixed?

The CHAIRMAN. Yes; the debate closes at 3.45 o'clock.

Mr. McKELLAR. Then I will not ask for it.

Mr. SMITH of Michigan. The gentleman can ask that the time for debate extended.

Mr. McKELLAR. I will not do that. I do not want to be unfair about it. The committee in charge of the bill are entitled

to consideration, and we should get along in the consideration of the bill.

The CHAIRMAN. The amendments will all be voted upon after the debate closes at 3.45 o'clock. Has the gentleman from Massachusetts [Mr. PHELAN] an amendment?

Mr. PHELAN. No; I want to answer the gentleman from Tennessee.

The CHAIRMAN. The Chair would like to make a statement. The indications are that gentlemen who have amendments to which they wish to address themselves will occupy the time from now until 3.30 or 3.35. The Chair thought he would reserve for the gentleman from Virginia [Mr. GLASS] at least five minutes.

Mr. MILLER of Pennsylvania. Mr. Chairman, before the time expires, I want to offer an amendment.

Mr. DILLON. I want to offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DILLON: Page 92, line 12, after the word "association," strike out the period and insert the following:

"*Provided*, That no farm loan shall be made under the provisions of this act for speculative purposes, and that each borrower shall be limited to one loan: *And provided further*, That no loan shall be made to any borrower who owns property or equity in properties exceeding in value, above bona fide encumbrances, and debts, the sum of $10,000."

Mr. DILLON. Mr. Chairman, this amendment seeks to eliminate the speculator. It also seeks to allow the tenant or the small property owner to obtain the benefits of this act. If I mistake not, the real purpose of this bill is to help the tenant, to help the man to get a farm, to help him to get a start; it is not for the bankers, and they ought not to have any interest in it. It ought not to assist the speculator; it ought not to assist the large landowner.

In 1914 we loaned $210,000,000 of emergency currency to the banks at 3 per cent interest. Those really in need of money did not get any benefit from this loan. The banks, however, loaned it out at high rates of interest. The large property owner who owns large landed interests ought not to have any benefit from this bill, because he does not need it. I seek in this amendment to eliminate the speculator and the large landowner. If the amendment is adopted, the person obtaining the loan would have to show that he was not the owner of $10,000 of property above bona fide encumbrances and debts. If he is, he ought not to have a loan. We want the benefits to accrue to the small farmer, and it ought to be extended to the wage earner, so that these people may obtain homes under the provisions of this bill.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. DILLON. Yes.

Mr. LA FOLLETTE. Under the amendment you would prohibit a man from getting the maximum loan of $10,000, because he could not borrow over 60 per cent.

Mr. DILLON. If he has that much property, he could get his loan anywhere and would not need the benefits of the act.

Mr. LA FOLLETTE. Your amendment cuts down the amount that a man can borrow.

Mr. DILLON. Yes. What would be the procedure under the terms of the bill? In my judgment, the speculator would execute mortgages upon each piece of land. He would buy a number of quarter sections and obtain a mortgage upon each quarter, which would be held for speculation, and thus would root out the small tenant; he would root out the small property owner.

Mr. MOSS of Indiana. Is it the gentleman's understanding of the bill that the man could get a number of separate loans? I would like to say to the gentleman that my impression, and also that of the framers of the bill, is that no man could get more than $10,000 on a loan.

Mr. DILLON. He could borrow $10,000 upon one quarter and get other loans in the names of the different members of his family. He could also buy lands already mortgaged and thus carry on his speculations. The main purpose of the amendment is to exclude the large landowner.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. PLATT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 92, line 21, after the word "than," where it appears the second time, strike out the figures "$100" and insert "$200."

Mr. PLATT. Mr. Chairman, I have offered this amendment simply to point out the extraordinary efforts the committee has made to do something for the small farmer. The bill as originally written had $200 as the minimum for a loan, and it seems questionable whether any man should be encouraged to mortgage his farm for 36 years for $100 and try to pay it back by amortization.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. MOORE of Pennsylvania. What qualifies a man as a shareholder? The payment of $5?

Mr. PLATT. Yes.

Mr. MOORE of Pennsylvania. Then he is qualified to borrow $100?

Mr. PLATT. Yes. He must obtain a loan before he becomes a full member.

Mr. MOORE of Pennsylvania. On what kind of property?

Mr. PLATT. I do not see how this minimum of $100 could be of any service in my part of the country except possibly to a market gardener; but the gentleman from Arkansas [Mr. WINGO] said that there were hill farms in his country of 100 acres that were not worth more than two or three hundred dollars.

Mr. MOORE of Pennsylvania. There must be an appraisement of that land.

Mr. PLATT. Yes.

Mr. MOORE of Pennsylvania. And the appraisement must be paid for out of the Treasury of the United States. That is to say, the appraiser gets his salary directly from the Treasury.

Mr. PLATT. Yes.

Mr. MOORE of Pennsylvania. The appraiser appraises certain territory where land may be worth $50 this year and only $10 the next year.

Mr. PLATT. I think that is an extreme statement.

Mr. MOORE of Pennsylvania. Well, let it rise or fall. What I want to get at is whether the Government, or the association primarily and then the Government, would lose if the appraisement has been unwisely made on one of these small tracts.

Mr. PLATT. The association would lose. The expenses of looking up the title, registration, and appraisement, and everything else, if there was any considerable number of these small loans, would swamp the whole system.

Mr. OLDFIELD. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. OLDFIELD. Might not a person want to buy an addition to his tract of land, 5 or 10 acres, in addition to his farm?

Mr. PLATT. The gentleman would hardly advise a man to mortgage his farm and go to the expense of appraisement and looking up the title, and all that sort of thing, for $100. The gentleman would indorse his note himself, would he not, or loan him the $100?

Mr. OLDFIELD. I can see how a man might want to do that; he might want a tract of land adjoining his and be ready to mortgage his farm to get it.

Mr. PLATT. The purpose is to allow the man who has a little bit of a farm to mortgage it—not to encourage a large farmer to buy more land.

Mr. OLDFIELD. There are places in the country where you can buy land for $5 an acre and make a living off it.

Mr. PLATT. Possibly.

Mr. OLDFIELD. I know a great deal of land like that.

Mr. PLATT. Such farms do not pay, as a rule.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. YOUNG of North Dakota. Would not the expense of making the loan, which falls upon the borrower, be so great as to make his interest unusually high?

Mr. PLATT. It would; he might pay about 50 per cent of his loan in expenses, which would be ridiculous.

Mr. McKELLAR. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. McKELLAR. The gentleman is a farmer?

Mr. PLATT. I was brought up on a farm, in part.

Mr. McKELLAR. Does not the gentleman think the provision that requires the farmers to organize into farm-loan associations and pay 5 per cent, and so forth, is too much red tape?

Mr. PLATT. You have to have some such "red tape" in order to form a cooperative association. You can not have cooperation unless the borrowers become also stockholders. I admit that many farmers may prefer to borrow in some more direct way.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask unanimous consent that the amendment which I offer may be considered as read.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the amendment which he offers may be considered as read.

Mr. MADDEN. I object.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the substitute proposed by the gentleman from Oklahoma is of very great length.

Mr. MORGAN of Oklahoma. It is not of very great length, but it will take all of my five minutes to have it read. I would like to take the time in explanation of it.

Mr. MADDEN. I do not like to vote against it without hearing it read.

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have an amendment that I desire to offer.

Mr. MORGAN of Oklahoma. Then, Mr. Chairman, can I not offer my amendment and have it read in my time?

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. MOORE of Pennsylvania. Who is recognized at present?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 92, line 12, after the word "treasurer," strike out the words "who need not" and insert the word "shall."

Mr. MOORE of Pennsylvania. Mr. Chairman, the amendment offered by the gentleman from New York [Mr. PLATT] struck me very favorably because of the possibility of a speculator, or anyone who happens to own a small piece of ground and who can not otherwise dispose of it, borrowing a sufficient amount of money upon it to let him out and then leaving the Government in possession of the property. There is no question but that that will follow in numerous instances. Some lot owner, or small-tract owner, will find it greatly to his advantage to leave the property with the Government after the Government or the farm association has loaned the money upon it. I have known small owners who would have been very glad, after obtaining 50 or 60 per cent of the value of their farms, to step out and leave the lender in possession of the property. The taxes and depreciation have much to do with that.

My amendment proposes that the secretary and treasurer of these land associations shall be a farmer himself. If we are to specialize and this bill is purely for the benefit of the farmer—no wage earner is to participate in it—let us require that a farmer shall be the secretary and treasurer of this farmers' land association.

Mr. YOUNG of North Dakota. Does the gentleman's amendment provide that a farmer shall be?

Mr. MOORE of Pennsylvania. Yes.

Mr. YOUNG of North Dakota. The gentleman said shareholder.

Mr. MOORE of Pennsylvania. I said shall be a shareholder in the association. The language of the bill is "who need not be a shareholder," and my amendment provides that he shall be a shareholder of the association. Only a farmer can be a shareholder, as I understand it.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. It is evident that nearly all of the business of these land associations is going to devolve upon one paid officer, the secretary and treasurer, and if the bill is left to stand as it is, that paid officer may be an attorney, an agent, an editor, an expert, a land shark, a speculator, anybody, who is instrumental in organizing this national land association of 10 men, who by contributing $5 a piece can get a charter from the United States. Speaking of red tape, to which the gentleman from Tennessee referred a little while ago, the real farmer would never touch bottom on this proposition at all unless you put the business in his hands.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MOSS of Indiana. The gentleman does not want to make a mistake in his statement which he will regret later on. Ten men can not by contributing $5 each get a charter from the Government.

Mr. MOORE of Pennsylvania. The bill provides that 10 or more natural persons who are the owners or who are about to become owners of farms shall be qualified to form a national association, but the values represented must be not more than $10,000 nor less than $100——

Mr. MOSS of Indiana. Oh, it does not say that at all.

Mr. MOORE of Pennsylvania. Therefore, if one share of stock at $5 will qualify a member, 10 men at $5 each—a total of $50—forms a national association, provided they ask for a loan of $20,000.

Mr. PHELAN. Mr. Chairman, will the gentleman yield?

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Oh, this is delightful!

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. MOORE of Pennsylvania. I yield to the gentleman who will put his question the quickest.

Mr. PHELAN. Mr. Chairman, I would like to ask the gentleman if he has read any other part of the bill in connection with this proposition than this part?

Mr. MOORE of Pennsylvania. I have done the best I could to understand it, and if the poor farmer can understand it and work under it he will do a great deal better than I can.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, I renew my request now.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to offer an amendment and to have it considered as read, and consume five minutes in explanation of it. Is there objection?

Mr. MOSS of Indiana. Mr. Chairman, I would like to have unanimous consent for one minute of time in order to make a statement to correct the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I shall object to that, because I do not like to have my statements corrected without a chance to reply.

The CHAIRMAN. The gentleman from Pennsylvania objects. Is there objection to the request of the gentleman from Oklahoma?

Mr. WINGO. Mr. Chairman, what is the request—that this shall be five minutes additional?

The CHAIRMAN. No. Is there objection?

There was no objection.

The amendment of Mr. MORGAN of Oklahoma is as follows: Page 88, strike out section 8, and in lieu thereof the following:

FEDERAL FARM LOAN ASSOCIATION.

SEC. 12. That corporations to be known as Federal farm loan associations shall be organized as hereinafter prescribed. When five or more persons in any county shall have secured loans from any Federal land bank, such bank shall appoint three of such persons as directors of the Federal farm loan association of such county. Such directors shall hold their offices until their successors shall be duly elected at any regular meeting of the members of such association. The Federal Farm Loan Board shall prepare a form of an organization certificate to be used in the incorporation of Federal farm loan associations. At least two of such forms shall be transmitted to the persons so appointed as directors by the Federal land bank. Such directors shall sign such organization certificate and duly acknowledge the same before a notary public or some other officer duly authorized in such county to administer oaths. Such certificate shall be transmitted to the Federal Farm Loan Board, and a copy thereof shall be transmitted to the Federal land bank of such district.

If the Federal Farm Loan Board shall find that such organization certificate shall be duly executed and in proper form it shall approve the same and issue to said association a charter or certificate of its incorporation, and said Federal farm loan association shall become a corporation as of the date of the acknowledgment of its organization certificate.

Every person who shall obtain a loan from any Federal land bank shall thereby become a member of the Federal farm loan association of the county in which the land mortgaged to secure such loan shall be located, and in his application for loan he shall accept membership in such association, under the terms and conditions as prescribed in this act. He shall also, in such application, agree to assume all of the responsibilities and liabilities of such membership. He shall be entitled to all the advantages and benefits of membership in such association without the payment of any fee, commission, or assessment of any kind or character, except as provided in this act. His membership in such association shall continue until the payment in full of his loan, at which time his membership therein shall cease.

Federal farm loan associations shall have no capital stock and shall not be conducted for profit. Their objects shall be to assist in the administration of the system of land credits established by this act, to assist Federal land banks in conducting their business, and to provide an organization through which and by which the members thereof shall cooperate with each other in securing credit, in the payment of their loans and in other proper lines for their mutual benefit and for the promotion of agricultural development.

The directors elected at the first election of any Federal farm loan association shall hold their offices for one, two, and three years, respectively. Thereafter directors shall hold office for terms of three years each. The directors shall serve without pay. Any Federal land bank may, however, employ any director or member of any Federal farm loan association and pay him for such service. One of the directors shall be designated as chairman, one as vice chairman, and one as secretary-treasurer. Such officers shall perform such duties as are customary for such officers to perform and such other duties as may be prescribed by such association.

Every Federal farm loan association shall adopt by-laws and rules for its government on such form as shall be prepared and approved by the Federal Farm Loan Board.

Every Federal farm loan association shall appoint one or more appraisement committees consisting of three members, who shall perform such duties in the appraisement of land offered as security for loans in said county as shall be prescribed by the Federal Farm Loan Board.

Federal farm loan associations shall have power to adopt and use a corporate seal, to have succession until dissolved by act of Congress or under the provisions of this act, to sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons, to do any other act prescribed by law and to make such contracts as may be prescribed by the Federal Farm Loan Board.

The directors of Federal farm loan associations shall meet at such time and place as shall be designated by the chairman of the board. A majority of such board shall constitute a quorum for the transaction of such business.

The members of every Federal land bank association shall meet every three months in regular meeting. Special meetings may be called by the chairman of the board of directors. A majority of such members shall constitute a quorum. The officers of the board of directors shall

be the officers of the general assembly of the members of the Federal farm loan association. In all meetings of Federal farm loan associations each member thereof shall have one vote.

Until such time as borrowers in any county or parish shall be organized as provided in this section, the individual borrowers in such county shall be regarded as a national farm loan association, and all the provisions in this act in any way referring to national farm loan associations shall be held to refer to individual borrowers in any county before organized as herein provided.

Where it shall be determined by any Federal land bank that a county includes a larger area than should be included in a single national farm loan association, such county may be subdivided into more than one district, and a national farm loan association may be organized in each of said subdivisions, and each of such subdivisions shall be held to constitute a county so far as the provisions of this act shall relate to the organization and administration of national farm loan associations and the liabilities of the members thereof.

Mr. MORGAN of Oklahoma. Mr. Chairman, the amendment which I offer is an entire substitute for all of the provisions in the committee bill relative to farm-loan associations. It provides for the organization of these farm-loan associations. It provides that each member shall contribute his 5 per cent of a loan just as in the committee bill, to the stock of the Federal land bank, not to the stock of the farm-loan association. Whenever there are five persons in any county who have made loans from the Federal land bank, automatically they become a farm-loan association. Up until that time they will get their loans individually; so automatically they would become a farm-loan association. They have a secretary and a treasurer, and they have an appraisal committee, and they have their annual meeting, but they do not make loans. They are not allowed to pay a salary to the secretary-treasurer. They are not given the power to assess fines, to make levies, or to make a single dollar's worth of expense upon the borrower.

Mr. MOSS of Indiana. Will the gentleman yield for a moment?

Mr. MORGAN of Oklahoma. I hope the gentleman will make his question brief, because I have very little time.

Mr. MOSS of Indiana. Under the gentleman's bill, does not the farm-loan association make the first appraisement of the land that is offered for the loan through its loan committee? Is not that the fact?

Mr. MORGAN of Oklahoma. I prefer to answer in my own way, if the gentleman pleases. I have appraising committees—one, two, three, four—as many as you want. This appraising committee is required to go and appraise the land, but they are not expected to go 40, 50, or 60 miles, and they will appraise the land within their own neighborhood; and I believe they will do that local appraisement. It is not expected under the committee's bill that these appraising committees shall be paid. The only salary provided for in the committee's bill is that of the secretary-treasurer, but there are other expenses that may be incurred.

Mr. MOSS of Indiana. That same feature is in the gentleman's bill, is it not?

Mr. MORGAN of Oklahoma. No. The trouble is that under this committee bill you have made your farm-loan association expensive, and under the substitute which I have offered they will contribute more for their assistance than they will under this expensive system which the committee has provided.

Mr. McKELLAR. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. McKELLAR. Does the gentleman's substitute provide that every borrower shall be liable for 10 per cent of his loan for his neighbor's debts?

Mr. MORGAN of Oklahoma. No, sir; they are liable for the amount of stock they hold in the Federal land company. Now, I think that it is a good deal to ask of the farmer to invest 5 per cent of the loan, but I believe, after all, it is not asking too much. Either we must expect private capital to furnish the funds or the farmers must contribute it, and I believe that the farmer can contribute 5 per cent and invest that in farm-loan bonds in a reserve fund which would draw back 4 per cent, and at the end of the loan the farmer is credited with the amount of his stock. He can not possibly lose but little, and yet he becomes independent of capital.

If you draw your bill right, he becomes independent of the speculator and those who would derive profit on him between him and the investment. Now, as I say, the adoption of my substitute would cut the expense of the farm-loan association, and we ought to have some concern for the National Government. If this bill should be enacted into law we may have 1,000, 2,000, or 3,000 of these farm-loan associations, and the National Government furnish and pay the inspectors to inspect them, and under this system you increase very largely the expense of the National Government in supervising these farm-loan associations. It is more expensive to the Government, more complicated, and certainly more aggravating to the farmers. Think about it. If an association is organized with 10 persons, how does the farmer go into that association? He can go in only by a two-thirds vote of the directors. Five directors can prohibit any man from becoming a member of that association.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Pennsylvania. Mr. Chairman, I offer the following amendment:

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 94, after line 19, add the following:

"That in addition to the funds provided for in this bill from which loans may be made to borrowers, the moneys on deposit in the several postal savings banks shall be made available, and on the order of the Postmaster General the funds in the several postal savings banks throughout the United States shall be transferred to the Federal farm loan and by it transferred equitably to each of the Federal land banks, and the said banks shall loan the said funds so transferred to it in the same manner and upon the same terms and conditions as the other funds of the said banks are loaned and like security shall be taken therefor. The said farm-loan banks shall assign to the Treasurer of the United States the obligation of said farm-loan banks, paying thereon the same rate of interest the Government pays for said postal deposits. If the postal savings funds should prove insufficient to supply the funds required by said banks to either make the loans applied for, redeem the bonds that have fallen due, pay the interest thereon, or the interest on any bonds that may be due and unpaid, when, and if the banks, by reason of the default of the borrowers from any cause, have not the available funds to pay the same, then, and in such an event, whenever it occurs, the Comptroller of the Treasury may issue full legal tender paper money to create a fund to redeem the said due bonds and pay the interest in default on any of the bonds issued by said banks, and also to purchase any bonds that are undisposed of by reason of there being no other purchasers therefor.

Mr. SHOUSE. Mr. Chairman, I reserve a point of order on the amendment. It seems to me that that should be offered as a separate section; that it does not pertain to this section, and I make the point of order.

The CHAIRMAN. The gentleman from Kansas reserves the point of order.

Mr. SHOUSE. No; I make the point of order. I think it should be offered as a separate section. Evidently it is not germane in any sense to this section.

Mr. MILLER of Pennsylvania. Mr. Chairman, I offer this amendment on the strength of a letter I received from a constituent of mine, and it is practically in the very language of the letter——

The CHAIRMAN. The gentleman from Pennsylvania will suspend.

Mr. MILLER of Pennsylvania. Mr. Chairman, I hope this will not come out of my time.

The CHAIRMAN. The gentleman from Kansas makes the point of order. What is the point of order?

Mr. SHOUSE. That this should be offered as a separate section, and that it is not germane to the section.

The CHAIRMAN. Does the gentleman from Pennsylvania offer his amendment as a separate section?

Mr. MILLER of Pennsylvania. No, sir; I offer it as an amendment at the close of the paragraph that is under discussion.

The CHAIRMAN. The Chair desires to say——

Mr. MILLER of Pennsylvania. And I trust this will not come out of my time. Mr. Chairman, as I have said, this amendment I offered is in almost the language of the letter which I received from a constituent——

Mr. SHOUSE. Mr. Chairman, I would like to have a ruling upon my point of order.

The CHAIRMAN. The Chair will take advantage of two or three minutes in order to look up the precedents.

Mr. SHOUSE. I reserve the point of order.

The CHAIRMAN. The gentleman from Kansas [Mr. SHOUSE] reserves the point of order, to be passed upon before the amendment is voted on.

Mr. MILLER of Pennsylvania. I hope, Mr. Chairman, this will not be taken out of my time.

As I have said, this amendment is offered almost in the language of a letter written to me by a constituent on April 1. I wrote him that I thought Congress would hardly adopt such a bill as he suggested, and in answer to that he wrote me another letter. I will ask unanimous consent to insert the correspondence with my remarks.

The CHAIRMAN. The gentleman has that permission.

Mr. MILLER of Pennsylvania. Now, gentlemen, if you want to give the farmer a real bill, something that will accommodate the farmers beyond all question, which will provide that there will never be a default or deficiency, you want to adopt this amendment. As long as the printing presses can run the bills can be printed to buy up the bonds that are in default of payment, and pay the interest where it is in default. It is just as proper for the Government to take these bonds as it is to force them on an individual.

Mr. McKELLAR. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. MILLER of Pennsylvania. Yes.

Mr. McKELLAR. Does the gentleman expect to vote for that kind of an amendment.

Mr. MILLER of Pennsylvania. I do not expect to vote for it, but I expect you gentlemen on that side of the House to vote for it. That will give you a real bill. It will give you something that will appeal to every farmer in the country that is in debt, and that is the kind of people who need help.

I will frankly say that this bill, or any of the amendments offered or adopted, is not needed in the district I represent. Every farmer in that district who needs money, who is industrious, and who tries to meet his obligations, and is a man of good character, can get all the financial help he should have, on a long-time loan, and at a rate of interest not exceeding 6 per cent per annum, without this bill. [Applause.]

I insert the correspondence to which I referred:

FREDONIA, PA., *April 1, 1916.*

Hon. S. H. MILLER,
Washington, D. C.

DEAR SIR: I hope to see a real rural-credits bill, based on a postal-savings-bank measure, that will allow owners of small farms and town properties to get loans on 50 per cent valuation of their property at 4 per cent and to run 25 years, the Government requiring a small payment of the principal, say 4 per cent, and giving privilege to pay off the whole loan any time at the option of the borrower. This would encourage young married men to try to buy and pay for a home of their own without the fear of sheriff foreclosure in case of sickness or temporary forced idleness.

Funds for such loans could be had from postal savings banks now in operation and they could be materially increased by making the interest on unlimited deposits at 3 per cent, and the difference of 1 per cent would pay the Government expenses of making the loans, if done by a local board of loans created at each money-order office and consisting of the postmaster and two other disinterested freehold appraisers.

If the postal savings funds should prove inadequate, the Comptroller of the Treasury should be required to issue full legal-tender paper money with which to buy the real-estate mortgages as fast as they accumulate, as such money is now issued on assets of banks.

Rural communities could use these borrowed funds to form cooperative buying and marketing centers and help with surplus funds any deserving renter who has no land to better his condition and finally to own land of his own. This system is not new. It was used, by the advice of Benjamin Franklin, for the colony of Pennsylvania till forbidden by England, and, thus forbidden, was one prime source of the cause of the War of the Revolution.

Franklin said that though thousands of pounds of such paper money was issued it never fell in value, because the holder of a mortgage unable to use the borrowed money at a profit at 4 per cent interest went and paid off his mortgage, and that contracted the volume of money, and so kept up its value automatically.

You and I are getting well up in years, and I fear we have not looked well after the general welfare of our people as we should in our eagerness to better our own conditions. I notice that you intend to retire from politics, especially as a candidate for office, and it would please many of us to see your vote and time employed as above for the betterment of the whole people, and not all for a few. * * *

Yours, truly,

N. H. MOTSINGER.

APRIL 3, 1916.

Mr. N. H. MOTSINGER,
Fredonia, Pa.

DEAR SIR: Your letter of April 1 received. I think a rural-credit bill will pass the House this session, but do not know what its fate will be in the Senate. However, I do not think it will be on the basis you suggest. Very few Congressmen, so far as I have heard them express themselves, are in favor of the Government becoming a banker and lending money direct to borrowers. The proposition that will likely pass is to authorize banks expressly chartered for the purpose to lend farmers and others who can give satisfactory security money on long-time payments, such loans, however, to be secured by long-time mortgages and bonds in denominations of $100 to $1,000, issued to secure payment of said mortgages. Something after this manner will pass.

Very truly, yours,

FREDONIA, PA., *April 18, 1916.*

Hon. S. H. MILLER, M. C.,
Washington, D. C.

DEAR SIR: I thank you for sending me a copy of the Hollis bill, purporting to afford farmers a means of getting long-time low-rated money to help them improve their farms and to help young men acquire ownership of homes as farmers. I have read this complicated bill and noted how it is burdened with bonds that must be sold, that the borrower must put up himself 5 per cent of the money he borrows, and that there are several kinds of banks he may tackle for relief and find no relief in any of them.

I doubt if you can find 10 Mercer County farmers who will read this bill all the way through to determine which route for relief is the best that the Government offers. The bill furnishes plenty of "jobs" at good salaries and plenty of good picking for attorney fees and abstracts, and no limitation placed on the size of the fee; and, worst of all, there is not a rate named that will assure the farmer that he will pay less interest than a national bank would charge him, but he may get a longer time to pay his mortgage off if the Federal officials of the board of the land bank so decree. This bill was never intended to give the farmers any relief. It is an excuse to fool the farmers into the belief that Congress has tried to aid them, but in such a way that they will never be able to apply it. But the Congressmen can say, "We passed you a rural-credit bill and you haven't sense enough to use it."

It shows that Congress must have an awful grudge against the farmer to pass such a bill as that and call it a relief rural-credit bill. I hope you did not vote for it, as you surely have not such a grudge against the farmer as that.

Yours, truly,

N. H. MOTSINGER.

Mr. OLIVER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, by inserting the following in line 2, after the word "repayment":

"*Provided, however,* That when the loan is approved and the bonds negotiated the Federal land bank may pay to the secretary-treasurer of the national-loan association through which the said loan was applied for an amount annually equal to one-half of 1 per cent, the same to be paid out of the 1 per cent assessed for expenses against the borrower."

Mr. OLIVER. Mr. Chairman, I have been impressed with the very great care shown by the committee in the preparation of this bill, and I am in hearty sympathy with the general purposes of the bill, though I do not fully concur in the wisdom of some of its provisions. This amendment is offered for the purpose of eliciting information from a member of the committee relative to the matters referred to therein. I would like to ask the gentleman from Indiana [Mr. MOSS] a few questions. Did the committee in the hearing consider or discuss the probable limit of territory within which national farm-loan associations would be allowed to operate?

Mr. MOSS of Indiana. I would like to say to the gentleman in reply to his question that neither the Banking and Currency Committee during the present session of Congress nor the joint committee during their sittings held any hearings whatsoever on this subject.

Mr. OLIVER. No expense money is immediately provided in the bill for national farm-loan associations, unless raised by assessment on members. The only funds for meeting the necessary expenses of such associations are derived from dividends when declared. Did your committee consider when such dividends would probably be first declared and what the probable expense of conducting the business of those associations would be to the date when they might be so declared?

Mr. MOSS of Indiana. In reply, Mr. Chairman, the committee knew, of course, that the dividends could not be declared before the interest was paid into the land banks. Under the terms of the bill the interest is paid annually or semiannually. If the loans are made annually, I presume the dividends are paid annually. However, the dividends might be paid semiannually. As to the expense, it was believed the conduct of the association would be largely altruistic and without expense. We did contemplate there would probably be some expenses connected with the secretary-treasurer.

Mr. OLIVER. Just one more question in that connection. When banks or trust companies are designated as agents to submit applications for loans to the Federal land banks, the Federal land banks under the bill as drawn may pay to such agents one-half of 1 per cent. Now, why did the committee not provide the payment of this one-half of 1 per cent to the national farm-loan association when loans were approved and the money collected thereon?

Mr. MOSS of Indiana. Because the relation between the farm-loan association and the land bank is totally different from that which would be between the agent and the land bank. The farm-loan association is a shareholder in the land bank and would naturally share in the dividends whenever declared. Now, then, the agent bank, having no connection whatsoever with the system, would not participate in any way in the earnings, and could not get any pay whatsoever for its labor unless it was by contract. The gentleman must remember the language is "not exceeding one-half of 1 per cent."

Mr. STEAGALL. Mr. Chairman, will the gentleman permit an interruption?

Mr. OLIVER. Yes.

Mr. STEAGALL. Answering further, also, it is a fact, is it not, that every member of the farm-loan association is a borrower and gets his benefit both as a borrower and as a stockholder, whereas in the case of the trust company which acts as agent it would have no such interest in it?

Mr. OLIVER. Mr. Chairman, my purpose in offering the amendment was to write into the record the views entertained by members of the committee on the matters inquired about, and I now ask to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. RUBEY having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States, was communicated to the House

of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had, on May 11, 1916, approved and signed bill of the following title:

H. R. 8067. An act to quiet title to certain lands in the possession of G. B. Dickson, and for other purposes.

RURAL CREDITS.

The committee resumed its session.

Mr. DILLON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Dakota [Mr. DILLON].

The Clerk read as follows:

Amendment by Mr. DILLON: Page 92, line 21, strike out "$10,000" and insert "$5,000."

Mr. GREEN of Iowa. Mr. Chairman, I am not well informed with reference to the conditions of the southern farmer. I do not pretend to know what he wants or what he needs. According to what some gentlemen have said here, on the other side of the House, he wants much, and his needs are very great. Indeed, if I may credit some of the statements that have been made, I would assume that his condition is pitiable, indeed, and such that the Federal Government might possibly be justified in going to his aid by what some gentlemen have called the "donations" of this bill.

But, Mr. Chairman, the conditions in the district which I have the honor to represent are far different. The farmers there who have land live in good houses—many have better than I could afford to own. As a rule they possess automobiles, and if they do not have money in the bank have a credit there to an extent that few of the merchants possess, and none of the officeholders. These men who own land can get money at the banks at a fairly reasonable rate for short-time loans. On farm loans, I think, the prevailing rate is now 5 per cent, with a small commission, although at times it has been higher.

But does any gentleman suppose, does anybody think, that these men who are in this condition financially are going to mortgage their farms in order to secure the loans of other parties? Yet that is what they must do in part if they obtain loans under this system. If gentlemen believe that they will do this, I think they are mistaken. No one seems to think that the rate will be less than 5 per cent under this bill. Surely a farmer would rather pay a small commission than to add one-tenth to his loan to help secure the loans of others and submit to the other restrictions of this bill. I can not believe that this system will work satisfactorily in the country at large, or that it will be of any particular benefit to the farmers of the district which I have the honor to represent. I hope it may, but I do not believe it will.

Of course, there is another class of farmers in my district, as there is in every district, I suppose—the tenant farmer. But this bill will not help the tenant farmer. He is the man who needs help most and ought to have it. I will ask any gentlemen in charge of the bill to point out how this bill could possibly help the tenant farmer.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. McKELLAR. If the tenant farmer has accumulated enough to pay 40 per cent on the farm, he can borrow money from this board.

Mr. GREEN of Iowa. Yes; in other words, if the farmer has enough means and credit to borrow from somebody else, this bill will help him to borrow more. He will be in the same condition as those who already own land. But that kind of a tenant in Iowa can get the money elsewhere as cheaply and without the added burdens of this bill.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HUMPHREY of Washington. Will not this bill increase the price of farm land, so that the prospective buyer will have more to pay?

Mr. GREEN of Iowa. Yes. It has been suggested by the gentleman from South Dakota [Mr. DILLON] that this bill will promote speculation in farm lands, and I think it will. At the time it was first proposed to have a bill of this kind passed by some Congress letters were sent to the farmers all over this country—to those in my district, at least—asking the farmers how much money they would want, and how they would use it. I knew one man who already owned several hundred acres of splendid land in my district who answered back that he could use $50,000, and in answer to the other question as to what he would do with it he said he would buy more land. So it is likely to be in the case of this bill; at least that is what it can be used for. A considerable portion of the money which the Government provides, I think, will be used by speculators. They are the persons who will probably get the greatest advantage from it. [Applause.]

Such in brief are my views of this bill. I hope I am wrong in my conclusions, as I have no doubt it will pass. I may say also that as it is all we are able to get, I am inclined to vote for it in the hope that it may do some good and in the belief that it will not do much harm. The committee has spent much time in preparing it. Their task has been a difficult one, and if they have not been successful it is certainly through no want of effort or desire to help the farmer.

Mr. PHELAN. Mr. Chairman, there are one or two things which I did not intend to touch upon, but I see there is some misunderstanding on the part of some gentlemen in regard to these. The bill is complicated, or seems to be on its first reading, and Members seem to misunderstand some of the provisions of the bill.

I want to call the attention of the gentleman from North Dakota [Mr. YOUNG] to the fact that there is a provision in the bill which absolutely prohibits a loan to one person of more than $10,000. It will be found on page 103, at the top of the page, and also on page 92. So it will not be possible, as was asserted, for one man to go out in 40 different districts and borrow $10,000 in each one, or a total of $400,000.

Mr. YOUNG of North Dakota. Not even by indirection?

Mr. PHELAN. Not even by indirection, as the gentleman suggests.

Now, I want to say in response to what the gentleman from Tennessee [Mr. McKELLAR] has said——

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. No; I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. PHELAN. I can not yield at present. With reference to what the gentleman from Tennessee stated, I want to say a word and call attention to the inconsistency of some of these gentlemen who are talking upon this rural-credit proposition. They will tell you that there is no better security in the world than these farm mortgages. Then they will tell you that it is a perfectly safe proposition to put into effect a system under which the borrower does not put anything into the guarantee fund of the system; that nobody can lose anything by it; that the Government can contribute; that the Government can guarantee; and that there is no danger of any loss. And then, in the next breath, they say, "Why do you put the liability on the poor farmer of the loss that he is likely to sustain under this system?"

My friends, we have attempted to draw this law so that there will not be any loss at any place; and if ultimately there is going to be any appreciable loss, there will be a failure of the whole system.

Let me point out the situation with reference to the contribution of the farmer. Here is the chance he stands of losing any money: He can not lose a nickel if the interest is paid on the mortgage in that association and if the principal is paid. If they are not paid, there is a 40 per cent margin on the land and 80 per cent on the buildings, because under the appraisal you can not loan more than 60 per cent on the land and 20 per cent on the buildings. So that, under the provisions of this bill, if the mortgage is to be foreclosed, the farmers in the association are not going to lose anything ultimately.

But suppose that temporarily the association can not meet its obligations immediately. We have provided in our bill for a special reserve of $150,000 in the land bank that can be drawn on temporarily by the association, so that that money can be used to meet the association's immediate debts. Thus, if the members can not pay their obligations, there will be foreclosure proceedings, if necessary, and the association will be absolutely solvent.

So all this talk about the tremendous responsibility that the farmer is assuming when he contributes 5 per cent to the stock of the association and assumes another 5 per cent of liability amounts to nothing at all.

In addition to that, let me point out that he is going to get something for that 5 per cent. He has got the stock, and it will earn dividends. If it earns dividends, he will get them. Nobody else is going to make any profit out of it. Under this cooperative system nobody can make a single dollar out of the operation of the system except the stockholders, who are themselves borrowers. So if there are no dividends, it will be because the farmer is getting his money at such a low rate of interest that no profits are earned. It is going to work to the benefit of the borrower one way or the other. If the rate of interest is higher than the bank needs to charge, the borrower will get the money back in the form of dividends on his stock.

If he does not get any dividends, it will be because he is getting his money at such a low rate of interest that no dividends are earned. He is bound to get the benefit of it one way or the other.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. McKELLAR. Mr. Chairman, it has been quite a while since my amendment was read. It is short, and I ask unanimous consent that it may be read again.

The CHAIRMAN. The amendments will be considered first. The amendment of the gentleman from Tennessee is in the nature of a substitute. It will be voted on after the amendments have been voted on. The vote will first be taken on what is known as the Dillon amendment No. 1.

The question being taken, the amendment was rejected.

The CHAIRMAN. The next amendment is the Platt amendment. The question is on that amendment.

The question being taken, the amendment was rejected.

The CHAIRMAN. The next amendment is that of the gentleman from Pennsylvania [Mr. MOORE].

The question being taken, the amendment was rejected.

The CHAIRMAN. The next amendment is offered by the gentleman from Pennsylvania [Mr. MILLER].

The question being taken, the amendment was rejected.

The CHAIRMAN. The next amendment is known as the Dillon amendment No. 2.

The question being taken, the amendment was rejected.

The CHAIRMAN. The next is the amendment in the nature of a substitute offered by the gentleman from Tennessee [Mr. McKELLAR].

Mr. McKELLAR. I ask unanimous consent that that amendment may be read. It is short.

The CHAIRMAN. The gentleman from Tennessee [Mr. McKELLAR] asks unanimous consent that his substitute may be again reported. Is there objection?

Mr. SHOUSE. I object.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Tennessee [Mr. McKELLAR].

The question being taken, on a division (demanded by Mr. McKELLAR) there were—ayes 38, noes 44.

Accordingly the amendment was rejected.

The CHAIRMAN. The next amendment is in the nature of a substitute, offered by the gentleman from Oklahoma [Mr. MORGAN].

The substitute was rejected.

Mr. MURRAY. Mr. Chairman, I offer an amendment to come in as a new section.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] offers an amendment, which the Clerk will report, in the form of a new section.

The Clerk read as follows:

Amendment by Mr. MURRAY:

Page 94, line 19, at the end of the line add the following as a new section:

"COOPERATIVE FARM-HOME SOCIETIES.

"SEC. 8a. The Federal farm-loan board shall authorize, under such rules as it may prescribe, the organization of cooperative farm-home societies, whose members shall consist solely of heads of families, citizens of the United States, whose taxable property does not exceed $1,000 and who own no farm real estate, and who bear a good reputation for thrift, sobriety, and fair dealing. No such society or its members shall be required to own any capital stock in any national farm-loan association, Federal land bank, or joint-stock land bank to entitle it or its members to the benefits hereunder, but such society shall be voluntary, organized wholly within a State, for the purpose of buying farm homes for its members who may each have the privilege, within the discretion of said Federal farm-loan board, of borrowing a sum not exceeding $2,000 with which to buy a tract or parcel of farm land and not to exceed 90 per cent of the cost thereof, exclusive of improvements. The members of such society may collectively or individually, by verified petition, make application to the Federal farm-loan board through the Federal land bank, on blanks furnished by the Federal farm-loan board, setting out their respective qualifications as above and as herein enumerated, each petitioner giving the names of at least two witnesses to sustain each of the requirements of this section to entitle each of them to the benefits thereof, and reciting by metes and bounds the tract or parcel of farm land which each desires to purchase as a farm home, giving the price of same as reasonable and the name of the owner who offers it for sale, and further stating that the petitioner desires said tract of land for a farm home, pledging to live upon it for the purpose of cultivation until the loan is discharged by repayment on an amortization plan, or until authorized to sell or dispose of the same or to remove therefrom by the Federal farm-loan board; and further stating that he will not commit waste nor permit it to be done, and that he will keep all taxes paid upon the said tract or parcel of land. Whenever a number of such petitioners, not less than 100, living within a convenient radius of each other and in the same State, shall have been received by said Federal farm-loan board it shall make or cause to be made investigation as to the truth of the statements of such petitioners, and appraisement of the value and investigation of the title to each tract of land desired to be purchased under this section, and if as many as 30 of such petitioners shall have established to the satisfaction of said Federal farm-loan board the truth that they have met the requirements in said petition and of this act, and are of suitable character authorizing them to come within the benefits extended to members of cooperative farm-home societies, then in that event the Federal farm-loan board shall authorize the Federal land bank of that district to loan to each of such petitioners individually a sum equal to 90 per cent of the value of each respective tract of land not to exceed in any event $2,000 to any one person, conditioned upon each petitioner's individually depositing in such Federal land bank to its credit a sum equal to 10 per cent of the value of said tract of land (exclusive of improvements) and an amount in addition thereto with which to pay the cost of investigation (the full amount so deposited shall be returned if the loan be denied), then in that event the Federal farm-loan board shall direct the purchase of such tract or tracts of land, and the Secretary of the Treasury of the United States is hereby authorized and directed to deposit in such Federal land bank, out of any moneys in the Treasury not otherwise appropriated, as a loan to the reserve fund of farm-home societies, a sum of money equal to 10 per cent of the aggregate loans to all members of such society as a reserve fund, which shall equal at all times the sum of 10 per cent of the outstanding loans to all members of all cooperative farm-home societies of such Federal land-bank district: *Provided*, That the said Federal farm-loan board shall exercise a supervision over the use and occupancy of said land with a view of enforcing purchaser's pledge as to residence, cultivation, preservation against waste, and payment of taxes, together with such other pledges or promises as may be provided in the rules of organization fixed by the Federal farm-loan board; that if any borrower or home purchaser under this section shall fail or refuse to keep any of said pledges the whole of the amount borrowed by him shall within 30 days become due and payable and the land forfeited by nonpayment to the Federal land bank, which shall have power to dispose of the same as in this act provided. Borrowers under this section shall be liable only for the amount of their individual loan.

"All net earnings and profits under this section in each of the 12 Federal land-bank districts shall be kept in a separate account, under the heading 'Reserve fund of cooperative farm-home societies,' and said fund shall at all times be equal to 10 per cent of the aggregate loans of all members of all the cooperative farm-home societies in such district either by a loan from the Government or by profits and net earnings or both: *Provided*, That as rapidly as said reserve fund shall accumulate from the net earnings of such societies the Government shall be reimbursed for the loans made to said reserves, reserving at all times 10 per cent as aforesaid: *Provided farther*, That in all other particulars such cooperative farm-home societies, its members, the money borrowed, and the lands purchased by them shall be subject to the rules and regulations promulgated by the Federal farm-loan board, and to the provisions, requirements, limitations, and restrictions, conditions, and covenants as is in this act otherwise provided, so far as they may be applicable."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CULLOP having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment resolutions of the following titles:

House concurrent resolution 39.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the enrolled bill H. R. 759, entitled "An act to provide for the removal of what is known as the Aqueduct Bridge across the Potomac River and for the building of a bridge in place thereof.

House concurrent resolution 26.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the journal of the fiftieth national encampment of the Grand Army of the Republic for the year 1916, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

House concurrent resolution 27.

Resolved by the House of Representatives (the Senate concurring), That there be printed 20,000 copies of the revised edition of United States bankruptcy laws as prepared by the Committee on Revision of the Laws of the House of Representatives, the said 20,000 copies to be distributed as follows: Three thousand copies to the Senate folding room, 3,000 copies for the Senate document room, 7,000 copies for the House folding room, and 7,000 copies for the House document room.

RURAL CREDITS.

The committee resumed its session.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that I may speak on this bill for 20 minutes.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent to speak for 20 minutes. Is there objection. The Chair hears none.

Mr. MURRAY. Mr. Chairman, the purpose of a rural-credits bill, which is a species of "paternal" legislation, is justified in order to prevent home-owning farmers becoming tenants and to aid tenant farmers to become home owners, and both these in order to increase production so that the laboring man in the district of the gentleman from Pennsylvania [Mr. MOORE] and that all may have cheaper cost of living. However, as was the case with the gentleman from Pennsylvania, industrial centers seem to overlook the fundamental principle that when production runs low it increases prices of living, to the damage, particularly, of the laboring man. This bill will greatly aid the home-owning farmer by giving him a low rate of interest and easy time of payment, and thereby tend to prevent his becoming a tenant; but there is nothing in this bill to aid the homeless man unless he has 45 per cent of the cost of a farm when he seeks a loan, and, in my opinion, this class of farmers—the tenant class—are the first to consider, so far as it affects the country, in such legislation.

I agree with you that this is a remarkably good bill considering the fact that the question has been considered only since the campaign of 1912. All great questions require years of agitation, followed by years of deliberate consideration. The immigration question has been before the country for 14 years and yet not a law. We were nearly 30 years in getting the income tax, first placed upon the statute books during the present administration; we were more than 20 years electing Senators by direct vote of the people. Morgan, of Alabama, urged the digging of the Panama Canal for 20 years before it became a reality. Such has been the fate of all great questions. John H. Reagan was a constant advocate in Congress for 14 years of an Interstate Commerce Commission, and at last succeeded in creating that commission with the power to do nothing, but we have added to its power from time to time. Likewise the rural-credits bill, discussed but four years before the whole country, it is but remarkable that the bill is as good as it is. This one is much better than the one we passed two years ago, and if it had a discussion for four more years it could yet be made still better, and I am sure that as time goes along after this bill becomes a law it will be so amended as to permit the homeless man to borrow money with which to buy a home. Therefore I shall vote for the bill, notwithstanding the fact that it will do little to aid my State. I advocated a rural-credits law in my campaign in 1910, and again in 1912. I find here in Congress most men unable, as they admit to me, to draw into detailed form of a statute a rural-credits bill in aid of the man without land, and I agree with you that such is difficult; but if character is as good as collateral as security for a debt—and the late J. P. Morgan testified in an investigation before a committee of Congress that character is better than collateral—then my amendment, which I offer as section 8a, providing for loans of 90 per cent of the value of a farm, in such case not to exceed $2,000, to such United States citizens who have taxable wealth not in excess of $1,000, and who are homeless, thereby permitting them to make a payment of 10 per cent and enable tenant farmers to buy small homes, because a farm costing $1,000 would enable them, with a $100 payment to begin with running from 20 to 36 years, to make an annual payment under "amortization tables," so that annual payments would be less than rent. A farm costing $2,000 they could borrow $1,800 from the land bank, and by paying $200, or 10 per cent, procure that home, and proportionately less as the value of the farm became less. This would enable men who have no real estate and who do not own more than $1,000 worth of taxable property to buy homes, provided their reputation in their own community is good for sobriety, industry, and fair dealing, for such excessive loans would require men of character. Then, in order to make the loan safe, my provision directs that the Secretary of the Treasury shall deposit in the land bank 10 per cent of all loans as a reserve until the profits arising from that class of loans can return such reserve loan to the Government. This principle is identical with the principle in the bill which directs the Government to buy stock in the land bank without dividends upon such stock.

Many gentlemen find a "bugaboo" in Government aid, but just recently Canada has enacted a rural-credit bill providing that bonds in the sum of a million dollars in each issue should be sold by the fiscal agent of the Government, and then should be unconditionally secured by the Crown both for the payment of principal and interest, with the interest limited to 1 per cent above the interest which such bonds should bear. This makes them essentially Government bonds. Remember the four hundred million of Panama Canal bonds bore 3½ per cent. It is assumed therefore that such bonds could be sold at the same rate, making the interest at 4½ per cent to the borrower. I agree that direct Government aid is not essential for a rural credit, but if these bonds are made like the Canadian law provides and exempt from taxes, secured in addition by the land mortgages upon which they are based, there could not be a better security offered to the market, and every man having money to invest in larger or small amounts would gladly buy a hundred-dollar bond or a five-hundred-dollar bond or a five-thousand-dollar bond, because he could use it as collateral anywhere in the United States to borrow money if he needed it. At the same time the interest, as small as it is, would continue to accumulate. I may recite also that the very beginning of a rural-credit system was with Government aid. The first practical operation was proposed by an obscure merchant in Prussia by the name of Büring, who finally enlisted the aid of Frederick the Great, who, having absolute power, consulted no one, but put it into operation and forced all to come under it at the close of the seven-years war with the neighboring States of Europe. This was a devastating war and constitutes a very remarkable tale in the history of the world. I quote from a speech delivered by Mr. Speaker CHAMP CLARK, because that story can not be better told than he has given it in his speech, which is as follows:

With 5,500,000 people when he started, Frederick the Great fought France, Russia, Austria, Sweden, and Saxony, one of the largest of the German States, all at one time, and soundly thrashed the whole aggregation, although they had a population of 105,000,000 people. His kingdom was not half as large then as the Kingdom of Prussia is now, and consisted of three separate disconnected pieces. Although he was the victor in that war, he had lost one-ninth of his entire population, and there never has been a country in the history of modern times that was so thoroughly devastated as was the Kingdom of Prussia. There was not a square mile which had not been laid waste with fire and sword. Frederick started in to rehabilitate his country. The people did not have seed enough to plant a crop. He mortgaged the crown jewels and tore the silver bullion out of his palaces—for in those days they fixed up fine houses with a great deal of bullion. He melted it down and sold it and invested the proceeds of the bullion and the crown jewels in field seed for the farmers and gave it to them. They did not have horses enough to put the crop in, and he loaned them 60,000 cavalry and artillery horses to do their plowing. Then he undertook, furthermore, to reestablish their homes, and he constructed over 30,000 houses. Taken all in all, he is one of the greatest men who ever lived. This man Büring, the obscure merchant, went to Frederick the Great and pumped into his head this scheme of landschaft, farm loans or rural credits. Frederick changed it somewhat, but accepted the principle. He reached out and took the nobility of Silesia by the nape of the neck and dragged them into the landschaft. They did not have any choice about it; he made them go in; and in order to help it along he contributed $632,000 out of the royal revenues—a large contribution in those days.

The landschaft that he started in 1769 is running successfully yet, and it has been adopted in every country of Germany—the 26 States—except one, and has been adopted in France, where it has been reduced to almost an exact science.

So it will be observed that the system had its birth in governmental aid. I suspect that the fear excited by governmental aid is due to the fact that most of the advocates of governmental aid, both in and out of Congress, advocate governmental currency on land; but the currency question is a different question, and, in my opinion, they are unsound in this, because currency could not be issued for 20 or 30 years without a gold reserve of 40 per cent be piled up, just as it is provided in the regional reserve system, because no paper currency issued with a promise to pay, or in the form of debt, called asset currency, can ever be made sound without a reserve of money to pay it on demand. The gentlemen who want to issue currency unlimited by the Government, and who tell us they ask no more than is provided for the regional banks, overlook the fact that the currency issued to the regional reserve banks require 40 per cent gold reserve to pay them on demand; and I ask, Where is the farmer, should he get the same terms, to get 40 per cent of his loan in gold in order to secure such currency? Such would not serve the farmer, and therefore such idea should be dismissed as a plan merely to deceive the farmer, or as but a dream of some one who does not really know the banking law as it exists. The farmer is not worrying about currency. What he wants is money on low rate of interest, on such terms as will enable him to pay.

I feel that I have as good a record as any man on the rural credits.

Mr. Chairman, no Member of this House has been a more consistent, earnest advocate of genuine rural-credit legislation—legislation beneficial alike to tenant as well as land-owning farmers—than myself.

When the President called the Sixty-third Congress to meet in extraordinary session on April 7, 1913, and submitted to it the matter of revising the banking and currency law, the bill, after being prepared by the Committee on Banking and Currency, was submitted to the Democratic membership of the House in caucus on the 11th day of August, 1913. The bill was continuously considered, section by section, until the 28th day of August, 1913, when, as amended, it received the approval of the caucus.

An effort was made to incorporate in that bill a rural-credit provision, and I favored it because I believed a system of credits for the farmers and producers of the country was of equal importance and deserved the same consideration as a system of banking and currency for the commercial and industrial interests. The effort, however, was defeated, and the friends of rural credits legislation then moved that section 26 of the banking and currency bill and all amendments thereto be referred to the Banking and Currency Committee with instructions to bring in a bill providing for rural credits. This motion was agreed to, but subsequently a motion to reconsider was lodged, and a motion was then made and carried to lay the motion to reconsider on the table, which, under parliamentary law, carried with it the original and all subsidiary motions, and the whole matter, under the parliamentary status, was tabled. In the caucus all parliamentary questions are settled on general parliamentary law; in the House they are decided

on the general principles of parliamentary law, in so far as they have not been changed by the rules of the House and its practice and procedure.

On account of my experience as the proceedings advanced and my familiarity with the general principles of parliamentary law, by common consent, the friends of rural-credit legislation did me the honor to take charge of the parliamentary struggle and take the matter of rural-credit legislation from the table where the enemies of this class of legislation thought it had been put forever to sleep, breathe into it new life and make it possible at an early date.

On page 36 of the caucus proceedings the record discloses the following:

Mr. MURRAY, of Oklahoma, then moved to take from the table the motion to reconsider. Mr. UNDERWOOD made the point of order that the motion to lay on the table was tantamount to a disposal of the motion. Mr. MURRAY, of Oklahoma, made the point of order that the House rules did not operate in the caucus, but that the caucus was governed by general parliamentary law.

His point of order was sustained. Mr. HAY then moved to postpone indefinitely the motion made by Mr. MURRAY to take from the table the motion to reconsider, but this was refused on the point of order being made against it by Mr. MURRAY and sustained by the Chair.

This motion of Mr. MURRAY's to take from the table the motion to reconsider the vote by which section 26 was referred to the Banking and Currency Committee with instructions to bring in a bill providing for rural credits was carried, and a roll call was had, and after that a recapitulation, which resulted in the motion of Mr. MURRAY being carried by a vote of 116 ayes to 66 noes.

Mr. MURRAY, of Oklahoma, then offered the following amendment, and it was adopted: "I move that all amendments be committed to the Committee on Banking and Currency with instructions that it bring in a bill for farm credits during the regular session of Congress."

This record ought to entitle my opinion to consideration on this subject.

My efforts have been concentrated along the line that it seems difficult to get others to think about, to wit, to aid the tenant farmer, for the reason that my conception of government is that the poor and weak should have first consideration. The rich and powerful can take care of themselves, although their rights should be protected the same as the poor.

As I said a moment ago, there are many men in my country and in Arkansas and Texas whom this bill would not serve without my amendment or something like it. These men are tenant farmers. Their fathers before them were tenants; their children will be tenants, for the reason they have never developed the faculty of management which ownership of property develops in any man. You must remember also that the first $100 is the most difficult to lay up. I remember when I worked for $7.50 per month for a farmer down at Garvin, Wise County, Tex., that it was more difficult for me to get hold of $100 then than it would be to get $5,000 now, and this is the experience of all men. If you can not aid this class, what argument can you make to aid the class who have already scaled the ladder? Gentlemen on this floor speak of their knowledge of farming and of farm life, but I fear the most of them only know that life which landowners live, and some of them from the South, where all of the tenants are negroes, have but little care for that reason, but they ought not to begrudge giving an opportunity even to a poor old darkey; but the tenants of my State are white men, and I know their life and the hardships which they must undergo. When a recess in Congress comes I always go down there to help them and encourage them. When I quit the practice of law in 1902 and moved to my farm there was but one man in that community who owned the land upon which he lived. Since that time some six or eight have bought homes, and I have aided three of them in their effort. My experience with them convinces me that if given an opportunity they could own a home by providing a system whereby they could make an annual payment that would be less than the rents they pay. The statement made by Mr. CARAWAY, of Arkansas, to the gentleman from Pennsylvania on yesterday that many tenant farmers live on less than many members of Congress spend for luxury is literally true.

I am sending to two tenant farmers who have four in their family $10 a month, and this is all they have to live on. I send them this money to save them interest. I am on the notes of four other tenant farmers with six in their families, who draw at the bank on that loan not exceeding $20 per month with which to support their families while making their crop. That sounds like a fairy tale to many of you, but that is the literal truth. I remember one man in my community who bought 50 acres of land at $50 an acre. He was afraid to make the purchase; but after he got into it, partly due to my advice and promise to aid, he succeeded in paying for that farm in six years, and now has bought another, and he can pay for it much easier than he paid for the first. Why not aid these men? I know of another man in my county who has lived all his life as a tenant on two farms. He is an old man with grandchildren. His father before him was a tenant. He is industrious, sober, and upright. The only thing wrong with him is that he votes the Republican ticket; but if he finds that you are going to give direct governmental aid to the man already up in the world and not to him, he is liable to do worse, and you could not blame him for voting the Socialist ticket. It is little wonder that my State had 53,000 Socialist votes in the last election. Of course, I agree with you that there is no sense in their casting that vote, because that would not aid them. Carl Marx, the greatest of all Socialists, correctly stated a truth when he stated there is nothing in farm life to justify a farmer becoming a Socialist, but they do it as a protest to governmental power. In this they are wrong. If they had not been with us when the Oklahoma constitutional convention was called our constitution would not have contained the reforms it does.

In my amendment I have sought to adopt the machinery and the principle of the bill itself, which is sound in its financial make-up, and certainly legislation of this character must be as financially sound as the regional reserve system. The gentleman from Illinois [Mr. CANNON], whom we love to call Uncle Joe, quoted some figures to show that the farmers were wealthy; but Uncle Joe has not breathed the air of this tenant class which we find down in Oklahoma, Arkansas, and Texas. Give this class an opportunity. In other words, supply what they lack—a fostering care of the Government that will give them an opportunity under management in such a way that their annual payments by "amortization" will be less than their rents, and in a very few years they will learn to manage for themselves. They will increase the production of the country and prove a greater guaranty in all political movements, aiding greatly the preservation of our institutions and the integrity of the Republic.

Mr. FESS. Will the gentleman yield?

Mr. MURRAY. No. The learned gentleman from Ohio, I fear, wants to interrupt. I am sure that he knows little about this class of farmers. I will yield if he wants information.

Mr. FESS. The gentleman's State was opened in 1889. Why is it that there are so many tenant farmers in Oklahoma?

Mr. MURRAY. It is true that in 1889 the west half of Oklahoma was opened and settled entirely under the homestead law, but the east half of the State, or the Indian country, was owned by the Indians, and these lands are cultivated by white men, and this is the reason why Oklahoma has 104,000 tenants, 75 per cent of whom are in the east half of the State.

Mr. FESS. It is only 27 years ago that the State was opened for settlement. Are these men tenants because they can not buy the Indian lands?

Mr. MURRAY. They are tenants because when the restrictions were removed on the Indian lands they were unable to make the cash payment down that the Indian demanded, and it has resulted in the wealthy classes or land companies buying the land upon which restrictions are removed and thus aggravating the hardships of tenant conditions, because the land companies are more exacting with their tenants than the Indian landlord, and it will continue until all Indian restrictions are removed, unless some provision like mine is put into this bill; because when you remove the Indian's restrictions and the Indian demands one-third or one-half down—and oftentimes he demands all of it—and there is no law that Congress can pass to compel the Indian to sell it on any better terms, because it is the Indian's property, any more than you can force a white man to sell his property on time. All these lands have been allotted and become private property. Therefore Congress can not order them sold on time payment. Therefore the removal of restrictions without a governmental aid to the tenant farmer would in no sense enable the tenant farmer to buy his home, and things would continue to occur just as they have in the past—the tenant would be just as homeless as ever. Of course, we in Oklahoma are all in favor of removal of restrictions, but I say to you, along with it should be such a provision as I am advocating in order to enable this homeless class to buy a home. Otherwise the tenant would later buy from the white purchaser and pay, in addition, the white man's speculation. Under my provision, as you can readily see, a farmer can put up 10 per cent on not to exceed a $2,000 tract of land, and he could pay $200, or less, if it cost less; wherens under the bill as it stands, without my provision, he would have to put up at least $900. I submit it would be much easier to make a payment of $200 than it would $900, and I say to you that none of the tenants in my country could do that. I agree with you about the difficulty of drafting legislation of this kind and making it at the same time financially sound, but if any man can criticize my provision I would be pleased for him to do it from any standpoint. I have had a lot of experience in drafting laws to protect the weak, and with tolerable success.

Some gentlemen object to this legislation because they say it is "special" legislation. Now, what harm is there in that? We have made "special" laws for all classes of people. We have made a "special" law in the interest of the railroads when we gave them the power of "eminent domain"—the power to take your land or mine, by paying for it, whether we would or not, over which to run their road. This is a king's power, the power of a monarch, but it is necessary in the interest of progress. Otherwise the road would not be built. All the States have passed "special" laws for the laboring man, giving him the first lien for his labor. We have passed "special" laws here in Congress for the bankers, and it is essential to husband the credits and money of the country. I do not object to "special" legislation which will prove beneficial to any class, provided it does not hurt any other class. That is the dead line. No legislation is objectionable solely because it is "special." It only becomes objectionable when it hurts some one else, and I submit. Is not aid to make a home owner out of a tenant not only beneficial to him as a "special" act but also beneficial to society in general in this, that it improves the citizenship, gives him something to be interested in in the country, and increases production, which aids the whole society by lowering the cost of living?

The gentlemen from Pennsylvania, Massachusetts, and New York in their opposition seem not to understand the philosophy upon which their own citizens subsist. I am sure they are equally as honest as I am, but the trouble is they do not see it from my viewpoint, because they have not been in the position, but they ought to be able to see that their existence grows out of the production of crops in the West, South, and Northwest, and that any aid to production is an aid to the industrial centers of the East. I realize that you are surrounded by labor votes who do not comprehend this, but why not show them this indirect benefit just as I have attempted to show the people of my district the necessity for a merchant marine, which directly concerns you, yet indirectly concerns the people of Oklahoma, by giving them transportation to market? Let us be as broad as the Republic.

If you adopt this amendment of mine, the only one offered for the tenant farmer, you will have a provision in this bill sound financially, agreeing to the machinery of the system that will prove practical and workable. If you are going to give the farmers of the country a rural-credit system, why not give one to all of them? I agree with you that you can not serve the penniless man who will not try to do anything, but you can aid the man who is honest, industrious, and sober. We have aided all the other classes, and it is the farmers' time now. You do not violate any principle. You do no violence to the rich and strong. You only make government just and fair to all.

Now, in conclusion I want to thank the House for their generous, "unanimous consent" for me to speak longer than the rules would otherwise permit, but let us amend this bill so as to give to the class of which I speak that to which they are entitled. I agree with you that this bill is remarkably good, considering the short time it has been before the country, realizing as I do the difficulty of drawing new legislation. I also agree with you that new laws have to have a demonstration in practical operation in order to show their weakness and that amendment from time to time may be made to the end that they may be perfected, but we can afford to delay now long enough to criticize the provision I have drawn in every light, first, to determine whether it will meet the condition; second, whether it is financially sound; and third, whether it will be practical; and I invite such criticism. If it be defective, I fail to see it.

Again I thank you. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman, I move to strike out the last word. That is one of the features of the bill I wish to mention. It seems to me to be discriminatory. It does not include enough people who are interested in farms and farming to make it of the value that it is intended to be or to cover the ground. For instance, a great many of the farms are worked by farmers who are not cultivating the land themselves. A mortgage would be just as good if it is a land mortgage, whether the person cultivated the farm or lived on the farm or not. The question has been raised as to why an industrial bond or a municipal bond is better security than a bond secured by real estate. The gentleman from Oregon [Mr. HAWLEY] spoke of that yesterday. I will say that the gentleman from Oregon, who has had a great deal of experience in investing money, would not invest in securities or in bonds or in any paper to the extent of 60 or 80 per cent of the value of the property. For instance, when he purchases a municipal bond he will look to see that the indebtedness of the district covered by that municipal bond or the property in the township or the property in the city or the property in the school district does not exceed 10 per cent of the assessed valuation of the property.

When you come to purchase bonds that equal in amount 60 to 80 per cent of the value of the property, they are not as good security as a municipal school, township, or county bond that covers property of from three to ten times the value of the bond or where the indebtedness upon the property, including the bond, is only 10 per cent of the assessed valuation of the property. Then a municipal or an industrial bond has a fixed rate of value upon the stock exchange. These bonds are to sell, if they are sold at all, upon their own merits in the open market. There is no function performed by these farm banks that you are establishing here to-day but what can be performed by the banks that are already established. These farm mortgages in no way will exceed 25 per cent of all the real-estate mortgages of the country. There are more real-estate mortgages in the United States other than farm mortgages than there are of farm mortgages. No provision is made for them, and the hundreds of millions of dollars loaned in the United States upon real estate other than farms very largely exceeds the amount and value of mortgages given upon farm property. On the 30th of June, 1914, 26,765 banks reported that they had loaned out on farm mortgages $542,100,000 and on other real-estate mortgages $2,965,900,000; and at the same time the life-insurance companies of the country had loaned out $654,650,505 on farm mortgages and $993,480,170 on other real-estate mortgages. (Report of ninth annual meeting of life insurance presidents, Dec. 15, 1915, p. 17.)

I am not speaking as a banker. The gentleman from Alabama, for instance, thought that I represented some banking institution. I will say to him that there is no farmer in my vicinity who would not as soon go to a bank to make his loan as to anyone else; and, if he offered the security, would get it as readily of the bank as he would any place else. And he would get it at a reasonable rate and for the length of time he wanted it. He would not have to keep the money for five years, but could pay it off in installments on any interest day. He would only be charged annual interest, while you propose to charge him semiannual interest. [Applause.]

Mr. MANN. Mr. Chairman, I move to strike out the last word. A man acquires property by labor and saving and he never will acquire much by borrowing money. He may get a little money, but if he is not willing to work and save he never will pay back what he gets. A young man, or an older man, for that matter, can go into the State of Illinois, and doubtless almost any other State in the Union to-day, and go on a farm as a farm laborer where he can gain experience all the time and save $20 to $30 a month. If he will do that, by the time he is really ready to own a farm and operate it on his own account, he will have some money to help purchase a farm, but to say that you will loan money to a man who has nothing either in the way of experience or accumulation is not to give an advantage to such a man, because it is harmful rather than helpful to him. There are not many men in this Chamber who commenced life with either a gold or a silver spoon. The men here in the main who have accumulated farms or other property on even terms with those around them did it by hard work and by saving a portion of their earnings. That opportunity is open in the world, especially in this country, to every young man and to those who are older, and the man who wants to own a farm can easily accumulate enough money, if he will save what he earns and work for what he wants, to help buy the farm with the aid that this bill will give him without saying to everybody who is either thrifty or thriftless, "We invite you to borrow money which you will never pay back."

Mr. BENNET. Mr. Chairman——

Mr. GLASS. Does the gentleman desire to speak?

Mr. BENNET. For five minutes.

Mr. GLASS. I ask unanimous consent, Mr. Chairman, that all debate on this amendment be closed in seven minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment close in seven minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, the conditions which have been described by the gentleman from Illinois obtain in the State of New York and in the northern part of New Jersey. I have in mind at the moment the case of a man going on a farm after he arrived at the age of 45 years, without money, working as a tenant farmer for four years, as I recall it, going from that farm with somewhere between $1,500 and $2,000 from the township of Wantage, in the northern part of New Jersey, from the district of the gentleman from New Jersey [Mr. HART] into the western part of New York State, buying land and starting to

farm with the money that he himself had acquired after arriving at that somewhat advanced age. And he succeeded as a farmer. I have in mind another man, now I think the sheriff of the county of Sussex, in northern New Jersey, or recently the sheriff—I think his term has just expired—and in my boyhood in northern New Jersey he was a farm hand. Now he owns not one farm but several, acquired through his own efforts and not with any aid either from the State of New Jersey or from the Federal Treasury. All over the older States that condition has obtained, and there is a serious question in my mind whether there is not a tendency in this sort of paternal legislation to dull the edge of husbandry. Oh, you let people get money easily. Why, there are some gentlemen here who can recall when the United States Government handed $38,000,000 to the several States. To be distributed where? Amongst the farmers—to be loaned. My State of New York got four and a half million dollars, and we handled it considerably better than some of the other States. Have we that four and a half million now, if the United States Government should call on us to hand it back to them?

Mr. MOORE of Pennsylvania. Will my colleague yield——

Mr. BENNET. Yes.

Mr. MOORE of Pennsylvania. The gentleman from Oklahoma——

Mr. BENNET. I am not the gentleman's colleague, but I am his friend.

Mr. MOORE of Pennsylvania. I am glad to think we are both. The gentleman from Oklahoma [Mr. MURRAY], in his very eloquent speech, said in substance that if we wanted to help these poor farmers in his section to become landowners we could do so by giving them Government money, and that that was the only way in which they could become the owners of the land. Is it not a fact we have many poor people in the cities who labor just as hard and as industriously as the farmer, who do not own their own homes? If we give them Government money also, could they not become owners of their homes?

Mr. BENNET. Oh, yes; but that is an unfair comparison.

Mr. MOORE of Pennsylvania. Why is it unfair?

Mr. BENNET. Because the gentleman from Oklahoma, to be fair to him, said if we could propose any bill that would help those people he would be for it, and this bill practically referred to farmers.

Mr. MOORE of Pennsylvania. Does not the gentleman know there are many people in the cities, thousands of them, who do not own their own homes, but who have worked industriously all their lives?

Mr. BENNET. And never will own their own homes. Of course, there is a larger opportunity out on the farm.

As I was about to say, what have the States done with this $38,000,000 that the United States Government gave some time in the fifties, I think? Have all those States got that money? Not one single State—not Indiana, not Illinois, not a single cent of it left in Indiana. Is not that correct?

Illinois has not any of it left. It we in New York should call our loans and force payment, I think, although we carry them on the books at something like $3,750,000, we could not get a million and a half. That was the result of distributing money from the United States Treasury around amongst the States. We did not exercise ordinary care. One State was as reckless as another. We ought to guard against that in this bill. I participated in my time in this House in two attempts to help the people of the country, once the people of the United States and once the people of the Philippines——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I will have to talk about it some other time.

Mr. GLASS. Mr. Chairman, I desire to say that I have listened with considerable interest to the remarks of the gentleman from Oklahoma [Mr. MURRAY], and, I might add, with considerable sympa''y to some of the things said; but, after all, what the gentleman from Illinois [Mr. MANN] said so happily awhile ago goes to the very foundation of this whole question. It was as philosophic as anything he has ever said in the 14 years I have been here or that he may ever say, regardless of how long he shall stay here. I have no doubt that there is some merit in the suggestions of the gentleman from Oklahoma [Mr. MURRAY], some merit to his bill, but I do not think it ought to be projected into the provisions of this bill. Therefore I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma [Mr. MURRAY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MURRAY. Division, Mr. Chairman.

The committee divided; and there were—ayes 23, noes 56.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CAPITAL STOCK AND SPECIAL PROVISIONS OF NATIONAL FARM-LOAN ASSOCIATIONS.

SEC. 9. That the shares in national farm-loan associations shall be of the par value of $5 each.

Every shareholder shall be entitled to one vote on each share of stock held by him at all elections of directors and in deciding all questions at meetings of shareholders: *Provided*, That the maximum number of votes which may be cast by any one shareholder shall be 20.

No persons but borrowers on farm-land mortgages shall be members or shareholders of national farm-loan associations.

Any person desiring to borrow on farm-land mortgage through a national farm-loan association shall subscribe for shares of stock in such farm-loan association to an amount equal to 5 per cent of the face of the desired loan, said subscription to be paid in cash upon the granting of the loan. If the loan is granted, the applicant shall, upon full payment therefor, become the owner of one share of capital stock in said loan association for each $100 of the face of his loan or any fractional part thereof. Said capital stock shall be held by said association as collateral security for the payment of said loan, but said borrower shall be paid any dividends accruing and payable on said capital stock while it is outstanding.

Every national farm-loan association formed under this act shall by its articles of association provide for an increase of its capital stock from time to time for the purpose of securing loans for its members and providing for the issue of shares to borrowers in accordance with the provisions of this act. Such increases shall be included in the quarterly reports of the Federal farm-loan board.

Any person whose application for membership is accepted by a national farm-loan association shall be entitled to borrow money on farm-land mortgage upon filing his application in accordance with section 8 and otherwise complying with the terms of this act whenever the Federal land bank of the district has funds available for that purpose, unless said land bank or the Federal farm-loan board shall, in its discretion, otherwise determine.

Any person desiring to secure a loan through a national farm-loan association under the provisions of this act may, at his option, borrow from the Federal land bank through such association the sum necessary to pay for shares of stock subscribed for by him in the national farm-loan association, such sum to be made a part of the face of the loan and paid off in amortization payments: *Provided, however*, That such addition to the loan shall not be permitted to increase said loan above the 60 per cent limited in section 12.

Shareholders of every national farm-loan association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

After a charter has been granted to a national farm-loan association, any natural person who is the owner, or about to become the owner, of farm land qualified under section 12 of this act as the basis of a mortgage loan, and who desires to borrow on a mortgage of such farm land, may become a member of the association by a two-thirds vote of the directors upon subscribing for one share of the capital stock of such association for each $100 of the face of his proposed loan or any fractional part thereof. He shall at the same time file with the secretary-treasurer his application for a mortgage loan, giving the particulars required by section 12 of this act.

If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned without deduction.

Mr. TRIBBLE. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out, on page 96, lines 20, 21, 22, 23, 24, and 25 and insert in lieu thereof the following:

"Shareholders of national farm-loan associations shall not be held responsible for contracts, debts, and engagements of such association or members thereof."

Mr. TRIBBLE. Mr. Chairman, I move to amend this section of the bill by striking out that part of the section which provides that the borrower shall be subject to sustain loss to the extent of 10 per cent of the loan granted him.

I trust the membership of this House will not pass over this section without giving it serious consideration. I consider the greatest errors that have been made in this bill are in this section. Now, if you turn to page 99 you will find that this bank, this association of farmers, is authorized to acquire land, indorse notes, and perform other functions of a corporation, and yet your bill requires a farmer desiring to borrow money to purchase stock in the associated bank and become responsible for losses and expense of operating such an institution. The farmer desires a loan and not joint bank stock, but in order to borrow money in this rural-credit system you are now offering to the farmers he must become a stockholder and become jointly liable with the other shareholders in that corporation for the losses to a certain amount. First he pays expense of examination of title, which is right, but that should be the extent of his expense. In addition to other expenses, where there is a loss he must bear double the amount of his stock.

Now, Mr. Chairman, there is where you will drive away the farmers who would otherwise apply for loans and secure loans and be benefited by them. This bill should not require the borrower to stand sponsor for the failures of his neighbor to repay his loan.

Mr. Chairman, on page 97 notice the other section. This section over here provides that after an association has been

formed—I will call it a corporation—of 10 farmers, a board of directors is selected, and before another farmer can get into that association and become a borrower he must receive a two-thirds vote of those directors. Now, where is the danger in this? I will show it to you. The farmers with financial backing will go into this corporation willingly and organize it, and they will become jointly responsible for the shareholders in the stock company, knowing that the rules will enable them to keep out bad loans. They become personally interested in preventing losses. Personal interest would cause them to select with great care their associates to whom loans are to be made, being liable for double their stock for losses. Experience and observation cause me to fear that they will force out all the little fellows who are not able and who are not responsible and whom they do not want in the association as a borrower, fearing personal loss. The man who has little and no financial friends and is helpless in the world is the man we are supposed to help most by this bill. These directors, knowing there will be losses in this company and knowing they will have to share those losses will refuse to take these farmers of small means into the association of borrowers because of the extra prospect of losses which would fall on the members of the association.

Mr. GLASS. The fundamental error my friend makes is in the supposition that this bill is designed to help the helpless man who has no friends and no money. That is not what it is designed for.

Mr. TRIBBLE. I regret to hear the gentleman from Virginia, the chairman of the committee having this bill in charge, make that statement. My own idea is that this bill should benefit most the farmer who is worthy but financially unable to help himself.

Mr. GLASS. It is designed to afford facilities to men who are thrifty and have friends.

Mr. TRIBBLE. My reply is this: That a man who has friends and the man who has land and has ability does not need help from the Government or anybody else nearly so much as the poor man, because the man of wealth can go to the bank and get money whenever he needs help. The bank doors are open to him now. I wish to aid the farmer of financial standing to get money at lower rates of interest and longer terms; but, I repeat, the farmer who needs help most is the worthy man struggling to provide a little home for his wife and children, and who has no financial standing to aid him in getting a rise in the world.

Mr. PHELAN. Are there many of the latter class?

Mr. TRIBBLE. There are many of them.

Mr. PHELAN. What is to prevent those men, if they can not go into this one association, forming an association of their own? All it takes is 10 men.

Mr. TRIBBLE. I will tell you the reason they can not do it. Suppose 10 rejected applicants should apply for a charter. The Federal land bank, having control of charters, is required to send an inspector and investigate the solvency, character of applicants, and value of land, and if the report is unfavorable the charter is refused. It is left with the inspector to investigate and see whether or not these 10 men who desire to form the association are men of good character and men of good standing, and, as the gentleman from Virginia [Mr. GLASS] says, men of influence, with money in their pockets, and if they are not, they are turned down and can not get into the organization.

Mr. GLASS. Oh, I did not exactly say that.

Mr. TRIBBLE. That is the substance of what the gentleman said.

Mr. GLASS. Would you have a system of loaning money on land without inspection and without examination?

Mr. TRIBBLE. I would have a system where a farmer could go and apply for money without becoming a member of any association. Let him send his application and have an inspection made of his application, his security offered, appraisement, and so forth, without any stock-subscription feature connected therewith.

Mr. GLASS. He can do that under this bill.

Mr. TRIBBLE. Oh, yes; by becoming responsible for somebody else's debts.

Mr. GLASS. He can do it under this bill.

Mr. TRIBBLE. Under the joint-stock land banks, the banking proposition you provide for, financed by private funds or corporations?

Mr. GLASS. Yes; certainly.

Mr. TRIBBLE. Read page 96, at the bottom, in the rural credit. I want a rural-credit bill backed by the Government and not by mortgage-security companies. We can have the mortgage-security companies without this bill. It reads as follows:

Shareholders of every national farm-loan association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

Mr. GLASS. That is the Federal land bank. That is not the joint-stock bank. He has no liability for one cent except what he borrows.

Mr. TRIBBLE. Yes; and you propose to give him more benefits under the joint-stock company than you do under the rural-credit bill we are trying to give the farmer. After finishing your rural-credit bill, then you place in the same act a provision legalizing charters for mortgage-security companies. You relieve them of tax and authorize them to issue bonds, and you propose to give the farmer more privileges under the joint-stock company—mortgage-security company—than you do in the rural-credit land banks. I stand for the rural-credit Federal farm-loan association, and there is where the farmer should be protected and cared for, and not turn him over to this mortgage company you have chartered by this bill.

Mr. GLASS. We are standing for both propositions.

Mr. TRIBBLE. I am only standing for one—the rural-credit association feature of the bill—and I am trying to amend it so the farmer may be benefited.

Mr. GLASS. Well, this bill is for both.

Mr. TRIBBLE. The Baltimore platform promised the farmers a rural-credit bill. My amendment would remove the most objectionable feature in the bill. If this House refuses to so amend this bill that it may respond to the needs of the farmers, I promise you now, if I am permitted to remain in Congress, I will continue this fight until this bill is perfected by amendments. This House is making progress in giving aid to the agricultural pursuits. We have established a plant to manufacture Army nitrates and fertilizers for the farm, and this bill, though imperfect, will become a law at this session. The friends of rural credit will amend the bill now or at some future time, and I trust make it a real rural-credit bill fully responding to the needs of the rural districts. [Applause.]

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

Mr. GLASS. How many amendments will be proposed?

Mr. MORGAN of Oklahoma. I have but one more. It is a short one.

Mr. MANN. I want a little time on this section.

Mr. GLASS. Will the gentleman indicate how much? I would like to get through by 5 o'clock.

Mr. MANN. I would like to have five minutes. I want to ask something about the section. It may take longer than five minutes.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORGAN of Oklahoma: Page 96, line 23, after the words "extent of," strike out the words "the amount of" and line 24.

Mr. MORGAN of Oklahoma. Mr. Chairman, if the members of the committee will look at the bill on page 96 they will see the effect of this amendment. Instead of making the borrowers liable for their stock of 5 per cent and also for another 5 per cent equal to the amount of stock, it will make the members of the loan association liable only for the 5 per cent of stock.

I believe that under all the circumstances it is right, in view of the aid and assistance that the National Government will give the farmers under this bill, that the farmers should help protect their own security by providing 5 per cent of the capital amount of the loan, but I do not believe you should put an additional liability upon them of 5 per cent.

There is another reason. When they put up 5 per cent of stock the association and the land bank has that stock and it is held as security for their loans. It can be used to meet any default of the borrower in the payment of interest or otherwise. But this other 5 per cent is a sort of contingent proposition. It would be very difficult to enforce. It can not be realized upon. It is a security that the Federal land bank can not go out and use to borrow money on. It is a sort of indefinite liability, and yet it would be a liability that it seems to me would be very objectionable to the farmers—to the borrowers.

It looks to me, gentlemen, as if you were putting unnecessary "red tape" upon the borrowers under the Federal land-bank system.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Indiana?

Mr. MORGAN of Oklahoma. Yes.

Mr. MOSS of Indiana. Has not the gentleman criticized the committee bill because there is not enough reserve capital held in this system?

Mr. MORGAN of Oklahoma. Yes; I have.

Mr. MOSS of Indiana. And is not the effect of the gentleman's motion, if it were adopted, to take away some of the reserve and guarantees that the committee has put into this system?

Mr. MORGAN of Oklahoma. I will concede that. But I believe that a reserve, as I understand that term, in every banking system is security of some kind that is tangible, that can be used on a moment's warning, that is held to meet emergencies, that is to meet default, that in times of stress and trouble and financial difficulty the bank has something to lay its hands on. But you have fixed here an indefinite liability of 5 per cent additional, making it still more objectionable for the farmers to go into this system. It looks to me as if the framers of this bill—and I do not wish to criticize them—have put so many restrictions and limitations upon those who wish to borrow of the Federal land bank that it seems almost intended to drive the farmers away from the Federal land bank and drive them into the profit-sharing institutions which you propose to create.

Where is the self-respecting farmer who will want to go into these Federal land banks under all these restrictions which you have made? You have put up these restrictions, these limitations, these conditions to such an extent that you drive the farmer into the joint-stock land bank, where capitalists can profit from the interest payments upon their loans. You are, I think, unnecessarily putting limitations and restrictions upon the borrowers in the Federal land banks. And while I would strike out this extra 5 per cent liability, which is not an asset that can be realized upon by the bank at any time when it needs it, I would increase the reserve that will be in the hands of the bank, that will be held, as it were, by the bank for the benefit of the bondholders, because if the farmers have any real credit and standing among investors it must be because the bonds, the securities that you have manufactured and created and sent out into the world, are good. But they will not be good unless you have a sufficient reserve, a real reserve, not a liability, not something that you can not realize upon in time of danger, but a real reserve that stands there forever to meet emergencies, to meet defaults, to meet difficulties, to be a real reserve that will enable the farmers of that section to command credit at the very lowest rate of interest. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GLASS. I ask unanimous consent that debate on this amendment be now closed. Did I understand that the gentleman from Illinois [Mr. MANN] wanted to offer an amendment to this section?

Mr. MANN. I want to call the attention of the committee to some contradictory provisions in the section, as it seems to me.

Mr. GLASS. I ask unanimous consent that all debate on this pending amendment be closed and that the vote be taken at once.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question being taken, the amendment was rejected.

Mr. SHOUSE. Mr. Chairman, I have a committee amendment.

The CHAIRMAN. The gentleman from Kansas offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 96, line 2, after the word "report," strike out the word "of" and insert the word "to."

Mr. SHOUSE. Mr. Chairman, this amendment is to correct a purely typographical error.

The amendment was agreed to.

By unanimous consent, Mr. MURRAY was given leave to extend his remarks in the RECORD.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORGAN of Oklahoma: Page 97, line 6, strike out the word "may" and insert in lieu thereof the word "shall"; strike out, after the word "association," the words "by a two-thirds"; strike out, in line 7, the words "vote of the directors."

Mr. GLASS. I ask unanimous consent that all debate on this section and all amendments thereto be closed at 5 o'clock.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto close at 5 o'clock.

Mr. MANN. Will I be recognized then?

The CHAIRMAN. Yes. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Chairman, if the members of the committee will look at page 97 they will notice that in lieu of the conditions there expressed my amendment will provide that a person who desires to borrow on a mortgage on such farm lands shall become a member of the association upon subscribing for one share of the capital stock of such association.

Under the provisions of the bill, as was pointed out by the gentleman from Georgia, a man, to become a member of this association—and he must become a member before he can secure a loan—after the association is first organized, he must become a member of the association by a two-thirds vote of the directors. There are five directors, and after the loan association is once organized no other person can become a member of that association and no other person can get a loan through that association except by a two-thirds vote of the directors. There are five directors. Two-thirds of five is three and one-third. It would thus require four votes out of the five directors. The farmers will not like this.

We will suppose that in a community there is an association organized of 10 members. That can be organized in a secret way; one man can go out and pick out ten of his friends, persons that he has confidence in and that he would like to get the benefit of these loans. They take in 10 persons, but any citizen, any farmer in that community, could not get into the association except by a two-thirds vote of the directors. That is what I suppose would be called a "close" corporation. It provides for discrimination against another man who might be worthy.

If you will strike out the words suggested in my amendment you will still have this restriction: The appraisement committee would have a right to appraise the land; the Federal land bank sends an inspector or appraiser, and he appraises the land; so that it seems to me that you would take all the precautions that are necessary.

If a man has a farm, if he has the security, and the association members are to appraise his security, and the Federal land-bank appraiser, a Government officer, is also to appraise his farm, why should you say that he can not get his loan accepted except by two-thirds vote of these directors. I repeat what I said before, that if you place the restrictions and limitations in various ways that will irritate the American farmer, you will drive him away to other institutions. It will have that effect; and I want to know why you should do it. I think it would be better to take the old commission plan, as represented by the joint-stock company, if we could get the proper kind of a bill, with proper restrictions and limitations, make a proper reserve fund, give them a proper capital, than to have the system that you are going to provide here. I would like to see this amendment carried.

Mr. MANN. Mr. Chairman, I want to call the attention of the gentleman in charge of the bill to what seems to me an apparent contradiction in the hope that they may be able to remedy it. I know perfectly well what they are trying to do, and it may be that a law enacted in this form would be construed as they intend it to be.

You say that no persons but borrowers on farm-land mortgages shall be members or shareholders of the national farm association. Without taking the time to dwell on the words "members" and "shareholders," which I assume to mean the same, I will say that on page 96 you say "any person whose application for membership is accepted by a national farm-loan association shall be entitled to borrow money on farm-land mortgage upon filing his application." In other words, having first said that he must be a borrower before he can become a member, you then say his membership may be accepted and then he can file his application for a loan.

Again, on page 87 you say that certain persons may apply and may become members of the association by a two-thirds vote of the directors upon subscribing for one share of the capital stock, and so forth. Having become a member by subscribing for one share of capital stock, you say he shall at the time file with the secretary-treasurer his application for a mortgage loan.

Now, a borrower is not the applicant for a loan. The borrower is the one who receives the loan. He certainly must have executed the papers. In other words, the language of the bill as I read it would say that a man must be a shareholder before he is a borrower, and he must be a borrower before he is a shareholder, and that is impossible.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MOSS of Indiana. Has the gentleman's attention been called to the language on page 95, lines 12 to 14: "If the loan is granted, the applicant shall upon full payment therefor be-

come the owner of one share of capital stock in said loan association"? So he does not become a shareholder——

Mr. MANN. That only shows another conflict that I did not take the time to call attention to. You have said that he may become a member of the association by a two-thirds vote of the directors upon subscribing for one share of the capital stock of the association. I understand what gentlemen are trying to accomplish, but when you are writing a law it seems desirable that you should not have to make a forced construction of it after it is enacted into law.

Mr. MOSS of Indiana. Not speaking for the committee, I would say that it is not strange that there is some language in the bill that is not perfectly clear.

Mr. MANN. Oh, I hope the gentleman will not think that I am criticizing the committee at all. I do not intend to do that.

Mr. MOSS of Indiana. As a matter of fact, the reason this language came to be changed is that when a man made his application it was thought that he should tender 5 per cent of his stock in cash——

Mr. MANN. I hope the gentleman will not think that I am criticizing the draftsman of the bill. I have had too much to do with drafting bills in this House not to understand the difficulty in a long bill of making everything absolutely coordinate.

Mr. MOSS of Indiana. I appreciate the position of the gentleman. We believe that the bill as written expressed the intention of the committee perfectly; but if not, I presume the committee will be very glad to have it clarified.

Mr. MANN. I am calling it to the attention of the committee, and I hope the gentleman in charge will correct it. There is no occasion for having one provision inconsistent with another.

Mr. GLASS. We will be very glad to have our attention called to any seeming inconsistency.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. TRIBBLE. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out, on page 96, lines 20, 21, 22, 23, 24, and 25 and insert in lieu thereof the following:

"Shareholders of national farm-loan associations shall not be held responsible for contracts, debts, and engagements of such association or members thereof."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

Mr. GLASS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2986 and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of May 12, 1916, I return herewith House bill No. 759, entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge across the Potomac River, and for the building of a bridge in place thereof."

THE AQUEDUCT BRIDGE.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution, which I send to the desk and ask to have read.

Mr. MANN. Mr. Speaker, has the bill referred to in the resolution come back?

Mr. ADAMSON. Yes; the bill is here; and I will ask the Speaker to lay it before the House.

The SPEAKER. The Chair lays before the House the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge across the Potomac River, and for the building of a bridge in place thereof. The gentleman from Georgia asks unanimous consent for the present consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 40.

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, requested to cancel their respective signatures to the enrolled bill (H. R. 759) entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge across the Potomac River, and for the building of a bridge in place thereof"; that upon the cancellation of said signatures the Clerk be directed to reenroll said bill with an amendment as follows:

On page 4, line 10, strike out the word "five" and insert in lieu thereof the word "four."

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

PENSIONS.

Mr. SHOUSE. Mr. Speaker, I call up the bill H. R. 15494——

Mr. MANN. Ask unanimous consent to consider this bill in the House as in the Committee of the Whole.

Mr. SHOUSE. Mr. Speaker, I make that request.

The SPEAKER. The gentleman asks unanimous consent to consider these pension bills in the House as in the Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, do we have an understanding that there will be no other business transacted to-night except these pension bills?

Mr. RUSSELL of Missouri. Not from this committee. We only have one House bill and one Senate bill.

Mr. MANN. Can we have an understanding that there will be nothing else coming up to-night except these pension bills?

Mr. GLASS. I have nothing further.

The SPEAKER. That is the understanding, and the Chair will enforce it. The Chair hears no objection, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors and the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. SHOUSE. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill for amendment.

The Clerk calls the attention of the Chair to the fact that there is a mistake in the title of the bill. Of course, it will have to be amended after the bill is passed. The word "and" should be changed to the word "of."

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Ellen Rohr, former widow of William H. Scott, late of Company B, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John W. Guilliams, late of Company B, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Welsh, late of Company G, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth Maurer, former widow of Frederick Neigeman, late of Company E, Sixteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John Wilson, late of Company D, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph McCain, late of Company G, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carrie M. Peters, widow of Samuel S. Peters, late of Company H, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and unassigned, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jacob A. Wandling, late of Company B, Thirty-third Regiment, and Company I, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Murrey, late of Company I, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma A. Gasper, widow of John Gasper, late of Company C, Fifty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sylvester T. Chick, late of Company K, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Lemix, late of Company B, Forty-second Regiment Illinois Volunteer Infantry, and Company F, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph J. Sanson, late of Company F, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret L. Miller, widow of John Miller, late of Company G, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah E. Teen, widow of Harvey B. Teen, late of Company B, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert L. Stroud, late of Company D, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah Jane Elliott, widow of Edwin Elliott, late of Company B, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Skiff, late of Company K, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marian Lemon, former widow of John C. Stockton, late of Company E, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Margaret Berigan, widow of Nicholas Berigan, late of Company C, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Silas M. Abers, late of Company E, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary B. Cooley, widow of Darius Cooley, late of Company G, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alpheus D. Coulson, late of Company B, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calvin Covert, late of Company E, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Philip L. Davis, late of Company A, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Prisk, late of Company K, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Peach, widow of Joseph Peach, late of Company K, One hundredth and thirty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George H. Beeber, late of Company D, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Taylor, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaac Strauss, late a landsman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Hoos, late of Company H, Fifty-ninth Regiment, and Unassigned, Fifty-second Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph A. Saunier, late of Company F, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jeremiah Pleagle, late of Company F, Seventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William P. English, late of Company E, Fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary C. Hynes, widow of Samuel Hynes, late of Company H, Sixty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ross M. Stephens, late of Company E, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alonzo M. Hobbs, late of Company E, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin W. Haynes, late of Company H, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Martin, late of Company I, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin B. Clark, late of Company B, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frances M. Eaton, widow of George C. Eaton, alias George Purdy, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Constantina E. Pollard, widow of William Pollard, late commissary sergeant Sixth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nancy J. Debolt, widow of Meker Debolt, late of Company B, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph N. Murray, late of Company E, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah C. Rawlins, widow of Daniel S. Rawlins, late of Company B, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George E. Doty, late of Company F, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bridget Murray, widow of Thomas Murray, late of Company G, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lodema C. Hodges, widow of Henry Hodges, late of Company H, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. Logue, late of Company I, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bridget Lohman, widow of Henry F. Lohman, late of Company M, Thirteenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry C. Jones, late of Company A, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza J. Griffin, widow of William Griffin, late of Company D, Forty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Virginia E. Jones, former widow of Henry C. Smith, late of Company I, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel T. Maxey, late of Company H, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Wallace W. Bailey, late of Company C, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Crites, late of Company F, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Julia E. Crawford, widow of Samuel K. Crawford, late surgeon, Seventeenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Taubyna Bourstine, widow of Simon Bourstine, alias Simon Bursint, late of Companies B and C, Twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Louisa Snyder, widow of William Snyder, late of Company F, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Margaret A. G. Macnamara, widow of Daniel G. Macnamara, late first lieutenant and quartermaster, Ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Jennie Allen, helpless and dependent child of Thomas Allen, late of Company E, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of James Davis, late of Company E, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert F. Rice, late of Company K, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Temple, widow of Thomas Temple, late of Company H, Fifteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Eliza E. Sutherland, widow of Richard L. Sutherland, late unassigned, Eleventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jeremiah Vance, late of Company C, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaiah Walker, alias Isaiah Pittman, late of Company G, One hundred and twenty-third Regiment United States Colored Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Delia E. Griswold, widow of Oscar C. Griswold, late of Company C, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lena Griswold, helpless and dependent child of said Oscar C. Griswold, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Delia E. Griswold, the name of said Lena Griswold shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Delia E. Griswold.

The name of David G. Bliss, late of Battery F, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth Melvin, widow of James Melvin, late of Company B, Eighth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Olive M. Ross, widow of Charles S. Ross, late of Company H, Forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ann Quinn, widow of Felix Quinn, late of Company K, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John L. Welch, late of Company E, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edmund P. Matheny, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sanford R. Bryant, late of Company D, Twelfth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William K. Sanders, late of Company E, Eighty-ninth Regiment Indiana Volunteer Infantry, and Company A, First Regiment Mississippi Marine Brigade, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah E. Hamilton, widow of David N. Hamilton, late of Company C, Fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Frank Haight, helpless and dependent child of Frederick G. Haight, late of Company B, Twenty-fifth Regiment Michigan Volunteer Infantry; Company K, Fifteenth Regiment, and Thirty-fourth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $12 per month.

The name of George W. East, late of Company E, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph H. Woolaston, late of Battery D, First Regiment United States Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ellen Champion, widow of William Champion, late of Company H, Eighth Regiment Missouri Volunteer Infantry, and unassigned, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Washington H. Switzer, late of Company A, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay him

a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of William A. Miller, late of Company E, One hundred and second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peter A. Cox, late of Company A, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Helmroth, late of Company D, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Uriah T. Tapscott, late of Company I, Seventh Regiment, and Company E, Sixth Regiment, Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Schwing, former widow of John Meyers, late of Company C, Sixteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Hiram Morgan, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin L. Sayler, late of Company K, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Jackson Gilpin, late of Company L, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew G. Scott, late of Company F, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Matilda C. Boulden, widow of Joseph L. Boulden, late of Company I, First Regiment New Mexico Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hiram Powers, late of Company H, One hundred and fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Goodling, late of Company F, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Myron H. Isbell, late of Company E, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen S. Wilson, late of Company D, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Branson, late of Company I, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Flesher, late of Company A, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert McHenry, late of Company F, First Battalion, and Capt. Thomas's company, One hundred and third Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Thomas Armstrong, late of Company D, Thirty-ninth Regiment, and Company I, Fifteenth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lutisha A. Carpenter, widow of John H. Carpenter, late of Company D, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francis Ashens, late of Company M, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Maria L. Farnsworth, widow of Seth Farnsworth, late of Company H, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Fieber, widow of John Fieber, late of Tenth Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Pross, widow of George W. Pross, late of Fifth Independent Ohio Battery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sanford P. Clark, late of Company K, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary Keeny, widow of Jacob Keeny, late of Company E, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Semantha Williams, former widow of Nicholas Van Deusen, late of Company K, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Clark N. Ditto, late of Company M, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Delos Johnson, late of Company G, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Berg, widow of Frank J. Berg, late of Company D, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen M. Stafford, widow of Henry A. Stafford, late of Company H, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Delia C. Ross, former widow of Charles B. Clark, late of Company I, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel McC. Reynolds, late of Company C, Sixth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ella Morrow, widow of Hezekiah Morrow, late of Company F, Tenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Robert Elliott, late of Company B, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David E. Lindsey, late of Company F, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia Dumas, widow of Peter Dumas, late of Company D, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marion E. Laird, widow of George F. Laird, late of Company D, Sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Verona Thurber, widow of Ira H. Thurber, late of Company D, Twelfth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel Daniels, late of Company D, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Winter, alias Jacob Strisle, late of Company F, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Kilduff, late of Company H, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Catherine Rose, widow of George W. Rose, late of Company I, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John H. Smith, late of Company E, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Rennels, late of Company K, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mariam Hall, widow of Jeremiah Hall, late of Company H, Ninth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Newton G. Baker, late of Company F, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Larry, late of Company H, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marietta Trowbridge, widow of James A. Trowbridge, late of Company F, First Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benjamin F. Eddins, late of Company H, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James C. Baker, late of Company F, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edna J. Ward, widow of Peter Ward, late of Company B, Twenty-second Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles H. Edgecomb, late of Company I, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas Hart, late of Company B, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hamilton S. Gillespie, late of Company B, and lieutenant colonel, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elijah Bagley, late of Company D, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emma L. Edwards, former widow of Gilbert Keene, late of Company A, One hundred and forty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Pattie D. Davis, widow of Jonathan B. Davis, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Electa Bellen, widow of Anthony Bellen, late of Company K, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John D. Shick, late of First Independent Battery Iowa Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah W. Taylor, late of Company C, Fifty-second Regiment Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ellen A. Phillips, widow of Albert H. Phillips, late of Company A, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma Rudy, widow of Jacob W. Rudy, late of Company D, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John M. Gray, late of Company B, Twentieth Regiment, and Company K, Eighty-sixth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving, the same to be paid to him under the rules of the Bureau of Pensions as to modes and times of payment, without any reduction or relates on account of former alleged overpayments or erroneous payments of pension.

The name of Ellen Jane Taylor, former widow of George M. Taylor, late of Company F, Sixth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary J. Wooley, former widow of Nelson Raymond, late of Company M, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Emma L. Porter, widow of George W. Porter, late of Company B, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Martin Frey, late of Company A, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David R. Edmonds, late of Company A, Thirty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James A. White, late of Company F, Second Regiment Massachusetts Volunteer Heavy Artillery, and Company D, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adelaide McGreevey, widow of James W. McGreevey, late of Company A, Second Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Arah Ann Bussard, widow of John S. Bussard, late of Company G, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Redman, widow of Washington Redman, late of Company K, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Killian, widow of Leonard A. Killian, late a sergeant United States Marine Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lavinia H. Pierce, widow of Benjamin F. Pierce, late assistant surgeon, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Sarah C. Knights, widow of Jacob M. Knights, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rubin A. J. Hornsby, late a landsman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hannah I. Fortune, widow of William M. Fortune, late of Company I, Tenth Legiment, and Company M, Second Regiment, Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Hicks, widow of Andrew E. Hicks, late of Company D, Second Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John J. Collins, late of Company C, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Janet W. Smith, widow of John D. Smith, late of Company A, Twenty-eighth Regiment, and Company H, One hundred and forty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eliza Amanda Haines, widow of William R. Haines, late of band, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jephtha Harrow, late of Company B, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James D. Roberts, late first lieutenant and adjutant, Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Duffy, late of Company A, Seventh Independent Battery Massachusetts Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James E. Leslie, late of Company C, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles H. Twomey, late of Company H, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Catharine McCullough, widow of Hugh McCullough, alias John Williams, late a seaman, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas A. Carter, late of Company A, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Susan C. Clough, widow of Oliver G. Clough, late of Company D, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James W. Pace, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harmon Kaylor, late of Company A, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas A. Shepherd, late of Company L, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James M. Jobe, late of Company G, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie R. Rhoads, widow of John Rhoads, late of Company A, Seventh Regiment Pennsylvania Reserve Infantry, and Company I, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Zachary Miller, late of Company A, Twentieth Regiment Pennsylvania Volunteer Cavalry, and Company A, First Regiment Pennsylvania Provisional Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Fannie T. Smith, widow of Henry C. Smith, late of Company K, Seventh Regiment, and Company F, Tenth Regiment, Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Emma Zapf, former widow of Curtis Blanchard, late of Company K, Sixteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Huldah E. Bryant, former widow of John W. Walker, late of Company L, Sixth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Aaron Angle, late of Company C, First Regiment New York Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Allen, widow of Joshua B. Allen, late of Companies I and A, First Mississippi Marine Brigade United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth Collier, widow of Paris J. Collier, late of Company M, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John N. Havlin, late of Fifth Independent Battery Ohio Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Roush, late of Company E, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James M. Minton, late of Company G, Seventh Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Otis Miller, late of Company A, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Smeaton, late of Company A, One hundred and fifteenth Regiment, and Company F, One hundred and ninety-second Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Horton, late of Company E, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph A. Hesler, late of Company B, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Startzel, late of Company B, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Wilkins, late of Company G, One hundred and thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harriet E. Corbly, widow of Aaron S. Corbly, late of Company A, Thirty-fourth Regiment, and Company C, Thirty-sixth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ezra Rodgers, late of Company L, Fourteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Peck, late of Company B, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Darius Emmons, late of Company H, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lee Brand, widow of John C. Brand, late of Company A, Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel P. Marlette, late of Company A, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ann E. Capner, widow of Hugh Capner, late of Company K, Twenty-third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Pierson Hendrickson, jr., late of Company D, Twenty-third Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Seidel, helpless and dependent child of John Seidel, late of Company H, Fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Albert Scott, late of Company C, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry J. Doyne, late of Company C, Ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Matilda Gnau, widow of John Gnau, late of Company E, First Regiment Pennsylvania Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lamanda E. Busey, widow of Charles H. Busey, late of Company K, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Zachary T. Francis, late of Company F, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah Kissinger, widow of Emanuel Kissinger, late of band, First Regiment Maryland Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah C. Ilkes, widow of Andrew G. Ilkes, late of Company E, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albert H. Holtzinger, late of Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of William A. Cheney, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliza H. Hector, widow of John H. Hector, late of Company G, Eleventh Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Brady, widow of Samuel R. P. Brady, late of Company D, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Franklin Deal, late of Company C, One hundred and seventy-third Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy A. Manrose, widow of Charles Manrose, late of Companies L, G, and E, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Margaret Baylis, widow of Benjamin M. Baylis, late of Company A, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward L. Swem, late of Company A, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rachel S. Flood, former widow of John B. Rice, late of Company K, Ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Anna Delong, widow of Abraham Delong, late of Company D, Eighty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Agnes B. Thomson, widow of James L. Thomson, late of Company B, Fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John L. Morgan, late of Company L, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah A. Thatcher, widow of Jonas P. Thatcher, late of Company C, Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John M. Millan, late of Battery A, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Katharine Fey, widow of Ferdinand Fey, late of Company H, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Antoine Conia, late of Company E, Eleventh Regiment, and Company K, Eighth Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Shadinger, late of Company E, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Chauncey A. Mead, late of Company E, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George L. Johnson, late of Company B, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis Brown, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Barton Kearns, late of Company C, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ellen B. Thomas, widow of Dexter S. Thomas, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1002. Ellen Rohr.
H. R. 1004. John Guilliams.
H. R. 1362. John Welsh.
H. R. 1617. Elizabeth Maurer.
H. R. 1892. John Wilson.
H. R. 1826. Joseph McCain.
H. R. 1854. Carrie M. Peters.
H. R. 1855. Jacob A. Wandling.
H. R. 1919. John H. Murrey.
H. R. 2007. Emma A. Gasper.
H. R. 2709. Sylvester T. Chick.
H. R. 2805. Samuel Lentz.
H. R. 2875. Joseph J. Sanson.
H. R. 3124. Margaret L. Miller.
H. R. 3128. Sarah E. Toon.
H. R. 3148. Robert L. Stroud.
H. R. 3213. Sarah Jane Elliott.
H. R. 3734. John W. Skiff.
H. R. 3805. Marian Lemon.
H. R. 3817. Margaret Berigan.
H. R. 3820. Silas M. Abers.
H. R. 3866. Mary H. Cooley.
H. R. 4060. Alpheus D. Coulson.
H. R. 4329. Calvin Covert.
H. R. 4446. Philip L. Davis.
H. R. 4621. Samuel Prisk.
H. R. 4860. Mary Pench.
H. R. 4863. George H. Hosber.
H. R. 4955. George W. Taylor.
H. R. 4980. Isaac Strauss.
H. R. 4983. Charles H. Hoos.
H. R. 5064. Joseph A. Saunier.
H. R. 5104. Jeremiah Fleagle.
H. R. 5135. William P. English.
H. R. 5146. Mary C. Hynes.
H. R. 5152. Ross M. Stephens.
H. R. 5158. Alonzo M. Hobbs.
H. R. 5167. Benjamin W. Havner.
H. R. 5234. James Martin.
H. R. 5280. Benjamin B. Clark.
H. R. 5393. Frances M. Eaton.
H. R. 5480. Constantine E. Pollard.
H. R. 5839. Nancy J. Debolt.
H. R. 5930. Joseph N. Murray.
H. R. 5944. Sarah C. Rawlins.
H. R. 5962. George E. Doty.
H. R. 6112. Bridget Murray.
H. R. 6184. Lodema C. Hodges.
H. R. 6365. John C. Logue.
H. R. 6477. Bridget Lohman.
H. R. 6505. Henry C. Jones.
H. R. 6678. Eliza J. Griffin.
H. R. 7033. Virginia E. Jones.
H. R. 7091. Samuel T. Maxey.
H. R. 7202. Wallace W. Bailey.
H. R. 7284. William H. Crites.
H. R. 7376. Julia E. Crawford.
H. R. 7917. Taubyna Boursine.
H. R. 7979. Louisa Snyder.
H. R. 8001. Margaret A. G. Macnamara.
H. R. 8072. Jennie Allen.
H. R. 8098. James Davis.
H. R. 8105. Robert F. Rice.
H. R. 8119. Mary E. Temple.
H. R. 8131. Eliza E. Sutherland.
H. R. 8249. Jeremiah Vance.
H. R. 8288. Isaiah Walker.
H. R. 8309. Della E. Griswald.
H. R. 8554. David G. Bliss.
H. R. 8556. Elizabeth Melvin.
H. R. 8596. Olive M. Ross.
H. R. 8636. Ann Quinn.
H. R. 8705. John L. Welch.
H. R. 8741. Edmund P. Matheny.
H. R. 8797. Sanford R. Bryant.
H. R. 8936. William K. Sanders.
H. R. 8956. Sarah E. Hamilton.
H. R. 8993. Frank Haight.
H. R. 9065. George W. East.
H. R. 9117. Joseph H. Woolaston.
H. R. 9157. Ellen Champion.
H. R. 9182. Washington H. Switzer.
H. R. 9239. William A. Miller.
H. R. 9613. Peter A. Cox.
H. R. 9636. John Helmroth.
H. R. 9645. Uriah T. Tapscott.
H. R. 9649. Elizabeth Schwing.
H. R. 9765. Hiram Morgan.
H. R. 9857. Benjamin L. Sayler.
H. R. 9880. William Jackson Gilpin.
H. R. 10100. Andrew G. Scott.
H. R. 10445. Matilda C. Boulden.
H. R. 10592. Hiram Powers.
H. R. 10616. Samuel Gooding.
H. R. 10710. Myron H. Isbell.
H. R. 10713. Stephen S. Wilson.
H. R. 10740. John Branson.
H. R. 10954. Frederick F. Flesher.
H. R. 10995. Albert McIlenry.
H. R. 10972. Thomas Armstrong.
H. R. 11011. Lutisha A. Carpenter.
H. R. 11019. Francis Ashens.
H. R. 11147. Milo L. Farnsworth.
H. R. 11198. Mary Fieber.
H. R. 11264. Mary Pross.
H. R. 11267. Sanford P. Clark.
H. R. 11317. Mary Keeny.
H. R. 11447. Semantha Williams.
H. R. 11565. Clark N. Ditto.
H. R. 11799. Delos Johnson.
H. R. 11808. Margaret Berg.
H. R. 11833. Ellen M. Stafford.
H. R. 11880. Della C. Rose.
H. R. 11931. Samuel McC. Reynolds.
H. R. 12098. Ella Morrow.
H. R. 12163. Robert Elliott.
H. R. 12245. David E. Lindsey.
H. R. 12347. Julia Dumas.
H. R. 12348. Marion E. Laird.
H. R. 12349. Verona Thurber.
H. R. 12388. Samuel Daniels.
H. R. 12454. Jacob Winter, alias Strisle.
H. R. 12468. Thomas Kilduff.
H. R. 12511. Catherine Rose.
H. R. 12523. John H. Smith.
H. R. 12569. William R. Reynels.
H. R. 12595. Mariam Hall.
H. R. 12706. Newton G. Baker.
H. R. 12819. John H. Larry.
H. R. 12846. Marletta Trowbridge.
H. R. 12851. Benjamin F. Eddins.
H. R. 12884. James C. Baker.
H. R. 12915. Edna J. Ward.
H. R. 12920. Charles H. Edgecomb.
H. R. 12938. Thomas Hart.
H. R. 12942. Hamilton S. Gillespie.
H. R. 12969. Elijah Bagley.
H. R. 12987. Emma L. Edwards.
H. R. 13086. Pattie D. Davis.
H. R. 13154. Electa Bellen.
H. R. 13186. John D. Shick.
H. R. 13213. Elijah W. Taylor.
H. R. 13244. Ellen A. Phillips.
H. R. 13270. Emma Rudy.
H. R. 13288. John M. Gray.
H. R. 13289. Ellen Jane Taylor.
H. R. 13296. Mary J. Wooley.
H. R. 13314. Emma L. Porter.
H. R. 13353. Martin Frey.
H. R. 13373. David R. Edmonds.
H. R. 13377. James A. White.
H. R. 13379. Adelaide McGreevey.
H. R. 13430. Arah Ann Bussard.
H. R. 13439. Mary Redman.
H. R. 13586. Mary Killian.
H. R. 13592. Lavinia H. Pierce.
H. R. 13595. Sarah C. Knights.
H. R. 13599. Rubin A. J. Hornsby.
H. R. 13680. Hannah I. Fortune.
H. R. 13681. Mary A. Hicks.
H. R. 13692. John J. Collins.
H. R. 13753. Janet W. Smith.
H. R. 13787. Eliza Amanda Haines.
H. R. 13798. Jeptha Harrow.
H. R. 13856. James D. Roberts.
H. R. 13894. William Duffy.
H. R. 13939. James E. Leslie.
H. R. 14003. Charles H. Twomey.
H. R. 14007. Catharine McCullough.
H. R. 14013. Thomas A. Carter.
H. R. 14028. Susan C. Clough.
H. R. 14037. James W. Pace.
H. R. 14135. Harmon Kaylor.
H. R. 14213. Thomas A. Shepherd.
H. R. 14239. James M. Jobe.
H. R. 14251. Annie E. Rhoads.
H. R. 14252. Zachary Miller.
H. R. 14257. Fannie T. Smith.
H. R. 14322. Emma Zapf.
H. R. 14333. Huldah E. Bryant.
H. R. 14360. Aaron Angle.
H. R. 14363. Mary A. Allen.
H. R. 14411. Elizabeth Collier.
H. R. 14413. John N. Havlin.
H. R. 14451. William Roush.
H. R. 14512. Otis Miller.
H. R. 14537. Thomas Smeaton.
H. R. 14585. James M. Minton.
H. R. 14561. James Horton.
H. R. 14566. Joseph A. Hesler.
H. R. 14567. Henry Startzel.
H. R. 14573. James Wilkins.
H. R. 14602. Harriet E. Corbly.
H. R. 14613. Ezra Rodgers.
H. R. 14658. John H. Peck.
H. R. 14692. Darius Emmons.
H. R. 14710. Lee Brand.
H. R. 14715. Samuel P. Marlette.
H. R. 14717. Ann E. Capner.
H. R. 14718. Pierson Hendrickson, jr.
H. R. 14722. John Seidel.
H. R. 14739. Albert Scott.
H. R. 14787. Henry J. Doyne.
H. R. 14792. Matilda Gnau.
H. R. 14793. Lamanda E. Busey.
H. R. 14801. Zachary T. Francis.
H. R. 14848. Sarah Kissinger.
H. R. 14849. Sarah C. Ilkes.
H. R. 14852. Albert H. Holtzinger.
H. R. 14855. William A. Cheney.
H. R. 14857. Eliza H. Hector.
H. R. 14858. Mary A. Brady.
H. R. 14859. Franklin Deal.
H. R. 14912. Lucy A. Manrose.
H. R. 14925. Margaret Baylis.
H. R. 14985. Edward L. Swem.
H. R. 15043. Anna Delong.
H. R. 15078. Rachel S. Flood.
H. R. 15081. Agnes B. Thomson.
H. R. 15128. John L. Morgan.
H. R. 15130. Sarah A. Thatcher.
H. R. 15131. John M. Millan.
H. R. 15137. Katharine Fey.
H. R. 15189. Antoine Conia.
H. R. 15200. John Shadinger.
H. R. 15204. Chauncey A. Mead.
H. R. 15234. George L. Johnson.
H. R. 15235. Lewis Brown.
H. R. 15236. Barton Kearns.
H. R. 15364. Ellen B. Thomas.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. SHOUSE. Mr. Speaker, I move to amend the title, line 2, by striking out the word "and" and inserting the word "of."

The question was taken, and the amendment was agreed to.

On motion of Mr. SHOUSE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHOUSE. Mr. Speaker, I call up the bill S. 5221.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (S. 5221) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHOUSE. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Cornelius A. Allearme, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The name of Eliza J. Crittenden, widow of Charles Crittenden, late of Company I, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Delia Carey, widow of Michael Carey, late of Company I, Seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan Bryant, widow of George Bryant, late of Company D, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lucy Babcock, widow of Aaron E. Babcock, late of Company B, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Walter H. Hutchinson, late first lieutenant Company A, Ninety-ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph W. Crowell, late of Company D, First Battalion Nebraska Veteran Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary Megrady, former widow of Edward Haney, late of Company B, Fourteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Luther W. Garrett, late of Company D, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Dern, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Cronan, late of Company C, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jeremiah Cramer, late of Company D, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francisco Wadsworth, late of Company C, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sewell W. Hewett, late of Company C, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary F. Pulcifer, widow of Alfred H. Pulcifer, late captain Company D, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Nancy D. Morey, widow of Israel C. Morey, late of Company F, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Austin L. Myers, helpless and dependent child of Thomas W. Myers, late of Company C, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John M. Jennings, late second lieutenant Company K, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Parsons, late of Company K, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Simpson, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Clinton Neligh, late of Company I, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Cyrus Stephenson, late of Company I, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. Walker, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Miller, late of Company L, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mauris Summers, late of Company D, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Withers, late of Company A, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan Backus, widow of Jerome Backus, late of Company D, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary McIlenry, widow of Charles H. McIlenry, late of Company H, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jonathan B. Huffman, late of Company A, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus Bowman, late of Company B, McLaughlin's Squadron Ohio Volunteer Cavalry, and Company C, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Green, late of U. S. S. *Rattler*, *Great Western*, and *Tyler*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asa Gatton, late of Company A, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas O. Oliver, late unassigned, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry S. Fargo, late of Company D, Third Regiment, and Company A, Fifth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Rosley, late of Company E, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of May Vandiver, widow of Benjamin F. Vandiver, late of Company C, Sixty-sixth Regiment, and Company K, Seventy-third Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Luther H. Palmer, late of Company C, Third Regiment California Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William A. Willard, late of Company H, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Mayden, late of Company B, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel Graham, late of Company A, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Parthenia Mattingly, widow of David C. Mattingly, alias Cosmas Mattingly, late of Company H, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William Hall, late of Company C, One hundred and thirty-first Regiment, and Company F, Twenty-ninth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Lynn, late of Company A, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Penrod, late of Companies C and D, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Walter S. Gibson, late of Company D, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Adam Pulley, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George C. Warrick, late of Company C, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary E. Corson, widow of John W. Corson, late of Company F, Twenty-fifth Regiment New Jersey Volunteer Infantry, and former widow of Alexander McCormick, late of U. S. S. *Shenandoah*, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Dolores Lucero de Salaz, widow of Vicente Salaz, late of Company G, First Regiment New Mexico Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James McKinney, late of Company A, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas F. Rowley, late of Company A, Twelfth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Francis M. Kenerson, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy L. King, widow of John H. King, late of Company C, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel A. Hogue, late of Company G, Fortieth Regiment Illinois Volunteer Infantry, and captain Company H, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaac F. Green, late of Company A, Osage County Regiment Missouri Volunteer Guards, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of William Etheredg, late of Company I, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Roberts, late of Company H, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lydia A. Heatherly, widow of Elam T. Heatherly, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Charles W. Thornton, late of Company B, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Abbott, late of Company B, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William B. Dickey, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James A. Gould, late of Company E, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin Bates, late of Company I, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alonzo Newell, late of Troop F, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph N. Foster, late of Companies B and D, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Gilman P. Lombard, late of Company C, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arthur G. Sawyer, late of Company I, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George H. Stillman, late of Company G, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Anderson, late of Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary E. Lindsay, former widow of Henry Schively, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Ella C. Moody, widow of Joel Moody, late captain Company H, Second Regiment Indian Home Guards, and former widow of John M. Porter, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Lars Isaacson, late of Company A, Second Battalion, Sixteenth Regiment United States Infantry, and Company K, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John D. Vance, late of Company D, and sergeant major, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Stephen M. Teachout, late of Company F, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Adonirum C. Harper, late of Company A, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Parley R. West, late of Company B, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Campman, late of Company B, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Shirley M. Nichols, widow of Edwin C. Nichols, late captain of Company G, Eighth Regiment New Jersey Volunteer Infantry, and first lieutenant of Company F, Twenty-fourth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Frank Seavey, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Kate A. Brown, widow of Thomas G. Brown, late major, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Louise M. Wilson, widow of William M. Wilson, late of Company C, Third Regiment Rhode Island Volunteer Cavalry, and former widow of Landrie M. Holcomb, late of Company D, Fourteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lloyd Roberts, late of U. S. S. *Sabine*, *Ohio*, and *New Hampshire*, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Marion K. P. Sellmer, widow of Charles Sellmer, late captain of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Samuel Mercer, late of Company I, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harriet A. Mills, dependent mother of Charles B. Mills, late of Company B, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emily Thompson, widow of Jonah Thompson, late of Company I, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and former widow of Henry H. Brown, late of Company G, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Cora E. Gossin, widow of Andrew J. Gossin, late of Company A, Thirteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Fernald, late of Company C, Eighty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rollin O. Joslyn, late of Company I, Fifteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hester Ann Steel, widow of James M. Steel, late of Company A, Eighty-seventh Regiment Indiana Volunteer Infantry, and Company A, First Regiment United States Veteran Volunteer Engineers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuella Goodrich, widow of John T. Goodrich, late of Company F, Twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ruth J. McCann, widow of Thomas K. McCann, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Morris P. Gossard, late of Company C, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Isbell, late of Company H, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry D. Lockwood, late of Company E, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Amos L. Griffith, late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elvira H. Jackson, widow of Isaac Jackson, late unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and former widow of Daniel Miller, late of Company B, Third Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Henry M. Chase, late of Campany A, Coast Guards, Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah Lloyd, late of Company C, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lidia M. Gosnel, widow of Simeon Gosnel, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Janet Lamoreux, widow of Pardon B. Lamoreux, late second lieutenant Company K, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Cook, jr., late of Company H, One hundredth Regiment, and Company A, One hundred and eighty-seventh Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Thibodo, widow of Stephen Thibodo, late of Troop G, United States Mounted Rifles, War with Mexico, and Company B, Twelfth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henrietta Thaver, former widow of Septimus Ireland, late of Company K, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Emma E. Keyes, widow of William T. Keyes, late of Company C, Tenth Regiment, and Company D, Twenty-ninth Regiment, Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Virginia Bailey, widow of Mark Bailey, late of Company D, Ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lydia C. Locke, widow of Charles E. Locke, late of Company I, Eighth Regiment, and Company B, Sixty-seventh Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 202. Cornelius A. Ahearne.
S. 288. Eliza J. Crittenden.
S. 293. Della Carey.
S. 299. Susan Bryant.
S. 314. Lucy Babcock.
S. 326. Walter H. Hutchinson.
S. 803. Joseph W. Crowell.
S. 1121. Mary Megrady.
S. 1129. Luther W. Garrett.
S. 1132. William M. Dern.
S. 1134. James Cronan.
S. 1136. Jeremiah Cramer.
S. 1242. Francisco Wadsworth.
S. 1245. Sewell W. Hewett.
S. 1247. Mary F. Pulcifer.
S. 1330. Nancy D. Morey.
S. 1467. Austin L. Myers.
S. 1496. John M. Jennings.
S. 1500. George W. Parsons.
S. 1501. Richard Simpson.
S. 1503. Clinton Neligh.
S. 1504. Cyrus Stephenson.
S. 1509. John P. Walker.
S. 1512. Jesse Miller.
S. 1515. Mauris Summers.
S. 1591. John Withers.
S. 1788. Susan Backus.
S. 1897. Mary McIlenry.
S. 1966. Jonathan B. Huffman.
S. 2489. Cyrus Bowman.
S. 2553. William Green.
S. 2586. Asa Gatton.
S. 2589. Thomas O. Oliver.
S. 2600. Henry S. Fargo.
S. 2792. James Rosley.
S. 2794. May Vandiver.
S. 2864. Luther H. Palmer.
S. 2868. William A. Willard.
S. 2872. William L. Mayden.
S. 2873. Samuel Graham.
S. 2874. Parthenia Mattingly.
S. 2875. William Hall.
S. 2876. John Lynn.
S. 2957. John Penrod.
S. 2959. Walter S. Gibson.
S. 2962. Adam Pulley.
S. 2964. George C. Warrick.
S. 3065. Mary E. Corson.
S. 3076. Dolores Lucero de Salaz.
S. 3136. James McKinney.
S. 3155. Thomas F. Rowley.
S. 3156. Francis M. Kenerson.
S. 3182. Nancy L. King.
S. 3183. Samuel A. Hogue.
S. 3188. Isaac F. Green.
S. 3189. William Etheredg.
S. 3190. William Roberts.
S. 3303. Lydia A. Heatherly.
S. 3400. Charles W. Thornton.
S. 3514. Charles E. Abbott.
S. 3531. William B. Dickey.
S. 3527. James A. Gould.
S. 3590. Edwin Bates.
S. 3675. Alonzo Newell.
S. 3679. Joseph N. Foster.
S. 3686. Gilman P. Lombard.
S. 3687. Arthur G. Sawyer.
S. 3752. George H. Stillman.
S. 3757. James S. Anderson.
S. 3846. Mary E. Lindsay.
S. 3985. Ella C. Moody.
S. 4027. Lars Isaacson.
S. 4047. John D. Vance.
S. 4105. Stephen M. Teachout.
S. 4191. Adonirum C. Harper.
S. 4192. Parley R. West.
S. 4193. Samuel Campman.
S. 4220. Shirley M. Nichols.
S. 4234. Frank Seavey.
S. 4296. Kate A. Brown.
S. 4297. Louise M. Wilson.
S. 4336. Lloyd Roberts.
S. 4337. Marion K. P. Sellmer.
S. 4339. Samuel Mercer.
S. 4377. Harriet A. Mills.
S. 4385. Emily Thompson.
S. 4397. Cora E. Gossin.
S. 4436. George W. Fernald.
S. 4436. Rollin O. Joslyn.
S. 4441. Hester Ann Steel.
S. 4549. Samuella Goodrich.
S. 4568. Ruth J. McCann.
S. 4578. Morris P. Gossard.
S. 4579. James H. Isbell.
S. 4580. Henry D. Lockwood.
S. 4605. Amos L. Griffith.
S. 4610. Elvira H. Jackson.
S. 4611. Henry M. Chase.
S. 4635. Jermiah Lloyd.
S. 4680. Lidia M. Gosnel.
S. 4736. Janet Lamoreaux.
S. 4792. John Cook, jr.
S. 4805. Mary Thibodo.
S. 4816. Henrietta Thayer.
S. 4821. Emma E. Keyes.
S. 4960. Virginia Bailey.
S. 4969. Lydia C. Locke.

The Clerk read the following committee amendment:

Page 1, strike out lines 6, 7, and 8.

Mr. SHOUSE. Mr. Speaker, we desire to withdraw the committee amendment, and ask that those lines be left in the bill.

The SPEAKER. The gentleman withdraws the committee amendment and asks that it be restored to the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. SHOUSE. Mr. Speaker, the dollar sign is omitted in front of the figures "30," page 4, line 1, and I ask that that be corrected.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 7, strike out all of lines 3 to 6, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 10, line 14, strike out the letter "C" and insert the letter "G."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 14, line 5, strike out the name "Adonirum" and insert "Adoniram."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 14, line 6, after the word "company," strike out the letter "A" and insert the letter "B."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 17, strike out all of lines 7 to 10, inclusive.

The question was taken, and the amendment was agreed to.

The Senate bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. SHOUSE, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5066. An act to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 562) entitled "An act to amend the act approved June 25, 1910, authorizing a Postal Savings System."

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 6099. An act to amend section 72 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

LEAVE OF ABSENCE.

By unanimous consent, Mr. AIKEN was granted leave of absence indefinitely on account of illness.

EXTENSION OF REMARKS.

Mr. HADLEY. Mr. Speaker, I request permission to extend my remarks in the RECORD on the question of woman suffrage by incorporating a short communication forwarded by a mass meeting of the citizens of the city of Bellingham, Wash.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on woman suffrage by incorporating a memorial from certain citizens of Bellingham, Wash. Is there objection?

Mr. GARRETT. Mr. Speaker, is the gentleman willing to let that go to the committee in the usual way or is there any special reason why it should be incorporated in the RECORD now?

Mr. HADLEY. Mr. Speaker, I realize that ordinarily a memorial would go through the basket, but the form of this petition as presented to me is such that I felt that I should present it on the floor, I will state to the gentleman.

Mr. GARRETT. If there is something special about it, that makes it necessary in the gentleman's opinion that it should go in——

Mr. HADLEY. This communication incorporates the request that I read it into the RECORD, and that request being made in that way I felt that I should present it in this manner.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned to meet to-morrow, Saturday, May 13, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of White River at Batesville, Ark., with a view to determining what improvements, if any, are necessary in the interest of navigation to prevent the further caving of Ferrill Island, and the danger from such caving that might injure or impede navigation (H. Doc. No. 1109); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of South Milwaukee Harbor, Wis. (H. Doc. No. 1110); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Amite River and Bayou Manchac, La. (H. Doc. No. 1111); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Anclote River, Fla., from the county bridge to the head of navigation (H. Doc. No. 1112); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Dorchester Bay and Neponset River, Mass., up to the Neponset highway bridge (H. Doc. No. 1113); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

6. A letter from the Rock Creek and Potomac Parkway Commission, transmitting report of Rock Creek and Potomac Parkway Commission, 1916 (H. Doc. No. 1114); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of State, submitting an urgent estimate of deficiency in the appropriation for salaries, charges d'affaires ad interim and vice consuls, for the fiscal year ending June 30, 1916 (H. Doc. No. 1115); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, submitting a supplemental estimate of appropriation required by the War Department for topographic maps, the same to be made immediately available and to remain available until expended (H. Doc. No. 1116); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (H. J. Res. 218) authorizing the acceptance of the gift of the Berkshire trout hatchery, Berkshire County, Mass., reported the same without amendment, accompanied by a report (No. 680), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 13001) to provide additional assistants in the Bureau of Fisheries, Department of Commerce, for the purpose of aiding in the development of the shellfish industries, reported the same without amendment, accompanied by a report (No. 681), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 4760) to authorize the change of name of the steamer *Normania* to *William F. Stifel*, reported the same without amendment, accompanied by a report (No. 679), which said bill and report were referred to the Private Calendar.

Mr. MURRAY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12391) to reimburse Douglas H. Johnston, reported the same without amendment, accompanied by a report (No. 682), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 12472) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation in Idaho, reported the same with amendment, accompanied by a report (No. 683), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE: A bill (H. R. 15617) to establish fish-hatching and fish-cultural stations in the States of Alabama, Louisiana, Florida, Georgia, South Carolina or North Carolina, Maryland or Virginia, Oregon or Washington, Texas, Oklahoma, Illinois, Washington, Arizona, New Mexico, Michigan, Idaho, Missouri, Pennsylvania, Delaware or New Jersey, and Minnesota; to the Committee on the Merchant Marine and Fisheries.

By Mr. CAREW: A bill (H. R. 15618) to amend section 4215 of the Revised Statutes of the United States, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARY: A bill (H. R. 15619) to set aside certain national homes for veterans of the Civil War and certain national homes for veterans of the War with Spain; to the Committee on Military Affairs.

By Mr. GOODWIN of Arkansas: A bill (H. R. 15620) to establish the National Chamber of Agriculture for the purpose of promoting the equitable distribution of farm products; to the Committee on Agriculture.

By Mr. HAYES: A bill (H. R. 15621) to provide for the purchasing of desert land by entrymen who can not make final proof; to the Committee on the Public Lands.

By Mr. SABATH: Joint resolution (H. J. Res. 223) for the relief of the victims of the *Eastland* disaster; to the Committee on Claims.

By Mr. DYER: Resolution (H. Res. 235) relating to treatment of Irish revolutionists by the British Government; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15622) granting an increase of pension to Nathan Smith; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 15623) granting an increase of pension to Isaac Koon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15624) granting an increase of pension to John Reid; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 15625) granting an increase of pension to W. B. Newton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15626) granting an increase of pension to Jesse Lunsford; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 15627) granting an increase of pension to George Binnix; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 15628) granting a pension to Mary J. Burns; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 15629) granting a pension to George Payton; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 15630) granting a pension to Mary E. Cole; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 15631) granting an increase of pension to Charles A. Herter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15632) granting an increase of pension to Frederick Schwartz; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 15633) granting a pension to Douglas D. Powell; to the Committee on Pensions.

By Mr. HOPWOOD: A bill (H. R. 15634) granting a pension to Elizabeth Beal, widow of Eli Beal; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 15635) for the relief of the Eastern Transportation Co., of Baltimore, Md.; to the Committee on Claims.

By Mr. OAKEY: A bill (H. R. 15636) granting an increase of pension to Mary Duffy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15637) granting an increase of pension to Marion G. Scott; to the Committee on Invalid Pensions.

By Mr. OLNEY: A bill (H. R. 15638) to remove the charge of desertion from the record of Sanford K. Knox; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 15639) for the relief of Emily J. Mullins; to the Committee on Claims.

By Mr. PRICE: A bill (H. R. 15640) granting a pension to Julian Edmond; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 15641) granting a pension to Joseph Miley; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 15642) for the relief of the estate of Swinney A. Magnum; to the Committee on Claims.

By Mr. RUBEY: A bill (H. R. 15643) for the relief of J. C. Likes; to the Committee on Claims.

Also, a bill (H. R. 15644) for the relief of James S. Risher; to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 15645) granting an increase of pension to William A. Swearingin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15646) granting a pension to David Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15647) granting a pension to Reuben Barnard; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 15648) granting a pension to Henry O. Weckle; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 15649) granting an increase of pension to Brother Buls; to the Committee on Pensions.

By Mr. STEDMAN: A bill (H. R. 15650) for the relief of Levi R. Whitted; to the Committee on Claims.

By Mr. VAN DYKE: A bill (H. R. 15651) granting an increase of pension to Mary L. King; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By the SPEAKER (by request): Memorial of the Wisconsin Conference of the Evangelical Association, relative to warning American citizens to keep off armed merchant vessels; to the Committee on Foreign Affairs.

Also (by request), memorial of mass meeting of Apollo, Pa., favoring the adoption of an amendment to the Constitution forbidding polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of officers of the Porto Rico Regiment of Infantry in re Porto Rican bill; to the Committee on Insular Affairs.

By Mr. BOOHER: Petition of M. L. Doty and 25 other citizens of Halls, Mo., against the enforcement of the regulations concerning migratory birds; to the Committee on Agriculture.

Also, petition of C. W. Willetts and 23 other citizens of St. Joseph, against the Taylor system and asking for the passage of House bill 8665; to the Committee on Labor.

Also, petition of L. F. Gerding, O. H. Leake, and 35 other citizens of St. Joseph, Mo., against the passage of House bill 6468 and Senate bill 491; to the Committee on the Post Office and Post Roads.

By Mr. CAREW: Petition of Amateur Athletic Union of the United States in re national playground and stadium; to the Committee on Appropriations.

By Mr. CURRY: Petition of 25 citizens of Lodi, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of 300 citizens of Butte, Mont., favoring passage of suffrage amendment; to the Committee on the Judiciary.

Also, memorial of convention of milk producers and other dairy interests of the United States, relative to contagion among dairy herds; to the Committee on Agriculture.

By Mr. DAVIS of Texas: Memorial of thirty-first annual encampment of the Grand Army of the Republic, Department of Texas, indorsing Senate bill 1161; to the Committee on Invalid Pensions.

Also, memorials of sundry organizations of Texas, indorsing the Gillett bill; to the Committee on Alcoholic Liquor Traffic.

Also, petitions of sundry citizens and firms of Texas, opposing the passage of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Immanuel's Lutheran Church, in reference to our foreign relations and opposing war with Germany; to the Committee on Foreign Affairs.

By Mr. DILLON: Petition of citizens of South Dakota, against war with Germany; to the Committee on Foreign Affairs.

By Mr. DYER: Petition of the Engineers' Club of St. Louis, Mo., favoring Senate bill 4874, relative to engineering experiment stations; to the Committee on Agriculture.

Also, petition of W. G. Mueller Produce Co., of St. Louis, Mo., relative to House bills 14945 and 14976, as to measure for strawberries; to the Committee on Coinage, Weights, and Measures.

By Mr. ESCH: Memorial of Wisconsin Antituberculosis Association, against Senate joint resolution 120, relative to members of Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. G. Leindorff and 14 others of Prairie du Sac, Wis., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Lewis A. Young and 14 others of Prairie du Sac, Wis., against appropriations for sectarian schools; to the Committee on Indian Affairs.

By Mr. FLYNN: Memorial of convention of milk producers and other dairy interests of the United States, relative to contagious abortion among the dairy herds; to the Committee on Agriculture.

By Mr. FULLER: Petition of the Omar Machine Co., of Chicago, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Streator, Ill., against Taylor system in Government shops; to the Committee on Labor.

By Mr. GLYNN: Petition of Harry E. Vail and others, of Torrington, Conn., favoring House bill 8665, against Taylor system; to the Committee on Labor.

By Mr. HADLEY: Petition of sundry citizens of the State of Washington, opposing passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of sundry citizens of the State of Washington, opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of citizens of Soledad, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HENSLEY: Petition of Charles R. Pratt, of Flat River, Mo., favoring exemption of telephone companies from operations and provisions of House bill 563; to the Committee on Interstate and Foreign Commerce.

By Mr. HOPWOOD: Petition of Christian Endeavor Society of Carmichaels Presbyterian Church, against intoxicating liquors in Porto Rico; to the Committee on Insular Affairs.

By Mr. KING: Petition of William J. Ruff and 200 other citizens of Quincy, Ill., protesting against further appropriation of public funds for the enforcement of the migratory-bird law; to the Committee on Agriculture.

Also, petition signed by M. O. King and divers citizens of Williamsfield, Ill., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. KINKAID: Petition of merchants in the sixth congressional district of Nebraska, favoring taxing mail-order houses; to the Committee on Ways and Means.

By Mr. LOUD: Petition of Rev. A. D. Fample and Methodist Episcopal Church of Turner, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McDERMOTT: Petition of Messrs. M. J. Doyle, L. O. Leonard, James Upton, Daniel Russell, and others, all of Chicago, Ill., favoring the passage of the Lobeck classification bill; to the Committee on Agriculture.

By Mr. McFADDEN: Memorial of Presbyterian Church and Sunday School, Woman's Christian Temperance Union, and Methodist Episcopal Church, all of Monroeton, Pa., and Presbyterian Church of Powell, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY: Papers to accompany House bill for the relief of Joseph Miley; to the Committee on Invalid Pensions.

By Mr. OAKEY (by request): Petition of citizens of Connecticut who are members of organized labor, in favor of House bill 8665, the Tavenner bill, to prohibit and prevent the introduction of the Taylor and other similar systems in Government workshops; to the Committee on Labor.

By Mr. PRICE: Petitions of sundry business men of Maryland, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. ROWLAND: Petition of citizens of Bradford, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLOAN: Petition of Nebraska Frauenbund, Lincoln, Nebr., favoring Emerson resolution, relative to shipments of milk; to the Committee on Foreign Affairs.

By Mr. SMITH of Michigan: Papers to accompany House bill 11525, for relief of George R. Rosenbrook; to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *May 13, 1916.*

(Legislative day of Tuesday, May 9, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Lea, Tenn.	Smith, Ga.
Bankhead	Gronna	McLean	Smith, S. C.
Brady	Hardwick	Martine, N. J.	Smoot
Brandegee	Hitchcock	Myers	Stone
Catron	Hollis	Nelson	Sutherland
Chamberlain	Husting	Norris	Swanson
Chilton	James	Overman	Taggart
Clapp	Johnson, Me.	Page	Thompson
Clarke, Ark.	Johnson, S. Dak.	Phelan	Tillman
Colt	Jones	Ransdell	Townsend
Culberson	Kenyon	Shafroth	Vardaman
Curtis	Kern	Sheppard	Warren
Dillingham	La Follette	Sherman	Works
Gallinger	Lane	Simmons	

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I should like to state that the Senator from Mississippi [Mr. WILLIAMS] is unavoidably detained. He is paired with the Senator from Pennsylvania [Mr. PENROSE].

Mr. CURTIS. I desire to announce the absence of the Senator from Maine [Mr. BURLEIGH] because of the death of Mrs. Burleigh. I am confident that on the death of his wife the Senator from Maine has the sincere sympathy of all his associates here.

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present.

HEARINGS BEFORE THE COMMITTEE ON TERRITORIES.

Mr. KENYON. Mr. President——

Mr. PITTMAN. Mr. President, I should like to be permitted to submit and have passed a resolution authorizing the Committee on Territories to employ a stenographer to take down hearings before that committee. Will the Senator from Iowa yield to me for a moment?

Mr. KENYON. I yield for that purpose.

Mr. PITTMAN submitted the following resolution (S. Res. 192), which was read:

Resolved, That the Committee on Territories or any subcommittee thereof be, and hereby is, authorized during the Sixty-fourth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as have been had or may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recess of the Senate.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. PITTMAN. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. The resolution goes to the Committee to Audit and Control the Contingent Expenses of the Senate under the statute. The statute so provides.

Mr. PITTMAN. Very well. I thank the Senator from Iowa.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

[Mr. KENYON resumed and concluded the speech begun by him on Tuesday. The entire speech is printed in the Senate proceedings of May 9, 1916.]

Mr. CURTIS. Mr. President, the other day, I understand, the Senator from Colorado [Mr. THOMAS] asked some question in reference to an amendment which was put in this bill upon my motion. It will be found on page 54, and is as follows:

State of Kansas, floods in: Investigate the flood periods of the waters of the State of Kansas by an examination of the territory and from data already gathered by governmental, State, and private efforts by the Board of Engineers of the War Department, and to devise some general plan which will best guard against the recurrence of such floods and diminish their damaging effects upon the lower valleys of the Kansas, Arkansas, Missouri, and the Mississippi Rivers.

That amendment, as I stated the other day, would have been offered to another measure if it had not been limited to the lower Mississippi and to certain parts of California by another legislative body.

This amendment is not in the interest of commerce in our State, and yet I judge from some of the remarks made by the Senator from IOWA [Mr. KENYON] that probably the Kansas River would be more entitled to an appropriation for navigation and for commerce than many of the rivers referred to by him and many of the projects that are covered by this bill.

I would prefer to have this amendment embodied in a broad and comprehensive measure drawn for the purpose of having the flood question studied in the different sections of the country, but I offered the amendment to the pending bill because I thought it was the best way to get it before Congress.

I wish just in a few minutes to point out some of the reasons for the amendment, or, rather, I want to call the attention of the Senate to what has been done by the State in securing data on the flood question.

As was said the other day in the debate upon this question, the senior Senator from Nevada [Mr. NEWLANDS] visited our State at the request of the governor and other citizens. There was a convention called in Topeka to discuss this question, and the Senator was invited to attend that convention and address the people who were interested. As a result of that meeting a committee was appointed to look into this subject. One of the leading engineers of the city of Topeka, who is employed by the State public-utilities commission, was put in charge, and it was thought advisable to consult an engineer from an adjoining State who had had large experience in matters of this kind.

I want now to read the letter of the engineer of the city of Topeka to Mr. Wanzer on this question, and then to read Mr. Wanzer's letter recommending this amendment:

MY DEAR MR. WANZER: In accordance with our conversation of even date, I am inclosing herewith a list of the gauging stations which have been maintained by the United States Geological Survey in the State

of Kansas during the years as shown. This list has been furnished to me by Prof. C. C. Williams, of the State university.

As I understand the situation to-day, no gauging stations are now being maintained by the United States Geological Survey in this State, while there are numerous stations maintained by this bureau in other States, where the problems involved are of much less relative importance than those at stake here in Kansas.

It seems to me that the best plan would be to make some arrangement with the Geological Survey for the establishment or resumption of a number of these stations, the location and operation of the stations to be made and carried on after a conference with the engineering committee of our Flood and Water Congress.

It is absolutely necessary that we have these stations established at the controlling points on our important streams, in order that we may have the necessary basic data to work from when we come to a full study of our flood-control problems; but it seems to me that these locations should only be made after a very complete study of our watersheds.

* * *

Very truly, yours, T. J. STRICKLER, *Engineer.*

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Kansas yield to the Senator from Colorado?

Mr. CURTIS. Certainly.

Mr. THOMAS. I merely wish to say to the Senator that the query which I propounded to the Senator from Louisiana [Mr. RANSDELL] regarding that amendment was prompted by his statement that every scheme or enterprise or proposition covered by the bill had been recommended and had estimates made concerning it from the Board of Engineers. I turned to that one because it was quite distinguished, having been printed in italics, with a view of ascertaining whether his observation applied to that as well as to other items. My own personal view is that the amendment is not germane to the river and harbor bill, but the merit of the amendment is much more apparent to me, at least, than a great many of the appropriations in the measure made for different places in the country.

Mr. CURTIS. I greatly appreciate the expression of the Senator from Colorado in regard to the merits of the item.

Mr. THOMAS. I did not intend so much to criticize the amendment itself as to ascertain whether it had been recommended and what was the reason for its appearance in this bill instead of in a flood-control measure.

Mr. CURTIS. For fear other Senators may desire information on this subject I will proceed, with the consent of the Senate, to publish the list that was furnished by Mr. Strickland to Mr. Wanzer without reading it.

The PRESIDING OFFICER. Without objection, the list will be printed.

The list referred to is as follows:

Arkansas River near Syracuse, 1902–1906.
Arkansas River near Dodge, 1902–1906.
Arkansas River near Coolidge, 1903.
Arkansas River near Hutchinson, 1895–1905.
Arkansas River near Arkansas City, 1902–1906.
Walnut River near Arkansas City, 1902–3.
Cimarron River near Arkalon, 1895–96, 1903–1905.
Medicine River near Kiowa, 1895–96.
Verdigris River near Independence, 1904.
Verdigris River near Liberty, 1895–1903.
Verdigris River near Fall River, 1904–5.
Neosho River near Neosho Rapids, 1904.
Neosho River near Iola, 1895–1903.
Neosho River near Humboldt, 1904.
Kansas River near St. George, 1904.
Kansas River near Topeka, 1904.
Kansas River near Lecompton, 1899–1906.
Kansas River near Lawrence, 1895–1899.
Smoky Hill River near Solomon, 1904.
Smoky Hill River near Ellsworth, 1895–1903.
Beaver Creek near Fort Scott, 1904–5.
Saline River near Beverly, 1895–1897.
Saline River near Salina, 1897–1903.
Solomon River near Beloit, 1895–1897.
Solomon River near Niles, 1897–1903.
Blue River near Manhattan, 1895–1905.
Osage River near Ottawa, 1902–1905.

Mr. CURTIS. I desire to read to the Senate the recommendation of Mr. Wanzer, and to place in the RECORD a little history of floods in the State of Kansas:

I recommend an amendment to the river and harbor bill about as follows—

The amendment is substantially as I offered it, except I add the Arkansas and other rivers.

I recommend an amendment to the river and harbor bill, about as follows:

"To appropriate the sum of $50,000 for the purpose of investigating the flood periods of the waters in the State of Kansas, and from examination of the territory, and from data already gathered, by governmental, State, and private efforts, devise some general plan which will best guard against the recurrence of such floods and diminish their damaging effect upon the lower valleys of the Missouri and Mississippi Rivers."

The later periods of flood damages in the State of Kansas of which data have been compiled occurred in the years 1903, 1908, and 1915.

The United States Weather Bureau gives the following estimate of flood losses during the years 1903 and 1908:

Estimate of flood losses 1903 and 1908.

	Lives lost.	Property loss.	Crop loss.	Loss from erosion.	Loss from suspension of business.
1903					
Topeka and vicinity	38	$2,000,000	(1)	(1)	(1)
Kansas City (Kansas and Missouri)	19	15,000,000	(1)	(1)	(1)
Total, 1903	57	17,000,000			
Kaw Valley (1903)		22,000,000			
1908					
Kansas River Valley		55,000	$1,500,000	(1)	[2]30,000
Kansas City (Kansas and Missouri)				(1)	10,000
Blue River Valley		200,000	800,000	$100,000	
Republican River Valley		(1)	300,000	(1)	
Solomon River Valley		(1)	200,000	(1)	
Smoky Hill River Valley		(1)	100,000	(1)	
Total, 1908		255,000	2,600,000	100,000	120,000
Total loss 1903 and 1908	57	17,255,000	2,600,000	100,000	120,000

[1] No data. [2] Not including Topeka and Kansas City.

Total loss, both years, lives 57; property, crops, etc., $20,075,000.

The following extract from a paper written by Mr. H. B. Walker, of Kansas State Agricultural College, gives some physical facts concerning the floods of 1903, 1908, and 1915, especially as to the damage inflicted along the valleys in the State of Kansas, and where such immense losses are locally entailed it must follow that these same floods necessarily contribute materially to the greater damage incurred along the lower valleys of the Missouri and Mississippi Rivers—

That is what we contend in support of this amendment, that if the flood waters are controlled at the heads of these various streams it will lessen the damage on the Missouri and on the Mississippi and will necessarily save a great deal of money that is now expended in protecting the banks of these rivers.

SCOPE OF THE FLOOD PROBLEM.

Since 1903 that part of Kansas lying east of the ninety-eighth meridian has suffered a number of disastrous floods. Many of the small valleys have had an overflow practically every year, and three general flood periods have prevailed, the first and most destructive coming in 1903, the second and least destructive in 1908, and the third in 1915. For the purpose of discussion I have divided the State east of the ninety-eighth meridian into four groups, as follows: First, the Kaw River watershed; second, the Arkansas River watershed; third, the Neosho River watershed; fourth, other independent smaller watersheds.

The first mentioned is the largest, and therefore subject to the greatest destruction when inundated. The Arkansas River overflows infrequently, since its source is in a region of high altitude and scant rainfall. The other watersheds all lie wholly within the State and are subject to frequent and destructive overflows.

KAW RIVER VALLEY.

The total drainage area of the Kaw River is approximately 60,000 square miles, most of which is located within the State. Two principal tributary streams, however—the Republican and the Blue Rivers—have a considerable portion of their drainage areas in Colorado and Nebraska. The Smoky Hill, with its two tributaries—the Solomon and Saline Rivers—forms a large drainage basin almost entirely within the State. Streams of smaller drainage areas, but which contribute large quantities of flood waters to the main river, are the Vermillion, Delaware, and Wakarusa Rivers and Stranger, Soldier, and Mill Creeks. The importance of these smaller streams must not be underestimated. The maximum flood discharge for the Kaw River in 1903 was estimated to be between 250,000 and 300,000 cubic feet per second, while the Delaware River, with a drainage area in eastern Kansas covering 1,100 square miles, had a maximum flood discharge for the same flood of approximately 44,000 cubic feet per second, or a maximum flood flow approximately equal to one-seventh of the maximum flood discharge of the Kaw River. Of course it is evident that these smaller drainage areas can not in themselves cause serious flood conditions in the Kaw River Valley, but when added to the flood waters contributed by the Blue, Republican, and Smoky Hill Rivers great damage and destruction to property may result.

The Kaw River watershed has approximately 682,880 acres of land subject to overflow. Besides this, there are 81 cities and villages which are directly affected by floods. Two of these are cities of the first class, 13 of the second class, and 66 of the third class. The total population represented by these municipalities is 225,000.

Approximately 783 miles of main-line railroad are located in this flooded area.

Besides the numerous railroads which pass through the valley there are about 1,900 miles of public roads which are subject to inundation. This important drainage area of Kansas has experienced three general overflows since June of 1903. The losses during the 1903 flood were by far the greatest, but for the 13-year period the total loss to Kansas may be conservatively estimated at $40,000,000, distributed as follows:

1903	$22,000,000
1908	5,000,000
1915	12,000,000
Other miscellaneous floods	3,000,000
Total	40,000,000

ARKANSAS RIVER VALLEY.

The drainage area of the Arkansas River above the point where it passes out of the State is approximately 35,000 square miles, about 75 per cent of which is outside of Kansas. Most of this drainage basin is situated in a semiarid country and the valley therefore does not often suffer from floods. East of the 98th meridian some losses have occurred. In 1904 the floods in the Arkansas River Valley from Wichita to Arkansas City were the highest ever recorded. Reports state that about three-tenths of the city of Wichita was covered with water and a property loss of $30,000 was reported. The losses, however, were greatest in the farming communities where the crops were entirely swept away. The Arkansas River Valley has an overflow area of approximately 73,600 acres. Nine cities and villages are also directly affected, two of these being cities of the first class, three of the second class, and four of the third class, and representing a total population of 93,000.

The railroads in the Arkansas River Valley are generally not much affected by flood conditions, there being only about 35 miles of railroad directly located in the flood plane of this stream. In this valley, however, there are practically 220 miles of public roads subject to overflow. The total property loss in this basin during the past 13 years has been approximately $1,500,000.

NEOSHO RIVER VALLEY.

The Neosho River is a true Kansas stream, since it has its headwaters entirely within the State. Floods in this district have been frequent and particularly destructive, especially to farm crops. The area drained is approximately 5,090 square miles, and the highest floods cover approximately 262,000 acres. Twenty-seven cities in this drainage basin are directly affected by floods. Seven of these are cities of the second class and 20 are cities of the third class, with a total population of 50,000. Approximately 269 miles of railroad are located within the flooded area, and 740 miles of public road are also subject to overflow. The most destructive flood in the Neosho Valley occurred in 1904. The property losses for this inundation alone were estimated at $1,200,000. The probable total loss by floods in the Neosho River Valley during the past 13 years is approximately $5,500,000.

OTHER INDEPENDENT SMALLER WATERSHEDS.

The remaining drainage areas in Kansas include the Verdigras, Marais de Cygnes, and the Marmaton Rivers. These streams are all especially subject to frequent periodic floods, resulting in heavy crop and property losses. The total flooded area in this group is approximately 137,000 acres. Twenty-six cities, including 2 of the first class, 10 of the second class, and 14 of the third class, and having a total population of 62,000, are directly affected by these floods. The total mileage of railroads subject to direct injury is 156 miles. Five hundred and forty miles of public roads are subject to inundation. The greatest property losses from floods occurred in 1904, 1909, and 1915. During the past 13 years the total flood losses have amounted to approximately $3,500,000.

Summary of flood losses in Kansas for a 13-year period.

Kaw River Valley	$40,000,000
Arkansas River Valley	1,500,000
Neosho River Valley	5,500,000
Other streams	3,500,000
Total property loss	50,500,000

For the 13-year period this gives a loss of a little over $3,800,000 per annum. However, this is not a fair conclusion, since floods have been more frequent in recent years than formerly. The first Kansas flood on record occurred in 1844, and was the highest ever known. Other floods followed in 1877 and 1885. No other floods of a general nature occurred until 1903. It would seem, therefore, that the period above mentioned has been one of unusual conditions, and that it is not probable that we will soon have a repetition of such heavy losses.

Besides the property losses given above, there have been many indirect harmful results. Railway traffic has been greatly delayed and the entire public thereby inconvenienced, public roads and bridges have been damaged, and the seeds of noxious weeds have been widely disseminated. Moreover, these frequent and periodic floods have had a very discouraging effect upon the development of our very best agricultural land.

In addition to property losses, there have been a number of lives lost. The 1903 flood left a death list of 57. A number of lives were lost in the floods of the present year; just how many is not known, but the probable total number of lives lost during the 13-year period just mentioned due directly to floods is perhaps 75.

The total overflow area for the State is 1,205,520 acres. This represents the very best of Kansas soil. From an agricultural standpoint the protection of this area is of the greatest importance to the agricultural interests of the State. All of this splendid territory is contiguous to the best market centers the State affords, which insures rapid development, with consequent rapid advances in land values as soon as a reasonable protection system can be worked out.

Very truly, yours,

CHAS. WANZER.

As I stated, this amendment is offered to the pending bill. I believe it is a justifiable appropriation. If I did not believe so, I would not have offered it. I want to say, however, that the fact that I offered this amendment shall not in any way affect my vote upon other provisions of the bill. I believe we should honestly and fairly appropriate all the money that is needed to protect streams where appropriations are needed in the interest of commerce, and I shall do what I can to support and help pass such provisions; but where appropriations are not needed, it seems to me that we ought now to refuse to make them. Nor should we appropriate for rivers where there can be no benefit to commerce, navigation, or flood control.

Mr. President, just another word before I close. In the speeches made by the Senator from Iowa [Mr. KENYON] and the Senator from Illinois [Mr. SHERMAN] reference was made to the Fifty-first Congress, which was condemned as a billion-dollar Congress. That Congress, of which Mr. Reed, of Maine, was Speaker, appropriated in its two sessions for the two fiscal years of 1889 and 1890 the sum of $1,023,972,365. The Democratic Members of that Congress and the Democratic press of the country charged it with being a billion-dollar Congress. Mr. Reed answered that this was a billion-dollar country. If our friends on the other side of the Chamber then thought that Congress was extravagant with the people's money, what will they think of the present Democratic administration and Congress, with its majority in the House and in the Senate in the last Congress and in this session of this Congress?

I call your attention to the appropriations of the Sixty-third Congress and the estimates for the first session of the Sixty-fourth Congress. The Sixty-third Congress appropriated in its two sessions, for the two fiscal years 1915 and 1916, a total of $2,231,055,150, which was more than double the appropriations of the Fifty-first Congress; and this vast sum of over $2,000,000,000 does not cover all the money appropriated for the years 1915 and 1916, for it has taken four urgent deficiency bills so far this session, covering $25,731,229, to make up deficiencies for 1916.

More than that, the estimates submitted to this session of the present Congress for the next fiscal year amounted, for one year only, to $1,287,857,808. To that you must add the deficiency appropriations of this session, which will go into the report of the next Congress, which will make $1,311,588,000 appropriated by this session of this Congress for the fiscal year 1917, and that does not include appropriations for several measures which have passed this body and which will no doubt become laws before this session adjourns.

I think the time has come when we should call a halt upon the extravagance of this administration. It came into power under a promise of economy, but the records show that it has been the most extravagant in the history of the country, and the estimates for this year far exceed the estimates that have ever been sent to any Congress in the history of the country.

We, as representatives of the people, should stand for the reduction of taxation and for the strictest economy in the administration of the affairs of the Nation. We on the Republican side advocate this because it is right, and it is our duty in making appropriations to practice the strictest economy and only make such appropriations as are actually necessary and which will result in benefit to the people.

Mr. CLARKE of Arkansas. Mr. President, under the existing program there is no Senator ready to address the Senate further on the pending bill at this time. There has been expressed a general desire that the business of the day should be suspended at this point, so I ask unanimous consent that the further consideration of the pending bill may be postponed until the morning business is disposed of, or dispensed with on Tuesday morning next; and, if that request is granted, I shall then move that the Senate adjourn. I have made the request due to the fact that Monday will be devoted to business before the Senate in executive session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5221) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution requesting the Speaker of the House of Representatives and the President of the Senate to cancel their respective signatures to the enrolled bill H. R. 759, entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof," etc., in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 15494) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present a resolution unanimously passed by 300 citizens at the Auditorium, at Butte, Mont., in favor of a national constitutional amendment for woman suffrage, which I ask may be printed in the RECORD.

There being no objection the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution unanimously passed by 300 citizens at the Auditorium, Butte, Mont., May 7, 1916.

Whereas we believe that greater than all laws is the right of the people to share in the making of those laws; and

Whereas the party in power has blocked the passage of the Federal suffrage amendment enfranchising women: Be it

Resolved, That we call upon the administration to put its strength behind this amendment and secure its immediate passage during this present session of Congress; be it further

Resolved, That copies of this resolution be sent the administration leaders, the chairman and members of the House Judiciary Committee and to the Montana congressional delegation, with the request that Senator MYERS and Congressman EVANS read it into the minutes of the CONGRESSIONAL RECORD.

HELEN FITZGERALD SANDERS, *Chairman*.

Mr. MYERS. I present resolutions unanimously passed by 100 women citizens of Butte, Mont., favoring a national constitutional amendment for woman suffrage, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Unanimously passed by 100 women citizens of Butte, Mont., at a luncheon given the envoys of the Congressional Union at the Hotel Butte, May 8, 1916.

Whereas the passage of the Susan B. Anthony Federal suffrage amendment is being unfairly blocked by the action of the Judiciary Committee of the House of Representatives: Be it

Resolved, That we demand of the committee an immediate favorable report on the amendment, that it may be voted upon in the House without delay; be it further

Resolved, That we hold the administration responsible for the passage of the amendment through this session of Congress; be it finally

Resolved, That copies of this resolution be sent the President of the United States, Majority Leaders KERN, of the Senate, and KITCHIN, of the House; Speaker CLARK, of the House; and the members of the Judiciary Committee, and to the Montana congressional delegation.

JOANNA S. GRIGG, *Chairman*.

Mr. ASHURST. I present resolutions adopted by the Central Labor Union of Oatman, Ariz., which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

CENTRAL LABOR UNION,
Oatman, Ariz., May 6, 1916.

Hon. HENRY F. ASHURST,
Senator from Arizona, Washington, D. C.

DEAR SENATOR: By instructions from the above body, I am sending you the following resolutions:

"Whereas there exists an almost universal state of warfare between the nations of Europe; and

"Whereas there exists strained relations between the United States of America and the Republic of Mexico, chiefly due to the influence of large commercial interests; and

"Whereas there is serious danger of this country becoming involved in the European conflict; and

"Whereas the immediate burdens of warfare, as well as the ultimate results, weigh most heavily upon the shoulders of labor, the great producers of the world: Therefore be it

"*Resolved by the Central Labor Union of Oatman, Ariz.*, That our Senators and Representative in Congress be requested to use all means in their power to maintain strictest neutrality with European nations and to avert a conflict with Mexico."

Signed by committee on resolutions: S. W. Collins, Ora Page, and B. O. Lechens.

With kindest regards, I remain,

Yours, respectfully, B. O. LECHENS, *Secretary*.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a memorial of sundry citizens of Cavendish, Vt., remonstrating against any change being made in the parcels-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of Local Union No. 210, United Brotherhood of Carpenters and Joiners of America, of Stamford, Conn., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of West Hartford, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union, of Torrington, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented memorials of Fyrtornet Lodge, International Order of Good Templars, of Stamford; of North Star Lodge, International Order of Good Templars, of Bridgeport; of Framat Lodge, International Order of Good Templars, of Ansonia; of Sveа Lodge, International Order of Good Templars, of Branford; of Svealborg Lodge, International Order of Good Templars, of New Haven; of Trochet Lodge, International Order of Good Templars, of Naugatuck; of Oscar II Lodge, International Order of Good Templars, of Waterbury; of Norden Lodge, International Order of Good Templars, of New Britain; of Freja Lodge, International Order of Good Templars, of Hartford; of Enighet Lodge, International Order of Good Templars, of South Manchester, and of Dristigheten Lodge, International Order of Good Templars, of Middletown, all in the State of Connecticut, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 39, Cigar Makers' International Union, of New Haven; of Local Branch Sheet Metal Workers' Union, of New Haven; of Elm City Division, No. 317, Order of Railway Conductors, of New Haven; of Local Union No. 173, United Association of Plumbers and Steam Fitters, of Bridgeport; of Local Union No. 201, Brotherhood of Railroad Trainmen, of New Haven; of the Plumbers and Steam Fitters' Union of New Haven; and of Local Union No. 79, United Brotherhood of Carpenters and Joiners, of New Haven, all in the State of Connecticut, praying for the passage of the so-called Panama civilian compensation bill, which were referred to the Committee on Appropriations.

He also presented a petition of the National Association of Conservation Commissioners, praying for the enactment of legislation to establish game sanctuaries in national forests and also for the protection of migratory birds, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PHELAN presented a petition of sundry citizens of San Bernardino County, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Presbyterian Church of Berkeley, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of General Jacob H. Smith Camp, No. 6, United Spanish War Veterans, of Fresno, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented petitions of Local Union No. 256, Laundry Wagon Drivers' Union, of San Francisco, and of the Trades and Labor Council of Vallejo, in the State of California, praying for an investigation into the conditions surrounding the marketing of dairy products, which were referred to the Committee on Agriculture and Forestry.

Mr. JONES presented a memorial of sundry citizens of Colville, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5854) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice, reported it without amendment and submitted a report (No. 436) thereon.

Mr. ASHURST, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1045) to provide for the erection of a public building at Prescott, in the State of Arizona, reported it without amendment and submitted a report (No. 434) thereon.

He also, from the same committee, to which was referred the bill (S. 1046) to provide for the purchase of a site for a public building in the city of Bisbee, Ariz., reported it with an amendment and submitted a report (No. 435) thereon.

Mr. NEWLANDS, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 308) to amend the act to regulate commerce as amended, and for other purposes, reported it without amendment and submitted a report (No. 437) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 5982) to provide for the purchase of a site and the erection of a public building thereon at Marion, McDowell County, N. C. (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. PHELAN:

A bill (S. 5983) to acquire a site and for the erection and completion thereon of a public building in the city of San Mateo, Cal.; and

A bill (S. 5984) directing the Secretary of the Treasury to sell the present Federal building and site at San Jose, Cal., and to acquire a new site and to provide for the erection and completion thereon of a public building in the said city of San Jose, Cal.; to the Committee on Public Buildings and Grounds.

A bill (S. 5985) authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States; to the Committee on Commerce.

By Mr. ASHURST:

A bill (S. 5986) making an appropriation for the construction of a bridge at Nogales, Ariz.; to the Committee on Finance.

By Mr. SIMMONS:

A bill (S. 5987) to amend subsection 11 of section 3244, Revised Statutes; to the Committee on Finance.

By Mr. SHIELDS:

A bill (S. 5988) granting a pension to Otto Greenlee; to the Committee on Pensions.

By Mr. JONES (by request):

A joint resolution (S. J. Res. 130) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to appropriate $2,880 for additional compensation to 16 privates, Capitol Police, at the rate of $180 per annum each for the fiscal year 1917, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TOWNSEND submitted an amendment proposing to increase the appropriation for sugar-beet investigations from $41,495 to $51,495 and that not less than $10,000 of this appropriation shall be used for the development and improvement of American strains of sugar-beet seed, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. MARTINE of New Jersey submitted an amendment proposing to increase the number of messengers at $720 each, in the Division of Publications, Agricultural Department, from two to four, etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BROUSSARD submitted an amendment proposing to amend the act of August 30, 1890, so as to authorize the Secretary of Agriculture to permit the admission of tick-infested cattle from Mexico, South and Central America, the islands of the Gulf of Mexico, and the Caribbean Sea into those parts of the United States below the southern quarantine line, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

THE NEW AQUEDUCT BRIDGE.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution (No. 40) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, requested to cancel their respective signatures to the enrolled bill H. R. 759, entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof;"

That upon the cancellation of said signatures the Clerk be directed to reenroll said bill with an amendment, as follows: On page 4, line 10, strike out the word "five" and insert in lieu thereof the word "four."

Mr. SWANSON. I move that the Senate concur in the resolution of the House.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 5221) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which were, on page 4, line 1, after "of," where it first occurs, to insert "$"; on page 7 to strike out lines 3 to 6, inclusive; on page 10, line 14, after "Company," to strike out "C" and insert "G"; on page 14, line 5, to strike out "Adonirum" and insert "Adoniram"; on page 14, line 6, to strike out "A" and insert "D"; and on page 17 to strike out lines 7 to 10, inclusive.

Mr. JOHNSON of Maine. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 15494. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.

Mr. CLARKE of Arkansas. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, May 15, 1916, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 13, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Father, let Thy blessing descend upon us in all its fullness to quicken our minds and bring our souls en rapport with Thee and Thy holy purposes, that we may think well and act well in all the relationships of life and merit the "Well done, good and faithful servant," after the manner of the Christ, the world's great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

WITHDRAWAL OF PAPERS.

Mr. ASHBROOK, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Gifford Ramey, Sixty-second Congress, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. McKINLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of rural credits.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the subject of rural credits. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5966. An act to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913; to the Committee on Ways and Means.

SAMUEL SCHWARTZ.

Mr. BENNET. Mr. Speaker, I move to discharge the Committee on Foreign Affairs from the further consideration of the following resolution of inquiry.

Mr. GARNER. What is it?

The SPEAKER. The gentleman from New York moves——

Mr. GARNER. Mr. Speaker, I demand the regular order.

Mr. MANN. The rules provide——

The SPEAKER. This rule simply provides that the bill is to be in order. The Chair thinks this is a privileged resolution, and the Clerk will report it.

The Clerk read as follows:

House resolution 210.

Resolved, That the President of the United States be, and he is hereby, requested to furnish the House of Representatives with a statement of what he has done under the provisions of section 2001 of the Revised Statutes to secure the release of Samuel Schwartz, an American citizen unjustly deprived of his liberty by or under the authority of the Government of Great Britain.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. BENNET. Mr. Speaker, I have consulted with the chairman of the Committee on Foreign Affairs for several days past, and he told me yesterday that unless he got certain information from the State Department by to-day which would enable him to make the customary adverse report giving me the information I would be justified in moving to discharge the Committee on Foreign Affairs from the further consideration of this resolution.

Mr. FITZGERALD. I wish to suggest to the gentleman that this resolution contains the statement that the man is unjustly

deprived of his liberty by a foreign Government. It seems to me that that should be somewhat modified.

Mr. BENNET. I would say "alleged to be." I am perfectly willing to say that. In line 6, after the word "citizen," insert the words "alleged to be."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. I would suggest to the gentleman also that he amend by inserting "if not incompatible with the public interest." It is a matter suggesting what has been done by some foreign Government, and it is the customary phrase in such resolutions.

Mr. MANN. When we address the President it is customary.

Mr. FITZGERALD. I suggest that the gentleman insert "if not incompatible with the public interest."

Mr. BENNET. Mr. Speaker, I ask unanimous consent to amend, after the word "requested," in line 2, by inserting "if not incompatible with the public interest."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 2 insert, after the word "requested," "if not incompatible with the public interest."

Mr. DUPRÉ. Mr. Speaker, I ask for a reading of the amended resolution.

The SPEAKER. At the request of the gentleman from Louisiana, the Clerk will report the amended resolution.

The Clerk read as follows:

House resolution 210.

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to furnish the House of Representatives with a statement of what he has done under the provisions of section 2001 of the Revised Statutes to secure the release of Samuel Schwartz, an American citizen alleged to be unjustly deprived of his liberty by or under the authority of the Government of Great Britain.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. BENNET. Mr. Speaker, that simply discharges the committee. Now I would like to have the resolution adopted.

The SPEAKER. It is all one motion.

RURAL CREDITS.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2986, with the gentleman from Texas [Mr. GARNER] in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2986, the title of which the Clerk will report.

The Clerk read as follows:

An act (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

APPRAISAL.

SEC. 10. That whenever an application for a mortgage loan is made to a national farm-loan association, it shall be first referred to the loan committee provided for in section 8 of this act. Said loan committee shall examine the land which is offered as security for the desired loan and shall make a detailed written report signed by all three members, giving the appraisal of said land as determined by them, and such other information as may be required by rules and regulations to be prescribed by the Federal farm-loan board. No loan shall be approved by the directors unless said loan committee agrees upon a favorable report.

The written report of said loan committee shall be submitted to the Federal land bank, and the directors of said land bank shall examine said written report when they pass upon the loan application which it accompanies, but they shall not be bound by said appraisal.

Before any mortgage loan is made by any Federal land bank, or joint-stock land bank, it shall refer the application and written report of the loan committee to one or more of the appraisers appointed under the authority of section 3 of this act, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable.

No borrower under this act shall be eligible as an appraiser under this section, but borrowers may act as members of a loan committee in any case where they are not personally interested in the loan under consideration. When any member of a loan committee or of a board of directors is interested, directly or indirectly, in a loan, a majority of the board of directors of any national farm-loan association shall appoint a substitute to act in his place in passing upon such loan.

Mr. HAWLEY. Mr. Chairman, I would like to ask the distinguished gentleman from Virginia [Mr. GLASS] if, in line 3, page 98, before the word "favorable," the word "unanimously" was not intended to be inserted? Then it would read:

No loan shall be approved by the directors unless said loan committee agrees upon a unanimously favorable report.

Mr. GLASS. No; that proposition was suggested, but the committee decided to use the term there employed, "favorable report."

Mr. HAWLEY. So that a vote of the two out of three appraisers would be sufficient to pass a loan?

Mr. GLASS. Yes. That was the idea.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, the matter of appraisals is one of the keynotes to this proposition. If a man wants to borrow $100, having qualified by making himself a stockholder, at an expense of $5, he then must proceed to obtain an appraisal of the property upon which he desires to obtain his loan. In order to do that he must obtain the assistance of pretty much the entire system provided for in this act. If the piece of ground upon which he desires to borrow the money is remote, the expenses of the appraisers and others interested will, of course, be a matter to be considered; the compensation of those who are engaged in passing upon such an important matter as the loan of $100 on a piece of ground will also have to be considered.

This paragraph illustrates more than anything else, perhaps, the amount of detail that the average poor farmer must go through in order to obtain any satisfaction or relief under this bill. The loan committee of the national association, formed by 10 borrowers, must examine the land; then their report must be presented and passed upon, all the way up practically to the Federal land bank. For a loan of $100 it would seem as if the Government of the United States and the land associations would be required to spend in salaries for attorneys, for inspectors, for agents, for expenses in connection with the papers to be drawn, for the affidavits to be filed, for the traveling expenses, for the clerk hire, for the overhead charges, about as much as the loan is worth.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I do.

Mr. FESS. Line 17 and part of line 18 seem to exempt a borrower from acting as a member of this appraising committee, but lines 18 and 19 let him in. Borrowers can act as members if they are not personally interested. What would determine whether they were personally interested or not?

Mr. MOORE of Pennsylvania. I suppose that would be determined very largely by the opinion of those who were about to make the loan.

Mr. FESS. The fellow who wants the money can appraise it?

Mr. MOORE of Pennsylvania. Yes; very much as men in a legislative body, who are supposed not to vote upon anything in which they are interested, frequently have a great deal more to do with it than those who are not interested.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MOSS of Indiana. The gentleman realizes the fact that the man shall make an application for the loan. The appraisal by the land bank is the official appraisal.

Mr. MOORE of Pennsylvania. That is true; but is it not true also that before a poor farmer can get $100 on a piece of land which he offers as security under this bill he will have to pay his proportion of the expense all the way back to the maintenance of the three $10,000 men who are to be at the headquarters here in Washington—experts, lawyers, and all?

Mr. MOSS of Indiana. He may or he may not.

Mr. MOORE of Pennsylvania. I ask if his application will not have to be passed on first by the land-bank association, with its paid secretary-treasurer?

Mr. MOSS of Indiana. That is true.

Mr. MOORE of Pennsylvania. I ask if he will not have to pay his proportion of the expense of the committee that is appointed to appraise his property?

Mr. MOSS of Indiana. If the gentleman had read the bill he would have found out that the expense may be borne by the individual borrower or by the system as a whole.

Mr. MOORE of Pennsylvania. It is extended along the line of the various officers, and there are plenty of them.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GLASS. Mr. Chairman, I understand that this is only a pro forma amendment. What is the discussion about?

The CHAIRMAN. To strike out the last word.

Mr. GLASS. I ask unanimous consent that all debate on this section and amendments thereto close in five minutes.

Mr. MORGAN of Oklahoma. I have an amendment, Mr. Chairman.

Mr. BENNET. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] objects.

Mr. GLASS. I move, Mr. Chairman, that all debate on this section and amendments thereto close in five minutes, unless somebody has a definite amendment to offer.

Mr. MANN. I would not do that if I were the gentleman.

Mr. MORGAN of Oklahoma. I have a definite amendment to offer.

Mr. GLASS. I have no disposition in the world to be unreasonable, but I object to wasting time on pro forma amendments to strike out the last word and the last two words.

Mr. MANN. I wanted to strike out the last word myself, in order to get some information.

Mr. GLASS. We are glad to give anybody any information when we can. How much time is wanted now?

Mr. MORGAN of Oklahoma. I shall want about five minutes.

Mr. MANN. I suggest 15 minutes on the section.

Mr. GLASS. Very well.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that debate on the section and amendments thereto close in 15 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] offers an amendment, which the Clerk will report.

Mr. MORGAN of Oklahoma. I move to strike out lines 2 and 3 on page 98.

The Clerk read as follows:

Amend, page 98, by striking out lines 2 and 3.

Mr. MORGAN of Oklahoma. Mr. Chairman, section 10 refers to the appraisal; and the question propounded by the gentleman from Oregon [Mr. HAWLEY], it seems to me, is important.

Now, if the committee will notice, beginning on line 20 on page 97 it says:

Said loan committee shall examine the land which is offered as security for the desired loan and shall make a detailed written report, signed by all three members, giving the appraisal of said land as determined by them and such other information as may be required by rules and regulations to be prescribed by the Federal farm-loan board.

Now, the part which I wish to strike out is what follows in the next two lines:

No loan shall be approved by the directors unless said loan committee agrees upon a favorable report.

Now, in the first place, that language is somewhat indefinite. It is uncertain. I would like to know what that means. If some of the committee will indicate, I will pause for an answer. I do not know just what that means—a favorable report.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield to me?

Mr. MORGAN of Oklahoma. Yes; I will be glad to yield.

Mr. HAWLEY. I think it clearly means that unless these three men find the land worthy of making a loan upon, and the title clear and in fee simple in the owner or purported owner of the land, no loan shall be recommended to the Federal land bank for this applicant.

Mr. MORGAN of Oklahoma. Does the gentleman think that the loan committee or this appraisal committee is to pass on the title?

Mr. HAWLEY. The loan committee ought not to recommend a loan to a man who has not a fee-simple title in the land, if they know it.

Mr. MORGAN of Oklahoma. I think that is true. Now, Mr. Chairman——

Mr. HOWARD. Will the gentleman from Oklahoma, right in that connection, let me propound a question to the gentleman from Oregon [Mr. HAWLEY]?

Mr. MORGAN of Oklahoma. I am glad to yield to the gentleman.

Mr. HOWARD. Does the gentleman from Oregon interpret these lines, that the gentleman from Oklahoma [Mr. MORGAN] seeks to strike out, to mean that all three of the appraisers shall agree upon the valuation, or that a majority of them shall agree?

Mr. HAWLEY. I asked that question when the section was first read. I thought from the preceding language that it was intended that no loan should be recommended unless all three appraisers had agreed upon a favorable report.

Mr. CULLOP. Under the language of this provision——

Mr. MORGAN of Oklahoma. Mr. Chairman, I do not wish to lose all my time by yielding to too many gentlemen.

Mr. HOWARD. Like the gentleman from Oklahoma [Mr. MORGAN], I am trying to get some information about this. I would like to have somebody tell us what it does mean. Does it mean that a majority shall agree on the appraisement, or does it mean that they must be unanimous in their appraisement or that the farmer's loan will be rejected?

Mr. MORGAN of Oklahoma. I concede that the expression is indefinite and uncertain, but I think the entire language ought to go out. The appraisal committee, as properly understood, should have nothing to do except to appraise the value of the land.

The members of this committee will not be lawyers; they are not to pass on the title to the land. Their business is to make an estimate on the value of the land, furnish information as to its character, and such other information as will be required of them. When this is done their work is completed. They have done all that the members of any appraisal committee should be required or should be allowed to do. Under the provisions of this bill, as I have heretofore pointed out, a man can not become a member of the national farm-loan association except upon a two-thirds vote of the five directors thereof. They can not secure a loan unless the loan is recommended favorably by the appraisal committee. Then, after that, his loan can not be accepted by the Federal land bank until after one of its appraisers has visited the land and made an appraisement thereof. Under such provisions it is my fear that many worthy farmers will not be able to secure loans through the Federal land banks and the farm-loan associations. My idea is that all of these restrictions should be stricken out. There is only one question that should be determined, and that is, What is the land worth? If, after final appraisement, a man's farm is determined to be worth so much, he is entitled to a loan of 60 per cent of that value. One farmer is as good as another. The only thing that the Government or the bank or the association has a right to ask is that whoever secures a loan shall furnish proper security, and when a farmer has done this he is entitled to a loan. A business conducted on any other line will necessarily lead to great dissatisfaction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN of Oklahoma. I ask unanimous consent for one minute more. My time has been taken up.

The CHAIRMAN. The gentleman asks unanimous consent for one minute. Is there objection?

Mr. SHOUSE. I object.

Mr. MANN. This does not extend the time. It comes out of the 15 minutes.

Mr. MORGAN of Oklahoma. Did the gentleman object?

The CHAIRMAN. The gentleman from Kansas [Mr. SHOUSE] objected.

Mr. MORGAN of Oklahoma. I make the point of order that there is no quorum present.

Mr. MANN. I hope the gentleman will not object to the extension for one minute. It will come out of the 15 minutes.

Mr. HOWARD. I will give the gentleman the time.

Mr. MOORE of Pennsylvania. I make the point of no quorum.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of no quorum. The Chair will count.

Mr. MOORE of Pennsylvania. If gentlemen do not want discussion of this bill, if they want to rush it through, let them do it. It takes $9,000,000, and if nobody is to say anything except those in favor of the bill——

The CHAIRMAN. Eighty-two members present, not a quorum, and the Clerk will call the roll.

Mr. MANN. Mr. Chairman——

The Clerk called the name of Mr. ABERCROMBIE.

Mr. MANN. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MANN. I ask for a division.

The committee divided; and there were—ayes 27, noes 40.

Mr. MANN and Mr. GLASS demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. MANN and Mr. GLASS.

The committee against divided; and the tellers reported—ayes 2, noes 101.

The CHAIRMAN. On this vote the ayes are 2 and the noes are 101. A quorum is present.

Mr. MOORE of Pennsylvania. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order that under the rule, the Chair having announced that no quorum was present and having directed the Clerk to call the roll, which the Clerk began to do, the roll call must proceed. I quote for the information of the Chair section 2 of Rule XXIII:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 Members the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House—

Which has not been done—

which shall be entered on the Journal; but if on such call a quorum shall appear the committee shall thereupon resume its sitting without further order of the House.

My point is that under the rule, the Chair having declared that no quorum was present, and having directed the Clerk to call the roll, the roll call must proceed.

Mr. MANN. Mr. Chairman, all rules are construed at different times, and precedents become a part of the rules. When the Chair declared that there was no quorum present I immediately rose to make the motion that the committee do now rise.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. Is it not a fact that before the gentleman made that motion the Chair stated that there were 82 Members present—not a quorum, and that the Clerk would call the roll, and that the Clerk began to call the roll, and called the name of Mr. ABERCROMBIE?

Mr. MANN. The Clerk called the name of Mr. ABERCROMBIE while I was making that motion, and on my feet for that purpose, and the Chair could not cut me out from making that motion by the activity of the Clerk. You can not cut out the right of a Member because the Clerk is unduly—I will not say unduly, but properly—active. [Laughter.] This rule has been frequently construed in the same way, and the Chair has always held heretofore that when on a motion to rise the presence of a quorum was developed, there was no roll call required because there was a quorum present.

The CHAIRMAN. The point of order is overruled. The Clerk will read.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. GLASS. Reserving the right to object, how much more time is there under the unanimous-consent agreement?

The CHAIRMAN. Ten minutes. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, the gentleman from Oklahoma [Mr. MURRAY] and the gentleman from Georgia [Mr. TRIBBLE] and other gentlemen who have taken the position that this bill confers no substantial benefit on the people who ought to be benefited are, it seems to me, quite correct. I come from a city district, and therefore come under the inhibition of the gentleman from Alabama [Mr. HEFLIN] and others, but it does seem to me that when we are attempting to pass a bill to benefit the people we ought to benefit somebody. The gentleman from Oklahoma [Mr. MURRAY] said yesterday that a man who had $200 ought to have the right to enter into the occupancy of a $2,000 property. That may seem fantastic to some people, but it ought not to seem fantastic to any resident of the State of New York.

In village after village and city after city in the State of New York a man that has saved up $200 can buy a lot and go to his local building and loan association, take his plans, take his proposed contract with the material man, and that building and loan association will build a house for him.

All over the State of New York, and I do not doubt it is so in the States of Illinois and Indiana, probably in the States of Vermont and New Hampshire, a man that has had the thrift to save $300 can go to a loan and building association and it will build him a little home. In the city or village where I was born I can show you block after block of little homes built by men whose initial saving was not over $200 or $300. How do they do it? By marshaling the assets of the community for the benefit of the members of the community.

Mr. McFADDEN. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. McFADDEN. Have those loan and building associations ever asked for Government aid?

Mr. BENNET. I was coming to that. None of these associations have ever asked for Federal or State aid. The Federal aid in this bill is a delusion and a sham. It is not helping out anybody except a few farmers, if it helps them. It does help the farmer who has acquired a large amount of land and who wants to borrow what would be called a savings-bank mortgage up in my country. This bill does not put one single landless man on a farm. If we are to pass a bill for the benefit of the people, we ought to exercise more care.

The gentleman from South Carolina [Mr. LEVER] and the gentleman from Alabama [Mr. HEFLIN] alluded to the bill for the Philippines. I was here when the bill passed and voted for it. The gentleman from Illinois [Mr. MANN] voted against it. Time has vindicated him. It has not vindicated me. The gentleman from North Carolina [Mr. SMALL] and the gentleman from Kentucky [Mr. SHERLEY] voted for it; they spoke for it all in the very best intention, because they wanted to benefit the Filipinos. We passed it by a vote of 188 to 69. Why did not the gentlemen talk about what we did for the Filipinos under the agricultural banking bill and tell what happened. It was passed in 1907, nine years ago, and there has not been an agricultural bank established under it in the Philippines yet. You can not legislate economic conditions simply by statute.

Mr. GARRETT. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARRETT. There has never been any legislation here where the Government undertook to do anything about Filipino banks.

Mr. BENNET. It was passed here nine years ago under suspension of the rules.

Mr. GARRETT. It was passed through the House but no such bill ever became a law. The Philippine Commission subsequently passed an act.

Mr. BENNET. I have just come from the library, and the bill that passed the House was a Senate bill. It was passed under a suspension of the rules on motion made by the gentleman from Indiana, Mr. Crumpacker, and the motion was carried by a vote of 188 to 69. If the gentleman will look at page 4538 of the RECORD of the Fifty-ninth Congress, he will see that that is a fact and that the law was approved by the President.

Mr. GARRETT. I am familiar with it; but there never was a bank authorized under it.

Mr. BENNET. Well, I would like to make that part of the speech myself. [Laughter.] The law was passed, and there never has been a bank organized under it.

I was a Member of Congress when the House, by unanimous consent, voted, in the interest of the farmer—and we all believed it was in the interest of the farmer—for a bill of the gentleman from North Dakota, Mr. Marshall, in relation to denatured alcohol; recommended not only by him but by everybody. What has become of that? In the limbo of forgotten things. This bill is as absolutely useless for the ordinary farmer as those two bills turned out to be.

Mr. GLASS. Will the gentleman permit an interruption?

Mr. BENNET. I will.

Mr. GLASS. I believe the gentleman has admitted that time has not vindicated his judgment in those two matters. Is it not barely possible that time will not vindicate his judgment in this matter? [Laughter.]

Mr. BENNET. I have been more generous; I have admitted that time has not vindicated the judgment of the House because the House passed the bill by a vote of 188 to 69. Better men than I voted for the bill. There was the gentleman from Missouri, Mr. De Armond, and others—good men all of us. [Laughter.]

Mr. GLASS. The gentleman is a good man, but good men make mistakes.

Mr. BENNET. I am calling the attention of the gentleman that he is making a mistake now.

Mr. GLASS. I think the gentleman from New York is making a woeful mistake.

Mr. BENNET. No; because the gentleman from Virginia can not point out to me, and neither can the gentleman from Oklahoma point out to me, where there is a provision in this bill that will put a landless man on the land.

Mr. GORDON. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GORDON. Does the gentleman think that this House ought to pass a law to put every man on a farm? [Laughter.]

Mr. BENNET. No; not if it included the gentleman from Ohio. [Laughter.]

Mr. Speaker, the real life, the real people, and the real happenings of the homes of New York City are rarely heard of outside our city limits. On Monday, May 15, a man whose very name is unfamiliar went to his grave. His coffin was of plain pine boards, unadorned. Yet 120,000 people followed the hearse through the city streets. There were only a mere handful of police, but no disorder, for those who thronged the streets mourned. It was the greatest spontaneous gathering of the people in the history of our city. Factories and workshops found it difficult to proceed, and toilers, men and women alike, who could ill afford the loss, sacrificed the

day's wage to join in the tribute. And the dead man was neither rich nor powerful. Sholem Ben Menachem Rabinowitz was just a writer. "Sholem Aleichem" (Peace to you) his Hebrew readers called him. But so truly did he write the gay and the grave, the tender, the true, and the delightful that he gripped the hearts of his people.

Stories, humorous stories with a kindly cast, were what he was principally known for, but my colleague, Mr. SIEGEL, tells me that on the editorial pages of the Yiddish and Hebrew papers of our city he wielded a trenchant pen, and that in behalf of those in public life whom he cared for, in which category I was glad to be found, he wrote strong, persuasive words. Of the home, of husbands, of wives, and of little children he wrote, and the Jewish people, a home and family loving people, thronged our streets to honor his memory.

He rose superior to misfortune. A large fortune was lost in Russia, but no tinge of bitterness crept into his writings. His oldest son died, but the shining radiance of his affection turned his falling tears into a rainbow of promise. Through it he looked forward with hope, and under its arch his message to his people lost none of its tender sympathy. All his life he was the sincere friend of his people. When he died they passed by the tens of thousands beside his dead body in his humble home in The Bronx, and followed by scores of thousands his plain coffin to its last resting place. "Call no man happy until he is dead," said the cynic of old; but Sholem, the son of Rabinowitz, of the tribe of Manasseh, just a singer of songs as was David, King of Israel, from out the grave tells us that a lover of his kind who lives to make them happy may in his lifetime gain much joy and, dying, be mourned as the rich and the powerful rarely are. Throned in loving memories of real friends his kingdom is secure.

I append his unique and entirely characteristic will:

WILL OF SHOLEM ALEICHEM.

I ask that it be opened and published on the day of my death.

To-day, the day after Yom Kippur, a new year has just begun, and a great misfortune has befallen my family. My oldest son, Misha (Michael) Rabinowitz, has died, and with him part of my life has gone down into the grave. It remains for me now to redraw my will, which I had written in Nerve, Italy, when sick there in 1908.

Being in good health and of sound mind, I write my will, which consists of 10 parts:

I. Wherever I die I want to be placed not among aristocrats, or among the powerful, but among plain Jewish laborers, among the people itself, so that the gravestone that is to be placed upon my grave should illumine the simple graves about me, and these simple graves should adorn my gravestone, even as the plain, good people during my lifetime illumined their Folkschrieber.

II. No titles of any kind, with praises, with rabbinical honors, should be placed upon my gravestone, with the exception of the name Sholem Aleichem on the one side and the Jewish inscription, herewith inclosed, on the other side.

III. There should be no kind of debate or discussion among my colleagues as to making my name eternal, as to a monument to be erected in New York, etc. I shall not be able to rest quietly in my grave if my colleagues make themselves foolish. The best monument for me will be if my works are read and if there be found among the better-to-do classes of our people Maecenasas who will publish and distribute my works in Yiddish or in other languages, and thus give the people the possibility of reading and my family an honorable existence. If I have not been worthy or have not earned Maecenasas during my lifetime, perhaps I shall be worthy of them after my death. I go away from the world in the full belief that the people will not forsake my orphans.

IV. At my grave and throughout a whole year, and then every year on the Jahrzeit, my remaining son, and my sons-in-law if they are so minded, should say Kaddish after me. And if they do not wish to do this, or if they have no time for it, or if it be against their religious convictions, they can be absolved from this duty only if they all come, together with my daughters and my grandchildren and with good friends, and read this my will, and also select one of my stories, one of the really joyous ones, and read it aloud in whatever language they understand best, and let my name be mentioned by them with laughter rather than not be mentioned at all.

V. My children and children's children can have whatever religious convictions they will. But I beg of them to guard their Jewish descent. Those of my children who want to cut themselves off from their race and want to join another faith have by that very desire already cut themselves off from their race and their family, and have thus erased themselves from my will, "and they shall have no portion and inheritance among their brethren."

VI. Everything that I have, be it money—if any such thing be in my possession—be it books, printed or in manuscript, in Yiddish or in other languages (except those translated into Hebrew) belongs to my wife Hodel, the daughter of Elimelech (Olga Rabinowitz), and after her death it belongs to my children—in equal parts to my daughter, Chaye Esther Berkowitz; to my daughter, Sarah Kaufman; to my daughter, Naomi Rabinowitz; to my daughter, Miriam Rabinowitz; and to my son, Hanum Rabinowitz. And as to my works in Hebrew, they belong to that master translator, my son-in-law, J. D. Berkowitz, and to his daughter, my grandchild, Tamar Berkowitz—that should be her marriage dowry. The royalties which result from my plays in Russia or in America should go half to my heirs and half should be set aside in the name of my grandchild Bella, the daughter of Michael and Sarah Kaufman—that should be her marriage dowry.

VII. Out of all of the income mentioned in the foregoing paragraph there should be taken for the fund for Jewish writers (in Yiddish and in Hebrew) 5 per cent, up to 5,000 rubles, and if the income be more than 5,000 rubles a year, 10 per cent (e. g., from 6,000 rubles 600, from 7,000 rubles 700, from 8,000 rubles 800, etc.). If at that time there be such a fund here in America or there in Europe, the percentage shall be paid into the fund yearly, and the fund will act according to its statutes. If, however, at that time there be no official fund, or if there be a fund that does not correspond with my will as mentioned at the beginning of this paragraph, the percentages shall be distributed among the most needy authors by my heirs direct after agreement among themselves.

VIII. If I am not able during my lifetime to place a stone over the grave of my recently deceased son, Michael (Misha) Rabinowitz, in Copenhagen, my heirs should do this with a generous hand, and on his Jahrzeit every year Kaddish should be said, and there should be given to the poor 18 crowns charity.

IX. My wish is that my heirs should so arrange that my works and my plays be not sold in perpetuity either here in America or in Europe. They should try to live from the permanent income due them according to law. Should there, however, come a time, or should there be found such a fool who will pay for the privilege a sum that will suffice for the support of a family, then all the heirs shall consult with one another, and if the majority agree, the money should be divided, share and share alike, in accordance with Paragraph VII. But first of all the 10 per cent shall be deduced for the Jewish literary fund, in accordance with Paragraph VII.

X. My last wish to my successors and my prayer to my children:

To protect mamma, to beautify her old age, to make her bitter life sweet, to heal her broken heart; not to weep after me, on the contrary, to think of me with joy; and the main thing—to live together in peace, to bear no hatred one for another, to help one another in bad times, to remember one another upon occasion in the family, to have pity on a poor man, and when circumstances permit, to pay my debts, should I have any. Children! Carry with honor my hard-earned Jewish name, and may God in heaven come to your help. Amen!

SHOLEM BEN MENACHEM RABINOWITZ (SHOLEM ALEICHEM).

I also append an appreciative editorial from this morning's New York Times:

A TOUCHING APPEAL TO CHILDREN.

In the whole great domain of testamentary literature it would be hard to find a will better deserving to be viewed as a "human document" in the full sense of that term than is that of the man whose least apposite title was "the Jewish Mark Twain." It merits recognition as such because with remarkable clearness it reveals an equally remarkable personality, and so well explains why he preferred and successfully chose to be known among his own people by a name—"Sholem Aleichem"—the exact Hebrew equivalent of the Latin "pax vobiscum" and the English "peace be with you," than by one that referred to his extraordinary abilities as a humorist. Those abilities he had, but he had much more, else would he not have won, as the enormous popular demonstration at his funeral showed, the respect and affection which an amuser who is nothing else can never earn.

The distinctive quality of the man is perhaps best illustarted by the last clauses of his testament, called by him "my wish to my successors and my prayer to my children." They read:

"To protect mamma, to beautify her old age, to make her bitter life sweet, to heal her broken heart; not to weep after me, on the contrary, to think of me with joy; and the main thing—to live together in peace, to bear no hatred one for another, to help one another in bad times, to remember one another upon occasion in the family, to have pity on a poor man, and, when circumstances permit, to pay my debts, should I have any. Children, carry with honor my hard-earned Jewish name, and may God in heaven come to your help. Amen."

This paragraph, of course, should be read in connection with the rest of the will, as it reveals only one side of a many-sided, and yet harmonious and consistent, nature—one that could be proud of achievement and yet modest in appreciation of its kind and extent. And one of the very best features of the document, perhaps, is that in it there is nothing of an attempt firmly to fix a "dead hand" on the minds of those to whom it is addressed or to control from beyond the grave their actions in matters on which they should be left free to exercise their own judgment. Of that too common form of weakness and egotism "Sholem Aleichem" seems to have been without a trace. He advised and appealed, but he did not command or bind.

The CHAIRMAN. All time has expired, and the question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

POWERS OF NATIONAL FARM-LOAN ASSOCIATIONS.

SEC. 11. That every national farm-loan association shall have power:

First. To indorse, and thereby become liable for the payment of, mortgages taken from its shareholders by the Federal land bank of its district.

Second. To receive from the Federal land bank of its district funds advanced by said land bank, and to deliver said funds to its shareholders on receipt of first mortgages qualified under section 12 of this act.

Third. To acquire and dispose of such property, real or personal, as may be necessary or convenient for the transaction of its business.

Fourth. Against deposits of current funds, to issue certificates for $20 and $50, or any multiple of either, convertible into Federal farm-loan bonds; such deposits to be forthwith transmitted to the Federal land bank of the district. The land bank shall, as soon as practicable after the receipt of any money so deposited with any national farm-loan association, forward to such association Federal farm-loan bonds of a par value equal to the amount received from such association. Such association shall hold such bonds in trust, to redeem its outstanding convertible certificates, and shall not deliver them except in exchange and upon presentation for redemption and cancellation of an equal amount of such convertible certificates. When such certificates are redeemed by the association issuing them they shall be canceled. Such association may charge the holder of such certificates the actual expense incurred in forwarding the bonds from the land bank to the association, together with accrued interest. Such accrued interest, if collected, to be forwarded to the Federal land bank.

Mr. POWERS. Mr. Chairman, I move to strike out the last word. While this measure does not by any means put the Government back of the farmers' credit to the same extent——

Mr. GLASS. Mr. Chairman, I ask unanimous consent that debate on this section and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on this section and amendments thereto close in five minutes. Is there objection?

Mr. McLAUGHLIN. Mr. Chairman, reserving the right to object——

Mr. McFADDEN. Mr. Chairman, I desire to make a statement in regard to the third clause of the section.

Mr. GLASS. Then I make it 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto close in 10 minutes. Is there objection?

Mr. YOUNG of North Dakota. Mr. Chairman, reserving the right to object, I would like to have five minutes.

Mr. POWERS. Mr. Chairman, I make the point of order that the gentleman from Virginia can not break in on my remarks without first asking permission. I was recognized.

Mr. MANN. Is the request to close the debate on the amendment or on the section?

Mr. GLASS. I inquired if anyone wanted to offer an amendment, and nobody indicated they did.

Mr. MANN. Several gentlemen indicated to me that they did.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky [Mr. POWERS] that the gentleman from Virginia [Mr. GLASS] was on his feet asking for recognition at the time the Chair recognized the gentleman from Kentucky, but the gentleman from Kentucky having been on his feet prior to the closing of debate on the last amendment, the Chair thought he would recognize him, though he also had the right to recognize the gentleman from Virginia, in charge of the bill, to submit a request for unanimous consent.

Mr. FESS. Mr. Chairman, a parliamentary inquiry. May I ask whether, when the gentleman from Kentucky is speaking, anyone can interrupt him without his permission, even to make a request for unanimous consent?

The CHAIRMAN. He can not; but the Chair made that statement to indicate that it was his duty, probably, to recognize the gentleman from Virginia, in charge of the bill.

Mr. GLASS. I do not want to cut anybody off who desires to offer a specific amendment to any section of the bill, but I do not want to lose time on these pro forma amendments. I ask unanimous consent that debate on this section and amendments thereto close in 10 minutes.

Mr. MANN. Make it 15.

Mr. GLASS. Very well; I will make it 15.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto close in 15 minutes. Is there objection? [After a pause.] The Chair hears none, and the Chair recognizes the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, while this measure does not by any means put the Government back of the farmers' credit to the same extent that another measure passed by Congress puts the Government back of the bankers' and business men's credit, still I expect to give this bill my support, although I am afraid it will not do the farmers much good. It is not what they are entitled to. This bill will not help the poor man who owns no farm.

I am in favor of the proper sort of rural-credits legislation. I have been advocating it for years and I had hoped that the system, when once set up, would at least be free from the evils of the spoils system. The country would be inclined to overlook any ordinary errors of judgment that might be made in an honest endeavor to work out and set up a system of rural credits for the benefit of the agricultural interests of our Nation; but it will not overlook the deliberate injection of the admittedly injurious effects that will result from the placing of it under the spoils régime. The country had a right to expect better at the hands of the Democratic Party—that is, it did at one time. And while it is my purpose a little later on to offer some observations upon the merits of the bill before us, it is not out of place at this time to call attention to one more of the long list of oft-repeated broken promises of the Democratic platform upon which the Wilson administration was elected.

One plank of the Democratic platform adopted at Baltimore, July 2, 1912, reads, in part, as follows:

The law pertaining to the civil service should be honestly and rightly enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than service rendered to a political party.

And yet in the face of that sacred pledge to the people of this great country, we find deliberately and advisedly placed in the bill before us a provision that all the "attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers" to be appointed by the Federal loan board shall not, before appointment, be required to pass a civil-service examination, but may be selected, and doubtless will be selected, from that long list of "deserving Democrats" whose chief qualifications are that they have rendered, and are still willing to render, valuable party service.

Mr. Chairman, the purpose of the amendment I propose is to force all these employees to pass, before appointment, a civil-service examination.

But few of the farmers of our country have ever sought political preferment. The business of their lives is far removed from that ever-continuing struggle for place and power. They have never stood at the public trough, nor waited before the pie counter. "The loaves and fishes" of Government have gone to other hands. All they wish or have ever asked for is good government—efficient government. They are entitled to this. They are entitled to have, free from every vestige of the spoils system, the rural-credits legislation, alleged to be intended for their benefit.

Merit alone should be the standard of appointment of all the employees whose services are required to put into effective operation and keep in effective operation the system of rural credit we are about to set up. Time forbids me at this time to discuss the merits of this measure.

The amendment I have proposed, putting these employees in the classified service, ought to be adopted, but well do I know that it awaits undoubted defeat. The purpose of the Democratic Party is to fill all these places with "deserving Democrats," and after it has done that it then proposes to have President Wilson, by Executive order, place them in the classified service for life. The bill now under consideration makes provisions for that. It says "that nothing herein shall prevent the President from placing said employees in the classified service."

Woodrow Wilson will be President until next March the 4th. After that it will be back to Princeton with the President. In the meantime and before he goes out of office and after these places are all filled with deserving Democrats he will issue an Executive order putting them into the classified service, and thereby the spoils system will be fastened on the farmers of this generation for the rest of their natural lives. It will be fastened on them by President Wilson. It will be fastened on them by the once vice president of the National Civil Service Reform League. As I said, it will be fastened on them by President Wilson, who was vice president of this league up to the time of his election, and who when a candidate for President wrote to it as follows:

I am a hearty believer in the principles of civil-service reform and shall take pleasure at all times in doing what I can to promote those principles in practice.

And the President who wrote these lines has done more to debauch civil service and its principles than any other President that has ever occupied the White House. From March 4, 1913, to May 13, 1916, he has admitted to the service by Executive orders 253 persons, waiving the civil-service rules in so doing.

As soon as he was inducted into office, if not before that date, he surrendered body and soul to the hungry horde of Democratic office seekers who raised the Jacksonian cry "To the victor belongs the spoils."

A good deal of the extravagance and most of the inefficiency of the Wilson administration is due to its flagrant disregard of both the spirit and the letter of the civil-service laws.

When the candidates of the Democratic Party and President Wilson come before the electorate of this country in the approaching November election, seeking an indorsement of what they have done, the voters will remember that the Democratic Party in the Baltimore platform, upon which its candidates were then elected, pledged itself to the maintenance of the merit system in Government service. They will not forget that President Wilson, the professed friend of the principles of civil service, and pledged to their practice, has issued more Executive orders relieving job-seeking Democrats from the operation of the civil-service law than any other President this country has ever had.

He has been utterly oblivious to the demoralizing effect his course has had upon the public service in his mad efforts to provide places for faithful party workers.

The Democratic Congress, with the hearty cooperation and approval of the President, has let no opportunity pass to set aside the provisions of the classified-service law so as to make way for the onward march of "deserving Democrats" and ardent champions of the spoils system—champions of it when it is to their political advantage so to do.

The very first law—the Underwood Tariff Act—that was passed after the Wilson administration came into power, exempted from the civil-service regulations more than 600 agents, deputy collectors, inspectors, and other income-tax employees to be employed in the collection of the new internal-revenue taxes.

In the very first general deficiency bill put upon the statute books by the Wilson administration there was a provision authorizing appointments and removals, without reference to the civil-service act, of 1,145 deputy collectors of internal revenue and 176 deputy United States marshals.

When the Federal reserve banking law was enacted the Democrats, over the earnest protest of the Republican Members of Congress, inserted a provision in it exempting from the classified competitive test all appointees of the board.

By an act of December 17, 1914 (38 Stat., 789), over the protest of Republican Members of Congress, there were exempted from competitive test 200 employees in the Internal-Revenue Service to enforce the provisions of the act regulating the distribution and sale of narcotics.

By the act of December 26, 1914, the Democrats again ignored their platform pledge and exempted from the civil-service laws the secretaries, clerks, attorneys, special experts, and examiners in the Federal Trade Commission.

By an act of July 16, 1914, the Democrats again forgot all about their sacred promises to the American people to uphold the civil-service laws, when they exempted from competitive test the commercial attachés in the Department of Commerce.

The Democratic Party by the act of January 28, 1915, again reminded the American people that it had no regard for its platform pledges when it included in the Coast Guard, and relieved them from the civil-service laws, the members of the Life-Saving Service.

By the acts of March 4, 1913, August 1, 1915, and other acts, the Democrats have shown their utter disregard for civil-service laws and their platform pledges to uphold them.

Following the unhappy advent of the Wilson administration, with bugle blasts it manifested its purpose to put the 45,000 fourth-class post offices in this country into the classified service, or rather the people to fill them.

Where the salary of the office per annum ranged between $180 and $500, a competitive examination was required for appointment. The three making the highest average on the examination were eligible to appointment. Since the Democratic pie distributors had the right to recommend any Democrat in the list of eligibles, and since he was sure to be appointed, and since this by experience became to be an accepted fact among Republicans, naturally they did not trouble themselves to take the examinations, knowing that it would profit them nothing. In this way and by this clever ruse the Democratic politicians found a way to put deserving Democrats into most of the post offices of this whole country where the salary ranged from $180 to $500 annually. They did it, too, under the guise of extending the civil service. The postmasters in all the fourth-class post offices in the whole country, where the salary of the office is less than $180 annually, are now appointed upon the recommendation of post-office inspectors sent to the locality for that purpose. It is a well thought out scheme. It works like a charm.

Post-office inspectors under a Democratic administration naturally recommend, when they can, Democrats to hold the offices. No doubt they have been taught to believe that it stands them in hand to do this, since every post-office inspector appointed by this administration has been a Democrat. Not a single Republican have they appointed. By these methods substantially the whole post-office force of the country is now Democratic. I know that that is true in the district I have the honor to represent. Other Members of Congress say it is true as to their districts, although scattered here and there over the country are Republicans still holding on.

This complete overthrow of the merit system, the turning out of office trained and experienced Republicans, and putting in their places untrained and inexperienced Democrats, has given us the poorest mail service within the recollection of this generation.

Business men have bitterly complained at the confusion and delay in the transmission and delivery of the mails, but the rural districts have suffered most in the shortening and abolishing of rural routes for the sake of economy in the Post Office Department. And while it would appear that the Democratic politicians ought to be satisfied with the number of Republican postmasters they have turned out of office and the number of Democrats they have put in, still their thirst seems insatiable. Only last year they tried to put all the assistant postmasters of the country, in the larger sized offices, under the spoils system, but failed. Now they are trying a new method—now they are resorting to a most revolutionary and far-reaching plan to make a political machine out of the entire post-office force and system.

There passed the United States Senate on March 15, 1916, a bill styled a "postal-savings" bill containing this provision:

SEC. 18. That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices, or stations of any post office for the transaction of such postal business as may be required for the convenience of the public.

It looks innocent. It appears harmless. Its purpose seems to be studiously concealed in the language used. Let me reveal its meaning through the gentleman from Wisconsin [Mr. STEENERSON], the ranking Republican member on the Post Office and Post Roads Committee. He said concerning it:

It amounts to this, that the Postmaster General can abolish some fifty-odd thousand post offices and annex them as substations to the principal offices that he may select. It is proposed by some to make the county a postal division under this bill, and the First Assistant Postmaster General stated in the hearings that he would have authority under the law to establish one post office in each county of the United States and have all the other offices as substations.

Now, there are 533 first-class offices, 2,139 second-class offices, 6,248 third-class offices, and 56,380 fourth-class offices in the United States. If that plan as proposed should go through, it would be possible, and it is evidently the intention of the department, to make one post office in each county. There are 3,000 counties in the United States. You would therefore abolish something like 55,000 or 56,000 post offices and make them substations. It would create that many vacancies to be filled, whether they appointed the old postmasters as superintendents of substations or selected new men. * * * If you pass this law you could make vacancies for 56,000 men, to be filled in this case by worthy Democrats, and then put them into the civil service forever. As to the efficiency, who can tell?

I do not believe this postal bill will become a law at this session of Congress. There are men in this House, Democrats though they are, who will not stand for this legislation.

In my judgment, the Democratic majority in this House is too small to pass this bill at this time, but with a larger Democratic majority, in all probability, it would go through. But that majority will not be larger for years to come. The people will have their say about that in November. When they have spoken again there will be returned to this House an old-time Republican majority.

The Democratic Party has been weighed in the balance and found wanting. It has failed to keep the faith.

The Democratic leaders have broken their Baltimore platform pledges on the immigration question and the labor question. They reversed themselves completely on the Panama Canal tolls plank. Their broken pledges of economy is known of all men and denied by nobody. The high cost of living has soared still higher since their advent into power, although they pledged themselves to reduce it at once. The only reason they can give for it is that it has gone higher because it has not come lower. They promised they would put a tariff law on the statute books of our country that would not injure legitimate industry. And yet but for the European war, the darkest and grimmest panic this country has ever seen would now be upon us. They said that the laboring classes, along with the great masses of our citizenship, were staggering under the weight and burden of robber protective tariff laws. They promised relief in free trade. They promised the laboring man cheap sugar for his breakfast coffee. They put it on the free list. The price went higher, and this country lost annually in revenues over $50,000. They promised cheap shoes for the poor man. They put hides on the free list, and the price of shoes are higher than ever before. They promised jobs for the laboring men. They fulfilled their promise by turning 5,000,000 of them out of employment. They promised a general reduction in the price of the necessaries of life. The average increase in price since the Democrats came in is about 17 per cent.

They pledged themselves to a single presidental term. They have broken that pledge in so far as in their power lies. It is the one pledge they are most anxious to break; but the American people will see to it that that pledge is not broken.

In the face of this amazing record, what faith can the American people place in the future promises of the leaders of the Democratic Party? Their appalling number of betrayed trusts considered, can they hope for a return to power by again making a lot of other promises, which in their turn could be and would be broken just as easily?

Mr. McFADDEN. Mr. Chairman, I desire to call the attention of the committee to the first paragraph of section 11, on page 99. In my judgment, it confers power on this board to acquire real estate, upon which it might erect buildings for the purpose of conducting the business of these 12 banks. It seems to me that provision is a pretty generous authority to be given under this section and might lead to the erection of additional Government owned and controlled buildings,

and thus tie up in permanent investment the working capital which is advanced by the United States.

Mr. YOUNG of North Dakota. Mr. Chairman, I would like to ask the gentleman from Virginia a question, if he will be kind enough to give me his attention. Is there anything in this bill which permits general deposits in banks?

Mr. PHELAN. Mr. Chairman, with the permission of the gentleman from Virginia, I will say that there is no provision which permits general deposits, if by general deposits the gentleman means deposits from anyone.

Mr. YOUNG of North Dakota. I would like to ask the gentleman why he calls these banks at all? Are they not just simply Government loan agencies?

Mr. PHELAN. These banks receive deposits and they do make loans, and those are the functions of a bank. Banks, to be sure, in many cases have a third function of issuing notes; but an institution may be called a bank if it makes loans and receives deposits, and they do receive deposits.

Mr. YOUNG of North Dakota. As I understand it, no deposits are provided for excepting those contained in section 11, which are not deposits in the ordinary acceptation of that word. This section simply provides for payments to the banks for bonds. The banks are simply to take in the money and forward it for bonds. They are not general deposits nor time deposits. Webster defines a bank in this way:

An establishment for the deposit, custody, and issue of money, and also for making loans and discounts and facilitating the transmission of remittances from one place to another.

It would seem to me that the agencies created by this bill might be more appropriately and sincerely called Government loan agencies. There is nothing in the bill if it should be operated for a hundred years, so far as I can see, that will ever take the farmer out of the position of having to go to somebody else to get his money. There is nothing here that will help the farmer to establish a real bank through which money will be slowly collected and conserved even if it should take a quarter of a century, so that they would some time come to the point where others would not fix the rate for them. At this time the price is fixed by some one else on everything that the farmer buys and everything that he sells. On everything that he borrows at this time the terms are fixed by some one else. I am absolutely unable to find anything in the bill whereby if these banks be operated for a hundred years or two hundred years the farmer will ever be taken out of that position. It seems to me that what is of very much greater importance than Government aid is to make these institutions real banks, make them banks of deposit so that the farmers can some time in future history get to the point where they will have some independence, and have something to say at least in fixing the conditions of their own credit and in financing their own business.

Now, as to the item of cooperation. I am also unable to find any cooperation in this bill. The only principle upon which they are to share anything is to share the liabilities, and there certainly are going to be some. The Federal reserve act has failed to meet the expectation even of its friends. The complaints most frequently heard against it are along the line that there is too much machinery connected with it. There are some good features to the Federal reserve act; but all the good features that are provided for in that act might very well be taken care of in a bureau of the United States Treasury. So, also, all the good features of this bill could be taken care of with very much less expense and red tape, and I think that a serious mistake is being made in this bill to load it up with a lot of machinery, expensive machinery, which is entirely unnecessary.

When the Federal reserve bill was before Congress every official, almost, from the President of the United States down promised the farmers a real, genuine rural-credit bank of their own that would some day make them independent. What are they being given? Something not worthy of being called a bank. The most important function of a bank is lacking—deposits. The bill, in fact, provides only for loan agencies. It is conceivable that some good may be done by such agencies in some localities, but it is monstrous to think or say that the farmers are to have what they were promised—a real bank.

Mr. Chairman, there was a time when the committee had in the bill a provision permitting general deposits of money to be made, and they expected to report out the bill to the House in that form. Why was the change made? At whose request, and upon what theory? These are questions which should and must be answered sooner or later. So far as the provisions of this bill are concerned, those who control the present sources of money and credit will remain in control for all time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN. Mr. Chairman, I desire to offer an amendment, and I offer that amendment to be added to line 6, page 99.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add, at the end of line 6, page 99, the following: "That no mortgagor shall in any manner or to any extent be held liable beyond or in excess of the amount of principal and interest unpaid on his own mortgage."

Mr. McLAUGHLIN. Mr. Chairman, the first power of the loan association to be organized under this section of the bill is to indorse and thereby become liable for the payment of mortgages taken from its shareholders. These associations, as I understand, are to be made up of borrowers, farmers who have mortgaged their farms to obtain money in some way or another from the funds available for the purpose.

Other features of the bill provide that the borrower shall become liable, in excess of the amount of his own loan, for 5 per cent of his loan originally and for 5 per cent more under certain circumstances; but the provisions of this section to which I offer an amendment, it seems to me, would make these associations, made up of individual borrowers, liable for the entire sum of all mortgages, and, of course, each member of the association would be liable to the extent of his ability to respond, certainly to the extent of the amount for which he has mortgaged his property or to the value of his property placed under mortgage.

Mr. PHELAN. Will the gentleman yield?

Mr. McLAUGHLIN. I will.

Mr. PHELAN. I will state positively that that is not so, and that there is no construction of the bill under which it can be so interpreted.

Mr. McLAUGHLIN. Mr. Chairman, the fact is that after a careful reading of these provisions, and of this one in particular, by myself and other Members, we are led to the conclusion that the interpretation I have given is proper evidence at least of the difficulty of construing it and, further, that it ought to be amended so that there will be no misunderstanding, and so that the responsibility of the individuals composing the associations may be made clear.

Now, it seems to me that under this bill as it stands, if a lot of farmers, all of them borrowers, form an association, that association will be required to indorse and become liable for the payment of the mortgages of all of the members.

Mr. SWITZER. Will the gentleman yield?

Mr. McLAUGHLIN. In a moment—makes it clear each and every individual borrower must become liable to the extent of his property, certainly to the extent of the loan that he has made from this association.

Mr. SWITZER. Will the gentleman permit a question?

Mr. McLAUGHLIN. Yes.

Mr. SWITZER. The other parts of the act fix the liability not to exceed 10 per cent of the amount he borrows. Now, I am in sympathy with the gentleman——

Mr. McLAUGHLIN. Other parts of the act relating to farm-loan associations alone?

Mr. SWITZER. He is responsible, of course, for the 5 per cent of the stock he has already paid in and also 5 per cent additional liability——

Mr. McLAUGHLIN. That is true as to the——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWITZER. Mr. Chairman, I will ask that the gentleman have two minutes.

The CHAIRMAN. There are two minutes remaining. Is there objection to the gentleman from Michigan consuming those two minutes? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN. Now, I will say that is true, as I understand, as to some other features of the bill, some other kind of organization effected under this bill; but here is a clear provision, it seems to me, that the stockholders, already members of the association, shall be liable for the full amount of all the mortgages.

Mr. SWITZER. Here is my question: Does not the amendment of the gentleman make each individual borrower liable to the full extent of his mortgage and increase the liability?

Mr. McLAUGHLIN. I believe not.

Mr. SWITZER. It seems to me like it does.

Mr. McLAUGHLIN. I think it does not in any manner.

Mr. SUMNERS. Will the gentleman yield?

Mr. McLAUGHLIN. I will.

Mr. SUMNERS. Are not these institutions incorporated under laws, holding a charter?

Mr. McLAUGHLIN. Oh, no; except that this law be presumed——

Mr. SUMNERS. But they have to get a charter, and if they do get their charter, under the charter the liability of the stockholder is limited to the amount of stock he subscribes.

Mr. McLAUGHLIN. I think the only safe way is to express it in words limiting that liability. I think one of the very

objectionable if not the fatal feature of this bill is that the borrower is made liable to some extent beyond the amount of his own borrowing, and we will find in the practical operation of this law that the farmer borrowers will refuse altogether to borrow money if their liability is to extend beyond the amount they themselves borrow.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

Mr. YOUNG of North Dakota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. YOUNG of North Dakota: Page 100, line 7, after the word "bank," insert "Fifth. Receive general deposits of money."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESTRICTIONS ON LOANS BASED ON FIRST MORTGAGES.

SEC. 12. That no Federal land bank organized under this act shall make loans except upon the following terms and conditions:

First. Said loans shall be secured by duly recorded first mortgages on farm land within the land-bank district in which the bank is situated.

Second. Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a given number of annual or semiannual installments sufficient in amount to cover, first, interest on the loan at a rate which shall be the same as that of the last series of farm-loan bonds issued by the bank making the loan; second, a charge for administration and profits at a rate which shall not exceed 1 per cent per annum of the outstanding loan; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than 5 years nor more than 36 years: *Provided*, That after 5 years from the date upon which a loan was made additional payments in sums of $25, or any multiple thereof, for the reduction of the principal may be made on any regular installment date under the rules and regulations of the Federal farm-loan board.

Third. The rate of interest charged for such loans shall not exceed 6 per cent per annum.

Fourth. Such loans may be made for the following purposes and for no other:

(a) To provide for the purchase of land for agricultural uses.

(b) To provide for the purchase of equipment and live stock necessary for the proper and reasonable operation of the farm; the term "equipment" to be defined by the Federal farm-loan board.

(c) To provide buildings and for the improvement of farm lands; the term "improvement" to be defined by the Federal farm-loan board.

(d) To liquidate indebtedness of the owner of the land mortgaged, existing at the time of the organization of the first national farm-loan association established in or for the county in which the land mortgaged is situated, or indebtedness subsequently incurred for one of the purposes above mentioned.

Fifth. No such loan shall exceed 60 per cent of the value of the land mortgaged and 20 per cent of the value of the permanent, insured improvements thereon, said value to be ascertained by appraisal, as provided in section 10 of this act. In making said appraisal the value of the land for agricultural purposes shall be the basis of appraisal and the earning power of said land shall be a factor. A reappraisal may be permitted at any time in the discretion of the Federal land bank, and such additional loan may be granted as such reappraisal will warrant under the provisions of this paragraph. Whenever the amount of the loan applied for exceeds the amount that may be loaned under the appraisal as herein limited, such loan may be granted to the amount permitted under the terms of this paragraph without requiring a new application or appraisal.

Sixth. No such loan shall be made to any person who is not at the time, or shortly to become, engaged in the cultivation of the farm mortgaged. In case of the sale of the mortgaged land, the purchaser shall have the option within 60 days to assume the mortgage and stock obligations of the mortgagor on the mortgaged farm. In case of the death of the mortgagor, his heir or heirs, or his legal representative or representatives, shall have the option, within 60 days of such death, to assume the mortgage and stock obligations of the deceased on the mortgaged farm.

Seventh. The amount of of loans to any one borrower shall in no case exceed a maximum of $10,000.

Eighth. Every applicant for a loan under the terms of this act shall make application on a form to be prescribed for that purpose by the Federal farm-loan board, and such applicant shall state the objects to which the proceeds of said loan are to be applied, and shall afford such other information as may be required.

Ninth. Every borrower shall undertake to pay when due all premiums on insurance and also all taxes and local assessments which may be lawfully assessed against the land mortgaged.

Tenth. Every borrower who shall be granted a loan under the provisions of this act shall enter into an agreement, in form and under conditions to be prescribed by the Federal farm-loan board, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition of the mortgage, the whole of said loan shall, at the option of the bank holding same, become due and payable: *Provided*, That the borrower may use part of said loan to repay any sum borrowed to pay for his stock in the national farm-loan association, and the land bank holding such mortgage may permit said loan to be used for some other purpose specified in this section.

Mr. PHELAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. PHELAN: Page 101, line 3, after the word "principal," insert the words "or the payment of the entire principal due."

Mr. PHELAN. Mr. Chairman, the purpose of that may be briefly stated. As the section reads it permits the application upon the principal of $25 or any multiple thereof. It may call for a reduction of something other than a multiple of $25. It may be $27 or $23, and this amendment would take care of that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. MOSS of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

Mr. MOSS of Indiana. It is a committee amendment.

The Clerk read as follows:

Page 100, strike out lines 15 to 25, inclusive, and on page 101, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"Second. Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover, first, a charge on the loan which shall be at the same rate as the interest rate in the last series of farm-loan bonds issued by the land bank making the loan; second, a charge for administration and profits which shall not exceed 1 per cent per annum on the outstanding loan, which two charges combined shall constitute the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than 5 years nor more than 36 years: *Provided*, That after five years from the date upon which a loan was made additional payments in sums of $25, or any multiple thereof, for the reduction of the principal may be made on any regular installment date under the rules and regulations of the Federal farm-loan board: *And provided further*, That before any farm-loan bonds shall have been issued by any land bank the interest rate may be determined in the discretion of said land bank subject to the provisions and limitations of this act."

Mr. MOSS of Indiana. Mr. Chairman, the gentleman from Illinois very pertinently called the attention of the committee to the fact that perhaps the interest rate, as contemplated in this bill, was not accurately defined in this section. It was the intention of the committee in framing this language to make the interest rate include an amount equal to the interest on the bonds for which the mortgage would stand as security, plus whatever charge the bank might make for administration. And in order to make it perfectly plain we divided the installment into three primary elements. Now, all that this amendment does is, it states that the first element, namely, an amount equal to the amount which would be paid on interest on a bond that had been issued to secure money to make the loan, and the amount which the bank would charge for administration, not exceeding 1 per cent on the unpaid principal loaned, when combined, should constitute the interest rate.

Mr. HAWLEY. When the gentleman has concluded his statement I would like to ask him a question.

Mr. MOSS of Indiana. I yield for that purpose.

Mr. HAWLEY. In the amendment offered by the gentleman from Indiana he provides that the interest on the mortgages taken succeeding any bond issue should be taken "at the same rate as" the bond issue. This condition might arise: The market might have absorbed that bond issue at a premium, so that the next bond issue can be made for a somewhat materially lower rate of interest. I would like to ask the gentleman if it would not be advisable that a mortgage taken after the bond issue shall "not exceed" the rate of interest at which the bonds were floated. That would give the farmer the advantage of the declining interest rate.

Mr. MOSS of Indiana. I will say to the gentleman from Oregon that that condition has been considered by the committee, but we believe that the wording can be worked out in conference better than on the floor of the House.

Mr. HAWLEY. I would suggest to strike out the words "shall be the same as" and say "shall not exceed that."

Mr. MOSS of Indiana. There may arise a condition where the bank would not be able to loan at the same rate of the last bond issue. It might require the rate to be raised or to be lowered, and there might be a reciprocal arrangement brought about. The committee desires to pass that question over to the conferees and let them work it out.

Mr. HAWLEY. With the provision that they allow discretion to the farm-land bank issuing the bond that, as the condition of the market justifies it, the farmer shall be given the advantage of the declining rate.

Mr. MOSS of Indiana. It has that power now.

Mr. HAWLEY. It limits it to that rate.

Mr. MOSS of Indiana. I will say that I know the gentleman has given very careful attention to that matter. It is one upon which his judgment and mine may differ, as to the powers conferred on the farm-loan board.

Mr. HOWARD. Will the gentleman yield?

Mr. HAWLEY. Will the gentleman yield further?

Mr. MOSS of Indiana. I will yield to the gentleman from Oregon.

Mr. HAWLEY. Since you have submitted this amendment to paragraph 2, would it not be in the interest of simplicity and clearness for the paragraph marked 3 to be eliminated altogether? I do not see any use of it.

Mr. MOSS of Indiana. Personally I have no objection to the elimination. I do not know how the other gentlemen of the committee would view it.

Mr. HOWARD. I would like to ask the gentleman this question: His amendment does not in any way limit the provision in the bill that the maximum rate of interest on bonds shall not be in excess of 6 per cent?

Mr. MOSS of Indiana. Five per cent. That is in another section of the bill. This section does not change the meaning of that at all, except that it does definitely and clearly define the term "interest rate" as the committee used it in framing this bill.

Mr. HOWARD. If the gentleman will please refer to page 101, line 6, it is there stated, in the third section, that—

The rate of interest charged for such loans shall not exceed 6 per cent per annum.

Does that mean 5 per cent plus 1 per cent for expenses or 6 per cent plus 1 per cent?

Mr. MOSS of Indiana. It means 5 per cent plus 1 per cent, and it is made perfectly plain in this amendment which we have submitted.

Mr. HOWARD. That is what I wanted to know.

Mr. MORGAN of Oklahoma. I notice, in lines 22 and 23 of page 100, it is provided that the charge for administration and profits shall not exceed 1 per cent per annum of the outstanding loan.

Now, the gentleman intends by that language to mean 1 per cent—and it is included in his amendment in the same language—

One per cent per annum of the amount due on the outstanding loan.

Mr. MOSS of Indiana. That is precisely what the language means. You do not have anything outstanding except that part which is unpaid.

Mr. MORGAN of Oklahoma. It seems to me that that might be capable of misconstruction or misunderstanding.

Mr. MOSS of Indiana. I will say to the gentleman from Oklahoma that such result hardly seems possible. No man has a loan outstanding after he has paid it off.

Mr. MORGAN of Oklahoma. I will ask the gentleman if he does not think it would make it clearer and more definite if he would insert, after the word "of," in line 22, the words "the amount due on the outstanding loans"? That would make it absolutely definite and certain.

Mr. MOSS of Indiana. This language has been worked over repeatedly by the committee. I will say to the House that we found this to be the most difficult section in the bill to express. The members of the committee have worked on it at different times, I may say for at least a month, and I will guarantee that this language has been rewritten by the different members of the committee at least a hundred times. Every member of the committee worked on the language over and over again, and we believe it now expresses exactly what the committee intended and will mean what every Member on the floor wishes it to mean.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I would like to get a little information if I can. As I understand, while the interest on the bonds shall not exceed 5 per cent, it is not necessary that it should be uniform throughout the United States. Is that correct?

Mr. MOSS of Indiana. That is true.

Mr. MANN. It may be different in different districts?

Mr. MOSS of Indiana. Yes.

Mr. MANN. Provided it does not exceed 5 per cent?

Mr. MOSS of Indiana. Yes. It may not exceed 5 per cent in any district.

Mr. MANN. Now, you provide here, first, interest on the loan; that is 5 per cent. Then you originally provided for 1 per cent administration charges on the outstanding loans. Do you endeavor to make a distinction between interest on the loan at 5 per cent and interest on the outstanding loan? In other words, is the 5 per cent to be charged on the full amount of the loan until it is all paid in, or is it to be charged only on the outstanding principal?

Mr. MOSS of Indiana. I will say to the gentleman that that matter is settled by the tables of amortization.

Mr. MANN. Oh, that matter is settled by the language of the law.

Mr. MOSS of Indiana. A man pays 5 per cent only on the amount of the loan remaining unpaid?

Mr. MANN. Then the language ought to be changed, so as not to say in one place "interest on the loan" and in another place "1 per cent on the outstanding loan," because there you make a distinction between the full amount of the loan, the face value, and the outstanding loan.

Mr. MOSS of Indiana. If that be true, to make it clear——

Mr. MANN. That is the reason I asked the question.

Mr. MOSS of Indiana. It certainly is not the intention of the bill to charge any man interest except upon the part of his loan which remains unpaid.

Mr. MANN. Then I should say "the outstanding loan" in the first case, as well as in the last case, because where you use two different expressions——

Mr. MOSS of Indiana. What suggestion does the gentleman make?

Mr. MANN. Just insert the word "outstanding," so as to make it read "the outstanding loan," in the first place.

Mr. MOSS of Indiana. On what page and line?

Mr. MANN. Page 100, line 19, in the bill as printed.

Mr. MOSS of Indiana. I will say to the gentleman that, as I am not a lawyer myself, I would much prefer that he permit that suggestion to go into the RECORD——

Mr. MANN. I am quite willing to do that. I am not offering any amendment. I am only calling attention to it. It is not wise ever, when you mean the same thing, to use two different expressions in two different places, because it is the duty of the court to see if you mean a different thing when you use different words.

Mr. PHELAN. I do not want to take the gentleman's time, but I want to say one word. The reason that was put in was this——

Mr. MANN. I am not complaining of why it was put in.

Mr. PHELAN. Under many systems they charge one-half of 1 per cent, or whatever the amount is, on the original loan.

Mr. MANN. I am calling attention to the fact that the language here is that the interest is on the loan——

Mr. PHELAN. I think it is better to make it clear, as the gentleman suggests.

Mr. MANN. You make a differentiation, and I did not think you intended to charge the interest on the full loan until the end.

Another thing I would like to call attention to, for the benefit of the committee, is this: This section provides that no Federal land bank organized under this act shall make loans "except upon the following terms and conditions." One of those terms and conditions is:

Fourth. Such loans may be made for the following purposes, and for no other.

Now, what happens if they loan a man money for some other purpose? Is this directory merely; or does it invalidate the loan? It seems to me that under the language of the bill it invalidates the loan; that the association has gone beyond the power conferred upon it, and if it lets a man have money for some other purpose or he uses it for some other purpose than that prescribed in the bill and you endeavor to foreclose, he can set up his answer that the loan is invalid.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Arkansas?

Mr. MANN. Yes.

Mr. WINGO. Mr. Chairman, the gentleman certainly would not present that as a legal proposition.

Mr. MANN. I certainly do.

Mr. WINGO. Let me ask the gentleman this question: This foreclosure would come in the gentleman's State and in mine in a court of equity?

Mr. MANN. Yes.

Mr. WINGO. Would he in a suit in equity be permitted to set up that defense?

Mr. MANN. Certainly. He could not come into court for relief without clean hands, but he can set up any defense he pleases if he is brought into court. He is not asking for action by the court. He is denying the action of the court.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANN. If you say that the bank can not loan money except upon certain conditions, it has not the power to loan it otherwise. I would not say that the bank could not possibly sue him for the money advanced, but they could not foreclose

on his mortgage; and if the land had passed into the hands of a purchaser, you would have no lien on the land.

Mr. WINGO. The purchaser would take notice of the incumbrance upon it.

Mr. MANN. If the incumbrance is invalid, it would not make any difference whether there was notice or not.

Mr. WINGO. If there was notice, it would not be more invalid to the purchaser than to the borrower.

Mr. MANN. Well, that is neither here nor there. What I want to have is a clear understanding here. If it is the intention of the committee that a loan made to a farmer not for this purpose is valid, and that these directions are merely directions, let us make that clear, that the person who violates the law or the officers who loan the money will know it. But if it is the intention of the committee or the House in passing the legislation that the mortgage shall be invalid, let us make that clear.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. MANN. Not for the present. I want to speak for a minute. Now, one of the main purposes of this bill is, and must be, to obtain for the farmers the benefit of good credit. That is the primary object of the bill. In many parts of the country where farmers now pay higher rates of interest than that provided in the bill the purpose of this bill is to enable people in other parts of the country, who have money that they want to invest, to invest it, so that the farmers may get the benefit of it at the rate of 5 per cent, and you can not do that unless your securities are beyond question. [Applause.]

If the farmer borrows money under the terms of this bill, and borrows it for some other purpose not authorized by the law, and obtains the money and a bond is issued against it, then the farmer can say, "True, I have borrowed this money, but it was a violation of the law. They had no right to loan it to me. My mortgage is not valid." If you can escape the validity of the loan in that way, you can never obtain credit in that way.

Mr. CULLOP. Mr. Chairman, will the gentleman yield there?

Mr. MANN. Not for a moment. I have an idea here that I want to express. You have got to make it clear, if you want to make it so that you can obtain money by investors. You have got to make it clear that nothing can defeat the foreclosure of these mortgages in the end. There is no other way to obtain the money. You can not obtain money at 5 per cent from people in New York to be invested in Arizona unless the people in New York who advance the money know that there is nothing in the way of a technicality which can defeat the enforcement of the payment by the borrower.

Now, I say that under the terms of this bill as now drawn, in my judgment, any loaning of money by these associations, if it was borrowed for some other purpose than that named here, would be ultra vires, in so far as this association is concerned, and that that defense could be set up in a suit to enforce the payment of it.

I yield now to the gentleman from Indiana.

Mr. CULLOP. Would not the mortgagor in the case the gentleman has put by his own action be estopped from making that defense, and nobody could make it but an innocent purchaser in good faith without notice?

Mr. MANN. Oh, all over the United States, a few years ago, municipalities were borrowing money on bonds, and then during a series of years of hard times they did not pay the bonds or the interest. Suits were begun all over this country against municipalities to enforce the payment of those bonds, and in every case the courts held that technical compliance with the law was necessary, and that the municipalities had the right to set up as a defense that the technicalities had not been complied with; and thousands and millions of dollars of bonds were defeated on that ground.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CULLOP. Mr. Chairman, I do not agree with the gentleman from Illinois [Mr. MANN] on the legal proposition he has laid down in reference to the defense of a party who has executed a mortgage and secured a loan under this law. The mortgagor would be estopped under the law from setting up and maintaining in any court a defense of that kind. In other words, the law would not permit him knowingly to commit a fraud, be a party to it, and then take advantage of it to relieve himself from responsibility under the contract which was entered into by him.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. CULLOP. Certainly.

Mr. MANN. Whatever may be the facts about that, here is an argument—and the gentleman is a better lawyer than I am: Would it not be better to make it clear in this bill what we intend by it? If any such defense can be set up, let us say so, so that a man who wants to loan money on the bonds will know it, without having to argue it out in court some time hence.

Mr. CULLOP. There might be a difference of opinion in construing the measure. In my judgment, it is written in the bill. The bill itself as written carries in it the well-settled principles of law applicable to it, and therefore a party can not come into a court of justice under its provisions and take advantage of his own fraud or his own wrong and be relieved from his responsibility.

Mr. DILLON. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. DILLON. Is not the gentleman mistaken on this theory, that the party would have the right to defend, because, if unauthorized and without authority, the right of the Government would be for money had and received independent of the contract?

Mr. CULLOP. The right of action could be asserted under both theories and the pleader could set up both causes of action in a foreclosure suit where there was a default in the terms of the mortgage for the collection of a debt, and he would have the advantage of both of them on a suit to recover.

Mr. DILLON. His right of defense would be absolute, except that it was unauthorized and without authority. He could defend on that ground, but he could not defend on the ground that it was for money had and received.

Mr. CULLOP. The court would so hold, no doubt, and there is where the gentleman from Illinois would be correct, that an innocent purchaser in good faith could come into court and successfully defend on that ground. But one of the original parties to the transaction would not be able to take advantage of it and relieve himself of the liability and the law. Hence the measure should be made certain in this respect so as to obviate that danger.

Mr. HOWARD. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. HOWARD. Is it not a fact that the books are full in every State in the Union where a municipality has bonded itself for a specific purpose, to wit, to build a schoolhouse, and diverted that fund and used it for some purpose other than what the bonds were issued for, and the municipality came in and defended against the suit on the bonds and successfully defended it?

Mr. CULLOP. The gentleman is invoking a different principle of law which has no application here; it is not an analogous proposition in any respect whatever. It involves a different principle of law, where a municipality can defeat the issuance of bonds, to the principle involved in this proposition. The parties seeking relief in the question presented by the gentleman from Georgia are not parties to the contract, have not executed the contract, but it has been executed under some law by public officials for the benefit of the public in the discharge of a public duty, and the parties made responsible have not and could not in the nature of things participate in the execution of such obligations. Hence there is no analogy existing in the two propositions. I anticipate no dangers arising in this matter in the practical working out of this system under this provision.

Mr. RODENBERG. Mr. Chairman, I move to strike out the last word. I want to ask a question of some gentleman from Texas who is familiar with land titles in that State. I have received a letter from a former constituent of mine now living in Texas, asking for information which I can not supply. The letter is dated Fort Worth, Tex., May 2, and is as follows:

FORT WORTH, TEX., *May 2, 1916.*

Hon. W. A. RODENBERG,
Washington, D. C.

DEAR MR. RODENBERG: I formerly resided in Washington County, Ill., and was a constituent of yours for several years. For the past few years I have been engaged in farming near Fort Worth. I write you to ascertain whether the rural-credits bill will apply to Texas. I have read a good deal about the bill, and think it a good one, and I hope it will go through. I have been told that possibly it would not affect Texas because the lands here have never been surveyed and patented by the United States, and no one can tell what lands belong to Texas and what belong to persons claiming under grants made by Spain and Mexico before Texas came in as a State. Ever since I came here from Illinois I have heard that before you could get a fee-simple title to lands the Government would have to make a survey separating the vacant and unappropriated from the appropriated and separate the valid from the invalid land grants, and this can only be done by Congress. Until this is done all that we can hold in Texas is what we call a State possessory right. If this is the situation, would the Government approve a first mortgage on land here, so that we could take advantage of the rural-credits bill?

I may be mistaken about this matter, and I hope you will look into it and give me your opinion.

Very truly, yours, GEORGE E. WATTRUS.

Now, I would appreciate it if some gentleman from Texas could explain this.

Mr. HARDY. Mr. Chairman, I am glad to inform the gentleman from Illinois that his friend and former constituent has got a whole mare's nest of absolute absurdities. There is scarcely an acre of ground in my county to which the title is at all in question. Lands there—a great many of them—were not surveyed originally by the square system—miles, rods, acres, and so forth—but they were surveyed under grants, some of them from the old Mexican authorities, in leagues, labors, and square varas. In my county there is a survey of 11 leagues called the B. J. Chambers survey. A league is 2¼ miles square, a labor is 177⅓ acres, and 5,645 varas make 1 acre—a vara being 33⅓ inches. There have in the past been some conflicts between these old surveys, but 95 per cent of all those conflicts have been settled, and loan companies have invested their money in loans upon the lands of Texas all over the State. There may be here and there a question in regard to title growing out of some defect in the chain of title, but there is absolutely nothing in the many fears and suggestions in the letter which has been read by the gentleman. The truth is, that until about 30 years ago there were a great many defective titles to lands in Texas, and a great deal of litigation between conflicting claims to land, but that has practically ended. Our people used to be careless about their deeds and title papers. They failed to record them and lost them or they would pay off their vendor's lien notes and fail to secure releases. When we began to deal with land-mortgage companies these companies insisted on clearing up the titles. These companies have been loaning money in Texas for over 30 years and to-day there is no question of the titles to 95 per cent of the lands of Texas. Our homestead laws are sometimes said to stand in the way of the operation of this law. That is true, where a man owns a home fully paid for, because our law prevents any incumbrance on the homestead except for purchase money—but this law can be used by persons in buying land for homes or in taking up and extending what they owe for purchase money, or any part of such purchase money provided only that the mortgage given to the land bank shall be the first lien on the property.

Mr. CARAWAY. Mr. Chairman, I wish to offer an amendment to the amendment of the gentleman from Indiana.

The Clerk read as follows:

Amend, on page 100, after the word "loan," in line 23, by inserting the following: "And which shall include the expenses incident to securing the loan by the borrower under provisions in this bill except the cost of procuring an abstract and subscription to stock."

Mr. GLASS. Mr. Chairman, I would like to find out how many amendments are likely to be offered to this section.

Mr. SUMNERS. I have one.

Mr. MORGAN of Oklahoma. I have five.

Mr. CARAWAY. Mr. Chairman, I want this amendment adopted to cure this defect. Under the provisions of the bill as now written, a man who seeks to become a borrower is subject to many expenses. Among these are the appraisement and examination of the title. If we could adopt this amendment and make this 1 per cent that is charged for administration expenses cover these expenses incident to procuring the loan, the original borrowers at least will come into the system under more equitable conditions than under the bill as now written. Under the present bill when a borrower shall go into the system he applies for a loan, we will say, for 36 years; the expenses incident to securing the loan which he must pay is a part of the salary of the secretary-treasurer, the appraisement, examination of title, and in addition pay this 1 per cent that is charged for administration. On maturity of his loan he is required to cancel out his stock at par. What is the injustice of this? The bill provides that he shall receive what dividends that stock may earn, but he does not get it for this reason: Twenty-five per cent of all the net earnings must be passed to a reserve until that reserve equals 20 per cent of the capital stock of the Federal land banks. For instance, if he goes into the system at the beginning and stays in for 36 years and pays in 1 per cent of the amount of his loan all those 36 years, 25 per cent of the net earnings of that stock for 36 years is passed to the reserve, unless the accumulation of 20 per cent has been made in less time than that. When he goes out all that reserve is left to the system; he pays it but does not participate in its benefits.

Under that system I think if a million farmers go into the system at the beginning and stay in for these 36 years, when they go out they will leave to the system anywhere from twenty to thirty millions of dollars. They accumulated it but can not enjoy its benefits. If this amendment is adopted and the expenses incident to procuring the loan are paid out of this 1 per cent, they are permitted to share to that extent in the earnings of their stock. There is one other reason: Even if he saves nothing by this amendment, and he would, he does not have to pay until he has received some benefits. The bill now provides that when a man procures a loan he has his land appraised. It is a little hazy as to whether that appraisement by the local committee is to cost him anything, but in one place it says that the expense of appraisement shall be paid by the borrower. After this local committee shall have made its report, the Federal land bank shall have an appraiser also make a report, the expense of which the borrower must pay. It provides in another section that the cost of determining the title shall be paid by the borrower. It may happen that a man will be compelled to pay out a considerable sum before he perfects his loan.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. FESS. According to that this section 3 fixing the maximum rate at 6 per cent does not mean what it says.

Mr. CARAWAY. I do not mean to say that it could raise the rate of interest above that, but it may mean that a man will have to pay——

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. CARAWAY. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CARAWAY. The rate of interest can not exceed 6 per cent, but it may cost the borrower considerably more than that, because, if he is compelled to be at the expense of a hundred dollars, say, to procure his loan, he pays 6 per cent, not on $900 but 6 per cent on $1,000, the face of his loan.

Mr. QUIN. How does the gentleman's amendment correct that?

Mr. CARAWAY. The amendment undertakes to say that this 1 per cent shall cover all of this expense of procuring the loan other than the cost of procuring an abstract and the subscription to the stock.

Mr. BARKLEY. Would the amendment also cover the expense of drawing the mortgage, the notary's fees, the jurats, and all those things?

Mr. CARAWAY. Everything except the expense of procuring the abstract and the payment of his initial stock investment. That is what I intend to do.

Mr. BARKLEY. Then under this amendment the 1 per cent would also cover the appraisal ordered by the Federal land bank after this committee has gone over it?

Mr. CARAWAY. Yes; and it should, because the original borrower does not get any dividend on his stock. He must give up 25 per cent of its net earnings to accumulating a 20 per cent reserve in which he never can share and be at other expense which wipes out all dividends. This places the initial borrower at a disadvantage, because this 25 per cent of the net earnings on his stock is contributed by him to build up a reserve for others to profit from. Therefore he should be relieved of all expense not strictly individual.

Mr. PHELAN. Mr. Chairman, I just want to say that if that amendment were adopted and did what the gentleman thinks it will do, the system would never get started. These banks can not pay for the looking up of titles and all of these other expenses.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas to the amendment of the gentleman from Indiana.

Mr. HOWARD. Mr. Chairman, I want to ask the gentleman from Massachusetts a question. As I understand the gentleman's amendment, he exempted from this 1 per cent the expense of the title.

Mr. PHELAN. He thinks he does, but he does not.

Mr. CARAWAY. Oh, I know what I do.

Mr. PHELAN. He says "an abstract of title." In my State and in a dozen other States an abstract of title is not worth the paper it is written on. A man has to look up the title afterwards. We have had the same experience before. Members will take some local application and attempt to write it into the law and have it apply to the whole country. An abstract of title furnished to me in my State does not mean anything at all. After I get the abstract I have to have the title looked up and paid for.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that all debate on this amendment be now closed.

Mr. CARAWAY. Mr. Chairman, I ask unanimous consent for one minute to answer the gentleman from Massachusetts.

The CHAIRMAN. There is one request for unanimous consent already pending.

Mr. GLASS. I have no objection to the gentleman having one minute.

The CHAIRMAN. Is there objection to the gentleman from Arkansas proceeding for one minute?

There was no objection.

Mr. CARAWAY. Mr. Chairman, the amendment introduced by myself, which the gentleman from Massachusetts assures the House would make it impossible for the banks to go into business if it should prevail, does not undertake to impair the capital stock of the bank at all, because it exempts the 5 per cent he must subscribe to the capital stock and the expense of procuring the title. It simply means to say that that expense in the examination of the title, appraisement, secretary hire, and recording title shall be paid by this 1 per cent collected for administrative and other expenses. That is all. The gentleman, as usual, did not know what he was talking about.

Mr. GLASS. Mr. Chairman, I renew my request.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment be now closed. Is there objection?

Mr. MAPES. Mr. Chairman, is that to the substitute or to the amendment offered by the gentleman from Indiana?

The CHAIRMAN. On this amendment and——

Mr. GLASS. On this amendment and the substitute.

The CHAIRMAN. If the Chair understands, the gentleman from Virginia asks unanimous consent that all debate on the Moss amendment——

Mr. GLASS. On the pending amendment.

The CHAIRMAN. On the pending amendment shall now close. Is there objection?

Mr. HAWLEY. Mr. Chairman, reserving the right to object, I have an amendment I want to offer and discuss for two or three minutes. The amendment I desire to offer is an amendment to the amendment offered by the gentleman from Indiana, and I should like to discuss my proposed amendment two or three minutes.

Mr. GLASS. I have no objection to that; I am asking to close debate on the pending amendment.

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. Does that prevent the introduction of other amendments to the section?

The CHAIRMAN. Certainly not.

Mr. BARKLEY. The gentleman's request was to the Caraway amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate be closed on the Caraway amendment. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Arkansas to the amendment offered by the gentleman from Indiana.

The question was taken, and the Chair announced that the "noes" seemed to have it.

On a division (demanded by Mr. CARAWAY) there were—ayes 21, noes 42.

So the amendment was rejected.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman permit me to make a request—to ask unanimous consent to offer a modification of my amendment?

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. MOSS of Indiana. Mr. Chairman, I ask to modify my amendment so as to include the amendment of my colleague [Mr. PHELAN] offered on behalf of the committee, and which was adopted previously.

The CHAIRMAN. Is there objection to the amendment being modified as indicated by the gentleman from Indiana? [After a pause.] The Chair hears none. The gentleman from Oregon offers an amendment, which the Clerk will report.

Mr. PHELAN. After the words "reduction of the principal" insert "or the payment of the entire principal due."

The CHAIRMAN. That amendment has been agreed to and by unanimous consent is incorporated in the amendment of the gentleman from Indiana.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. As I understand the object of the gentleman from Indiana it was to meet this situation, and I want to see that it has been met by the action of the committee. The gentleman from Massachusetts offered an amendment, which was accepted, to the original text as appears in the printed bill, and the gentleman from Indiana then offered an amendment which is a substitute for the entire text. Now, his request was that the amendment be modified to the extent of the amendment which had already been adopted to the original text.

The CHAIRMAN. The Chair put that unanimous-consent request and all this is superfluous.

Mr. WINGO. The Chair is certain that has been done, then?

The CHAIRMAN. The gentleman from Oregon offers an amendment which the Clerk will report.

Mr. HAWLEY. In that part of the amendment of the gentleman from Indiana where it says, "First, interest on the loan at a rate which shall be the same as that of the last series of farm-loan bonds," and so forth, strike out the words "be at the same as" and insert the words "not exceeding," so that it will read:

First, interest on the loan at a rate which shall not exceed that of the last series of farm-loan bonds, etc.

Mr. SHOUSE. Will the gentleman yield? The gentleman from Indiana has substituted an entire section for that. The gentleman must amend his amendment.

Mr. HAWLEY. I am asking to do that.

Mr. SHOUSE. The gentleman did not read the text right. I suggest the gentleman get his text and amend that.

Mr. HAWLEY. My amendment proposes that the phraseology in the amendment where it says the loan to the farmer shall be at a rate of the last bond issue be changed so that it shall be at a rate not to exceed that of the last bond issue.

The CHAIRMAN. The gentleman from Oregon offers an amendment which the Clerk will report.

The Clerk read as follows:

In the fourth line of the Moss amendment strike out the words "be at the same rate as" and insert "shall not exceed."

Mr. MOSS of Indiana. Will the gentleman permit a question?

Mr. HAWLEY. If the gentleman will proceed, I have only five minutes. I will be glad to yield to the gentleman.

Mr. MOSS of Indiana. I desire to ask if the gentleman had taken into consideration the fact that the farm-loan board under this is given the power to fix the rate of interest on the bonds, and that each new issue of bonds must have a decision from the farm-loan board, therefore it is incredible that the conditions which the gentleman seeks to cure can arise.

Mr. HAWLEY. If the gentleman is right, the language of the amendment is not correct. This is the purpose here. The land bank sells an issue of 5 per cent bonds running for five years, and the condition of the market is such that they have been taken by investors on a 4¾ interest basis, which would be at a price of 101.10, or 1.10 premium.

That is, the bonds sold better than was anticipated when they offered them. Now, they propose to loan money to the farmers out of the proceeds of these bond sales and other money in their banks. Now, under the provision in the bill they must charge the farmer 5 per cent.

Mr. MOSS of Indiana. Now, if the gentleman will yield, that objection is corrected in the form in which the amendment is offered, namely, that the banks must loan under the regulations and limitations of the bill. The farm-loan board is given specific authority in section 4 to review and alter the rates made to borrowers.

Mr. HAWLEY. What does it mean here by saying that the interest on the loan at a rate which "shall be the same as" that of the last series of farm-loan bonds?

Mr. MOSS of Indiana. I will say to the gentleman that this amendment seeks to make a new definition of the rate of interest. The rate of interest as fixed in the new amendment may be 1 per cent higher than that on the bond; but whether it shall be 1 per cent higher or one-tenth of 1 per cent higher is left in the amendment to the discretion of the farm-loan board.

Mr. HAWLEY. This is the situation I am trying to cure, and I doubt if the gentleman has cured it in his amendment. As I said a moment ago, a land bank sells an issue of 5 per cent bonds in a favorable market on a 4¾ interest basis. These sold at 101.10 premium. Therefore there is a market for those bonds at 4¾ per cent interest when offered and sold at par. The bank ought not to charge the farmers a rate of interest greater than the rate they can sell their bonds at par for.

Mr. WINGO. Will the gentleman yield right there?

Mr. HAWLEY. And if the bonds sold above par, they are taking from the farmer an amount of money that ought not to be taken from him.

Mr. WINGO. I think I am in accord with the gentleman's view on that point. Your amendment, instead of making the language mandatory as to what the rate of interest shall be, says it "shall not exceed"?

Mr. HAWLEY. Yes.

Mr. WINGO. That makes it possible to make the rate of interest upon the loans that were made subsequent to a 5 per cent issue 4¾ per cent?

Mr. HAWLEY. Yes. Instead of requiring the bank to be bound by an iron-clad phraseology, it says "not exceed." It

gives them all the power they have now and gives them power to reduce the rate.

Mr. WINGO. I agree with the gentleman.

Mr. SHOUSE. Has the gentleman taken this into account. A situation might arise where they would be able to put out a bond issue at 3 per cent under the most favorable conditions. Then conditions six months later might not be so favorable. Now, if the amendment of the gentleman were adopted, would it be possible to put out a 3½ per cent bond issue three months later?

Mr. HAWLEY. It would not affect that at all for this purpose. The proposal here relates to the interest rate in the mortgages following the bond issue.

Mr. SHOUSE. The gentleman realizes that the bonds are based on mortgages previously taken and not on mortgages subsequently taken?

Mr. HAWLEY. I understand. The condition of the market and the mortgages subsequently taken are the basis for subsequent issues. They have sold an issue of 5 per cent bonds on a 4¾ basis. My amendment would allow them to loan money on that basis. And then there occurs an unfavorable turn in the market—a fluctuation such as is bound to occur from time to time—and they find that they must fix a 5 per cent basis again in the sale of the bonds. This amendment of mine does not affect that situation at all. It only allows the bank to lower the rate of interest to the farmer below the last bond rate of interest. They may fix any rate they find necessary up to the 5 per cent rate in the subsequent sales of bonds.

Mr. GLASS. Mr. Chairman, I think the committee will accept the amendment of the gentleman from Oregon.

The CHAIRMAN. Without objection, the amendment of the gentleman from Oregon to the amendment of the gentleman from Indiana is adopted.

Mr. MORGAN of Oklahoma. A parliamentary inquiry.

The CHAIRMAN. The Chair is undertaking to put a unanimous-consent request. Without objection, the Clerk will again report the amendment to the amendment.

Mr. BARKLEY. Mr. Chairman, reserving the right to object, I would like to amend that request by having the Moss amendment reported as it would appear if this amendment is accepted. There have been so many amendments to it that we have been lost in the woods.

The CHAIRMAN. Without objection, the Moss amendment will be reported as it would read if the Hawley amendment were agreed to.

The Clerk read as follows:

Strike out lines 15 to 25, inclusive, on page 100, and on page 101 strike out lines 1 to 5, inclusive, and insert:

Second Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover, first, a charge on the loan which shall not exceed the interest rate in the last series of farm-loan bonds issued by the land bank making the loan; second, a charge for administration and profits which shall not exceed 1 per cent per annum on the outstanding loan, which two charges combined shall constitute the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than 5 years nor more than 36 years: *Provided*, That after 5 years from the date upon which a loan was made additional payments in sums of $25, or any multiple thereof, for the reduction of the principal may be made on any regular installment date under the rules and regulations of the Federal farm-loan board: *And provided further*, That before any farm-loan bonds shall have been issued by any land bank the interest rate may be determined, in the discretion of said land bank, subject to the provisions and limitations of this act.

Mr. MANN. Now, I would like to know what the Hawley amendment is—the language of it.

The CHAIRMAN. Without objection, the Clerk will report the language of the Hawley amendment.

The Clerk read as follows:

After the word "shall," in line 4 of the Moss amendment, strike out the words "be at the same rate as" and insert the words "not exceed."

The CHAIRMAN. Is there objection to accepting the amendment to the amendment?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Chairman, I have an amendment that I wish to offer to subdivision second on page 100. Will it be necessary for me to offer this to the Moss amendment in order to get it in?

The CHAIRMAN. The gentleman can offer it as an amendment to the Moss amendment or as a substitute. The gentleman from Virginia [Mr. GLASS] will be recognized. The gentleman from Oklahoma [Mr. MORGAN] simply rose to a parliamentary inquiry, and was not recognized for the purpose of offering an amendment.

Mr. GLASS. I ask unanimous consent, Mr. Chairman, that we may vote on the Moss amendment as amended.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield for a question?

Mr. GLASS. Yes.

Mr. HAUGEN. If I understand the bill correctly, each borrower who becomes a stockholder shares equally in the profits?

Mr. GLASS. Yes.

Mr. HAUGEN. If that is so, the rate of interest should be uniform. It is not fair to give the borrower paying 4 per cent an equal share in the profits with one paying 5 per cent. If they are to share equally, the rate of interest should be uniform.

Mr. MOSS of Indiana. I will say to the gentleman from Iowa that the profit is the excess that the bank gets from its mortgages over what it pays on its loans. That is the purpose of this—to fix it, regardless of the sale of the bonds, so that the profits of the bank will always be the same on the same volume of business.

Mr. HAUGEN. Certainly. The excess on 4½ per cent is one-fourth of 1 per cent, but the excess on a 4 per cent loan is nothing.

Mr. MOSS of Indiana. The bill does not propose anything of the kind. It proposes to do it under the rules and regulations to be prescribed by the Federal farm-loan board.

Mr. HAUGEN. I think under the Hawley amendment you have given him an advantage.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question, or I will reserve the right to object. I want to ask a question.

The CHAIRMAN. Does the gentleman from Virginia [Mr. GLASS] yield?

Mr. GLASS. Yes.

Mr. BENNET. As I read the bill, the authorized capital of the bank is $9,000,000. They can also issue bonds twenty times that, which would make a total altogether of $189,000,000.

Mr. GLASS. That is simply the Government subscription to the capital. You understand that the capital stock of the bank is constantly increasing from the funds of the borrowers. It carries with it a corresponding increase in the amount of the bonds to be issued.

Mr. BENNET. I could not find that in express language, and I wanted to ask the gentleman, in connection with that, this question——

Mr. GLASS. And it is provided that when these subscriptions to the individual farm associations shall aggregate the full Government subscription, thereafter a certain percentage shall be set aside to pay the Government the initial subscription.

Mr. BENNET. Yes; but that does not increase the amount of the fund that can be loaned.

Mr. GLASS. That percentage does. Section 6 of the bill will explain the whole inquiry.

Mr. BENNET. I have read section 6, "That every Federal land bank shall have, before beginning business, a subscribed capital of not less than $750,000," and so forth.

Mr. PHELAN. What is the trouble? What do you want to know about?

Mr. BENNET. I am trying to state what I would like to know about. Starting with that $189,000,000, and putting it aside for a moment, then you provide for the joint-stock bank, which does not have the restrictions around it that the land bank has, and there is apparently no limit to the amount of these joint-stock banks. What I wanted to ask was whether, under the bill as framed, there would not be a possibility that there would be a great deal more money available to the joint-stock banks than there would be through the land banks?

The CHAIRMAN. The time of the gentleman has expired. All time has expired on this amendment.

Mr. SHOUSE. Mr. Chairman, I ask for an extension of one minute in order to answer the question of the gentleman from New York.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the gentleman's time be extended one minute. Is there objection?

There was no objection.

Mr. SHOUSE. At the top of page 81, if the gentleman will read the third provision there as to Federal land banks, he will see they are given an opportunity to increase their capital by subscriptions that will come to them. That is indefinite and automatic.

Mr. BENNET. Is it the statement that the gentleman makes that the Federal land banks can increase the capital indefinitely as applications for loans come in?

Mr. SHOUSE. Absolutely. It is automatic.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] offers an amendment to the amendment, which the Clerk will report.

Mr. MORGAN of Oklahoma. I move to strike out and insert after the words "shall not exceed" the words "one-half of," so as to make it read, "charge for administration and operation at a rate which shall not exceed one-half of 1 per cent per annum."

Mr. GLASS. Mr. Chairman, I ask unanimous consent that all debate on the Moss amendment and all amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on the Moss amendment and all amendments thereto close in five minutes. Is there objection?

Mr. MORGAN of Oklahoma. Mr. Chairman, reserving the right to object, I have three amendments that I want to offer.

Mr. GLASS. To the section?

Mr. MORGAN of Oklahoma. To the Moss amendment.

Mr. CULLOP. I have an amendment to the section.

Mr. GLASS. I ask that the gentleman from Oklahoma put in all three of his amendments and let us see what they are.

Mr. MORGAN of Oklahoma. I do not think the chairman of the committee ought to insist on that, or ask me to do that.

Mr. GLASS. The gentleman from Oklahoma has consumed more of the time of this committee than any other 10 men here. It is unreasonable to ask us to stay here all the day. One would suppose we were considering the Morgan bill rather than the bill reported by this committee.

Mr. MORGAN of Oklahoma. I am willing, Mr. Chairman, to be lectured by the chairman of the Committee on Banking and Currency, but what he says will not deter me from performing my duty.

Mr. GLASS. I am simply standing by my rights.

Mr. MORGAN of Oklahoma. The gentleman may be standing by his rights, but he can not push me from my rights.

Mr. GLASS. I am compelled to do this.

Mr. MORGAN of Oklahoma. I object, Mr. Chairman.

Mr. GLASS. Then I move, Mr. Chairman, that all debate on the Moss amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Virginia moves that all debate on the Moss amendment and all amendments thereto close in five minutes.

Mr. GLASS. Now, the gentleman from Oklahoma can make the point of no quorum, if he wants to.

Mr. MANN. I move to amend by making it 15 minutes. Let us get along peaceably if we can.

The CHAIRMAN. The gentleman from Illinois moves to amend the motion of the gentleman from Virginia. He moves that all debate on the Moss amendment close in 15 minutes.

Mr. GLASS. I would like to develop whether there are any further amendments to be proposed to this section.

Mr. McFADDEN. I have one.

Mr. MORGAN of Oklahoma. I have two.

Mr. MANN. Quite a number of gentlemen rose to offer amendments when the section was read.

Mr. GLASS. If the gentleman will make it 10 minutes——

Mr. MORGAN of Oklahoma. Make it 15.

Mr. MANN. I ask unanimous consent that all debate on the Moss amendment and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that all debate on the Moss amendment and amendments thereto close in 10 minutes. Is there objection?

Mr. MORGAN of Oklahoma. Reserving the right to object, this has been up a long time. Gentlemen have had their say. I have three amendments which I want to offer.

Mr. MANN. Why does not the gentleman offer his three amendments and take 10 minutes on the three together?

Mr. MORGAN of Oklahoma. I will consent to that.

Mr. MANN. I ask unanimous consent that the gentleman from Oklahoma may offer three amendments and have them pending, and have 10 minutes, and that at the end of that time all debate on the Moss amendment and amendments thereto be closed.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] modifies his request and asks unanimous consent that the gentleman from Oklahoma [Mr. MORGAN] may have the privilege of offering three amendments to the Moss amendment, and may have 10 minutes to discuss them. Is there objection?

Mr. MANN. And that at the end of that time all debate on the Moss amendment and amendments thereto be closed.

The CHAIRMAN. And that at the end of that time all debate on the Moss amendment and amendments thereto be closed. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma will offer his amendments.

Mr. MORGAN of Oklahoma. I have already offered the first one. Now I will offer the second and third ones. I move to strike out——

Mr. NORTON. Mr. Chairman, may we have those amendments reported by the Clerk?

The CHAIRMAN. The Chair will have them reported when the gentleman from Oklahoma submits them.

Mr. MORGAN of Oklahoma. I move as my second amendment to strike out the word "thirty-six" and insert the word "sixty."

The CHAIRMAN. The gentleman will kindly state his third amendment.

Mr. MORGAN of Oklahoma. The third amendment is in line 1, on page 101, to strike out the word "five" and insert the word "two."

The CHAIRMAN. The Clerk will report the three amendments offered by the gentleman from Oklahoma to the Moss amendment.

The Clerk read as follows:

Amend the Moss amendment by inserting, after the word "exceed," in line 7 of the amendment, the words "one-half of."

In line 11 of the Moss amendment, strike out the word "thirty-six" and insert the word "sixty."

After the word "after," in the same line, strike out the word "five" and insert the word "two."

The CHAIRMAN. Under the unanimous-consent order just made, the gentleman from Oklahoma [Mr. MORGAN] has 10 minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman, the amendments which I have offered apply to section 12 of the committee bill, as found on page 100 of the bill. I regard this as one of the most important sections of the bill. The section in part is as follows:

SEC. 12. That no Federal land bank organized under this act shall make loans except upon the following terms and conditions:

* * * * * * *

Second. Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a given number of annual or semiannual installments sufficient in amount to cover, first, interest on the loan at a rate which shall be the same as that of the last series of farm-loan bonds issued by the bank making the loan; second, a charge for administration and profits at a rate which shall not exceed 1 per cent per annum of the outstanding loan; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than 5 years nor more than 36 years: *Provided*, That after five years from the date upon which a loan was made additional payments in sums of $25, or any multiple thereof, for the reduction of the principal may be made on any regular installment date under the rules and regulations of the Federal farm-loan board.

Third. The rate of interest charged for such loans shall not exceed 6 per cent per annum.

Fourth. Such loans may be made for the following purposes, and for no other:

(a) To provide for the purchase of land for agricultural uses.

(b) To provide for the purchase of equipment and live stock necessary for the proper and reasonable operation of the farm; the term "equipment" to be defined by the Federal farm-loan board.

(c) To provide buildings and for the improvement of farm lands; the term "improvement" to be defined by the Federal farm-loan board.

(d) To liquidate indebtedness of the owner of the land mortgaged existing at the time of the organization of the first national farm-loan association established in or for the county in which the land mortgaged is situated, or indebtedness subsequently incurred for one of the purposes above mentioned.

* * * * * * *

Sixth. No such loan shall be made to any person who is not at the time, or shortly to become, engaged in the cultivation of the farm mortgaged.

I have offered three amendments to this section, and I wish to support the amendment which proposes to limit the rate of interest charge by these Federal land banks to 5 per cent per annum instead of 6 per cent per annum, as appears in the original section of the committee bill.

The first amendment which I propose limits the charge which the Federal land banks may make for "administration and profits" to one-half of 1 per cent per annum on the amount due on any mortgage, instead of allowing a charge for administration and profits of 1 per cent per annum on the amount due on any loan as provided in the committee bill.

The second amendment which I propose is that the maximum period at which loans should be made should be increased from 36 to 60 years.

The third amendment which I propose is to permit the borrowers to pay off the principal or any part thereof at any time after two years of the date of the mortgage. The committee bill does not permit any payment other than the various amortization payments to be made on any mortgage until five years after date of the mortgage.

The fourth amendment which I should like to see made to this section is this: I would like to see the maximum interest charge limited to 5 per cent per annum instead of 6 per cent per annum,

as is provided in the bill, and this to include charges for administration.

My first proposition is this: That one-half of 1 per cent per annum on the amount due on a loan is sufficient to provide administration expenses and reasonable profits. I am therefore opposed to authorizing a charge of 1 per cent per annum for such purposes. It is well to bear in mind that this bill creates two kinds of land banks, namely, the 12 Federal land banks and any number of joint-stock land banks which may be organized under the provisions of the bill. The 12 Federal land banks are nonprofit-sharing institutions. That is to say, all net profits will ultimately be returned in dividends to the borrowers, all of whom, through the farm-loan associations, will be shareholders in the Federal land banks. This will not be true, however, of the joint-stock land banks which will be purely private profit-sharing, dividend-paying, and surplus-creating land banks with no object in view except to make money. But I believe that the Federal land banks can be operated on a charge of one-half of 1 per cent per annum and that there will be sufficient left to provide for proper dividends on the stock held by the borrowers. These 12 Federal land banks will employ many persons. They will spend money in many ways. They must either own or rent buildings in which to do business. Much depends upon how all of this is to be done. If through the provisions in the law a large amount of money is set aside for expenses, the natural effect of this will be to encourage the directors and managers of the banks to be extravagant in expenditures for administration purposes. On the other hand, if the amount set aside to be used for expenses is somewhat limited and restricted the managers of the banks will be compelled to operate upon a scale that will bring the expenses within the amount provided by law. These land banks may be regarded as public institutions. We all know how easy it is to have extravagance in the management of public affairs. We know how cities, counties, and States from year to year increase their expenditures and thus add to the taxes upon the people. We all know that as a rule local, State, and national governments are not conducted as economically as private business concerns are conducted. The danger is that the great Federal land banks we are creating will not be operated economically. Indeed, this is one of the criticisms which I have frequently made upon the bill proposed by the committee. In my judgment its machinery is too cumbersome, complex, and extensive to be operated economically. In the preparation of the bill which I introduced I took great care to present administrative machinery that could be economically operated. I am profoundly impressed in my belief that one important way to insure economical administration is to limit the amount that may be used for this purpose. I therefore believe that it is very unwise to set aside 1 per cent per annum to be used for administration and profits even by the 12 Federal land banks which are nonprofit-sharing institutions.

But a different proposition is presented when this section is applied to the joint-stock banks. Section 16 of this bill creates the joint-stock land banks. The section creating the joint-stock banks does not limit their profits but does prohibit them from making loans at a rate of interest which exceeds the interest on their bonds by more than 1 per cent per annum. I am opposed in the first place to creating the joint-stock land banks, but if they should be created I am especially opposed to permitting them to make a charge of 1 per cent per annum upon all loans to provide for expenses and profits. If the joint-stock land banks shall sell the bonds bearing 4 per cent interest under this provision of the law they would charge the farmers 5 per cent interest. The banks would thus receive one-fifth, or 20 per cent, of the entire interest paid by the borrowers every year. So that 20 per cent of the interest charge under this law will be consumed in providing the middlemen with salaries, expenses, and profits. Now, I think this is altogether too much.

The position which I take is fully supported by the amount consumed for administration and profits by the land-credit institutions of Europe.

The administrative charges made by the 16 state or provincial mortgage credit banks of Germany range from one-fourth to one-half of 1 per cent per annum. The rate of interest charged by the Credit Foncier of France must not exceed more than six-tenths of 1 per cent of the rate of interest on the bonds, from the sale of which the funds were raised. The Prussian Central Land Credit Co. of Germany charges borrowers for cost of business as a commission on the face of the loan from 1 to 1¼ per cent, with an additional one-half of 1 per cent as a profit to the bank. This charge is introductory, and is made but once. Mr. Cahill, in his report, as shown by Senate Document No. 17, pages 44 and 45, Sixty-third Congress, gives a summary of the costs of the administration charges of the Landschaften of Germany. This report shows that these institutions never charge to exceed one-fourth of 1 per cent per annum for expenses. Some of them indeed make no charges to borrowers for expenses. Funds for this purpose are secured otherwise. The expenses of the Hungarian Land Credit Institutions are run on less than one-half of 1 per cent per annum upon the loan. The Bavarian Agricultural Bank charges only one-fourth of 1 per cent on the amount due on the loan for expenses. The Nassau Mortgage & Savings Bank of Germany charges but one-fourth of 1 per cent for running expenses. The Landschaft of Saxony charges only one-fourth of 1 per cent for general expenditures. These are sufficient to show that the land-credit institutions of Europe meet their expenditures by charges of less than one-fourth of 1 per cent per annum on the amount due on the loan. The Prussian Central Land Credit Co., one of the largest land-credit institutions of the world, conducts its business upon an administrative charge of only thirteen-one-hundredths of 1 per cent per annum upon its total loans.

If European land-credit institutions can be operated on an expense of one-fourth of 1 per cent per annum of the amount due on loans, I see no reason why our land-credit institutions could not be operated on the same amount, but I would be willing in the law to give them a maximum of one-half of 1 per cent, because I believe that conditions are such in the United States that our land-credit institutions can not be operated at so small an expenditure as European institutions. But I believe that 1 per cent per annum is extravagant and unnecessary and will tend to encourage the managers of such institutions to be reckless in their expenditures. The farmers must, of course, pay the entire cost. I believe in aiding them in every way possible. I am opposed to placing in the statute a provision which, in my judgment, will cost the farmers in the future years many and many millions of dollars.

Mr. FESS. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Just for a question.

Mr. FESS. Has the gentleman estimated what the interest would amount to after all expenses are paid, how much above 6 per cent, or would it be below 6 per cent? I mean all expenses, not alone the rate of interest but the cost to the borrower under the bill?

Mr. MORGAN of Oklahoma. It makes 6 per cent under this section. Besides he will have to pay an amortization fee of over 1 per cent, which will make 7 per cent.

My second proposition is that Federal land banks should be allowed to make loans run for 60 years. Under the provisions of the committee bill the loans made by Federal land banks as well as joint-stock land banks are limited to a period of 36 years. To my mind, there are many reasons why this should be amended. I do not know what object the members of the committee had in limiting the length of loans to 36 years?

Mr. SHOUSE. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. SHOUSE. Is it not the rule to charge a half per cent on the total loan and not on the outstanding amount?

Mr. MORGAN of Oklahoma. No; I think not.

Mr. SHOUSE. I think the gentleman will find that to be the case.

Mr. MORGAN of Oklahoma. I say a loan payable in 12 years is not as secure as one payable in 36 years, and a loan payable in 25 years is not as secure as one payable in 36 years.

Mr. SHERLEY. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. SHERLEY. Why?

Mr. MORGAN of Oklahoma. Because when you limit the term of years that the man must pay the loan in, say you limit it to 12 years, then he must pay one-twelfth of the principal every year, and you place on him a burden that perhaps he can not meet, and if he can not and he defaults, the whole institution is injured thereby. On the other hand, if he pays one-half of 1 per cent—if he is allowed 60 years to pay the principal—the annual contribution is much smaller and is not so burdensome on the borrower.

Mr. SUMNERS. But if you increase the length of time and decrease the amount of the annual payments, do you not lessen the relative value of the security?

Mr. MORGAN of Oklahoma. Certainly not, because the land is growing in value every year.

Mr. BARKLEY. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. BARKLEY. Would it not be harder to sell bonds that run for 60 years than it would be to sell those that run for 30 years?

Mr. MORGAN of Oklahoma. That is not true. In the landschaft of Germany the bonds have no date of payment. In many other institutions in Germany the bond is absolutely without date of payment, as gentlemen know who have studied the question thoroughly.

Mr. SHERLEY. Did the gentleman ever take into consideration the difference between Germany and France and America; that there they are tied to the soil, whereas here they are not?

Mr. MORGAN of Oklahoma. Yes.

Mr. SHERLEY. That is worth considerable on this point.

Mr. MORGAN of Oklahoma. There has been a good deal said about the fact that this bill would not reach the man who needed it. There is a basis for this charge. You take a man with a limited amount of means who wishes to secure a farm loan, and if you do not give him 60 years in which to pay it you prevent him from getting the benefits of this act. Borrowers who are better able to pay and who do not need assistance will have the advantage. There is only one way that you can reach the poor man, and that is what this legislation is intended to do, to give him a loan for 60 years so that he can pay the principal off at a half of 1 per cent per annum. So I assert that in limiting loans to 36 years you are discriminating against the farmers of limited means.

Mr. JOHNSON of Washington. The Senate bill carries a 60-year term, does it not?

Mr. MORGAN of Oklahoma. I can not say.

Mr. JOHNSON of Washington. I think it does.

Mr. MORGAN of Oklahoma. That I am right in this matter is shown by the length of loans made by European land-credit institutions. In France the land-credit institutions make loans for a period of 75 years, in Ireland loans may be made for a period of 68½ years, in Switzerland loans may be made for 57 years, in Germany for 56½ years, in Sweden for 56½ years, in Russia for 55½ years, in Australia for 54½ years, in Japan for 50 years, in Italy for 50 years, and in Austria for 42 years. The loans made by the banks we are creating must be paid by annual installments. The object of making the loan for a long period of years is to make the various payments as small as possible. It will require 56 years to pay a loan by paying one-half of 1 per cent annually on the principal. To pay a loan in 36 years will require something over 1 per cent annually to be paid upon the principal. The difficulty in this is that borrowers are required to pay 1 per cent annually on the principal. This payment, together with the interest rate, will in many cases make the annual payment too large for the borrowers to meet. This is why European land-credit institutions generally require only one-half of 1 per cent annually to be paid on the principal. My conception has been that under our new system of land credits the average farmer throughout the United States should be able to pay both the principal and interest on his loan at a rate that would be somewhat less than what he is now paying as interest. If the institutions which we are creating will not enable our farmers to do this, we have fallen far short of what we should have accomplished. As I have studied the bill which the committee has presented I have been impressed with the fear that the farmers will be disappointed in the benefits which they shall receive from these institutions. We must bear in mind that one-third of the farmers of the United States are tenant farmers. We had in 1910, 2,354,576 tenant farmers. One great object of this legislation is to enable tenant farmers to purchase farms of their own. To require these tenant farmers, who are ambitious to acquire farm loans, to pay 1 per cent or more annually upon the principal of the loans is an unnecessary burden placed upon them. My amendment is supported by the example of European land-credit institutions. It will in no way weaken the strength of the system of land-credit institutions we are creating. The 60-year loan would be more satisfactory to the borrowers, because, of course, they are given the privilege to pay off the entire loan at any time they may choose or to make any payment thereon that they may desire. One of the chief advantages of long-time loans is that the borrowers may have practically unlimited time in which to pay the principal, but yet he may have the advantage of paying all or any amount thereof at any time. By limiting the loan to 36 years you are thereby in a measure destroying one of the chief benefits supposed to be derived from what is known as long-time loans. Besides, I regard it as a discrimination against the farmer of small means in favor of the farmer of large means. I am opposed to any discrimination at all in favor of anyone, but I am in favor of a system that will meet equally the needs of the well-to-do farmer as well as the needs of his less fortunate brother.

My third proposition is that I propose to permit borrowers to pay off the principal or any part thereof at any time in two years after the date of the mortgage. Under the provision in the committee bill the borrower is not permitted to pay any part of the principal for five years, except the annual amortization payment. I believe that we should permit any part of the principal to be paid at any time after one year of the date of the mortgage. Gentlemen, we should bear in mind that in the United States it is seldom that a farm loan is made for more than a period of five years. Most of the existing farm-loan companies making five-year loans, give the borrower the privilege of paying off the principal at any interest payment. It is strange to me that we should propose to create a land-credit system and yet not give the borrower privileges equal to those given by existing private loan companies. My view is that we should give the borrower every encouragement to pay his loan at the earliest date possible. So far as I can see, the land bank could suffer no loss by permitting the borrower to pay all or any part of his loan at any time after two years from the date of the mortgage. This privilege would not in any way endanger the safety of the land-credit banks. It would not entail upon them any material losses. On the other hand, it would be more satisfactory to borrowers and in many cases would be a great advantage to them.

My fourth proposition is this: Section 12 of the bill limits the interest charged to 6 per cent per annum. My proposition is to limit the interest charged to 5 per cent per annum, and that to include administration charges. I believe that a farm-mortgage bond, except from national, State, and local taxation, bearing 4 per cent interest, will sell at par. If the bonds issued by these banks, free from taxation and bearing 4 per cent interest, will not sell at par, then there will be something wrong with our land-credit institutions. Bonds of the United States Government bearing 3 per cent interest in recent years sold at a premium. In European countries farm-mortgage bonds sell on a par with the bonds of the National Government. If the bonds of the United States bearing 3 per cent interest sell at a premium, I see no reason why farm-mortgage bonds, wholly exempt from taxation, could not be sold at par at 3 per cent interest. I think, therefore, we are perfectly safe in assuming that if Government bonds bearing 3 per cent interest are sold at a premium, farm-mortgage bonds bearing 4 per cent interest can be sold at par. Allowing 1 per cent additional for expenses and profits, the total interest charged ought not to exceed 5 per cent. To this must be added the annual payment on the principal, which would require under this bill 1 per cent per annum more. This would make 6 per cent per annum as the total payment the borrowers would make. If, however, the interest charged is 6 per cent and 1 per cent be added as payment on the principal, the borrower would be required to pay 7 per cent per annum. This would be unsatisfactory to many borrowers. In the bill which I have prepared and which I have presented as a substitute for the committee bill I have planned that the total annual charge to the farmer shall be but 5 per cent per annum.

The CHAIRMAN. Under the order of the committee all time has expired, and the Clerk will read the first amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Line 7, of the Moss amendment, after the word "exceed," insert the words "one-half of."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read the second amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

In line 11 strike out the words "thirty-six" and insert the word "sixty."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read the third amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

In line 11 strike out the word "five" and insert the word "two."

The question was taken, and the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment to the section.

The CHAIRMAN. That is not in order, and the question is on the Moss amendment as amended by the Hawley amendment.

The question was taken, and the amendment as amended was agreed to.

Mr. McFADDEN. Mr. Chairman, I offer the following amendment. I move to strike out, on page 101, lines 6 and 7.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 101, strike out lines 6 and 7, which read as follows: "Such accrued interest, if collected, to be forwarded to the Federal land bank."

Mr. McFADDEN. Mr. Chairman, I want to call attention to the fact that this clause of the bill attempts to fix by legislation

the rate of interest in the United States, and its very purpose, if accomplished, in my judgment, will work to the defeat of the successful operation of this measure.

In the first place, suppose the bonds are selling at 4 per cent in the open market. You permit an extra charge of 1 per cent, which would make 5 per cent the rate of interest which could be charged to the farmer. If the bonds were selling at 5 per cent in the open market, you charge the farmer 6 per cent. If, on the other hand, as does sometimes occur in this country, the demand for money increases, as we have had evidence of in the last few years, when leading railroad, industrial, and other high-grade securities were sold as high as 8 per cent in the open market, the farmer under this provision who, if he desired to obtain money under similar conditions, could not obtain it under this system, because it limits the rate of interest to 6 per cent which could be charged him.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. For a question.

Mr. MOSS of Indiana. If the provision now in the bill remains, and which we will reach in a subsequent section, that no bonds may be sold at a rate of interest higher than 5 per cent, then does the gentleman from Pennsylvania believe that the conditions he has just outlined can possibly obtain?

Mr. McFADDEN. Mr. Chairman, I think that clause ought to be left open, so that the matter of supply and demand could fix the question of the rate.

Mr. MOSS of Indiana. Is it the intention of the gentleman from Pennsylvania, if this amendment be adopted, to later on offer an amendment striking out the 5 per cent?

Mr. McFADDEN. I think I would; yes.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. FESS. The object in the sale of bonds would be to get as high an interest as possible on the bonds. The purpose of the issuance of bonds is not only security, but interest.

Mr. McFADDEN. Yes.

Mr. FESS. The object in the issuance of bonds is to make them sufficiently secure and of a sufficiently high rate of interest to make them marketable. Those two elements necessarily must obtain in a good bond; otherwise we would not be able to make a sale of them. It is this fear that caused you to ask the Government to secure the interest upon them. That is one side of the question; on the other side you are limiting the interest that is to be paid by the borrower. The two things seem to be in conflict. In one case you are trying to get as high a rate as possible and in the other case as low a rate as possible. In the interest of the former case we have arranged that the Government shall pay the interest upon the bond, and in the second place we provide that the interest paid by the borrower shall be fixed at a definite rate. The two things seem to me to be somewhat contradictory, and the amendment to strike out should be agreed to.

Mr. GLASS. Mr. Chairman, will the gentleman point to the provisions of the bill which provide that the Government shall pay the interest upon the bonds?

Mr. FESS. We adopted such an amendment the other day.

Mr. GLASS. Oh, I do not think that amendment is properly presented by that description.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HOWARD. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Page 101, line 7, strike out the word "six" and insert the word "five."

The CHAIRMAN. The Chair understands that the gentleman offers this as an amendment to the amendment of the gentleman from Pennsylvania?

Mr. HOWARD. Yes; not to strike out the whole section.

Mr. CULLOP. Mr. Chairman, I desire to offer an amendment to the amendment to perfect the text of what the gentleman from Pennsylvania offers to strike out.

The CHAIRMAN. The Chair will state that that is what the gentleman from Georgia also offers—an amendment to the amendment of the gentleman from Pennsylvania, and the gentleman from Georgia is entitled to recognition. The Chair will endeavor to recognize every gentleman in due course.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I want to say this impressively if I can. I have been watching the reading of this bill and the comments upon it, and I want to say this: If I have any judgment about anything, I do not believe that when this bill is finished, from the standpoint of an investor, there is going to be a security issued in the United States that will be any better than the securities issued under the provisions of this bill. They will be better than any municipal bond on the face of the earth.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Not right now. I want to make myself plain on what I have in mind and I will try to yield to the gentleman later. What do you do? In the first place you take the basis of all security on earth—land—and you take 60 per cent of its value. Then when the loan is granted to the farmer you require him under the provisions of the bill to increase that security by expending every dollar of the money that he borrows upon the enhancement of the original land upon which he borrowed the money. The gentleman from Pennsylvania [Mr. McFADDEN], who has just taken his seat, who knows something about finances, talks about railroad bonds and other bonds, but when this bond is issued, if it does not sell readily in the open market at from 4 to 4½ and 5 per cent, this system is not going to be what we think it will be and hope for. You can talk about your Government aid all you want. I have not paid one particle of attention to the amount of Government aid carried in this bill. This $750,000 subscribed here by the Government for each bank does not amount to a bagatelle.

The only reason for the appropriation of this money is the fact that it starts these banks in operation. If that capital is not absorbed under the provisions of this bill, if the Government is not repaid, and repaid quickly, under the provisions of this bill, your system will not be working like it should, and that is all there is to it.

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. McFADDEN. Does the gentleman contend that the Government will receive back this $750,000 which it subscribes?

Mr. HOWARD. I say this, that under the provisions of this bill, as I understand it, when the capital is subscribed by the borrower, when a certain point is reached, to wit, 25 per cent, I believe, of the original capital——

Mr. MADDEN. No. When all of the capital is paid in, 25 per cent will be taken out and paid back.

Mr. HOWARD. Then, 75 per cent of all of the capital. I have forgotten the provision exactly, but I know that that provision is here for the retirement of this capital. That is what is contemplated by the bill. The point I am driving at is this, that if, instead of calling these banks Federal land banks, you would call them Federal brokerage associations you would hit the nail on the head. They are not banks at all; they are nothing in the world but clearing houses to bring the collective credit of the farmers of this country together under practical, strict, governmental supervision, in order that they may put bonds on the open market and sell them for what money is bringing for first-class long-term bonds. Now, then——

Mr. QUIN. Then that feature is good?

Mr. HOWARD. Of course it is good. Now, as a matter of fact, this Government-aid proposition that is here is all buncombe. That is all there is about it, and it does not amount to a row of pins except to start out the system, and I am not going to stand up here and try to make my farmer constituents believe that a little $9,000,000 contribution to these banks by the Government of the United States is material aid, except for the purpose of blowing breath in these land banks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. I would ask that I may have three minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that he may proceed for three minutes.

Mr. HAUGEN. Make it five minutes.

The CHAIRMAN. The gentleman from Iowa modifies it by asking that the gentleman have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD. I simply desire the time to finish what I started out to say.

Mr. HAUGEN and Mr. SMITH of Michigan rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. HOWARD. I yield to my friend who got me the two additional minutes, the gentleman from Iowa.

Mr. HAUGEN. I would like to ask the gentleman if he seriously believes that there will be any demand for bonds guaranteed by a mortgage in amount equal to 60 per cent of the land value and 20 per cent of the permanent improvements, which will average 70 per cent of the land values—if the gentleman knows of anybody with money to loan who will loan any such amount?

Mr. HOWARD. Mr. Chairman, here is what I honestly believe, and I introduced a bill here once that I did not draw by myself, just like all the balance of these bills, not drawn by

any particular person, but they have been collaborated with, and everybody has his idea in here. My idea was 50 per cent ought to have been the basis of the real property, the improvements not to be taken into consideration at all. But the committee disagreed, but they thought that last year, and they have increased it to 60 per cent on the real property and 20 per cent on the improvements. Now, here is what I am talking about: All the limitations, the restrictions, and everything that is thrown around this bill, all of them that I have seen, every single, solitary, blessed one is in the interest of the investor, and no advantage can be taken of him. You take a farmer who loses his stock or a farmer who has had bad luck, sickness in his family or anything else, and he has to meet these interest and amortization payments. Your local association, gentlemen, has got to supply this money. The local association has got to see that this money is expended by the farmer for the purposes for which it was loaned. The local association, so far as supervisory powers under this bill go, is weak, and I hope it can be strengthened.

Mr. PHELAN. Will the gentleman yield?

Mr. HOWARD. I will.

Mr. PHELAN. I will point out that the gentleman's amendment does not do anything of the kind. The gentleman's amendment says the loan shall not be made at a rate greater than 5 per cent.

Mr. HOWARD. That is what I said.

Mr. PHELAN. The gentleman just stated the bonds should not be issued at a greater rate than 5 per cent.

Mr. HOWARD. If I understand this section, I meant that this section reads "the rate of interest for such loans shall not exceed 6 per cent," and I say 5 per cent. I desire to say this, that I have never seen a law on the statute books in a State in the Union where a rate was fixed by law—for instance, 8 per cent as a legal rate of interest—where every bank, every blooming money-lending concern in the country, did not charge the limit always. You never catch them charging anything below the limit. Why? Because the man who has the money can fix the rate, and if you put it at 6 per cent every farmer in this country who uses this system will pay 6 per cent; and if these bonds do not sell on the open market readily at 5 per cent and the investing public is not clamoring for these bonds, then your system is not working. That is true.

Mr. GLASS. I would like to ask the gentleman if the earnings of the system are not returned to the farmer?

Mr. HOWARD. Yes—well, after it gets started.

Mr. GLASS. Suppose the bank would make a difference between the rate charged and the rate proposed by the gentleman; does it not go right back to the borrower?

Mr. HOWARD. I will answer my friend by saying this: You tell your initial borrower he has to subscribe to 5 per cent of the stock. You tell him he will get back certain dividends; but that if the dividends do not pay for the stock, if they do not pay the expenses, you will assess them against him.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GLASS. Mr. Chairman, I want to develop how many more amendments are to be offered to this section. Here we have been two hours, lacking five minutes, on the section.

Mr. MANN. Oh, we have not been two hours on this section.

Mr. GLASS. Very nearly that. I would like to develop how many more amendments are to be offered to this section. I judge there will be eight more amendments to this section.

Mr. MANN. The gentleman counted eight on that side.

Mr. GLASS. I did not. I counted four on this side. I am going to ask unanimous consent to close debate——

Mr. NORTON. May I have the attention of the gentleman from Virginia?

Mr. GLASS. Let me prefer my unanimous-consent request, please. I am going to ask unanimous consent to close debate on this section and all amendments thereto at 3 o'clock.

Mr. HAUGEN. Mr. Chairman, may I have five minutes?

Mr. GLASS. That will make an hour and ten minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that all debate on this section and all amendments thereto close at 3 o'clock. Is there objection?

Mr. MANN. Reserving the right to object, I want to expedite the bill as rapidly as possible. A number of gentlemen want to offer amendments. I wanted myself to have a little time on this section.

Mr. GLASS. I would cheerfully like to see the gentleman from Illinois get any time he needs, because he always talks to the merits of the bill.

Mr. MANN. That would only allow six amendments to be discussed on both sides.

Mr. GLASS. Make it a quarter past 3 o'clock, then.

Mr. MANN. Make your request then for an hour and 25 minutes, so that the time in reading amendments will not be taken out.

Mr. HAUGEN. Then I suggest that the time be divided between the two sides.

Mr. GLASS. Then I will say 1 hour and 25 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that all debate on the section and all amendments thereto close in 1 hour and 25 minutes. Is there objection?

Mr. MORGAN of Oklahoma. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MORGAN of Oklahoma. Does that mean the vote will have to be taken in 1 hour and 25 minutes?

Mr. MANN. That means 1 hour and 25 minutes.

The CHAIRMAN. As the Chair understands the request, all gentlemen who have amendments may now offer them.

Mr. MANN. Oh, let them offer them as they want to and have 1 hour and 25 minutes of debate. There might be time taken in voting, and that ought not to be taken out of the time for debate because the Chair can not figure it out.

Mr. GLASS. Then I move that all debate close in 1 hour and 25 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that all debate on the present section and amendments thereto close in 1 hour and 25 minutes.

Mr. DILLON. Reserving the right to object, who will control the time?

The CHAIRMAN. The Chair will control it.

Mr. DILLON. I want five minutes.

Mr. CULLOP. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CULLOP. I would like to inquire of the Chair whether the amendment of the gentleman from Georgia is an amendment to the text of the bill.

The CHAIRMAN. The Chair understands it to be the text.

Mr. CULLOP. I desire to offer an amendment to his amendment by striking out the word "five" and inserting the word "four," so that it will read "four per cent." In order to perfect the text I understood an amendment was in order before an amendment to strike out the text.

Mr. MANN. That has nothing to do with this now.

The CHAIRMAN. The Chair will state the proposition. The gentleman from Pennsylvania [Mr. MCFADDEN] moves to strike out two or three lines of the bill. The gentleman from Georgia [Mr. HOWARD] offers an amendment to perfect the text of the lines sought to be stricken out, striking out the proposition of 6 per cent. The gentleman from Indiana [Mr. CULLOP] desires to offer an amendment to the amendment of the gentleman from Georgia, which was an amendment to the text.

Mr. MANN. Was the request of the gentleman from Virginia [Mr. GLASS] agreed to?

The CHAIRMAN. The question is on the request of the gentleman from Virginia [Mr. GLASS].

The motion was agreed to.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana [Mr. CULLOP] to perfect the text. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the word "five" and inserting in lieu thereof the word "four."

Mr. SMITH of Michigan. Let us have the amendment read, so that we can tell to what it applies.

The CHAIRMAN. Without objection, the Clerk will read the lines sought to be stricken out, and then read the amendment of the gentleman from Georgia and the amendment of the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by the gentleman from Pennsylvania [Mr. MCFADDEN]: Page 101, strike out lines 6 and 7, which reads as follows: "Third. The rate of interest charged for such loan shall not exceed 6 per cent per annum."

Amendment offered by Mr. HOWARD: Page 101, in line 7, strike out the word "six" and insert the word "five," so that the line will read "not exceed five per cent per annum."

Amendment offered by Mr. CULLOP: Amend the amendment by striking out the word "five" and inserting in lieu thereof the word "four," so that the line will read "not exceed four per cent per annum."

Mr. CULLOP. Mr. Chairman, the question of what the interest shall be upon these loans is one of the most important questions to settle in the consideration of this bill. If the rate of interest is not to exceed 6 per cent, this measure is not going to be patronized as much as if the maximum limit was fixed

at 4 per cent. Already loans are being made all over the country by private concerns at 4½ and 5 per cent, so that if the rate of interest is left at 6 per cent you are going to do the farmer an injury instead of a benefit by the adoption of this measure [applause], for the reason that with the private concern now loaning money at 4½ and 5 per cent, the rate being established by law at a higher per cent than now offered them, and hence they will patronize private concerns. By leaving the maximum at 6 per cent, it will enable and encourage private concerns to raise their rates on farm loans, and will for this reason prove injurious instead of beneficial.

I for one am solicitous about the success of this plan. I believe it a workable one, and have confidence in its future. I therefore desire a rate should be fixed in the law which will cause it to be a competitor with private concerns and be the cause of them reducing the rate now charged.

Mr. FESS. Would the gentleman yield?

Mr. CULLOP. Certainly.

Mr. FESS. I want to confirm what the gentleman says about low interest rates in certain sections—4 and 5 per cent.

Mr. CULLOP. I want the gentleman to hurry, because I have only five minutes.

Mr. FESS. What is the use of this bill if that be the case?

Mr. CULLOP. The use of this bill is very plain. It will bring the rates of interest down on farm lands in sections of the country where they can not obtain low rates at present.

Mr. GLASS. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. In one moment. In the case of money stringencies and in a time of scarcity in money circles it will prevent money lenders from increasing the rate and punishing the farmer. That will be the result of it, and because of this fact it will serve a most useful purpose.

Mr. GLASS. I will state to the gentleman from Indiana that the rate of interest is not the only thing in this bill by any means. The bill provides an amortization plan for payments which no banking system of this country has ever provided.

Mr. CULLOP. I thank the gentleman from Virginia for his suggestion. This feature will prove of great aid to the farmer, and will enable him to liquidate his mortgage indebtedness when otherwise he would be unable to do so. This feature of the law will prove of great assistance to farmers. This plan in building and loan associations has been successful, and has enabled many a person to become a home builder in this country who otherwise would have remained a tenant under the domination of an exacting landlord.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. In a moment. This system is not being instituted as a money-making concern, but as a concern for the relief of the greatest industry of the country and the men engaged in it. It ought not to be constructed on a profit-making basis or as a money-making concern. That is not the intention of it. [Applause.]

Now, then, the security offered for these loans is the very best security that can be afforded for a loan. It is both adequate and safe. The farms of this country constitute a safe security, and if the system is honestly and properly handled it will prove a great boon to many people in this country who desire to avail themselves of its provisions.

Mr. SWITZER and Mr. PHELAN rose.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. CULLOP. I will yield to the gentleman from Massachusetts.

Mr. PHELAN. If we can fix in this bill the rate at which investors are willing to lend the money to the farmer, why put it at 4 per cent? Why not put it at 8 per cent or 2 per cent and give the farmer the benefit?

Mr. CULLOP. This is not to exceed 4 per cent, and it may be less than that. I believe the maximum should not exceed 4 per cent, and then if the business warrants the rate can be lowered by those interested with the administration of the law.

Mr. PHELAN. That is what we say about 6, and you say 4.

Mr. CULLOP. Yes. The bill as written fixes the maximum limit at 6, and by this amendment I propose to have it fixed at 4 per cent. That is the difference between us. I believe the committee have fixed the rate higher than it should be in order to secure the desired results by the enactment of the measure. If its adoption will secure a reduction of interest charges on farm lands by private concerns, then it has accomplished its purpose and brought about the relief desired. If private concerns can loan money on farm lands at 5 per cent, then under this system it can be loaned for a lower rate of interest, because these loans are exempted from taxation and those of private concerns are not, and this feature alone will make a great difference, one that should receive due consideration in the enactment of this measure. Do not hold out to the farmer a promise not to be redeemed.

Again, the overhead charges, as some gentlemen have pleased to call them, the expense for securing the loan, are not different from those in obtaining loans from private concerns, except in perhaps one particular, and that one particular is in some instances the borrower has to pay a commission. This plan will relieve the borrower from that expense. But the difference in interest charges more than overcomes that expense, if the present rates are continued.

Now, it is evident that if private concerns can loan, as they are now and have been doing, at 4½ and 5 per cent and pay taxes on the loans, under this system it can be loaned at a lower rate, when such loans are exempted from taxation. Now, for this reason I feel the maximum rate should be fixed at 4 per cent; and if fixed at that percent, the administrators of the law will be able to loan at a still lower rate. Exemption from taxation means much in this law and should receive the consideration it deserves. I would remind those in charge of this measure that if the volume of property for taxation be reduced, necessarily the rate of taxation must be increased, and that increase will fall heavily on the visible property. The property of the farmer is visible as a rule, and hence the burden of the increase will fall upon him. He can not escape it.

Now, if improvement bonds, such as highway improvement bonds, drainage bonds, school bonds, and other improvement bonds, exempted from taxation, drawing 4 per cent and 4½ per cent, will sell on the open market above par, why will not these farm-mortgage bonds, drawing a similar rate of interest, be just as desirable an investment and sell just as readily? They will do so, and there will be a demand for them by investors, just as there is now for the bonds I have above named. Then fix this maximum rate at 4 per cent, and by so doing competition has been established between this system and the private concerns loaning on farm property, which will lower instead of raise the interest charges. By so doing, the farmer will be helped and his business benefited. Leave it as now fixed in the measure and an inducement has been furnished to increase rates over what they are now in many localities. Again the banks of this country pay 3 per cent on time deposits. These loans are subject to taxation. Now, if loans of this character can be made at 3 per cent, surely those who make them would not hesitate to take a farm loan at 4 per cent exempt from taxation.

The security is just as good, the investment is just as safe, if not safer, and the evidence of indebtedness as marketable. It is asserted that in some localities money commands a higher rate than even 6 per cent, and hence it would deprive farmers, for this reason, of the benefits of this measure. In other words, because of this fact farmers could not avail themselves of the measure because capital would not invest at such places in these securities. In this view they are greatly mistaken. It would be true if local capital were to be invested, but it is not the purpose to have solely local capital invested. Under this system the organization would get its loans together, issue the bonds, and sell them elsewhere and obtain distant capital and bring it into such localities, and thereby it would reduce the rates of interest on local capital desired for other enterprises. The rate would therefore be uniform for farm loans, and it would reduce interest charges on capital for other local purposes. This would be the effect, the opposite one from that which some here have contended. I do not see how any other effect than the one I have presented could result. If this be true, then the effect would be most wholesome, because it would stimulate other lines of industry along with farming, and the result would redound to the benefit of all except the money changers in such localities. I most earnestly hope the amendment which I have offered will be adopted, as it will, I am confident, add to the success of the measure, popularize it, and prove of great benefit to those for whom this legislation is being enacted. If we are to help the farmer by this measure—and that is its purpose, which is most laudable—then let us do so substantially and increase his opportunities for building up the country and adding to the wealth of the Nation. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I had intended to ask for longer time, but the time has been fixed, and I will not.

Mr. Chairman, gentlemen here seem to fondly hope and believe we will fix the rate of interest at which investors will

invest their money. We may fix the rate of interest at which we will permit somebody to loan money, but we can not fix the rate of interest at which the borrower will get the money.

I hold in my hand a copy of a daily newspaper giving the New York bond transactions on Wednesday of this week. Several million dollars' worth of bonds every day are sold and bought over there. Here is a long column of different kinds of bonds sold and bought in quantities, listed all the way from $1,000 to over a half million dollars, of different kinds of bonds.

Now, some of these gentlemen may be able to tell why New York City 4½ per cent bonds due in November, 1957, sold at 106½ and bonds due in 1964 sold at 102¼, or why 4½ per cent New York City bonds sold at 102½ and 4 per cent bonds sold at 100, almost the same, or why Chicago, Burlington & Quincy general fours sold for 92½ and Chicago, Burlington & Quincy (Illinois division) fours sold for 95¼, and why Nebraska fours sold for 99½.

Everybody knows that the men who invest their money know that there is a little difference in the security. Bonds that you and I think are perfectly good—4 per cent bonds, some of them—sell for as high as 100, and what apparently are equally well secured, to a greenhorn—6 per cent bonds—will sell at 100.

We can not say what the bonds will sell for. In my judgment it is a mistake to put into this bill any provision limiting the rate of interest. This bill can be made to reduce the rate of interest paid by the farmer, at least in the Northwest, the Southwest, and the South, but I doubt very much whether it will make any difference in my State. Perhaps it will. But the only way you can reduce the interest paid by the farmers under this bill is to get people to buy the bonds. You can not force anybody to buy the bonds. They will buy the bonds in competition with other bonds. There are plenty of railroad bonds. Armour & Co. 4½ per cent bonds sell for 93 and 94; Sulzberger 6 per cent bonds sell for 99—only a little more. There is quite a difference in the interest rate. Somebody believes there is a little difference in the security.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. MANN. No; I have not the time. I would yield if I had the time.

We make a mistake when we think that we can fix the rate of interest at which the investors will invest their money. They will invest it if they think these bonds are good and of equal security on about the same terms and at the same rate that they will invest in other bonds that they think are equally good, depending somewhat on how they are advertised and handled. If we fix no rate of interest, but endeavor to let some brokerage house for a commission make people understand that the bonds are good, you can sell the bonds at a lower rate of interest than otherwise, and you can loan the money to farmers at the rate of interest that the bonds bear.

It is sometimes cheaper to pay a firm for underwriting expenses than to attempt to sell the bonds directly over the counter. Millions of dollars will be invested every day in the country in bonds of some kind. People do not have to buy bonds. People do buy bonds—railroad bonds and other kinds—on the market. These bonds can be put on the market in the New York Stock Exchange and you can convince people that the security is good, as it will be if the provisions of this law are carefully executed. You can borrow money at 4½ and 5 per cent. Some of the districts may be able to borrow money at less, but you can not borrow cheaply by fixing the rate in this bill low.

The CHAIRMAN. The Chair will ask the indulgence of the committee to make the statement that under the rules all time on the present amendment is exhausted, and that the time is limited as to all amendments pertaining to this section. The Chair thinks it is better to submit the pending amendment.

Mr. SMALL. Mr. Chairman——

Mr. DILLON. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DILLON. There has been no direct opposition to the original motion made by the gentleman from Pennsylvania.

The CHAIRMAN. The Chair will answer that by saying that under the rules there is supposed to be one speech for and one against, or 10 minutes on an amendment.

Mr. PHELAN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PHELAN. We have not had any speech against the amendment for which the gentleman from Illinois obtained time by unanimous consent.

Mr. MANN. That is all you are entitled to, and I think that is enough.

Mr. PHELAN. If it is, I am perfectly satisfied.

Mr. DILLON. I ask unanimous consent that I may have five minutes.

The CHAIRMAN. The gentleman from South Dakota [Mr. DILLON] asks unanimous consent to proceed for five minutes.

Mr. SMALL. Mr. Chairman, I thought I addressed the Chair before the gentleman from South Dakota did.

Mr. CLARK of Missouri. Mr. Chairman, some time shortly in the general melée I would like to get 10 minutes on the bill itself.

The CHAIRMAN. After the time which has been limited on this section?

Mr. CLARK of Missouri. Yes. I am in no hurry.

Mr. GLASS. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. CULLOP] to the amendment of the gentleman from Georgia [Mr. HOWARD] to strike out 5 per cent and substitute 4 per cent.

Mr. DILLON. I ask that my request for unanimous consent may be put to the committee.

The CHAIRMAN. The Chair put it and the gentleman from Virginia [Mr. GLASS] demanded the regular order.

Mr. DILLON. I did not hear him.

The CHAIRMAN. The Chair will submit the request again. The gentleman from South Dakota [Mr. DILLON] asks unanimous consent that he be allowed to speak on this amendment for five minutes. Is there objection?

There was no objection.

Mr. DILLON. Mr. Chairman, I want to speak in reference to the question of limiting the interest rate, and to call the attention of the committee to a few facts contained in the report of the Comptroller of the Currency, in reference to usurious charges made by national banks. I call attention to a statement on page 29 of the annual report of the Comptroller of the Currency to the first session of the Sixty-fourth Congress, December 6, 1915, as follows:

The records also show that as of September 2, 1915, 1,022 national banks in 25 States were, by their sworn reports, charging an average of not less than 10 per cent, and in some cases 18 per cent, on all their loans. The sworn statements of the banks in one particular State include a list of 131 banks whose maximum rates of interest ranged from 15 to 24 per cent; 67 banks whose maximum rate was between 25 and 60 per cent; 22 banks which charged between 60 and 100 per cent; and 26 banks whose maximum rates were 100 per cent or more.

I call attention to another statement of the comptroller, on page 194 of the same report, in which he gives a list of 29 loans made to a widow.

SPECIMEN LIST OF USURIOUS LOANS MADE TO A WOMAN BY A NATIONAL BANK.

A certain national bank, in response to request from this office, sent in a list of loans made by it since the preceding call, upon which it had charged interest at the rate of 12 per cent or more.

From this list of borrowers one name was selected at random, to whom several loans had been made during the preceding 60 days at usurious rates, and the bank was requested to send a list of all loans which had been made to this borrower during the preceding 12 months.

In reply to that request the bank submitted, under oath, a list of 29 loans which had been made to this borrower who, upon investigation, was found to be a woman who owned a farm about 6 or 7 miles from the town in which the national bank was located. The bank when asked for what purposes the money was borrowed professed ignorance, but stated that it thought that one loan of $110 for 30 days, upon which interest at the rate of 120 per cent was charged, was for the purchase of a horse. The bank furthermore stated that all of the loans to this borrower had been paid in full.

The following is a copy of the affidavit made by the bank as to the loans and the rates of interest charged. In five cases the interest appears to have been incorrectly calculated by the bank, and the figures placed in parentheses are those inserted by this office as being apparently the figures intended.

[Copy of affidavit of bank.]

THE NATIONAL BANK OF ———,
October 12, 1915.

Hon. COMPTROLLER OF CURRENCY,
Washington, D. C.

DEAR SIR: We acknowledge receipt of your telegram of the 11th instant, * * *

The following is a list of the notes made to this bank for the past 12 months as requested:

Date.	Time.	Amount.	Maker (name of borrower not printed).	Interest discount, or commission collected or charged.	Rate per annum.
1914.	*Days.*				*Per cent.*
Oct. 12	30	$11.00		$1.00	120
26	30	21.50		1.50	90
Nov. 5	25	33.00		2.00	93
16	15	27.00		2.00	195
Dec. 1	30	162.50		5.00	36
12	19	27.00		2.00	151
17	14	55.00		5.00	259
18	60	97.50		7.50	50
28	31	377.00		15.00	44

Date.	Time.	Amount.	Maker (name of borrower not printed).	Interest discount, or commission collected or charged.	Rate per annum.
1915.	*Days.*				*Per cent.*
Jan. 30	60	$433.00		$24.50	36
Feb. 5	26	35.25		{7.25 (363 %)	112
12	(1)	120.00		5.00	75
Mar. 3	23	620.25		30.00	77
13	17	22.00		2.00	210
16	14	7.00		1.00	426
20	10	6.00		1.00	720
25	5	6.00		1.00	1,450
Apr. 10	20	28.00		{3.00 (219 %)	1,080
17	13	12.00		{2.00 (561 %)	183
19	11	5.00		{1.00 (830 %)	682
23	7	29.50		2.00	383
26	4	11.00		1.00	900
27	3	7.00		1.00	2,000
May 1	30	110.00		10.00	120
3	27	6.00		1.00	267
10	20	23.50		3.50	315
25	5	3.50		.50	1,200
July 10	30	58.50		5.00	113
Sept. 13	48	20.00		{5.00 (253 %)	187

[1] Demand.

Mr. McKENZIE. Will the gentleman yield for a question.

Mr. DILLON. I have not time to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. DILLON. I call attention to page 217 of the same report in which the comptroller says:

Another one of these banks, with capital, surplus, and undivided profits of about $35,000, declared that the highest rate which it had charged between September 2, 1915, and November 10, 1915, was 147 per cent, the lowest rate 10 per cent, and the average rate on all loans made during that period 36 per cent. Population of the town about 700.

The third of these three banks had a capital, surplus, and undivided profits of about $30,000, and reported the average rate on all loans made between September 2, 1915, and November 10, 1915, to be 40 per cent. The highest rate charged during that period was declared to be 300 per cent, and the minimum rate 8 per cent. This bank was located in a town with a population of about 1,400.

I call the attention of the committee to the further fact that under the laws of practically every State in the Union usurious interest is prohibited and interest rates are fixed. This report shows that the Comptroller of the Currency knows these facts. I want to know why he does not enforce the provisions of law against these national banks all over this country that are exacting usurious interest from borrowers. [Applause.] There is no question in reference to the authority of the National Government in that regard. The Comptroller of the Currency is permitted by a direct statute to bring a suit for the cancellation of the charters of these banks for violation of law. The report of the comptroller shows that he had in his possession affidavits in which it was admitted that many of the national banks were violators of section 5198, United States Revised Statutes. Why does this department allow these agencies to constantly violate the law?

This bill is cumbersome, and the machinery provided is extremely complicated. It provides for an army of useless officials, agents, and servants. It is loaded down with extravagant salaries.

It occurs to me that there is no necessity for having 12 Federal land banks. Each of these banks must have 9 directors, making a total of 108, when 7 directors ought to be able to handle the business from one bank with proper assistants. They are each authorized to employ attorneys, experts, assistants, clerks, laborers, and other employees.

Again, the Federal farm-loan board consists of three members, who are allowed large salaries and traveling expenses, and have power to appoint attorneys, experts, assistants, clerks, and laborers. Many of these expenses could be reduced by providing for a commissioner, with a provision for assistants and necessary help to carry on the work.

I am also impressed that we could adopt the county and State unit and use the machinery already established, and thus be able to reduce extravagant operating expenses. For instance, the board of county commissioners or State officers could be utilized, and thus form a part of the working machinery. Or, again, the postmasters, United States marshals and deputies, United States internal-revenue collectors and deputies could be used, and by the use of existing machinery expenses could be materially reduced.

It appears to me that under the terms of the bill the banking industry will operate and control the entire machinery. If this system could be divorced from commercial banking and operated without extravagant administrative fentures and money furnished by the Government on the same terms as now furnished to banking houses, loans could be obtained at a much less rate of interest.

In the State of South Dakota we have about $5,000,000 in loans belonging to the school fund, loaned on farm mortgages at 5 per cent interest. We have about $6,000,000 running on deferred payments at 6 per cent. When paid in it is loaned out at 5 per cent. It is estimated that we have about $27,000,000 of insurance funds loaned at about 5½ per cent.

The most serious criticism of this bill is its extravagant operating features. For instance, New Zealand issues bonds at 3 per cent to 3½ per cent and loans to the farmers. The Government expense of handling these loans is fifteen one-hundredths of 1 per cent, and these mortgages run 36½ years.

This bill has many good features, but it ought to be simplified and operating expenses reduced. Otherwise the farmers are not going to get loans at a greatly reduced rate of interest.

Mr. SMALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMALL. If I could get recognition now, would it be in order to offer another amendment to this section, other than this one?

The CHAIRMAN. The Chair does not think so. The Chair thinks under the rules of the House all amendments that are in order are now pending, unless it be a substitute. The question is on the amendment of the gentleman from Indiana [Mr. CULLOP] to strike out 5 per cent and insert 4 per cent.

The question was taken; and on a division (demanded by Mr. CULLOP) there were—ayes 12, noes 47.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia (Mr. HOWARD).

Mr. FINLEY. I would like five minutes on that.

The CHAIRMAN. All debate on the present amendment is exhausted. When these amendments are disposed of there will be opportunity for other amendments and other debate.

Mr. FINLEY. I ask unanimous consent that I may have five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that he may be permitted to address the committee for five minutes. Is there objection?

Mr. GLASS. I ask for the regular order.

The CHAIRMAN. The gentleman from Virginia objects, and the question is on the amendment offered by the gentleman from Georgia [Mr. HOWARD] to the text of the bill to strike out 6 per cent and insert 5.

The question was taken; and on a division (demanded by Mr. GLASS) there were—ayes 25, noes 49.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk read as follows:

Page 101, strike out lines 6 and 7.

The question was taken, and the amendment was rejected.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 102, line 17, after the word "become" insert the words "personally or through his agent."

Mr. WOOD of Indiana. Mr. Chairman, if this clause is not amended and it is strictly construed it would be absolutely impossible for anyone to obtain a loan unless he individually intends to do the farming. If the man is the owner of the farm and is farming it by his tenant, under this clause he could not obtain this loan. The purpose of the amendment is that a person may obtain the loan if he, or through his agent, is doing the farming.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MOSS of Indiana. I would like to ask the gentleman how the land can be farmed except by a man or through his agent.

Mr. WOOD of Indiana. That is not the provision of the bill. It says:

No such loan shall be made to any person who is not at the time or shortly to become engaged in the cultivation of the farm mortgaged.

The amendment is for the purpose of making it absolutely clear, and it will save a lot of trouble and annoyance on that proposition. It would make the clause clear, so that a person can obtain a loan if he is going to do the farming through his agent. It strikes me that it will strengthen the bill rather than weaken it.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time heretofore fixed by the committee may be increased 10 minutes and that that time be allowed to the gentleman from Missouri.

The CHAIRMAN. The gentleman from Illinois asks that the time heretofore fixed be increased by 10 minutes and that time be allowed to the gentleman from Missouri. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Chairman, I am very much in favor of passing this bill. [Applause.] I think we are all under obligations to pass it—not this particular bill, perhaps, but some general bill on this subject; and as this is the only bill in sight I am heartily for it.

I believe that men in this life should keep their promises in politics, in religion, in business, and everything else. [Applause.] In my judgment that is the only rule of conduct to live by or die by.

Here is what the Democrats said in their latest platform:

Of equal importance with the question of currency reform is the question of rural credit or agricultural finance. Therefore we recommend that an investigation of agricultral credit societies in foreign countries be made, so that it may be ascertained whether a system of rural credits may be devised suitable to conditions in the United States; and we also favor legislation permitting national banks to loan a reasonable proportion of their funds on real estate security.

The Republicans raised us at our own game, to use the phraseology of a game I have heard much about but do not understand [laughter], and here is what the last Republican platform said. In one paragraph it says:

We need better currency facilities for the movement of crops in the West and South.

In another paragraph it says:

It is of great importance to the social and economic welfare of this country that the farmers have facilities for borrowing easily and cheaply the money they need to increase the productivity of their lands. It is as important that financial machinery be provided to supply the demand of farmers for credit as it is that the banking and currency system be reformed in the interest of general business. Therefore we recommend and urge an authoritative investigation of agricultural credit societies and corporations in other countries and the passage of State and Federal laws for the establishment and capable supervision of organization having for another purpose the loaning of funds to farmers.

The progressive platform says this:

Country life.—The development and prosperity of country life are as important to the people who live in the cities as they are to the farmers. The increase of prosperity on the farm will favorably affect the cost of living and promote the interest of all who dwell in the country and all who depend upon the products for clothing, shelter, and food. We pledge our party to foster the development of agricultural credit and cooperation, the teaching of agriculture in schools, agricultural college extension, the use of mechanical power on the farms, and to reestablish the Country Life Commission, thus directly promoting the welfare of the farmers and bringing the benefits of better farming, better business, and better living within their reach.

So we all promised to do this thing. I do not mean that we promised to pass this particular bill, but to pass some legislation on this subject. In the situation in which we find ourselves it is for this session this bill or nothing.

There has been much investigation on this subject. We sent a commission to Europe to examine into this subject. They made a very strong, luminous, and exhaustive report. In addition to that, we had a joint congressional committee here in our own country to investigate it. They have made their report, and it is clear and comprehensive. The people of the United States want some legislation on this subject, and they demand it now.

I will tell you one of the strangest things that I ever witnessed in this House, and I have witnessed a great many. When we sent the Agricultural bill over to the Senate last year there were only seven Senators in the Chamber. They hitched on the McCumber rural-credits bill to the Agricultural bill, which not a single man in this House probably had ever read. It came back to us when time was the essence of things in the closing days of the Sixty-third Congress. I have seen a dozen men on the floor simultaneously trying to get recognition from the Chair on several occasions, but on that day it seemed to me that the majority of all the Members of the House rose up, demanding recognition.

It was like Roderick Dhu's men jumping up out of the heather all of a sudden, and if the parliamentary situation had been that a Member could move to concur in the McCumber bill amendment that day under the rules of the House, it would have been adopted so quickly that it would have made our heads swim. I am glad it was not so adopted, because that is not the proper way to legislate.

Mr. GLASS. Is not that a commentary upon the American Congress?

Mr. CLARK of Missouri. Of course it is, and the gentleman from Virginia [Mr. GLASS] and myself also could make several interesting commentaries. That was an amazing performance, but it demonstrated beyond even the shadow of doubt that the majority of the national legislators were overwhelmingly in favor of some legislation upon this important subject. I can not investigate all of these bills for myself—none of us can—but I have faith in these men who are on these great committees, and while probably this bill may have been improved by amendment, and frequently that is the case, yet these gentlemen on the committee, Mr. Chairman GLASS and the rest of them, have investigated the subject, and when I have not investigated the matter for myself particularly I follow the committee. [Applause.] That is the only way to get legislation through.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes; with pleasure.

Mr. MANN. Did not the distinguished Speaker vote for the Lever amendment the other day?

Mr. CLARK of Missouri. I think so; but I did not say that I would not vote to amend the bill.

Mr. MANN. That was against the committee.

Mr. CLARK of Missouri. That may be true, but in the main I follow the committee. Of course, I reserve the right to vote for an amendment to the bill if I desire to, where I think it may be improved.

This is not an experiment, Mr. Chairman. It is not even new in this country. Two or three States have tried it heretofore but they did not make a success of it. The principle underlying this bill is very old. In First Kings, fourth chapter, twenty-fifth verse, it is related that in the spacious days of King Solomon, "Judah and Israel dwelt safely, every man under his vine and under his fig tree, from Dan even to Beersheba, all the days of Solomon."

And in the fourth chapter and fourth verse of the Prophet Micah it is written: "But they shall sit every man under his vine and under his fig tree; and none shall make them afraid."

This bill is intended to aid people to sit under their own vines and fig trees—in other words, to increase the number of home owners—a great desideratum.

I will tell you where this plan in concrete form was started and who made it practicable. There was a man in Germany named Büring, an obscure merchant, who went around like one crying in the wilderness for years to get what they called the landschaft system put in operation over there. He could not make it go; he was poor, did not have influence enough; he was sneered at as a "mere theorist," but one of the greatest men of modern times breathed into the nostrils of this system the breath of life, Frederick the Great, of Prussia, and it is a remarkable tale. He not only was one of the foremost soldiers of all time, but he was also a wise statesman. What is more, he was a very successful business administrator. So this man Büring induced Frederick the Great to take it up. Of course the king was absolute and could do as he pleased. It was just at the close of the Seven Years' War, and the story of that war is one of the most remarkable tales ever told in the history of wars.

With 5,500,000 people when he started, Frederick the Great fought France, Russia, Austria, Sweden, and Saxony, one of the largest of the German States, all at one time, and soundly thrashed the whole aggregation, although they had a population of 105,000,000 people. His kingdom was not half as large then as the Kingdom of Prussia is now, and consisted of three separate, disconnected pieces. Although he was the victor in that war, he had lost one-ninth of his entire population, and there never has been a country in the history of modern times that was so thoroughly devastated as was the Kingdom of Prussia. There was not a square mile which had not been laid waste with fire and sword. Frederick started in to rehabilitate his country. The people did not have seed enough to plant a crop. He mortgaged the crown jewels and tore the silver bullion out of his palaces—for in those days they fixed up fine houses with a great deal of bullion. He melted it down and sold it and invested the proceeds of the bullion and the crown jewels in field seed for the farmers and gave it to them. They did not have horses enough to put the crop in, and he loaned them 60,000 cavalry and artillery horses to do their plowing. Then he undertook, furthermore, to reestablish their homes, and he constructed over 30,000 houses. Taken all in all, he is one of the greatest men that ever lived. This man Büring, the obscure merchant, went

to Frederick the Great and pumped into his head this scheme of landschaft, farm loans or rural credits. Frederick changed it somewhat, but accepted the principle. He reached out and took the nobility of Silesia by the nape of the neck and dragged them into the landschaft. They did not have any choice about it; he made them go in; and in order to help it along he contributed $632,000 out of the royal revenues—a large contribution in those days.

The landschaft that he started in 1769 is running successfully yet, and it has been adopted in every country of Germany—the 26 States—except one, and has been adopted in France, where it has been reduced to almost an exact science.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have 10 minutes more, not to be taken out of the time already fixed for debate.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLARK of Missouri. I thank the gentleman from Illinois [Mr. MANN] and the committee. I made the preface to my remarks longer than I intended. Our people went over to Europe and studied the system there. I understand perfectly well that with such a large country as we have, with our everlasting incorrigibility about moving from pillar to post—nearly every man who has lived west of the Missouri has lived in three different States—on account of the size of the country and of our migratory habits, it is going to be harder to make this thing work in the United States than it was in Germany.

My friend from Philadelphia [Mr. MOORE], of whom I think a great deal and who is a very bright man, was objecting to this bill because it did not do the cities any good.

I want to suggest to him that we have been legislating ever since I have been here and ever since the Government has existed for some one else beside the farmer. [Applause.] We have legislated for the bankers, for the manufacturers, for wage earners, for nearly everyone else, and now it is our time. I desire to make another suggestion to him. As the farmers of this country prosper so do the cities prosper. [Applause.] If the farmers did not prosper, the grass would grow in Broad Street and Chestnut Street in Philadelphia and in the streets of all the great cities; but in ordinary fairness it ought to be stated that if it were not for the vast population of the great cities—laborers, merchants, lawyers, doctors, and men and women in other walks of life and the great army of children, all consumers of agricultural products—the farmers would be in a bad way. Truth to tell, we are all interdependent on each other, and all of us should encourage every legitimate and useful industry in the land.

The learned gentleman from Ohio [Mr. FESS] asked the gentleman from Indiana [Mr. MOSS] a very pertinent question, and that was, If farmers could borrow money at 4½ or 5 per cent now or at 6 per cent, what is the sense in passing this bill? In the first place, they can not borrow money at 4½ per cent, and, in the second place, theoretically they can borrow it sometimes at 5 per cent, although things, including rates of interest, have gone up somewhat lately. You can only borrow under present practice for five years at a clip. In addition to that, by the time you pay the bonuses and other charges you have run up to 6 or 7 per cent. That is not the principal thing. Even if this bill fixed the per cent at exactly what the farmer could borrow for now I would still be in favor of this bill, and I will tell you why. The most valuable feature of this bill is the long-term loan [applause] and the amortization feature. I will give you a concrete example. You borrow money for five years from one of the land agencies or one of the insurance companies. You want to plant an orchard. There are some species of apple trees which come into bearing in seven or eight years to some extent, but you can not count reasonably on a full apple crop from a new set of trees in less than 10 years. The same thing is true of pecan orchards and some others.

Another thing about it: The man who borrows on one of these long-term loans, certainly if he complies with the terms of it, can keep that money, paying the interest and part of the principal each year, practically a lifetime. Some of these concerns in Europe have a 100-year period; some of them, I think two or three, have more; many 75, 50, 25. The man gets that money. He gets it at a low rate on easy terms of payment; the loan runs a long time; he can lay his plans reaching far into the future; he starts in to make that farm a home for himself and his children forever.

Mr. EAGLE. Will the gentleman from Missouri permit?

Mr. CLARK of Missouri. I will.

Mr. EAGLE. May I call the attention of the gentleman from Missouri in this connection to this fact, that even if the current present average rate of interest that the farm mortgages of America bear be as small as 6 per cent, which I doubt, notwithstanding that he takes care only of the current interest rate, whereas under the system we are here setting up that same amount paid every year will not only take care of the system and the current interest rate but amortize and in a period of 30 years pay off the principal. [Applause.]

Mr. CLARK of Missouri. I thank the gentleman for his suggestion. He is entirely correct. Now, the fact that he secures a long-time loan, the fact that he has easy payments, induces a man to go in and do the most important thing on a farm, and that is improve the quality of the soil and put better improvements on the farm. Five or six or seven years ago, when James J. Hill, the great empire builder, made a speech at an agricultural fair, in which he said that unless we learned how to make an acre of land produce more than it was doing now, in less than 20 years we would be habitually importing foodstuffs, it sounded like a firebell at midnight, and scared the wits out of half of us.

Now, this bill that Mr. Chairman GLASS has reported here has a tendency to make conditions under which farmers will make an acre produce more than it has produced heretofore. [Applause.] Suppose it is defective, and I would not be at all surprised if it is in some regards, but it is laying a foundation on which we can build hereafter, and if it is not right improve it by amendment. Now, gentlemen, that is about all I have to say or desire to say. I want to see this bill pass because we all promised it, every one of us. And I will tell you another thing about it. There is not a man representing an agricultural district in this House on either side of this aisle who can vote against this bill and go home to his people without being put on explanation. [Applause.]

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. If I have time. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. HENRY. The gentleman from New York [Mr. BENNET] said that there is not anything in this bill that will benefit the landless man. I want to suggest the landless man can avail himself of the benefits of this bill, because he can borrow 60 per cent from the Government and can turn over that money to the man who has land for sale, say, 200 acres at a value of $10,000, and then the owner of the land can take a second lien for the other 40 per cent, and every year the second lien becomes more valuable because the principal and interest are being paid off.

Mr. CLARK of Missouri. Of course it does. I believe as firmly as I am standing here that the passage of this bill will increase the number of landowners—home owners—in the United States—a consummation devoutly to be wished. [Loud applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

Mr. SUMNERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SUMNERS. I desire to oppose the amendment, and I ask unanimous consent that that amendment be again reported.

The amendment was again reported.

Mr. SUMNERS. Mr. Chairman, I want to speak in opposition to the amendment offered by the gentleman from Indiana [Mr. WOOD]. He is apprehensive that the benefits of this bill do not extend to the man who does not live on the land upon which the loan is sought and does not intend to, while I am apprehensive—in fact, I am certain—that it does extend the benefits to such a man. The gentleman from Indiana now offers an amendment which, if adopted, would remove his apprehension, and I shall offer just the contrary amendment.

Mr. Chairman, this is a most vital question with which we are dealing now, one which calls for a disregard of personal interest and political considerations. Whether this legislation is to be a blessing or an injury to this country will depend upon whether in its operation it facilitates home getting by the homeless or facilitates the extension of landed holdings by the nonoccupiers of the land. In the competition for the land between the man who wants it to establish his home upon and the man who wants it to rent, there is no uncertainty as to which one's winning would accord best with sound public policy. We can not close our eyes to the fact that there are three more or less distinct classes—the home builder, the landlord as such, and the speculator—who are competing with each other for the ownership of the lands of this country.

I am not criticizing either class. I have no prejudice in the matter. Most of what I have is invested in a farm. But I know as a matter of broad national policy we have reached a condition in which attention must be given to absentee landlordism. We must extend the hand of encouragement, the hand

of help, if you please, to the man who is willing and able with that help to build a home for himself and live in that home.

This is no small matter of passing importance we are dealing with. It reaches to the very foundation of governments. There is strength in that nation where the people who own the lands live on them. I do not want to help the man get lands who is going to live in town and rent them, as does the gentleman from Indiana. Not because I have aught against him, but it is not good for the Nation. I want to help the man who is going to live on the land. I want to help the man to get a home who has no home. Not because I think he is any better than the other man, but because it is good for the Nation that this homeless man get a home and occupy it. We are here to legislate for the good of the Nation. If this bill gives a much cheaper rate of interest, as it is hoped it will, and that cheap money is available to the speculator it will be more difficult for the poor man to get a home then than now, because the price of land is largely controlled by the rate of interest where it is located. Reduce the rate of interest on money available for land purchase and the price of land is increased. The higher the value per acre the greater, of course, will be the sum necessary to make the initial investment. Forty per cent of the price is the initial investment contemplated under this bill. The first 40 per cent is the hardest part for a poor man to get. We do not want to increase that difficulty. We will increase that difficulty unless the benefits of this bill are limited to the home builder. I hope the gentleman's amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken and the amendment was rejected.

Mr. CARAWAY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, at the bottom of page 101, at the end of line 23, by striking out the word "above" and add to line 24 the words "in this section."

Mr. CARAWAY. That is an amendment that the committee, I believe, agrees to accept.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 101, at the end of line 23, strike out the word "above" and after the word "mentioned," in line 24, insert the words "in this section."

Mr. MOSS of Indiana. I will be glad to say to the gentleman from Arkansas, in behalf of the committee, that I am quite willing to accept that amendment.

The CHAIRMAN. Without objection, the amendment will be agreed to.

Mr. MANN. Reserving the right to object, I would like to have the amendment again reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NORTON: Page 102, line 16, after the word "sixth," strike out all of line 16 and all of lines 17, 18, 19, and 20 and all of line 21 to the word "in," and substitute in lieu thereof the following:

"No loan shall be made to any person who is not at the time or who does not in his application state his intention to become within six months engaged in the cultivation of the farm mortgaged. In case of the sale of the mortgaged land the Federal land bank may, in its discretion, declare the mortgages thereon due and payable, or permit the mortgage to be assumed by the purchaser."

Mr. NORTON. Mr. Chairman, some who have made a study of this subject believe that these loans should be made to anyone who owns farm property. I believe the loan should be extended only to those who own farm property and who cultivate that property. I believe one of the important purposes of this legislation is, and should be, to encourage the ownership and cultivation of farm property, to encourage the living upon farms by more people in this country.

The provision as it stands in the bill would permit one who owns farm property to make a loan and then to sell the property, and have that loan assumed by the buyer, who might not be a farmer at all, but who might be purely a speculator in farm lands. In my own State we have a system whereby we lean on farm property funds belonging to the schools of the State. These mortgage loans are made at the rate of 5 per cent for a period of 12 years. A few years ago, on making an examination of these loans, I found that most of the loans at that very favorable rate of 5 per cent had been made to land speculators, to merchants, and bankers, and not to actual farmers. In many cases land speculators, merchants, and bankers who had received from our board of university and school lands the privilege of these State loans at 5 per cent were making farm loans to actual farmers at rates of 10 and 12 per cent.

I firmly believe if there are any benefits connected with this system they should go to the man who is actually operating the mortgaged farm, either by his servants or directly by himself. That is the purpose of the amendment that I have offered. It is provided by my amendment that when the land mortgaged is sold the farm-land board may, in its discretion, declare the mortgage due and payable.

Mr. FESS. Will the gentleman yield there?

Mr. NORTON. Certainly.

Mr. FESS. Is it possible for you to make a law so as to prevent a man from acting by proxy? May not one own farm land and have certain servants work it?

Mr. NORTON. Of course, that can not be done, as the gentleman well knows. My amendment does not propose to do anything of that kind.

Mr. FESS. You do not prevent a man living in the town from owning a farm and letting somebody else do the farming?

Mr. NORTON. I would not propose or favor any legislation that would discourage a landowner from personally operating or supervising the operation of his farm, but I do desire the benefits of this legislation to accrue to actual farmers who occupy their farms rather than to soap-box or swivel-chair farmers.

Mr. FINLEY. Mr. Chairman——

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman from South Carolina [Mr. FINLEY] desire to be recognized in opposition to the amendment?

Mr. FINLEY. I do. Mr. Chairman, I think the provision in the bill is very well worked out, and I am of the opinion that if the amendment of the gentleman from North Dakota was incorporated in the bill it would bring about more or less confusion and interfere with the administration of the bill as contemplated in its general outlines.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from North Dakota?

Mr. FINLEY. Certainly.

Mr. NORTON. The gentleman argues that my amendment will bring about confusion. Now, that is not so. I want to say——

Mr. FINLEY. Well, Mr. Chairman, I do not yield to the gentleman for a speech.

The CHAIRMAN. The gentleman declines to yield.

Mr. FINLEY. There is no doubt about it, Mr. Chairman, that a proper rural-credit law should be for the benefit of the farmer. But you must have some system, some theory upon which to operate. And not only that, Mr. Chairman, but here we wish to encourage a large class of people who are not landowners to become landowners. A great many of those people are in the country. We wish to reduce that class to a minimum as far as possible under the operations of this bill. Besides that, there is a large percentage of the city population of this country who are without homes. They can do better in the country than they can do or than they are doing in the town or in the city, and they should go, and should be encouraged to go, to the country and become landowners. [Applause.]

Mr. Chairman, I think the plan as worked out here, and of which the gentleman from North Dakota has complained, should remain in the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Wisconsin?

Mr. FINLEY. Yes.

Mr. COOPER of Wisconsin. What does the gentleman from South Carolina think of that part of the amendment offered by the gentleman from North Dakota, which proposes to change this language of the bill—"No such loans shall be made to any person who is not at the time, or shortly to become, engaged in the cultivation of the farm mortgaged"—by making it require, in substance, that in the application for the loan the applicant shall declare that he is, within six months of the date of the application, to become engaged in farming?

Mr. FINLEY. The gentleman asks what my view is of striking that out?

Mr. COOPER of Wisconsin. No; the language of the bill is "shortly to become," which in itself is very indefinite, and the amendment of the gentleman from North Dakota proposes to change this to an absolute definite requirement that in the application for the loan the borrower shall declare that within six months' time he will be a farmer.

Mr. FINLEY. I stated that in my opinion the language employed by the gentleman from North Dakota in his amendment would bring about an indefinite or unsatisfactory state of affairs.

Mr. COOPER of Wisconsin. Could it be more indefinite than to say "shortly to become"? The amendment simply proposes that the borrower be required in writing to declare that within six months of the date of the application for the loan he is to become a farmer, and so forth. What does "shortly" mean?

Mr. FINLEY. Well, the gentleman is able, and I will leave that question for him to answer himself. I think some discretion should be lodged in the board. It may be that sometimes six months would not be the proper time. So, Mr. Chairman, I think the amendment should be voted down. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Dakota [Mr. NORTON].

The question was taken, and the amendment was rejected.

Mr. SMALL rose.

The CHAIRMAN. Has the gentleman from North Carolina an amendment to offer?

Mr. SMALL. I have.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMALL: Page 103, after line 26, insert a new section, No. 11, as follows——

Mr. MANN. Mr. Chairman, that is not in order yet.

The CHAIRMAN. Not at this time. That would not be in keeping with the spirit of the agreement. This is an entirely new section, as the Chair understands.

Mr. SMALL. It is an amendment to the section.

Mr. MANN. No; a new section is not an amendment of the present section.

The CHAIRMAN. The Chair will state that he was not in the chair at the time the agreement was entered into. The Chair understands that there was an agreement of 1 hour and 20 minutes on this section and all amendments thereto, and in keeping with that agreement the Chair believes that a new section ought not to be debated within that time.

Mr. SMALL. This is not a new section.

The CHAIRMAN. The amendment says "a new section."

Mr. SMALL. I mean it is a subsection.

The CHAIRMAN. Very well. The Clerk will report the amendment.

The Clerk read as follows:

That no loan or the mortgage securing the same shall be impaired or invalidated by reason of the exercise of any power by any Federal land bank or national farm-loan association in excess of the powers herein granted or any limitations thereon.

Mr. SMALL. Mr. Chairman, the beginning of this section under consideration contains this language: "That no Federal land bank organized under this act shall make loans except upon the following terms and conditions." The gentleman from Illinois [Mr. MANN], during the early stage of the consideration of this section, submitted a query as to whether a loan made by the Federal land bank beyond the powers or contrary to the limitations contained in the several provisions of the subsections of this section would impair the obligation or relieve the mortgagor from his liability.

I respectfully submit that substantially the interpretation made by the gentleman from Illinois [Mr. MANN] is correct. It may well be that a mortgagor could not himself make the defense that it was ultra vires. It may well be that if a suit were brought in equity to foreclose the mortgage he could not plead that his mortgage was void. But it is, I think, quite true as a matter of law that if any loan were made contrary to the exceptions or inhibitions contained in this law it could be taken advantage of by a third party, so that if the mortgagor had given a second mortgage, or if he had conveyed the land, the second mortgagee or the grantee could take advantage of it, and as a defense could set up the action of the Federal land bank in exceeding its powers or the limitations imposed upon it. This Federal land bank is a creation of law. It has no powers except those which are granted to it. Such powers as are granted are to be rigidly construed, and if they exceed those powers or violate any limitations imposed upon them, I think a proper interpretation would be that a loan made in excess of those powers would not be binding upon any third party as grantee or mortgagee of the same land. I think it may well be true that the borrower would be personally liable for the amount. He would not be permitted to set up this violation of law by the Federal farm-loan board, to relieve himself of his liability, because he had had value received and he would therefore be personally liable. And, as I said, in any suit in equity to foreclose the mortgage I think he might not be able to set it up. But it is extremely probable that a third party could set up this defense.

Now, the gentleman from South Carolina [Mr. LEVER] and others upon this floor during this debate have constantly and repeatedly made the statement that the vital feature of this act was the bond, and that we must keep the security of that bond intact, that we must make it attractive as an investment, and that if we do not do so, then the workability of this law will be seriously impaired.

[Mr. WINGO addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, before I came to Congress I was a real estate lawyer. I had handled more than a thousand foreclosure suits. I think I was fairly well acquainted with the law when I came here. There is no reason on earth why you should leave a question of this sort in doubt. I say that in my opinion the chances are that the court under this would hold that, while a man could be sued for money had, he could not have his mortgage foreclosed; that it is essential to have it clear one way or the other if you want this a success.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

Mr. LEVER. Mr. Chairman, I desire one minute. I hope this amendment will be adopted. If there is to be any doubt of the right of the parties involved in this matter, it is going to affect very much the salability of these bonds, and we can not afford to take any chances on that. I trust that this amendment will go into the bill and that we will depend on the conferees to work it out carefully, so that there will be no doubt on the subject.

Mr. NORTON. Mr. Chairman, can we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the amendment was agreed to.

[Mr. CANNON addressed the committee. See Appendix.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 101, lines 11, 12, and 13, after the word "equipment," strike out the words—

Mr. CULLOP. Mr. Chairman, I make a point of order against the amendment. This is a land bill, and the amendment relates to live stock.

The CHAIRMAN. The Clerk will finish reporting the amendment.

The Clerk read as follows:

Page 101, after the word "equipment," lines 12 and 13, strike out the words "and live stock."

Mr. MOORE of Pennsylvania. I am glad the gentleman from Indiana agrees with me that we ought not to lend Government money to farmers for the purchase of live stock.

Mr. CULLOP. Not in this bill; it does not belong here.

Mr. MOORE of Pennsylvania. I appreciate the gentleman's support; the gentleman does not believe we ought to take money out of the Treasury to lend to men for the purchase of live stock.

Mr. CULLOP. The gentleman is misquoting me; I am not taking that position.

Mr. MOORE of Pennsylvania. If the gentleman thinks we ought to lend money on live stock, he can take that angle of it. While the bill does not lend Government money directly on live stock, it authorizes the land board to lend the money to farmers to buy live stock. So that if he buys live stock with it and an epidemic of foot-and-mouth disease sets in and the loser sees fit to take himself to other parts, the Government gets the farm. It is a splendid opportunity for the Government to get into the farming business; it may pick up lots of poor farms in this way.

I have offered this amendment because I do not think the farmer, the real farmer of the country, apart from the land shark, the speculator, or the agitator, wants to have the Federal Treasury used in this manner. That is not a fair deal to other people who have to buy their own stock.

Mr. Chairman, the Speaker of the House of Representatives, in his splendid historical review of foreign land-loan organizations a few moments ago, took occasion to refer to the fact that some of us did not agree with him upon this proposition. He did me an unintentional injustice when he said that I objected to this bill because it would do the cities no good. I have never taken any such position. Since I have been in this House I have stood up for the farmer of the country along with the city man. My position on this bill, as a man representing a city constituency which buys everything it eats from the farmer, is this: This bill specializes in the interest of the farmer. It takes $9,000,000 out of the Treasury which belongs to the men in the cities as well as to the men in the country, and it applies that money to the purposes of the farmer alone. The pretense is that it is going to give the farmer who never could earn a farm for himself an opportunity to own a farm. It does not give the city worker any such advantage.

I have contended in the spirit of fairness, in that spirit which I think animated the framers of the Constitution in regard to the uniformity of laws, that what is fair in the matter of governmental control and supervision for the farmer is fair for the man in the city. There ought to be no special advantage of one over the other. The distinguished gentleman from Missouri [Mr. CLARK] says that we have been voting everything to the man in the city and to the manufacturer in particular. I have been in this House now for five terms, and I have not heard one kind word from that side about the manufacturer. He has more often been the subject of unjust denunciation. I have heard very few words about the industrialist who constitutes the major portion of the population of the country. He is overlooked in this special legislation. I have observed that the people in my city who have to buy their own homes, who get no governmental support in that regard, who have to bear the burden of taxes for all the people of the country, are depended upon to buy everything the farmer has to sell. I observe that the burden borne by the man in the city receives scant sympathy in the laws we pass here and that he gets no such favoritism as is here intended to be conferred upon the farmer at his expense.

Mr. BLACK. Mr. Chairman, I wish now to discuss briefly the rural credits bill which we have under consideration. I do not think the House would be interested in a history of rural credit legislation in European nations, such as Germany and France have, because most of the membership of this House are more or less familiar with that. There has been a great deal said in our farm papers and magazines during the last few years with reference to these European systems and, in fact, it was the admirable results of rural credits over there which first attracted the attention of this country and caused Congress to send a commission to Europe to make a study of its different systems. This commission on its return made a very full report of its investigation which was printed and made available for study and reference by those who were interested in this important subject. At the closing session of the Sixty-third Congress, a commission was appointed, composed of Members from the Senate and House of Representatives to make further investigation of the subject and report back a bill for the consideration of the present session of Congress.

The committee performed its labor, and the bill which we now have under consideration follows, in the main, the recommendations which they made. The legislation does not follow the precise lines of any of the European systems for the very simple reason that conditions there are in many respects entirely different from those which prevail here. For instance, the German Empire, with an area of 208,780 square miles, supports a population of nearly 70,000,000 of people; while our own State of Texas has an area of 265,896 square miles—nearly a third larger than the whole German Empire—and has a population of only 4,000,000 people, or about 6 per cent as large as the population of Germany. Therefore it necessarily follows that the same identical system of rural credits which prevails in countries where farming is done on the intensive plan and the population is more stationary in their abodes can not be entirely applicable where the lands are not so well improved and the population is more migratory. Now, to illustrate the point I am trying to make: The landschaft system, which is largely used in Germany, is often referred to here in this country. It is purely a cooperative system, and a member who desires a loan on his land does not get the money from his association, but gets a landschaft bond, which he himself sells on the open market and gets his money in that way. It works admirably in that highly developed Empire, but perhaps would not prove to be a great success in this country.

So the task of Congress was to study these different foreign systems, and, using them as a basis, work out an independent plan suitable to conditions in the United States. This they have done; and while no one would expect a great constructive measure of this kind to be perfect in all of its details, the country is to be congratulated on the measure which the committee has given us, and there is every reason to believe that it will take its place alongside of the Federal reserve act as one of the greatest pieces of constructive legislation ever enacted in the history of the American Congress.

Now, it would be useless for me to take up any of your time in a discussion of the needs of rural-credits legislation. It is generally recognized throughout the country that our Nation has reached that point in its economic development where an independent system of agricultural finance is absolutely necessary. Perhaps no people preach more fervently than we the value of home-owning citizenship. The idea has perhaps been nowhere expressed with more happy and varied eloquence. It has been coined into ten thousand epigrams, all of them resplendent and inspiring. But what have we done? That is the question. The awakening to our responsibility is the occasion for the passing of this bill. So, instead of addressing myself to the needs of rural credits, I will confine my remarks to a brief analysis of the provisions of the bill which we have devised to meet our responsibilities. In the first place, this bill provides for two means of effecting the end sought, namely, the Federal land banks, which are based in part on the cooperative idea of the European nations, but in a modified form, and the joint-stock land banks, which are more individual in their conception and where each borrower stands on his own footing.

A study of rural credits in foreign countries has shown these two systems working satisfactorily, side by side, and it was thought by those who had made a close study of conditions in this country that it was a matter of supreme importance to give our borrowers the benefit of both systems. The reason for this will become more apparent as we familiarize ourselves with the details of the Federal land banks and the joint-stock land banks provided for in this bill.

FEDERAL LAND BANKS.

This bill provides for 12 Federal land banks, to be located in different sections of the United States, such locations to be determined by the Federal land-loan board, and no two of which shall be in the same State. The capital stock of each of these Federal land banks shall be not less than $750,000 each, and the stock subscriptions shall first be open to the public, and if within 90 days after the opening of such stock subscription books all or any part of the stock remains unsubscribed, then the Secretary of the Treasury is authorized to subscribe for said stock for and in behalf of the United States. This insures that these Federal land banks will be actually established and that if the investing public does not care to take hold at the start, then the system will not fail because of that fact, but will go right on and will be provided with its initial capital by the United States Government.

Now, there has been a good deal of criticism directed at this Government-aid feature, but when it is studied and analyzed it seems to me that there can be no valid objection to it. This contribution is in the nature of an advance, which is to be subsequently restored to the Treasury of the United States as fast as the stock is subscribed by the farm-loan associations. In other words, this Government stock is to be retired by the successful workings of the cooperative plan provided for in the bill. While it is true that this generous subscription of $9,000,000 on the part of the United States Government is perhaps larger than any initial subscription ever made by any Government to any similar rural-credit system, the purpose of it is laudable in the extreme, the benefits to be expected are manifold, and there is no reason to believe there will be any ultimate loss to the Government. Of course it is well understood by the framers of this bill that this initial amount of $9,000,000 would only, when considered by itself, be a small beginning to take care of the demand for farm lands in the United States, and the natural inquiry is, How will additional capital be procured? Well, gentlemen, that is the vital feature of this bill.

The means which it provides to accomplish this end are substantially as follows: After these Federal land banks are organized with their initial capital stock of not less than $750,000 each, the next step is for prospective borrowers to organize themselves into farm-loan associations. Ten or more persons desiring loans on farm land may join together to form these associations. After a prospective borrower becomes a member, he then makes his application to the association for a loan. His application is then passed upon by the officers of the local association; the land is appraised, and if it is approved the

application is passed on to the Federal land bank, and if it is there approved the loan is made—conditioned, of course, upon proper execution and delivery of the mortgage papers. After the Federal land bank has made loans to the extent of as much as $50,000 through these various farm-loan associations on first mortgages it may take these mortgages and file them with the Federal loan board and get the approval of the board for a bond issue of an amount equal to the face value of the mortgages which have been filed; these bonds to be issued in denominations of $20, $50, $100, $500, and $1,000, and not to draw more than 5 per cent interest per annum. The bonds can then be sold on the open market, and the money thus obtained from their sale will furnish additional capital for the banks to make other loans; and thus this process may continue on and on until the bank shall have sold bonds equal in amount to twenty times its capital stock, when it would have to stop under the limitations of the law. So it will readily be seen that the success of the system depends upon the simple question of whether or not the public will buy the bonds. And when their ample—and I might say "gilt edge"—security is considered, there ought to be little doubt but that the investing public will not only be willing to buy them but will be anxious to have the opportunity to do so.

Let us see how well these bonds are to be secured under the law: (1) By the capital, reserve, and earnings of the land bank which issues it; (2) by the capital, reserve, and earnings of the 11 other Federal land banks in the United States, because the law provides that each Federal land bank guarantees the payment of every bond and coupon issued by every other Federal land bank; (3) by the collective security of all the mortgages pledged and segregated in the custody of the farm-loan registrar, a Government official, which must at least equal in amount the outstanding bonds unless replaced by United States bonds or cash.

Every mortgage mentioned in paragraph 3 above is secured as follows: (1) By the personal undertaking of the borrower; (2) by the security of the mortgaged land; (3) by the capital, reserves, and earnings of the local association indorsing the loan; (4) by the individual liability of the members of the indorsing association.

In addition to the advantages of the iron-clad security above mentioned, these bonds are exempt from Federal, State, and municipal taxation, and during consideration of the bill an amendment was adopted authorizing the Secretary of the Treasury of the United States, in times of financial stress, to deposit with these Federal land banks as much as $500,000 each in any one year for the purpose of meeting any default in the principal or interest of the bonds.

Thus it will be seen that every possible safeguard has been thrown around them. In fact, some have complained that the framers of the bill have been really too cautious in safeguarding the security of these bonds, but this criticism loses much of its weight when it is remembered that the absolute success of this whole rural-credit system rests upon the ready salability of the bonds at advantageous prices. This bill takes into consideration this fundamental fact and, in my opinion, is both sound and practical in its provisions.

JOINT-STOCK LAND BANKS.

Now, there will perhaps be a great many borrowers who desire a loan on land who will not desire to go into the cooperative farm loan associations, but will prefer to act in their own individual capacity. The bill takes into consideration that fact and has provided for that class of borrowers by authorizing the organization of joint-stock land banks. These banks must have a minimum capital stock of $250,000, which capital must be subscribed wholly by private individuals. They are limited in their loans to the territory of the single State where they are organized and can not issue bonds beyond an aggregate amount of fifteen times their capital and surplus, and are confined in their operations to farm-loan business. In other words, they have no authority to do a general banking business. In countries where rural credits have been studied, it has been found that these banks are a very useful part of agricultural finance and have worked successfully, side by side, with the cooperative system.

In procuring a loan from these joint-stock land banks, the borrower does not have to join any association, but simply makes his application in the ordinary way that is now pursued in private loan transactions. The bonds issued by these joint-stock land banks will be distinctive in their character so as not to be confused with the bonds of the Federal land banks, and will be secured as follows:

(1) By the capital, reserves, and earnings of the land bank which issues them; (2) by the double liability of stockholders (similar to the liability of a stockholder in a national bank); (3) by the collective security of all the mortgages pledged and segregated in the custody of the farm-loan registrar—a Government official—which must at least equal in amount the outstanding bonds, unless replaced by United States bonds or cash. Thus it will be seen that these bonds are also well and amply safeguarded and should find a ready market with the investing public.

INTEREST RATES ON FARM LOANS.

I have now briefly reviewed some of the essential features of the machinery, so to speak, of this bill as it relates to the two separate plans, namely, the Federal land banks and the joint-stock land banks. Of course, I have not discussed all the details of administration, because that would be a tiresome rehearsal of particulars which would not be interesting and would be an undue trespass upon your time.

I now wish to address myself to the real meat of the subject, and that is as to the result which the bill is designed to accomplish. In the first place, the supreme object of the bill is to bring the idle capital of the country to the disposal of the man who either desires to buy a home and improve it or to improve and equip the one which he already has; and with the further object that he shall be able to borrow this money on long time and at a reasonable rate of interest.

If the bill accomplishes this end, then it will be, without a doubt, one of the most useful pieces of legislation ever enacted by the American Congress. This bill provides that the interest rate charged on the loans, either by the Federal land banks or the joint-stock banks, shall not exceed 6 per cent per annum. It was sought by some Members of Congress, by amendment, to lower this maximum rate of interest to 4 per cent per annum, but the majority of the membership of Congress did not deem it wise to do so. Of course, Congress is desirous of seeing these farm loans bear the lowest possible rate of interest, but we further realize that capital can not be conscripted and forced to invest in these bonds; and if the interest is made too low, so that the public will not buy the bonds, then the whole system would fall down and prove a dismal failure.

Congress can not, with a mere stroke of the pen, ordain that the public shall buy these bonds, and the man who argues so is either "beside himself" or is an enemy of the bill. It must be understood that the limitation of 6 per cent is a maximum amount, and whenever the farm-loan board finds that the bonds can be sold at a lower rate of interest than 5 per cent it is their duty to reduce the rate of interest on these bonds and thereby reduce the rate on farm loans. It is the confident expectation of all who have studied this question that farm-loan bonds drawing only 4 per cent can be easily marketed, and this would bring the rate of interest down to 5 per cent on farm loans. This is a very reasonable prospect, and there is but little doubt that it will be accomplished. Any man who has made any study of these matters knows that interest rates fluctuate in the financial centers in accordance with the law of supply and demand, and I can conceive of no greater folly than for Congress to "hamstring" this system by providing a rate of interest which the investing public would not take. The maximum rate of 6 per cent takes into consideration these fundamental facts and insures the safe working of the system.

Therefore I affirm that this bill meets the interest situation with the very best of wisdom and good judgment.

AMORTIZATION FEATURE.

Now, as to the long-term feature: The bill provides that loans shall be made for periods of not less than 5 years and not more than 36 years, depending on the wishes of the borrower, and that the payments shall be made on the amortization plan, which is to say that a definite installment is paid regularly by the borrower semiannually or annually, as the case may be; and in which installment is included the interest charge, the expense charge, and a payment on the principal. As the principal is reduced by the application of the amortizement to the reduction of principal, the interest is therefore reduced from time to time, and a constantly greater portion of the installment is applied to the extinguishment of principal. This long-term amortization feature is, of course, the real heart of the bill. The great need of the man of small means to-day is to have some source from which he can borrow money on long time at a reasonable rate of interest and pay it back in small annual installments. He is not able to do that now in most of the States, and under the present system must procure his loan at a high rate of interest and for a comparatively short time and run the risk of getting it extended at maturity.

Extensions are sometimes very difficult to procure and foreclosure is not infrequently the result. I know that in the State which I have the honor to represent in part, that for a time after the outbreak of the European war it was almost impossible to procure farm loans, and the result was that a great

deal of farm paper which matured during that time was very difficult to extend; and, unhappily in some cases, it could not be done at all and foreclosure was the result. I am, therefore, enthusiastic about the long-term amortization feature of this rural-credits bill. The gentleman from Massachusetts [Mr. PHELAN] who wrote the report recommending the passage of this bill, has given an excellent illustration of the admirable results which may be expected from the feature I have just been discussing. In this report, he said:

The general average farm mortgage interest rate has been conservatively estimated at 7½ per cent. It has furthermore been estimated that the total farm mortgage indebtedness of the Nation approximates $4,000,000,000. Accepting these estimates the annual interest charge will equal $300,000,000 with no reduction of principal. If this indebtedness could be refunded under the provision of this bill at a rate of 5 per cent per annum, the same sum as is now being paid for interest alone, the entire debt, principal and interest, would be paid in 22 years and 6 months. This would mean a net saving of more than $175,000,000 per annum. It would mean the extinguishment of the entire existing farm mortgage debt by the operation of the system provided for in the bill in 22 years and 6 months, without increasing the annual payments over that now made to meet interest charges alone.

Now, what about that, critics? Is not that a result worthy to engage the attention of every man interested in the progress and welfare of agriculture in these United States? All honor to the gentlemen who have worked long and faithfully in framing this bill, and my hope is that even their most sanguine expectations will be surpassed by the actual results obtained.

HOME BUILDERS.

The home builder is the Nation builder, and upon his shoulders must depend the ultimate destiny of this Republic.

A prince can make a belted knight,
A marquis, duke, and a' that;
But an honest man's aboon his might,
Guid faith, he maunna fa that.

Edmund Burke, in his great speech on the excise bill, said:

The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter; the rains may enter, but the King of England can not enter; all his forces dare not cross the threshold of the ruined tenement.

The home—the poet has sung of it in his sweetest song; the artist has painted it with his loveliest colors, and the musician has dedicated to its sacred precincts, his most charming strains.

God grant that its domestic purity may continue to be preserved, and its fireside still remain the altar of American liberty.

Mr. CARAWAY. Mr. Chairman, I offer the following amendment——

The CHAIRMAN. If the committee will indulge the Chair for one statement, he will state that there are only 20 minutes left. The Chair would like to recognize all gentlemen having bona fide amendments to offer to the bill. During those 20 minutes if he recognizes gentlemen to offer amendments and then some one in opposition to them, naturally but two amendments can be offered; but if the committee will grant unanimous consent that these amendments offered may be considered as pending and be voted on at the conclusion of the debate, the Chair thinks it would facilitate matters. Is there objection to that procedure?

Mr. RAGSDALE. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Arkansas [Mr. CARAWAY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CARAWAY: Amend, on page 102, in line 19, after the word "land," strike out the remainder of the sentence and insert: "If the purchaser is not eligible to borrow under the provisions of this act the entire amount of such loan, at the option of the Federal land bank, shall become due and payable, or, if the purchaser is eligible to borrow, all excess of the loans above $10,000 shall be due and payable."

The CHAIRMAN. The Chair will state to the gentleman from Arkansas that there is an amendment now pending offered by the gentleman from Pennsylvania, and the question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. CARAWAY. Mr. Chairman, I should like to have the attention of the committee, if I may.

Mr. QUIN. What page and line?

Mr. CARAWAY. I am seeking to amend subdivision 6.

Mr. SHOUSE. The committee is going to accept the gentleman's amendment.

Mr. CARAWAY. Then I do not care to argue it.

Mr. SHOUSE. Mr. Chairman, on behalf of the committee, I am authorized to accept the amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Arkansas will be agreed to.

Mr. SMITH of Michigan. Let us have it again reported.

The amendment was again reported.

The CHAIRMAN. Without objection, the amendment——

Mr. HAWLEY. Mr. Chairman, reserving the right to object, I would like to ask the committee if, in accepting this amendment, they mean to eliminate the rights of the heirs or successors in interest of the deceased borrower?

Mr. SHOUSE. No; that follows.

The question was taken, and the amendment was agreed to.

Mr. MORGAN of Oklahoma. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 101, lines 8 to 24, section 12, strike out all of lines 8 to 24, inclusive.

Mr. MORGAN of Oklahoma. The members of the committee will note that I have stricken out the lines which contain the four restrictions for which loans may be made. A few days ago, in making some remarks here, I opposed these restrictions placed upon the loan. If I remember correctly, the gentleman from Virginia, the chairman of the committee, questioned the statement that I made to the effect that as a rule the European land-credit institutions did not restrict the purposes for which loans are made. Now, to show I am correct about that——

Mr. GLASS. If the gentleman will permit an interruption?

Mr. MORGAN of Oklahoma. I will be glad to do so.

Mr. GLASS. All I meant to imply was that there was no banking system in this country or in any European country or any other country of which I had any knowledge that did not take the precaution to restrict its loans.

Mr. MORGAN of Oklahoma. Now, of course, that somewhat modifies the gentleman, as I understood what he said, but I insist that these limitations were not placed upon loans in European land-credit institutions, and my statement was called in question. Now, I want to read what Mr. Herrick says in a pamphlet which he has issued, page 25, where he says, referring to the landschaft:

No other maximum is set for the amount, nor is the mortgagor required to be the resident cultivator or to use the proceeds for any specified and sworn-to purposes. A landschaft is concerned only with the adequacy of the security, and this is determined through appraisers and officers, who see that the occupant is a good farmer and that the farm is productive and capable of yielding an annual income equal to the dues which the borrower obligates himself to pay. To go further than that, and require the loan to be used for some particular purpose, would necessitate an attention to details that the landschaft could not give without complicating its operations and increasing the cost of business.

Now I want to read from Mr. Cahill's report, with which I am sure Members are familiar, and whom they recognize as probably the best authority on this question. On page 11—and this is published as Senate Document 17, Sixty-third Congress:

The various agencies may be divided into three main classes, according to the purposes for which their loans are granted. In the first class there are four groups of institutions, namely, the land mortgage credit associations (landschaften) in the State, provincial and district mortgage credit banks, the joint-stock mortgage banks, and the savings banks, all of which grant mortgage credit without requiring, in ordinary circumstances, any declaration as to the purpose of the loan.

So there can be no question that in the committee bill you have put restrictions and limitations for which you can give no authority in existing land-credit institutions.

Now, what benefit can that be——

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. RAGSDALE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAGSDALE. The gentleman from Mississippi [Mr. QUIN] before the motion was put, demanded recognition of the Chair.

The CHAIRMAN. If the gentleman from Mississippi demands recognition he can have it for the purpose of opposing this amendment. Does the gentleman desire to oppose the amendment?

Mr. QUIN. I desire to offer one.

The CHAIRMAN. The Chair is going to recognize the gentleman from Kentucky [Mr. BARKLEY] to offer an amendment as he agreed to do, and he will then recognize the gentleman from Mississippi if he gets a chance.

Mr. BARKLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 103, line 21, after the word "payable" insert:

"*Provided*, That the whole of said loan shall not become due and payable on account of any default in the payment of any installment of interest or principal except upon the existence of at least two of such defaults, unless such default by the borrower shall have been for the purpose of defrauding the holder of such mortgage."

Mr. BARKLEY. Mr. Chairman, under the bill as it is drawn it is provided that if the borrower shall be in default in reference to any condition of the mortgage the whole of such loan shall at the option of the bank holding the same become due and payable.

Mr. RAGSDALE. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-four Members are present, not a quorum. The Clerk will call the roll.

Mr. BARKLEY. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. Has a gentleman a right when another gentleman has been recognized and been speaking, to take the floor away from him?

The CHAIRMAN. The point comes too late now. The point of no quorum has been ascertained.

Mr. GLASS. Mr. Chairman, I move that the committee do now rise. I hope the motion will be voted down.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GLASS. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 14, noes 66.

Mr. MOSS of Indiana. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. Moss of Indiana and Mr. GLASS took their places as tellers.

The committee again divided; and the tellers reported—ayes 1, noes 107.

So the motion to rise was rejected.

The CHAIRMAN. A quorum is present. The gentleman from Kentucky [Mr. BARKLEY] has the floor.

Mr. BARKLEY. Mr. Chairman, under the provisions of this bill on page 103 it is provided if there shall be any default by the borrower in any of the conditions of the mortgage the whole debt shall then become due at the option of the bank holding the mortgage. Now, we can all very readily understand that there may be such a thing as the failure of a crop, or a man may have misfortune; he may have sickness in any given year, and by reason of these misfortunes he may be unable to meet the installments, either of interest or principal, for that one year, and yet under the terms of the bill automatically, if the bank holding the mortgage desires, the whole mortgage may become due and payable, and it may enforce collection.

Now, under my amendment I provide that two defaults in payment of interest and principal must occur before the bank has the right automatically to enforce the collection of the entire debt unless the default is brought about by the mortgagor to defraud the holder of the mortgage. It seems to me, instead of giving the option to the bank holding the mortgage to bring about the collection of the entire loan on the default of any condition of the mortgage, the farmer, who for any reason can not pay the installment in any year should have another year in which to make payment before the debt becomes entirely due at the option of the bank. And I trust that the conditions of this amendment are so reasonable that they will appeal not only to the House but to the committee which has produced this bill, so that they will recommend it and accept it for passage in the House.

Mr. RUSSELL of Missouri. How do you propose to be able to establish whether his intent was a fraudulent intent or not?

Mr. BARKLEY. They can bring a suit to enforce collection, and prove whether there was an intent to defraud, and if they can not show it is due to fraud the borrower will have two years in which to make the payment.

Mr. RUSSELL of Missouri. I think oftentimes there are circumstances over which the debtor would have no control whatever that make it very unreasonable for them to act simply because of the first default.

[Mr. WINGO addressed the committee. See Appendix.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the amendment was rejected.

Mr. QUIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. QUIN].

The Clerk read as follows:

On page 102, in line 2, strike out the words "20 per cent of" and add, in line 3, the word "combined," after the word "thereon."

Mr. QUIN. Mr. Chairman, this amendment I offer provides that a farmer can get 60 per cent of the combined value of his land, of his residence, his barn, or his gin. The bill as it reads provides that he can get only 20 per cent of the value of his insurable improvements, his residence, his barn, or his gin. I ask by this amendment that 60 per cent of the value of his improvements may be borrowed.

I consider this one of the most important parts of this bill, because when a land-bank association proposes to loan they are going to be hampered in getting the proper valuation, and it will be difficult for the farmer to realize the proper loan on his property. His insurable improvements may constitute two-thirds the value, and under the language of the bill he can borrow only 20 per cent on such improvements. It strikes me it could not hurt the bill and would be a benefit to the bill itself and to the bond itself, as well as an advantage to the farmer, the borrower.

Mr. GLASS. The gentleman is proposing to reduce the amount the borrower can get by his amendment. It does not say "60 per cent of the value of the land mortgage or 20 per cent of the value of the improvements," but it says "and."

Mr. QUIN. Yes; but it says "and" 20 per cent of the insurable improvements.

I want it to say "60 per cent of the improvements" instead of 20 per cent; 60 per cent of the combined value of the land and the house and the barn and his gin, and so on. Surely the farmer should not be barred from that.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. QUIN. Yes.

Mr. WINGO. Why should not the farmer be permitted to borrow 100 per cent?

Mr. QUIN. I do not believe anybody ought to be loaned over 60 per cent of the value of the property when it comes to a loan. You talk foolishness when you think any business man will buy a bond on the full face value of property. Sixty per cent is about right. That is my idea about it. I think they are entitled to 60 per cent of the value of all their property—the land, the residence, the barn, and so on. For that reason, Mr. Chairman, I ask that the amendment I have offered be adopted.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for one minute.

The CHAIRMAN. The gentleman has the privilege of offering an amendment after the time has expired. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

Mr. RAGSDALE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. RAGSDALE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAGSDALE: Page 101, line 20, strike out all after the word "mortgage."

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina may proceed for five minutes.

Mr. GLASS. I was going to make the same request, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from South Carolina [Mr. RAGSDALE] may proceed for five minutes. Is there objection?

There was no objection.

[Mr. RAGSDALE addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. RAGSDALE].

The question being taken, on a division (demanded by Mr. RAGSDALE) there were—ayes 21, noes 51.

Accordingly the amendment was rejected.

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 102, line 5, after the word "the," insert the word "market."

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to address the committee for five minutes on his amendment. Is there objection?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, the appraising of the land that is to be mortgaged is a very important factor in the loaning of money. A good deal has been said here about the benefits of this law. I think the law is a little intricate. When a man wishes to borrow money

upon his land, he has first to sign an application. Then he must subscribe for certain stock in the land bank:

Any person desiring to borrow on farm-land mortgage through a national farm-loan association shall subscribe for shares of stock in such farm-loan association to an amount equal to 5 per cent of the face of the desired loan, said subscription to be paid in cash upon the granting of the loan.

Then there is a committee of three that is sent by the land-bank association for the appraisal of his land, and under the law it now reads the land is to be appraised according to its value for agricultural purposes. It occurs to me that the market value of the land should be the basis, and not what the land is worth simply for agricultural purposes. The act provides that there may be three appraisals of the land:

APPRAISAL.

That whenever an application for a mortgage loan is made to a national farm-loan association, it shall be first referred to the loan committee provided for in section 8 of this act. Said loan committee shall examine the land which is offered as security for the desired loan and shall make a detailed written report signed by all three members, giving the appraisal of said land as determined by them. (Sec. 10.)

Before any mortgage loan is made by any Federal land bank, or joint-stock land bank, it shall refer the application and written report of the loan committee to one or more of the appraisers appointed under the authority of section 3 of this act, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. (Sec. 9.)

The Federal farm-loan board shall from time to time require examinations and reports of condition of all land banks established under the provisions of this act, and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this act, and shall prepare and publish amortization tables which shall be used by national farm-loan associations and land banks organized under this act. (Sec. 3.)

We have heard a good deal about land being the very best security that can be offered to the investor.

Mr. COX. Will the gentleman from Michigan yield for a question?

Mr. SMITH of Michigan. I yield to the gentleman from Indiana.

Mr. COX. Does not the gentleman think there will be a good deal of trouble in determining the value of the land?

Mr. SMITH of Michigan. My amendment does not say just the value of the land. It says the market value of the land and the earning power, both.

Mr. COX. I can readily see that the market value of an acre of land might be $200 or $500, while for agricultural purposes it would not be worth that at all.

Mr. SMITH of Michigan. It depends on whether or not you put the land into strawberries or some very productive crop. If you put it into strawberries, it is worth under this bill $400 an acre for agricultural purposes, and you use $400 an acre as the mortgage basis.

Mr. COX. Take the case of a piece of land situated close to a town, the market value will not be the agricultural value at all, because the market value may be $500 an acre.

Mr. SMITH of Michigan. The law as provided in this bill does not say anything about the location of the land. The amendment says the market value for agricultural purposes. It is not for speculative purposes, but for agricultural purposes. I want to read from the Weekly News Letter issued by the Department of Agriculture on April 26, 1916, as to the value of land and how it would affect a mortgage loan:

Recently 64 groups of farms in 19 States were studied in order to ascertain what the farmer obtained for his year's work after deducting the interest at 5 per cent on the value of his farm and other capital; in other words, to find out his labor income or wages. In each of these groups, which included altogether 4,400 farms, the conditions were reasonably similar. In each group the farmers were divided into five numerically equal classes, according to their labor incomes.

THE SUCCESSFUL FIFTH.

It was found that although the average labor income for all the groups was only $387, the average for the farmers in the first class—that fifth of the farmers who did best—was $1,421. In the second class it was $642. The last class—the fifth of the farmers who were least successful—got nothing for wages and lost; on the average, $517. That is to say, the interest on the amount of money represented by their farm, stock, and equipment would have been $517 more than the farm returned them. It should be borne in mind in this connection that the labor income is merely the farmer's wages, and that the family has, in addition, besides interest on investment, the use of the farmhouse and such fuel and food as the farm supplies free of money cost.

As to the average income of the third and fourth classes, I present a letter received only a few days ago, also from the Department of Agriculture:

UNITED STATES DEPARTMENT OF AGRICULTURE,
STATES RELATIONS SERVICE,
Washington, D. C., May 10, 1916.

Hon. J. M. C. SMITH,
House of Representatives.

DEAR SIR: Replying to your letter of the 1st, addressed to the Weekly News Letter, we would beg to advise that the average labor income of the third and fourth classes of farmers was $331 and $49, respectively. Of these 64 groups, 6 were in the State of Michigan.

We have made no effort to determine the average size of these farms. They are located in all sections of the country, as stated in the article mentioned by you, and the average farm income of these sections is several times as great as in others. You will find this same matter more thoroughly presented in the recent hearings before the Agricultural Committee of the House, pages 1157 to 1173.

Trusting this gives you the information desired,

Very truly, yours,

C. B. SMITH, *Chief.*

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Michigan. I ask for two minutes more, in order to complete this statement.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SMITH of Michigan. This article states that the last class, the fifth of the farmers who were least successful, got nothing for wages and lost on the average $517. That means that the farmers in that class would each have made $517 more if they had had the value of their farms and investments on a 5 per cent loan. That is to say, the interest on the amount of money represented by their farms, stock, and equipments would have been $517 more than the farm returns.

Now, there are three appraisers to go and appraise a man's farm. They set a certain day to go and appraise it. On that day one of the appraisers finds that his own farm is under water, and he can not go. The second man is busy killing boll weevils, and he can not go. The third man is dipping his cattle to get rid of the cattle ticks, and so on. [Laughter.] You have provided a system of appraisal that is complicated and expensive. And think of the fees of the lawyers who will examine the titles. Section 5 provides for a set of lawyers in the land bank, and the Federal land board, by section 3, is provided with a set of lawyers. It requires good lawyers who are competent to examine land titles. It is the most intricate work there is. It requires care and skill. It requires experience. The lawyer must report on the title. If the title is not good, the mortgage will not be good, nor the bond it secures. I want to consider this from the standpoint of the borrower of the money. He does not want to pay large or small fees to appraisers, attorneys, experts, assistant clerks, laborers, and other employers such as are provided for in this bill. What he wants is to get his money readily and at a low rate of interest, devoid of publicity and red tape. The money lender deals directly with the farmer. Why can not we enact a law whereby the farmer can get his money with the same ease and with as little expense as he can at a State, savings, or national bank at the present time. The farmer has good security, and wants a correspondingly low rate of interest. We all agree to that.

Mr. SWITZER. Will the gentleman yield?

Mr. SMITH of Michigan. Yes, for a question.

Mr. SWITZER. Will there be just one appraiser selected by this land bank, or will they have a number?

Mr. SMITH of Michigan. The land board has appraisers.

Mr. SWITZER. I mean this land bank.

Mr. SMITH of Michigan. And the land bank has appraisers and the land association has got appraisers. They have all got them everywhere.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Michigan [Mr. SMITH].

The amendment was rejected.

Mr. SUMNERS. Mr. Chairman, I offer the following amendment.

Mr. WINGO. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. Was not all debate closed on this section and amendments thereto?

The CHAIRMAN. All debate on this section and amendments thereto were closed and have been closed for some time, and we are proceeding by unanimous consent. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

Page 103, line 12, after the word "mortgage," strike out the period and insert "and that he and his assignees will continue to occupy and cultivate said land, provided the farm-loan board may waive the undertaking as to occupancy where the owner thereof or the members of his family are personally engaged in the cultivation of said land."

Mr. SUMNERS. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for three minutes. Is there objection?

Mr. WINGO. Mr. Chairman, I shall not object to this, but I shall be compelled to object to any further requests on this section.

Mr. MANN. I would like to get three minutes myself to call attention to one matter.

Mr. WINGO. Then, Mr. Chairman, I ask unanimous consent that all debate close on this section in six minutes, the gentleman from Illinois to have three minutes and the gentleman from Texas three minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that all debate close on this section and amendments thereto in six minutes, three minutes to be occupied by the gentleman from Texas and three minutes by the gentleman from Illinois. Is there objection?

There was no objection.

Mr. SUMNERS. Mr. Chairman, I say candidly to the committee that I do not expect that this amendment will be adopted now. But I want to call to the serious attention of this committee the fact that this bill provides that these loans shall be limited to those who occupy, or are about to occupy, the land; but there is not a line in the bill to prevent a man from abandoning the property on which a loan is gotten the day after he gets the loan.

Another thing, you make the maximum loan $10,000, but there is not a thing in the bill to prevent a man who already owns $100,000 worth of land taking advantage of the provisions of the bill. My amendment would limit the benefits of the bill to the home builders and prevent the speculator from using it to the detriment of the home builders.

I say to you, gentlemen, that no man ought to get one dollar of this money except the home builder. If you give cheaper money and make it available for general use you make it more difficult for the poor man to get his home than now, for the reason that you will increase the price of land. It would be harder for him to get the first 40 per cent, that part which this bill does not help with regard to, than now. Instead of doing the poor man a service you will do the speculator a service and the poor man an injury.

I know what I am talking about. Take Texas, with 52 per cent of its farms occupied by tenants. We need more home owners and fewer landlords there. The home, the owned home, is the foundation upon which the Nation rests. Facilitate their increase and strengthen the foundation of the Government. That is our duty now. I hope the committee in charge of this bill will seriously consider this matter. I appeal to you, gentlemen, because I know that I am right, and I ask you to see if you can not consent to so amend the bill that it will take the privileges of the measure away from the speculator and give it to the man who is trying to build a home for his family and is not ashamed to live in the country after he has gotten it. [Applause.]

Mr. MANN. Mr. Chairman, I wish to call attention to something that I think may be worthy of attention. Page 102, paragraph 6, says:

Sixth. No such loan shall be made to any person who is not at the time, or shortly to become, engaged in the cultivation of the farm mortgaged. In case of the sale of the mortgaged land, the purchaser shall have the option within 60 days to assume the mortgage and stock obligations of the mortgagor on the mortgaged farm. In case of the death of the mortgagor, his heir or heirs, or his legal representative or representatives, shall have the option, within 60 days of such death, to assume the mortgage and stock obligations of the deceased on the mortgaged farm.

I do not know just what is meant by this, but it is quite evident that if it amounts to anything 60 days is too short a time to require the heirs or the legal representatives of a deceased farmer to determine what they are going to do. I can not see that it amounts to very much unless giving an option means that they have the option to do or not to do. Of course there is a mortgage on the land; it is a lien on the land.

Mr. WINGO. I think there is something in the gentleman's suggestion, and what time would the gentleman indicate?

Mr. MANN. I do not know. I do not undertake to say, but I think it ought to be a longer time than 60 days.

Mr. WINGO. I think the committee agrees with the gentleman, and we have thought of it before.

Mr. MANN. This bill is going to the conferees, and I make the suggestion with the view of having it corrected deliberately. If the option means that the purchaser may refuse, that is one thing, but I do not know just what it would mean. The purchaser takes the farm subject to the mortgage anyhow; he does not need to assume it. Somebody has to pay it, but if it means anything at all it ought not to be such a short time in the case of the estate of a deceased farmer.

Mr. SHERLEY. What does it mean?

Mr. MANN. I do not know.

Mr. CULLOP. Does not the gentleman think that one year would be a reasonable time?

Mr. MANN. I do not know.

Mr. CULLOP. I would like to call the gentleman's attention to another thing. Does not the gentleman from Illinois think that the State courts should have jurisdiction in foreclosure proceedings on the mortgages?

Mr. MANN. I think they do.

Mr. CULLOP. There is nothing to indicate it in the bill, and I think State courts ought to have jurisdiction.

Mr. MANN. I will say to the gentleman that one distinguished Member of the House—and a very able Member of the House, too—came to me awhile ago and insisted that the Federal courts ought to have exclusive jurisdiction over the foreclosure of mortgages under the bill.

The CHAIRMAN. All time has expired, and the question is on the amendment offered by the gentleman from Texas [Mr. SUMNERS].

The question was taken, and the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

POWERS OF FEDERAL LAND BANKS.

SEC. 13. That every Federal land bank shall have power, subject to the limitations and requirements of this act—

First. To issue, subject to the approval of the Federal farm-loan board, and to sell, farm-loan bonds of the kinds authorized in this act, to buy the same for its own account, and to retire the same at or before maturity.

Second. To invest such funds as may be in its possession in the purchase of qualified first mortgages on farm lands situated within the Federal land-bank district within which it is organized.

Third. To receive and to deposit in trust with the farm-loan registrar for the district, to be by him held as collateral security for farm-loan bonds, first mortgages upon farm land qualified under section 12 of this act, and to empower national farm-loan associations, or duly authorized agents, to collect and immediately pay over to said land bank the dues, interest, amortization installments, and other sums payable under the terms, conditions, and covenants of the mortgages and of the bonds secured thereby.

Fourth. To acquire and dispose of—

(a) Such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be in part leased to others for revenue purposes.

(b) Parcels of land mortgaged to it as security.

(c) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate purchased or acquired to secure any debt due to it, for a longer period than five years, except with the special approval of the Federal farm-loan board in writing.

Fifth. To deposit its securities, and its current funds subject to check, with any member bank of the Federal Reserve System, and to receive interest on the same as may be agreed.

Sixth. To accept deposits of securities or of current funds from national farm-loan associations holding its shares, but to pay no interest on such deposits.

Seventh. To buy and sell United States bonds.

Eighth. To charge borrowers, under rules and regulations promulgated by the Federal farm-loan board, reasonable fees not exceeding the actual cost of appraisal and determination of title. Legal fees and recording charges imposed by law in the State where the land to be mortgaged is located may also be included in the preliminary costs of negotiating mortgage loans. The borrower may, at his option, pay such fees or he may require them to be advanced by the Federal land bank making the loan, in which case said expenses shall be made a part of the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the limitations provided in section 12.

Mr. SHOUSE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 105, line 8, after the word "years" strike out the balance of line 8 and line 9.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire recognition. I have been listening to this debate for several days. Like the distinguished Speaker, I want to vote for the bill, but if I do I am going to be compelled to forget a good deal that I have heard in this debate.

The more I know about this bill the less enthusiastic I am about supporting it. I doubt whether it will help that class that most needs help—the farmer that is struggling with poverty and debt. I doubt if it will help any man to secure a home for himself and family. Yet, as it is the only legislation of this character that the Democratic Party will permit Congress to consider, poor as it is, failing as it does to meet the promises made to the country by the majority and solely because we can not get something better, I shall support it, hoping it may be of at least some benefit to the farmer and trusting that it will do him no harm.

The sudden anxiety of the Democratic Party to pass this legislation and, as they claim, to redeem their platform promise after forgetting this promise for more than three years, is at least sufficiently surprising to attract attention. Why this sudden desire on the part of the Democratic Party to keep a platform promise? Have they shown any desire to keep any other platform promise? Will some good Democrat point out any promise that they made in their platform at Baltimore that has been redeemed? If he can it certainly will be interesting information to the American people. Have the Democrats redeemed their

promise to reduce the high cost of living? Have they redeemed the pledge that they made that their candidate would seek but one term for President? Is there a Democrat in this House that dares even assert that he is in favor of keeping this pledge? Does any Democrat feel proud of the way his party kept its promise in regard to free tolls for American ships using the Panama Canal? How can you explain the Democratic failure to keep any other promise in that platform and their great anxiety now to keep the one about rural credits. Is it possible that the Democratic Party desires to be in a position at the coming St. Louis convention so that they can point with pride to the fact that of all the promises made in the last Democratic platform, they have attempted to keep at least one? Why have they waited so long to redeem this pledge? Why their feverish haste now? Can it be that the Democratic Party is more anxious to pass this law in time to boast of it at the coming convention than they are to get it on the statute books in order that it might be given a fair trial before election? Do the Democrats think that they are deceiving the American farmer by such performances?

Much has been said during this long consideration of this bill about the farmer and farming.

I labor under no delusions in regard to the glories and the beauties of farm life. I know what farm life is; I have lived it. I know what it means to rise early and work late. When I was a boy on the farm we worked 10 hours before noon and 9 hours after noon. We slept only when we could not see to work. Much of the poetry and romance of farming is written by those who have plowed the fields only in a swivel chair in some comfortable city office. It is true that the interurban railroad, the telephone, the automobile, the rural route, the modern machine have removed much of the isolation and inconvenience and hardship of the farmer to-day as compared with the farmer of 25 years ago. But the life of the farmer is still one of hard work and self-denial, of saving and frugality. It is a life of good living and independence but not of luxury, ease, and extravagance.

Our farmers to-day, we are told, are prosperous. We rejoice that this is true. But the farmer that grows independent does not do it by speculation or by the accidental stroke of good fortune. He does it by industry, by economy, and by the exercise of sound judgment. There are no eight-hour days for the successful farmer. His days of watchfulness, anxiety, and care contain 24 hours.

The farmer is the most independent man in all the world. He has the most initiative. His success depends, perhaps, more largely on his individual effort than that of any other class. He is the strongest character of our race, always has been and probably always will be. The farmer of all classes is the most opposed to paternalism. Of all classes he most despises the fallacy that you can make prosperity by law. He of all classes demands no special favors. He wants only an equal chance. The farmer of this country demands only a fair deal.

In war and in peace the security of the Nation has largely rested with those who came from the farm. In time of peace the farmer keeps us from starvation. In time of war he is the backbone of the Nation's defense. It was the farmer's boy that helped more than any other class to establish our national independence and to preserve the Union. If the shock of war comes again, it will be the boy from the farm upon whom the Nation will chiefly rely for its protection.

To say that the farmer feeds the world is a trite saying. But he does far more than this. His sons and daughters keep the race from death.

In Grecian mythology we are told that one of the greatest feats of the mighty Hercules was the killing of Antæus. Antæus was a giant wrestler, and every time his antagonist threw him to earth he rose with his strength renewed, and Hercules could only slay him by holding him high in the air and strangling him to death. There is truth as well as poetry and imagination in that story. Great men keep close to the soil. The Nation that does not renew its strength by coming in contact with Mother Earth must die. If it were not for the new and clean blood that comes from the farms of this Nation, our country would perish in 50 years, the victim of its own degeneracy.

THE FARMER'S BOY.

The farm furnishes us not only with the foundation of national prosperity and the chief sources of our wealth, is not only the great power upon which the Nation leans in time of peace and in time of war, but the farm also furnishes the men that fill the leading places in all the world of success. In art and literature and profession and business and politics the boy from the farm stands first. The figures upon this subject are instructive and astonishing. Not one in every hundred of the men to-day in all the various walks of life who are leaders were born and raised in cities. The great judges, inventors, and scientists, lawyers and physicians, politicians and statesmen, have nearly all come from the country. The boy reared in the city rarely has the opportunity to fully develop either mind or body. He does not have to work, and, above all, he does not know the value of money measured in human toil. He fails to comprehend the primal lesson of every real success—that it can only be achieved by hard work.

I like to recall the story that was told to me by a former member of McKinley's Cabinet. He said that one time President McKinley and his Cabinet were riding upon a train through the State of Iowa. Early in the morning, looking out on the frost-covered fields, President McKinley said, "Gentlemen, do you know what that sight recalls to my memory? It makes me think of the days when I was a barefooted farmer's boy and when I used to drive up the cows in the early morning when the frost was still heavy on the grass and when I would stop to warm my feet in the places where the cows had lain." Each member of the Cabinet replied that he had gone through that same experience, except one, and he had been born and raised upon a farm, but it was in the South, where they had no frost.

It is the barefooted country boy that drives up the cows on the frosty morning and stops to warm his feet where they had lain that will make the man that will win and hold the highest prizes that success can give.

The boy that has never lived in the country, gone barefooted and bareheaded, who has never driven home the cows nor ridden the horses from the plow to the barn, who has never worked in the harvest field, who never cared for the horses and cattle, who never toiled in the garden, who never fished in the little stream, who never wandered in the shady woods, who never saw the minnow in the quiet pool nor the squirrel in the autumn trees, who never hunted the fields and hills and forests when white with the winter snow, who never has been taught to work, who has never learned the value of a dollar measured in human labor—that boy has missed the best and most valuable training that this world can give.

When I see the boy in the city, with his starched collar, his polished shoes, his well-fitting clothes, his artificial manners of a man, his pale, untanned face, my heart and sympathy go out to that boy. He does not have a fair chance in life.

The country boy, barefooted and ragged, hatless and sunburned, familiar with the fields and woods, who comes face to face with nature, who learns by actual experience, who earns what he spends, who works with his hands, who has his duties and responsibilities, the farmer's boy who goes after the cows in the early morning frost—that boy is gaining strength and character that will make him a leader among men.

GIRL, WIFE, AND MOTHER.

The farmer's girl is the sweetest blossom that sheds its perfume in this world of sunshine and shadow.

The one person in this world that works harder, bears heavier burdens, and has greater responsibilities than the farmer and to whom the world owes a greater debt than it does to the farmer is the farmer's wife. In a little country graveyard is the last resting place of her who gave me birth—a country girl, a farmer's wife, the mother of a farmer's family. The mothers of most of the men who have served in Congress were born and lived and toiled and raised their families and died in the country.

The mother of the farmer's boy has done more to direct and mold the destiny of the race than any other human being that ever blessed this world of ours. Hers is the most successful, the grandest, noblest life that God in his infinite wisdom has ever yet created beneath the stars. In the kingdom of the brain, in the empire of the heart, her sons and daughters rule the earth.

To-day, in the little home upon the farm, in the modest cottage, in the country village, in the humble home everywhere throughout this land, the tired and patient mother, with loving hand, is rocking the future great of the world. That mother, on the quiet summer's evening, in singing a lullaby to him, who, in the future years, will dictate the policy of the Nation and direct the destiny of mankind.

To that mother, the ideal American woman, the woman who with her own hand rocks the cradle of her child, I pay my tribute. She is our country's security, humanity's hope, the salvation of the race.

All great mothers do not have great sons, but all great sons do have great mothers. This is the law eternal of our race, fixed by the Infinite Wisdom.

[Mr. SISSON addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, if I understand the amendment pending, it is to strike out, page 145, lines 8 and 9, the words "except with the special approval of the Federal farm-loan board in writing." I think this is the fact. Most of the States, many of them, have provided that the corporation acquiring title to real estate shall not hold the real estate beyond a certain number of years—in other words, must dispose of it—and if the corporation does not dispose of the real estate the only person who can raise the question is the State.

A few years ago in our State we passed a law providing that no one could acquire real estate in Illinois except a citizen of the United States. It was not on the statute books very long. There is no title to-day examined in the State of Illinois and elsewhere where they are very careful about titles in our State; they do not have to prove citizenship of everybody who owned property during that time. It was not a question under the law. The law was positive. It was not a question that could only be raised by the State. The abstract and the title people said that it was a question of holding the title. Now, this provision in the bill is:

But no such bank shall hold title and possession of any real estate purchased or acquired to secure any debt due to it for a longer period than five years.

It might easily happen the title would be in dispute for longer than five years. Litigation is prolonged, especially chancery real-estate litigation. This bank might acquire title to a piece of property by foreclosure, somebody else intervene, file a suit, set aside the proceedings, and it might not be determined within the five years.

Mr. SISSON. Will the gentleman permit an interruption? If the gentleman will look at line 6 in the bill——

Mr. MANN. I have read it.

Mr. SISSON. It would indicate clearly that the bank should hold both title and possession of real estate, and to hold title would be at the outset——

Mr. MANN. Not at all; you would determine at the end of a lawsuit that you have just acquired title. You do not determine whether you had title in commencing. You hold title. It may not be an undisputed title. That would not amount to anything at all. That would not amount to a row of pins. There ought to be some method by which under proper circumstances title should be legally retained. I think there could be an ouster here, but it would cloud the title when they went to sell to a purchaser. There might be a panic at the end of the five years; there might be a contract to sell the property, and that might be in litigation.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. MANN. I think it would be wise to leave in the provision that the Federal farm-loan board's consent in writing might remain, and in a particular case hold the title for a sufficient time.

Mr. SHALLENBERGER. The gentleman has practically made the point I intended to raise, that it might occur that they would be compelled to sell under circumstances and at certain times, and that quite a loss might occur, and it would be very necessary, in order to preserve the institution, that this authority should be held by the governing board.

Mr. MANN. After the Chicago fire, when real-estate mortgages were foreclosed there by insurance companies on properties that had become absolutely valueless, or practically so, those companies held the property longer than was allowed by law, until in the course of time and the development of the city property which no one would have bought from them more than paid them back their investment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PHELAN. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may have two minutes more. I would like to ask him a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PHELAN. I do not object to the amendment, but I did not like the wording as it was. I wanted it in another wording in the committee room. If it had said for a further period of five years, I would have no objection. As it read, if the board once gave its approval for five years it might run on indefinitely. That was the objection I had to the particular provision as it stood in the bill. If it had said for a further period of five years, I would not object. I think that can be fixed.

Mr. SISSON. I would like to suggest that in the contingency such as the gentleman from Illinois states would exist in reference to real estate this amendment might be adopted and might be settled in conference.

Mr. MANN. It is easier to be settled in conference by leaving something in than it is by leaving something out.

Mr. SISSON. Let the committee amendment be adopted, and if they desire to do so——

Mr. MANN. The committee amendment is to strike something out, so that they will have nothing before them in conference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. SHOUSE].

The question was taken, and the amendment was rejected.

Mr. DAVIS of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of section 13 add:

"And whenever any Federal land bank shall deposit with the Federal reserve board farm-loan bonds of any amount the Federal Reserve Board shall cause to be issued and advanced thereon Federal reserve notes upon the same terms as Federal reserve notes are now issued to member banks under the provision of the Federal reserve act: *Provided*, That the amount so advanced shall never exceed the sum of $200,000,000, and the reserve board shall have power to control the amount of these reserve notes outstanding by sale of said bonds and retirement of said reserve notes at its discretion."

Mr. WINGO. Mr. Chairman, could we reach an agreement as to time on this particular amendment? How much time does the gentleman want?

Mr. DAVIS of Texas. I have about a three hours' speech wound up in this, but I can get through in five minutes.

Mr. WINGO. Mr. Chairman, I will withdraw the request and let the debate proceed.

The CHAIRMAN. The gentleman from Texas [Mr. DAVIS] is recognized.

Mr. DAVIS of Texas. Now, Mr. Chairman and gentlemen of the committee, I have tried to be during this whole discussion very demure and decorous, and yet this is the most important question that has been before this House, so far as I am individually concerned. It involves, in a measure, a life's work for myself and a lot of men who have gone to the great beyond with whom I worked. And I am not going to play politics. I want to suggest to our friends from the Republican side of the House who have been making fun of this rural-credits measure and wanted to romp on Woodrow Wilson and the Secretary of the Treasury, that if you want to play politics with me on this or any other question the Democrats have passed thus far you meet me in the next campaign, have your best silk-hatted and kid-gloved men, and tease me in joint debate in the general campaign, and I will play politics with you to your heart's content.

I am not going to discuss the political phase of this question. I want to treat it in its economic sense. The question was raised by the Republican side of the House, wanting to know why we did not just start the grinding machine and grind out a lot of money for the farmer, because the farmers have never expected that. That was a peculiar operation of the Government given by the Republicans to the Aldrich gang. They had millions and hundreds of millions ground out and handed to them under the Aldrich-Vreeland Act, and our Republican friends seemed to think that was "safe and sane" grinding.

Now, the whole problem resolves itself into this one question: Are you willing to do for the farmer just what you have done and are by law doing now for the commercial banking associations of this country?

Some friend will ask, "Is the security good?" Why, bless God, I can prove by every man that has made a speech in the committee that it is the best security on earth—the earth itself. So the security is good. The discretion is handed over to the Reserve Board to retire the notes, and you will have no inflated currency. The bonds are to be sold if necessary at the discretion of the Reserve Board to retire the currency issued to the farmer. The limit is fixed at $200,000,000, and you need not be uneasy about "flooding the country with currency." The whole question comes now to this one point: Is this a measure to relieve the agricultural industries of this country? If it is, give them a just measure, a fair measure, one that will meet them on equal terms as it meets the commercial world.

But some man says, "It is class legislation to go to the farmer." Now, listen: I live on a farm, and it is perhaps natural, having been raised on the farm and having lived on a farm for the last 15 years, that my judgment is biased, because I am one of those who believe that class consciousness is just as natural as class interest. But I have spent 20 years in the courthouses, and my books tell me that the prime object of all government is to restrain the strong and vicious, to assist the weak and helpless, to establish and maintain that which is right, and to condemn and prohibit that which is wrong.

So I ask you whom are you seeking to benefit? Can you establish and maintain that which is right in relation to the farmer, and have him hawked on the money market and devoured by

gressly corporations. Several gentlemen on the Republican side of the House talked about the farmers being so wealthy and so prosperous. The reverse is true. There are over 2,000,000 farmers in this country whose life—one-fourth of it—under the tenant laws, regulations, and customs goes to the men who own the earth.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that the gentleman from Texas may proceed for five minutes more. Is there objection?

There was no objection.

Mr. DAVIS of Texas. I had the honor, Mr. Chairman, to be the national political lecturer, so designated by the Farmers' Alliance for nearly three years in its palmiest days. Their statistics developed the proposition that upon an average the tenant farmer vacated one-fourth of his life to the landlords. I come to you with the statement that just about two-thirds of the wheat, just about two-thirds of the corn, and far more than two-thirds of the cotton in this Republic are raised by men who do not own the soil upon which they are raised. I come to you with the statement that in the South, where we produce upon the average something like 15,000,000 bales of cotton, more than 5,000,000 bales of that cotton are raised under chattel mortgage, and that means a distress call in which the cotton is forced to go to market to liquidate and satisfy a mortgage. You can take the trade journals and consult the organs of the cotton factors of Europe and see therein statements of the fact that when the put-in calls take place in the money market in October there must be a rush to the market to sell the cotton even at a sacrifice. Maturing mortgages, representing so many millions of dollars, compel the farmers to sell. We have seen the same situation all over the country, and yet when you come to relieve the farmer by a just rural-credit measure, a lot of good-looking fellows rise up and ridicule the proposed law and others malign and abuse it as simple sophistry and demagoguery.

Now, I want to suggest if this House had left the preparation of this measure to JOE EAGLE, BEN HENRY, OTIS WINGO, and my old friend HUGHES and myself and others who have been working for years, we would have fixed a long ways better bill to my liking. But I am going to support the bill, and I am going to support it because it stands as a framework for what can be made a great system for the farmer. I am like John Smith was—you have heard of him—when he went to see his best girl and saw a fellow in the parlor sitting cross-legged, twisting his moustache at her. He thought it was no place for him, and so he went to see his second-best girl, and there he found a fellow with sweet ointment on his hair rolling his eyes at her; and about that time he heard the church bell ring and went to prayer meeting, and he got into the church just at the moment when the preacher was calling for the first prayer. He says, "Here is Brother Smith; he will lead the prayer." So Brother Smith dropped on his knees and said, "Oh, God, we come to Thee to-night because we have nowhere else to go." [Laughter.]

I am in the same shape. I have been fighting for rural credits for 20 long years. The best bill I have had the good fortune to see was the bill introduced by the Farmers' Union, presented by the gentleman from Arkansas. I voted for that; and the next best proposition was by my friend from Kansas [Mr. DOOLITTLE], and I voted for that. I did not get either of them, and now I have nowhere else to go.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HENRY. Mr. Chairman, I ask unanimous consent that my colleague may have five minutes more.

The CHAIRMAN. The gentleman from Texas [Mr. HENRY] asks unanimous consent that his colleague may have five minutes more. Is there objection?

Mr. GLASS. I would like to develop, Mr. Chairman, the number of amendments that will probably be offered to this section, so that we may agree upon some limit of time.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that all debate on this section and amendments thereto close—in what time?

Mr. SMITH of Minnesota. I would like to have five minutes, Mr. Chairman.

Mr. THOMPSON. I reserve the right to object, Mr. Chairman.

Mr. GLASS. Thirty minutes is wanted over here.

Mr. MANN. Ten minutes is wanted over here.

Mr. GLASS. I ask unanimous consent, Mr. Chairman, that all debate on this section and all amendments thereto conclude at half past 5 o'clock—that is, in 45 minutes.

Mr. MADDEN. I would like to make a suggestion in connection with that.

Mr. MANN. This is Saturday night, and we have had an unbroken custom here of quitting at 5 o'clock on Saturday night when we meet at 11 o'clock in the morning. In fact, this is my week to take a bath. [Laughter.]

Mr. GLASS. Then let us say that the debate on this section and all amendments thereto close in 40 minutes.

Mr. MADDEN. And that 20 minutes of that time be given to this side.

Mr. SISSON. I would like five minutes.

Mr. THOMPSON. Reserving the right to object, I want to get five minutes of that time. If I can not, I will object.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that debate on this section and all amendments thereto close in 40 minutes. Is there objection?

Mr. FINLEY. I object.

The CHAIRMAN. The gentleman from South Carolina objects.

Mr. GLASS. Mr. Chairman, I move that all debate on this section and amendments thereto close in 40 minutes.

The CHAIRMAN. The gentleman from Virginia moves that debate on this section and amendments thereto close in 40 minutes.

Mr. THOMPSON. If I can get five minutes, I have no objection. If I can not, I will make the point of no quorum.

The question was taken, and the motion was agreed to.

Mr. HENRY. Now, Mr. Chairman, I renew my request that my colleague [Mr. DAVIS of Texas] may have five minutes.

The CHAIRMAN. The gentleman from Texas [Mr. DAVIS] is recognized for five minutes.

Mr. OGLESBY. Will the gentleman yield for a question?

Mr. DAVIS of Texas. I yield to the gentleman.

Mr. OGLESBY. I know something about the conditions in the cotton-raising section of the South that the gentleman has referred to, and I should like to ask the gentleman if he thinks this bill will aid in the solution of that problem; and if so, I should like to know in what way it will do it.

Mr. DAVIS of Texas. I was just reaching that point. The features of this bill that make its salvation for future service are, first, that it has established the fact that the Democrats and a large element of the Republican Party are carrying out their pledges to make a rural-credit system. It will settle the constitutionality of the law to be tested. It will commit the Government to a rural-credit plan, and thereby put the Government in shape to go on with the service. For I call to mind the fact that my old friend the gentleman from Georgia [Mr. HUGHES] and other older men here remember very well, as I do, that when the Interstate Commerce Commission was first created it was after a hard-fought battle, and the commission was a very crude machine for relief, but it was perfected and made a great power for public good. The same is true of most of our institutions. So this bill provides now for the man who can make a land estate available. It will follow that the farmers themselves will demand, and they will send representatives here pledged to, the proposition to enlarge the scope of the law and to apply its benefits to the people down below the man who owns the land. When you once admit the soundness of the doctrine, you have laid the foundation for the future service of the country, and the city man will be made to understand that his salvation depends upon the success of the farm. Why are foodstuffs so high to-day? Because four-fifths of the world are not making foodstuffs, but burning up and destroying them and consuming them, and the other fifth has to supply the world. So in the same way when you enlarge the productiveness of the country and make contented the man on the farm you have laid the foundation for the best system of preparedness this Republic can ever have. [Applause.]

For, my Republican friends, James G. Blaine said in 1884 that the farmer represented the bacon and greens of civilization. Thomas Jefferson said that the farmer represented the hope of civilization, and that in all ages civilization began and ended with the prosperity of the plowman, and that his condition ganged the progress of civilization. So we are making a start. I have helped in every way I could to make this bill as nearly what I wanted it as possible. It is not what I want, but I am going to support it, in the hope that it will be enlarged, amplified, and made a fine measure of relief for the people of the country. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. DAVIS of Texas. If I have time.

The CHAIRMAN. The gentleman has one minute remaining.

Mr. FESS. The amendment was originally $100,000,000. It has been enlarged to $200,000,000. Why does not the gentleman make it $500,000,000?

Mr. DAVIS of Texas. I took the figure of $200,000,000 on the theory that there is about $400,000,000 floating indebtedness on the farms of this country, and, in my judgment, I put the figure at about half that, which would stabilize the money market, give relief, and then the outside money market would be forced to compete with that agency, and we would have an open and sure method for the obtaining of money on reasonable terms, for I am one of those fellows who believe you can not legislate as to the rate of interest and make it an ironclad proposition. You must control the issue and movement of money. If there is anything that yields to the law of supply and demand, it is the money market.

Mr. FIELDS. Mr. Chairman, it is indeed gratifying to me to see the rural-credits bill nearing its completion in this body. Its ultimate enactment into law, which I trust may be within the next few days, will mark a new epoch in the economic life of the Nation, for it will extend to the farmers of the United States advantages in securing loans that can not be had under our present banking system or any other banking system not established and operated solely and exclusively for the benefit of the farming class of our people.

It is true that our present national banking system—the Glass-Owen law—is a decided improvement from the standpoint of the farmers' interests over the previous law. The Glass-Owen law, by a provision of which I was the author and the adoption of which I secured by an extremely hard fight in the Democratic caucus, permits national banks to make loans of not to exceed five years' time on improved farm lands. But it is optional with the bank whether or not it makes such loans, and even if it does, the period of time is too short for a farmer to buy a farm and pay for it from the proceeds of its own products, and that is what this bill is designed to do and will do, for the loans under this system are to extend over a period of not less than 5 years and for as long as 36 years, at the option of the borrower, and can only be secured on a guaranty that they will be used solely for the purchase or improvement of farms, which will include the purchase of farm implements or live stock to be used for the improvement of the farm or to increase the value of its products.

The system will be independent of State or National banking institutions and its operations confined solely and exclusively to farm loans. There will therefore be money at all times within the reach of the farmer, an advantage which he does not always enjoy under our present State and National banking systems, for the reason that our present systems as a rule give preference in loans to industrial and mercantile institutions, and naturally so, for they make the major part of their loans from funds deposited with them and the industrial and mercantile institutions handle more money and turn it more rapidly and make larger and more frequent deposits than the farmers do. It is therefore only natural and proper that the banks who do business on funds deposited with them should give preference to their best and most frequent depositors when such depositors need to borrow, which most industrial institutions do at frequent intervals. And under that method the slightest stringency in our financial system forces the banks to curtail their loans, which affects first the less frequent depositors who, as a general rule, are the farmers whose deposits to a great extent are governed by their sales of farm products, which are not made often.

Then, again, the bank which operates under the deposit system can not afford to make long-time loans except from its surplus, for the reason that it does not know at what time conditions may arise in the financial affairs of the country which will not only curtail deposits but will cause the heavy withdrawal of funds already on deposit. In fact, our present State and National systems were not designed to fully meet the needs of the farming interests of the country and especially those farmers who need to borrow money with which to buy farms and can not do so without endangering their solvency, and because of this condition a separate system of banking designed to accommodate the farmers and the farmers only is of great necessity and its necessity has long since been recognized. But until recently each attempt to inaugurate such a system has been met with the argument that it could not be properly installed or successfully operated in this country, notwithstanding the fact that such systems have long been in operation in the leading countries of Europe and also in Canada to the north of us and have worked most admirably.

We have all realized that a system of this character could not be put into operation without Government aid sufficient to start and support it until it could become self-sustaining, and that is where the barrier always arose. Everybody is interested in the welfare of the farmers, who feed the world. Some of us are interested in them to the extent that we have always been willing to put the support and the guaranty of the Federal Treasury behind them until they could, by cooperative methods, build up a self-sustaining banking system that would meet their needs. Others have been interested in them to the extent of kind words and beautiful phrases but were ever ready to revolt at every attempt to extend to them the aid of the Federal Government, without which they could not establish the much-needed system of "rural credits," and the class last referred to has until recently been in control of the Congress of the United States.

Why, Mr. Chairman, when I came to this body, only five years ago, a suggestion of Federal aid to public roads of the rural sections or Federal aid to the establishment of a system of rural credits for the benefit of the farming class of our population, was regarded by many as an absurdity and by others as an impossibility.

We saw pictured by even the city folk the beauties of country life. We heard shouted from every quarter the slogan, "Back to the farm." We heard advocated everywhere that true and indisputable doctrine that "No nation has ever achieved permanent greatness unless its greatness was based on the well-being of the great farmer class, the men who live upon and till the soil, for it is upon their welfare, material and moral, that the welfare of the rest of the nation ultimately rests." But even in the face of that doctrine and with a full and thorough knowledge of its efficacy, the controlling influences of Congress have until recently stubbornly declined to extend to the farmer class that one and all-essential necessity, the financial aid of the Federal Government in the construction of roads and the establishment of a system of rural credits, and, in addition to that, time has been lost by the failure of the proponents of rural credits to agree upon minor details.

But the present Committee on Banking and Currency is to be congratulated on bringing in a bill so comprehensive and so workable. The bill may not be all that we wish it to be. Many of us would have preferred certain changes. Personally, I would have preferred the major part of the bill which was prepared by the farmers' union and introduced by the gentleman from Arkansas [Mr. CARAWAY], and others preferred the bill introduced by the gentleman from Kansas [Mr. DOOLITTLE], and others preferred various other bills. But we all realize that we may each be forced to make concessions on some points in the enactment of a measure of the magnitude and importance of a measure like this one. By making concessions the individual members of the committee have been able to agree upon the bill which we all admit is a good bill and which may be a better bill than the others referred to. It is true that we may find defects in the bill after it goes into operation, but if we do we can correct those defects by future amendments. The question that we are most interested in at present is not the question of minor details, but the question of general principle. Let us adopt the principle and enact the bill into law and then correct the defects as they become evident if there prove to be defects.

Mr. Chairman, as I have previously said, it is the purpose of this bill to extend to the farmer class of our population financial assistance that they can not otherwise secure. The general plan of the bill is to divide the Continental United States into 12 Federal land-bank districts, with 1 Federal land bank to each district and such branch banks as the supervising board may deem advisable or authorize. Each district bank shall be organized with a capital stock of not less than $750,000, divided into shares of $5 each. The United States Government, through the Secretary of the Treasury, will subscribe for the original stock. Then each borrower will be required to purchase one $5 share of this stock for each $100 that he borrows, but may pay for same out of the fund borrowed. In other words, for each $100 loan the borrower will receive $95 in cash and a certificate for one share of stock, or for each $1,000 loan the borrower will receive $950 cash and certificates for 10 shares or $50 worth of stock in the district or branch land bank. By this method the entire stock of the district bank will pass from the Federal Government to the borrowers, after which the Federal Government will no longer be a stockholder in the institution.

The question has been repeatedly asked by those not familiar with the proposed plan how the system can endure after the Federal Government withdraws, with its loans nineteen times as great as its stock sales. Well, the plan is this: Before a farmer can borrow money from his district land bank or one of its branch banks he must join a local borrowers' association composed of not less than 10 members. When such local association is organized each of its members is permitted to borrow to the amount of 50 per cent of the appraised value of such property as he may offer as surety by executing a mortgage on the property. The mortgage is then indorsed by the local bor-

rowers' association of which he is a member. This mortgage is then deposited with the branch bank which makes the loan. The branch bank then indorses it and deposits it with the district land bank. The district land bank then indorses it and sells it or its equivalent in its own bonds in the stock or "bond markets" of the country. The mortgage reaches the stock market secured, first, by the property on which it is given; second, by the total assets of the members of the local borrowers' association; third, by the indorsement of the branch bank through which it passes; and, fourth, by the indorsement of the district land bank to which it goes, which makes it an absolutely safe investment. In fact, it will be the safest investment that can be made, for the farms of the country, which will constitute the fundamental basis of the surety of the whole system, will, under the operation of the system, with all of its safeguards, become more valuable each year, which will add to the solvency and strength of the whole system, which will be inviting to the money owners, who are seeking opportunities to make long-time investments on good paper, many of whom are to-day investing their money in foreign bonds of various kinds, many of which are not as secure as these mortgages or bonds will be.

The proceeds of the sales of these mortgages will come back from the district land bank to the branch banks in exchange for other mortgages and from the branch banks to the borrowers for additional mortgages.

There is but one conceivable chance for this system to fail to accomplish the purposes for which it is designed and that would be through the failure of the district land banks to find a market for their paper, which is almost inconceivable in view of the fact that investors are eagerly looking for an opportunity to make investments and, as I have previously stated are now making investments in foreign bonds, many of which are not as strongly secured as the paper of these banks will be. It is the theory of the best students of finance in the country that the system will work admirably, thereby calling the money which is now piled up in the great financial centers of the country into circulation among the farmers of the country, thereby keeping it in constant circulation, which constitutes the basic principle of a country's prosperity. Mr. Chairman, this bill, when enacted into law, will afford many monumental advantages to the farmers, some of which are, first, money will always be available to meet their needs in buying or improving their lands; second, they can borrow for a period of 36 years if they desire to do so, which will enable them to make the land pay for itself, and thereby they can borrow at a less rate of interest than is afforded under any other banking or credit system.

In my State the statutory rate of interest is 6 per cent, and we often pay 7 per cent or 8 per cent, and are glad to secure loans at that under certain conditions. Under this system a 6 per cent rate of interest will keep paid the annual or semi-annual interest payments, and also pay the full principal in the maximum period of 36 years. For illustration: If it were possible, which it is not, for a farmer to borrow $1,000 for a period of 36 years under our present system, at 6 per cent interest, and keep his interest paid up annually or semiannually, as the case may be, at the maturity of the debt, 36 years hence, he would still owe the principal of $1,000. But under the system provided for in this bill his interest payments of 6 per cent, or, strictly speaking, 5 per cent interest plus 1 per cent of the original amount, will pay both the interest and principal. Therefore at the end of 36 years he will have satisfied both principal and interest under this bill, with the amount that would be required to pay the interest under our present banking system. In other words, he gains an advantage to the amount of the whole principal during the period of the loan.

And, Mr. Chairman, the great advantages that will accrue to the farming section of the country under this system by bringing the money that has become centralized in the large cities back to the rural sections will do more to induce the city folk to return to the country and the country boys and girls to remain on the farm than all the lectures that could be delivered from all the rostrums of all the cities on the beauty of country life.

Our people have drifted to the cities, not particularly because they preferred city life to country life, but because the bulk of the money of the country had drifted to the cities carrying with it the business opportunities, and to take advantage of these opportunities it became necessary for those who were eager to acquire wealth or secure employment to likewise drift to the cities. But turn the money of the cities back to the country and put it within easy reach of the people, as this bill proposes to do, and you will see the country blossom as the rose, and the drift of the population will speedily turn from the city to the country to enjoy the advantages and blessings of country life made possible by this legislation.

Mr. Chairman, I look with an optimistic eye upon the future possibilities of the country under this system which we are about to inaugurate. By looking 5, 10, or 20 years into the future I can see with my mind's eye the ragged and unprofitable farms of to-day converted into beautiful and profitable ones covered with herds of the finest blood, and I can see our millions of acres of waste lands of to-day converted into beautiful homesteads inhabited by a prosperous and contented people. And better still I can see the tenant and the landless man of to-day in possession of a farm and a home of his own, and further still it is a well-recognized fact that better farms always insures better roads. I can therefore see a busy, prosperous, and contented citizenry traveling to and fro on model roads through every community; and, in connection with all this, I can see greater social advantages and better schools with higher educational systems, attended by bright and contented pupils thrilled with the joys of country life and content to remain therein.

Mr. Chairman, when this vision is fully realized, which it will be if this bill is enacted into law, the inhabitants of the rural sections of the country will invoke the blessings of Providence upon the makers of the law that made such conditions possible.

Now, Mr. Chairman, one other thought and I close. I want to refer briefly to a minor provision of the bill that we have already passed over. I regret that I did not have the opportunity to do so at the time we were considering it. I trust that I may have the attention of the chairman of the committee and those Members who will serve with him as conferees. I trust that the correction which should be made and which was refused a while ago, when the amendment offered by my colleague, Judge BARKLEY, was defeated, may be made in conference. That is with reference to the provision on page 103, which reads as follows:

> Tenth. Every borrower who shall be granted a loan under the provisions of this act shall enter into an agreement, in form and under conditions to be prescribed by the Federal farm-loan board, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition of the mortgage, the whole of said loan shall, at the option of the bank holding same, become due and payable.

Mr. Chairman, the provisions contained in the last clause of the paragraph of the bill just quoted are objectional, and, in my opinion, will in some instances place unwarranted hardships upon honest borrowers by giving advantages to unscrupulous ones who may, perchance, hold membership in the local borrower associations or be in control of the bank holding the mortgage of some one whom misfortune may overtake.

The gentleman from Arkansas [Mr. WINGO] has called attention to the provision for a reserve fund, in section 21 of the bill, which is designed to take care of borrowers who find themselves temporarily unable to meet their interest payments which is amply sufficient to safeguard the legitimate interest of every borrower, provided there are no land sharks who desire to take advantage of the provisions of the law to which I have just referred. I am one of those who believe that every man is honest until he has proven himself otherwise, but we all recognize the fact that there are men in this country everywhere who will take advantage of their fellow men where the law permits them to do so; not a large class I admit, but there are some, and if a borrower should become delinquent it is possible under this provision of the law for the bank owning the mortgage, or for any member of the association which has indorsed it, to proceed to foreclose the mortgage, and there is no provision in the law to provide for the redemption of the property on which foreclosure is made. Mr. Chairman, I fear that this provision is too drastic; it would give a covetous, unscrupulous man the advantage of the delinquent borrower if the latter owned property that the former desired. It should be changed so that the unscrupulous strong man could not take advantage of his weaker neighbor.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. MOSS of Indiana. The foreclosure will take place under the State law, and whatever provision the State law makes will be the same under this bill as before the bill passed.

Mr. FIELDS. All right; very well for that. But there are many conditions that may arise that would make it impossible for a man to meet the payment when due, by no fault of his own, and under such conditions the borrower should be given at least a reasonable time in which to meet the payment or a chance to redeem his property after foreclosure and the provisions for such safeguards should be carried in this bill and not made dependent upon State statutes, and I sincerely hope that the conferees will provide for such safeguards, so that there will be no room in this law for one man to take undue advantage of another. [Applause.]

Mr. THOMPSON. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Oklahoma makes the point of no quorum.

SEVERAL MEMBERS. Move that the committee rise.

Mr. GLASS. I have no special objection, Mr. Chairman, but the gentleman from Texas [Mr. HENRY] wanted five minutes to-night, and I was willing that he should have it.

Mr. THOMPSON. I have been here trying to get recognition for an hour, and some gentlemen have spoken three or four times during the last three hours.

Mr. MANN. It is 5 o'clock, Saturday night; let the gentleman move that the committee rise.

Mr. GLASS. Mr. Chairman, I want to say that I have made no objection to the recognition of the gentleman from Oklahoma. I was hoping that he would get time.

The CHAIRMAN. The Chair will state that the Chair has the gentleman from Oklahoma down on the list for recognition immediately after the gentleman from Texas. The gentleman from Texas [Mr. HENRY] requested recognition earlier than did the gentleman from Oklahoma. The Chair promised to recognize the gentleman from Texas next, and the Chair is going to keep that promise.

Mr. HENRY. Mr. Chairman, I am willing to reverse it and let the gentleman from Oklahoma come in first.

The CHAIRMAN. If the gentleman from Texas will give way, the Chair will recognize the gentleman from Oklahoma.

Mr. THOMPSON. Mr. Chairman, I do not care to speak under those circumstances. I will withdraw the point of order of no quorum, but I do not now care to speak this afternoon.

Mr. HENRY. Mr. Chairman, I shall not consume more than the time allotted to me, and I hope I may have the attention of the committee for a brief time. The gentleman from Texas is right in his contention that the Government should place the farmer on the same footing as the commercial world.

From the very beginning I have said that there are admirable features in this bill, and I shall support it, but it does not go as far as it should in behalf of the farmer. To-day I picked up the report just issued by the Department of Commerce, and I want to read into the RECORD this statement for the benefit of the House and of the country:

> The agricultural credits act passed by the British Columbia Legislature last year, became effective on April 26, 1916. Agricultural bonds to the amount of $1,000,000 have been disposed of by the provincial government, making available a fund for immediate use in loans to farmers. Another sale of bonds for farm loans is contemplated, and it is anticipated that the application of the new law will have a stimulating effect upon agriculture in the Province.
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> * * * * * * *
>
> All money borrowed by the commission must be negotiated through the minister of finance, acting for and on behalf of the commission, the due payment of all securities, both as to principal and interest issued by the commission and sold through the department of finance, shall be unconditionally guaranteed by the Crown in right of the Province of British Columbia.

Mr. Chairman, British Columbia guarantees these bonds based on farm loans. Every other country, practically, in the world guarantees them, and I say that there ought to be a specific provision in this bill guaranteeing these bonds by the Government of the United States.

Mr. MOSS of Indiana. I wish the gentleman would put into the RECORD the country that guarantees them.

Mr. HENRY. Your neighboring country guarantees the bonds based on the farmers' mortgages under the act that went into effect in April, 1916, and this House should write the same provision into this bill.

I continue to read from the provisions of that act:

> No loan will be accepted for a less amount than $250 or for a greater amount than $10,000, and no loan will be accepted for an amount exceeding 60 per cent of the appraised value of the land offered as security, calculated on the basis of value and productiveness when the improvements in respect of which the loan is required shall have been effected. The commission may advance by proportionate installments as the work progresses * * *.
>
> The rate of interest shall not exceed 1 per cent more than the interest paid by the commission on the bonds issued to secure the funds. The combined charge of interest and principal shall be payable half-yearly.

There is a case in point, where the loans may run to $10,000, where the Government guarantees the payment of the bond, the principal and interest, under this law just passed. Why should this House halt and fail to say that these bonds are guaranteed by this Government? You have guaranteed all of the money issued to the bankers of the country. Why should not we put the good faith of the Government behind the security of the farmer? It is better security than promissory notes; it is better security than bills of exchange, than the mere promises of men to pay. Why not follow in the wake of every civilized country and go right to the point and do as much for the farmer as you are doing for the business men?

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHERLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 40.

> *Resolved by the House of Representatives (the Senate concurring)*, That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, requested to cancel their respective signatures to the enrolled bill (H. R. 759) entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge across the Potomac River, and for the building of a bridge in place thereof"; that upon the cancellation of said signatures the Clerk be directed to reenroll said bill with an amendment as follows:
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> On page 4, line 10, strike out the word "five" and insert in lieu thereof the word "four."

RURAL CREDITS.

The committee resumed its session.

Mr. THOMPSON. Mr. Chairman, this is the most important bill that will come before this Congress. It deals with a subject that vitally affects 40,000,000 of our people, and on its proper solution depends the happiness and the prosperity of the whole country, not for to-day but for to-morrow and all future time.

A rural-credits system, properly speaking, is not a banking system; it is the opposite. In commercial banking the money of a community is gathered up from all the people and congregated into a common fund—"mobilized"—and the banker loans out these deposits. The depositors, having placed their money in the bank subject to call, have the right to withdraw it whenever they desire. On the other hand, the rural-credits system collects the assets of a community, its mortgages, bonds, and other commercial securities, and secures money for that community.

The law makes the commercial bank insolvent the moment it is unable to pay in cash on demand any of its depositors, no matter how much property the bank may own or how solvent, as a matter of fact, it may be. The commercial banker is, therefore, compelled to loan the money of his depositors for such lengths of time and on such security as will enable him at all times to be in a position to repay any or all of his depositors on demand. In order to do this he is compelled to loan for short periods on first-class personal or chattel security. In other words, his loans must be what has come to be known as "liquid assets," which means they must be easily and readily convertible into money.

The farmers' requirements are of two kinds—a long-term land loan, to be repaid on the installment or amortization plan out of the proceeds of his farm products, and a crop loan advanced at planting time to assist in the cultivation of his crop and repaid from its proceeds. Neither of these loans comes within the definition of a liquid loan for two reasons—the length of the loan is for too great a length of time and the security is not such that the money advanced can be returned on demand. For this reason the farmers, as a class, have been discriminated against in the rate of interest they have been compelled to pay, from the period when our Government was established down to this time. While the Government of the United States has been able to borrow money at from 2½ to 4 per cent and States, cities, towns, and school districts at from 3 to 5 per cent, and railroads and other industrial corporations at from 4½ to 6 per cent, the farmers of the country have been required to pay two, three, four, five, and often ten and twenty times that rate of interest. No one can view this condition without alarm, and no one attempts to justify it. The farmers have been a long time waking up to the fact that they have been discriminated against. They have finally learned that credit systems have been established that enable practically every other character of business to secure money at a greatly reduced rate from that which they are compelled to pay, and they are demanding that they be treated with the same consideration that has been extended to all other lines of business and industry. The farmer has the best security in the world—the land out of which come the products that sustain the life of the world and the labor which produces those products. What he needs is some system that will connect him with the man who has money and wants to loan it on good security.

In order to enable the farmer to secure money at a reasonable rate of interest on long time a system must be devised that will mobilize the farmers' assets without making them jointly liable for each other's obligations or subjecting their property to the payment of the indebtedness of their neighbors, and at the same time do away with the large number of middlemen in every man that is negotiated between the farmer and the lender, who charge

large commissions for their services. The farmer is waking up and demanding that legislation bringing this relief be enacted. He is entitled to it, and not only will it benefit him but it will benefit every citizen of our country and the Government as a whole.

In 1770 Oliver Goldsmith wrote that greatest of his poems, The Deserted Village. It was a thrilling recital of English history, past and present, and an accurate forecast of its future. No one familiar with conditions existing in our country to-day can read these lines—

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay;
> Princes and lords may flourish, or may fade;
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroyed, can never be supplied.
> A time there was, ere England's griefs began,
> When every rood of land maintain'd its man:
> For him light labor spread her wholesome store,
> Just gave what life required, but gave no more;
> His best companions, innocence and health,
> And his best riches, ignorance of wealth.
> But times are alter'd; trade's unfeeling train
> Usurp the land, and dispossess the swain;
> Along the lawn where scatter'd hamlets rose,
> Unwieldy wealth and cumbrous pomp repose,
> And every want to luxury allied,
> And every pang that folly pays to pride.
> Those gentle hours that plenty bade to bloom,
> Those calm desires that ask'd but little room,
> Those healthful sports that graced the peaceful scene,
> Lived in each look, and brighten'd all the green;
> These, far departing, seek a kinder shore,
> And rural mirth and manners are no more—

without being convinced that we as a Nation are fast drifting into the unhappy condition that England found herself just prior to the American Revolution.

The increase of population in the rural districts is not keeping pace with the increase in the cities. The ratio of increase during the decennium between 1900 and 1910 was 3 to 1 in favor of the cities. During the same decade the increase in population in the United States was more than twice as great as the increase in farm products. During the same 10-year period the supply of meat animals—sheep, swine, and cattle—decreased a little more than 7 per cent. The census figures for the same period further disclose that the number of tenant farmers also increased. The average profit of the farmer on invested capital is about 5½ per cent, and the fact that he is compelled to pay an interest rate greatly in excess of his profit explains why so many farmers are abandoning the farms and moving to the congested centers of population. More than 60 per cent of our population reside in cities and towns having a population of more than 2,500, and less than 40 per cent reside in the country and towns containing a population of less than 2,500, and there is actually residing on the farm not to exceed one-third of our population.

Farming is the most important industry in the world. Without the farm all other business would stagnate and die, the railroads would cease to run, the banks and mercantile establishments could no longer operate, and grass would grow in the streets of our cities. No other business can succeed without the farmer, but the farming business can succeed, if left unfettered, without the aid of any other business.

The necessity for establishing a system of rural credits was recognized by the two great political parties that seriously contended for the Presidency in the campaign of 1912. The Democrats in the platform promulgated at Baltimore used this language:

> Of equal importance with the question of currency reform is the question of rural credits or agricultural finance. Therefore, we recommend that an investigation of agricultural credit societies in foreign countries be made, so that it may be ascertained whether a system of rural credits may be devised suitable to conditions in the United States; and we also favor legislation permitting national banks to loan a reasonable portion of their funds on real-estate security.

And the Republicans at Chicago said:

> It is of great importance to the social and economic welfare of this country that its farmers have facilities for borrowing easily and cheaply the money they need to increase the productivity of their land. It is as important that financial machinery be provided to supply the demand of farmers for credit as it is that banking and currency systems be reformed in the interest of general business. We therefore recommend and urge an authoritative investigation of agricultural credit societies and corporations in other countries and the passage of State and Federal laws for the establishment and capable supervision of organizations having for another purpose the loaning of funds to farmers.

This bill is before the House in response to the declaration of the Baltimore platform.

As I have said, agriculture calls for two kinds of credit—the long-term mortgage loan and the short-term credit loan. Advocates of rural-credit legislation are not agreed as to the form corrective legislation should take. Some believe in a system fostered by direct Government aid; others insist that the system should be organized wholly on the cooperative association plan. I believe in the direct Government-aid plan for the long-term mortgage loan, and I believe the cooperative credit-association plan, subject to conservative guidance and control of Federal authority, is best suited to the short-term personal or chattel loan. When the security is land and the loan advanced does not exceed 60 per cent of its value, there is absolutely no hazard to the Government in mobilizing the land mortgages of the country, issuing land-mortgage bonds on them, guaranteeing their payment, and giving the farmers of the country the benefit of the low rate of interest this plan would insure. This plan would not work in the short-term credit loan secured by personal indorsement or chattel mortgage, for the reason that the length of time between the making of the loan and its maturity would be so short as to render it impossible for the Government to make the loan, and, second, the Government would take too great a risk by accepting either personal or chattel security. The percentage of loss would be too great.

The people themselves, by organizing cooperative credit associations in a community where they are acquainted with one another, where they know who is honest and who is dishonest, who will pay and who will not pay, are better prepared to handle the matter of short-term credit loans than is the Government. A dishonest man is not entitled to credit, either by the Government or by his neighbor, and his neighbors would know if he were dishonest and could refuse him assistance. If the Government were to embark directly in the personal credit loan business, it could not discriminate as between borrowers, and the loss on this class of loans would be enormous. Of course whatever the Government loses the taxpayers must make good, because the Government can no more create wealth than can an individual. Wealth is created by labor, not by law. Property is obtained by one of two methods—by production or by plunder, by making it or taking it from another who has made it.

In February, 1915, after very careful consideration, I introduced a rural-credits bill for long-term land loans, which, in my judgment, is a better measure than the bill we are considering. In brief, my bill provided for the creation of a land-loan bureau in the Treasury Department, to be in charge of three farm-loan commissioners. Two of these commissioners were to be actual farmers at the time appointed and one a person skilled in the bond business. My idea was that the two farmers could look after the application for loans, the appraisement of the land, the taking of mortgages, the amount of the loan, and the accumulation of the mortgages in the farm-loan business. The third member could look after the issuing of farm bonds on these mortgages and the sale of these bonds. My bill constituted every presidential postmaster in the United States an agent for the farm-loan bureau to accept applications for loans. The bureau was required to supply these postmasters with blanks, on which applications for loans could be made, and all the borrower had to do was to go to the postmaster, call for one of these blanks, fill it out, describing his land, its character, amount in cultivation, improvements, the value of the land and the value of the improvements separate from the land, the amount of loan desired, and the term during which he wished it to run. This he filed with the postmaster.

The postmaster was required to call in three reputable citizens residing in the neighborhood where the land was located, and they were to appraise the land, giving a description, character, amount in cultivation, improvements, location, and so forth, and swear to this appraisement. The postmaster under his official certificate was to give a separate appraisal. The application, the appraisement, and the postmaster's official certificate were to be forwarded to the farm-loan bureau at Washington, accompanied by an abstract. The bureau, if it found any reason to doubt the value of the land or the improvements, was authorized to send its appraiser and to finally fix the value on which it would make the loan. When this was determined the farm-loan bureau prepared a mortgage containing the amortization principle, made out a check, and forwarded the mortgage and the check to the postmaster. The check represented 60 per cent of the value of the land and 25 per cent of the value of improvements in addition. The postmaster, on the execution of the mortgage, recorded it and turned over the check to the borrower. The mortgage contained a provision with reference to the borrower keeping the taxes paid, insurance on the improvements, and so forth. On these mortgages accumulated from all parts of the United States, the farm-loan bureau from time to time issued farm-loan bonds, the payment of which was guaranteed by the United States, and the rate of interest that the farmer paid was the interest at which the bonds could be sold at par plus whatever amount was necessary to take care of the amortization payments and the expenses incurred by the United States

in making the loan, and whatever fund the farm-loan bureau ascertained was necessary to add to each mortgage in order to create a guaranty fund to protect the Government against loss where the land and improvements did not sell for a sum sufficient to discharge the mortgage obligation. These bonds would sell on the market at the same rate Government bonds sell, because they would have borne the guaranty of the Government. There would have been no chance for the Government to lose, because every bond guaranteed would have been secured by land worth $1 where 60 cents was advanced, and improvements worth $1 where 25 cents was advanced, and in addition the Government would collect from each borrower a small per cent in the nature of a guaranty fund to save itself harmless in case of loss in isolated cases. In no case would the farmer have been required to pay more than 6 per cent for his money, and this 6 per cent would cover the interest rate, the amortization payment, the guaranty per cent and the overhead charge in the way of expenses incurred by the Government in carrying on the business.

I have a number of amortization tables which I desire to place in the RECORD and make a part of my remarks in order to demonstrate just how the amortization plan works.

In the first the amount of the loan is $1,000, the length of the term 16 years, the rate of interest 6 per cent, and the amount $100.

Annual periods.	Total annual payment.	Interest at 6 per cent.	Paid on principal.	Amount of principal still unpaid.
1	$100.00	$60.00	$40.00	$960.00
2	100.00	57.60	42.40	917.60
3	100.00	55.06	44.94	872.66
4	100.00	52.36	47.64	825.02
5	100.00	49.50	50.50	774.52
6	100.00	46.47	53.53	720.99
7	100.00	43.26	56.74	664.25
8	100.00	39.85	60.15	604.10
9	100.00	36.25	63.75	540.35
10	100.00	32.42	67.58	472.77
11	100.00	28.37	71.63	401.13
12	100.00	24.07	75.93	325.20
13	100.00	19.51	80.49	244.71
14	100.00	14.68	85.32	159.40
15	100.00	9.56	90.44	68.96
16	73.10	4.14	68.96	
Total	1,573.10	573.10	1,000.00	

In the next the amount of the loan is $1,000, the length of term 19 years, the rate of interest 6 per cent, and the annual payments $90.

Annual periods.	Total annual payment.	Interest at 6 per cent.	Paid on principal.	Amount of principal still unpaid.
1	$90.00	$60.00	$30.00	$970.00
2	90.00	58.20	31.80	938.20
3	90.00	56.29	33.71	904.49
4	90.00	54.27	35.73	868.76
5	90.00	52.13	37.87	830.89
6	90.00	49.85	40.15	790.74
7	90.00	47.44	42.56	748.18
8	90.00	44.89	45.11	703.08
9	90.00	42.19	47.82	655.26
10	90.00	39.32	50.68	604.58
11	90.00	36.28	53.72	550.86
12	90.00	33.05	56.95	493.90
13	90.00	29.63	60.37	433.54
14	90.00	26.01	63.99	369.55
15	90.00	22.17	67.83	301.72
16	90.00	18.10	71.90	229.82
17	90.00	13.79	76.21	153.61
18	90.00	9.22	80.78	72.83
19	72.20	4.37	72.83	
Total	1,697.20	697.20	1,000.00	

In the next the amount of the loan is $1,000, the length of term 20 years, the rate of interest 5 per cent, and the annual payments $80.24.

Annual periods.	Total annual payment.	Interest at 5 per cent.	Paid on principal.	Amount of principal still unpaid.
1	$80.24	$50.00	$30.24	$969.76
2	80.24	48.48	31.75	938.00
3	80.24	46.90	33.34	904.67
4	80.24	45.23	35.01	869.66
5	80.24	43.48	36.76	832.90
6	80.24	41.64	38.59	794.31
7	80.24	39.71	40.52	753.79
8	80.24	37.68	42.55	711.23
9	80.24	35.56	44.68	666.55
10	80.24	33.32	46.91	619.64
11	80.24	30.98	49.26	570.39
12	80.24	28.51	51.72	518.67
13	80.24	25.93	54.31	464.36
14	80.24	23.21	57.00	407.34
15	80.24	20.36	59.87	347.46
16	80.24	17.37	62.87	284.60
17	80.24	14.23	66.01	218.59
18	80.24	10.93	69.31	149.28
19	80.24	7.46	72.78	76.50
20	80.24	3.82	76.50	
Total	1,604.80	604.80	1,000.00	

In the next the amount of loan is $1,000, the length of term 20 years, the amount of interest 4 per cent, and the annual payments $73.58:

Annual periods.	Total annual payment.	Interest at 4 per cent.	Paid on principal.	Amount of principal still unpaid.
1	$73.58	$40.00	$33.58	$966.42
2	73.58	38.65	34.92	931.50
3	73.58	37.25	36.32	895.18
4	73.58	35.81	37.77	857.40
5	73.58	34.30	39.28	818.12
6	73.58	32.72	40.86	777.26
7	73.58	31.09	42.49	734.77
8	73.58	29.39	44.19	690.59
9	73.58	27.62	45.96	644.63
10	73.58	25.79	47.79	596.83
11	73.58	23.87	49.71	547.13
12	73.58	21.89	51.70	495.43
13	73.58	19.81	53.76	441.66
14	73.58	17.66	55.91	385.75
15	73.58	15.43	58.15	327.60
16	73.58	13.10	60.48	267.12
17	73.58	10.68	62.90	204.22
18	73.58	8.16	65.41	138.81
19	73.58	5.55	68.03	70.79
20	73.58	2.83	70.79	
Total	1,471.60	471.60	1,000.00	

In the next the amount of the loan is $1,000, the length of term 36 years, the rate of interest 4 per cent, and the annual installments $52.887:

Annual periods.	Installments.	Interest.	Applied on principal.	New principal.
1	$52.887	$40.000	$12.887	$987.112
2	52.887	39.484	13.403	973.710
3	52.887	38.948	13.939	959.771
4	52.887	38.390	14.497	945.274
5	52.887	37.810	15.077	930.197
6	52.887	37.207	15.680	914.517
7	52.887	36.580	16.307	898.210
8	52.887	35.928	16.959	881.251
9	52.887	35.250	17.637	863.614
10	52.887	34.544	18.343	845.271
11	52.887	33.810	19.077	826.194
12	52.887	33.047	19.840	806.354
13	52.887	32.254	20.633	785.721
14	52.887	31.428	21.459	764.262
15	52.887	30.570	22.317	741.945
16	52.887	29.677	23.210	718.735
17	52.887	28.749	24.138	694.597
18	52.887	27.783	25.104	669.493
19	52.887	26.780	26.107	643.386
20	52.887	25.735	27.152	616.244
21	52.887	24.649	28.238	588.006
22	52.887	23.520	29.367	558.639
23	52.887	22.345	30.542	528.097
24	52.887	21.123	31.764	496.333
25	52.887	19.857	33.030	463.303
26	52.887	18.532	34.351	428.952
27	52.887	17.162	35.725	393.242
28	52.887	15.731	37.154	356.088
29	52.887	14.247	38.640	317.548
30	52.887	12.701	40.186	277.362
31	52.887	11.094	41.793	235.569
32	52.887	9.422	43.465	192.104
33	52.887	7.684	45.203	146.901
34	52.887	5.876	47.011	99.890
35	52.887	3.995	48.892	50.998
36	52.887	2.039	50.848	.150
Total	1,903.932	903.997	999.850	

An examination of these amortization tables will disclose that a loan of $1,000 bearing 6 per cent interest can be paid off in 16

years by the payment of $100 annually for 15 years and $73.10 for the sixteenth year. In other words, for a little less than 10 per cent straight interest not only can the interest and all overhead charges be taken care of, but the principal can be paid off and wiped out as well. Under the plan now followed, the farmer would have paid $960 interest during the 16 years of the loan, and the principal, $1,000, would still be due in a lump sum. A loan of $1,000, bearing 6 per cent interest and running for the term for 19 years can be paid off at a little less than 9 per cent straight interest. Under the plan now followed, the farmer would have paid $1,140 interest during the 19 years of the loan, and the principal, $1,000, would still be due in a lump sum.

A loan of $1,000, bearing interest at the rate of 5 per cent and running for 20 years, can be paid off in 20 annual installments of $80.24 each, or just a little more than 8 per cent straight interest. Under the plan now followed, the farmer would have paid $1,000 interest during the 20 years of the loan, and the principal, $1,000, would still be due in a lump sum.

A loan of $1,000, bearing interest at the rate of 4 per cent for 20 years, can be paid off in 20 annual installments of $73.58, or a little more than 7 per cent straight interest. Under the plan now followed, the farmer would have paid $800 interest during the 20 years of the loan, and the principal, $1,000, would still be due in a lump sum.

A loan of $1,000, bearing interest at the rate of 4 per cent, running for 36 years, can be paid off in 36 annual installments of $52.88, or a little more than 5 per cent straight interest. Under the plan now followed, the farmer would have paid $1,440 interest during the 36 years of the loan, and the principal, $1,000, would still be due in a lump sum.

The benefits the farmer would derive from this method of meeting his obligation is evident. The principal does not all become due at one time, but, like the interest, it is divided up into small annual and semiannual installments, which he is able to meet without imposing an impossible burden such as the present system does, paying it all at one time.

The great difficulty with which our farmers are confronted and compelled to struggle under the present system is in meeting the annual interest charge, overhead charges, such as abstract fees, commissions, appraisers' expenses, and recording fees. The loan runs but from 5 to 10 years and at the end of the terms the entire principal is payable in a lump sum. The bill which I introduced and the bill which we are now considering both contain the amortization plan, and under it a small amount in addition to the interest is paid at each interest-paying period, and these small sums paid in this way from time to time at the expiration of the term discharge the entire indebtedness. Under the present system the farmer can not maintain his family, pay the expenses of his farm, his labor, his taxes, insurance, keep up the repairs, and pay his interest charges, and at the same time within a period of 5 or 10 years set aside a sum sufficient to discharge the mortgage in a lump sum. As a consequence from time to time, as his mortgage matures, he is compelled to execute a new mortgage and incur new expenses which in time eat up the value of his farm. The virtue possessed by my bill was that there would be practically no overhead charges, no complicated machinery, no vast horde of employees. The postmaster could have been required to perform his services without additional compensation, and the expense of administering the act would have been inconsequential.

The bill we are now considering is 59 pages long, and it will require too much time to review all its details. It follows neither the direct Government-aid plan nor the cooperative credit association plan. Briefly it creates:

1. A Federal farm-loan board to consist of three members at an annual salary of $10,000 each and necessary traveling expenses.

2. A farm-loan registrar for each land-bank district.

3. Such number of appraisers, examiners, attorneys, experts, assistants, clerks, laborers, and other employees as the farm-loan board may deem necessary, all of whom, with the exception of the appraisers, shall be paid their salary and expenses out of the Treasury of the United States.

4. Continental United States shall be divided into 12 districts and a Federal land bank shall be established in each, with a capital of not less than $750,000, which may be increased from time to time for the purpose of providing for the issuing of shares to national farm-loan associations and stockholders, who may secure loans through agents of the Federal land bank.

5. These Federal land banks are to be officered by a president, vice president, secretary-treasurer, and such other employees as the board of directors may determine.

6. The board of directors consists of nine members—six to be elected by the national farm-loan association and three appointed by the Federal farm-loan board, one of the three to be made chairman, and all, in addition to any compensation for services, shall be allowed a reasonable amount for expenses.

7. The capital stock of each Federal land bank is divided into shares of $5 each, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States.

8. Stock held by the United States shall receive no dividend.

9. The farm-loan board is required as soon after the passage of the act as practicable, to open books for subscription for the capital stock of the Federal land bank in each district.

10. If within 90 days after the opening of the books any part of the $750,000 remains unsubscribed, the Secretary of the Treasury of the United States shall subscribe that amount.

11. Twenty-five per cent of all capital stock subscribed after the bank is established shall be applied semiannually to retire all original stock subscribed at par.

12. Federal land banks and joint-stock banks are made financial agents of the United States Government.

13. National farm-loan associations may be organized by persons desiring to borrow money on farm-mortgage security under the terms of the act.

14. Ten or more persons may unite to form such an association.

15. There shall be a board of directors for each farm-loan association, composed of five who shall elect a president, vice president, secretary-treasurer, and a loan committee composed of three members, the officers and directors except the secretary-treasurer to serve without compensation unless the payment of salaries to them is provided by the Federal farm-loan board. The duties of the secretary-treasurer as defined by the act are numerous and extensive. It is provided that he shall act as custodian of its funds, deposit the same in bank, pay over to the borrowers all sums received for their account, meet all other obligations of the association, collect, receipt for, and transmit all payments of interest, amortization, installments, or principal arising out of loans, act as the custodian of securities, records, papers, certificates of stock, and all documents relating to or bearing upon the affairs of the association, furnish a suitable security bond for the proper performance of his duties, make quarterly reports to the Federal farm-loan board, and, on request by said board, furnish information relative to national farm-loan associations for which he is acting, and carry out all orders of the board. It is made his duty to assure himself from time to time that loans made from the national farm-loan association, of which he is an officer, are applied to the purpose set forth in the application of the borrower, and to report to the land bank any failure of any borrower to comply with the terms of his application or mortgage. He is further required to ascertain and report any delinquent taxes and to name the delinquent.

16. No one can become a member of the association except a borrower, and no member can borrow a sum in excess of $10,000, nor less than $100.

17. Each member of a farm-loan association shall own stock to the extent of 5 per cent of his loan, and his stock is held as additional security for his loan, but it is provided that the dividends on it shall be paid to him, and he may include the amount of his stock in the face of his loan and pay it off on the amortization plan.

18. Shareholders are liable only for their own loans, except to the extent of double the value of the stock they may own.

19. On application made for a loan the land tendered as security is examined by the loan committee, who shall make a detailed written report, signed by all three members, giving the appraisal as found, which shall be filed with the directors of the association, and they are not bound by the report of the association committee. The Federal land bank again has the land appraised by one or more of its appraisers, and can make no loan unless the appraisers report is favorable.

20. Farm-loan associations can not accept deposits.

21. The Federal land bank can make loans only on first mortgages, providing repayment on an amortization plan by means of annual or semiannual installments sufficient in amount to cover the interest on the loan, the charge for expenses, and profits, which shall not exceed 1 per cent, and such further sum as will extinguish the debt in not less than 5 nor more than 36 years, provided that after 5 years from date on which the loan was made the borrower, at his option, may make additional payments in the sum of $25, or any multiple thereof, for the reduction of the principal.

22. It provides that in no case shall the interest exceed 6 per cent per annum.

23. Loans may be made to purchase land for agricultural use, for purchase of equipment and live stock necessary for the operation of the farm, for the erection of buildings, and the improvement of the farm, to pay off indebtedness of the owner of the land mortgaged existing at the time the farm-loan association was organized or indebtedness subsequently incurred for one of the foregoing purposes.

24. No loan shall exceed 60 per cent of the value of the land and 20 per cent of the value of the improvements, the value to be ascertained by appraisal.

25. No loan can be made except to an actual farmer or a person who is to become an actual farmer.

26. If the land is sold, the purchaser shall have the option for 60 days to assume the mortgage and the stock of the borrower, and, in case of death of the borrower, his heirs have the same option.

27. Every borrower is required to pay, when due, all insurance premiums, taxes, and local assessments lawfully assessed against the land.

28. If the borrower uses the money for any other purpose than that stated in his application, or if he defaults in the conditions of the mortgage, the whole of the loan becomes due at the option of the holder of the mortgage.

29. Federal land banks may be authorized by the Federal farm-loan board, when no national farm-loan association is organized in any particular locality, to make loans through agents approved by the board, the borrower in such case to purchase stock to the extent of 5 per cent of his loan.

30. Only incorporated banks, trust companies, mortgage companies, or savings institutions can act as agents. These agents may be paid for their services not to exceed one-half of 1 per cent per annum on the unpaid principal for their services, and they must collect and forward to the Federal land bank all interest and amortization payments and indorse and become liable for all loans which they negotiate.

31. Corporations to be known as "joint-stock land banks," for carrying on the business of lending on farm-mortgage security and issuing farm-loan bonds, are authorized and are made subject to the provisions of the act, except that the Government is not required to take any of their stock.

These constitute the material provisions of the act in so far as they relate to the creation of the system, its scope, and purpose. The remaining provisions of the act are largely administrative and treat of applications for farm-loan bonds, the issuing of farm-loan bonds, the form of farm-loan bonds, special provisions of farm-loan bonds, application of amortization and interest payments, reserves and dividends of land banks, exemption from taxation, investments in farm-loan bonds, examination, dissolution, and appointment of receivers, State legislation, penalties, organization expenses, and limitation of court decisions. While the bill does not go as far as I would have it go, it is so much better than I had expected the committee to report that I am gratified to be able to support it.

In my judgment it presents a workable plan, and when established will result in reducing interest rates to our farmers. It carries a provision of Government aid to the extent of requiring the United States to subscribe the stock to the 12 land banks, which will be $9,000,000. It gives Government supervision, and this insures the ready sale of the bonds at a low rate of interest, not so low perhaps as if their payment were guaranteed by the Government, but it will at least enable the farmer who owns land to borrow money as cheaply as those engaged in other lines of business.

The establishment of these banks, these farm-loan associations, and all the multitude of officers—presidents, vice presidents, directors, examiners, attorneys, clerks, appraisers, and so on—will not have the effect of reducing overhead charges to that extent which ought to have been done in order to relieve the farmers of that burden. I have made an estimate of the cost of administration under this bill:

3 members Federal farm-loan board, each annually $10,000	$30,000
12 farm-loan registrars, each annually $5,000	60,000
12 (at least) land-bank appraisers, estimated salary each $3,000	36,000
12 (at least) attorneys, estimated salary each $3,500	42,000
12 (at least) assistants, estimated salary each $2,500	30,000
12 assistant land appraisers, estimated salary each $2,000	24,000
1 Federal board attorney, estimated salary	10,000
12 bank examiners, estimated salary each $3,000	36,000
Mileage and expenses, estimated $5 per day	18,000
Expense preparing amortization tables	2,500
Mileage and expenses directors	10,800
1,000 (estimated) secretaries farm-loan associations, each $250	250,000
108 directors for banks, estimated salary each $2,500	270,000
Expense loan committees	7,500
Premiums on surety bonds	50,000
Cost of dies, engraving, and special papers	20,000
Fixtures for 12 banks, at least $5,000 each	60,000
Clerks, laborers, etc., estimated	65,000
Investigation of farm-loan associations, estimated $25 each	25,000
5 per cent of association loans (for stock)	100,000
5 per cent membership for loans	100,000
Special organization expense (bill appropriation)	100,000
Total	1,346,800

Another provision of the bill which I believe ought to be left out is the double-liability provision. These farm-loan associations are not organized for the purpose of profit. They are essentially a borrower's institution. It was the intention of the committee that the institution should not be operated for gain, because it wisely prohibited anyone from owning stock except the borrower. I presume the double-liability provision was placed in this act because it is the national banking act, and stockholders in those banks are made doubly liable. There is a vast difference between farm-loan associations and national banks. Stockholders in national banks purchase their stock for the dividends it pays. The law permits national banks to accept deposits and to loan out these deposits. In this manner the stockholders make a profit on their investment. Stockholders who enjoy these privileges and the chance to make a profit ought to be required to give attention to the business in order to insure the depositor against loss. Not so with these farm-loan associations. The investment is not made for profit and the association is not permitted to accept deposits. Another thing, a farmer is naturally timid about going into something that he does not thoroughly understand, and, when the chance of loss in double the amount of his stock is put before him, it will cause a great many who otherwise might avail themselves of the benefits offered by taking stock to refrain from doing so.

The act very wisely provides that the Federal land bank may, where no other farm-loan associations are organized in any particular locality, make loans through agents, but it is further provided that only incorporated banks, trust companies, mortgage companies, or savings institutions, can act as agents, and these agents are required to collect and forward to the Federal land bank all interest and amortization payments and to indorse and become liable for all loans made through them. Now, I do not believe that it will be possible for any land bank to appoint an agent under those conditions. The land bank reserves the right to accept or refuse all loans sent it by the agents. It reserves the right to have the land and improvements appraised and to fix the amount of the loan; still the act requires the agent to indorse and become liable for the loan. It does not provide compensation for such liability assumed by the agent.

In a very large part of the United States it will be impossible to organize these farm-loan associations, and if section 15 is not amended the people of those sections where farm-loan associations are not organized will not be able to enjoy the benefits of this act. The fact that no one except an incorporated bank, trust company, mortgage company, or savings institution can be appointed an agent and the fact that these agents must indorse and become responsible for every loan made through them will make it impossible to secure agents. You might as well destroy the entire act as to expect it to be a workable law if this section is retained. There is no necessity for the restrictions contained in this section. The Federal loan bank reserves the right to reject applications made through its agents and the act provides that no loan can be made until it has been reviewed and a favorable report made by one of its appraisers. So finally the Federal land bank makes the loan itself and the agent has nothing to do with it.

Now, these restrictions ought not to have been placed in this section unless it was the idea of those who drew the bill to make it unworkable.

With section 15 amended as I have indicated, the bill will be a long step in the direction of the establishment of an effective rural-credits system that will do justice to the producing classes of our country. It is opposed by the Chamber of Commerce of the State of New York. I have before me their resolutions, passed at the one hundred and forty-eighth annual meeting of that body, held May 4, 1916, and, among other things, the resolutions say:

Resolved, That the Chamber of Commerce of the State of New York opposes any method of agricultural banking in the United States which requires the use of Government funds or the use of any postal savings deposits in any rural banking project, or any legislation exempting from taxation any particular class of obligations.

These resolutions are signed by many eminent financiers, and among them are Mr. Frank A. Vanderlip, president of the National City Bank of New York City; Cleveland H. Dodge, a director with J. P. Morgan, of the National City Bank of New York, and a director of the American Brass Co., Commercial Mining Co., Copper Queen Consolidated Mining Co., Detroit Copper Mining Co. of Arizona, Lackawanna Iron & Coal Co., Montezuma Copper Co., and the United Globe Mines; and George F. Baker, jr., a director of the First National Bank of New York and the son of a director of the United States Steel Corporation. If their advice were followed, it would be impossible to establish a system of rural credits in this country.

No successful system has ever heretofore been established by any country in the world without Government aid.

The "landschaften" system received subsidies from the German Government when it was organized, and the German Government now provides supervision and control. Under this system the farmers in Germany get money on land at 3½ per per cent, adding 1½ to 2½ per cent per year as amortization payment to apply on extinguishing the debt, and the total cost of their loan is from 5 to 6 per cent, which takes care of the interest and discharges the principal in a given number of years.

The Credit Foncier, when it was established, was subsidized by the French Government and given a monopoly for 25 years. It is a Government subsidized and controlled bank for loaning money on real estate, and the interest rate is 4.2 per cent. The Crédit Agricole Mutuel is subsidized by the French Government, money obtained from the Bank of France being supplied the district banks without interest, and these funds loaned to local associations upon suitable security.

In 1883 the Russian Peasant Land Bank was organized, and loans to the extent of 90 per cent of the value of land are made, repayable from 13 to 55½ years, with interest at 4 per cent, to which is added the amortization payment.

The Austro-Hungarian Government aided rural-credit institutions in starting.

Switzerland has 28 land-credit institutions, operated by the State, whose debentures are guaranteed by the State.

Denmark—about the size of the average congressional district—advanced $5,360,000, without interest, to establish the Mortgage Bank of the Kingdom of Denmark. This bank is of the same character as the land bank established under the provisions of this bill. It buys the debentures of the local land institutions, and, in addition, Denmark makes annual appropriations out of its treasury, which amounted in 1909 to $1,720,000, to be lent to small holders.

Sweden endowed the Sweden General Mortgage Bank at its founding with $2,144,000, and in 1890 the bank was given a subsidy of $8,040,000 in Government bonds. This is a central institution to aid the 10 local landowners' mortgage associations in the sale of their debentures.

The Agricultural Bank of Egypt is controlled by the State. The National Bank of Egypt, closely connected with the State, owns one-half of its capital stock, a 3 per cent dividend is guaranteed on the stock by the Government, and when it is necessary to sell its bonds at a reasonable rate of interest, the Government guarantees their payment.

Japan guarantees a 5 per cent dividend for 10 years on the stock of Kwango Ginko, or central land-credit bank of Japan. It also gives a subsidy of $4,980,000 to the 46 local or district land banks, called the Noko Ginko.

There is a class of farmers, Mr. Chairman, for whose interest this bill makes no provision. I refer to the tenant farmer, who owns no land and who is unable to pay 40 per cent of the purchase price of a farm before he can enjoy the benefits of this act. There are a large number of farmers in my State that belong to this class and they will compare with any other class of our citizenship in intelligence, in patriotism, and in industrious habits. They have been unfortunate, and they are struggling from 12 to 14 hours a day in order to take care of their families and to lay aside enough with which to purchase a permanent home. This class is perhaps larger in my State than in any other State in the Union, and this grows out of the fact that more than one-half of the area of our State, up until a few years ago, was an Indian reservation and no one owned a fee simple title to an acre of it. When this Indian reservation was divided up it was given in allotment to the members of the tribe and certain restrictions were placed upon their power to alienate it. So the larger part of the land in the eastern part of our State is cultivated by tenants. More than 60 per cent of the farmers of Oklahoma are renters, and practically 40 per cent of the farmers throughout the United States are tenants.

These tenant farmers are the ones who should receive our most earnest attention. To relieve their condition and make it possible for them to own a home is a duty which Congress not only owes them, but owes, as well, to all the people of the United States. No country occupied by those who are compelled to rent land, in all the history of the world, has ever maintained prosperity for any considerable length of time. It is only a question of time until dissatisfaction, disorder, riot, and anarchy break loose.

That conditions like these have not existed in the United States already is very largely due to the fact that heretofore the Government has had unlimited millions of acres of public domain to give away, or practically so, to actual settlers, but the desirable lands, suitable for cultivation, have all been homesteaded, and there remains but a few hundred million acres of arid or semiarid land that is not subject to occupation by farmers. As time goes on and our population increases in density this question will grow more pressing, and we had as well look it squarely in the face now as to be compelled to do so later. Being unable to locate our landless farmers on unoccupied public domain, the Government of the United States had just as well prepare to furnish them homes in another way. Not by giving them anything, but by assisting them, by their own industry, to acquire a home and thereby add to the prosperity of the whole country.

A few years ago England found herself face to face with this problem in Ireland, and in the last 35 years the English Government has purchased and taken over a large number of the landed estates in Ireland and sold them direct to the Irish farmer on long time, bearing a low rate of interest. The total appropriation out of the English treasury during the past half century for this purpose has been more than $2,000,000,000. As late as 1913 the English Parliament appropriated $500,000,000 to help Irish tenants buy land, they to become owners by paying 3½ per cent a year (2¾ per cent interest and ¾ per cent on the amortization plan), the annual payments to be extended over a period of 68 years.

The school districts of Texas and Oklahoma have been sold to actual settlers on 40 years' time at a low rate of interest. The amortization plan of payment was not included in the sale because the idea at that time was not thoroughly understood. Had it been included, the proposition would have been a great deal more ideal both to the purchaser and to the State.

Russia has gone even further than Great Britain in extending State aid to the purchasers of small farms. Through land-purchasing acts 20,000,000 small holdings to the value of more than $1,000,000,000 were created, the Government funds so advanced being repaid on long time and at a very low rate of interest.

Land is advancing in value, and the denser our population becomes the more valuable land will grow. The Government ought to establish the farm-loan bureau provided for in my bill, and, in addition to providing direct aid to the borrowers who already own land, it should be authorized to purchase good farm land and sell it out in small tracts to the farmers who now own no land on long time, at a low rate of interest, to be paid on the amortization plan. I know this idea will be frowned on at this time; that it will be called a dream and criticized as impossible; but within the next 25 years those of us who live that long will see the idea well advanced. The sooner it is begun the better off our people will be. It is not giving away anything. It is merely helping a worthy class of our people, who have been unfortunate, to acquire a home and permitting them to pay full value for everything they receive.

We appropriated $35,000,000 to build a railroad up in Alaska in order to develop that country and not render it necessary to turn it over to private greed and exploitation. We have spent nearly $400,000,000 to construct a canal across the Isthmus of Panama, and we will never be able to collect 2 per cent on that investment. We spent a thousand million dollars to free the people of Cuba, and in the 18 years that have elapsed since the close of the War with Spain we have expended nearly a billion dollars in uplifting and enlightening the people of the Philippine Islands. Since 1802, when we first commenced to make river and harbor appropriations, we have appropriated out of the United States Treasury more than $850,000,000 for deepening harbors, digging out rivers, and making dry creeks navigable. We have before us now a bill carrying an appropriation of $50,000,000 to levee the Mississippi and Sacramento Rivers and to prevent overflows and floods on the adjacent lands. We have been spending for a number of years more than $250,000,000 a year for the support of the Army and Navy, and some of our people are now trying to scare us into making appropriations of a billion dollars a year for that purpose.

Here is a bill more general in its application than any or all of the bills mentioned, a bill which will carry relief and encouragement to more people than any or all of the other bills combined; yet Members profess that it is a dangerous bill because it carries an appropriation of $9,000,000 to establish the system; and when it is suggested that the Government purchase land and sell it to the tenant farmers they almost go into hysterics.

Mr. Chairman, this bill will pass in some kind of form, and I am going to vote for it, not because I approve of its provisions as a whole, but because it is a long step in the right direction, and, in my judgment, will provide the opening wedge that will enable the people of the United States within a very few years to establish a system of rural credits that will take care of the three classes who need aid: First, those who own land or are able to pay 40 per cent on the purchase price of a farm; second,

those who own no land and are unable to pay any part of the purchase price; and, third, those who are compelled to borrow at planting time in order to cultivate their crop and make payment at gathering time; and an ideal system in my judgment would be: For the first class, Government aid; for the second class, Government purchase and sale on long time, purchase price to be repaid on the amortization plan and the loan to bear a low rate of interest; for the third class, the establishment of joint-stock associations, because this involves credits secured by a personal indorsement or mortgage on personal property, and, the property being destructible, an element in the credit is necessarily the honesty and integrity of the borrower. When a system has been evolved which contains these three elements the Government will have discharged its obligation to the producing masses of our country. This bill opens the way and it will not be long until a perfect system will have been established.

Mr. Chairman, all this talk about the Government being unable to collect these loans is balderdash. A number of our States are, and have been, engaged for many years in loaning their school funds to the farmers with great success. I have a letter from the secretary of the school-land board of my State, Mr. George A. Smith, and in it he says that since statehood in 1907 the State has made 6,686 loans on five years' time at 5 per cent, and that these loans aggregate $6,538,928.03; that the State has not lost 1 cent.

The farmers of the United States are among its best credit risks. They do not seek special favors; all they ask is fair terms.

I have given much attention to the subject of legislation for the benefit of the farmers since I have been a Member of Congress, and I am glad to have contributed, in a small way, to the passage of the bill appropriating $25,000,000 in aid of good-road construction; the Post Office appropriation bill, which extends better rural mail delivery service; the bill creating a bureau to investigate and establish a system of farm marketing which will increase the price received by the farmer for his products and at the same time reduce the cost of these products to the consumer by cutting out the profits of the middleman; a bill prohibiting dealing in cotton futures; the grain-grade bill, which makes the grading of grain uniform, so that the farmer may sell his products in his home market on the same grade that is applied to them in all the markets of the world; the bill creating a system of licensed warehouses for the storage of cotton, grain, and other farm products, and the issuance of warehouse receipts which are made negotiable instruments, enabling the farmer to warehouse his products and use the receipts as collateral security.

All of these laws have passed the House during this session of Congress, and it is a record of constructive legislation in the interest of the farmers unparalleled in the history of our country. The Democratic Party can very confidently go to the country on its record of constructive legislation for the relief of the producers of our country without fear of their verdict. [Applause.]

Mr. HAUGEN. Mr. Chairman, I very much dislike to differ with the chairman and members of this committee. I dislike it because I know that each and every one of them has given this matter most conscientious and careful consideration with the view of reporting and passing a workable bill. That is what is desired and that is what Congress ought to provide. I regret exceedingly to have to say that in my opinion the bill will not be operative and will not bring about the results so much desired.

This bill provides, first, for a Federal farm-loan board, which shall consist of three members appointed by the President, each receiving an annual salary of $10,000, together with actual necessary traveling expenses. Next, it provides for one farm-loan registrar in each of the 12 land-bank districts, one or more appraisers, one or more examiners, attorneys, experts, assistants, clerks, laborers, and others that may be deemed necessary to conduct the business of said board; the salaries to be fixed by the board, and all appointments made without regard to the classified civil service. Here it is proposed to employ a large army of people and make expenditures estimated at $500,000 annually in addition to the $9,000,000 capital stock to be subscribed by Uncle Sam. All appointments are to be made under the spoils system with no limit upon the board in fixing salaries, there being the possibility of nothing for them to do.

Mr. PHELAN. Let me point out that the farmers' loan board by this provision will not be paid by the farmers, except so far as the farmer pays taxes to the United States Government.

Mr. HAUGEN. Uncle Sam will have to pay the bill.

Mr. PHELAN. The system does not pay the bill.

Mr. HAUGEN. But Uncle Sam will have to pay a large share of the expenses and the borrower the balance. We will have a large army of employees, with salaries to be fixed by the various officers, which, I believe, is absolutely unnecessary.

We already have a Federal Reserve Board, with an army of employees, drawing large salaries, with very little to do. Why not turn this proposed branch of Uncle Sam's banking institution over to the Federal Reserve Board, already established, and thus do away with the proposed unnecessary overhead charges, so the $10,000 men already in the service, playing golf, may have something to do. That is, they will have something to do if the system is found workable and is proven to be a success, which, of course, is very much in doubt; in doubt, first, because of the red tape.

Mr. MOSS of Indiana. Who pays the salary of the present reserve board?

Mr. HAUGEN. It does not matter. I am not finding any fault with the board, but——

Mr. MOSS of Indiana. Paid by the commercial banks and not by the Government.

Mr. HAUGEN. I am merely suggesting that some of these overhead charges and the red tape that has been pointed out may be eliminated. Under the bill the borrower, in order to come in under the act, must subscribe for stock in the association to an amount equal to 5 per cent of the face of the desired loan, to be paid in cash upon the granting of the loan. So if a farmer desires to borrow $1,000 he must either pay $50 in cash or accept only $950 and a $50 stock certificate for his $1,000 mortgage. In either event he subscribes and pays for the stock and pays interest not only on the money received, but on the stock subscribed for, and also takes chances on ever getting anything in return for the money thus invested or dividends thereon. In order to become a member of the association he must be accepted by a two-thirds vote of the directors. He makes application, an appraisal is made, which is referred to the loan commission. The commission examines the land and in turn make a detail written report, which must be signed by all of its three members. The report goes to the Federal land bank, whose directors examine and refer it to one or more of the appraisers appointed, as provided for in this act, who investigate and make a written report. If that report is favorable, if the Federal farm-loan bank approves and accepts the report and application and if bonds can be or have been sold so that there is money on hand, Mr. Farmer finally gets $950 cash, less expenses incurred, and $50 stock certificate for every $1,000 mortgage, interest at 5 per cent, with 1 per cent added for subsequent expenses, aggregating 6 per cent. That is, provided the loan is made for the purchase of land for agricultural use, equipment, and live stock necessary for the proper and reasonable operation of the farm, or to provide buildings and improvements for the farm land, or to liquidate indebtedness.

If any of the $950 is expended for purposes other than specified in his original application the whole of said loan shall, at the option of the bank holding same, become due and payable. So if any borrower uses $1 of the money borrowed for buying groceries the whole loan becomes due and may be called in by the bank. If so, Mr. Borrower, instead of having 36 years in which to pay the loan, under the amortization plan, must pay upon call, and this, after having stood all the expense in obtaining the loan. Besides he has $50 stock pledged for every $1,000 loan, or made liable for losses incurred not only by one bank but by 12 banks.

Section 20 provides that every land bank issuing farm-loan bonds shall be primarily liable therefor, including interest payments; that bonds issued shall include a statement that the assets of all the Federal land banks are jointly and severally liable for the payment of each bond, and that the bond is legal and regular in all respects; and that the directors of every Federal land bank shall obligate the bank to become liable on farm-loan bonds as provided in this section. So there is no question about Mr. Borrower's bond being made liable for losses and expenses incurred by all of the 12 banks, a proposition which, I believe, will cause the borrower to think twice before making the investment. Though a borrower in Iowa may have confidence in the management of the bank in his district, he may question it in some of the other 11 districts. Furthermore, he may question the advisability of pledging his farm in part as security for loans more undesirable in other districts.

Next the bill provides that the amount loaned to any one borrower shall in no case exceed $10,000, and that no loan shall exceed 60 per cent of the value of the land mortgaged plus 20 per cent of the value of permanent improvements thereon. If a farmer in my section of the country owns, say, 160 acres of land valued at $125 an acre, although most of it is valued above

that, with permanent improvements worth $5,000, under the bill he might, if it were not for the limit, borrow 60 per cent of the value of the land, or $12,000, and 20 per cent of the value of the improvements, or $1,000; total, $13,000 in cash and bonds, but the limit is $10,000; that is, $9,000 in cash and $1,000 in stock. Hence if he needs more than $9,000 in cash he is barred from getting more.

With the red tape, the possibility of the expenses piling up into the hundreds, as, for instance, has been alleged was the case in perfecting title and passing on abstracts in acquiring title under the Weeks Act, the restrictions, the numerous items of expense, the time consumed in making the loan, and high rate of interest to be charged, it is fair to assume that few, if any, in my section of the country will come in under this act, certainly not as long as money can be had at a lower rate of interest.

In Iowa the rate of interest, including commissions, as shown by reports and tables here in evidence, is reported to average less than 6 per cent. If so, I take it that no one would pay 6 per cent on $1,000 for every $950 received, when he can get money elsewhere at a lower rate, at less expense, in a shorter time, and with less inconvenience.

But you say this bill is not in the interest of these people.

Mr. PHELAN. Of course, the committee does not say any such thing. Do not quote the committee as saying that.

Mr. HAUGEN. The committee will have to admit it.

Mr. PHELAN. We do not admit it at all.

Mr. HAUGEN. Evidently this bill is not framed in the interest of the borrower. If made operative it would, of course, be of great advantage to the capitalist. They were the first to suggest the legislation, as is well known. First, bankers and capitalists appeared before the Committee on Agriculture. Since then the matter has been referred to the Committee on Banking and Currency. I take it that heavy money lenders have been generous in offering suggestions as to the framing of this bill.

It goes without saying that capitalists, or anybody with money to loan, would much prefer to walk up to a counter and subscribe for bonds exempt from taxes, with title guaranteed, and with the land, permanent improvements, and Uncle Sam's $9,000,000 pledged as security, rather than employ fiscal agents, or they themselves receive and pass upon applications, abstracts, and look after the payment of taxes, insurance, interest, and principal when due. Certainly, if the security and rate of interest on the bonds are the same or better than the mortgages. But with the sane and conservative investor the first thing to be taken into consideration is the security offered. Insurance companies, savings banks, capitalists, and others who have money to loan, generally loan it expecting to have it repaid, and not for the purpose of getting the land; therefore, security is first considered. That is why money is loaned in the "corn belt" at a lower rate of interest than in other sections where the land is less productive. In the corn belt, where the soil is rich and productive, when industry is intelligently applied, foreclosures and sheriff sales are practically unknown. In other sections, with limited and uncertain rainfall, with large expenditures for commercial fertilizers, with adverse labor conditions, and with farms yielding small if any returns, mortgages are foreclosed and lands deeded by the sheriff to the mortgagee. As a result the securities offered there are less attractive than those offered in the corn belt and more fertile and productive sections. I take it that for that reason it is contended by some that the security of one should be made liable for the other, and thus make the undesirable security more attractive. But that has not been provided for, aside from the capital stock. Hence we are exactly where we started. Nothing has been added to the undesirable security in those districts except the capital stock subscribed.

I appreciate that Congress can, by legislation, safeguard the banking system, but it is beyond the power of Congress to legislate confidence or value into farm lands without adding something material in form to the land. Congress can appropriate money from the Treasury or pledge Uncle Sam's credit; it can provide for the necessary machinery to conduct the business; but, after all that is done, the soil and permanent improvements remain the same. If the land and permanent improvements are poor at the start, such legislation has added nothing to its productiveness, location, or value.

With this situation, I take it that the high rate of interest now charged will continue, especially with the provision granting authority to loan 60 per cent on the value of the land and 20 per cent on the value of the permanent improvements, which, in my opinion, would result in loading down the banks with real estate, and leave them without money to pay the interest or principal of the bonds. The 60 per cent and 20 per cent would equal probably 70 per cent of the value of the land. I know of no one now loaning such an amount. Several years ago millions and millions of dollars were loaned in some of the Western States on the bases of 40 per cent and 50 per cent. Crops failed, and mortgagors defaulted both in interest and principal. Mortgages were foreclosed. The mortgagee had costs and taxes to pay, and in many instances did not realize enough out of the land to pay the costs and taxes. From that time, interest on farm loans has been high in those sections and will be unless conditions materially change. If not deemed safe by the money lender to loan 40 per cent or 50 per cent of the value of the land in those sections, certainly they will not invest in bonds of a bank or corporation, such as Federal land banks, national farm-loan associations, joint-stock land banks, Government agencies, or agencies of Federal land banks, as provided for in this act, loaning 70 per cent of the value of the land. As we all know, there is a limit to everybody's credit, even Uncle Sam's when indiscriminately pledged. If so, the scheme of the money lenders has been interfered with.

If the farmer, with choice and attractive security to offer, will not borrow and pay the rate and expense demanded, there will be no securities against which to issue bonds. But the contention is, that the bill under consideration was not drawn with the view of benefiting the borrower in the corn belt or in sections of the country where the rate of interest is low, nor for the investor. The contention is that they need no help, as they are now able to borrow money on reasonable terms and rate of interest, but that we must help those now paying a high rate of interest, especially the poor people of the South. Again and again it is the South. Help the poor people down South.

If the investor will not invest in the less desirable security, there will be no one to buy, and as a result the proposed plan becomes inoperative, and the only ones to be benefited are the army of employees who are to be employed at Uncle Sam's expense. If so, and if we are to redeem pledges made in party platforms, we should enact laws to make money easy, not to the position holder but to the borrower. Instead of providing for more overhead charges, we should utilize the machinery which we already have. Instead of Uncle Sam's now subscribing for stock, we should, when loans are made on conservative bases, backed by proper and adequate security, and guaranty made that the business will be conducted in a safe and businesslike manner, rather deposit with the institution, for its use and the benefit of the borrower, some of the idle funds stored away in the Public Treasury. Instead of passing sectional measures, drawing on the funds of one community from the North to pay losses and expenses of another from the South, as is proposed in this bill; instead of appropriating $20,000,000 for a nitrate plant on Muscle Shoals or Coosa River, down South, to supply the South with cheap fertilizer; instead of appropriating $105,000,000 for the construction of levees and revetments, as is proposed in the floods bill and pointed out by the gentleman from Wisconsin, practically all of it for the Southern States; instead of appropriating $632,400 and $60,000 for the eradication of southern cattle ticks and live-stock demonstration, $661,300 for the eradication of the cotton-boll weevil, and numerous other like appropriations, particularly for the South, and sectional in their character; and in the same bill denying the people in the North and the corn-belt section $150,000 for the construction and maintenance of a hog-cholera serum laboratory, it seems to me that it is high time to enact practical legislation that will benefit people in all sections of the country. It is said that a hog-cholera serum laboratory, to give the department an opportunity to demonstrate the merits of the serum, is Government ownership and is socialistic in character, but $20,000,000 for a fertilizer plant in the South is not. No; it is the old story; it is the dog that wags the tail. It is the majority that rules. The South being in the majority and always in control of the Democratic Party continues to rule. And as the prospects for its party success are not the brightest, evidently the plan is to take no chances but take everything in sight. Therefore the process of lining up Democrats of the North for sectional measures favorable to the South through the caucus system goes on. With a majority in the caucus, all the important committee chairmanships, with the exception of the one held by Tammany, and the President back of them, the South has the unquestionable power as well as the inclination. As a result, the American people will have added to their burden not only the items referred to, but cotton and other war claims, aggregating hundreds of millions of dollars, made legal and proper by proposed legislation relieving claimant of proving loyalty.

Going back to the bill under consideration, this much can be said for it: At the start it will cost Uncle Sam only $750,000 for each district organized, and expenses incurred which are estimated at $500,000 annually for all of the districts, and as

amended $500,000 annually to pay interest on bonds. So far, every taxpayer must pay his share; beyond that it is permissive, not compulsory. If made operative, it may be worth the price. If inoperative and no organizations are made under it, no subscription by Uncle Sam will be required. Furthermore, in time of stress, when money can not be had from insurance companies, banks, or capitalists, it is possible that it may serve some good, and as it is the only legislation that can be had upon the subject it may be worth a trial.

For years the people in the rural districts have been promised relief. They have a right to expect and insist upon beneficial legislation along the lines suggested in this bill; hence in the hope that the bill will be amended and improved upon in conference, or if not and if found inoperative, that it will later be amended, I shall join with the many who doubt its being workable in voting for the bill—that is, if it is not loaded down with further unwise and impracticable amendments.

Mr. DILL. Mr. Chairman, I have sat here several days listening to discussion of this bill and, first, I desire to say that I hope the amendment of the gentleman from Texas will be adopted, because I believe farm-loan bonds are as safe a form of security upon which to base Federal reserve notes as any commercial paper that can be found anywhere. I shall vote for this amendment, just as I have voted for a number of other amendments to this bill, a few of which have been adopted, but most of which have been defeated. But whether this amendment is adopted or not, I intend to vote for this bill on final passage, because I desire to see some kind of rural-credits legislation enacted at this session of Congress. [Applause.]

During the past few months I have received a large number of letters from farmers in my district on the subject of rural credits, and many of them have urged me to vote against this bill. A number of granges and farmers' unions in my district have sent me resolutions asking me to vote against this bill, but I have uniformly replied that I hoped to see the bill so amended that it would enable the farmers of the country to borrow money for a long period of time at low rates of interest. Even though the bill before us does not contain all of the provisions we desire, I think it better to adopt it and thereby place upon the statute books some system of rural credits rather than to defeat it and have no legislation on the subject whatsoever.

IF THIS PLAN FAILS WE CAN AMEND IT.

If the theories of those who have written this bill are correct and we find that the farmers are able to secure money, as gentlemen here say they will be, we shall all rejoice that the bill was passed. If, on the other hand, the law should prove a failure, we can then amend the legislation in such a manner as to give the desired relief, and I feel certain that those who oppose some of the amendments now brought forward will then be glad to champion them. A law of this kind is at best an experiment and we shall certainly improve it as we learn of its defects.

WASHINGTON FARMERS ARE INTERESTED.

Mr. Chairman, I am indeed glad to have the opportunity to make a few remarks upon this bill. The people whom I have the honor to represent are most vitally interested in this legislation. They have suffered severe hardships because of the lack of a system of banking by which they could secure money at a low rate of interest for long periods of time. They live in a new State and in its settlement they have been beset by all of the misfortunes attendant upon the development of a new country. One of the greatest handicaps to the people of the State of Washington has been, and still is, the lack of capital with which to develop the land. I want a rural-credit bill passed, because I believe it will lead to the development of more land and thereby make more homes as well as better homes. I want this bill passed, because I believe it will result in more of our citizens having an interest in the land. This will mean a stronger and a happier people, because land and liberty are closely associated. I believe that the full fruition of rural-credit legislation will eventually draw thousands of people nearer the soil and inevitably bring a higher degree of physical and political health.

WASHINGTON'S INCREASE IN PRODUCTION OF WHEAT AND APPLES.

The State of Washington has made wonderful development during recent years along agricultural lines in spite of the exorbitant rates of interest charged our farmers. Two decades ago we produced only 8,000,000 bushels of wheat, while last year our production exceeded 50,000,000 bushels. Washington ranks fourth among the States in the production of spring wheat, and in 1913 ranked fifth in both fall and winter wheat. In the average yield per acre of winter wheat only two States surpassed the State of Washington.

The rapid development of the apple industry throughout that State, and especially in my district, has never been equaled at any time or in any place in the history of this country. In 1900 our apple production was 728,978 bushels. Last year we produced 7,299,000 bushels of apples. Not only do we produce large quantities of apples but we produce the finest apples in all the world. The apples which won the world's sweepstakes at the Panama-Pacific Exposition at San Francisco were grown in the State of Washington, in my district, near the town of Brewster. The apples of Wenatchee, the Okanogan Valley, North Yakima, and, in fact, of the whole inland-empire country surrounding Spokane are not surpassed anywhere in the world. Yet there are literally hundreds of thousands of acres of land in the State of Washington capable of producing fine fruit and grain which are barren because men are without capital to develop the land.

FARMERS NEED THIS ASSISTANCE.

This bill, however, is designed primarily to help the farmers already living on the land, and there are thousands of such farmers who need help. A friend of mine, in speaking against rural-credit legislation, said to me recently, "When you adopt a rural-credit law you will encourage the farmer to be extravagant, and within two years every farmer in the country will be owning and driving an automobile when he should be at work on his farm." I replied, "I do not believe it, but I hope it is true." It is just this sort of feeling which for years has been a stumbling block to the passage of legislation designed to aid the men and women who till the soil. God speed the day when every American farmer can have his automobile and enjoy life like other men. Speed the day when the farmer's boys and the farmer's girls will be able to enjoy the same advantages now enjoyed by the boys and girls of city folks. I am still young enough to remember the trials and disadvantages that come to a farmer's boy whose parents are poor. As long as I shall be able to remember anything I shall remember how the debts owed by my father when I was a boy seemed always to cast a shadow—sometimes almost a pall—over the sunlight of my hope for advancement in later years. Well do I remember when as a boy I was denied the purchase of books I wanted and subscriptions to newspapers and magazines for which I longed, and all because the burden of interest kept us so poor. This is a kind of poverty that pinches in places where boys do not soon forget. Nor was our family the only one in that condition. It was a condition common to many of our neighbors who had mortgages falling due and high rates of interest to pay on their debts. This condition existed, too, in a fertile farming country.

Nor have conditions changed greatly since those times. There are to-day literally hundred of thousands of farmers all over this country, who with their families struggle from year to year to pay off the interest on their mortgages, to say nothing of paying the principal, farmers who grow gray eking out an existence and trying to save a few dollars for the rainy day which is sure to come. And why? Primarily because of the high rates of interest they are compelled to pay and the terms upon which they must pay the principal. For my part I am willing and anxious to vote for any law that is designed to help that class of people. I am sure that those who do not need the help which such a law will give will have no objection to its passage, while those who do need it will never cease to be thankful. [Applause.]

FARMING BUSINESS NEEDS CREDIT.

One of the things which we should remember is that farming is a business just the same as manufacturing, railroading, or merchandising is a business, and like any other business it can be successfully developed only when given sufficient adequate credit. I submit that the farmer's needs are just as important to the farmer and to the country as the merchant's needs are to the merchant and the country. We all know that credit is the foundation upon which our commercial and industrial structure rests. Take credit from the merchant, the railroad president, or the manufacturer and their business must stop and go into bankruptcy. I am told that while their is only $4,000,000,000 of actual money in the United States, the people of this country deposited in the banks more than $19,000,000,000 last year. Where did the other $15,000,000,000 come from? Why, it is credit. If you go to the bank and borrow a thousand dollars you do not take out $1,000 in cash, or if you do you are the exceptional borrower. What you do usually is to get credit for $1,000 against which you check until that credit is exhausted. It is just such credit that is used by the entire commercial and industrial world. The trouble is, that this credit is industrial and commercial, and not agricultural.

The Sixty-third Congress performed what is probably the greatest achievement in the financial history of this country by passing the Federal reserve bank act, because it makes possible the expansion of credit in accordance with the needs of business,

but that law does not pretend to give the farmers any great amount of agricultural credit. It fails to supply credit to the millions and millions of American farmers with which to purchase land, farm implements, and better stock, all of which are necessary if the farming business is to thrive as it should thrive.

OUR GOVERNMENT THE LAST TO ESTABLISH A RURAL-CREDIT SYSTEM.

Of all the Governments of civilized peoples of which I have been able to learn, ours is the last to put its shoulder to the wheel of agricultural advancement. We have watched other countries prosper under rural-credit systems for years, while we have held aloof. Even now there is such tremendous opposition to the Government's giving direct aid to the establishment of a rural-credit plan that those of us who want real Government assistance admit we must take what we can get. Even in face of this condition, I desire to pause long enough to review briefly what other Governments have done toward the establishment of such systems, and thereby show the singular position in which this Government is placing itself by refusing substantial Government aid to this system.

WHAT OTHER GOVERNMENTS HAVE DONE.

As long ago as 1769 Frederick the Great inaugurated the landschaft system in Prussia to assist the impoverished peasant people of that country. They have developed the system under Government supervision to the point that they borrow money at 3½ to 4 per cent on land. Modern Germany has organized agriculture on such a plane of efficiency that to-day she feeds her people at home and her armies in the field, although surrounded by a ring of steel on both land and sea.

France has the Credit Foncier system, under which the Government advances large sums to a central organization. By means of a kind of a lottery this organization sells lands and distributes the profits to its members, bringing interest rates down to 4½ per cent. The Credit Agricole Mutual is subsidized by the Federal Government. The Bank of France furnishes large sums of money to the district banks without interest, and the district banks loan these funds to local associations upon suitable security at low rates of interest.

Even in oppressed and benighted Russia as early as 1883 the Government provided for the organization of the Russian Peasant Land Bank. It loans money up to 90 per cent of the value of the land for periods ranging from 13 to 55 years at an interest charge of 4 per cent. Through land-purchasing acts 20,000,000 small farms, worth more than $1,000,000,000, were bought by peasants who borrowed Government funds, to be repaid on long-time and low rates of interest.

The Austro-Hungarian Government also gave aid to rural-credit institutions at the time of their establishment.

In Switzerland the State operates 28 land-credit institutions and guarantees the bonds which are based on the land as security.

Denmark, a little Kingdom not as large as two counties of my district, advanced $5,360,000 to aid in the establishment of the Mortgage Bank of the Kingdom. This bank is similar in many ways to the banks provided for by this bill, and the Danish Government makes an annual appropriation, amounting to between $1,000,000 and $2,000,000, to be lent to small borrowers.

A few years ago England determined to aid the Irish peasants. The Government bought up many large estates in Ireland and sold them direct to the Irish farmer on long time at a low rate of interest. The Government appropriations for this purpose have amounted to more than $2,000,000,000. In 1913 the English Government appropriated $500,000,000 to be loaned to Irish peasants at 2¾ per cent interest for 68 years. The payments amount to 3¼ per cent, three-fourths per cent being for amortization, so that in 68 years they will have paid both the loan and the interest.

Sweden endowed the Sweden Mortgage Bank at its founding with $2,144,000, and in 1890 gave the bank a subsidy of $8,040,000 in Government bonds. This is a central institution to aid the 10 local landowners' mortgage associations in the sale of their debentures.

The State controls the Agricultural Bank of Egypt. The National Bank of Egypt, closely connected with the State, owns one-half of its capital stock, a 3 per cent dividend is guaranteed on the stock by the Government, and when it is necessary to sell its bonds at a reasonable rate of interest the Government guarantees their payment.

Japan guarantees a 5 per cent dividend for 10 years on the stock of Kwango Ginko, or central land-credit bank, of Japan. It also gives a subsidy of $4,980,000 to the 46 local or district land banks, called the Noko Ginko.

YET SOME OPPOSE GOVERNMENT AID.

Yet when it is proposed that this Government give real and substantial assistance to the establishment of a rural-credit plan we are told such action would be favoritism to our farmers. Why, Mr. Chairman, there are more farmers in the United States than in any other nation on earth except Russia. There is more capital in this country than anywhere on earth. The farming lands of this country are worth more than the farm lands of any other nation. Our farmers produce more than the farmers of any other nation in the world. Yet with all this farm land, all this production, all the tremendous possibilities of America's resources in the form of fertile soil and home-loving, industrious people, the American farmers must pay a higher rate of interest and submit to more stringent terms of borrowing than any other farmers in any civilized country, or than the men in any other line of business in our own country.

DIFFICULTIES CONFRONTING THE FARMERS.

Why have the farmers of this country been compelled to pay such high rates of interest? The men with money to loan say that it is because he is often unable to pay his debts at maturity. Unfortunately there is some truth in that statement. But let us consider for a moment the conditions under which the farmer lives. He is at the mercy of the seasons. He may plant his crop ever so industriously, but nature determines how long he must wait for the new crop to mature and again and again refuses to hasten the time of harvesting. When he gives his note he knows that its payment depends upon maturity of his crop. He may figure out the price at which he must sell his grain or stock if he is to make any profit, but he is absolutely helpless to really fix or even affect the selling price. Not even the seasons are more merciless than those who gamble in the prices of farm produce. The very fact that he is at the mercy of the seasons and the manipulators of the markets is all the more reason why the Government should do everything that can be done to establish a credit system for the farmer so that he may secure money at lower rates of interest than in the past.

INTEREST RATES TO FARMERS DOUBLE THAT TO RAILROADS.

Consider a few figures for a moment. The farms of this Nation are valued at $41,000,000,000. They produce annually $10,000,000,000 in wealth. The farmers borrow about $6,000,000,000, and they pay from 7 to 9 per cent for their money.

Let us compare these figures with figures touching another kind of business, the railroad business. The railroads, including all their watered stock, are valued at less than $20,000,000,000. They have an annual income of $3,000,000,000, and they borrow $11,000,000,000, and, according to Poor's Manual on Railroads, they pay from 3½ to 4 per cent for their borrowed money. In other words, the farmers, with property worth $40,000,000,000, producing $10,000,000,000, and borrowing $6,000,000,000, pay more than twice as much interest on borrowed money as the railroads, with property worth $20,000,000,000, producing $3,000,000,000, and borrowing $11,000,000,000, pay for their borrowed money. What is the reason? The answer is simple. The farmers borrow for short periods of time on small amounts of property, while the railroads borrow for long periods of time on large amounts of property. What we should do by a rural-credits bill is to make it possible for the farmer to borrow money for long periods of time by means of an organization by which the investor will be assured that his security is absolutely sound.

AVERAGE INTEREST RATE TOO HIGH.

The average rate of interest to farmers throughout the United States is 7.5 per cent, but to most of the farmers of my district it is nearer 9 or 10 per cent. As I understand it, this bill will limit the rate of interest to 6 per cent, and it is believed that money can be loaned to farmers at 5 per cent. Although I believe this rate still too high, the change will be a great relief. No business can prosper permanently on borrowed money at the rate of 9 or even 8 per cent.

HOW $1 GROWS.

The difference in the burden of interest charges caused by a lowering of the rate by 2 or 3 per cent is far greater than would seem at first glance. A great mathematician, Ainsworth R. Spofford, has figured out this difference in a most amazing manner by computing the sums to which $1 will amount at different rates, where the interest is compounded. While it is true that most farmers do not permit interest to be compounded, because they pay it as it falls due, yet if they were able to keep this money themselves they undoubtedly could make it earn the same amount as though it were compounded. The figures as given by this mathematician are as follows:

$1 loaned for 100 years and compounded at 3 per cent will amount to	$19.25
At 6 per cent, to	340.00
At 8 per cent, to	2,203.00
At 10 per cent, to	13,809.00
At 12 per cent, to	84,075.00
At 18 per cent, to	15,145,007.00
At 24 per cent, to	2,551,799,404.00

Thus, the difference in the interest which accumulates on $1 in a hundred years at 6 per cent and 8 per cent is $1,863, and at 6 per cent and 10 per cent is $13,469. For every $1,000 borrowed at the higher rates the above sums change to millions, and for every million borrowed they change to billions. Thus we can get some slight idea of the burden of high rates of interest upon the agricultural industry of the Nation in a hundred years. When we remember that the sums borrowed by the farmers of the Nation aggregate between $5,000,000,000 and $6,000,000,000, the importance of lower rates of interest to the future development of the agricultural business becomes evident.

INTEREST IS A GREEDY CANNIBAL.

Interest is the greedliest creature ever invented by the human mind. It feeds alike by daylight and by dark and eats both ways. The more it eats the hungrier it becomes. It is both civilized and savage. It whets its appetite on the natural food of time, until, no longer able to satisfy itself with that, it turns cannibal and fattens upon its own growth. Then, with ever-increasing rapidity, it doubles and redoubles so often and so fast that only the brain of the trained mathematician can follow the course of its geometrically enlarging circles as it adds to its size. More burdensome than taxes, relentless as time, and certain as death, it has become a blight upon the future growth of American agriculture, a blight which, in part at least, this Congress should destroy.

WILL SAVE LARGE SUMS TO WASHINGTON FARMERS.

Now, let me for a moment apply this proposed law to the farmers of my own State and see just what the benefits will be. According to the last census, the mortgage indebtedness of the farmers of the State of Washington was $43,000,000, and the Agricultural Department gives the average interest rate on real estate mortgages there at 8 per cent, which does not include the charges for commission, examination of title, and abstract fees. Thus the interest alone is $3,440,000. Should these same farmers be able to take advantage of a rural-credit law, as a majority of them should be able to do if this bill is properly drawn, and secure their money at 5 per cent, they will save approximately $1,300,000 in interest alone, to say nothing of the excessive additional charges they are now compelled to bear. But greater than this will be the encouragement it will give to the development of the land and the happiness it will bring by making money more plentiful.

HOW IT WILL WORK.

Assuming that the rate of interest of the proposed bill is 5 per cent and accepting the report of the Secretary of Agriculture that our farmers under the present system are paying on an average of 8 per cent interest, the results of the present bill are easily ascertained. Were the farmers to continue paying the present rate of interest under the amortization plan, they would pay off the entire principal and interest in 20 years and 6 months, while under the present manner of securing money they would not have reduced the principal a single dollar in 20 years and 6 months. This is not a mere statement or guess. It is a problem in simple interest that any seventh or eighth grade boy or girl in the State of Washington can solve. To show how this will work out I shall place in the RECORD as part of my remarks a table illustrating just how the principle of amortization is applied in paying off a loan. If a farmer borrows $1,000 and wishes to pay annually $80, when the rate of interest is 5 per cent, the principal will be eliminated as follows:

Number annual payments.	Amount annual payment.	Interest at 5 per cent.	Paid on principal.	Amount of principal unpaid.
1	$80.00	$50.00	$30.00	$970.00
2	80.00	48.50	31.50	938.50
3	80.00	46.93	33.07	905.43
4	80.00	45.27	34.73	870.70
5	80.00	43.53	36.47	834.23
6	80.00	41.71	38.29	795.94
7	80.00	39.80	40.20	755.74
8	80.00	37.79	42.21	713.53
9	80.00	35.68	44.32	669.21
10	80.00	33.46	46.54	622.67
11	80.00	31.13	48.87	573.80
12	80.00	28.69	51.31	522.49
13	80.00	26.12	53.88	468.61
14	80.00	23.43	56.57	412.01
15	80.00	20.60	59.40	352.64
16	80.00	17.63	62.37	290.27
17	80.00	14.51	65.49	224.78
18	80.00	11.24	68.76	156.02
19	80.00	7.80	72.20	83.82
20	80.00	4.19	75.81	8.01
21	8.41	.40	8.01	.....
Total	1,608.41	608.41	1,000.00	.....

In other words, if the borrower can pay at the rate of 8 per cent interest before the end of 21 years he will have paid off both the interest and the principal under the new rural-credit system, while under the present system he would be forced to pay the $1,608 as interest and would still be owing the $1,000 as principal. If he could pay $90 per year he would pay off both principal and interest in 17 years, and if $100 each year, in 14 years and 6 months. Not only will such a plan save the farmer money, but it will lighten his load by making it unnecessary to raise the whole amount of money at a stated period, only a few years after securing the loan. Such a plan will enable the farmers of the State of Washington and of every other State to do one of two things—either they can pay off their entire indebtedness in a few years without great inconvenience or they can secure much larger amounts of money with which to develop their land.

THIS BILL A COMBINATION OF TWO PLANS.

This bill covers 59 pages, and I have not the time to review all of the details it contains, but I am impressed that this bill is a combination of the Government-aid plan and the cooperative association plan.

FARM-LOAN BOARD AND GOVERNMENT AID.

It provides first for a Federal farm-loan board of three members, at an annual salary of $10,000 each and necessary traveling expenses. This board will have general charge of the whole system. These men are to be appointed by the President and to divide the United States into 12 districts, with a Federal land bank in each district, with a capital of $750,000, all of which will be furnished by the Federal Government if not subscribed within 90 days after establishment. In other words, the Government will place $9,000,000 in these banks to help start the system if necessary.

THE LAND BANKS.

The capital stock of the land banks is to be divided into shares at $5 each, and any individual, firm, corporation, or the Government may purchase the stock, but no dividends shall be paid the Government on its stock. These Federal land banks and the joint stock banks are to be financial agents of the Federal Government.

HOW TO BORROW MONEY.

Any 10 farmers who desire to borrow money on farm-mortgage security can form a farm-loan association and apply to the Federal land bank for the loans desired, but only borrowers can be members of the farm-loan association. Members of the association can borrow not less than $100, nor more than $10,000, for not less than 5 years, nor more than 36 years, and no loan can be made except to an actual farmer or to one who is to become an actual farmer. The loan can not exceed 60 per cent of the value of the land and 20 per cent of the value of the improvements. Rates of interest shall not exceed 6 per cent and payments can be arranged on the amortization plan. Every borrower must purchase stock to the value of 5 per cent of his loan, although this may be taken out of the amount borrowed, but he can arrange to pay this on the amortization plan also. The joint-stock banks referred to are corporations to be organized for carrying on the business of lending on farm-mortgage security and issuing farm-loan bonds. The loans may be made for the following purposes:

1. To purchase land for agricultural purposes.
2. To purchase live stock and equipment.
3. For erection of buildings.
4. To refund existing mortgages.
5. To liquidate indebtedness incurred for any of the foregoing purposes.

OTHER FEATURES.

These are the principal provisions of interest to the borrower. Other parts of the bill treat of the safeguarding of the bonds, reserves, and dividends, exemptions of the bonds from taxation, penalties, and limitations on court decisions. While the bill does not go as far as I would like to have it go in aiding the farmers, it is such a marked improvement over present conditions and will at least establish a rural-credit system that I think the passage of the legislation is in reality a great achievement.

BETTER DAYS FOR AMERICAN FARMERS.

I believe this bill is only the first step in rural-credit legislation. I know there are some who will be dissatisfied with this measure and say it should never have been passed. They will criticize it not for the provisions it does contain, but for the provisions it fails to contain. They are as honest as we are and mean as well, but just because I can not secure all I desire does not preclude me from taking what I can get.

The same kind of criticism was made of those who voted the first rural mail-delivery law some years ago. We have amended and improved this law year by year. Think of the millions and

millions of country people who now receive their daily mail, but who otherwise would be compelled to travel miles and miles to get it, and then consider whether or not those Members of Congress acted wisely in starting the system, imperfect though it was. We heard the same sort of critics decry the beginning of the parcel-post system and the postal savings bank, yet now we hear only proposals to enlarge and improve them, without even a suggestion of their abolition. Just so I believe it will be with the establishment of a rural-credit system. We shall improve and extend it, but once established we will never abolish it. The wheel of progress always moves forward and the passage of this law means that the American farmers as a class are on the threshhold of better days. We have been slow to establish a rural-credit plan, but we shall develop it into an American system. Just as the American people are the product of the assimilation of the best blood of every nationality, so will the American rural-credit system eventually be the product of the best parts of the rural-credit systems of every nation.

AMERICA THE MELTING POT.

The history of the world nowhere records anything like the assimilation of peoples now going on in America. We mix here the rugged people of the bleak, frozen lands of northern Europe with the smiling, happy sons and daughters of vineclad France and sunny Italy. Here meet and mingle on a common plane the persecuted of every part of earth with those descended from the same ancestry as their one-time persecutors. The stubborn, thrifty Scotchman here finds himself matched against the systematic and industrious Teuton, and the sons of Erin often lord it over those of English descent, sometimes by a swinging policeman's club, and at other times by the less potent scepter of political power. Here in America we are blending every people into one general type which the world knows as the American, the finest citizenship in all the world.

IDEAL TYPE OF AMERICAN TO BE ON BANKS OF COLUMBIA.

As a representative of the West, I say to you that in that new land as nowhere else the gates of opportunity still swing ajar. When that great empire builder, James J. Hill, said that the ideal type of American citizen will develop somewhere on the banks of the majestic Columbia, he spoke the words of a seer. We who live there urge you to come and abide among us. We have inscribed above our portals the invitation of the legend, "All hope and none despair." [Long and continued applause.]

Mr. DILL. I yield the balance of my time to the gentleman from Missouri [Mr. HENSLEY].

[Mr. HENSLEY addressed the committee. See Appendix.]

Mr. GLASS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill S. 2986, the rural-credit bill, and had come to no resolution thereon.

AQUEDUCT BRIDGE BILL.

The SPEAKER announced the cancellation of his signature to the bill H. R. 759, an act to provide for the removal of what is now known as the Aqueduct Bridge across the Potomac River and for the building of a bridge in place thereof, in accordance with House concurrent resolution 40.

Mr. MANN. Mr. Speaker, did we receive a message from the Senate to the effect that the concurrent resolution had passed?

The SPEAKER. Yes; it has come over.

Mr. MANN. I did not recall it.

The SPEAKER. I did not, either.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 562. An act to amend the act approved June 25, 1910, authorizing the Postal Savings System, and for other purposes.

MOTHERS' DAY.

Mr. BRUMBAUGH. Mr. Speaker——

The SPEAKER. The gentleman from Ohio [Mr. BRUMBAUGH].

Mr. BRUMBAUGH. Mr. Speaker and gentlemen of the House, at the close of this day, which we have spent considering how to benefit the home life of the people, I deem it not inappropriate before we adjourn to call the attention of the House to the greatest, strongest, and sweetest influence not only in the home but in all our lives for the joy of the home and for the joy of our lives. Two years ago to-day the Heflin resolution designating the second Sunday in May as Mothers' Day was signed by the President of the United States.

Because the House is now about to adjourn, I can do no more at this time than to call attention to the fact that to-morrow is Mothers' Day, and in my time I want to have read the very beautiful editorial which I have clipped from the Ohio State Journal, of Columbus, Ohio. I know we will all approve and be delighted with the beauty, sentiment, and holy and sacred memories which it awakens in every heart.

I shall also print in this connection the no less beautiful editorial which I have clipped from the Catholic Columbian, of Columbus, Ohio.

[From the Ohio State Journal, Columbus, Ohio.]

MOTHERS' DAY.

Next Sunday is Mothers' Day. It ought to be more popular than all other public days, for it is in recognition of the finest personality on earth. When one suggests the name of "mother" it calls up all the sweet and noble qualities of human life. From her radiate all the purest and holiest aspirations of one's nature.

To honor this tender memory, this loving personality, next Sunday is selected as the day of all the year on which we are to wear our white flowers and offer our tributes of praise to the one person who is greater than all the greatest of earth. The tribute may not be in grand demonstration or in magnificent display and noise, but, what is better, in the silent homage of the heart or in the quiet expression of a tender memory.

Nor is the day to honor the mother alone, but ourselves. It is we, the people, who need the inspiration of her unselfish spirit. We are all nobler for thinking of mother, for paying tribute to her virtues, and for remembering her many sacrifices. No man or woman can afford to get beyond the sway of her gentle spirit, and to keep within its influence and to honor her memory next Sunday is set apart. Wear a white flower to keep you constantly in mind of the meaning of the day.

[From the Catholic Columbian, Columbus, Ohio.]

MOTHERS' DAY.

Let every mother's son not forget to wear on next Sunday the white flower betokening love for her to whom, after God, he owes devotion. On Mothers' Day the wanderer from the rooftree of home reverts tearfully to other times when the little family encircled the board where mother's good things sulled or steamed. On Mothers' Day those at home should sing sweet songs to her who in the olden time gave lullabies that hushed fears and invited quiet slumber.

Mother! There is no dearer name. Mother, who is the personification of sacrifice. Mother, who is incarnate love. Mother, who is the light of the home. Mother, whose hands never grow tired, whose heart never weakens in solicitude. Mother, whose zealous work is prayer, whose prayer is zealous work. Mother, who first told us of God, who first pointed to heaven. Mother, a heavenly name, for it tells us of Him who was all devotion to blessed Mary, queen of May, as she is queen of the countless thousands who sing forever in heaven the story of the Christ.

Mr. ASHBROOK. Mr. Speaker——

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. I read this editorial in the Ohio State Journal to-day, and I want to thank my colleague from Ohio [Mr. BRUMBAUGH] for calling the attention of the House to this beautiful editorial.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOLLINGSWORTH, for one week, on account of illness in his family.

To Mr. DALE of New York, indefinitely, on account of illness of his wife.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until Monday, May 15, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Ancortes Harbor, Wash., with a view to improving Cap Sante waterway (H. Doc. No. 1117); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the chief clerk of the Court of Claims, transmitting a certified copy of the order filed by the court dismissing the petition in the case of Robert K. Scott *v.* The United States (H. Doc. No. 1118); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Nancy E. Stewart, widow of John F. Stewart, *v.* The United States (H. Doc. No. 1119); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah A. McNally, widow of John McNally, deceased, *v.* The United States (H. Doc. No. 1120); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George H. Losey *v.* The United States (H. Doc. No. 1121); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles W. Lockman *v.* The United States (H. Doc. No. 1122); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James T. Joslin *v.* The United States (H. Doc. No. 1123); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Otis G. Gerould *v.* The United States (H. Doc. No. 1124); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Solomon F. Flint *v.* The United States (H. Doc. No. 1125); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Adeline Benjamin, sister of William H. Benjamin, deceased, *v.* The United States (H. Doc. No. 1126); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ettie Pope, widow of Byron Pope, deceased, *v.* The United States (H. Doc. No. 1127); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Timothy L. Baldwin *v.* The United States (H. Doc. No. 1128); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sallie J. Boyd, widow (remarried) of Aurelius Hight, deceased, *v.* The United States (H. Doc. No. 1129); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KITCHIN, from the Committee on Ways and Means, to which was referred the bill (H. R. 12954) for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry and delivery for immediate transportation without appraisement of dutiable merchandise, reported the same with amendment, accompanied by a report (No. 684), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 5708) for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise, reported the same without amendment, accompanied by a report (No. 685), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY, from the Committee on Rules, to which was referred the resolution (H. Res. 233) providing for the consideration of House bill 15455, reported the same without amendment, accompanied by a report (No. 686), which said bill and report were referred to the House Calendar.

Mr. KITCHIN, from the Committee on Ways and Means, to which was referred the bill (S. 3536) to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzo," reported the same without amendment, accompanied by a report (No. 687), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALLEN, from the Committee on Ways and Means, to which was referred the bill (H. R. 9542) to amend the second paragraph of section 3264 of the Revised Statutes of the United States as amended by section 5 of the act of March 1, 1879, and as further amended by the act of Congress approved June 22, 1910, reported the same without amendment, accompanied by a report (No. 688), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 3861) to amend an act entitled "An act for the withdrawal from bond tax-free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials," approved March 2, 1907, reported the same without amendment, accompanied by a report (No. 689), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 9621) for the relief of J. W. Dellinger, reported the same without amendment, accompanied by a report (No. 690), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 14889) for the relief of the estate of Jackson J. Mash, deceased, reported the same with amendment, accompanied by a report (No. 691), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1571) for the relief of Albert T. Huso, reported the same with amendment, accompanied by a report (No. 692), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12360) granting a pension to Charlie Forbes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15083) granting an increase of pension to Melvina J. Jarvis; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 15652) extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting the health, sanitation, quarantine, taxation, and police powers on the Canal Zone, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: A bill (H. R. 15653) for the relief of the victims of the *Eastland* disaster; to the Committee on Claims.

By Mr. HENRY: Resolution (H. Res. 236) providing for the consideration of the bill H. R. 15455; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15654) granting a pension to Gifford Ramey; to the Committee on Pensions.

Also, a bill (H. R. 15655) granting an increase of pension to Edgar G. Spaid; to the Committee on Invalid Pensions.

By Mr. BENNET: A bill (H. R. 15656) for the relief of Charles W. Anderson; to the Committee on Claims.

Also, a bill (H. R. 15657) granting a pension to Mrs. Max Ferber; to the Committee on Pensions.

By Mr. CHANDLER of New York: A bill (H. R. 15658) granting a pension to Ellen Merritt; to the Committee on Pensions.

By Mr. ESCH: A bill (H. R. 15659) granting an increase of pension to James Livingstone; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 15660) for the relief of Samuel B. Dump; to the Committee on Naval Affairs.

Also, a bill (H. R. 15661) to confer jurisdiction upon the Court of Claims to try and determine the validity of any claims George C. Jenkins, late second lieutenant, First Regiment Alabama Volunteer Cavalry, may have against the Government for services rendered in the military service of the United States during the War of the Rebellion; to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 15662) for the relief of J. R. Howe; to the Committee on Claims.

By Mr. FOSS: A bill (H. R. 15663) granting a pension to George R. Rowling, helpless child of Charles J. Rowling, deceased; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 15664) granting an increase of pension to Belle Corey; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 15665) for the relief of Mary A. Horning, widow of Frederick Horning; to the Committee on Military Affairs.

By Mr. HOUSTON: A bill (H. R. 15666) granting an increase of pension to John M. Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15667) granting a pension to George Morris Shaw; to the Committee on Pensions.

By Mr. NELSON: A bill (H. R. 15668) granting a pension to Mrs. Aurora C. B. Kinnie; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 15669) granting a pension to Frank A. Smith; to the Committee on Pensions.

By Mr. PATTEN: A bill (H. R. 15670) for the relief of Richard Henry Greene; to the Committee on Military Affairs.

Also, a bill (H. R. 15671) for the relief of Walter Franklin Jones; to the Committee on Military Affairs.

By Mr. RAMSEYER: A bill (H. R. 15672) granting an increase of pension to Reuben Kinder; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15673) granting a pension to Alice J. Selden; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 15674) granting an increase of pension to Matilda E. Cole; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15675) for the relief of W. M. McCord; to the Committee on Claims.

Also, a bill (H. R. 15676) granting a pension to Arthur H. Brady; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 15677) granting an increase of pension to Samuel B. Morris; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 15678) granting an increase of pension to Benton Allen; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 15679) granting an increase of pension to George A. Greenwood; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CAREW: Petition of former citizens of New York now citizens of Oregon, in re Oregon-California land grant; to the Committee on the Public Lands.

By Mr. COLLIER: Petitions of Jones & Lewis and other merchants, of Mahon; John McGrath's Sons Co., of Canton; W. G. Barnes and other merchants, of Brandon; H. J. Lewis and other merchants, of Edwards; Taliaferro & Janis and other merchants, of Yazoo City; W. J. Bill and others, of Pelahatchee; Harmond & McDowell and other merchants, of Flora; L. Lynn and other merchants, of Midnight; W. E. Campbell & Co. and other merchants, of Silver City, all in the State of Mississippi, urging the passage of House bill 2120 and Senate bill 712; to the Committee on Ways and Means.

Also, petition of Gaer & Bros. and other merchants, of Vicksburg; R. E. Kennington Co. and other merchants, of Jackson; and D. C. Simmons and other merchants, of Utica, all in the State of Mississippi, urging the passage of House bills 270 and 712; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of sundry citizens of the United States, favoring suffrage amendment; to the Committee on the Judiciary.

Also, petition of Palmer Lime & Cement Co., of New York City, favoring House bill 14298, to standardize the weights of lime barrels; to the Committee on Coinage, Weights, and Measures.

Also, petition of Peter Robertson, of Cleveland, Ohio, favoring House bill 8036, relative to safety at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Southern Hardware Jobbers' Association, favoring legislation for prevention of floods; to the Committee on Rivers and Harbors.

By Mr. DAVIS of Texas: Memorial of Building and Loan Association League of Texas, in re House joint resolution 55; to the Committee on Ways and Means.

By Mr. ESCH: Petition of sundry citizens of Wisconsin, against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Second Convention of Mental Hygiene Societies of the United States, favoring bill for division of mental hygiene in United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Southern Hardware Jobbers' Association, Richmond, Va., for flood-prevention legislation; to the Committee on Rivers and Harbors.

By Mr. EVANS: Petitions of 300 citizens of Butte; 300 citizens of Great Falls; Mrs. M. K. Nelson and 250 women of Great Falls; and various citizens of Helena, all in the State of Montana, asking for the immediate consideration of the suffrage amendment; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of Palmer Lime & Cement Co., of New York, favoring House bill 14298; to the Committee on Coinage, Weights, and Measures.

Also, memorial of Southern Hardware Jobbers' Association, in re flood control; to the Committee on Flood Control.

Also, memorial of Marine Engineers' Beneficial Association, indorsing House bill 8036; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of employees of the Quartermaster's Corps, United States Army, favoring the Nolan minimum-wage bill; to the Committee on Labor.

By Mr. GARDNER: Petition of Marion Thornton, of Haverhill, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HASTINGS: Petitions of merchants of Beggs, Okmulgee, Mounds, and Boynton, all in the State of Oklahoma, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. KETTNER: Petition of Eva Cargill and one other, of San Marcos, Cal., protesting against a bill to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of Michael Murphy and Ellen B. Murphy, of Riverside, Cal., protesting against passage of the Hobson nationwide prohibition resolution; to the Committee on the Judiciary.

Also, petition of Henry A. Clock and 20 others, of San Bernardino County, Cal., favoring passage of a law that will stop the indiscriminate homesteading of mineral lands in the Angeles Forest Reserve; to the Committee on the Public Lands.

Also, petitions of John Weisemann and 9 others, of San Bernardino; Adolph Schmidt and 12 others, of Anaheim; and Herman Goedke and 1 other, of Valyermo, all in the State of California, opposing war with Germany; to the Committee on Foreign Affairs.

Also, petition of Dr. Sydney A. Smith and 41 others, of San Diego; Eva Cargill and 11 others, of San Marcos; J. W. Jones and 13 others, of Escondido; and Mrs. J. L. Cotton and 24 others, of San Diego, all in the State of California, protesting against House bills 6468 and 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of men and women voters of San Diego, at the Panama-California Exposition, favoring the passage of Susan B. Anthony Federal suffrage amendment, known as the Raker resolution; to the Committee on the Judiciary.

Also, petition of William Thompson and 25 others, of San Marcos, Cal., favoring Ashbrook pension bill; to the Committee on Invalid Pensions.

By Mr. LOUD: Petition of Annibel McLean and Sunday School of Hale, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Petition of the Grand Rapids Union of Christian Endeavor, urging the passage of the Smith-Hughes bill providing for the Federal censorship of motion-picture films; to the Committee on Education.

Also, resolutions adopted by the delegates of Ukrainian organizations in Michigan, held at Grand Rapids, Mich., April 16, 1916, petitioning the Government of the United States, which it believes will be a factor in the formation of peace terms when the European war is ended, to proclaim at such peace conference as may be held the inviolable right of all nationalities to independence and self-government and protect such rights; to the Committee on Foreign Affairs.

Also, petition of the Grand Rapids Union of Christian Endeavor, urging the passage of the bill to prohibit the manufacture or sale of intoxicating liquors in the District of Columbia; to the Committee on the District of Columbia.

By Mr. O'SHAUNESSY: Memorial of Rhode Island Branch of the Woman's Auxiliary to the Board of Missions, in re Senate bills 3904 and 4452 and House bill 108; to the Committee on Indian Affairs.

Also, memorial of the Merchants' Association of New York, in re legislation; to the Committee on Military Affairs.

Also, memorial of Southern Hardware Jobbers' Association, in re flood control; to the Committee on Flood Control.

By Mr. PATTEN: Memorial of Irish-American Athletic Club of New York, indorsing the Hulbert bill; to the Committee on Appropriations.

Also, memorial of New York Academy of Medicine, in re preparedness; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: Memorial of Hyde Park Woman's Christian Temperance Union of Idaho, protesting against shipment of rum to Africa; to the Committee on Alcoholic Liquor Traffic.

Also, papers to accompany House bill 6798, for the construction of a Federal building at Caldwell, Idaho; to the Committee on Public Buildings and Grounds.

Also, petitions of sundry citizens of Idaho, against Sunday closing in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Petition of R. B. Pettit, 37 citizens of Hillsdale, and 11 citizens of Reading, both in the State of Michigan, protesting against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of R. B. Pettit and 70 citizens of Hillsdale, Mich., protesting against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Charles W. Bennett and 32 citizens of Coldwater, Mich., protesting against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also petition of F. M. Matthewson and 33 citizens of Battle Creek, Mich., protesting against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of J. Q. Foy and 23 citizens of Battle Creek, Mich., protesting against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of J. V. O'Neil and 86 citizens of Charlotte, Mich., protesting against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Otto Gelow and 74 citizens of Kalamazoo, Mich., protesting against House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Roy Culp and 94 citizens of Kalamazoo, 2 citizens of Vicksburg, 1 citizen of Oshtemo, and 1 citizen of Grand Rapids, all in the State of Michigan, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of H. A. Cramer and 8 citizens of Fulton, 5 citizens of Vicksburg, and 8 citizens of Scotts, all in the State of Michigan, favoring national prohibition, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of George E. Burroughs and 58 citizens of Galesburg, 1 citizen of Richland, 1 citizen of Kalamazoo, and 1 citizen of Climax, all in the State of Michigan, favoring national prohibition, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of Benjamin A. Shepard, M. D., and 27 citizens of Kalamazoo, Mich., favoring national prohibition, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of F. E. Culkins and 37 citizens of Coldwater, Mich., favoring national prohibition, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of E. C. Hoffman and 25 citizens of Quincy and 2 citizens of Coldwater, all in the State of Michigan, favoring national prohibition, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of George D. Yinger and the official board of First Methodist Episcopal Church of Quincy, Mich., favoring national prohibition, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of Rev. C. W. Miller and the First Free Methodist Church of Kalamazoo, Mich., favoring national prohibition, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of R. E. Meader and the congregation of the Methodist Episcopal Church of Coldwater, Mich., favoring national prohibition, House Joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of Hugh Kennedy and the Methodist congregation of Algansee, Mich., favoring national prohibition, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of E. D. Cheny and East Cambria Farmers' Club, of Cambria, Mich., favoring national prohibition, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of C. G. Foster and 11 citizens of Vicksburg, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of Decker J. Rogers and 11 citizens of Hillsdale, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of George A. Schmidt and 4 citizens of Hillsdale, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of Kay Rice and 7 citizens of Camden, and 5 citizens of Montgomery, all in the State of Michigan, favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of M. N. Etheridge and 11 citizens of Quincy, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of W. H. Davis and 7 citizens of Bronson, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of Benge & Son and 7 citizens of Allen, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of L. C. Coller and 13 citizens of Coldwater, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of F. J. Reed and 8 citizens of Coldwater, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of E. J. Worden and 8 citizens of Union City, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of S. D. Chapin and 8 citizens of Schoolcraft, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of R. W. Cutler and 6 citizens of Sherwood, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of T. E. Estes and 7 citizens of Athens, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of E. H. Laddon and 9 citizens of Jonesville, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of W. C. Spott and 6 citizens of Pittsford, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of H. G. Crego and 4 citizens of Burlington, Mich., favoring House bill 5308; to the Committee on Ways and Means.

Also, petition of H. B. Williams and 5 citizens of Tekonsha, Mich., favoring House bill 5308; to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Memorial of Texas Live Stock Association, at Fort Worth, Tex., January 26, 1916, adopted by their fortieth annual convention, requesting the passage of a law to require the Federal Trade Commission to investigate the beef-packing interests of the United States; to the Committee on the Judiciary.

By Mr. WINGO: Petition of citizens of Arkansas, relative to amending rural-credit bill; to the Committee on Banking and Currency.

SENATE.

MONDAY, *May 15, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have assembled in Thy name. We have come out of the rest of the holy Sabbath day, after its refreshment, with its refining power, with its Divine inspirations, to address ourselves once more to the task committed to us in the providence of God. We pray that we may come to this task with the spirit of the God of our fathers resting upon us. We thank Thee that back of us is that patriotism which is not founded upon a narrow community of interests, but upon the great spiritual ideals that have been wrought into the fundamental laws of our land. We pray that we may be true to Thee and that Thou wilt guide the ship of state onward in its course. We pray that over us there may be constantly the hand of God guiding to the fulfillment of the Divine plan in us as a Nation. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, May 9, 1916, when, on request of Mr. STONE and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

WORKING CONDITIONS OF RAILROAD EMPLOYEES.

The VICE PRESIDENT laid before the Senate a communication from the United States Board of Mediation and Conciliation, transmitting, in response to resolution of the 3d instant, a report on the effects of arbitration proceedings upon rates of pay and working conditions of railroad employees, which, with the accompanying papers, was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of sundry officers of the Porto Rico Regiment of Infantry, praying that they be invested with the full rights and privileges of American citizenship, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. MYERS presented a petition of the Chamber of Commerce of Butte, Mont., praying for the enactment of legislation to regulate the price of gasoline, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Baker, Mont., praying for the enactment of legislation to provide arbitration of disputes between railway companies and their employees, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Anaconda, Mont., praying for the enactment of legislation to prohibit the use of stop-watch devices in the work of Government employees, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a petition of Camp Derwin, No. 5, United Spanish War Veterans, of Manchester, N. H., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

Mr. GALLINGER (for Mr. BURLEIGH) presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MARTIN of Virginia presented a petition of Colonel A. M. Higgins Camp, No. 8, United Spanish War Veterans, National Soldiers' Home, Va., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of George H. Patch Camp, No. 80, United Spanish War Veterans, of Malden, Mass., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the Woman's Relief Corps of Worcester County, Mass., praying that an appropriation be made for the construction of a building as a memorial to the women who served during the Civil War, which was referred to the Committee on Public Buildings and Grounds.

Mr. THOMPSON presented petitions of sundry citizens of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Wheat Belt Grange No. 1735, Patrons of Husbandry, of Lewis, Kans., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Reno County Ministerial Association, of Hutchinson, Kans., praying for prohibition in the island of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of Manila Camp, No. 1, United Spanish War Veterans, Department of Kansas, National Military Home, Kans., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of Manila Camp, No. 1, United Spanish War Veterans, Department of Kansas, National Military Home, Kans., praying for the enactment of legislation to grant pensions to survivors of certain Indian wars, which was ordered to lie on the table.

Mr. O'GORMAN presented a petition of the Board of Trade and Transportation of New York City, N. Y., praying that an appropriation be made for the improvement of the East River at New York City, which was ordered to lie on the table.

He also presented a memorial of the Board of Trade and Transportation of New York City, N. Y., remonstrating against the proposed discontinuance of the pneumatic-tube mail service in that city, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a memorial of the Central California Conference of the Seventh-day Adventists, held at Fresno, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of Guenoc Grange, Patrons of Husbandry, of Middletown, Cal., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Grange No. 342, Patrons of Husbandry, of Dinuba, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the California Associated Societies for the Conservation of Wild Life, of Berkeley, Cal., praying for the establishment of a national-park service, which was referred to the Committee on Appropriations.

He also presented a memorial of Cremieux Lodge, No. 325, Independent Order of B'nai B'rith, of San Francisco, Cal., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. WARREN presented memorials of sundry citizens of Campbell and Sheridan Counties, in the State of Wyoming, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. STONE presented a petition of the Engineers' Club of St. Louis, Mo., praying for the enactment of legislation to establish engineering experiment stations in connection with the land-grant colleges, which was referred to the Committee on Agriculture and Forestry.

Mr. WADSWORTH presented a memorial of sundry citizens of Albany, N. Y., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the enactment of legislation to prohibit the exportation of materials used in making paint, which were referred to the Committee on the Judiciary.

Mr. THOMPSON. Mr. President, I have here a letter from Mr. Ewing Herbert, a prominent editor of my State, and who is also the publisher of the St. Joseph Daily Journal and Stockyards Daily Journal at St. Joseph, Mo., calling attention to the extremely high price of print paper charged by the paper houses and paper mills of the country. I desire to have the letter printed in the RECORD that the Congress and the proper departments of the Government may have the information. It seems to me that some decisive action should be taken to remedy the evil complained of.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

ST. JOSEPH, MO., *Tuesday, May 9, 1916.*

Hon. WILLIAM THOMPSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I wish that you would look into the prices being made on print paper by the various paper houses and paper mills. They are dealing most unfairly with the newspaper publishers.

On account of war conditions they can sell their products for high prices to foreign countries, and they are making the home publishers pay those high prices. In all fairness they should continue the same prices that have prevailed heretofore to home publishers, and sell the surplus to foreign countries at the war prices.

The hardship of the raise in prices is borne by the small publishers of the country. I presume the great newspaper publishers in the cities are amply protected because most of them either hold majority of stock in mills or have contracts to take the output of several different mills, and, of course, they are not affected by the war prices. The price of print paper has doubled, and many paper houses will not put a price on it, but sell it to the publisher at whatever price the mills make on it. This is an outrage that no publisher can stand and I think that it demands congressional action. I think it would be only right to forbid the sale of any paper for export except surplus products, and I think the prevailing prices for the last 5 or 10 years should be the prices for publishers in this country.

Very respectfully, yours,

THE ST. JOSEPH JOURNAL PUBLISHING CO.,
Per EWING HERBERT, *Manager.*

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 529. An act creating an additional land district in the State of California, and for other purposes (Rept. No. 438); and

H. R. 4297. An act for the relief of Frances L. Llewellyn (Rept. No. 439).

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 5103) authorizing and directing the

Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River, in West Virginia, reported it without amendment.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 4282) to permit the State of Wyoming to relinquish to the United States lands heretofore selected and to select other lands from the public domain in lieu thereof, reported it with amendments and submitted a report (No. 442) thereon.

Mr. POMERENE, from the Committee on the District of Columbia, to which was referred the bill (S. 681) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, reported it with amendments and submitted a report (No. 443) thereon.

Mr. PITTMAN, from the Committee on Territories, to which was referred the bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska, reported it without amendment and submitted a report (No. 440) thereon.

THE ALASKAN RAILROAD.

Mr. PITTMAN. From the Committee on Territories, I report back favorably with amendments the bill (S. 5790) to confer additional authority upon the President of the United States in the construction and operation of the Alaskan railroad, and for other purposes, and I submit a report (No. 441) thereon.

I wish to state that the committee have unanimously reported this bill, and in the report state that there is an emergency existing for this legislation. It empowers the President of the United States to make rules and regulations not inconsistent with the laws of the United States for sanitation along the Alaskan railroad. They are to be purely sanitary rules. There will be probably 15,000 men employed there in the very near future, and this measure seems to be a necessity.

Mr. SMOOT. Is it a Senate bill or a House bill?

Mr. PITTMAN. It is a Senate bill. As proposed to be amended it deals only with sanitation.

Mr. SMOOT. The bill ought to pass.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. GALLINGER. Let the bill be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PITTMAN. I will state that the amendments of the committee strike out the police power, so that it simply empowers the President to make regulations with regard to sanitation.

The amendments of the committee were, on page 1, line 3, after the word "construction," to strike out the word "and"; on page 1, line 4, to strike out the word "operation" at the beginning of the line; page 1, line 10, to strike out the word "police"; page 1, line 11, after the word "necessary," to strike out the words "to preserve order and"; page 1, line 13, after the word "railroad," to strike out the words "or railroads constructed" and the comma and insert the word "while"; page 2, line 3, after the word "fourteen," insert: ": *Provided*, That this shall not apply to incorporated towns"; and on page 2, line 10, after the word "not," to strike out the words "less than 10 days nor," so as to make the bill read:

Be it enacted, etc., That in connection with and during the construction of the Alaskan railroad, under the provisions of the act of Congress approved March 12, 1914, entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," the President is hereby authorized and empowered to make and promulgate such quarantine and sanitary rules and regulations as shall be necessary to preserve the public health along and in the vicinity of said railroad while being constructed, or located by survey, and within town sites established, or to be established, under and pursuant to said act of March 12, 1914: *Provided*, That this shall not apply to incorporated towns.

SEC. 2. That such rules and regulations shall become effective on a date to be named in proclamation of the President promulgating same, and any person violating such rules or regulations, or any of them, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in the courts of Alaska, be fined not more than $500 or be imprisoned not more than one year, or both.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTHOUSE RESERVATION AT SCITUATE, MASS.

Mr. LIPPITT. From the Committee on Commerce I report back favorably without amendment the bill (S. 5010) authorizing the sale of the lighthouse reservation at Scituate, Mass.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the Secretary of Commerce to sell to the town of Scituate, Mass., for $1,000, that certain piece or parcel of land pertaining to the Lighthouse Service situate and lying on Cedar Point, Scituate, county of Plymouth, Commonwealth of Massachusetts, described April 4, 1811, by Seth Sprague, Joshua Thomas, and Nathan Rice, a committee appointed under the act of the Legislature of the Commonwealth of Massachusetts, ceding jurisdiction and authorizing the appraisement of land at Scituate Harbor, and recorded in Plymouth register of deeds, book 116, folio 183, and book B, page 159, as follows: All the land and beach that lies southeasterly of a line beginning on the easterly side of Cedar Point at a place that bears south 49½° west from the Old Sow, so called, and that bears north 4° east from the willow tree on the first cliff, so called, and from said place running south 74° west across said Cedar Point to the harbor, together with the right of way and shore privilege, including the improvements thereon, no longer required for lighthouse purposes: *Provided*, That the town of Scituate shall maintain the site and structure thereon as an historic landmark.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

E. C. HORNOR.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (H. R. 8068) for the relief of E. C. Hornor. It is a local bill, not of very great importance to the country but of quite considerable importance to the beneficiary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to E. C. Hornor, of Helena, Ark., $1,000 on account of forfeiture of bond in case of Anna B. Taylor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS (by request):

A bill (S. 5989) to create a Department of the Civil Service and to provide for its organization, and for other purposes; to the Committee on Civil Service and Retrenchment.

By Mr. CHAMBERLAIN:

A bill (S. 5990) to prohibit telephone companies and telegraph companies from engaging in the sale of merchandise; to the Committee on Interstate Commerce.

Mr. BORAH. I introduce a bill and ask that it lie on the table, to be called up later.

The bill (S. 5991) to prevent discrimination in prices and to provide for publicity of prices to dealers and to the public was ordered to lie on the table.

By Mr. PITTMAN:

A bill (S. 5992) authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another; to the Committee on Public Lands.

By Mr. STERLING:

A bill (S. 5993) granting an increase of pension to Thomas McDonald (with accompanying papers); and

A bill (S. 5994) granting an increase of pension to Allen B. O'Connor (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER (for Mr. BURLEIGH):

A bill (S. 5995) granting an increase of pension to Eliza J. Eddy;

A bill (S. 5996) granting an increase of pension to Francis A. Gilbreth; and

A bill (S. 5997) granting an increase of pension to Charles N. Clutto; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5998) granting an increase of pension to Elize King; to the Committee on Pensions.

A bill (S. 5999) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased; to the Committee on Claims.

By Mr. POMERENE:

A bill (S. 6000) for the retirement of public-school teachers of the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 6001) to amend section 19 of the Federal reserve law relating to reserves; to the Committee on Banking and Currency.

By Mr. GORE:

A bill (S. 6002) granting a pension to Melvin G. Cornell;

A bill (S. 6003) granting a pension to Wylie Brown;

A bill (S. 6004) granting a pension to Frank H. Latham;

A bill (S. 6005) granting a pension to Evan Watson;

A bill (S. 6006) granting a pension to Lizzie J. McCollum; and

A bill (S. 6007) granting a pension to Percy Jones; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6008) granting an increase of pension to Charles William Finley (with accompanying papers); to the Committee on Pensions.

By Mr. KERN (for Mr. TAGGART):

A bill (S. 6009) granting an increase of pension to Nathan Martin;

A bill (S. 6010) granting a pension to Reuben J. Powell;

A bill (S. 6011) granting a pension to Clarence McClintic; and

A bill (S. 6012) granting an increase of pension to John W. Shepherd; to the Committee on Pensions.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $200,000 for experimental well boring in the semi-arid regions of central and eastern Oregon, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

RESTORATION OF PEACE.

M. GORE. I submit a concurrent resolution and ask that it may go over under the rule. I ask that it may be read.

The concurrent resolution (S. Con. Res. 22) was read as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the Congress and the people of the United States are desirous of maintaining an honorable and lasting peace with all the nations of the world, and pending war among other nations are desirous of maintaining even-handed and undiscriminating neutrality;

Second. That the Congress and the people of the United States will support all efforts on the part of the President to preserve such a peace and to observe such neutrality;

Third. That the Congress and the people of the United States earnestly desire and would hail with profound satisfaction the return or restoration of permanent peace to the warring nations of the Old World;

Fourth. That the Congress and the people of the United States would approve and support all seasonable efforts on the part of the President to encourage or to facilitate the establishment of a permanent peace among the warring nations upon such principles as would best conserve the interest of civilization and insure, so far as may be, international peace and justice for the future.

The VICE PRESIDENT. The concurrent resolution will go over under the rule and be printed.

DEPARTMENT OF JUSTICE BUILDING.

Mr. SWANSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 5854) to provide for the erection, furnishing, and equipping of a public building in the city of Washington, D. C., for the Department of Justice.

Mr. MYERS and Mr. STONE addressed the Chair.

Mr. SWANSON. I move that the Senate proceed to the consideration of the bill.

Mr. MYERS. I rose to ask the Senator from Virginia upon the question of unanimous consent how long he thinks it will take to dispose of the bill?

Mr. SWANSON. I do not think it will take very long. Its passage has been urged for years and years.

Mr. MYERS. I think we ought to call the calendar for the consideration of unobjected bills, but as the motion has been made I have nothing more to say.

The VICE PRESIDENT. The Senator from Viriginia moves that the Senate proceed to the consideration of the bill.

Mr. GALLINGER. Mr. President, pending the motion I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Jones	Norris
Bankhead	Gallinger	Kenyon	Page
Beckham	Gore	Kern	Pittman
Broussard	Gronna	Lane	Poindexter
Catron	Harding	Lea, Tenn.	Pomerene
Chamberlain	Hardwick	Lippitt	Ransdell
Clapp	Hitchcock	Lodge	Saulsbury
Clarke, Ark.	Hollis	McLean	Shafroth
Colt	James	Martine, N. J.	Sheppard
Curtis	Johnson, Me.	Myers	Sherman
du Pont	Johnson, S. Dak.	Newlands	Simmons
Smith, Ariz.	Sterling	Thompson	Wadsworth
Smith, Md.	Stone	Tillman	Warren
Smith, S. C.	Swanson	Underwood	Weeks
Smoot	Thomas	Vardaman	Williams

Mr. CLAPP. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] has been called from the city by serious illness in his family, and that he has a general pair with the junior Senator from Florida [Mr. BRYAN]. I will let this announcement stand for the day.

Mr. SWANSON. I desire to state that I am paired with the junior Senator from Pennsylvania [Mr. OLIVER], who is absent. I will let this announcement stand for the day.

Mr. KERN. I wish to announce the unavoidable absence of the Senator from Indiana [Mr. TAGGART]. I will let this announcement stand for the day.

Mr. JAMES. I desire to announce that the following Senators are absent attending a meeting of the Judiciary Committee:

The Senator from Texas [Mr. CULBERSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from West Virginia [Mr. CHILTON], the Senator from New York [Mr. O'GORMAN], the Senator from Florida [Mr. FLETCHER], the Senator from Missouri [Mr. REED], the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. SMITH], the Senator from Wyoming [Mr. CLARK], the Senator from Minnesota [Mr. NELSON], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Utah [Mr. SUTHERLAND], the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Idaho [Mr. BORAH], and the Senator from California [Mr. WORKS].

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The Senator from Virginia has moved that the Senate proceed to the consideration of the bill (S. 5854) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That a commission, consisting of the President of the United States, the Secretary of the Treasury, and the Attorney General, be, and is hereby, created, with full power and authority to obtain, through competition, under such conditions as the commission may prescribe, or from an architect specially selected by said commission, such designs, plans, estimates, specifications, etc., and such modifications therein as may be necessary, in connection with the construction of a suitable fireproof building, hereby authorized to be erected in the city of Washington, D. C., for the Department of Justice.

SEC. 2. That payment for the architectural services hereinbefore authorized shall be made from the appropriation for the building for the Department of Justice, at such prices or rates of compensation as may be fixed by said commission, not in excess, however, of the customary and prevailing rates for similar services, and said commission is hereby authorized to enter into contract to such extent as it may deem necessary for such architectural services, or to delegate its authority to enter into such contract to the Secretary of the Treasury: *Provided*, That nothing herein contained shall be construed as including the superintendence or local supervision of the work of constructing said building as a part of the architectural services hereinbefore authorized.

SEC. 3. That the limit of cost of said Department of Justice building, with fireproof vaults, elevators, equipment, and furnishings, ready for occupancy, and including compensation for architectural and other expert technical and clerical services, but exclusive of approaches and apparatus for generating electric current and heat, shall not exceed the sum of $3,000,000.

SEC. 4. That said Department of Justice building shall be located upon such portions of squares 226 and 227 immediately south of Pennsylvania Avenue between Fourteenth and Fifteenth Streets northwest as may be designated by the above-named commission.

SEC. 5. That upon the approval of the designs, plans, etc., and the designation of the location as aforesaid, by said commission, the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction, equipment, and furnishing of the said Department of Justice building, and to employ such expert technical and clerical services as he may deem necessary and specially order in writing, to be employed exclusively in the Office of the Supervising Architect in connection with the work on said building, all within the total limit of cost hereinbefore fixed: *Provided*, That the contracts for the furnishings for said building shall be made for only such articles as may be approved by the Attorney General.

SEC. 6. That the adoption and approval of the design, plans, etc., for said Department of Justice building by the above-named commission shall not prevent subsequent changes in the design, arrangement, materials, or methods of construction, or cost which may be found necessary or advantageous: *Provided*, That no changes shall be made involving an expense in excess of the limit of cost hereinbefore fixed.

SEC. 7. That for the payment of architectural and other expert technical and clerical services and necessary expenses in obtaining designs, plans, estimates, specifications, etc., and for beginning the construction of said Department of Justice building, the sum of $500,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available.

Mr. LODGE. Mr. President, I am very glad that there is pending here a bill providing for the construction of a building for the Department of Justice, which, in my judgment, ought to have been undertaken long ago; but I wish that the plans and designs for the building might be open to competition, and that its construction should not be confined to "an architect specially selected by said commission." I think the results of competition heretofore have been extremely good. Of course under this

bill there will be no competition. The architect, I take it, has already been selected.

Mr. SWANSON. If the Senator from Massachusetts will permit, I wish to say that the plans for this proposed building have been practically paid for, though there might be some alteration in them as prepared by Mr. Barber.

Mr. LODGE. I take it that the Senator from Virginia refers to the plans for the building which it was intended to locate opposite Lafayette Square?

Mr. SWANSON. Yes; some time ago.

Mr. LODGE. I remember that.

Mr. SWANSON. But I have no objection to the Senator from Massachusetts having an amendment inserted to the effect that if new plans are adopted the matter shall be open to competition. I think that would be proper. I presume, however, that the plans have been paid for and that they will be practically adopted, except as I have stated there might be some modification in them. We might wish to pay the architect something for modifying, improving, or changing the present plans. I think we have appropriated heretofore $50,000 for the plans.

Mr. LODGE. Yes; and I remember that the plans were agreed upon, but the building was not constructed because the expenditure could not be brought within the appropriation, and the matter all went over.

Mr. SWANSON. As I understand, the reason why the provision was inserted in the bill was because we expected to modify the plans to a certain extent, and possibly there will be some expense incident to that. I shall not object, if the Senator from Massachusetts desires to have an amendment inserted in the bill to the effect that, if new plans are adopted, it shall be after competition. As I have stated, I think that would be perfectly proper.

Mr. LODGE. I move, in section 1, page 1, line 6, after the word "competition," to insert the words "if new plans are to be adopted."

Mr. SWANSON. I accept that amendment.

Mr. LODGE. Then, in section 1, page 1, line 8, after the word "commission," I move to insert "if existing plans are to be used."

Mr. SWANSON. I accept the amendment.

The VICE PRESIDENT. The amendments proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In section 1, page 1, line 6, after the word "competition," it is proposed to insert "if new plans are to be adopted;" and in line 8, after the word "commission," to insert "if existing plans are to be used," so as to read:

That a commission, consisting of the President of the United States, the Secretary of the Treasury, and the Attorney General, be, and is hereby, created, with full power and authority to obtain, through competition, if new plans are to be adopted, under such conditions as the commission may prescribe, or from an architect specially selected by said commission, if existing plans are to be used—

And so forth.

Mr. SWANSON. I accept the amendments.

The VICE PRESIDENT. Without objection, the amendments are agreed to.

Mr. NEWLANDS. Mr. President, I presume the Senator from Virginia will have no objection to inserting an amendment in this bill providing that, before entering into the contract for the building herein provided for, the plans shall be submitted to the National Commission of Fine Arts?

Mr. SWANSON. I shall have no objection, if the amendment is framed in the language of the act previously passed, to the effect that the commission "shall advise" with the Fine Arts Commission.

Mr. NEWLANDS. That they shall have their advice?

Mr. SWANSON. I shall have no objection to a provision to the effect that they shall advise with the Fine Arts Commission. I shall be very glad to accept an amendment to that effect, if the amendment which the Senator from Nevada desires to have inserted is in section 2, page 2, after line 17, to insert:

Provided, That the Commission of Fine Arts shall be advised with before such plans are adopted.

Mr. OVERMAN. That must be done, anyhow, under the law.

Mr. SWANSON. No; the law provides that the Fine Arts Commission shall be advised with. That is the language of the statute, I think.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 17, after the word "authorized," the last word in section 2, it is proposed to insert a colon and the following words:

Provided, That the Commission of Fine Arts shall be advised with before such plans are adopted.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. WILLIAMS. Mr. President, I do not think that is the amendment which the Senator from Nevada wants to offer.

Mr. SWANSON. I will accept an amendment of similar purport at the same place, if the Senator from Nevada is not satisfied with the one suggested.

Mr. NEWLANDS. I will suggest to the Senator from Mississippi that the act creating the Fine Arts Commission provides that matters of art shall be submitted to the Fine Arts Commission for their counsel and advice. That is the language, I think. There is nothing in the original law that absolutely requires their approval.

Mr. WILLIAMS and Mr. STONE addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Virginia, who is in charge of the bill, a question about it, with a view of getting some information. Why did the committee come to the conclusion that $3,000,000 was needed for the proposed building for the Department of Justice?

Mr. SWANSON. That was the estimate made last year and is the estimate which has heretofore been made from time to time by the Supervising Architect's Office and the commission in charge of the plans. They have all estimated that it will require $3,000,000 to erect the building.

Mr. WILLIAMS. Mr. President, it seems to me that if we were going to erect all the buildings which the Government needs and make them adequate to house the various departments and at the same time make works of art out of them we do not need to appropriate $3,000,000 for each building. I can understand that if it were the design to construct a building to house other departments in addition to the Department of Justice a very large building might be required; but it seems to me it is wasting public money to appropriate $3,000,000 to erect a building simply to house the Department of Justice, and in order to get the sense of the Senate upon it and to get the matter fully ventilated in debate I shall move to strike out the numerals "$3,000,000" and substitute the numerals "$1,000,000" at the proper places in the bill.

I understand that the building for the Department of Agriculture cost only a million dollars, and that a number of other buildings here cost no more than that. A million dollars is a right large sum of money, especially now when we will have to spend all sorts of money for all kinds of new purposes.

When it comes to beautiful buildings Greece and Rome both taught us years and years ago that it did not require $3,000,000 to erect them. You can construct a very cumbersome, ugly building, like the present Department of State, War, and Navy, for example, very easily by the expenditure of a whole lot of unnecessary and wasted money. Unless there is some satisfactory explanation of the necessity of expending this very large amount of money I shall insist upon a motion to amend.

Mr. SWANSON. Mr. President, I do not care whether the Senate makes the appropriation $2,000,000, $1,000,000, or what not. The plans for the building have been practically adopted, and an estimate has been made by the Supervising Architect's Office as to what the new department building will cost to construct in accordance with those plans. I have no doubt that architects can erect an office building for a million dollars, but the proposed new building for the Department of Justice is to be constructed opposite the Treasury Department on land heretofore purchased by the Government for this purpose. The plans call for a very handsome structure, a very beautiful building, to be located, as I have said, opposite the Treasury, between Fourteenth and Fifteenth Streets. The department thinks it impossible to construct a building in accordance with the plans which have been agreed upon for a less sum of money than is provided for in the bill. I repeat that that estimate has been made by the Supervising Architect's Office and those who prepared the plans for the building. If the Senator thinks——

Mr. WILLIAMS. Mr. President, as I understand the Senator, the only reason is that somebody has recommended the $3,000,000 building.

Mr. SWANSON. It is not that some one has recommended that kind of a building, but the estimates have been made on the plans which have been adopted.

Mr. WILLIAMS. Undoubtedly, for $1,000,000 a magnificent and beautiful Department of Justice building can be erected in this city, especially as we already own the site, and we are going to need the other $2,000,000 very soon for a great many things. There is no use in our trying to make a reputation among the nations of the earth for architecture, which is simply the most stupendous that exists, and there is no use founding our reputation in architecture on the size of the buildings we erect or their cost. I can reproduce the Pantheon for half a million dollars or less, and I can reproduce the Parthenon probably for a similar sum.

If it were proposed to erect a building for a great department which had a large number of employees and required and demanded very large accommodations, perhaps such an expenditure might be justified—the mere item of stone would, of course, cost a great deal; but the Department of Justice is one of the smallest departments, so far as the number of its employees are concerned, in the entire Government; and if we are going to spend $3,000,000 for it, I presume, in proportion, we should spend $5,000,000 for the Department of Commerce and perhaps $6,000,000 for some other department.

Mr. SWANSON. Mr. President, if the Senator will permit me, an estimate was made as to how much such buildings will cost per cubic foot according to the architectural design; but if the Senator can erect the needed building for a million dollars, I think it would be very well to save the money.

Mr. VARDAMAN. Mr. President——

Mr. WILLIAMS. By the way, before I yield, the Senator from Indiana [Mr. KERN] makes a very valuable suggestion. The appropriations for the present session are going to exceed past appropriations by hundreds of millions of dollars.

Mr. KERN. By over $200,000,000.

Mr. WILLIAMS. We do not want to waste the public money.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator in charge of this bill if the building to be constructed is to be used for any other purpose than the occupancy of the Attorney General and officers and employees of his department?

Mr. SWANSON. It is to be used for the Department of Justice. At one time it was contemplated to have the Departments of Justice and of State combined in one building, but the plans which have been prepared recommend that the building be devoted to the purposes of the Department of Justice alone.

Mr. VARDAMAN. Will it be occupied by the Supreme Court?

Mr. SWANSON. No; it will not be occupied by the Supreme Court.

Mr. VARDAMAN. It would take the place of the building now occupied by the Department of Justice?

Mr. SWANSON. I presume it will include the Court of Claims and everything that pertains to the work of the Department of Justice.

Mr. VARDAMAN. Mr. President, I agree with my colleague that a million dollars would be ample to construct a building for the purposes for which this building may be desired, and I do not see any necessity for extravagance in such a matter.

Mr. STONE. Mr. President, I rise merely to supplement what the Senator from Mississippi [Mr. WILLIAMS] said. The Senator from Mississippi asked the chairman of the committee, who has charge of this bill, whether a suitable and adequate building for the Department of Justice could not be constructed for a much less sum than that carried in the text of the bill, $3,000,000. The Senator from Virginia [Mr. SWANSON] said you can make it three millions, two millions, or one million, as you please. There is a significance to that answer. The Senator from Virginia did not intend, perhaps, that the answer should bear the significance I have in mind.

Mr. SWANSON. Mr. President, if the Senator will permit me, I say you can construct an office building for a million dollars. If you are going to put a building there that is in accord with the architecture of the Treasury, and in accord with the architecture of the plans that have been adopted for this building, the estimate is, as I have stated, that it will cost about $3,000,000. They have advertised for plans for a handsome building there.

Mr. STONE. Yes; the Senator has made that statement several times, and what he said is understood. What I wish to impress is that whether you make it one million, two millions, or three millions, the Senate can very reasonably depend upon the assurance that before the building is completed large additional appropriations will be asked.

Mr. President, I am as conscious as any Senator of the fact that the Department of Justice is not housed as we would like to see it.

Mr. OVERMAN. This is only an authorization.

Mr. STONE. It authorizes the construction of this building.

Mr. OVERMAN. It does not appropriate any money.

Mr. STONE. Well, it starts in that way. I should like to see the Department of Justice accommodated with a structure ornate and adequate. My friend from Virginia stated when he moved to take up this bill that there was a constant complaint that we were expending large sums for rentals. That is true; and that is the reason why, as soon as it can be done and ought to be done, always having in view our circumstances and environment, a building for this department should be in some way provided better than it now has at its service. But, Mr. President, the Senator from Mississippi [Mr. WILLIAMS] well remarked—I think both the Senators from that State so remarked—that we are now entering, and have already entered, upon a program of legislation that involves unusual and extraordinary expenditures, mounting into hundreds of millions of dollars. Already the Committee on Ways and Means of the House of Representatives are struggling with great difficulty to find ways and means for providing the revenue necessary to meet these extraordinary and enormous expenditures. I agree with the Senators from Mississippi that this is a time when we ought not to make appropriations that are not absolutely imperative or at least in some way of commanding importance.

We have gone along for a good many years without a building for this purpose. Perhaps it ought to have been constructed long ago. Let that be conceded. But at this time this Congress is facing the difficult proposition of providing very large and unusual revenues that must be collected in some form of taxation. I think we could defer expenditures of the kind covered by this bill for a while. Three million dollars is a considerable sum. My friend from Virginia and others in both Houses who are members of Public Buildings and Grounds Committees have led us to believe that at this session there would be no general buildings bill, and I have heartily approved that policy. I approved of it for the reason I have indicated, that this is peculiarly a time when we ought to husband our resources and limit our expenditures, where expenditures are not of greatest importance—of such importance, indeed, as to make appropriations almost imperative—with a view to meeting more easily the vast appropriations we are going to be compelled to make. I call the attention to this fact to the Senate generally, but to Democratic Senators especially, for Senators on this side bear the responsibility attaching to those representing the responsible majority.

I do not know when or where we can better begin than now. This large expenditure is not absolutely essential. I have as much regard for the Department of Justice as has my friend from Virginia. I should love to see that department have a beautiful home. I would love to see such a building in Washington. But the Department of Labor is also without a permanent abiding place. That department is renting, as the Department of Justice is renting, and perhaps others are also renting. That has been going on for a long time.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. STONE. Certainly.

Mr. NELSON. I want to say that this bill never ought to pass. The Department of Justice building, which will include the Supreme Court and the Law Library, ought to be up here within the reach of Congress. The Department of Justice building ought to be here on Capitol Hill, right across from the Congressional Library. Senators have occasion time and again to go and consult the Law Library. We have occasion oftentimes to go before the Supreme Court and move the admission or our friends to the bar, and we have occasion to look up the decisions of the court. Now, why make the judges, and why make us, travel down to the lower end of Pennsylvania Avenue?

Mr. STONE. The Senator in charge of the bill has just stated that this building is not intended to be used by the Supreme Court. Possibly, he says, the Court of Claims and other inferior tribunals will assemble there and perform their duties in this building if constructed. He does not say that these inferior courts would use the building, but he says they might possibly.

Mr. NELSON. But they have ample room down here on Judiciary Square. There is a great big white building there. Is that to be pulled down, like the Department of Justice building, which formerly stood next to the Riggs Bank?

Mr. STONE. Mr. President, I am not disposed to enter upon that line of the argument. My one purpose is to impress, if I can, upon the minds of Senators on both sides of the Chamber, but particularly upon this side, since this is the majority side, the fact—and call that fact to their minds to reflect upon—that we are appropriating, and will be almost compelled to appropriate enormous sums of money, running into hundreds of millions, beyond the ordinary appropriations hitherto made by the Congress. It is a question of economy I am talking about. In view of this situation I insist, with such energy as I can, that common prudence, to say nothing of common sense, demands of us, especially those of us in the majority, that we strip out of our line of appropriations every measure that is not absolutely necessary and imperative for the immediate uses of the Government.

Mr. WILLIAMS. Mr. President, if the Senator will pardon an inquiry there, does he not believe that even if this building were imperatively and vitally necessary this amount of money is out of all proportion for the mere purpose of housing the Attorney General and his employees?

Three per cent upon $3,000,000 is $90,000 per annum. The upkeep at 1 per cent, which is a very low estimate, would amount to $30,000. There is $120,000 per annum that the Government would have to spend; and certainly we are not paying that amount now for rents for the Attorney General and his employees. So, if we are going to capitalize the rents, which is what we ought to try to do, we should also capitalize the expense the Government would incur if this building should be erected.

Mr. STONE. Mr. President, I have been impressed by what the Senator said—for it was in accord with my own thought—that $3,000,000 was very much in excess of the amount needed to construct a building adequate for the uses of the Department of Justice; and I am impressed by what he says about the comparative expense of renting quarters for the department and constructing a $3,000,000 building and maintaining it; although, of course, the cost of maintenance will apply in some proportion to rented property as well.

Mr. SWANSON. Mr. President, if the Senator will permit me, Congress authorized a competition for this building. The competition was held. Fifty thousand dollars was appropriated for plans. The plans were accepted. We have never made an appropriation to construct the building. The lots were bought years and years ago at this place for the Department of Justice. It is estimated that the building will cost about $3,000,000. There will be nothing spent which is unusual in the case of buildings of this kind. We have a commission of three persons—the President, the Attorney General, and the Secretary of the Treasury—who will have charge of this building, the plans, and the amount expended. This bill was prepared after consultation with these three departments and persons as to the kind of building they would like to have there.

I know you can construct an office building for a smaller sum than this; but as soon as an office building is constructed between Fourteenth and Fifteenth Streets on Pennsylvania Avenue opposite the Treasury Department—which is recognized as being the finest piece of art in Washington—as soon as an office building is constructed there without art, without beauty, and not in accord with the Treasury Building there will be universal condemnation for it. Now, I want the responsibility to rest with the Senate.

Mr. WILLIAMS. What did the Treasury Building cost?

Mr. SWANSON. I do not know what the Treasury Building cost.

These plans have been prepared. The amount of square feet necessary has been computed. They make an estimate of the space that is needed for the department and its growth in the future, and figure over what it will cost, and then an estimate is made, approximating about this sum.

I felt this way, if the Senator will permit me—I do not want to interrupt him: There has been complaint here all the time that we are paying six or seven hundred thousand dollars a year for rent. I, for one, think this Government ought not to pay rentals in Washington. In some places the rentals are extravagant. For the Department of Justice they are not extravagant. They only amount, I think, to forty or fifty thousand dollars, somewhere between those figures, and they have been housed for 10 years in the most wretched condition of any department of this Government.

Mr. STONE. Mr. President, we all understand that. The Senator merely enforces upon our attention a knowledge common to us all.

Mr. President, I would not have a structure put up at a point angling across from the Treasury Department—which, I agree with the Senator from Virginia, is the most artistic structure among the public buildings in Washington—that did not comport in architecture, style, and character with the Treasury Building. I would not wish this building, if constructed, to jar, so to speak, upon artistic taste, when men and women having artistic taste look upon both of them. I would not wish that. But I am not at all sure that what my friend from Minnesota [Mr. NELSON] said was not wisely said. We have discussed this question here before—that when we come to construct a building of this kind, it ought to house the Supreme Court, whose quarters here we know to be inadequate.

Mr. WILLIAMS. And the law library.

Mr. STONE. When I say "the Supreme Court" I mean everything connected with the Supreme Court.

Mr. SUTHERLAND. Mr. President, why does the Senator say that the quarters of the Supreme Court are inadequate? The court room is large enough to accommodate the court. Rooms have been set aside for the judges in this wing of the building, and the rooms that have been set aside have not been occupied by them, with the exception of one or two.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. STONE. I can not permit further interruption just now.

Mr. SWANSON. I simply wish to say that I think the Supreme Court is not desirous of moving. The members of it with whom I have consulted in reference to this matter are desirous of remaining where they are.

Mr. SUTHERLAND. That is my information about it.

Mr. SWANSON. That is my information. I approached some members of the court with a view of having it included. I think they desire to remain where they are.

Mr. STONE. Mr. President, I do not know as to that. I do know that if we or the court merely wish a little room where judges can assemble and hand down decisions, the present room will answer that purpose; but if we wish a place as big as a good country courthouse court room, where the people of the United States who come here and who would like to see the Supreme Court in session and witness its proceedings and learn something about this great tribunal, then they need better and larger accommodations. I have stood out here in the corridors day after day and seen hundreds of people lined up waiting to get into the court room just to see the Supreme Court of the United States in session. Ought the people not to have that privilege? Would it not be educational?

Mr. NELSON. Mr. President, if the Senator will allow me to make a suggestion, everybody who has been in the quarters knows that our Supreme Court library has utterly insufficient quarters. I never knew a law library to be cooped up in such miserable quarters as our Supreme Court library. We ought to have ample room for that library, so that it could be utilized by Congress and by the members of the bar.

Mr. STONE. Mr. President, the time is up and I must quit. But at this point, I wish to say that I understand the rental now paid for the buildings occupied by the Department of Justice is, in round numbers, only about $36,000 a year.

EXECUTIVE SESSION.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, in accordance with the unanimous-consent agreement heretofore entered into, the Senate will go into executive session. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 4 hours and 25 minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act:

S. 4432. An act to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that, in accordance with the provisions of the concurrent resolution of the two Houses, the Speaker of the House had canceled his signature to the enrolled bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 562) to amend the act approved June 25, 1910, authorizing the Postal Savings System, and for other purposes, and it was thereupon signed by the Vice President.

THE NEW AQUEDUCT BRIDGE.

The VICE PRESIDENT. The Chair announces the cancellation of his signature, in accordance with the concurrent resolution of the two Houses, to the enrolled bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

NOMINATION OF GEORGE BUBLEE.

Mr. HOLLIS. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from the vote on the confirmation of the nomination of George Bublee as a Federal trade commissioner and that the vote be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The vote was—yeas 36, nays 42, as follows:

YEAS—36.

Ashurst	Johnson, Me.	Myers	Ransdell
Beckham	Johnson, S. Dak.	Newlands	Shafroth
Chilton	Kenyon	Norris	Sheppard
Clapp	Kern	Overman	Simmons
Culberson	La Follette	Owen	Smith, Ariz.
Fletcher	Lane	Phelan	Stone
Hitchcock	Lea, Tenn.	Pittman	Thompson
Husting	Lee, Md.	Poindexter	Tillman
James	Lewis	Pomerene	Walsh

NAYS—42.

Bankhead	Dillingham	Martin, Va.	Smoot
Borah	du Pont	Martine, N. J.	Sterling
Brady	Fall	Nelson	Sutherland
Brandegee	Gallinger	O'Gorman	Underwood
Bronssard	Gronna	Page	Vardaman
Catron	Harding	Reed	Wadsworth
Chamberlain	Hardwick	Saulsbury	Warren
Clark, Wyo.	Hollis	Sherman	Weeks
Clarke, Ark.	Lippitt	Smith, Ga.	Works
Colt	Lodge	Smith, Mich.	
Curtis	McLean	Smith, S. C.	

On the vote on the confirmation of the nomination of George Rublee to be a Federal trade commissioner the following pairs were announced:

Mr. BEVAN with Mr. TOWNSEND;
Mr. ROBINSON with Mr. BURLEIGH;
Mr. SWANSON with Mr. OLIVER;
Mr. HUGHES with Mr. GOFF;
Mr. THOMAS with Mr. McCUMBER;
Mr. WILLIAMS with Mr. PENROSE; and
Mr. SHIELDS with Mr. JONES.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 16, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 15, 1916.

APPOINTMENT IN THE ARMY.

CHAPLAIN.

Rev. John Granville Breden, of Illinois, to be chaplain with the rank of first lieutenant from May 3, 1916, vice Chaplain Michael G. Doran, Tenth Infantry, resigned April 14, 1915.

PUBLIC HEALTH SERVICE.

Asst. Surg. Charles L. Williams to be passed assistant surgeon in the Public Health Service, to rank as such from May 23, 1916. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

POSTMASTERS.

ARIZONA.

Milville C. Hankins to be postmaster at Douglas, Ariz., in place of Fred E. Cadwell. Incumbent's commission expires June 7, 1916.

Hugh E. Laird, to be postmaster at Tempe, Ariz., in place of James W. Woolf, resigned.

CALIFORNIA.

Charles F. Evers to be postmaster at Fortuna, Cal., in place of Charles E. Tucker. Incumbent's commission expired March 21, 1916.

FLORIDA.

T. J. Hammond to be postmaster at Hawthorn, Fla., in place of W. H. Berkstresser. Incumbent's commission expired April 25, 1916.

GEORGIA.

T. B. Banks to be postmaster at Grantville, Ga., in place of C. D. O'Kelly. Incumbent's commission expires June 7, 1916.

J. Frank Stovall to be postmaster at Madison, Ga., in place of James F. Boughton. Incumbent's commission expires June 14, 1916.

IOWA.

Arthur A. Dingman to be postmaster at Aurelia, Iowa, in place of William C. Marsh. Incumbent's commission expires June 14, 1916.

KANSAS.

Alexander Burgess to be postmaster at Mulvane, Kans., in place of T. C. Conklin. Incumbent's commission expires June 5, 1916.

LOUISIANA.

J. A. Melton to be postmaster at Coushatta, La., in place of Robert A. Giddens. Incumbent's commission expires June 12, 1916.

Albert Nunez to be postmaster at Arabi, La., in place of Alexander Latil. Incumbent's commission expired December 16, 1915.

Lou E. Russell to be postmaster at West Monroe, La., in place of Lou E. Russell. Incumbent's commission expires June 12, 1916.

MAINE.

Harry E. Roberts to be postmaster at Kittery Point, Me., in place of Edgar M. Frisbee, deceased.

MASSACHUSETTS.

Charles W. Swift to be postmaster at Yarmouth Port, Mass., in place of Elmer W. Hallett, deceased.

MICHIGAN.

R. W. Doyle to be postmaster at Merrill, Mich., in place of Charles E. Johnston, resigned.

Walter G. Fogel to be postmaster at Pittsford, Mich., in place of Charles N. Spear. Incumbent's commission expires June 5, 1916.

C. W. Hartwell to be postmaster at Reading, Mich., in place of E. C. Corbett. Incumbent's commission expires June 5, 1916.

MINNESOTA.

John Engebretson to be postmaster at Elbow Lake, Minn., in place of Oscar T. Stromme, resigned.

Edward L. Wurst to be postmaster at Richmond, Minn. Office became presidential January 1, 1916.

MISSISSIPPI.

Andrew J. Darden to be postmaster at Centerville, Miss., in place of Andrew J. Darden. Incumbent's commission expires June 12, 1916.

George C. Gunn to be postmaster at Agricultural College, Miss., in place of L. M. Joyner. Incumbent's commission expires May 28, 1916.

Kirk M. Heflin to be postmaster at Baldwyn, Miss., in place of Effie Dulferry. Incumbent's commission expired May 10, 1916.

MISSOURI.

Thomas F. Benson to be postmaster at Sturgeon, Mo., in place of Roy C. Barnes, resigned.

Hevner F. Hoover to be postmaster at Hardin, Mo., in place of William H. Howe. Incumbent's commission expires June 5, 1916.

NEW HAMPSHIRE.

Elmer T. Ford to be postmaster at Hanover, N. H., in place of H. E. Hurlbutt. Incumbent's commission expired February 13, 1916.

Frank L. Marston to be postmaster at Conway, N. H., in place of Albert H. McLain, declined.

NEW JERSEY.

Richard M. Crawford to be postmaster at Westville, N. J., in place of Daniel M. Fox, resigned.

James D. Moriarty to be postmaster at Orange, N. J., in place of Edward S. Perry. Incumbent's commission expired December 11, 1915.

Sol Needles to be postmaster at Cape May, N. J., in place of James E. Taylor. Incumbent's commission expired January 11, 1916.

NEW YORK.

Lewis O. Davis to be postmaster at Port Jefferson, N. Y., in place of John M. Brown, resigned.

Richard J. Gilmer to be postmaster at Kings Park, N. Y., in place of Patrick H. Lyons, deceased.

Richard F. Hayes to be postmaster at Ticonderoga, N. Y., in place of Albert Weed. Incumbent's commission expires May 24, 1916.

Florence L. Johnson to be postmaster at Elmsford, N. Y., in place of Florence L. Johnson. Incumbent's commission expired December 18, 1915.

John Lemmon to be postmaster at Churchville, N. Y., in place of J. A. C. Knapp, removed.

Timothy D. Mulcahy to be postmaster at Lawrence, N. Y., in place of J. E. Morgan Dodge, resigned.

L. G. Quackenbush to be postmaster at Oneida, N. Y., in place of Jay Farrier. Incumbent's commission expired February 1, 1915.

Benjamin B. Tooker to be postmaster at Center Moriches, N. Y., in place of E. S. Robinson. Incumbent's commission expires May 24, 1916.

Frederick M. Welsh to be postmaster at Patchogue, N. Y., in place of John T. Dare. Incumbent's commission expired April 23, 1916.

Wilber W. Wilcox to be postmaster at Lacona, N. Y., in place of Peter G. Hydorn. Incumbent's commission expires May 24, 1916.

OHIO.

Fred H. Hart to be postmaster at Beverly, Ohio, in place of Samuel Bailey. Incumbent's commission expires June 12, 1916.

D. A. Muskoff to be postmaster at Navarre, Ohio, in place of H. A. Shafer. Incumbent's commission expires June 12, 1916.

Augustus S. Tuttle to be postmaster at Creston, Ohio, in place of John McGuff. Incumbent's commission expires June 12, 1916.

OKLAHOMA.

H. A. Seaton to be postmaster at Mooreland, Okla., in place of Omer Schnoebelen, resigned.

PENNSYLVANIA.

E. R. Criss to be postmaster at New Kensington, Pa., in place of A. M. Frederick. Incumbent's commission expired April 2, 1916.

Henry M. Good to be postmaster at New Castle, Pa., in place of David A. Moore. Incumbent's commission expires June 14, 1916.

SOUTH DAKOTA.

D. C. Campbell to be postmaster at Wolsey, S. Dak., in place of Harry E. Barnes. Incumbent's commission expired February 14, 1916.

G. A. Miller to be postmaster at Conde, S. Dak., in place of Albert Lewis, removed.

Frank E. Riley to be postmaster at Dupree, S. Dak., in place of James D. Stewart. Incumbent's commission expires June 14, 1916.

VIRGINIA.

Nannie B. Campbell to be postmaster at Amherst, Va., in place of C. M. Campbell, resigned.

Samuel R. Gault to be postmaster at Scottsville, Va., in place of Samuel R. Gault. Incumbent's commission expires June 12, 1916.

WISCONSIN.

Christian F. A. Mau to be postmaster at West Salem, Wis., in place of William A. Bradley. Incumbent's commission expired January 15, 1916.

Frank E. Poll to be postmaster at Almond, Wis., in place of W. F. Prochnow. Incumbent's commission expired April 17, 1916.

Henry B. Taylor to be postmaster at Iola, Wis., in place of Buck Williams. Incumbent's commission expired February 6, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 15, 1916.

UNITED STATES DISTRICT JUDGE.

J. Warren Davis to be United States district judge for the district of New Jersey.

REGISTERS OF LAND OFFICES.

John L. Wiley to be register of the land office at Spokane, Wash.

William H. Canon to be register of the land office at Roseburg, Oreg.

PROMOTIONS IN THE NAVY.

The following named to be lieutenants:

Earle F. Johnson.
Henry K. Hewitt.
Felix X. Gygax.
Guy E. Davis.
Weyman P. Beehler.
Lemuel M. Stevens.
Joseph S. Evans.
John W. W. Cumming.
Charles R. Clark.
Roy LeC. Stover.
Chester H. J. Keppler.
Charles A. Dunn.
John W. Lewis.
James J. Manning.
Charles G. Davy.
Louis H. Maxfield.
Raymond F. Freilsen.
Alfred W. Atkins.
Philip H. Hammond.
Claud A. Jones.
Harry Campbell.
George W. Kenyon.
Allan S. Farquhar.
Lucien F. Kimball.
Harvey W. McCormack.
Harold M. Bemis.
Ernest D. McWherter.
John M. Schelling.
Bert B. Taylor.
William O. Wallace.
Frank R. King.
Bruce R. Ware, jr.
Carl T. Osburn.
William S. Farber.
Archibald D. Turnbull.
Harry J. Abbett.
George McC. Courts.
Charles W. Crosse.
Lieut. (Junior Grade) Albert M. Cohen.
Lieut. (Junior Grade) Emil A. Lichtenstein.
Lieut. (Junior Grade) George M. Ravenscroft.
Lieut. (Junior Grade) Arie A. Corwin.

Assistant Paymaster Oscar W. Leidel to be a passed assistant paymaster.

Assistant Paymaster John H. Colhoun to be a passed assistant paymaster.

Ensign Herbert A. Ellis to be a lieutenant (junior grade).
Ensign Robert E. P. Elmer to be a lieutenant (junior grade).
Ensign Joseph E. Austin to be a lieutenant (junior grade).

POSTMASTERS.

ALABAMA.

J. F. Manley, Citronelle.

CALIFORNIA.

Sarah B. Anthony, Williams.
John B. Barnard, Niles.
Joseph Charles Beard, Burlingame.
John F. Conkey, Santa Maria.
Daniel McSweeney, South San Francisco.
Isidore J. Proulx, Willows (late Willow).

IDAHO.

Christopher O. Dice, Glenns Ferry.
M. P. Strecker, Stites.

ILLINOIS.

Eli Preston Sanders, Pawnee.
James E. Simpson, Collinsville.
Thomas P. McCann, Ogiesby.

INDIANA.

Guy C. Hart, Kendallville.
Elmer Ritter, Fremont.
J. Ross Robertson, Brownstown.

KENTUCKY.

J. B. Stears, Nicholasville.

LOUISIANA.

George H. Thoede, Gretna.

MISSISSIPPI.

Harry L. Caillcott, Coldwater.
Malcolm S. Graham, Forest.
Bennett A. Truly, Fayette.
Martha Ann Womack, Bogue Chitto.

NEBRASKA.

Calvin L. Demarest, Bethany.
George McCawley, Seneca.

NEW JERSEY.

S. L. Boone, Penns Grove.

NEW YORK.

Thomas Havey, Orangeburg.
Thomas McMahon, Poland.
Mary L. McRoberts, Tompkinsville.
Henry J. Neumann, Tuxedo Park.

NORTH CAROLINA.

Bettie Belle Pearson, Moravian Falls.

NORTH DAKOTA.

F. O. Hunger, Hankinson.

OHIO.

John L. Norris, New Matamoras.

PENNSYLVANIA.

Frederic J. Dahlen, Belleville.
George W. Lutz, Ambler.

SOUTH CAROLINA.

George L. Hardy, Johnston.

VIRGINIA.

Samuel R. Gault, Scottsville.
Joseph H. Nave, Broadway.

WEST VIRGINIA.

J. H. Long, Huntington.

REJECTIONS.

Executive nominations rejected by the Senate May 15, 1916.

POSTMASTER.

Hugh C. Dever to be postmaster at South Glens Falls, N. Y.

FEDERAL TRADE COMMISSIONER.

George Rublee, of New Hampshire, to be a Federal trade commissioner.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 15, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we lift up our hearts unto Thee, from whom cometh all wisdom, power, and goodness. Impart unto us plenteously of these gifts, that we may be wise to comprehend, strong to act in accordance with our highest convictions. Fill our hearts with love and good will to all men, that we may do unto others as we would be done by, and so fulfill the law and the prophets, to the honor and glory of Thy holy name. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, May 13, 1916, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5221) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

RURAL CREDITS.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2986, the rural-credits bill, with the gentleman from Texas [Mr. GARNER] in the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2986, the rural-credits bill, with Mr. GARNER in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. DAVIS].

Mr. GLASS. Mr. Chairman, I would like to inquire how much time remains.

The CHAIRMAN. Fifteen minutes' more debate on this section and all amendments thereto. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. DAVIS].

The question was taken, and the amendment was rejected.

Mr. DAVIS of Texas. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for.

The committee divided: and there were—ayes 6, noes 26.

So the amendment was rejected.

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Texas: On page 106, in line 6, add a paragraph to section 13, to read as follows:

"Ninth. To accept time deposits, as defined by the Federal reserve act, subject to the same reserve requirements as therein provided, and to pay interest on the same."

Mr. SMITH of Texas. Mr. Chairman, I believe this amendment ought to be adopted. By this bill we are creating Federal land banks, into which we hope and expect to gather a large amount of the investment funds of the country to be loaned to farmers at low rates of interest, and yet we have denied to them the right to receive time deposits—the source from which investment bankers usually get their investment funds. I can see no good reason why this is so unless it is out of deference to the wishes of existing investment bankers and of commercial bankers who enjoy this privilege and who largely, contrary to the purposes of their creation, are engaged in investment banking. The records of the Comptroller of the Currency will show that the national banks of this country alone are carrying more than a billion and a half dollars of time deposits which they have invested in stocks and bonds of various kinds, notwithstanding the fact that their function is to serve the commercial interests of the country through the handling of liquid capital and not to carry on an investment banking business.

However, it is not the purpose of this amendment to deprive the commercial banks of the right to receive time deposits. It is only to give the land banks the same privilege. If adopted, I believe it will result in placing much ready money within the reach of the farmer borrowers, that it will tend to reduce the rate of interest to them, and that it will strengthen the Federal land banks and promote their success from the beginning.

What objection can there be to this amendment? Would it weaken the banks in any respect or impair the solidity of their bonds in the least? Not at all. It is absurd and ridiculous to say that deposits have ever impaired the strength of a bank or weakened any of its obligations. It is true deposits add to the liability of banks, but they also add equally to the banks' resources and increase confidence in their strength, solidity, and obligations. While the committee has brought in a splendid bill, in my judgment the adoption of this amendment would greatly improve it, and I trust it will be favorably acted upon.

Now, Mr. Chairman, before I take my seat let me make some observations with regard to this proposed legislation and point out some of its best features. The time at my disposal will not permit a discussion of the details of the bill.

First. It provides legal processes through which lands as security may be marshaled and mobilized so as to attract investment capital and place it within the reach of farmers at a low rate of interest and on long time. The interest rate can not run higher than 6 per cent per annum, and the most expert opinion is that it will very likely run lower after the system is in operation.

It provides that loans may run from 5 to 36 years and be made payable under the amortization plan of payment. In explanation of what this plan is, let me here read from the report of the committee:

Under this plan a definite installment is paid regularly by the borrower, semiannually or annually, as the case may be. This installment includes the interest charge, the expense charge, and also an additional payment on principal larger or smaller in accordance with the length of the period for which the mortgage runs. The installment does not vary in amount, but remains equal during the term of the mortgage. As the principal is reduced by the application of the amortizement to the reduction of principal, a constantly greater portion of the installment is applied to the extinguishment of principal.

Some conception of what may be accomplished through a low interest rate, secured from the operation of the rural-credit system, in combination with the amortization principle, may be obtained from a consideration of the following calculation:

The general average farm-mortgage interest rate has been conservatively estimated at 7.5 per cent. It has furthermore been estimated that the total farm-mortgage indebtedness of the Nation approximates $4,000,000,000. Accepting these estimates, the annual interest charge will equal $300,000,000 annually, with no reduction of principal.

If this indebtedness could be refunded under the provisions of this bill at a rate of 5 per cent per annum, and the farmers would engage to pay annually $300,000,000—the same sum as is now being paid for interest alone—the entire debt, principal and interest, would be paid in 22 years and 6 months. This would mean a net saving of more than $175,000,000 per annum. It would mean the extinguishment of the entire existing farm-mortgage debt by the operation of the system provided for in the bill in 22 years and 6 months, without increasing the annual payment over that now made to meet interest charges alone.

Secondly, it will give the farmers of the country an exclusive financial system of their own. Loans are to be made to farmers only, and the borrowers are to be the exclusive owners of the capital stock. So profit-seeking persons and concerns are completely debarred from ever acquiring any interest in the system. It is controlled by the borrowers themselves under the general supervision of a board of three members, appointed by the President by and with the advice and consent of the Senate, whose salaries are paid out of the public Treasury and not out of the profits of the system.

It may be pertinently asked how the system is to be started if the stock of the banks is to be owned exclusively by the borrowers. It seems anomalous to say that persons who need money can borrow it from themselves. The answer is the system is started by Government aid. The capital of the 12 Federal land banks, which is fixed at $750,000 each, is, to start

with, advanced by the Government if same is not subscribed for within 90 days. Thus we will have $9,000,000 as capital at the beginning, and borrowers thereafter are required to take stock to the amount of 5 per cent of the loans they secure upon their mortgages, and if they so desire the stock thus taken by them may be retained out of their loans. Provision is made for the gradual retirement of all the original stock. No dividends are paid on the stock held by the Government. The intention of the framers of the bill, as I have already said, is for the borrowers to own the system, to secure loans at a minimum cost, but should profits accrue they are to be paid back to the borrowers in the nature of dividends; and the provisions of the bill are such as to gradually effect such a system.

Thirdly, the chief object of the bill is to enable farmers to own their own homes and make them productive. It is for real farmers—those who are actually engaged in farming or who desire to engage in that occupation; for the man who wants to pay for or improve the farm that he already owns, or who wants to acquire a farm if he does not already own one.

Mr. Chairman, there are more than 200,000 tenant farmers in my State, and the number is increasing yearly. It is an alarming situation and I believe this bill will go a long way toward correcting it. It is not pretended that it will enable every man engaged in farming to acquire a home any more than it could be contended that every man of any other occupation and calling may be able, under any other system, to acquire a home. We can legislate for the average man—the man who is industrious and provident and who earnestly strives to help himself. Those of us who have been most anxious to help the landless man without means have earnestly endeavored to find some way to place the benefits of this measure within his easy reach; but it is difficult to place money and credit at the command of any person who has absolutely no margin of security. However, I believe this measure may prove a Godsend to many such men. Under this system loans may be secured to the amount of 60 per cent of the value of the land, and I have no doubt many honest, industrious, worthy men—in fact, a large majority of them—will, through the aid of friends or second mortgages or personal savings, be able to take care of the other 40 per cent. Those worthy farmers who may be unable to acquire farms under this measure, and I hope they may be few, will require additional legislation. It will be necessary for further governmental aid to be extended to them, as is done in many other countries, and I want to say here, where the widest publicity is given to my utterances, that I for one stand ready, in every constitutional way, to extend such aid. Measures are now pending in this Congress looking to that end.

Mr. Chairman, this legislation will infuse a new hope, a new vigor, and greater energy into the agricultural life of this country. It is greatly belated—it ought to have been passed long ago. We have lagged behind many of the other great nations of the world in this matter, but I am glad to feel and realize that the country has at last awakened to the needs and importance of this great basic industry. Coming as it does in this administration in its first term, this legislation gives further proof of the loyalty and devotion of the Democratic Party to the needs of the masses.

I do not mean to imply that nothing heretofore has been done by Congress for the farming interests of this country. On the contrary, I want to say that much has been and is being done, both in a special and general way. The great Agricultural Department has been created and maintained. Its educational and scientific work is of tremendous value in the preparation and cultivation of the soil, in the improvement and sanitation of live stock, in the eradication and prevention of destructive pests and disease, in the propagation and improvement of plant life, in farm and home economics, in marketing, and in many other ways.

Much benefit has also come to the farmer from the establishment of rural free delivery of mail and from the parcel post, and he will be greatly advantaged by the inauguration of the licensed warehouse system which has been provided for in a bill which has recently been passed in this body, and by the improvement of the country highways, which we will very likely set on foot before this session closes, and by many other acts of legislation. But the bill we now have under consideration will, in my opinion, tower above them all, for it will mean less land tenantry and more and better rural homes for the people. And homes mean more independence, more prosperity, more patriotism, and more happiness. The best citizen in this country to-day is the farmer who owns his own home and cultivates his own land—who gathers his family around his own fireside after the day's work is done and with his good wife teaches their boys and girls the principles of patriotism and Christianity and molds them into good and useful men and women.

Life on the farm is a wholesome life, and boys and girls raised there, away from the temptations and unnatural environments of the cities, constitute the bulwark of our Government and the pillars of our churches. Unfortunate is the boy or the girl who has never enjoyed the blessings of a country home. Not for all the honors and wealth of this world would I exchange the sweet memories of my old country home in eastern Texas, where my father and mother enjoyed the simple life, reared their children in the fear of God, and happily lived and died with the consciousness that they had tried to do their duty toward God and man. The training I there received, the principles there instilled into my life, have been worth more to me than would have been the riches of a Carnegie or a Rockefeller. It is not strange, then, that I feel an unusual amount of enthusiasm for this bill. I hope it will accomplish all that we expect of it and more for the farmers of this country. We are talking much about "preparedness." We are reorganizing our land and naval forces, but, in my judgment, the best preparedness we can have—that any nation can have—is a happy, contented, patriotic, and independent people, who feel that their Government is fair and just, and who possess the strength of character and feel the sovereign power which nothing gives to such a degree as the ownership of the soil.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. SMITH].

Mr. PHELAN. Mr. Chairman, the suggestion that the gentleman makes is too important, perhaps, to pass unnoticed. The joint committee which sat between the Sixty-third and Sixty-fourth Congresses considered that matter very carefully. Some of the members of that committee were desirous of having savings deposits taken by these banks, and attempted to devise some system which would operate and which would be safe.

But we are met with these difficulties: In the first place, we had considerable difficulty in devising a system which would put sufficient capital behind these land banks to satisfy the prospective bondholder that everything would be safe. The man that buys the bonds has the mortgage, of course, as security, but something else is necessary also as a guaranty or as capital. As the bill is written, it is none too great. I think it is safe, but it is none too great. It amounts to at least 5 per cent of the amount of outstanding mortgages and probably a little more than 5 per cent of the outstanding bonds.

If we take these deposits we must make the banks responsible to the depositors therefor. If there should be some misjudgment in the investment of the deposits, or something of that sort, and the bank gets into difficulty, the man who has the first chance to come at the capital in that bank is not the man who buys the bonds, but the depositor, because his demand is a demand which must be met in 30 or 60 days, whatever it may be, whereas the man who buys the bond may not be enabled to make the demand for a longer time, perhaps 30 years. The funds in largest volume for loans to the farmer will come not from the savings deposits but from the bonds. Every member of the committee finally came to the conclusion that it would be making more doubtful the security behind the bonds if we allowed the banks to take the savings deposits, and therefore it would make the men who bought the bonds feel that they were not quite so safe if a large number of depositors would have the chance to come in ahead of them in case anything went wrong with the bank.

For that reason we tried another proposition which was suggested. In certain sections of the country—in New England in particular—we have a great many mutual savings banks, where the depositors get together and run their own banks without any capital whatever. We tried to put a provision into the bill whereby this could be done under this bill. At one time we had in the bill a provision to the effect that the capital of the bank would not be responsible to the savings depositor; that the bank could take the deposits and use them, but the bank would not be responsible, except in a most limited way. Inasmuch as the directors of these banks would be running the banks not for the savings depositors but would be administering the affairs of the banks in the interest of the borrowers, we thought it was an unsound and unsafe proposition to permit them to take the deposits from savings depositors and use those deposits.

If you could devise a system whereby depositors could run their own bank, that proposition might be safe. But when you are putting into a system a plan wherein the first object of the bank's directors is to represent the borrower, and when you let those directors handle the deposits without any liability upon the capital of the bank for those deposits, you are hardly establishing a sound system. As a result, we did not put the savings deposits feature into the bill at all.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. SMITH of Texas. I will suggest that I do not see that it is necessary to give depositors any preference representing the capital stock of the bank over the bondholders.

Mr. PHELAN. They will have it anyway.

Mr. SMITH of Texas. There is nothing in the bill that provides for it, and I see no reason why the deposits could not be invested in the bonds when received, the bonds being held as security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. SMITH of Texas) there were 10 ayes and 57 noes.

So the amendment was rejected.

Mr. DILLON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 105, line 20, after the word "appraisal" strike out the following words: "and determination of title."

Mr. DILLON. Mr. Chairman, I would like the attention of the committee with reference to my amendment striking out these words. Do the words "and determination of the title" include reasonable attorney fees?

Mr. MOSS of Indiana. It is not intended that it shall include attorney fees because of the fact that under the provisions of the bill the farm-loan board employ their own attorneys, who are paid out of the Treasury of the United States.

Mr. DILLON. It would seem to me from the language used that it would include reasonable attorney fees. I call attention to the phraseology—

To charge borrowers under rules and regulations promulgated by the Federal farm-loan board reasonable fees not exceeding actual cost of appraisal and determination of title.

Mr. MOSS of Indiana. That language was put in for the purpose of giving the boards power to say whether the expenses which are ordinarily paid by the individual borrower shall be paid exclusively by the borrower, or whether they shall be paid by the bank, or whether they shall part be paid by the bank and part by the borrower. For instance, it would give them the power to make small loans, say of $100, because the land banks could bear a portion of the expense of negotiating the loan.

Mr. DILLON. It seems to me, however, that the words "reasonable fee for determination of title" must include examination of abstracts. My motion seeks to eliminate that language. I think it is susceptible of that interpretation. We ought not to have a clause in this bill that will allow the board to charge the borrower a reasonable attorney fee for the examination of the abstract, because it is an uncertain quantity. In one instance the attorney fee might be $5 and in another $250 for the same service. It seems to me the language ought to be eliminated.

Mr. MADDEN. Will the gentleman yield?

Mr. DILLON. Yes.

Mr. MADDEN. Does the gentleman believe that a man should have his abstract of title examined without cost to him?

Mr. DILLON. I think so.

Mr. MADDEN. Does the gentleman know of any case where that is done now?

Mr. DILLON. Yes. I will say to the gentleman that in my State there are about $27,000,000 loaned out by insurance companies in farm loans, and the insurance companies examine their own abstracts. It is done by their own attorneys without any charge to the borrower.

Mr. MADDEN. How much commission do they charge?

Mr. DILLON. They are loaning, I think, at about 5½ per cent on the average.

Mr. MADDEN. Yes; but they get a commission besides that, do they not?

Mr. DILLON. No; that includes the commission.

Mr. MADDEN. I suppose a half per cent would pay for the examination of the abstract.

Mr. DILLON. I will say further that I know of no loan companies in my State that charge the borrower for the examination of an abstract. It is the universal custom for the mortgagee to pay the attorney for the examination of all abstracts. This bill ought not to be left in this indefinite way.

Mr. MOSS of Indiana. They do, however, charge for getting up the abstract?

Mr. DILLON. Certainly. I will ask the chairman of the committee if he would have any objection to an express provision in the bill that no charge shall be made against the borrower for the examination of the abstract.

Mr. MOSS of Indiana. I am not going to speak entirely for the committee, but the committee believes, where it has a farm-loan board representing purely the public interests, and when that farm-loan board hires its own attorneys and have been given the power to make rules and regulations, we have given all the power that ought to go for the protection of the borrower in this system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

Mr. DILLON. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 106, line 6, at the end of the line, add the following: *Provided*, That no charge shall be made to the borrower for attorney's fees for the examination of abstracts.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. DILLON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 106, line 6, after the word "twelve," insert a new paragraph, as follows:

"That whenever any Federal land bank, created under the provisions of this act, shall make application, through the Federal farm-loan board, for Federal reserve notes, and shall tender or deposit with the Federal reserve agent approved security, and shall in each and every particular comply with each and every provision of the act entitled 'An act to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes,' approved December 23, 1913, then the Federal Reserve Board may permit the issue of Federal reserve notes to the Federal land bank under the provisions of the last-mentioned act, which notes shall be redeemed in the mode and manner as provided in said act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

Mr. HOWARD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 106, after line 6, insert as a new paragraph, 9, the following:

"That the postal savings-bank commission shall have power to invest 30 per cent of the funds in postal-savings banks in the bonds of the Federal land banks, to be prorated according to the amount of bonds issued by said Federal land banks."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HOWARD. Mr. Chairman, I would like to consume about a couple of minutes.

The CHAIRMAN. The Chair will state to the gentleman that only one minute remains.

Mr. HOWARD. Mr. Chairman, I did not know that just one minute remained for debate on this proposition. Nearly all of the bills prior to this particular bill contemplated the investment of 30 or more per cent of the postal savings of the country in these bonds. I believe this provision, if adopted, will have a tendency to stabilize the bonds of these land banks by permitting the Government to invest 30 per cent of the postal savings, which is a safe margin to permit them to invest in these bonds. I believe if this provision is carried in this bill that at no time will the bonds of the several land banks provided for under this bill sell below par in the open market, and I believe it will have a most wholesome effect in stabilizing the price of the bonds. As a matter of fact, it will be the safest and most secure method of investing this portion of our postal savings. The postal savings come from a class of people who are in sympathy with the farmers, and they would feel safe if their money was invested in this character of security, which is just as safe and sound as any other security in which the general savings banks of the country are authorized by the law of the several States of the Union to now invest their funds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. HOWARD) there were—ayes 26, noes 43.

So the amendment was rejected.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 106, at the end of line 6, insert the following:

"Any lien reserved to or for the benefit of the United States to secure payment under the reclamation act of June 17, 1902, or acts amendatory thereof or supplementary thereto, shall not be held to prevent a loan under this act: *Provided*, That 50 per cent of the construction charge for such lands has been paid."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

Mr. TAYLOR of Colorado. Mr. Chairman——

The CHAIRMAN. All debate on this section and all amendments thereto is exhausted.

Mr. TAYLOR of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAYLOR of Colorado. We are at the end of section 13, are we not?

The CHAIRMAN. Yes.

Mr. TAYLOR of Colorado. Can I withdraw the amendment and offer it as an amendment to section 14?

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. TAYLOR of Colorado. I am making an inquiry. My inquiry is whether or not I could offer it as an amendment to section 14 and not have it ruled out on a point of order? Is it any less in order then than now?

The CHAIRMAN. The Chair will state to the gentleman from Colorado that we are at the end of section 13 and that all debate on the section and amendments thereto has been exhausted. Does the gentleman desire to withdraw his amendment in order to offer it to section 14 when it is read?

Mr. TAYLOR of Colorado. Yes.

Mr. KEATING. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado be given five minutes in which to state his proposition.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that his colleague may have five minutes in which to discuss his amendment. Is there objection?

Mr. MANN. Mr. Chairman, I think there ought to be a chance for five minutes on the other side.

Mr. KEATING. Mr. Chairman, I will make it 10 minutes—5 minutes for the affirmative and 5 in the negative.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that 10 minutes may be had for debate on the amendment offered by his colleague. Is there objection?

Mr. GLASS. I understood that the gentleman had withdrawn his amendment.

Mr. TAYLOR of Colorado. I prefer to introduce it later on.

Mr. GLASS. I would rather the gentleman would make his remarks when his amendment is before the committee. The gentleman may as well offer his amendment to this section, because I do not think it is germane to the next section.

Mr. TAYLOR of Colorado. That is what I would rather do.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the time be extended 15 minutes.

The CHAIRMAN. Is there objection?

Mr. GLASS. I object to that.

The CHAIRMAN. Unanimous consent has been granted for 10 minutes.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Colorado.

There was no objection, and the Clerk again reported the amendment offered by the gentleman from Colorado.

Mr. TAYLOR of Colorado. Mr. Chairman, the object of the amendment I have offered is to allow, under certain conditions, the owners of lands under the 32 Government irrigation reclamation projects to avail themselves of the provisions of this law. At the present time these Government reclamation projects throughout the West include over 3,000,000 acres of irrigable lands. The land is not all now under irrigation, but about one-half of it is and the greater part of the rest of it will be when these projects are completed. Under the existing bill none of the 60,000 farms under those reclamation projects can ever borrow any money or get a particle of benefit under this law. I believe that after a man has put, say, $50 an acre in improvements upon his land, and after he has paid the Government one-half of all the Government construction charges on the land, he ought to be permitted to borrow some money upon his land, the amount depending upon the circumstances of each case; that is, the value of this land and improvements and the amount of the Government charges.

Mr. SHOUSE. Mr. Chairman, what is the attitude of the Department of the Interior toward the gentleman's amendment?

Mr. TAYLOR of Colorado. I have no authority to speak for the Secretary of the Interior, and I do not think the department has ever made any official report on this provision, but I am confident that the reclamation officials themselves personally and unofficially feel very favorably toward some legislation of this kind. After a man who has paid the Government one-half of all the charges and has made the required improvements, he certainly has a very substantial property right and a basis of credit that, it seems to me, would entitle him to a loan of some money that would be of great benefit to him and also be a benefit to the Government. He would be the sooner enabled to pay off the Government lien.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Certainly.

Mr. MANN. Why can not you loan under this and pay off the balance of the construction charges with it?

Mr. TAYLOR of Colorado. Because, as I understand it, the Government lien for the construction and maintenance charges and the general supervisory governmental control would prevent a settler from ever for 20 years borrowing any money under the terms of this bill, while his neighbor across the road outside of the project can borrow money at 5 per cent.

Mr. MANN. He could pay it off at any time.

Mr. TAYLOR of Colorado. I think the Government's lien and control is such that this law will not apply to the settlers under these reclamation projects.

Mr. MANN. He would not be affected by this; there is a lien for taxes, but that has nothing to do with the title.

Mr. TAYLOR of Colorado. I doubt very much whether he can borrow money under this.

Mr. MANN. Certainly he could; there is not a particle of question about it.

Mr. TAYLOR of Colorado. Well, there is nothing in this bill indicating or authorizing it. It seems to me a man has to have an absolute clear title before he can borrow any money at all.

Mr. MANN. There is no more lien on the property for maintenance charges than on everybody's property for taxes.

Mr. TAYLOR of Colorado. Even if the gentleman is correct, I doubt very much whether the average settler could borrow enough money under the provisions of this bill to pay off the Government of the United States. For instance, suppose the Government lien on the land for construction charges is $100 an acre. No Federal land bank would loan him $100 an acre upon the land; and yet the land might be worth twice that much. But if the Government charge is $100 an acre, and he has paid off $50 an acre, and made valuable improvements, he might safely borrow, say, $25 an acre, or $10 an acre.

Mr. MANN. The gentleman wants the Government to take a second mortgage on a piece of property that is already mortgaged for more than it is worth.

Mr. TAYLOR of Colorado. There is no thought or intention of that kind. Besides, the first lien of the Government is different from a first lien of an individual or corporation.

Mr. STERLING. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; certainly.

Mr. STERLING. Do they pay this assessment or interest now?

Mr. TAYLOR of Colorado. The settlers, under these irrigation projects, pay no interest now, except on overdue payments.

Mr. STERLING. Then you would not want to borrow money to pay interest on that.

Mr. TAYLOR of Colorado. Of course not. A farmer would not, if he could, want to borrow the entire amount of the Government's lien upon which he pays no interest and then pay the bank 5 or 6 per cent interest on the amount. But a man would often borrow some money and pay that rate of interest to put in crops and make improvements, if he could.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois desire recognition against the amendment?

Mr. MADDEN. Yes, sir; and I would like to have the amendment again reported.

The amendment was again reported.

Mr. MADDEN. Mr. Chairman, we have already expended $100,000,000 on the reclamation projects. We have arranged to give the people who are living on the reclaimed land the right to pay for the land in 20 annual installments. We have allowed them to have this and without the payment of any interest. We have borrowed $21,000,000 in addition to the $100,000,000 we have expended for the purpose of carrying on these projects. We have expended money in the Yuma district, and that has all been lost, in connection with the development of the reclaimed land. We have to expend at least $75,000,000 more before the projects that are now under way are completed. Not a dollar of interest has been collected from anybody——

Mr. RAKER. Will the gentleman yield?

Mr. MADDEN. I can not yield. Not a dollar of interest has been collected from any settler on this land. The amount of Government aid given these few people——

Mr. RAKER. Will the gentleman yield in that connection?

Mr. MADDEN (continuing). Living in that section of the United States is greater than all the Government aid ever given to any people in all history before, and now, with this favorable condition prevailing in the arid regions of the United States, where

all the revenues from the sale of public lands are being converted to their benefit, gentlemen from that territory come in here and want advantages under this bill that are not given to anybody else.

Mr. HENRY. Will the gentleman yield?

Mr. MADDEN. I will yield to the gentleman.

Mr. HENRY. How does the gentleman think this amendment compares with the amendment I offered the other day?

Mr. MADDEN. The gentleman's amendment reminds me of a man who moved from Texas in the pioneer days and opened a bank in Denver, and all the people who had assembled around Denver made their deposits in his bank, but shortly after the bank was opened he failed. After the failure he called the depositors together and explained to them that there was none of their money left in the bank and that he had no assets to turn over to them. He said there was nothing he could do for them at all, except to offer himself as a sacrifice and that they could do with him what they pleased. There was one man in the audience who cried out when that statement was made, "Well, when you are cutting him up I speak for his gall." [Laughter and applause.] And I say to the gentleman from Colorado, that this amendment is unjustifiable, that the people living in the territory represented by him, and by other gentlemen on the floor of this House, coming from that region of the United States, where we are reclaiming land, have had more favors granted by the Government of the United States at the expense of the Treasury than all the other people of the Nation combined.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Colorado.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

RESTRICTIONS ON FEDERAL LAND BANKS.

SEC. 14. That no Federal land bank shall have power—

First. To accept deposits of current funds payable upon demand except from its own stockholders, or to transact any banking or other business not expressly authorized by the provisions of this act.

Second. To loan on first mortgage except through national farm-loan associations as provided in section 8 of this act, or through agents as provided in section 15.

Third. To accept any mortgages on real estate except first mortgages created subject to all limitations imposed by section 12.

Fourth. To issue or obligate itself for outstanding farm-loan bonds in excess of twenty times the amount of its capital or to receive from any national farm-loan association additional mortgages when the principal remaining unpaid upon mortgages already received from such association shall exceed twenty times the amount of its capital stock owned by such association.

Fifth. To demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act.

Mr. SMITH of Minnesota. Mr. Chairman, if this bill remains in substantially the same form that it was when it came from the committee I shall vote for it. I do that not because my constituents have any special interest in it, but because I believe that it will be beneficial to the agricultural interests of the United States, especially those sections in which the rate of interest is high.

Interest rates are low in Minnesota and, therefore, there is not likely to be any demand in my State for the additional credit accommodations provided for in the bill under consideration.

The purpose of this bill is to afford those who are engaged in farming, or who desire to engage in that occupation, greater volume of land credit on more favorable terms and at lower and more uniform interest rates than at present. This is to be effected by the establishment of national chartered and Government supervised organizations, known as Federal land banks, that will make long-time amortizable loans at low interest rates upon agricultural lands, and will assemble in each organization individual farm mortgages, and issue upon this collective security credit instruments to be known as farm-loan bonds. It is confidently expected that the business of farming, by reason of the additional credit supplied through these Federal land banks, will develop and flourish as never before, and the increased production of farm products will benefit not only the farmer but the city dweller as well.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. MORGAN of Oklahoma. I do not wish to interrupt the gentleman, but he says that money is cheap in Minnesota, and therefore he does not think that this bill will help the farmers of that State. What is the rate the farmers get?

Mr. SMITH of Minnesota. Over a large portion of our State money can be obtained for 5 per cent. Farmers make loans to each other, and in such cases there is no commission. In the northern part of the State the rate is from 6 to 7 per cent, including the commission.

Mr. MORGAN of Oklahoma. Does not the gentleman think that that will help at least the farmers of the northern part of the State?

Mr. SMITH of Minnesota. It is possible; but that section is so small I do not believe they will adopt it. Nevertheless, my thought is this: If it is going to affect any considerable portion of our country, it is well to adopt it. We have adopted the Federal reserve act, and by that act we have placed the Treasury of the United States at the command of the commercial interests of our country. This is paternalism pure and simple. By this rural-credit bill we are again placing the National Treasury behind the agricultural interests of the country, and in each case we are taxing the whole people for the benefit of two special classes, to wit, the commercial and the agricultural.

Now, I do not believe that paternalism should be practiced or adopted in cases where it can be avoided. Possibly this is a case where it can not be avoided, and, if so, let us adopt it; but if we are going to extend Federal aid to the commercial and agricultural classes, then there is every reason why it should be extended to the multitude of industrial workers of our land.

The larger share of our population to-day is engaged in industrial pursuits. The farm no longer has the attraction that it once had, because this country has changed from an agricultural Nation to an industrial Nation. We no longer depend upon the farm for the great amount of wealth that we are accumulating from year to year. We can not get along without the farmer, but the farm is not the sole source of our revenue.

Without Federal aid or assistance, private banks extend large credit to the business man on secured paper, and, likewise, the farmer has been able to secure credit on his farm from the loan agent.

There are no facilities in the banking systems of the United States, so far as the credit function, for the really laboring class of our citizenry. They are absolutely without any banking facilities except the simple facilities for saving, and in this respect the larger cities are well served by excellent savings banks and savings departments in our State and National banks. Within two hours' ride of New York City there are more than 50 settlements where neither credit nor saving facilities are at the disposal of the people.

There must be a new agency created to make the credit of an artisan effective for a loan.

The late Sir Robert Morier, addressing himself to cooperative banking, said:

> All our people have security. The skilled artisans of a community are as good a subject for a mortgage as the steam mill which supplies it with flour, or the broad acres which furnish the corn for the mill.

Professional men, small tradesmen, and workingmen, in a limited sense, have more substantial security to offer than capitalists, if it can only be made effective. Of tangible, convertible security, however, it is true, they may have little, if any, of the description such as an ordinary business bank could take or be expected to take.

The problem in a nutshell is the creation of a new security which artisans can give a banking system where such security will be acceptable for a loan.

A number of countries have met the demand for this sort of banking by establishing cooperative banks, commonly known as people's banks. These banks have been successfully conducted for a number of years in Germany, Italy, Austria-Hungary, Switzerland, Belgium, Russia, France, Servia, Roumania, Bulgaria, Canada, Ireland, South Africa, Egypt, Japan, and China. The United States has given no attention to the establishment of a cooperative banking system to meet the necessities and demands of its industrial workers.

On Saturday, while addressing the House on the subject of rural credit, our distinguished Speaker, Mr. CLARK, called attention to the fact that all three parties in their platforms of 1912 adopted planks pledging their party to the enactment of rural-credit legislation. He might have added that they also pledged their party in the same platform to currency reform, meaning thereby the amendment of our banking and currency laws for the benefit of the business interests, and that these platforms were silent as to legislation that would meet the needs and necessities of the laboring class. I would suggest that since we are about to write new platforms for 1916 that some one, or all, of the political parties pledge its support to a system of cooperative banking that will take care of the needs and necessities of that numerous class of our citizens not provided for in either the Federal reserve act or the rural-credit system, for neither of these acts make any direct attempt to take care of the needs of the workingman.

The party that is far-sighted enough to recognize the necessity for a cooperative banking system deserves the loyal support and hearty cooperation of the laboring class. In the Federal reserve act provision is made to loan money on farm lands by national banks, while national banks are prohibited from loaning money on city property.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that my colleague may proceed for five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that his colleague may proceed for five minutes more. Is there objection?

There was no objection.

Mr. SMITH of Minnesota. There is no provision by which a cent can be loaned by a national bank on city property. If you are going to have industrial workers who are going to be satisfied with existing conditions, you will have to have them housed in comfortable homes, and unless you can furnish money for that purpose at reasonable rates they can not obtain and support these homes.

Mr. GLASS. Will the gentleman yield?

Mr. SMITH of Minnesota. I will yield to my colleague.

Mr. GLASS. I simply wanted to say to my colleague that I have introduced a bill, which has been referred to the Banking and Currency Committee, to permit national banks to loan money on urban property, and I hope I will have the gentleman's assistance to get a favorable report on it.

Mr. SMITH of Minnesota. You will have my hearty cooperation as you have had on both the Federal reserve act and the rural-credit bill, which largely through your able leadership and untiring efforts as chairman of the Banking and Currency Committee will be incorporated in the body of our laws. We are all citizens of the United States, whether we live in the country or whether we live in the city. What benefits one benefits the other; and it is on that theory that I am going to support this bill. The better our agricultural interests are taken care of, the better it is for us in the city. But the agricultural class should not have access to the Federal Treasury to the exclusion of the industrial class, since the Treasury is supported by a tax upon all the people. Considerable criticism has been leveled at the Federal Reserve System because of its neglect to take care in some way of the working class. You can allay that criticism by enacting legislation that will take care of their demands as fully and completely as the Federal reserve act and the rural-credit bill takes care of the merchant and the farmer. However, I am aware that is a hard task. The Federal reserve act and the rural-credit bill are much easier bills to draft and much easier laws to put into practice than a personal credits bill. Nevertheless, if we will go at it with the same determination that has been exhibited in framing this legislation, there is no doubt but what we can bring relief to that class of our citizens who sorely need it, and by benefiting them we are benefiting the farmer and the merchant as well. The Government can no longer shut its eyes to the requirements, needs, and demands of its industrial workers. They must be treated in a spirit of fairness and honesty.

And when it has satisfied them that it is trying to be fair and honest with them, recognizing their rights, dealing with them on the same plane that it deals with others, granting to no class of our citizens any special privileges, and that it is trying to bring home the benefits of government to all, the Government will forever establish itself in the affection, loyalty, and patriotism of the sons of toil, the main support of commerce, agriculture, and industry, and the principle defense of the Government itself.

Before the passage of the Federal reserve act postal savings were deposited in banks under Federal and State supervision, which qualified to accept them, and qualification was effected by a bank depositing with the Treasurer of the United States approved bonds as security for the payment of postal savings deposits on demand. The Federal reserve act, which went into operation November 15, 1914, under section 15 prohibited the deposit of postal savings in any bank except those belonging to the Federal Reserve System. In 1914 there were postal savings deposits of about $43,000,000. About twenty-five millions of this amount were deposited in State banks and trust companies not member banks of the Federal Reserve System. Since November 15, 1914, the date that the Federal reserve act went into effect, no postal savings deposits have been deposited by the Government in State institutions, but the surplus must be turned over to the banks belonging to the Federal Reserve System.

The Sixty-third Congress passed an act repealing section 15 of the Federal reserve act, in so far as that act prohibited the depositing of postal savings funds in State institutions. This bill was vetoed by the President on September 11, 1914. In his message the President stated that when the Federal reserve act was passed it was thought wise to make the inducements to State banks to enter the Federal Reserve System as many and as strong as possible. It was therefore provided in the act that Government funds should be deposited only in banks which were members of the Federal Reserve System, and that the principle of such a provision is sound and undisputable.

From the angle at which the President was viewing the question his conclusion is sound, but the question has a much broader aspect than simply the compelling of State banks to enter the Federal Reserve System, and I am confident that if the President had viewed the proposition from all its angles he would have arrived at a different conclusion.

The postal savings deposits are owned by the laboring classes residing in the industrial cities of the country. For example, 90 per cent of the postal savings deposits of the State of New York is in New York City, Brooklyn, Buffalo, Rochester, and Long Island City, and one-fourth of all the savings deposits—amounting now to $73,000,000—is in Greater New York. In the State of Minnesota 70 per cent of the deposits is in the cities of Minneapolis, St. Paul, and Duluth. What is true of New York and Minnesota is true of every other State in the Union. If these postal savings deposits are required to be deposited in banks belonging to the Federal Reserve System, which are organized and conducted solely for commercial purposes, the laboring masses of our great industrial cities who own practically all of the postal savings deposits will be unable to borrow a dollar of this money for the purpose of building or purchasing a city home.

It is an unwise policy to make all the financial institutions of the country subservient to the interests of the Federal Reserve System, which is a commercial banking system only. If the Federal Reserve System attempted to carry on, regulate, and control all classes of financial institutions, there would be some reason for turning over savings accounts and investment funds to that system.

The laboring man is discriminated against by placing deposits of postal savings banks in commercial banks, because these deposits are then used for commercial purposes, and the amount of money for long-time investment, such as mortgages, is lessened to the amount of savings deposited in the commercial banks.

These postal savings deposits naturally belong in a cooperative banking system such as I have suggested.

The CHAIRMAN. Does the gentleman from Virginia [Mr. GLASS] desire recognition?

Mr. GLASS. I wanted to inquire if amendments would be offered to this section?

Mr. MORGAN of Oklahoma. I have one.

Mr. GLASS. I have no doubt the gentleman from Oklahoma has one, but I wondered if any other gentleman had any.

Mr. FESS rose.

Mr. SWITZER. I want a little time. I have not said anything on the bill hitherto.

Mr. GLASS. I think the gentleman deserves it.

Mr. SWITZER. I have been here in attendance regularly.

Mr. GLASS. I would like to have a unanimous-consent agreement that all debate on this section and amendments thereto be concluded in 15 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto be concluded in 15 minutes. Is there objection?

Mr. MORGAN of Oklahoma. Reserving the right to object, Mr. Chairman, will it be understood that I shall be allowed five minutes?

Mr. GLASS. The Chair will judge of that. I ask unanimous consent to close in 15 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate close in 15 minutes. Is there objection?

Mr. DOOLITTLE. Reserving the right to object, Mr. Chairman, I wanted to ask the gentleman from Virginia regarding the second and third subheads under section 14. I would like to have two or three minutes.

Mr. MANN. Several gentlemen over here would like to have 20 minutes.

Mr. GLASS. Then I ask unanimous consent, Mr. Chairman, that debate on this section and all amendments thereto close in 25 minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, do we get 20 minutes?

The CHAIRMAN. Will the gentleman indulge the Chair for just a moment? For the committee during the remainder of the consideration of this bill the Chair will undertake to recognize and give preference to gentlemen having amendments when he knows that gentlemen have amendments.

Mr. MANN. The gentleman from Ohio [Mr. FESS] has the floor now, and the gentleman from Oklahoma [Mr. MORGAN] and the gentleman from Ohio [Mr. SWITZER] and the gentleman from North Dakota [Mr. YOUNG] desire time.

Mr. GLASS. I understand that gentlemen on that side want 20 minutes. I have had request for only five minutes over here.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, if I may have the attention of the committee, I wish to say that under general debate the question was asked whether you limited the number of Federal land banks to 12. It was understood that the answer was in the affirmative; that you did. Criticism has been made of the bill that the number of banks is unlimited, and, since the Government is to make a deposit of $750,000 to each bank, the amount of Government obligations would be therefore unlimited; and, since in this section now under consideration we allow an issue of bonds of twenty times more than the capital stock, that seems to me to be a very serious situation. The minimum capital in the banks would be $9,000,000 if you limited the number to 12 banks, and the minimum issue of bonds would be $180,000,000.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. HASTINGS. I want to refer the gentleman to section 5, which is found on page 79 of the bill, which provides that as soon as practicable the Federal board shall divide the United States, including Alaska, into 12 districts.

Mr. FESS. I have looked that up. That is not a limitation in section 5. That is an authorization. There should be a limitation in this bill. You have a limitation in the Federal reserve act which limits the number of Federal reserve cities. But in this proposed act you do not limit—in section 5 or elsewhere—the number of banks. Section 5 simply says the Federal farm-loan board shall establish in each Federal land-bank district a Federal land bank. Under that language you can establish one, two, three, or any other number in a district, and each one will be a Federal land bank under the terms of this bill. There is no limitation there at all. If you were to say "but one" or "only one" or "not more than one" then there would be a definite limitation. Such language should be employed. All the other legislative enactments make a limitation. Even this bill, in other provisions, as in section 12, where the language is used, "Such loans may be made for the following purposes, and no more," the last three words are a limitation. If not necessary, then they should be omitted.

Mr. WINGO. Mr. Chairman, will the gentleman yield for a question?

Mr. FESS. Yes.

Mr. WINGO. Let me offer this suggestion to the gentleman, that the board would not have authority to do anything else than is authorized by the act, and they are only authorized by the act to establish 12.

Mr. FESS. They are to establish 12 districts.

Mr. WINGO. Yes; and they are authorized to establish only one bank in a district.

Mr. FESS. Oh, no. It says the Federal farm-loan board shall establish in each Federal district a Federal land bank, but it does not say it may not create more than one. You might have any number and still be within the language. So long as an authorization is unlimited in terms, the number is not defined. Why not say "not more than," as you do in the Federal reserve act? You put the limitation there. I have the law here in my hand.

Mr. WINGO. I suggest to the gentleman to compare the two.

Mr. PHELAN. It says, "not less than 8 and not more than 12."

Mr. FESS. It says each district shall contain only one. There can be only one Federal bank in a reserve city. Why not say but one Federal land bank, as you do in the Federal reserve act?

Mr. WINGO. The gentleman is certainly familiar with the legal determination of what that language means. Under that language, let me suggest to the gentleman, they would have authority to establish only one, in my judgment.

Mr. FESS. I differ from the gentleman on that. My contention is that we ought to limit it to one. I am asking the question of the gentleman from Arkansas, whether his intention is not to extend it beyond one?

Mr. WINGO. It is the intention of the committee that there shall be only 12.

Mr. FESS. I think it is worth looking into. I think there is no limitation there.

I simply wanted to state, Mr. Chairman, that while I have called attention to some things objectionable to me, outside of the one amendment, the Government guaranty of the bonds that has gone into the bill, I think I could support it without much of a strain of conscience. I want to say that much. I am not an opponent of the principle of the bill, but I think this thing should be looked into. My claim is this: Section 5 allows an unlimited number of land banks. Section 6 makes the minimum capital stock $750,000 to be subscribed by the Government. Section 14, the one now under consideration, allows a bank to issue twenty times the amount of its capital stock in farm loans. This means the 12 banks can issue $180,000,000 of bonds. But an unlimited number of banks would issue an unlimited amount of bonds. Why not? The Lever amendment which we adopted in the earlier stages of the consideration requires the Government to take care of the interest and principal in case the bank can not do it.

This amendment I regard as vicious, and unless stricken out and the number of banks limited I can not support the bill.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MORGAN of Oklahoma: Page 106, lines 10 and 11, after the word "deposits," in line 10, strike out the remainder of line 10 and all of line 11 preceding the word "to."

Mr. MORGAN of Oklahoma. Mr. Chairman, the first paragraph of section 14 of the committee bill provides that no Federal land bank shall have power "to accept deposits of current funds payable upon demand, except from its own stockholders, or to transact any banking or other business not expressly authorized by the provisions of the act." Under my amendment Federal land banks would be prohibited from accepting deposits of any kind or character. I am not an expert in the banking business. I am not certain that I know exactly what is a "deposit payable on demand." My impression is that time deposits are not payable on demand. If I am correct in this, the Federal land banks could accept time deposits from any person, corporation or municipality. I believe that we should create pure land-mortgage institutions. I know that in some countries in Europe they have land-credit institutions which do a general banking business. But the best type of land-credit institutions is the pure land-mortgage bank. That is to say, a banking corporation or institution which does strictly a land-mortgage business, secures mortgages from the farmers, and under the authority of law transforms these mortgages into debentures or bonds and sells those bonds on the market. The proceeds from the sale of those bonds are reinvested in farm mortgages. These farm mortgages are in turn transformed into bonds or debentures and sold. Thus the process goes on indefinitely. It is of the highest importance to the farmers that the institutions acting as the intermediaries between them and investors shall have the implicit confidence of investors. It is self-evident that the institutions that take the least risks, on the whole, will be the safest and thus will have the best credit among investors. Land-credit institutions strictly speaking are not banks. They are mortgage companies. Their business is to make mortgages, issue bonds, and dispose of those bonds; to collect the annual payments from borrowers and to use those payments to pay the annual interest on the bonds; and in the end to pay the principal of the bonds. If the business is conducted carefully and honestly, there is absolutely no chance for failure, but whenever a land-credit institution extends its business into other lines it takes additional risks and becomes less secure and increases the possibility of losses, failure, and bankruptcy. For this reason I have concluded that it is unwise to permit our land-credit institutions to accept even time deposits, but under the provision above referred to the Federal land bank would unquestionably have the authority and the right to accept deposits from its stockholders.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. MOSS of Indiana. Who does the gentleman understand would be the stockholders of the Federal land banks?

Mr. MORGAN of Oklahoma. The stockholders of a Federal land bank start out with, maybe, any individual; it might be a State, might be a corporation.

Mr. MOSS of Indiana. Those are only temporary stockholders.

Mr. MORGAN of Oklahoma. Does the committee intend by this language to authorize time deposits? This says "deposits on demand." Does that mean time deposits? Are these banks prohibited from accepting time deposits? If so, you will simplify the language by allowing my amendment to go through prohibiting them from accepting deposits of any kind.

Mr. MOSS of Indiana. The gentleman will remember that the stockholders are the land farm-loan associations. If he will remember that, his fears will disappear.

Mr. MORGAN of Oklahoma. May not corporations subscribe to the original stock?

Mr. MOSS of Indiana. Yes; but they will hold it temporarily.

Mr. MORGAN of Oklahoma. They might hold it 50 years.

Mr. MOSS of Indiana. Oh, no; not 50 years. We have put short limitations on the matter.

Mr. MORGAN of Oklahoma. Well, I think I now understand the gentleman. This provision at least allows the stockholders of Federal land banks to make deposits therein. I do not think that this is wise policy to allow even stockholders to make deposits in these Federal land banks. It introduces an element of uncertainty, an element of weakness, and an element of risk that might get the institutions into serious trouble. What is the object of permitting these banks to accept deposits even from their stockholders? For what purpose would these deposits be used? Certainly they should not accept such deposits and assume the responsibility of the safe-keeping thereof unless such deposits can be put to some good use. We must assume, therefore, that these deposits will be used. Presumably they would be used to make farm-mortgage loans. These Federal land banks are not permitted to make loans for less than five years, and the presumption is that most of the loans will be made for a much longer period, and perhaps a great majority will be made for the maximum period of 36 years. It always has been true in the history of this and all other Governments that there are times when money is scarce and when times are hard and, indeed, when the country is overwhelmed with a panic. Even time deposits must be paid on short notice. Under this provision a Federal land bank might have many millions of dollars on deposit. It would no doubt have these funds loaned out on long-time farm mortgages, as this would be the only legitimate investments for which such deposits should be used. It is possible, therefore, that the Federal land banks might find themselves in serious financial difficulties because they would not be in position to return to the depositors their money. I am opposed to permitting these Federal land banks to conduct their business by accepting either demand or time deposits, either from stockholders or others. These Federal land banks are to be borrowers' institutions. In due time all the capital of these banks will belong to borrowers. These borrowers, the farmers, should not be permitted through the land-credit institutions we are creating to engage in any line or character of business that is not necessary to accomplish the fundamental purpose for which these institutions shall be created.

There is another important matter outside of obligations due for current debts which should be and will be met promptly every month. These Federal land banks will have but one set of creditors. These creditors will be the bondholders. The bondholders naturally will feel more secured if they know that they are the only creditors which these Federal land banks have. They will know that all their moneys, all their property, and all their assets of every kind, character, and description are held sacredly for the interest and principal of these bonds. I will therefore place myself unreservedly against permitting Federal land banks accepting deposits of any kind. I believe that to do so would injure the credit of these institutions, and that would mean to injure the credit of the borrowers, the farmers, who will be finally the owners of all the capital and all the assets of these banks. Their interest should be safeguarded above all others, and it is in their behalf that I plead.

Mr. RAKER. Mr. Chairman, it is fairly easy to criticize whether your criticism amounts to anything or not. This committee reported the Federal reserve-bank act, and after it passed the House was considered by the Senate and sent through conference and became a law, and it is recognized as one of the greatest pieces of legislation of the administration and of the last 50 years. The Senate has passed a rural-credit bill, the House committee has reported a substitute, and with some amendments which are always necessary, the committee's report to the House will and should pass, and the committee are not so tied up but that they will recognize proper and valid amendments to it, and no doubt the House will adopt some. But when the House in the Committee of the Whole gets through with the bill I believe we are going to have a fairly good rural-credit bill, and after it is through the conference it is going to be in a shape that the people of this country will be satisfied with, to a great extent. It can not be perfect, no one expects it to be perfect, because there are bound to be some alterations and additions which may be found to be necessary afterwards. But they are going to be enacted into law by amendment to the bill and it will be a workable bill.

It is no criticism of the bill that we have not all at once provided for industrial loans. The committee has not placed on the bill any individual credits provisions. We have passed a Federal reserve act, have taken up a rural-credit bill, and it is only a question of time when this committee of the House and the present administration will give to the country legislation along all these lines, so that those who have security, those who are honest and will pay their debts, will be able to buy their homes, will be able to help their business and secure all the benefits that come from such legislation.

But I want to say to the committee that it is a measure of satisfaction that this great body of people who have been desirous of having a rural credits bill in order that they might get a reasonable rate of interest—not 1 or 2 per cent, for that is all imagination—are going to get a bill that will work out on a business basis to the end that they may have sufficient length of credit so that a man may go on his farm, improve it, and know that he is going to hold it and not, as at the present time, at the end of thee or four years, have the loan changed, the rate of interest raised, the expenses of having it renewed charged up against him of 5 or 10 per cent bonus for renewing it—all that will be done away with. Legislation of this kind is going to be of interest not only to the farming community but to the industrial community on the ground that it will give all an opportunity to build up their homes and improve their farms, and I shall vote for this legislation. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. YOUNG of North Dakota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 106, line 10, after the word "First," strike out the words "To accept deposits of current funds payable upon demand except from its own stockholders or."

Mr. YOUNG of North Dakota. Mr. Chairman, I think everyone will agree that what made the rural banks of France and Germany strong and powerful and so immensely helpful to the farmers of those countries was not Government aid. The thing that made those banks overloaded almost with money was the deposits made by the farmers themselves. Now, it appears to me that in this bill the fundamental weakness is that the resources of the farmers themselves are not to be marshaled. There is no provision in the bill which will at any time enable the farmers to collect an adequate loan fund, make them independent in finance, and furnish an adequate supply of money to take care of their own business in the purchase of land, stock, or machinery, or anything else connected with their business. The farmers do not fix the price of anything. Others fix the price of what they sell. Others fix the price of what they buy. By the terms of this bill others will fix the price or the terms upon what they borrow. That condition will last for all time unless you vitalize this bill by permitting the farmers without exception to deposit money in the rural banks.

Mr. LEVER. Would you confine it to farmers only? Why not let everybody in?

Mr. YOUNG of North Dakota. I say, let everybody in.

Mr. LEVER. Does the gentleman's amendment do that?

Mr. YOUNG of North Dakota. Certainly. It at least cuts out the restriction.

Mr. LEVER. If the gentleman would permit, I wish the gentleman would make his amendment broad enough to permit these land banks to accept deposits from any source.

Mr. YOUNG of North Dakota. I did that a few days ago. On Saturday I offered such an amendment, and to-day I am proposing to cut out this particular restriction. I want to call attention to the fact that these gentlemen who have drafted this bill only permit those to deposit in these banks who have no money. The qualification is that a man shall make application to borrow money, and after he has borrowed the money, thus demonstrating that he has not any money to deposit, they are going to permit him to deposit it, and he is the only one permitted to make a deposit. In other words, deposits can only be made by shareholders, and to become a shareholder one must become a borrower.

Mr. RUBEY. There is no provision in this bill for the land banks to do anything with any such money. What would they do with it if people were permitted to make deposits?

Mr. YOUNG of North Dakota. It is the business of this committee to say what shall be done with it. Of course, it would be loaned back to farmers. The system in Germany and France would have amounted to nothing if they had not let the people generally over there make deposits in those banks.

Mr. MOSS of Indiana. If the gentleman wishes to make that effective, why not offer an amendment to permit farm-loan associations to receive deposits?

Mr. YOUNG of North Dakota. I offered such an amendment a few days ago—on Saturday. A member of the committee ought not to ask somebody else to fix the bill in a matter of details. I am talking about a fundamental principle, and am calling attention to a fundamental weakness in this measure. It is the business of the committee to work it out, and if they accept the principle it will be a comparatively small task to work out the details. The farmers want a real bank, not a loan agency. It will never be more than a mere agency until the farmers are permitted to build up an institution of their own with their own money gathered and built up over a period of years. Such a bank would revolutionize the farming industry. This bill as it is may be helpful in some areas of the country, and I may vote for it upon that theory, but I regret exceedingly the disposition of the committee to refuse to make needful amendments.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. SWITZER. Mr. Chairman, if the representations made by the various Members from New England, New York, Pennsylvania, and the Central States and some of the Northwestern States are accurate as to the financial conditions through these particular regions respecting the prevailing rates upon loans made upon farm property, it seems to me that it would be well for the committee to reconsider a considerable portion of this bill. What would be the use of creating quite a number of these Federal land banks, I believe they are called, especially throughout these particular localities and entailing upon the Government this great overhead expense? I believe that this system—that is, the proposed popular methods under the system—will not be workable, and in my locality it will be of no benefit to my constituents, although I expect to vote for the bill, for it matters not how cumbersome, how complicated, may be the method for obtaining money under it, with the provision in the bill creating joint-stock land banks there may possibly be opportunity to get a little cheaper rate of interest, or at least another opportunity will be offered, and it will tend to hold rates down and possibly drive down interest rates on loans made on farm property. In order to make these bonds salable, in order to induce investors to take them, you undertake a system which seems to me is uselessly complicated. In other words, you require the borrower to put up a bonus of 5 per cent of the amount he proposes to borrow. You further obligate him to another 5 per cent, something like a double stockholder's liability to 5 per cent of his loan. In other words, quoting the language of Mr. Hulings, who was a Member at the last session of Congress, you are trying to make a wig without hair. You require a man who desires money, who has no money, or he would not be making the application to get money, to put up a $50 cash bonus on every thousand he borrows, or a paper bonus to that extent. It seems to me that my people, when they learn that they are paying interest on a $50 bonus on every thousand dollars they borrow, and possibly get not nothing back in return, with the possibility of losing the whole $50, and in addition to that being made security for their neighbors in their farm-loan association as well as to the whole country for another 5 per cent of the amount they borrow, provided you can get it from them if they default in the payment of their mortgage, will not come in and you will drive out all of the thrifty, go-ahead people from the community who are desiring assistance, and you will simply get the undesirable element of the community into this system.

You do that for what purpose? In order to raise the loanable amount on farm property. I know it is difficult to map out any system that will be beneficial to my constituency under the prevailing rates in my district, but I would make this suggestion to the committee, that instead of this complicated machinery it wipe out these associations, wipe out these farm-land banks and make it more direct, and instead of having a loanable value to the amount of 60 per cent upon the farm property and 20 per cent upon the permanent improvements, make it only 50 per cent, because the man only gets about 50 per cent anyway. You take away from him 5 per cent, with the possibility of taking another 5 per cent. You really only give him 35 per cent, and it is possible that the amount may be cut down to 50 per cent of the value of the farm, and then I would suggest that instead of this double liability the Government of the United States guarantee the proposed 5 per cent reserve, you are trying to create, to the extent of $500,000,000 of loans. The liability of the Government would be fixed, it would be only $25,000,000, and I believe those bonds would sell more readily than the ones you have provided for here, and I know that the people will make applications for loans more freely and in larger numbers.

You hold out to the borrower that he will receive a dividend on the stock which he is compelled to take in the loan association, and if the thrift of the system comes up to the expectations of its proponents, these dividends, together with other earnings, could be held in the banks or invested in Government bonds, for the purpose of creating an additional reserve fund to secure the bonds issued and sold by the banks for the purpose of obtaining loanable funds, and by the time $500,000,000 have been loaned, or within 10 or 15 years, a reserve will accrue sufficiently large to release the Government from the 5 per cent guaranty. If the system is successful, the Government can well afford to make the 5 per cent guaranty; and if it fails, the loss is limited to twenty-five millions plus the nine millions of capital proposed to be supplied by the Government, an amount not much larger than that recently provided for the building of railways in Alaska.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was rejected.

Mr. YOUNG of North Dakota. Mr. Chairman, I desire to offer an amendment which I send to the Clerk's desk, which will have to have two words, "*Provided*, That," placed in front of it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 106, at the end of line 3, insert, "*Provided*, That"——

Mr. YOUNG of North Dakota. Perhaps I can state it better: *Provided*, That the farm-loan board may make such rules and regulations for the deposit of money and the relonning of the same as they shall adopt.

The Clerk read as follows:

Provided, That the farmers' loan board may permit the Federal land banks to accept deposits and to invest the same under such rules and regulations as may be prescribed by the farm-loan board.

The CHAIRMAN. All debate is closed.

Mr. YOUNG of North Dakota. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina [Mr. LEVER] may be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from South Carolina [Mr. LEVER] be permitted to proceed for five minutes. Is there objection?

Mr. MANN. Mr. Chairman, I would like to have five minutes here in opposition.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may be permitted also——

Mr. GLASS. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

AGENTS OF FEDERAL LAND BANKS.

SEC. 15. That whenever it shall appear to the Federal farm-loan board that national farm-loan associations have not been formed, and are not likely to be formed, in any locality, because of some peculiar local conditions, said board may, in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board.

Such loans shall be subject to the same conditions and restrictions as if the same were made through national farm-loan associations, and each borrower shall contribute 5 per cent of the amount of his loan to the capital of the Federal land bank, and shall become the owner of as much capital stock of the land bank as such contribution shall warrant.

No agent other than a duly incorporated bank, trust company, mortgage company, or savings institution, chartered by the State in which it has its principal office, shall be employed under the provisions of this section.

Federal land banks may pay to such agents the actual expense of appraising the land offered as security for a loan, examining and certifying the title thereof, and making, executing, and recording the mortgage papers, and in addition may allow said agents not to exceed one-half of 1 per cent per annum upon the unpaid principal of said loan.

Actual expenses paid to agents under the provisions of this section may be added to the face of the loan and paid off in amortization payments as provided in subsection 8 of section 13 of this act.

Said agents, when required by the Federal land banks, shall collect and forward to such banks without charge all interest and amortization payments on loans indorsed by them.

Any agent negotiating any such loan shall indorse the same and become liable for the payment thereof, and for any default by the mortgagor, on the same terms and under the same penalties as if the loan had been originally made by said agent as principal and sold by said agent to said land bank, but the aggregate of the unpaid principal of mortgage loans received from any such agent shall not exceed 10 times its capital and surplus.

If at any time the district represented by any agent under the provisions of this section shall, in the judgment of the Federal farm-loan board, be adequately served by national farm-loan associations, no further loans shall be negotiated therein by agents under this section.

Mr. HASTINGS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 15 and insert the following:

"SEC. 15. That whenever it shall appear to the Federal farm-loan board that national farm-loan associations have not been formed in any locality within 90 days after the establishment of the Federal land banks under this act, said board shall authorize Federal land banks to make loans on farms through agents approved by said board.

"Such loans shall be subject to the same conditions and restrictions as if the same were made through national farm-loan associations, and each borrower shall contribute 5 per cent of the amount of his loan to the capital of the Federal land bank, and shall become the owner of as much capital stock of the land bank as such contribution shall warrant.

"Agents appointed under the provisions of this section shall be paid by the Federal land bank which they serve, such compensation for supervising, making out, and forwarding each application for a loan not to exceed $2.50, as may be agreed upon: *Provided*, That postmasters of the first, second, or third class may be employed under the provisions of this section, but in the event postmasters are employed as agents, they shall not be paid nor permitted to receive or accept compensation therefor. For the purposes of this act an agent shall be authorized to take acknowledgments, administer oaths, and authenticate his acts with a seal.

"Each applicant for a loan under the provisions of this section shall make his application upon a form approved by the Federal farm-loan board duly verified, and each application shall be accompanied by the note and mortgage, and the affidavits of two landowners of the vicinity in which the land is located certifying to the value of the land, whose responsibility shall be certified to by the agent, and shall also be accompanied by an abstract or other evidence of title prescribed by said board.

"If at any time the district represented by any agent under the provisions of this section shall, in the judgment of the Federal farm-loan board, be adequately served by national farm-loan associations, no further loans shall be negotiated therein by agents under this section."

Mr. GLASS. Mr. Chairman, I would like to reach some agreement as to the time on this section and amendments thereto.

Mr. FERRIS. Mr. Chairman, I rather hope the gentleman will allow the debate to run a little while, as I might want to say a word, and there are some other gentlemen over here who desire to speak.

Mr. RUBEY. Mr. Chairman, I have an amendment to the original section which I desire to offer.

Mr. GLASS. Well, I would say on this amendment—I would like to know how much time——

Mr. MORGAN of Oklahoma. I would want five minutes on this amendment.

Mr. GLASS. May I ask my colleague how much time he desires?

Mr. HASTINGS. I would like to have about 10 minutes on the amendment, and I will ask the gentleman if he would not prefer to wait and then prefer his request? This might develop some inquiry from members of the committee, and I think if the gentleman will let me proceed for 10 minutes then he might close debate.

Mr. GLASS. I have no desire to shut off reasonable debate, but I would like to reach some agreement if I can.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. This is a motion to strike out and insert?

The CHAIRMAN. Yes; it is a substitute.

Mr. MANN. For the entire section?

Mr. HASTINGS. Yes, sir.

Mr. MANN. Pending that motion, will it be in order to offer an amendment to perfect——

The CHAIRMAN. It would.

Mr. GLASS. How much time is wanted on that side?

Mr. HAWLEY. On this amendment?

Mr. GLASS. On this section.

Mr. HAWLEY. I would like to have five minutes on the section.

Mr. MORGAN of Oklahoma. Mr. Chairman, I hope the gentleman will not try to close debate too quickly on this entire section.

Mr. GLASS. I want to reach some agreement. Does the gentleman want some time?

Mr. MORGAN of Oklahoma. I want five minutes on this amendment, but I have several amendments to the section which I desire to offer.

Mr. MANN. Suppose you close debate on the amendment first.

Mr. GLASS. Mr. Chairman, I suggest we agree to close debate on this particular amendment in 20 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on this amendment close in 20 minutes. Is there objection?

Mr. GLASS. Of which 10 minutes is to go to the gentleman from Oklahoma, a member of the committee.

The CHAIRMAN. Is there objection?

Mr. DAVENPORT. Mr. Chairman, reserving the right to object, there are two or three of my colleagues who indicate they might want to be heard upon that, and I think the time ought to be a little extended.

Mr. GLASS. I have had no intimation to that effect. I asked if they wanted to be heard.

Mr. DAVENPORT. We are indicating it now by reserving the right to object, in order that they may discuss the amendment. I understand Mr. THOMPSON, Mr. FERRIS, and Mr. MORGAN desire time.

Mr. GLASS. Mr. Chairman, I make it 25 minutes.

Mr. MANN. How many Members are there from Oklahoma?

Mr. DAVENPORT. Eight, usually; and I think they are all here to-day.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on the pending amendment may close in 25 minutes, 10 minutes to be used by the author of the amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. Mr. Chairman and gentlemen of the committee, no man in this Congress is more interested in rural-credits legislation than I am. I would rather be the author of a real rural-credits bill than of any other legislation that is pending in this Congress, and I want to have the attention of the members of the committee upon this particular amendment for a few minutes. My fear is that you will have too many delays in securing the loans under the terms of this bill. Now, I want to call the attention of the members of the committee to the methods of securing loans under this bill. You can secure a loan from the Federal land bank in two ways: First, through your farm-loan associations; second, through agents; now, third, you can secure loans under the terms of this bill from joint-stock land banks. I am going to eliminate the third, namely, the loans from joint-stock land banks, as we are only discussing loans from Federal land banks. Now let us see how you get loans under the terms of this bill from the Federal land bank. First, there must be at least 10 natural persons and you must want to borrow at least $20,000. Now, I believe that the average loan that will be desired to be borrowed in my State will be about $500.

You can see it will take 40 persons who will have to unite themselves into a farm-loan association before a loan association can be formed. Now, suppose you do not find 40 persons, say, for instance, in Cherokee County, the county in which I live. Then this would not be a workable bill so far as that locality is concerned. This amendment provides that in the event that no local association is formed within 90 days after the formation of the Federal land bank in the district, the land bank shall be the means whereby you can secure loans through local agents.

It is admitted here in the general debate that this section 15 is not workable. It is admitted that no agents will ever be appointed under it. Let me arouse the Members of this House to the importance of this substitute. Suppose that the local loan associations are formed. Or, if they are formed, how are you going to get money through them? First, you have to make application to join the association. How long is it going to take you? You have to be admitted as a member of the association, have you not? Very well. Then you make an application for the loan. That is referred to your loan committee of three.

Suppose there are 40 members that belong to this local association who are scattered over an area of 10 or 12 miles. Your loan committee is not paid anything. They must view the land. They must make a detailed written report, which must be unanimous. When are you going to get your loan committee together, a committee that is not paid anything? That may extend over a week or 10 days. After the report is made, then it is to be approved by the directors of the local association. There can not be less than five and there may be a dozen or more of these directors under the terms of this bill. They are not paid anything. They may live 10 or 15 or 20 miles apart in any county, as the case may be. When are you going to get the directors of your local association together to approve this loan? It may be a week or 10 days. Now then, after that is approved, it only initiates your loan and sends it to the Federal land bank. It is then referred to the legal department that examines the title, and if the title is found good then it is sent to the appraiser for that particular district, and the appraiser goes down there some 30 or 60 days thereafter. Now, gentlemen of the committee, suppose that the man is in financial distress or a man who wants to purchase some land or some equipment and he wants to make a deal or he wants the money for any purpose that is allowable under this bill. My judgment is there is too much delay in getting the borrower connected with the Federal land bank. Now, let us examine the terms of this proposed amendment.

It is admitted that this section 15 as it is in this bill is not workable, for a number of reasons. First, the first clause makes it only permissible. Second, it provides that mortgage companies and State banks only may be appointed. Third, it requires these State banks to indorse and become liable for this 36-year paper, and you know that will never be done and that no agents will be appointed, and the committee admits in general debate it will never be done. Section 15 is not workable. How about the substitute I propose? Remember, gentlemen of the committee, this only initiates the loan. It only puts the borrower in connection with the Federal land bank, and I provide that if, after 90 days, no local association is formed, agents may be appointed in any particular locality, and it provides that the prospective borrower shall go to this agent and upon a form that is prescribed by the Federal farm-loan board may take out his application for a loan.

It provides further that two landowners of that locality shall make an appraisement of it, which shall accompany the application, and that the agent shall certify to the responsibility of all of these men. Attached to the application is the note and mortgage, and attached to that is the abstract or other evidence of title. This loan is not made upon that alone. It only initiates the loan. That only puts the borrower in connection with the Federal land bank, and that is all. If the amendment is adopted and the loan be applied for, he takes out 5 per cent of the stock, just the same as if application was made through the local association, and that application can be made out, and it will be in the Federal land bank in 24 hours.

What course will it take when it gets there? It first is referred to the legal department. There the abstract is examined. If the title is found good, then it is referred to the Government appraiser, and no loan is made until the man who is appointed by the government as appraiser goes and views this land. So, gentlemen, you can see that this substitute I have offered only cuts out about 30 days' delay in having an examination made through a local loan association, and allows him to get his application to the Federal land bank at once and without any expense.

Mr. HELVERING. Just for information, I would like to ask the gentleman if he contemplates that the adoption of his amendment will in any way curtail the formation of these associations?

Mr. HASTINGS. It will not curtail the formation of the association; but this provides if these associations are not formed within 90 days, in that event only will an agent be appointed. The substitute also provides if associations are formed at any time, then these agents may be done away with.

Mr. MOSS of Indiana. Has the gentleman taken into consideration the fact that all 12 land banks throw their assets together and guarantee the loans? Now, under his amendment, will there be as much guaranty behind these loans as there would be through the loan association?

Mr. HASTINGS. My idea is that there will be ample, because you require the individual to take out 5 per cent of the stock, just as through the local association. Besides that, he can only secure 60 per cent of the value of his land, and that must be appraised by the Government appraiser.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, I shall vote for this amendment. It applies to section 15 of the committee bill. This bill is drawn upon a theory that the Federal land banks will make loans, as a rule, only to national farm-loan associations. The committee in preparing the bill no doubt recognized the fact that in many localities farm-loan associations might not be organized. To meet such a condition section 15 provides that whenever it shall appear to the Federal farm-loan board that national farm-loan associations have not been formed, and are not likely to be formed in any locality, said board may authorize Federal land banks to make loans on farm lands through agents through Federal boards, and further on in said section such agents are limited to incorporated banks, trust companies, and so forth. Now, this would not be so bad were it not that further on in the section such banking institutions are required to indorse and become liable for the mortgages which they negotiate and turn over to the Federal land banks. This destroys the value of the first part of the section to a large extent. While banking institutions are in close proximity to farmers throughout every section of the land, it is not probable that very many banks would want to complicate their business by entering into the farm-mortgage business and becoming liable for the payment of farm mortgages which might run for a period of 36 years before their payment. So that in a community where there were no banking institutions which would become agent and indorser on mortgages, and also where there were no farm-loan associations, such farmers would have no facilities to secure loans through the Federal land-bank system.

The amendment now pending strikes out all of section 15, and provides in substance that in localities where there are no farm-loan associations the Federal land banks may make loans through agents, such agents to be approved through the farm-loan board.

Under the amendment offered the agent may be a bank, an individual, or a postmaster of the first, second, or third class. The agents are not allowed to charge the borrowers anything for services. The Federal land bank is to pay its own agents and postmasters are required to do their work without charge. An application made through such agent must be accompanied by an appraisement made by three landowners in the vicinity, and after that, of course, a Federal land-bank appraiser will personally inspect and appraise the land so that every wise precaution is taken to secure to the Federal land bank all necessary information, as well as to ascertain the character of the applicant and the value of his land and what would be a reasonable loan thereon. One chief objection that I have to section 15 is the proposition which allows the banking institutions which are appointed as agents of the Federal land banks to receive from the Federal land banks one-half of 1 per cent annually upon the loan as compensation for their services and for indorsements which they give to the mortgages of the farmers. It seems to me that the committee in charge of this bill has wholly failed to grasp the necessity of economical administration to erect between the borrowers and the Federal land banks, who really make the loans, another middleman institution, and permit them to charge one-half of 1 per cent annually for each loan made through them for a period of 36 years seems to me to be unjustifiable. I can not understand how the committee could propose and report such a proposition.

Under this section you authorize these banks to charge one-half of 1 per cent annually, going on for 36 years upon the loan of the farmer who gets it. If this amendment is adopted, you will strike out of the bill what I regard as an infamous charge upon the farmers of this country.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield there?

Mr. MORGAN of Oklahoma. Yes.

Mr. MOSS of Indiana. I would like to ask the gentleman from Oklahoma if that same provision is not in the bill which the gentleman from Oklahoma introduced, permitting the bank to make the charge and collect it off the borrower?

Mr. MORGAN of Oklahoma. That provision is not in the bill which "the gentleman from Oklahoma," myself, introduced. On the other hand, I authorize these Federal land banks to loan through agents and require national banks and authorized State banks to act as these agents. I will say to my friend, further, that I do not authorize these agents to charge one-half of 1 per cent annually running through 36 years upon the farmer.

Mr. MOSS of Indiana. What charge does the gentleman make?

Mr. MORGAN of Oklahoma. If I recollect correctly, I allow that fee to be fixed by the Federal farm-loan board, but the fee is small and every cent of it is required to be paid by the Federal land bank.

Mr. MOSS of Indiana. Precisely. I think I am more familiar with the bill than the gentleman. The gentleman allows the charge to be made by the Federal farm-loan board.

Mr. MORGAN of Oklahoma. But I call the attention of the House to the fact that under the provisions of my bill the agent does not become an indorser of the mortgage of the farmer. He simply assists in the negotiating and closing of a loan. He would be paid simply a small fee, which would compensate merely for the actual work performed. This would amount to but a few dollars on each loan, but the proposition which the committee presents in section 15 requires the banks to indorse the mortgages of the farmers and become liable for their payment and permit them to receive one-half of 1 per cent annually until the loans are paid. If a loan of $3,000 were made, the bank would receive $15 annually; in 10 years the borrower would pay to the bank $150; in 20 years he would pay to the bank $300. If the $3,000 loan should run the full time of 36 years, the borrower would have paid the bank for negotiating and indorsing his loan $540. All of this is absolutely unnecessary. No good purpose will be accomplished thereby. The note and mortgage of the farmer is absolutely secure without the indorsement of the local banking institution, and to require this useless and unnecessary indorsement and compel the farmers to pay this extra one-half of 1 per cent would be to my mind outrageous.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield there?

Mr. MORGAN of Oklahoma. Yes.

Mr. HASTINGS. Under the provisions of this substitute it would not cost the prospective borrower a penny to initiate his loan.

Mr. MORGAN of Oklahoma. That is true, and that is the way it should be. There is no good reason why these Federal land banks should not be permitted to make loans through agents. This is the method used by existing private farm-loan concerns. The great insurance companies of the Nation conduct their farm-loan business through agents. They have conducted their business successfully. They have conducted their business economically. They have conducted their business safely. So far as we can we should follow the business methods found to be wise and safe by business corporations. There is not a business corporation in the world that would for a moment consider the proposition presented in section 15, to add one-half of 1 per cent annually upon the interest charge of each loan, or one-half of 1 per cent annually to the cost of operation in order to secure the indorsement of a farm mortgage that was absolutely secure before such indorsement was made. We do not know how many loans would be made through these agents as provided in section 15 if it were enacted into law. So far as we know a large proportion of the loans made might come through these agents, but whether the amount should be great or small it would be an absolutely useless and unnecessary charge upon the borrowers, and I am unalterably opposed to it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SUMNERS. Mr. Chairman and gentlemen of the committee, I only want about one minute. I represent in part the greatest agricultural State in the Union. I believe I know the condition which obtains among the farmers of the country, I know the lack of community and class solidarity among them.

The provisions in this bill, as the committee has drawn it, would be all right for Germany or one of those European countries where there is class and community solidarity in the rural communities. But it does not fit the American situation. After all, the loan under the present plan of this bill is to be made upon the recommendation of the appraiser, who goes to see the land. The same inspection and appraisement would be made under this amendment. This amendment ought to be adopted, so that if in any community 25 or 30 or 40 men can not be gotten together who want to procure money through this system, the individual farmer who wants a loan could get it. It is absolutely safe, and I hope the amendment of the gentleman from Oklahoma [Mr. HASTINGS] will be adopted. [Applause.]

Mr. FERRIS. Mr. Chairman, the section 15 in this bill is a section that is admittedly a nonworkable proposition. I interrogated some of the members of the Banking and Currency Committee on it, and other Members of the House have interrogated the members of the committee on it, and section 15 as it stands is not workable. It is just a cumbersome provision that everybody understands will not work.

Listen to this provision in section 15:

> Any agent negotiating any such loan shall indorse the same and become liable for the payment thereof, and for any default by the mortgagor, on the same terms and under the same penalties as if the loan had been originally made by said agent as principal and sold by said agent to said land bank.

I undertake to say that no bank in the country will underwrite and indorse and in all things become liable on any 36-year-old paper. I would like to have some one rise in his place and deny that proposition. I do not think any thoughtful Member here even surmises that provision will work.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. NORTON. Is it not a fact that under most of the State laws the banks would not be permitted to indorse it?

Mr. FERRIS. I do not know as to that. But whether they are permitted to indorse or not, I am as sure as that I live that they will not do it. We can rely on their common sense for that. I do not think anyone can defend it. No one has even tried to defend it so far as I know.

Now, that is criticism No. 1. If it is admitted by the committee and by the House that this section is a section in this bill that will not work, why not in seriousness and good faith take a moment of time and deal with the amendment offered by my colleague, the gentleman from Oklahoma [Mr. HASTINGS]?

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. HARDY. When the gentleman first raised the question it seemed to me absolutely unanswerable.

Mr. FERRIS. Yes.

Mr. HARDY. But after reading the bill it seems to me simply intended to make corporations in that way to make the loan. Of course, they indorse in that way in order to sell their own paper.

Mr. FERRIS. Yes; but the gentleman does not believe that any bank in the State of Texas or in the State of Oklahoma would become liable on paper for any 36-year term.

Mr. HARDY. It is their own paper that they sell.

Mr. FERRIS. Oh, not at all. The agent acts as a forwarding agent, but under this section he must become the indorser, and he thereby becomes liable for it. No bank in my section will take on any such liability as that for one-half of 1 per cent, or any other per cent, covering a long term like 36 years. I want the House to do something about this provision.

Mr. HARDY. Practically, these agent banks are the ones who take the money and loan it.

Mr. FERRIS. Oh, no; they are forwarding agents if they are anything. The gentleman from Oklahoma [Mr. HASTINGS], a member of the Banking and Currency Committee, has given considerable thought to this and offered an amendment which may not be perfect. I am not a banker nor a member of the Banking Committee, but in my opinion he has offered you a razor that will shave. He has offered an amendment that will at least look like it would work and be practical. I think it will do the business. It leaves large latitude in the board; they can work out the details and make it workable. If it is not perfect let us amend it. Let us not pass roughshod over the section that you members of the committee know will not work. The Banking and Currency Committee are entitled to great credit for their work, and I want you to help get this section straightened out. I hope the Hastings amendment or one like it may be adopted. Now, Mr. Chairman, I yield to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman, I ask unanimous consent to have three minutes, as I have not taken up much time in the debate.

Mr. DAVENPORT. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama be permitted to proceed for five minutes.

The CHAIRMAN (Mr. FOSTER). The gentleman from Oklahoma asks unanimous consent that the gentleman from Alabama may proceed for five minutes. Is there objection?

There was no objection.

Mr. STEAGALL. Mr. Chairman, I want to say, first, that I have been impressed during the progress of this discussion that many men here are absolutely uninformed regarding business conditions in the section of the country which I have the honor to represent. I can understand well enough how it is that the gentleman from Oklahoma [Mr. FERRIS] should contend that the section of this bill now under consideration is without value. That is unquestionably true in many portions of the country, but I dare say this section would be of value in many instances. I believe that in the State of Alabama it would not infrequently happen that banks would indorse mortgages as provided in this section in order to obtain loans for their customers, and in that way reduce the accounts on their books. Many of them have numerous accounts that approach the limit allowed to be loaned under the laws prevailing in that State. I am confident this is true in many sections of the South and West.

I was interested in the speech made by the learned gentleman from Ohio, Dr. FESS, a day or two ago, in which he told of his difficulty in finding a borrower for a few thousand dollars of school funds in his county at 5 per cent, and how, after much effort, he succeeded in placing the money in small amounts at that rate. If this bill had been law at that time he would have found no difficulty in investing his funds in unquestionable security at the same rate on long term without the necessity for frequent renewals of his loan. This bill will assemble land securities where the investor can find them absolutely sound and upon suitable terms. That the gentleman from Ohio may understand the difference in conditions in his State and mine, I will say to him that in the county in which I live I could in 30 days loan $100,000 at 10 per cent on securities that I would unhesitatingly accept.

Mr. RAKER. And I could do the same thing in my State.

Mr. STEAGALL. I was impressed also by a speech of the gentleman from Georgia [Mr. HOWARD] made a day or two ago, in which he denounced the bankers down his way for charging exorbitant rates of interest. I have been inclined to follow him here. He is an older Member, and one of the ablest in this body. But on the occasion to which I refer I thought he was a

little reckless in his speech when he talked of putting so many bankers in the penitentiary. The gentleman used to be a prosecuting attorney in his district, and I spent a few years in that sort of service myself. I should be slow to talk much on this floor about putting my constituents in the penitentiary. The truth is, gentlemen, these bankers are not so much to blame as might appear upon first thought. They have to go to New York to get money, often paying as high as 6 per cent themselves. They have not in their capital and deposits sufficient funds to meet the demands upon them. The little country banks down there are usually capitalized from $50,000 to $100,000, and in many instances less than $50,000. The law, as a rule, provides that they can not loan more than 10 per cent of their capital. In that section a bank's deposits seldom more than doubles its capital. In the town in which I live, which has a population of 2,500, in a splendid agricultural county, the three banks there seldom have combined deposits of more than $250,000, which is about the amount of their combined capital.

My friend, Judge RAINEY of Illinois, has just been telling me of two small banks in his town about the same size as the town in which I live. He says the two banks in his town have deposits of about $1,000,000 each. So you see that different situations are presented in different sections. I believe that the section even as originally drawn and without being amended would carry some benefits to my section of the country, and that the banks there would avail themselves of its provisions.

Mr. DAVENPORT. Will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. DAVENPORT. The reason that they have to go to New York to borrow money is because they have long-time loans that they have to carry, because the farmers raise crops that mature annually and can not be put on the market except at regular periods.

Mr. STEAGALL. That is true.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. SMITH of Michigan. I understand the gentleman to say that the banks in his section would readily indorse this paper.

Mr. STEAGALL. Not as a general thing, but in many instances they would.

Mr. SMITH of Michigan. Will the gentleman explain how a bank organized for 20 years' existence could indorse paper that would run 36 years?

Mr. STEAGALL. The liability incurred would be a valid obligation and would continue in operation until extinguished by payment or operation of law.

But I wanted to say a word about the amendment offered by the gentleman from Oklahoma [Mr. HASTINGS]. His amendment will make this section more workable and of greater practicable value. The amendment provides that the Federal farm-loan board shall authorize the Federal farm-loan banks to make loans through agents. It does not provide that this shall be done, but merely gives authority to the Federal land bank to make such loans. It will still be left entirely in the control of the Federal land bank. I agree that the farm-loan associations provided for in this system constitute a splendid plan, and out of them will come great good. But there are sections where the farmers are scattered. There are counties down my way where the lands are largely occupied by negro tenants. In some sections you can ride 10 miles without coming to a landowner. The association plan is not adapted to such communities. Not only is this true, but men are going to be slow in organizing these associations. The truth is, where help is worst needed you will find the least spirit of independence and initiative. Under the provisions of this amendment every man will find a plain, practical plan that will appeal to him. And there is no danger whatever to the system involved in this amendment. It is merely left optional to the Federal land bank to adopt this plan, and they will not make such loans except in rare instances, and upon unquestionable security. The Federal land banks will be sure to discourage this plan, except in cases where it is absolutely necessary. They will make loans with greater caution and care than in the cases where they are made through the associations with all the additional safeguards obtaining in that system. The Federal land banks will be absolutely under the control of the borrowers through the farm-loan associations. The bill provides that they shall elect two-thirds of the directors of the Federal land bank, so that they have positive control of the management of the banks at every step. The bill goes further and provides that no money shall be paid out of the Treasury to any Federal land bank until 10 farm-loan associations shall be formed in such bank districts and applications for loans are made. So you see, that there is no danger that the funds of the banks would all be loaned through agents as provided for in the amendment. The directors of the Federal land banks, the majority of whom are to be elected by the farm-loan associations, would never allow reckless loans through agents to endanger the safety of the system and involve the members of the farm-loan associations in loss. There is no danger in the amendment; on the contrary, it will constitute a benefit to the system, which, without it, would be incomplete in many sections of the country.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Oklahoma [Mr. HASTINGS].

The question was taken; and on a division (demanded by Mr. MANN) there were 59 ayes and 31 noes.

Mr. GLASS. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Virginia [Mr. GLASS] and the gentleman from Oklahoma [Mr. HASTINGS].

Mr. SWITZER. Mr. Chairman, can we have the substitute again read?

The CHAIRMAN. Without objection, the Clerk will again report the substitute.

The Clerk read the amendment.

The committee again divided; and the tellers reported that there were 53 ayes and 60 noes.

So the amendment was rejected.

Mr. RUBEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 108, strike out lines 14 to 21, inclusive, and insert:

"Every agent negotiating any such loan shall make a report and an appraisal of the land upon which application is made for the loan on blanks furnished by the Federal land bank, and such report and appraisal shall be referred to an appraiser as required in section 10 of this act, and no loan shall be made by the land bank unless the report of the appraiser is favorable. Every loan made under the provisions of this section shall be made to the applicant upon such forms and under such regulations as shall be prescribed by the Federal farm-loan board."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. GLASS. Mr. Chairman, I would like to see if we can not reach an agreement as to time on this section and amendments thereto.

Mr. NORTON. Mr. Chairman, I have a substitute I desire to offer.

The CHAIRMAN. Will the gentleman from Missouri yield for the purpose of permitting the gentleman from North Dakota to offer his substitute and have it pending?

Mr. RUBEY. I prefer to get through with this, and then the gentleman can offer his amendment.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on this section and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Chairman, I think that every gentleman on this floor who voted in favor of the substitute offered by the gentleman from Oklahoma [Mr. HASTINGS], a member of the Banking and Currency Committee, will certainly support this proposition.

Mr. MORGAN of Oklahoma. Mr. Chairman, will the gentleman yield for a question before he gets into his argument, for information?

Mr. RUBEY. No. I regret that I can not yield; my time is limited and I desire to state what my amendment means, and get the matter clearly before the committee. This whole section 15 as has been demonstrated by those who have spoken to-day as now written is wholly inoperative. It does not amount to anything. Unless you put some provision, such as the amendment that I have suggested into the section, you may just as well strike it out of the bill. The whole section is optional. The Federal farm-loan board is authorized, in its discretion, to make loans on farm lands through agents. These agents shall be incorporated banks, trust companies, mortgage companies, or savings institutions, and all loans shall be subject to the same restrictions and conditions as if made through farm-loan associations. The paragraph sought to be stricken out provides that every bank, trust company, or corporation that is appointed an agent must indorse each one of these loans, the same as if it were the maker of the loan in the first place, and that can not and will not be done. The banks in the State of Missouri and in all of the Western States under the banking laws could not possibly do that sort of thing. Inside of five years their liabilities would be ten times the amount of their assets if they follow the provisions of this paragraph. I provide here that this

bank, this agent which is a bank, trust company, or some organization of that sort, not a postmaster as was provided in the amendment of the gentleman from Oklahoma [Mr. HASTINGS], but a banking institution—one selected by the farm land-bank board—shall make examination of this land, shall report upon it, and appraise it. My amendment further provides that when the Federal farm-loan bank receives the report from its agent then that report shall be referred to one of its own appraisers, and he shall go and appraise the land as provided in section 10 of this act. My amendment provides that no loan can be made unless that appraiser approves the loan. It further provides that the loan shall be made direct to the applicant upon forms provided by the Federal farm-loan board, and under such rules and regulations as the board may prescribe.

Mr. GLASS. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. GLASS. I did not hear the amendment read, there was so much noise and confusion. Is it the idea that the loans shall be made directly without any liability upon the part of the applicant by the land bank?

Mr. RUBEY. The loan shall be made directly to the applicant, but before doing that the loan must be reported on by the agent, which is a bank, must be appraised by it, and must also be appraised by an appraiser sent out by the Federal farm-loan board.

Mr. GLASS. Does my friend think that there will be a single one of these cooperative associations organized if we adopt an amendment like that in this bill? What incentive would there be to any farmer to join an association if he could deal directly with the land bank without any liability?

Mr. RUBEY. I do not seek to interfere with section 15 except as to this one paragraph. In the first paragraph it says that these agents shall be appointed by the Federal farm-loan board in its discretion. I do not seek to interfere with any of the rest of this section, and the last paragraph says that when these loan associations are organized then the agent part of it shall be discontinued.

Mr. GLASS. The point I am inquiring about is this: What possible incentive could any farmer have to join an association and assume a liability if he might be accommodated by a direct application to the land bank?

Mr. RUBEY. I will answer that by saying that this section 15 evidently was put into this bill for the purpose of accommodating somebody, and I can not see any reason for leaving it in there unless we are going to put some provision in it that will make it workable.

Mr. GLASS. I suggest to my friend that it was intended to accommodate somebody, but upon terms analogous to the terms that prevail in the organized association.

Mr. RUBEY. I will say in answer to the gentleman that, in my opinion, this section 15 will be used only in exceptional cases and under the control of the Federal farm-loan board, and will be used only in exceptional cases. In communities here and there, as described by my friend from Alabama [Mr. OLIVER], where there is an incorporated banking institution or mortgage company recognized by the State and organized under the laws of the State, where they can not organize these farm-loan associations, the provisions of this section as sought to be amended by me will be used by the Federal farm-loan board.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. RUBEY. I will.

Mr. MORGAN of Oklahoma. What compensation would these banks be allowed?

Mr. RUBEY. They would be allowed to receive the compensation as provided in the paragraph preceding.

Mr. MORGAN of Oklahoma. Would they be allowed one-half——

Mr. RUBEY. Not to exceed one-half of 1 per cent for attending to that business, in the discretion of the Federal farm-loan board.

Mr. MORGAN of Oklahoma. And without becoming responsible?

Mr. RUBEY. And without becoming liable.

The CHAIRMAN. The time of the gentleman has expired, and the question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the Chairman announced the noes appeared to have it.

On a division (demanded by Mr. RUBEY) there were—ayes 58, noes 29.

Mr. GLASS. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded. The Chair will count. [After counting.] Seventeen gentlemen have arisen, not a sufficient number.

So the amendment was agreed to.

Mr. SHOUSE. Mr. Chairman, I offer an amendment to strike out section 15. Mr. Chairman, in offering this amendment I desire to say that section 15 was left in the bill contrary to the judgment of a number of the members of the committee. It was admittedly not a workable section as it appeared in the bill. It was indefensible as it appeared in the bill, and no member of the committee and no other man on the floor of this House has attempted to defend it. It was left there because one or two gentlemen thought that in certain remote section of the country it might prove of some advantage.

Now, as section 15 has been amended by the gentleman from Missouri [Mr. RUBEY] it will absolutely destroy the whole superstructure of the bill as originally formed, because it stands to reason that if the farmer can get a loan, through an agent created under the machinery suggested by the gentleman from Missouri, without assuming any liability of any kind, that farmer is not going to join a national farm-loan association, where he has to assume liability, and you might just as well do away with every other section of the bill if you are going to leave this section in the bill. I therefore believe, and have believed all the time, and believe now more firmly than ever, that the bill will be vastly improved, and I think it is even now made absolutely necessary, if section 15 be stricken out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. SHOUSE) there were—ayes 22, noes 46.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, is the time all exhausted?

The CHAIRMAN. No; there are four minutes remaining.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I desire to ask a question. At the bottom of page 107 appears this language:

No agent other than a duly incorporated bank, stock company, mortgage company, or savings institution, chartered by the State in which it has its principal office, shall be employed under the provisions of this section.

Why this discrimination made against the country national bank?

Mr. GLASS. What is the question?

Mr. MANN. Why is a discrimination made against the country national bank?

Mr. GLASS. Well, as a matter of fact, it was not seriously thought by many members of the committee that there was any necessity whatsoever for that section in the bill. It was not thought by many members of the committee that there would be a single community——

Mr. MANN. Well, I know; but why, then, do you discriminate? You must admit that there will be something done under it, and why did the committee discriminate against the country national bank?

Mr. GLASS. The idea of the proponent of the proposition was that the necessity, if any should arise for these agencies, would be in sparsely settled parts of the country where there were no national banks, but small State banks.

Mr. MANN. Well, they have small national banks now in a good many places. They are allowed to take savings deposits and to do the business of the community.

Mr. GLASS. Yes; but not in very small communities.

Mr. MANN. Well, I know of some national banks in what you would call very small communities.

Mr. GLASS. The minimum capital of a national bank, as the gentleman knows, is $25,000; and it was thought by the proponent of this proposition that if applied at all it would apply in sparsely settled and God-forsaken communities of the country where there are no national banks.

Mr. MANN. Mr. Chairman, I do not know whether this provision will apply, whether it will ever become operative or not. I do not see why the opportunity should not be given to see which will work the better. No one here certainly can predict how this law will operate or how the different features of it will operate; but it might provide different features, all of which are safeguarded, and if any of them operate it will be to the advantage of both the borrower and the lender.

Mr. GLASS. Well, I do not know. I marveled at the gentleman awhile ago, and a good many other gentlemen on that side as well as this side who voted for an amendment to the section that lopped away all the safeguards that this section had.

Mr. MANN. Oh, Mr. Chairman, you might just as well have put into this bill a provision that every farm mortgage should be guaranteed by every Member of Congress as to put in the one we struck out. That is the reason we struck it out; it was so very ridiculous.

Mr. GLASS. The gentleman will admit that loans ought to be guaranteed by some responsible person or institution, whether a Member of Congress or otherwise.

Mr. MANN. I admit, certainly, that there ought to be restrictions which make the loan safe and which will make the bonds issued against the loan so secure that you can get the money on them absolutely. I agree with the gentleman.

Mr. GLASS. If my friend will vote that way——

Mr. MANN. I have been voting that way more consistently, I think, than any other gentleman in the House.

Mr. MORGAN of Oklahoma. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 108, lines 5 and 6, strike out all in line 5, after the word "agents," and strike out all of line 6 and insert the following: "such compensation as may be prescribed by the Federal farm-loan board.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

Mr. MORGAN of Oklahoma. Mr. Chairman——

The CHAIRMAN. All debate on this section is closed.

Mr. MORGAN of Oklahoma. I want half a minute.

Mr. GLASS. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. GLASS. Division. Mr. Chairman.

The committee divided; and there were—ayes 25, noes 43.

So the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask for tellers.

Tellers were refused.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to present an amendment and for five minutes to talk on the amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 109, after section 15, insert:

"That the Government of the United States shall loan to the Federal land banks created and established (and to all member banks of the present Regional Reserve System) such public money as may be needed to loan on real estate mortgages under this act at 3 per cent interest, such Government loans to be secured by Government bonds or other acceptable bonds or the real estate mortgage bonds issued under this act: *And provided*, That such Government money shall be loaned to borrowers under this act at 5 per cent interest."

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] asks unanimous consent to address the committee for five minutes.

Mr. GLASS. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The question is on the amendment of the gentleman from Michigan [Mr. SMITH].

The question was taken, and the amendment was rejected.

Mr. NORTON. Mr. Chairman, since the guaranty provision was stricken out, in lines 14 to 21, I offer an amendment that on page 108, in line 4, after the word "papers," all the line be stricken out and that all of lines 5 and 6 be stricken out.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 108, by striking out all of line 4, after the word "papers," and lines 5 and 6.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was rejected.

Mr. FERRIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 107, line 23, after the word "by," insert "the Federal Government or."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The question was taken, and the amendment was agreed to.

Mr. LA FOLLETTE. Should not that be after the word "the" instead of after the word "by"?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JOINT-STOCK LAND BANKS.

SEC. 16. That corporations, to be known as joint-stock land banks, for carrying on the business of lending on farm-mortgage security and issuing farm-loan bonds, may be formed by any number of natural persons not less than 10. They shall be organized subject to the requirements and under the conditions set forth in section 5 of this act, so far as the same may be applicable: *Provided*, That the board of directors of every joint-stock land bank shall consist of not less than five members.

Shareholders of every joint-stock land bank organized under this act shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

Except as otherwise provided, joint-stock land banks shall be subject to all the restrictions and conditions imposed on Federal land banks by this act, so far as such restrictions and conditions are applicable: *Provided, however*, That the Government of the United States shall not purchase or subscribe for any of the capital stock of any such bank; and each shareholder of any such bank shall have the same voting privileges as holders of shares in national banking associations.

No joint-stock land bank shall have power to issue or obligate itself for outstanding farm-loan bonds in excess of fifteen times the amount of its capital and surplus, or to accept deposits of current funds payable upon demand, or to transact any banking or other business not expressly authorized by the provisions of this act.

No joint-stock land bank shall be authorized to do business until capital stock to the amount of at least $250,000 has been subscribed and paid in cash and a charter has been issued to it by the Federal farm-loan board.

Farm-loan bonds issued by joint-stock land banks shall be so engraved as to be readily distinguished in form and color from farm-loan bonds issued by Federal land banks, and shall otherwise bear such distinguishing marks as the Federal farm-loan board shall direct.

Joint-stock land banks shall not be subject to the provisions of subsection (b) of section 4 of this act as to interest rates on mortgage loans or farm-loan bonds, nor to the provisions of subsections 3, 4, 6, 7, and 10 of section 12 as to restrictions on mortgage loans: *Provided, however*, That no loans shall be made which are not secured by first mortgages on farm lands within the State in which such joint-stock land bank has its principal office. Such joint-stock land banks shall be subject to all other restrictions on mortgage loans imposed on Federal land banks in section 12 of this act.

Joint-stock land banks shall in no case charge interest on farm loans exceeding by more than 1 per cent the rate of interest established for the last series of farm-loan bonds issued by them.

Joint-stock land banks shall in no case demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act.

Each joint-stock land bank organized under this act shall have authority to issue bonds based upon mortgages taken by it in accordance with the terms of this act. Such bonds shall be in form prescribed by the Federal farm-loan board, and it shall be stated in such bonds that such bank is organized under section 16 of this act, is under Federal supervision, and operates under the provisions of this act.

Mr. SMITH of Michigan, Mr. MOORE of Pennsylvania, Mr. OLIVER, and Mr. GLASS rose.

The CHAIRMAN. Does the gentleman from Virginia [Mr. GLASS] desire recognition?

Mr. GLASS. Mr. Chairman, this is a very important section of the bill, and I am perfectly willing to have it debated in a serious way, and I would like some agreement as to time.

Mr. MANN. I do not believe it would be wise to try to fix the time just at present.

Mr. GLASS. It is an important section of the bill, and I do not want to cut off debate unnecessarily, but I would like to have some understanding if we can reach one.

Mr. MANN. Suppose we let it run a little bit, and then we could get some idea as to how many amendments are offered, and whether they are simply motions to strike out, or otherwise.

Mr. GLASS. How would it do to agree to close debate on this section and all amendments thereto at 3 o'clock, which would be one hour and a half?

Mr. MANN. And then somebody might make the point of no quorum.

Mr. GLASS. The time to be divided equally.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that all debate on this section and amendments thereto be closed at 3 o'clock, one-half of the time to be controlled by the gentleman from Virginia and one-half of the time by the gentleman from Illinois [Mr. MANN]. Or, would it be the gentleman from New York [Mr. PLATT]?

Mr. MANN. I think we had best make it an hour on a side.

Mr. GLASS. I think we can conclude the debate in an hour and a half. I think that ample time, and I hope that the gentlemen on that side will agree to it.

Mr. MANN. I hope that my distinguished friend from Virginia will agree to an hour on a side.

Mr. GLASS. I will say to the gentleman that we want to get through with this bill to-day.

Mr. MANN. I fully cooperate with the gentleman, but after all it is more important to have a good bill than it is to dispose of it in a minute.

Mr. GLASS. Let us say two hours.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto close at 3.30 o'clock, one hour to be controlled by the gentleman from Virginia himself and the other hour to be controlled by the gentleman from New York [Mr. PLATT]. Is there objection?

Mr. COX. Reserving the right to object, Mr. Chairman, I want five minutes.

Mr. JOHNSON of Washington. I object, Mr. Chairman.

Mr. MILLER of Pennsylvania. With the understanding, Mr. Chairman, that there will be objection to anybody that gets up getting more time. [Laughter.]

Mr. GLASS. Then I move, Mr. Chairman, that all debate on this section and amendments thereto close in 1 hour and 30 minutes.

Mr. MANN. I move to amend that by making it two hours.

The CHAIRMAN. The gentleman from Virginia moves that all debate on this section and amendments thereto close in one hour and a half, and the gentleman from Illinois [Mr. MANN] moves to amend that motion by making it two hours. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. GLASS) there were—ayes 43, noes 42.

Mr. GLASS. I ask for tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded.

Mr. MANN. I make the point of order, Mr. Chairman, that there is no quorum present. If gentlemen want to filibuster, we will accommodate them. If they want to do that, they will have to keep a quorum here all afternoon.

The CHAIRMAN. The Chair will count.

Mr. MANN. I submit that the Chair has counted.

The CHAIRMAN. The Chair has counted. One hundred and one gentlemen are present. The gentleman from Virginia asks for tellers.

Tellers were ordered, and the Chairman appointed Mr. GLASS and Mr. MANN to act as tellers.

The CHAIRMAN. All in favor of the amendment of the gentleman from Illinois to close debate on this section in two hours will pass between the tellers.

The committee again divided; and the tellers reported—ayes 61, noes 59.

Mr. MANN. Mr. Chairman, two gentlemen who voted in the affirmative have stated that they intended to vote in the negative. We have no authority to change it. It can only be done by unanimous consent.

Mr. SIMS. Mr. Chairman, I will state that so far as I am concerned personally I went through on the side that closed debate.

Mr. MANN. The gentleman was correct about that.

Mr. SIMS. I did it with the understanding that it was the same as it was the other day. I want to change my vote from the affirmative to the negative.

Mr. MANN. I ask unanimous consent, Mr. Chairman, that the two affirmative votes be subtracted from the ayes and added to the noes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the two affirmative votes be subtracted from the ayes and added to the noes. Is there objection?

There was no objection.

The CHAIRMAN. The vote stands ayes 62, noes 61.

So the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the motion as amended.

The motion as amended was agreed to.

Mr. MANN. I ask unanimous consent that the time be controlled equally by the gentleman from Virginia [Mr. GLASS] and the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time be equally divided between the gentleman from Virginia and the gentleman from New York. Is there objection?

Mr. WINGO. Mr. Chairman, I object to any further unanimous-consent agreements.

Mr. OLIVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama [Mr. OLIVER].

The Clerk read as follows:

Amendment by Mr. OLIVER: Strike out all of section 16.

Mr. OLIVER. I will ask the Chairman to give me 10 minutes. I will probably not use it. Mr. Chairman and gentlemen of the committee——

The CHAIRMAN. The committee has decided to have two hours' debate on this amendment upon the theory that it is at least of some importance and that the Members are interested in it. The committee will preserve order while this discussion is going on.

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. Is the debate to be in five-minute periods?

The CHAIRMAN. That is true.

Mr. SMITH of Michigan. How is that to be controlled—that time?

The CHAIRMAN. The Chair will recognize gentlemen. The gentleman from Alabama [Mr. OLIVER] is recognized.

Mr. OLIVER. Mr. Chairman, in recent years there has been a compelling demand that this Government establish a modern system of rural credits. The three great parties in the campaign of 1912, responding to this widespread demand, solemnly promised it in their respective platforms.

The farmers are asking no gifts, no charity, but simply just legislation whereby the collective credit of the farmers of the Nation can be brought together in a sound, business way, so that it will command money on long terms at a low rate of interest, with repayment on the amortization plan. All agree that the security which the farmer has to offer entitles him to such credit. The Sixty-third Congress struggled with the question throughout its sessions without reaching an agreement on the legislation best suited to accomplish the results desired. The chief cause was the failure of the Senate to concur in the strong, persistent—and, in my opinion, wise—insistence of the lower House that Government aid should be extended in the inauguration of the system, and which came to be denominated as the "House" or "Bulkley" plan.

It is very gratifying to now find a general agreement between Senate and House on the real necessity of substantial Government aid, this being evidenced in the bill recently passed by the Senate, and also in the one now being considered by this House, but neither provides the amount of aid which should be and could be safely extended. The present bill, in many respects, does not meet with my approval, and I have tried and will continue to try to amend it, if possible, but am frank to say that even if all amendments fail I will still vote for it, since it is unquestionably a good start in the right direction. If it has defects which the House may now fail to recognize and remedy, such defects will be clearly shown in the actual try-out test and can be provided for by subsequent legislation.

Section 16, now under consideration, deserves careful thought and study, and my examination of it forces me to conclude that this section is not only unnecessary but that it is a serious, yea, actual menace, to the successful operation of the larger, the more comprehensive plan herein proposed, and the real plan emphasized, stressed, and urged by the committee.

It will be noted that two entirely different, distinct, and independent plans are here proposed for assembling the credit of farmers and offering it to investors on term loans ranging from 6 to 36 years, at a rate of interest not to exceed 6 per cent, including administrative charges, and repayable by amortization.

In the short time I have, these plans can only be referred to in a general way for the purpose of contrasting the two.

One plan provides that the whole territory of the United States shall be divided into 12 districts and a Federal land bank established in each, having a minimum capital of $750,000, which shall be subscribed for by the Government, unless taken by others within 60 days from date of authorization. These 12 land banks are brought in touch with the farmer borrowers through local national farm-loan associations, the membership of which is limited to farmers desiring loans on their farm lands, each borrower being required to take stock to the amount of 5 per cent of his loan and to assume an additional responsibility equal to the par value of such stock. These borrowers, in the course of time, will be the sole stockholders of the 12 Federal land banks, and will control, own, and direct the same. Every bond issued by any one of these banks will have as a pledge for its repayment first mortgages on lands properly appraised and held by the 12 Federal land banks, the said mortgages securing notes equal to the face value of all bonds issued by the Federal land banks; and, in addition to this, the assets and capital stock of all Federal land banks and their subordinate organizations will stand as further security for the redemption of said bonds. This, then, becomes a system nationwide, both in the scope of its operation and in the benefits promised. If the plan is practical and workable—and the committee assures us it is—then the securities thus offered for sale represent the safest, best, and highest ever offered to investors in any country. Behind these securities there stands as a mobilized pledge the collective credit of the farmer borrowers of the Nation, secured by first mortgages on lands carefully appraised, examined, and approved under Government supervision.

To insure ultimately the lowest rate of interest that such gilt-edged securities should command, the Federal farm board provided for in the bill is given control and supervision over these banks, with implied direction to regulate and reduce the

administrative charges and the rates of interest to borrowers, and to establish uniformity in such rates just as soon as the market price of the securities sold from time to time will justify. To protect the system against land speculators, loans can only be made to borrowers who are or immediately expect to become farmers, and no one can borrow more than $10,000, and this only for four specified productive purposes. Fraud in securing loans, or the using of any part of the loan for purposes other than those authorized, is made a criminal offense, subjecting the borrower to severe civil and criminal penalties.

This, then, can be truly denominated the "farmers' system," organized, owned, controlled, and managed by farmers, solely for their benefit, and designed to secure a credit market for farmer borrowers on long time at the lowest possible rate of interest that gilt-edged securities will command. To show the importance and emphasis placed on this system by the framers of the bill, it may be remarked that 30 out of 31 sections of the bill are devoted to providing primarily for the organization and operation of this cooperative farmers' system, whereas only one section, to wit, section 16, is devoted to what is denominated "joint-stock banks" privately owned and profit sharing.

Let it be clearly understood now that this system of banks proposed by section 16 controverts and is directly opposed to every sound, well-recognized principle underlying rural credits, and on which the other system proposed in this bill is founded.

Joint-stock banks organized under this section will primarily be for the benefit of the investors and not the borrowers. They are only State-wide in scope of operation and in the benefits promised. The stock of such banks can be owned by anyone, with no limit on individual holdings—a certain limited tax exemption is given by section 23. No restrictions are placed either on the purposes for which loans may be made nor on the amounts that can be loaned. No penalties or restraints of any kind are imposed on borrowers so as to prevent land speculation. The maximum interest rate is the only limitation placed on interest rates, and the Federal farm board is expressly denied the right to regulate, fix, and make uniform the rates of interest and administrative charges of joint-stock banks.

No reasons are assigned by the committee for making these discriminations and exemptions in favor of joint-stock banks. Thus favored and unhampered, in every State where they may be organized, they will be brought in direct competition, as a Government agency, with the local national farm-loan associations, which constitute the initial source and basic strength of the Federal land-bank system.

One is stimulated by the sense of gain and profit to its stockholders, who are investors desiring the maximum rates of interest; the other is stimulated to action alone by the patriotic and altruistic motives of its members to secure the lowest possible rate of interest for farmer borrowers, as admitted by a member of the committee in reply to questions propounded a few days since.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent that my colleague may proceed for five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that his colleague may proceed for five minutes. Is there objection?

Mr. JOHNSON of Washington. Mr. Chairman, reserving the right to object, I want to ask if the gentleman voted against the amendment giving two hours' debate?

Mr. MANN. He did.

Mr. JOHNSON of Washington. I object.

Mr. MANN. I hope the gentleman will not do that.

Mr. JOHNSON of Washington. Well, reserving the right to object, I want to say that I dislike to see the time used up by gentlemen who voted against two hours' debate. I withdraw my objection.

Mr. FOSTER. That is hardly fair; the gentleman from Alabama had a right to vote as he saw fit.

A MEMBER. And the gentleman from Washington has a right to object if he sees fit.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OLIVER. In those States where interest rates are now low, and where, in some instances, joint-stock banks are already organized and doing business, probably in anticipation of this legislation, sections 16 and 23 of this bill will offer great advantages to joint-stock banks, and they will quickly incorporate and qualify under the provisions of this bill. It is my fear that local national loan associations, with certain safeguards and handicaps imposed on them, which are not imposed, as I have heretofore pointed out, on joint-stock land banks, will be unable to compete with these private institutions. Just to the extent that desirable loans of farmer borrowers are taken from the Federal land banks, to that extent you weaken the Federal land-bank system.

Mr. MOSS of Indiana. Will it bother the gentleman if I interrupt him?

Mr. OLIVER. Oh, no.

Mr. MOSS of Indiana. Does the gentleman believe that under present conditions it will be possible for a joint-stock land bank to start out at a lower rate than 6 per cent?

Mr. OLIVER. In some States, yes; and I understand there are joint-stock banks, some of which are located in the gentleman's own State, which are already organized and prepared to take advantage of and qualify under section 16 of this bill. They have manifested no opposition to the bill for the very good reason that, as I have pointed out above, it extends many favors and advantages to them and places them in a position where they can greatly discourage, if not prevent, the organization of local farm-loan associations, as proposed in the other system set forth in this bill.

The committee, of which the gentleman is a member, in its report emphasizes the importance of farm-loan associations being organized in every State in the Union, and forcibly points out how the Federal land-bank system, thus organized in every State, will be the means of reducing the interest on farm loans to a low average rate in all States and eventually enable the Federal farm board to establish a stable and uniform rate. You have expressly denied this power to the Federal farm board over joint-stock land banks. To answer the gentleman further let us take a supposed case. The joint-stock bank is organized under this bill, we will say, in Indiana; it is thereby granted valuable tax exemptions; it can lend money in any sum, limited only to an amount equal to fifteen times its capital stock, the minimum capital stock being $250,000. No restrictions are placed by the bill on the purposes for which the loan is obtained nor the uses to be made of it by the borrower. The borrower is not required to take stock in the joint-stock bank in order to secure a loan nor to assume any liability other than the promise to pay the amount borrowed. Now let us assume that this joint-stock bank learns that a borrower is considering filing his application for a loan with the Federal land bank through one of its local national-loan associations. The joint-stock banks at once say to the borrower, "File your application with us; you are not required to take any stock in order to get your loan nor to assume any stockholder's liability. Furthermore, we will not ask you for what purposes you are borrowing the money, and no limitation will be imposed on your use of the money. You can never be subjected to the possibility of a criminal prosecution because you have diverted or may be reported to have diverted a part of the fund borrowed from the purposes which the national farm-loan association can alone lend it to you for. The administrative charges and expense will be the same, and we will only charge you the maximum rate of interest fixed in the bill."

To whom do you think this borrower would apply for his loan? Certainly not at first to the national farm-loan association. The danger is that the Federal land-bank system is untried and unestablished, and they can not offer at first to the borrowers any lower rate of interest than the maximum rate of 5 per cent fixed by this bill. This rate is on its face a reasonable rate, and the farmer will perhaps be willing to continue borrowing at this rate, especially where he is not subjected to the restrictions and conditions imposed on him by the Federal land-bank system. It is probably true that joint-stock banks will not at first be organized in States where a 6 per cent rate, including administrative charges, does not now prevail; but, as I have before pointed out, even if at first they are limited to a few States, they weaken the other system provided for in this bill, and under which, in States where a high rate of interest now prevails, borrowers may organize.

The essential difference between the joint-stock banks and the Federal land banks, as proposed in the bill, is this: That while both will probably charge the maximum rate of interest and administrative charges fixed by this bill to borrowers at first, yet the Federal land-bank system will, if it can have the active support of the farmer borrowers of the Nation, such as is contemplated in the bill, eventually establish a rate of interest for farmer borrowers much lower than the maximum rate fixed in this bill, and some members of the committee have even prophesied that it will eventually approximate the low rate of interest now enjoyed by our National Government. I am opposed to granting favors under this bill to private, profit-sharing institutions, who, when they once become intrenched under the favors extended hereby, will oppose all efforts that may hereafter be made to so amend the bill as to remedy any defects or shortcomings that its trial may demonstrate. If all effort and in-

terest can at first be centered on the Federal land-bank system, which you emphasize and stress as most important, I entertain strong hope that it will, in the course of time, prove a great benefaction to the farmers of our Nation and meet the very urgent need of a banking system whereby loans can be quickly and readily obtained on good farm mortgages on long terms, at a low rate of interest, repayable on the amortization plan.

In conclusion, I desire to say that I know that the motives which have prompted the committee have at all times been high and patriotic, and they have given unrelentingly of their time and labor to the preparation of this bill. If the bill has defects—and I feel it has—these defects are merely mistakes of judgment and probably superinduced by an overeagerness to reconcile the many divers and conflicting views submitted for their consideration, so as to best insure the passage of this important legislation without further delay. Whatever the shortcomings of the bill may prove to be, I hope the great farming interests, whose immediate needs it is designed to serve, will cherish the belief that these shortcomings will be speedily corrected by legislation hereafter. If the Federal land-bank system herein proposed is to be successful, then this is its message to rural communities:

Whatever you need, get together; organize yourselves; help to work out this plan, if feasible, and start it going.

The foundations of this plan are as broad as the country itself. It offers a cooperative plan of combining the forces of the farmers of the entire Nation and of the investment funds of the world for the common purpose of improving our agricultural conditions. It proposes to assemble the collective credit of the borrowing farmers of every section behind the obligation of the individual farmer so as to make his obligation pass current as a "courier without luggage" in the investment markets of the world. If it proves a success there will be a mere minimum of risk, and the farmer will be protected and provided for in one of his now most pressing needs and the investor will be as certain of the payment of his principal and interest as human foresight can make it. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. In order to secure five minutes under this limitation for debate, how does a Member proceed?

The CHAIRMAN. The Chair has been taking cognizance of what was going on and he has seen the gentleman from Washington rise twice, manifesting a disposition to talk, and so he has put him down on the list. [Laughter.]

Mr. JOHNSON of Washington. I thank the Chair. I have been trying to be recognized for four days.

Mr. McFADDEN. Mr. Chairman, I desire to call the attention of the committee to a few facts that are particularly pertinent just at this point in this discussion of the rural-credits bill. The gentlemen who went abroad, known as the American commission, to study the rural-credits plans in operation over there know very well from the results of their investigations of the various systems—and in this connection a very exhaustive and complete investigation was made, and their report has been filed and has guided the members of the joint commission, the committee which originally prepared the bill now under discussion—that where the association plan and the joint-stock plan were in operation side by side, the joint-stock plan is becoming the more popular of the two, and because of this fact is gradually driving the association plan out of existence, simply being a case of the survival of the fittest.

Now, the gentleman from Indiana [Mr. MOSS], who is probably the best posted man on rural credits in the United States to-day because of his exhaustive study of this subject, having been a member of the joint commission appointed by the President in 1913 and later a member of the joint conference of the Senate and House, which held many hearings on this subject, and who is now and has been continuously during this rural-credits discussion a member of the Banking and Currency Committee, because of all of this he became an accepted authority, and is partial to the joint-stock plan of rural credits, and I believe would concur with me when I say that this joint-stock section creating joint-stock land banks, known as section 16 of this bill, is the most important part of the bill, and the gentleman's investigations, as well as the reports of the commission on file, of these European systems confirm this.

In the method of operation the joint-stock land bank is so much more simple that the prospective borrower invariably will choose these banks in preference to an association plan, and if these two systems should be started side by side in this country there is no question but that the joint-stock land banks would become so popular that the association plan would not develop, and in view of the many uncertainties of the workableness of this association plan in this bill, as has been evidenced by the many criticisms and the exhaustive debate of the many features contained therein, I want to ask this committee if it would not be better, in view of all this, if this bill were not recommitted to the Banking and Currency Committee for the purpose of perfecting a bill which we could all unitedly support, and thus fulfill the pledges which have been made by all the leading parties in their party platforms, which was referred to by the Speaker of this House [Mr. CLARK] in his very able address on this subject on Saturday last?

While I am opposed to and am criticizing many features of this bill I have done so with just and nonpartisan motives, because I appreciate fully the need in this country of proper rural-credits legislation. I sincerely believe that certain portions of the bill if enacted into law will be unworkable and obsolete. I believe we have the opportunity to correct and enact a proper rural-credits bill. A bill to fulfill the purposes should be so drawn that any farmer in good standing who wants to borrow 50 or 60 cents on a dollar of the value of his farm, may have an opportunity to do so, and that any worthy man who has by initiative and industry saved out of his earnings 40 or 50 per cent of the value of a farm he purposes to buy should be able to do so without embarrassment. I reiterate that I can not see in this bill much hope for the poor tenant farmer except the incentive held out to him to save and create the thrift habit with the full knowledge that when he has by diligent care and saving accumulated 40 or 50 per cent of the price of a farm he can go to one of these land banks and get the balance of the money to complete his purchase. There is a serious question in my mind that if you go further than this with the tenant farmers you are not creating a condition of philanthropy, pure and simple, and whether this would be a proper function of government, I have some doubt. I believe the bill should be recommitted with instructions to the committee to strike out all of those clauses in the bill pertaining to the organization of Federal land associations and change the bill, taking out all inconsistencies, enlarging somewhat the function of the joint-stock land-bank section so that these joint-stock land banks can be started in any State of the Union where there is a demand for loans of the kind contemplated in this act, and thus to enact a bill that will be workable.

I believe it is quite possible to perfect this plan to enable it to do for the country the very thing which we all have been aiming for, namely, a simple and adequate rural-credits system for the American farmer worthy of the greatest lawmaking body in the world, the Congress of the United States.

Why not live up to our splendid traditions and in doing so bury all partisan feeling and work out a proper system now rather than a makeshift or create superfluous machinery which will not run. There are many ideas in the minds of the farmer as to what rural-credits legislation means to him, and if this bill does not come somewhere near meeting at least some of the requirements and expectations of the farmer the Members who are responsible for the enactment of this bill in this form will have a good deal of explaining to do. Would it not, therefore, be better to so change this bill that we will know beyond all question that it will do for the farmer what has been promised? [Applause.]

I desire to point out further the danger of referring this measure in its present status to a joint conference of the Senate and House for agreement, taking into consideration the fact that in the consideration which this House has been giving to this bill they have substituted the House bill, which is known as the Moss bill, for the Senate bill, known as the Hollis bill, and that in the Senate bill are many very objectionable features, and some of them may prevail and be made a part of this bill, to further encumber the working of the measure.

While I have great confidence in the men who will probably compose the committee that the Speaker will appoint, if he follows the usual custom, I am just a little fearful, under the guise of political expediency, as to the final draft of this bill when it emerges from the joint committee. I therefore urge that this bill may be recommitted to the committee for the purpose of eliminating the loan-association plan of the bill, and thus do away with the 12 district land banks with their Government-subscribed capital of $750,000 each, or a total of $9,000,000. If this were to be done, I could see my way clear to support this bill, because I am in favor of a proper bill on rural credits.

Mr. COX. Mr. Chairman, in my judgment the Banking and Currency Committee of the Sixty-third and Sixty-fourth Congresses will go down in history as reporting more wise, con-

structive financial legislation than any other committee in this House for the last quarter of a century. In the Sixty-third Congress it reported the Federal reserve act, so important, so good, and so strong that it commanded practically the solid Republican vote on that side. When I speak of the Banking and Currency Committee I do not reserve to my party all the credit that flows from it. It has upon it many able, honest, patriotic gentlemen on the other side of the Chamber who have worked for the interest of and the welfare of the country. For many years there has been a demand for rural-credits legislation.

This committee, beginning practically three years ago, worked in season and out of season, and it has brought a great, constructive bill before the Congress of the United States for its adoption. The bill may not be perfect; indeed, it would be strange if it were perfect; but it at least contains the skeleton of structural work for a great bill upon which Congress in the future can legislate to the end that eventually we will get a rural-credits system peculiarly fitting American conditions. This bill has been divided into two sections—not sections, either, for that is an unhappy turn—but two divisions have been made, one which aims to work and operate in a cooperative way through national farm-loan associations and the other which aims to operate and aid people through a joint stock bank plan. Judging from what various Members have said, it seems to me there are diverse conditions existing in various sections of the United States. I do not believe the cooperative plan outlined by the bill will do the farmers in the State of Indiana any good. That is my candid judgment about it. I have heard astounding statements made here that men are charged all the way from 10 to 20 per cent interest on mortgages in the South. I undertake to say that there are but few, if any, sections in the whole State of Indiana where the farmers can not get all the money they desire upon first mortgages at rates from 5 to 6 per cent, without any commission. That being true, I do not believe the cooperative plan will appeal to the farmer of the State of Indiana, because under that plan there is considerable machinery through which he must travel before he finally gets his loan from the Federal loan board. If there is any provision, therefore, which will benefit the farmer of the State of Indiana—and I take it that that is substantially true throughout the Northeast and the North—it is in this section 16, and I sincerely hope the section will not be stricken from the bill. [Applause.]

Mr. CANNON. Mr. Chairman, I am clearly in favor of the joint-stock land-bank scheme contained in section 16. The other part of the bill is not going to help the man whom gentlemen here claim. If the landless man has 40 per cent of enough to buy a farm, whether it be small or large, he can buy it under the provisions in section 16 to a much better advantage than he can under the cooperative section of the bill. I said the other day, and I repeat it, that I have had no petition, no letter from my district asking me to support this bill. Section 16, which provides for the joint-stock land bank, does not provide that the Government shall finance the bank, it does not provide that the Government shall relieve its stock from taxation, and in my judgment if you would amend it in one respect so that the banks under section 16 might operate anywhere in the United States, then you gentlemen in the Southland, where you say your interest rates are too large, would get your money at not exceeding 6 per cent, and under the regulations of the farm-loan board you will have it at less than that. I would be glad to vote to amend section 16 as indicated. The gentleman from Alabama [Mr. STEAGALL] said a little while ago that for 10 miles in his country you could go along and not get enough people together to organize a cooperative land bank, and therefore he desired to have the money paid direct upon the visé of the country postmaster.

I say again I hope I shall have an opportunity to vote to amend section 16 or to amend the bill so that joint-stock land banks may loan anywhere in the United States. Why restrict their operations to one State? Take our insurance companies, with forty millions of policies covering $20,000,000,000 of risk. Take the Northwestern Life Insurance Co. and all of our insurance companies and our trust companies. They would be very glad to have these bonds at 5 per cent, and under section 16 one bank is not responsible for another, and the stock under section 16 is not exempt from taxation, as under the other portions of the bill, where you organize under the cooperative system.

Mr. HAUGEN. The bondholder is exempt from taxation.

Mr. CANNON. The bond is exempt from taxation.

Mr. HAUGEN. In that way it discriminates against State institutions. The purchaser of a bond in a State institution pays taxes, and under this he is exempt.

Mr. CANNON. Yes. But the bond, under section 16, is exempt from taxation, and the stock of the bank is not exempt from taxation.

Mr. MOSS of Indiana. And the income is not exempt from taxation under section 16.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FINLEY. Mr. Chairman, it strikes me that section 16 of this bill is wrongly named. It should be the national building and loan association. The gentleman from Illinois [Mr. CANNON], I think, is mistaken when he says that mortgages, and so forth, of joint-stock land banks will be subject to taxation. Section 23 provides, among other things:

EXEMPTION FROM TAXATION.

SEC. 23. That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint-stock land banks, under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation.

Farm-loan bonds issued under the provisions of this act and the income derived therefrom shall be exempt from Federal, State, and local taxation.

If that does not exempt mortgages——

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FINLEY. I have only five minutes. The gentlemen can have ample time.

The CHAIRMAN. The gentleman declines to yield.

Mr. FINLEY. Mr. Chairman, if that does not exempt joint-stock land-bank mortgages from taxation, then the language I have read should be changed. So, in its last analysis, with section 16 in the bill there will be a contest between those who wish a higher rate of interest than will be received under the Federal land-bank provisions. I have no doubt in my own mind that after the system is in operation and at work 5 per cent interest will be ample, and more than that will not be charged. Under the joint-stock land-bank provision they are limited in one respect. They can only charge 1 per cent interest on farm loans in excess of the interest rate on the last issue of the bonds. The interest is limited in the bill elsewhere, I believe, at 6 per cent.

Very well, that simply means this, that they can raise that interest when they make a subsequent issue. They are entirely exempt from the limitations imposed by this bill on the Federal farm-loan banks in many respects.

Often there is criticism here and elsewhere that sufficient time is not allowed for debate on a bill of such far-reaching importance as is the rural-credits bill now under consideration. The time allowed for general debate on this bill is six hours. If this time should be equally divided amongst the 435 Members of the House, the time given to each Member would be less than one minute. This country, with its 100,000,000 population, its vast area of territory, and possessing nearly one-half of the wealth of the world, means that the measures to be dealt with by Congress are numerous and of the greatest importance. There will probably be from thirty-five to forty thousand separate bills introduced during the present term of Congress.

The bills making appropriations for the support of the Government during the next fiscal year will probably carry more than $1,250,000,000. In addition to this, there is a vast amount of new legislation carrying out the policies of the present Democratic administration; amongst these may be mentioned the Philippine Island bill, the Porto Rican bill, the Army and Navy bills (reorganizing, to a large extent, the Army and Navy), the good-roads bill, the water-power bill, the shipping bill, and the rural-credits bill now under consideration, and many other important measures I might mention. The result of all this is that legislation is prepared in committee rooms by the various committees of the House.

The important points to be considered in any rural-credits legislation is, first, the necessity for it; second, the security; and third, the rate of interest and payment of the principal.

I do not believe that there are six men in the House or Senate who are entirely satisfied with each and every provision in either the House or the Senate bill. When the legislation is finally enacted, it will be found that in many particulars the law should be amended.

Two systems or plans are provided for in both the House and Senate bills for the purpose of enabling the farmer to borrow money at a low rate of interest; first, Federal land banks and joint-stock land banks. I would be better satisfied if the Federal land-banks scheme were less complicated and the joint-

stock land-banks scheme were eliminated from the bills. The joint-stock land-banks scheme amounts to very little more than a national building and loan association with large powers and to a large extent exemption from all taxation. The Federal land banks have exemption in the matter of taxes. This will enable the bonds, carrying a low rate of interest, to be sold profitably. But the fact remains that the Federal land banks, although giving better terms in the matter of interests and payments of principals, will, on account of the national farm-loan association being able to offer inducements in loaning money for purposes not permitted under the Federal land-banks scheme, will make the latter a competitor of the former. However, time and experience will show the weak points, if any, in both systems.

Rural-credits legislation should be free from the taint of party politics.

Debt is one ill that is shared by a majority of men. Particularly is it true of the farmer. He has to save money first to buy his farm, and then to make his crop; and if he has not got the money, what must he do if he is not to borrow it? So many things enter into the possibility that he will be able to meet his obligations—wind, rain, too much or too little sun, a backward season, any number of things over which man has no control, but which have great control over man. The farmer gets behind in his interest; he must have renewals, and he ends very often by paying exorbitant interest charges. So far, nothing has been done by the Government for his relief along lines most needed, and rural-credits legislation is the only relief.

The United States is the last of the great nations to take up the all-important question of rural credits. The most important matter confronting any people is the maintenance of an adequate food supply, and this can be done only by a prosperous and contented rural population. The most startling development of the last 25 years has been the phenomenal growth of our cities. This has been somewhat at the expense of the farms, though not to such an extent as to give cause for great concern as yet. The countries of Europe have recognized the necessity for improving conditions for the farmers, who in turn are responsible for the food production of the country. The United States, through the Department of Agriculture, has been doing something of late years in the way of dispensing information, conducting experiments, and so forth, for the farmer along agricultural lines and better roads.

But there remains the question of credit for the farmer, and about this as yet nothing has been done. There are in this country about 12,000,000 farmers; the value of their farm property, including animals, amounts to $40,000,000,000. The value per annum of all farm products is about $10,000,000,000, and it has been estimated that the average gross income of a farmer in this country is $791. A large part of this is consumed on the farm; the remainder is sold, and out of the proceeds the farmer must pay all expenses incurred, including his debts or interest on same, if any. It has also been estimated that the farmers owe about $6,000,000,000, over two billions of which are secured by mortgages on their homes and farms. They pay interest at rates ranging from 6 per cent to 25 per cent per annum in the form of interest, commissions, lawyers' fees, and renewal charges making an estimated annual interest charge of $510,000,000, which is equivalent to a rate of about 8½ per cent. These figures are taken from reports of legislative committees and public officials, and I have no doubt of their accuracy. The rates vary in the different sections of the country—low rates in the northern section east of the Mississippi River, high in the section west of this river and in the Southern States.

This high rate of interest shows at once the heavy burden of debt carried by the farmers. This burden could be greatly lightened by securing money at more reasonable rates of interest. Only in the United States, of all the great countries of the world, must the farmers go into the money markets in competition with business men, whose profits are made in a shorter time, and, not being so largely dependent on the seasons, are made with greater certainty. Other countries provide a means for the farmer to borrow money for strictly agricultural purposes at rates of interest that make probable to the farmer some profit on the year's work. There is no reason why farmers should not borrow money without difficulty on first mortgages at 4 and 5 per cent, and, at most, 6 per cent. And this is what rural-credits legislation proposes to accomplish. It would save to the farmers at least $250,000,000 a year in interest charges alone. The plan is to issue bonds to the amount of the mortgages, sell the bonds to obtain money, loan this 20 times in all.

The Democratic Party, the Republican Party, and the Bull Moose Party have declared in their party platforms in favor of this legislation. It was attempted in the closing days of the last Congress, and it is confidently expected that at this session we will see a rural-credits bill enacted into law. What will be its exact form no one can say, as the Senate has passed a bill and the House is substituting its bill for that; but, to be a success, it will undoubtedly be with Government aid, money, or credit, and governmental supervision and control; with this the rate of interest should not exceed 5 per cent.

It is the object of rural-credits legislation to make money available on good farm loans at a low rate of interest anywhere in the country. Money will be loaned only on first mortgage, where the title is good, and it will be loaned only to the extent of 50 or 60 per cent of the carefully appraised value of the land. The Government will prevent speculation by allowing only a given amount—not more than $10,000—to be loaned to any one person, and only for certain specified agricultural purposes. With these first mortgages as security, and under strict Government supervision, farm-loan bonds will be issued which will find a ready market on a 4 per cent basis. Thus the loans may be made to the farmers mostly at 5 per cent at the outside. Rural credits will make possible the loaning of money to the farmer on long-time credit. All loans under such a system will be on the amortization plan; that is, a small sum to be paid on the principal with every payment of interest, so that at the end of 5, 10, 20, 30, or 36 years the last payment of interest will also be the last payment of the principal. In other words, the principal must be decreased gradually. That will be one of the greatest benefits of rural credits; it will make the repayment of debt no hardship, because only a small part must be paid at any one time. No bank or private money lender would want his money repaid to him in such small sums over a long term of years; but that is what rural-credits legislation will make possible. With the Government behind the rural-credits system, and the Torrens land-title law in operation, it will prove an entirely safe proposition and will be a success, as it has already proved to be in other countries, notably Germany.

The proposed rural-credits legislation is intended to supplement the Federal reserve act, and to do for the farmers what that act has done for the benefit of banks and commercial men. The Government owes it to the farmers to provide facilities for credit on proper security. This the farmers can not always get at this time; or if they can, the rate of interest charged is so high that it is extremely difficult, and often impossible, to make a profit on the investment. What rural-credits legislation will do will be to mobilize the resources of the great farming class and make them serve their possessors as a basis in securing credit—one of the most necessary factors in any enterprise. The majority of the farming class of the country want legislation of this sort passed, and until proper relief is had the rural-credits issue will not down, but the political party or parties refusing this relief will go down to defeat.

The principle underlying rural-credits legislation as passed in the House and Senate bills is that farmers may borrow, with their land as security, money at a low rate of interest for such period of time, not less than 5 years nor more than 36 years, as the farmer may wish. In addition to the interest, he is required to make a payment on the principal, and the payments, principal and interest, are so arranged that he makes some payment each year on the principal during the time the loan runs. As to how much the payment on the principal shall be annually rests with the farmer at the time he secures the loan. If the loan is for a long period of time, the annual payment will be comparatively small; if the loan is to run only for 5, 10, or 15 years, the annual payment will be correspondingly higher. In other words, at the end of the loan period, the last payment of principal and interest will be made and the debt satisfied. This is called the amortization plan. Included in each annual payment is the interest charge and allowance for the expense account and the amount paid on the principal of the debt. The result is reached that each year during the life of the loan the interest and the expense account continue to decrease and the amount paid on the principal continues to increase. To illustrate: $1,000 loan at 5 per cent, with $100 payment each year, the interest for the first year will be $50 and for the sixteenth year will be $3.47, and the expense account for the first year would be $10 and for the sixteenth year would be 67 cents. The amount paid on the principal for the first year would be $40 and for the fifteenth year would be $90.44, and for the sixteenth year $68.96, all the time the annual payment remaining the same, with the exception of the sixteenth year.

The following table will illustrate the payment or amortization of the loan where the interest and expense are 5 per cent, and, of course the rural-credits bond selling on the market at

4 per cent, the loan to run for 20 years and the last payment liquidating the debt:

Annual periods	Total annual payment.	Interest at 5 per cent.	Paid on principal.	Amount of principal still unpaid.
1	$80.24	$50.00	$30.24	$969.76
2	80.24	48.48	31.75	938.00
3	80.24	46.90	33.34	904.67
4	80.24	45.23	35.01	869.66
5	80.24	43.48	36.76	832.90
6	80.24	41.64	38.59	794.31
7	80.24	39.71	40.52	753.79
8	80.24	37.68	42.55	711.23
9	80.24	35.56	44.68	666.56
10	80.24	33.32	46.91	619.64
11	80.24	30.98	49.26	570.39
12	80.24	28.51	51.72	518.67
13	80.24	25.93	54.31	464.36
14	80.24	23.21	57.02	407.34
15	80.24	20.36	59.87	347.46
16	80.24	17.37	62.87	284.60
17	80.24	14.23	66.01	218.59
18	80.24	10.93	69.31	149.28
19	80.24	7.46	72.78	76.50
20	80.32	3.82	76.50	.....
Total	1,604.80	604.80	1,000.00	.....

The amount paid annually so as to liquidate the debt in this time is only a fraction over $80. Eight per cent is usually the rate of interest charged in my State on real estate mortgages. The result to the farmer borrowing $1,000, as outlined in the above table will be that in 20 years, with the payment amounting to 8 per cent, he settles or amortizes the entire debt, whereas when 8 per cent is charged on real estate mortgages and the interest paid each year at the end of the 20 years, the farmer would still owe the original amount of the debt, $1,000. A loan of $1,000, interest at 6 per cent, with an annual payment of $100, paid in less than 16 years, as shown in the following table:

Principal, $1,000; interest, 6 per cent, to include 1 per cent for expenses; annual installment, $100; to show status of loan each year.

Year	Installment.	Interest.	Expenses.	Paid on principal.	Unpaid principal.
1	$100.00	$60.00	$10.00	$40.00	$960.00
2	100.00	48.00	9.60	42.40	917.60
3	100.00	45.89	9.17	44.94	872.66
4	100.00	43.63	8.73	47.64	825.02
5	100.00	41.25	8.25	50.50	774.52
6	100.00	38.72	7.75	53.53	720.99
7	100.00	36.05	7.21	56.74	664.25
8	100.00	33.21	6.64	60.15	604.10
9	100.00	30.21	6.04	63.75	540.35
10	100.00	27.02	5.40	67.58	472.77
11	100.00	23.64	4.73	71.63	401.13
12	100.00	20.06	4.01	75.93	325.20
13	100.00	16.25	3.25	80.49	244.71
14	100.00	12.23	2.45	85.32	159.40
15	100.00	7.97	1.59	90.44	68.96
16	73.10	3.47	.07	68.96	0

A loan of $1,000 bearing 5 per cent interest will be discharged by a payment of 36 annual installments of $60.44 each.

The business question that has disturbed many minds is whether or not rural-credits bonds will sell on the market; if they do, rural credits will be a success; if they do not sell, then it will be a failure.

The friends of rural credits have no doubt that the bonds will sell, and the business proposition that most concerns the farmer is at what rate of interest. If the 4 per cent bonds can be easily disposed of, anyone can see that this will be a much better proposition for the farmer than if the bonds bear 5 per cent or 6 per cent. The rate per cent rural-credit bonds bear will measure the benefit to the farmer. The friends of rural credits have been active in their efforts to frame the law so that there will be the largest possible number of purchasers for the bonds.

There is a bill which recently passed Congress, has been signed by the President, and is now law that will aid in a large measure to increase the number of purchasers. With this bill I had something to do. It is public act No. 81, Sixty-fourth Congress, entitled "An act to amend the act approved June 25, 1910, authorizing the Postal Savings System, and for other purposes." This bill was introduced in the House at the beginning of this session and referred to the Post Office Committee of the House, where it was considered. We reported the bill to the House with a favorable recommendation. The bill recently passed the Senate and is now on the statute books.

Amongst other things provided for in section 2 of this act, the following is of interest to the friends of rural credits:

That postal savings funds received under the provisions of this act shall be deposited in solvent banks, whether organized under national or State laws, and whether member banks or not of the Federal Reserve System established by the act approved December 23, 1913, being subject to national or State supervision and examination, and the sums deposited shall bear interest at the rate of not less than 2¼ per cent per annum, which rate shall be uniform throughout the United States and Territories thereof; but 5 per cent of such funds shall be withdrawn by the board of trustees and kept with the Treasurer of the United States, who shall be treasurer of the board of trustees, in lawful money as a reserve. The board of trustees shall take from such banks such security in public bonds or other securities, authorized by act of Congress or supported by the taxing power, as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt payment of such deposits on demand.

The postal-savings funds now amount to about $80,000,000. The Government pays 2 per cent interest on this sum to the depositors. Under the law the Government, when any part of this fund is deposited in banks throughout the country, is required to charge an interest rate of not less than 2¼ per cent per annum; 5 per cent of the postal funds are required to be kept deposited with the Treasurer of the United States. The remainder of this fund may be deposited in banks. Deducting this 5 per cent leaves seventy-odd million dollars as available funds for deposit. The board of trustees may, under this act, take rural credits bonds for security for the reason that these bonds are authorized by act of Congress.

I am decidedly of the opinion that the provision mentioned will greatly aid in the selling of rural-credits bonds and at a low rate of interest.

Mr. PLATT. Mr. Chairman, it seems to me it would be a great misfortune if the amendment proposed should be agreed to and this section 16 should be stricken out of the bill. It is in large measure the original of the United States commission bill; that is, this section incorporates a considerable part of the bill which the gentleman from Indiana [Mr. Moss] originally introduced into this House, and which had the indorsement of a good many farmers' associations and of the most careful students of rural-credits legislation. In my opinion, as I have said several times before, if that original United States commission bill had been passed, if that could have been taken up and passed in the last Congress, it would have settled the whole rural-credits situation. Instead of trying to start a great big system all at once, which this bill does, that would have started in a natural way establishing individual institutions, which would have a chance to grow and spread in accordance with demand. Some of them, in fact, have already been organized under State laws, and ultimately, if we had passed that bill, the separate institutions could be federated together, just as we federated together the national banks under the Federal Reserve System. It would seem to me that that would be a more natural and economic way of getting at the problem than the effort made in this bill, which I am not against, of trying to establish a great big system all at once and force its establishment practically by Government aid, by the subscription of Government capital.

Now these joint-stock land banks are simple, easily organized institutions which will deal a little more directly with the people than the others, although there is no reason to believe that the others will not be organized. Certainly where the Government comes to a section and says, "Here is $750,000 in money on which no dividends are asked," somebody is going to organize farm-loan associations to get that money. It is absurd to suppose otherwise, and the joint-stock land banks can not possibly interfere with the organization of the cooperative associations and Federal land banks. The joint-stock banks can deal more directly with the people and can make loans without some of the restrictions which are rightly applicable to the cooperative institutions. They will therefore be exceedingly useful.

Mr. McFADDEN. Will the gentleman yield?

Mr. PLATT. I will.

Mr. McFADDEN. Does the gentleman think this is a consistent proposition, to have money sent into a district where it is not really required, but simply for the purpose of getting money from the Government——

Mr. PLATT. The gentleman understands that the bill provides that the money will not be subscribed by the Government unless there are 10 farmers' loan associations organized, and what I am saying is that with the money offered certainly the farmers in almost all communities, believing they can get a lower rate of interest, will organize these cooperative associations, and that the joint-stock banks can not interfere with them, but will accommodate a large class of borrowers who may need money for other purposes than those for which the cooperative banks are allowed to loan.

Mr. STEPHENS of Mississippi. Mr. Chairman, I desire to offer an amendment to the text of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 110, beginning in line 19, strike out the following language: "(b) Of section 4 of this act as to interest rates on mortgage bonds or farm-loan bonds, nor to the provisions."

[Mr. STEPHENS of Mississippi addressed the committee. See Appendix.]

Mr. JOHNSON of Washington. Mr. Chairman, I favor the retention of section 16 in the bill for the reasons stated by the gentleman from Pennsylvania [Mr. McFADDEN] and for the further reasons, first, that it contains the one provision in the whole revamped rural-credits proposition which is likely to be quickly workable and usable, and, second, because if the first system of loans under a cooperative obligation scheme is taken advantage of by the farmers it will be able to continue in operation only because the plan outlined in section 16 will help to lift the load from the other plan. In other words, this plan, instead of killing the other, will help it, in my opinion. Of course there are objections, substantial ones, against both. No one seems to speak with great certainty about any section of this bill. No one seems to stand for it in its entirety. Even the distinguished chairman of the committee has stated during this debate that some doubtful things were being left in the bill in the hope they would be ironed out in conference between this and the other body. So there is no certainty what we are going to get. The vote is going to be, apparently, for a pig in a poke. In this connection I want to call the attention of the House to certain pledges made by members of the grange with regard to rural-credits legislation; also to warnings of the grange to two bills which were the immediate predecessors of this one, and to the grange indorsements of the Morgan bill. Here is a pledge, which reads:

FARMERS' RURAL-CREDITS AND NATIONAL MARKETING PLEDGE.

I hereby pledge myself not to vote for the reelection to Congress of the Member from my district unless his record shows active support of the farmers' demand for a real, efficient rural-credits law and a national marketing law that will be workable and that will give the farmer a chance to gain a fair return for his labor in raising farm produce; and also not to vote for any candidate for Congress who does not publicly define his position in these matters and state positively what the farmers may expect from him along these lines if elected.

Dated at Mount Pleasant, Wash., February 26, 1916, third congressional district.

These individual pledges are signed by farmers and by members of the grange and sent to Washington in considerable numbers.

Now, who knows what bill the signers want or what form of rural credits? Some of the pledges have a line written on them indorsing the Morgan bill and protesting against the Moss bill. Who knows how much of the bill soon to be voted on is the Moss bill? Who knows how many of the dozens of amendments and amendments to amendments have been adopted or how many amendments which were made to the Hollis bill in the other body have been dropped for good with the collapse of that measure and the substitution of this one?

I will read from a letter from the Washington State Grange, from the commissioner of its department of rural credits and national marketing, C. R. Cottrell, and addressed to members generally. He says, in part, under recent date:

The joint committee rural-credit bills (S. 2986 and H. R. 6838) will in no way bring that much hoped for justice to the farmers of the Nation. The fundamental principle is entirely wrong, and no amount of amending can change the principle involved.

Also he says:

Gentlemen, you also have before you for consideration another rural-credit bill, whose author has made an exhaustive study of this subject, and whose bill will meet the approval of farmers throughout the Nation, because its provisions will relieve present exploitation.

On behalf of the farmers of the Northwest, I urge you to vote *against* the joint committee bill, either in its original form (S. 2986 and H. R. 6838) or as amended and reintroduced by Mr. HOLLIS on February 15, and if you are desirous of giving the farmer equal opportunities with commerce vote *for* and *support* Representative DICK T. MORGAN'S bill (H. R. 10310).

Mr. Chairman, I have had some correspondence in which I undertook to keep the granges of my State informed as to the bills, both reintroduced and amended, and a short time ago I received this letter from the chairman of the department of rural credits and national marketing of the Washington State Grange, in which he says, after criticizing the last bill printed:

It seems a terrible injustice, when there is so much adverse criticism appearing from all quarters of the Nation to this bill, to have our Congressman vote for it when there is a good bill before them, does it not?

If there is no chance for the Morgan bill, we ask you to work tooth and nail for the right kind of amendments to the committee bill.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Now, then, the granges of the State of Washington asked, when they found that Congress would not in all probability pass the Morgan bill, that the present committee bill be amended, and they sent the amendments on. A number of those amendments were passed in the Senate, but they are dead as Hector now. The committee prefers to stick to its bill. I have tried earnestly to get opportunity to offer these amendments along with the grand smother of amendments that have been offered, and have failed to get recognition until now, when, after numerous protests on my part, it became apparent to the chairman, as he has said, that I had a speech brewing in my system.

Nearly all the granges in my part of the State of Washington have protested by resolution against the predecessors of this bill. I will read in part one of the protests, of which I have received several dozen:

Resolution.

Whereas the joint committee appointed by our president at the 1915 session to investigate rural credit having made its report to Congress and having caused to be introduced bills in both Houses, known as Senate bill 2986 and House resolution 6829, creating what shall be known as "the Federal farm-loan act"; and

Whereas these bills will in no sense improve the present financial condition of our farmers, but on the contrary will retard the growth of agriculture by providing another system of private, profit-sharing, dividend-paying, surplus-creating banks: Therefore be it

Resolved, That we, being the representatives of organized farmers in our community, do hereby DEMAND of our Senators and Representatives in Congress assembled that when these bills come up for consideration your vote shall be registered as "NO"; and be it further

Resolved, That we DEMAND that you use your influence and vote to secure for us adequate credit facilities at the actual cost of administration.

[SEAL.] MOUNT PLEASANT GRANGE, No. 73.
Washougal, Wash., Rural Route 1, Mount Pleasant.

Number of members, 58.

It is apparent that the granges of Washington do not want any part of the bill that our joint commission prepared.

Mr. PLATT. Mr. Chairman, will the gentleman yield there?

Mr. JOHNSON of Washington. Yes.

Mr. PLATT. Does the gentleman know whether the grange in the State of Washington indorsed the Bathrick bill in the last Congress?

Mr. JOHNSON of Washington. I do not know that as an organization they took action on it. I will say, however, that the members of the grange know at this moment very little more than the Members of Congress as to just what is in this particular bill. How could they? It has been radically changed every six days, and a lot of it is being left to be fixed up when the conferees of the two branches of Congress get together.

Mr. MOORE of Pennsylvania. Will the gentleman tell Congress which set of resolutions they ought to follow?

Mr. JOHNSON of Washington. I would like to, if I can get the time.

Mr. MOORE of Pennsylvania. Go ahead.

Mr. JOHNSON of Washington. It does not make much difference, because this bill is likely to be so amended in another legislative body of this Congress that its joint set of daddies will not know it.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HOWARD rose.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] is recognized.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I want to refer briefly, within the five minutes allotted to me, to this section. This bill reminds me very much of the old farmer who wanted to wean a calf, and he thought that the most economical way to wean the calf was to milk the cow and feed all the milk to the calf out of the bucket. [Laughter.]

Now, you have created the Federal land banks—a very good system, as far as it goes. Then you come along and create these private corporations that will do everything on the face of this earth to discourage the smooth and effectual operation of the Federal land banks that you create.

Now, what do you do? There is too much exemption here. I have had to switch backward and forward here and turn to page 5 of the old Moss bill, and then go to section 3 and section 4 and section 6 and section 7 and section 10 to see what you are doing for these private land banks that you do not do for the Federal land banks; and I find that you have exempted them from every restriction on the face of the earth. They are abso-

lately exempted from taxation, although you have denied it here, but nevertheless you have done it. Lines 14 and 16 say, "Farm-loan bonds issued under the provisions of this act and the income derived therefrom shall be exempt from Federal, State, and local taxation." Now, then, on line 8 of section 23, page 124, you exempt them all from taxation except the capital stock.

Now, what do these banks make on the capital stock? They are allowed to incorporate with $250,000 capital. They are allowed to charge 1 per cent on fifteen times their capital stock in farm mortgages, to wit, $3,750,000 when they get out the full amount of bonds that they are allowed to guarantee under this system. They will net per annum over 12 per cent on their original capital stock. All of that you exempt from taxation.

Now, then, you are encumbering this bill with a very serious proposition, in my judgment, and I have looked into this question with some degree of care. You have no more right to exempt these joint-stock institutions from taxation in the State of Georgia or in the State of Ohio or Iowa than I have to go out here and say to any citizen of the District of Columbia, "Because I am a Member of Congress I exempt you from personal taxes or real taxes in the District of Columbia." You have no right to do it.

Another thing: These corporations do not perform the functions of a rural-credits bank. Gentlemen, let me warn you again, as I did the other day, that when you get away from the proposition of confining these loans strictly to the benefit of the farm upon which the loan is made, then you are going beyond the proper and beneficial limits of rural-credits legislation.

This system of private banks, private-capital banks, if it is organized, will do everything on the face of this earth—and if they do not do it they are fools—to discourage the smooth working of this system. Some gentlemen will say, "What do you care? It creates competition." It does create competition; but you have thrown such restrictions and limitations around your Federal bank that these fellows who are in these private banks have all the underhold of the Government's institution, and the result is that when we come back here to try to amend this bill, as we inevitably will, you will find that you have got all these corporate parasites that are sucking the lifeblood out of the Federal system to contend with here, and they will fight up to the last ditch, and you will never get the remedial legislation that the farmers are expecting. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman. I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. Without objection, the amendment will be offered and considered pending, there being already an amendment pending. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Amend, page 110, line 10, after the word "least," by striking out the figures "$250,000" and inserting "$100,000."

Mr. MOORE of Pennsylvania. Mr. Chairman, the purpose of this amendment is to give those who desire to organize these joint-stock land banks a better opportunity to do so. If this joint-stock land proposition is in the interest of the farmer, it certainly is in his interest to have the amount of capital reduced from $250,000 to $100,000.

I presume whatever is said in connection with this section 16 should also be considered in section 23 relating to exemptions. As to the latter there are certain joint-stock land banks under certain State jurisdictions at the present time, and they pay taxes on their bonds and securities. Section 23 would exempt those State organizations from payment of taxes, because section 23 exempts all securities of joint-stock land banks. Hence if any gentleman is in favor of these two sections, he is in favor of releasing his State organizations now existent and not under Federal control from the payment of taxes.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GOOD. Does the gentleman think Congress has the authority to do that?

Mr. MOORE of Pennsylvania. I assume that Congress would have the power to exempt certain bonds from taxation, but I question whether it has jurisdiction as to some of these.

Mr. GOOD. State bonds that are executed by a State bank?

Mr. MOORE of Pennsylvania. If the gentleman will look at page 124, section 23, he will find that every Federal land bank and every national farm-loan association, including the capital stock and reserve and surplus therein, and so forth, all of which is contemplated in section 16 in the formation of joint land banks, shall be exempt from Federal, State, and local taxation, except taxes upon real estate, and so forth.

Mr. GOOD. The gentleman does not mean to say that any court in the State would hold that that was constitutional?

Mr. MOORE of Pennsylvania. I do not claim to be a constitutional lawyer as is the gentleman from Iowa.

Mr. GOOD. I do not claim to be a constitutional lawyer, but it does not take a constitutional lawyer to see that that could not be done.

Mr. MOORE of Pennsylvania. Then, in section 23, they have a provision exempting from taxation these mortgages——

Mr. GOOD. They do that by saying that the bonds shall be held to be instrumentalities of the Government. They may be black, but if the Congress declares that they are white, why white they are.

Mr. MOORE of Pennsylvania. These bonds are to be exempt from Federal, State, and local taxation. It says:

Farm-loan bonds issued under the provisions of this act and the income derived therefrom shall be exempt from Federal, State, and local taxation.

The gentleman may be right, and if he is he has raised an important constitutional question which may affect the validity of the bill.

Mr. WINGO. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WINGO. The gentleman from Iowa is proceeding on the assumption that these are State banks. They are not; they will have a Federal charter. Congress would not undertake for a moment to exempt from taxation State bonds.

Mr. GOOD. The gentleman knows that that would not alter the situation.

Mr. MOORE of Pennsylvania. If the amendment that I offered is adopted, it will be possible for 10 men to organize in the great metropolis of Philadelphia, or in that other great metropolis—New York—as easily as it would be for them to do so in remote country districts; and as most farmers come to town some time or other, when they are in need of money it will be possible under this section for city men to organize joint-stock land banks to accommodate them. We can do this in the cities as readily as it can be done in the country, and it can be done anywhere on a capital of $100,000 instead of $250,000, required by this section, if the amendment I have offered be adopted. If we are going to facilitate this matter so that farmers can obtain money from the city and elsewhere, let us pass this amendment. I favor section 16 because it approaches nearer to the building-association plan, free from Government aid, than any other proposition in the bill. [Applause.]

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I hope you will indulge me while I reiterate some arguments that have been made in opposition to the retention of section 16 in this bill. The object sought by this legislation is to promote the ownership of land by those people who are engaged in agriculture. It is sought to discourage the accumulation of large holdings by speculators. It is admitted by everyone, I think, who has given the question any consideration that that country is best where people who till the soil are the owners of it. I know that the ownership of land in small farms promotes justice, law enforcement, the building of schools and churches, and all of those things for which our civilization stands.

Now, gentlemen, this bill, so far as Federal land banks are concerned, is an attempt to make the cultivator of the land the owner of it.

We by amendments wrote in the bill Saturday that if land should be purchased by a man not engaged in agriculture, not authorized to borrow under the system, the Federal land bank could declare the amount of the mortgage on the land due and payable; that if a man authorized to borrow should acquire other land upon which the aggregate of the loan was in excess of $10,000, the excess should become due and payable. The object sought, of course, was to limit the amount of benefits carried under the bill so that instead of raising the price of the land by cheap interest and encouraging the land speculators to buy it, we wanted to make it serve the man who is going to increase the production of the farm by tilling his own soil. [Applause.] Section 16 gives the tax exemption to the joint-stock land bank. It also exempts it from every one of the restrictions imposed on the Federal land bank except interest. All the restrictions under which the money should be borrowed, the restriction as to amount, and what shall be done with the money after you borrow it are waived as to the joint-stock land bank. In section 16 we negative much we do for home owning by other provisions of the bill.

Now, if you cheapen the interest rates you raise the price of land. That is illustrated in the State of Indiana, where, I understand, good farm lands sell for $200 an acre, while in my

State as good land as God ever made can be bought for $35 to $50 an acre. The interest rate will fix the price of land, and when you give cheap interest without restriction you encourage the speculators to acquire the land for speculation and thereby deprive the man of small means of an opportunity to become the owner of the roof which shelters him and his. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman, there is not one here who does not know what he has to do at the present time when he goes to borrow money upon a farm. You simply take your wife with you, make arrangements for the loan, get your abstract brought up to date, get your money, and go back home. It does not very frequently occur——

Mr. RUBEY (interrupting). Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Not just now, to my friend. In order to make a loan under the system provided for in this bill, you establish a new system of banks, and I want to ask any gentleman in this House whether or not it is necessary to establish a new system of banks all over the United States in order to loan money to the farmers at the rate you propose in the bill, when he has his farm half paid for. There are now some 8,000 member banks of Federal Reserve System existing in the United States.

If a proposition like the following were to obtain, it might of course accomplish something for the farmer, but it seems to me he ought to get his money with less red tape. If you would loan the Government money that you provide for in this bill to these member banks of the Federal Reserve System, 8,000 of them, situated one in almost every dooryard of every farm, at least readily accessible and already established, at, say, 3 per cent interest, and require those banks to give Government bonds or municipal bonds or acceptable farm-mortgage bonds as security, then you would not be loaning for nothing the funds of the people, that we are told so often when revenue bills are under consideration is raised by taxation from the backs of the poor people—if you would let these banks have that money at a 3 per cent rate, and then require them to give bonds, the best the sun shines on, Government bonds, upon the proviso and with the condition attached to the deposit that they shall loan this Government money out to the farmer who has his farm half paid for at 5 per cent, you would be accomplishing something.

Mr. PHELAN. Mr. Chairman, will the gentleman kindly repeat that?

Mr. SMITH of Michigan. I say loan this money to the Federal reserve member banks for 3 per cent, already established upon security of Government bonds or other acceptable security, and then the Government money would not be deposited at no rate of interest, as it is in these land banks, and make this loan of Government money to those member banks upon the express condition that the banks shall loan the money to the farmer who has his farm half paid for at a rate not exceeding 5 per cent—just as in the case of the requirement in respect to the cotton money down south, $50,000,000, which was deposited by the Government to be loaned at a rate not to exceed 6 per cent to the farmers, and when the southern banker undertook to loan it for 12 per cent he got called down by the comptroller. You could loan this money to these Federal reserve member banks that are already established, or you can establish this system of banks provided for in this bill if you desire to. Loan the money to these banks upon these mortgage bonds if you desire at 3 per cent, upon the provision and condition that they shall loan it to the farmers that have their farms half paid for as you have provided in this bill at a rate not to exceed 5 per cent.

Mr. PHELAN. Will the gentleman tell me how a national bank chartered for 12 years can loan money for 36 years?

Mr. SMITH of Michigan. If that is all there is to it, we could fix up the charter a little and provide that it should be loaned for 36 years. But, my friends, the 36-year proposition will not obtain. No farmer wants money for 36 years. He is not going to mortgage himself to his grave; no man is going to put a mortgage upon his soul when he goes to heaven and leave the payment of it for his children. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LEVER. Mr. Chairman, I did not expect to have anything to say as to section 16, but the more I have thought what I fear may be its effect upon the system we are organizing, the more I feel it to be my duty to present my views about it briefly.

We are setting up in this bill two kinds of banks, with the power to issue and sell bonds. One is the farm-land bank and the other is the joint-stock bank, each of them purporting to have the same general purposes in view, namely, the reduction of the rate of interest to the farmer upon his loans and the opportunity of the farmer to amortize his debt. The land banks are cooperative while the joint-stock banks are noncooperative and profit sharing. In both banks the important instrumentality is the bond. The bond taps the money chest and brings back credit to the farmers. If the bond is made so secure that the public will have no doubt of its safety, there will be no question about it selling readily at a low rate of interest. If, on the other hand, the public should for any reason come to have any suspicion of the integrity of the bond, the bond will either not sell at all or sell at a rate of interest which would make the interest to farm borrower prohibitive. What we desire to do is to have this instrumentality—the bond—control the situation. Let us see if we are doing this under this system, with section 16 allowed to stand.

The provision is made that any joint-stock bank may be organized with $250,000 capital, with power to issue its bonds, place them in the market, and in competition, as it were, with the bonds issued under the cooperative land banks provided for in the bill. Here you have two kinds of bonds competing for the same capital. What is the result? The man with capital, the man who is going to furnish the money, is thereby given the power to fix the terms upon which he will buy the bonds, instead of the bond, the farmer's credit instrument, retaining that power to itself. Why? Because the multiplicity of the bonds puts it in the power of the investor to fix the rate of interest at which he will take the bonds. The supply of bonds is so great that choice of kind of bonds and the terms must rest with the capitalist. Section 16, setting up the joint-stock banks, destroys absolutely the competition upon the part of capital for these bonds, which we have hoped to be the one thing that would make them sell on the most favorable terms. Let us see what that brings us to. Eliminate section 16, eliminate this other class of bonds, and then we only have one bond floating in the market, one bond that is making its appeal to capital, and one bond to which capital may look for investment. Capital can not go to any other source for such a bond, and therefore it must take the bond that we offer through the land bank, and what is the result of that? Capital will find itself competing to get this bond and capital will pay for it the most reasonable rate of interest, from the standpoint of the borrower, because, after all, the best terms under which the bonds sell will mean the most that the farmer can get out of this act in the way of lower interest. What we are trying to do by the elimination of the joint-stock banks is to put the bonds of the land banks in such a condition that capital will have to compete for them and bid for them on the most favorable basis.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Pennsylvania. Mr. Chairman, I asked for time in order to ask the gentleman from Massachusetts [Mr. PHELAN] for categorical answers to five questions. The gentleman seems to have a clear conception of this bill, and I think his answers would settle some doubt in a good many Members' minds, at least in my mind. Question 1: Can the joint-stock banks organized under section 16 charge more than 6 per cent interest?

Mr. PHELAN. They can not.

Mr. MILLER of Pennsylvania. Second. Can they loan on other than farm mortgages?

Mr. PHELAN. They can not.

Mr. MILLER of Pennsylvania. Third. Have the bonds issued by such banks other security than the guaranty of the joint-stock land bank and all mortgages taken by such bank? Have they other guaranty than that?

Mr. PHELAN. I suppose the gentleman means, does any other bank guarantee these bonds? There is no other guaranty except the guaranty of the bank itself with all its assets. Does that answer the question?

Mr. MILLER of Pennsylvania. That answers my question. Fourth. Is the stock or profits of the banks organized under section 16 exempt from local, State, and United States taxation?

Mr. PHELAN. There is no exemption under the statute in the bill at all for the stock or the profits of the joint-stock banks.

Mr. MILLER of Pennsylvania. Fifth. Are they prohibited from receiving deposits?

Mr. PHELAN. The joint-stock banks?

Mr. MILLER of Pennsylvania. Yes.

Mr. PHELAN. They are.

Mr. MILLER of Pennsylvania. Now, Mr. Chairman, I think that section 16 should not be eliminated from this bill. I can readily see how a bank of this kind can be organized in my section of the State of Pennsylvania, or in other sections of the East or Northeast where a land bank such as provided by the other provisions of this bill could not be organized at all, and a bank of this kind can find a place to do business profitably in

my section of the State, and I believe in other States of the North and East, and I hope that this section will be kept in the bill. I want to say at this time that I shall vote for this bill because I believe it will help the farmers of the South and the Southwest and the West, and that with this section 16 in it will help the people of the East and Northeast. I hope the bill will pass. [Applause.]

Mr. FINLEY. Will the gentleman permit an interruption?

Mr. MILLER of Pennsylvania. I will.

Mr. FINLEY. I want to ask the gentleman, Does the gentleman understand that anything is taxable except the stock of these banks?

Mr. MILLER of Pennsylvania. Well, I will let the gentleman from Massachusetts answer that. I asked that question of him.

Mr. FINLEY. Nothing is taxable except the stock.

Mr. HOWARD. Will the gentleman yield to me for just one minute? In section 23 of this bill, as I interpret it, the bonds and income from the bonds of joint-stock companies are exempt from taxation.

Mr. MOSS of Indiana. That is true; that is admitted by the committee.

Mr. HOWARD. The only taxable asset of a bank is the stock. Now, you say the income from the bonds themselves——

Mr. MOSS of Indiana. The income from the bonds goes to the man who owns the bonds—not the bank that issues them.

Mr. HOWARD. What about the 1 per cent above the 5 per cent?

Mr. SHOUSE. That is taxable.

Mr. MILLER of Pennsylvania. With all deference to the gentleman from Georgia, I think it is still a good bill. [Applause.]

Mr. BARKLEY. Mr. Chairman, the question of land credits which is involved in the bill now under consideration is one which has engaged the serious attention of America for more than a quarter of a century and of Europe for more than a century and a half. This movement in behalf of devising methods for enabling farmers to obtain capital to conduct their enterprises at reasonable rates of interest and for longer periods of time, like all other movements of similar character, was born of necessity. It has had longer existence in Europe and has become more firmly grounded in the agricultural systems there than here because the need for it has hitherto been greater there than here. But all men who have thoughtfully considered the inevitable tendencies in the United States, tendencies some of which are perfectly natural and therefore to be expected, now admit that the time has come when we must make a start here toward setting up a sound, practicable, and economical system of rural credits which shall afford facilities for financing the gigantic agricultural enterprises of this Nation upon terms of equal advantage with enterprises of a commercial or industrial nature.

For many generations after the settlement of this country the problem of the farmer was that of clearing up and preparing the land for cultivation. It was a question of subduing the forest, the prairie, and the valley, and making them immediately responsive to the demands of a generation of pioneers. It was a virgin soil, fertile beyond imagination, and as there was in the beginning and for a long time thereafter more land than there were men to cultivate it, it was but natural that instead of attempting to enhance or even to maintain the fertility and productivity of the soil first cleared and cultivated, the early settlers in many instances abandoned the exhausted or partially exhausted lands and moved to newer and fresher fields.

By reason of this process of exhaustion there are in the United States to-day millions of acres of wasted and abandoned lands which ought to be under cultivation for the feeding and clothing of the nations of the world. Not only is this true, but we have learned the folly of permitting our lands to go to waste or become less productive, so that to-day we in this country are not only turning our attention to the reclamation of wasted and unproductive lands but we are appropriating every scientific method known or that can be discovered for retaining and increasing the fertility and productivity of the soil, not alone for the benefit of those who now live upon it but for the inheritance of those who shall come after us in the generations of the future. In this work the Government of the United States has blazed the way, and now all the States of the Nation are cooperating with the National Government in extending to our farmers every possible aid in the more economical, intelligent, and scientific cultivation and distribution of the products of the soil.

These things are not being done merely as a matter of "enlightened selfishness," but because we realize that we are trustees to some extent in use and occupation of the natural resources of this Nation for the benefit of those who shall in the generations yet to comelook to and depend upon them for life and the enjoyment of prosperity.

We are beginning more and more to recognize, as the nations of Europe long ago recognized, that as population increases and becomes more dense, each acre of land in any given year must support and feed more people than it did the year before, which makes it self-evident that we must husband our resources and increase not only the ability of the soil to yield larger products, but that we must also increase the facilities and instrumentalities by which the farmer may more easily, scientifically, and economically distribute to the world's markets these products which have come forth at the touch of his hand.

Admitting the obvious truthfulness of these observations, it is easy now to understand the need in this country for a workable system of rural credits; and in this connection let it be known that there is no system of rural credits in Europe that can be bodily superimposed upon the farmers of America, because conditions in Europe and America with respect to agriculture are widely different. The system of rural credits which has been developed in Europe came about largely by reason of the abandonment of the feudal system of land tenure, a system which happily could never flourish on American soil.

But while it is true that no European system can be wholly adapted to American needs, there is much that we have learned from the European farmer which may guide us in attempting to frame a system which will be suitable to the needs of the United States. The committee which has after years of labor and exhaustive investigation and study framed the measure now before Congress, upon which we are soon to vote, has attempted to weave into it so much of the experience of other nations as will be of practical use in guiding the farmers of the United States in the establishment of a system of cooperative rural credits which will, we hope, be as great a blessing to the struggling farmers of America as the European systems have been to the struggling farmers of Europe.

It is now acknowledged by all classes of men that the commercial bank is not prepared nor equipped to meet the demands of agricultural credit. Commercial banks are compelled in the very nature of things to turn their money over and over many times in a year in order to make the dividends which will satisfy their stockholders. Consequently the short-term loan is more attractive to the commercial bank than the long-term loan. But the thing which is needed by the farmers of the United States is some place where they can go and obtain for productive agricultural purposes money at a reasonable rate of interest and for long periods of time. If a farmer is able to obtain the loan of money at a commercial bank for a period of six months or one year he is constantly haunted with the fear that failure of crop, sickness in his family, or other misfortune may make it impossible for him to pay the debt when due. In the new banking and currency system we made it possible for national banks to loan money upon unencumbered farm lands for periods as long as five years, a thing which they could not previously do; but it is recognized that even this extension of agricultural credit is not sufficient to meet the needs of the American farmer for the very reasons which I suggested before, to wit, that banks organized for purely commercial purposes will not embark upon the long-term loans needed by so many farmers in our country for the completion and development of their agricultural enterprises.

The bill now before Congress, which, in my opinion, will soon pass, lays the groundwork for the establishment of a cooperative system of farm credits in this country which will eventually place agricultural credit upon the same firm basis now enjoyed by commercial credit. Under the provisions of the bill the United States will be subdivided into 12 districts, in each of which is to be organized a Federal land bank with a capital stock of not less than $750,000. In order to insure the establishment of these Federal land banks, it is provided that if the stock necessary to make up this amount of capital shall not have been subscribed for at the end of 90 days from the opening of the books, the Government of the United States is authorized to subscribe for whatever portion remains unsubscribed at the end of that time. If the Government should be compelled to subscribe for the total minimum capital stock in each and all of these Federal land banks, it would mean that the Government would invest the sum of $9,000,000 in the establishment of these land banks for the purpose of inaugurating a system of rural credits in this country in accordance with the provisions and the intentions of the measure now under consideration.

In each of these Federal land-bank districts it is contemplated that farm-loan associations and joint-stock land banks will be organized, through which money will be loaned to farmers upon their land. The farm-loan associations are to be composed of those who are engaged in, or are about to become engaged in, agriculture and who desire to borrow money upon

their land for agricultural purposes, for improving or equipping their land, or for paying off a debt already in existence, or for such other purposes as the bill itself defines and indicates. Those who compose the farm-loan associations are required to take stock in the association to the extent of 5 per cent of the loan requested. In other words, the farm-loan associations will be composed of borrowers who through their local associations obtain the loans from the Federal land banks in the several districts. When loans are applied for each association will be expected to cause an appraisal to be made of the property to be mortgaged through its loan committee, which appraisal is to be forwarded to the Federal land bank, and in turn the land bank may cause the property to be appraised by one of the official appraisers provided in the bill. Of course, the necessary formalities of appraising, abstracting, and other matters necessary to insure the legality of the transaction would have to be attended to; and if these necessary preliminary steps were found to be favorable the loan would be made to the extent of 60 per cent of the value of the land and 20 per cent of the value of the improvements. The loan may run for periods of from 5 to 36 years, according to the desires of the borrower, and the bill provides that the rate of interest can not exceed 6 per cent per annum, and it is hoped that it may be much less. It is provided that, in addition to the interest, the borrower shall pay a certain stipulated annual or semiannual payment for the purpose of amortization; or, in other words, for the wiping out of the entire debt by the end of the loan period.

The joint-stock land banks which are provided for in the bill are somewhat different from the farm-loan associations heretofore referred to in that the borrower does not have to take stock in them and they are exempted from some of the regulations with respect to the farm-loan associations. The capital stock of the joint-stock land banks can not be less than $250,000, and they are not permitted to do any other banking business except that of loaning money upon farm lands, but there is a wider scope allowed them in the purposes for which loans may be made. Both the farm-loan associations and the joint-stock land banks are to be under the control and supervision of a Federal farm-loan board to be appointed by the President, which board shall have power to administer the law generally and to fix rates of interest that may be charged, not, however, to exceed 6 per cent, and shall have general supervision over the whole system.

When a loan is made upon farm land by any of these land banks they are authorized to issue upon the mortgages so obtained what will be known as farm-loan bonds. These farm-loan bonds will be placed upon the market in the same manner as other bonds, sold to those who have money to invest in safe interest-bearing securities—and there is no bond that could be safer than bonds issued upon and secured by real estate—and the money obtained by the sale of these farm-loan bonds will be, in turn, loaned to other farmers in the same way that the original loans were made, other mortgages will be taken, and other farm-loan bonds issued upon them, and so on in an endless chain from year to year. In order that the rate of interest may be kept as low as possible for the farmer who is compelled to borrow money on his land, it is provided that these farm-loan bonds shall be exempt from taxation, either Federal, State, or municipal.

In order to demonstrate how the amortization plan of paying interest and principal under the system proposed in this rural-credits law operates, I desire to incorporate at this point what is known as an amortization table showing the process by which the loan and interest are paid. The first table is for a loan of $1,000 for 20 years at 5 per cent interest, and the annual payment is $80.24.

Annual periods.	Total annual payment.	Interest at 5 per cent.	Paid on principal.	Amount of principal still unpaid.
1	$80.24	$50.00	$30.24	$969.76
2	80.24	48.48	31.75	938.00
3	80.24	46.90	33.34	904.67
4	80.24	45.23	35.01	869.66
5	80.24	43.48	36.76	832.90
6	80.24	41.64	38.60	794.31
7	80.24	39.71	40.52	753.79
8	80.24	37.68	42.55	711.23
9	80.24	35.56	44.68	666.56
10	80.24	33.32	46.91	619.64
11	80.24	30.98	49.25	570.39
12	80.24	28.51	51.72	518.67
13	80.24	25.93	54.31	464.36
14	80.24	23.21	57.02	407.34

Annual periods.	Total annual payment.	Interest at 5 per cent.	Paid on principal.	Amount of principal still unpaid.
15	$80.24	$20.36	$59.87	$347.46
16	80.24	17.37	62.87	284.60
17	80.24	14.23	66.01	218.59
18	80.24	10.93	69.31	149.28
19	80.24	7.46	72.78	76.50
20	80.24	3.82	76.50	.....
Total	1,604.80	604.80	1,000.00	.....

An examination of the above table will show that if a farmer borrows $1,000 on the amortization plan for a period of 20 years at 5 per cent interest, by the payment of $80.24 annually for 20 years all the interest and the entire debt is wiped out at the end of that period. Under the methods heretofore followed the borrower at the end of 20 years would have paid $1,000 in interest and the original loan of $1,000 would still be due in a lump sum. The same proportions would hold true as to any other amount for any other given period of years at any other rate of interest.

The following table shows the process for the loan of $1,000 for 16 years at 6 per cent interest, the annual payment being $100 except the last year, which is $73.10:

Annual periods.	Total annual payment.	Interest at 6 per cent.	Paid on principal.	Amount of principal still unpaid.
1	$100.00	$60.00	$40.00	$960.00
2	100.00	57.60	42.40	917.60
3	100.00	55.05	44.94	872.66
4	100.00	52.36	47.64	825.02
5	100.00	49.50	50.50	774.52
6	100.00	46.47	53.53	720.99
7	100.00	43.26	56.74	664.25
8	100.00	39.85	60.15	604.10
9	100.00	36.25	63.75	540.35
10	100.00	32.42	67.58	472.77
11	100.00	28.37	71.63	401.14
12	100.00	24.07	75.93	325.21
13	100.00	19.51	80.49	244.71
14	100.00	14.68	85.32	159.40
15	100.00	9.56	90.44	68.96
16	73.10	4.14	68.96	.....
Total	1,573.10	573.10	1,000.00	.....

From the latter table it will be seen that if a farmer borrowed $1,000 for 16 years at 6 per cent, under the amortization plan he would pay a total of $1,573.10 during the whole period, which would wipe out interest, debt, and all at the end of the loan period. But under present methods, even if he could get a loan for that length of time, he would have paid $960 in interest during the 16 years, and at the end of that time the original loan of $1,000 would still be due in a lump sum. Other tables might be given, all to the same end, showing the undoubted advantage of the amortization plan contained in this measure over the old expensive, and in many cases exorbitant system of obtaining money upon farm lands.

This is a new system of credit, so far as the United States is concerned. For many years, it is true, efforts in the direction of cooperation among farmers have been made from time to time, many of which have in a local and more or less temporary way proved to be successful; but this is the first time an organized national effort has been made to coordinate and combine the potential credit of the farmers of this Nation for their own exclusive benefit. The bill which we are considering is not all that I would like to see it. Mistakes will undoubtedly be discovered. It would be a miracle if the establishment of an entirely new system such as this in any nation did not reveal mistakes which experience will be relied on to correct. But even if the new system authorized by this bill should not result in a material reduction in interest charges to the farmer, although it is my hope and belief that such reduction will be accomplished, I would still feel justified in supporting it, because of the fact that it affords a sort of clearing house for farm credit where loans may be obtained for a long term of years, a thing which can not be done now except in rare cases by the farmers of the United States. I would like to see every man a home owner who wants to be one. I want to see every man enjoy the fruits of his labor, and I am glad the Government of this Nation recognizes its obligation to cooperate, in so far as it can, for the establishment of a system which we all hope

will prove of great advantage to those who till the soil, and thus enhance the prosperity, the happiness, and the pleasure of those who live upon the farm and produce the wealth that makes our Nation great. [Applause.]

There has been some objection to this legislation in certain quarters because of the fact that a measure of Government aid is afforded under the bill for the purpose of getting the system started and offering encouragement to farmers in the formation of the land banks and the farm-loan associations. This same cry has always been heard when any effort has been made to aid the farmer. There are those among us who can swallow the doctrine of levying taxes against the workingman and the consumer to protect the wealthy. There are those who advocate taking money out of the Treasury in the form of a ship subsidy to be donated to private owners of steamships without any return to the Government for the outlay. But when a measure designed to aid the farmers of this Nation in establishing the stability and availability of their credit for the purposes for which a farmer needs money, carries in it a provision for Government aid in putting the system on its feet, these same gentlemen revolt with sanctimonious hypocrisy at what they are pleased to call the paternalism upon which we are embarking this great Nation of ours! In their opinion, if the Government aid is for the benefit of a special class of favored and usually wealthy interests, it is patriotism; but if the proposed aid is for the benefit of the farmer or laboring man who produces the real wealth of this and every other Nation, it is to them the grossest sort of paternalism. [Applause.]

One of the great objects kept in view by the founders of this Nation was to promote the general welfare of all the people, without regard to class or creed. Following up that object from the beginning until now, we have seen the Government of the United States embark upon the expenditure of money for multiplied thousands of enterprises that were deemed to be in the interest of the general welfare and prosperity of all the people.

It was for this purpose that in the early days of the Republic the Government donated millions of dollars worth of public lands to railroad companies as an inducement for the construction of lines of railway into the desert and the wilderness in order to develop the country and furnish homes for the constantly increasing population. It was for the same reason that money has been and is being expended in the improvement of our inland rivers and the harbors along the coast for the development and enlargement of our commerce with one another and with foreign nations. It was a proper recognition of the fact that the Government was the agent of all the people for the benefit of all the people in the development of their educational, commercial, political, and social relations; and thus we have seen our Government cooperating with every branch of human endeavor that may characterize the life of a great people gathered on these shores from the ends of the earth into a melting pot of true Americanism which challenges the admiration of less free and less enlightened people. So whether it be for the advancement of agriculture, commerce, banking, invention, reclamation, education, law, sanitation, health, morality, or any of the other varied and diversified interests of the people, we have always welcomed the efforts of the Government as the servant of us all to cooperate in any legitimate and lawful manner within the scope of its authority where such cooperation might result in the common good.

If the people have extended the arm of their Government in every other direction for their own welfare and prosperity, why withhold it in the establishment of a system of rural credits which is designed to aid the farmer by affording him what we hope will be a cheaper and easier method of cultivating and marketing those crops concerning which the Government is seeking to impart to him so much scientific knowledge?

In practically every rural-credit system of the Old World there has been some form of government aid and supervision in the establishment and administration of the systems. In Germany the landschaft, or German land-mortgage system, which was founded more than 150 years ago through the instrumentality of that great German soldier and statesman, Frederick the Great, is operated under the control and supervision of the German Government. Under this system the German farmers are able to borrow money on their land for 3½ per cent interest, plus 1½ to 2½ per cent as an amortization fund for extinguishing the debt at the end of the loan period.

In 1913 the Government of Great Britain appropriated the sum of $500,000,000 to be used in assisting the Irish farmers to buy and pay for land, and this money was loaned or advanced to Irish tenants at the small rate of 3½ per cent per year, divided as follows, 2½ per cent as interest, and three-fourths of 1 per cent to be applied on the principal until the debt is extinguished.

In France what is known as the Credit Foncier, which is an institution or land bank for the loaning of money on real estate, is aided and controlled by the French Government, and the rate of interest is 4.2 per cent. Another institution known in France as the Credit Agricole Mutual obtains advancements of money from the Bank of France without interest, and in turn loans this money to local associations upon securities that are deemed safe and suitable.

Russia has established a more advanced principal of Government aid than any of these nations above mentioned for the purpose of aiding her farmers and peasants to purchase small farms. Through the means of the land-purchasing acts adopted by that Government more than 20,000,000 people have been able to become small landowners, and their total value is now estimated at more than $1,000,000,000. These funds were advanced by the Government upon long-term loans and at low rates of interest. More than three years ago in Russia the Peasant's Land Bank was organized, through which loans are made upon land at the rate of 4 per cent, payable in from 13 to 55 years from the date of the loan.

Switzerland has now 28 land-credit banks which are owned or operated by the State, and the bonds or debentures based upon land mortgages are guaranteed by the State.

The little Kingdom of Denmark advanced without interest nearly $6,000,000 for the founding of the Mortgage Bank of the Kingdom of Denmark, and in addition it buys this bank's bonds or debentures and appropriates annually more than $1,500,000 to be loaned to small landowners.

Sweden has likewise aided in the establishment of institutions for loaning money to farmers and endowed the Swedish General Mortgage Bank when it was founded to the extent of more than $2,000,000, and in 1890 this bank was given a subsidy in the form of Government bonds.

In Japan the Government gives aid and encouragement to the land-bank system by guaranteeing a 5 per cent dividend for a period of 10 years on the stock of the Central Land Credit Bank of Japan, and gave nearly $5,000,000 in the form of a subsidy to the 48 local or district land banks scattered throughout the empire.

In Austria-Hungary, in Egypt, in Australia, in Queensland, in New Zealand, and in other countries some form of Government aid is afforded, either in establishing or the maintenance of land banks for loaning money to farmers.

The farmers of the United States do not expect that the Government will loan them all the money they need directly out of the Treasury, because they know that under our system of government money can not be raised by the Government except by taxation, and that taxes are levied to raise revenue to carry on the expenses of the Government. The farmers of the United States are not mendicants, begging for a "hand-out" at the back door of their Government, which they love, respect, and would fight for if it were necessary. But the farmers of the United States are willing that their Government shall aid in putting on its feet a system by which the farmers will ultimately be able to obtain that credit which is so necessary at times for the proper development of their energies along agricultural lines.

If after the system is established the aid of the Government is no longer needed in a financial way, that aid can be withdrawn; but even if the financial aid of the Government should in the future become unnecessary there will always be need for governmental supervision and control in order that the system may be properly managed and the interests of the farmers and investors in farm loans may be properly safeguarded. But even if the Government should never have returned to it the amount necessary to insure the successful establishment of a workable rural-credit system it would be doubly repaid for its outlay in the increased fertility, development, and success of the farms and farmers for whose benefit this measure is intended. Surely if all the other great nations of the world cooperate in establishing and carrying on their systems of farm-loan banks for their farmers this great, prosperous, and growing Nation can afford to give its financial indorsement to the institution which it proposes to create as an instrumentality by which farmers all over the country may be aided and encouraged in the hard and exacting duties upon which they each year embark in order that the world may be clothed and fed, and that they themselves may enjoy not only the necessaries of life, but some of the luxuries as well. [Applause.]

It is not intended that this bill shall be a substitute for thrift and industry. No system of credit was ever devised that could relieve men who are forced to earn their bread in the sweat of their brow from the necessity of labor. No Government would desire to discourage labor in order to replace it with indolence.

And the man who expects to prosper upon a farm without the exercise of industry, frugality, and painstaking economy, is doomed to disappointment. If prosperity could be brought about on the farm, in business, in the professions, in the workshop, or elsewhere, by the mere stroke of a pen or by the mere enactment of a law, we would not now be in need of a rural-credit system, because we would all have been enacted into prosperity and affluence long ago. But if the Government can by its cooperation and supervision give encouragement and impetus to industry, economy, and initiative effort, then the Government is doing a good work and one which will be appreciated by people of every class and in every part of this great and wonderful country. That is what is intended by the measure now under consideration, and it is my sincere hope that it will prove to be one of the greatest movements ever inaugurated in the history of this country for the benefit of those who hew the wood and draw the water and endure alike the discomforts of the blistering sun and the shivering winds. [Applause.]

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer two amendments, to have them pending.

The CHAIRMAN. The gentleman from Oklahoma offers two amendments, which the Clerk will report.

The Clerk read as follows:

Page 110, line 6, after the word "deposits," strike out the following: "of current funds payable upon demand."

Page 111, line 5, after the word "than," insert "one-half of."

Mr. MORGAN of Oklahoma. Mr. Chairman, the first amendment which I offer is simply to make it clear that these joint-stock land banks can not accept the deposits. The second amendment is to limit their profit to one-half of 1 per cent per annum. Now, I will not discuss those amendments further at this time, but devote the time I have to a discussion of the main proposition to strike out section 16.

Now, gentlemen of the committee, this same proposition was before the Sixty-third Congress. You remember that the Banking and Currency Committee of both Houses appointed subcommittees on rural credits, and those subcommittees held hearings extending over many months. Representative Bulkley, of Ohio, was chairman of the subcommittee of the Banking and Currency Committee of the House that conducted these hearings. That subcommittee prepared a bill and a report, and that subcommittee, so to speak, was the author of this plan of 12 Federal land banks that the joint committees of the two Houses adopted and that the present Banking and Currency Committee has adopted and presented to us.

I think you who know Mr. Bulkley know that he is a man of sound judgment and an able man. He gave this question very great consideration. When the bill was before the House on the 1st of March, 1915, Mr. Bulkley made a motion to strike from the Senate bill, which was then before the House, section 17. In that bill the joint-stock provision was section 17. That will be found in the CONGRESSIONAL RECORD of March 1, 1915, on page 5049.

Now, that amendment presented by Mr. Bulkley carried by a vote of 130 to 81; so that this House by a decisive vote struck out of the bill before the House in the last session of the Sixty-third Congress the provision which created joint-stock banks.

Now, then, I will just read to you a part of a speech made by Representative Bulkley before this House, and which seemed to carry conviction. He said:

Mr. BULKLEY. Mr. Chairman, this amendment proposes to strike out a section which is not a part of the original bill. Section 17 provides for the incorporation of private institutions, each with a capital of not less than $250,000, to do business in competition with the local farm-loan associations which are created by the bill.

The farm-loan associations would be cooperative associations, owned and controlled by the farmers who are borrowers from the system. These banks which are proposed by section 17 would be money-making institutions.

There are two principal objections to having such institutions brought in competition with local farm-loan associations. The first is that if they did any business at all they would be taking it away from the local institutions; they would then be dividing the field, and therefore relatively increasing the overhead expenses of the local institutions which are owned and controlled by the farmers themselves.

But a more fundamental objection than that may be urged against these $250,000 private banks. It is this: The original Hollis-Bulkley bill contemplated a complete system without anybody interested in raising interest rates. Everybody connected with the system would be interested in reducing the rates of interest to the farmers, who are the borrowers. But if this section 17 is written into the bill, you at once have great and powerful institutions, with heavy financial backing, who are interested in a direction opposite to the interests of the farmers. They are interested in keeping the interest rates high as against the interest of the farmers.

The new Hollis bill proposes too many of these institutions competing with each other in the bond market. In the original bill the bonds would have a national market and all farm-loan bonds would be the same throughout the United States. All would sell at the lowest possible interest rate. Under this amendment as proposed in the new Hollis bill 48 institutions would be competing with each other for the market. There would be 48 different classes of bonds, and the investor would be confused, and there would be room for commissions and rake-offs for brokers.

I hope the Democratic majority in this House will follow Representative Bulkley, of Ohio, who, as many of you know, was one of the most distinguished Democratic Representatives in the Sixty-third Congress.

Mr. Chairman, in the general debate on this bill I was granted 30 minutes of time in which to discuss it. I devoted practically all of that speech to discussing section 16 of this bill, which authorizes the organization of joint-stock land banks. There is a motion pending now to strike out section 16. I am in favor of the amendment. I am opposed to creating joint-stock land banks as a part of our land-credits institutions.

In discussing this question we should bear in mind that this bill provides for two kinds of land-credits institutions. The bill authorizes the organization of 12 banks, called Federal land banks. The entire United States is to be divided into 12 districts. One of these Federal land banks is to be organized in each of these 12 districts. Each of these 12 Federal land banks has subsidiary corporations known as national farm-loan associations. Ten or more persons, prospective borrowers, may organize one of these associations. No one can secure a loan from one of these 12 Federal land banks, except by becoming a member of a local farm-loan association, except in certain cases. He must subscribe to the capital stock of the national farm-loan association an amount equal to 5 per cent of his loan. In turn the national farm-loan association subscribes for an equal amount of stock in the Federal land bank. The borrower is also liable for an additional amount equal to the stock which he owns in the farm-loan association. In other words, the borrower actually puts up an amount equal to 5 per cent of his loan in stock and becomes liable for an additional 5 per cent of his loan. The Federal Government, to start Federal land banks, is expected to subscribe $750,000 in stock to each one of them, but in time the Government stock is all to be retired, so that the farmers who are borrowers will in the end be required to furnish all the capital upon which these 12 Federal land banks operate. The fact that the farmers furnish all the capital with which to operate these Federal land banks is not so great a hardship after all, because, if the banks make any profit whatever, it will be returned to the farmers in a form of dividends upon the stock which they hold. These 12 Federal land banks are bound together and are made responsible for each other's bonds and liabilities. A national system of land banks is thus created. As these banks are responsible for each other's bonds and other liabilities, I believe they will have practically equal credit and that the bonds of one bank will sell at as low a rate of interest as will the bonds of the other banks. These 12 land banks will, I think, provide practically equal credit facilities to the farmers in the various sections of the United States. They will be farmers' institutions conducted in their interests. There will be no private stockholders and absolutely no inducement to the managers to charge high rates of interest. Three of the directors will be appointed by Federal authority and six of the directors will be elected by the farmers or borrowers through the farm-loan associations. To me, one of the splendid features of this system of Federal land banks is that it binds the farmers of the entire United States into what is in reality one great national land-credit system.

I have made a somewhat careful study of the land-credit institutions of the other countries. I believe that the system of 12 Federal land banks will present to investors securities as safe, sound, and desirable as the bonds or debentures issued by any land-credit system of the world. Now, there is one system. It will be a great land-credit system, owned and dominated by the farmers of the United States and directed solely in their interests. This is not all. The National Government not only supervises this system of land credit, but by the appointment of a part of the directors aids and assists the farmers in the management and control of these Federal land banks.

But section 16 of the bill presents to our minds another picture. This section authorizes the organization and incorporation of what are called joint-stock land banks. These banks are to be purely private, profit-sharing, surplus-creating, dividend-paying banks, organized, managed, controlled, and directed in the interest of stockholders, directors, officers, and employees of these institutions. The men who put their money in these joint-stock land banks will do so solely for the purpose of making money. Men will not organize these banks or invest their money in the capital stock thereof for any other purpose. Men will organize and operate these joint-stock land banks just for the same purpose that men engage in any other private business. The owners of the joint-stock land banks can not and will not have any inducement or desire to reduce the rates of interest. It will not be their duty especially to promote the development

of agriculture or to increase the profits or prosperity of the farmers. This bill proposes, therefore, to require the farmers to furnish the capital to operate one system of land banks, and then it proposes to authorize private capital to organize another system of land banks. The joint-stock land banks owned by the private capital will be in direct competition with the system of land banks owned by the farmers. This will not mean competition in interest rates. It will be competition in the sense that the joint-stock land banks will run in opposition to the banks owned by the farmers. In other words, the joint-stock land banks will be stumbling blocks standing in the way of the success of the other system. The creation of two kinds of land-credits banks means that the farmers of the United States who are borrowers will be divided. The competition between these two kinds of land banks will not be banks competing against each other, but it will be farmers competing against each other. This is the great difficulty with agriculture to-day. Every farmer is competing against every other farmer. Our farmers do not cooperate with each other in business. Men in other businesses cooperate. Our farmers must always be at a great disadvantage until they learn to cooperate more extensively in business matters. I had hoped that when we came to organize a new system of land credits that we would provide the farmers of the United States with the necessary machinery whereby in purchasing credit they could act as one man. With section 16 in the bill, they will not do this. But that is not all. Every joint-stock land bank will be a separate independent institution. Under section 16 there may be many joint-stock land banks organized. As to how many there will be in existence we can not tell. It will be a purely voluntary matter. However, it is safe to assume that many of them will be organized. Each one of them will be competing against the others, and that will mean that the farmers will be competing with farmers. This may appear to be a contradictory statement. It is not. You must remember that the joint-stock banks, as well as the 12 Federal land banks, will secure their money to loan to the farmers by the sale of farm-mortgage bonds. Farm-mortgage bonds, then, is the credit instrument that must be sold to investors. All these joint-stock land banks, as well as the 12 Federal land banks, in a large measure, will be offering their bonds for sale to the same investors. Investors will buy these securities from banks which are bidding against each other.

Now, when banks bid against each other to sell their bonds, the tendency will be to facilitate sales by increasing the rates of interest on the bonds. Other things being equal, people with money to invest will purchase securities bearing the highest rates of interest. However, when the interest rate on the farm-mortgage bond is increased there must be a corresponding increase in the interest charged the farmer who borrows. Thus it will be seen that the whole tendency of this dual system of land banks is to put farmers in competition with each other in selling their bonds. The inevitable consequence must be to increase the rates of interest which the farmers pay on their mortgages. We must also bear in mind that we are taking a step here that in all human probability can never be recalled. If the joint-stock banks are to be created by this bill, they will be organized in various parts of the United States. Bonds extending for a period of 36 years will be sold. Once established, we can not abolish them. They will be a part of our land-credit system probably for all time to come. Now, I honestly believe that this will mean on the average a higher rate of interest to the millions of farmers who for the next century are to be borrowers.

There is another proposition I wish to present to the Members of this House. A farmer, as I have already pointed out, must subscribe to the capital stock of the farm-loan associations an amount equal to 5 per cent of his loan, and in addition to that he becomes liable for the obligations of the farm-loan associations for an additional 5 per cent. This in itself will be objectionable to many farmers. They can secure loans through the joint-stock land banks without subscribing to their capital stock or in any way becoming liable for their financial obligations. Undoubtedly many farmers will prefer to borrow from the joint-stock land banks even if they pay a higher rate of interest. I have made a summary of what I call the restrictions and limitations which are placed upon borrowers who make loans through the farm-loan associations. I do not know that I have collected all of them, but I present the following list:

1. Ten or more persons necessary to form associations.
2. Twenty thousand dollars in loans must be subscribed for.
3. An amount of cash equal to 5 per cent of loan must accompany application for charter—to be invested in capital stocks.
4. Appraiser must investigate solvency and character of the applicants.
5. Organization subject to approval of the director of district bank.
6. Federal farm-loan board may for good cause shown refuse charter.
7. Members of association must pay their share of salary of secretary-treasurer, his reasonable expenses, and also the reasonable expenses of the other officers and agents and assessments without limit may be levied on members to meet expenses of associations.
8. Dividends of district banks are paid to associations, not to borrowers who have put up 5 per cent of their loan in capital stock.
9. Borrower must pay cash in advance for 5 per cent of face value of his loan or borrow the amount from the district bank.
10. Members are liable for debts of associations "to the extent of the amount of the stock owed by them at the par value thereof in addition to the amount paid in and represented by their shares." (Sec. 9, lines 8 to 13, p. 24.)
11. After association has been once organized, a prospective borrower "may become a member only by two-thirds vote of the directors."
12. He must also pay in cash 5 per cent of his loan in stock.
13. His application must first be approved by appraisement committee, by an appraiser or appraisers sent by the district bank, and finally by the directors of the bank.

Loans can be made only for the following purpose, and for no other:

14. For the purchase of land for agricultural uses.
15. For the purchase of equipment and live stock necessary for the proper and reasonable operation of the farm.
16. For the improvement of farm lands.
17. For the purpose of liquidating indebtedness existing at the time of the organization of the first national farm-loan association established in or for the county in which the land mortgaged is situate or indebtedness subsequently incurred for one of the purposes above mentioned.
18. Loans can only be made to persons engaged, or shortly to become engaged, in the cultivation of the land mortgaged.
19. Use of loan or any portion thereof for any other purpose "than specified in his original application" makes loan due and payable forthwith.
20. Inasmuch as the 12 Federal land banks are liable for each others' debts and obligations, every borrower from these banks assumes this financial responsibility to the extent of the par value of his stock plus the amount invested in said stock, which makes a total liability of 10 per cent of the amount of his loan.

The most of these limitations and restrictions are entirely unnecessary. Farm-loan associations should be organized solely to aid the Federal land banks in conducting business and to aid borrowers and not to place burdens and restrictions upon them. I believe that the farmers, in order to provide capital for a great land-credit system, conducted solely for the benefit of the farmers, may justly be asked to subscribe 5 per cent of their loans to the capital stock of this great land-credit system. This is not any great hardship, because in the end the entire amount of stock held by the farmer would be credited upon his loan and in the meantime he, as I believe, would receive more than enough dividends on his stock to offset the interest he had paid on the amount invested in stock. But I am opposed to adding the additional 5 per cent liability upon the borrower. I am opposed to permitting farm-loan associations to go to any expense whatever or to have power to levy assessments or fines upon its members. I feel sure that the average farmer will not want to go in an association where the liabilities are indefinite and uncertain. A borrower has a right to know just what his loan will cost him, and he can not know this if the farm-loan associations have financial responsibilities and may levy fines and assessments upon its members to meet its obligations. Whatever may be the object of all these restrictions and limitations, the effect thereof must be to drive the farmers away from the Federal land banks, which are to be owned by the farmers, and to drive them into the joint-stock land banks, owned, controlled, and dominated by private capital. I have not the time to further discuss this subject, but for one I will vote to strike out section 16, which authorizes the organization of private joint-stock land banks, and in so doing I believe I am acting for the best interest of the farmers in the United States as well as for the best interest of the Nation at large.

Mr. MOSS of Indiana. Mr. Chairman, I would like to ask unanimous consent, before I begin speaking, to speak for 15 minutes on this amendment.

The CHAIRMAN (Mr. FERRIS). The gentleman from Indiana asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. RUBEY. Reserving the right to object, I would like to have it included in that request that everybody be quiet and cease conversation, in order that we may hear clearly what the

gentleman has to say on this proposition. I will not make any objection, however.

Mr. MOSS of Indiana. Mr. Chairman and gentlemen of the committee, I feel that the members of the Committee of the Whole have arrived at the point where they must make an important decision regarding the proposed system of rural-credit legislation. I have listened attentively to the debate on this bill running through the past week, and I desire to say that it will go down in literature as a discussion of a very high order.

It has been assumed that the members of the committee framed section 16 because they wished to extend favors to private joint-stock banks. This criticism is on a par with that indulged in by those who favored striking out 6 per cent as the maximum rate of interest and then assumed, from the fact that other gentlemen voted against the motion, that such were in favor of charging the farmers of this country a high rate of interest.

Every member of the Banking Committee, I feel sure, I may say, is absolutely in favor of the cooperative system and has given weeks and months of work in order to make that cooperative system strong and effective. We believe we have done this. But if we have not succeeded, this House ought to amend the bill in a way that will make it successful. This House ought not to strike out one system in order to make the other system successful.

There are two elements that are fundamental in this discussion: First, we have two systems of banks. Gentlemen of the House have the right to know why there are two systems of banks proposed. The first, or the cooperative one, is a special system designed by the committee for the service only of the more necessitous classes among farm borrowers. You will recall that when that section was under discussion some gentlemen felt that we ought to make these restrictions more severe, while others thought that we ought to make them more liberal. This shows the presence of an honest difference of opinion on this subject which only confirms the decision of the committee to organize two distinct systems of banks to serve separate classes of farm borrowers.

Now, it is the opinion of the committee that among the great class of farm borrowers some have better business capacity and better credit facilities than others, thereby resulting in a multiplicity of interest rates. In order to make such rates more uniform and to give loans to those persons who are most necessitous we have organized a special system and given it favors from the Government Treasury. I know we have given large favors under this bill to the cooperative banks, and that we have excluded a large number of American farmers from the opportunity of coming under the system. We may have made the mistake of permitting too many men to come into the system. It might have been better to say that none should borrow over $5,000. It may be that that would have been better. But the point that I make is that we have designedly made it a special system, and have given it a large degree of favors in the way of Government aid.

But if we are to create a special system and by legislation exclude some farmers from its operations, then we ought to permit such farmers to come into another system in a way to get the benefit of organized land credit.

If this section is stricken from the bill the remaining sections will constitute a special and not a general system of rural credits. It will be a bill under which thousands of farm owners can not borrow a dollar. I do not present this statement as a criticism upon the special or cooperative system of banks. These limitations were written in the bill designedly and for a good purpose. The committee, however, had in mind the creation of a general credit system, as proposed in this section. The two taken together make a system under which any American farmer can secure organized credit on favorable terms and at a reasonable rate of interest. I am in favor of a limited system of land credit under which the more necessitous classes of farmers may secure credit on more favorable terms than they can otherwise do. Such a system is very common in all countries where land credit has been organized under statute, and it is to such limited systems that Government aid is wisely granted. Some very strong men have pointed out in this debate that we have included too many men in this special system of ours. That argument has a strong base and is not easily answered. It may be correct. Other able men have argued that we have excluded many worthy men by setting the entrance limit too high.

I have listened with the most profound interest to the views of these men, and I am willing now to go on record in predicting that some of these suggestions will be written into law before another decade goes by. It is inevitable that the arbitrary limits which we have set up in this bill will be modified by experience. The principle we have adopted is sound, namely, that the favors of the Government shall be extended to certain classes among farm borrowers for certain worthy purposes. We here meet the common difficulty of framing any special legislation where the favors of the Government are extended to its citizens. It is impossible to include all, so a struggle ensues as to who shall enjoy the special benefits. France loans money to any French citizen who has a family and who desires to purchase a farm home not exceeding 2½ acres. The rate of interest is fixed by the number of children. Five children in the family will secure a loan at 2¼ per cent interest; four children, 2½ per cent; three children, 2¾ per cent; and two children, 3 per cent. This is an extreme example of special systems, but in every European country there will be found one or more special systems where State aid is given for special purposes.

I have no apology either for the Government aid granted in this bill or for the fact that these favors are confined to certain classes of our farm borrowers. It may be that we have not adjusted our limits right, but we propose to grant the more necessitous preferential rates of interest for certain purposes. In that declaration of purpose I am in hearty accord, and will vote to amend the bill in a future Congress if I shall continue to enjoy the confidence of my district and experience shall demonstrate that we have failed to accomplish our full purpose in this draft.

I am confident that the bill in its present form will not fail, but I am willing to extend this assurance to any who are fearful. But while I am thus willing to help organize this special system and to grant it large favors from the Public Treasury to make certain of the results we desire to secure, I am also well aware that there are large numbers—hundreds of thousands—of patriotic, industrious American farmers who have been designedly excluded from the benefits of this special system, intending that they might come in and secure favorable credit under this section. These men need a larger volume of credit on more favorable terms. The results of such credit on American agriculture will be beneficent. And that is the great, big purpose of land credit. It is not primarily to benefit the individual farmer. It is to benefit the people of the entire Nation. It is for the purpose of better organizing agriculture and of increasing the national wealth and of increasing and making more certain our future food supply.

Now comes the second fundamental question, and that is the question of capital stock for the land banks. One of the chief difficulties in organizing land credit is to secure the guaranty capital. One of the commonest forms of State aid is subscription to the capital stock of land banks by the Government. I know of no country where loans are advanced in cash to the borrowers that extreme difficulty has not been encountered in acquiring capital to organize land banks. The distinguished Speaker of this House on Saturday referred to the landschafts of Germany; but I beg to remind him and this House that these associations have no capital stock and do not grant loans in cash.

Mr. SMITH of Michigan. And the present bill provides capital, does it not?

Mr. MOSS of Indiana. Yes; certainly; but I will come to that in a moment. An association without capital stock does not make loans in cash. Of necessity they make loans in bonds. The farmer takes his mortgage to the association and the association hands him a bond and he sells it for whatever he can get.

Mr. MADDEN. Will the gentleman yield?

Mr. MOSS of Indiana. Yes.

Mr. MADDEN. The landschaft is a cooperative association like a drainage district.

Mr. MOSS of Indiana. Most assuredly; but no borrower ever received a loan in cash money from a landschaft. These forms of land credit have been organized where it has been difficult or impossible to secure cash capital for land banks and only illustrates one of the difficulties your committee labored under in framing this bill. It has been taken for granted that American farmers would demand loans in cash, and this necessitated the organization of banks which would sell their own securities and deal in actual money and not simply exchange credit instruments with their patrons. The ratio between capital of a land bank and the volume of its loans has never been wider than $1 in capital to $20 in loans. This means, in the aggregate, an enormous bank capital in a nation the size of ours. If we assume that we desire only to refund the present volume of farm-mortgage indebtedness, it will require a gross capitalization of $200,000,000. But if this bill accomplishes the hopes of its authors—if it meets the imperative needs of the American people—it must largely augment credit facilities and encourage a like increase in mortgage indebtedness. We can not secure additional farm owners through the operation of any rural-credit

law without increasing the volume of debt. Speaking for myself, I register the conviction and the hope that through the operations of this law the total volume of mortgage debt in the United States will rise to at least $10,000,000,000. If so, under the terms of this bill the capital of all land banks in the Nation must aggregate at least $500,000,000.

No committee of House or Senate has ever proposed to impose a burden of raising this vast capital exclusively upon the necessitous classes of farm borrowers of the Nation. Gentlemen in this debate have apparently assumed that they were conferring a peculiar privilege on farm borrowers by seeking to limit the right to subscribe capital to land banks to mortgagees. I am glad to observe that some of the clearest thinkers have reckoned rightly, that this requirement is a burden and not a privilege. No nation in the world has ever enacted a rural-credit law imposing such a burden upon borrowers and prohibiting private capital from engaging in the work of organizing land credit and thereby improving and encouraging the higher development of agriculture in that nation. It was a common claim—and always one of pride—advanced before the United States commission that such work in Europe was often engaged in from altruistic motives. The Bulkley-Hollis bill was dependent upon private capital for its successful operation. The land bank under the provisions of that bill secured $9 in capital from the general public to $1 from the farm borrower. If the public failed or refused to subscribe this ratio of capital, the growth and operation of the system was suspended. It was this fatal defect that caused the joint committee to reject that plan as being impracticable and unworkable. If you strike this section from this bill, you will impose the whole burden of organizing land credit upon those who are in debt, and by so doing will take an action which has never been recommended by any committee of either branch of Congress and which has never been imposed upon borrowers by any legislature in any country in the world. If you take this action and it impedes or impairs this legislation, then the responsibility will be upon those who are willing to go upon record in support of this radical action.

Mr. FESS. Will the gentleman yield?

Mr. MOSS of Indiana. Yes; with pleasure.

Mr. FESS. What has the gentleman to say about the charge that this section 16 will nullify the balance of the bill?

Mr. MOSS of Indiana. I do not share the fears of those who honestly believe that this section is inimicable to the cooperative system: I am absolutely confident that we have so favored that system that it will prosper and give its patrons rates below that possible in any general credit system. If this were not true, the remedy is to strengthen the cooperative system and not deny to all farmers better credit on more favorable terms than they now enjoy. My ambition has been to make this the best rural-credit system of any nation in the wide world. I am aware that many Members of this House have much greater ability than I possess, but none have had greater opportunities to study at first hand the rural-credit systems of European countries, and none are more intimately acquainted with the environments and necessities of our farm population.

I believe confidently that we have organized a cooperative system in this bill that all the adverse powers in this country can not prevent working successfully. I believe that we have given by it so many great advantages that it will be signally successful.

Mr. SMITH of Michigan. The gentleman thinks he has organized a system that is workable and one that will be popular.

Mr. MOSS of Indiana. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes.

Mr. MOSS of Indiana. Then, I can not yield to the gentleman from Michigan. We have created systems which will be successful for the classes that are to be served by them.

Without section 16, you have only a partial credit system; you will have created a system, granted large favors from the Public Treasury designedly for a part of our farm population, and by your vote to strike out this section you go on record as being opposed to better credit facilities for all farmers. Such a law is not fair or equitable; it is not a redemption of the promises made to the people; it is not defensible on any grounds of public policy.

I may not be willing to vote Government aid to a land bank to make loans to farmers to send their children to school, and thus fit them for life's struggle, but I will not vote to forbid them access to organized credit for such purposes. My father borrowed money to send me to Purdue University that I might have the benefit of a better education, and I have occasion to bless his memory for this kindness every day of my life. Such help was far more beneficial to me in later life than would the purchase of an additional 40 acres of land to be willed to me at his death; and I do not propose to cast a vote which will exclude all farmers in the United States from borrowing money under favorable terms to educate their children and to give them the civilizing influences which at present more abundantly surround the lives of children in the city as compared with those on a farm. This section is the only one in this bill which will permit credit to be freely extended to all farmers for any good purpose; but if you strike it out, you deny absolutely to many farmers all opportunity to mobilize their credit and use it for their business interests, their family, their country, and their God. [Applause.]

Such action on the part of this committee, in my opinion, will place the enactment of this legislation in jeopardy, and will go far to justify any Member who may feel compelled to cast his vote against the enactment of a statute which taxes all the people and whose benefits are designedly limited to only a part of the farm population of our Nation.

Mr. MANN. Mr. Chairman, you can not loan money unless you have it. In order to loan money you must be able to get it. The prime object of this bill is to give to the farmer an opportunity to borrow money on the best terms possible.

Now, there are two ways in which that money can be furnished; either have the Government put its printing presses at work and loan the farmers money printed in that way or to loan money which you can get from those who have it. This bill proposes to adopt the policy of giving credit to farmers so they can obtain money from those who wish to loan it. People who have money want to loan it. Farmers want to borrow it. This bill undertakes to say to those who have it to loan, We will give you good security if you will loan your money. It undertakes to pass that money on to the farmer. There are two essential methods provided in the bill. It is proposed by some to strike out this section which includes one of the essential methods. The argument has been made that if this section remains in the bill it will interfere with the other method. I do not know whether it will or not; it is not essential. The essential thing is to find some method by which the people who have the money will advance it in order that those who want it may get it.

The farmers are not interested in the method, they are interested in the results; the investors are not interested in the methods, they are interested in the results. If both methods are successful, so much the better. If only one method is successful, that is a great thing; but when you say that you will strike out one method in order to force people to adopt the other method you are throwing away your case. We can not determine here which method will appeal most to the investor.

The prime thing that we want is to establish the credit of the farmers so that they can obtain the money from those who have it to loan. No one here can tell whether either method will obtain the credit, but anyone ought to have knowledge enough to know that if you propose two methods, both safe, one of them is more likely to prove successful out of two than merely one by itself. I think this section is one of the most important, if not the most important, section in the bill. I am inclined to believe both methods will obtain credit from those who have money to invest, and if we can establish a plan by which the widow who has money left by her husband, which she wishes to invest, can safely invest it, which money can be loaned to the farmer, then we have done a great thing. If we can establish the credit of the farm as the country has established the credit of the railroad, in order that bonds may be sold at from 4 to 5 per cent and the benefit of that go to those who need it, we have done a great thing.

The history of banking itself is one of the wonderful histories of the world. It is possible—I believe it is probable—that through this legislation we will enable combined farmers to establish combined credit, and that those who have money to loan will be willing to advance it, feeling secure with the low rate of interest, and that the farmers may get the benefit of it. I think we ought to try both ways. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman and gentlemen, up to the present time I have not participated in the debate, but have been here listening with intense interest to all the discussion which has preceded me and voting for what I believed to be the best interest of my people. I agree with the gentleman from Indiana [Mr. MOSS] and the gentleman from Illinois [Mr. MANN] with reference to the situation presented to us under the two provisions of the bill now under discussion. They both oppose striking out section 16, providing for joint-stock land banks.

This bill provides for a system of Federal farm-loan land banks, and in section 16 it provides for joint-stock land banks. The gentleman from Alabama [Mr. OLIVER] moves to strike out

section 16, providing for joint-stock land banks, and I am also opposed to this being done.

I believe it will be best to try both, rather than to eliminate one and try only one by itself, because if one interferes in the least with the other then we will by competition between the two, if it result in competition, arrive at the best method, and it will be the survival of the fittest which will secure the best and most beneficial result for the people. Whenever you eliminate one to accept the other then you limit the people to one source, whereas if you give them the benefit of both systems provided in this bill you have two sources to which to go, and when you have two it is better than one, and the people can have their choice as between one or the other and have the benefit of both. What I am anxious to do is to help the people in this country that we have been promising to help during all of these years passed and gone. Both political parties, all political parties, have promised the people this legislation for many years, and what we want to do now is to secure this legislation and to secure it quickly.

I received a letter from a constituent of mine only a day or so ago in which he described the conditions confronting him and appealing to me for help, and I always respond to my constituents. [Applause.] He owns 160 acres of land and he purchased 40 acres more. He had to borrow the money with which to buy the 40 acres. He has five children, and he says that his great desire is to leave those children each 40 acres of land as a heritage when he should pass from this old earth. He also says that by reason of conditions existing at the present time he has been unable to meet his debt for the 40 acres of land, and he sees ahead possible failure and the possible loss of the 40 acres, which will prevent him from carrying out his cherished plan with respect to his children. He writes me and appeals through me to the Congress of the United States to furnish the relief which we have been promising in order that he may secure the land that he desires, and I am here pleading his cause.

I am in favor of the long-time loan. I am in favor of the lowest rate of interest it is possible to obtain, in order that we may reduce the expense as much as possible. Hence, a few days ago I voted for 4 per cent, and when that failed I voted for 5 per cent. In this bill it is provided that the rate shall not exceed 6 per cent, and that the actual loan shall not exceed 1 per cent above the rate of interest on the bond. I at least see a prospect that the bond may be sold for 3 per cent, and that the loan, therefore, will be had for 4 per cent. If the bond is sold for 4 per cent, the loan may be had for 5 per cent, but it can not go above 6 per cent. If we can get even that relief, we will confer some of the blessings to those who are entitled to them and for which they have been looking so long. Do not take away from the people the hope which may be secured either by the other part of this bill or by section 16. Give them the benefit of both resources and open up the avenues as broadly as you can, giving them money at the cheapest rates of interest at the longest time possible, in order that they may have the benefits to which they are entitled. [Applause.]

The letter of my constituent, to which I referred, is as follows:

AMORY, MISS., *May 8, 1916.*

Hon. E. S. CANDLER,
Washington, D. C.

MY DEAR SIR: Having noticed that the rural-credits bill is before your honorable body, I am constrained to write you.

Our people, so many homeless as they are and others who claim homes really needn't hope to own them under present conditions, sorely need such aid as is indicated in this legislation.

Personally, in 1901 I bought 40 acres to add to my 160 which was and is half woodland bottom, hoping to leave my five children 40 acres each. I owe more on this 40 acres than the purchase price. I have been "diligent in business," economical, and have some fertile land to aid me. But I see that I am bound to lose this land unless I get lower interest rate and longer time. I am sure you will agree that 40 acres each for the children, with nearly half wet bottom woodland, 5 miles from small town (Nettleton), will be small holdings.

* * * * * * *

We believe 5 per cent interest, plus other expenses, on long-time loans and on only 50 per cent of the value is high, though we prefer this to no aid.

Please do your best for us.

Sincerely and truly, yours, ——— ———.

Now, Mr. Chairman, I am here doing my best for him and others situated like him, and it is just the class of our citizenship as is described in this letter I am most anxious to help. I want to help those who have bought homes to pay for them and those who do not own homes to secure them. In order to do this for the good of the country and the happiness of our people let us pass a rural-credits bill which will secure for the people, by Government aid, plenty of money to meet their wants, and at least their necessities, on the longest time possible and at the lowest available rates of interest. Let us help these farmers' banks at least as much as we have helped commercial banks, and even more, for to help agriculture is to help every man, woman, and child in this country. When we build up agriculture we will establish homes, and the home, at last, is the foundation and security of the Republic. [Great applause.]

The CHAIRMAN. The question is first on the amendment offered by the gentleman from Mississippi [Mr. STEPHENS].

Mr. SMITH of Michigan. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The amendment was rejected.

Mr. STEPHENS of Mississippi. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. Will the gentleman wait until we dispose of those that are now pending?

Mr. STEPHENS of Mississippi. Yes.

The CHAIRMAN. The next vote will be taken on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, is there any objection to having that amendment reported? I know it is too late, but I ask unanimous consent to have the matter reconsidered.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to return to the amendment which has just been voted upon, have it again reported, and again vote upon it. Is there objection?

There was no objection.

The amendment of Mr. MOORE of Pennsylvania was again reported by the Clerk.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The next vote is on the amendment offered by the gentleman from Oklahoma.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask unanimous consent that it be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The next vote is on another amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Mississippi [Mr. STEPHENS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 111, at the end of line 7, add the following: "But the rate of interest on such bonds shall not exceed 4 per cent."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Alabama [Mr. OLIVER]. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The question was taken, and the Chair announced the noes appeared to have it.

Upon a division (demanded by Mr. MORGAN of Oklahoma), there were—ayes 22, noes 112.

So the amendment was rejected.

The Clerk read as follows:

FORM OF FARM-LOAN BONDS.

SEC. 19. That bonds provided for in this act shall be issued in denominations of $20, $50, $100, $500, and $1,000. They shall run for specified minimum and maximum periods, subject to payment and retirement at the option of the land bank at any time after five years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, the amount and term to be fixed by the Federal farm-loan board. They shall bear a rate of interest not to exceed 5 per cent per annum.

The Federal farm-loan board shall prescribe rules and regulations concerning the circumstances and manner in which farm-loan bonds shall be paid and retired under the provisions of this act.

In order to furnish suitably engraved bonds for delivery to Federal land banks and joint-stock land banks, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such bonds of the denominations of $20, $50, $100, $500, and $1,000 as may be required to supply such land banks. Such bonds shall be in form and tenor as directed by the Federal farm-loan board under the provisions of this act and shall bear the distinctive numbers and names of the several land banks by which they are issued. They may be exchanged into registered bonds of any amount, and reexchanged into coupon bonds, at the option of the holder, under rules and regulations to be prescribed by the Federal farm-loan board.

When such bonds have been prepared they shall be deposited in the Treasury or in the subtreasury or mint of the United States nearest

the place of business of the land bank for which such bonds have been prepared, and shall be held for the use of such bank, subject to the order of the farm-loan registrar of the district.

The plates and dies to be procured by the Comptroller of the Currency for the printing of such bonds shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating to the preparation of such bonds and all other expenses incidental to their issue and retirement shall be paid by the land banks. The Federal farm-loan board shall levy semiannually against the respective Federal land banks and joint-stock land banks, in proportion to the issue of bonds by each, a sufficient amount to cover such expenses.

The examination of plates, dies, bed pieces, etc., and regulations relating to such examination of plates, dies, etc., of national-bank notes provided for in section 5174, Revised Statutes, are hereby extended to include bonds herein provided for.

Any appropriation heretofore made out of the general fund of the Treasury for engraving plates and dies, for the purchase of distinctive paper, or to cover any other expense in connection with the printing of paper currency, and any distinctive paper that may be on hand at the time of the passage of this act may be used in the discretion of the Secretary of the Treasury for the purposes of this act, and should the appropriations heretofore made be insufficient to meet the requirements of this act, the Secretary is hereby authorized to use so much of any funds in the Treasury not otherwise appropriated as may be required for the purpose of furnishing the bonds aforesaid, adequate reimbursement being duly made therefor under the provisions of this section.

Mr. GLASS. Mr. Chairman, I offer an amendment which is a substitute for section 19, proposed by the Treasury Department as a better form for these bonds, and I offer it as a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Substitute for section 19:

"SEC. 19. That bonds provided for in this act shall be issued in denominations of $20, $50, $100, $500, and $1,000; they shall run for specified minimum and maximum periods subject to payment and retirement at the option of the land bank at any time after five years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, the amount and term to be fixed by the Federal farm-loan board. They shall bear a rate of interest not to exceed 5 per cent per annum.

"The Federal farm-loan board shall prescribe rules and regulations concerning the circumstances and manner in which farm-loan boards shall be paid and retired under the provisions of this act.

"In order to furnish farm-loan bonds for delivery to Federal land banks and joint-stock banks, the Secretary of the Treasury is hereby authorized to prepare suitable bonds in such form, subject to the provisions of this act, as the Federal farm-loan board may approve, such bonds when prepared to be held in the Treasury subject to delivery upon order of the Federal farm-loan board. The engraved plates, dies, bed pieces, etc., executed in connection therewith shall remain in the custody of the Secretary of the Treasury. Any expenses incurred in the preparation, custody, and delivery of such farm-loan bonds shall be paid by the Secretary of the Treasury from any funds in the Treasury not otherwise appropriated: *Provided, however*, That the Secretary shall be reimbursed for such expenditures by the Federal farm-loan board through assessment upon the farm-land banks in proportion to the work executed."

Mr. HAWLEY. Mr. Chairman, I desire to offer an amendment to the committee amendment. In that part of the amendment, in the second sentence of it, which reads, "they shall run for specified minimum and maximum periods subject to payment and retirement at the option of the land bank at any time after five years from the date of their issue," I wish to strike out the word "five" and insert the word "ten."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out, in line 5, the word "five" and inserting "ten."

Mr. HAWLEY. Mr. Chairman, the bill reported by the joint committee on rural-credit legislation provided that the bonds should not be called until after a period of 10 years. The bill as passed by the Senate provided also that the bonds should not be called until after a period of 10 years. The bill as reported by the Banking and Currency Committee of the House put in a limitation of 5 years. I understand the reason moving the committee to make that change to be this: That with the deduction of the semiannual amortization payments and the advance payments from the face of the mortgages taken by the bank they feared that if the period during which the bonds could not be called exceeded five years there might be such a reduction as to make it difficult to earn enough money from the mortgages to pay the interest on bonds and the bonds as they mature. Now, if that is not a fair statement I will yield to any Member of the committee who wishes to correct it, as I desire to make an accurate statement so that the Committee of the Whole may judge upon this proposition.

Mr. SMITH of Michigan. Will the gentleman explain how the holder of the bond can follow it through to the land, or could they realize the difference in bonds upon the particular land that they represent? How could you follow it to the land?

Mr. HAWLEY. I can not take up that question, as it has no reference to this particular matter now before the committee. In answer to the difficulty above alleged I have taken the compound-interest tables published by Baker & Vawter, and I find the following facts: That in a period of five years, on a $1,000 mortgage, there will be paid on the face of the mortgage $58.02, and on a $1,000 mortgage taken for a period of 10 years there will be paid $132.07 of the principal sum. Let me restate that. On a mortgage of $1,000, paying an amortization of 1 per cent, or $10 a year, there will be paid at the end of five years, including compound interest on these five annual payments, $58.02. On a $1,000 mortgage, with 10 payments of $10 in a period of 10 years, with compound interest on each of those payments for the period they have to run, there will be paid $132.07. On a million dollars worth of mortgages there would be paid in 10 years $132,070, which is about one-eighth of their face value. Now, the money that comes into the bank from the amortization payments and advance payments can be reinvested at once in other mortgages and can be put to work immediately to earn for the bank returns to meet the payments of interest on the bonds and in the same amount, or practically the same amount, that was being earned previously thereon.

Now, the purpose of my amendment is this: Time is an essential factor in the value of a bond and materially affects its salability. The amendment by the distinguished gentleman from Virginia [Mr. GLASS], the chairman of the committee, contains the provision that the bonds shall run for minimum and maximum periods.

But it also says that they can be called at the end of five years. That means that none of these bonds will ever be sold above par for a longer period than five years. The real strength and value of a bond is evidenced in the premium it commands. I would like the committee to take particular notice of that. If the banks should offer bonds, the market would absorb them at a lower rate of interest than is provided in the face of the bonds; that is, the market would absorb them at a premium. You can not sell them at a premium for any period beyond five years, because when any investor buys the bonds he will have the notice that at the end of five years the bonds may be called, and if time sufficient is not allowed to amortize that premium in the interest paid he will lose it, and no investor will buy bonds at a premium and run the risk of losing a part of that premium.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. HAWLEY. Now, I have some figures on that.

Mr. LEVER. Before the gentleman reads that let me ask the gentleman—and the gentleman has had a great experience in handling of bonds—what effect the period will have on the bonds in the open market?

Mr. HAWLEY. I will answer that immediately, and I thank the gentleman for his question. A 5 per cent bond running for five years before it is to be called, selling at a price of 102.22, would earn 4¼ per cent during that period; but that same bond running for 10 years, earning the same rate of interest during the period, would sell for 103.99, or $17.70 more for each $1,000 bond. A 5-year bond bearing interest on the face of it at 4½ per cent, earning 4 per cent during that period, would sell for 102.25. That same bond running for 10 years, with the same rate of 4½ per cent, to earn 4 per cent would sell for 104.90, or, a $1,000 bond would bring in that same market, selling for 10 years, as against the same bond if it sold for 5 years, $26.50 more. And I could multiply the illustrations without number. Time added to the life of a bond before it can be called materially increases its value.

Mr. KINCHELOE. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. KINCHELOE. If your amendment were to carry, what effect would that have upon the system if an individual borrower wanted to pay his obligation in five years?

Mr. HAWLEY. That would only add whatever he paid to the money in the hands of the Federal land bank, which would take the money and invest in other mortgages. The bank would take new mortgages with the money so paid in.

Mr. MOSS of Indiana. I know the gentleman has given this a great deal of consideration, but is it his opinion that you can in this bill give the farmers the option of paying off their mortgage any time after five years and at the same time deny the bank the privilege of bringing in their bonds within the same period?

Mr. HAWLEY. I would say it was impossible if the bank did not have the opportunity to loan that money out again at once. And undoubtedly the bank will have the opportunity to loan out the amortization and advance payments at once on a satisfactory earning basis. If you make the bonds callable after five years' time, the life of the bond is five years—that is

the term that can be absolutely counted upon—and you make them sell in a market at a disadvantage, and, no matter how good the bond is, you can not take advantage of a favorable market, get a premium, and reduce the rate of interest to the borrower.

Mr. RAGSDALE. In other words, the idea is that the longer the life of the bond——

Mr. HAWLEY. The higher its price and the greater its value.

Mr. RAGSDALE. The lower will be the rate of interest.

Mr. HAWLEY. Yes. The purchaser will pay a premium for it, depending upon the time it is to run, which means that he buys it upon a lower interest-earning basis than that provided on the face of the bond, and this lower rate is the rate of interest he would have bought the bond for on a par basis. It sells for a higher rate, which means that a 10-year bond which sold for 4.50 and earned 4 per cent in that same market could have been sold at par on a 4 per cent basis with a resultant reduction of one-half of 1 per cent in the rate at which the money received could be loaned to borrowers.

Mr. RAGSDALE. Does not the gentleman think that this market would be created that would not be created under the five-year loan? For instance, if the gentleman was trying to make an investment for a State, or a fiduciary investment, for a long period of time, whereas he might not be willing to invest it in a 5-year bond, he would be willing to invest it in a 20-year bond?

Mr. HAWLEY. Certainly the long life of a bond makes it more attractive. I will say to the gentleman frankly if this limit stays at five years it will seriously reduce the opportunity of selling these bonds and deprive them of a large part of their natural market.

Mr. PLATT. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. PLATT. I wanted to ask the gentleman whether it is his experience in buying bonds that the minimum period in which the bonds may be called determines the rate, or is it usual in a bank when the bond may be called in five years to consider it will be called in five years?

Mr. HAWLEY. The period after which a bond may be called and before it becomes due is the optional period. The time at which the issuer of the bond may call it in for payment determines the period after which it will not sell for a premium. In 15 years, in handling millions of bonds, I do not recall an instance where the bondmen of the United States—and we have them from all parts of the country—have ever offered us bonds and expected a premium on them after the beginning of the optional period. So, answering the gentleman's question, it can be said that the minimum period the bonds have to run is a very important factor in determining their value. When a bond is called, or the optional period is reached, it goes to par.

Mr. PHELAN. If what the gentleman says is so, why limit the bonds to 10 years? Why not make them 20 years?

Mr. HAWLEY. For the reason that I stated in the beginning, that I wish to make them as attractive as is consistent with safety. The period can be safely fixed at a 10-year minimum. The gentleman will remember that we had a long, earnest but pleasant discussion in the joint committee on that subject, and I have the highest esteem for the gentleman from Massachusetts. But——

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. HAWLEY. I ask unanimous consent, Mr. Chairman, that I may have five minutes more.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HAWLEY. I do not think I will use the five minutes unless questions are asked.

Mr. LEVER. I would like the gentleman to draw out, for the benefit of the committee, what effect the situation he has described will have on the farm borrower. The gentleman has not made that entirely clear to me, although I think I know what he has in his mind upon it.

Mr. HAWLEY. It will reduce the rate to the borrowers, I will say to the gentleman from South Carolina. Now, if we provide that they are to run for a minimum period of 10 years, they are a better and more desirable bond, will have a wider market, and they will bring a better price than if offered for a minimum period of five years. A 5-year bond in a given market sells for $26.50 lower on each $1,000 than the 10-year bond. A 5-year bond on another basis will sell for $27.10 lower than a 10-year bond for each $1,000. If we make these bonds 10-year bonds, we will take advantage of this condition in the market, we will get our money cheaper, and therefore we can lend it to the farmer cheaper, without endangering the system.

Mr. HELVERING. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. HELVERING. I would like to have the gentleman explain a little more clearly how you can predicate upon a 5-year bond a 10-year redemption on a 5-year mortgage. That is to say, if the mortgage can be paid in 5 years, how can you make it run for 10 years? I would heartily favor the proposition if the gentleman can explain it satisfactorily.

Mr. HAWLEY. The answer to the gentleman's question is that the money received can be immediately reinvested. The whole difficulty of the matter which led the committee of the House to make the minimum 5 years, as against 10 years, as provided in the Senate bill and in the joint committee's bill, is this: The Committee on Banking and Currency think that with the amortization payments coming in and with the advance payments the farmers are authorized to make, and with the face value of the mortgages upon which any bonds are based being correspondingly reduced, the earning power would be similarly reduced. We depend upon the interest earnings of the mortgages to pay the interest on the bonds. If the mortgage earnings are reduced and less interest is collected we do not have money to pay the interest on the bonds. But this difficulty is eliminated for all practical purposes, since the land banks will immediately invest the money so received in new mortgages and receive interest from them to replace the interest lost on amortization and advance payments. One hand will wash the other. As the payments of the principal sums of the mortgages are reduced by these amortization payments, the Federal land banks will call for additional mortgages to be placed behind the bonds.

The whole proposition is this: If the Committee of the Whole House now can see its way clear to the conclusion that the interest on the unpaid principal sum of the mortgages behind any bonds, with the interest on the mortgages they can buy, with the amortization payments and the advance payments will pay the interest on the bonds outstanding—and I think undoubtedly that they will, and I can not conceive of any condition that could arise where it would not be so—then by adding five years to the life of these bonds we can reduce the rate of interest to the borrowers a very appreciable amount. The whole purpose of the bill is to do three things: To get money to loan to the farmers, to make it repayable in amortization payments, and to loan it at the lowest rate of interest consistent with safety.

I would not support any other proposition. My experience in the buying of bonds shows that the bonds must be safe. With a 10-year period they will have a wider market and will sell more readily than five-year bonds under the conditions under which we propose to issue them and collect the money to pay them; and it is perfectly safe to sell them on a 10-year basis.

Moreover, if any land bank desires to reduce the amount of its outstanding bonds at any time it can do so by purchases in the open market. When tens of millions of them are issued, before any can possibly become due many will be returned to the market. In this regard they will have the same history as other bonds. To sum up, we can safely make the minimum period 10 years. That will give the bonds a wider market, make them more attractive, enable us to sell them at a lower rate of interest, and make the rate of interest the farmer borrowers will be asked to pay lower. The bill proposes to get money to loan through the sale of bonds. The system will fail if the bonds do not sell in large quantities. We can not afford to circumscribe the market in which they can be sold. [Applause.]

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. PHELAN. Mr. Chairman, I hope that this amendment will not prevail. I dislike very much to disagree with the gentleman from Oregon.

Mr. GLASS. Mr. Chairman, how much time does the gentleman desire?

Mr. PHELAN. I may get through in five minutes; perhaps not.

Mr. GLASS. I ask unanimous consent, Mr. Chairman, that the debate on this section and amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. MORGAN of Oklahoma. Reserving the right to object, Mr. Chairman, can I have five minutes?

Mr. GLASS. You have just had on that side 10 minutes on that proposition.

Mr. MORGAN of Oklahoma. I shall object unless I have five minutes.

Mr. GLASS. Then I move, Mr. Chairman, that the debate close in 10 minutes.

The CHAIRMAN. The gentleman from Virginia moves that the debate on this section and amendments thereto close in 10 minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. PHELAN. Mr. Chairman, I have great respect for the opinion of the gentleman from Oregon [Mr. HAWLEY], but I wish to call to the attention of the committee a thing we have had to combat with all through this bill, and I say it with the greatest deference and respect to the gentleman: That when a man specializes in a particular thing he is likely to exaggerate the importance of that thing. The gentleman has given attention to bonds. I yield to him in his knowledge of bonds and in what he says about the desirability of getting a long-time bond. I will not dispute that with him. But the important thing to remember is this: That we must have in these banks the money to meet these bonds when they are due, and we must invest the money that the bank has to advantage. The gentleman, I think, has not given important enough consideration to those two things.

Let us see. We issue a bond which can not be called inside of 10 years, and yet right in the same bill we provide that there shall be payment upon the principal every time the installment is due, cutting down the principal. And, perhaps more important that that, we have a provision in the bill whereby the farmer can, after 5 years, pay his entire principal.

Now, what is the bank going to do when it gets its payment of the principal through amortization or gets the principal in full, as the case may be, at the end of five years? What will it do with the money? It can invest it in mortgages, but when it does that it must be sure that those mortgages shall not run for a longer period than the period in which those bonds become due.

In other words, if the bonds are due in 1920, then the bank is absolutely obliged to loan a certain amount of money which it will be certain to get back in 1920. What does that mean? When the farmer comes up and wants to borrow for 35 years, although the bank may have the funds in the possession of the bank, it will say, "We are sorry we can not give you a loan for 35 years, because we have obligations coming due in 10 years, and we have to loan our funds so that we can get the money back and meet those obligations.

Mr. MANN. Will the gentleman yield?

Mr. PHELAN. I will.

Mr. MANN. Is it expected that there will be some market for the bonds where they will be bought and sold?

Mr. PHELAN. Yes; we expect it will have a very wide market.

Mr. MANN. If I have a bond that I want to dispose of, will there be a chance to sell it?

Mr. PHELAN. Yes, indeed.

Mr. MANN. Then what is to prevent the bank from buying its own bond?

Mr. PHELAN. Nothing at all, but here is the disadvantage. If the bank is borrowing money at 4 per cent and invests money at 4 per cent, then the bank is not making any profit. The whole theory of the cooperative plan is that the funds of the bank shall be used to the best advantage so that the farmer will be getting a profit out of the system and not be absolutely obliged to suffer in lack of profits to the bank because the bank is handicapped and tied hand and foot by explicit provisions of the law from investing its money.

Mr. MANN. The gentleman says the farmer may pay in money when no bond comes due, but if the bank can go out and buy on the market, what is the difference?

Mr. PHELAN. I do not quite follow the gentleman.

Mr. MANN. Suppose the farmer pays in some money which the gentleman says ought to be applied to the payment of the bonds, what is to prevent the banks buying the bonds?

Mr. PHELAN. And canceling the bonds? The danger is that they would have to pay a premium, and if we put into effect a provision that will oblige them to pay a premium——

Mr. MANN. If we make a premium on the bonds by lengthening their term, is not that an advantage to the farmer, if you make the bonds so that they sell higher?

Mr. PHELAN. I think it may at times be more of a disadvantage than an advantage.

Mr. MANN. If the bonds sold at a premium when the bank wanted to buy, they would be at a premium when they wanted to sell. They would be engaged in buying and selling bonds all the time.

Mr. PHELAN. It might just happen——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Massachusetts be extended five minutes. Is there objection?

There was no objection.

Mr. PHELAN. The trouble is, it is the bank's demand that may make the premium, and maybe the bank is the only one that will be obliged to pay it. The principle is that if you are going to have the money paid in at a certain time you ought to enable the bank when it gets the principal to call the bonds so as to reduce their indebtedness at the same time. That is the way it is done in the foreign system. They write a bond so that they are enabled when they get the payment of the mortgage principal into the bank to reduce the debt of the bank by paying off bonds of the bank. I do not want to see the hands of the directors of the land banks so tied that they are absolutely obliged to issue bonds and not be able to cancel any of those bonds inside of 10 years. I want to see it so arranged that they can pay off some of the bank's indebtedness, namely, the indebtedness which is brought about by the issuing of the bonds by calling in some of these bonds if that shall be advantageous.

Mr. LEVER. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. LEVER. I wish the gentleman would address himself to the proposition of the gentleman from Oregon [Mr. HAWLEY], that these bonds may be invested in new mortgages for the time being.

Mr. PHELAN. I have already said that if you get any amortization payments, or if you get any large payments of principal, as you are likely to do when the farmer is prosperous, you can, of course, under the amendment offered by the gentleman from Oregon, reinvest the funds, but here is a danger. You are likely to be in a position where, in the reinvestment, you are obliged to reinvest for a limited period in order to have the mortgages come due when the bonds issued come due. In other words, you are likely to find the bank in a position so that it will be obliged to say to the farmer when he comes to borrow for 35 years, "We are sorry we can not give you the funds for that length of time; all we can do is to give you them for 15 years, because we have so many bonds coming due in 15 years."

Mr. MADDEN. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. MADDEN. Why not have the bill provide for the bonds to run 35 years without the right to call them in?

Mr. PHELAN. That would be more dangerous than the proposition of the gentleman from Oregon. If you issue bonds in 1916 making them due in 35 years, that would make them due in 1951. If in 6 years from now large sums of the mortgage principal are paid in, the banks may not be in a position to invest these funds except for such a period as shall return these funds to the banks to meet the bonds when they shall fall due.

Mr. MADDEN. There will be a certain percentage that you can loan, and you can arrange the loans you make to meet the situation.

Mr. PHELAN. Maybe you can and maybe you can not. That is the trouble. Nobody can foresee how the loans are going to be made, what the demands are going to be; nobody can tell in what year there will be a great demand, in what year there will be a moderate demand, in what year there will be a small demand, so that if you tie the hands of the directors of these banks in a way that they are absolutely prohibited, as the amendment would provide, from calling their bonds, you are likely to put the bank in a position where it is going to be limited as to how it is going to loan its money, and that is what I do not want to see done.

Mr. HAWLEY. There will in time be an immense amount of these bonds offered for sale.

Mr. PHELAN. Yes.

Mr. HAWLEY. And the gentleman will agree with me that there will be millions on the market at any time?

Mr. PHELAN. Yes.

Mr. HAWLEY. And from these millions the banks can select such bonds as may suit their purposes.

Mr. PHELAN. Yes.

Mr. HAWLEY. As they approach the period of maturity, the bonds will be running up to the 10-year period all the time, and there will be always on the market available for purchase millions and millions of bonds at par. How could that be otherwise?

Mr. PHELAN. I hope so, but I do not know.

Mr. HAWLEY. They will all go to par after 10 years.

Mr. PHELAN. That is just the trouble. You have to wait that long before this thing gets working, and it is during those 10 years when you are in danger, before the bank can go out and buy them.

Mr. HAWLEY. But only the first 10 years of the history of the institution. Would there possibly be any danger of what the gentleman suggests after that? There will be millions of these bonds at par, because every bond that has reached the age of 10 years goes to par and stays there.

Mr. PHELAN. After 10 years it may be there will not be so much danger; it may be there will not be any danger, but the dangerous period for this whole system is during the first 5 and 10 years of the system.

Mr. HAWLEY. There will be no bonds to buy, coming due within the 10 years.

Mr. PHELAN. That is the time I want to see those banks able to reduce their indebtedness.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. SMITH of Michigan. As I understand it, member banks or national banks that belong to the regional reserve association can purchase these bonds?

Mr. PHELAN. Under the provisions of this bill member banks can; yes.

Mr. SMITH of Michigan. I will ask the gentleman whether or not it would not make them more popular to furnish a short-term bond to those national banks, in order that their funds may be more mobile? They would prefer a five-year bond to a bond of longer period.

Mr. PHELAN. It may work that way. I will state that I yielded to the opinion of the gentleman from Oregon on the question of the advantage of long-time bonds over short-time bonds; but we had some testimony, as perhaps the gentleman will recollect, from people who dealt in bonds, who did not believe that. Personally, I will be frank in stating that I think the gentleman is correct.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment to the amendment of the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 43, noes 69.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

SPECIAL PROVISIONS OF FARM-LOAN BONDS.

SEC. 20. That the form of farm-loan bonds issued under this act shall be prepared by the Federal farm-loan board. The form of farm-loan bonds issued by a Federal land bank shall include, among other provisions, a copy of this section of this act, and a statement that the assets of all the Federal land banks are jointly and severally liable for the payment of each bond, and shall further state the physical basis of such bonds in farm lands, and such other information as may be prescribed by the Federal farm-loan board.

Each bond shall also contain a certificate in the face thereof, signed by the farm-loan commissioner, to the effect that this bond has the approval in form and issue of the Federal farm-loan board and is legal and regular in all respects. It shall be signed by the president of the bank issuing the same and attested by its secretary.

Each land bank shall be held to be bound in all respects by the acts of its president in signing farm-loan bonds, and by the acts of the Federal farm-loan board in authorizing their issue.

There shall appear in the face of each farm-loan bond provided for in this act the statement that such bond is not taxable by National, State, or municipal authority.

Every Federal land bank issuing farm-loan bonds shall be primarily liable therefor, and shall also be liable, upon presentation of farm-loan bond coupons, for interest payments due upon any farm-loan bonds issued by other Federal land banks and remaining unpaid in consequence of the default of such other land banks; and every such bank shall likewise be liable for such portion of the principal of farm-loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed: *Provided*, That such losses, if any, either of interest or of principal, shall be assessed by the Federal farm-loan board against solvent land banks liable therefor in proportion to the amount of farm-loan bonds which each may have outstanding at the time of such assessment.

Every Federal land bank shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on farm-loan bonds as provided in this section.

Mr. HUGHES. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of section 20, amend by adding:

"All farm-loan bonds issued by the Federal land banks shall be deemed the obligation of the United States Government."

Mr. HUGHES. Mr. Chairman, I represent an agricultural district, in which cotton is the money crop, and wherever cotton is the money crop that section is a credit section. The farmers who are cotton growers feel that they are absolutely given a special privilege when they can obtain money at 8 per cent interest for a time no longer than for six months. There are land banking companies loaning money on farm mortgages in my section, in my district, and in my State. They loan this money for from three to five years. In the majority of instances this money is loaned at a straight rate of interest of 8 per cent plus the overhead charges, which means the lawyer's fees, and so forth, and that makes the farmer pay an interest of at least 8½ per cent per annum. Hence, you can readily see the great interest felt by those in the cotton-growing belt of the South who are to-day forced to borrow money. They are anxious that a bill suited to their conditions and their wants, a banking bill of this nature, may pass this House. I wish to give the history of an incident in my own knowledge. I wish to call the attention of my distinguished friend from Michigan [Mr. SMITH], whom I consider one of the best business men in this House, always fair, to this fact. I know a gentleman who owns 1,000 acres of land upon which he has borrowed $5,000. He pays 8 per cent interest on that loan and renews it every three years. I know that that 1,000 acres of land would bring $25,000. I do not know of a single bank in the great State of Georgia which would make a loan of $5,000 on that property at less than 8 per cent and for more than 12 months.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. HUGHES. I will, sir.

Mr. SMITH of Michigan. Would a farmer under such circumstances want to give a mortgage which would compel him to keep the money five years before there was any opportunity to pay?

Mr. HUGHES. I think he would. I think he would be very glad to get a mortgage for five years.

Mr. SMITH of Michigan. Is it not true that a person owning $25,000 worth of real estate, free and clear, could go to New York, Baltimore, Savannah, or any place and get money for less than 8 per cent?

Mr. HUGHES. He can not do it in Georgia from banks on land for five years.

The ultimate successful accomplishment of this bill depends on the validity and market attraction for the land bonds, for these bonds must be sold to obtain the cash to loan on land mortgages.

Every political party has indorsed rural credits. Therefore it is not a partisan but a national question, and if this House fails to pass a bill to meet agriculture banking needs and demands this House will have committed a national injustice and wrong, if not a crime.

This Government stood sponsor for the Federal reserve act, thereby making it the best commercial banking system ever written. It has stood the test and met every emergency, though the very world was on fire. Follow the precedent and have this Government stand sponsor for this rural-credit bill, making it the best rural-credit bill every written.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for five minutes. Is there objection?

Mr. GLASS. Mr. Chairman, reserving the right to object, I would like to get a unanimous agreement to conclude debate on this section and all amendments thereto.

Mr. HAWLEY. I want five minutes.

Mr. GLASS. In 10 minutes—I will say 15 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto close in 15 minutes. Is there objection?

Mr. HAWLEY. Reserving the right to object, does that give gentlemen the opportunity to get five minutes each who want to speak?

Mr. MANN. We want 10 minutes over here.

The CHAIRMAN. The Chair will say he will recognize the gentleman from Georgia and one gentleman on this side and one gentleman on that side.

Mr. MANN. That would shut out the gentleman from Georgia. He has not got the other five minutes yet.

Mr. GLASS. I think gentlemen readily understand the proposition, and I think if we can not reach an agreement on 15 minutes, I shall move to close debate in 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto close in 15 minutes. Is there objection?

Mr. MADDEN. Mr. Chairman, reserving the right to object, do we get 10 minutes over here?

Mr. GLASS. Mr. Chairman, I move that we close debate in 15 minutes on this section and all amendments thereto.

Mr. MANN. Will not the gentleman make that 20 minutes? Mr. Chairman, I move to amend by making it 20 minutes. That lets the gentleman from Georgia have 5 minutes.

The CHAIRMAN. The gentleman from Illinois moves to amend by making it 20 minutes.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 52, noes 68.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. GLASS and Mr. MANN) reported that there were—ayes 67, noes 83.

So the amendment to the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to amend by making it 15 minutes.

Mr. GLASS. That is exactly what my motion was.

Mr. MANN. No; the gentleman's motion was for 10 minutes.

The CHAIRMAN. The Chair was under the impression that the motion of the gentleman was for 10 minutes.

Mr. MANN. It was stated at 10 minutes.

Mr. GLASS. I do not know how the Chair stated it, but I know how I offered it.

Mr. MANN. It was made at 10 minutes, and stated at that.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The gentleman from Georgia.

Mr. MANN. The gentleman from Georgia has had five minutes and his time has not been extended.

Mr. HUGHES. I asked for an extension of time.

Mr. MANN. I know the gentleman asked for it, but he has not obtained it yet.

The CHAIRMAN. The point of order is well taken if the gentleman makes the point of order that the gentleman from Georgia has already spoken on this amendment.

Mr. HUGHES. I have only taken five minutes, and I would be very glad to get an extension of five minutes. I have occupied very little time of this House.

Mr. MANN. If the gentleman has a request to make——

The CHAIRMAN. Does the gentleman from Georgia make any request?

Mr. HUGHES. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. MANN. Reserving the right to object, I desired to have five minutes on this section myself. I shall not object, although courtesy is entirely lacking on the other side of the House. I shall not object to the gentleman from Georgia having five minutes, although he would not vote to give me five minutes.

Mr. GLASS. Mr. Chairman, when I moved to terminate the discussion in 15 minutes, it was distinctly with the view of giving the gentleman from Illinois [Mr. MANN] and the gentleman of the committee from New York [Mr. PLATT] five minutes each, and the gentleman who had requested the extension of his time five minutes. I have not been guilty of discourtesy to the gentleman from Illinois or any other Member of this House. [Applause.]

Mr. MANN. The gentleman from Texas [Mr. HENRY] was asking for five minutes and the Chair stated he was recognizing alternately on the two sides.

Mr. GLASS. I am not saying what the Chair said but what I had in view when I made my motion.

Mr. MANN. The gentleman should carry it out.

Mr. GLASS. The gentleman was accusing me of discourtesy.

Mr. MANN. I did not. I accused that side of the House of discourtesy.

The CHAIRMAN. The gentleman from Georgia [Mr. HUGHES] asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUGHES. Mr. Chairman, in Germany 86 per cent of the farms are worked by the owners. Germany's agricultural policy has brought about this condition. Germany has a rural-credit system made great by Government aid. Had it not been for Germany's agricultural perfection and condition she could not have withstood the allies, for she could not have sustained her army.

Germany can not be starved. Though England's rock wall surrounds her she is defiant, for her agricultural products are abundant. In Great Britain only 50 per cent of the farms are worked by owners. Hence that great nation, with all its money, like a miser locked in a vault with gold which he can not digest, is a dependent nation. She does not rely on her agricultural resources but upon her mighty navy to keep the markets of the sustaining world open to her. Had she to depend on her own agriculture she would starve in 90 days.

In the United States only 64 per cent of the farms are worked by owners of land.

In my own State, Georgia, there are 80,000 white tenants. This is not a healthy agricultural condition. A rural-credit bill should be enacted not alone for the landowner but also for the industrial, economic tenant. In any section where the farms are occupied by owners who work them, you find a prosperous, happy, progressive section, and vice versa. This does not apply alone to Ireland, but to our great Nation, and the same is true everywhere on this earth. I hope this amendment will be adopted. [Applause.]

Mr. PLATT. Mr. Chairman, when the Agricultural appropriation bill was under discussion several weeks ago one of my colleagues from New York [Mr. BENNET] spoke of the fact that New York is first in the production of apples and some other agricultural products. Now, as a matter of fact, New York is one of the greatest agricultural States of this Union, and its Representatives in this House are just as vitally interested in the enactment of rural-credits legislation along right lines as the Representatives of any Western or Southern State, although it is true that our New York State farmers can, as a rule, borrow such money as they need at rates not exceeding and often lower than 6 per cent by mortgaging their farms.

By way of proving my assertion as to the greatness of the great agricultural State of New York let me state to you a few of the agricultural products in which it leads all the States, and let me point out that several of them are vital necessities.

The first is milk and dairy products, perhaps the most vital of all agricultural products—

We can live without corn, wheat, cotton, or silk;
But civilized youngsters can't live without milk.

Next come potatoes, and then apples, in which New York has a long lead over the next State, and then cabbages and sweet corn. Now, with milk, potatoes, apples, cabbages, and sweet corn, we up-State New Yorkers could get along very well; but those prime necessities are not the only agricultural products in which New York leads. Let me enumerate some of the others. New York is not only first in dairy products, potatoes, apples, cabbages, and sweet corn, but also in bush fruits, celery, green peas, in vegetable acreage, in timothy and clover mixed, in miscellaneous tame grasses.

New York is second in the production of onions, in fruits and nuts combined, in grapevines—California first—in cheese factories, in buckwheat, and in total hay and forage crops.

It is third in the number of creameries and in dry, edible beans.

It is fourth in acreage of coarse forage. In alfalfa it does not make a very large showing alongside of Kansas, but New York has a larger acreage of alfalfa than any one of the great agricultural States of Iowa, Ohio, Illinois, Wisconsin, Indiana, or Arkansas.

New York is not often thought of to-day as an important grain-growing State, but it grows more grain than some States that have a reputation for grain. It is fifth in rye, eleventh in wheat, eleventh in oats, and above the average in corn.

I could go on and show that New York is sixth in receipts from poultry and eggs, sixth in value of live-stock products slaughtered on the farm, sixth in colonies of bees, sixth in plums and prunes, but I think I have gone far enough to show that New York stands up with any other State in the Union as an agricultural State. The figures I have quoted are all to be found in the last Agricultural Yearbook recently published.

I may add that of the 43 Representatives of the great State of New York in this House 14 represent districts that are chiefly agricultural. How many agricultural States have more than 14 Representatives here?

New York is vitally interested in this bill, and those who represent that great State are naturally doing all they can to make this a sound, sensible, workable bill.

Mr. HENRY. Mr. Chairman, we are now approaching the conclusion of this bill, and I want to congratulate the committee on the many admirable features it contains. A year ago, when we suggested a separate and independent system for the benefit of agriculture, some gentleman said the enactment of such a law was not possible. But we have a separate and distinct system in this bill, with a Federal farm-loan board to control it. And when we pressed direct Government aid it was answered that such a thing was not to be considered; and yet we have written into this bill a provision that the Government shall place $9,000,000 at the disposal of the farmers for the purpose of taking the capital stock of 12 Federal land banks.

And we go further. On the second day of the proceedings, while considering this bill, the gentleman from South Carolina [Mr. LEVER] offered an amendment, which was adopted. In effect it provides that the Government shall guarantee the payment of the interest on farm-loan bonds. It goes almost far enough, but not quite enough. The gentleman from Georgia has offered an amendment providing that the Government should guarantee the bonds. His amendment is correct. You voted for a provision in the Federal reserve act that guaranteed every Federal reserve note. Why not extend the Government credit in the fullest measure and go a little further than the Lever amendment?

On Saturday I read to this House a report recently issued by the Department of Commerce, to the effect that Canada had passed a rural-credit bill and provided for the issuance of farm-loan bonds. It provided that the Crown should get behind their bonds and guarantee the payment of principal and interest.

Mr. Chairman, I hope gentlemen will be able to see their way clear to go as far as Canada and other countries when they established rural-credit systems. You have done well. You have reduced interest rates to 6 per cent in many sections of this country, and I predict that under the provisions of your act millions of homeless men will be able to come in under its terms and acquire broad acres on which they may establish their homes.

The amendment offered by the gentleman from Oklahoma [Mr. MURRAY] should have been adopted. And yet there are still abundant provisions for taking care of numbers of landless and homeless men. If the interest rate is reduced, if the man without a home is given time to pay for it in a long period of years, extending from 5 to 36 years, as this bill provides, then it is possible for the man without land to go to the Government and get 60 per cent of its valuation and turn it over to the original owner who has the land for sale, and let the seller take a second mortgage on the land. Then every year the second mortgage becomes more valuable, because under the amortization plan the first 60 per cent is being gradually paid off.

So the three things for which we have struggled during our three-year fight are in the measure, to wit, *interest not exceeding 6 per cent, a distinct and separate system for the farmer, and direct Government aid.*

The CHAIRMAN. The time of the gentleman from Texas has expired. There are three minutes remaining.

Mr. MANN rose.

Mr. GLASS. Mr. Chairman, I was going to ask unanimous consent that the gentleman from Illinois should have five minutes if he wants it.

The CHAIRMAN. The gentleman from New York [Mr. PLATT] did not use all of his time, and, without objection, that will be added to the three minutes if the gentleman from Illinois desires it.

There was no objection.

Mr. MANN. I may not want three minutes. I want to ask what this means on page 117 with reference to farm-loan bonds?—

And shall further state the physical basis of such bonds in farm lands.

What do you mean by stating "the physical basis of such bonds in farm lands" on the face of the bond? I yield to any member of the committee to explain it.

Mr. STEPHENS of Texas. What page and line?

Mr. MANN. Page 117, line 18. [Everybody understands.

Mr. GOOD. They are holding a caucus on the subject. [Laughter.]

Mr. MANN. I do not want some mere opinion that some man imagines here. I want the opinion of the man who wrote it or of the men who have considered it.

Mr. MOSS of Indiana. I am not the man, then, to answer the question, but I can tell you what I think it is.

Mr. MANN. Nobody in the House knows what it is. I will not occupy any longer time. [Laughter.]

Mr. HELVERING rose.

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. HELVERING. Mr. Chairman, it is unnecessary to argue along the line that a system of agricultural credits is absolutely necessary if the rural sections of our Nation are to be built up, interest encouraged in farm work, and opportunity given to the tillers of the soil to produce at the minimum cost. Intelligent men everywhere are agreed on the proposition that the interest charged on farm loans is too great a handicap to the borrower, but, while agreed as to the disease, differences of opinion exist as to the particular remedy needed and the one best adapted to meet conditions existing here in America. That legislation is imperatively needed may be taken for granted.

Now, granting the need of rural-credits legislation, which all political parties recognized in the last campaign and indorsed, it behooves us as Representatives of the people, regardless of party allegiance, to carry out our promises by enacting general legislation on this important subject.

The bill now under consideration as a whole is not such a measure as I would propose, nor is it a bill that any individual of this House would recommend in its entirety, but it represents the conclusions reached by the very able committee having in charge this particular legislation and represents their judgment after months of deliberation. I therefore believe that we can accept the bill with such amendments as may seem advisable to incorporate into it during its course of consideration. Of one thing we can rest assured, and that is we will have on our statute books a law which will aid farmers very materially in many sections of our country and which will become operative immediately upon its enactment.

In my particular district the resulting advantages will not be so pronounced as in those sections of the country where interest rates range from 10 to 16 per cent; but, viewing the matter as I do, I plainly predict that there will be a decrease of the interest rate from 40 to 60 per cent in many sections of the United States, and in the very prosperous parts of our country, where land values are high and loan rates average from 5 to 7 per cent, there will be a reduction which will not be so marked, but a reduction with other advantages, such as the long-term loan extending from 5 to 36 years, with the privilege under the amortization plan of paying part of the principal each year; a standardization of farm loans; encouragement of cooperation and self-reliance among the farmers by giving them a uniform rate of interest and the control of their own borrowing facilities.

It was a step in the right direction and very gratifying to me when we adopted the amendment offered by the gentleman from South Carolina [Mr. LEVER] and made it possible for this Government, in times of stress or great financial depression, to come to the assistance of the regional land banks to the amount of $6,000,000. I supported that amendment because, in my opinion, it greatly strengthens the stability of the bonds issued by the different land banks. As has been ably stated on a previous occasion, the bonds issued by this system "serve as the bridge connecting the borrowing farmer on one side of the stream with the investing public on the other side." If these bonds are guaranteed to be absolutely secure, then they will sell more readily and the rate of interest to the farmers will thereby be reduced.

As this bill provides, the rate charged the farmer on his loans is to be gauged by the rate, plus 1 per cent, at which the bonds sold at the last issue. If, however, there is a speculation in the minds of the investing public that during some future years there might occur a drought in some sections of the United States, or other calamity, such as floods, cyclones, hailstorms, or insect pests, then the bond is not looked upon with such favor and would not sell as readily as it should, and, naturally, would not be disposed of at as low a rate of interest; but if back of the bond itself the investor has the assurance that the strong arm of the National Government will come to the rescue of any section so afflicted, then there is no such speculation and indecision. This amendment is a valuable provision to place in this bill, and I hope that the conferees on the part of the House will insist upon retaining it in the bill, because I deem it an essential feature to the success of a rural-credits measure. It can not be doubted that the investor, whether he be one of a large insurance company or a wage earner who desires safe investment, and one that will not fail in an emergency, will look favorably upon farm-loan bonds when he is assured that this bond is safeguarded not only by a mortgage on real estate, the reserves of the farm-land banks, and the joint responsibility of the 11 other land banks of the country, but, above all, and in addition to these securities, he is assured that in event of any dire catastrophe, one not probable but possible, the Federal Government will come to the rescue by depositing in the particular bank so affected $500,000 to take care of the situation.

This is Government aid of the right sort, under Government control, given for the benefit of the agriculturist.

The amendment offered by the gentleman from Indiana [Mr. CULLOP] relative to the interest rate should have been accepted. I realize that on account of the overhead charges the bonds which will be issued during the first few months of the operation of this law will not be as readily salable as they will be when the system is finally running smoothly, but at the same time I believe that the 4 per cent interest rate on the bonds is such as would take care of the situation.

As I called to the attention of the House on January 13 in a speech which I delivered at that time, the average farm profits in the United States are but 5 per cent, and therefore if we are to charge 5 per cent on these bonds, then the farmer's entire profit is consumed in interest without paying any part of the prin-

cipal. Of course, this statement does not apply where the farmers pay from 8 to 16 per cent of their money, but it does apply in sections of the country such as the district I represent.

I trust that you will weigh that statement and fully appreciate its significance. To those who pay from 8 to 16 per cent in interest the passage of the bill proposed by the committee would certainly bring relief. As long as the farms of the country earn only 5 per cent, on the average, the payment of 6 per cent for mortgage loans means ultimate disaster. A higher interest rate would only accelerate the coming of ruin, and any rate in excess of 5 per cent would mean industrial death, either from lingering illness at a rate of 6 per cent or a quick demise brought about by an interest rate in excess of 6 per cent.

I do not wish to convey the impression that it is my intention to oppose a measure such as this when I know it will bring relief to such a large portion of our farming population, but I offer these suggestions and criticisms for the purpose of showing in some particulars wherein I believe the farm-loan bill now under consideration might be improved.

Some of the older Members of the House will remember from experiences, and many of us know, from reading the history of the legislation enacted by this body, the timidity and dubiousness with which they approached legislation providing for Rural Mail Delivery Service in the United States, and the many safeguards they used to surround that measure, which only hampered the service they desired to establish. I have observed efforts to-day which show that same feeling existing in the House, and I freely predict that this timidity and conservatism which is manifest in some quarters will vanish as the dew before the midday sun when the rural-credits measure is finally put into full operation. Amendments will be offered to the law from time to time, after its enactment, which will make it nation-wide in its scope and universal in its advantages and proportionate growth, and proportionate benefits will be enjoyed as in the Rural Mail Service.

Now, gentlemen, the fact of the matter is the legislation of this House for years has been replete with measures and laws designed and enacted for the benefit of the banker, the merchant, the manufacturer, and the wage earner of our country, but this is the first instance, outside of certain homestead acts and amendment of the Sherman law, where the farmers have had first consideration, and the provisions contained in those measures were to a large extent local in their application, and in all fairness we might state that this is the first instance where general legislation is to be enacted solely for the benefit of the agricultural classes.

Therefore I for one believe that we should to a certain extent eliminate ultraconservatism in this connection even to the point of being somewhat lenient in the consideration of rural-credits legislation, especially when our leniency is coupled with and supported by the best security on earth.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. HUGHES].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

APPLICATION OF AMORTIZATION AND INTEREST PAYMENTS.

SEC. 21. That whenever any Federal land bank, or joint-stock land bank, shall receive any interest, amortization, or other payments upon any first mortgage pledged as collateral security for the issue of farm-loan bonds, it shall forthwith notify the farm-loan registrar of the items so received. Said registrar shall forthwith cause such payment to be duly credited upon the mortgage entitled to such credit. Whenever any such mortgage is paid in full, said registrar shall cause the same to be canceled and delivered to the proper land bank, which shall promptly satisfy and discharge the lien of record and transmit such canceled mortgage to the original maker thereof, or his heirs, administrators, executors, or assigns.

Whenever any farm-loan bonds, or coupons or interest payments of such bonds, are due under their terms, they shall be payable at the land bank by which they were issued, in gold or lawful money, and upon payment shall be duly canceled by said bank. At the discretion of the Federal farm-loan board, payment of any farm-loan bond or coupon or interest payment may, however, be authorized to be made at any Federal land bank, any joint-stock land bank, or any other bank, under rules and regulations to be prescribed by the Federal farm-loan board.

When any land bank shall surrender to the proper farm-loan registrar any farm-loan bonds of any series, canceled or uncanceled, said land bank shall be entitled to withdraw first mortgages and bonds pledged as collateral security for any of said series of farm-loan bonds to an amount equal to the farm-loan bonds so surrendered, and it shall be the duty of said registrar to permit and direct the delivery of such mortgages and bonds to such land bank.

Interest payments on hypothecated first mortgages shall be at the disposal of the land bank pledging the same, and shall be available for the payment of coupons and the interest of farm-loan bonds as they become due.

Whenever any bond matures, or the interest on any registered bond is due, or the coupon on any coupon bond matures, and the same shall be presented for payment as provided in this act, the full face value thereof shall be paid to the holder.

Amortization and other payments on the principal of first mortgages held by a farm-loan registrar as collateral security for the issue of farm-loan bonds shall be applied by the Federal land bank or joint-stock land bank receiving the same, as follows:

In the case of a Federal land bank—

(a) To pay off farm-loan bonds issued by said bank as they mature.

(b) To purchase at or below par farm-loan bonds issued by said bank or by any Federal land bank.

(c) To loan on first mortgages on farm lands within the land-bank district, qualified under this act as collateral security for an issue of farm-loan bonds.

(d) To purchase United States Government bonds.

In the case of a joint-stock land bank—

(a) To pay off farm-loan bonds issued by said bank as they mature.

(b) To purchase at or below par farm-loan bonds.

(c) To loan on first mortgages on farm lands within the State in which it has its principal office.

(d) To purchase United States Government bonds.

The farm-loan bonds, first mortgages, Government bonds, or gold, or lawful money shall be forthwith deposited with the farm-loan registrar as substituted collateral security in place of the sums paid on the principal of indorsed mortgages held by him in trust.

[Mr. SAUNDERS addressed the committee. See Appendix.]

Mr. BURNETT. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last two words.

Mr. BURNETT. Mr. Chairman, I rise to speak for a few minutes in regard to the merits of this bill.

Two years ago Congress passed legislation, the Federal reserve act, which originated in this same Committee on Banking and Currency, under the leadership of the gentlemen who have reported this bill, and that act saved the crops of the southern cotton farmers last fall.

Nearly two years ago those of us who were from the South remember the awful conditions that existed among our people when cotton went down to 7 and 6 and 5 cents a pound, and there was no market for it even at that. That condition was charged in my district, and in other districts throughout the South, to the Democratic Party, although every thinking and intelligent man knows that it was the result of war conditions.

Last fall the cotton manufacturers of the United States and of England attempted to beat down the price of the cotton of the South and to get it for a song, but under the authority of the Federal reserve act the President and the Secretary of the Treasury were given a power, which they used at that time, that saved our southern cotton planters without a doubt.

When the cotton manufacturers made the effort to beat down the price of cotton and get it for nothing our President and Secretary of the Treasury said, "No, gentlemen; there will be no distress cotton this year; here is $15,000,000 Government money, and more to follow, if necessary, that will be placed in the national banks of the South with the positive orders that every dollar of it shall be loaned to the southern cotton farmer on his cotton warehouse receipt at a rate of interest not exceeding 6 per cent."

Fifteen million dollars would not have been a drop in the bucket, but the moral effect of it was that the law of supply and demand, which in normal times will control, at once became effective, and those who expected to get 11,000,000 bales of cotton for the price that they got 15,000,000 bales for were disappointed.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BURNETT. Mr. Chairman, I ask for 10 minutes more.

The CHAIRMAN. The gentleman from Alabama requests that his time be extended 10 minutes. Is there objection?

Mr. GLASS. Reserving the right to object, I would like to develop whether there are any amendments to be offered?

Mr. MADDEN. The gentleman from Iowa [Mr. GOOD] wants to discuss a question right after the gentleman from Alabama concludes, for about 10 minutes, and I hope he may be permitted to do that, and that the gentleman from Alabama's request may be granted.

Mr. GLASS. Has the gentleman from Iowa an amendment to offer?

Mr. MADDEN. No; he wants to speak on the general situation.

Mr. GLASS. Would it be agreeable for the gentleman to talk a little later after we get past this section?

Mr. MADDEN. No; he wants to discuss a question following the gentleman from Alabama.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto be closed in 20 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, as I was about to say, when it was ascertained that the man with two or three bales of

cotton was not to be forced to put it on the market at a sacrifice, those interested in the manufacture of cotton at once began to bid up, and cotton went from 9 to 10, 11, 12, and even 13 cents a pound, and for the first time in the history of this country the man who raised a bale of cotton received $80 or $90 for it and the seed that came out of it.

Mr. HENRY. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. HENRY. Does not the gentleman think if we had passed a bill in 1914 we would have saved the price of that crop on that year?

Mr. BURNETT. I think so, and I voted for the Henry bill on that idea. The Federal reserve bill accomplished in part what the Henry bill was intended to do. I believe that my friends from the West are too pessimistic when they say that the farmers in this part of the country will get no benefit from the pending bill. The fact that they have low rates of interest already is good, but when you take into consideration the long time that the loans under this bill are to run I believe it will be beneficial to every section of the country where a farmer wants to borrow money.

The fact that he can get money at a low rate of interest for a long time for the purpose of buying or improving his farm will, in my judgment, bring about a new era among the farmers, especially in my part of the country. It is a redemption of the pledge which the Democratic Party made in its platform at Baltimore three years ago for rural credits. When this is consummated, as I hope it may be, although it does not go as far as I would like to have it, it is going to give great relief to the farmers of the South, and, I believe, of the West also. It will place farmers on an economic basis and an equality with the manufacturing interests of the country that can borrow cheap money.

The Federal reserve act that I have referred to took a considerable time to be made effective and for the organization of the great system for which it provided, and hence could not be made available to save the cotton crop of 1914. When it did become effective, it became the salvation of the southern farmer and proved the Democratic Party to be his friend as no other party had ever been. In fact the Republican Party, especially those Members from New England who wanted their constituents to get cheap cotton, opposed every measure looking to the payment of a fair price for our great southern staple. I heard one of the Republican leaders on this floor two years ago denounce the Farmers' Union of the South as a great trust and oppose a bill, the Henry bill, I believe, which looked to their relief. The difference between the Republican and the Democratic Parties is that the former is sectional and lives for the upbuilding of the special interests of the country, while the hand of the Democratic Party is always held out for the relief of the man that toils.

When we gained the House of Representatives four years ago we passed a parcel-post bill that has proven a benediction not only to the farmers but to the working people of the whole country. Although the Republican Party had the Senate and President at that time, does anyone believe the express companies would have permitted them to give us a parcel-post law if the Democratic House had not forced them to do so?

We also passed the Underwood tariff bill, with the income-tax provision, which compelled those whose great fortunes had been built up by an oppressive tariff system to contribute to the expense of maintaining a Government which had thus enriched them. Would this law have ever been passed over the protest of the captains of industry if the Democratic Party had not gained control of the Government? Our party gave the country the Federal Reserve Banking System, the greatest piece of constructive legislation of the twentieth century.

We are now about to enact this rural-credits bill, another masterpiece of statesmanship which never would have seen the light of day under the party of Taft and Roosevelt and CANNON. Many other wise laws could be mentioned that have gone on the statute books within the three brief years of Democratic control. True, some Republicans have joined the procession and have shouted, "See what we have done"; but who is so credulous as to believe that one of these laws would now be on the books if the party of special interests had continued in control?

The platforms of that party had often made paper pledges of relief to those who by the sweat of their face earned their daily bread, but when the people trusted them again and again they were too busy paying their party obligations to those who furnished the campaign boodle to even give a thought to the "folks back home."

They now clamor for a return to power, but can the silent voter ever trust them again? If so, what assurance have we that they will not obey the behest of their money masters, and repeal all these wise laws that a Democratic Congress has placed on the statute books of our country?

What guaranty have we that the usurer will not force them to destroy the Federal Reserve System? How can we know that they will not repeal the parcel-post law, the rural-credits law, and the scores of other good laws that we have passed for the laborer? Their record of 16 years of oppression is an assurance that they would again load the backs of the laborer with burdens grievous to be borne. The American people can not again intrust power to those whose history is one of the application of the whip to the backs of the weak and the oppressed. They are willing to promise anything to those who so long bowed their necks beneath the yoke of wrong and of tyranny. They again howl for the fleshpots of loot and plunder, but their promises have too often been broken. They can not and will not again be trusted. Their hand is that of Esau, though they may try to disguise it with the voice of a Jacob. They have been weighed in the balance and found wanting. By their fruits we know them.

I come fresh from the homes of the farmers, who have prayed long for some measure of relief like that furnished by this rural-credits bill, and know that they do not want to change an administration and a Congress that for three years have kept the country at peace, and the bow of prosperity hanging in our skies, for one which may plunge the Nation into war with all that war means and brings, and may again restore the rule of the tyrant and the scepter of the man on horseback. [Applause.]

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] asks to proceed for 10 minutes. Is there objection?

There was no objection.

THE UNREDEEMED DEMOCRATIC PLEDGE.

Mr. GOOD. Mr. Chairman, if this measure has the virtue of being on a good subject, it has the vice of a great many Democratic measures of providing a lot of useless positions for deserving Democrats. [Laughter and applause on the Republican side.] I realize how futile it is to remind a Democratic Congress of its promises for economy. During the past few months, if anyone on this side of the House ventured to admonish Democrats to redeem their platform pledges for an economical administration, such person was either ridiculed by the Democratic side of the House or pointed out as a humorist. To-day apparently no one on either side of this Chamber regards the Democratic platform as containing a single pledge redeemed or made with any intention of its being redeemed.

FAILURE GENERALLY RECOGNIZED.

The failure of the Democratic Party to live up to its platform declarations is so universally recognized that it is with some hesitation that I venture to remind you again of your broken promises, your unredeemed pledges, and your disregarded party declarations, for you must remember that many of you hold your seats in this House through your advocacy of your party's platform. But now when your attention is called to your utter failure to redeem these pledges you assume an attitude and expression akin to that of a person arraigned before a court of justice charged with being the recipient of stolen goods.

A COSTLY JOKE.

Having just appropriated $40,000,000 of the people's money as "pork" in the rivers and harbors bill, being on the verge of appropriating forty-five millions more to reclaim and make valuable 16,000,000 acres of worthless overflown lands in the lower Mississippi Valley, largely owned by a few private land speculators, and now considering a bill designed chiefly to create fat jobs for "deserving" Democrats at large public expense, I venture to remind you Democrats that the people of the United States took you seriously when they voted for you for Congress. You seem now to regard it as a joke.

THE PLEDGE itself.

One of the planks of the last Democratic platform is as follows:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

"USELESS OFFICES" INCREASED, NOT DECREASED.

Mr. Chairman, I desire especially to call attention to that part in which a demand is made for "a reduction in the number of useless offices, the salaries of which drain the substance of the people." In the campaign of 1912, those of you who were elected on that platform, and many others, waxed eloquent in denouncing the Republican administration, because it had made taxes high through wholesale increases in the number of use-

less offices. You promised to abolish these "useless offices, the salaries of which drain the substance of the people." Have you done it? No. Do you intend to do it? No. On the contrary, you have increased the number of "useless offices," and you are still doing it. [Applause on the Republican side.]

WHAT DEMOCRATS CALLED REPUBLICAN EXTRAVAGANCE.

Let us see what the Republican Party did for which you so roundly denounced it and what you have done to correct the evils of which you then complained. In all of the appropriation bills for 1911, the last year the Republican Party was in full control of the executive and legislative branches of the Government, there were 4,050 net increases in the number of specific positions in every branch of the Government, with salaries aggregating $4,958,236.72. In the appropriation bills for that year there were additional lump-sum appropriations for new positions aggregating $4,383,755.98. This was the crime that the Republican Party had committed, which was so vehemently denounced in the Democratic platform. Let us now examine the remedy you have applied.

A DEMOCRATIC EXAMPLE OF REAL EXTRAVAGANCE.

Since March 4, 1913, you have been in complete control of the legislative and executive branches of the Government. You have been given a free hand to correct every abuse of which you complained. It has been within your power, and your power alone, to abolish the useless offices against which you railed in 1912, the salaries of which you said "drain the substance of the people." I find that in the appropriation bills for 1913, 1914, and 1915, instead of a reduction in the specific positions, as promised in your platform, you have increased the number by 17,428, carrying additional appropriations aggregating $20,442,979.16. But this is not all. In the same appropriation bills you made lump-sum appropriations for the salaries of persons other than those specified amounting to $15,830,401.53. In other words, while your platform stated there were too many persons employed in the Government service, and you promised to reduce the number and decrease the appropriations, during the first three years you added more than 30,000 to the number of Government employees, and you are now appropriating for the salaries of these new additional positions $36,273,380.69 more every year than was ever appropriated by the Republican administration which you so boldly denounced. These figures in every case are the net increases, and are arrived at by deducting from the grand total of increases all positions that were abolished.

NEW JOBS FOR DEMOCRATS.

But the end is not yet. Every appropriation bill considered at this session provides for numerous new jobs. Take the legislative, executive, and judicial bill recently enacted. In that bill we appropriated $941,494.44 for new positions. So, too, in practically every bill that Congress has considered numerous new jobs are provided for Democrats. I say they are for Democrats, because in practically all of this new legislation these positions are to be filled outside of the civil service. Once Democrats are appointed to these positions they will then be covered into the civil service by an Executive order, as was the army of income-tax clerks and collectors.

If it was a crime amounting almost to grand larceny for a Republican administration to expend in 1911, $976,742,000 for all purposes, how will Democrats characterize their own extravagant expenditures of $1,116,000,000 in 1915?

PERFORMANCE V. PROMISE.

I offer these observations that we may contrast Democratic performance with Democratic promise. Yes, we added 4,050 new specific positions in 1911. Your platform denounced them as useless, yet you have retained them all and added 17,428 more, making 21,478 specific "useless" positions. Yes, we paid, all told, for salaries for new positions, specific and otherwise, in 1911, $9,431,992.70. You paid the same sum, and $36,273,380.69 more, or $45,615,373.39, in salaries for alleged "useless offices, the salaries of which drain the substance of the people."

Oh, denunciation was so easy then, but to economize is equally difficult now, with so many thousand Democrats demanding jobs. Saving the people's money and relieving them from the heavy burdens of taxation were promises easily exacted and freely made before you got in, but how different now! Now you seem to be working overtime to accomplish two things: First, to create new offices for hungry Democrats; and second, to find new objects on which to lay the heavy hand of taxation to pay the salaries of the offices you so freely create.

WHAT A RECORD!

Elevated to power on a platform of retrenchment in appropriations and economy in Government expenditure, this Democratic Congress will go down in history as the most profligate in its waste, the most extravagant in its expenditure of public funds, the most inefficient in administration, and the most oppressive in the taxes it collects from all our people.

I quote the following from the Washington Bulletin of May 13, which may throw some light on the need of this increased force:

Secretary of State Lansing is fishing down at Bryans Point, Md. Secretary of Commerce Redfield is with Lansing. Secretary of the Navy Daniels is with Redfield.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. I ask for one minute more.

Mr. GLASS. I object. I give notice now that I am not going to give consent for any more partisan remarks. Members must confine themselves to the merits of this bill.

Mr. CULLOP. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 121, at the end of line 22, insert:

"*Provided*, That in all legal proceedings instituted under the provisions of this act the courts of the various States shall have concurrent jurisdiction with the Federal courts."

Mr. CULLOP. Mr. Chairman, at the end of four minutes I desire to be notified, so that I can yield to the gentleman from South Carolina [Mr. BYRNES].

Mr. Chairman, I think this amendment ought to be adopted in the interest of an economical administration of this law. I believe it to be a good law, a law that is workable, and that good results will follow from its enactment; but unless some provision of this kind is placed in the bill, whenever legal proceedings are instituted the Federal official having charge of the same will most surely go to the Federal court, and that will become very expensive on the citizen. We all know litigation in the Federal courts is far more expensive to litigants than it is in the State courts. For instance, if a mortgage has to be foreclosed, as doubtless under the operation of this act mortgages will be foreclosed, the litigation should be conducted in the county where the land is situated; but if the suit is brought in the Federal court, it may be 200 miles distant from where the land is situated. That will add costs, which will exhaust much of the equity of redemption, or a large portion of it, and become a burden to the debtor. The suit could just as well be conducted in the State court, where the expenses would not be so large, and of better convenience to the parties, and where the debtor would get the advantages which would result from the suit being conducted in the State court near where the property is situated. It may be claimed that the State courts do have jurisdiction, but unless there is some provision in the bill it will become the practice of the officer having charge of the suits to bring them in the Federal court as a matter of convenience to himself, when, in fact, they ought to be brought where they would be of more convenience to the defendant in the suit, and where the expenses would be less, where they would have a better opportunity to save his farm or to get as much out of the equity of redemption as possible.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. SMITH of Michigan. I would like to inquire whether or not the State courts have not now concurrent jurisdiction to foreclose these mortgages.

Mr. CULLOP. Oh, they may have, but if any person makes application to remove the cause on the ground of this being a Federal law, the cause will be promptly removed from the State court to the Federal court, and if there is something in the bill lodging the jurisdiction in the State court, then we will obviate that and save both time and expense to the parties. It is the policy of the law to have all questions settled in the State courts which can be done properly there, and in this character of litigation we should fix the jurisdiction in the State courts, so that there would be no dispute about this matter, and give the benefit of the saving to the debtor, the person we are attempting to assist by passing this measure. It is, in my judgment, the proper thing to do, and I hope the amendment will be adopted. I believe this a great measure which will bring relief to many who are now paying high rates of interest and toiling to relieve themselves from the burden of debt, and for that reason I want to see the measure so framed that it will be as favorable as possible to those in whose benefit it is being enacted.

I do not share in the sentiment expressed by many that it will be of no assistance to the struggling masses who are trying to secure a home where they can live and accumulate property. To all such it will prove a blessing and enable them to live happier and enjoy the fruits of their labor and the reward of their frugality.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. CULLOP) there were—ayes 32, noes 51.

So the amendment was rejected.

The Clerk read as follows:

RESERVES AND DIVIDENDS OF LAND BANKS.

SEC. 22. That every Federal land bank and every joint-stock land bank, shall semiannually carry to reserve account 25 per cent of its net earnings until said reserve account shall show an aggregate balance equal to 20 per cent of the outstanding capital stock of said land bank. Whenever said reserve shall have been impaired said balance of 20 per cent shall be fully restored before any dividends are paid. After said reserve has reached the sum of 20 per cent of the outstanding capital stock, 5 per cent of the net earnings shall be annually added thereto. For the period of two years from the date when any default occurs in the payment of the interest, amortization installments, or principal on any first mortgage by both mortgagor and indorser, the amount so defaulted shall be carried to a suspense account, and at the end of the two-year period specified, unless collected, shall be debited to reserve account.

Every Federal land bank shall maintain a special reserve fund. Such fund shall be created by deducting from the subscription which is made to the capital of the land bank on account of every amortized mortgage loan a sum equal to 5 per cent of the annual interest income on the face of such loan until the said special reserve fund shall amount to the maximum sum of $150,000.

Each Federal land bank shall supply, as far as practicable from this special reserve fund, all payments of interest and amortization installments on all mortgage loans where defaults are carried to suspense account as provided in this section.

No national farm-loan association shall be declared insolvent by the Federal farm-loan board during the period in which all the installments of interest and amortization on its indorsed mortgage loans are fully paid from this special reserve fund: *Provided*, That payments from such special reserve fund shall not be made on any one loan for a longer period than two years. The special reserve fund provided in this section shall be used for no purpose other than to make such payments as are herein specifically authorized, and when recovery is made by any land bank of any moneys paid from its special reserve fund, the total amount of said moneys so recovered shall be paid into the special reserve fund. If the full amount is not recovered and it is debited to reserve as provided in this section, full reimbursement to the special reserve fund shall be made from the fund so debited.

After deducting the 25 per cent or the 5 per cent hereinbefore directed to be deducted for credit to reserve account, any land bank shall declare a dividend to shareholders of the whole or any part of the balance of its net earnings.

Mr. MONDELL. Mr. Chairman, with much of mental reservation and with many misgivings as to the final outcome, I shall vote for this legislation.

I desire to support legislation intended or proposed to establish a system of farm loans under Federal supervision and assistance, and as this bill attempts to do that I support it. I very greatly fear, however, that the cumbersome plan of organization and administration provided will not work well anywhere, and I have grave doubts whether it will work at all where a system of rural credits is most needed.

I do not make these observations in a spirit of captious criticisms, because I realize the very great difficulty of establishing a Federal system of land banks and rural credits over as wide an area as ours with but little experience to guide us. I even more profoundly realize the difficulties the committee had to face in reconciling radical differences of opinion.

It does seem to me, however, that the committee might have worked out a system much less complicated and cumbersome and one which would not have required so much effort in the way of organization to get under way.

The farmers and ranchmen of the country in which I live and the State which I have the honor to represent on the floor certainly need relief from high interest charges. Not only are interest rates high with us, but frequently it has been difficult to secure farm loans extending over a reasonable length of time at any tolerable rate. In common with all new and growing countries, we have suffered from the lack of capital seeking investment. What little capital has been available has mostly sought short-term investment at high rates.

In this state of affairs almost anything that promises relief is welcome, even though the promise be as indefinite and uncertain as that held out by this bill. I am accepting the legislation not so much for what it contains as for what it promises. I am for it in the hope that as experience proves the faults of its provisions we may secure amendments which will remedy those faults and enable us to work out a practical and useful system of farm credits.

[Mr. DICKINSON addressed the committee. See Appendix.]

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto conclude in five minutes.

The CHAIRMAN. Is there objection?

Mr. SLOAN. Mr. Chairman, I would like to have five minutes.

Mr. GLASS. Make it 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Amendment by Mr. MORGAN of Oklahoma: Page 122, line 1, strike out the word "twenty-five" and insert the word "fifty," and in line 3 strike out the word "twenty" and insert the word "fifty."

Mr. MORGAN of Oklahoma. Mr. Chairman, the amendment which I have offered applies to section 22 of the bill, which in part is as follows:

SEC. 22. That every Federal land bank and every joint-stock bank shall semiannually carry to reserve account 25 per cent of its net earnings until said reserve account shall show an aggregate balance equal to 20 per cent of the outstanding capital stock of said land bank.

The effect of my amendment would be to require Federal land banks and joint-stock banks to set aside 50 per cent of the net earnings until reserve account should equal 50 per cent of the capital of the bank. The amendment I have offered does not express my view of what should be the reserve of these banks, but I have presented it to indicate that the provisions in this bill relative to the reserve account are, in my judgment, not what they should be. In the first place, these banks under the foregoing provisions will have no reserves whatever unless these banks shall have net earnings or profits. This is, in the first place, no certainty as to when these banks will have any net earnings or profits. In the second place, it is only a matter of conjecture as to what these net earnings or profits will be. In other words, the amount of reserves these banks will have under the foregoing provisions is all a matter of doubt, conjecture, and uncertainty. So far as I am concerned, I believe that all profits and earnings of these land banks should be placed in the reserve until an adequate reserve for each bank has been provided. I do not believe any land bank should be permitted to do business without an ample reserve account from the start, and especially I do not think dividends should be paid at all until an adequate reserve has been accumulated. This applies, I think, where borrowers are stockholders as well as in joint-stock land banks, where nonborrowers are the stockholders. Now, I want to discuss the provisions of the committee bill relating to the accumulation of reserve accounts.

The committee bill contains three provisions relative to reserves. These are:

First. Section 22 requires that 25 per cent of the net earnings of every Federal land bank shall be carried to the reserve account until such account shall show an aggregate balance equal to 20 per cent of the outstanding capital stock of said bank.

Second. The same section requires every Federal land bank to maintain a special reserve fund which shall be created by deducting from the subscription which is made to the capital of the bank on account of amortized mortgage loan a sum equal to 5 per cent of the annual interest income on the face of such loan until the said special reserve fund shall amount to the maximum sum of $150,000.

Third. There is a provision in section 6 of the committee bill which may be regarded as providing for a reserve fund. This provision requires that "at least 20 per cent of the capital stock of any Federal farm-land bank which is paid in by national farm-loan associations shall consist of cash in the vault of said land bank or deposits in member banks of the Federal Reserve System or of investment in negotiable interest-bearing securities approved by the Federal farm-loan board: *Provided*, That not less than 5 per cent of such capital stock shall be invested in bonds of the United States."

As the $750,000 original capital to each Federal land bank is to be automatically retired, we may for the purpose of this argument regard the capital of each Federal land bank as being equal to 5 per cent of the amount of loans and also equal to 5 per cent of the amount of bonds outstanding. Under subdivision 1, above quoted, 25 per cent of the net profits are to be carried to the reserves until they equal 20 per cent of the capital. The capital will be equal to 5 per cent of the loans or bonds and the reserves are to be 20 per cent of the capital. Twenty per cent of 5 per cent is equal to 1 per cent. So under this provision the reserve would be 1 per cent of the loans. This reserve, however, is entirely uncertain and indefinite as to any particular time. There is no way of telling just when there will be any net profit. It is still more difficult to make any safe prediction as to just when 25 per cent of the net profits will equal 20 per

cent of the capital. It must be borne in mind that losses must be paid out of the reserves and that defaults in interest and other annual payments of borrowers must be met from the reserves. With the uncertainty as to when there may be profits and how large the profits may be there is also the uncertainty as to what may be the annual demand upon the reserve fund to meet defaults of borrowers in annual interest payments or other losses which the bank may sustain. But, assuming that within a reasonable time the Federal land banks through this provision will secure the maximum reserve required by this provision, there would be only a reserve of 1 per cent of the outstanding bonds.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. WINGO. I am sure the gentleman wants to be correct. He has overlooked the provision that after the 20 per cent reserve is attained then they shall take 5 per cent of their earnings each year. There is no limitation at all as to what the reserves shall be under that.

Mr. MORGAN of Oklahoma. It is true that there is a provision that thereafter 5 per cent of the net profits shall be carried to the general reserve; but this amount will be so small that it will not materially add to the amount of the reserve.

Under the second provision, above quoted, there would be a special reserve of $150,000. This would be taken from the capital subscribed to each Federal land bank by the farm-loan associations on account of loans made to members of this association. This is to be "a sum equal to 5 per cent of the annual interest income on the face" of each loan. Assuming that the loan would bear 5 per cent annual interest, the amount set aside on each loan for this special reserve would be 5 per cent of 5 per cent, which would equal one-fourth of 1 per cent of the face of the loan. In case of a $1,000 loan the annual interest charge would be $50. There would be set aside as a special reserve 5 per cent of this $50, or $2.50, which is one-fourth of 1 per cent of the $1,000, the face of the loan. It is a matter of great uncertainty as to how soon $150,000 special reserve would be accumulated under this provision. But even if no part of this special reserve was used to meet defaults and interest payments, the maximum special reserve of $150,000 would not be secured until loans had been made by the Federal land bank to the amount of $60,000,000. This is reached as follows: Five per cent of $60,000,000 is $3,000,000, which is the annual interest at 5 per cent on $60,000,000 in loans. Now, the reserve is to be 5 per cent of the annual interest charge on each amortized loan, and 5 per cent of $3,000,000 would make $150,000. There would, therefore, be $60,000,000 in outstanding loans and likewise in outstanding bonds at the time the special reserve would reach $150,000, assuming, of course, that up to that time no deduction would be made from the $150,000 to meet defaults in interest or losses of the bank.

Now, the third subdivision, above referred to, as found in section 6, requires that 20 per cent of the capital stock of any Federal land bank subscribed by farm-loan associations shall consist of cash in the vaults in said land bank or deposits in member banks of the Federal Reserve System, or of investments in negotiable interest-bearing securities. While this is not called a reserve, it may be regarded as such. The capital of each Federal land bank as coming from the association would be equal to 5 per cent of the face of the loan. Twenty per cent of 5 per cent equals 1 per cent; so that under this provision there would be held as reserve in cash or in negotiable interest-bearing securities an amount equal to 1 per cent of the loans or also 1 per cent of the outstanding bonds.

The general reserve at best would be but 1 per cent of the outstanding bonds. Under the provision requiring 20 per cent of the capital stock subscribed by associations to be kept as reserves, in cash or securities, there would be a reserve equal to 1 per cent of the outstanding bonds. Under the third provision, requiring a special reserve fund of $150,000, assuming that the interest rate would be 5 per cent per annum, the reserve would be equal to one-fourth of 1 per cent of the face of the total loans or of the outstanding bonds. The total reserve provided for in all three of these provisions is therefore only 2¼ per cent of the outstanding bonds. It must be borne in mind also that this calculation is made upon the assumption that in the years through which this reserve is accumulated there will be no losses or defaults in interest payments to reduce the amount of reserves. However, it is an absolute certainty that there will be defaults in interest payments, and that these defaults must be met by charges against the reserve fund. It is absolutely certain that if this bill becomes a law, with the existing reserve provision there never would be a time in the history of any Federal land bank when it would have a reserve equal to 2¼ per cent of its outstanding bonds.

RESERVES OF JOINT-STOCK BANKS.

There is only one provision in the committee bill relating to the reserves of joint-stock land banks. This is in section 22, which requires joint-stock land banks—

Semiannually to carry to reserve account 25 per cent of its net earnings until said reserve account shall show an aggregate balance equal to 20 per cent of the outstanding capital stock of said land bank.

Thereafter 5 per cent of the net earnings shall be added to the reserve account. It is wholly a matter of conjecture as to when any joint-stock bank would have any net profits, and it is further a matter of conjecture as to when 25 per cent of the net profits of any joint-stock land bank would amount to 20 per cent of the capital. It should be further borne in mind that under this reserve provision both the Federal land banks and the joint-stock land banks will have varying reserves. That is to say, no two banks will have the same reserve at any one time. One bank may have the maximum reserve required by law and another bank may be absolutely without any reserve. Thus the plan presented in the committee bill for establishing reserves is very unsatisfactory.

Assuming, however, that a joint-stock bank would sooner or later have a reserve equal to 20 per cent of its capital stock, a joint-stock bank with a minimum capital stock of $250,000 would have a reserve of $50,000. Assuming that the bank at the same time issued the maximum amount of bonds allowed, or had issued bonds equal to fifteen times its capital stock, it would have outstanding in bonds $3,750,000. With this amount of bonds and with a reserve of $50,000, the total reserve would be only 1⅓ per cent of the total amount of bonds issued. But necessarily it must be a matter of conjecture as to when any joint-stock bank will have even the reserve as provided in the bill.

I therefore assert that under the provisions of the committee bill neither the Federal land banks nor the joint-stock land banks are required to maintain a reserve adequate to meet possible losses or sufficient to give confidence to investors. In other words, the reserves required of these banks, which in the case of the Federal land banks could not be to exceed 2¼ per cent of the outstanding bonds, and in the case of the joint-stock land banks would not exceed 1⅓ of the amount of outstanding bonds, are insufficient to give these institutions that safety and security necessary, so that the farmers should have the credit to which they are entitled.

Mr. MOSS of Indiana. The gentleman understands that the bond issue for joint-stock banks is limited to 1 to 15?

Mr. MORGAN of Oklahoma. I understand that, but that is not the question. The object and purpose of the reserve is to meet default. Even though the bonds are limited to fifteen times the capital, this does not make an ample reserve unnecessary. Losses and defaults are inevitable. They can not be met out of the capital, without its impairment. Even if the bond issue were limited to ten times the capital, still a reserve would be necessary.

RESERVES REQUIRED OF EUROPEAN INSTITUTIONS.

The reserves required of Federal land banks and joint-stock banks under the provisions of the committee bill are not so large in amount as are required by European land-credits institutions. It will be helpful to refer to the reserves of some important European land-credits institutions.

The capital of the Crédit Foncier of France was originally designated as a "guaranty fund," and is still largely invested to make it such. In addition it is required to set aside from 5 to 20 per cent of its net annual earnings as an obligatory reserve until the reserve amounts to a sum equal to one-half the capital stock of the bank. The Prussian Central Land Credit Joint-Stock Co., one of the greatest mortgage-credit companies in existence, with a capital stock of $10,656,000, in 1911 had a reserve fund equal to 39.2 per cent of its capital stock. The Prussian Provincial-Aid Banks are required to place the net profits into the reserve account until it equals 5 per cent of the outstanding bonds. The capital stock of the Bavarian Mortgage and Exchange Bank of Germany, a joint-stock profit-sharing company, in 1911 amounted to $14,580,000, and its reserves amounted to $13,952,637. In other words, the reserves were almost equal to the capital stock, or 96.6 per cent thereof. The reserves of the Bavarian Union Bank at the same date amounted to 40 per cent of its capital. The capital of the Bavarian Agricultural Bank in 1911 was $1,025,970 and its reserves were $272,145, or over 26 per cent of its capital. The capital of the 46 Noko Ginko Banks of Japan in 1912 amounted to $17,166,000, their outstanding loans were $47,560,000, and their reserves were $4,551,076. Their total reserves were over 26 per cent of their aggregate capital and over 9.8 per cent of the total outstanding loans. The savings banks in Italy are

required, if they have capital stock, to set aside one-fourth of the net earnings as a reserve fund; and if they have no capital stock the reserves must accumulate until they, with the guaranty fund, equal 10 per cent of the debentures in circulation.

The 9 land-improvement annuity banks and the 11 provincial-aid banks of Germany are required to put all profits in the reserve fund until it equals 5 per cent of the outstanding debentures.

The reserves of the National Land-Credit Institute for Small Landowners of Hungary at the end of 1912 amounted to $3,756,585, with loans about $54,390,000. The reserves were over 6.1 per cent of outstanding loans.

The minister of agriculture of Austria, in a statement referring to the reserve funds required of the Provincial Mortgage Institute of Lower Austria (S. Doc. 214, 63d Cong., p. 190), says:

The institution is required, both as regards mortgages and communal loans, to create a reserve of 5 per cent on the value of every debenture or communal bond issued to cover losses which may occur in its transactions.

In a statement issued by the Royal Hungarian Department of Agriculture, Senate Document 214, Sixty-third Congress, page 131, referring to the reserves required of mortgage-credit institutions of Austria, it is said:

For the securing of the mortgage bonds, a special reserve fund (to be managed separately) must be created, which fund must represent at least 5 per cent of the value of the mortgage bonds issued and must in any case amount to at least 400,000 crowns ($80,000).

The Hungarian Land Credit Institution has some unusual provisions, constituting the reserve, or guaranty fund to secure the payment of its debentures. In addition to the capital and the mortgages, this institution has a "mortgage-bond insurance fund," equal to 5 per cent of the outstanding bonds, a reserve fund, and a "mutual solidarity fund" equal to 1 per cent of the face of each loan. A statement relative thereto, made by Count Hoyos, a director of the institution, as shown in Senate Document 214, Sixty-third Congress, page 156, is as follows:

The mortgage bonds are secured (1) by the mortgaged property itself; (2) by the capital of the institution; (3) by the mortgage-bond insurance fund—5 per cent of the bonds outstanding; (4) by the reserve fund; (5) by the mutual solidarity fund of the members of the institution. For this latter purpose every one who receives a loan has 1 per cent deducted from the loan, which is deposited in the mutual solidarity fund. In case of losses this money must be called in first to replace them. After 63 years—that is to say, at the end of the loan—it is returned to the borrower.

Baron von Gutstadl, a director of the Landschaft of the Province of Saxony, Germany, referring to the amount of reserve fund of the association (S. Doc. 214, 63d Cong., p. 364), says:

The Landschaft has no desire to earn money; it has no use for earnings except to pay running expenses. No dividends are paid, for there are no shares and no dividend profits. However, a surplus is accumulated and placed to the credit of the Landschaft until the fund reaches 5 per cent of the outstanding obligations of the association.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will.

Mr. SMITH of Michigan. If the capital of the bank is in mortgages and they can immediately change those mortgages into bonds and sell the bonds, why is that not mobile?

Mr. MORGAN of Oklahoma. There is the "if" in the way. In the time of stress, in the time of panic, in the time of danger a bank might not be able to cash its mortgages or its bonds. I believe the reserve should be largely invested in Government bonds or deposited in banks on interest, with ample security from the banks.

Mr. RAGSDALE. Is it not provided, as a matter of fact, though, that Government deposits may be security for these loans and obviate that trouble——

Mr. MORGAN of Oklahoma. If a bank could always borrow of the Government, that might tide it over danger. But there is no certainty that the Government will do this. There is a striking contrast between the amount of reserves required in European land-credit institutions and the amount of reserve that will be accumulated by the land banks under the provisions of the committee bill. The reserves of a land bank primarily are accumulated for protection of bondholders, but borrowers indirectly have almost as much interest in the reserve fund as the bondholders. The reserve fund gives bondholders and investors confidence in the security issued by the land-credit institutions. Whatever gives investors confidence in the bonds issued by our land-credit institutions, gives borrowers better credit. Whatever gives the borrowers better credit necessarily enlarges the amount of credit at their command and reduces the rate of interest. It is economy, therefore, for the farmers, who are the borrowers, to contribute freely and liberally toward the accumulation of an ample reserve fund, for through this reserve fund they have more credit and cheaper credit. A land-credit institution does not have need for any great amount of capital on which to conduct its business. The reason of this is that the capital may be turned over and over for an indefinite number of times, providing that the reserve fund increases at a proper ratio with the amount of bonds issued. For this reason the reserve fund should not be based upon a certain percentage of the capital of a land-credit bank, but should invariably be based upon a certain percentage of the outstanding bonds. I do not, of course, contend that the capital of a land-credit institution is not a source of strength to a land-credit institution and in one sense may be regarded as a reserve fund, but the capital of the bank never should be impaired.

The capital of a land bank is not, therefore, the proper fund from which to pay losses sustained through defaults in the payment of the principal or interest of a loan. On the other hand, the real purpose of a reserve fund is to meet losses.

In the land-credit bill which I introduced in this Congress, H. R. 10310, and which I offered as a substitute for the committee bill, a reserve must be accumulated equal to 10 per cent of the oustanding bonds of each bank. This is in great contrast with the reserve provisions of the committee bill, which, as I have shown, require the Federal land banks to accumulate a reserve of but 2¼ per cent of their oustanding bonds and which requires joint-stock land banks to accumulate a reserve of only 1⅓ per cent of their outstanding bonds. Under my bill each Federal land bank has an operating capital of $1,000,000. One-half of this is contributed by the Federal Government as an endowment or gift to each of these banks. The other half may be contributed by private parties, but, if not so contributed, shall be contributed by the Federal Government. Thus each bank has $1,000,000 of capital to turn over and over in taking mortgages and in issuing and selling bonds. This is all the bank would need for that purpose. Every borrower is required to invest 5 per cent on the face of his loan in the reserve capital of the bank. Automatically, therefore, reserve capital of the bank, under this provision, would amount to 5 per cent of the outstanding bonds. When the borrower pays his loan the 5 per cent which he has invested in the reserve capital is credited upon the face of his loan. The borrower will receive dividends upon the amount which he has invested in the reserve capital of the bank. This will be an offset to the amount of interest which he was paying to the bank on this amount of his loan, which, in fact, he had never received in cash. So that, as a matter of fact, the farmer suffers no financial loss by reason of investing 5 per cent of his loan in the reserve capital of the bank. In addition to this I provide for what I call guaranty capital.

The Government subscribes $500,000 to the guaranty capital of each Federal land bank. In addition to this, from the annual interest payment of each borrower one-fourth of 1 per cent annually is set aside as a part of the guaranty capital of the bank. This is to accumulate until the operating capital, reserve capital, and the guaranty capital of each Federal land bank shall be an amount equal to 10 per cent of the outstanding bonds. The reserve capital and guaranty capital are, of course, kept invested in Government bonds or farm-mortgage bonds, and are thus made constantly productive. The reserve and guaranty funds are made trust funds for the use and benefit of the bondholders of the Federal land banks. No other creditor or creditors can secure any right or title thereto. In this respect the provisions of my bill—H. R. 10310—in my judgment, are far superior to the provisions in the committee bill, because under the committee bill the bondholders have no special lien upon the reserves of the Federal land banks or of the joint-stock land banks.

For myself I have but one interest in view. I want our land banks to be safe, sound, and secure. They will be the agents and representatives of the farmers. The mortgages of the farmers must go through banking corporations we are creating. Then mortgages will reappear in the form of bonds. These bonds will bear the name of the bank issuing them. The name and reputation of the bank will follow the bonds. I hope above all things Congress will not let the farmers' securities be vitiated by the character of the bank issuing them. I trust we shall not permit these banking corporations to issue farm-mortgage bonds except under conditions which make them an absolutely safe investment. Under this law we are about to enact many new corporations will be organized. I hope there may never come a time when a single one of these corporations shall fail. Millions and millions of farm-mortgage bonds will be issued. I hope that every bond issued by these banks will be paid promptly when due. I hope the institutions we are creating, like the landschaften, will stand the test of centuries. If they do, they will confer countless blessings upon farmers and investors and contribute bountifully to the prosperity of the whole country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLOAN. Mr. Chairman, I have been here throughout the discussion of this bill and have been interested in the debate. I have taken but little part in it.

About the talismanic name of "rural credits" there have been centered the interest and contentions of a great many people in many farming sections of the country. The demand for the legislation has been emphasized in those communities where undevelopment, partial crop failures, and especially unwholesome local legislation caused interest burdens on farmers to be unusually heavy. The demand for rural credits, which to those interested means "low rates of interest extended on long payments," is in this bill met by a system whose primary regard and consideration seem to be safeguarding the investment features and transacting the business in a new banking system not calculated to interfere materially with banking facilities now in existence.

There are two phases of the debate I desire to discuss. I had hoped to obtain more time for that purpose. The first one is an overstatement generally of the causes and reasons for the enactment of this bill. I am in favor of rural-credits legislation and shall vote for this bill. But in order to obtain this legislation it is not fair to the industries of the country, to its farmers, or to the thrifty States of the Union to let go unchallenged the exaggerated statements that have appeared in this debate.

To illustrate, I use the statements made by the gentleman from Texas [Mr. EAGLE] as a fair type. Not that they are more objectionable than those uttered by numerous other gentlemen, but because at the time they were made I challenged their accuracy and the speaker courteously referred me to his authority. Quoting from the gentleman's speech on May 12, to be found in the RECORD, page 7873, we find the following:

The $5,000,000,000 for which the farm lands of America are mortgaged at the present time bear an average of between 8 and 9 per cent. I know from personal experience in my great State of Texas, where nearly 5,000,000 people dwell, perhaps 65 per cent of whom are engaged in agriculture, that the burden of agents' commissions, of the interest rate expressed on the face of the mortgage, of attorneys' fees, of abstract charges, of renewals which are enforced by the short loans of three years, of the 10 per cent attorneys' fees for foreclosure and the starting again of the same loan wipe out the annual increment of the average Texas farmer.

Later on the gentleman in his speech said:

I tell you that except in great States like Iowa, Indiana, Ohio, Illinois, and Pennsylvania, which have had a century already to advance to their present condition of farm development and farm ownership and to free themselves from debt——

Mr. McFADDEN. Will the gentleman yield?

Mr. EAGLE. I wish to complete this statement. Except in such States as those I have mentioned, the average total amount paid on farm loans by way of interest, bonuses, lawyers' fees, and agents' commissions, and for renewal amounts to the annual burden of at least 18 or 20 per cent just to carry the loans along, without any amortization or payment of the principal whatsoever.

I was directed by the gentleman from Texas to investigate and read the hearings held before the Hollis committee. This I had done long before, but I verified my then impression. I had challenged the accuracy of the statement of a member of the committee, the standing committee having charge of this bill, earlier in the debate on a similar but not such an extreme statement. I find the committee has relied upon the testimony of one C. W. Thompson, a representative of the Department of Agriculture. The committee comes to the conclusion that the average rate of interest on farm mortgages throughout the United States is 7½ per cent, considerably less than the statement of the gentleman from Texas and other gentlemen.

Mr. FESS. Will the gentleman yield?

Mr. SLOAN. For a question.

Mr. FESS. Yesterday the Speaker said that money could not be gotten at a certain rate. I asked my clerk to cut from the newspapers that came to my desk for a single day all the advertisements for money. There are 42 advertisements from banks and loan associations, containing no rate above 6 per cent.

Mr. SLOAN. I am familiar with the rates in my own State. I am convinced the rates given by the witness Thompson are a little too high. Those given by the witness as of December 3, 1913, are high for Nebraska, although interest rates at that time had risen on farm loans—that is, compared with what they had been 18 or 20 months before.

Now, I do not challenge the correctness of the statement made as to any rate in Texas. But Texas has been the imperial agricultural State of the South for now 70 years and was an independent nation for 10 years, and if the statesmanship and the financial ability of that imperial dominion have been unequal to the task of keeping up with the newer States of the Union, such as my own, not yet 50 years old, where the interest rates on farm mortgages average less than 7 per cent, it is a reflection upon the statesmanship and financial ability of Texas.

Now, then, the witness, Thompson, upon whom the committee relied, gives a table of rates for a number of States. In his testimony he says, as found on page 9 of the rural-credits hearings:

It gives one State's rate the same weight as it gives another, even though the mortgages in that State may be many times over the amount of the mortgages in the other State. We have the return for 30 of the States to-day.

The witness, by averaging the rates of the States, concludes the average rate for the Nation to be 7 1/15, or nearly one-half per cent less than the average fixed by the standing committee in its report submitted with this bill, as will be found on page 11 of said report. On page 74 of the Hollis hearings there is submitted a table for 41 States where 18 leading insurance companies do business to a total extent of $414,000,000, taking into account the actual number of dollars loaned in each State and the rate actually paid. The average amount of interest paid annually for every dollar was 6.1 per cent, or nearly 1 per cent less than the estimate of the department expert, nearly 1½ per cent less than the adopted estimate of the standing committee; nearly 2½ per cent less than the estimate of the gentleman from Texas [Mr. EAGLE], where he states the average rate to be from 8 to 9 per cent. Of course, if we were to adopt his maximum average of 18 to 20 per cent the difference would be astounding.

It might be interesting to know the expanding spiral beginning with the basic rate of fact 6.1, second 7 1/15 given by the expert, where a few mortgages and a high rate in Arkansas were measured up against and given the same weight in reaching an average as Iowa, with thirteen times as great an amount and a rate less than two-thirds as great. And that becomes when stated by the conservative committee 7.5 per cent to be expanded by the gentleman from Texas, a member of that committee, to an average of 8½ per cent for the Union, to be further widened for his own and some of the younger States to from 18 to 20 per cent, leaves just one further step to be taken by the orator on the hustings, who, in harmony with the general expansion, would certainly have a right to make it a 100 per cent per annum.

From a comparison of the short-rate farm loans, as stated by the witness Thompson, which statement was made in December, 1913, and rates for similar loans early in 1912, there appears to have been a rather substantial increase. For instance, the increase on such loans for Maine was 44/100 per cent; Massachusetts, 95/100 per cent; Indiana, 64/100 per cent; Illinois, 55/100 per cent; Minnesota, 45/100 per cent; Missouri, 122/100 per cent; Nebraska, 71/100 per cent; Kansas, 76/100 per cent; Arkansas, 74/100 per cent; Oklahoma, 1 30/100 per cent; Texas, 57/100 per cent; Colorado, 2 18/100 per cent; and California, 1 87/100 per cent. There being shown an increase in every State, except New York, Pennsylvania, Iowa, Mississippi, and Louisiana.

From a limited handling of Texas securities some five or six years ago I should have been led to believe that the rates fixed by the gentleman from Texas were rather high, but I have had no recent opportunity for personal knowledge from which to speak and it probably is true that as a result of conditions during the last three years, and the legislation affecting adversely the industries of Texas, interest rates have undoubtedly risen. But answering the statement that the interest rates and accompanying charges "wipe out the annual increment" of the average Texas farmer, I desire to say that however that may apply now it did not apply to 1912. In the interest of political and economic history and the good name of Texas I call attention to the fact that in 1890 the average per capita wealth of Texas was $942; in 1912 it was $1,679, an increase of 78 per cent. That the decline of conditions in Texas during the last few years is due to other causes appears from a recent statement attributed to ex-Gov. Colquitt of that State, wherein he says:

By putting raw materials on the free list and keeping the protective tariff on manufactured goods it has condemned American farmers to peonage.

In the category of States, according to the classification of the gentleman from Texas, that have not been in existence for a hundred years and in which these dreadful interest conditions are charged to prevail is included the State of Nebraska. Its per capita wealth in 1890 was $1,205, in 1912 it was $3,110, or an increase of 158 per cent, just double the rate of increase of our Texas neighbors. We join with our Texas neighbors in regret that the American people saw fit to somewhat change this onward march of rural wealth for these two States.

The farmers of the country do not highly appreciate the lachrymose statement made in their behalf and the allegations of poverty which do not generally exist. The farmers of this country know that the best opportunities of the young people of the

land are on the farm and rewards for industry on the farms are better, speaking by and large, than in any other industry in the country.

I submit seven leading agricultural States not having any dominating city within their borders, showing the highest per capita wealth in their border, as follows:

Iowa	$3,539
North Dakota	3,374
Nebraska	3,110
Oregon	2,661
Kansas	2,652
Minnesota	2,582
Washington	2,511

I now submit seven of the typical industrial States:

New Jersey	$2,140
Connecticut	1,969
Pennsylvania	1,939
Massachusetts	1,805
Rhode Island	1,709
Maryland	1,651
Delaware	1,493

In practically all of the agricultural States the increase of wealth per capita has been much greater than it has been in the industrial States.

The average per capita wealth of these seven typical agricultural States is $1,103, or 60 per cent more than the average per capita wealth in the seven industrial States. So the relief asked for here is not on a basis of poverty, but as a matter of right and good business.

The bill as drafted is of value largely in this, that it furnishes a basis for future rural-credits legislation. It commits the country to that class of financial activity, and can as time goes on and circumstances and conditions arise, by Congress, be amended to become workable and beneficial.

The following criticism by the Omaha Bee, while severe, can not be proven undeserved:

The measure just driven through the Senate by the Wilson administration, under pretense of providing a land-loan bill for the benefit of the farmers, will not relieve the pressure on the agricultural industry by making its financial operations any the more facile. In effect, the bill will provide a safe and attractive investment for money by authorizing the issuance of debenture bonds, secured by first mortgage on improved farm lands. These bonds will be more attractive than any now known, for they will carry a higher rate of interest than the Government pays, will be readily convertible, and almost totally guaranteed by the Government. Devices and provisions for the safety of the investor are superperfect.

But the farmer will not get his money any cheaper. * * * He takes his credits to the land bank and secures a loan on them. He must go with clear land, under use and productive, with an unencumbered title, and then will be allowed but 50 per cent of its appraised valuation on a long-time mortgage. Nothing in the bill will operate to aid the little fellow, the farmer struggling to clear his title, to improve his farm, or to finance his operations until he can market his produce at a profit.

No measure proposed by the present administration in its program falls farther short of its purpose than does this makeshift. Its worst effect will be to discourage the farmers of the country in their budding efforts toward financing their own affairs. Instead of a law that would permit the establishment of cooperative banks that would aid the farmer, the Hollis bill simply shifts the farm-mortgage business from private agencies to banks that will still operate for private profit, but with the advantage of Government guaranty.

At the outset I stated that n great deal more was expected of this bill than probably might result from it. Seventeen different gentlemen assured the House that the farmers were to have as good treatment as have the commercial interests. The present Federal Reserve Banking System is pointed to as ideal.

I think I can speak in all fairness on this subject, because, after having voted against the Glass-Owen bill in the House and it was returned from the Senate, apparently greatly improved, I voted for it, expecting some little good to come from it. The bill, however, never seemed to me to be well adapted for its work. But if the bill we are now enacting in the interest of the farmer shall be of no more use to the farmers than the reserve system is to the commercial and industrial interests of the country, then our work will practically be in vain.

The main purpose of that legislation was to facilitate banking transactions and to provide currency to the banks upon their indorsement and delivery of commercial paper.

Now, if that is the measure—and that is the main proposition upon which the legislation was based—it has been up to this time practically a failure. Because of the $525,000,000 of resources, mostly liquid resources taken from the business of the country and segregated in what we call our reserve banking system, only $20,300,000 is now (May 5) invested in that way, less than 4 per cent——

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Kansas?

Mr. SLOAN. For just a question; yes, sir.

Mr. DOOLITTLE. I did not clearly understand the gentleman, but I understood him to say that the Federal reserve act had not proven a success.

Mr. SLOAN. I say so, and I challenge any gentleman to refute the statement, because of the $525,000,000 of resources in that system only $20,300,000 is engaged in the primary function for which it was organized. More than that, of the $525,000,000 now involved in that machinery, only $161,000,000 is earning a cent. Of the 12 banks only 3 or 4 are making expenses, and only 2 or 3 of them are paying small dividends, while the rest of them, from the last figures obtained, are not even paying expenses.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield there?

Mr. SLOAN. Yes.

Mr. TAYLOR of Colorado. Will the gentleman vote to repeal that law?

Mr. SLOAN. If the gentleman had the genius to present something that would be an improvement, he would not have much difficulty in convincing me that it ought to be repealed and improved.

Mr. TAYLOR of Colorado. That does not answer the question. Would you vote to repeal it now?

Mr. SLOAN. The gentleman has submitted his question as he saw fit. I claim the right to be the architect of my own answer, as the gentleman has been of his question. [Laughter.]

Mr. TAYLOR of Colorado. Then you do not answer at all.

Mr. SLOAN. I have given my answer; but I shall answer the gentleman from Kansas [Mr. DOOLITTLE] further.

Mr. HAMILTON of Michigan. Mr. Chairman, these are very interesting figures. Will the gentleman kindly give us the authority upon which he makes that statement?

Mr. SLOAN. The regular report from the system, which I obtained from the Congressional Library. The figures are taken from their regular reports. I have them here.

Much to the regret of the public, especially the business and financial part, the Glass-Owen reserve banking system has not thus far proven a success. So the statement of a Member on this floor that the rural-credits bill before us will do for the farmer what the reserve banking system has done for the business world is in reality more of a threat than a promise.

First. Within itself it has thus far not succeeded. Covering a period of months selected by the authorities of the system itself, the following is the statement of the earnings and expenses of the several regional banks:

	Earned.	Expended.
	Per cent.	*Per cent.*
Boston	1.9	3.2
New York	4.3	3.2
Philadelphia	2.2	2.7
Cleveland	1.9	3.1
Richmond	11.6	4.1
Atlanta	11.6	5.5
Chicago	4.8	4.2
St. Louis	3.0	8.4
Minneapolis	3.4	5.3
Kansas City	2.2	6.5
Dallas	8.8	6.4
San Francisco	3.5	4.7

It will be noted that in seven the expenses greatly exceeded the earnings. That in only two were the earnings sufficient to warrant the declaration of a dividend. These are in Richmond and Atlanta.

Second. Investments in primary channels designed by the bill itself have only in a limited way been made.

(a) In the primary function of the system "rediscounting through member banks" less than 4 per cent of the resources of the system is now (May 5, 1916) engaged. Of the $525,000,000 mostly of liquid wealth taken from the channels of finance and commerce and placed in cold storage in these banks, only $20,300,000 is invested in the primary purpose for which the system was created. I speak of this as the primary purpose of the system, because in the act itself it is given that place in section 13, where there is an enumeration of the active business functions of these regional banks. Further, the report which was filed by the Banking and Currency Committee of the House in support of the Glass bill section 13 was discussed and rank given it, as I have stated. On page 48 of that report will be found the following discussion:

In section 14 is set forth the fundamental business purpose of the bill in providing for rediscount operations. The Federal reserve banks are at the outset authorized to receive current deposits from their stockholders or from the Government or from other Federal reserve banks.

in so far as the latter may need to keep funds with them for exchange purposes.

The fundamental requirement throughout all of the discount section of the proposed bill is that antecedent to the performance of a service by a Federal reserve bank for a member bank which applies therefor the member bank shall indorse or guarantee the obligations which it offers for rediscount. Subject to this requirement the proposed bill, first of all, provides that notes and bills having a maturity of not over 90 days and drawn for agricultural, industrial, or commercial purposes or the proceeds of which have been used for such purposes shall be admitted to rediscount.

It will be noted that the foregoing discussion refers to section 14, but in the rearrangement of sections section 14 of the Glass bill became section 13 of the completed act.

(b) Of the secondary or permissive investments authorized in section 14 of the act (15 of the Glass bill) there is 26 per cent of the total resources now engaged. In other words, the secondary or permissive investments are six and one-half times as great as the fundamental investment for which the system was organized. A discussion of these secondary investments might be interesting and is found on page 52 of that report, as follows:

It will have been observed that the transactions authorized in section 14 (14 of the bill, 13 of the act) were entirely of a nature originating with member banks and involving a rediscount operation. It is clearly necessary to extend the permitted transactions of the Federal reserve banks beyond this very narrow scope for two reasons:

1. The desirability of enabling Federal reserve banks to make their rate of discount effective in the general market at those times and under those conditions when rediscounts were slack and when, therefore, there might have been accumulation of funds in the reserve banks without any motive on the part of member banks to apply for rediscounts or perhaps with a strong motive on their part not to do so.

2. The desirability of opening an outlet through which the funds of Federal reserve banks might be profitably used at times when it was sought to facilitate transactions in foreign exchange or to regulate gold movements.

This leaves out of $525,000,000 resources only $161,078,000 as earning assets.

(c) Of these secondary or permissive investments there are: United States bonds, $50,137,000; United States Treasury notes, $3,840,000; and municipal warrants, $39,154,000. This leaves unengaged and unearning 70 per cent of the total resources, or $364,616,000.

Of the $20,300,000 of members' bills over $15,000,000 was taken from member banks by the Richmond, Atlanta, Dallas, and Kansas City reserve banks (the last named does little business in the northern half of the tenth district). Less than $5,000,000 taken from member banks by the Boston, New York, Philadelphia, Cleveland, Chicago, St. Louis, Minneapolis, and San Francisco banks. Of the bills bought in open market, being purely investment and not to facilitate banking movement, only $2,500,000 were taken by the said southern group, while $45,000,000 were invested by the northern group. Of the investment in Government paper the southern group took only $2,000,000, while the other group took $52,000,000. Of the municipal warrants, the southern group took $1,000,000, while the northern group took $38,000,000.

These facts demonstrate clearly that the reserve bank up to the present is not performing its function as designed by its supporters, except in a very limited area, and in that limited area to a very limited degree, as the total amount of the members' notes would not exceed the bills payable in an ordinarily strong bank in one of the good-sized cities of the United States.

Third. Of the total investments, out of the total $525,000,000 resources only one-half of 1 per cent or $2,600,000 is agricultural or cattle paper.

Fourth. So far as benefiting the farmer is concerned, and there are a great many provisions in the Glass-Owen law proposing to benefit him, the working of a system is manifested in the increase of the rates of interest on short-time farm paper, as I have heretofore shown. This is further evidenced by the incessant complaints in this debate of the high rate of interest being paid by farmers, especially on short-time loans.

Fifth. A large, general purpose of the act so far as the public is concerned was to enable business men and institutions to realize on their credits and prevent failures. The law has been in effect something less than three years and has been in operation somewhat less than two years. Its effect in prospect and in operation is evidenced by the failure record of the country for the last three years as compared with the failure record of former years which were regarded as record breaking. They are as follows:

Number of failures in the United States.

1873	5,183
1893	15,242
1896	15,088
1907	11,725
1908	15,690
1913	14,533
1914	16,759
1915	19,032

The last showing more than 20 per cent—more than 3,000—in excess of any year in the history of the Republic before the reserve bank act went into effect.

I had no desire to discuss the reserve banking system until I listened to the debate for several days and heard so many ardent advocates of the rural-credits bill say in substance that we propose now to do for the farmers what had been done for the business and financial concerns of the country. I thought it but proper to examine the subject carefully to find out whether it was proposed to do something for the farmers or something to the farmers. The farmers have a right to receive wholesome legislation on matters involving their credits. They are receiving this legislation as a matter of right, not as a matter of gift, and we should advise them as near as possible of the value of that which they are to receive. I desire to be frank with the House and country that if I thought the legislation which is being considered now will prove no more of a success and benefit to the farmers than the reserve system has for the business interests of the country, then I would not vote for it.

It was said of old, "or what man is there of you whom if his son asked bread would he give him a stone?" Modernly, what father, being asked for bread by one of his sons, who is a tiller of the soil, would hand him a cube of concrete and say, "This is just as masticable, quite as palatable, fully as digestible, and equally as nutritious as the cobblestone I have handed your brother, the money changer and the barterer of goods?"

In voting for this legislation I hope that it may be the basis for future legislation out of which the credits of the farmer may be conserved and mobilized in the interest of that great basic industry upon which the Nation so much depends.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

EXEMPTION FROM TAXATION.

SEC. 23. That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempted from Federal, State, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint-stock land banks, under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation.

Farm-loan bonds issued under the provisions of this act and the income derived therefrom shall be exempt from Federal, State, and local taxation.

Mr. WINGO. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 23 by inserting after line 16, page 124, the following: "Nothing herein shall prevent all the shares in any joint-stock bank from being included in the valuation of the personal property of the owner or holder of such shares in assessing taxes imposed by authority of the State within which the land is located, but such assessment and taxation shall be in manner and subject to the conditions and limitations contained in section 5219 of the Revised Statutes with reference to the shares of national banking associations. Nothing herein shall be construed to excuse the real property of joint-stock banks from either State, community, or municipal taxes, to the same extent, according to its value, as other real property is taxed."

Mr. WINGO. This committee amendment is intended for this purpose. The language of section 23 as reported apparently does not exempt the stock of the joint-stock banks from taxation—that is, this stock is not named in the exemption provision, and on its face it would look like that would be sufficient to make the stock taxable. But in order to be sure of it this amendment is offered, and is in the language of section 5219 of the Revised Statutes, which covers taxation of stock of national banks, and the intention of this amendment is to put the stock of these joint-stock banks on the same basis with stocks of national banks under the present existing law, which is done under section 5219, referred to in the amendment. By the adoption of my amendment the stock of joint-stock banks and their real estate will be made subject to taxation beyond question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INVESTMENT IN FARM-LOAN BONDS.

SEC. 24. That farm-loan bonds issued under the provisions of this act by Federal land banks or joint-stock land banks shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits.

Any member bank of the Federal Reserve System may buy or sell farm-land bonds issued under the authority of this act.

Mr. WINGO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend section 24, page 124, by inserting as a new paragraph at the end thereof the following:

"Any Federal reserve bank may buy and sell farm-loan bonds issued under this act to the same extent and subject to the same limitations placed upon the purchase and sale by said banks of State, county, district, and municipal bonds under subsection (b) of section 14 of the Federal reserve act approved December 23, 1913."

Mr. WINGO. Mr. Chairman, just briefly, the object of this amendment is to authorize the Federal reserve banks, under the "open-market" operations of the Federal reserve act, to buy and sell these farm-loan bonds to the same extent and with the same limitation as they can buy the State, county, municipal, and district bonds under that act. That is the sole object of my amendment.

Mr. MANN. In connection with the amendment offered by the gentleman from Arkansas, I would like to make an inquiry about a paragraph in the section making these farm-loan bonds a lawful investment for all fiduciary and trust funds. I take it we can not make a lawful investment for State institution trust funds. We can not provide what the State court shall take for a lawful investment or what the State shall provide shall be a lawful investment for savings banks. We can not control State corporations or State courts.

Mr. WINGO. Will the gentleman permit a suggestion? That is true, of course, but there are frequently a good many fiduciary and trust funds that are in the hands of Federal agencies, in Federal courts.

Mr. MANN. That is all right.

Mr. WINGO. Now, does the gentleman think it necessary to say funds that are in the custody of Federal agents or Federal courts? Does not the law within itself fix the limitations?

Mr. MANN. I think it does fix it, but still where you state that it shall be a lawful investment for all fiduciary and trust funds the language of the bill would indicate that we are endeavoring to intrench upon the prerogatives of the State, and so we put in some provision making a limitation. I simply call it to the attention of the committee. I do not ask for an amendment here. Make it plain that we are not trying to control what the States have the power to control.

Mr. GLASS. I assure the gentleman that that will be done.

Mr. PHELAN. May I make a suggestion? I would like to see that thing done, but I am afraid we can not do it in conference unless some amendment is offered, because the Senate provision is the same as ours.

Mr. MANN. I make the suggestion to the gentleman as to the conference. We propose to strike out all after the enacting clause and insert a substitute, and while the same language may be in the Senate bill and in the House bill, technically there is a disagreement as to the whole subject matter. On matters that have been tested out the conferees might not feel authorized to make changes, but technically they have the power to rewrite the bill from A to Z.

Mr. PHELAN. That is satisfactory to me.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The amendment was agreed to.

Mr. MORGAN of Oklahoma. Mr. Chairman, I have an amendment which I wish to offer.

Mr. LEVER. Mr. Chairman, I desire to offer an amendment as a new section. If the gentleman from Oklahoma wishes to offer a substitute, I will wait.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORGAN of Oklahoma: Page 124, line 25, after the word "act," strike out period and insert semicolon and also the following:

"Any member bank of said system may accept time drafts against a deposit of such bonds as security; acceptances of a member bank thus made, on the direct obligations of such bank maturing within 60 days, when accompanied by such farm-loan bonds as collateral security not less in face value than the amount of such direct obligation, shall be eligible for discount by the Federal reserve bank of its district.

"Section 9 of the act of June 25, 1910, entitled 'An act to establish postal savings depositaries for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes' (vol. 36, U. S. Stat. L., p. 814), shall be, and the same is hereby, amended by adding a new paragraph at the close of said section, to read as follows: 'Federal farm-loan bonds authorized by the Federal farm-loan board and issued by any Federal land bank may be purchased by the trustees, in lieu of United States bonds or other securities, for the purpose of investing postal savings deposits under the provisions of this section. Whenever funds shall be withdrawn from postal savings depositaries for investment, the trustees are hereby authorized to purchase Federal farm-loan bonds in the open market or from any Federal land bank authorized to issue the same: *Provided*, That in no case shall such farm-loan bonds be purchased at more than par nor shall more than 30 per cent of the postal savings deposits be invested at any one time in farm-loan bonds as herein provided.'"

Mr. MORGAN of Oklahoma. The amendment which I have offered adds to the provisions of section 24 of this bill. Section 24 as it now stands provides that farm-loan bonds issued by the Federal land banks or joint stock land banks shall be a lawful investment for all fiduciary and trust funds and may be accepted as a security for all public deposits.

It further provides that any member bank of the Federal Reserve System may borrow and sell farm-loan bonds issued under the authority of this act. The amendment which I offer corresponds to the provisions of the bill which has been passed by the Senate, S. 2986, and is now pending before the House. As the section now stands in the committee bill, member banks of the Federal Reserve System may buy and sell farm-loan bonds. This, I believe, is a wise provision, but it does not go far enough. Under the amendment which I have offered any member bank of the Federal Reserve System may accept time drafts against deposits of farm-loan bonds as security. And "acceptances of a member bank thus made, on the direct obligations of such bank maturing within 60 days, when accompanied by such farm-loan bonds as collateral security not less in face value than the amount of such direct obligation, shall be eligible for discount by the Federal reserve bank of its district." In my judgment this is a very wise provision. The Federal reserve banks are the great storehouses of credit for this country. Under the existing law the farmers of the country have little access to the Federal reserve banks. The benefits which agriculture receives from these banks is remote and indirect. Nothing will do so much to extend and enlarge the credit of the farmers as provisions which will make the securities of the farmers eligible for discount by the Federal reserve banks of the country. Now, the farm-loan bonds issued by the Federal land bank will be as secure and safe as any security on the money markets.

They will be liquid securities upon which any bank may realize at any time. It is perfectly safe, therefore, for Federal land banks to discount time drafts maturing within 60 days secured by an equal amount of farm-loan bonds. More than this, it would seem to be rank discrimination against the farmers to refuse to recognize their securities as a basis for discount privileges by the Federal reserve bank. Ever since rural credits became a subject for discussion in Congress one point in controversy has been the question of "Government aid." Whatever valid objections there may be to using the funds or the credit of the Government directly in providing credit facilities for agriculture, there can be no good reason given why the farmers should not be given access to the Federal reserve banks in the way that is proposed by the amendment which I have offered.

The second paragraph of my amendment authorizes the trustees of the postal savings depositaries to invest 30 per cent of the postal savings deposits in farm-loan bonds. Under the present law these trustees are authorized to invest these deposits in United States bonds and other securities. There is no reason why farm-loan bonds should not be placed upon an absolute equality with any or all other securities except United States bonds. During the last three years a number of bills have been introduced proposing to loan postal savings deposits directly to the farmer. This is an attractive proposition and many arguments can be made in favor of it, but a great majority of the Members of Congress seem to be opposed to the Government making loans direct to any class of our citizens. But there can be no valid objection, it seems to me, to investing a reasonable proportion of these deposits in farm-loan bonds, because the funds thus invested would be as safe and secure as funds invested in other classes of securities under existing law.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the amendment was rejected.

Mr. LEVER. Mr. Chairman, I offer an amendment as a new section.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] offers an amendment as a new section. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. LEVER: On page 124 insert as a new section the following:

"That section 9 of the act of June 25, 1910, entitled 'An act to establish postal savings depositaries for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes' (vol. 36, U. S. Stat. L., p. 814), shall be, and the same is hereby, amended by adding a new paragraph at the close of said section, to read as follows: 'Federal farm-loan bonds authorized by the Federal farm-loan board and issued by any Federal land bank may be purchased by the trustees, in lieu of United States bonds or other securities, for the purpose of investing postal savings deposits under the provisions of this section. Whenever funds shall be withdrawn from postal savings depositaries for investment, the trustees are hereby authorized to purchase Federal farm-loan bonds in the open market or from any Federal land bank authorized to issue the same: *Provided*,

That in no case shall such farm-loan bonds be purchased at more than par nor shall more than 50 per cent of the postal savings deposits be invested at any one time in farm-loan bonds as herein provided.'"

Mr. GLASS. To that, Mr. Chairman, I reserve a point of order.

Mr. MANN. I make the point of order, although I do not think it is subject to a point of order.

Mr. LEVER. I do not care to argue the point of order. I do not know what the gentleman's point of order is.

Mr. GLASS. The point of order that I would suggest is that it is the same amendment substantially that was offered this morning and voted down.

The CHAIRMAN. The Chair overrules the point of order.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Virginia asks that all debate on the section and amendments thereto close in five minutes. Is there objection?

Mr. HAUGEN. Reserving the right to object, I suggest that we hear from the gentleman from South Carolina first.

Mr. GLASS. Mr. Chairman, I move that all debate close in five minutes.

Mr. MANN. I make the point of order that that motion is not in order until debate is begun.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, the amendment which I have just offered proposes to give authority to the trustees of the postal-savings funds to invest not exceeding 50 per cent of such deposits in farm-loan bonds. The authority given by this amendment is entirely discretionary and permits the trustees of the postal-savings funds to invest in these farm-loan bonds if they so desire, but does not direct them to do so. We have in the postal-savings funds in this country something like $80,000,000. These funds belong to various and sundry individuals. They are deposited in our banks under certain conditions, and draw a rate of interest of 2½ per cent.

Now it is entirely possible that the trustees of the postal-savings funds would desire authority, if they do not already have it under the recently amended postal-savings law, to invest a reasonable amount of deposits in first-class 4 or 5 per cent farm-loan bonds. It might be in the interest of depositors of these funds to make that kind of investment.

The only reasonable and unselfish objection that can be urged against this proposition, and this was urged before the joint committee on rural credits, is that the postal-savings funds constitute a demand-deposit fund, and there might come a time when depositors would demand their money and this money would be tied up in long-time farm-loan bonds and thus embarrass the whole fund.

I have attempted to obviate that difficulty by making the amount that may be invested, in the discretion of the trustees of the fund, in such bonds not to exceed 50 per cent of the total. It is entirely possible for some man with perfervid imagination to fancy that the time will come when this Capitol will grow legs and walk through the eye of a cambric needle. Nobody imagines that such a time will ever come, and it is likewise within the range of imagination of some individual that some day, under some circumstances, all the postal-savings deposits will be demanded at one time. I do not believe that any sane man will think that such a time will ever come. But to be entirely conservative I have given full latitude in this amendment in which to meet the demands that may reasonably come at any one time. It gives to the trustees of the fund under present conditions a fund of $40,000,000 to meet the demands of their depositors as they come from time to time and would permit them to invest the remaining $40,000,000, if they thought it wise, in farm-loan bonds.

In section 24 it is provided that the farm-loan bonds shall be a lawful investment for all fiduciary and trust funds. The postal-savings funds are nothing but trust funds in the hands of the United States, and it is entirely possible under that language that they might be invested in these bonds, but I desire to make it absolutely sure that there is no doubt about it. If there is doubt, I desire to ask the members of the committee in charge of the bill why it is not just as feasible to permit this class of trust funds to be invested in these high-class securities as it is to permit fiduciary and trust funds of all other descriptions to be invested in them? That is the whole amendment. I take the position that to make this authorization will add very materially to the strength of these bonds in the eye of the investing public, because every time the Government puts its seal of approval upon these bonds, every time the Government by any provision in the bill says that they are good, it is certain to have a salutary, psychological effect on those who furnish the capital, through investments in these bonds, to finance the system we are providing in this bill.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I simply rise to point out the inconsistency of the amendment offered by the gentleman from South Carolina as compared with the Federal reserve act. Under it national banks are permitted to loan 25 per cent of time deposits; not a dollar of call money may be loaned on long-time real estate security. Now, it is proposed to take 50 per cent of call deposits in postal savings banks—the money deposited by poor people—and convert it into these bonds, bonds based on mortgages in amount equal to 60 per cent of the land value and 20 per cent of the permanent improvement, which makes it about 70 per cent of the land value. As stated by the gentleman from Georgia, not a banker to-day could be found in his State who would loan $5,000 on 1,000 acres, or $25,000 worth of property, which is 20 per cent only of the value of the land. Now, it is proposed that Uncle Sam's bank shall loan to the extent of 60 per cent of its value, or $15,000, on that same 1,000 acres, and the bank in turn issue its bonds for $15,000, drawing 5 per cent, and to pledge that $15,000 mortgage taken, drawing 6 per cent and running 36 years, as security for $15,000 hard-earned cash deposited on call in postal savings banks, generally by poor people likely to need the money any day. Mr. Chairman, no argument is necessary. I simply arose to point out the inconsistency and absurdity of the proposition.

Mr. RAGSDALE. Mr. Chairman, the differences pointed out by the gentleman from Iowa [Mr. HAUGEN] do not apply to this amendment. In the first place, when they put their money with the Government, the Government itself guarantees the payment of it, and there can be no possibility of loss falling upon those who leave their money in the postal savings banks, because the entire credit of the Government is behind it.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. RAGSDALE. Mr. Chairman, I have not the time.

Mr. HAUGEN. The gentleman should state the fact. He has no right to question my statement. I know what my statement is.

The CHAIRMAN. The gentleman declines to yield.

Mr. RAGSDALE. Mr. Chairman, in the next place, it is a perfectly safe proposition, as the gentleman from South Carolina [Mr. LEVER] has just stated, because of this fact. The Government itself, at any period of time, can utilize these bonds by way of security in the postal savings banks of this country. It can make deposits in the savings banks, and the trustees of the postal savings bank, at any period of time, in an arrangement between them and the Federal reserve banks, could thereby take care of the credit of the country by securing deposits in national banks with these bonds they hold, and there would be absolutely no danger of the credit of the system being impaired to any degree. If these bonds are as safe as we believe them to be, if this money is there looking for investment, as we know it to be, there can be absolutely no objection, for any reason, why these postal-savings funds should not be invested in these bonds, and I hope the amendment will be agreed to. This right is already given in the postal laws, and should be clearly given in this law, for the power would create a market immediately for about $70,000,000 of these bonds and make the assurance of sufficient competition to immediately create a demand and insure the chances of this bill relieving the condition it was intended, by providing for long-time loans at lower interest rates to the farmers of the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. LEVER) there were—ayes 54, noes 88.

So the amendment was rejected.

The Clerk read as follows:

EXAMINATIONS.

SEC. 25. That the Federal farm-loan board shall appoint as many examiners as in its judgment may be required to make careful examinations of the banks and associations permitted to do business under this act.

Said examiners shall be subject to the same requirements, responsibilities, and penalties as are applicable to national-bank examiners under the national-bank act, the Federal reserve act, and other provisions of law. Whenever directed by the Federal farm-loan board, said examiners shall examine the condition of any national farm-loan association and report the same to the farm-loan commissioner, and shall examine and report the condition of every Federal land bank and joint-stock land bank at least twice each year.

Said examiners shall receive salaries to be fixed by the Federal farm-loan board, which shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

Mr. MANN. Mr. Chairman, I move to amend by striking out, in lines 17, 18, and 19, the words "which shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 125, line 17, after the word "board," strike out the remainder of the paragraph.

Mr. MANN. Mr. Chairman, we have already provided on page 76 that the salaries of these examiners shall be paid by the United States, and we amended that provision so as not to make a permanent appropriation. This amendment is in conformity with the amendment already agreed to.

Mr. GLASS. Mr. Chairman, I think what the gentleman says is correct. Those words are superfluous.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

[Mr. RUBEY addressed the committee. See Appendix.]

The Clerk read as follows:

STATE LEGISLATION.

SEC. 27. That it shall be the duty of the farm-loan commissioner to make examination of the laws of every State of the United States and to inform the Federal farm-loan board as rapidly as may be whether, in his judgment, the laws of each State relating to the conveying and recording of land titles, and the foreclosure of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemptions as respects first mortgages, are such as to assure the holder thereof adequate safeguards against loss in the event of default on loans secured by any such mortgages.

Pending the making of such examination in the case of any State, the Federal farm-loan board may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of farm-loan bonds; and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this act, the said Federal farm-loan board may declare said first mortgages on land situated in such State ineligible during the continuance of the laws in question. In making his examination of the laws of the several States and forming his conclusions thereon said farm-loan commissioner may call upon the office of the Attorney General of the United States for any needed legal advice or assistance, or may employ special counsel in any State where he considers such action necessary.

At the request of the executive of any State the Federal farm-loan board shall prepare a statement setting forth in what respects the requirements of said board can not be complied with under the existing laws of such State.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word. I rise to say that the people of Nebraska are intensely interested in this rural-credits legislation. I have followed with a great deal of interest the work of the committee upon the bill. It has two basic propositions that appeal to agricultural borrowers, that of properly organizing and combining the credit of the farmers to enable them to secure the lowest possible rate of interest and providing long-time payment or amortization of the principal of the loan. I believe the bill is workable and is bound to be of great benefit to the agricultural interests of Nebraska.

The point has been made several times in debate on the bill that the farmers are prosperous and are among the best depositors that the commercial banks now have. The gentlemen have stated that fewer farmers fail than do those engaged in almost any other line of business. This is indeed true, and yet notwithstanding the above facts interest rates charged in agricultural communities are, as a general rule, the highest in the country. The amount of the individual's deposit, together with his known ability to pay his obligations, should always determine the extent of credit and the rate of interest to the borrower. The rule is universally applied to manufacturing and commercial interests. A proper mobilization of agricultural credit and organization of intelligent farmers such as is contemplated by the provisions of this bill will lead to more equitable application of the principle to those engaged in producing the products that feed the Nation. The bill carries out a pledge made to the country by the party in power upon its advent into control in governmental affairs and completes the cycle of legislation needed to give the Nation a well-rounded and complete program of organic financial law. Honest and industrious men will be able to secure upon very reasonable terms and for a long period the money needed to enable them to acquire homes. I would have been very glad to have seen adopted the provision providing for investment of postal-savings funds in the farm-loan bonds to be issued under this act, as proposed in the amendment offered by the gentleman from South Carolina [Mr. LEVER]. I voted for it when offered in committee, and although it failed that provision can be supplied at a later date. The amount of money in the postal-savings fund will rapidly increase because of the larger amount now allowed to be deposited in postal savings banks under the Post Office bill just passed. The farm-loan bonds will afford a safe investment for these funds, which are now idle in the commercial banks of the country in the shape of surplus reserves. However, Mr. Chairman, the bill before the House is so sound and broad in its provisions, so grounded upon the safest principles of proven banking experience, that I am very glad indeed to be able to compliment the committee upon the splendid service they have rendered to the country in framing and securing the safe passage of the bill, and I am very glad indeed to support it with my vote.

Mr. SLOAN rose.

Mr. GLASS. Mr. Chairman, I move to close debate on this section and all amendments thereto.

The motion was agreed to.

Mr. NORTON. May I inquire of the gentleman in charge of the bill if he intends to vote on the bill before adjournment this evening?

Mr. GLASS. Yes.

The Clerk read as follows:

PENALTIES.

SEC. 28. That any applicant for a loan under this act who shall knowingly make any false statement in his application for such loan, and any member of a loan committee or any appraiser provided for in this act who shall willfully overvalue any land offered as security for loans under this act, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year or both. Any examiner appointed under this act who shall accept a loan or gratuity from any land bank or national farm-loan association examined by him, or from any person connected with any such bank or association in any capacity, shall be punished by a fine of not exceeding $5,000, or by imprisonment not exceeding one year, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this act. No examiner while holding such office shall perform for compensation any other service for any bank or banking or loan association or for any person connected therewith in any capacity.

Any person who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any bond, coupon, or paper in imitation of, or purporting to be in imitation of, the bonds or coupons issued by any land bank or national farm-loan association, now or hereafter authorized and acting under the laws of the United States; or any person who shall pass, utter, or publish, or attempt to pass, utter, or publish, any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by any such bank or association, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering any such bond, coupon, or paper, or shall pass, utter, or publish as true any falsely altered or spurious bond, coupon, or paper issued, or purporting to have been issued, by any such bank or association, knowing the same to be falsely altered or spurious, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both.

Other than the usual salary or director's fee paid to any officer, director, or employee of a national farm-loan association, a Federal land bank, or a joint-stock land bank, and other than a reasonable fee paid by such association or bank to any officer, director, attorney, or employee for services rendered, no officer, director, attorney, or employee of an association or bank organized under this act shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such association or bank. No land bank or national farm-loan association organized under this act shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized. No examiner, public or private, shall disclose the names of borrowers to other than the proper officers of a national farm-loan association or land bank without first having obtained express permission in writing from the farm-loan commissioner or from the board of directors of such association or bank, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress of either House duly authorized. Any person violating any provision of this paragraph shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both.

Any person connected in any capacity with any national farm-loan association, Federal land bank, or joint-stock land bank, who embezzles, abstracts, or willfully misapplies any moneys, funds, or credits, or who without authority from the directors draws any order, assigns any note, bond, draft, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such association or land bank with intent in either case to defraud such institution or any other company, body politic or corporate, or any individual person, or to deceive any officer of a national farm-loan association or land bank or any agent appointed to examine into the affairs of any such association or bank, and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both.

Mr. WALKER. Mr. Chairman, we are engaged to-day upon an undertaking to advance the interests of agriculture. The pending bill is designed to redeem the promise made to the Nation's farmers by all three political parties in the national platforms. It is intended to give the tillers of the soil throughout this broad land the opportunity to become home owners; to see their sons and their grandchildren spring up around them in serene, contented, progressive farming communities.

This legislation, if it results as we hope it may, will bless our land for centuries. The best we can do with the lights before us is to try the new experiment to which we are committed by every consideration of public policy and of our plighted word, correcting any defects in the law as they are shown to exist, and give to the Nation's farmers the fullest measure of coopera-

tion and Federal aid which a wise, sound, economic policy will sanction.

Agriculture is the basic industry of the world. In a sense, Mr. Speaker, it is the only absolutely essential industry. Whatever advances agriculture strengthens the Nation for war as well as for peace and promotes the interests of all mankind. We could not long exist without the fruits of the earth. The farmer is therefore the mainstay of civilization. It is our duty and should be our delight so to legislate as to insure to the tillers of the soil the maximum of comfort, prosperity, and contentment in their labors. Taxation measures should be framed to bear upon them most lightly. Government aid to increase the fertility of the soil, to diversify the crops, and increase the rewards of farm labor should go out to them continuously.

Develop agriculture, make it a profitable industry, and you have gone far to insure the preservation of the Nation, should our national life ever be threatened. A contented, patriotic, home-loving people will arise in their might to meet the Nation's need. Germany organized agriculture as perfectly as any other industry, and to-day she is feeding her people at home and her armies in the field, though hedged in by a ring of steel.

When I read statistics on the increase of farm tenancy and the decrease in rural population in the United States, I am alarmed as to the future of our country if this evil is not corrected. Yet I realize that people will not remain on the farm, if farm life is not made more profitable, more inviting, more productive of the comforts and social opportunities which towns and cities afford. I want to see the boys and girls return to the country, taking with them from the laboratory and the classroom of our best colleges the secrets of scientific agriculture and home economics to enrich and brighten their lives.

The people of the South, through an unwise economic policy, have too long depended upon a single crop. When that crop fails; when its price in the markets of the world drops below the cost of production, as it has in recent years, the cotton farmers are forced to do without even some of the essential things of life. When the purchasing power of a bale of cotton is cut from $30 to $5, hunger invades many homes. Even under normal conditions many farmers have a hard time in making buckle and tongue meet.

What is the remedy? Let the Government, as a matter of self-preservation, aid the tenant farmer to acquire a home, the farm owner to improve his farm and buy new and improved machinery for more scientific and profitable cultivation; continue the farm demonstration work; find profitable markets for diversified crops, and a vigorous, stalwart people will build up the waste places, increase national prosperity, and be ready to answer the Government's call in time of need.

A continuance of the evil of farm tenancy, of large landed estates in a few hands, with no ability on the part of the small farmer ever to acquire his own home, will accelerate the movement away from the farm, and the country as a whole will suffer. Our farmers will lose hope and courage and ambition. We will become a nation of boarders, with no local pride, no zeal for improvement, no spirit of patriotism. It is an amazing and an alarming situation that we face to-day and which this bill aims to remedy.

I direct the especial attention of this House to the farm-tenancy evil, because to my mind it is one of the vitally important elements in this situation. The man who now owns a successful, well-stocked, well-equipped farm, operated according to scientific principles, can now get credit anywhere in this country. It is the man who is struggling for a bare existence that I want to help get a start, and I see in this measure the possibility of extending that relief.

Most of the big ante bellum estates of the South have been broken up into small farms, but the tenantry system is still conspicuous in my section. Since 1880 the number of farms in the entire country operated by tenants have increased faster than the number operated by owners. During the 30 years from 1880 to 1910 the number of tenant farms increased 1,330,075, equal to 130 per cent, while the number of farms operated by owners increased 1,022,520, or 34 per cent.

This does not mean a return to the former system of large estates under one owner, but it does mean a decrease in ownership by men who live on and operate the farm. The names of owners of nearly 2,000,000 tenant farms were ascertained at the last Federal census, and developed the fact that more than a million owners of rented farms owned only one such farm, and 142,886 owners held two rented farms. In the South many tenants are negroes; but there are by far more white tenants than I would like to see, and it is the worthy white tenant of character I am anxious to help. Even the negro should be encouraged, for until conditions readjust we are dependent upon the negro for our labor to a great extent. The white tenant farmer will feel an excess of pride and patriotism when he becomes the owner of his own place, where he can raise his family under his own vine and fig tree, for "where a man's treasure is there is his heart also."

One-half of the total number of farms in the South in 1910, or 49.6 per cent, were operated by tenants. The size of these farms was small, constituting only 28 per cent of the total farm land. In the four States of Georgia, Alabama, Mississippi, and South Carolina more than three-fifths of the farm operators were tenants.

In my own State there were in 1910, 190,980 tenant farms, valued at $268,924,191, while the total value of all farm property in the State was $580,546,381.

I do not hope to see in any short time these valuable farms now operated by tenants taken over and operated by farm-home owners, but I believe the bill we are now considering will encourage that desirable movement.

The State of Georgia ranks fifth in the value of its farm products, being exceeded only by Illinois, Iowa, Texas, and Ohio. She ranks Missouri, Kansas, New York, and Indiana. Thus it will be admitted that Georgia is not a backward State in the development of agriculture. The evil of farm tenancy is no greater there than in other States of the South, but I am especially interested in Georgia, and I want to see a rural-credits bill passed that will help us to wipe out this evil. In 1880 only one farm in every four, or 25 per cent, were tenant farms in this country. In 1890 the tenants numbered 30 per cent, and in 1900 they had increased to 35 per cent. At the time of the last census (1910) 37 per cent of the Nation's farmers were tenants. The thoughtful man must recognize the menace in that situation. It does not make for permanent residence. Enable good white people to buy farm homes and cultivate them and we have settled many of our most perplexing social problems. Overcrowding in the slums of our great cities means deterioration of man's mental and physical as well as moral nature. The free, open country pays the best premiums in health and vitality. It is to our interest to enable the farmer to keep his children around him and raise them in the pure, undefiled air of the country, away from the temptations and contaminations of city life, its pleasures, its demoralizing influences, its tendencies to idleness and dissipation. It will do much to build a better citizenship and a stronger Republic.

If we can enable formers to secure money at low interest rates for the purpose of acquiring a farmhouse and stocking it, we have encouraged not only the country boy to stay at home but the city man as well to move to the farm. Loans at a rate of not over 5 or 6 per cent on the principal, which not only covers the annual interest payments but satisfies the principal of the debt as well, should arouse the ambition of many persons who now see no hope of becoming home owners, to aspire to the dignity and honor and prestige that attaches to such ownership. It is admittedly a very important part of the National Government's work to encourage the building up of the open country, and promote the interests of agriculture.

Heretofore the farmer, with the only security which the world absolutely needs and can not possibly do without, has had to pay the highest interest rates for short-time loans. Credit under such circumstances, instead of being a blessing has been a curse; and it has pressed down the borrower; put him in debt to the money lenders; forced many farmers to pledge next year's crop to pay for last year's supplies; and generally worked in an unsatisfactory and demoralizing way.

The official figures gathered by the Bureau of the Census in 1910 show that we had a larger number of persons engaged in agriculture in the United States than any country in the world, except Russia, having 10,582,039 persons so engaged, while Russia had 14,000,000. There were 6,361,502 farms in the United States, comprising 1,903,289,600 acres. Of the total farm area, 478,451,750 were in improved lands and 400,346,575 in unimproved lands. The valuation placed upon this farm property was $40,991,449,090, of which the land represented a value of $28,475,674,169; the farm buildings, $6,325,451,528; implements and machinery, $1,265,149,783; and domestic animals, poultry, and so forth, $4,925,173,610. The average value per acre of farm land was $32.40 for the entire country.

In value of annual production agriculture takes the lead in the Nation's industries. Last year our farm crops were valued at over $10,000,000,000, while the entire value of our manufactured products was $20,000,000,000, for which $12,000,000,000 of raw material was used, leaving only $8,000,000,000 for the value added by manufacture.

A rural-credits measure is a desirable adjunct of the Federal Reserve System, which we have provided under a Democratic Congress and under the administration of President Wilson to

relieve the country from the dangers and burdens which had resulted from an outworn currency system. That act has been, to my mind, the outstanding accomplishment of this administration, and takes our finances out of the control of the money sharks and Wall Street.

The measure we are now considering is intended to mobilize the credit of the Nation's farmers to permit them to obtain money on long time for farm needs at low rates of interest. The average rate paid to-day is 7½ per cent. That means many farmers are paying much higher rates, often 10 or 12 per cent, to which can be added commissions and attorneys' fees.

Under the Federal reserve act we authorized national banks to make loans on farm mortgages for not exceeding five years, but the banks have shown an unwillingness to tie up their funds for so long a term. They fear being embarrassed at a time when it is imperative that they should be able quickly to convert their assets into cash to meet the demands of depositors. The farmers were helped under that act to the extent that agricultural paper having not longer than six months to run might be available for rediscount and encouraging its acceptance by the banks. This provision has been of great value and helped the farmer's personal credit.

The pending bill will not satisfy all interests. The Federal reserve act itself while on its passage was the target for unmeasured abuse. This measure has also been criticized. Those who expect direct loans from the Federal Treasury through the local postmaster will not be satisfied. On the other hand, those now engaged in the business of making loans on farm property will resent the Government going into the land-mortgage business. Bankers who now profit from loans at high rates of interest to farmers will not be enthusiastic over this legislation, which is aimed to help the farmer.

Despite all these opposing ideas and conflicting opinions we are now engaged in an effort to redeem our platform pledges and give to the Nation's farmers, under proper safeguards, the fullest measure of relief we can afford, through an organization chartered by the Government and supervised by national agencies.

I am strongly in favor of such a purpose. While no man can tell with certainty how the plan we adopt will work out, we can only base our action upon the vast fund of information gathered on the subject by our official commissions which studied the subject in its operation in every country of Europe, and by the joint committee of Congress which conducted exhaustive hearings and inquiries. Acting on the report of this committee and all the data we have been able to get, and inspired with a burning desire to do something of benefit for the farmers of the whole country, and particularly for the farmers of the South, we must frame and pass the best law we can. Rural-credits legislation will be of proportionately greater benefit to the South than to any other great section of this country. The men we hope to benefit have not enjoyed any excessive amount of Government favors. I do not want them to be disappointed now. I want to give them something helpful. While this bill may not be all that the farmers of the country expect in such legislation, yet it is a decided step in the right direction and can be improved from time to time.

While the tenant farmer and the small farmer who now lack credit facilities challenge our special attention, the successful farmer constantly needs new capital to expand, buy more stock, new machinery, install waterworks, erect barns and farm buildings. This credit he can obtain under this bill at low rates of interest not now obtainable, although I would like to see the interest rate made still lower.

It is urged against this bill that a borrower is required to become a stockholder in the local farm-loan association to the extent of 5 per cent of his loan. Taken in connection with this, it must be recalled that the annual rate of interest, which is lower than he can now get, will entirely satisfy both principal and interest, and in a series of years wipe out the debt. He is not in danger of foreclosure, or subjected to excessive charges for renewals every three or five years.

The system to be established must be economically sound or it will be unworkable; it must be as sound as the Federal Reserve Bank System; yet we must build from the bottom. In the former case we had a strong group of national banks in every State for a foundation. We required them to take stock in the Federal Reserve Bank System or forfeit their charters. If the land-bank system is not sound, the bonds will have no standing in the market and there will be no capital to make loans. I do not believe the farmers of my section would ask so foolish a thing as that the Federal Treasury should give every farmer money on an appraisal to be made by postmasters in every town of the United States. He simply asks the same credit facilities that are enjoyed by men engaged in other lines of industry.

We propose here to bring together the credit resources of farmers in every part of the country in local associations, to be consolidated in 12 Federal farm-loan banks. The same plan is provided for securing capital to loan that railroads and manufacturers now resort to. The small savings of the clerk and school-teacher, trust funds, life-insurance funds, endowment funds, may all be safely invested in these long-term bonds if the Government provides for making them absolutely safe.

Unless the bonds to be issued are of a character to attract these investors, our whole system will break down. The first requisite is security. This implies the application of sound business principles to the multitude of details involved in examining the titles to property offered by borrowers, looking after legal and financial incidents, effective examination and supervision of the various banks and associations. With these details looked after by trained Government employees, the bonds should be safer than savings-bank deposits and yield a higher return.

It is provided that the Government shall make up in the beginning any deficiency in the stock subscriptions to the 12 Federal land banks, each of which is to have a capital of not less than $500,000, and will also deposit $500,000 in each bank.

Each member will be interested in the success of the local farm-loan association, since he has at stake double his original stock subscription of 5 per cent in a limited-liability corporation, or may be liable for all the debts of the association if the charter so provides. He will be an active participant in the affairs of the association to see that only good loans are made.

It is provided that no loan shall exceed 50 per cent of the appraised value of the land mortgaged, and shall not be for an amount exceeding $10,000. The borrower must cultivate the land he mortgages, and must use the money for productive purposes, purchasing new land or equipment, or paying off existing indebtedness.

Farmers in many parts of the country are now paying exorbitant rates of interest and not reducing the principal of the loan thereby. Under this plan it is expected that an interest rate of 5½ or 6 per cent will satisfy both principal and interest. This provision means as much to the farmer as a low interest rate. It has been estimated that the total farm-mortgage indebtedness of this Nation is $4,000,000,000. If that is correct, the annual interest rate of 7½ per cent, which is for the use of the money, and serves no purpose in extinguishing the debt, taxes the farmers $300,000,000.

It is estimated that if this enormous indebtedness could be refunded under the provisions of this bill, the total debt would be extinguished at a 5 per cent annual interest rate, under the amortization plan, in 22 years and 6 months.

No man can truly know the needs of the farmer unless he has lived on a farm. With many other Members of Congress, I speak from actual experience, for it was my good fortune to have been reared on a farm, and to that work I devoted much of my earlier life. It is but natural that I should be in thorough accord and hearty sympathy with any and all legislation that will tend to aid the toiling masses, who by the "sweat of their brow" are enriching the country, and to whom all the world must look for food and clothing. It is the farmers who produce the wealth of the world, and yet they receive but little more than a scant living. The product of their honest toil is taken in charge by the manufacturer, who, under a protective system, fostered and built up by Republican administrations, makes enormous profits out of the manufactured article. This evil, we hope, has been corrected through the amendments we have enacted to the tariff laws, and it is to be hoped that through the laws which we have already enacted, and are now enacting, the farmer will come into his own and realize larger returns for his labor, both in prosperity and general happiness.

This is not class legislation, as some of our city friends have charged, but it is legislation for the benefit of the whole country, and I hope it will pass without a dissenting voice, that the farmers may receive as soon as possible the benefits coming to them as a result of this legislation. [Applause.]

Mr. OLDFIELD. Mr. Chairman, the people of my district are vitally interested in rural-credits legislation. I shall gladly support this bill. While this is a splendid bill, yet it is not perfect. However, it is a long stride in the right direction and will be of great help to the American farmer. After the law is put in operation we can and will correct any defects that may become apparent. It has been charged by some on this floor that this legislation is for the benefit of a class of our citizens, to wit, the farmers. Mr. Chairman, this is true, and it will be of incalculable benefit to the farmers; yet this legislation does not injure any other class of our citizens, but, on the contrary, will help all our citizens, for when our farmers are prosperous our country is prosperous.

Mr. Chairman, I want to congratulate the Banking and Currency Committee of this House on presenting this bill, and also want to congratulate our party for carrying out another pledge made in the Baltimore platform. On the question of rural-credits legislation our platform says:

Of equal importance with the question of currency reform is the question of rural credits or agricultural finance. Therefore we recommend that an investigation of agricultural-credit societies in foreign countries be made, so that it may be ascertained whether a system of rural credits may be devised suitable to conditions in the United States; and we also favor legislation permitting national banks to loan a reasonable proportion of their funds on real estate security.

We recognize the value of vocational education and urge Federal appropriations for such training and extension teaching in agriculture in cooperation with the several States.

The latter part of this plank in our platform was complied with when we placed on the statute books the Federal reserve act and the Smith-Lever Act.

The committee has kept faith with the people, and we will pass this bill and it will become a law within the next few days, substantially as it passes this House.

Under this bill there will be 12 regional banks, with a capital of $750,000 each, or $9,000,000 in all, and the Government, if necessary, will subscribe for the entire issue of stock. Also the farm-loan bonds are exempt from Federal, State, and local taxation, which will be an attractive feature of these bonds and a great help to the farmers of the country.

After this system is started, and after it shall become well established, it will not need the funds of the National Treasury, because there can be no better security than improved farm land in this country. However, the system should have enough Federal aid to firmly establish it. Farm-loan bonds in Germany sell just as readily and for just as good a price as do Imperial German bonds, and I predict that within a few years farm-loan bonds under this system will be just as attractive as United States Government bonds. Think what this will mean to the American farmer. The United States Government can borrow all the money she wants at rates of from 2 to 3 per cent, while the farmers of this country have been paying and are now paying all the way from 7 to 10 and even 12 per cent.

No business can succeed and pay from 8 to 12 per cent for the money invested necessary to run the business. The bankers, merchants, and manufacturers could not succeed if they had to pay such a rate of interest. The bankers, merchants, and manufacturers do not have to pay such exorbitant rates of interest. They are able to get what money they need at all the way from 3 to 6 per cent. The farmer is just as much a business man as those other classes of our citizens, and he is coming into his own.

The people of my district and State are more vitally interested in this legislation than any now pending in Congress. It is indeed important to them. Farmers of the South and Southwest need cheap money to develop our great country, and they will be able to get it under this bill if it works as we hope and believe it will.

What the farmers of my part of the country need is money on long time at low rates of interest, in order to pay for and improve their farms. I believe this bill will give them that relief.

Under this bill a farmer can borrow 60 per cent of the value of his land and 20 per cent of the appraised value of his permanent insured improvements at a rate of not more than 6 per cent and for a length of time not less than 5 years nor more than 36 years. I am satisfied that after the system has been in operation for a few years our farmers can get money for a good deal less than 6 per cent.

Mr. Chairman, what we need in this country is more home owners and fewer tenants, and I believe this bill will reduce the number of tenant farmers and increase the number of farm owners.

Hence I repeat that I take great pleasure in supporting this bill.

Mr. Chairman, the Shackleford good-roads bill has passed the House and the Bankhead good-roads bill has passed the Senate. We from the South are hoping that the conference committee will work out a splendid good-roads bill. Give the South a good rural-credits law and a good good-roads law, and we will prosper as never before.

Mr. Chairman, since the present administration came into power we have been busy carrying out our platform pledges. Under the leadership of Woodrow Wilson, we have sought to lighten the burdens of the toiling masses, and this legislation in behalf of the farmers, whose interests have been neglected so long by the Congress of the United States, will make our country blossom as the rose. [Applause.]

Mr. MANN. Mr. Chairman, I move to amend, on page 130, line 24, by striking out the word "five" and inserting the word "fifteen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 130, line 24, strike out the word "five" and insert the word "fifteen."

Mr. GLASS. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. GLASS. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The motion was agreed to.

The Clerk read as follows:

LIMITATION OF COURT DECISIONS.

SEC. 30. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Mr. SIMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee desire to be recognized?

Mr. SIMS. Not until the last section is read.

The CHAIRMAN. Section 31 has not been read.

The Clerk read as follows:

REPEALING CLAUSE.

SEC. 31. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved.

Mr. SIMS. Mr. Chairman, I move to amend section 31, line 8, by striking out all of that line after the word "repealed" and the four words beginning with line 9. The words to be stricken out are "and this act shall take effect upon its passage."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 133, line 8, after the word "repealed," strike out the words "and this act shall take effect upon its passage."

The question was taken, and the amendment was rejected.

Mr. GLASS. Mr. Chairman, I move that the committee do now rise.

Mr. MANN. I understand the gentleman wants to recommend an amendment to the title.

Mr. SHOUSE. Mr. Chairman, I was informed the amendment to the title could not come until after the passage of the bill.

Mr. MANN. It can be amended in the committee.

Mr. SHOUSE. Mr. Chairman, I move, in line 5 of the title, that the words "Government depositories and" be inserted before the word "financial."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title in line 5, after the word "create," by inserting the words "Government depositories and."

The question was taken, and the amendment was agreed to.

Mr. GLASS. Mr. Chairman, I move that the committee do now rise and report the bill with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2986, and had directed him to report it back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass, and also that the title be amended.

Mr. GLASS. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This is an amendment to a Senate bill. Is it in order to ask for a reading of the engrossed copy of the amendment before we vote upon it?

The SPEAKER. The Chair never heard of any such thing as that being done, although he does not pass on it. If the gentleman desires to be heard, the Chair will hear him.

Mr. MANN. Well, it ought to be in order as to this bill, anyhow. There have been a good many amendments adopted. The Committee of the Whole House on the state of the Union has recommended a substitute bill entirely. A good many amendments were adopted in the Committee of the Whole House on the state of the Union. They may be correct at the Clerk's desk, and probably are; still errors frequently occur. The same reason that applies in having a bill actually engrossed and reading the engrossed copy would apply in reading the engrossed copy of this bill, or, in other words, to have it engrossed before it

is finally acted upon. I care nothing about having the bill actually engrossed, as far as that is concerned, but I think we ought, if possible, to avoid any chances of errors in the engrossment.

The SPEAKER. The Chair thinks it would be setting a bad precedent without taking the time to investigate. It might be that on investigation the Chair would be of different opinion.

The question is on agreeing to the amendment.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. NORTON. Mr. Speaker, I ask for the yeas and nays. I make the point of order there is no quorum present.

The SPEAKER. The gentleman from North Dakota makes the point of order there is no quorum present. The Chair will count.

Mr. NORTON. Mr. Speaker, I withdraw the point.

The SPEAKER. The gentleman withdraws the point of order.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read the third time, and was read the third time.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. Does this bill provide for the investment of postal savings bank deposits? I do not believe it does, so I should think the title would not be correct.

The SPEAKER. We are going to amend the title in a minute, although the Chair does not know in what respect——

Mr. MADDEN. I do not believe the amendment suggested——

The SPEAKER. That is not for the Chair to pass on, anyhow. The question is on the passage of the bill.

Mr. GLASS. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Virginia demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 295, nays 10, answered "present" 3, not voting 125, as follows:

YEAS—295.

Abercrombie	Davis, Minn.	Henry	Moon
Adair	Davis, Tex.	Hensley	Morgan, La.
Adamson	Decker	Hernandez	Morgan, Okla.
Aiken	Dempsey	Hicks	Morrison
Alexander	Denison	Hilliard	Moss, Ind.
Allen	Dent	Holland	Mudd
Almon	Dickinson	Hood	Murray
Anderson	Dies	Houston	Nicholls, S. C.
Ashbrook	Dill	Howard	Nichols, Mich.
Aswell	Dillon	Howell	Norton
Austin	Dixon	Hughes	Oldfield
Ayres	Doolittle	Hull, Iowa	Oliver
Bacharach	Doughton	Hull, Tenn.	O'Shaunessy
Barkley	Dowell	Humphreys, Miss.	Overmyer
Barnhart	Drukker	Husted	Padgett
Beakes	Dupré	Igoe	Page, N. C.
Bell	Eagle	Jacoway	Paige, Mass.
Black	Edwards	James	Park
Blackmon	Ellsworth	Johnson, Ky.	Phelan
Booher	Elston	Johnson, Wash.	Platt
Borland	Esch	Kearns	Pou
Britt	Estopinal	Keating	Powers
Britten	Evans	Kelley	Price
Browne	Farley	Kennedy, Iowa	Quin
Bruckner	Ferris	Kettner	Ragsdale
Brumbaugh	Fess	Key, Ohio	Raker
Buchanan, Ill.	Fields	Kincheloe	Ramseyer
Buchanan, Tex.	Finley	King	Randall
Burgess	Flood	Kinkaid	Rauch
Burke	Fordney	Kitchin	Rayburn
Burnett	Foss	Konop	Reavis
Byrnes, S. C.	Foster	Kreider	Reilly
Byrns, Tenn.	Gallagher	La Follette	Ricketts
Caldwell	Gallivan	Lazaro	Roberts, Nev.
Callaway	Gandy	Lee	Rodenberg
Campbell	Gard	Lenroot	Rogers
Candler, Miss.	Garner	Lever	Rouse
Cannon	Garrett	Lewis	Rubey
Cantrill	Glass	Lieb	Rucker
Capstick	Glynn	Littlepage	Russell, Mo.
Caraway	Godwin, N. C.	Lloyd	Russell, Ohio
Carlin	Good	Lobeck	Sabath
Carter, Okla.	Goodwin, Ark.	London	Saunders
Cary	Gordon	Longworth	Schall
Charles	Gray, Ala.	Loud	Scott, Mich.
Church	Gray, Ind.	McAndrews	Sells
Cline	Green, Iowa	McArthur	Shackleford
Coady	Gregg	McClintic	Shallenberger
Collier	Guernsey	McCracken	Sherley
Connelly	Hadley	McDermott	Sherwood
Cooper, W. Va.	Hamilton, Mich.	McFadden	Shouse
Cooper, Ohio	Hamlin	McGillicuddy	Sims
Cooper, Wis.	Hardy	McKenzie	Sinnott
Cox	Harrison	McKinley	Sisson
Cramton	Hastings	McLemore	Slayden
Crisp	Haugen	Mann	Slemp
Crosser	Hawley	Mapes	Sloan
Cullop	Hayden	Matthews	Smith, Idaho
Curry	Heflin	Mays	Smith, Mich.
Dallinger	Helgesen	Meeker	Smith, Minn.
Danforth	Helm	Miller, Pa.	Smith, Tex.
Davenport	Helvering	Montague	Snell
Snyder	Sulloway	Timberlake	Wheeler
Stafford	Sumners	Towner	Williams, T. S.
Steagall	Sutherland	Tribble	Williams, W. E.
Stedman	Sweet	Van Dyke	Williams, Ohio
Steele, Iowa	Switzer	Venable	Wilson, Ill.
Stephens, Cal.	Taggart	Vinson	Wilson, La.
Stephens, Miss.	Tague	Volstead	Wingo
Stephens, Nebr.	Tavenner	Walker	Wise
Stephens, Tex.	Taylor, Ark.	Wason	Wood, Ind.
Sterling	Taylor, Colo.	Watson, Va.	Woods, Iowa
Stone	Thomas	Webb	Young, Tex.
Stout	Thompson	Whaley	

NAYS—10.

Browning	Freeman	Kennedy, R. I.	Walsh
Dale, Vt.	Gardner	Madden	
Dunn	Gillett	Oakey	

ANSWERED "PRESENT"—3.

Greene, Vt.	Siegel	Talbott

NOT VOTING—125.

Anthony	Frear	Lehlbach	Pratt
Bailey	Fuller	Lesher	Rainey
Barchfeld	Garland	Liebel	Riordan
Beales	Gould	Lindbergh	Roberts, Mass.
Bennet	Graham	Linthicum	Rowe
Butler	Gray, N. J.	Loft	Rowland
Carew	Greene, Mass.	McCulloch	Sanford
Carter, Mass.	Griest	McKellar	Scott, Pa.
Casey	Griffin	McLaughlin	Scully
Chandler, N. Y.	Hamill	Magee	Sears
Chiperfield	Hamilton, N. Y.	Maher	Small
Clark, Fla.	Hart	Martin	Smith, N. Y.
Coleman	Haskell	Miller, Del.	Sparkman
Conry	Hay	Miller, Minn.	Steele, Pa.
Copley	Hayes	Mondell	Steenerson
Costello	Heaton	Mooney	Stiness
Crago	Hill	Moore, Pa.	Swift
Dale, N. Y.	Hinds	Moores, Ind.	Temple
Darrow	Hollingsworth	Morin	Tillman
Dewalt	Hopwood	Moss, W. Va.	Tilson
Dooling	Huddleston	Mott	Tinkham
Doremus	Hulbert	Neely	Treadway
Driscoll	Humphrey, Wash.	Nelson	Vare
Dyer	Hutchinson	Nolan	Ward
Eagan	Johnson, S. Dak.	North	Watkins
Edmonds	Jones	Oglesby	Watson, Pa.
Emerson	Kahn	Olney	Wilson, Fla.
Fairchild	Keister	Parker, N. J.	Winslow
Farr	Kent	Parker, N. Y.	Young, N. Dak.
Fitzgerald	Kless, Pa.	Patten	
Flynn	Lafean	Peters	
Focht	Langley	Porter	

So the bill was passed.

The Clerk announced the following pairs:

For the vote:

Mr. NEELY (for rural-credits bill) with Mr. ROWLAND (against).

Mr. HUDDLESTON (in favor) with Mr. WATSON of Pennsylvania (against).

Mr. FLYNN (in favor) with Mr. MAGEE (against).

Mr. MCKELLAR (in favor) with Mr. GREENE of Vermont (against).

Mr. FAIRCHILD (in favor) with Mr. MOORE of Pennsylvania (against).

Mr. PETERS (in favor) with Mr. SIEGEL (against).

Mr. HAYES (in favor) with Mr. ROWE (against).

Mr. TREADWAY (in favor) with Mr. CRAGO (against).

Mr. MCCULLOCH (in favor) with Mr. HEATON (against).

Mr. SEARS (in favor) with Mr. PARKER of New Jersey (against).

Mr. WILSON of Florida (in favor) with Mr. GREENE of Massachusetts (against).

Mr. WARD (in favor) with Mr. CHIPERFIELD (against).

Mr. JOHNSON of South Dakota (in favor) with Mr. GRAHAM (against).

Mr. LINTHICUM with Mr. BENNET.

Mr. JONES (in favor) with Mr. SWIFT (against).

Mr. LESHER with Mr. HUTCHINSON.

Until Wednesday:

Mr. BAILEY with Mr. GARLAND.

Mr. TALBOTT with Mr. BUTLER.

Until May 15:

Mr. MORRISON with Mr. HUMPHREY of Washington.

Until May 22:

Mr. TILLMAN with Mr. MILLER of Pennsylvania.

From May 8 until further notice:

Mr. CLARK of Florida with Mr. FULLER.

Until further notice:

Mr. SCULLY with Mr. HUSTED.

Mr. RAINEY with Mr. HILL.

Mr. SPARKMAN with Mr. BARCHFELD.

Mr. WATKINS with Mr. HAMILTON of New York.

Mr. FITZGERALD with Mr. WINSLOW.

Mr. CAREW with Mr. DARROW.

Mr. HART with Mr. GRIEST.

Mr. DOREMUS with Mr. COLEMAN.

Mr. STEELE of Pennsylvania with Mr. ROBERTS of Massachusetts.

Mr. OLNEY with Mr. McLAUGHLIN.
Mr. MAHER with Mr. HOPWOOD.
Mr. CASEY with Mr. EDMONDS.
Mr. HAY with Mr. GOULD.
Mr. GRIFFIN with Mr. FOCHT.
Mr. OGLESBY with Mr. HINDS.
Mr. HULBERT with Mr. MILLER of Minnesota.
Mr. SMALL with Mr. KAHN.
Mr. EAGAN with Mr. CARTER of Massachusetts.
Mr. HAMILL with Mr. EMERSON.
Mr. DRISCOLL with Mr. COPLEY.
Mr. SMITH of New York with Mr. HOLLINGSWORTH.
Mr. DALE of New York with Mr. HASKELL.
Mr. DOOLING with Mr. MOTT.
Mr. RIORDAN with Mr. SANFORD.
Mr. LOFT with Mr. STINESS.
Mr. PATTEN with Mr. TILSON.
Mr. DEWALT with Mr. TINKHAM.
Mr. CONRY with Mr. MILLER of Delaware.
Mr. LIEBEL with Mr. PARKER of New York.
Mr. STEELE of Pennsylvania with Mr. ROBERTS of Massachusetts.

Mr. MORRISON. Mr. Speaker, I have a general pair with the gentleman from Washington [Mr. HUMPHREY], and on that account I answered "Present." Mr. HUMPHREY has been called away on account of illness, but he has just informed me if present that he would vote "yea." I therefore desire to have my name called.

The name of Mr. MORRISON was called, and he voted "Yea."

Mr. MILLER of Pennsylvania. Mr. Speaker, I am paired with the gentleman from Arkansas [Mr. TILLMAN]. He informed me that if he were present he would vote "yea." He is not present, and therefore I wish to vote "yea."

The name of Mr. MILLER of Pennsylvania was called, and he voted "Yea."

The result of the vote was announced as above recorded.

On motion of Mr. GLASS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title to the bill was amended to read as follows: "An act to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositories and financial agents for the United States, and for other purposes."

CONTESTED ELECTION—BROWN V. HICKS.

The SPEAKER. The Chair lays before the House the following letter from the Clerk of the House of Representatives, which the Clerk will report.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., May 8, 1916.

SIR: I have the honor to lay before the House of Representatives the contest for a seat in the House of Representatives for the Sixty-fourth Congress of the United States for the first district, State of New York, Lathrop Brown v. Frederick C. Hicks, notice of which has been filed in the office of the Clerk of the House, and also transmit herewith original testimony, papers, and documents relating thereto.

The Clerk has opened and printed the testimony in the above case, in compliance with the act approved March 2, 1897, entitled "An act relating to contested-election cases," such portions of the testimony in the above case as the parties in interest agreed upon or as seemed proper to the Clerk, after giving the requisite notices, have been printed and indexed, together with the notices of contest, and the answer thereto, and such portions of the testimony as were not printed with the original papers have been sealed up and are ready to be laid before the Committee on Elections.

Two copies of the printed testimony in the aforesaid case have been mailed the contestant and the same number to the contestee. The law in reference to the briefs of both the contestant and the contestee has been complied with as far as possible upon receipt by the Clerk of said briefs.

So far as the briefs have been furnished to the Clerk, they are ready to be laid before the Committee on Elections upon the order of the House, together with a tabulated statement, which has been prepared by the Clerk, showing the number of pages of testimony and the present status of said contested-election case, and all the papers in connection therewith.

Yours, respectfully, SOUTH TRIMBLE,
Clerk of the House.

Hon. CHAMP CLARK, *Speaker.*

The SPEAKER. The case is referred to the Committee on Elections No. 3.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10385. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

LEAVE OF ABSENCE.

Mr. TILLMAN, by unanimous consent, was granted leave of absence for one week, on account of important business.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 16, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination for a canal from Silver Springs to Ocala, Fla. (H. Doc. No. 1130); to the Committee on Rivers and Harbors, and ordered to be printed.

2. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, reports on reexamination of James River, Va. (H. Doc. No. 1131); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce, submitting an additional estimate of appropriation for extraordinary repairs and alterations to the Coast and Geodetic Survey vessels *Bache*, *Hydrographer*, and *Isis*, to be immediately available and remain available until expended (H. Doc. No. 1132); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce, submitting an additional estimate of appropriation, under the head of "General expenses, Coast and Geodetic Survey" (H. Doc. No. 1133); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 6518) for the relief of Charles Akerlund, reported the same with amendment, accompanied by a report (No. 693), which said bill and report were referred to the Private Calendar.

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 13072) for the relief of William E. Johnson, reported the same without amendment, accompanied by a report (No. 694), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 15680) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, trust companies, savings banks, building and loan associations, licensed pawnbrokers, and real estate brokers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 15681) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 10, 1910, as amended by an act approved January 23, 1913; to the Committee on the Judiciary.

By Mr. HARRISON: A bill (H. R. 15682) granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River at or near Pascagoula, Miss.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 15683) for the purchase of a site for a public building at Kingman, Mohave County, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Louisiana: A bill (H. R. 15684) making appropriation for the enlargement and improvement of the post-office building at Monroe, La.; to the Committee on Public Buildings and Grounds.

By Mr. SHACKLEFORD: Resolution (H. Res. 237) providing for the consideration of H. R. 7617; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15685) granting an increase of pension to Mary A. Nichols; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 15686) granting a pension to Mrs. James Purcell; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 15687) granting an increase of pension to Thomas Hingson; to the Committee on Invalid Pensions.

By Mr. CHURCH: A bill (H. R. 15688) granting an increase of pension to Elijah J. Freeman; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 15689) granting an increase of pension to Robert R. C. Grantham; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15690) granting a pension to Xaver Zachringer, alias John Ruh; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 15691) granting an increase of pension to Mary E. Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15692) granting an increase of pension to Sarah A. Hull; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 15693) granting an increase of pension to Thomas Larkin; to the Committee on Invalid Pensions.

By Mr. HUSTED: A bill (H. R. 15694) granting an increase of pension to Mary Ann Dorfner; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15695) granting an increase of pension to Robert W. Glasgow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15696) for the relief of John P. Purdon; to the Committee on Military Affairs.

By Mr. LEE: A bill (H. R. 15697) granting a pension to Mariah Lowesa Cobb; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 15698) granting a pension to Walter Sewell; to the Committee on Pensions.

By Mr. MATTHEWS: A bill (H. R. 15699) granting a pension to Sarah A. Christy; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 15700) granting an increase of pension to Mary V. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15701) for the relief of Dr. Charles Lee Baker; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 15702) granting an increase of pension to David Gilbert; to the Committee on Invalid Pensions.

By Mr. PRICE: A bill (H. R. 15703) for the relief of Charles Chaille-Long; to the Committee on Claims.

By Mr. SIEGEL: A bill (H. R. 15704) granting a pension to Ida Cohen; to the Committee on Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 15705) granting a pension to Elizabeth S. Bourne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15706) granting an increase of pension to Anna M. Harley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15707) granting an increase of pension to William G. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15708) for the relief of Sim Milttlie; to the Committee on Claims.

By Mr. SUMNERS: A bill (H. R. 15709) for the relief of the estate of Henry Merseburger, deceased; to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 15710) granting a pension to Della V. Kelcy; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of City Hospital Alumni Society, opposing the Works resolution; to the Committee on the Judiciary.

By Mr. ASHBROOK: Evidence to accompany House bill 13490, for the relief of Henry Stover; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: Memorial of U. A. Plumbers' Local No. 498, of New York City, in re labor conditions in the Canal Zone; to the Committee on Labor.

Also, memorial of Republican county committee of New York, favoring House bill 6915; to the Committee on the Post Office and Post Roads.

By Mr. BRUMBAUGH: Petition of sundry citizens of Columbus, Ohio, relative to House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. CALDWELL: Petition of sundry citizens of Elmhurst, Long Island, N. Y., against United States in war with Germany; to the Committee on Foreign Affairs.

By Mr. CANNON: Petition of sundry citizens of Vermilion Grove, Ill., against increase in the Army; to the Committee on Military Affairs.

Also (by request), petition of sundry citizens of Kankakee, Ill., against the Taylor system in Government shops; to the Committee on Labor.

Also, petition of Young People's Society of Christian Endeavor of Presbyterian Church of Rossville, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Onarga, Ill., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. CAREW: Petition of the Merchants' Association of New York, in opposition to a Government hydroelectric plant for the production of nitrates and fertilizers; to the Committee on Military Affairs.

By Mr. DALE of New York: Petitions of sundry citizens and organizations in the United States, favoring the reporting out of the Susan B. Anthony amendment from the Judiciary Committee; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of E. D. McKay and 55 others, of Lincoln Park and Rochester, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DOOLING: Petition of Southern Hardware Jobbers' Associations, in re flood control; to the Committee on Flood Control.

By Mr. DYER: Petition of Southern Hardware Jobbers' Association, favoring legislation for flood control; to the Committee on Rivers and Harbors.

Also, petition of Medical Society of City Hospital Alumni, St. Louis, Mo., relative to officers and employees of the Public Health Service of the Government; to the Committee on Interstate and Foreign Commerce.

By Mr. EAGAN: Petition of Southern Hardware Jobbers' Association, favoring legislation for flood control; to the Committee on Rivers and Harbors.

By Mr. FARR: Petitions of 200 residents of Carbondale, residents of Olyphant (Blakely), residents of Scranton, 100 people of Carbondale, and citizens of Scranton, all in the State of Pennsylvania, favoring the passage of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. FULLER: Petition of St. Paul's Lutheran Church, of Streator, Ill., against the United States in war with Germany; to the Committee on Foreign Affairs.

Also, petition of legislative committee of Hardscrabble Lodge, No. 650, International Association of Machinists, of Streator, Ill., against the Taylor system in Government shops; to the Committee on Labor.

Also, petition of board of education of the city of Chicago, Ill., favoring passage of the Smith-Hughes vocational education bill; to the Committee on Education.

By Mr. GALLIVAN: Petition of Southern Hardware Jobbers' Association, favoring legislation for the prevention of floods; to the Committee on Rivers and Harbors.

Also, memorial of Northeast Washington Citizens' Association, against location of the municipal hospital on reservation No. 13; to the Committee on the District of Columbia.

By Mr. HADLEY: Petition of sundry citizens of Port Angeles, Wash., against United States in war with Germany; to the Committee on Foreign Affairs.

By Mr. HUMPHREY of Washington: Petition of citizens of Seattle, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Port Blakeley, Colby, and Southworth, Wash., against the Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. IGOE: Petition of St. Francois County (Mo.) Farm Bureau, urging the passage of the proposed bill in Document 494, report of the joint committee on rural credits; to the Committee on Banking and Currency.

Also, petition by Senator Michael Kinney, of St. Louis, Mo., filed by him on behalf of the Missouri Association for the Relief and Control of Tuberculosis, against the passage of the bill introduced by Senator WORKS making it unlawful for any officer or employee of the Government Public Health Service to become a member or officer of, or in any way connected with, any medical or private health association or organization of any kind; to the Committee on the Judiciary.

Also, petition by J. E. W. Wallin, board of education, city of St. Louis, Mo., favoring the passage of a bill introduced by Senator ROBINSON for the establishment of a bureau for the study of the criminal, pauper, and defective classes; to the Committee on the Judiciary.

Also, petition of the Business Men's League of St. Louis, Mo., favoring the passage of a law providing for a permanent nonpartisan tariff commission; to the Committee on Ways and Means.

Also, petition by Edward Mallinckrodt, of St. Louis, Mo., protesting against the enactment of Senate joint resolution 120 introduced by Senator WORKS; to the Committee on the Judiciary.

Also, petition of the Engineers' Club of St. Louis, Mo., on behalf of the Associated Engineering Societies of that city comprising 800 members, favoring the passage of Senate bill 4874, which provides for an appropriation of $15,000 for each State for establishing and operating engineering experiment stations in connection with the land-grant colleges of the United States; to the Committee on Agriculture.

By Mr. JAMES: Petition of sundry citizens of Marquette, Mich., against the Taylor system in Government shops; to the Committee on Labor.

By Mr. JOHNSON of Washington: Petition of 23 citizens of Tacoma, Wash., favoring House bill 8665, against the Taylor system; to the Committee on Labor.

Also, petition of 21 citizens of Clarke County, Wash., against Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 56 citizens of Clarke County, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. McCRACKEN: Memorial of Challis Commercial Club, favoring bill to establish the Sawtooth national park; to the Committee on the Public Lands.

By Mr. McGILLICUDDY: Petitions of Sunday School and Christian Endeavor Society of the Baptist Church, Livermore, Me., and of certain citizens of said town, favoring national prohibition; to the Committee on Alcoholic Liquor Traffic.

By Mr. MAGEE: Petition of sundry citizens of Cortland, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. OVERMYER: Petitions of 148 business men of the thirteenth Ohio district, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. RANDALL: Memorial of Chamber of Commerce of Los Angeles, Cal., favoring House bill 13767, for creation of a tariff commission; to the Committee on Ways and Means.

Also, petition of Charlotte Peake and 12 citizens of Monrovia and 135 citizens of Long Beach, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Additional papers to accompany House bill 14897, for relief of Eliza Spears; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: Petition of L. J. Rutherford, secretary of the official board, Trinity Methodist Episcopal Church, Minneapolis, Minn., for Federal censorship of interstate motion pictures, prohibition of liquor shipments to Africa, etc.; to the Committee on the Judiciary.

By Mr. SNELL: Petition of A. Martin, Allie Mistaffa, E. T. Martin, Horton Rutherford, E. J. Brown, William M. Barr, J. R. Smith, G. M. Brown, John R. Brown, Robert Jalone, L. P. Wiggins, L. F. Rutherford, Jay Martin, C. C. Chambers, Will White, S. Smith, Rev. C. H. Hill, and Jery Putnam and others, of Lisbon, N. Y., protesting against the passage of the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petitions of C. C. Dickinson and 14 others and Roy P. Byron and 24 others, all of Los Angeles, Cal., favoring House bill 9162; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. G. Paschall and 37 others, all of Los Angeles, Cal., favoring fixed-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles C. Watkins and 8 others, of Los Angeles, Cal., favoring Warren bill; to the Committee on Military Affairs.

Also, petition of Church of the People and Alice P. Ward and 17 others, all of Los Angeles, Cal, protesting against Chamberlain bill; to the Committee on Military Affairs.

Also, petition of Rosecrans Camp, Sons of Veterans, Los Angeles, Cal., favoring issuing arms to Sons of Veterans; to the Committee on Military Affairs.

Also, petitions of 44 citizens of Ontario, Cal., and 33 citizens of Chino, Cal., favoring free speech; to the Committee on the Post Office and Post Roads.

Also, resolutions of Los Angeles Chamber of Commerce, favoring a permanent tariff commission; to the Committee on Ways and Means.

Also, communication from San Joaquin Light & Power Co., Fresno, Cal., protesting stamp tax on checks; to the Committee on Ways and Means.

Also, petition of Mrs. Myrtle Hoffmeister and 30 others, protesting against war with Germany; to the Committee on Foreign Affairs.

Also, petition of Phil Lindner, John Herr, and St. Anthony's Benevolent Society, all of Los Angeles, Cal., favoring embargo on munitions of war; to the Committee on Foreign Affairs.

By Mr. STINESS: Papers to accompany House bill 15428, for relief of Angie O. Allen; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15381, granting an increase of pension to Mary A. Dixon; to the Committee on Invalid Pensions.

Also, petition of 20 citizens of Rhode Island to discontinue and prevent the Taylor system and similar systems in Government workshops; to the Committee on Labor.

Also, petition of Elisha H. Rodes Camp, No. 11, Division of Rhode Island, Sons of Veterans, of Providence, R. I., approving the provisions of the Chamberlain military bill; to the Committee on Military Affairs.

Also, petition of Gilbert Johnson, jr., and Benjamin A. Armstrong, of Providence, R. I., favoring House bill 8828; to the Committee on Appropriations.

Also, petition of Rhode Island Branch of the Woman's Auxiliary to the Board of Missions, protesting against the passage of House bill 108; to the Committee on Indian Affairs.

Also, memorial of Bristol (R. I.) Improvement Association, urging the establishment of a naval base in Narragansett Bay, R. I.; to the Committee on Naval Affairs.

Also, petition of E. Elizabeth Trowbridge, of Peace Dale, R. I., favoring the bill for national aid to vocational education; to the Committee on Education.

By Mr. TAYLOR of Arkansas: Petition of W. H. Nichol and others, of McGehee, Ark., favoring Tavenner antistop-watch bill; to the Committee on Labor.

By Mr. TIMBERLAKE: Petition of citizens of Wray, Colo., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of the second congressional district of Colorado, against drawing this country into the European war; to the Committee on Foreign Affairs.

Also, memorial of citizens of Wellington, Colo., favoring London peace resolution; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *May 16, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we bless Thee that Thou hast broken the silence of the centuries and spoken unto us with infallible word. And Thou hast not only spoken once, but Thou dost continue to speak through the years with the ever-coming kingdom and the ever-unfolding revelation of the divine will. It is not left to us to assume a policy with reference to Thy laws. Thy kingdom ruleth over all. Thy law is inevitable, is eternal, is changeless. Enlighten us through Thy truth. Send us out into the solemn responsibilities of life under Thy guidance and inspiration. May we know God's will, and may we have it in our hearts to do Thy will. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMITH of Michigan and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof; and

H. R. 10385. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a telegram addressed to the President of the Senate which will be printed in the RECORD.

The telegram is as follows:

NEW YORK, N. Y., *May 16, 1916.*

PRESIDENT OF THE SENATE,
Washington, D. C.:

At a mass meeting held under the auspices of the International Brotherhood Welfare Association I am instructed to demand of Senate, House, and President an economic and peace commission to work for economic preparedness, not militarism, and for international solidarity and peace with Mexico and the world. Kindly place this before Senate.

G. H. STORK, *Chairman.*

Mr. SMITH of Michigan. Mr. President, the river and harbor bill now under consideration in the Senate has an item regarding the improvement of the Illinois River, which, in the opinion of many people in the State of Michigan and adjoining States, is seriously inimical to the navigation on the Lakes and the harbors thereof. I have a communication from Mr. Austin Farrell, the manager of the Cleveland-Cliffs Iron Co., of Marquette; a communication from the mayor of the city of Gladstone; and other memorials bearing upon this question, which, in my opinion, are of great interest to the people of the Lake States and should be thoroughly understood by the Senate. These memorials are not long, and I ask that they may be read for the information of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

MARQUETTE, MICH., *May 12, 1916.*

Hon. WILLIAM ALDEN SMITH,
Senate Chamber, Washington, D. C.

DEAR SIR: I am taking the liberty of inclosing herewith copy of brief which I have submitted to the Chief of Engineers relative to the further lowering of the levels of Lake Michigan.

I expect to appear before this gentleman at a hearing on May 15 and elaborate on same. From it you will gather how serious the proposed diversion of additional water through the drainage canal, if allowed, will affect our and kindred industries in the Northern Peninsula.

I respectfully urge that you use every effort to prevent any additional water being allowed to pass through the Chicago Drainage Canal.

Yours, truly,

AUSTIN FARRELL, *Manager.*

—

MAY 12, 1916.

CHIEF OF ENGINEERS,
War Department, Washington, D. C.

SIR. The undersigned is the general manager of the blast furnaces and chemical departments of the Cleveland-Cliffs Iron Co., said company having a large blast furnace and chemical plants located on the shores of Little Bay De Noquet, about 3 miles north of the city of Gladstone.

At the request of Mr. G. R. Huntington, general manager, I am representing the interests of the Minneapolis, St. Paul & Sault Ste. Marie Railway, who have large coal, merchandise, docks, and grain elevator in the city of Gladstone. I have also been requested to represent the interests of the Northwestern Cooperage & Lumber Co., who have large saw, veneer, and planing mills and hardwood-floor factories, also located in the city of Gladstone.

Attached hereto please note letters giving me authority to act for the companies mentioned, and also setting forth briefly their position relative to the still further lowering of the water in Lake Michigan through the possibility of additional water being allowed to pass through the drainage canal at Chicago into the Illinois River.

Each and all of us emphatically protest against any additional water being given to said canal and respectfully urge that the amount be cut down to not to exceed 250,000 cubic feet per minute during a day of 24 hours.

In defense of the stand taken by the Cleveland-Cliffs Iron Co., through me as their representative, beg to state that we operate, as already mentioned, a large blast furnace and chemical plants, producing about 40,000 tons of pig iron, 6,927,947 pounds of acetate of lime, 331,173 gallons of alcohol, and 298,840 gallons of tar flotation oils yearly.

While it is true that not all of this product goes out by water, yet the outgoing and incoming freight for the plant will amount to about 20,000 to 25,000 tons per year. To handle this material we have at great expense constructed a dock at our plant. When this dock was constructed there was ample water for large boats to get to and from it without trouble. During the past five or six years, according to our observations, the lake level has lowered about 2 feet. This large recession of water can not be entirely due to fluctuation or changes in climatic conditions. On the other hand, we claim that it is largely the result of the vast amount of water being passed through the drainage canal. Between December 15, 1914, and December 28, 1915, our measurements show that the levels were 8¼ inches lower in 1915 than in 1914.

This lowering of the lake levels has seriously interfered with our boat shipments, and we are now compelled to use boats of smaller capacity and lighter draft which at the present time are very hard to obtain. We estimate that the lowering of 8 inches referred to during the past year has cut down the carrying capacity of the boats at our dock between 10 and 15 per cent.

I am informed that if the drainage-canal authorities are allowed the amount of water they ask for that the lake levels will be lowered an additional 8 or 10 inches. You can readily see the effect this will have on our operations. The bottom of the lake from the face of our dock toward deep water has been dredged until we are practically upon a ledge of limestone rock, and if we are compelled to build our dock still farther into the lake the expense will be so large as to be practically prohibitive.

If you will refer to the data furnished by the Minneapolis, St. Paul & Sault Ste. Marie Railway, under the head of Exhibit A, you will note the size and capacity of their docks, freight sheds, elevators, etc. You will also note how the lowering of the water has seriously affected their piling and the expense they had been put to to take care of same, and the further additional expense they will be put to through dredging and the danger said dredging will entail should they be compelled to undertake it.

Under the head of Exhibit B, I am submitting a statement from the Northwestern Cooperage & Lumber Co., setting forth in detail just how seriously they have been and will be affected by the further lowering of the present lake levels.

I would also like to call your attention to the fact that on Little Bay De Noquet there are other large industries engaged in the manufacture of pig iron, lumber, and the handling of iron ore. While it is possible that these interests will have their own representatives, it may not be amiss for me to state that they comprise the large ore docks of the Chicago & North Western Railway and the Chicago, Milwaukee & St. Paul Railway, at Escanaba; the I. Stephenson Lumber Co., the Stephenson Charcoal Iron Co., the Delta Chemical Co., and the Michigan Tanning & Extract Co., at Wells; the Stack Lumber Co., at Masonville, just north of Gladstone; and the Madden & Scheible Lumber Co. and other manufacturers at Rapid River. All of these industries, representing a vast amount of capital, will be seriously affected by the further lowering of the lake levels; but I speak particularly for the companies which I am representing.

As previously stated, we protest against any further lowering of lake levels and urgently request that you use every effort to prevent additional water being taken through the drainage canal.

Since writing the above I have a letter from the mayor of the city of Gladstone requesting me to represent them at this hearing, and refer you to "Exhibit C" attached hereto.

I therefore wish to protest as the representative of the city of Gladstone against any additional amount of water being allowed to pass through the so-called Chicago Drainage Canal.

Respectfully submitting this statement, we beg to remain,

THE CLEVELAND-CLIFFS IRON CO.,
By ———, *Manager.*
MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE RY. CO.,
By ———, *Representative.*
THE NORTHWESTERN COOPERAGE & LUMBER CO.,
By ———, *Representative.*
CITY OF GLADSTONE, MICH.,
By ———, *Representative.*

—

MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE RAILWAY CO.,
OFFICE OF GENERAL AGENT,
Gladstone, Mich., May 10, 1916.

PROPERTY.

Minneapolis, St. Paul & Sault Ste. Marie Railway Co., Gladstone, Mich.:

Investment		$1,000,000
Length of freight sheds	feet	1,500
Capacity of freight sheds	tons flour	9,000
Length open dock	feet	200
Length of coal dock	do	800
Capacity of coal dock	tons	200,000
Capacity of elevator	bushels	500,000
Handles over docks and through elevator past 15 years:		
Flour and merchandise	tons	2,703,623
Coal	do	2,992,731
Grain to boats through elevator	bushels	38,842,512
Miscellaneous, cement, salt, etc	tons	100,000

Our business demands that we have sufficient depth of water along our dock to permit the largest boats on the Lakes getting in with full loads. In the beginning we had to dredge to this depth and have at various times in past few years had to do further dredging to maintain it. The last time we dredged we cut to 23 feet, and at this writing we have a scant 20 feet, a portion of this filling in is natural, but at least a foot and one-half of it is caused by lowering of the water in the lake.

Any further decrease in the depth must be met by an equal amount of dredging along our entire dock front (2,500 feet) and a cut made not less than 100 feet wide.

The lowering of the lake level means also that boats set that much lower than the dock and it is more difficult to get in and out of them, this and the fact that it also make an uphill haul will increase the cost per ton of handling.

If the lake level is further lowered and we are obliged to dredge deeper than ever to get sufficient water, it means the taking away of just that much more earth from the bottom of the lake around the outer row of piling and a general weakening of the whole structure.

Our piling under docks which were cut level with the water are now a foot and one-half above the lake level, a further lowering of the water will make them project that much more. Soon as they get out of the water they commence to rot and have to be replaced with blocking, the blocking can not be as strong as the piling and the foundation is thus made weaker, and puts us to the expense of purchasing timbers and the labor of putting them in. This damage has already been done to a certain extent and will be increased by further lowering of the water. This one item alone will amount to thousands of dollars.

To summarize, we have already suffered by the lowering of the water which has already taken place, to the extent of having to place caps on several thousand piling and by having the water lowered all along our dock and stand to pay out thousands more if the water is further

lowered, as we will have to do more dredging, put additional caps on piling, and pay more per ton for handling freight.

EXHIBIT B.

THE NORTHWESTERN COOPERAGE & LUMBER CO.,
Gladstone, Mich., May 9, 1916.

Mr. AUSTIN FARRELL,
Manager Cleveland-Cliffs Iron Co.,
Marquette, Mich.

DEAR SIR: Regarding the rehearing of the Illinois waterway matter at Washington on the 15th, which involves the lowering of the waters of Lake Michigan through its drainage into the sanitary drainage canal at Chicago. This is a very serious matter to us, on account of the large tonnage each year that we are obliged to get in to and from our plants here.

We have been operating here some 15 or 20 years, and these plants were originally located and built on the strength of the water facilities for shipping in and out by vessel, and we should say, roughly, each year there is a tonnage in to and from our plants of 15,000 to 20,000 tons that must be handled in order for us to operate, and this would be true of the 10 to 15 years to come.

According to our records of the stages of water around our plants, it has lowered permanently all the way from 2 to 2½ feet in the last five or six years, which has caused a very great inconvenience and a large expenditure of money by this company in dredging, not only around our plants and docks but other places in connection with our mill operations, which had to be dredged in order to have water enough to carry on our operations, and this lowering, as far as we have been able to ascertain from those supposed to be posted on the subject, has been caused in no small degree already by the amount taken out through the canal at Chicago, and if this is to be further lowered, it will be almost impossible at a good many of the upper lake ports, and especially in the upper Bay de Noc, to do any commercial business by boats; and it would seem this is not only a matter of interest to us as manufacturers, but that the interests of the destination territories served by these boats should be considered rather than the fact of supplying the Chicago Canal with water.

We assume that we are not far wrong in saying that any further lowering of the water would mean at least 1 to 2 feet, and if that is done the lightest-draft boats could not get into our plants and docks, which would mean a vast amount of dredging at such a large expense as would be prohibitory and which we could not stand. In addition to dredging that would have to be done along our trams and docks, we would also have to dredge practically the entire area of our large pond, which area of water is absolutely necessary in running our plants of a mile long, and, as the bottom is quite soft, we doubt if the docks and trams would stand up under any load without falling away, and might necessitate, in addition to dredging, the rebuilding of these docks and the use of much longer piling than was used when they were built in order to get the required strength and also get the top of the dock the proper distance from the water for convenient loading of boats with material off the dock.

In addition to this there is from one-half to three-quarters of a mile of approach to our dock from the bay that now has barely enough depth of water for boats to get through to the docks, and this distance would certainly also have to be dredged in addition to the other dredging in order to allow boats to get to our plants and docks if the water is lowered any further, all of which would mean many thousands of dollars' expense; and we hope upon consideration no further impairment of condition will be allowed than now exist.

Yours, truly,

THE NORTHWESTERN COOPERAGE & LUMBER CO.,
By STAPLES.

EXHIBIT C.

GLADSTONE, MICH., *May 11, 1916.*

Mr. AUSTIN FARRELL,
Marquette, Mich.

DEAR SIR: At a meeting of the city council held Monday, May 1, the mayor was authorized to select some one to represent the city of Gladstone at the meeting to be held in Washington on May 15. The object of said meeting is to reconsider the matter of lowering the lake levels by permitting more water to pass through the Chicago Drainage Canal.

This matter is of vital importance to the city of Gladstone, as its commercial life depends upon the lake shipping facilities. Without the industries that depend upon the local harbor our city would dwindle to a hamlet. By destroying our harbors they would also destroy our industries and leave us without employment for the workmen of our city and vicinity and devastate a city of 5,000 population.

Besides the property of our industries which would be destroyed, it would make it impossible, without dredging, for boats to land at the dock owned by the city. It would no doubt be necessary to extend our city dock several hundred feet farther into the lake, and this our city is not in a position to do.

Inasmuch as the lake levels have already been lowered so much, a further lowering would put things in a critical condition and disaster to our city would quickly follow.

In view of the above I appoint you as representative of the city of Gladstone at the above-mentioned meeting and trust that you will protest most vigorously against such action.

Trusting that the proper officials will recognize our claims and that the outcome will prove satisfactory to us, we remain,

Very truly, yours,

CITY OF GLADSTONE, MICH.,
JAMES T. JONES, *Mayor.*

Mr. SUTHERLAND. Mr. President, at a mass meeting of citizens of Salt Lake City, held in the Salt Lake Theater on the 11th day of the present month, the resolutions I send to the desk were passed. I ask that the resolutions may be read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read the resolutions, as follows:

Whereas the present interstate discrimination against the political rights of women can be ended only by the passage through Congress of the Federal suffrage amendment; and

Whereas the women of Utah do not receive the protection of the United States Constitution as regards their voting rights: Be it

Resolved, That we, citizens of Salt Lake City, assembled in mass meeting at the Salt Lake Theater, May 11, 1916, protest against the unfair action of the Judiciary Committee of the House of Representatives in blocking the passage of the Susan B. Anthony Federal suffrage amendment by refusing to consider it upon its merits, and demand that it be given an immediate and favorable report; be it further

Resolved, That if the suffrage amendment be not passed at the present session of Congress, we shall feel bound to the extent of our political power to hold the Democratic Party to full responsibility; be it finally

Resolved, That a copy of these resolutions be forwarded to the administration leaders, to the chairman and members of the House Judiciary Committee, and to the Utah congressional delegation, with the request that they be read into the CONGRESSIONAL RECORD by Senator SUTHERLAND and Congressman MAYS.

Mrs. W. N. WILLIAMS, *Chairman.*

Unanimously passed May 11, 1916.

Mr. BORAH. Does not the resolution come under the inhibition of one of our rules with reference to reflecting upon the conduct and action of another body?

Mr. SUTHERLAND. There is no rule that prevents citizens from reflecting upon the action of another body.

The VICE PRESIDENT. The Chair would inquire Where is the rule?

Mr. BORAH. If the Chair does not know the rule, I would not undertake to point it out, but I assumed when the Senator from Utah fathered the resolution he was really the author.

The VICE PRESIDENT. There is no rule. There is a statement in Jefferson's Manual to the effect that it is improper conduct on the part of either body to refer in censorious, tippant, or other terms with reference to the conduct of the other body, but there is no rule of the Senate which prevents the introduction of a resolution of this kind.

Mr. BORAH. Very well, then——

The VICE PRESIDENT. The Chair sees no objection to the resolution and no objection to the party assuming the responsibility.

Mr. SUTHERLAND. There is no rule, as I understand it, which prevents a citizen from telling the truth about either House of Congress.

Mr. SMITH of Michigan. We did not quite hear the resolution in this part of the Chamber. Can we have it read again?

Mr. BORAH. I can see some things in the resolution which compensate for the other things.

Mr. CHAMBERLAIN. I desire to present a similar resolution from my constituents in Portland, Oreg., and ask to have it inserted in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution unanimously passed at a mass meeting in the Portland Library, Portland, Oreg., April 30, 1916.

Whereas our Representatives in Congress have been denied the opportunity of voting upon the Federal suffrage amendment: Be it

Resolved, That we demand that the Judiciary Committee of the House of Representatives take a vote on the Susan B. Anthony Federal suffrage amendment on its own merits and give it an immediate favorable report; be it further

Resolved, That we call upon our Senators CHAMBERLAIN and LANE to work for this measure, so that the administration, which we hold responsible for its passage, will put its party strength behind the amendment, that it may be passed during this session of Congress; be it finally

Resolved, That a copy of this resolution be sent to each of the administration leaders, the chairman and members of the House Judiciary Committee, and to the Oregon congressional delegation, with the request that it be read into the CONGRESSIONAL RECORD by Senator CHAMBERLAIN in the Senate and Congressman MCARTHUR in the House.

EMMA WOLD, *Chairman.*

Mr. KENYON presented a memorial of sundry citizens of Gravity, Iowa, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Ministerial Association of Dubuque, Iowa, praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of Jewell, Iowa, remonstrating against certain provisions of the so-called migratory-bird law, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of sundry citizens of Russell, Iowa, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Iowa, praying for the restoration of peace in Europe, which were referred to the Committee on Foreign Relations.

Mr. HARDING. I present a very brief petition, and I should like to have the contents thereof printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

MILAN, OHIO, *May 9, 1916.*

Hon. W. G. HARDING,
United States Senate, Washington, D. C.

MY DEAR SIR: The Erie County Sunday School Association, representing a membership of 7,000, in convention assembled, herewith petition their United States Senators to give all possible aid to temperance legislation now under committee consideration, to the end that such legislation may be reported on favorably and passed by this session of Congress.

The submission of a constitutional amendment to the State legislatures, the bill to prohibit the sale of intoxicating liquor in the District of Columbia, the bill to prohibit the export of liquor to our island possessions and to Africa, prohibition of the liquor traffic in Alaska—these measures should receive the support of our representatives, and we pray that this petition be recorded in the CONGRESSIONAL RECORD.

THE ERIE COUNTY SUNDAY SCHOOL ASSOCIATION,
W. S. LIPPS, *President.*
W. H. OSWALT, *Secretary.*

Mr. PHELAN presented petitions of sundry citizens of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Lodi, Lackeford, Sacramento, and San Francisco, all in the State of California, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for Federal aid in the construction of good roads, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of El Centro, Cal., praying for the enactment of legislation to establish a land office in the Imperial Valley, Cal., which was referred to the Committee on Public Lands.

Mr. SHERMAN presented petitions of sundry citizens of Quincy and Oquawka, in the State of Illinois, praying for the adoption of certain amendments to the migratory-bird law, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of sundry citizens of Chicago, Ill., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the American Society of Patriots, of Chicago, Ill., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the City Council of Cairo, Ill., praying for the enactment of legislation providing for the construction of the Lockport and Utica waterway, which was ordered to lie on the table.

Mr. LANE presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Roseburg, Oreg., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. GRONNA. I present sundry petitions from citizens of my State and from various church organizations in my State, asking for national constitutional prohibition. They are from Williston, Fargo, Oberon, Bowesmont, and Pembina. I ask that one of the petitions may be printed in the RECORD and that all of them may be referred to the Committee on the Judiciary.

There being no objection, the petitions were referred to the Committee on the Judiciary and one was ordered to be printed in the RECORD, as follows:

Resolution suggested for adoption by churches, young people's societies, clubs, and other organizations, and by public meetings generally. Woman's Christian Temperance Union speakers are urgently requested to secure from all meetings which they address the adoption of this resolution.

Resolved, That we are in hearty favor of national constitutional prohibition and will do all within our power to secure the adoption of an amendment to the Constitution forever prohibiting the sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States, in accordance with the joint resolution introduced in the United States Senate by Senators MORRIS SHEPPARD and JACOB H. GALLINGER, and in the House by Representatives EDWIN Y. WEBB and ADDISON SMITH.

Adopted by Fargo Woman's Christian Temperance Union, representing 250 people, February 28, 1916.

Mrs. D. FISHER.

County, Cass; city, Fargo; State, North Dakota.

Mr. KERN presented a memorial of the Central Labor Union of Indianapolis, Ind., remonstrating against the execution of the leaders of the so-called Irish rebellion, which was referred to the Committee on Foreign Relations.

Mr. JONES presented a memorial of sundry citizens of Snohomish, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. WORKS presented a memorial of sundry citizens of Long Beach, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. WADSWORTH presented memorials of sundry citizens of Jamestown, N. Y., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5724) authorizing the construction of a public building in the city of Durango, Colo., reported it with amendment and submitted a report (No. 444) thereon.

Mr. SWANSON (for Mr. TILLMAN), from the Committee on Naval Affairs, to which was referred the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes, reported it without amendment and submitted a report (No. 445) thereon.

Mr. SMITH of Michigan, from the Committee on Naval Affairs, to which was referred the bill (S. 5675) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy, reported it without amendment and submitted a report (No. 446) thereon.

Mr. MARTINE of New Jersey, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5398) to increase the limit of cost of post-office site and building at Millville, N. J., reported it without amendment.

Mr. SMITH of Georgia. I desire to report, from the Committee on Rules, a substitute resolution for Senate resolution 131 and Senate resolution 149, and I submit a report (No. 447) thereon. I do not care to have the two resolutions read for which this substitute resolution is reported, but I ask that the substitute may be read. It is very short.

The VICE PRESIDENT. The substitute will be read.

The Secretary read the proposed substitute (S. Res. 195), as follows:

[Reported favorably by the Committee on Rules, as substitute for S. Res. 131 and S. Res. 149.]

Resolved, That the standing rules of the Senate be, and they hereby are, amended as follows:

At the close of Rule XXII, add:

"*Provided, however*, That if 16 Senators present to the Senate at any time a signed motion to bring to a close the debate upon any pending measure, the Presiding Officer shall at once state the motion to the Senate and at the close of the morning hour on the following calendar day lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Chair shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be in order to the exclusion of all other business except a motion to recess or adjourn.

"Thereafter no Senator shall be entitled to speak more than one hour on the bill, the amendments thereto, and motions affecting the same, and it shall be the duty of the Chair to keep the time of each Senator who speaks. No dilatory motions shall be in order, and all points of order and appeals from the decision of the Chair shall be decided without debate."

Mr. SMITH of Georgia. I think the report should go to the calendar, as do other reports from committees, in order that Senators who are not on the Committee on Rules may have an opportunity to examine it.

The VICE PRESIDENT. The report will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 6013) to confirm the entry of John Dowd; to the Committee on Public Lands.

By Mr. LANE:

A bill (S. 6014) authorizing the Secretary of the Interior to withdraw from the Treasury a certain sum of the permanent fund of the Chippewas of Minnesota, now on deposit therein, to their credit; to the Committee on Indian Affairs.

By Mr. CLAPP:

A bill (S. 6015) for the tuition, board, books, paper, and traveling expenses to and from their respective homes of six Chippewa boys to either academies or colleges for the school year ending June, 1916; and

A bill (S. 6016) for the relief of the Pillager Bands of Chippewa Indians of Minnesota, and for other purposes; to the Committee on Indian Affairs.

By Mr. DILLINGHAM:

A bill (S. 6017) granting an increase of pension to Angus C. Burns; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6018) granting an increase of pension to Insley Cook (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 6019) granting a pension to Mary A. Gillogly; and

A bill (S. 6020) granting an increase of pension to Julius C. Wright; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6021) granting a pension to Eli T. Jefferson Jordan (with accompanying papers); and

A bill (S. 6022) granting a pension to William H. Ingle (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE (by request):

A bill (S. 6025) to grant the right of appeal to employees in the Federal classified civil service; to the Committee on Civil Service and Retrenchment.

By Mr. CHILTON:

A bill (S. 6026) granting an honorable discharge to William C. Copeland (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6027) granting a pension to Wade H. Spencer (with accompanying papers);

A bill (S. 6028) granting a pension to Violetta Dillon (with accompanying papers);

A bill (S. 6029) granting an increase of pension to Samuel White (with accompanying papers);

A bill (S. 6030) granting an increase of pension to Edgar C. Martin (with accompanying papers);

A bill (S. 6031) granting an increase of pension to Alice E. Ward (with accompanying papers);

A bill (S. 6032) granting an increase of pension to William I. Gore (with accompanying papers);

A bill (S. 6033) granting a pension to William S. Wilmoth (with accompanying papers);

A bill (S. 6034) granting an increase of pension to John M. Jones (with accompanying papers);

A bill (S. 6035) granting a pension to Nancy E. Stone (with accompanying papers);

A bill (S. 6036) granting an increase of pension to Millard Terry (with accompanying papers);

A bill (S. 6037) granting an increase of pension to Simon C. Staton, jr. (with accompanying papers);

A bill (S. 6038) granting a pension to Charles L. Hunter (with accompanying papers); and

A bill (S. 6039) granting a pension to Rosabella Pierce (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6040) providing for the adjudication of certain claims by the Court of Claims; to the Committee on Claims.

By Mr. VARDAMAN:

A bill (S. 6041) granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River, at or near Pascagoula, Miss.; to the Committee on Commerce.

MONUMENT TO COL. ALEXANDER WILLIAM DONIPHAN.

Mr. STONE. I introduce a bill which I ask may lie on the table for the present.

The VICE PRESIDENT. The bill which has been introduced by the Senator from Missouri will be read by title.

The bill (S. 6023) for the erection of a monument to the memory of Col. Alexander William Doniphan was read twice by its title.

Mr. STONE. Before the bill is referred, I desire to submit to the Senate some very brief remarks, as the Senator from New Mexico [Mr. CATRON] also desires to do. I therefore ask that the bill may lie on the table for the present because of the pressure of important matters in the Senate at this morning's session.

The VICE PRESIDENT. That action will be taken.

MINERAL RESOURCES.

Mr. SIMMONS. I introduce a bill which I ask may be appropriately referred.

The bill (S. 6024) to authorize the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of certain national forests was read twice by its title.

The VICE PRESIDENT. To what committee does the Senator from North Carolina desire to have the bill which he has just introduced referred?

Mr. SIMMONS. I desire that it shall be referred to the Committee on Agriculture and Forestry.

Mr. SMOOT. Mr. President, I should like to have the title of the bill again read.

The VICE PRESIDENT. The title will again be stated.

The Secretary again read the bill by title.

Mr. SMOOT. I think the bill should be referred to the Committee on Mines and Mining.

Mr. SIMMONS. Mr. President, I think the bill might with propriety be referred to either one of the two committees. It authorizes certain work to be done by the Secretary of Agriculture, and I should therefore prefer to have the bill referred to the Committee on Agriculture and Forestry.

Mr. SMOOT. The Committee on Public Lands has always until lately had jurisdiction of the mining laws of the United States. It seems to me that the bill should be referred——

Mr. SIMMONS. This is a mere prospecting proposition, authorizing the prospecting, development, and utilization of the mineral resources in certain national forests. I do not, however, desire to have any controversy about the matter, and if it is insisted that the bill shall be referred to a committee other than the Committee on Agriculture and Forestry I shall not object.

Mr. SMOOT. I think it ought to go to the Committee on Mines and Mining.

Mr. SIMMONS. The bill really applies to only one forest reserve.

The VICE PRESIDENT. Unless a motion is made to refer the bill otherwise, the Chair will send it to whatever committee the Senator from North Carolina suggests.

Mr. SIMMONS. I shall not make any controversy with the Senator from Utah [Mr. SMOOT] about the reference of the bill. The Senator from Georgia [Mr. SMITH] tells me that the Committee on Agriculture and Forestry have the subject matter of the park and the reservation to which this bill is intended to apply before it for consideration.

Mr. SMITH of Georgia. I would be glad to hear the proposition of the bill again stated.

Mr. SMOOT. It is a proposition to change the mining laws of the United States in regard to forest reserves.

Mr. SIMMONS. I repeat, I shall make no controversy about the bill being referred to the Committee on Mines and Mining.

Mr. SMITH of Georgia. We have the Appalachian Reservation now under consideration in the Committee on Agriculture and Forestry, and that was the only reason I desired the bill referred to that committee.

The VICE PRESIDENT. The bill will be referred to the Committee on Mines and Mining.

PRIVILEGES OF THE FLOOR.

Mr. ASHURST. Mr. President, the Senator from Kansas [Mr. CURTIS] on May 8 introduced a resolution which went to the Committee on Rules. I do not believe that that committee has made any report. I should like to have a copy of the resolution printed in the RECORD, and in the same line have printed in the RECORD also a statement which I have caused to be prepared showing to whom and for what purposes and under what circumstances the privileges of the floor of the Senate have been extended to various citizens of the United States in private life from the foundation of the Government.

I wish to state that I am very much in favor of the resolution of the Senator from Kansas, and I hope the Committee on Rules may report it out to-day, so that it may be adopted by the Senate.

Mr. MYERS. Mr. President, I wish to rejoin to what the Senator from Arizona says, that I am very earnestly in favor of the resolution, and I hope that it will be reported out between now and 1 o'clock, that the Senate may have an opportunity to act on it by 1 o'clock.

There being no objection, the matter indicated by Mr. ASHURST was ordered to be printed in the RECORD, as follows:

Whereas there is now before the Senate of the United States a resolution, No. 1, favorably reported from the Senate Committee on Woman Suffrage, proposing to amend the Constitution of the United States by removing the qualification of sex as a bar to the exercise of the right of franchise; and

Whereas a large number of women voters have delegated to certain envoys the duty of conveying to this Congress an expression of the desire of said women voters that this Congress shall submit to the States for ratification the pending constitutional amendment generally known as the Susan B. Anthony amendment; and

Whereas the question of woman suffrage is one of the foremost issues before the people of the United States: Therefore be it

Resolved, That on the calendar day of May 16, 1916, this body shall stand adjourned at 5 o'clock and 15 minutes postmeridian, and immediately thereafter the envoys from the said women's convention shall be permitted to enter the Senate Chamber and present upon the floor the message which they are to bring from the western women voters.

[From: Furber, George P. Precedents relating to the privileges of the Senate. Mis. Doc. 68, 52d Cong., 2d sess.]

CONTESTANTS FOR SEATS.

WILLIAM BLOUNT AND WILLIAM COCKE.

[2 J. of S., 269, May 23, 1796.]

A letter, signed William Blount and William Cocke, was read, stating that they have been duly and legally elected Senators to represent the State of Tennessee in the Senate.

On motion,

"That Mr. Blount and Mr. Cocke, who claim to be Senators of the United States, be received as spectators, and that chairs be provided for that purpose until the final decision of the Senate shall be given on the bill proposing to admit the Southwestern Territory into the Union."

A motion was made to refer the consideration thereof to a committee, and it passed in the negative.

On motion to agree to the original motion, it passed in the affirmative—yeas 12, nays 11, as follows: [The names are omitted.]

DAVID L. YULEE.

[1st sess. 32d Cong., J. of S., 649, Aug. 27, 1852.]

Resolved, That the Hon D. L. Yulee, who contests the seat of the Hon. L. R. Mallory, have leave to be heard in person at the bar of the Senate for two hours

[Mr. Yulee addressed the Senate on the same day.]

[Congressional Globe, 1st sess. 32d Cong., 2390, and Appendix, 1174.]

HENRY S. LANE AND WILLIAM M. M'CARTY.

[2d sess. 35th Cong., J. of S., 178, Jan. 24, 1859.]

Mr. Seward submitted the following motion for consideration:

"*Resolved*, That the Hon. Henry S. Lane and the Hon. William M. McCarty, who claim to have been elected Senators from Indiana, be entitled to the privileges of admission on the floor of the Senate until their claims shall have been decided."

[Ib., 188, Jan. 26, 1859.]

On motion by Mr. Seward, the Senate proceeded to consider the resolution, submitted by him the 24th instant, to admit the Hon. Henry S. Lane and the Hon. W. M. McCarty, claiming to have been elected Senators by the Legislature of Indiana, on the floor of the Senate; and

After debate,

On motion by Mr. Iverson, that the resolution lie on the table, it was determined in the affirmative—yeas 31, nays 22. [The names are omitted.]

So it was

Ordered, That the resolution lie on the table.

[Ib., 254, Feb. 3, 1859.]

Mr. Seward submitted the following resolution for consideration:

"*Resolved*, That Henry S. Lane and William M. McCarty have leave to occupy seats on the floor of the Senate pending the discussion of the report of the Committee on the Judiciary on the memorial of the Legislature of Indiana declaring them her duly elected Senators, and that they have leave to speak to the merits of their right to seats and the report of the committee."

[Ib., 315, Feb. 14, 1859.]

On motion by Mr. Collamer, the Senate proceeded to consider the report of the Committee on the Judiciary on the memorial of the State of Indiana in relation to the Senators from Indiana, with the reported resolution, that the Committee on the Judiciary be discharged from the further consideration of the memorial of the Legislature of Indiana.

An amendment having been proposed by Mr. Seward, to amend the resolution to discharge the Committee on the Judiciary by striking out all after "*Resolved*," and inserting "That Henry S. Lane and William M. McCarty have leave to occupy seats on the floor of the Senate pending the discussion of the report of the Committee on the Judiciary on the memorial of the Legislature of Indiana declaring them her duly elected Senators, and that they have leave to speak to the merits of their rights to seats, and on the report of the committee."

[On motion by Mr. Pugh, Mr. Seward's motion was amended by striking out all after the word "that," and inserting a declaration that the former decision of the Senate declaring Messrs. Fitch and Bright the duly elected Senators was final and conclusive.]

[Congressional Globe, 1014, 1019. Debate in Appendix (Congressional Globe, 128–148, Appendix).]

FREDERIC P. STANTON.

[2d sess. 37th Cong., J. of S., 106, Jan. 13, 1862.]

On motion by Mr. Collamer, that Frederic P. Stanton, who contests the seat of the Hon. James H. Lane, have leave to be heard in person at the bar of the Senate,

It was determined in the affirmative, {Yeas 32, Nays 4}

So it was

Ordered, That Frederic P. Stanton, who contests the seat of Hon. James H. Lane, have leave to be heard in person at the bar of the Senate.

On motion by Mr. Fessenden, that the Senate reconsider the vote agreeing to the motion of Mr. Collamer,

It was determined in the negative.

[Congressional Globe, 2d sess. 37th Cong., 291.]

SENATORS ELECT FROM ARKANSAS.

[1st sess. 39th Cong., J. of S., 186, Feb. 26, 1866.]

A motion was made by Mr. Lane of Kansas to admit the Senators elect from the State of Arkansas to seats on the floor of the Senate.

On motion by Mr. Wade that the motion of Mr. Lane of Kansas lie on the table, it was determined in the affirmative—yeas 27, nays 18. [The names are omitted.]

So it was

Ordered, That the motion lie on the table.

[The debate is found in Congressional Globe, 1st sess. 39th Cong., 1025–1027.]

CLAIMANTS FROM COLORADO.

[1st sess. 39th Cong., J. of S., 143, Feb. 8, 1866.]

On motion by Mr. Lane of Kansas,

Ordered, That the Senators elect from the State of Colorado be admitted to the floor of the Senate.

[Congressional Globe, 1st sess. 39th Cong., 734. There was no discussion.]

WILLIAM H. CLAGETT.

[1st sess. 52d Cong., J. of S., 122, Feb. 24, 1892.]

Mr. Stewart submitted the following resolution for consideration, which was ordered to be printed:

Resolved, That William H. Clagett, the contestant for the seat in the United States Senate now occupied by Hon. Fred. T. Dubois, have leave to occupy a seat on the floor of the Senate pending the discussion of the report of the Committee on Privileges and Elections, and that he have leave to speak to the merits of his right to have the seat, and on the report of the committee.

[Ib., 125. Feb. 25, 1892.]

The President pro tempore laid before the Senate the resolution yesterday submitted by Mr. Stewart, granting William H. Clagett, contestant for a seat in the Senate from the State of Idaho, leave to speak on his right to the seat; and having been amended, on motion of Mr. Mitchell, by inserting after the word "speak" the words "not exceeding two hours."

On the question to agree to the resolution as amended as follows:

Resolved, That William H. Clagett, the contestant for the seat in the Senate now occupied by Hon. Fred. T. Dubois, have leave to occupy a seat on the floor of the Senate pending the discussion of the report of the Committee on Privileges and Elections, and that he have leave to speak, not exceeding two hours, to the merits of his rights to the seat, and on the report of the committee.

It was determined in the affirmative—yeas 48, nays 1. [The names are omitted.]

So the resolution was agreed to

[For the debate on this resolution, see CONGRESSIONAL RECORD, 1st sess. 52d Cong., 1430–1432.]

PETITIONING.

[2 J. of S., 481, Apr. 27, 1798.]

On motion by Mr. Marshall,

Resolved, That no motion shall be deemed in order to admit any person or persons whatever within the doors of the Senate Chamber to present any petition, memorial, or address, or to hear any such read.

[There was no discussion.]

[2d sess. 45th Cong., J. of S., 76, Jan. 10, 1878.]

Mr. Sargent submitted the following resolution for consideration:

Whereas thousands of the women of the United States have petitioned Congress for an amendment to the Constitution allowing women the right of suffrage; and

Whereas many of the representative women of the country favoring such amendment are present in the city and have requested to be heard before the Senate in the advocacy of said amendment:

Resolved, That at a session of the Senate to be held on ——— said representative women, or such of them as may be designated for that purpose, may be heard before the Senate, but for two hours only.

The Senate proceeded, by unanimous consent, to consider the said resolution; and

On the question, Will the Senate agree thereto?

It was determined in the negative, {Yeas 13, Nays 31}

On motion by Mr. Sargent,

The yeas and nays being desired by one-fifth of the Senators present,

So the resolution was not agreed to.

[CONGRESSIONAL RECORD, 2d sess. 45th Cong., 255–267.]

[2d sess. 45th Cong., J. of S., 83, Jan. 14, 1878.]

Mr. Edmunds submitted the following resolution; it was referred to the Committee on Rules and ordered to be printed:

Resolved, That the following be one of the standing rules of the Senate:

No motion shall be deemed in order to admit any person whatsoever within the doors of the Senate Chamber to present any petition, memorial, or address, or to hear any such read, or to address the Senate, except as parties or counsel in cases of contempt or impeachment.

DISTINGUISHED VISITORS AND OTHERS.

GEN. LAFAYETTE.

[2d sess. 18th Cong., J. of S., 7, Dec. 7, 1824.]

A message from the House of Representatives, by Mr. Clarke, their clerk:

Mr. PRESIDENT: The House of Representatives have passed a resolution for the appointment of chaplains; and a resolution for a joint committee to consider and report what respectful mode it may be proper for Congress to adopt to receive Gen. Lafayette, and have appointed a committee on their part; in which resolutions they request the concurrence of the Senate, and he withdrew.

On motion by Mr. Barbour,

The Senate proceeded to consider the last-named resolution; and

Resolved, That the Senate concur therein.

[2d sess. 18th Cong., J. of S., 28, Dec. 8, 1824.]

The committee on the part of the Senate recommend that the President of the Senate invite Gen. Lafayette to take a seat, such as he shall designate, in the Senate Chamber; that the committee deliver the invitation to the general, and introduce him into the Senate, and that the Members receive the general standing.

The said report was read and considered.

Whereupon,

Resolved unanimously, That the Senate do agree therein.

[Ib., 29, Dec. 9, 1824.]

At 1 o'clock Gen. Lafayette was conducted into the Chamber of the Senate by the committee appointed for the purpose;

Whereupon,

Mr. Barbour, as the chairman of the said committee, introduced the general to the Senate, when the Senators arose from their seats and remained standing until the general was seated on the right of the chair of the President, to which he was invited by the President.

On motion by Mr. Barbour,

That the Senate do now adjourn, in order that the Members may present their respects to Gen. Lafayette individually, it was unanimously determined in the affirmative;

Whereupon,

The President adjourned the Senate to Monday next.

LIEUT. WILKES.

[2d sess. 27th Cong., J. of S., 447, July 5, 1842.]

Mr. Tappan submitted the following resolution:

Resolved, That the forty-seventh rule of the Senate be amended by adding to the persons who may be admitted on the floor of the Senate, Lieut. Wilkes and the officers who served with him during the exploring expedition.

The Senate proceeded to consider the resolution by unanimous consent, and

On the question to agree thereto,

It was determined in the negative.

[Congressional Globe, 2d sess. 27th Cong., 718.]

EX-PRESIDENT OF TEXAS.

[2d sess. 28th Cong., J. of S., 178, Feb. 17, 1842.]

By unanimous consent it was

Resolved, That the ex-President of the Republic of Texas be admitted on the floor of the Senate.

REV. THEOBALD MATTHEW.

[1st sess. 31st Cong., J. of S., 9, Dec. 19, 1849.]

Mr. Walker submitted the following resolution for consideration:

Resolved, To admit Rev. Theobald Matthew within the bar of the Senate during his sojourn in Washington.

It was agreed to.

[Congressional Globe, 1st sess. 31st Cong., 51-59.]

The resolution was objected to by Senators Calhoun, Dawson, and Foote as establishing a bad precedent. Mr. Clay argued in its favor: "I understand that according to the usage of the Senate, any Member may introduce into the lobby any distinguished person whom he thinks proper to introduce. I had understood that to be the rule; perhaps I am mistaken; but be that as it may, I think, sir, that that resolution is an homage to humanity, to philanthropy, to virtue; that it is a merited tribute to a man who has achieved a great social revolution—a revolution in which there has been no bloodshed, no desolation inflicted, no tears of widows and orphans extracted, and one of the greatest which has been achieved by any of the benefactors of mankind. Sir, it is a compliment due from the Senate, small as it may be. * * *]

LOUIS KOSSUTH.

[1st sess. 32d Cong., J. of S., 88, Dec. 29, 1852.]

The committee reported that in relation to Louis Kossuth the same proceeding be taken as in the case of Gen. Lafayette, to wit: "That the chairman of the committee introduce him with these words: 'We present Louis Kossuth to the Senate of the United States,' upon which the Senators are recommended to rise and the President will invite him to be seated."

And the report was agreed to.

[Congressional Globe, 1st sess. 32d Cong., 157.]

[Ib., 95, Jan 5, 1852.]

At 1 o'clock Louis Kossuth was conducted into the Chamber of the Senate by the committee appointed for that purpose; and

Mr. Shields, as chairman of the committee, introduced him to the Senate.

The Senate having risen, the President pro tempore addressed him as follows:

"Louis Kossuth, I welcome you to the Senate of the United States. The committee will conduct you to the seat which I have caused to be prepared for you."

The Senators having resumed their seats,

On motion by Mr. Mangum,

That the Senate adjourn in order that the Members may present their respects to Louis Kossuth individually.

It was determined in the affirmative; and

The Senate adjourned

[Congressional Globe, 1st sess. 32d Cong., 199.]

OFFICERS AND SOLDIERS OF THE WAR OF 1812.

[2d sess. 33d Cong., J. of S., 99, Jan. 9, 1855.]

Resolved, That the officers and soldiers of the War of 1812, now holding a convention in this city, be invited to occupy seats upon the floor of the Senate, without the bar, during the sitting of the convention.

Resolved, That the Secretary of the Senate communicate a copy of this resolution to the president of the convention for the information of the members.

Considered by unanimous consent and agreed to.

[Congressional Globe, 2d sess. 33d Cong., 208.]

EX-PRESIDENT OF BOLIVIA.

[1st sess. 36th Cong., J. of S., 127, Feb. 6, 1860.]

On motion by Mr. Davis, and by unanimous consent,

Ordered, That the ex-President of the Republic of Bolivia be admitted on the floor of the Senate.

[Congressional Globe, 1st sess. 36th Cong., 669.]

VICE-ADMIRAL FARRAGUT.

[2d sess. 38th Cong., J. of S., 67, Jan. 13, 1865.]

Mr. Grimes announced the presence in the Senate Chamber of Vice Admiral Farragut, of the United States Navy, distinguished for his many services, and the first officer in the naval service upon whom the title has been conferred; and moved that the Senate take a recess of 10 minutes to enable the Members of the Senate to exchange courtesies with him, and

The Senate, by unanimous consent, took a recess of 10 minutes.

LEGISLATURE OF OHIO.

[2d sess. 41st Cong., J. of S., 523, Apr. 20, 1870.]

On motion by Mr. Davis,

Ordered, That the privilege of the floor of the Senate Chamber for this day be extended to the officers and members of the Legislature of the State of Ohio, now on a visit to the National Capital.

[Congressional Globe, 2d sess. 41st Cong., 2830.]

KING OF THE HAWAIIAN ISLANDS.

[2d sess. 43d Cong., J. of S., 42, Dec. 14, 1874.]

Mr. Cameron submitted the following resolution, which was considered by unanimous consent and agreed to:

"*Resolved by the Senate (the House of Representatives concurring)*, That a joint committee of two from the Senate and three from the House of Representatives be appointed by the Presiding Officers of the respective Houses to take measures for the proper notice of the presence at the Capital of His Majesty, Kalakaua, King of the Hawaiian Islands;

And

The Vice President appointed Mr. Cameron and Mr. McCreery members of the committee on the part of the Senate.

[CONGRESSIONAL RECORD, 2d sess. 43d Cong., 6-8.]

[Ib., 43.]

A message from the House of Representatives, by Mr. McPherson, its Clerk,

* * * * * * *

The House of Representatives has concurred in the resolution of the Senate to appoint a joint committee to take measures for the proper notice of the presence at the Capital of His Majesty, Kalakaua, King of the Hawaiian Islands, and has appointed Mr. Orth, Mr. E. Rockwood Hoar, and Mr. Cox members of the committee on its part.

[CONGRESSIONAL RECORD, ib., 69.]

[Ib., 54, Dec. 17, 1874.]

Mr. Cameron, from the joint committee appointed to consider what notice should be taken of the presence at the Capital of the King of the Hawaiian Islands, reported that they had called upon His Majesty and invited him to visit the Capitol to-morrow; that he would be present; and that they had made arrangements for his reception by the Senate and House, in the Hall of the House of Representatives, at quarter past 12 o'clock on that day.

[Ib., 55, Dec. 18, 1874.]

On motion by Mr. Cameron,

The Senate took a recess until 1 o'clock p. m.

[CONGRESSIONAL RECORD, ib., 117.]

GEORGE BANCROFT.

[3d sess. 45th Cong., J. of S., 95, Jan. 8, 1879.]

Mr. Thurman submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Rules are hereby instructed to inquire whether the rules shall not be so amended as to admit to the privileges of the floor the ex-cabinet minister whose appointment was earliest in the date of those now living.

[CONGRESSIONAL RECORD, 3d sess. 45th Cong., 370. There was no discussion.]

[Ib., 123, Jan. 16, 1879.]

Mr. Blaine, from the Committee on Rules, to whom was referred the resolution submitted by Mr. Thurman, January 8, 1879, to amend the rules so as to admit to the privileges of the floor the ex-cabinet minister whose appointment was earliest in date of those now living, reported the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Hon. George Bancroft be admitted to the privileges of the floor of the Senate.

[CONGRESSIONAL RECORD, 3d sess. 45th Cong., 482. There was no discussion.]

WINFIELD S. HANCOCK.

[3d sess. 46th Cong., J. of S., 412, Mar. 5, 1881.]

Mr. Hoar submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That Winfield Scott Hancock be entitled to the privileges of the floor of the Senate during his stay in Washington.

EMINENT CITIZENS.

[1st sess. 48th Cong., J. of S., 297, Feb. 12, 1884.]

[A resolution was referred to the Committee on Rules.]

That the President of the Senate shall have authority to admit to the floor of the Senate, on request of Senators, eminent citizens from the several States and Territories when it can be done without inconvenience to the Senate in the transaction of business. (No discussion.)

[Mar. 25, 1884, the committee were discharged from further consideration of the resolution (Ib., 462).]

[Indefinitely postponed. CONGRESSIONAL RECORD, 1st sess. 48th Cong., 2296.]

SUPPLEMENT TO THE LIST OF PRIORS, UNITED STATES SENATE PRECEDENTS, PAGES 39-44.

Members elect of the House of Representatives; February 28, 1885; CONGRESSIONAL RECORD, Forty-eighth Congress, second session, volume 16, part 3, page 2290.

G. C. Moody, of Dakota; January 18-19, 1886; CONGRESSIONAL RECORD, Forty-ninth Congress, first session, volume 17, part 1, pages 701, 741.

Members elect of the House of Representatives; February 22, 1889; CONGRESSIONAL RECORD, Fiftieth Congress, second session, volume 20, part 3, page 2201.

Rev. Phillips Brooks; February 4, 1891; CONGRESSIONAL RECORD, Fifty-second Congress, first session, volume 22, part 3, page 2171.

William Wirt Henry, of Virginia; September 15, 1893; CONGRESSIONAL RECORD, Fifty-third Congress, first session, volume 25, part 2, page 1501.

New Hampshire Council and members of the staff of the governor; December 17, 1894; CONGRESSIONAL RECORD, Fifty-third Congress, third session, volume 27, part 1, page 343.

Members of the Massachusetts Legislature; December 19, 1894; CONGRESSIONAL RECORD, Fifty-third Congress, third session, volume 27, part 1, page 430.

Electoral messengers; January 20, 1897; CONGRESSIONAL RECORD, Fifty-fourth Congress, second session, volume 29, part 1, page 962.

Governors elect of Colorado and New Hampshire; December 13, 1898; CONGRESSIONAL RECORD, Fifty-fifth Congress, third session, volume 32, part 1, page 138.

Committee of the Grand Army of the Republic; CONGRESSIONAL RECORD, Fifty-sixth Congress, first session, volume 33, part 6, page 5537.

Martin Maginnis, of Montana; May 29, 1900; CONGRESSIONAL RECORD, Fifty-sixth Congress, first session, volume 33, part 7, page 6190.

Hon. Raoul Dandurand and Hon. Sir Mackinzie Bowell, of the Canadian Parliament; March 3, 1905; CONGRESSIONAL RECORD, Fifty-eighth Congress, third session, volume 39, part 4, page 3969.

Benito Legarda and Pablo Ocampo, Resident Commissioners of the Philippines; January 28, 1908; CONGRESSIONAL RECORD, Sixtieth Congress, first session, volume 42, part 2, page 1171.

MOUNT VERNON.

Mr. PHELAN. I submit a resolution, which I ask to have read and referred to the appropriate committee.

The resolution (S. Res. 194) was read, as follows:

Whereas although privately controlled the home of George Washington, "the Father of his Country," at Mount Vernon, is the most precious and revered of national monuments and has been preserved and maintained by the Mount Vernon Ladies' Association of the Union, which is entitled to the highest public commendation for its patriotic purpose and labors, and is a sacred shrine and a source of patriotic inspiration, and should be accessible to the largest number of our people, now barred by existing regulations: Therefore be it

Resolved, That the board of regents of the Mount Vernon Ladies' Association of the Union be respectfully requested to consider the propriety of opening the home of Washington to visitors on Sundays.

The VICE PRESIDENT. To what committee shall the resolution go?

Mr. PHELAN. I suggest the Committee on the Library. I know of no more appropriate committee.

The VICE PRESIDENT. The resolution will be referred to the Committee on the Library.

PROCEEDINGS OF EXECUTIVE SESSION.

Mr. LA FOLLETTE. I submit the following resolution, which I ask to have read.

The resolution (S. Res. 193) was read, as follows:

Resolved, That it is the judgment of the Senate that all sessions for the consideration of executive business shall hereafter be open to the public, except when treaties are considered, or when the Senate, by a vote of two-thirds of the Members present and voting therefor, shall order otherwise. And the proceedings of executive sessions open to the public shall be recorded as are the proceedings of legislative sessions.

The Committee on Rules is directed to prepare such amendments to existing rules and to prepare such additional rules as may be necessary to give effect to this resolution and present the same to the Senate for action thereon.

Mr. LA FOLLETTE. Mr. President, I request that the resolution lie on the table for the present, and at such time as the business of the Senate will make it possible I shall address myself to it.

The VICE PRESIDENT. The resolution will lie on the table, subject to the call of the Senator from Wisconsin.

REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. I ask unanimous consent for a reprint of the immigration bill, which has been reported and is now on the calendar, so as to include certain subsequent amendments which have been agreed upon by the Committee on Immigration. The committee desire that the amendments which have been agreed upon since the bill was reported may be now printed for the convenience of the Senate.

The VICE PRESIDENT. May the Chair suggest to the Senator from South Carolina that the proper procedure would seem to be to withdraw the reported bill, to insert the amendments, and to then rereport the bill?

Mr. SMITH of South Carolina. I understand that that can not be done. Therefore I will withdraw the request and have the amendments printed for the convenience of Senators as separate amendments.

ADDRESS OF HON. R. L. METCALFE.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent to have printed in the RECORD a short article by Hon. R. L. Metcalfe, former governor of the Panama Canal Zone, entitled "The kingdom, the power, and the glory," being a statement in favor of active effort on the part of the United States to procure peace.

The VICE PRESIDENT. It will be so ordered in the absence of objection. The Chair hears none.

The article referred to is as follows:

"THE KINGDOM, THE POWER, AND THE GLORY."

[R. L. Metcalfe in Omaha Nebraskan.]

Suppose the President of the United States were to throw away all thought of "propriety" and "international custom" and official "dignity" and issue an appeal to all the warring nations of Europe, an appeal made in humanity's name, to bring this terrible war to an end?

Suppose this appeal were made not in the privacy of diplomatic circles but made within the hearing of all the world? Wouldn't it be great?

If written as only Woodrow Wilson could write it, wouldn't it go ringing 'round the wide, wide world? Wouldn't it go ringing through the chambers of human hearts in every land beneath the sun? Wouldn't it be sweet music in the ears of the good God Himself?

Suppose, then, that every Englishman and every German and Austrian and Frenchman, and every plain ordinary American, within the borders of our own land should give the prayer he has given to partisan cause to the support of our President's appeal for universal peace? Wouldn't it be great?

Suppose all the energy and ingenuity that have been put forth by partisans in our own land in helping European favorites through money and speech and writings and conspiracies should be exerted in support of our President's appeal made in humanity's name? Wouldn't it be great?

Suppose that our prayers, our hopes, our faith, our tears, should touch the hearts of the rank and file in England, in Germany, and in other of the warring countries until they, too, took up the cry for peace? Wouldn't it be great?

Suppose all the world, outside of the kings and their marching armies, should follow the leadership of an American President brave enough to do the simplest of things in the hope of accomplishing the biggest of results? Wouldn't it be great?

Of course it would be a simple thing to do. But let us not forget that "simple things" were responsible for this war. And let us remember that all the big things of life have been accomplished through simple things.

The biggest conquests that have ever been won in civilization came as the result of original efforts so simple that they were sneered at in their pioneer days.

The biggest books that have ever been written were rejected at one time by those who could not recognize the bigness of simplicity.

The biggest fortunes that have ever been amassed have been due to the recognition of the value of simple things by one man who could see treasures at his very feet while his neighbor was seeking wealth in the clouds.

The biggest thoughts that have ever been held in the minds of men are the thoughts that deal with the so-called "simple" things of life.

The biggest forces in the American battle against human slavery were put forth by one man who was dragged through the streets of Boston with a rope around his neck, and by another who was hunted and slain and persecuted even as the poor creatures whom he sought to serve were hunted and slain. But Garrison fulfilled his promise "I will be heard," and the soul of John Brown goes marching on through the ages.

The biggest Person that ever trod the earth was crucified for the simple truth He taught, and to-day all civilization gives answer to His judge's question, "What is truth?" by pointing to the things He taught, and for the teaching of which He died, and "writing upon the eternal dome, glittering with stars," the words, "This is the truth!" So it has been written in the simplest of verse and the sublimest of truth:

I know a world that is rent and torn,
Of hearts that faint and tire;
But I know of a Name, a Name, a Name,
That can set that world on fire.

Wouldn't it be worth the effort for the President of our great country to break all restraint and make this trial? What if all the world seems on fire? What if millions are in arms beat on war? What if the czars of kings are stopped to human cries and their hearts untouched by human suffering? "One on God's side is a majority," and no one may surely say what would be the result of a simple, heartfelt, God-directed appeal coming from the White House of America. No one may surely predict a failure to a call made upon all civilization to go marching to "the still, sad music of humanity."

Is it not worth the effort? Even if it did not bring immediate results, it would not be lost. It might bring peace. Wouldn't it be great?

Even this editorial, printed as it is in a weekly newspaper, can not be lost. It is conceived in truth and written in the deepest solemnity. Humble in origin, inconspicuous, so far as concerns the great world—it is all that. But it speaks what is in the hearts of countless millions of men and women and children. More than that, it must speak what is in the very heart of God Himself. And so I send it on its way, knowing it can not be lost, feeling that for its very truth it will touch the hearts of those who read, and giving it—in the deepest reverence—the blessing of the world-wide prayer: "Our Father which art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our debts as we forgive our debtors. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power, and the glory forever. Amen."

WOMAN SUFFRAGE.

Mr. GALLINGER. Mr. President, I have been requested to announce that the Members of the Senate are cordially invited to be present in the Rotunda of the Capitol to-day at 5 o'clock to meet the envoys from the suffrage States elected by the woman voters' conference in Salt Lake City on May 12, who will present resolutions from the woman voters to Congress at the hour I have named.

AMENDMENT OF THE RULES.

Mr. LA FOLLETTE. I desire to give notice of a proposed amendment to paragraph 2 of Rule XXXVI of the standing rules of the Senate by adding at the end of that paragraph the following:

Consideration of and action upon nominations which must be confirmed by the Senate shall be in open executive session unless the Senate by a vote of two-thirds of the Members present and voting therefor shall order otherwise.

The purpose of the suggested amendment is to have the proceedings of the Senate while acting upon nominations open to the public and recorded as are the proceedings of legislative sessions.

NATIONAL DEFENSE (S. DOC. NO. 442).

Mr. CHAMBERLAIN. I desire to submit the report of the conferees of the Senate and the House upon the Army reorganization bill. I wish to state in this connection that some time to-day I shall endeavor to have the report taken up for consideration.

The conference report submitted by Mr. CHAMBERLAIN was ordered to be printed in the RECORD, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment to the title of the bill, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment

as follows: In lieu of the matter proposed by the amendment of the Senate insert the following:

"That the Army of the United States shall consist of the Regular Army, the Volunteer Army, the Officers' Reserve Corps, the Enlisted Reserve Corps, the National Guard while in the service of the United States, and such other land forces as are now or may hereafter be authorized by law.

"SEC. 2. Composition of the Regular Army: The Regular Army of the United States, including the existing organizations, shall consist of 64 regiments of Infantry, 25 regiments of Cavalry, 21 regiments of Field Artillery, a Coast Artillery Corps, the brigade, division, army corps, and army headquarters, with their detachments and troops, a General Staff Corps, an Adjutant General's Department, an Inspector General's Department, a Judge Advocate General's Department, a Quartermaster Corps, a Medical Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Bureau of Insular Affairs, the Militia Bureau, the detached officers, the detached noncommissioned officers, the chaplains, the Regular Army Reserve, all organized as hereinafter provided, and the following as now authorized by law: The officers and enlisted men on the retired list; the additional officers; the professors, the Corps of Cadets, the general Army service detachment, and detachments of Cavalry, Field Artillery, and Engineers, and the band of the United States Military Academy; the post noncommissioned staff officers; the recruiting parties, the recruit depot detachments, and unassigned recruits; the service school detachments; the disciplinary guards; the disciplinary organizations; the Indian Scouts; and such other officers and enlisted men as are now or may be hereafter provided for: *Provided*, That hereafter the enlisted personnel of all organizations of the Regular Army shall at all times be maintained at a strength not below the minimum strength fixed by law: *Provided further*, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts and the enlisted men of the Quartermaster Corps, of the Medical Department, and of the Signal Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 175,000 men: *Provided further*, That the unassigned recruits at depots or elsewhere shall at no time, except in time of war, exceed by more than 7 per cent the total authorized enlisted strength.

"SEC. 3. Composition of brigades, divisions, etc.: The mobile troops of the Regular Army of the United States shall be organized, as far as practicable, into brigades and divisions. The President is authorized, in time of actual or threatened hostilities, or when in his opinion the interests of the public service demand it, to organize the brigades and divisions into such army corps or armies as may be necessary. The typical Infantry brigade shall consist of a headquarters and three regiments of Infantry. The typical Cavalry brigade shall consist of a headquarters and three regiments of Cavalry. The typical Field Artillery brigade shall consist of a headquarters and three regiments of Field Artillery. The typical Infantry division shall consist of a headquarters, three Infantry brigades, one regiment of Cavalry, one Field Artillery brigade, one regiment of Engineers, one field signal battalion, one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical Cavalry division shall consist of a headquarters, three Cavalry brigades, one regiment of Field Artillery (horse), one battalion of mounted Engineers, one field signal battalion (mounted), one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical army corps shall consist of a headquarters, two or more Infantry divisions, one or more Cavalry brigades or a Cavalry division, one Field Artillery brigade, one telegraph battalion, and one field signal battalion, and such ammunition, supply, engineer, and sanitary trains as the President may deem necessary. A brigade, a division, an army corps, and an army headquarters shall consist of such officers, enlisted men, and civilians as the President may prescribe. Each supply train, ammunition train, sanitary train, and engineer train shall consist of such officers and enlisted men and shall be organized as the President may prescribe, the line officers necessary therewith to be detailed under the provisions of sections 26 and 27, act of Congress approved February 2, 1901. Nothing herein contained, however, shall prevent the President from increasing or decreasing the number of organizations prescribed for the typical brigades, divisions, and army corps, or from prescribing new and different organizations and personnel as the efficiency of the service may require.

"SEC. 4. General officers of the line: Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line; officers commissioned to and holding in the Army an office other than that of a general officer, but to which the rank of a general officer is attached, shall be known as general officers of the staff. The number of general officers of the line now authorized by law is hereby increased by 4 major generals and 10 brigadier generals: *Provided*, That hereafter in time of peace major generals of the line shall be appointed from officers of the grade of brigadier general of the line, and brigadier generals of the line shall be appointed from officers of the grade of colonel of the line of the Regular Army.

"SEC. 5. The General Staff Corps: The General Staff Corps shall consist of one Chief of Staff, detailed in time of peace from major generals of the line; two assistants to the Chief of Staff, who shall be general officers of the line, one of whom, not above the grade of brigadier general, shall be the president of the Army War College; 10 colonels; 10 lieutenant colonels; 15 majors; and 17 captains, to be detailed from corresponding grades in the Army, as in this section hereinafter provided. All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the General Staff Corps officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the General Staff Corps officers shall return to the branch of the Army in which they hold permanent commissions, and no officer shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in time of actual or threatened hostilities. Section 27 of the act of Congress approved February 2, 1901, shall apply to each position vacated by officers below the grade of general officer detailed in the General Staff Corps.

"Not more than one-half of all of the officers detailed in said corps shall at any time be stationed, or assigned to or employed upon any duty, in or near the District of Columbia. All officers detailed in said corps shall be exclusively employed in the study of military problems, the preparation of plans for the national defense and the utilization of the military forces in time of war, in investigating and reporting upon the efficiency and state of preparedness of such forces for service in peace or war, or on appropriate general staff duties in connection with troops, including the National Guard, or as military attachés in foreign countries, or on other duties, not of an administrative nature, on which they can be lawfully and properly employed: *Provided*, That no officer shall be detailed as a member of the General Staff Corps, other than the Chief of Staff and the general officers herein provided for as assistants to the Chief of Staff, except upon the recommendation of a board of five officers not below the rank of colonel, who shall be selected by the President or the Secretary of War, and neither the Chief of Staff nor more than two other members of the General Staff Corps, nor any officer not a member of said corps, who shall have been stationed or employed on any duty in or near the District of Columbia within one year prior to the date of convening of any such board, shall be detailed as a member thereof. No recommendation made by any such board shall, for more than one year after the making of such recommendation or at any time after the convening of another such board, unless again recommended by the new board, be valid as a basis for the detail of any officer as a member of the General Staff Corps; and no alteration whatever shall be made in any report or recommendation of any such board, either with or without the consent of members thereof, after the board shall have submitted such report or recommendation and shall have adjourned sine die: *Provided further*, That the War College shall remain fully subject to the supervising, coordinating, and informing powers conferred by law upon members of the General Staff Corps, and officers for duty as instructors or students in or as attachés of said college may be selected and detailed freely from among members of said corps, but any officer so selected and detailed other than one director shall thereupon cease to be a member of said corps and shall not be eligible for redetail therein so long as he shall remain on said duty; and no officer on the active list of the Army shall, for more than 30 days in any calendar year, be attached to or assigned to duty in the War College in any capacity other than that of president, director, instructor, or student, or, unless a member of the General Staff Corps, be attached to or employed in the office of the Chief of Staff: *Provided further*, That the organizations heretofore existing in or in connection with the office of the Chief of Staff under the designations of the mobile army division and the Coast Artillery division be, and they are hereby, abolished and shall not be reestablished. The business heretofore transacted in said divisions, except such as comes clearly within the general powers specified in and conferred upon members of the General Staff Corps by the organic act of Congress approved February 14, 1903, is hereby transferred as follows, to wit, to the office of

the Chief of Coast Artillery, all business apportioned to that office by law or Army regulations at the time of the creation of the Coast Artillery division of the office of the Chief of Staff; to the office of The Adjutant General or other bureau or bureaus concerned, all other business; and, subject to the exercise of the supervising, coordinating, and informing powers conferred upon members of the General Staff Corps by the act of Congress last hereinbefore cited, the business transferred by this provision to certain bureaus or offices shall hereafter be transacted exclusively by or under the direction of the respective heads thereof; and the Chief of Coast Artillery shall be an additional member of the General Staff Corps and shall also be adviser to and informant of the Chief of Staff in respect to the business under his charge: *Provided further*, That hereafter members of the General Staff Corps shall be confined strictly to the discharge of the duties of the general nature of those specified for them in this section and in the organic act of Congress last hereinbefore cited, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof: *Provided further*, That all pay and allowances shall be forfeited by any superior for any period during which, by his order or his permission, or by reason of his neglect, any subordinate shall violate any of the foregoing provisions of this section: *Provided further*, That if any officer detailed in the General Staff Corps, or as an officer of any staff corps or department of the Army, shall be promoted to the next higher grade while so serving he may be permitted to serve out the period of his detail, and the number of officers in the organization in which he shall be serving and in the grade to which he shall have been promoted shall be increased by one for such time as he shall be an additional number in said organization and grade; but the whole number of officers detailed to said organization shall at no time exceed the aggregate of the numbers allowed to the several grades thereof by law other than this proviso.

"SEC. 6. The Adjutant General's Department: The Adjutant General's Department shall consist of The Adjutant General with the rank of brigadier general; 7 adjutants general with the rank of colonel; 13 adjutants general with the rank of lieutenant colonel; and 30 adjutants general with the rank of major.

"SEC. 7. The Inspector General's Department: The Inspector General's Department shall consist of 1 Inspector General with the rank of brigadier general; 4 inspectors general with the rank of colonel; 8 inspectors general with the rank of lieutenant colonel; and 16 inspectors general with the rank of major.

"SEC. 8. The Judge Advocate General's Department: The Judge Advocate General's Department shall consist of 1 Judge Advocate General with the rank of brigadier general; 4 judge advocates with the rank of colonel; 7 judge advocates with the rank of lieutenant colonel; and 20 judge advocates with the rank of major: *Provided*, That acting judge advocates may be detailed under the provisions of existing law for separate brigades and for separate general court-martial jurisdictions, and when not immediately required for service with a geographical department, tactical division, separate brigade, or other separate general court-martial jurisdiction, acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require: *Provided further*, That of the vacancies created in the Judge Advocate General's Department by this act, one such vacancy, not below the grade of major, shall be filled by the appointment of a person from civil life, not less than 45 nor more than 50 years of age, who shall have been for 10 years a judge of the Supreme Court of the Philippine Islands, shall have served for 2 years as a captain in the Regular or Volunteer Army, and shall be proficient in the Spanish language and laws: *Provided further*, That so much of the act of Congress approved August 24, 1912, as relates to the detachment or detail of officers for duty in the Judge Advocate General's Department shall hereafter be held to apply only to the acting judge advocates authorized by law; and hereafter no officer shall be or remain detached from any command or assigned to any duty or station with intent to enable or aid him to pursue the study of law: *And provided further*, That no officer of the Judge Advocate General's Department below the rank of colonel shall be promoted therein until he shall have successfully passed a written examination before a board consisting of not less than two officers of the Judge Advocate General's Department, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service: *Provided*, That should any officer in the grade of major of the Judge Advocate General's Department fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of two officers of the Judge Advocate General's Department superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall be honorably discharged from the service with one year's pay. If the action of the examining board is disapproved by the board of review, the officer shall be considered qualified and shall be promoted: *Provided further*, That any lieutenant colonel of the Judge Advocate General's Department who, at his first examination for promotion to the grade of colonel, has been found disqualified for such promotion for any reason other than physical disability incurred in the line of duty shall be suspended from promotion and his right thereto shall pass successively to such officers next below him in rank as are or may become eligible to promotion under existing law during the period of his suspension; and any such officer suspended from promotion shall be reexamined as soon as practicable after the expiration of one year from the date of the completion of the examination that resulted in his suspension; and if on such reexamination he is found qualified for promotion, he shall again become eligible thereto; but if he is found disqualified by reason of physical disability incurred in line of duty in either examination, he shall be retired, with the rank to which his seniority entitled him to be promoted; and if he is not found disqualified by reason of such physical disability, but is found disqualified for promotion for any other reason in the second examination, he shall be retired without promotion.

"SEC. 9. The Quartermaster Corps: The Quartermaster Corps shall consist of 1 Quartermaster General with the rank of major general; 2 assistants to the Quartermaster General with the rank of brigadier general; 21 colonels; 24 lieutenant colonels; 68 majors; 180 captains; and the pay clerks now in active service, who shall hereafter have the rank, pay, and allowances of a second lieutenant, and the President is hereby authorized to appoint and commission them, by and with the advice and consent of the Senate, second lieutenants in the Quartermaster Corps, United States Army. The total enlisted strength of the Quartermaster Corps and the number in each grade shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of quartermaster sergeants, senior grade; quartermaster sergeants; sergeants, first class; sergeants; corporals; cooks; privates, first class; and privates. The number in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Quartermaster Corps, namely: Quartermaster sergeants, senior grade, five-tenths of 1 per cent; quartermaster sergeants, 6 per cent; sergeants, first class, 2.5 per cent; sergeants, 25 per cent; corporals, 10 per cent; privates, first class, 45 per cent; privates, 9 per cent; cooks, 2 per cent; *Provided*, That the master electricians now authorized by law for the Quartermaster Corps shall hereafter be known as quartermaster sergeants, senior grade, and shall be included in the number of quartermaster sergeants, senior grade, herein authorized: *And provided further*, That all work pertaining to construction and repair that has heretofore been done by or under the direction of officers of the Quartermaster Corps shall, except as otherwise now provided by laws or regulations, hereafter be done by or under the direction of officers of said corps.

"SEC. 10. The Medical Department: The Medical Department shall consist of one Surgeon General, with the rank of major general during the active service of the present incumbent of that office, and thereafter with the rank of brigadier general, who shall be chief of said department, a Medical Corps, a Medical Reserve Corps within the limit of time fixed by this act, a Dental Corps, a Veterinary Corps, an enlisted force, the Nurse Corps, and contract surgeons as now authorized by law, the commissioned officers of which shall be citizens of the United States.

"The Medical Corps shall consist of commissioned officers below the grade of brigadier general, proportionally distributed among the several grades as in the Medical Corps now established by law. The total number of such officers shall approximately be equal to, but not exceed, except as hereinafter provided, 7 for every 1,000 of the total enlisted strength of the Regular Army authorized from time to time by law: *Provided*,

That if by reason of a reduction by law in the authorized enlisted strength of the Army aforesaid the total number of officers in the Medical Corps commissioned previously to such reduction shall for the time being exceed the equivalent of 7 to 1,000 of such reduced enlisted strength no original appointment to commissioned rank in said corps shall be made until the total number of commissioned officers thereof shall have been reduced below the equivalent of 7 to the 1,000 of the said reduced enlisted strength, nor thereafter so as to make the total number of commissioned officers thereof in excess of the equivalent of 7 to the 1,000 of said reduced enlisted strength; and no promotion shall be made above the grade of captain in said corps until the number of officers in the grade above that of captain to which the promotion is due shall have been reduced below the proportional number authorized for such grade on the basis of the reduced enlisted strength, nor thereafter so as to make the number of officers in such grade in excess of the proportional number authorized on the basis of said reduced enlisted strength: *Provided further*, That when in time of war the Regular Army shall have been increased by virtue of the provisions of this or any other act, the medical officers appointed to meet such increase shall be honorably discharged from the service of the United States when the reduction of the enlisted strength of the Army shall take place: *Provided further*, That persons hereafter commissioned in the Medical Corps shall be citizens of the United States between the ages of 22 and 30 years and shall be promoted to the grade of captain upon the completion of five years' service in the Medical Corps and upon passing the examinations prescribed by the President for promotion to the grade of captain in the Medical Corps: *Provided further*, That relative rank among captains in the Medical Corps, who have or shall have attained that rank by operation of law after a period of service fixed thereby, shall be determined by counting all the service rendered by them as officers in said corps and as assistant surgeons in the Regular Army, subject, however, to loss of files by reason of sentence of court-martial or by reason of failure to pass examination for promotion: *Provided further*, That hereafter the President shall be authorized to detail not to exceed five officers of the Medical Department of the Army for duty with the military relief division of the American National Red Cross.

"The enlisted force of the Medical Department shall consist of the following personnel, who shall not be included in the effective strength of the Army nor counted as a part of the enlisted force provided by law: Master hospital sergeants, hospital sergeants, sergeants (first class), sergeants, corporals, cooks, horseshoers, saddlers, farriers, mechanics, privates (first class), and privates: *Provided*, That master hospital sergeants shall be appointed by the Secretary of War, but no person shall be appointed master hospital sergeant until he shall have passed a satisfactory examination under such regulations as the Secretary of War may prescribe before a board of one or more medical officers as to his qualifications for the position, including knowledge of pharmacy, and demonstrated his fitness therefor by service of not less than 12 months as hospital sergeant or sergeant, first class, Medical Department, or as sergeant, first class, in the Hospital Corps now established by law; and no person shall be designated for such examination except by written authority of the Surgeon General: *Provided further*, That original enlistments for the Medical Department shall be made in the grade of private, and reenlistments and promotions of enlisted men therein, except as hereinbefore prescribed, and transfer thereto from the enlisted force of the line or other staff departments and corps of the Army shall be governed by such regulations as the Secretary of War may prescribe: *Provided further*, That the enlisted men of the Hospital Corps who are in active service at the time of the approval of this act are hereby transferred to the corresponding grades of the Medical Department established by this act: *Provided further*, That the total number of enlisted men in the Medical Department shall be approximately equal to, but not exceed, except as hereinafter provided, the equivalent of 5 per cent of the total enlisted strength of the Army authorized from time to time by law: *Provided further*, That in time of actual or threatened hostilities, the Secretary of War is hereby authorized to enlist or cause to be enlisted in the Medical Department such additional number of men as the service may require: *Provided further*, That the number of enlisted men in each of the several grades designated below shall not exceed, except as hereinafter provided, the following percentages of the total authorized enlisted strength of the Medical Department, to wit: Master hospital sergeants, one-half of 1 per cent; hospital sergeants, one-half of 1 per cent; sergeants, first class, 7 per cent; sergeants, 11 per cent; corporals, 5 per cent; and cooks, 6 per cent: *Provided further*, That the number of horseshoers, saddlers, farriers, and mechanics in the Medical Department shall not exceed one each to each authorized ambulance company or like organization: *Provided further*, That in said department the number of privates, first class, shall not exceed 25 per cent of the number of privates: *Provided further*, That if by reason of a reduction by operation of law in the authorized enlisted strength of the Army aforesaid the number of noncommissioned officers of any grade in the Medical Department whose warrants were issued previously to such reduction shall for the time being exceed the percentage hereinabove specified for such grade, no promotion to such grade shall be made until the percentage of noncommissioned officers therein shall have been reduced below that authorized for such grade on the basis of the said reduced enlisted strength, nor thereafter so as to make the percentage of noncommissioned officers therein in excess of the percentage authorized on the basis of the said reduced enlisted strength; but noncommissioned officers may be reenlisted in the grades held by them previously to such reduction regardless of the percentages aforesaid; and when under this provision the number of noncommissioned officers of any grade exceeds the percentage specified, any noncommissioned officer thereof, not under charges, may be discharged on his own application: *Provided further*, That privates, first class, of the Medical Department shall be eligible for ratings for additional pay as follows: As dispensary assistant, $2 a month; as nurse, $3 a month; as surgical assistant, $5 a month: *Provided further*, That no enlisted man shall receive more than one rating for additional pay under the provisions of this section, nor shall any enlisted man receive any additional pay under such rating unless he shall have actually performed the duties for which he shall be rated.

"The President is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental surgeons, who are citizens of the United States between the ages of 21 and 27 years, at the rate of one for each 1,000 enlisted men of the line of the Army. Dental surgeons shall have the rank, pay, and allowances of first lieutenants until they have completed 8 years' service. Dental surgeons of more than 8 but less than 24 years' service shall, subject to such examination as the President may prescribe, have the rank, pay, and allowances of captains. Dental surgeons of more than 24 years' service shall, subject to such examination as the President may prescribe, have the rank, pay, and allowances of major: *Provided*, That the total number of dental surgeons with rank, pay, and allowances of major shall not at any time exceed 15: *And provided further*, That all laws relating to the examination of officers of the Medical Corps for promotion shall be applicable to dental surgeons.

"Authority is hereby given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster.

"SEC. 11. Corps of Engineers: The Corps of Engineers shall consist of 1 Chief of Engineers, with the rank of brigadier general; 23 colonels; 30 lieutenant colonels; 72 majors; 152 captains; 148 first lieutenants; 79 second lieutenants; and the enlisted men hereinafter enumerated. The Engineer troops of the Corps of Engineers shall consist of one band, seven regiments, and two mounted battalions.

"Each regiment of Engineers shall consist of 1 colonel; 1 lieutenant colonel; 2 majors; 11 captains; 12 first lieutenants; 6 second lieutenants; 2 master engineers, senior grade; 1 regimental sergeant major; 2 regimental supply sergeants; 2 color sergeants; 1 sergeant bugler; 1 cook; 1 wagoner for each authorized wagon of the field and combat train, and 2 battalions.

"Each battalion of a regiment of Engineers shall consist of 1 major, 1 captain, 1 battalion sergeant major; 3 master engineers, junior grade; and 3 companies. Each Engineer company (regimental) shall consist of 1 captain; 2 first lieutenants; 1 second lieutenant; 1 first sergeant; 3 sergeants, first class; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 6 sergeants; 12 corporals; 1 horseshoer; 2 buglers; 1 saddler; 2 cooks; 19 privates, first class; and 59 privates: *Provided*, That the President may, in his discretion, increase a regiment of Engineers by 2 master engineers, senior grade, and 2 sergeants; each battalion of a regiment of Engineers by 3 master engineers, junior grade; and each Engineer company (regimental) by 2 sergeants, 6 corporals, 1 cook, 12 privates, first class, and 34 privates.

"The Engineer band shall consist of 1 band leader; 1 assistant band leader; 1 first sergeant; 2 band sergeants; 4 band corporals; 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; and 2 cooks.

"Each battalion of mounted Engineers shall consist of 1 major; 5 captains; 7 first lieutenants; 3 second lieutenants; 1 master engineer, senior grade; 1 battalion sergeant major; 1 battalion supply sergeant; 3 master engineers, junior grade; 1 corporal; 1 wagoner for each authorized wagon of the field and combat train; and three mounted companies. Each mounted Engineer company shall consist of 1 captain; 2 first lieutenants; 1 second lieutenant; 1 first sergeant; 2 sergeants, first class; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 4 sergeants; 8 corporals; 2 horseshoers; 1 saddler; 2 cooks; 2 buglers; 12 privates, first class; and 37 privates: *Provided*, That the President may, in his discretion, increase the battalions of mounted Engineers by 1 master engineer, senior grade; 2 sergeants; and 3 master engineers, junior grade; and a mounted Engineer company by 2 sergeants; 3 corporals; 8 privates, first class; and 24 privates: *Provided further*, That appropriate officers to command the regiments, battalions, and companies herein authorized and for duty with and as staff officers of such organizations shall be detailed from the Corps of Engineers, and shall not be in excess of the numbers in each grade enumerated in this section. The enlisted force of the Corps of Engineers and the officers serving therewith shall constitute a part of the line of the Army.

"SEC. 12. The Ordnance Department: The Ordnance Department shall consist of 1 Chief of Ordnance, with the rank of brigadier general; 10 colonels; 15 lieutenant colonels; 32 majors, 42 captains; 42 first lieutenants; the ordnance sergeants, as now authorized by law, and such other enlisted men of grades now authorized by law as the President may direct: *Provided*, That ordnance sergeants shall be selected by the Secretary of War from the sergeants of the line or Ordnance Department who shall have served faithfully for eight years, including four years in the grade of noncommissioned officer: *Provided further*, That vacancies which may occur in the commissioned personnel of the Ordnance Department shall be subject to the provisions of sections 26 and 27 of the act approved February 2, 1901, the acts approved June 25, 1906, and February 24, 1915, and acts amendatory thereof relating to the Ordnance Department: *Provided further*, That hereafter the Secretary of War is authorized to detail not to exceed 30 lieutenants from the Army at large for duty as student officers in the establishments of the Ordnance Department for a period of two years; and the completion of the prescribed course of instruction shall constitute the examination for detail in the Ordnance Department.

"SEC. 13. The Signal Corps: The Signal Corps shall consist of 1 Chief Signal Officer, with the rank of brigadier general; 3 colonels; 8 lieutenant colonels; 10 majors; 30 captains; 75 first lieutenants; and the aviation section, which shall consist of 1 colonel; 1 lieutenant colonel; 8 majors; 24 captains; and 114 first lieutenants, who shall be selected from among officers of the Army at large of corresponding grades or from among officers of the grade below, exclusive of those serving by detail in staff corps or departments, who are qualified as military aviators, and shall be detailed to serve as aviation officers for periods of four years unless sooner relieved; and the provisions of section 27 of the act of Congress approved February 2, 1901, are hereby extended to apply to said aviation officers and to vacancies created in any arm, corps, or department of the Army by the detail of said officers therefrom; but nothing in said act or in any other law now in force shall be held to prevent the detail or redetail at any time, to fill a vacancy among the aviation officers authorized by this act, of any officer who, during prior service as an aviation officer of the aviation section, shall have become proficient in military aviation.

"Aviation officers may, when qualified therefor, be rated as junior military aviators or as military aviators, but no person shall be so rated until there shall have been issued to him a certificate to the effect that he is qualified for the rating, and no certificate shall be issued to any person until an aviation examining board, which shall be composed of three officers of experience in the Aviation Service and two medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the rating. No person shall receive the rating of military aviator until he shall have served creditably for three years as an aviation officer with the rating of a junior military aviator.

"Each aviation officer authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of 25 per cent in the pay of his grade and length of service under his commission. Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of 50 per cent in the pay of his grade and length of service under his commission. Each military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of 75 per cent of the pay of his grade and length of service under his commission: *Provided*, That the provisions of the act of March 2, 1913, allowing increase of pay and allowances to officers detailed by the Secretary of War on aviation duty, are hereby repealed: *Provided further*, That hereafter married officers of the line of the Army shall be eligible equally with unmarried officers, and subject to the same conditions, for detail to aviation duty; and the Secretary of War shall have authority to cause as many enlisted men of the aviation section to be instructed in the art of flying as he may deem necessary: *Provided further*, That hereafter the age of officers shall not be a bar to their first detail in the aviation section of the Signal Corps, and neither their age nor their rank shall be a bar to their subsequent details in said section: *Provided further*, That when it shall be impracticable to obtain from the Army officers suitable for the aviation section of the Signal Corps in the number allowed by law the difference between that number and the number of suitable officers actually available for duty in said section may be made up by appointments in the grade of aviator, Signal Corps, and that grade is hereby created. The personnel for said grade shall be obtained from especially qualified civilians who shall be appointed and commissioned in said grade: *Provided further*, That whenever any aviator shall have become unsatisfactory he shall be discharged from the Army as such aviator. The base pay of an aviator, Signal Corps, shall be $150 per month, and he shall have the allowances of a master signal electrician and the same percentage of increase in pay for length of service as is allowed to a master signal electrician.

"The total enlisted strength of the Signal Corps shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of master signal electricians; sergeants, first class; sergeants; corporals; cooks; horseshoers; privates, first class; and privates; the number in each grade being fixed from time to time by the President. The numbers in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Signal Corps, namely: Master signal electricians, 2 per cent; sergeants, first class, 7 per cent; sergeants, 10 per cent; corporals, 20 per cent. The number of privates, first class, shall not exceed 25 per cent of the number of privates. Authority is hereby given the President to organize, in his discretion, such part of the commissioned and enlisted personnel of the Signal Corps into such number of companies, battalions, and aero squadrons as the necessities of the service may demand.

"SEC. 14. Bureau of Insular Affairs of the War Department: Nothing in this act shall be construed to repeal existing laws relating to the organization of the Bureau of Insular Affairs of the War Department.

"SEC. 15. Chaplains: The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in service, one for each regiment of Cavalry, Infantry, Field Artillery, and Engineers, and one for each 1,200 officers and men of the Coast Artillery Corps, with rank, pay, and allowances as now authorized by law: *Provided*, That in the appointment of chaplains in the Regular Army, preference and priority shall be given to applicant veterans, if otherwise duly qualified and who shall not have passed the age of 41 years at the time of application, who have rendered honorable war service in the Army of the United States or who have been honorably discharged from such Army.

"SEC. 16. Veterinarians: The President is hereby authorized, by and with the advice and consent of the Senate, to appoint veterinarians and assistant veterinarians in the Army, not to exceed, including veterinarians now in service, 2 such officers for each regiment of Cavalry, 1 for every three batteries of Field Artillery, 1 for each mounted battalion of Engineers, 17 as inspectors of horses and mules and as veterinarians in the Quartermaster Corps, and 7 as inspectors of meats for the Quartermaster Corps; and said veterinarians and assistant veterinarians shall be citizens of the United States and shall constitute the Veterinary Corps and shall be a part of the Medical Department of the Army.

"Hereafter a candidate for appointment as assistant veterinarian must be a citizen of the United States, between the ages of 21 and 27 years, a graduate of a recognized veterinary college or university, and shall not be appointed until he shall have passed a satisfactory examination as to character, physical condition, general education, and professional qualifications.

"An assistant veterinarian appointed under this act shall, for the first 5 years of service as such, have the rank, pay, and allowances of second lieutenant; that after 5 years of service he shall have the rank, pay, and allowances of first lieutenant; that after 15 years of service he shall be promoted to be a veterinarian with the rank, pay, and allowances of captain, and that after 20 years' service he shall have the rank, pay, and allowances of a major: *Provided*, That any assistant veterinarian, in order to be promoted as hereinbefore provided, must first pass a satisfactory examination, under such rules as the President may prescribe, as to professional qualifications and adaptability for the military service; and if such assistant veterinarian shall be found deficient at such examination he shall be discharged from the Army with one year's pay.

"The veterinarians of Cavalry and Field Artillery now in the Army, together with such veterinarians of the Quartermaster Corps as are now employed in said corps, who at the date of the approval of this act shall have had less than five years' governmental service, may be appointed in the Veterinary Corps as assistant veterinarians with the rank, pay, and allowances of second lieutenant; those who shall have had over five years of such service may be appointed in said corps as assistant veterinarians with the rank, pay, and allowances of first lieutenant; and those who shall have had over 15 years of such service may be appointed in said corps as veterinarians with the rank, pay, and allowances of captain: *Provided*, That no such appointment of any veterinarian shall be made unless he shall first pass satisfactorily a practical professional and physical examination as to his fitness for the military service: *Provided further*, That veterinarians now in the Army or in the employ of the Quartermaster Corps who shall fail to pass the prescribed physical examination because of disability incident to the service and sufficient to prevent them from the performance of duty valuable to the Government shall be placed upon the retired list of the Army with 75 per cent of the pay to which they would have been entitled if appointed in the Veterinary Corps as hereinbefore prescribed.

"The Secretary of War, upon recommendation of the Surgeon General of the Army, may appoint in the Veterinary Corps, for such time as their services may be required, such number of reserve veterinarians as may be necessary to attend public animals pertaining to the Quartermaster Corps. Reserve veterinarians so employed shall have the pay and allowances of second lieutenant during such employment and no longer: *Provided*, That such reserve veterinarians shall be graduates of a recognized veterinary college or university and shall pass a satisfactory examination as to character, physical condition, general education, and professional qualifications in like manner as hereinbefore required of assistant veterinarians; such reserve veterinarians shall constitute a list of eligibles for appointment as assistant veterinarians, subject to all the conditions hereinbefore prescribed for the appointment of assistant veterinarians.

"Within a limit of time to be fixed by the Secretary of War, candidates for appointment as assistant veterinarians who shall have passed satisfactorily the examinations prescribed for that grade by this act shall be appointed, in the order of merit in which they shall have passed such examination, to vacancies as they occur, such appointments to be for a probationary period of two years, after which time, if the services of the probationers shall have been satisfactory, they shall be permanently appointed with rank to date from the dates of rank of their probationary appointments. Probationary veterinarians whose services are found unsatisfactory shall be discharged at any time during the probationary period, or at the end thereof, and shall have no further claims against the Government on account of their probationary service.

"The Secretary of War shall from time to time appoint boards of examiners to conduct the veterinary examinations hereinbefore prescribed, each of said boards to consist of three medical officers and two veterinarians.

"SEC. 17. Composition of Infantry units: Each regiment of Infantry shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 15 captains, 16 first lieutenants, 15 second lieutenants, 1 headquarters company, 1 machine-gun company, 1 supply company, and 12 Infantry companies organized into 3 battalions of 4 companies each.

"Each battalion shall consist of 1 major, 1 first lieutenant, mounted (battalion adjutant), and 4 companies. Each Infantry company in battalion shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 6 sergeants, 11 corporals, 2 cooks, 2 buglers, 1 mechanic, 19 privates (first class), and 56 privates.

"Each Infantry headquarters company shall consist of 1 captain, mounted (regimental adjutant); 1 regimental sergeant major, mounted; 3 battalion sergeants major, mounted; 1 first sergeant (drum major); 2 color sergeants; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 1 sergeant; 2 cooks; 1 horseshoer; 1 band leader; 1 assistant band leader; 1 sergeant bugler; 2 band sergeants; 4 band corporals; 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; 4 privates, first class, mounted; and 12 privates, mounted.

"Each Infantry machine-gun company shall consist of 1 captain, mounted; 1 first lieutenant, mounted; 2 second lieutenants, mounted; 1 first sergeant, mounted; 1 mess sergeant; 1 supply sergeant, mounted; 1 stable sergeant, mounted; 1 horseshoer; 5 sergeants; 6 corporals; 2 cooks, 2 buglers; 1 mechanic; 8 privates, first class; and 24 privates.

"Each Infantry supply company shall consist of 1 captain, mounted; 1 second lieutenant, mounted; 3 regimental supply sergeants, mounted; 1 first sergeant, mounted; 1 mess sergeant; 1 stable sergeant; 1 corporal, mounted; 1 cook; 1 saddler; 1 horseshoer; and 1 wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may in his discretion increase a company of Infantry by 2 sergeants, 6 corporals, 1 cook, 1 mechanic, 9 privates (first class), and 31 privates; an Infantry machine-gun company by 2 sergeants, 2 corporals, 1 mechanic, 4 privates (first class), and 12 privates.

"The commissioned officers required for the Infantry headquarters, supply, and machine-gun companies and for the companies organized into battalions shall be assigned from those hereinbefore authorized.

"SEC. 18. Composition of Cavalry units: Each regiment of Cavalry shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 15 captains, 16 first lieutenants, 16 second lieutenants, 1 headquarters troop, 1 machine-gun troop, 1 supply troop, and 12 troops organized into three squadrons of 4 troops each.

"Each squadron shall consist of 1 major, 1 first lieutenant (squadron adjutant), and 4 troops. Each troop in squadron shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 5 sergeants, 8 corporals, 2 cooks, 2 horseshoers, 1 saddler, 2 buglers, 10 privates (first class), and 36 privates.

"Each headquarters troop shall consist of 1 captain (regimental adjutant), 1 regimental sergeant major, 3 squadron sergeants major, 1 first sergeant (drum major), 2 color sergeants, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 1 sergeant, 2 cooks, 1 horseshoer, 1 saddler, 2 privates (first class), and 9 privates, 1 band leader, 1 assistant band leader, 1 sergeant bugler, 2 band sergeants, 4 band corporals, 2 musicians (first class), 4 musicians (second class), and 13 musicians (third class).

"Each machine-gun troop shall consist of 1 captain, 1 first lieutenant, 2 second lieutenants, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 2 horseshoers, 5 sergeants, 6 corporals, 2 cooks, 1 mechanic, 1 saddler, 2 buglers, 12 privates (first class), and 35 privates.

"Each supply troop shall consist of 1 captain (regimental supply officer), 2 second lieutenants, 3 regimental supply sergeants, 1 first sergeant, 1 mess sergeant, 1 stable sergeant, 1 corporal, 1 cook, 1 horseshoer, 1 saddler, and 1 wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may, in his discretion, increase each troop of Cavalry by 10 privates (first class) and 25 privates; the headquarters troop by 2 sergeants, 5 corporals, 1 horseshoer, 5 privates (first class), and 18 privates; each machine-gun troop by 3 sergeants, 2 corporals, 1 mechanic, 1 private (first class), and 14 privates; each supply troop by 1 corporal, 1 cook, 1 saddler, and 1 horseshoer.

"The commissioned officers required for the Cavalry headquarters, supply, and machine-gun troops, and for the troops organized into squadrons, shall be assigned from those hereinbefore authorized.

"SEC. 19. Composition of Field Artillery units: The Field Artillery, including mountain artillery, light artillery, horse artillery, heavy artillery (field and siege types), shall consist of 126 guns or howitzer batteries organized into 21 regiments.

"In time of actual or threatened hostilities the President is authorized to organize such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks with such numbers and grades of personnel and such organizations as he may deem necessary. The officers necessary for such organization shall be supplied from the officers' reserve corps provided by this act and by temporary appointment as authorized by section 8 of the act of Congress approved April

25, 1914. The enlisted men necessary for such organizations shall be supplied from the Regular Army Reserve provided by this act or from the Regular Army.

"Each regiment of Field Artillery shall consist of 1 colonel, 1 lieutenant colonel, 1 captain, 1 headquarters company, 1 supply company, and such number of gun and howitzer battalions as the President may direct. Nothing shall prevent the assembling, in the same regiment, of gun and howitzer battalions of different calibers and classes.

"Each gun or howitzer battery shall consist of 1 captain, 2 first lieutenants, 2 second lieutenants, 1 first sergeant, 1 supply sergeant, 1 stable sergeant, 1 mess sergeant, 6 sergeants, 13 corporals, 1 chief mechanic, 1 saddler, 2 horseshoers, 1 mechanic, 2 buglers, 3 cooks, 22 privates (first class), and 71 privates. When no enlisted men of the Quartermaster Corps are attached for such positions there shall be added to each battery of mountain artillery 1 packmaster (sergeant, first class), 1 assistant packmaster (sergeant), and 1 cargador (corporal).

"Each headquarters company of a regiment of two battalions shall consist of 1 captain, 1 first lieutenant, 1 regimental sergeant major, 2 battalion sergeants major, 1 first sergeant, 2 color sergeants, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 2 sergeants, 9 corporals, 1 horseshoer, 1 saddler, 1 mechanic, 3 buglers, 2 cooks, 5 privates (first class), 15 privates, 1 band leader, 1 assistant band leader, 1 sergeant bugler, 2 band sergeants, 4 band corporals, 2 musicians (first class), 4 musicians (second class), and 13 musicians (third class). That when a regiment consists of three battalions there shall be added to the headquarters company 1 battalion sergeant major, 1 sergeant, 3 corporals, 1 bugler, 1 private (first class), and 5 privates. When no enlisted men of the Quartermaster Corps is attached for such positions, there shall be added to each mountain artillery headquarters company 1 packmaster (sergeant, first class), 1 assistant packmaster (sergeant), and 1 cargador (corporal).

"Each supply company of a regiment of two battalions shall consist of 1 captain, 1 first lieutenant, 2 regimental supply sergeants, 1 first sergeant, 1 mess sergeant, 1 corporal, 1 cook, 1 horseshoer, 1 saddler, 2 privates, and 1 wagoner for each authorized wagon of the field train. When a regiment consists of three battalions there shall be added to the supply company 1 second lieutenant, 1 regimental supply sergeant, 1 private, and 1 wagoner for each additional authorized wagon of the field train.

"Each gun or howitzer battalion shall consist of 1 major, 1 captain, and batteries as follows: Mountain artillery battalions and light artillery gun or howitzer battalions serving with the field artillery of Infantry divisions shall contain three batteries; horse artillery battalions and heavy field artillery gun or howitzer battalions shall contain two batteries: *Provided*, That the President may, in his discretion, increase the headquarters company of a regiment of two battalions by 2 sergeants, 3 corporals, 1 horseshoer, 1 mechanic, 1 private (first class), and 6 privates; the headquarters company of a regiment of three battalions by 1 sergeant, 7 corporals, 1 horseshoer, 1 mechanic, 2 cooks, 2 privates (first class), and 7 privates; the supply company of a regiment of two battalions by 1 corporal, 1 cook, 1 horseshoer, and 1 saddler; the supply company for a regiment of three battalions by 1 corporal, 1 cook, 1 horseshoer, and 1 saddler; a gun or howitzer battery by 3 sergeants, 7 corporals, 1 horseshoer, 2 mechanics, 1 bugler, 13 privates (first class), and 37 privates.

"SEC. 20. Coast Artillery Corps: The Coast Artillery Corps shall consist of one Chief of Coast Artillery, with the rank of brigadier general; 24 colonels; 24 lieutenant colonels; 72 majors; 360 captains; 360 first lieutenants; 360 second lieutenants; 31 sergeants major, senior grade; 64 sergeants major, junior grade; 41 master electricians; 72 engineers; 90 electrician sergeants, first class; 275 assistant engineers; 99 electrician sergeants, second class; 106 firemen; 93 radio sergeants; 62 master gunners; 263 first sergeants; 263 supply sergeants; 263 mess sergeants; 2,104 sergeants; 3,156 corporals; 526 cooks; 526 mechanics; 526 buglers; 5,225 privates, first class; 15,675 privates; and 18 bands, organized as hereinbefore provided for the Engineer band. The rated men of the Coast Artillery Corps shall consist of casemate electricians; observers, first class; plotters; chief planters; coxswains; chief loaders; observers, second class; gun commanders and gun pointers. The total number of rated men shall not exceed 1,784. Coxswains shall receive $9 per month in addition to the pay of their grade.

"SEC. 21. Porto Rico Regiment of Infantry: The Porto Rico Regiment of Infantry of the United States Army shall hereafter have the same organization, and the same grades and numbers of commissioned officers and enlisted men, as are by this act or shall hereafter be prescribed by law for other regiments of Infantry of the Army. All vacancies created by this act or occurring hereafter in commissioned offices of said regiment above the grade of second lieutenant and below the grade of colonel shall, except as hereinafter provided to the contrary, be filled by promotion according to seniority in the several grades and within the regiment, subject to the examination prescribed by section 3 of the act of Congress approved October 1, 1890, and said section is hereby extended so as to apply in the cases of all officers below the grade of lieutenant colonel, who shall hereafter be examined for promotion in the Porto Rico Regiment of Infantry, except that the President may prescribe such a system of examination for the promotion of officers of said regiment as he may deem advisable.

"The colonel of said regiment shall be detailed by the President from among officers of Infantry of the Army not below the grade of lieutenant colonel for a period of four years, unless sooner relieved. Vacancies created by this act in the grades of lieutenant colonel and major in said regiment shall be filled by appointments from the senior captains in regimental rank of the Porto Rico regiment mentioned in the act of March 4, 1915; and captains and lieutenants of said regiment shall also be eligible for such detached service, transfer, or assignment to duty with other organizations as may be approved by the Secretary of War; but vacancies created by such detachment of officers shall not be filled by promotions or appointments.

"All men hereafter enlisting in said regiment shall be natives of Porto Rico. All enlistments in the regiment shall hereafter be the same as is provided herein for the Regular Army, and the regiment, or any part thereof, may be ordered for service outside the island of Porto Rico. The pay and allowances of members of said regiment shall be the same as provided by law for officers and enlisted men of like grades in the Regular Army.

"Vacancies created by this act or occurring hereafter in the grade of second lieutenant in said regiment shall be filled during any calendar year by the appointment by the President, by and with the advice and consent of the Senate, of any native of Porto Rico graduated from the United States Military Academy, and, after such appointment shall have been made or provided for, by like appointment of native citizens of Porto Rico between 21 and 27 years of age.

"*Provided*, That officers of the Porto Rico Regiment of Infantry, United States Army, who held commissions in the Porto Rico Provisional Regiment of Infantry on June 30, 1908, shall now and hereafter take rank in their grades in the same relative order held by them in said Porto Rico Provisional Regiment of Infantry on June 30, 1908, subject to any loss in rank due to failure to pass examinations for promotion or to sentence of court-martial.

"SEC. 22. All existing laws pertaining to or affecting the United States Military Academy and civilian or military personnel on duty thereat in any capacity whatever, the officers and enlisted men on the retired list, the detached and additional officers under the act of Congress approved March 3, 1911, recruiting parties, recruit depots and unassigned recruits, service-school detachments, United States disciplinary barracks guards, disciplinary organizations, the Philippine Scouts, and Indian scouts shall continue and remain in force except as herein specifically provided otherwise.

"SEC. 23. Original appointments to be provisional: Hereafter all appointments of persons other than graduates of the United States Military Academy to the grade of second lieutenant in the Regular Army shall be provisional for a period of two years, at the close of which period such appointments shall be made permanent if the appointees shall have demonstrated, under such regulations as the President may prescribe, their suitability and moral, professional, and physical fitness for such permanent appointment; but should any appointee fail so to demonstrate his suitability and fitness, his appointment shall terminate; and should any officer become eligible for promotion to a vacancy in a higher grade and qualify therefor before the expiration of two years from the date of his original appointment, he shall receive a provisional appointment in such higher grade, which appointment shall be made permanent when he shall have qualified for permanent appointment upon the expiration of two years from the date of his original appointment, or shall terminate if he shall fail so to qualify.

"SEC. 24. Increase to be made in five increments: Except as otherwise specifically provided by this act, the increases in the commissioned and enlisted personnel of the Regular Army provided by this act shall be made in five annual increments, each of which shall be, in each grade of each arm, corps, and department, as nearly as practicable, one-fifth of the total increase authorized for each arm, corps, and department. Officers promoted to vacancies created or caused by the addition of the first increment shall be promoted to rank from July 1, 1916,

and those promoted to vacancies created or caused by the second increment shall be promoted to rank from July 1, 1917; those promoted to vacancies created or caused by the addition of the third increment shall be promoted to rank from July 1, 1918; those promoted to vacancies created or caused by the addition of the fourth increment shall be promoted to rank from July 1, 1919; and those promoted to vacancies created or caused by the addition of the fifth increment shall be promoted to rank from July 1, 1920: *Provided*, That in the event of actual or threatened war or similar emergency in which the public safety demands it, the President is authorized to immediately organize the entire increase authorized by this act, or so much thereof as he may deem necessary; and when, in the judgment of the President, war becomes imminent, all of said organizations that shall then be below the maximum enlisted strength authorized by law shall be raised forthwith to that strength, and shall be maintained as nearly as possible thereat so long as war, or the imminence of war, shall continue.

"Vacancies in the grade of second lieutenant, created or caused by the increases due to this act, in any fiscal year shall be filled by appointment in the following order: (1) Of cadets graduated from the United States Military Academy during the preceding fiscal year for whom vacancies did not become available during the fiscal year in which they were graduated; (2) under the provisions of existing law, of enlisted men, including officers of the Philippine Scouts, whose fitness for promotion shall have been determined by competitive examination; (3) of members of the Officers' Reserve Corps between the ages of 21 and 27 years; (4) of commissioned officers of the National Guard between the ages of 21 and 27 years; (5) of such honor graduates, between the ages of 21 and 27 years, of distinguished colleges as are now or may hereafter be entitled to preference by general orders of the War Department; and (6) of candidates from civil life between the ages of 21 and 27 years; and the President is authorized to make the necessary rules and regulations to carry these provisions into effect: *Provided*, That any such original vacancies not so filled, and remaining at the time of graduation of any class at the United States Military Academy, may be filled by the appointment of members of that class; and all vacancies in the grade of second lieutenant not created or caused by the increases due to this act shall be filled as provided in the act making appropriation for the support of the Army, approved March 3, 1911: *Provided further*, That enlisted men of the Regular Army who have completed one year's service with an organization may become candidates for vacancies in the grade of second lieutenant created or caused by the increases due to the operation of this act: *Provided further*, That appointments to the grade of second lieutenant in the Corps of Engineers, including those created by this act, shall continue to be made as now provided by law, but that officers of the Army or Navy of the United States may become candidates for said appointments under the provisions of section 5 of the act of Congress approved February 27, 1911, without previously vacating their commissions as officers and that the Secretary of War may, in his discretion, allow persons to become candidates without previously establishing eligibility for appointment as junior engineer under the Engineer Bureau of the War Department: *Provided further*, That officers appointed to original vacancies in the grade of second lieutenant created or caused by this act shall take lineal and relative rank according to dates of appointment, and the lineal and relative rank of second lieutenants appointed on the same date shall be determined under such regulations as the Secretary of War may prescribe: *Provided further*, That the President may recommission persons who have heretofore held commissions in the Regular Army and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness; such recommissioned officers shall take rank at the foot of the respective grades which they held at the time of their separation from the Army: *Provided further*, That the provisions of existing law requiring examinations to determine fitness for promotion of officers of the Army are hereby extended to include promotions to all grades below that of brigadier general: *Provided further*, That examinations of officers in the grades of major and lieutenant colonel shall be confined to problems involving the higher functions of staff duties and command: *Provided further*, That in time of war retired officers of the Army may be employed on active duty, in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grade: *And provided further*, That hereafter any retired officer, who has been or shall be detailed on active duty, shall receive the rank, pay, and allowances of the grade, not above that of major, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement.

"SEC. 25. The detached officers: On July 1, 1916, the line of the Army shall be increased by 822 extra officers of the Cavalry, Field Artillery, Coast Artillery Corps, and Infantry arms of the service, of grades from first lieutenant to colonel, inclusive, lawfully available for detachment from their proper arms for duty with the National Guard, or other duty, the usual period of which exceeds one year. Said extra officers, together with the 200 detached officers provided for by the act of Congress approved March 3, 1911, shall, on and after July 1, 1916, constitute the detached officers' list, and all positions vacated by officers assigned to said list, and the officers so assigned, shall be subject to the provisions of section 27 of the act of Congress approved February 2, 1901, with reference to details to the staff corps. The total number of officers hereby authorized for each grade on said list entire shall be in proportion to the total number of officers of the corresponding grade now authorized by law other than this act for all of the said four arms combined, exclusive of second lieutenants and of the 200 extra officers authorized by the act of Congress approved March 3, 1911, and exclusive also of the additional officers authorized by the act to restore lineal rank lost through the system of regimental promotion formerly in force; and the total number of officers hereby authorized for each grade in each of said arms on said list shall be in the proportion borne by the number of officers now authorized by law other than this act for such grade and arm to the total number of officers now authorized by law other than this act for the corresponding grade in all of the said four arms combined, exclusive of the extra and additional officers last hereinbefore specified and excluded: *Provided*, That all vacancies created or caused by the foregoing provisions of this section in grades above that of second lieutenant shall be filled by promotion according to law existing on and before the date of approval of this act, and subject to the examinations prescribed by existing law. As soon as practicable after such promotions shall have been made, there shall be detached from each arm and assigned to the detached officers' list a number of officers of each grade equal to the number of officers of said grade by which said arm shall have been increased by the foregoing provisions of this section; and thereafter any vacancy created or caused in any of the said arms of the service by the assignment of an officer of any grade to said detached officers' list shall be filled, subject to such examination as is now or may hereafter be prescribed by law, by the promotion of the officer who shall be the senior in length of commissioned service of those eligible to promotion in the next lower grade in the arm in which such vacancy shall occur: *Provided further*, That no officer of any of said arms of the service shall be permitted to remain on said detached officers' list for more than 45 days unless he shall have been actually present for duty for at least two years out of the last preceding six years with an organization composed of one or more statutory units, or the equivalent thereof, of the arm to which he shall belong. Any vacancy created in said list by the removal of any officer therefrom because he shall not have been present for duty as before prescribed in this proviso shall be filled by the transfer to said list of an officer having the same grade and belonging to the same arm as the officer whose removal from said list shall have created said vacancy; but, except as before prescribed in this proviso, all officers who shall have been assigned to said list shall remain thereon for not less than four years from the respective dates of their assignment thereto, unless in the meantime they shall have been separated entirely from the Army, or shall have been promoted or appointed to higher offices, or shall have been retired from active service: *Provided further*, That after the apportionment of officers to said detached officers' list shall have been made as authorized by this act, whenever any vacancy shall have been caused in said list by the separation of an officer of any grade therefrom, such vacancy shall, except as prescribed in the last preceding proviso, be filled by the detail and assignment to said list of an officer of the corresponding grade in that arm in which there shall be found the officer of the next lower grade who at that time shall be the senior in length of commissioned service of all the officers of the said lower grade in all of the four arms hereinbefore specified; if two or more officers of different arms shall be found to have equal seniority in length of commissioned service in said lower grade, the question of seniority shall be decided by their relative standing on the list of the commissioned officers of the Army: *Provided further*, That, with a view further to equalize inequalities in past promotions of officers of the line of the Army, on July 1, 1916, the Cavalry shall be increased by 17

colonels, and the Infantry by 4 colonels, all of whom shall be additional officers in that grade, and shall not bar nor retard the promotion to which any officer would be entitled if the appointment of the said additional officers had never been authorized; and after July 1, 1919, no vacancies occurring among the said additional officers shall be filled and the offices so vacated shall cease and determine: *And provided further*, That for the purpose of lessening as much as possible inequalities of promotion due to the increase in the number of officers of the line of the Army under the provisions of this act, any vacancies created or caused by this act in commissioned grades below that of lieutenant colonel in any arm of said line may, in the discretion of the President and under such regulations as he may prescribe in furtherance of the purpose stated in this proviso, be filled by the promotion or transfer without promotion of officers of other branches of the line of the Army; but no such promotion or transfer shall be made in the case of any officer unless it shall have been recommended by an examining board composed of five officers, senior in rank to such officer, and of the arm to which the promotion or transfer of such officer shall have been proposed, who, after having made a personal examination of such officer and of his official record, shall have reported him qualified for service in said arm in the grade to which his promotion or transfer shall have been proposed.

"SEC. 26. Retirement of officers of Philippine Scouts: Captains and lieutenants of Philippine Scouts who are citizens of the United States shall hereafter be entitled to retirement under the laws governing the retirement of enlisted men of the Regular Army, except that they shall be retired in the grade held by them at the date of retirement, shall be entitled to retirement for disability under the same conditions as officers of the Regular Army, and that they shall receive, as retired pay, the amounts allowed by law as retired pay and allowances of master signal electricians of the United States Army, and no more: *Provided*, That double time for service beyond the continental limits of the United States shall not be counted for the purposes of this section so as to reduce the actual period of service below 20 years: *Provided further*, That former officers of the Philippine Scouts who, because of disability occasioned by wounds received in action, have resigned or been discharged from the service, or who have heretofore served as such for a period of more than five years and have been retired as enlisted men, shall be placed upon the retired list as officers of Philippine Scouts and thereafter receive the retired pay and allowances provided by this section for other officers of Philippine Scouts: *And provided further*, That any former officer of Philippine Scouts who vacated his office in the Philippine Scouts by discharge or resignation on account of disability contracted in the line of duty and who was subsequently retired as an enlisted man, except any former officer of Philippine Scouts who has been retired as an enlisted man by special act of Congress, shall be transferred to the retired list created by this section and shall thereafter receive the retired pay and allowances authorized by this section, and no more. Officers of Philippine Scouts retired under the provisions of this section shall not form part of the limited retired list now authorized by law.

"SEC. 27. Enlistments in the Regular Army: On and after the 1st day of November, 1916, all enlistments in the Regular Army shall be for a term of seven years, the first three years to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last four years in the Regular Army Reserve hereinafter provided for: *Provided*, That at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained may, in the discretion of the Secretary of War, be furloughed to the Regular Army Reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the reserve shall be eligible to reenlist in the service until the expiration of his term of seven years: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this act three years shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of three years in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within 20 days after the date of such discharge: *Provided further*, That no person under the age of 18 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control: *And provided further*, That the President is authorized in his discretion to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment of recruits for the Army, and for each recruit accepted for enlistment in the Army the postmaster procuring his enlistment shall receive the sum of $5.

"In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers.

"SEC. 28. Pay of certain enlisted men: Hereafter the monthly pay of enlisted men of certain grades of the Army created in this act shall be as follows, namely: Quartermaster sergeant, senior grade, Quartermaster Corps; master hospital sergeant, Medical Department; master engineers, senior grade, Corps of Engineers; and band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, $75; hospital sergeant, Medical Department; and master engineer, junior grade, Corps of Engineers, $65; sergeant, first class, Medical Department, $50; sergeant, first class, Corps of Engineers; regimental supply sergeant, Infantry, Cavalry, Field Artillery, and Corps of Engineers; battalion supply sergeant, Corps of Engineers; and assistant engineer, Coast Artillery Corps, $45; assistant band leader, Infantry, Cavalry, Artillery, and Corps of Engineers; and sergeant bugler, Infantry, Cavalry, Artillery, and Corps of Engineers, $40; musician, first class, Infantry, Cavalry, Artillery, and Corps of Engineers; supply sergeant, mess sergeant, and stable sergeant, Corps of Engineers; sergeant Medical Department, $36; supply sergeant, Infantry, Cavalry, and Artillery; mess sergeant, Infantry, Cavalry, and Artillery; cook, Medical Department; horseshoer, Infantry, Cavalry, Artillery, Corps of Engineers, Signal Corps, and Medical Department; stable sergeant, Infantry and Cavalry; radio sergeant, Coast Artillery Corps; and musicians, second class, Infantry, Cavalry, Artillery, and Corps of Engineers, $30; musician, third class, Infantry, Cavalry, Artillery, and Corps of Engineers; corporal, Medical Department, $24; saddler, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Department; mechanic, Infantry, Cavalry, and Field Artillery, and Medical Department; farrier, Medical Department; and wagoner, Infantry, Field Artillery, and Corps of Engineers, $21; private, first class, Infantry, Cavalry, Artillery, and Medical Department, $18; private, Medical Department, and bugler, $15. Nothing herein contained shall operate to reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army.

"SEC. 29. Final discharge of enlisted men: No enlisted man in the Regular Army shall receive his final discharge until the termination of his seven-year term of enlistment except upon reenlistment as provided for in this act or as provided by law for discharge prior to expiration of term of enlistment, but when an enlisted man is furloughed to the Regular Army Reserve his account shall be closed and he shall be paid in full to the date such furlough becomes effective, including allowances provided by law for discharged soldiers: *Provided*, That when by reason of death or disability of a member of the family of an enlisted man occurring after his enlistment members of his family become dependent upon him for support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States or be furloughed to the Regular Army Reserve, upon due proof being made of such condition: *Provided further*, That when an enlisted man is discharged by purchase while in active service he shall be furloughed to the Regular Army Reserve, unless, in the discretion of the Secretary of War, he is given a final discharge from the Army.

"SEC. 30. Composition of the Regular Army Reserve: The Regular Army Reserve shall consist of, first, all enlisted men now in the Army Reserve or who shall hereafter become members of the Army Reserve under the provisions of existing law; second, all enlisted men furloughed to or enlisted in the Regular Army Reserve under the provisions of this act; and, third, any person holding an honorable discharge from the Regular Army

with character reported at least good who is physically qualified for the duties of a soldier and not over 45 years of age who enlists in the Regular Army Reserve for a period of four years.

"SEC. 31. The President is authorized to assign members of the Regular Army Reserve as reserves to particular organizations of the Regular Army, or to organize the Regular Army Reserve, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps herein provided for; and he may summon the Regular Army Reserve, or any part thereof, for field training for a period not exceeding 15 days in each year, the reservists to receive travel expenses and pay at the rate of their respective grades in the Regular Army during such periods of training; and in the event of actual or threatened hostilities he may mobilize the Regular Army Reserve in such manner as he may determine, and thereafter retain it, or any part thereof, in active service for such period as he may determine the conditions demand: *Provided*, That all enlistments in the Regular Army, including those in the Regular Army Reserve, which are in force on the date of the outbreak of war shall continue in force for one year, unless sooner terminated by order of the Secretary of War, but nothing herein shall be construed to shorten the time of enlistment prescribed: *Provided further*, That, subject to such regulations as the President may prescribe for their proper identification and location and physical condition, the members of the Regular Army Reserve shall be paid semiannually at the rate of $24 a year while in the reserve.

"SEC. 32. Regular Army Reserve in time of war: When mobilized by order of the President, the members of the Regular Army Reserve shall, so long as they may remain in active service, receive the pay and allowances of enlisted men of the Regular Army of like grades: *Provided*, That any enlisted man who shall have reenlisted in the Regular Army Reserve shall receive during such active service the additional pay now provided by law for enlisted men in his arm of the service in the second enlistment period: *Provided further*, That upon reporting for duty, and being found physically fit for service, members of the Regular Army Reserve shall receive a sum equal to $3 per month for each month during which they shall have belonged to the reserve, as well as the actual necessary cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty under such summons: *And provided further*, That service in the Regular Army Reserve shall confer no right to retirement or retired pay, and members of the Regular Army Reserve shall become entitled to pension only through disability incurred while on active duty in the service of the United States.

"SEC. 33. Use of other departments of the Government: The President may, subject to such rules and regulations as in his judgment may be necessary, utilize the services of members and employees of all departments of the Government of the United States, without expense to the individual reservist, for keeping in touch with, paying, and mobilizing the Regular Army Reserve, the Enlisted Reserve Corps, and other reserve organizations.

"SEC. 34. Reenlistment in time of war: For the purpose of utilizing as an auxiliary to the Regular Army Reserve the services of men who have had experience and training in the Regular Army or in the United States Volunteers outside of the continental limits of the United States, in time of actual or threatened hostilities, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who, having been found physically qualified for the duties of a soldier, if not over 50 years of age, shall reenlist in the line of said Army, or in the Signal, Quartermaster, or Medical Department thereof, within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of $8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of $6 per month for the second year of such period; at the rate of $4 per month for the third year of such period; and at the rate of $2 per month for any subsequent year of such period; but no bounty in excess of $300 shall be paid to any person under the terms of this section.

"SEC. 35. Enlisted men prohibited from civil employment: Hereafter no enlisted man in the active service of the United States in the Army, Navy, and Marine Corps, respectively, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

"SEC. 36. Sergeants for duty with the National Guard: For the purpose of assisting in the instruction of the personnel and care of property in the hands of the National Guard the Secretary of War is authorized to detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army not to exceed 1,000 sergeants for duty with corresponding organizations of the National Guard and not to exceed 100 sergeants for duty with the disciplinary organizations at the United States Disciplinary Barracks, who shall be additional to the sergeants authorized by this act for the corps, companies, troops, batteries, and detachments from which they may be detailed.

"SEC. 37. The officers' reserve corps: For the purpose of securing a reserve of officers available for service as temporary officers in the Regular Army, as provided for in this act and in section 8 of the act approved April 25, 1914, as officers of the Quartermaster Corps and other staff corps and departments, as officers for recruit rendezvous and depots, and as officers of volunteers, there shall be organized, under such rules and regulations as the President may prescribe not inconsistent with the provisions of this act, an officers' reserve corps of the Regular Army. Said corps shall consist of sections corresponding to the various arms, staff corps, and departments of the Regular Army. Except as otherwise herein provided, a member of the officers' reserve corps shall not be subject to call for service in time of peace, and whenever called upon for service shall not, without his consent, be so called in a lower grade than that held by him in said reserve corps.

"The President alone shall be authorized to appoint and commission as reserve officers in the various sections of the officers' reserve corps, in all grades up to and including that of major, such citizens as, upon examination prescribed by the President, shall be found physically, mentally, and morally qualified to hold such commissions: *Provided*, That the proportion of officers in any section of the officers' reserve corps shall not exceed the proportion for the same grade in the corresponding arm, corps, or department of the Regular Army, except that the number commissioned in the lowest authorized grade in any section of the officers' reserve corps shall not be limited.

"All persons now carried as duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903, shall, for a period of three years after the passage of this act, be eligible for appointment in the officers' reserve corps in the section corresponding to the arm, corps, or department for which they have been found qualified, without further examination, except a physical examination, and subject to the limitations as to age and rank herein prescribed: *Provided*, That any person carried as qualified and registered in the grade of colonel or lieutenant colonel pursuant to the provisions of said act on the date when this act becomes effective may be commissioned and recommissioned in the officers' reserve corps with the rank for which he has been found qualified and registered, but when such person thereafter shall become separated from the officers' reserve corps for any reason the vacancy so caused shall not be filled, and such office shall cease and determine.

"No person shall, except as hereinafter provided, be appointed or reappointed a second lieutenant in the Officers' Reserve Corps after he shall have reached the age of 32 years, a first lieutenant after he shall have reached the age of 36 years, a captain after he shall have reached the age of 40 years, or a major after he shall have reached the age of 45 years. When an officer of the Reserve Corps shall reach the age limit fixed for appointment or reappointment in the grade in which commissioned he shall be honorably discharged from the service of the United States, and be entitled to retain his official title and, on occasions of ceremony, to wear the uniform of the highest grade he shall have held in the Officers' Reserve Corps: *Provided*, That nothing in the foregoing provisions as to the ages of officers shall apply to the appointment or reappointment of officers of the Quartermaster, Engineer, Ordnance, Signal, Judge Advocate, and Medical sections of said Reserve Corps.

"One year after the passage of this act the Medical Reserve Corps, as now constituted by law, shall cease to exist. Members thereof may be commissioned in the Officers' Reserve Corps, subject to the provisions of this act, or may be honorably discharged from the service. The Secretary of War may, in time of peace, order first lieutenants of the medical section of the Officers' Reserve Corps, with their consent, to active duty in

the service of the United States in such numbers as the public interests may require and the funds appropriated may permit, and may relieve them from such duty when their services are no longer necessary. While on such duty they shall receive the pay and allowances, including pay for periods of sickness and leaves of absence, of officers of corresponding rank and length of active service in the Regular Army.

"The commissions of all officers of the Officers' Reserve Corps shall be in force for a period of five years unless sooner terminated in the discretion of the President. Such officers may be recommissioned, either in the same or higher grades, for successive periods of five years, subject to such examinations and qualifications as the President may prescribe and to the age limits prescribed herein: *Provided*, That officers of the Officers' Reserve Corps shall have rank therein in the various sections of said Reserve Corps according to grades and to length of service in their grades.

"SEC. 38. The Officers' Reserve Corps in war: In time of actual or threatened hostilities the President may order officers of the Officers' Reserve Corps, subject to such subsequent physical examinations as he may prescribe, to temporary duty with the Regular Army in grades thereof which can not, for the time being, be filled by promotion, or as officers in volunteer or other organizations that may be authorized by law, or as officers at recruit rendezvous and depots, or on such other duty as the President may prescribe. While such reserve officers are on such service they shall, by virtue of their commissions as reserve officers, exercise command appropriate to their grade and rank in the organizations to which they may be assigned, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of active service, as allowed by law for officers of the Regular Army, from the date upon which they shall be required by the terms of their orders to obey the same: *Provided*, That officers so ordered to active service shall take temporary rank among themselves, and in their grades in the organizations to which assigned, according to the dates of orders placing them on active service; and they may be promoted, in accordance with such rank, to vacancies in volunteer organizations or to temporary vacancies in the Regular Army thereafter occurring in the organizations in which they shall be serving: *Provided further*, That officers of the Officers' Reserve Corps shall not be entitled to retirement or retired pay, and shall be entitled to pension only for disability incurred in the line of duty and while in active service.

"Any officer who, while holding a commission in the Officers' Reserve Corps, shall be ordered to active service by the Secretary of War shall, from the time he shall be required by the terms of his order to obey the same, be subject to the laws and regulations for the government of the Army of the United States, in so far as they are applicable to officers whose permanent retention in the military service is not contemplated.

"SEC. 39. Instruction of officers of the Officers' Reserve Corps: To the extent provided for from time to time by appropriations for this specific purpose, the Secretary of War is authorized to order reserve officers to duty with troops or at field exercises, or for instruction, for periods not to exceed 15 days in any one calendar year, and while so serving such officers shall receive the pay and allowances of their respective grades in the Regular Army: *Provided*, That, with the consent of the reserve officers concerned, and within the limit of funds available for the purpose, such periods of duty may be extended for reserve officers as the Secretary of War may direct: *Provided further*, That in time of actual or threatened hostilities, after all available officers of any section of the Officers' Reserve Corps corresponding to any arm, corps, or department of the Regular Army shall have been ordered into active service, officers of Volunteers may be appointed in such arm, corps, or department as may be authorized by law: *Provided further*, That nothing herein shall operate to prevent the appointment of any officer of the Regular Army as an officer of Volunteers before all the officers of the Officers' Reserve Corps or any section thereof shall have been ordered into active service: *And provided further*, That in determining the relative rank and the right to retirement of an officer of the Regular Army, active duty performed by him while serving in the Officers' Reserve Corps shall not be reckoned.

"SEC. 40. The Reserve Officers' Training Corps: The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including State universities and those State institutions that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions, except that units of the senior division may be organized at those essentially military schools which do not confer an academic degree but which, as a result of the annual inspection of such institutions by the War Department, are specially designated by the Secretary of War as qualified for units of the senior division, and each division shall consist of units of the several arms or corps in such number and of such strength as the President may prescribe.

"SEC. 41. The President may, upon the application of any State institution described in section 40 of this act, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least 100 physically fit male students.

"SEC. 42. The President may, upon the application of any established educational institution in the United States other than a State institution described in section 40 of this act, the authorities of which agree to establish and maintain a two-years' elective or compulsory course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least 100 physically fit male students.

"SEC. 43. The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of the senior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the senior division or to devote at least an average of three hours per week per academic year to such military training; and no unit of the junior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the junior division, or to devote at least an average of three hours per week per academic year to such military training.

"SEC. 44. Eligibility to membership in the Reserve Officers' Training Corps shall be limited to students of institutions in which units of such corps may be established who are citizens of the United States, who are not less than 14 years of age, and whose bodily condition indicates that they are physically fit to perform military duty, or will be so upon arrival at military age.

"SEC. 45. The President is hereby authorized to detail such numbers of officers of the Army, either active or retired, not above the grade of colonel, as may be necessary, for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed 300, and no active officer shall be so detailed who has not had five years' commissioned service in the Army. In time of peace retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail. No detail of officers on the active list of the Regular Army under the provisions of this section shall extend for more than four years.

"SEC. 46. The President is hereby authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired or of the Regular Army reserve, as he may deem necessary, but the number of active noncommissioned officers so detailed shall not exceed 500, and all active noncommissioned officers so detailed shall be additional in their respective grades to those otherwise authorized for the Army. Retired enlisted men or members of the Regular Army reserve

shall not be detailed under the provisions of this section without their consent. While so detailed they shall receive active pay and allowances.

"SEC. 47. The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, and for its return when required.

"SEC. 48. The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a period longer than six weeks in any one year, except in time of actual or threatened hostilities; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit; to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit; to use the Regular Army, such other military forces as Congress from time to time authorizes, and such Government property as he may deem necessary for the military training of the members of such corps while in attendance at such camps; to prescribe regulations for the government of such corps; and to authorize, in his discretion, the formation of company units thereof into battalion and regimental units.

"SEC. 49. The President alone, under such regulations as he may prescribe, is hereby authorized to appoint in the Officers' Reserve Corps any graduate of the senior division of the Reserve Officers' Training Corps who shall have satisfactorily completed the further training provided for in section 50 of this act, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in sectior 50 of this act, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of 21 years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army during a period of at least 10 years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority; but the total number of reserve officers so appointed shall not exceed 50,000: *Provided*, That any graduate qualified under the provisions of this section undergoing a postgraduate course at any institution shall not be eligible for appointment as a reserve officer while undergoing such postgraduate course, but his ultimate eligibility upon completion of such postgraduate course for such appointment shall not be affected because of his having undergone such postgraduate course.

"SEC. 50. When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for further training by the president of the institution and by its professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course in the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the courses in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps.

"SEC. 51. Any physically fit male citizen of the United States, between the ages of 21 and 27 years, who shall have graduated prior to the date of this act from any educational institution at which an officer of the Army was detailed as professor of military science and tactics, and who, while a student at such institution, completed courses of military training under the direction of such professor of military science and tactics substantially equivalent to those prescribed pursuant to this act for the senior division, shall, after satisfactorily completing such additional practical military training as the Secretary of War shall prescribe, be eligible for appointment to the Officers' Reserve Corps and as a temporary additional second lieutenant in accordance with the terms of this act.

"SEC. 52. The President alone is hereby authorized to appoint and commission as a temporary second lieutenant of the Regular Army in time of peace for purposes of instruction, for a period not exceeding six months, with the allowances now provided by law for that grade, but with pay at the rate of $100 per month, any reserve officer appointed pursuant to sections 49 and 51 of this act and to attach him to a unit of the Regular Army for duty and training during the period covered by his appointment as such temporary second lieutenant, and upon the expiration of such service with the Regular Army such officer shall revert to his status as a reserve officer.

"SEC. 53. No reserve officer or temporary second lieutenant appointed pursuant to this act shall be entitled to retirement or to retired pay and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the Regular Army pursuant to the provisions of this act: *Provided*, That in time of war the President may order reserve officers appointed under the provisions of this act to active duty with any of the military forces of the United States in any grades not below that of second lieutenant, and while on such active duty they shall be subject to the Rules and Articles of War: *And provided further*, That The Adjutant General of the Army shall, under the direction and supervision of the Secretary of War, obtain, compile, and keep continually up to date all obtainable information as to the names, ages, addresses, occupations, and qualifications for appointment as commissioned officers of the Army, in time of war or other emergency, of men of suitable ages who, by reason of having received military training in civilian educational institutions or elsewhere, may be regarded as qualified and available for appointment as such commissioned officers.

"SEC. 54. Training camps: The Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipment, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish, at the expense of the United States, uniforms, subsistence, transportation by the most usual and direct route within such limits as to territory as the Secretary of War may prescribe, and medical supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instruction at said camps, for cash and at cost price plus 10 per cent, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time of the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the period during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

"SEC. 55. The Enlisted Reserve Corps: For the purpose of securing an additional reserve of enlisted men for military service with the Engineer, Signal, and Quartermaster Corps and the Ordnance and Medical Departments of the Regular Army, an Enlisted Reserve Corps, to consist of such number of enlisted men of such grade or grades as may be designated by the President from time to time, is hereby authorized, such authorization to be effective on and after the 1st day of July, 1916.

"There may be enlisted in the grade or grades hereinbefore specified, for a period of four years, under such rules as may be prescribed by the President, citizens of the United States, or persons who have declared their intentions to become citizens of the United States, subject to such physical, educational, and practical examination as may be prescribed in said rules. For men enlisting in said grade or grades certificates of enlistment in the Enlisted Reserve Corps shall be issued by The Adjutant General of the Army, but no such man shall be enlisted in said corps unless he shall be found physically, mentally, and morally qualified to hold such certificate and unless he shall be between the ages of 18 and 45 years. The certificates so given shall confer upon the holders when called into active service or for purposes of instruction and training, and during the period of such

active service, instruction, or training, all the authority, rights, and privileges of like grades of the Regular Army. Enlisted men of the Enlisted Reserve Corps shall take precedence in said corps according to the dates of their certificates of enlistment therein and when called into active service or when called out for purposes of instruction or training shall take precedence next below all other enlisted men of like grades in the Regular Army. And the Secretary of War is hereby authorized to issue to members of the Enlisted Reserve Corps and to persons who have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, distinctive rosettes or knots designed for wear with civilian clothing, and whenever a rosette or knot issued under the provisions of this section shall have been lost, destroyed, or rendered unfit for use without fault or neglect upon the part of the person to whom it is issued, the Secretary of War shall cause a new rosette or knot to be issued to such person without charge therefor. Any person who is not an enlisted man of the Enlisted Reserve Corps and shall not have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, and who shall wear such rosette or knot shall be guilty of misdemeanor punishable by a fine of not exceeding $300, or imprisonment not exceeding six months, or both.

"The President is authorized to assign members of the Enlisted Reserve Corps as reserves to particular organizations of the Regular Army, or to organize the Enlisted Reserve Corps, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps, herein provided for.

"To the extent provided from time to time by appropriations the Secretary of War may order enlisted men of the Enlisted Reserve Corps to active service for purposes of instruction or training for periods not to exceed 15 days in any one calendar year: *Provided*, That, with the consent of such enlisted men and within the limits of funds available for such purposes, such periods of active service may be extended for such number of enlisted men as may be deemed necessary.

"Enlisted men of the Enlisted Reserve Corps shall receive the pay and allowances of their respective grades, but only when ordered into active service, including the time required for actual travel from their homes to the places to which ordered and return to their homes: *Provided*, That said enlisted men shall not be entitled to retirement or retirement pay, nor shall they be entitled to pensions except for physical disability incurred in line of duty while in active service or while traveling under orders of competent authority to or from designated places of duty.

"The uniform to be worn by enlisted men of the Enlisted Reserve Corps, except corps insignia, shall be the same as prescribed for enlisted men of the Regular Army Reserve, and that in lieu of any money allowance for clothing there shall be issued to each enlisted man of the Enlisted Reserve Corps in time of peace such articles of clothing and equipment as the President may direct: *Provided*, That any clothing or other equipment issued to any enlisted man of the said corps shall remain the property of the United States, and in case of loss or destruction of any article the article so lost or destroyed shall be replaced by issue to the enlisted man and the value thereof deducted from any pay due or to become due him, unless it shall be made to appear that such loss or destruction was not due to neglect or other fault on his part: *Provided further*, That any clothing or other equipment issued to enlisted men of the Enlisted Reserve Corps which shall have become unserviceable through ordinary wear and tear in the service of the United States shall be received back by the United States and serviceable like articles issued in lieu thereof: *Provided further*, That when enlisted men of the Enlisted Reserve Corps shall be discharged or otherwise separated from the service, all arms, equipage, clothing, and other property issued to them shall be accounted for under such regulations as may be prescribed by the Secretary of War.

"Any enlisted man of the Enlisted Reserve Corps ordered to active service or for purposes of instruction or training shall, from the time he is required by the terms of the order to obey the same, be subject to the laws and regulations for the government of the Army of the United States.

"The Secretary of War is hereby authorized to discharge any enlisted member of the Enlisted Reserve Corps when his services shall be no longer required or when he shall have by misconduct unfitted himself for further service in the said corps: *Provided*, That any enlisted man of said corps who shall be ordered upon active duty as herein provided and who shall willfully fail to comply with the terms of the order so given him shall, in addition to any other penalty to which he may be subject, forfeit his certificate of enlistment.

"In time of actual or threatened hostilities the President may order the Enlisted Reserve Corps, in such numbers and at such times as may be considered necessary, to active service with the Regular Army, and while on such service members of said corps shall exercise command appropriate to their several grades and rank in the organizations to which they shall be assigned and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service as now allowed by law for the Regular Army: *Provided*, That upon a call by the President for a volunteer force the members of the Enlisted Reserve Corps may be mustered into the service of the United States as volunteers for duty with the Army in the grades held by them in the said corps, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service, as now provided by law for the Regular Army: *And provided further*, That enlisted men of the Enlisted Reserve Corps shall not acquire by virtue of issuance of certificates of enlistment to them a vested right to be mustered into the volunteer service of the United States.

"SEC. 56. Military equipment and instructors at other schools and colleges: Such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges, other than those provided for in section 47 of this act, having a course of military training prescribed by the Secretary of War and having not less than 100 physically fit male students above the age of 14 years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized to detail such commissioned and noncommissioned officers of the Army to said schools and colleges, other than those provided for in sections 45 and 46 of this act, detailing not less than one such officer or noncommissioned officer to each 500 students under military instruction.

"SEC. 57. Composition of the militia: The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than 18 years of age and, except as hereinafter provided, not more than 45 years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the Unorganized Militia.

"SEC. 58. Composition of the National Guard: The National Guard shall consist of the regularly enlisted militia between the ages of 18 and 45 years organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of 21 and 64 years.

"SEC. 59. Exemptions from militia duty: The Vice President of the United States; the officers, judicial and executive, of the Government of the United States and of the several States and Territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from military service, if the conscientious holding of such belief by such persons shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant.

"SEC. 60. Organization of National Guard units: Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units.

"SEC. 61. Maintenance of other troops by the States: No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this act: *Provided*, That nothing contained in this act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this act shall prevent the organization and maintenance of State police or constabulary.

"SEC. 62. Number of the National Guard: The number of enlisted men of the National Guard to be organized under this act within one year from its passage shall be for each State in the proportion of 200 such men for each Senator and Representative in Congress from such State, and a number to be determined by the President for each Territory and the District of Columbia, and shall be increased each year thereafter in the proportion of not less than 50 per cent until a total peace strength of not less than 800 enlisted men for each Senator and Representative in Congress shall have been reached: *Provided*, That in States which have but one Representative in Congress such increase shall be at the discretion of the President: *Provided further*, That this shall not be construed to prevent any State, Territory, or the District of Columbia from organizing the full number of troops required under this section in less time than is specified in this section, or from maintaining existing organizations if they shall conform to such rules and regulations regarding organization, strength, and armament as the President may prescribe: *And provided further*, That nothing in this act shall be construed to prevent any State with but one Representative in Congress from organizing one or more regiments of troops, with such auxiliary troops as the President may prescribe; such organizations and members of such organizations to receive all the benefits accruing under this act under the conditions set forth herein: *Provided further*, That the word Territory as used in this act and in all laws relating to the land militia and National Guard shall include and apply to Hawaii, Alaska, Porto Rico, and the Canal Zone, and the militia of the Canal Zone shall be organized under such rules and regulations, not in conflict with the provisions of this act, as the President may prescribe.

"SEC. 63. Any corps of Artillery, Cavalry, or Infantry existing in any of the States on the passage of the act of May 8, 1792, which by the laws, customs, or usages of said States has been in continuous existence since the passage of said act, under its provisions and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of title 16 of the Revised Statutes of 1873, and the act of January 21, 1903, relating to the militia, shall be allowed to retain its ancient privileges, subject, nevertheless, to all duties required by law of militia: *Provided*, That said organizations may be a part of the National Guard and entitled to all the privileges of this act, and shall conform in all respects to the organization, discipline, and training of the National Guard in time of war: *Provided further*, That for purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they shall be serving.

"SEC. 64. Assignment of National Guard to brigades and divisions: For the purpose of maintaining appropriate organization and to assist in instruction and training, the President may assign the National Guard of the several States and Territories and the District of Columbia to divisions, brigades, and other tactical units, and may detail officers, either from the National Guard or the Regular Army, to command such units: *Provided*, That where complete units are organized within a State, Territory, or the District of Columbia the commanding officers thereof shall not be displaced under the provisions of this section.

"SEC. 65. Chiefs of staff of National Guard divisions: The President may detail one officer of the Regular Army as chief of staff and one officer of the Regular Army or the National Guard as assistant to the chief of staff of any division of the National Guard in the service of the United States as a National Guard organization: *Provided*, That in order to insure the prompt mobilization of the National Guard in time of war or other emergency, the President may, in time of peace, detail an officer of the Regular Army to perform the duties of chief of staff for each fully organized tactical division of the National Guard.

"SEC. 66. Adjutants general of States, etc.: The adjutants general of the States, Territories, and the District of Columbia and the officers of the National Guard shall make such returns and reports to the Secretary of War, or to such officers as he may designate, at such times and in such form as the Secretary of War may from time to time prescribe: *Provided*, That the adjutants general of the Territories and of the District of Columbia shall be appointed by the President with such rank and qualifications as he may prescribe, and each adjutant general for a Territory shall be a citizen of the Territory for which he is appointed.

"SEC. 67. Appropriation, apportionment, and disbursement of funds for the National Guard: A sum of money shall hereafter be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the National Guard, including the expense of providing arms, ordnance stores, quartermaster stores, and camp equipage, and all other military supplies for issue to the National Guard, and such other expenses pertaining to said guard as are now or may hereafter be authorized by law.

"The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services, now authorized for the Division of Militia Affairs; for expenses of enlisted men of the Regular Army on duty with the National Guard, including quarters, fuel, light, medicines, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law.

"The governor of each State and Territory and the commanding general of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretary of War, an officer of the National Guard of the State, Territory, or District of Columbia who shall be regarded as property and disbursing officer for the United States. He shall receipt and account for all funds and property belonging to the United States in possession of the National Guard of his State, Territory, or District, and shall make such returns and reports concerning the same as may be required by the Secretary of War. The Secretary of War is authorized, on the requisition of the governor of a State or Territory or the commanding general of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof so much of its allotment out of the annual appropriation for the support of the National Guard as shall, in the judgment of the Secretary of War, be necessary for the purposes enumerated therein. He shall render, through the War Department, such accounts of Federal funds intrusted to him for disbursement as may be required by the Treasury Department. Before entering upon the performance of his duties as property and disbursing officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretary of War, for the faithful performance of his duties and for the safekeeping and proper disposition of the Federal property and funds intrusted to his care. He shall, after having qualified as property and disbursing officer, receive pay for his services at a rate to be fixed by the Secretary of War, and such compensation shall be a charge against the whole sum annually appropriated for the support of the National Guard: *Provided*, That when traveling in the performance of his official duties under orders issued by the proper authorities he shall be reimbursed for his actual necessary traveling expenses, the sum to be made a charge against the allotment of the State, Territory, or District of Columbia: *Provided further*, That the Secretary of War shall cause an inspection of the accounts and records of the property and disbursing officer to be made by an inspector general of the Army at least once each year: *And provided further*, That the Secretary of War is empowered to make all rules and regulations necesssary to carry into effect the provisions of this section.

"SEC. 68. Location of units: The States and Territories shall have the right to determine and fix the location of the units and headquarters of the National Guard within their respective borders: *Provided*, That no organization of the National Guard,

members of which shall be entitled to and shall have received compensation under the provisions of this act, shall be disbanded without the consent of the President, nor, without such consent, shall the commissioned or enlisted strength of any such organization be reduced below the minimum that shall be prescribed therefor by the President.

"SEC. 69. Enlistments in the National Guard: Hereafter the period of enlistment in the National Guard shall be for six years, the first three years of which shall be in an active organization and the remaining three years in the National Guard reserve, hereinafter provided for, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army: *Provided*, That in the National Guard the privilege of continuing in active service during the whole of an enlistment period and of reenlisting in said service shall not be denied by reason of anything contained in this act.

"SEC. 70. Federal enlistment contract: Enlisted men in the National Guard of the several States, Territories, and the District of Columbia now serving under enlistment contracts which contain an obligation to defend the Constitution of the United States and to obey the orders of the President of the United States shall be recognized as members of the National Guard under the provisions of this act for the unexpired portion of their present enlistment contracts. When any such enlistment contract does not contain such obligation, the enlisted man shall not be recognized as a member of the National Guard until he shall have signed an enlistment contract and taken and subscribed to the following oath of enlistment, upon signing which credit shall be given for the period already served under the old enlistment contract: 'I do hereby acknowledge to have voluntarily enlisted this — day of ———, 19—, as a soldier in the National Guard of the United States and of the State of ———, for the period of three years in service and three years in the reserve, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ———, and of the officers appointed over me according to law and the Rules and Articles of War.'

"SEC. 71. Hereafter all men enlisting for service in the National Guard shall sign an enlistment contract and take and subscribe to the oath prescribed in the preceding section of this act.

"SEC. 72. Discharge of enlisted men from the National Guard: An enlisted man discharged from service in the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.

"SEC. 73. Federal oath for National Guard officers: Commissioned officers of the National Guard of the several States, Territories, and the District of Columbia now serving under commissions regularly issued shall continue in office, as officers of the National Guard, without the issuance of new commissions: *Provided*, That said officers have taken, or shall take and subscribe to the following oath of office: 'I, ———, do solemnly swear that I will support and defend the Constitution of the United States and the constitution of the State of ———, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the governor of the State of ———; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States and of the State of ——— upon which I am about to enter, so help me God.'

"SEC. 74. Qualifications for National Guard officers: Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this act unless they shall have been selected from the following classes and shall have taken and subscribed to the oath of office prescribed in the preceding section of this act: Officers or enlisted men of the National Guard; officers on the reserve or unassigned list of the National Guard; officers, active or retired, and former officers of the United States Army, Navy, and Marine Corps; graduates of the United States Military and Naval Academies and graduates of schools, colleges, and universities where military science is taught under the supervision of an officer of the Regular Army, and, for the technical branches and staff corps or departments, such other civilians as may be specially qualified for duty therein.

"SEC. 75. The provisions of this act shall not apply to any person hereafter appointed an officer of the National Guard unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard, or both.

"SEC. 76. Filling of vacancies when drafted into Federal service: All vacancies occurring in any grade of commissioned officers in any organization in the military service of the United States and composed of persons drafted from the National Guard under the provisions of this act shall be filled by the President, as far as practicable, by the appointment of persons similarly taken from said guard, and in the manner prescribed by law for filling similar vacancies occurring in the volunteer forces.

"SEC. 77. Elimination and disposition of officers: At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such an officer, he shall be discharged. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial. Officers of said guard rendered surplus by the disbandment of their organizations shall be placed in the National Guard Reserve. Officers may, upon their own application, be placed in the said reserve.

"SEC. 78. The National Guard Reserve: Subject to such rules and regulations as the President may prescribe, a National Guard Reserve shall be organized in each State, Territory, and the District of Columbia, and shall consist of such organizations, officers, and enlisted men as the President may prescribe, or members thereof may be assigned as reserves to an active organization of the National Guard: *Provided*, That members of said reserve, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as enlisted men of like grade on the active list of said guard when likewise engaged: *Provided further*, That, except as otherwise specifically provided in this act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes.

"SEC. 79. Reserve battalions for recruit training: When members of the National Guard and the enlisted reserve thereof of any State, Territory, or the District of Columbia shall have been brought into the service of the United States in time of war, there shall be immediately organized, either from such enlisted reserve or from the unorganized militia, in such State, Territory, or District, one reserve battalion for each regiment of Infantry or Cavalry, or each 9 batteries of Field Artillery, or each 12 companies of Coast Artillery, brought into the service of the United States, and such reserve battalion shall constitute the fourth battalion of any such regiment or 12 companies of Coast Artillery. Reserve battalions shall consist of four companies of such strength as may be prescribed by the President of the United States. When the members of three or more regiments of the National Guard of any State, Territory, or District shall have been brought into the service of the United States, the reserve battalions of such regiments may be organized into provisional regiments and higher units. If for any reason there shall not be enough voluntary enlistments to keep the reserve battalions at the prescribed strength, a sufficient number of the unorganized militia shall be drafted into the service of the United States to maintain each of such battalions at the proper strength. As vacancies occur from death or other causes in any organization in the service of the United States and composed of men taken from the National Guard, men shall be transferred from the reserve battalions to the organizations in the field so that such organizations may be maintained at war strength. Officers for the reserve battalions provided for herein shall be drafted from the National Guard Reserve or Coast Artillery companies of the National Guard or the Officers' Reserve Corps, such officers to be taken, if practicable, from the States, respectively, in which the battalions shall be organized. Officers and noncommissioned officers returned to their home stations because of their inability to perform active field service may be assigned to reserve battalions for duty, and all soldiers invalided home shall be assigned to and carried on the rolls of reserve battalions until returned to duty or until discharged.

"SEC. 80. Leaves of absence for certain Government employees: All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this act.

"SEC. 81. Militia Bureau of the War Department: The National Militia Board created by section 11 of the act of May 27, 1908, amending section 20 of the act of January 21, 1903, shall, from the date of the approval of this act, be abolished. The Militia Division now existing in the War Department shall hereafter be known as the Militia Bureau of said department, shall, like other bureaus of said department, be under the immediate supervision of the Secretary of War, and shall not form a part of any other bureau, office, or other organization, but the Chief of the Militia Bureau shall be ex officio a member of the General Staff Corps: *Provided*, That the President may, in his discretion, assign to duty in the Militia Bureau as assistants to the chief thereof not to exceed one colonel and one lieutenant colonel of the National Guard, for terms of four years, and any such officer while so assigned shall, subject to such regulations as the President may prescribe, receive out of the whole fund appropriated for the support of the militia the pay and allowances of a Regular Army officer having the same rank and length of service as said National Guard officer, whose prior service in the Organized Militia shall be counted in ascertaining his rights under this proviso.

"SEC. 82. Armament, equipment, and uniform of the National Guard: The National Guard of the United States shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army.

"SEC. 83. The Secretary of War is hereby authorized to procure, under such regulations as the President may prescribe, by purchase or manufacture, within the limits of available appropriations made by Congress, and to issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, such number of United States service arms, with all accessories, field-artillery matériel, engineer, coast artillery, signal, and sanitary matériel, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia: *Provided*, That as a condition precedent to the issue of any property as provided for by this act, the State, Territory, or the District of Columbia desiring such issue shall make adequate provision, to the satisfaction of the Secretary of War, for the protection and care of such property: *Provided further*, That, whenever it shall be shown to the satisfaction of the Secretary of War that the National Guard of any State, Territory, or the District of Columbia is properly organized, armed, and equipped for field service, funds allotted to that State, Territory, or District for the support of its National Guard may be used for the purchase, from the War Department, of any article issued by any of the supply departments of the Army.

"SEC. 84. Under such regulations as the President may prescribe, whenever a new type of equipment, small arm, or field gun shall have been issued to the National Guard of the several States, Territories, and the District of Columbia, such equipment, small arms, and field guns, including all accessories, shall be furnished without charging the cost or value thereof or any expense connected therewith against the appropriations provided for the support of the National Guard.

"SEC. 85. Each State, Territory, and the District of Columbia shall, on the receipt of new property issued to replace obsolete or condemned prior issues, turn in to the War Department or otherwise dispose of, in accordance with the directions of the Secretary of War, all property so replaced or condemned, and shall not receive any money credit therefor.

"SEC. 86. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department for the use of the National Guard, including the officers thereof, any stores, supplies, material of war, and military publications furnished to the Army, in addition to those issued under the provisions of this act, at the price at which they shall be listed to the Army, with cost of transportation added. The funds received from such sale shall be credited to the appropriation to which they shall belong, shall not be covered into the Treasury, and shall be available until expended to replace therewith the supplies sold to the States in the manner herein authorized: *Provided*, That stores, supplies, and matériel of war so purchased by a State, Territory, or the District of Columbia may, in time of actual or threatened war, be requisitioned by the United States for use in the military service thereof, and when so requisitioned by the United States and delivered credit for the ultimate return of such property in kind shall be allowed to such State, Territory, or the District of Columbia.

"SEC. 87. Disposition and replacement of damaged property, etc.: All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard, detailed by the Secretary of War, and the report of such surveying officer shall be forwarded to the Secretary of War, or to such officer as he shall designate to receive such reports; and if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor. If it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable State, Territory, or District of Columbia, to be paid from State, Territory, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and as a part of and in addition to that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war: *Provided further*, That if any State, Territory, or the District of Columbia shall neglect or refuse to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment shall have been made.

"SEC. 88. The net proceeds of the sale of condemned stores issued to the National Guard and not charged to State allotments shall be covered into the Treasury of the United States, as shall also stoppages against officers and enlisted men, and the net proceeds of collections made from any person to reimburse the Government for the loss, damage, or destruction of said property not charged against the State allotment issued for the use of the National Guard.

"SEC. 89. Horses for Cavalry and Field Artillery of National Guard: Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery and Cavalry of the National Guard, said horses to remain the property of the United States and to be used solely for military purposes.

"Horses so purchased may be issued not to exceed 32 to any one battery or troop, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the use of such organizations, condemned Army horses which are no longer fit for service, but which may be suitable for the purposes of instruction, such horses to be sold as now provided by law when said purposes shall have been served.

"SEC. 90. Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government horses issued to any battery or troop, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five

for each battery or troop, shall be duly enlisted therein and shall be detailed by the battery or troop commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia.

"SEC. 91. Discipline to conform to that of Regular Army: The discipline (which includes training) of the National Guard shall conform to the system which is now or may hereafter be prescribed for the Regular Army, and the training shall be carried out by the several States, Territories, and the District of Columbia so as to conform to the provisions of this act.

"SEC. 92. Training of the National Guard: Each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than 48 times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least 15 days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such assembly at which he shall be credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Secretary of War.

"SEC. 93. Inspections of the National Guard: The Secretary of War shall cause an inspection to be made at least once each year by inspectors general, and if necessary by other officers, of the Regular Army, detailed by him for that purpose, to determine whether the amount and condition of the property in the hands of the National Guard is satisfactory; whether the National Guard is organized as hereinbefore prescribed; whether the officers and enlisted men possess the physical and other qualifications prescribed; whether the organization and the officers and enlisted men thereof are sufficiently armed, uniformed, equipped, and being trained and instructed for active duty in the field or coast defense, and whether the records are being kept in accordance with the requirements of this act. The reports of such inspections shall serve as the basis for deciding as to the issue to and retention by the National Guard of the military property provided for by this act, and for determining what organizations and individuals shall be considered as constituting parts of the National Guard within the meaning of this act.

"SEC. 94. Encampments and maneuvers: Under such regulations as the President may prescribe the Secretary of War is authorized to provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, either independently or in conjunction with any part of the Regular Army; and there may be set aside from the funds appropriated for that purpose and allotted to any State, Territory, or the District of Columbia such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of such State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice, for field and coast-defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled by law.

"SEC. 95. When any part of the National Guard participates in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction at a United States military post, or reservation, or elsewhere, if in conjunction with troops of the United States, the command of such military post or reservation and of the officers and troops of the United States on duty there or elsewhere shall remain with the commander of the United States troops without regard to the rank of the commanding or other officer of the National Guard temporarily engaged in the encampments, maneuvers, or other exercises.

"SEC. 96. Use of Regular Army personnel: The Secretary of War may detail one or more officers and enlisted men of the Regular Army to attend any encampment, maneuver, or other exercise for field or coast-defense instruction of the National Guard, who shall give such instruction and information to the officers and men assembled for such encampment, maneuver, or other exercise as may be directed by the Secretary of War or requested by the governor or by the commanding officer of the National Guard there on duty.

"SEC. 97. Under such regulations as the President may prescribe the Secretary of War may provide camps for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for that purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard designated to attend said camps shall belong. Officers and enlisted men attending such camps shall be entitled to pay and transportation, and enlisted men to subsistence in addition, at the same rates as for encampments or maneuvers for field or coast-defense instruction.

"SEC. 98. When any portion of the National Guard shall participate in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, under the provisions of this act, it may, after being duly mustered, be paid at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive; and such payment, if otherwise correct, shall pass to the credit of the disbursing officer making the same.

"SEC. 99. National Guard officers and men at service schools, etc.: Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy; or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and such officer or enlisted man shall receive, out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters, or commutation of quarters, and the same pay, allowances, and subsistence to which an officer or enlisted man of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction: *Provided*, That in no case shall the pay and allowances authorized by this section exceed those of a captain.

"SEC. 100. Detail of officers of Regular Army to duty with the National Guard: The Secretary of War shall detail officers of the active list of the Army to duty with the National Guard in each State, Territory, or District of Columbia, and officers so detailed may accept commissions in the National Guard, with the permission of the President and terminable in his discretion, without vacating their commissions in the Regular Army or being prejudiced in their relative or lineal standing therein. The Secretary of War may, upon like application, detail one or more enlisted men of the Regular Army with each State, Territory, or District of Columbia for duty in connection with the National Guard. But nothing in this section shall be so construed as to prevent the detail of retired officers as now provided by law.

"SEC. 101. National Guard, when subject to laws governing Regular Army: The National Guard when called as such into the service of the United States shall, from the time they are required by the terms of the call to respond thereto, be subject to the laws and regulations governing the Regular Army, so far as such laws and regulations are applicable to officers and enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law.

"SEC. 102. System of courts-martial for National Guard: Except in organizations in the service of the United States, court-martial in the National Guard shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted like, and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for said similar courts.

"SEC. 103. General courts-martial of the National Guard not in the service of the United States may be convened by orders of the President, or of the governors of the respective States and Territories, or by the commanding general of the National Guard of the District of Columbia, and such courts shall have

the power to impose fines not exceeding $200; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of noncommissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts.

"SEC. 104. In the National Guard not in the service of the United States the commanding officer of each garrison, fort, post, camp, or other place, brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed $100.

"SEC. 105. In the National Guard not in the service of the United States the commanding officer of each garrison, fort, post, or other place, regiment or corps, detached battalion, company, or other detachment of the National Guard may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding $25 for any single offense; may sentence noncommissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States.

"SEC. 106. All courts-martial of the National Guard, not in the service of the United States, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentences of confinement shall not exceed one day for each dollar of fine authorized.

"SEC. 107. No sentence of dismissal from the service or dishonorable discharge, imposed by a National Guard court-martial, not in the service of the United States, shall be executed until approved by the governor of the State or Territory concerned, or by the commanding general of the National Guard of the District of Columbia.

"SEC. 108. In the National Guard, not in the service of the United States, presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpœnas and subpœnas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts.

"All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the several States and Territories, and in any State where no provision shall have been made for such action, and in the Territories and the District of Columbia, such processes and sentences shall be executed by a United States marshal or his duly appointed deputy, and it shall be the duty of any United States marshal to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same.

"SEC. 109. Pay for National Guard officers: Certain commissioned officers on the active list belonging to organizations of the National Guard of each State, Territory, and the District of Columbia participating in the apportionment of the annual appropriation for the support of the National Guard shall receive compensation for their services, except during the periods of service for which they may become lawfully entitled to the same pay as officers of corresponding grades of the Regular Army, as follows, not to include longevity pay: A captain $500 per year and the same pay shall be paid to every officer of higher rank than that of captain, a first lieutenant $240 per year, and a second lieutenant $200 per year. Regulations to be prescribed by the Secretary of War shall determine the amount and character of service that must be rendered by officers to entitle them to the whole or specific parts of the maximum pay hereinbefore authorized: *Provided*, That all staff officers, aids-de-camp, and chaplains shall receive not to exceed one-half of the pay of a captain, except that regimental adjutants, and majors and captains in command of machine-gun companies, ambulance companies, field-hospital companies, or sanitary troops shall receive the pay hereinbefore authorized for a captain.

"SEC. 110. Pay for National Guard enlisted men: Each enlisted man on the active list belonging to an organization of the National Guard of a State, Territory, or the District of Columbia, participating in the apportionment of the annual appropriation for the support of the National Guard, shall receive compensation for his services, except during periods of service for which he may become lawfully entitled to the same pay as an enlisted man of corresponding grade in the Regular Army, at a rate equal to 25 per cent of the initial pay now provided by law for enlisted men of corresponding grades of the Regular Army: *Provided*, That such enlisted man shall receive the compensation herein provided if he shall have attended not less than 48 regular drills during any one year, and a proportionate amount for attendance upon a lesser number of such drills, not less than 24; and no such enlisted man shall receive any part of said compensation except as authorized by this proviso and the three provisos next following: *Provided further*, That the compensation provided herein shall be computed for semiannual periods, beginning the 1st day of January and the 1st day of July of each year, in proportion to the number of drills attended; and no compensation shall be paid to any enlisted man for the first semiannual period of any year unless he shall have attended during said period at least 24 drills, but any lesser number of drills attended during said period shall be reckoned with the drills attended during the second semiannual period in computing the compensation, if any, due him for that year: *Provided further*, That when any man enters into an enlistment other than an immediate reenlistment he shall be entitled to proportional compensation for that year if during the remainder of the year he shall attend a number of drills whose ratio to 24 is not less than the ratio of the part of the year so served to the whole year; and when any man's enlistment shall expire the compensation, if any, to which he may be entitled shall be determined in like manner: *Provided further*, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War.

"All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the 31st day of December and the 30th day of June of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War: *Provided*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

"Except as otherwise specifically provided herein, no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over 64 years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Inspection, Subsistence, and Medical Departments hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District: *Provided further*, That the preceding proviso shall not apply to any State, Territory, or District until 60 days next after the adjournment of the next session of its legislature held after the approval of this act.

"SEC. 111. National Guard when drafted into Federal service: When Congress shall have authorized the use of the armed land forces of the United States, for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination, as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. All persons so drafted shall, from the date of their draft, stand discharged from the militia, and shall from said date be subject to such

laws and regulations for the government of the Army of the United States as may be applicable to members of the Volunteer Army, and shall be embodied in organizations corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof, officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service.

"SEC. 112. Rights to pensions: When any officer or enlisted man of the National Guard drafted into the service of the United States in time of war is disabled by reason of wounds or disability received or incurred while in the active service of the United States in time of war, he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer or enlisted man dies in the active service of the United States in time of war or in returning to his place of residence after being mustered out of such service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

"SEC. 113. Encouragement of rifle practice: The Secretary of War shall annually submit to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges, under such a comprehensive plan as will ultimately result in providing adequate facilities for rifle practice in all sections of the country. And that all ranges so established and all ranges which may have already been constructed, in whole or in part, with funds provided by Congress shall be open for use by those in any branch of the military or naval service of the United States and by all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War. That the President may detail capable officers and noncommissioned officers of the Regular Army and National Guard to duty at such ranges as instructors for the purpose of training the citizenry in the use of the military arm. Where rifle ranges shall have been so established and instructors assigned to duty thereat, the Secretary of War shall be authorized to provide for the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such rifle practice.

"SEC. 114. Temporary vacancies in Regular Army due to details to the National Guard: In time of war the temporary vacancies created in any grade not above that of colonel among the commissioned personnel of any arm, staff corps, or department of the Regular Army, through appointments of officers thereof to higher rank in organizations composed of members taken from the National Guard, shall be filled by temporary promotions according to seniority in rank from officers holding commissions in the next lower grade in said arm, staff corps, or department, and all vacancies created in any grade by such temporary promotions shall be in like manner filled from, and thus create temporary vacancies in, the next lower grade, and the vacancies that shall remain thereafter in said arm, staff corps, or department and that can not be filled by temporary promotions, as prescribed in this section, may be filled by the temporary appointment of officers of such number and grade or grades as shall maintain said arm, corps, or department at the full commissioned strength authorized by law: *Provided*, That in the staff corps and departments subject to the provisions of sections 26 and 27 of the act of February 2, 1901, and acts amendatory thereof, temporary vacancies that can not be filled by temporary promotions as hereinbefore prescribed shall be filled by temporary details in the manner prescribed in said sections 26 and 27, and acts amendatory thereof, and the resulting temporary vacancies in the branches of the Army from which the details shall be so made shall be filled as hereinbefore in this section prescribed: *Provided further*, That officers temporarily promoted or appointed under the terms of this section shall be promoted or appointed by the President, by and with the advice and consent of the Senate, for terms that shall not extend beyond the war or the passing of the emergency for which additional forces were brought into the military service of the United States, and at the termination of the war or the passing of the emergency said officers shall be discharged from the positions held by them under their temporary commissions or appointments, and officers detailed as herein authorized shall be relieved from their temporary details: *And provided further*, That officers temporarily promoted under the provisions of this section shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.

"SEC. 115. Physical examination: Every officer and enlisted man of the National Guard who shall be called into the service of the United States as such shall be examined as to his physical fitness under such regulations as the President may prescribe without further commission or enlistment: *Provided*, That immediately preceding the muster out of an officer or enlisted man called into the active service of the United States he shall be physically examined under rules prescribed by the President of the United States, and the record thereof shall be filed and kept in the War Department.

"SEC. 116. Noncompliance with Federal act: Whenever any State shall, within a limit of time to be fixed by the President, have failed or refused to comply with or enforce any requirement of this act, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of War, the National Guard of such State shall be debarred, wholly or in part, as the President may direct, from receiving from the United States any pecuniary or other aid, benefit, or privilege authorized or provided by this act or any other law.

"SEC. 117. Applicable to land forces only: The provisions of this act in respect to the militia shall be applicable only to militia organized as a land force and not to the Naval Militia, which shall consist of such part of the militia as may be prescribed by the President for each State, Territory, or District: *Provided*, That each State, Territory, or District maintaining a Naval Militia as herein prescribed may be credited to the extent of the number thereof in the quota that would otherwise be required by section 62 of this act.

"SEC. 118. Necessary rules and regulations: The President shall make all necessary rules and regulations and issue such orders as may be necessary for the thorough organization, discipline, and government of the militia provided for in this act.

"SEC. 119. Annual estimates required: The Secretary of War shall cause to be estimated annually the amount necessary for carrying out the provisions of so much of this act as relates to the militia, and no money shall be expended under said provisions except as shall from time to time be appropriated for carrying them out.

"SEC. 120. Purchase or procurement of military supplies in time of actual or imminent war: The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

"Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunitions, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company,

association, or corporation, or organized manufacturing industry or the responsible head or heads thereof failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $50,000.

"The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, of as rental for use of any manufacturing plant while used by the United States, shall be fair and just.

"The Secretary of War shall also make, or cause to be made, a complete list of all privately owned plants in the United States equipped to manufacture arms or ammunition, or the component parts thereof. He shall obtain full and complete information regarding the kind of arms or ammunition, or the component parts thereof, manufactured or that can be manufactured by each such plant, the equipment in each plant, and the maximum capacity thereof. He shall also prepare, or cause to be prepared, a list of privately owned manufacturing plants in the United States capable of being readily transformed into ammunition factories, where the capacity of the plant is sufficient to warrant transforming such plant or plants into ammunition factories in time of war or when war shall be imminent; and as to all such plants the Secretary of War shall obtain full and complete information as to the equipment of each such plant, and he shall prepare comprehensive plans for transforming each such plant into an ammunition factory, or a factory in which to manufacture such parts of ammunition as in the opinion of the Secretary of War such plant is best adapted.

"The President is hereby authorized, in his discretion, to appoint a board on mobilization of industries essential for military preparedness, nonpartisan in character, and to take all necessary steps to provide for such clerical assistance as he may deem necessary to organize and coordinate the work hereinbefore described.

"SEC. 121. Investigation as to Government manufacture of arms, etc.: The Secretary of War is hereby authorized to appoint a board of five citizens, two of whom shall be civilians and three of whom shall be officers of the Army, to investigate and report to him the feasibility, desirability, and practicability of the Government manufacturing arms, munitions, and equipment, showing in said report the comparative prices of the arms, munitions, and equipment manufactured in Government plants and those manufactured in private plants, the amount of money necessary to build and operate Government plants for the manufacture of arms, munitions, and equipment; showing also what the Government plants and arsenals are now doing in the way of manufacturing arms, munitions, and equipment, and what saving has accrued to the Government by reason of its having manufactured a large part of its own arms, munitions, and equipment for the last four years. And the Secretary of War is hereby directed to transmit said report to Congress on or before January 1, 1917.

"SEC. 122. Investigation concerning medals of honor: A board to consist of five general officers on the retired list of the Army shall be convened by the Secretary of War, within 60 days after the approval of this act, for the purpose of investigating and reporting upon past awards or issues of the so-called congressional medal of honor by or through the War Department; this with a view to ascertain what medals of honor, if any, have been awarded or issued for any cause other than distinguished conduct by an officer or enlisted man in action involving actual conflict with an enemy by such officer or enlisted man or by troops with which he was serving at the time of such action. And in any case in which said board shall find and report that said medal was issued for any cause other than that hereinbefore specified the name of the recipient of the medal so issued shall be stricken permanently from the official medal of honor list. It shall be a misdemeanor for him to wear or publicly display said medal, and, if he shall still be in the Army, he shall be required to return said medal to the War Department for cancellation. Said board shall have full and free access to and use of all records pertaining to the award or issue of medals of honor by or through the War Department. The actual and necessary expenses of said board and its members shall be paid out of any appropriations available for contingent expenses of the Army of the War Department.

"SEC. 123. Procurement of gauges, dies, jigs, etc., necessary for manufacture of arms, etc.: The Secretary of War be, and he is hereby, authorized to prepare or cause to be prepared, to purchase or otherwise procure, such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, as may be necessary for the immediate manufacture, by the Government and by private manufacturers, of arms, ammunition, and special equipment necessary to arm and equip the land forces likely to be required by the United States in time of war: *Provided*, That in the expenditure of any sums appropriated to carry out the purposes of this section the existing laws prescribing competition in the procurement of supplies by purchase shall not govern, whenever in the opinion of the Secretary of War such action will be for the best interest of the public service.

"SEC. 124. Nitrate supply: The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary, or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

"The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

"The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

"The President is hereby authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

"The sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.

"The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

"In order to raise the money appropriated by this act and necessary to carry its provisions into effect, the Secretary of the Treasury, upon the request of the President of the United States, may issue and sell, or use for such purpose or construction hereinabove authorized, any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $20,000,000: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable, and fix, instead of 50 years after date of issue, as in said act of August 5, 1909, not exceeding 50 years.

"SEC. 125. Protection of the uniform: It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps, to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps: *Provided*, That the foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent members of the organization known as the Boy Scouts of America, or the

Naval Militia, or such other organizations as the Secretary of War may designate, from wearing their prescribed uniforms; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, or Marine Corps, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing his uniform from the place of his discharge to his home, within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps; nor to prevent the instructors and members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and members of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing, while in attendance upon such course of instruction, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, or Marine Corps: *Provided further*, That the uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War to distinguish such uniforms from the uniforms of the United States Army, Navy, or Marine Corps: *And provided further*, That the members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto.

"Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $300, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

"SEC. 126. On and after July 1, 1916, an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 3½ cents per mile from the place of his discharge to the place of his acceptance for enlistment, enrollment, or original muster into the service, at his option: *Provided*, That for sea travel on discharge transportation and subsistence only shall be furnished to enlisted men.

"SEC. 127. Nothing in this act shall be held or construed so as to discharge any officer from the Regular Army or to deprive him of the commission which he now holds therein.

"SEC. 128. All laws and parts of laws in so far as they are inconsistent with this act are hereby repealed."

And the Senate agree to the same.

GEORGE E. CHAMBERLAIN,
J. C. W. BECKHAM,
ROBERT F. BROUSSARD,
H. A. DU PONT,
F. E. WARREN,
Managers on the part of the Senate.

JAMES HAY,
S. H. DENT, JR.,
JULIUS KAHN,
Managers on the part of the House.

PROCEEDINGS OF EXECUTIVE SESSIONS.

Mr. KENYON. Mr. President, I desire to make a parliamentary inquiry. A few days ago, during the period when the Senate was taking recesses from day to day, I submitted a resolution somewhat similar to the resolution submitted this morning by the Senator from Wisconsin [Mr. LA FOLLETTE]. That resolution was ordered to lie on the table. My impression is that at this time that resolution will come before the Senate. That is the inquiry I desire to make.

The VICE PRESIDENT. When a resolution is submitted and goes over under the rule the present occupant of the chair has decided that it is the duty of any Senator who wants to call it up to do so before the conclusion of morning business.

Mr. KENYON. I ask, then, that there be taken up at this time the resolution submitted by me with reference to open executive sessions of the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which the Secretary will state.

The Secretary read the resolution (S. Res. 191) submitted by Mr. KENYON on May 9 (calendar day, May 12), 1916, as follows:

Resolved, That it is the judgment of the Senate that all executive sessions shall hereafter be open to the public, except when treaties are considered, or when the Senate by unanimous consent orders otherwise.

And the Committee on Rules is directed to prepare such amendments to the present rules, or to prepare new rules, or both, as may be necessary to carry out the terms of this resolution, and present the same to the Senate for action thereon.

Mr. WALSH. Mr. President, I have an impression that the Senator from Missouri [Mr. STONE] desired to be heard upon the motion to consider the resolution. However, I see the Senator is now present.

Mr. SMITH of Georgia. Mr. President, under the rules that resolution must go over until to-morrow.

The VICE PRESIDENT. It did go over on a previous day.

Mr. KENYON. I will say to the Senator it went over some days ago.

Mr. SMITH of Georgia. Under what circumstances is it now being called up?

The VICE PRESIDENT. It is called up under the right of a Senator to call up a resolution which he has submitted when it has gone over under the rule.

Mr. SMITH of Georgia. I thought it had already gone over.

Mr. KENYON. It was submitted and went over some days ago.

The VICE PRESIDENT. The resolution was not submitted to-day; it was submitted on a former day.

Mr. LA FOLLETTE. I will say to the Senator that it is not the resolution submitted by me, but the one submitted by the Senator from Iowa.

Mr. KENYON. Yes. It is the resolution submitted by me.

Mr. SMITH of Georgia. I beg pardon. I heard read a similar resolution submitted by the Senator from Wisconsin [Mr. LA FOLLETTE] a few moments ago, and I thought that was the resolution now being called up.

Mr. KENYON. Mr. President, I submitted a resolution similar to this two years ago, at which time there was a motion to table it, and I assume that that motion will probably follow to-day. I am simply anxious to get a record vote. It seems to me that, after the experience of the past, we may as well have executive sessions, except as to treaties, in the open. Nominations are coming along for the consideration of the Senate, which ought to be considered in the open, and I do not know why we should longer continue to consider nominations in secret sessions of the Senate.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. KENYON. I yield the floor.

Mr. WALSH. I rose to inquire when the resolution to which the Senator from Iowa has addressed his remarks was introduced.

Mr. KENYON. I submitted a resolution during the period when we were recessing from day to day—on the legislative day of May 9, calendar day of May 12—and asked that it lie over.

Mr. STONE. Mr. President, I was called out of the Chamber for a moment by a visitor, and I desire now to inquire how this resolution, which was submitted on the legislative day of May 9, with a request that it lie on the table, gets before the Senate, if the Chair please?

The VICE PRESIDENT. It gets before the Senate because the Senator from Iowa has called it up. Prior to the time when the present occupant of the chair assumed the duties of presiding officer it had been held—perhaps not held, but it had grown into a custom—that when a resolution was introduced on one day it should lie over until the succeeding day, and then it was

automatically laid before the Senate. Upon an examination of the rules at the last session of the Congress, the present occupant of the chair decided that there was not any rule which required the Chair automatically to lay before the Senate resolutions which were introduced and which went over under the rule, but that it was the duty of the Senator submitting the resolution, when he wanted to call it up, to call it up of his own motion. That has been the ruling of the Chair since that time.

Mr. GALLINGER. Mr. President, a word on that point. By reference to page 9 of the Manual there is a note:

On motion by Mr. Hoar, *Ordered*, That until otherwise ordered, the Chair shall proceed with the call for resolutions to be newly offered before laying before the Senate resolutions which came over from a former day.

It has been because of that order, to which the Senate agreed, that the custom has been heretofore that resolutions would be laid before the Senate after new resolutions had been acted upon.

The VICE PRESIDENT. The Senator from New Hampshire states it accurately; but the Chair has a very distinct recollection of a period in the Senate when there were some six or seven resolutions laid down every morning with the request that they go over without prejudice, and finally the Chair announced that they would not be laid down unless they were called up.

Mr. GALLINGER. It seems to me that that is quite a fair proposition, because any Senator can make the request, and the resolution will be laid before the Senate.

The VICE PRESIDENT. Yes. The Chair thinks there is no doubt about the right of a Senator to call up such a resolution.

Mr. STONE. Mr. President, this resolution is before the Senate on the motion or call of the Senator from Iowa. Am I correct in that?

The VICE PRESIDENT. The Senator from Iowa called this resolution before the Senate, and it is now subject to parliamentary procedure. It is subject to a motion to send it to a committee or to be laid on the table, or otherwise.

Mr. STONE. I inquire of the Senator from Iowa just what his purpose is in calling it up now? Is it to debate the resolution?

Mr. KENYON. I should like to have it passed. I do not myself care to spend any time debating it. A similar resolution was before the Senate a year ago.

Mr. STONE. In view of that statement, I move that the resolution be referred to the Committee on Rules.

Mr. BORAH. Mr. President, is that motion debatable?

Mr. STONE. I presume it is.

The VICE PRESIDENT. Let us see——

Mr. SMITH of Georgia. Mr. President, will the Senator from Idaho permit me a moment?

Mr. KENYON. Mr. President, I make the point of order that a resolution directing the Committee on Rules to do certain things can not be referred to the Committee on Rules in the very nature of the situation.

The VICE PRESIDENT. The Chair will be compelled to overrule that point of order. This body can do anything it wants to do.

Mr. SMITH of Georgia. I desire to make an inquiry, with the consent of the Senator from Idaho. Is the ruling of the Chair that the Senator introducing a resolution may call it up the morning thereafter or on any morning thereafter?

The VICE PRESIDENT. Any morning thereafter.

Mr. SMITH of Georgia. Any morning he sees fit to do so?

The VICE PRESIDENT. During the morning hour just before the conclusion of morning business, provided morning business has not closed.

Mr. BORAH. Mr. President, I am not going to discuss this matter at length, but I wish we might have a vote upon the resolution direct, instead of sending it to a committee. Without challenging the good faith of the Senator from Missouri, nevertheless the sending of the resolution to a committee means that it is to be indefinitely postponed, and we are not to meet the issue squarely, as we can do if we have a direct vote here at this time.

Mr. President, I have long been an advocate of open sessions with reference to all nominations and with reference to all treaties, save a very limited class of treaties. Commercial treaties and such treaties as we have lately consummated with Nicaragua and that class of treaties ought to be considered in the open. In the first place, practically all our work with reference to executive matters is done in the open. The hearings are had in the open; the newspapers discuss the matter; and it is a mere form when we come here and ourselves proceed to hold executive sessions. The subject matter is thoroughly discussed and thoroughly before the public, and the public has the entire matter, except the debates, which might take place here in the Senate.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. BORAH. Yes.

Mr. CLAPP. Judging from what I noticed in the morning press, there is some question as to the Senator's last statement, because the reasons that were given in executive session yesterday are alleged to be given in the press this morning. So even the discussion does, in a measure at least, become public.

Mr. BORAH. I think any Senator here would agree with me that the reports that go to the newspapers upon these matters in executive session are very inaccurate and insufficient to represent any Senator in his views.

Mr. CLAPP. Will the Senator pardon another interruption?

Mr. BORAH. Yes.

Mr. CLAPP. Is not that just one of the vital reasons why we should have open sessions—in order that the public, instead of having an account of debate which may not be full or do justice to Senators, may have an exact account of what has taken place?

Mr. BORAH. I quite agree with the Senator, and that was to be my contention.

Mr. CLAPP. Then I am sorry I interrupted the Senator.

Mr. BORAH. No; I am very glad to be interrupted. But we have had the matter before us at one time and another for the last two or three years, and there is no reason why we should send it to a committee. Every Senator here, perhaps, has made up his mind on the matter. We are just as well advised as to what we want to do individually as we will be after it has gone to a committee and the Senator from Wisconsin presents his resolution in a few days. We might just as well, so far as the information and the conclusion of the Senate is concerned, vote now as a month later. I therefore hope that we will have a vote directly, and that we will open these regular sessions upon all subject matters save a very limited class of treaties.

Take the discussion which took place here yesterday. There were votes cast which were presumed to have been cast for certain reasons, but which were not, in fact, cast for those reasons at all, but for other reasons. The vote is there, and represents the final action of the Senator; but his reason for casting that vote is not there. The public is entitled to have it. The Senator is entitled to have it before the public; and there is nothing to be gained, either in the public welfare or in the interest of the man seeking the nomination, by a closed session.

I have never understood why a man seeking an appointment to an important office should not be subjected to a public debate and consideration of his qualifications, just the same as a man who is running for office; and it is fair to the man seeking the office as well as fair to the public. If I were a candidate before this body for a position, I certainly should desire to know some of the reasons or all of the reasons which were assigned for and against me, and especially those against me. It is not unfair to the candidate, as is sometimes supposed, but peculiarly fair, that he be considered in the open and that his qualifications there be discussed, and any man qualified to hold public office and fit to hold public office should be glad to have his qualifications presented in public rather than in private.

I sincerely hope the matter will be voted upon.

Mr. VARDAMAN. Mr. President, I have always felt that the secret or executive session of the Senate was not in keeping with the genius and spirit of our Government. It is based upon the theory that certain things must be kept from the people—that it is not well that the people should have information touching certain affairs pertaining to their own Government, which to my mind is an untenable position to assume.

It comes down to us from an age when the ability of the people to rule themselves was doubted by the rulers by Divine right. A theory of government so at variance with our system that any custom that even smacks or savors of it is out of joint with the spirit of the times.

Now, I have never done anything in the performance of my official duties in all my life—and I dare say the same is true of a majority of my colleagues, the Members of this body—that I desired to keep concealed from my constituents. I have infinite faith in the sense of justice and the capacity for discrimination of the people whom I have the honor to represent in this Chamber. They are just as capable of self-government as I am capable of governing them.

There is nothing in the world so purifying in politics as the sunlight of publicity. It is no reflection upon the patriotism or integrity of any man to say that he is more circumspect and careful about what he may say or do when he knows the eyes

of the world are fixed upon him than he would be when walking in the shadows. It is human nature to be that way.

As has been so well stated by the able Senator from Idaho [Mr. BORAH] the men whose characters and reputation are subjected to the acid test of criticism to which they are subjected in the consideration of nominations in executive sessions are entitled to know what is said about them. And the Senator who analyzes and criticizes the character of the nominee ought to desire that his reasons for his opposition or his excuse for criticism should be given the public.

The information which influences the action of the Senator in casting his vote is a matter of public concern and therefore the people have a right to know it. I can scarcely conceive of a measure which is likely to be considered by this body wherein public interest demands that the discussion shall be withheld from the people. The people ought to know what we are doing here, how we do it, and the reasons that we have for doing it.

If I had my way about it I would take the doors from the hinges of this Chamber, and I would let the public look in on us and hear our discussions and share with us, from the galleries, our deliberations.

Long before I came to the United States Senate I held to these views, and time and experience have only served to deepen my conviction on the subject and to vindicate the correctness of first impressions. I could not understand then why my Senator should desire to withhold from me his reasons or excuse for anything he might do in the performance of the functions of the place which I, by my vote, had commissioned him to perform.

And I agree with the able Senator from Idaho, further, that this matter ought to be settled now. There is no reason or excuse for delay. Senators have made up their minds. I should say they are ready to vote, and I am in favor of bringing the question to an issue at once rather than sending it to its death in the Committee on Rules. I think the proposed plan is a very moderate and proper treatment of the subject. All necessary safeguards will be thrown around it by the Committee on Rules to prevent the possibility of anything imprudent or radical being done, and I sincerely hope we may get a vote on it this morning.

The antiquity of the rule or custom which is to be repealed or abrogated is entitled to no special consideration because of its age. Time does not impute to it sanctity or eliminate from it in any way the inherent errors of the system.

Mr. SMITH of Georgia. Mr. President, the resolution is in bad form. You can not amend the rules in that way. The rules specifically prescribe the way in which they must be amended. You can not pass a resolution here instructing the Committee on Rules to get up a rule. You could pass a resolution expressing the sentiment of the Senate, but you can not instruct the committee to prepare a particular rule except by recommitting a pending measure——

Mr. KENYON rose.

Mr. SMITH of Georgia. Let me proceed a little further. You can not amend the rules in the way proposed. The rules specifically provide that amendments must be made first by written notice of a Senator that he intends to offer an amendment to a particular rule, designating the rule, and designating the nature of the amendment. Then, one day later, he can offer the amendment itself.

Mr. KENYON. Mr. President——

Mr. SMITH of Georgia. I yield for a question.

Mr. KENYON. I only want to say that that exact question was raised when this matter was up before, on a point of order, and decided by the Chair.

Mr. SMITH of Georgia. Mr. President, I do not yield for a statement. I decline to yield under any circumstances for a statement from anybody, because, under the ruling of the Chair, that takes the speaker off the floor.

Mr. KENYON. I ask, then, if it is not true that the resolution merely recites and expresses the judgment of the Senate, and instructs a committee of the Senate?

Mr. SMITH of Georgia. Mr. President, I do not concede the right of the Senate to act in any such way. Suppose you send that to the committee, and the committee did not want to get up a notice in response to it, and did not want to introduce a rule for you—you are absolutely helpless. Why, we have a rule that there shall be no publicity as to what takes place in executive sessions, and a Senator gives it out. If a Senator can disregard a solemn rule of that sort, how can you, by resolution, instruct the Committee on Rules to prepare for you a notice, and to prepare for you an amendment to the rules?

I will go one step farther. I am not sure that I will not support a rule of this kind. I am a good deal inclined to desire that practically all of our discussions, except where necessarily private on account of foreign relations involved should be in public. I would vastly have preferred to have had my reasons for voting against the nominee yesterday published and printed in the RECORD. I should have been gratified to see them in the RECORD this morning. If I vote against the confirmation of anybody else in the Senate, I should be glad to see the CONGRESSIONAL RECORD publish my reasons for it, because, if I vote against a man, I have reasons that are satisfactory to me, and I am willing to be judged by my reasons. We have another nomination coming up soon which has attracted much attention. I should be glad to see that nomination debated in public. I so state now.

If the Senator will prepare his notice in proper form, and introduce his resolution proposing to amend the rules, it will not be buried in the Committee on Rules. The committee may report adversely on it, but we will bring you out a report and give you a chance to take it up in an orderly way on the floor of the Senate, under the rules. The Senator is simply wasting his time on this resolution. He will make no progress. I am always in the Committee on Rules when they meet. I say to the Senator that if he introduces such a rule I will call it up at the first meeting, and we will bring in a report on it, just as we brought in a report to-day on Senate procedure looking to a limited cloture.

I do not think the Senator will make any progress by this resolution. I shall vote against it, because I do not think the Senate has any authority to direct us to prepare legislation for it, or to prepare a rule for it. I do not think that that is the proper way to undertake to treat a committee—to direct them to get up a rule for you. You are proposing to do this by resolution when the rules forbid the presentation of an amendment in such a way. But if you present an amendment to the rules as the rules require I have no doubt it will be speedily acted upon by the Committee on Rules. I am sure the Committee on Rules would be glad to report it, and I am very much disposed to vote for it.

Mr. OWEN obtained the floor.

Mr. STONE. Mr. President, I am obliged to leave. Will the Senator allow me to make a request?

Mr. OWEN. Certainly.

Mr. STONE. I have an engagement at 1 o'clock that I can not neglect. I should like an opportunity to say something on this resolution, and I request this much: The debate can go on, but I request that the matter be left open and not voted upon until later.

Mr. OWEN. Until to-morrow?

Mr. STONE. Until to-morrow or any subsequent time.

Mr. OWEN. I ask unanimous consent that it may be voted on to-morrow.

Mr. KENYON. What was the request of the Senator?

Mr. SMITH of Georgia. Mr. President, I think we might very well dispose of this matter now, unless the Senator from Missouri wants to speak on it, by a motion to lay it on the table.

Mr. STONE. Mr. President, I can not vote on anything, as I am obliged to leave now to fill an engagement at 1 o'clock, and I merely ask that the motion be not voted upon.

Mr. KENYON. Until to-morrow?

Mr. OWEN. Mr. President, in yielding the floor to the Senator from Missouri I did not yield to make a motion to lay on the table.

Mr. STONE. No; and I do not want to make a motion to lay on the table.

Mr. OWEN. I know the Senator did not wish to do that.

Mr. STONE. No; I wish the matter debated, and I wish to debate it myself; but I can not stay here now. My request to the Senate is, after you have debated it here as long as you please, that it may go over until to-morrow or any later day; I do not care.

Mr. SMOOT. I will say to the Senator that if it is debated until 2 o'clock, of course it will go to the calendar.

Mr. STONE. Well, I am not particular. I simply do not want the matter closed up to-day. I would be very glad to close it to-day as well as at any other time, except that I am compelled to go.

Mr. OVERMAN. Mr. President, if the Senator from Oklahoma will yield to me for a minute, I want to suggest that there is another resolution——

Mr. OWEN. I do not wish to yield the floor or to take any step that would result in my yielding the floor.

Mr. OVERMAN. No; I simply want to make a suggestion to the Senator himself.

Mr. OWEN. I yield for that purpose, if it does not deprive me of the floor.

Mr. OVERMAN. There is a resolution here submitted by the Senator from Wisconsin [Mr. LA FOLLETTE] of a similar charac-

ter, and I think both of them ought to be considered together. The resolution of the Senator from Wisconsin does not come up until to-morrow.

Mr. LA FOLLETTE. It does not come up to-morrow, unless I call it up, under the rule.

Mr. OVERMAN. Yes; that is what I mean.

Mr. LA FOLLETTE. And the Senator's suggestion brings it up to-morrow, whether I am ready to call it up or not.

Mr. OVERMAN. I thought the Senator would want to call it up and have it considered at the same time.

Mr. LA FOLLETTE. I want to call it up when I am ready to call it up.

Mr. OVERMAN. If the Senator wants to call it up at a different time, very well.

Mr. OWEN. Mr. President——

Mr. KENYON. Mr. President, will the Senator from Oklahoma yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Iowa?

Mr. OWEN. For a question or a suggestion that does not affect my parliamentary status.

The VICE PRESIDENT. The Senator from Oklahoma had some unfortunate trouble the other day which the Chair is sorry for. We are not now enforcing what the Chair thought was the rule.

Mr. OWEN. I yield to the Senator from Iowa.

Mr. KENYON. I was going to say, in the line of a question, that I should be glad to do anything that would accommodate the Senator from Missouri; and I wondered if we could have a unanimous-consent agreement to vote on the passage of the resolution itself to-morrow at 1.30? He desires to have it go over until to-morrow, and I would like to accommodate him. I ask unanimous consent that to-morrow at 1.30 we vote on the original resolution which I introduced.

Mr. BRANDEGEE. Mr. President, I have no objection to fixing a time to vote, but if the request is agreed to in that form it may be that the Senate will be driven to a vote without any opportunity for any debate whatever, simply because the hour of 1 o'clock arrives; that is all. I do not intend to debate the question, but some other Senator——

Mr. KENYON. Would the Senator prefer 1.45?

Mr. BRANDEGEE. If the Senator will ask unanimous consent that at 12.30 to-morrow or 12 o'clock to-morrow the Senate shall proceed to consider this resolution and that at not later than 1 it shall vote upon it, that would give opportunity for some five-minute speeches; but the Senator's request is——

Mr. LODGE. Mr. President, I suggest to the Senator that, in view of what the Senator from Missouri [Mr. STONE] has said, it is hardly right to press a request for unanimous consent in his absence.

Mr. KENYON. I am trying to accommodate the Senator from Missouri.

Mr. LODGE. I know it.

Mr. KENYON. Therefore I suggest that the resolution go over until to-morrow and that it be voted on then.

Mr. LODGE. I think it would be better to accommodate him in another way.

Mr. KENYON. If the Senator knows his way——

Mr. LODGE. I can not speak for him. I have no desire to debate this matter at any length myself. I am perfectly willing to join in a unanimous-consent agreement to vote; but the Senator from Missouri said he wished to debate the resolution, and he has just left the Chamber. I think the Senator had better reserve the request for unanimous consent until to-morrow, when the Senator from Missouri can be present.

Mr. LANE. Mr. President——

Mr. OWEN. I decline to yield the floor further.

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. LANE. I should just like to ask a question.

The VICE PRESIDENT. The Senator from Oklahoma has declined to yield the floor, and he has it.

Mr. KENYON. I will withdraw my request, on the suggestion of the Senator from Massachusetts. I was only making it to accommodate the Senator from Missouri.

Mr. OWEN. I shall take only a minute or two. I do not think the debate will change many votes in the Senate. I am in favor of instructing the Committee on Rules in accordance with this resolution, because I should like to see the debates of the Senate wide open. There are some treaties in which foreign affairs are concerned which I think should be considered in executive session under the old rule, where the dealings with foreign nations might be affected by our debate. Outside of that I should like to have the American people look down into the heart of the Senate and see everything which transpires here. I believe that is in the interest of public order and public welfare.

I do not feel quite willing to let the statement made by the Senator from Georgia go as acquiesced in that the Senate has no right to instruct the Committee on Rules. The Senate has a right in my opinion to instruct the Committee on Rules. That committee might exercise the right to refuse the instruction, and the Senate might exercise its authority to abolish that committee, and be entirely within its rights; and I think it would be justified in abolishing the committee when the committee refused to exercise the duty imposed upon it by the Senate. I say that, of course, merely as my opinion of parliamentary procedure, not with any view whatever to rebuke any committee or suggest anything of the kind.

I do not think that debate would change many votes on this question, but I should like to have it acted upon to ascertain what is the view of the Senate as to whether we shall have open session or shall not; and I ask unanimous consent that on to-day a week at 1 o'clock this resolution may be voted on.

The VICE PRESIDENT. Is there objection?

Mr. JONES and Mr. WILLIAMS. I object.

The VICE PRESIDENT. There is objection.

Mr. KENYON. I wish to ask unanimous consent that at 12 o'clock and 15 minutes to-morrow we take up this matter and proceed with it and vote, if possible. That will accommodate the Senator from Missouri.

Mr. SMOOT. I suggest to the Senator from Iowa that he has a perfect right to call it up immediately at the close of the morning business.

Mr. SIMMONS. I could not hear what the Senator from Utah said.

Mr. SMOOT. I suggested to the Senator from Iowa that it is a privileged question; that he can call it up immediately after the introduction of resolutions and before morning business is closed; and I do not see any necessity of making that request. He has it in his own hands.

Mr. LODGE. Mr. President, I think the Senator is mistaken about this being a privileged question. It goes to the calendar, and then the Senator has a right to move to take it up.

Mr. SMOOT. It goes to the calendar at 2 o'clock.

Mr. LODGE. Yes.

Mr. SMOOT. If debated until 2 o'clock to-day; but it will not go to the calendar if laid aside now by unanimous consent.

Mr. LODGE. Certainly not.

Mr. KENYON. That is why I asked for unanimous consent.

Mr. LANE. Before the matter closes I wish to say that I spoke to the Senator from Missouri before he left the Chamber. He has asked for time to debate, and I think he or any other Senator ought to have ample time. I would not like to set a definite hour for a vote without giving the Senator from Missouri an opportunity to be heard. All I ask is that the Senator from Missouri and others may have an opportunity to discuss this question.

Mr. SIMMONS. Mr. President——

Mr. KENYON. The request does not pertain to time.

Mr. LANE. It limits the time to half past 1.

Mr. KENYON. It is to commence at 12.15, to take the matter up at that time.

Mr. LANE. And come to a vote.

Mr. LODGE. I suggest to the Senator from Iowa that if he will ask that the resolution may go over without prejudice he can call it up himself at any time.

Mr. KENYON. That is satisfactory to me.

Mr. LODGE. That would leave it in his own power to call it up at any time.

Mr. WILLIAMS. What is the request?

The VICE PRESIDENT. The request of the Senator from Iowa, as the Chair understands it, is that the resolution go over without prejudice, that he may call it up to-morrow or any succeeding day, if he chooses to do so, at the conclusion of the morning business.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Would that interfere with a motion to send the resolution to the Committee on Rules?

The VICE PRESIDENT. That will be the pending motion when it comes up.

Mr. SIMMONS. When I rose I misunderstood the request of the Senator from Iowa. I understand the Chair now to say that it is nothing more than a request that this matter shall be laid before the Senate to-morrow at half-past 12 o'clock.

The VICE PRESIDENT. No; the request is that it shall go over without prejudice. If the Senator from Iowa chooses

to call it up to-morrow he will have a right to call it up at the conclusion of the morning business.

Mr. SIMMONS. It does not give it any special privilege?

The VICE PRESIDENT. No special privilege beyond that.

Mr. GALLINGER. Mr. President, without committing myself either for or against this resolution, I submit a proposed amendment which I will ask the Secretary to read.

The VICE PRESIDENT. The proposed amendment will be read.

The SECRETARY. On line 4 strike out the words "unanimous consent orders otherwise" and insert "two-thirds vote shall otherwise order," so that if amended it will read:

Resolved, That it is the judgment of the Senate that all executive sessions shall hereafter be open to the public, except when treaties are considered, or when the Senate by two-thirds vote shall otherwise order.

Mr. UNDERWOOD. Mr. President, this resolution may be considered in the future or it may not. I do not know what disposition the Senate is going to make of it. Therefore I wish to occupy the time of the Senate for a few moments in stating my own views in reference to the matter.

In recent years there has been a great deal said about business transacted behind closed doors. There is some justice in what has been said and there has been a great deal of farce play for the benefit of the public on this question.

I remember a year or two ago when I had some part in making up the committees of the House it was determined that the Progressive Party in the House should have a right to name so many men on each committee of their own selection, of course, to consult with the party in power as to the individual selections. The representative of that party called on my office and presented a list of the committeemen that he was in favor of and that his party had agreed on to see if it met with the approval of my party. They were promptly agreed to. Then the day afterwards an open caucus of the party was called and the men who had already been agreed to were agreed to in open session. Some time afterwards when I heard that gentleman abusing sincerely the Democratic Party for holding its sessions behind closed doors I could not but feel that a great deal he said was for the benefit of the public and not in the interest of pure government.

But I think the question that is presented by the Senator from Iowa comes to a point where it deserves the sincere consideration of the Senate. I can understand the reasons why the men who wrote the rules of the Senate provided that nominations sent by the President of the United States shall be considered in executive or secret session. I can understand why they thought it wise to provide, as the Senate rule provides, that we might consider these questions in executive session. They may have feared that the power of the Executive was such that the Senate could not exercise an unbiased judgment in accepting or rejecting a nomination if it was considered in public. They may have felt that the consideration of treaties in secret session was necessary in order that we might protect the great interests of the United States.

If that were so, if that condition existed and possibly might continue to exist, I might be inclined to vote against a resolution of this kind and to vote in favor of continuing the secret sessions or the so-called secret sessions of the Senate for the benefit that might be derived by the American people from those sessions growing out of the independence of action of Members of the Senate.

So far as I am able to judge a secret session of the United States Senate is simply a farce. As far as I know there has never been in recent years a secret session of the United States Senate upon any matter that anybody on the outside wanted to find out about 15 minutes after. The only distinction that I see between the so-called secret session of the Senate and the open sessions of the Senate is that what is said in the executive sessions of the Senate is not taken down by the reporter at the desk and printed in the RECORD. Aside from that, there is no secrecy.

Of course, there are a great many nominations that go through here in secret session when no one is advised as to how the votes are cast, because nobody cares to inquire. It is not of such vital importance that it is of interest to anybody to know what occurred. But where there is a matter of interest it is either given out by the unanimous consent of the Senate, as it was yesterday, and properly, or it is given out without the unanimous consent of the Senate. To those men who desire to observe the rules of the Senate, to live up to the obligation of a Senator in keeping its rules, I think a secret session of the Senate is very unfair, because their mouths are closed in honor; they do not divulge what happened. The man who rejects the idea of a secret session, who believes that it is wrong, who desires in his heart to repudiate it and intends to repudiate it by immediately disclosing what has happened so that it can not be a secret session, has all the advantages of the situation, because he discloses what happened from his partisan standpoint, and the man who obeys the rule of the Senate is foreclosed from discussing the question.

Therefore, I say in common fairness to the Members of the Senate, in order that each one of us may have the same opportunity before the public, that our motives may be judged from what we do and say ourselves and not from what some other partisan who is opposed to us says we do and say, I shall vote for this resolution to no longer have a secret session for the confirmation of nominations, to no longer give anybody an opportunity to hide behind a claim that something happened in a secret session that honorable men are foreclosed from denying.

Mr. NORRIS. Mr. President, I shall favor the amendment that has been offered by the Senator from New Hampshire [Mr. GALLINGER], but I want also to offer another amendment to the resolution of the Senator from Iowa.

The VICE PRESIDENT. The Chair would like to have an understanding about the request of the Senator from Iowa as to whether there is any objection to the resolution going over without prejudice.

Mr. NORRIS. I do not want it to go over just at this minute, taking me off the floor. I have no objection to its going over, however.

Mr. KENYON. I ask the Senator if he has any objection to the resolution going over?

Mr. NORRIS. I have not any objection to its going over, but I thought as I had the floor it was hardly proper to take me off the floor.

The VICE PRESIDENT. The Chair is not trying to take the Senator from Nebraska off the floor. The Chair has been trying to meet the request of the Senator from Iowa, if it could be met within the time; that is all.

Mr. KENYON. I will state to the Senator from Nebraska that if the debate continues until 2 o'clock, the resolution will go to the calendar.

Mr. NORRIS. I will yield the floor if there is any question about it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Iowa? The Chair hears none, and the resolution goes over without prejudice.

WOMAN SUFFRAGE.

Mr. BORAH. Mr. President, out of order I ask leave to have printed in the RECORD, in view of the precedent established by the Senator from Utah [Mr. SUTHERLAND], some resolutions which were passed at a mass meeting in my home city, Boise, Idaho, on the 9th day of May, 1916; and, as these resolutions call upon me particularly to do something that I am unable to do, I ask to have printed in the RECORD in connection with it as a reply my letter in answer to it.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LODGE. I ask that the resolutions and the communications be read before going over.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

Resolutions unanimously passed at a mass meeting of citizens of Boise, Idaho, at the Pinney Theater, May 9, 1916.

Whereas we, citizens of Boise, Idaho, May 9, 1916, realizing that never in history has it been possible to build a contented nation half free and half disfranchised; and

Whereas the present interstate discrimination against the political rights of women can be ended only by the passage through Congress of a Federal suffrage amendment; and

Whereas our representatives in the lower House of Congress have been denied the opportunity of voting upon this amendment: Be it

Resolved, That we protest against the action of the House Judiciary Committee in unfairly blocking the passage of the Susan B. Anthony Federal suffrage amendment and demand of it an immediate favorable report that it may be voted upon during this session of Congress: Be it further

Resolved, That we call upon Senator Borah to work and vote for the passage of the amendment in the Senate: Be it finally

Resolved, That a copy of these resolutions be sent to the leaders of the administration, the members of the Judiciary Committee, and to the Members of the Idaho congressional delegation, with the request that it be read into the CONGRESSIONAL RECORD in the Senate by Senator BORAH and in the House by Congressman MCCRACKEN.

ALICE PITTENGER, *Chairman*.

MAY 15, 1916.

Mrs. ALICE PITTENGER,
Boise, Idaho.

MY DEAR MRS. PITTENGER: I have just received a copy of a set of resolutions passed at the Pinney Theater May 9, 1916, touching the subject of the proposed amendment to the Constitution providing for woman suffrage.

I shall be pleased to present this and other resolutions of similar import at the proper time (as the petition of the people responsible for the passage) to the Senate.

In the resolutions it is said "*Be it further resolved*, That we call upon Senator BORAH to work and vote for the passage of the amendment in the Senate," etc. Upon this subject my views are perfectly well known to those passing the resolution. I arrived at those views after as thorough consideration as I could give to the subject. I explained those views at length in the Senate and again to the women of my State when at home last summer. I need not burden you with repeating them. Suffice it to say that time and further consideration leave me in no doubt as to the correctness of my position. I beg to state, therefore, with the utmost consideration for those who hold a different view that in this matter my judgment is not subject to change. There are questions of Government so vital and controlling in this matter and upon which I have held such settled views that I could not give you such assurance as you desire and as I personally would like to do of either working or voting for this amendment. I do not think it is in the interest of the suffrage cause itself and I am sure that it is not in the interest of good government that we should rob the States of the power, vital and indispensable to their integrity, of determining within their respective borders, shall exercise the right of franchise. Holding the views I do you would not respect me and you would certainly come to have a certain contempt for a Senator who should slavishly surrender his convictions on so vital a matter. I feel, therefore, I at least choose as a matter of personal pride and self-respect to assume, that you do not expect me to change my views after having so often and so fully stated my convictions against this amendment. I would like the people of Idaho to feel that I want to serve their interests, but I want them to feel also that I entertain convictions of my own as to how best to serve those interests, and that I can not out of mere personal consideration exchange those convictions for other views until I am convinced that I am wrong. I am not convinced in this instance.

Following in the wake of those who lately visited our State in the interest of this amendment a great number of resolutions are coming into my office, all clothed in exactly the same language. As it is impossible for me to find the time, as I should like to do, to write them all I take the privilege of making this letter public that they may understand that my failure to answer is not by reason of any want of decision in the matter.

Very respectfully. W. E. BORAH.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. Morning business is closed.

Mr. JOHNSON of Maine. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China.

Mr. CLARKE of Arkansas. Mr. President, in connection with that motion I call attention to the unanimous-consent order that was taken last Saturday, which made the river and harbor bill the regular order to-day after the morning business had been disposed of or dispensed with. I see no reason why that order should not be executed. That bill has now been before the Senate for more than a week, and unless it is to be treated seriously, as it ought to be, it will be here for several more weeks. I insist upon the regular order.

The VICE PRESIDENT. The Chair was not in the Chamber when that order was made, but there was an order of that kind, and, in pursuance of that order, the Chair lays before the Senate the bill referred to by the Senator from Arkansas.

Mr. JOHNSON of Maine. In view of the statement of the Chair, I withdraw my motion. I will say to the Senator from Arkansas that I was not aware that any such unanimous-consent agreement had been entered into.

Mr. CLARKE of Arkansas. The Senator from Maine will find that the unanimous-consent agreement was ordered on page 7902 of the RECORD of Saturday last.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CLARKE of Arkansas. I understand that it is the purpose of the Senator from Ohio [Mr. HARDING] to address the Senate on this particular bill, although the regular order would be the reading of the committee amendments.

Mr. JONES. Mr. President——

Mr. CLARKE of Arkansas. Is it the desire of the Senator from Washington to address the Senate?

Mr. JONES. It is.

Mr. CLARKE of Arkansas. That will be satisfactory to me.

MERCHANT MARINE.

Mr. JONES. Mr. President, I do not desire to delay the river and harbor bill at all, but I wish this morning to submit a few remarks with reference to a subject which I think is opportune at the present time. I am therefore going to occupy the time of the Senate for a little while and give Senators an opportunity to get their lunch—an opportunity of which I know they are anxious to avail themselves—and serve a good purpose in that way, if in no other.

Mr. President, I send to the desk a copy of the bill I introduced some little time ago, and which I ask may be read.

The VICE PRESIDENT. In the absence of objection, the bill referred to by the Senator from Washington will be read.

The Secretary read as follows:

A bill (S. 5067) to regulate commerce between the United States and foreign countries to restore and maintain American ships in the foreign trade, to aid in the national defense, and promote the general welfare.

Be it enacted, etc., That to regulate commerce between the United States and foreign countries, to restore and maintain American ships in the foreign trade, to aid in the national defense, and promote the general welfare, from and after 30 days from the signing of a treaty of peace closing the war now existing in Europe, all goods, wares, and merchandise imported in vessels not admitted to registration under the laws of the United States shall be subject to a duty of 10 per cent ad valorem in excess of the duties imposed by the act of October 3, 1913, and all goods, wares, and merchandise, excepting tea and coffee, so imported which are admitted free under said act shall pay a duty of 5 per cent ad valorem: *Provided*, That the foregoing provisions shall not go into effect as to goods, wares, and merchandise imported in the vessels of those nations with which we have treaties which said provisions contravene until said treaties have been duly abrogated; and the President is hereby directed to abrogate any treaties which would interfere with the taking effect of said provisions in the manner provided by said treaties and without delay.

Mr. JONES. Mr. President, a few days ago the senior Senator from Missouri [Mr. STONE] urged very earnestly the needs of this country for a merchant marine and expressed the hope that early action might be had upon the bill proposed for that purpose. The able and patriotic senior Senator from New Hampshire concurred in the suggestion as to the importance of a merchant marine and called attention to the fact that the Democrats of Congress have uniformly opposed legislation urged for that purpose by the Republicans. It was retorted that the failure to enact this legislation during a period of 16 years should be charged to the Republican Party, because we were in control of the legislative and executive branches of the Government. It is true that we were in control, as the Democrats are in control now.

The building up of our merchant marine is not a party question. It is no more a party question now than it was then, and the mere fact that one party is in control is no excuse for our not acting and does not relieve any of us as individual Senators from the responsibility of doing our duty toward the country and its interests.

There is no difference of opinion as to the importance of building up a merchant marine for this great country. Everybody recognizes that. It is no longer a subject of contention, and every effort should be turned to methods. It is very humiliating that a country of such great wealth, resources, power, and commerce as the United States should be almost wholly dependent upon foreign shipping for the transportation of its world commerce. It is a sorry reflection upon our statesmanship and political sagacity that we have not taken our proper position upon the seas in the transportation not only of our own commerce, but of the world's commerce.

There is no fundamental party difference as to any principle involved. There is no specific platform declaration of either party creating an issue over fundamentals. Our differences are over methods only. Platform declarations have been of the most general character, except the Republican platform of 1896, when we declared for a specific policy for the building up of our merchant marine.

The majority of the Republicans have urged the adoption of legislation similar to that of other countries and known as the subsidy system. The Democrats have opposed that policy, though favoring subsidies in one form or another in almost every other line of governmental activity. Some Republicans have also opposed the subsidy plan, and as a result no legislation which has been of any substantial benefit has been enacted. The Senator from New Hampshire stated, as I remember, that the Democrats, while the Republicans were in the majority, had proposed no legislation. That may be true of the Senate, but it is not correct as to the House. They have suggested and even urged the passage of legislation in accord with the Republican platform of 1896, and, in my judgment, if to-day we would lay aside the thought that this party or that party controls Congress and set aside any influence or interference from the Executive Department of the Government and its departmental heads and seriously begin the consideration of this question as statesmen rather than as partisans we would come into substantial agreement upon legislation that would result in the building up of a great American merchant marine without violating any of the established party tenets of any political organization.

In 1908 the Democratic Party declared:

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

And in 1912 they declared:

We believe in furthering by continued regulation of commerce the building of a merchant marine for the development and strengthening of the commercial ties which bind us to our sister Republics of the

south, but without additional burdens upon the people and without bounties and subsidies from the Public Treasury.

While the Democrats were in the minority in Congress they urged a policy in accord with the above declarations for the upbuilding of the merchant marine in opposition to that submitted by the Republican majority. What do we hear regarding this policy now? Nothing. It seems to be forgotten. Why? Is it because their habit of violating or disregarding platform promises has become so fixed that when they find a promise they instinctively try to do something different? It would seem so.

When these promises were made they no doubt had in mind the proposition that had been submitted by their Representatives in the House. They now control Congress and the Executive, but they do not propose to follow the policies declared by them when in the minority. They now propose new methods and additional burdens and appropriations of money from the Public Treasury as a method of building up the merchant marine.

It is interesting now to see what the Democratic Party proposed and supported when in the minority, and I want to call this to their attention. In the Fifty-eighth Congress, at the second session, H. R. 7056 was reported by the Republican majority. The Democratic minority submitted a report opposing this bill and advocated their plan of relief. This is what they said:

The merchant marine of this Nation, in its early history, was built up as if by magic by the policy of discriminating duties and tonnage taxes.

There is no suggestion there of a Government-owned line or a Government-operated line or the necessity of the organization of a national corporation for the purpose of handling, purchasing, leasing, operating, and building merchant ships.

It is the only system which has proved successful. All others now proposed are at best mere experiments—guesswork.

I hope, Mr. President, that the suggestions made in this report will be very carefully considered in connection with the proposition which the Democratic majority now submits. Continuing:

We see no insuperable obstacles in the way of its present successful adoption.

The navigation interests of the United States languished before the Constitution was adopted, and one of the principal, if not the most potent factor in bringing about its adoption was the urgent demand for uniform regulations of commerce in favor of our home marine.

In 1789 we were carrying 17 per cent of our imports and 30 per cent of our exports. One of the first acts of the First Congress was to establish a tonnage tax of 6 cents on home vessels and 50 cents on foreign vessels entering our ports and a rebate of 10 per cent of tariff duties on goods imported in American vessels.

Without going into further details of measures passed, the result of this system was that our marine advanced by leaps and bounds, so that in 1794 we carried 91 per cent of our imports and 86 per cent of our exports in American bottoms. This flattering condition continued in unabated vigor, except temporarily during the War of 1812, until high-water mark was reached in 1825, when we carried over 95 per cent of our imports and 89 per cent of our exports.

On the statute books of the United States the discriminating duty system still stands in apparent force, but its vitality has been wiped out by a system of trade conventions with foreign nations by which their vessels are placed on a level with ours in the ports of the United States.

Not to burden this report with details, it may be fairly said these treaties began to take full effect about 1828, and from that time until now our carrying trade has steadily declined. We lost about 1 per cent a year for 30 years, until the Civil War. It revived steadily after the war, but again drooped and dwindled, and under this system we now carry about 9 per cent of our traffic.

Many volumes have been written about these things, torrents of debates have poured forth, and many are the theories presented for our consideration, but the "short and simple annals" of our foreign carrying trade are contained in the foregoing. Theory may be piled on theory, but the simple fact is, experience proves that a moderate discrimination duty will accomplish what we want—and no nation can justly take offense.

The policy of discrimination duties was inaugurated by the fathers of the Democratic Party, and it has recently had the sanction officially of the Republican Party, and it may therefore be justly termed nonpartisan and broadly American. Jefferson and Madison were the authors of our earliest laws along these lines. Adam Smith, the greatest apostle of free trade, declared that protective navigation laws were the one justifiable exception to his proposed system.

The Republican national platform of 1896 said:

"We favor restoring the early American policy of discriminating duties for the upbuilding of our merchant marine and the protection of our shipping in the foreign carrying trade, * * * so that American ships may regain the carrying of our foreign commerce."

Mr. McKinley, in his letter of acceptance, said:

"The policy of discriminating duties which prevailed in the early years of our history may be again promptly adopted by Congress and vigorously supported until our prestige and supremacy on the seas are fully attained."

In 1894 Senator Frye proposed in the Senate to abrogate the trade conventions and again inaugurate the discriminating-duty plan of building up our marine, and was supported by Senators LODGE and Higgins and other Republican Senators. In 1897 Senator Elkins delivered an able speech in the Senate advocating this policy.

No one questions the certainty and effectiveness of this discriminating duty plan, if it should be adopted. While the Democratic Party is opposed to taxing the general industries of the country in order to give the proceeds to a private enterprise, it is not opposed to encouraging the American marine by a reduction of taxation.

The principal argument offered by its opponents is that we must first abrogate over 20 trade conventions with foreign nations, and that these nations would retaliate against our shipping in their ports, and against our exports, especially foodstuffs.

These conventions all contain provisos that they may be annulled on one year's notice (some of them six months' notice) by either party, and 14 have been so annulled at different times. There is no practical difficulty whatever in the way of annulling them if we so decide. Senator Frye's proposed bill and Senator Elkins's for discriminating duties simply fixed the 10 per cent discriminating duty in favor of American vessels, and then provided that the same should take effect in 15 months, and in the meantime notice of the act should be given to foreign nations.

With reference to retaliation, it may be said we have no foreign shipping now to speak of, hence they can not hurt us in that direction, while we would soon get back at least 50 per cent of our foreign carrying.

But the advocates of the subsidy say foreign nations will retaliate by increased duties against our products. We can not believe that their expressed fears are genuine. To bring about retaliation from a sensible people you must do some harmful, unjust act—you must grab for more than your share—but to adopt a moderate policy of encouragement of our merchant marine in order to get our just share of trade will not provoke a sane man. If we were seeking what rightfully belonged to them, we might expect revengeful measures; but to ask a part of what is ours by all moral standards may call forth their selfish efforts to prevent us from adopting the measures, but no retaliation for purposes of revenge.

The men who see danger in retaliation in discriminating duties are the men who want subsidies. If foreigners were going to retaliate against our foodstuffs, every protection has been furnished by the Dingley bill. The nation that would stand our almost prohibitive tariffs without retaliation is not going to take offense or umbrage if we adopt conservative measures simply to get a part of our own without the remotest thought of taking anything that belongs to them.

The world needs our products, especially cotton and foodstuffs, and for the welfare of their own people the nations which import our goods can not afford to do anything to embarrass the quick and cheap importation of our products.

One plan of discriminating duties much advocated by the conservative people, and which involves no danger whatever of retaliation, allows all foreign vessels to carry freely between their own countries and the United States, but levies an extra duty when they carry between the United States and other countries. Speaking of this plan, Senator Elkins said, having reference to the South and Central American trade:

"Here is the carrying of nearly $300,000,000, 90 per cent of which is now done in foreign ships, which if this bill becomes a law, without retaliation or opposition of any kind, will come to our ships, and they can not get it in any other way."

In pursuance of the foregoing views we shall at the proper time move to recommit the bill H. R. 7056 to the committee, with instructions to bring in a bill providing for discriminating duties in favor of American shipping and for the abrogation of any trade conventions which stand in the way of this course.

THO. SPIGHT.
ROBT. W. DAVIS.
ALLAN L. MCDERMOTT.
J. A. GOULDEN.
JOHN H. SMALL.
ALFRED LUCKING.

Some of those men are still Members of the House of Representatives. It seems to me that the arguments presented in this report are absolutely unanswerable; they are just as applicable to-day as they were when they were written, and the people of this country will certainly wonder why it is that when the Democratic Party has come into power it disregards entirely the recommendations which its representatives made when they were in the minority.

In the Fifty-ninth Congress, second session, Senate bill 529 was favorably reported to the House by the Republican majority. The Democratic minority submitted a minority report and said, after referring to what they considered defects in the existing laws:

If we would accomplish real and permanent good, let us repeal some and modify existing laws, and if need be return to the policy of discriminating duties which was so eminently successful in the early life of the Republic. Above all things, let us get away from the idea of subsidies and quit encouraging men to believe that they can not do anything without Government aid and teach them lessons of self-reliance.

They now prefer to say to the individual: "You can not do this at all. The Government must do it."

This report was signed by Thomas Spight, J. A. Goulden, H. L. Maynard, SWAGAR SHERLEY, and G. B. Patterson.

During the second session of the sixty-first Congress House bill 16362, amending the American merchant-shipping act, was favorably reported by the Republican majority. A minority report was submitted in which a substitute was proposed, the first and second sections of which read as follows:

That a reduction of duty of 5 per cent of all the customs duties now and hereafter imposed by law shall be allowed on all goods, wares, and merchandise imported into the United States in vessels of the United States, owned and controlled by citizens of the United States, or corporations organized and chartered under the laws of the United States, or of any State thereof and whose stockholders are all citizens of the United States; but said reduction of duty herein provided for shall not apply to cases where goods, wares, and merchandise are transshipped or transferred from a foreign vessel or port or place to a vessel of the United States for the purpose of evading the provisions of the customs laws of the United States. And any and all clauses

in existing treaties with foreign countries in contravention hereof are hereby abrogated, and all acts of Congress in conflict herewith are hereby repealed: *Provided*, That said reduction of duties shall take effect and be in force from and after the time specified in section 2 of this act. The Secretary of the Treasury shall prescribe such rules and regulations as may be necessary for carrying out the provisions of this section.

SEC. 2. That the President shall have the power, and it shall be his duty, to give notice, within 10 days after the passage of this act, to all foreign countries with which commercial agreements have been entered into making any provision or provisions which are in conflict with section 1 of this act, of the intention of the United States to terminate such agreement at a time specified in said notice, which time shall in no case be longer than the period of time specified in such agreements, respectively, for notice of their termination: *Provided*, That until the expiration of the period when the notice of intention to terminate hereinbefore provided for shall have become effective, or until such date thereto as the high contracting parties may, by mutual consent, select, the terms of said commercial agreement shall remain in force.

The minority said:

It will be observed that by the first section of this proposed substitute we offer discriminating duties.

We will not enter into any extended discussion of the wisdom of this policy, but will say that the obvious effects of it would be to induce the foreign merchant or manufacturer who desires to ship any dutiable goods to an American importer to send them in a vessel of the United States on account of the 5 per cent rebate. The same inducement is offered to our merchants buying in foreign markets. The great advantage to the shipowner would be that it would help to assure him of a return cargo. At the same time it is a help pro tanto to the shipbuilder, because it encourages the investment of capital in American-built ships, which may engage in either foreign or coastwise trade.

UNSOUND OBJECTIONS.

Two objections have been urged to this policy, neither of which, in our judgment, is well founded. One that it would necessitate the abrogation or amendment of a number of treaties with foreign countries. That, it is provided in the treaties themselves, may be done by giving the specified notice. We have a precedent for this in the tariff law of 1909. Are we not strong enough and shall we not have courage enough to declare a policy of our own?

RETALIATION BY FOREIGN COUNTRIES.

The other objection is the danger of retaliation.

All the commercial nations of the world need what we have to sell. They can not afford to impose unnecessary burdens upon their own people in their efforts to punish us for the exercise of the very right which they claim for themselves. In one respect at least we have the advantage of any other country. We produce the cotton which keeps their factories running, gives employment to their labor, and clothes their millions. They can not get it elsewhere, and there is no substitute. It is inconceivable that England, or Germany, or any other country which manufactures cotton cloth, would put a burden upon our raw material, without which their machinery would stop and their people would suffer.

The second salient feature of this proposed substitute is the "freeship" provision. It is admitted by all that we have an insufficient merchant marine under the American flag in the foreign trade. We need more ships, and it is claimed that it costs so much more to build them in American than in foreign yards that the difference is prohibitive. While it is true that there is some difference, we are convinced that this difference is exaggerated. We call attention to the recent successful competition of American shipyards with those of the world in securing contracts for the construction of two large battleships for the Argentine Republic. Whether or not there is any ground for this contention as to the difference in the cost of construction, the fact remains that we have not the ships, and if our capitalists want to engage in the laudable business of carrying our commerce under the American flag they must be allowed to buy in the cheapest markets. This we propose to do without any tonnage limitations or as to whether the motive power is steam or sail. As a concession to our shipyards, we deny these foreign-built vessels the privilege of coastwise trade.

This was signed by Thomas Spight, J. A. Goulden, Harry L. Maynard, FRANK CLARK, J. W. ALEXANDER, RUFUS HARDY, and R. P. Hobson.

Again in the Sixty-first Congress, third session, H. R. 32127 was favorably reported, the report being submitted by Mr. Hobson. Sections 7 and 8 of this bill read as follows:

SEC. 7. That a reduction of duty of 5 per cent of all the customs duties now or hereafter imposed by law shall be allowed on all goods, wares, and merchandise imported into the United States in vessels of the United States, owned and controlled by citizens of the United States, or of any State thereof, and whose stockholders are all citizens of the United States, but said reduction of duty herein provided for shall not apply to cases when goods, wares, merchandise are transshipped or transferred from a foreign vessel or port or place to a vessel of the United States for the purpose of evading the provisions of the customs laws of the United States.

SEC. 8. That a duty of 2 per cent ad valorem is hereby imposed on all goods, wares, and merchandise now on the free list or that may hereafter be placed on the free list when imported into the United States in ships or vessels not of the United States.

The majority report referred to these and other sections of the bill, as follows:

The second six sections of the bill will produce that large tonnage of cargo carriers that will make us commercially independent. The foundation of the policy is discriminating duties in favor of American bottoms, reductions of rates on goods now dutiable, and the placing of duties on goods now on the free list. This amount of discrimination is so small in both cases—5 per cent of existing rates and its equivalent 2 per cent ad valorem for nondutiable goods—that it can not disturb business conditions. The amount of nondutiable goods affected will decrease in proportion as American bottoms supplant foreign bottoms. The effect upon our revenues will be small, the loss of revenue on dutiable goods, if any, being offset by the gain of revenues from goods now on the free list. In general effect the reduction will coax Europeans trade and in addition will drive Pan American and Asiatic trade into American bottoms.

Mr. HUMPHREY of Washington, a Republican, submitted a report, in which he said:

The most important feature of the bill is section 8, the discriminating-duty provision. This provision would undoubtedly give us a great merchant marine of cargo carriers. Especially would this be true between this country and South America and between this country and the Orient, the places where we most need ships. This provision is entirely different from the discriminating-duty bills recently introduced in Congress, providing only for a reduction of duties in goods carried in American bottoms. Bills if this latter class are absurdities because of the large amount of our imports now upon the free list. A discriminating duty between here and South America downward of 5 per cent on all goods carried in American bottoms would not be sufficient to run a line of Indian canoes between here and that country. If all our imports from Brazil in the year of 1908, amounting to $75,577,864, had been carried in American ships, and they had received for that service 5 per cent of the duties paid upon these imports, it would have amounted to the magnificent sum of $2,877.55. During the first 16 days of November, 1909, seven ships came into the harbor of New York from South American ports. These ships carried a cargo valued at $2,991,826. These seven ships, for bringing in this amount of imports, if they had received 5 per cent of the duty paid, would have reaped the magnificent reward of $42.30 each. The period selected for this illustration was selected at random, and is a fair one of the general trade between here and South America. The same conditions exist as to the Pacific Ocean. Take the *Minnesota*, the largest vessel on the Pacific and one that has the distinction of being the only ship beneath the American flag that is running exclusively in the foreign trade without Government assistance. If this great vessel had received 5 per cent of the duty paid upon the goods it carried in the year of 1909, it would have had the great assistance of $5,262.90. If it had received the same pay in proportion to tonnage and speed as the Japanese vessels that are running in competition with it, it would have received for that period the sum of $350,000.

But the other provision of section 8 that gives the preference to American ships of 2 per cent ad valorem on the value of goods now on the free list would be an advantage that would give us an American merchant marine. To illustrate: On the 4th day of March, 1910, the *Clement*, of 2,366 tons, brought a cargo into the port of New York from South America valued at $6,000,000. On November 14, 1909, the *Afghan Prince*, of 4,794 tons, brought a cargo from South America valued at $1,195,572. All the goods carried by each vessel were on the free list. Two per cent of these cargoes would have been a great reward, sufficient to secure American ships beyond question. In these two illustrations, however, the cargoes are more valuable than the average. This shows in a most striking manner the difference between a discriminating duty of 5 per cent reduction and the discriminating duty of 2 per cent increase. The 2 per cent increase would place the American flag on the seas and would fill the ocean with our ships between here and South America and here and the Orient.

This statement made by him is very significant:

Certainly the country is to be congratulated that only two members of the committee were opposed to section 8.

Two members of the minority, Mr. J. W. ALEXANDER and Mr RUFUS HARDY, submitted a minority report, in which they said:

Our objections lie particularly in sections 1, 2, 3, 4, 5, and 6 of the bill.

They say:

Section 7 of the bill is substantially the same as section 1, H. R. 21828, Sixty-first Congress, second session, known as the Spight bill. The Spight bill was proposed by the minority members of this committee as a substitute for H. R. 16362, known as the Humphrey bill, and now on the calendar. And we incorporate the views of the minority, in which all the Democratic members of the committee concurred, as filed with that bill as Appendix A hereto, as applicable to the bill under consideration as well as to H. R. 16362 and Senate bill 6708, hereinbefore referred to, which are both now on the calendar, and we submit the Spight bill as a substitute for the bill reported by the majority.

It will be seen from that, Mr. President, that this committee was practically unanimous in its report upon this bill, so far as its provisions relating to the policy of discriminating duties were concerned.

I call the attenton of the junior Senator from Alabama to the bill which I have introduced for the upbuilding of the merchant marine, and ask his powerful aid in its behalf. I know that he is in favor of the principle of it. In another body he urged its adoption in a powerful and comprehensive speech, and after that speech the Democratic Party declared in its platform as follows:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics of the South, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

There can be no doubt but that that declaration referred to this policy. Through the efforts of the Senator from Alabama, the principle of this bill was asserted in the Underwood-Simmons Tariff Act; but under a Democratic administration the officers of the United States who are supposed to sustain the acts of Congress, and who have sworn to support the law of the land, have exerted every possible effort against the enforcement of this law, and have done all in their power to nullify it; and a case will be heard in the Supreme Court soon attacking the validity of this law, with the officers of the Government striving to destroy it.

The last public declaration of the Republican Party for the upbuilding of the American merchant marine by a specific policy was as follows:

We favor restoring the American policy of discriminating duties for the upbuilding of our merchant marine and the protection of our shipping in the foreign carrying trade, so that American ships, the product of American labor employed in American shipyards, sailing under the Stars and Stripes, and manned, officered, and owned by Americans, may regain the carrying of our foreign commerce.

In my judgment both parties are committed to this policy, which was so evidently successful in the early days of the Republic. If Congress would take up this question in a nonpartisan way and free from the dictation of the executive departments, a law could be passed under which we would secure a merchant marine, and which, in my judgment, would be based upon the principle of this bill.

The main objection heretofore urged against it has been that it will involve the abrogation of many treaties and invite retaliation. We have begun the abrogation of treaties in the interest of laws which we deem necessary and beneficial. We did not hesitate to provide for their abrogation in the La Follette seamen law, and the President has already given the necessary notice.

Right there I desire to insert in the RECORD a letter from the Secretary of State, under date of February 25, with reference to this matter, together with a list of treaties, notice of the abrogation of which has been given.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Without objection, it will be so ordered.

The matter referred to is as follows:

DEPARTMENT OF STATE,
Washington, February 25, 1916.

Hon. WESLEY L. JONES,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, in which you request to be advised "as to the nations that have been notified of the abrogation of treaties under the seamen's law, when the treaties were entered into, and the form of notification."

Complying with your request, I have the honor to inclose herewith a list showing the Governments to which notification was sent, the date of the treaties, and the articles thereof affected, and to inform you that the instructions on the subject to the diplomatic representatives of the United States directed them to say to the ministers for foreign affairs that "pursuant to the provisions of the act of March 4, 1915, the Government of the United States hereby gives notice of its intention to abrogate Articles [number of the articles] of the treaty of [date of treaty] with [name of country] in accordance with the stipulations in the treaty requiring 12 months' notice," such abrogation to take effect July 1, 1916.

While denunciation of a portion of a treaty as required by the act may not, according to international practice, be made, the President nevertheless, using the discretion which he deems was granted to him to interpret the act in the sense contemplated by Congress, instructed the diplomatic officers to propose to the ministers for foreign affairs an arrangement between the United States and their respective Governments which would effect the purpose of the act by the abrogation or mere omission of the articles referred to without affecting the remaining articles of the treaties. I have the honor to be, sir,

Your obedient servant,

ROBERT LANSING.

(Inclosure: List of treaty articles which the United States has given notice of its intention to terminate under the seamen's act.)

List of treaty articles which the United States has given notice of its intention to terminate under the seamen's act.

Countries.	Treaty.	Article affected.
Austria-Hungary	May 8, 1848	4
Do	July 11, 1870	11, 12
Belgium	Mar. 9, 1880	11, 12
Bolivia	May 13, 1858	34
Brazil	Dec. 12, 1828	31
Colombia	Dec. 12, 1846	33
Do	May 4, 1850	3
Congo	Jan. 24, 1891	5
Denmark	July 11, 1861	1, 2
France	June 24, 1822	6
Do	Feb. 23, 1853	8, 9
Great Britain	June 3, 1892	(1)
Greece	Nov. 19, 1902	12, 13
Italy	May 8, 1878	13
Do	Feb. 24, 1881	(1)
Netherlands	Jan. 19, 1839	3
Do	May 23, 1578	11, 12
Roumania	June 17, 1881	11, 12
Spain	July 3, 1902	23, 24
Sweden and Norway	July 4, 1827	13, 14
Sweden	June 1, 1910	11, 12
Tonga	Oct. 21, 1886	10

[1] Whole treaty.

Mr. JONES. We can abrogate the treaties that shackle us in dealing with foreign trade without giving offense, because the treaties themselves provide for such abrogation.

This is the time to do it. When the European war is over we will find ourselves engaged in the fiercest commercial struggle that any nation has ever faced. These treaties will handicap us and aid our rivals. Other nations will not hesitate then to use every possible commercial device or subterfuge to keep us off the seas or from securing the world markets. It is patriotic wisdom to prepare for the contest by terminating treaties that shackle our people and work only to the advantage of their competitors. If other nations desire to enter into a contest of retaliation, we can face it with equanimity. We will then be able to strike blow for blow instead of taking supinely whatever discriminations they aim at us without any effort at self-defense, as now. This, Mr. President, is the time to act. This is the time to prepare. This is the real preparation that should now excite our people, and that we should make. Instead of inviting trouble by controversies over charges of broken treaties, let us abrogate these treaties and start into the commercial contest that must surely come at least upon a fair and equal basis.

The Democrats should welcome this legislation. They claim to want to build up the merchant marine. They say they need more revenue. The primary purpose of this bill is to build up the merchant marine. Incidentally, it will provide revenue to meet the deficit now confronting us. We ought to have a merchant marine. We must have revenue or go into bankruptcy. Until a merchant marine is built up under this bill it will produce revenue. We can not build a merchant marine immediately. We must have revenue at once. Until an American merchant marine is built up this bill will produce revenue, and as a merchant marine is developed the revenue will decrease. By the passage of this bill we will get the revenue to meet the present emergency. We will fit ourselves to enter upon equal terms the great commercial contests that are sure to come, and we will once more place the American flag upon American built and manned ships upon the seas.

Instead of making the Government particeps criminis in the hellish traffic of manufacturing shot, shells, ammunition, and guns for the slaughter of humanity by sharing in the proceeds from their manufacture, let us use this peaceful and inexpensive means of building up a much-needed merchant marine and secure the revenues necessary for a depleted Treasury.

Mr. President, the great political parties of the country will soon meet. They will issue their platforms. They will declare the principles and policies upon which they will seek the people's approval. The time for equivocation is past. Glittering generalities on this great question should cease. Each party should say something, propose some plan to do what everybody wants done, and what everybody knows needs to be done. If our plan is to be subsidies and subventions, let us say so. If something else, let us say so. The plan proposed in 1896 was rejected because of the treaties involved. Now is the time to get rid of them. A clear-cut and definite plan should be submitted by each party upon which the judgment of the people can be secured after full discussion and consideration. As the situation now is, the Democratic Party should declare for a Government owned and operated merchant marine and the Republican Party should declare for a discriminating duty plan, and I have no doubt of the verdict.

A proposition of that sort is going to be passed by another body. It may be attempted, then, to pass it through this body. It proposes a plan that never has been submitted to the people, that never has been passed upon by the people, that never has had the consideration of the people. It seems to me that the wise course and the proper course to take would be to submit that proposition to the people as a square-cut issue, to be met by a declaration in the Republican platform, and then the voters of this country will declare squarely upon it when election day comes around. The succeeding Congress will then know that the people have taken into consideration the issue raised, have considered it, deliberated upon it, and have passed upon it, and then the Congress can act in accordance with their expressed wishes.

I have some statements here bearing upon this subject. Without reading, I ask that they may be put in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Marine News of January, 1916.]

TO SECRETARY M'ADOO.

Mr. McAdoo, you assert that the only alternative offered to your proposed Government-ownership bill is that of subsidies, that otherwise criticism is destructive and not constructive. Why do you ignore the suggestion of a return to the old policy of discriminating import duties and tonnage dues? It was in more or less force for 61 years, as a result

of which American ships carried an average—mark you, an average—of 80 per cent of our imports and exports for 72 years. It has been recommended to Congress again and again in Democratic minority reports during the 8 or 10 years preceding Democratic control of Congress. It was their invariable alternative to subsidies that Republicans proposed. Men of your party who studied "the shipping question" in committees of Congress advocated a constructive policy, one that had back of it a record of achievement most remarkable and enduring, one that took not a cent from the National Treasury, one that would be sure to add millions of dollars to the National Treasury. Shall we catalogue the Democratic minority congressional reports of recent years in favor of discriminating duties? Did you ever read the speech in favor of that policy delivered on the floor of the House of Representatives by Mr. UNDERWOOD on February 26, 1910, when he was a member of the minority? It is well worthy of your most careful attention. It is sound Democratic doctrine. It has its foundation in the Constitution. It advocated the constitutional method of building up our shipping in foreign trade that the 1912 Democratic national platform advocates. Surely you know that the first bill introduced in the House of Representatives in the Sixty-third Congress by Chairman ALEXANDER, of the House Committee on the Merchant Marine and Fisheries, was a bill providing a discount of the duty on dutiable imports in American vessels, and an ad valorem duty on nondutiable imports in foreign vessels, and instructing the President to serve notice on all nations with which we had terminable trade treaties of our intention to terminate them so as to give effect, full and vigorous and virile effect, to the other provisions of his bill? Would you say that Chairman ALEXANDER introduced a bill of such importance and of such a character without believing that it would receive the support of his party associates—the majority of his committee and the majority of Congress—especially in view of the minority reports in favor of the policy he advocated which Democrats had so often in the preceding years presented to Congress, and which your party platform in 1912 advocated, if what it advocated in respect to the method by which to build up our shipping in foreign trade meant anything? Surely you know that Representative Hobson introduced a discriminating-duty bill in the Sixty-first Congress when Republicans were in control, and that the Hobson bill looked so good to the Republican (the majority) members of that committee that every one of them voted for it, as did all but two of the Democratic members of that committee, and that the Hobson bill of the Sixty-first Congress, in respect to its discriminating-duty features, was almost precisely like the discriminating-duty bill introduced in the Sixty-third Congress, on the first day of its first session, by Chairman ALEXANDER, of the House Committee on the Merchant Marine and Fisheries. Whether you know it or not, you should know it, and that is why we are recalling it to your and to public recollection now. These things are a part of your party's history; they indicate a constructive disposition toward the restoration of American ships to foreign trade, an earnest, prolonged, reiterated, persistent belief in and advocacy of a thoroughly constructive policy by Democrats informed regarding and familiar with the condition and needs of American shipping in foreign trade.

You know that Mr. UNDERWOOD, in accord with his Ways and Means Committee of the House of Representatives, provided for a 5 *per* cent discount of the duty on imports in American vessels in his 1913 tariff, because even before the bill had passed the House of Representatives you were trying to destroy that constructive policy of your party associates, as disclosed in your correspondence with the State Department, afterwards published as a Senate document. What caused you to do that? Was the foreign opposition so strong that it had to be heeded, and was the American advocacy so weak that it could safely be ignored? If that was not the reason, there are many who think it was. Did Mr. UNDERWOOD cringe in the face of the storm of protest raised by the representatives of foreign Governments in Washington to the 5 per cent discount section of the tariff bill? You know that he did not, however weak-kneed others proved to be. He stood up manfully, courageously, and he refused, and his associates in the House of Representatives joined him in refusing, to strike out that innocent little subsection of the tariff. You know, doubtless you thoroughly know, why the 5 per cent discount subsection went out of the tariff bill so quickly when it reached the Senate. But Mr. UNDERWOOD was able to get it reinserted in the bill when the bill went to conference, and in that form it passed and was signed by the President.

The press of the country asserted that the ink of the President's signature had scarcely dried on the bill before he summoned Mr. UNDERWOOD back from Atlantic City to repeal the 5 per cent discount of the duty subsection of the tariff act. Perhaps you know why Mr. UNDERWOOD went back to Washington so hurriedly, and what passed between him and the President. The press said at the time that President Wilson pleaded with Mr. UNDERWOOD to repeal the subsection, so that thus the representatives in Washington of foreign Governments who violently opposed the bill might be appeased. Whether that is true or not you doubtless know far better than we do. And doubtless you know whether or not, as the newspapers alleged, Mr. UNDERWOOD suggested to the President that he explain in a message to Congress why he (the President) desired to appease the representatives in Washington of foreign Governments and thus overcome their opposition to a measure framed and designed in part to restore American ships to foreign trade, in part to furnish, what you now so loudly and vehemently demand, a naval auxiliary merchant marine.

Whether Mr. UNDERWOOD was or was not asked by the President to have the 5 per cent discount of the duty subsection of the tariff on imports in American vessels repealed, we all know that it was not repealed. We know that you asked the Attorney General for an opinion as to the meaning of a subsection of the tariff that was thoroughly clear to the representatives in Washington of the great maritime nations, but that the President had misgivings about, not because of any obscurity in the subsection as the meaning of its provisions had been presented to him from the State Department, and to that department by the aroused, incensed, and truculent representatives in Washington of the great maritime nations.

We have the authority of the Washington correspondent of that most respectable and esteemed of American free-trade newspapers, the Journal of Commerce and Commercial Bulletin of the city of New York, speaking from his experiences and observations in Washington to the effect that it is the custom of Attorneys General to furnish to department heads the kind of opinions that department heads want. Whether that be true or not generally, or true in this particular case, we know that you received an opinion to which you have not as yet been known to object in any way, an opinion that declared subsection 7 of paragraph 7 of section 4 of the tariff was unenforceable, and, although the enforcement of it is by law lodged in your hands, we know that you have never enforced it, although twice the Federal courts created to deal with tariff cases have declared that imports in American vessels are entitled, under this 5 per cent discount section of the tariff, to a discount of 5 per cent on the dutiable imports they bring into the United States.

We know that your zeal for a naval auxiliary merchant marine never moved you to accept the judgment of the Federal courts, nor did it move you to enforce a little bit of a subsection of the tariff that Congress has enacted along with the tariff, with the constructive purpose in the minds of the majority—the Democratic majority thereof—of building up an American merchant marine in foreign trade. Why have you been so cold toward a policy favored by your party associates in Congress for the building up of American shipping in foreign trade, of providing a naval auxiliary merchant marine in the same old way that such a naval auxiliary merchant marine was built up and sustained during all of the 72 years preceding the Civil War, during the many, many years of "good old Democratic control of Congress"? Why so cold to a thoroughly tried and unquestionably successful policy that your Democratic colleagues in Congress feebly, but in part, tried to restore, but that you destroyed, and at the same time so warm for an untried policy of Government ownership and operation of merchant ships, almost unanimously condemned by your countrymen?

Surely the country has a right to know why an administration so keen as the present one seems to be for a naval auxiliary merchant marine in foreign trade, provision for which was in part made in the tariff, and relentlessly opposed by the administration, which has refused to enforce it and which has fought it with signal bitterness through all the courts, has never tried to secure such a merchant marine according to the method provided by a Democratic Congress. If you care to tell the country, the Marine News gladly offers you all the space you may desire in doing so.

WHAT HOLDS THE UNITED STATES BACK?

Common-sense consideration of our merchant shipping problem should make plain the impossibility of its solution by methods that would accentuate rather than relieve the intensity of foreign competition. Our people have gradually drawn out of foreign carrying during a period of over half a century, a period during which our foreign rivals have increased their ocean-going tonnage enormously, largely to accommodate our foreign commerce. This gives them the vantage ground of knowledge of and experience in the intricacies of international trade which present-day Americans are unfamiliar with. Our foreign rivals also have the advantage of cheaper construction and operation of ships than our own people in the beginning could hope for. Add to this the various aids, financial and otherwise, that foreign Governments that realize the value of a merchant marine of their own are disposed to extend in every way possible to those of their nationals who are engaged in maritime pursuits, and it becomes more and more apparent that, lacking governmental encouragement, those of our people who might be disposed to invest in American-built ships for foreign trade will not make the venture.

Cheapness is not, nor should it be, the sole objective of a nation in establishing and maintaining a merchant marine of its own. That policy has never been applied to our Navy, the personnel of which is three times more expensive than that of our nearest rival. Efficiency is of far more moment to the Nation than cheapness. Depending, for example, on foreign shipbuilders for our ships, in the very moment of our greatest need may they not fail us? Depending likewise upon aliens for the officering and manning of our merchant ships, of what avail will they be to the Nation in the event of war? Manifestly our national necessities in respect to a merchant marine of our own include home-built ships navigated by dependable citizens of our own. As private capital will not supply such a marine without ungrudging governmental support and encouragement, not at all for the benefit of either shipbuilders, shipowners, or seafarers, but for the welfare and safety of the Nation, literally encouraging laws must precede the establishment of an American merchant marine in foreign trade.

When in 1883 the United States entered upon the construction of its new Navy American shipyards were unprepared for and their men were unfamiliar with such construction. The construction was entered upon from a condition that may be described as "in the raw." The demand for warships was constant and the supply was confined to the United States. What followed? Existing shipyards supplied themselves with the men and the facilities that supplied the national demand; new shipyards were established, and the work progressed rapidly and successfully. Most of the warships were built at or below cost, the competition between builders was so keen. Thirteen years later, in his last annual message to Congress, speaking of our warships, President Cleveland said:

"It is gratifying to state that our ships and their outfits are believed to be equal to the best that can be manufactured elsewhere, and that such notable reductions have been made in their cost as to justify the statement that quite a number of vessels are now being constructed at rates as low as those that prevail in European shipyards."

Having succeeded in so brief a period in constructing warships—the most intricate, difficult, and expensive of ships—as well and as cheaply as they could be built abroad, if, by law, a demand is created for merchant ships equal to the needs of our foreign carrying, why should not our people build them as well and as cheaply as they are built abroad if the supply of merchant ships were confined to American shipyards?

Had the building of our new Navy in 1883 been thrown open to foreign competition, is there reason to believe that American shipyards in 13 years would have built warships as well and as cheaply as they were built abroad? If the building of our merchant ships is thrown open to foreign competition, what reason is there to believe that American shipbuilders will attempt to meet the competition? We believe, however, that the policy pursued in building our new Navy, that it shall be wholly home built, in 10 or 15 years would bring our cost of merchant ships down to the level of foreign cost, or below it, merely by increasing the skill and efficiency but without reducing the pay of American workmen, which constancy of employment would no doubt accomplish.

The United States will decide to build a Navy equal to the strongest possessed by any other nation. At the same time it must decide to build a merchant marine equal to all of the needs of American foreign commerce. In a score of years our Navy and our merchant marine would be unmatched in all the world, and, by reestablishing our maritime independence, we would achieve and thereafter retain our destined position upon the seas.

COST OF AMERICAN AGAINST FOREIGN SHIPS.

[By Alexander R. Smith.]

The question often is asked, "Why can't we build ships in the United States as cheaply as they are built in other countries?" If but one-half the ships required to do our foreign carrying were built here, in a few years they would be built as cheaply, if not more cheaply, than in other countries. What is required is a demand for American-built ships, reasonably constant, and soon the supply would meet all requirements.

At present the greater part of the world's ocean-going shipping is built in Great Britain; that has been true for more than half a century. Naturally, Britons have been able to specialize, and, as far as possible, standardize. It is no uncommon thing to find three generations of one family working side by side in a British shipyard. As men develop special aptitude for a certain kind of work they are employed on that in which they have developed the greatest efficiency. The maximum of economy thus is achieved at the minimum of cost.

Is it to be supposed that in American shipyards, where labor is paid about twice that in British shipyards, where it is less steadily employed, and, because of the intermittent character of the employment, it is less efficient, by any possible economic legerdemain, in the beginning ships can be built as cheaply here as in Britain? Certainly not.

Without experienced shipbuilders, lacking thoroughly equipped modern American shipyards, in 1883 the United States began the building of our "new Navy." A demand was created for American warships, the supply of which was confined to the United States. What happened? Thirteen years later, in his last annual message to Congress, President Cleveland said, speaking of our warships:

"It is gratifying to state that our ships and their outfits are believed to be equal to the best than can be manufactured elsewhere, and that such notable reductions have been made in their cost as to justify the statement that quite a number of vessels are now being constructed at rates as low as those that prevail in European shipyards."

If a similar demand were created for American merchant ships, and the supply confined to the United States, why, in 13 years, or sooner, should we not be able to build them as well and as cheaply as they are built abroad? No doubt we could.

By imposing a higher duty on imports in foreign vessels than is imposed on imports in American vessels, and by collecting a higher tonnage tax on foreign than on American ships, the demand for ships would be created, and the supply of American ships would be increased rapidly. In an amazingly short time ships would be built at least as cheaply in this country as in other countries. It would take nothing from the National Treasury; on the contrary, it would add largely to our national revenues. Importers would see to it that American shipyards supplied the needed American-built ships.

OUR SIMPLE MERCHANT-MARINE QUESTION.

[By Alexander R. Smith.]

American shipping in foreign trade is one of the most discussed and the least understood questions of immediate national concern. It is a simple question, with endless ramifications, and collaterally it is full of the most subtle complications.

The people must first understand that American shipowners per se are no more concerned about American shipping in foreign trade than the Kansas farmer, the Colorado miner, the Georgia lumberman, the Illinois manufacturer, or the Wall Street banker.

The individual American invests in ships as a business, for a profit. He wants the cheapest ships he can get, and he wants to run them in the cheapest possible way. As foreign-built ships are cheaper than American, and as ships are more cheaply operated under foreign flags than under the American flag, the American investor in ships buys foreign ships and runs them under foreign flags.

The United States—not its shipowners—needs an American merchant marine in foreign trade. It needs American-built ships, so that at all times we shall have shipyards in readiness to build and to repair ships. It needs American-manned ships so that when needed for auxiliary naval and military purposes the men and the ships will be available for the national defense. That is the prime reason why the United States needs an American merchant marine.

The great economic reason why this country needs such a marine is in order that the carriage of its imports and exports shall be stabilized, under our own control, and so that the Nation shall have a dependable merchant marine of its own instead of being dependent upon an unstable foreign merchant marine. To secure such a merchant marine the Government, in some effective and permanent way, should make up to Americans willing to invest in ships the difference between American cost of the ships and American cost of operating them in competition with foreign ships, not at all for the owners' benefit but for the Nation's benefit, for its defense.

The way to get such an American merchant marine is to exact a higher duty on all imports in foreign ships than is collected from imports in American ships, and to place a higher tonnage tax on foreign than on American ships. This takes nothing from the National Treasury, but adds to it instead. It is the policy that was in full or partial effect for 61 years, during which time American ships carried an average of 80 per cent of our imports and exports.

[From the New York Evening Mail of Jan. 26, 1916.]

HOME-BUILT DOMESTIC CARRIERS.

Foreign ships were not barred from our domestic carrying by law until 1817, but up to that time it had been made so expensive for foreign ships to operate in our domestic carrying that they abandoned all thought of it. We may properly say, therefore, that from the foundation of our Government until to-day, a period of 127 years, the domestic carrying of the United States has been confined to American-built vessels, owned, commanded, and officered by American citizens.

The last census of "transportation by water" in the United States, taken in 1906, showed that we had 37,321 documented and undocumented vessels of 12,893,429 gross tons, valued at $507,973,121, with a gross income of $294,854,532, employing 140,929 persons, who were paid $71,636,521. The previous census of transportation by water was taken in 1889. If our shipping has grown as rapidly during the past 10 years as it grew during the preceding 17 years, we now have 41,341 vessels of 15,560,659 gross tons, valued at $683,844,161, with a gross income of $373,007,742, employing 156,839 persons, who would be paid $89,373,991.

All but 829,833 of that total of 12,893,429 gross tons of shipping in 1906 was in domestic carrying—more than twelve-thirteenths. Up to the Civil War our tonnage in domestic trade grew no faster than that in foreign trade—it was about ton for ton. The disparity, has grown only since the Civil War, our prohibitively protected domestic shipping steadily increasing, successful and profitable, our ships in foreign trade, in free competition with foreign ships, steadily diminishing and unprofitable.

The remarkable part of this is that although this vast tonnage engaged in domestic carrying was by law built in the United States, its extra cost has been no burden. The bulk of our people were unconscious that our laws required that vessels in our domestic carrying should be home-built, owned, commanded, and officered by our own citizens. The Nation that can so readily bear whatever burden is imposed by requiring that its shipping in domestic carrying be all home built, a shipping by this time twelve times larger than our shipping in foreign trade, a shipping in domestic trade of approximately 14,000,000 gross tons could as easily bear the extra cost of having the ships engaged in its foreign carrying all built in the United States, say, an additional 6,000,000 gross tons.

We have been persuaded, oh, so astutely, and have accustomed ourselves to measure the value of our shipping in foreign trade by its cost, and our shipping in domestic carrying by its efficiency. For nearly three-fourths of a century our shipping in foreign trade was measured by its efficiency, not by its cost, and in those days it was all home built, owned, commanded, officered, and manned by our own citizens. When most numerous and most profitable our ships in foreign trade were by law all home built, owned, commanded, officered, and manned by our own citizens. Then our shipyards were equal to all of our tonnage requirements for domestic and foreign trade, our builders skilled and experienced, the Nation truly independent. How wise we would be if, in respect to the ships engaged in our foreign trade, again we would require that they should be home built, owned, commanded, officered, and manned by American citizens. It is a matter that Congress can arrange in the easiest and simplest way imaginable whenever it possesses the courage and the statesmanship.

[From the New York Evening Mail of Dec. 10, 1915.]

A NAVAL AUXILIARY MERCHANT MARINE.

[By Alexander R. Smith.]

Secretary of the Treasury McAdoo says the United States must have a naval auxiliary merchant marine. Conceded, unconditionally. We have but to think of Great Britain's plight had she lacked the several millions of tons of British merchant ships now engaged in auxiliary naval and military operations which are directly aiding in the national defense. This country may need some day, as badly as Great Britain has needed, a naval auxiliary merchant marine. Picture our plight lacking an adequate and effective naval auxiliary merchant marine of our own!

Note Britain's dependence upon British ships to bring to her the foods, raw materials, and munitions she needs so urgently, and note our own dependence upon British ships for our foreign carrying. Suppose British ships no longer were available for our foreign carrying; how, then, would we market abroad our over-increasing surplus products? We must have a naval auxiliary merchant marine measurably equal to the carriage of our exports and imports.

Shall we have a naval auxiliary merchant marine that shall be used as a political machine? Shall it be extravagantly managed? Shall it be operated at large financial loss; that is to say, shall it be owned and operated by the Government? Operating commercially, such ships would constantly be in acute danger of affronts which, at a moment's notice, might involve us in war with a foreign country.

We must have a naval auxiliary merchant marine of ships built in the United States, owned, commanded, officered, and manned by citizens of the United States, as ready to fight its battles in war, as alert to secure, hold, and develop the foreign markets which we must have in peace for our surplus products, the ships and the men constituting a highly efficient national naval reserve.

The easy, simple way to secure such a merchant marine is to collect higher duties from imports in foreign ships than is collected from imports in American ships, and to tax foreign ships more on their tonnage than we tax our own ships. This would force importers to secure American ships to avoid the extra duties.

Terminable trade treaties in the way? Our Government already has served notice on foreign governments with which we have such terminable trade treaties of our intention to terminate or modify them so as to give full effect to the seamen's act.

Retaliation? Retaliation gave foreign ships an average of just 20 per cent of our foreign carrying during the 61 years this policy was in operation preceding the Civil War.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lippitt	Sheppard
Bankhead	Gallinger	Lodge	Sherman
Brady	Gronna	Martine, N. J.	Simmons
Brandegee	Harding	Myers	Smith, Ariz.
Broussard	Hardwick	Nelson	Smoot
Catron	Hitchcock	Norris	Sterling
Chamberlain	Hollis	O'Gorman	Thompson
Chilton	Johnson, Me.	Owen	Tillman
Clapp	Johnson, S. Dak.	Page	Underwood
Clarke, Ark.	Jones	Phelan	Vardaman
Culberson	Kenyon	Pittman	Wadsworth
Curtis	La Follette	Pomerene	Walsh
Dillingham	Lane	Ransdell	Warren
du Pont	Lea, Tenn.	Saulsbury	Williams
Fall	Lewis	Shafroth	Works

Mr. CLAPP. On behalf of the junior Senator from Michigan [Mr. TOWNSEND] I desire to say that he has been called home by serious illness in his family. He has a general pair with the junior Senator from Florida [Mr. BRYAN]. I ask that this statement may stand for the day.

The PRESIDING OFFICER. Sixty Senators have answered to their names. There is a quorum present.

NATIONAL DEFENSE.

Mr. CHAMBERLAIN. Mr. President, the conference report on the Army reorganization bill was submitted by me awhile ago, and I had hoped that the Senate might be able to take it up and dispose of it this afternoon. After conference, however, with some of my colleagues and with the Senator from Arkansas, who has in charge the river and harbor bill, he thinks it might be best not to attempt to take it up this afternoon, but that it be taken up to-morrow morning at 11 o'clock. I hope I may be able to have the Senate consent to have the conference report taken up and disposed of at that time. I do not think it will take very long to dispose of it.

Mr. CLARKE of Arkansas. Mr. President, may I ask the Senator if he will not limit the time for its consideration to a couple of hours after the report has been taken up? If it opens up general debate, it may have the effect of displacing the river and harbor bill.

Mr. CHAMBERLAIN. I do not desire to do that, Mr. President.

Mr. HARDWICK. Mr. President, it will be impossible for me to consent to any agreement about the matter now. There are several Senators here who are not pleased with everything in the conference report nor with everything that has been omitted from it.

Mr. CLARKE of Arkansas. We will wait until to-morrow comes, then, in the light of events. I think it is the purpose of the Senator from Ohio [Mr. HARDING] to address the Senate at this time.

Mr. CHAMBERLAIN. I will not take any further steps about the matter at this time; but I ask that the conference report may be printed as a document for the information of the Senate.

The VICE PRESIDENT. That action will be taken.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. HARDING. Mr. President, the few remarks I may have to offer on the pending measure are not designed in any way to delay the action of the Senate. I rather suspect that I will not influence any votes cast on the measure. My position is the outgrowth of an incident in the proceedings of the Committee on Commerce. During the proceedings of the committee, at one of the meetings, a specific question came to a vote, when I ventured to say I was illy prepared to express my attitude on that particular question, whereupon the distinguished chairman of the committee, with that bluntness which characterizes him, and which does not in any way diminish my regard and affection for him, said, "Well, a Senator is supposed to know how to vote." That made me think, and after a very careful perusal of the bill and the reading of hundreds of pages of information and misinformation on the subject I feel very much in the attitude I expressed to the chairman that day as to the whole bill, I hardly know how to vote.

I did not sign the majority or minority report, because I wanted to have a free hand in the discussion of this measure. There is very much in this appropriation bill that I should like to vote for. I suspect that some Members of this body will think that I am prejudiced particularly in favor of the Ohio River project because it is located so as to seem to be a selfish proposition. I hope no one will accuse me of being quite that narrow.

Mr. President, I want to approach this proposition from a viewpoint a little bit broader than sectional. I should like to reach a position that is not in any way prejudiced by my partisan ideas. To be sure, the Ohio River traverses the southern border of my State, but I recall that that great waterway courses from Pittsburgh along the eastern and southern borders of my State, the northern borders or western borders of West Virginia, the northern borders of Kentucky, and the southern borders of Indiana and Illinois until it reaches the great Father of Waters. The Ohio River alone constitutes an artery of commerce extending more than 1,000 miles, which has been given the attention of the Federal Government since early in the Nation's history, perhaps as early as 1820. The Ohio River and its connection with the Mississippi makes a waterway almost equal to the entire free river transportation lengths of Germany. The Mississippi and the Ohio make a waterway, not counting the section north of St. Louis, of more than 2,000 miles, and probably has the largest river commerce of any river waterway in the world.

It is a very natural thing that the Ohio should be a useful artery of commerce. It has located, as I suggested, at the headwaters not only the wonderful city of Pittsburgh, and is bordered by the important cities of Cincinnati and Louisville and Wheeling, but throughout what we call the southeastern Ohio Valley, adjacent to the coal fields of Pennsylvania and West Virginia and Ohio, there is a perfect avenue of almost matchless industry running from Marietta all the way to the great steel city of Pittsburgh.

Naturally with these hives of industry and the coal fields the Ohio becomes a natural avenue of commerce. I believe it will be possible for the river to rival the Rhine. It does now; it exceels the Rhine in heavy freight; but of course the Ohio situation, as indeed all American situations, are very much different than those of the Old World. Eventually I must address myself for a few moments to that feature of this question.

My objections to the bill in its present form are general in nature. I would not for a minute desire to take up and discuss any individual appropriation. I feel myself utterly unfit to do so. I surely would not want to take the bill up and discuss it from any geographical or sectional viewpoint. I should like to undertake to vote a large appropriation for internal improvements of this character. It would have to be a very indefensible project that I would not like cordially to support.

I do not entirely agree with the statement made by my distinguished friend the Senator from Illinois [Mr. SHERMAN] the other day. I love to dream of the possibilities of commerce. I think I know something about commerce's contribution to our present-day advancement. I am sure we all know something of the part that internal improvement has contributed to American development. But, on the other hand, there must grow upon every observing American the deterioration of inland waterway commerce. I have been reading with more or less interest the report of the United States National Waterways Commission, but before I had read that very interesting report I had come to some conclusions of my own that are rather personal in character.

My first observation relating to inland-waterway commerce came from my experience in the General Assembly of the State of Ohio. Ohio caught the spirit of canalization, or rather of canal building, in the early days of the State. We expended millions upon interior water routes from the Lakes to the river, and for a number of years these canals contributed very largely to the development of the great Commonwealth of Ohio. But after the period of railway development came the canal traffic began to deteriorate. It proved more and more expensive to keep them up, and we had in Ohio, and have now, the problem of the abandonment of our canals. Every man who recommended the abandonment of the canals was suspected of having some selfish motive. It was suspected that he wanted to make a grab of a right of way. So we had a commission appointed to investigate the question, and one thing was done after another, but no fixed policy by the general assembly was ever formulated. Finally at one session of the general assembly, while I was serving on the finance committee, a delegation representing the canals of the State—representing, I should say, the canal spirit of the State—came before our body and said the trouble with the development of canal transportation is that nobody knows how long these waterways are going to be maintained, and nobody will venture to build a canal boat nowadays for that reason. Being of rather a practical turn of mind I said, "I can fix that without the expenditure of a dollar on the part of the State." So I had caused to be written into the bill a guaranty wherein it was stated that in case of a change of policy on the part of the State and the abandonment of any part or all of these canals the citizen who had invested in the building of a canal boat after the passage of this act and prior to 25 years therefrom should be reimbursed for his investment. In other words, we provided in the appropriation that in the case of the man who built a canal boat and we did not maintain a canal for him to operate it upon, we should buy his boat and return his money, so that he stood no possible chance to lose. Thereby we spiked for all time the argument that canal transportation was kept from developing because there was no fixed policy, and under that provision, which was enacted 16 years ago, there has not been a canal boat built in the State of Ohio. I am willing to drop my observation concerning canals with that one statement.

My next observation relating to the deterioration of river transportation——

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. HARDING. Certainly.

Mr. NORRIS. Before the Senator leaves that subject, which is very interesting, I wish to state that I know just a little about it, because I lived in Ohio for a great many years. Ohio had quite a system of canals. I believe there was a canal extending all the way from Lake Erie to the Ohio River.

Mr. HARDING. The Miami & Erie.

Mr. NORRIS. Yes. That has been abandoned, has it not?

Mr. HARDING. Not in toto. The Miami & Erie Canal, except that the southern section running into Cincinnati is maintained as a waterway, mainly for supplying water to the industrial institutions located on its banks. As a transportation line it is abandoned, practically.

Mr. NORRIS. As a facility of commerce it is no longer there. As I understand it, a large portion of the canal bed itself is dry and used for other purposes.

Mr. HARDING. That is true of the Ohio Canal, running around from Columbus to the Ohio River.

Mr. NORRIS. How much money has been expended upon those canals? Can the Senator tell us approximately?

Mr. HARDING. I could not tell the Senator from Nebraska the total amount of expenditures. My recollection is that the Ohio canals are estimated to be worth about $8,000,000.

Mr. NORRIS. They were free, were they not?

Mr. HARDING. Oh, yes.

Mr. NORRIS. Anyone who complied with the regulations could build a boat and operate it?

Mr. HARDING. Yes; and it is so to-day.

Mr. NORRIS. The locks were kept up by public taxation.

Mr. HARDING. Yes; by payments out of the general revenue fund of the State.

Mr. NORRIS. So, as a matter of fact, they were practically no expense to the man who wanted to operate a canal boat except his own boat.

Mr. HARDING. None whatever.

Mr. NORRIS. And such help as he might give.

Mr. HARDING. None whatever.

Mr. NORRIS. A large part has been abandoned.

Mr. HARDING. It is all gone, so far as actual transportation is concerned.

Mr. NORRIS. That has been on account of the developments of the railroads?

Mr. HARDING. Entirely.

Mr. NORRIS. Has there been any other cause that has contributed to the abandonment?

Mr. HARDING. I think not. As a matter of fact, we have maintained canals in Ohio at no little expenditure of money, with no income except the water rentals collected from the industrial plants that have located along the line of the canal, because it afforded them a very desirable water supply largely for steam purposes.

Mr. NORRIS. That brings me to another point which I would be glad to have the Senator enlighten me upon. Those plants that were located were originally built because the canal was there, and almost invariably found themselves utilizing the railroads instead of the canals later on.

Mr. HARDING. Almost wholly so.

Mr. NORRIS. So these manufacturing plants abandoned the use of the canal because of the superior advantages of the railroads?

Mr. HARDING. Almost entirely so. Mr. President, I can best answer the Senator from Nebraska by saying that to-day the United States of America is on wheels. We have passed the old canal age.

Mr. NORRIS. Can the Senator give us from his recollection something about the cost of the maintenance of the canal system of Ohio when they were in full operation?

Mr. HARDING. That antedates my time of actual experience in the Senate of Ohio; but we were expending for canals that were not in use approximately half a million a year some 15 years ago, when there was no possible use for the canals and no actual use except for the water they furnished to the industrial plants.

Mr. NORRIS. What did the State do with the canal right of way when the canal was abandoned?

Mr. HARDING. We very recently leased the right of way of one of the abandoned canals under a satisfactory arrangement for a railway route.

Mr. NORRIS. That is what I wanted to bring out.

Mr. HARDING. That has been one of the reasons why the abandonment has not been accomplished heretofore. There was always a fixed suspicion that somebody was seeking to grab these possessions and weaken us, though they were utterly worthless to the public at large. We clung to them and expended money on them rather than to lay ourselves open to the suspicion that we favored somebody.

Mr. NORRIS. Are there abandoned canals in Ohio with railroads built in the canal bed?

Mr. HARDING. Not at this time. That is in process of development.

Mr. SHERMAN. Mr. President——

Mr. HARDING. I yield to the Senator from Illinois.

Mr. SHERMAN. In response to the inquiry of the Senator from Nebraska I will state to him that in Illinois the Illinois & Michigan Canal is paralleled by steam roads that have been developed since the canal was opened for the entire length of the canal and more. There is an actual instance of a canal being abandoned practically and the building of a steam road that has reached from Chicago to St. Louis. I refer to the Chicago & Alton.

Mr. HARDING. Mr. President, I am very glad to have these interruptions. I wanted to recite to the Senate my next observation relating to the deterioration of inland-water commerce. It was my fortune to go to Florida 25 years ago, in the days before railway development had wrought such transformation as it has in that wonderful State. My fortune took me to a section on the Indian River, about 200 miles south of Jacksonville, what is known as the Merritt Island section of Florida. At that time there was no railway south of Titusville on the east coast, and indeed none that far south along the east coast. The railroad running to Titusville came across the State. There was an East Coast Railway running as far south as Daytona or Smyrna. It was in the vicinity of the Indian River, on which I was located, to some of you better known as the section of Rockledge and Merritt Island. All transportation on the river in those days was by boat, either sailing craft or steamboats. It was a wonderfully attractive section. It was romantic in accordance with our notion of things in the earlier days. I can recall very distinctly that at evening time, when darkness dropped its curtain suddenly, it was a very common thing to step out on the banks of the river and watch the steamboats passing at night. We knew every evening at a certain time that there would be seven big river steamboats in sight. It so happened we were located where they passed one another and we saw the best presentation of the river traffic on that river in that way. These boats made all the points on the river down as far as Jupiter Inlet. There was a necessary transfer across the little peninsula south of Jupiter Inlet, and those who wanted to go farther south took another steamboat on Lake Worth. I remember at one time the distinguished President of the United States, who was then Grover Cleveland, made a trip down the river. These boats not only carried passengers but carried all the freight that had to do with the development of the country, and brought back all the fruit of which that section boasted.

Three or four years later, perhaps in 1894, Henry M. Flagler began the marvelous development of the east coast of Florida with his railway building. He was able to command the means. He had an objective point. He saw the possibilities of the southern portion of the east coast of Florida. He mapped out a great and comprehensive scheme, and then he built a railroad with that thought in mind, and those of us who have visited that section of Florida for 25 years have witnessed the complete process of supersedure whereby this railroad has put the steamboats out of business. There is no flood and little tide on the Indian River; nothing to interfere with continuous traffic; but there is not a single craft for commerce, except a little tub of a steamer that crosses from one bank to the other and gathers up the citrus fruit of that section for transportation to a central shipping point, like Titusville or some other point on the railroad. The whole business has disappeared. Romance and commerce have both become things of the past.

I was making some investigation into the reports of the engineers on the subject, and I only cite these instances of Florida, because I have seen them myself—not that I have any grievance against the State of Florida in any way. I delight to see it develop. I hope that there may be some continued maintenance of water craft for the pleasure of those who visit that State in the winter, but the commerce on the Indian River is practically nothing; and I may say that under modern conditions there is but the one little craft which dodges back and forth connecting with fruit docks on the island side with the transportation lines on the mainland. They could get along quite as well without the one craft that is in existence there. It is a beautiful body of water, and the interesting thing about it to consider in this connection is that the Indian River is a tidewater river. In fact, it is not a river; it is a lagoon; it is a long arm of the Atlantic Ocean. It does not depend on mountain streams or freshets or springs for any of its water. The waters of the Indian River are the backwaters of the ocean, and it is always supplied at all seasons of the year and little affected by tides.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. HARDING. Certainly.

Mr. OWEN. I wish to ask the Senator whether there was any arrangement made between the Indian River boats and the railways, so that the traffic upon the river could be conveniently placed on the railways for further transportation across Florida?

Mr. HARDING. You mean whether there was cooperation between them?

Mr. OWEN. Yes; that would utilize the water transportation connecting the railways.

Mr. HARDING. I am not able to answer the Senator from Oklahoma definitely. There was this condition when the railway development began on the Indian River. On the Indian River there was a line of steamboats operating in connection with what is known as the Jacksonville, Tampa & Key West Railroad, and the line of boats operated in connection with that railway from Titusville on down to the Lake Worth section of Florida. Henry M. Flagler, who later built the railroad on the east coast, was not to have anything to do with that railway, and he necessarily established his own line of boats in the beginning of his construction, because he wanted to transport certain things down the river where his railway would lead. Then there was a competing line of boats. It is my recollection that there was very little done by Mr. Flagler himself on his railway to encourage facilities that would make the railroad and steamboat lines coordinate, as the Senator from Nevada [Mr. NEWLANDS] says.

Mr. OWEN. I have had an impression that the failure of water transportation was largely due to the detached character and to the fact that there was no method provided of control for waterways and railways to operate and permit convenient intershipment from one to the other.

Mr. HARDING. I am glad to have the Senator from Oklahoma raise that question, because it is pertinent to this discussion. I have noticed some passages in the report of the Waterways Commission that have something to say about that. The Waterways Commission, in reporting on this subject—I trust every Senator has read this document that has been in existence for the last six years—says:

A fourth advantage of the railways, in this class, is the far greater attention given to provision for warehouses, terminals, and the equipment for handling freight. On many of the waterways very little if any progress has been made during the last 50 years in furnishing modern facilities for the storage or handling of traffic. In each of a considerable number of cities located upon rivers and canals in Germany the members of the commission during their recent inspection trip saw a larger investment for terminals and for the storage of freight and handling of boats than exists on the whole of the Mississippi River above New Orleans.

Following that proposition the commission speaks of the enormous investment in handling freight in connection with the Great Lakes. Of course the commission will also discuss and does in this report the question raised by the Senator from Oklahoma.

In Europe where there has been some maintenance of the volume of inland water traffic, if I may use that term, there has been the cooperation on the part of the Government which owns its railways to maintain a rate on the railroad that will encourage the development of waterway competition.

But, Mr. President, that will not apply. We overlook the point that Europe developed its waterways in the days of necessity under conditions of a dense population. We began to develop our waterways and have made some progress in the last 50 years, but under an entirely different condition, because meanwhile there came the railroads, and this wonderful land of ours is developed by railroads beyond any other nation on the face of the earth. I think the statement is correct that in relation to population our development is five times that of Europe. Will some one correct me if I have the wrong figures? It is given in this report. My recollection is that we have in this country five times the mileage in proportion to population that Europe has with its man. Government-owned railways.

Under these conditions American enterprise, American determination, American individual development have strung the steel highway between all the marts of importance, have connected up its centers; and then we Americans, with this modern spirit of development, have gone boldly along at our incomparable pace until we demand the speed of the railway delivery. Nobody would tolerate nowadays a freight shipment by a canal boat, and that is one of the reasons why there is no ordinary commerce on the great Ohio River, relatively. Of course, there is packet freight on the Ohio River, but most of our river freight, as has been pointed out by the Senator from Iowa [Mr. KENYON], consists very largely of, shall I say, gross products—natural products—logs on the smaller streams running from the timber section to the sawmill, coal as we have it on the Ohio or in other sections. We are willing to tolerate our tardy shipment of products of that kind; but when you get to the great interior and serve all citizens, the American spirit no longer will tolerate any freight delivered by river transportation.

You can take the question a little bit further. Have Senators stopped to think what a tribute you have paid to this spirit of speedy delivery in this country? I called your attention to it for a moment in discussing the good-roads bill. You give us a good-roads bill from the majority of this body under the guise of contributing to the post roads of the country. You did not mean anything of that sort. You are encouraging the building of good roads by the Federal Government just as we did in the State of Ohio by the State government to promote the means of speedier transportation—not only the transportation of the passenger or the individual, but of his products. If you choose to call them market roads, very good.

As I said a moment ago, we have reached an age where the American people, at least, are on wheels; and you can not supplant the automobile and the railway car with anything like the antiquated canal boat or anything else that you can develop on our rivers.

I do not want by this statement, Mr. President, to commit myself unalterably and entirely against interior water navigation. I believe in it very cordially; but the trouble is that Congress has allowed to grow up a system of appropriation which is absolutely intolerable and indefensible. I want to know for what I am voting. I may get over this feeling in time, but it is a little difficult for a new Senator to come here and to think in millions all the time. I have a very strong conviction that a man who enters the public service ought to perform public duties very much as he would his own. The trouble with us is that we are all the time drifting away from our own individual convictions; we are drifting away from doing things as we would do them if they were our very own, and we are yielding to the exigencies of politics.

A Senator on the other side—I use no names, because I do not wish to violate the proprieties—said to me the other day, "This system ought to be abandoned; I know it," he said. I respect his opinion very highly; but he added, "We can not do it now." Well, Mr. President, if we can not do it now we never can do it. They way to do it now is to proceed to do it; and there never was a better time in the history of the United States than to begin now. For example, in my own affairs, if I find myself without ready funds—I ought not to put it in that way, but for illustrating purposes it will do; I am always that way—but when contemplating a condition lacking ready funds, I do not invest, and if I do business in the same way for the United States Government, when I contemplate a distressed condition of the United States Treasury, I ought to refuse to appropriate money for needless expenditures.

I do not mean to talk about any one party, Mr. President; we are just as bad on one side, I think, as on the other, excepting just now you on the majority side have the responsibility. It is rather a singular characteristic of our American political life that everybody talks economy in the campaign season, and that nearly everybody proceeds to grab at the Treasury immediately the campaign is over.

The Federal Treasury is a mysterious, mythical sort of thing that is never exhausted apparently, and nobody ever stops to inquire how the money gets into the Treasury. You know, I think we Republicans are responsible for that state of mind in the country. I do not mean to drift into a partisan discussion; but we Republicans had fallen into such a fortunate management of the country that we always had means to do the things that we wanted to do and still have an abundance of money on hand. I remember we had so much money that in 1884 you, on the then minority side, grew so worried about it that you passed resolutions on the subject in your national convention. I do not know but that the Senator from Kansas [Mr. CURTIS] may have made allusion to that in his address the other day; but the chief burden of worry on the part of my friends on the other side of the Chamber in 1884 was as to how to get rid of a menacing surplus in the United States Treasury.

So, I say, we are responsible for this creation of a feeling that the Treasury is inexhaustible; but I want to tell you, Senators on the other side, at a time when you are contemplating direct and offensive taxes to meet the needs of the Government, is a good time to resolve to correct abuses in the expenditures of the Government. I do not know that I can offer a remedy. A distinguished Senator from the South, discussing this bill the other day with the zeal for which he is known, said he would be very glad to have somebody who criticized the existing plan to be constructive enough to offer a remedy. Well, that is a fair

statement; and I wish I might do it; but because I can not offer a remedy immediately to-day is no reason why I should go on with the old system.

I was saying a moment ago that a man ought to follow the same rules in public service that he would in his own private conduct of affairs, and I have learned in my own business that if I go on a wrong track, no matter if I had made large expenditures on that track, it is better to back up and get off the track and quit, even if you do not know definitely what your next track is going to be. So I should like to favor the suggestion of the minority. I do not want anybody in the Senate and I do not want anyone who reads of these discussions to get the impression that I am opposed to a liberal expenditure for the improvement of harbors and of rivers which may be of some use in the service of the public, in the modification of railway rates, and in the facilities of transportation. I have been looking it up, and I have discovered that in the last 15 or 20 years we have increased these appropriations from approximately $15,000,000 to $20,000,000 to something like $42,000,000, as this bill provides. Well, the Senator who offered the criticism and asked for a constructive substitute the other day said, "We now have the examination of the engineers and their recommendations by which to make appropriations," and he added, "I do not believe there is any more dependable system than that." Well, Mr. President, one who reads the report of the engineers will find that there are a good many reports to Congress that do not mean anything, and I have discovered already that there are a good many recommendations of the engineers which are not heeded by Congress. There are numerous instances in the existing bill where committees of the House and of the Senate have exceeded the recommendations of the engineers. There are instances of appropriations made where the engineers have suggested that the project be abandoned. Under these circumstances I am unwilling to cast my vote to spend some fifteen or twenty million dollars of this proposed sum in order to secure, if you please, the sums that I should like to favor in the completion of the project for the Ohio or the Mississippi Rivers, or the two together.

Mr. President, there are in this bill not less than 100 projects on which there have already been expended millions of dollars which will never amount to a continental snap of your finger if we expend a hundred million dollars more to bring them to completion as originally designed. There is not a member of the committee who will not admit in private that we are following programs of river development that can never be made useful under any modern or known system of water transportation. If this be so, why limit ourselves, as we did in the consideration of this bill, by a rule to take up no new project, and then under that cloak go along with these enormous appropriations, largely because there is the old system of dividing up the spoils according to the political needs of the situation.

Mr. President, I do not want any fellow Senator to misconstrue my remarks. I like the fraternity of this body; I like to know that when the waters are muddy I will be considered; I like to participate in the "booster" proposition. I could vote for hundreds of projects with a good deal of conscience, and I very much desire to have the privilege of doing so in the pending bill. I know how a Senator feels when he has his heart set on securing Government assistance for some great undertaking in his section; but can we not bring that to a consideration on its merits and not have this trading combination which requires a man to stultify himself to secure the consideration of projects for which he really has a heart?

I do not know that it is customary to relate the experiences of committees, and I shall quote no one in the conversation which I am about to relate, but it is a very discreditable proposition that one man shall say "he ought to have this; this is all he has asked for; and he ought to have that, for that is all he has asked for; and we must give him this, for that is all his State wants." That is no way to transact business involving millions of dollars.

I want to say something that will lead the Senate of the United States to adopt a businesslike system of appropriating millions of money, as such a bill as this does, and give us all an opportunity to vote our conscience into an operation that involves some great public improvement.

Mr. President, the Waterways Commission, from which I started to quote—I do not want to take the time of the Senate—confirms all that I have attempted to say in this matter. Let me quote you one or two expressions:

The commission has had under consideration the manifest decrease in water-borne traffic on a majority of the rivers and inland waterways of the country. On many there has been an absolute decrease, while on others the falling off has been merely relative. In these latter cases, although the aggregate traffic by rail and water has been greatly multiplied, the proportional share carried by water has very noticeably diminished.

Then this commission followed with a statement that is very interesting to note. I have already said—so I can have no prejudice in making this quotation—I should like to take the great Mississippi River and the Ohio River and some other tributaries and see if we could not really develop a great and effective and abiding system of water transportation. The commission reports from figures taken up to 1906 that the upper Mississippi River system decreased in water transportation 72 per cent; the Ohio system, to which I am committed, decreased 3 per cent; and the lower Mississippi River decreased 59 per cent, so there is an average decrease on the Ohio and the Mississippi of more than 30 per cent.

Those decreases are in no way disputed. There has been the backward tendency, and in only a very few cases has there been an increase of river traffic, notably on the Monongahela up about the city of Pittsburgh.

This raises the question in another form, as suggested by the inquiry of the Senator from Oklahoma. The commission says there are inherent or fundamental advantages in railway transportation, and then continues:

The first and most important of these is the wider area of distribution available to railways. A railroad line can be constructed in any direction to any part of the country, except the portions which are admittedly inaccessible, while the line of a river is fixed by nature in a single direction. Railroads are more readily adaptable to the newly arising and ever-shifting demands of producing areas and of markets.

And, by the way, Mr. President, that raises another question. Some of the improvements which have been under consideration, and for which appropriations are made in this bill, are supported by local interests. The commission reports that on nearly all the waterway developments of Europe the expenditure is divided. I will not assume to give the percentages, but one part is assumed by the Imperial Government, one part by the State or the Province, and another part by the municipality; and sometimes the division goes further than that.

The construction of railways, which has entered into competition with and destroyed water transportation is due to the spirit of development. Up in Alaska, until Congress ventured to appropriate money for a federally built railway, private capital was engaged in building railway lines to the rich mineral deposits of the Territory. Congress saw fit to stop individual development and build a federally owned railroad in that section. What is the result There will be pending, if there is not pending now, a first request for an additional $30,000,000 of Federal money to build a branch from the Government railway to a deposit of ore or coal, which remains undeveloped because we halted the individual development. In my State it is customary if a man locates a deposit of coal or knows of a deposit of stone which he wants to quarry into he has the individual initiative and the courage and capacity to build a line of transportation, and he does not ask any Government help.

I can cite a very interesting illustration on the other side that applies to water. I should never have known of it if it had not been for some little touch of kinship that brought me in contact with it. Congress is appropriating in this bill several hundred thousand dollars for the development of a harbor and waterway at Texas City, Tex. The men who built the original channel into Texas City did not ask a penny of anybody; and, if they did, they did not get it; but they went ahead applying private capital to the making of a channel. Why? Because they had acquired the real estate on the site of Texas City and deliberately set about to build a harbor and a city and to profit thereby—a perfectly legitimate undertaking—but, unfortunately, because of the abundance of Government funds the practice has been established of men starting to build a city and then asking the United States Government to furnish the money to build it. I know how it is. I suppose if the chamber of commerce of my home city should start out and ask the Government to spend a half million dollars on the Scioto River, and they should ask my cooperation as a private citizen, I would join them, and I would come here, and I would make the best possible case in presenting the matter to Congress; but the Government would have no more right to spend half a million dollars on the Scioto River than it would have to go out and spend it on a mountain in Virginia to make some sort of a playground.

The practice extends in many directions. There is a provision in this bill for revetment work on the upper Missouri—and I regret that the Senator from North Dakota is not present. The United States Government is under some obligation to maintain its waterways so long as it holds them under Government control, and we ought to spend and we must spend millions for embankments and revetment work and levees in order to protect the citizenship of this country and maintain our waterways as we ought;

but here, on the other hand, there are thousands of people who have acquired almost valueless areas among the lowlands along the rivers of the country. They have acquired such land for a song because of the danger of flooding and overflow and the disasters that attend such conditions; but after they acquire the title to the land it is a very common thing for the people interested to want the public to expend the money that shall give increased value to their possessions. I do not blame them for doing that, but I am opposed to the Government undertaking such work.

That situation does not apply entirely to the Federal Government. We have the same condition in Ohio along the river banks in State control. Men acquire river-bank possessions at a song, because the property is endangered by flood all the time; but, as soon as enough of them become interested in one another and they can start an organized movement they will tax the nearest city on the banks of the river to dredge that river or establish a new channel so that they will be protected from floods; and land which cost $40 an acre will be increased to the value of $250 an acre by the expenditure of public money in revetment and channel work.

I want to see Congress liberally appropriate the public money for the maintenance of channels and for the improvement of harbors. I want to see Congress liberally contribute to the development of every possible waterway that is interstate in character at least, but, Mr. President, we forget that Congress has accomplished the great feat of railway-rate legislation, and when it passed that legislation it took away forever one of the chief inspirtions for the development of inland waterways. In the States we have our State railway commissions, so that interstate commerce and intrastate commerce are officially regulated, and there is not the slightest need in the world for entering upon an expenditure of millions upon millions of dollars for waterways that will never be used in order to attempt to influence the railway rates of the country.

This takes me back, Mr. President, to an illustration which I meant to use in the opening of my remarks. I do not know at this time the amount of money that was expended on the Muskingum River in the State of Ohio. The Muskingum River flows from the central eastern section of the State to the Ohio River at Marietta. It is a beautiful stream, and some Member of Congress, a number of years ago, had the eloquence and the influence to bring about an appropriation on the part of the Federal Government for the construction of dams in the Muskingum River. I am sorry I have not the information at hand to state the expenditure made, but there were perhaps a dozen dams erected in the Muskingum, although there has not been a boat on the Muskingum River, except one little passenger and package steamer in the last 10 years, and I was told only this week that this one steamer had not made a trip over the river in the last two years. I can have no prejudice concerning that, Mr. President. The Muskingum is in my State. There has not been enough commerce to pay the interest on one-tenth of the expenditure which the Government has made on the Muskingum River; the dams are to-day falling into a state of deterioration; it will not be long until all that the Government has spent on that waterway will have been utterly wasted and there will not be even a remnant to show for the improvement which was made.

The trouble with us, Mr. President and Senators, is that we too readily drift into a tendency to tickle a constituency rather than commit ourselves to a policy that is to promote the Federal Government. It is a very easy thing for a man to represent merely his district or his State, but it is my notion that we ought to grow a little bit larger than that; that a man ought to be a Senator for the great American Union, and when he casts his vote for expenditures on matters relating to river and harbor improvements, he ought to get the viewpoint of the Nation.

This is a big proposition. I became amazed when I undertook, as one must do very briefly, to study the question before meeting with the Committee on Commerce. We are a wonderful people. Somebody has said that the trouble with the party in power is that it is not able to comprehend the extent of this country. I am not repeating that statement on this occasion as a sentiment of my own. Our tremendous breadth and extent and resources and possibilities are beyond the average man's comprehension; but when you take up the question of commerce, you must remember that this wonderful American commerce of ours, amounting to something like $50,000,000,000 a year, has been developed on railway lines in good part, while the foreign commerce, of which we boast and delight and want to see grow, is that of the waterway. I should be very glad, Mr. President to take $25,000,000 of the amount proposed to be appropriated in this bill, and spend that sum under the direction of a knowing hand, for the improvement of every harbor that needs improvement on the coast of the United States.

Mr. SMITH of Michigan. And on the Lakes.

Mr. HARDING. Yes; I will include the Lakes, as the Senator from Michigan suggests. I have not touched, Mr. President, on the commerce of the great system of northern lakes, because that seems to be a matter so well established that there is no longer any question about it; but I would just as readily vote, if need be, for $50,000,000 to maintain perfect harbors on the east and west and southern coasts of these United States, so that every possible artery of commerce abroad shall be opened and ready for the craft which shall take American products to all the marts of the earth; but I should like to do that, Mr. President, under some guiding hand that knows what should be undertaken. It may be possible for some of you to know in detail about these enormous expenditures; it may be that after five or six years in the Senate I can acquire the judgment that I must exercise, as the chairman of the Commerce Committee insists that a Senator ought to do. I hope I will; but I do not believe it practicable, Mr. President, for the 96 Members of the Senate to vote intelligently on the numerous items included in this bill.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Ohio yield to the Senator from Iowa?

Mr. HARDING. Certainly.

Mr. KENYON. The Senator referred to the Muskingum River, and said he did not know the amounts appropriated for it. The figures are set forth in volume 2 of the Engineers' Report for 1915, and show that the allotments under the various river and harbor acts for that river have been $2,368,321.84, and that the expenditures for operating and care of locks and dams for the fiscal year ending June 30, 1915, were $184,323.68, an enormous sum of money.

Mr. HARDING. Well, Mr. President, then the Muskingum has cost the United States Government something like two and a half million dollars, and I might make my remark very brief and say that it is not worth the dams on the river; it is not worth one of them. It is the most profligate and ineffectual expenditure of money that I can imagine.

You know, Mr. President, we have been growing up in this country, and I assume that out of the practices of Congress there have developed a number of systems that need changing, to effect that efficiency which every one of us must commend in the conduct of Government affairs. I have been serving, as every new Senator must, I suspect, on the "hazing" committee, known as the Committee on Claims. It is not an uninteresting experience. There is many a romance developed in the discussion of the claims which are before that committee. I believe it to be a very important committee, and I am not sorry for the experience that I have had there, brief as it is. But, Mr. President, the Senate of the United States ought not to dispose of the six or seven hundred bills that come to the Claims Committee as they do dispose of them in that committee. You know the practice. I have had on my desk no less than a dozen claims bills which I, as a subcommittee of one, must report to the general committee. Usually the recommendation that the subcommitteeman makes is adopted by the committee, and the report adopted by the committee comes to this body, and blindly you vote what the committee recommends. What is the result? One man has hurriedly listened to the testimony concerning a claim presented to this body, and one man's necessarily hasty judgment is your judgment finally, and through that process of handling claims we are passing upon the expenditure of millions of dollars. It is not efficient, and it is not businesslike, and there is not one of you who would stand for it a minute in your own business.

What is the result? Why, we must do with claims just like I suggested, without going into a detailed plan, doing with this enormous expenditure for rivers and harbors. Let us conceive some kind of an organization that can make these expenditures of twenty-five to fifty million dollars, and make them justly and efficiently, so that the public knows that fifty millions of expenditures have been rightly made, and that there is something to show for the Government expenditure in the contribution to public good which will follow.

We ought to do the same thing, and I believe it is under consideration now in the case of claims—not to add to the Court of Claims, which will pass, as it does, on the testimony submitted, but to have some sort of a creation that can take a claim properly filed against the United States Government and dispose of it and see that there is a just allowance.

Why, Mr. President, there have been in my hands great volumes of testimony relating to measures calling for $50,000 upon which I had no more right to pass individually than one of the page boys could pass on a constitutional question pending

before this body because I had not the information at hand and could not have in the time that a Senator can give to the consideration of those things. So, out of the passage upon claims and the passage of great appropriations we have allowed these practices to grow up and I for one want to start my career in the Senate with a protest against going on with this method of doing business—a protest uttered in the kindliest sense imaginable. I have not any "knock" in the world for any man's pet improvement presented to this body. I have not the slightest desire to impede internal improvements. I should very readily vote for a liberal appropriation to carry on our public works, and hope I may do so; but I do not want to be asked at the same time to vote for a lot of propositions which must impress any man who investigates for a single moment that the improvements are not worthy the serious consideration of the Senate and do not deserve the expenditure of the money of the American people.

It seems to me, Mr. President, that if there ever was a time when the Senate ought to call a halt and go into a more careful consideration through some proper agency and make a limitation on these things, it is now. It is very difficult for me to understand why the head of the administration—which shows a strong inclination now and then to intimate to this body what ought to be done contemplating the situation that now confronts you relating to the acquirement of a sufficient amount of revenue to run this country—does not step in and add his influence, and let us Republicans and Democrats and Senate and administration join in bringing about a new era in this matter, which has so much interested the country, and against which so much honest protest has been made without the inspiration of a single selfish thought on the part of anybody who has made it.

I for one want to go on, Mr. President; I want to vote liberally, but I want to vote intelligently; and I can not do it when I answer to my name on the roll call on the pending measure. It may be that I am derelict in duty; it may be that I am deficient; but I will tell you that there is not a Senator on the floor who can possibly know in three years of continuous application and study the merits of the projects that are included in that measure.

It is for that reason that I have spoken as I have, in the hope that some time I may join some of you in a more efficient, a more thoughtful, a more prudent, a more effective, and a more helpful process or plan for carrying on our American internal improvements without hindrance, so that we may go on confident of the development which is befiting a country so rich and so hopeful and so full of opportunity as is ours.

Mr. REED. Mr. President, the Senator from Ohio complains that the President ought to give us information regarding this bill. I know of no way in which the President of the United States could convey the desired information to the Senator unless the President should sit down and study this bill, and give it the three years of time that the Senator says is necessary to an understanding of its provisions, and then carry the information over to the Senator from Ohio. Even if the President were to do so I apprehend that the Senator from Ohio would refuse to follow the President's lead in that as he does in all other things.

I know of no way in which any man can obtain knowledge with reference to the river and harbor bill except by sitting down and studying it. I know of no duty that devolves upon the devoted head of Woodrow Wilson to do the studying for Members of the Senate. It occurs to me that if men can not vote intelligently upon this bill, the thing for them to do is to cultivate their intelligence, and endeavor to get into their heads the ideas that now appear to be so lamentably and confessedly absent.

I do not intend to take the time to discuss the details of the bill. I want to make one or two general observations, and with that I am content.

No fair view can be given of this or any other bill by discussions that single out one particular item or half a dozen particular items, and then, in a discussion of those items, present only one side of the case. You can not judge a bill containing many items by any single item, or by any half dozen or dozen items; and certainly you can not when you have merely a one-sided and an unfair statement of those items.

It ought to be enough to say that this bill, like all of its predecessors, has been given very careful consideration in a committee composed in part of Republicans and in part of Democrats, and made up of men who come from widely separated parts of the country, so that the committee membership is in no way a sectional membership, and that this committee and its predecessors have for many years pursued substantially the same course of conduct. It ought to be also considered that there is scarcely a single item in the present bill which is not an item relating to an approved plan, and that that approved plan was approved, recognized, accepted, and adopted by the last Republican administration or by some of its predecessors. There is scarcely an item in this bill that has not been approved by the Republican Party when it was in control; and if this bill is subject to any great or sweeping criticism, it ought to be because the bill has confined its benefits to the limits set by previous Congresses.

I do not intend at all to discuss minutiæ or details. It is easy enough for any man to stand on the floor of Congress and cry out "pork." It is easy enough to denounce everything in the way of progress or forward movement. The veriest amateur can always find some venture out of the multitude of things that have been attempted that has perhaps been an unfortunate or even a wasteful venture. That is true of private business. It is true of everything that partakes necessarily of the nature of experimentation. It is true of great enterprises and of small enterprises that a certain per cent has been improvidently made. Mistakes are bound to occur.

There was an item discussed here the other day of a dock that was built by the Government for governmental uses—built, I think, 36 or 38 years ago—and the reports attached to this bill state that that dock never was used. This bill carried a small appropriation to repair it and proposed to turn that particular dock over to general and public use, the Government having failed to use it. It was the subject of criticism by a Senator whose views I always respect. But what is there of merit in the criticism when we analyze the facts? First, the mistake, if there was a mistake, was made 36 or 38 years ago. The mistake that was made by men most of whom are dead and gone ought not to be charged to the sponsors of this bill. Because there was a mistake made in the building of this one dock 36 or 38 years ago that does not argue that the provisions of this bill which relate to other enterprises are mistakes, a bit more than the fact that one member of a church 36 or 38 years ago was false to his religion argues against all the churches of the land. But this bill, proposing to turn over this dock to a public use and to expend a very small bit of money to give utility to that which has hitherto had no utility, has heaped upon it the odium of the mistake made by somebody 36 or 38 years ago. There has been much of the same character of criticism heard in the discussions we have listened to.

When the various items of the bill were taken up in the committee they were thrashed out by honest men, who were acting under a rule peculiarly conservative, and to my mind too conservative. That rule was to the effect that for the most part no new enterprises would be appropriated for in the bill. It was proposed to simply carry on those enterprises which had already been inaugurated and duly approved. I said to the committee then, and I take this moment's opportunity to say to the Senate, that I believe a narrow, pinch-penny policy with reference to the internal improvements of this country is the greatest mistake we can possibly make.

There are two kinds of ways to spend the public money, speaking broadly. When you fasten a fixed expense of some kind upon the country; when you create a great number of offices, particularly if they are useless; when you multiply divisions of the Government in an unnecessary way; when you build monumental structures at enormous cost; when you embark in any system which fastens a fixed expenditure annually upon the Government, unless you proceed with great care, you will burden the taxpayers of the Republic without any just return.

But there is another kind of expenditure of money which is in its nature an investment, and not an expenditure at all. If a man issues his bonds or his notes and buys an adjoining farm, and pays only what it is reasonably worth, although he has expended money, and although he has gone in debt, he is not the poorer but the richer because of the transaction, for the thing he has bought returns not only the interest upon his investment but a profit in addition.

When this Government creates great armies and great navies and fastens an expense upon the Republic, it is an expenditure that brings back not a dollar in return. It may be necessary; it may be justifiable; it may be highly desirable; it may be absolutely imperative; but it is made desirable and made imperative because of unfortunate world conditions. It is an economic loss, save as you estimate the greater loss which might come from a lack of ability to defend the country. But when this country invests its money in improving the highways of the country, is it a loss? No, sir; it is a distinct gain financially, economically, if it be properly done, because every good highway that is built lessens the labor necessary and the expense incident to the carrying of goods from the producer to the con-

sumer, benefits both the producer and the consumer, and adds to the aggregate wealth of the country. Every mudhole that is left, every obstacle to travel that remains, is an economic loss to the people of the country. The money that is employed to remove such obstacle is an investment that brings back a return many times.

When the Government of the United States expends money to remove obstacles to commerce upon the great inland seas of this Nation, and thereby in fact shortens the distance between the western and eastern extremities of the Lakes and between their northern and southern boundaries, it cheapens the cost of transportation across those inland seas and it makes money on every dollar that is properly invested. Any other claim is a foolish claim. When a great city lying along the borders of this country finds itself shut off from deep-sea going vessels because of a bar or a reef of rocks, and hundreds of thousands of dollars must be wasted annually in transporting the goods by lighters or by unloading and reloading, and that waste is going on, it is paid for by the people of the United States in the increased cost of everything thus transported. When the Government takes some dynamite and some laborers and removes the obstacles, and makes it so that great ocean vessels can swing up to the dock and unload without that loss we have not expended money; we have invested money. We have not used up the people's substance; we have increased the people's wealth.

When this Government spends money to make it possible to restore river transportation in places where river transportation can be reasonably restored; when it makes it so that a cargo of wheat can be carried from Kansas City, Mo., to St. Louis, Mo., for one-half of the price charged by the railroads, it has not wasted money; it has saved money to every farmer who ships grain and to every man who uses bread.

If this country should carry out a plan that was conceived by one of the greatest engineers of our generation, and should make a 14-foot waterway from St. Louis to the Gulf, and make it possible, as it would be possible, for boats to travel from Buffalo to New Orleans without breaking freight, it would not be "pork"; it would not be wasteful; it would be investment that would return a hundredfold.

Moreover, I embrace this opportunity to offer another suggestion. This Government has, with the full acclaim of both branches of Congress and with the full accord of the country, spent many hundreds of thousands of dollars, at least by way of a loan of the credit of the Nation, to put water on the arid lands of the West. It was a splendid conception. It has resulted in incalculable benefits, not only to that section but to the entire country. And yet, while an expenditure by the Government to put water on dry land is applauded, we find opposition to the proposal that the Government shall expend some money to keep water off of the wonderful valleys of the Mississippi, the Missouri, and the Ohio Rivers, and the equally fertile valleys of many other great rivers.

I have not the figures with me to-day, but I can produce them. On some other occasion I intend to show that there is enough rich bottom land to-day subject to overflow to almost sustain the population of the United States. The increased value of that land alone would pay for the harnessing of these streams.

The nation that sees annually areas as large as some of the great kingdoms of Europe devastated by floods, cities almost swept away, farm lands destroyed, cattle drowned by the thousands, human beings carried to their death by scores and by hundreds, is guilty of gross waste. It is more than extravagant; it is almost as senseless as the man who guiltily looks on while his home is consumed by the flames.

Mr. President, there are some things individuals can not do. I am an individualist. I would like to see every right, every liberty, every responsibility that can possibly be reposed in the citizen so reposed. I am in favor of the maintenance by the separate States of all the powers, of all the prerogatives that can properly be exercised by the individual States. But there are certain tasks that individuals can not perform and there are certain tasks States can not perform. As the individual resident of a city can not supply himself, by his individual effort, with gas, electricity, or water, those necessities must either be furnished by a public corporation or by the municipality itself. As the city can not build or construct a railroad to ramify the State, that task must be performed by private corporations or by some arm of the State government. Likewise, there are certain great tasks that can not be performed by the State which, therefore, justly fall upon the Federal Government.

Among these must be included the improvement of harbors. A harbor is in no sense merely local. The benefit to a harbor is a benefit to commerce, and a benefit to commerce is a benefit to every citizen of the land. An improvement to the Ohio River, running through several States, can not be undertaken by a single State, because the burden would fall unjustly upon one State and the control would not be in the hands of that State, neither would the benefit be confined to that State.

The Mississippi, the Missouri, and the Ohio Rivers with their tributaries cover the central part of our land. They are as vital to the well-being of the great Central States as is the arterial system to the human body. They must be improved by the Federal Government for the benefit of the entire Nation, for, I repeat, you can not advantage commerce without conferring blessings upon all the people.

Instead of caviling about the small and sometimes stingy expenditures of this bill we ought to be devising a plan here for the greatest system of internal improvements ever carried on by any Government since governments existed. These great streams should be harnessed; these vast alluvial bottom lands should be protected; they ought to be raising every year vast crops of corn and cotton and wheat and hemp and tobacco. These rivers should be harnessed, no matter what the expense, so that life and property may be safe, and these rivers should be made navigable.

I challenge attention to the fact that a situation confronts us that this Congress must deal with at an early date. We built the Panama Canal. We built it at the expense of the taxpayers of the entire United States. Under recent rulings of the Interstate Commerce Commission railroads have been granted the privilege of altering their rates at eastern and western points because of the competition or alleged competition with the canal. So it is now possible to ship goods by the canal from the eastern to the western coast, then load those goods upon railroads and ship them back almost to the center of the United States cheaper than they can be shipped over a railroad directly from the East to the center of the United States.

If the injustice were confined to water transportation, I should not so much complain, but because of the water competition railroads are now being permitted to make rates so that goods may be shipped from New York City through Kansas City and 2,000 miles farther to the western coast, reshipped over the same railroad, and hauled nearly back to Kansas City for the freight that Kansas City has to pay direct for every shipment from New York to Kansas City.

I have used Kansas City in the illustration. What I have said of Kansas City will apply to Omaha, Nebr., it will apply to Sioux City, Iowa, it will probably ultimately apply to the Twin Cities. It will apply to every one of the great cities of the South that lies within that vast belt known as the Mississippi Valley.

I call the attention of Senators to this great problem and say to them to-day that something must be done to remedy the evil. We must either restore commerce to our rivers so that there may be a water competition which will result in revised rates to the Mississippi Valley, or there must be regulation by law. Unless one or the other is accomplished the great Mississippi Valley, with all that belt of wonderful States that flank the river on its eastern and western shore, the great Missouri Valley extending clear to the mountains, the upper Mississippi which stretches away through Minnesota, all that vast territory will be drained of its wealth, and will be, if not destroyed, at least greatly injured by reason of conditions growing out of the construction of the canal.

With that situation confronting us, we find Senators who live in the territory affected standing here in the Senate and caviling about a little money that has been spent upon these rivers. Instead of spending money by hundreds of thousands for internal improvements, I say without qualification we ought to be expending it by tens of millions. The expenditure ought to be made in accordance with a well thought-out plan; it ought to be made in accordance with the advice of the best engineers of the world; but this country ought to march forward. It must not stand still.

There is great enthusiasm just now about national preparedness, and I have voted for the military measures and shall continue to do so. I say to you that the best preparedness this country will ever have is when her mighty resources have been developed, when her gigantic energies and power are so harnessed and conserved that we shall constitute the great dominant and controlling industrial factor of the world. That can be accomplished, and that must be the task of the immediate future.

So the time, I think, has come to quit crying "Pork, pork," and to cry "Progress"; the time has come to teach that kind of economy which expends money to develop the resources a bountiful God has bestowed upon the land, so that they may be garnered for the service of man.

Mr. CLARKE of Arkansas. The order is the consideration of the amendments of the committee.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Secretary will state the first amendment of the committee.

The first amendment of the Committee on Commerce was, at the top of page 3, to insert:

Improving harbor at New London, Conn., in accordance with the report submitted in House Document No. 613, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $170,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KENYON. I wish we could have an explanation of that item. I am not opposing it, but I should like to have an explanation of it from the Senator from Connecticut [Mr. BRANDEGEE].

Mr. BRANDEGEE. Mr. President, I am very glad to explain the amendment. The State of Connecticut, I think in 1911, appropriated $1,000,000 for the construction of a great wharf adjoining the long wharf owned by the Central Vermont Railway Co. in the harbor of New London. The wharf was to be a thousand feet long, and it was to be built of the most modern construction—steel and concrete. A board on rivers and harbors was appointed by the general assembly of the State to take care of the construction, and the State acquired the adjoining land. The project embraces the construction of grain elevators and warehouses and also a railway terminal.

I do not need, I think, to dilate upon the advantages of the harbor of New London as one of the great harbors of the country. It is situated midway between the metropolitan cities of New York and Boston. It is a great railroad center. The entire New York & New Haven Railroad system is there, running east and west on what we call the Shore Line from New York to Boston, and intersects the Central Vermont system, which runs from tidewater at New London north to Canada, where it connects with the Grand Trunk, which runs westerly to Puget Sound.

The project in contemplation is to make this State wharf, together with its warehouses and railway terminals, a great distributing center. As is well known, there has been, and I suppose there now is, a considerable congestion in the port of New York, especially for dock room for large steamers, and it is hoped that the overflow of commerce from that city may be accommodated to such an extent as it is possible at this State wharf in New London.

I do not wish to bore the Senate nor detain it unduly in this matter, and I am speaking on it only at the suggestion of the Senator from Iowa.

The State river and harbor commission had negotiations with the War Department here. The new wharf has been constructed. The State has issued its million dollars' worth of bonds and is now paying interest on them. The wharf is entirely completed except the covering or top of it which is to be completed this autumn. Under cooperation with the engineers of the War Department this State commission dredged around the wharf to the depth of 35 feet, which is considered sufficient for large ocean-going vessels loaded with cargo.

The Government part of this proposition, as agreed to by the War Department, was that if the State of Connecticut proceeded and made this what might be called a joint railway and ocean project, the Government would dredge from the mouth of the harbor up to and connecting with the 35-foot deep dredging project that has already been completed by the State of Connecticut and paid for. As I said, our part of the cooperative plan is finished.

The engineers' report shows what it will cost for the Government to complete the project, which it agreed to so far as any department can agree to anything in the absence of a distinct congressional pledge. Our project was completed and the Government part of it was that they would dredge to 33 feet. The Government's depth is 2 feet less than ours from the mouth of the harbor up to this wharf.

It is estimated by the engineer of the War Department that to construct this channel either 600 or 1,000 feet wide—I have not the document before me at this minute—and I should say perhaps 2 miles long, would cost $330,000 and it would take two years to complete that dredging project. The Government engineers recommend that $170,000 be appropriated the first year, which item the bill carries, and the $160,000, if that is the difference, the following year.

If this is passed now, it will be seen that having our project completed and paying interest on the bonds which the State issued to pay for it we have to wait now two years if the Government starts the project at this time.

Mr. CURTIS. May I ask the Senator if the million dollars upon the project is already expended?

Mr. BRANDEGEE. To be perfectly accurate about it, as is shown by the telegram which appears in the RECORD in the proceedings of the House of Representatives, there has actually been spent $800,000 now out of the million dollars, leaving $200,000, which they are going to put on the floor of the dock and build some elevators or warehouses or something of that kind.

Mr. CURTIS. In other words, the State has carried out its part of the contract?

Mr. BRANDEGEE. Yes; and let me tell the Senator from Kansas this appropriation of $170,000 was included in the bill a year or two ago as it passed the House of Representatives, and it failed in the Senate, because we cut the rivers and harbors appropriations all to pieces and appropriated a lump sum of $20,000,000 to be expended only upon what are called existing projects.

Mr. KENYON. Was any of the amount in the act of 1914 or the act of 1915 apportioned to this appropriation?

Mr. BRANDEGEE. Not one penny on this contract, so far as it could be called a contract. I do not claim that it was legally binding or could have been enforced against the Government, because Congress in both branches had not simultaneously appropriated the same amount and the act had not been signed by the President, but this item was included in the river and harbor bill as it was passed by the House two years ago and it was included in the bill as reported by the Senate Committee on Commerce also. It is agreed on all sides that there is no objection to the project whatever on its merits. The only reason why it was not incorporated in the bill in the House and in the bill as it went to the Senate committee was that, as Senators are familiar, the committees had adopted what they called a rule by which they thought that the money appropriated should be confined to projects already heretofore authorized and on which work was being done.

I do not pretend to speak for the committee of the Senate, but I assume that in the attempt to work out the bill under that rule it was seen that injustice would result among the States. I think it would, at least so far as my State is concerned, because here was a bill carrying forty-odd million dollars and the entire water front of my State, the whole southern boundary of which abuts on Long Island Sound, which is, as Senators know, one of the chief waterways of the country, with its bays and harbors and rivers, was getting only $41,000 out of the $43,000,000. I think when the committee looked at that situation and some others they felt that a bill like this ought not to pass if it did discriminate against States and did not do substantial justice. So I was very glad to see that the committee had put it on.

As I said, this matter was up on the floor two years ago. I do not care to read the proceedings of the Senate on it, but at that time, when the proposition was to reduce the amount carried for this item by the House from $170,000 to something that they thought would begin the work and partially carry it through, I inquired of the Senators who had the bill in charge on the floor here, if I agreed that it should be reduced, if I could count upon the aid of the committee at future Congresses to put it in, and I was assured that there was no question about the merits of the project whatever, that it was one of the most commendable they had seen, because we did not ask the Government to do this whole thing; the State of Connecticut went to work and did the greater portion of it herself, and I was assured by Senators on the floor who had the bill in charge that the next bill which came up would contain this item.

I do not care to continue this subject unless there is some criticism upon the proposition. I am very glad to see the item included in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to insert:

Narrows of Lake Champlain: Improving the Narrows of Lake Champlain, N. Y. and Vt., in accordance with House Document No. 1387, Sixty-second Congress, third session, $360,000; and the Secretary of War is hereby authorized to enter into a contract for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $487,000, exclusive of the amount herein appropriated.

Mr. KENYON. Mr. President, I do not mean to oppose this project but I should like to know something about it. I think there was absolutely no consideration of it before the committee.

Mr. RANSDELL. Mr. President, I will be glad to explain the item on behalf of the committee. I have the report before me.

I will say that the State of New York, as is known to us all, is expending very large sums of money on its canal system. I understand it is expending in the neighborhood of $150,000,000 to construct a system of canals between Lake Erie and the Hudson River and between Lake Champlain and the upper Hudson. At the lower end of Lake Champlain there is a place where the lake is very narrow and the water is very shallow. Several years ago an elaborate survey was made of that lake. The engineers recommended that in view of the canal being constructed by the State with a depth of 12 feet and, I believe, a width of 200 feet, if I am correctly informed, there being a very considerable commerce between Lake Champlain and these State canals, it would be exceedingly difficult for that commerce to pass on the enlarged boats unless these narrows were both wider and deeper. So a report was made in December, 1913. It shows what the former project was and then states that the present project is to provide for a channel 12 feet deep and 200 feet wide, except at one point through rock where the width is reduced to 150 feet. The estimated cost of this plan, including the placing of new fender booms, is $737,000, and $5,000 annually for maintenance.

The project was in the usual course submitted to the local engineer, approved by him, and then submitted to the Board of Engineers for Rivers and Harbors. It was approved by them and then was approved by Gen. William H. Bixby, Chief of Engineers, who submitted a favorable report, as I have stated, February 10, 1913. The board of rivers and harbors mentions this, and as it is very brief I will quote from page 3 of the report, and that report, by the way, is House Document No. 1387, Sixty-second Congress, third session. I quote:

> The commerce of the Narrows for the calendar year 1911 is stated to have been 825,975 tons, of which 681,894 tons passed through the Champlain Canal. It seems but reasonable to anticipate a very material increase in commerce as soon as the enlargement of the canal has been completed, and vessels of adequate size, such as are expected to use the canal in the future, have been put in service.

I remember the bill that was before the Commerce Committee two years ago and one year ago, and it was stated to us at that time that in all probability the New York State Canal could be completed by the time that this project for the narrows of Lake Champlain could be completed, if adopted at that time.

It would certainly seem a calamity, Mr. President, if the Government does not improve its own waterway, Lake Champlain, so that it can connect in a reasonable and proper manner with the great canals constructed at such enormous expense by the State of New York for the benefit of the entire country.

Mr. KENYON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Iowa?

Mr. RANSDELL. I shall be very glad to yield.

Mr. KENYON. Does the Senator know why this item was not inserted in the bill in the other House?

Mr. RANSDELL. I have understood that the House did not adopt any new projects whatsoever except the one for the East River. I know that this project was included in the last two river and harbor bills which met with defeat on the floor of this body.

Mr. KENYON. Does the Senator feel that the public interest would be injured if the matter were put over for another Congress?

Mr. RANSDELL. I think if there is any project in the land which is worthy of consideration it is this. I believe that consideration should be shown to the State of New York, which has exhibited such magnificent spirit and has spent such enormous sums of money for developing waterways which are going to be of very material benefit to the entire Nation, as the Erie Canal has proved throughout all of its history, for it has been a national waterway since it was completed in 1826. It is now being enlarged to a depth of 12 feet at an enormous cost. The State of New York is not asking the Government for a dollar. The whole Nation is going to get the benefit of that waterway. When that is being done it seems to me the least the Government can do is to connect Lake Champlain, which is one of the Nation's waterways, with that canal. This will complete the project and put it in splendid order. It will cost a very small sum, something over $5,000 a year, to maintain it.

I think, too, that it would be a very unbusinesslike performance for us not to finish this waterway so as to have it ready when the canal systems themselves are completed. I have no doubt the junior Senator from New York can answer any other questions in reference to the matter.

Mr. WADSWORTH. Mr. President, the Senator from Louisiana has described the situation with entire accuracy. I might say, in further explanation, however, that the system of barge canals now being built by the State of New York, and which are fast approaching completion, touches what might be called Federal waters, or waters under Federal jurisdiction at three points, one at the Niagara River at the western terminus of the main canal, which follows, roughly speaking, the old route of the Erie Canal across the State; one at the Hudson River, where the eastern terminus of the main canal joins the Hudson River. Of course, it is understood that the Hudson River will be used as a continuation of the canal system, south 150 miles, to the harbor of New York. The third point at which the canal now being built will touch Federal waters is at this point at Lake Champlain. At each one of the three points it is absolutely essential that the Government make certain improvements in waters under its own jurisdiction, otherwise the entire canal will be useless.

About a mile and a half of dredging must be done at the Niagara River to connect with the western terminus of the Barge Canal; a little piece of dredging must be done at Lake Champlain to form the connecting link between that branch of the canal and the St. Lawrence River, which it will eventually reach by using Lake Champlain and the rivers to the north of it; the point on the Hudson River—which must be deepened to a depth of 12 feet, approximately, the distance between the city of Hudson to and beyond the city of Albany, or approaching the city to Troy—those three projects must eventually be completed by the Federal Government in order that the New York Barge Canal can be of any service whatsoever for through traffic. The Champlain branch of the Barge Canal is approaching completion a little faster than the other branches.

As I understand it, this item is now being urged by the engineers to be taken up immediately, so that this branch of the canal will be placed in full operation when the canal is finished. Without this item there will be at least two years' delay in the operation of boats on the canal; eventually the work must be done.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Louisiana [Mr. RANSDELL] if the expenditure of this money will in any way benefit the traffic on the Erie Canal?

Mr. RANSDELL. I understand that it will, because it connects Lake Champlain with the Erie Canal, and, as the junior Senator from New York [Mr. WADSWORTH] has just stated, the upper end of Lake Champlain connects with the St. Lawrence River. If they do not do this work, then it will be impossible for the large-sized canal boats which intend to use the improved Erie Canal to ply between that link of the canal which goes from the city of Troy up to the lower end of Lake Champlain. Only small boats will be able to use it. I believe the depth is now about 9 feet; and the plan is to have a 12-foot canal.

Mr. SMOOT. I certainly hope that it will increase the traffic, because I notice that transportation on the Erie Canal is dropping in such proportions that if the decrease continues there will not be very much of it left. I notice that there were shipped on the Erie Canal in 1880, 4,108,581 tons of freight; in 1906 it had decreased to 2,383,481 tons; in 1912 it had decreased to 1,790,069 tons; or, in other words, in 1880 that canal carried 18 per cent of the total rail and water freight; in 1906 it carried but 3 per cent of the total freight; and in 1912 it carried but 2 per cent of the total freight. If the adoption of this amendment is going to increase the water transportation upon that canal, I have no objection to the appropriation whatever; but if it is simply the mere spending of more money in connection with the amount that has already been expended upon that canal, with the freight decreasing at a rate that if it continues many more years there will be very little freight upon it, I think it would be a waste of money.

Mr. RANSDELL. Mr. President, very briefly, I would say to the Senator from Utah that the old Erie Canal has been in existence a great many years. It was completed in 1825 or 1826. It was a canal upon which the boats were propelled by horses and mules. I went to school on the banks of that canal in the city of Schenectady, and graduated in the class of 1882. At that time it was said there were 3,000 boats on that canal; and, as I have stated, they were all propelled by horses or mules. I am not aware that there has been any improvement in the physical character of the canal since that time until the present great project was adopted several years ago. It was submitted to the people of the State; a bond issue was voted; the canal was to cost considerably over a hundred million dollars; the minimum depth was to be 12 feet; it was to be much wider than previously; and it was to be susceptible of use by boats propelled by steam, gasoline, or other motive power. Barges were to be built for it to carry at least 3,000 tons. I do not think that the old barges used there when I

was a young man—and they are the same as those that have been used up to the present—could have carried over 150 to 200 tons.

The Senator from Iowa will bear in mind that in the meantime the railroads have been improving in every imaginable way, by every conceivable device. Larger rails, larger cars, larger engines, every device has been adopted to improve transportation by rail; and I am delighted that that is so. The facilities on this canal, however, have not improved at all. Finally the people of the State of New York—and they are wise people—saw that, unless they did something, they would have to abandon their canal altogether. They determined to make a modern waterway out of it; and that is what has been done. That modern waterway will be completed, I am told, within two years. That modern waterway, or at least one branch of it, runs up to the lower end of Lake Champlain. The proposed improvement here, which is to cost $737,000, is to connect Lake Champlain in a place called The Narrows, with this magnificent modern canal of the State of New York. I am sure when it is completed, the canal will be used.

Mr. SMOOT. I hope so.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

Mr. KENYON. Mr. President, we would like to have the opportunity to cast our votes on the adoption of the amendment. For my part, I want to vote against it.

The PRESIDING OFFICER. Does the Senator from Iowa refer to the amendment which has just been adopted? Does the Senator want a vote on that?

Mr. KENYON. The Chair simply said, "Without objection, the amendment is agreed to."

The PRESIDING OFFICER. That has been the practice. The Senator from Iowa could have objected had he so desired. However, the Chair will put the question. Those in favor of the amendment will say "aye." [A pause.] Those opposed will say "no." The "ayes" have it, and the amendment is agreed to. The Chair supposed that if the Senator had any objection he would have stated it before the announcement was first made.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, at the top of page 5 to insert:

> Improving Black Rock Harbor, N. Y.: The unexpended balances of appropriations heretofore made and authorized for the improvement of Black Rock Harbor and Channel, N. Y., and Tonawanda Harbor and Niagara River, N. Y., are hereby consolidated and made available for completing improvement of Black Rock Harbor and Channel and Tonawanda Harbor in accordance with the report submitted in House Document No. 658, Sixty-third Congress, second session, and subject to the conditions set forth in said document.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLARKE of Arkansas. I ask that the next amendment, on page 6, to strike out the item known as the East River item, may be postponed until to-morrow morning. That amendment is likely to consume more time than we shall be able to devote to it this afternoon.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 9, line 7, after the word "level," to strike out ", and" and insert ": *Provided*, That"; in line 8, after the word "have," to strike out "acquired"; and in line 11, after the word "commerce," to insert:

> *Provided*, That the said Alba B. Johnson and Samuel M. Vauclain and the Baldwin Locomotive Works shall construct and maintain at their expense a bridge, satisfactory to the Secretary of Commerce, over the new course of Crum Creek, available for the passage of persons and vehicles for purposes of the United States, said bridge to take the direction of the present right of way of the United States at the place where the same is to be cut by the proposed new course of Crum Creek, and to be maintained so long as title to the property now owned by the United States at the mouth of Crum Creek remains in said United States.

So as to make the clause read:

> That Alba B. Johnson and Samuel M. Vauclain and the Baldwin Locomotive Works, abutting property owners upon Crum River where the same empties into the Delaware River, be, and they are hereby, authorized to change and divert the present course and channel of Crum River and to straighten same, under the direction and supervision of the Secretary of War, from the right of way of the Philadelphia & Reading Railway Co. to the low-water line in the Delaware River, and that the said river shall be of the width of not less than 100 feet at mean low water; and that hereafter the said Crum River, as so straightened, shall be a public navigable stream, and the present course and channel of the said river from the right of way of the Philadelphia & Reading Railway Co. to the low-water line in the Delaware River shall be abandoned and vacated when the above-mentioned new channel shall have been completed to a depth of 4 feet at mean low water, with a bottom width of 62 feet and width of 100 feet at mean low-water level: *Provided*, That the Government shall have acquired such right, title, and interest in and to the bed of said new channel as will assure the public the right to the perpetual use of said channel for all the purposes of navigation and commerce: *Provided*, That the said Alba B. Johnson and Samuel M. Vauclain and the Baldwin Locomotive Works shall construct and maintain at their expense a bridge, satisfactory to the Secretary of Commerce, over the new course of Crum Creek, available for the passage of persons and vehicles for purposes of the United States, said bridge to take the direction of the present right of way of the United States at the place where the same is to be cut by the proposed new course of Crum Creek, and to be maintained so long as title to the property now owned by the United States at the mouth of Crum Creek remains in said United States.

The amendment was agreed to.

The next amendment was, on page 11, after line 3, to insert:

> Maintenance and repair of the Government iron pier, harbor of Lewes, Del., hereafter, under regulations prescribed by the Secretary of War, to be opened to public use, $10,000.

Mr. SMOOT. Mr. President, I ask that that amendment go over. I did not expect it to come up this afternoon.

Mr. CLARKE of Arkansas. For how long does the Senator desire it to go over?

Mr. SMOOT. Until to-morrow.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Delaware?

Mr. SMOOT. Certainly.

Mr. SAULSBURY. I desire to ask the Senator if it will be agreeable to him to have the item taken up the first thing in the morning? I may have to be away later in the day.

Mr. SMOOT. I will not ask that it be taken up, if the Senator is absent.

Mr. CLARKE of Arkansas. Mr. President, we must not have an indefinite continuation of these postponements.

Mr. SMOOT. I am perfectly willing to take it up in the morning.

Mr. CLARKE of Arkansas. Very well; but I should not want to mislead the Senator from Delaware. The first item which we are to take up to-morrow morning is the East River item, which involves a policy that will probably provoke some discussion, and upon its settlement may depend many items in this bill.

Mr. SAULSBURY. May I ask the Senator from Utah if he will state why he asks that the amendment go over? I ask that for my personal convenience, because I can not be here all day to-morrow.

Mr. SMOOT. I will state to the Senator that the reason I make the request is that I have not the papers at hand which I desire to consult in connection with this item, as I did not expect that it would come up to-day. I thought that the East River item would take the remainder of the afternoon, and therefore I did not expect this item to be reached to-day. That is the only reason, I will say to the Senator, why I make the request.

Mr. SAULSBURY. May I ask the Senator, so far as he can, to make such objection as he desires now, so as to give me the opportunity to try to answer whatever he may say this afternoon, as it may be impossible for me to be here late to-morrow afternoon?

Mr. SMOOT. I would prefer to say what I have to say in this connection at one time rather than to say it piecemeal.

Mr. CLARKE of Arkansas. Mr. President, I think I can say that it will not be very late in the afternoon to-morrow before the item is reached in regular order, for I feel sure that the East River item will not require more than an hour.

Mr. SAULSBURY. If that is the case, very well.

The PRESIDING OFFICER. Without objection, the amendment is passed over.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 13, after line 11, to insert:

> Key West Harbor, Fla.: For improvement by removal of Middle Ground, $50,000.

Mr. CLARKE of Arkansas. Mr. President, that item was inserted at the instance of the junior Senator from Florida [Mr. BRYAN]. The information upon which it would be based, according to the demands that usually are made in such cases, is not at hand. It was put in the bill with the determination to make further investigation of it after the matter had gone to conference. It is founded upon the proposition that there is in Key West Harbor a deposit known as the Middle Ground, which has recently become an obstruction to navigation. The report which has reached us is that a brig foundered there some days since, and that the channel is shoal. Whether or not it can be removed without an additional appropriation is a matter that the engineers will report on later. I ask that the item be included in the bill, and we will look into it when the matter comes to be considered in conference.

Mr. KENYON. I should like to ask the chairman of the committee if there is any report of the engineer on this subject?

Mr. CLARKE of Arkansas. Not specifically. We are having an investigation made now; and, as to whether the item shall go into this bill at all permanently will depend upon what is hereafter shown to be the condition of the channel.

Mr. KENYON. When is that to be determined?

Mr. CLARKE of Arkansas. That will be determined before the matter is finally disposed of. I take it for granted that we will be compelled to justify these items when we go into conference. The preliminary showing that has been made justifies the action that has been taken, treating the matter as one of emergency. Key West is one of the well-known harbors of the country, and it is quite important that it shall be kept in a navigable condition.

Mr. KENYON. There is no doubt of that; but I understand there was nothing before the committee concerning the item except a telegram from the junior Senator from Florida [Mr. BRYAN].

Mr. CLARKE of Arkansas. That is true. There was a telegram from the Senator from Florida calling attention to the facts and asking that steps be taken to determine the necessity for the item.

The PRESIDING OFFICER. What is the suggestion of the Senator from Arkansas?

Mr. CLARKE of Arkansas. That the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 19, line 5, after the words "Dog River," to strike out "$35,000" and insert "$80,000," so as to make the clause read:

Pascagoula Harbor, Miss.: For maintenance of channels through Horn Island Pass, Mississippi Sound, Pascagoula River, and Dog River, $80,000.

Mr. KENYON. Mr. President, I should like to have some explanation of the increase of that appropriation.

Mr. CLARKE of Arkansas. The Senator from Mississippi [Mr. VARDAMAN] will look after that.

Mr. VARDAMAN. Mr. President, heretofore there was a project adopted in 1913 carrying an appropriation of $383,000, I think, for deepening this harbor. It was conditioned upon the payment by the citizens of Pascagoula and Moss Point of $100,000 in five years. The citizens of Pascagoula and Moss Point were unable to raise that amount of money, and so they came to Congress and asked that the sum of $283,000 might be used, so far as it would go, to deepening the channel. The original plan contemplated the deepening of the channel from 17 to 22 feet. The engineers recommended the modification of the original plans and suggested that $283,000 be appropriated to be used for deepening the channel so far as it would go. That, however, was upon the further condition that the city of Pascagoula should give certain property to the Government in the form of a wharf. In investigating the title to this property it was discovered that there was a defect in the chain which caused delay. That, I understand, has been perfected now. For the last two years no money has been spent by the Government for deepening the channel.

In addition to the $283,000 which was to go for deepening the channel there was to be a maintenance fund of something like $50,000 per annum. They have not done anything to the channel, and while the engineers in their report state that they do not need quite as much money as is carried in this amendment, still they say if this money is appropriated they may be able to do some work on the channel, and if this money is not used it will remain in the Treasury.

The people of Pascagoula and Moss Point are very desirous that this appropriation be made; I want it made; the committee has adopted it; and I hope the Senate will agree to it. It is needed; we are entitled to more than the amount appropriated, but this will give us enough to continue the work until the next appropriation bill, when we hope to get the original appropriation with which to deepen the channel ultimately to a 22-foot depth.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 20, after line 2, to strike out:

Southwest Pass, Mississippi River: Continuing improvements and for maintenance, $600,000.

And insert:

Passes at the mouth of the Mississippi River: Continuing improvement and for maintenance, $1,000,000.

Mr. KENYON. Mr. President, the Senator from Louisiana, I think, explained that amendment before the committee.

Mr. CLARKE of Arkansas. The Senator from Louisiana had a communication from the Chief of Engineers which justified that change, and I take it for granted that, if the item is contested, the Senator will present that communication.

Mr. RANSDELL. Mr. President, if there is any necessity for so doing, I will read from the report of the engineers in explanation of this item.

Mr. KENYON. I wish the Senator would do so.

Mr. RANSDELL. A special report was made by the Chief of Engineers to the chairman of the Committee on Commerce, and I quote this extract from it:

Owing to the long high river of 1915 and the unprecedented stage in the lower Mississippi below New Orleans this year, shoals have occurred in both passes, especially at the mouths. Some regulating works are needed at the Head of Passes to force more water into Southwest Pass and to restrain the waters going into South Pass. A conservative estimate of the work required at the Head of Passes alone is $400,000. A board has been appointed by Special Orders No. 4, Office of the Chief of Engineers, March 1, 1916, to report upon Southwest Pass; and any modifications which this board will recommend will probably include some work at Head of Passes, and any such work can not be commenced promptly unless sufficient funds are on hand.

Mr. SMOOT. May I ask the Senator from what page he is reading?

Mr. RANSDELL. I am reading from the report of the committee, on page 226, where this special report has been incorporated.

Southwest Pass: In addition, the question of jetty extension at Southwest Pass, as well as the contraction of the jetty channel, will be matters to be brought before the board. The present depth over the bar at Southwest Pass is 27 feet, and during the last month the depth over the bar at South Pass shoaled suddenly from 34 to 26 feet. Two dredges are now at South Pass and one at Southwest Pass. The battleship *Kentucky*, drawing about 26 feet 4 inches, lay off South Pass from March 1 to 4, unable to enter either pass. She finally succeeded in entering Southwest Pass. The enormous sediment of over 3,000,000 cubic yards daily going down the Mississippi at the present time is causing heavy shoals, and several ships have grounded recently. In addition to the three dredges at present in use, an additional dredge may be required. It is, therefore, impossible to state definitely what funds are needed or what the character of the work recommended will be, as the channel conditions at best are subject to sudden and severe changes. It is, however, urgently recommended that not less than the original amount of $850,000 be appropriated.

That is for the Southwest Pass. Now, as to the South Pass of the Mississippi River:

South Pass, Mississippi River: The usual $100,000 from the appropriation, "Maintenance of South Pass Channel, Mississippi River," will be available for maintenance and repair of spur dikes, shore plant, etc. This maintenance will be especially heavy the coming year. In addition, at least $100,000 will be needed to assist in regulating work at Head of Passes and $50,000 for dredging. The present flood has caused a portion of the banks at South Pass to cut away and has undermined a portion of the West Dike (headland between South and Southwest Passes) and a portion of the Upper Dam (headland between South Pass and Pass a Loutre), so that some very extensive improvement by revetment and mattress sills will be needed. It is believed at least $150,000 should be added to the pending bill for South Pass improvement, for work at Head of Passes, and for dredging at Head of Passes, especially at mouth of South Pass. The reasons for the urgency of this work are similar to those for Southwest Pass.

If the item be included as thus worded (Senate amendment), it would permit of the use of the money for either the Southwest or the South Pass in such proportion as might be required, and if so worded it will be understood by this department that the intent of the item is to simply provide that the money may be so used, but that it shall be used in accordance with the projects heretofore or hereafter specifically adopted by Congress.

If there are any further questions, I will attempt to answer them.

Mr. KENYON. I should like to ask the Senator if the amount of $1,000,000 is recommended?

Mr. RANSDELL. Yes; it has been specifically recommended, and the change in the wording of the item has also been recommended.

Mr. SMOOT. That has been recommended in a special report.

Mr. RANSDELL. In a special report by the board that was sent down there. There is a large commerce, as the Senator knows, at the mouth of that river—something over 6,000,000 tons.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 22, line 22, after the word "maintenance," to strike out "$25,000" and insert "$50,000," so as to make the clause read:

Channel to Port Bolivar, Tex.: For maintenance, $50,000.

Mr. SMOOT. I desire to ask whether that has been estimated for?

Mr. CLARKE of Arkansas. The Senator from Texas [Mr. SHEPPARD] will look after that.

Mr. SHEPPARD. Mr. President, it was shown to the committee by a letter from the examining engineer that shoaling had occurred since the bill passed the House, necessitating the increase in the item for maintenance.

Mr. SMOOT. Has the Senator the report with him?

Mr. SHEPPARD. The letter is with the Committee on Commerce. I laid it before that committee, but I will put it in the RECORD, I will say to the Senator. I do not, however, have it on my desk.

Mr. SMOOT. I will ask the chairman of the committee if the letter is printed in the report?

Mr. CLARKE of Arkansas. I think not.

Mr. President, we have now reached a time when we will probably not be able to consider any item that is contested, and I will say to the Senator that we will pass that amendment over until to-morrow, when the letter will be brought to the attention of the Senate.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. CLARKE of Arkansas. I now move that the Senate proceed to the consideration of executive business.

WOMAN SUFFRAGE.

Mr. CURTIS. Mr. President, I will ask the Senator to withhold the motion for a moment.

Mr. CLARKE of Arkansas. I withhold the motion for a moment.

Mr. CURTIS. I should like to state that at the conclusion of the executive session, or a few minutes before 5 o'clock, I shall ask the Senate to take a recess until 11 o'clock to-morrow morning in order that the Senate may have an opportunity to take advantage of the invitation which I send to the Secretary's desk and ask to have read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

The Members of the Senate are cordially asked to be present in the Rotunda of the Capitol to-day at 5 o'clock to meet the envoys from the suffrage States elected at the woman voters' conference in Salt Lake City on May 12, who will present resolutions from the woman voters to Congress.

ELIZABETH T. KENT (California).

EXECUTIVE SESSION.

Mr. CLARKE of Arkansas. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 17, 1916, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 16, 1916.

POSTMASTERS.

MINNESOTA.

Thomas L. Fay, St. Charles.
Altie Hill, Dawson.
W. E. Lawson, Benson.
A. M. Loberg, Cokato.

NEW YORK.

Charles P. Monro, De Ruyter.
John C. McGreevy, Hornell.

PENNSYLVANIA.

F. G. Ackley, Wyalusing.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 16, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Out of the deeps of the soul we cry unto Thee, O God, heavenly Father, because of Thy boundless resources and our limitations. Thou knowest us altogether, and Thy tender mercies are ever with us. Guide us by Thy fatherly care that we may measure up in our limitations to the perfected manhood for which we all long, revealed in the incomparable life and character of Thy Son.

Alone, O Love ineffable!
Thy saving name is given;
To turn aside from Thee is hell,
To walk with Thee is heaven.

Thus may our longings, hopes, and aspirations be fulfilled. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech by the Hon. WILLIAM ELZA WILLIAMS at the Democratic State convention in Illinois on April 21.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend remarks in the RECORD by printing a speech of his colleague, WILLIAM ELZA WILLIAMS, at the Democratic State convention a few days ago. Is there objection?

There was no objection.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by the discussion of the subject of industrial relations in Colorado.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD on the subject of industrial relations in Colorado. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if it is a speech that he wants to insert or an article.

Mr. KEATING. It is based partly on the report of the Commission on Industrial Relations, pointing out the efforts to adjust the matter.

Mr. MANN. Is it a speech?

Mr. KEATING. No; not altogether. It incorporates a speech by the chairman of the commission, with introductory remarks by myself and a short editorial with reference thereto.

The SPEAKER. Is there objection?

There was no objection.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating an editorial in the New Orleans Times-Picayune of May 13, 1916, entitled "Congress and Flood Control."

The SPEAKER. The gentleman from Louisiana [Mr. DUPRÉ] asks unanimous consent to insert in the RECORD as a part of his remarks an article from the New Orleans Times-Picayune on flood control. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if we printed all the editorials written on the subject would the CONGRESSIONAL RECORD ever be finished?

Mr. DUPRÉ. I think not; but this has a bearing directly on the subject that comes up to-morrow and is very closely related to it.

The SPEAKER. Is there objection?

There was no objection.

Mr. DUPRÉ. A parliamentary inquiry, Mr. Speaker. Is it in order to submit a further request for unanimous consent to ask all Members of the House to read this editorial before the matter comes up to-morrow?

Mr. MANN. No; I should object to that. [Laughter.]

Mr. ADAMSON. It would not be mandatory.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed a short article from the Manufacturers' Record containing the location of the Government armor-plate plant at Paducah, Ky.

The SPEAKER. What does the gentleman say the subject is?

Mr. BARKLEY. The location of an armor-plate factory at Paducah, Ky., and the article is from the Manufacturers' Record.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to print an article on the subject of an armor-plate plant at Paducah, Ky. Is there objection?

Mr. MANN. Reserving the right to object, does this advocate the location of the plant at any particular place?

Mr. BARKLEY. Not at any particular place, but at a particular location on the Ohio River. [Laughter.]

Mr. MANN. I think there have been about 50 bills introduced for the location of armor-plate plants.

Mr. BARKLEY. This is an article by a nonpartisan and unselfish man in the Manufacturers' Record.

Mr. MANN. Oh, they are all unselfish, but I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5790. An act to confer additional authority upon the President of the United States in the construction and operation of the Alaskan railroad, and for other purposes; and

S. 5910. An act authorizing the sale of the lighthouse reservation at Scituate, Mass.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 8068. An act for the relief of E. C. Hornor.

The message also announced that in accordance with the provisions of the concurrent resolution of the two Houses (H. Con. Res. 40) the Vice President has canceled his signature to the enrolled bill (H. R. 759) entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge across the Potomac River, and for the building of a bridge in place thereof.

LEAVE OF ABSENCE.

Mr. CAREW, by unanimous consent, was granted leave of absence for one week, on account of the illness of his wife.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5839. An act to repeal paragraph 4 of section 21 of the public-buildings act, approved March 4, 1913, providing for the construction of a national archives building; to the Committee on Public Buildings and Grounds.

S. 5910. An act authorizing the sale of the lighthouse reservation at Scituate, Mass.; to the Committee on Interstate and Foreign Commerce.

S. 5790. An act to confer additional authority upon the President of the United States in the construction and operation of the Alaskan railroad, and for other purposes; to the Committee on Territories.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 562. An act to amend the act approved June 25, 1910, authorizing the Postal Savings System, and for other purposes.

ROBERT OWEN.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement on the anniversary of the birthday of Robert Owen, the founder of the colony of Socialists at New Harmony, Ind.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by printing an article on Robert Owen, the founder of the colony at New Harmony, Ind. Is there objection?

There was no objection.

UNITED STATES SHIPPING BOARD.

Mr. HENRY. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The Clerk read as follows:

House resolution 236 (H. Rept. 696).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 15455; that the first reading of the bill shall be dispensed with; that there shall be not exceeding five hours of general debate, the time to be controlled one-half by the gentleman from Missouri [Mr. ALEXANDER] and one-half by the gentleman from Massachusetts [Mr. GREENE]; that all debate shall be confined to the subject matter of the bill; that while the bill is under consideration the House shall meet at 11 o'clock a. m.; and that the bill shall be the order for all legislative days except calendar Wednesdays. At the expiration of general debate the bill shall be considered under the five-minute rule and the Committee of the Whole House on the state of the Union shall perfect and report the bill to the House: *Provided*, That if at 4 o'clock p. m. on Friday, May 19, the reading of the bill under the five-minute rule shall not have been completed, the Clerk shall then complete the reading of the bill without further interruption; that immediately upon the conclusion of such reading all pending amendments shall, without further debate, be voted on in order. Any Member may offer amendments to that portion of the bill which shall have been read after 4 o'clock p. m., as above provided, and send same to the Clerk's desk at any time before said reading is completed and the same shall be considered pending.

After all pending amendments shall have been disposed of the committee shall rise and report to the House said bill and all amendments that shall have been recommended by the committee, whereupon the previous question shall be considered as ordered upon the bill and amendments to its engrossment, third reading, and final passage, without intervening motions, except one motion to recommit.

Mr. HENRY. Mr. Speaker, I will ask the gentleman if he wishes to debate the rule?

Mr. CAMPBELL. Yes. I have a number of requests for time on the rule.

Mr. HENRY. How much time does the gentleman think will be required on his side?

Mr. CAMPBELL. About 30 minutes.

Mr. HENRY. Then, Mr. Speaker, I give notice that I shall move the previous question at the end of an hour and I yield the gentleman from Kansas 30 minutes of my time.

The SPEAKER. The gentleman from Texas yields the gentleman from Kansas 30 minutes.

Mr. HENRY. Mr. Speaker, I have only a few words to say about the rule at this time. The rule seems to be plain and specific. It gives an abundance of time for the consideration of this meritorious measure and affords ample opportunity for amendment. I think it allows the utmost freedom of discussion.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question in reference to the rule?

Mr. HENRY. Yes.

Mr. MANN. The rule provides that after 4 o'clock on Friday the balance of the bill which has not been read up to that time shall be read without further interruption?

Mr. HENRY. Yes.

Mr. MANN. Then it provides that amendments to that portion of the bill may be offered by sending the same to the Clerk's desk at any time before said reading is completed. How could you send amendments up there without interruption? Does that mean to say that they are just to be handed to some employee of the House?

Mr. HENRY. I suppose that that means that the amendments shall be in the hands of the Clerk, that they shall be lodged in the hands of the Clerk and shall be considered as pending.

Mr. MANN. But the Clerk is reading the bill.

Mr. HENRY. They may be sent to the Clerk's desk.

Mr. MANN. I am not asking for the sake of confusion, but so that we will understand it.

Mr. HENRY. I understand. They shall be sent to the Clerk's desk.

Mr. MANN. While one reading clerk is reading the bill we shall shove the amendments into the hands of the other reading clerk?

Mr. HENRY. The idea is to allow a vote on every amendment which is offered.

Mr. MANN. I am trying to get at what the procedure shall be. The rule provides that there shall be no interruption of the reading after that time.

Mr. HENRY. I do not think it makes any difference which Clerk holds the amendments. They will be there and will be voted on without debate.

Mr. LENROOT. Under the gentleman's construction, when would those amendments be reported from the Clerk's desk?

Mr. HENRY. Immediately after he finishes the reading of the bill, then all amendments should be reported. I do not think there will be any difficulty about that.

Mr. MANN. There will be difficulty unless we understand in advance.

Mr. HENRY. I think that will be the proper construction.

Mr. MANN. While one reading clerk is reading the bill we shall send the amendments to the other reading clerk?

Mr. HENRY. And they will all be reported as soon as the bill is read by the Clerk.

Mr. STAFFORD. I assume they will be reported in the order in which they apply to the bill rather than in the order in which they are presented?

Mr. HENRY. Yes.

Mr. STAFFORD. So that there will be some intelligent consideration even under this confused policy?

Mr. HENRY. The idea is to have a vote on every amendment. Mr. Speaker, I do not care to discuss the merits of the ship-purchase bill, except to say that I am heartily in favor of it and hope to see its passage through this House and through the Senate. I believe it to be a most important measure, that will bring untold relief to the people of all classes throughout this country; and, being a meritorious measure, I think it should be considered by this House, and believe the rule gives ample opportunity for discussion and consideration. It will give the farmer ships and facilities to get his cotton, grain, live stock, and farm products to the markets of the world and vastly reduce ocean freight rates. It will do much to regulate the conduct of the Shipping Trust and high-seas transportation monopoly. It will aid the cotton farmer, the grain grower, and unburden the commerce of the ocean.

This act will redound to the benefit of the entire country, will further commend the Democratic Party to the country, and stand

as another lasting monument to their constructive wisdom. It has my sanction and cordial support.

Mr. CAMPBELL. Mr. Speaker, this rule provides for rushing a shipping bill through the House. The House will not be permitted to give that calm and deliberate consideration to this great measure that its importance entitles it to. The bill must pass the House on Friday, if this rule is agreed to. To give the House some idea of the uncertain sea upon which we are launching this bark, I call the attention of the House to the fact that the Committee on Merchant Marine and Fisheries has not been very certain itself as to what it wants in connection with this great subject. The Committee on Merchant Marine and Fisheries of the House has changed its mind five times since this matter has been under consideration as to the nature of the bill that should be presented and passed. How important, therefore, it is that the House should give sufficient consideration to the last conclusion reached by that committee.

The first bill is a short bill of 5 pages. The next bill is a longer bill of 6 pages, differing very much from the first one. The next bill embraces 20 pages. It will be seen that the subject is growing upon the committee. The next bill is a bill of 28 pages, and the last bill under consideration cuts off one page and gives us 27 pages. This is the bill before the House. The changes in the mind of the Committee on Merchant Marine and Fisheries upon this subject have led that committee to offer five different bills since it has taken up the consideration of this subject, and yet it proposes to rush through the House by Friday night, without proper consideration, the last conclusion at which it has arrived. I suggest to those in charge of this legislation and to the responsible majority in the House that on a subject of so great importance they should give the Committee on Merchant Marine and Fisheries another chance to change its mind and to correct erroneous conclusions at which it has already arrived.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. HUMPHREY of Washington. Does the gentleman think that by limiting this debate and taking a vote on Friday evening there will be any too much time left in which to get the bill through the Senate before the Democratic convention meets?

Mr. CAMPBELL. I was just going to suggest that even the importance of getting a political measure of this character through the House before the meeting of the Democratic convention on the 14th of June next should not outweigh the importance of the nature of the law that shall be saddled on the American people, that shall burden the people of the country with so great an expense, with the prospect of little, if any, good. I have wondered sometimes if the shades of Thomas Jefferson and Andrew Jackson ever look down upon this majority. If so, those old patron saints of Democracy must wonder where the child of their youth is wandering. I walked through the Hall beneath the dome the other day with a copy of this bill in my hand, and I thought I could see the statue of Alexander Hamilton wink and point over toward that of Thomas Jefferson and say, "After all, it does seem that though Thomas was popular with the people during his lifetime, my policies have weathered the storms of the years and have won the followers of Jefferson over to the policies of Hamilton." [Applause on the Republican side.]

That is what has happened. I am inclined to think that you have gone just a little too far after your abandonment of Jefferson's principles. You have gone further than Alexander Hamilton ever intended anybody in this country to go. While he believed in a central government with virile powers, he never believed that we should have a central paternal government in the United States that should do all the business of all the people, depriving local communities and the States of every semblance of the right of self-government. This rule does not give opportunity for the consideration of this important measure. This is so important a step, so important a matter of legislation that it should have the deliberation of Congress with an opportunity to work out the question and see whether or not we are ready to embark upon the new proposition provided for in this bill.

Mr. Speaker, I reserve the remainder of my time.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER of Pennsylvania. Mr. Speaker, I am not only in favor of the passage of this resolution, but I expect to vote for the adoption of the bill when it finally comes to a vote. [Applause.] This is not a political question. This is a great business proposition which every man who has any products to ship to foreign countries, every manufacturer who wishes to ship his products to foreign countries is interested in. We have practically no merchant marine, and when the people of the United States heretofore wanted to ship their products to South American they had to ship by way of London or Liverpool in English bottoms, because we had no American bottoms in which to ship them. I therefore will vote for this bill when it comes to final passage. Personally, I would prefer a subsidy; but that is impossible. This House will not vote for a subsidy. Past Republican Congresses have tried it time and again, but never could get enough Republican votes to pass a subsidy, and the result is that we have no merchant marine and all our products shipped by sea are carried by German, English, and French bottoms. I want to see the American flag float over our shipping as it did 50, 60, 70 years ago. It will never come by private enterprise, because there is not enough profit in it to encourage private enterprise. Another proposition. The gentleman from Kansas [Mr. CAMPBELL] complains that this is not giving the House time enough to consider this proposition. Time enough! What for? The country understands it; this House understands this bill. Why, sirs, it was discussed in this House in the Sixty-third Congress for hours and days, and finally passed, and the Senate discussed it for months and finally strangled it—talked the bill to death. The country understands the proposition; it wants Congress to limit debate, pass the necessary legislation, and adjourn. This rule will hasten the day of adjournment. This rule gives five hours for general debate. It gives at least nine hours for consideration under the five-minute rule. It makes provision so that 108 men on both sides of the House can talk on this bill. Is that not time enough to talk? [Laughter and applause.] Is any Member so stupid that he can not understand and comprehend the provisions of the bill in that time? How long do those opposing this rule want to talk; throughout eternity? I commend the Rules Committee, I commend the majority, and also the majority leader for bringing in this rule and compelling this House to do something besides talk. [Applause.]

Mr. HENRY. Mr. Speaker, I will ask the gentleman to use some of his time.

Mr. CAMPBELL. Mr. Speaker, I will yield eight minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I have been a great deal interested in the remarks made by the gentleman from Pennsylvania [Mr. MILLER], a Member of this side of the House; and when he asked what need there is for discussion of this bill more than is provided by this rule, he has himself by his speech demonstrated the need for that discussion, for he clearly is ignorant of what the bill contains. [Applause on the Republican side.]

The gentleman says that this subject was discussed in the last Congress for hours and for days. If the gentleman had read the bill, which I greatly doubt, he would know that 15 pages out of the 27 are upon a subject that has never been discussed in either House of Congress, a subject that is entirely new, a subject that is so broad and comprehensive that it ought to have the fullest discussion. Does the gentleman realize that the last 15 pages of this bill puts into the hands of seven men the power to drive the American flag from every ship that is upon the seas to-day?

Mr. MILLER of Pennsylvania. No; the gentleman does not realize that.

Mr. LENROOT. Well, if the gentleman would not vote for a rule that will prevent discussion of that phase of the bill when we come to it, he perhaps would get some knowledge upon the subject.

Mr. MILLER of Pennsylvania. May I ask the gentleman a question?

Mr. LENROOT. No; I can not yield now. Now, Mr. Speaker, I am not saying that under the circumstances power of that kind ought not to be reposed in this board. I am saying that it is so important that it ought to have discussion upon this floor.

Mr. MILLER of Pennsylvania. May I ask the gentleman a question?

Mr. LENROOT. Yes; I will yield for a question.

Mr. MILLER of Pennsylvania. If any Member of this House can not get information in 15 hours when would he get it? [Laughter and applause.]

Mr. LENROOT. Again the gentleman displays his ignorance. The gentleman has been a Member of this House long enough to know that under the rule that is here presented discussion may and probably will be taken up with the first 12 pages of the bill, and at 4 o'clock next Friday, when we come to the regulatory provisions, there will not be opportunity for a single word of discussion.

Does the gentleman know that? And I want to say to that side of the House that there are defects in this bill, and if

there was opportunity for discussion when we reach it, I am satisfied that the chairman of the committee himself would accept amendments that will be proposed to the bill.

Now, Mr. Speaker, what execuse is there for a "gag rule" of this kind? There is only one reason, and that is that you upon the other side of the aisle are afraid of free and open discussion. You say you are pressed for time. Mr. Speaker, the Porto Rican bill is pending before this House and general debate has been exhausted upon it. It is the Democratic program to have it follow this bill. There is a bill to which there is no opposition upon either side of the House. It has a unanimous report from the committee. If you are pressed for time, why do you not shut off discussion on such a bill instead of one upon which there is a serious division of opinion? If you must cut out discussion, why do you not do it upon some appropriation bill where days and days are wasted in speeches, not for the enlightenment of Members of this House but for home consumption only? Why, Mr. Speaker, the Agricultural appropriation bill occupied the attention of this House for three weeks; two-thirds of the discussion upon it not being upon controverted items at all, but for home consumption. Why did you not bring in a rule on that bill? When this bill shall pass, we will take up the District appropriation bill. If you are pressed for time, why do you not bring in a rule upon that bill? And the same might be said concerning the sundry civil bill.

Mr. MEEKER. Will the gentleman yield?

Mr. LENROOT. Mr. Speaker, you can not defend what you are trying to do in this rule. You are trying to throttle the House of Representatives upon one of the most important bills that has come before this House, and it is a shallow excuse, an inexcusable thing for you to do, to say that you have got to put a gag rule upon a bill of this character and then waste days and weeks upon idle discussion of matters concerning which there is no contest.

Now I yield to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Has not the gentleman discovered that whenever that side brings in a package of dynamite they send it out immediately?

Mr. LENROOT. Of course, I am not speaking of the merits of this bill, but I do say that the House is entitled and the country is entitled to full and free discussion of it.

Mr. Speaker, this Committee on Rules last Saturday reported a rule that the Republican minority Members agreed to upon this bill. That rule gave five hours' debate. It permitted full discussion under the five-minute rule. That bill was reported to this House last Saturday, but, Mr. Speaker, last night at 6 o'clock the Committee on Rules was called into the room of the Committee on Ways and Means, just off the corridor, for the purpose of putting through this rule to cut off the consideration of the bill at 4 o'clock next Friday. I am not going to reveal any of the secrets of the committee, but it is fair to say it was suggested that if there was any attempt to filibuster on this bill and waste the time of the House on it, it would be just as easy to call this Committee on Rules together next Friday in this same committee room and then bring in a rule instead of doing it now. But, if no time is being wasted upon the bill, who is there who will say that we ought not to discuss every section and every amendment that may be offered to it?

Mr. Speaker, we are all anxious to get home. Of course, we are. But at the same time, Mr. Speaker, we can stay here long enough to do business in a businesslike way and consider measures as they ought to be considered. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, the rule which has been reported and is now before the House is one that is very simple and very easily understood. It is a liberal one, which provides for sufficient debate, which provides for the consideration of every amendment which may be offered. Of course, this side of the House never would bring in a rule that would exactly suit the gentleman from Wisconsin [Mr. LENROOT]. He is always complaining, and, of course, he has a right to do it. It is his nature to complain. He finds fault with this side of the House, and we never seem to please him, and can not do so in this case.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. LENROOT. Does the gentleman remember that "the gentleman from Wisconsin" voted for the last rule on rural credits, and voted for the rule that was reported last Saturday on this other bill?

Mr. FOSTER. But the gentleman from Wisconsin was not suited with that rule, because in his speech, as he will see if he will look at the RECORD, he was bitterly complaining of this side of the House because we brought in the rule at that time.

Mr. LENROOT. He also said that he was willing for that side of the House to take responsibility for it.

Mr. FOSTER. It did not suit him, and even with a rule that is as liberal as that one, he came before the House complaining of something. That side of the House knows that practically all the rules which this side of the House has brought in have been for the consideration of some great measure which the people want. [Applause on the Democratic side.] And not only that, but in all these rules that have been brought in for the consideration of bills, practically every one of them, a large part of that side of the House has voted for the bills. Yesterday we had an example of what good legislation this side of the House proposes by rule, when there was mustered only 10 votes out of a membership of 435 that would vote against the bill that we brought in by special rule. That is an evidence, my friends, of the fact that the Democratic majority is legislating in such a way as meets with the approval of the American people. [Applause on the Republican side.]

Why, when the Republicans brought in rules they brought in "gag rules." We bring in liberal rules [laughter on the Republican side] that permit debate, that permit the offering of any amendments.

Why, you know and I know as well as any other man in this House that you used to bring in gag rule after gag rule, and jam legislation through the House, and provide rules of such a character that if you voted "no" it counted "yes," so there was no way you could vote against the proposition. Everyone knows that, and now you complain because we bring in a rule that provides for the consideration of legislation which the people want. The only trouble with you is that you are troubled with wind on the stomach. [Laughter.]

Mr. COX. They have a bad case of colic. [Laughter.]

Mr. FOSTER. Yes; I will say you have a bad case of colic. They see, my friends, that the Democratic Party is passing bills and keeping faith with the people, and that is what hurts them on that side. It is not the passing of these rules so much, but it is their eternal protest, wanting to get back to the old stand-pat way of doing things as they did them years ago. That is all.

Now, gentlemen on that side, be honest with yourselves and with your constituents, and come out and stand for the consideration of this needed legislation. We will not gag you. You need not be afraid of that. [Laughter.] Do not let Members on that side of the House be scared by the speeches of the gentleman from Wisconsin [Mr. LENROOT]. He is an able gentleman. I like him, and I am very fond of him; but these speeches that he makes here are all buncombe. [Laughter.] And he has made them, as is suggested to me by the gentleman from Indiana [Mr. COX], so often that he has gotten them by heart, and he pours them out here on all occasions, and probably he sends them back to Wisconsin, but he does not send the RECORD containing the proceedings when the bill is finally passed and the RECORD showing that he objected to the rule and that he finally voted for the bill. He votes in most instances right. He voted for the rural-credits bill and for a great many other measures that have been proposed by this side of the House by what he calls "gag rule."

This rule, my friends, is a reasonable rule. It is a rule that every man in this House can afford to vote for to expedite the consideration of a measure that is to help the business interests of the country. I have heard that side talk about what they wanted to do for them. Now is the time to do something for the business interests of this country. Will you do it? [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BENNET].

The SPEAKER. The gentleman from New York [Mr. BENNET] is recognized for five minutes.

Mr. BENNET. Mr. Speaker, I shall have to decline to be interrupted.

The SPEAKER. The gentleman declines to be interrupted by anybody about anything. [Laughter.]

Mr. STAFFORD. That means hot stuff.

Mr. BENNET. Except by sudden death and taxes. [Laughter.]

Mr. Speaker, the country ought to know the way we have been legislating since the 28th of April. We have been continually under special rule, with the exception of one day, outside of Calendar Wednesday; that we can not dispense with. There is nothing like it in the history of past Congresses.

Now, it is sweet to see our three dwelling together in unity, and, so far as I can, I want to agree with the gentleman form Pennsylvania [Mr. MILLER]. He says that the people know about this bill. I think he is right. I have 52,000 voters in the congressional district that I have the honor to represent, and I have heard of only one voter among them all that was in favor of this bill, and when I went around and told him what the bill was—he is a Democrat—he said I ought to vote against it unless they amended it. [Laughter.]

Now, I have read the bill, and I am one of the few men who have read the testimony taken before the Alexander committee in the Sixty-third Congress. I was paid to read it—1,800 pages. [Laughter.] And I say to you that this bill does not put one single American ship on the ocean. I have read the 1,800 pages of testimony on the Sixty-third Congress bill and the testimony on this Congress bill, and if the gentleman from Pennsylvania had done the same thing—he is such a good, loyal Republican that he would not have made that speech, and I do not think he would have made it anyway if he was a candidate for reelection. [Laughter.]

I want to take two minutes on one subject and two on another. First, I want to call the attention of gentlemen who live on the Atlantic and Pacific seaboards to the fact that this bill affects the people who elect us. Some of us sit here in our seats and criticize the men who represent the cotton States. I do not. Whenever they want anything in behalf of cotton some one of them reports something for cotton, and they get it for cotton. In the month of April we passed two bills, and only two, and one of them was in relation to cotton, and we took two entire Wednesdays on that comparatively unimportant thing. But when anything is proposed for shipping, does it come from the Atlantic or the Pacific coasts? No; it comes from Missouri, the home of the chairman of the Committee on the Merchant Marine and Fisheries [Mr. ALEXANDER], fifteen hundred miles from the coast. He has a constitutional right to propose such bills, but I want to ask my people from the coast, who know that our people are opposed to this shipping bill, why in the world you are voting for this rule, and why in the world you will vote for the bill? Why do we not represent our constituents for a time?

Then, I want to say a word or two to my colleagues from New York City—pretty plain talk. There are only two men in New York City for this bill. One is William Gibbs McAdoo and the other is Mr. McGibboney. I do not know why Mr. McAdoo is for it. He is the Secretary of the Treasury. Mr. McGibboney is very plain and candid as to why he is for it. He is a hired advocate. He has the right to be.

Everybody else in our city is against it. Why should we go out of the way to be friendly to this Congress? What has it done for us? The Postmaster General is trying to take away all of the pneumatic tubes south of Fifty-first Street. This House, after a terrific fight, put in $750,000 for Diamond Reef. I have no right to say what happened to it in another body, but we all can read the papers. Our great city of 5,000,000 people has not had one instance of consideration from this Congress of the United States in the Sixty-fourth Congress. Now, they want you to turn around and vote for a shipping bill that our own people do not want. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, I do not think the gentleman from Kansas [Mr. CAMPBELL] contributed much in the way of an answer to the very pertinent inquiry which every Member of the House doubtless has in mind to propound, namely is this a fair, or an unfair, a reasonable, or an unreasonable rule. Nor did the gentleman from New York [Mr. BENNET], who had much to say of a purely political and irrelevant character, find time to discuss the merits of the pending proposition. It was entirely appropriate for the gentleman from New York to decline to be interrupted in the course of his remarks. He is one of the Members on the minority side of the House who voted for the rule under which we considered the Payne bill. Having in mind the drastic character of that rule the gentleman from New York would naturally prefer not to be confronted in the course of his criticism of the present rule with the record of his vote on the Payne rule. The difference between the Payne rule and this rule, is the difference between a sinner, and a saint.

When the gentleman from Illinois [Mr. FOSTER] stated that this was a liberal rule, I noticed that many of the new Members on the Republican side of the House—and there are many new faces there—smiled, as if in derision, but the old Members, like the gentleman from Kansas [Mr. CAMPBELL], and the gentleman from New York [Mr. BENNET], and others of the old guard who recollect the rule on the Payne bill, saw nothing extravagant, or amusing in the statement of the gentleman from Illinois. They knew that this is a liberal rule, because it allows the House to express itself to the fullest extent in the way of amendments to the pending bill, a privilege that was denied to the minority by the terms of the Payne rule. I wish to say with full knowledge of the rule on the Payne bill, and full knowledge of the pending rule, that there is no man who is disposed to be fair and reasonable in his attitude who will deny that this rule gives far more opportunity of amendment and real discussion, than the rule on the Payne bill. The minority may say that there was more time allowed for general discussion of the Payne bill than is afforded for the pending measure. Granted, but even the new Members of this body know how little the general discussion, under the practice of the House, serves to illuminate the Members with respect to the matter before the committee. This is done in the discussion under the five-minute rule, not in the general debate. Under the rule on the Payne bill there was no way whatever—for that rule like this rule fixed the time at which the vote should be taken—by which a Member of the House on either side could suggest, or offer amendments with respect to that portion of the bill which remained unrend when the time arrived for the committee to rise. This rule makes provision for every Member on that side of the House to submit amendments to the bill while it is under consideration under the five-minute rule. The right is given not only to offer amendments but to have the same voted upon in order. Having in mind the contents of the rule on the Payne bill, and the liberal provisions of this rule, it is absurd to speak of the pending proposition as a gag rule. [Applause.]

Mr. HENRY. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, I want to have it understood that there is at least one Member of this House from the State of New York who is in favor of some kind of a shipping bill. [Applause on the Democratic side.] I have not set my patriotism for my country up against the desire for some portion of the appropriations that are called pork barrel. There is no man here more vitally interested in river and harbor improvements in New York than I am. I made my campaign upon it, and the gentleman from New York [Mr. BENNET] got on the band wagon after Congressman ROWE and myself had started the thing rolling. [Applause on the Democratic side.]

We are here to say to the people of the United States that any kind of shipping legislation is better than no shipping legislation at all. [Applause.] When Germany found that to develop her full strength and extend her influence, it was first necessary to build up a merchant marine, and when she could not induce private capital to go into the business she put Crown money into shipping, and the result is that Germany developed one of the greatest merchant marines on the waters of the world. [Applause.] So that at the outbreak of the war her ships were familiar in every seaport of importance. In the United States crown money is the people's money, and I believe the people's money should be used for this purpose, that we may carry American commerce in American ships.

For what profit will it be to us if we sell more than we buy and own the securities of our own industries if the freight upon all we sell and upon all we buy is carried abroad to be spent where we have no opportunity to get it again except at a premium.

The bill is not as good as I would like to have it, but it is the best that has been presented, and I expect to vote for it upon the theory that half a loaf is better than no bread. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Mr. Speaker and gentlemen of the House: Let me say in behalf of the new Republicans, and for the old Republicans on this side of the House, that we are all alike bitter in our condemnation of this most unfair rule that is sought to be adopted here to-day. There is no more tolerance for it on the part of one class on this side than there is on the part of the other. And while I have no desire to sermonize or in any way to advise, I simply want to say that this is the kind of tactics and this is the kind of practice upon your part that will put many new Republican faces upon this side of the House at the next session. [Applause on the Republican side.]

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. CHIPERFIELD. Yes.

Mr. BYRNES of South Carolina. Does the gentleman not know that when the Republican Party last brought into this House the bill to build up the merchant marine in the Sixtieth Congress, you moved to suspend the rules on a majority vote, provide four and a half hours of general debate, and did not allow a man to offer a single amendment to the bill? [Applause on the Democratic side.]

Mr. CHIPERFIELD. I know that you gentlemen have been most bitter in denunciation of a rule that would limit debate upon this subject, and within the past 48 hours I have read in the RECORD the denunciations previously delivered by your associates upon the proposed rule on that measure, as you say was then pending, and upon other measures where a much fairer rule was sought to be adopted.

The fact is, that you use the same words and same expressions for cursing and for praise. You are ready to accept with praise those things that benefit you and to condemn with censure most severely precisely the same things when they are not to your advantage. The people of this country understand your lack of political sincerity. They understand your hurried purpose in attempting to railroad this bill through in order that it may be one more addition to the paternalistic program with which you hope to adorn your platform when you meet on the 14th of June next. The people are not being deceived. They understand what is going on, and if you have the idea that they approve, then, gentlemen, a great awakening awaits you. The words you use, the policies you adopt, the measures which you seek to fasten upon this country in the name of paternalism will not be approved at the polls, because it is the same old program that has been repudiated over and over again.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. CHIPERFIELD. Briefly.

Mr. HASTINGS. If this legislation is going to be so disastrous to the Democratic Party, why does the gentleman not assist in expediting it?

Mr. CHIPERFIELD. That would be hastening you just that much faster to your doom, and you are going fast enough without it. You remind me in your professions and protestations as a party, and in the ready understanding of them upon the part of the American people, of a story that appealed to me quite strongly.

An old farmer went into town and for the first time saw a telephone hanging on the wall. He said to the storekeeper, "What is that pesky thing?" The storekeeper replied, "That is a telephone." "What do you do with it?" "Why, you talk with it." "Where do you talk?" "Anywhere they have another one." "Well, my old woman is over at the furniture store. Could I talk with her?" "Yes;" and so they called up the furniture store, got the old lady on the wire, and gave him the earpiece and through it he said in a loud tone of voice, "Hello, Betsy," and just then a terrific bolt of lightning struck the wire and he was hurled clear across the floor. The storekeeper, not knowing what had happened, said, "Did you get her?" He picked himself up and replied, "Thunder, yes; and I recognized her the very first word she spoke." [Laughter.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CHIPERFIELD. And so it is that the American people recognize with the first word you speak the pretenses that you are making to the American people—the same pretenses that have carried to defeat in the past and will bring it about again in November. [Applause on the Republican side.]

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. ALEXANDER.] [Applause on the Democratic side.]

Mr. ALEXANDER. Mr. Speaker, if the Committee on the Merchant Marine and Fisheries had had their will in this matter, if the condition of the business of the House were in such shape that the Committee on Rules and Mr. KITCHIN, majority leader, could have done so, they would have given more time to the consideration of this bill. I am very sure that we would welcome more time, because we have given to the bill very great consideration. I introduced a bill known as the shipping bill (H. R. 10500) on the 29th day of January, and hearings were held on the bill from the 10th of February to the 9th of March. Again, in April for a term of 10 days we had additional hearings on the bill. Following the hearings the bill was considered by a subcommittee of 10 members, 6 Democrats and 4 Republicans. We met daily, oftentimes in the morning, afternoon, and at night until 12 o'clock. This bill is the product of the best thought of the committee, without reference to party affiliations. I have been chairman of the committee now for nearly three Congresses, and in all of our deliberations in times that have passed we have not considered legislation along narrow partisan lines. We were not divided along partisan lines on the ship-purchase bill reported by the committee in the last Congress. There is a difference of opinion upon two or three provisions of this bill as between the majority and the minority of the committee. The gentleman from Kansas [Mr. CAMPBELL] says that we, the majority of the committee, have changed our opinion five times. This reckless statement is a demonstration of the fact that he does not know a thing about it. There is not a principle in this bill that was not embodied in the bill when I introduced it in the House on the 29th day of January. We worked it over and made a better bill of it.

The bill H. R. 10500 as introduced by me originally contained in sections 9 and 10 provisions for the regulation of water-borne commerce and the license of vessels engaged in our ocean transportation. At the close of the hearings, and after thorough consideration of the objections urged thereto at the hearings, we regarded those provisions as possibly objectionable, as being too general and too indefinite, and as clothing the shipping board with too great power that might be abused. Hence we took up and considered House bill 450, which I reintroduced in this Congress, to carry out the recommendations of the Committee on the Merchant Marine and Fisheries following the investigation of the Shipping Trust, and I want to say right here with reference to the provisions to which the gentleman from Wisconsin [Mr. LENROOT] said we had given very little consideration and might mean the elimination of the American flag from the high seas, that the report of the committee and the recommendations of the committee had the united support of every man upon the committee in the Sixty-third Congress. We investigated the subject for two years, and I think we are quite as competent as the gentleman from Wisconsin to consider and determine any and all of those provisions of the bill regulating common carriers by water.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HENRY. Mr. Speaker, I will ask the gentleman from Kansas to consume the remainder of his time, as there is but one speech more to be made on this side.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois, Mr. MANN.

Mr. MANN. Mr. Speaker, the bill under consideration has 35 sections. The last 21 of those sections relate to control over vessels engaged in interstate and foreign shipping. While the bill says that it does not conflict with the powers granted to the Interstate Commerce Commission, as a matter of fact it does in many particulars. For years the Committee on Interstate and Foreign Commerce has worked over the question of the Interstate Commerce Commission and the regulation of railroad carriers, and in some cases water carriers under the control of that commission. The Committee on Interstate and Foreign Commerce has a pretty fair knowledge of the subject, acquired through years of study, and would not dare bring to the House a bill relating to interstate commerce and the control of railroad carriers and say, "You shall pass the bill without an opportunity to consider amendments." No such proposition was ever brought before the House; but under this rule there will be no chance to give consideration to amendments to any one of these 21 sections, for before that part of the bill will be reached under the five-minute rule it will be 4 o'clock on Friday afternoon. While amendments may be read at the desk and voted upon, the rule gives no opportunity for their consideration. That is not a fair method of considering legislation.

I am not complaining that the majority, having agreed upon a bill to provide that the Government shall engage in shipping, decides to put it through under a rule with or without debate or amendment, but in these matters which ought fairly to be considered by the House, where the consensus of the judgment of all is better than the judgment of a committee which never dealt with this subject in the past, I say that there ought to be procedure under the rule by which Members may offer amendments to the bill and discuss the amendments and have them considered. When the last interstate commerce bill passed this House I had charge of it. There was no attempt to gag the House, no attempt to prevent amendments, no attempt to prevent the consideration of amendments. Many amendments were offered, many amendments were agreed to by the House and have been written into the law, some of them wise amendments, which had not been reported by the committee in the first instance, and the same procedure ought to be followed in this case. You are applying a gag on legislation, part of which is essentially nonpartisan. You propose to shut out the right to consider the portions of the bill to which I referred by any fair method. You gentlemen gained the House and the country

upon the cry that the Republicans did not give a fair opportunity for the consideration of measures in the House, and yet we never during all our control of the House attempted to pass such legislation without consideration as you are attempting now. [Applause.]

The SPEAKER. The time of the gentleman has expired. The gentleman from Kansas.

Mr. CAMPBELL. I think the Speaker has been overgenerous with me in regard to time. I used 8 minutes, the gentleman from Wisconsin 8 minutes, the gentleman from New York and the two gentlemen from Illinois used 15 minutes, which consumed 1 minute more than I was really allowed.

Mr. HENRY. Mr. Speaker, I yield eight minutes to the gentleman from North Carolina [Mr. KITCHIN]. [Applause.]

Mr. KITCHIN. Mr. Speaker, evidently there is a great difference of opinion as to this rule. The gentleman from Kansas [Mr. CAMPBELL], the gentleman from Wisconsin [Mr. LENROOT], the gentleman from New York [Mr. BENNET], and the gentleman from Illinois [Mr. MANN] say that this is a very unfair rule, that it is the worst gag rule they have ever seen attempted to be passed in this House. On the other hand, the distinguished gentleman from Illinois [Mr. FOSTER], the gentleman from Virginia [Mr. SAUNDERS], and the gentleman from Texas [Mr. HENRY] say that this is a very liberal rule; that there is no gag in it. The gentleman from Illinois, the able minority leader, says that this is an unfair way to proceed; that this bill is so important that it ought to have serious consideration; that under this rule on the last 15 pages of the bill there will not be an opportunity to offer any amendments. Why, the gentleman from Illinois evidently has not read the rule.

Mr. MANN. If the gentleman will permit, if the gentleman from North Carolina had listened to what I said—evidently he was not paying attention—I made no such statement.

Mr. KITCHIN. The gentleman made the statement that it was unfair; that under the rule, if passed, that we would not reach, under the five-minute discussion, the regulatory portion of it, constituting the last 15 pages, and there would not be opportunity of discussion or amendments.

Mr. MANN. No; I said discussion or consideration of amendments.

Mr. KITCHIN. Well, discussion and consideration.

Mr. MANN. That is true.

Mr. KITCHIN. The gentleman has not read the rule.

Mr. MANN. I have.

Mr. KITCHIN. The rule is fair and reasonable. It gives full opportunity of discussion of the bill and every amendment that may be offered in good faith to improve or perfect the bill. We have five hours of general debate. We will finish that debate to-day, if the gentleman says so. We will stay until 6 or 7 o'clock and finish that. Then on Thursday we will have all day, beginning at 11 o'clock, and we will stay here until 6 or 7 or 8 o'clock, or later if the gentleman desires, and then we will have all day Friday, until 4 o'clock, for discussion, sufficient time to offer and discuss amendments to every single section in the bill. There are 35 sections. Under the rules of the House, under the five-minute debate, if rigidly enforced, we are only entitled to 10 minutes on an amendment, 5 for and 5 against. By the adoption of this so-called "gag" rule there will be time enough to have 20 minutes to offer and discuss each amendment, even if you offer an amendment to every section of the bill. [Applause on the Democratic side.] The gentleman from Illinois says that this is one of the most unfair rules that has ever been attempted to be passed in this House, and yet the gentleman himself, with the almost solid Republican Party on that side of the Chamber, voted for a rule to pass the Payne-Aldrich Act, containing hundreds of paragraphs and sections and thousands of items, with a provision in that rule allowing this side of the House to only offer four amendments, and those four amendments were selected by them and not by this side.

The gentleman remembers the Vreeland-Aldrich Currency Act, a most important act, an act as important and perhaps more so at that time than this act. For its passage the Republicans brought into this House and passed a rule, and the gentleman from Illinois voted for the rule, which allowed no amendment and no discussion or consideration under the five-minute rule, except one amendment by the way of a substitute, but set out in that rule. They did not permit any man in this House, Democrat or Republican, to vote for or discuss or offer any amendment. They did not have any discussion under the five-minute rule, but just as soon as general debate was over the rule provided that the bill should be read and voted on at once. And yet the minority leader tells the House and tells the country that this is one of the most unfair methods of procedure that has ever been attempted in the House.

Mr. LENROOT. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. LENROOT. I wanted to ask the gentleman if that very fact was not the best issue you had in your campaign?

Mr. KITCHIN. Yes, sir; one of the best. And if we had put such a provision in this rule and had prevented you and any other man in this House from offering and discussing any amendment which you proposed in good faith, we would deserve to be condemned just like the people condemned your party for adopting such rules. [Applause on the Democratic side.]

The gentleman from New York [Mr. BENNET] says that his folks are not for this bill. Gentlemen, our folks are for this bill. He says that we ought not to pass this rule; that his people do not want us to pass it. Our people want us to pass this rule, and if these Democrats here will vote together we can pass this rule, and we can pass this bill in a reasonable time by stopping the filibustering and windjamming over on that side of the House. [Applause on the Democratic side.] As the gentleman from Pennsylvania [Mr. MILLER] says, the time has come for this House to stop talking and go to legislating. [Applause on the Democratic side.] This rule, while it gives everyone an opportunity to offer any amendment he desires to every section, and full time to discuss any amendment, prevents all the needless, delaying, demagogic, get-into-the-RECORD talk, to which we are too often compelled to listen, and enables us to legislate on the bill.

We are willing to come to a "show-down" with you on this bill. I want to say to my fellow Democrats here that we are responsible for the legislation in this House. The vote on this rule will show whether or not we have the patriotism and courage to assume that responsibility. We have a majority. We Democrats can run this House and manage its procedure, provided we want to do it; and if we want to do it, then all of you Democrats must come here and stay here and furnish a quorum at all hours in this House. [Applause on the Democratic side.] The people furnished us in the last election a majority of the House, and it is our duty to be present here on this floor at every hour of each day's session with that Democratic majority. If so, we can and will do business. We will legislate. We will carry out the entire legislative program of the House and the administration before adjournment. And if you will come here and furnish a quorum and majority, we will adjourn and get out of this Capitol by July 20. We can do it. [Applause on the Democratic side.]

Mr. HENRY. Mr. Speaker, I move the prevous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. CAMPBELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 192, nays 145, answered "present" 5, not voting 91, as follows:

YEAS—192.

Abercrombie	Dies	Houston	Nicholls, S. C.
Adair	Dill	Howard	Ogliesby
Adamson	Dixon	Huddleston	Oldfield
Alexander	Dooling	Hughes	Oliver
Allen	Doolittle	Hulbert	O'Shaunessy
Almon	Doughton	Hull, Tenn.	Overmyer
Ashbrook	Dupré	Humphreys, Miss.	Padgett
Aswell	Eagle	Igoe	Page, N. C.
Ayres	Edwards	Jacoway	Park
Barkley	Evans	James	Phelan
Barnhart	Farley	Johnson, Ky.	Price
Beakes	Ferris	Jones	Quin
Bell	Fields	Keating	Rainey
Black	Finley	Kent	Raker
Blackmon	Flood	Kettner	Randall
Booher	Foster	Key, Ohio	Rayburn
Borland	Gallagher	Kincheloe	Reilly
Bruckner	Gallivan	Kitchin	Riordan
Buchanan, Ill.	Gandy	Konop	Rouse
Burgess	Gard	Lazaro	Ruhey
Burke	Garner	Lee	Rucker
Burnett	Garrett	Lever	Russell, Mo.
Byrnes, S. C.	Glass	Lewis	Sabath
Byrns, Tenn.	Goodwin, Ark.	Lieb	Saunders
Caldwell	Gordon	Linthicum	Shackleford
Callaway	Gray, Ala.	Littlepage	Shallenberger
Caraway	Gray, Ind.	Lloyd	Sherley
Carlin	Gregg	Lobeck	Sherwood
Carter, Okla.	Griffin	London	Shouse
Church	Hamill	McAndrews	Sims
Cline	Hamlin	McClintic	Sisson
Condy	Hardy	McDermott	Slayden
Collier	Hastings	McGilliuddy	Small
Connelly	Hay	McLemore	Smith, N. Y.
Cox	Hayden	Mays	Smith, Tex.
Crisp	Heflin	Miller, Pa.	Steidmar
Crosser	Helm	Montague	Steele, Iowa
Cullop	Helvering	Moon	Stephens, Miss.
Davenport	Henry	Morgan, La.	Stephens, Nebr.
Davis, Tex.	Hensley	Morrison	Stephens, Tex.
Decker	Hilliard	Moss, Ind.	Stone
Dent	Holland	Murray	Stout
Dickinson	Hood	Neely	Sumners

Tague	Thompson	Walker	Wilson, Fla.
Tavenner	Tribble	Watson, Va.	Wilson, La.
Taylor, Ark.	Van Dyke	Webb	Wingo
Taylor, Colo.	Venable	Whaley	Wise
Thomas	Vinson	Williams, W. E.	Young, Tex.

NAYS—145.

Anderson	Fordney	Longworth	Schall
Anthony	Foss	Loud	Scott, Mich.
Austin	Frear	McArthur	Sells
Bacharach	Freeman	McCracken	Siegel
Bennet	Gillett	McKenzie	Sinnott
Britt	Glynn	Madden	Sloan
Britten	Good	Magee	Smith, Idaho
Browne	Gould	Mann	Smith, Minn.
Browning	Green, Iowa	Mapes	Snyder
Campbell	Greene, Mass.	Martin,	Stafford
Cannon	Greene, Vt.	Matthews	Steenerson
Capstick	Guernsey	Meeker	Stephens, Cal.
Carter, Mass.	Hadley	Miller, Del.	Sterling
Cary	Hamilton, Mich.	Miller, Minn.	Stiness
Chandler, N. Y.	Hamilton, N. Y.	Mondell	Sullaway
Charles	Haugen	Mooney	Sutherland
Cooper, W. Va.	Hawley	Moore, Pa.	Sweet
Cooper, Wis.	Helgesen	Morgan, Okla.	Swift
Cramton	Hernandez	Moss, W. Va.	Switzer
Curry	Hicks	Mott	Tilson
Dale, Vt.	Hill	Mudd	Timberlake
Dallinger	Hinds	Nelson	Towner
Danforth	Howell	Nichols, Mich.	Treadway
Davis, Minn.	Hull, Iowa	Oakey	Volstead
Dempsey	Humphrey, Wash.	Paige, Mass.	Walsh
Denison	Husted	Parker, N. Y.	Ward
Dillon	Hutchinson	Platt	Wason
Dowell	Johnson, Wash.	Powers	Wheeler
Drukker	Kahn	Ramseyer	Williams, T. S.
Dunn	Kearns	Reavis	Williams, Ohio
Dyer	Kelley	Ricketts	Wilson, Ill.
Edmonds	Kennedy, Iowa	Roberts, Mass.	Winslow
Ellsworth	Kennedy, R. I.	Roberts, Nev.	Wood, Ind.
Elston	King	Rodenberg	Woods, Iowa
Emerson	Kinkaid	Rogers	
Esch	La Follette	Rowe	
Fess	Lenroot	Russell, Ohio	

ANSWERED "PRESENT"—5.

Cantrill	Fuller	Smith, Mich.	Talbott
Chiperfield			

NOT VOTING—91.

Aiken	Estopinal	Lafean	Pou
Bailey	Fairchild	Langley	Pratt
Barchfeld	Farr	Lehlbach	Ragsdale
Beales	Fitzgerald	Lesher	Rauch
Brumbaugh	Flynn	Liebel	Rowland
Buchanan, Tex.	Focht	Lindbergh	Sanford
Butler	Gardner	Loft	Scott, Pa.
Candler, Miss.	Garland	McCulloch	Scully
Carew	Godwin, N. C.	McFadden	Sears
Casey	Graham	McKellar	Slemp
Clark, Fla.	Gray, N. J.	McKinley	Snell
Coleman	Griest	McLaughlin	Sparkman
Conry	Harrison	Maher	Steagall
Cooper, Ohio	Hart	Moores, Ind.	Steele, Pa.
Copley	Haskell	Morin	Taggart
Costello	Hayes	Nolan	Temple
Crago	Heaton	North	Tillman
Dale, N. Y.	Hollingsworth	Norton	Tinkham
Darrow	Hopwood	Olney	Vare
Dewalt	Johnson, S. Dak.	Parker, N. J.	Watkins
Doremus	Keister	Patten	Watson, Pa.
Driscoll	Kiess, Pa.	Peters	Young, N. Dak.
Eagan	Kreider	Porter	

So the previous question was ordered.

The Clerk announced the following pairs:

On the vote:

Mr. McKELLAR (for) with Mr. COPLEY (against).

Mr. CANDLER of Mississippi (for) with Mr. TEMPLE (against).

Mr. ESTOPINAL (for) with Mr. SNELL (against).

Mr. SPARKMAN (for) with Mr. BARCHFELD (against).

Mr. SEARS (for) with Mr. JOHNSON of South Dakota (against).

Mr. GODWIN of North Carolina (for) with Mr. GARDNER (against).

Mr. STEELE of Pennsylvania (for) with Mr. McCULLOCH (against).

Mr. LESHER (for) with Mr. McKINLEY (against).

Mr. DOREMUS (for) with Mr. SMITH of Michigan (against).

Mr. PATTEN (for) with Mr. FAIRCHILD (against).

Mr. HARRISON (for) with Mr. CHIPERFIELD (against).

Mr. FLYNN (for) with Mr. SANFORD (against).

Mr. WATKINS (for) with Mr. PARKER of New Jersey (against).

Mr. TILLMAN (for) with Mr. HAYES (against).

For the session:

Mr. LIEBEL with Mr. ROWLAND.

Mr. DEWALT with Mr. McFADDEN.

Until further notice:

Mr. TAGGART with Mr. NORTH.

Mr. CLARK of Florida with Mr. FULLER.

Mr. FITZGERALD with Mr. HOLLINGSWORTH.

Mr. DRISCOLL with Mr. KIESS of Pennsylvania.

Mr. CASEY with Mr. PORTER.

Mr. LOFT with Mr. GRAY of New Jersey.

Mr. BRUMBAUGH with Mr. WATSON of Pennsylvania.

Mr. EAGAN with Mr. SCOTT of Pennsylvania.

Mr. CONRY with Mr. FARR.

Mr. STEAGALL with Mr. MORIN.

Mr. RAUCH with Mr. HOPWOOD.

Mr. BUCHANAN of Texas with Mr. HEATON.

Mr. AIKEN with Mr. GRIEST.

Mr. CAREW with Mr. LAFEAN.

Mr. OLNEY with Mr. LEHLBACK.

Mr. POU with Mr. MOORES of Indiana.

Mr. RAGSDALE with Mr. McLAUGHLIN.

Mr. MAHER with Mr. COLEMAN.

Mr. HART with Mr. COOPER of Ohio.

Mr. SCULLY with Mr. TINKHAM.

Mr. DALE of New York with Mr. HASKELL.

Mr. LANGLEY with Mr. CANTRILL.

Ending Wednesday night:

Mr. TALBOTT with Mr. BUTLER.

Mr. BAILEY with Mr. GARLAND.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the adoption of the rule. The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. CAMPBELL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of adopting the resolution embodying the rule will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 194, nays 142, answered "present" 4, not voting 93, as follows:

YEAS—194.

Abercromble	Dupré	Jones	Reilly
Adair	Eagle	Keating	Riordan
Adamson	Edwards	Kent	Rouse
Aiken	Evans	Kettner	Rubey
Alexander	Farley	Key, Ohio	Rucker
Allen	Ferris	Kincheloe	Russell, Mo.
Almon	Fields	Kitchin	Sabath
Ashbrook	Finley	Konop	Saunders
Aswell	Fitzgerald	Lazaro	Shackleford
Ayres	Flood	Lee	Shallenberger
Barkley	Foster	Lever	Sherley
Barnhart	Gallagher	Lewis	Sherwood
Benkes	Gallivan	Lieb	Shouse
Bell	Gandy	Linthicum	Sims
Black	Gard	Lloyd	Sisson
Blackmon	Garner	Lobeck	Slayden
Booher	Garrett	London	Small
Borland	Glass	McAndrews	Smith, N. Y.
Bruckner	Goodwin, Ark.	McClintic	Smith, Tex.
Buchanan, Ill.	Gordon	McDermott	Stedman
Burgess	Gray, Ala.	McGillicuddy	Steele, Iowa
Burke	Gray, Ind.	McLemore	Stephens, Miss.
Burnett	Gregg	Mays	Stephens, Nebr.
Byrnes, S. C.	Griffin	Miller, Pa.	Stephens, Tex.
Byrns, Tenn.	Hamill	Montague	Stone
Caldwell	Hamlin	Moon	Stout
Callaway	Hardy	Morgan, La.	Sumners
Caraway	Hastings	Morrison	Tague
Carlin	Hay	Moss, Ind.	Tavenner
Carter, Okla.	Hayden	Murray	Taylor, Ark.
Church	Heflin	Neely	Taylor, Colo.
Cline	Helm	Nicholls, S. C.	Thomas
Candy	Helvering	Oglesby	Thompson
Collier	Henry	Oldfield	Tribble
Connelly	Hensley	Oliver	Van Dyke
Cox	Hilliard	O'Shaunessy	Venable
Crisp	Holland	Overmyer	Vinson
Crosser	Hood	Padgett	Walker
Cullop	Houston	Page, N. C.	Watson, Va.
Davenport	Howard	Park	Webb
Davis, Tex.	Huddleston	Phelan	Whaley
Decker	Hughes	Price	Williams, W. E
Dent	Hulbert	Quin	Wilson, Fla.
Dicklnson	Hull, Tenn.	Ragsdale	Wilson, La.
Dies	Humphreys, Miss.	Rainey	Wingo
Dill	Igoe	Raker	Wise
Dixon	Jacoway	Randall	Young, Tex.
Doolittle	James	Rauch	
Doughton	Johnson, Ky.	Rayburn	

NAYS—142.

Anderson	Dempsey	Greene, Mass.	Kennedy, Iowa
Anthony	Denison	Greene, Vt.	Kennedy, R. I.
Austin	Dillon	Guernsey	King
Bacharach	Dowell	Hadley	Kinkaid
Bennet	Drukker	Hamilton, Mich.	La Follette
Britt	Dunn	Hamilton, N. Y.	Lenroot
Britten	Dyer	Haugen	Longworth
Browne	Edmonds	Hawley	Loud
Browning	Ellsworth	Helgesen	McArthur
Campbell	Elston	Hernandez	McCracken
Cannon	Emerson	Hicks	McKenzie
Carter, Mass.	Esch	Hill	McKinley
Cary	Fess	Hinds	Magee
Cooper, Ohio	Fordney	Howell	Mann
Cooper, W. Va.	Foss	Hull, Iowa	Mapes
Cooper, Wis.	Frear	Humphrey, Wash	Martin
Cramton	Freeman	Husted	Matthews
Curry	Gillett	Hutchinson	Meeker
Dale, Vt.	Glynn	Johnson, Wash.	Miller, Del.
Dallinger	Good	Kahn	Miller, Minn.
Danforth	Gould	Kearns	Mondell
Davis, Minn.	Green, Iowa	Kelley	Mooney

Moore, Pa.	Roberts, Nev.	Snyder	Treadway
Morgan, Okla.	Rogers	Stafford	Volstead
Moss, W. Va.	Rowe	Steenerson	Walsh
Mott	Russell, Ohio	Stephens, Cal.	Ward
Nelson	Schall	Sterling	Wason
Nichols, Mich.	Scott, Mich.	Stiness	Wheeler
Norton	Sells	Sullaway	Williams, T. S.
Oakey	Siegel	Sutherland	Williams, Ohio
Paige, Mass.	Sinnott	Sweet	Wilson, Ill.
Parker, N. Y.	Slemp	Swift	Winslow
Ramseyer	Sloan	Switzer	Wood, Ind.
Reavis	Smith, Idaho	Tilson	Woods, Iowa
Ricketts	Smith, Minn.	Timberlake	
Roberts, Mass.	Snell	Towner	

ANSWERED "PRESENT"—4.

Chiperfield	Fuller	Smith, Mich.	Talbott

NOT VOTING—93.

Bailey	Driscoll	Lafean	Porter
Barchfeld	Eagan	Langley	Pou
Beales	Estopinal	Lehlbach	Powers
Brumbaugh	Fairchild	Lesher	Pratt
Buchanan, Tex.	Farr	Liebel	Rodenberg
Butler	Flynn	Lindbergh	Rowland
Candler, Miss.	Focht	Littlepage	Sanford
Cantrill	Gardner	Loft	Scott, Pa.
Capstick	Garland	McCulloch	Scully
Carew	Godwin, N. C.	McFadden	Sears
Casey	Granam	McKellar	Sparkman
Chandler, N. Y.	Gray, N. J.	McLaughlin	Steagall
Charles	Griest	Maiden	Steele, Pa.
Clark, Fla.	Harrison	Maher	Taggart
Coleman	Hart	Moores, Ind.	Temple
Conry	Haskell	Morin	Tillman
Copley	Hayes	Mudd	Tinkham
Costello	Heaton	Nolan	Vare
Crago	Hollingsworth	North	Watkins
Dale, N. Y.	Hopwood	Olney	Watson, Pa.
Darrow	Johnson, S. Dak.	Parker, N. J.	Young, N. Dak.
Dewalt	Kelster	Patten	
Dooling	Kiess, Pa.	Peters	
Doremus	Kreider	Platt	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HART with Mr. CHARLES.

Mr. DOOLING with Mr. MUDD.

Mr. LITTLEPAGE with Mr. CAPSTICK.

Mr. SLEMP with Mr. MONTAGUE.

On this vote:

Mr. SPARKMAN (for rule on shipping bill) with Mr. BARCHFELD (against).

Mr. TILLMAN (for rule) with Mr. HAYES (against).

Mr. ESTOPINAL (for rule) with Mr. CHANDLER of New York (against).

Mr. CANDLER of Mississippi (for rule) with Mr. TEMPLE (against).

Mr. McKELLAR (for rule) with Mr. COPLEY (against).

Mr. SEARS (for rule) with Mr. JOHNSON of South Dakota (against).

Mr. STEELE of Pennsylvania (for rule) with Mr. McCULLOCH (against).

Mr. DOREMUS (for rule) with Mr. SMITH of Michigan (against).

Mr. GODWIN of North Carolina (for rule) with Mr. GARDNER (against).

Mr. PATTEN (for rule) with Mr. FAIRCHILD (against).

Mr. WATKINS (for rule) with Mr. PARKER of New Jersey (against).

Mr. FLYNN (for rule) with Mr. SANFORD (against).

Mr. HARRISON (for rule) with Mr. CHIPERFIELD (against).

Mr. TILLMAN with Mr. MILLER of Pennsylvania (ending 22d).

The result of the vote was then announced as above recorded.

Mr. MARTIN. Mr. Speaker, on the roll call on the ordering of the previous question I find that I am not recorded. I voted "no," and I would like to have the correction made.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that all Members who speak on the bill may have five legislative days after the consideration of this bill is closed to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent that all who speak on this bill shall have five legislative days after the consideration of the bill in which to print remarks in the RECORD. Is there objection?

Mr. MANN. For the present, I object.

The SPEAKER. The House automatically, under the rule, resolves itself into Committee of the Whole House on the state of the Union for the consideration of the shipping bill, with the gentleman from Tennessee [Mr. GARRETT] in the chair.

In the temporary absence of Mr. GARRETT Mr. SAUNDERS took the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the shipping bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes.

Mr. ALEXANDER. Mr. Chairman and gentlemen of the House, in the limited time for debate it is impossible for me to discuss this bill as I would like to. I may say here that this bill is a very different bill from what is known as the ship-purchase bill which was considered in the House in the last Congress.

I introduced the original bill (H. R. 10500) for which the bill now under consideration is a substitute on the 29th of January last. Hearings were held on H. R. 10500 from the 10th of February to the 9th of March, and again from the 13th to the 22d of April. We gave the bill as thorough and painstaking consideration as it is possible to give a piece of legislation of its importance under all the circumstances. We fully realized its importance as it might affect our ocean-borne commerce.

In the Sixty-second Congress the Committee on the Merchant Marine and Fisheries was charged by the House with the investigation of what was known as the Shipping Trust. I called to our assistance as an expert Dr. S. S. Huebner, of the University of Pennsylvania, and our investigations continued over a term of nearly two years. We made a report to the House in February, 1914, and made certain recommendations to the House with reference to legislation as we were instructed to do by the resolution under which the investigation was held. We investigated every trade area in the world. We developed all the conditions under which the regular lines of vessels in over-sea trade, as well as our coastwise trade, were operating. No fact found in that report has ever been challenged by anyone. If you will look at the maps in the corridor, you will find how close and intimate were the relations between all the regular lines in the coastwise trade and on the Great Lakes and in the over-seas trade as disclosed by our investigation. As a result of our investigation we were confronted with the question whether or not we should recognize the agreements existing between carriers by water or recommend that the Sherman antitrust law should be enforced against them and these combinations be broken up, and if that law was not ample or broad enough in its provisions to do so that the law should be amended.

After giving thorough consideration to this grave question and after taking into consideration the arguments made before our committee by the ablest representatives of the foreign lines as well as of the domestic lines, we concluded that many of the provisions of the agreements under which combinations were operating were not objectionable; and hence we recommended reasonable regulation rather than that the combinations might be broken up. That decision was influenced by the consideration that if we would break up these combinations and restore destructive competition it would ultimately lead to consolidation and monopoly. Hence, after giving the question thorough consideration, we recommended that our water-borne commerce, domestic and foreign, should either be brought under supervision of the Interstate Commerce Commission or under some other body having jurisdiction.

I introduced a bill (H. R. 17328) in the last Congress, embodying the views of the committee and carrying out our recommendations. We did not have time to consider it in that Congress, and it went over. I reintroduced the bill in this Congress. It is known as H. R. 450.

The shipping bill, H. R. 10500, in addition to the provisions for the creation of a shipping board, contained section 9, which gave the shipping board large regulatory powers, and section 10, which provided that the lines engaged in domestic and foreigns commerce should be required to operate under a license from the shipping board. As the result of our hearings we concluded that the provisions of H. R. 450 better met the views of our committee than did the provisions of sections 9 and 10 of the bill H. R. 10500 I introduced in the House. The subcommittee, of which there were 10 members—myself; Mr. HARDY, of Texas; Mr. BURKE, of Wisconsin; Mr. SAUNDERS, of Virginia; Mr. BRUCKNER, of New York; Mr. BYRNES, of South Carolina; Mr. GREENE, of Massachusetts; Mr. EDMONDS, of Pennsylvania; Mr. HADLEY, of Washington; and Mr. ROWE, of New York—addressed ourselves to the task of sifting out from H. R. 450 and transferring to this bill those provisions which

we thought would be desirable to incorporate in the bill and give to the board the reasonable power to regulate our water-borne commerce.

I want to say right here that if we ever expect to build up an American merchant marine under the American flag in the oversens trade we must exercise some control over shipping lines engaged in trade from our ports, and provisions in this bill referring to common carriers in foreign commerce have that end in view—nothing harsh, nothing drastic, but reasonable regulations, the purpose of which is to insure American commerce fair treatment.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MADDEN. I was interested in reading the hearings before the committee in a statement made by a man named Franklin and one or two other men to the effect that two-thirds of the commerce coming into and going out of American ports is carried by what is known as tramp steamers, and that those tramp steamers make their contracts with individuals for the cargo, and, consequently, would not come under the provisions of the regulations which the bill seeks to enact. Is there any truth in that?

Mr. ALEXANDER. That is true, and we do not want to regulate the tramps if they are bailees for hire and not common carriers and are free from the control of the regular lines; they are the very best regulators we have; but our investigation disclosed that many of these cargo steamers—the greater number of them—belong to and are under the control of these regular lines.

Mr. MADDEN. Well——

Mr. ALEXANDER. The gentleman will pardon me, but I have allotted to myself only 30 minutes, and I must get along. So much for the regulatory provisions of the bill. I want to say right here that the provision creating a Federal shipping board has the support of the commercial bodies in the United States. They do not favor the extension of the power to regulate our water-borne commerce to the Interstate Commerce Commission, because the commission is already overworked. The Chamber of Commerce of the United States had the provisions of House bill 450 under consideration for some time, and recommended legislation abolishing deferred rebate and providing for supervision of rates by the Federal shipping board, and by an overwhelming majority, on a referendum creating the shipping board and vesting the board with regulatory powers over common carriers by water, so voted. So that, so far as those provisions are concerned, I may confidently state that we have behind us the united sentiment of the commercial bodies in the United States, including the Chamber of Commerce of New York, which, I understand, is not affiliated with the Chamber of Commerce of the United States.

The first section of the bill defines the term "common carrier by water in foreign commerce," the term "common carrier by water in interstate commerce," the term "common carrier by water," the term "other person subject to this act," and the term "person," as used in the bill.

Section 2 provides that within the meaning of the bill no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and the corporation itself organized under the laws of the United States or of a State, Territory, District, or possession thereof. The provisions of the bill also apply to receivers and trustees of all persons to whom the bill applies.

Section 3 provides for the creation of the United States shipping board, composed of the Secretary of the Navy and the Secretary of Commerce, as members ex officio, and five commissioners, to be appointed by the President, by and with the advice and consent of the Senate. The first commissioners appointed shall continue in office for terms of two, three, four, five, and six years, respectively, from the date of their appointment; the term of each to be designated by the President, their successors to be appointed for terms of six years, persons chosen to fill vacancies to be appointed only for the term of the commissioner whose term he succeeds; commissioners to be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them, and to a fair representation of the geographical divisions of the country. Not more than three commissioners shall be appointed from the same political party. No commissioner shall be employed by or hold any official relation to any common carrier by water or other persons subject to the act, nor actively engaged in any other business. Any commissioner can be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the board shall not impair the right of the remaining members of the board to exercise all its powers. The board shall have an official seal, which shall be judicially noticed. The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there for a question?

Mr. ALEXANDER. The gentleman will pardon me, but I can not yield. Under this bill the Secretary of the Navy has certain duties to perform. The naval auxiliaries and Army transports and other vessels belonging to the Navy and War Departments may be transferred to this board. The Secretary of the Navy may list these vessels as a part of the United States naval auxiliary reserve, and, in addition, the officers and members of the crews of the listed ships may be enrolled as a part of the naval reserve force, under regulations prescribed by the Secretary of the Navy. The Secretary of Commerce is made a member of this board for the reason that the Steamboat-Inspection Service and the Bureau of Navigation are under the jurisdiction of the Secretary of Commerce.

Section 4 provides that the members of the board, except the ex officio members, shall receive a salary of $10,000 per annum. They may appoint a secretary at a salary of $5,000 per annum, and employ and fix the compensation of such attorneys, officers, naval architects, experts, examiners, clerks, and other employees as they may find necessary for the proper performance of their duties and as may be appropriated for by Congress. The President, upon request of the board, may authorize the detail of officers of the military and naval services of the United States for such duties as the board may deem necessary in connection with its business.

With the exception of the secretary, a clerk to each commissioner, attorneys, naval architects, experts, and examiners, all other employees of the board shall be a part of the classified civil service.

The expenses of the board, including necessary expenses for transportation incurred by members of the board or its employees under its orders in making any investigation or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers approved by the chairman of the board. The board may rent suitable offices for its use.

There has been serious question raised as to whether or not the compensation named in the bill will be sufficient to secure men of the caliber necessary to properly discharge the duties of this commission. We believe there are many men in this country of experience in transportation and shipping, experts along the lines necessary, and qualified to discharge the duties imposed on them by this bill, who are willing to give their time to the public service.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. MANN. This board is to exercise certain regulatory powers?

Mr. ALEXANDER. Yes.

Mr. MANN. Are the Secretary of the Navy and the Secretary of Commerce to be a part of the board for that purpose?

Mr. ALEXANDER. They are a part of the board for all purposes.

Mr. MANN. Does not the gentleman think it is a little dangerous to introduce political, partisan appointments into the subject of regulatory powers over interstate commerce?

Mr. ALEXANDER. Of course there is that danger; but the practical duties will devolve on this board of five members in the administration of this law, and I do not believe that any men, although they may be members of the Cabinet and partisans in the sense that they are representatives of a party, would lend themselves to any scheme that would not be fair to the great interests which will be committed to their charge under this bill.

Mr. MANN. It would not be possible, of course, for the Secretary of the Navy and the Secretary of Commerce to hear all of the arguments made before this commission, or many of them. Would it be wise to let them vote on a proposition where they did not hear the arguments and where their vote might be decisive?

Mr. ALEXANDER. I think I am of a judicial temperament, and I always like to see fair play, and if I thought that they would abuse their powers by reason of their membership on this board I would regret very much to make them members of the board.

Mr. MANN. But would they not be apt to abuse their powers?

Mr. ALEXANDER. If they would not give the cases before them full consideration, they might do so.

Mr. MANN. But here there are seven members, and it takes a majority to decide a question. Suppose five members stood three to two?

Mr. ALEXANDER. They would have to decide. I believe they would fully inform themselves—that they would not vote blindly.

Mr. MANN. But they would not hear the arguments.

Mr. OGLESBY. Will the gentleman permit an inquiry on this line?

Mr. ALEXANDER. Yes.

Mr. OGLESBY. Is it not a fact, in all judicial bodies, those who do not participate in hearing of arguments always refuse to take part in a decision?

Mr. ALEXANDER. That is the rule.

Mr. MANN. Does the gentleman know any case where a minority of the court is permitted to render the judgment of the court?

Mr. ALEXANDER. No; I do not think there would be any serious danger of it here; but, as I have said, they have been made members of this board for the reasons that I stated.

Section 5 provides that the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards and elsewhere, giving preference, other things being equal, to domestic yards, or to purchase, lease, or charter, vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or militay puposes.

The policy of admitting foreign-built ships to American registry has already been recognized and established by the Congress of the United States. In the Sixty-second Congress I reported out of the Committee on Merchant Marine and Fisheries a bill providing that foreign-built ships not more than five years old might be admitted to American registry; and that all the material entering into the construction, repair, or equipment of ships built in American shipyards might be admitted free of duty. The provisions of that bill were incorporated into section 5 of the Panama Canal act in 1912. The distinguished gentleman from Georgia [Mr. ADAMSON] was then chairman of the Committee on Interstate and Foreign Commerce, and the Hon. Fred Stephens of Minnesota, the ranking minority member, and between us we wove the provisions of that bill into section 5 of that act. That bill became a law under Mr. Taft's administration. No ships were admitted under its provisions because at that time the cost of constructing ships in American shipyards was greater than in foreign countries and the cost of operation of vessels under the American flag was greater than it was under foreign flags—or at least that was the claim. The vessels belonging to the United States Steel Corporation and vessels of the Standard Oil Co. and vessels of the United Fruit Co., all of them belonging to American citizens, were then under a foreign flag. They have since been admitted to American registry.

In August, 1914, immediately following the outbreak of the war in Europe, we passed through this House, under suspension of the rules, a bill removing the limitation of five years and admitting foreign-built ships to American registry without regard to age. It became law on the 18th of August, 1914. Under its provisions more than 600,000 tons of shipping have come under the American flag, all shipping belonging to American citizens, and prior to that time under British and other foreign flags.

At this time there is no claim that vessels may not be built in American shipyards as cheaply as they can be built anywhere in the world. In fact, we are building ships now for foreign account. There is no claim that vessels may not be operated under the American flag now as cheaply as they can be operated under a foreign flag. The difference in cost of construction and operation that may have existed prior to the war——

The CHAIRMAN. The gentleman from Missouri has consumed 25 minutes.

Mr. ALEXANDER. Whatever differences that existed prior to the war have been wiped out. A minority member of my committee introduced a ship-subsidy bill early in this session at the instance of certain parties in New York. Later some of the parties appeared at the hearings on this bill and agreed that the present is not a proper time to press a ship-subsidy bill. I believe if this bill becomes a law that every ship constructed under its provisions will be constructed in American shipyards. That is my hope and that is my expectation. I believe, too, that the facilities for the construction of ships will be ample.

It is said if this bill becomes a law, where are you going to have the ships built; our yards are now crowded with construction work. Well, now, admitting they are full to their present capacity, what is to become of the scheme to enlarge our Navy by the expenditure of $500,000,000 in the next five years? We are going to build battleships, cruisers, and submarines. No one seems to doubt our facilities to do this. All our shipyards are expanding their facilities to meet the requirements of our naval program; why not our merchant-marine program as well? We have some 40 shipyards. Merchant vessels can be built on the Atlantic coast, on the Great Lakes, along the Gulf, or on the Pacific coast, and there is no question in my mind but that these vessels may be built if we only make provision for it.

Another question to which I wish to call attention is this: Rear Admiral Benson, of the Navy, at the hearings before our committee said that we need at this time between five and six hundred thousand tons of merchant ships provided for in this bill as auxiliaries for our Navy at its present strength. I think we can very well expend the $50,000,000 provided for in this bill to furnish auxiliaries for the Navy in the interest of national defense. Certainly no one would claim that we should build these ships solely as naval auxiliaries.

They must be utilized in the commerce of the United States in time of peace. In the last Congress we had what was known as the Weeks bill. The Senator from Massachusetts was the first to suggest the Government ownership and operation of the merchant marine. That bill passed the Senate. You know its subsequent history.

Now, gentlemen, the limitation for debate under this rule is such that I can not go into the consideration of the many questions involved in this bill at any length. One provision of the bill did not meet the approval of the minority members of the committee; that is, the power vested in the board to purchase foreign ships. Another provision that they did not approve was that with reference to the Government operation of ships. First, I just want to speak a moment on that. If you look at section 11 of the bill you will see that it provides that after five years the operation of ships under the corporation in which the Government may own a majority of the stock shall cease. That concession was made to those who are opposed to permanent Government operation of ships. We further provide that these foreign-built ships and ships operated by a corporation in which the Government is the owner of stock may not be used in the coastwise trade, except in the trade with Hawaii and Porto Rico and Alaska, and then only in the event those trades are not adequately served by privately owned and operated lines of vessels. That proposition was put up to us by ex-Gov. Gillette, of California, representing the Pacific coast lines. As we wished to demonstrate that we have no intent to discourage private capital from investing in shipping, for fear of competition by Government-controlled lines, we wrote that provision in the bill.

Mr. COOPER of Wisconsin. I would like to ask one question.

Mr. ALEXANDER. Yes.

Mr. COOPER of Wisconsin. Who is to decide whether the service is adequate?

Mr. ALEXANDER. The board. The American-Hawaiian Steamship Co. and the Luckenbach Co. have diverted most of their ships from the coastwise to foreign trade, because the profits are greater in that trade. And there is a real demand now for shipping in our coastwise trade, and especially in the trade between the Atlantic and Pacific coasts.

Mr. BRITTEN. Is not that condition due to the war in Europe?

Mr. ALEXANDER. Of course it is due to the war in Europe.

Mr. BRITTEN. That is not always going to exist.

Mr. ALEXANDER. I hope not.

Mr. KAHN. The gentleman spoke of the Hawaiian and Luckenbach Lines. Both of those lines do business through the Panama Canal, do they not; and the continued route through that canal has a great deal to do with the running of their ships? Is not that the fact?

Mr. ALEXANDER. They operated their ships regularly before the canal was opened.

Mr. KAHN. They operated them in conjunction with the Tehuantepec Railroad, which is equivalent to a canal.

Mr. ALEXANDER. Yes; and I think they will scurry back now if this bill becomes a law.

Section 6 provides that the President may transfer to the board such vessels belonging to the War or Navy Department suitable for commercial uses and not required for military or naval use in times of peace, and also transfer to the board vessels owned by the Panama Railroad Co. not required in its business.

Section 7 provides that the board, upon terms and conditions prescribed by it and approved by the President, may charter, lease, or sell to any person, a citizen of the United States, any vessel so purchased, constructed, or transferred.

Section 8 provides that when any such vessels become unfit for the purposes of the act they may be sold under the terms prescribed by the board.

Section 9 of the bill provides that any vessel purchased, chartered, or leased from the board may be registered or enrolled and licensed as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: *Provided*, That foreign-built vessels heretofore and hereafter admitted to American registry, and vessels owned, chartered, or leased by any corporation in which the United States is a stockholder—except the Panama Railroad Co.—may not engage in the coastwise trade of the United States, except that such vessels may engage in trade with Alaska, Hawaii, or Porto Rico, whether or not en route to or from a foreign port, if the board finds such trade is not being adequately served by a regular line or lines of vessels. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein in whole or in part, or hold any mortgage, lien, or other interest therein. No such vessel, without the approval of the board, shall be transferred to a foreign registry or flag or sold, nor, except under regulations prescribed by the board, be chartered or leased.

The section further provides that when the United States is at war, or during any national emergency, the existence of which is declared by proclamation of the President, no vessel registered or enrolled or licensed under the laws of the United States shall, without the approval of the board, be sold, leased, or chartered to any person not a citizen of the United States or transferred to a foreign registry or flag.

This latter provision applies not only to vessels constructed or purchased under the provisions of this act but to all vessels under the American flag.

Section 10 provides that the President, upon reasonable notice, may take possession, absolutely or temporarily, for naval or military purposes, of any vessel purchased, leased, or chartered from the board; and if, in the judgment of the President, an emergency exists requiring such action, he may take possession of any such vessel without notice.

The section further provides for the payment to the person interested the fair actual value at the time of requisition of the interest of such person in the vessel taken absolutely, or, if taken for a limited period, the fair charter value for such period.

Section 11 of the bill provides that the board, if in its judgment such carrier is necessary to carry out the provisions of the act, may form, under the laws of the District of Columbia, one or more corporations for the purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels in the commerce of the United States. The aggregate capital stock of the corporation or corporations thus formed shall not exceed $50,000,000. It further provides that the board may, on behalf of the United States, subscribe to, purchase, and vote not less than a majority of the capital stock of any such corporation or corporations and do all things necessary to protect the interests of the United States. The board, with the approval of the President, may sell all or any part of the stock in such corporation, but at no time shall it be a minority stockholder therein.

The section further provides that at the expiration of five years from the close of the present European war the operation of vessels on the part of any corporation organized by the board shall cease and the corporation be dissolved. The vessels and other property of such corporation shall revert to the board to be sold, leased, or chartered in the same manner and on the same terms as vessels constructed or purchased by the board, and the board shall dispose of property other than the vessels upon the best available terms and deposit the net proceeds in the Treasury to its credit.

Section 12 provides that vessels purchased, leased, or chartered from the board may be listed by the Secretary of the Navy as vessels of the naval auxiliary reserve; that officers and members of the crew of such listed vessels who volunteer for the purpose and are citizens of the United States or its insular possessions, may, under regulations prescribed by the Secretary of the Navy, be enrolled in various ranks and ratings corresponding to those of the United States Navy, not above the rank of lieutenant commander, as members of any naval reserve force established by law.

Section 13 provides that the board shall investigate the relative cost of building merchant vessels in the United States and in foreign maritime countries, and the relative cost, and so forth, of operating vessels under American and foreign registry, also recommend such amendments to our navigation laws and regulations as necessary or desirable for the development of our merchant marine, also investigate the legal status of mortgage loans on vessel property, with a view to improving the security of such loans and encouraging investment in American shipping. The board is required to report to Congress at the beginning of each session the results of its investigations, also submit a statement of all expenditures and receipts and operations of any corporation of the United States in which it is a stockholder and the names and compensation of all persons employed by the board.

Section 14 provides for the sale or use of Panama Canal bonds for the purpose of carrying out the provisions of sections 5 and 11 of the bill. The proceeds of such bonds and the net proceeds of all sales, charters, and leases of vessels and of stock made by the board, and all other moneys received by it from any source, shall be covered into the Treasury to the credit of the board, and permanently appropriated for the purpose of carrying out the provisions of sections 5 and 11 of the bill.

REGULATION OF CARRIERS BY WATER IN FOREIGN AND INTERSTATE COMMERCE OF THE UNITED STATES.

Sections 15 to 22 provide for the regulation of carriers by water.

Section 15 provides, first, that no common carrier by water shall pay or allow deferred rebates to shippers, and defines the term "deferred rebate"; second, forbids the use of fighting ships, and defines the term "fighting ship"; third, forbids retaliation against shippers who patronize other carriers, or complain of unfair treatment by refusing, or threatening to refuse, space accommodations when available, or by other unfair practices; fourth, make any unfair or unjustly discriminatory contract with any shipper based on the volume of freight, or unfairly treat or unjustly discriminate against any shipper in the matter of cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage, and loading and landing of freight in proper condition, or the adjustment and settlement of claims.

Section 16 requires common carriers by water, or other persons subject to the act, to file with the board a true copy, or, if oral, a true and complete memorandum, of agreements with other carriers or other persons subject to the act, or modification or cancellation thereof, to which they may be a party or conform in whole or in part, fixing or regulating transportation rates or fares, giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses, or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential, or cooperative working arrangement. The board is given the power to dissolve, disapprove, cancel, or modify any agreement or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters between the United States and foreign competitors, or to operate to the detriment of the commerce of the United States, and to approve all other agreements, modifications, or cancellations. Agreements existing at the time of the organization of the board shall be lawful until disapproved by the board. It is made unlawful to carry out any agreement or any portion thereof disapproved by the board. Agreements, modifications, or cancellations lawful under this organization of the board shall be lawful only when and as long as approved by the board. Before approval or disapproval it is made unlawful to carry out, in whole or in part, directly or indirectly, any such agreement, modification, or cancellation. Agreements, modifications, or cancellations lawful under this section are excepted from the provisions of the Sherman and other antitrust acts.

Section 17 makes it unlawful for any common carrier by water, or other person subject to the act, either alone or in conjunction with any other person, directly or indirectly, first, to make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic, or to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage; second, allow any person to obtain transportation for property at less than regular rates by means of false billing, false classification, false weighing, false report of weight or by any other unjust or unfair device or means; or third, to improperly influence any marine insurance company or underwriter, or agent thereof, not to give a competing carrier by water as favorable an insurance rate on vessel or cargo as granted to such carrier or other person subject to the act.

Section 18 applies to carriers by water in foreign commerce and provides that no such carrier shall demand, charge, or collect

any rate, fare, or charge which is unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States as compared with foreign competitors. It further provides that whenever the board finds any such rate, fare, or charge is demanded, charged, or collected, it may alter the same to the extent necessary to correct such unjust discrimination or prejudice and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory or prejudicial rate, fare, or charge. Whenever the board finds any such regulation or practice is unjust or unreasonable it may determine, prescribe, and order enforced a just and reasonable regulation or practice. Such carriers and other persons subject to the act shall establish, observe, and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property.

Section 19 provides that every common carrier by water in interstate commerce shall establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto, and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property. Every such carrier is required to file with the board and keep open to public inspection, in the form and manner and within the time prescribed by the board, the maximum rates, fares, and charges for or in connection with transportation between points on its own route, and if a through route has been established, the maximum rates, fares, and charges for or in connection with transportation between points on the route of any other carrier by water. It is made unlawful for any such carrier to demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges filed in compliance with the section, except by the approval of the board and under 10 days' public notice in the form and manner prescribed by the board. The board for good cause may waive such notice. Whenever the board finds that any rate, fare, charge, classification, tariff, regulation, or practice demanded, charged, collected, or observed by such carrier is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable maximum rate, fare, or charge or a just and reasonable classification, tariff, regulation, or practice.

Section 20 forbids common carriers by water in interstate commerce to reduce its rates on the carriage of any species of freight to or from competitive points below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water, and in the event it does so, forbids such carrier to increase such rates unless, after hearing, the board finds such proposed increases rest upon changed conditions other than the elimination of such competition.

Section 21 makes it unlawful for a common carrier by water, or other person subject to this act, or any officer, receiver, trustee, lessee, agent, or employee of such carrier or person, or for any other person authorized by such carrier or person to receive information, to disclose to or permit to be acquired by any person other than the shipper or consignee, without the consent of such shipper or consignee, certain information which might be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions, or might be used to the detriment or prejudice of a carrier, and so forth. This does not prohibit, however, the giving of such information in response to any legal process issued under the authority of a court of competent jurisdiction, or to any officer or agent of the Government, or of any State, and so forth, in the exercise of his powers, or any other person seeking such information for the prosecution of persons charged with or suspected of crime, or to any other carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

Section 22 provides that the board may require any common carrier by water, or other person subject to the act, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report of any account, record, rate, or charge, or any memorandum of any facts necessary for the information of the board in the administration of the act. It makes it a misdemeanor to willfully falsify, destroy, mutilate, or alter any such report, account, record, rate, charge, or memorandum, or willfully file a false report, account, record, rate, charge, or memorandum.

REMEDIAL PROVISIONS—SECTIONS 23 TO 34, INCLUSIVE.

While the part of the bill relating to the regulation of carriers by water differs necessarily and materially from the corresponding provisions of the interstate-commerce act, the difference is not so radical that the administration and enforcement provisions of the latter act and the nearly 30 years' experience of the Interstate Commerce Commission can not be adapted with slight modifications to the purposes of this bill.

Section 22, relating to the requiring of information, confers upon the board only a part of the power of the Interstate Commerce Commission under section 20 of the interstate-commerce act, by which the commission is empowered to prescribe a uniform system of accounts, as well as the form of all accounts, records, and memoranda to be kept by carriers subject to the act, and its examiners given access to such accounts for the purpose of inspection and examination. While it is well within the power of Congress to impose similar requirements upon carriers by water in interstate commerce, the committee deems it neither advisable or necessary, at least at this time, to make the provisions of this bill any more burdensome in this respect upon carriers by water in interstate commerce than those imposed upon similar carriers operating under foreign flags and engaged in the foreign commerce of the United States.

Sections 23 to 31 inclusive, modeled very closely after the interstate-commerce act, in brief and concise manner confer upon the board power to make orders necessary for the enforcement of the act, and provide the means for the enforcement of such orders.

Under section 23 any person may file with the board a sworn complaint setting forth any violation of the act. The board after due notice to the person complained of shall investigate the matter, and make such order as may be proper, including an award of reparation for any injury resulting from the violation. Similar powers are conferred upon the board to investigate and make orders upon its own initiative, except that awards of reparation may be made only upon complaint. Provision is also made in section 24 that orders relating to a violation may be made only after a full hearing. While this secures to a person alleged to have violated the act a full opportunity to be heard in his own defense, it at the same time leaves free from unnecessary restriction the action of the board in other matters.

The provisions of section 24 relating to the time during which orders of the board shall continue in effect are the same as those of the interstate-commerce act, but the provision of the latter act that orders shall not take effect for 30 days has been omitted, as the committee feels that this matter should properly be left to the discretion of the board.

The provisions of section 27 relating to the power of the board to compel the attendance of witnesses and the production of documentary and other evidence are also substantially similar to those of the interstate-commerce act, except that the board may exercise such power only "for the purpose of investigating alleged violations of this act" instead of "for the purposes of this act" as in the interstate-commerce act. Under this broad phrase in the latter act as construed by the Supreme Court (Harriman *v.* United States, 211 U. S., 407 [1908]), the power of the board is limited to investigations of violations. The provision that testimony may be taken under the direction of the board by any person authorized to administer oaths has been substituted for the lengthy but little-used provisions of the interstate-commerce act relating to depositions. Section 28 includes the essential provisions of the compulsory testimony act of February 11, 1903, and the immunity of witnesses act of June 30, 1906.

In sections 29 and 30, providing the means for the enforcement of orders of the board, the provisions as to jurisdiction of the district courts have been slightly changed because of the difference between rail and water traffic.

The somewhat lengthy provisions of the district court jurisdiction act of October 22, 1913, as to the venue and procedure in suits to enforce, suspend, or set aside orders of the Interstate Commerce Commission, are extended by section 31 to apply to orders of the board. In view of the ambiguous provision of that act as to venue, the section provides that such suits may also be maintained in any district court having jurisdiction of the parties.

Section 32 is a general penalty provision, corresponding to section 10 of the interstate-commerce act, and making any violation, except where a different penalty is specifically provided, a misdemeanor punishable by a fine of not more than $5,000.

Section 33 provides that this act shall not affect the jurisdiction of the Interstate Commerce Commission nor confer upon the board concurrent jurisdiction over any matter within the jurisdiction of the commission. Its purpose is to obviate a

conflict of jurisdiction if in some unforeseen manner any substantive provision of this bill inadvertently overlaps a corresponding provision of the interstate-commerce act. The last clause of this section—that the act shall not apply to intrastate commerce—corresponds to the similar provision of section 1 of the interstate-commerce act, both of which are rendered advisable in view of the decision of the Supreme Court in the first employers' liability cases, Two hundred and seventh United States, page 463 (1908).

Section 34 is merely a legislative declaration of the separableness of each provision of the act, so that in the very unlikely event of any provision being unconstitutional the remainder of the act would not be endangered thereby.

Mr. GREENE of Massachusetts. Mr. Chairman, this bill that we have under consideration is one of the most important bills ever presented for the consideration of the Sixty-fourth Congress. I have good authority for that statement, and I propose to quote you an extract from a speech made by a good Democrat, so that you can understand where my authority comes from. I am not supposed to be good authority on Democratic propositions, but I will give the authority of a good Democrat and that will tell the story.

On February 11, 1915, there appears in the CONGRESSIONAL RECORD a copy of an address delivered by the gentleman from Virginia [Mr. SAUNDERS] before the Chamber of Commerce of Boston, and after he delivered that address it was so satisfactory to some of the Democrats in this House that before I was able to obtain recognition from the Speaker to ask to have this address placed in the RECORD, one of the most prominent Democrats in this House asked to insert the address before referred to in the RECORD. This was not hasty action on the part of the gentleman from Virginia [Mr. SAUNDERS], but one that was very thoughtful, because he had long consideration before he decided to deliver that address at the Boston Chamber of Commerce, and he took the position in opposition to the shipping bill that was presented last year. And the gentleman who has just taken his seat [Mr. ALEXANDER], the chairman of the Committee on the Merchant Marine and Fisheries, defended the bill before the chamber of commerce. The gentleman from Virginia [Mr. SAUNDERS] also on the 22d day of February, 1915, put into the CONGRESSIONAL RECORD a speech 11½ pages long, in which he condemned the shipping bill (H. R. 18666), which was acted on in the House of Representatives last year, and I shall quote what he said, because I think when you quote good Democratic doctrine, where that doctrine condemns Democratic legislation, it is wise to let the people understand what a prominent Democratic Member of the House thought about the shipping bill last year and how he characterized it then and how he views a proposition which provides for a larger expenditure from the public Treasury under the bill reported out from the Committee on the Merchant Marine and Fisheries by the action of the Democratic members of the committee, and now being considered in the House of Representatives.

The gentleman from Virginia [Mr. SAUNDERS] used the following language in his speech placed in the CONGRESSIONAL RECORD December 22, 1915:

> Mr. Speaker, the pending Government shipping bill is the most momentous proposition that has confronted the Democratic members of this body collectively and individually, since the advent of the Democratic administration. During the past two years we have passed a number of important measures, notably the tariff and currency bills. But the Democrats were committed to these measures by the declarations of many platforms. Reforms in these directions were familiar articles of the Democratic faith, and were prominent among the issues upon which the successful campaign of 1912 was waged. But the pending bill, that is the compound Gore-Weeks bill, presents a new principle, one never contained in a Democratic platform, and in my judgment both politically and economically unsound and unwise. This bill proposes Government ownership and operation in a commercial enterprise that will bring the United States into immediate competition with its own citizens who may desire to enter the field of foreign trade on the high seas. This enterprise will require many initial millions to set it on its feet, and holds out no hope of profit from its conduct and operation.

I could not have stated the condemnation of the shipping bill more forcibly if I had tried. The following is the language of the gentleman from Virginia [Mr. SAUNDERS], who is the presiding officer of the Democratic caucus, in a further reference to said bill:

> No Democratic platform has declared in favor of Government ownership in this direction. Quite the contrary. Our last platform specifically indorses the "efficient supervision and rate regulation of railroad and express companies, and telegraph and telephone lines engaged in interstate commerce."
>
> Contrast this plank with the plank in the same platform relating to a merchant marine, a plank that later will be cited in full. This plank favors the development of a limited merchant marine between this country and South America, through the exercise of the Federal power of "constitutional regulation of commerce." Regulation is the word used in the two planks, and in the common acceptation, as well as legal intendment, its meaning is the same in both connections. If the exercise of our constitutional power of regulation means that the Government is to buy and operate, or lease and operate ships on the high seas in a commercial venture, in a word, if regulation in this connection commits us to Government ownership to an unlimited extent in the field of foreign trade, then it will be an easy step in the argument to say that our platform relating to the regulation of railway and other companies, engaged in interstate traffic, commits us to the principle of Government ownership of railroads, express companies, telegraph and telephone lines, a contention that doubtless some one will make before the work of this Congress is concluded.
>
> This shipping bill has been hailed with delight by Debs, Berger, and other leading Socialists in the United States, and why not? It is a concession that their main contention is fundamentally sound. Enact this bill, and the Socialists, not the Democrats, will have occasion to rejoice. Its passage may be a victory for the forces behind this measure, but the fruits of that victory will attach to an opposing organization, since our indorsement of their main contention will give an impetus to the development of their propaganda that nothing else would afford to the same degree. The Socialist contention that Government ownership and Government operation should replace private ownership and private operation, has not found favor in the Democratic Party, at least not up to the present time. For one, I am opposed to it. I believe in individual initiative, individual enterprise, and individual property rights, that is individual ownership. Hence my opposition to the pending bill which provides for Government-owned and Government-operated ships in the field of foreign trade. The Democratic Party has always favored the development of a privately owned merchant marine. Our last platform calls for such a marine, and the legislation of August, 1914, was intended to lay the foundation on which privatae capital could build. The amount carried in this bill, great as it is, and capable of being applied to very great advantage in many directions of domestic utility, would buy a comparatively small fleet of merchant ships. Still they would be sufficient to chill the spirit of private initiative, and discourage and deter private capital from the effort to establish such a merchant marine as our platform contemplates.
>
> As a Democrat, I am further opposed to this measure, for the reason that it is in flat contravention of the following plank of the platform adopted at Baltimore:
>
> And only think, gentlemen of the Democratic majority, you will soon be compelled to write a new Democratic platform. There have been so many planks knocked out that, gentlemen of the majority, you will be compelled to begin anew at the foundation and build up again. The platform upon which you gained your power to control the House and elected your President declares as follows:
>
> We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties that bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.
>
> The gentleman from Virginia [Mr. SAUNDERS] in that speech said of this plank:
>
> This plank plainly restricts our legislative activities in this direction to the exercise of our constitutional power to regulate commerce. The limited marine to be developed in this fashion is to ply between this country and South America, and must be self-supporting, since we are neither to impose additional burdens upon the people nor to afford bounties or subsidies from the Public Treasury in furtherance of its development. There is no hint in the language used of a world-wide Government-owned and Government-operated marine. Subsidies and Government ownership are alike excluded from contemplation.

So that, gentlemen, you can see clearly you are traveling on very dangerous ground, according to Democratic authority.

Mr. SMITH of Michigan. Will the gentleman give the reference to that quotation?

Mr. GREENE of Massachusetts. Yes; I can. It is in the CONGRESSIONAL RECORD, volume 52, part 6, Appendix and Index, Sixty-third Congress, third session, page 469. And, furthermore——

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Massachusetts. Certainly.

Mr. MOORE of Pennsylvania. Has the gentleman time to incorporate the peroration of Mr. SAUNDERS in that speech, where he quotes President Wilson on the immigration bill and says he can not support the President in his policy of Government ownership?

Mr. GREENE of Massachusetts. Yes; I can.

Mr. MOORE of Pennsylvania. I will read it to you. Mr. SAUNDERS said:

> Mr. Speaker, I will never support this undemocratic policy of Government ownership until it is embodied in and made a part of our party platform. When President Wilson vetoed the immigration bill, which had passed both branches of Congress by immense majorities, he made the following explanation of his action in his veto message: Does this bill rest upon the conscious and universal assent and desire of the American people? I doubt it. It is because I doubt it that I make bold to dissent from it. I am willing to abide by the verdict, but not until it has been rendered. Let the platforms of parties speak out on this policy and the people pronounce their wish. The matter is too fundamental to be settled otherwise. I only want instructions from those whose fortunes, with ours and all men's, are involved. Mr. Speaker, I renew the query of the President in the present connection, and ask: Does this Government-ownership bill rest upon the universal assent and desire of the American people? I sincerely doubt it, but am ready to abide by their verdict. For the present the people have not spoken, and until their verdict is rendered I am constrained to stand on my party's platform

> as it has been written. When I am instructed further and otherwise by the people of my district I will conform to those instructions and subordinate my personal opinion to the better judgment of the people, who constitute the fundamental authority in a free and popular government.

That statement of the President the gentleman from Virginia [Mr. SAUNDERS] cordially confirms.

Mr. GREENE of Massachusetts. Yes. Now, gentlemen, I want to call your attention to a situation which arose out of that investigation which took place some time before the advent of this Congress. I find by examining the prefatory note prefixed to the Report on Steamship Agreements and Affiliations in the American Foreign and Domestic Trade, prepared under the direction of the Committee on the Merchant Marine and Fisheries in the Sixty-third Congress, that it represents a summary of the data gathered by that committee in its investigation of steamship combinations under House resolution 425, introduced by Mr. HARDY, of Texas, on February 24, 1912, and resolution 587, introduced by Mr. ALEXANDER on June 18, 1912. Then it proceeds to tell of this investigation, but states that a joint resolution was originally introduced by Mr. HUMPHREY of Washington, providing for a joint committee of the House and Senate to investigate foreign shipping rings. Mr. HARDY subsequently introduced a joint resolution extending the inquiry embraced in the resolution of Mr. HUMPHREY.

Now, gentlemen, that is the basis of some subsequent action taken in the committee. Last year, when we had the shipping bill under consideration, we started out with the bill numbered H. R. 18518. I want to show you how we have progressed on shipping bills. We started out, as I say, with the bill numbered H. R. 18518, which was a bill "to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States, or of a State thereof, or of the District of Columbia, to purchase, equip, and maintain vessels to operate in the foreign trade of the United States, and for other purposes." That bill comprises less than five pages—four pages and less than a third. That was issued on the 24th day of August, 1914, as a starter.

On the 4th day of September, 1914, a bill was introduced, which was referred to the Committee on the Merchant Marine and Fisheries, "To authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation, to be organized under the laws of the United States, or a State thereof or of the District of Columbia, to purchase, construct, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes." That bill contained six pages and about one-quarter. That would seem to be a very fair kind of proposition, simple in preparation and not too extensive in language.

On the 6th of December, 1915, a bill—H. R. 450—was introduced, entitled "A bill to regulate carriers by water engaged in the foreign and interstate commerce of the United States." When that bill was introduced I received many complaints from my constituents in regard to the different propositions contained in it. After inquiries made of the chairman, he said, "That bill will be withdrawn. I do not propose to have any hearing on that bill." That bill—H. R. 450—contained 28 pages.

We then were confronted with the bill introduced on January 21, 1916—H. R. 10500—"to establish a United States shipping board for the purpose of developing and creating a naval auxiliary and a naval reserve and to promote the commerce of the United States, and for other purposes." That bill contained 16 pages.

Now, when we came to consider that bill and go through it very carefully, there were some objections made to two sections of it; and so, in order to make the bill lighter and easier, so that it would not be quite so expensive a burden upon American shipping, it was pared down and another bill was presented, which was labeled H. R. 14337, "To regulate carriers by water engaged in the foreign and interstate commerce of the United States," and that bill contained every feature that was in the bill H. R. 450 that had rested in the committee a few months and then was withdrawn because it was announced to the general public that it would not be considered at that Congress.

So that we have the bill H. R. 14337, which seems to be a scheme to punish the shipping interests of this country for taking out sections 9 and 10 of the bill H. R. 10500, and the committee consolidated with it the bill H. R. 14337. And so to-day we have the bill H. R. 15455, "to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes," as the bill which contains all that has been thought out in response to our invitation to draft a bill in the interest of American shipping.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Massachusetts. I will yield for a question; not for a speech.

Mr. ALEXANDER. I just want to ask the gentleman if it is not a fact that the bill I introduced to carry out the recommendation of the committee was the bill H. R. 3728 in the last Congress, which was printed in full in Referendum No. 9 by the Chamber of Commerce of the United States and was submitted to the members of their constituent bodies in that referendum and that in the main the provisions of House bill 450 are identical with the provisions of that bill?

Mr. GREENE of Massachusetts. Not having had my attention called to it, I can not tell you.

Mr. ALEXANDER. I say they are.

Mr. GREENE of Massachusetts. Then I take the gentleman's word for it. Let the gentleman conclude his speech, but I will yield no further.

There is no trouble with me. I fight fairly. I have been a member of this committee nearly 18 years, and I have been a member of the committee ever since the present chairman was made chairman of the committee, and there have been but very few bills on which I came before this House in opposition to him. One of these was the shipping bill last year, and the other is the shipping bill this year. I have my reasons for not being in favor of this bill.

I challenged members of the committee when I was charged with being concerned with a trust and defending a trust on this committee—I challenge any man to bring his proof here on this floor if he can find any evidence whether in the committee or outside of it that I have been in any way connected with any shipping trust, any manufacturing trust, or any kind of a trust in any form whatever. I challenge any member of the committee to show that I have not been entirely independent in everything I have done, without regard to any inducement by anybody, either in this House or outside of it.

Mr. GORDON. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. GORDON. Is the gentleman in favor of subsidies?

Mr. GREENE of Massachusetts. Yes, sir; I am, but I am not in favor of Government ownership and paying $50,000,000 into a proposition that will not do anything but entangle the American shipping and deny them freedom of action and which provides no benefit except to the foreign ships.

Mr. BRITTEN. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. BRITTEN. Does the gentleman think that $50,000,000 is sufficient?

Mr. GREENE of Massachusetts. Fifty million dollars will be a mere flyspeck if the intention really is to provide a merchant marine to cope with the merchant marine of the nations of the world, but it means a sum of fifty millions coming out of the Treasury of the United States and absolutely nothing will be returned, and it will be proved so by the application of this bill. No other Government has ever experimented in providing such a vast sum to be expended as is provided in this bill, but it is $50,000,000 out of the hard-earned money of the people, and is $50,000,000 too much.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GREENE of Massachusetts. Certainly.

Mr. MOORE of Pennsylvania. The American shipyards are about as fully employed now as they can be?

Mr. GREENE of Massachusetts. Yes.

Mr. MOORE of Pennsylvania. And can not take any more orders, as I understand it?

Mr. GREENE of Massachusetts. No.

Mr. MOORE of Pennsylvania. And so we will have to spend the $50,000,000 in foreign countries?

Mr. GREENE of Massachusetts. Yes; there is a provision in the bill that gives them that opportunity, and the minority tried very hard to take this feature out of the bill. Every Democrat voted to retain this feature.

Mr. MOORE of Pennsylvania. If they were to enforce the law immediately where would they spend the money?

Mr. GREENE of Massachusetts. I do not know. There will be a payment to these gentlemen for their salaries and expenses and everything else that goes with the bill, but that will come out of the Treasury of the United States beyond the $50,000,000.

Mr. MOORE of Pennsylvania. Well, that gives them a start, then they can deliberate for two or three years as to whether they will buy abroad or at home.

Mr. GREENE of Massachusetts. Yes; they have the right to buy abroad. We tried to take that proposition out of the bill

but were unsuccessful. They have the opportunity to buy here or elsewhere. Section 5 says:

> That the board with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards or elsewhere, giving preference, other things being equal, to domestic yards, etc.

That is to say, if you can find that they can build the vessels cheaper abroad, then you will construct your vessels abroad and take the money out of the Treasury of the United States and spend it to support foreign shipbuilders to build up foreign shipyards—do everything you can to help the foreigner. You propose in this bill to tie the hands of the American shipper and shipbuilder. During the hearing I asked several gentlemen who were engaged in the construction of and in the running of vessels in the foreign trade if this bill did not put a cable around the hands and arms and bind up the feet of every American shipper and shipowner, and they invariably answered that if it was enacted into law that would be the result. Now, we can not control the foreigner, although the bill provides for control; but there never was a bigger piece of humbug in a bill than the attempt to promote the building of a merchant marine under the provisions, restrictions, and regulations of this bill.

Mr. KAHN. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. KAHN. The Secretary of the Navy is one of the members of the board ex officio. Does the gentleman know that the Secretary of the Navy has been buying canned goods put up abroad, put up in foreign countries, for use of the sailors of the United States?

Mr. GREENE of Massachusetts. Oh, yes.

Mr. KAHN. Is the gentleman familiar with the law of April 28, 1904, under the terms of which the American ship must be given the preference in carrying coal and other commodities for the use of the Army and Navy from the Atlantic to the Pacific seaboard whenever the charges of the American vessel were not unreasonable, and does the gentleman recall that President Roosevelt and President Taft decided that under that law where American shipowners, by reason of the greater expense the American ship is under, asked not more than 50 per cent over the foreign shipowner that the American ship must be given the preference to comply with the law?

Mr. GREENE of Massachusetts. Yes.

Mr. KAHN. And that the Secretary of the Navy has set that aside?

Mr. GREENE of Massachusetts. Oh, does not the gentleman from California realize that there is a great distinction between a Republican administration and a Democratic administration?

Mr. GORDON. Yes; 50 per cent. [Laughter.]

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. LA FOLLETTE. And does the gentleman remember that during this administration the Secretary of the Navy bought materials for Old Glory abroad?

Mr. GREENE of Massachusetts. Yes; anything that can be bought cheaply is very attractive to the present administration. You will soon have everything made in Japan. We will not do any American business.

Mr. DAVIS of Texas rose.

Mr. GREENE of Massachusetts. Oh, what is the matter with my friend from Texas? [Laughter.]

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes; for a question.

Mr. DAVIS of Texas. I want to ask if the gentleman remembers that Pierpont Morgan, whom you made general manager of the United States, bought a lot of bonds abroad last spring?

Mr. GREENE of Massachusetts. Why, yes; he spends his money where he pleases, the same as you do. [Laughter.] I do not think we have any right to control his expenditures and investments any more than we have to control yours. There is a vast difference between the gentleman from Texas and Mr. Morgan spending their own money and the expenditure of the money of the people. Now, gentlemen, I have a few other matters to which I wish to refer.

Mr. EMERSON. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. EMERSON. I would like to call the gentleman's attention to section 11, which provides for a partnership between the United States and citizens of this country. Has the gentleman discussed that at all?

Mr. GREENE of Massachusetts. I have not, because there will be no partnership between any individual and the United States. No individual will go into partnership with the Government of the United States on these terms. The gentleman need not fear that they will get in. Here is a high set of men, from the President down, who send orders to people who will take them. I thank God that I never took any orders from the White House, neither under a Republican administration or a Democratic, and I do not take the orders from any live man to-day either Democrat or Republican.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. MOORE of Pennsylvania. So long as we provide $20,000,000 for a nitrate plant and $50,000,000 for the lower Mississippi and $15,000,000 for rural credits, does not the gentleman think we had better hurry up and pass this bill while we have $50,000,000 in the Treasury?

Mr. GREENE of Massachusetts. I am going to suggest this, that this bill proposes to use Panama Canal bonds which, fortunately for the country, we did not use to build the Panama Canal because we had the money in the Treasury; and, furthermore, had we used these bonds to build the Panama Canal and had left money instead of those bonds in the Treasury there would not have been anything in the Treasury to-day, for the money would have looked so alluring to the party in power that they would have evolved some scheme to have disposed of it. They are using the canal bonds because they are available assets which are readily in sight.

Mr. MOORE of Pennsylvania. Does the gentleman not understand that the nitrate plant is to be built with Panama Canal bonds?

Mr. GREENE of Massachusetts. Oh, yes; there is nothing else now available.

Mr. MOORE of Pennsylvania. Had we not better hurry up and pass this bill on that account?

Mr. GREENE of Massachusetts. Oh, yes. I want to call attention to this fact, that in section 15 there is a penalty of $25,000 attached to a violation of a single provision of this bill. Just think of that. A penalty of $25,000, and then they put in a penalty of $5,000 for violation of another provision. They say that they are not going to hamper the American shipping at all; that they are perfectly free to go as they please; but if a man is in command of an American ship in a foreign port and he gets a chance to do any business with anybody over there, he has first to say to himself, "Well, I will have to look up this law first to see what I can do." Of course, they say that the law will be liberally administered—that is, some members of the committee say that—but they are not going to be the men on that board.

The board is going to be made up of Lord knows whom. Woodrow Wilson nominates the board and we can not tell whom he will nominate. Of course, he is going to see to it that the parties are properly divided! He made one division with a man whom he did not succeed in getting confirmed in the Senate yesterday. He was a man without a party, but the President recognized him as belonging to our party, and so we do not know what is going to happen to us; but we do know that this bill from beginning to end is an infernal bill that ties up American shipping and leaves the foreign shipping free, because you can not get at it. Of course, if they could, if this Democratic Congress could only do what they would like to do, they would endeavor to control the world. They are worse than the Kaiser, but their power is limited as well as his is. [Laughter.]

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Massachusetts. Oh, no; I have no time to spare, and I must decline to yield. I have used all of the time that I care to use at present. I have got any quantity of material, and if somebody else does not use the time, I will.

Mr. EMERSON. Mr. Chairman, will the gentleman yield to me for one more question?

Mr. GREENE of Massachusetts. Yes.

Mr. EMERSON. Has the gentleman overlooked on page 5 that paragraph which says that the expenses of the board, and so forth—for traveling expenses outside of the city of Washington, wherever they may go—is to be approved by the chairman of the board?

Mr. GREENE of Massachusetts. Oh, yes.

Mr. ALEXANDER. Will the gentleman yield?

Mr. GREENE of Massachusetts. No; I will not yield. I reserve the remainder of my time.

Mr. ALEXANDER. That provision applies to all boards.

Mr. GREENE of Massachusetts. I reserve the remainder of my time.

Mr. ALEXANDER. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the House, I sympathize greatly with my friend from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Do not sympathize with me; I do not need any. [Laughter.]

Mr. BYRNES of South Carolina. I think my friend does, and I understand his grouch. Nobody ever charged him with being controlled by the trusts or anything else. We know that no one could control him. He can not even control himself. But for all of his life he has had one hobby, a hobby that was indicated by the question of the gentleman from Ohio when he asked if he was in favor of a subsidy, and the gentleman from Massachusetts almost jumped over the chairs in replying, "Yes; I am." The trouble is that some Republican on this Merchant Marine Committee backed the gentleman from Massachusetts up in a corner or somewhere else and had him write a minority report upon this bill that covers 13 pages and he never says one word about a subsidy. With the best chance that he has ever had in his life to come here and advocate a subsidy, some power we do not know of forced him, the ranking member on the minority side of this committee, to write a report over his own signature in which he fails to advocate the payment by the Government of the United States of a subsidy to the Shipping Trust of America! How did you do it?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MOORE of Pennsylvania. Is not this bill a subsidy under another name?

Mr. BYRNES of South Carolina. I can show that it is not, but I want now to direct my remarks to the members of the committee, and then I will try and talk to the gentleman from Pennsylvania. Think of the nerve, the absolute nerve, of the gentleman from Massachusetts [Mr. GREENE] getting up here and attempting to talk about the inconsistency of the gentleman from Virginia in advocating this bill. I will not attempt to explain the conduct of the gentleman from Virginia, because he is well able to do it for himself, but I want to talk about the inconsistency and hypocrisy of gentlemen on the Republican side. Here is my good friend from Michigan [Mr. LOUD], who signed this minority report, charging that the regulatory provisions of the bill are embarrassing both to the shipowner and to the ship operator, and are absolutely destructive to American shipping, and, lo and behold, the gentleman from Michigan, immediately after signing that report, introduces into this House on May 8, a bill, H. R. 15565, with 36 sections, and 33 out of the 36 sections are taken bodily from the Alexander bill. [Laughter and applause on the Democratic side.] There is not a change, the dotting of an "i" or the crossing of a "t," with the exception of three sections. Every restriction, every regulative section is word for word as provided in the Alexander bill. Did he mean it when he said what he did in the minority report? If so, why did he introduce this bill on May 8? Was he sincere when he said the Alexander bill was destructive of American shipping? Was he hypnotized into signing a report that condemned his own bill?

But he is not the only man. Take the gentleman from Pennsylvania [Mr. EDMONDS]. I know of no man in this House who is better informed on the subject of the American merchant marine, and therefore what he says is certainly of interest to all students of the question. He signed this report, and what does he say? He says that Government ownership, even under this modified plan for a limited period, is a most dangerous thing. Did he believe that?

My friends, during this same Congress another bill was introduced into this House by the gentleman from Pennsylvania [Mr. EDMONDS] on December 7, and what did he propose in that bill? He proposed that the President of the United States be directed to build or acquire 20 steamships of not less than 8,000 tons each. To do what with them? To put them into commerce; to have them engage in shipping, but instead of intrusting them to the control of the shipping board he provided that they should be operated through the Panama Steamship Co. The only difference was that he intrusted it to the Panama Steamship Co. instead of the shipping board.

Mr. EDMONDS. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes; I will be glad to do so.

Mr. EDMONDS. And did not the bill say where they are to be operated also?

Mr. BYRNES of South Carolina. He even provided certain definite trade routes in which they should be used to Central America—Central America and the West Indies if it be deemed advisable, preference to be given to home ports in the establishment of these lines. He went so far as to give preference to certain ports, and there is no question—the gentleman from Pennsylvania will not deny it—that his bill provides for nothing but Government ownership and Government operation of steamship lines. He went further and provided that these Government owned and operated vessels could invade the sacred preserves of coastwise shipping and stop at ports on the Atlantic and Pacific while en route to a foreign port. Then how can you explain the report in which you condemn the operation and ownership by the Government? [Applause on the Democratic side.]

The convention will meet in Chicago very soon, and my good friend from Massachusetts says the Republican Party is going to be returned to power. Does he believe it? No. He does not believe it, and I will prove it to you. They say here that even this limitation of five years upon the Government operation is not satisfactory, because at the expiration of five years the limitation may be removed. Well, they say they are not in favor of Government ownership, and if they are going to be in power five years from now they would not remove the limitation. But they say they fear the limitation will be removed, so we must presume that in their hearts they believe we will be in power. [Laughter and applause.] My good friend overlooks the fact that from his own State there is a distinguished Senator, and when the Chicago convention meets I have no doubt all of them will be found voting for that distinguished Senator from Massachusetts [Mr. WEEKS] for the Republican nomination. Is he in favor of Government ownership? Why, in August of last year much time was consumed in the Senate in the discussion and consideration of his bill that provided not only for Government ownership, but went further and provided that the Secretary of the Navy should fix the rates at which commerce should be transported by these boats under Government ownership.

If Government ownership and operation under existing circumstances is populistic and dangerous, how are you Massachusetts Republicans going to conscientiously vote to nominate WEEKS at Chicago?

And there is the distinguished Senator from New Hampshire, the Republican leader in the Senate, Senator GALLINGER, who had this to say of the Weeks bill:

> This proposition takes some of the few auxiliary ships we have and puts them into commercial work, and if they can be called back to the Navy when they are needed no substantial harm, as I see it, will be done.

That is what we propose to do, to put them in commerce, and we provide specifically that whenever war is threatened the President of the United States shall have the right to immediately draft these vessels, and thereafter a board of arbitration shall settle the price at which they shall be paid for.

The Senator from Mississippi [Mr. WILLIAMS] was opposing the policy of placing a limit upon the operation of Government ships and offered an amendment limiting the operation of ships by the Government to the period the war should continue. To this Senator WEEKS, candidate for the Republican nomination, said:

> The Senator will note from a reading of the bill that whether or not these lines are established and maintained is entirely in the hands of the Secretary of the Navy. If other means of transportation are furnished by private capital, these ships can be withdrawn at any time, but I think it would be inadvisable to enter upon this enterprise for the comparatively brief time which may ensue between now and the termination of the European war. I hope the Senator will not press the amendment which he has suggested, making the application of the bill temporary.

And again:

> But the purpose of the bill is not temporary. The purpose of the bill is to establish, until private capital undertakes to do so, a line of steamers to South America.

Now, the gentleman from Massachusetts opposes the provisions of this bill which would allow the shipping board to purchase or construct elsewhere, with the limitation that preference should be given to American shipyards. I want to commend to the gentleman another distinguished gentleman, a candidate for the Republican nomination for the Presidency; a man who certainly knows a good deal about this question. I refer to ex-Senator Burton of Ohio, and I want to read what he had to say in the Sixtieth Congress. Mr. Burton said:

> I would not disparage the importance of the shipbuilding industry. Let them have the exclusive right to build boats to ply upon the lakes. Let them have the exclusive right to build boats to ply between New York and Savannah or New York and Galveston. But if we desire to carry our goods or our mails abroad in boats which have the American flag at their mastheads we must fall in line with every other country and allow the purchase of ships anywhere where they can be obtained. * * * Right here I desire to state that while I favor restricting boats engaged in domestic or coastwise trade to those of American construction, I do not believe we can ever expect to attain to even a fraction of the prominence of former days without doing away with that regulation. This regulation dates from the very earliest history of the Republic.

He further said:

> No ship can carry the American flag and engage in either foreign or coastwise trade unless it is built in American shipyards, a law which has been abandoned by practically every other country in Europe or in the civilized world.

Mr. EMERSON. Did Senator Burton in speaking on this subject say he favored Government purchase and operation?

Mr. BYRNES of South Carolina. That is another question entirely. But the minority members of this committee, like the gentleman from Massachusetts [Mr. GREENE] a moment ago, opposed the provision in the bill which provides that ships can be built in American yards or elsewhere, preference being given to American shipyards, and the distinguished Senator from Ohio, Mr. Burton, said that the American flag would never fly from the masthead of American ships until we did what the Alexander bill seeks to do.

Mr. GREENE of Massachusetts. Did I not say that I asked to have stricken out the words "or elsewhere"?

Mr. BYRNES of South Carolina. And I tell you that when you did that you were directly in conflict with the opinion of the distinguished Senator from Ohio.

Mr. GREENE of Massachusetts. It does not make any difference whether I am in conflict with anybody else or not. You charge me with offering to take away the building of American ships from American shipyards and navy yards.

Mr. BYRNES of South Carolina. Nobody would ever charge you with that as long as you live. You will always be found trying to prevent that which Senator Burton said is the only way to have the flag at the masthead of American ships.

Mr. GREENE of Massachusetts. Senator Burton has as good a right to his opinion as I have to mine.

Mr. BYRNES of South Carolina. The real truth is that every last one of you is in favor of a subsidy and every last one of you was afraid to say so, because you know that at this time every steamship company is making such excessive profits that even if in the past years this Congress had enacted a subsidy law the ship owners to-day would be ashamed to take the money.

Mr. LOUD. Was not Senator Burton alone in that view on this side of the House?

Mr. BYRNES of South Carolina. When a man is right he is always alone on that side of the House. [Laughter.]

This bill provides a dual purpose. It serves preparedness in war and in peace. It serves preparedness in war, because, according to Admiral Benson, if we commandeered all American ships available as naval auxiliaries we would still lack 500,000 tonnage. To do what? To take care of the ships of the American Navy when at sea. A navy at sea without auxiliaries is as helpless as an army on a battlefield without guns and without ammunition. You clamor for preparedness, and yet you are willing to send a navy to sea without the necessary auxiliaries to supply the fleet.

Mr. COOPER of Ohio. Is it not a fact that in every country where they have been successful in building up a merchant marine it has been done by subsidy?

Mr. BYRNES of South Carolina. No; it is not a fact.

Mr. ALEXANDER. The greatest line in the world—the Hamburg-American Steamship Co.—was built up without subsidy in any form.

Mr. BYRNES of South Carolina. In the Committee on the Merchant Marine and Fisheries, in the consideration of this bill, that question, so far as I am concerned, was settled beyond dispute, and I care not whether the gentleman thinks so, or some of the other gentlemen who remain in their seats and say so, the facts show it is not true, and I defy any man to prove it.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. I yield.

Mr. KAHN. The gentleman from Missouri [Mr. ALEXANDER] just stated that the Hamburg-American line was not built up by subsidy.

Mr. ALEXANDER. I did.

Mr. KAHN. Is it not a fact that Germany, owning its State railroads, gives a special rate to the goods manufactured in Germany, so that the steamship lines can get a preference in carrying the goods?

Mr. BYRNES of South Carolina. I will answer the gentleman.

Mr. KAHN. And it is equivalent to an enormous subsidy.

Mr. BYRNES of South Carolina. The gentleman has asked me a question, and I will say that that statement has been made in the committee several times, but never authoritatively, and even if it was, it is not such a subsidy as you gentlemen want but have not the nerve to ask for now.

Mr. KAHN. It is a subsidy, nevertheless.

Mr. BYRNES of South Carolina. The gentleman is one of the big-Army and big-Navy men. He contends that we should enact the largest naval bill in the history of the American Congress, and we are going to do it; but when we do it, are we going to send them to sea without sufficient auxiliaries. You want battleships, but when it comes to building auxiliaries to supply them you oppose it, because you fear the auxiliaries may be used in commerce and injure the Shipping Trust.

I wonder how the gentleman from Illinois [Mr. BRITTEN] is going to vote. Is he going to deny, by voting against this bill, the 500,000 tonnage that the Secretary of the Navy says is absolutely necessary to supply American ships?

Mr. BRITTEN. I wish to say to the gentleman that you will not get a big Navy without Republican votes.

Mr. BYRNES of South Carolina. We certainly will not get those votes if it conflicts with the Shipping Trust. [Applause on the Democratic side.]

This bill will furnish the tonnage which the experts of the Navy Department claim is essential to the effectiveness of the American Navy. The ships will be constructed with a view to their use as naval auxiliaries. Now, in time of peace what shall we do with them? Shall we allow them to remain tied up at wharves, when the farmers and manufacturers of America are clamoring for ships to transport their products to market? You gentlemen know that the absence of shipping has caused the railroads to place an embargo upon the shipment of freight to Atlantic ports for export. As early as December, 1915, the railroads reported that 45,000 cars were tied up in the vicinity of New York. The conditions to-day are even worse than those prevailing in the fall of 1915.

The minority report states that even if this bill be enacted into law we can not hope to finish the construction of any ships within two years. I believe this statement is made not with regret but with delight. Had the Republican Party not defeated the ship-purchase bill in the last Congress by filibustering in the Senate, in March, 1915, we would to-day have in operation ships purchased under the provisions of that bill. They would to-day be worth 100 per cent more than they were worth in March, 1915, and the saving to the shippers in freight rates during the past year would have been sufficient to pay for the ships. I want to know what these Republicans from the grain-growing States are going to do about this bill. Before the war you could ship a bushel of grain from New York to Liverpool for 5 cents per bushel. March 1, 1915, the rate had increased to 24 cents per bushel. On that day the Republicans of the Senate by their filibustering defeated the administration bill, and since that time the rates on grain have increased until, March 1, 1916, it cost the farmers of the West 50 cents per bushel to ship their grain from New York to Liverpool. Those who aided in the defeat of that bill may have been true to the shipping interests, but they were certainly disloyal to the agricultural interests of this country, and I believe the farmers are smart enough to realize it.

As long as the European war continues there is absolutely no chance for any improvement in shipping conditions. The shortage of vessels is due to the elimination of the merchant marine of Germany and Austria-Hungary, to the withdrawal of ships for military and naval purposes of the allies, to the loss through submarine activities, and to the fact that the shipyards of Europe are to-day engaged in constructing vessels for naval and military purposes, and, therefore, the world is not receiving the normal increase of shipping. Even after the war shall end it will be some time before the shipyards of Europe can place upon the seas the number of vessels they were turning out annually before the war. In view of this situation, when we know that the absence of shipping last year increased the freight rates to such an extent as to cost the manufacturers and farmers of America $300,000,000 a year, shall we sit idly by and declare our inability to protect the interests of America?

In addition to the increased ocean freight rates, many shippers were unable to secure ships to transport their products, and as a consequence their business has been almost ruined. Many manufacturers have reported to the Merchant and Marine Committee their inability to bid for business in South America because they were not able to lease, charter, or buy ships to transport the products of their factories to the prospective markets. Take lumber and the manufactures of wood. In 1914 our exports were, in round numbers, $99,000,000. In 1915 the exports were only $48,000,000—a decline of $51,000,000. And our coal exports declined $4,000,000 in 1915, in the face of the greatest demand in our history for coal for foreign consumption.

In 1915 we exported manufactured products, other than farm products, to the amount of $843,699,562. The rates have been increased on manufactured cotton goods as well as other manufactured products. Every sane workingman realizes that as our manufacturers are put in position to compete in the open markets of the world, labor will be more regularly employed and at higher wages.

How does the question of a merchant marine affect the farmer? I have already referred to the increase in the rate on

grain. Even a greater increase has been made in the rate on cotton. In July, 1914, the ocean freight rate on cotton from New York to Liverpool was $1 per bale; to Copenhagen, $2; to Rotterdam, $1.25; to Havre, $1.05. On March 11, 1916, the rate from New York to Liverpool was $13.35 per bale; Copenhagen, $15; Rotterdam, $15; and to Havre, France, $15. It is also true that the rate from New Orleans and other southern ports has been higher than the rate from New York. In March, 1915, when the Republicans were endeavoring to defeat the ship bill it was predicted by some persons that there would be some relief from the outrageous rates, but instead of decreasing they have continued to steadily increase until to-day they are higher than they have been since the commencement of the war. The cotton farmer can realize the effect this increased rate has upon the price he receives for his cotton. Men debate the question as to where the price of cotton is determined, here or Liverpool. If in Liverpool, then admittedly the burden of the increased rate falls upon the producer. No sane farmer will ever believe that he is not caused to bear a part if not all of this freight-rate burden, and all men must agree that when the rate of $15 per bale is added to the price of the commodity, together with the premium for war-risk insurance and increased premiums for marine insurance, the price to the purchaser is so materially increased as to lessen the purchasing power of the consumer and thus lessen the demand for cotton, resulting in lessening the price received by the farmer. During the year ending June 30, 1915, there were exported 8,807,157 bales of cotton of 500 pounds each, valued at $376,217,972. As the increased freight rate averaged about $12 per bale, it is readily seen that the absence of a merchant marine cost the cotton farmers during a single year $100,000,000.

The importance of this question is realized by the farmers of the country. When the war started, and for a month or two, all shipping was paralyzed, our cotton was piling up in the fields and in the warehouses, and as there was no way of shipping it to our markets in Europe, the price rapidly declined to 5 or 6 cents a pound. The spindles in America can not consume much more than a third of the crop, and whenever we are unable to transport our surplus abroad the price will be so low that it will not cover the cost of picking. Often during the last 12 months there have been fluctuations due, according to the market reports, to reported increases in freight rates. But we are in the helpless position of depending upon the merchant marine of Great Britain to transport our cotton to her mills. In this connection I wish to call attention to the press report quoting Admiral Beresford as commenting upon the depletion in the tonnage of British ships for commercial purposes, and Earl Curzon stating in reply:

> The Government is now administering the whole British mercantile marine, amounting to half the gross tonnage of the world. Forty-three per cent of the British tonnage has been requisitioned for naval and military purposes, 14 per cent is occupied in carrying foodstuffs and raw material in behalf of the Government and its allies, and the remaining 43 per cent is being operated by British shipowners under State regulations.

This statement shows what has become of the vessels upon which we have in the past depended for the transportation of our products. The extent of this Government control can be ascertained from an article in the London Economist on November 1, 1915, in which it is stated:

> In future the Government may requisition for the carriage of grain and other merchandise any ship registered in the United Kingdom, and after December 1 no British ship of over 500 tons may carry cargo from one foreign port to another without first obtaining a license from a committee in London. All British shipping is liable to be requisitioned for commercial purposes. All trade in British bottoms between foreign ports is to be under direct Government control.

This means simply that if it be more imperative for the Government to have munitions of war, the ships can not be used for the transportation of grain or cotton. Are we content to have this condition continue? If two grocers are competing for trade in a town and one has a delivery service and the other has none, but depends upon the delivery service of his competitor to take his groceries to customers, how long will he be able to remain in business? If a farmer has no wagon to transport his products to market, but relies upon hiring wagons from his neighbors, does he not know that he can hire those wagons only when it is not to the best interest of the owners to use them for their own business? Do not the business men of America know that the merchant marine of Great Britain will give to British shippers every possible advantage over their American competitors? If a merchant of America and a merchant of Great Britain bid for a contract in South America requiring delivery on specified dates, is it not reasonable to expect the merchant marine of Great Britain to favor their own shippers in guaranteeing bottoms to insure delivery under the contract?

Our opponents claim that it will be impossible to secure any ships under this bill before the war ends. Well, I do not believe any man can predict when the war will end. But if their contention is true, it is still of vital importance that we now proceed to build a merchant marine so that a similar emergency in the future will not find us in a similarly helpless condition.

We had one sad experience during the War with Spain when we wished to send our fleet to sea and found we had no ships to supply the fleet. We went into the market, and as we had to have them immediately the result was that we purchased ships that have ever since been referred to as "junk." Outside of the amounts paid for Army transports, we spent $18,000,000 for naval auxiliaries. After the war seven of the vessels purchased for $1,736,922 were sold for $353,785.04—a loss to the people of $1,383,136.96. The loss on the rest of the vessels was almost as great and the whole transaction a serious reflection upon the business capacity of the American Government.

One advantage of our embarking upon the building of a merchant marine at this time is that we will be able to build modern ships with which the ships of other nations now in existence will be unable to compete. Modern vessels using the Diesel engines, burning oil instead of coal, have such increased cargo space and can be manned with such smaller crews that it has been demonstrated that the saving thus effected will more than offset the increased expense of operating under the American flag, paying higher wages and furnishing better food and better quarters to our seamen.

I do not believe it will ever be necessary for the Government to operate ships under this bill. Because of the low rate of interest the Government can secure for the capital invested, they will be able to sell or lease the ships they build at prices that will attract persons interested in the shipping business. In addition, vessels purchased or leased under this bill will be included in the naval auxiliary, and American seamen upon these boats be enlisted in the Naval Reserve. The plan agreed upon by our committee will be included in the naval appropriation bill authorizing the payment to American seamen of some small amount each month as long as they are in the Naval Reserve. This will induce the American boys to return to the sea and will insure us in case of possible foreign aggression that we will have a naval auxiliary manned by American citizens to assist our fleet in protecting our shores against any invasion.

The regulatory features of the bill are agreed to by all fair-minded men. They seek simply to enable an independent shipowner to carry on his business without having the shipping trust drive him out by discriminatory and unfair practices. Does any man object to that? The London Stock Exchange Book shows the outrageous profits of the shipowners of Great Britain during the years preceding the war, and since that time we can imagine the profits they have made. Is there any good reason why established steamship lines doing business in our ports should not be regulated?

I believe this the most vital question pending in this Congress at this time, and the Democratic members of the subcommittee that framed this bill believe that it offers an opportunity for all Democrats to get together and do what the Republicans failed to do during their sixteen years' control of the Government—provide an American merchant marine that in time of war will insure protection and in time of peace will insure prosperity.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. ROWE].

Mr. ROWE. Mr. Chairman, in order to obtain a clear view of our present situation it is necessary for us to consider briefly the history of shipping in this country. You all know of the wonderful success attained by the Colonies in this line and how, prior to 1775, they not only were able to hold their own but were competitors of the great mercantile nations of the world, and were building ships not only for themselves but for Great Britain and other maritime nations. The Revolution between Great Britain and the United States destroyed all this, and the period which followed the war, known by many as the "dark period" in American history, brought our shipping to its lowest ebb. In 1789 we carried but 23.6 per cent of the export and import trade of the Nation. The very first act of the Congress of the United States under the new Constitution, which passed July 4, 1789, allowed a discount of 10 per cent of the tariff duties on all goods imported in ships built and owned by American citizens. Under the impetus given by this act our commerce increased fourfold in seven years, and by 1796 we were carrying 92 per cent of the exports and imports of the United States, beside doing a considerable trade for other nations.

We held this position as a maritime Nation until the War of 1812; during the second year of that war we handled only 54.5 per cent of our commerce. After the war, at the suggestion of Great Britain, we entered into a reciprocity agreement,

by which our Nation agreed to drop preferential duties in direct trade with the United Kingdom on condition that England was to do the same thing. From the close of the War of 1812 until the year 1834 we held our own in the trade of the world, with slight variations. In the latter year England began the policy of subsidizing its shipping by the payment of $85,000 to one company and $150,000 to another. In 1838 she paid $425,000 to Samuel Cunard for establishment of a line between Liverpool and Boston, which was subsequently increased to $850,000, and in a few years England was paying between three and four million dollars annually for subsidies. Immediately thereafter our trade began to fall rapidly, so that in 1847 we carried but 70.9 per cent of our own commerce. The ship subsidies granted by Great Britain had enormously increased her foreign trade and had opened up for her many new lines of commerce.

In 1845, by a Democratic Congress under the impetus of a Democratic President, the first ocean mail subsidy law was enacted, and under this law an American steamship service was established between the United States and the West Indies. In 1847 a similar act established a trans-Atlantic steamship line on payment of $385,000 a year, and was thereafter increased to $856,000 per annum. The immediate effect of the establishment of this line was the reduction of cost from £7 10s. to £4 per ton between the United States and England, and our tonnage was increased more than 50 per cent in the next five years, and in the five years following increased more than 63 per cent, or from 904,476 tons in 1845 to 2,348,358 tons in 1855.

It has been erroneously stated that the United States lost its commerce because it could not build ocean steamships, and especially because we did not understand and could not construct steel vessels. As is well known, Fulton built the first practical steamboat and Ericsson built the first screw propeller seagoing vessel. In 1855 there were many yards building steamboats for coastwise navigation, and some of these were iron steamboats, built at plants in New York and Philadelphia. We had plenty of iron of the best quality, and our mechanics, then as now, were the equal of any in the world. The real causes of the decline of American shipping were three:

First. In 1856 the slavery question was constantly before our people and the relations between the North and the South were becoming more and more strained each day; the northern people were the owners of the great ship lines that covered the seas, and the act which had been passed by the Democratic Party in 1845 had brought wealth and power to the North. The same party which had passed this subsidy but 11 years before, now under control of its representatives from the South, reduced the mail subsidy paid the Collins Line from $858,000 to $385,000; but the British Cunard Line continued to receive $856,000 per annum, and while the Collins Line continued the struggle for a few years it was finally forced out.

Second. About the same time France and Germany subsidized lines running to this country.

Third. Civil war broke out between the States and our foreign commerce, which had been so promising in the spring of 1856, was driven from the seas and has not up to the present time been reestablished.

For a period of more than 50 years, beginning shortly after the establishment of the Federal Government and extending to 1842, we carried each year under the United States flag between 80 and 92 per cent of our commerce, while in 1914 we carried out 8.6 per cent.

There is not a man in this House, nor, indeed, a citizen within the borders of the United States, who would not like to see our merchant marine reestablished on the high seas. We are all aiming to accomplish the same thing, and we only differ in method. I had hoped, as a member of the Committee on Merchant Marine, that we might be able, forgetting partisanship, laying aside as far as possible previous prejudices, to unite and present to this Congress a measure that men of all parties might support, that would ultimately reestablish our merchant marine; but we have failed to agree, and the majority members of the committee have reported the bill now before the House.

Since the Civil War we have never recovered. We are now carrying less than ever before, or, rather, we were at the beginning of the present war in Europe. In 1914, for instance, just before the war, we carried but 8.6 per cent of foreign and domestic commerce. There is not, as I say, a man in this House to-day who would not like to live to see the day when the United States shall again be a great maritime Nation. I hope we shall all live to witness the day when again 90 or 92 per cent of the exports and imports of the United States shall be carried under the American flag. [Applause on the Republican side.]

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. ROWE. Certainly.

Mr. DENISON. The gentleman seems to have made a study of the policy of England upon this subject of a subsidy. Does it happen that the gentleman has studied the policy of the German Empire, so that he can tell us what their policy has been, whether they have subsidized the Hamburg-American Line in one form or another?

Mr. ROWE. Yes. The Hamburg-American Line and all other German lines carrying freight receive a preferential in the form of a much less rate on goods sent to the seaboard from any interior city of Germany, so that in shipping their goods through the German railroads, being owned by the German Government, they allow a very large discount on the freight.

Mr. SLOAN. Mr. Chairman, will the gentleman yield at that point?

Mr. ROWE. Certainly.

Mr. SLOAN. Can the gentleman give us approximately what that preference amounts to per year to this great line, the Hamburg-American Line, which the gentleman has just spoken of?

Mr. ROWE. I can not give you an estimate. It would make a large subsidy.

Mr. SLOAN. In fact, a larger subsidy than has ever been contemplated by America to give to any American line or proposed line?

Mr. ROWE. I am not sure about that, but I think it is as large.

Mr. SLOAN. I am not a member of the committee. Does this bill before us now contemplate a traffic between this country and southern countries, or between this country and European countries?

Mr. ROWE. The present method would permit the use of ships built under this bill in any foreign commerce.

Mr. SLOAN. I know; but is it contemplated largely for South American commerce, or for world commerce generally?

Mr. ROWE. Some members of the committee have said South American commerce. Now, some of these questions will come up in my further discussion, and I shall be glad to answer questions later.

Now, as to this particular bill I thought the chairman would outline the bill a little more fully than he did.

This bill provides for the creation of a shipping board, whose duties shall be, first, to investigate the cost of construction of ships in American and in foreign yards and also the cost of operation under United States registry and under registry of foreign nations. Second, to regulate shipping, not only that operating under the United States flag but that also under flags of other nations, in so far as it in any way affects American shipping. To put out of commission as far as possible "fighting ships" and to destroy the rebate system. Third, to spend $50,000,000 in the construction of merchant vessels suitable, as far as possible, for the use of the Navy and Army for auxiliaries and transports. Fourth, to sell, charter, or lease said ships. Fifth, to operate through a company or companies any ships under the control of the board which have not been sold, chartered, or leased, with the understanding that the company thus operating under the Government, and with the Government owning not less than 51 per cent of the stock, shall, within five years after the European war is over, discontinue its business and sell or lease the vessels.

I believe in a shipping board. I believe it should have power to investigate the cost of construction of ships here and abroad. I believe in regulation of shipping, in putting out of commission "fighting ships," and breaking up of the rebate system; but I feel that the very stringent regulation of shipping provided in this bill will drive many companies now operating under the United States flag to foreign registry. I believe an investment of $50,000,000, which would build only about 50 vessels of the type desired, is too small to aid in solving the present maritime difficulties, but is large enough to cause men and corporations now investing hundreds of millions of dollars in the shipping trade to withdraw their capital from that business, believing, as many people do, that the Government is making a beginning of what will become a policy in the future. The plan of investing this amount of money in vessels for sale or to lease is bad enough, but the proposition to operate these vessels or any portion of them by the Government or through a Government corporation is infinitely worse.

Mr. SAUNDERS. Will the gentleman yield?

Mr. ROWE. Yes.

Mr. SAUNDERS. Gentlemen who have spoken on that side have approved very highly of various portions of the bill, but for the purpose of directing debate to the defective portions I will ask the gentleman to indicate those regulations that he regards as oppressive and objectionable.

Mr. ROWE. I can not do that now, but under the five-minute rule, as we reach those portions of the bill, I probably will have something to say as to the objectionable features of the bill.

Mr. HUMPHREY of Washington. If the gentleman would read the speech of the gentleman from Virginia [Mr. SAUNDERS], which is printed in the RECORD, he will find a good many of the objectionable features of the bill.

Mr. SAUNDERS. Then the gentleman from Washington can take the bill and point out the objectionable features.

Mr. HUMPHREY of Washington. I can do it by reading the gentleman's speech.

Mr. SAUNDERS. Well, read the speech; I will stand by that speech.

Mr. ROWE. I can not allow the gentleman to do it in my time.

The United States Chamber of Commerce, which is a central organization and is composed of delegates from commercial bodies in all parts of the United States, in July, 1915, had a referendum vote taken by sending questions to the separate organizations over the country and requesting them to give their answers to the following:

1. Do you favor the Government undertaking the purchase, construction, or charter of vessels for mercantile purposes, together with the operation of such vessels?

Eighty-nine votes in favor; 690 votes opposed.

2. Do you favor ownership of merchant vessels by the Government, but with operation by private parties under lease?

Fifty-one votes in favor; 713 votes opposed.

After learning of this vote, I sent a personal letter to the enrolled voters in my congressional district, requesting them to give me their opinions in reference to a merchant marine. I did not give them my ideas or the ideas of anyone else. I received some 7,000 replies, of which more than 90 per cent were opposed to Government ownership or Government operation. A very large percentage expressed the desire for a merchant marine, and said they believed the time had come when the Government should provide a subsidy sufficient to enable individuals to operate under the United States flag.

Mr. GREENE of Massachusetts. Will the gentleman yield?

Mr. ROWE. Yes.

Mr. GREENE of Massachusetts. Did the gentleman get a vote of the New York Chamber of Commerce on that proposition?

Mr. ROWE. I have it here; the New York Chamber of Commerce, which is entirely different from the National Chamber of Commerce and not a member of it, voted 290 against the bill of last year and 4 in favor of it, and, as is well known, that organization in New York City is very largely composed of Democrats.

When this proposal came up last year there was some excuse and a strong argument might have been made for Government ships, on the ground that the people would not provide them and there was extreme need of more ships to carry the commerce of the United States; since that time conditions have changed, the price of tonnage has trebled, and there are no ships to be purchased; every shipbuilding yard has contracted for all the ships it can construct within the next two years. On July 1, 1915, there were building in American shipyards 76 vessels, and there were building April 1, 1916, just nine months later, 300 vessels, and the tonnage under construction had increased during that time from 310,089 tons to 1,067,856 tons.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. ROWE. Yes.

Mr. SLOAN. Has the gentleman any information as to whether or not these ships being built are for American use—that is, for the use of American shipping concerns largely or for foreign shipping concerns?

Mr. ROWE. They are being built, and that is all we know. In some cases they are for American companies, but there is nothing to hinder the sale of them at any time, and if this bill becomes a law many will never sail under our flag but will go under foreign registry.

Mr. TILSON. In the gentleman's opinion what will be the effect if this bill should pass—that more of them would be inclined to take foreign registry?

Mr. ROWE. Mr. Chairman, there is no other nation in the world that restricts its shipping in the manner proposed in this bill, and the restrictions will be sure to apply to our own shipping, and they will be almost certain not to apply to foreign ships. The man who builds a ship and floats it under the American flag with such an act as this will be more foolish than I believe the shipbuilders of this country are.

The United States Government can not purchase vessels at any price that we would be willing to pay for them. It can not construct vessels and have them completed in less than two and a half years. Before that time has arrived the European war will probably be over, and there will be released immediately on conclusion of peace the immense fleet of German vessels now interned in neutral harbors; a large number of vessels owned by England, France, and Italy, and now used as army transports and naval auxiliaries, and a large number of vessels now being constructed in the shipyards of neutral nations will be available, and the world will be supplied as never before with tonnage.

Another provision of this bill, which any man with red blood in his veins should protest against, is the authority given the shipping board to purchase or have built ships abroad. In other words, the money of the people may be spent not to develop our own shipyards and furnish employment to our own mechanics but for the benefit of our competitor and the labor of a foreign nation. [Applause on Republican side.]

Mr. SAUNDERS. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. BURKE].

Mr. BURKE. Mr. Chairman, the bill under consideration is generally known as the shipping bill. In the last session of the previous Congress the House had before it for consideration a measure known as the ship-purchase bill, which passed the House by 94 majority, but it was defeated in the Senate by reason of a Republican filibuster.

A large part of the public press as well as a large portion of men in public life assume that the ship-purchase bill which passed this House two years ago and the pending bill are similar. Anyone who has taken the pains to compare the two bills will easily discover that they are almost entirely different. The previous bill referred to was in a strict and proper sense a ship-purchase bill—that is, a bill the principal purpose of which was the purchase and operation of ships in the merchant-marine transportation by the Government. That object is entirely absent from the present bill, excepting as an incidental feature of it, which I will point out as I proceed with a discussion of this measure.

The present shipping bill now under discussion is a far broader and more important bill. In the shipping bill now under debate there are two primary objects. The first primary purpose is the formation of a naval auxiliary reserve, and the second principal object of the bill is to vest in a board created by the bill proper and plenary authority and power to control, regulate, and supervise the American merchant marine in its business relations with shippers and competing lines. This power of regulation, control, and supervision is to be also exercised over the foreign merchant marine when within American ports, the general purposes of these powers being intended for the protection of shippers and competing lines from the various unfair practices now and heretofore characteristic of both American and foreign water carriers, and to incidentally build up and develop American commerce and transportation with such ports and countries as present the most advantageous opportunities.

As is well known, the foreign merchant marine of the United States, since the Civil War, is and has been at all times almost a mere shadow. Reliable statistics show that during the last 12 or 15 years all of our water-carried exports have been carried in foreign vessels, with the exception of about 8 or 9 per cent. Such transportation of our exports to foreign countries has cost, in round numbers, $300,000,000 annually, which, with the exception of 8 or 9 per cent, has been paid to the owners of foreign water carriers. There is no question but what during all of these years every American who has given the subject any thought whatsoever, and especially shippers, have been and are eager and desirous to see the American merchant marine developed so as to be able to carry all of our exports. Various schemes for the upbuilding of the American merchant marine for the transportation of our exports to foreign countries have been considered, debated, and proposed both in and out of Congress.

A few years ago, in the Fifty-ninth Congress, a scheme for the development of our merchant marine by way of a subsidy was nearly enacted into law. In the consideration and vote upon that measure a great majority of the Democrats opposed its passage because of this subsidy feature, and the great majority of the Republicans in Congress favored its passage with a subsidy provision. The proposition of stimulating, promoting, and developing our merchant marine by means of a subsidy has been all of these years, and still is, obnoxious and offensive to the common sense and conscience of a very large majority of the American people. Various other schemes for the development of such a merchant marine have been proposed and considered from time to time, but upon all of the same our legislators have been unable to agree.

The question naturally arises, Why, if, as the fact is, the American people are nearly unanimously in favor of the development and upbuilding of an American merchant marine, ways and means have not been devised and enacted into law for that much-desired and patriotic purpose? The question also arises, Why is it that during all of these years, and even now, that all of our foreign exports carried by water are carried in foreign bottoms excepting 8 or 9 per cent? The explanation seems to be simple and indisputable. It is primarily because the owners of foreign vessels engaged in water transportation of our exports in foreign commerce are able to carry cargoes and passengers at cheaper rates than American-owned vessels operating under the American flag.

Students of this question ask us, "Why are the owners of foreign merchant vessels able to carry freight and passengers at cheaper rates than American-owned ships flying the American flag?" There are two principal answers to this question, each of which has been proven to be true by the experience of those engaged in such transportation. First, it is a fact that it costs more to build an American merchant-marine vessel than it does to build and construct a similar foreign vessel. There is no country in the world in which vessels for the carrying of passengers and freight are built but what can build the same cheaper than like vessels can be built in this country. That has been true ever since the Civil War, and although that difference in cost since the commencement of the present European war has gradually diminished until now it is said there is but a slight difference in the cost of constructing similar vessels in foreign countries and in this country. But the present near equality in the cost of constructing foreign and domestic vessels is admitted by all who are familiar with and who have studied the question to be due to the present extraordinary conditions in the merchant-marine service, created by the present European war.

In normal times it is estimated that the difference in cost of constructing merchant-marine vessels in America and in the country where the next highest price of construction is paid is between 20 and 30 per cent. There are, however, a few shipowners who contend that in normal times this difference in costs of construction amounts to only 10 or 12 per cent.

One naturally asks, "To what is this difference in cost of construction due? Why should the cost of shipbuilding in America be higher than in any other country when it is true that both the wood and steel material which enter into the construction of vessels are to be had, as a rule, cheaper in America than in any foreign country?" In fact, it is stated upon reliable authority that steel for the steel structural parts of a vessel can and is secured for the construction of vessels in America cheaper than in any country in the world.

According to general observation and experience the greater portion of this difference in cost is due to the higher wages paid to American workmen in American shipyards. Granting this to be true, the student of this question naturally asks, "Why do not American shipowners have their ships built and constructed in foreign countries where labor is cheaper?" This is a natural question to ask and it is easily answered. The answer is that we have, and have had ever since the Civil War, a law preventing foreign-built ships from being registered as American vessels, even when owned by American citizens. Such has been the law ever since the Civil War.

A slight exception of this law was made by a law passed by Congress on the 18th of August, 1914, whereby for a period of seven years from the passage of the law foreign-built vessels owned by American citizens and corporations may be registered as American ships to engage in the foreign trade only. This amendment to the law was made within three weeks after the present war commenced, and for the express purpose of increasing the number of vessels which might be employed by American shippers in the transportation of our exports, thereby increasing the amount of tonnage available for that purpose, and to also render such foreign-built vessels so owned and registered immune from attacks by belligerent war vessels.

But why, it may be asked, has there been and is there now a law upon our statutes which prohibits the registering of foreign-built vessels under the American flag when owned by American citizens? The existence of such a law is due to the Republican Party's application of the theory of protection for the workingman. It is estimated that about 64,000 laborers are engaged in domestic shipyards on the ocean and Gulf coasts of the United States. It is doubtful if a majority of that number of workingmen are American citizens. Here we have a forcible illustration of the absurdity to which the doctrine of protection may be and has been carried. For the sake of enabling shipbuilders to pay their workingmen 20 or 30 per cent more wages per day they are actually depriving and preventing those who are anxious to engage in the American merchant marine from saving annually for this country the $300,000,000 which it costs the shippers of this Nation for the water transportation of the exports of this Nation. This is a case of protection run not only mad but insane.

Another important element entering into the difference in cost of transportation of our exports in American bottoms and foreign bottoms is the cost of operation. The cost of operation is largely made up of the wages paid to the crew and officers. Those with actual experience tell us that the difference in wages paid on a vessel operated under the American flag and one operated under the flag of the nation paying the highest wages in Europe is from 40 to 50 per cent. This difference in wages is largely due, of course, to the difference in the living conditions of foreign and American sailors. It seems almost impossible to equalize and overcome this difference. The seamen's law passed by the last Congress contains a provision under which students of the merchant marine predict that there will be an equalizing of the cost of wage operation by virtue of its provisions between foreign and American vessels. The provision referred to is that which requires that at the first port that a vessel may stop after a five or more days' voyage that the sailor shall be entitled to have paid him one-half of his wages then earned. It is the contention of those who contend that this provision will equalize wages, that foreign sailors when their vessel arrives in America, knowing that the wages in American ports are 30 to 40 per cent higher than the wages paid in their home ports, will refuse to return to the ship on which they came, thereby forcing the master or owner to hire a crew, or members of a crew, in their place at American wages, and that this condition will be kept up until the owners of foreign vessels entering our ports will for the purpose of securing a reliable and dependable crew be forced to pay as high wages as those paid to American sailors. I am one of those who believe that there is some force and truth in this contention.

Another reason why foreign-owned vessels are able to carry American exports at cheaper rates than American vessels is due to the fact that foreign owners and investors are content with a less dividend upon their investment than is the American investor or ship owner. The opportunities for American investors to invest in our large industrial enterprises that have been undertaken, promoted, and achieved since the Civil War throughout our country on land has attracted and induced American money investors to place their money in such investments because of the high dividends received. This theory is also supported by the fact that millions upon millions of foreign capital have been invested in industrial securities of this country during all of these years. In order to secure larger dividends or returns foreign capital has been attracted to invest in American securities and enterprises. But much foreign capital, satisfied with lesser dividends, has been attracted to the building, construction, and employment of vessels in the transportation business of their own countries, and they have been content with lesser dividends than their brother investors who sought investments in high dividend-paying enterprises of America. It may be that we will never have a merchant marine until conditions in the United States reach such a condition that the average dividend paid upon industrial investments will be so low that American investors shall find investments in the merchant marine as well or better paying than those located on land.

According to students of the problem of developing the American merchant marine, there are but two ways left that offer any prospect of building up the American merchant marine. One of those methods is by way of a subsidy, and the other is as proposed in this shipping bill.

The proposition of the Government taking the people's money and paying to private parties engaged in American merchant marine in foreign commerce, the differences between the cost of operation, and in cost of American-built and manned vessels, and foreign built, owned and operated vessels, is repugnant to the common sense and conscience of the American people. They will never stand for it, excepting as a last resort. Personally, if I were convinced that there were no other means for building up the American merchant marine, I, too, would feel constrained to favor the payment of a subsidy under proper supervision and methods, but I am unwilling to support a subsidy proposition until after the methods proposed in this shipping bill shall have been enacted into law and have in good faith been put into operation and found wanting.

But, say the opponents of this bill, "You are using the people's money to carry out the propositions contained in this bill." While that is true, yet it is an entirely different proposition from taking the people's money from the Government Treasury and handing it over to private parties for their exclusive gain and benefit. Under the scheme proposed in this bill, we will be taking the people's money from the Government Treasury for the sole purpose of investing it in a sincere and determined effort to develop and build up a merchant marine which shall be for the benefit of the public at large. It is the difference between taking public money and paying it to a private party to carry on a private business, and the taking of the people's money and investing it in the American merchant marine owned by and operated for the benefit of all American people, and to fly Old Glory on all ocean waters, the world over.

I am aware that there is throughout this country in the minds of investors a disposition to hold in holy horror all attempts of the Government to enter upon enterprises designed for the welfare of the people because such enterprises may invade the province of private enterprise and investment. The history of our country teaches us that whenever there is any great work of a public nature which private enterprise is unable, unwilling, or apprehensive of entering upon, that investors with capital to invest are the first to denounce and condemn the Government for refusing to undertake, perform, and develop the great public enterprises in which capital is afraid to invest. Years ago, shortly after the war, when the great transcontinental railway lines were being extended to the Pacific coast, capital was fearful of investing, fearing that if it did that it would never receive any return, and it held back with great timidity and apprehension until the public demanded that Uncle Sam should aid those transcontinental railway lines by the donation of millions upon millions of acres of public land that should have been held in trust for posterity.

A great hue and cry has come up that by this bill capital may be deprived from some investments, but for four generations it was the cry that one of the greatest aids to navigation and the common welfare would be the construction of a canal across the Isthmus of Panama. For a century the world waited for private capital to invest in this gigantic enterprise, but it failed. Then came the cry of the common people that the Nation should build the Panama Canal, and the Nation has invested the people's money in the excavation of that canal, and it is now the property of the people. I have no doubt but what there are many thousands of rich investors in this country, and especially those who are desirous of investing in a merchant marine, that now are sorry that they did not combine and have private capital construct the Panama Canal. They now see that monopoly has lost a golden opportunity to fleece not only the American people, but the world at large.

Ever since the purchase of Alaska, in 1867, the people of Alaska and of the United States have been anxiously waiting for capital to build and construct railways in that territory which nature has endowed with the greatest mineral, timber, and commercial wealth of any territory in the world, and yet private capital has feared to venture in, and as soon as it became apparent that Congress intended to make the necessary appropriation for the construction and operation of a railway in Alaska, just so soon private capital, which had been quiet all of these years, commenced a combined howl and saw the spooks of Government ownership. As a general rule, private capital investors are patriotic only when they see the dividends coming into their fingers. They would sooner see the immense possibilities of developing our foreign commerce with South and Central American countries, with Africa and Australia lie undeveloped for generations to come, than to have the Government with the people's money take a hand in developing new lines of water transportation that will afford a market for the surplus of our farms, factories, mines, and hundreds of industrial products, and enable us to bring those needed articles of commerce not produced in this country to our shores at reasonable rates from foreign countries. Nearly always greedy and unpatriotic capital can be depended upon to play dog in the manger when the Government undertakes an enterprise designed for the benefit of the public at large.

GOVERNMENT OWNERSHIP BETTER THAN SERVITUDE.

Even if it could truthfully be charged that this shipping bill provides for Government ownership, it would still be justified in view of the present condition of the world's merchant marine, for those conditions are a justification for even Government ownership of the vessels engaged in our foreign commerce. No better description and illustration of those conditions can be presented than to quote from an editorial published in the Washington Post May 5, 1916, which is as follows:

Secretary McAdoo has returned from South America in good time to press the Government shipping bill. He brings back with him a fund of exact and full information which should be laid before the committees of Congress showing the necessity for immediate legislation for the development of the merchant marine.

While the conference committee is wrestling with Army legislation and the House Committee on Naval Affairs is perfecting the naval bill the Committee on Merchant Marine should push forward the shipping bill in order that Congress may discuss and pass it when the Army and Navy bills are out of the way.

The shipping bill should not be sidetracked for any other legislation. It is in itself a preparedness bill of the highest importance, both for commercial and naval purposes. In time of peace the proposed law would stimulate commerce, rescue it from the grasp of foreign shipping monopolies, and enable the United States to take advantage of the present situation to supplant Great Britain and Germany in South American markets. In time of war the law would enable the United States Navy to utilize fine modern ships for transport, scouting, hospital, supply, and other purposes, and the seamen of the new merchant marine would be available to some extent for warships also.

Last year the shipping bill was defeated, because Congress was not willing to venture so far upon the policy of Government ownership. Since that time the world's shipping has passed almost entirely into the hands of Governments, directly or indirectly. The largest merchant fleet, that of Great Britain, is wholly under control of the British Government. It is being used as a weapon of commercial and naval warfare, both against enemies and neutrals. Great Britain is using its merchant marine to develop trade right in the midst of war. It is using its ships against the commerce of the United States. It dictates ocean freight rates and discriminates in favor of British traders. The same condition prevails with respect to the merchant marine of other nations.

It ought to be clear, without argument, that Americans as individuals can not maintain a merchant marine in competition with foreign Governments. Only the United States Government can cope with the situation that has developed. It can work directly by building and operating vessels and indirectly by facilitating and protecting the operation of private lines. Government ownership is undesirable, but it is the lesser of two evils. It is better than servitude to foreign Governments. As matters stand, Americans are suffering from "Government ownership" of the world's shipping, but it is foreign Government ownership. Since the only means of relief is American Government ownership, the sooner the shipping bill is passed the better.

ELIMINATION OF ALL FEATURES OF GOVERNMENT OWNERSHIP.

Granting, for the sake of argument, that Government ownership of vessels engaged in our foreign commerce is objectionable, yet if there is in this bill any feature of Government ownership it contains in itself the means for the automatic elimination of all elements of Government ownership. With the successful operation of the law contemplated by the passage of this bill, there will be absolutely no danger or need or necessity for the shipping board to resort to the creation of a corporation, or corporations, in which the Government shall hold at least 51 per cent of the stock, for the reason that provision is made in the bill for the sale, charter, and leasing of such vessels to private parties upon terms which will probably be more favorable than those who desire to engage in the merchant marine can obtain from investors of private capital.

Notwithstanding the abnormal condition of foreign shipping which is due at the present time to the European war, yet this is the very time for the country to contribute in some measure to the relief of the present shipping exigencies and to provide for the future. Conditions in shipping are now such that there is every likelihood that any and all vessels which the shipping board may have constructed or may purchase, charter, or lease under the provisions of this bill will be readily disposed of by sale, lease, or charter to private parties, and under the provisions of the bill the proceeds derived from such charters, leases, or sales will be turned back into the shipping fund, to be reinvested in purchasing, leasing, constructing, and chartering other vessels.

For corroboration of this contention, I again assume to take the liberty of inserting another well-written editorial from the Washington Post of May 12, entitled "The need of ships":

Ask the railroads or any of the shippers if they are in favor of the immediate enactment of a bill to provide better shipping facilities, and the answer will be emphatically in the affirmative. Most of the opposition to the pending bill in Congress is political. It is based largely upon the sound theory that the Government should not enter into competition with private business. But the revised bill does not conflict with that theory. The basis on which the bill deals with future conditions is absolutely sound, but the framers of the measure realized that it would take years to build up an adequate merchant marine under any other plan than the one that has been suggested.

Those who oppose the measure on the ground of Government ownership should recognize that the question before Congress is whether there shall be ships for the immediate relief of the congestion at the ports of the United States or whether no action at all shall be taken. John H. Fahey, former president of the United States Chamber of Commerce, after a two months' tour of South America, says there is no reason why the United States should not get all the trade it wants in that quarter, "but," he adds, "we must become active pretty soon. The fundamental thing about the South American situation is, and for a long time in the future will be, ships. This situation is not temporary and does not have anything to do with the disruption of shipping as a consequence of the war, but goes back to shipping conditions before the war, and involves conditions after the war." This is perfectly true with regard to South American trade, but the need for the shipping bill is to be found also in the fact that all of the export trade of the United States is now pouring through a funnel not nearly large enough to accommodate it. There must be more ships if the congestion is to be relieved and if a real merchant marine is to be built upon the present exceptional opportunities.

The United States Chamber of Commerce, as the voice of the business men of the Nation, has gone on record in favor of a shipping board, and this feature is provided in the bill now pending. The measure furnishes immediate relief and is framed in such a way that the Government-owning provision will be eliminated altogether as soon as private investors are able to take over the created facilities.

NATIONS, NOT PRIVATE OWNERS, NOW CONTROL WORLD'S SHIPPING.

As a further answer to the imaginary objections of the opponents of Government ownership, I desire to incorporate in my remarks the following additional editorial from the Washington Post, under date of March 30, 1916, showing that the world's shipping is now under control of the belligerent nations and that plans have been formulated to continue such shipping under the control of those nations at the conclusion of the present war. If foreign Governments are to assume control of their shipping, and that in combination with each other, it is time that the Government of the United States resorted to the same means of protecting itself against a combination of foreign nations in the operation of their merchant marine. I commend this editorial as truthfully expressing the present marine situation with which our people and our Government are confronted, and I believe that its advice is worthy of being followed:

All the nations engaged in war against Germany and her allies have been in conference in Paris, considering not merely the plan of military operations, but economic conditions which are working great hardship upon all nations. Among these is the world-wide rise in freight rates, which is subjecting the fighting nations to enormous expense. Plans are on foot which have not yet been made public whereby the allied nations hope to hold down rates. Presumably the Governments concerned will follow the example of England in assuming control of all shipping under their respective flags and requisitioning such vessels wherever found, whether under charter or not.

This means that the bulk of the shipping of the world will be withdrawn from commerce except such as is related to the war. If certain vessels or lines are left in commercial traffic, they will be controlled by Governments, and their charges to neutrals will be even higher than at present. Neutral nations will be compelled to furnish the shipping facilities necessary to carry on peaceful commerce or abandon this commerce.

It is little wonder that President Wilson urges Congress to pay immediate attention to the shipping bill. No time is to be lost if the United States is to save its foreign trade. No matter how urgent South America or the Orient may be in demanding American goods, the market will be as good as closed if shipping facilities disappear. At the very moment when an opportunity is offered for American trade expansion in peaceful countries the door is about to be closed by the disappearance of shipping. Unless the United States itself provides transportation it need not expect to profit by the temporary abandonment of foreign fields by the nations engrossed in war.

Now that the world's shipping is in the hands of Governments and is being used with powerful effect as a war weapon, there need be no hesitation among Americans in dropping their old objections to "Government ownership and operation" of oceanic transportation facilities. If the United States would hold its own and gain what it is entitled to, private enterprise must be backed by the Government. Individuals can not be expected to compete with nations. They can not make laws to protect the operation of their vessels, as the Government can. Indeed, the laws already in existence prohibit combinations of private corporations of the scale and character that would be required to enable them to dominate foreign-trade fields.

The Government is not only justified in establishing a merchant marine for trade purposes, but is in duty bound to create it as an auxiliary to the Navy. There is a shortage of seamen in the Navy, which must be remedied if the present fleet is to be made effective. In case of war there would be instant need of thousands of additional men. If the entire existing merchant marine of the United States were drawn upon, it would be found that the number of men available for naval service would be very small. More than 60 per cent of the sailors on American vessels are exempt from draft.

Assistant Secretary Roosevelt estimates that 225,000 men would be needed for the Navy in case of war with a formidable enemy. It is not to be expected that Congress will provide for more than a tenth of this number, and it would do well if it should increase the force by 20,000. By providing a merchant marine the country would be building up a force available for war, without being subjected to the expense of maintaining an excessive naval force in time of peace.

In view of the unfriendly and hostile attitude of the Washington Post, at all time to the present administration, these liberal extracts from its editorials, do not warrant anyone in charging that the same are self-serving declarations. Every Member of Congress who has served during the present administration is well aware that the Post has at no time acted as spokesman or sponsor for the administration. In its general editorial policies it has almost uniformly advocated measures in conflict with the policies advocated by the administration. So that when we find it advocating the passage of this bill, we must conclude that it is doing so not out of any friendship for the administration, but out of an honest conviction that the shipping bill is worthy of a place upon our statute books, for the Post could have no other object, in view of its past history toward the administration, in advocating the passage of this bill.

Present conditions so clearly and forcibly demonstrate that a vast increase in American merchant ships is urgently needed that it is not expected that any fair-minded person will complain if the Government under the terms of this bill should place such ships as come under its control and the shipping board may be unable to dispose of by sale, charter, or lease, in operation on water routes between commercial points where there is a reasonable prospect of developing our foreign commerce. Such development of foreign commerce will directly tend to increase our export trade and to build up commerce between this country and countries connected by such routes. Besides, the Government operation of such ships will serve as a check upon the Shipping Trust and will have a marked tendency toward stabilizing freight and passenger rates, and under such circumstances there can be no possible injury resulting to any legitimate shipping enterprises.

USE OF NAVAL AUXILIARY RESERVES IN TIMES OF PEACE.

For the purpose of partially relieving the great scarcity of American commercial merchant marine tonnage and for the purpose of encouraging the development of the American merchant marine engaged in foreign commerce, it is planned by the provisions of this bill to devote such naval auxiliary reserves as the shipping board may procure under this bill by purchase, construction, lease, or charter to commercial purposes in times of peace. In those plans are included the further idea of constructing a type of vessel for the shipping board which will be an improvement both in construction and in equipment over existing types of vessels. In other words, it is proposed to construct a standardized type of vessel according to the most improved and up-to-date ideas of ship architecture, so as to cheapen not only the cost of construction, but the expense of operation.

AN OBJECT LESSON.

No better illustration of what can be accomplished by the passage of this bill can be presented than by quoting from Senate Document No. 391, first session Sixty-fourth Congress, entitled "The Farmer and the Shipping Bill," and prepared by Hon. Carl Vrooman, Assistant Secretary of Agriculture, which is as follows:

The Federal shipbuilding plan of the shipping bill will be in the nature of a demonstration of the financial feasibility of building and operating American merchant ships at a profit. This plan of making "demonstrations" for the benefit of the business world is not a new one to the Agricultural Department. We are daily demonstrating the principles of the new agriculture in every State of the Union, and in a number of counties in each State. In fact, the Agricultural Department is spending millions of dollars every year carrying on practical demonstrations of scientific methods which the farmers and business men of the country seem unwilling to adopt until they have had ocular demonstrations that the new methods are profitable.

When once the Federal Government has demonstrated to the shipping corporations that ships can be built in American shipyards, operated under American charters and the American flag, by American crews, at a profit, these shipping corporations will not be slow to expand our merchant marine to meet the demands of American industry and commerce. But a demonstration of this nature is absolutely necessary at present, as American shipping corporations have taken the position that such a thing can not be done. Nothing is clearer than that they will not attempt to create an American merchant marine until the Federal Government demonstrates to them that even without subsidies it can be done profitably.

A NEW ERA DAWNING.

The change from sail to steam and from wood to iron construction shifted the supremacy in merchantmen from America to England, because England had facilities for building iron steamships cheaply and fueling them with cheaper coal than ours. We are now on the verge of another change—that from the coal-burning steamer to the oil-burning vessel with the Diesel type of engine. If America seizes her opportunity, the shoe will be shifted to the other foot, for America produces over 60 per cent of the world's crude oil. The Diesel engine makes more effective use of fuel than does the steam engine, occupies much smaller space, and requires a much smaller crew. Furthermore, the fuel is carried in the double bottom of the ship, a space only used for water ballast in coal-burning ships, and does not take up any cargo room.

This engine has not been perfected yet for the largest vessels, but is thoroughly practical for the type of merchantman most needed by us now. It has been estimated that though our crews should be largely composed of American citizens and paid the American scale of wages, enough could be saved on the cost of fuel and the economy of space in this new type of vessel to much more than offset the extra cost of American labor and food up to the American standard.

To sum up the whole question, then, is it not clear that an auxiliary merchant marine would be of inestimable value to the farmers of the country, not only because of the wider market it would open to them and the higher prices it would enable them to get for the products, but also because it would help provide them, in common with all other citizens, with protection from possible foreign aggression?

As such a merchant marine can not conceivably be obtained by any ship-subsidy plan, unless a complete and wholly undesirable revolution takes place in the sentiment of the people of the United States, if this primary necessity of our national life is to be provided for in the near future, evidently it must be in accordance with the plan worked out in the administration's shipping bill. In a national crisis of this character partisan considerations should and must be laid aside, and the farmers and business men of the country should rise up as one man to give their unequivocal and energetic support to the President in his efforts to secure for the country this incomparable piece of constructive legislation.

COMMERCE IN WHICH SHIPS PROCURED BY BOARD ARE TO BE USED.

By section 9 it is provided that any vessel purchased, chartered, or leased from the board may be registered or enrolled and licensed as a vessel of the United States and entitled to the benefits and privileges appertaining thereto; provided, that foreign-built vessels heretofore or hereafter admitted to American registry and enrolled and licensed under the act of August 18, 1914, or under this act, and also vessels owned, chartered, or leased by any corporation in which the United States is a stockholder, excepting the Panama Railroad Co., may not engage in the coastwise trade of the United States, except that such vessels may engage in trade with Alaska, Hawaii, or Porto Rico, whether or not en route to or from a foreign port, if the board finds that such trade is not adequately served by a regular line or lines of vessels. All other vessels procured by the board may engage in either coastwise or foreign trade. It will be remembered that by the provisions of the act of August 18, 1914, foreign-built ships owned by American citizens or corporations may be admitted to American registry and fly the American flag for a period of seven years only. Since that date statistics show that foreign-built vessels amounting in tonnage to over 800,000 tons have been admitted to American registry under this act and are now flying the American flag.

Under this bill, if it becomes a law, all such vessels now admitted, or that may be admitted during the life of said act, as well as such vessels as may be procured by the board under this act, except foreign-built vessels, will be entitled to the privilege of engaging in both the coatwise and foreign merchant marine trade of the United States. From this it will appear that if in the course of its administration of this act the board should, in its discretion, purchase, charter, or lease foreign-built vessels, then such foreign-built vessels must be devoted exclusively to the foreign merchant marine trade, except that they may engage in trade with Alaska, Hawaii, or Porto Rico, whether or not en route to or from a foreign port, if the trade of those possessions is not adequately served in the opinion of the board.

SUCH VESSELS MADE NONTRANSFERABLE.

It is further provided in said section 9 that the vessels so purchased, chartered, or leased from the board by private interests shall not, without permission from the board, be operated under any other registry, enrollment, or license than American. They shall also, while employed solely as merchant vessels, be subject to all the laws, penalties, and liabilities of the Government merchant vessels. No such vessel, without the approval of the board, shall be transferred to a foreign registry or fly a foreign flag, or sold, nor, except under regulations prescribed by the board, be chartered or leased.

PROVISIONS RELATING TO SALE, LEASE, OR CHARTER OF SUCH VESSELS BY THE BOARD.

Under the provisions of section 14 the net proceeds of all sales, charters, and leases of vessels and of all sales of stock made by the board and of all other receipts received by it from any source shall be covered into the Treasury to the credit of the board, and are permanently appropriated for the purpose of carrying out the provisions of sections 5 and 11 of the bill, which relate to the purchase, construction, chartering, or leasing of vessels by the board. Thus it will be seen that there is constituted by the provisions of this bill a permanent revolving fund for the continuation of the work of the shipping board in purchasing, constructing, chartering, leasing, and in selling, chartering, and leasing vessels for the merchant-marine trade and for the development of commerce along routes leading to such foreign ports as the board may in their judgment consider likely to furnish a profitable transportation business for its line or lines of vessels and extend and encourage the development of our foreign commerce.

WHEN BOARD MAY FORM CORPORATION FOR OPERATING VESSELS.

By the terms of the bill it is made the duty of the shipping board to use its utmost endeavors to sell, charter, or lease its vessels to private parties instead of forming a corporation or corporations as described in section 11 of the bill, designed for the operation of merchant vessels in the commerce of the United States. In other words, the board is not to form the corporation or corporations mentioned in section 11 for the purchase, construction, equipment, lease, charter, maintenance, or operation of merchant vessels in the commerce of the United States except as a last resort. If from experience and after using their best efforts in that direction the board is unable to sell, charter, or lease its vessels to private parties to engage in the commerce of the United States, then, and not until then, may it organize a corporation or corporations for the operation of such ships in the commerce of the United States. This is the provision so much objected to by our friends who never fail to see ghosts in any enterprise engaged in by the Government on behalf of the public.

By the provisions of section 11 it is provided that in the organization of such corporation, or corporations, that the total capital stock should not exceed $50,000,000, and that in each corporation the United States is to subscribe for not less than a majority of the capital stock, and that the United States shall at no time while a stockholder in such corporation be a minority stockholder. This is for the purpose of enabling the United States at all times to control the action of the corporation.

By a further provision in said section the privilege of so organizing and operating such corporation, or corporations, is to expire at the end of five years from the conclusion of the present European war, a date which shall be declared by the proclamation of the President. Upon the date of such proclamation the property of such corporations shall revert to the board, and the board may then charter, lease, or sell such vessels as hereinbefore described, and shall dispose of the property, other than vessels, on the best available terms, and after payment of all debts and obligations deposit the proceeds thereof into the Treasury to its credit.

In my humble judgment this five years' limitation within which and during which the shipping board may form and operate such corporations in the commerce of the United States is the only objectionable feature of the bill. It is not only objectionable, but obnoxious. In the committee I vigorously opposed the insertion of this provision. Its insertion is intended as a sop for those who fear the ghosts of Government ownership and operation.

The presence of this limitation may be a wise provision for the purpose of silencing the objections of those who see spooks every time the Government undertakes a public service on behalf of the people. Its presence in the law will be harmful in its effects. It will have a strong tendency to discourage shippers in Central America and South American countries, and in other distant countries from giving their patronage to the vessels operated by such corporation. Foreign competitors of the line or lines of vessels thus operated by such corporations will, for the purpose of advancing their own interests and limiting the amount of shipping that otherwise may be secured by such vessels, readily, from the beginning, make known to shippers in foreign countries who are desirous of developing and establishing a permanent line of business with this country the fact that it will be useless for them to attempt to build up and establish their foreign business by any such line of shipping for the reason that by the very law under which such American shipping corporations exist they must terminate in five years. Such foreign patrons as we might otherwise secure, if the impression was not made upon them that the line of transportation operated by such corporations is to continue for only five years and not permanently, will also be discouraged from patronizing the same, because they will say to themselves, it is unsafe and imprudent for us to attempt to build up a permanent strong line of trade by using such boats for transportation because we will be in danger of losing our trade established through them at the end of five years, when such vessels may go out of business. It was unnecessary to incorporate this five years' limitation in the bill. With it in, or with it out, Congress has the power at any session to repeal or to extend this limitation. Congress can be depended upon, if the purposes for which these corporations are organized can not be attained, to repeal that provision at the first opportunity, or to extend the same when once the success of the enterprise has been demonstrated.

WISDOM OF RETAINING THE WORDS "OR ELSEWHERE."

It will be noticed from the provisions of section 5 that the vessels which the shipping board is authorized to construct may be built in American ship and navy yards "or elsewhere." Strenuous objection was made by several witnesses representing the various chambers of commerce to the presence in this section of the words "or elsewhere." Upon final action by the Committee on Merchant Marine upon this bill, motion was made to strike the same out, which was defeated by a majority of the committee. Of course, the words "or elsewhere" mean that, in the discretion of the shipping board, the vessels which it is authorized to have constructed, or any part of them, may be constructed in foreign shipyards.

In common with all genuine Americans, I would regret to see the board obliged to cause any of such vessels to be constructed in foreign shipyards. I have faith, however, in the patriotism and Americanism of the gentlemen who may be appointed members of the shipping board to believe that no vessels will be ordered constructed in foreign shipyards by the board unless there may be imperative reasons for so doing.

If the bill becomes a law, of course the majority of the first board will be Democrats. I am sure that there is no Republican, no matter however partisan he may be, who honestly believes that any Democratic member who may be appointed to that board will be unpatriotic or un-American. There will always be sufficient patriotism and Americanism among the members of the shipping board to authorize the construction of all such ships in American ship and navy yards, unless there is the strongest reason for causing them to be constructed elsewhere.

The presence of the words "or elsewhere" in section 5 are of the greatest importance and wisdom. Their presence constitutes a protection of the board and the American people from the exorbitant and unjustified prices for construction of such vessels by any combination, syndicate, or conspiracy of American shipbuilders. With this authority vested in the board, American shipbuilders will be warned in advance that the board is able to protect itself against grafting and exorbitant prices. It will thus have a tendency to make the rates or prices at which the board can secure the construction of such vessels fair and moderate and assure their construction in American ship and navy yards. In the event that the bids offered by American ship constructors are unfair and exorbitant, it will justify and warrant the shipping board, in the eyes of the American public, in authorizing the construction of such vessels in foreign shipyards. The construction of a few of such vessels in foreign shipyards will impress that lesson upon American shipbuilders, and the result thereafter will be to assure the construction of such ships in American shipyards at fair and just prices. Without the words "or elsewhere" there would be a strong temptation for American shipbuilders to form combinations, agreements, and conspiracies to extort exorbitant prices for the construction of the vessels authorized by the board, thus hindering, delaying, and perhaps preventing the increasing of the American merchant marine through the efforts of the board. Without the words "or elsewhere," in my humble opinion, the efforts of the shipping board to develop the American merchant marine would be doomed in advance.

NAVAL AUXILIARY RESERVES.

One of the primary objects of the bill is to establish a naval auxiliary reserve. For that purpose the shipping board to be created by this bill is authorized and empowered, with the approval of the President, to have constructed in American ship and navy yards, or elsewhere, giving preference, other things being equal, to domestic yards, or to purchase, lease, or charter vessels suitable—as far as the commercial requirements of the marine trade of the United States may permit—for use as naval auxiliaries or Army transports, or for other naval or military purposes.

It is shown by the testimony of Secretaries McAdoo, Redfield, and other experienced officers of the Navy and Commerce Departments that our Navy is even now, at its present size, sadly lacking in Navy auxiliaries. Secretary McAdoo estimates that about 600,000 tons of naval auxiliaries will be required to properly supply our present Navy with auxiliaries. As is well known, the purpose of such naval auxiliaries is in times of war to keep the great battleships and other fighting ships of the Navy furnished with the necessary supplies of fuel, ammunition, food, and all temporary equipment for the efficient use of such battleships and war vessels. With those who are more or less familiar with the great size and movement of large naval vessels it is well known that in order to maintain such vessels in a proper fighting condition it is absolutely necessary that they must promptly and efficiently be supplied with the necessaries for their operation. A battleship at sea on the watch for the enemy fleet and in readiness for battle can not be expected to make the necessary trips to port to secure its supplies. Neither will it do to have such a ship overloaded and cramped with supplies necessary for the maintenance of its crew and the operation of its guns. A battleship fleet without sufficient and efficient naval auxiliaries is like an army without equipment, clothing, food, or ammunition. Without the assistance of such auxiliaries, the best battleships will in a short course of time be at the mercy of the enemy's battle-fleet ships.

A navy without scout ships, aeroplanes, and necessary auxiliaries would be a navy without eyes. A navy without colliers and other supply ships would be a navy without supplies. A navy without submarines and adequate means of defense against submarines would be a joke. In other words, if we are to have a real Navy to defend our coast and trade routes, we must have a Navy that is complete in every respect and that will add to its fighting abilities. Without auxiliaries a navy at sea would soon become a helpless aggregation of floating batteries.

Testimony is abundant and reliable that during the Spanish War the Nation squandered millions of dollars purchasing unfit and unsuitable vessels for auxiliaries in a hasty and hysterical effort to supply our deficiencies in that direction. Enormous prices, several times more than they were worth, were paid for many such vessels, and after the war the great number of them were sold at such a sacrifice that one might truthfully say that "they were sold for a song." Because our Navy was then deficient in auxiliary vessels we squandered immense sums of the people's money in our necessary haste to procure some kind of auxiliary ships to supply our battleships. It is fortunate that we were not contending in that war with a first-class naval power, instead of a nation whose navy was less powerful on the sea than our own. In that case the weakness of our auxiliaries might easily have resulted in disaster and defeat for us. With the lessons of the European war firmly implanted upon our minds, it would be criminal and suicidal for us to continue in the future as we have in the past, without a highly efficient auxiliary merchant marine for our Navy.

LISTING OF GOVERNMENT OWNED, LEASED, OR CHARTERED VESSELS.

Provision is made in section 12 of the bill for the listing by the Secretary of the Navy of any vessel purchased, leased, or chartered from the shipping board as a vessel for the United States naval auxiliary reserve. The officers and members of the crew of any such listed vessel who volunteer for the purpose, and are citizens of the United States or its insular possessions, may, under regulations prescribed by the Secretary of the Navy, be enrolled in various ranks and ratings corresponding to those in the United States Navy, not above the rank of lieutenant commander, as members of any naval reserve force established or to be established by law, and the naval appropriation bill for the ensuing fiscal year, and from year to year thereafter, is expected to contain the necessary appropriation, rules, and regulations for a monthly payment to such volunteers of the naval reserve in times of peace and for their incorporation as a part of the naval forces, with the pay of regular sailors of the Navy, in time of war.

It is estimated by Secretary McAdoo, Capt. Bertholf, Admiral Benson, Secretaries Redfield and Wilson, and other competent witnesses that the appropriation of $50,000,000, to be made as authorized by the provisions of this bill, will provide naval auxiliary vessels with a tonnage of between four and five hundred thousand tons. This will be a much needed and necessary increase in the naval auxiliaries necessary for the proper support of our battle fleet. It will amount to a supply of about four-fifths of the needed naval auxiliary for our Navy at its present size. Undoubtedly from year to year Congress will make the necessary provisions for additional naval auxiliaries, so that after a period of a few years our Navy will at all times have a complete supply of naval auxiliaries and be ready at a moment's notice to be placed upon a war footing.

By other provisions of the bill it is intended that the board may sell, charter, or lease any and all vessels which it may purchase, construct, lease, or charter to private individuals or corporations. Provision is made, however, in section 9, that no such vessel without the approval of the board shall be transferred to a foreign registry or flag, nor, excepting under regulations prescribed by the board, be chartered or leased. Further provision is made that when the United States is at war or during national emergencies no vessel enrolled, registered, or licensed under the laws of the United States shall, without the approval of the board, be sold, leased, or chartered to any person not a citizen of the United States or transferred to any foreign registry or flag. This provision applies not only to such vessels as shall become the property of the board by reason of the provisions of the bill, but it includes all vessels which shall be under United States registry and carrying the American flag at the time this bill becomes a law.

METHODS OF TAKING POSSESSION OF SHIPS PROCURED BY THE BOARD AFTER BEING SOLD, LEASED, OR CHARTERED BY IT.

Section 10 of the bill provides that the President, upon giving the person interested such reasonable notice in writing as in his judgment permits may take absolutely or temporarily for any naval purposes possession of any vessel purchased, leased, or chartered from the board, and in emergencies possession may be taken of such vessels without notice. To determine the value of the vessels so taken it is further provided that the United States shall pay the person interested in such vessels the fair and actual value at the time of the taking of the interest of such person in every vessel taken, or if taken for a limited period the fair charter value of such vesssel.

In case of disagreement the value shall be determined by appraisers, one of such appraisers to be appointed by the Government, one by the person interested in the vessel, and the third by the two so appointed. The finding of the majority of such appraisers shall be final and binding upon the parties. It will thus be seen that fair, ample, and impartial provision for the determining of the fair value of such vessels taken by the United States, and also for ascertaining the real value of any vessel that may be used temporarily in the service of the Government, is made.

Provision is further made in section 6 of the bill for the transfer by the President to such board of all such vessels

as are suitable for marine or naval purposes and not required for naval purposes in time of peace, and also for the transfer to the board of vessels owned by the Panama Railway Co. and not required in its business.

CERTAIN UNFAIR PRACTICES BY CARRIERS BY WATER PROHIBITED BY THE BILL.

Section 15 of the bill contains express provisions directly forbidding and prohibiting certain unfair practices by common carriers by water. The more prominent of these practices so prohibited are first, the paying or allowing by any water common carrier of a deferred rebate to any shipper. The term deferred rebate is expressly defined in section 15 of the bill as meaning a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all, or any portion of his shipments to the same or any other carrier, or for any other purpose, the payment of which is deferred beyond the period for which computed and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

The use of a fighting ship, either separately or in conjunction with any other carrier or otherwise, by common carriers, is prohibited by the same section. The term "fighting ship" is defined as meaning a vessel used in a particular trade by a carrier, or group of carriers, for the purpose of excluding, preventing, or reducing competition by driving another carrier out of said trade.

Such common carriers by water are also prohibited by said section 15 from retaliating against any shipper by refusing, or threatening to refuse, space accommodations when such are available, or resort to other discriminating or unfair methods because such shipper has patronized any other carrier, or has filed a complaint charging unfair treatment, or for any other reason.

Another provision in said section provides against such common carriers making any unfair or unjustly discriminatory contracts with any shipper based on the volume of freight offered, or unfairly treat, or unjustly discriminate against any shipper in the matter of cargo-space accommodations, or other facilities, due regard being had for the proper loading of the vessel and the available tonnage, the loading and landing of freight in proper condition, and the adjustment and settlement of claims. All violations of these express provisions are made a misdemeanor and are punishable by a heavy fine for each offense.

SHIP-TRUST INVESTIGATION.

Your Committee on Merchant Marine during the Sixty-second Congress was authorized by Congress to conduct an investigation of the so-called Shipping Trust. This investigation covered all the shipping lines engaged directly in the foreign and interstate commerce of the United States. Hundreds of witnesses were examined by the committee. In this important work the committee had the able assistance of Prof. Huebner, professor of transportation of the University of Pennsylvania, under whose careful guidance and advice a most complete investigation was made by your committee into the practices and business methods of the various lines engaged in transportation of American commerce. During this investigation hundreds of witnesses consumed one entire session. The result is preserved in three large volumes of testimony.

This investigation disclosed the unfair practices resorted to by water carriers for the purpose of destroying competition, and of discriminating and retaliating against persons and places who would not tamely submit to their dictation. It was found that, almost without exception, all of the merchant marine engaged in our foreign commerce resorted to the unfair practices known as deferred rebates, fighting ships, retaliation, and the making of unjust and discriminatory contracts relative to space accommodations, and with respect to loading and handling of freight in proper condition, and also with respect to the adjustment and settlement of claims. These practices were bitterly complained of by shippers and business men for year , but there was no law to be found upon the statute books providing punishment for such offenses or relief from such practices. Numerous other unfair practices in the business of transportation by water common carriers were found.

Your committee at the conclusion of such hearings and after consideration and due deliberation made its report to Congress upon the subject with many valuable recommendations. Among the recommendations made in such report to Congress were that laws should be passed prohibiting the grossest and most vicious of such unfair practices, and also recommending that laws be passed extending the jurisdiction of the Interstate Commerce Commission to regulate and control the rates for transportation by water carrier along the same lines and for the same purposes that jurisdiction has for many years been conferred upon such commission in the regulation, control, and supervision of railway rates.

In the Sixty-third Congress Hon. JOSHUA ALEXANDER, chairman of your Committee on Merchant Marine, prepared and introduced a bill to carry into effect the recommendations previously made as a result of the investigation of the Shipping Trust. This bill having been introduced rather late in said session was not given any consideration by said committee. It was reintroduced by Judge ALEXANDER in the present session, as was also H. R. 10500, for the purpose of creating a shipping board. After careful consideration it was found to be the judgment of the Committee on Merchant Marine that the best public service would be accomplished by consolidating the two bills. After some revision and elimination of both bills, such bills were combined and consolidated and reintroduced. After further deliberation and perfection of the consolidated bill the same was reintroduced as H. R. 15455, and after extensive hearings and deliberate consideration was reported favorably for passage as it now appears before the House.

The said shipping investigation disclosed conclusively that it was absolutely necessary that there should be a body of laws enacted relating to the regulation and control of the merchant marine and that a board should be created and empowered with authority to enforce laws that might be passed relating to the same, and to also investigate, regulate, and control both the domestic and foreign merchant marine service.

It was found by your committee that many of the unfair practices had become so firmly established and contained in many instances elements of usefulness that, with the exception of some of the more prominent ill practices, it was considered that a system of regulation and control of water transportation would be for the best interest of both the public and those interested in water transportation. It was found quite impracticable to cover water transportation into the jurisdiction of the Interstate Commerce Commission. Consequently the conclusion was forced upon the committee that the advisable thing to do was to create a new board or commission, to be known as the shipping board.

It may be said in all truthfulness, as pointed out in said recommendations of the committee, that it was "the consensus of opinion, as expressed in the testimony of witnesses and in the numerous communications received by the committee from shippers, that they were overwhelmingly in favor of some form of Government regulation of steamship carriers engaged in this country's foreign trade. Nearly all the steamship line representatives who appeared before the committee expressed themselves as not opposed to Government supervision which is reasonable and which is limited to requirements of full publicity and approval of all agreements or arrangements which steamship lines may have entered into with other steamship lines, with shippers, or with other carriers and transportation agencies." On the other hand, the shippers who appeared as witnesses or otherwise submitted recommendations for proposed legislation were, in the great majority of instances, favorable to a comprehensive system of Government supervision sufficiently broad to embrace the regulation of rates without actually fixing them, the approval of contracts, agreements, and the general supervision of all conditions of water transportation which vitally affect the interests of shippers.

SHIPPING BOARD WITH POWER OF REGULATION AND CONTROL APPROVED BY ALL.

The testimony of 47 witnesses, prominent in their respective lines of occupation and representing all the diversed interests interested in merchant marine, appeared before your Committee on Merchant Marine, some being for and some against the entire bill. With scarcely an exception, both friends and foes of the measure, as an entirety, approved of the plan to create a shipping board and to invest it with power of regulation and control for the purpose of preventing unfair practices in competition with other lines, and discriminating against shippers. There was, however, on the part of those hostile to the bill, a disposition to clothe the shipping board with rather weak, feeble, and inefficient power of regulation and control, but otherwise, that feature providing for a shipping board and to invest it with power of regulation and control and to prevent discrimination was approved by nearly all of the witnesses appearing before the committee on this measure.

Many of the provisions contained in the bill are quite similar to those contained in the law under which the Interstate Commerce Commission operates so efficiently and satisfactorily in the disposition of railroad questions. It is given full power to make investigations upon complaint and to make orders for-

bidding any unfair practices that it may, after full hearing, determine to be such. In fact, it is invested with full and complete power and authority to prevent abuses and discriminations, and to enforce regulations made by it for the proper protection of the interest of shippers, boat owners, and all concerned. As in the case of railways, water carriers are required to establish, observe, and enforce just and reasonable rates, charges, classifications, tariffs, and regulations and practices relating thereto, and to the issuance, form, and substance of tickets, receipts, and bills of lading; the manner and method of presenting, marking, packing, and delivering property for transportation; the carrying of personal, sample, and excess baggage; the facilities for transportation; and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.

They must keep with the board and keep open to public inspection, in the form and manner as the board may prescribe, the maximum rates, fares, and charges for transportation between points on its own route. They are forbidden to charge, demand, or collect greater compensation for such transportation than the rates, fares, and charges filed in compliance with the law, except with the approval of the board and after 10 days' public notice in the form and manner prescribed by the board.

The board may upon such notice if it finds that any rate, fare, charge, classification, tariff, regulation, or practice demanded, charged, collected, or observed by such carrier is unjust or unreasonable it may determine, prescribe, and order enforced a just and reasonable maximum rate, fare, or charge, or a just and reasonable classification, tariff, regulation, or practice. Unlike the law governing the Interstate Commerce Commission, the shipping board has no power or authority to prescribe the different rates, fares, or charges. It is limited in its power of fixing fares and charges to fixing a reasonable and just maximum.

PREVENT ABUSES.

In section 20 is a provision whereby whenever a common carrier by water in interstate commerce reduces its rates on the carriage of any species of freight to or from competitive points below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water it shall not increase such rates unless after hearing the board finds that such proposed increase rests upon changed conditions other than the elimination of the suppressed competition.

The bill also contains ample provision for making necessary and required investigation and for the enforcement of the board's orders, such provisions being closely related to the legal provisions with which the Interstate Commerce Commission has been clothed with authority for many years.

Penalties for the violations of the provisions of the act and of the orders of the board are provided in many cases specifically and with a general penalty applying to violations of all orders for which a specific penalty is not provided.

NOT TO CONFLICT WITH INTERSTATE COMMERCE COMMISSION.

Section 33 provides that the provisions of the bill shall not be construed to affect the power or jurisdiction of the Interstate Commerce Commission nor to confer upon the board concurrent power or jurisdiction over any matter within the power or jurisdiction of such commission, and that the bill shall not be construed to apply to intrastate commerce.

INVESTIGATION OF CONDITIONS IN COST OF CONSTRUCTION AND OPERATION.

Provision is contained in section 13 directing the board to investigate the relative cost of building merchant vessels in the United States and in foreign maritime countries and the relative cost, advantages, and disadvantages of operating in the foreign trade vessels under United States registry and under foreign registry. It shall examine the navigation laws of the United States and the rules and regulations thereunder and make such recommendations to Congress as it deems proper for the amendment, improvement, and revision of such laws and for the development of the American merchant marine. It shall also, on or before the 1st of December in each year, make a report to Congress, which shall include its recommendations, the result of its investigations, and a summary of its transactions, and a statement of all expenditures and receipts and of the operation of any corporation in which the United States is a stockholder, and the names and compensation of all persons employed by the board.

INDORSEMENTS.

Representatives of the national grange, farmers' unions, and various important shippers' associations appeared before the committee and approved the legislation proposed by this bill. The Federation of Labor and Seamen's Union have, by resolution in national convention, approved the same, as have prominent representatives of various business associations throughout the country. Even many representatives of steamboat lines have given it their approval, with the exception of those features of the same which they imagine, or fear, may amount to Government ownership or operation. It also has the approval of Secretaries McAdoo, Redfield, and Wilson; Admiral Benson; Capt. Berthoif; Hon. E. T. Chamberlain, Commissioner of Navigation; Hon. J. N. Gillett, ex-governor of California; Capt. William A. Wescott, president of Master Mates and Pilots' Association of the Pacific; Capt. W. S. A. Smith, of the Department of Agriculture; Western Starr, a prominent farmer of Westover, Md.; and of various other gentlemen prominent in the industrial and commercial life of the Nation.

This bill should be speedily enacted into law, as it will create a shipping board charged with the duty of supervising and fostering our merchant marine. It will provide from 500,000 to 700,000 tons of merchant vessels to serve in the development of our foreign trade; in the event of war, a naval auxiliary manned by a naval auxiliary force. It provides for the reasonable regulation of common carriers by water in foreign and interstate commerce. It has been framed with the view of encouraging, not to discourage, private enterprise in construction and operation of vessels under the American flag. While shipyards are now busy in new construction, we have good reason to believe their facilities will be increased and a new record set in speed and skill in shipbuilding in American shipyards.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. HADLEY].

Mr. HADLEY. Mr. Chairman, we are all alike solicitous for the development and expansion of our mercantile marine, but notwithstanding the purpose expressed in the title of the pending bill under existing conditions, if enacted into law, it can add nothing to the total of our tonnage.

Our domestic shipyards are already worked to the limit of their capacity. New yards are in course of equipment. Private capital is seeking investment in vessel properties beyond all precedent. If the Government seeks to buy ships, where will it find them for sale? The minority report contains the statement based upon the showing at the hearings that "Great Britain, France, Germany, Austria-Hungary, Sweden, Norway, Brazil, and other maritime nations have prohibited the transfer of any of their tonnage now afloat to a foreign flag." But if perchance any ships are for sale the diligence of the private investor, in the present state of marine activity, will seek and find them. If the Government should compete it would only be to further stimulate existing fabulous prices and to render them altogether prohibitive. The bill confers authority on the Government agency it would create to purchase vessels and then to sell or lease them. What advantage is to be gained by the Government acting as a mere intermediary or middleman? It is proposed to put it in the ship-brokerage business. It can not buy or lease on a more favorable basis than the private citizen. Why should the latter not deal in the market for himself? There can be but one consideration to induce such a transaction between a citizen and the board, and that must move toward the citizen. In other words, the board must bargain at a loss, if it bargains at all. Let the Government build vessels and the result will be the same. It is stated that it costs approximately $2,000,000 more to build a modern dreadnaught in a Government yard than in a private yard. It is manifest that in the event of construction by the Government the private investor will not take vessels over when he can buy others for less money, except on equal terms, and that would mean Government loss. The logical end of the contemplated transactions, whether they be by way of purchase, lease, or construction is necessarily a resort to the provisions of the eleventh section of the bill, the organization of holding companies and the operation of the vessels.

Irrespective of the merits of that course as a matter of governmental policy, it should be considered here in the light of probable results. The end sought is an increase of tonnage. The great weight of opinion expressed at the hearings by those best informed on the subject was unqualifiedly to the effect that the provision for Government ownership and operation of vessels would cause a greater loss of tonnage from private sources than the gain to be realized. If this was not true, the little that will be created in the event of Government construction can in no event be delivered in less than from two to two and a half years. Supplementing the 360 ships now building in American yards, the great activity of private capital, if it is not intimidated by the enactment of this bill in its present form, will meet the emergency in the meantime. If, on the contrary, the plans proposed in this bill are put into execution no one can say how much of the tonnage now under construction will fail to come under American registry and how much will seek registry

and trade beyond the jurisdiction of Government competition or Government restrictions. Government ownership and operation of an entire merchant marine is a very different thing from the ownership and operation of a small percentage only in competition with that privately owned. The latter is the case presented here.

No showing has been made to demonstrate wherein the investment contemplated will give better or earlier results than the investment of private capital will yield. We are not informed where lines will be established, what ports are to be directly favored, nor what existing lines, if any, are to be subjected to competition. If new fields of operation are to be opened, it does not appear upon what theory we are to anticipate profitable operation where the ingenuity of private enterprise has declined to venture. All we know is that we are asked to join blindly in staking $50,000,000 of public money upon an enterprise which no other great maritime nation has voluntarily undertaken, surrounded by the conditions, and facing the probabilities stated. In the domain of private enterprise such a course would meet with universal condemnation. It has no claim to support at our hands except such as business expediency may justify.

The bill contemplates the construction and equipment of the vessels in question in the cheapest market. By its express terms preference is to be given to domestic yards only in the event of "other things being equal." The advantage of spending the money at home, and the endless chain of circulation as a result, in the benefits of which our people would participate, is wholly disregarded. We would, indeed, present a remarkable spectacle before the world if we should provide for the Government to take $50,000,000 of the money of the American people and expend it in foreign lands for what they themselves produce, and at the expense of their own labor. I stand for the building of American ships in American yards of American materials and with American labor. [Applause.] I am opposed to expending public funds for that purpose beyond the jurisdiction of the United States.

The creation of a shipping board may well form the corner stone of a new constructive policy. Such a board may be an instrument of development or an instrument of obstruction. These alternatives turn mainly upon its functions and powers. These should be evolved largely from the practical observations of practical men comprising the board and be determined by Congress in the light of their experience and recommendations. The force of this principle is recognized in one section of the bill, but it is ignored in many others. Among the provisions of that section are the following:

SEC. 13. That the board shall investigate the relative cost of building merchant vessels in the United States and in foreign maritime countries, and the relative cost, advantages, and disadvantages of operating in the foreign trade vessels under United States registry and under foreign registry. It shall examine the navigation laws of the United States and the rules and regulations thereunder, and make such recommendations to the Congress as it deems proper for the amendment, improvement, and revision of such laws and for the development of the American merchant marine. It shall investigate the legal status of mortgage loans on vessel property, with a view to means of improving the security of such loans and of encouraging investment in American shipping.

An annual report to Congress is made mandatory upon the board, including its recommendations and the result of its investigations. Here would be a real provision on which to found the rehabilitation of the merchant marine, if the proponents of the bill had been content to abide the consummation of that policy, coupled with an investiture of general supervisory powers in the board, in the meantime, to prevent unfair or unjust practices on the part of common carriers by water. The virtue of these provisions has been minimized, if not rendered largely nugatory, by the minute regulatory powers of the board applied to both foreign and interstate commerce.

A single illustration will indicate the nature of one of many difficulties to arise in practice under the theory and terms of the bill. The Canadian Pacific Railway meets Oriental lines on the Pacific seaboard at Vancouver, British Columbia. Foreign cargoes by way of those lines en route for this country by way of Vancouver touch no American seaport; and such carriers, therefore, would be wholly without and beyond the jurisdiction of the proposed shipping board. Their cargoes make their initial appearance in American territory through ports of entry along the international boundary line. American lines touching at the ports of Puget Sound would be subject to the regulatory powers of the board, but such would not be true in the case of foreign lines out of Vancouver carrying the products of British Columbia to foreign ports. Lines out of North Pacific ports in adjacent American territory are to be so regulated that—quoting the language of the bill—

SEC. 18. That no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or ports or unjustly prejudicial to exporters of the United States as compared with their foreign competitors. Whenever the board finds that any such rate, fare, or charge is demanded, charged, or collected it may alter the same to the extent necessary to correct such unjust discrimination or prejudice and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory or prejudicial rate, fare, or charge.

We are looking for relief on the Pacific coast from other competitive conditions which have been involuntarily imposed as the result of prior legislation, but while we look and wait in vain this new menace rises in view.

It is stated that nine-tenths of the tramp tonnage of the world coming into our ports does not operate here as a common carrier. It is conceded that this would not be subject to the provisions of the bill. Tramp steamers carry two-thirds of the world's commerce.

I repeat this pertinent inquiry of a witness at the hearings: "Now, how are you going to regulate the rates on one-third of the tonnage of the world, which makes its rates at the dock, with the shipper who brings his goods there, when the rates for two-thirds of the tonnage of the world are made in foreign ports?" [Applause on the Republican side.]

After months of earnest consideration of the provisions of this bill I am thoroughly satisfied that if given effect they will tend to undermine our present growing merchant marine. I am greatly disappointed that a bill was not reported which would insure its permanent development. In its present form the one now pending would destroy what we would conserve, and therefore should meet prompt and signal defeat.

Mr. ALEXANDER. Mr. Chairman, I yield 25 minutes to the gentleman from Texas [Mr. HARDY].

[Mr. HARDY addressed the committee. See Appendix.]

The CHAIRMAN (Mr. GRAY of Alabama). The time of the gentleman from Texas has expired.

Mr. HARDY. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BYRNES of South Carolina. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Massachusetts has 81 minutes.

Mr. GREENE of Massachusetts. How does the other side stand?

The CHAIRMAN. Sixty-three minutes remain on the other side.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. EDMONDS] 15 minutes.

Mr. EDMONDS. Mr. Chairman, I feel it my duty before entering upon a discussion of this measure to comment upon the thorough investigation and careful consideration given to it by the committee, and also to express my appreciation of the courtesy of our chairman, the gentleman from Missouri [Mr. ALEXANDER].

We have, however, arrived at a point where differences of opinion as to the bill have arisen, and it has been found necessary for the minority to file a report calling the attention of the House to those differences, with the hope that by their decision the bill may be so amended that there will be passed a law that will aid in building up a merchant-marine service which will return our country to the proud position in the sea-carrying trade it held early in the nineteenth century.

It is useless to discuss the cause of the decline of the American marine; it is sufficient to say that it is almost universally agreed that the opportunities for investment close at hand were so great, and the expansion of the country inland so continuous and enormous, there was very little inducement for investment by our people in a business so full of hazard. Only since the war in Europe caused such disturbances have we been able to appreciate the dire calamity that would be caused were we to be suddenly cut off from the carriers which now do our work, and such appreciation has revived public interest to such an extent that every shipyard in the country is to-day busy building a tonnage larger than has ever been known in this country at any one time in the past, and as these yards are now contracted for two or three years ahead, and new shipyards are under construction, the prospects are that the revival is of a permanent character.

The differences that have arisen between the majority and minority of the committee are, to my way of thinking, vital ones of policy and principle. I believe that in order not to raise any doubt in the minds of the citizens who are now taking an interest and investing in the upbuilding of a merchant marine, that the prime purpose disclosed in this bill should be the purchasing of ships as naval and military auxiliaries, and their use for commercial purposes should be a secondary consideration. There is no doubt that this tonnage would be badly needed in case of war, and it is probable that in times of peace only a portion would be in active use, and although I am opposed to Government ownership and operation of any utilities, particularly of one like this which is subject to Government supervision, yet if it is necessary to have these ships as adjuncts to our Military Establishment it would be as well to provide for their useful occupation when not needed in the service. This can be accomplished by chartering or leasing these vessels to operating companies composed of individuals, who could by this means build up the export and import trade with a minimum outlay of capital.

The committee in the bill submitted by them has made the prime purpose of the purchase of ships the commercial use, and not the military, showing that they are favorable to Government ownership and operation, thus discouraging private enterprise and initiative, which must result eventually in either the Government providing all of the transportation, or more likely the trade remaining in the hands of the foreign carrier, as at present.

A very objectionable feature of the bill to me is the power given to the board to purchase ships from or construct ships in foreign countries, when we consider that this board will have at least $50,000,000 to spend, money raised by taxation of the people of the United States, and also that it is estimated that at least 50 per cent of the cost of a ship is paid out in labor. I am satisfied that even should there be a slightly additional cost the people of this country would almost be unanimous in agreeing that none of this money should be spent anywhere but where it would give employment to our own people.

Within the past two years Japan has more than doubled the capacity of their shipbuilding yards, and it is proposed by this bill to place our workingmen in competition with their cheap labor, which I understand in the case of mechanics is about 45 cents gold per day. The proposition is unfair and un-American. Should the board endeavor to carry out this provision of the bill it is certain to act unfavorably on the proponents of the scheme.

In this connection I would like to place in the RECORD a letter from the Harlan & Hollingsworth Corporation, shipbuilders, which I will read:

APRIL 18, 1916.

Hon. G. W. EDMONDS,
House of Representatives, Washington, D. C.

MY DEAR GEORGE: Replying to your favor of April 14. To give you a comprehensive comparison of materials and wages in the building of an American passenger and freight steamer, we give below a statement taken from a steamer which we built at Wilmington. Her dimensions were 328 feet long, 47 feet beam, 3,282 gross tons; she had 178 staterooms with accommodations for 380 passengers, exclusive of her crew. Her speed was 16½ knots:

Item 1. Steel materials, exclusive of forgings and castings	$96,000
Item 2. Lumber materials	30,000
Item 3. Paint materials	3,200
Item 4. Material for communicating systems, i. e., telegraphs between pilot house and engine room, call bells, telephones, wireless, etc	1,400
Item 5. Plumbing materials of all kinds	3,000
Item 6. Steam-heating materials	1,200
Item 7. Electric-light generators, wiring, fixtures, etc	7,000
Item 8. Auxiliary machinery, windlass, capstans, steering engines, winches, pumps	12,000
Item 9. Fire-fighting apparatus, life-saving apparatus, including lifeboats and gear	6,500
Item 10. Anchors and chains	1,800
Item 11. Nautical instruments, flags, and awnings	1,000
Item 12. Galley range, steam tables, cooking utensils, crockery	1,500
Item 13. Cushions, upholstery, beds, bedding, linen	7,000
Item 14. Engine and boiler materials, including forgings, iron castings, brass castings, steel castings, copper piping, steel piping, iron piping	85,000
Item 15. Ice machine	5,000
Total	262,200

Wages to the several trades for building said steamer.

Steel workers	$98,000
Woodworkers	90,000
Plumbers	2,250
Palaters	9,000
Electricians	7,500
Pipe fitters	2,100
Machinists	55,000
Boiler makers	9,000
Draftsmen	3,000
Total	275,850

The above will give you some idea of the different proportions of the various items of materials and wages. You, of course, can readily understand the type of vessel, that is to say, whether she is exclusively a tramp or whether she is a passenger steamer with accommodations for running water in the rooms and other first-class appointments, making it impossible to give you an absolute percentage such as you asked for in your letter.

Yours, very truly,

HARLAN & HOLLINGSWORTH CORPORATION,
A. W. CHRISTIAN,
Assistant to the President.

You will note what a large percentage of labor there is in this particular ship.

One of the most serious objections to the bill seems to be in its regulatory freight provisions. As a result of the recent investigation made by our committee some method of supervision seemed necessary, and yet at the same time it was found that the business was of such a peculiar character that any attempt to apply rules and regulations such as are applied by the Interstate Commerce Commission to the railroads would only result in advantage to the shipowners of other countries and to the detriment of our own. I can readily agree with the majority that some method of supervision is necessary, but with it can not see how it can be expected to build up a merchant marine in this country unless all countries would join together in agreeing to regulate the traffic, and even then it would be impossible when the ordinary tramp cargo boat is considered.

The bill as reported by the committee contains some excellent supervisory provisions and confers power on the board to abolish evils which have been recognized as such by most of our shippers. No one can object to this, but when there is retained in the bill some indefinite regulatory provisions, together with the privilege of rate making by correction, such as will be found in section 18 of the bill, it must be realized that unless assurance can be given of our power to control our foreign competition along the same lines, which is questionable on contracts made in foreign countries, it is certain that such regulatory practices must destroy and not build up the merchant marine here.

Again, in section 15, paragraph 4, and in section 17, paragraph 1, there are two indefinite regulatory provisions which should be taken from the bill, as no man in the shipping business could possibly interpret them, and would be unable to conduct his business in the ordinary method that the business is now conducted without opening up endless delays and litigation should some person desire to complain of discrimination.

The proper and businesslike way of handling this matter is to remove from the bill any indefinite or regulatory provisions and let the board, after a few years of experience and investigation, request of Congress such legislation as will be a benefit to our shipowners and our shippers.

Now, Mr. Chairman, I would like to answer the gentleman from South Carolina [Mr. BYRNES] in regard to my stand on Government ownership a couple of years ago. If he will turn over to pages 45, 46, and 47 of the testimony taken on the bill H. R. 15518, he will see that I stated definitely when the bill was before the committee that I did not believe in Government ownership.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BYRNES of South Carolina. Did not the gentleman's bill provide that ships purchased and controlled should engage in trade between the ports on the coast, and therefore competed with ships in the coastwise trade?

Mr. EDMONDS. Yes; but I refer the gentleman to the testimony, and he will see exactly how I stood. Now, I also call the attention of the gentleman from South Carolina to the fact that in the report of the Commissioner of Navigation for 1909 there is a complete account of the subsidies paid by the German Empire, and also an account giving the figures and freight rates on export business. I wished to answer him at this point, because I felt that he should have the information contained in that report.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. MOORE of Pennsylvania. Do I understand that the gentleman is putting in evidence the fact that the German Government pays subsidies?

Mr. EDMONDS. No; I am not putting it in the RECORD; I am simply calling the attention of the gentleman from South Carolina to the fact that that information is in the report of the Commissioner of Navigation for 1909.

In conclusion, it is my opinion that the bill as proposed is only a subterfuge to hide a subsidy such as has been proposed in this body many times. Had it not been for the plank in the platform of the Democratic Party probably some other method along the lines of a ship subsidy would have been considered by the administration. It has been many times suggested, while the committee has been considering this bill, that the board would be able to sell, lease, or charter these ships at a much lower rate than private parties by using the low interest rate of the Government as a basis, together with liberal sinking fund and other charges, it was estimated that they could save the purchaser or charterer 3 or 4 per cent. If this is not a subsidy of $30,000 to $40,000 a year on a ship costing $1,000,000, I can not find any other name to call it. [Applause.]

Mr. ALEXANDER. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. VAN DYKE].

Mr. VAN DYKE. Mr. Chairman, showing why grain producers of the United States are interested, and rightly so, in the passage of the bill under consideration, particularly sections 19 and 20, known as the shipping bill, we find, because of the existing conditions in Europe, that our export trade has increased wonderfully, and the prices paid for exports in nearly every line have gone up.

In an article of the Wall Street Journal on February 29, 1916, based on the war orders of 26 companies and the increase in the market value of the stocks of these companies, Dow-Jones & Co. report:

War orders for 26 companies	$1,734,500,000
Par value of stock of 26 companies	$1,757,389,000
Market value of stock before war	$1,287,658,000
Recent high market price of same	$2,212,986,000
Appreciation in market value	$919,328,000
Per cent appreciation in market value	71
Per cent appreciation on par value	53
Per cent appreciation to war orders	53

If the stock market sales of stocks of these 26 leading war munition companies is a fair indication of the profits earned, the analysis of the Wall Street Journal would indicate that the profit margin on war orders approximated 53 per cent.

To show the great profits which the price of a certain class of exports at the present time have made possible, I desire to call your attention to the Du Pont De Nemours Powder Co. report, whose net earnings on common stock in 1915 were 94.3 per cent, as against 13.6 per cent in 1914.

What is true with this class of exports is also true with the majority of others. The exorbitant price paid for freight has not hurt the manufacturers of munitions nor lowered the price of their products.

Now, let us see what has happened in the case of the products of the farmers of the great Northwest. In March, 1914, the price of No. 2 hard winter wheat in New York City was $1.03; in Liverpool, $1.08; difference, or spread, in price, 5 cents. Ocean freight rate from New York City to Liverpool was 2.6 cents per bushel. This was under normal conditions of shipping. Please note that the spread was 5 cents and the cost of freight 2.6 cents.

In August of the same year, at the time of the beginning of the present European war, there was a decided increase in the price of wheat in Liverpool. The price in New York City was 98 cents and at Liverpool $1.22, which made a difference or a spread in price of 24 cents per bushel. In the meantime freight rates had gone up nearly 300 per cent, so at this time freight rates were 8 cents per bushel.

In September of the same year, because of the high price in Liverpool, the increase at New York City had naturally been proportionate. So we find the same grade of wheat selling in New York City for $1.18 and at Liverpool $1.26; difference in price, or spread, 8 cents. Freight rates had dropped back to 7.1 cents, but from that time on freight rates have steadily increased until in March, 1916, when they had attained the enormous price of 50.4 cents per bushel, or an increase of over 1,800 per cent over the price of shipment in March, 1914.

Another peculiar thing is that we find the price of this wheat in Liverpool in March, 1916, at $1.91, while the price in March, 1914, was $1.08, a difference in price of 83 cents per bushel, while the price in New York City was $1.20, or an increase of 17 cents.

Now, for a comparison between the month of March, 1916 and 1915, of this grade of wheat: The price of this wheat in March, 1916, on the first available date of that month was $1.20, while the price in March, 1915, was $1.58, a decrease in 1916 in New York City of 38 cents. The price in Liverpool in March, 1916, was $1.91, while in March, 1915, it was $1.93, a difference in price of 2 cents. So we have this peculiar condition wherein the price in Liverpool was practically the same, while the price in New York City had dropped 38 cents, and the increase in freight rates during that time was 25.7 cents.

On March 13, 1916, we find that No. 2 hard winter wheat was $1.23 per bushel in New York City, while in Liverpool it was $1.89; freight rate, 50.4 cents.

In this connection at this point I insert herewith the following tables:

American v. European wheat prices as affected by ocean rates.

AMERICAN PRICES, MARCH 13.

	Per bushel.		Amount, decrease.
	1916	1915	
New York, No. 2 hard winter	$1.23	$1.75½	$0.52½
Chicago:			
No. 2 hard winter	1.08	1.63	.55
No. 3 red winter	1.07	1.60	.53
Minneapolis:			
No. 1 northern spring	1.12	1.57½	.45½
No. 2 northern spring	1.09	1.53½	.44½
Duluth, No. 1 northern	1.11	1.55½	.44½
Kansas City, No. 2 red winter	1.18	1.57	.39

LIVERPOOL PRICES, MARCH 13.

	Per bushel.	
	1916	1915
Liverpool:		
No. 1 northern Duluth	$2.07	$1.92
No. 2 soft winter	1.98	1.83
No. 2 hard winter	1.89	1.81
No. 2 northern Manitoba	2.10	1.92

OCEAN GRAIN RATE, NEW YORK TO LIVERPOOL.

Before present war, 4 cents per bushel.
March 14, 1916, 50 cents per bushel.

PRICES OF NO. 1 NORTHERN WHEAT.

January 1, 1914: Liverpool, 101.4 cents per bushel; New York, 100 cents per bushel; Minneapolis, 86.25 to 88.25 cents per bushel.
July 1, 1915: Liverpool, 175.2 cents per bushel; New York, 145 cents per bushel; Minneapolis, 128.75 to 137.75 cents per bushel.
October 1, 1915: Liverpool, 178.2 cents per bushel; New York, 110.5 cents per bushel; Minneapolis, 92.75 to 97.25 cents per bushel.
April 1, 1915: Liverpool, 189.6 cents per bushel; New York, 129.5 cents per bushel; Minneapolis, 117.8 to 120.8 cents per bushel.

NOTE.—No quotations for Liverpool prices of No. 1 northern wheat were found for the dates you mentioned, except as given above.

Corn: Cash prices and ocean freight, as reported weekly by the International Institute of Agriculture, Rome, Italy, and estimated ocean freights.

(Cents per bushel at Chicago and Liverpool.

Date.	Prices of American mixed corn.			Estimated ocean freight, New Yer to Liverpool.[1]
	No. 2 mixed, Chicago.	American mixed, at Liverpool.	Difference.	
1914.	Cents.	Cents.	Cents.	Cents.
Jan. 2	62.8	90.6	27.8	4.9
9	62.5	91.1	28.6	4.9
16	63.0	91.1	28.1	4.4
23	62.0	91.1	29.1	3.9
30	63.2	91.1	27.9	2.9
Feb. 6	61.8	91.1	29.3	2.9
13	62.3	91.1	28.8	2.6
20	62.8	91.1	28.3	2.6
27	63.2	91.1	27.9	2.6
Mar. 6	63.7	91.1	27.4	2.6
13	64.1	91.1	26.8	2.6
20	68.2	91.1	22.9	2.7
27	68.1	91.1	23.0	2.9
Apr. 3	66.7	91.1	24.4	2.7
10	69.4	91.1	21.7	2.7
17	67.4	91.1	23.7	2.7
24	66.4	90.2	23.7	2.7
May 1	66.5	90.2	23.6	2.6
8	67.6	90.2	22.5	2.6
15	70.7	90.0	19.3	2.0
22	71.2	90.8	19.6	2.0
29	71.2	92.0	20.8	2.0
June 5	72.1	90.8	18.7	2.7
12	72.3	91.4	19.1	3.0
19	70.7	92.0	21.3	3.9
26	68.1	91.4	23.3	4.0

[1] The rate per 60 pounds is assumed to be the same for corn as that reported by the institute for wheat; the rate for a standard bushel (56 pounds of corn, is therefore computed as 93 per cent of the freight rate for wheat.

Corn: Cash prices and ocean freight, as reported weekly by the International Institute of Agriculture, Rome, Italy, etc.—Continued.

Date.	Prices of American mixed corn.			Estimated ocean freight, New York to Liverpool.
	No. 2 mixed, Chicago.	American mixed, at Liverpool.	Difference.	
1914.	*Cents.*	*Cents.*	*Cents.*	*Cents.*
July 3	68.7	91.4	22.7	4.9
10	71.9	91.4	19.5	4.9
17	70.9	91.4	20.5	4.9
24	72.8	92.3	19.5	5.4
31	72.8	100.0	27.2	5.4
Aug. 7	81.8	109.0	27.2	.....
14	84.3	110.2	25.9	.....
21	82.7	110.2	27.5	.....
28	77.4	108.5	31.1	.....
Sept. 4	81.0	109.6	28.6	.....
11	82.0	109.0	27.0	.....
18	76.6	106.8	30.2	5.9
25	72.5	107.1	34.6	.....
Oct. 2	72.7	106.5	33.8	7.7
9	78.4	101.8	26.4	7.7
16	72.7	104.5	29.8	7.7
23	75.9	101.1	25.2	7.7
30	72.8	100.0	27.2	7.7
Nov. 6	76.1	97.7	21.6	10.1
13	75.0	99.1	24.4	11.5
20	71.5	98.8	27.3	12.1
27	65.6	98.0	32.4	12.1
Dec. 4	63.7	98.0	34.3	13.5
11	63.2	98.0	34.8	14.1
18	64.6	91.7	27.1	.....
25	66.4	93.4	27.0	17.2
1915				
Jan. 2	68.7	98.0	29.3	17.2
8	70.4	99.1	28.7	17.2
15	71.1	107.1	36.0	.....
22	74.4	105.4	31.0	19.0
29	76.5	106.5	30.0	19.0
Feb. 5	76.2	112.5	36.3	20.1
12	77.7	111.9	34.2	20.9
19	75.2	110.4	35.2	22.9
26	69.3	109.0	39.7	22.9
Mar. 5	70.7	107.6	36.9	22.9
12	72.5	106.2	33.7	22.9
19	73.7	105.4	31.7	22.9
26	70.5	104.8	34.3	22.9
Apr. 2	.....	104.8	.....	22.9
9	72.3	104.2	31.9	22.9
16	76.0	111.0	35.0	21.7
23	78.2	113.9	35.7	21.7
30	77.6	116.1	38.5	21.7
May 7	77.2	115.6	38.4	21.7
14	75.4	114.4	39.0	21.7
21	75.6	112.7	37.1	21.7
28	76.2	112.2	36.0	23.0
June 4	73.4	110.4	37.0	23.0
11	73.4	109.3	35.9	23.0
18	75.9	109.6	33.7	23.0
25	74.8	108.2	33.4	20.1
July 2	76.8	109.3	32.5	20.1
9	78.7	111.9	33.2	20.1
16	78.9	112.7	33.8	17.2
23	81.1	116.1	35.0	20.1
30	79.8	117.3	37.5	21.0
Aug. 6	79.5	122.1	42.6	20.1
13	80.0	123.0	43.0	19.0
20	.....	123.2	.....	19.0
27	79.3	122.1	42.8	20.1
Sept. 3	77.5	121.8	44.3	23.0
10	76.5	120.9	44.4	25.5
17	74.6	120.7	46.1	25.5
24	72.5	118.4	45.9	29.1
Oct. 1	64.3	118.4	54.1	.....
8	62.1	118.4	56.3	.....
15	65.6	121.5	55.9	39.2
22	66.6	.....	.....	39.2
29	64.0	.....	.....	39.2
Nov. 5	65.7	.....	.....	39.2
12	63.2	.....	.....	39.2
19	63.6	.....	.....	39.2
26	65.4	.....	.....	39.2
Dec. 3	66.9	124.4	57.5	39.2
10	66.1	125.5	59.4	39.2
17	.....	124.7	.....	35.3
24	.....	130.9	.....	37.2
31	74.8	133.7	58.9	37.2
Jan. 7	72.8	139.4	66.6	39.2
14	75.3	147.7	72.4	43.1
21	.....	148.0	.....	41.1
28	79.0	147.4	68.4	43.1
Feb. 4	78.5	147.4	68.9	41.1
11	76.9	152.5	75.6	43.1

Beginning with Sept. 10, 1916, the ocean freight quotations (not being reported by the institute) were taken from Lambert & Barrows's circulars.

The Chicago Board of Trade reports the following yearly averages for freight rates on corn: Chicago to New York, by lake and canal, 5.26 cents per bushel in 1914, and 5.75 in 1915; by lake and rail, 5.79 in 1914, and 6.73 in 1915; by all-rail routes, 9.52 in 1914, and 9.92 in 1915. The average of through rates from Chicago to Liverpool, via all-rail routes to New York, was equivalent to 33.4 cents per 56 pounds in 1915; no average was reported for 1914.

Wheat: Cash price and ocean freight, as reported weekly by the International Institute of Agriculture, Rome, Italy.
(Cents per bushel at New York and Liverpool.)

Date.	Prices of No. 2 red winter wheat.			Ocean freight, New York to Liverpool.	Prices of No. 2 hard winter wheat.			Ocean freight, New York to Genoa.
	At New York, N. Y.	At Liverpool, Eng.	Difference.		At New York, N. Y.	At Genoa, Italy.	Difference.	
1914.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Jan. 2	101.0	107.7	6.7	5.2	.....	.....	.....	.....
9	101.5	106.8	5.3	5.2	.....	.....	.....	6.8
16	102.0	107.8	5.8	4.7	.....	.....	.....	8.4
23	101.5	108.5	7.0	4.2	.....	.....	.....	8.4
30	101.5	108.0	6.5	4.2	.....	.....	.....	8.4
Feb. 6	101.5	108.0	6.5	4.2	.....	.....	.....	8.2
13	103.0	108.6	5.6	3.9	.....	.....	.....	.....
20	104.5	108.6	4.1	3.9	.....	.....	.....	.....
27	105.5	109.2	3.7	3.2	.....	.....	.....	.....
Mar. 6	105.0	108.6	3.6	3.2	.....	.....	.....	.....
13	105.5	107.5	2.0	3.2	.....	.....	.....	.....
20	106.5	107.4	.9	2.9	103.2	.....	.....	.....
27	106.5	107.7	1.2	3.2	102.3	.....	.....	.....
Apr. 3	105.0	107.4	2.4	4.0	101.0	.....	.....	.....
10	105.0	107.5	2.5	4.0	100.3	.....	.....	.....
17	105.5	106.2	.7	4.0	101.7	.....	.....	.....
24	106.5	107.4	.9	4.0	103.0	.....	.....	.....
May 1	105.5	108.0	2.5	3.2	103.2	.....	.....	.....
8	104.7	109.0	4.3	3.2	103.5	.....	.....	.....
15	107.0	.....	.....	3.2	105.3	.....	.....	.....
22	108.5	112.6	4.1	3.2	107.3	.....	.....	.....
29	111.0	111.9	.9	3.2	107.5	.....	.....	.....
June 5	93.8	.....	.....	4.0	101.3	.....	.....	.....
12	93.8	.....	.....	3.2	101.3	.....	.....	.....
19	93.8	.....	.....	4.2	100.0	.....	.....	.....
26	87.2	.....	.....	5.2	93.0	.....	.....	.....
July 3	88.2	.....	.....	5.2	89.5	.....	.....	.....
10	88.2	.....	.....	5.2	89.0	100.8	11.8	9.9
17	88.8	.....	.....	5.2	90.0	100.8	10.8	.....
24	91.8	.....	.....	5.8	92.5	101.4	8.9	.....
31	96.3	119.2	22.9	5.8	98.5	109.6	11.1	.....
Aug. 7	94.5	123.5	29.0	.....	95.0	.....	.....	.....
14	98.0	117.4	19.4	.....	100.0	120.8	20.8	.....
21	103.0	113.2	10.2	.....	106.8	110.3	3.5	.....
28	114.0	124.4	10.4	.....	114.8	103.0	[1] 5.8	.....
Sept. 4	131.5	130.5	[2] 1.0	.....	122.7	105.7	[1] 26.8	.....
11	123.5	126.0	2.5	.....	122.5	.....	.....	6.8
18	120.5	126.0	5.5	6.3	120.0	.....	.....	7.6
25	116.5	125.6	9.1	.....	116.2	.....	.....	.....
Oct. 2	112.5	122.0	9.5	8.2	111.8	.....	.....	.....
9	117.2	124.4	7.2	8.2	116.0	.....	.....	.....
16	120.3	126.9	6.6	8.2	119.3	.....	.....	.....
23	125.0	.....	.....	8.2	124.8	153.6	28.8	.....
30	122.3	.....	.....	8.2	123.2	153.6	30.4	13.5
Nov. 6	122.8	141.8	19.0	10.8	124.0	160.2	36.2	13.7
13	123.5	141.5	18.0	12.3	124.5	163.5	40.0	17.5
20	124.8	.....	.....	13.3	124.8	.....	.....	18.3
27	124.3	.....	.....	15.3	124.3	162.1	37.8	19.8
Dec. 4	126.7	141.5	14.8	14.5	126.7	166.1	39.4	22.4
11	126.0	143.9	17.9	15.4	126.5	.....	.....	.....
18	130.7	147.5	16.8	.....	130.7	162.5	31.8	25.1
25	136.5	153.6	17.1	18.4	136.8	163.5	26.7	25.1
1915.								
Jan. 2	138.2	153.6	15.4	18.4	137.0	166.1	29.1	27.4
8	148.3	164.0	15.7	18.4	148.3	170.7	22.4	27.4
15	156.5	173.1	16.6	.....	156.5	169.1	12.9	31.9
22	154.0	175.5	21.5	20.1	154.5	185.2	31.7	29.7
29	160.2	181.6	21.3	20.4	163.5	189.5	26.0	31.6
Feb. 5	176.5	.....	.....	21.5	176.5	203.5	27.0	29.8
12	170.0	.....	.....	22.4	164.5	210.3	51.8	31.6
19	171.0	.....	.....	24.5	173.5	219.9	46.4	31.2
26	157.5	200.5	43.0	24.5	160.3	227.2	66.9	32.4
Mar. 5	149.5	191.4	41.9	24.5	151.0	228.5	77.5	33.5
12	168.8	.....	.....	24.5	171.3	229.1	57.8	35.0
19	169.0	.....	.....	24.5	172.0	225.2	53.2	34.2
26	161.5	193.8	32.3	24.5	163.5	227.2	63.7	31.9
Apr. 2	163.0	193.2	30.2	24.5	167.0	228.5	61.5	.....
9	165.5	192.6	27.1	24.5	168.0	233.7	65.7	.....
16	165.5	195.8	31.3	23.3	170.5	233.7	63.2	.....
23	170.0	199.9	29.9	23.3	173.0	233.1	60.1	31.2
30	172.5	203.2	30.7	23.3	175.5	234.4	60.9	31.2
May 7	165.7	.....	.....	23.3	169.5	231.7	62.2	30.4
14	173.0	.....	.....	23.3	164.5	232.4	67.9	30.4
21	165.2	.....	.....	23.3	167.2	229.1	61.9	.....
28	154.7	.....	.....	21.6	155.4	.....	.....	.....
June 4	159.0	.....	.....	21.6	161.0	.....	.....	.....
11	152.3	.....	.....	21.6	156.3	.....	.....	.....
18	129.7	.....	.....	21.6	139.4	.....	.....	.....
25	129.5	.....	.....	21.5	131.2	.....	.....	.....
July 2	141.0	.....	.....	21.5	143.4	.....	.....	.....
9	140.0	.....	.....	21.5	144.0	.....	.....	.....
16	144.5	.....	.....	18.4	151.9	.....	.....	28.9
23	129.8	.....	.....	21.5	146.8	.....	.....	30.0
30	119.0	.....	.....	22.5	147.0	224.6	77.6	.....
Aug. 6	123.0	.....	.....	21.5	127.0	224.6	97.2	30.4
13	122.0	.....	.....	20.4	126.6	225.9	99.3	29.7
20	116.5	174.9	58.4	20.4	116.5	.....	.....	30.4
27	112.0	152.4	40.4	21.5	115.0	220.6	105.6	31.2
Sept. 3	115.2	150.0	34.8	24.6	115.2	218.6	103.4	31.6
10	117.5	149.9	32.4	27.3	117.5	214.0	96.5	32.7
17	126.1	173.1	[3] 47.0	[4] 27.3	126.1	211.4	85.3	.....
24	125.0	173.1	48.1	31.5	125.0	211.4	86.4	.....

[1] Excess of New York price over Genoa.
[2] Prices not greatly different from No. 2 Red Winter.
[3] Beginning with Sept. 10, 1915, quotations in this column (not being given by the institute) were taken from Lambert & Barrows' freight circulars.
[4] Excess of New York price over Liverpool.

Wheat—Cash prices and ocean freight, as reported weekly by the International Institute of Agriculture, Rome, Italy, etc.—Continued.

Date.	Prices of No. 2 red winter wheat.			Ocean freight, New York to Liverpool.	Prices of No. 2 hard winter wheat.			Ocean freight New York to Genoa.
	At New York, N. Y.	At Liverpool, Eng.	Difference.		At New York, N. Y.	At Genoa, Italy.	Difference.	
1915.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Oct. 1	117.8	173.1	55.3	.....	117.8	211.4	93.6	.....
8	124.5	178.0	53.5	.....	124.5	211.4	86.9	.....
15	130.5	179.8	49.3	42.0	130.5	214.0	83.5	.....
22	122.6	179.2	56.6	42.0	122.6	212.7	90.1	.....
29	125.3	179.2	53.9	42.0	125.3	210.1	84.8	.....
Nov. 5	127.3	180.7	53.4	42.0	127.3	.....	.....	.....
12	126.7	180.7	54.0	42.0	126.7	.....	.....	.....
19	126.3	166.4	40.1	42.0	126.3	216.7	90.4	.....
26	126.0	161.6	35.6	42.0	126.0	217.3	91.3	.....
Dec. 3	131.5	169.5	38.0	42.0	131.5	225.9	94.4	.....
10	130.7	171.9	41.2	42.0	130.7	228.5	97.8	.....
17	133.5	172.2	38.7	37.8	133.5	228.5	95.0	.....
24	144.3	180.4	36.1	39.9	144.3	231.1	86.8	.....
31	137.3	180.7	43.4	39.9	137.3	231.1	93.8	.....
1916.								
Jan. 7	139.2	182.2	43.0	42.0	139.2	244.2	105.0	.....
14	143.5	186.2	42.7	46.2	143.5	.....	.....	.....
21	148.3	193.5	45.2	44.1	148.3	.....	.....	.....
28	146.8	195.6	48.8	46.2	146.8	.....	.....	.....
Feb. 4	143.0	196.2	53.2	44.1	143.0	.....	.....	.....
11	138.1	196.8	58.7	46.2	138.1	.....	.....	.....

Wheat—Cash prices and ocean freight, per bushel; comparison of monthly quotations from New York and Liverpool (as compiled by the Bureau of Crop Estimates, United States Department of Agriculture).

Month.	No. 2 red winter.			No. 2 hard winter.			Ocean freight from New York to Liverpool.
	At New York, N. Y.	At Liverpool, England.	Difference.	At New York, N. Y.	At Liverpool, England.	Difference.	
1914	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
January	100	105	5	99	105	6	4.2
February	101	106	5	101	105	4	3.8
March	106	108	2	103	108	5	2.6
April	105	105	.....	100	105	5	2.6
May	104	107	3	102	109	7	3.0
June	110	110	.....	105	110	5	3.4
July	98	.....	.....	93	102	9	4.9
August	96	122	26	98	122	24	8.0
September	121	124	3	118	126	8	7.1
October	114	123	9	114	122	8	8.4
November	122	137	15	122	135	13	11.8
December	126	134	8	126	137	11	15.0
1915.							
January	138	159	21	136	160	24	18.9
February	166	188	22	168	188	20	23.6
March	158	194	36	158	193	35	24.7
April	163	193	30	164	190	26	24.9
May	174	200	26	172	198	26	25.2
June	146	.....	.....	145	192	47	24.8
July	135	.....	.....	139	164	25	21.8
August	120	.....	.....	120	167	47	21.0
September	113	.....	.....	114	171	57	27.7
October	118	.....	.....	116	173	57	42.0
November	.....	.....	.....	.....	178	.....	42.0
December	.....	.....	.....	.....	182	.....	40.3
1916.							
January	.....	.....	.....	134	177	43	44.6
February	.....	.....	.....	144	190	46	47.8
March	.....	.....	.....	120	191	71	50.4

NOTE.—The prices referred to the first available date each month and were taken from the reports of the New York Produce Exchange, the Market News (N. Y.), and Broomhall's Corn Trade News (Liverpool). The ocean freight rates are unweighted averages of weekly quotations, as reported by freight brokers or in newspapers.

Now, the peculiar fact I wish to draw to your attention is this: In March, 1916, there was a decrease from price in 1915, same date, in the price of this grade of wheat in New York City of 52½ cents. In Chicago the decrease was 55 cents, while in Liverpool there was an increase in price of 8 cents per bushel, making a spread of approximately 60 cents per bushel between New York City and Liverpool. Under normal conditions, with the freight rate at about 3 cents or 4 cents per bushel this spread would not be over 5 cents. But here we have the producer paying the freight, because an additional spread of 8 cents per bushel, with wheat 52½ cents lower in New York City in 1916 than it was in 1915 and the demand at Liverpool greater, as is evidenced by the fact that wheat was selling there 8 cents higher.

This shows conclusively that, no matter what the freight rates are between New York City and Liverpool, the producer pays the freight. The increase has been over 1,800 per cent in the last two years, and the farmer pays it. If it were 4,000 per cent, the farmer would have to pay it. The prosperity of our cities is dependent upon the prosperity of the farmer, and naturally we are interested in the subject of freight rates, inasmuch as the farmers in the United States last autumn harvested nearly 6,000,000,000 bushels of the various kinds of grain, of which approximately 600,000,000 bushels were available for export, it is very natural to presume that they are vitally interested in the price of transportation, and this is especially true when that price is deducted from the price of their grain.

Therefore we are particularly anxious to have this bill enacted into law, so that the Government will, in a measure, be better enabled to regulate the cost of transportation. [Applause on the Democratic side.]

Mr. ALEXANDER. Mr. Chairman, I suggest that the gentleman from Massachusetts use some of his time.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield to the gentleman from California [Mr. KAHN] 10 minutes.

Mr. KAHN. Mr. Chairman, the title of this bill ought to be "A bill to exploit the art of raising political thunder; or, how to bunco the American farmer."

The chairman of the committee [Mr. ALEXANDER], in addressing the Committee of the Whole at the opening of the debate, stated that under the registry act, passed in 1914, I believe, 1,600,000 tons of shipping had come under the American flag. This shipping in large part was owned by Americans.

Mr. ALEXANDER. The gentleman has just missed that by 1,000,000 tons. I said 600,000 tons.

Mr. KAHN. I understand that as much as 1,600,000 have come in.

Mr. ALEXANDER. That is not correct.

Mr. KAHN. Six hundred thousand tons, then, have come in. I thank the gentleman for giving me the correct figures. What were those ships? They were vessels owned by the Standard Oil Co., by the United Fruit Co., and similar corporations. They were ships that had been in the trade of carrying the products of Central American and South American countries to the United States and vice versa. Some of them also crossed the Pacific and possibly some crossed the Atlantic. Why were they under a foreign flag? Because they could be run so much more cheaply under a foreign flag than they could possibly be run under the flag of the United States. They were put under the American flag on account of the European war. I make the prediction that when this war is over they will go back to the flags of the countries which they formerly flew from their mastheads.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. CANNON. How much more cheaply under normal conditions were the ships flying foreign flags sailed than the ships flying the American flag?

Mr. KAHN. On the question of wages alone, in some of the lines on the Pacific Ocean, two or three hundred per cent more is paid to the American or white seaman than is paid to the Chinese, the Lascars, the Japanese, and other orientals usually found composing the crews on vessels of that kind. The gentleman from Texas [Mr. HARDY] made an elaborate and interesting speech describing the progress of American shipping. Give the American shipowner the same inducement and the same opportunities that the British Government gives to the English shipowner, and we will not need anything else to build up a powerful American merchant marine. The gentleman spoke of the subsidies that are paid by England to her large ships for carrying the mails. If we were to adopt a policy in the United States of running fast modern passenger ships for carrying the mails between the United States and certain points in Europe, in South America, in Australia, and in the Orient, I venture to say that we would have on the seas in a comparatively short time as fine a lot of vessels as you would be able to find anywhere. Give American capital a chance to make a fair rate of interest on its investment, and there will be no difficulty in getting it to invest in ships under the American flag. The tramp that the gentleman speaks of has an enormous advantage over American ships. The English tramp steamer is allowed to ship its crew wherever it wants to pick them up. There is nothing to prevent that in the English law. A man owning an English tramp steamer can go over to China and take a full Chinese crew on a vessel, he can take a full crew of Lascars on his vessel, he can take a full crew of Japanese on his vessel, or he can take on a mixed crew of cheap oriental sailors, and those

cheap crews enable him to compete successfully with the shipping of the world. That is the history of the tramp steamer.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I yield to the gentleman, though he refused to yield to me.

Mr. HARDY. I just wanted to ask if an American ship before the seaman's bill was enacted could not have done the same thing?

Mr. KAHN. It could not.

Mr. HARDY. Why?

Mr. KAHN. Because the home port of a ship fixes the wages of its crew. If a vessel runs from a certain point in New England it pays the crew the wages that prevail there. If it sails from San Francisco or Puget Sound, it pays the wages that prevail there. It is the home port of the ship that fixes the wages of the crew.

Mr. HARDY. Did not the Pacific Mail use Japanese and Chinese crews?

Mr. KAHN. But they shipped them in the Orient.

Mr. HARDY. They used them.

Mr. KAHN. Yes; but the Pacific Mail Steamship Co. were not permitted to allow a single Chinaman of their crew on our land. The exclusion law kept them off the territory of the United States. They could not have shipped a Chinese crew at San Francisco or at Puget Sound ports, because they could not have secured enough Chinese sailors in those ports to make up a full crew. So their vessels went to Hongkong and took on their crews there, or in Macao, or some other port on the coast of China. And even with their Chinese crews, the vessels of the Pacific Mail Steamship Co. could not successfully compete with the still cheaper crews of the Japanese steamships. The English ships plying between San Francisco and the Orient all have Chinese and Lascar crews. The cheapness of the crews on most foreign ships is a serious handicap to American vessels, and is largely responsible for the inability of the ship flying the American flag to compete with the foreign ship.

Mr. HARDY. Does the gentleman know that on our ships to-day there is not over 35 per cent of American citizens?

Mr. KAHN. I know that, absolutely; I have often spoken of it. I have always contended you can build up an American merchant marine by giving the American shipowner the same rights and privileges that the shipowners of other nations have. Millions of American dollars are invested in ships flying foreign flags. I believe the owners of those millions would prefer to invest them in ships flying the American flag if we would liberalize our shipping laws so as to enable them to make a fair profit on their investment. We have in this country to-day two or three lines that are paid subventions or subsidies by our Government. There is the American Line that the gentleman spoke of, which has been in operation for many years, and which never could have run a single day if it had not had a subvention. American capital will not invest in a losing venture. That is all there is to this shipping bill. I do not care how cheaply they can rent these ships to be purchased or built by the Government under the terms of this bill to prospective lessees; those lessees can not run them in competition with the vessels of those foreign nations that carry cheaper crews, that receive subsidies in some form or another, and that do not have other charges and burdens that fall to the lot of the American shipowner. That is why we can not hope to have Americans invest their money in these ships. That is why I say that this law is pure political thunder and pure political buncombe. [Applause on the Republican side.]

If the lessees will not be forthcoming, do you intend the Government of the United States to run these ships? They would be an enormous expense to the Government if we should try to do that. To pay subsidies and subventions would be infinitely cheaper and less burdensome to the taxpayer in the long run. I can tell you a few instances of the Government running ships. We own the steamship *Gedney*, which has been in the Coast Survey over 40 years. It is very, very old as ships go, and no ship has been built by the Government as yet to replace it. So that really the men who go into her every summer to survey the coast of Alaska feel they are taking their lives in their hands every time they step on board. The *Gedney* has been condemned by the Government itself twice, and yet the Government continues to run it. Take the transports *Meade* and *Crook*, which have been condemned as being unseaworthy. They are still a part of the transport service of the United States.

Mr. LOUD. All but one of the 14 transports are old ships.

Mr. KAHN. Yes; the transport ships are all old ships——

Mr. LOUD. Except one.

Mr. KAHN. Except one, as my friend from Michigan suggests. Take the little customhouse boat in San Francisco Bay, the *Hartley*. She has been under water twice; sunk, if you please, in the waters of the bay of San Francisco, and yet she is still being run by the Government of the United States. She has been condemned two or three times. She is so old she is considered unseaworthy by every man on the water front of San Francisco. And then we talk about the Government running ships. It is a bad venture. This bill will not amount to anything at all except to put the Government into another enterprise that private capital ought to engage in. It will not do anything toward establishing our merchant marine. It will result in the squandering of the people's money. In the end it will never accomplish the purpose that the gentlemen who father it hope for. The fact that we have not had enough ships to carry our own trade to foreign countries has been deplorable. What are the conditions along the Pacific coast to-day? We have practically no American ships sailing across the Pacific. We are dependent upon Japanese ships to bring the goods from the Orient that we require, and to carry our goods back to the Orient. What has happened since the withdrawal of American ships from the over-sea trade on the Pacific? Goods destined for the United States from our own insular possessions are frequently left on the docks, because the Japanese ships have only cargo space for the goods and products of Japan. Hence, merchandise originating in countries other than Japan is left on the docks. It is a deplorable, an intolerable situation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. Will the gentleman from Missouri use some time?

Mr. HARDY. I yield to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Chairman, as a member of the Merchant Marine Committee, which reported this bill favorably to the House, I had occasion to listen to all the hearings and arguments made for and against it, and I believe it should be passed by Congress without further delay. I supported the last shipping bill, and I am sorry that the past Congress did not enact it into law at the time. The failure of its passage has been the cause of great money loss to the country, and I hope that this Congress will enact the present bill into law as soon as possible.

This is a measure to meet a very serious condition brought about by the war in Europe. The situation should be plain to any thinking man. We had neglected our American merchant marine—so much so that all three of the platforms of 1912 contained planks acknowledging this and promising the people relief. We did not realize how few ships we really have until the war broke out. From that day until now it has been difficult to ship the products of our farms, our mines, mills, and factories to the markets of the world.

Not only that but the Shipping Trust soon took advantage of the scarcity of ships engaged in the carrying of our products and raised their ocean rates until they are almost prohibitive. Take the rates from my State, Louisiana, for instance.

On cotton from New Orleans to Liverpool we were paying on January 1, 1914, $1.55 per bale; on October 1, 1914—right after the war broke out—$2.50 per bale; on January 1, 1915, $5 per bale; and on January 1 of this year, $15 per bale. The rate on cottonseed oil from New Orleans to Havre, France, before the war was $1.46 per barrel, and on January 1, 1916, the rate had increased to $12.60 per barrel. On cottonseed cake before the outbreak of the war the rate to Genoa, Italy, was $5.35 per ton, and on January 1 of this year it was $30.24 per ton. The rate on flour to Havre in January, 1914, was 22 cents per hundred pounds, and on January 1, 1916, it was $1.50.

One of the most unusual increases from New Orleans to France, for instance, is on soft lumber. Before the outbreak of the war the rate was $23 per 2,000 feet, and on the same shipments the rate had increased to $230 on January 1, 1916—an increase to 1,000 per cent of what the old rate was.

These are simply illustrations of what the general increase has been, and similar increases have occurred all along the line on other products.

So the question arises: Is this great Government of ours to continue to depend on foreign bottoms, or submit to this Shipping Trust, and permit the products of our people to rot at the docks when there is so much demand for them everywhere? I think not. It is evident that we can no more conduct our business profitably with the nations of the world by using foreign ships than a department store can do a profitable business with a delivery system run by its competitors.

This measure is taking no privilege or opportunity from any legitimate enterprise. Its sole aim and purpose is to provide the country with shipping facilities absolutely needed to carry on its commerce with other nations of the world at a moment when the lack of ships is causing congestion of our commerce

and causing transportation charges to go up until they are almost prohibitive.

The United States Chamber of Commerce, as the voice of the business men of the Nation, has gone on record in favor of a shipping board, and this feature is provided for in the bill now pending. Representatives of the National Grange and farmers' unions appeared before our committee and approved this proposed legislation. The Federation of Labor and Seamen's Union have, by resolutions in national conventions, approved this legislation. The farmers and manufacturers are asking for more ships to carry the products of our soil and factories to the markets of the world, and, last but not least, in the event of trouble with any foreign power an American merchant marine, as an auxiliary to the Navy and to continue our commerce with friendly nations, is absolutely necessary.

The Republicans are criticizing us for adhering to our promises to the people to enact laws to promote the growth of our American merchant marine, in order to develop and strengthen the commercial ties which bind us to other countries, but they offer no reasonable substitute for this measure. We know that their only idea of building up a merchant marine is by subsidy—taking the money out of the Treasury of the United States and giving it to a few shipowners. No member of the opposition so far has brought forward any reasonable substitute to relieve the present serious situation which this bill is brought forward to meet. It is admitted that individual enterprize can not be depended on at this time and in this emergency. No one denies the emergency nor the prohibitive rates. We have to decide now whether this Government of ours should help relieve this paralysis of our foreign commerce or whether, by refusing to help, it will permit the paralysis to continue or continue to submit to present rates of shipping until the war is over. In normal times it may be that we could solve the problem in some other way, and I am not prepared to say whether I would vote for a measure of this kind in times of world peace; but these are abnormal times and conditions, which have to be met and solved as we find them.

Mr. HARDY. Mr. Chairman, I yield 30 minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, we have listened to quite a flow of talk on topics entirely unrelated to the pending bill. This talk may have been interesting on other grounds, but it has hardly served to advise the committee, of the merits, or demerits of the measure under consideration. I regret that I was not in the House when the gentleman from Massachusetts cited various extracts from a speech which I made a couple of years ago relating to another and entirely different bill. However I do not consider that these citations are to my prejudice. I stand by every word of that speech, and so far have not recanted a single sentence then uttered. If the purpose on the part of my friend from Massachusetts is to convict me of inconsistency; if it is conceived that my attitude of two years ago is of the slightest interest in connection with the pending debate, I wish to say——

Mr. GREENE of Massachusetts. I will say to the gentleman I did not charge him with any inconsistency at all.

Mr. SAUNDERS. I was on the point of saying that if the present bill was the bill of two years ago, my attitude would still be one of opposition. There was nothing in the former bill, but Government ownership, on an indefinite scale. The Government-ownership feature of the present bill is limited, and negligible, objectionable perhaps if considered apart, and alone, but wedded to, and a part of too much that is meritorious and praiseworthy, to justify any Member of this body in rejecting this bill as a whole. The possibility of Government operation under the pending measure bears the same relation to the balance of the bill, that a single grain of cockle would bear to a full bushel of wheat. It is in this bill, but is a negligible element. This committee is concerned with the bill before us, not the ancient history of another measure—dead and forgotten. What is this bill, what are its purposes and terms, what does it afford, in the way of encouragement, for the establishment of an American merchant marine?

Another thing I desire to say at this time. The gentleman from California [Mr. KAHN] put his finger on the spot in referring to the causes which led to the disappearance of our merchant flag from the high seas. In that connection however he convicted himself, and his party associates of incapacity and insincerity, for the simple reason that with full knowledge of the disease, and the remedy, neither he, nor his party during their long period of supremacy did the things which he now says ought to have been done, to effect the restoration of our merchant marine. Out of his own mouth he is convicted of failure to do the things that he ought to have done. He has sinned with knowledge.

Mr. KAHN. Will the gentleman yield?

Mr. SAUNDERS. Certainly. I always yield, if I have time to do so.

Mr. KAHN. I want to say to the gentleman the fact that we were not able to work it out along the line suggested was not my fault.

Mr. SAUNDERS. I do not know what the gentleman's efforts were in that direction, but as far as I can recollect I have not heard of any earnest effort on his part to enable American shipowners to buy their ships abroad and put them under the American flag, or to empower them to use cheap labor on their vessels, such as Chinese, Japanese, or Lascars, to the exclusion of American seamen.

You have clearly pointed out that American capital has been unable in the past to meet the competition of their rivals in the carrying trade, but what have you done to enable domestic capital to overcome these handicaps? The chief handicap on the development of an American merchant marine, has been the cheaper ships of our commercial rivals. What has my friend, or his party done to overcome this obstacle, and put domestic capital on an equality in this request with its established rivals?

Mr. ALEXANDER. Will the gentleman yield?

Mr. SAUNDERS. I will.

Mr. ALEXANDER. Is not the gentleman aware that the gentleman from California [Mr. KAHN] has a bill pending before the committee to admit a foreign-built ship wrecked off the coast of Tahiti to American registry?

Mr. KAHN. I never objected to that.

Mr. SAUNDERS. I desire to call the attention of the committee to the fact correctly stated by the gentleman from California [Mr. KAHN], that the only reason American capital has not gone into the carrying business in foreign commerce is that until the last year or two, it has been absolutely impossible for American capital to make this venture a paying investment, owing to the restrictions of our shipping laws. Domestic capital seeking to enter the field of foreign commerce, with vessels flying the American flag, was confronted with two main handicaps.

First the cost of vessels constructed in American yards was greater than the cost of vessels constructed abroad. I have never heard that my friend has sought in any serious way to remove that handicap, by allowing American capital to enter this field of competition by buying its ships in the cheapest market. Two years ago, a Democratic Congress did this very thing. And yet my friend complains seriously that the shipping board, under the conditions imposed by this bill, may buy or have constructed its ships abroad. This authority is given, but the board is required to give preferential consideration to American yards, under equal conditions. My friend seems to ignore the fact that an American capitalist can buy a ship anywhere, abroad or at home, at his choice, and put that vessel under the American flag. And yet with this law upon our statute books, and presumably therefore within the knowledge of the gentleman from California, makes a violent attack upon a section of this bill, because under the restrictions imposed the board may do something which the private capital is at liberty to do at any time, without let or hindrance.

Permit me to call attention in this connection to the exact language used in the bill, for the loose references which have been made to this section are well calculated to create an erroneous impression. It has been frequently stated that the board is authorized to have ships constructed in foreign yards. That is true. But why not state all the facts of the equation? Why not state in this connection that the board is required with respect to these ships, to give preferential consideration to American yards?

Other things being equal, they are required to construct them in American yards. Perhaps I had better cite the language of the bill: "Giving preference, other things being equal, to domestic yards." Why not state all the facts, when the facts are available?

Oh, it is a terrible thing to provide that the Government may protect itself against imposition, in respect to the construction of these vessels. When we arranged to dig the Panama Canal, why did my friend's party give the right to purchase materials abroad under terms fixed by law? Why did not Congress confine the purchase of materials to the American manufacturers? The American manufacturers were not allowed to impose upon the Government in that connection, why then extend the opportunity of imposition to American shipyards, as you will inevitably do, if you limit construction to domestic yards?

The men who arranged for the construction of the Panama Canal, were not so shortsighted. They provided against imposition in the construction of that great work, by a bill to the effect that if the bids, of the American manufacturers were

unreasonable, the materials could be bought abroad. The same protection against imposition, was in contemplation, in the preparation of the section under consideration. I ask if this reference to the very language used, and the analogy of the Panama act does not put a very different appearance upon that section of our bill which has been so sweepingly attacked? The American taxpayer was entitled to the protection afforded by the language which affords the conditions under which ships may be constructed abroad.

The minority report is at pains to say that American shipyards are so choked to-day with contracts that it is not likely that we will be able to have a ship constructed in these yards for two or three years to come. Permit me to put a case to you. An urgent demand for tonnage exists. On this we are all agreed. Suppose on inquiry, the board should ascertain that no American yard could turn out the ships, or ships desired, under two, or three years, and then at a cost considerably in excess of the foreign yards, while the latter yards, or some particular foreign yard, could fill the order in 6 or 12 months. Do you think that under such circumstances, having in mind the interests of the American shippers, the board ought to be confined to the construction in American yards?

Mr. HUSTED. Will the gentleman give way for a question?

Mr. SAUNDERS. Certainly.

Mr. HUSTED. Does "other things being equal" mean anything more than cheaper cost?

Mr. SAUNDERS. "Other things being equal" may comprehend a number of things. I merely gave one illustration. The section clearly means that if American bids are unreasonable, the board may build abroad, just as the right was given to buy materials for the canal from foreign manufacturers, when domestic bids were unreasonable.

Mr. HUSTED. Under the language of this bill, would it not in your opinion be mandatory on the board to buy ships abroad if they could buy a little cheaper?

Mr. SAUNDERS. Just as mandatory in the authority of the Panama act to buy abroad, if the bids of the American manufacturers were unreasonable.

Mr. LOUD. Is it not true that the foreign yards are just as congested as our own, and, if not, why are they contracting with our yards to build at this time?

Mr. SAUNDERS. That is true. I merely gave an illustration of the circumstances under which we ought to have the right to buy abroad.

Mr. LOUD. Six months over there and two years here?

Mr. SAUNDERS. My figures were merely by way of illustration. I did not state the condition of the foreign yards. Actual conditions in these yards has nothing to do with the merits of the illustration I afforded. I will give you another illustration. Say that an American yard should advise you that at the end of three years it could furnish you a ship, at a given price, while at the termination of the same period, a foreign yard would be ready and able to furnish the same at a figure, $400,000, less than the American bid, where would you build? That is a fair question. Answer it.

Having in mind the interests of the American taxpayers, would you build at home, or abroad under the circumstances indicated? Suppose you say, though as yet you have not said it, that you would build at home, then I ask you, Why did your party provide, when you were preparing to build the Panama Canal, that if the American bids were unreasonable or the materials that entered into the construction of that great work, these materials could be bought abroad? No, Mr. Chairman; this criticism of the bill, upon the facts, is neither fair, nor just. I have tried in vain to induce some of the gentlemen who have discussed the bill, to point out in detail its alleged defects. That is the only way in which you can develop the very right of the controversy pending this afternoon, and bring us to the discussion of the merits, and demerits of the bill. Every gentleman who has spoken has taken occasion to commend some particular feature of this bill. The sections that by vague reference have been condemned constitute but a small fragment of the measure, in comparison with the sections that have been approved.

I put it up to the Members present to answer me frankly, as I know they will, whether the provisions which I shall cite are reasonable, or unreasonable. The gentleman from New York [Mr. ROWE] in discussing this bill said that in section 15 there is some ambiguity that might give trouble. He did not put his finger on the spot, and I am unable to locate this ambiguity. But I wish to call to your attention the provisions of section 17, and conceding that both sides of this Chamber are equally interested in affording a meritorious, and comprehensive measure, that will at least make a start toward building up an American merchant marine, I want to ask you whether in all good faith there is a man on the minority side who will find fault with, or cavil at these provisions. I read:

SEC. 17. That it shall be unlawful for any common carrier by water, or other person subject to this act, either alone or in conjunction with any other person, directly or indirectly—

First. To make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Does anyone wish to strike out any portion of this language? Ought these carriers to be allowed to give undue, or unreasonable preferences, or advantages? If not then you will agree with me that such preferences should be forbidden. Let me read the next paragraph:

Second. To allow any person to obtain transportation for property at less than the regular rates then established and enforced on the line of such carrier, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means.

I ask you if there is a man on your side who thinks that such practices should be allowed; that carriers ought to be permitted to secure freights by means of false billing, or false classification? If not, that admits the wisdom, and propriety of forbidding such action. I read further. It shall be unlawful—

Third. To induce, persuade, or otherwise influence any marine insurance company or underwriter, or agent thereof, not to give a competing carrier by water as favorable a rate of insurance on vessel or cargo, having due regard to the class of vessel or cargo, as is granted to such carrier or other person subject to this act.

I read further:

SEC. 18. That no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States as compared with their foreign competitors.

You will all agree with me that these inhibitions are proper.

I will now take up the question of foreign competition, and I hope to be able to discuss it in such a way as to point out to you that all we have done in that direction is to protect our prospective marine, against unfair practices, and provide the conditions for the development of this marine along normal lines. Does anyone undertake to say that it is in the interest of the American merchant marine to our foreign competitors to throttle our possible development by the use of unfair competition? If you agree with me that these practices should not be continued, then you can not find fault with the law that forbids them. How can we break down these practices, unless we use the power of the United States to overthrow them? Tell me how else we will ever build up an American merchant marine? Permit me to cite another section of this bill, section 19, which provides—

SEC. 19. That every common carrier by water in interstate commerce shall establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.

In this connection I desire to call the attention of the committee to the remarkable attitude assumed by some of the witnesses who came before us. When we had under consideration the regulation of interstate traffic by water, some gentlemen came before our committee, and insisted that those carriers ought not to be made subject to any sort of regulation, or control. They insisted that it was impossible to determine what was an unreasonable rate. What do you think of such an attitude in this day and generation, when we are confronted daily with the beneficial effects of the control of the Interstate Commerce Commission over railroad rates? Do you think that it will be beyond the power of the able men who will compose the shipping board to ascertain what is a reasonable what an unreasonable rate? Yet some of the witnesses who appeared before the committee insisted with the utmost gravity, that it would be impossible to ascertain whether a rate was reasonable, or unreasonable. Yet the determination of reasonable and unreasonable rates is made every day by the Interstate Commerce Commission, and the various State commissions, and tribunals.

My friend from New York [Mr. ROWE] took up section 17, or was it some other section? No; it was section 15. He agreed that deferred rebates ought to go. That is a very material section of the bill. At last we have found something meritorious in this measure. Then the gentleman conceded that "fighting ships" ought to go. That is in the same section. If he has found in this section in the provisions against "fighting" ships,

and the provisions against deferred rebates, which have been the greatest impediments in the way of the development of our merchant marine, two items of such merit will you not agree with me that in this section at least we have made a long step in the right direction?

What is the rest of that section? Not only are deferred rebates eliminated, not only are "fighting ships" prohibited, but a carrier is forbidden to retaliate against any shipper who refuses to use that particular line in the shipment of his freight. Do you think that a carrier ought to be allowed, to put a black mark against you, or retaliate against you, when you make your choice of another line, or ship to carry your freight?

The last provision of the section is that a carrier shall not make any unfair or any unjustly discriminating contract with any shipper, based on the volume of his shipments. Do you think that a carrier ought to be allowed to do this?

I ask you whether these, are wise, or unwise provisions?

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. JOHNSON of Washington. Do these various matters that have been spoken of affect a ship sailing from Vancouver or British Columbia to New York?

Mr. SAUNDERS. We deal only with the foreign lines that come within our ports, and therefore are subject to the authority of the United States. We deal further with interstate water traffic.

Mr. JOHNSON of Washington. There is no way to reach British ships sailing through the Panama Canal handling cargoes cheaper than American ships? That is, on account of the Panama Canal?

Mr. ALEXANDER. Will the gentleman yield?

Mr. SAUNDERS. I will.

Mr. ALEXANDER. I think the gentleman overlooked the exact question of the gentleman from Washington. He said Vancouver to New York. If they come into our ports we have jurisdiction.

Mr. SAUNDERS. Oh, yes, that was answered in my statement that every ship that came into our ports, came within the jurisdiction of the United States.

Mr. SWITZER. Will the gentleman yield?

Mr. SAUNDERS. Yes, I am glad to be interrogated by any gentleman who is interested in this bill.

Mr. SWITZER. Does the gentleman think that gentlemen who do not believe in Government ownership, in order to be patriotic, in the interest of water shippers and getting good regulations, ought to vote away $50,000,000 of the people's money?

Mr. SAUNDERS. You do not vote it away, you get value received. I will answer the gentleman frankly. There is still left in this bill a small, negligible, residuum of Government ownership, but it is so small and there is so much of merit in the bill that overweighs this portion that we can not afford to reject the bill as a whole on this account.

Mr. MAPES. Will the gentleman yield?

Mr. SAUNDERS. I will yield to the gentleman.

Mr. MAPES. The bill provides for the building and purchase of ships at this time which admittedly would cost the Government more than at normal times.

Mr. SAUNDERS. Yes.

Mr. MAPES. It provides for the selling of the ships five years after the close of the European war when probably the Government would have to sell at a less figure than the vessels cost. As a separate proposition that would not be good business. Now, if it costs more to operate and conduct an American ship under American register, how is this temporary Government ownership and operation feature of the bill going to help permanently the American merchant marine?

Mr. SAUNDERS. That feature will not. I do not hold out to the House any idea or inducement that this short period of possible Government operation of a few ships, will build up a merchant marine in the United States. You have heard no contention from me to that effect. The bill will do it but not that portion of it. I rely upon the balance of the bill.

Mr. MAPES. Then would the gentleman vote to strike these sections out?

Mr. SAUNDERS. No, I do not say that I would vote to strike them out. There will be no tears shed on my part however if you strike them out. That is frank enough.

Mr. FESS. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. FESS. I appreciated the gentleman's stand two years ago and followed it. The gentleman says that Government ownership is negligible in this bill.

Mr. SAUNDERS. I do.

Mr. FESS. Then why do you not omit it?

Mr. SAUNDERS. Why, I did not write that portion of the bill.

Mr. FESS. Will the gentleman vote with us to omit it?

Mr. SAUNDERS. No, I do not say that I will. I will say however that the rule of which there was so much complaint this morning, gives you an opportunity to offer an amendment to strike it out.

Mr. CAMPBELL. If we reach it.

Mr. SAUNDERS. Oh, you will reach it because it is in the first stages of the bill. I will say to my friend from Ohio, for I want to be entirely frank, that we all know, as practical legislators that in the make-up of a bill each Member does not get all that he wants to the very last jot and tittle. I am heartily for the bill on account of the substantial merit that it has, as a whole. If the committee amends the bill in the matters to which you object, I will not lose my interest in the bill, but I do not say that I will vote with you.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. HUMPHREY of Washington. We have a situation on our coast with which the gentleman from Virginia is familiar. No man on the other side of the House has given more conscientious study to this subject than the gentleman from Virginia. Now, as to the question of regulation, I agree very largely with this bill, but do not agree with the way to get ships to regulate. Here is a situation in regard to regulation upon which I would like the gentleman's views. We have a situation on the Northwest coast where a foreign vessel comes in direct competition with our vessels trading across to the Orient. There is no possible way to regulate it. Would the gentleman make restrictions on American vessels in foreign trade competing entirely with foreign vessels that the foreign vessels themselves do not have? Would you permit American vessels to use the same weapons as their competitors, or, to use as an old illustration, would the gentleman fight the devil with fire?

Mr. SAUNDERS. I would fight the devil with fire, or anything else. I do not think there is anything in our bill that would reach the situation referred to, one way, or the other.

Mr. HUMPHREY of Washington. I think the gentleman is right about it.

Mr. SAUNDERS. Therefore the inquiry is no criticism on the bill. There are some things we can reach, and some things that are beyond our power.

Mr. HUMPHREY of Washington. There is one situation about the Northwest proposition that could be reached in this bill, however. Here is a situation which has not, perhaps, occurred to the gentleman. Foreign vessels coming into Vancouver from the Orient carrying freight and passengers can be admitted into this country, and they can carry freight and passengers from this country to any foreign country. In other words, the foreign transportation lines across the Pacific can give lower rates than the American lines. They can practice any discrimination and we can not control them.

You see the discrimination that occurs. It is not possible, if we are going to permit the conditions that exist now, for the Puget Sound cities long to remain shipping points, for the business will go to Vancouver. Something should have been done in this bill to relieve this situation.

Mr. SAUNDERS. Mr. Chairman, let me say this, as expressing the attitude of the committee. Some jocose remarks were made this morning respecting the number of bills that have been introduced, and the number of times the attitude of the committee is supposed to have been changed. I do not think the committee has changed any essential attitude, hence I do not think we deserve the criticism that we have been vacillating. We have heeded many suggestions from many portions of the United States and have embodied them in this bill in our desire to make this bill a large work of constructive legislation.

Many of these suggestions have come from Republican, as well as from Democratic sources. I will say further with respect to the present situation, that if any gentleman has an amendment in mind which can reasonably reach a situation which needs correction, and which in earnest will attempt to aid the development of the American merchant marine, our committee will receive that amendment with an impartial attitude, and an open mind.

Mr. HUMPHREY of Washington. I want to ask the gentleman——

Mr. SAUNDERS. Oh, I can not yield any further. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. SAUNDERS. Mr. Chairman, I desire to call the attention of this committee to some other things. This morning the gentleman from Illinois [Mr. MANN] made an assault upon this bill upon the ground that there are some sections in it which would enable the entire American carrying trade to be destroyed. That was not a very just criticism, if it implies that such a course will be taken. It is perfectly true that we create a board which if it abuses its discretion may destroy our carrying trade, but I call the attention of the committee to the fact that there is a present tribunal in the United States, the Interstate Commerce Commission, which in the exercise of a like authority, if it abuses it, may destroy the prosperity of the railroads as interstate carriers. But are you to take it for granted, or am I to take it for granted, that the men who will compose this commission, men of character, and of patriotism, men that will be drawn from both parties, will so abuse their discretion as to willfully, and wantonly destroy the substantial prosperity of the United States? I for one refuse to believe that. Do you realize that every order of the board affecting the public, or an individual is subject to the review of the courts of the land?

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes, if the gentleman will make it brief.

Mr. SLOAN. I appreciate what the gentleman says about the Interstate Commerce Commission and the dignity and the power of that tribunal. Then why the difference between this body, being headed by two Cabinet officers, and the other body having no representative of the Government at all?

Mr. SAUNDERS. So far as that is concerned, there will be five commissioners not drawn from the Cabinet. Those commissioners will be composed, three from one party, and two from another. Presumably they will be selected from the very best available material. These will be the men who will practically do the work of the board. From time to time in the fluctuations of American politics we may have Democratic Secretaries, and Republican Secretaries. I do not suppose that my friend is afraid that Republican Secretaries operating with the other commissioners will destroy American prosperity, and as you are so entirely confident that the next administration will be Republican, you can view with perfect complacency this feature of our bill. [Laughter on the Democratic side.]

Mr. SLOAN. Mr. Chairman, will the gentleman yield further?

Mr. SAUNDERS. No; I have not any time left. There are many things that I would like to say in this connection. It is provided in section 16 that every agreement or modification thereof, every understanding, oral or otherwise, of every combination of carriers, or of individual carriers, with other carriers, interstate or foreign, so far as they affect us in the United States, shall be filed with the board. Is there any gentleman before me who objects to this provision of our bill being done under the authority of this law?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ALEXANDER. Mr. Chairman, I yield the gentleman five minutes more.

Mr. SAUNDERS. Mr. Chairman, the above provision is designed to enable the commissioners to intelligently discharge their duties. It advises them as to the situation. It informs them as to the relationship of the carriers. It apprises them of unfair practices. It puts the board in a position to deal discreetly and wisely with these great issues that are submitted to its control and its direction. I do not think when we come to debate the bill under the five-minute rule, there will be many gentlemen on the Republican side of the House who will attack the features I have cited. Permit me to call attention to another feature of the bill, equally meritorious. This section provides that the board shall have full authority to secure information in every quarter of the globe relating to every unjust discrimination, to every unfair device employed by foreign competitors, to every provision of foreign law which works to the prejudice of American shippers and to the development of an American merchant marine. Having collected and collated this information the board will be in a position to suggest appropriate remedies in the way of legislation, to the Congress, designed to remove difficulties, and roll aside the stumbling blocks from the path of development of an American merchant marine. Will you not agree that this is a wise lodgment of authority? I might go further and take up the provisions of the bill which relate to hearings, and orders, and appeals to the courts, but I will content myself with saying that every provision has been made to give every one concerned a day in court. While the powers of the board are such that if used with vicious, and destructive purpose they might conceivably destroy the shipping industry of the United States, the same criticism of potential mischief might be made of the powers enjoyed by the Supreme Court of the United States. A vicious, unworthy, or corrupt Supreme Court would be destructive of the rights, the freedom, and the general interests of the American people. But the suggestion that the powers granted to the board will be utilized to such and end, is an idle dream.

The authority with which the board must be endowed in order that existing evils may be controlled and corrected, are not likely to be abused. The removal of discriminations, the overthrow of unfair practices, the opportunity afforded for American capital to enter the foreign-carrying trade upon terms of equal competition, these are the boons conferred by this bill. Upon this foundation we must build the future American merchant marine. Having removed the stumbling blocks of the past, we have afforded a fair field to American capital. It should be our task to keep this field open, and to strike down every let or hindrance to the development of an American marine. It is perfectly true, and I will be frank about this, that if the ships, bought or constructed by the Government, are leased or chartered to individual lessees trade at such terms, or rates as will enable these lessees, or charterers to overcome any handicaps in the foreign trade, such advantageous rates, or terms, may be substantially termed a subsidy. It is Government aid, to enable an American citizen to meet his foreign competitor on equal terms, and derive a profit from his enterprise. I am indifferent to the name of the thing. I know what it is in substance, and that the means to this end will come from the Federal Treasury. But conceding that this view is the true one, then this feature of our bill ought to find favor with the gentlemen of the minority who favor subsidies. It will do the work intended. It will put our flag on the seas. If it requires the aid of the American Treasury to this, why should the friends of subsidy cavil or find fault?

One thing more.

Mr. CAMPBELL. Will the gentleman yield?

Mr. SAUNDERS. I will.

Mr. CAMPBELL. Does not the gentleman fear that will have a bad effect upon competitive lines?

Mr. SAUNDERS. No, it will operate just as subsidy in the usual form would operate. Take the subsidies provided by the bills we have considered in the past. These subsidies applied only to a few lines, or ships. The ships that failed to receive these subsidies would necessarily operate in competition with the subsidized lines. It was an inevitable sequel of any system of limited subsidy, that the subsidized, and unsubsidized lines, would operate in competition.

Now, Mr. Chairman, looking at this bill in a large way I am constrained to believe that it will lay the foundations of an American merchant marine whose smoke will darken and whose sails will whiten the seas of every country, and every clime. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUMPHREY of Washington. I understand the delegates and envoys from the far West representing the woman-suffrage movement are now being received at the east front of the Capitol, and I would like to ask if it is in order to move that the House take a recess for 10 minutes in order that Members may go and meet them?

The CHAIRMAN. The House is not in session but is in the Committee of the Whole House on the state of the Union.

Mr. HUMPHREY of Washington. Well, the committee.

The CHAIRMAN. It would be in order to move that the committee rise and then the House can do what it chooses.

Mr. FORDNEY. Everybody is out there now.

Mr. ALEXANDER. Mr. Chairman, if the gentleman wants to go out, and it looks to me like most of the boys have gone now, he can do so.

Mr. HUMPHREY of Washington. I did not know but what my friend from Missouri would want to go.

Mr. ALEXANDER. I am a suffragist and my sympathies are with them just the same.

The CHAIRMAN. The House is not in session. That is an answer to the gentleman's inquiry.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask the chairman whether he will entertain a motion that the committee do now rise?

Mr. ALEXANDER. Mr. Chairman, I think we had better not.

The CHAIRMAN. Is the gentleman speaking to the Chair?

Mr. HUMPHREY of Washington. I was addressing the Chair.

The CHAIRMAN. Why, certainly; the Chair will have to entertain a motion that the committee rise.

Mr. BURKE. Will the gentleman withhold his motion?

Mr. HUMPHREY of Washington. I will withhold the motion for a moment.

Mr. BURKE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. BURKE. I rise to request unanimous consent to revise and extend my remarks on this bill in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. SIEGEL. Mr. Chairman, I make the same request.

Mr. GOODWIN of Arkansas. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

Mr. GREENE of Massachusetts. Mr. Chairman, I shall have to object to the gentleman's request. I think only those who have spoken should have leave.

The CHAIRMAN. The gentleman from Wisconsin addressed the committee, and he asked unanimous consent to revise and extend his remarks in the RECORD, and the Chair understood the gentleman from New York to make the same request.

Mr. GREENE of Massachusetts. He has not addressed the committee, neither has the gentleman on the other side of the aisle. I will not allow that to be done at present.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD upon this bill.

Mr. GREENE of Massachusetts. I object for the present.

Mr. HUMPHREY of Washington. Mr. Chairman, for the reason already stated, I move that the committee do now rise.

Mr. ALEXANDER. Mr. Chairman, I object to that.

The question was taken, and the motion was rejected.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 11 minutes to the gentleman from Michigan [Mr. LOUD].

Mr. MONDELL. Mr. Chairman, a parlimentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. I desire to know whether it is a parliamentary inquiry to inform the committee that the suffrage envoys are now in the Rotunda of the Capitol and would like to meet Members who are interested in the suffrage movement and the suffrage amendment.

The CHAIRMAN. That is not a parliamentary inquiry. The Chair is not conveying any information to the gentleman from Wyoming when he makes that statement.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 11 minutes to the gentleman from Michigan [Mr. LOUD].

Mr. LOUD. Mr. Chairman and gentlemen, I have always believed there were six good reasons why we should favor the upbuilding of the merchant marine.

First. About $200,000,000 are being paid each year in freight money to foreign instead of home owned ships. We are entitled to carry at least half of our commerce with nations having ships of their own and all of it with nations that do not own ships. This would retain more than one hundred millions at home instead of sending it away never to return.

Second. It would create shipbuilding in this country equal to about $100,000,000 annually and employ thousands of workers, who, as consumers, would create a demand for farm products and would be of universal benefit.

Third. It would create a seafaring class of men, from whom our Navy could draw in time of war.

Fourth. There would be available a large number of auxiliary ships for the Navy in time of war. At present we are helpless. We had an example of this condition in the Spanish-American War, when he had a most inadequate fleet to transport our little Army to Cuba. And for colliers—when our fleet made its famous trip around the world we carried practically all of our coal in foreign ships, because no American ships were available. What a helpless situation it would be in time of war!

Fifth. Trade follows the flag and we would secure $200,000,000 to $300,000,000 more of trade than we now have with South America if the carrying was done in our home ships. It would look ridiculous if one of our large department stores would do its delivering in its rival's wagons, yet that is practically our condition with regard to foreign commerce to-day.

Sixth. While the danger seemed remote, we have always been confronted with the possibility that the nations whose ships were carrying our commerce might become involved in war. In that case their ships would be withdrawn; and having none of our own, we would for the time be helpless and our commerce annihilated; and we are confronted with exactly that situation to-day.

Now, we find that there are fundamentally three radical objections to this present bill. In the first place, we on this side do not believe in Government operation of a merchant marine; and, in the second place, we believe that if you do take Government money for the purchase or construction of ships you should spend it in constructing these ships in American shipyards. And in my own bill I have struck out the words "or elsewhere," which are the "meat" of the whole paragraph, and we will take that up when it comes to amending under the five-minute rule. In the third place, if we spend money for building ships for the merchant marine it should be stipulated primarily that these ships must be suitable for auxiliaries for our Army and Navy in time of war. Those are three fundamental objections to the present bill.

I find only one good suggestion in the bill as far as the business part of it is concerned. The regulation part I have no objection to. The establishment of a shipping board I approve of, but for the business part of the bill I find only one part to approve, and that is the taking over by the board of the superfluous and old auxiliaries of the Navy and the old transports of the Army, and putting them into commercial use. Now, I have looked into that matter, and I want to give you a little information.

By looking over the list of ships in actual service of the Navy, we find that there are 53 auxiliary ships, of which 25 are given as colliers and 28 as tenders, supply ships, special types, and hospital ships. While 14 of the colliers and 9 of the other ships are of modern construction, we find that there are 30 of these auxiliaries 18 years old and over, most of them purchased during the Spanish-American War, and which are of small tonnage, expensive to operate, and ill fitted for the service for which they are used. These are 18 to 41 years old. Average age of these 30 old ships is 25.7 years.

It would seem to any business man or any person of reasonable judgment that now, while vessels are selling for three or four times their normal value, would be a golden opportunity to sell these old ships, which are nearly ready for the scrap pile, and replace them with new, up-to-date construction. As a concrete example of what this means, we find that the collier *Justin*, which was purchased during the Spanish-American War, was built in 1891 and is now 25 years old. This ship was recently sold; the price paid 18 years ago for this ship was $145,000 and when discarded it was valued at $76,000. It was recently sold under sealed bid and the Government received for this old craft $301,070.

One would presume that every naval officer who has had anything to do with these auxiliary ships is well aware that these obsolete ships should be gotten rid of, but naval officers are not business men, and no one thinks it is his particular business to suggest or urge the matter, whereas it would be greatly to the interest of the Navy to replace these old colliers with the accepted type of modern naval collier which has 19,360 tons displacement and carries 12,500 tons of coal, with 14-knot speed.

Of the 15 Army transports, only 1 of which is of modern construction, the other 14 ranging in age from 22 to 42 years; the average age over 29 years. The life of the ordinary steel ship is generally considered as 20 years, so it will be readily understood that 14 out of 15 transports are ready for the scrap pile and should be sold at once, while there is a golden opportunity to do so, thus realizing three or four times their normal value, owing to the scarcity of commercial tonnage.

Here is an instance of what it means to purchase ships at present fabulous prices. The steamer *Robert Dollar*, which cost $250,000 ten years ago, was recently sold for $1,800,000 cash.

And what is going to become of the Government owned and operated ships when the war in Europe is over and five years have elapsed? When this vessel property, bought at from two to four times its value, normally, goes back to normal times and normal valuation you must sell it at a terrific loss—not a third of what you paid for it, not for over 30 cents on the dollar. I might as well say that this bill looks to me like 30 cents, and that is about the way it will come out in the buying and selling of these ships.

Mr. ALEXANDER. Will the gentleman yield at that point a moment?

Mr. LOUD. I will.

Mr. ALEXANDER. This power is permissive. It is not mandatory that we should buy ships at the present high price.

Mr. LOUD. They are certainly to do something with the $50,000,000. One of their objects is to buy and the other is to build.

Mr. ALEXANDER. The bill says they may do it.

Mr. LOUD. It is difficult to discriminate. The only practical thing I can find in the bill is taking over those old auxiliaries that ought to be put in use. Will the Navy Department allow us to take those old ships? I want to say that if those auxiliaries that are now in use were put in business motion and

managed as bulk-cargo carriers such as we have on the Great Lakes are managed, one-third of those auxiliaries would do all the work the Navy really requires of them. I speak of that advisedly. I picked up the canal record here, and I found that one of these colliers, the *Ulysses*, went into Cristobal to unload a little while ago—April 27, 1915—and that 12 days elapsed between the time it went in and the time it came out. May 9. Another, the *Brutus*, went in January 8, and seven days elapsed from the time it went in to unload until it came out, January 15. Any boat on the Great Lakes carrying the same cargo, 10,500 tons, which is the usual cargo of the largest modern naval colliers, that would take more than 24 hours to unload and come out, would find a new captain over it, I tell you. The average time of loading and unloading boats of that cargo capacity on the Great Lakes is 25 hours at both ends, loading and unloading.

The fastest record time loading a bulk carrier on the Great Lakes is 9,788 gross tons iron ore in 25 minutes, and the fastest record time unloading was from the steamer *Widener*, in 1912, of 10,636 tons in 2 hours and 50 minutes and from the steamer *Richard Trimble*, on June 22, 1915, at Ashtabula Harbor, 11,046 gross tons of ore was unloaded in 3 hours and 43 minutes actual working time. I dislike to criticize anything pertaining to our Navy, for I love every ship and man of it, but let me, as a business man, point out a place where money can be saved and a goodly number of old and needless auxiliaries turned over to our commercial use, so much needed at this time.

At the bottom of page 201, Report of the Secretary of the Navy for 1915, we notice the entire amount of tonnage transported by our collier auxiliaries, about 453,000 tons. Presuming there were 7 in reserve, this amount of tonnage would load the 18 colliers in active service on the average less than four times in the year.

Coal in large quantity is being transported to the Philippines at a fabulous cost on present freight rates of probably $50 per ton, whereas Australian or Japanese coal could be had for one-fifth to one-tenth of the cost. They tell the nonbusiness members of the Naval Committee that our naval ships can not use any but Virginia coal.

Having seen ships of all the great oriental commercial lines coaling in Nagasaki Harbor and knowing that all the Japanese warships use nothing else and knowing that there is plenty of their highest grade coal obtainable, there is but one reply to those who demand Virginia coal and nothing else; oh, fudge and nonsense, or, in the vernacular of the salt-water sailor, "Tell that to the marines."

Mr. CANNON. Mr. Chairman, will the gentleman allow me a question?

Mr. LOUD. Certainly.

Mr. CANNON. If these ships that are proposed to be bought or built are bought or built at two or three or four times their cost under normal conditions, would it not be well to wait until normal conditions return again, and in the meantime save this possible army of Goverment employees?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LOUD. I am sorry I have not the time in which to answer that question.

Mr. CANNON. The gentleman can get one minute.

Mr. LOUD. Mr. Chairman, I ask to proceed for one minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LOUD. I will say that in all the years gone by, when the American merchant marine needed help, the Democratic Party refused to give us help, and now when it does not need help, when no subsidy is wanted, and the profits are fabulous in the merchant-marine business to-day, you want to do something. You do not know just what, and you give us this bill, which amounts to nothing. We do not need any Government-operated ships of that kind, and it is only a detriment to the merchant marine to put Government ships into competition with a privately owned merchant marine. [Applause on the Republican side.]

SUMMARY OF FOREIGN SUBSIDIES, MAIL PAY, BOUNTIES, ETC.

[From Report of the United States Commissioner of Navigation, 1909, pp. 20–21.]

Great Britain and colonies	$9,669,364
France	13,423,737
Japan	5,413,700
Italy	3,872,917
Spain	3,150,012
Austria-Hungary	2,984,530
Germany	2,301,029
Russia	1,878,328
Norway	1,102,143
Netherlands	880,611
Sweden	$277,752
Denmark	145,000
Belgium	55,970
Portugal	50,000
Total	45,224,513

Outside of Europe and Japan subsidies and mail payments have been reported for 1908 by the Bureau of Navigation as follows: Chile, $253,195; Mexico, $75,000; Egypt, $54,512; Brazil, $1,300,000; in all, $1,682,707, making, with the above, a total of $46,907,220.

(In the fiscal year 1913 the United States paid in subsidy to American steamers under contract the sum of $1,089,361.83, and the report of the Post Office Department states that "The net cost of the service performed was $55,155.51 less than it would have been if the steamers performing it had not been under contract and had conveyed the same mails and received pay on a weight basis.")

The figures above are the latest official enumeration by the United States of foreign steamship subsidies, bounties, etc. These subsidies and bounties have been somewhat increased since 1909 in most of the countries mentioned, together with a corresponding increase in their merchant shipping tonnage.

(Germany, in addition to subsidies, grants preferential rates on her State railroads on cargoes to be carried in German ships.)

MICHIGAN LIMESTONE & CHEMICAL CO.,
Rogers City, Mich., May 2, 1916.

Hon. GEORGE A. LOUD,
House of Representatives, Washington, D. C.

MY DEAR MR. LOUD: Mr. Brewster Loud has forwarded to me your letter to him of April 27, requesting information concerning our self-unloader boat, the *W. F. White*.

I give you below the following information concerning this boat, viz:

Dimensions: Keel, length 530 feet; over all, length 550 feet; beam, 60 feet; molded depth, 31 feet; carrying capacity, 10,500 gross tons on 19 foot 6 inch draft.

Order for this steamer was placed March 20, 1915. The keel was laid April 26, 1915. Steamer was launched July 24, 1915. Steamer completed and put in commission August 30, 1915. Between September 1 and December 11, 1915, the steamer carried 17 cargoes, mostly between Buffalo and the port of Calcite, Mich.

The steamer *White* has made passage from the port of Calcite to Buffalo, 325 miles, in less than 42 hours, loaded with full cargo.

Light, the steamer will make the trip in less than 40 hours. On her last cargo the steamer averaged from port of Calcite to Buffalo 12.73 miles per hour. This included all delays in the rivers, etc., en route.

The steamer *White* is fitted with internal unloading equipment and with boom on deck for discharging cargo onto dock. She will discharge her cargo of 10,500 gross tons in less than seven hours. The steamer can deposit its cargo back on the dock a distance of 113 feet to the top of a pile 54 feet high with her unloading boom.

I inclose you herewith photostat print showing various views of this steamer, which is self-explanatory. From it you will note that the steamer is equipped with 29 loading hatches, 12-foot centers.

At our plant here we will load this steamer this year in less than four hours with full cargo.

We expect that the steamer will make during the navigation season of 1916, 55 full cargoes of stone from this port to various ports on the Great Lakes.

The record this steamer is making marks a new era in the handling of bulk freight on the Great Lakes.

I inclose you herewith photograph No. 432 showing the steamer *White* which will give you an idea of her appearance. This is taken just as she is leaving our port.

In addition to this, our plant is rapidly developing into the most rapid loading plant on the Great Lakes. When our new improvements are completed we will have a ground storage capacity of 100,000 tons, and a daily producing capacity of 25,000 tons. It will be entirely possible for us to load and ship within a period of 24 hours with our equipment 100,000 gross tons of limestone, all of which will be thoroughly washed and cleaned. This, when accomplished, will mark an important epoch in industrial enterprise.

During the season of 1915 we loaded and shipped from this port 380 cargoes, in excess of 2,300,000 gross tons of limestone.

During the season of 1916 we expect to load and ship more than 750 vessels, carrying in excess of 4,000,000 gross tons of limestone.

If there is any further information I can give you, will be glad to do so.

Yours, very truly, CARL D. BRADLEY, *General Manager.*

MICHIGAN LIMESTONE & CHEMICAL CO.,
Rogers City, Mich., May 8, 1916.

Hon. GEORGE A. LOUD,
House of Representatives, Washington, D. C.

MY DEAR MR. LOUD: Your letter May 4, at hand to-day, is noted.

The cost of the steamer *White* was about $500,000 complete.

The average rate on limestone delivered on dock with the steamers' unloading rig at Buffalo is from 30 to 35 cents per goss ton of 2,240 pounds.

The cost of unloading merely necessitates the operating of the unloading rig and conveyor system, and on account of the equipment of the boat the cost of operating during unloading is not very great as you have inferred, but the cost of equipping a boat with this outfit is about $100,000.

The unloading equipment is adapted to the unloading of soft coal of all kinds.

The average time of this boat in unloading in port is about seven hours. When the steamer was first put into commission we encountered some difficulties in getting the unloading equipment to operate satisfactorily so that in some cases the steamer was from 12 to 15 hours unloading. Now that the operating crew are getting familiar with her the time is being reduced somewhat on each cargo and we expect that we will finally get down to a time of about six hours.

Our loading equipment at the plant here will permit us to load this boat, as I advised you, in about four hours.

If there is any further information I can give you, please command me.

Yours, very truly, CARL D. BRADLEY, *General Manager.*

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for 10 minutes.

Mr. FESS. Mr. Chairman, I would like to have the attention of the chairman of the committee [Mr. ALEXANDER]. There are some things in regard to a merchant marine upon which all of us can agree. A merchant marine under the American flag is desirable. I think that all of us agree that we ought to have it. All agree that we once did have a merchant marine. The gentleman from New York [Mr. ROWE] gave the history of what we once had. All will agree that we have largely lost it, whether we agree upon the manner in which we lost it or not: and all will agree that we ought to reestablish it. I think there is no point of difference among us on those statements. As to how we lost it there may be some difference of opinion. As to why it was lost and how it might have been avoided we may differ. However, I think that most people will agree that in our effort to maintain a high standard of wage as differentiated from a low standard measured by the difference between the cost of building and operating the merchant marine in America and Europe furnishes some explanation. In order to maintain a standard of American wage, we put ourselves by legislative restrictions through these navigation acts in a position where we were not able to compete with the countries that did not have these restrictive laws. Much of the legislation touching marine service, while in the interest of American standards, placed American employers at disadvantage. That is one reason. Our laws do not extend to our foreign competitor upon the sea. Hence his ability, unrestricted on the one hand and aided by his Government on the other, gives him a vast advantage over the American whose restrictions are not only great but by this bill are to be made greater still.

I do not believe that this Congress or the country will ever come to the point where it would be willing to repeal all of the restrictive laws, because we are committed to the policy to maintain a high standard, and while we have some laws that I think ought to be modified, if not repealed, yet I doubt very much whether any Congress will ever repeal all the laws that would throw us open to the competition of Europe, putting the seamen and the laborers of our own country on the same low plane with those of competing ships of other nations. I am frank to say that such a policy will not be fostered by this Congress, and especially it will not be by a Republican Congress. The Republican Party insists in maintaining the wage standard. It well knows that the inability of open competition on the sea has driven our commerce off the sea. It is held that we can maintain the wage on the sea by a system of subventions and preferential tariffs, both of which were used by us in earlier times and both of which are used by other nations. The preferential tariff is urged by many as a solution and a certain way of control of the sea.

There are others who insist that since we can not extend our protection law to the open sea the surest way to restore our merchant marine is by a subsidy. There are many among us who believe that the choice lies between subsidy or Government ownership on the one hand and no merchant marine on the other. Personally I desire the merchant marine restored. I would prefer a subsidy as an alternative before Government ownership.

Now, I am going to give you my reasons why I can not accept the Government ownership proposition. In the first place, it is wrong in principle. The real purpose of the Government is to provide opportunity; not to destroy it. The way of accomplishment must be kept open to the individual. There is no doubt but that the paternalistic movements of this Congress will be fatal. Utterances are daily heard here that are astonishing in their significant purport. Every now and then you hear a voice that suggests that the Government must do this or that. We are constantly reminded that our woes and our aches and our pains are due to something that the Government has not done for us which it is said it should do. The enormity is not in the mere statement but the complacency in which it is received. This indicates that we are building up a public opinion here that I think is serious. To destroy individual initiative and self-reliance, as well as to dull ambition by paternalistic dependence, are the inevitable fruits of such philosophy, and I do not think that the Government ownership principle is right, because I am convinced it will end in such bad results. It will drive out of competition every private operator, because it is absolute silliness to believe that any private enterprise can exist in open competition with the Government, when the Government does not count the elements of cost that the private enterprise has to count. Government should never discourage private enterprise. It should encourage it. The world's progress depends upon the unshackled mind of the individual. Government with unlimited money should not enter into competition unless it is a natural monopoly to be controlled by the Government. The tendency of the hour is to put the Government into the place of vantage which must inevitably drive private enterprise to the wall.

And when my good friend, the gentleman from Virginia [Mr. SAUNDERS] whom I followed with so much interest two years ago in his powerful indictment of Government ownership, because I knew he was absolutely right then, or my friend the chairman of the committee, says to me that the Government ownership in this bill is so negligible that it does not mean anything, and I ask, "Why do not you omit it? The answer is apparent. If you cut out the Government ownership feature, you cut out the main thing. You do not have anything left.

Mr. ALEXANDER. Does the gentleman refer to me as the chairman?

Mr. FESS. Yes.

Mr. ALEXANDER. I never said any such thing.

Mr. FESS. Then I withdraw the statement, because I thought the gentleman from Missouri had said that to me privately when I talked with him about cutting the ownership out of it.

Mr. ALEXANDER. I did not say that to anybody, because, as a principle of permanent legislation, I never have favored Government ownership and operation of ships.

Mr. FESS. If that is true, I want the inevitable conclusion of that. If the Government ownership is negligible, then its omission can not cripple the law and should be omitted as a principle. If Government ownership is an emergency only, it must be to meet the emergency of the war. It can not in that case be intended for but a temporary expedient, as you profess. Then, if that be true, and you buy or build in war times under an obligation to stop in five years after the war, how much of the emergency now existent can you meet by Government ownership, when every shipyard in the country is full? Where will you get your ships? In what yards will you build them? At what price will you purchase them? Who that owns ships are ready to place them on the market?

Mr. ALEXANDER. I will tell the gentleman. We were building more ships in 1913 than we are now in American shipyards.

Mr. FESS. That is not in accordance with the figures, as I have them. My reports show that at the present time there are laid down in American shipyards 360 vessels, aggregating over a million tons, an increase of over 300 per cent. The cost to-day is vastly greater than it would have been two years ago. If the Government proposes to meet an emergency by building ships, it will not find the yards ready to do it.

Mr. ALEXANDER. I have the figures here.

Mr. FESS. Do you intend to buy the interned ships?

Mr. ALEXANDER. No.

Mr. FESS. If you do intend to buy the interned ships, and many of the advocates of this bill are expecting to do so, I wish to inquire whether you are taking into consideration the international complication that grew out of the seizure of the *Dacia*, which was taken into a French port?

Mr. KITCHIN. Mr. Chairman, will the gentleman permit an interruption right there?

Mr. FESS. Yes.

Mr. KITCHIN. The gentleman says that under this bill the Government could not build in our shipyards in three years. Does the gentleman think we could do it any better with a subsidy? What would the gentleman do?

Mr. FESS. I would do just as we are doing now. Every shipyard is running to its full capacity, and if you do not interfere with it it will continue until this emergency is over. You propose under the guise of an emergency to embark upon Government ownership, which you know when once entered will be difficult to leave. I propose that private enterprise be allowed to care for the situation under the stimulation of the war.

Mr. KITCHIN. Without a subsidy?

Mr. FESS. Without a subsidy, providing——

Mr. KITCHIN. Then you are not in favor of your own theory that you started out on.

Mr. FESS. Oh, yes; I am. You are now under abnormal conditions, and if under such conditions you undertake to buy ships at the prices that you must pay now and sell them five years after, when you need them no longer, what will you sell them for? The war has driven all the vessels of the central powers off the sea. It has seen many of those belonging to the allied powers commandeered. To this if we add the actual loss as results of attacks a shortage of vessels is felt. But this is temporary, as all know. All shipyards in Europe and America are full. The

emergency puts an abnormal figure on the buyer in 1916. What will be the figure to the seller when the war is over?

Mr. ALEXANDER. Will the gentleman yield?

Mr. FESS. Yes.

Mr. ALEXANDER. The gentleman talks about the Government going into a bad project. What are these men building ships in American shipyards and paying high prices going to do with their ships; are they men without sense?

Mr. FESS. If the ships are worth anything it is because the abnormal conditions demand them and the possessors hope to continue a profitable business in the future; but I ask, Why should you go into the Government business of building ships, under the claim of emergency, with the obligation of discontinuing when the emergency is passed?

Mr. ALEXANDER. Will not the Government ships be worth as much as those that are being built by private parties?

Mr. FESS. But why do you go into ships in the possession of the Government, which must dispose of them? Will it not be that of ships that are forced to sale? Why do you go into a foreign market for your ships?

Mr. ALEXANDER. If it is a good venture for private shipyards, is it not a good venture for the Government?

Mr. FESS. Another fundamental difference between us is that this proposition is to go into the markets where you can purchase the cheapest. That is Democratic. It is the basis of your Underwood Tariff Act. You propose in this bill to buy ships built with labor cheaper than the labor employed at these yards in the United States. That was the plea of my eloquent friend, Mr. SAUNDERS. In other words, you propose to invest foreign capital and employ foreign labor as against American capital and labor. This is a fundamental difference between the two parties dominant in the country.

Mr. Chairman, I had hoped the committee would present a bill I could support. I frequently talked with various Members about the prospect. I am thoroughly in favor of an American merchant marine, but this measure as proposed I can not support.

First, it involves governmental ownership and operation of an activity that should be in the hands of private enterprise. The Government should not attempt anything that individual enterprise can do.

It is self-evident that both can not coexist. The $50,000,000 is not enough to care for more than perhaps 10 per cent of the traffic. This is not sufficient to give relief, which at best would be temporary, but it is enough to drive private enterprise out of competition. The obvious danger is that temporary relief, if that is afforded, which is not at all certain, will be followed by total disorganization.

If the purpose is to withdraw in the near future, as professed by the advocates, it would be well to ask when the Government ever embarked in any enterprise for a definite time and then withdrew. Who on this floor believes that socialism and paternalism, so abortive to-day, will ever become less assertive when once it embarks.

The Panama Canal was a Government construction. The paternalist never loses his opportunity to inform the House and country what we did. We have heard it over and over again in this debate. When we provided for the Alaskan railroad it was openly stated by many that they would not be committed to Government ownership as a principle, yet how often do we hear it quoted and thrown into the faces of those of us who voted for the measure.

This bill embarks upon that sea so inviting to the dominant element of the majority of this House. I can not give it my support, because it means a policy I can not subscribe to.

The argument for the naval reserves is new and persuasive. But this is placed on the wrong basis. Let the Government do as other great maritime countries do—assist in building merchant vessels, so soundly constructed as to be utilized as naval vessels in time of need, and upon the consideration that for assistance granted the vessels shall be subject for use when called by the Government. This makes the owners responsible for profit and loss as merchant vessels and the Government when used as war vessels.

I would be in favor of that sort of subsidy upon such conditions.

This proposed bill looks to the Government entering the shipping business, not assisting individuals to do so. Here I am unable to indorse it.

The proposed shipping board, I think, could be of value if given powers suggested in section 13.

Mr. Chairman, while regulation of the Government is a wise function, there is always danger of going too far.

We have placed the railroads and the commerce of the country under a commission which has probably justified its creation.

We have placed the banks and the currency of the country under a separate commission and await the results to business.

We have placed the trade between the States in a commission and await the results.

These are but a few instances to indicate the trend to delegated functions of the people to commissions. Here is another proposal to put the water commerce in the hands of a commission. Why not? Just yesterday we placed the rural credits of the country in the hands of a commission. It must be kept in mind that this tendency will increase until there will be little left for the people save to ratify the findings of these extra-constitutional bodies. The people must sharply differentiate regulation from strangulation. One of the important questions to me is: Will they do it? But my chief objection to this measure is the persistency of this Congress to stifle private enterprise by placing the Government in competition with it, which can end in but one way. I refuse to give my vote for such a consummation.

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15455, the ship bill, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LOUD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of equal suffrage.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McLEMORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Irish situation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a petition in regard to the Philippine bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. GARRETT. Reserving the right to object, what is the character of the petition?

Mr. AUSTIN. It is a petition signed by the southern manufacturers, and I intended to include it in my remarks the other day but overlooked it.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 8068. An act for the relief of E. C. Hornor.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof; and

H. R. 10385. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 17, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce, submitting additional estimates of appropriations required by the Department of Commerce for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 1134), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6982) granting a pension to Charles H. Howell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8374) granting a pension to Florence M. Bingman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. GOULD introduced a bill (H. R. 15711) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. CHARLES: A bill (H. R. 15712) granting an increase of pension to James Hummel; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 15713) for the relief of Riverside County Mutual Building & Loan Association, of Riverside, Cal.; to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 15714) granting a pension to Lizzie Duffield Coons; to the Committee on Invalid Pensions.

By Mr. LIEB: A bill (H. R. 15715) for the relief of Larkin T. Robinson; to the Committee on Military Affairs.

By Mr. MURRAY: A bill (H. R. 15716) increasing the pension of Isabella Kennedy; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 15717) granting an increase of pension to Silas Garrison; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15718) for the relief of Thomas Baker; to the Committee on Military Affairs.

By Mr. RIORDAN: A bill (H. R. 15719) to grant to Robert Flaherty compensation for services rendered to improve the payment of pensions; to the Committee on Claims.

By Mr. RUBEY: A bill (H. R. 15720) granting an increase of pension to Francis M. Kittrell; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 15721) granting an increase of pension to Luke Arnold; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 15722) granting a pension to Ethel Maura Robards; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 15723) granting a pension to Sarah E. Simonton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15724) granting an increase of pension to James D. McBride; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15725) to confirm the entry of John Dowd; to the Committee on the Public Lands.

By Mr. STEENERSON: A bill (H. R. 15726) granting an increase of pension to Jacob Andrist; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 15727) granting an increase of pension to Rowland S. True; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 15728) granting an increase of pension to Elizabeth Washburn; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 15729) granting an increase of pension to James J. Short; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 1565, for relief of Gifford Ramey; to the Committee on Pensions.

By Mr. BEAKES: Petition of A. B. Grant and 13 citizens of Albion, Mich., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. BUCHANAN of Illinois: Petition of 400 clerks in Chicago terminal railway post office, favoring passage of House bill 10120; to the Committee on the Post Office and Post Roads.

Also, petition of 400 postal employees of Chicago, favoring passage of Griffin bill, House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of 164 citizens of Chicago, Ill., protesting against the enactment of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. CAREW: Petition of Protestant Churches' Association of Greater New York, in re peace; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petitions of sundry citizens in favor of reporting the Susan B. Anthony amendment from the Judiciary Committee; to the Committee on the Judiciary.

By Mr. DILLON: Memorial of Mennonite Bruderthaler Church, of Marion, S. Dak., opposing war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Kilpatrick Post, No. 4, Grand Army of the Republic, favoring the Key bill, House bill 54; to the Committee on Invalid Pensions.

Also, memorial of Guardians of Liberty, of Mitchell, S. Dak., in re legislation; to the Committee on Indian Affairs.

By Mr. DIXON: Petition of 33 citizens of Franklin, Ind., for passage of House joint resolutions 84 and 85, for Nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of Patriot Grange, No. 2207, of Patriot, Ind., for national prohibition; to the Committee on the Judiciary.

Also, petition of 4 citizens of Ripley County, Ind., against passage of compulsory Sunday observance bill, House bill 652; to the Committee on the District of Columbia.

By Mr. EVANS: Petition of sundry citizens of Butte, Mont., favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of convention of mental hygiene societies for House bill 721, to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Capt. James S. Hinchman Camp, Sons of Union Veterans, of Somerset, Pa., for the widows' pension bill; to the Committee on Invalid Pensions.

Also, petition of Southern Hardware Jobbers' Association, for flood control; to the Committee on Flood Control.

By Mr. GREENE of Vermont: Petition of business men of the first congressional district, urging the passage of a bill that will compel concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community, the county, and State; to the Committee on Ways and Means.

By Mr. HILLIARD: Memorial of Woman's Club of Denver, Colo., urging the passage of legislation granting equal suffrage to the women of the United States; to the Committee on the Judiciary.

By Mr. LINTHICUM: Indorsements of House resolution 137; to the Committee on Rules.

By Mr. LONDON: Petition of citizens' mass meeting, Floral Garden, New York City, May 14, 1916, urging the creation of an economic and peace commission, to work for international solidarity and peace with the world at large; to the Committee on the Judiciary.

By Mr. LOUD: Petition of George Eddy and Methodist Episcopal Sunday School of Twining, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of G. A. Peacock, minister, and Thobour and Central Methodist Episcopal Churches, of Bay City, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McDERMOTT: Petition of Messrs. Lewis James, William P. Shimock, Thomas Gilmartin, James Carr, G. W. Jones, and others, all of Chicago, Ill., favoring the passage of the Lobeck classification bill; to the Committee on Agriculture.

By Mr. MAPES: Petitions of 80 citizens of Mendon, 30 citizens of Howard City, 47 citizens of Ottawa County, and 36 citizens of Fremont and Hesperia, all in the State of Michigan, not to pass House bill 6468, to amend the postal laws, and also House bill 491, with the same title, or any like measure; to the Committee on the Post Office and Post Roads.

Also, petitions of 29 citizens of Mendon, Mich., not to pass the compulsory Sunday observance bill, House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday, or any other like religious measure; to the Committee on the District of Columbia.

By Mr. MAYS: Memorial of sundry citizens of Salt Lake City, Utah, relative to woman suffrage; to the Committee on the Judiciary.

By Mr. OGLESBY: Petition of Otto C. Schraeder and others, on maintenance of treaties and conventions; to the Committee on Foreign Affairs.

By Mr. OVERMYER: Petition of Erie County (Ohio) Sunday School Association and Young Peoples Alliance, Flat Rock, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of 94 people of Pasadena, Cal., for national prohibition; to the Committee on the Judiciary.

By Mr. ROBERTS of Nevada: Memorial of Reno Women's Civic League, Elko Civic League, and Leisure Hour Club of Carson City, all of Nevada, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. STINESS: Papers to accompany House bill 15149 granting an increase of pension to Waldo F. Raynsporel; to the Committee on Invalid Pensions.

Also, petition of Frank A. Sayles, of Pawtucket, R. I., against the passage of House bill 8665, relating to the so-called Taylor system; to the Committee on Labor.

By Mr. SMITH of Michigan: Petition of Truxton Talbot and 23 citizens of Kalamazoo, Mich., favoring House bill 8665, to prohibit stop-watch system in Government departments; to the Committee on Labor.

Also, resolution of James M. Billig, of Kalamazoo, Mich., favoring House bill 8828, civilian employees, Panama Canal; to the Committee on Appropriations.

By Mr. TAYLOR of Arkansas: Memorial of W. T. Gay and others, of Pine Bluff, Ark., favoring investigation of creameries and dairies; to the Committee on Agriculture.

By Mr. WARD: Petition of Monticello (N. Y.) Grange, No. 1337, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *May 17, 1916.*

(Legislative day of Tuesday, May 16, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Norris	Smith, S. C.
Borah	Hollis	O'Gorman	Smoot
Brady	Johnson, S. Dak.	Owen	Sterling
Catron	Jones	Page	Stone
Chamberlain	Kenyon	Pittman	Swanson
Clapp	Kern	Pomerene	Thomas
Clarke, Ark.	La Follette	Ransdell	Underwood
Curtis	Lane	Saulsbury	Vardaman
Gallinger	Lea, Mo.	Shafroth	Wadsworth
Gore	Lodge	Sheppard	Weeks
Gronna	Martin, Va.	Sherman	Williams
Harding	Martine, N. J.	Simmons	
Hardwick	Myers	Smith, Ga.	

Mr. JOHNSON of South Dakota. I desire to announce that the Senator from Wisconsin [Mr. HUSTING] is unavoidably detained on account of private business.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

NATIONAL DEFENSE.

Mr. CHAMBERLAIN. Mr. President, I understand that it is perfectly agreeable to the Senator who has in charge the river and harbor bill that we shall proceed with the consideration of the report of the committee of conference on the Army reorganization bill. In view of that fact I ask that the report be now read, if it is necessary to have it read.

Mr. CLARKE of Arkansas. It is not.

Mr. CHAMBERLAIN. Then I ask that the formal reading of the report may be dispensed with.

Mr. CLARKE of Arkansas. I wish to say that I trust the conference report will be considered without prejudicing the right of the river and harbor bill as the unfinished business. I do not want to have that bill laid aside unconditionally.

Mr. CHAMBERLAIN. I am in hopes that we may be able to finish the conference report in a short while. I know only one or two Senators who now intend to address themselves to it. I believe the Senator from Georgia [Mr. HARDWICK] is going to speak upon it.

The VICE PRESIDENT. If there is no objection, the river and harbor bill will be temporarily laid aside and the conference report on the Army reorganization bill taken up. The Chair hears none.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

The VICE PRESIDENT. The Senator from Oregon asks that the formal reading of the conference report be dispensed with. The Chair hears no objection, and it is so ordered.

Mr. HARDWICK. Mr. President, I do not intend to oppose the adoption of this report, nor is it my intention to delay the consideration of the question for any considerable length of time. Yet there are one or two observations that I wish to make in reference to this report. I think I can do so in a very few minutes.

Section 124 of the bill as reported by the conferees contains the agreement on what is known as the nitrate proposition. It reads as follows:

SEC. 124. Nitrate supply: The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

The President is hereby authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

Mr. President, I will not read the balance of the section. It merely provides the means, by an appropriation, for carrying out the provisions I have read.

The construction which may be given to this section is a matter of some doubt to my mind. If it be given the narrowest possible construction and if it be operative in the narrowest possible way, then no one could object to the provision as a matter of principle. The right of the Government, not only the constitutional right under the express and delegated powers of the Federal Constitution but the right inherent in every Government, to provide itself with munitions of war in whatever manner may seem best and most expedient to it, can neither be questioned nor denied by any student of the science of Government. Nor does it trench upon any idea of the strictest constructionist or as tending toward either a socialistic or a paternalistic program.

Likewise it may be said, indeed it may be conceded, that if that right and power, the war power, to provide only such things

as may be needed for the use of the Government, its Army and its Navy, is used solely and properly for that purpose, then there can be no fault to be found with this section, even if in connection with such a proposition it might be necessary to sell and dispose of any surplus product that was necessarily on hand because of the execution of the war power.

If section 124 that I have read means that, and no more, then I have no objection to its adoption, because it is undoubtedly not only within the constitutional power, but within the proper and desirable exercise of that power for this Government to provide itself with munitions of war to such an amount as may be deemed necessary, and if in carrying out that power in that way a surplus product is made that can be used for war purposes, the Government has a perfect right to sell it and dispose of it in any way on earth that it can to the advantage of the Government, getting the best price possible for it.

If, however, Mr. President, this section goes further than that, and if it means more than that—and I am afraid that it does—there are serious objections, on principles which are fundamental, to the provisions of this section. I am afraid that the only reasonable construction that can be given to it, when its provisions are taken together and construed together, is that it is in substance and in effect practically and substantially the same proposition as that submitted on this floor by the distinguished Senator from South Carolina [Mr. SMITH] and adopted by an overwhelming vote of this body. If so, I must confess my unalterable and unchanged opposition to that feature of it.

If it means that the President of the United States is authorized not only to provide the nitrates that we need for making powder for governmental purposes, but he is also authorized, while he is doing that, to produce all the nitrates that he may wish to produce which are useful in the manufacture of fertilizer and other products—because you will remember that the Senator from Connecticut [Mr. BRANDEGEE] broadened the proposition until it is not confined to the fertilizer proposition now, but it applies to anything—then it will mean that the Congress of the United States, so far as its power goes and so far as its action goes, has authorized the President of this Republic not only to exercise the governmental power, and a clear and undisputed governmental power, to produce such nitrates as we need to make munitions of war, and also to dispose of any necessary surplus that may result from the exercise of that power, but has also gone further and authorized the President of the United States, if he desires to do so, to engage generally in that manufacturing enterprise for the purpose of producing nitrates, to be used either in the manufacture of fertilizer or in the manufacture of any other product whatsoever. If that is what it means—and I think it does—I must say that it is the most radical step toward paternalism and socialism that I have seen in the 15 years that I have been in Washington, a Member of one House or the other of the Congress.

It may be that we are bound in that direction inevitably and unalterably; it may be that year after year the Government is to participate more and more in private business enterprises and is to engage more and more in the business of furnishing products of various sorts to its citizens and in competition with its citizens. I hope not. I have expressed my views at length in the Senate on that question. I believe it will be a sad day for this country when the Government of the United States deserts the policy handed down to us by our fathers and pretty well adhered to through every administration, Democratic and Republican, that this Government shall confine itself to the governing business and shall not engage in all sorts of business enterprises.

It seems, Mr. President, that the Congress of the United States is determined, on account of conditions that exist, on account of the fact that the demand is insistent that we ought to produce these nitrates in this country to make this country self-sufficient for the national defense, to use this occasion and this pretext to embark it upon a course of utterly unjustified and utterly unjustifiable paternalism. If so, I can not but submit. I can only cast one vote against it. I have cast it once, and I am willing to cast it ten thousand times against embarking in an enterprise of this sort. No matter how great the local pressure were upon me from people who imagine that they would be benefited by the Government going into these sorts of enterprises, I can not yield and maintain my intellectual integrity.

It might be said that I am standing against a proposition for the benefit of the farmers. In the first place, I deny it. So far as the cotton farmers are concerned, they can not possibly be benefited by this proposition at all. The nitrates are simply the raw materials of our fertilizer factories, and have to be mixed with other ingredients, such as soda and potash, before they can be used by the cotton farmer; so that, so far as the southern cotton farmer is concerned, you are giving him a gold brick when you do this thing; you are simply giving the fertilizer factories their raw materials from the Government. Whether or not the fertilizer factories, out of their beneficence, will give the farmer a cheaper price, I do not know and can not tell.

But, Mr. President, I am not dodging the issue. If we were giving to the farmer himself fertilizer at a cheaper price than he could otherwise buy it, I confess I could not support such a proposition. It is utterly irreconcilable with the political principles which I have always been taught and which I have always entertained. I find it impossible to make any such concession as that, and I warn my brethren in this Chamber that when they make it it will not be long before every other class of people in this country will make similar demands on them. You can not use the Government of the United States to manufacture material for farmers and furnish it to them at a cheaper price than they could otherwise obtain it without having every other class of our citizens and every other business in which they are engaged making similar and usually successful demands upon you. The result of it will be before you have finished that you will not be able to turn a deaf ear to the demands of the farmers, of the laboring men, of the business men, or of any other class of our citizens who come with a proposition like this, and the Government of the United States will be hopelessly and helplessly involved and embarked upon a series of undertakings like this, and will have become a vast state of socialism, with little left of the individuality and independence of the citizen.

So it seems to me, Mr. President, that the only safe plan, the only reasonable plan, the only sensible plan, is to stand by our principles, and not depart from them in this matter or in any other.

I do not know; I may be wrong. If so, I am willing to pay any political price to find it out; but I have always been taught to believe, and I do believe with all my heart and with all my soul, that the farmers of Georgia and the farmers of the South generally, do not ask any special privilege whatsoever at the hands of this Government. All they ask is an even showing and a fair deal. I believe that they believe in the philosophy of Thomas Jefferson unto this very day and up to this good hour of equal rights for all men and special privileges to none. If there had been any general demand from them that we should embark on a course of legislation, upon a series of legislative undertakings like this, because they believe that they will be or might be even indirectly benefited thereby, I have not heard it, although I admit, Mr. President, that if I did hear it it would be impossible for me to yield to it.

For that reason, although I have no objection on earth to providing that the Government shall manufacture such nitrates as it needs or may need for the purpose of furnishing gunpowder, and, further, that the Government may dispose in any way it can and under the best terms it can of any necessary surplus product that may result from that transaction—while I am willing to concede all that, I say it is impossible for me to look with any degree of complacency upon the inclusion of a much broader project than that in this bill.

Mr. SHAFROTH. Mr. President, will the Senator yield for a question?

Mr. HARDWICK. I yield.

Mr. SHAFROTH. Will the Senator explain to the Senate the difference between the provision with relation to this subject as passed by the House and the provision as it passed the Senate?

Mr. HARDWICK. I will say to the Senator that I have given a close study to that question, and I am unable to find any substantial difference from the standpoint from which I am discussing it. I think it is agreed—the conferees so stated to me, and I think I can state it without any violation of confidence, and the Senator from South Carolina, who was the author of this proposition, as I understood him, also stated the same thing—that this is substantially the same proposition that was offered by the Senator from South Carolina. Probably there is a difference in the provision that is made about water power.

Mr. SMITH of South Carolina. Mr. President——

Mr. HARDWICK. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. There is no difference between this provision and the amendment to the Army bill which I offered, save that there has been substituted the word "President" for the words "Secretary of War."

Mr. HARDWICK. There are some other differences, but the Senator means there are no substantial differences.

Mr. SMITH of South Carolina. No substantial differences.

Mr. HARDWICK. I take it that is about the fact. I do not believe there is very much difference.

Mr. SHAFROTH. What change has been made with regard to the provision concerning water power?

Mr. HARDWICK. My recollection is that the proposition of the Senator from South Carolina did not say anything about the President leasing out water power. Am I right about that, I will ask the Senator from South Carolina?

Mr. SMITH of South Carolina. That is correct.

Mr HARDWICK. And that this provision of the House does.

So much for that, Mr. President. I have almost finished what I wanted to say. I do not want to be misunderstood. I have not the slightest objection on earth to the production in this country, in whatever way is cheapest and best, of nitrates which we may need for governmental purposes, and I have not the slightest objection on earth to the sale of any surplus products which necessarily result from that transaction; but I warn my brethren, with all deference to their superior wisdom and longer service, that anything further than that is both doubtful and dangerous. They, however, and not I, must take that responsibility.

Mr. POMERENE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Ohio.

Mr. POMERENE. Under section 124 it is perfectly clear that there is a limitation placed upon this plant in this: That there shall not be expended to exceed $20,000,000 for this particular purpose. Of course, the primary object is to provide the nitrates necessary for war and governmental purposes.

Mr. HARDWICK. Undoubtedly.

Mr. POMERENE. The second thought that the conferees had in mind evidently was to dispose of the surplus.

Mr. HARDWICK. Well, does the Senator think that that is all it means?

Mr. POMERENE. I certainly think so.

Mr. HARDWICK. I certainly hope the Senator is right. We will have no debate on that.

Mr. POMERENE. If I am not right, is the Senator able to tell the Senate what further limitation he would place upon the amount of this expenditure, if it is deemed wise to place any limitation upon it?

Mr. HARDWICK. Mr. President, the Senator from Ohio has suggested one thought that is comforting to me about this matter. I hope that $20,000,000 will not enable us to supply much more than will be necessary for governmental purposes. My own information on that subject is so inadequate, so incomplete, that I can not even venture an opinion. It may be that a plant that might be secured by the expenditure of $20,000,000 will not be larger than is necessary to supply governmental needs. The Senator from Ohio, I can tell by his question, is not in a very different frame of mind from what I am about this matter. If that be true, if this proposition means only that we are to establish a plant of that size and character and for that purpose, then there will be no serious harm done and there will be no important principles violated.

Mr. VARDAMAN and Mr. POMERENE addressed the Chair.

Mr. HARDWICK. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, I was going to suggest to the Senator that if this plant would not yield more than would be needed for the manufacture of munitions of war in time of peace it would be utterly useless in time of war. If it is adequate to yield enough nitrate to meet the demands of the Government in time of war, then it must necessarily have an enormous surplus, which could be used in time of peace.

Mr. HARDWICK. Now the Senator from Ohio is very readily able to see the other side.

Mr. VARDAMAN. I really think that that is the one mitigating virtue of the whole bill.

Mr. HARDWICK. I understand the Senator does; but he does not entertain the same views that I do on certain fundamental questions.

Mr. POMERENE. Mr. President, I realize the necessity for a nitrate plant.

Mr. HARDWICK. I have not disputed that, if the Senator will pardon me.

Mr. POMERENE. I believe that at this particular juncture it is wise on the part of the Government to provide a plant of this character. Up to date private capital has not provided anything of the kind.

Mr. HARDWICK. That is all true enough.

Mr. POMERENE. And now, that being so, is it not the part of wisdom to provide for the disposal of the surplus, if there be a surplus?

Mr. HARDWICK. Undoubtedly; and the only trouble about this proposition is this: The Senator asks me how I would limit it or what language I would employ if I were drafting this provision. I would provide for the establishment of this sort of a plant: A nitrate plate adequate and suitable to supply all the needs of this Government for governmental purposes. I would not say anything more than that in providing for it, and then I would provide in simple language for the disposal of the surplus product, if any. Then there could be no objection from any source or from any standpoint to this proposition. Going further than that simply embarks the Government on various business enterprises. The Senator knows it, I think. It has been voiced on this floor with absolute frankness and candor. I know that many Senators have supported the proposition who do not believe that that would be done under the language employed and the amount of money appropriated. I can only say that I hope they are right; but my proposition is, Mr. President, that I am sorry that the Congress of the United States, in doing this, finds it necessary or desirable to employ language which clearly, undoubtedly, and necessarily authorizes the President of the United States to do far more than supply the governmental necessities.

Mr. President, just a few words more, and I will have concluded the observations that I desire to make on this report.

In the Senate, when the Army appropriation bill was under consideration, this body adopted by an overwhelming vote—58 to 24, my recollection is—after an extended and elaborate debate, provisions establishing military training in each one of the schools and colleges of the United States where there were as many as 100 boys 14 years of age or over who wanted to take such training, with the consent of their parents and with the consent of the school authorities. It was provided in the amendment to which I refer, and which went to conference as section 57 of the bill, that under those circumstances the Government of the United States should furnish instruction, arms, equipment, tents, and so forth, for these military students; and it was provided further that they should be organized into a part of the reserve forces of the United States, not subject, however, to be called out for active military service, except in case of actual or threatened war, not to be used for any other purpose whatever, upon call of the President of the United States, and then none of them were to be subject to such call, except those who were 18 years of age or over. It was purely an optional system; it was not compulsory; it was carefully hedged about so as not to make any parent put his boy into it unless he wanted him to go into it and unless the boy wanted to go and unless the school authorities wanted him to go. Mr. President, in my honest judgment, that sort of a system would have been, indeed will be, necessarily and inevitably the backbone of the reserve military forces of this Republic. I venture to state in this presence and on this floor, without fear of successful contradiction, that it is a historic fact that no nation ever became great from a military standpoint unless its young were trained to arms in their schools and at the early periods of life.

Mr. BORAH. Mr. President——

Mr. HARDWICK. I yield to the Senator from Idaho.

Mr. BORAH. Do I understand that the amendment which the Senator from Georgia was instrumental in having inserted in this bill has been eliminated?

Mr. HARDWICK. I was going to come to that in just a moment.

In the statement made in the other body of Congress, the gentleman reporting there made the statement that this amendment had been eliminated. He is correct in a way, and yet incorrect. If he were entirely correct, my judgment about the importance of this matter is such that it would be impossible for me to agree to this conference report without submitting it to a vote of the Senate at least and transferring the responsibility from my shoulders to those of all the Members of this body. But, as a matter of fact, that statement is not entirely correct.

Senators will remember that when that amendment was before this body, the Senator from Washington [Mr. POINDEXTER] moved to amend it by striking out all provision that these boy in the schools and colleges should be a part of the reserve forces; and after a considerable debate and a considerable division in the Senate that amendment was defeated, and the original amendment, substantially in the form in which it was drafted, was adopted. What the conferees have done is to retain in section 56 the substance of this idea of military training in the schools, and to knock out the boys as a part of the reserve forces.

I am sorry they did that. I believe, as I have said in the Senate before, that it would have been far wiser, if we are going to spend all this money for arms and equipment and instruction of these boys, to put them under some sort of obligation to act as part of the reserve forces of this country in case

of actual war, and to be in a position to avail ourselves of their services. The provisions that the conferees adopted on this subject are contained in section 56 of the bill they report. Section 56 of the bill when we acted upon it before, you will remember, contained the provision for a volunteer army. That has been stricken out, and in its place there has been inserted the following:

SEC. 56. Military equipment and instructors at other schools and colleges: Such arms, ‘entage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges, other than those provided for in section 47 of this act.

By the way, section 47 was the provision for a reserve officers' corps in the schools—

having a course of military training prescribed by the Secretary of War and having not less than 100 physically fit male students above the age of 14 years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized to detail such commissioned and noncommissioned officers of the Army to said schools and colleges, other than those provided for in sections 45 and 46 of this act, detailing not less than one such officer or noncommissioned officer to each 500 students under military instruction.

This provision as reported by the conferees is not all that I had hoped it would be. I think it is imperfect in more than one particular. I think it was a mistake not to organize these boys, when we spend all this money on them for arms, equipment, and instruction, into reserve companies, battalions, regiments, and brigades. But I am not much worried about that, because if the boys of this country take advantage of this system to the extent that I hope and believe they will, we will spend so much money on them before we get through that the War Department and all of the gentlemen who now oppose having them as a part of the reserves will be eager to bring about that result.

I do not think they have provided for enough officers for these schools; but I apprehend that probably they were afraid to make more liberal provision because they did not know whether they could supply the officers or not.

As I say, while the amendment, in the form the conferees have reported it, is not entirely satisfactory to me; while it does not accomplish all I hoped and believed that the other amendment would accomplish, yet, nevertheless, it contains the germ of this idea—the essentials of this idea of military instruction in all the schools having over 100 male pupils 14 years of age and over, and furnishing not only instruction but arms and equipment to these students. It is the real beginning point, in my honest judgment, of any real military preparedness for this country. Since the germ of the idea and its essentials are contained in the bill, it is my purpose to accept the report of the conferees, and to agree to early action, as far as I am concerned, on that report.

Of course, Mr. President, I realize that in legislating on this great question none of us can get exactly what we want. The history of legislation is a history of compromises. I realize that probably nothing that any one Senator wants is completely as he wants it in this bill. It may be equally true of any Member of the other House. But, after all, we are sometimes obliged to be content with less than we would like to have. Believing as I do that the substance of this idea, the germ of it, is contained and incorporated in section 56 as it is reported, I shall support the report of the conferees.

Mr. UNDERWOOD. Mr. President, I have listened with much interest to the statement which has been made by the Senator from Georgia [Mr. HARDWICK] with reference to the nitrate plant. I do not differ with the Senator from Georgia on the broad principles he advocates with reference to the Government of the United States involving itself in private business; but I think he entirely misconceives the question involved in the bill for the establishment of a nitrate plant now before the Senate.

I do not suppose there is a Senator present who will dispute the fact that under the war power of the Federal Constitution the Government of the United States has the option of buying munitions of war from private contractors or of manufacturing munitions of war itself. That is of necessity the case, because the occasion might arise and often does arise when this Government or any other government would be unable to procure its supply of war munitions from private contractors, and of necessity, for the preservation of the life of the government itself, would be compelled to resort to the manufacture of war supplies by a government plant.

The question as to whether Government supplies should be manufactured by private contractors or by the Government does not involve a principle. It involves merely a policy—a policy that may be wise at times on one side of the question and wise at times on the other side of the question. There may be certain munitions of war that it is advisable that the Government should obtain from private contractors. There may be other munitions of war that it may be very necessary for the Government to manufacture itself. So that I see no question involved here on that subject. The only question whereon I can see that the Senator from Georgia can maintain his argument is the question as to whether the Government of the United States is going further in this bill than the manufacture of war supplies.

I see nothing in the bill that will lead to that conclusion. I admit that some of the language in this paragraph is loosely drawn, and may be subject to different constructions; but the clear intent of this bill is that the Government should itself establish a plant for the manufacture of nitric acid, in order that it may be assured of an adequate supply of powder and explosives in times of war. It is manifest that it is necessary for the Government itself to build this plant. There is no occasion for our building a nitrate plant to supply the Government with its explosives in times of peace, because in times of peace we can get all the nitrates we desire from the Chilean saltpeter beds. The purpose of building a plant, and the only purpose of building a plant, is to supply the Government's needs in time of war.

The Secretary of War has determined that it will be necessary to have a supply of 180,000 tons of concentrated nitric acid per annum to take care of the Government's needs in the event that we become involved in war with a first-class nation. The peace needs of the Government will not equal 20,000 tons of concentrated nitric acid. Therefore there is a difference of at least, if not more than, 160,000 tons of nitric acid per annum between the supposed war needs of the Government and the peace needs of the Government.

It is not possible to conceive the idea that any private contractor would invest his money in a plant that would be adequate to supply the Government with its war needs and let it lie idle perhaps for 50 years.

Mr. HARDWICK. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Georgia.

Mr. HARDWICK. I should like to ask the Senator a question. The Senator has portrayed the condition in peace and war very accurately, and he has given figures that I am glad to get. It seems that we need nine times as much nitric acid in times of war—and that is what we are providing for—as we would need in times of peace.

Mr. UNDERWOOD. Undoubtedly.

Mr. HARDWICK. And that really, in times of peace, there would be no trouble anyhow about getting nitric acid from Chile probably as cheaply—because Government production is never very cheap, as the Senator knows—as we could get it by manufacture. Why would not the correct plan be, then, to provide for such a plant, and to lease it out for commercial uses in time of peace, reserving the right to take it over and operate it whenever conditions changed?

Mr. UNDERWOOD. I am coming to that very question. I think I can answer the Senator, and I think this bill answers him.

I think we all concede, then, that if we are going to have an adequate supply of nitric acid for war conditions, the plant must be built by the United States Government; and for that reason this paragraph has been put in this preparedness bill, looking to the Government building a plant that will supply its war needs of explosives.

If this plant is built, and it is built on the line that is contemplated by the Congress of furnishing the Government with an adequate war supply of explosives—to wit, 180,000 tons of concentrated nitric acid per annum—of necessity, in times of peace, a large proportion of this plant in its entire construction must lie idle. The Senator from Georgia [Mr. HARDWICK] has suggested that the difference between our war supply and our peace supply of nitric acid would be as one is to nine. If that is the case, then the difference between our war needs for electric power and our peace needs for electric power will be as one is to nine. In the event that this plant is built on the lines contemplated by this bill and to the extent contemplated by this bill, there would probably be something like 100,000 primary hydroelectric horsepower that it would not be necessary for the Government to use in times of peace and probably a great deal more secondary power.

If that power is allowed to go to waste, it will accomplish no result for the Government; it will accomplish no result for the country or the people of the country. I can see no constitutional objection whatever to the Government disposing of that hydroelectric power or the surplus product of its plant in time of peace when it is not required for war purposes. That is all this bill does. It provides that—

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary—

they can be used by the cotton farmer; so that, so far as the

Mr. SMITH of South Carolina. That is

depend upon the expression and purpose and desire of those

this proposition is this: The Senator asks me how I would limit it or what language I would employ if I were drafting

instruction of these boys, to put them under some sort of obligation to act as part of the reserve forces of this country in case

ernment should obtain from private contractors. There may be

tary and naval purposes to the extent that he may deem necessary—

Necessary for what? For military and naval purposes—

and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

Mr. HARDWICK. Mr. President——

Mr. UNDERWOOD. I will yield in just one minute. Any surplus. Surplus of what? Surplus of product. What does product mean? It means the entire output of that plant. What is the definition of a product? It is something that is produced by labor, work, generation of chemical process. That is the dictionary definition. Is not that broad enough—by labor, work, generation of chemical process—to allow him to dispose of his surplus power—hydroelectric power—of his surplus products of any kind?

What objection can there be? How can it possibly be construed that it is unconstitutional or in violation of the principles of the Democratic Party that when it is necessary to erect a plant for strictly a governmental purpose, and when the product of that plant is lying idle, the Government can dispose of it for the benefit of the Government Treasury? Now I yield to the Senator from Georgia.

Mr. HARDWICK. I want to get the Senator's construction. He contends, then, that what is authorized by this provision is that the President shall lease out eight-ninths, we will say, of the electric power? Is not that what it means?

Mr. UNDERWOOD. I suppose that it is.

Mr. HARDWICK. That is one thing he can do under this bill?

Mr. UNDERWOOD. He can.

Mr. HARDWICK. But he is not compelled to do that. He can go on with the manufacture of the product.

Mr. UNDERWOOD. I will read the Senator the language again. Here is the governing part of this proposition in the question raised by the Senator from Georgia:

The products of such plans shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required—

"Not required." For what? For military and naval purposes—

shall—

Not may, but shall—

be sold and disposed of by him under such regulations as he may prescribe.

Any surplus shall be sold. The surplus is the product of that factory.

Mr. HARDWICK. I understand, but that is the power to generate this product.

Mr. UNDERWOOD. It may be the power; it may be some other product.

Mr. HARDWICK. The surplus of this plant is eight-ninths of the whole business.

Mr. UNDERWOOD. Yes; I think so. I think it must be conceded of necessity to be about eight-ninths or nine-tenths. Probably in all human probability it is nine-tenths. The difference between the peace requirements of the Government and the war requirements of the Government is about as 9 is to 1, and of necessity so. We would not be building this plant if it was not so.

Mr. HARDWICK. If the Senator will pardon me just one moment, I think when you come right down squarely to the bottom of this thing, when we are at peace, eight-ninths or nine-tenths, as the Senator concedes of all this business, of all these products, is to be sold by the President for consumption as fertilizers without any other business purpose. So it is one-ninth a Government proposition and eight-ninths a manufacturing proposition.

Mr. UNDERWOOD. No; I do not concede the proposition as the Senator from Georgia states it. The President can shut the plant down and not use it under this bill. It would be folly for him to do so. We are building a plant to provide for the war needs of the Government just exactly as we are raising an Army to provide for the war needs of the Government. Is there any Senator who will contend for a moment that we need three-fourths of a million of men in our Regular Army or our reserves to take care of our peace necessities? Not at all. In times of peace we are going to pay millions of dollars to maintain an Army to protect us against a war necessity. In times of peace we are going to build a great nitrate plant that we do not need in times of peace or we need to a very slight extent in times of peace, but we are building it to protect us against our war necessities.

Now, when we know that nine-tenths of this plant can not be used in times of peace to supply the Government because the Government will not require it, why should not the surplus product be disposed of? Why should not the surplus be disposed of in the line that is indicated in this bill; that is, for the manufacture of fertilizers? There is no better place to dispose of it. It goes into a new field where it does not interfere with other men's business. It goes into a field for the development of the great agricultural interests of this country. I can conceive no reason whatever, in my own mind, for a statement that because the President of the United States is given the right to sell the surplus products of this plant it is either unconstitutional or in violation of any position that the party I have ever belonged to has ever taken in reference to these matters.

Mr. SMITH of Arizona. Will the Senator permit a suggestion?

Mr. UNDERWOOD. Certainly.

Mr. SMITH of Arizona. I suggest to the Senator also as a pure war measure the fertilization of the land would itself be a provision that the Government might well make for the greater production of the things necessary for consumption in times of war.

Mr. UNDERWOOD. Yes; I agree with the Senator. I think one of the great difficulties the German Government is confronting to-day is a question of supplying its own people with food during the conditions of this war——

Mr. REED. Mr. President——

Mr. UNDERWOOD. And if it had not been for the fact that Germany has used more fertilizers than any other country in the world the people of Germany would probably be starving to-day, and instead of its having victorious armies in the field it would be facing a point where it would have to make terms with its enemies.

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I yield.

Mr. REED. It is of course conceded that the Government has the constitutional right to build a plant to make war supplies. The question then resolves itself into this, viz: The Government having the right to build a plant to make war supplies, can it sell the surplus which the plant produces, or must it allow the plant to lie idle a great part of the time and the Government stand the loss?

I desire to ask the Senator whether there is in his opinion any difference between the right to dispose of that surplus and the right of the Government to sell a surplus of Cavalry horses which it may have on hand, or the right of the Government to sell a surplus of cannon or rifles or other war materials which in the progress of events it wants to get rid of in order that it may buy others? Is there any difference in principle?

Mr. UNDERWOOD. I see none whatever, as a matter of fact. It was only a year or two ago that the Government sold to the Government of Greece two battleships for something like $12,000,000 because we wanted to get rid of them and Greece wanted them, and I did not hear anywhere in the Halls of Congress the question raised that it was either unconstitutional or in violation of fundamental principles, and that we did not have the right to sell those two battleships when we did not need them. I can see no question to be raised here.

Mr. President, I might have broadened this paragraph to some extent if I had written it myself, but I recognize that the work of the conference committee in agreeing to this paragraph has accomplished a great result for the American people, both in time of war and in time of peace. If the committee had failed to bring legislation before Congress that would have guaranteed an adequate supply of nitric acid with which to make explosives in time of war the whole purpose of the passage of this bill would have failed; there would have been no good to be accomplished by enlarging the Army that would have been cut off from its supply of explosives in time of war. On the other hand, I believe that the surplus products of this plant in times of peace will be used by the President of the United States to develop the production of fertilizers in this country.

Mr. CLAPP. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. CLAPP. My inquiry is not based upon any spirit of hostility to this section, for I think it is one of the most vital in the bill; but I want to ask the Senator, putting the proposition in the other form and admitting a nation-wide necessity for fertilizers, would there be any question under the Constitution but what the Federal Government could build a plant to create nitrates primarily for fertilizers and incidentally to be possessed of facilities in time of war to make the requisite amount to meet the demands of war? It does seem to me if we put this thing plainly it would appeal more strongly to everybody.

Mr. UNDERWOOD. I think that under the powers that are granted in this bill there could be no doubt about the constitutionality, as far as it goes. As to the position of the Senator, I am not prepared at this time to take the position he suggests. I

certainly would not do so without giving the matter far greater thought and consideration than I have the opportunity to do now. But I have no doubt whatever about the constitutional right and power of the President to dispose of the surplus products, and that is all that is needed. If he disposes of the surplus products, the peace products, of this plant when they are not needed in times of war, he will bring about the condition that we desire. He will produce in our own markets the power and the nitrate that are necessary to make an adequate supply of fertilizers for our farming interests, and thus at least, if not an adequate supply, greatly enlarge the field of production and encourage others to enter the same field. So I feel that the men who think about this question as I do can congratulate the committees of the two Houses having this bill in charge on the fact that they have brought into Congress a measure that will protect our country against danger in time of war and will lead to inestimable benefit to the American people in time of peace.

Mr. BORAH. I wish to ask the Senator a question. Without intending or desiring to controvert the argument which the Senator has made, nevertheless the present war has demonstrated that almost all articles of use in modern life are in some way necessary to a thorough preparedness upon the part of the nation that proposes to engage in war.

If the Senator be correct as to the war power in this instance there is scarcely any article that the Government could not manufacture or prepare to manufacture in order that it might have that which is necessary for war, and the surplus it could dispose of in time of peace. So, the result would be that the Government could practically enter into and upon the business of manufacturing most of the articles of manufacture.

Mr. UNDERWOOD. I will say to the Senator I do not think anyone can question the war power of the Government, the necessity to exercise the war power of the Government to preserve a nation's life, and if the necessity arose that the Government needed supplies it could not get elsewhere I do not think anybody would question the right of the Government to manufacture supplies if needed in times of war. To protect the life of the Nation is the war power of the Government. But, as I said some time ago, how far you will exercise this war power, in what field you will exercise it, is not a question of principle; it is a question of policy and necessity, as my friend the Senator from Mississippi [Mr. WILLIAMS] suggests to me.

The question that is to guide us in these matters is a question of policy and necessity. I think we would all agree on the policy that where the Government, within reasonable terms, can purchase its supplies from private contractors on a fair and reasonable basis we prefer to pursue that policy rather than the one of the Government engaging in the field itself. But where we find it is impossible for the Government to get an adequate and a fair supply at a reasonable price from private contractors, I do not think any of us doubt the power or the right or the advisability of the Government entering the field itself and supplying itself with its war needs.

Mr. BORAH. Of course, as a matter of policy, we would not be likely to enter upon the manufacture of any particular article unless it was necessary to do so. But, as a matter of power, we would have the same right to enter upon the manufacture of shoes and rifles and powder and those things as we have with reference to the manufacture of the article which we are now discussing.

Mr. UNDERWOOD. I concede that undoubtedly, if it is for war purposes.

Mr. CLAPP. Mr. President, before the Senator from Alabama takes his seat, I should like to ask him another question. The Senator contends that under this language, which is found in a measure called a major preparation for war, the Federal Government can build a plant admittedly where a very small proportion of the product will be used in war, if at all.

Mr. UNDERWOOD. No. I beg the Senator's pardon. I said a very small proportion of the product would be used in times of peace, but all would be required in time of war.

Mr. CLAPP. Well, put it the other way, in times of peace; and in those times a very large percentage of the product is to be used for fertilizers, with the certainty that fertilizers must be used, and with the uncertainty and the hope that the product will not be used in war. If I were to state the proposition, I would state it that the Government has a right to build this plant for nitrate products—the question of policy would be one for those controlling affairs to determine—and including in the end that incidentally the Government could use so much of it in time of peace as it needed and could use it all in time of war. Does the Senator from Alabama feel that the determination of whether that fell within our constitutional rights would depend upon the expression and purpose and desire of those who advocate this measure?

Mr. UNDERWOOD. I think it is clear that the constitutional right of this measure depends upon two things: Primarily, upon the war power of the Government; secondarily, the power of the Government to make a river navigable. On either proposition, at least, this plant could be built within constitutional limits. The Government having exercised a constitutional power, I think it can carry on that power to the extent that the necessities and exigencies of the Government require. One of those exigencies and necessities is that it shall dispose of its surplus product in order to protect its own Treasury against loss. I do not think it is necessary for us to go further than that—I mean in the argument—because it is clear that we have that power, and I do not care to go so far as to assume that it is necessary for the Government to go beyond the exercise of a war power for the accomplishment of this result, because, so far as we desire, it can be accomplished under the war power of the Government.

Mr. CLAPP. There is no doubt about that, except that it subjects Congress to the criticism that we invoke a war power here when the thing that we are really seeking is a benefaction in peace. It does seem to me that it is better in all legislation to boldly and plainly state a proposition than to submit ourselves to the suggestion that we have taken a roundabout way to develop this nitrate production for the benefit of the entire country.

Mr. UNDERWOOD. I am not ready to concede the suggestion of the Senator from Minnesota. One of the things at which we are driving is to make fertilizer. I think that is a most important thing, and a thing that is close to my heart and close to my people; a thing that I want to see accomplished if we can accomplish it in a right and constitutional way; but, in my judgment, the primary purpose of this bill now and in the future—the real purpose of the bill—is to supply the nitrates that are necessary to protect this Government in time of war. If it were not for plants of this kind to-day in operation in Germany, it would have been necessary to have pulled down the German flag, because the allied forces of Europe control the seas and Germany could have gotten no nitrates with which to make her explosives; she would have had to surrender because she did not have powder and the other supplies with which to carry on the war. Therefore I think it is clear that the primary object of this bill is and ought to be, first, to supply the Government of the United States with necessary explosives in time of war.

Mr. CLAPP. Mr. President, for one I shall most heartily support this proposition; but I want to put my support upon a ground that can not be questioned. While this provision is in this military bill, I feel, for one, that this is the time and the occasion under which we can secure the establishment of this nitrate plant. It is true, Germany has found strength in the fact that she is prepared to furnish her armies with the necessities of war, and yet she has found strength in this great struggle in the fact that she built up those instrumentalities that support a nation not only in time of war but in time of peace. I think the sooner we reach the plain proposition in this matter, that this Government can do those things essential to the development and welfare of all without doing them in a roundabout way, the better it will be for all concerned.

Mr. BORAH. Mr. President, do I understand the Senator from Minnesota to take the position that, regardless of the proposition that part of this product is essential and necessary for war and for the needs of war, the Government could enter upon the business of manufacturing nitrates for the sole purpose of fertilizing the lands of the country?

Mr. CLAPP. There is no more question in my mind of the right and power of the American people, under the Federal Constitution, to develop a fertilizing product, if it is wise—and that is another question, of course, to be considered—than it is to do any other of the thousand and one things which we are doing to-day under Government control, regulation, and through the Government itself.

Mr. BORAH. Under what provision of the Constitution would the Senator from Minnesota assume to do that?

Mr. CLAPP. Under the broad proposition that——

Mr. TILLMAN. The general-welfare clause of the Constitution is broad enough for me, and it is deep enough, too.

Mr. CLAPP. I will repeat that again, without interruption, I trust. Under the broad proposition that there is no warrant for the burdens of government to be assumed by a people unless those forming that association called "government" can develop their moral and material welfare under the instrumentality of that association.

Mr. BORAH. I agree with that; but that goes back to the proposition of an amendment to the Constitution. If we should find that we desire to do this, and that the people should desire to engage in that kind of enterprise, we would undoubtedly as a people have a right to amend our Constitution to provide for that power; but the question which I submit to the Senator from Minnesota, in entire sincerity, is, whether or not now, under the present provisions of the Constitution, the Government of the United States could enter upon that kind of an enterprise solely for the purpose of fertilizing the private lands of the country?

Mr. CLAPP. There is no question in my mind that we have that power, the same as we have the power to do other things; the power to develop irrigation; the power to develop conservation; the power to enact legislation calculated for the upbuilding of the morals of the people. If the Federal Constitution is a prohibition against the best service in the association called government along the lines of material and moral development of the people, then I think the time has come when we had better stop other matters and consider the necessity for an amendment to the Constitution.

Mr. BORAH. Well, I think the Senator and I would not disagree upon the proposition that, if the people wanted to make that kind of a Constitution, of course, they have the power to make it. But until the people choose to change the Constitution the only power we have is such as it now grants. All power rests at last in the people, but all power does not rest in the Congress. The power of the people and the power of Congress are two different propositions. The people have all power. We have only such as the people through the Constitution give us.

Mr. OWEN. Mr. President, I shall favor the conference report, and I should like especially to express my approval of section 124. The necessity for a great nitrate plant is perfectly obvious and confessedly constitutional because of the need of preparing this country against the contingencies of war. I would go, however, much further in recognizing the rights of the Government than some of my colleagues. The Government of the United States has some rights that belong to government under what might be called the common law of all Governments—the right of existence, the right to do the things which are essential to preserve the powers vested in the Government, to make them effective, to make them useful for purposes for which the Government itself was erected.

The United States now owns large properties—hundreds and thousands of millions of dollars' worth of property, lands, forests, mines, water powers, easements in rights of way over streams, railways, steamships, and so forth, and so forth, and so forth. It exercises the power to administer those properties, to administer forests, and to administer them in such a way as to reforest lands, the timber on which might be destroyed by fire. The Government owns water powers of vast extent and can develop and use them for the benefit of its Treasury and of its citizens. It owns minerals of all kinds. It can develop and use them for the benefit of the people of the United States quite as well as give them away to private citizens or to corporations. The United States runs steamboat lines successfully for the general welfare. It has many steamships engaged in many different enterprises connected with the affairs of government. It conducts railroads and builds railroads for the general welfare. Why not? It owns the Panama Railroad and operates it successfully. Why not? It is building a railroad in Alaska. Why not? It is building reclamation dams, irrigation works for the West, and improving rivers and harbors, fighting Texas fever, foot-and-mouth disease, and boll weevil. Why not? It is teaching every vocation to its citizens and is in charge of the public health. Why not? It carries the mails and parcel post and has extended rural delivery from Maine to California. Why not? It is manufacturing powder and cannon and its own war munitions, and also manufacturing many other things needed in peace. Why not? It made the cement for reclamation dams. Why not? It is a good beginning. Let us proceed until no man willing to work is idle in this land. Let the Government open enterprises needed to give employment to all those out of employment and willing to labor. It is exercising many functions of government which in the beginning of our Republic would have been regarded as perhaps unauthorized or even undemocratic.

Let us have cheap nitrates for our people made by Government. One boy last year raised 216 bushels of corn on 1 acre of poor sandy land in the piney woods of Mississippi by using fertilizers and labor and intelligence. We can multiply our corn supply by 10,000,000,000 bushels annually in the United States if we have enough fertilizer furnished by Government, intelligently applied under the instruction under the farm-extension act, under the Smith-Lever Act. We have been progressing. We have been progressing along the lines of modern democracy, along lines which have seized the imagination and the hearts of the people of all the world. Even Governments like Germany, which are regarded as monarchies and claiming the governing power by "Divine right," have been forced to develop in the highest degree this spirit of democracy, a spirit which has been born out of modern necessity.

In the days of our dear old beloved Thomas Jefferson, who never saw a railroad, modern steamboat, a telephone, or electric light, or Ford motor car, every man knit his own socks or had it done at home and made his own trousers, perhaps out of skins, or had them woven by the women or servants belonging to the farm, and the woman made the soap and the candles, spun thread, wove cloth, put up meat, preserved fruits and vegetables, and performed other duties necessary to the domestic life of an early and undeveloped community. In those good old days every man raised his own vegetables, his own food, built his own house, and was measurably independent of his neighbors. Since that time we have been slowly drifting, until we have reached the point where a man has every need and every necessity in food, shelter, and attire made for him in some factory, which employs men, women, and children on a large scale; and great corporate powers have sprung into existence and spread themselves over the whole world with their magnificent, admirable enterprises. We have gone through a gigantic, radical change. Every man is now utterly dependent and requires the protection of the Government to safeguard his life, liberty, property, pursuit of happiness as never before in the history of the earth.

In Germany this use of the governing power of the people for the benefit of the people has not stopped with the delivery of letters from one to another through the post-office service. It has gone further than that; it has taken over the telephones and the telegraphs, just as the people of the United States will soon do in this country, and as we have taken over the parcel post.

Mr. HARDWICK. Mr. President, does the Senator also favor taking over the railroads?

Mr. OWEN. I am now describing the conditions in Germany, and I will soon discuss the question of the railroads. The people in that country, exercising their combined powers, have taken over the express companies and they themselves conduct the express business of the German Empire. They have taken over the railways, including the freight and passenger service; and in a country like Switzerland you can ride for a week all over the land for a negligible sum. One is given a railroad pass good for a week or for a month for a very small amount, so that the activity of those people has been tremendously enlarged and they have been justified in the exercise of social democracy, which means the rule of the people for the benefit of the people.

Mr. HARDWICK. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. HARDWICK. I wish the Senator would not call "State socialism" democracy. As I view it, that is an entirely different situation.

Mr. OWEN. I do not wish to wound the feelings of the Senator from Georgia, but I am merely describing some efficient forms of modern democracy by describing his views of democracy.

Mr. HARDWICK. I will also suggest to the Senator that I will be very glad if he will give us the benefit of any investigations he may have made as to the rates charged on the Government-owned railroads in Europe generally, as compared with those charged on our own railroads.

Mr. OWEN. I will tell the Senator one thing they do, and that is they give such special rates to their own manufacturers that they may get a rate to the sea which enables them to compete with all of the world successfully.

Mr. HARDWICK. In this country I thought we had abolished that practice.

Mr. OWEN. I am describing conditions in Germany, and I am describing them because in a large measure they meet my personal approval. Germany has gone much further. They have used the powers of the people democratically in their municipalities, so that the people own the gas companies; they own the electric-light companies, city street-car lines, city buses; the people furnish water to their own cities. They have gone further than that; and, even in a town like Munich, they have municipal schools, hospitals, museums, art galleries, municipal slaughterhouses, municipal bakeries, milk depots, and municipal breweries, which will appeal to any unregenerated Democrat.

Mr. HARDWICK. Does the Senator want them over here?

Mr. OWEN. I have not made any pronouncement to that effect. I am simply describing a condition which exists in a

so-called monarchy, where the spirit of democracy has made itself felt by taking over the combined powers of the people and using them for the benefit of the individual citizen.

Mr. STONE. Mr. President, if the Senator will permit me, he did not answer the Senator from Georgia correctly. The Senator from Oklahoma said they had municipal breweries in Germany, and he was describing that part of the German economy which appealed to him and which had his approval. Moreover, he said that municipal breweries were a thing that would appeal to any Democrat.

Mr. OWEN. Which caused the Senator from Missouri to rise at once. [Laughter.]

Mr. STONE. Yes; and it causes me to rise to insist upon the accuracy of the Senator's answer. He being a Democrat, it must therefore appeal to him.

Mr. OWEN. Mr. President, I made the observation that it appealed to unregenerated Democrats.

Mr. STONE. The Senator ought not to make a statement and then rather run away from it and leave some of us embarrassed. I suggest that he stand by his guns.

Mr. OWEN. Mr. President, I would stand by my guns if the guns that the Senator wants me to stand by were really my guns. They are his guns.

Mr. SIMMONS. Does the Senator mean that it appeals to their appetites or to their political faith?

Mr. OWEN. When I speak for myself I waive my appetite and speak on this subject for prohibition as a matter of preferable National and State policy. But I was describing a condition in Germany where, in spite of monarchy, the spirit of democracy has made itself felt along these lines; and it accounts in large measure for the tremendous efficiency of the people in Germany in the present great contest, where they are self-sufficient and self-supporting on the inside of their own lines.

Mr. HARDWICK. Will the Senator insist on calling that the spirit of democracy? It seems to me that that is a profanation of the term.

Mr. OWEN. Oh, yes; I insist upon it. Democracy means the rule of the people for the people—for all of the people, for their happiness, health, and efficiency. Thomas Jefferson's heart was right. He demanded light, education—the common school to educate all the people whom he desired to govern themselves—but he had no conception of modern times; and the ideas which Thomas Jefferson entertained in the days of the tallow candle—when he approved the independence and liberty of the citizen and the means by which to protect that independence—no longer apply to modern democracy. They are only valuable historically. Now, no citizen is independent. He relies on others for his food, his clothing, his shelter, his transportation, his employment, his compensation, his health, his liberty, his happiness, and except for his Government, organized by the many for the adequate defense of every unit of our citizenship that goes to make the many, he would be made an abject slave by the natural operation of the greed of unrestrained power, organized under laws that have erected gigantic corporations that never die and whose power can only be restrained by the Government itself.

I stand for men and their happiness first; second to this I glory in the accomplishments of corporate power. Its triumphs are magnificent and in spite of criticism is helping to lead men into higher forms of intelligence and life.

Mr. President, I make these observations because I do not wish to be silent when this matter is being considered and seem to acquiesce in the idea that we would be transgressing the doctrine of fundamental democracy if we dared to establish a plant where the powers of the people were possibly to be used for the benefit of the people in time of peace. If it were true that we could not do that under the Constitution of the United States, then the Constitution would be indeed an iron band around the expanding life of the modern man. It was intended to be an iron band when it was drawn to protect property rights against human rights. I have heretofore pointed out that the great Civil War was due to the undemocratic character of the Constitution of the United States, which was made practically unamendable, and which put in the hands of certain gentlemen of the United States Supreme Court the power to hand down a Dred Scott decision, nationalizing slavery in this country, with no right to recall the judges who made the error, and no way to amend the Constitution by peaceful process, which unhappily left no available remedy except the cannon's mouth.

I believe in a liberal interpretation of the Constitution. I believe the Constitution ought to be construed in the light of being intended as a servant of the people in their organized capacity. My only regret is that we could not go further along these lines; but certainly, even for a strict constructionist, this proposal in the conference report could not meet with any sound objection.

Mr. WORKS. Mr. President, I expressed, in a brief way, my views upon the proposition that is now before the Senate when the bill was up for discussion. I am not going to take up the time of the Senate now in repeating what I then said; but I do desire to make some suggestions, in view of what has been said here this morning, respecting the constitutional question involved.

I have no doubt that the Government has the constitutional power to construct a plant and manufacture nitrate for governmental purposes. I am equally clear in my own mind that the Government has no such power to construct a plant and operate it for the purpose of manufacturing and selling to private individuals the commodity manufactured in that way.

It is suggested that if the Government has the power to manufacture nitrate, the surplus fertilizer that results from that constitutional act on the part of the Government may be sold to private individuals. I am not so sure about that. Possibly that might be justified if the plant were in good faith being operated for governmental purposes. But, Mr. President, we all know that it is not the prime object of this legislation to manufacture nitrates for governmental purposes. The Senator from Alabama [Mr. UNDERWOOD] has been quite frank about it. He says to the Senate that the principal object, the important object, is to supply fertilizers to the farmers of the country. Therefore, we are simply trying to evade the Constitution. That is what it amounts to.

If I had not known the liberal views of my good friend the Senator from Minnesota [Mr. CLAPP], I should have been amazed at the propositions of law laid down by the Senator. I think he must have been speaking as a farmer and not as a lawyer. I have had occassion to say more than once that we are rapidly moving toward paternal and centralized government, as the people of this country are represented here in Congress. That is perfectly evident to anybody who has kept account of the trend of legislation. But the Senator from Minnesota is not only tending in that direction; he has arrived; because if the Government can establish a manufacturing plant and manufacture fertilizers for the purpose of selling them to private individuals, then the Government can do anything in that direction. There is, if that be true, no limit, under the Constitution, to its exercise of power for private purposes.

Mr. President, I am opposed to that tendency, as the Senate very well knows. I have been contending against it here from time to time as these questions arose. The temptation occurs to do this thing and that thing that amount either to a violation or to an evasion of the Constitution because it seems to some Senator or some body of Senators to be a necessary thing to be done by the Government, because it can not be done by anybody else. That is an exceedingly dangerous tendency. Congress ought not to give way to temptations of that sort if it has the effect that I have stated.

Of course it is useless to discuss this question before the Senate now. We are wasting time, except that one sometimes feels like expressing his own convictions upon a question so that he may be understood. I think this legislation ought not to be enacted. I think we are not going to enact it in good faith. I am morally certain that if it is made a part of the statute that is about to be enacted, it will be not because it is thought by Senators that it is necessary for governmental purposes, but that it will be done for the benefit of the farmers, which, to my way of looking at it, is a plain violation of the Constitution.

Mr. LODGE. Mr. President, in what I am about to say I wish it to be distinctly understood that I am not criticizing our conferees for the result of this conference. I am certain that they did everything in their power to get the best bill they could. I am entirely conscious of the obstacles which they met in the action of the other House, and that in view of the action of the other House they got everything that perseverance and skill could give them. But I can not let this conference report pass—and pass it must—without at least making it known that there are some of us who are under no illusions as to its character, as to what we have received under the heading of "preparedness for national defense," and as to what we have not received.

I shall spend very little time on the nitrate factory, which has occupied, and very well occupied, some of our hours this morning. I certainly shall not discuss it on constitutional grounds, where I am in full agreement with the Senator from California [Mr. WORKS] and the Senator from Georgia [Mr. HARDWICK], I think. It would be idle to do so. The fact that it is unconstitutional, if it be a fact, would be to many minds an added attraction in passing the bill. But to my mind there

are great practical objections to it. We are proposing to spend twenty millions to build a plant nominally for the production of nitrates for use in war, theoretically to furnish nitrates cheaply for fertilizers, and actually to develop a water power.

Mr. President, before that building is roofed in chemical processes now being developed not only in Germany but in this country will have made nitrates so much cheaper that the use of expensive water powers in their production will be out of the question. Of course that makes no difference to the Government. The Government is not controlled by business considerations, and it might as well give its fertilizers to the farmers as sell them, for all the business proposition there is in it. The great German chemical company known as the Baedischer Co., which is the greatest in Germany, has sold its interest in the Norwegian water powers, which was obtained particularly for the purpose of producing nitric acid, because it can do it better with its own chemical processes. The Senator from Rhode Island [Mr. LIPPITT], whom I regret not to see in his seat, can inform the Senate about the new processes which are being developed here by some of our great chemical companies, in which, from waste products, they can secure nitrates—and are securing them at this moment and selling them commercially—for such a price as to put the Chilean nitrates out of the market and make the production by water power too expensive.

I think it is a waste of Government money to spend it in that way, when what we need can be secured so much more cheaply; but, of course, the Government has two great advantages. The Government system interferes with any possibility of private profit or private enterprise, and it can, as I have said, give the nitrates for nothing to a particular class of the population. That has been agreed to by both Houses, and it is needless to say more about it.

Now, as to the bill, of course nitrates have nothing to do really with the preparedness question. They are an excuse for other things. Now, to come to the real question to which the bill is supposed to be devoted. The House sent over to us what I regard and what I stated on the floor of the Senate was a wholly worthless bill. All it did was to provide for a further development of the National Guard, which may or may not be useful, which I think may be useful for national defense, but on which I do not think the national defense can be based. Otherwise it left things substantially as they were. It was no advance in the preparation of our defense by the Army and by military means on land. The Senate committee brought out a very much better bill. It did not go as far as many members of that committee desired. I know it did not go as far in many directions as the Senator from Oregon [Mr. CHAMBERLAIN], who spent so much time and thought and intelligent care upon it, desired. I fancy no one was more alive to its defects or so alive as he or has a juster idea of what ideally ought to be done. But it came out a wonderfully improved bill, a wonderfully better bill than the House passed.

In the first place, it provided an organization for the Army. It created new units. It made an expansible force which was of the greatest possible merit.

I am happy to say, and I think I am not mistaken in the fact, that that has been in substance retained in the conference report, and that is very valuable indeed.

The Senate committee also increased the Regular Army, and they put in the bill section 56, which converted the volunteer act now on the statute books from a dead statute to a living and effective law. Under section 56 they could include both the general volunteers of the United States and what are known as the Plattsburg camps. They did much toward developing the education of boys and young men in our schools, academies, and colleges.

Then the bill came to the Senate, and the Senate, I think, still further improved it, barring the nitrates. We raised the numbers of the Regular Army to 250,000. We voted down overwhelmingly the proposition to make the Army only 150,000; we voted down decisively the proposition to make it 230,000; and we carried it at 250,000, which, to my mind, is the very least we need, and need now. The amendment of the Senator from Connecticut [Mr. BRANDEGEE] was placed on the bill, fixing the number at 250,000.

By two close votes we sustained the committee on section 56. Now, the bill comes back to us with the Regular Army brought down to 175,000. By the fortunate retention of the Senate organization and the increase of units that Army can be enlarged to 216,000, which, I think, including the Philippine Scouts, would make a total of 221,000. It is far better than what was brought to us from the House originally.

But I have looked on, Mr. President, with amazement at the votes of the American House of Representatives on that Army bill in the present condition of the country. We are having difficulties with Mexico. A small expedition of 4,000 or 5,000 men has been sent over our border to try to punish the author of the outrages at Columbus and to prevent further outrages of the same kind. In order to support that little expedition and to protect our frontier the whole Atlantic coast, from Maine to Fortress Monroe at least, has been stripped of troops, and to-day they are taking away, I am informed, even the Coast Artillery. They have left all that great tier of States with those immense seaports through which the entire trade of the United States to the eastward pours out with no defense except the State militias; and as to the militia of New York, Pennsylvania, and Massachusetts, which happen to be, I think, the largest in numbers, and New Jersey or Connecticut, they do not dare to take those troops for service on the border in order that they may relieve the Regular troops now engaged on the border and allow them to be used for the support of the punitive expedition. That is the condition which is before us to-day. The western coast has been stripped in the same manner, if I am not misinformed, and we find the fact staring us in the face that we have not enough men to carry on those small operations in Mexico and at the same time protect our coast. We have not enough men in the National Guard and the Regular Army combined.

The American House of Representatives deliberately cut down the Regular Army from the very moderate figure suggested by the Senate. It seems to me perfectly incredible that either branch of the American Congress in such a situation as that should be willing to put $20,000,000 into this bill for developing a power plant at Muscle Shoals, or somewhere else, for the manufacture of nitrate, and not be willing to give the country the soldiers it needs for its immediate defense at this moment against troubles so trival compared to the wealth and power of the United States as those which have arisen on our Mexican border.

I do not believe, Mr. President, that under the circumstances our conferees could have gotten more. When I look at the action of the House of Representatives I confess I am thankful they got as much as they did. But I do not want anyone to suppose that there are not many Senators in this body who will allow that report to go through, if it must go through, under any illusions as to what we are getting.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. I yield.

Mr. NEWLANDS. I ask the Senator from Massachusetts whether he thinks a favorable effect would be produced on the action of the House if we should reject this report? I should like to state that I share the Senator's views regarding the subject.

Mr. LODGE. Mr. President, the House took direct votes on the question to which I am referring and their majorities were decisive. I do not believe they will change their position. As a friend of proper national defense for my country I do not want to run the risk of destroying even this bill, poor as it is. I think the original plan of those responsible in the House was to do absolutely nothing. I think that is where they meant to leave us.

Mr. LEE of Maryland. I will ask the Senator, with his permission, if there was not a decided majority of about 100 in the House, a nonpartisan majority, made up largely——

Mr. LODGE. I have not uttered a word that is partisan. I am not discussing this question from a Democratic or Republican standpoint. I am discussing it from the American standpoint, although it may be difficult for the Senator from Maryland to comprehend it. I have not said one word about party. I am not blaming any party. I blame the men of my party who voted against it just as much as I blame the men of your party. The national defense is not a party question, to my mind.

Mr. STONE. Mr. President, I should like, for my information, to ask the distinguished Senator what he thinks the total strength of the Regular Army should be.

Mr. LODGE. I think the strength ought to be at least 250,000. I should be glad to see it more, but I think that——

Mr. STONE. That is the minimum.

Mr. LODGE. That seems to me the minimum.

Mr. STONE. Is that in a measure due to the Senator's apprehension of greater trouble than we have with Mexico?

Mr. LODGE. No, Mr. President, it is not due to that, still less to any apprehension of war with any first-class power. I believe we need a Regular Army of 250,000 men for the proper and ordinary protection of the country and to meet just such difficulties as have occurred on the Mexican border, which hardly can be dignified by the name of war. I think that the Mexican

difficulty in which the President has been obliged to employ the Regular Army has shown the utter inadequacy of the force; that if trouble occurs on one of our frontiers like that we ought not to have such a small force that we have to strip every post and fortification on both coasts in order that the President may be allowed to have a reasonably defensive line on the border. There is no saving of money in it, as the Senator from Wyoming [Mr. WARREN] suggests to me. The transportation alone would be an immense cost. In other words, I believe we should have a larger mobile army for time of peace for all time. Troubles may occur to the south of us which will need just such a force.

Mr. STONE. If my friend has, it seems, therefore, no reason for apprehending any serious trouble with Mexico or, as he said, with any great and important power, to what use would we put that Army of 250,000 or 300,000 men in actual necessary activity?

Mr. LODGE. Mr. President, the Mexican situation is what the Senator knows it to be. I think the President ought to have had enough troops at his command under the conditions which arose and the expeditions he thought ought to be sent to send a proper force of men into Mexico and at the same time have defended the border without finding it necessary to strip all the other posts in the country, which ought not to be stripped, of the Regular troops. You can not call out the National Guard to relieve them on the border, because they are needed for the protection of the States, which are exposed by the removal of the regulars.

Mr. BORAH. Mr. President——

Mr. LODGE. I yield to the Senator.

Mr. BORAH. In this connection I will state that the President said in his speech at Kansas City that he did not have a sufficient force now to protect the border between Mexico and the United States.

Mr. FALL. Mr. President, will the Senator yield to me?

Mr. LODGE. I yield to the Senator from New Mexico.

Mr. FALL. Has the Senator any knowledge as to whether the calling out of the National Guard from the States of Texas, New Mexico, and Arizona has, in the opinion of Gen. Funston, provided the additional number of troops that he needs there now or has the Senator any knowledge as to whether Gen. Funston did call for more troops?

Mr. LODGE. I have no knowledge of what Gen. Funston has demanded or asked for.

Mr. FALL. Does the Senator——

Mr. LODGE. One moment. The Organized Militia of New Mexico and the Organized Militia of Arizona are less than 1,000 men. The Organized Militia of Texas, in round numbers, is 3,300 men. I say this without having seen Gen. Funston's statement. I believe it is totally inadequate to relieve the Regular troops which he ought to have at his disposition as a mobile force.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. I am yielding to the Senator from New Mexico.

Mr. LEWIS. I apologize to the Senator from New Mexico. I thought he had yielded the floor.

Mr. FALL. Then, again, I notice in the papers this morning a telegram published addressed to one of the Senators from Arizona stating that there are no troops west of Nogales or east of Yuma along the national boundary line, and there are 2,500 American citizens living along this line who are subject to attack at any time by marauding bands.

I can say to the Senator, further, from my personal knowledge, that at the time of the attack on Columbus, N. Mex., there were no troops between the city of El Paso and Columbus, 73 miles, except those immediately patrolling the border within 3 miles above El Paso; that there were no troops west of Columbus for thirty-odd miles on the Mexican border, with the exception of a portion of the Columbus garrison stationed 9 miles west; and that there were no troops from Huachita for 40 or 50 miles or 60 miles west to Douglas; that there were no troops from Douglas west except five or six men at Osborne Station; that there were no troops at Hereford ranch, and marauders had crossed at that station and ranch 27 miles west; that marauding bands had come across there and had been chased back both before and subsequent to the attack upon Columbus; that there were not sufficient troops to comprise any patrol whatever along the border; that the border has not been patrolled; that there were no troops from Douglas to Fort Huachuca 50 or 60 miles; that there were no troops from Fort Huachuca to Nogales; that there were no troops west of Nogales to Yuma.

Mr. SMITH of Arizona. If the Senator from Massachusetts will pardon me, I will state that I was at the War Department this morning, as I have been on a good many mornings, and I find that there was a dispatch received there this morning from the station at Yuma. I am waiting for information from the department about the situation at Nogales.

Mr. FALL. Undoubtedly.

Mr. SMITH of Arizona. I was at the department for the purpose of attempting to get a greater force along the line between Nogales and Yuma. There are settlements along there. I have no doubt the department appreciates the condition, and they promised to do what they could.

But I will not take my seat without saying, with the Senator's further permission, that there has been from the start and is yet a condition along that border that should have been met with a sufficient force. They have not had it. The people have not been protected as they deserve to be protected. I have done whatever I could, and from the reports received by the department I have learned the disposition of the forces there under the direction of the military authorities having immediate control of the position. I am saying this not in justification of the conditions there but in the line rather of the argument the Senator from Massachusetts is making, that there has not been the protection that ought to have been accorded to the border. I had hoped to see not only those homes but every home on that border protected so that the wives of the settlers can go back to their homes.

Mr. FALL. I think the Senator and myself do not disagree at all. We are in thorough accord. I have named some of the places that he has named at which troops are stationed. I will ask the Senator from Arizona how far it is from Yuma to Nogales?

Mr. SMITH of Arizona. I should guess it is about 250 miles.

Mr. FALL. There are no troops along the border between those places?

Mr. SMITH of Arizona. No; and there are few settlers. There are none toward the extreme western end, but there are settlements in the south Pima country.

Mr. FALL. I am asking about troops. There are no troops between Yuma and Nogales?

Mr. SMITH of Arizona. There are no troops—that is, there were not this morning—between Yuma and Nogales.

Mr. FALL. My information was obtained from a recent trip of 450 miles by automobile made by myself from the points I have named to the points I have named directly along the border. I could give the number of troops who were at that time stationed in different places. There are not enough troops to patrol the border.

Mr. SMITH of Michigan. If the Senator from Massachusetts will permit me, I should like to ask the Senator from New Mexico if he has heard, either officially or otherwise, that just prior to the attack on Columbus the officers of our Government were warned of that attack; that the department had information several days before the attack?

Mr. FALL. I do not intend to enter fully into any matters of that kind now. I interrupted the Senator from Massachusetts only to draw out facts and to add the additional information. I will reply to the Senator's question at some other time—not in the time of the Senator from Massachusetts.

Mr. SMITH of Michigan. I think I will say this in the Senator's time, if he will permit me: I understand that to be the fact. I think it ought to be inquired into. I think the War Department ought to be interrogated as to whether or not they had that information in advance of the attack on Columbus.

Mr. FALL. I think that is a perfectly proper subject of investigation.

Mr. President, one more suggestion to the Senator from Massachusetts. In the southern portion of New Mexico is the Mesilla Valley, which contains an agricultural population of about 15,000 people. It is on the Rio Grande, running toward the border. One-half of the population possibly are native Mexicans, loyal citizens, but among them recently have been fugitives from Mexico, from every faction. Gen. Mercado, Gen. Castro, and Gen. Avila, of Villa's army, have recently settled there and acquired property in that valley. Each of them has followers who have been brought from old Mexico. Gen. Avila, just recently from Villa's command, has 90 men of Villa's ex-soldiers within a few miles of Las Cruces, as prosperous a town as can be found in the Southwest, and since the calling out of the National Guard four to seven companies of home guards have been organized, who, under their own officers and at their own expense and at the expense of the people of the Mesilla Valley and the immediate vicinity, night and day are protecting their own people.

Mr. LODGE. Mr. President, the statements of the Senator from New Mexico and the Senator from Arizona have vividly illustrated the point I have been trying to make. If the President had had ample troops, sufficient men, and had failed to protect the border he would have been much to blame. But he

has not had the troops. Our total mobile army is 25,000 men, in round numbers, and he had to protect that great border and send an expedition over. He has been taking away even the Coast Artillery, and that ought not to be done. It ought to be possible for us to have a mobile army of reasonable size that we can move to any point where there is trouble of any kind without taking our soldiers out of our great coast defenses, which ought never to have their garrisons diminished in that way.

The point I wish to make is that it was in the presence of facts like these which have been described here this morning that the House of Representatives, without regard to party lines, I will say, if Senators are sensitive about it, voted down the proposition to make the Army what it ought to be in time of peace. We are lucky to have gotten what we did.

Mr. President, to my mind the best feature of the bill as it left the Senate and the best feature of the bill as it came out of the committee, for we owe the clause to the committee, was section 56. Through that clause and through that clause alone, in my judgment, were we able to get a sufficient reserve of United States volunteers, allowing everything that can be done in the direction of the National Guard, and I am not disposed to underrate it at all. We still needed some source from which we could draw trained men in an emergency to call them to the colors in support of the Regular Army. It was the best thing, in my judgment, in the bill.

Mr. LEE of Maryland. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. I yield.

Mr. LEE of Maryland. I should like to ask the Senator what reason there can be why any patriotic American citizen desiring to qualify himself as a soldier for the defense of his country can not qualify as a member of the National Guard under the provisions and regulations that the bill provides?

Mr. LODGE. I will tell the Senator of one especial class. Now, I am not saying whether it is a just view or an unjust view that they take. Organized labor, union labor, with great bodies of men belonging to them, are not willing and do not join the National Guard. They would contribute their proportion to United States volunteers. I think that all classes ought to share in the defense of the country. That is one class which could be obtained that would not be obtained from the National Guard, in my opinion. But why can they not both go together? Because I want to make as strong a reserve as I can to put behind our Regular Army, one that can be quickly mobilized in its support, I do not find it necessary to destroy the National Guard, and why should the National Guard, or those who represent a portion of it, find it necessary to destroy other methods for providing for the defense of the country?

I am happy to say that some of the National Guard in a number of States, and in my own State, declined to have anything to do with that sort of business, and would themselves prefer to be United States Volunteers; but I do not want to attack or to injure any method of strengthening our defenses.

Of course, when section 56 went out of the bill the Plattsburg camp went, too. I am happy to say that our conferees succeeded in agreeing on a clause which enlarges, as did the amendment I proposed, the scope of section 82 of the original House bill. Under that section the United States is now to take these camps, known as the Plattsburg camps, to give them recognition, to take them into their own hands, and to give transportation, subsistence, and equipment free.

I had a clause in my amendment to pay for the month's service the rate paid to an enlisted man, but that the conferees dropped out. It is not the most important feature, but I think it is very important not to have these camps depend exclusively on men who can pay their own expenses. This enlarges it and democratizes it, and will bring in a great many more men than went in before.

I am told that there are already 200 men a day signing the agreements in New York to go to camp. It is stated that, if this bill becomes a law with that clause in it the number will rise to 400 a day, and that employers generally are making arrangements so that their young men, without loss of pay or loss of place, can go to the camps.

Mr. President, if I thought that we could get a better bill by sending this report back to conference, I should vote against the report. I believe, however, that doing so might result in the defeat of the bill. I do not think that anyone who is in favor of preparedness—I dislike the word—who is in favor of proper national defense, can afford to defeat this bill, inadequate as it is. It does make some great improvements, and, therefore, the report will pass without opposition from me.

I desired, however—and I have taken more time than I had intended—to point out as clearly as I could that as now framed the bill is insufficient and inadequate, and that if this country is to be properly defended on land we must make up our minds to take further steps to greatly enlarge our military resources.

Mr. LEWIS. Mr. President, any Senator with the influence of the Senator from Massachusetts [Mr. LODGE], whose standing is such as that of the Senator from Massachusetts, rising on this floor and giving expression to any views, is taken as speaking—and I should like the Senator from Massachusetts to remain on the floor for a moment, if he finds it agreeable——

Mr. LODGE. I have been called from the Chamber by a matter which I allowed to wait for some time, though I should regret not to hear what the Senator is going to say. Of course, I will remain, however, and let my engagement wait.

Mr. LEWIS. I was proceeding to say, Mr. President, that Senators occupying positions such as the Senator from Massachusetts occupies can utter nothing on this floor that will not be taken by the country as meaningful in all its expression, and wherever capable of a construction against the administration or against the President, such will be adopted by those agencies which legitimately have a right to assail the administration because of their different point of view.

There is before the country at this time, and uppermost, the question of national defense. The construction and size of the Army is one that engages the attention of the country, and all the accomplishments of this administration in matters of civil affairs are subordinated to the single matter of Army and Navy. All the achievements of the administration in behalf of the people on one side of the political contest are purposely lost sight of, that they may be dwarfed and hidden from their effect, and the effect upon the people lost to their consideration. The matter of national defense is brought uppermost always.

Then, in connection with this, is the attack made upon the Democratic administration alleging that it has failed, and is now failing, to provide this national defense; and our honorable opponents will be found in the convention that is soon to assemble in Chicago making an assault upon the Democracy on the ground that it has failed to provide national defense. There will be discovered from that assembly of gentlemen such astute, clear (?), and defined (?) party platforms as follows:

First. We condemn the Democracy for having failed to provide adequate national defense for the country at a time of its extremity.

Saying nothing as to what they would regard to be adequate defense or wherein the Democracy has failed.

Second. We condemn the administration of President Wilson for the confusing and uncertain and vacillating international policy, whereby it has failed to maintain the dignity of the country, yet unnecessarily insulting where it has not courage to assail, and so forth.

Something similar, in that definite (?), perfect, clear (?), and well-understandable set of doctrines, we will get from which any kind of construction by any voter can be drawn, any kind of meaning can be had by any man, particularly in those quarters where political support will be sought; any construction that may be at that particular time profitable will be urged as the meaning of the provision.

Therefore the statements of the Senator from Massachusetts that the President has not surrounded the border of Mexico with efficient defense will be taken as an indictment of the administration by the able Senator, charging it with a failure to perform the duty it owed to America in providing this defense.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. LEWIS. Does the Senator from Massachusetts rise to interrupt me?

Mr. LODGE. I do.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. LEWIS. I yield if the Senator rises for that purpose.

Mr. LODGE. Mr. President, I am sure the Senator from Illinois does not wish to misstate my position. I never blamed the President by a single word for his action in that matter. On the contrary, I said that if he had had sufficient men to give the border proper defense and had failed to do so he would have been to blame, but that he did not have sufficient men to do it, and, therefore, he was not to blame, but that Congress was.

Mr. LEWIS. Therefore I ask the Senator if he does not by that leave the impression upon the country that the failure of the President to supply those troops was due to the failure of the Democratic Congress—as it is in power—to provide him with force? I will ask the Senator if his charge in that respect is not susceptible of the accusation which is hereafter to go forth, that had the Democratic Congress supported a policy that gave adequate defense, or had there been soldiers provided by the Democratic Congress, the President of the United States could have given sufficient support to the border? I now ask the Senator if he will not say from his place that when the President of the United States came into power he found the Army in the exact deficient condition which the Senator has pointed out this morning?

Mr. LODGE. Why, Mr. President, a year ago, as everyone knows, the President was opposed to any increase in our national defenses, and he referred to all who suggested an enlargement of our national defenses as nervous and excited. Since then, I am glad to say, he has changed his mind, and he has been advocating national defense. I in no way brought any political suggestion into the remarks I made about the pending conference report; but if the Senator from Illinois thinks because I criticized the lack of sufficient forces now, that that is a criticism of the President, it is because he chooses to fit that charge on. I never had any such intention; but

Suspicion always haunts the guilty mind.

Mr. LEWIS. Yes; Mr. President, not only does "suspicion haunt this guilty mind," but this mind was guilty of suspecting the Senator of the real purpose which now he confesses, and that was that, by insinuation, he would leave the impression from which the press opposed to us could draw the inference of the accusation, and there, covering it by the artful manner of speech, could leave it open to the charge of being confessed by silence on this side. I purpose unmasking the Senator's mystery of words and revealing his real purpose—which is to aid his campaign in Massachusetts and draw upon the President a wrong judgment from the people.

Now, Mr. President, I then say that when this administration came into power it found the Army in the bedraggled and unprepared condition for national defense that the Senator from Massachusetts indicts; and this was after his party had been in power for 16 years, with the clouds of war hovering in the horizon of the world, warning our honorable opponents of just such conditions as have fallen upon this country from Europe and elsewhere; and during the administration of the party of the able Senator from Massachusetts the troubles to which the Senator from Arizona and the Senator from New Mexico have alluded from Mexico had broken out and continuously existed in Mexico and were constantly in process in Mexico. All this admonished those who were in power under preceding administrations of the necessity of increasing the national defense to meet the very conditions that have arisen in Mexico. If, sir, the failure to meet them is due to want of proper Army, it can not be justly charged by the Senator from Massachusetts, as he adroitly made the charge, to the failure of the President to send all these forces because they had not been provided by a Democratic Congress. It is perfectly apparent that the Senator intended to leave that impression, which could be used all over the country, when he must know, as know he does, that the preceding Congresses, through all the varieties of the administrations for which he spoke here on this floor, failed to make any provision such as the present Congress has made, or, indeed, made effort of any kind to remedy the conditions.

Therefore, if my able friend is sincere when he says he is not speaking from a partisan point of view, that he in no wise refers to partisanship, he then could go further and in frankness express the truth—that these conditions which he indicts were inherited by this administration, and that the President of the United States a year or more ago, when he opposed an increase of the Army until there appeared a necessity for such increase, was merely voicing the natural view of the American public: First, Mr. President, to call for armies before they were due or necessary was to unnecessarily alarm the country; second, it was to be misunderstood in Europe at a time when we were seeking by diplomatic arrangements to bring forth results through peace and quiet. To demand then an excess of armies would have been to appear to contradict the efforts which were being made by the President to establish through peace and diplomacy the results sought to be achieved.

Now, Mr. President, I want to call attention to the fact that, even if the Army had been increased to the full number which the Senator from Massachusetts would have, still I invite the Senator's attention to a more practical fact than the mere assertion of figures. I ask what method would the Senator from Massachusetts prescribe by which enlistments could be secured? As long as the present prosperity of the country produced by a Democratic administration has been so inviting to the ordinary boy on the farm, to the man in the factory, and to the citizen in the city, he will not give up from seventy to one hundred and fifty dollars a month to enter the service of his country, when she is not actually at war, for a net compensation that will not equal $35 a month. Secondly, what method will the Senator from Massachusetts suggest by which we will secure these extra enlistments to the full extent of any quota that might have been provided in actual figures in the bill? The issue, Mr. President, is not what numbers you provide, but what method shall you provide to obtain the numbers?

The able Senator from Massachusetts said that the National Guard does not serve the deficiency, but he admits that at this particular time the President was compelled to call out the guard and that the guard has been called out to perform border duty, indicating very clearly, Mr. President, that the assault made against the uses of the guard some weeks ago by Senators now falls to the ground as having been unjustified, for it is now seen that in this particular hour it is the guard that had to be resorted to as the only source of refuge and protection upon that border because of the failure of previous administrations to give us an Army to the number which the Senator from Massachusetts would have us understand is necessary, and for the absence of which he would by implication indict the Democratic administration.

Now, sir, as to section 56, creating a volunteer army, I am one of the Senators responsible for striking it out—that is, the Senator from Maryland [Mr. LEE] and I led, so far as you can use that word in this body of equality, the assault on the section—pointing out that its effect would be to destroy the guard's usefulness, creating no force in its place, and suggesting other reasons which, to our minds, appeared sufficient. Now, the Senator from Massachusetts says that had section 56 been left in the bill, his judgment is that the laboring men or the union men would have participated in it.

Mr. President, let me call to your attention a thought that it is important to consider. If union labor will not join an army in a State known as State guard, where they by their votes elect the commander in chief, the governor of the State, where they elect the mayors of the cities and sheriffs that call out the guard whenever strike duty is required in the cities, these voters practically controlling the officers of the National Guard through the election of those instrumentalities and naming the officers practically, how will you, then, ever obtain that class of men for a Federal army over which they have no control whatever by voice or by vote, and where there is not a dollar provided to pay them for the time taken from their work, and where they run the risk of losing their employment, their occupation? It is idle to make the distinction suggested by the Senator, because it must fall upon the mere suggestion of it. Therefore the Senator from Massachusetts can not successfully make his appeal to that set of young men in Massachusetts who expect, perchance, to avail themselves of these camps this summer and in the coming fall, and who would feel kindly to the Senator in his election because he appeared to espouse their particular cause. It was upon my motion in this body, coupling my efforts with those of the Senator from Massachusetts, that has given the provision now in the bill establishing training camps in the United States.

Mr. President, I indulge these observations because I could not allow the insinuating and artful suggestions of the skillful Senator from Massachusetts to go forth to the public for the uses he intended them without their being replied to by one of the many who saw the purpose, and must contest it while they deny that it was proper in its place or just in its accusation.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

Mr. BORAH. Mr. President, I will not delay the Senator in charge of the conference report a great while. I can imagine his desire to be rid of the task which has devolved upon him for so many months, and which he has taken care of with such remarkable industry and ability. But before the conference report comes to its final disposition, I want to make such observations as seem to me to be justified, if not required, by the situation.

In matters of legislation ordinarily it is a wise rule to accept a half loaf when you can not get an entire loaf. As stated by the Senator from Georgia [Mr. HARDWICK], we can not have just what we want in legislation, and where there are a number of men holding diverse views there must necessarily be some compromise in the final results. I am fully aware that the Senator from Oregon and his associates upon the conference committee have labored earnestly and patriotically for as good a bill as could be possibly obtained under the circumstances, and it might very well comport, it would seem, with our duty to simply vote for it and pass on. If it were a mere matter of commendation of the earnest efforts and labors of those who have had charge of the measure, both in the committee and in conference, I would unhesitatingly do so. But that is not all there is to it. There are some things in the report which seem to me not only undesirable but pronouncedly bad. I understand, of course, how this report was brought about, and in

criticizing the report I do not feel that I am criticizing the conferees. I would be, in my judgment, better prepared to vote for this bill if it represented the real views of the conferees of the Senate. To my mind the step we are about to take is a step in the wrong direction, and I am not willing to take it without the RECORD speaking my sincere views in regard to it. If it were a step in the right direction, but a step which seemed to me not to go far enough, I would be content to await the future and go the rest of the way later. But where the step seems to me to be in the wrong direction I feel that the challenge should come now, and in a positive way. What I say will not, I apprehend, affect the result as to the report, but it will at least leave the record in such condition that it can not be said in the future that this legislation was initiated without objection.

The first objection I have to this bill is the one to which the Senator from Illinois [Mr. LEWIS] has just referred, and which I think is more serious than the Senator from Illinois would seem to think. There is no place in this bill, in my judgment, for the large body of men in this country who are known as union-labor men. They can not join the Regular Army and remain in the field of labor, and, from their viewpoint, they can not join the militia and remain laboring men. Mr. President——

Mr. LEE of Maryland. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. In just a moment. They have it within their power, of course, in the militia to select their officers, and so forth, as said by the Senator from Illinois [Mr. LEWIS], and in that respect it would, upon its face, be an advantage. If there were no other reasons, if there were no duties connected with the militia which would overbalance that, it would undoubtedly be a controlling influence in the mind of any man who desired to become a part of a military organization; but, as I ventured to say some weeks ago in the discussion of this matter, so long as the National Guard or the State militia can be utilized and so long as it is more and more used for strike purposes, and as the police force of the State, it stands to reason that no considerable portion, in fact a very small portion of the laboring men, will ever give it their consideration or support. They will not join an organization which may the next day be called into service against either themselves or their fellow workmen. That is one of the strong objections to the National Guard being organized and federalized as it is here sought to do. It can never be made into an effective military organization.

I yield now to the Senator from Maryland. I did not intend to keep him waiting so long.

Mr. LEE of Maryland. Mr. President, I wish to ask the Senator two questions, namely, Does he feel that organized labor is irrevocably and permanently committed to the idea that all of its agitations and strikes must be conducted upon an unlawful basis? That is question 1. Question 2 is this: Even if that were the case, does not organized labor and does not every person who thinks at all realize that all military force is per se a police power in the ultimate analysis, and if the local police is overcome by any form of disorder the militia are called upon; next and inevitably the standing Army of the United States would be called upon; and that from the standpoint of order it is simply a question of detail and not a question of principle; and whether or not really the Volunteer Army, or any other form of military power, is not necessarily available for the preservation of law and order in the country; and whether labor organizations do not realize that they must recognize that law and order will prevail in this country, and that their proceedings had better be upon a lawful basis as American citizens?

Mr. BORAH. Mr. President, the first question of the Senator from Maryland assumes that the laboring men of this country are committed to the proposition of accomplishing their purposes and designs through lawless methods.

Mr. LEE of Maryland. I asked the Senator if he thought so.

Mr. BORAH. I do not think so. There are always lawless individuals in every considerable number of men, but the great body of laboring men of the country are committed to no such doctrine as that of accomplishing their designs and purposes through lawless methods. There is one thing that the laboring man contends he has a right to do, and which I presume no one in this country would deny him the right to do, and that is to strike, to quit work. The difficulty has been, and the experience which we have had in many States is, that those in power do not wait until there is such actual demonstration of lawlessness as to necessitate the calling out of the State militia; but it has come to be the practice—and it is growing more and more so each year—that immediately upon a strike being called a military force, so near at hand and so ready to be used, is called in for the assumed purpose of maintaining law and order; and time and time again the lawlessness began when the military force was called into action. Now, I would be far from defending lawlessness, but I maintain laborers have a right to quit work. And, moreover, I contend that if they be guilty of lawlessness they are to be tried and acquitted or convicted according to the established law of the land and in the common-law courts of the country, and not by improvised court-martial tribunals. It is not a question of lawlessness against which we are all arrayed, but a question of whether, if lawlessness does occur, the guilty ones shall be proceeded against according to the spirit of our institutions or the spirit of military despotism.

The second question is, Will not the Regular Army be called into service in the matter ultimately? Undoubtedly that may be true, but the Regular Army will not be called into service in such cases in such a way or with such readiness as the State militia has been called. There must be a distinct showing upon the part of the governor of the State, the State authorities, that the State authorities as such, their sheriffs and their deputy sheriffs and the forces of the State represented by the civil authorities, have failed to maintained law and order; and when that showing is made, then the President must pass upon the question of whether or not the showing is sufficient, and it is very rare indeed that the Regular Army is called into action in any instance in these cases except where there is unquestionably an absolute necessity for it. And in no instance has the Regular Army improvised court-martial and tried the civilians. The Regular Army polices the situation.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. BORAH. I yield to the Senator.

Mr. CHAMBERLAIN. I want to call the Senator's attention to section 54 of this bill, in view of the fact that the Senator has expressed it as his opinion that there is no place in this bill for the laboring man or for those who are opposed to the National Guard. If the Senator will analyze that section, he will find that under the powers therein conferred the President can organize the force there provided for almost as efficiently as was done under section 56 as it was originally drawn. So it will be seen there is provision for all of those to enlist in the volunteer force for instruction and training, and their transportation and uniforms are all paid for by the Government of the United States.

Mr. BORAH. The Senator is much more familiar with the details of this bill than I am. I have only had since yesterday to study the report.

Mr. LEE of Maryland. I will ask the Senator whether they get any pay?

Mr. CHAMBERLAIN. No.

Mr. BORAH. I am exceedingly glad to know that there is some provision in the bill which looks in the direction the Senator says; but, as I have understood it, section 56 and all kindred principles had been eliminated from the bill.

Mr. CHAMBERLAIN. I will say to the Senator that section 56 was eliminated in conference from the bill: That section provided for the organization of a volunteer force, under the volunteer act of 1914, which could be used only in time of war. We made it applicable under the Senate bill in time of peace. But in eliminating that section we agreed upon a plan which was submitted to the House by those who wanted to organize a volunteer force for the purpose of training, and strengthened it by not only paying their transportation but by giving them uniforms and subsistence, so that it does not differ very essentially from section 56 in many of its particulars.

Mr. BRANDEGEE. Mr. President, let me ask the Senator from Oregon a question. He does not claim that under section 54 there is any chance for anybody to enlist in any way and become a part of the Army of the United States, does he?

Mr. CHAMBERLAIN. I think so. I will call the Senator's attention to it, if the Senator from Idaho will pardon me just a moment. The Senator will notice that in the very first part of the section it provides that—

> The Secretary of War is hereby authorized to maintain, upon military reservations * * * camps for the military instruction * * * of such citizens as may be selected for such instruction and training upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War.

So it does seem to me that the Secretary of War could prescribe the same terms of enlistment and the same terms of discharge and practically organize that as a volunteer force.

Mr. BRANDEGEE. But, Mr. President, does the Senator claim that they are then enlisted as enlisted men in the Regular Army of the United States and subject to be ordered out of the

country, because they enlist to go to one of these training camps for military instruction?

Mr. CHAMBERLAIN. I would not like to say what construction would be placed upon it by the authorities; but I believe that with the power that is given under that section these men could be, to all intents and purposes, enlisted in the Regular Army.

Mr. BRANDEGEE. If the Senator will pardon me, of course I will agree with the Senator from Oregon that under section 54, if the Secretary of War prescribes that nobody shall attend one of these training camps unless he does regularly enlist as a soldier of the United States and become a part of the Regular Army, then the Secretary of War can increase the Regular Army indefinitely by mere regulations; but it had never occurred to me, in the casual reading I have given that section, that that was the intention of the conference committee.

Mr. CHAMBERLAIN. The Senator from Mississippi [Mr. WILLIAMS] suggests that I used the words "Regular Army." I ought not to have said "enlisted in the Regular Army," but "enlisted in the volunteer force," practically as was provided under section 56.

Mr. BRANDEGEE. Does the Senator mean that the man who goes to one of these training camps for a month or two during the summer to get some knowledge of military tactics, as they did at the Plattsburg Camps, is then enlisted in the volunteer forces of the United States and occupies the same status that he would if section 56 had passed, which provided that the act of April 25, 1914, should apply in times of peace as well as in times of war?

Mr. CHAMBERLAIN. I am not prepared to say, Mr. President, just what the effect of that would be, but I am inclined to think that by putting restrictions around this provision, as the President is authorized to do, it can be made almost as effective as section 56 under the former bill.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. NEWLANDS. I call the attention of the Senator from Connecticut and the Senator from Oregon to the fact that these camps are organized for instruction and training and not for service, and that the enlistment referred to seems to be for instruction and training and not for actual service.

Mr. BORAH. Mr. President, the discussion leads me to conclude that I was not greatly in error in the inferences which I had drawn from the provisions of the bill as reported by the conference committee. But my objection to this whole proposition of federalizing the National Guard is not to be confined to such objection as I have just made. I think there is a more profound and far-reaching question involved in it, and it seems to me much more extensive in its bearings than we have yet been willing to concede. I feel now that it is more far-reaching than we are permitted to concede. There is an exterior restraint about this whole matter that is repulsive to contemplate.

I called attention the other day to the tendency in this country during the last 10 or 15 years to call into service upon the slightest excuse the State militia or the National Guard in these strike matters, matters which generally have been heretofore settled without the interference of military authority. I called attention to the tendency which had developed of late years, and especially since we had undertaken in a measure to Federalize the National Guard some 8 or 10 years ago. The military force is there; the military organization is at hand; and it has seemed to me that by reason of its readiness and nearness at hand the governors of the States have developed a marked tendency toward calling them into the service, supplanting the civil authorities and taking the place of the civil courts and the civil forces, without in many instances any reasonable justification at all.

I am not again going to review those instances; but I do want to call the attention of the Senate, and especially the attention of the Senator from Maryland [Mr. LEE]—who is so thoroughly in earnest, and no doubt conscientiously of the belief that this is a proper measure—to the fact that I am familiar with one instance in which the State militia was called into action, wherein it was found, after they had been called into action, that the captains and lieutenants and colonels and officers of the guard were practically all upon the pay roll and in the employ of the companies against which the strike was proceeding. It transpired in that instance that practically the entire control of the State militia was a part of the employment and a part of the pay roll of the corporations against which the laboring men were making their contention. It resulted in one of the most disgraceful episodes that has characterized this entire matter from the beginning. It naturally followed that it would be so, because those who were interested financially, with their prejudices and their interests aroused, were the parties who, under military organization and military authority, had the right to act as otherwise they would not have had.

Since we discussed this matter a few days ago, other incidents illustrating this tendency have arisen. In one State, upon what seemed to me very slight provocation, the State militia was called into action again. It is true that they did not proceed so far as to wholly supplant the civil authorities or the civil courts; but it discloses how ready we are in these days to revert back to the use of absolute power when the instrumentalities of absolute power are so near at hand and so easily called into action.

I also called attention in the recent debate to some precedents in English history as to this struggle against the use of arbitrary power and the supplanting of the civil authorities and the civil courts by military trials and military tribunals. I referred to the historic incident far back in 1322, when the Earl of Lancaster was arrested at the head of his troops, court-martialed, and executed, and that after his execution the members of the court-martial, the officers who composed it, were tried by the English courts and executed for murder. The Parliament, upon that occasion, declared that when the civil courts were open the realm was at peace, and there could be no justification for invoking the military authority and trying men through court-martial proceedings. I refer to other instances now, to refresh our memories as to how rigidly in these past years that nation has enforced the subordination of the military to the civil authorities. In 1782 Joseph Wall, governor of the British colony in Africa in command of troops, suspecting a mutiny, caused one Armstrong to be stripped, tied to the wheel of an artillery carriage and whipped with a rope. Armstrong died because of his injuries. Afterwards Wall was tried for murder in the courts of England. Some of the greatest of English jurists presided at Wall's trial, and it was held that he was guilty, notwithstanding the fact that he claimed that mutiny prevailed, that rebellion was in progress, that the laws were defied, and that the only method by which he could summarily administer justice was through his arbitrary punishment by military methods. But the court rejected his plea and held him responsible.

Alfred the Great, that marvel of intellectual power and indomitable courage, far back in the history of England, caused to be executed 44 judges because they denied his subjects a trial by jury. It is now nearly a thousand years, until very late, since anyone with success undertook to deny a man the right of trial by jury in England.

Strafford, when lord lieutenant of Ireland, caused Staremont to be tried by court-martial and put to death. His plea was insurrection, rebellion, necessity, and self-preservation. But this was one of the things for which Strafford was afterwards tried, condemned, and executed as a traitor to the institutions of his country.

Lord Brougham, in discussing the validity of the trial before a court-martial in British Guiana in 1824, said:

> No such thing as martial law is recognized in Great Britain, and courts founded on proclamation of martial law are wholly unknown.

In view of these precedents and of this long, noble struggle against arbitrary power, with what profound regret we read of these midnight judgments of the court-martial sitting at Dublin. It was a surprise, it was a shock to see this flagrant use of arbitrary power—this indiscreet, short-sighted, unnecessary use of the tyrant's court. It was in violation of England's best and noblest traditions, in contravention to the great, underlying principles of her venerable institutions, and in defiance of sound statesmanship and the higher concepts of a Christian civilization.

It is no part of our concern as to the punishment other nations administer to those who offend against their peace. Certainly we would not assume to sit in judgment upon the action of the established tribunals of other nations. But it was supposed, sir, that certain great principles for the determining of guilt and the administering of punishment had through these long struggles of the human family been established. It was therefore discouraging to see a great nation relapsing into the practice of the most absolute of Governments. It was unwise, it was unjust, it was a distinct retrogression of six centuries. It was a deed of folly. It was a stupendous blunder. It will compromise England's good name more than the story of the Dardanelles or any other misfortune of this war. It insures to England countless generations of hatred. And it all serves to warn us how difficult it is to establish the great principles of justice and humanity, how arduous is the task of building up institutions which will administer the established law to all alike. And, moreover, how easy it is, how very easy after great principles, through long sacrifice and time, are established and

great institutions of justice are built up to destroy them and tear them down in a single night. Verily has it been said that eternal vigilance is the price of liberty.

I am warned by these regrettable and unhappy instances, both those which have transpired in our own country during the last few years and those which have occurred of late in England—two great English-speaking nations devoted to representative Government, devoted to principles which the saints of liberty have sacrificed and died to establish—I am warned, I say, how easy it is to relapse and hasten on the back track to the old, brutal, cowardly, cruel days of arbitrary power. I do not want to take any further steps in that direction. I do not want a tremendous organization actuated by the spirit of militarism, on the one hand, and conscious of its political power on the other combining both for every emergency in its own interest fastened upon the taxpayers of this country. I want to know before I take the first steps where the last steps are going to lead. Arbitrary power is the besetting sin of all nations. It seems to be in the blood, and though for years it may not reveal itself, upon some untoward occasion it breaks out, as it has in Dublin, in all its hideous, repulsive, and hellish deformity. I do not want to feed this spirit. I do not want under the guise of preparedness to foster the feeling of contempt for civil government and civil courts which has been manifested so much of late. It is easy to have a Republic in name and have a despotism in fact, and where men are tried in times of peace and while the civil courts are open by military authority we have in fact a despotism under whatever name it may pass among men.

Let me here, so appropriate at this point, call your attention to a minority report upon this very subject which was filed in another branch of Congress no more than four years ago. I call attention to it, not for the purpose of involving anyone in a contradictory position, but because it contains, in my judgment, such sound principles that it ought to apply to any party or any administration and have weight in any legislative body.

You will remember that in 1912 we had before Congress what was then called the militia-pay bill, much less important than this in its aspect and in its largeness and in its comprehensiveness. Upon that a minority report was filed in the House of Representatives. This report, representing the views of the party now in power, says:

The proponents of the measure estimate that the amounts to be paid under it annually to each militiaman will range from $100 to $300 for officers and from $45 to $225 for enlisted men; also that, with existing militia organizations recruited only to the minimum prescribed strength, the total annual expenditure for militia pay may be $9,234,729, which, added to the more than $5,000,000 that the advocates of the measure say is the present annual cost of the militia to the United States, will entail upon the General Government a total annual expenditure of between $14,000,000 and $15,000,000 for militia purposes.

Four years ago the ambition of those who represented the militia and the National Guard was content with an expenditure of from fourteen to fifteen million dollars a year. This report very properly says that if that amount is expended, it will be but a short time until it is trebled or quadrupled. Now, within the space of some three and a half or four years we have not only enlarged very much the pay of officers, but we have enlarged the total expenditure to a point where it runs from somewhere about forty-five million to sixty-five million dollars a year.

This report further says:

And this will be the cost at the very beginning of the operation of the proposed law, and it affords no indication as to the enormous increase that will inevitably occur later by reason of the increase in militia strength, which it is the plain purpose of the pending measure to bring about, and which can and will be brought about without any additional legislation whatever by Congress if this bill shall pass.

Childish must be the credulity of him who can bring himself to believe that the militia will rest content "with any such reward or compensation" as that proposed by the pending bill, or that, if the bill becomes a law, Congress can successfully resist the tremendous pressure that will certainly be brought to bear upon it for more and more legislation of the same kind. The appetite for pabulum from the Public Treasury grows by what it feeds on, and so does the political strength of the possessor of such an appetite if that possessor happens to be an organizable body of men with widespread political and social affiliations.

I think, Mr. President, regardless of who the author was, or where it came from, that that must appeal to the judgment and the good sense of every man in the Senate. When you have an organized or an organizable body whose strength is accentuated by reason of its additional pay from the National Treasury, whose strength is accentuated by reason of its political influence, aside from its military influence, there is no limit to the demands which it may ultimately make. And when we reflect on what 125,000 men have already done in the way of molding public sentiment and public opinion, we can form some crude estimate of what 425,000 or 500,000 or a million men may do in the politics of the country in the future.

Again, this report says:

What may be expected of a widespread military organization, such as the Organized Militia, composed, as it is, of active, intelligent, and aggressive young men, every one of whom is a voter fully alive to his own interest and that of the organization to which he belongs and all of whom have such business or social relations as to make their combined influence very formidable politically? They are fully conscious of their power even now, and their representatives who, in support of the pending bill, have appeared before committees of Congress and have approached individual Senators and Members have presented and pressed their arguments in a confident and aggressive manner.

If this bill becomes a law it will confirm them in their estimate of the political strength of their present organization and will encourage them to use it in support of the many demands that they will surely make for further legislation by Congress in their behalf, and their power to back up their demands will increase pari passu with the great increase in their numerical strength that it is the evident purpose of this bill to bring about, and it will undoubtedly take place under it, should it become a law.

The gift of prophecy is not needed to foretell the nature of the demands that will be made upon Congress for additional militia legislation if this bill is passed. First and foremost there will be insistent and persistent demands for more pay for officers and men, and every demand of this kind that is made will be followed sooner or later by others of the same kind, each being based upon the assertion, doubtless correct, that the constantly advancing standard of requirements of members of the Organized Militia compels officers and men to give more and more of their time to their military duties and less and less of it to their ordinary vocations. Then will come the demand, already voiced in some quarters, that the General Government shall assume the very great expense of furnishing and maintaining horses for Cavalry and Field Artillery and shall relieve the States of other and greater burdens, notably those of providing and maintaining armories, target ranges, drill, encampment, and maneuver grounds, and other necessary facilities, all of which but few, if any, of the States are able or willing even now to furnish to the extent of meeting the urgent needs of the present relatively small militia force, and all of which they will surely be far less able and far more unwilling to furnish to the extent required by the greatly increased force to which the door is opened by the pending bill.

Our population of more than 90,000,000 people will easily permit the expansion of our militia to more than a million men. With the same ratio of expense per man that this bill and existing laws permit the annual cost to the taxpayers would be $116,000,000. An officer of the National Guard has been heard to say that in a few years the yearly cost for maintaining the militia will be $100,000,000, and after making that statement he added, "But what of it?"

As the militia increases in numerical strength, so also will increase its power to influence the policy and legislation of the various States as well as of the Nation. It may be confidently expected that after it has been found that the General Government can be induced to bear an additional share of the burden of supporting the militia the States will not only shape their policy and legislation with a view to inducing or compelling the United States to shoulder more and more of that burden, but will actively support their militiamen in concerted efforts to obtain for themselves, at the expense of the General Government, more and more benefits in the shape of pay, allowances, quarters, retired pay, and pensions, all gradually approaching and perhaps finally equaling those allowed to officers and enlisted men of the Regular Army.

I quote further from this well-drafted report. It is even more applicable now than then, for subsequent events have justified the gravest fears then entertained.

The minority making this report is convinced that the legislation proposed by the pending bill is not only unwise but that it is dangerous in the extreme. Rather than enter upon a legislative course that will inevitably entail upon the General Government an enormous expense, which may be found in dire emergency to have been wasted, a course that will surely lead to the creation of a great military force that will become so powerful politically that Congress will be no more able to resist its demands than it has been to resist the demands of the far less compactly organized and manageable army of pension applicants and their friends, this minority would favor a reasonable increase of the Regular Army, leaving the States to maintain their own troops in their own way and at their own expense, without any aid whatever from the United States. Objectionable as such an increase of the Regular Army would be, it would have the merit of assuring us the possession of an armed force that in time of war would by its persistent training be worth all of its cost, which undoubtedly would be cheaper in the end than the cost of the great semimilitary, semicivil organization, wielding tremendous political power, that will grow up as surely as the sun will rise and set if the course of legislation outlined by the pending bill is once entered upon.

It now costs more than a thousand million dollars a year to support the Federal Government. Measures are pending before Congress, or being investigated by committees, which if approved will add hundreds of millions to the annual toll exacted from the taxpayer. Very few, if any, will cost more than the "militia-pay bill." None will cost more than the "militia-pay bill" if it shall develop as there is every reason to expect it will develop in a few years.

And there is more, discussing the different features of this proposed military organization four years ago. In so far as the writer undertook to prophesy or foretell what would take place, he has proven himself to be entirely accurate. He foresaw, reading well human nature, precisely what would happen. Give some power, and more will inevitably be asked. The writer was convinced they would not long be satisfied with $15,000,000 a year, and he was right, for in four years their demands have gone up to from forty-five to sixty-five or seventy millions a year, increasing four and five times the original demand. It has been stated since this debate began that our militia should be increased to a million men, which would make the burden upon the taxpayers at least $150,000,000 a year. Before men in this Congress retire from public life the demands will be made, and will be acceded to, even though perfect peace should prevail, to increase the appropriation to one hundred and fifty million a year.

This is in no sense, of course, a party question. There are men on this side of the Chamber just as enthusiastic in the support of this proposition as upon that side of the Chamber, and it can in no sense be a party question; but it is a governmental question. It is a political question. It is an exceedingly important proposition for us to consider as a people. Do we want to take permanently the step of placing some 425,000 men upon the national pay roll? Do we want to organize and enlist them and connect them with the National Treasury under the guise of preparedness and leave them as such a tremendous organization to spend one hour at drill and two hours in politics, as I shall later show?

So long as they are under the control of the States, so long as the States must provide for them, must pay them, and meet their expenses, the States can control them and keep them within reasonable limits and bounds. But when you place above and over them a greater power, a power to which they can appeal, and give them the influence which they have as an organized body of men, you are taking a step which, in my judgment, will be far more detrimental in the final result of things than will possibly come from any invading army of a foreign foe.

There is now but one kind of militarism to be feared in this country. The militarism of the standing army is in my judgment not nearly so serious as the militarism in Congress through the avenue of politics and which dominates legislation through its presence here in the Capital. There can be only one kind of militarism in our Republic, and that is the militarism which arises by reason of the combination of the military power and the political power. Men who are organizing as a military force but exercise their influence under their organization as a political force constitute the greater menace to our institutions. I have less fear of a standing army because the people are braced through inherited prejudices and beliefs, they are on their guard against it; but when you take an organization organized for military purposes and at the same time active through political channels and for political purposes, it becomes an organization subject to the direction and control of the political general who may best mobilize the forces. It is not the military general who will organize these military forces but the political general.

The old form of militarism, the man on horseback, the crossing of the Rubicon, the coup d'etat—these things are ancient and out of style and wholly behind the times. There is a more modern, a more subtle, a less risky, and less suspected method by which modern militarism under the guise of law and order, as in West Virginia, supplants the courts and tears down the guarantees of personal liberty. It subordinates the civil to the military authority as happened in the New York convention when the influence of the State militia defeated the proposed provision to the constitution providing a jury trial for civilians when the courts were open. Modern militarism dictates from the gallery here through its persistent and well-organized lobby what appropriations shall be made in its interest and on its behalf. It sends its generals and lieutenants here to the Capital, whose business it is to notify the constituents of each Senator and Congressman that their representatives assume some views of their own which are to be shortly and adequately changed. Why should men adopt the old method and risk life in an effort to subjugate a government or a country to their will when they can effectuate their purposes, fix the amount of the appropriation and shape the laws, set at defiance the courts and usurp the civil authorities, and do it all under the inspiring shibboleths of law and order, preparedness, and patriotism. This measure has been shaped in its most vital parts by a military organization exerting its political influence. It is fastening upon the people an exorbitant annual tribute of from forty-five to sixty million dollars a year, a tribute which Congress left to itself would not have contemplated for a moment, for Congress knows and everyone knows that it is not preparedness but politics. These statements seem harsh but they are really within the facts, and those who can reflect upon them without some misgivings as to the future are welcome to do so.

Mr. President, there is another feature of this bill. I stated in the debate when this matter was before us that there were State militias that were efficient, well organized, and capable, but when you take the 48 States for which we are covering, and take all the State militias together, there could not be a more pronounced travesty upon military preparedness than the 48 different militias of the different States.

During the debate upon his bill a few weeks ago a distinguished gentleman sat in the gallery who was said to be a major general in the State militia and directed the political forces toward the enlargement of this particular feature of the bill. It is perfectly safe to say that a more thoroughly organized, efficient, energetic lobby has seldom been seen in the Capitol than the one which backed up the building up of this National Guard proposition and dictated the most vital portions of the bill.

The evening the Senator from Oregon [Mr. CHAMBERLAIN] brought in his bill and explained it I submitted to him a few interrogatories, not indicating how or wherein I stood with reference to the National Guard, but they scented the opposition, and the next morning when I arrived at my office I found upon my desk not only telegrams from the majors and colonels and captains of the National Guard in my far-away State, but I found there telegrams from county chairmen, from commercial clubs, and other organizations. I was urged to support that which the major had informed them that I was opposing. It so happened that the major had permitted his telegram to be published in the papers at home, so I am not guessing. There was no doubt about where it, the motive, was located—here in the Capitol.

I have no doubt at all that that same thing occurred wherever there was found to be opposition. Was that the military power of this organization or was it political influence or political power? They were using their political influence and their political power in putting up and strengthening their military power.

I am going to read some reports in order to show the condition of the militia in the State of this gentleman who sat in the gallery and conducted this campaign for national preparedness. I desire you may see that instead of being here if he was anxious to put his troops in a condition where they might be of service he had far better been at home with his militia. These reports are from the War Department, dated April 20, 1916:

APRIL 20, 1916.

From: Department commander.
To: The Adjutant General of the Army.
Subject: Inspection, Organized Militia, 1916.

1. In connection with the reports of the annual armory inspections of the following militia companies of the Florida National Guard, viz, Company I, First Infantry, Tallahassee; Company L, First Infantry, Apalachicola, I recommend that Federal recognition be withdrawn for the following reasons: Incomplete records, bad condition of rifles, unsatisfactory storage of public property, and poor showing in general efficiency.

2. Attention is invited to my remarks on the subject of records in connection with the report on Company C, Second Infantry, Florida National Guard.

Again, April 20, 1916:

It is recommended that Federal recognition of this company be withdrawn on account of deficiency in strength, lack of records, very poor condition of rifles, unsatisfactory storage of public property, shortage of equipment, and poor showing in general efficiency.

Again, April 20, 1916:

TO THE ADJUTANT GENERAL UNITED STATES ARMY:

In view of the importance of records as a means of determining whether or not Federal recognition of an organization is justified, it is believed a company showing such disregard thereof as in this case should not longer be allowed to receive Federal funds. It should be a regulation of the Division of Militia Affairs that recognition will be withdrawn from any organization which does not show complete records bearing every evidence of genuineness and reliability. Also recognition should, as a rule, be withdrawn from any organization which shows for several successive years a large percentage of change in personnel for reasons other than expiration of service.

In this company 34 men have had less than one year's service; 28 have been discharged for reasons other than expiration of service.

The carelessness about records, the lack of protection of property against fire and theft, the poor condition of the rifles, unsatisfactory storage of public property, shortage of equipment, and the rating in instruction, which is poor to fair, mark this organization as unworthy of further Federal recognition.

These are regular reports. That which I have read is not all. There are other reports, equally interesting, applying to other States in the Union.

Mr. President, let me call attention to other reports of a different nature which I have, later reports than those which I discussed here a few days ago. They are in the RECORD, but I wish to call your attention to some figures. This is a part of the expenditure of Federal money from the six to eight million dollars which we have been expending for the last 10 years.

The amount paid to major generals, $355.55. This is the 1913 report.

To brigadier generals, $5,399.99; to colonels, $5,955.53; to lieutenant colonels, $3,723.63; to majors, $12,433.31; to captains, $29,047.95; to lieutenants, $14,091.98; to second lieutenants, $8,105.55; to enlisted men, $7,013.63. In other words, the total amount paid to officers was $79,093.48. The total amount paid to enlisted men was $7,013.63.

Mr. O'GORMAN. May I ask the Senator as to the number of enlisted men who got $7,000 between them and the number of officers who got the larger amount?

Mr. BORAH. I have not that information, Senator, but I made an estimate the other day of the number of enlisted men in the militia and the number of officers, and I found that there was about one officer for every six enlisted men of the National Guard.

Mr. THOMAS. Did the Senator notice the presence of any of the enlisted men of the National Guard in the lobby here about Washington?

Mr. BORAH. No. I was going to say this: Since this discussion took place a few weeks ago I have had a vast amount of correspondence—some of it unpleasant—in regard to the National Guard; but all I have had from the enlisted men was to the effect that if their lips were not closed by their superiors they would object to this bill. The men who will bear the brunt of the fighting, if fighting be done, are not asking for this legislation. It is an officers' lobby and not a lobby upon the part of the men who will be called on to bear the heaviest burden of war.

I submit, Mr. President, that this bill ought to go back to conference. If I could, I would like to send it there and keep it there until this feature is eliminated from the bill. We could not do our country a greater service than to prevent the establishment of this precedent at this time.

Mr. President, I have said all I desire to say. I will be charged with feeling, but I have never had an unpleasant relationship with a member of a militia in any way. With many of the individual members my relationship has been altogether agreeable. I look at this matter solely from the standpoint of good government, of justice to the taxpayers, and, I confess, a jealous and anxious regard for the great underlying principles of the wisest and best Government ever organized by the mind of man.

Mr. LEE of Maryland. Mr. President, I would like to respond very briefly, because this legislation will probably be enacted in its present shape, to some of the suggestions thrown out by the Senator from Idaho [Mr. BORAH]. The criticism made by these reports against certain companies of the National Guard of Florida significantly bear a date subsequent to the time when Gen. Foster was here in the interest of the National Guard. Of course it is a mere inference that he was thus attacked in the rear, but military strategy always justifies a rear attack. These criticisms mostly appear to be of a trivial nature, and are all of a kind that can be prevented when the National Guard are given some compensation for service. Gen. Foster was here very legitimately. He is the head of the organization of the National Guard officers of the United States. It was his duty to be here at this session of Congress, and he did his duty well. I am not willing to listen to indefinite and unjust criticism of these officers of the National Guard without resenting it, because, in my humble judgment, there is no more patriotic class of men in the United States than the officers of the National Guard. They deserve the thanks and gratitude of the country for long and faithful service, the cost of which they have largely borne themselves, rather than the condemnation of any citizen or of the able Senator from Idaho.

There is hardly one of these guard officers who has not lost by his association with the National Guard hundreds of dollars by reason of the expenses to which he is subjected, and the pay provided for them in this bill is scarcely enough money to compensate them for the expenses they are subjected to, not to mention their actual loss of time. These officers and these men have endured this loss for years, and they now come here, to the Legislature of the Nation, asking that they be relieved from loss for the future.

Mr. President, the other day some Member of this body praised the militia under Gen. Jackson, who so signally defeated the English at New Orleans, praised "the backwoods rabble," that was the term used before the fight by the English officers in describing Jackson's men, who in numbers only—5,000—defeated 15,000 regular British troops, these American militia accomplishing a complete victory by the use of arms of precision—that is to say, accurately firing the rifle—for the first time on a field of battle in the history of the human race. There was the beginning of a new form of tactics, the use of arms of precision on the battle field, and so great was the confidence which Jackson had in the capacity of his men to use their arms with precision that he caused the artillery to stop firing when the British were still beyond the range of the rifles, in order that the damp, heavy air of that morning should not hold on the field the powder smoke of cannon and interfere with his men using accurately the rifles with which their commander believed them capable of inflicting destruction upon an enemy.

Mr. President, that "backwoods rabble," so called by the British, were for the most part disciplined militia, and they inflicted an unparalleled defeat upon the most highly organized troops of Europe of that time. A dozen Americans were killed and wounded. The English losses were over 3,000.

But it did so happen that on the other side of the Mississippi River a small group of the American militia, the least disciplined and poorest armed, were met by a larger number of British, some thousand British sailors, marines, and infantry, under the command of Capt. or Col. Thornton, against about 700 militia from Kentucky and Louisiana. Gen. Jackson had to use his best and largest forces against the main body of his enemy.

I think it was the Senator from Idaho who, when the great victory of Jackson's militia army was praised here the other day, commented upon this side affair, the slow retreat or withdrawal of this small body of militia on the other side of the Mississippi, as practically showing that militia are unreliable under general circumstances and as neutralizing the glorious record of the militia under Jackson in the main battle. I can not help on this occasion to call the attention of the Senate to the fact that the way in which those 700 men on the other side of the river had been handled and the way they came to New Orleans was an exact illustration of just what the Senator from Idaho wants to have go on in the history of this country. Those 700 militia were mostly a part of the Kentucky Militia, that had been brought down the Mississippi River in flatboats not long before the battle. They were brought down there without any guns in their hands at all, and when they got to New Orleans they were furnished with some old Spanish fowling pieces, known as escopetas, without bayonets, and, as one of the historians says, these escopetas were little better than good, heavy clubs in the hands of the stalwart Kentucklans.

Those men were brought to New Orleans unarmed, and with these old guns, these obsolete weapons, in their hands, they were sent out to face the best-trained troops from Europe, and, though they did retreat from one position to another, they inflicted a loss of 100 killed and wounded upon the British, with only some 20 killed and wounded on their side, and they finally took a position from which it would have been very difficult to dislodge them. The great main victory of the American troops, who were armed with rifles, ended this minor engagement.

The Senator from Idaho, if I remember correctly, considered that incident as an illustration of how unreliable militia are. It is quite the contrary, Mr. President. It shows, in my judgment, that the American citizen can be made a soldier very rapidly if Congress gives him a fair chance. The disciplined militia under Jackson overthrew three times their number of regular troops, and revolutionized the military tactics of Europe. The militia who partly failed at New Orleans had their arms given to them after they arrived on the scene of conflict, and they are now reviled, 100 years afterwards, in the United States Senate because they were not fully successful against a superior number of well-armed English troops, who had bayonets on their guns, and were superior enough in numbers to turn the flank of the poorly armed and smaller force. This is a wonderful illustration, Mr. President, of the attitude and policy of some Members of this body toward the militia of the United States.

The officers who represent the National Guard of the United States who have been here giving their time and attention to this important feature of preparedness have been called a lobby. Any man can be called a lobbyist who writes or speaks to a Member of Congress. The real trouble is with the mental attitude of the critic who seeks to smother all argument by applying the offensive epithet of lobbyist to citizen soldiers who come here properly to advise Congress on a subject as to which these soldiers are qualified to speak.

These men are practically without pay. They have served with loss through years and years. When this organization upon which they have labored so long has at last got a chance to be recognized and put upon a more efficient basis for national defense, they naturally and properly and patriotically come here and criticized this bill from the standpoint of their knowledge of the military needs of the country.

I may say right here, Mr. President, that in their criticisms, and I have heard at least half a dozen of them talking to members of the committee on one occasion, they were as broad, as patriotic, and as wise from a military standpoint as any other witness before your committees. Their testimony, from the standpoint of military knowledge and practical suggestions, compares favorably with that of the Regular Army officers.

I may say, Mr. President, we have gotten to a very strange pass in the affairs of this country when regular officers can be heard here without the suggestion of criticism; yet, when the men who have been working for years for the country without pay, and who have raised an Army and disciplined an Army 30 per cent larger than the regular officers, with all their pay have been able to get together—when those men come here and put up an argument for the benefit of their country and

the great organization upon which they have labored so long and so disinterestedly, that they should be criticized and called a lobby. It was highly proper that both sets of officers should testify and advise Congress.

Mr. President, I submit that this attitude of denunciation and for the suppression of facts and argument at so great a national crisis, the attitude of many of the newspaper men of this country, which seems to be against the National Guard, shows that there is something behind this whole business from a centralization standpoint which is unhealthy for the future of the country. I congratulate the Senate and the House for showing their discipline and for standing up for the citizen soldiery of George Washington and the Constitution.

The Senator from Idaho just now spoke of the danger to this country of a combination of military force and political force. He said that led to and would be equal to despotism. There is some truth in his suggestion. But a President of the United States can represent political force and with an army of 500,000 centralized troops under him might be said to represent military force. The result would represent such despotism as might suit the individual President and his occasion. Congress has preferred to follow in this law the balance and suggestions of the Constitution and the teachings of Gen. Washington.

The Senator from Idaho can only see the danger of coming despotism when it comes through the local governments of this country. Mr. President, despotism is much less likely to come through the 48 local governments than it is to come through the one great National Government. Anyone concerned as to the probabilities of despotism in the United States, the probabilities of a coup d'état in this country, must realize, and realize inevitably, that if there is any such danger to the American people that danger must spring from the power of one man over a military organization that will obey any order regardless of what that order may be.

The Senator from Idaho the other day, in commenting upon this very bill, quoted from some of Mr. Hamilton's expressions, in the twenty-ninth article, I believe, of the Federalist, and there he found what to my mind appears to be the sheet anchor of safety to the free institutions of this country in developing a great military power for the protection of the country against foreign invasion. The Senator from Idaho then called attention to the fact that Alexander Hamilton himself conceded that the States had left to them two powers over the militia under the Constitution of the United States, namely, the appointing of officers and the training of the troops through the agency of the officers, and that seems to have been the element of safety against national despotism that Hamilton may be said to have conceded to the school of Jefferson. When we have the Hamiltonian and Jeffersonian ideas agreeing on a general proposition, I think both the Republican and Democratic Parties may get together on it also, and feel that the country is fairly safe.

But, strange as it may be, there were Democrats on this side of the Chamber who, when we came to the question of the old section 56—the Volunteer Army in time of peace—were willing to leave in the hands of any President power over a trained and disciplined and centralized army of 500,000 men, and were apparently indifferent as to the militia, the balancing force of the Constitution. These Democrats were not apparently willing to let the States of this country have the protection for their rights that Alexander Hamilton was willing to concede against centralization and to local self-government.

I agree with the Senator from Idaho [Mr. BORAH] in one thing. I am inclined to think that this country is in as great danger of possible attack upon its free institutions from the inside as is the danger of attack from without, and certainly both dangers must be guarded against in any sane form of preparedness.

The power of a trained soldier to-day as compared with the power of a trained soldier in the days of the Revolution is tenfold greater. The instrumentalities of war have become so complex, have become so destructive that an equipped and disciplined army of 100,000 men to-day, in my humble judgment, has the power of subduing an unarmed male population of ten times that number. Mr. President, when Gen. Emory Upton, who wrote that famous book on the Military Policy of the United States, was considering this very question, he laid down the limits of the size of the National Army in this country, consistent with the safety of our institutions, as 100,000 men for our present population. He fixed this proportion at a time when the arms in the hands of a disciplined soldier were, comparatively, not one-fifth so effective as are the arms in his hands to-day.

Mr. President, I believe that this bill as it is agreed upon with reference to the National Guard is, for the first time in the history of this country, a commensurate and proper step taken toward the arming, organizing, and the disciplining of the militia of the several States under Federal authority, and I believe that it is a safe step, a step in the right direction. It is no more dangerous, Mr. President, to put the power of the rifle and the bayonet in the hands of an American citizen than it is to put the power of the ballot in the hands of an average American citizen. It is a fair inference, Mr. President, that the men in this body, the men elsewhere who have control of the newspapers in their attack upon the National Guard of the country, really are of the type who do not want either the power of the ballot or the power of the bayonet to be in the hands of the average American citizen.

Mr. President, I inquired of the Senator from Massachusetts [Mr. LODGE] just now what kind of opportunity the young man desiring to do his duty as a patriot to this country and as a soldier for the protection of the country, could desire better than that which is afforded him now by this bill in connection with service in the National Guard, and the Senator from Massachusetts suggested that organized labor would not be able to become members of the National Guard. The Senator from Idaho [Mr. BORAH] indicated that that is by reason of prejudice, but I do not believe, Mr. President, that organized labor in this country is blindly prejudiced against the instrumentalities of law and order. I believe that organized labor, no matter what may be their present views or their experience from an abuse of local military power, no matter what may be the views of organized labor in the Senator's own State—and he has doubtless heard from it—in a short time, thinking this thing over, by and large, organized labor will come to the conclusion that any possible danger of despotism is from a great army, under the control of one central power, and not from the National Guard of the several States.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from Maryland yield to the Senator from Idaho?

Mr. LEE of Maryland. Certainly; with pleasure, Mr. President.

Mr. BORAH. The Senator from Maryland says that the Senator from Idaho doubtless has heard from union labor in his State upon this subject. In order that those who are absent may not be unjustly commented on, I wish to say that I have never heard a word from them on this subject. So far as the people of my State are concerned, I think I know how they feel upon it. They undoubtedly feel upon it like all members of union labor, but they have not communicated with me in reference to this bill in any way, shape, or form.

Mr. LEE of Maryland. Then, perhaps, it was not necessary for them to communicate with the Senator from Idaho.

Mr. BORAH. No; because I think I have my own mind about these things, which people outside do not control.

Mr. LEE of Maryland. Mr. President, recurring to the possibility of union labor becoming a part of a volunteer army under the original section 56 of the bill, which the Senator from Massachusetts just now suggested as an argument in favor of that section, that plan provided for volunteers in time of peace being raised by the Federal authority, receiving the pay of the private soldiers of the Regular Army, and giving up their local employment and their family obligations for a period of not less than two or three months. For any man to suggest that labor of any kind could leave its home and its occupation and income and could become a part of this Federal volunteer system for from 30 to 60 days, would imply very little idea, I respectfully submit, of the present or average income of the labor of this country and of the duty of such men to their families and to themselves. The very last element in this country that can be found willing to go to a camp in the summer for from 30 to 60 days is the element that is dependent for its livelihood upon its daily labor.

There must be some other objection to the National Guard, or to the citizen soldiery, lurking within the minds of the gentlemen who are willing to add, by hook or by crook, as much power as they can to the military system under the control of the Central Government of the United States. My humble judgment, Mr. President, is that in connection with this bill we have had show itself in this country, show itself through the press, show itself here in this Senate, some of the old-time conflict between centralization and State rights; and the friends of centralization have shown that they have no respect for the fair and humane balances of the Federal Constitution.

Mr. President, when Alexander Hamilton was willing to concede that the power of the States to appoint the National Guard officers and to train the State troops was a proper power, from the standpoint of the balance between the States and the Union, I think that there should certainly be no objection from our side, the Democratic side, of the Senate to creating a defensive force in this country, which would be safe from the standpoint of internal revolution, and not open to any doubts upon the question of overthrowing the power of local self-government.

The balance of the Constitution, Mr. President, is a very vital thing in this day. It is a very great inspiration that has expressed itself in our Constitution for preserving peace between the warring elements of mankind. To appreciate that we have but to look upon what is going on in Europe, where they have no constitution governing the several countries of the European Continent for the settlement of any serious question that may come up between them, where they have but one way of settling great questions between nations, and that is by killing men. After diplomacy has ceased to exercise its power, there is nothing left for them but war and force to bring about a definite result; yet here in this country we have this great national system under our Constitution of settling all questions by discussion, deliberation, and voting.

I know there are some cynics who say, "What is the Constitution between friends?" Whatever they may think about the usefulness of the Constitution as "between friends," the Constitution is of absolutely vital importance as between possible enemies. It has a way of settling the greatest difficulties that can arise between elements of the human family by discussion, deliberation, and voting, and it represents the highest attainment of the human race in the direction of permanent peace between the nations or States of our continent.

Under those circumstances I am glad that this bill respects, to the extent it does, the balance between the States and the National Government. I think the Senate and the House of Representatives are to be congratulated upon it. At this time, when we see the National Guard of Massachusetts, of New Jersey, and of New York—essential, as the Senator from Massachusetts has just admitted, to the proper protection of those States at this moment—and when we see the National Guard of three States upon the borders of Mexico, being summoned by the President and the national authorities to the protection of that section, I think the very conditions of our time show us that this body of citizen soldiery has been pretty well developed, even though Congress has not done all that it might have done for them.

Reverting now to a detail, I noticed in the criticisms of the National Guard of Florida, which the Senator from Idaho has put into the RECORD, complaint that the personnel of the companies was changing; that company commanders were accused of being unable to keep the run of some of the equipment that was put into the hands of the State troops. I am willing to aver, without fear of contradiction, that the most gifted officer who was ever graduated from West Point could not have maintained a company or a regiment without pay. When there is no pay, any lost article of clothing or equipment can not be exacted of the soldier who has not a single dollar coming to him to set the value of that property off against. It is cruel, indeed, to criticize the men and officers of the National Guard who have made good such inevitable losses out of their own money. Property loss and changing membership are unavoidable under the conditions Congress has imposed on the National Guard, yet that body has persisted and exists to-day 134,000 strong for the safety of the country and to the great credit of the men and officers who thus serve the Nation and the States.

The officers' appeal has been made to the patriotism of the men to become a part of the militia of the country; it was a voluntary association for patriotic purposes; and whenever it failed it was simply a failure of unpaid patriotism, and should not be commented upon disrespectfully by any Senator who has refused through long membership here to give proper compensation to these men for the time they have devoted to this patriotic purpose.

These citizen soldiers in Florida are experiencing what the unarmed part of the Kentucky militia experienced at New Orleans and since. It is just exactly the repetition of the lesser experience at New Orleans. "Do not arm the militia; do not clothe them; do not pay them," but when they are floated down the Mississippi River on flatboats and old Spanish escopedas are put into their hands to repel the charge of the best-equipped British infantry, then curse the militia because they were not able to withstand the charge, and keep up the cursing for 100 years.

Mr. President, I will conclude by expressing as an individual my personal appreciation and gratitude to the members and the officers of the National Guard of the United States, who, in addition to the sacrifices they have already made in behalf of the citizen soldiery of this country through long years of expense—making good their own expenses and the expenses and losses of some of the other soldiers—have added to the obligations that this country owes them by coming here to Washington and giving to Members of the Senate and of the House of Representatives, who needed it, the technical information upon military matters, that these men had and thus helping us to put in this bill the provisions that have made it for the first time in the history of the Congress of the United States a tolerably decent provision for the disciplining, organizing, and arming of the citizen soldiery of this country.

Mr. CHAMBERLAIN. Mr. President, I ask unanimous consent that at not later than half-past 4 o'clock this afternoon we vote on the conference report.

Mr. STONE. Mr. President, I have no objection to that request, but I desire to occupy the time of the Senate for a few moments.

Mr. CHAMBERLAIN. May I ask to have my request first put? I ask unanimous consent that at not later than half-past 4 o'clock we may vote on the conference report.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent that at not later than half-past 4 o'clock——

Mr. SMOOT (to Mr. CHAMBERLAIN). That will require a roll call.

Mr. CHAMBERLAIN. I withdraw the request, Mr. President.

Mr. STONE. Mr. President, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. STONE. Mr. President, I had intended to speak at some length on this conference report, but as it is I am going again to do what I have often done heretofore, bury in the waste basket, so to speak, practically all of the speech I had in mind to make. I think it more important that we get on with the business of the Senate than that I should make a speech expressing my personal views. My speeches are not important; the business of the Senate is.

I wish to join the Senator from Idaho [Mr. BORAH] in the just compliment he paid the Senator from Oregon [Mr. CHAMBERLAIN], chairman of the Committee on Military Affairs, on his fine management of this measure. I think he has managed it with great skill—a skill so excellent that he has accomplished results which I did not believe he could accomplish, and some of which I do not think should have been accomplished. But this only adds to my admiration of his legislative diplomacy.

Mr. President, I will be brief in what I have to say, pocketing most of what I intended to say. I do not wish to stand in the way of concluding this business and in the way of taking up what I understand to be the unfinished business—the rivers and harbors bill.

To my mind by far the most important item in this military bill is the one which makes provision for a Government plant to develop the fixation of atmospheric nitrogen. I am not going to discuss that subject or undertake to emphasize its importance as I had intended to. I think possibly that has been done sufficiently already; but the Senator from Alabama [Mr. UNDERWOOD], who has been giving a great deal of attention to that subject, and who is exceedingly well informed about it, during his remarks this morning made the statement that in times of peace the United States could for an indefinite period secure from Chile all the materials necessary for the use of the Government in the manufacture of explosives. I am not sure of that. I hold in my hand a copy of an address delivered on the second day of the present month before the National Conservation Congress, by Mr. Henry J. Pierce, of Seattle, Wash. I understand this gentleman to be a man of high scientific attainment and well prepared to speak on the subject covered by his address. I call attention to one remark made by him in that address, which I had the pleasure of listening to. He said:

> The richest nitrate beds of Chile, however—
>
> He had been talking about the nitrate beds in Chile—
>
> The richest nitrate beds of Chile, however, will be practically exhausted by 1923.

Then he proceeded to enlarge upon that subject.

I call attention to this remark, assuming, without knowledge as to the extent of the Chilean deposits, that Mr. Pierce has some definite authoritative knowledge on the subject and that what he says is substantially correct. Does anyone know to the contrary? If what he says be so, it emphasizes very strongly the importance, without reference to whether we are to have peace or war, that provision should be made in this country for the manufacture of nitrates.

Mr. HARDWICK. Mr. President, will the Senator yield for a moment?

Mr. STONE. Yes.

Mr. HARDWICK. Of course that could not be true, if in point of fact the most enlightened nations of the world, such as Germany and others, have already discovered a cheaper and better process for making nitrates needed for gunpowder, and have abandoned the water-power process.

Mr. STONE. Mr. President, I heard that statement in substance and effect made this morning by the senior Senator from Massachusetts [Mr. LODGE] and I heard him make the same statement some time ago.

Mr. HARDWICK. If the Senator will allow me a further interruption, I desire to say that I read that in the magazines and it was claimed to be true. I do not know whether it is true or not, but I merely invite the Senator's attention to it.

Mr. STONE. I do not know whether it is true or not; but I heard the Senator from Alabama answer—I thought very effectively—that very statement made here some weeks ago by the Senator from Massachusetts when this bill was then before the Senate. The two Senators had a very interesting colloquy upon that subject; they debated it more or less at length. Now, I do not know what these alleged chemical processes are, nor have we been informed by anyone respecting them.

Mr. HARDWICK. If the Senator will allow me to interrupt him again, ought we not to know concerning that before we go into this business?

Mr. STONE. We hear about things and we read about things in magazines and other publications, but it often happens—and it may easily happen—that when certain people or certain interests for one reason or another desire to defeat legislation they can initiate any sort of propaganda through magazines and newspapers. Such things can be written and published, and Senators can get upon the floor, as the Senator from Massachusetts and the Senator from Georgia have done, and say, "We are informed that in Germany or in some other foreign land chemical processes have been discovered and are being developed that will put water power out of business." But, sir, I would not have our matured plans delayed, especially where such vital interests are involved, to await an uncertain development of some nebulous theory. As legislators we must deal with facts, not mere possibilities.

Mr. President, I had intended to ask leave of the Senate to print the address of Mr. Pierce, to which I have referred, as a public document.

Mr. SMOOT. It has already been printed as a public document.

Mr. STONE. I had intended to have it put in the RECORD or printed as a document, but I had abandoned the idea even before the Senator from Utah informed me it had been already printed, for the reason that I do not think, even if printed in the one way or the other, that anybody, or at least very few, would ever read it. If I thought it would be read, I would be very glad to have it reprinted in the RECORD; but believing, as I do, that few people ever read documents of this nature, however valuable, I am not much inclined to put the Government to the expense of the printing.

But, Mr. President, notwithstanding it is already a public document, I am going to ask to print at least a part of this address, incorporating it in my remarks. I wish to insert the following at this point, beginning on page 7 and continuing down to the first three lines of page 16. This covers what Mr. Pierce had to say about the production of fixed nitrogen as it may be applied in useful ways to electro fertilizers and to explosives. If I may have leave to have that printed, I will send it down to the reporters.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

PRODUCTION OF FIXED NITROGEN.

The greatest need for the development of our water powers is the imperative necessity, and it is a national necessity, that sufficient fixed nitrogen should be produced within the boundaries of the United States to meet its requirements. Nitrogen comprises four-fifths of the atmosphere and is a constituent of all organized life and tissues. It is a colorless, tasteless, odorless, gaseous, nonmetallic element. We live in it, we breathe it, we eat it, and it constitutes a portion of our human frame. It is absolutely necessary to the existence of animal and plant life. Without fixed nitrogen the earth would soon become an uninhabited, desert waste. While the atmosphere contains an exhaustless supply of nitrogen, it being estimated that 20,000,000 tons exist above each square mile of the earth's surface, yet 90 per cent of the plant life that lives in it does not absorb it, and the remaining 10 per cent absorbs but a small portion of that which it requires. The world has been dependent for most of its supplies of fixed nitrogen upon the nitrate of soda beds of Chile, where, during some convulsion of nature at some remote-past time, the soda absorbed quantities of nitrogen from the air. During 1913 the United States imported 625,000 tons of Chilean nitrates, valued at $21,000,000, upon which the Chilean export duty was 60 per cent. We thus paid to the Chilean Government $7,500,000, which may be considered merely a part of the amount which the people of the United States pay for its policy of water-power stagnation. In other words, the people of this country would be quite as well off as they now are if they granted a subsidy or bonus of $7,500,000 per annum for the establishment of the water-power nitrogen industry in the United States. In the past 30 years the export tax on nitrates has netted the Chilean Government about $500,000,000. The richest nitrate beds of Chile, however, will be practically exhausted by 1923, and were it not for the most wonderful of all modern discoveries, whereby it is now possible with the aid of electric energy to obtain a supply of fixed nitrogen from the atmosphere, the world would stand in imminent, deadly peril, the perpetuation of the human race would be endangered, and we would be in a position similar to that of a shipwrecked sailor drifting on an immense ocean of brine but dying for lack of water. It is a wonderful providence that perpetual and inexhaustible supplies of nitrogen may be obtained from the atmosphere by the use of electric energy obtained from our water powers, whose flow is also everlasting, and that thus the limited supplies of coal and other fuels laid aside by nature may be conserved for other uses. The governmental paralysis imposed seven years ago upon the development of water powers in the United States, through the restrictive interpretation of Federal laws, still continues; but that period has been one of great hydroelectric development in Europe, where over 1,200,000 water horsepower has been utilized for the extraction of nitrogen from the atmosphere, being over three times the quantity of power produced at Niagara Falls, while the United States, out of 61,000,000 horsepower, is not using a single horsepower for that purpose. Hydroelectric nitrogen plants have been established in Norway, Sweden, Germany, Australia, Italy, Switzerland, France, Spain, Japan, and Canada, but none in the United States. The nitrogen industry of Europe represents an aggregate investment of over $300,000,000, employs 50,000 people, and the annual value of its products and derivatives is upward of $220,000,000. In Germany, where practically all the water powers have been developed, a nitrogen plant is being built which will use 100,000 horsepower, to be produced from cheap coal. England is seriously considering the development of 1,000,000 water horsepower in Sweden and Iceland to provide for her future supplies of nitrogen. Thus, with a foresight that is a reproach to our intelligence and enterprise, these other countries are insuring their requirements of this great human necessity against the time when it will be no longer possible to obtain supplies from Chile. It seems incredible that nothing has been done thus far toward the establishment of the nitrogen industry in the United States.

Several years ago an effort was made to locate an atmospheric nitrogen plant upon the Coosa River in Alabama where a large water power would have been developed, and near which were ample supplies of the necessary raw materials, high-grade limestone, and cheaply mined coking coal. The plant, moreover, would have been located in the center of the cotton belt, where the most of its product would have been marketed in the form of fertilizer. As development capital could not be obtained under our restrictive Federal water-power laws, a bill was introduced in Congress to meet the requirements of the case, but failed to become a law, and as a result the plant was established at Niagara Falls, Canada, where a contract was obtained for electric energy at a low figure, and the capacity of this plant has been increased sixfold in five years. As a result the United States has lost and Canada has gained a great manufacturing institution, covering an investment of millions of dollars, and the farmers of Alabama are paying the freight on its product from Canada to their cotton fields. It is estimated that an investment of $500,000,000 would be necessary to produce mechanically from the atmosphere as much nitrogen as Chile's nitrate deposits yield every year, and this shows the enormous possibilities for the future contained in the establishment of this entirely new industry in the United States.

The two largest and most necessary uses for nitrogen are in connection with the manufacture of electrofertilizers and explosives.

ELECTROFERTILIZERS.

Seven million tons of fertilizer, valued at $170,000,000, were sold in the United States during 1913, and for its manufacture over $40,000,000 of nitrogenous and other material was imported, most of which could have been made in this country with the aid of electricity. The average amount of fertilizer used in the United States is 28 pounds per acre of cultivated lands, against 200 pounds per acre in Europe, with the following results.

Comparison of average yield per acre in bushels of crops in the United States and Europe:

	Wheat.	Oats.	Barley.	Rye.	Potatoes.
Europe	32	47	28	30	158
United States	15	29	25	16	96

In 20 years Germany has, through the use of fertilizer, increased the average of all crops three and one-half times as much per acre as America. Germany, with 70 per cent of the population of the United States, and cultivating but one-fourth the area, grows 95 per cent of the food products which she consumes.

If our use of fertilizer had been equal to one-half of that of Europe per acre in 1913, 24,000,000 tons would have been required, of the value of $580,000,000, and in the production of which 12,000,000 water horsepower must have been utilized, and the resultant increase of crop value would have exceeded $2,000,000,000.

Careful and extensive experiments made in Germany have shown that by the addition annually of 150 pounds of nitrogen per acre, crops of rye, wheat, oats, barley, and potatoes are more than doubled, and the reports of the German agricultural department show that as the result of feeding the soil with 2,000,000 tons of nitrates the increase of crops amounted to 63,000,000 tons. These figures show how important is the rôle actually played by nitrogen in the cereal production of Europe. The German farmer, who pays but one-half as much for his fertilizer as does the American farmer, practically uses his land as an agent for transforming fertiliser into product, while the American farmer tries to get products out of his starving land without feeding it sufficient plant food. The American people are falling far behind the rest of the civilized world in the most important of all human activities—the cultivation of the soil. European nations waste nothing, and in many clever ways create values out of what we discard as worthless. Our comparatively young country is wasting its resources with terrible prodigacy, as is evidenced by our using up our stores of coal and oil instead of utilizing our wasting water powers.

The crops harvested annually in the United States abstract over 1,000,000 tons of nitrogen from the soil, and, as the world's supply of combined nitrogen is increased only slowly and in small degrees by nature, the soil of farmed lands is entirely dependent upon fertilizer for replenishment of the stock of nitrogen which it gives up in its yield of crops.

At the agricultural station at Rothamsted, England, wheat has been grown year after year on the same land for 63 seasons without fertilizer, with an average crop return of 12 bushels per acre, while during 10 years the average crop on adjacent plats of ground receiving plant food each year was 40 bushels per acre.

The present method of manufacture produces a finished product containing but 12 per cent of active fertilizer and 88 per cent of utterly useless material on which freight and haulage must be paid by the farmer, whereas the electrofertilizer product contains 60 per cent of fertilizing material. By the electric process not only is nitrogen obtained from the atmosphere, but phosphate rock may now be treated by electricity, instead of sulphuric acid, for extraction of phosphoric acid.

It is estimated that fully 10,000,000,000 tons of phosphate rock containing an average value of 70 per cent is located in Idaho alone. Phosphorus is an essential constituent of flesh and blood and bone and brain. How essential it is has been clearly shown by experiments recently made by the Wisconsin experiment station. Animals fed with a ration deficient in phosphate thrived for a time and after three months collapsed. In an immature state some of them were killed and it was found that the flesh was taking the phosphate from the bone in order to supply its need. This went on until the bones were no longer able to supply phosphate to the flesh and the collapse came.

The use of fertilizer has a most intimate relation to the cost of living, which has increased in this country at a much more rapid rate than it has abroad.

The population of the world doubles in 65 years, and with increase in numbers there is an increased per capita consumption of food.

The extraordinary increase in the cost of living in the United States has been principally in the cost of food products, while other items than foods have increased at only the general rate prevailing throughout the world. From 1900 to 1910 the cost of foods in the United States increased 35 per cent and abroad only 15 per cent. While our population increased 21 per cent during those 10 years, crop production increased only 10 per cent, and our exportation of wheat and flour decreased from 31 per cent to 13 per cent of the amount produced. The rapid increase in food cost in this country can only be checked by increased crop production, just as food prices are held down in Europe through increase in yields per acre obtained without additional labor through the use of fertilizer. The countries of highest agricultural development are the largest consumers of fertilizers.

The less nitrogen there is available as foodstuff, the nearer the population is to starvation. The great famines in such nitrogen-deficient countries as India, China, and Russia are sad but striking examples of nitrogen starvation.

The mutterings of strife for commercial supremacy between England and Germany were heard as far back as early in the nineteenth century, when, the value of bones as a plant food becoming realized, the great German chemist, Liebig, was moved to say:

"England is robbing all other countries of their fertility. Already in her eagerness for bones she has turned up the battle fields of Leipsic, of Waterloo, and Crimea. Already from the catacombs of Sicily she has carried away the skeletons of many successive generations. Annually she removes from the shores of other countries to her own the manurial equivalent of three and one-half millions of men."

EXPLOSIVES.

Nitrogen, in the form of nitric acid, is the principal constituent of explosives, such as guncotton, dynamite, and smokeless powder. The basis may be glycerine, wood pulp, cotton, or a coal-tar product, but in every case nitric acid is the agent used to transform inert substance into powerful explosives. Modern warfare to-day means nitric acid. What use are men and guns without powder? Powder to-day has the significance in war that it has never had before. To-day a battle field, as to attack, is the playing of a sheet of metal at such velocity and in such volume that it sweeps clear to the underlying rock everything within reach and is like a hose playing a leaden stream. The whole thing means powder, and there is no such thing as powder without nitrogen.

We are annually producing about 250,000 tons of explosives, valued at $40,000,000, and we pay $23,000,000 for the raw materials that enter into them, most of which are imported. Had it not been for the discovery of the nitrate fields of Chile, the explosive industry as it is known to-day would have been impossible; and, as coal and minerals could not have been mined without the use of explosives, the development in mining and transportation, which has characterized the last half century, could not have been made.

In case of war we would be almost entirely dependent upon foreign nations for our supply of nitrogen for manufacture of powder and would be practically defenseless unless we could obtain it from other nations. If the country with whom we were at war should be strong enough to seize the nitrate deposits of Chile or to prevent shipments to this country, it would leave us helpless, in spite of our 100,000,000 of people and our Army and Navy. We would be forced to commandeer all sources of nitrogen, including fertilizer, and it might come about that some of our agricultural regions could no longer be devoted to food production, even though the scene of conflict never penetrated to them. The War Department is greatly concerned over this weak point in our national defense, and writers who are authorities upon the subject from the military standpoint urge the immediate development of our water powers and establishment of atmospheric nitrogen plants, in order to insure the production of our requirements of nitrogen within the borders of our own country; and they strongly recommend that the nitrogen plants be so strategically located throughout the country as to be reasonably well protected against attack in case of foreign invasion.

Franklin K. Lane, Secretary of the Interior, in his last annual report, under the poetic and beautiful caption, "Turning water into power," says:

"Then, too, there is that mystifying miracle of drawing nitrogen from the air for chemical use, which can be done only with great power, but is being done in Germany, Norway, Sweden, France, Switzerland, and elsewhere, by which an inexhaustible substitute for the almost exhausted nitrates of Chile has been found. To increase the yield of our farms and to give us an independent and adequate supply of nitrogen for the explosives used in war we must set water wheels at work that will fix nitrogen in lime."

Gen. William Crozier, Chief of Ordnance, United States Army, said in his last annual report to the Secretary of War:

"I do not know of any article which at the present time should cause more concern with reference to the war-time supply than should nitric acid. The nitrogen in the nitric acid is obtained from sodium nitrate, which comes from Chile, and the country is therefore dependent for its powder manufacture upon Chile."

A recent statement showed that the stock of powder for small arms in possession of the War Department amounted to 200,000,000 rounds, which would only be sufficient in time of battle to last an army of 500,000 men eight days; further, that there is only sufficient ammunition on hand to fire all of our coast-defense guns 40 times, or continuously for about one hour. The War Department has for some time been accumulating a stock of Chilean nitrate to provide for emergencies, but in time of war it would produce only sufficient explosives to last for a short period of time. Germany is shut off from supplies of Chilean nitrate for powder making, and if she had not developed her water powers for the purpose of obtaining nitrogen from the air the European war would be ended to-day and Germany beaten. But the Germans are operating all their nitrogen-fixation plants on a war basis, and thus are enabled to manufacture a plentiful supply of ammunition.

Mr. STONE. Now, Mr. President, I wish to ask my friend, the chairman of the Committee on Military Affairs, a question, and I am through. I should like to know from him, and thus get the information authoritatively in as narrow and concrete a form as possible, just what under this bill the number of men of all arms would be in the Regular Army, both in the first instance as a minimum, and secondly as to the possible authorized increase of that force.

Mr. CHAMBERLAIN. Would the Senator like to have that now?

Mr. STONE. Yes.

Mr. CHAMBERLAIN. Mr. President, the Army has been increased under this bill to 65 regiments of Infantry, 25 regiments of Cavalry, 21 regiments of Field Artillery, and 263 companies of Coast Artillery. In addition to those, there is the Corps of Engineers.

The minimum strength of these several branches under the bill is as follows:

The 65 regiments of Infantry at their minimum strength would be 87,035; the Cavalry, 24,900; the Field Artillery, 18,018; the 263 companies of Coast Artillery, 30,009; the Corps of Engineers, 5,334. That would make 165,296 men at the minimum strength proposed by the bill. In addition to that—and these are not included in the combative force of the Army—are the Philippine Scouts, 5,733; the Quartermaster Corps, 6,409; the Medical Department, 10,000; the Signal Corps, 3,387; and the unassigned recruits, 6,098; making a total of 31,627 men. That is estimated, of course, because the Quartermaster Corps——

Mr. STONE. You do not put all that in the Regular force?

Mr. CHAMBERLAIN. No; they are not in the enlisted force. I have given the Senator the Regular force.

Mr. STONE. One hundred and sixty-five thousand?

Mr. CHAMBERLAIN. One hundred and sixty-five thousand.

Mr. STONE. That is the minimum?

Mr. CHAMBERLAIN. That is the minimum strength. These that I read last and that are not included in the combative force vary in some degree, because the President has the power to increase or to diminish the Quartermaster's Corps, the Medical Corps, and the Signal Corps; and the unassigned recruits naturally change. They are the men that are recruited at the recruiting stations and vary according to the number that may be on hand.

Mr. STONE. In order that I may not get the questions and answers confused, let me see if I correctly understand. I understand that the minimum of the authorized Regular Army force is 165,000, in round numbers?

Mr. CHAMBERLAIN. One hundred and sixty-five thousand two hundred and ninety-six.

Mr. STONE. That is the minimum. What, then, is the maximum?

Mr. CHAMBERLAIN. The maximum would run it up to about 200,000. The minimum is practically two-thirds of the authorized strength. It would add to it enough to make it about 200,000—a little bit over 200,000.

Mr. STONE. But I thought it was more——

Mr. CHAMBERLAIN. Oh, the maximum? The maximum would run it up to about 216,000. That is the full amount that the President can call into requisition and increase these different organizations to the full maximum strength. To that still would have to be added the noncombative force, which would run it up——

Mr. STONE. What do you call the noncombative force?

Mr. CHAMBERLAIN. The Quartermaster's Corps, the Medical Department, the Signal Corps, the unassigned recruits, and the Philippine Scouts are not included in the combative force.

Mr. STONE. That altogether would make how many?

Mr. CHAMBERLAIN. About 245,000 or 250,000.

Mr. STONE. About 250,000. Then, in addition to that——

Mr. CHAMBERLAIN. There is the National Guard.

Mr. STONE. The National Guard. Mr. President, I desire that information in that concrete form. About 250,000 men

then would be connected with the Regular Army as authorized under this bill.

Mr. President, I wish to say just a few words more before I sit down for I wish to keep my promise about time—and what I am going to say is but a repetition of what I said when the bill itself was before the Senate—that I see as little need now as at any time in our history for a large increase of the Army of the United States. I have a great admiration for the Army and its officers, but I see no need for this increase. I would like to enlarge upon this theme, and would do so except for the reasons I have stated. My deliberate judgment is that we are about to entail upon the taxpayers of the United States a great and useless burden. The only possible use we could have for an army would be either to attack an enemy by invading his country, or to defend our own country against an invasion. We are not creating this Army to invade a foreign land. On the other hand, there is not a Senator, not a Member of the House of Representatives, not a man connected with the executive departments of the Government, who will sincerely say that in his opinion we are in danger of assault on land—I say on land—by an invading army from any power on the earth that is worth our serious attention.

We have gone wild about this military business. We have become hysterical about it, and in consequence we are about to pile up an enormous indebtedness or to impose enormous taxation on the people without any compensating benefit that I can see. To my thinking, it is a folly amounting to wickedness.

The Senator from Massachusetts [Mr. LODGE] spoke this morning about our troubles with Mexico. Of course we all hope, and many believe, that in the end the troublous conditions in Mexico will end in peace—that pacification will take place and a stable government be established, without any real intervention by the United States. But let us assume the contrary to be true. And if unhappily the contrary be true, we know we would not need any such military force as this bill provides for in any such service as that. The soldiers we now have in the Regular Army within the continental United States and one-half the National Guard would be more than sufficient to answer every military exigency that could arise so far as Mexico is concerned. We know that. Every man of sense knows that. Do we wish to fool ourselves? Do we wish to deceive others? What are we trying to do with public opinion? What is the matter with us here in Washington?

I can not understand, to save my soul, why we are trying to do this thing. Do we want to build up a Military Establishment that is going to cost us I do not know how many hundreds of millions annually without need for it—need that anybody can tell us about?

While the Senator from Massachusetts was speaking this morning, and I asked him about Mexico, he said we ought not to be compelled to strip our coast defenses or our military posts in the interior of troops in order to supply the demand on the Mexican border. Mr. President, about the only need now that I can see that we have for men for our coast defenses or our military posts is to have enough men left to guard and take care of the defenses and the posts. There is nobody on the wide earth threatening them.

But the Senator proceeded to say that we need men to guard our border. Maybe so; certainly so to any reasonable extent. While the Senator from Massachusetts was speaking the Senator from Arizona [Mr. SMITH] interrupted, and there was a colloquy between those Senators, joined in by the Senator from New Mexico [Mr. FALL]. Senator FALL said there were no troops between Yuma and Nogales, and that it was 250 miles between those towns. The Senator from Arizona replied that there were only two or three scattered settlements in that great distance; and nobody spoke to the contrary. He was presumably speaking from knowledge.

What, then, are we to do? What are we expected to do? Mr. President, it would take more than 250,000 men, even more than half a million men, to line the border between Mexico and the United States with troops from the Gulf of Mexico to the Pacific. Are we going to stretch out one long line of khaki uniforms for 2,000 miles?

You do not expect to do that. You have no thought of that. No sane man has that in mind. We can only locate troops at strategic points where they can be moved here and there as occasion needs. Certainly nobody wants to raise an army of a quarter of a million or half a million men to scatter along the border between the United States and Mexico. Such a suggestion would be an absurdity. For what, then, do we need this great, expensive Military Establishment?

Mr. President, I heartily favor the provision for a nitrate plant and I want that provision to go through. I feel that whatever else may happen, the Government of the United States should be in a position of absolute independence when it comes to supplying the means necessary for its defense or for any lawful purposes, whether it be for defense or something else.

Mr. SMOOT. Mr. President, will the Senator yield for a moment?

Mr. STONE. I shall be through in just a moment, unless the Senator wishes to interrupt me now.

Mr. President, I am not going to say any more, for I am keeping my friend the Senator in charge of this bill waiting—impatiently waiting, I think, as he should be—for a vote.

Mr. President, I received a postal this morning. I am going to ask to put it in the RECORD. I do not know from whom it came. I am going to read it. What it says is true, no matter whom it came from. I suppose every Senator got one. The card merely contains quotations from eminent men. Here it is:

Napoleon Bonaparte said: "The more I study the world the more am I convinced of the inability of brute force to create anything durable."

He ought to have known whereof he spoke.

George Washington said: "Cultivate peace and harmony with all nations. Overgrown military establishments are, under any form of government, inauspicious to liberty and are to be regarded as particularly hostile to republican liberty."

I know that the advice and admonitions of Washington are not held in such high esteem now as they were a few years ago. He is regarded as an old fogy and not up to date; and that is true.

Ulysses S. Grant said: "Though I have been trained as a soldier and participated in many battles, there never was a time when, in my opinion, some way could not be found to prevent the drawing of the sword."

Mr. OVERMAN. Read the balance.

Mr. STONE. Very well. I have been asked to read the balance. There is not much balance, but I will read it.

Gen. Philip H. Sheridan said: "By the next centennial"—

He said this in 1876—

"arbitration will rule the world."

I doubt the certainty of that prophecy.

On the back I find written these words, and they are real words of wisdom:

Wisdom is better than weapons of war.

The Senator from Oregon suggests sotto voce that this is a good place to stop, and so I think.

Mr. FALL. Mr. President, I had not expected to take any part at all in this debate, and I shall only ask the indulgence of the Senate for a very few minutes; but I can not refrain at this time from expressing, as briefly as possible, views somewhat at divergence with those which have just been uttered by the Senator from Missouri [Mr. STONE].

I am one of those who possibly may be hysterical, I am possibly more nervous than is the Senator from Missouri. I may be more susceptible to the influence of what is ordinarily known as fear. I will admit, sir, that I see danger to this country. I do not intend at this time nor at length to go into a detailed discussion of the danger which I anticipate to this country from a land attack. I do fear that unless we discharge our duty to the people of this country as we have not discharged it in the past, and perform that duty in the very near future, we shall be compelled to abandon the only public policy which we have ever inaugurated and followed since this Government was formed, together with our prestige on this continent, together with our ownership or control of or interest in the Panama Canal; that we shall be compelled to abandon the Monroe doctrine, or compelled to meet foreign legions on Mexican soil, unless we perform at an early date our duty to Mexico and to ourselves with reference to Mexico. I am not going to give my reasons in detail. They are sufficient, at least, for my own conviction.

The Senator from Missouri has said that in the event that unfortunately we were compelled to discharge what I think to be our duty to Mexico and to ourselves, by armed intervention in Mexico, the troops that we now have on Mexican soil and along the border, or available, are amply sufficient in numbers. I presume he means, amply sufficient with which to conquer Mexico. In my judgment, he is entirely correct. Let alone, unhampered by orders from Washington, with discretion placed as it has not been placed, with our military leaders along the border, despite newspaper reports to the contrary, with orders to overcome armed opposition and restore peace and order in Mexico, there are now enough regular soldiers on Mexican territory to perform that duty.

I am frank to say to you, sir, from my knowledge of Mexico and of its conditions and of its people and of its soldiers, that the 14,000 troops that are now under Gen. Pershing in Mexico can march from Columbus to the City of Mexico, occupy every town of 5,000 inhabitants, and maintain open lines of communication from every port in Mexico to the City of Mexico; and if they were to receive orders to do it they would have the substantial backing of 90 per cent of the Mexican population in their endeavors. They would be compelled to fight a lot of bandits who have been recognized by this Government as constituting the armed forces of the chief depository of the executive power of Mexico, I believe—bandits of Villa yesterday, loyal soldiers of Carranza to-day, changing their service because their officers are paid to deliver the soldiers, and the soldiers themselves not even taking an oath of allegiance to their new commander or to their new leader.

The people of the United States apparently will not understand, and the representatives of this administration apparently will not endeavor to understand the conditions as they are now existing in Mexico. If the State Department of this Government have not information which would lead them to investigate the question whether certain parties in Mexico—certain leaders, military and otherwise, of the Carranza Government—are not at this moment in negotiations with a foreign country as against the United States; if they have not such information in their possession as would lead them to such an investigation, then it is because they would not receive or pay heed to such information when offered. It is in the possession of others, sufficient to justify, at least, a very serious investigation.

Mr. President, the Senator said it would require 250,000 men to patrol the border. The border of Mexico has been patrolled. It has not been in such an unprotected condition as it is now until the recognition of Mr. Carranza. I have the records and can read them to the Senate when necessary to show that on the 3d day of January Gen. Obregon made a request that the border patrol be removed, and that the border patrol between the Gibson ranch and Columbus was removed, and that there was no patrol there to intercept Villa's forces when they marauded across the border and murdered the citizens of my State.

The border patrols are removed at the request, I suppose, of the general in chief of the recognized Government of Mexico, and the citizens of New Mexico were murdered in their beds. The border has been patrolled at this particular point, and they only require these men to patrol the border between Columbus and the Gibson ranch. There are 50 men to patrol the border for 30 miles between Columbus and Huachuca, and the entire border may be patrolled with the men who are now on it riding from one station to another a mile apart. It can be done. Why is it not done? I presume because we are afraid of wounding the tender susceptibilities of the Mexican murderers who are constantly raiding our borders.

Mr. SMOOT. Mr. President, the Senator from Missouri [Mr. STONE] has doubts as to whether he should vote for the conference report or not, but states he thought that he would do so, as section 124, which provides for a nitrate plant, is of such vital importance to the country he thought he would vote for the conference report, notwithstanding the other objectionable features of the report.

Mr. President, I look at the conference report in just the opposite way from the Senator from Missouri [Mr. STONE]. If I do vote for the report, I certainly do not want it understood that I approve of section 124. It seems to me that by adopting that section we are entering upon a dangerous policy. In that section $20,000,000 is provided for the erection of a nitrate plant. In ordinary times the Government of the United States purchases less than 20,000 tons of nitrates. At $50 a ton that is only $1,000,000. Three per cent upon $20,000,000 is $600,000, or enough to buy 12,000 tons of nitrate.

Mr. President, there is no business man who would undertake to invest $20,000,000 in a nitrate plant that will cost him as much to make, and perhaps more than he can purchase it for, if he has to borrow the money, as the Government of the United States will have to do, and pay 3 per cent interest upon it, and particularly when the interest upon his loan would purchase almost enough nitrates to supply his needs. This is about the condition the Government will find itself in if it undertakes to manufacture nitrates.

There is no danger, Mr. President, but what the Government of the United States can purchase all the nitrate it needs. I have a great regard for the opinion of Mr. Pierce, referred to by the Senator from Missouri, but I doubt very much the statement made in his address that the nitrate fields of Chile will be exhausted by the year 1923. I have attended national conservation congresses and heard statements made that in 29 years all the known coal of the world would be exhausted. Eight years of that time have gone by and I do not believe that there has been consumed in the United States during that time 1 per cent of the coal known to exist in the State of Colorado. The State of Colorado has coal enough to last the United States for hundreds of years.

Mr. SHAFROTH. If the Senator will yield, I will state that the Geological Survey stated that there were 391,000,000,000 tons of coal in the State of Colorado. They have been mining coal there for 60 years, and there has not been taken out yet one-half of 1 per cent of the coal of that State.

Mr. SMOOT. The statement the Senator makes at least confirms the moderate statement that I made. I know there is coal enough in the State of Utah to last the United States for a hundred years if there was not another pound of coal to be secured from any other source.

But that is not all. Grant that what Mr. Pierce says is true; agree with him that in 1923 there can be no more nitrates secured from Chile; then what? Mr. President, the Senate but a few weeks ago passed what is known as the Shields water-power bill. That bill is now before the House, and I say without fear of successful contradiction, if that bill becomes a law private parties will begin the manufacture of nitrates in the United States if the field is left to private enterprise, and the Government of the United States can buy nitrates as soon as a plant or plants are in operation for less money than the Government is buying nitrates from Chile to-day. There is not near the draft upon the nitrates of Chile to-day that there was years ago, as nitrates by the thousands of tons are being manufactured in Norway.

Mr. STONE. What?

Mr. SMOOT. Yes; I mean it.

Mr. STONE. In Norway?

Mr. SMOOT. Everybody knows it who knows anything about the manufacture of nitrates.

Mr. STONE. That is an easy statement to make, and it is not a very respectful one to make. I should like to know just where the Senator gets official or reliable or authoritative data for that statement.

Mr. SMOOT. I get it from the Geological Survey, and if the Senator wishes me I will send and get reports and show him the names of the companies in Norway manufacturing nitrates from the air, the amount of power used, and the amount of nitrates produced. They are making nitrates from the air in Canada. Mr. Pierce spoke of the plant that is now in Canada. In fact, if the Senator attended the lecture of Mr. Pierce, he saw moving pictures representing the plant located in Canada.

Mr. STONE. Which we lost.

Mr. SMOOT. Yes; I was going to say that plant would have been located in the United States if the Shields bill had been enacted into law a few years ago. But, Mr. President, a similar bill was passed, but did not meet the approval of certain people representing what was known as the National Conservation Congress, and at that time they had power enough to secure the veto of the bill.

Mr. President, I want to say again that if the Shields bill was the law to-day private capital would begin the manufacture of nitrates from the air. The Government of the United States could buy most of the nitrates they require for the interest upon the amount of money provided for in this bill to erect a plant only.

Mr. STONE. From whom would they buy it?

Mr. SMOOT. From individual parties who would begin the manufacture of nitrates from the air.

Mr. HARDWICK. Obtaining water power under the Shields bill.

Mr. SMOOT. Yes; I have no doubt of it. In fact, it has been testified before committees a number of times that the very parties who built the plant in Canada would have built it in North Carolina, if the President of the United States had not vetoed the water-power bill, as the bill would have allowed them to establish their plant upon some navigable stream in the United States.

Mr. OVERMAN. The company was already organized.

Mr. SMOOT. The company was already organized, as the Senator from North Carolina states; the capital was arranged for. I know if the water-power bill had become a law there was ample capital ready and individuals anxious to invest in a plant for the purpose of manufacturing nitrates from the air.

Mr. HARDWICK. If the Senator will pardon me, that is true in a case in Alabama, too.

Mr. SMOOT. I understood so, but I am not so familiar with that as I am with the North Carolina case.

So, Mr. President, there is no reason for this appropriation of $20,000,000, and I am sorry to see it in the bill. It looks to me as though we are running headlong into paternalism. As long

as I can prevent such a thing by a vote of mine I am going to do so. Let us place the railroads, the express companies, the telephone and telegraph lines, water transportation, and the manufacturing of nitrates under Government ownership and management, and let the work be done by men appointed for political reasons, and I say God help our country. I believe it will be a sorry day for the United States when individual initiative is destroyed in our country, as that is what has made our country as great as it is.

Such action as proposed is a long step toward defeating the policy that has made our country the greatest on the globe. If I vote for this report it will be because I believe the balance of the report is absolutely necessary for the immediate protection of our country.

Mr. SHAFROTH. If the Senator will yield, I should like to ask him whether he believes that because the Government is going to construct one nitrate plant it will do away with the necessity of private companies establishing other nitrate plants.

Mr. SMOOT. It may not do away with it entirely, but this is about what will happen. Ultimately private parties will erect plants for the manufacture of nitrates from the air, and I have no doubt but they can manufacture it cheaper than the Government of the United States can, providing all legitimate charges are made against the cost of the manufacture of it by the Government.

Mr. SHAFROTH. If they are going to manufacture cheaper than the Government can, and I believe the Senator is correct, I believe the private enterprise can do it, unless they have gentlemen's agreements and trust agreements by which it is thwarted, the Government will not interfere to any extent with private capital in the development of nitrate production.

Mr. SMOOT. The only question is as to how soon private parties will undertake it with the Government in the business and any loss made covered up by appropriations made by Congress. I have no doubt but what there will be private capital that will ultimately undertake it.

Mr. SHAFROTH. Does not the Senator think that a Government plant would serve this purpose if no other? If there were gentlemen's agreements to put up the price and make 400 and 500 per cent profit upon the product, the work on the part of the Government would tend to show the exact cost of it and would not that have a tendency to keep the price down?

Mr. SMOOT. I do not believe the exact cost will be known when manufactured by the Government. If we are to take past history into consideration and if we are to judge by the wasteful extravagances of the departments in spending appropriations, I want to say now that there will be no question but what the cost of manufacturing nitrates by the Government will be greater than by private parties.

Mr. SHAFROTH. Does not the Senator——

Mr. SMOOT. I want to say to the Senator that I believe private companies can make nitrate under the strict business rules by which such companies are generally managed cheaper than the Government can make it if actual cost is ascertained and can sell at a price fixed by the Government and make a profit.

Mr. SHAFROTH. They can, but will they not try to make an exorbitant profit by agreements such as we witness in many instances in products that are manufactured?

Mr. SMOOT. That, of course, I could not say; but we have a Federal Trade Commission to regulate such combinations, and I think they ought to be regulated.

Mr. SHAFROTH. But does not the Senator believe that the Government of the United States in the manufacture of its munitions and other things would have an advantage in the way of knowing processes and the latest inventions and keeping them, so that in case of war with a foreign country we would have an advantage in bringing forth something new that is devised by our inventive genius?

Mr. SMOOT. No; I do not think there will be any advantage on the part of the Government in keeping abreast of the times as to the improvements in any kind of processes or machinery for the manufacturing of any kind of article. I do not care whether it is nitrate or any other article manufactured for use.

Mr. VARDAMAN. Will the Senator from Utah yield for a question?

Mr. SMOOT. Certainly; I yield to the Senator.

Mr. VARDAMAN. The Senator from Utah is opposed to the Government building its own ships, manufacturing its own munitions of war, and otherwise engaging in enterprises of that character, is he not?

Mr. SMOOT. Mr. President, certainly I am opposed to the Government going into the building of ships. I am not opposed to the Government of the United States manufacturing a portion of the powder that it requires.

Mr. VARDAMAN. Why not by the Government of the United States?

Mr. SMOOT. I will state to the Senator why I say I do not believe that it is wisdom, nor does any other country believe it is, for the Government to manufacture all the powder that is required by——

Mr. VARDAMAN. Why not?

Mr. SMOOT. The Government of the United States to-day is relying upon private concerns for over one-half of its powder. We appropriate money every year to enable the Government to manufacture about a third of its requirements. It is the policy now that we shall manufacture that amount of our requirements, and depend upon private companies for the balance, so that in case of war or in case of a sudden call there would be private plants in operation, and the Government would be able to call upon them for their entire output.

Mr. VARDAMAN. When the Government manufactures its own powder it takes away the incentive to enlarge the Army which grows out of the enormous profits enjoyed by private companies. Why ought not the Government do it and thereby save the profits to the taxpayers rather than permit the profits to go into the coffers of the rich manufacturers of munitions of war?

Mr. SMOOT. That is another question entirely. I wish to say to the Senator that the real reason for the provision authorizing the Government to manufacture nitrates is not to enable the Government to manufacture it in case of war; that is so remote that it is hardly worth considering. The dominating reason is to allow the Government to manufacture nitrates to sell to the concerns of this country that make fertilizers.

Mr. VARDAMAN. Does not the Senator understand that if the Government did have that power it could be used to very great advantage to the farmers of the country by regulating very largely the price of the fertilizer which is so essential to them?

Mr. SMOOT. The price of the fertilizer is not regulated in the least.

Mr. VARDAMAN. No; but there will be no trouble, when plants shall be constructed, to provide for that by legislation, if it is in the interest of the American people.

Mr. SMOOT. This does not provide for the manufacture of fertilizer. It provides for the manufacture of nitrate, and the President is authorized to sell the nitrate on the best terms possible.

Mr. VARDAMAN. Well, the Senate can reasonably indulge the presumption that the President is going to exercise that discretion in the interest of the American people rather than in the interest of a few fertilizer manufacturers.

Mr. SMOOT. I will grant that, Mr. President, but that has nothing to do with what the farmer will pay for his fertilizer. The manufacturer of fertilizer will fix the price.

Mr. VARDAMAN. That is a mere matter of detail that will be met when the occasion arises. It is presumed that the Congress of the United States is going to act intelligently and patriotically in dealing with all of these questions. This is but the beginning. I really think it is the only thing in the bill for which I care.

Mr. SMOOT. Of course the Senator believes entirely differently from what I do. The Senator believes in Government ownership; the Senator believes that it would be wise for the Government to own the railways, to manufacture powder, and other munitions of war, and to manufacture anything which it desires. I think the Senator believes that the Government ought to build ships and to go into the transportation business.

Mr. VARDAMAN. I really think the Government ought to perform those functions where it is to the interest of the masses rather than to restrict its operations to certain things where it is to the interest of the few.

Mr. SMOOT. Well, Mr. President, my opinion is that it is for the interest of the masses of the people for the people themselves to attend to the business of the country. I think through competition and through regulation where there is no competition greater benefits will come to the people by the individual initiative of the American people and the manufacture of goods by and through that source.

Mr. THOMAS. Mr. President, will the Senator from Utah permit me to ask him a question?

Mr. SMOOT. Certainly.

Mr. THOMAS. The Senator from Utah referred some time ago to the Shields bill and what could be done under it, evidently upon the assumption that the Shields bill would become an accomplished fact in legislation. My query is whether the Senator has any information upon that subject? I know that bill received the denunciation of some very distinguished opponents of it some time ago, accompanied by directions to both

Houses, and practically to the President, as to what their duty would be under the circumstances. I was a little bit curious to know whether the Senator could tell me if the bill would probably become a law? Of course, if it does not, there can be no nitrates manufactured under its provisions.

Mr. SMOOT. I will say, Mr. President, that Mr. Pinchot prepared a statement denouncing the bill in the most vicious terms, and sent a copy to every newspaper in the United States, to little weekly papers, and even to some that are only issued once a month, calling attention to the fact—if it was a fact—that the Senator from the State where the paper was published voted for that iniquitous measure. Senators have, no doubt, been receiving protests from a few of these papers, inclosing the Pinchot letter of denunciation as a basis of the protest.

The National Conservation Congress held a meeting here at Washington on May 2, 3, and 4 of this year——

Mr. POMERENE rose.

Mr. SMOOT. Just a moment, and I will yield to the Senator. At that meeting, Mr. President, there was a vote taken on the Shields bill, and the resolution approving of it passed the congress by a vote of 116 to 39, notwithstanding the propaganda that had been carried on against it from Washington, notwithstanding the denunciation of it made by the so-called father of the congress. The people are beginning to learn that a certain kind of conservation and as construed by certain people in this country is not conservation in its truest sense.

Mr. POMERENE. Mr. President——

Mr. SMOOT. I yield to the Senator from Ohio.

Mr. POMERENE. I want to ask the Senator what general means of information the author of that paper had over other common mortals?

Mr. SMOOT. I had rather let the author of the letter answer that himself, for I think he can do it better than I.

I will say to the Senator from Colorado [Mr. THOMAS] that I have hoped and believed that the Shields bill will pass the other House, and I believe it is going to become a law at this session of Congress. There may be some modifications of the bill as it passed the Senate, but I believe that the main provisions of the bill are going to be carried into law. When that is done water-power development will begin and the water of this country will be utilized and will not as at present flow from the mountains to the ocean unused and worse than wasted; and that utilization I believe, Mr. President, is in consonance with the spirit of true conservation.

Mr. SHAFROTH. Mr. President, I should like to call the attention of the Senator from Utah to the fact that the bill was passed by an enormous majority in this body—a majority of nearly 2 to 1. I think it was—and that if this body stands firm and reiterates the incontrovertible truths that were stated in behalf of that bill, it seems to me the other House will consider that and acquiesce in the judgment of the Senate.

Mr. SMOOT. I think that is true, Mr. President. I know, however, that the Senator from Oregon [Mr. CHAMBERLAIN] desires to have a vote upon the adoption of the conference report, and so I shall not occupy longer the time of the Senate.

Mr. BRANDEGEE and Mr. LANE addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut.

Mr. LANE. Mr. President, I should like to say that I do not understand the logic of the argument of the Senator from Utah [Mr. SMOOT].

Mr. BRANDEGEE. I believe I have the floor, Mr. President.

Mr. LANE. I will say——

Mr. BRANDEGEE. I will yield to the Senator, if he wishes.

Mr. LANE. I only desired to make a few remarks.

Mr. CLARKE of Arkansas. Mr. President, I want to say that we had a sort of "gentlemen's agreement" that we should vote on the pending conference report at half past 4 o'clock this afternoon. I, of course, probably state it extravagantly when I say a "gentlemen's agreement"; but the Senator from Oregon [Mr. CHAMBERLAIN] rose and asked unanimous consent to vote on the report at that time. The objection was made that that request would involve a roll call, but the indications were that we might vote about that time.

I want to say that I believe I shall subject myself to just censure if I do not hereafter insist that the river and harbor bill shall be kept before the Senate until it is passed. When we met this morning it was with the understanding that discussion of the pending measure would not require more than two hours. I trust Senators will understand the motives which prompt me to make this announcement at this time, and will this afternoon conclude the consideration of this particular matter, so that to-morrow morning we may resume the consideration of the river and harbor bill and keep it under consideration until it is disposed of.

Mr. BRANDEGEE. Mr. President, I hope I have not lost the floor, for I did not yield to the Senator from Arkansas, but I wish to say that I did not understand there was any agreement as to the time when the vote should be taken on this report. I saw the Senator from Oregon [Mr. CHAMBERLAIN] rise and heard him ask unanimous consent that a vote be taken at half past 4 o'clock, and then he withdrew the request.

Mr. CLARKE of Arkansas. The request was withdrawn, as I understand, for the purpose of avoiding a roll call.

Mr. BRANDEGEE. Whatever the purpose may have been, the request was withdrawn, and there was no assent to the request. So I assume there has been no hour fixed for a vote on the conference report.

Mr. President, I desire to ask the chairman of the committee what was the minimum number of enlisted men of the line provided in the bill as it passed the Senate?

Mr. CHAMBERLAIN. I will say to the Senator that the minimum number in the bill as it passed the Senate is practically as it is under the provisions of the conference report, because the numbers of organizations and the composition of the units are the same in the bill as it passed the Senate and in the report now before the Senate, except as to the amendment which the Senator from Connecticut proposed and which was adopted by the Senate increasing the enlisted strength to 250,000 men as a maximum.

Mr. BRANDEGEE. That was not the minimum?

Mr. CHAMBERLAIN. No; that was not the minimum.

Mr. BRANDEGEE. So that, if I understand the Senator correctly, the minimum number at which the Regular Army must be maintained, according to the provisions of the conference report, which he has stated to be 165,000 men, is the number which was provided by the bill as it passed the Senate.

Mr. CHAMBERLAIN. Yes; that is the same.

Mr. BRANDEGEE. Mr. President, I agree with the Senator from Missouri [Mr. STONE] in stating that I am considerably puzzled about how a Senator ought to vote on this conference report. I am more puzzled how a Senator who believes in real preparedness ought to vote on this conference report. The Senate put into this bill a provision that the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts, the enlisted men of the Quartermaster Corps, of the Medical Corps, and the unassigned recruits, should not exceed 250,000 men, as appears on page 7271 of the RECORD. Now, if I understand the provisions of the conference report correctly, it provides:

> That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts and the enlisted men of the Quartermaster Corps, of the Medical Corps, and of the Signal Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 175,000 men.

That means that the Senate conferees have agreed that the maximum strength of the Army, to put it in a brief phrase, shall be reduced 75,000 men below the number which was fixed by the Senate, whereas the House conferees have only agreed to increase the minimum number provided for in the House bill, to wit, about 145,000 men, to 165,000 men. I think that is extremely unfortunate, Mr. President. The Senate conferees have not only receded upon that question of the strength of the Army, but they have stricken out absolutely section 56 from the bill.

Without reading section 56, I will ask, in order that those who wish to compare that section with the section that the conferees have substituted for it, that section 56 of the bill as it passed the Senate be printed in my remarks, and, immediately following it, section 54 of the conference report.

The VICE PRESIDENT. Without objection, it is so ordered.

The sections referred to are as follows:

Section 56 of the bill as passed by the Senate is as follows:

> SEC. 56. The Volunteer Army: The President is hereby authorized, at any time, to organize, maintain, and train, under the provisions of sections 3 to 12, both inclusive, of an act entitled "An act to provide for raising the volunteer forces of the United States in time of actual or threatened war," approved April 25, 1914, volunteer forces, not exceeding an average of 600 officers and enlisted men for each congressional district. The term of enlistment, which shall in no event be greater than that of the Regular Army, the period of service with the colors and with the reserve, and the period of training shall be as the President may prescribe, those passing to the reserve to have the status and obligations prescribed for reserves of the Regular Army: *Provided*, That as reserves no compensation shall be paid except for actual services. Officers and enlisted men of the volunteer forces raised under the provisions of this section shall be entitled to the pay and allowances of officers and enlisted men of corresponding grades in the Regular Army during periods of training only: *Provided further*, That without the consent of Congress such volunteer forces shall not be called out for field service for more than a total period exceeding 30 days in any one year.
>
> Temporary appointments and promotions of officers of the Regular Army arising from the operation of this section may be terminated at the discretion of the President.

> Officers of the Regular Army who receive commissions in the Volunteer Army herein authorized shall in time of peace receive the pay and allowances of their respective grades in the Regular Army, and no more.

Section 54 of the bill as agreed to by the conferees is as follows:

> SEC. 54. Training camps: The Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipment, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish, at the expense of the United States, uniforms, subsistence, transportation by the most usual and direct route within such limits as to territory as the Secretary of War may prescribe, and medical supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camp, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instruction at said camps, for cash and at cost price plus 10 per cent, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time of the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the period during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ therein officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

Mr. BRANDEGEE. Section 56 of the bill as it passed the Senate provided for the creation of a volunteer army, and was so entitled. Section 54 of the conference report provides simply for the establishment of training camps, and is so entitled.

The Senator from Oregon, the chairman of the committee, has given some intimation that under section 54 of the conference report something might result similar to what would happen under section 56 of the Senate bill. I must, with all due respect, entirely differ from his construction of the language of section 54 of the conference report. It simply provides that—

> The Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War.

Obviously the "terms of enlistment" and regulations to be prescribed by the Secretary of War, as stated in that section, are simply for the purposes of the section, to wit, military instruction and training in the camps. The section does not contemplate at all the enlistment of one of the citizens who goes to a training camp in either the Regular Army or the volunteer army, if there be such a thing, of the United States. It does not make him a United States soldier at all; he incurs no obligation to go into the service of the United States thereafter when called upon; but it is good in so far as it goes.

Another part of the section, which I have not read, provides that the citizen who goes to a training camp shall have his equipment furnished him, and so forth. Of course, the provision can not contemplate service in the Army of the United States, because it does not provide for any pay; but in the opinion of those who want to provide a real reserve of United States soldiers to be called upon in time of national peril, who would have had training in military camps in evolutions, in marksmanship, and who would have undergone a hardening process to put them in a condition to endure the privations of military life as they have to be endured in the field, section 56 of the bill as passed by the Senate provided something real and tangible.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. BRANDEGEE. The Senator may.

Mr. CHAMBERLAIN. I think that section 56 did not provide for pay except during the time the men were in training, but the Senator will remember—I hope the Senator will remember, at least—that the House and Senate had reached an impasse by virtue of the action of the House in absolutely refusing by an overwhelming vote to accept that Senate amendment; so that it was either the provision agreed to or nothing. If the Senate conferees had insisted all the time upon the retention of section 56, I for one felt—and I believe my colleagues on the conference committee felt as I did—that the situation was too serious to absolutely block all legislation on this subject, particularly in view of the fact that the Senate organization was retained intact as to the Regular Army.

Mr. BRANDEGEE. Mr. President, I beg to assure the Senator that I estimate him as a true friend of maintaining the national authority of this Government and of having the necessary force, the necessary military arm, to protect the life of this Government and its people under any and all circumstances; and I have no doubt that if the Senator could have had his way he would have had a real bill, in which the country could have had some confidence and which would have resulted, come what may, in at least affording the nucleus of a Regular Army organization and a possibility of training a reserve for it which would be reliable and which would not disappoint us in case of emergency. I have no doubt the Senator did the best he could to get the other body to accede to what I would consider a reasonable view of this situation; but I think it is a serious question after all whether it would not have been better for the Senate conferees, who no doubt believed in the bill which the Senate passed, to have absolutely broken with the House conferees over this difference and to have declined to enter on a system and to commit this country to a system, which I hope will not be permanent, of attempting to rely upon the militia of the several States as the first line of defense after the Regular Army of this country.

Mr. President, the individuals who compose the militia of the several States are patriotic and well-meaning. They show that by going into the militia. They do the best they can. They want to do something to be of service to their State and their country. Unfortunately it is not their fault that they can not be made a reliable part of the first line of defense as a Regular Army reserve. It is not their fault. It is simply that the Constitution of the United States prevents its being done, willing and able as they may be.

Mr. LEE of Maryland. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Maryland?

Mr. BRANDEGEE. I do.

Mr. LEE of Maryland. I should like to ask the Senator how it is that the Constitution of the United States prevents it, when the Constitution of the United States has exactly the same terms that the Constitution of Switzerland has, and Switzerland has an efficient citizen militia?

Mr. BRANDEGEE. Mr. President, I am not an expert on the Swiss Constitution. My learning has never extended that far, and I have not read the document. I do know that the Constitution of the United States provides that the militia of the several States can be called into the service of the United States for three, and only three, specific purposes—to enforce the laws of the United States, to suppress rebellion, and to prevent invasion. The trouble about relying upon the militia of the several States as an adequate supplement to the first line of defense—to wit, the Regular Army—is that until we get to the point where invasion has to be repelled we can not call the militia into the service of the United States. In other words, however well prepared each separate body of militia may be in its own State for those purposes, they can not be immediately called into the field—to-day, for instance—and put into training camps by the President of the United States, in the service of the United States, for the purpose of hardening them down, of testing their marksmanship, and of making them proper men to put into the field service with the Regular Army to repel invasion or to meet veterans.

Reason about it as you may and cavil about it as you may, there is that chasm between the militia of the several States and the Regular Army, that hiatus between the militia and the authority of the President of the United States, who is the Commander in Chief of the militia of the several States only when they are called into the service of the United States, and he is utterly without authority over them at other times. There is that hiatus that can not be bridged; and this whole bill, so far as it attempts by the use of language and adroit expressions and phrases to accomplish the process designated as "federalizing the militia," is a failure so far as any immediate results could be obtained from the militia as a first line of defense. Every lawyer knows it. Every Army officer knows it. The militia know it. The adjutant generals who have been so insistent here to prevent a Regular Volunteer Army of the United States know it and admit it. There is no use in attempting to deny it, or even to disguise it.

Whatever may be said about the distinguished brigade of adjutant generals who have taken a benevolent interest in the procurement of this legislation, or at least who have taken a position of open hostility toward section 56, and have finally valiantly succeeded in trampling it under their feet and substituting their own organizations in lieu of it—whatever may be said about them as a lobby, which term the Senator from Maryland [Mr. LEE], who is the champion of this embattled

brigade, resents—I say, I will not call them a lobby. I see that the distinguished Senator from Illinois [Mr. LEWIS], who claims to divide with the Senator from Maryland the honor of marshaling here this host who have vanquished section 56, is very much interested in this question. Whatever may be said about the wisdom of the action of this distinguished brigade, they have conducted a propaganda here.

If you do not like the word "propaganda," I will modify that to "an organization." They have maintained a very effective organization, and they have won their point. I think they have done more harm to their country than their military services will ever be able to redeem. Be that as it may, that feature is accomplished. But I say this conference report, which strikes out section 56, providing for the volunteer army, substitutes a mere authorization that men may have their uniforms furnished to them if they want to go into a training camp, and cuts down the 250,000 maximum number of the Regular Army as fixed by the Senate—although the President of the United States himself, disagreeing with the distinguished chairman of the Committee on Foreign Relations of the Senate, has openly stated to the country that he regarded 250,000 men as a very small Regular Army for a country of 100,000,000 population and of our great wealth—the conference report which has done all those things is most regrettable. And, Mr. President, I can not help but express my surprise and regret and my amazement to have heard the distinguished chairman of the Foreign Relations Committee, the Senator from Missouri [Mr. STONE], stand here this afternoon and say that he regards even this small army of 165,000 men as imposing an utterly unjustifiable burden of expense upon the taxpayers of this country.

Why, Mr. President, anybody in the position in which that Senator has been for the past year, and I should think anybody who has been in America in the past year and has kept track of current events pertaining to our foreign relations, would see beyond peradventure that it was the duty of this country to keep at all times, in peace as well as in war, a sufficient skilled military force to take the field and to meet danger, from whatever quarter of the compass it might appear. Let no Senator delude himself with the idea that the minute the present Mexican situation may be settled, or the minute the present European war may be over, this country will cease having its entanglements and its dangers from foreign powers. In my opinion they are going to be much greater and much more frequent in the future than they ever have been in the past.

I wish it were within my power to convince those who differ with me in this respect that what this country needs, if it is to be prepared to defend itself at all—and I am not arguing with anybody who thinks it is wrong to defend the country—is to have your force ready at all times, for it is the sudden emergency, the being taken unaware, that is the great danger. This country is so large territorially and in population and is so wealthy that I am almost tempted to pardon some people who believe that on those accounts it could never be attacked. But, Mr. President, the larger it is and the richer it is and the wealthier it is the more danger of attack; and the fact that after years of training and rush and tremendous payments of money and sacrifice of life we might then get in condition to repel the invader, whom we might have been able to expel with a thousandth part of the expense then entailed, would be no consolation to us now.

I think those who talk about "militarism" in this country are simply repeating a parrot cry. There is no such thing, and I do not believe there ever can be such a thing, in this country. But since when has it been considered militarism that a sovereign Government of 100,000,000 people should maintain a respectable-sized standing army and have the necessary munitions of war always on hand?

Everybody knows, every schoolboy knows, that the alluring picture of a thousand or a million embattled farmers springing to their arms on the bugle call and repelling the foreign invader is a mere idle dream. If the million farmers sprang, there would be no arms for them to spring to; and if there were, they would not know how to handle their arms. They would have to be put in great encampments and taught in some way to march shoulder to shoulder and taught what the military commands meant; and when they got so that they could be trusted with rifles, so that they would not shoot themselves or their companions, they would have to have the intricate mechanism of the arms explained to them for weeks.

While I do not want to reflect upon the benefits of the Plattsburg camp or other such camps, Mr. President, I have been told within a few weeks by a gentleman who attended one of those camps that even to-day—and he is the captain of one of the rifle teams—he has members that attended that camp bring their rifles to him because they have been unable to put them together after having taken them apart, after two months of training; and they were not unintelligent people.

But, in addition to that, an army is composed of units. The armies of to-day are not mere men with muskets in their hands; they are men of the highest mechanical skill, manipulating all sorts of delicate instruments. To say, living in a fool's paradise as we are, that we will stake everything upon the chance that nobody will attack us and that we will not be called upon to enforce our policies or help defend anybody else, with our Panama Canal and our Philippine Islands and our outlying possessions in the Atlantic and Pacific; to talk about trusting in Providence or to preach moral homilies to the tigers and panthers that are raging around the world licking their chops and seeking whom they may devour; to talk about garlands of roses and the millenium and the brotherhood of mankind simply makes me sick, Mr. President. The English language fails to express my feelings in that respect.

When a nation falls so low or becomes so effeminate or cowardly or contemptible that it will not fight to defend its own firesides and its own people, or when it becomes so brainless and steeped in maudlin, gummy sentiment, or so stingy that it will not prepare and pay the necessary insurance against the calamities that we see have befallen in Europe, I say it ought to go down. I hope the Lord, who is kind to drunkards and fools, will continue to preserve the United States even if the Congress will not furnish anything for Him to do it with.

Mr. LEE of Maryland. Mr. President, immediately after the close of the remarks of the Senator from Connecticut [Mr. BRANDEGEE] I should like to read into the RECORD the provision of the Constitution of the United States and the similar provision of the constitution of Switzerland as to the powers of our States and their Cantons in appointing officers for the militia. They are as follows:

Section 8, Article 1, of the Constitution of the United States provides:

> Congress shall have power to provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Now, the Swiss provision is as follows:

> So far as military reasons do not prevent, corps of troops shall be formed from soldiers of the same Canton. The composition of these bodies of troops, the maintenance of their effective strength, the appointment and promotion of their officers, shall belong to the Cantons, subject to general regulations which shall be issued to them by the Confederation.

Mr. BRANDEGEE. Mr. President, if the Senator will yield, I do not deny that the Swiss Army is efficient. I think it is. It has been sufficient to protect their country and keep out invaders.

Mr. LEE of Maryland. Then there is no reason why the Senator can not be comforted, because our people are as good as the Swiss; and with the same Constitution why can we not have the same kind of an army?

Mr. BRANDEGEE. Does the Senator from Maryland claim that under the Constitution of the United States the President can order the militia into service for the purpose of training in time of peace?

Mr. LEE of Maryland. It is in this bill.

Mr. BRANDEGEE. I know; but it is not in the Constitution.

Mr. LEE of Maryland. And it will operate in this bill, and it will operate so that the Senator will be comforted, and the country will be safe.

Mr. BRANDEGEE. That is one of the evasions and subterfuges that I criticize in the bill.

Mr. OLIVER. Mr. President, I can not allow the bill to come to a vote without explaining why I feel compelled to vote for the conference report. Rather than leave our country in its present condition unprepared to repel an invasion, which I feel sure will some time come, I am willing to sacrifice somewhat even in matters of principle. But I want to register my protest against the unfairness of compelling men who are willing to do everything in their power to put our country in its proper position in a military sense to vote for something which is absolutely repugnant to them as a matter of principle, and I refer to the provision for the nitrate plant.

I regard this provision as unwise in the extreme, even if it were true as alleged in the debate in the Senate before it was adopted as an amendment that there was any danger whatever of our country in time of war being short of a sufficient supply of nitrates to provide explosives. The argument was presented that as we now rely upon a foreign supply for a large part of our nitrates and as that supply might be cut off we must place ourselves in a position to provide for it from within.

Mr. President, I believe that before 10 years, before 5 years, have passed we will be in a position to obtain all the nitrates

that we can possibly need in time of war for explosives and in time of peace for fertilizers by the development of an industry the extent of which is not appreciated even by those who are intimately connected with the great iron and steel industries of the country. Up to within very recent years the coke necessary for our blast furnaces has been produced almost entirely in what is known as the old-fashioned beehive oven. The development of the by-product coke industry is distinguishing the beehive oven out of existence, and within a few days I heard a man familiar with all branches of the industry predict that even within five years there would be no more coke made by that process.

As a by-product coke oven produces ammonia, from which nitrates can be made to an almost unlimited extent. In time of war our iron and steel industry would necessarily be busy, and there would be no difficulty whatever in obtaining all the nitrates we need, and on account of the great quantities which would be produced, in my opinion, the production of them would be infinitely cheaper than what it would cost either the Government or private parties to produce them by extracting nitrogen from the air.

Mr. POMERENE. Mr. President, can the Senator state whether it has been demonstrated that nitrates can be produced profitably from the by-products of coke?

Mr. OLIVER. I will say, Mr. President, that I have not the figures, as I was promised them a few days ago. They do not appear at my office. I have been away for a week, and I returned only to-day. I expected that before the debate would come on to have figures to prove that with the extension of this industry and the consequent large production of ammonia as a by-product of these ovens the cost of producing them and the necessity of disposing of them would be such that the cost to the consumer would necessarily be less than it would be by any possibility by extracting nitrates from the air.

Mr. POMERENE. As a practical proposition up to date can nitrates be produced profitably in this way or have they been produced profitably in this way?

Mr. OLIVER. They have undoubtedly been produced profitably in this way. About one-third of the nitrates that are now produced by the by-product oven are going into other lines of industry, not into fertilizers. A large part of them are already going into fertilizers and into explosives; but you must remember that the quantity produced to-day is as nothing compared to what it will be, I say, within five years, because the extent to which this industry is developed is known only to those who have been in intimate association with the business.

Mr. POMERENE. I asked the question because I have had several letters on the subject, and in construing the letters it seems to me that it is a case of hope springing eternal in their souls rather than because they have any definite knowledge on the subject.

Mr. OLIVER. Mr. President, I say in all good faith and in all good conscience I believe that before 10 years the quantity of nitrates that will necessarily be produced as a by-product of this industry will render them infinitely cheaper than they are to-day or than they will be or can be produced by this proposed Government plant.

For these reasons, Mr. President, I shall vote for this report, because I think some such measure is absolutely necessary, and I can not stand in its way; but I shall vote for it with the strongest kind of protest against the insertion of such a provision as section 124.

Mr. UNDERWOOD. Mr. President, at this late hour of the evening I do not intend to occupy the time of the Senate with any extended debate. I have great respect for the opinion of the Senator from Pennsylvania [Mr. OLIVER] on all questions of the kind he has just spoken upon, but I think he is mistaken in his opinion that necessarily nitrates for war purposes can be supplied for our Government by private coke-oven industry. In the first place, a hundred tons of coal will make only 2,688 gallons of sulphate of ammonia. When you reduce it to tons and realize that the war supply of the Government will require 180,000 tons a year of concentrated nitric acid, I think it is apparent how far we are away from the necessary supply of the by-product coke-oven business to furnish the country with enough nitrate to supply the Government.

It is apparent that you can not burn a hundred tons of coal for the mere purpose of making 2,600 gallons of sulphate of ammonia. You can only produce it as a by-product, and the limitation on your production is the limitation that is caused by the manufacture of pig iron. Therefore you can not expand it for war purposes. You are absolutely limited to your production of pig iron in the amount of sulphate of ammonia that you produce.

In the next place, sulphate of ammonia is not concentrated. You have to carry it to some central point to concentrate it, unless you propose to have the Government build a concentration plant in each pig-iron furnace or each by-product coke oven. The cost of transportation would be great. You have to carry it in tank cars to the point of concentration. After you have concentrated it you have to put it through other processes that are very expensive.

I have no doubt in my own mind that it will cost vastly more to produce your nitrate supply from the by-products of coke oven than through an air-nitrogen process.

But, in the next place, there is no possibility of the Government preparing itself in advance of a great war along this line. The Government can not go out in times of peace and build concentration plants, build plants to make the ammonia in various parts of the country, and carry them for years for no serviceable purpose other than to wait for a war, whereas if you create an air-nitrogen plant you can use it for other serviceable purposes.

Mr. OLIVER. Mr. President, I ask the Senator from Alabama if the Government is not now proposing to do that very thing, to prepare in time of peace for some war that may never come?

Mr. UNDERWOOD. Certainly; but it is a very different kind of preparation. I say the preparation suggested by the Senator from Pennsylvania is not practical.

Mr. OLIVER. I am not proposing to prepare at all. I am proposing that the Government shall intrust its citizens with the duty of preparing, as they will prepare if you will allow individual enterprise to have its full course.

Mr. UNDERWOOD. But the citizen of the United States is not going to prepare for a surplus supply. He can not afford to do it. The extent to which he will manufacture sulphate of ammonia through the by-product coke oven is only to the extent of peace demands, and the peace demands to-day are consuming his present supply. The larger portion of the supply of sulphate of ammonia to-day is used for cold-storage purposes. You would not divert that supply in time of war. You need the refrigeration plants as much or more in war than you do in peace. The balance of the supply is going into fertilizers to-day. You would not divert it from the field of fertilization in time of war.

Mr. OLIVER. I would.

Mr. UNDERWOOD. Unless there was no other place at which to get your supply. But I say that the Government itself can not go to work to-day and build its concentration plants, provide its tank cars for the concentration of sulphate of ammonia, and hold it in waiting indefinitely for war to come. It can build a great water power. It can build one plant that may lie idle or may not, waiting 50 years, because it can rent its power, it can sell its power, it can dispose of its surplus product. It is the economical way to do it.

But there is one argument that, in my judgment, is unanswerable to the argument made by the Senator from Pennsylvania, and that is that in the German Empire there was practically all its coke made by the by-product coke oven. They had more by-product coke ovens, and have to-day, than any other nation in the world. Yet when this war came on and the supply of Chilean saltpeter was cut off from the German Government, they did not resort to their by-product plants to obtain sulphate of ammonia to supply their factories with nitrogen and their armies with explosives. No, they developed an air-nitrogen process in an expensive way. Where they did not have the water power they put fuel under the boilers of their engines and produced the electric power that will make air nitrogen. There is no nation in the world from a scientific standpoint that is better prepared and better developed to meet the situation than the German Empire. The German Empire in what it has done has answered the argument that is made by the Senator from Pennsylvania on this subject by refusing to follow the course he advises the Senate of the United States to follow to-day.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal-savings deposits, to create Government depositaries

teams—he has members that attended that camp bring their rifles to him because they have been unable to put them together

Mr. President, I believe that before 10 years, before 5 years, have passed we will be in a position to obtain all the nitrates

and financial agents for the United States, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the William B. Durgin Co., of Concord, N. H., praying for the enactment of legislation to authorize the Supreme Court to prescribe forms and rules in legal work, which was referred to the Committee on the Judiciary.

He also presented the petition of Harry E. Barnard, State food and drug commissioner of Indiana, praying for increased appropriations for the Biological Survey, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of F. J. Swords, of New York City, N. Y., praying for an investigation into the practice of vivisection, which was referred to the Committee on Agriculture and Forestry.

Mr. PHELAN presented petitions of sundry citizens of San Jose and Berkeley, in the State of California, praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to Africa and the insular possessions of the United States, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of San Diego, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Unity Council, No. 39, Junior Order United American Mechanics, of San Jose, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Master Painters and Decorators' Association, of San Francisco, Cal., praying for the enactment of legislation to prohibit fraud in the manufacture of paints, which was referred to the Committee on Interstate Commerce.

Mr. POINDEXTER presented a petition of Fern Bluff Grange, Patrons of Husbandry, of Sultan, Wash., praying for Government ownership of telegraph and telephone systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Mrs. G. H. Homann and sundry other citizens of Vancouver, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. PAGE presented petitions of Columbia Council, No. 11, Sons and Daughters of Liberty, of Hartland; of Evening Star Council, No. 6, Sons and Daughters of Liberty, of North Danville; and of G. O. Farr Council, No. 15, Sons and Daughters of Liberty, of Plainfield, all in the State of Vermont, praying for the enactment of legislation for further restrict immigration, which were ordered to lie on the table.

Mr. OLIVER presented a petition of sundry citizens of Pittsburgh, Pa., praying for an increase in armaments, which was ordered to lie on the table.

He also presented memorials of sundry granges of Pennsylvania, remonstrating against an increase in armaments, which were ordered to lie on the table.

He also presented petitions of sundry granges of Pennsylvania, praying for Government ownership of telegraph and telephone systems, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry patriotic societies of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 5863) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa., reported it with an amendment and submitted a report (No. 448) thereon.

Mr. POINDEXTER, from the Committee on Naval Affairs, to which was referred the bill (S. 3776) providing for the establishment of a radio station on Unga Island, Alaska, reported it with amendments and submitted a report (No. 449) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 6042) granting an increase of pension to Mary L. King; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6043) for the relief of William Leslie Nelson (with accompanying papers); to the Committee on Military Affairs.

By Mr. JAMES:

A bill (S. 6044) granting an increase of pension to Catherine E. Richards (with accompanying papers); and

A bill (S. 6045) granting an increase of pension to Alice J. Buck (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6046) authorizing the Secretary of War, upon the request of the governor of a State, to designate one or more commissioned officers of the United States Army to cooperate with the school authorities of the State in the establishment and proper conduct in any of the public schools of the State of the so-called Wyoming plan of military and physical training according to the system prepared by Lieut. E. Z. Steever, United States Army, and recommended by the War College Division of the General Staff Corps, United States Army; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 6047) to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers"; to the Committee on Agriculture and Forestry.

By Mr. HITCHCOCK:

A bill (S. 6048) to provide for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska; to the Committee on Indian Affairs.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 6049) providing for the purchase of a site and the erection thereon of a public building at Midland, in the State of Pennsylvania; to the Committee on Public Buildings and Grounds.

A bill (S. 6050) to correct the military record of Charles Mace; to the Committee on Military Affairs.

A bill (S. 6051) to increase the pensions of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States;

A bill (S. 6052) granting a pension to Nathan K. Epler; and

A bill (S. 6053) granting a pension to George G. Richie; to the Committee on Pensions.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. POINDEXTER submitted an amendment providing that periodical publications issued at stated intervals as frequently as four times a year by any department of a State government as a part of the official work of that department and for public purposes only shall be entitled to second-class mail rates, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

AMERICAN CITIZENS IN IRELAND.

Mr. KERN. I submit a resolution and ask that it be read.

The VICE PRESIDENT. The Secretary will read as requested.

The resolution (S. Res. 196) was read, as follows:

Whereas it is represented that at the time of the recent revolt in Ireland there were, and are yet, many American citizens in districts in which martial law was proclaimed and in which armed conflicts occurred; and

Whereas the relatives and friends in this country of such American citizens whose safety has been thus endangered are apprehensive lest their lives and property have been imperiled: Therefore be it

Resolved, That the Secretary of State be, and is hereby, requested to cause inquiry to be made through our consular representatives as to the safety and well-being of American citizens in Ireland, and to take such steps as may be necessary for the safeguarding and protection of their lives and property.

Mr. STONE. Mr. President, I ask that the resolution be referred to the Committee on Foreign Relations.

Mr. KERN. I should like immediate consideration of the resolution, if there is no objection.

Mr. STONE. I ask that it be referred to the Committee on Foreign Relations.

Mr. KERN. That is the usual course, I presume, and it will have to be done.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

OSAGE OIL LANDS.

Mr. CHILTON submitted the following resolution (S. Res. 198), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the Osage Indians have questioned the legality and advisability of the proposed leases of oil lands upon the Osage Indian Reservation in Oklahoma, now pending before the Department of the Interior for the approval of the Secretary; Therefore be it

Resolved, That pending the investigation by the Committee on Indian Affairs of the Senate the Secretary of the Interior be, and he is hereby, requested to suspend all action upon all oil leases covered by the so-called Edwin B. Foster lease of lands upon the Osage Indian Reservation, except that pending such investigation all leases which were in force on March 16, 1916, are to be extended until such time (not to exceed one year) as a full and complete report is made by the Committee on Indian Affairs to the Senate.

Resolved, That the Committee on Indian Affairs of the Senate, through a subcommittee of five members to be chosen by it, be, and it hereby is, authorized and directed to fully investigate the methods of controlling and marketing the oil production of the Osage Reservation in Oklahoma and all affairs connected therewith, and that the said committee be empowered to send for persons and papers and to subpœna witnesses, to administer oaths, and to sit during the sessions of the Senate and during vacation; and said committee shall make full and complete report, together with its recommendation to the Senate. The necessary expenses of said investigation shall be paid out of the contingent fund of the Senate.

FEDERAL EMPLOYEES' RETIREMENT BILL.

Mr. POMERENE submitted the following resolution (S. Res. 197), which was considered by unanimous consent and agreed to:

Resolved, That the Bureau of Efficiency is directed to prepare and submit to the Senate estimates of the immediate and ultimate cost of pensioning or retiring the civil employees of the United States, and in order to prepare such estimates the Bureau of Efficiency shall obtain from the executive departments, from the chiefs of bureaus, and independent establishments, such information regarding persons appointed to and separated from the executive civil service as may be necessary for that purpose, including their salaries and dates of birth, appointment, and separation;

Resolved further, That for said purposes the heads of the executive departments, chiefs of bureau, and other executive or administrative officers are hereby directed to furnish the said Bureau of Efficiency with said information.

PREPAREDNESS AND DEMOCRATIC DISCIPLINE (S. DOC. NO. 443).

Mr. KERN. Mr. President, I have here an article published in the Atlantic Monthly of April, 1916, entitled "Preparedness and Democratic discipline," written by Mr. George W. Alger, an accomplished writer and a distinguished lawyer of New York City, which I should like to have printed as a public document. I regard it as a very valuable contribution to the literature on that subject.

The VICE PRESIDENT. Without objection, it is so ordered.

WYOMING PLAN OF MILITARY TRAINING.

Mr. POINDEXTER. I ask to have printed as a public document an article prepared in the War College Division of the Army on an outline of a plan for military training in public schools of the United States, commonly called the Wyoming plan of military and physical training.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. FLETCHER. The Senator from Washington, as I understand, has asked to have a certain paper printed as a public document. I do not know anything about it, and I think it ought to go to the Committee on Printing for consideration.

The VICE PRESIDENT. If there is any objection, the paper will be referred to the Committee on Printing. That order will be made.

GOVERNMENT OF THE PHILIPPINES.

Mr. HITCHCOCK. Mr. President, I desire to give notice that immediately upon the conclusion of the consideration of the river and harbor bill I shall ask the Senate to consider the amendments of the House to the so-called Philippine bill (S. 381), which are now on the table.

RURAL CREDITS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. I move that the Senate disagree to the amendments of the House and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. OWEN, Mr. HOLLIS, and Mr. NELSON conferees on the part of the Senate.

Mr. HOLLIS. I ask unanimous consent that the rural-credits bill be printed in a form to show the House amendments.

The VICE PRESIDENT. Does the Senator ask that the Senate and House bills be printed in parallel columns?

Mr. HOLLIS. I will not ask for that now; but I ask that it be printed so that the Senate bill will show the House amendments.

Mr. NORRIS. Why does not the Senator have the bill printed in parallel columns?

Mr. HOLLIS. Because in the House they changed the order of the sections so that I am afraid that will be a very difficult thing to do. However, the Printing Clerk is going to see if it can be done; if so, then I shall ask for such an order.

Mr. SMOOT. Mr. President, I should like to suggest to the Senator that I believe the best way to have the bill printed is in parallel columns. I hardly think it could be printed in the way the Senator suggested, if I understood his request, but it can be printed in parallel columns. No matter whether the sections follow each other or not, the notes on each section will show exactly to what section in the opposite column it has reference. I think it is very much better to have it printed that way.

Mr. HOLLIS. Then I will ask that the bill be printed in parallel columns.

The VICE PRESIDENT. Without objection, it is so ordered.

The order was reduced to writing and agreed to, as follows:

Ordered, That there be printed as a Senate document, in parallel columns, a comparative print of the bill (S. 2986) "to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal-savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes," showing the bill as passed by the Senate and the bill as passed by the House of Representatives. (S. Doc. No. 444.)

Mr. HOLLIS subsequently said: Mr. President, I brought up this morning the question of having printed the rural-credits bill and asked to have the bill (S. 2986) printed, showing the amendments of the House. Some objection was then made, but I think there was a misunderstanding; and I now ask that the order be made, and that the bill be printed, showing the amendments of the House.

The VICE PRESIDENT. Without objection, it is so ordered.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15 and agree to the same with an amendment, as follows: On page 29, line 1, strike out "$30" and insert in lieu thereof "$24"; and the Senate agree to the same.

CHARLES F. JOHNSON,
WILLIAM HUGHES,
REED SMOOT,
Managers on the part of the Senate.
JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 7, 9, 11, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 8, 10, 12, 13, 14, 15, 18, and 19, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: On page 4, line 5, strike out amount named and insert in lieu thereof "$24"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: On page 25, line 21, strike out amount named and insert in lieu thereof "$36"; and the Senate agree to the same.

CHARLES F. JOHNSON,
WILLIAM HUGHES,
REED SMOOT,
Managers on the part of the Senate.
JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHARLES E. FULLER,
Managers on the part of the House.

Mr. GALLINGER. Before the conference report is agreed to I will ask the Senator from Maine if the allowance to Mrs. Sternberg is in this report.

Mr. JOHNSON of Maine. It is not. That provision is in a Senate bill, which has been reported and is now on the calendar.

Mr. GALLINGER. This is a conference report on a House bill?

Mr. JOHNSON of Maine. Yes; on a House bill.

Mr. GALLINGER. I wish to say to the Senator that when the bill containing the provision for Mrs. Sternberg comes before the Senate I should like to be heard on that particular item.

The VICE PRESIDENT. The question is on the adoption of the report.

The report was agreed to.

HEIRS OF HUNDLEY V. FOWLER.

Mr. VARDAMAN. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 8787) for the relief of the heirs of Hundley V. Fowler, deceased. It carries a small appropriation to pay an old claim to the heirs of a former very worthy citizen of my State; and I should like very much to have the Senate consider it this afternoon.

Mr. STONE. Mr. President, I hope the Senator will not press that request. If he does so, other Senators will want to secure the passage of bills. It is desired to have a short executive session, and it is getting late.

Mr. VARDAMAN. I do not think it will take a moment to pass this bill, Mr. President.

Mr. STONE. I understand, but there may be other bills which Senators may desire to have passed.

Mr. VARDAMAN. I do not think any Senator wants to have passed a bill as much as I should like to have this one passed.

Mr. STONE. I shall not object, if the Senator can put it through.

Mr. SMOOT. Mr. President, the bill to which the Senator from Mississippi refers is similar to about 15 or 16 other bills on the calendar; that is, the claim involved in it has the same basis. I objected to the consideration of all of the others when the calendar was up, and while I dislike now to object to this bill on account of the interest the Senator from Mississippi feels in it, I am compelled to do so at this time.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the door were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 18, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 17 (legislative day of May 16), 1916.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from May 12, 1916.

James Lee Funkhouser, of Illinois.
Clarence Linwood Scamman, of Maine.
James Lona Stewart, of Idaho.
Lincoln Davis, of Massachusetts.
Edward Lorraine Young, jr., of Massachusetts.
John Aloysius McKenna, of Pennsylvania.
Henry Lee Smith, of Maryland.
William Hayes Mitchell, of Vermont.
Philip Levey, of Nebraska.
Paul Regan Howard, of Nebraska.
William Alexander Fisher, jr., of Maryland.
Reuben Spencer Simpson, of New York.
James Torrance Rugh, of Pennsylvania.
Otto Lowy, of New Jersey.
Roger Klunicutt, of Massachusetts.
Custis Lee Hall, of the District of Columbia.
George Adams Leland, jr., of Massachusetts.
Walter James Dodd, of Massachusetts.
Charles Galloupe Mixter, of Massachusetts.
William Thomas Fitzsimons, of Missouri.
Carl Henry Davis, of Illinois.
Harvey Heber Martin, of Indiana.
Beth Vincent, of Massachusetts.
Charles Ira Redfield, of New York.
Charles Andrew Fife, of Pennsylvania.
Malcolm Eadie Smith, of Washington.
Arthur Ellison Midgley, of Wisconsin.
Albert David Kaiser, of New York.
Charles Chester Benedict, of Washington.
Arthur Wilburn Allen, of Massachusetts.
Robert Williamson Lovett, of Massachusetts.
Joseph Clapp Hubbard, of Massachusetts.
Isedor Mack Unger, of New York.
Charles Henry MacFarland, of Ohio.
Andrew Smith Robinson, of Ohio.
George Washington Wales Brewster, of Massachusetts.
Michael Joseph Sheahan, of Connecticut.
Theodore Foster Riggs, of South Dakota.
George Noble Kreider, of Illinois.
John Carl Arpad Gerster, of New York.
Montrose Thomas Burrows, of Kansas.
Verne Rheem Mason, of Maryland.
Charles Alexander Waters, of Maryland.
Homer Graham Duncan, of Colorado.
Robert Davies Rhein, of Pennsylvania.
Harry Carl William Schultz-de Brun, of New York.
Clinton Ephraim Harris, of Iowa.
Robert Coalter Bryan, of Virginia.
Charles Christian Wolferth, of New Jersey.
Truman Gross Schnabel, of Pennsylvania.
Rutherford Lewis John, of Pennsylvania.
Jacob Leon Herman, of Pennsylvania.
Edward Harris Goodman, of Pennsylvania.
John Dibble, of New Jersey.
Emory Graham Alexander, of Pennsylvania.
Bruce Gretton Phillips, of New York.
Philip Edward Rossiter, of New York.
Chester Field Smith Whitney, of New York.
William Ropes May, of New York.
Everett Garnsey Brownell, of New York.
Brooks Hughes Wells, of New York.
Francis Stuart Matthews, of New York.
Lawrence James Nacey, of New York.
John Rochester Booth, of New York.
Harry Rubin, of Georgia.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Capt. Edward C. Carey, First Infantry, to be major from May 15, 1916, vice Maj. James T. Moore, Sixteenth Infantry, who died May 14, 1916.

First Lieut. Guy E. Bucker, Seventh Infantry, to be captain from May 15, 1916, vice Capt. Edward C. Carey, First Infantry, promoted.

Second Lieut. Oral E. Clark, Seventh Infantry, to be first lieutenant from May 15, 1916, vice First Lieut. Guy E. Bucker, Seventh Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 17 (legislative day of May 16), 1916.

MEMBER PHILIPPINE COMMISSION.

Eugene E. Reed to be a member of the Philippine Commission and secretary of commerce and police.

UNITED STATES ATTORNEY.

Charles F. Lynch to be United States attorney for the district of New Jersey.

SECRETARIES OF EMBASSY OR LEGATIONS.

CLASS 5.

Norman Armour to be a secretary of embassy or legation of class 5.

Allen W. Dulles to be a secretary of embassy or legation of class 5.

Robert M. Scotten to be a secretary of embassy or legation of class 5.

John C. Wiley to be a secretary of embassy or legation of class 5.

POSTMASTERS.

ARIZONA.

Hugh E. Laird, Tempe.
Milville C. Hankins, Douglas.

GEORGIA.

T. B. Banks, Grantville.
Frank Flynt, Griffin.
Dan A. McMillan, Barlow.
Mattie N. Riley, Butler.
J. Frank Stovall, Madison.

KANSAS.

Alexander Burgess, Mulvane.

MAINE.

Harry E. Roberts, Kittery Point.

MASSACHUSETTS.

Charles W. Swift, Yarmouth Port.

NEW HAMPSHIRE.

Elmer T. Ford, Hanover.
Frank L. Marston, Conway.

NEW JERSEY.

Richard M. Crawford, Westville.
James D. Moriarty, Orange.
Sol Needles, Cape May.

NEW YORK.

Lewis O. Davis, Port Jefferson.
Frederick M. Welsh, Patchogue.

OHIO.

Fred H. Hart, Beverly.
D. A. Muskoff, Navarre.
Augustus S. Tuttle, Creston.

SOUTH DAKOTA.

Tom Larson, Colton.
Kate A. Schmacke, Bigstone City.

VIRGINIA.

Nannie B. Campbell, Amherst.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 17, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, Father of all souls, above, beneath, around, within, make us susceptible to Thy holy influence that we may be inspired to pure, noble, generous thoughts, the antecedents of pure, noble, generous deeds; that we may be the instruments in Thy hands for a wider civilization which shall make for righteousness in the souls of men everywhere; that unholy strife, contentions, and wars may cease and Thy love be reflected in every heart after the example of the world's great Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

FEDERAL MOTION-PICTURE COMMISSION.

Mr. HUGHES. Mr. Speaker, on behalf of the Committee on Education I have submitted to-day a report (No. 697) on the bill (H. R. 15462) to create a commission to be known as the Federal motion-picture commission, and defining its powers and duties, and I ask unanimous consent that the minority have five legislative days within which to file minority views.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the minority of the Committee on Education have five legislative days within which to file their views on the motion-picture commission bill. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will ask the gentleman to withhold that a moment until he can lay before the House the following communication, which the Clerk will report.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C.

Hon. CHAMP CLARK, *Speaker.*

SIR: Desiring to be absent for a short period from my office upon important business, I hereby designate the Chief Clerk of the House, Jerry C. South, to act in my official capacity during my absence.

SOUTH TRIMBLE, *Clerk.*

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. The gentleman from Pennsylvania, I understand, has withdrawn his point of no quorum?

The SPEAKER. No; he has not.

Mr. RAKER. Then, Mr. Speaker, I will ask if he will not withhold it for five minutes, and by that time I am satisfied a quorum will be present. I would like to have unanimous consent to proceed for five minutes.

Mr. MANN. Oh, that would empty the House. [Laughter.]

The SPEAKER. The Chair desires to carry fair with the gentleman from Pennsylvania. The gentleman from Pennsylvania makes the point of order that there is no quorum present. Evidently there is not a quorum present.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken	Doremus	Kless, Pa.	Pratt
Anderson	Driscoll	Kreider	Price
Barchfeld	Fairchild	Langley	Ramseyer
Beales	Farr	Lehlbach	Reilly
Black	Flynn	Lesher	Riordan
Borland	Focht	Lewis	Roberts, Mass.
Browning	Gardner	Liebel	Rowland
Brumbaugh	Godwin, N. C.	Lindbergh	Saunders
Burke	Goodwin, Ark.	Loft	Scott, Pa.
Butler	Graham	McFadden	Scully
Candler, Miss.	Gray, N. J.	McKellar	Sears
Carew	Griest	McLaughlin	Shouse
Casey	Hadley	Maher	Sparkman
Clark, Fla.	Hamill	Matthews	Steagall
Coady	Harrison	Mondell	Steele, Pa.
Coleman	Hart	Mooney	Sutherland
Conry	Hayes	Morin	Tillman
Copley	Heaton	Moss, W. Va.	Tinkham
Costello	Henry	Nolan	Towner
Crago	Hollingsworth	North	Vare
Dale, N. Y.	Hopwood	Parker, N. J.	Volstead
Darrow	Johnson, S. Dak.	Patten	Watkins
Davis, Minn.	Johnson, Wash.	Peters	Watson, Pa.
Dewalt	Jones	Platt	Young, N. Dak.
Dies	Keister	Porter	
Dooling	Kelley	Pou	

The SPEAKER. On this roll 330 members have answered to their names, a quorum.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I object.

SPEECH OF THE PRESIDENT OF THE UNITED STATES.

Mr. DILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech of the President delivered at the National Press Club on Monday evening, May 15, 1916.

The SPEAKER. The gentleman from Washington asks unanimous consent to print in the RECORD a speech delivered by the President of the United States at the Press Club. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5086. An act amending section 4 of the public building act approved March 4, 1913, providing for the purchase of a site for a building for post office and customhouse at Nogales, Ariz.; to the Committee on Public Buildings and Grounds.

S. 4655. An act authorizing and directing the Secretary of the Interior to determine the most suitable method of preventing further erosion and overflow on Gila River, Ariz.; to the Committee on Flood Control.

CORRECTION.

Mr. AUSTIN. Mr. Speaker, the gentleman from Louisiana, Mr. MARTIN, being called out of the city on April 28, requested me a few days since to pair him upon the affirmative side on the adoption of the rule to make in order certain provisions on the Agricultural appropriation bill. I so notified the pair clerk, but it appears that he is recorded as being absent and not paired. I make this statement in order that it may appear in the RECORD.

The SPEAKER. The Chair again desires to state to the House that neither the Speaker nor the House has anything to do with the pairs. That is an outside matter, a sort of excrescence that has grown up in the body politic. Without objection, the correction will be made.

There was no objection.

FLOOD CONTROL.

The SPEAKER. This is Calendar Wednesday. The unfinished business is the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of this bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14777, with Mr. CARAWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I wanted to know whether, when the House arose on Wednesday last, debate had been concluded on the Mississippi River paragraph?

The CHAIRMAN. It had.

Mr. MOORE of Pennsylvania. And no debate is now permissible on that paragraph?

The CHAIRMAN. The Clerk will now commence the reading of the next paragraph.

Mr. MOORE of Pennsylvania. My recollection, Mr. Chairman, is that there was an understanding that we should not go beyond the Mississippi River paragraph, and there was no understanding that we should begin on the California paragraph.

The CHAIRMAN. The Clerk had read to line 3, page 4, before the committee arose. The discussion of paragraph 1, relating to the Mississippi River was concluded, and the Clerk will read.

The Clerk read as follows:

SEC. 2 That for controlling the floods, removing the débris, and continuing the improvement of the Sacramento River, Cal., in accordance with the plans of the California Débris Commission, the Secretary of War is hereby authorized and directed to carry on continuously, by hired labor or otherwise, the plan of said commission contained in its report submitted August 10, 1910, and printed in House Document No. 81, Sixty-second Congress, first session, as modified by the report of said commission submitted February 8, 1913, approved by the Chief of Engineers of the United States Army and the Board of Engineers for Rivers and Harbors, and printed in Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $5,600,000: *Provided*, That not more than $1,000,000 shall be expended therefor during any one fiscal year.

Mr. GARD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. GARD. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee a question. I desire to ask the chairman of the committee to advise me what reason existed in the minds of the committee to make the change from the report as offered in the Sixty-second Congress to that of the Sixty-third Congress, I believe, in which the change of apportionment is made from a one-third contribution by the Government to a one-half contribution by the Government?

Mr. HUMPHREYS of Mississippi. The proportion that the Federal Government would pay under the report submitted in the Sixty-second Congress was something more than $11,000,000. Under the report submitted to the Sixty-third Congress it was $5,800,000. The first report contemplated doing that work by by-passes, river levees, rectification of the channel, and so forth, at a cost of $23,000,000, of which the local interests were to provide two-thirds, about $22,000,000, and the Federal Government $11,000,000. That was subsequently modified by the engineers when the matter was submitted to them for further investigation, and the State of California then proposed that it would pay one-half of the $11,000,000 which had been estimated as the proper contribution of the Federal Government. That was the modification, and that is the one which the committee approved.

Mr. GARD. What reason is there why the United States should pay one-half instead of one-third, as recommended in the first report?

Mr. HUMPHREYS of Mississippi. The reason which I have just given, that is, that the one-third would amount to $11,000,000, and that was referred back to the engineers for further consideration, that is to the California Débris Commission. That commission, after consultation with the authorities in California, made a subsequent report in which it was agreed that the State of California and the private interests who owned this property in the Sacramento Valley would pay all but $5,800,000, and that is the reason the committee accepted it.

Mr. GARD. I yet can not understand why the proportionate increase of the Government contribution was made from one-third to one-half.

Mr. HUMPHREYS of Mississippi. Well, I tried to make that plain. The Government under the first proposition was called upon to make a contribution of one-third, which amounted to $11,000,000, and that Congress did not do, the Committee on Rivers and Harbors did not accept it, but referred the matter back for further investigation, and the State of California said then the State would pay half of that third and the Federal Government pay the other half, and that is the shape the matter came to Congress in. That was the report of the California Débris Commission which was submitted.

Mr. GARD. The State was willing to let the Government pay the additional money——

Mr. HUMPHREYS of Mississippi. The State was willing to save the Government $5,800,000. The gentleman understands that the one-third, which was $11,000,000, is more than the half, which is $5,800,000?

Mr. GARD. I understand what the gentleman says.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. HUMPHREYS of Mississippi. Just for one moment. The gentleman has no amendment to offer.

Mr. MOORE of Pennsylvania. I make a pro forma amendment.

Mr. HUMPHREYS of Mississippi. I was going to say if there is no amendment offered I would try to agree on time.

Mr. FREAR. I desire to offer an amendment striking out the paragraph later.

Mr. HUMPHREYS of Mississippi. That is one of them. Then I would ask to close debate on the paragraph in 15 minutes.

Mr. RAKER. I want five minutes.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and amendments thereto close in 20 minutes. Is there objection?

Mr. SMALL. Mr. Chairman, reserving the right to object——

Mr. HUMPHREYS of Mississippi. Does the gentleman want time on this particular paragraph?

Mr. SMALL. Does the gentleman mean this entire section or just this paragraph?

Mr. HUMPHREYS. Just this paragraph.

Mr. SMALL. I do not care for it under this paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I understand my time begins now. I have made a point which I think is worthy of consideration by the Members of the House, that this bill contemplates navigation work, and to a certain extent it is a recourse by which two projects are taken from the regular rivers and harbors bill and are given special consideration in the House. They are both important projects, and, perhaps, in each instance there should be some Government relief; but there is no special reason why they should be taken away from all other projects and given a quittance from the so-called rivers and harbors bill, in which they have hitherto participated very largely.

But I call the attention of the Members——

Mr. CLARK of Missouri. I would like to ask the gentleman from Pennsylvania one question. Is it not true that the hue and cry that has been raised against river and harbor improvement in this country for the last several years grew out of the fact that they were all massed together, and it was claimed that

it was a "logrolling" performance? And does not this bill take it out of that class?

Mr. MOORE of Pennsylvania. To a large extent the statement made by the gentleman from Missouri [Mr. CLARK] is true, but I question whether taking the Mississippi project, which involves the largest expenditure, out of the rivers and harbors bill relieves the situation as to the other projects.

Mr. CLARK of Missouri. Can not the whole principle be settled on this Mississippi River bill? If we are going to continue the levee system, let us say so; and if not, let us not do it at all.

Mr. MOORE of Pennsylvania. It might save the situation if it were true that taking the Mississippi River problem out of the rivers and harbors bill would permit other great projects in this country to go on, but if taking the Mississippi River project out of the rivers and harbors bill destroys all other projects, then it is a very serious question for people elsewhere throughout the country.

Mr. CLARK of Missouri. To be very frank, the gentleman has been fighting this bill from the very start. What ground has the gentleman from Pennsylvania [Mr. MOORE] on which to base the assumption that you are not going to do anything more to any other rivers in this country?

Mr. MOORE of Pennsylvania. On the ground that the Mississippi River has been annually taken care of by large appropriations, while other worthy projects in the eastern part of the country, with which I am familiar, have been utterly ignored and neglected and are treated in this House sometimes with derision when brought on the floor.

Mr. CLARK of Missouri. That was under the old system, was it not?

Mr. MOORE of Pennsylvania. I very much fear if this $50,000,000 bill goes through, with filibusters conducted against the regular river and harbor bill here and in another body, it will be a long time before any other worthy projects will obtain recognition in this House.

Mr. CANNON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. CANNON. If the former Mississippi project be a "logrolling" project, does not the gentleman think that this bill with all its provisions might beget two "logrolling" projects?

Mr. MOORE of Pennsylvania. That might be if we could ever arouse the East to the fact that the West was taking all the appropriations and leaving the East alone. One reason for criticizing this bill is to call the attention of the people of the East to the fact that the money keeps steadily flowing out of the Treasury into the Mississippi Valley. That is as true as I can state it and is as true as gospel. It is said that these two projects are necessary projects, but they are brought in under the guise of flood control. Floods occur only occasionally. And the facts are in this instance, that while you are asking for $45,000,000 for the Mississippi, and $5,500,000 for the California river, which is being thrown in here as a sop with which to catch the western vote, both projects will cost two or three times the amount of money appropriated in this bill before they are ever completed. The people who pay the bill ought to know that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph. Before I address myself to that I wish to respond for a moment to the remark of the gentleman from Missouri [Mr. CLARK] addressed to the gentleman from Pennsylvania [Mr. MOORE], and I quote from a paper of recognized influence in the South, known as the New Orleans Item. In an article printed on September 28, 1914, a little over a year ago, that paper says:

THE PORK BARREL, US, AND OUR NEIGHBOR.

The National Rivers and Harbors Congress conducts a national lobby for the pork-barrel bill.

The Mississippi River Levee Association was organized by some railroad interests who do not want genuine and permanent stream control, because it threatens competition by levee-board politicians and levee contractors, whose jobs and profits depends upon the perpetuation of the stupid and vicious old system of disjointed levee maintenance under which the people of the valley have been bled and pillaged, both ignorantly and willfully, for the past generation, and left hopelessly exposed to terrible floods at the end of the process. The genii that framed this latter organization also framed a bill, and Mr. RANSDELL and Congressman HUMPHREYS of Mississippi let their names be tacked to it.

The two institutions are ostensibly separate.

The statement that the Item or Mr. Maxwell attacked the Rivers and Harbors Congress is untrue. Our general attitude toward it has been a feeling that if the Federal Treasury is to be looted for the selfish purposes of Congressmen and local interests that have strings on Congressmen, our own part of the country had as well have its share of the loot. * * *

What the Item has done in this matter is to tell its readers the simple truth about the standing of this pork-barrel measure before the people of the country. We have not been ignorant or dishonest about it. We told you a year ago that the feeling of the Nation against the abuses of the pork barrel was approaching a climax so rapidly that it was utterly unsafe to trust to the barrel for any adequate relief from floods. We warned you that the country would not allow many more pork barrels to be opened. * * *

The Item has been the only newspaper in New Orleans to take this course. The result vindicates its stand. We have been bitterly berated for this course by the other three newspapers. Ignorance or untruth alone can account for their behavior. We urge you to be charitable in determining for yourself to which their course is chargeable.

The Item's readers know from its past exposures that the Mississippi Valley Levee Association is built on a foundation of railroad cash. It is a pleasure to note that the Item's photographic proof of this fact was exhibited to the Senate during the recent debate. Everybody ought to know the truth.

We do not accept our good neighbor's well-meant statement of the case, but lest there be any doubt about it, we hasten to assure everybody that we are quite proud of our contribution to the enlightenment of a suffering people, oppressed by log-rolling politicians and benighted by an ignorant and incompetent press, upon the fundamental causes that keep the pall of flood above them.

Now, that comes from pretty good authority, published a little over a year ago in the city of New Orleans. I desire to enter into the RECORD as a part of my remarks editorials by the New Orleans Item, also one by the Chicago Tribune, which was received this morning. Let me say of the Tribune that it is a paper with a great circulation, possibly larger than the entire population of the city of New Orleans, and its remarks are along the same direction. It pays attention to this remarkable proposition which we have here of reclaiming the lands along the lower Mississippi Valley at practically Government expense—two-thirds of it contributed for that purpose. I ask to have it introduced because of its important criticism on the land-reclamation bill, and I do so notwithstanding some embarrassment because of the personal allusion it contains.

A great many people have asked what is the reason for this bill. Forty-five million dollars is to be put in, first, for the benefit of the levee boards and contractors in the South, to be followed by $200,000,000 or more as we must do if we make effective flood control. Now, I will admit that I am in favor of meeting the proposition if we can of controlling floods, but how under heavens are you going to take out 16,000,000 acres of natural reservoirs over which water now flows and help flood reclamation? To build up flood levees in that vain hope is beyond justification by Army engineers. In Mr. Crosser's report the Mississippi River Commission says that the floods are raised by reason of this very levee system which brings the river into a narrow compass. The present proposition is one which is largely for land reclamation. The two propositions of flood control and land reclamation are antagonistic and should be disassociated. I speak on the authority of men who know the valley and have studied the problem—the two propositions can not stand together. One consists in bringing the river to a narrow compass and reclaiming the land; the other in providing reservoirs and regulate floods.

He calls attention to the greater flood heights which would ensue in the central channel if you narrow the levees on the banks. That is the fight between the by-passes they have out there.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. I ask unanimous consent, Mr. Chairman, to introduce into the RECORD the editorials I have mentioned.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Following are the statements referred to:

[From the Chicago Tribune, May 16, 1916.]

PORK HUNTERS' INGENUITY.

An even quarter billion of dollars is the amount the Democratic Congress would like to divvy up this year among its friends in various districts. The amount is huge, larger, it is believed, than any of Congress's past charities to constituents; but the amount is not the most sinister aspect of the pork-hunters' progress. It is their growing ingenuity.

Probably because of the repeated and often successful attacks by Congressman FREAR and others on the river and harbor bills by which money is habitually distributed to local contractors for dredging creeks and enlarging worthless harbors, new vehicles for carrying pork have been created.

Of these the flood-prevention bill, championed by Congressman HUMPHREYS of Mississippi, is the most dangerous. It purposes to save the residents of the Mississippi Valley from floods by constructing out of Government funds levees along the river in the Southern States.

The idea is that the landowners have spent all the money they can afford for protection and that the Government should step in and relieve them. Mr. HUMPHREYS would have them pay about one-fourth of the initial cost. These southern farmers, it is argued, are suffering because the northern part of the Mississippi Basin has been denuded of trees through agricultural development, thus increasing the danger of floods. Therefore it is fair to tax the country to build levees.

But there is an even more alluring prospect. Levees will, Mr. HUMPHREYS says, not only protect against floods but will reclaim "16,000,000 acres of the geological cream of the earth" which "are awaiting the magic touch to spring into fields of waving beauty." Further it is estimated that the reclaimed land will produce $700,000,000

worth of cotton a year. The soil is alluvial, and Mr. HUMPHREYS and his followers grow enthusiastic about its quality. It is an American Nile valley, but more fertile and of wider extent than the Nile.

All this can be accomplished, it is argued, by the paltry expenditure of $45,000,000 on levees. Its advocates can draw a picture of flood and destruction on the one hand and incredible prosperity on the other.

It is desirable to prevent floods in the Mississippi River, and it is also desirable to reclaim the 16,000,000 acres. It is those 16,000,000 acres of rich land which are the prize Mr. HUMPHREYS's backers want him to get for them. They will be worth conservatively a billion and a half dollars, probably two billions, and possibly much more. They are privately owned. The Government is asked to donate $45,000,000 to make the land of these syndicates—for much of the land, Mr. FRZAR asserts, is held by syndicates already—worth many times what it is worth to-day.

It is not a flood-prevention bill, but a reclamation bill, and it will be recalled that our Government has refused in the case of the irrigable lands in the West to donate money for reclamation. That would be Government finance of private speculation. In Western States the landholders must pay back to the Government the cost of irrigation systems. That principle was established back in 1902. The Government loans the money but does not give it in irrigation projects.

Once this theory is broken down the Government Treasury will be used to enrich private persons and to finance private speculations. Dwellers on any river in the country which suffers from flood can fairly ask under the guise of flood protection the reclamation of private lands.

There are other objections to Mr. HUMPHREYS's bill. One is that $45,000,000 will not do the work. Government engineers estimate the cost of building levees all along the river at about $200,000,000. Another is that levees may not do the work. By narrowing the river in order to reclaim land floods are made more dangerous. The water must rise if it can not spread out. It is not at all certain that levees are the answer to floods. Control of headwaters may be the way.

But one of the most significant comments on the bill is the manner of its making. A new committee was appointed in a rush in February, 1916, and the members traveled from Cairo to New Orleans to learn all about the Mississippi. Of course they were hand picked. Their appointment was dictated, of course, by the interests which will benefit, the interests which have conducted the widest and most powerful lobby in recent years. Taxes have even been levied by States, not to build levees but to build sentiment in favor of getting Federal money to build levees. The bill is pork and nothing else.

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[From the New Orleans Item, Oct. 21, 1913.]

BETRAYING WITH FALSEHOOD THE SAFETY AND DESTINY OF THE MISSISSIPPI VALLEY.

The "Mississippi Levee Association," creature of the railroad interests that want such manner of "flood protection" as shall permanently destroy real navigation on the Mississippi and its tributaries, works to betray the safety and destiny of the inhabitants of the Mississippi Valley as brazenly and shamelessly as treachery was ever brought to a Commonwealth.

Most recent and most flagrant instance of this organization's campaign of betrayal occurred in New Orleans on Thursday last, when by its submission of a resolution misinterpreted in its intended purport, bearing written into its face one bald misstatement and one misleading perversion of fact, the National Grain Dealers' Association was tricked into an apparent repudiation of its earlier indorsement of the Newlands river regulation bill and into an approval of the Humphreys-Ransdell "levees only" measure.

In the outcome it is well that the bit of treachery was perpetrated, for it develops that this resolution is but copy of thousands like it sent to every commercial organization in the United States by the agencies that would save to the north-and-south railroads the monopoly of the traffic of the Mississippi Valley—even at the cost of endless repetition down the ages of the flood disasters of 1912 and 1913.

Here is the story. It should bar from the councils of every self-respecting body working for the welfare of the people the agents and the arguments of the Mississippi Levee Association, should put upon its propaganda of betrayal the damning proof of treachery to the people of the region—treachery more brutal in effect, more ruthless in purpose even than that engineered by those transcontinental railroads which trafficked with foreign nations to defeat the building of the Panama Canal.

On Tuesday of last week George H. Maxwell, of the National Reclamation Association, appearing before the first informal gathering of the National Grain Dealers' Association, set forth the plea for comprehensive Federal control, explained the Newlands bill, and when he finished the gathering approved unanimously, on motion and second of two of its leading members, a resolution sweepingly indorsing Federal control and the Newlands measure.

Mr. Maxwell that night took the train for Washington.

At a subsequent meeting of the grain dealers John A. Fox, secretary-manager of the Mississippi Levee Association, talked to the grain dealers along general lines of need for Federal aid in flood protection. His address in no sense conflicted with Mr. Maxwell's. When he concluded the audience believed he had merely added to and strengthened the cause of a broad plea to the Federal Government.

Then Mr. Fox turned over to the resolutions committee of the Grain Dealers' Association one of the stock resolutions that the Mississippi Levee Association is sending throughout the country in a printed form, with a blank space left for the name of the organization. In the convention's closing moment this was adopted:

"Whereas the Mississippi River is the main outlet for the drainage of two-fifths of the area of the Union, embracing 31 States, whose waters subject the alluvial lands of the lower Mississippi Valley to destructive overflows; and

"Whereas the great political parties in their 1912 platforms declared that flood protection of the waters is a national duty; and

"Whereas the Engineering Department of the United States Government, after thorough investigation, has declared that a system of levees, with adequate bank revetment, is the only feasible method of flood control; and

"Whereas a measure known as the Ransdell-Humphreys bill has been introduced into both branches of the Federal Congress, appropriating $60,000,000, to be distributed over a period of five years, so that this great work may be undertaken at once and pushed rapidly to completion: Therefore be it

"Resolved by the Grain Dealers' National Association of the United States in meeting assembled this 16th day of October, 1913. That this subject is of such magnitude and importance to the whole Nation as to justify its immediate recognition by Congress in accordance with the plans already provided by the Corps of Engineers of the United States: Be it further

"Resolved, That we ask the Members from our several States in both Houses of Congress to support said Ransdell-Humphreys bill and that we solicit the aid and cooperation of all commercial organizations throughout the entire United States in its behalf."

Read this resolution carefully. Note that it says the "Engineering Department of the Government" has approved "levees only," plus revetments. Consider that this resolution is being sent to hundreds of organizations throughout the country where no local acute interest in flood control has impelled to knowledge of the truth and to investigation.

Note, further, that the resolution reads as though the Humphreys-Ransdell bill was intended to effect flood prevention throughout the Mississippi Valley.

The first statement is a falsehood. The second statement must be a deliberate attempt at deception, for the Humphreys-Ransdell bill ignores every part of the valley save that below Cape Girardeau. Its effect is to trick into approval every commercial organization where the members have not found out the truth.

It trafficks upon the Nation-wide willingness to lend a hand to obtain adequate Federal aid to effect flood prevention in order to win approval of a measure that will defeat that end.

We take up first the effort to persuade the commercial organizations of the Nation that the Humphreys-Ransdell bill provides for general flood protection.

Read anew the phrases in the resolution:

"Whereas the great political parties in their 1912 platforms declared that flood protection of the waters is a national duty * * * whereas * * * the Humphreys-Ransdell bill—appropriation $60,000,000—so that this great work may be undertaken at once and pushed rapidly to completion."

This is what the resolution says.

Here is what the Humphreys-Ransdell bill says:

"* * * For continuing the improvement of the Mississippi River from the Head of the Passes to the mouth of the Ohio * * * for the building of levees between the Head of the Passes and Cape Girardeau."

Thus it will be seen that the Humphreys-Ransdell bill is limited to the lower Mississippi and is therefore limited to "levees only" plus revetments, thus thrusting outside the range of protection every flood basin on any Mississippi tributary above the mouth of the Ohio.

And thus the resolution tricks every commercial organization that indorses it into the appearance of opposition to the Newlands bill, which seeks to establish a broad, national, comprehensive program of Federal control of streams, flood prevention, and navigation maintenance.

Next we take up the simple untruth in the resolution.

Read anew this clause therein:

"Whereas the engineering department of the United States Government, after thorough investigation, has declared that a system of levees, with adequate bank revetment, is the only feasible method of flood control."

Let us ascertain the facts. Here we show you a reproduction of the latest bulletin of the United States Geological Survey—one engineering branch of the Federal Government—which declares that "levees and reservoirs" are "unquestionably the best and most reliable" "means of preventing flood damage."

[Department of the Interior, United States Geological Survey; George Otis Smith, Director; Water-Supply Paper 304.]

THE OHIO VALLEY FLOOD OF MARCH-APRIL, 1913.

"The two means of preventing damage by floods that have received the most attention and that are unquestionably the best and most reliable are levees and reservoirs. For full discussion and rational and conclusive consideration of either of these proposed means, as applied to the Ohio Valley, data more complete than those at present available are necessary. (P. 87.)

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"The best solution may prove to be a combination of reservoirs and levees, the function of the reservoirs in extreme floods being, as pointed out above, to hold back the last straw that breaks the levee's back. (P. 90.)

* * * * * * * * *

"Whatever may be the merits of the respective schemes there can be no doubt of the absolute necessity for a comprehensive plan of action. To be effective any system of control must treat Ohio River and its tributaries as a unit, with due regard to the effect of such control of the Ohio on the Mississippi below Cairo. To make such a comprehensive system of control practicable, efficient, and successful, a central organization for the control of rivers is needed. Such a central organization would necessarily have to be Federal." (P. 91.)

This accounts for one "engineering department" of the Government. We leave aside the fact that the engineers of the Department of the Interior and the Department of Agriculture have indorsed the Newlands bill, which provides for the construction of any means of flood prevention that full investigation finds advisable, and come to the last word from the Army engineers.

Below we print a reproduction of an account in the Times-Democrat of the report of the Army engineers who have been investigating the last year's floods in the Ohio Valley. Read that picture carefully:

"The report, written by Lieut. Col. Francis Shunk and transmitted through Brig. Gen. Rossell, Chief of the Army Engineers, was given general approval by both Secretary Garrison and Gen. Rossell.

* * * * * * * * *

"The board was much impressed in its examinations," said the report, "by the evils of divided control of the watercourses."

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"The board approved flood prevention plans tentatively worked out from Columbus, Ohio, but pointed out that, unless a means of escape for water delivered to the lower reaches were provided, the flood merely would be transferred from one point to another.

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"A site for a reservoir near Kenton, Ohio, was examined, but the engineers believe prospects for sites in other parts of the Ohio Basin, notably Pennsylvania, West Virginia, and Kentucky, are better and recommends further investigation. They also recommend that the work

of formulating a plan of flood control be intrusted to the Army engineers at Pittsburgh, who already have taken up the problem.

"In transmitting the report Gen. Rossell suggested that the entire bridge matter could be handled by the Army engineers with a very small addition to their present forces. He also recommended greater cooperation with the Interior and Agricultural Departments."

Note that this account tells of the desire of the Army engineers to end "divided control." The Humphreys-Ransdell bill continues "divided control"; the Newlands bill ends it. The engineers urge that care be taken for the flood problem all down the rivers. The Humphreys-Ransdell bill does not do this; the Newlands bill does do it.

The engineers urge investigation of reservoir sites. The Humphreys-Ransdell bill renders that impossible. The Newlands bill provides for this investigation.

The engineers urge cooperation with the Departments of the Interior and Agriculture. The Humphreys-Ransdell bill does not provide for that. The Newlands bill does provide for it.

Thus will be seen with what means and with what bold and daring falsification of the entire record the "Mississippi Levee Association" seeks to defeat genuine flood prevention, which carries with it establishment of navigation on the inland rivers.

Thus will be seen how the National Association of Grain Dealers were tricked and deceived into a position where the "Mississippi Levee Association" could quote them against the one broad program which promises to the people of the valley both protection against floods and against railroad monopoly and rapacity.

United States Senator ASHURST summed up the situation a few weeks ago, speaking upon the flood problem and for the Newlands bill to the United States Senate, when he said:

"It is known to every well-informed person that the transcontinental railroads prevented an Isthmian Canal for nearly a quarter of a century. These same and other railroads fear the water competition that undoubtedly would follow systematic development of the rivers. If anyone should doubt that the railroads of the country fear waterway competition, or should doubt that the railroads are actively supporting the policy which proposes simply to levee against floods without doing anything else, because that method of protection will not result in waterway improvement, let him read the report of the Commissioner of Corporations on Transportation by water in the United States, part 4, issued December 23, 1912, especially that chapter entitled 'Railroad control of water carriers,' and he will be convinced that in lending no support whatever to the Newlands river-regulation bill the railroads of the country are fighting to prevent waterway transportation competition just as they fought the construction of the Isthmian Canal. * * *"

Those of us who have been in the heat of the fighting for effective Federal organization and effort to control the streams, use their waters, restore navigation, and prevent floods, know how absolutely true is the statement of Senator ASHURST.

We know how the railroad influence throughout the valley has been thrown against the Newlands bill, which provides for restored navigation, and for the Humphreys-Ransdell bill, which provides only for levees.

Not only do we know this, but we have the proof.

Here is one bit of it—a photographic reproduction of a typewritten statement made by Secretary-Manager John A. Fox, of the Mississippi Levee Association, himself. The reader will note that the north and south railroads founded the movement with eight thousand of the thirty that Mr. Fox declares is necessary each year:

"It has been estimated that a minimum fund of $30,000 per annum is necessary for this organization to do its work in a complete and thorough manner, and already a considerable portion of this sum has been pledged annually for five years. The subscriptions are as follows:

Southern Ry. Co	$1,000
Mobile & Ohio R. R	1,000
Frisco R. R	1,000
Missouri Pacific Ry	1,000
Chicago, Rock Island & Pacific Ry	1,000
St. Louis Southwestern Ry	1,000
Illinois Central R. R	1,000
Yazoo & Mississippi Valley R. R	1,000
Chicago Mill & Lumber Co	1,000
Caldwell & Smith, Memphis, Tenn	1,000
International Harvester Co	1,000

This is the story, briefly told.

The National Grain Dealers' Association was tricked into appearing an enemy to restored navigation on the Ohio, the Missouri, the upper Mississippi, under guise of indorsing flood relief.

The trick played upon them—and played skillfully—is being played upon commercial organizations throughout the country.

It is part of the railroad conspiracy, not only to prevent maintenance of navigation on the inland rivers but absolutely to establish such a system as will forever destroy the chance of restoring navigation.

In its phraseology, of course, the Humphreys-Ransdell bill has smug reference to navigation, but its scope of operation is below the mouth of the Ohio, and the Nation knows that the only means of restored effective waterway transportation in the valley is by standardized stream flow on the great tributaries of the Mississippi that will render it possible to trade and travel by water the year round from the great centers of freight origin down to the sea.

For this means the Humphreys-Ransdell bill does not provide.

And the railroads are for the Humphreys-Ransdell bill and against the Newlands bill, just exactly as they were against the Panama Canal.

It rests with the people of the valley—

Will they permit the north and south railroads to destroy the Mississippi and its tributaries as transportation factors in the economic life of the valley and the Nation? No less than that is the aim of the railroads. No less than that will be the effect of such legislation as the Humphreys-Ransdell bill, which, while destroying all chance for restored navigation, by the record of the past will not protect against floods.

Mr. RAKER. Mr. Chairman, originally the Sacramento River was navigable by ocean-going vessels up to the city of Sacramento and Marysville and Red Bluff from the earliest pioneer days down to 1884 and 1867. Hydraulic mining was permitted in the mountains by the Government, and débris from the land filled up the channel to such an extent that when the floods came they filled up the bed of the river from 2 to 10 feet deep, thereby causing the overflow of the adjacent and adjoining country.

The original report made to the House by the Army engineers shows that the estimated cost was about $33,800,000. One-third of that, which was exclusively for improving the river for navigation, was to be paid by the Government. The other two-thirds was to be paid by landowners for the purpose of joining up and connecting with the levees on the river, so as to prevent floods over the valley of the Sacramento and to protect the lands.

The report of the engineers contains the statement that when the matter was presented to the Committee on Rivers and Harbors in the House and Senate it was held up for a year, and the Committee on Rivers and Harbors then asked the Board of Engineers to make a supplemental report, which they did, which is Report No. 5, referred to in the bill, which is favorable, showing that, as a matter of fact, a great part of the reclamation had been done by the private owners and would be completed; and to the end that the private interests of California should put the river in the state it was in from 1849 to 1867 for navigation, and navigation alone, and that the State of California should pay one-half of this expense, the Committee on Rivers and Harbors of the House two years ago reported favorably upon this project, and the House passed the bill. The Senate committee also reported favorably upon the project, and we know the bill was defeated by virtue of a filibuster, and these provisions were not then carried out.

The amount of money, the $5,600,000 to be paid by the Government, is only one-half of the actual cost of putting the river, its banks, and its bed in the shape it was in before the Government permitted hydraulic mining to such an extent that the river was made nonnavigable.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. RAKER. In just a moment. The people of the State of California, knowing the value of the navigation of that river, knowing what it means to the State of California and to the West and to the country generally, are willing to go side by side with the Government and pay one-half of this legitimate improvement to place the Sacramento River in shape fit for navigation and for navigation alone, the remainder is for flood control and reclamation. This part is paid by the private landowners, which will cost them about $22,000,000.

The question of drainage, the question of drainage districts, is cared for by the people themselves, and the expense incident to that drainage system is paid by the people, amounting to something over $22,000,000 or $25,000,000; and that system simply joins up and adds to the Government work, so that it will not do the extra damage. The money expended here will put the river in shape and create a by-pass so that the floods will not destroy the banks of the river, and so that the river will not be filled up with débris, but will remain in proper shape and be washed out and thereby permit navigation the year round.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RAKER. I will add here, under permission granted me to extend my remarks, that part of the report of the Committee on Flood Control that relates to the Sacramento River, Cal., which is as follows:

FLOOD CONTROL OF THE SACRAMENTO RIVER.

1. The name California carries with it to the mind of the intelligent and reading world the spirit of romance. It is surrounded and colored with kaleidoscopic pictures of proud hidalgos, of Spanish padres, and tile-covered missions, of sea adventurers, of gold seekers, and prairie schooners and Indian ambush, of vaqueros, of fruits and flowers, and warm sunshiny days. But of all these pictures the most vivid and those which have left most impress upon the fortunes of the country, upon the minds of its people, and upon the very configuration of the hills and valleys of the State, are those which tell of the work of the gold miner.

2. The California miner has dug out of the earth and added to the country's wealth since 1848 gold valued at $1,631,607,999, which is about one-sixth the value of all the gold coinage and bullion in the world to-day available for circulation, and within 5 per cent of the total within the United States as reported by the Secretary of the Treasury this month. The gold produced by California was, during the Civil War, the basis of the credit of the Nation when she most needed credit. The State is still the greatest gold producer in the Union, her annual output of $22,860,590 exceeding that of Alaska; but gold production is now one of the minor industries of the State. Even the alfalfa crop amounts to $23,000,000 yearly.

3. The gold in California is found in many forms in nature. It is most abundant, however, in the free state in small particles in the sands which have borne it down from the mountains through countless ages of the world's history. Deposits of this character are made by mountain streams, particularly where they drop their heavy grade and reach the floor of the valley. These deposits are found close to the surface or on the bedrock and covered by mountain layers of 100 to 400 feet in thickness, according to the number of years or the ages of

time which have elapsed since the deposit was made. The eastern and northeastern edge of the Sacramento Valley and the slopes adjoining are particularly rich in these deposits.

4. Various methods have been employed to secure this gold, including the hand pan and rocker washing the sands of the surface stream; the drift tunnel working into the sidehill on top of the bedrock; the hydraulic "monitor," which washes down the entire mountain in order to reach the layer of gold-bearing sand far below; and the modern gold dredge, which costs as high as $500,000 and brings gold-bearing material to the surface in its endless-ladder buckets from an extreme depth of 90 feet. Of these methods, hydraulicking was that responsible for most of California's output during the Civil War and for 15 years thereafter.

5. The State and the Nation, however, paid an enormous price for this gold in permanent injury to great natural resources and to varied interests—a price which is not only being paid now but will continue to be paid through all the generations of civilization yet to come. It is seriously questioned by those who have given careful study to the subject whether the entire amount of gold which has been and can be recovered from the hills and stream beds of California, great as it is, is adequate compensation for the permanent injury done by hydraulic mining to the navigable streams and rich arable lands of the valley, and for the losses which must continuously result therefrom to commerce and wealth in retarded development and decreased production.

6. It is the purpose of this report to give a faint idea of that damage and to call attention to the means suggested by the Corps of Engineers of the United States Army for correcting, so far as possible, the injury already done and for preventing in the future some of the injury which must otherwise ensue. The plan proposed has been recommended after 17 years of investigation and experiment, and receives general indorsement as the only one economically feasible which will accomplish the ends sought. It has already met the approval of the Board of Engineers for Rivers and Harbors and of the various congressional committees which have examined it, has been adopted by the State of California, and is steadily progressing to completion under cooperation of Nation, State, and property owners.

THE STORY IN BRIEF WITH REFERENCE TO THE MORE COMPLETE REPORT AND AUTHORITIES.

7. Sacramento River floods: The maximum floods of the Sacramento River are greater than those of any river in the United States, except the Mississippi below its junction with the Missouri, the Ohio, and the Columbia. In proportion to territory drained its floods are from 4 to 15 times as great as those of the three rivers named. The volume of water which may be precipitated, in extreme flood, into different sections of the river is from four to eight times as great as the capacity of the channel in those sections, respectively. The problem of flood control of the stream is still further complicated by immense deposits of débris washed down by hydraulic mining and by reclamation of lands in the low basins which formely served as relief reservoirs. These basins have been accepted from the Federal Government and sold to private parties as swamp lands under obligation to reclaim. (Secs. 53 to 60.)

8. Navigation in the fifties: When California was admitted into the Union in 1850, the Sacramento River throughout its entire length was a stream of clear water, free from silt of any character. For 15 years thereafter, at all seasons of the year, seagoing vessels drawing as much as 13 feet discharged at Sacramento City, 125 miles from the sea, cargoes brought around Cape Horn. Seagoing vessels even went as far as Marysville, on the Feather River, 60 miles above Sacramento. Light-draft craft plied all the year up to Red Bluff, on the Sacramento River, 323 miles from the sea. (Secs. 61 to 71, 101.)

9. Changed by hydraulic mining: With the advent of hydraulic mining this condition gradually changed, the silt, sand, gravel, and cobbles from the mines being washed through tributary streams into the main channel, where it deposited in bars and shoals, gradually raising the bed, and causing frequent overflow, with destruction of banks and injury to cultivated lands, as well as to navigation. (Secs. 72 to 80.)

10. Federal tolerance: Hydraulic mining was conducted practically under Federal license, certainly under Federal tolerance, and usually on Government land. At no time up to 1893 did the Government exercise its right of protection over the navigable stream to the extent of forbidding or regulating the hydraulic mining which was destroying navigability. (Secs. 129 to 144.)

11. Injury by flood: Disastrous floods (induced in part by the conditions referred to), commencing in 1861–62 and occurring at irregular intervals since, caused great injury to navigation and to property. Through breaks, or crevasses, in the levees the flood was diverted from the channel, cutting out soil on orchards and farm lands and depositing thereon sand and gravel. In the channel itself, below each break of the kind, there was caused slack water, with a deposit of débris in the form of shoal or sand bar. (Secs. 80 to 92; also Exhibit A.)

12. Navigation crippled: In time the river shoaled so that boats of even 6-foot draft could not reach Sacramento in the summer and fall months, but were compelled to lighter for 6 to 30 miles of the distance at great expense (Sacramento City is only 64 miles from the river's mouth). Navigation above Chico Landing (147 miles above Sacramento) even for boats drawing 20 to 24 inches ceased; and above Colusa (90 miles from Sacramento) no attempt is now made to furnish regular service by boat. Portions of the Bay of San Francisco were shoaled and access to the Mare Island Navy Yard threatened. (Secs. 93 to 120.)

13. Rise of flood plane: In the attempt to protect river lands and towns from inundation levees were constructed by private interests along or near the river bank in places, and this work, in connection with the deposit of the débris in the channel, caused in time a steady rise in flood plane, which in turn necessitated still further increase in levees. At Sacramento City the flood plane rose 8 feet in 40 years. With the gradual withdrawal, by reclamation, of the reservoir capacity in the various basins, the time was apparently approaching when the cost of levees, high enough and strong enough to keep above the rising flood plane, would exceed the value of the lands which the levees sought to protect. (Sec 98.)

14. The courts forbid hydraulicking: As soon as the valley and river interests realized the injury being done to navigation and to valley interests by hydraulic mining, protests were made, but without avail. (Secs. 129 to 140.) Litigation commenced in the courts was not concluded until 1884, when Judge Sawyer, of the United States circuit court, decided in effect that such mining must cease unless the mine tailings could be so impounded as not to cause injury to the navigable streams or to private lands. (Secs. 121 to 128.)

15. Stopped by injunction: Following this decision, and in the course of some years, hydraulic mining on the tributaries of the Sacramento River, save behind dams which would hold back the débris, was gradually stopped through the vigilance of valley associations and because of fines inflicted on the miners for contempt of court in running in defiance of the court's injunction. (Secs. 145, 146.)

16. Conditions in 1893: At this time not only had the navigation of the river been in great part practically destroyed and much orchard and farming land rendered permanently worthless, but a condition had been created which made certain the recurrence of disastrous floods. And there had been washed into the tributaries of the Sacramento hundreds of millions of cubic yards of sand, gravel, and cobble which would move with each freshet, and all of which must ultimately find its way into the main channel unless some way could be found of holding the material back. (Secs. 76, 77, 147; also Exhibit D.)

17. Congress seeks to repair the damage: These conditions were brought to the attention of Congress in 1893 by the various interests concerned, and an act (known as the Caminetti Act) was passed creating the California Débris Commission, to be composed of three United States Army engineers, which act is still in force. The principal duties of the commission as therein described are: To provide for the resumption of hydraulic mining so far as can be done without injury to navigation and without damage from overflow; to restore as near as practicable the degree of navigability of the Sacramento and San Joaquin Rivers which obtained in 1860; to afford relief in flood time and to provide sufficient water to maintain scouring force in summer. Cooperation with the State was provided for by empowering the commission to confer with such body of engineers as might be appointed by the State, and the expenses of barriers, dams, dredging, etc., done by the commission in pursuance of its duties were to be shared half and half by Congress and California. (Exhibit B; also secs. 149, 150, of this report.)

18. A mutual contract: The act of 1893 was practically a business proposition made by Congress to the State of California. That State by legislation promptly accepted and ratified the proposition, making it in effect a contract, and has since that time promptly paid into the United States Treasury such sums as were called for under the act as her one-half of the necessary expense involved. She has paid those amounts in good faith on the assumption that when the necessary plan had been matured it would be carried out, so that the injury done to navigation could be corrected and so that future loss from floods might be prevented. (Secs. 158 to 167.)

19. What California paid United States: Under the terms of the act of 1893 California has already paid $1,000,000 into the United States Treasury, to be expended on the Sacramento River by the California Débris Commission, as agent of the Federal Government. Of this amount $400,000 was for impounding débris and $600,000 for improvement of the river by dredging; $250,000 additional is in the State treasury, subject to call of the débris commission. Over $350,000 more has been spent for rights of way, most of it subscribed by landowners. (Sec. 175.)

20. Additional amounts spent for navigation: In addition the State has spent independently, under its State engineering department and river boards, since 1897, for rectification of navigable river channels, etc., $1,275,000. Landowners have already spent in river levee construction along the Sacramento, San Joaquin, American, and Feather Rivers up to date, it is estimated $12,000,000. The amount is undoubtedly two or three times larger than would have been necessary but for the injury done the river by hydraulic mining. All of this expenditure has been partly in the interest of navigation, since the integrity of the channel can not be preserved, particularly when partly choked by débris, unless levees be maintained. (Secs. 186, 187.)

21. Hydraulic mining regulated: The California Débris Commission, in compliance with the terms of the act, regulated hydraulic mining by providing that no mines might operate unless they could hold back their débris behind safely constructed dams, built under Government supervision and subject to Government inspection. Very few hydraulic mines could comply with this condition and make a profit, and that kind of mining has, in consequence, almost entirely ceased on the tributaries of the Sacramento. (Sec. 148.)

22. Storage reservoirs rejected: The débris commission, in the course of its investigations, rejected storage reservoirs as a means of flood control for the Sacramento (1) because of lack of sufficient available storage, (2) because the available storage is uneconomical. The investigations of the United States Reclamation Service and of the California State engineering department have since fully corroborated this conclusion and even demonstration that it is physically impossible to secure flood control of the Sacramento through storage. (Secs. 223, 224, 225; also Exhibit G.)

23. Main channel plan inadequate: The débris commission rejected also the main channel plan of major and minor levees, confining the floods to a wide strip on each side of the main channel. This plan was proposed on the theory that the maximum flood of the river is 250,000 second-feet. The floods of 1907 and 1909 showed that not less than 600,000 second-feet should be figured on, while the record of drainage into the valley in one season was 823,000 second-feet. (Exhibit D; secs. 11, 12, 13.)

24. Minor project for flood control: In 1907 the débris commission reported that, having satisfactorily regulated hydraulic mining as called for by the act of 1893, it recommended, in further pursuance of its duties, that dredging operations be inaugurated to cure for débris deposits and incidentally assist in flood control. The report recommended 56 months' operation of two large suction dredges. No details were given but the intimation was made that there would be forthcoming "well-matured plans, in the preparation of which all elements of the problem will be taken into account." That project (known in California as the minor project) was adopted in 1910, and the dredging operations have been going on since, the work done being principally at the river's mouth. Nation and State have been cooperating in good faith in carrying out the project suggested in the report of 1907, the State having already appropriated for the purpose $850,000 and Congress $600,000. (Secs. 133, 134, 182.)

25. The major project: In 1910 the Débris Commission presented "the well-matured plans in the preparation of which all elements of the problem will be taken into account," as referred to in the report of 1907. These plans, embodying what is termed in California the major project, provide for entire flood control of the river, serving not only the cause of navigation, but also that of reclamation and of débris control, and in effect include the minor project of the 1907 report now in progress. (Secs. 155, 156, 157.)

26. Reapportionment of expense: In 1913 the Débris Commission offered a report modifying the report of 1910, not as to engineering

detail but only as to method of financing, and making the expense to the National Government about half of the amount contemplated in the original report. The project as thus outlined was approved by the Board of Engineers for Rivers and Harbors, by the Chief of Engineers, United States Army, and by the Secretary of War, was favorably reported by the Rivers and Harbors Committee (in the 1914 rivers and harbors bill), was passed without dissenting voice by the House of Representatives, and was favorably reported by the Senate Committee on Commerce. The rivers and harbors bill which contained this project, however, failed in the Senate, and was replaced by a substitute bill providing a lump appropriation to be expended at the discretion of the Chief of Engineers, United States Army, in the interest of existing project only. The Sacramento and all other projects classed as unapproved were thus excluded from the bill. (Secs. 155, 156, 157.)

27. California creates an active agent: The State of California, by legislative acts of 1911 (special session), 1913, and 1915, formally approved the project, adopted the reports of the Débris Commission as in effect a contract between the State and the Nation, and pledged herself to carry out her portion of the contract. In discharging the obligations thus placed upon her the State created the State reclamation board, with jurisdiction over the entire area of the Sacramento and San Joaquin Valleys below the flood plane, with full power to force all reclamation work therein to conform to the project, to order project work done or to do it itself, and to levy the necessary assessment for river levees and by-pass construction on the lands which would receive benefit therefrom. (Secs. 179, 180.)

28. Cooperation between State and Nation: The State, as represented by the reclamation board, has kept in close touch with the California Débris Commission, has seen that all plans for levees, bridges, embankments, and cuts met with the commission's approval as being in accord with the project, has faithfully discharged all obligations undertaken under the mutual understanding, and has pushed, as rapidly as conditions justified, that portion of the project under her charge. (Secs. 172, 180.)

29. The only plan feasible: The plan outlined in these reports is declared therein to be in effect the only one economically feasible which will secure flood control of the Sacramento River; and without flood control, as stated, there can be no permanent restoration of navigability for the rivers. It is explained that on the Sacramento River the interests of flood control, navigation, reclamation, and débris control are so interwoven that a plan which seeks to care efficiently for one must care incidentally for the others. For this reason an apportionment of expense is suggested among Nation, State, and property owners. (Secs 218, 219, 220.)

30. Principles of plan: The plan contemplates the retention in the river channel of so much of the flood as the channel, guarded on each side by strong levees, can safely carry. This utilizes current action in clearing the channel of deposits. The excess volume, in flood season, is to be diverted over concrete weirs, and into by-passes, through which it will be conducted over the adjacent basins and turned into the river again at Rio Vista, 15 miles from the mouth. From this point to the mouth, the channel is to be enlarged and deepened to accommodate the full volume of flood. (Secs. 168–172.)

31. A permanent flood plane: The plan will make unnecessary, after standard construction has been completed, any future raising of levees such as has been continually resorted to for many years past. The crests of the weirs will fix the flood planes in the river channel in their respective districts; and floods which would raise the plane under present conditions will be automatically turned into the by-passes. (Secs. 168 to 172.)

32. The Government's work: The California Débris Commission is to have sole charge of those portions of the project which are supposed to be peculiarly in the interests of navigation, including enlargement of the river's mouth, dredging in the channel, and construction of the four weirs. The cost of these elements is to be shared equally between the Nation and the State, the estimates in the report fixing the Nation's share at $5,860,000. (Since those estimates were made Congress, in caring for the minor project, has appropriated $200,000 for part of the work covered by them.) All rights of way must be paid for by the State or by private parties. (Sec. 173.)

33. The State's responsibility: The State, through the State reclamation board assumed responsibility for completion of the remaining elements of the project, including 503 miles of river levee and 186 miles of by-pass levees and the securing of the necessary rights of way (about 85,000 acres). The cost of this work is to be assessed by the reclamation board on lands benefited by the project in proportion to benefits received. In some cases the completion of the project will incidentally reclaim private lands; in others it will insure conditions under which the owners can go on with reclamation work; in all cases it will afford reasonable assurance of safety against future floods. In no event will any of the expense for this portion of the project be borne by the United States. (Secs. 173, 174.)

34. Work at the river's mouth: Work on that portion of the project in charge of the California Débris Commission has been confined to dredging at the river's mouth under "minor project" appropriations. Some 13,000,000 cubic yards have been removed by the hydraulic dredgers, the new cut thrown open to the action of the current, and an appreciable improvement in run-off of flood waters already secured. (Secs. 181, 182.)

35. Progress in weir preliminaries: There has been, necessarily, no work done by the débris commission in weir construction, in the absence of the adoption of the major project and the inapplicability of minor project appropriations thereto. Sites for three of the four weirs have already been secured, however, and Sacramento city has in her treasury the money necessary for building the Sacramento Weir, construction of which she will undertake because of the protection it will afford her. Her citizens voted to advance $594,000 for the purpose, fearing that Federal appropriations therefor might come too late. (Secs. 183, 184.)

36. Progress in the State's portion: Since the presentation of the débris commission report of 1910, and particularly since the adoption (December, 1911) by the State of the project therein recommended and the creation of the State reclamation board, private capital has, in response to the State's invitation, spent many millions of dollars in reclamation works which form incidentally integral portions of units of the great flood-control project. In this way the completion of river and by-pass levees, as called for by the plans and on standards fixed by the reclamation board, is rapidly progressing. The entire Sacramento by-pass and weir, it is expected, will be commenced within the next few months and pushed steadily to completion.

In securing material for construction and betterment of river levees, private reclamation districts have dredged out of the navigable channels millions of cubic yards of débris deposit, the removal of which is contemplated in the major project. (Secs. 185, 186.)

37. Losses due to lack of flood control: While the State is steadily pushing her share of the project, the work she is doing will lose its value unless Congress adopts the major project and makes such appropriations as will enable the engineers to complete those portions having to do with the navigable channel over which the Federal Government exercises exclusive jurisdiction. Delay in securing flood control, which can be had only through completion of this project, means great loss of property, and perhaps life, as well as serious injury to navigation.

The reports of the Chief of Engineers, United States Army, 1910, show that the loss in the Sacramento Valley in the floods of 1907 and 1909 was $11,000,000, and that Marysville was without railroad service for 10 days and San Francisco practically isolated for over one week by failure of bridges and railroad beds. Two transcontinental lines—the Southern Pacific and Western Pacific—run through the valley, as well as a number of local lines, and the interruption to mail service and business under such conditions is serious. (Secs. 80 to 93.)

38. An obligation of Congress: The clear intent of Congress, expressed in the act of 1893, to restore the navigation of the Sacramento and San Joaquin Rivers as near as practicable to the conditions existing in 1860; California's prompt compliance with the conditions of the act and the appropriations which she has made for prosecution of the work; the methods of the Débris Commission in discharging one after another the duties imposed on it by the act; its regulation of hydraulic mining and report on the accomplishment thereof; its attempts at débris control, with varying success up to its report of 1907, which recommended dredging as the final resort; its failure to outline therein any plan for such work save the construction of two dredges and its reference to "well-matured plans in the preparation of which all elements of the problem will be taken into consideration"; its final presentation in 1910 of those well-matured plans covering flood control and all elements of the problem, and its suggestion that this was the last of the duties assigned it; the readiness with which appropriations were recommended and made as called for by each progressive step toward the accomplishment of the purpose clearly set forth in the act of 1893—all are strongest indications of the belief on both sides that a contract had been entered into in good faith between the Nation and the State, and that the injury to the Sacramento River done by hydraulic mining under national tolerance was to be remedied so far as practicable by cordial cooperation between State and Nation. This is apparently the view of the United States Army Engineers, as it certainly is that of the State, for in the hearing before the Rivers and Harbors Committee, February 7, 1912, Col. John Biddle, United States Army, senior officer in the California Débris Commission, expressed, in effect, the opinion that undoubtedly the State of California would not have appropriated $400,000 for the minor project unless it had understood that the improvement of the river would be completed under a matured plan, since otherwise the $400,000 would have been practically thrown away. (Secs. 158 to 167.)

39. A business investment for the United States: Aside from the weight which may be given to the apparent understanding in this matter—the necessity for speedy completion of the Sacramento flood-control project, the benefits, National and State, which will flow therefrom, and the widespread disaster which must follow a failure on the part of the Federal Government to cooperate should be sufficient to secure its prompt indorsement at the hands of Congress. In the following statement of the results which will be accomplished by the completion of the project will be found sufficient justification for the Nation to regard it as a good business investment on its part.

40. It is the only plan through which flood control of the Sacramento River can be secured; and only through that flood control can the following results be attained:

41. (a) Restoration and maintenance of the navigability of the Sacramento River, injured through hydraulic mining. Ocean freighters drawing 13 feet used to deliver cargoes at Sacramento city, 125 miles from the sea, at all seasons of the year. Light-draft craft formerly carried freight and passengers all the year around to Red Bluff, 323 miles from the sea.

42. (b) Protection of the San Joaquin River, which has a common delta with the Sacramento and which is affected by floods of the Sacramento as far as the city of Stockton, 45 miles from the river's mouth.

43. (c) Transportation for passengers and freight from the lower stretches of the two rivers, which, because of the physical conditions, are not accessible to railroads.

44. (d) Maintenance of low freight rates for the products of the two valleys. Ninety per cent of all freight between Sacramento and San Francisco and between Stockton and San Francisco is carried by river boat, at about one-third the expense of rail transportation. Improvement of river conditions above Sacramento City would tend to induce similar conditions in the upper valley.

45. (e) Maintenance of an inland waterway system of which the two navigable rivers must be necessarily the main arteries. Upon such a waterway system depends in large measure future development of the Sacramento and San Joaquin Valleys and the commerce of the State, since without cheap water freights to tidewater products of the valleys can not secure profitable access to the markets of the world. The history of inland waterways in Europe will make this point very clear.

46. These two valleys, comprising about 10,000,000 acres, will grow to advantage any product called for by the necessities or desires of the Nation. Property developed and under intensive cultivation the year round they could furnish a large portion of the supplies demanded by the country in time of stress. They would become under such conditions a national economic asset, which might be invaluable and which, it would seem, Congress at this time can not afford to ignore.

47. (f) Safety from disastrous floods for a million and a quarter acres of rich alluvial lands. The annual crop on so much thereof as is now reclaimed, or partly reclaimed, is valued at $50,000,000. Included in the district are the cities of Sacramento and Stockton, with population of 120,000 and property assessment of over $100,000,000.

48. (g) Creation of permanent wealth in lands now subject to overflow and which can not be reclaimed or used for any purpose in the absence of flood control of the Sacramento. If these lands were re-

claimed and under intensive cultivation under protection of the completed flood-control project the present value of the annual crop in the river districts would be easily doubled. (Secs. 188 to 215.)

THE PROJECT AND ITS HISTORY IN DETAIL.

THE GREAT INTERIOR VALLEY.

49. The greater portion of the arable section of California is comprised in an immense valley about 400 miles long and 40 miles wide. It is inclosed on the east and west by the Sierra Nevada and Coast Range Mountains, respectively. The two converge above Red Bluff in the north, while the southern boundary is formed by the Techachipa Range, joining the Coast Range and the Sierra Nevada below Bakersfield. On the earlier maps of the United States Geological Survey this valley is called "The Great Interior Valley." To-day it is known in its northern part as the Sacramento and in its southern part as the San Joaquin Valley, the first containing about 3,000,000 acres and the latter about 7,000,000 acres. There is no distinguishable dividing line between the two, though the Cosumne River is usually accepted as such line.

50. In prehistoric ages the entire valley was an arm of the sea. It was gradually filled up by material washed down from the mountains, until eventually there was left only San Francisco Bay, with its arms and estuaries and a narrow opening—the Golden Gate—through the Coast Range to the sea.

51. The upper portion of the Great Valley is drained by the Sacramento River, flowing south, and the lower portion by the San Joaquin, flowing north. The two rivers have a common delta, and their main streams, flowing on opposite sides of Sherman Island, empty side by side into Suisun Bay, an arm of San Francisco Bay, 61 miles from the sea. Because of their common delta and the difference in volume of their floods, the San Joaquin in the lower 45 miles of its course is subject to flood and injury from the Sacramento.

52. When California was admitted into the Union, in 1850, and for many years afterwards, both streams were particularly valuable for navigation. On the San Joaquin ocean boats navigated to Stockton and light-draft craft ran for half of the year as far as Hills Ferry, 129 miles from the mouth of the river, and for a few weeks at high water they ran to Firebaugh, 79 miles farther. Navigation on the San Joaquin to-day is limited practically to that stretch of the river lying between its mouth and the city of Stockton, a distance of 45 miles, the Government maintaining therein, under existing project, a channel depth of 9 feet. The river is navigable, however, for 15 miles above Stockton. The navigability of the upper river has been practically destroyed by the demands made upon its sources of supply for water for irrigation. In the San Joaquin Valley the volume of available water is less and the quantity of land to be irrigated much greater than in the Sacramento Valley. The maximum flood volume of the river is 155,000 second-feet. (See statement G. A. Atherton, hearing Rivers and Harbors Committee, July 23, pp. 7 and 8 (Exhibit H); also Report Chief of Engineers, 1915, pp. 1461 and following.)

THE SACRAMENTO RIVER FLOODS.

53. It is with the Sacramento River that this report has more particularly to do. This river has a flood volume exceeded only by three rivers in the United States—the Mississippi below its confluence with the Missouri, the Ohio, and the Columbia. In comparison to the area of territory drained, its flood volume is over four times as great as that of either of the latter two streams and 15 times as great as that of the Mississippi. Its maximum flood is now usually estimated at 660,000 second-feet, though the records show a flow into its basin in 1907 of 823,000 second-feet.

54. It had been assumed, as late as 1906, due to lack of data concerning earlier floods, that the maximum flood of the Sacramento did not exceed 250,000 second-feet. In 1881 it was thought to be 100,000 second-feet "and perhaps more for a short time." (Rept. Chief of Engineers, 1881, p. 2517.) If the Columbia and Ohio carried floods equal in proportion to the territory drained to those of the Sacramento, the maximum discharge of each would be about 5,000,000 second-feet, instead of the 1,390,000 and the 1,233,000, respectively, with which they are now credited, while the Mississippi's discharge under similar conditions would be about 25,000,000 second-feet instead of 1,777,000 second-feet. (H. Doc. No. 81, 62d Cong., 1st sess. (Exhibit D), p. 19.)

55. The records show that at Iron Canyon, where the Sacramento River enters the valley, it carried, on February 3, 1909, a flood of 276,000 second-feet. This point is 100 miles above Colusa. The maximum capacity of the river channel below Colusa and down to the Tisdale Weir, is 65,000 second-feet, while below the Tisdale Weir and to the mouth of the Feather, a distance of 34 miles, the maximum capacity is only 35,000 feet. (See map.)

56. The Feather River, carrying with it the floods of the Bear and Yuba and smaller tributaries, has, at its mouth, an estimated maximum flood of 250,000 second-feet (in 1907 this was exceeded), while the channel of the Sacramento, from this point down to the city of Sacramento, 20 miles, has at present a maximum capacity of only 75,000 or 80,000 second-feet.

57. The American River enters the Sacramento a half mile above Sacramento city, its maximum flood volume being estimated at 180,000 second-feet, while the maximum capacity of the Sacramento River channel from Sacramento city down to Suisun Bay is but 110,000 second-feet.

58. Because of the difference in length of streams, the floods reach Sacramento city from the headwaters of the Sacramento River approximately in 96 hours, from the Feather and Yuba in 48 hours, and from the American in 9 hours. The gravest danger to the valley is created when, because of difference in time of storm in the drainage areas of the respective streams, or because of long continuance of storm, the floods from the three sources, or from two of them, crest together at Sacramento.

60. These conditions in themselves create, it is seen, a serious flood-control problem. That problem is greatly complicated by the hydraulic-mining deposits and by the reclamation of basin and river lands accepted from the Federal Government under obligation to reclaim.

EARLY NAVIGATION ON THE SACRAMENTO.

61. In the early pioneer days the Sacramento River was a perfectly clear stream with pebbly bottom. From 1850 to perhaps 1865 it was navigable at all seasons of the year for seagoing craft drawing from 9 to 13 feet of water up as far as Sacramento and, for the earlier part of the period named, some little distance beyond Sacramento. Indeed, most of the steamers which plied on the river in those days had to be seagoing craft, for they made their way to California from east Atlantic ports around Cape Horn or through the Straits of Magellan. Tidal influence was felt in 1849 at the mouth of the Feather River and at Sacramento was fully 2 feet. The records on these points are conclusive and interesting.

62. In the transcript of the hearing, held in California July 23, 1915, before the Rivers and Harbors Committee, appears, at page 15, the following statement made by A. E. Anderson, president of the California Transportation Co., which for many years has operated steamboats on the Sacramento and San Joaquin Rivers:

"Prior to the time when the river was damaged by hydraulic mining and up to 1865, seagoing ships drawing from 9½ to 13 feet made regular trips to Sacramento at all seasons of the year—spring, summer, autumn, and winter. One steamboat, the *Senator*, drew 13 feet of water."

The steamer *Senator* referred to by Mr. Anderson was a boat of 755 tons, built to run from New York to Portland, Me. She came to California, reaching Sacramento November 6, 1849, and thereafter plied regularly for many years between Sacramento and San Francisco. The *New World*, a very much larger boat, which was placed on the river many years afterwards to run between the same points, was built to run out of New York to Atlantic ports, and, like the *Senator* and other steamers, came to California by sea. (Judge Sawyer's decision, Exhibit A.)

63. Seagoing craft went up the Sacramento beyond Sacramento City and 30 miles up the Feather River to Marysville. In 1849 the steamer *Linda* came to California round Cape Horn, went up the Sacramento and Feather, and beyond Marysville up the Yuba 4 miles. The township within which she landed still bears the name Linda.

64. During the fifties several lines of steamers were regularly running to Marysville. The Sacramento Bee on February 16, 1862, recorded the fact that the *Defiance*, drawing 2 feet, had gone up the Feather 30 miles above Marysville to Oroville.

65. In "The History of Sacramento County," by Winfield J. Davis, published 1880, from pages 60 to 66, are interesting details as to early navigation, from which the following facts are briefed:

66. The Alta California (a San Francisco newspaper) in its issue of January 4, 1850, refers to the bark *Whiton* (which arrived at Sacramento May 4, 1849, with cargo from the Atlantic) as a comparatively small craft. She drew 8 feet. The first big steamboat to be seen at Sacramento was the steam-propeller *McKim*, which reached there from New Orleans in September, 1849, and thereafter made regular trips on the river. Her passengers paid in fares on her first river trip $16,000, the fare being $30 apiece. The steamer *Senator's* first trip to Sacramento is mentioned.

67. The Alta California of August 31, 1849, published a list of 45 vessels plying up the rivers Sacramento and San Joaquin, the sizes of which are not given, but most, if not all, of which must have come by sea from east Atlantic ports.

68. One day in 1850 a list of steam and sailing vessels at the wharves of Sacramento numbered 65.

69. A list of 25 steamers, large and small, is given which regularly ran in and out of Sacramento in 1853, the *Senator* being the largest. The total value of the steamers was $1,086,000. Fares had been reduced in 1851 to $1.

70. In 1854 one of the new river boats, the *Queen City*, built by the citizens of Marysville, 200 feet long with 9-foot hold, carried on her first trip 919 passengers.

71. The Sacramento River steamers increased in size and improved in appointments steadily for some years, the largest making regular trips to Sacramento being the *Capital*, 1,625 tons, which appeared first in March, 1866.

HYDRAULIC MINING AND ITS DÉBRIS.

72. Gold was discovered in California in 1848, following which came the rush of gold seekers to the State and the prosecution of mining as the leading industry for a number of years. About 1856 the hydraulic method of mining came into use in the State. The method consists in sluicing away the top soil and lower strata of clay, sand, gravel, and cobbles that overlie the bedrock on which the gold is usually found and catching the gold in sluices and riffles. The débris is carried down by the stream of water, finding temporary lodgment in the creeks and small tributaries, but pushed eventually by the freshets into the navigable river channels.

73. The sluicing was done originally by water carried under pressure in canvas pipes and delivered through nozzles, such as are found on fire hose. The hydraulic "monitor," invented in 1865, was soon afterwards generally adopted, and, within 10 years thereafter, the hydraulic mining industry had enormously increased. With the use of a monitor with an 8-inch nozzle and a water pressure, such as was usually used, of 250 to 500 feet, 185,000 cubic feet of water could be discharged in an hour with a velocity of 150 feet per second. Against this force immense mountains, 300 or 400 feet high, melted like sugar. One monitor would use as much as 1,500 miner's inches of water, equivalent to a discharge of 25,000,000 gallons, in 24 hours. As the mines worked without cessation, using electric light at night and blasts of powder of 30 and 40 tons were utilized to assist in breaking up the mountains, the amount of material washed down in a comparatively few years by a large number of mines assumed enormous proportions. It requires, however, the sight of the immense craters, 300 and 400 feet deep, left in the mountains to properly appreciate the force of this agency and the quantity of débris sent into the streams. (Woodruff *v.* N. Bloomfield G. M. Co., 18 Fed. Rept., 757.)

74. In 40 days, using 3,000 miner's inches of water, the Miocene mine discharged into the Feather River above Oroville no less than 300,000 cubic yards (52,500 railroad carloads) of débris. Up to 1878 the Excelsior Co. alone had washed into the Yuba 8,000,000 cubic yards (14,000,000 tons). (Wm. A. Lawson, Sacramento Bee, Sept. 28, 1915.)

75. The official reports of William Ham. Hall, State engineer of California, declare that the hydraulic mines operating upon the streams draining into the Sacramento Basin were using in 1879 an annual supply of 15,000,000 miner's 24-hour inches of water (60,000,000,000 gallons), and that they were annually washing into the streams and canyons 53,000,000 cubic yards of material. The Yuba River alone, he estimated, received annually 22,362,500 cubic yards, a quantity which would have filled the entire length of the Erie Canal, as it then existed, to two-thirds of its extreme capacity.

76. In addition to the enormous quantities of this material which had been brought down by floods in the 60 years preceding 1912 and deposited in the basins and on agricultural lands and in the lower bay, or carried out to sea, it was estimated in the year named that there was then in the navigable channel of the Sacramento between the mouth of the Feather River and the mouth of the Sacramento (a distance of 84 miles) from 80,000,000 to 120,000,000 cubic yards of the material (biennial report State engineering department, California, 1912, p. 103); that there was in the lower channels of the Feather

and the American, in addition, not less than 300,000,000 cubic yards, which must in time find its way into the Sacramento (H. Doc. 81; Exhibit D, p. 5); that in the Yuba Debris Basin at the mouth of the Yuba was a deposit, covering 25 square miles, from 8 to 26 feet deep, and estimated to contain from 360,000,000 to 600,000,000 cubic yards (State engineering report, 1912, p. 111), and that this deposit, while losing each year an amount washed by the floods into the Feather, still received an annual net increase of 3,000,000 cubic yards.

77. In the report, February, 1891, of a board of engineers, United States Army (Lieut. Col. Benyaurd, Maj. Heuer, and Maj. Hanbury), appointed in accordance with act of Congress October 1, 1888, to investigate the mining débris question (H. Ex. Doc. 267, 51st Cong., 2d sess., p. 12) are given estimates of the amount of débris at that time in the upper streams, aside from that which had already gone down into the navigable channels. This estimate included 66,000,000 cubic yards for the canyons of the Bear and its tributaries, and 36,000,000 in the stream bed above its junction with the Feather; and in the canyons of the American (two forks) 40,000,000 cubic yards. The report states that "the amount now remaining in the canyons and beds of the streams is but a small portion of that taken from the mines," and estimates the amount mined out of the basin of the Yuba alone at 434,640,000 cubic yards.

78. The State engineer of California reported to the California Legislature in 1880 (Pt. III)—

"That at the rate of March 6, 1879, under a discharge of 25,750 cubic feet per second, 207,645 cubic yards of sediment was discharged every 24 hours by the Yuba River at Marysville."

79. In the report of the California commissioner of public works, 1904 (known as the "Dabney Commission" report), page 19, appears this:

"At a point about 4 miles east of Marysville the sand deposits have been built up in the bed of the Yuba to a height of 13 feet above the farming land on the opposite of the levee."

DAMAGE TO LANDS.

80. Most of the hydraulic mining was done on the Yuba, the principal tributary of the Feather. The Feather, the direct source amounting to more than that from all other tributaries of the Sacramento combined. The American River furnished the next largest quantity. On the Sacramento itself and its tributaries above the mouth of the Feather there was no hydraulicking and that portion of the river continued clear, save for such injury as it received from floods of the Feather coming across the Sutter Basin. The amount of débris deposited in the navigable channels of the Feather and Sacramento became, in time, so great as to raise the bed of the stream in places from 5 to 16 feet. (State Eng. Rept., 1912.) With decreased capacity the stream was no longer able to carry ordinary floods and inundation of river lands followed. Levees were broken by force of the water, deep depressions cut in the river banks by the current, the floods diverted through such cuts or crevasses, and immense quantities of sand and gravel deposited on orchard and agricultural land, destroying its value for cultivation. Gentle floods, which do not cut the land, carry only the silt from the top inches of surface soil, act as fertilizer, as they do on the Nile; but the sand and gravel from lower strata of the mountains, washed down by hydraulicking, covered the rich lands with a worthless layer which could be transformed into soil only after many years' action of the elements.

81. Below each crevasse in the river levee and bank caused by the floods, there was created slack water in the river channel and a deposit of débris in the shape of shoal or sand bar, which served to impair or possibly entirely block navigation until it was removed. These conditions, both as to injury to navigation and destruction of private lands, steadily grew worse, not only while hydraulic mining continued, but after it had ceased, because of the immense deposits in the Yuba, Feather, and American Rivers, some portions of which were washed into the Sacramento by floods.

82. From the syllabus of the court's decision in Woodruff *v.* North Bloomfield Mining Co., tried in the United States Circuit Court Northern District of California (18 Fed. Rep., 753), the following quotation is made. It concerns conditions in 1884. (See also Exhibit A.)

"The débris thus discharged has produced the following effects: It has filled up the natural channel of the Yuba above the level of its banks and of the surrounding country and also of the Feather, below the mouth of the Yuba, to the depth of 15 feet or more. It has buried with sand and gravel and destroyed all the farms of the riparian owners on either side of the Yuba, over a space of 2 miles wide and 12 miles long. It is only restrained from working a similar destruction to a much larger extent of farming country on both sides of the river, and from in like manner destroying or injuring the city of Marysville, by means of a system of levees, erected at great public expense by the property owners of the county and inhabitants of the city, which levees continually and yearly require to be enlarged and strengthened to keep pace with the increase in the mass of débris thus sent down, at a great annual cost, defrayed by means of special taxation."

83. In the decision itself (which is full of interesting detail as to damage done by débris) it is stated that the citizens of Marysville paid as high as 7 per cent annual tax because of the necessity for levee protection created by this débris. As a matter of fact, the taxes per $100 of assessed valuation collected by Marysville for the five years commencing 1905 were $4.50, $7.05, $4.85, $6.12, and $5.65, respectively. Of the 1907 tax ($7.05) $3.25 was for levee work. The city of Marysville, with 5,000 population, has paid out approximately $1,000,000 for levee construction.

84. The nature of damage indicated as inflicted on the lands adjoining the Yuba was later inflicted on the lands along the Feather, the American, and the Sacramento, as the débris deposits were forced down into those streams and produced similar results.

85. On the American River at Folsom, 22 miles from Sacramento, there was built in 1890, at an expense of about $1,000,000, a dam with diverting canal and power plant which transmitted electric energy to Sacramento City. This was the first long-distance transmission for lighting purposes in the world, while priority for power purposes was due to one other plant only, in Italy. Within a comparatively few years after this dam was built the reservoir became worthless for storage because it was filled up by mining débris, and the entire plant became practically useless save during flood stages of the river.

86. In 1880 William Ham. Hall, State engineer, reported that upon the Yuba, Feather, and Bear Rivers and Auburn Ravine and Dry Creek 43,000 acres of valuable land had been covered by débris, with a loss to the owners estimated at $2,597,000. This did not include actual damage to lands along the Sacramento and American, nor the expense occasioned other lands in leveeing for protection.

87. Subsequently a more detailed estimate of this damage was prepared by Dr. M. M. Chipman, of San Francisco, chairman of the committee on medical topography of the Medical Association of California. He showed that over 40,000 acres of rich fruit and garden land had been entirely ruined and that 270,000 acres had been greatly damaged. He estimated the total visible loss and depreciation of value from hydraulic mining at that time at $15,922,000, distributed among five counties, as follows: Yuba, $6,527,000; Butte, $170,000; Sutter, $6,799,000; Sacramento, $2,340,000; Placer, $86,000.

88. Since that time the loss has multiplied in the direct injury to other lands through deposit thereon of débris and in the constantly increasing expense of levee construction to keep out the steadily rising flood plane.

89. Up to and including the year 1907 the two counties of Sutter and Yuba (including the city of Marysville) had paid out for levee construction, necessitated in large part by the results of hydraulic mining, $5,747,329.59. (Statement county supervisors to Board of Engineers for Rivers and Harbors, United States Army, at Marysville, Aug. 15, 1914.)

90. Up to July 1, 1909, reports from 41 reclamation districts out of 48 in the Sacramento Valley showed that such districts had expended for protection against floods $15,030,525. (Doc. 81, Exhibit D, p. 7.) This did not include Sacramento city. Since that date several more millions have been spent.

91. Sacramento city has expended on her levee system in the neighborhood of $5,000,000, and is now about to construct, under plans already approved by the Chief of Engineers, United States Army, a half million dollar weir in the Sacramento by-pass. The city is providing funds for the construction in advance of Federal appropriation, because of the grave danger threatening the city until that weir and its by-pass furnish easement for American River floods.

92. When the great floods come the amount of damage done in the absence of flood control is very great. From the report of the California Débris Commission of 1910 (Doc. 81, Exhibit D, p. 7), it is learned that the damage done by the floods of 1904, 1907, and 1909 amounted to $11,000,000. It is estimated that the Southern Pacific Co. was injured to the extent of nearly $1,000,000 by washouts and interruption to traffic. Sacramento and San Francisco in 1907 were practically cut off for nearly 10 days, with corresponding interruption in mail service and general business.

INJURY TO NAVIGATION.

93. The deposits of mining débris, moving down the channels of the navigable rivers with each flood, acted in manner similar to that noted on the Yuba, gradually choking the channel, forming sand bars, and decreasing the available depth until in time it became impossible for even the lightest-draft craft to navigate the Feather during the greater part of the year, while on the lower Sacramento the large seagoing craft were in time replaced by flat-bottom stern-wheelers of light draft, and even these could not load to capacity in the summer and fall months, and often had to lighter cargo below Sacramento.

94. In 1875 the low-water depth in the Feather had been reduced to 2 feet, and one small steamer made a weekly trip between Marysville and San Francisco. In 1890 boats ceased running on the Feather, the débris conditions having become so bad that one steamer and one barge with full cargoes were sunk and insurance companies declined to write risks on the river traffic. Navigation of the river has not been practicable since then, save at flood stage. (Statement of Marysville Levee Commission to Board of Engineers for Rivers and Harbors, Aug. 15, 1914, p. 27.)

95. In the latter part of 1859 and spring of 1860 a bar formed in the Sacramento River across the mouth of the American (which then entered the Sacramento a half mile below the present location) and extended down to the Sacramento city drawbridge, forming an obstacle to upriver navigation. In 1866 the large river steamers could no longer reach their landing at Sacramento city, and the city levied a tax to clear out the channel. (History of Sacramento County, by Winfield J. Davis, pp. 60 to 66.) Dredging of this kind, however, could not stay the flood of débris, and gradually the deeper-draft steamers, such as the *Senator, New World, Capitol, Chrysopolis, Yosemite*, and others, were withdrawn from the river and used exclusively on the Bay of San Francisco and its salt-water estuaries.

96. These deposits of débris in the stream were always greatest after heavy flood, and particularly below crevasses in the levees which had permitted a diversion of the current and a deposit in the channel below each break where slack water was produced.

97. Opposite Sacramento city in many seasons at low-water stage there was a bar on which one might walk dry-shod across the greater portion of the river. In 1910 the channel itself in front of the bridge draw was thus closed, and the United States Army engineers used a clam-shell dredge to clear a channel so that up-river traffic might be resumed. They deposited the material, through necessity, at one side in the middle of the river, where it formed an immense mound, which gradually disappeared during succeeding flood seasons. In 1913 the engineers dredged through a similar shoal in front of Sacramento city, moving 27,000 cubic yards of material, and through another deposit at the mouth of the Feather, moving 25,000 cubic yards. (Report of Chief of Engineers, 1914, p. 3169.)

98. The low-water gauge readings at Sacramento city offer a striking illustration of the steady filling up of the river from mining débris and resultant injury to navigation, because the reading on the gauge rose as the débris raised the bottom of the channel. According to the 1914 report of the California Débris Commission (Report of Chief of Engineers, 1914, p. 3315) the water reached zero on this gauge in 1849 and again in 1856. The peak of the débris effect appears to have been reached in 1886, at a reading of 8.5, though in 1890 a reading of 9.3 occurred. The average readings of this gauge at low water, in periods of five years each, show a steady increase in height from zero in 1849 to 8 in the period of 1896, and then a steady decrease down to 2.6 in 1913, then an increase to 4.2 feet in 1914 and 4 feet in 1915. It should be explained that since 1909 there has been no great flood, the levees below Sacramento city have held intact, and there has been in consequence a gradual scouring of the channel. The gauge readings from 1849 to 1915 follow:

Average low water at Sacramento for 5-year periods, 1849 to 1915.

Average gauge reading:	Feet.
1849–1853, five observed years	0.6
1854–1858, five observed years	1.2
1859–1863, three observed years	2.2
1862–1873, no records.	
1874–1878, five observed years	5.5
1879–1883, five observed years	6.5
1884–1888, five observed years	7.3

Average gauge reading—Continued.	Feet.
1889–1893, four observed years	7.8
1894–1898, five observed years	8.0
1899–1903, five observed years	7.2
1904–1908, five observed years	6.8
1909–1913, five observed years	4.7
1913, one observed year	2.5
1914, one observed year	4.2
1915	4.0

99. In 1869 the Central Pacific Railroad commenced operating in connection with other railroads a through overland service to New York. Its western terminus at the time and for several years was Sacramento city, from which point passengers were transferred to San Francisco by the company's boats. In April, 1869, the Central Pacific bought out the California Steam Navigation Co. and its river boats, and thereafter for many years competition on the river practically ceased. Whenever an opposition boat made its appearance the railroad company reduced the fare to 25 cents and the freight rate accordingly, and the opposition soon died. In time the commerce of the river became sufficiently great to justify competition even against a railroad company, and in time, too, the State passed laws which did not permit the throttling of competitive public-service corporations through temporary cutting of rates.

100. During this period of stagnation in navigation the condition in regard to navigability of the stream grew steadily worse, and the floods of 1904, 1907, and 1909, which brought down great quantities of débris from the Yuba, Feather, and American, added to a situation already very bad. Boats drawing 6 feet of water with light load could not reach Sacramento city and had to lighter cargo for 30 miles. Sacramento city is only 61 miles from the mouth of the river. Note the statement of Capt. A. E. Anderson, president of the California Transportation Co., before the Rivers and Harbors Committee, February 7, 1912, as appears in the published document at page 46, as follows:

"Capt. ANDERSON. I was compelled to maintain a steam-barge service in the year 1911 from the 1st of September to about the 5th or 6th of January, 1912, to lighter cargo of these steamers in and out of Sacramento, not having over a 5 foot 6 inch channel; that did not permit me to go into Sacramento with over 120 tons of cargo.

"Mr. KENNEDY. That is just a short distance, though.

"Capt. ANDERSON. That was a distance of 30 miles, the lightering. The bad reaches of this Sacramento River, from Sacramento down the first 30 miles, have been largely due to the floods of 1904 and 1907, which washed so much of the material into the river from the American and the streams above; and it was stated by one other member of the committee that right at this point, where a railroad bridge crosses the river, the department was compelled to hire dredges two years ago and take material from the river and deposit it in another part of the river and to make a small gutter to permit the boats to go upstream Until they did that there was absolutely no connection between Sacramento and the river above."

101. The commission of three United States Army engineers appointed under request of Congress to find means for adjusting the conflict between miners and farmers—Lieut. Col. Beeyaard, Maj. Heuer, and Maj. Hanbury—reported in 1891, in speaking of the results of mining débris on the river channel between Sacramento city and Suisun Bay (Report of Chief of Engineers, p. 3014):

"It is therefore evident that in 40 years the effective depth of water in the river has been reduced from 12 feet to depths of 5½ feet and, during one year at one locality, to 3 feet 10 inches."

(Lest there should seem a discrepancy between the effective depth of 12 feet referred to in this report and the fact that the steamer *Senator* drawing 13 feet, regularly plied to Sacramento in the early days at all seasons of the year it is explained that in the early days and for many years the trip to Sacramento was made via Steamboat Slough, a branch of the river on the west side of Grand Island, providing a shorter and deeper channel than Old River, on the east side of the island; that, subsequently, and before the report of 1891, navigation was diverted to Old River; and that the original depth of 12 feet used in comparison with existing conditions in 1891 was the minimum depth in early days in Old River and not in Steamboat Slough.)

INJURY TO THE BAY.

102. The masses of débris put in motion by the freshets not only deposited material all along the Sacramento River channel, raising the bed and making shoals and bars therein and creating islands of size at the river's mouth, but necessarily added enormously to the deposits in San Francisco Bay.

103. The Government surveys indicate that the filling from this cause in certain parts of the bay has been most serious, and that it must continue while the Sacramento floods carry down that portion of the débris which can not be held back in the canyons and tributaries. The situation assumes additional gravity, because the deposits have been large in the channel, which serves as an approach to the Mare Island Navy Yard, making more difficult and expensive the maintenance of depth sufficient to safely accommodate large warships.

104. San Francisco Bay is its northern portion is called San Pablo Bay, and this is connected by the Carquinez Strait with the upper bay—Suisun Bay—into which the Sacramento and San Joaquin Rivers empty. The Mare Island Navy Yard is located on a channel connecting with the strait. Suisun Bay naturally serves as settling basin for much of the débris brought down by the Sacramento, but San Francisco and San Pablo Bays are also being shoaled by it.

105. What the débris has done in shoaling the approaches to the Mare Island Navy Yard is plainly indicated in the reports made to the Chief of Engineers United States Army, in connection therewith. In House Document 1103, Sixtieth Congress, second session, is presented the report (1908) of a board of engineers commissioned to investigate the approaches to the navy yard with a view of providing floatage for deepest draft warships. The report states that, notwithstanding dredging, there has been in 56 years a shoaling of about 9 feet between Mare Island and Vallejo and about 16 feet on the bar. Comparisons of surveys at various dates showed at the entrance to the strait in 1851 no sign of a bar with a controlling depth of 34.5 feet; in 1856 there was a bar with controlling depth of 28.5 feet; in 1864 it was 25.5 feet, while the inner channel in the same time had shoaled from 27 feet (the least depth, which obtained in only a small area) to 21 feet. There were no soundings of record between 1876 and 1896. In 1898 the minimum depth on the bar was 21 feet and in the channel 15 feet. In 1900 a depth of 28 feet was obtained in a channel by dredging and thereafter until 1905 there was steady filling over channel and bar.

106. The report doubts the absolute accuracy of the earlier charts, but says there can be no doubt that rapid shoaling has taken place since the establishment of the navy yard. "It has been thought," says the report, "that the débris brought down from hydraulic mining has been one of the main causes; there is, however, no evidence to that effect. Moreover, the material brought down from hydraulic mines will in future be an almost negligible quantity, as hydraulic mining is controlled under the present laws."

107. In making the latter statement the engineers apparently lost sight of the amount of débris in the upper streams. The floods of 1907 and 1909 clearly demonstrated that each great flood must be expected to bring down a mass of débris, while every freshet will carry some.

108. The character of the material causing the shoaling in the Navy Yard Channel, too, was clearly established by surveys made 12 years before by Maj. Charles E. L. B. Davis, Engineer Corps, United States Army, and reported by him November 19, 1896, in House Document 134, Fifty-fourth Congress, second session. He says "the character of the bottom revealed by the lead and determined by the borings seems to indicate that most of the deposited material is 'slickens' brought down by the Sacramento River from the mines on its upper tributaries."

109. Lieut. Col. Mendell, United States Army, in an earlier report, February 1, 1881 (Report of Chief of Engineers, 1881, p. 2518, on causes producing decrease of depth in San Francisco Bay), said that at that time the influence of mining débris in producing this effect had not been measured, and he added:

"It may be remarked that mining detritus is easily recognized, being quite different from the natural alluvial deposits, so that there will be no particular difficulty in tracing this influence wherever it may be found."

It is extremely unlikely, therefore, that Maj. Davis was mistaken in reporting the deposit as "slickens" (the clay silt from mining débris). It is probable, too, that the commission of engineers who made the 1908 report was not aware of the Davis survey.

110. The Navy Department, in the fall of 1915, completed dredging the Navy Yard Channel to a depth of 30 feet at low water. The department engineers estimated that this depth can be maintained under existing conditions at a yearly expense of $40,000 to $80,000. There is a tide at Mare Island of 6 feet.

The War Department, under an existing project authorized by Congress, maintains a channel 400 feet wide and 30 feet deep at low water through Pinole Shoals, such channel serving as approach to the Navy Yard Channel. The department recently finished the construction of a large suction dredge, which will be operated continuously in these channels and on the bay.

PRESENT CONDITION OF NAVIGATION.

111. In the San Joaquin, due largely to the comparative absence of mining débris in the stream and its tributaries, and to tidal influence, conditions are fairly good and with proper work will steadily improve. The existing project contemplates a 9-foot channel to Stockton (45 miles from the river's mouth), which is practically the head of navigation, though the river is really navigable for 15 miles above Stockton. The San Joaquin could be easily cared for in the absence of complications which are caused by its common delta with the Sacramento and the danger from floods in that stream. (See statement of G. A. Atherton, of State reclamation board, in hearing of Rivers and Harbors Committee, July 23, 1915, and Report Chief of Engineers, 1914, p. 1342.)

112. In the Feather River there has been no navigation for many years, except at flood stage.

113. In the Sacramento above Sacramento city conditions grew steadily worse for a great many years, though now perhaps they may be said to be at a standstill.

114. Red Bluff, 200 miles above Sacramento, many years ago had regular service by light-draft boats at all seasons. In time that service could be given only during high stages of the river. No boat has reached that town from Sacramento at any season of the year since 1911, when the last boat that attempted it took 30 days for the trip, and had to stop 13 miles south of Red Bluff and transfer its cargo by team to the nearest railroad. The condition on this stretch of the river, however, was not caused by hydraulic mining.

115. In the last three years no transportation company has been able to operate higher than Chico Landing, 147 miles from Sacramento, while even to this point and beyond Colusa (90 miles above Sacramento) there is apparently little incentive for navigation, as there is no regular service.

116. Up to Colusa the river is in fair shape for light-draft craft, and the completion of the flood-control project will insure maintenance of those conditions and a gradual improvement toward the better conditions that obtained many years ago. There are two companies operating to Colusa throughout the year, each of which runs two boats, making one round trip a week between Sacramento (or San Francisco) and Colusa and hauling barges when necessary. (See Rivers and Harbors Committee hearing, July 23, 1915, pp. 20, 21, Exhibit B.)

117. Below Sacramento city and to the mouth of the river there has been generally during the last few years a gradual improvement, though the depth of channel at low stage is, of course, very much less than that which obtained up to, say, 1860. This improvement is indicated in the low-water readings of the gauge at Sacramento showing how the débris deposits, at that point at least, are gradually scouring out. This is due to the fact that there has been no big flood since 1909, while the river levees below Sacramento city have held intact since then. In consequence, the current has been forced to scour the bed, while there has been no unusual accretion of débris from above. With a lower stage of water in the late fall there has been a greater depth of channel than for a number of years, a striking indication of the steady improvement that may be anticipated when the completion of the flood-control project will have secured permanent operation of similar forces. There is now at Sacramento once again a marked tide (about 12 inches at low water).

118. The first big flood, however, under existing conditions, will undoubtedly destroy in large part, if not entirely, the improvement made in this portion of the channel during the past few years. (Rpts. Chief Engineers, 1915, p. 1458; 1914, p. 1338.)

119. In the hearing before the Rivers and Harbors Committee July 23, 1915, at page 7, Capt. Anderson, president of the California Transportation Co., said:

"Three years ago during low water, from July to September, my company maintained a steam barge to lighter our boats in and out; but each year during the last three years the channel has been scouring a little better each year, and with the lower gauge we notice a little better channel. I contend that we would not have had this channel if we had had any floods in the past few years."

Again, at page 15, he said:

"At the present time the greatest draft steamer on the river is 6 feet loaded to capacity. During low water that steamer can not load to capacity. These boats are the *Fort Sutter* and the *Capital City*."

120. Up to 1914, for 50 years prior thereto, no ocean-going craft had brought a sea cargo to Sacramento city. Such traffic was stopped by the mining débris deposits in the river. In 1914, however, following the scouring of channel referred to above, the *Grace Dollar*, drawing 13 feet, brought three cargoes of lumber (between 600,000 and 1,000,000 feet in each cargo) from Puget Sound to the Sacramento wharf during flood season. Last year the *Robert Dollar*, drawing 15 feet, made a similar trip with like cargo. The river will have to be very greatly improved, however, before a 13-foot-draft boat can come up to Sacramento at all seasons of the year, as did the steamer *Senator* in the fifties.

PROTESTS AND LITIGATION.

121. Hydraulicking had been prosecuted for a number of years before even the interests most directly affected awoke to a realization of the damage it was causing and the destruction that must ensue if it continued. And when that realization came the industry had grown to such proportions, the amount invested therein was so great, and the influence wielded by those concerned so widespread, that individual effort was powerless to accomplish results looking toward restriction of the evil. A crusade was inaugurated by the antidébris association of the Sacramento Valley, composed originally in large part of residents of Yuba and Sutter Counties. It was later succeeded by the State antidébris association under the same leadership and with the same aims and purposes, but with increased membership and wider scope. Funds for the work of this organization were regularly supplied by private subscription and by boards of supervisors from the county funds of the five counties most immediately affected, Yuba, Sutter, Colusa, Yolo, and Sacramento. For many years George Obleyer, of Yuba City, was president and manager of the organization, and Robert T. Devlin, of Sacramento, its attorney. It disbanded August 18, 1915.

122. It is estimated that these two organizations spent not less than $250,000 in prosecuting the fight against hydraulic mining, though that amount represents only a small fraction of the cost of the controversy. For instance, in a statement prepared for submission to the Board of Engineers for Rivers and Harbors, at Marysville, August 15, 1914, the boards of supervisors of the two counties of Yuba and Sutter declare that the legal expenses of those two counties in connection with suits against hydraulic mining up to and including 1907 aggregated $294,987.63.

123. For many years protests were made to Congress in various forms against the continued and steadily increasing injury inflicted on the river and the valley lands by the operation of the hydraulic mines. While Congress repeatedly investigated and in other ways acquired information on the subject, it did nothing in the way of remedial legislation until 1893.

124. Meanwhile the navigation and valley interests had resorted to the courts for protection. The first suit was brought before the superior court of Sutter County, Judge Phil. W. Keyser, in 1878—James H. Keyes v. The Little York and other mining companies. The court decided for the plaintiff, invoking the principle, "So use your own as not to injure the property of others." The decision was afterwards set aside by the State supreme court on the technical ground that there was a misjoinder of defendants, a point on which in other cases the court subsequently reversed itself.

125. A number of other suits were brought by the antidébris association. A notable one was that of the Gold Run Mining Co., in which the attorney general permitted the name of the State to be used. This was tried before Judge Jackson Temple, sitting temporarily in the superior court of Sacramento County. Judgment was given for plaintiff, and afterwards affirmed by unanimous opinion of the State supreme court, November 25, 1884 (66 Cal. Repts., 138). This decision was the beginning of the end.

126. The final coup to the legal standing of hydraulic mining as conducted in California was delivered by Judge Lorenzo Sawyer, in the United States Circuit Court, Northern District of California, in his decision, October 5, 1892, in the case of Woodruff v. North Bloomfield Gravel Mining Co. (18 Fed. Repts., 753–815). This decision, filled with facts and law, was so broad and so unanswerable that it was never appealed. (See extract, Exhibit A.)

127. Another decision will be found in the case of United States v. North Bloomfield Mining Co. (53 Fed. Rept., 625), in which, while the court denied an injunction because the mine was impounding its débris, he clearly defined the law.

128. In all these decisions it is made very clear that hydraulic mining, as generally conducted in California, is a public and a private nuisance; that it does an enormous amount of damage to navigation and to private property; that the United States in permitting mining on these streams or in selling lands for mining purposes could not legally authorize the prosecution of any business which would cause the injuries recited; that Congress has no power, even by statute, to authorize a public nuisance destroying or materially obstructing the navigability and navigation of navigable streams within a State for purposes wholly unconnected with commerce or post roads; that a statute of the State authorizing such a nuisance would be in violation of the fourteenth amendment of the Federal Constitution; and that those who suffer from the results of such mining are entitled to injunction

INVESTIGATIONS BY CONGRESS.

129. From the time that the Sacramento Valley interests realized the results following hydraulic mining, and continuously thereafter, up to the time that it took definite action thereon, in 1893, Congress was kept fully advised of the situation and petitioned to exert its authority to stop the injury. The antidébris association was the most active factor in this direction, sending delegations at times to Washington, headed by its manager, George Obleyer, and accompanied once by its attorney, R. T. Devlin. There have not been found, for purposes of this report, transcript or reference to any hearings had in the matter, but the official records of Congress and the War Department bear the unmistakable marks of the association's efforts in the frequent investigations ordered and the reports made. There can be no question that Congress had full knowledge of the damage being done to navigation, as well as to the agricultural lands of the valley.

130. It is evident that the attention of Congress was called to the matter in 1870, if not before, for in that year there appeared in the rivers and harbors bill provision "For survey or examination of the bar of the Sacramento River, Cal., known as the 'Hogs Back,' for the purpose of removing the same." The Hogs Back was one of the first obstacles to navigation created in the lower portion of the Sacramento River by hydraulic mining, and one of the evidences of such inquiry which first brought it to the attention of the public. The Hogs Back was a series of shoals extending across the channel of the river, about 34 miles long, located about 35 miles below Sacramento City. Results of the survey called for by Congress in this matter appear in the report of January 29, 1871 (Report Chief of Engineers, 1871, p. 915), of Maj. R. S. Williamson, United States Army, and the detailed report of his assistant, Lieut. W. H. Heuer, United States Army. This report referred to shoals between Sacramento City and Suisun Bay, at Eagles Nest, Heacock Shoals, and shoals near Sutterville (5 miles below Sacramento City), as well as the Hogs Back, and recommended an appropriation of $7,500 for dredging. The engineers reported that there was on these shoals, at lowest stage, only 7 feet of water. The report says, among other things:

"Some of the rivermen attribute the formation of these shoals to the placer mining which was carried on in the streams emptying into the Sacramento. Immense quantities of débris would be carried downstream and deposited here and there along the bottom of the river."

These shoals are repeatedly thereafter referred to in the annual reports of the Chief of Engineers. In 1878 the condition of the Hogs Back and Heacock Shoals is reported as being about the same as in 1871.

131. In 1875 (Report of Chief of Engineers, 1875, p. 705), Maj. George H. Mendell, United States Army, in charge of rivers and harbors in California, calling attention to the results caused by mining débris in the Feather River, said that the water of the river in 1849 had been clear, and that the river consisted of a succession of pools separated by shallow bars, and added:

"An idea of the extent to which this filling has taken place can be appreciated when I state that the bottom of the river to-day is on a level with the tule lands inclosed by the levees. These same pools in 1849 contained fully 30 feet of water, where now there is a scant 2 feet, and the bars have also been covered with sand, so as no longer to be seen."

It was undoubtedly, in view of the situation thus outlined, that the engineer in charge was instructed to use part of the appropriation for work in the Feather River.

132. Again, in 1876, Maj. Mendell, in his report (Report Chief of Engineers, p. 620) called attention to the increasing damage being done by hydraulic mining in the Feather, declaring that the brush dams then being used only induced scour in sections of the channel to deposit material farther down, and recommended that $20,000 be appropriated for a thorough investigation of the matter and discovery of some remedy. He said "mining operations not only continue to exist but their magnitude grows under the application of new and tremendous appliances."

133. July 5, 1878, Maj. Mendell, in his annual report (at pp. 1294 and following, Report of Secretary of War, 1878, Appendix H H) gives interesting and convincing evidence as to the great injury being done by débris. He suggests therein, that to determine the exact results of these deposits in raising the beds of the river, obstructing the channels, building up any shoals in the Bay of San Francisco, influencing height of floods in the lower rivers and affecting the navigability of the rivers, and "to counteract or remedy these evils when determined, is a problem of great perplexity and one in which the great interests of California are deeply concerned." He calls attention to the fact that the State of California, through its State engineer, is investigating the subject, and suggests that cooperation with the State will be a judicious policy.

134. In 1879, the annual report of Lieut. Col. Mendell, and the report of his assistant, L. J. Le Conte, furnish interesting information as to the knowledge at that time concerning the injury already done and that in prospect from débris deposits. In that report Col. Mendell says (Report of Chief of Engineers, 1879, p. 1751):

"When we undertake by engineering constructions to restore as nearly as may be the conditions that existed 30 years ago, reestablishing the low-water slope of that epoch, so as to permit the tide to ebb and flow as far as Sacramento and in this way restore a good channel, the immense quantity of movable material that encumbers the channels becomes a serious embarrassment to any system of improvement."

135. In 1880, undoubtedly inspired by the efforts of the antidébris association, Congress, in the rivers and harbors bill, inserted this provision:

"The Secretary of War is hereby directed to cause to be made such examination and surveys as may be necessary to devise a system of works to prevent the further injury to the navigable waters of California from the débris from the mines and the estimates on the cost of such works and report the result of such examinations, surveys, and estimates of cost of proposed works made in pursuance hereof to Congress at its next session."

In accordance with the above requirement of Congress, a preliminary report was made thereon January 31, 1881, but as it could not cover the full field of inquiry, final report was made by Lieut. Col. Mendell, the officer of engineers in charge, and transmitted to Congress March 6, 1882. (H. Ex. Doc. 98, 47th Cong., 1st sess.; Report of Chief of Engineers, 1882, pp. 2546 to 2640.)

136. This report, with its accompanying reports from Lieut. A. H. Payson, United States Army, assistant to Col. Mendell, and other engineers who acted with him in the matter, is most exhaustive and furnishes information as to every phase of the hydraulic-mining question. It was very liberally quoted by Judge Sawyer, of the United States Circuit Court, Northern District of California, in his decision referred to in section 126 of this report. In suggesting remedial measures, he says, as to the necessity of restricting hydraulic mining itself: "Under all circumstances restraint is the first essential step of any project, whether of alleviation, conservation, or improvement. (P. 2578.)

137. In 1886 the rivers and harbors bill, in making appropriation for the Sacramento and Feather Rivers, specifically provided that the balance of unexpended moneys was "not to be used until the Secretary of War be satisfied that hydraulic mining burtful to navigation has ceased on said rivers and their tributaries. If he be not so satisfied, he is hereby instructed to institute such legal proceedings as may be necessary to prevent the washing, sluicing, dumping, or discharging detritus, débris, or slickens caused by or arising from such hydraulic mining into either of said rivers, or any of its tributaries, or into the San Joaquin River or any of its tributaries."

138. It was in pursuance of the intent of this direction to the Secretary of War that Capt. A. H. Payson, United States Army (see Report Chief of Engineers, 1887, p. 2444), reported first on October 26, 1886, that under instructions he had made certain examinations of the

mining field and was convinced that hydraulic mining was being carried on contrary to law, but in a small way, and that he had advised the United States district attorney, by letter, of the facts. Capt. Payson reported as his opinion that legal proceedings could not prevent the evils, but that the appearance of the United States as an applicant for injunction would have a good moral effect and be in accord with the will of Congress as expressed above. These views were approved by the department.

139. Subsequently, under date of February 28, 1887, Capt. Payson reported that there was practically a deadlock between the office of the district attorney and himself, since the former insisted on being supplied with information on which could be based at the same time action against all hydraulic mines operating, while Capt. Payson's instructions did not cover such elaborate investigations and his appropriations did not provide therefor. The records, so far as secured for this report, do not indicate what, if anything, further was done in this matter.

140. In 1888, October 1, Congress passed an act (ch. 1057) "For the investigation of the mining-débris question in the State of California," authorizing the Secretary of War to detail three officers from the Engineering Corps to ascertain "whether some plan can be devised whereby the present conflict between the mining and farming sections may be adjusted and the mining industry rehabilitated, and for a complete examination of the injured navigable river channels, their tributaries, and lands adjacent thereto, with a view to the improvement and rectification of said rivers, * * said commission to report as early as practicable."

141. It was in compliance with the instructions thus given that a commission consisting of Lieut. Col. W. H. H. Benyaurd, Maj. W. H. Heuer, and Maj. Thomas H. Handbury was appointed and made exhaustive investigations (in the course of which frequent meetings were held with both parties to the controversy) and submitted a report of 123 pages (Report of Chief of Engineers, 1891, p. 2996). This report, too, contains very much valuable information on the matter. In its conclusions the report stated that hydraulic mining was then practically suppressed and must cease; that in isolated cases it was possible for mines operating to impound their débris without injury; that dams could retain some of the débris and permit other mines to work for a period of time; that the navigation of the river and the lands in Sacramento Valley had been seriously injured by hydraulic mining; that there were heavy deposits in the streams and also in the canyons. The report recommended as remedial measures that the deposits in the canyons of the Yuba and Bear Rivers be held back by restraining barriers and in the streams on the plains by dams and other works and that the flow of material through the navigable channels to tidal waters be accelerated by contracting the width of the river by wing dams.

142. In 1893, following 20 years of protest and investigation and reports of the kind indicated, Congress passed the Caminetti Act.

143. In 1905, included within the rivers and harbors bill, was a provision directing the Secretary of War to appoint a board consisting of three engineers of the United States Army, one having had experience on the Sacramento River and two on the Mississippi, to make a general examination of the Sacramento, San Joaquin, and Feather Rivers and their tributaries and consult with commissioners or engineers appointed by the State of California, to determine a method of controlling the overflow of said rivers and their tributaries, with a view of considering what, if anything, the United States can or should do in conjunction with said State to improve the navigation of said rivers and their tributaries, and the probable cost to the United States of such improvement.

144. It was in accordance with instructions contained in this act that a commission consisting of Col. W. H. Heuer, Col. Thomas H. Handbury, and Capt. William H. Harts made a report September 25, 1905 (H. Doc. 262, 59th Cong., 1st sess.), in which it was suggested that such assistance as Congress might determine to afford in this matter should not be based on the needs of navigation; that any work in the interests of navigation should be done independently of reclamation or flood control, as in that way could economy of funds be best secured. (It will be noticed that subsequent investigations following the floods of 1907 and 1909 induced a precisely opposite recommendation from the engineers commissioned to report thereon, as indicated in the report of the California Débris Commission, 1910, Exhibit D.)

HYDRAULIC MINING STOPPED BY CONGRESS.

145. It might be supposed that with the enormous damage done by hydraulic mining thus clearly established and its illegal character determined by the courts, further prosecution of the business would cease. As a matter of fact, the court decisions obtained against a few of the mines operating had for years practically no effect on the numberless other mines, and sometimes none on those enjoined. The industry had grown to enormous proportions, one report of the California Débris Commission estimating the amount invested therein at $100,000,000; entire communities had been created by it and depended on it for existence; it enlisted generally the sympathy and support of the mountain sections and because of its great expenditures for material and supplies it had wide influence with the merchant class in Sacramento and San Francisco; and there was a sentimental force working for it in the generally accepted public belief that the gold which it produced was more or less necessary to the prosperity of the country.

146. Under these conditions the industry proved sufficiently powerful with the biennial legislature to block all attempts to curb it by State legislation. It became necessary for the valley interests, represented by the Anti-Débris Association, to maintain a corps of detectives to secure information as to the operation of mines whose débris was washed into the streams; to present this evidence to the court and secure injunction; and afterwards to obtain additional evidence showing that the injunction had been violated, when the court would fine the offending mine for contempt of court. It became quite difficult, however, to secure effective results in this way, for the miners adopted protective measures by maintaining a force of lookouts who gave advance notice of the approach of antidébris detectives, when the mine under surveillance would shut down for a few hours. The antidébris agent, if permitted to approach the mine, could see plainly that operations had only just ceased, but he had no evidence that material had been actually washed down; and to obtain a court injunction the mine operator must be caught red-handed. The feeling between mountains and valleys became very bitter, and it was at one time unsafe for a man of pronounced antidébris sentiments to venture into certain mountain districts.

147. The valley defense organization persevered, however, and it became more and more difficult for a mine to operate illegally without being heavily fined therefor, while gradually a public sentiment was created against the industry because of the enormous injury done to permanent interests of the State. The more intelligent and fairer of the miners ceased operation; the others found their efforts at relief before the legislature blocked; and, finally, Congress, by the act of 1893, made such mining illegal, save with permission of the California Débris Commission and under conditions which would safeguard the streams. Soon afterwards the further washing down by monitors of material that might reach such streams ceased. But there was already in the navigable channels and in their tributaries, and piled in the mountain canyons, as before stated, an immense amount of material which, in the absence of remedial measures, must continue to inflict great injury to navigation and other interests.

148. The investigations of the California Débris Commission established conclusively the impossibility of permitting such hydraulic mining as would directly (or even indirectly, after the lapse of years) send down the débris into the navigable channel, unless the navigability of the rivers was to be destroyed, and the lands on the floor of the valley ruined for agricultural use. The obvious condition imposed by the commission upon the hydraulic mines for operating—that is, the impounding of their débris so that it could not reach the streams—was the same condition previously imposed by the courts, State and Federal. But to comply with this condition in most cases meant a prohibitive initial investment, even where it was physically possible. And as the commission rigidly enforced the law, and this kind of mining could be carried on only under its permit, operations gradually ceased as available débris reservoir capacity became exhausted. The few mines which can still operate under the process on tributaries of the Sacramento are very rapidly reaching the time when they must cease.

WORK OF THE CALIFORNIA DÉBRIS COMMISSION.

149. The Federal act, still in force, under which illegal hydraulic mining was finally stopped, is known as the Caminetti Act, its sponsor being Congressman A. Caminetti, who represented then one of the mining districts of California. The title of the act is "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893. (Exhibit B.)

150. The measure was introduced in response to the demand of the hydraulic miners and to afford them, if possible, some relief. It created the California Débris Commission, composed of three United States Army engineers, and placed upon the commission the broad responsibility of maturing and adopting a plan to restore the navigability of the rivers of the Sacramento and San Joaquin system, if practicable, to care for mining débris and floods and to provide conditions under which hydraulic mining might be prosecuted without injury to the navigability of the rivers or injury to adjacent lands. Full power was given to the commission to act, under supervision of the Chief of Engineers, United States Army; provision was made for cooperation with the State; and the expense of necessary work under any plans adopted was to be shared equally by the Federal Government and the State of California.

151. Having performed, under the act of 1893, that part of its duty having to do with the regulation of hydraulic mining as indicated above in section 148 of this report, the Débris Commission set about maturing plans to care for the mining débris already in the canyons and river channels, and incidentally to assist in securing flood control. It sought to hold back in the Yuba River Canyon, by barriers and dams of different description, the immense deposits of débris which otherwise must come down in the Yuba débris basin and out into the Feather and Sacramento Rivers. Various works attempted from 1902 to 1907 were washed out by succeeding floods, and after the flood of 1907, which entirely destroyed a massive dam, the attempt was finally abandoned.

152. The commission then attempted to retain in the Yuba débris basin itself, below the canyon, so much as possible of the enormous deposit already in the basin, as well as to hold there some at least of the material washed out of the canyon by each flood. It planned to accomplish this by cutting a narrow outlet through Daguerre Point and creating behind it and inclosed in retaining walls of cobbles, a basin large enough to hold about 60,000,000 cubic yards of débris. In addition it sought to hold in the basin below Daguerre Point the greater part of the deposit already there (estimated at from 300,000,000 to 600,000,000 cubic yards) by forcing the floods to pass through a narrow channel formed by two retaining walls of cobble behind which the old débris deposits would be safe from wash by the floods. These retaining walls, 22,000 feet long, 300 feet wide at the base, and 30 feet high, were to be constructed by one of the gold-dredging companies in consideration of the privilege of dredging the basin for gold. The plan is fully described in the report of the State engineering department, 1912, at page 112 and following, and also in the annual reports of the Débris Commission, published by the Chief of Engineers, United States Army. The retaining walls are now almost entirely completed, serving the purpose intended, and the Government has saved through its arrangement with the gold-dredging company about $450,000, the estimated cost of constructing the retaining walls. California's appropriation for this work of impounding débris was the same as that of Congress, $400,000.

THE MINOR AND MAJOR PROJECTS.

153. In addition to this plan for holding back débris in the Yuba débris basin, the commission, in pursuance of the duties imposed upon it and to care particularly for that portion of the débris already in the navigable channel of the Sacramento River and that which must yet come into it from the Feather and American, turned its attention to dredging on a large scale. Its report of 1907 (Exhibit C) recommended the operation for 56 months of two large hydraulic dredges "for the direct improvement of navigation on the Feather and Sacramento Rivers and toward the controlling of débris and floods." No plans of any description were offered, but there was added the statement that "Whatever work is done on the Sacramento and its tributaries must and will be done upon well-matured plans, in the preparation of which all elements of the problem will be taken into account." It recommended that the State of California, as usual, and as called for by the Caminetti Act, pay half the cost and provide the rights of way necessary.

154. The project thus recommended (known in California as the "minor project") was regularly approved by Congress and became in 1910 an existing project with a preliminary appropriation of $400,000. California in the meanwhile had accepted its provisions and made her preliminary appropriation of $400,000 (act of 1909). Work has progressed under this project with additional appropriations as explained in section 182 of this report.

155. In 1910 the Débris Commission presented in its report of that year the complete plans forecasted in the report of 1907—the "well-matured plans in the preparation of which all elements of the problem will be taken into account." The plans appear in House Document No. 81, Sixty-second Congress, first session (Exhibit D), outlining what is known in California as the major project, and providing for flood control, care of débris, and permanent protection to navigation.

These plans were subsequently modified, not as to engineering features but only as to financing and the division of responsibility and expense, by the report of 1913, House Rivers and Harbors Document No. 5, Sixty-third Congress, first session. (Exhibit E.)

156. The major project thus outlined was approved by the Board of Engineers for Rivers and Harbors and by the Chief of Engineers, United States Army, was reported favorably by the Rivers and Harbors Committee, passed by the House of Representatives in the 1914 rivers and harbors bill, and favorably reported by the Senate Commerce Committee. The bill failed of passage in the Senate, and there was substituted therefor a bill appropriating a lump sum, to be expended in the discretion of the Chief of Engineers, United States Army, in aid of projects technically classed as "existing." The major Sacramento project, not having been passed by Congress (although formulated in compliance with act of Congress of 1893), is not in this category—the minor project is.

157. The major project received prior thereto exhaustive hearings before the Rivers and Harbors Committee February 7, 1912, December 8, 1913, and July 23, 1915, and before the Senate Commerce Committee February 8, 1912. The project has been personally inspected on the ground by the Rivers and Harbors Committee and by the Board of Engineers for Rivers and Harbors.

CONTRACT BETWEEN NATION AND STATE.

158. The major project includes really the minor project, and embodies the final plans for completion of the several duties assigned the California Débris Commission, as clearly set forth in the opening statement of the 1910 report. (Doc. No. 81, Exhibit D.) The minor project fits into and becomes a part of the major project on adoption of the latter. It was intended as the forerunner of the latter, and money expended on it will become more or less useless unless the larger project be adopted and carried out.

159. In its report of 1913 (H. R. and H. Doc. No. 5, Exhibit E), at pages 9 and 10, the Débris Commission says:

"The commission understands that the act creating the commission directed the preparation of a plan for flood and débris control. Congress, in making the appropriation of $800,000 in the act of June 25, 1910, apparently realized that flood control was a necessity; that sooner or later works for flood control would be undertaken; and that any work done for the improvement or maintenance of navigability should be part of a plan intended to accomplish the three objects of flood control, débris control, and improvement of navigability.

"We believe that the execution of the plan prepared by the commission, revised as described in this report, is necessary for the accomplishment of these three objects. The difficult question is what proportional part of the cost the United States should pay.

"In making its present recommendations the commission has sought to eliminate from the project those features which are more intimately associated with reclamation and to confine the work of the Federal Government to the river channels and weirs, which features have a more direct bearing upon the navigability of the river."

160. Other and subsequent statements of the California Débris Commission make very plain its understanding—which is the understanding of California—that the minor project is only a step in the work ordered by Congress and participated in by California under practical contract. In the report of 1914 (Report of Chief of Engineers, United States Army, 1914), at pages 2172 and 2173, occurs this language:

"The project now in force, however, is based on report printed in the Annual Report of the Chief of Engineers for 1907, pages 2262–2269, inclusive, and provides for dredging, for the improvement of navigation, and the control of débris and floods, and work thereunder is adopted without loss into and made part of the more complete and general proposed project just mentioned."

161. Again, at page 1476 of the same report:

"The work now in progress along the lower portion of the Sacramento River with two suction-dredging plants is along the lines of work proposed in the Annual Report of the Chief of Engineers for 1907, as approved by Congress in the act of June 25, 1910, appropriating $400,000 therefor, while at the same time it would become, without change, a part of the work included in the reports published in House Document No. 81, Sixty-second Congress, first session, and Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session, should Congress later adopt these."

162. The reports of 1910 and 1913, offering for approval the major project, are simply the culmination of the contract entered into by Congress and the State of California to secure, at as early date as possible, the restoration of navigability, the control of floods, and the care of débris in the Sacramento River. This contract is evidenced clearly by the Caminetti Act of 1893; by California's acceptance thereof; by the prosecution by the Federal Government, through the California Débris Commission, of work to accomplish the intent thereof; by the cheerful payment by California of her one-half of the expense as Congress called upon her therefor; by the gradual development by the Débris Commission of the plans and work necessary to solve the complicated problem through successive stages, namely, (1) the regulation of hydraulic mining; (2) the attempt to hold back in the canyons the débris not yet washed into the streams, and after enforced abandonment of this plan; (3) the retaining in the Yuba Débris Basin of immense deposits which otherwise would wash into the Feather and Sacramento; (4) the care of débris now in the navigable channel and that which must still come into it by dredging (the minor project upon which work is still in progress); and (5) the presentation of the final comprehensive plan for flood control, the major project now before Congress, without the completion of which work already done and moneys expended by the Congress and by the State will be in large part wasted, while irretrievable damage must result to interests, national, State, and private.

163. It is quite certain that California would not have turned over $1,000,000 to the War Department for the work of the California Débris Commission and appropriated $250,000 more subject to call if she had not understood that the Nation and the State had jointly inaugurated under the general terms of the Caminetti Act and supervision of the Chief of Engineers of the United States Army, the prosecution of work which was to secure flood control of the Sacramento River, restoration of navigability, and protection for the valley.

164. On February 7, 1912, Col. John Biddle, United States Army, senior officer of the California Débris Commission at the time its report of 1910 was presented, made a lengthy statement before the Rivers and Harbors Committee on the Sacramento project, pages 47 to 65. In the course thereof he made a clear and comprehensive explanation of the duties required of the commission by the Caminetti Act and the way in which such duties had been and were being performed. He frankly stated therein that it was understood the work was not to cease short of flood control, and that in his opinion California would not have been justified in appropriating her initial subscription of $400,000 under any other understanding. Expressions and answers in point will be found on pages 48, 49, 55, 57, 60, 61, 63, and 64. A few only are quoted here:

165. From page 55:

"Mr. DAVIDSON. Do you think the interests of commerce and navigation require an expenditure of $11,000,000 on the part of the Government for the improvement of those streams?

"Col. BIDDLE. As I have stated before, if you left out the responsibility called for by the Caminetti Act, I do not think so; but that responsibility was given by that act, and money has been already appropriated for that purpose to the extent of about $2,000,000, supplemented by the same amount by the State of California.

"Mr. DAVIDSON. The appropriation of $400,000, with a like sum by the State of California, was simply to restore navigation by dredging process, without reference to any expenditure of any $11,000,000 or any other large sum, but it was to restore or maintain a reasonable stage of navigation, say 7 feet, to Sacramento.

"Col. BIDDLE. That $400,000 was not intended to complete the work; it was just simply intended to start it. The total cost might grow into millions for dredging out all that débris."

166. From page 57:

"Mr. DONOHOE. Would you now recommend the expenditure of $11,000,000 by the Government except for the fact you believe the Government is obligated to go on with this plan?

"Col. BIDDLE. Pardon me to say, I think the Government is not obligated to anything; but if the Government intends to carry out the provisions of the Caminetti Act I think this is the best plan.

"The CHAIRMAN. How far would you suggest the Government was obligated to go?

"Col. BIDDLE. To get rid, practically, of all the débris that was in the river and that could be considered as having been brought down from the hydraulic mines."

167. From pages 60 and 61:

"Mr. SMALL. Now, with this $400,000 that California appropriated a few years ago, and which was expended, together with $400,000 appropriated by the Government, would that be a useless expenditure if this project is now abandoned, or has that accomplished good results?

"Col. BIDDLE. * * * On the other hand, I do not think the State of California would ever have appropriated this $400,000 if it had not thought it would be followed by more.

"Mr. SMALL. It would not have been a wise or provident appropriation or expenditure of money, except having this larger project in view?

"Col. BIDDLE. In my mind, not at all, except in view of this larger project or some similar project for taking care of the débris." * * *

DESCRIPTION OF THE MAJOR PROJECT.

168. The reports of the California Débris Commission for 1910 and 1913, approved by the Board of Engineers for Rivers and Harbors and by the Chief of Engineers, state very clearly that the major project for flood control of the Sacramento River follows the only plan economically feasible, which will secure control of floods, restore navigation, care for débris deposits, and allow permanent reclamation, and that the interests named are so interwoven on this stream that they can not be separately treated. (Doc. No. 81, Ex. D, p. 2, and also p. 4, sec. 5; Doc. No. 5, Ex. E, p. 9, sec. 12.)

169. The plan contemplates retaining within the river channel all the waters which it can safely carry, by the maintenance of strong levees on or near the river banks, and caring for the excess flow in flood season by conducting it over easements, or weirs, and through by-passes (strips of land protected on each side by levee) to a junction with the river, 15 miles above its mouth, whence a widened and deepened channel will discharge the entire floods into the upper arm of San Francisco Bay. The sills of the weirs fix automatically a flood plane for each station of the river, beyond which the water can not rise in the channel, while constant improvement of the channel itself will be secured by the scouring of the current and by dredging operations necessary to maintain levees. The plan calls for four weirs, located, respectively, two in Yolo County, one in Sutter, and one in Butte, and 90 miles of by-passes, varying in width from 1,000 to 14,000 feet. The section of channel at the river's mouth is to be straightened and widened to 3,000 feet (about four times the present width in places) and deepened to 35 feet at extreme flood.

170. This plan as applied to the problem of the Sacramento will be better understood by the following explanation, with reference to the map and to the article of this report on floods of the river. (Secs. 53 to 80.)

171. Above Colusa the Sacramento River brings down from Iron Canyon an extreme flood of 276,000 second-feet. At present the excess is carried out over the river banks into the Butte Basin, and will ultimately be provided for by a by-pass system there, unless a storage reservoir in the Iron Canyon shall provide therefor. The river channel will carry down to Tisdale Weir 65,000 second-feet, about half of which will be diverted here into the Tisdale by-pass and turned into the main Sutter by-pass, which carries the floods from the Butte Basin. The Sacramento River Channel below the Tisdale has a capacity of only 30,000 or 35,000 second-feet. The Sutter by-pass at Nelsons Bend joins its waters with the floods of the Feather River, which carries in maximum flood 250,000 second-feet. The Sacramento River Channel below the mouth of the Feather has a present capacity of 85,000 second-feet, but will be increased under the project to 107,000 second-feet. The excess from the upper Sacramento River and the Feather will be diverted over the Fremont Weir (48,000 feet long) into the Yolo by-pass. Just above Sacramento city the American River comes into the Sacramento with a maximum flood of 180,000 second-feet, while the channel capacity of the river from this point to Suisun Bay is only 110,000 second-feet. The excess will be carried out over the Sacramento Weir and through the Sacramento by-pass into the Yolo by-pass. The entire excess floods thus find their way into the Yolo by-pass and through it to the enlarged channel at the mouth of the river and into the bay.

172. In this plan, as originally outlined in the maps accompanying the report of 1910, various minor modifications have been and will be necessary, as plainly indicated in that report (Exhibit D) on page 3 and in the report of 1913 (Doc. No. 5, Exhibit E), on page 5, section 4, and the last paragraph of section 5. Such modifications have been necessary or desirable, because the plans of 1910 were, to a certain extent, tentative, because of lack of complete survey and data. There was also, prior to the creation of the State reclamation board, no authority with power to prevent private reclamation constructing works which would interfere with the plans of 1910, and, in consequence, it has been necessary to make modifications thereof because of reclamation work constructed thereafter. The plans as now approved

by the State reclamation board, under recommendation or consent of the California Débris Commission and the State engineering department, are practically complete, save as to that portion of the project which cares for floods in the Butte Basin.

173. The plan provides that the California Débris Commission shall have charge of all work in the channel of the river, including the widening of the river's mouth, and in the construction of the four weirs, the estimated expense thereof, $12,600,000, to be divided equally between Congress and the State of California. It is assumed that these features have to do more particularly and exclusively with navigation interests. The construction of all river levees (503 miles) and of all by-pass levees (180 miles) and purchase of rights of way (about 85,000 acres) are to be under the direction of the State and to be paid for by the lands benefited through the fact that completion of the project will make permanent reclamation of these lands possible. The original estimates of 1910 indicated a cost of about $21,000,000 for the elements of the work to be paid for by the landowners. Improved standards of levees since adopted and the necessity of extensive revetment and drainage will perhaps increase the cost to upward of $35,000,000, though it is ordinarily estimated at about $30,000,000.

174. Under this plan the State of California and the landowners, therefore, will pay together about six-sevenths and the United States about one-seventh of the cost of a project which, while of great value to reclamation and flood control, is also indispensable for preservation of the navigability of the two great waterways of the State. It should be borne in mind, too, that Congress is called upon to pay only one-half of the expense involved in works in the river channel connected particularly with the interests of navigation, while the property owners, in paying the entire cost of river levees, are paying for works absolutely necessary to navigability, since only thereby can the integrity of the channel be maintained.

THE COOPERATION OF CALIFORNIA.

175. Following the enactment of the law of 1893, in which Congress clearly indicated its intent, with the cooperation of California, to mature a plan and push it to completion, by which the navigability of the river could be restored, the débris cared for, and flood control secured, the State has cheerfully done her share, and even more. In making first appropriation called for by the California Débris Commission under that act, California formally accepted the terms of the act and to effect pledged herself to carry out her share of the contract. Since that time she has promptly fulfilled all conditions and made appropriations usually in advance of Congress. She has already paid into the United States Treasury, to be expended by the California Débris Commission as agent of the Federal Government in carrying out the terms of the Caminetti Act, $1,000,000. These appropriations were made as follows:

1897	$250,000
1909	150,000
1911	400,000
1913	200,000

Of these appropriations $400,000 was for impounding débris and $600,000 for improvement of navigation. In addition, $250,000 was appropriated in 1915 and is now awaiting requisition from the California Débris Commission. Over $350,000 more has been spent for rights of way, some of it from State appropriations, but most of it subscribed by landowners, and all necessary for carrying on operation of the California Débris Commission under the Caminetti Act. In addition, the State has spent independently, under its State engineering department and river boards since 1897, all for rectification of navigable river channels and in direct interest of navigation, $1,275,000.

176. This is entirely aside from the work done by private landowners in dredging and construction of river levees, all valuable for and necessary to the preservation of navigation, as elsewhere referred to.

177. With each new appropriation the State formally renewed its approval of the plan and intent of Congress, as indicated in the Caminetti Act, and when that plan was finally perfected by presentation of the completed project in the report of 1910, transmitted to Congress by the Secretary of War June 27, 1911, the California State Legislature had adjourned and would not again meet until January, 1913. A special session, however, was called in December, 1911, for consideration of vital matters, and Gov. Hiram W. Johnson, realizing the overshadowing importance of this matter to the State, made it one of the few subjects in his special call to be considered at that session.

178. By legislative act the plan as presented by the California Débris Commission in Document No. 81 (Exhibit D) was formally adopted as the State plan for flood control of the Sacramento River; the State's aid, cooperation, and appropriations pledged thereto; and the State reclamation board created, in order that the duties imposed upon the State under the plan might be fully and promptly executed. In addition, State Senator A. Caminetti, who, as Congressman in 1893, had introduced the Federal act creating the California Débris Commission, introduced and had passed by the State legislature December 15, 1911, senate joint resolution No. 13, calling the attention of Congress to the fact that the legislature in extraordinary session assembled had formally adopted the project and recommendations of the California Débris Commission, and had provided for cooperation on the part of the State in putting the project into effect, and asked that Congress, on its part, give favorable consideration thereto.

179. The act of December, 1911, did not become effective under the State referendum law until March 23, 1912, and in the interim a special flood-control committee, consisting of a commissioner appointed by the governor and representatives of the Chambers of Commerce of San Francisco and the Sacramento Valley, presented the matter to the River and Harbors Committee. The legislature, in the subsequent sessions of 1913 and 1915, fully confirmed its previous acts in this matter by making additional appropriations and by increasing the powers of the State reclamation board, so that it might fully perform the obligations accepted by the State in connection with the project.

180. The duties and powers of the State reclamation board, as defined by the legislature of 1911 (special session), 1913, and 1915, will be found fully set forth in the reclamation board act. (Exhibit F attached hereto.) They include very broad and arbitrary police power under which the board is given exclusive control of all private reclamation within the area subject to flood in the Sacramento and San Joaquin Valleys (1,726,553 acres), with power and duty to pass upon all plans for reclamation therein and to withhold approval in event any such plan shall interfere in any way with the project of the California Débris Commission or the interests of flood control. The board has power to remove levees and obstructions from any by-pass or overflow channel; to order property owners and reclamation districts to construct levees which may be necessary under the flood-control project or to the safety of districts; to construct itself any necessary levees or works, in the event that owners and districts refuse or fail, to comply with the orders of the board in such matter; and to levy and collect on the lands within the Sacramento and San Joaquin drainage district, comprising the 1,726,553 acres referred to, assessments necessary in the construction of levees and works called for by the flood-control project.

PROGRESS OF THE WORK.

181. There has been notable progress made toward completion of the project, and, for reasons which will be indicated, very much more in that portion for which the State is responsible than in that apportioned to the California Débris Commission. As outlined in the project, the work to be under exclusive control of the California Débris Commission and to be paid for, half and half, by Congress and California, includes enlargement of the river channel below the mouth of Cache Slough, estimated cost, $9,075,420; construction of four diverting weirs, $1,617,560; and rectification and enlargement of river channels, $191,375, with 15 per cent added for contingencies and administration and $800,000 subtracted as already appropriated, half by the State and half by Congress, at the time of the report. This leaves a total of $11,717,008 as the estimated remaining cost of those portions of the project, such amount to be assumed, half and half, by the United States and California. The amount to be paid, therefore, by each would be $5,858,504, which has been decreased since then $200,000 by appropriations of that amount made by each. (Doc. No. 5, Exhibit E, p. 9.)

182. The California Débris Commission has been able to make only such progress as permissible under the terms of the minor project and with appropriations made therefor. Such project provides for the use of two suction dredges for a term of 56 months, and the work already done thereunder is indicated at length in the report of the State reclamation board of 1916, attached hereto as Exhibit G. Briefly, the two dredges have worked under this project up to January 1, 1916, for a term of 36 months and have moved about 13,000,000 cubic yards of material and expended about $1,200,000, appropriated half by Congress and half by the State. The channel at the mouth of the river in the course of this work has been straightened and widened and a material improvement in run-off of flood already secured thereby. There is, therefore, work yet to be done in connection with opening the mouth of the river, the estimated cost of which would be in the neighborhood of $8,000,000.

183. The Débris Commission has not been able to do any work in connection with the construction of weirs, such work not being included within the minor project. Preliminary preparations, however, have been made by the securing of the necessary sites for three of the weirs, that of the Tisdale Weir having been in possession of the State for a number of years; that for the Fremont Weir having recently been acquired by the reclamation board; and that for Sacramento Weir having been purchased by the city of Sacramento. In the case of the Moulton Weir no steps have been taken toward securing a site therefor, for several reasons: Because the location of the by-passes in the Butte Basin has not been definitely determined by the Débris Commission; because the landowners in the basin are divided in opinion as to whether they would prefer reclamation, with a by-pass system, or the running of the floods over their lands, through the basin and into the Butte Slough and Sutter by-pass; and because of the possibility that an early completion by the United States Reclamation Service of the Iron Canyon project, with a storage reservoir, would make unnecessary the use of by-passes in the Butte Basin.

184. It is also fairly certain that construction of the Sacramento Weir will be commenced during the present season, and perhaps completed before the winter of 1917–18. The city of Sacramento, in view of the grave menace existing for the city in the absence of completion of this weir and the easement which it offers for the floods of the American River, has voted $394,000 for the purpose; has perfected plans which have already been approved by the Chief of Engineers United States Army; and is preparing, with the cooperation of the State reclamation board, to construct this weir and open the Sacramento by-pass.

185. In that portion of the project under supervision of the State reclamation board and for which the property owners are to pay, material progress has been made and is steadily being made, under the reclamation board act, which invites cooperation on the part of landowners and reclamation districts in constructing units of the project, and provides machinery whereby it can be accomplished. The project was so outlined by the California Débris Commission as to utilize, so far as possible, the existing river levees constructed by landowners and reclamation districts; and also to take advantage for by-pass purposes of existing levees which might be made to serve therefor. (See State reclamation board report, Exhibit G.)

186. It is estimated that the river levees already constructed on the Sacramento, Feather, American, and San Joaquin Rivers, and necessary for the interests of navigation, because they preserve the integrity of the river channel in flood season, have cost $12,000,000. This does not include the cost of levees for Sacramento city, $5,000,000, and for the city of Marysville, $1,000,000.

187. It will cost upward of $6,000,000 more to improve these levees to standards fixed by the reclamation board, while the ultimate cost of by-pass levees, rights of way for by-passes, and drainage plant necessitated by by-pass construction, will make the total, which the property owners will pay as their portion, in excess of $35,000,000, of which about half is yet to be expended.

188. In addition, the dredging done by landowners and reclamation districts in the construction of these levees has removed from the navigable channels an amount of mining débris which would have cost the Government, if it had done the work, $3,950,000, as appears in the report of the Chief of Engineers, United States Army, 1915, at page 1459.

BENEFITS TO STATE AND NATION.

189. What the completion of the Sacramento River flood-control project means to the State and the Nation is indicated by the statement that only through this plan can flood control of the Sacramento River be secured; and that only through flood control thereof can the following results be attained:

190. (a) Restoration and maintenance of navigability of the Sacramento River, on which, in earlier days, ocean freighters drawing 13 feet of water use to deliver their cargoes at Sacramento city, 125 miles from the sea, at all seasons of the year.

191. (b) Protection of the San Joaquin River, which has a common delta with the Sacramento and which is threatened by floods from the

Sacramento up to and including the city of Stockton, at the practical head of navigation, 45 miles from the river's mouth, 106 miles from the sea.

192 (c) Maintenance of an inland waterway system, of which the two navigable rivers must be necessarily main arteries. Upon such a waterway system depends in large measure future development of the Sacramento and San Joaquin Valleys and the commerce of the State, since, without cheap water freights to tidewater, products of the valleys can not secure profitable access to the markets of the world. In the absence of such markets the valleys will not produce their possible crops and can not develop in either wealth or population. The history of inland waterways in Europe so clearly establishes the truth of these principles that it is not necessary to enlarge upon them.

193. (d) Safety from disastrous floods for nearly 1,300,000 acres of rich alluvial lands and for communities in the district, including the cities of Sacramento and Stockton, with aggregate population of 120,000 and assessed valuations exceeding $100,000,000.

194. (e) Insurance on the crops of 750,000 acres reclaimed and in process of reclamation, but subject to flood in absence of flood control. These crops are worth annually upward of $30,000,000.

195. (f) The creation of permanent wealth in the lands now overflowed and which can not be reclaimed in the absence of flood control, together with assurance of annual crops thereon to the value of many millions of dollars.

196. As concerns the lands now subject to flood and which can secure safety only through flood control of the Sacramento River as promised by this project:

In Water-Supply Paper No. 251, Department of the Interior, United States Geological Survey, Part XI, California, at page 154, the total area of the Sacramento Valley is stated to be about 4,250 square miles, divided approximately as follows:

	Square miles.
High lands not subject to overflow	2,510
Lower lands occasionally overflowed	450
Low lands overflowed periodically and submerged for a considerable part of the year	1,250
Perennial stream surface	38

The document calls attention to the fact that about 40 per cent of the valley suffers from floods.

197. The Sacramento flood-control project is a measure of immediate safety not only to those lands included within the Sacramento Valley as above indicated, but also to those in the contiguous portion of the San Joaquin, the whole totaling 1,291,027 acres. Included in this total are low river lands, reclaimed or in process of reclamation, 595,731 acres; lands entirely unreclaimed and not possible of reclamation in absence of flood control, 160,600 acres; higher lands, partly protected, over which floods would pass in absence of protection, but on which they would not remain, 149,600 acres; similar higher lands entirely unprotected and for whose protection flood control is absolutely necessary, 182,785 acres; in by-pass and overflow channels, lands rich in character but now practically useless for revenue, 202,311 acres. Even the lands embraced within the last category can be, to a great extent, made valuable and productive by the carrying out of the flood-control project, while the acreage embraced in the other categories is dependent, for present or prospective value and productiveness, upon the completion of the project, as is particularly explained in the report of the State reclamation board, 1916 (Exhibit G), under the head "Scope of the Sacramento project."

198. While actual safety of farms, communities, and cities located in a district of 1,291,027 acres is dependent on the flood-control project, the balance of the total acreage in the Sacramento and San Joaquin Valleys, about 10,000,000 acres, is dependent on the project for that development which comes from intensive cultivation and the growth of the highest grade of crops on every available acre of soil. Such development can only follow the creation of markets for the products, through low water rates to tidewater all the year around (there is no interference with water transportation because of ice in these valleys); and such rates will depend on the maintenance of navigability on the two great streams which must be the main arteries of any inland waterway system for the State. It would seem to be a wise enterprise on the part of the Nation to encourage in every possible way the development of the conditions in these valleys which will enable them to produce during the entire year a succession of the most valuable products, which only the peculiar combinations of soil and climate to be found here can produce. The Nation has in these valleys an economic asset which ought to be fully utilized.

199. Some faint idea of the possibilities of the Sacramento and San Joaquin Valleys as all-the-year-round producers of those things which would be most needed in time of necessity to supply the Nation's wants, may be gathered from consideration of what those valleys now produce, bearing in mind that, because of flood conditions and because of deficiency in cheap water transportation, there is but a very small portion of the available acreage devoted to intensive cultivation. Much of that used could be devoted to crops of more value to the country but for the present uncertainties as to conditions.

200. In the San Joaquin Valley last year the orchard and dairy products, with grains, honey, and eggs, totaled 75,270 carloads. To this must be added 1,200,000 tons of hay, worth $10,000,000, and vegetables worth $3,200,000, the carload figures for which are not available. The output in farm animals can not be given, but the number of cattle, sheep, hogs, horses, and mules on the farms was 1,541,627.

201. In the Sacramento Valley, whose acreage is less than one-third as large as that of the San Joaquin Valley, but where certain incentives for increased production are greater, the output is still larger, though it is only a fraction of that which could and would be produced in time under favorable conditions. The estimated output of the valley last year in all products, including live stock, was 102,251 carloads. The shipments of deciduous fruits alone amounted to 10,300 carloads, and of green vegetables, 1,360 carloads (a carload is 26,000 pounds). Five-sevenths of all the California deciduous fruits that come to eastern markets are shipped from the Sacramento Valley. The vegetables include potatoes, beans, onions, asparagus, celery, sugar beets, etc. The valley produces 65,000 bales of hops.

202. There is a great increase in tree planting. The almond crop, now 3,800 tons, will jump to 10,000 tons when new orchards are in bearing. The acreage in olives has been enormously increased.

203. In 1911 there were in the valley 150 acres in rice; in 1912, 1,400 acres, with an average yield of 50 bushels, and a production of 70,000 pounds worth $64,000. In 1915 the acreage had so increased that the crop was 720,000 sacks, worth $1,500,000. This year the crop is estimated at 2,500,000 sacks, valued at $5,000,000, while the indications are that in the near future the crop will jump to 15,000,000 sacks.

204. The rice crop strikingly illustrates the great necessity for insuring permanent navigability of the Sacramento River through completion of the flood-control project. The crop is late and must be moved fast to avoid the rains. (In California there are no summer rains.) There are not available cars to move such a crop at once, and the crop last year was saved by transporting it to the river, where it was loaded on barges and carried to market. That can not be done if a flood shall have even temporarily destroyed navigation.

PRESENT COMMERCE OF THE RIVERS.

205. The official reports on the commerce of the Sacramento and San Joaquin Rivers for the last year available give the following figures (Report of Chief of Engineers, 1915, pp. 1466–3347):

206. Sacramento River: Freight, 720,000 tons; valuation, $38,000,000; passengers, 175,485.

207. San Joaquin River: Freight, 772,000 tons; valuation, $35,479,000; passengers, 180,667.

208. These figures do not include the tonnage of the large mosquito fleet of gasoline boats and their barges, which is not available.

At the hearing before the Flood Control Committee April 5, 1916, at page 8, Col. Harry Taylor, United States Army, Assistant Chief of Engineers, United States Army, referred to the mosquito fleet and difficulty of securing statistics thereof, and said: "We know the published statistics are far short of the commerce carried on the river."

209. Through Sacramento city's lower or M Street Drawbridge (Northern Electric Railway) there passed during the year 3,054 steamboats, 1,005 barges, 969 gas boats, 73 sailing vessels, 30 dredges, and 29 pile drivers. Through the upper or H Street Drawbridge (Southern Pacific Railway) there passed in the same time 885 steamboats, 799 barges, 867 gas boats, 31 sailboats, 27 dredges, and 20 pile drivers. (This indicates traffic above Sacramento city; the down-river traffic goes through the M Street draw.)

210. On the Sacramento River most of this freight and practically all of the passenger traffic was between Sacramento and San Francisco and intermediate points. Present conditions in portions of the river above Sacramento city do not permit the use of boats thereon during the greater part of the year and there is in consequence no incentive for investment of capital in steamers giving the frequent and rapid service to induce a large patronage and no opportunity for shippers to secure the most advantageous water transportation rates. On the San Joaquin all of the tonnage and passenger traffic indicated was between San Francisco and Stockton and intermediate points.

211. The high class of freight handled on the two rivers is a noticeable feature, the value averaging $50 per ton, almost the highest, if not the highest, reported on any river in the United States. It includes fruit, alfalfa, hops, beans, asparagus, rice, potatoes, onions, celery, cabbage, dairy products, etc.

212. Ninety per cent of all freight between Sacramento and San Francisco and between Stockton and San Francisco is handled by boat, the average rate being 35 per cent less than by rail, while on certain classes of freight it is 66 per cent less. Between Sacramento and San Francisco is a daily merchants' express service by boat (overnight), the rates for which are between 7 and 10 per cent cheaper than for ordinary freight by rail.

213. This is a somewhat striking condition in view of the fact that there are five different rail routes between Sacramento and San Francisco giving service many times during the 24 hours for both freight and passengers. There is the Southern Pacific with two through lines, one by Benicia on the west side of the river and one by Stockton on the east side; the Western Pacific via Stockton; the Oakland, Antioch & Eastern (electric); and the Central Traction (electric) from Sacramento to Stockton and connecting at the latter point with the Santa Fe for San Francisco.

214. From docks on the Sacramento River as far up as Colusa, 90 miles above Sacramento city, grain, alfalfa, rice, vegetables, and other freight, gathered by the river transportation companies' trucks from points 8 and 10 miles distant from the river, are loaded on barges, towed by steamers, and delivered at the warehouses at Sacramento city or at the tidewater docks at Port Costa or San Francisco for 20 per cent less than the railroad rate. The improvement of the river, with the development of the valley and the increased production certain to follow, would produce conditions which would insure shippers even better service and probably lower rates.

215. On the Sacramento there are four companies operating, owning 26 steamboats and a large number of barges. There are about 200 boats of all kinds, including schooners and barges, employed in the traffic. Handsomely equipped passenger steamers ply every day between the two interior cities and San Francisco. The best of these are 260 feet long, 6 feet draft, 1,200 tons gross, and are fitted with all hotel conveniences. (See Annual Report of Chief of Engineers, 1915, pp. 3346–3353; also hearing before Rivers and Harbors Committee, Dec. 8, 1913, statement A. F. Anderson at a previous hearing; also hearing before same committee July 23, 1915, pp. 20 to 23. Exhibit H.)

216. The value to the State and Nation of a permanent restoration of navigability to these rivers is not fairly gauged, however, by their present commerce. Its proper measure of value is the commerce which will ultimately be handled by water if the original river conditions of 1860 are restored and an inland waterway system developed. Some conception of the prospective commerce of the river under such conditions may be formed by considering the wonderful possibilities of soil and climate, the fact that crops grow all the year around, and waterways are navigable at all seasons, the wonderful present yield under unfavorable conditions, and the millions of acres available, much of it not now used, and very little of it intensively cultivated. Note in this connection sections 197 to 203.

CRITICISM OF THE PROJECT.

217. There have been offered three main criticisms of the project, which are here dealt with:

(a) Navigation's interest: It is declared that the project is not necessary in the interests of navigation, that declaration having received its inspiration originally from language to that effect found in the report of the Board of Engineers for Rivers and Harbors, in discussing the project as originally submitted by the California Débris Commission. Because of a misunderstanding as to the exact import of this language, and because of other considerations, the matter was referred back to the Board of Engineers for Rivers and Harbors by the Rivers and Harbors Committee, December 2, 1912, with a request for examination and review and their subsequent information and conclusions thereon. This brought forth the California Débris Commission report of February 8, 1913 (Doc. No. 5, Exhibit E), approved by the Board of Engineers June 17, 1913, and by the Chief of Engineers July

17, 1913. From that and other documents the following facts are gathered:

218. The evident idea in the mind of the Board of Engineers when it said (Doc. No. 81, Exhibit D) "the execution of the project is not necessary in the interests of navigation," was that a measure of navigability could be secured by dredging the channel of the river, without carrying out the major project. This expedient of dredging, however, could not, as a matter of fact, "maintain" a navigable channel of any depth desired or necessary, but could only restore it after the winter's floods had partly filled it with mining débris; and as the dredges can not commence to operate to advantage until the flood stage has passed, there would be months in the summer and fall when the river is most valuable for transportation, when navigation would be crippled. To dredge the river without flood control would simply mean the destruction or serious impairment of navigation each year, until the expensive and tedious dredging operations had cleared the channel of the deposits left by the floods. It may be added that in a large portion of the stretch of the river below Sacramento city this plan of dredging is not feasible, because there is no place on which the dredged material could be deposited, the top of the finished levees being used usually for district roads, and in places for railroads, and the land immediately behind the levees being under intensive cultivation.

219. The Débris Commission report of 1913 (Exhibit E), as approved by the Board of Engineers, makes the situation very clear when it declares in section 12 of such report as follows:

"It is thought that the Board of Engineers for Rivers and Harbors, in stating that the execution of the original plan was not necessary in the interests of navigation, meant to imply that a sufficient degree of navigability could be maintained at less cost. This commission knows of no way of maintaining navigability with certainty and permanence, except under a plan which is part of a plan for flood and débris control, nor does it seem possible to estimate with certainty the cost of maintaining navigability apart from flood and débris control.

"Should nothing be done to control floods, there is every probability that from time to time navigability will be temporarily destroyed.

"To the cost of restoring navigability should then be added the damage done to navigation interests during the periods of nonnavigability.

"The commission understands that the act creating the commission directed the preparation of a plan for flood and débris control. Congress in making the appropriation of $800,000 in the act of June 25, 1910, apparently realized that flood control was a necessity; that sooner or later works for flood control would be undertaken; and that any work done for the improvement or maintenance of navigability should be part of a plan intended to accomplish the three objects of flood control, débris control, and improvement of navigability.

"We believe that the execution of the plan prepared by the commission, revised as described in this report, is necessary for the accomplishment of these three objects. The difficult question is what proportional part of the cost the United States should pay.

"In making its present recommendation the commission has sought to eliminate from the project those features which are more intimately associated with reclamation and to confine the work of the Federal Government to the river channels and weirs, which features have a more direct bearing upon the navigability of the river."

It is noticed that the commission declares very positively that it knows no way of maintaining navigability with certainty and permanence except under a plan which is part of a plan for flood control.

220. In its report of 1910, too, the commission uses this language, page 4, section 5:

"The interests of navigation, débris control, and flood control in the case of this river are so inseparably connected that it is thought that they should be considered under one general project, thus utilizing to the fullest extent and for the common good any work done under projects for improvement of navigation, control of débris, or the control of the floods."

221. And the Chief of Engineers in approving the project (Doc. No. 81, Ex. D, p. 21, says:

"This report presents a project for control of floods, the third duty assigned the commission. Recognizing that the interests of navigation, débris control, and flood control are inseparably connected, the commission has considered these problems as one general project, thus utilizing for the common good to the fullest extent practicable the works for any one of the three projects."

222. (b) Reclamation's interest: The project has been criticized as a reclamation scheme. The project is undeniably of value to reclamation, since only through the flood control which it will insure can reclamation be made possible in some cases and permanent in all. But it is also true that navigation can not be fully protected by any other plan and that the interests of navigation, flood control, reclamation, and care of mining débris are so interwoven on the Sacramento River that they can not be separated in remedial measures. (See the Engineers' Reports 1910 and 1913, Exhibits D and E, as quoted above.) And, further, because of reclamation's interest in the project it is being assessed for five-sevenths of the cost thereof, including all that can fairly be construed as being exclusively in the interest of reclamation and also much—notably the construction of river levees—which is undeniably partly in the interests of navigation, and even as to that portion of the project which is admittedly in the interests of navigation and in the navigable channel over which the Federal Government exercises exclusive jurisdiction, Congress is asked to pay only half of the expense. There is not recalled any flood-control project in which the State proposes to deal more generously with the Federal Government than in the case of the Sacramento project. Certainly this project does not deserve in any objectionable sense the charge of being a reclamation scheme.

223. (c) Conservation's interest: The entire plan is declared to be opposed to conservation, since it proposes to waste, through by-passes to the sea, flood waters which can be, and should be, stored for, or otherwise adapted to, beneficial use. This statement is based on lack of knowledge of existing facts.

224. Flood control by storage: First, as to the practicability of securing control of the Sacramento River floods by storage:

225. The United States Army engineers, the engineers of the United States Reclamation Service, the California State department of engineering, and all competent engineers who have made the necessary investigation, agree that it is not only impractical but a physical impossibility to secure flood control of the Sacramento River by storage reservoirs, and that the very limited amount of storage available for its floods can be utilized only as an additional factor of safety, and will not justify any change in the by-pass system, save possibly in the Butte Basin. There will be found in the report of the California State reclamation board for 1916 (Exhibit G), under the subhead "Storage and flood control, Sacramento Valley," a statement of the facts and authorities which leaves no room for further question on this point.

226. Flood-water canals: As to the suggestion made to the Flood Control Committee of the House, in the hearing April 5, 1916, looking to the utilization of the excessive floods of the Sacramento by conveying them in great flood-water canals along the western slope of the Sierra Nevada Mountains to the south end of the San Joaquin Valley, and there utilizing them either through storage or by permitting them to soak into the ground so as to increase the subterranean water supply, reference was made in connection with this suggestion to a report made February 20, 1874, by Lieut. Col. B. S. Alexander, United States Army, Maj. G. H. Mendell, United States Army, and George Davidson, assistant, United States Coast Survey, and transmitted to Congress by President U. S. Grant.

227. The report in question does not deal in any way with the subject of flood control of the Sacramento River, and would have very little value if it did, for as late as 1881 the report of the Chief of Engineers shows that the maximum flood of this river was supposed to be about 100,000 second-feet, or less than one-sixth of the actual volume. The report deals with "the irrigation of the San Joaquin, Tulare, and Sacramento Valleys," and is full of valuable information and suggestion, as might be expected of the able engineers who prepared it.

228. For the purpose of irrigating the two great valleys the report suggests utilizing the waters of the two rivers by carrying them in canals along the east and the west side of the valleys, tapping the Sacramento for the purpose at Red Bluff on both sides, and carrying the west side canal down to tidewater at Cache Slough (near the mouth of the Sacramento River) and the east side canal down into San Joaquin Valley.

The plan is thus described at page 37:

"Each main river has two canals, one on either bank, extending to the right and left just below the mouth of the foothills until they meet similar canals from the adjacent rivers; the whole of them taken together, forming, as it were, a main exterior canal of large size extending from the Kern River in the south to the vicinity of Red Bluff on the east side of the Sacramento."

229. The Kern River drops into the San Joaquin Valley close to Bakersfield, and it has been apparently assumed by some from the above language that the engineers proposed to carry the waters of the Sacramento River by canal from Red Bluff to Bakersfield (about 400 miles in a straight line). It is probable that they had no such idea; for while they spoke of their lack of detailed topographical knowledge of the eastern side of the valley and said in consequence they could "only sketch a hypothetical system of canals on that side of the valley," yet they must have known that Red Bluff is over 100 feet closer to sea level than Bakersfield (elevations, Red Bluff 304, Bakersfield 420). Their intent undoubtedly was to carry water from the Kern and other San Joaquin Valley rivers north and from the Sacramento and its tributaries south, as far as conditions permitted. They figured on a grade of 6 inches to the mile, which would have brought a canal started at Red Bluff to a junction with the San Joaquin somewhere south of Merced. The engineers figured on small canals—how small may be imagined when they estimated the cost of such canals to the land to be irrigated at $10 per acre.

230. The value of any such canal system in taking care of the floods of the Sacramento and its tributaries may be determined from these facts: A canal on a grade of eight-tenths of a foot to the mile, taking water from the Sacramento at Red Bluff would deliver it in the San Joaquin Valley no farther south than Dos Palos, near Merced, 250 miles in a straight line, perhaps 300 on grade. Such a canal would have to be 1,800 feet on the bottom and 20 feet deep to carry approximately 200,000 second-feet—only a little more than one-third of the excess maximum floods of the Sacramento which must be cared for outside of the river channel. Such a canal for the distance named and if the surveys were level would involve a total excavation of over 2,100,000,000 cubic yards, and if only a small proportion of that excavation were in rock and the rest in material easily excavated, the cost would run upward of $700,000,000, with the probability that the actual cost would double that amount.

231. To carry these waters to Bakersfield the source of supply would have to be tapped at a higher altitude than Red Bluff, with corresponding increase of difficulty and expense. If the canal were intended to save the valley and the river from injury by assuring control of floods, it would have to care for 550,000 second-feet (the amount the by-passes are designed to accommodate), and thus would necessitate a very much larger canal or a very much steeper grade. With a grade of 2 feet to the mile, there would be required a width of over 2,000 feet and a depth of 20 feet to accommodate the excess floods. Whether the increased capacity be secured by difference in grade or by increasing the size of the canal, it is quite certain that the difficulties and expense involved in construction would be so multiplied as to make the project practically impossible and, perhaps, physically impossible as well.

EXHIBIT A.

DAMAGES FROM HYDRAULIC MINING.

[Extract from the opinion of Judge Lorenzo Sawyer, United States Circuit Court, District of California, Jan. 7, 1884 (18 Fed. Rep., 753).]

Woodruff v. North Bloomfield Gravel Mining Co. and others. George Cadwalader, I. S. Belcher, and J. N. Pomeroy, for complainant. Stewart & Herrin, J. K. Byrne, and W. C. Belcher, for defendants.

Sawyer, J.: This is a bill in equity to restrain the defendants, being several mining companies engaged in hydraulic mining on the western slope of the Sierra Nevada Mountains, from discharging their mining débris into the affluents of the Yuba River and into the river itself, whence it is carried down by the current into Feather and Sacramento Rivers, filling up their channels and injuring their navigation, and sometimes, by overflowing and covering the neighboring lands with débris, injuring and threatening to injure and destroy the lands and property of the complainant and of other property owners situate on and adjacent to the banks of these watercourses. In March, 1882, the Secretary of War transmitted to Congress the official report of Lieut. Col. Mendell, of the Corps of Engineers, "upon examinations and surveys to devise a system of works to prevent the further injury to the navigable waters of California from the débris of mines, arising from hydraulic mining," which surveys and report were made in pursuance of the act of Congress relating to rivers and harbors of June 14, 1880. This report, made in January, 1882, was introduced in evidence, and it has been quoted and recognized by both sides in the case as showing the injurious results of hydraulic and other mining up to its

date and the remedies attempted and suggested. It is also fully confirmed by the other evidence in the case and by the condition of things as disclosed upon actual inspection and observation made by the judges who traversed and examined the country affected by the operations complained of, in the presence and with the consent of representatives of the respective parties and their counsel. Many of the facts in the general statement will therefore be taken in condensed form from that report.

Hydraulic mining, as used in this opinion, is the process by which a bank of gold-bearing earth and rock is excavated by a jet of water, discharged through the converging nozzle of a pipe, under great pressure, the earth and débris being carried away by the same water, through sluices, and discharged on lower levels into the natural streams and watercourses below. Where the gravel or other material of the bank is cemented, or where the bank is composed of masses of pipe clay, it is shattered by blasting with powder, sometimes from 15 to 20 tons of powder being used at one blast to break up a bank. In the early periods of hydraulic mining, as in 1855, the water was discharged through a rubber or canvas hose with nozzles of not more than an inch in diameter; but later, upon the invention of the "Little Giant" and the "Monitor" machines, the size of the nozzle and the pressure were largely increased, till now the nozzle is from 4 to 9 inches in diameter, discharging from 500 to 1,000 inches of water under a pressure of from three to four or five hundred feet. For example, an 8-inch nozzle at the North Bloomfield mine discharges 185,000 cubic feet of water in an hour with a velocity of 150 feet per second. The excavating power of such a body of water, discharged with such velocity, is enormous; and, unless the gravel is very heavy or firmly cemented, it is much in excess of its transporting power. At some of the mines, as at the North Bloomfield, several of these monitors are worked much of the time night and day, the several levels upon which they are at work being brilliantly illuminated by electric lights, the electricity being generated by water power. A night scene of the kind at the North Bloomfield mine is in the highest degree weird and startling, and it can not fail to strike strangers with wonder and admiration. The amount of débris discharged into the rivers by these operations can only be duly appreciated by actual observation.

The Yuba River is a tributary of Feather River, entering it at Marysville, 30 miles above the mouth of the Feather, where the latter joins the Sacramento. It is the fourth river in size in the Sacramento Valley, and drains about 1,330 square miles of the western slope of the Sierra Nevada Mountains, comprising portions of Sierra, Nevada, and Yuba Counties, its extreme breadth being about 36 miles and its extreme length about 60 miles, excluding the 12 miles of its lower course from the foothills to its junction with Feather River at Marysville. The elevation of the Yuba Basin above tidewater is from 200 feet at its lower parts to about 8,000 feet at the summit of the mountains; but the gold deposits of this basin only extend to an elevation of from four to five thousand feet, in a belt from 40 to 50 miles wide. The upper portion of the river is divided into five principal branches, the North, Middle, and South Yubas; and Deer and Dry Creeks. The first four—Deer Creek being nearly as large as the smallest main branch—unite in the mountains before reaching the valley; Deer Creek, not far from it; the last, Dry Creek, joining the main river in the valley shortly after it leaves the foothills. The débris complained of is mostly discharged into the Middle and South Yubas and Deer Creek and their numerous smaller tributaries.

The auriferous deposit on the San Juan Ridge, between the South and Middle Yubas, embracing most of the defendants' mines—and a larger part of the mines now actually worked being under their control—is much the largest and most important in the State and is favorably situated for working, the beds of the ancient channels in which it lies being elevated several hundred feet above the beds of the Yubas and their affluents, and the annual floods of the Yuba may be relied on to carry off a large portion of the débris resulting from mining. Says the report referred to:

"The linear extent of the gravel channel and its branches on this ridge is about 25 miles. Deducting liberally for the portion already worked, and for that too deeply covered by lava to be available for hydraulic mining, there remain, probably, not less than 14 miles of channel available for washing, from which only a comparatively small portion of the top gravel has been removed. Below San Juan the gravel body has a surface width of over 1,000 feet, and is, say, 140 feet deep. From Badger Hill to Bloomfield, it is for the greater portion very much wider and deeper. At Columbia Hill, its surface width varies from 3,000 or 4,000 to 8,000 feet, and it is from 300 to 600 feet deep. The gravel at Lake City is probably 300 or 400 feet deep. At North Bloomfield it is opened to the bedrock showing a depth of more than 300 feet. Roughly estimating average width of the remaining gravel channel at 400 yards, and, after allowing for the portion worked off, placing its average depth at 70 yards, the sum is an average of, say, 50,000,000 yards per mile, or, for 14 miles, say, 700,000,000 yards."

"Allowing for the amount washed since 1876, 100,000,000 yards, there remain 600,000,000 to be removed;" adding to this the estimated amount still remaining to be worked at Smartsville, lower down the river, and the amount remaining to be washed will appear. Says Col. Mendell: "Seven hundred million of cubic yards may be assumed to represent the amount of gravel remaining to be worked by hydraulic process, tributary to the Yuba." Approximately, then, according to the evidence, over 100,000,000 of cubic yards in these mines have been washed out by the hydraulic process, and the débris deposited in the Yuba and its affluents; and 700,000,000 more remain to be washed out, and its débris deposited in these watercourses in the same manner.

"The following shows some of the results of former washings and the unmistakably indicates what must result from a continuance of the work. The Yuba, with its branches and smaller affluents, were necessarily characterized by heavy grades, the waters falling about 8,000 feet in a distance of 90 or 100 miles from their extreme sources to the Feather River. They ran through deep, rocky canyons and gorges, over a rough, rocky bottom, with frequent rapids, and waterfalls of greater or less height, and there were many deep holes excavated by the action of the water at the foot of falls, rapids, and the like. The beds of all these streams, from the very dumps of the higher mines to the junction of the main Yuba with Feather River, a distance of 75 miles or more, have all been filled up many feet deep—at some places to the depth of 150 feet—and all the streams have regularly graded themselves, so that a railroad track might be laid upon their beds for the whole distance, the grade, of course, being steeper in the upper parts, but equally regular.

Thus the main branches of the Yuba and Deer Creek, Shady Creek, Bloody Run, Grizzly Canyon, Humbug Canyon, and the other smaller tributaries, all exhibit this result. There are many square miles, in the aggregate, in the beds of these streams, buried many feet deep with débris, and those channels are choked and clogged with it, the heavier material being deposited higher up and the lighter passing farther down. Most of it will from year to year be carried farther down, and ultimately find its way to the valley. The transporting capacity of the water, however, is unequal to the task of carrying off all the débris at once, as it is discharged into the stream. So, also, the ordinary floods, from year to year, are unable to carry off all the débris discharged into the streams during the year, and it consequently accumulates from year to year along the upper portions of the watercourses, within the mountains, till an extraordinary flood comes. When such a flood occurs it transports a much larger amount at once and precipitates it upon the valleys below. Vast amounts are now accumulated in the upper courses of the Yuba and its branches, which are liable to be precipitated in immense quantities into the valleys below by any extraordinary flood—such as that of 1862—that may hereafter occur. With reference to the amount of these deposits remaining in the Yuba above Marysville, Col. Mendell, in his report, says:

"The estimates by Mr. Manson, reported to the State engineer, give the estimated deposits in 1879 on the Yuba, above the foothills, as 46,462,100 cubic yards, the great bulk in 8 or 10 miles; and below, 23,284,000, a total of 71,746,100 cubic yards. In the light of later information, it seems probable that this estimate is altogether too low, the deposits in small tributaries not having been taken into account and the amount in the lower river having been much underestimated. The actual amount is not capable of being ascertained, and the statements are given merely for the purpose of illustration. At its escape from the mountains, where the foothills recede and give width to the plain, the Yuba spreads out its load of sand and gravel over a plain of 15,000 to 16,000 acres, which has risen until it now stands above the level of the adjoining country on either side. This plain has a slope of about 10 feet to the mile, varying above and below this limit as you ascend or descend, the slope of the river bed being 15 feet at the foothills and 5 feet at Marysville, 10 miles below. The sizes of material have some correspondence to the grades. Ascending the stream, one passes to a continually increasing average size of material. While it is nearly all sand below, above it becomes nearly all gravel, with, however, considerable admixture of different sizes everywhere. This irruption from the mountains has destroyed thousands of acres of alluvial land. The State engineer, in 1880 estimated that 15,220 acres had been seriously injured by these deposits from the Yuba. On the Yuba the great deposits of gravel are found on a grade of 30 feet to 20 feet to the mile. The sands predominate greatly in slopes of 10 feet and below."

The portion of the valley here referred to as covered with sand is that portion of the borders of the Yuba River extending across the Sacramento Valley from the foothills to its junction with Feather River at Marysville, a distance of about 12 miles. Formerly, before hydraulic mining operations commenced, the Yuba River ran through this part of its course in a deep channel, with gravelly bottom from 300 to 400 feet wide, on an average, with steep banks from 15 to 20 feet high at low water on either side. From the top of the banks on each side extended a strip of bottom lands of rich, black, alluvial soil, on an average a mile and a half wide, upon which were situate some of the finest farms, orchards, and vineyards in the State. Beyond this first bottom was a second bottom, which extended some distance to the ridge of higher lands, the whole constituting a basin between the higher lands on either side of from a mile and a half to 3 miles wide. Not only has the channel of the river through these bottoms been filled up to a depth of 25 feet and upward, but this entire strip of bottom land has been buried with sand and débris many feet deep, from ridge to ridge of high land, and utterly ruined for farming and other purposes to which it was before devoted, and it has consequently been abandoned for such uses.

Dr. Teegarden's lands afforded a very striking example of individual injuries inflicted by this mining débris. Dr. Teegarden is a prominent citizen of Yuba County, having for some years represented the county in the State senate. He owned 1,275 acres on the Yuba bottoms some 3 or 4 miles above Marysville, on the north side. All except the 75 acres now lying outside the levee have been buried from 3 to 5 feet deep with sand and utterly destroyed for farming purposes, for which injuries he has received no remuneration. He now lives in a small house near the levee, on the outside, which is liable to be swept away should the levee break opposite to him during an extraordinary flood. Dr. Teegarden testifies that the main filling up was in 1879 and 1880, but that there has been a constant addition to it ever since, and that during the last year it has filled up faster than at any other time; that he built 3 miles of levee to protect it, but it proved insufficient; and that the land is 5 to 6 feet higher with sand and sediment on the river, or inside of the levee, than on the outside, where he lives.

A considerable portion, but not all, of the lower bottoms of the Yuba was covered by the accumulated débris brought down by the great flood of 1862; but it has been extending and deepening ever since. Much, perhaps most of it, was more or less covered as early as 1868 or 1869. Since that time levees have been built by the citizens of Marysville and Yuba County along the ridge on either side for the purpose of preventing a further spread of the devastation and for the protection of Marysville and the adjacent country. In addition to the levees so erected, as O'Brien, who did the work, testifies, the miners themselves five years ago built a levee for the same purpose, being the levee on the south side of the Yuba, from the foothills to the Hedges grade, with which it connected at Hedges Station, a distance of 8 miles, at a cost of $86,000, of which sum the defendants in this suit paid 80 per cent. This is the levee which, connected with Hedges grade from its connection to the Feather River, protects the country from overflow on the south. It broke in three places in Linda Township in June last, when the English Dam gave way, and the country for a considerable distance below, extending to the Eliza tract, several miles distant, was flooded with some, though not great, damage, the flood from the reservoir having soon spent itself. Not only has all the space between these levees been filled with this débris to a level with the highlands upon which they are built, but for miles of the lower portion of the river the filling between the levees is several feet above the level of the surrounding country on the outside. The intervening space is grown up with young cottonwoods and willows. The river has now no definite channel within these bounds, but runs anywhere over the space between the levees, situate 2 to 3 miles apart, according to the obstructions its waters meet from time to time by growing trees or accumulations of driftwood or deposits made by itself, thereby raising the bed, where it actually for a time runs, to a higher level than the bed of such surrounding channel as it has.

This broad channel or bed, such as it is, is several feet higher than the lands of the surrounding country outside the levee, which outside lands have no protection from overflow of the waters of the Yuba, surcharged with débris, except the slender intervening artificial banks so erected by the people and the miners for that purpose. The lands

thus already buried and destroyed are over 15,000 acres, or 25 square miles; or, taking the average width, a tract from the foothills to Marysville, 12 miles long along the river by 2 miles wide. The filling in the river bed is generally 25 feet or more, and at its immediate junction with Feather River at Marysville is about 20 feet deep—some witnesses make it deeper—where it forms a bar of nearly that depth across Feather River. The depth of the filling is increasing year by year and raising the bed of the river within the levees higher and higher above the surrounding country outside the levees. The depth of the filling increases as the river is ascended, till at Squaw Flat, near Parks Bar, below Smartsville, at the entrance of the foothills, according to the testimony of O'Brien, a witness for defendants, it is 150 feet deep. Opposite Sucker Flat ravine it is 90, and at the narrows above Smartsville, 60 feet deep. The deposits constituting the first 50 feet, at Squaw Flat, have been there 10 or 12 years, and the rest has accumulated since. At a point near this, at Roses Bar, where the channel was once but 100 to 300 feet wide in the bed of the canyon, it has now been raised by filling till it is 3,000 feet wide. But at these points no valuable lands are covered.

The result as affecting the navigability of the waters of the State, will be stated upon the authority of Mendell's report, which was made upon instrumental surveys and actual measurements, and is amply supported by other evidence. The low-water level of Feather River, at Marysville, the head of navigation, at the date of his report, has been raised fully 15 feet—at this time it is more—indicating a rise of the bed of the river to that height above its former bed. The filling at the mouth of the Feather River is fully 5 feet. Says Mendell:

"Taking 15 feet at Marysville and 5 feet at the mouth, the difference, 10 feet, is to be added to the old fall. This increases the slope of the Feather, in its navigable part, 4 inches to the mile. This increase has impaired the depth of water and the practicability of navigation to a considerable extent. Applying to the navigable portion of the Feather the rule adopted for the minimum deposit in the Sacramento, namely, that the average filling is equal to the elevation of the plane of low water, we will have, for the 30 miles from Marysville to the mouth, an average depth of 10 feet over the bed of the river. This estimate is thought to be here, as in the Sacramento, considerably below the fact."

Some witnesses say it is now 15 feet. Again:

"As a consequence of these changes, a higher flood line and greater exposure to overflow now exists for all riparian lands on both these rivers. This is an element of considerable loss to the country, but its description and discussion do not come within the limits of this investigation. * * * The elevation of the bed of the river is not accompanied by an equal rise in the level of the banks. The level of the beds approaches more and more the level of the banks. In the cases of the Yuba and Bear, nonnavigable streams, the level of the beds has risen from a depth a number of feet below the banks to an elevation of several feet above the banks. These instances may be taken to illustrate the ultimate condition of the Sacramento and Feather Rivers, under a continuance of the influences to which they are now subjected. The abandonment of existing channels is a consequence to be apprehended."

It is claimed by plaintiff, and the testimony on the point is conflicting, that there is danger of the Sacramento leaving its channel at Grays Bend and running some distance from Sacramento city to the west. In the Sacramento River a similar rise in its bed has taken place from similar causes. During the first 20 years of mining, from 1849 to 1869, the low-water plane in the river at Sacramento was raised 2.9 feet. During the next 10 years of hydraulic mining, from 1869 to 1879, the rise in this plane was doubled. It has been raised fully 6 feet from 1849 to 1881. Says Mendell:

"As a consequence of the elevation of the bed, the tidal influence which, in 1849, extended at least as high as the mouth of the Feather, 25 miles above Sacramento, and was quite 2 feet at Sacramento, is now no longer noticeable above Heacock Shoals, 9 miles below Sacramento. The tide, within the past 30 years, rose on these shoals as much as 3 feet. * * * Twenty-five miles below Sacramento the river divides into two delta channels, which unite below, the intermediate distance by the two channels being 18 miles by Old River and 12 miles by Steamboat Slough. In the earlier days of navigation, and until six or eight years ago (before 1881) Steamboat Slough was the channel used by all boats and vessels."

It is a part of the public history of the State, with which all the earlier settlers are familiar, that for years the comparatively deep-draft steamers, *Senator* and *New World*, the former built to run from New York to Portland, Me., and the latter to run on the Atlantic Ocean out of New York, both of which either came around Cape Horn or through the Isthmus, did regularly through Steamboat Slough. This slough is now filled up, so as not to be navigable for the light-draft river boats in use at the present day, and its navigation abandoned, steamers going by the longer route of Old River. The beds of the river have not only been filled and raised for several feet, but the channels have been largely contracted in width. So, also, from similar causes, the shoal water in Suisun, San Pablo, and San Francisco Bays and in the Straits of Carquinez have largely increased, and the navigable channels of these waters have been considerably and materially contracted. The débris from Bear River and the American, of course, contribute their share to fill the Sacramento below the mouth of the American and Steamboat Slough, as do some of the southern rivers, to swell the amount of deposits in the Straits of Carquinez and Suisun, San Pablo, and San Francisco Bays, but the mines of the Yuba discharge a much larger amount of débris than all the other mines together.

In speaking of remedial means, Col. Mendell says:

"The statement of the case presented in the preceding pages seems to establish the necessity of measures of remedy or alleviation, even in the event that no further contribution be made to mining detritus in the beds of streams. * * The preservation of river beds and routes of drainage requires that effective restraint be imposed upon mining detritus. Otherwise, these drainage lines may be expected to suffer the fate which overtook their prototypes, the Pliocene rivers, which were obliterated by enormous deposits brought down by their own currents. It may be added that the conservation of existing facilities for navigation equally requires restraint of the flow of sand and gravel; and that no important improvement of the channels can be expected until this result shall be secured. Under all circumstances, restraint is the first and essential step to any projects, whether of alleviation, conservation, or improvement. It has been shown that in the beds of the American, Bear, and Yuba there are now lying many millions of cubic yards of material in positions where it is comparatively harmless, and that each yard, as a rule, adds something to the volume of these deposits; but that, whether anything is added or anything subtracted, which is sometimes the case, depends upon the volume and power of the floods. As a rule the mines supply more material annually than the floods are able to transport over the grades in the lower portions of the rivers. If the floods were of sufficient duration, the accumulations would be found lower down and in more dangerous positions. Instead of lying in the bed of the Yuba, they would be in the Feather and Sacramento."

The waters of the Yuba are so charged with débris that they are wholly unfit for watering stock, or for any of the uses, domestic or otherwise, to which water is usually applied, without first being taken out of the stream and allowed to stand in some undisturbed place and settle. As it comes down to Marysville it is so heavily charged with sand as to render it unfit even for surface irrigation.

In pursuance of the provisions of the drainage act of 1880 (Stat. 1880, p. 130), the State, under the supervision of the State engineer and Col. Mendell, as consulting engineer, erected a brush dam for impounding débris about 2 miles in length across the Yuba River, from ridge to ridge of highlands, some 8 miles above Marysville. At the first ordinary flood in the following rainy season a large section on the northerly end and two other sections toward the south were swept away. According to the report of Hamilton Smith, its engineer, to the North Bloomfield Co., made in July, 1881, after the break by the floods, this dam was at its greatest height, 14 feet, "its cost being in the neighborhood of $120,000," and it broke in three places, as follows: "The east embankment at the northern end has been washed away, nearly down to the original level, from the end of the brushwork to the shore, a distance of 400 feet; the brush dam has been cut away entirely in two places, one 760 feet and the other 230 feet in length, measured on the crest. In two places there are small gaps, but the foundation is undisturbed. Out of a total length of 10,000 feet there has therefore been destroyed about one-seventh." Afterwards, during the dry season, the dam took fire, and a large portion of the remainder was burned. An impounding dam was also constructed by the State, under the same act, on Bear River, with similar results. These dams, with connecting and auxiliary levees built by the State, are understood to have cost over $500,000.

The North Bloomfield Mining Co., defendant, has constructed a dam to impound its débris 50 feet high near the junction of Humbug Canyon with the South Yuba. The dam, not having been carried higher as it filled up, is now full, and the débris that has passed over the dam has filled the canyon and the South Yuba below the dam to a level with the débris above, so that now the débris passes along down the canyon over the dam without obstruction, as though no dam at all existed at that point. A similar dam erected across Sucker Flat ravine at Smartsville to impound the débris of the mines at that place is in a similar condition.

The complainant has owned in fee for more than 20 years, and he still owns, an undivided half of three parcels of land held under a patent of the United States issued upon a grant made by the Mexican Government to John A. Sutter and known as the New Helvetia grant. One is a city lot situated in Marysville, at the corner of D and Second Streets, near the business center of the town and about 500 feet from the levee on the Yuba, which lot is covered by a brick block of stores called the Empire Block, erected about 1854 or 1855, at a cost somewhere between $40,000 and $60,000. Formerly the steamboat landing was in the Yuba nearly opposite this block, just below the ferry, on the Sacramento Road, but now the Yuba is filled up and the steamboat landing is in Feather River, opposite Yuba City, which is in Sutter County, three-fourths of a mile distant. Another is a tract of farming land, consisting of 952 acres, situate on the east bank of Feather River a few miles below Marysville, known as the Eliza tract, upon which there was formerly a public steamboat landing, used for receiving and discharging freight and passengers, but by reason of the filling of the river in front to the depth of 12 to 15 feet it is now of little use. The third is a tract of land of 720.57 acres, known as the Hock farm tract, on the western bank of Feather River not far from the Eliza tract, but on the opposite side of the river. Of the Eliza tract 75 acres and of the Hock farm tract 50 acres of the bottom lands, being the best land on these tracts, were buried by débris in 1862 and subsequent years, and they are still covered from time to time with fresh deposits. These lands have become covered with cottonwood and willows, and they are now useless for agricultural purposes. Other portions of these tracts are still within the levees erected and liable to overflow.

About 1868 the people of Marysville found it necessary to build levees around the city and along the north bank of Yuba River to protect it from the rapid encroachment of the débris coming down the Yuba, and levees were built. It has been found necessary to increase these levees in height and thickness from year to year ever since. In 1875 the levee on the north side of the Yuba broke some 3 or 4 miles above the city and the city and other lands were not only flooded but a large amount of débris was deposited. This was the first time Marysville was ever flooded, although the amount of water that fell, or was in the valley at any one time, was much less than in the great flood of 1862. So in 1881, with much less water than at the great flood, it rose to a higher point at Marysville than ever before. This was doubtless owing in great part to the filling up of the channels and elevation of the beds of the rivers, and probably in part also to the general levee system adopted for the protection of the lands of the valleys. At the break of the levee and flooding of the city of Marysville in 1875 complainant's Empire Block in Marysville was materially injured. The water was over 4 feet deep in it and débris from the Yuba was deposited in it to a considerable depth. The underpinning of the center of the building was washed out and the roof fell in. It cost between $2,000 and $3,000 to put it in repair again. Not only this building but many others had valuable basements in use prior to 1875, which were filled at that time, and since then the owners of basements in Marysville have been compelled to abandon their use.

The level of the bed of the Yuba and the water flowing in it having been elevated by these mining deposits above the level of the floors of basements of the buildings in Marysville, the water in the basements rises and falls with the river, to a greater or less extent, from percolation, rendering them unfit for use, and compelling their abandonment. So, also, the sewerage of Marysville, and of Empire Block, has been greatly obstructed and injured by the same means. In 1881 the water is stated by some of the witnesses to have been 4 feet higher than in 1875, and 8 feet higher than the great flood of 1861–62. The trestle work of the D Street Bridge in 1876 was 10 to 12 feet above the ground. Now it is filled so that it is within 2 or 3 feet of the water, and one can step from the trestle work to the bed of the stream; and in 1881 the flood went over the bridge, depositing gravel on it. In 1881 the inhabitants were called out in the night to increase and strengthen the north levee, and only by the most strenuous exertions of those able to work in raising the levees several feet in places, by means of gunny sacks filled with sand, did they escape a break and inundation of water and sand.

The taxes of the citizens of Marysville from year to year amount to from 2 to 7 per cent upon the assessed value of their property, a large part of which is expended upon their levees, to widen and strengthen them and to increase their height as the height of the débris within the levees is increased. The levee tax alone in Marysville and in Sutter County, opposite, in some instances has been as high as 6 per cent. During the present year a large amount has been expended by the city on the levee on the north side of the Yuba. For some miles there have been thrown out jetties every few yards, at an angle downstream, by means of timbers and poles resting on supports fastened to the earth, covered with willow brush and packed with sacks filled with sand, the object being to check the flow of the current, turn it from the bank so as to prevent its cutting it away, and by deadening the current compel it to deposit its débris in the still water and thus aid in widening and strengthening the levee itself. For all these purposes and to protect his property complainant annually pays large taxes that would otherwise be unnecessary. This levee is the only barrier which prevents the waters of the Yuba within the levee, the bed of which is higher than the lands outside, at flood time from flowing over, loaded with sand to their full carrying capacity and depositing their débris in Marysville and from at all times flowing over and depositing their load of sand and other débris upon the surrounding country, which is now for some miles around below the level of the bed of what channel there is within the two levees. In 1881 the south levee broke in Linda Township, 7 miles above Marysville and ran down over the country for several miles, flooding complainant's Eliza tract, which was under water until June, preventing the raising of a crop for that year. Any breaking of the south levee during a flood sends the water down to the Eliza tract and overflows it unless the small private levee built by the occupant, the tenant of complainant, at his own expense, is sufficient to protect it.

In the year (1883) the English Dam, near the summit of the mountains, which forms the reservoir of one of the defendants, gave way and the accumulated waters came down the Yuba in a torrent, sweeping everything before them, a distance of 85 miles in about 10 hours, rising at some places in its canyons, it is said, to a height of 90 feet, and at Marysville, where the channel is broad, 2½ feet. At Linda, 7 miles above Marysville, meeting some obstruction, its current was turned against the south levee, which broke at three points, the water rushing through and down over a broad stretch of the lower plains outside, to and upon the Eliza tract again. The water having run out of the reservoir in an hour, the torrent soon spent itself, and no considerable damage was done to the Eliza tract, although considerable damage resulted to the intervening lands. In this case, however, the small private levee constructed by the tenant of Woodruff for the protection of this and other lands held by him would have protected this tract from this brief flood had there not been a culvert the gate of which the proprietor refused to have shut, giving as a reason that he desired to show his neighbors, who refused to contribute to the expense of building this private levee, that their lands were in danger without it. Had the rivers all been high and this torrent continued for several days, as sometimes happens from natural causes, there is no knowing what the result would have been. These torrents sometimes happen in nature on these mountain watercourses, as, for instance, in 1862, when the Sacramento River rose between 50 and 60 feet at Folsom, and in 1881 the Sacramento River cut its way down to its old bottom. And they sometimes continue for several days. So, in 1881, the Sutter Levee broke below the mouth of the Yuba River, at Shanghai Bend, 1 mile above Woodruff's land, and the river overflowed complainant's Hock farm tract, washing off its soil in many places as deep as it has been plowed and depositing sediment on it. One witness says gravel as large as hens' eggs passed through the break. The Hock farm tract was overflowed in 1862, 1867–68, 1871–72, and 1881—the last two years being since the building of the levees. The Hock farm of complainant is one of the best in the county, producing large crops of grain, in which it has been cultivated for many years. A mile below is O'Neils Landing, at which large amounts of grain used to be shipped. This, like the Eliza Landing, has been destroyed, or nearly so, by the filling in front from mining débris.

The defendants have attempted to show that much of the danger from overflows results from the acts of the people themselves, in consequence of the improper system of leveeing adopted, and the cutting off by such means of some outlets of water, available at high water. There is, as might be expected, much conflict in the testimony of experts and others on these points; but it is probable that they have not in all instances adopted the wisest plan possible in their efforts to protect life and property. These works are always erected on the judgment of engineers, or other men presumed to be competent, and rarely without some difference of opinion, and scarcely possible that any plan wholly unobjectionable to all could be adopted. However this may be, there can be no possible doubt, not only that the deposit of mining débris has greatly augmented the injuries heretofore received, but that it largely enhances the danger for the future, and that it is the great source and cause of all or most of the evils which are suffered and threatened. The evils resulting from the occasional overflow of pure water, or water deteriorated only by natural erosions and causes, and which leaves no deleterious sediment behind to permanently destroy the land, are trifling compared with those resulting from the addition and deposit of the enormous amount of débris arising from hydraulic mining. At every break of the levees on the Yuba a heavy volume of water, charged to its full transporting capacity with sand and other deleterious material, is poured out and deposited on the lands over which it flows, where it remains, on the subsidence of the floods, to work out its destructive effects. If there were not a levee on the river, and not a slough cut-off, the mining débris deposited in the navigable and nonnavigable waters of the State, and burying the 25 square miles of land between the levees of the Yuba, would not only still be there, but many other square miles of the adjacent country would also be buried, but for the resistance interposed by the slender barriers erected by the people, including the complainant, at great, continuing, and ever-recurring expense, for their protection.

If the great and unexampled flood of 1862, by bringing down in one mass the accumulations of débris of previous years, did so much, as is claimed by defendants, to fill the channel of the Yuba and cover the lower portions of its bottom lands, what must be expected should there be a recurrence of such a flood, bringing down the vastly larger accumulations with which the watercourses of the mountains are now choked and gorged and precipitating it in a mass upon the deposits now between the levees which are already several feet higher than the surrounding country, and which levees constitute the only barrier upon which Marysville and the adjacent country can rely for protection? A concurrence of conditions which produced such an extraordinary flood as that of 1862, which has once happened, is liable to occur again. The concurrence of conditions was high water in the Sacramento and all its affluents on the 1st of January, 1862; immense deposits of snow already existing in the mountains along the whole watershed of the Sacramento and its tributaries; and a general rain warm enough to melt the snow on which it fell throughout the same region, continuing through many days, with only short intervals, whereby the rain that fell at the time, augmented by the water furnished by the rapidly melting snows, was precipitated into the valleys below, already full. Should there be a recurrence of such conditions in the present condition of the watercourses of the States, gorged with débris, no man can safely predict the result. To the most casual observer, even though but slightly acquainted with the operations of the forces of nature, the present condition of things and the dangers to the residents of the valleys that may reasonably be anticipated in the future must be anything but assuring.

Unless the acts of the defendants complained of, in view of all their necessary consequences, are legal—unless they are authorized by some valid law—it does not appear to us to admit of doubt or discussion that the results of those acts heretofore developed, still existing and operating, and certain to continue and increase in the future, as disclosed by the evidence and indicated by the preliminary statement of facts, constitute a grievous and far-reaching public nuisance, most destructive in its character, or, in the terse language of one of complainant's counsel, a nuisance, "destructive, continuous, increasing, and threatening to continue, increase, and be still more destructive. * * After an examination of the great questions involved as careful and thorough as we are capable of giving them, with a painfully anxious appreciation of the responsibilities resting on us * * * we can come to no other conclusion than that complainant is entitled to a permanent injunction. * * * Let a decree be entered accordingly." Judge Deady wrote a concurring opinion.

EXHIBIT B.

[Extracts from ch. 183, Revised Statutes of the United States, approved Mar. 1, 1893 (known as the Caminetti Act).]

An act to create the California Débris Commission and regulate hydraulic mining in the State of California.

SECTION 1. *Be it enacted, etc.*, That a commission is hereby created, to be known as the California Débris Commission, consisting of three members.

The President of the United States shall, by and with the advice and consent of the Senate, appoint the commission from officers of the Corps of Engineers, United States Army. Vacancies occurring therein shall be filled in like manner.

It shall have the authority, and exercise the powers hereinafter set forth, under the supervision of the Chief of Engineers and direction of the Secretary of War.

SEC. 2. That said commission shall organize within 30 days after its appointment by the selection of such officers as may be required in the performance of its duties, the same to be selected from the members thereof.

The members of said commission shall receive no greater compensation than is now allowed by law to each, respectively, as an officer of said Corps of Engineers.

It shall also adopt rules and regulations, not inconsistent with law, to govern its deliberations and prescribe the method of procedure under the provisions of this act.

SEC. 3. That the jurisdiction of said commission, in so far as the same affects mining carried on by the hydraulic process, shall extend to all such mining in the territory drained by the Sacramento and San Joaquin River systems in the State of California.

Hydraulic mining, as defined in section 8 hereof, directly or indirectly injuring the navigability of said river systems carried on in said territory other than as permitted under the provisions of this act is hereby prohibited and declared unlawful.

SEC. 4. That it shall be the duty of said commission to mature and adopt such plan or plans for examination, and surveys already made and from such additional examinations and surveys as it may deem necessary as will improve the navigability of all the rivers comprising said systems, deepen their channels, and protect their banks.

Such plan or plans shall be matured with a view of making the same effective against the encroachment of and damage from débris resulting from mining operations, natural erosion, or other causes, with a view of restoring, as near as practicable and the necessities of commerce and navigation demand, the navigability of said rivers to the condition existing in 1860, and permitting mining by the hydraulic process, as the term is understood in said State, to be carried on, provided the same can be accomplished without injury to the navigability of said rivers or the lands adjacent thereto.

SEC. 5. That it shall further examine, survey, and determine the utility and practicability, for the purposes hereinafter indicated, of storage sites in the tributaries of said rivers and in the respective branches of said tributaries, or in the plains, basins, sloughs, and tule and swamp lands adjacent to or along the course of said rivers, for the storage of débris or water or as settling reservoirs, with the object of using the same by either or all of these methods to aid in the improvement and protection of said navigable rivers by preventing deposits therein of débris resulting from mining operations, natural erosion, or other causes, or for affording relief thereto in flood time and providing sufficient water to maintain scouring force therein in the manner so soon; and in connection therewith to investigate such hydraulic and other mines as are now or may have been worked by methods intended to restrain the débris and material moved in operating such mines by impounding dams, settling reservoirs, or otherwise, and in general to make such study of and researches in the hydraulic mining industry as science, experience, and engineering skill may suggest as practicable and useful in devising a method or methods whereby such mining may be carried on as aforesaid.

SEC. 6. That the said commission shall from time to time note the conditions of the navigable channels of said river systems, by cross-section surveys or otherwise, in order to ascertain the effect thereon of such hydraulic mining operations as may be permitted by its orders and such as is caused by erosion, natural or otherwise.

SEC. 7. That said commission shall submit to the Chief of Engineers, for the information of the Secretary of War, on or before the 15th day of November of each year, a report of its labors and transactions, with plans for the construction, completion, and preservation of the public works outlined in this act, together with estimates of the cost thereof, stating what amounts can be profitably expended thereon each year.

The Secretary of War shall thereupon submit same to Congress on or before the meeting thereof.

SEC. 17. That at no time shall any more débris be permitted to be washed away from any hydraulic mine or mines situated on the tributaries of said rivers and the respective branches of each, worked under the provisions of this act, than can be impounded within the restraining works erected.

SEC. 24. That for the purpose of securing harmony of action and economy in expenditures in the work to be done by the United States and the State of California, respectively, the former in its plans for the improvement and protection of the navigable streams and to prevent the depositing of mining débris or other materials within the same, and the latter in its plans authorized by law for the reclamation, drainage, and protection of its lands, or relating to the working of hydraulic mines, the said commission is empowered to consult thereon with a commission of engineers of said State, if authorized by said State for said purpose, the result of such conference to be reported to the Chief of Engineers of the United States Army, and if by him approved shall be followed by said commission.

SEC. 25. That said commission, in order that such material as is now or may hereafter be lodged in the tributaries of the Sacramento and San Joaquin River systems resulting from mining operations, natural erosion, or other causes, shall be prevented from injuring the said navigable rivers or such of the tributaries of either as may be navigable and the land adjacent thereto, is hereby directed and empowered, when appropriations are made therefor by law, or sufficient money is deposited for that purpose in said débris fund, to build at such points above the head of navigation in said rivers and on the main tributaries thereof, or branches of such tributaries, or at any place adjacent to the same, which, in the judgment of said commission, will effect said object (the same to be of such material as will insure safety and permanency), such restraining or impounding dams and settling reservoirs, with such canals, locks, or other works adapted and required to complete same.

The recommendations contained in (1) Executive Document No. 267, Fifty-first Congress, second session, and Executive Document No. 98, Forty-seventh Congress, first session, as far as they refer to impounding dams, or other restraining works, are hereby adopted, and the same are directed to be made the basis of operations.

The sum of $15,000 is hereby appropriated, from moneys in the Treasury not otherwise appropriated, to be immediately available to defray the expenses of said commission.

NOTE.—(1) These are House Executive Document 98, Forty-seventh Congress, first session, and House Executive Document 267, Fifty-first Congress, second session.

The former contains the report of Lieut. Col. G. H. Mendell, Corps of Engineers, United States Army, of January 26, 1882, prepared in accordance with a provision contained in the river and harbor appropriation act of 1880, June 14, chapter 211 (21 Stat. L., 196).

The latter contains the report of February 9, 1891, submitted by a board of engineer officers, constituted under the act of 1888, October 1, chapter 1057 (25 Stat. L., 498), "for the investigation of the mining débris question in the State of California."

EXHIBIT C.

[Annual Report of the Chief of Engineers, United States Army, 1907, pt. 3, pp. 2262-2269, inclusive.]

REPORT OF CALIFORNIA DEBRIS COMMISSION WITH REGARD TO FUTURE OPERATIONS FOR CONTROL OF MINING DEBRIS, IMPROVING NAVIGABILITY, AND PROVIDING FOR CONTROL OF FLOODS ON THE SACRAMENTO AND FEATHER RIVERS, CAL.

SAN FRANCISCO, CAL., *June 30, 1907.*

GENERAL: Under date of February 11, 1907, the California Débris Commission, consisting then of Col. W. H. Heuer, Maj. C. H. McKinstry, and Maj. William W. Harts, submitted a report recapitulating the work done and results obtained to that time and proposing future work. The following report is based upon that of February 11, 1907. The changes made by the present commission are not changes in principle, but only in details, and have been rendered advisable by events which have occurred since the date of the former report.

The principal duties of the commission, as prescribed by the Caminetti act, are:

First. To regulate hydraulic mining so as to permit the fullest resumption of this industry compatible with the protection and restoration of the navigability of the Sacramento, Feather, and San Joaquin rivers and the prevention of damage from overflow, etc.

Second. To improve the navigability of all the rivers of this system, deepen their channels, and protect their banks, with a view of restoring, as near as practicable and the necessities of commerce and navigation demand, the navigability of said rivers to the condition existing in 1860, and, further, to afford relief in flood time and to provide sufficient water to maintain scouring force in the summer season.

The first of these objects may be said to have been accomplished.

The plan adopted was, in brief, to require each miner to impound the tailings resulting from his operations on land owned or controlled by him behind dams to be approved by the commission. The two types of dam found most useful were log crib dams filled with quarried rock and brush dams. For these types standard specifications are now authorized. Earth or gravel dams, with spillways excavated in the bedrock of the banks, were used where sites permitted.

Under this plan hydraulic mining is carried on at the present time under the supervision of the commission. While it is doubtless a fact that some illegal hydraulic mining is done and that occasionally restraining dams behind which tailings are stored fail under suspicious circumstances, it is nevertheless true that the work of the commission is preventing any considerable addition of débris to that already in the river beds. The downward movement of the débris which had already been dislodged at the time the commission was created has of course continued, except as checked by the commission's restraining works in the Yuba, to be presently described.

Before proceeding to the description of the investigations and work done under the second head, it is well to point out that while the ultimate object is the restoration of former conditions of navigability, direct operations looking to improvement of depths could not be undertaken until an effort had been made to check the influx of débris into navigable streams. The first of the débris-carrying tributaries to be investigated was the Yuba, because this stream contains more débris, the further movement of which would be injurious to navigation, than do all the other tributaries of the Sacramento combined. The commission's plan for the Yuba is well underway and bids fair to be successful. It is more particularly described below. The investigations made of the Bear and American indicate that while some dredging in the lower reaches may perhaps be desirable, restraining works will be too costly for the good accomplished. The facts on which this conclusion is based are given below:

Yuba River project: The project for the Yuba River contemplates (1) holding the great quantities of mining débris now in that stream and its tributaries by works built in the river bed at and above Daguerre Point, and (2) restricting the low-water channel below Daguerre Point within narrower, well-defined limits, in order to preserve in place as much as possible of the extensive deposits in the last few miles of the river.

These objects were to be accomplished (1) by the construction of four restraining barriers and a settling basin in the bed of the river, the structures to be provided with necessary weirs and conduits to regulate the inflow and outflow of water and to cause a deposition of the finer material carried in suspension, and (2) by the construction of two training walls. (See H. Doc. No. 431, 66th Cong., 1st sess.)

Work done under this project: The condition of the work under this project is as follows:

(a) Barrier No. 1: This barrier has been completed to a height of 14 feet and a contract had been entered into for adding a step 8 feet high and increasing the width of the spillway, and work under the same had been begun when about 600 feet of the barrier was destroyed by the flood of March, 1907.

A full report of the destruction of this structure was made to the Chief of Engineers on April 1, 1907.

It is not considered advisable to rebuild, and no further work on same is contemplated.

(b) Barrier No. 4: About 95 per cent of this barrier, known as the Daguerre Point barrier, has been completed, and the remainder will be completed as soon as the training walls below are constructed.

This barrier is a dredger embankment thrown up by the dredgers of the Yuba Consolidated Gold Fields under an agreement with that company and without cost to the United States.

In connection with this barrier and to serve as a spillway a cut has been made across Daguerre Point of sufficient capacity to take the flood discharge of the stream. It was completed in January, 1906.

(c) Settling basin: The entrance gates were completed in January, 1907. An agreement has been made with the Marysville Gold Dredging Co. to construct, without cost to the United States, about 4,400 feet of embankment on the south side of the basin, and work is underway. An agreement has been made with Mr. James O'Brien to raise, without cost to the United States, the present levee along the river side.

(d) Training works: Agreements have been made with the above gold-dredging companies to construct, without cost to the United States, the south training wall, and about 4,000 feet, or one-third of it, has been completed.

A contract is in force for the construction of the north training wall, and about 90 per cent of the work has been done.

The embankments referred to above as being constructed by the gold-dredging companies, without cost to the United States, are a portion of the embankments which they construct to "impound" themselves—that is, to prevent their tailings from working into the stream below and to permit operations at high stages of the river.

Work remaining to be done—(a) Barriers: No further work is contemplated on barrier No. 1. No work is contemplated on barrier No. 2. Barrier No. 4 will be completed without cost to the United States, and with an average height of 30 feet will furnish storage for about eight years. After the first storage season, however, the Daguerre Point Cut spillway and the entrance gates to the settling basin will have to be raised from time to time. About $100,000 are available for this work, which sum should be sufficient for about five years.

(b) Settling basin: The outlet gates of this basin and a portion of the levee on the south side, about 6,000 feet, remain to be constructed before the basin will be available for use.

To obtain the full capacity of this basin it will be necessary later to raise the west side levee to a height beyond that called for in the agreement with Mr. O'Brien.

It is estimated that this work can be done at a cost not exceeding $130,000.

(c) Training works: The south training wall will be completed to the length of about 2 miles without cost to the United States, and the north training wall to the same length at a cost of about $50,000.

It is thought that the funds available are sufficient for the completion of the works contemplated at present under the project and maintain same for several years after they are put in use. On the other hand, it is not possible to state at the present moment whether it may not prove necessary to extend the training walls beyond the length now contemplated.

The following methods of protecting the navigable streams from the influx of mining débris have been investigated:

(a) The construction of storage reservoirs in the high canyons of the rivers into which mines might drain their tailings, thus storing the detritus in regions where land was cheap and material for dam construction easily obtainable.

(b) The diversion of the rivers into the "tule" lands along the Sacramento and Feather Rivers, thus raising these lands and reclaiming them for agricultural purposes.

(c) The construction of settling basins in the lower reaches of the streams.

(d) The dredging of the beds of the navigable and the nonnavigable streams, placing the excavated material on the banks to assist in flood control and land protection.

The last-named method is the one which it is the main object of this report to explain and recommend.

High sites for storage dams: Thorough investigation indicates that this method, though successful in other places, can not be satisfactorily applied in the high Sierras. Few capacious reservoir sites are available at which dams are practicable at reasonable expense or in locations where the reservoirs would serve many or large mines.

In some of the small tributaries several places were found where high dams might be erected, but the great cost of these dams compared with the amount of benefit to be derived therefrom and the prohibitive burden on the mines if taxed therefor as prescribed in the law, combined with the small capacity of the reservoirs, rendered their construction inadvisable. The method of using high dams, therefore, in any of these streams, or in their higher tributaries, was abandoned by the commission as impracticable.

Diversion into "tules": The only overflowed land that could be used for this purpose without carrying the entire flow of the Yuba or other of the débris-carrying streams entirely over or under the Feather or Sacramento Rivers, or both, is the area known as the "American Basin," lying east of the Sacramento between the Bear and American. It was manifestly impracticable to carry, at reasonable cost, even a small river like the Bear over or under the Sacramento.

In order to carry débris, surface slopes must be comparatively high. In the Yuba the finest material is deposited where the slopes are about 5 feet to the mile, fine gravel where the slope is about 10 feet to the mile, and coarse gravel and small bowlders on slopes from 14 to 15 feet to the mile. These figures result from examining the river bed at various places and of course are approximately only. In order, therefore to carry fine material alone, the minimum slope of any diversion canal, to carry débris, should be at least 5 feet to the mile. The average miner's sluice has a fall of about 7 inches to the 12-foot box. This is equivalent to over 250 feet per mile.

Diversion of the Yuba: The lowest point in the Yuba River at which the flow could be diverted is in the vicinity of Daguerre Point. This is at an elevation of about 120 feet above the sea, to which possibly might be added a few feet by embankments in the river bed. The elevation of the American Basin is approximately 20 feet, and in order to make a deposit, say, 6 feet deep, the outlet of the canal should be at an elevation of, say, 30 feet. This would leave a fall of 90 feet or less, distributed over a distance of not less than 30 miles, giving an average slope of 3 feet per mile. A uniform slope would be impracticable, and the minimum would be far less than the average. It is thus plain that there is not sufficient fall to carry effectively even the very fine materials.

Furthermore, the right of way for such a plan would require probably 16,000 acres of land and would lie in valuable agricultural regions. The cost of the right of way might amount to $1,600,000. These two objections—lack of grade and high expense for right of way—render the adoption of this method of disposing of mining débris inadvisable at the present time for the Yuba.

Diversion of the Bear: A study of the Bear River leads to the same conclusions.

Diversion of the American: Applied to the American River the conditions are somewhat more favorable, but even here this plan was abandoned for similar reasons. This matter was examined at the time of the survey of 1906. The owners of the overflowed land demand about $50 an acre for it, even though the land would ultimately be benefited and would then be returned to them. A company has already been formed to reclaim this land and is not preparing plans for the work. After reclamation the land will be worth upward of $100 an acre; reclamation is said to cost approximately $10 an acre. The land has therefore a high prospective value. The cost of a right of way for a diversion project consequently is prohibitive.

Settling basins and low barriers: The application of this method of treatment to the Yuba has already been described.

The total available storage capacity in the Yuba River bed is about 60,000,000 cubic yards, 20,000,000 cubic yards in the settling basin and 40,000,000 cubic yards in the river bed above Daguerre Point barriers.

By comparison of the surveys of 1899 and 1904 it is ascertained that the increment of débris in these five years amounted to about 15,500,000 cubic yards, or an average annual addition of slightly over 3,000,000 cubic yards. The additions to the river bed between the surveys of 1899 and 1906 amount to a total of 18,000,000 cubic yards, of which 15,100,000 cubic yards were below the barrier and 3,000,000 cubic yards above. These results show a scour below the barrier and a substantial addition above, thus demonstrating the effect then being produced by the barrier. They also indicate that the annual flow of débris for the years 1905–6 was somewhat less than the average.

At an average rate of 3,000,000 cubic yards per year there is, then, storage in the Yuba bed for over 20 years. As the rate of débris flow will diminish with time unless the restrictions on hydraulic mining are relaxed, the actual period should be greater.

It is hoped that the settling basin may be completed during 1909 and that the training walls below Daguerre Point may be completed about the same time.

After the present storage is exhausted, it will be practicable and may be found advisable to use the space between the training walls and the river banks between Daguerre Point and the mouth.

Settling basins and barriers for the Bear: The control of such mining débris as is brought down by this river, by means of settling basins and impounding dams similar to those of the Yuba River, was carefully studied and sites selected where such works could be economically placed. It is estimated that a high dam could be built in the vicinity of Van Giesens for about $75,000, and a settling basin in the lower river for about $230,000, which, combined, would store 20,000,000 cubic yards of débris, at a cost of 1½ cents per cubic yard.

The most desirable site for the settling basin is in the vicinity of Camp Far West, but this land is in the hands of a gold dredging company which refuses to part with it for any reasonable price. Another practicable site was found in the vicinity of the county bridge.

As planned both of these settling basins were to be constructed of gravel embankments sufficiently high never to be overtopped, and were to have concrete spillways designed to take the maximum flow of the river.

The reports of these investigations were lost in the fire of April 18, 1906. The maps (not printed) herewith have been traced from blue prints of the original maps.

In view of the recommendations herein, the commission has not thought it necessary to go to the expense of reproducing the calculations and plans.

Settling basins and barriers for the American: The only site available for storage is the "American Basin," in which, as explained in paragraph 15, the cost of land would be prohibitively expensive. To control the débris of the American by means of settling basins or by diversion would far exceed the cost per cubic yard of storage on the other rivers. A rough estimate shows that any adequate system would cost more than $500,000.

After careful consideration we are of opinion that while this method of treatment is being successfully applied to the Yuba, its great cost on the Bear and American would render its application to these streams inadvisable.

Dredging: The remaining method of treatment is dredging. Suction dredges would be used, and the excavated material would be thrown up into levees along the banks. Applied to the lower courses of the nonnavigable tributaries this method would have the advantage of combining protection from flood overflow and better drainage, with disposal and control of débris. Its additional advantages when applied to navigable streams will be pointed out later.

As to the relative cost of disposing of material by dredging and by settling basins and low barriers, storage by the latter method may be obtained at a cost of about 2 cents per cubic yard, while it is estimated that dredging will cost about 6 cents. A large suction dredge with a capacity of about 150,000 cubic yards per month can be built for about $120,000. The expenses of operation would amount to about $5,000 per month, including maintenance and repairs. For seven months in the year operations can be carried on without serious interruptions from high water.

It appears, therefore, that for those portions of the Bear and American where either dredging or barriers and settling basins could be used, the method of dredging is the more expensive. Nevertheless the commission believes that dredging, with incidental levee construction, is preferable to the other method on account of the concomitant protection from flood overflow afforded.

The commission believes that it will be best at this time not to undertake any operations in the lower courses of the Bear and American, but to begin dredging in the navigable portions of the Feather and Sacramento Rivers.

That dredging would be the main reliance when it came to the direct improvement of the navigable streams has always been evident. But from the beginning it was believed, and rightly, that it would be hopeless to attempt the improvement of the Feather below Marysville until some successful plan of controlling and fixing the old débris in the Yuba had been devised and applied. That similar treatment would be required for the Bear and American was not equally apparent, and, as pointed out above, investigation and study have shown that barriers and settling basins for the lower reaches of these streams are not advisable, though dredging or the construction or thoroughly protected training walls may be. These conclusions and the progress of the work of control in the lower Yuba have now made advisable the application of the method of dredging both to the control of the old débris in the Feather and Sacramento and to the improvement of navigation in these streams. It is an important part of the dredging project that the excavated material shall be thrown up into levees along the banks.

It is estimated that $500,000 is the least sum for which a proper system of settling basins can be provided on the American River and $300,000 the least sum for which a similar system can be provided on the Bear River. So far as controlling the débris in the Sacramento and Feather Rivers and their tributaries and improving the navigability are concerned, we believe that $800,000 spent in dredging would produce wider and more immediate benefit. In addition, the excavated material if thrown up into levees along the banks, would do much to control floods.

The sum in question will be sufficient to equip two suction dredges and maintain them in operation for seven months a year for a period of eight years. The total amount of material moved in this time would probably be as much as 15,000,000 cubic yards.

We would not be understood as meaning that levees of a height sufficient to contain the river at extreme flood could be built on both banks along the entire stretch of river in which these dredges would work during these eight years. It will be recalled that the estimate of the Dabney Board for such levees and cut-offs amounted to more than $16,000,000. It would probably be found advisable to confine the work to one bank of the stream, but in any event the material thrown up by these dredges would be placed so as to form a useful part of any work that may be done hereafter by the State in the prosecution of the Dabney or other flood-control and reclamation project.

With dredging, the operation of the plan and the results obtained can be ascertained at any time. Emergency work can be done wherever and whenever specially needed, or, in short, dredging offers the most hopeful method of accomplishing débris control, improvement of navigation, and levee construction.

Should the application of this method result in restoring the navigable streams to their former condition of depth and flood-carrying capacity, hydraulic mining might be permitted under less severe restrictions than now obtain. Whether unrestricted hydraulic mining can ever again be permitted in this watershed will depend on the results obtained. The additional expense for maintenance due to any expansion of hydraulic mining should be borne by a tax on each mine operating.

Many ditches originally constructed for mining are now used for power purposes, and accordingly hydraulic mining on its former large scale can not be expected, and the use of water for power will gradually grow more valuable.

The State of California should assist, as it has heretofore done in débris work, by paying one-half the total cost. Furthermore, in order to prevent interruption of work, the rights of way for the levees and spoil banks should be secured before dredging is begun. On account of the benefit to the land protected, these rights of way should be procured without cost to the Government or State by the reclamation districts concerned, and the donation of said rights of way should be a condition precedent to the expenditure of money for dredging.

Conclusions: To summarize—

1. We concur in the opinion of our predecessors that dams in the high Sierras are inadvisable on account of cost per cubic yard of storage effected.

2. We believe that for the same reason it is inadvisable to attempt to divert the Yuba, Bear, or American into the "tules" or to construct settling basins or restraining barriers in the lower courses of the Bear or American.

3. We recommend that the Yuba River project be carried to completion, omitting the construction of No. 2 and the reconstruction of barrier No. 1.

4. Of all practicable methods of accomplishing the second of the duties assigned to the commission we believe that dredging in the navigable streams and possibly in the lower courses of the principal nonnavigable tributaries is the most feasible and advisable.

It has been urged against the dredging plan that any improvement of the Feather and of the Sacramento above the city of Sacramento will facilitate the progress of flood waters into the river below Sacramento and will therefore raise the flood plane in the lower river. To this the reply is obvious, that whatever work is done on the Sacramento and its tributaries must and will be done upon well-matured plans, in the preparation of which all elements of the problem will be taken into account. The jurisdiction of the commission is not confined to the Sacramento and its tributaries above Sacramento, but extends as well to the river below Sacramento. To quote the act:

"It shall be the duty of said commission to mature and adopt such plan or plans * * * as will improve the navigability of all the rivers comprising said system (the Sacramento and San Joaquin systems), deepen their channels, and protect their banks. Such plan or plans shall be matured * * * with a view of restoring as near as practicable and the necessities of commerce and navigation demand, the navigability of said rivers to the conditions existing in 1860."

Recommendations: In pursuance of these conclusions and in compliance with the requirements of the act of March 1, 1907, the commission recommends as follows:

That for the direct improvement of navigation in the Feather and Sacramento Rivers, and toward the controlling of débris and floods, an appropriation of $400,000 be made by Congress, its expenditure to be

contingent on the appropriation of an equal amount by the State of California; these sums to be devoted to the construction of two hydraulic dredges and to their operation and maintenance, in accordance with the general terms of this report; provided, furthermore, that all rights of way for levees and spoil banks shall be furnished free of cost to the United States.

Respectfully submitted.

JOHN BIDDLE,
Lieutenant Colonel, Corps of Engineers.
C. H. MCKINSTRY,
Major, Corps of Engineers.
THOS. H. JACKSON,
Captain, Corps of Engineers.

Brig. Gen. A. MACKENZIE,
Chief of Engineers, United States Army.

EXHIBIT D.

REPORT CALIFORNIA DÉBRIS COMMISSION, 1910 (MAJOR PROJECT).

[H. Doc. No. 81, 62d Cong., 1st sess.]

WAR DEPARTMENT,
Washington, June 27, 1911.

SIR: I have the honor to transmit herewith a letter from the Acting Chief of Engineers, United States Army, dated 24th instant, together with copy of report from the California Débris Commission, with maps, containing a project and an estimate of the cost of the same, for the relief from floods in the Sacramento Valley and the adjacent San Joaquin Valley, made in accordance with the requirements of the act of Congress approved March 1, 1893, creating the California Débris Commission.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, June 24, 1911.

SIR: I have the honor to submit herewith, for transmission to Congress, a report, with maps, submitted with letter dated August 10, 1910, by the California Débris Commission, containing a project, together with an estimate of the cost of same, for the relief from floods in the Sacramento Valley and the adjacent San Joaquin Valley. The project is submitted in accordance with the requirements of the act of Congress approved March 1, 1893, creating the California Débris Commission, which act prescribes that the duties of the commission shall be—

"(a) The regulation of hydraulic mining in the territory drained by the Sacramento and San Joaquin Rivers systems, so that mining by that method may be resumed and carried on without injury to other interests in the State;

"(b) To mature and adopt plans to improve the navigability of the above-mentioned rivers, to protect same from damage due to mining débris, and to deepen their channels, protect their banks, etc.; and

"(c) To afford relief in flood time and to provide sufficient water to maintain a scouring force in the summer season."

The first of the above-mentioned objects has already been accomplished, and Congress, in the river and harbor act of June 25, 1910, approved the project submitted by the commission June 30, 1907, for continuing the control of débris in the tributaries of the Sacramento River, mainly by dredging instead of by construction of settling basins. Two hydraulic dredges are provided for, and their operation is to comprise the maintenance of navigable channels as the most effectual means to accomplish the second of the duties assigned to the commission, viz, the improvement of navigation in the rivers of that system. The said act appropriated $400,000, no part of said sum to be expended unless the State of California shall provide a like sum of $400,000 for prosecution of the work.

This report presents a project for control of floods, the third duty assigned the commission. Recognizing that the interests of navigation, débris control, and flood control are inseparably connected, the commission has considered these problems as one general project, thus utilizing for the common good to the fullest extent practicable the works for any one of the three projects.

The question of flood control in the Sacramento Valley is of the utmost importance and much study has been given to it by a State commission and others. The extensive areas of reclaimable land, its high value after reclamation, and the great damage by frequent floods to land already reclaimed make the problem a vital one which presses for early solution. In some respects the interests of flood control and of low-water navigation are conflicting, and it is the concern of the United States to secure that solution of the flood problem which will be least injurious to the present good low-water channels. With the object of developing the most feasible and practicable plan for flood control, the commission has made surveys of the river and its tributaries, collected a large amount of data, and has given the whole subject exhaustive study, in which reports of former commissions have been utilized.

The plan proposed herein by the commission is known as the by-pass system, for the reason that an auxiliary channel through low lands at some distance from the main river is provided for the passage of the greater portion of the flood waters. This plan is described in paragraph 52 of the within report and involves the building of levees, excavation of channels, purchase of rights of way, construction of spillways, bridges, etc.

The estimated total cost is $33,800,000, from which should be deducted $800,000, provided in the river and harbor act of June 25, 1910, making the net cost of the present project $33,000,000. It is proposed that the State of California shall provide two-thirds and the United States one-third of this sum; also that after completion the State shall maintain all flood-control works.

The commission recommends the adoption of this project for the control of floods in the Sacramento River and its tributaries; that the work begin at once, and provision be made for its early completion; and that upon completion the United States turn over the flood-control works to the State of California for future maintenance.

This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors for consideration, and the board in its report, dated December 27, 1910, herewith, concurs generally in the plan proposed by the commission, and states that—

"The plan proposed by the commission seems well adapted to fulfill the above objects, subject to such changes as further study or experience in the course of execution may show to be desirable or necessary. The estimates from this point of view should be considered as approximate only, exact determination being impracticable in undertakings of such large magnitude, involving so many diverse interests and various details of cooperation not yet elaborated. The board is inclined to the opinion that further study should be given to the question whether it might not be preferable, even at increased cost, to keep the auxiliary channel wholly on the west side of the river, and thus lessen the risk of injury to the navigable channel where the two cross in the proposed plan.

"A project for the improvement of the Sacramento River below the city of Sacramento for the benefit of navigation was presented under authority of the act of March 2, 1907, and may be found published as House Document No. 1125, Sixtieth Congress, second session. This project provides for a channel 9 feet in depth and 200 feet in width. Under the provision of the act of March 3, 1909, a project has been forwarded by this board, under even date herewith, for the improvement of the river between Sacramento and Red Bluff, which contemplates a channel depth of 4 feet from Sacramento to Colusa, 3 feet from Colusa to Chico Landing, and such depth as is practicable under the plan recommended, from Chico Landing to Red Bluff. (See H. Doc. No. 76, 62d Cong., 1st sess.) These channel dimensions are believed to be sufficient to meet present and reasonable prospective demands of commerce, and will not be benefited by the proposed works of flood control. In fact, there is reason to apprehend greater difficulty in maintaining the low-water channel where the river is widened to increase its flood capacity, also where the by-passes leave the river, and in general where the flood heights are increased by reason of the works of flood control.

"While Congress has hitherto included flood relief among the objects to be accomplished by the work of the débris commission, it appears to have considered this only as incidental to the control of mining débris in the interests of navigation. Should Congress now decide to cooperate with the State of California in a comprehensive project of this magnitude for the purpose of flood control, it is believed that the plan proposed, with such division of cost as Congress may determine, should be adopted, since, in the opinion of the board, it is well designed to secure the desired result. The board reports, however, that the execution of this project is not necessary in the interests of navigation."

I concur in the views of the Board of Engineers for Rivers and Harbors.

Very respectfully,

EDW. BURR,
Acting Chief of Engineers.

The SECRETARY OF WAR.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
San Francisco, Cal., August 10, 1910.

SIR: The California Débris Commission has the honor to submit herewith a project for the relief from floods to the Sacramento Valley and the adjacent San Joaquin Valley.

This is the project which it was stated in the annual report of the California Débris Commission for 1910 would be submitted on or about July 30, 1910.

Very respectfully, your obedient servant,

JOHN BIDDLE,
Lieutenant Colonel, Corps of Engineers,
Senior Member California Débris Commission.

The CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.

APPENDIX A.

REPORT OF CALIFORNIA DÉBRIS COMMISSION WITH REGARD TO AFFORDING RELIEF FROM FLOODS IN THE SACRAMENTO VALLEY AND THE ADJACENT SAN JOAQUIN VALLEY, CAL.

1. The principal duties of the commission as prescribed by the act of Congress approved March 1, 1893, which created the California Débris Commission, are:

"(a) To regulate hydraulic mining so as to permit the resumption of that industry so far as is compatible with the protection and restoration of the navigability of the Sacramento, Feather, and San Joaquin Rivers, and the prevention of damage from overflow.

"(b) To improve the navigability of all the rivers of this system, deepen their channels, and protect their banks, with a view of restoring as near as practicable and the necessities of commerce and navigation demand the navigation of said rivers to the conditions existing in 1860.

"(c) To afford relief in flood time and to provide sufficient water to maintain scouring force in summer season."

2. The first of these objects has been accomplished.

3. The commission, in a special report dated June 30, 1907, submitted a project for the continuance of the control of débris in the tributaries of the Sacramento River.

4. The commission now desires to submit a project for the control of the floods in the Sacramento River.

5. The interests of navigation, débris control, and flood control in the case of this river are so inseparably connected that it is thought that they should be considered under one general project, thus utilizing to the fullest extent and for the common good any work done under projects for improvement of navigation, control of débris, or the control of the floods.

6. The United States is interested in the improvement and maintenance of the present navigable channel; it is interested jointly with the State of California in the control of mining débris; but to date it has given no attention to the flood problem.

7. Any work done on the present river channel, in the nature of deepening it or of preventing mining débris from entering it, will increase its flood-carrying capacity and improve it both as a navigable and flood-carrying stream. Any work, however, that involves the widening of the channel will injure its navigability and necessitate the use of artificial means for securing low-water navigation. It is to the interest of the United States, therefore, that, if practicable, solution of the flood problem be adopted which will result in the least injury to the present good low-water navigable channel.

8. It is with this object in view that this commission has for some years been making surveys of this river and its tributaries, and collecting data for the preparation of a project which will control the floods in the river at a minimum cost and which when carried out will have caused the least injury to the present navigable channel.

9. The great amount of reclaimable land in the Sacramento Valley, its high value after being reclaimed, and the great damage to the land already reclaimed, wrought every few years by floods, render the problem of flood control a vital one which must be solved in the immediate future.

10. This problem has been considered for many years and various solutions have been advanced. Several of the proposed projects possess many good qualities and all have been considered in the preparation of this one. All projects prior to this one, however, have been based on a maximum flood discharge of about 250,000 cubic feet per second at Collinsville, while the floods of March, 1907, and January, 1909, showed that it will not be safe to provide for less than 600,000 cubic feet per second. It is evident that when the maximum flood discharge considered was less than one-half of what it is known to have been at a later date, great modifications must be made in the projects that have been advanced.

11. A commission of engineers, commonly known as the Dabney commission, appointed by the State of California to consider this problem, submitted in 1904 a complete and very comprehensive project. Up to the date of the flood of March, 1907, this project had been considered as the one most nearly filling the requirements of the case. In the discussion of this problem, the project of the Dabney commission is constantly referred to and compared with the project proposed herein, for the reason that the former project has received such general sanction in the State of California and has been so generally considered as a possible solution.

12. The Dabney report contemplated a widening of the present channel below the mouth of the Feather River from the present average width of about 600 feet to a width of about 1,200 feet. Though this would result in serious injury to navigation, it was considered that the benefits derived would justify such injury and a greatly increased cost of maintenance of the navigable channel. Modifying the Dabney project, however, to carry present estimated discharge, and assuming the proposed average depth of 35 feet, would necessitate the widening of the present channel to about 2,400 feet above Sacramento and about 3,000 feet between Sacramento and Cache Slough. This would ruin the present low-water channel throughout that division, a distance of about 80 miles, and make it impossible to maintain a water channel equal to the present, except at a cost of improvement and maintenance which would be almost prohibitive.

13. The problem of the maintenance of such a channel is further complicated in this case by the mining débris lying in the American and Feather Rivers, for there are at least 300,000,000 yards of material in those streams that must eventually pass to tidal waters. Some idea of the difficulty to be experienced from this mining débris can be obtained from the estimates submitted in a report submitted in 1908 by the engineer officer in charge of the river. The annual cost of maintenance by dredging of a 9-foot low-water channel below Sacramento was estimated at $42,000; that of a 12-foot depth below Sacramento at $160,000; that of a 15-foot depth below Sacramento at $425,000; and that of a 9-foot low-water channel between Sacramento and Feather River was estimated at $207,500. This excessive maintenance is due almost entirely to the mining débris in the Feather and American Rivers.

14. At present, owing to the restricted channel width, the river is able to maintain a good channel by scouring out at mean stages the débris brought into it during the high stages. On the other hand, with an increased channel width, the scouring effect would be less and the annual cost of maintaining the present navigable depths would be great. While the commerce of the Sacramento River is not large, it has a high value per ton. It is estimated that the average amount for the past 15 years has been 425,000 tons, valued at over $20,000,000. At present the annual tonnage is estimated at 425,000 tons and its value at about $30,000,000. This increase in value is due to the nature of the crops now being grown, especially on the lower river. Considering the extent of this commerce, it is evident, therefore, that any injury to the present navigable conditions will be a serious injury to the development of the river districts which are dependent on the river for transportation.

DESCRIPTION OF LOCALITY.

15. The entire central portion of California is a low, flat depression inclosed by mountains. It consists of an elliptically shaped valley about 450 miles long and 40 miles wide, embracing about 18,000 square miles. This basin is inclosed by the Sierra Nevada Mountains on the east and the Coast Range on the west. The entire drainage area of this great valley is about 57,000 square miles. The northern portion of this valley is drained by the Sacramento River and its tributaries, while the southern portion is drained by the San Joaquin River.

16. From an examination of the geology of the surrounding country it seems probable that Suisun Bay is all that is left of a large inland sea, the leveling effect of the weather and rainfall having filled the remainder and converted it into land by the eroded material carried down by the river from the surrounding mountains. This action has progressed for a great period of time and is still in progress. That portion of this great inland depression lying north of the Consumnes River is ordinarily known as the Sacramento Valley, while that portion to the south is known as the San Joaquin Valley. The Consumnes River, however, is only a convenient boundary, as there is no definite dividing line between the two valleys.

SACRAMENTO VALLEY.

17. The watershed of the Sacramento Valley is about 27,000 square miles, with an average rainfall of about 30 inches. This rainfall varies from about 18 to 20 inches in the flat portion of the valley to as high as over 100 inches in sections of the Sierra Nevada and Shasta regions, where there are maximum elevations of 11,000 and 14,000 feet. Practically all of the precipitation occurs during a few months in the winter and early spring, so that the warm rains and melting snows together cause frequent floods. The upper portions of all the streams have high gradients and are torrential in character. Most of the tributary streams are in flood at the same time, and the Sacramento River is called upon nearly every spring to carry off floods far beyond the capacity of its channel.

18. The flood waters flowing over the banks in a thin sheet have raised the natural banks by successive deposits in the manner characteristic of similar sediment-bearing streams, and in this manner natural levees of low elevation have been built which prevent the overflowed water from finding its way back to the neighboring channel when the river falls. Large basins have thus been formed where the water stands after the flood until evaporated or until it finds its way through other natural channels and side sloughs into the river at points nearer its mouth. These basins, together with the sloughs and side channels at the mouths of this river and the San Joaquin, comprise an area of about 1,250 square miles, which is subject to overflow at every ordinary flood. This area is increased to about 1,700 square miles at extraordinary floods.

19. In the lower part of the Sacramento and San Joaquin Valleys there are islands varying in area from 1,500 to 43,000 acres, most of which have been reclaimed for agricultural purposes. This overflow land (swamp land) is probably as good and as productive as any in the State of California. Reclaimed lands that are improved, i. e., hop vineyards, orchards, asparagus and alfalfa lands, etc., are now valued as high as $300 or more per acre, while the average value of the reclaimed land along the 65 miles of the river below Sacramento is about $200 per acre.

20. In the Sacramento Valley there are 48 reclamation districts, and reports on 41 of these districts, with an area of 317,904 acres, showed on July 1, 1909, that 205,423 acres have been completely reclaimed, and 99,576 acres have been partially reclaimed by the construction of 521 miles of levee. The total cost of such reclamation on that date was estimated at $15,039,525, with contemplated improvements amounting to $1,762,053. (Sacramento city was not included in the above statements.) It is estimated that in addition to the cost of reclamation to property owners, the State of California has expended on protection works along the rivers about $2,500,000.

21. It is estimated that the control of the floods will result in the reclaiming for agricultural purposes of about 400,000 acres, now valued at about $20 per acre, the value of which reclaimed should average $150 per acre, in addition to protecting the 300,000 or more acres now reclaimed and valued at about $200 per acre.

22. The losses throughout the valley due to the floods have been large. The estimated loss in the 41 reclamation districts mentioned in paragraph 20 during the flood of January, 1909, was over $4,500,000. The losses due to the flood of March, 1907, were somewhat greater than those of the flood of January, 1909. It is estimated that the losses due to the floods of 1904, 1907, and 1909 amounted to at least $14,000,000. From the above data regarding the cost of the reclamation of these swamp lands and of the extent of the injury sustained due to the great floods, the urgency of protection against floods is evident.

23. The conditions that affect the cost of making new reclamations and of protecting the old reclamations are growing worse from year to year, and will continue to do so until some general scheme of control is effected, for every additional reclamation results in a contraction of the present waterway or a reduction of the storage area that has heretofore been available. This results in the flood waters reaching the lower reaches of the river with an increased volume, a higher flood plane, and a greater velocity. The problem presented for solution, then, is to prevent the flooding of these lands and to do so with the least possible injury to the present navigable channels.

24. The valley is, in general, of alluvial formation, and below, about Stony Creek, the river has the characteristic elevation of banks with depressed basins on each side. Above Stony Creek the river lies in the lowest part of the valley and has sufficient capacity to carry all its flood waters except at times of extraordinary floods. Below that point, however, the river channel is deficient in capacity and requires artificial correction. On the west side there are two basins, Colusa Basin and Yolo Basin, separated by a ridge extending from the hills to the vicinity of Knights Landing. (This ridge is 12 to 18 feet higher than the basin above or below and is the result of deposits from Cache Creek.) On the east side Marysville Buttes, Feather River, and American River divide the depression into four basins, called, respectively, Butte Basin, Sutter Basin, American Basin, and Sacramento Basin. The areas and capacities of these basins during the floods of 1907 and 1909 are estimated as follows:

	Acres.	Acre-feet.
Butte Basin	54,000	407,000
Sutter Basin	116,000	1,058,000
Colusa Basin	98,000	880,000
American Basin	70,000	571,000
Yolo Basin	140,000	1,126,000

Or a total of about 470,000 acres and 4,022,000 acre-feet.

25. The Sacramento River channel from Stony Creek to Butte Slough, a length of about 52 miles, differs from the division above. The slope is less and the channel flood capacity decreases progressively downstream, so that at Butte Slough it is only about 70,000 cubic feet per second, or about 30 per cent of that at Stony Creek. A considerable portion of the flood discharge escapes through Butte Slough, with a corresponding reduction in the cross section of the channel below.

26. The division of the river from Butte Slough to Feather River, a length of about 64 miles, is not only more contracted in cross section than the division above, but it is very crooked and has a flatter slope. Its flood capacity is reduced at Knights Landing to about 23,000 cubic feet per second, or about 10 per cent of that at Stony Creek. The navigable channel, however, is correspondingly better, and there is no difficulty in maintaining a low-water depth of 4 feet.

27. Near the mouth of the Feather River the waters from Butte and Sutter Basins return to the Sacramento, and there is added such portion of the flow of the Feather as remains in its channel at flood stage. Opposite the mouth of Feather River and at points below the surplus flood water escapes into Yolo Basin, to return to the river at Cache Slough.

28. The channel of the Sacramento River from the Feather River to Suisun Bay contains large deposits of mining débris brought down by the Feather and American Rivers. The accumulations of mining débris in the channel of the Sacramento River have raised the bed about 5 feet and reduced its capacity about 5 to 10 per cent. In the lower reaches of the Feather, Yuba, Bear, and the American Rivers there still remains at least 300,000,000 cubic yards of material which must in time enter the Sacramento.

29. At the head of Grand Island the river divides into two main channels, Old River and Steamboat Slough, which unite at Cache Slough. Georgiana and Three Mile Sloughs on the east carry their waters from the Sacramento to the San Joaquin River.

30. The following table shows the estimated capacity of the river at various points, the distance of such points above the mouth of river (Collinsville), and the estimated discharge capacity that should be

provided to care for the great floods if the waters were confined to a single channel:

Localities.	Distance.	Capacity (present).	Capacity (required).
	Miles.	*Cubic feet per second.*	*Cubic feet per second.*
Chico Landing	202	235,000	235,000
Colusa	151	70,000	250,000
Knights Landing	94	25,000	250,000
Below Feather River	81	65,000	450,000
Below American River	62	80,000	525,000
Below Cache Slough	16	165,000	600,000

31. Feather River: The Feather River above the mouth of the Yuba has not been injured to any extent by mining deposits. Below the Yuba it is full of mining débris, and its channel capacity has been greatly reduced.

32. Yuba River: The Yuba River, the principal tributary of the Feather, drains that region where hydraulic mining operations were carried on most extensively. As a result the bed of the river has been raised from about 11 feet at its mouth to about 80 feet at Smartsville, 20 miles upstream. It is estimated that the deposit in that distance is about 250,000,000 cubic yards. This material varies from large cobblestones at Smartsville to a mixture of sand and clay, with some gravel in the main channels, at junction with the Feather River. For 10 miles above the mouth the levees are from 1 to 2½ miles apart, the space between being covered with this débris. It has ample flood capacity between the present levees except at its junction with Feather River.

33. American and Bear Rivers: These rivers rise in the Sierra Nevadas and have also received large deposits of mining débris. While not in such a bad condition as the Yuba, their beds are practically filled with this material.

34. While entirely inadequate as a flood channel, the Sacramento River has a good navigable channel below Colusa. The following table shows the low-water navigable depths below Red Bluff, the head of navigation:

From—	To—	Miles.	Least channel.
Mouth of river at Collinsville.	Sacramento	64	7 feet.
Sacramento	Colusa	90	4 feet.
Colusa	Chico Landing	57	3 feet.
Chico Landing	Red Bluff	59	3 feet for about 6 months; 1½ to 2 feet for about 6 months.

During the period 1875–1910 the average annual cost of maintenance has been $27,690.63, and the greater portion of this expenditure, probably about 65 per cent, has been made in the 60 miles immediately above Colusa. When account is taken of the length of this river and of the quantity of débris that has been carried and is still being carried down each year, some idea can be obtained of the natural excellence of the low-water channel. In this connection attention is again invited to the statements in paragraphs 12 to 14, inclusive.

PROPOSED SOLUTIONS.

35. Of the many projects that have been suggested for the solution of this problem, the following two have been considered the only ones possessing sufficient merit to justify discussion:

(a) Main-channel system.
(b) By-pass system.

MAIN-CHANNEL SYSTEM.

36. Project of 1880: The project to confine the river to one main channel was advocated first in 1880, under the State engineer, Mr. William Ham Hall, with a board of consulting engineers consisting of Gen. S. Alexander and Col. George H. Mendell, Corps of Engineers, and Mr. J. B. Eads. A general plan of reclamation was devised, suggested by Gen. Alexander and approved by the others, by which the river was to be confined between high levees and was intended eventually to carry all its flood flow in its own channel. Side relief channels were to accommodate the excess not carried by the river itself, but these relief channels were to be ultimately abandoned when the river had developed its ability under this treatment to carry all floods. This plan was never accepted nor acted on by the State legislature.

37. Dabney project: In 1904 a project was prepared by a board of engineers consisting of Messrs. T. G. Dabney, State levee engineer, Mississippi; Henry B. Richardson, member of Mississippi River Commission; M. A. Nurse, chief engineer State of California, commissioner of public works; and Maj. H. M. Chittenden, Corps of Engineers, United States Army. This project is similar to that of Gen. Alexander, Corps of Engineers, and contemplates confining the entire flow at high stages between permanent levees. Under this project the use of side relief channels is counted on until the project is far enough advanced to rely on the improved channels. Cut-offs at various places were to reduce the length of the river and increase the slopes.

38. The project, in brief, consisted in shortening the channels and enlarging them to the desired extent, partly by dredging and partly by natural scour, and by building levees along the best practicable lines to concentrate and rectify the river and hold it to its work of developing and maintaining its channel. These levees were to be sufficiently high to contain ultimately the entire flood flow. Side creeks were to be leveed and pumping plants established to care for the natural drainage. One-third of the excavation (about 120,000,000 cubic yards) was to be made by mechanical means, while the balance (about 240,000,000 cubic yards) was to be made by natural scour.

39. The estimated cost was placed at $23,776,002.

40. This project was based on a maximum flood discharge of 250,000 cubic feet per second below Cache Slough, which was greater than that provided for by any previous projects.

41. Before discussing this project it must be pointed out that while the Dabney report is based on a maximum flood discharge of 250,000, the records of the United States Geological Survey on the floods of March, 1907, and January, 1909, would indicate that provision should be made for a discharge of at least 600,000. This means channel capacities below the mouth of the Feather River of more than double those provided in that project, and a resultant increase in cost.

42. The principal objections to the proposed project are:

(a) This project provided for the moving of about 320,000,000 cubic yards of material, of which about 214,000,000 were to be removed by the river and carried to tidal waters. A modification of this project to meet the present known maximum flood discharge will involve the moving of over two and one-half times the above amount. If the same assumption is made with reference to scour by the river, then about 545,000,000 cubic yards will have to be carried to tidal waters. This amount of material can not be carried into Suisun Bay without injury to that body of water, resulting in injury to navigation interests on both the Sacramento and San Joaquin Rivers and the reclaimed areas along that bay. The filling up of Suisun Bay would also result in the raising of the flood plane at the mouth of the Sacramento River, with a consequent raising of the flood plane at points above. This is objectionable. It is considered by this commission, however, that under a modified project it would not be practicable to obtain the desired channel capacity by current action.

(b) Injury to navigation in the Sacramento River from Collinsville to Colusa, due to the excessively wide channel required.

The following table shows the present average widths, the necessary widening for the proposed widths of the Dabney commission, and the widths required to carry the estimated maximum flood discharge, based on the floods of March, 1907, and January, 1909:

Section of river.	Required capacity.	Mean widths at present.	Dabney Commission width.	Required mean width.	Widening necessary— For Dabney flood.	Widening necessary— For required capacity.	Ratio between two last columns.
Stony Creek to Caldens Landing	260,000			960			
Caldens Landing to Meridian	250,000	340	830	1,120	490	780	1.58
Meridian to Feather River	250,000	250	770	1,250	520	1,000	1.92
Feather to American	450,000	570	1,000	2,300	430	1,730	4.02
American to Grand Island	525,000	550	1,200	2,740	650	2,190	3.37
Steamboat Slough	470,000	380	1,000	2,320	620	1,940	3.13
Old River	50,000						
Below Cache Slough	600,000	1,080	1,400	3,325	320	2,245	7.02

The same slopes and mean depths as those used by the Dabney Commission are used in determining these estimated widths.

From this table an idea can be obtained of the inadequacy of the proposed channels of the Dabney Commission and of the increase in the amount of work and its probable cost.

The average low-water discharge of the Sacramento River is about 7,000 or 8,000 cubic feet per second, with a minimum of about 5,500 cubic feet per second. It is evident that this widening of the channel to the widths given above will ruin the present low-water channel, and that its restoration and maintenance will be a very expensive proposition, probably so great as to be prohibitory.

At the present time, owing to the contracted channel, the depths corresponding to high and mean stages of the river are greatly prolonged and the river is thus better able to care for the great quantity of mining débris that the floods in the tributaries bring into it. If the channel were increased in width as required under a main-channel project, the river would be for only a short period at what are now considered high and mean stages, for the channel would be several times wider and the amount of water flowing at the mean stages would be less than at present, owing to the elimination of the present storage areas. The river would therefore be unable to care for the débris brought into it by the floods. The conditions would be similar to that of the Feather River below Marysville, where the channel, having become filled with débris, has such a great width that the flow at mean and low water stages is not sufficient to care for the débris brought into it from the Yuba and Bear Rivers at floods, and navigation has become impracticable except for a few months of each year.

(c) The indefinite period required for the completion of the project, owing to the amount of excavation that is dependent on natural scour—current action. With a modified project contemplating the excavation of all material by mechanical agencies this objection would be removed.

(d) The cost of completing this project was estimated at $23,776,022; but, considering the present known maximum flood discharge, it is estimated that the modified project will cost at least $90,000,000.

43. The one advantage of this project is that it provides for the reclamation of the greatest possible area of land, amounting to about 00,000 acres more than can be reclaimed under the by-pass system.

BY-PASS SYSTEM.

44. The by-pass system was advocated by Messrs. Marsden, Manson, and C. E. Grunsky, who, as consulting engineers to the commissioner of public works, submitted in 1894 a report on the flood control of the Sacramento River. This project involves:

First. The enlargement and utilization of the river channels to their maximum capacity as drainways, i. e., channel rectification.

Second. The overflow of surplus waters from the river channels at selected points.

Third. Control of the surplus waters between embankments forming by-pass channels and a rapid delivery of the same into Suisun Bay.

45. Channel rectification: The principal works of channel enlargement and rectification were:

First. Below Cache Slough the river was to be reduced in width at Newton Shoal and widened at Horseshoe Bend, with general correction of alignment.

Second. Steamboat Slough was to be enlarged and made the main drainage channel.

Third. Above Feather River the alignment of the river was to be systematically improved.

46. Overflow weirs: The overflow weirs were to be located so as to pass flood waters into by-passes only at very high stages of the river. Two weirs, with an aggregate length of 6,500 feet, were to be placed just below the mouth of the Feather River, and a third, 1,200 feet long, 7 miles below Sacramento.

In Sutter Basin weirs were to be placed at the head of Butte Slough, and at or near Tisdale Break, with a combined length of 3,700 feet.

In Butte Basin the weir, 4,000 feet long, was to be located 2 miles above Butte City, while in the Colusa Basin a weir 750 feet long was to be located about 4 miles below Jacinto.

The crests of all these weirs were located at the general bank height, or about 3 feet below the assumed flood plane.

47. By-passes: The by-pass in Yolo Basin was to have a capacity of 108,000 cubic feet per second to Putah Creek and 130,000 cubic feet per second below that point. The embankments were to vary from 4,000 to 4,500 feet apart and be 15 feet high.

The by-pass in Sutter Basin was to have a capacity of 70,000 cubic feet per second, with embankments 2,500 feet apart and about 15 feet high.

The Butte Basin by-pass was to be 2,400 feet wide, with embankments 3 feet above the assumed flood plane.

The Colusa Basin by-pass was intended to act principally as a drainage canal for the Colusa Basin and its drainage area. It was to extend through the ridge at Knights Landing and connect with the Yolo Basin by-pass. Its width was to be about 800 feet, with embankments varying from 9 to 11 feet.

48. The estimated cost of this project was $8,637,000 for the by-passes and $650,000 for the channel corrections. This did not include any estimate for constructing levees along the river or its tributaries, though the project contemplates the construction of levees to a height that would confine all water that the by-passes do not carry. It was assumed that the individual landowners would construct those levees. The estimate did not provide for pumping plants in the basins that could not be drained by gravity, though the project recognizes them as necessary. The cost of those plants was to be borne by local interests.

49. The maximum discharge for which provision should be made was not given, but the by-passes provided were to supplement the river capacities to the following extent:

	Cubic feet per second.
Above Colusa	60,000
Colusa to Feather River	80,000
Feather River to Cache Slough	108,000–130,000

The capacities of the river at various points were given as follows:

	Cubic feet per second.
At Colusa	63,000
At Sacramento	70,000

The maximum discharge below Cache Slough was therefore assumed at about 200,000 cubic feet per second, which it was considered would not be exceeded more than once or twice in a century.

The elevations of the assumed flood planes at Cache Slough, Feather River, and Butte Slough were 13, 36, and 64 feet, respectively. The elevations of the assumed flood planes of the Dabney project and of this project at these points are, respectively, 14, 47, and 74 feet, and 15, 40, and 65 feet.

50. The principal objections to this project are its incompleteness and, owing to the lack of flood-discharge data, its inadequateness. The principles upon which this project is based, however, are believed to be sound. The project proposed by this commission differs from this project principally in providing for the complete control of a much larger flood discharge.

PLAN PROPOSED BY THIS COMMISSION.

51. It seems practicable to control the floods in this river and its tributaries in such a manner as to secure the desired results, without the objectionable features of injury to Suisun Bay, injury to navigation in the Sacramento River from Cache Slough to Colusa, indefinite period of construction, and excessive cost.

52. The project now proposed by this commission involves:

(a) Dredging to flood channel section that portion of the river below Cache Slough, with rectification of the channel by a cut-off at Horseshoe Bend.

(b) Improving the channel at various points, especially at the head of Steamboat Slough, so that the river from Cache Slough to American River will have a capacity of about 100,000 cubic feet per second.

(c) Constructing a weir opposite the mouth of Feather River and connecting it by means of a permanent by-pass in Yolo Basin with Cache Slough, this by-pass and weir to be of sufficient cross section to carry all flood waters that can not be carried by the present river below the above weir.

(d) Constructing a weir at Moultons Break, about 13 miles above Colusa, and connecting it by means of a permanent by-pass in the Sutter and Butte Basins with the Sacramento River at its junction with Feather River, this weir and by-pass to be of sufficient capacity to carry all flood waters that can not be carried by the present river below this weir.

(e) Increasing the cross section of the river above Moultons Break by raising the levees and placing them farther apart, so that the increased cross section will provide for the estimated discharge.

(f) Constructing a weir at Brytes Bend, 2 miles above the mouth of the American River, and connecting it by means of a permanent by-pass with the Yolo Basin by-pass, this by-pass and weir to have a capacity of about 70,000 cubic feet per second, or sufficient to carry the excess flood water that reaches that point.

(g) Reconstructing the present Tisdale Weir and connecting it by means of a permanent by-pass with the Sutter-Butte by-pass, the weir and by-pass to have a capacity of about 35,000 cubic feet per second, or sufficient to carry the excess water that reaches that point.

(h) Confining to their present channels by means of levees the flood waters of all of the important tributary streams.

(i) Collecting the hill drainage in intercepting canals and conveying it to the rivers or by-passes at convenient points.

(j) Providing for the drainage of the basins by placing culverts with gates at various points in the by-pass levees.

53. The objections which may be offered to this scheme are:

(a) The cost of maintaining the levees will be greater under this project than in the case of one main flood channel, on account of their greater length.

(b) The possibility of deposit in the by-passes and in the river itself below the spillways.

(c) The large area of land devoted to the by-passes. This project does not admit of the reclamation of the greatest possible amount of the land subject to overflow, as it requires about 60,000 acres of land more than a main-channel project.

54. The advantages of this solution are:

(a) It is estimated that this project can be completed for about $33,000,000, or about 35 per cent of that of a main-channel project of equal capacity.

(b) The cost of maintaining the river channels, both from a standpoint of navigation and flood control, will be less than the maintenance of equally good channels under a main-channel project.

(c) No injury will be done to Suisun Bay by the scouring of hundreds of millions of yards of material into it.

(d) The period of construction will be less.

(e) The by-pass system is especially adapted to the use of storage reservoirs whether for the development of power or for irrigation purposes, and, considering the numerous storage sites available for these purposes, it is probable that the time will come when the present flood and low water conditions will be affected by such storage. This subject will be discussed more fully later.

55. It may be claimed that the use of by-passes will result in great deposit therein from the main river and from tributary streams flowing into the by-pass, as in the case of Yolo by-pass. An examination of the land in the vicinity of the mouths of Cache and Putah Creeks shows that no considerable deposits are now being made in Yolo Basin by débris from those streams. Therefore, with the increased velocities in the by-passes over those in the basins at present, it is not to be expected that any considerable deposit will be made by them in the by-pass.

The by-passes will not be utilized at all some seasons, and it is probable that they will be in commission but a short period other years; therefore the deposit, if any, should not be great.

Considering the velocities in the by-passes due to the slopes in same, it is not expected that there will be much deposit of the material that may be carried into them. The conditions will be different from those at the present spillways and breaks where the water escapes at flood from the river into a large basin of comparatively still water, with an immediate deposit of the material carried in suspension. Further, there will be no water escaping into the by-passes except at stages above about 6 to 8 feet below the present maximum flood stages. Therefore the material carried into the by-passes should be principally material in suspension which will not be deposited in them.

56. It may be argued that the use of the by-passes will result in deposit in the river immediately below the spillways, especially below those spillways in the portion of the river carrying large quantities of mining débris. Considering, however, that the crest of the spillway into Yolo Basin is at elevation 30, or about 16 feet above low water at that point, the waters of the river after the flood wave has passed will be kept in the present channel, where they will be utilized to scour out any deposits that may have formed during the flood. Elevation 30 at the mouth of the Feather River corresponds to an elevation of about 24 feet at Sacramento, or a stage at least 16 feet above extreme low water. The elevation of the weir opposite the mouth of American River will be 30.6 feet, which corresponds to an elevation of about 29 feet at Sacramento.

With the flood waters escaping into Yolo by-pass at elevation about 30, the conditions will be better than those at present, the river overflowing now into the American and Yolo Basins at about elevation 26 feet. It is most desirable from a navigation standpoint that the river should be kept at what is now a low high-water stage during as great a portion of the year as possible in order to prevent deposit and secure scour.

57. Flood discharge: It was not until the flood of March, 1907, that definite data regarding the run-off from the Sacramento River watershed during a great flood were available. The records of the United States Geological Survey on that flood have proven of the greatest service in arriving at a reliable estimate of the flood discharge. Those records are assumed as a basis in determining a maximum discharge for which provision must be made at the critical points along the river. It is considered that this flood was the greatest experienced since the flood of 1862, and while a discharge of any one tributary may occur that will exceed that of the flood of 1907, the possibility of a greater discharge than that of 1907 simultaneously in several important tributaries is so remote that it is not considered advisable to provide for a greater flood over the entire river system. Owing to the breaks that occur at various points in the levees during every large flood and the consequent filling up of the basins adjacent thereto, it has always been impracticable to gauge the river itself, and the flood discharge at any point and the corresponding flood height must be arrived at from gauged discharge of the river and its tributaries at points where they are confined to their channels, with due allowance for the flattening of the flood wave due to channel capacity and for the time of arrival of floods in the tributaries.

58. United States Geological Survey records: During this flood the United States Geological Survey kept gauge records on the Sacramento at Red Bluff, the Feather at Oroville, the Yuba at Smartsville, Stony Creek at Fruto, Cache Creek at Yolo, Putah Creek at Winters, Bear River at Van Trent, and the American River at Fair Oaks.

59. The official reports for the year 1907 have not been issued, and the following table giving the run-off from the Sacramento Basin in cubic feet for March 18–21, 1907, is taken from an article entitled "Flood of March, 1907," pages 281–330, Volume LXI, Transactions of the American Society of Civil Engineers. This article was written by Messrs. W. B. Clapp, E. C. Murphy, and W. F. Martin, of the United States Geological Survey, and is based on the data collected by that survey and published by permission of the Director of the United States Geological Survey. The run-off of the unmetered area is an estimate by the same authorities, assuming a run-off of 50 per cent of the precipitation for the period March 17–20 in the case of the mountains and foot-

hills, and of 40 per cent of the rainfall for the same period in the case of the Sacramento Valley.

Streams.	Drainage area (square miles).	1907				Mean for 4 days.
		Mar. 18.	Mar. 19.	Mar. 20.	Mar. 21.	
Sacramento River	9,200	118,000	164,000	192,000	122,000	151,500
Stony Creek	601	25,000	20,000	13,450	8,900	16,210
Feather River	3,640	107,000	120,000	84,000	66,740	97,200
Yuba River	1,220	86,000	100,000	60,000	27,000	68,000
Bear River	263	15,500	28,000	17,400	8,400	17,300
American River	1,910	63,200	93,000	77,000	65,000	74,600
Cache Slough	1,230	13,500	19,000	12,500	7,820	13,200
Putah Creek	805	19,800	24,700	10,000	5,460	15,000
Mountains and foothills	3,907					76,000
Sacramento Valley	4,250					25,500
Total	27,126					554,700

60. The maximum stages of the various streams and the time are given below:

Streams.	Cubic feet per second.	Time.
Sacramento River	[1] 204,000	2 p. m., Mar. 20.
Feather River	185,000	1 a. m., Mar. 19.
Yuba River	105,000	2 p. m., Mar. 19.
Bear River	28,000	Mar. 19.
American River	[2] 105,000	5 a. m., Mar. 19.
Stony Creek	25,000	Mar. 18.
Cache Slough	[2] 20,000	Night, Mar. 19-20.
Putah Creek	[2] 33,000	About 12 m., Mar. 23.
Unwatered mountains and foothills	[3] 100,000	Mar. 19.

[1] The maximum recorded discharge at this point is 250,000 cubic feet per second, which occurred on Feb. 3, 1909. The maximum recorded discharge previously was 224,000 cubic feet per second on Feb. 16, 1904.
[2] Estimated.
[3] Estimated for 24 hours.

Comparison of the flood flow into the Sacramento Valley for March, 1907, and January, 1909.

Streams and places.	Flow at crest.			Greatest daily mean flow.		Greatest 4-day mean.	
	March, 1907.	January, 1909.	February, 1909.	March, 1907.	January, 1909.	March, 1907.	January, 1909.
Sacramento, at Red Bluff	204,000	[1] 205,000	250,000	[2] 192,000	175,000	152,000	129,000
Feather, at Oroville	185,000	[1] 170,000		[2] 130,000	120,000	97,300	112,000
Yuba, at Smartsville	105,000	[1] 90,000		[2] 100,000	85,000	68,000	68,000
Bear, at Van Trent	30,000	[1] 40,000		[2] 28,000	27,000	17,300	20,000
American, at Fair Oaks	105,000	[1] 90,000		[2] 100,000	85,000	74,600	75,000
Stony, at Fruto	[4] 30,000	[4] 28,000	[4] 38,000	[4] 25,000	[4] 25,000	16,200	[4] 17,000
Cache, at Yolo	19,500	17,500	25,000	[4] 19,000	17,000	13,200	12,000
Putah, at Winters	35,000	32,400	34,000	[4] 25,000	28,000	15,000	18,800
Unmetered mountains and foothills	[5] 120,000	[5] 105,000		[5] 100,000	[5] 85,000	76,000	[5] 76,000
Total flow into valley	834,000	778,000		719,000	658,000	530,000	527,000

[1] Jan. 16. [2] Mar. 20. [3] Mar. 19. [4] Estimate made from flow at Orland. [5] Mar. 18. [6] Estimated in comparison with run-off in 1907.

61. The records of the flood of January, 1909, by the same authority, show that flood was of a magnitude almost as great as that of the flood of March, 1907. The above data are a comparison of these two floods, taken from a brief analysis of the flood of January, 1909, by W. F. Martin, engineer, United States Geological Survey, dated February 9, 1909. In this analysis the following statement is made:

"The figures show that the flood of January, 1909, did not crest as high as the flood of March, 1907; but this year's flood was better sustained for a period of four consecutive days. There is no question, however, that the 1907 flood was better sustained for a longer period, such as a week or 10 days. During January the total peak, or crest, flow into the Sacramento Valley was 778,000 second-feet, as against 834,000 in 1907, or 6.5 per cent smaller. The crest flow lasted only a few hours, and it did not occur in all the streams simultaneously, but nearly so. The greatest mean daily flow in January was 658,000 second-feet, as against 719,000 in 1907, or 8.5 per cent smaller. The mean daily flow for four consecutive days was 527,000 in January and 530,000 two years ago, or practically the same for the two floods."

62. The following table gives a comparison of the estimate of the Dabney Commission for the maximum discharge of the river at various points, and the estimate of Messrs. W. B. Clapp, E. C. Murphy, and W. F. Martin in their article, which has been referred to in paragraph 59:

Places.	Maximum rate assumed by Dabney Commission.	Maximum rate computed by Messrs. Clapp, Murphy, and Martin.
	Cubic feet per second.	*Cubic feet per second.*
Below mouth of—		
Stony Creek	130,000	261,000
Feather River	190,000	465,000
American River	230,000	559,000
Cache Slough	250,000	640,000

It is thought that the estimates of Messrs. Clapp, Murphy, and Martin should be followed very closely in determining the necessary channel widths, and their maximum is assumed, with certain allowances for flattening of the flood wave in passing down the improved channels.

63. It is doubtful if the flood in the American was a maximum in 1907, and it is not considered safe to estimate its maximum flood discharge at less than 120,000 cubic feet.

64. Considering the above discharge data and the estimated maximum flood discharge of Messrs. Clapp, Murphy, and Martin, it is considered that provision should be made for the following discharges:

	Cubic feet per second.
Sacramento River below Stony Creek	260,000
Stony Creek	30,000
Sacramento River at Moulton Weir	250,000
In river to Tisdale Weir	65,000
In river from Tisdale Weir to Feather River	30,000
Tisdale by-pass	35,000
Sutter-Butte by-pass	185,000—220,000
Feather River above Marysville	150,000
Yuba River	110,000
Bear River	30,000
Feather River below Marysville	240,000
Yolo by-pass at Spillway	400,000
Yolo by-pass below Colusa Basin Canal	410,000
Yolo by-pass below Cache Creek	425,000
Yolo by-pass below American by-pass	490,000
Yolo by-pass below Putah Creek	510,000
From Feather River to American River	50,000
From American River to Cache Slough	100,000
Below Cache Slough	600,000
American River	120,000
Colusa Basin Canal	10,000
Cache Creek	20,000
Putah Creek	25,000
Sacramento by-pass	70,000

65. The above discharges are large and much larger than many may consider it advisable to provide for. The floods considered, however, were of long duration and but little reduction can be allowed for the flattening of the flood wave under such conditions. In the projects that have heretofore been seriously considered, the estimated flood discharges of the main river and of most of its tributaries have been abnormally low, and the possibility of even those low discharges being maintained for some days was not considered probable. The floods of 1907 and 1909 have proved conclusively that a flood in this river may continue for several days at almost the point of maximum discharge. Failure to provide for a discharge such as is shown by these floods of 1907 and 1909 would leave open the way for damage by the occurrence of a similar flood.

66. The magnitude of the maximum flood discharge of the Sacramento River may be better appreciated by comparing it with that of several well-known rivers of the United States:

Rivers.	Drainage area above station.	Maximum flood discharge (cubic feet per second) recorded.
	Square miles.	
Mississippi (at Vicksburg)	1,100,000	1,777,000
Mississippi (above Missouri River)	165,000	366,000
Missouri	527,000	[1] 546,000
Columbia	237,000	1,390,000
Ohio	201,700	1,223,000
Arkansas	186,300	440,000
Red River	90,000	210,000
Sacramento	26,000	[2] 600,000

[1] It is estimated that the discharge of the Missouri River during the floods of 1884 and 1903 was 900,000 cubic feet per second.
[2] Estimated, 1907-1909.

67. The by-pass system permits the adoption of an entirely safe estimate of the flood discharge, for no considerable excavation is involved except below Cache Slough, and if an excessive flood discharge is assumed the cost is increased but little except in the item "Purchase of land." Under the concentration scheme, however, the assumption of an excessive flood discharge means a great increase in cost due to excavation for this extra discharge, as well as an increase in cost of land.

68. It is considered advisable, therefore, by this commission to provide capacity for a flood of the extent and duration of that of March, 1907, or January, 1909, and that provision for anything less would be not only unwise but unjustifiable.

69. Elevation of the high-water plane: In determining the elevation of the high-water plane the important points, Collinsville, Cache Slough, American River, and Feather River, Marysville and Moultons, and Chico Creek were first determined and the intermediate elevations determined from those. The datum plane assumed is 3.00 feet below mean sea level.

Mean high water at flood stages at Collinsville is taken as the elevation of the flood plane at that point. The gauge records of the flood of January, 1909, show that the mean high water at that point is about 7 feet. The elevation at the mouth of the American River is assumed at 35 feet. Owing to the many disadvantages to Sacramento city of a high-water elevation it is desirable to keep that elevation as low as possible. On the other hand, a sufficiently high elevation must be assumed to make the river at that point care for about the maximum discharge of the American River and also to prevent too much of the upper river flood waters from coming down to the American River. An elevation of 35 feet insures about sufficient capacity to care for the American River and allows an elevation of 40 feet at the mouth of the Feather River, with only about 50,000 cubic feet per second to be cared for at the spillway just above the American River.

An elevation of 40 feet at the mouth of the Feather River makes it possible to care for all of the flood waters above that point except about 50,000 cubic feet per second which is passed into the Yolo by-pass at the American River spillway, with reasonable heights of levees in the Sutter-Butte and Yolo by-passes. The elevation at the mouth of Cache Slough was assumed at 15 feet, based on the determination of the other important points just mentioned. The elevation at Marysville at the Yuba City bridge is assumed at 75.5 feet, a safe elevation for the levee system of that town and an elevation that it is known will care for the floods in the Yuba and Feather Rivers with little modifications in the present levee systems in the vicinity of Marysville.

The elevation at Moultons is assumed at 86 feet. The elevation at Chico Creek is assumed at 141.6 feet.

As a general statement it may be said that all flood-plane elevations were assumed so as to make the present channel carry as much water as possible, but at the same time obtain such flood-plane elevations as would permit the locating of the by-passes in the troughs of the basins with the assumed allowable levee heights.

70. The elevations of the high-water plane at points where the slope changes and the distances and slopes between these points are given below:

	High-water elevation.	Distance.	Slope in feet per mile.
Collinsville	7.0	15.9	0.503
Mouth of Cache Slough	15.0	18.3	.464
Head of Grand Island:			
Via Old River	23.5	11.4	.745
Via Steamboat Slough	23.5	27.7	.415
Mouth of American River	35.0	19.5	.256
Mouth of Feather River	40.0	43.4	.323
		[1] 37.0	.379
Tisdale Weir	54.0	27.0	.564
1 mile above Colusa	69.2	12.6	1.33
Moulton Break	86.0	20.0	1.60
1½ miles below Jacinto	118.0	17.8	1.83
Chico Creek	141.6		
Feather River	40.0	25.0	1.06
1 mile below Eliza Bend	66.5	4.7	1.90
Yuba City Bridge	75.5	24.9	2.10
1 mile below head of Butte County Canal	128.0		

[1] With cut-offs.

71. In making computations for discharges the side slopes of the channels are assumed as 3 to 1, extending from the bed of the stream to the top of the levee. In applying Kutter's formula n is taken at 0.030.

IMPROVEMENT OF CHANNELS.

72. Collinsville to Cache Slough: The channel in this division must be excavated to full-flood section, or to an average width of about 3,100 feet and a mean depth at flood stages of 35 feet. The levees will be raised to 5 feet above the adopted flood plane of 7 feet at Collinsville and 15 feet at Cache Slough. This will provide for a flood discharge of about 600,000 cubic feet per second. In connection with the enlargement of the channel, it is proposed to straighten the channel by a cut through Horseshoe Bend. Threemile Slough will be closed as soon as the channel below that point is completed to its full-flood section. The amount of excavation in this division is estimated at 148,000,000 cubic yards.

73. Cache Slough to head of Grand Island: No change will be made in Old River except to raise the levees to 3 feet above the adopted flood plane of 15 feet at Cache Slough and 23.5 feet at head of Grand Island. This will provide for a flood discharge of about 54,000 cubic feet per second.

In Steamboat Slough the only improvement will be the setting back of the levees in the upper 4½ miles, to provide for a discharge of about 40,000 cubic feet per second. The levee system throughout will be raised to 3 feet above the adopted plane of 15 feet at Cache Slough and 23.5 feet at head of Grand Island. This will provide for a flood discharge of about 46,000 cubic feet per second.

74. Head of Grand Island to American River: The only changes in this section will be the closing of Sutter Slough and the setting back of the levees at two or three points where the cross section is not sufficient with the adopted flood plane. The levees will be raised throughout to a height of 3 feet above the adopted flood plane of 23.5 feet at head of Grand Island and 35 feet at American River. This will provide for a flood discharge of about 100,000 cubic feet per second.

75. American River to Feather River: The levees in this section will be raised to a height of 3 feet above the adopted flood plane of 35 feet at American River and 40 feet at Feather River. The capacity will be greater than the required capacity of 50,000 cubic feet per second.

76. Feather River to Tisdale Weir: The river in this section has several very bad bends. It is proposed to straighten the channel in the vicinity of Grays Bend, Collins Eddy, Ministerial Bend, and Race Track Bend by cuts, having a total length of about 1.4 miles. These cuts will shorten the present channel about 6.4 miles and will increase the capacity of the river to about 30,000 cubic feet per second. The cost of making these cuts will be offset by the saving in the levee construction that would be necessary along the present channel at these points, and the reduction in length of the improved channel, amounting to about 6.4 miles, will give a considerable decrease in cost of maintenance. The amount of excavation is estimated at 1,550,000 cubic yards. No other work will be done in this section except the closing of all sloughs and the raising of the levee system to 3 feet above the adopted flood plane of 40 feet at Feather River and 54 feet at Tisdale Weir.

77. Tisdale Weir to Moulton Weir: No change will be made in this division except to raise the levees to a height of 3 feet above the adopted flood plane of 54 feet at Tisdale Weir, 68 feet at 1 mile above Colusa, and 86 feet at Moulton Weir. This will provide for a capacity of 65,000 cubic feet per second.

78. Moulton Weir to Chico Creek: In this division the levees will be set back to secure sufficient cross section to care for a flood discharge of 260,000 cubic feet per second. The levees will be raised to a height of 3 feet above the adopted flood plane of 86 feet at Moulton Weir, 118 feet at 1½ miles below Jacinto, and 141.6 feet at Chico Creek. Where the levees are set back to provide for additional cross section, all timber and obstructions to the free flow of the flood waters must be removed to permit an increase in cross section of the flood channel.

79. Feather River: Along this river the present levees will be utilized where available and new levees will be constructed along lines that will give a capacity between levees of about 240,000 cubic feet per second to Marysville and 150,000 cubic feet above Marysville. The levees will be raised to a height of 3 feet above the adopted flood plane of 40 feet at the mouth of the river, about 66.5 feet 1 mile below Eliza Bend, and 75.5 feet at Yuba City Bridge. Above Marysville the levees will be raised and strengthened on the east side of Feather River to the mouth of Honcut Creek, thence up the south side of that creek to high ground. On the west side the levees will be extended to about 1 mile below the head of the Butte County Canal, the elevation of the flood plane at this point being assumed at 128 feet.

80. Yuba River: No work is needed along this river except the protecting and strengthening of the south levee at a few points and the clearing of brush in the channel to a width of about 2,000 feet. The present capacity is about 110,000 cubic feet per second.

81. Bear River: The adopted flood plane is 55 feet at Feather River and 62.5 feet 7 miles upstream. Levees 3 feet above the adopted flood plane will be provided to care for a flood discharge of 30,000 cubic feet per second.

82. American River: The levee system on the south side of this river, strengthened where necessary, will be utilized as far as possible. On the north side a levee will have to be constructed 3 feet above the adopted flood plane of 35 feet at the mouth of the river and about 49 feet at high ground above 8½ miles upstream. The capacity to be provided is 120,000 cubic feet per second.

83. Chico Creek and Stony Creek: These creeks enter the Sacramento River at the upper limit of the necessary regulating works. Levees will be constructed along the south bank of each for a distance of about 2½ miles.

84. All other important tributaries will be provided with levees extending from the main rivers or by-passes to high ground.

85. Yolo Basin by-pass: The adopted flood plane in this basin is 15 feet at Cache Slough, 27 feet at Southern Pacific Bridge, and 40 feet at Fremont Weir. The flood discharge to be provided for varies from 400,000 cubic feet per second at Fremont Weir to about 500,000 cubic feet per second at Cache Slough. To provide for this discharge the by-pass will have a width varying from about 3,000 feet at Fremont Weir to about 12,000 feet above Cache Slough. On account of the inferior material of which the levees will be constructed and the wave action to which they will be exposed, they will be constructed 6 feet above the adopted flood plane. At the head of the by-pass the ground rises to elevation about 30 feet, at which elevation the crest of the weir is placed.

86. Sutter-Butte by-pass: The adopted flood plane in this basin is 40 feet at Fremont Weir, 45 feet at 3 miles below Tisdale by-pass, 57 feet at about opposite Butte Slough, and 86 feet at Moulton Weir. The flood discharge to be provided for varies from 185,000 cubic feet per second at Moulton Weir to 220,000 cubic feet at the mouth of Tisdale by-pass. To provide for this discharge the by-pass will have a width varying from about 1,900 feet to 4,100 feet. The levee height will be 7 feet above the adopted flood plane.

87. Tisdale Weir by-pass: This by-pass will connect Tisdale Weir with the Sutter-Butte by-pass. It will have a capacity of about 35,000 cubic feet per second.

88. Sacramento by-pass.—This by-pass will connect the Sacramento Weir with the Yolo by-pass. It will have a capacity of about 70,000 cubic feet per second.

LEVEE SYSTEM.

89. The crown width of all levees is to be 10 feet, with slopes of 3 to 1. The construction will be in accordance with the best practice of levee construction. The grade will be 3 feet above the high-water plane except in the by-passes, where it will be 5 to 6 feet, and below Cache Slough, where it will be 5 feet. The present levees will be utilized as far as practicable.

Where the river must be widened to secure the necessary cross section it will be widened, if possible, on that side on which the land is least valuable. Where levees are constructed in connection with excavations for cut-offs, canals, increase in channel capacity, etc., deductions are made in the estimates of the cost of levee work.

SPILLWAYS.

90. Fremont Weir: It is proposed to construct at the head of the Yolo by-pass and opposite the mouth of the Feather River a weir which will allow the passage at maximum flood flow of all the flood waters of the Sacramento and Feather Rivers except about 50,000 cubic feet per second. This weir will have a length of about 8,000 feet. Its sill will be placed at elevation 30 feet, or 10 feet below the adopted flood plane at this point. To provide for the passage over it of such a volume of water, it must be of the strongest construction, and the estimate of cost is based on a concrete structure on concrete pile foundations, of dimensions and construction such as that of similar works on the Ohio River. The elevation assumed will permit the confining of the river to the main channel up to about a 16-foot stage—an ordinary stage. The river may be confined to a higher stage by constructing this weir with

a movable crest. If the crest were lowered below that assumed, the saving in the cost of spillway would be more than offset by the additional cost of excavation. The advantages of keeping the river confined at the higher stages has been discussed before. It is estimated that this spillway will cost about $1,000,000.

91. Sacramento Weir: The weir located at Brytes Bend, 2 miles above American River, will be similar in construction to that of the Fremont Weir. It will have a length of about 1,670 feet and its sill will be at elevation 30.6 feet, or about 5 feet below the adopted flood plane at that point. The estimated cost is $168,000.

92. Moulton Weir: The weir located at the head of Sutter-Butte by-pass will be similar in construction to that of the Fremont Weir. It is to be about 2,840 feet in length, and its sill will be at elevation 79 feet, or 7 feet below the adopted flood plane at that point. The estimated cost is $284,000.

93. Tisdale Weir: This weir, located about 26 miles below Colusa, was constructed by the State of California some years ago. It has a length of about 1,140 feet and a crest elevation of 42.3 feet. It is proposed to utilize this weir in the present project by raising its crest to elevation 50 feet, or 4 feet below the adopted flood plane at that point. The estimated cost is $91,000.

DRAINAGE OF WATERSHEDS TRIBUTARY TO BASINS.

94. Yolo Basin: The large streams and sloughs that now empty into this basin will be connected to the by-pass by levees which will extend up those streams to high ground.

95. Colusa Basin: It is proposed to construct a drainage canal extending from Sycamore Slough to the Yolo by-pass. This canal will be about 7 miles long, with an enlargement of Sycamore Slough for about 2½ miles. It will have a bottom width of 300 feet and side slopes of 1 on 1. Its capacity with Colusa Basin at elevation 30 feet will be about 16,000 cubic feet per second. The amount of excavation is estimated at 6,700,000 cubic yards.

96. Butte Basin: It is proposed to construct a line of levees along the trough of this basin northward from the Sutter-Butte by-pass. They will be located to intercept a great portion of the drainage now entering the basin.

97. American Basin: No provision is made for the drainage into this basin, as it is considered that the reclamation project of the Natomas Consolidated Co. will care for all drainage into this basin.

98. Drainage of basins: Provision remains to be made for the drainage of the unreclaimed lowlands of the basins of the water that will accumulate there from local rainfall, seepage, etc. This will be done by the use of culverts, with suitable gates through the levees at the lowest point of the area to be drained. These culverts will afford a means of draining these areas by gravity as the water falls in the adjacent channels. The estimate for this work is included under miscellaneous work. Where the land is reclaimed no provision is made for such drainage, that duty devolving on the property owner. It is assumed that any drainage canals constructed in Sutter and Yolo Basins will be done in connection with the levee construction in those basins, and the cost of same will be considered as levee construction.

99. The question of caring for the numerous small streams tributary to these large basins is one that involves much consideration and study, and the commission is not in the possession of sufficient data to properly consider this question. Owing to the difficulty of making any estimate of the cost of caring for this water, no detailed estimates are made. Provision can be made to cover this work only by making the estimates for miscellaneous work sufficiently large to meet the cost of any possible solution, and this has been done.

MISCELLANEOUS.

100. Rights of way: It is very necessary that the rights of way be acquired promptly, otherwise the work will be greatly delayed. This project will involve less difficulties along this line than that of any project heretofore considered, for the bulk of the land and the rights of way to be secured are controlled by a limited number of people and most of the land is not reclaimed.

101. Irrigation and power reservoirs: The commission has considered the possibility of the control of floods, in part at least, by the utilization of storage reservoirs. The Geological Survey and the Reclamation Service have made examinations and surveys of reservoir sites, both in the Coast Range and the Sierras. The commission has also had the principal sites examined, and has delayed this report for the purpose of making these examinations. While the available data is not sufficient to report fully on all possible sites, and while some other sites than those considered may later be found practicable, the information on hand is sufficient to discuss the advisability of the use of reservoirs for flood control. As all the tributaries have been looked over, it is not probable that any large reservoir sites exist that have not been examined.

The reservoir capacity of the Coast Range is relatively small as affecting the flood discharge. In the Sierras three principal sites have been surveyed—on Indian Creek, on Pitt River, and on the North Fork of the Feather River. It is calculated that the combined effect of these three reservoirs will reduce the floods of the Sacramento as follows: Above Moulton Weir 9.8 per cent, in Sutter by-pass 11.2 to 13.3 per cent, in Yolo by-pass 8.2 per cent, and below Cache Slough 6.1 to 10.2 per cent. The effect is therefore small, and additional means to care for floods would in any case have to be provided. The value of the reservoir from an economical point of view is whether this relatively small amount of flood discharge can best be cared for by reservoirs or by by-passes.

The following table shows the relative cost:

Reservoirs.	Ratio of cost of control in valley to control in reservoirs.
Clear Lake	1.0- 1.5
Indian Valley (Clear Lake)	1.0- 2.0
Putah Creek Reservoirs	1.0- 1.7
Stony Creek Reservoirs	1.0- 3.0
Indian Valley (Feather River)	1.0-10.0
Big Valley	1.0- 5.0

It is therefore evident that this partial control by reservoirs is not economical. If for power or irrigation purposes reservoirs are constructed, and part of the flood withheld, it will simply mean that the by-passes will be in use for a shorter period of time, and that the river will carry a larger proportionate part of the flood. Reservoirs for power or irrigation purposes are difficult to operate to the best advantage for flood control, as they would be filled at the earliest moment and would then exercise but little effect on subsequent floods.

While favoring the use of reservoirs as far as possible, and considering that one of the advantages of the project herein proposed is that it lends itself to future storage possibilities, the commission believes that it is not economical to construct reservoirs for flood control, but that such construction should be deferred until these reservoirs prove desirable for power and irrigation purposes.

102. Clearing between levees, etc.: When the levees are set back to provide for additional cross section, it is proposed to remove all timber and obstructions to the free flow of the flood waters for a width sufficient to obtain the necessary flood channel cross section. The estimate for this work, including the right to clear and keep this land clear for use as an overflow channel, is $576,000, or $30 per acre. This estimate is included under miscellaneous work.

103. Bank revetment: It is probable that some bank protection may be found necessary, but that matter is one to be considered in connection with the question of maintenance, not of construction.

104. Telephone lines: A complete telephone system should be established along the river and its tributaries throughout the limits of the work, and extensions made to all of the United States Geological Survey's gaging stations. The estimate for this work is included under miscellaneous work.

BRIDGES, ETC.

105. In connection with the completion of this project a railroad bridge across the Colusa Basin Canal will be necessary, and the following bridges and trestle of the Southern Pacific Co. will require raising or reconstruction: Bridge at Knights Landing, bridge at Yuba City, bridge across Feather River above Yuba City, trestle across Sutter Basin, trestle across Yolo Basin. A change in the location of this company's track for about 5 miles along lower Feather River is also contemplated, the track for this distance to be moved back on the new levee. The estimates for this work were prepared by the Southern Pacific Co., to which this commission is greatly indebted. It is considered that, as much of this work of reconstruction will be to the interest of the Southern Pacific Co., that company will be willing to share in the expense. This is especially true of the following constructions:

First. Bridge across Yolo by-pass, where estimates are based on a double track to replace the present single-track trestle.

Second. Bridge across Sutter by-pass.

Third. Moving of 5 miles of track along lower Feather River.

In preparing these estimates it is assumed that this company will assume 65 per cent of the cost of the Yolo by-pass bridge, 50 per cent of the Sutter by-pass bridge, and the entire cost of moving the track along Feather River.

(a) It is proposed to construct across the Yolo Basin by-pass a double-track steel railway bridge about 9,500 feet long, with about 50-foot clear spans and a draw span of about 80 feet at each end for the passage of dredges. The elevation of the lowest member is fixed at 3 feet above the adopted flood plane at that point. The estimated cost of this bridge and the work on its approaches is estimated at $1,580,000, of which the Southern Pacific Co. will assume $1,033,000.

(b) It is proposed to construct across the Sutter by-pass a single-track steel railway bridge with about 50-foot clear spans and with an 80-foot draw span at each end for the passage of dredges. The elevation of the lowest member of this bridge is fixed at 3 feet above the adopted flood plane at that point. The length of the bridge will be about 3,400 feet. The estimated cost of the bridge and work on approaches, etc., is $370,000, of which the Southern Pacific will assume $185,000.

(c) It is proposed to construct across the Colusa Basin Canal a single-track steel railway bridge about 275 feet long. The elevation of the lowest member is fixed at 3 feet above the elevation of the adopted flood plane in the canal at that point. The cost of the bridge and work on the approaches, etc., is estimated at $53,000.

(d) The bridge at Knights Landing will have to be raised 7 feet, and the cost of the work involved incident to this rise is estimated at $121,000.

(e) The railroad bridge between Yuma City and Marysville will have to be raised 6 feet, and the cost of the work involved incident to this rise is estimated at $70,000.

(f) The railroad bridge across Feather River above Marysville will have to be raised 6 feet, and the cost of the work involved incident to this rise is estimated at $140,000.

106. Other bridges: The other important bridges that will have to be raised are the highway bridges across the Sacramento River at Butte City and at the head of Grand Island. Numerous small highway bridges across the tributary streams and across the various canals, etc., will have to be constructed, and in many cases the present bridges will have to be modified. The number and sizes of these bridges have not been definitely determined, so this work is provided for by a lump sum. It is considered that local interests, county, city, etc., should contribute in work on many of these bridges. It is estimated that the cost of raising and of rebuilding all bridges other than those of the Southern Pacific Co. is $253,000.

107. Preliminary surveys: The estimates of quantities, dimensions, and locations of those portions of the work along the main river—the American River—and the Feather River and its principal tributaries, the Yuba and Bear, are based on surveys made by this commission since 1905 and by the United States engineer officer in charge of the Sacramento River in 1908 and 1909. Estimates on those portions of the work in the overflow basins are based on the surveys of the United States Geological Survey. As a preliminary to much of the drainage work in and adjacent to the basins and to the control of the creeks flowing into the basins, it will be necessary to make many surveys; but it is thought that such surveys, while important in determining locations, will not result in material change in the estimates of quantity.

108. Prosecution of the work: Under this project work can be carried on simultaneously at practically all points, but the final completion and putting into operation of the several principal parts of this plan should progress upstream from Collinsville. By the time the river channel is improved to Cache Slough the Yolo and Sutter Butte by-passes should be ready for service. Meanwhile the levees of the tributary streams, the drainage canals, etc., should have reached such a state of completion that not more than one flood season need elapse before they are completed. Vigorous prosecution of the work at all points is essential.

ESTIMATES.

109. (a) Leveeing: About 90 per cent of all the leveeing can be done using clamshell dredges. The balance of the dredging will have to be done using teams and scrapers. The work to be done by means of dredges is divided into two classes, depending on the quantity of work in the locality and the facilities for operating dredges. Where the quantity is large and the dredges can be operated without difficulty, the unit cost is taken at 6 cents per cubic yard. For other clamshell dredging the unit cost is placed at 12 cents. Where teams and scrapers are to be used, the unit cost is placed at 20 cents.

(b) Excavation: Estimates for excavation are based on the use of clamshell and hydraulic dredges, except for that at the different weirs, and are as follows: In lower river, 6½ cents per cubic yard; in Colusa Basin Canal and cut-offs above Feather River, 12½ cents per cubic yard; and at weirs, 25 cents per cubic yard.

(c) Right of way: The right of way will be a costly feature of this project, though the bulk of the land to be acquired is unreclaimed land in the basins. For improved land along the river below Knights Landing the average cost is estimated at $200 per acre. For improved land along the upper river and the tributary streams the average cost is estimated at $75 per acre. For unreclaimed land the average cost is estimated at $25 per acre.

110. Table of estimates:

Levees:		
58,000,000 cubic yards, at 6 cents	$3,480,000	
28,000,000 cubic yards, at 12 cents	3,360,000	
18,000,000 cubic yards, at 20 cents	3,600,000	
		$10,440,000
Excavation:		
148,600,000 cubic yards, at 6½ cents	9,659,000	
8,250,000 cubic yards, at 12½ cents	1,031,250	
380,000 cubic yards, at 25 cents	95,000	
		10,785,250
Land:		
4,400 acres, at $200	880,000	
8,400 acres, at $75	630,000	
78,000 acres, at $25	1,950,000	
		3,460,000
Spillways:		
8,000 feet, at $125	$1,000,000	
4,500 feet, at $100	450,000	
1,140 feet, at $80	91,200	
		$1,541,200
Bridges		1,382,000
Miscellaneous		1,740,000
Engineering and contingencies, 15 per cent		4,451,550
Total		33,800,000
Less amount appropriated under existing project		800,000
Total		33,000,000

111. Maintenance: In view of recommendation 3 in paragraph 116, no estimate of maintenance is made.

112. Maps: There is submitted with this report a map of the valley of the Sacramento River to a scale of 1 inch to 5,000 feet, on which are indicated all the works recommended in this project. There is also submitted a sheet of profiles of the adopted flood planes in the rivers and by-passes.

113. The surveys and the collection of data made in connection with the preparation of this project were under the immediate charge of Mr. H. H. Wadsworth, assistant engineer, whose report is appended hereto.

CONCLUSIONS.

114. The project here submitted differs much from the commonly accepted solution, but this commission is satisfied that it more nearly meets the requirements of the case than any heretofore considered. In a consideration of this project attention is invited to its small estimated cost and short time of completion; also to the fact that the floods are controlled immediately and completely upon its completion.

115. The results to the State of California in permitting reclamation and preventing damage to reclaimed lands are great, but the United States also gains in keeping the present channels unimpaired. It is the opinion of the commission that both should therefore share in the construction of the works under this project, the United States to the extent of 33⅓ per cent. It is also the opinion of the commission that the State of California will benefit to such an extent by the control of the floods of the river that upon the completion of this project it should take over and maintain all flood-control works, the United States to provide only for the maintenance of the navigable channels. This seems an equitable distribution both of the first cost and the maintenance.

RECOMMENDATIONS.

116. It is therefore recommended—

First. That the United States begin at once the work for the control of the floods of the Sacramento River in accordance with the above project and provide for its early completion.

Second. That the United States contribute one-third of the cost of work and the State of California contribute the remaining two-thirds.

Third. That upon its completion the United States turn over to the State of California for maintenance all flood-control works.

Respectfully submitted.

JOHN BIDDLE,
Lieutenant Colonel, Corps of Engineers.
THOS. H. JACKSON,
Captain, Corps of Engineers.
CHAS. T. LEEDS,
First Lieutenant, Corps of Engineers.

The CHIEF OF ENGINEERS, UNITED STATES ARMY.

[Second indorsement.]

THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington, December 27, 1910.

Respectfully returned to the Chief of Engineers, United States Army. This is a report by the California Débris Commission on the subject of the control of floods in the Sacramento River. It is apparently submitted in compliance with that provision in the act of March 1, 1893, creating the commission, which refers to affording relief in flood time, as follows:

"SEC. 5. That it shall further examine, survey, and determine the utility and practicability, for the purposes hereinafter indicated, of storage sites in the tributaries of said rivers and in the respective branches of said tributaries, or in the plains, basins, sloughs, and tule and swamp lands adjacent to or along the course of said rivers, for the storage of débris or water or as settling reservoirs, with the object of using the same by either or all of these methods to aid in the improvement and protection of said navigable rivers by preventing deposits therein of débris resulting from mining operations, natural erosion, or other causes, or for affording relief thereto in flood time and providing sufficient water to maintain scouring force therein in the summer season."

This provision of the law appears to contemplate only such flood relief as would be incidental to the reservoirs or settling basins that were once regarded as the most important means of controlling the mining débris. Moreover, in the same act Congress discriminated between the objects of the work to be undertaken by the United States and the State, respectively, as follows:

"SEC. 24. That for the purpose of securing harmony of action and economy in expenditures in the work to be done by the United States and the State of California, respectively, the former in its plans for the improvement and protection of the navigable streams and to prevent the depositing of mining débris or other materials within the same, and the latter in its plans authorized by law for the reclamation, drainage, and protection of its lands, or relating to the working of hydraulic mines, the said commission is empowered to consult thereon with a commission of engineers of said State, if authorized by said State for said purpose, the result of such conference to be reported to the Chief of Engineers of the United States Army, and if by him approved shall be followed by said commission."

In the river and harbor act of June 25, 1910, however, Congress has approved the conclusion announced by the commission in its report of 1907 in favor of dredging rather than "settling basins as the most effectual means for "the direct improvement of navigation in the Feather and Sacramento Rivers, and toward the controlling of débris and floods." The problem is stated by the commission as follows:

"The United States is interested in the improvement and maintenance of the present navigable channel; it is interested jointly with the State of California in the control of mining débris; but to date it has given no attention to the flood problem.

"Any work done on the present river channel in the nature of deepening it or of preventing mining débris from entering it will increase its flood-carrying capacity and improve it both as a navigable and flood-carrying stream. Any work, however, that involves the widening of the channel will injure its navigability and necessitate the use of artificial means for securing low-water navigation. It is to the interest of the United States, therefore, that if practicable that solution of the flood problem be adopted which will result in the least injury to the present good low-water navigable channel.

"It is with this object in view that this commission has for some years been making surveys of this river and its tributaries and collecting data for the preparation of a project which will control the floods in the river at a minimum cost and which when carried out will have caused the least injury to the present navigable channel.

"The great amount of reclaimable land in the Sacramento Valley, its high value after being reclaimed, and the great damage to the land already reclaimed wrought every few years by floods render the problem of flood control a vital one which must be solved in the immediate future."

Extensive surveys and investigations have been carried on for a number of years by the commission, and much thought and study have been given to this subject, culminating in the within report, which outlines a project for the control of the floods through the cooperation of the State of California and the United States. The question of flood control in the Sacramento Valley is recognized as being of the utmost importance to the State of California and the varied interests located in the valley, and this subject has had the consideration of many engineers, boards, and commissions. Several plans have been advanced involving different methods of control at varying costs. Excessive floods in recent years, however, indicate a maximum discharge of more than twice the volume assumed in these former projects, and they are therefore considered wholly inadequate at the present time.

The California Débris Commission has had the benefit of these former studies in considering the greater problem with which it has been confronted, and it submits herein a project estimated to cost $33,000,000, toward which the commission proposes to apply $400,000 appropriated by the act of Congress approved June 25, 1910, and the like sum of $400,000 furnished by the State of California in compliance with the terms of said act, leaving $33,000,000 to be provided if the project is adopted and carried out. It proposes that the State of California shall provide two-thirds and the United States one-third of this sum, and that the State shall maintain all the flood-control works, this distribution of the first cost and maintenance being equitable in the opinion of the commission.

The plan proposed is known as the by-pass system by reason of the auxiliary channel to be provided through the lowlands at some distance from the river, along the greater portion of its length, and intended to take the major part of the discharge during extreme flood stages. On the tributaries and the upper Sacramento levee systems are proposed of sufficient capacity to confine all flood waters, and the channel of the Sacramento below Grand Island is to be enlarged to a similar capacity. The intermediate portion of the river is also to be leveed above extreme flood height, and will provide capacity sufficient for small floods, but it will be able to carry only a minor part of the maximum flood discharge. Weirs are provided at certain points in the levee lines, over which the surplus flood waters will pass into the auxiliary channel when the river rises above the weir levels. The auxiliary channel is formed by two lines of levees along the low ground in the Butte, Sutter, and Yolo Basins. It leaves the Sacramento about halfway between Butte City and Colusa on the left bank, crosses the Sacramento at the mouth of the Feather River, and rejoins it on the right bank at the foot of Grand Island. This project is the result of careful study and deliberation, and, in the opinion of the commission, will solve the problem of flood control and resulting land reclamation in the Sacramento Valley without injury to navigation interests. The commission has considered the use of reservoirs for flood control, but concludes that they could at the most afford only a small percentage of the necessary relief, and this at such a great cost that they are not economically justifiable for this purpose alone.

The plan proposed by the commission seems well adapted to fulfill the above objects, subject to such changes as further study or experience in the course of execution may show to be desirable or necessary. The estimates from this point of view should be considered as approximate only, exact determination being impracticable in undertakings of such large magnitude, involving so many diverse interests and various details of cooperation not yet elaborated. The board is inclined to the opinion that further study should be given to the question whether it

might not be preferable, even at increased cost, to keep the auxiliary channel wholly on the west side of the river, and thus lessen the risk of injury to the navigable channel where the two cross in the proposed plan.

A project for the improvement of the Sacramento River below the city of Sacramento, for the benefit of navigation, was presented under authority of the act of March 2, 1907, and may be found published as House Document No. 1123, Sixtieth Congress, second session. This project provides for a channel 9 feet in depth and 200 feet in width. Under the provisions of the act of March 3, 1909, a project has been forwarded by this board, under even date herewith, for the improvement of the river between Sacramento and Red Bluff, which contemplates a channel depth of 4 feet from Sacramento to Colusa, 3 feet from Colusa to Chico Landing, and such depth as is practicable under the plan recommended from Chico Landing to Red Bluff. These channel dimensions are believed to be sufficient to meet present and reasonably prospective demands of commerce, and will not be benefited by the proposed works of flood control. In fact, there is reason to apprehend greater difficulty in maintaining the low-water channel where the river is widened to increase its flood capacity, also where the by-passes leave the river, and in general where the flood heights are increased by reason of the works of flood control.

While Congress has hitherto included flood relief among the objects to be accomplished by the work of the débris commission, it appears to have considered this only as incidental to the control of mining débris in the interests of navigation. Should Congress now decide to cooperate with the State of California in a comprehensive project of this magnitude for the purpose of flood control, it is believed that the plan proposed, with such division of cost as Congress may determine, should be adopted, since, in the opinion of the board, it is well designed to secure the desired result. The board reports, however, that the execution of this project is not necessary in the interests of navigation.

For the board:

WILLIAM T. ROSSELL,
Colonel, Corps of Engineers,
Senior Member of the Board.

APPENDIX B.

REPORT OF ASSISTANT ENGINEER H. H. WADSWORTH.

UNITED STATES ENGINEER OFFICE,
San Francisco, Cal., July 24, 1910.

CAPTAIN: I have the honor to submit the following report on studies and investigations made by me relative to the control of floods in the Sacramento Valley and its relation to navigation in the Sacramento River:

Detail surveys of the Sacramento River from its mouth at Collinsville to Chico Landing have been made and reported upon in connection with reports on projects for improvement of navigation.

Within the past few years surveys have also been made of the Feather River below Oroville, but complete only as to that portion below Marysville; also of those portions of the Yuba, Bear, and American Rivers lying between their mouths and the foothills of the Sierra Nevada Mountains.

These surveys and that of the San Joaquin River below Stockton, made under the direction of Col. John Biddle in 1908, together with several minor surveys made under the direction of this office, form the framework of the map of the valley of the Sacramento and San Joaquin Rivers, which, with a sheet of profiles showing several actual and assumed water surfaces of the Sacramento River and adjoining basins, accompany this report.

The topography, except in the immediate proximity of the rivers and portions of the troughs of Yolo, Sutter, and Butte Basins, has been taken, so far as they were available, from the published maps of the United States Geological Survey.

The contours in the territory lying between the Feather and Sacramento Rivers, except the lower parts of Sutter and Butte Basins, were obtained from the map of the Sacramento Valley published in 1895 by the commissioner of public works of the State of California, modified by elevations obtained by lines of levels extending easterly across the basins from Butte City and from Meridian, the latter being from surveys of the Northern Electric Railway.

The data used in this report relative to the discharge of rivers during the flood of March, 1907, were obtained from a paper by Messrs. W. H. Clapp, member, American Society of Civil Engineers; E. C. Murphy, member, American Society of Civil Engineers; and W. F. Martin, jr., American Society of Civil Engineers; engineers of United States Geological Survey, published in Volume LXI of Transactions of American Society of Civil Engineers.

The records of gauge heights at several points kept by the United States Weather Bureau were used to supplement those obtained from numerous staff and several registering gauges maintained in connection with the surveys under the direction of this office.

A general statement of the physical characteristics of the Sacramento River and its several tributaries is given in the report of the State commission of engineers to the commissioner of public works of California, under date of December 15, 1904. The report of this commission, commonly known as the Dabney Commission, was reprinted as an appendix to a report of a board of engineer officers, United States Army, in House Document No. 262, Fifty-ninth Congress, first session, so that it does not seem necessary to repeat much of this descriptive matter. After reviewing the several plans which had theretofore been proposed for dealing with the floods of the Sacramento Valley, the Dabney Commission formulated a comprehensive plan for the rectification of the river and the reclamation of the adjacent lands.

This report did not consider the effect which the carrying out of its plan would have on navigation, but it was recognized by those who have to do with the maintenance of navigable channels that the enlargement of the river channel to carry such a flow as was then assumed to be a maximum would greatly increase the difficulty and cost of maintaining a good channel at low-water stages. To adapt this same general plan, by the further enlargement of channels, to the flood conditions of March, 1907, would not only render the maintenance of a navigable channel still more difficult, but, if the necessary channel enlargement by the methods proposed could be extended to the limits which this new flood standard requires, would take a very large area of valuable agricultural lands which are now either completely reclaimed or which lie so high that flood waters recede from them each year in time to produce bountiful crops.

The occurrence of another flood in January, 1909, nearly as great as that of 1907, and even surpassing that on some of the tributaries, does not make the assumption tenable that such floods are so phenomenal and are separated by such very long intervals that a flood-control project should not provide for them.

A study of the cross sections of the Sacramento River and Valley shows that the river never carried more than a small percentage of the water delivered to it by its tributaries. Before levees were constructed the excess escaped into the basins over the banks in a thin film, gradually building up the banks by the deposit of sediment, thus increasing the depth and consequently the velocity in and capacity of the channel. The capacity decreased progressively downstream, because of the further escape of water. When levees came to be built they were located on the natural ridges along the channels, thus raising the flood heights in channel and improving channel depths, but, on account of insufficient provision for escape of water, compelling breaks in the weaker levees and escape of the water to the flood basins. The effect of a break is, of course, to protect the adjacent districts from the danger of increased flood height, and the discharge of the water into these basins of great capacity delays its appearance at outlet of same until the crest of flood wave in the river channel has passed.

The insufficient capacity of outlets of flood basins results in the raising of the water in them to such heights as to threaten the back levees of reclaimed lands and in the backing up of the water in the main channels. When the Sacramento River at the outlet of Cache Slough is at its highest stage the water stands practically level from that point nearly to Walnut Grove. A similar conditions prevails above the mouth of Feather River and lower end of Sutter Basin.

If storage reservoirs of capacities equal to or even approximating those of the valley flood basins could be provided in the mountains at a cost not greater than the value of the basin lands which might thereby be relieved from similar duty, they would be well worth while. To make such storage reservoirs of effective assistance in controlling floods, however, it would be necessary to subordinate their use for storing water for irrigation, power development, or for improving low water navigable depth to that purpose, since an ample storage at the end of the rainy season is essential in the one case and a large storage capacity until such time as the possible occurrence of a flood has passed is essential in the other. The possibility of utilizing mountain reservoir storage in connection with a flood-control project will be discussed further on.

TABLE 1.—*Comparison of the flood flow into the Sacramento Valley for March, 1907, and January, 1909.*

Streams and places.	Flow at crest (cubic feet per second).			Greatest daily mean flow.		Greatest 4-day mean.	
	March, 1907.	January, 1909.	February, 1909.	March, 1907.	January, 1909.	March, 1907.	January, 1909.
Sacramento at Red Bluff	204,000	[1] 205,000	250,000	[2] 192,000	175,000	152,000	129,000
Feather at Oroville	185,000	[1] 170,000	.....	[2] 130,000	130,000	97,300	112,000
Yuba at Smartsville	105,000	[1] 90,000	.....	[2] 100,000	85,000	68,000	68,000
Bear at Van Trent	30,000	[1] 40,000	.....	[2] 28,000	27,000	17,300	20,000
American at Fair Oaks	105,000	[1] 90,000	.....	[2] 100,000	85,000	74,600	75,000
Stony at Fruto	[3] 30,000	[4] 28,000	38,000	[5] 25,000	[4] 25,000	16,300	[4] 17,000
Cache at Yolo	19,500	17,500	25,000	[3] 19,000	17,000	13,200	12,000
Putah at Winters	35,000	32,400	34,000	[3] 25,000	29,000	15,000	18,000
Unmetered mountains and foothills	[6] 120,000	[6] 105,000	.....	[6] 100,000	[6] 85,000	76,000	[6] 76,000
Total flow into valley	831,000	778,000	.....	719,000	658,000	530,000	527,000

[1] Jan. 16. [2] Mar. 20. [3] Mar. 19. [4] Estimate made from flow at Orland. [5] Mar. 18. [6] Estimated in comparison with run-off in 1907.

The subject of the maintenance of good navigable depths at low-water stages is intimately connected with the diversion of water from the river and its tributaries for irrigation purposes, and is one likely to require careful attention in the near future. Water for irrigation purposes stored in reservoirs during the rainy season is no drain on the navigability of the river, and may even be an aid in reducing flood heights, but water diverted from the river at low stages, reducing the flow by the amount of the diversion, is a direct detriment.

The extensive irrigation works now in progress of construction in Glenn and Colusa Counties will require a much larger quantity of water than has heretofore been used. Other projects which are now under consideration and those which are likely to come up will create a demand which, if granted, will seriously affect the navigable depths, particularly above Colusa. The probable effect of the diversion at low-water stage of 1,000 second-feet of water above the mouth of Chico Creek, as computed by me, will be to decrease present depths between

that point and Colusa from 0.3 foot to 1.5 feet, depending upon the characteristics of the section. The decrease in depth will be least at points where existing depths are least, but these points are now the critical ones, and a decrease of even 0.3 foot would be a serious matter and would require the construction of contraction works where, but for the diversion, they would not be necessary. Therefore the storage of water on the Sacramento or its tributaries above Red Bluff, either by companies diverting water for irrigation purposes or otherwise, so that the low-water flow may be increased, should be made a condition precedent to further diversion.

Such storage can be provided in Big Valley on Pitt River, and this same reservoir is the one best suited by location and capacity of any of the several possible storage sites to aid in flood control.

Table No. 1 (see preceding page), compiled by the engineers of the United States Geological Survey from their records of flood discharge, as published in the American Society of Civil Engineers paper, previously referred to, and extended to show in comparison the floods of January and February, 1909, shows in each case the peak flow, the greatest daily mean, and the greatest four-day means flow at a station on each of the tributaries.

The volume of water which must be taken care of in the several natural divisions into which the river is divided will differ with every flood. Using the records of the floods of 1907 and 1909 as a basis and assuming an increase of 25,000 second-feet and 50,000 second-feet, respectively, to those records of the maximum flow of the Yuba and American Rivers, on account of observations under this office on the Yuba and on account of the similar character and greater extent of the American River drainage area, and making such allowance as seems proper for the volume of water absorbed by or stored in the channels, considering the length of time that the high rate of flow may be (in the light of the experience of 1907) sustained, the following has been assumed as the rate of flow for which channel capacity must be provided, viz:

	Second-feet.
Sacramento River below—	
Mouth of Stony Creek	260,000
Princeton	250,000
Feather River above Marysville	150,000
Yuba River above Marysville	120,000
Feather River below Marysville	240,000
Feather River at its mouth (including Bear River)	250,000
Sacramento River below mouth of Feather River	450,000
American River	120,000
Sacramento River below mouth of—	
American River	500,000
Cache Slough	600,000

Of the several engineers and engineering commissions which have reported on the flood-control problem, there has been a substantial agreement as to the necessary manner of treating that part of the river between Cache Slough, the outlet of Yolo Basin, and Collinsville, at the mouth of the river. In fact, there is no other reasonable solution than that the entire flood flow must be carried through this section.

There has been such a persistent popular impression among many people that a canal through the ridge separating Yolo Basin from Suisun Bay, north of Montezuma Hills, permitting a more direct discharge of the Yolo Basin waters, would be the simplest solution of the problem that a more complete detail survey of the route of such a canal than was before available has been made and a map and profile prepared. These show that a flood-relief canal from Yolo Basin to Suisun Bay via Denverton to be out of the question, as not only would it require the excavation of a cut with maximum depth of about 60 feet, but the distance to a free outlet in Suisun Bay would be actually greater than via Rio Vista and Collinsville. This scheme will be referred to again.

While the plan recommended by the Dabney Commission may have been best suited for floods of the magnitude assumed by it to be maximum, it becomes quite insufficient to deal with the problem which records subsequently made have shown to exist. The accompanying profile shows, besides several other lines, the proposed high-water surface of the river according to the proposed plan of the Dabney Commission. The annexed cross sections are typical ones of several different reaches of the river, and show, first, existing sections; second, the sections proposed by the Dabney project; third, the sections that would be required according to the plan of that commission enlarged to carry the flood of 1907.

Below the mouth of the Feather River the widths of channel would be approximately two and one-half times as great as estimated, but the extent to which existing widths would have to be increased would be from three and one-half to seven times as great as estimated. In those estimates it was assumed that two-thirds of the material would be removed by the agency of the current and one-third by mechanical means. It can not be hoped that these proportions could obtain with the much greater total volume of material which such an enlargement of the project would involve.

The impracticability, therefore, of enlarging on that plan to the extent that would be required on account of excessive quantities of material which would have to be handled, and the prohibitive cost of the same, and the value of land that would be sacrificed for the sake of reclaiming other lands less valuable, makes the adoption of the by-pass system, aided by storage of water in reservoirs, as far as practicable, the only alternative. Such a system is much better for navigation, since the low-water flow is confined to a channel commensurate with its volume.

The main principles which it has been assumed should govern in planning a by-pass system of flood control are—

First. That the largest practicable volume of water consistent with the maintaining of good navigable conditions and without raising levees to excessive and dangerous heights should be forced through the main channels.

Second. That by-passes should occupy the troughs of the basins, and that the side levees for same occupying the highest available ground should be constructed, as far as practicable, from material excavated from within the by-pass.

Third. That the weirs over which water is diverted from the river to by-passes should be as long as is economically practicable, so that a high stage of water may be maintained in the river and so that the diversion of water may be effected in a thin layer and with as low a velocity as possible to avoid carrying into the by-passes a large amount of sediment from the river.

Fourth. That canals should be constructed to intercept the drainage from lands bordering the basins to reduce the volume of water which will have to be pumped from those lands adjoining the by-passes and river which are too low to be drained naturally.

In fixing the flood planes or high-water grade lines noted on the profile as "adopted grade lines," in accordance with which the details of this flood-control project have been worked out, the elevations at several critical points were first fixed and then, by a careful study of slopes in connection with depths and cross sections, intermediate points were so established that the channel would carry the maximum volume of water without too violent a change in existing regimen.

The elevations of the high-water plane or "adopted grade line" at points where the slope changes and the distances and slopes between these points are as follows:

TABLE 2.

	High-water elevations.		Distance (miles).	Slopes in feet per mile.
Collinsville	7.0		15.0	0.303
Mouth of Cache Slough	15.0		18.3	1.464
			11.4	1.745
Head of Steamboat Slough	23.5		27.7	.415
Mouth of American River	35.0		19.5	.256
			43.4	.323
Mouth of Feather River	40.0		[1] 27.0	.370
Tisdale Weir	54.0		27.0	.564
1 mile above Colusa	69.2		12.6	1.33
Moultons Break	86.0		20.0	1.60
24 miles below Jacinto	118.0		17.6	1.23
Chico Creek	141.54			

[1] Via Old River. [2] Via Steamboat Slough. [3] With cut-offs.

With reference to the fixing of the elevation of the flood-flow grade line at Collinsville at so high an elevation as 7 feet, the following data are given. This elevation for mean tide was used by the Dabney Commission with the explanation that it was probably too high for any but extraordinary conditions. Such extraordinary conditions actually existed during the time of the January, 1909, flood. The automatic registering gauges maintained by this office at Collinsville and at Benicia showed that during the period of one tidal cycle of 25 hours, i. e., from one lower low water to the following one, the mean height of tide at Collinsville was at elevation 7.2, with a maximum height of 9.7 feet. During the period of two tidal cycles, 50 hours, the mean height of tide was 6.9 feet. At Benicia the corresponding heights were 6.5 feet and 6.1 feet, respectively. At San Francisco during the same 50-hour period the mean height of tide was 0.9 foot above the mean of predicted heights.

The following table shows approximately the present capacity of the river channel up to the high-water line of the floods of 1907 and 1909. This line, however, simply shows the height reached before the levees broke, and is, of course, above the present effective height of the levees. The table also shows the capacity to be given each section of the river under the project now proposed and the volume of water which it will be necessary to carry in the by-passes.

TABLE 3.

	Present capacity.	Capacity by proposed plan.	
		River channel.	By-pass.
Above Stony Creek	.....	260,000	.....
Stony Creek to Jacinto	.....	260,000	.....
Jacinto to Moulton Break	140,000	260,000	.....
Moulton Break to Cobbs Bend (above Colusa)	100,000	45,000	185,000
Cobbs Bend to Butte Slough	70,000	65,000	185,000
Butte Slough to Tisdale Weir	60,000	65,000	185,000
Tisdale Weir to Feather River	23,000	[1] 30,000	220,000
Feather River to Elkhorn Weir	62,000	50,000	400,000
Elkhorn Weir to American River	36,000	50,000	[2] 430,000
American River to Kripp Break	127,000	100,000	[2] 430,000
Kripp Break to head of Steamboat Slough	75,000	100,000	[2] 500,000
Steamboat Slough	[3] 24,000	46,000	500,000
Old River	[4] 40,000	54,000	
Cache Slough to Threemile Slough	[5] 300,000	.....	.....
Below Threemile Slough	[5] 200,000	600,000	.....

[1] 27,000 without cut-off.
[2] Below Cache Creek.
[3] Below Putah Creek and Southern Pacific Ry.
[4] These capacities for Old River and Steamboat Slough assume a free outlet, which condition does not obtain after passage of first flood wave down the river, as the slope is flattened almost to nothing by backwater from outlet of Yolo Basin.
[5] These figures represent approximate quantities of water flowing in these sections at crest of floods, but are much above their safe capacity, both on account of height and velocity. Safe present capacity below Threemile Slough is about 160,000 second-feet.

The main points to be discussed in connection with this flood-control project are:

(a) The enlargement of the river channel below the mouth of Cache Slough.

(b) The construction of a weir at Moultons Break of 185,000 second-feet capacity to divert water into Butte Basin; the raising and maintenance of Tisdale Weir with capacity of 55,000 second-feet to divert water into Sutter Basin; the construction of a weir at mouth of Feather River of 400,000 second-feet capacity to carry the Butte and Sutter Basin and the Feather River waters into Yolo Basin; and the construction of a weir of 70,000 second-feet capacity near Sacramento to carry the waters of the Sacramento and American Rivers, in excess of the channel capacity below, into Yolo Basin.

(c) The rectification, in several places, of the river channels.

(d) The raising of river levees, and in places the construction of new ones along established lines to the heights required by the adopted flood plane or high-water grade line.

(e) The construction of by-pass levees in Butte, Sutter, and Yolo Basins, with wing levees extending up the tributary streams.

(f) The possible diminution of flood channel capacity by means of storage reservoirs in mountains.

(g) Tributaries.

(h) The construction of intercepting canals to carry as much as possible of the drainage naturally tributary to the flood basins to gravity outlets, and the drainage of the lower parts of these basins outside of limits of by-passes.

(i) The raising of several bridges and construction of others, both railway and highway, in consequence of raising the flood plane.

The accompanying maps and profiles show in a general way the locations and dimensions of the several features of the project. Many of these are shown more in detail on larger-scale maps on file in the office. These several features will be discussed separately in the order named.

(A) ENLARGEMENT OF RIVER CHANNEL BELOW MOUTH OF CACHE SLOUGH.

The situation below mouth of Cache Slough is such that not only does it need correction on account of the flood hazard to the lands in the vicinity under present conditions, but any project for confining floods to channels (river and by-pass) is dependent on there being first provided an outlet for the waters which will then reach this point in greater volume than before. The present flood capacity of the channel below Threemile Slough up to the adopted grade line is only about 160,000 second-feet, and above Threemile Slough it does not exceed 220,000 second-feet.

In determining the size of channel necessary to give the required capacity of 600,000 second-feet a depth of 35 feet at flood stage was adopted after careful consideration of the relation of depth to total area of section, to area of dredged section, to velocity of current, and to the effect on maintaining low-water navigation. The corresponding necessary width (at surface), taking the slope due to the cut-off north of Horseshoe Bend above Tolands Landing, is 3,050 feet where the river is confined to one channel, and it is 2,600 feet in the cut-off mentioned, leaving present channel via Horseshoe Bend to carry its proportion of the flow.

Some of the land which it will be necessary to acquire for this work is now reclaimed. The point where the channel is now most contracted is at Bakers Point, on Sherman Island, opposite Tolands Landing. Here it will be necessary to set the levee back about 2,500 feet. The quantities of material to be moved for channel enlargement and for levee construction and the area of land required for channel and for spoil banks will be found under the head of estimates.

Considerable relief from flood conditions will be afforded by the simple setting back of levees and the removal of remnants of old levees and fringe of trees and brush, which prevent the free movement of water across the swampy land north of Horseshoe Bend just above Tolands Landing. By this means alone the flood capacity will be increased to about 250,000 second-feet.

So extensive an increase in the width of the channel to give it the required flood-carrying capacity will probably result in a detriment to low-water navigation or will require increased expenditures to maintain good navigable channel at low water. This may best be done will require special study. The widening of the river from its mouth to Cache Slough will help to increase tidal flow, which will be an advantage.

In comparison with the estimate of cost of enlarging this section of the river from the 250,000 second-feet capacity to 600,000 second-feet capacity, which, except in so far as it may be done by inducing channel scour, must be done by dredging, the quantities involved in making the Denverton Cut already referred to may well be presented here. To carry 350,000 second-feet through such a cut would require a free discharge into Suisun Bay. This might possibly be effected by a cut across Grizzly Island from near the lower end of Nurse Slough to the nearest point of the bay, but there is such a vast extent of very shoal water between this point and the nearest channel that it is thought that the maintenance of a clear outlet would be much less practicable than would be the case if Montezuma Slough, which in its lower course averages 600 feet wide and 35 feet deep, were enlarged to the requisite section.

Assuming the same adverse condition as to tidal height in Suisun Bay as in the case of the river channel, and a water surface elevation of 18 feet in Yolo Basin where the flow would diverge from that to the river, the mean slope would be 0.406 foot per mile. With a depth of water of 35 feet in a canal having side slopes of 1:1, the required width at bottom would be 2,020 feet. What seems to be the most favorable location for such a canal is shown on sheet No. 6 of the map. This sheet of the map and a profile of the line of the canal are on file in this office.

The estimated total quantity of excavation is 289,000,000 cubic yards, of which 17,000,000 cubic yards would be easy (presumably) dredging in Yolo Basin, and 100,000,000 cubic yards would be dredging in Suisun Marsh, for the most part easy work, but rock might be encountered near Potrero Hills. The remainder, 172,000,000 cubic yards, would be in the cut through the saddle in the ridge. So far as could be learned from parties who had sunk wells along or near this line, no rock is likely to be encountered, but a considerable portion of the excavation would be in a hard formation, locally known as hardpan, which, together with the depth of the cut (60 feet maximum), would greatly increase the cost per cubic yard. These quantities are greatly in excess of those required to effect the same result in the main river channel. As the average unit cost will also be greater, it is unnecessary to give the proposition further consideration.

It may be shown also that the proposition to carry Putah Creek by canal along the edge of Yolo Basin and thence across the divide to Suisun Bay is not economical. As an outlet for small canals to intercept the drainage, above an elevation of about 35 feet from the area south of that tributary to Putah Creek, this location has some merit, but that is a matter for the consideration of the owners of the land lying below an elevation that can be drained into the river after the flood has passed and from which the water must be pumped for complete reclamation.

(B) THE CONSTRUCTION OF DIVERTING WEIRS.

This subject is taken up next because provision for relieving the river channels of water in excess of their capacities must be made before all the numerous breaks in the river levees can safely be closed and the extension of the levees made to the heights proposed. With the weirs constructed, Butte, Sutter, and Yolo Basins will continue to act as relief reservoirs and flood channels, as at present, until such action can be better regulated by the confinement of the water to the somewhat restricted areas forming the by-passes.

The question of proper location and crest elevation of the weirs has received a good deal of attention. As now proposed and shown on the maps and profile, the two principal weirs are at Moultons Break, on east side of river about 13 miles above Colusa, and on the south bank of the river opposite and extending upstream from the mouth of the Feather River. The former, which will be called Moulton Weir, is designed to divert 185,000 second-feet. Its length is to be 2,840 feet and its sill will be at elevation 79 feet—7 feet below the adopted high-water grade line. The latter, which will be called the Fremont Weir, is designed to divert 400,000 second-feet. It is planned to be 8,000 feet long with its sill at elevation 30, or 10 feet below the adopted high-water grade line.

Moulton Weir is nearly opposite the point (Caldens or Comptons Landing) selected by the Dabney Commission for the upper temporary diversion. The reason for locating it on the east side instead of the west will appear later in connection with the subject of location of by-passes. This point is as far downstream as it is practicable to bring the flood volume between the river levees even with the high-water grade line adopted.

By the adjustment of the grade line shown it will be possible to carry the water in the river without further diversion to Tisdale Weir, thus permitting the permanent cutting off of the outlet through Butte Slough.

Tisdale Weir, with a length of 1,140 feet and crest at elevation 42.3, is located about 7 miles below Grimes. It was built by the State a few years ago. To conform to this project its crest is raised to elevation 50, or 4 feet below the adopted high-water grade line.

Between Fremont Weir and the mouth of American River the channel capacity of Sacramento River will be sufficient to carry the 50,000 second-feet, which is the excess of estimated flow reaching the mouth of Feather River over the capacity of the weir there.

The Elkhorn Weir, also built by the State, about 6 miles below the mouth of Feather River, will therefore be abandoned and closed.

For a distance of about 8 miles below the mouth of the American it might be practicable to enlarge the flood capacity of the river channel to carry the waters of the American in addition to those of the Sacramento not diverted at Fremont Weir. But it is thought that the interests of navigation, which are much greater below Sacramento than above, would be better served by limiting the flood capacity of this section to that of the channels below and permitting the construction of wharves and terminals on the west side of the river. This would be accomplished by constructing the Sacramento Weir at Brytes Bend, about 2½ miles above the mouth of the American River. Its proposed length is 1,667 feet and the elevation of its crest 30.6 feet, or 4.4 feet below the adopted high-water elevation at mouth of American River.

The length and depth of sill below flood height of water of each weir, as given above, are those necessary to pass the specified volume when the by-pass below is running to its full capacity, but as this condition will not be reached until there has been a flood into it at a mean rate as great as its capacity, sufficiently long for the by-pass channel to become filled, the same volume will in the meantime pass the weir at increased velocity and decreased depth. Thus, in the case of the Fremont Weir, if the assumed maximum rate of flow should be reached early in the flood, so that there would be free egress for the water from a temporarily raised crest on the sill of the weir, a depth of about 5.5 feet on the crest would give this discharge and the full depth of 10 feet would be needed only during the latter part of a long-sustained flood. By building suitable steel frames on the sill of the weir to support adjustable stop planks reaching up to within, say, 2 feet of the allowable flood height, the amount of water drawn off over the weir could be so regulated by these stop planks, removing one row at a time, as the volume of water increased, as to force the greatest possible flow down the river channel and hold the surface up to the established high-water mark much longer than would otherwise be the case. The necessity of removing all the stop planks would arise only at the times of the very exceptional floods, which are separated by intervals of several years.

The superstructure of the weirs may be so designed that the release of one stop plank will automatically release all or any desired number of the other planks in its row. The substructures will necessarily be founded on piles, which will project so far above permanently wet ground that concrete piles should be used. Wooden ones would be too short lived. This construction will necessarily be expensive, and the designs will require much study.

(C) RECTIFICATION OF RIVER CHANNELS AND PROTECTION OF BANKS.

In the portion of the river between Colusa and the mouth of Feather River a number of cut-offs may be made with beneficial results both to navigation and to flood-carrying capacity. Between Sacramento and the mouth of Cache Slough there are a few places where the cross section must be increased by a slight widening, and the entrance to Steamboat Slough must be much enlarged to give the desired capacity as per Table No. 3.

Above Colusa, however, although the river is very crooked, the slopes are steep and any material cut-off of bends would increase them. The resulting increase of velocity would aggravate bank caving and cause even more rapid changes in the regimen of the stream than those which now make the maintenance of good navigable conditions difficult. Straightening the channel would doubtless momentarily increase its flood-carrying capacity, but the tendency of the river to readjust its bed to conform to its current would in a few years probably cause it to return to a condition no better able to carry a large flood volume, unless very extensive bank-protection works were maintained, than before.

Although the present commerce carried on the river is not sufficient of itself to warrant very extensive bank-protection works, there are several places where such protection works, in my opinion, would be abundantly justified by the combined benefit to navigation and to agricultural lands; to the latter both by reason of preventing further caving into the river of the adjacent land and by reason of increased flood-carrying capacity.

Four cut-offs in the extremely crooked portion of the river between Cranmore and the mouth of Feather River are proposed. Each of these will be considered by itself, but the combined effect of them all will be to shorten the channel 6.43 miles, to eliminate several very sharp turns, and to increase the flood-carrying capacity about 3,000 second-feet (from 27,000 to 30,000 second-feet). By reason of the shortening, the increased velocity, due to increased slope, will result in slightly decreased depths at low water, but not enough to have any serious effect on navigation, as exceptionally good depths exist here.

The banks along this part of the river are stable and would not be injuriously affected by the small increase in velocity.

At low water velocity would be increased from 2.82 to 2.44 feet per second, and at high water it would be increased from 3.8 to 3.6 feet per second, approximately.

Several data regarding the suggested cut-offs are shown in tabulated form below:

TABLE 4.

	Location, cutting out—				
	Grays and Woods Bends.	Collins Eddy.	Ministerial Bend and Kirkville.	Racetrack Bend.	Total.
Length of cut.....miles..	0.50	0.45	0.35	0.30	1.40
Distance, channel shortened .....miles..	3.18	.57	1.48	1.20	6.43
Quantity of excavating .....cubic yards..	586,000	231,000	397,000	317,000	1,531,000
Amount of material to raise levees along present lines .....cubic yards..	757,000	162,500	243,500	202,800	1,365,800
Increase in flood-carrying capacity.....second-feet..	1,475	265	700	560	3,000
Per cent of reduction in required capacity, Sutter by-pass below Tisdale Weir.....	.68	.12	.32	.25	1.37
Possible decrease in acreage of by-pass, account cut-offs..... .....acres..	55	10	26	20	111

In each case the material excavated in making the cut-off channel will be more than sufficient to build the levees paralleling it on either side. It will be seen from the above table that in the case of Grays Bend the amount of excavation is actually less than that required to raise levees along present lines. In the cases of the other cut-offs the material that would be required to raise the existing levees is from 30 to 40 per cent less than that required to make the channel excavation. This difference would probably be largely offset, however, by the smaller unit cost of the cut-off channel excavations.

The decrease in area of land required for by by-pass by reason of the cut-offs is less than that required to make the cut-offs, except in the case of the Grays Bend cut-off, and its present value per acre is also less.

Other points in favor of the cut-offs are the lessened cost of maintenance of levees, because of decreased length, and the improvement of navigation due to the elimination of four very bad bends and shortening the distance 6.43 miles.

Between Sacramento and the head of Steamboat Slough there are three points only where changes affecting the alignment of the river are proposed. In each case the levee at a bend of the river will be moved back for a length of about 1,800 feet, in two instances a maximum distance of 200 feet, and in the other 500 feet. At the upper end of Steamboat Slough it will be necessary to increase the space between levees from about 350 feet (the present width) to 650 feet, from the head to Sutter Slough, a distance of about 4½ miles.

(D) THE RIVER LEVEE SYSTEM.

Below Colusa no radical change in the location of the river levees is proposed except as noted under previous headings, viz, the Sherman Island levees at mouth of river and at Bakers Point opposite Tolands Landing; along upper course of Steamboat Slough, partly on Grand and partly on Sutter Island; at three points between the head of Steamboat Slough and mouth of Feather River; and at the points where cut-offs are proposed.

Between Colusa and the mouth of Chico Creek the present location of levees will generally be followed, making some changes as shown on accompanying map, and perhaps some others if a more minute study of the ground shows them to be feasible. It is not practicable to follow the windings of the channel for several reasons. In many places rapid cutting of banks is going on with consequent frequent changes in location of the channel. This has resulted in the formation of many lakes and sloughs, to go around which has resulted in placing the levees, in some instances, more than 1½ miles apart. To have crossed the sloughs with levees would have been prohibitive in first cost and to maintain them would have been impracticable.

By following the higher ground, cutting across from bend to bend, a large area is left between the river and the levees. Excepting the lakes and former channels, the ground between levees is high and becomes unwatered promptly after the passage of a flood. Much of it is exceedingly fertile, and when cleared of the tropical jungle which naturally covers it, it becomes very valuable agricultural land.

Above Moulton Weir it will be necessary to keep a strip of land varying from a few hundred feet to one-half mile wide, adjoining the channel, clear of timber and brush to provide the necessary cross section for the flood discharge. Where the soil is suitable, which is generally the case except where gravel bars exist, such cleared strip would be available for agricultural purposes. The estimated cost of clearing this land should be sufficient to cover also the necessary easements to the property, since the owners' use of the land, in most cases, will not be curtailed and the clearing will be an actual benefit to them.

In general it is planned to give the levees a crown width of 10 feet, side slopes of 3 horizontal to 1 vertical, and a height 3 feet above high water. Below the mouth of Cache Slough, where the width of the river is so great that wave action will at times be serious, the height is made 5 feet above high water. On the upper river, where the levees are a long distance from the channel and separated from it by a growth of timber, so that only slack water reaches them, the section may be somewhat reduced.

(E) BY-PASS.

The storage capacity of the several flood overflow basins up to the height reached by the water during the floods of 1907 and the flooded areas are approximately as follows:

	Acre-feet.	Acres.
Colusa Basin	880,000	93,000
Butte Basin	407,000	54,000
Sutter Basin	1,058,000	116,000
Yolo Basin	1,126,000	140,000
American Basin	571,000	70,000
Total	4,022,000	.....

Assuming a mean discharge of the river of 600,000 cubic feet per second, of which the river below Sacramento would carry, in its present condition, 80,000 second-feet, and that the discharge through Cache Slough would increase during the time this mean flow of 600,000 second-feet continued from nothing to 250,000, giving, when this discharge had been reached, a flow past Rio Vista and through Georgiana Slough equal to the capacity of these channels, the basin capacity would be filled at the mean rate of 475,000 second-feet. At this rate it would take four and one-fourth days to fill the five basins mentioned.

With the river channel capacity increased to the extent contemplated by this project, and with the lands in the basins reclaimed, leaving only sufficient areas for by-passes, the storage capacity of these would be exhausted much sooner, while, as has been shown, a mean flow at the rate mentioned may be expected for a period of four days. Therefore, by-passes of capacity sufficient to carry continuously the volumes specified in Table 3 must be provided. The possible effect of storage in these by-passes will be shown later.

Below the mouth of Feather River there is no choice as to location, which will be down the trough of Yolo Basin to its outlet through Cache Slough.

For location of by-pass to carry the water from the upper weir, Colusa Basin offers the advantage that the water would not have to be taken across the river, but could be turned directly into Yolo Basin. This would reduce the required capacity of the Fremont Weir about one-half. The disadvantages, however, outweigh the advantage. With the most favorable high-water grade line for the Colusa Basin by-pass, a cut through the ridge south of Knights Landing 1½ miles long and 4,000 feet wide, with a maximum depth of 10 feet, would be required. This would involve the excavation of about 6,000,000 cubic yards of material, the cost of which would be almost twice as much as for that portion of the Fremont Weir required to pass an equivalent volume of water.

The area of land required for the Colusa by-pass would be nearly 4,000 acres in excess of that for the Sutter-Butte Basin by-pass. This excess acreage would be land lying on the Knights Landing Ridge, which is of much greater value per acre than that in the basin bottoms. In addition to this, the Colusa Basin by-pass would require a maintenance of levee than the other and would require the raising of one railroad bridge and the construction of another, longer than that crossing the proposed Sutter Basin by-pass. It would also cross a greater number of highways. The advantages which the Sutter Basin by-pass has over one in Colusa Basin more than compensate for the increased cost of weir sill and superstructure.

The grade line of high-water surface in by-passes has, as far as practicable, been fixed so that the depths of water along the levees should not exceed 18 feet.

The width of channel between levees, as shown on the map, varies from 1,900 feet to 4,100 feet in Butte and Sutter Basin by-pass, increasing to 5,500 feet just above junction with Feather River, and from 7,500 feet to 12,000 feet in Yolo Basin.

Near the lower end of the Yolo Basin by-pass Cache Slough, through which the basin discharges its water into Sacramento River, increases in depth and cross section and becomes capable of carrying about 112,500 second-feet. It thus becomes possible to narrow the space between by-pass levees; but to carry the whole flow of 500,000 second-feet into the river, at the junction of Steamboat Slough and Old River, it would be necessary, as the levees approach each other, to increase the width of the deep channel (now averaging 45 feet deep below the adopted grade line) in the lower 3 miles of its course from its present width of about 500 feet to one of about 2,600 feet at its mouth. This would, however, involve more than 50,000,000 cubic yards of dredging. Some enlargement of Cache Slough at its lower end, as shown on map, even with by-pass outlet contracted only to the extent necessitated by the topography will be required.

The lines for the by-pass levees shown on map and the heights of water surface shown on profile are those required for the completed project. Construction to these lines need not necessarily be undertaken all at once, but may be made in connection with projects for reclaiming separate portions of the basins.

As planned and estimated for here, the levees would be constructed to a height of 6 feet in Yolo Basin and 5 feet in Sutter and Butte Basins above high-water mark, with 10 feet crest and side slopes of one vertical to three horizontal. This large section was adopted on account of the possible severe wave action and on account of the character of the material which in places will likely settle excessively.

It is planned to build the levees, as far as practicable, by dredging from a channel along the by-pass side of them, thus increasing the by-pass section and providing a good drainage canal for the lands within the by-pass. After the flood season has passed it should then be possible to use for agricultural purposes so much of the areas within the Yolo Basin by-pass as lie well above high-tide level, or, say, above elevation 10 feet; so much of Sutter Basin by-pass as lies above the water surface elevation of the Sacramento River at Fremont on, say, the 1st of June; and all of Butte Basin except Butte Slough and worthless land along the foot of Marysville Buttes. On the 1st of June, 1909, the water surface at Fremont was at elevation 26.8. In 1908 and 1910 it was much lower. This means that about 38,000 acres, or nearly 50 per cent of the total areas of the by-passes, would be available for agricultural use.

The area of land in each of the three basins that would be used for by-passes, including land occupied by levees, is approximately as follows:

	Acres.
Yolo Basin	56,545
Sutter Basin	13,970
Butte Basin	7,570
	78,085

And the capacities of these by-passes up to the allowed high-water mark would be for Yolo Basin, 705,000 acre-feet, and for Sutter and Butte Basins, 277,000 acre-feet.

With the river levees intact and the stop planks in place on overflow weirs a very moderate flood would fill the river channel to its capacity, and there would be a large flow into Sutter Basin by-pass at its lower end, filling it to the elevation of the crest of the Fremont Weir. This would greatly reduce the capacity of this by-pass for storage when an extreme flood occurs. Assuming, however, that the full by-pass storage capacity is available for receiving flood waters after the river channel has become filled and is carrying the estimated flow before a flood having a mean rate of 600,000 second-feet occurs, the following figures show the effect of the by-passes on the flow in the river below Cache Slough and the length of time which it will take the by-passes to fill.

First. With the river widened as planned but not deepened:

	Second-feet.
Capacity of river below Rio Vista	250,000
Of this, Steamboat Slough and Old River contribute	100,000
Leaving for overflow from Yolo Basin through Cache Slough	150,000

While this outflow of 150,000 second-feet is being attained the actual outflow will increase from 0 to 150,000 second-feet and the mean rate of outflow will be not far from 75,000 second-feet. The mean rate of flow into Yolo, Sutter, and Butte Basins will be (600,000—100,000) 500,000 second-feet. The rate at which by-pass storage will then be filled equals (500,000—75,000) 425,000 second-feet. At this rate the 1,042,000 acre-feet capacity will be filled in 1.2 days. When this point is reached the outflow from the basin would be at the rate of 150,000 second-feet and the rate of increase of storage would be (500,000—150,000) 350,000 second-feet.

The continuance of the flood at this rate for a longer time would, of course, raise the flood plane in Yolo Basin to a higher level than the assumed one, with consequent increase in capacity of about 1.8 hours flow per foot of height. Such an increase in height, resulting in increased slope on the lower river, would increase the discharge there, but at the expense of greater hazard to property on account of higher water and increased velocity.

Second. With the lower river increased in capacity to 600,000 second-feet it would carry off from Yolo Basin 500,000 second-feet. While this outflow is being attained the actual outflow will increase from 0 to 500,000 second-feet and the mean rate will be not far from 250,000 second-feet, and the rate at which by-pass storage will then be filled is (500,000—250,000) 250,000 second-feet. At this rate 1,042,000 acre-feet capacity will be filled in 2.1 days, after which the assumed rate of flow would cause no further increase in height.

(F) FEASIBILITY OF REDUCING FLOOD-CHANNEL DIMENSIONS BY STORAGE OF FLOOD WATER IN MOUNTAIN RESERVOIRS.

The United States Reclamation Service has made surveys of many reservoir sites in both the Sierras and the Coast Range. Advance sheets of the maps of several of these sites have been obtained by this office. The sites where the construction of reservoirs gave promise of some material relief to flood conditions in the valley were visited—those in the Coast Range by Capt. W. P. Stokey, Corps of Engineers, United States Army, and those in the Sierras by myself—to acquire information for use in making estimates of probable cost of such storage. In three instances surveys of dam sites were made, and in another the maps of surveys made for an electrical power development company were secured.

In the case of the Coast Range reservoirs, estimates of cost as favorable as possible to the project of utilizing them for flood control, compared with the saving which their use would make in reducing dimensions of by-passes, flood channels, and the several structures they will necessitate, show that it will not be economical to construct them for that purpose. Several of them will doubtless be used in the near future for storing water for irrigation and power development. A project is now on foot for utilizing Clear Lake for this purpose, and it calls for the use of so much water that the total flow into the lake will probably have to be stored to supply it. When carried out these works will have a slightly ameliorating effect on floods.

In the Sierras are three reservoir sites where either all or a very large part of the season's run-off from the tributary drainage areas may be stored at a cost per acre-foot less than at any of the Coast Range sites. None of these are in the region of greatest precipitation and most rapid run-off, but they are thought to be the most favorable for the purpose of any of the possible sites. Such large storage capacity as these reservoirs would afford would make it possible to store the water required for very extensive irrigation and power projects, and still leave room to hold all the run-off from the tributary area during a storm period such as that which caused the flood of 1907.

The following table gives data relative to the storage capacities of these reservoirs for two heights of dam in each case, also the effect which such storage would have in reducing the estimated necessary channel capacity:

TABLE 5.—*Reservoir data.*

	Reservoirs.					
	Big Valley, Pitt River.		Indian Valley, Indian Creek.		Big Meadows, North Fork, Feather River.	
Height of dam above low-water surface of river, feet	70	100	110	120	85	105
Area of reservoir, acres	60,800	72,300	12,200	12,600	22,000	24,750
Storage capacity, acre-feet	1,200,000	3,100,000	450,000	600,000	450,000	866,000
Tributary drainage area, square miles	2,930		810		400	
Total run-off during February and March, 1907, acre-feet	659,000		304,000		[1] 172,500	
Total run-off during 4 days of greatest flow, March, 1907, acre-feet	195,000		77,400		[1] 44,000	
Mean flow during same 4-day period, cubic feet per second	24,600		9,750		[1] 5,520	

[1] These figures were obtained by using the run-off per square mile at Crescent Mills on Indian Creek. There was no gauging station on North Fork Feather River.

Effect of storing this flood discharge in the reservoirs in diminishing the estimated required capacities of flood channels.

	Per cent.	Per cent.	Per cent.
Above Moulton Weir	9.8		
Butte and Sutter Basin by-pass above Tisdale Weir	13.3		
Sutter Basin by-pass below Tisdale Weir	11.2		
Yolo Basin by-pass	5.1	2.0	1.1
Below Cache Slough	4.1	1.6	.9
Feather River:			
Above Marysville		6.5	3.7
Below Marysville		3.9	2.2

It will be noticed that in each case the storage capacity of reservoir, with the lower dam, will be greatly in excess of the total run-off for the months of February and March, 1907. This capacity will be ample to completely control the flood flow from the drainage area above. In this connection it may be noted that the storage of the total run-off of Pitt River above the canyon at outlet of Big Valley for the months of February and March, 1907, would have provided water enough to increase the low-water flow 3,000 cubic feet per second for 100 days.

In the estimates on the cost of these storage reservoirs the ones depending on the lower dam are taken in each case. In the preceding table the height of dam above the low-water surface of the river is given, for the reason that the total height above a suitable foundation is not known, as will appear in the statements which follow.

Big Valley: The elevation of this valley is about 4,200 feet above sea level. Within the area which would be overflowed is the town of Bieber. Lookout, a smaller town, is located on ground which would not be overflowed by a reservoir formed by a dam of the height now being considered. The land is of very varying character. Some portions near the river and tributary creek channels are rich agricultural lands. Other portions have an adobe soil, which in many places very thinly overlies the bedrock. From the number of vacant buildings and apparently abandoned ranches, these lands can not have been very productive. Railway lines projected through the valley, surveys for which are now being made, will increase the land values over those given in the following estimate.

The rock formation of the canyon where the several possible dam sites are located is of lava, varying in character from hard basalt or block lava, ranging in specific gravity from 2.65 to 2.80, to tufa, having a specific gravity of 2.1 or less and an absorption of 7½ per cent. Indications are favorable for a quarry producing rock suitable for concrete. The question of the suitability of the foundation for a dam 70 feet in height can be determined only after extensive test pits and core-drill holes have been sunk.

The estimated cost of dam is based on a gravity section having a maximum height of 90 feet. Rock capable of bearing the pressure may be found at a less depth than 20 feet, but the uncertainty as to the necessity of going to a great depth with a cut-off wall does not justify a decreased estimate of cost.

Estimate of cost, Big Valley Reservoir.

Land:		
10,000 acres, at $100		$1,000,000
8,000 acres, at $50		400,000
10,000 acres, at $20		200,000
26,400 acres, at $5		132,000
		$1,732,000
Ranch buildings		130,000
Town of Bieber, buildings and capitalization of income from destroyed businesses		400,000
Dam:		
26,000 cubic yards excavation, at $1	$26,000	
58,400 cubic yards concrete, at $12 (present freight rate on cement from San Francisco to Bieber is $24.75 per ton)	700,800	
		726,800
Total		2,988,800

This cost of the reservoir is believed to be under rather than over estimated. The lessening in cost of works for controlling floods, under the project here proposed, which this reservoir would effect is (referring to Table No. 5) approximately as follows:

Lands:		
13.3 per cent of 11,560 acres	1,540	
11.2 per cent of 9,190 acres	1,028	
5.1 per cent of 56,545 acres	2,882	
5.5 per cent (the flow intercepted by the reservoir is 4.1 per cent of maximum below Cache Slough, but it would effect a diminution of 5.5 per cent of the required increase in dimensions of channel) of 2,989 acres	164	
Total	5,614, at $25	$140,350
Excavation:		
5.5 per cent (the flow intercepted by the reservoir is 4.1 per cent of maximum below Cache Slough, but it would effect a diminution of 5.5 per cent of the required increase in dimensions of channel) of 144,452,000 cubic yards (7,950,000 cubic yards), at 5 cents		397,500
Structures:		
13.3 per cent of cost of Moulton Weir		37,800
5.1 per cent of cost of Fremont Weir		54,800
5 per cent (5 per cent is approximate means of reduction in cost of bridges over the By-pass channels) of cost of bridges over by-pass chanels		98,700
		729,150

This estimate of the amount that cost of flood-control works would be lessened by reason of the great storage capacity of Big Valley Reservoir is less than 25 per cent of the estimated cost of the reservoir.

Indian Valley: The elevation of this valley is about 3,500 feet above sea level. Within the area which would be overflowed are the small towns of Cresent Mills and Taylorsville. The reservoir would extend close to the limits of the considerably larger town of Greenville. The mine of the Crescent Mills Mining Co. has been closed down for several years awaiting cheaper power for pumping out its flooded workings. The filling of the reservoir would probably result in the impracticability of ever pumping out the mine. The valley is composed largely of good agricultural land now devoted quite extensively to dairying. The recent completion of the Western Pacific Railway has added to the value of the land.

The outcropping rock at the only feasible dam site on Indian Creek seems to be a hard, massive diorite, but there is so great an accumulation of fragmentary rock, bowlder, and soil that the depth to a safe foundation is unknown. The estimated cost of dam is based on a gravity section having a maximum height of 130 feet, as the conformation of the sides of the canyon and the banks of the creek do not indicate bedrock within less than 20 feet of the low-water surface of the creek. Quite possibly it is much cheaper.

Estimate of cost, Indian Valley Reservoir.

Land: 12,600 acres, at $50		$630,000
Buildings in towns of Crescent Mills and Taylorsville and on ranches; and capitalization of incomes from destroyed businesses		630,000
Mining property		100,000
Dam:		
28,000 cubic yards excavation, at 75 cents	$21,000	
105,600 cubic yards concrete (freight rate on cement from San Francisco to Crescent Mills is $13 per ton), at $9.50	1,003,200	
		1,024,200
Total		2,384,200

As the flood discharge which this reservoir would intercept is only about 40 per cent of that which Big Valley would intercept, while the cost of this reservoir is 80 per cent of the other, it is evident without further consideration that no saving in the cost of the project would result from the construction of this reservoir.

Big Meadows: The elevation of Big Meadows is about 4,400 feet above sea level. A large portion of the reservoir site, including the dam site, is owned by the Great Western Power Co. The rock formation at the dam sites is practically the same as that at the Big Valley dam sites. Diamond drill holes show lava, varying in density and hardness from that of basalt to that of tufa for a depth of 100 feet or more. A dam here will evidently be very expensive. The power company is now making more thorough investigation as to the character of the foundation.

Considering the facts that the flood discharge from Big Meadows was only about one-fourth, while the acreage required for a reservoir is about one-half as much as that for Big Valley; and that the present owners of the controlling interest in the lands will evidently use the site for a reservoir in connection with its power-development plants; it would be neither economical nor practicable for either the Federal or State Governments to construct a reservoir here for flood-controlling purposes.

As the storage of water for power purposes would result in increased summer flow with consequent benefit to navigation at low-water season, and would also relieve the flood situation to the extent already pointed out, some arrangement might be possible by which the construction of the reservoir could be reimbursed for a part of the expense, provided the reservoir was so operated as to give a maximum benefit both to low water and to flood conditions.

A similar statement might be made concerning the use of Big Valley by either a private corporation or by the United States Reclamation Service.

(G) TRIBUTARIES.

Flood waters of all the tributary streams can be carried between levees raised to heights conforming with those adopted for the Sacramento with radical changes of alignment or location in a few places only. Each of the principal streams will be considered separately. With the levee system modified as here specified it will be a matter of equal importance that the space between them, or the specified portion of this space, be kept cleared of trees and brush which naturally grow in great luxuriance.

American River: Adopted high-water plane at mouth is at elevation 35. The assumed high-water slope is 1.7 feet per mile from the mouth for 8½ miles, or to elevation 49, then a slope of 2.64 feet per mile for 2.7 miles, or to elevation 55. At this point, 10.95 miles above the mouth, the high-water elevation is within the trough of the river's valley and marks the end of the south levee. The north levee strikes high ground 8½ miles above the mouth. The grades adopted by the city of Sacramento for top of levees at Twenty-third Street and at Elvas are 5 feet above the high-water plane here described. The grade of the Southern Pacific Railway track from Elvas nearly to Perkins is well above this plane. To pass the 120,000 second-feet assumed flood discharge requires that at and near the mouth the levees be not closer together than 2,000 feet and that this space be kept cleared. Approximately this same width should be kept clear for several miles up the river. A considerable portion of this area is now under cultivation. Waters recede from it rapidly after a flood. Reclamation projects now being carried on will doubtless necessitate very material changes in the lines for levees from those shown on accompanying maps.

Feather River: The tentatively adopted high-water planes for this river are as follows:

	High-water elevation (feet).	Distance (miles).	Mean slope per mile (adjustments necessary).
Mouth	40.0	25.0	1.06
Cross section No. 3, 1 mile below Eliza Bend	66.5	4.7	1.9
Yuba City Bridge	75.5	24.9	
1 mile below head of Butte County Canal	128.0	8.9	2.1

These high-water elevations and slopes require changes in the levee systems below the mouth of Bear River, substantially as shown on accompanying maps. It also involves a change in location of about 5 miles of the Knights Landing branch of the Southern Pacific Railway, which would then occupy the crest of the levee for most of that distance.

There is an extensive area east of the Feather River between the Bear and Yuba Rivers, in which are large lakes and swamp lands and of which we have not sufficient data to determine even approximately the proper locations of levees. This will not affect flood conditions on the Sacramento materially, and with provision made for carrying the Feather, Bear, and Yuba River waters to an outlet, there will be no serious problems involved in the reclamation of this area.

The assumed high-water elevation for the junction of the Yuba and Feather Rivers is but one-half foot higher than that of the actual high water of January, 1909.

Above Marysville it is proposed to raise and strengthen the levees on the east side of the Feather to the mouth of Honcut Creek; thence up the south side of that creek to high ground. The west side levee will need be extended to and across Hamilton Slough, through which flood waters now escape from Feather River to Butte Basin. It is understood that arrangements have been made by a gold-dredging company to construct that part of this levee crossing the head of Hamilton Slough.

Bear River: At mouth of Bear River the assumed high-water plane is at elevation 58 and rises on a slope of 1.06 feet per mile for 7 miles, at which distance the top of levees, 3 feet above this water plane, will strike surface of ground.

Yuba River: The high-water plane at D Street Bridge, Marysville, has been assumed at elevation 75.5 (height of 25 feet on gauge at that point), rising on a mean slope of 5 feet per mile for 10 miles. Levees along existing lines, strengthened and raised in some places on south side to make them safe for this height of water, will confine the floods between them, with provision made for keeping a width of 2,000 feet clear of obstructions.

The training walls now being constructed under direction of the California Débris Commission downstream from Daguerre Point Cut will confine the river to a width of 2,000 feet, but it is impracticable to extend them, at this distance apart, to Marysville, as the only available material for building the levees will not stand the action of the current which such confinement of flood on this steep slope would produce. The flood waters should, however, be confined as far as possible to a single channel by clearing a strip of river bottom. This would induce scour, with resulting increase of channel capacity.

Chico Creek and Stony Creek: These creeks enter the Sacramento at the upper limit of necessary regulating works. Levees along the south bank of each are proposed for a distance of about 2½ miles. High-water plane at mouth of Chico Creek is at elevation 142, and at mouth of Stony Creek it is at elevation 134.

Of the streams which do not enter the Sacramento directly, but flow into the flood basin, those entering the American Basin, it is assumed, will be taken care of by land reclamation companies now organized, by diverting them into American or Bear Rivers, or both. Those of considerable size entering Butte and Yolo Basins will need be leveed on each side, connecting with the by-pass levees. Smaller streams entering these basins and all those entering Colusa Basin will be considered under the head of intercepting canals and basin drainage.

(H) DRAINAGE OF BASINS AND INTERCEPTING CANALS.

Besides the streams already described, which at normal stages discharge their waters into the Sacramento River and which upon the execution of a flood-control project will do so at all stages, there are several smaller streams that empty into the flood basins. The principal ones of these, viz, Dry Creek and Butte Creek, discharging into Butte Basin; and Cache, Putah, and Willow Creeks, discharging into Yolo Basin, will be carried directly into the by-passes; and levees connecting with those of the by-passes will be built along their banks to points where the adjoining land is above the flood plane.

There will still remain considerable areas the run-off from which will accumulate in the lower parts of the basins and in the pockets formed by the junction of main by-pass and branch creek levees. These areas are:

496 square miles tributary to Butte Basin.
382 square miles tributary to Sutter Basin.
612 square miles tributary to Yolo Basin.
1,700 square miles tributary to Colusa Basin.

In the case of Butte, Sutter, and Yolo Basins gates will be provided by means of which, after the passage of the floods, the accumulated water may be drained into the by-passes, leaving the more complete reclamation of the land, necessitating the installation of pumping plants, to the proper owners. The run-off from about 250 square miles of the area tributary to Yolo Basin may be carried in an intercepting canal to a gravity outlet either in the Sacramento River above Rio Vista or through the Denverton Saddle to Denverton Slough and Suisun Bay.

The drainage of Colusa Basin presents greater difficulties. Using the recorded run-off from the adjacent and near-by drainage areas of Stony and Putah Creeks as a guide (the flow of Cache Creek is regulated to a large extent by the reservoir action of Clear Lake), the run-off into Colusa Basin during the flood of March, 1907, must have been approximately as follows:

Maximum daily run-off, 40 second-feet per square mile; greatest 4-day mean run-off, 22 second-feet per square mile; mean run-off for February and March, 5 second-feet per square mile.

With these rates of flow, the greatest 4-day mean daily run-off from the 1,700 square miles area would alone amount to 299,000 acre-feet, or the capacity of the basin up to about the 33-foot contour; but the mean run-off for the 45 days of February and March preceding the 4-day period of greatest flow would amount to about 575,000 acre-feet. Therefore, at the end of the 4-day period the run-off into the basin would have amounted to 874,000 acre-feet, or the capacity of the basin up to the 40-foot contour. The proposed high-water plane of the river at Knights Landing, where Sycamore Slough, the natural outlet of Colusa Basin, enters the river is at elevation 44.5 feet. During the summer of 1909 the river at this point did not drop to an elevation of 30 feet until the 12th of June. The drainage of the basin into the river would therefore be impracticable until late in the season. The only solution of the difficulty is a canal through the Knights Landing Ridge.

It is proposed to cut off Sycamore Slough from the river and to excavate a drainage canal following Cache Creek Slough from its junction with Sycamore Slough to the south about one-half mile, thence cutting directly across the ridge and following the lowest ground to the Yolo Basin by-pass. Such a canal would have a free outlet in the Yolo Basin by-pass, except when there is a considerable flow over the Fremont Weir. The flood plane of this by-pass at the point where the drainage canal would reach it is at elevation 34.5. It would, however, be at this elevation for a few days only. The canal would be about 7 miles long.

With the water in Colusa Basin up to the 30-foot contour and that in the Yolo by-pass at elevation 25, the hydraulic grade line of the canal would have a slope of 0.67 foot per mile. Excavated to a depth of 15 feet below this grade line, with a bottom width of 200 feet and side slopes of 1 to 1, it would have a capacity of 16,300 second-feet.

To keep the water surface in the trough of the basin at as low an elevation as a canal of these dimensions would make possible, Sycamore Slough would probably need be enlarged for about 2½ miles above the head of the canal. The canal would then take care of a uniformly distributed run-off of 5 second-feet per square mile of the drainage area without permitting the rise of water in the basin above the 28-foot contour so long as there was a free outlet into Yolo Basin by-pass.

But with the basin filled to the 28-foot contour, the occurrence of a discharge into it of 22 second-feet per square mile of drainage area for four days, at a time when the Yolo by-pass would be running

full, or to such height as to shut off outflow from the basin, would cause a further rise of water surface of about 6 feet, and the total volume of water impounded would be about 375,000 acre-feet. The drainage canal of dimensions given would, after the subsidence of the water in by-pass, lower the water to the 28-foot contour in about nine days and draw it practically all off in about nine days more.

In the more complete reclamation of Colusa Basin by property owners the inclosing of a considerable part of the lowest land by levees, say that within the 28-foot contour, would result in much less accumulation of water and much more rapid drainage of the other portions.

To construct the canal will require the excavation of about 6,700,000 cubic yards of material. The maximum depth of cut will be 25 feet, with 1 mile averaging 20 feet in depth and 6 miles averaging 15 feet in depth.

It would be possible to construct an intercepting canal carrying the discharge from 1,400 of the 1,700 square miles tributary to the basin and discharging into the Yolo Basin by-pass at flood stage through a cut across the Knights Landing Ridge, with a maximum depth of 8 feet. The total length of the canal would be 63 miles. To carry the peak discharge in a section largely above the natural surface of the ground would involve the temporary flooding of a very large area of land well above the flood plane of the basin and to construct a canal of such capacity with only 20 per cent of its section in excavation would involve the excavation of 30,000,000 cubic yards. Any materially less capacity (such as that of the mean flow for two months) would require the spilling of such a quantity of water into the trough of the basin that the flood height reached there would not be reduced below that which we have seen might exist with a drainage canal as described. During normal winters such an intercepting canal would prevent any of the run-off from 1,400 square miles from reaching the trough of the basin, but the expense makes it impracticable.

(I) BRIDGES.

The execution of a flood-control project along the lines outlined above will necessitate the construction of a few bridges and the reconstruction of several others. These are as follows:

First. Southern Pacific Railway bridge across Yolo Basin, between Sacramento and Davis. The aggregate length of existing trestles in the Yolo Basin crossing is 7,550 feet. The double-tracking of the road is now in progress. The estimate of cost of a bridge across the by-pass is for a double-track structure 9,500 feet long, with an 80-foot clear opening draw span at either end. Bottom chords of spans are to clear the assumed high-water elevation by 3 feet, which will involve raising tracks 12 feet above their present elevation and providing 3,000 feet of run-off at each end.

Second. Southern Pacific Railway bridge across Sutter Basin. Existing trestle is 11,153 feet long. The estimated cost of reconstructing this bridge is for a single-track structure 3,400 feet long, with an 80-foot clear opening draw span at either end. Bottom chords of spans are to clear high-water plane by 3 feet, which will involve raising track 9 feet above its present elevation and raising the trestle approaches at either end to provide the necessary run-off.

Third. Southern Pacific Railway and highway bridge across Sacramento River at Knights Landing. This will have to be raised 7 feet, involving the raising of embankment approaches and incidentally raising sidings and buildings.

Fourth. Southern Pacific Railway bridge across Feather River between Marysville and Yuba City. This will have to be raised 6 feet and run-offs back of levees constructed at either end.

Fifth. Southern Pacific Railway bridge across Feather River, 1½ miles above preceding bridge. Measured along the railway track the distance between levees is here 11,000 feet. Besides the bridge across the river proper there is a long trestle approach and a second trestle across Simmerly Slough. On this main line the maximum grades are lighter than on the Knights Landing branch, on which are the three preceding bridges. Consequently the necessary length of run-off resulting from raising the track 6 feet between levees is greater than in those cases and involves several street changes in Marysville. This change of grade through Marysville has, however, already been practically effected by raising of tracks necessitated by increased height of the Marysville levee system. It is quite possible that one new bridge could be constructed to take the place of this and the preceding one at a decreased total expense, but this would involve so many features of uncertain cost that it has not been thought best to consider such a change in the estimates.

Sixth. Southern Pacific Railway bridge on Knights Landing branch, across the Colusa Basin drainage canal. This bridge will need be 375 feet long. The grade of the railway will need be raised 4 feet.

Seventh. Highway bridge near upper end of Grand Island. This will need be raised 3 feet.

Eighth. Highway bridge at Colusa. The bottom chord of this bridge is now 2 feet above the adopted high-water plane.

Ninth. Highway bridge at Butte City. This bridge will need be raised 7 feet.

Tenth and eleventh. Highway bridges across Sutter-Butte Basin by-pass. There are at present two timber trestles crossing Butte Slough (with truss spans over the channels), which will be made a part of the by-pass. These are on parallel roads about 3 miles apart. These will have to be reconstructed to an elevation about 6 feet higher than at present.

Twelfth. New highway bridge across Colusa Basin drainage canal, 375 feet long and 20 feet high.

In addition to the roads on which bridges have been enumerated above, there are roads crossing Sutter Basin which are used only during the late summer season after the flood water has drained off. No provision is made here for permanent structures crossing the by-passes at these places.

ESTIMATES.

Estimates of quantities and of cost of the several features of this project are taken up in the same order as were those features in the preceding description.

(A) ENLARGEMENT OF RIVER CHANNEL BELOW MOUTH OF CACHE SLOUGH.

Land:	Acres.	
For increased channel section	2,989	
For new levees and enlargement of existing ones	200	
Total	3,189, at $100	$318,900.00
Earthwork:		
Enlargement of existing and construction of new levees, 4,083,000 cubic yards, at 10 cents		$408,300.00
Channel excavation in excess of material required for levees, 144,452,000 cubic yards, at 6 cents		8,667,120.00
		9,394,320.00

(B) CONSTRUCTION OF WEIRS.

Weirs:		
Moulton Weir, 2,840 linear feet, at $100		$284,000.00
Tisdale Weir (reconstruction), 1,140 linear feet, at $80		91,200.00
Fremont Weir, 8,000 linear feet, at $125	$1,000,000	
Fremont Weir excavation—		
Removal of levee, 139,000 cubic yards, at 20 cents	27,800	
Material above sill of weir, 231,000 cubic yards, at 20 cents	46,200	
		1,074,000.00
Sacramento Weir, 1,667 linear feet, at $100	166,700	
Sacramento Weir excavation: Removal of levee, 8,300 cubic yards, at 20 cents	1,660	
		168,360.00
		1,617,560.00

(C) RECTIFICATION AND ENLARGEMENT OF RIVER CHANNELS.

Lands:	Acres.	
Steamboat Slough, for channel enlargement	198	
Between head of Steamboat Slough and mouth of Feather River	30	
Cut-off channel, cutting out Grays and Woods Bends	46	
3 cut-offs between Knights Landing and Cranmore	78	
Total	352, at $200	$70,400.00
Earthwork:		
Excavation of cut-off (Grays and Woods Bends), 586,000 cubic yards, at 12½ cents		73,250.00
Excavation of 3 cut-offs between Knights Landing and Cranmore, 945,000 cubic yards, at 12½ cents		118,125.00
Clearing land for flood channel, 2,300 acres, at $25		57,500.00
		319,275.00

(D) THE SACRAMENTO RIVER LEVEES.

Land:	Acres.	
Steamboat Slough, for levee enlargement	9	
Old River	13	
Between head of Steamboat Slough and mouth of Feather River, for enlargement of old and construction of new levees	338	
Between mouths of Feather River and Chico Creek, including borrow ditches	2,950	
Total	3,310, at $100	$331,000.00
Earthwork:	Cubic yards.	
Steamboat Slough, enlargement existing and construction of new levees	1,061,000	
Old River, enlargement of existing levees	288,000	
Between head of Steamboat Slough and mouth of Feather River, enlargement of existing and construction of new levees	5,738,000	
Total	7,087,000, at 10 cents	708,700.00
Between mouths of Feather River and Stony Creek, enlargement of existing and construction of new levees, 22,756,000 cubic yards, at 15 cents		3,413,400.00
		4,453,100.00

(E) BY-PASSES.

Land:	Acres.	
Yolo Basin	56,545	
Sutter Basin	13,970	
Butte Basin	7,570	
Sacramento Weir by-pass	340	
Tisdale Weir by-pass	230	
Total	78,655, at $25	$1,966,375.00
Clearing land along Butte Slough, between Butte and Sutter Basins, 2,900 acres, at $25		72,500.00
Earthwork:	Cubic yards.	
Yolo Basin levees	21,147,000	
Sutter Basin levees	22,606,000	
Butte Basin levees	5,760,000	
Sacramento Weir by-pass levees	523,000	
Tisdale Weir by-pass levees	1,122,000	
Total levees	51,158,000, at 6 cents	3,069,480.00
		5,108,355.00

(F) RESERVOIRS.

Not made a part of project.

(G) TRIBUTARIES.

Land:	Acres.		
For flood channel on lower Feather River	1,721		
For levees and borrow pits on—			
American River	328		
Feather River and Honcut Creek	1,463		
Bear River	222		
Yuba River	84		
Chico Creek	27		
Stony Creek	26		
Dry and Butte Creeks	597		
Area within levees (Cache Creek, Willow Slough, Putah Creek)	752		
Total	5,220, at $50		$261,000.00
Clearing lands in river bottoms, 12,000 acres, at $25			300,000.00
Earthwork:			
Levees on—	Cubic yards.		
American River	1,695,500		
Feather River and Honcut Creek	13,065,000		
Bear River, including connection with Feather River to northwest	1,751,000		
Yuba River	526,000		
Chico Creek	216,000		
Stony Creek	59,000		
Dry and Butte Creeks	2,724,000		
Cache Creek	539,000		
Willow Slough	1,352,000		
Putah Creek	647,000		
Total	22,572,500, at 15 cents		$3,385,875.00
			3,946,875.00

(H) COLUSA BASIN DRAINAGE CANAL.

Land, 630 acres, at $150	$94,500.00
Earthwork, 6,700,000 cubic yards excavation, at 12½ cents	837,500.00
	932,000.00

(I) BRIDGE.

Double-track railway bridge across Yolo Basin by-pass		$1,588,775.00
Single-track railway bridge across Sutter Basin by-pass		368,321.00
Raising railway bridge across Sacramento River at Knights Landing		120,653.00
Raising railway bridge across Feather River between Marysville and Yuba City		69,692.00
Raising railway bridge across Feather River 1½ miles above preceding		140,000.00
Single-track railway bridge across Colusa Basin drainage canal near Knights Landing		53,000.00
Raising highway bridges at upper end of Grand Island, Colusa, and Butte City		30,000.00
Raising two highway bridges across Butte Slough		15,000.00
Highway bridge across Colusa Basin drainage canal		7,500.00
		2,392,941.00
Less portions of cost of bridges over by-passes properly chargeable to railway companies, viz:		
65 per cent of cost of Yolo by-pass bridge	$1,032,703.75	
50 per cent of cost of Sutter by-pass bridge	184,160.50	
		1,216,864.25
		1,176,076.75

SUMMARY.

(a) Enlargement of river channel below Cache Slough	$9,394,320.00
(b) Construction of weir	1,617,560.00
(c) Rectification and enlargement of river channels	319,275.00
(d) Sacramento River levees	4,453,100.00
(e) By-passes	5,108,355.00
(g) Tributaries	3,946,875.00
(h) Colusa Basin drainage canal	932,000.00
(i) Bridges	1,176,076.75
	26,947,561.75
Add 15 per cent for contingencies and administration	4,042,134.26
Total	30,989,696.01
Less appropriations made by United States and State of California, the project for the expenditure of which may be made a part of this larger project	800,000.00
	30,189,696.01

Respectfully submitted.

H. H. WADSWORTH,
Assistant Engineer.

Capt. THOS. H JACKSON,
Corps of Engineers, United States Army,
Secretary California Débris Commission.

EXHIBIT E.

REPORT CALIFORNIA DÉBRIS COMMISSION, 1913 (MODIFICATION OF MAJOR PROJECT).

[House Committee on Rivers and Harbors Document No. 5, Sixty-third Congress, first session.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 17, 1913.

SIR: 1. Referring to your letter dated December 6, 1912, inclosing a resolution of the Committee on Rivers and Harbors of the House of Representatives of December 2, 1912, requesting the Board of Engineers for Rivers and Harbors to examine and review its report of December 27, 1910, upon the navigation and flood control of the Sacramento and San Joaquin River systems, California, printed in House Document No. 81, Sixty-second Congress, first session, and to report its subsequent information and conclusions thereon, I have to inclose herewith a copy of the report of the board, dated June 17, 1913, in response thereto, accompanied by a copy of a report by the California Débris Commission, dated February 8, 1913, submitted at the request of the board.

2. The commission adheres in general to its original project, but submits a modified plan for the work to be done jointly by the United States and the State of California, at a total estimated cost of $12,517,008, of which it considers $800,000 has already been appropriated by the United States and the State of California, leaving $11,717,008 required for completion of the project. Under the plan of cooperation proposed, one-half of this sum, or $5,858,504, would still remain to be furnished by the General Government. The board reports that if Congress desires to participate in this work the plan of cooperation now proposed is equitable and advantageous to the United States, and recommends its adoption, at an estimated cost of $5,860,000, on condition that the State of California contribute a like sum. I concur with the views of the board.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

Hon. S. M. SPARKMAN,
Chairman Committee on Rivers and Harbors,
United States House of Representatives.

WAR DEPARTMENT,
BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington, D. C., June 17, 1913.

From: The senior member Board of Engineers for Rivers and Harbors.
To: The Chief of Engineers, United States Army, Washington, D. C.
Subject: Sacramento River, Cal.

1. This report is submitted in compliance with the following resolution:

"*Resolved by the Committee on Rivers and Harbors of the House of Representatives, United States.* That the Board of Engineers for Rivers and Harbors created under section 3 of the river and harbor act approved June 13, 1902, be, and it is hereby, requested to examine and review its report of December 27, 1910, upon the navigation and flood control of the Sacramento and San Joaquin River systems, California, printed in House Document No. 81, Sixty-second Congress, first session, and to report its subsequent information and conclusions thereon."

2. In its former report on this matter, printed in House Document No. 81, to which attention is invited, the board called attention to the law under which the California Débris Commission submitted its report and reviewed briefly the project prepared by the commission for the control of floods, and expressed the opinion that the plan proposed was well adapted to accomplish the object intended, but that other projects had been reported upon purely for the improvement of navigation which were more economical, and that the larger plan was not, therefore, necessary in the interests of navigation.

3. The resolution was referred to the California Débris Commission, and the commission has made a supplemental report, which is transmitted herewith. While considerable changes have taken place in the Sacramento Valley since the commission's former report, these have not been of such a nature as to require any material change in the technical features of the plan of flood control proposed by the commission in its original report. Minor changes of detail in the execution of the work will adapt the plan to the present conditions. By act of the legislature approved December 24, 1911, the State of California has adopted the commission's plan for control of floods in the Sacramento River and its tributaries, and it has organized a State reclamation board with ample power to require conformity to this plan in future reclamation work.

4. There has been extensive development along the valley, as evidenced by the building of railway lines and the formation of reclamation districts. Much work that was included in the original plan for flood control has already been done by local interests. In view of the present situation, the commission is of the opinion that the following conclusions may be properly drawn:

"(1) That the land should and will stand a larger share in the total cost of the project than was originally proposed.

"(2) That private capital may be depended upon to carry out certain elements of the project under a general supervision only as to the location and capacity of the river and overflow channels to be provided.

"(3) That the rate at which reclamation has proceeded in the last three years and the fact that such reclamation work is being designed and laid out to conform to the flood heights and general lines of the plan proposed by the commission, renders extremely urgent the work of increasing the channel capacity of the Sacramento River below the mouth of Cache Slough."

5. The commission's original recommendations were as follows:

"First. That the United States begin at once the work for the control of the floods of the Sacramento River in accordance with the above project and provide for its early completion.

"Second. That the United States contribute one-third of the cost of the work and the State of California contribute the remaining two-thirds.

"Third. That upon its completion the United States turn over to the State of California for maintenance all flood-control works."

6. The commission now recommends:

"First. That the United States begin at once the work for the control of floods, removal of débris, and improvement of navigation in the Sacramento River in accordance with the commission's report submitted August 10, 1910, and printed in House Document No. 81, Sixty-second Congress, first session, in so far as the same provides for the rectifica-

tion and enlargement of river channels and the construction of weirs, and provide for the early completion of these features of the plan.

"Second. That the United States contribute one-half of the cost of the work indicated in the first recommendation and the State of California contribute a like amount.

"Third. That all land required for the work indicated be turned over free of cost to the United States.

"Fourth. That upon its completion the United States turn over to the State of California for maintenance all flood-control works."

7. The estimate for the work in which the commission recommends that the United States should participate on a 50 per cent basis is as follows:

(a) Enlargement of river channel below mouth of Cache Slough	$9,075,420
(b) Weirs	1,617,560
(c) Rectification and enlargement of river channels	191,375
	10,884,355
Add 15 per cent for contingencies and administration	1,632,653
	12,517,008
Less amount appropriated by the United States and the State of California under existing project	800,000
	11,717,008
Share each of United States and State of California	5,858,504

8. As the commission originally recommended an expenditure by the United States of $11,000,000, it will be noted that the division of cost now proposed reduces the amount to be appropriated by the United States by about $5,000,000. No estimate for maintenance is given, as all of the works covered by the estimate are flood-control works, and as such are to be maintained by the State of California after their completion.

9. The board has again very carefully considered this entire subject, and on May 26, 1913, held a hearing at which were present Hon. Julius Kahn, Hon. T. F. Curry, Hon. William Kent, Hon. J. E. Raker, and Hon. E. A. Hayes, Members of Congress, Mr. A. L. Shinn, and Mr. F. Freeman, who argued in favor of the improvement, laying stress, among other things, on the obligation of the Government to remedy conditions which it was claimed had largely resulted from the failure on the part of the United States to prevent hydraulic mining operations in the early days.

10. The subject matter covered by this report seems to be a special one pertaining wholly to the duties of the California Débris Commission as expressed in the organic act creating it, the commission stating that flood control was a distinct subject committed to its care, and that Congress has recognized the necessity for flood control in the Sacramento River work by an appropriation of $400,000 in the act of June 25, 1910. In this connection it seems proper to call attention to the growing demands on the part of the public for participation by the United States in works of flood control where these can be properly coordinated with the improvement necessary for commerce and navigation. In the case under consideration the execution of the plan proposed would greatly increase the productiveness and prosperity of the adjacent country and lead to a large increase of commerce on the Sacramento River and its tributaries. The board therefore reports that, if Congress desires to participate in this work, the plan of cooperation now proposed is equitable and advantageous to the United States, and recommends its adoption at an estimated cost of $5,860,000, on condition that the State of California contribute a like sum.

11. In compliance with law, the board reports that except as contemplated by the above recommendations there are no questions of terminal facilities, water power, or other subjects so related to the project proposed that they may be coordinated therewith to lessen the cost and compensate the Government for expenditures made in the interests of navigation.

For the board:

W. M. BLACK,
Colonel, Corps of Engineers, Senior Member of the Board.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
San Francisco, Cal., February 8, 1913.

From: California Débris Commission.
To: The Chief of Engineers, United States Army, Washington, D. C.
Subject: Subsequent information bearing upon report of Board of Engineers of December 27, 1910, upon the navigation and flood control of the Sacramento River and San Joaquin River systems.

1. In compliance with the third indorsement, office of the Chief of Engineers, dated December 28, 1912, Engineer Department file No. 16121/462, the California Débris Commission submits the following report upon the present conditions in the Sacramento and adjacent San Joaquin Valleys and their relation to the plan of the commission, printed in House Document No. 81, Sixty-second Congress, first session, and the report of the Board of Engineers for Rivers and Harbors thereon.

2. Upon receipt of the instructions above referred to, notice was sent to all parties known to be interested in the matter and published in the local papers, requesting all such parties to submit to the commission their views in the matter. The commission also immediately undertook a general study of the conditions in the valley affecting the flood control plan.

3. The responses received to the above-mentioned notice may be divided into two classes: (1) Those suggesting modification in the engineering features of the plan, affecting the location and capacity of the channels to be provided; and (2) those suggesting modification in the method of carrying out the work, affecting the nature and degree of participation of the Federal Government in the plan, and the estimated cost of the same.

4. As to the first class the commission has carefully considered the modifications suggested and is of the opinion that such of them as are practicable and advisable under present conditions can be effected under the terms of the original report, and that therefore no modifications in the engineering features of the original plan are at this time necessary. In this connection the commission has considered the suggestion contained in the original report of the Board of Engineers on the plan, "that further study should be given to the question whether it might not be preferable, even at increased cost, to keep the auxiliary channel wholly on the west side of the river, and thus lessen the risk of injury to the navigable channel where the two cross in the proposed plan." On this point, although it might be practicable, at a considerably increased cost, due to the reclaimed condition of Colusa Basin and the existence of a natural ridge between Colusa and Yolo Basins in the vicinity of Knights Landing, to carry the excess waters of the upper Sacramento River in a by-pass located entirely on the west side of the river, the commission finds that, with a capacity in the Sacramento River below the mouth of the Feather at limiting flood stages of less than 100,000 second-feet and an estimated flood discharge from the Feather River of 250,000 second-feet, it would still be necessary to spill the excess Feather water into Yolo Basin, which can best be done at the place indicated in the original plan. This is in fact nothing more nor less than now occurs, except that the excess waters will flow over an established weir instead of through scattered breaks in the banks and levees from Grays Bend to the Elkhorn district.

5. It seems proper here to remark that the plan of the commission for the control of floods in this valley has received the general approval of those familiar with conditions in these streams and a greater degree of consideration and support than any of the previous plans for the control of floods in this valley. The very existence of the plan has contributed in no small degree to the great development that has taken place in the valley in the last two years.

By an act of the Legislature of the State of California, approved December 24, 1911, copy herewith, the plan of the commission has been adopted as the approved plan for control of floods in the Sacramento River and its tributaries. The board created by section 2 of the act above mentioned was appointed by the governor in April, 1912, and since that time has exercised its functions.

There are no engineers on the board, but it has referred all questions that have come up affecting the engineering features of the plan to both the State engineer and the commission and has acted in accordance with the recommendations received from these sources.

Through the powers exercised by the State reclamation board since its organization, it has been possible to so control reclamation work as to preserve the general lines of the plan. Certain reclamation districts, however, organized prior to the creation of the State board have encroached upon the by-pass areas, particularly in Yolo Basin, necessitating certain changes in the lines as originally laid down. Such necessary changes can be made under the terms of the original plan and the approval of the chief of engineers thereon.

6. As to second class of modifications suggested, those affecting the nature and degree of the participation of the Federal Government in the plan, and the estimated cost of the same, the commission finds such considerable changes in the conditions on which the original recommendations were based as to indicate the desirability of certain modifications in such features of the original report of the commission.

7. Since the commission's plans were prepared there has been a period of tremendous development in the Sacramento Valley and a general recovery from the disastrous effect of the floods of 1907 and 1909. As evidence of this development, the following features may be mentioned:

Railways: The Sacramento Southern Railway has been built from Sacramento to Walnut Grove along the east bank of the Sacramento River.

The Oakland, Antioch & Eastern Railway (electric) is building from Oakland to Sacramento, crossing Yolo Basin in the vicinity of the Glide district, and expects to have trains running to Sacramento inside of six months.

The Vallejo Northern Railway (electric) is building from Vallejo to Sacramento, and expects to have trains running within a year.

The Sacramento & Woodland Railway (electric) has been built and is in operation between those places.

The Northern Electric Railway, which began operation in 1906, from Chico to Oroville, and came into Sacramento via Marysville the following year, has during the last year built a branch from Marysville to Meridian, on the Sacramento River, and will immediately extend this line to Colusa.

The Southern Pacific is building a branch from Harrington, on its line on the west side of the Sacramento River, across Colusa Basin to Grimes, Colusa, and Hamilton, all on the Sacramento River.

The Central California Traction Co. (electric) began operating between Sacramento and Stockton in the spring of 1911.

Reclamations: The following new reclamations have been completed or are under construction:

	Acres.
Egbert tract (tide levee only)	7,000
Hastings tract (tide levee only)	4,388
Netherland Farms Co.	26,000
West Sacramento district No. 900	10,236
Driver district	3,136
Elkhorn district	1,280
Natomas district 1000 and 1001	90,000
Addition to district 108	22,100
District 1002	7,200
Total	175,340

Plans are being prepared for the reclamation of some 50,000 acres in lower Sutter Basin and the remaining portion of Yolo Basin east of the by-pass. As a result of the completion of the several districts above noted, the by-pass levees in lower Sutter Basin and the east by-pass levee through Yolo Basin will be established.

In addition to the above, practically all of the old districts have raised and strengthened their levees, and in all work of this nature the levees and railroad grades are being carried to or above the grade proposed in the commission's plans.

Other features: The city of Sacramento has voted bonds in the amount of $887,000 for the raising of its levee system and the construction of the weir near Brytes Bend contemplated in the commission's plans, about $500,000 to be devoted to the latter work. Options on the land required have been taken and plans for the work are being prepared.

District No. 108, which is extending its area so as to include practically all of the bottom of Colusa Basin, has sought to secure a right of way for a drainage canal through Knights Landing Ridge on the line indicated in the commission's plan, and has submitted plans for such a canal to the State reclamation board which have been approved.

The above-noted new construction of railroads and reclamations is shown on the accompanying map.

Levee work: The estimates of the commission for the levee work along the Sacramento and Feather Rivers contemplated in the flood-control plan were based on surveys made in 1907, 1908, and 1909. Since these surveys were made so much work has been done on the river levees that the commission has, during the last summer, caused the levee rights to be checked, with the results given in the following table:

Statement showing length of levees required, constructed to grade, and partially constructed, Sacramento River flood-control project.

[Distances given, miles.]

	Levees in project.	Prior to 1910.		1912			
		Existing.	Built to grade.	Existing.	Built to grade.	New levee required.	Levee to be raised.
Sacramento River:							
Chico Landing to mouth of Feather	196.0	165.0	5.0	168.0	24.0	28.0	134.0
Mouth of Feather to Sacramento	40.0	28.0	.....	40.0	26.0	.....	14.0
Sacramento to Collinsville	105.0	97.0	50.0	97.0	81.0	8.0	16.0
Steamboat Slough	22.7	17.1	14.0	17.1	17.1	5.6	.....
Feather River:							
Oroville to Marysville	45.0	35.8	(1)	35.8	(1)	9.2	(1)
Marysville to Sacramento River	52.0	35.5	3.0	38.5	24.0	13.5	4.5
Bear River	10.4	6.5	.....	7.5	7.5	2.9	.....
Yuba River	4.8	4.8	(1)	4.8	(1)	.....	(1)
American River	18.0	2.0	2.0	18.0	18.0	.....	.....
	493.9	391.7	74.0	426.7	217.6	67.2	168.5

[1] Elevation of flood plane has not been determined on Feather River and Yuba River above Marysville.

From this table it appears that on the total length of 494 miles of levees contemplated in the flood-control plan there existed at the time the surveys on which the plan was based were made 391 miles of levee of some description, of which 74 miles were up to the grade contemplated in the plan. Since that time the total mileage of levees has become 427, an increase of 36 miles of new levee, and the mileage of levee completed to grade has become 218, an increase of 144 miles of completed levee, leaving to complete the project, so far as river levees are concerned, 67 miles of new levee to be constructed and 169 miles of old levee to be raised, the greater part of this work being on the upper Sacramento.

For reasons that will appear below it is not considered necessary in the present report to compute the effect of the above-noted levee work on the original estimates of the commission.

8. In view of the foregoing statement of the condition of development in the Sacramento Valley and the work already undertaken in furtherance of the plan, and in view of the present tendency of capital to undertake large units of the work which by natural conditions are properly separable from the rest and to carry them out in accordance with lines laid down in the plan, such as the Natomas project between the Bear and American Rivers, and the district 108 project, which will take care of Colusa Basin and the cut through Knights Landing Ridge, the commission is of the opinion that the following conclusions may be properly drawn:

1. That the land should and will stand a larger share in the total cost of the project that was originally proposed.

2. That private capital may be depended upon to carry out certain elements of the project under a general supervision only as to the location and capacity of the river and overflow channels to be provided.

3. That the rate at which reclamation has proceeded in the last three years and the fact that such reclamation work is being designed and laid out to conform to the flood heights and general lines of the plan proposed by the commission, renders extremely urgent the work of increasing the channel capacity of the Sacramento River below the mouth of Cache Slough.

As explained in the original report, the various elements of the project should be brought to completion progressively upstream from the mouth of the river. To date a great amount of work has been done in Yolo, Colusa, Sutter, and American Basins, while no work has been done below the mouth of Cache Slough.

9. The final recommendations of the commission's original report were as follows:

"116. It is therefore recommended—

"First. That the United States begin at once the work for the control of the floods of the Sacramento River in accordance with the above project and provide for its early completion.

"Second. That the United States contribute one-third of the cost of work and the State of California contribute the remaining two-thirds.

"Third. That upon its completion the United States turn over to the State of California for maintenance all flood-control works."

The commission now recommends:

First. That the United States begin at once the work for the control of floods, removal of débris, and improvement of navigation in the Sacramento River in accordance with the commission's report submitted August 10, 1910, and printed in House Document No. 81, Sixty-second Congress, first session, in so far as the same provides for the rectification and enlargement of river channels and the construction of weirs, and provide for the early completion of these features of the plan.

Second. That the United States contribute one-half of the cost of the work indicated in the first recommendation and the State of California contribute a like amount.

Third. That all land required for the work indicated be turned over, free of cost, to the United States.

Fourth. That upon its completion the United States turn over to the State of California for maintenance all flood-control works.

10. The effect of the first recommendation will be to confine the expenditure of any Federal appropriations to one-half of the items (a), (b), and (c) of the estimate contained in the report of Mr. H. H. Wadsworth, appended to the report of the commission of August 10, 1910. Eliminating from the estimate the cost of the land and clearing, these items become:

(a) Enlargement of river channel below mouth of Cache Slough	$9,075,420
(b) Weirs	1,617,560
(c) Rectification and enlargement of river channels	191,375
	10,884,355
Add 15 per cent for contingencies and administration	1,632,653
	12,517,008
Less amount appropriated under existing project	800,000
	11,717,008
Share, each, of United States and State of California	5,858,504

The effect of the second recommendation will be to make the method of defraying the cost of this work conform to that which has heretofore been followed on all works undertaken by the commission in furtherance of the aims and purposes of the act of March 1, 1893.

The third recommendation is in accordance with the present policy of the department in the matter of lands required for river and harbor improvements, and the fourth is the same as the third of the original report.

11. In participating in certain features only of the plan as originally proposed, the Federal Government should not relinquish the control over the other features of the plan necessary to make its work effective. It is the opinion of the commission that the adoption by Congress of the original plan as modified by the present report would confer on the commission power to exercise such control over work done on other elements of the plan than those actually participated in by the Federal Government as would be necessary to prevent anything being done that would adversely affect the general lines of the plan, and particularly the limiting flood heights assumed.

12. It is thought that the Board of Engineers for Rivers and Harbors, in stating that the execution of the original plan was not necessary in the interests of navigation, meant to imply that a sufficient degree of navigability could be maintained at less cost. This commission knows of no way of maintaining navigability with certainty and permanence except under a plan which is part of a plan for flood and débris control, nor does it seem possible to estimate with certainty the cost of maintaining navigability apart from flood and débris control.

Should nothing be done to control floods, there is every probability that from time to time navigability will be temporarily destroyed.

To the cost of restoring navigability should then be added the damage done to navigation interests during the periods of nonnavigability.

The commission understands that the act creating the commission directed the preparation of a plan for flood and débris control. Congress in making the appropriation of $800,000 in the act of June 25, 1910, apparently realized that flood control was a necessity; that sooner or later works for flood control would be undertaken; and that any work done for the improvement or maintenance of navigability should be part of a plan intended to accomplish the three objects of flood control, débris control, and improvement of navigability.

We believe that the execution of the plan prepared by the commission, revised as described in this report, is necessary for the accomplishment of these three objects. The difficult question is what proportional part of the cost the United States should pay.

In making its present recommendations the commission has sought to eliminate from the project those features which are more intimately associated with reclamation and to confine the work of the Federal Government to the river channels and weirs, which features have a more direct bearing upon the navigability of the river.

13. As to the statement contained in the report of the Board of Engineers that "there is reason to apprehend greater difficulty in maintaining the low-water channel where the river is widened to increase its flood capacity, also where the by-passes leave the river, and, in general, where the flood heights are increased by reason of the works of flood control," the commission would invite attention to the fact that the proposed widening of the river channel is confined to the tidal portion of the river where the depths are determined by tidal levels rather than by the low-water discharge. The commission considers that the substitution of weirs for the breaks in the levees and banks by which the excess waters now reach the basins will limit the outflow into the basins to relatively high stages and in some seasons prevent it altogether, which should generally prolong the medium high stages of the river and cause less deposit of material in the river channels below the weirs than now occurs below the present outlets.

For this particular stream, in which the flood and low-water channels are generally coincident where navigation is important and for the proposed increase in the height of the flood plane, the commission does not share the apprehension expressed by the Board of Engineers for Rivers and Harbors that raising the flood plane will increase the difficulty of maintaining the low-water navigation channel.

Some work will doubtless be required to maintain the increased cross section of the channel required for flood discharge below the mouth of Cache Slough; but this does not form a part of the project, for reasons stated in the original report. There is good reason to expect that the increased tidal effect will materially assist in maintaining an ample estuary channel as it does in the lower reaches of the San Joaquin River.

THOS. H. REES,
Lieutenant Colonel, Corps of Engineers, United States Army, President California Débris Commission.

THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
United States Army.

GENTLEMEN: The flood-control committee of California that has for several years been cooperating with the California Débris Commission and with the State engineering department in the interests of navi-

gation and reclamation in that State, respectfully submits the following suggestions and requests for your consideration:

In early years hydraulic mining precipitated vast quantities of débris into the Sacramento River and its tributaries, greatly impairing navigation in the main river and entirely filling the Feather River so that navigation became impossible.

The filling of the channels also increased the difficulty of controlling the floods, and in protecting adjacent lands from overflow.

In 1893 the Federal Government recognized some obligation on its part to restore the stream to the condition that existed before the havoc was done by the mining interests, which operated under the laws of the United States.

In that year Congress passed an act known as the Caminetti Act, creating the California Débris Commission, and declaring a purpose of dealing with the subject.

Appropriations were made from time to time for this object, and the State usually contributed an equal amount.

In 1907, pursuant to the directions of the Caminetti Act, the California Débris Commission made a partial report, recommending the execution of part of the plan under its jurisdiction.

Congress and the State each appropriated $400,000 for this purpose, which sum has been used in part to construct two large dredges which have been completed and are ready to begin actual excavation at the mouth of the river.

In 1910 the débris commission made a more extended report, recommending a plan which is embodied in House Document No. 81, Sixty-second Congress, second session. This plan contemplated the construction of levees and acquisition of by-passes to carry the excess waters in addition to channel improvement.

When this report was presented to Congress in 1912, the Committee on Rivers and Harbors declined to recommend its adoption, because certain features of the plan were manifestly intended to promote reclamation of land. But the principal reason for the action of the committee was found in the report of the Board of Engineers for Rivers and Harbors, dated December 27, 1910, wherein it was said that "The execution of this project is not necessary, in the interests of navigation."

At the session of the legislature of 1913 an act was passed, known as Senate bill No. 1218, which was prepared under the direction of the flood control committee, and received unanimous support from the legislature as well as from the people whose lands are to be taxed for an enormous expenditure.

This act separates all of the plan which embraced the construction of levees and purchase of by-passes and rights of way, and provides to carry out all of the plan except channel rectification and enlargement and the construction of weirs to regulate the flow in the river, so as to encourage its scouring capacity and the consequent removal of the accumulated mining débris.

The California Débris Commission kindly assumed the burden of separating, as far as possible, the portions of the plan which related to reclamation and which did not relate directly to navigation, although it has always been understood that a complete separation of these elements is impossible.

The purchase of rights of way for channel enlargement and rectification by the drainage district, created by the act of 1913, clearly affects and assists navigation, and this burden is cast upon the district; there is no logical way to separate the two elements.

Channel enlargement, in the interests of navigation, also has a resultant influence on the flow of the streams, and, of course, benefits reclamation to some degree.

A supplemental report has been submitted to you by the California Débris Commission, embodying its conclusions, and rearranging the estimates upon a basis considered by it to be fair to the United States.

The estimate of cost by the report of 1910 was $33,000,000, one-third of which, or $11,000,000, was apportioned to the United States. The supplemental report segregates all except $12,517,000, from which is deducted $800,000 already appropriated, leaving $11,717,000 to be borne by the State and Federal Government, or $5,858,000 each. This leaves over $20,000,000 of the original estimates to be provided by taxing the land of private concerns which would be benefited by the work.

A considerable portion of these estimates have already been paid by the reclamation of large tracts at private expense, under the direction of the State reclamation board, which is in turn guided by the débris commission.

The purpose in appearing before this board, as a representative of the State of California, is to urge an approval of the supplemental report and a recommendation that will harmonize the work in the future, and secure from Congress such action as will clothe the California Débris Commission with jurisdiction over the entire subject.

In the past the State has carefully complied with the plan and recommendations of the débris commission, but it is doubtful if the commission has jurisdiction over subjects not closely connected with channel improvement and flood control as identified with navigation.

It is necessary that there should be a primary head to an enterprise as great as this. The State of California has recognized the débris commission as the proper governing influence, and has enacted laws to bind the State to follow on this theory. Congress, however, has not adopted the plan, or empowered the débris commission to execute it, except in part.

The supplemental report now before you strongly recommends a definite policy, as follows:

First. That the Federal Government should not relinquish control over the entire plan, for the reason that control is necessary to prevent anything being done in one part of the work that would affect the general plan, and particularly limiting flood heights.

Second. The adoption by Congress of the plan would confer on the commission power to exercise control over the work done on other elements of the plan than those participated in by the Federal Government. It also appears that the plan, as supplemented by the present report, is necessary in the interests of navigation, and apparently the best method of reasonable and permanent navigation.

It is upon these recommendations that the State of California requests specific, definite approval from this board, together with recommendations to Congress for such legislation as will fulfill the requirements for successful execution of the plan.

The necessity for congressional action is urgent and immediate.

Of course, one of the objects of the plan is the preservation of life and property, as well as the reclamation of a vast territory of rich land that must be dependent upon the execution of this plan for any kind of cultivation or profit.

There are about 400,000 acres in a comparative state of reclamation, but it will never be safe until the plan is executed. In 1907 millions of dollars' damage was done and nearly all of the reclamation districts were flooded. There are about 300,000 acres more in process of reclamation, because of the expectation that the plan will be carried out, but no one would expect these reclamations to be effective to any degree unless the plan should be executed.

It must be borne in mind that all of this reclamation is being made at private expense, and that all of the plan excepting the river-channel improvement and control is to be paid for by the owners of the land.

NAVIGATION.

The interests of navigation are very much involved in the carrying out of this plan. Among the special instances in which navigation is affected we can mention the following:

First. By maintaining a uniform flow of water in the river at its greatest capacity the débris now in the stream and that which will in due course find its way into the stream will be carried away by the scouring process and deepen the channel permanently.

Second. The erection of levees along the river by landowners will form part of the reclaiming works to effect a constant flow of water and improve navigation; and these levees should be standardized and controlled by the débris commission, to the end that the channel improvement and rectification will not be abortive or interrupted by breakes in levees.

Third. The by-passes which are to carry the excess water escaping at flood periods must be controlled so that the flood elevation in the by-passes will not exceed that in the river, and thereby endanger the restraining levees and render the weirs ineffective.

Fourth. The closing of Three Mile Slough and Georgiana Slough is necessary to preserve the navigability of the San Joaquin River. Recent observation shows that the channel is being filled with débris and that navigation is being rapidly impaired.

The growing industry of the Sacramento Valley, especially the hundreds of thousands of acres of new land that will be reduced to cultivation, is making it necessary to improve the channel and keep it in a permanently navigable condition, which can be done only by the execution of the general method recommended by the débris commission. Northern California is growing more rapidly in population and development than any other locality in the United States and needs better facilities for cheap and convenient transportation.

We desire a report from this board, if in harmony with its views, to the following effect:

First. That the execution of the plan as now presented by the débris commission is the most economical method by which permanent and practical navigation can be attained and preserved in the Sacramento and Feather Rivers.

Second. That Congress should enact legislation approving the plan and such modifications thereof as may hereafter be recommended by the proper engineering department of the United States and giving jurisdiction and control over the plan to the California Débris Commission.

Third. That the recommendations of the débris commission appertaining to the expense is fair and just to the United States.

Fourth. Recommending appropriations from time to time as the work progresses to meet the expenses in accord with the supplemental report of the débris commission.

Respectfully submitted.

FLOOD-CONTROL COMMITTEE OF CALIFORNIA.
V. S. MCCLATCHY, *President*.
A. E. ANDERSON.
A. L. SHIRK, *Secretary*.

EXHIBIT F.

RECLAMATION BOARD ACT, STATE OF CALIFORNIA, AS IN EFFECT ON AND AFTER AUGUST 8, 1915.

Explanation: The original act creating the reclamation board was passed at the first extra session of the thirty-ninth legislature, which convened on November 27, 1911. That act was approved December 24, 1911, and went into effect March 24, 1912. It is found in chapter 25 at page 117 of the published statutes passed at the extra session of 1911, and is referred to herein as the "Act of 1911."

That act was amended and supplemented by an act approved May 20, 1913, which went into effect August 11, 1913, and is found in chapter 170 at page 252 of the published statutes of 1913, and is referred to herein as the "Act of 1913." By this amendatory act the Sacramento and San Joaquin drainage district was created and the reclamation board increased from three to seven members and its powers greatly enlarged.

The original act of 1911, as amended and supplemented by the act of 1913 was further amended and supplemented by an act approved June 9, 1915, which went into effect August 8, 1915, and is found in chapter 686 at page 1338 of the published statutes of 1915, and is referred to herein as the "Act of 1915."

The amendatory act of 1915 provides that the whole act, as now amended, may be cited and referred to as the "Reclamation board act."

The titles in full of the acts of 1911, 1913, and 1915 are as follows:

Chapter 25, Statutes of 1911: An act approving the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Approved December 24, 1911.

Chapter 170, Statutes of 1913: An act to amend an act entitled "An act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission, and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911; by amending sections 1, 3, and 4 of said act and adding 16 new sections to said act, to be designated as sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 16½, 17, 18, and 19; creating a drainage district to be known as Sacramento and San Joaquin drainage district, appointing of a reclamation board, providing for the management and control of said district, and defining the powers and duties of the reclamation board

and the State engineer, the acquisition of rights of way and property by said drainage district, the reclamation and protection of the lands therein which are subject to overflow from the Sacramento and San Joaquin Rivers and their tributaries and control of the floods thereof; the making of assessments; also defining the rights and powers of certain municipal corporations, levee, drainage, and protection districts therein, and making an appropriation to pay the expenses of the State engineer and the reclamation board; also providing for the approval and creation of plans of reclamation and the examination of the security afforded to bonds of reclamation and drainage districts and others; to prevent the diversion of the waters of any stream into the Sacramento and San Joaquin Rivers; to prevent the construction of and to require the removal or regulation of obstructions in streams, by-passes, and overflow channels; to repay money contributed for the purchase of rights of way for enlargement of the outlet of the Sacramento River, and making an appropriation for carrying out the purposes of this act.

Approved May 27, 1913.

Chapter 686, Statutes of 1915: An act to amend sections 1, 3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16½, 17, and 18 of an act entitled "An act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers, approved December 24, 1911, as amended by an act approved May 26, 1913, and to add new sections to said act to be numbered 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, relating to the organization, powers, and duties of said reclamation board, and creating a revolving fund and appropriating money therefor.

Approved June 9, 1915. As in effect on and after August 8, 1915.

CALIFORNIA RECLAMATION BOARD ACT.

[As in effect on and after Aug. 8, 1915.]

SECTION 1. The report of the California Débris Commission, transmitted to the Speaker of the House of Representatives of the United States by the Secretary of War on the 27th day of June, 1911, with such modifications and amendments and such additional plans as have been or may hereafter be adopted by the reclamation board, is hereby approved as a plan for controlling the flood waters of the Sacramento River and San Joaquin River and their tributaries, for the improvement and preservation of navigation and the reclamation and protection of the lands that are susceptible to overflow from said rivers and their tributaries. (Original section in act of 1911, as amended by acts of 1913 and 1915.)

SEC. 2. There is hereby created a board, to be known as the reclamation board, consisting of three persons to be appointed by, and to hold office at the pleasure of, the governor. It shall be the duty of said reclamation board, and it is hereby empowered to pass upon and approve plans of reclamation that contemplate the construction of levees, embankments, or canals along or near the banks of the Sacramento River or its tributaries or connected therewith, or upon any land adjacent thereto or within any of the overflow basins thereof. Any original plan of reclamation hereafter adopted that includes or contemplates the construction of any levee, embankment, or canal along or near the banks of the Sacramento River or its tributaries or connected therewith, or upon any lands adjacent thereto or within any of the overflow basins thereof, must be approved by the reclamation board before such plan of reclamation shall have been adopted by the trustees of any reclamation, levee, protection, or drainage district, or by any person, corporation, or association. Any such plan of reclamation shall be void unless first approved by said board, and the construction of any levee, embankment, or canal at any of the places hereinbefore mentioned, without such approval, is hereby declared to be a public nuisance, and the reclamation board is hereby empowered to prosecute any suit or suits in the name of the people for the prevention or abatement of such nuisance. (Original section, act of 1911.)

SEC. 3. The State engineer is hereby directed to procure data and make surveys and examinations upon said rivers and tributaries and the adjacent overflow basins for the purpose of perfecting the plans contained in the report mentioned in section 1 of this act, and making additional plans for the San Joaquin and Sacramento Rivers and their tributaries, and to make a report thereof to the reclamation board. He shall advise and assist the reclamation board, and shall be reimbursed by said board for any necessary expenses incurred by him under the directions of the board. He may, at his option, appoint the chief engineer of the reclamation board to act also as his assistant in the performance of the duties required of him by this section; in which case the compensation of said chief engineer while acting also as such assistant to the State engineer shall be apportioned as may be agreed upon between the reclamation board and the State engineer. All maps, records, and engineering data prepared or obtained by the State engineer for the use of the reclamation board shall be deposited in the office of said board and remain part of its records. (Original section, act of 1911, as amended by acts of 1913 and 1915.)

SEC. 4. There is hereby created a drainage district to be known and designated as "Sacramento and San Joaquin drainage district," the boundaries of which said district are as follows. (Description by metes and bounds follows.)

* * * * * * *

Said drainage district is hereby declared to be a body corporate and politic and shall have power to sue and to be sued; to acquire, own, hold, use, and enjoy for the purposes mentioned in this act any and all properties herein mentioned or necessary for the purposes of said district. [Sec. 4 of the original act of 1911 contained an appropriation and was amended by the act of 1913 to read as above.]

SEC. 5. The management and control of said drainage district shall be vested in the reclamation board, which shall hereafter consist of seven members. The members of the present reclamation board shall be members of the board as hereby enlarged. The remaining members shall be appointed by the governor of the State within 30 days after this act shall take effect. All the members, whether herein named or appointed by the governor, shall hold office at the pleasure of the governor. In case of a vacancy, the same shall be filled by the governor of the State. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 6. The reclamation board shall appoint a secretary, who may be a member of the board, and may appoint a general manager, a chief engineer, and an assistant secretary, and may employ an attorney for the board, and such assistant engineers, consulting engineers, special attorneys, and other assistants, employees, and advisers as may appear necessary to said board, and shall fix their compensation. The compensation of any attorney or engineer employed by the board may be fixed at a monthly rate of compensation, or fees for special services rendered, or both. The secretary, assistant secretary, general manager, chief engineer, and two assistant engineers, all consulting engineers, the attorney for the board, and all special attorneys employed by the board, and such employees as may be otherwise exempted by law, shall be exempt from the provisions of the civil-service laws of this State. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 7. The State of California and the people thereof are hereby declared to have a primary and supreme interest in having erected, maintained, and protected on the banks of the Sacramento and San Joaquin Rivers and their tributaries and the by-passes and overflow channels and basins mentioned herein good and sufficient levees and embankments or other works of reclamation, adequately protecting the lands overflowed or subject to overflow by said streams, and confining the waters of said rivers, tributaries, by-passes, and overflow channels and basins within their respective channels and boundaries, and it shall be the duty of the reclamation board at all times to enforce on behalf of the State of California and the people thereof the erection, maintenance, and protection of such levees, embankments, and channel rectification as will, in their judgment, best serve the interests of the State of California. The purposes and objects of this act are to carry into effect the plans of the California Débris Commission with such modifications and amendments and such additional plans as have been or may hereafter be adopted by the reclamation board for the control of the flood waters of the Sacramento and San Joaquin Rivers and their tributaries and said basins, and to vest in said reclamation board control and jurisdiction over said plans and such other plans as may be adopted by said board, excepting such portions of said plans as relate to channel excavation, enlargement, rectification, and control in the Sacramento River and the construction of weirs, it being the intent of this act that all work and control in the said stream and the construction of weirs shall remain with the United States and the State of California concurrently, but this exception does not apply to the San Joaquin River and its tributaries.

This act and every part thereof shall be liberally construed to promote its objects and to carry out its intents and purposes. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 8. It shall be unlawful for a member of the board to vote upon any contract or other matter in which he may have an interest or share, or for any employee of said board to receive directly or indirectly for his own use or benefit any portion or share of the money or other thing paid under any contract; but having an interest in lands within said drainage district shall not disqualify a member for voting to execute any part of said plans of flood control or carrying out the objects of this act.

SEC. 9. The reclamation board shall have its office at the city of Sacramento, which shall be the principal place of business and legal residence of said board and of the said Sacramento and San Joaquin drainage district. The reclamation board shall elect one of its members as president, and may also elect another of its members as vice president, who shall have the powers and perform the duties of the president during his absence or inability to act or at his request or when so authorized by the board. The regular meetings of said board shall be held at such times as shall be fixed by the board, and a majority of the board shall constitute a quorum, but no action of said board shall be effective unless the same shall be concurred in by a majority of the members thereof. Special meetings of the board may be called at any time by the president or by a majority of the members upon notice by mail or telegraph to each member at his place of residence or business, and there received at least 12 hours before the hour fixed for such meeting. Any other meeting of the board, at its office, when all of the members are present, shall be considered a legal meeting at which any business may be transacted. It shall be the duty of the reclamation board to keep full and correct minutes of all proceedings and transactions of all meetings of the board, which minutes shall be open for public inspection during office hours. Each member of the board shall receive the necessary expenses incurred by him in the performance of his duties, and $20 for each day attending the meetings of the board, but such per diem shall not exceed $1,000 in any one year. The reclamation board shall have a seal of such device as said board may adopt, and any seal heretofore adopted by the reclamation board shall be the seal of said board, and said seal shall also be the seal of the said Sacramento and San Joaquin drainage district. A copy of any record of said board, when certified by its secretary or assistant secretary to be a true copy thereof, and attested by the seal of the board, shall be prima facie evidence of the existence and contents of such record. For making a copy of any record of said board to which any person may be entitled by law, or which may be made at the request of any person, the reclamation board may charge and collect the actual reasonable cost of making such copy, including the time of its employees and materials used, and $1 for the certificate thereto, if a certified copy be requested, and may require a deposit in advance sufficient to cover such charges. All money so collected shall be paid monthly to the State treasurer and be by him credited to the balance remaining unexpended of any appropriation or assessment available for the general administrative expenses of said board. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 10. Whenever so required and notified by the reclamation board it shall be the duty of the owner of and of the person or corporation maintaining or operating any railroad, electric railroad, wire line, wagon road, or other structure crossing any of the by-passes or overflow channels herein provided for, to provide and maintain one or more suitable draws or other appliances within any such by-passes or overflow channels to permit the passage of water craft, dredgers, or other machines used in the construction of reclamation works, and to open said draws or appliances upon reasonable notice given by any person desiring to pass the same and payment of a fee of $50. Said draws or appliances shall be located at such points as shall be designated by said board. A failure to comply with this section shall render such owner of or person or corporation maintaining or operating any of said structures liable to any person for the damages caused to such person by such failure. Compliance with the provisions of this section may be enforced by mandamus or by mandatory injunction, or by any other appropriate remedy authorized by law, in an action or proceeding brought by the reclamation board, which action or proceeding may be

commenced and maintained by said board in the name of the people of the State of California. The remedies provided by this section shall not be exclusive of, but shall be concurrent with and in addition to any other remedy which may exist by law. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 11. Any plan of reclamation, flood control, drainage, or other improvement that includes or contemplates the construction, enlargement, revetment, or alteration of any levee, embankment, canal, or other excavation along or near the banks of the Sacramento or San Joaquin Rivers or any of their tributaries or connected therewith, or upon any land adjacent thereto, or within any of the overflow basins thereof, or upon any land susceptible to overflow therefrom, must, unless heretofore approved by the reclamation board, be approved by said board before construction of the same shall be commenced. Any such plan shall be void until approved by said board, and no such work shall be done or constructed without the permission of said board first obtained.

No river or by-pass levee at any of the places hereinbefore mentioned, nor any levee forming part of any of the plans of flood control adopted by this act or by said reclamation board shall be cut or altered without permission of said board first obtained.

Notwithstanding any provision hereinbefore in this section contained, the owner of any existing levee at any of the places above mentioned shall have the right to raise, widen, or strengthen the same to such extent as such owner may desire: *Provided*, That before such work is commenced the plans, specifications, and method of construction therefor shall be submitted to and approved by the reclamation board, and that the work shall be done subject to the supervision of said board, and that no claim shall ever be made against said reclamation board or said Sacramento and San Joaquin drainage district for compensation, through or by any assessment or otherwise, for any part of such work which may be in excess of the requirements of the plan of flood control for that locality finally adopted and approved by said board: *And provided further*, That any such existing levee may be protected or strengthened in case of emergency during the season of flood water, where it is in danger of injury or destruction therefrom: *Provided*, That notice of such work shall be immediately given to the reclamation board, and provided that all such emergency work shall be subject to the subsequent approval of the reclamation board, and that said board shall have power to require its removal or alteration if not so approved: *And provided further*, That no levee, embankment, or other structure within any by-pass or overflow channel adopted by said reclamation board shall be raised, widened, strengthened, or altered without permission of said reclamation board first obtained.

The construction, enlargement, revetment, or alteration of any levee, embankment, canal, or other work of reclamation, flood control, or drainage at any of the places hereinbefore mentioned, or the doing of any act or construction of any work in this section mentioned, or permitting the same to remain after such construction, which shall be done without the permission of the reclamation board and in violation of any of the provisions of this section, is hereby declared to be a public nuisance, and the reclamation board is hereby empowered to commence and maintain any suit or suits in the name of the people of the State of California for the prevention or abatement of such nuisance. Any person who shall do any act contrary to or in violation of any of the provisions of this section shall be guilty of a misdemeanor. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 12. The reclamation board shall have power to acquire either within or without the boundaries of the district by purchase, condemnation, or by other lawful means, in the name of the Sacramento and San Joaquin Drainage District, from private persons, corporations, reclamation, swamp and, levee, protection, or drainage districts, or other organizations or associations, all lands, rights of way, easements property, or material necessary or requisite for the purpose of by-passes, weirs, cuts, canals, sumps, levees, overflow channels, and basins, reservoirs, and other flood-control works, and other necessary purposes; to construct, clear, and maintain by-passes, levees, canals, sumps, overflow channels, and basins, reservoirs, and other flood-control works; to make contracts in the name of said district to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers by this act conferred, or arising out of the use, taking, or damage of any property for any of such purposes; to maintain actions in the name of the people of the State of California to restrain the doing of any act or thing that may be injurious to any of the works necessary to said plan of flood control or that may interfere with the successful execution of said plan or for damages for injury thereto, and any damages so recovered shall be deposited with the State treasurer to the credit of said district and shall be applicable to the payment of warrants against any assessment for the particular portion or project affected by such injury; to establish a standard of levee construction; to do any and all things necessary or incident to the powers hereby granted or to carry out the objects specified herein; to maintain actions in the name of the people of the State of California to compel by injunction the owner or owners of any bridge, trestle, wire line, viaduct, or embankment or other structure which shall be intersected, traversed, or crossed by any by-pass, drainage canal, or overflow channel, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through any such by-pass, drainage canal, or overflow channel, and wherever necessary in the case of existing works, to compel the removal or alteration of any such embankment or other structure; to maintain actions in the name of the people of the State of California to restrain the diversion of the waters of any stream that will increase the flow of water in said Sacramento or San Joaquin Rivers or their tributaries, and such diversion of the waters of any stream into said rivers or either of them or any of their tributaries, is hereby declared to be a public nuisance which may be prevented or abated by the reclamation board. In case any land, right of way, or easement is or shall be needed for any work of channel excavation, enlargement, rectification, or control, or for the construction of any weir, which is a part of the plans to be carried out as contemplated by this act, and which is to be done or constructed in whole or in part by the United States, and it is or shall be necessary or be required by the United States, before doing such work or constructing such weir, that such land, right of way, or easement be conveyed to the United States free of cost, the reclamation board shall have power to acquire such land, right of way, or easement, and cause the same to be conveyed to the United States free of cost, or to be condemned for the use of the United States in the manner provided by the laws of this State or of the United States, and to pay the cost and expense of acquiring such land, right of way, or easement out of the funds of any assessment by said board applicable thereto; or if such land, right of way, or easement is or shall have been already acquired by said reclamation board in the name of the Sacramento and San Joaquin Drainage District, the said board shall be and is authorized to cause the same to be conveyed by said district to the United States free of cost. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 13. Whenever in the opinion of the reclamation board it shall be necessary to levy an assessment upon any lands within said drainage district for any of the purposes herein specified, said board shall cause an assessment to be levied upon such lands within said drainage district for such purposes. The plans to be carried out shall be divided by said board into separate portions or projects in such manner as will in its judgment best facilitate the levying of assessments for each particular portion or project in a just and equitable manner according to benefits upon the lands in said district. Said board shall enter in the minutes of the board a resolution to the effect that the execution of each such separate portion or project which they may determine upon is a public necessity. Each such particular portion or project shall be designated by the board in such resolution by name and number. All assessments, plans, and funds intended for or connected with the execution of each particular portion or project shall be designated by such name and number and shall be kept separate and shall be used only for the purpose of carrying out such particular portion or project. For the purpose of making any such assessment the board shall appoint three assessors who shall be disinterested persons, and shall have no interest in any real estate within said drainage district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessors shall be exempt from the provisions of the civil-service laws of this State. Said assessors must assess upon the lands within said drainage district the said sums so levied by the board, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditure of said sums of money. After said assessors have examined the plan or plans of the works contemplated and the estimates of the cost, they shall make a preliminary report to the reclamation board indicating the exterior boundaries of the lands that in their opinion will be benefited by the expenditures. The assessors shall then appoint a time and place in each county in which any of said lands are situated, when and where they will hear objections to the said report, and also evidence concerning the manner in which said assessment should be apportioned. They shall give notice of such hearing in each of such counties by publication in a newspaper published in such county once a week for three weeks, the first publication to be not later than the twenty-first day before the day of hearing, which notice shall contain a general designation of the lands which will in their opinion be so benefited, as aforesaid, and shall refer to said preliminary report on file in the office of the reclamation board for such exterior boundaries. They shall exclude any land that will not be benefited by the expenditure of said sums and shall assess all lands that will be benefited thereby.

Said assessors shall make a separate list of the lands so assessed in each county, which list shall contain a description of the tracts of land assessed by swamp-land surveys, legal subdivisions, or other boundaries or references sufficient to identify the same, the name of the owner, if known, or if unknown, that fact, and the amount of the charge assessed against each tract. The name of the owner of land which is or is supposed to be property of the estate of a deceased person in course of administration may be stated as estate of (such person, naming him), deceased. When there are two or more owners or supposed owners of any tract of land, partly known and partly unknown, the assessment may be to such known owner or owners by name and to other owners unknown. No mistake in the name of the owner or supposed owner of any real estate shall invalidate the assessment. In the assessment list for any county the assessor may make use of any abbreviation in common use in that county, without explanation thereof. The assessor may also in the assessment list for any county make use of other abbreviations, provided a schedule and explanation thereof with reasonable certainty shall, unless printed on each page of such assessment list, be prefixed to said assessment list and a reference thereto written, printed, or stamped on each page of said assessment list whereon any such abbreviation is used. In case any land shall in the assessment list for any county be described in whole or in part by reference to any map or survey of record, that such map or survey shall be on file or of record in any public office, it shall be sufficient in such description to designate such map, plat, or survey by name, number, or other designation sufficient to identify the same in a schedule of such maps, plats, and surveys, which schedule shall be prefixed to said assessment list and shall set forth with reasonable certainty where each such map, plat, or survey may be found, and shall be referred to by a reference written, printed, or stamped on each page of said assessment list whereon such method of description is relied upon. The assessors appointed for any assessment may also prepare or cause to be prepared a map or maps of the whole or any part or parts of the lands to be assessed with sufficient detail to indicate thereon and identify the several tracts of land to be separately assessed, or any of them, each of which such separate tracts shall be designated on such map or maps by a distinctive number. Each of such maps shall be inscribed and designated as "Reclamation board assessment map No. ——, giving each map a distinctive number. Any such map may consist of any number of sheets attached together and designated as one map. Such map or maps when approved by the reclamation board shall be certified by the secretary of said board as having been so approved, and shall be filed for record in the office of the county recorder of the county wherein the land indicated on such map or maps is situated. Thereupon and thereafter, for the purpose of said assessment, or of any future assessment levied by said reclamation board, the assessment list for any county may, for the description of any tract of land so indicated on any such map, refer to such map and to the number by which such tract is designated on such map, and such reference, if used for that purpose, shall be a sufficient description of such tract for the purposes of such assessment list, and for the purposes of the notice of delinquent sale, certificate of sale, and deed in pursuance of such sale, and all other proceedings under this act based upon such assessment. No provision of any other statute of this State relative to the filing or recording of maps in the office of the county recorder shall apply to the maps in this section referred to: *Provided, however*, That the maps herein referred to shall have no legal effect for any purpose except for the convenient reference to and description of the tracts of land indicated thereon for the purposes of description of such tracts of land by reference thereto in the matter of assessments levied by the reclamation board and acts and proceedings based thereon as herein provided. No fee shall be charged by any such county recorder for the filing for record of such map as in this section provided.

Said lists when completed shall be filed with the secretary of the board and said secretary shall forward to the county treasurer of each county in which any lands so assessed are situated the assessment list for such county, and the same shall be open for inspection by the public for at least 30 days. The compensation of said assessors shall be fixed and allowed by the board. The reclamation board shall appoint a time and place not less than 30 days after said list has been filed with the county treasurer when and where it will meet in each county wherein any of the lands so assessed are situated for the purpose of hearing objections to said assessments, and notice of such hearing in each county shall be filed with the county treasurer and published once a week for two weeks in some newspaper published in such county. At any time before the date of such hearing any person interested in any land upon which any charge has been assessed may file in the office of the reclamation board written objections to such assessment stating the grounds of such objections, which said statement shall be verified by the affidavit of such person or some other person who is familiar with the facts. At such hearing the board shall hear such evidence as may be offered touching the correctness of such assessment or the manner of its apportionment, and may modify or amend the same, and may reapportion all or any part of the entire assessment. If said assessment shall be reapportioned, the board shall give two weeks' notice as before and proceed to hear objections in each county affected, as before, and shall then reconsider said assessment and make an order approving said assessment as finally fixed; and the decision of said board shall be final, and thereafter said assessment list shall be conclusive evidence, except in the suit hereinafter provided, that the said assessment has been levied and apportioned according to law. Any person interested, as aforesaid, in any land upon which any charge has been so assessed, aggrieved by the decision of the board approving said assessment, may commence an action against the district in the superior court of the county in which said land or the greater part thereof is situated, to have said assessment upon such land modified or annulled. Such action must be commenced within 30 days after the reclamation board has approved such assessment and the assessment list for such county has been deposited in the office of the county treasurer as provided in the next section, and shall have precedence over all civil actions in relation to the time of trial. No objection to said assessment shall be considered by the court unless such objection shall have been made in writing to the reclamation board as hereinbefore prescribed, and, excepting in the action above mentioned, no action shall be paid in full within 30 days after the first installment of such assessment has been by said board ordered paid, no interest shall be charged. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 15. All money collected upon sales or otherwise shall be paid to the county treasurer of the county in which the land is situated, and said money, together with all other money collected by the county treasurer shall, within one month after its receipt by the county treasurer, be by him deposited in the State treasury to the credit of said drainage district in a fund which is hereby created and known as the Sacramento and San Joaquin Drainage District fund, specifying the name and number of the assessment from which such money was derived, and shall be paid out upon warrants of the State controller, and the controller is hereby directed to issue warrants upon said funds whenever drafts of the reclamation board shall be presented to him, and the State treasurer is hereby directed to pay such controller's warrants when there is sufficient money in the funds of said drainage district: *Provided*, That all moneys collected from assessments shall be paid out only on warrants issued for works or other expenses covered by the assessment from which such money was derived, which assessments must be numbered consecutively, to the end that all moneys raised by assessment upon any tract in any one assessment in said drainage district, shall be expended only for the works of reclamation or other expenses beneficial to the lands so assessed, and for the payment of warrants issued for the construction of the works and other expenses for which such assessment was levied, and each warrant must designate the name and number of the assessment from which it is to be paid. Drafts of the reclamation board may be presented to the controller and warrants drawn, as aforesaid, against the funds to be raised by an assessment as soon as the reclamation board has passed its order or resolution for the levy of such assessment and appointed the assessors herein provided, if there are not sufficient funds applicable thereto for the payment of such warrants when presented to the State treasurer he shall indorse on such warrants the date of presentation and register the same, and thereafter such warrants shall bear interest at the rate of 7 per cent per annum, and must be paid in the order of their registration. Such warrants shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon said warrants, or connected therewith, is and shall be four years from the date of their issuance or renewal as hereinafter provided. Said warrants shall, at any time within four years after their issuance or renewal, be received in payment of any assessment for work or expenses for which such warrants were issued. The reclamation board may, at its option, at any time within four years after the date or previous renewal thereof, renew any warrant for an additional period of four years upon application of the owner or holder of such warrant, by an indorsement thereon of the fact and date of such renewal and notice thereof to the State treasurer and controller. Whenever there is sufficient money in the treasury applicable to the payment of any outstanding warrants of the district, the State treasurer shall give notice that there is money in the treasury to pay certain warrants, giving their numbers in the order of their registration; said notice shall be published for 10 days in one newspaper published in the city of Stockton and one published in the city of Sacramento. After the last publication of said notice the warrants therein mentioned shall cease to bear interest.

The reclamation board shall designate a paper in each of said cities which shall be the official papers of said district for the purpose of such publication. Whenever in the opinion of the reclamation board it shall appear that the total amount of any assessment previously levied and assessed and which has become a lien upon lands in said drainage district will be greater than required for the purposes for which such assessment was levied, the reclamation board may by resolution entered in its minutes release the lien of said abandon such assessment as to any part thereof not required as aforesaid and not previously ordered to be paid; and a copy of such resolution, certified by the secretary of said board and attested with its seal, shall be deposited in the office of the county treasurer of each county wherein is situated any land affected by such assessment, and shall be by such county treasurer annexed to the assessment list of such assessment for that county; and in any such case, when any payment has been voluntarily made upon the part of such assessment upon any tract of land so

district, which was fixed for (time and place of sale) has been postponed to (time to which postponed) at the same place. If no bid is made for said property equal to the amount of said installment, accrued interest, and penalty and cost of publication, the district shall become the purchaser, and the said property must be struck off to the district for the amount of said installment, accrued interest, and penalty and cost of publication. A certificate of such sale shall be executed by the president of the board to the purchaser, or to the district if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of the county in which the land is situated. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount for which said property was sold, and interest on the said sum at the rate of 10 per cent per annum from the date of said sale. If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by the president of said board. The effect of such deed shall be to convey said property free of all liens and incumbrances, excepting State, county, and municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of the said or any assessment made by said drainage district, which said balance must be called in and collected in the same manner as other assessments: *Provided*, That where property shall have been so deeded to the district and shall not have been sold, the same shall not be offered for sale for subsequent installments of the said or any assessment so long as the district shall remain the owner of said property, but the board may sell said property at any time at public auction after notice given for the same period and in the same manner as herein provided for sale for delinquent installments, but not for a sum less than all delinquent unpaid installments of all assessments thereon, with accrued interest and penalties, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances except State, county, and other municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of all assessments of said drainage district, which balance must be called in and collected in the same manner as other assessments. The remaining portion not yet ordered paid by said board of the assessment upon any tract of land may be voluntarily paid in full, with the accrued interest thereon, at any time after the lien of such assessment has accrued, and if the total amount of the whole of such assessment on any tract shall be paid in full within 30 days after the first installment of such assessment has been by said board ordered paid, no interest shall be charged. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 15. All money collected upon sales or otherwise shall be paid to the county treasurer of the county in which the land is situated, and said money, together with all other money collected by the county treasurer shall, within one month after its receipt by the county treasurer, be by him deposited in the State treasury to the credit of said drainage district in a fund which is hereby created and known as the Sacramento and San Joaquin Drainage District fund, specifying the name and number of the assessment from which such money was derived, and shall be paid out upon warrants of the State controller, and the controller is hereby directed to issue warrants upon said funds whenever drafts of the reclamation board shall be presented to him, and the State treasurer is hereby directed to pay such controller's warrants when there is sufficient money in the funds of said drainage district: *Provided*, That all moneys collected from assessments shall be paid out only on warrants issued for works or other expenses covered by the assessment from which such money was derived, which assessments must be numbered consecutively, to the end that all moneys raised by assessment upon any tract in any one assessment in said drainage district, shall be expended only for the works of reclamation or other expenses beneficial to the lands so assessed, and for the payment of warrants issued for the construction of the works and other expenses for which such assessment was levied, and each warrant must designate the name and number of the assessment from which it is to be paid. Drafts of the reclamation board may be presented to the controller and warrants drawn, as aforesaid, against the funds to be raised by an assessment as soon as the reclamation board has passed its order or resolution for the levy of such assessment and appointed the assessors herein provided, if there are not sufficient funds applicable thereto for the payment of such warrants when presented to the State treasurer he shall indorse on such warrants the date of presentation and register the same, and thereafter such warrants shall bear interest at the rate of 7 per cent per annum, and must be paid in the order of their registration. Such warrants shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon said warrants, or connected therewith, is and shall be four years from the date of their issuance or renewal as hereinafter provided. Said warrants shall, at any time within four years after their issuance or renewal, be received in payment of any assessment for work or expenses for which such warrants were issued. The reclamation board may, at its option, at any time within four years after the date or previous renewal thereof, renew any warrant for an additional period of four years upon application of the owner or holder of such warrant, by an indorsement thereon of the fact and date of such renewal and notice thereof to the State treasurer and controller. Whenever there is sufficient money in the treasury applicable to the payment of any outstanding warrants of the district, the State treasurer shall give notice that there is money in the treasury to pay certain warrants, giving their numbers in the order of their registration; said notice shall be published for 10 days in one newspaper published in the city of Stockton and one published in the city of Sacramento. After the last publication of said notice the warrants therein mentioned shall cease to bear interest.

The reclamation board shall designate a paper in each of said cities which shall be the official papers of said district for the purpose of such publication. Whenever in the opinion of the reclamation board it shall appear that the total amount of any assessment previously levied and assessed and which has become a lien upon lands in said drainage district will be greater than required for the purposes for which such assessment was levied, the reclamation board may by resolution entered in its minutes release the lien of said abandon such assessment as to any part thereof not required as aforesaid and not previously ordered to be paid; and a copy of such resolution, certified by the secretary of said board and attested with its seal, shall be deposited in the office of the county treasurer of each county wherein is situated any land affected by such assessment, and shall be by such county treasurer annexed to the assessment list of such assessment for that county; and in any such case, when any payment has been voluntarily made upon the part of such assessment upon any tract of land so

The sale of property for delinquent assessments under (name and number of assessment) of the Sacramento and San Joaquin drainage

abandoned and released the amount of such overpayment shall be repaid to the person by whom the same was paid, his heirs or assigns; and upon production of the county treasurer's receipt therefor and indorsement thereon by the reclamation board of the fact of such repayment, the reclamation board shall draw a draft on the State comptroller and the comptroller shall draw a warrant upon the State treasurer therefor, and the State treasurer shall pay such warrant in the same manner as other warrants against the funds of such assessment. The reclamation board may also, in its discretion, abandon further proceedings under any assessment at any time prior to the time when the lien of such assessments has accrued. In case of any change of county boundary lines, or creation of any new county, all acts and proceedings in this act provided for in the matter of or relating to or in pursuance of or founded upon any assessment upon lands affected by such change of county boundary lines, or creation of such new county, shall be done and conducted as if such lands were situated in the same county as at the time of appointment of the assessors to make such assessment. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 16. In all cases in which an assessment shall be levied upon the lands embraced within said district, and if the assessment upon any tract or tracts of land shall have thereafter been adjudged invalid by any court of competent jurisdiction, or if for any reason such tract or tracts of land shall not have been legally charged with said assessment, then such tract or tracts of land shall be charged in any subsequent assessment with such proportion of the former assessment as the benefits derived by said land from the purposes for which said former assessment was levied bears to the whole amount of said former assessment, or a subsequent reassessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the said assessment. [New section, added by act of 1913.]

SEC. 16½. One of the first projects to be considered by said board shall be that portion of the plans of the California Débris Commission relating to the Sacramento River and Cache Slough below the junction of Yolo Basin by-pass and Cache Slough, known as the project to enlarge the outlet of the Sacramento River. In the estimate of the sum necessary for the project last named, the board shall also ascertain the amount of any expenditures that have heretofore been made by the State of California, any municipal corporation, reclamation district, and by any owner of lands within said drainage district, or by any of them, for the purpose of purchasing rights of way for the enlargement of the outlet of the Sacramento River and actually applied to said purpose, which said sums so expended shall be legal claims against said district upon execution by the claimant of a quit-claim deed of rights of way to the district, and shall be paid from the moneys arising from the assessment for the project in this section first above mentioned. The governor is hereby authorized to execute such quit-claim deed on behalf the the State of California: *Provided, however*, That in cases where such rights of way or lands for use as such rights of way have already been conveyed to or the title thereto has already been vested in the United States for use in carrying out said project the quit-claim deed from any claimant above referred to shall not be required. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 17. It shall be the duty of the reclamation board to promote the construction, completion, maintenance, and repair of levees along all rivers, streams, overflow channels, and basins and by-passes where, in the opinion of the board, such levees are insufficient or necessary for the purpose of the plans for flood control to be carried out by said board under this act. Whenever any such levee is in the opinion of said board insufficient or necessary for the purpose aforesaid, the reclamation board shall give notice, by publication in the manner hereinafter provided, that such levee is insufficient or necessary and that it is the intention of said board to construct, repair, or complete such levee and pay the cost thereof out of an assessment levied or to be levied and assessed upon the lands within said drainage district directly or indirectly benefited by such levee. Such notice shall be signed in the name of the reclamation board by its president and secretary and shall be published once a week for three weeks in some newspaper published in the county wherein such levee or the greater part thereof is situated or is to be constructed, and the giving of such notice by publication shall be deemed completed on the twenty-first day after the first publication thereof. Any landowner or owners, and any reclamation district, drainage district, levee district, municipal corporation, or other organization or association authorized by law to construct, repair, or complete such levee shall have 30 days after completion of the giving of such notice by publication as aforesaid within which to apply to said reclamation board for leave to construct, repair, or complete such levee, which application shall be in writing and signed by such applicants or their respective executors, administrators, guardians, trustees, or duly constituted and authorized officers, and filed in the office of the reclamation board; and in case such application be filed within 30 days, as aforesaid, such applicants shall have 60 days after the filing of such application, or such further time as said reclamation board may by order entered in its minutes allow, within which to present to said reclamation board their plans and specifications for the construction, repair, or completion of such levee, and obtain the approval by said board of such plans and specifications, and to commence the work. Each such application for leave to construct, repair, or complete such levee shall designate the name and post-office address of at least one and not more than three of the applicants signing the same as the person or persons to whom any notice or communication may be addressed by the reclamation board in the matter of such application. In case there shall be two or more such applications filed in the office of the reclamation board within said period of thirty days last above mentioned, the reclamation board may determine which of such applications shall be recognized and may reject the others. Any such levee constructed or work done by such applicants as hereinbefore provided, pursuant to such notice from the reclamation board and according to plans and specifications approved by said board, shall be considered as constructed or done with the permission of said board within the meaning of section 18 of this act. If such application shall not be filed in the office of said reclamation board for permission to do such work, as aforesaid, within 30 days after completion of the giving of such notice by publication, or if such applicants shall fail to present to said board and obtain its approval of such plans and specifications and to commence the work as aforesaid, within said period of 60 days or such further time as the board may allow, or shall fail to complete such work with reasonable diligence after the same shall have been so commenced, the reclamation board shall thereupon be and is hereby empowered to proceed with the construction, repair, or completion of such work and to pay the cost thereof or assessment upon the lands within said drainage district directly or indirectly benefited by such levee according to such benefits, as in this act provided, which assessment may be either an assessment specially levied and assessed for that purpose, or any assessment levied and assessed by said board and applicable to the payment of such work. Notwithstanding anything in this section provided, if in the opinion of the reclamation board a case of emergency exists requiring immediate action to preserve life or property or to protect or preserve the safety of any such levee along any river, stream, overflow channel, or basin, or by-pass, the reclamation board may cause the necessary work to be done immediately for the protection or preservation of such levee, without giving the notice hereinbefore provided, and may pay the cost thereof, and any damage that may have been done by the performance of such work, by an assessment to be levied and assessed as above provided, or out of the funds of any assessment available for that purpose under the provisions of this act. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 18. Notwithstanding any provision in this act, any reclamation district, levee district, drainage district, or municipal corporation, wholly or partly within the said Sacramento and San Joaquin drainage district, now or hereafter existing, shall have the right, within the permission of the reclamation board, to acquire by grant or eminent domain or otherwise any right of way or other easement included in any of the plans for controlling the flood waters of the Sacramento and San Joaquin Rivers or their tributaries to be carried out by said reclamation board as in this act provided, which right of way or other easement is or shall be required by the plans of such reclamation, levee, or drainage district, or municipal corporation for the consummation of its purposes as authorized by law, and shall also have the right, with the permission of the reclamation board, to construct such levees, cuts, canals, or gates as may be required to complete any by-pass forming part of said plans to be carried out by said board as aforesaid, or to complete any part of any such by-pass which may in the judgment of said reclamation board be safely and economically constructed as a separate unit or portion thereof, and the title to any such right of way or other easement or levees, cuts, canals, or gates shall be conveyed to the said drainage district upon compensation being made at the actual reasonable cost thereof.

If any reclamation district, levee district, drainage district, municipal corporation, private corporation, association, or person within said Sacramento and San Joaquin drainage district, with the consent of the reclamation board, has provided or left, or shall hereafter provide or leave, any land for a by-pass or waterway, storage basin, or sump for the purpose of complying with the plans to be carried out by said board as aforesaid, or for carrying out in whole or in part any of the plans or works adopted by it, or shall hereafter, with the consent of the reclamation board, erect any levee or levees along said by-pass or waterway, storage basin, or sump, the said by-pass, waterway, storage basin, or sump and levees shall be considered as a part of the work to be done pursuant to the provisions of this act, and proper compensation shall be made for the right of way or easement through, over, and upon such by-pass, waterway, storage basin, or sump and for the actual reasonable cost of construction of said levees, cuts, canals, or gates. When such compensation shall have been made, such reclamation district, levee district, drainage district, municipal corporation, association, private corporation, or person shall convey to the said Sacramento and San Joaquin drainage district a perpetual easement in, over, and upon said by-pass, storage basin, or sump and levees for all purposes necessary to accomplish the said plans to be carried out by said reclamation board as aforesaid.

In the event that any such reclamation district, levee district, drainage district, municipal corporation, private corporation, association, or person, shall, with the consent of the reclamation board, expend any sum of money in the acquisition of such right of way or other easement, or in the construction of such levees, cuts, canals, or gates, and shall convey the same to the Sacramento and San Joaquin drainage district, or in the event that it, he, or they has or have allowed, or shall allow, any land to be used for the purpose of a by-pass or waterway, storage basin, or sump to comply with the plans to be carried out by said board as aforesaid, or shall, with the consent of said board, construct levees along any line of any such by-pass or storage basin, and shall convey a perpetual easement thereto to said Sacramento and San Joaquin drainage district, it, he, or they shall have a claim against the said drainage district for the reasonable value or cost of such right of way or other easement or of such levees, cuts, canals, or gates, and an assessment shall be levied upon the lands in said drainage district benefited thereby so that the same may be paid, or such cost may be included as one of the items in any assessment that may be levied in the said drainage district.

The words "with the permission of the reclamation board" or "with the consent of the reclamation board," as used in this section, shall be construed to mean and are hereby declared to mean the express permission or consent of said board in each particular case, evidenced by resolution or order entered in its minutes, and granted upon application of the particular district, corporation, association, or person desiring to obtain benefit of the provisions of this section.

Before granting its permission for the acquiring of any right of way or easement or for the construction of any of the levees or other works in this section mentioned, the reclamation board may require the applicant for such permission to furnish and submit to said board complete and detailed plans and specifications therefor and estimates of the cost thereof, and said board may in its order granting such permission designate a maximum limit of the amount of compensation to be so allowed therefor.

In case the reclamation board shall determine that the ownership in fee of, instead of the right of way or easement over, any land required for use as a by-pass, or overflow channel or basin, or for any part of the works of flood control to be carried out by said board, is necessary, or that the absolute ownership by said Sacramento and San Joaquin drainage district of any levees, cuts, canals, gates, or other flood-control works is necessary, for the purposes of said district, then said board may require that such title in fee and absolute ownership shall be conveyed to said Sacramento and San Joaquin drainage district before any compensation shall be allowed therefor pursuant to any of the provisions of this section. (New section, added by act of 1913 and amended by act of 1915.)

SEC. 19. The sum of $100,000, in addition to the sums heretofore appropriated, is hereby appropriated for the use of the reclamation board, at least $20,000 of which shall be used by the board to pay the expenses of the State engineer in carrying out the directions of this act. The comptroller is hereby directed to draw warrants upon the State treasurer whenever drafts of the reclamation board are presented to him, and the treasurer is hereby directed to pay said comptroller's warrants. In the first assessment levied in said district the sum of

$50,000 shall be levied, collected, and paid to the State treasurer as reimbursement of one-half of the above appropriation.

The State of California shall not be liable, directly or indirectly, for any obligation, claim, or liability of any kind or character, arising under or by reason of this act or any of the provisions thereof, in excess of the $100,000 in and by this act appropriated. [New section, added by act of 1913.]

SEC. 20. When and as soon as the sum of $50,000 has been collected and paid to the State treasurer as reimbursement of one-half of the appropriation for the use of the reclamation board made by section 19 of said act hereby amended, or when and as soon as any part or parts of said sum shall be so repaid from time to time, if the same shall be so repaid in installments, the money so repaid to the State treasurer shall be and is hereby reappropriated for the use of said reclamation board and may be used by said board as a continuing revolving fund in the manner hereinafter provided. The controller is hereby directed to draw warrants upon the State treasurer whenever drafts of the reclamation board therefor are presented to him, payable out of such revolving fund, and the State treasurer is hereby directed to pay said warrants. The said revolving fund may be used by said reclamation board from time to time for any purpose for which the funds of said board or of the Sacramento and San Joaquin drainage district, whether raised by assessment or otherwise provided, may be lawfully used. Whenever any assessment has been or shall be levied or ordered by said board applicable to the payment of any expenses or charges so prepaid out of said revolving fund, and such proceedings shall have been taken in the matter of such assessment that it shall be lawful to draw warrants against the funds of such assessment as hereinbefore provided, the reclamation board shall make and present its draft to the controller and the controller shall draw his warrant upon the State treasurer upon the funds of such assessment for the amount of such expenses or charges so prepaid out of said revolving fund, which warrant shall be drawn in favor of the State treasurer. Such warrant shall be registered and renewed and shall bear interest and be paid in the same manner as other warrants against the funds of such assessment, as hereinbefore provided, and when so paid the amount of such warrants and the interest thereon, if any, shall be by the State treasurer credited to said revolving fund and form a part thereof.

The reclamation board may from time to time draw such sum from the State treasury out of such revolving fund not to exceed the sum of $5,000 as shall be approved by the board of control, which sum may be drawn without the submission of estimates, receipts, vouchers, or itemized statements, to be used as a special cash contingent fund out of which may be advanced any proper expenses or charges in and about the conduct of its business, requiring prompt payment in cash. All charges and expenses so advanced out of such cash contingent fund must be accounted for and proper vouchers therefor produced to the board of control, and when approved by the board of control the amount thereof shall be paid out of said revolving fund and returned to said cash contingent fund. Said special cash contingent fund must be accounted for by the said State reclamation board at any time upon demand by the controller or State board of control and refunded to the said revolving fund. [New section, added by act of 1915.]

SEC. 21. Any construction or repair work to be undertaken or done upon the initiative of the reclamation board under any of the provisions of this act may, at the option of said board, be undertaken and done by said board under the sole charge and direct control of said board, its officers, agents, and employees, free from any jurisdiction or control of the State department of engineering over the same. Any such work to be so undertaken and done by the reclamation board may be done wholly or partly by contract let by the board in such manner as the board may determine, or may be done wholly or partly by day labor or force account if deemed advisable by the board. Said board is hereby authorized to construct, purchase, rent, sell, or exchange, from time to time as may be found necessary or convenient, any and all such dredgers, machines, appliances, tools, apparatus, and other property which may be necessary or convenient for doing any such work; and the cost thereof shall be apportioned to and paid from the funds raised from the several assessments levied or to be levied by said board in a just and equitable manner according to the use made of the same in carrying out the several separate portions or projects for which assessments shall have been levied, respectively.

Any such dredgers or other equipment, when not in use on any work of the reclamation board, may be by said board rented for use by others, and the rental received therefrom by said board shall be paid over to the State treasurer and by him credited to the balance or balances remaining unexpended of the assessment or assessments against which the cost of such equipment has been paid or is to be charged, as indicated to him by said board.

The reclamation board may also, at its option, determine that any such construction or repair work shall be taken charge of and constructed by the State department of engineering, in which case the plans and specifications for such work shall be prepared and approved by the reclamation board and by said board delivered to the State engineer, together with a request that such work be taken charge of and done by the State department of engineering; and thereupon such work shall be done or constructed under the sole charge and direct control of the State department of engineering in the manner provided by law for the doing of such work by the department, and the cost thereof and any necessary and proper expenses incurred by said department of engineering in connection therewith shall be a legal charge against the Sacramento and San Joaquin drainage district and paid out of any assessment or other fund applicable thereto: *Provided, however*, That any contract let by the State department of engineering for the doing of any such work shall be approved by the reclamation board before becoming effective; *And provided further*, That any cash, bond, check, or other security forfeited by any bidder or contractor for failure to enter into or to perform any contract for the doing of any such work shall be forfeited to and recovered by the reclamation board for the use of the Sacramento and San Joaquin drainage district, and as soon as received or recovered shall be paid to the State treasurer and by him placed to the credit of the assessment out of which the cost of such work is to be paid.

In the case of any such work so done or constructed by said department of engineering, the reclamation board may furnish to said department of engineering for use in such construction any of its dredgers, machines, appliances, tools, apparatus, or other property which may be necessary or convenient for doing such work. [New section added by act of 1915.]

SEC. 22. The reclamation board shall have the right to inspect and supervise, as the same progresses, any work done or constructed pursuant to any of the provisions of this act, and may insert a stipulation for such inspection and supervision in any order, contract, or other instrument permitting or providing for or relating to the doing or construction of any such work. [New section added by act of 1915.]

SEC. 23. Any plans or specifications heretofore or hereafter adopted or approved by the reclamation board for any work to be done or constructed pursuant to any of the provisions of this act may be changed or altered, with the consent of said board, at any time before commencement or during progress of the work if deemed advisable by said board for the purpose of avoiding obstacles or to conform to conditions discovered or existing where such work is to be done, or for any purpose approved by said board; and said board may in like manner and for like purpose at any time change or alter the plans or specifications for work undertaken by the board upon its own initiative. [New section added by act of 1915.]

SEC. 24. The president or any member of said reclamation board, and the secretary and assistant secretary, general manager, and chief engineer of said board are, and each of them is hereby, authorized to administer oaths and to take and certify affidavits relating to any matter pending before said board, or in which said board or the Sacramento and San Joaquin drainage district may be interested. [New section, added by act of 1915.]

SEC. 25. Any hearing before the reclamation board shall, if deemed advisable by the board, be conducted upon sworn testimony of the applicants or witnesses except in the case of reports or investigations made by the members, employees, or special advisers of the board.

Whenever in the opinion of the board it shall be necessary or proper for the convenience of applicants or witnesses, the reclamation board may meet at any place in this State for a hearing or partial hearing of any application coming before said board; or the board may, in its discretion, authorize such hearing or partial hearing to be had before a committee of one or more members of the board, or before the general manager or chief engineer of the board, at any place within this State, who shall take and report the evidence to the board. The board may require that all, or such part as it deems proper, of the expenses of any such outside hearing, if held at the request of the applicant, including traveling expenses of the members, officers, or employees of the board, and the expenses of stenographic reporting and transcribing evidence taken at such hearing, shall be paid by the applicant, including a proportionate allowance, according to their usual rate of compensation, for the time of the members, officers, and employees of the board required for such hearing. All money so collected as compensation for the time of the members, officers, or employees of the board shall be paid by said board into the State treasury and by the State treasurer credited to the balance remaining unexpended of any appropriation or assessment available for the general administrative expenses of the board.

The reclamation board may also provide, in such manner and upon such terms as to said board may seem proper, for the taking at any place of the deposition under oath of any witness for or against any application pending before the board, which deposition shall be taken before a notary public or other officer or person authorized by law or by this act to administer oaths, and when so taken the same shall be certified and returned to the office of said board in the manner provided by law for the certifying and returning of depositions in civil actions; and when so taken, certified, and returned the said deposition may be read in evidence before said board at the hearing of such application. [New section, added by act of 1915.]

SEC. 26. An affidavit may be used to prove the service or publication of any notice required or provided for by any of the provisions of this act in the same manner and to the same extent as provided for in sections 2009 to 2015, inclusive, of the Code of Civil Procedure, and such affidavit shall be received as prima facie evidence of such service or publication in any court or elsewhere. (New section, added by act of 1915.)

SEC. 27. Besides and in addition to the notices required by this act, the reclamation board may in its discretion give such notice as it may deem proper, by publication, mailing, or otherwise, of any of its assessments, orders, proceedings, hearings, or other acts done or contemplated. (New section, added by act of 1915.)

SEC. 28. The reclamation board may from time to time adopt rules to promote the convenient, orderly, and just conduct of the business of said board and of the Sacramento and San Joaquin drainage district, and may amend or repeal the same or any part thereof from time to time, and any such rules or any part thereof may be suspended or compliance therewith may be waived by said board at any meeting to such extent as may be deemed proper. Any rules heretofore adopted by the reclamation board shall be the rules of said board until amended or repealed or until new rules are adopted. (New section, added by act of 1915.)

SEC. 29. The property of the reclamation board or of said Sacramento and San Joaquin drainage district shall be exempt from execution or attachment. (New section, added by act of 1915.)

SEC. 30. If any section, subsection, sentence, clause, or phrase of this act shall for any reason be held or found to be unconstitutional, the validity of the remaining portions of this act shall not be thereby affected. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause, and phrase thereof, notwithstanding that any one or more sections, subsections, sentences, clauses, or phrases be held or found to be unconstitutional. (New section, added by act of 1915.)

SEC. 31. This act shall be known and may be cited and referred to as the "Reclamation board act." (New section, added by act of 1915.)

MEMORANDUM.

To the amendatory act of 1915 are appended the following general provisions:

It is hereby declared by the legislature that some of the provisions of this amendatory act are for the purpose of more clearly expressing what was intended by the legislature in certain provisions of said act which is hereby amended, and therefore if any provision of said act hereby amended, when properly construed, shall be held to have the same meaning as a corresponding or any provision of this act, although differently expressed, the amendment thereof by this act shall be construed to be an amendment in form only and not in substance.

All acts and parts of acts inconsistent with said act as heretofore and now hereby amended are hereby repealed to such extent as they may be so inconsistent.

EXHIBIT G.

EXTRACTS FROM BIENNIAL REPORT STATE RECLAMATION BOARD OF CALIFORNIA.

SACRAMENTO, *April 1, 1916.*

Hon. HIRAM W. JOHNSON, *Governor of California:*

The State reclamation board offers for your consideration the following report of its activities from the date of its previous report,

April 1, 1914, up to the 1st of April, 1916, together with certain suggestions in the interest of the work in its charge.

The work of the board as at present developed has a three-fold character.

POLICE POWERS OF BOARD.

First, it exercises unusual police powers conferred by the reclamation board act in directing private reclamation so that it may not interfere with flood control or unnecessarily injure the safety of existing reclamation in the Sacramento and San Joaquin Valleys. Under the law plans for new levees or for changes in the old levees must receive the approval of the reclamation board before work thereon may commence. So, too, for bridges and roads crossing by-passes or overflow channels, and for works of any kind likely to interfere with flood flow, or to jeopardize reclamation works essential to the project. The board has jurisdiction in these matters, not only along the Sacramento and San Joaquin Rivers and on the tributaries thereof, but also in the adjoining basins.

Power is given to the board to enforce the construction of draws in highway and railroad trestles crossing the by-passes and overflow channels, wherever, in its judgment, such draws are necessary to allow the passage of dredges and other craft utilized in reclamation work. It is evident that prompt access to levees and reclamation works along the by-passes, as well as on the rivers, must be had in order to insure permanent protection to the flood-control project and the interests served thereby.

In pursuance of that provision of the law the Oakland, Antioch & Eastern Electric Railway has constructed a movable span with an opening of 80 feet in that portion of its trestle crossing the east borrow pit of the Yolo by-pass. A similar span of 70 feet width was placed, prior to the adoption of the law, in the trestle of the Sacramento & Woodland Railroad where it crosses this borrow pit. Similar provision has been made in the bridge crossing the canal between districts 1000 and 1001, and similar provision will be made, under the board's order, in the new bridge which will be constructed by Yolo County across the mouth of Sycamore Slough, near Knights Landing.

An 80-foot removable span has been constructed in the highway bridge crossing the Knights Landing Ridge cut under plans approved by the board.

The State highway commission has provided for a bascule bridge in its causeway where the same crosses the east borrow pit of the Yolo by-pass.

It has also left at the western end of such causeway a trestle which may be replaced, in the future if necessary, where it crosses the determined site of the western borrow pit of the by-pass, by a bascule bridge.

The trestle of the Southern Pacific Co. crossing the Yolo by-pass had been constructed prior to the passage of the reclamation board act, and this board has been unable to induce that company to act in the matter of providing a draw in such trestle, unless the cost thereof is met by the district. Even should the reclamation board approve of the equity of so meeting the expense there are no funds for the purpose.

In pursuance of this same police power, the board has ordered the removal of all trees from levees wherever they offer an element of danger, and has called attention to defective construction and dangerous conditions wherever they were found to exist, even where it lacked the power to enforce correction of the defects.

The board in the fall of 1915 entered into a contract with the Natomas Co., under which that company undertook to clear the Yolo by-pass, in the neighborhood of the Fremont Weir, of brush and trees, the work to be done under supervision of the flood-control engineer and to be paid for in warrants of the Sacramento and San Joaquin Drainage District, payable out of an assessment to be hereafter levied for the Yolo by-pass. This work was undertaken in order to prevent congestion of flood waters at the upper end of the Yolo by-pass with consequent danger to the river channel and reclaimed lands.

The work was practically completed before January 1, 1916, and the good effects are already apparent. It is desirable also to clear this by-pass each year through its entire length, of tule, by burning or otherwise. The run-off could be so improved thereby as to materially decrease the flood plane in the by-pass; but it can not be done in the absence of funds for the purpose, unless interested districts are willing to undertake the work, partly for their own protection, and to accept warrants in payment therefor. District 1500 proposes to do a certain amount of clearing in the Sutter by-pass. Similar choke conditions exist in the Butte by-pass and elsewhere, and material benefits could be secured in each case by clearing.

The ill effects of the independent method of reclamation, which was recognized by State law prior to the creation of the reclamation board, are everywhere apparent. There are some large reclamation districts whose lines of levee have been so unwisely planned or placed, or improperly constructed, that these districts must either entirely change their plans or meet heavy annual expense to repair wash. There are certain districts whose levees have been so placed that no repair or construction, reasonably practical, can in the future, while the levees remain in that location, protect the districts from inundation. Levees have been so constructed on overflow channels as to cause enmalinent and choke of channel at certain points, making inevitable a breach of the levee in heavy flood on one side or the other. ("Overflow channel" as used in this report has reference to the space left in places between the natural bank of the stream and the levee to accommodate the excess flow in flood season.) Again, with the hope of saving an acreage of rich land, or because the river bank offered better foundation for a levee, levees have been constructed without proper berm on the water side, or without revetment, and are subject to such wave action and wash that they must be every year repaired at heavy expense, and perhaps ultimately moved farther back. In many of these cases, if for any reason it was desirable or necessary to maintain the levee on or near the river bank, economy would have been served had such bank been strongly revetted.

There is apparent on the part of a number of reclamation districts and landowners a misconception as to the scope of the board's duties. It has been called upon for decision or relief in cases of difference between landowners in a district as to the the internal administration of the affairs of such district. With such matters the board has nothing whatever to do, the intent of the law being evidently to allow the reclamation districts to administer their own affairs in the future, as they have in the past, and to limit the jurisdiction of the reclamation board in connection with such districts to such supervision of district levee plans and construction as would safeguard the flood-control project from interference and other districts from danger or injury.

FLOOD CONTROL IN THE SAN JOAQUIN.

The second element of the board's duties consists in promotion of a comprehensive flood-control project for the San Joaquin River.

A certain amount of study has been given to this subject, but little could be done in advance of completion of surveys of the valley, which were undertaken in 1914, under joint action of the California Débris Commission, representing the Federal Government, and the State engineering department, representing the State of California. A fund of $64,557 was available for the purpose, half of which was appropriated by Congress and the other half supplied by the State engineering department from its appropriation for river work.

Those surveys are now practically complete and the engineering force of the reclamation board is engaged in working up data to serve as basis for the comprehensive flood-control project which will be worked out by the California Débris Commission in conjunction with the State engineering department. As soon as that has been accomplished and a plan adopted, with means provided for carrying it out, either under joint Federal and State action, or by the State alone, the reclamation board can proceed with the active promotion of those portions of the project which are necessary for the protection of existing districts.

Until such a plan has been formulated and adopted the board is necessarily handicapped in granting permission for private reclamation projects in the San Joaquin Valley because of the possibility that they may interefere with such flood-control plan when developed.

The Calaveras problem: In the San Joaquin Valley, too, outside of the section now contained within the Sacramento and San Joaquin drainage district, there is the problem of the floods of the Calaveras River, which threaten a serious menace to the city of Stockton. Those floods are at present being diverted to the north and west of the city and discharged into the San Joaquin River through the so-called diverting canal completed by the Federal engineers in 1910.

This diverting canal, while not insuring entire safety to the city of Stockton, causes annual inundation of a large farming section outside of the city. Through her chamber of commerce and official representatives, Stockton came to the legislature of 1915 and asked that the be admitted to the district and placed under the jurisdiction of the reclamation board, believing that thereby and only in this way could she speedily and satisfactorily solve the Calaveras flood problem and provide means whereby the safety of the city of Stockton could be permanently assured. Because of a complication of issues, which are elsewhere referred to in this report, the legislature failed to comply with her request.

Freeport levee protection: The proposed work of levee protection on the Sacramento River at Freeport under the board's assessment No. 5 will very materially assist in securing protection to the reclamations in the northern part of the San Joaquin Delta.

SACRAMENTO FLOOD-CONTROL PROJECT.

The most important work of the reclamation board has been in promoting the prosecution of work on the Sacramento River flood-control project, which constitutes the third element of the duties of the board. This has been done in various ways—by completing, in cooperation with the California Débris Commission, cross-section surveys of the basins and overflow channels, and adopting, with approval of Federal and State engineers, necessary modifications of the original by-pass plan as tentatively proposed in the report of the Chief of Engineers, United States Army, 1910; by approving the construction by private capitalists of river and by-pass levees necessary for reclamation of their own lands, but which are incidentally necessary parts of approved units of the flood-control project; by itself undertaking field work where necessary in important matters; by securing desirable modifications of the law; by conducting a campaign of education among the people of the State, and particularly of the Sacramento and San Joaquin drainage district, so that their necessary cooperation might be had; by coordinating its work with that of the Federal engineers, and keeping Nation, State, and landowners in touch and in harmony with each other.

SCOPE OF THE SACRAMENTO PROJECT.

The State, and even those citizens most directly interested, have only recently commenced to thoroughly appreciate the magnitude of the Sacramento River flood-control project, and what it means to State development. In problems presented and solutions offered, in results promised to many interests—National, State, and local—in nature of the work and the expense involved it is the greatest project in progress or contemplated west of the Missouri River, and is exceeded in the particulars named by but few projects in the United States.

The project is necessary, first, for restoration and maintenance of navigability in the Sacramento River. Ocean freighters came up the river to Sacramento city, 125 miles from the sea, several times during the high stage of water in 1914. Light-draft craft originally ran up to Red Bluff, 200 miles above Sacramento, except in late summer and fall, but now go no farther than Chico Landing, 141 miles above Sacramento city. The most favorable conditions indicated could be made more or less permanent.

The project promises necessary protection for the San Joaquin River, as well, since the two rivers have a common delta, and overflow of the Sacramento may cause inundation on the San Joaquin up to Stockton.

The project is necessary for the safety of the lower lands on the floor of the two valleys, including the cities of Sacramento and Stockton.

Upon the project depends any inland waterway system for California, since the two rivers must form the arteries of any such system. The development of the valleys of the Sacramento and San Joaquin, and, to a certain extent, that of the commerce of the State, are dependent upon inland waterways, with consequent low freight rate to the ocean port, and access thereby to the markets of the world.

In the Sacramento Valley and the adjoining portion of the San Joaquin Valley are 1,300,000 acres of rich alluvial lands below the flood plane whose future protection depends upon the completion of the project. Of this acreage 595,731 acres are low river lands, reclaimed or in process of reclamation, and 149,600 acres include higher lands, partly protected, over which floods would pass in absence of protection, but on which they would not remain. The annual crop from these 745,331 acres is valued at $30,000,000. Of low lands entirely unreclaimed which must remain permanently waste unless the flood-control project is completed, there are 160,600 acres. For taxable purposes, the value of these lands would be increased twentyfold by the project, and they would yield ultimately annual crops worth $5,000,000. There are 182,785 acres of the higher lands over which floods pass but on which they do not remain, which are entirely unprotected and for whose protection the flood-control project is more or less necessary. There are 202,311 acres of waste lands in by-passes and overflow channels, rich in character, but now practically useless for revenue, the greater portion of which will become available for valuable crops on completion of the system of by-passes and weirs. These lands would add greatly

in crop and taxable wealth to the State's resources. It is quite evident therefore that the early completion of the Sacramento River flood-control project means an enormous increase to the resources of the State in addition to the taxable lands of most productive capacity in increased annual crops and in insurance against injury to towns and to possible normal crops on lands now enjoying some measure of reclamation.

The Sacramento River flood-control plan contemplates a unique cooperation between State and Nation, under which the entire expense will be shared, about one-seventh by the Nation, one-seventh by the State, and five-sevenths by the landowners whose lands will be benefited through ability to secure permanent reclamation.

PROGRESS IN CONSTRUCTION—FEDERAL UNITS.

Notwithstanding the magnitude of the Sacramento project and various obstacles encountered—including lack of knowledge on the part of those who would be most benefited by its completion, opposition for various reasons in a number of quarters, and lack of congressional approval and appropriation—work on the project has materially progressed.

In connection with that portion of the work assigned under the plan to the United States engineers, and to be paid for jointly by State and Nation, there has been progress, notwithstanding the fact that in the absence of approval of the project by Congress there could not be congressional appropriation directly for such purpose. The project has been recommended by the Board of Engineers and the War Department, by the Rivers and Harbors Committee of the House of Representatives and Commerce Committee of the Senate in their reports of 1914; was passed by the lower House of Congress in the same year but failed of passage in the Senate through filibuster. Since that time there has not been approval of new projects and no direct appropriation for old projects, but simply an appropriation each session of a lump sum placed to the credit of the Chief of Engineers to be allotted in his discretion for the continuance of existing projects.

It has been possible to continue the operations in opening the mouth of the river under these conditions, because in 1910 Congress approved a project recommended in the Report of Chief of Engineers, 1907, for the purpose of taking care of the débris in the channel of the Sacramento River, which project contemplated the use of two suction dredges for 56 months. The work contemplated and being done by the California Débris Commission under this project (locally referred to as the minor project) may be considered as a part of the work included within the Sacramento River flood-control project (referred to locally as the major project). For this minor project Congress appropriated in 1910 $400,000, which was supplemented by a similar appropriation from California. In 1913 the legislature appropriated $200,000 for this purpose, which was met by allotment from the Chief of Engineers in 1914 and 1915 of $60,000 and $140,000, respectively, under recommendation of the California Débris Commission. The legislature of 1915 made a further appropriation of $250,000, which will doubtless be met by allotment of such amount as may be deemed necessary by the Chief of Engineers under recommendation of the débris commission for continuance of the present operations. Further appropriation will be necessary from the legislature in 1917, even for the minor project. If the major project should be approved by Congress at the next session, the legislature of 1917 should appropriate not less than $1,000,000 in accordance with recommendations already made and to insure completion of the project within a reasonable time.

Under this minor project the California Débris Commission has, in effect, removed the principal obstructions to flow for high-water conditions over a nearly straight channel about 3,000 feet wide, diverging from the river across the Horse Shoe Bend between Rio Vista and Bakers Point on Sherman Island. In the course of this work some of the material has been so disposed of as to serve as the core of a levee about a mile in length across the base of Bakers Point, and the old levee outside thereof has been breached in several points to permit it to be attacked and eroded by flood waters should flood conditions develop to further facilitate the flow. This would tend to afford the necessary relief. Similar work was done at the corresponding projection formed by the lower extremity of Sherman Island. Corresponding work toward the same end has also been done at other places between Bakers Point and Collinsville, where it would afford the most relief.

In progress of this work the débris commission has moved with the two dredges 13,000,000 yards of material up to January 1, 1916, and has worked 26 months of the 56 months contemplated by the project.

The plan of operation and results accomplished are shown in a map accompanying his report, the data for which was furnished through the courtesy of the California Débris Commission.

The beneficial effects of the work already done in this way toward "uncorking" the river's mouth—one of the objects contemplated by the major project—are noticeable in improved run-off of the floods.

The progress of the work at the mouth of the river offers an indication of the manner in which the National and State authorities are cooperating so as to secure the most effective results.

Through delays in procuring certain property needed for spoil bank, to afford the best sequence of operations toward the flood-control idea, it had been necessary for the Federal engineers to anticipate their needs in this matter at other points, where they had constructed retaining embankments to hold the spoil from returning to the river. Operating under the minor project only they could not construe the law to permit them to abandon this work for the time being, which had cost several thousand dollars, and repeat the expense to procure a similar new spoil bank at the Horse Shoe Bend, after the lands there necessary had become available. It was desirable that the work at the Horse Shoe Bend which would afford the most relief to the flood situation (under the major project) should be done at the earliest possible moment. On recommendation of the reclamation board the State engineering department appropriated from its river funds on hand $12,868.96 for the purpose of building the necessary retaining levee 4 miles along the west side of the channel mentioned. The Government dredges, following the construction of this levee, were enabled to deposit the material on the spoil bank behind such levee so that, without extra expense to the minor project, the work thereof was made available to the major project in opening the large channel necessary for the run-off of floods.

Similarly, the California Débris Commission found itself prevented, by the limitations of the minor project from surfacing the levee constructed across Bakers Point, and in the absence of such surfacing with soil there was question as to the advisability of permitting the sand embankment to be exposed to the wave wash that might result with the destruction of the outer levee, to enlarge the channel. The reclamation board arranged with the trustees of district No. 341 (Sherman Island), to advance $3,028.13, half of the necessary funds for this soil surface and issued to them warrants of the Sacramento and San Joaquin Drainage District, to be paid out of Sacramento River outlet assessment No. 2, while the State engineering department provided a similar amount. That soil surface having been placed and the levee thereby protected to the satisfaction of the landowners in the district, the outer levee will be cut so that the high waters may escape across the point and cause further erosion to increase the area available for flood relief flow.

The State engineering department has provided during 1915, and the latter part of 1914, $53,021.03 to assist in various ways the work of the débris commission in opening the river's mouth. Of that amount $37,123.94 was paid in condemnation proceedings and purchase of rights of way, and $15,897.09 for dredging operations.

In the matter of weir construction, which is also a portion of the work contemplated in the major project and to be placed under Federal supervision, while no construction has been done, in the absence of congressional appropriations therefor, rights of way for three of such weirs have already been secured, that for the Tisdale Weir having been in the possession of the State for some years, that for the Fremont Weir having been acquired through the operations of the reclamation board, and that for the Sacramento by-pass having been purchased by the city of Sacramento, which has also undertaken to construct the Sacramento Weir itself, as herein elsewhere explained.

THE PROGRESS IN BY-PASS AND LEVEE CONSTRUCTION.

Notwithstanding the difficulties and obstacles referred to in this report, the progress in construction of units of the project under supervision of the reclamation board has been marked. Much of this progress has been due to the work of private capital, which has been undertaken under practical invitation of the State and assurances that the old plan of independent reclamation, involving danger to each district and ultimate destruction to all, has been replaced by a comprehensive plan looking toward safety to all and providing a competent authority with power to enforce completion of the plan.

Of the 519.42 miles of river levees contemplated by the project, there has been already constructed and up to approved grade as fixed by the reclamation board 78.58 miles; constructed but not up to standard, 213.31 miles; in course of construction, 98.57 miles; projected, 11.85 miles; unprovided for, 46.40 miles; data lacking, 70.70 miles.

Of the 193.71 miles of by-pass levee there have been constructed and up to approved grade, 9.47 miles; constructed but not up to standard, 15.72 miles; in course of construction, 44.77 miles; projected, 25.38 miles; unprovided for, 73.37 miles; not yet located (Butte Basin), 24 miles. In addition there may be counted as by-pass levee, completed to grade, 7 miles of the west levee of district 1001, which is, in effect, the east levee of the lower portion of the Sutter by-pass.

Butte Basin: In the Butte Basin the location of the weir and by-pass has not been finally determined by the engineers and the board. Tentative plans appearing in the report of the Chief of Engineers, 1910, are subject to modifications to be made by this board on recommendation of the engineers, Federal and State, and while such plans as to all other parts of the project have received the necessary modification and been finally approved there has been no action taken in the Butte Basin. This was because there was not the immediate necessity therefor, while there was necessity for immediate determination and action as to other portions of the project, the local interests in the Butte Basin seemed to be generally content with existing conditions; no danger was involved to other portions of the project, and there is a possibility that an early completion of the Iron Canyon Reservoir may obviate the necessity for by-passes in this particular basin.

Colusa Basin: The Colusa Basin has been subject to disastrous floods due to the hill waters from the west and the absence of adequate provision for handling the same, and the imperfect river levees between Colusa and Knights Landing, particularly in those portions not included within organized districts. These difficulties are being very rapidly remedied.

The Knights Landing Ridge cut, a unit of the Sacramento River flood-control project, intended to convey the hill waters of the Colusa Basin through the Knights Landing Ridge and into the Yolo By-pass, is now nearing completion and in operation, and giving already the necessary relief. The completion of this cut by the Knights Landing Ridge drainage districts was fought through injunctions by some districts and private owners, and its completion delayed until the litigating districts and owners were, in the winter of 1914-15, inundated, a disaster which would have been avoided had they cooperated earlier in completion of the project. This case furnishes a striking instance of the results which may be expected to follow lack of cooperation on the part of interested property owners and districts in securing completion of units of the project.

For a number of years past district 108 has endeavored to maintain for its own protection the entire stretch of river levee on the west side of the Sacramento River from Meridian down to Knights Landing, a large portion of which was entirely without its own boundaries and a protection to the lands of others. In the winter of 1914-15 this levee broke at several points near Meridian, because, while district 108 was willing to pay the expense and to undertake the work of strengthening such levees, the owners thereof refused to permit the necessary work in connection therewith. In consequence by special act of the legislature of 1915 there was created the West Side levee district, including all the lands to be benefited and with power to construct and maintain 50 miles of levee on the west side of the Sacramento River from Colusa down to Knights Landing. That district has had dredges working for a year past to so strengthen the levee that it might afford protection against the floods of this season (1915-16). It is intended to complete the work during the present year.

Yolo Basin: In the Yolo Basin there has been since the date of the last report practically no progress in construction of the unfinished portions of the eastern levee of the Yolo By-pass. These unfinished portions consist of 15.46 miles at the lower end (being the west levee of the Netherlands district, No. 999), and 6.25 miles at the north (being the west levee of Mull district, No. 1600). District 999 has been delayed partly by condemnation suits for rights of way. District 1600 has already arranged to push construction work during 1916. There has been no construction of any portion of the west levee of this by-pass. The river levees in this basin are unfinished on the frontage of district 1600 and are defective at points in two districts. Otherwise they are generally good in condition.

Sutter Basin: District 1500 reports construction of 24½ miles of the 34½ miles on her Sacramento River frontage. Construction of the bal-

The second element of the board's duties consists in promotion of a comprehensive flood-control project for the San Joaquin River.

ance is delayed by complications as to rights of way. The north and east levees of the district, forming, respectively, the south levee of the Tisdale By-pass and the southerly 20 miles of the west levee of the Sutter By-pass are reported as 50 per cent finished, but are now stopped by injunction, as is elsewhere explained.

District 1500 has also recently commenced work on 3 miles of the east levee of the Sutter by-pass, within the limits of district No. 1. This work is necessary for the protection of district No. 1, and is required by the act creating district No. 1500.

American Basin: Work in the American Basin has been finished and the entire basin closed to flood waters by the completion a year ago of the levees of districts 1000 and 1001, owned or controlled by the Natomas Consolidated. The first-named district comprises 52,128 acres and the second 31,203 acres.

The levees of these districts along the Sacramento River for 18 miles furnish fine examples of modern levee construction. They are placed 100 feet or more back from the river bank, the intervening space being grown up with brush and timber, to guard against wave wash. The levees have a crown of 24 feet, average height of 15 feet, and slope outside of 3 to 1 and inside of 2 to 1.

In construction a drag-line excavator was used to excavate a central trench 10 feet below the natural surface and 12 to 15 feet wide at bottom and 30 to 35 at top, the material being thrown up on each side in the shape of a levee. This trench and the core between the clay levees was then filled in with sand pumped by suction dredge from the river bottom. This sand core levee is a valuable safeguard against burrowing by gophers, one of the obstacles to maintenance of strong levees in the Sacramento Valley, and also diminishes seepage by offering a barrier to the flow through pervious strata. The expense per cubic yard is said to be no greater than that experienced in clamshell work. The cross section calls for more material than would a clamshell levee, because of the dragline trench, but this is partly offset by the slippage of the clamshell material.

In district 1000 last year for the first time since the sixties the sea of flood waters was replaced by a sea of waving grain.

SACRAMENTO BY-PASS.

The Sacramento by-pass, 1.83 miles long, situated a few miles above Sacramento city, and intended to discharge excess floods into the Yolo by-pass, is necessary for the safety of Sacramento city and of the neighboring districts on both sides of the river above and below her. It is intended as an easement for the American River, which river in extreme flood will carry, it is estimated, 180,000 second-feet, augmenting the flood which the Sacramento River channel below the mouth of the Feather can accommodate (now 75,000 second-feet, but to be increased on completion of the river levees of district 1600 to 107,000 second-feet). The maximum capacity of the river channel below Sacramento city is but 110,000 second-feet, and no levees practicable in the neighborhood of Sacramento city could under present conditions long remain above the rising flood plane which would follow the choke produced by the flow of 287,000 second-feet indicated.

Because of her critical position and the uncertainty of congressional appropriation for weir purposes, Sacramento city voted, in 1912, over $500,000 to be used in opening the Sacramento by-pass. There were delays because of rights of way negotiations and changes in city administration, but the entire rights of way have now been purchased by the city and she has perfected plans for the weir which have received approval of the Chief of Engineers and War Department. The weir structure is designed to carry also a public roadway for Yolo County and the trackway of the Sacramento and Woodland Railway. Its sill is fixed at elevation 25 U. S. E. D., and above that, in 40-foot sections, are 48 movable gates which permit retaining the flood in the river channel up to elevation 31 U. S. E. D., or discharging it through one or more of these gates. The gates are so devised that automatically a steadily increasing number will drop for each half-foot rise in flood plane above elevation 32 feet U. S. E. D., all being open when the flood plane reaches 36½ feet U. S. E. D.

The reclamation board will build the lateral retaining levees of the by-pass and adjust the matter of compensation for drainage plants, etc., with reclamation districts Nos. 785 and 537, through both of which the by-pass cuts.

Some fears were expressed by Yolo County landowners as to possible increased damage to their lands from the operation of the Sacramento by-pass in conjunction with the Yolo by-pass, but there is apparently no good ground therefor, as indicated by reports made in connection with the subject in September, 1912, by Maj. S. A. Cheney, United States Army, then executive officer of the California Débris Commission, and Hon. W. F. McClure, State engineer, to be found in the report of the reclamation board published in 1912.

According to the statements of these engineers with the various levees as they are now, and holding intact, no water could go over the Sacramento Weir as planned until the Yolo Basin had been filled through existing breaks at Grays Bend and Woods Bend and at Elkhorn Weir; water would have to be pouring more than 4 feet deep over Elkhorn Weir before it would begin to go over the Sacramento Weir; the extra amount which could go into the Yolo Basin, because of the Sacramento Weir, would be, under such circumstances, small; the operation of the Fremont Weir, with the corresponding construction of river levees, which will follow construction of the Sacramento by-pass, would be of great value to Yolo Basin, diminishing the amount of water going into the basin by forcing the river channel to carry more, and maintaining conditions under which in any year there would be water in the basin for less time than under existing conditions, and in some seasons none at all; and the speedy construction of the Sacramento Weir should be therefore promoted by all who are interested in the development of Yolo Basin.

BASIN RECLAMATION AND BOARD POLICY.

While the intent of the reclamation board act is obviously that the reclamation board should promote in every practicable way the early completion of the Sacramento River flood-control project, the board has not taken the initiative in advancing reclamation in the river basins, even when such reclamation would incidentally construct works which are integral parts of units of the project.

It has followed this policy for two reasons: First, there was obviously a possibility that reclamation in the upper basins, if it progressed too rapidly, would so diminish the basin reservoir capacity in flood season as to cause increased danger to the river and to existing reclamations in the delta, until the work of opening the mouth of the river had progressed far enough to permit the rapid run-off of augmented flood; second, the board deemed it best to have reclamation work of this character incidental to the project done, so far as possible, by the districts and landowners themselves, under approval and supervision of the board and its engineers. Such a plan is obviously more satisfactory to the districts, while it utilizes their organization and facilities, relieves the board of much detail, and permits it time and attention for supervision of this work and for consideration of the larger features of the problem. For the reasons indicated, the board has thus far avoided, save in case of necessity, taking itself the initiative in actual construction of by-pass works. If, when the river's mouth has been sufficiently opened, the work in the basins has not kept pace therewith through private and district initiative the board can, under its authority, force completion of basin and river work wherever necessary to secure flood control.

It is evidently not the intent of the act, however, notwithstanding the consideration above mentioned, that the board should disapprove plans of reclamation districts for reclamation in the upper basins if the plans are in conformity with the flood-control project, and particularly where levees necessary to unite thereof are part of such plans. The act plainly invites cooperation from the districts in such work. The board has assumed that each reclamation district or owner of overflow lands has the right, under the law and in conformity with the act, to reclaim its lands, provided the plans therefor should be approved by the State and Federal engineers as in conformity with the Sacramento River flood-control project adopted by the State. It has, therefore, approved plans of this character when presented to it by reclamation districts or owners, even in advance of the necessary opening of the mouth of the river, but has endeavored to provide for safety of all interests by restricting the closing of the reclamation levees in the upper basins until a time so remote that there would be opportunity to secure the necessary relief in run-off below. For instance, a delay of two years each was enjoined on district No. 1500 in Sutter County, on the Knights Landing ridge district for making the Knights Landing ridge cut, on the Mull district No. 1600, and the Netherlands district No. 999 in Yolo County, on the assumption that within that time, under the appropriations made and provided for, sufficient increased capacity would be secured in the river's mouth to compensate for withdrawal of basin reservoir capacity, and that in the meanwhile Sacramento city and interests concerned would complete the construction of the Sacramento by-pass for which measures had already been inaugurated.

Under a recent decision of Judge Emmet Seawell, presiding in the superior court of Sutter County, in the case of Samuel Gray et al. v. Reclamation District No. 1500, if upheld by the Supreme Court, it would appear that reclamation in the basins can not proceed by individual district work which raises the flood plane, even though it constructs necessary parts of units of the flood-control project, unless there be completed at the same time the entire work in by-pass and levee construction for the particular unit of the project involved. For only in this way can all lands threatened be protected from the effects of such raise in flood plane. It may become necessary now, in fairness to districts which have, under the State's invitation, expended large sums of money in this work and which may not complete it for their own protection under the Seawell decision, and it will certainly be necessary in the future, when the time is opportune for completing all by-passes, that the reclamation board abandon the policy above indicated, and itself assume the initiative in constructing at one time all remaining portions of large units of the project.

ASSESSMENTS.

The board has levied five assessments as follows:

General assessment No. 1, $250,000 levied June 9, 1914; assessors, A. E. Chandler, Max W. Enderlein, Alex Brown. First installment called, $150,000, delinquent July 15, 1915; amount collected to December 31, 1915, $111,523.36, a small portion of which is payment in advance on the second installment, which has not yet been called.

In levying this assessment the board complied with the specific provision of the act of 1913, providing that out of the first assessment levied by the board there must be returned to the State treasury $50,000, or one-half of the appropriation made by that act for the running expenses of the board. The assessment was necessitated further by the facts that the legislature, in passing the act of 1913, clearly intended that future administrative expenses of the board should be paid out of assessments; that the legislature of 1915, in amending the act, made no change in such policy; and that the funds in the board's hands were about to be exhausted, while the work, vital to the project, had to continue. We believe this method of assessment for providing funds for the administrative work of the board to be a serious mistake, to which attention is hereafter called.

Of the amount collected through this assessment, $50,000 was paid into the State treasury, in accordance with the terms of the act of 1913, and afterwards placed to the credit of a revolving fund for certain uses of the reclamation board, as provided in the act of 1915. The balance, $61,523.36, remained to meet the various expenses of the board.

Sacramento River outlet assessment No. 2, levied August 4, 1914, $367,000; assessors, A. E. Chandler, Max W. Enderlein, and Alex Brown.

In levying this assessment the board complied with the direction of the act of 1913, which provided that one of the first projects to be given consideration by this board shall be the Sacramento River outlet project, and that it shall provide in the assessment therefor for the return to the State of California, municipalities, reclamation districts, and landowners of amounts expended by them previous to passages of the act in purchase of rights of way in connection with such outlet project.

The amounts thus subscribed for rights of way, as referred to in the act, aggregate $240,188.19, of which $75,000 was furnished by a bond issue by the city of Sacramento, and most of the balance obtained through efforts of the San Joaquin and Sacramento River Improvement Association. In addition assessment No. 2 covers estimated cost of additional rights of way under condemnation suits (since decided), spoil banks, elimination of Wood Island, levee work not covered by contemplated congressional and State appropriation, assessment expenses, etc.

A warrant has been issued against this assessment for $3,028.13 in favor of the trustees of district No. 341 (Sherman Island), who advanced half of the amount necessary for surfacing the new Bakers Point Levee prior to cutting off such point. The other half was furnished by the State engineering department from its appropriation for river work.

Sacramento by-pass assessment No. 3, levied August 4, 1914, $900,000; assessors, A. E. Chandler, Max W. Enderlein, and Alex Brown (subsequently canceled and relevied, as indicated below).

This assessment was levied in order to hasten, in cooperation with the city of Sacramento, the completion of the Sacramento by-pass, which by-pass is recognized as necessary to secure the safety of Sacramento city and the surrounding districts more particularly from the menace offered by the floods of the American River, and is preliminary to installation of the Fremont weir. Sacramento city, in the absence

of congressional appropriation for weir construction, had offered to construct the Sacramento weir with funds secured from a bond issue passed by the city on behalf of the completion of the Sacramento by-pass. She has already purchased the necessary rights of way for the entire by-pass, amounting to $275,000.

Assessment No. 3 is intended to reimburse Sacramento city for the purchase of these rights of way and also to cover the cost of construction of the two lateral levees and such additions to the weir structure as are intended for the purposes of the Yolo County road and the trackway of the Sacramento & Woodland Electric Railway, now having rights of way across the by-pass, and also to compensate reclamations districts Nos. 537 and 785, which are cut by such by-pass, for damage incurred thereby.

This assessment was canceled January 29, 1916, and a new assessment for $1,095,000 levied, covering the changes necessitated by the plans for the weir, submitted by Sacramento city and approved by the Chief of Engineers. The assessors named for this assessment are Max W. Enderlein, F. C. Herrmann, and B. A. Etcheverry.

It is contemplated that collection will be made on this assessment this fall.

Fremont weir-site assessment No. 4, levied August 25, 1914, $180,000; assessors, Max W. Enderlein, F. C. Herrmann, and B. A. Etcheverry.

This assessment was levied in order to purchase the lands known as the Freitas and Caffaro lands, and some other lands at the head of the Yolo by-pass, which are necessary to provide the site for the Fremont Weir, and an opening 8,000 feet wide from the Sacramento River near the mouth of the Feather into the Yolo by-pass. Options had been secured on the Freitas and Caffaro properties in 1913 and 1914, which on the 30th of April expiring, necessitating an assessment for the purpose of securing the necessary funds. A warrant has already been issued for the payment of the amount due on the Freitas contract, $102,930.20, and the deed therefor placed in escrow pending the payment of the warrant. The assessors are now proceeding to the spreading of the assessment, and it is expected that collection thereof will be made in the fall of 1916.

Freeport levee assessment No. 5, levied January 18, 1916, $58,163.70; assessors, Max W. Enderlein, F. C. Herrmann, and B. A. Etcheverry.

This assessment was levied for the purpose of securing the funds necessary to strengthen and raise a certain stretch of levee, 3,550 feet long, on the east side of the Sacramento River below Freeport, between districts Nos. 824 and 744. A break in the levee at this place would not only inflict injury to the navigability of the river and damage to a number of districts in the neighborhood and below, but would also very seriously injure a territory extending into San Joaquin County. Temporary repairs, which it is hoped will be sufficient to protect the levee during the current floods, are being carried on by the State engineering department under funds to be provided as follows: $1,750 by the State engineering department, $1,000 by the supervisors of Sacramento County because of interest in public roads; an amount not exceeding $400 by private subscribers, to be reimbursed by warrants from the Sacramento and San Joaquin Drainage District, payable out of this assessment. Work on permanent construction and revetment will be commenced after the winter season. The assessors are engaged in the work of assessment; and collection, it is expected, will be made in the fall.

STORAGE AND FLOOD CONTROL, SACRAMENTO VALLEY.

One fruitful cause of opposition to the flood-control project, and of apathy on the part of those who otherwise would have cooperated in promoting its completion, is the declaration that the by-pass plan recommended by the Federal engineers and adopted by the State is not the proper plan of flood control for the Sacramento River; that it carries in waste to the sea the flood waters which could be stored for power, irrigation, and municipal purposes; and that there is ample reservoir capacity in the Sierra Nevada Mountains to store all these flood waters. This declaration has been for years insistently made by those ignorant of the facts and by those who ignore them, and has been used as a stock argument for the abandonment of the present plan and the promotion instead of the Newlands-Broussard bill which has been for many years before Congress without action.

Some support has been given to this belief by the fact that there is in the Sierra storage capacity which if available for the purpose would go far toward controlling the floods of the Sacramento River.

The report of the Chief of Engineers, 1910, declares that storage reservoirs can not be utilized for flood control of the Sacramento, because (1) the storage available would care for only a small portion of the flood, and (2) the expense as to available storage would be from two to ten times as great as that involved in caring for the same amount of flood by the by-pass system.

Because of the large apparent storage capacity in the mountains and the failure of the report of 1910 to explain the limitations created by the word "available" the Federal engineers have been accused by some of misrepresentation or incompetency. The explanation of the apparent discrepency lies in the fact that most of the storage of the Sierra is not available for control of the Sacramento River flood for one or more of the following reasons:

(a) It is above or can not be reached by the flood flow.

(b) It duplicates in whole or in part the service of other storage draining the same area.

(c) Its capacity is greatly in excess of any flow of the season which can drain into it.

d) It is fed not by flood waters in time of river flood but by melted snow after the danger of river flood has passed.

(e) Its use would involve the sacrifice of homes and agricultural lands of such value as to make it impracticable.

A few instances will illustrate the conditions. Big Meadows Reservoir, draining a small section of one fork of the Feather River, with a credited capacity of over 500,000 acre-feet, is practically negligible as a factor for control of the Sacramento River. It receives its supply largely from melting snow late in the season, and its capacity is from two to three times as great as the season's run-off which can drain into it.

Again, on the upper Pitt River are four reservoir sites, Big Valley, Jess Valley, Warm Spring, and Round Valley, with an aggregate surveyed capacity of 4,186,000 acre-feet. The aggregate total of the mean annual flow which could be received by each is 1,100,000 acre-feet. Of the 770,000 acre-feet flow accessible to the largest reservoir, 340,000 can be stored also in the three smaller reservoirs. These facts developed under a joint survey made by the United States Reclamation Service and the State engineering department, because of the protests of landowners at having their lands and homes in these reservoir sites, included in Federal reserves. As a result the Government retained in reserve the three smaller reservoirs to the extent only of their available capacity, 340,000 acre-feet (their actual surveyed capacity is 990,000 acre-feet), and abandoned entirely the Big Valley, which, with a capacity of 3,196,000 acre-feet, could have received and stored of the flow, in excess of that stored by the smaller reservoirs, not more than 430,000 acre-feet. So in this case the United States Reclamation Service, which is particularly concerned in reserving all available storage capacity, found that an apparent capacity of 4,186,000 acre-feet dwindled down in practice to 340,000 acre-feet.

E. G. Hopson, formerly supervising engineer of the United States Reclamation Service on the Pacific coast and now consulting engineer in the same department, thus expressed himself on this subject before the California State Water Problems Conference at its session on October 27, 1915:

"As to the possibility of reservoirs holding back the floods of the Sacramento Valley there have been some very definite statements. We have collected a mass of information. All the reservoir sites are known to us and have been surveyed. It is impossible to hold back the greater part of the Sacramento floods by use of reservoirs. There are only two effective reservoir sites that I know of, that at Iron Canyon and one on the Pitt River, and these could take care for only the peak of the floods. Reservoirs never could hold back the great mass of flood water, and on that we can not lay too much emphasis. I think there is more fallacy abroad on that point than on any other point having to do with water problems. We could use all the sites available for the storage of flood waters and they would affect only to an insignificant extent the flood problems."

Opposition to and criticism of the project based on this misconception of the availability of storage reservoirs is fast disappearing as the facts become known and understood.

The Iron Canyon Reservoir, as projected by the United States Reclamation Service, is one of the few storage reservoirs which could be made of value to the Sacramento River flood-control project. Concerning the measures of that value there is practical agreement between this board and the Reclamation Service, as is evidenced by correspondence attached to the report of the Iron Canyon project published in 1915. The early completion of that project, with satisfactory operation in the interest of flood control, would justify material modification and possibly entire elimination of the by-pass system, so far as it applies to the Butte Basin, but would not justify changes elsewhere.

It should be said, however, that the Reclamation Service report offered a number of alternative plans, some of which do not provide for any measure of flood control. The particular plan which was recommended by the Board of Review named by Secretary of the Interior Lane—"B 3"—does not provide any measure of flood control and does interfere with navigation. It would cost $8,600,000 additional to add the features which would make this plan care for the excess flood beyond the quantity the river can accommodate and $4,000,000 to pay for improvement to navigation necessitated by adoption of the plan.

It is true that reservoirs hereafter constructed may prove additional factors of safety to the Sacramento flood-control project, but only to the extent of the flood which they will hold back at flood stage, and that project has been so planned that they can fit into it when built.

V. S. McClatchy,
A. G. Folsom,
W. T. Ellis,
Peter Cook,
G. A. Atherton,
Louis H. Frankenheimer,
M. K. Zumwalt,
State Reclamation Board, State of California.

EXHIBIT H.

[Extracts from hearing before the Committee on Rivers and Harbors of the House of Representatives, July 23 and 24, 1915, during the inspection of the Sacramento, Feather, and San Joaquin Rivers by the committee.]

STATEMENTS BY MAJ. L. H. RAND, UNITED STATES ARMY, OF CALIFORNIA DÉBRIS COMMISSION; G. A. ATHERTON, MEMBER STATE RECLAMATION BOARD; A. E. ANDERSON, PRESIDENT CALIFORNIA TRANSPORTATION CO.; P. J. HAMMON, PRESIDENT SACRAMENTO TRANSPORTATION CO.; HON. CHARLES F. CURRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA; AND P. C. DRESCHER, OF SACRAMENTO, CAL.

ON BOARD THE STEAMSHIP "COLUSA,"
ON THE SACRAMENTO AND SAN JOAQUIN RIVERS,
July 23, 1915.

[Notes taken by and dictated to the stenographer at different times en route from Meridian to Sacramento and Stockton on examination of Sacramento and San Joaquin Rivers, Cal.]

Mr. ATHERTON. The only thing at the present time that I care to call your attention to is the marking on this plan in red—the navigable channels between this point here [pointing] and up to Stockton. These channels have in every instance 9 or more feet of water and are 500 to 600 feet in width. They are navigated every day in the year. The lands are in a high state of cultivation, and all of the traffic with this territory is done by boats. The produce is largely potatoes, onions, beets, and barley, and it is shipped to San Francisco. There are about 200,000 acres in this territory, and of these channels there are 210 miles. The shoalest channels that we have in this territory are the 6 miles from here [pointing] into the city of Stockton. There the Government has to do considerable work to maintain 9 feet. The distance is about 45½ miles from Stockton to the mouth of the San Joaquin. We go down 61 miles from Sacramento to the junction of the two rivers, or to Collinsville. Very many of these channels have been constructed by private enterprise in connection with the reclamation of these lands through the raw tules. I think in this interior territory there is not a place where the farmer has to haul more than 3 miles to water. Between Stockton and the mouth of the river I think there is no difficulty at all in getting economically the necessary cross sections to take care of the flood waters that have ever occurred. There is one place on the river where a by-pass is necessary. The head of navigation is practically in Stockton, but this summer the river has been operated 20 miles above Stockton, and all of the year for about 15 miles above Stockton there is navigation. * * *

The CHAIRMAN. The captain of the boat said the new cut we just passed through is better for navigation purposes than the old one.

The river is like the Mississippi. If it makes a cut-off in one place, it will lengthen at some place else; so that it is ever practically the same length.

Mr. ANDERSON. The two large companies that handle commerce below Sacramento are the Southern Pacific and California Transportation Co., my company. I should say that we handle, combined, about 500,000 tons between Sacramento and San Francisco.

Capt. RAND. The commerce for the Sacramento is 720,000 tons, with a valuation of $38,000,000, and for the San Joaquin 772,000, valued at $35,479,000.

Mr. ANDERSON. The California Transportation Co.'s tonnage is all from Sacramento and below. Then there is also quite a tonnage on the lower river carried by schooners and gasoline boats towing barges. There are something like 200 boats of all kinds—schooners, barges, etc. Four companies operate 26 steamboats, including California Transportation Co. and the Southern Pacific. The Sacramento Transportation Co. operates 24 barges in addition. There are two regular lines operating above Sacramento—the Sacramento Transportation Co. and the Farmers' Transportation Co. The Farmers run twice a week from San Francisco to Colusa, each boat taking one week for the round trip, and the Sacramento Transportation Co. operates regularly twice a week from San Francisco to Colusa and above. Each boat makes one round trip a week. Above Colusa the business is all handled by Sacramento Transportation Co. on flat barges towed by light-draft steamboats. One boat and barge operate regularly to Chico Landing from Sacramento. When more boats are needed they are sent up. Chico Landing has been the highest upriver point any company has operated to in the last two years. No boat has gone to Red Bluff in the last two years and possibly last four years. They have found it unprofitable to operate up that far. The water dropped too fast on them, and snags found their way into the channel. The freight on the Sacramento, northbound, consists of merchandise of every type—seed, grain, cereals of all kinds, bags to put the crops in, and, of course, supplies of all kinds for those towns along the river. The southbound tonnage is grain, beans, dried fruits, rice, canned fruit, etc. The barges have a capacity of 800 tons.

Maj. HARNEY. Our total tonnage was 184,000 tons. Of the volume of tonnage that we carry from Sacramento to all points in the Sacramento River, more than half of that total volume is destined for and shipped from points above Sacramento. The last trip to Red Bluff we made June 23, 1911. It took us 30 days to make the run. We had a very big freight on that trip. We got up to Tehama, 13 miles from Red Bluff, and we could not make that 13 miles. We had to haul all the freight by team to the cars and ship it by rail. In the early days the river came up usually about the 1st of November. Since 1906 or 1907 we do not have high river until about the middle of January. That is the reason we have not been operating to Red Bluff.

(NOTE.—At 10 o'clock we passed the steamer *Sacramento* loading grain at Nelsons Landing. She carries 500 tons. The boat we are on, the *Colusa*, can carry 600 tons when fully loaded.)

Maj. HARNEY. We carry grain on light-draft barges. We go up to the upper reaches of the river with those barges and load 100 or 150 tons and keep on loading that barge as we come down the river, loading it to its full capacity, which is 800 to 850 tons. We built those barges so that we are able to take out 400 tons on a draft of 20 inches. In some places on the river we only have 26 inches. This boat draws about 29 inches light (*Colusa*).

Colusa has the largest tonnage of grain above Sacramento. So far as merchandise is concerned, that is determined by the population. The steamship transportation trucks the freight 8 or 10 miles from each bank of the river to their docks and carries it to San Francisco 20 per cent below the railroad rates.

We passed canneries yesterday that are full of canned fruit. Last year they were empty.

Capt. ANDERSON. Tonnage was less and passenger traffic was less in 1914 than in 1913. The answer is, merchants in the interior of the State were not doing the business in 1914 they were in 1913 and travel was not as great.

The Interstate Commerce Commission took from certain interior points in California their terminal rates. In the readjustment of the rates the railroads were to apply to an interior point, like Sacramento, the terminal rate plus the local. The rate on canned goods from the terminal to New York was 85 cents. A canal boat line put in a rate of 35 cents on canned goods and similar freight, and the Southern Pacific, fearing that the canned goods would get away from them, applied to the Interstate Commerce Commission for permission to issue a 40-cent rate. The local rail rate on canned goods from Sacramento to San Francisco is $2.20; from Fresno, $5. Now, then, a cannery in Sacramento gave me 200 tons of canned goods to bring to San Francisco and deliver to the Southern Pacific Co. for shipment to New York. My rate was $1.50 per ton from Sacramento to San Francisco. Inside of a week the Southern Pacific applied to the Interstate Commerce Commission for permission to put in a proportional rate of $1.50 on canned goods from Sacramento to San Francisco.

Maj. HARNEY. Eight or ten years ago the commerce was mostly grain on this upper Sacramento River. One farmer owned 54,000 acres. The result is that practically all of that land has been sold. With crops of grain it would produce 20,000 to 40,000 tons of freight. With diversified farming and irrigation that land will raise 150,000 tons of freight.

Between Sacramento and Colusa the river is in good shape. We can operate night and day on this river.

(NOTE.—Maj. Harney built this boat, the *Colusa*, two years ago, in anticipation of increased traffic on the river.)

Sacramento is the distributing center for the fruit industry in California. There are about 15 warehouses on the river. The farmers hold their grain until winter sometimes for good prices.

The boats carry 22 carloads of freight and take it promptly alongside of the ships in San Francisco Bay and other places. The railroads can not give the dispatch as there are delays in furnishing cars and delays in transferring and switching alongside of ships. Our boats run in to any bank and take freight from any farm.

Mr. DEMPSEY. The lands in the valley produce from four to five crops of alfalfa a year, each crop giving from 1½ to 2 tons per acre, making a total production of from 7 to 10 tons a year. Two years ago this hay brought $12 and $13 a ton on the banks. Barley, they can produce 20 bags to the acre, each weighing from 100 to 110 pounds. That would be a moderate estimate. Potatoes, from 80 to 150 bags to the acre, weighing about 110 pounds to the bag, or about 2 bushels to the bag. Onions from 125 to 200 bags to the acre, 100 to 110 pounds to the sack. Vegetables of all kinds are raised and they run from 6 to 10 tons to the acre. With barley and wheat it is about 1 ton to the acre. With intensified farming it is sevenfold. One man at Berkliun said his crop of sugar beets would be 15 to 20 tons per acre. The average production of Colorado is 10 tons to the acre, of California, a little over 10 tons to the acre. Two hundred and eighty pounds of sugar are produced from 1 ton of beets.

JULY 24, 1915.

NOTE.—We departed from Sacramento this morning at 8.30.

Mr. CURRY. Ninety per cent of all the asparagus canned in the United States is grown in this district from Courtland down. Two hundred carloads of fresh asparagus has already been shipped this year. Out of Courtland last year there was $10,000,000 worth of all kinds of deciduous fruits shipped, mostly pears, peaches, and fruits of that kind. The asparagus carloads consisted of 10 tons each. It costs about 7 cents a pound to land it in New York. The farmer gets 4 cents a pound for the asparagus in crates on his ranch. The crates weigh 7 pounds. Three cents is for handling, freight, and refrigeration. It is shipped by buyers and middlemen. They assume all the responsibility, paying the farmer 4 cents a pound, and they pay 10 cents a crate to sell it after it gets to New York. Three cents includes handling, hauling, refrigeration, and haulage at both ends of the route. We grow more potatoes, more beans, and more onions in through here than in any other section of similar size in California. The people on the east side have taken better care of their land, and all this produce is raised there. It is cultivated a little more intensively than other lands. This is all shipped by water, most of it going to San Francisco and Stockton, and is shipped by railroad from those points.

There is a mosquito fleet on the San Joaquin, as well as on the Sacramento, the tonnage of which can not be gotten. Every farmer has a landing place, and if they have got freight for this line they will put up a flag which will invite boats of this line to drop in and pick up the freight. Each line has its own flags. The boats will stop for one bag of potatoes. Every town or city water front on the river is owned by the municipalities. All the levees that have been put up have been put up by the owners of the land themselves. Around Sacramento and Marysville a levee is made. Sacramento contributed $75,000 toward purchasing a point 65 miles below for improving the navigation of the river. The land back of the levees slopes down as it goes back to about 22 feet below the high-water level. That land has a sedimentary deposit of about 12 to 14 feet. Below that is a muddy deposit. They do not have to irrigate that land out there at all, but if you do irrigate it a little it will do better. The land here does not need fertilization, but there are some very peculiar streaks in the soil along here. On the east side of the river is a famous cherry belt. In the cherry belt, which is a narrow strip about 12 to 14 miles long, these trees grow very well and bear very well, but when you get out of that strip you can not grow them at all. They have experimented with the land, so that they have got it planted in what it will grow the best and most of. They raise fruits and berries of all kinds. The citrus fruits are not raised here, but they do better farther north. Almonds and English walnuts are raised here. It takes a nut tree five or six years before they bear good. They find here that it is best to take the pear trees out when they are 20 years old. They will bear when they are 30 or 40 years old. The pear tree will be growing at its best when it is from 8 to 20 years old. Here they take them out when they are 20 and put in a new tree. The best the farmers can get this year for their peaches is $10 a ton for about one-third of their crop. They will get $25 a ton for their pears. Last year they got $40 for pears and $25 for peaches.

Capt. ANDERSON. In 1909 the River Improvement Association paid $120,000 and the State appropriated $80,000 for rights of way down here, which have been turned over to the United States. These rights of way are in territory now being worked by the United States dredges.

Maj. RAND. The dredges take out 300,000 yards a month each. The dredges cost about $50,000 more than the estimate.

About $4,500,000 is to be expended on dredging down here, and the other $1,300,000 is to be expended on weirs.

Mr. CURRY. Mr. Chairman, the Committee on Flood Control tried not to be narrow, sectional, or provincial, or more than ordinarily selfish. The reason why the Mississippi River and the Sacramento River are included in this bill, and no other projects, is because they are the only two projects in the United States that have been thoroughly investigated and surveyed and reported upon to Congress by the Chief of Engineers with an itemized estimate of cost.

In the third section of this bill we have tried to provide for the investigation and report of other projects throughout the United States. The Mississippi project is of paramount importance on account of the number of States interested and the immense amount of land that will be reclaimed for agriculture.

Recognizing that fact, although I was a member of the committee, and knowing how much the Sacramento River project meant to my people, my district, my State, and the Nation, I stated before the committee that if the inclusion of the Sacramento River project would jeopardize the success of the Mississippi River project, I did not want it to be considered. As a matter of equity and right and justice it was, however, included in the bill.

The gentleman from Pennsylvania [Mr. MOORE] says that it is a navigation project pure and simple, and should be in the river and harbor bill. It was in the river and harbor bill at the second session of the last Congress and passed this House without a dissenting voice or vote. The gentleman from Wisconsin [Mr. FREAR], on the other hand, says that it is a reclamation project pure and simple. Now, they can not both be right, but possibly, like Ananias and Sapphira of old, they are both partly right. [Laughter.]

It is partly a navigation project and partly a reclamation project and partly a flood-control project; and I will read to you what has been stated on that proposition by the Army engineers.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield for a question?

Mr. CURRY. I will.

Mr. SMITH of Michigan. Do you have in mind the number of acres that will be reclaimed by the Mississippi River project, and also the number of acres that will be reclaimed by the Sacramento project?

Mr. CURRY. Yes. The Mississippi River project will permit of the reclamation of about 15,000,000 or 16,000,000 acres of land. On the Sacramento River at the present time there are 350,000 acres reclaimed and 400,000 acres in the course of reclamation, and this project will permit of the reclamation of 1,000,000 more by private enterprise.

I want to impress upon the minds of the Members of the House that every dollar of this $5,600,000 is to be used on the Sacramento River itself for widening and straightening and deepening the river and for the construction of four weirs, over which the surplus water will flow into the by-passes, and the State of California will also contribute $5,600,000 for the widening and deepening and straightening of the river and the construction of these weirs. The by-passes will be 90 miles long and from 1,000 to 14,000 feet wide. The property owners on the Sacramento have already constructed 519 miles of levees, at a cost of $20,000,000. Under the proposed project they will construct 90 miles of by-passes from 1,000 to 14,000 feet wide within 190 miles of levees, at a cost to them of about $30,000,000 more.

In the report of the Chief of Engineers dated July 17, 1913, Rivers and Harbors Document No. 5, Sixty-third Congress, first session, appears the following:

This commission knows of no way of maintaining navigability with certainty and permanence except under a plan which is part of a plan for flood and débris control.

Reference has been made to the fact that in isolated cases individual property owners may be injured. That is true, but they will be compensated. Section 12 of the California reclamation board act provides as follows:

SEC. 12. The reclamation board shall have power to acquire either within or without the boundaries of the district, by purchase, condemnation, or by other lawful means, in the name of the Sacramento and San Joaquin drainage district, from private persons, corporations, reclamation, swamp land, levee, protection or drainage districts, or other organizations or associations, all lands, rights of way, easements, property or material necessary or requisite for the purpose of by-passes, weirs, cuts, canals, sumps, levees, overflow channels, and basins, reservoirs, and other flood-control works, and other necessary purposes; to construct, clear, and maintain by-passes, levees, canals, sumps, overflow channels, and basins, reservoirs, and other flood-control works; to make contracts in the name of said district to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers by this act conferred, or arising out of the use, taking, or damage of any property for any of such purposes.

The CHAIRMAN. The time of the gentleman from California has expired, and all time has expired. The question is on the motion to strike out the paragraph.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Was all debate on the last paragraph ended by agreement?

The CHAIRMAN. It was.

The Clerk read as follows:

(a) All money appropriated under authority of this section shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the California Débris Commission, as approved by the Chief of Engineers, for the control of floods, removal of débris, and the general improvement of the Sacramento River: *Provided*, That no money shall be expended under authority of this section until assurances have been given satisfactory to the Secretary of War (a) that the State of California will contribute annually for such work a sum equal to such sum as may be expended annually therefor by the United States under authority of this section; (b) that such equal contributions by the State of California will continue annually until the full equal share of the cost of such work shall have been contributed by said State; and (c) that the river levees contemplated in the report of the California Débris Commission, dated August 10, 1910, will be constructed to such grade and section and within such time as may be required by said commission: *Provided further*, That said State shall not be required to expend for such work, for any one year, a sum larger than that expended thereon by the United States during the same year: *And provided further*, That the total contributions so required of the State of California shall not exceed in the aggregate $5,600,000.

Mr. HUMPHREY of Washington. Mr. Chairman, it so happens that I am more or less familiar with the Sacramento project. I presume, outside of the members of the California delegation, I am probably more familiar with it than any other Member of the House. I have been up and down the river several times, and I have been through the Sacramento Valley a great many times. This question of improving the river was considered by the Committee on Rivers and Harbors on several occasions, and twice was included in the river and harbor bill.

I want to make this explanation to the House: As near as it is possible to arrive at it, the money proposed to be expended on the Sacramento is equal to the amount necessary to improve it for navigation. I am thoroughly convinced that the Government by expending this amount of money will improve the Sacramento for the purposes of navigation for a considerably less amount than it would if it continued the present plan. That is the reason for including it in the river and harbor bill. The money going into this project, while it helps reclamation, will be entirely for navigation and be the cheapest way of improving the river for that purpose. For that reason I hope the appropriation will be made.

Mr. TILSON. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. TILSON. How much commerce is there on the Sacramento River?

Mr. HUMPHREY of Washington. It is very large. The gentleman smiles as though he had struck a river without any commerce. It is not one of those rivers, I assure the gentleman, that is improved mainly upon the purpose of prospective commerce. As I stated, the River and Harbor Committee came to the unanimous conclusion that it would be cheaper for the Government to join in this project than it would to continue in the way they are doing now. Last year the commerce upon the river was 720,000 tons, with a value of $38,000,000.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. CANNON. Mr. Chairman, there are rivers and rivers. The Mississippi River rises in the northern boundary of Minnesota and flows into the Gulf. It has no more respect for State boundaries than a duck has for a June bug. [Laughter.] It is exceptional, and therefore I have always voted for appropriations for the construction of levees. It is said that it is to improve navigation. That is a good deal of a myth in point of fact. I do not believe that the rivers in the United States are to be benefited by improvements from the standpoint of navigation, but I think the Mississippi River is exceptional.

The Sacramento River rises in California, practically, and flows through California into the Bay of San Francisco. The Wabash rises in Indiana—a gentleman near me says in Ohio, but I take it is in Indiana—and empties into the Ohio River. The Eel River rises in Indiana and empties into the Ohio River, and the Sangamon and Rock Rivers rise in Illinois—and many other rivers—and empty in the Mississippi.

In my judgment this bill, so far as it pertains to the Mississippi River, is a good project, and I am heartily in favor of it for the reasons assigned. I could give a good many other reasons if I had the time.

But what I do not like about the bill is its possibilities looking to the future. It seems to me that it is to beget appropriations, perchance, in the future by combination, breeding appropriations that localities ought to bear. In my State and your State, Mr. Representative FOSTER, it has cost us $15 to $20 an acre to drain the swamp lands and other lands which have an outlet. I fear, looking to the future, that the bill, although dealing only with the Mississippi River and the Sacramento River, is to cover a great lot of appropriations for the drainage of swamp lands that the State on the one hand and the people on the other hand ought to bear. [Applause.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

Mr. FREAR. I want five minutes.

Mr. HUMPHREYS of Mississippi. Has the gentleman an amendment to offer to this paragraph?

Mr. FREAR. I want to read in from the record of California some things on this very proposition.

Mr. MANN. We would like to have 20 minutes on this side on the paragraph.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 40 minutes—20 minutes to be controlled by the gentleman from Illinois and 20 minutes by myself.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and amendments thereto close in 40 minutes—20 minutes to be controlled by himself and 20 minutes by the gentleman from Illinois. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, do I understand the gentleman from Wisconsin [Mr. FREAR] has an amendment which he desires to offer?

Mr. FREAR. No.

Mr. HUMPHREYS of Mississippi. I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I am not opposed to the principle contained in this bill. I think the time has come when it is necessary that there should be a wise and fair cooperation between the Federal Government and the localities in flood control. I do wish, however, that in this particular bill a scheme had been presented for consideration applicable to all meritorious cases of flood control, and I think the bill is defective in that respect. I further wish that in this particular item for the Mississippi River the matter of its improvement for navigation had not been included, but that the bill had devoted itself exclusively to flood control. I understand the difficulties pointed out by the chairman of the committee, but still it seems to me they were not insuperable. I think further that the amendment which was adopted in the Committee of the Whole last Wednesday, increasing local cooperation as to the Mississippi River from one-third to one-half, was a wise amendment; but subject to those criticisms I think the principle is right and the bill as a whole will receive my support.

As to the matter of flood control of the Sacramento and the San Joaquin River and Valleys, I believe the proposition as contained in the bill is meritorious. Gentlemen must remember that the entire cost of this project amounts to $33,000,000; that of that $33,000,000 about $22,000,000 is assumed outright by the landowners embraced in the territory to be served.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. How does the gentleman from California interpret the last proviso in this paragraph:

> That the total contributions so required of the State of California shall not exceed in the aggregate $5,000,000.

Why limit the contribution of the State of California?

Mr. SMALL. I will answer: The total expenditure resulting in benefit to navigation is $11,717,000, of which one-half is to be borne by the Federal Government. I call the attention of the chairman of the committee to that in order that he may explain it. It should have been $5,858,500 instead of $5,000,000.

Mr. HUMPHREYS of Mississippi. That amount has been appropriated.

Mr. SMALL. In other words, the cost of the entire project is $33,000,000, $22,000,000 to be borne outright by the lands to be affected, leaving $11,717,000, and of that amount one-half, or $5,858,500, is to be borne entirely by the State of California. In other words, Congress is to appropriate one-half of the $11,717,000.

Mr. PARKER of New York. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. PARKER of New York. Knowing the gentleman as an expert on river and harbor matters, I wish to ask him if in his judgment this whole bill, to all intents and purposes, is not for the same purpose as the river and harbor appropriation bill?

Mr. SMALL. Except as to the Sacramento. As to the item here for the Mississippi River, it is simply a supplementary river and harbor appropriation bill. It is different as to the Sacramento River.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman, it is hard to discuss an important matter like this in five minutes, and I do not feel able to do more than to make a suggestion. Take, for instance, the request for information by the gentleman from Connecticut a few moments ago as to the commerce on this river. There is commerce on the Sacramento River, largely around the mouth of the river. I went up that river last summer and passed just one small steamboat on the whole trip. I assume it has a substantial commerce, but this bill proposes $5,600,000. I have here a protest from the Sutter County Board of Supervisors opposing the proposition, and I have a number of reports that have been handed to me. I have no interest in it, and I know that the people who gave them to me had no financial interest in it. I want to read from a statement made by Mr. Ellis, who is a member of the California commission. On November 9, 1915, in the public hearing, he said:

> I am going to voice one more objection, and that is that the construction of the by-pass in the Sutter Basin is going to be a direct menace to the city of Sacramento, which is already in an admittedly dangerous situation on account of the delay in constructing the Brytes Bend by-pass, and which will have no unnecessary margin of safety even after that by-pass is constructed.

Mr. Chairman, this is for land reclamation, not for flood control, and that is the trouble with the bill.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FREAR. I can not yield, as I have not the time. I want to read now from the statement of Mr. Von Geldern, who was also before the committee at this public hearing. He says:

> The people realize that it is necessary to have a plan of flood control, and that under any plan they would be subject to some danger, but they object to the unnecessary added danger caused by the shifting of the location of the by-pass. It is the unnecessary flooding of 20,000 acres of highly cultivated land at any time that a break should occur in the west levee of the Feather River that they object to.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. That, I understand, is because the armor people have insisted and you have been compelled to adopt the proposed eastern by-pass.

Mr. RAKER. Is it not a fact that the only by-pass kept up is the weirs, out of the Yola, and that it absolutely protected the river and made it navigable?

Mr. FREAR. The Feather River is not to any appreciable extent a navigable river, and where this by-pass has been proposed is near the Feather River and not the Sacramento, as I am informed, and I have quoted from the record to show that, according to the engineer, we are to increase the danger to the city of Sacramento.

Mr. RAKER. Then is it not peculiar that the people of Sacramento are in favor of this legislation, for they know it will not endanger but will help to protect it?

Here is a protest which comes from the people of Sutter County, which I would like to read and put in the RECORD, showing what injustice has been done to those people, and which has been done over their protest, where they say 20,000 to 30,000 acres of land is to be flooded out there—their land—valued at $20,000,000; and they are to be subject to this unnecessary charge by reason of the project that is to be put through. Now, this is not flood-control, but land reclamation. There is some navigation at the entrance of the river, I understand, but there is very little, and yet we are to expend $5,800,000. Have there been any lives lost out there? Have there been any——

Mr. CURRY. Scores of lives have been lost.

Mr. FREAR. When?

Mr. CURRY. In 1904 and 1909, and $11,000,000 worth of property destroyed.

Mr. FREAR. I will accept that; I do not question the gentleman's statement.

Mr. CURRY. If the gentleman will read the report, he will see the destruction of property.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the proviso beginning with the word "and," in line 23, page 5, and continue to the end of the paragraph.

Mr. Chairman, while I am not in favor of this provision for reclamation of land along the Sacramento River as it stands, it has some features in it that are more to be commended than the provisions which are contained in reference to the Mississippi River. I refer more particularly just now to the provisions with reference to the construction of by-passes and the amount to be paid by the locality benefited. I have never believed—and I know of a large number of people along the Mississippi who have never believed—that it would be possible to control the floods of that river and keep it within bounds with any levees which could possibly be constructed. The effect of the construction of levees is naturally to raise not only the height of the flood itself but also in the long run by reason of the caving of the banks to raise the level of the stream bed than to lower the bed itself and also to widen it.

I have a letter here which I received this morning from a man I never heard of before who seems to live at Hernandez, Miss. I think he is in Mr. STEPHENS's district; I am not certain, however, about that. This man says:

> The revetment system is the only thing that will solve the river problem. You can build your levees until they reach to the moon, and the river head will rise accordingly, and the same old trouble will always be with us like before and will call for an annual "pork-barrel" appropriation for the benefit of the levee contractors.

Mr. HUSTED. Mr. Chairman, will the gentleman yield for a question?

Mr. GREEN of Iowa. I will.

Mr. HUSTED. Does the gentleman realize that if this project is completed as provided in the bill that the flood height in the Mississippi River would not be raised to exceed 3 inches?

Mr. GREEN of Iowa. I know exactly to the contrary. The gentleman is in error about it, and that is the testimony of most of the people living along the Mississippi who have had any opportunity to observe it. There is only one way you can lower the level, and that is by controlling in some kind of way the headwaters by either reservoirs or——

Mr. RAKER. Will the gentleman yield for just one question?

Mr. GREEN of Iowa. I shall have to decline to yield; I regret that I have to do so. The only other method is that which is adopted in reference to the Sacramento River, which I entirely approve, and that is to establish by-passes which permit the water to pass off to one side. The system that is proposed to be adopted in reference to the Sacramento River is practicable. The system which is proposed to be adopted in reference to the Mississippi River is not practicable, and will not, in my judgment, control the flood waters. Now, something was said the other day in reference to the difference between the levee and the revetment system, and, to my surprise—although I ought not to have been surprised—I found a number of Members of the House did not understand the difference between a levee and a revetment. Of course those who live along the Missouri and Mississippi Rivers understand it perfectly. The levee system is one which raises the natural bank and seeks to prevent floods in that way. The revetment system is building out into the water over the natural bank to protect it; and, without raising the natural bank, it tends to deepen and scour out the channel and keeps the river in the place where the revetment is built.

Now, in these rivers in the East you find the Potomac, the Connecticut, the Hudson in the same place in six months that they are now. On the Missouri or Mississippi, in five months or six months or a year they may be 5 miles away from the channel which they now occupy. This makes it necessary to use the revetment system. The revetments are large willow mats extending out into the water 20 or 30 or even more feet, covered in the first instance with rock. They are not in the first instance intended to prevent overflow, for they do not raise the bank; but in the long run they are a help in this direction, because, as I have said, they confine and deepen the channel. For the same reason revetments are of great aid to navigation, while the levees as used along the Mississippi a mile or more from the channel banks, in case of flood always cause them to cave, fill up the channel, and widen it, instead of deepening. Some day the river will reach the levees with its main channel, unless the banks are revetted. For these reasons I think the levee plan will be a failure and result in the expenditure of enormous sums without any corresponding benefit.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I agree with the gentleman from California [Mr. CURRY] that this is an Ananias and Sapphira proposition, and I think he fits both designations in his very elaborate report, which in the matter of eloquence and argument vies with that of the distinguished gentleman from Mississippi on the Mississippi River proposition. It is both a navigation and a reclamation project. It will involve an expenditure in the end of $35,000,000 at least. There is a limitation as to what the State of California shall expend, although I think any careful observer will admit the State of California has participated very liberally and fairly in the improvement made. But if anyone thinks this is a navigation proposition, let him read page 31 of the report of the Committee on Flood Control, headed "A business investment for the United States."

The gentleman from California admits that this project was taken care of in the rivers and harbors bill. He admits that the navigation features were looked after there, but he saw very cleverly, just as the gentleman from Mississippi saw, the short cut to prosperity, the short cut to the end, by deserting the Rivers and Harbors Committee, leaving the "pork barrel" stand in the middle of the road, and going out alone with these two new and separate projects. They make a fine team. Hitched together, they are doing pretty well toward the passage of this bill, which the gentleman from California very naturally says is a proper bill. Some other gentlemen have intimated that other projects ought to be brought under consideration in this bill. As it is, however, the bill specializes. It first takes care of these two particular projects and leaves "the devil to take the hindmost." That is one of the things that subjects it to criticism.

Mr. HUSTED. Will the gentleman admit that there are only two projects involving the flood control that are ready for action at this time?

Mr. MOORE of Pennsylvania. I will not admit that, because in my own State of Pennsylvania there are frequent floods on the Susquehanna River and its tributaries, in which life is lost and in which there is great destruction of property. I could throw into the balance dozens of other rivers throughout the country needing improvement and protection, just as these two rivers do.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. For a question.

Mr. HULBERT. Has the gentleman recently read in the public press of the flood conditions on the upper Hudson at Albany, and on the Genessee River at Rochester, and has the gentleman any knowledge as to whether any effort was made by this committee to meet those conditions or not?

Mr. MOORE of Pennsylvania. There are constant floods on the upper Hudson that sometimes carry away lumber yards, and sometimes do the same kind of damage that the Mississippi River does in the South. They carry away the little huts along the river banks, encroaching upon the river, and push them back, and the people run away, just as they do down on the Mississippi. I do not throw this up to the gentlemen from Mississippi, but on the Hudson they do not come to the Government and ask for aid along this line; they suffer their own loss.

I want to call attention to the fact that on page 31, referring to "the navigation advantages to the United States" of this expenditure of money, the committee in its report refers to the valleys of the Sacramento and San Joaquin, as operated together for the benefit of the State of California. The fact is there set forth that these two valleys, comprising about 10,000,000 acres, will grow to advantage any product called for by the necessities or desires of the Nation. This is a valuable statement, because we are to spend $5,600,000 of Government money for the 10,000,000 acres to be reclaimed in two valleys of California, and $45,000,000 for the 16,000,000 acres to be reclaimed along the Mississippi River.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman, I want to readvise the committee as to the pleasure I have in voting for any legislation to protect any community against flood ravage or damage. The great trouble which I find in this bill is not that it is not a flood protection, but that it alternates between a navigation bill and a land-reclamation bill. The gentleman from California who has just spoken has said very frankly that the State of California contributes $5,000,000 toward the navigation end of it; that it is a navigation bill; and that the interests of the State of California are in the direction of navigation.

Mr. CURRY. The gentleman entirely misunderstood me.

Mr. GARD. I said "the gentleman from California," meaning the gentleman's colleague, Mr. RAKER, who first spoke, and who said it was entirely in the interest of navigation. I comprehend that the gentleman, and I think that other gentlemen on the other side, did say that it was a combination of navigation and reclamation.

Mr. CURRY. As to flood control, the people of California in that part pay the property owners $30,000,000 for the flood control, and the State pays $5,600,000, and the Government $5,600,000 on the navigability of the river.

Mr. GARD. My purpose in speaking is largely to procure information, and therefore I would ask of the gentlemen who represent California, any of them, whether or not this $5,000,000 which the State contributes is to be levied in benefits upon any of the land adjoining this proposed improvement?

Mr. CURRY. No, sir. That is an appropriation from the State treasury, and the benefits to the land come under the commission—that is, the land is to be reclaimed according to the plans and specifications of the Army engineers, but to be reclaimed at private expense. The landowners pay for all the reclamation.

Mr. GARD. What I want to know is whether this $5,000,000 is to be reassessed upon adjoining property and paid back into the revenues of the State?

Mr. CURRY. No.

Mr. RAKER. Will the gentleman yield now?

Mr. GARD. For just a moment. My time is limited, but I will yield.

Mr. RAKER. The statement is made, and it is all through the bill that $5,000,000 is to be paid by the Government and $5,000,000 by the State for the purpose of keeping the river navigable. The $22,000,000 handles the flood control, and therefore the joint action.

Mr. GARD. Therefore this bill is entirely outside the purview of a flood-control bill, as I view it.

Mr. CURRY. We are willing for the Government to pay for the flood control if they want to do so.

Mr. GARD. I have no doubt the gentleman would be very glad to have the Government do that.

Another question, which I would like to ask of the chairman of the committee. On page 8 of this bill it provides that before anything is to be done by Government action, three things must appear, as follows:

> (a) What Federal interest, if any, is involved in the proposed improvement; (b) what share of the expense, if any, should be borne by the United States; and (c) the advisability of adopting the project.

Now I will say, entirely as a matter of principle, that we have no report here from this committee upon any of these different propositions. It does not appear what Federal interest is involved, or what expense is entailed, or what share the Federal Government will have in either project. It is simply stated there are two rivers existing, and that they have large interests which should be cared for.

The committee should have handled the subject in a larger way and in a fairer way, and should have given the House the benefit of their information as to whether these are Federal interests, and what the expense should be, and the advisability of adopting the project. Those are the big things which the House wants to know.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in answer to the gentleman from Pennsylvania [Mr. MOORE], and also in answer to the questions that were propounded to him, or rather the interjections made by the gentleman from New York [Mr. HULBERT], I will say that these two projects are the only projects that have been worked out by the engineers and reported upon to the Committee on Flood Control and are now ready for congressional action.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. GARD. The gentleman intends to say that these are the only projects that have been worked out by the Army engineers?

Mr. HUMPHREYS of Mississippi. By the United States Government. Of course the United States Government can act only through an agency.

Mr. GARD. The gentleman does not mean to say that there are not other projects that have been worked out far better than these?

Mr. HUMPHREYS of Mississippi. I say no projects on the face of the earth have been better worked out than these.

In 1893 the Federal Government created the California Débris Commission. It has been at work since that time upon this proposition and has evolved this plan. It is for flood control and navigation, and the two branches of the project can not be separated. It would be a thoroughly stupid thing, in my opinion, to undertake to separate them, and to provide this $5,600,000 for the improvement of navigation there without requiring that the rest of the plan be carried out.

The Federal interest is shown very clearly in the reports of the California Débris Commission, and the amount of the local contribution is set out very fully. I do not know upon just what the gentleman bases his criticism. I agree with him in regretting that we have not a better bill than this. I am sorry that gentlemen do not suggest a better bill rather than criticize us for a failure to report a better bill.

Mr. GARD. I would be very glad to if I had the opportunity.

Mr. HUMPHREYS of Mississippi. The gentleman is a Member of Congress and has been here several years, and he has had very distinguished service. We are waiting for him to act.

Now, the gentleman from Pennsylvania [Mr. MOORE] refers to the floods on the Susquehanna. The gentleman ought to know, if he does not, that the Army Engineers are to-day investigating that river with a view to devising some means of flood control there, but they have not yet reported. On the Allegheny and Monongahela and tributaries very elaborate investigations are in progress, authorized by the Committee on Rivers and Harbors, of which the distinguished gentleman from New York [Mr. HULBERT] is a member. He should know that. But the reports have not come in. Surely the gentleman from Pennsylvania will not say that the people's Representatives in Congress ought to undertake the improvement of any river or harbor in this country for navigation, or adopt a project for the control of floods anywhere in the United States until that matter has been throughly investigated and a report has been had from the engineers showing how it will be done and the cost. The gentleman will not state that he believes a contrary course should be pursued.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. SWITZER].

The CHAIRMAN. The gentleman from Ohio [Mr. SWITZER] is recognized for two minutes.

Mr. SWITZER. Mr. Chairman, the gentleman who has just preceded me [Mr. HUMPHREYS of Mississippi] has covered fully what I was desirous to say upon one proposition, but I desire to call the attention of the committee to this fact: That the Committee on Rivers and Harbors adopted this provision after a thorough consideration of every feature of it in the second session of the Sixty-third Congress, after giving it careful consideration, and in last July about half of the members of the Committee on Rivers and Harbors, at the expense of the State of California, took a trip through the Sacramento Valley and personally inspected this proposition. I do not believe there is a member of the Committee on Rivers and Harbors who was on that trip and who went up and down the Sacramento River and conversed with the Army engineers and had pointed out to him what was expected to be done and what was expected to be accomplished but that fully indorses the proposition.

Here is a comprehensive scheme not only for improving but taking care of the navigability of the Sacramento River, but for reclaiming those waste lands along either side at this time, as well as controlling the floods, and that plan has been adopted, as I said, once.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. SWITZER. Yes.

Mr. GARD. Is the gentleman a member of the Committee on Rivers and Harbors?

Mr. SWITZER. I am.

Mr. GARD. Does the gentleman understand that the Committee on Rivers and Harbors reported out a bill carrying appropriations for the Sacramento and Feather Rivers in California this year?

Mr. SWITZER. That is all correct. But I understand no appropriation will be made under the authority given by this bill that will take effect until next year.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARD. Does the gentleman know what the appropriation is?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. HUMPHREYS of Mississippi. I yield another minute, first, to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. So far as complaints coming in here from certain owners along the Sacramento Valley are concerned, that they will be injured by the adoption and enforcement of this scheme to reclaim the lands along the Sacramento Valley, there is no system that can be devised by man but will cause injury to some landowners. The lands of some will be taken by these by-passes, and the lands of others may be overflowed, but I have no doubt that those people will be recompensed for any injury they may suffer. Those details will be worked out by the State of California and under the laws and decisions of the courts of that State. The question should not be taken into consideration by this committee at this time.

Mr. PARKER of New York. Mr. Chairman, will the gentleman yield?

Mr. SWITZER. Yes.

Mr. PARKER of New York. Are not the motives in this bill for the improvement of the Sacramento River precisely the same as they were during the consideration of the river and harbor bill?

Mr. SWITZER. Certainly. We knew then it was a reclamation project as well as a navigation and a flood-control project.

Mr. PARKER of New York. In other words, you have shut out every other portion of the country except those two projects.

Mr. SWITZER. I am very much interested in the Ohio River project. The act adopting it recites that it is to be completed in 12 years' time, and I have no objection to taking any project out of the control of the Committee on Rivers and Harbors that we have passed upon favorably and saying that we will complete it within a certain time—one, two, three, or four years; in other words, put it under the continuing contract system.

Mr. HUMPHREYS of Mississippi. There is provision made for the Sacramento and Feather Rivers in the river and harbor bill, but this project has not been adopted

This project was carried in the river and harbor bill which was adopted by the House, but it failed in the Senate, and it only provided a small initial appropriation. This particular project is not carried in the river and harbor bill now, and has never been in any river and harbor bill which was enacted into law.

Mr. PARKER of New York. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. PARKER of New York. The point I wanted to make is that the improvement of the Sacramento in this bill is a duplicate of the motive in the river and harbor bill. I am in accord with both of them, but you bring in two propositions here, and while in New York we have to pay 30 per cent of

the cost of these improvements, you do not give us a chance to get one dollar of appropriation.

Mr. HUMPHREYS of Mississippi. If I understood the debate in the House when the river and harbor bill was considered, there was complaint that we had singled out New York and given it the only new project in the bill and excluded everybody else. Did the gentleman find fault at that time?

Mr. PARKER of New York. No; not at all; but this is another proposition and you do not let us in on it.

Mr. HUMPHREYS of Mississippi. Yes; the gentleman did not find fault with the first, but he finds fault with this, because he is not in on it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] has stated that there was a protest on the part of the people of Sutter County on this proposition because it might injure the city of Sacramento.

Mr. FREAR. That was Mr. Ellis, a member of the commission.

Mr. KAHN. As a matter of fact, the people of Sacramento are unanimous in their request for this legislation. The question was asked as to the extent of the commerce on the Sacramento. I believe that the reports show that the value of the trade on that river last year was $38,000,000, and that it carried 720,000 tons. That is river transportation. Of course the transportation over the railroads in the Sacramento Valley was many times greater.

One of the difficulties of the Sacramento is that every two or three years the river overflows its banks and causes very serious damage. The gentleman from Ohio [Mr. GARD] asked whether the Government of the United States was interested in this matter. I say to him, yes. Last year, in the spring of 1915, there was a sudden flood on the Sacramento which washed out the railroad tracks on the railroad line running between California and the States to the north. About 12 miles of road were destroyed. For about 10 days not a single mail train could pass north or south. The United States mails were stopped. The passenger traffic overland from San Francisco to Portland, Oreg., and Puget Sound cities was stopped, due to the floods of the Sacramento River.

Mr. GARD. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GARD. I notice the river and harbor bill carries appropriations for the Sacramento and Feather Rivers of $200,000. Is that intended to do the same work as the appropriation in this bill will do?

Mr. KAHN. I do not think so; I think that is other work altogether. That is purely navigation work, and this is flood-control work as well as navigation work. If the gentleman could see the delta at the mouth of the Sacramento any year when it is in flood he would realize the necessity for this legislation. The water extends for miles over some of the best agricultural land in the universe. The crops are entirely destroyed. The farmer does not get a 5-cent piece out of his land on account of the overflow of the waters of the river.

The floods of the Sacramento occur every two or three years. This legislation will help the people of the State of California to control these floods. The Government of the United States, as I said before, is vitally interested in having these floods controlled.

Mr. PARKER of New York. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. PARKER of New York. Will the gentleman explain the difference between flood control and improvements in the interest of navigation?

Mr. KAHN. There is some difference, in my opinion. When the Sacramento is in flood great quantities of silt are carried in the waters of the stream, greater quantities than at ordinary times. Mare Island Navy Yard is beyond the mouth of the Sacramento, toward the southeast. The great quantities of silt that are carried down by reason of the flood fill up the channel, and the Government of the United States is put to great expense in keeping the channel to Mare Island clear.

Mr. PARKER of New York. Would not the improvement for navigation answer the same purpose as for flood control?

Mr. KAHN. I imagine that it would. But the gentleman seems to feel that other sections of the country ought to have been taken care of in this bill——

Mr. PARKER of New York. I think they should have been considered.

Mr. KAHN. And that seems to be his grievance. I feel that this Flood Control Committee will have a long existence. I hope it will become one of the greatest and most important committees of the House. It is to-day a great committee; and all these projects in connection with the Hudson, the Delaware, and the Susquehanna can be brought to that committee from time to time, and gradually the flood-control work can be done throughout the entire United States. [Applause.]

The CHAIRMAN. All time has expired, and the question is on the amendment of the gentleman from Wisconsin to strike out the paragraph.

Mr. FREAR. Mr. Chairman, that was a pro forma amendment, which I withdraw.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] has an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 23, after the word "year," strike out the remainder of the paragraph.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

(b) All money contributed by the State of California, as herein provided, shall be expended under the direction of the California Debris Commission and in such manner as it may require or approve, and no money appropriated under authority of this section shall be expended in the purchase of or payment for any right of way, easement, or land acquired for the purposes of this improvement, but all such rights of way, easements, and lands shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred therefor shall be computed as a part of the contribution of the State of California toward the work of improvement herein provided for within the meaning of paragraph (a) of this section.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the proviso.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 6 line 11, after the word "States," by striking out the proviso.

Mr. MOORE of Pennsylvania. Mr. Chairman, several members of the Committee on Rivers and Harbors having indicated that they propose to vote for this bill and that they are entirely in favor of the principle involved, I think it fair to compliment the chairman of the Committee on Flood Control at this time upon his foresight and acumen in organizing this Flood Control Committee. It looks very much as if the statement I made in response to the Speaker of the House of Representatives and the distinguished ex-Speaker, the gentleman from Illinois [Mr. CANNON], a little while ago, is true, namely, that this Flood Control Committee and this important bill for $50,600,000 marks the passing of the Rivers and Harbors Committee. It may be a good thing if we are all to be driven to the Flood Control Committee to be relieved of the charge of seeking "pork," which afflicts us when we go to the Committee on Rivers and Harbors. Then, of course, the influence of the Flood Control Committee will increase as that of the River and Harbor Committee diminishes. But it is for the members of the Committee on Rivers and Harbors themselves, I presume, to say whether they propose thus to pass into innocuous desuetude. I am not a member of that committee, never could become a member of that committee, and never expect to be, and, therefore, I can speak freely from the outside. I desire to read from the report of the Committee on Flood Control on page 31, which rather indicates——

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Nebraska.

Mr. SLOAN. I just want to inquire if it was not the gentleman's foresight that impelled him to leave the Committee on Rivers and Harbors and go to another committee?

Mr. MOORE of Pennsylvania. I have just explained that I never was a member of the Committee on Rivers and Harbors—never could be—and now, of course, being associated with the gentleman from Nebraska on the Ways and Means Committee, never expect to be; but I shall always have business with the Committee on Rivers and Harbors, or, in the event of its being passé, the new and powerful Committee on Flood Control.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GOOD. The gentleman heard the statement of the gentleman from California [Mr. KAHN] as to the number of acres of land—the richest, he said, in all the world—that would be reclaimed in California, and also the statement of the gentleman from Mississippi [Mr. HUMPHREYS] in his speech, in which he stated that there were 16,000,000 acres of the cream of the world but awaiting the magic touch of the opening of the Treasury. The gentleman realized that they have no such land as that along the Delaware.

Mr. MOORE of Pennsylvania. That "cream awaiting the magic touch" was a poetic dream of the gentleman from Mississippi, the Pegasus of the Mississippi Valley. So far as the Delaware lands are concerned, they are not to be compared for a moment with these lands in the Sacramento or the San Joaquin or the Mississippi Valley. While we are on this subject of land values and productivity, about which our western and southern friends are wont to boast, I wish to say that the census of 1910 shows that Massachusetts is first in the value of farm products per acre of all the States of this Union, Rhode Island is second, Connecticut is third, and the little State of New Jersey is fourth. The West and South have no monopoly in the value of farm products.

We hear a great deal about the value of these reclaimed lands of the West and South, but we have lands for hundreds of thousands of people—yes, for millions—in the East. These lands are going begging in the East while we are spending eastern and western money—$45,000,000 of it, in addition to what has already been appropriated—to reclaim 16,000,000 acres down the Mississippi Valley, and $5,600,000, which is to grow to $35,000,000, to reclaim 10,000,000 acres in California wholly within the State.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto be now closed.

Mr. GREEN of Iowa. Mr. Chairman, I would like to have five minutes on this.

Mr. HUMPHREYS of Mississippi. Is the gentleman going to talk to an amendment or to talk generally upon the subject?

Mr. MANN. I may want 10 or 15 minutes on this.

Mr. HUMPHREYS of Mississippi. On what?

Mr. MANN. On this Sacramento proposition. This is next to the last paragraph.

Mr. HUMPHREYS of Mississippi. Let us conclude the reading of the next paragraph, and then the gentleman may have 15 minutes.

Mr. MANN. I have no objection to taking it on the next paragraph. I will state to the gentleman that 15 minutes are desired over here on this side.

Mr. HUMPHREYS of Mississippi. Very well. We will yield that as soon as we conclude the reading of the next paragraph.

Mr. MANN. I mean that there are three gentlemen here who desire to talk five minutes each on this particular paragraph.

Mr. HUMPHREYS of Mississippi. Would they not be willing to read the next paragraph, and then take the 15 minutes?

Mr. MANN. Oh, we have plenty of time.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 25 minutes—15 minutes to be controlled by the gentleman from Illinois and 10 minutes by myself.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and amendments thereto close in 25 minutes—15 minutes of that time to be controlled by the gentleman from Illinois and 10 minutes by himself. Is there objection?

Mr. SMALL. Mr. Chairman, reserving the right to object, I desire to modify that request for unanimous consent by making it 30 minutes of which I shall have 10.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I will modify my request in accordance with that suggestion—15 minutes to be controlled by the gentleman from Illinois and 15 minutes by myself.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and amendments thereto close in 30 minutes, 15 minutes of that time to be controlled by the gentleman from Illinois and 15 minutes by the gentleman from Mississippi. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, as I was saying a short time ago, there are many features in connection with this project for improvement of the Sacramento that commend themselves in comparison with the project for the improvement of the lands along the Mississippi, and the amount to be paid by the State of California being absolutely fixed is one that I commend. In the case of the Mississippi, there is no definite fixed amount of money which is to be contributed, or how the money which is to be contributed is to be obtained. Gentlemen have spoken here with reference to the amount to be expended by the owners of lands along the Mississippi and also along the Sacramento with reference to the amount that the people living on that land would expend. I think one gentleman said, in relation to lands along the Sacramento, that the settlers were going to put in some thirty-odd million dollars. The bill, of course, provides for nothing of that kind, and I believe in both cases that what is meant is that the settlers will have to expend a large amount in order to get land ready for cultivation. Now, that is exactly what occurred in reference to reclamation projects by irrigation or otherwise. Let me say here, that when I spoke last Wednesday with reference to this being a reclamation project one gentleman, who apparently was not very familiar with the subject, took decided exceptions, and some gentleman upon the other side, for whose opinion I have great respect, afterwards endeavored to show, somewhat unsuccessfully I thought, that the bill did not present a reclamation project. I am not opposed to these projects because they are reclamation projects.

I think the gentleman from Mississippi [Mr. HUMPHREYS] was correct when he said that if a project of this kind is too large for a State to handle that the Government ought to take hold of it, because that is the only way it can be carried out. But, Mr. Chairman, when that is done the Government ought only to advance the money with the expectation and hope of having it repaid, as in the case of irrigation-reclamation projects. That is not the case in reference to either of these projects. It is true the owners of these lands have expended and will expend large sums of money, but this is also the case with these irrigation-reclamation projects. When the Government furnishes the water for irrigation they have not furnished one-half of the expense that is necessary to bring the land under cultivation. The land has to be leveled, ditches have to be dug, other work has to be done upon it, so the actual expense in reference to any land under consideration of this kind will be some $20, $30, or $40 an acre. The Government does not pay all expenses with reference to these irrigation projects for that reason, and ought not to do so. All of these plans ought to provide that all the money expended by the Government will be repaid by the parties who get the benefit of it, and that is the only manner in which such a project would receive my approval.

Mr. BENNET. Mr. Chairman, I am much in favor of these improvements, and in a few moments I am going to assist other gentlemen by asking them to join me in improving the bill.

This House does not seem to realize that east of the Allegheny Mountains there is a very considerable portion in area and a very large portion in the population of the United States. I realize fully that the opinion of this House in relation to the people of New York, particularly of New York City, is that we are all hell-deserving sinners, hair hung and wind-shaken over the bottomless pit. However, we are residents of and, in the main, citizens of the United States and contribute to the taxes. Now, we have floods up our way, and I do not know whether my colleague [Mr. PARKER]—I did not hear all of his speech—alluded to the fact that up in his district there was great flood destruction.

Mr. PARKER of New York. About $2,000,000.

Mr. BENNET. About $2,000,000 in the cities of Troy and Albany, and the city of Albany, represented here by my colleague [Mr. SANFORD], was compelled to remove all buildings from the water front at public expense and raise the level of that part of the city at public expense on account of the floods. Now we are going—I am going, at least—to offer a suggestion in relation to flood control. The expense will not be very great, somewhere around $150,000,000. It will not be narrow and provincial because my plan when it is presented to the House will reach any point north to Boston that the President picks out, and any point south to Savannah that the President picks out, and just simply leaves it in the hands of the President to construct such ways and works, including an intracoastal canal, as will take care of the flood problem.

Mr. LOBECK. Does that include the Missouri River?

Mr. BENNET. Yes.

Mr. GREEN of Iowa. Has the gentleman examined the Newlands bill?

Mr. BENNET. I have not examined the Newlands bill, but I doubt if it is as good as the one I suggest; at any rate, if it is as good as the one I suggest, why then they will recommend the Newlands bill to the House. If we are going to start in to control floods, let us control them; but let us not be narrow and sectional.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BENNET. I do.

Mr. MOORE of Pennsylvania. The Newlands bill carried $60,000,000 a year for 10 years; that is $600,000,000. As a general proposition why not have the Newlands bill at once?

Mr. BENNET. I am a little bit cautious myself. [Laughter.] I would not want to propose anything I did not think

there was a reasonable chance of the House voting. Now this would be $150,000,000.

Mr. MOORE of Pennsylvania. Why not $600,000,000?

Mr. BENNET. Because that is a little too large.

Mr. MOORE of Pennsylvania. Not in the present state of the Treasury.

Mr. BENNET. We have got "hope" in the Treasury anyhow, and I am going to test the sense of the House——

Mr. MEEKER. Has the gentleman got any "faith" in the Treasury? The gentleman said he had "hope."

Mr. BENNET. The gentleman is now sitting on the right side of the House for "faith." That is about all they will have there after the 30th of June.

Mr. MADDEN. The gentleman from New York has "charity."

Mr. BENNET. The gentleman should come over on this side; here is where he belongs. When I get the gentleman from Missouri and the gentleman from Illinois talking about "faith, hope, and charity" it mixes me up in my speech.

Mr. MEEKER. You think the Treasury needs charity?

Mr. BENNET. No. I think we are a rich country, and I hope when my proposition comes before the House, everybody will vote for it.

Mr. LA FOLLETTE. Mr. Chairman, the gentleman from Iowa [Mr. GREEN] made a few remarks that I expected to make in regard to the reclamation features of this bill. I had expected to call to the attention of the committee that we were reclaiming thousands of acres of land in the West and we expected the people who got the benefit of that reclamation to eventually pay each and every dollar back to the Treasury. Now, if we go into a scheme of reclamation along any of the streams of the United States we should segregate the money which is allowed for reclamation and say that when the land is really reclaimed it shall pay back that money to the Government. And if it goes for navigation, which is for the benefit of all the people, that the Government should, and legitimately, pay for it. I am inclined to think that we are making a mistake in regard to flood control.

Mr. FOSTER. Will the gentleman yield?

Mr. LA FOLLETTE. Yes, sir.

Mr. FOSTER. How much money has the reclamation fund turned back to the Treasury?

Mr. LA FOLLETTE. I can not give the figures.

Mr. FOSTER. How much interest has it paid on the $100,000,000 the Government has given them?

Mr. LA FOLLETTE. They have paid considerable, but not all they should have paid, probably. But it is well secured.

Mr. FOSTER. I am not finding fault with that.

Mr. LA FOLLETTE. I understand; but it was a new proposition which had to be worked out. It is all expected to be paid back in time.

Mr. FOSTER. I understand that; but do you not remember that Congress passed a law extending the time of it 20 years within which they should not pay any interest?

Mr. LA FOLLETTE. I understand that. That has nothing to do with this question.

Mr. FOSTER. I think it has nothing to do with it, either.

Mr. LA FOLLETTE. The land reclaimed along a river or anywhere else by the aid of the Government should in time pay back the money used.

Mr. FOSTER. I think the money is well expended, and I am for it.

Mr. LA FOLLETTE. I think so, too, and I am for all proper methods of reclamation; but I think where land is reclaimed, the people owning the land should eventually pay the Government for that reclamation. Now, on last Wednesday the gentleman from Mississippi [Mr. HUMPHREYS] in talking about flood control made light of the question of controlling by reservoirs, and he said that the engineers all gave their testimony against the feasibility of that method. I have here testimony from Army engineers, stating that flood control by the construction of reservoirs is feasible, and that they would prevent a great deal of the damage done throughout the country year after year. They thought that the control of one-fifth of the water would require $54,000,000. At the time that report was made the appropriating of $54,000,000 for that purpose was considered an insurmountable obstacle. Now you would appropriate four times that much money on the other side of the aisle and consider it a mere bagatelle.

Mr. HUMPHREYS of Mississippi. What report does the gentleman refer to?

Mr. LA FOLLETTE. I have extracts from a report made by a special board of engineers, and I have extracts from the H. N. Chittenden report.

Mr. HUMPHREYS of Mississippi. Do either of those reports say it will be possible to control floods in the lower Mississippi by the construction of reservoirs costing $54,000,000?

Mr. LA FOLLETTE. Control one-fifth of the water. If you can control one-fifth of the water that runs past Cairo you could prevent the larger part of the damage by flood on the Mississippi.

Mr. HUMPHREYS of Mississippi. That would be very interesting.

Mr. LA FOLLETTE. I will be pleased to put it in the RECORD. I think if you could get it out of your head that you have got to build levees as high as the moon, in order to control the lower Mississippi, and would really take the upper ends of the river and improve those first by a comprehensive reservoir system, you could solve this question much more scientifically than you are doing under this bill.

Mr. Chairman, the Chittenden extracts referred to are interesting and supplemented by extracts from the report of the Chief of Engineers to the Secretary of War, as set forth in House of Representatives Document No. 50, Sixty-first Congress, show conclusively that many of our Army engineers consider flood control by the construction of reservoirs to be eminently practicable.

[Extracts from the Chittenden Reservoir Report, by Capt. (war general) H. M. Chittenden, H. Doc. No. 141, 55th Cong., 2d sess., entitled "Preliminary examination of reservoir site in Wyoming and Colorado," transmitted to Congress by the Secretary of War on Dec. 9, 1897.]

It is apparent, therefore, that a reservoir system which should exercise any appreciable influence on the lower-river floods must embrace the three great upper tributaries, and particularly the Ohio. What the magnitude of the storage required would have to be may be inferred from the fact that the total discharge of the Mississippi at Cairo above the bankful stage during the late floods was 2,368,000,000,000 cubic feet, or 4,250 square miles 20 feet deep, the assumed average depth of reservoirs. The largest artificial reservoir ever built, viz, that at Lake Winnebigoshish, Minn., has a capacity of 45,000,000,000 cubic feet. To store all this excess would take 52 such reservoirs.

While it might seem at first thought that this amount of storage could be found, still it would be very difficult to find it. Particularly on the upper Ohio and its southern tributaries favorable sites are understood to be of rare occurrence. It is probable, however, that in all the watershed of the Mississippi sites could be found that would insure a reduction of a flood discharge at Cairo like that of 1897 by one-fifth of its maximum. The ease with which the writer was able to find storage amounting to 11,000,000,000 cubic feet in the State of Ohio at the very headwaters of streams along the divide between Lake Erie and the Ohio convinced him that the natural facilities for storage are rather greater than is commonly supposed.

As already stated, the difficulty is not so much a physical as a financial one. To store, say, 500,000,000,000 cubic feet of water, equivalent to 11,500,000 acre-feet, would cost, even at the rate of only $5 per acre-foot, $57,500,000. This one fact condemns the project as a system for the exclusive purpose of flood prevention. But whenever such reservoirs have other and more immediate purposes for their construction the increment which each will form in the grand total necessary to produce some influence in the Mississippi floods is an element in its favor worthy of consideration.

These early convictions of Gen. Chittenden have been more than confirmed by the comprehensive surveys and reports of the Pittsburgh Flood Commission and the Dayton-Miami River and Columbus-Scioto surveys and reports.

[Extract from H. Doc. No. 50, 61st Cong., 1st sess. Report by a special board of engineers on survey of Mississippi River from St. Louis, Mo., to its mouth, with a view to obtaining a channel 14 feet deep and of suitable width, including a consideration of the survey of a proposed waterway from Chicago, Ill., to St. Louis, Mo., heretofore reported upon. Submitted by the Chief of Engineers to the Secretary of War.]

(Appendix No. 8, p. 112.)

Report on the reservoir possibilities of the sources of the Mississippi, Minnesota, St. Croix, Chippewa, Wisconsin, and other tributaries of the upper Mississippi River, with reference to the improvement of navigation of those tributaries and of the Mississippi itself.

[Extract from report of Asst. Engineer C. W. Durham, United States Engineer Office, Rock Island, Ill.]

The writer was able to procure all of the reports of the various district engineer officers connected with reservoir exploration and operation and of their assistants from 1869 to date, as also many additional documents and maps, all of which are supplemented by his own knowledge of the improvement of the Mississippi River gained by 27 years' experience in the work and by other information found in the United States engineer office at Rock Island.

1. The greatest practicable extent to which the reservoir systems may be carried with a view to obtaining the greatest possible discharge during periods of summer and fall low water in the Mississippi River and ascertaining the probable quantity of such discharge.

2. The effect of the proposed reservoirs upon the improvement of navigation of the Mississippi River at and below St. Paul.

No attempt will be made to give the probable cost of building and operating these reservoirs, nor to reconcile the various conflicting interests which may arise from their construction. It is the writer's belief, however, that these reservoir systems, carried out to their fullest extent, can be made to subserve both the interests of navigation and of water power, besides acting as a potent restraint on floods. Under such circumstances it might be to the advantage of water-power interests to come in and relieve the Government of an equitable part of the cost. It is believed that a very great part of the flowage damages, which have been the most expensive feature of reservoir construction, could be avoided by drawing down the water in the lakes themselves, thereby taking more advantage of their natural capacity than has heretofore been done, which result can in most cases be at-

tained by locating the aprons of the dams at a much lower elevation and then dredging proper channels to the sges and sluices of the dam, both above and below. The reservoir capacity could also be further increased by dredging in the basins, which could be very cheaply done with a suction dredge, and possibly a berm or levee could be built at the same time around the lakes and adjacent lands could be raised with manifestly excellent results.

Prior to the surveys made by Maj. Allen, in 1879, 1880, and 1881, which have given us the greater part of our information in regard to reservoir sites, preliminary surveys and examinations had been made by Gen. Warren in 1869 and Col. Farquhar in 1874.

The main object of all these surveys was to ascertain the extent to which the impounded water could be applied to the improvement of the navigation of each stream and ultimately to that of the main river. But the reservoir system, so far as built by the Government, is intended primarily for the benefit of the navigation of the Mississippi River and incidentally to mitigate its floods.

The object of the reservoirs already constructed at the headwaters of the Mississippi River is to collect the surplus water, principally from the precipitation of winter, spring, and early summer, to be systematically released so as to benefit navigation upon the Mississippi River below the reservoir dams. In 1905 the district officer said:

"The expenditure has resulted in benefit during the low-water season to the navigable portions of the Mississippi River from Cass Lake to Lake Pepin and below and incidentally to the mitigation of the floods in the river at St. Paul."

The examinations and surveys that have been made and the additional claims presented in this report, perhaps on somewhat insufficient grounds, do not represent the total possibilities; in fact, it is manifest that far greater storage facilities could be shown to be available.

The district officer further says, in 1907:

"The original project (for the reservoirs at the headwaters of the Mississippi River) calls for the construction of 41 reservoirs. * * * The efficiency of the reservoir system could also be greatly increased at small expense by dredging the channels above the dams and those connecting the various lakes that constitute the reservoirs. The aprons of the dams are now several feet below the level to which the water can be drawn down through the existing contracted channels."

The results as to precipitation, run-off, discharge, and velocity of streams, etc., given in the following tables and pages of this report, were obtained by constant study and effort during the past 30 years, and are believed to be accurate. The results only are given, without any attempt to explain the methods adopted.

There follows a table showing the areas of the drainage basins or watersheds of the various tributaries of the Mississippi River above the mouth of the Missouri. The figures in this table were mostly taken from Gen. Warren's report on bridging the upper Mississippi River, but they were revised by the writer many years ago and some unimportant changes were made.

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[Extracts from "The Port of New Orleans," by Capt. C. O. Sherrill, Corps of Engineers, published in "Professional Memoirs," Corps of Engineers, United States Army and Engineer Department at Large, Vol. VI, No. 25, January-February, 1914, pp. 13, 15, 34, 35, and 36.]

(Pages 13, 15.)

Another notable feature of the South Pass improvement since the lateral openings were closed and the jetties built is that there has been a constant tendency for the channel depths throughout the pass to become much more uniform. Near the head of the pass and over the bar the scour has been extensive, while throughout the pass itself there is extensive shoaling in the parts formerly deepest, giving an average depth of about 30 to 40 feet. This is an important fact, leading to the belief that levees improve the average condition of a channel, filling in excessive depths and scouring abnormal shoals. This, of course, would only hold true where the levees follow closely the low-water channel of the river, as is the case below New Orleans, and where the stream bottom is of soft material.

At localities where there is no relation between the required channel capacity and the sectional area of high-water flow between levee lines, as is found above Bayou Sara, La., on the Mississippi, there does not appear to be the slightest effect produced on the channel by levees, for they have no influence in holding the current over the low-water thalweg.

An injurious effect of the extension of levee lines on the channel is that by restricting the flow to a small sectional area, higher flood heights are caused and more extensive caving of the banks occur. This has been observed recently at the Head of the Passes, where extensive caving is occurring with danger of permanent injury to the improvement works. Since the three high floods of 1912 and 1913 the bank caving is probably greater than ever before observed. Where local conditions as near New Orleans admit of it waste-weir outlets would reduce flood heights and be of resultant great advantage without damaging the channel, due to deposits of silt, as is claimed to be the result of natural outlets, since the waste weirs would automatically cease to operate at the desired elevation chosen for the weir crest slightly above bank-full stage.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. SMALL] 10 minutes.

Mr. SMALL. Mr. Chairman, first, I wish to offer an amendment for the consideration of the chairman and the committee.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 5, after the word "the," strike out the balance of line 5 and the words "may require or approve" in line 6, and insert in lieu thereof the following: "Secretary of War in accordance with the plans, specifications, and recommendations of the California Débris Commission as approved by the Chief of Engineers."

Mr. SMALL. Mr. Chairman, the purpose I had in offering that amendment was this: The amendment is based on the assumption that the money contributed by the State of California is $5,600,000, equal to that contributed by the United States, as referred to in subsection (a). And if that assumption is correct, then the same language ought to apply as to the expenditure of the money as proposed in subsection (a). I submit it to the committee, and if they think it unnecessary I have no disposition to insist on it.

Mr. MOORE of Pennsylvania. Mr. Chairman, does the gentleman mean to take away the power of expenditure from the California Débris Commission?

Mr. SMALL. The money is to be expended by the Secretary of War under the plans of the California Débris Commission.

Mr. MOORE of Pennsylvania. Then the money to be contributed by the State of California would not be expended under the direction of the California Débris Commission?

Mr. SMALL. My amendment proposes it shall be expended by the Secretary of War according to the plans of the commission. I do not think in this bill we contemplate any jurisdiction over the $22,000,000 assessed against the lands to be benefited.

Mr. MOORE of Pennsylvania. I want to get at the substance of the gentleman's amendment. The bill provides that the expenditures shall be made under the direction of the California Débris Commission.

Mr. SMALL. My amendment is to insert in lieu of that the words "under the direction of the Secretary of War, in accordance with the plans and specifications of the Débris Commission."

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. KAHN. Is the gentleman aware of the fact that the California Débris Commission is appointed by the War Department?

Mr. SMALL. Yes; and therefore I prefer that the same language should be used there as is used in section (a).

Now, Mr. Chairman, I wish to continue what I was attempting to say when I was last on my feet. I made the statement that I favored this section for the flood control of the Sacramento and San Joaquin Rivers, and I was proceeding to state the distribution of the expenditure under the estimate of the Débris Commission. On pages 105 and 106 of the report of the committee it is stated in detail, giving the items making up this $33,000,000, to which it is not necessary to advert. The report of the Chief of Engineers, dated June 17, 1913, and which is referred to in the report of the committee, modifies the original report. In the original report the United States was to pay all of the $11,000,000. In the supplemental report the United States is to pay only one-half of the $11,000,000, or $5,600,000. This $5,600,000 to be expended by the United States is one-half of the aggregate sum of $11,200,000, which latter sum will be expended for improving navigation of the river. Of this sum the State of California will contribute one-half. This leaves $22,000,000 necessary for flood protection of contiguous lands. That amount is to be levied by assessment upon the lands to be benefited, they paying the entire amount of the expenditure for the benefit of the land embraced in this valley subject to overflow.

So that I think, Mr. Chairman, this project from the standpoint of the United States and the State of California and of the owners of the land to be benefited represents an exceedingly fair division of burden for the United States, and if any project of flood control is to be assisted by the United States under any fair proportion, then certainly that element of fairness is reached in this case.

Mr. Chairman, I want to say in conclusion what is a pleasure to state: I had the opportunity of being with the Committee on Rivers and Harbors in California last summer. In all the three Pacific Coast States—California, Oregon, and Washington—there were evidences of a very large degree of public spirit, a disposition to cooperate in every public movement which made for the public welfare. If one may differentiate at all between those three States, it did seem that the State of California was perhaps a little more active than the other two States. Those States have set an example in civic spirit, in public enterprise, in individual generosity, that might well be emulated by the citizens of every State in the Union.

I had occasion, with some other members of the committee, at that time to inquire as to the work of this California Débris Commission. I doubt if there has been any commission engaged in public work in any State of this Union which has devoted to its work more intelligent and persistent consideration than has this commission, and any one who will take the trouble to read the several reports of this débris commission will inevitably reach the conclusion that they were actuated solely by the desire to ascertain the truth of the matter to which they devoted their attention.

Some reference has been made, I believe, by the gentleman from Wisconsin [Mr. FREAR] to some evidences of dissatisfaction on the part of residents along the Feather River, a tributary of the Sacramento. We had opportunity to investigate that dissatisfaction. They thought they had ground for

it, but, in so far as we were able to observe and in the opinion of the commission, they were not justified in their contention, and the conclusions reached by the California Débris Commission were correct and did not do them any unnecessary harm; and where any harm was done them, ample provision was made for their compensation. The chairman of that commission is Mr. McClatchy, one of the owners and editors of the Sacramento Bee. He has acted as the chairman and leader in this important work of reclamation, and the burden of the work has fallen upon him. He has discharged his duty in a manner that is creditable to him and to the State of California, and as a citizen of that State he is worthy of emulation by the citizens of every other State in this Union. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CURRY. Mr. Chairman, I do not wish to take up the time but a moment. I hope the gentleman from North Carolina [Mr. SMALL] will not insist upon his amendment. It would seriously interfere with the present system of conducting the improvements on the Sacramento River. The War Department and the California Débris Commission have gotten this system in practical working order and cooperation, and by substituting the Secretary of War for the California Débris Commission we would entirely overturn the whole system.

Mr. SMALL. Mr. Chairman, will the gentleman permit a question right there?

Mr. CURRY. Yes.

Mr. SMALL. Why do you express the language that it shall be done under the direction of the Secretary of War in subsection (a) and not under subsection (b)?

Mr. CURRY. It was put in section (a) so that the California Débris Commission would have to send their specifications to the Secretary of War and have them O. K'd and then returned. And after they have been O. K'd and returned, the California Débris Commission uses the money. The money from the Government is turned over to the California Débris Commission, which uses it.

Mr. SMALL. It is the same aggregate sum of $11,000,000, one-half of which is contributed by the United States?

Mr. CURRY. Yes.

Mr. SMALL. If one-half is to be expended under the direction of the Secretary of War, why not expend the other half under his direction?

Mr. CURRY. They are both expended under the direction of the Secretary of War by the California Débris Commission.

Mr. SMALL. You leave out the Secretary of War in subsection B.

Mr. CURRY. It was done after discussion with the War Department. They know what this provision of the bill is and are satisfied with it.

Mr. SMALL. I have no disposition to impair the workability of the bill, and if the gentleman thinks it will do so I will withdraw the amendment?

Mr. MANN. Will the gentleman yield?

Mr. CURRY. I will yield to the gentleman.

Mr. MANN. Paragraph (a) says that all money appropriated under authority of this section shall be expended under the authority of the Secretary of War. Why do you want to repeat it?

Mr. SMALL. I think it is true, and it is inconsistent with the language in subsection (b).

Mr. MANN. Not at all. It says that all money appropriated under this section, not paragraph, shall be expended under direction of the Secretary of War. It is under the direction of both.

Mr. SMALL. If the gentleman's interpretation is right, there is no necessity for my amendment, and I withdraw the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. BENNET. May we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

(c) Upon the completion of all works for flood control herein authorized the said works shall be turned over to the State of California for maintenance thereafter.

Mr. MANN. Mr. Chairman, I never have been perfectly satisfied as to whether it was a good thing or not a good thing for legislators to visit a particular locality or get into personal acquaintance with particular projects. I have usually thought that it very often resulted in bad legislation, although doubtless men legislate better when they have some knowledge of the subject matter. [Laughter.]

I made a trip up and down the Sacramento River about a year ago on one of the vessels navigating the river, spending a large share of one night watching them load freight on the vessel as it went down the river. The Sacramento is about 80 miles farther north than San Francisco. Of course that is not the whole of the Sacramento Valley. Los Angeles lies about four hundred and some odd miles south of San Francisco. I went from Los Angeles north to San Francisco and afterwards up the Sacramento River, and much to my surprise I learned that vegetation was further advanced up the Sacramento Valley 80 miles north than it was at Los Angeles 400 miles south of San Francisco.

I learned that they were at that time picking cherries in the Sacramento Valley and shipping them down to southern California where they might have the early cherries in the season before the cherries began to be ripe in southern California. I learned that in the Sacramento Valley the peaches, pears, plums, limes, lemons, and oranges ripened earlier north of San Francisco than they did down at San Diego, represented by my beloved friend [Mr. KETTNER], 500 or more miles to the south. I learned that they gathered strawberries and raspberries in the Sacramento Valley and shipped them to southern California. I learned that our earliest fruit from California came from the Sacramento Valley. I saw them pile on the vessel large quantities of asparagus, and all along the river I found canning factories for asparagus, and learned that 90 per cent of the canned asparagus in the United States was produced in the Sacramento Valley. I had some of it fresh, and discovered that it was exceedingly good. I have frequently tried it in cans, and believe it is better than that we used to get by importation from Europe.

This was about the livest place I have ever seen. It was as live as Broadway, New York, or State Street in Chicago. These people out there are not asking the Government of the United States to drain their lands. That is a mistake. Years and years ago the Sacramento Valley was a fairly tillable or pasture valley, not very much overflowed by the Sacramento River, although there may have been times in the spring when the snows were melting in the mountains, not very far away, when there was some overflow, but during the great excitement about gold mining in California and when it was at its height they were using the waters for hydraulic mining. The waters were shot down into the Sacramento River with a great body of mud and silt that came from the hydraulic mining until the bed of the river was so raised from the deposit of this silt that it overflowed its banks.

Mr. GARD. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GARD. May I ask for further information on that point? Is it not true that the hydraulic mining was ordered to be stopped by injunction by the State courts of California?

Mr. MANN. If the gentleman says that is true, I will admit it. I was not there. I can say what they told me was the result; that is hearsay information.

Mr. CURRY. Hydraulic mining was stopped by an injunction of the United States district court on January 7, 1880. Oh, I remember we have had discussions here at various times about the California Débris Commission. I assume that one of the purposes of the creation of that commission was to endeavor to remedy the results caused by this hydraulic mining. The Government is asked here not to drain the land but to put this river in a position where it is best for navigation purposes. It is true that as a result of that to a large extent it will be easier to drain the lands.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, they had levees all along this river where we were, mostly along the river. The water outside of the river was a good deal lower than the water in the river, and the people who own the land are quite willing to pay for draining it and pumping it or so providing that the water runs off; without the aid of the Government. Undoubtedly the land will be of great value, and is of great value now, where it is drained. That is where they raise all of this produce I speak of. There is work to be done in connection with the navigation of the river, and really the one question which we are called upon to meet is whether it is more profitable and more

economical, while they are carrying on their plans for the drainage of the lands, to at the same time carry on our plan for the improvement of navigation.

We will undoubtedly some day so improve navigation that this stream will be a navigable stream in the best shape. It is a good navigable stream now, much of the time, though it needs to be shortened, perhaps. Some day we will do that. Some people believe, and this bill is upon that theory, that it is more economical to do these things both at the same time than it is to take care of the navigation at one time and then have the local people take care of the drainage at another time, or vice versa.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GORDON. Of course Congress, or any branch of the Federal Government, will have no legal authority to impose any assessment for any special benefit conferred upon adjacent lands by any improvements constructed there by the Government of the United States?

Mr. MANN. Oh, no. At least I do not think we would have.

Mr. GORDON. Would not that suggest, then, that the State authorities would be the ones to carry out this improvement?

Mr. MANN. Oh, no. The gentleman misunderstands. This bill proposes that the Government shall cooperate with the State authorities in doing this work. That is what the bill contemplates. The amount that we contribute is less than it would cost us to put the river in a proper navigable condition. It is less than we would expend on one of the other rivers of the country under equal condition without any contribution from the local people. By the terms of this bill, and because it will be of some benefit to them in draining their lands, we require them to pay half of the costs of this for the purpose of navigation, in connection, of course, with what we call flood control, and it is flood control. I would be very glad if we could adopt the same principle upon the Hudson River [applause] and provide that the Government should not expend a cent on the Hudson River unless the State of New York expended an equal amount.

Mr. PARKER of New York. Well, it would.

Mr. MANN. Oh, I have heard gentlemen say that they will do it, but has any such proposition ever been presented?

Mr. PARKER of New York. Yes.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. HULBERT. Does the gentleman know that the city of New York, local interests in the city of New York, have expended $100,000,000 for the improvement of the water front at New York and the Federal Government within the same period of time has expended $1,000,000, or 1 per cent of that amount?

Mr. MANN. I know all that. I know that the city of Chicago has expended eighty or ninety million dollars for the improvement of the waterway leading out of the city of Chicago, and has neither improvement nor waterway; and if some time the Government will pay half we might be willing to pay half also, but we have not offered to yet, and New York has not offered to pay a cent.

Mr. PARKER of New York. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. PARKER of New York. Does not the gentleman know that the State of New York offered to build a dam at Troy and that the Secretary of War absolutely forbade the State of New York to do it; that the case was taken into court, and the court decided that it was a Government charge? That happened two or three years ago.

Mr. MANN. I did not know it, but if the gentleman asserts it, I believe it to be true.

Mr. PARKER of New York. That is what the State of New York did.

Mr. MANN. I have no doubt there are a good many cases where the State would be willing to improve a place where they could get water power and where they would control it, and that is what we are asking in Illinois, but we have not been able to get it yet.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. MANN. Oh, I hope the gentleman will not think that I am attacking the State of New York. [Laughter.]

Mr. SANFORD. Mr. Chairman, does not the gentleman take note of the fact that New York has expended recently $150,000,000 for a waterway that no one can say is even for its use alone, but which is a great national waterway, going through the whole State, connecting the Great Lakes with the Hudson River?

Mr. MANN. Germany spent more than that, but that has nothing to do with the Hudson River. It is not the improvement of the Hudson River; it is the construction of a canal between the Great Lakes and the Hudson River.

Mr. SANFORD. Certainly; but there is no distinction.

Mr. MANN. It is not the same thing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes more. [Laughter.]

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. I thought perhaps the gentleman wanted to keep me on the grill a little longer. I am fully able to take care of myself——

Mr. BENNET. My only purpose was—the gentleman always has something serious to say, and we have taken up so much of his time——

Mr. MANN. The gentleman is very kind. I believe if we should adopt the principle—I happened to mention the Hudson River—in many places it would be great economy for the Government. I think that is what we are doing here on the Sacramento River. We are making the State of California contribute money toward the improvement of navigation on the Sacramento River, and the State of California does that because in doing that she gets the benefit of helping to drain her own land, but the people who own the lands have to pay for the drainage of those lands. Neither the General Government nor the State pays for that.

Mr. SHERLEY. Will the gentleman yield?

Mr. MANN. I will.

Mr. SHERLEY. Is not there another reason why California should do it, and that is because she is primarily responsible for having destroyed the navigability of the river?

Mr. MANN. Oh, well, I should doubt that.

Mr. SHERLEY. I do not doubt it.

Mr. MANN. The hydraulic-mining days in California were when there was not very much law anywhere, and if there was anybody largely responsible for that it was the people of the rest of the Nation, and if there is any State that through its lawfulness or lawlessness has ever contributed to the general Government at any time when we needed it, it was California when she was pouring the products of her gold mines into the lap of the Nation. [Applause.]

Mr. CLARK of Missouri. Mr. Chairman, I would like to have 10 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. CLARK of Missouri. Mr. Chairman, the two chief opponents of this bill are the gentleman from Wisconsin [Mr. FREAR] and the gentleman from Pennsylvania [Mr. MOORE]. Most of you did not know what the gentleman from Wisconsin [Mr. FREAR] was up to when he was quoting an editorial, about 18 months old, from the New Orleans Item. He was trying to take me in the flank because the publisher and chief owner of that paper happens to be my son-in-law, Col. James M. Thomson. When I gave Genevieve to Col. Thomson—and I did it with a great deal of regret, not because I had any objection to Col. Thomson—he is a fine man or I would not have given her to him at all—but because it wrung my heart to give her up—I did not agree that my opinion on any subject under heaven, except treating her well, should be the same as his. [Applause.]

That editorial, as read by the gentleman is misleading anyway. [Laughter.] It was written when the people of the Mississippi Valley were fighting among themselves about two systems of improvements, one of them the Newlands scheme that embraces everything under the skies, and the other one this scheme of confining our attention to one river at a time. That editorial no doubt was written by Marshall Ballard, the very brilliant and enthusiastic editor of that paper. So much for that except that the New Orleans Item now is supporting this bill. [Applause.]

I have wondered much first and last about this great and universal theme of "pork." I have raveled it out at last. Some man said years and years ago, "Orthodoxy is my doxy; heterodoxy is your doxy"; and that is the way about these appropriations. No sensible, patriotic, honest man wants to waste one dollar of the public funds [applause] on any project or in any manner whatsoever. It is not consistent with honesty or sound sense or patriotism to waste public money; because every man knows that every dollar spent by this Government represents toil and sweat and labor somewhere.

When Thomas Jefferson delivered his first inaugural, which every man, woman, and child in the Republic ought to be compelled to commit to memory as a classic, he gave the reasons

for economy in public service, that "labor may be lightly burdened." No man in this world has had sense enough to shift the tax burden from the back of labor. We tried it, and we tried our best in the enactment of the income-tax bill, and that was not a party measure. We ought to be fair. Our Republican brethren were nearly as much in favor of it as we were. Well, now, if an appropriation is going to certain parts of this country it is a great and patriotic performance. If it is going somewhere else it is "pork." I undertake to say, if Congress to-day were to appropriate every dollar there is in the Public Treasury for improvements in the city of Washington you would not hear a whimper out of these Washington papers about it. [Laughter and applause.] I am not criticizing them; they are very excellent and readable papers; but much depends on our several viewpoints—much depends on whose ox is gored.

It is just as honest, as wise, and as patriotic to appropriate a dollar to improve the Mississippi River or the Sacramento River as it is to improve the Delaware River or Hell Gate, or any other place in the East. The question touching any appropriation for public improvement should not be, "Where is the money to be expended?" but "Will this expenditure benefit the country?" All expenditures are not waste—frequently they are most profitable investments. The two bills that have been the most hammered on, first and last, about "pork" are the public-buildings bill and the rivers and harbors bill. I can not understand the attitude of mind of my friend from Pennsylvania [Mr. MOORE] about this bill. He seems to take it as a personal grievance that the overflow committee was cut out of the side of the Rivers and Harbors Committee.

All there was to it is the River and Harbor Committee had too much work to do. I introduced the resolution making this new committee, and I was in favor of it. The River and Harbor Committee have plenty to do now—in fact, more than they can do—because we have vast coast lines that ought to be improved, and many rivers. It is a hard-working committee—busy all the time.

The gentleman objects that this provides only for two rivers. The very reason that the River and Harbor Committee was hammered so much was because it embraced too many projects in one bill, thereby incurring the charge—often unjustly—of logrolling for votes, making meritorious projects carry those of doubtful utility. We tried to simplify it by reducing the number of projects treated from many to only two. Let every tub stand on its own bottom. Now he complains that it puts the Sacramento River in with the Mississippi River. The reason for that is that those two rivers have been so thoroughly investigated there is nothing else to learn about them from further investigation.

Mr. GARNER. Will the gentleman yield there?

Mr. CLARK of Missouri. Yes.

Mr. GARNER. The only difference between the proposed bill reported by the gentleman from Mississippi and the process under which the River and Harbor Committee take care of these projects is that this proposed bill puts it under a continuous project and saves the Government from $1,000,000 to $2,000,000 a year.

Mr. DUPRÉ. And compels local contributions.

Mr. CLARK of Missouri. And compels local contributions.

I am not in favor of taking public money to reclaim private lands, except as an incidental to the main object. I will state, and everybody who knows anything about it knows that there are three things about these rivers which are inseparable, namely, navigation, floods, and reclamation. You can not separate them to save your soul. If King Solomon were to return to earth and be reincarnated with that wondrous headpiece that he carried around with him, he could not do it. [Laughter.]

Commerce on the Western rivers—particularly the Mississippi and the Missouri—is growing, and we hope to see it completely rehabilitated. Kansas City has put a line of boats on the Missouri to St. Louis and business is picking up rapidly. St. Louis is putting on a new boat line running to New Orleans and is building river terminals, as are many other cities on both the great rivers.

We ought to settle once and for all whether we believe the levee system is good or bad, and we can settle it in this bill. It is the best plan the engineers have been able to devise in 6,000 years. They have been at it all that time.

I wish some gentlemen would follow the example of the distinguished gentleman from Illinois [Mr. MANN] sometimes. Frequently he rises to the status of a statesman [laughter], and that is more than a good many of us ever do. He rises above taking a purely local view of a thing in order to take a patriotic view in the interests of the whole country. That is what he has been doing about this bill. [Applause.] His constituents have no sort of direct interest in improving the Mississippi River—that is, about lands—because the water in his district, what little there is that falls in it—a small, compact city district—goes the other way. It does not go into the Mississippi River at all.

If the levee system is wrong, let us quit it; if it is right, let us go on with this thing and perfect it.

I want to make a suggestion to my friend from Wisconsin [Mr. FREAR]. He is always talking about these 16,000,000 acres of land which he asserts are going to be reclaimed, and while that is not the primary object of this bill, I wonder if he ever considered what that 16,000,000 acres of land in the valley of the Mississippi would do if the floods were kept off of them. The average corn crop in that amazingly rich region is at least 50 bushels to the acre. The average price of corn in the last five or six years has been 60 cents a bushel in the field. That would be $450,000,000 worth of corn raised every year. Has the United States Government no interest in raising that kind of a crop? Does it make nothing out of it? Does it get nothing out of it? Why, his argument against the bill is preposterous. I have always claimed that it would have been better for the Government—money in its pocket—originally to have given away every foot of land in small quantities to actual settlers, so that it would increase the number of farmers and increase agricultural products. In that way the Government would have gotten from taxes fivefold more out of it than it ever did by selling it at $1.25 an acre. Every time a piece of raw land is converted into a farm the entire country profits thereby.

Another thing about it is that there are 100,000,000 people in this country now. Our grandchildren and our great grandchildren will surely live to see the time when there will be two or three hundred millions, and not very many centuries hence there will be 500,000,000, and we must find homes for our children and our children's children. Just exactly as the number of landowners increase in this country the Republic is on a safe foundation [applause], I do not care whether it is in New England or in the Mississippi Valley. The land question is the greatest economic problem with which people ever bothered their heads. It did more than anything else to precipitate the French Revolution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Chairman, I would ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLARK of Missouri. When the French Revolution began there were only 100,000 owners of land in all of France. Now there are 3,000,000, and before this war began it was one of the thriftiest and most prosperous countries under the sun. The root of the troubles in Mexico is the distribution and ownership of land.

I am going to be frank. The main object of this bill is not the reclamation of that land out there; but, even if it were, if that was the sole purpose, all this money would be well spent in behalf of the Government. [Applause.]

The gentleman wants to know why we did not take in all these rivers at once. We could not do it. We have been accused of "pork" and "logrolling," and we wanted to segregate the Mississippi and the Sacramento, and give the House a fair chance to pass on those propositions without lugging all the rivers in the country into it. Other rivers will have their turn. I am in favor of improving the Connecticut River or the Broad River, in North Carolina, or any other of our rivers. We begin with the Mississippi River because it is the biggest in the whole lot.

Somebody—I believe it was the gentleman from Wisconsin [Mr. FREAR], although I would not accuse him wrongfully—but either he or the gentleman from Pennsylvania [Mr. MOORE]—seemed to be against this bill because money will be spent down South. Well, now, he need not quarrel with us. The right one for him to quarrel with is Almighty God, because He made the rivers of the United States run toward the Equator—most of them. [Applause.]

It is not a waste of money to improve these rivers. We have tried it by taking them wholesale in the rivers and harbors bill, and some people abused us for that; now we come back and undertake to try them one at a time, and we get mauled for that. [Laughter.]

I was out in California last summer myself, and I am just as much in favor of spending money on the Colorado River as I am on the Mississippi River. [Applause.] I will tell you something that you may not know. If they do not spend some money on the Colorado River before very long that river is going to absolutely submerge and ruin and destroy the great Imperial Valley of California.

We ought to act with some sense, and we ought to take these rivers one at a time. Let every one stand on its own merits. I am rather inclined to wish, inasmuch as these objections have been raised, that we had begun with the Delaware River or some other river in which these gentlemen have a greater interest than they have in the Mississippi.

This is a good bill. This is a good committee, and it is made up of good men, and they have brought in a reasonable bill. It is a great deal better than the wholesale system. It provides for a continuous project, thereby saving money to the Government. If we are going to have it, let us have it, and have a program which we can stand by. If we are not going to indorse this levee system, let us abandon it. If any man can produce a better scheme or system, let him do it. I invite any gentleman who has a better system or scheme to bring it in and put it on exhibition and let us examine it. If we agree with his opinion, we will vote for his scheme instead of this one. [Applause.]

Mr. KENT rose.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I want to see if we can reach an agreement on this paragraph. It is paragraph (c). I notice that the gentleman from Wisconsin [Mr. LENROOT] has an amendment he wishes to offer.

Mr. LENROOT. I ask, Mr. Chairman, that I be recognized to offer this amendment and have it disposed of.

Mr. MOORE of Pennsylvania. I would like the gentleman from Mississippi to bear in mind that while I have an amendment on which I would like to have five minutes, in view of the address just made by the Speaker I would like to have a slight extension of time.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 6, line 18, after the word "thereafter," insert "but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

Mr. CURRY. Mr. Chairman, I accept the amendment.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. I offer the following amendment, and I will ask that it be read for information. I will talk about it later.

The CHAIRMAN. The gentleman from California [Mr. KENT] has the floor.

Mr. MOORE of Pennsylvania. I am not asking for recognition, Mr. Chairman, but merely asking that my amendment be read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 6, line 17, after the word "authorized," insert a comma and the following words: "but within 10 years from the date of this act."

Mr. MADDEN. How will it read then?

Mr. MANN. That can be explained later.

Mr. MADDEN. How will it read if that is in the bill?

The CHAIRMAN. The Clerk will report it again, showing how it will read.

The Clerk read as follows:

Paragraph (c). Upon the completion of all works for flood control herein authorized, but within 10 years from the date of this act, the said works shall be turned over to the State of California for maintenance thereafter.

Mr. MOORE of Pennsylvania. It contemplates bringing the work to completion in 10 years.

Mr. HUMPHREYS of Mississippi. I want to get an agreement to close debate on this section and all amendments thereto.

Mr. MANN. We shall want on this side 30 minutes.

Mr. HUMPHREYS of Mississippi. We are coming to the general provisions in a few minutes. I have an idea that that is what most of the gentlemen want to talk about, the general provisions, and not about the Sacramento River.

Mr. MOORE of Pennsylvania. Pardon me a moment. The gentleman from Missouri [Mr. CLARK], our distinguished and beloved Speaker, had 15 minutes. We always yield to him. His address was general, and referred to at least two Members of the House.

Mr. HUMPHREYS of Mississippi. When we get to the general provisions there will be no reason why these two gentlemen can not reply to the distinguished Speaker.

Mr. MANN. I do not think there will be much debate on the third section.

Mr. HUMPHREYS of Mississippi. We want to get along with the bill as rapidly as possible.

Mr. MOORE of Pennsylvania. I call the gentleman's attention to the fact that the section appropriates $5,600,000. It ought not to be rushed.

Mr. HUMPHREYS of Mississippi. The gentleman is not going to discuss that. He is going to talk about something else, I am sure.

Mr. MOORE of Pennsylvania. The $45,000,000 for the Mississippi River is passed, and we ought to have at least some discussion on $5,600,000.

Mr. HUMPHREYS of Mississippi. We have no disposition to cut off debate. We have ample time to discuss all the various aspects of flood control under the general provisions. I hope we can conclude this section now, and then take up the other.

Mr. FREAR. I ask for five minutes now, Mr. Chairman.

Mr. KENT. I have been recognized.

Mr. MANN. We need 20 minutes on this side.

Mr. HUMPHREYS of Mississippi. I ask, then, that all debate on this section and amendments thereto close in 25 minutes.

Mr. HULBERT. Make it 30. I want to speak on this paragraph.

The CHAIRMAN. Is there to be any division of the time?

Mr. HUMPHREYS of Mississippi. I ask unanimous consent that all debate close in 30 minutes; 20 minutes to be controlled by the gentleman from Illinois and 10 by myself.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and amendments thereto close in 30 minutes; the time to be controlled, 20 minutes by the gentleman from Illinois and 10 by the gentleman from Mississippi. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, in the Sixty-second Congress this bill was placed before me because the majority of the work was in my then district. I spent a great deal of time in investigating on the ground the then situation and the situation hoped for as a result under this plan of flood control, navigation, and reclamation. Our distinguished Speaker well said that you can not unravel these three things. In the first place, we endeavored to obtain from the Federal Government by recommendation of the engineers one-third of the total estimated cost of $33,000,000. I felt at that time that we were asking too large a proportion, and I suggested to my people, when we failed to obtain our request, that we should ask for less. We have done so. We have come before Congress with what I believe to be a very moderate request, based on the navigation features of the general plan. We have reduced the Government proportion to about half of what we originally asked for, one-sixth of the total cost, even though the previous proportion suggested was not based upon our desires or our judgment, but upon the recommendation of the Army engineers.

The gentleman from Wisconsin [Mr. FREAR] has brought in here some foreign matter concerning a small locality in my district which is affected by the plan now authorized. There is no question but what there can be a reasonable difference of opinion as to the location of certain levees in the Sutter Basin. The people who felt themselves aggrieved requested that I should go up there and listen to the evidence. At my own expense I took an engineer, eminently fair and unbiased, and we sat and had the hearings that the gentleman from Wisconsin has referred to. These hearings were frankly ex parte. Subsequent to that time the case was taken into the court, and the court so ruled that these people could avail themselves of the ample redress which they have under the laws of California. There has been an injunction against continuing the location of levees to which these people objected.

If they had not received this particular form of justice, as they saw it, before the California court, then in that event they could have gone into the California court and secured damages as proven. But there has never been a single responsible person in my district or in the district of my colleague [Mr. CURRY], who has so ably and devotedly supported this measure, who has ever been willing to stand up and say that he was opposed to the total reclamation scheme, the flood-control scheme, or the navigation scheme. The things are united and can not be severed, and we are sure that the State can work out this problem in justice to all men. The State of California is very fortunate in having this river entirely within its borders, so that we can assess the beneficiaries and get back a due amount of that which has been expended from benefits accruing to those who will profit by the work.

Mr. Chairman, I desire to insert in the RECORD some excerpts from the decision of the eminent judge, superior judge of California, who rendered the verdict in the case referred to by the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

Wherefore, by virtue of the law and the findings aforesaid, it is by the court ordered, adjudged, and decreed that defendants, Reclamation District No. 1500, F. W. Kiesel, Edward H. Gerber, Charles F. Silva, P. J. Hiatt, A. T. Spencer, and every of them, their and every of their agents, servants, counselors, and employees, and all persons acting in aid or assistance of them, or any of them, be, and they hereby are, and every of them hereby is perpetually enjoined and restrained from erecting, constructing, completing, or maintaining, or in any way aiding or assisting in erecting, constructing, completing, or maintaining any embankment, levee, or other obstruction to the flow of water upon, along, or near the northerly boundary, or the northerly 12,900 feet of the easterly boundary of Reclamation District No. 1500 defendant, or along or near the line particularly described in paragraph 9 of plaintiffs' complaint herein as follows, to wit:

* * * * * * *

Also from erecting, constructing, maintaining, or aiding or assisting in erecting, constructing or maintaining any levee, embankment or other obstruction whatsoever whereby the waters of Butte Slough, Butte Creek, Wadsworth Creek, Little Blue Creek, Missouri Creek, Snake River, Live Oak Slough, Gelzhauser Slough (otherwise known as Yuba City Slough), also the waters flowing from the Sacramento River over Tisdale Weir described and referred to in the complaint in this action, or any of such waters, will be prevented or obstructed from flowing in the courses heretofore followed by such waters into the Sutter Tules or Sutter Basin, and thence through and over said basin in the course and courses they have heretofore followed southerly and southwesterly to the Sacramento River.

It is further ordered, adjudged, and decreed that the defendants, Reclamation District No. 1500, F. W. Kiesel, Edward H. Gerber, Charles F. Silva, P. J. Hiatt, and A. T. Spencer, and every of them, be, and they are hereby required, directed, and commanded within four months from the rendition and entry of this decree to remove or cause to be removed from along or near the whole of the north line of said Reclamation District No. 1500, and also from along or near the northerly 12,900 feet of the east line of said reclamation district, any and all embankments, levees, or other obstructions to the flow of said waters in the course and manner heretofore in this decree described and referred to, which said defendants, or any of them, may have erected and constructed, or caused to be erected or constructed, or in any way aided or assisted in erecting or constructing since the 18th day of September, 1915.

It is further adjudged and decreed that plaintiffs do have and recover of and from said defendants plaintiffs' costs and disbursements incurred in this action amounting to the sum of $——.

Done in open court this 7th day of April, 1916.

EMMET SEAWELL, *Judge.*

Mr. KENT. Mr. Chairman, it is not my habit to take up the time of this House in useless speaking.

We of California are so sure of the fairness of our requests, of the benefits to accrue to the whole people from this great work, that in full confidence of a favorable verdict by the House I refrain from further statement or argument.

Mr. STAFFORD. Mr. Chairman, in the absence of the gentleman from Illinois [Mr. MANN], I yield 10 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, somewhere in the Good Book it is written that "He who provideth not for his own house is worse than an infidel." The distinguished gentleman from Missouri, whom we all honor as Speaker of this House, is one who provides for his own house. That is exactly the situation with others of us who are discussing this bill. I remember reading with more than ordinary interest some time prior to the beginning of this session of Congress, when a report unfavorable to the Missouri River was presented by one of the Army engineers, that the distinguished Speaker, who then spoke for "his own house," intimated to the public that if claims were made for appropriations out West they were denominated "pork," but if they came somewhere from the East they were all right. That related to the $20,000,000 project on the Missouri.

I read his statement with intense interest, because I was glad to welcome our distinguished Speaker to that noble few who did not wholly believe in all the public denunciations of river and harbor bills as "pork barrel." I felt then that our Speaker, like a few of the rest of us, was beginning to pick up enough courage to think for himself on these great problems, and was not to be stampeded because an editor here or an editor there decided that this Congress did not know its own business, and must enact laws only in accordance with editorial opinion. But I have learned to-day that not only does the Speaker exercise his own judgment in matters of this kind, but he influences editorial opinion, and in one instance has actually induced an editor to change his views upon a public question, even if he had to make him a son-in-law to do it. [Laughter.]

The Speaker has "taken care of his own" just as I suspect everyone of us in this House is undertaking to take care of his own. I have no objection to the improvement of the Mississippi Valley or of the Missouri Valley, in which the Speaker is interested. I will go as far as any man to spend money legitimately on the Mississippi Valley, even for the purpose of keeping the people employed and keeping the money in circulation. That is what this bill will do; but I do not believe that the Mississippi Valley, or the Sacramento Valley, or any other valley in the United States should grab all the money in the Treasury intended for the improvement of rivers and harbors and postpone every other worthy project to the end of time.

We played fair with the Mississippi Valley in the river and harbor bill. We had difficulty in getting recognition for other worthy projects because of it and we had more difficulty in getting it through another body, but the Mississippi in the end was always taken care of—the lower Mississippi has had $87,000,000 up to date—and it was taken care of until that bright sunshiny morning when the idea penetrated the brilliant brain of my friend from Mississippi [Mr. HUMPHREYS] that he could get there quicker; that he could get more money and be assured against filibusters by withdrawing from the River and Harbor Committee and by putting the Mississippi River in a class by itself and strike out for a lump-sum appropriation under the plea of flood control.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield.

Mr. SISSON. I am glad for the slight courtesy he has shown me.

Mr. MOORE of Pennsylvania. I can not yield to the distinguished gentleman from Mississippi, much as I admire him, because I have not the time. I was referring to that other brilliant gentleman from Mississippi [Mr. HUMPHREYS], who is the chairman of the Committee on Flood Control, who is now gradually and with honeyed words putting the River and Harbor Committee out of business, with the support, I fear, of the distinguished gentleman from Missouri [Mr. CLARK], the Speaker of the House, with the support of the former Speaker of the House, the gentleman from Illinois [Mr. CANNON], one of the leaders on my side, and with the approval of the Republican leader, whom I admire even more than I do any gentleman on the Democratic side of the House. It is the voice of the Mississippi Valley, and in order to get the votes from the Pacific coast you have added the Sacramento Valley. A great scheme, a winning proposition.

The Speaker talks of the land to be reclaimed—16,000,000 acres of it. That is all in the Mississippi Valley. There are $45,000,000 going into this bill for that purpose, but out yonder in the Sacramento Valley you are going to improve 10,000,000 more acres, almost as much as is to be reclaimed in the entire Mississippi Valley, for $5,600,000. They are more economical there, but the Sacramento is satisfied and both schemes are to go into the law forever, and you little fellows with your creeks and your harbor improvements in the East, with your projects that have been approved here for generations, are going to take a back seat until somebody replenishes the Treasury, while these gentlemen with their two projects take care of themselves.

Oh, yes, Mr. Chairman, I want to see the Mississippi Valley improved, I want to see the river regulated, I want to see the floods controlled, but I do not want to wait forever for the crumbs from the table to open up the revenue-creating, burden-bearing waterways of the Atlantic coast.

What is responsible for the floods on the Mississippi? Much has been blamed on the Northern States. Why, gentlemen, I gather from a speech by Col. Townsend, the chief witness of our Mississippi Valley friends, that most of the flood trouble of the Mississippi comes from the Gulf. The warm southern winds come up from the Gulf and drop their waters in the lower Mississippi Valley; that is one of the contributing causes of the floods. You folks in the North are not wholly responsible. You have been depositing good northern soil on the lower Mississippi Valley and you have improved it. The people who moved in upon it did so at the risk of their property and lives. The Lord Almighty controls the flow and requires for it a certain amount of space——

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield. Because I must say a word for the East. I do not care how much the Speaker or any good Democrat stirs up the East and calls it effete. In its ignorance of the effect of congressional action it deserves to be called effete. The East is asleep. The people in Boston, the people in New York, the people in Philadelphia, have no conception of the amount of taxes they will have to pay to keep up with the appropriations that are being made by this Democratic Congress. You are writing into the law burdens that they will have to pay and which can not be lifted from their shoulders for years.

I do not blame the Democratic Party altogether; it is in power; it is making appropriations to build up every section

of the country where it has influence. Go ahead, I glory in the reconstruction of the South, but there is no reason why the people of the Atlantic seaboard should be deceived about the $45,000,000 they are voting to you to reclaim that 16,000,000 acres of land in the lower Mississippi Valley. They have 78,000,000 acres of unimproved land over yonder along the Atlantic coast that still awaits the hand of the tiller, and you have not given them a dollar to improve or reclaim it. Even in these times when we want to prepare our coast for defenses, where we have 40 per cent of the population and 56 per cent of the manufactured wealth, you make us stand aside when we ask to open up the inside passages to let through the submarines of the Navy of the United States, which will be absolutely essential for our protection in time of war.

Over yonder on the Atlantic seaboard you say they are effete. I guess there is some truth in it, for if it were not for a few Representatives in Congress who tell them the truth once in a while, they would be blinded to the magazine cry of "pork," while the Middle West and the South get away with the money. Why, gentlemen, on the other side of the Capitol they are now conducting a filibuster that delights a considerable portion of the taxpayers of the East. They are trying to kill legitimate river and harbor projects, while you gentlemen on the Democratic side of the House, with the support of certain gentlemen on the other side of the House, are ramming your arms down into the Treasury to the tune of $45,000,000, to cinch the job on the lower Mississippi for the next four or five years. While you are taking it away from the East you are providing an expenditure that will keep everybody employed on the lower Mississippi, that will keep money in circulation down there at the expense of all of the people, and you are doing it by taking in the people of the Sacramento Valley, which will secure the votes of the Pacific coast for the modest appropriation of $5,600,000. Mr. Chairman, I am glad to have this opportunity to tell the slumbering, if not the satisfied East, exactly what you are doing to it. It may not be as broad and as patriotic as it ought to be, but it is not far from the truth. [Applause.]

Mr. FREAR. Mr. Chairman, I have only five minutes in which to speak, and I trust that I will not be interrupted. The distinguished Speaker of the House did me the courtesy of personal mention, because of opposition to both this bill and the river and harbor bill. I hold him in the highest esteem because of his eminent fairness in the House, and I believe I represent the general sentiment on both sides of the aisle when I make that statement. It is impossible to discuss this bill in five minutes or to express one's self fully when the leaders on both sides take positions in favor of the bill. But though I stood alone, as was nearly the case at first on the river and harbor pork-barrel fight, I am opposed to this bill as I was opposed to that bill, and the same reason applies to both. I say this in answer to that criticism. The Speaker says, "If this is your own district, it is not 'pork.'" In my judgment it is "pork" wherever located. If you voted the people of Wisconsin, my own State, $20,000,000 for reclaiming swamp lands, as proposed for the Missouri River—river and harbor project which reclaims 500,000 acres of land—it would be indefensible. It would be "pork" wherever located, and the country has no right to be taxed for such purpose, either for Missouri landowners or for landowners in Wisconsin. That is one reason why I opposed the rivers and harbors bill, because of proposals which I believed were absolutely indefensible. In the lower Mississippi Valley are 16,000,000 acres to be reclaimed by this bill. The committee says it is exceptionally valuable land. True; but no better than in the States of Wisconsin, Iowa, Illinois, or elsewhere, where we reclaim our own lands at our own expense; but I believe the money appropriated by this bill and which the Government is to expend will be wasted. Whether it is or not, the people who have that land, who get the benefit, are the ones who ought to pay for it. Yet under this bill the Government pays two-thirds of $45,000,000. Why tax the people of this country to reclaim 16,000,000 acres of land for private owners along the Mississippi River, and, after this bill is put through and in cold storage, we will next get to 780,000 waiting acres along the upper Mississippi below Rock Island? Why should the people of this country be obliged to pay taxes to reclaim lands along the Missouri River or on the Mississippi or on lands out in California along the Sacramento?

Now, let me say a word personally in reply to a suggestion from the Speaker. I never considered the fact of relationship when proposing the editorial read. Yesterday an article was introduced in the RECORD reflecting on me and taken from the New Orleans Picayune. I brought a different statement from another New Orleans paper this morning for the purpose of answering the Picayune and that explains the presence of the New Orleans Item editorial. I offered one editorial for the purpose of answering the other, both from New Orleans. Criticism has been made over the river and harbor fight. We had 143 votes this year against the river and harbor bill—that is the effect of two or three years' work showing up projects including rivers in Texas and the Missouri River and other rivers all over the country that are not carriers of commerce. That is what should defeat the river and harbor bill, and that is what makes it a pork-barrel bill because it has many items just like this proposition. This Mississippi River project has been masquerading for years as a navigation project, when we all knew it was not. It is a land-reclamation project inconsistent with any flood-control proposal. The Speaker well said when the flood committee bill was introduced, and I believe he then had the right perspective, that the people who have these lands reclaimed will be required to pay for land reclamation. That should be done. The taxpayers of this country ought not to be required to reclaim these lands, and whether they are in California or Mississippi is immaterial—whether North or South, the proposal is wrong in principle.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. HULBERT].

Mr. HULBERT. Mr. Chairman and gentlemen, I am not one of those whom the illustrious Speaker of the House has distinguished, as stated by the gentleman from Wisconsin, because, perhaps, up until now I have not deserved it; but, like the gentleman from Pennsylvania, I do feel that the remarks of the Speaker warrant me in calling the attention of the committee to one feature emphasized by him, not because, as the gentleman from Philadelphia [Mr. MOORE] says, that the people of Boston, of New York, of Philadelphia, are asleep, for of the people of the latter city I can not speak, and the gentleman from Philadelphia, who lives there, is qualified to set up his judgment against mine [laughter]; but the people of Boston, where I have many more acquaintances, and the people of New York, which is my own city, are not asleep. But our difficulty is we are so busy caring for about 75 per cent of the country's foreign commerce that our people are too indifferent to the needs of that community, and it does require an occasional thrust from a Member of Congress in order to awaken them to the necessities of the occasion.

The distinguished gentleman from Illinois, whom we all revere, says there are rivers and rivers; and the Speaker said that the Mississippi was one of them, and to that I agree; and that the Sacramento was another, and to that I agree; that the Delaware is another, and to that I agree; and the East River, including Hell Gate, was another, and to that I agree. The only difference between the importance of those four rivers, if it is measured by the amount of appropriations which are made by Congress for their improvement, is that the Mississippi has received more than $160,000,000 and $45,000,000 more is provided for it, and for the Sacramento River the provision in this bill is over $5,600,000. The last river and harbor bill, which passed the House and is now in the Senate, carried $2,500,000 for the Delaware River, and for the improvement of Hell Gate, East River, the bill did not carry a dollar—not a dollar—and the only appropriation which was in the bill for the East River was a measly $200,000 in order to provide access to the navy yard from the southern entrance to New York Harbor, and is no longer in since the bill got over into the Senate.

I believe, Mr. Chairman, that improvements of such national character as the Mississippi River ought to be a matter of special legislation. But I also believe that a matter as important to this country as New York Harbor ought to be made a matter of special legislation. Whether you are going to improve the anchorage grounds off the Statue of Liberty, where to-day and every day vessels are going aground because the water is not of sufficient depth, should not depend upon a trade with some Representative who seeks to improve a part of the country where there may be but 2 or 3 inches of water in some unnamed creek. This bill which we have under consideration is entitled "A bill to provide for the control of the floods of the Mississippi River, and for other purposes."

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I have not taken occasion to say anything during the three Calendar Wednesdays on which this bill has been discussed. But I feel constrained to say a word at this time in reply to the gentleman from Pennsylvania [Mr. MOORE].

Some people believe in party regularity and some do not. My understanding is that the gentleman from Pennsylvania [Mr. MOORE] has been one of the gentlemen who usually believes in party regularity. It seems, however, that on this occasion he deserts his party. I do not intend to answer the sectional insinuations that the gentleman sees fit and proper to use in reference to this bill, and I am most grateful to a good Providence that I have been permitted to live to see the day when sectionalism has about passed away. My hope is that it will completely pass away soon.

I listened with great delight to the speech which the gentleman from Illinois [Mr. CANNON] made the other day on Abraham Lincoln, and we all might take a great deal to ourselves from his remarks, because we do now have one great country; and unless a man is circumscribed by selfishness and bound up by his navy yard and his wharves and lives in a sleepy city like Philadelphia, he will realize that there is much outside of his very small and narrow scope and narrow vision. I call his attention to his own party platform, and then will let him answer to his constituents as to whether or not he is willing to be regular and is willing to help carry out his party pledges. I read from the last platform of the Republican Party:

> The Mississippi River is the Nation's drainage ditch. Its flood waters, gathered from 31 States and the Dominion of Canada, constitute an overpowering force which breaks the levees and pours its torrents over many million acres of the richest land in the Union, stopping mails, impeding commerce, and causing great loss of life and property. These floods are national in scope, and the disasters they produce seriously affect the general welfare. The States, unaided, can not cope with this giant problem. Hence, we believe the Federal Government should assume a fair proportion of the burden of its control, so as to prevent the disasters from recurring floods.

And this is what the Republican platform said; and, although not in exactly the same language, the Democratic Party has committed itself to this great and national problem; and so did the Progressive Party. There were three great conventions that met and indorsed the control of the Mississippi River, and, therefore, it is only a question of the amount of money necessary to perform the pledge which the three parties have made to control the river. The engineers have made that estimate, and it is in this bill. Not only that, gentlemen say that this is "pork," when the unqualified testimony of all the engineers is that we save at least $5,000,000 by making this a continuing contract; and the Federal Government then withdraws aid and the States or levee districts take charge of it and the Federal Government is called upon to contribute no more. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. HULBERT. Mr. Chairman, I offer an amendment as a new section.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Insert as a new section, after line 18, page 6:
> "That the sum of $20,000,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be made immediately available and to be expended under the direction of the Secretary of the Treasury and the supervision of the Chief of Engineers of the United States Army for the improvement of the port of New York, the Hudson River, and Long Island Sound, in accordance with the surveys and reports made by the Chief of Engineers in the United States Army."

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I make a point of order against that.

Mr. HULBERT. I will ask the gentleman if he will not reserve it?

Mr. HUMPHREYS of Mississippi. I think we had better proceed with the bill. This is clearly subject to a point of order, Mr. Chairman. It carries an appropriation.

Mr. HULBERT. What is the point of order, Mr. Chairman?

Mr. HUMPHREYS of Mississippi. That it carries an appropriation.

The CHAIRMAN. Does the gentleman from Mississippi make the point of order?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I reserve it for five minutes.

Mr. HULBERT. Mr. Chairman, continuing the remarks in which I was interrupted at the expiration of my time, it seems to me that this amendment——

Mr. MOORE of Pennsylvania. Will the gentleman permit an interruption at this point?

Mr. HULBERT. For just a question.

Mr. MOORE of Pennsylvania. The gentleman by his amendment asks for $20,000,000?

Mr. HULBERT. Yes.

Mr. MOORE of Pennsylvania. According to the reasons of the gentleman from Mississippi [Mr. SISSON], would the gentleman be able to save the Government $5,000,000 right now if we reduced it to $15,000,000?

Mr. HULBERT. I suppose in the matter of the expenditure of the money at this time that that might be debatable, but I claim that the Government, by not appropriating this $20,000,000 for the improvement of New York Harbor and not improving the port at which 75 per cent of all the customs revenue of the country is collected, is losing many times the sum of money that we have asked for.

Mr. MOORE of Pennsylvania. But if the gentleman had asked for $15,000,000 instead of $20,000,000 he would have saved the Government $5,000,000 right now.

Mr. HULBERT. Well, I will let the gentleman settle that with the gentleman from Mississippi.

This amendment, Mr. Chairman, is perfectly germane to the subject under consideration. One of the projects that I intend to cover in this amendment is the anchorage grounds directly opposite the Statue of Liberty in New York Harbor, which has in recent years so filled up that, with the increased draft of vessels, both trans-Atlantic and coastwise, that come into the harbor, there are not adequate facilities for anchoring at that point. That condition is brought about by the heavy floods in the Hudson River, which bring down and deposit at this point alluvial soil and mud, just as the Mississippi River deposits silt at its mouth.

The State of New York has, by an expenditure of $154,000,000, about completed and opened the State Barge Canal. That canal will carry a great quantity of additional water coming from the Great Lakes, and as to the effect of that, what it will be, flowing down the Hudson River, I am unable to say. But it does seem to me that the conditions that have obtained up to this time certainly are not sufficient to give a full right of way to this enormous amount of additional water, as well as of commerce, it will bear down to New York Harbor.

I want to call the attention of this House to the fact that in 1902, 14 years ago, when the State Legislature of New York voted the authorization for a $101,000,000 bond issue for the construction of this great national waterway, uniting the Great Lakes with the Hudson River, the Congress was called upon to make a survey for the improvement of the Harlem Kills, in my own congressional district, connecting up the Harlem River and the East River with Long Island Sound, and enabling vessels to gain access into the East River and Long Island Sound and avoid the perils of Hell Gate.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HULBERT. I can not yield now. A survey was made. That improvement would save 11 miles in distance for every vessel going from the Harlem River into Long Island Sound or from the Sound into the river. The survey was made, I say, and the Chief of Engineers favorably reported back to this House in 1902 that this improvement should be made at a cost of $2,000,000, and stated that the effect of that improvement would be to diminish the currents at Hell Gate and decrease the dangers of Hell Gate by 30 per cent. And yet that has lain here unacted upon for a period of 14 years.

Within that time the people of the State of New York, upon the good faith of the report of the Chief of Engineers and in the belief that the Congress would be as willing to appropriate $2,000,000 in order to complete the terminal for this great waterway as the people of New York would be to spend $150,000,000 for its construction, have gone ahead with that improvement. The improvement is about completed. It is about to be opened, but Congress has done nothing in the meantime, and it is only by a bill of this character that we can get any action, because at this session of Congress the committee voted not to take on any new projects, and they took the same action in the last Congress, and God only knows when they will take action on this project. Until they do the people of the great Northwest and the people of the East who are to be benefited by this great improvement must bide their time.

My amendment includes the following projects recommended by the Chief of Engineers, United States Army, and approved by the Secretary of War. Their imperative necessity can not be questioned:

> East River, N. Y.: For improvement with a view to providing a channel 35 feet deep from deep water in New York Harbor to Long Island Sound, in accordance with report published in House Document 188, Sixty-third Congress, first session, $500,000.
>
> Harlem or Bronx Kills, N. Y.: For the commencement of the improvement, with a view to securing a channel 300 feet wide and 18 feet deep, in accordance with report published in House Document 188, Fifty-eighth Congress, second session, and House Document 188, Sixty-third Congress, first session, $500,000.
>
> New York Harbor, N. Y.: Upper bay, with a view to improving channel opposite anchorage grounds, in accordance with House Document 518, Sixty-third Congress, second session, $250,000.
>
> New York Harbor, N. Y.: With a view to the removal of Craven Shoal in accordance with House Document 518, Sixty-third congress, second session, $30,000.

New York Harbor, N. Y.: With a view to securing additional width in Bay Ridge and Red Hook Channels in accordance with House Document 863, Sixty-third Congress, second session, $300,000.

New York Harbor, N. Y.: With a view to securing a suitable depth of channel to the navy yard through Buttermilk Channel in accordance with House Document 44, Sixty-third Congress, first session, $700,000.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The point of order is sustained.

Mr. BENNET. Mr. Chairman, I offer an amendment by way of a new section.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BENNET as a new section, to follow line 18, page 6:

"That for the purpose of controlling floods along the Atlantic coast the President of the United States is hereby authorized to acquire and build for and on behalf of the United States at a cost not exceeding the amount of the bonds authorized to be issued to aid in the construction of the Isthmian Canal remaining unissued December 1, 1915, such works as he may deem necessary, including an intracoastal waterway from such a point north of the city of New York, N. Y., to such a point south of the city of Savannah, Ga., as in his judgment he may deem advisable, the route, width, depth, and other engineering details of the said waterway shall be determined by the War Department, subject to such modifications as the President may direct; that the President is authorized, for the purposes aforesaid, to employ such persons as he may deem necessary and to fix their compensation; and the President is hereby authorized to cause to be entered into such contract or contracts, as may be deemed necessary, for the proper acquisition, construction, and completion of such works, including such waterway by the route finally determined upon by him under the provisions of this act.

"In addition to the powers conferred upon the President by this act, he shall have, in relation to the proposed works and waterway, all the powers, so far as applicable, conferred upon him by the various acts passed to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans, including the act of June 28, 1902, chapter 1302, Thirty-second Statutes at Large, page 481, and all acts amendatory and supplementary thereto."

Mr. FOSTER. Mr. Chairman, I make a point of order on that.

Mr. BENNET. It is not subject to it.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] makes the point of order on the amendment.

Mr. FOSTER. It provides for the building of a waterway on the Atlantic coast.

Mr. BENNET. Oh, no.

Mr. FOSTER. Yes; it says so. The gentleman evidently has not read it.

Mr. BENNET. Oh, yes, I have. I drew it. It provides for flood control.

Mr. FOSTER. It provides for building a waterway along the coast. The gentleman can not get around the rule by putting in an amendment of that kind, which he himself knows is not germane.

Mr. BENNET. I would like to be heard on the point of order.

Mr. FOSTER. I will withdraw the point of order, then, Mr. Chairman. [Laughter.]

Mr. CULLOP. Mr. Chairman, I renew the point of order.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the debate be closed in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to have some time.

The CHAIRMAN. Is there objection?

Mr. FOSTER. Does the gentleman from Pennsylvania object?

Mr. MOORE of Pennsylvania. I reserve the right to object.

Mr. FOSTER. Then I will move to close debate as soon as the gentleman from New York [Mr. BENNET] gets through.

The CHAIRMAN. The Chair will hear the gentleman from New York on his point of order.

Mr. BENNET. Mr. Chairman, I understood the point of order to be withdrawn?

Mr. FERRIS. The gentleman from Indiana [Mr. CULLOP] renewed the point of order.

Mr. MOORE of Pennsylvania. Is the gentleman going to make the point of order?

Mr. CULLOP. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. BENNET. Mr. Chairman, I am surprised that such good parliamentarians should make a point of order on an amendment of this kind, which is so clearly in order. The title of this bill is "To provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes." Under the last three words a good deal of latitude is permissible, but I do not think that——

Mr. MEEKER. Mr. Chairman, will the gentleman yield for a question?

Mr. BENNET. Yes; for a question.

Mr. MEEKER. Does not the gentleman think that he took a good deal of latitude in his amendment?

Mr. BENNET. No; I think not. In the bill, if the Chair will look at the different sections, he will find these things provided for: First, the removal of débris in the Sacramento River provision; second, the authorization of surveys in the Mississippi provision; third, the continuance of channel construction in the Sacramento provision; fourth, the building of levees in the Mississippi provision; fifth, general river construction; so that we have to start with the title that permits it, and we have to follow that five different methods applied to two very widely separated river systems. In a bill which has become general, in a bill which must be general, because the Committee on Flood Control has no authority or power except to report a general bill, why is not this amendment, which simply provides the method for flood control along the Atlantic coast absolutely germane? The gentleman from Illinois [Mr. FOSTER], who has made the point of order, and then like a good parliamentarian withdrew it——

Mr. FOSTER. Oh, I withdrew it because I thought we could get through with this quicker the other way. [Laughter.]

Mr. BENNET. I am sorry that the gentleman is destroying his reputation. [Laughter.] The gentleman is perfectly aware of this fact, that while he may not think, while others may not think, while even the Chair may not think that the best way to control floods is by the construction of a waterway, it is not for the Chair to say, I respectfully submit, not for any Member of the committee to say; but that goes to the judgment of the Committee of the Whole in passing upon the question of whether the amendment reaches the purpose at which it is aimed. I submit in all seriousness that this being a general bill, providing for other purposes than the Sacramento and the Mississippi Rivers, being confined by its language to the question of flood control, and there being five different methods of flood control in the bill, these two other methods of flood control ought not to be ruled out of order simply because they pertain to the Atlantic coast rather than to the Pacific coast or to the Mississippi Valley.

Mr. MANN. Mr. Chairman, I think I can demonstrate in less than the five minutes that will be occupied upon the amendment that it is clearly subject to a point of order. The gentleman might have introduced an amendment stating that "for the purpose of flood control" there is hereby provided authority to the President of the United States to build the post-office building in the city of New York to cost $25,000,000, but that would not make it in order.

Mr. BENNET. Certainly not.

Mr. MANN. It is likewise not in order in this case to say that "for the purpose of flood control" the President of the United States shall have authority to build an intracoastal canal. One is just as much in order as the other. If the mere words "for the purpose of flood control" would make an amendment in order, you might provide that we would build a road from here to the moon, and call that in order. The Chair will note that this is an amendment that belongs to the Committee on Railways and Canals; it is for the construction of a canal, not for the purpose of flood control, and the subterfuge of saying that a thing is for flood control does not take it away from the judgment of the Chair and give it to the House. If that were the case you could put anything in the world in order on any bill by indicating falsely that it was for a certain purpose when it was not for any such purpose. Besides that, the amendment says that the President of the United States shall have the same authority here that he had over the Canal Zone, which goes into the subject of sanitation, government, and everything else. That would not be in order on this bill to say that the President of the United States shall have control of government all along the line of an intercoastal canal.

The CHAIRMAN. The Chair is ready to rule. The bill under consideration deals with flood control, and the amendment offered by the gentleman from New York [Mr. BENNET] deals with the construction of a canal, introduced originally as H. R. 496 and referred to the Committee on Railways and Canals. The Chair is clearly of the opinion that it is not germane, and the point of order is sustained.

The Clerk read as follows:

GENERAL PROVISIONS.

SEC. 3. That all money appropriated for works and projects relating to flood control hereafter authorized shall be expended, and all examinations, surveys, and improvements of such works and projects shall be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers; and all the provisions of existing law relating to examinations and surveys and to works of improvement of

rivers and harbors shall apply, so far as applicable, to examinations and surveys and to works of improvement relating to flood control. And all expenditures of funds hereafter appropriated for works and projects relating to flood control shall be made in accordance with and subject to the law governing the disbursement and expenditure of funds appropriated for the improvement of rivers and harbors.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 20, after the word "that," strike out all down to and including the word "and" in line 25.

Mr. MANN. Mr. Chairman, I think that is satisfactory to the committee, as it removes an ambiguity.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, there is no objection to that on the part of the committee.

Mr. HILL. Mr. Chairman and gentlemen, a few years ago I sat in the gallery of the Chamber of the House of Commons in England, and I heard a speaker make this remark: "If by walking across that aisle I could save the English Government a million pounds, I would not take one step." As I listened to him I said to myself, "I hope the time will never come when my vote on an appropriation in Congress will be governed by sectional considerations." [Applause.]

In 1865 I came up the Mississippi River. In 1909, I think it was, I went down the Mississippi River, and, with the exception of the magnificent growth in Memphis, I saw little change in the 50 years that had transpired. I saw a section of the country practically without growth and right in the heart of my country with wealth and prosperity on the east and with rapid growth on the west. I said to myself, "I am not an engineer, I am not a person who is capable of deciding how this thing should be done, but I believe that with American spirit and American genius and American enterprise it is possible to remove this great waste space between the prosperity and wealth on each side and make it equal to the others, with a uniform and steady growth for a common country right straight through. [Applause.]

Now, I may be wrong. It may be possible that levees will not do it; it may be possible that it needs impounding of the waters in the Northwest, but I am for trying an experiment which will remove this waste space in the heart of my country, which will improve this great waterway, and give the possibility of prosperity to these people. [Applause.]

I traveled down the Amur River, in Siberia, where the depth of the water varies at different seasons from nothing to 57 feet. I have seen the river for 2,000 miles policed every day, with the water on every bar measured, with signals on the bank always in sight, and when I saw that, gentlemen, and compared it with what I saw on the Mississippi River, I was proud of Russia and less proud of my own country because of the conditions I have seen here.

Now, it may be a mistake; I do not know; but we are a great, rich, wealthy country. My own idea in regard to the matter is, knowing as you do about my views on taxation, that I would not put this project into current expenditures in this country. I would provide an income tax for just this purpose. That is what I think an income tax should be reserved for, a great national enterprise like this, and I stand here to-day to advocate this proposition for the common welfare of the whole country. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

On page 7, line 9, after the word "harbors," insert the following:

"*Provided*, That no appropriation authorized by this act or made in pursuance thereof, nor any part of an appropriation so authorized or made, shall be available for any of the purposes provided for in this act, if appropriations for such purpose have been made or shall hereafter be made in any other act."

Mr. MOORE of Pennsylvania. Mr. Chairman, while strong pleas are made for appropriations for people who live in the Mississippi Valley, because their lands are subject to overflow, nothing is said about the nine million and odd acres of vacant land in Virginia, nor is any consideration given to the arable and watered lands along the Atlantic seaboard where hundreds of thousands of people could find homes and raise crops without danger of flood, if they were fortunate enough.

But, Mr. Chairman, to obtain Government assistance it seems to me fair since the present Congress has already appropriated in the river and harbor bill $6,000,000 for the building of levees along the lower Mississippi from the head of the passes to the mouth of the Ohio River, and two million more for various other work on the Mississippi River, we ought not to duplicate appropriations through the Flood Control Committee. For that reason I offer this amendment.

If we pass a river and harbor bill taking care of the Mississippi River in the ordinary way, we ought not to do it again in a flood-control bill. Notwithstanding all the eloquence and pleadings of gentlemen who now talk sectionalism we have appropriated $166,000,000 altogether, $87,000,000 of which was spent for the lower Mississippi for this work through the Rivers and Harbors Committee. In view of this it seems to me there should be a provision in this bill that if the Government in a river and harbor bill for this year or any other year, appropriates $6,000,000, or any other sum, the Mississippi folks ought not to come back with a poor mouth, talking sectionalism, and ask for $45,000,000, or any other sum, through a flood-control bill.

My friend from Connecticut can take the same ground that other gentlemen have taken, that we ought to be liberal, that we ought to scuttle our own homes and give to those who have not, that we ought to depopulate our cities and send the people out from firm land into the flood areas, that we ought to give away all we have and expect nothing in return; but I am not ready to go quite that far. I do not think breadth and patriotism, which are now talked about so lightly and so loudly on this floor, require that we should give up all our appropriations and then do it twice. It seems to me that the amendment is fair. If the Committee on Flood Control proposes to stand on its own bottom, it ought not to rob the Committee on Rivers and Harbors. It ought to leave something for its faithful old friends except the flavor of "pork." The committee ought to accept the new provisions and be satisfied with what it can get with the tremendous influence behind it. It ought to let the Rivers and Harbors Committee alone. If there is no member of the Rivers and Harbors Committee here with fire enough in his breast to stand up for his prerogatives, permit me as a friend of that unfortunate galaxy of hitherto brilliant and successful statesmen to say a word in their behalf. [Applause.] The Flood Control Committee should not permit any project to take money twice for the same purpose. While you take $45,000,000 for the big Father of Waters, which is now in a sanctified class by itself, you should be generous enough to give the little creeks that are left to the Rivers and Harbors Committee a chance to keep clear of the pork barrel.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I want to see if we can not close debate. [Cries of "Vote!"]

Mr. CULLOP. Mr. Chairman——

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to close debate on this paragraph and all amendments thereto now.

The CHAIRMAN. The gentleman from Mississippi moves to close debate on this paragraph and all amendments thereto.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

All examinations and surveys of projects relating to flood control shall include a comprehensive study of the watershed or watersheds, and the report thereon in addition to any other matter upon which a report is required shall give such data as it may be practicable to secure in regard to (a) the extent and character of the area to be affected by the proposed improvement; (b) the probable effect upon any navigable water or waterway; (c) the possible economical development and utilization of water power; and (d) such other uses as may be properly related to or coordinated with the project. And the heads of the several departments of the Government may, in their discretion, upon the request of the Secretary of War, detail representatives from their respective departments to assist the engineers of the Army in the study and examination of such watersheds, to the end that duplication of work may be avoided and the various services of the Government economically coordinated therein: *Provided*, That all reports on preliminary examinations hereafter authorized, together with the report of the Board of Engineers for Rivers and Harbors thereon, shall be submitted to the Secretary of War by the Chief of Engineers, with his recommendations, and shall be transmitted by the Secretary of War to the House of Representatives, and are hereby ordered to be printed when so made.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, has the gentleman from Pennsylvania an amendment?

Mr. MOORE of Pennsylvania. I have an amendment.

Mr. MANN. We want 20 minutes on this side.

Mr. HUMPHREYS of Mississippi. I have a request for 15 minutes. I will ask unanimous consent that debate on this paragraph and all amendments thereto close in 40 minutes, 20 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 20 minutes by myself.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and all amendments thereto close in 40 minutes—20 minutes to be controlled by himself and 20 minutes by the gentleman from Illinois. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 8, line 8, after the word "made," insert the following new paragraph:

"The Secretary of War is hereby authorized and directed to report to Congress on or before December 1, 1916, a list of all rivers, harbors, and waterways of the United States that are subject to floods, including, but in addition to, the Mississippi River and the Sacramento River, as herein specially provided for, said report to include all available information as to loss of life and damage to property on such rivers, harbors, and waterways, together with such recommendations as the Secretary of War may deem appropriate to enable Congress to take steps to protect life and property endangered by floods whenever and wherever they may occur in the United States."

Mr. MOORE of Pennsylvania. Mr. Chairman, has unanimous consent been granted to extend remarks? If not, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment proposes that the Secretary of War shall be directed to report to Congress every project worthy of improvement for flood control apart from the Mississippi and the Sacramento. There are many other such projects in the United States that have an equal right to consideration with those two rivers—rivers in the West, rivers in the Middle West, and rivers in the East. I have no doubt in the course of time, after they have expended at least a portion of this $45,000,000 on the lower Mississippi, that the Flood Control Committee will take up some of the tributaries of the Mississippi, and they will come in for early consideration in view of their powerful influence in this House. I would not be surprised if the rivers entering into the Mississippi would have first call. But in order that there may be a square deal to all sections of the country and we may eliminate even a suspicion of sectionalism, as suggested by the gentleman from Mississippi [Mr. SISSON] and one or two others, I think we should have the Secretary of War, without regard to section, without regard to preference, prejudice, or influence, report to Congress all the rivers, all the waterways, all the harbors of this country that are subject to overflow on which there may be a loss of life or of property.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MOORE of Pennsylvania. For a question.

Mr. GREEN of Iowa. Is the gentleman's amendment confined to navigable streams?

Mr. MOORE of Pennsylvania. It applies to all waterways and all rivers and harbors.

Of course they should all be in it. If this Flood Committee was not organized for the sole and exclusive purpose at this particular time of taking $45,000,000 exclusively for the lower Mississippi and doubling up with that $5,600,000 for the Sacramento to get the western vote, it would have brought in some other rivers that are subject to overflow. But it has brought in only two rivers, on the assumption and statement of the chairman and others that these are the only two rivers in the United States upon which the engineers have reported, whereas as a matter of fact the chairman of the Committee on Rivers and Harbors, if he were here, would say that there are a number of projects upon which there is an ebb and flow, upon which there are flood waters that have been approved to the tune of three or four hundred millions of dollars. These projects have not yet had a hearing of this House or even in another body, which is accustomed to indulge in a filibuster.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield 15 minutes to my colleague from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, when the House decided to appoint the Committee on Flood Control I was very happy, for I believed the House had decided to enter upon one of the most important functions that the Congress has ever undertaken. And when in its wisdom the House selected the gentleman from Mississippi [Mr. HUMPHREYS] as the chairman of this committee I was still more pleased, because I know of no man who has ever served in this House better qualified to undertake this great work than is the gentleman from Mississippi. I think the question of flood control is one in which every American is interested. My hope was that when this committee began the study of this great work it would take a comprehensive view of the question committed to its care, and that instead of beginning to regulate the flow of the waters at the outlet of the Mississippi River and the Sacramento River, that it would begin to regulate the flow of the waters at the heads of the tributaries of these two great rivers. The regulation of the waters at the heads of the rivers would admit the storing of flood waters and controlling their flow, so that a minimum and maximum channel might be fixed in all the tributaries, and in the Mississippi and Sacramento Rivers as well. That is not all.

The conservation of the natural resources of the United States is one of the most important questions before the American people, and there is no natural resource in America as impotant as the water which flows through the rivers of the country. And if we can regulate the floods of the rivers by impounding the waters at the head of the rivers and letting them flow through the rivers by mechanical means as we wanted the water to flow, that would not only stop the floods but we would be able to create water power in sufficient quantity to operate all of the machinery in all of the factories that exist in the United States to-day and in every day that is to come.

Now, a comprehensive survey of the question involved would have dictated a more serious consideration of the problems to be dealt with than this committee has given to the question thus far. It could not have been possible for any committee of this House, no matter how well advised, to reach a conclusion within 60 or 90 days, and that is the life of the committee that has charge of this legislation, and that would take into consideration the importance of this great question. It is national in its scope; it is a thing in which we are all interested; it has been proved beyond any doubt by men of scientific minds and who have made a thorough research, that every horsepower of hydroelectric energy created by water power is equivalent to providing for the opportunity of a living for three people where only one now lives. And it is estimated that the value of every person living in America is about $2,400 to $3,600 per annum, and it has been shown beyond any reasonable doubt that it would be possible——

Mr. BENNET. Will the gentleman yield for a question?

Mr. MADDEN (continuing). By a proper control of the waters at the heads of the various rivers to develop 200,000,000 horsepower by the conservation of the waters of the rivers of America. And it is shown that there are only 18,000,000 potential horsepower in use in America to-day. It is true that all this could not be accomplished in 90 days, but I believe that $45,000,000 expended at the headwaters of the tributaries of the Mississippi and other great rivers of America would do a thousand times more to conserve and regulate the floods of the Mississippi River than the expenditure of $45,000,000 in the construction of levees along the river.

Now, I yield to the gentleman from New York.

Mr. BENNET. Did I understand the gentleman to say that each person in the United States is worth to the country $2,400 a year?

Mr. MADDEN. Twenty-four hundred to thirty-six hundred dollars. That is the value of each person as an intrinsic asset.

Mr. BENNET. I think most of us would be inclined to differ with the gentleman when the earning power of the individual is somewhere around $400.

Mr. MADDEN. It is believed that by the increase of this water power we can increase the potential value of every individual in this country from what it is to-day up to $2,400.

Mr. BENNET. The gentleman's statement is not that it is so now, but that it could be?

Mr. MADDEN. That it could be. I agree it is important that we should reclaim all the lands everywhere it is possible to reclaim them, but I may say that while we are attempting to reclaim these lands we ought to develop the resources so that we may utilize every dollar that we expend in the development of added wealth and give added opportunity to those who live upon the soil.

I contend that this committee overlooked the most important part of its functions by endeavoring to regulate floods at the outlet of the river instead of at the sources. Is it possible to dam up the Mississippi River so as to regulate the floods? You might just as well undertake to say that if you were to take a nozzle and attach it to a hose, and close the nozzle, the hose would stand, no matter what the pressure may be on the hose.

The scientific way to do this thing would be to start at the top, at the inlet, not at the outlet; for the more you attempt to confine the waters of the Mississippi River to a given area the more you are going to increase the speed of the current and the pressure upon the banks of the river. It will not make any difference how high or wide or strong you build the dams if the pressure from the outside forcing the current upon the inside, within a given area, a narrow area, is sufficient to break the work that you construct. Your money is wasted.

How easy it would be, say, to start at the Fox River—a little bit of a river beginning at its source in the State of Wisconsin, where we have many lakes—to make these lakes into a great reservoir, to impound the waters there, and to regulate their outgo, to keep a steady depth of water in the stream, to let the

water flow into the main channel during that part of the season when there is no water coming from other sources, and to create a water power incidental to the regulation of these streams. You can do that with much less money than you are going to spend upon a proposal like this, which I believe will be a failure. And, besides that, you can make this proposal upon which you now spend $45,000,000 a greater success, and in addition to making it a present success, you would create navigation, you would maintain the current between the banks, you would reclaim the land that is now overflowed, and you would regulate floods by regulating the stream at the source, and you would decrease the cost of steam by using water power, which can be operated at a cost of $2.50 a horsepower, and instead of manufacturing steam by means of coal you would conserve the coal supply of America, and in consequence the railroads would be better qualified to move the freight, and you would not have to parallel with new lines the old lines of railroad in order to take care of the freight of the country, and you would have a potential value placed upon the expenditure of this money out of the Federal Treasury which would be beyond estimation.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes; I yield to the gentleman.

Mr. FESS. The development of this conservation of water power is one of the most important things I have heard in this debate. Is it the judgment of the gentleman that the plan proposed is irreconcilable with the conservation plan? Does the gentleman maintain that we are sacrificing that by this plan?

Mr. MADDEN. If we began at the other end of this plan, what they now propose to do would not be irreconcilable; but beginning at the end of the Mississippi River, that is, at the Gulf of Mexico and coming up the stream instead of going down the stream, you can not create any water power because you do not conserve your water. What you are trying to do by this bill is to give a rapidity to the current which will drive it between the walls of the river that you are creating by these levees, and you are thereby endeavoring to do what I believe to be an impossible thing; whereas if you did the other thing and began at the other end, you would have accomplished everything for which this committee was established.

But that would take time. They would not be able to come into the House in 90 days with a bill; perhaps not in six months. But the question before us is more important than the question of getting a bill passed. It is a question well worthy of serious consideration, and a question which is worthy of consideration ought to be given time.

We have surveys made by the Board of Army Engineers of every important tributary of the Mississippi and the Sacramento and the Columbia and the Hudson, and every other great river in the country, and they would soon be able to tell where we could impound the waters in order to get the best results, and how we could let this water loose when the time came to let it loose, and how we could not only regulate commerce and promote conservation, but create water power that would yield revenue beyond the wildest dreams of man. [Applause.]

Mr. RUSSELL of Missouri. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] is recognized for five minutes.

Mr. WOOD of Indiana. Mr. Chairman, I wish to say a word in answer to the argument adduced by the gentleman from Illinois [Mr. MADDEN]. The plan suggested by the gentleman from Illinois, so far as it goes, is well and good, but it will not control the flood waters of the Mississippi.

I hope to see the time when this committee that has been created will have worked out a scheme such as the gentleman contemplates, where at the headwaters of all these great streams reservoirs may be established for conserving the water, so that it may become an asset instead of a liability, in order that it may be used for water power and for irrigation. But that will not control the floods of the lower Mississippi, and I will tell you why.

Take the flood of 1913. The water area that made that flood was nowhere near the headwater of the Mississippi or the headwater of the Ohio or the headwater of the Missouri River, so that the scheme suggested by the gentleman would not have had anything to do with controlling that flood.

It is equally true with reference to the flood of 1912. Perhaps if this scheme were just now being commenced for the first time, when none of the levees already built down in that country had been built, it would be well to commence at the top and work down, and then have a scientific scheme. But when there are millions of dollars already invested that are partially controlling the waters of the lower Mississippi; when it has been demonstrated by the engineers who have been giving this subject study for years and years, and after continuous work and expenditure of money, when the money already expended can be conserved and made of value, it would be a want of economy not to follow out the line suggested by the engineers.

I hope to see this scheme started by the pending measure supplemented with the work that has been suggested by the gentleman from Illinois [Mr. MADDEN], when at the headwaters there will be impounded waters of these streams that may be let into the rivers for the purpose of controlling navigation in time of low water for the purpose of irrigating arid lands, and for various other purposes in producing horsepower for manufacturing purposes, and so forth. But this is a condition that is confronting us now. We have the floods that are coming on the people and will continue to come on them as long as the levees now built and constructed as they are are not completed and not made more efficient. I do not believe there is a Member of Congress, had he gone down over that country and viewed the situation as it presented itself to the committee as the committee saw it during their visit, but what would have been convinced that the problem has been solved by the engineers, men absolutely unselfish in their effort to subserve the people and who are trying to do the best they can for the people of the United States and who have given their lives to the work. If we can not depend upon them, upon whom can we depend?

The scheme suggested by the gentleman from Illinois would materially interfere with that project; if we should stop now it would be a waste of all the money put in. Before a survey could be made, before plans could be adopted, the country—the lower Mississippi—would be ruined and the work that they have already done would be a complete waste. We must continue the thing as we find it and make the best of the situation and improve the work already commenced. Much of it that has been done has been done skillfully and scientifically, while some has perhaps not been so done. The scheme adopted by the Army engineers will be sufficient in extent to give a waterway wide enough and deep enough to control these floods as surely as they are completed. Then the other scheme of impounding waters suggested by gentlemen can be worked out when we can do it intelligently. [Applause.]

Mr. RUSSELL of Missouri. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman, section 3 of this bill providing for flood control is of the very greatest importance. That which we have heretofore been considering is the authorization for the payment of money. Indeed, so much of the bill might more properly be called "A bill to regulate the flow of Federal money into the Mississippi Valley and the valley of the Sacramento." [Laughter.]

Now, we do come to the point where those in charge of the bill have said the general plan is contained. They say that if there is anything that anybody in Congress knows that would improve the bill let it be offered at this time.

I think every man on the committee and every man in the House wants to vote every dollar necessary for all proper protection of the Mississippi and Sacramento Valleys, but I am sure that the members of this committee and the Members of this House do not desire to abandon the time-honored rule of procedure, and that is what I desire to call the attention of Members to in my discussion of section 3.

Some things have been cured by the amendment offered by the gentleman from Illinois [Mr. MANN] by which a part of this section was stricken out, but a great deal which was in the purpose of his amendment should be added thereto.

Section 3 provides that the entire operation of flood control, if it may be so called—for some call it navigation and some call it reclamation and some call it flood control—is placed in one department.

Now, section 3, which as I say has been cured somewhat by amendment, had for its original purpose the placing of all this work under the engineers of the Army. In other words, its operation was intended to displace the work of the Geological Survey, of the drainage associations, and of the reclamation department, and to put all work under the control of the Chief of Engineers.

It seems to me that there is great merit in the contention of the gentleman from Illinois [Mr. MADDEN], that this matter should be treated scientifically and comprehensively, and that, therefore, do I call attention of members of this committee to the minority report, which some of you may not have read, the report by Mr. CROSSER, from the Committee on Flood Control, which gives, I think, a comprehensive review of what should be necessary in the handling of this great problem. There is no greater problem in all the United States than the protection

of the lands, the property, and the lives of its people from damage and destruction by flood waters.

It is a proposition upon which should be concerted the best thought of our time. It is a proposition to be studied. I read with approval from a letter of Secretary Lane, Secretary Houston, and Secretary Redfield to the President of the United States:

It is now time, we believe, to urge a comprehensive and constructive plan of river development upon Congress, a plan which recognizes the magnitude of the problem, the impossibility of dealing with it by temporary expedients, and that looks definitely to the time when the flood evils of to-day will be remedied and the waters put to their highest use.

There is an expression by three Secretaries, each of whom has to do with this question in some aspect.

The minority report which Mr. CROSSER has written contains a general plan which seeks to embody a comprehensive form of flood protection, adding to it assistance to navigation and possibly reclamation, but presented in a comprehensive form to be used as a base from which proper relief may be applied in any part of the United States. And what I have here said I have said in the hope that the members of this committee may take the time to read this report; to read first the letter of these Cabinet officers, to read then the report of Mr. CROSSER containing a substitute which is to be offered, because it seems to me that the language of this substitute is language which the members of this Committee on Flood Control may very well accept. The chairman of the committee very modestly has said that the bill is not as good as he had wished.

This committee was created on the 3d of February, 1916, and on the 18th of April, 1916, they presented this bill. They presented this bill authorizing appropriations and suggesting in section 3 that everything else be put up to the Secretary of War and the Chief of Engineers. Now, I know this last has been abandoned, that it is no longer the purpose of this committee to adhere to the plan which they brought out of placing everything in the control of the Army engineers, but the balance of it should be cleared up. The other paragraphs in section 3 should be amended to conform to the amendment accepted by the committee, in any event; but I urge the adoption of the substitute which will later be offered by Mr. CROSSER. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes.

Mr. HUMPHREYS of Mississippi. I yield that to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, a few years ago I had the pleasure of traveling on a steamboat from the city of St. Louis to the city of New Orleans. Passing along that stream I saw as rich, fertile lands as are to be found anywhere in the world, a valley as rich as the famous valley of the Nile and as beautiful as the valley of the Mesopotamia. It was at that season of the year when the crops ought to have been ripening, but they had in many places been washed away by the destructive floods. Now, it is said that it is the purpose of this bill to reclaim 16,000,000 acres of land in the Mississippi Valley. Mr. Chairman, if it is for nothing more than the reclamation of 16,000,000 of acres of that rich, fertile land in that great valley, and it will do that, then it is one of the best measures that has been passed by this House. Upon that 16,000,000 acres we could grow annually enough food products to supply all the people of this great country. If those lands are reclaimed by it, then every dollar appropriated by it will return a thousandfold to the people of this country and our work will redound to the benefit of the whole country. The products which can be grown upon this reclaimed territory at a very early date in this great country of ours will be needed to feed the multiplying population we will have here. Now, if it has no other purpose than the one the gentleman from Pennsylvania has been claiming—that it would be destroying appropriations for the improvement of rivers—it will then prove one of the greatest blessings to the people of this country this House could bestow upon them. I hope it will have that effect. We have been making appropriations out of the Public Treasury for the purpose of improving rivers in this country upon which no commerce will be carried, and it will be far better to devote this money to reclaim the fertile lands, upon which we can grow a great variety and an enormous quantity of the food products in this country. The people of the country protest against the annual waste of money expended on rivers which are not and never will be navigable. Now, as to the ability of this country to pay for this project. We are the richest country in the world. Our national wealth is more than $225,000,000,000, more than the aggregate wealth of England, Germany, and France combined; ten times as rich as Italy, eight times as rich as Austria, and four times as rich as France. We have the resources from which the revenues can be raised to make this improvement and save the people——

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. CULLOP. I have not the time—and save the people who live in this great valley from the destructive floods which annually visit them and destroy their property and make them homeless. A few years ago it was claimed that the proposition of building the Panama Canal was a dream that could never be consummated, but then one George W. Goethals, the greatest civil engineer of all time, built that project and made it a success, accomplishing the greatest engineering feat of all time. [Applause.] If that can be done, we can improve the Mississippi River so as to prevent the floods, the most destructive agency in the world, preserving property, safeguarding lives and homes. By commencing now on the great work we are preparing for the future, which I hope will at an early date witness its successful consummation and assist those who have struggled against what has appeared for ages to be an unconquerable foe.

This is not a political question, because all the great political parties in their national platforms have pledged the people if intrusted with power they would adopt measures to this end. It is not a sectional question, because the matter is of such far-reaching importance that the whole country is interested in its early and successful completion. Then our duty is plain; we should adopt a measure which will insure the institution of the work and its early completion.

This is a most auspicious time to begin this great project and prosecute the work, because the people want it done and, further, because the people now are able to do it. Our country is now enjoying the most marvelous era of prosperity it has ever known, business is good, money is plentiful, industry is taxed to its fullest capacity, and thrift and enterprise are at their best. No other time in all our country's history could be more favorable for its initiation than at this good hour.

The laboring man is receiving the fruits of his toil and has an overflowing "dinner pail," is employed all the time at the best price he has ever known. The farm, factory, and mine have never enjoyed such a prosperous era as the present, with every indication that it is permanent, and all are ready to make preparation for the proper conservation of every resource with which nature has blessed this great country. Our ability to do things was never so good and great as now, and the people stand ready to approve every good progressive move which we may adopt, asking in return that it be feasible and when completed worth its cost. Assure them of this fact and they will place their seal of approval on it.

The American people stand for progress, for improvement, and the betterment of conditions, and they are ready to assist in every movement which will relieve the unfortunate conditions of their fellow man, whether he live in the East, the West, the North, or the South. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

In the consideration of all works and projects relating to flood control which may be submitted to the Board of Engineers for Rivers and Harbors for consideration and recommendation, said board shall, in addition to any other matters upon which it may be required to report, state its opinion as to (a) what Federal interest, if any, is involved in the proposed improvement; (b) what share of the expense, if any, should be borne by the United States; and (c) the advisability of adopting the project.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 17, after the word "project" insert "nothing in the state of mind of the committee shall prevent it considering rivers or projects east of the Allegheny Mountains."

Mr. FOSTER. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

All examinations and reports which may now be made by the Board of Engineers for Rivers and Harbors upon request of the Committee on Rivers and Harbors relating to works or projects of navigation shall in like manner be made upon request of the Committee on Flood Control on all works and projects relating to flood control.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, after line 23, insert:

"SEC. 4. That the salary of the civilian members of the Mississippi River Commission shall hereafter be $5,000 per annum."

Mr. MANN. Mr. Chairman, the amendment I have offered is an amendment which I believe has been in one or two of the river and harbor bills which have not become the law. This commission is one of the most important in the United States. Years ago the salary was fixed at $3,000 for the civilian members. I think it was the opinion generally of Members of both Houses of Congress that the salary ought to be increased.

Mr. HUMPHREYS of Mississippi. I think so.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. CROSSER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk proceeded with the reading of the amendment.

During the reading,

Mr. GARRETT. Mr. Chairman, I think the reading of the proposed substitute has progressed far enough to demonstrate that it is not in order; and, unless the gentleman from Ohio is specially anxious that it should be read, I will make a point of order upon it. I will not insist upon it at this time, however.

Mr. CROSSER. I would like to have it read.

Mr. GARRETT. I will not insist, then, upon the point of order at this time.

Mr. HUMPHREY of Washington. Mr. Chairman, I renew the point of order. If you want to vote on it without discussion, all right.

Mr. CROSSER. I insist that this is in order.

The CHAIRMAN. The Chair will hear the gentleman from Ohio.

Mr. CROSSER. It seems to me that we ought to read the amendment, however, before we decide the question as to whether it is in order or not.

Mr. GARRETT. Mr. Chairman——

The CHAIRMAN. The Chair will have to determine that.

Mr. GARRETT. Mr. Chairman, I do not object to having it read. The gentleman from Washington made a point of order.

Mr. STEPHENS of Nebraska. Mr. Chairman, I submit that you can not make a point of order until the amendment is read.

The CHAIRMAN. Does the gentleman from Washington [Mr. HUMPHREY] insist on his point of order?

Mr. HUMPHREY of Washington. Yes; I do.

The CHAIRMAN. Does the gentleman from Ohio [Mr. CROSSER] wish to be heard on the point of order?

Mr. CROSSER. Mr. Chairman, this bill simply proposes to create a council for the purpose of considering the question of flood control in conjunction with the utilization of water in some other ways. The mere fact that we may do more than control the water so as to prevent damage, and go further and at the same time do some good to some one else, and utilize the water, does not in any sense of the word, it seems to me, make the thing not germane. I think that is the whole question.

The CHAIRMAN. The Chair is prepared to rule.

Mr. GARRETT. Does the Chair desire to hear any discussion?

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. CROSSER. Mr. Chairman, I wish to make some remarks on this question. Has the Chair ruled?

Mr. MANN. How long a time does the gentleman want?

Mr. CROSSER. I want 20 minutes. I am on this committee, as the gentleman from Illinois says, and I have not taken one minute of the time. I may not use 20 minutes, but I feel, since other members of the committee have taken more than 20 minutes, that I would be entitled to that much if I desire it.

Mr. GARRETT. The gentleman from Ohio is a member of the committee, and I desire to ask unanimous consent that he have 20 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Ohio may be allowed to proceed for 20 minutes. Is there objection?

Mr. FOSTER. And then all debate shall close upon the section and all amendments thereto at that time.

Mr. CAMPBELL. Reserving the right to object, I suggest in connection with that request that a request be made that the substitute, the reading of which was interrupted before it was concluded, be considered as read.

Mr. MANN. Mr. Chairman, I ask unanimous consent, first, that the amendment offered by the gentleman from Ohio be printed in the RECORD in full.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the amendment offered by the gentleman from Ohio be printed in the RECORD in full. Is there objection? [After a pause.] The Chair hears none.

The following is the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. CROSSER]:

Amendment offered by Mr. CROSSER: Strike out all after the enacting clause and substitute the following:

"That the sum of $50,000,000 is authorized to be reserved, set aside, appropriated, and made available until expended, as a special fund in the Treasury, to be known as the 'river-regulation fund,' to be used to promote interstate commerce by the development and improvement of the rivers and waterways of the United States and their connections with the Great Lakes and with each other, and by the coordination of and cooperation between rail and water routes and transportation, and the establishment and maintenance of adequate terminal and transfer facilities and systems, and their maintenance, improvement, and protection, and by the making of examinations and surveys and by the construction of engineering and other works and projects for the regulation and control of the flow of rivers and their tributaries and source streams, and the standardization of such flow, and by the maintenance of navigable stages of water at all seasons of the year in the waterways of the United States, and by preventing silt and sedimentary material from being carried into and deposited in waterways, channels, and harbors, and by the conservation, development, and utilization of the water resources of the United States, and by flood prevention and protection, through the establishment, construction, and maintenance of natural and artificial reservoirs and detention basins for water storage and control, and levees, revetments, and other bank-protective works, spillways, wasteweirs, wasteways, by-passes, controlled outlets, and flood-control works of every nature and kind, and the protection of watersheds from denudation, erosion, and surface wash, and from forest fires, and the maintenance and extension of woodland and other protective cover thereon, and the reclamation of swamp and overflow lands and arid lands, and the building of drainage and irrigation works in order that the flow of rivers shall be regulated and controlled not only through the use of flood waters for irrigation on the upper tributaries but also through controlling them in fixed and established channels in the lower valleys and plains and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers, and by acquiring, by purchase, condemnation, or otherwise, holding, using, leasing, hiring, and transferring by appropriate deed lands and any other property that may be needed for the aforesaid purposes, or which it may be deemed advisable to dispose of, and by doing such other things as may be specified in this act or necessary to the accomplishment of the purposes thereof, and by securing the cooperation therein of States, municipalities, and other local agencies as hereinafter set forth, and for the payment of all expenditures provided for in this act.

"NATIONAL WATERWAYS COUNCIL.

"SEC. 2. That a national waterways council, hereinafter called the council, is hereby created, consisting of the President of the United States as chairman, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the chairman of the water control board, to be appointed as hereinafter provided.

"The council shall have authority to direct and control all proceedings and operations and all things done or to be done under this act, and to establish all rules and regulations which may, in their judgment, be necessary to carry into effect such direction and control consistent with the provisions of this act and with existing law and with any provisions which Congress may from time to time enact.

"All plans and estimates prepared by the water control board, as hereinafter provided, which contemplate or provide for expenditures from the river-regulation fund shall be submitted to the council for final approval before any of the expenditures therein provided for or contemplated are authorized or made or any construction work undertaken or contracts let under or in pursuance of such plans: *Provided*, That in case of an emergency the chairman of the water control board shall have full power to act, and shall report in detail his action in every case to the council at its next meeting after his action.

"WATER CONTROL BOARD.

"SEC. 3. That to assist in carrying out the purposes aforesaid the council may utilize the various agencies of the Government, and there is hereby created a water control board, hereinafter called the board, which shall consist of a chairman, to be appointed by the council, and four assistant secretaries, to be appointed as hereinafter provided, and such additional members as the council may from time to time appoint. The chairman of the board shall receive a salary of $12,000 per annum, each assistant secretary aforesaid shall receive a salary of $10,000 per annum, and said additional members of the board such salaries as the council may from time to time fix. Subject to the direction and control of the council as to general policy and procedure, it shall be the duty of the board to ascertain in detail the work in progress and obtain plans, recommendations, and estimates of the work contemplated in the general field of water conservation, control, and utilization by the various agencies of the Government, States, counties, municipalities, districts, communities, corporations, associations, and individuals, and on the basis of such information and the results obtained by its own surveys and investigations to prepare for the consideration of the council a general and comprehensive program of water and waterways conservation, regulation, development, and utilization, extending through a number of years, with comprehensive general plans for each watershed, treating the entire watershed of each river as a unit, and with specific projects, plans, estimates, and recommendations, involving independent work by the United States and the combining of resources and energies of the various public and private agencies aforesaid; to coordinate and bring into conference the various agencies of the Government; and to examine, compare, adjust, allot, assign, and supervise their work, to the end that duplication may be avoided and the highest efficiency obtained; by agreement to assign to the various cooperating agencies the work to be done by them within their respective spheres; to accept, on behalf of the United States, from such agencies contributions of money and property of any kind to be used for carrying out the purposes authorized by this act; to make field inspection of all work done or contemplated under this act by the Government and its cooperating agencies; and to employ such engineers, transportation ex-

perts, experts in water development, constructors, and other employees, and to construct such buildings and works as may be necessary for those purposes. The board is hereby authorized to expend from the sum herein provided such amounts as may be necessary for services of employees in the city of Washington, D. C., and elsewhere; to pay therefrom such sums as may be necessary for office accommodations in the city of Washington, D. C., and elsewhere, and to purchase such law books, books of reference, periodicals, engineering, statistical, and professional publications as may be needed. Contributions received under this section shall be used by the board, under the direction of the council, for carrying out the purposes of this act, and money so received shall be paid into the river-regulation fund herein created. Subject to the approval of the council, the board is authorized to enter into such contracts or carry on by hired labor or otherwise such work as may be necessary for carrying out the purposes of this act, within the limits of appropriations made or authorized by this act or appropriations or contributions which shall be hereafter made or authorized from time to time, or as may be necessary for executing projects under this act within the respective limits of cost thereof approved by the Congress, the funds for which shall have been provided by the Secretary of the Treasury in accordance with the authority conferred by this act. Subject to the approval of the council the board may also employ the various agencies of the Government in carrying out such purposes or executing such projects.

"COOPERATION WITH STATES AND OTHER AGENCIES.

"SEC. 4. That the board shall, in all cases where possible and practicable, encourage, promote, and endeavor to secure the cooperation of States, municipalities, public and quasi public corporations, towns, counties, districts, communities, persons, and associations in the carrying out of the purposes and objects of this act, and in making the investigations and doing all coordinative and constructive work provided for herein; and it shall in each case endeavor to secure the financial cooperation of States and of such local authorities, agencies, and organizations to such extent and in such amounts as the council shall determine to be a just and equitable apportionment of work, costs, and benefits under all the circumstances in each case; and it shall negotiate and perfect arrangements and plans for the apportionment of work, cost, and benefits, according to the jurisdiction, powers, rights, and benefits of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and promote the general welfare, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States.

"APPOINTMENT OF WATER-CONTROL BOARD.

"SEC. 5. That each head of a department named in this act is authorized to appoint, with the approval of the council, for service as a member of the board, a highly qualified representative, who shall be an assistant secretary in the department in which he is appointed; shall devote his time primarily to the work authorized by this act; shall have, subject to the direction of the head of the department, such general supervision and control as may be necessary for the purposes of this act of the agencies within the department engaged upon such work; shall serve during good service and behavior; and shall be removable by the head of the department only for good cause.

"RIVER-REGULATION FUND.

"SEC. 6. That no sums shall be paid out of the river-regulation fund except on vouchers signed by the chairman of the board or by an official designated by him in writing, drawn on the Secretary of the Treasury. To provide for carrying out the projects formulated under this act which involve expenditures in excess of the $50,000,000 herein appropriated to the river-regulation fund, the appropriation hereafter to the credit of said fund of such sums as may be necessary is hereby authorized. At any time that the Secretary of the Treasury shall determine it to be necessary or advisable, in order to provide all or any part of the appropriation made or authorized by this act or which may be hereafter made or authorized or to provide revenues to execute a project under this act, which shall have been approved by the Congress, he may issue and sell, or use as a means of borrowing money, bonds in the necessary amount, in accordance with the provisions of the act of August 5, 1909 (36 Stat. L., pp. 11, 117), the act of February 4, 1910 (36 Stat. L., p. 192), and the act of March 2, 1911 (36 Stat. L., p. 1013). The sums appropriated or provided by the Secretary of the Treasury pursuant to this section shall be paid into the river-regulation fund and shall be available until expended and paid out as provided for in this act. All moneys received in connection with any operations under this act as well as from the sales of materials utilized and any condemned property, shall be covered into the 'river-regulation fund' and be available for expenditure therefrom. It is the intent and purpose of this act to authorize and empower the council and the board and their officers, agents, and employees to do all necessary acts and things in addition to those specially authorized in this act to accomplish the purposes and objects hereof."

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that the gentleman from Ohio [Mr. CROSSER] may be permitted to proceed for 20 minutes. Is there objection?

Mr. HUMPHREYS of Mississippi. And that all remarks on the bill and amendments thereto be closed at that time.

The CHAIRMAN. Is there objection?

Mr. HUMPHREY of Washington. What is the gentleman from Ohio [Mr. CROSSER] going to talk about?

The CHAIRMAN. The Chair does not know. Is there objection?

Mr. HUMPHREY of Washington. I shall object, unless I find out something more about this matter.

Mr. CROSSER. You are too late in objecting.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Washington [Mr. HUMPHREY] have five minutes at the conclusion of the remarks of the gentleman from Ohio [Mr. CROSSER].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I modify my request, then, that all debate on the bill and amendments thereto conclude in 30 minutes, 20 minutes of that time to be occupied by the gentleman from Ohio [Mr. CROSSER], 5 by the gentleman from Washington [Mr. HUMPHREY], and 5 by the gentleman from Wisconsin [Mr. COOPER], and that at the end of that time the committee rise and report the bill to the House.

Mr. MANN. You can not make that motion.

The CHAIRMAN. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent that all debate on the bill and amendments thereto conclude in 30 minutes, 20 minutes of the time to be occupied by the gentleman from Ohio [Mr. CROSSER], 5 minutes by the gentleman from Wisconsin [Mr. COOPER], and 5 minutes by the gentleman from Washington [Mr. HUMPHREY]. Is there objection?

Mr. HUMPHREY of Washington. Mr. Chairman, I wanted to ask the gentleman from Ohio a question. I did not intend to object, but I want to say if he is going to talk about the substitute——

Mr. CROSSER. I will probably talk about the substitute and the bill and everything else. I want to discuss the question.

Mr. HUMPHREY of Washington. I want to ask the gentleman whether he is going to talk on the substitute to this bill?

Mr. CROSSER. I will assure the gentleman that I am going to talk about the substitute, among other things. I can not say as to that. I have not any speech written out, I can assure the gentleman.

Mr. HUMPHREY of Washington. The gentleman is not going to make a political speech, is he?

Mr. CROSSER. Oh, no. I do not make political speeches here.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. CROSSER] is recognized for 20 minutes.

Mr. CROSSER. Mr. Chairman and gentlemen of the House, let me assure you that I am just as much concerned about the control of the floods in this country as any member of the committee. It so happens that I have no flood problem in my own district, nor near my own district, but I have not yet become so narrow visioned as to be unable to consider a question simply because it does not happen to concern directly the people of my own district. The fact, however, that we agree that a certain evil exists does not mean that we must agree as to the remedy.

Gentlemen have been telling us not to be so reluctant about dishing out the public funds in the way they tell us, and they intimate that if we do not do so we are not concerned about the welfare of the people of the Mississippi Valley. Of course, the members of the Flood Committee have not made the blunt statement to that effect, but that is the substance of some of the arguments we have heard in the House to-day.

My contention is that we can not control the flood waters of any of our great streams by starting at the mouth and going upstream with banks or levees. Usually we find that the best way to remedy any evil is to ascertain the cause of the trouble, and then try to remove the cause. Pursuing this method in connection with streams we find that the reason we have great floods, increasing in their destructive power year after year, is because of the fact that on the upper part of the river some lands have been cleared of forests, swamps have been drained, and farm land tilled, so that year after year the water goes into the channel more rapidly than it went theretofore. It is not because more water falls from the sky than fell in the earlier history of the country, but rather because it goes down into the channel of the river much more rapidly. Therefore we must adopt a much more comprehensive plan than we have pursued during the last 50 or 75 years.

Do not forget, gentlemen, that the Mississippi River Commission has been in existence since 1869 or 1870. They have been going through this same process of asking appropriations for levees year after year, and yet have not overcome the difficulty. In fact, the floods are becoming worse rather than better. More than that, the pretext—because it was only a pretext—upon which we undertook to improve the Mississippi River at all was that it was for the purpose of improving the navigability of the stream. If it does not do that, it seems to me we really violate the Constitution when we appropriate money for any other purpose in connection with those rivers.

I am not, however, objecting to the appropriation of money that the Federal Government spends for the improvement of the navigability of the streams, for we should do that by all means; but my opinion, after talking with a great many students of the subject, particularly with Mr. Cooley, one of the greatest hydraulic engineers of the country, is that the building of levees only, instead of improving the navigability of the stream, destroys its navigability.

Why? For the simple reason that if you confine the river within a narrow channel, instead of permitting it to spread over a greater expanse of territory, it increases the damage you are trying to prevent by increasing the dynamic energy of the stream and causing it to destroy the banks.

The Mississippi River Commission years ago claimed that the building of levees would cause the river to scour out the bottom of the stream. It has done no such thing. The fact is that frequently they must continue to dredge the river. The fact is that instead of deepening the channel of the Mississippi River the bed of the river has been raised. The whole bed has not been raised, it is true, because there are deep holes in some places, but the bed has been raised generally and great sand bars have been created by the detritus which has come down the river.

Mr. HUMPHREYS of Mississippi. Mr. Cooley held, however, that if we revetted the banks, as we propose to do in this bill, we would improve the navigation of the river.

Mr. CROSSER. I want to say that I agree with him as to the matter of revetment, and if this bill did no more than to provide for the revetment of the banks of the Mississippi River, that would do much toward improving the navigability of the river. I agree heartily with him as to that.

Mr. HUMPHREYS of Mississippi. We provided for that purpose all that the engineers can spend, did we not?

Mr. CROSSER. I think not.

Mr. HUMPHREYS of Mississippi. That was the testimony.

Mr. CROSSER. That they could not spend more for revetment?

Mr. HUMPHREYS of Mississippi. The statement was that not more than from two to twelve millions could be judiciously expended in a year.

Mr. CROSSER. Why?

Mr. HUMPHREYS of Mississippi. Because it could not all be expended at one time; and another reason is that there is a necessary limitation on the amount of work that can be done.

Mr. CROSSER. Regardless of what the Mississippi River Commission thinks, does the gentleman think that we ought to wait until the banks cave in before we start with the work of revetment?

Mr. HUMPHREYS of Mississippi. No; but you could not undertake the revetment of the entire river. You should confine your attention only to those places where revetments are needed.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. SMITH of Michigan. I understand the gentleman is a member of the committee?

Mr. CROSSER. Yes.

Mr. SMITH of Michigan. And was up and down the river on that trip with the committee?

Mr. CROSSER. No; I was not with that party.

Mr. SMITH of Michigan. I saw a map that was brought in here with a picture on it, showing the volume of water from St. Louis to New Orleans, I think five or six hundred miles in length, as wide in some places as Lake Michigan. I understand that that flood was from 1 foot to 20 feet deep over an area of land 600 miles long and from 1 to 20 miles wide. I would like to know how high a bank would be necessary to contain that body of water.

Mr. CROSSER. I do not think you could build it high enough. The Mississippi River Commission has not been able to tell us how high we should build the levees in order to prevent their overflow.

Mr. SMITH of Michigan. How much of a reservoir would it take to hold that volume of water?

Mr. CROSSER. The gentleman from Michigan, I assume, wants me to say what should be done. I think it is perfectly clear to a man who will think for himself a little and disregard the Army engineer, who is quite as fallible as others, that you can not send all the waters of the United States down through a narrow channel without overflowing that channel. Therefore we must do something else. This great river is formed by the junction of other rivers, of tributaries. We should go to the headwaters of these tributaries and build a sufficient number of reservoirs. One will not do. It will take a great many reservoirs at the headwaters of this great system to store the waters. They have one in the district of the gentleman from Pennsylvania [Mr. BAILEY], which now controls a stream that ran riot and prior to the building of the reservoir did a great amount of damage; it is absolutely controlled by one reservoir. I do not claim that you could do that with any one of the tributaries of the Mississippi or the Ohio River. You must take each one of the rivers at its source and control it there, and if you control the tributaries you control the main river.

Now the only answer I have heard from these gentlemen who do not think as we do is that it would cost a great deal to construct these reservoirs. That is true, but how much better it would be to spend the additional money and accomplish something worth while than it would be to constantly fritter away millions without satisfactory results.

Mr. MEEKER. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. MEEKER. Is there any place in the world where a river of any size has been so controlled?

Mr. CROSSER. If the gentleman will read the report of the minority he will find where rivers in Austria, Russia, Germany, and Spain have been so controlled. They formerly built dykes or walls, but now they have adopted the reservoir plan.

Mr. GREEN of Iowa. Does not the gentleman think there ought to be some use made of the by-path system?

Mr. CROSSER. I think that is essential in some cases.

Mr. GARD. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. GARD. The gentleman is a member of the Flood Control Committee and I would like to have him advise me, since the bill has been mutilated by cutting out a part of section 3, what is left of the comprehensive flood control?

Mr. CROSSER. All that is provided for by the bill is the building of great walls or so-called levees on each side of the river so as to hold waters on top of the banks of the river and thus disintegrate the soil of the banks and cause it to fall into the stream and raise the bed of the river instead of deepening it and improving it. Let us spend the money in revetments, if we insist on confining our efforts to the lower part of the stream.

Mr. EMERSON. Will the gentleman explain his plan of the reservoir system?

Mr. CROSSER. I have only a little time, but will do so, briefly. The reservoir plan provides for impounding the waters in behind dams or diverting it into natural basins and thus holding back the excess waters of floods. The water which is thus stored may be fed out into the stream during the dry season to raise the level of the river, and may also be used for irrigation purposes and to produce water power. We could also do much to prevent floods by reforestation. This would retard the flow of water from the land into the streams.

Now they say that the Mississippi River Commission is unanimously for the levees-only plan. Of course, the Mississippi River Commission was in favor of the levee scheme. Anyone who knows the Army man knows how hard it is for him to change his mind. Army men are not usually men of initiative. That is not due to the fact that they are any less intelligent than others, nor is it because they are less industrious, but rather because the Army man has been in the habit of obeying orders and naturally worships men rather than ideas or things. If he knows what his superior's views may be, then he is not bothered about theories of his own. If his superior directs him to build levees, he does not concern himself as to the wisdom of such a plan for controlling floods. He proceeds to build levees.

But, gentlemen, is it necessary for us to have technical skill to observe the ordinary processes of nature? Do we not know that if all the water of a watershed is sent down into the river channel with ever-increasing velocity the result at some places is going to be disastrous?

If you will look at the minority report you will find that the same volume of water which passed Memphis in 1882 and reached a height of 35 feet, in 1912 made a height of 45.2 feet. Naturally, then, the increase of the water pressure, the tremendously increased dynamic energy of the stream would tend to destroy the banks of the river.

Mr. FESS. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. FESS. The gentleman's fear is that the plan proposed will not be effective but a waste of money?

Mr. CROSSER. That is it; I am not objecting to spending money if we get results.

Mr. FESS. It is the gentleman's judgment that the other plan, the reservoir system, would be effective but would cost more money?

Mr. CROSSER. It would cost a great deal more money.

Mr. FESS. Is there anything to be developed through the reservoir system?

Mr. CROSSER. Yes; we would develop four times the amount of water power that we now have.

Mr. FESS. And that would take care of the extra cost?

Mr. CROSSER. That would more than take care of the extra expense.

Mr. FESS. If you adopt the plan you propose the benefit would be distributed over the entire country?

Mr. CROSSER. That is the idea. If we should adopt the plan I suggest it would enable the people of the whole country to enjoy the benefits of water control. It would not only give relief to the people of the lower Mississippi Valley but would also benefit the people at the headwaters of these great rivers.

Oh, but the gentlemen who are urging the levee plan say that the plan suggested in this amendment will not prevent floods. Mr. Lyman E. Cooley, one of the ablest engineers in the United States, a man who has been connected with almost every important project in the country during the last 40 years, told me that if we could control the Ohio River system in the manner I have proposed, that that alone would prevent the majority of floods on the Mississippi River. If you can do that by controlling the Ohio River system alone, what could you do, gentlemen, if you should control the other tributaries of the Mississippi in like manner? We would then have a real flood control and at the same time provide revenue for the Government.

Mr. RICKETTS. Will the gentleman yield?

Mr. CROSSER. I will.

Mr. RICKETTS. Does the gentleman know the Government has already spent $29,000,000 on controlling the floods of the Mississippi since 1890?

Mr. CROSSER. The Government has spent $29,000,000 and more on the Mississippi River, and we are still very far from successfully controlling floods, and if the gentlemen will read the report of Humphreys-Abbott, of 1860, he will find that they said that about $17,000,000 would complete the project. We have spent twice $17,000,000; we propose here to spend $45,000,000 more, and if you read the minority report you will learn that Capt. West and other engineers of the commission say that it will require about $228,000,000 to complete the work.

Mr. RICKETTS. Will the gentleman yield for another question?

Mr. CROSSER. Yes.

Mr. RICKETTS. Does the gentleman know this Government has spent $190,000,000 in the improvement of that river already for which we have received——

Mr. CROSSER. I did not know that.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

Mr. CROSSER. I will yield.

Mr. CLARK of Missouri. Has anybody ever figured on the cost of controlling even the waters of the Ohio River; that is, by the reservoir system?

Mr. CROSSER. The Pittsburgh Flood Commission did figure the cost of controlling the two tributaries of the Ohio River, the Allegheny, and the Monongahela.

Mr. CLARK of Missouri. How much did they figure it would cost?

Mr. CROSSER. If the gentleman will give me the time I can ascertain the fact from the report of the Pittsburgh Flood Commission, which I have here. I think it is about $10,000,000.

Mr. HUMPHREYS of Mississippi. Their etimate was $21,000,000.

Mr. CLARK of Missouri. Why not try both of these projects at once?

Mr. CROSSER. This amendment does propose to try both at once.

Mr. CLARK of Missouri. Why did not somebody propose a bill that did propose it?

Mr. CROSSER. This bill I have offered does propose to do that.

Mr. CLARK of Missouri. What became of it?

Mr. CROSSER. It was ruled out of order just a moment ago. I think my amendment in the nature of a substitute is in order. My bill proposed a national waterways council composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of War, and the Secretary of Commerce, who should work together, correlate their plans, coordinate their efforts in such a way as not only to prevent damage to the lower Mississippi Valley but also benefit the people at the headwaters. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Ohio may proceed for five minutes.

Mr. FOSTER. Mr. Chairman, I object.

Mr. SABATH. Mr. Chairman, it seems to me the gentleman ought to have a little more time, he is thoroughly familiar with the subject and he ought to have five minutes more.

Mr. CROSSER. I have yielded up a lot of my time to questions that I did not anticipate.

Mr. HUMPHREYS of Mississippi. The time was fixed at 5.30 by unanimous consent and the other time has been allotted, and I will have to object.

The CHAIRMAN. Objection is heard.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to yield to a more distinguished member of the family than myself to use my time, the gentleman from Mississippi [Mr. HUMPHREYS], the chairman of the committee.

Mr. HUMPHREYS of Mississippi. I am very much obliged to the gentleman for yielding. In answering the question of the gentleman from Missouri as to why we did not do both things I will answer him by saying that we have done it. The engineers are at work now on the upper Ohio on a plan authorized in the rivers and harbors bill a year ago. The matter is being worked out in a thoroughly comprehensive way on the upper Ohio. Surveys have been ordered and the engineers are going to report—they say they will be ready to report this next summer on the questions of the upper Ohio.

Just after the flood of 1912, or maybe it was 1913, the President appointed a board of engineers known as the Ohio River Flood Board to investigate the flood problems on the Ohio River. Their report is contained in House Document No. 914, Sixty-third Congress, second session, and it treats very fully of the subject of control of the floods on the Ohio River. The following extract from that report will show how inaccurate it is to say that we are doing nothing to control the floods on the upper Ohio. After discussing the question at length the board sets out its conclusions and recommendations, and the following extract will show that they are treating the flood situation on the upper reaches of the Ohio in a thoroughly comprehensive way:

It therefore clearly appears that a great deal of work remains to be done. The work should be done progressively and systematically and a beginning should be made with the tributaries. The problem of the Ohio itself can not be adequately treated until some method of flood control has been adopted for the tributary streams. No further progress can be made without actual prosecution of work in the field, and the board recommends that this be undertaken as soon as possible. The following tentative program of operations is recommended.

The present work of collecting information and coordinating results should be continued in the Pittsburgh office. In addition to this at least one party in each of the districts (Pittsburgh, Wheeling, Cleveland, first Cincinnati, second Cincinnati, and Louisville) should be kept continuously employed in making investigations and drawing up a definite plan for each of the larger streams. For example, in the Pittsburgh district a beginning would be made with the Cheat River, for which almost complete information is believed to be available, and a definite plan worked out for the total prevention of floods, or, if this prove to be too expensive, for their control within reasonable limits. This being finished, the Tygarts Valley River would be taken up, measurements made in the field to supply such information as might be lacking, and a plan for this river also devised. In this way the larger tributaries of the Monongahela would be treated in succession. It would then probably be found that the problem of the Monongahela itself had been largely solved, and a complete system for this stream could be worked out. When work of a similar nature had been done for the Allegheny in turn, the problem of floods on the upper Ohio could be intelligently attacked. From our present knowledge we believe that two or three important streams could be treated in each district, or a total of 15 to 18 in all the districts, in each year, and the expense of procedure recommended would not be great.

Estimate: The preliminary estimate of cost for this work is as follows:

Cost of headquarters	$20,000
Cost of one party for each district, $10,000, six districts	60,000
	80,000

Following this recommendation the river and harbor bill last year carried authorizations for all these surveys and they are now being made.

Mr. GARD. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. I can not.

Mr. GARD. I would like for the gentleman to enlighten the committee——

Mr. HUMPHREYS of Mississippi. I would like to very much but I have but five minutes.

Mr. GARD. I thank the gentleman very much for his courtesy.

Mr. HUMPHREYS of Mississippi. Well, I yield to the gentleman.

Mr. GARD. With the bill as now changed and twisted about in section 3, can the gentleman point to any single proposition which makes for a comprehensive plan for flood control in this bill?

Mr. HUMPHREYS of Mississippi. I could answer if necessary. It is only necessary for anybody to read section 8——

Mr. GARD. That is very illuminating.

Mr. HUMPHREYS of Mississippi. The report is very illuminating. The report sets it forth in full. Now, as to this reservoir proposition. That theory is one which appeals to a man who first starts out in the kindergarten class on this subject. He first starts out with the reservoir system, but before he reaches the grammar school he abandons it.

Mr. CROSSER. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I can not yield. Anybody who studies it reaches the conclusion that there is nothing to it. The reservoirs above Pittsburgh, which are estimated to cost $21,000,000—but the Army engineers say they will cost a good deal more—contain 59,000,000,000 cubic feet of water. That is a good deal of water. Fifty-nine thousand million cubic feet. Now, that is at the headwaters. That will not be accumulated in a minute; that will not be scooped up out of the Ohio River at one fell swoop; it will accumulate during the weeks after the storms. Fifty-nine billion feet of water pass down the Mississippi River in seven hours in time of flood.

In other words, take what would flow down that river in 24 hours, assuming at the same rate, of course, it would cost $73,000,000 to build a reservoir to hold the flood waters that would go down the Mississippi River in 24 hours. A flood would last 48 days. Multiply that $73,000,000 by 48, and you will find how much it would cost to control this flood by reservoirs. The statement of Col. Townsend is that there is but one place to put a reservoir, if you are going to have one, and that is near Cairo, because the rainstorms are sometimes up the Ohio, sometimes up the Mississippi, and sometimes up the Missouri. You would have to excavate a reservoir as big as the State of New Jersey; you would have to excavate out of it enough dirt to build levees 150 feet high and 7,000 miles long. Now, that is the disadvantage of studying this reservoir question. [Laughter.] You find out so many disagreeable facts. Of course, I realize that when the facts do not agree with your theory it is all the worse for the facts. [Laughter.]

Mr. SMITH of Michigan. The banks will have to be that high under your bill.

Mr. HUMPHREYS of Mississippi. The banks are 100 feet above the bottom of the river now. The gentleman talks about the raise of 15 feet. The waters have to rise 40 feet before they get out of the banks. Now, there are but two ways to increase the capacity of the river.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield my time to the gentleman from Mississippi. [Applause.]

Mr. HUMPHREYS of Mississippi. I do not like to take the time of the gentleman from Wisconsin.

There are two ways to increase the capacity of the river to carry the water, and one is to dig it out deeper.

Mr. COOPER of Wisconsin. Will the gentleman permit? I would like if the gentleman would leave me a minute and a half.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the Chair kindly inform me when I have occupied three minutes and a half?

It is about 1,000 miles long. It cost about $300,000,000 to dig a canal down at Panama which is something like 40 miles long. It is estimated by Army engineers that a side canal, that this same kindergarten class frequently advocate to take the water, would cost two and a half billion dollars.

Now, there is another way to increase the carrying capacity of the river, and that is to set the levees back half a mile on each side from the banks, so that when the water rises the river will be a mile wider than it is and be 15 feet deeper than it is. With a mile wider and 15 feet deeper and 1,000 miles long, you would have the greatest reservoir that could be constructed, on a site that you already own, without any condemnation proceedings.

Gentlemen, we have studied this question from the beginning of the Government. Every time we get a report from the engineers some distinguished gentleman rises and says, "Let us appoint another commission and make another investigation. Do not take your Army engineers." Well, Congress created the Mississippi River Commission and put civilians on it, and then the civilians agreed with the Army engineers after all their years of study.

The proposition now is to turn that commission off and create another commission. There never was a reformer in the world who did not want to start out first by appointing a commission, and he is always followed by another reformer who wants to put that commission in jail. [Laughter.] We have appointed on the Mississippi River Commission engineers from the Army and from civil life and civilians who were not engineers. Benjamin Harrison, one of the former Presidents of the United States, served as a member, and Judge Taylor, of Indiana, than whom there is no greater man in this broad land of ours [applause]—a scholar and a statesman, and one of the ablest men who ever lived in this country—served 32 years on the commission. All of them agreed. No man can point to a single, solitary statement from any of those gentlemen that there is any other practical way to control the floods of the Mississippi River than to build levees on the banks and then revet those banks so that the levees will not cave into it.

This committee was charged with a great responsibility. We went to work. I had been at it for 13 years myself, had thought of nothing else, because I live only four blocks from the levees. When I was at Greenville a few weeks ago, the water stood on the levee outside 15 feet higher than my home. Do you think I would advocate a system that threatened ruin and destruction to my home and my children and my property? Does any man believe that I would get up here and advocate this unless I had what, in my opinion, was confirmation more strong than proofs of Holy Writ that this was the way to do it? [Applause.]

The minority report sets out a letter signed by the Secretaries of Interior, Agriculture, and Commerce, in which they give to the President their views as to the needed legislation for flood control. They conclude that letter as follows:

To summarize, we recommend—

1. That Congress declare its purpose to deal with our river problems in a comprehensive way, involving a large ultimate expenditure of funds and the immediate expenditure of considerable amounts, and the creation of machinery intimately related to the executive branch of the Government.

2. That the boards and the other parts of the machinery provided for shall be directed to continue the work on the lower Mississippi substantially under existing plans, and to proceed with the investigations and the elaboration of plans on other parts of the Mississippi River and other rivers of the Nation.

3. That all the available agencies of the Government shall be coordinated in this endeavor to improve and protect our rivers, to control floods, to utilize waters, and to reclaim valuable lands and make the necessary reports to Congress as bases for additional appropriations.

4. That the expenditures for this work should, in the main, be met by the sale of national bonds, and that the lands benefited should be made to bear a proportion of such expenses, agreements in this regard to be submitted to the Congress as part of the plan for development.

These Secretaries, together with the Secretary of War, had been requested by the President two years ago to consider the question of flood control and river regulation generally, and try to evolve some plan that would take care of the whole subject. Before the letter just referred to was written Secretary Garrison had left the Cabinet and did not join in these recommendations. On April 15, 1914, however, he did set forth his views in a report to this House, printed in Document No. 914, which contains the report of the Board of Engineers on Ohio River floods. The following extract gives his views, and in these views the Committee on Flood Control generally concurred:

The subject of flood protection and flood prevention is one of great national import, and it is imperative that steps be taken to ameliorate conditions in the most afflicted districts in the various parts of the United States without unnecessary delay.

The interests of navigation and of interstate commerce demand that the Federal Government seek a remedy and join with the local interests in applying it. Economical and efficient cooperation on the part of local interests is extremely difficult to attain unless the Federal Government lends its unifying and guiding power. By extension of the authority conveyed by sections 9 and 10, act of 1899, recommended above, the War Department would be empowered to pass upon plans evolved by various of the communities, with a view to insuring that they do not conflict with a general plan of flood protection for the entire district to the detriment of navigation and other interests; but it is my belief that the Federal Government should go further, and that to accomplish the best results it should undertake to prepare general plans of flood prevention and protection, to pass upon and coordinate plans prepared by the various communities, to arrange for a fair and proper distribution of the cost of execution of such plans, and the portion of the work to be accomplished by each of the interested parties. The portion of the expense of the undertaking which should be borne by the Federal Government should be the value of the protection rendered to navigation, to interstate commerce, and other Federal interests.

If this work be placed under the War Department on the same basis as the river and harbor work, with which it is intimately connected, it can be accomplished with no large initial expense. No new and expensive organization need be created. Each case requiring appropriation will be presented in an intelligent, concise, and concrete manner for the consideration by Congress, and with Congress will rest the decision as to which rivers shall be considered and the rate at which they shall be appropriated for.

While section 3 of the bill follows his suggestions very closely, it will be seen upon close examination that it differs very little from the recommendations as summarized in the letter of the three Secretaries.

No. 1 of their recommendations is:

1. That Congress declare its purpose to deal with our river problems in a comprehensive way, involving a large ultimate expenditure of funds and the immediate expenditure of considerable amounts, and

the creation of machinery intimately related to the executive branch of the Government.

In section 3 we create the machinery in the War Department, but we do not ask Congress to declare its purpose, because we are legislating now and not merely resolving.

No. 2 of their recommendations is:

2. That the boards and the other parts of the machinery provided for shall be directed to continue the work on the lower Mississippi substantially under existing plans, and to proceed with the investigations and the elaboration of plans on other parts of the Mississippi River and other rivers of the Nation.

This is complied with literally, except that we do not direct the Mississippi River Commission to investigate the other rivers of the Nation. We prefer that this be done in another way, and the machinery created, as suggested in their recommendation No. 1, will take care of that.

Their recommendation No. 3 is as follows:

3. That all the available agencies of the Government shall be coordinated in this endeavor to improve and protect our rivers, to control floods, to utilize waters, and to reclaim valuable lands, and make the necessary reports to Congress as bases for additional appropriations.

This is complied with literally.

Their recommendtaion No. 4 is as follows:

4. That the expenditures for this work should in the main be met by the sale of national bonds, and that the lands benefited should be made to bear a proportion of such expenses, agreements in this regard to be submitted to the Congress as part of the plan for development.

And, except for the sale of bonds, this recommendation is complied with fully.

For the reasons given by Mr. Garrison, as set forth in his letter, the committee felt that the work should be placed under one executive department, and that department should be the War Department.

In view of these facts, it can not be successfully maintained that the committee has failed to provide a thoroughly workable plan for a comprehensive study of the various watersheds of the country with a view to the proper control of their floods.

Mr. COOPER of Wisconsin. Mr. Chairman, in the brief time remaining I can say little more than that I intend to vote for this bill. In my judgment there is no "pork" whatever about it. On the contrary, I think it a meritorious measure which the facts show ought to be enacted into law. No man should permit mere indiscriminate use of epithets like the word "pork" to frighten him away from voting his honest convictions.

Objection has been urged here because this bill to construct levees and revetments to help control the great Mississippi River floods will also reclaim certain overflowed lands.

But if the appropriation were devoted exclusively in aid of navigation, it would also, at the same time, reclaim certain overflowed lands; and therefore gentlemen who oppose the bill because this appropriation for flood control will reclaim certain lands would be bound for the same reason to oppose the bill even though the appropriation were for purposes of navigation. Levees and revetments can not be constructed on the lower Mississippi River for purposes of flood control or of navigation, or for any other purpose, without also, at the same time, reclaiming certain lands.

A complete answer to an objection against a bill because some particular locality or enterprise or individual might be especially benefited, is found in a speech delivered in the House of Representatives on the 20th of June, 1848, by Abraham Lincoln. Mr. Lincoln criticized President Polk's veto of a river and harbor bill, and discussed at length this very question. I quote from page 17 of the majority report on the pending bill. Mr. Lincoln said:

"Now for the second portion of the message, namely, that the burden of improvements would be general, while their benefits would be local and partial—involving an obnoxious inequality. That there is some degree of truth in this position I shall not deny. No commercial object of Government patronage can be so exclusively general as to not be of some peculiar local advantage. * * * The Navy, then, is the most general in its benefits of all this class of objects; and yet even the Navy is of some peculiar advantage to Charleston, Baltimore, Philadelphia, New York, and Boston beyond what it is to the interior towns of Illinois. The next most general object I can think of would be improvements on the Mississippi River and its tributaries. They touch 13 of our States. * * *."

"Now, I suppose it will not be denied that these 13 States are a little more interested in improvements on that great river than are the remaining 17. These instances of the Navy and the Mississippi River show clearly that there is something of local advantage in the most general objects. But the converse is also true. Nothing is so local as to not be of some general benefit. * * * The just conclusion from all this is that if the Nation refuse to make improvements of the more general kind because their benefits may be somewhat local, a State may for the same reason refuse to make an improvement of a local kind because its benefits may be somewhat general. A State may well say to the Nation, 'If you will do nothing for me, I will do nothing for you.' Thus it is seen that if this argument of inequality is sufficient anywhere, it is sufficient everywhere and puts an end to improvements altogether. I hope and believe that if both the Nation and the States would in good faith, in their respective spheres, do what they could in the way of improvements, what of inequality might be produced in one place might be compensated in another, and the sum of the whole might not be very unequal. But suppose, after all, there should be some degree of inequality. Inequality is certainly never to be embraced for its own sake; but is every good thing to be discarded which may be inseparably connected with some degree of it? If so, we must discard all government."

This is not at all a party question. The Republican Party, the Democratic Party, and the Progressive Party each in its national platform promised in strong, unequivocal language that when there should be opportunity it would extend national aid to control the floods of the Mississippi River. Men of all parties should help to redeem that promise.

I desire to say a word concerning a matter perhaps a bit irrelevant, and yet after all interesting and, I think, germane. Gentlemen will remember that in the debate on the river and harbor bill we heard much about Prof. Moulton and his opinion, in effect that the inland waterways of France were really of no great importance to that country. Now, only a few days ago I read, as doubtless did also many Members, a dispatch from Paris, which appeared in a number of papers, telling of the completion and the opening, on the 8th of the present month, of a new canal in France. The French people, oppressed by an enormous burden of taxation, fighting in the greatest war of all history, have completed during the war a canal 48 miles long, connecting the river Rhone with the sea at the city of Marseille and costing $18,000,000. The canal accommodates 600-ton barges drawing 8 feet, and opens up the connection by way of the Rhone and the Saone, 330 miles inland, with the mainline waterways.

The French people did not think, as was attempted to be pointed out during that debate on the river and harbor bill, that they had made or were making any mistake in the development of their waterways and the canalization of rivers. They had not only expended more than $500,000,000 for such improvements before the war, but only recently, since the war began, as I have said, they have spent millions in completing another canal.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move that the committee rise and report the bill favorably to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CARAWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from Mississippi moves the previous question.

Mr. CROSSER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CROSSER. Is it the proper time now to offer a motion to recommit?

The SPEAKER. No. The time to do that is after the third reading.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CROSSER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Ohio [Mr. CROSSER] offers a motion to recommit with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. CROSSER moves to recommit the bill to the Committee on Flood Control with the instruction to amend the same by striking out all after the enacting clause and insert in lieu of the same the following, and the bill as amended be reported back to the House with the recommendation that it do pass: "That the sum of $50,000,000 is authorized to be set aside, appropriated, and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury, to be known as the 'river-regulation fund,' to be used to promote interstate commerce by the development and improvement of the rivers and waterways of the United States and their connections with the Great Lakes——

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I think it is clear that enough of the substitute has been read to show that it is subject to a point of order. The same substitute was offered in the committee.

The SPEAKER. The Chair is of opinion that sufficient has not yet been read. The Clerk will repeat what has been read.

The Clerk read as follows:

"That the sum of $50,000,000 is authorized to be set aside, appropriated, and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury, to be known as the 'river-regulation fund,' to be used to promote interstate commerce by the development and improvement of the rivers and waterways of the United States and their connections with the Great Lakes and with each other, and by the coordination of and cooperation between rail and water routes and transportation, and their maintenance, improvement, and protection, and by the making of examinations and surveys and by the construction of engineering and other works and projects for the regulation and control of the flow of rivers and their tributaries and source streams, and the standardization of such flow, and by the maintenance of navigable stages of water at all seasons of the year in the waterways of the United States, and by preventing silt and sedimentary material from being carried into and deposited in waterways, channels, and harbors, and by the conservation, development, and utilization of the water resources of the United States, and by flood prevention and protection, through the establishment, construction, and maintenance of natural and artificial reservoirs and detention basins for water storage and control, and levees, revetments and other bank protective works, spillways, wastewelrs, wasteways, by-passes, controlled outlets, and flood-control works of every nature and kind, and the protection of watersheds from denudation, erosion, and surface wash, and from forest fires, and the maintenance and extension of woodland and other protective cover thereon, and the reclamation of swamp and overflow lands and arid lands, and the building of drainage and irrigation works in order that the flow of rivers shall be regulated and controlled not only through the use of flood waters for irrigation on the upper tributaries but also through controlling them in fixed and established channels in the lower valleys and plains and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers, and by acquiring, by purchase, condemnation, or otherwise, holding, using, leasing, hiring, and transferring by appropriate deed lands and any other property that may be needed for the aforesaid purposes, or which it may be deemed advisable to dispose of, and by doing such other things as may be specified in this act or necessary to the accomplishment of the purposes thereof, and by securing the cooperation therein of States, municipalities, and other local agencies, as hereinafter set forth, and for the payment of all expenditures provided for in this act"——

Mr. GARRETT. Mr. Speaker, I renew the point of order made by the gentleman from Mississippi [Mr. HUMPHREYS]. I suggest that enough certainly has been read now to show that the matter is not germane. It involves irrigation projects and reclamation projects. It involves protection from forest fires. All of these things certainly are not germane to this bill. I have no objection to the matter being printed. I am making the point of order at this time in order to save time; that is all. I think it is clearly subject to a point of order.

Mr. CROSSER. Mr. Speaker, the mere fact that incidentally, perhaps, the control of water to prevent floods provides for the irrigation of arid lands as well as the reclamation of swamp lands does not, it seems to me, make this amendment subject to a point of order. It might easily be that we could control streams so as to prevent floods in such a way as to make it a blessing, while at the same time preventing floods.

Mr. STAFFORD. Mr. Speaker, just a word. The objection raised by the gentleman from Tennessee [Mr. GARRETT] that the provisions of this substitute refer to reclamation projects and the building of drainage and irrigation work is not well taken, as by the very phraseology of the bill those things are related to the control of flood waters. You can not read this language unless it is taken in connection with the control of flood waters of streams. The Speaker should take notice of the language—"the reclamation of swamps and overflow lands and arid lands, and the building of drainage and irrigation works in order that the flow of the rivers shall be regulated and controlled." So the stated purpose of the various systems in the amendment is that of flood control. The establishment of the different works is incidental to the main purpose of flood control. If the main purpose of the amendment is flood control, the establishment of the other projects are incidental and part of the main feature, and you can not say that it is not germane to the main principle of the bill, which has for its primary purpose flood control. So far as the Clerk has read, I respectfully contend that it gives every indication of a bill for the purpose of flood control by the establishment of incidental systems which have but one purpose, and that is the control of flood waters.

Mr. GARRETT. Mr. Speaker, the gentleman from Illinois [Mr. MANN], in discussing the point of order made against the amendment proposed by the gentleman from New York [Mr. BENNET], very happily pointed out that you might put the words "for the purpose of flood control" in offering an amendment proposing to erect a public building, but you could not thereby make that amendment in order. The Chair would be charged with knowledge of the fact that the erection of a public building would not control floods. The Chair held in accordance with the suggestion made by the gentleman from Illinois. I think that this matter is on all fours with that proposition, and I call the attention of the Chair to the fact that on page 2 of the substitute which is being read, line 22, it says: "and the protection of watersheds and denudation, erosion and surface wash and from forest fires, and the maintenance and extension of woodland and other protective cover thereon, and the reclamation of swamp and overflow land and arid lands and the building of drainage and irrigation works." All of these propositions are in here in an effort to bring them under the expression "flood control." The Chair is not expected to close his eyes to all reason and common sense in this matter. These suggestions contained in the amendment proposed by the gentleman from Ohio involve propositions that are in no way related to the question covered by this bill. This bill containing the substitute offered by the gentleman was referred to the Committee on Rivers and Harbors.

Mr. CROSSER. Mr. Speaker, the fact that these expenditures of money authorized in this amendment will also reclaim land which is now subject to overflow and perhaps provide water for irrigation purposes does not affect the germaneness of the amendment. If we are to store up water, must we either keep it there or let it go downstream again? If so, it might not be possible at all to adopt the reservoir system to control flood waters. If we can distribute it over arid lands we decrease the flow in the stream accordingly.

The illustration of the gentleman from Tennessee is not on all fours in point. The building of a post office out on the plains or in the middle of the Mississippi River would have nothing to do with flood control. But there is not a proposition contained in the amendment which does not pertain to the control of floods. Retarding water to make water power, using it on arid lands which will absorb the excess water, all tend to prevent floods, although at the same time serving a useful purpose. Yet all this is incident to flood control. We can not keep within the narrow lines of the pending bill in offering an amendment, for if we did, all that would be in order would be to move to amend by raising the banks 2 or 3 feet higher or lower. It seems to me the idea of flood control is broader than that, that we may control water by using it on arid lands, providing spillways, making fish ponds and lakes, and adopting other means for using up the waters and tending to prevent floods.

The SPEAKER. The Chair takes notice, judicial or otherwise, of the various theories that have been propounded in this country for flood control. It seems to the Chair that the remark made by the gentleman from Tennessee [Mr. GARRETT], as to the point made by the gentleman from Illinois [Mr. MANN], is not a parallel case at all.

A good many people claim that the whole flood trouble has been caused by cutting off the forests. Some claim that the reservoir system is the remedy. Some claim one thing and some another. The motion to recommit, offered by the gentleman from Ohio [Mr. CROSSER], as a substitute for the bill of the Committee on Flood Control, is devoted entirely, as far as it has been read, to what the author of it seems to think is flood control, and the Chair thinks so, too. The gentleman from Ohio [Mr. CROSSER] cut out of his instructions the portion which the chairman of the Committtee of the Whole [Mr. CARAWAY] held not to be germane, thereby making it germane. Consequently the point of order is overruled and the Clerk will complete the reading of the motion to recommit.

The Clerk completed the reading of the motion to recommit, as follows:

NATIONAL WATERWAYS COUNCIL.

SEC. 2. That a National Waterways Council, hereinafter called the council, is hereby created, consisting of the President of the United States as chairman, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the chairman of the Water Control Board, to be appointed as hereinafter provided.

The council shall have authority to direct and control all proceedings and operations and all things done or to be done under this act, and to establish all rules and regulations which may, in their judgment, be necessary to carry into effect such direction and control consistent with the provisions of this act and with existing law and with any provisions which Congress may from time to time enact.

All plans and estimates prepared by the Water Control Board, as hereinafter provided, which contemplate or provide for expenditures from the river regulation fund shall be submitted to the council for final approval before any of the expenditures therein provided for or contemplated are authorized or made or any construction work undertaken or contracts let under or in pursuance of such plans: *Provided*, That in case of an emergency the chairman of the Water Control Board shall have full power to act, and shall report in detail his action in every case to the council at its next meeting after his action.

WATER CONTROL BOARD.

SEC. 3. That to assist in carrying out the purposes aforesaid the council may utilize the various agencies of the Government, and there is hereby created a Water Control Board, hereinafter called the board, which shall consist of a chairman, to be appointed by the council, and four assistant secretaries, to be appointed as hereinafter provided, and such additional members as the council may from time to time appoint. The chairman of the board shall receive a salary of $12,000 per annum, each assistant secretary aforesaid shall receive a salary of $10,000 per annum, and said additional members of the board such salaries as the council may from time to time fix. Subject to the direction and control of the council as to general policy and procedure, it shall be the duty of the board to ascertain in detail the work in progress and obtain plans, recommendations, and estimates of the work contemplated in the general field of water conservation, control, and utilization by the various agencies of the Government, States, counties, municipalities, districts, communities, corporations, associations, and individuals, and on the basis of such information and the results obtained by its own surveys and investigations to prepare for the consideration of the council a general and comprehensive program of water and waterways conservation, regulation, development, and utilization, extending through a number of years, with comprehensive general plans for each watershed, treating the entire watershed of each river as a unit, and with specific projects, plans, estimates, and recommendations, involving independent work by the United States and the combining of resources and energies of the various public and private agencies aforesaid; to coordinate and bring into conference the various agencies of the Government; and to examine, compare, adjust, allot, assign, and supervise their work, to the end that duplication may be avoided and the highest efficiency obtained; by agreement to assign to the various cooperating agencies the work to be done by them within their respective spheres; to accept, on behalf of the United States, from such agencies contributions of money and property of any kind to be used for carrying out the purposes authorized by this act; to make field inspection of all work done or contemplated under this act by the Government and its cooperating agencies; and to employ such engineers, transportation experts, experts in water development, constructors, and other employees, and to construct such buildings and works as may be necessary for those purposes. The board is hereby authorized to expend from the sums herein provided such amounts as may be necessary for services of employees in the city of Washington, D. C., and elsewhere; to pay therefrom such sums as may be necessary for office accommodations in the city of Washington, D. C., and elsewhere, and to purchase such law books, books of reference, periodicals, engineering, statistical, and professional publications as may be needed. Contributions received under this section shall be used by the board, under the direction of the council, for carrying out the purposes of this act, and money so received shall be paid into the river-regulation fund herein created. Subject to the approval of the council, the board is authorized to enter into such contracts or carry on by hired labor or otherwise such work as may be necessary for carrying out the purposes of this act, within the limits of appropriations made or authorized by this act or appropriations or contributions which shall be hereafter made or authorized from time to time, or as may be necessary for executing projects under this act within the respective limits of cost thereof approved by the Congress, the funds for which shall have been provided by the Secretary of the Treasury in accordance with the authority conferred by this act. Subject to the approval of the council, the board may also employ the various agencies of the Government in carrying out such purposes or executing such projects.

COOPERATION WITH STATES AND OTHER AGENCIES.

SEC. 4. That the board shall, in all cases where possible and practicable, encourage, promote, and endeavor to secure the cooperation of States, municipalities, public and quasi public corporations, towns, counties, districts, communities, persons, and associations in the carrying out of the purposes and objects of this act, and in making the investigations and doing all coordinative and constructive work provided for herein; and it shall in each case endeavor to secure the financial cooperation of States and of such local authorities, agencies, and organizations to such extent and in such amounts as the council shall determine to be a just and equitable apportionment of work, costs, and benefits under all the circumstances in each case; and it shall negotiate and perfect arrangements and plans for the apportionment of work, cost, and benefits, according to the jurisdiction, powers, rights, and benefits of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and promote the general welfare, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States.

APPOINTMENT OF WATER-CONTROL BOARD.

SEC. 5. That each head of a department named in this act is authorized to appoint, with the approval of the council, for service as a member of the board, a highly qualified representative, who shall be an assistant secretary in the department in which he is appointed; shall devote his time primarily to the work authorized by this act; shall have, subject to the direction of the head of the department, such general supervision and control as may be necessary for the purposes of this act of the agencies within the department engaged upon such work; shall serve during good service and behavior; and shall be removable by the head of the department only for good cause.

RIVER-REGULATION FUND.

SEC. 6. That no sums shall be paid out of the river-regulation fund except on vouchers signed by the chairman of the board or by an official designated by him in writing, drawn on the Secretary of the Treasury. To provide for carrying out the projects formulated under this act, which involve expenditures in excess of the $50,000,000 herein appropriated to the river-regulation fund, the appropriation hereafter to the credit of said fund of such sums as may be necessary is hereby authorized. At any time that the Secretary of the Treasury shall determine it to be necessary or advisable, in order to provide all or any part of the appropriation made or authorized by this act or which may be hereafter made or authorized or to provide revenues to execute a project under this act, which shall have been approved by the Congress, he may issue and sell, or use as a means of borrowing money, bonds in the necessary amount, in accordance with the provisions of the act of August 5, 1909 (36 Stats. L., pp. 11 and 117), the act of February 4, 1910 (36 Stats. L., p. 192), and the act of March 2, 1911 (36 Stats. L., p. 1013). The sums appropriated or provided by the Secretary of the Treasury pursuant to this section shall be paid into the river-regulation fund and shall be available until expended and paid out as provided for in this act. All moneys received in connection with any operation under this act, as well as from the sales of materials utilized and any condemned property, shall be covered into the "river-regulation fund" and be available for expenditure therefrom. It is the intent and purpose of this act to authorize and empower the council and the board and their officers, agents, and employees to do all necessary acts and things in addition to those specially authorized in this act to accomplish the purposes and objects hereof.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question now is on the motion to recommit with instructions.

The question was being taken, when Mr. CROSSER demanded the yeas and nays.

The question of ordering the yeas and nays was taken.

The SPEAKER. Twenty-nine Members have arisen, not a sufficient number, and the yeas and nays are refused. The motion to recommit is lost. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. MADDEN) there were 180 ayes and 53 noes.

Mr. MADDEN. I demand the yeas and nays, Mr. Speaker.

The question of ordering the yeas and nays was taken.

The SPEAKER. Thirty-two gentlemen have arisen, not a sufficient number.

Mr. MADDEN. I demand the other side.

The SPEAKER. All of those opposed to taking the yeas and nays will rise. [After counting.] Two hundred and thirty-nine gentlemen have arisen, so that 32 is not enough, and the yeas and nays are refused.

So the bill was passed.

On motion of Mr. HUMPHREYS of Mississippi, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent that all gentlemen have leave to print within five legislative days.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that all gentlemen have leave to print within five legislative days. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman already has that permission.

Mr. McCRACKEN. Mr. Speaker, I have a resolution here on woman suffrage which I desire to have read from the Clerk's desk.

The SPEAKER. The gentleman from Idaho asks unanimous consent to have a petition read from the Clerk's desk. Is there objection?

Mr. MANN. I object at this time of night.

Mr. WM. ELZA WILLIAMS. Mr. Speaker, I ask leave to extend my remarks in the RECORD on the bill H. R. 8351, being the bill accepting title to the farm on which Abraham Lincoln was born.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with the death of a distinguished Hebrew writer of New York City, who died last week.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the life and character of an eminent Hebrew citizen of New York, who died last week. Is there objection? [After a pause.] The Chair hears none.

RURAL CREDITS.

Mr. GLASS. Mr. Speaker, I ask unanimous consent that the House agree to the conference asked for by the Senate on the rural credits bill (S. 2986).

The SPEAKER. The gentleman from Virginia asks unanimous consent that the House agree to the conference asked for by the Senate on the rural credits bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will announce the conferees.

The Clerk announced the conferees, as follows:

Mr. GLASS, Mr. PHELAN, Mr. MOSS of Indiana, Mr. HAYES, and Mr. PLATT.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OWEN, Mr. HOLLIS, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) entitled "An act to increase the efficiency of the Military Establishment of the United States."

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p. m.) the House adjourned to meet to-morrow, Thursday, May 18, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows.

1. A letter from the Secretary of Labor, transmitting a list of papers in the Department of Labor which have no permanent value or historical interest (H. Doc. No. 1135); to the Committee on the Disposition of Useless Executive Papers and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of inland waterway from Norfolk, Va., to Beaufort Inlet, N. C. (H. Doc. No. 1136); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HUGHES, from the Committee on Education, to which was referred the bill (H. R. 15462) to create a commission to be known as the Federal motion-picture commission, and defining its powers and duties, reported the same without amendment, accompanied by a report (No. 697), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KEATING, from the Committee on Labor, to which was referred the bill (H. R. 8665) to regulate the method of directing the work of Government employees, reported the same with amendments, accompanied by a report (No. 698), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9216) to amend sections 2, 3, 4, and 5 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, reported the same with amendment, accompanied by a report (No. 699), which said bill and report were referred to the House Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 15522) to establish a national park service, and for other purposes, reported the same without amendment, accompanied by a report (No. 700), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (S. 4398) for the refund of excess duties on steel blooms, reported the same without amendment, accompanied by a report (No. 701), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 11749) for the relief of the heirs of John M. Waples, reported the same with amendment, accompanied by a report (No. 702), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 3294) for the relief of Lena Schmieder, reported the same with amendment, accompanied by a report (No. 703), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 7427) for the relief of Martha Hazelwood, reported the same with amendment, accompanied by a report (No. 704), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 4559) for the relief of C. Horatio Scott, reported the same with amendment, accompanied by a report (No. 705), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 14952) for the relief of Mrs. John A. Fox, reported the same with amendment, accompanied by a report (No. 706), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 3388) for the relief of the estate of John Stewart, deceased, reported the same without amendment, accompanied by a report (No. 707), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 2208) for the relief of James L. Yokum, reported the same without amendment, accompanied by a report (No. 708), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 13496) for the relief of the Moeur-Pafford Co., reported the same without amendment, accompanied by a report (No. 709), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 14814) for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota, reported the same without amendment, accompanied by a report (No. 710), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3405) for the relief of the Maine Central Railroad, reported the same without amendment, accompanied by a report (No. 711), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 10857) for the relief of James Folmsbee, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. NEELY: A bill (H. R. 15730) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. RIORDAN: A bill (H. R. 15731) to adequately compensate commissioned officers of the United States Navy for length of service, and to grant to warrant officers allowances and privileges allowed other officers of the United States Navy; to the Committee on Naval Affairs.

By Mr. ALLEN: A bill (H. R. 15732) to provide for the exportation of gin in bond in other than original packages; to the Committee on Ways and Means.

By Mr. HAYDEN: A bill (H. R. 15733) to authorize the advancement of funds to survey, construct, and maintain roads, trails, and bridges within Indian reservations; to the Committee on Indian Affairs.

By Mr. GLASS: A bill (H. R. 15734) to authorize national banking associations to establish branches; to the Committee on Banking and Currency.

By Mr. HILL: A bill (H. R. 15735) providing for investment of deposits of savings-bank departments of national banks; to the Committee on Banking and Currency.

By Mr. MONTAGUE: A bill (H. R. 15736) to provide for aviation in the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. HADLEY: A bill (H. R. 15737) providing for the disposal of certain lands in block 69, in the city of Port Angeles, State of Washington; to the Committee on the Public Lands.

By Mr. RIORDAN: A bill (H. R. 15738) to amend section 1916 of the Compiled Statutes of the United States; to the Committee on Military Affairs.

By Mr. COX: Joint resolution (H. J. Res. 224) authorizing the Postmaster General to prepare and provide for a distinct postage stamp for the one hunderdth anniversary celebration of the State of Indiana; to the Committee on the Post Office and Post Roads.

By Mr. HULBERT: Resolution (H. Res. 238) and rule for the consideration of H. R. 14777; to the Committee on Rules.

By Mr. DYER: Resolution (H. Res. 239) for the consideration of resolutions relative to the treatment of Irish revolutionists by the British Government; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 15739) granting an increase of pension to J. P. Oakes; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 15740) for the relief of Joseph P. Weis; to the Committee on Military Affairs.

By Mr. CHIPERFIELD: A bill (H. R. 15741) to reimburse C. E. Sperry for one-half the loss sustained by the said C. E. Sperry upon stock improperly quarantined by the United States Government and the State of Illinois; to the Committee on Claims.

Also, a bill (H. R. 15742) to reimburse R. M. Logan for one-half the loss sustained by the said R. M. Logan upon stock improperly quarantined by the United States Government and the State of Illinois; to the Committee on Claims.

Also, a bill (H. R. 15743) to reimburse Frank Kirkpaterich for one-half the loss sustained by the said Frank Kirkpaterich upon stock improperly quarantined by the United States Government and the State of Illinois; to the Committee on Claims.

Also, a bill (H. R. 15744) to reimburse H. G. Sperry for one-half the loss sustained by the said H. G. Sperry upon stock improperly quarantined by the United States Government and the State of Illinois; to the Committee on Claims.

By Mr. DIXON: A bill (H. R. 15745) granting an increase of pension to August H. Knippenberg; to the Committee on Pensions.

Also, a bill (H. R. 15746) granting an increase of pension to Alexander Gudgel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15747) granting an increase of pension to Jesse E. Wells; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 15748) granting an increase of pension to Xaver Zachringer, alias John Ruh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15749) granting a pension to Adeline Wagner; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 15750) for the relief of Ona B. Deaton; to the Committee on the Public Lands.

By Mr. JAMES: A bill (H. R. 15751) granting a pension to Thomas Hosking; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 15752) granting an increase of pension to David Fveed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15753) granting an increase of pension to Sarah Irwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15754) granting an increase of pension to Margaretta Ream; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15755) granting an increase of pension to Annie Albright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15756) granting an increase of pension to Emma Wilhelm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15757) granting an increase of pension to Edward Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15758) granting an increase of pension to Catharine E. Marquart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15759) granting an increase of pension to Rebecca Odewalt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15760) granting an increase of pension to Eliza Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15761) granting an increase of pension to Mary M. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15762) granting an increase of pension to Annie Albright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15763) granting an increase of pension to Emma J. Poleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15764) granting an increase of pension to Francis R. Culp; to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 15765) granting an increase of pension to Narcissus New; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 15766) granting a pension to Alfred G. J. Petersen; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 15767) granting an increase of pension to Mary E. Murphy; to the Committee on Invalid Pensions.

By Mr. PARK: A bill (H. R. 15768) granting an increase of pension to Thomas N. Hopkins; to the Committee on Pensions.

By Mr. REILLY: A bill (H. R. 15769) for the relief of Christy Price; to the Committee on Naval Affairs.

By Mr. SLEMP: A bill (H. R. 15770) granting a pension to David Noe, Rural Retreat, Va.; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 15771) granting an increase of pension to Charles V. Petteys; to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 15772) granting an increase of pension to Horace Carter; to the Committee on Pensions.

Also, a bill (H. R. 15773) granting a pension to William M. Davis; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of women of Utah and citizens of Wymore, Nebr., relative to suffrage amendment; to the Committee on the Judiciary.

Also (by request), memorial of Anaconda (Mont.) Typographical Union, No. 255, favoring House bill 12287; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of the Daughters of the Utah Indian War Veterans, favoring the passage of the Susan B. Anthony amendment for woman suffrage; to the Committee on the Judiciary.

Also (by request), petition of citizens and voters of the State of California, favoring a report of the Susan B. Anthony amendment by the Committee on the Judiciary; to the Committee on the Judiciary.

Also (by request), petition of women voters of Yuma County, Ariz., favoring national enfranchisement of women; to the Committee on the Judiciary.

Also (by request), memorial of National Automobile Chamber of Commerce, against passage of the Tavenner bill relative to time studies in Government shops; to the Committee on Labor.

By Mr. ASHBROOK: Evidence to accompany House bill 15622, for the relief of Nathan Smith; to the Committee on Invalid Pensions.

By Mr. BAILEY: Memorial of Local Union No. 1468, United Mine Workers of America, favoring resolution for inspection of dairies; to the Committee on Agriculture.

Also, memorial of Automobile Dealers' Association of Pittsburgh, Pa., favoring tax on exportations of gasoline; to the Committee on Ways and Means.

By Mr. BUCHANAN of Texas: Petition of John C. Townes and 62 others, of Austin, Tex., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of H. F. Neumann, Elijah Taylor, and others, of Austin, Tex., against bill to close barber shops in District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. CAREW: Petition of New York Academy of Medicine, in re medical service in United States Army; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of women of Utah, Montana, and Nebraska, relative to suffrage amendment; to the Committee on the Judiciary.

Also, memorial of National Automobile Chamber of Commerce against passage of bill to prevent time studies in Government shops; to the Committee on Labor.

By Mr. DAVIS of Texas: Petition of Cattle Raisers' Association of Texas condemning the growing control of the cattle market by the big packers; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLING: Petition of Merchants' Association of New York in opposition to a Government hydroelectric plant for the production of nitrates and fertilizers; to the Committee on Military Affairs.

By Mr. ESCH: Papers to accompany House bill 15659, granting an increase of pension to James Livingstone; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the National Automobile Chamber of Commerce of New York City, protesting against House bill 8665 relative to the Taylor system of shop management; to the Committee on Labor.

Also, petition of members of Chicago (Ill.) Customs Club, favoring House bill 9054 for extended leave of absence of Government employees; to the Committee on Reform in the Civil Service.

By Mr. GALLIVAN: Memorial of the National Association of Cotton Manufacturers, favoring national defense; to the Committee on Military Affairs.

By Mr. GRAY of Indiana: Petition of Inez Funk and other members of the edelweiss class, Dublin, Ind., favoring the enactment of House bill 456, providing for the censorship of moving-picture films; to the Committee on Interstate and Foreign Commerce.

Also, petition of Della Faust, Noblesville, Ind., and 25 other citizens of said State, protesting against the enactment of Senate bill 645; to the Committee on the District of Columbia.

Also, petition of Mrs. R. P. Lindsay and other members of the Helen Hunt Club, Cambridge City, Ind., favoring the enactment of House bill 456, providing for the censorship of moving-picture films; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. F. Bradburn, Richmond, Ind., and 23 other laboring men of said city, favoring the enactment of House bill 8665 to prohibit the stop-watch system of employment; to the Committee on Labor.

By Mr. KENNEDY of Rhode Island: Petition of Arthur V. Weidelich and others, against exclusion of Red Cross supplies; to the Committee on Foreign Affairs.

By Mr. LAFEAN: Memorial of Merchants' Association of New York, opposing a Government hydroelectric plant for production of nitrates and fertilizers; to the Committee on Military Affairs.

Also, memorial of Second Convention of Mental Hygiene Societies of the United States, favoring bill to establish a division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of National Automobile Chamber of Commerce, objecting to the Tavenner bill, against the Taylor system; to the Committee on Labor.

Also, memorial of United Iron Workers of America, favoring House bill 137, relative to inspection of creameries and dairies; to the Committee on Agriculture.

Also, memorial of Southern Hardware Jobbers' Association, favoring bill for prevention of floods of the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. LOUD: Petition of Leon C. Wheeler and Methodist Episcopal Sunday School of Barryton and G. M. Bierly and Union Sunday School of Lake George, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of International Association of Machinists, favoring House bill 8665; to the Committee on Labor.

Also, petition of Board of Aldermen of New York City, favoring national military preparedness; to the Committee on Military Affairs.

Also, petition of Chamber of Commerce of the State of New York, opposing any method of agricultural banking requiring use of Government funds; to the Committee on Banking and Currency.

Also, petition of Brooklyn Quartette Club, favoring peaceful relations with foreign countries; to the Committee on Foreign Affairs.

Also, petition of Local Union No. 498, United Association of Plumbers and Steam Fitters, opposing reduction of wages of employees in Canal Zone; to the Committee on Interstate and Foreign Commerce.

By Mr. SANFORD: Papers to accompany House bill 15377, granting a pension to Christopher Dahlen; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: Papers to accompany House bill 15723, granting a pension to Sarah E. Simonton; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of Okke Kluins and 130 citizens of Kalamazoo, Mich., protesting against the passage of House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of A. M. L. Herenins, Centerville, R. I., favoring embargo resolution; to the Committee on Foreign Affairs.

By Mr. TILSON: Petition of Elmer E. Okeson and 40 others and Francis T. Bedworth and 28 others, all of New Haven, Conn., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of Robert Sutton and other citizens of Lucas County, Iowa, protesting against the enactment of House bill 652 or any similar compulsory Sunday-observance measure; to the Committee on the District of Columbia.

Also, petition of Robert Sutton and other citizens of Lucas County, Iowa, protesting against the enactment of House bill 6468 or any similar amendment to the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *May 18, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast so impressed Thyself upon all the laws of nature and upon all the processes of human thinking that no government has ever been founded that was not based upon its ultimate relation to Thee. Thou hast not separated Thyself from men. In the onward path of progress we need more and more Thy inspiration and guidance and blessing. We shall never be enabled to govern ourselves unless we are willing freely to submit ourselves to the divine government. We pray that to-day we may look up through the toil and care of the day's work in humble submission to the divine will and realize in personal experience that in the midst of the conflict of interest of this world there is a hand governing all, and that our safety and glory lie in submission to the guidance of the hand of God. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Tuesday, May 16, 1916, was read and approved.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gronna	Martine, N. J.	Smith, Ga.
Beckham	Hardwick	Myers	Smith, Mich.
Brady	Hitchcock	Newlands	Smith, S. C.
Brandegee	Johnson, Me.	Norris	Smoot
Catron	Johnson, S. Dak.	O'Gorman	Sterling
Chamberlain	Jones	Overman	Stone
Chilton	Kenyon	Page	Swanson
Clapp	Kern	Pittman	Thomas
Clarke, Ark.	Lane	Poindexter	Tillman
Culberson	Lea, Tenn.	Ransdell	Vardaman
Curtis	Lee, Md.	Reed	Wadsworth
Dillingham	Lippitt	Shafroth	Walsh
Fletcher	Lodge	Sheppard	Warren
Gallinger	McLean	Sherman	Williams
Gore	Martin, Va.	Simmons	

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

Mr. SMITH of Michigan. I wish to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of sickness in his family. I desire this announcement to stand for the day. On all record votes my colleague is paired with the Senator from Florida [Mr. BRYAN].

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Labor, transmitting, pursuant to law, a schedule of useless papers and papers without historical value in the Department of Labor and requesting action looking to their disposition. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from New Jersey [Mr. MARTINE] and the Senator from Washington [Mr. JONES] the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

LIST OF CASES (S. DOC. NO. 445).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting

a list of cases referred to the court by the United States Senate, which cases were dismissed by the court under section 5 of the act of March 4, 1915, commonly known as the Crawford amendment, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm morigage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GLASS, Mr. PHELAN, Mr. Moss of Indiana, Mr. HAYES, and Mr. PLATT managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 8068. An act for the relief of E. C. Hornor.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the Order of Railroad Conductors, of St. Louis, Mo., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a telegram, in the nature of a petition, from the National Society of the Sons of the American Revolution of Newark, N. J., praying for an increase in armament, which was ordered to lie on the table.

Mr. SHEPPARD presented a petition of sundry citizens of Thorndale, Tex., praying that Great Britain permit the shipment of condensed milk to Germany, which was referred to the Committee on Foreign Relations.

He also presented a petition of Manila Camp, No. 1, United Spanish War Veterans, National Military Home, Kansas, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of Manila Camp, No. 1, United Spanish War Veterans, National Military Home, Kansas, praying for the enactment of legislation to grant pensions to certain survivors of the Indian wars, which was ordered to lie on the table.

He also presented petitions of the Woman's Missionary Society of Riverdale, Md., praying for national prohibition and also for the prohibition of the exportation of intoxicating liquor to Africa, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey. I have received a great number of telegrams on the so-called blue-tag system of sending second-class matter by freight. I present four as a sample, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

NEW YORK, *May 17, 1916.*

Hon. JAMES E. MARTINE,
Senate, Washington, D. C.:

As publishers of automobile dealers and repairers, we wish to protest earnestly against the attempt of the Postmaster General to revive the old blue-tag system of sending second-class matter by freight. When tried some years ago it caused great trouble by delayed mails. We ask that this provision be stricken out of the Post Office appropriation bill.

MOTOR VEHICLE PUB. CO.

NEW YORK, *May 17, 1916.*

Hon. JAMES E. MARTINE,
Senate, Washington, D. C.:

We desire, as publishers of the Blacksmith and Wheelwright, to protest vigorously against the restoration of the blue-tag system of sending second-class mail by freight, as recommended by the Postmaster General. Previously when this system was tested it resulted in tedious delays and great disappointment to our subscribers.

M. T. RICHARDSON CO.

CHICAGO, *May 17, 1916.*

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

We vigorously urge the elimination of the blue-tag amendment to the Post Office appropriation bill, because the blue-tag system is an unjust discrimination against the publications so handled, because it restricts and impairs their influence and their usefulness to their readers, and because in so doing it works to the disadvantage and even to the substantial injury of some of our leading industries.

THE OFFICE APPLIANCE CO.

GRAND RAPIDS, MICH., *May 16, 1916.*

Hon. JAMES E. MARTINE,
Senate Post Office Committee:

When the Post Office Department is so organized that it is possible to determine the cost of handling second-class mail, we, as publishers, are willing to pay whatever may be the proper price for transporting second-class mail. We would much prefer to pay four, six, or even ten times the present pound rate and secure even greater efficiency in distribution rather than to suffer the reinfliction of the blue-tag system. Your efforts toward the elimination of that feature from the Post Office bill now pending will be appreciated.

PERIODICAL PUBLISHING CO.

Mr. GRONNA presented a memorial of sundry citizens of Paradise, N. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Mott, N. Dak., and a petition of the Commercial Club of Hettinger, N. Dak., praying that the difficulties between railroads and their employees be settled by arbitration, which were referred to the Committee on Interstate Commerce.

He also presented the memorial of Miss N. L. Miller, of Roland Park, Md., remonstrating against the action of Great Britain in prohibiting the Red Cross from sending supplies to Germany, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Michigan presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Local Union of Christian Endeavor of Grand Rapids, Mich., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of Orcutt Camp, No. 10, Sons of Veterans, of Kalamazoo, Mich., praying for an increase in armaments, which was ordered to lie on the table.

Mr. SMITH of Michigan (for Mr. TOWNSEND) presented petitions of sundry citizens of Ann Arbor, Mich., praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also (for Mr. TOWNSEND) presented a petition of the Michigan State Christian Endeavor Union, praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also (for Mr. TOWNSEND) presented a petition of the Michigan State Christian Endeavor Union, praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also (for Mr. TOWNSEND) presented a memorial of sundry citizens of Sebewaing, Mich., remonstrating against the action of Great Britain in prohibiting the sending of Red Cross supplies to Germany, which was referred to the Committee on Foreign Relations.

He also (for Mr. TOWNSEND) presented a petition of the Young People's Society of Christian Endeavor of the Presbyterian Church of Decatur, Mich., praying for prohibition in the island of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. WEEKS presented memorials of sundry citizens of Massachusetts, remonstrating against sectarian appropriations, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Massachusetts, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Somerville, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Socialist Party of Deerfield, Mass., praying for an investigation into the Mexican situation, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Bay State Automobile Association, of Massachusetts, praying for an investigation into the price of gasoline, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of South Hadley, Mass., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of Nelson A. Miles Camp, No. 36, United Spanish War Veterans, of Holyoke, Mass., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

Mr. WALSH presented petitions of sundry citizens of Great Falls, Mont., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. BRADY presented a petition of sundry citizens of Newport, Idaho, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TILLMAN presented a petition of the members of the missionary societies of the Methodist Episcopal Church of Dillon, S. C., praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Long Beach, Cal., praying for an increase in armaments, which was ordered to lie on the table.

Mr. WARREN presented a petition of the Lincoln County (Wyo.) Branch of the Congressional Union for Woman Suffrage, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. JONES presented a memorial of sundry citizens of Freeland, Wash., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented the petition of Prof. A. C. Barker, of Oakland, Cal., praying for Federal aid for vocational education, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Redlands, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of Fort Romie Grange, No. 358, Patrons of Husbandry, of Soledad, Cal., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Oakland, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. HUGHES presented a petition of sundry citizens of Leonia, N. J., praying for prohibition in the Hawaiian Islands, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Boonton, N. J., praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

FEDERAL TRADE COMMISSIONER W. J. HARRIS.

Mr. NEWLANDS. Mr. President, out of order there is a matter that I should like to call to the attention of the Senators from Georgia. I will ask the Secretary to read from the Washington Post of May 17 the part marked in the last column.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

W. J. HARRIS A POWER, HE SAYS.

"William J. Harris, of the Federal Trade Commission, is the dominant power now in Georgia politics," said Crawford Wheatley, of Americus, Ga., one of the delegates at large from Georgia to the Democratic national convention, at the New Willard, yesterday.

"At the recent State convention in Macon," continued Mr. Wheatley, "the name of Mr. Harris, who was on the ground to look after the administration's interests, elicited almost as much applause as that of the President. He was the only person asked to address the convention, although both Senator THOMAS W. HARDWICK and Gov. Nat Harris were present. As a further mark of confidence the slate of delegates to the national convention which he approved was elected. Mr. Harris and the President were both indorsed by the convention."

Mr. NEWLANDS. Mr. President, I caused this clipping from the newspaper to be read without consultation with the Senator from Georgia, for the reason that, if true, I wish to call public attention to the impropriety of a member of the Federal Trade Commission attending and attempting to influence a political convention, and also for the reason that if it is untrue I desire as much publicity for the denial as the newspaper article itself received.

Mr. HARDWICK. Mr. President——

Mr. NEWLANDS. I wish to state, if the Senator will hear me through——

Mr. HARDWICK. I would like to have the Senator yield to me as soon as he can.

Mr. NEWLANDS. I will yield in a moment to the Senator. Mr. President, I will state that for seven or eight years I urged in this body the organization of a trade commission, believing that the Government could through some form of organization be a corrector of bad business practices and a friendly guide to business rather than a relentless prosecutor, believing that in the main the business men of the country wish to work in harmony with its laws, and that a trade commission through its instructive and corrective powers would be beneficial to the business, the well-intentioned and honest business of the country.

That Trade Commission was finally authorized and organized as an nonpartisan commission, and the only way of making a nonpartisan commission under our form of Government is to make a bipartisan commission. So it was provided in the act which finally passed that the Trade Commission should consist of five members, of whom no more than three should belong to one political party.

Mr. President, I regard these great public utility commissions for public regulation as quasi judicial in character. The confidence of the country depends upon the maintenance of that quasi judicial character, and although the members of that commission are not to be denied their political convictions or their expression, manifestly every sense of propriety requires that they should not be active in political organizations and conventions.

Mr. GALLINGER. Will the Senator——

Mr. NEWLANDS. Will the Senator permit me to proceed with my statement before I yield for an interruption?

Mr. KENYON. Mr. President, I should like to inquire under what authority——

Mr. NEWLANDS. Mr. President——

Mr. KENYON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa rises to a parliamentary inquiry which is his privilege. He will state it.

Mr. KENYON. Has there been any unanimous consent given for the Senator from Nevada to proceed? If not, I object, and ask for the regular order.

Mr. SMITH of Michigan. There ought to be unanimous consent given to make such a statement.

Mr. NEWLANDS. I move that I be allowed to proceed.

Mr. KENYON. Mr. President, I ask for the regular order.

Mr. NEWLANDS. I understand that I have practically unanimous consent, because I was given the floor and announced that out of order I proposed——

Mr. WILLIAMS. Unanimous consent was never requested, and the question has not been submitted to the Senate.

Mr. KENYON. If the Senator from Nevada says he asked for unanimous consent and it was granted, I withdraw my demand for the regular order.

Mr. NEWLANDS. I did not ask for unanimous consent; but I stated, my recollection is, that I wished to present this matter out of order.

Mr. TILLMAN. The Senator has a right to do it.

Mr. NEWLANDS. I am not sure about the exact language I used.

Mr. SMITH of Michigan. It is very interesting, and I hope the Senator will proceed.

Mr. NEWLANDS. Mr. President, it is hard for me to believe that Mr. Harris, whom I know and whom I respect, had this participation in the formation and development of a political organization or convention in the State of Georgia such as this newspaper refers to. I hope that the Senators from Georgia——

Mr. HARDWICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. I will yield in a moment. I hope that the Senators from Georgia will be able to deny this statement, and I would be glad if they do, but I think a great public service will be done even though the incorrectness of this newspaper statement be established by calling public attention and the attention of the members of these various commissions to the fact that their active participation in politics is not expected by the Congress of the United States which created them; that they are the servants of Congress in the regulation of commerce; that they are as much taken out of political activity as are the courts themselves; and that it is an impropriety for them to indulge in political activity. I now yield to the Senator from Georgia.

Mr. HARDWICK. Mr. President, since the Senator from Nevada has had the newspaper article in question read from the desk and therefore brought it to the attention of the Senate, I think, in justice to Mr. Harris, I ought to say that, in my judgment—and I was present at the convention referred to—the statements in this article are in the main inaccurate and incorrect.

It is true that Mr. Harris was in attendance on the State Democratic convention of Georgia. He was there, according to my understanding—I think I am right about that—as a delegate from his own county, under appointment of the chairman of the county executive committee of that county. If Mr. Harris had anything whatever to do with the selection of the

delegation more than a hundred other leading Democrats from almost as many Georgia counties had, I am not advised of that fact. I know that to a large extent the article misstates the facts.

I think I can say for the information of the Senator from Nevada and of the Senate—and it may throw some light on this transaction—that this convention was a very harmonious affair. There was no conflict in it between Mr. Harris and the Senators from Georgia or anybody else. Every one of the delegates selected by the convention was elected unanimously, and the platform which they adopted was satisfactory to everybody and went through without a dissenting vote. I do not believe that Mr. Harris had anything whatever to do with the selection of delegates, except that he may have agreed with many other gentlemen that the gentlemen selected as delegates were satisfactory. He was not invited to address the convention. The chairman of the convention—and I do not think there was any impropriety in it—made some complimentary reference to the appointment of Mr. Harris by the President. It was well received by the delegates, and some man, I think, called on Mr. Harris for a speech. Mr. Harris, with a great deal of propriety, I thought, did not speak.

Nor was it true—and I will say this purely out of justice to the governor of Georgia and myself, for a Georgia Democratic convention is never discourteous to Democratic officials—that we were not invited to address the convention. Both the governor and myself, on account of the lateness of the hour when the work of the convention was done, sent word by a committee that came to see us that we preferred not to address the convention. We were more inclined to attend to business and to let the delegation get home than to deliver speeches. In that respect we may have differed from some other bodies of which I can think.

What I want to say to the Senator—possibly to reassure him to some extent—is that I think the participation of Mr. Harris in this convention or his political activities in it are very much exaggerated by some gentlemen who merely intended to pay him a graceful compliment. The criticism is based more upon that than upon anything, I think, that actually occurred.

Of course the Senator might question—although I do not know that he ought to do so—the propriety of a man holding an office of this character becoming a delegate or going as a delegate to a convention, or attending one. Personally I can not say that I can see any impropriety in it. We do not cease to be Democrats or Republicans because we hold office here. There is no need to have any pretense about that. You are not going to get many nonpartisan officers, either Democrats or Republicans. There was nothing in the conduct of Mr. Harris that was officious or which was offensive to the Senators from Georgia, or, so far as I know, to any Georgia Democrat. The convention was harmonious in every way and there was no fight in it, factional or otherwise, for anybody to participate in.

Mr. REED. Mr. President, I should like to ask the Senator from Georgia if he thinks there is any greater crime against propriety for a member of the Federal Trade Commission to be a delegate to a State convention than it is for a Justice of the Supreme Court to be a candidate for President of the United States?

Mr. HARDWICK. Well, the Senator from Missouri will have to decide that question for himself, and so will everybody else. I do not want to commit myself, however, by my answer to the proposition that any such condition as that exists. I do not know whether or not it does.

Mr. KERN. I call for the regular order, Mr. President.

Mr. NEWLANDS. If the Senator will permit me to say a word——

Mr. HARDWICK. I wish only to say one word more, if the Senator will pardon me, and then I will yield to any other Senator. I think this has gone far enough. I think the whole thing has been exaggerated. I think it is merely an attempt of a friend, who probably lacked exactly good judgment in the matter, to pay a compliment to a friend; and I do not believe, from my personal knowledge of the conduct of Mr. Harris at the time, that Mr. Harris was guilty of any undue political activity or of any undue interference with its proceedings, unless the bare fact that he was a delegate to that convention or attended it may be considered as such. I certainly do not so apprise his conduct.

Mr. NEWLANDS. I will state to the Senator from Georgia that I am very glad to hear that the activities of this member of the Federal Trade Commission were not so great as are indicated by this newspaper item. I quite differ with him, however, as to the propriety of a member of any of these regulating commissions, whose functions are quasi judicial, participating in political conventions and in political management; and so far as I am concerned, whilst I am glad to know that the offense is minimized, I feel that it still exists, and I shall regard it as my duty to bring the matter before the Interstate Commerce Committee, with a view to investigating the extent to which this practice is indulged.

Mr. GALLINGER. Mr. President——

Mr. KERN. I insist on the regular order, Mr. President.

Mr. GALLINGER. Mr. President, I am interested in what the Senator from Nevada [Mr. NEWLANDS] has said about this commissioner. If this member offended, what does the Senator think of a member of that commission coming to the Senate and using his influence to control legislation?

Mr. KENYON. Regular order!

The VICE PRESIDENT. Reports of committees are now in order.

REPORTS OF COMMITTEES.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 6047) to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," reported it without amendment.

Mr. BANKHEAD. I am directed by the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, to report it with amendments and I submit a report (No. 459) thereon. I desire to give notice that upon the conclusion of the river and harbor bill I shall ask the Senate to take up this bill for consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 4866) for the relief of Julia R. Goodloe, reported it without amendment and submitted a report (No. 451) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 782. A bill granting additional rights to settlers on reclamation projects (Rept. No. 456);

S. 5379. A bill validating certain homestead entries (Rept. No. 457); and

S. 5615. A bill granting certain lands to the Board of Park Commissioners of the State of Washington for park purposes (Rept. No. 458).

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 778. A bill to amend an act entitled "An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes," approved May 11, 1910 (Rept. No. 452);

S. 790. A bill to repeal an act entitled "An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes" (Rept. No. 453);

S. 5082. A bill adding certain lands to the Missoula National Forest, Mont. (Rept. No. 454); and

S. 5772. A bill to provide for the sinking of artesian wells, and for other purposes (Rept. No. 455).

REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. From the Committee on Immigration I report back additional committee amendments to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, and ask that they be printed.

I also ask unanimous consent that a reprint of the bill be made incorporating these amendments.

The VICE PRESIDENT. Without objection, it is so ordered.

PERDIDO BAY BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 5841) to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla., and I submit a report (No. 450) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STANDARDIZATION OF LIME BARRELS.

Mr. CLAPP. From the Committee on Standards, Weights, and Measures I report back favorably with an amendment the bill (S. 5425) to standardize lime barrels, and I ask unanimous consent for its immediate consideration. I will explain the bill, if any Senator desires that I shall do so.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Let the bill be first read, Mr. President.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill as follows:

Be it enacted, etc., That there is hereby established a large and a small barrel of lime, the large barrel to consist of 280 pounds and the small barrel to consist of 180 pounds, net weight.

SEC. 2. That when lime is sold in barrels the words "large barrel, 280 pounds" or "small barrel, 180 pounds" shall be stenciled or otherwise clearly and permanently marked upon one or both heads, and in addition the name of the manufacturer of the lime and the name of the brand, if any, under which it is sold: *Provided, however*, That when a jobber or local dealer in lime sells lime in quantities of more than one barrel and delivers it in barrels which are not headed and are used merely as containers, then nothing in this act shall be deemed to require that the barrels be marked as provided in this section or that each individual barrel contain either of the standard weights established in section 1, but he shall nevertheless deliver a total weight equivalent to the total weight of the number of large or small barrels represented, sold, or charged for by him or purported to be delivered by him pursuant to an order.

SEC. 3. That rules and regulations for the enforcement of this act not inconsistent with the provisions of the act shall be made by the Director of the Bureau of Standards and approved by the Secretary of Commerce, and that such rules and regulations shall include reasonable variations or tolerances which may be allowed.

SEC. 4. That it shall be unlawful to pack or to sell, offer, or expose for sale any other barrels of lime than those established in section 1; or to pack or to sell, offer, or expose for sale any barrels of lime which are not marked as provided in section 2; or to represent, sell, charge for, or purport to deliver as a large or small barrel of lime any less weight of lime than is established in section 1 for a large or a small barrel, respectively; and any person guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine not to exceed $500, or imprisonment not to exceed six months, in the court of the United States having jurisdiction.

SEC. 5. That prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the several States or Territories, respectively, relating to weights and measures.

SEC. 6. That this act shall be in force and effect from and after the 1st day of July, 19—.

Mr. GALLINGER. I should like to ask the Senator from Minnesota if there is a report accompanying the bill?

Mr. CLAPP. Mr. President, I will make a very brief statement concerning it. Within a couple of years, I think, we passed a bill to standardize barrels. That bill was designed primarily for the standardization of barrels used in the fruit trade. A department of the Government—I think, the Treasury Department—has held that it applies to lime. In the lime industry the barrels vary in size from about 150 pounds to 200 pounds and upward, the consumer having no means of knowing what he is getting. Unquestionably lime barrels should be standardized.

The bill to which I have referred, and which has already been passed, goes into effect on the 1st of July, and will penalize the lime people unless they adjust their barrels to the standard fixed, which is not anywhere near the lime standard. So it is desirable, if it can be done, in addition to standardizing the lime barrel, to pass this bill before the 1st of July, that the lime manufacturers and dealers may be relieved of the penal provisions of the other bill, and to give them time to adjust themselves I have added an amendment, which will be read shortly, and which provides that the penal provisions of this bill shall not go into effect until the 1st of next January.

Mr. GALLINGER. Mr. President, if the Senator will permit me, does the other bill, which covers the matter of fruit barrels, cover also barrels for every other product except lime?

Mr. CLAPP. It has been held by the department to cover barrels for all dry products. I have no doubt that experience will show later that there are containers for other commodities which must also be standardized. Of course customs have grown up in connection with different commodities, and in some industries a barrel is used which is not at all in harmony with barrels used in other industries; and yet every lime manufacturer will be penalized on the 1st of July unless he conforms to the standard which has been fixed in the law already passed, which standard, of course, would have to be abandoned immediately upon the passage of legislation similar to that now proposed designed to adjust a standard for the lime business.

Mr. GALLINGER. Mr. President, if the Senator will permit me, it occurs to me that there must be many other commodities which will come under the provisions of the law already passed and which will have to be taken care of in some way; but if the Senator thinks this bill important, I shall not object to its consideration.

Mr. CLAPP. I do think this bill important in view of the position the lime manufacturers and dealers will be placed in under the clause of the other bill, unless this bill is passed before the 1st of July.

Mr. GALLINGER. I shall not object.

Mr. SIMMONS. Mr. President, I should like to inquire of the Senator from Minnesota whether there is any provision in this bill limiting its operation to lime sold in interstate commerce? I do not recall hearing any provision of that kind as the bill was read.

Mr. CLAPP. It is not designed to apply, and it can not apply, to the commodity except when sold in interstate commerce.

Mr. LODGE. Mr. President, of course there is no limitation confining it to interstate commerce, for we have the explicit constitutional power to establish standards of weights and measures.

Mr. CLAPP. The Senator is correct.

Mr. JONES. Mr. President, I should like to state to the Senator that we have some extensive lime manufactures in the State of Washington. I have not heard a single word from those interested in that State urging any legislation of this kind or referring to it in any way, shape, or form. I do not feel like letting this bill pass without an opportunity to inquire of them as to whether they know anything about it.

I find that the methods of doing business in a good many ways are different on the western coast from what they are on the Atlantic coast, and sometimes legislation is passed especially suitable to carrying on business in the East that is quite an injury to the people on the Pacific coast.

Mr. CLAPP. Mr. President, the reason why the Senator has probably not heard from his constituents on this subject is that this legislation has been asked for by the National Association of Lime Dealers and has their approval. It came to me through the Bureau of Standards, Weights, and Measures.

Mr. JONES. I do not believe that a delay of a day or two will affect this matter, and I shall have to ask that the bill go over until I can telegraph to those interested in my State.

Mr. CLAPP. Then, I ask unanimous consent that the bill may be recommitted to the committee.

Mr. JONES. I suggest that the Senator withdraw the report. Then he can resubmit it.

Mr. CLAPP. I will have to ask unanimous consent to withdraw it. I ask unanimous consent that the bill be recommitted to the committee.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 6054) to amend an act entitled "An act relating to the liability of common carriers by railroads to their employees in certain cases," approved April 22, 1908; to the Committee on Interstate Commerce.

By Mr. CURTIS:

A bill (S. 6055) to amend section 2 of the act approved April 19, 1908, being an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War; to the Committee on Pensions.

A bill (S. 6056) providing for a budget; to the Committee on Appropriations.

By Mr. LEA of Tennessee:

A bill (S. 6057) granting a pension to John H. McTeer; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 6058) to reappoint Henry Harrison Hall a second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. WEEKS:

A bill (S. 6059) to further amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

A bill (S. 6060) granting an increase of pension to Charles Asa Clark (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6061) granting an increase of pension to William H. Waltman (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6062) granting a pension to Mary E. Roberts (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 6063) authorizing the Secretary of War to prescribe rules and regulations regulating the use of storage reservoirs on navigable waters of the United States to prevent their endangering or impairing navigation; to the Committee on Commerce.

By Mr. SMITH of Michigan (for Mr. TOWNSEND):

A bill (S. 6064) granting an increase of pension to Louis A. Allor (with accompanying papers); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 6065) granting an increase of pension to Nelson L. Barber; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6066) granting an increase of pension to James H. Colby; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6067) for the erection of a monument to the memory of Maj. Walter Reed, Surgs. James Carroll, Jesse W. Lazear, and Aristides Agramonte; to the Committee on the Library.

By Mr. O'GORMAN:

A bill (S. 6069) granting a pension to John C. Rowland; to the Committee on Pensions.

By Mr. NELSON:

A joint resolution (S. J. Res. 132) to authorize the President to appoint a commission to cooperate with the American-Norwegian Chamber of Commerce in promoting commercial relations of the United States with Norway; to the Committee on Commerce.

INTERNATIONAL PEACE TRIBUNAL.

Mr. SHAFROTH. I desire to introduce a joint resolution and ask that it be referred to the appropriate committee. As it is short, I will ask that it be read.

The joint resolution (S. J. Res. 131) proposing an amendment to the Constitution of the United States, authorizing the creation, with other nations, of an international peace-enforcing tribunal or tribunals for the determination of all international disputes, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the following amendment to the Constitution of the United States be proposed to the several States of the Union with recommendation that they adopt the same by vote of their respective legislatures:

"PROPOSED AMENDMENT.

"The President is authorized to negotiate, and after ratification by two-thirds of both Houses of Congress, to sign a treaty or treaties with all or a part of the other sovereign nations of the world, engaging the United States to submit for final determination all its international disputes threatening war, to an international tribunal or tribunals, and also engaging the United States to assist in supplying funds for the support of said tribunal or tribunals and of any international civil and military establishment to be controlled by an international authority that may be required by the treaty or treaties as a sanction for the execution of the decrees and the fulfillment of the demands of the said international organisms when such decrees or demands are made in conformity with the agreements instituting said organisms, and engaging the United States to recognize the authority of said international organisms (or one or more of them) to make final interpretation of the powers conferred upon them."

Mr. THOMAS. Mr. President, I venture to suggest that that constitutional amendment has a very good chance for passage, because it seems to carry an appropriation with it.

Mr. SHAFROTH. I will state that it is a fine constitutional amendment, and I hope it will be adopted.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WADSWORTH submitted an amendment authorizing the Postmaster General to grant to any employee in the Railway Mail Service in first and second class post offices or in the City Free Delivery Service not to exceed two weeks sick leave in any one year with pay, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. BRADY submitted an amendment proposing to increase the appropriation for study of methods of clearing off "logged-off" lands with a view to their utilization for agricultural and dairying purposes from $5,000 to $15,000, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. SHERMAN submitted an amendment providing in the eradication of the foot-and-mouth and other contagious diseases of animals for the payment of any losses and expenses sustained or incurred by the owner or owners of any animal or animals destroyed in the arrest or eradication of any of such diseases, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

STEAMBOAT-INSPECTION SERVICE.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the bill (H. R. 449) to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10, which was ordered to lie on the table and be printed.

FLOOD CONTROL.

Mr. NEWLANDS. Mr. President, I should like to inquire whether the so-called Humphreys bill (H. R. 14777), providing for flood control, which passed in the House of Representatives yesterday, has come to the Senate?

The VICE PRESIDENT. The bill has not been received by the Senate.

Mr. NEWLANDS. I wish to make a statement regarding that bill. There will be a motion made, when the bill comes to the Senate, to refer it to the Committee on Interstate Commerce; and the understanding between the chairman of the Committee on Commerce and myself is that the question of reference will not be disposed of before next Monday.

Mr. CLARKE of Arkansas. I would not like to say that, Mr. President. It will not be disposed of until further conference with the Senator from Nevada. If we have an opportunity to consider it at an earlier period, I shall be glad to do so.

Mr. NEWLANDS. That will be satisfactory. I wish to state in that connection, as many Members understood——

Mr. KENYON. I ask for the regular order.

The VICE PRESIDENT. The Senator from Iowa is asking for the regular order. Are there further bills or joint resolutions? If not, concurrent and other resolutions are in order.

CHARLES L. FREER.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. The Senator from Iowa.

Mr. STONE. Mr. President——

Mr. KENYON. I have been recognized.

Mr. STONE. I have a bill I desire to introduce.

The VICE PRESIDENT. We have passed the order of the introduction of bills, but the Chair will recur to that order.

Mr. STONE. The Secretary is standing in such a position with reference to mine and that of the Vice President that I did not hear——

Mr. KENYON. Mr. President, I have been recognized by the Chair.

Mr. STONE. Mr. President, I desire to introduce a bill, and I have been waiting for the Chair to get to a point where I could do so.

Mr. KENYON. I am willing to yield for that purpose, of course.

Mr. STONE. I ask the Chair whether it is necessary for the Senator from Iowa to yield.

The VICE PRESIDENT. The Chair, of course, had passed the order of introduction of bills and joint resolutions and was down to about the close of the morning hour, and recognized the Senator from Iowa; but the Chair can see no reason why the Senator from Iowa will not yield for the purpose of allowing the Senator from Missouri to introduce a bill.

Mr. KENYON. Certainly.

Mr. STONE. I offer the bill which I send to the desk.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The bill (S. 6068) authorizing and directing the Secretary of the Treasury to cancel and remit a certain income tax assessed against Charles L. Freer, of Detroit, Mich., was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. STONE. Mr. President, in connection with that bill, I desire to have printed in the RECORD, without reading, in order that the matter may be conveniently preserved for use by the Committee on Finance, to which this bill has been referred, and for the information of the Senate, a letter to me from Dr. Charles D. Walcott, Secretary of the Board of Regents of the Smithsonian Institution. I should have liked to have had inserted in the RECORD certain other correspondence sent to me

from Dr. Walcott, which accompanied a note from him to me, which for some reason he has marked "personal," and therefore I do not ask to have it inserted in the RECORD; but I will ask to have these papers referred, with the bill, to the Committee on Finance.

The VICE PRESIDENT. That will be done.

Mr. STONE. The letter I now send to the desk I ask to have printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The letter referred to is as follows:

SMITHSONIAN INSTITUTION,
Washington, May 17, 1916.

DEAR SENATOR: In response to your verbal request, I have the honor to submit herewith the following information relative to the cancellation of the assessment of the income tax which Mr. Charles L. Freer is called upon to pay on profits derived from the sale of certain capital stock of Parke, Davis & Co., which sale was made solely for the benefit of the Smithsonian Institution and the proceeds immediately appropriated to its interests, in carrying out the provisions of his munificent gift to the Nation, the extent of which has been more than doubled since his original offer.

Of the proceeds of this sale $1,000,000 in cash was delivered to the Institution in December, 1915, to be applied to the erection of the building forming part of the donation; in addition to which, art objects purchased since the sale and already transferred by title to the Institution have cost Mr. Freer more than the balance realized by him in the disposition of the stock in question.

Under date of May 14, 1916, Mr. Freer writes that, besides other purchases made for the Institution, a considerable sum from other sources than the sale of this stock has been set aside by him for further acquisitions and for contingent expenses, and if the Government insists upon his paying the income tax on the sale of the Parke, Davis & Co. stock he will feel constrained to deduct the amount of the tax, $13,252.21, from the fund referred to, which would, of course, be equivalent to taking it from funds available for additions to the collections which he has presented.

The original proposition of Mr. Freer was made to the President of the United States in a communication dated December 15, 1905, in which he offered to bequeath or make present conveyance to the Smithsonian Institution or the United States of his extensive collections of American and oriental art, together with the sum of $500,000 for the construction of a building for their installation. This offer was accepted on behalf of the Nation by the Board of Regents of the Institution at their annual meeting on January 24, 1906, and was carried out in the form of a deed of gift dated May 5, 1906. The accompanying inventory enumerated 2,326 objects.

Since that time, however, Mr. Freer has continued to make additions of equal importance to the collections, which have been conveyed to the Institution in seven supplementary transfers, covering approximately 3,010 objects, and bringing the total to approximately 5,336 examples, of which 1,012 are American and 4,324 are oriental. The collection as a whole is one of the most remarkable in the world, being especially noteworthy in its representation of the work of Whistler and several other celebrated American artists, and of the unstudied art of China, although the arts of Japan, Korea, Persia, Indo-Persia, Egypt, and other oriental countries are widely and richly illustrated, beginning with periods antedating the Christian era.

It is impossible to state the value of these collections. The oriental works were mostly obtained by Mr. Freer in the countries which they represent, and their valuation has greatly increased since his collecting began, which has always been carried on regardless of expense. If placed on sale, they would certainly bring not less than two and a half million dollars, and probably much more.

In view of the increased cost of building operations in recent years and of the increase in the size of the collections, Mr. Freer has augmented the sum provided for the erection of the building from $500,000 to $1,000,000, which entire amount is now in the possession of the Smithsonian Institution, while the plans for the building have been completed and accepted.

I am transmitting with this letter a copy of Bulletin No. 70 of the National Museum, entitled "The National Gallery of Art," in which the Freer gift is described on pages 102–119.

In view of Mr. Freer's generosity in presenting his magnificent collections to the Nation and of the purposes for which the proceeds of the sale of the stock mentioned are to be used, as above explained, I trust that the cancellation of the tax will meet with the approval of Congress.

Very truly, yours, CHARLES D. WALCOTT,
Secretary.

The Hon. WILLIAM J. STONE,
United States Senate, Washington, D. C.

PROCEEDINGS OF EXECUTIVE SESSIONS.

Mr. STONE. Mr. President, I desire at this point to call up a bill I introduced two or three days ago, at which time I asked that it might lie on the table, with a view to having it referred; and before it is referred I desire to occupy a few minutes of the Senate's time to say something about it.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. The Senator from Iowa.

Mr. KENYON. On yesterday Senate resolution 191 was before the Senate, and, by unanimous consent, it went over until to-day, in order to accommodate the Senator from Missouri, who said he desired to speak upon it. I was on my feet to ask that that resolution be now taken up, as I had the right to do under the rule. Of course, I realize that if it is talked out until 2 o'clock it will go to the calendar, and that is why I am anxious to have it taken up and discussed now. I am always glad——

Mr. STONE. Mr. President, I have no wish at all to be in any way unfair to the Senator. I desire to say something upon that resolution. I do not wish it talked out and then go to the calendar.

Mr. KENYON. Will the Senator——

Mr. STONE. I desire, if the Senator will permit me, to have the resolution reasonably debated, and to have an expression of the Senate as to whether or not executive sessions shall be abolished. If the Senate desires to have that done, I have no objection.

Mr. KENYON. Mr. President, I will say to the Senator from Missouri that unanimous consent was given yesterday that this resolution should go over without prejudice, in order, as I understood, to accommodate the Senator from Missouri, who desired to speak on it. The Senator from Missouri desires to discuss something else at this time. If we can have unanimous consent that this resolution may go over until the next day without prejudice, I shall be perfectly satisfied.

Mr. STONE. So far as I am concerned, Mr. President, I should not like to undertake this morning to discuss the resolution.

Mr. KENYON. Has the Senator any objection, then, to the course I suggest?

Mr. STONE. I have absolutely no objection to its going over until the next morning hour and taking it up then; and I promise the Senator I shall be ready then to say what I desire to say.

Mr. KENYON. That is very agreeable. I ask unanimous consent that Senate resolution 191 may go over without prejudice.

The VICE PRESIDENT. It will go over without prejudice.

MONUMENT TO ALEXANDER W. DONIPHAN.

Mr. STONE. Mr. President, I ask that the bill (S. 6923) I introduced two or three days ago for the erection of a monument to Gen. Alexander W. Doniphan be now laid before the Senate, and I wish to move that the bill be referred to the Committee on the Library.

The VICE PRESIDENT. The motion is that the bill be taken from the table and referred to the Committee on the Library.

Mr. STONE. Upon that motion I desire briefly to be heard. I desire to make a short address—one that I especially want the Senator from Mississippi [Mr. WILLIAMS] to hear.

A short time since I was attracted by a brief—a very brief—descriptive article in the Washington Post, ornamented with a picture of Gen. Doniphan. The picture was the thing which especially called my attention to the printed matter, which was only a brief explanation published under the picture. I will read what the Post said:

Exactly 70 years ago Alexander William Doniphan, an American Army officer, led 1,000 soldiers into Mexico, settled an Indian uprising, crossed two deserts, defeated two armies that outnumbered him 4 to 1, captured the intrenched city of Chihuahua, lost 4 men killed and 14 wounded in a year's campaign that covered almost 6,000 miles, and returned home with 17 of the enemy's cannon and 100 of his battle flags. His name appears in none of the standard histories of the United States. He was a country lawyer, and soldiering was his hobby.

There are two things about this publication I have just read to which I wish to refer—one being what I fear might in a way have an erroneous or misleading effect and the other being an omission. First as to the error: The error, or possible error, is that the Post article states that Gen. Doniphan was an American Army officer. That is not wholly erroneous, of course, but is calculated to convey a wrong impression. It is likely to create the impression that he was an officer of the Regular Army; and that would be a mistake. He was only an officer of the Volunteer Army.

The omission I wish to supply is this, that the Post fails to tell its readers what State Gen. Doniphan was from. He was, during the greater part of his life, a citizen of the State of Missouri; from that State he volunteered for service in the Mexican War; the men he led in that war were Missouri men, whom he induced by his patriotic appeals to enlist; and to-day he lies buried in a beautiful but unostentatious Missouri cemetery. I supply this omission for the reason that I doubt whether one-half or one-third even of the Members of Congress know anything about this man or remember his honored name. It is stated in the Post article that "his name appears in none of the standard histories of the United States."

After reading that Post article I sent over to the Congressional Library a request to have all histories in that great collection of books which might be considered "standard histories of the United States" examined, and to advise me in what historical books his name appears and in what way it appears. All I was able to get in reply to my request was a reference to a chapter of less than 38 pages in a volume entitled "The Road

to Glory," written by E. Alexander Powell—a volume containing numerous sketches of thrilling and important events in American history, concerning which little or nothing has been said in the so-called "standard histories" of our country. I will ask the Secretary to read the first two pages of this remarkable and absolutely true historical reminiscence—I might almost say this historical revelation.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

THE MARCH OF THE ONE THOUSAND.

Twenty-two centuries or thereabouts ago a Greek soldier of fortune named Xenophon found himself in a most trying and perilous situation. Lured by avarice, adventure, and ambition he had accepted a commission in a legion of Hellenic mercenaries, 10,000 strong, who had been engaged by Cyrus to assist him in ousting his brother from the throne of Persia. But at Cunaxa Cyrus had met his death and his forces complete disaster, the Greek legionaries being left to make their way back to Europe as best they might. Under Xenophon's daring and resourceful leadership they set out on that historic retreat across the plains of Asia Minor, which their leader was to make immortal with his pen, eventually reaching Constantinople, after an absence of 15 months and a total journey of about 3,500 miles, with little save their weapons and their lives. Xenophon's story of the March of the Ten Thousand, as told in his "Anabasis," is the most famous military narrative ever written; it is used as a textbook in colleges and schools, and is familiar wherever the history of Greece is read.

Yet how many of those who know the "Anabasis" by heart are aware that Xenophon's exploit has been surpassed on our own continent, in our own times, and by our own countrymen? Where is the textbook which contains so much as a reference to the March of the One Thousand? How many of the students who can glibly rattle off the details of Xenophon's march across the Mesopotamian Plains have ever even heard of Doniphan's march across the plains of Mexico? During that march, which occupied 12 months, a force of American volunteers, barely a thousand strong, traversed upward of 6,000 miles of territory, most of which was unknown and bitterly hostile, and returned to the United States bringing with them 17 pieces of artillery and a hundred battle flags taken on fields whose names their countrymen had never so much as heard before. Because it is the most remarkable campaign in all our history, and because it is too glorious an episode to be lost in the mists of oblivion, I will, with your permission, tell its story.

Mr. STONE. With this introduction Mr. Powell proceeded to give in graphic phrase the wonderful story of "The March of the One Thousand," let by Doniphan.

There is one other book giving an account of this "march," printed under the title of "Doniphan's Expedition." This is a small volume, written soon after the Mexican War by John T. Hughes, A. B., himself intimately and most honorably associated with this heroic expedition. This volume of Mr. Hughes, little more than a pamphlet, long ago went out of print, and copies of it are rare and difficult to obtain. About two years ago the Senator from New Mexico [Mr. CATRON] and I were talking of Gen. Doniphan, and Senator CATRON asked me if I had a copy of Mr. Hughes's account of the Doniphan expedition. I told him I had some years ago seen a copy of it. The Senator from New Mexico, who is a native Missourian, and who had spent his childhood and the years of his younger manhood in the vicinity of Gen. Doniphan's residence, and knew him personally, felt a natural concern about the regrettable fact that the services of this great American had been apparently forgotten. We were in complete sympathy about that. Together we conspired to have the historical booklet, so interestingly written by Mr. Hughes, republished as a Senate document, and that was done. Except for the chapter in Mr. Powell's work and Mr. Hughes's publication, it would be difficult to find any authoritative account of Gen. Doniphan's life and achievements, save, perhaps, a brief mention in biographical encyclopedias.

Mr. President, you could hardly find a more striking illustration of the old adage that "republics are ungrateful." I will not now intrude long enough upon the courtesy and current business of the Senate, at a time when time is so important, as to give an outline of the services rendered his State and country by this great Missourian. In what I have had read from the account given by Mr. Powell of "The March of the One Thousand" you will find a sufficient and very true index to the nature, extent, and value of the services Gen. Doniphan performed in that very important epoch in American history covered by the Mexican War. But that is far from being a complete account of the valuable and distinguished public services he rendered at other times and in other ways. If this man had lived in ancient times and then performed the feats of valor and wrought the achievements he did for his country's glory and good, he would have been one of the classical figures of the world's history. More, if he had lived in the older States of this Union, especially in New England, where, seemingly—and I speak it to their honor—the people have a higher regard for the perpetuation of the names of their great men than have the rest of us—if he had lived in New England, instead of on the border of our civilization, or what was then in fact the American frontier, his name and deeds would have been written about in prose and poetry, perhaps even more than Paul Revere, and his stalwart figure, which was indeed heroic and splendid, would long since have been immortalized in marble and bronze. But as he only rode out of the then far West into the still farther West, and farther still for a thousand miles into what is even yet a foreign, if not hostile, country, bearing his banners always to victory against desperate odds, his name, instead of being immortalized, has been almost left out of history, or referred to only in a most casual way, and it has been permitted by the American people that he should be in substantial effect forgotten by his countrymen.

Gen. John Joseph Pershing is the gallant leader of another daring expedition now in Mexico. The very country covered by the Pershing expedition—an expedition full of thrill and danger—was covered by Doniphan's expedition 70 years ago.

Mr. OVERMAN. Mr. President, there is nothing that I have heard to show by what authority this gallant soldier went down into Mexico. I think the RECORD ought to show whether he went there as a freebooter or filibuster or how he went. I think we ought to know that.

Mr. STONE. He went as a part of the Volunteer Army, in the Mexican War, primarily under the command of Gen. Kearny, who went on through to California. But the Senator's inquiry illustrates what I have been saying about the forgetfulness of our really good, appreciative, and warm-hearted American people.

It is a source of infinite State pride to me that the leaders of both these remarkable expeditions to which I refer belong to Missouri and that they are manhood contributions made by my State to the glory of the Republic.

Mr. President, if it be within my power to rescue from oblivion the memory of Gen. Doniphan, this great old Missourian, than whom no finer specimen of American intellectual, moral, or patriotic manhood ever lived, it shall be done; and I know of no better way to bring that about than to have this Republic—which ought to be grateful to him—erect here at its Capital a suitable monument expressive of the Nation's appreciation of his services and as an inspiring lesson to the youth of the whole land who flock here every year to look—I am rejoiced to say—with admiration and reverence upon the heroic figures of men who have performed heroic services to their country.

I ask that the bill be referred to the Library Committee, and if that committee, of which the scholarly and distinguished senior Senator from Mississippi [Mr. WILLIAMS] is the chairman, will report the bill to the Senate, and if the Senate can be induced to consider it, I will take occasion then to lay before this honorable body a more extended account of the services of Gen. Doniphan, thus showing not only how well he deserves this tribute but how ashamed we should be that he has been so grossly neglected by the Nation and the people he served so faithfully and well.

Mr. CATRON and Mr. LIPPITT addressed the Chair.

The VICE PRESIDENT. The Senator from New Mexico.

Mr. LIPPITT. If the morning business is closed, I was going to ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. There is a motion pending to refer the bill to the Committee on the Library. It is a debatable question, and the Senator from New Mexico has the recognition of the Chair on that motion.

Mr. LIPPITT. Then I understand the morning business is not closed.

Mr. CATRON. Mr. President, as Col. Doniphan, sometimes called Gen. Doniphan, because he held both ranks, one as a militia general in Missouri, the other as a colonel of Volunteers in the United States, did more than any other man toward the acquisition of New Mexico by the United States and putting it into an organized shape so that it could be recognized and put into action as a community under the laws and Constitution of the United States, and as I am a native of the State from which his expedition started to New Mexico, and one of the companies which belonged to his expedition came from the county where I was born and where I lived, I feel that it is proper for me to say something upon this motion and upon the bill which has been introduced.

Col. Doniphan's memory is not unknown in Missouri nor in New Mexico. It needs no monument to resurrect it in those two States. Every man, woman, and child who is capable of reading and talking knows of Col. Doniphan in those two States. He was a pioneer and came from pioneer ancestry. His father was born in Virginia, went to Kentucky and joined Daniel Boone, where Doniphan was educated and admitted to the bar as a lawyer.

Immediately upon being admitted to the bar he removed from Missouri and took up his residence in the county of my nativity, at Lexington, in the county of Lafayette, where he resided some two or three years. During the time he was there, owing to some

possible difficulties that existed between the Mormon settlements and the other people of northern Missouri, he was appointed a brigadier general in the militia and had control of matters pertaining to those troubles. He was always a man who desired peace, and he so managed the affairs connected with those difficulties that no blood was shed, peace was kept, and harmony prevailed between the Mormons and the other people of Missouri. About three years after he settled in Missouri he moved to Clay County, where he was residing when the Mexican War was commenced.

He was a man exceedingly eloquent and prepossessing in his appearance. He was able to excite and thrill an audience. He possessed an immense amount of magnetism. When that war commenced, volunteers having been called for to the number of 50,000 by the United States, he started out through the different counties adjacent to that in which he lived, made speeches in them, and in eight of those counties raised companies which formed his regiment. They met at Fort Leavenworth in June, 1846, where they were sworn in and he was elected colonel of the regiment. They were placed under the command at that time of Col. Kearny, afterwards made brigadier general. His regiment consisted of eight companies, comprising 856 men. The entire expedition of Gen. Kearny consisted of 1,658 men. In less than 60 days they traversed the plains about 1,000 miles to Santa Fe and entered it, without shedding a drop of blood. Doniphan's command headed the column on entering Santa Fe.

On the 18th day of August, 1846, immediately after they went into camp Gen. Kearny designated Col. Doniphan to prepare a code of laws to prevail in the provisional government of New Mexico, which he at that time established. Col. Doniphan employed as his assistant Private Willard P. Hall, of the company from his county—Clay. Private Willard P. Hall afterwards served three terms—six years—in the House of Representatives of the United States from the State of Missouri. They prepared a code which was given to Gen. Kearny, who was the general at that time, which was declared to be the laws of the Territory, and was forwarded to the Government of the United States at Washington to be approved, most of which is still a part of the statutes of New Mexico. It was approved, and since I have come into the Senate, on my request, that has also been printed as a Senate document.

After remaining at Santa Fe a short time Gen. Kearny was ordered to proceed to California, but not to take his entire command. He designated the portion of the command which afterwards came to him under Gen. Price to remain in New Mexico. He first directed Col. Doniphan to make an expedition into the Navajo country to subdue those Indians who were then at war with the people of New Mexico; then to proceed to the city of Chihuahua and to report to Gen. Wool, who had been directed, under general orders which they had at that time, to proceed into Mexico and to take possession of the State of Chihuahua. Doniphan went into the Navajo country with six of his companies, rounded up that nation, which is the largest and probably the most warlike Indian nation that this country has ever had, compelled them to enter into a treaty of peace, the only peace that the Navajoes ever entered into. They were willing to enter into that peace treaty because they felt that there was some one else coming into the country who was able to protect them and guard them against the depredations of the Mexicans who had gone into that country before. In fact, a warfare of depredation only had been going on for 200 years in New Mexico between the Navajo Indians and the people of Spanish descent residing there.

A treaty of peace was made with those Indian, and they remained at peace until the breaking out of the war between the States, when they thought they might be able to drive all whites out of New Mexico, and they then made a combination with the other Indians and commenced war.

Col. Doniphan, after the making of that peace, immediately proceeded to the State of Chihuahua. In going there he encountered, with his command, which then consisted of about 1,100—there had been added to it a battery of Artillery and another company belonging to the lieutenant colonel who traveled with him, but was not of his regiment, making his command nearly 1,100—about 2,500 or 3,000 Mexicans at a place called Brasitos, 20 or 30 miles north of El Paso, in the present State of New Mexico, and defeated them without the loss of a single man to Doniphan's command and with a loss of a large number of Mexicans. He followed them rapidly into the city of El Paso, or the city of Paso del Norte, for El Paso did not then exist, being the place now called Juarez. There he had another slight engagement with the Mexican forces, won the fight, and took possession of the city of Juarez, or of Paso del Norte, and held it for two or three weeks, when he moved on to the city of Chihuahua. About 15 miles north of the city of Chihuahua, with his eleven hundred men, he encountered about 4,500 of the Mexican Army. He had six pieces of artillery, commanded by Capt. Weightman, who returned to New Mexico after the Mexican War, and on the organization of the State government at that time was elected a United States Senator to this body, but was not allowed to be admitted because the State was not admitted under the constitution which it formed. Capt. Weightman was afterwards a prominent officer in the Confederate Army, and was killed at the Battle of Wilsons Creek, in Missouri. I belonged to his command at the time.

Doniphan met these 4,500 Mexican soldiers at a place called Sacramento. He did not hesitate for one moment when he came in sight of them. He deployed his men, moved around them, attacked them both in front and rear, and, with a loss of but 2 men killed and 9 or 10 wounded, dispersed them, killing something like two or three hundred Mexicans and wounding probably twice as many more. He drove them into the city of Chihuahua, the next day taking possession of it and holding it. It was there that he expected to report to Gen. Wool, but he did not find him. Wool, five days before, had been engaged in the Battle of Buena Vista under Gen. Taylor. Wool had been ordered not to come to Chihuahua, but that order had not reached Doniphan or Gen. Kearny, and therefore Doniphan went on, expecting to report to Wool, but, not finding him there, he proceeded within a week or two afterwards down by way of Buena Vista and Saltilla and by the capital of Coahuila on to the Gulf of Mexico.

By this time the year's service of his men for which they had enlisted had expired and he was ordered to take them home. Before leaving the city of Chihuahua he wrote a communication to Gen. Wool, having learned that Wool had been engaged in the Battle of Buena Vista, at which place they learned of that battle, and, among other things, he said in that letter that Gen. Taylor had been designated as "Old Rough and Ready." He stated that all of his men were entitled to that designation, but could go Gen. Taylor one better—that they were not only "rough and ready," but they were also "ragged."

It is a historical fact no clothing was issued to Doniphan's expedition from the time they left Leavenworth until they reached home, 12 months afterwards. They obtained their provisions en route from the time they left Santa Fe until they reached the Gulf of Mexico, where they took shipping back by way of New Orleans and by the Mississippi and Missouri Rivers to their homes. Their horses and other live stock they fed upon the grasses of the plains.

That expedition, out of 856 that composed the regiment of Col. Doniphan, did not lose exceeding 56 men in the entire expedition, and more than half of those remained in Santa Fe to help start and build up that government.

Doniphan was a man who was entitled to immense credit. Everyone in Missouri loved him. He did not seek office. He served two terms in the Missouri Legislature, being elected both times without having himself requested to be designated as a candidate. He was tendered the office of brigadier general in the Confederate Army and refused it. He was always true to the American flag. He always believed in the permanancy and perpetuity of the Constitution of the United States and the Union of this Government.

It was my pleasure to know him intimately, personally. Several times I heard him address audiences on the stump. I once asked him why he did not accept the tender of the brigadier generalship in the Confederate Army. He replied, "I have lived in a community nearly every member of which sympathized with the southern people"—that is the community where he was living when the war between the States commenced—"but," he said, "my education, that of a lawyer, has been upon the Constitution of the United States, in part, and I have learned to revere it; I have learned to believe that that Constitution was intended to effect a permanent and perpetual union of the States; I did not believe that the Union ought to be severed; I did not believe that it ought to be broken up and weakened. For that reason I was unable to accept a commission in the Confederate States' Army, although I sympathized with those who were in that cause. I believe that my duty to my Government was such that I should, at least, do nothing to tear it down."

This was the character of Doniphan throughout his entire life, so far as I knew him—and I knew him for about 20 or 30 years before his death; in fact, he was one of the board of curators of the University of the State of Missouri at the time I graduated. That was where I first met him and came in contact with him.

I believe that this bill ought to pass; but, as I have thought about it, I have come to the conclusion that the monument ought to be erected to the memory of "Doniphan and his

men," because he had a lot of men—856 of them—the whole of one company of which I knew as well as many members of other companies, who were unsurpassed in character, energy, intelligence, morality, and courage by any men that this country or any other country has ever produced. They were men who believed in the Government of the United States and its institutions; they believed whenever they were called to defend it or act in behalf of it that it was their duty to go and to act, and their conduct throughout that whole campaign showed what they thought and what they were. They are entitled to credit, and if this bill passes, I think eventually that the name of every man who belonged to that regiment and to that command ought to be somewhere engraved upon the monument.

Mr. BRANDEGEE. Mr. President, before the Senator from New Mexico takes his seat, let me ask him in relation to the very interesting remarks which he has made if he has put into the RECORD anywhere the name of the author of the history of Col. Doniphan's expedition?

Mr. CATRON. That has been put in the RECORD by the Senator from Missouri [Mr. STONE].

Mr. BRANDEGEE. I was not on the floor at the time.

Mr. CATRON. John T. Hughes was the author of the history. He was one of the commissioned officers of Doniphan's command.

Mr. BRANDEGEE. I am glad that it will be in the RECORD.

Mr. REED. Mr. President, I only desire to add a word to what has been so well said. The heroic character of Doniphan and the heroic achievements of Doniphan's men ought to be commemorated. As a Missourian, I thank the Senator from New Mexico for his very eloquent and forceful remarks. The State of Missouri is interested deeply in paying proper tribute to the memory of the gallant Doniphan and in commemorating his deeds in a suitable and proper way. My colleague [Mr. STONE] has so well presented this bill that I only desire to say that I am in the most hearty accord with the sentiments of the bill, and with the remarks made by both the distinguished Senators who have preceded me.

Mr. STONE. I withdraw the motion to refer the bill, and ask that the bill be referred under the rule.

The VICE PRESIDENT. The bill will be referred to the Committee on the Library.

RIVER REGULATION AND FLOOD CONTROL.

Mr. NEWLANDS. Mr. President, on the 11th of April I made some remarks, which appeared in the RECORD, upon the subject of river regulation and flood control, and I then had inserted in the RECORD the telegram from the New Orleans Association of Commerce addressed to Hon. William C. Redfield regarding the flood situation, the necessity for immediate action, the pledges of the Democratic Party, and the assurances given by the President upon this subject. I also had inserted in the RECORD recommendations made to the President by Secretaries Franklin K. Lane, D. F. Houston, and William C. Redfield, of the Interior, Agricultural, and Commerce Departments, respectively, indicating the form of organization that water development, in their judgment, should take. That recommendation was afterwards concurred in by Mr. Baker, the present Secretary of War. I alluded in that statement to the legislative situation, referring to the fact that there had been long pending in this body a bill introduced by myself, generally known as the Newlands-Broussard bill, and another bill fathered by the Senator from Louisiana [Mr. RANSDELL] and by the Representative from Mississippi [Mr. HUMPHREYS]. I referred in that statement to this bill introduced by myself, which is general in character, embracing every watershed in the country, and providing for coordination of bureaus and services now engaged in work regarding the development or use of water, cooperation with the States, and an ample fund for consecutive work; and also referred to the so-called Ransdell-Humphreys bill, which related simply to the lower Mississippi.

I also referred to the organization by the House of a Committee on Flood Control, which took jurisdiction over rivers, theretofore covered by the Committee on Rivers and Harbors, and I referred to the question of jurisdiction, urging that inasmuch as the very basis of all this legislation was the power of the Nation over interstate commerce, and as every scheme of development of these rivers must include the promotion of navigation and of interstate commerce, the jurisdiction of these bills attached to the Senate Interstate Commerce Committee, rather than to the Commerce Committee.

Mr. President, in continuation of the remarks made at that time, and with a view to making a statement now that can be read by those who wish to take part in the consideration of my motion to refer the bill which has just come over from the House, called the bill for flood control, to the Interstate Commerce Committee instead of the Commerce Committee. I wish to ask leave to insert in the RECORD my correspondence with Mr. HUMPHREYS relating to this legislation, as well as the bills themselves.

I wish to state in that connection that it was assumed that the supporters of the Newlands-Broussard bill and of the Ransdell-Humphreys bill would unite in accepting the recommendations made by these departmental chiefs after full consultation with us.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. Certainly.

Mr. KENYON. In order that I may follow the Senator's discussion, I should like to inquire whether the bill that passed the House is the one known as the Ransdell-Humphreys bill?

Mr. NEWLANDS. It is known as the Humphreys bill. I believe the same bill was introduced in the Senate by the senior Senator from Louisiana [Mr. RANSDELL].

Mr. KENYON. And the Senator's bill is known as the Newlands-Broussard bill?

Mr. NEWLANDS. Yes.

I say, it was assumed that the supporters of those bills would unite in a bill embodying the recommendations of the departmental chiefs. That was clearly the understanding, so far as the junior Senator from Louisiana [Mr. BROUSSARD] and myself were concerned, with the senior Senator from Louisiana [Mr. RANSDELL]. Mr. HUMPHREYS was detained by illness and was unable to be present at the conference of the departmental chiefs, but it was assumed that the senior Senator from Louisiana [Mr. RANSDELL] spoke for him. Later on it developed that this was a mistake; but, in pursuance of the original understanding, as I supposed, I collaborated with the Secretary of Agriculture and his solicitor—an excellent lawyer, and skilled in bill framing—regarding a bill which would embrace the recommendations made, after consultation with us, by the departmental chiefs; and I sent this bill to Mr. HUMPHREYS, with the suggestion that it would expedite legislation if he would introduce it in the House and I would introduce it in the Senate. I was surprised to receive a reply declining to introduce it in the House, and the result was that I have not introduced it in the Senate but have offered it simply as an amendment to the river and harbor bill.

I immediately took hold of the old Newlands-Broussard river-regulation bill, however, reduced its size and dimensions, withdrew all those portions providing for liberal appropriations, and for an ample fund, and confined the bill mainly to the recommendations of the departmental chiefs, with, however, some variation as to the Mississippi River, substituting for an appropriation of $45,000,000 for work upon the Mississippi River a total appropriation of $60,000,000 divided between all the watersheds of the country, with $25,000,000 of it apportioned to the Mississippi and Illinois Rivers, thus providing for a continuous, highly developed waterway from the Lakes to the Gulf.

Mr. CLARKE of Arkansas. Mr. President, I object to the Senator occupying the time further at this point, even for a motion to refer. It is not debatable until 2 o'clock. There is nothing pending before the Senate.

Mr. NEWLANDS. I will ask, then, the letters to which I have referred be inserted in the RECORD.

Mr. CLARKE of Arkansas. I have not any objection to that.

Mr. NEWLANDS. I will state that another sentence would have finished my remarks, and it was entirely unnecessary for the Senator from Arkansas to intervene.

The VICE PRESIDENT. In the absence of objection, the letters referred to will be published in the RECORD.

The letters referred to are as follows:

APRIL 8, 1916.

Hon. B. G. HUMPHREYS,
House of Representatives.

MY DEAR MR. HUMPHREYS: I have been in collaboration with the Secretary of Agriculture and the Solicitor of the Agricultural Department with a view to framing a bill which would put in concrete form the recommendations to the President made by the interdepartmental committee, consisting of Secretaries Lane, Houston, and Redfield, after submission to and approval by Senators RANSDELL, BROUSSARD, and myself, at a meeting at which, unfortunately, you were unable to be present.

These recommendations have been forwarded to you and to myself by the President, and were read by me into the record of my remarks at the recent hearing before the Flood Control Committee.

Secretary Houston was of the opinion that the passage of a comprehensive measure would be simplified and expedited if we could agree upon a tentative bill to be introduced by yourself in the House and by myself in the Senate at the same time, and that the committees of both the Senate and the House could proceed with such a tentative bill as a basis and reach a speedy conclusion.

Would you kindly look over the bill inclosed and make such suggestions and alterations as you think advisable, and let me know whether it would be agreeable to you for us to introduce whatever bill is agreed upon, on the same day?

I can not urge upon you too strongly the importance of uniting with the specific indorsement of the Mississippi and Sacramento River projects, a comprehensive plan of administrative coordination, including all four of the departments, which will facilitate the gradual development of all the watersheds of the country and the conservation of our water resources.

I am sure that any bill which fails to equally recognize all the departments or which confines legislative action entirely to one or two watersheds will arouse so much antagonism that the passage of such a bill at this session would be impossible.

Very truly, yours,

FRANCIS G. NEWLANDS.

COMMITTEE ON FLOOD CONTROL,
HOUSE OF REPRESENTATIVES.
Washington, D. C., April 10, 1916.

Hon. F. G. NEWLANDS,
United States Senate.

MY DEAR SENATOR NEWLANDS: Your letter of April 8, inclosing draft of bill prepared by you in collaboration with the Secretary of Agriculture and the solicitor for that department is received, and I have read it with much interest.

I am sorry that I can not agree with your view in this matter, but I am quite certain that the Committee on Flood Control would not consent to the creation of such an overhead commission as is suggested. I think it will be entirely possible to frame a bill which will comply with the recommendations of the Cabinet officers in their note to the President, in most of its essential elements, but I can not bring myself to the belief that it would be desirable in any aspect of the case to have the four executive departments mentioned attempt to do the work which ought to be under one executive head.

After a great deal of study of this question and very general conferences with the membership of the House of all political faiths, I have arrived at the conclusion that no bill would have the remotest chance of passage which undertook to deal with the matters provided for in your bill in a manner so thoroughly comprehensive.

Hoping, should the House pass the bill which will be reported by the Committee on Flood Control, that you will find it possible to give it your support in the Senate, and with many thanks for your interest in the matter and your courtesy in forwarding me the copy referred to,

Very truly, etc.,

BEN. G. HUMPHREYS.

APRIL 12, 1916.

Hon. B. G. HUMPHREYS,
House of Representatives.

MY DEAR MR. HUMPHREYS: I regret exceedingly to learn that you do not feel that you can support the recommendations of the interdepartmental committee, consisting of Secretaries Lane, Houston, and Redfield, regarding the coordination of the Departments of War, Interior, Agriculture, and Commerce, in which are gathered all of the various engineering and scientific services that relate to the control, development, or beneficial use of water.

I regard this as a vital point in the proposed legislation. These various services must be coordinated in some way if we are to enter upon a comprehensive development, and as they can not be gathered together in one department, I can imagine no better way than through the organization of a waterways council or commission, composed of department chiefs, with the President at the head, thus keeping the Chief Executive in practical touch with the work of all of the various coordinated services.

Believe me, very sincerely, yours,

FRANCIS G. NEWLANDS.

The bills referred to are as follows:

THE HUMPHREYS BILL AS IT PASSED THE HOUSE MAY 17, 1916.

An act (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes.

Be it enacted, etc., That for controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $45,000,000: *Provided*, That not more than $10,000,000 shall be expended therefor during any one fiscal year.

(a) All money appropriated under authority of this section shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers, for controlling the floods and for the general improvement of the Mississippi River, and for surveys, including the survey from the Head of the Passes to the headwaters of the river, and a survey of the Atchafalaya Outlet so far as may be necessary to determine the cost of protecting its basin from the flood waters of the Mississippi River either by its divorcement from the Mississippi River or by other means, and for salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission.

(b) That no money appropriated under authority of this section shall be expended in the construction or repair of any levee unless and until assurances have been given satisfactory to the commission that local interests protected thereby will contribute for such construction and repair a sum which the commission shall determine to be just and equitable but which shall be not less than one-half of such sum as may have been allotted by the commission for such work: *Provided*, That such contributions shall be expended under the direction of the commission, or in such manner as it may require or approve, but no contribution made by any State or levee district shall be expended in any other State or levee district except with the approval of the authorities of the State or district so contributing.

(c) Any funds which may hereafter be appropriated under authority of this act for improving the Mississippi River between the Head of the Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended upon any part of said river between the Head of the Passes and Rock Island, Ill.

(d) No money appropriated under authority of this act shall be expended in payment for any right of way for any levee which may be constructed in cooperation with any State or levee district under authority of this act, but all such rights of way shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred by any State or levee district in securing such rights of way, or in any temporary works of emergency during an impending flood, or for the maintenance of any levee line, shall be computed as a part of the contribution of such State or levee district toward the construction or repair of any levee within the meaning of paragraph (b) of this section.

That the watercourses connected with the Mississippi River to such extent as may be necessary to exclude the flood waters from the upper limits of any delta basin, together with the Ohio River from its mouth to the mouth of the Cache River, may, in the discretion of said commission, receive allotments for improvements now under way or hereafter to be undertaken.

Upon the completion of any levee constructed for flood control under authority of this act, said levee shall be turned over to the levee district protected thereby for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion.

SACRAMENTO RIVER, CAL.

SEC. 2. That for controlling the floods, removing the débris, and continuing the improvement of the Sacramento River, Cal., in accordance with the plans of the California Débris Commission, the Secretary of War is hereby authorized and directed to carry on continuously by hired labor or otherwise, the plan of said commission contained in its report submitted August 10, 1910, and printed in House Document No. 81, Sixty-second Congress, first session, as modified by the report of said commission submitted February 8, 1913, approved by the Chief of Engineers of the United States Army and the Board of Engineers for Rivers and Harbors, and printed in Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs, to be paid for as States, and by preventing silt and sedimentary material from being carried into and deposited in waterways, channels, and harbors, and by the conservation, development, and utilization of the water resources of the United States, and by flood prevention and protection, through the establishment, construction, and maintenance of natural and artificial reservoirs and detention basins for water storage and control, and levees, revetments and other bank-protective works, spillways, wasteweirs, wasteways, by-passes, controlled outlets, and flood-control works of every nature and kind, and the protection of watersheds from denudation, erosion, and surface wash, and from forest fires, and the maintenance and extension of woodland and other protective cover thereon, and the reclamation of swamp and overflow lands and arid lands, and the building of drainage and irrigation works in order that the flow of rivers shall be regulated and controlled not only through the use of flood waters for irrigation on the upper tributaries, but also through controlling them in fixed and established channels in the lower valleys and plains and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers, and by acquiring, by purchase, condemnation, or otherwise, holding, using, leasing, hiring, and transferring by appropriate deed lands and any other property that may be needed for the aforesaid purposes, or which it may be deemed advisable to dispose of, and by doing such other things as may be specified in this act or necessary to the accomplishment of the purposes thereof, and by securing the cooperation therein of States, municipalities, and other local agencies, as hereinafter set forth, and for the payment of all expenditures provided for in this act.

The aforesaid sum of $60,000,000, appropriated as hereinbefore provided, shall be apportioned for expenditure under this act as follows:

(a) $25,000,000 to the Illinois River and its watershed and to the Mississippi River from the mouth of the Illinois to the Head of the Passes, including the Atchafalaya River as one of the mouths of the Mississippi River, to be expended for the improvement of the Illinois River and for continuing the improvement of the Mississippi River from the Head of the Passes to the mouth of the Illinois River, for the control of floods thereon, and the establishment of a waterway from the Lakes to the Gulf; (b) $5,000,000 to the watersheds of the Ohio River and its tributaries, for the control of floods thereon, and the consequent improvement of navigation; (c) $5,000,000 to the watershed of the Missisipi River above the mouth of the Illinois River; (d) $5,000,000 to the watersheds of the Missouri River and all other tributaries of the Mississippi River, except the Ohio, from the mouth of the Illinois River to the Gulf and all rivers draining into the Gulf of Mexico west of the Mississippi River; (e) $5,000,000 to the watersheds of the rivers draining into Canada, the Great Lakes, and the Atlantic Ocean and rivers draining into the Gulf of Mexico east of the Mississippi River; (f) $5,000,000 to the watersheds of all the rivers draining into the Pacific Ocean in Oregon and Washington, including the Columbia River watershed, (g) $5,000,000 to the watersheds of the rivers draining into the Sacramento and San Joaquin Valleys and into the Pacific Ocean north of Santa Barbara, in California; (h) $5,000,000 to the watersheds of all other riv-

THE NEWLANDS BILL INTRODUCED IN THE SENATE APRIL 24, 1916.

A bill (S. 5736) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies, and for other purposes.

Be it enacted, etc., That the sum of $60,000,000, to be apportioned as hereinafter provided, is hereby reserved, set aside, appropriated, and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury, to be known as the "river-regulation fund," to be used to promote interstate commerce by the development and improvement of the rivers and waterways of the United States and their connections with the Great Lakes and with each other, and by the coordination of and cooperation between rail and water routes and transportation, and the establishment and maintenance of adequate terminal and transfer facilities and systems, and their maintenance, improvement, and protection, and by the making of examinations and surveys and by the construction of engineering and other works and projects for the regulation and control of the flow of rivers and their tributaries and source streams, and the standardization of such flow, and by the maintenance of navigable stages of water at all seasons of the year in the waterways of the United

appropriations may from time to time be made by law, not to exceed in the aggregate $5,000,000: *Provided*, That not more than $1,000,000 shall be expended therefor during any one fiscal year.

(a) All money appropriated under authority of this section shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the California Débris Commission, as approved by the Chief of Engineers, for the control of floods, removal of débris, and the general improvement of the Sacramento River: *Provided*, That no money shall be expended under authority of this section until assurances have been given satisfactory to the Secretary of War (a) that the State of California will contribute annually for such work a sum equal to such sum as may be expended annually therefor by the United States under authority of this section; (b) that such equal contributions by the State of California will continue annually until the full equal share of the cost of such work shall have been contributed by said State; and (c) that the river levees contemplated in the report of the California Débris Commission, dated August 10, 1910, will be constructed to such grade and section and within such time as may be required by said commission: *Provided further*, That said State shall not be required to expend for such work, for any one year, a sum larger than that expended thereon by the United States during the same year: *And provided further*, That the total contributions so required of the State of California shall not exceed in the aggregate $5,000,000.

(b) All money contributed by the State of California as herein provided, shall be expended under the direction of the California Débris Commission and in such manner as it may require or approve, and no money appropriated under authority of this section shall be expended in the purchase of or payment for any right of way, easement, or land acquired for the purposes of this improvement, but all such rights of way, easements, and lands shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred therefor shall be computed as a part of the contribution of the State of California toward the work of improvement herein provided for within the meaning of paragraph (a) of this section.

(c) Upon the completion of all works for flood control herein authorized the said works shall be turned over to the State of California for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion.

GENERAL PROVISIONS.

SEC. 3. That all the provisions of existing law relating to examinations and surveys and to works of improvement of rivers and harbors shall apply, so far as applicable, to examinations and surveys and to works of improvement relating to flood control. And all expenditures of funds hereafter appropriated for works and projects relating to flood control shall be made in accordance with and subject to the law governing the disbursement and expenditure of funds appropriated for the improvement of rivers and harbors.

All examinations and surveys of projects relating to flood control shall include a comprehensive study of the watershed or watersheds; and the report thereon, in addition to any other matter upon which a report is required, shall give such data as it may be practicable to secure in regard to (a) the extent and character of the area to be affected by the proposed improvement; (b) the probable effect upon any navigable water or waterway; (c) the possible economical development and utilization of ers in California and the Great Inland Basin and the Colorado River.

NATIONAL WATERWAYS COUNCIL.

SEC. 2. That a national waterways council, hereinafter called the council, is hereby created, consisting of the President of the United States as chairman, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the chairman of the water-control board, to be appointed as hereinafter provided.

The council shall have authority to direct and control all proceedings and operations and all things done or to be done under this act, and to establish all rules and regulations which may, in their judgment, be necessary to carry into effect such direction and control consistent with the provisions of this act and with existing law and with any provisions which Congress may from time to time enact.

All plans and estimates prepared by the water-control board, as hereinafter provided, which contemplate or provide for expenditures from the river regulation fund shall be submitted to the council for final approval before any of the expenditures therein provided for or contemplated are authorized or made or any construction work undertaken or contracts let under or in pursuance of such plans: *Provided*, That in case of an emergency the chairman of the water-control board shall have full power to act, and shall report in detail his action in every case to the council at its next meeting after his action.

WATER-CONTROL BOARD.

SEC. 3. That to assist in carrying out the purposes aforesaid the council may utilize the various agencies of the Government, and there is hereby created a water-control board, hereinafter called the board, which shall consist of a chairman, to be appointed by the council, and four assistant secretaries, to be appointed as hereinafter provided, and such additional members as the council may from time to time appoint. The chairman of the board shall receive a salary of $12,000 per annum, each assistant secretary aforesaid shall receive a salary of $10,000 per annum, and said additional members of the board such salaries as the council may from time to time fix. Subject to the direction and control of the council as to general policy and procedure, it shall be the duty of the board to ascertain in detail the work in progress and obtain plans, recommendations, and estimates of the work contemplated in the general field of water conservation, control, and utilization by the various agencies of the Government, States, counties, municipalities, districts, communities, corporations, associations, and individuals, and on the basis of such information and the results obtained by its own surveys and investigations to prepare for the consideration of the council a general and comprehensive program of water and waterways conservation, regulation, development, and utilization, extending through a number of years, with comprehensive general plans for each watershed, treating the entire watershed of each river as a unit, and with specific projects, plans, estimates, and recommendations, involving independent work by the United States and the combining of resources and energies of the various public and private agencies aforesaid; to coordinate and bring into conference the various agencies of the Government; and to examine, compare, adjust, allot, assign, and supervise their work, to the end that duplication may be avoided and the highest efficiency obtained; by agreement to assign to the various cooperating agencies the work to be done by them within their respective spheres; to accept, on behalf of the United States, from such agencies contributions of money water power; and (d) such other uses as may be properly related to or coordinated with the project. And the heads of the several departments of the Government may, in their discretion, upon the request of the Secretary of War, detail representatives from their respective departments to assist the engineers of the Army in the study and examination of such watersheds, to the end that duplication of work may be avoided and the various services of the Government economically coordinated therein: *Provided*, That all reports on preliminary examinations hereafter authorized, together with the report of the Board of Engineers for Rivers and Harbors thereon, shall be submitted to the Secretary of War by the Chief of Engineers, with his recommendations, and shall be transmitted by the Secretary of War to the House of Representatives, and are hereby ordered to be printed when so made.

In the consideration of all works and projects relating to flood control which may be submitted to the Board of Engineers for Rivers and Harbors for consideration and recommendation, said board shall, in addition to any other matters upon which it may be required to report, state its opinion as to (a) what Federal interest, if any, is involved in the proposed improvement; (b) what share of the expense, if any, should be borne by the United States; and (c) the advisability of adopting the project.

All examinations and reports which may now be made by the Board of Engineers for Rivers and Harbors, upon request of the Committee on Rivers and Harbors, relating to works or projects of navigation, shall in like manner be made, upon request of the Committee on Flood Control, on all works and projects relating to flood control.

SEC. 4. That the salary of the civilian members of the Mississippi River Commission shall hereafter be $5,000 per annum.

and property of any kind to be used for carrying out the purposes authorized by this act; to make field inspection of all work done or contemplated under this act by the Government and its cooperating agencies; and to employ such engineers, transportation experts, experts in water development, constructors, and other employees, and to construct such buildings and works as may be necessary for those purposes. The board is hereby authorized to expend from the sums herein provided such amounts as may be necessary for services of employees in the city of Washington, D. C., and elsewhere; to pay therefrom such sums as may be necessary for office accommodations in the city of Washington, D. C., and elsewhere, and to purchase such law books, books of reference, periodicals, engineering, statistical, and professional publications as may be needed. Contributions received under this section shall be used by the board, under the direction of the council, for carrying out the purposes of this act, and money so received shall be paid into the river regulation fund herein created. Subject to the approval of the council, the board is authorized to enter into such contracts or carry on by hired labor or otherwise such work as may be necessary for carrying out the purposes of this act, within the limits of appropriations made or authorized by this act or appropriations or contributions which shall be hereafter made or authorized from time to time, or as may be necessary for executing projects under this act within the respective limits of cost thereof approved by the Congress, the funds for which shall have been provided by the Secretary of the Treasury in accordance with the authority conferred by this act. Subject to the approval of the council, the board may also employ the various agencies of the Government in carrying out such purposes or executing such projects.

COOPERATION WITH STATES AND OTHER AGENCIES.

SEC. 4. That the board shall, in all cases where possible and practicable, encourage, promote, and endeavor to secure the cooperation of State, municipalities, public and quasi public corporations, towns, counties, districts, communities, persons, and associations in the carrying out of the purposes and objects of this act, and in making the investigations and doing all coordinative and constructive work provided for herein; and it shall in each case endeavor to secure the financial cooperation of States and of such local authorities, agencies, and organizations to such extent and in such amounts as the council shall determine to be a just and equitable apportionment of work, costs, and benefits under all the circumstances in each case; and it shall negotiate and perfect arrangements and plans for the apportionment of work, cost, and benefits, according to the jurisdiction, powers, rights, and benefits of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and promote the general welfare, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the

highest development and utilization of the waterways and water resources of the United States.

APPOINTMENT OF WATER-CONTROL BOARD.

SEC. 5. That each head of a department named in this act is authorized to appoint, with the approval of the council, for service as a member of the board, a highly qualified representative, who shall be an assistant secretary in the department in which he is appointed; shall devote his time primarily to the work authorized by this act; shall have, subject to the direction of the head of the department, such general supervision and control as may be necessary for the purposes of this act of the agencies within the department engaged upon such work; shall serve during good service and behavior; and shall be removable by the head of the department only for good cause.

RIVER-REGULATION FUND.

SEC. 6. That no sums shall be paid out of the river-regulation fund except on vouchers signed by the chairman of the board or by an official designated by him in writing, drawn on the Secretary of the Treasury. To provide for carrying out the projects formulated under this act, which involve expenditures in excess of the $60,000,000 herein appropriated to the river-regulation fund, the appropriation hereafter to the credit of said fund of such sums as may be necessary is hereby authorized. At any time that the Secretary of the Treasury shall determine it to be necessary or advisable, in order to provide all or any part of the appropriation made or authorized by this act or which may be hereafter made or authorized or to provide revenues to execute a project under this act, which shall have been approved by the Congress, he may issue and sell, or use as a means of borrowing money, bonds in the necessary amount, in accordance with the provisions of the act of August 5, 1909 (36 Stat. L., 11, 117), the act of February 4, 1910 (36 Stat. L., 192), and the act of March 2, 1911 (36 Stat. L., 1013). The sums appropriated or provided by the Secretary of the Treasury pursuant to this section shall be paid into the river-regulation fund and shall be available until expended and paid out as provided for in this act. All moneys received in connection with any operations under this act as well as from the sales of materials utilized and any condemned property, shall be covered into the "river-regulation fund" and be available for expenditure therefrom. It is the intent and purpose of this act to authorize and empower the council and the board and their officers, agents, and employees to do all necessary acts and things in addition to those specially authorized in this act to accomplish the purposes and objects hereof.

The VICE PRESIDENT. The morning business is closed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CLARKE of Arkansas. I ask that the Senate resume the consideration of the river and harbor bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CLARKE of Arkansas. I think the Senator from Colorado [Mr. THOMAS] expects to address the Senate at this time.

Mr. THOMAS. Mr. President, I shall address myself to this bill as a whole rather than to any of its specific items or to any amendment which the Senate Committee on Commerce has reported.

My principal reason for speaking upon the bill at all, if any reason be needed, is due to its general character, to the large aggregate appropriation which it carries, and to the fact that its distribution over so many States through the assembling of so many specific items indicates either a lack of system in the disposal of the public money for the ostensible purpose of improving rivers and harbors, or a deliberate distribution is designed for the benefit of the different localities where rivers and harbors are located, or to both.

I am not vain enough, Mr. President, to imagine that any criticism of mine will seriously affect the ultimate disposition of the bill, either in its present form or as it may be amended. But inasmuch as I took occasion to submit some remarks upon a bill of similar character at the last Congress, carrying, as I recall a much larger aggregate appropriation than this one, I have decided that it might not be amiss to repeat some of the objections which I then thought were pertinent to the bill, in the hope that their reiteration now, and perhaps hereafter, on similar occasions, might, like drops of water upon a stony surface, make some ultimate small impression.

There is no question that the appropriation of money for the improvement of our rivers and harbors in the interest of navigation constitutes one of the recognized powers of Congress, and a perfectly legitimate and highly desirable subject of public expenditure. The use of our streams and harbors for the development of traffic and the promotion of commerce and industry appeals very properly to every citizen who desires the welfare of this country promoted and its general prosperity increased. Indeed, the universal existence of that sentiment has had much to do with the growth of a system of legislation, manifesting itself in this and other appropriation bills, which not only accomplishes the purpose designed, but which goes farther and satisfies what might be called not only a long-felt but an insatiable want, to wit, the appropriation of moneys for local expenditure founded upon the ostensible purpose but foreign to it. This, in turn, has given rise not only to complaints and criticisms which though making little impression upon our course of legislation has crystallized in the coinage of names applicable to such bills, by which they are now generally, if not universally, known outside the Halls of Congress.

Before speaking to the bill itself, it may perhaps be also appropriate that I should say that the expenditures of the Government, and the alarming increase in their aggregate amount, and what seems to me to be the imperious present necessity of economizing wherever possible and limiting these expenditures as much as existing conditions will permit, constitutes an additional reason for taking the time of the Senate and engaging in this discussion.

It has been a constant and, in some respects, a monotonous practice of Senators upon the other side of the Chamber when bills were under consideration carrying appropriations, and especially when these appropriations were considerable, to remind the Democratic majority of the Baltimore platform, and particularly of that plank which commits the party to a course of economy in the administration of public affairs and which at the same time denounces the reckless extravagance of the Republican Party in that regard. Of course I recognize the practice as perfectly legitimate, and I am obliged also to recognize the fact that the occasions for these reminders are constant and of increasing frequency. I am impressed, Mr. President, with these reminders, but I am much more impressed with the fact that up to this time, at least, they seem to have made little, if any, impression elsewhere. I am impressed with them not alone because of the position which the party to which I owe allegiance has taken upon the subject, but because I perceive no disposition on either side of the Chamber to make this assurance an actuality or any great amount of desire outside of the Chamber on the part of the people in general to insist upon it or even to request it. Indeed, if I am any judge at all of the popular wish with regard to public expenditures, it is that they should be increased instead of being diminished, provided only and always that the increases shall be made in certain desired directions beneficial to this or that section of the country; the decreases, if any, to be made in other directions and designed for other ends and purposes.

Public opinion with regard to expenditures, in other words, is very much like public industrial opinion with regard to the tariff, at least among those who profess adhesion and allegiance to the Democratic theory of protection. It is that economies should be everywhere applied, except with regard to those who are asking appropriations for specific purposes of interest to themselves. These are concerned directly with the appropriations which they wish to see exempted from a general rule of economy, because they are assumed to be essential and beneficial to the interests or to the sections thus involved; and, of course, what is true of one is true of every part of the country. Just as in tariff matters the desire of the woolgrower to be exempted from impost reduction, the desire of the sugar producer for a continuation of his protection, and the insistence of the manufacturer that raw material should be admitted free while his manufactured product should enjoy the beneficent paternalism of the Government expressed in the shape of duties.

These clamoring insistencies nearly always result in no reductions at all. So in appropriations these varying views and desires, conflicting at first and then combining, result in increased appropriations and larger and larger supply bills.

And such will it be, Mr. President, I am afraid, until our expenditures reach an aggregate so appalling in its magnitude as to force upon the taxpayers of the country a realizing sense of their supreme interest in the expenditure of the public revenues as they should be in its collection, a situation which will be inevitable if we continue our methods of disbursement. For we must tax if we would spend, and if we shall, as I hope, resort to direct and forego indirect taxation, we may be sure that the people will then inquire what we are doing with their money.

I have noticed, too, Mr. President, that those most clamorous for appropriations from the Public Treasury, who are most eager to receive monetary benefits from the General Government, are the identical ones who first rebel and always protest most vociferously against increases of taxation.

It was said in a jocular way some years ago of a certain Member of Congress that his code of political ethics prompted him to always favor appropriations and oppose tax bills. Unfortunately, however, no country can operate upon such a principle and at the same time avoid the courts of bankruptcy. What we expend we must provide. That fund which we devote ostensibly at least to the public good must be gathered from the people of the country and placed in the Federal Treasury. The day comes in every instance when the Congress which appropriates must pay the piper or pass the problem on, and when the self-created necessity of raising added revenue and thus increasing the public burdens faces an administration, which continues its methods of appropriation, the revulsion is bound to come which for the time being at least will enforce a due regard for frugal expenditure.

It is a good thing for the Nation and for us when such a crisis comes. In this period of unexampled and abundant prosperity, when the tides of business have reached a high-water mark never before known to our commercial history, when money is pouring into the land in such prodigious quantities that its fortunate owners are embarrassed in its investment, when the cry of preparedness is abroad in the land, which is the equivalent of added expenditures of enormous amounts, the day of retrenchment is doubtless more remote than it ought to be, but it is coming just the same, and I want to be in a position, as far as I am personally concerned, where I can recall that I have uttered an occasional word of warning and placed myself squarely on record as an advocate of economy in public administration.

I freely concede, Mr. President, that I have introduced many bills calling for appropriations and have voted for many more. I make claim to no superiority either of capacity or of conviction over my associates upon this floor, or to the possession of any greater virtue or conscience. We are all here charged with a public duty, and I am convinced that every Member of the United States Senate in the discharge of that duty is actuated by motives and convictions as sincere and as pure and doubtless as substantial as any to which I can lay claim.

What I have to say upon this subject is therefore dictated neither by any sense of party advantage nor by any impulse which, in my judgment, is more lofty than those actuating the policy and the record of my associates.

Indeed, Mr. President, this leads me to refer to the fact that so far as economy in public expenditures or public administration is concerned there can be no difference whatever between that side of the Chamber and this. If there be any difference except in detail I have not been able to discover it. I think it is therefore perfectly legitimate for me to indulge the conclusion that much of the warning, much of the reminder of the Baltimore platform from the distinguished Senators upon the Republican side of the Chamber, is due to the fact that this side is responsible for the Government that, being in power, our actions do not square with our assertions, and that we must take the responsibility flowing from a disregard of our own plighted promises, and except here and there not to any desire for economy or frugality or even wish it, much less, except in individual instances, to insist that appropriations should be minimized instead of being increased.

The junior Senator from Iowa [Mr. KENYON] has addressed the Chamber at some length in opposition to this bill. During the first day which he occupied in that discussion he referred to many of the bills which at this session have been enacted into law carrying appropriations, and in that connection to the platform to which I have just adverted. I do not doubt that he approves the sentiment of that plank in the platform just as heartily as I do. I do not doubt that theoretically at least it finds fitting response in the breast of every Senator.

The Senator from Kansas [Mr. CURTIS] last Saturday, speaking upon the same subject, gave some estimates of the amount of money which thus far has been appropriated by the present Congress and of those which probably have to be provided for. I quote an extract from his speech on page 8949 of the RECORD. He says:

> I call your attention to the appropriations of the Sixty-third Congress and the estimates for the first session of the Sixty-fourth Congress. The Sixty-third Congress appropriated in its two sessions, for the two fiscal years 1915 and 1916, a total of $2,231,055,150, which was more than double the appropriations of the Fifty-first Congress; and this vast sum of over $2,000,000,000 does not cover all the money appropriated for the years 1915 and 1916, for it has taken four urgent deficiency bills so far this session, covering $25,781,229, to make up deficiencies for 1916.
>
> More than that, the estimates submitted to this session of the present Congress for the next fiscal year amounted, for one year only, to $1,287,857,808. To that you must add the deficiency appropriations of this session, which will go into the report of the next Congress, which will make $1,311,588,000 appropriated by this session of this Congress for the fiscal year 1917, and that does not include appropriations for several measures which have passed this body and which will no doubt become laws before this session adjourns.

I think—

Says the Senator—

> the time has come when we should call a halt upon the extravagance of this administration.

In that I agree.

> It came into power under a promise of economy, but the records show that it has been the most extravagant in the history of the country, and the estimates for this year far exceed the estimates that have ever been sent to any Congress in the history of the country.

It is true, Mr. President, that in considering this subject, allowance must be made for the growing demands of an expanding people and an expanding Government. Allowance, too, must be made for the increasing activities of a Government like ours requiring of necessity an expanding growth in appropriations because of them.

So far as that element of increase is concerned no man can find any exception. It is those increases which are not essential or not essential at the present time and those new appropriations which are practically wasted or at least do not bring to the Government the corresponding consideration that should result from their expenditure to which the pruning knife should be applied.

The Senator goes on and declares that—

> We, as representatives of the people, should stand for the reduction of taxation and for the strictest economy in the administration of the affairs of the Nation.

Nobody doubts that for a moment. He also says:

> We on the Republican side advocate this because it is right, and it is our duty in making appropriations to practice the strictest economy and only make such appropriations as are actually necessary and which will result in benefit to the people.

I think I may say that we on this side of the Chamber also advocate it because it is right. In fact, every man must advocate it because it is right and plainly right, and because there can be no dispute about the proposition.

It is also equally clear, self-evident, indeed, that it is our common duty in making appropriations to practice the strictest economy, as the Senator states.

Now, Mr. President, I quote from the Senator from Kansas not because his remarks are unique, but because his is the latest utterance from that side of the Chamber upon the general proposition. We have heard it elsewhere. While I am not attempting to evade the responsibility which necessarily rests upon this side of the Chamber, I think it is perfectly proper for me to remind Senators upon the other side that if their practices square with their assurances, their warnings, and their reproaches, I think there would be sufficient strength upon this side of the Chamber uniting with them to control the expenditures of the Government in the interest of economy.

While listening to the Senator's utterances it occurred to me that perhaps the record of Republican Senators for economy at this session of Congress might or might not support the contention that as Republicans Senators upon the other side of the Chamber not only urged the necessity of frugality in public expenditures, but squared their conduct with their belief.

I therefore caused an investigation to be made of the number of bills calling for appropriations which have been introduced by each Republican Senator in the Chamber from the first day of the present sessions of the Sixty-fourth Congress to about May 10, with a showing of the total of appropriations asked by each Senator and the aggregate of public moneys demanded by them.

This statement, Mr. President, to which I refer includes only bills asking for specific sums. It could not well include those calling for a "sufficient appropriation" to carry into effect the object of the bill. Neither does it include bills referring cases

to the Court of Claims for adjudication. Bills granting pensions I have computed for the year, and bills granting increase of pensions have been computed arbitrarily upon a basis of 50 per cent increase, which I think is conservative.

The result, Mr. President, does not, to my mind at least, convey the assurance that the Republican Members of this Chamber speaking generally—there are exceptions—have exhibited any greater love for economy than have the Senators upon this side of the Chamber.

Of course, the question may be asked why I did not compute the bills of Senators on both sides. I was well aware, Mr. President, that giving the result of my computation to the Senate the capable and industrious Members upon the other side would spare me the necessity of doing that work by doing it themselves.

I give now, Mr. President, the result of my investigation, taking the Senators in alphabetical order:

Senator BORAH has introduced 57 bills calling for an aggregate appropriation of $5,064,014.14.

Senator BRADY, his colleague, has introduced 31 bills calling for an aggregate appropriation of $388,866.15.

Senator BRANDEGEE, 46 bills, with the modest total of $8,306.

Senator BURLEIGH, 100 bills, calling for an aggregate appropriation of $26,970.

Senator CATRON, 69 bills, aggregating $1,053,577.15.

Senator CLAPP, 61 bills, calling for $785,672.11.

My genial friend, the senior Senator from Wyoming [Mr. CLARK], is entitled to the unique credit, including the Senators on both sides, of introducing only 6 bills, calling for $1,363.

Senator COLT, of Rhode Island, has introduced but 3 bills, calling for $2,860.

Senator CUMMINS, 48 bills; total amount asked for, $142,163,237.47. I should say in this connection, however, that two of the Senator's bills, each for $69,000,000, seem to be duplicates, although offered at different times, designed to make appropriations for the same purpose; that is, to increase the efficiency of the National Guard.

Senator CURTIS, 263 bills, calling for $246,642.37.

Senator DILLINGHAM, 25 bills, calling for $5,507,698.

Senator DU PONT, 21 bills; aggregate amount, $54,528.50.

Senator FALL, 10 bills, $1,271,013.

Senator GALLINGER, 47 bills, aggregating $4,799,650.

Senator GOFF, 13 bills, aggregating $6,726.

Senator GRONNA, 13 bills; total, $301,660.

Senator HARDING, 29 bills; total amount asked for, $19,839,69.

My distinguished friend from Washington [Mr. JONES], who has frequently read to us the celebrated economy plank of the Baltimore platform, has introduced 203 bills, calling for $23,573,345.51.

Senator KENYON, 8 bills, aggregating $69,606.20.

Senator LA FOLLETTE, 22 bills; aggregate, $541,256.

Senator LIPPITT, 15 bills; aggregate, $2,796.

Senator LODGE, 27 bills, calling for $2,281,919.12.

Senator MCCUMBER, 88 bills, calling for $11,351,968.54.

Senator MCLEAN, 187 bills, the total amount asked for being $314,130.86.

Senator NELSON, 39 bills; total asked for, $16,046,131.48.

Senator NORRIS, 16 bills, calling for $17,035,220.

Senator OLIVER, 24 bills, calling for $312,327.50.

Senator PAGE, 12 bills, $132,636.

Senator PENROSE, 234 bills, calling for $587,383.16.

Senator POINDEXTER, 34 bills; total, $6,013,266.70.

Senator SHERMAN, 102 bills; amount, $973,900.51.

Senator SMITH of Michigan, 69 bills, calling for $285,918.14.

Senator SMOOT, 50 bills, calling for $479,798.03. To that, Mr. President, should be added the Senator's proposed substitute for the highway bill providing for the issue of bonds in the modest amount of $500,000,000. That added to my distinguished friend's total puts him in the same position with regard to appropriations that he enjoys otherwise as the acknowledged and capable leader of the minority in this body, a position he has fairly earned by his genius for hard, constant, and unremitting industry.

Senator STERLING, 20 bills; total, $380,914.

Senator SUTHERLAND, 13 bills, $256,057.50.

Senator TOWNSEND, 51 bills, $18,622.52.

Senator WADSWORTH, 10 bills; total, $251,366.81.

Senator WARREN, 38 bills; total, $5,702,732.61.

Senator WEEKS, 37 bills; total, $214,271.85.

Senator WORKS, 38 bills; total, $52,934,015.03. To that must be added the Senator's amendments to the good roads bill, one calling for $100,000,000 to be used in the purchase of property between here and the White House and the other calling for $600,000 to be used in the purchase of Snow Court, the demolition of its buildings, and the erection of suitable and desirable structures to be rented to tenants. The total, inclusive of additions proposed to the road bill, is $301,462,207.65. Adding to these the other items I have mentioned, our friends who clamor for Democratic economy on the other side of the Chamber have up to date offered bills which, if allowed, would call for an aggregate appropriation of $902,062,207.65.

But I want to be fair about this matter, and, therefore, one of the bills of Senator CUMMINS duplicating the other, and each calling for $69,000,000, should be deducted from this aggregate, leaving, therefore, the modest sum of $833,062,207.65 for appropriations requested.

Mr. KENYON. I should like to ask the Senator——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. In just a moment. I have a list of the numbers of each of the bills introduced by the Senators, which I think will confirm the estimate made here, and to which Senators are entirely welcome if they care enough about this proposition to see whether the figures and the numbers are correct. I now yield to the Senator from Iowa.

Mr. KENYON. I simply wanted to ask what was the bill of my colleague [Mr. CUMMINS] which the Senator referred to as carrying $69,000,000.

Mr. THOMAS. It was designed to increase the efficiency of the National Guard. It was introduced twice, on each occasion calling for the same amount.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I yield to the Senator.

Mr. SMOOT. I was merely going to say to the Senator that he must know not one-tenth of 1 per cent of those appropriations asked for will be allowed by this Congress. Does he not know that?

Mr. THOMAS. No; I do not, Mr. President. Of course, I know that the great majority will not be allowed, but what were they introduced for? For recreation?

Mr. SMOOT. Mr. President, the Senator knows why many of them were introduced. Among them are bills that have been introduced each Congress, I suppose, for the last 20 years calling for the same appropriations. I myself can not say why they are so introduced. As far as the appropriation of $500,000,000, introduced by myself as a substitute for the good-roads bill, is concerned, I did not introduce it; I offered it as an amendment, and it would not have taken a dollar of appropriation from the Government Treasury. In that particular I think the Senator has overdrawn the condition. For instance, bills which have been introduced asking for appropriations have been duplicated by other Senators asking for exactly the same thing.

I am quite sure, if the Senator will follow out the appropriations proposed to be made from the list he has just read, there will not be at the end of the session one-tenth of 1 per cent of them that will become laws.

Mr. THOMAS. I trust, Mr. President, that my friend will prove to be a prophet.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I always yield with pleasure to my friend from Idaho.

Mr. BORAH. I wish to ask the Senator if he can account for the fact that the bill for $69,000,000 for the National Guard did not get through.

Mr. THOMAS. I think it was largely due to the argument made on the floor by the Senator from Idaho on the subject of the National Guard. It convinced me, and I am hopeful that it induced the Senator from Iowa to withdraw one of the two duplicate bills from consideration, and the other had its own way.

Mr. NORRIS. Mr. President——

Mr. THOMAS. I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator if he himself believes that what he has just read in regard to Senators is a fair and honest statement to judge the question of economy or extravagance?

Mr. THOMAS. Mr. President, it depends upon the viewpoint from which the question is asked. If the Senator was here when I stated my purpose in offering this memorandum he will recall that I said that in view of the many warnings the Republican side of the Chamber have uttered against the extravagance of this side I thought it were well if it could be shown that they had conformed to their preaching, and that it might, therefore, be illuminating to ascertain how much, not only in the aggregate, but in detail, had been the demands upon the Treasury in the way of bills introduced in this body for

consideration carrying appropriations. I think it is perfectly fair from that standpoint, Mr. President, if indeed it be not in others. If it is not I should like to have the Senator point it out.

Mr. NORRIS. Well, the Senator has included, has he not, authorizations as well as appropriations?

Mr. THOMAS. I have included all bills calling for specific amounts. There are bills which, of course, call for appropriations, though not mentioning specific amounts. Those could not be included. On bills for increase of pensions I have made an arbitrary calculation of 50 per cent.

Mr. NORRIS. There is a difference between authorizations and appropriations. I have now in mind—and I want to ask the Senator about it——

Mr. THOMAS. There is very little difference when it comes to the Treasury of the United States.

Mr. NORRIS. Yes; there is a great deal of difference. I have a particular bill in mind, and I want to ask the Senator whether such a bill would be included. I have introduced a bill for the development of Great Falls out here near Washington——

Mr. THOMAS. That has been included.

Mr. NORRIS. There is not any appropriation in that bill, I will say to the Senator.

Mr. THOMAS. But there is an authorization of an appropriation.

Mr. NORRIS. Yes.

Mr. THOMAS. And the Senator from Nebraska knows—at least, I think he knows—much better than I, if the development of hydraulic power at Great Falls is to be made effective, it will require more than the amount which he in his bill proposes to authorize for that purpose.

Mr. NORRIS. But the Senator from Colorado likewise knows—and I am satisfied he will admit it, for I believe he is just as fair as I am—at least, I think the Senator wants to be fair——

Mr. THOMAS. I am obliged to the Senator from Nebraska for his good opinion.

Mr. NORRIS. There is not any appropriation, for instance, in that bill; and the Senator knows, as I said, as well as I do, that if the work were begun to-day—and if the Senator does not know it he can get that information from the reports of the engineers who made the investigation—that it will take five years to complete it.

Mr. THOMAS. That is true, Mr. President; I admit that.

Mr. NORRIS. And the appropriations, when it comes to making appropriations, will be divided up.

Mr. THOMAS. But at the end of five years the Senator will discover that his authorization is far too small.

Mr. NORRIS. That may be; and the Senator will likewise admit that in a proposition of that kind, assuming it to be successful—and I believe the Senator himself thinks it would be successful—the appropriation, if any were made, would in its very nature be reimbursable, and all of it would be returned to the Treasury; and that, as a matter of fact, it would be an act of economy in behalf of the people of Washington, who have to use electric light and electric power on electric railways.

Mr. THOMAS. Is the Senator from Nebraska through?

Mr. NORRIS. I want to ask the Senator another question about that.

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Nebraska?

Mr. THOMAS. Of course, Mr. President.

Mr. NORRIS. I introduced that bill, and I offered it in a modified form as an amendment to a pending bill; and in another modified form I again introduced it. Now, I should like to ask the Senator whether in his calculations he has included that bill in all its different forms?

Mr. THOMAS. If the Senator will tell me what amount is authorized by his bill I will answer the question.

Mr. NORRIS. It is somewhere in the neighborhood of $15,000,000, I think.

Mr. THOMAS. I have here a list of the bills introduced by the Senator, of which Senate bill 711 carries $15,021,600. There is another bill—Senate bill 3202—the amount of which is $2,000,000.

Mr. NORRIS. For what purpose is that bill?

Mr. THOMAS. I should have to refer the Senator to the bill. I have not a copy of the bill here.

Mr. NORRIS. I want to ask the Senator if he will take that bill as an illustration?

Mr. THOMAS. If the Senator does not know, I do not, I am sure.

Mr. NORRIS. We will take that as an illustration. Does the Senator cite that as an instance of extravagance, and does the Senator believe that indicates a tendency toward extravagance?

Mr. THOMAS. I cite anything as extravagance or as a tendency toward extravagance which at the present time is not imperatively demanded in the public interest.

Mr. NORRIS. The Senator, then, if that be his position, is opposed to any improvement, or to any advancement, or to any development of any of the resources of the United States that are under the control of Congress?

Mr. THOMAS. That is the Senator's conclusion, but not mine.

Mr. NORRIS. Yes; I will admit that.

Mr. THOMAS. I do not think so.

Mr. NORRIS. Does the Senator think we ought to appropriate for anything except salaries or for the payment of debts that the Government owes?

Mr. THOMAS. Oh, yes. I have voted for some other things myself. As I said some time ago, I am not setting myself up as at all superior to my associates upon this floor regarding this subject, and I expect to vote for a great many other money bills.

Mr. NORRIS. The Senator thinks, for example, that the particular case I have referred to—the development of Great Falls—is an evidence of extravagance, and he offers that, does he, as a defense of the Democratic Party for its extravagance?

Mr. THOMAS. Mr. President, I am now sure that the Senator from Nebraska was not here and that he did not do me the honor to be present during my introductory remarks; otherwise he would have realized that such was not the case. I have once stated my purpose to the Senator. If he wishes me to do so, however, I shall repeat it.

Mr. NORRIS. I have heard all that the Senator said. I have been here during all the time he has been speaking.

Mr. THOMAS. Then I have been unfortunate in my expressions and have been unable to convey what I had in my mind by the language which I used.

Mr. President, I have stated that the main purpose for which this tabulation was made was to inquire whether, in view of that record, the constant reminders to this side of the Chamber of our extravagance and of the necessity of economizing could not be very well assisted and aided by the example of those who so remind us, and particularly in the demands which they themselves have made upon the Treasury. Now, the Senator certainly comprehends that.

Mr. NORRIS. If the Senator will permit me to answer that, or rather to hold up to view those who are in favor of economy, I will say that the Senator from Colorado cites instances such as I have cited and other instances of bills introduced by other Senators—for example, the one he referred to which was introduced by the senior Senator from Iowa [Mr. CUMMINS], a bill that provided for a reorganization of the Army, that would necessarily require a great deal of money, and the Senator from Colorado, therefore, thinks, as I take it, that the Senators who have introduced such bills are inconsistent, when, on a "pork-barrel" bill like this one, they are trying to cut down the expenditure of the public money for the purpose of putting water into dry creeks and floating boats up harbors that have not water enough in them to water a steer——

Mr. THOMAS. Does the Senator from Nebraska think that I am defending this bill?

Mr. NORRIS. I do not suppose that the Senator is, but he is criticizing the men who are finding fault with its extravagance.

Mr. THOMAS. Oh, no, Mr. President; I am not singling out anybody on that side of the Chamber. Far be it from me to make any invidious comparisons. I have given the totals, and I want to say to the Senator that some of my brethren upon the other side have been so extremely modest in their demands upon the Treasury that I can find no words which are sufficiently superlative to express my admiration of the fact.

Mr. NORRIS. Does the Senator believe because a Senator does not introduce bills asking for large appropriations, though he would perhaps be in favor of voting for every extravagant amendment or every extravagant item in this bill, that therefore he is an economist, and that the man who has introduced a bill for the reorganization of the Army, let us say, or the reorganization of the Navy, which necessarily must cost many millions of dollars, is an extravagant man because he believes that by reorganizing either of those branches of the service he might bring about some adjustments in the way of efficiency and perhaps in economy as well?

Mr. THOMAS. Mr. President, if I have not made my purpose clear to the Senator from Nebraska by this time, I shall despair of doing so at all.

Mr. LODGE and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I am willing to yield to everybody, Mr. President, one at a time. I think, however, the Senator from Massachusetts [Mr. LODGE] has been on his feet for quite a while, and if the Senator from Utah will permit me, I will first yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, that is very kind. I was not present when the Senator from Colorado read those lists to the Senate, and I had the curiosity to go and look at what he accredited to me. I find that the largest item is an amendment which I introduced for the payment of the French spoliation claims. It is not likely to be extravagant, because the point at which the United States Congress always saves is in the payment of just debts.

Mr. THOMAS. Well, Mr. President——

Mr. LODGE. One moment. I introduced the same amendment in an amended form—because there were errors in the first amendment—for the same amount, and the Senator has counted both amendments in his estimate. Now, I venture to think that the total—there is only an error of a million dollars in the Senator's estimate—is not serious.

Mr. THOMAS. That does not amount to anything in the National Congress in these days.

Mr. LODGE. But the whole thing was for only a little over a million dollars; and it appears in the list as $2,000,000, which, perhaps, is not exact.

Mr. THOMAS. My secretary made the computation for me, and he is generally a very accurate man.

Mr. LODGE. He is perfectly accurate, but he has made the estimate on two amendments, when the two amendments are for precisely the same thing.

Mr. THOMAS. In that case, of course, the correction should be made.

Mr. LODGE. I think if the Senator will examine the matter, he will see that both amendments are for the same thing.

Mr. THOMAS. I will take the Senator's word for it. That will reduce the total by a million dollars, upon the Senator's word.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I do so with pleasure.

Mr. SMOOT. Mr. President, I am charged with introducing bills amounting to 60 per cent of the $900,000,000. I want to say to the Senator from Colorado that, if I secure an appropriation of $30,000 during the entire session of Congress, it will be more than I expect.

Mr. THOMAS. Well, the Senator probably goes upon the principle that he will not get any more than he asks for.

Mr. SMOOT. And upon that basis the other 40 per cent introduced on this side of the Chamber would be $20,000, and out of the $900,000,000 of bills stated by the Senator as having been introduced by Senators on this side of the Chamber. If other Senators get the same percentage which I hope to get on what is charged to me, we shall secure about $50,000 this session of Congress. That is the situation as it exists, although I do not believe that $50,000 will cover the amount that will be actually appropriated.

The Senator from Colorado knows that I have studiously avoided asking for any appropriation that I thought was in any way wasteful or extravagant. When I came to the Senate I made up my mind that I should never vote for a claim that I myself would not pay under similar circumstances if the claim was against me. I have taken that position, and I think I have lived up to it carefully. I only mention this to show how unfair, in my opinion, are the figures cited by the Senator, in that they do not show what will be appropriated.

Mr. THOMAS. Well, Mr. President, of course I anticipated that this tabulation would not only provoke interruption but comment; and I am satisfied that it will be followed by explanations which will be satisfactory in general, and certainly to those who make them.

I have no desire to do any injustice to anyone or to make any statement that can be fairly subjected to the charge that it is unjust regarding this all-important subject. I think that those who live in glass houses sometimes indulge in the throwing of stones only to imperil themselves; but, as I have stated, my general purpose was merely to show the trend of bills for appropriations, proceeding as well from those who denounce Democratic extravagance as from those who are responsible for Democratic extravagance.

Of course I know, everyone knows, that the majority of these bills will not be enacted, just as everyone knows that the majority of the bills introduced on this side of the Chamber will not be enacted, not only because many of them can not command a majority upon their merits, but also because the aggregate of appropriations may in any event be so great as to deter even the most reckless legislator from its contemplation.

Mr. President, the Senator from Nebraska [Mr. NORRIS] is a most capable, conscientious, upright, and invaluable public servant. So far as I am able to judge, he has been pretty nearly right on everything he has advocated or stood for in this body, except those matters which relate to party principle and party convictions, and, of course, such a man as he would necessarily sustain them, and he has done so. I am not accusing him of extravagance. The Senator believes—and he is right about it—that the development of the Great Falls project would result in great benefit to this community. There is no question about that. It is also true that his bill does not ask for a direct appropriation, but the fact is that this enterprise, upon which he has set his heart and which is as beneficial and as valuable, in my judgment, as the Senator has so frequenty declared it to be, will call for a great deal more money than the amount mentioned in the bill. I think that, having waited for this improvement for some time, we can afford to wait a little bit longer.

Just now the Senator from Massachusetts [Mr. LODGE] has called my attention to the fact that the bill which swells his aggregate of appropriation into the millions—not many millions, however—has reference to the French spoliation claims. Well, Mr. President, the French spoliation claims have been the subject of renewed consideration for over a century and the money for the payment of them has never been obtained from the Treasury of the United States. Why, I do not know; but certainly those claims are so ancient in character that at this time they can afford to wait a little longer, it seems to me, instead of our making appropriations, or even considering appropriations, for them.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. I do.

Mr. NORRIS. Referring to the particular bill which accounts for most of the extravagance which the Senator has charged against me, I want to ask him if he did not vote for it himself when we had a roll call on it several days ago?

Mr. THOMAS. I should not wonder at all if I did. I vote for pretty nearly everything the Senator sincerely advocates. It seems impossible, however, to get out of the Senator's mind that I am not occupying any "holier-than-thou" attitude with regard to these matters. That is not at all my position.

Mr. NORRIS. I understand the Senator has used——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Nebraska?

Mr. THOMAS. Always.

Mr. NORRIS. The Senator, after describing these extravagant propositions, as he terms them——

Mr. THOMAS. I do not know that I used that expression.

Mr. NORRIS. Embraced in pending bills has said—and I think I can quote his words—that "people who live in glass houses should not throw stones."

Mr. THOMAS. I said that; yes.

Mr. NORRIS. He puts every man who has introduced a bill providing for the expenditure of public money, if he be a Republican, in a glass house; but if he be a Democrat he surrounds him with a guard, I suppose, which will prevent any attack being made on him.

Mr. THOMAS. Not at all, Mr. President. I am here to say—and it is nothing new, because I have said it before—that the Democratic majority of this body and of the other House has not regarded the party pledge with respect to the economic administration of public affairs. I have said, and I say again, that the criticisms made on that subject upon the other side of the Chamber are often legitimate. I want, however, to see some action upon the other side commensurate with these criticisms, to the end that we may, possibly through Republican aid, get somewhere in the matter of a reduction of expenditures.

Mr. NORRIS. Mr. President, will the Senator yield again?

Mr. THOMAS. Of course, I yield.

Mr. NORRIS. I want to refer the Senator now to another bill which he has cited as an example of my extravagance and to ask him a question about it. If that bill, together with the one for the Great Falls project, be eliminated, there is practically nothing left of his charge, so far as I am concerned. The bill to which I now refer provides for an appropriation of $2,000,000 for carrying out the plan outlined in the bill for Federal assistance in the treatment of tuberculosis, and applies particularly to the States of Colorado, California, New Mexico, and Arizona, which States have been overburdened by a large

immigration coming to them from other parts of the United States under the idea and belief that people afflicted with tuberculosis could be cured there. The result has been that in some localities in the Senator's great State, as well as in the other great States I have mentioned, the afflicted persons become public charges. The hearings before the committee of this body show that thousands and thousands of such persons die because they are unable to get away and are unable to pay the expense of their support and their care in a proper way. Many of them live in very poor boarding houses and other places, where they are herded together in large numbers. The bill proposes that in those States in cases of that kind, where a resident of another State has come in and is unable to get away on account of poverty, the United States shall bear half of the expense of his care, provided the State, under proper rules and regulations, to a certain extent standardizes its sanatoriums and other places where tuberculosis patients may be kept and properly treated. Does the Senator believe that is an evidence of extravagance, and does he think that that is the opinion of the people in his own State, who, I believe wrongfully, are compelled to pay a great many expenses of this kind on account of sick persons who come there from other parts of the United States and spend the last dollar they have, perhaps, to get to Colorado, and are unable to care for themselves or to pay for proper care after they reach the State?

Mr. THOMAS. No, Mr. President, I do not think that is extravagance. I do not think that a single bill which the Senator has introduced is an extravagance. I think every bill which the Senator has introduced calling for an appropriation is, in his judgment, very essential to the public welfare. I am opposed to that particular measure for two reasons, one of which has reference to the power of Congress to pass it, and the other of which has reference to its application. I know that my own people, so far as I am able to judge from information received, are not at all friendly to it, there being here and there an exception; and I must assure the Senator that because it applies to my State in conjunction with some others would be no reason why I should vote for it, although the tendency is that way, and I have frequently voted for measures because of their local benefit.

Now, I want to remind my friend, the Senator from Utah [Mr. SMOOT], with reference to his $500,000,000 substitute for the good-roads bill, that I voted for it and I believe it is a much better measure than the one which finally passed the Senate. I am glad the Senator offered it. That bill was the result of long and painstaking investigation, the product of a man of great ability, who had devoted years and years to working out the scheme, and, in my judgment, it is the road bill which should be adopted, if we are going to adopt a road bill at all. I say that frankly. I think the Senator has been the means of reducing a number of appropriations here, and has also protested, on several occasions to my certain knowledge, against the enactment of some other appropriations which did not commend themselves to his judgment; but I must totally dissent from the proposition that, if his substitute had become a law, it would not have placed a burden upon the Treasury. True, it calls not for money but for credit, but the issuance of $500,000,000 of bonds, albeit they are exchangeable for State bonds carrying a higher rate of interest, nevertheless, Mr. President, is a burden upon the Treasury at present to the extent to which the exchanges may be made.

Nor do I think that because bills are introduced, first at one session and then at another, because they have not been enacted into legislation, is any particular defense for their introduction at the present time, if those who introduce them really believe that we should at the present time exercise as much economy as possible in regard to public expenditures.

I think it was the Senator from Nebraska who referred to the fact a few moments ago that the funds involved in the construction of the Great Falls project would ultimately result in reimbursement to the public of the amount of money required. That is probably true. We have a number of so-called revolving funds in the Treasury, and we make appropriations out of those revolving funds; but, generally speaking, Mr. President, they do not revolve very far. The machinery essential to the perfect work of the revolution does not seem to be properly oiled or lubricated. It may work out in time, but up to date very few of them have proceeded beyond the first revolution, and there they will probably stick for a good while. That is particularly true, I think, of appropriations coming from the various Indian funds, which are subject, of course, to appropriations for Indian purposes.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. THOMAS. I yield.

Mr. WARREN. Mr. President, I was engaged in committee when the Senator began his remarks.

Mr. THOMAS. I am sorry the Senator was not present, and I regret that I did not postpone reading the amount involved in the bills which the Senator has introduced until his committee work had been concluded.

Mr. WARREN. I freely forgive the Senator. I am sorry I was not present during the whole of the Senator's interesting remarks. I feel greatly obliged to the Senator, however, for taking up so freely and conscientiously this interesting subject. It is one that ought to be taken up oftener and by various and numerous Senators. I think we ought to give the Senator from Colorado a vote of thanks, first, because he has introduced a subject which it is most interesting to hear him discuss—and his remarks are always interesting—and, second, because it will tend to economy. I especially, however, think we ought to thank him for calling the attention of his own party to the fact that they have not fulfilled their many preelection pledges regarding economy.

So far as the reference to bills which I have introduced is concerned, I am not certain that I know just what list the Senator has. A moment ago at his desk I was shown what purported to be a list embracing a total of about $5,700,000, of which $5,000,000 was credited to a bill providing for the erection of an aviation school. I do not at this moment recall introducing a bill of that kind. I only hope I have done so, because, if we are to have military preparation or any improvement in military matters, there is nothing so important as aviation.

Mr. THOMAS. Well, Mr. President, I can not tell the Senator offhand what the bill is. These calculations were made for me——

Mr. WARREN. Yes.

Mr. THOMAS. And not by me; but I think they were made very carefully, I imagine, however, that the Senator has not introduced so many bills appropriating $5,000,000 but that he would have some recollection of this one. It is the only one carrying that amount I find on the list.

Mr. WARREN. I think the record I saw on the Senator's desk shows 38 bills introduced by me.

Mr. THOMAS. Thirty-eight bills, of which that is the only one carrying such a large amount.

Mr. WARREN. If I did not introduce it, I am sorry that I did not.

Mr. THOMAS. I think the Senator will find that he introduced it.

Mr. WARREN. But the total of the Senator's charges as to what the bills introduced by me call for would leave about $700,000 for every purpose and for all purposes. I feel that I ought to apologize to my State and to my constituency for not asking for more. When a great State like the one I have the honor to represent in part asks for less than $700,000, including everything, I feel that I have hardly done my duty.

Mr. THOMAS. I will remind the Senator that the session is young yet; and I am quite sure that his success in securing appropriations for his State in the past, during the long period of his public service, will cause his people to overlook his present relapse from duty, if such relapse has occurred.

Mr. WARREN. That avowal, which becomes a matter of public record, will help me somewhat.

Mr. THOMAS. Yes.

Mr. WARREN. And also the intimation that I may be permitted liberty to involve the Government in some further expense hereafter.

Mr. THOMAS. Oh, there is plenty of time.

Mr. WARREN. There does not seem to be, however, any particular opportunity for me to get in on the measure now before us—the rivers and harbors bill.

Mr. THOMAS. Would the Senator like to "get in"?

Mr. WARREN. I think we ought to connect the city of Denver and the city of Cheyenne, the capitals of our respective States, by water in some way. [Laughter.]

Mr. THOMAS. I am quite sure that a canal between the two cities, our State having gone "dry" and the Senator's State still being "wet," would be patronized by a volume of traffic which would make that now existing on the Mississippi look like 30 cents. [Laughter.]

Mr. WARREN. I have found, in traveling in Japan and China, that in perfectly dry country they build canals for many a mile. To put a canal over that 110 miles and connect those

two capitals would certainly be a more tenable proposition than some of the items that are contained in this river and harbor bill; and I hope the Senator will think about it.

Mr. THOMAS. I quite agree with the Senator, although I am not going to vote for the bill for that or for any other reason, and I suppose the Senator will support it.

Mr. WARREN. No.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I yield to the Senator.

Mr. KENYON. I am greatly interested in the Senator's statement about bills introduced. I sent and secured the large ones that the Senator charged up against me, though I think my aggregate is quite modest.

Mr. THOMAS. I am sure it is.

Mr. KENYON. One of those bills was for $5,000 to be paid to William T. Roche in compensation for injuries received as a rural carrier. This man, in the performance of his duties as a rural carrier, lost both of his hands.

Mr. THOMAS. I think the Senator is a good deal more modest than I have been.

Mr. KENYON. He is a man with a family, and I think it is an outrage that that bill does not pass.

Mr. THOMAS. I am inclined to agree with the Senator.

Mr. KENYON. Another one was in regard to the destruction of $1,985 in currency where a bank burned up. I introduced that bill to reimburse these people, which would be no loss at all to the Government. The other is a workingmen's compensation act for the District of Columbia, and provides $55,000 for a number of years to carry on that work.

Mr. THOMAS. I think that is necessary.

Mr. KENYON. Those are the large items to which the Senator has called attention. Now, probably that one could wait. I have not urged that large appropriation.

Mr. THOMAS. I am satisfied that the Senator has been modest to a degree in the demands upon the Treasury that he has made in his bills.

Mr. KENYON. I think perhaps I might be criticized in regard to some of the pension bills I have introduced, though I confess that my feelings as to the soldiers of the country are such that I do err there sometimes. I can not scrutinize very carefully bills to care for these men in their old age. That is a constantly diminishing payment. But a few years more can we do anything for them.

Mr. THOMAS. I am not offering criticisms of particular bills, except as I am compelled to do so in this running course of comment. The Senator's explanation of these bills, which is perfectly satisfactory as regards those to which he calls my attention, reminds me, however, of a fact which I think he will concede—that every measure calling for money from the Treasury is defended upon the ground that it is essential for that particular object, and essential now; also, that in itself it amounts to comparatively little, and therefore will not make any material difference in the aggregate of appropriations.

In that way, Mr. President, we are led to make expenditures the aggregate of which is enormous. We forget that the combination of a few sums produces a result which is frequently not only out of all proportion to estimates, but so large as to be positively startling. The accumulation of money is something to which very few pay heed unless their attention is specifically directed to it. Few of us recall, except when reminded, that some of the greatest corporations in the world to-day, and certainly in this country, depend for their expenses and their dividends upon the receipt of small amounts of money from enormous aggregates of population.

For example, the subway in New York, capitalized at hundreds of millions, paying large dividends and employing a great many people, has a revenue prodigious in amount, but made up of 5-cent pieces. The nickels of the millions, accumulated in the coffers of that great corporation, produce at the end of each year an aggregate sum of money which the imagination can not grasp and of which the mind can hardly conceive; and those who were far-sighted enough to realize that fact are those who have benefited by and through the organization and control of the corporations to which I refer. What is true of them is true of the administration of public affairs, and always will be true.

Mr. President, let me say that this tendency to the increase of public expenditures is not peculiar to the present Congress or to the preceding one. It is not peculiar to the Congresses preceding the Sixty-third. It has been a growth in constant, sometimes increasing and sometimes decreasing, progression, but a constant growth from the inception of the Government, and it is one of the things for which Congress is only in part responsible; for I affirm that the people of this country do not in the mass require economy in the administration of their financial affairs. The constituents of the Senator from Wyoming, the constituents of the Senator from Iowa—some of whom doubtless are denouncing him for opposing this identical bill—my own constituents, the constituents of every Senator in this body, the constituents of the Representatives at the other end of the Capitol, are constantly besetting us and them, in season and out of season, demanding appropriations for this, that, and the other object. It has gone to such an extent, Mr. President, that State lines are disappearing, and the States themselves are surrendering their prerogatives and their sovereign power in exchange for appropriations from the National Treasury.

Mr. WARREN. Mr. President——

Mr. THOMAS. I yield to the Senator from Wyoming.

Mr. WARREN. I ask the Senator if the decreases that he mentions have not been infrequent and confined to periods following a war or some emergency of that kind? Has not the rule been an increase every year, with those few exceptions?

Mr. THOMAS. They have generally followed panics. But they have been increasing constantly; and the avidity of the public for Government money grows by what it is fed upon.

Mr. WARREN. That is true, Mr. President; and without wishing to differ with the Senator altogether, it is going to go on continuously in the future. The country is growing. The country is going to exact more and more. It is going to get more and more. There is no use in charging it altogether to any political party.

Mr. THOMAS. I do not.

Mr. WARREN. Although, as a matter of fact, the Senator will admit that since the change in the last two and four years the increase has been greater in percentage; but I presume that is because those who were in the minority were hungry, and, when they became a majority, demanded the loaves and fishes which they had been waiting for. We must recognize that, and they have been more extravagant than those who preceded them, but all have been extravagant.

My own opinion is that we can not protect ourselves altogether, and should not protect ourselves, perhaps, against some growth in expenses. It is simply a matter of judgment as to how much of that increase we are going to say is necessary and how much is not necessary; and the Senator is very properly calling our attention to expenditures in which he thinks we are traveling too fast.

Mr. THOMAS. I think, Mr. President, that the Senator is absolutely correct when he says that neither of the great parties of this country, no party that has ever been in power in this Government, except in the sense that because it is in power it is responsible, is actually responsible for the large increase in public expenditures. Congressmen, like other people, are human, and they yield to pressure; and in these days when the popular conception of our Government is that it is a huge reservoir of money, to be paid out to each and every man who desires it or who needs it, it is perhaps a subject of remark that we have not been more extravagant than has been the case.

I may say in this connection, however, Mr. President, that I think the very large immediate increase was more apparent in the administration of President Roosevelt than at any time before or since. I think during his administration the civil service was increased in number by one or two hundred per cent, and the various activities which the Government entered upon during the administration of that very active President naturally increased the amount of expenditures, and consequently the amount of our appropriations. But there, too, was a yielding to that public pressure which, constantly exerted, necessarily finds ultimate expression in this Chamber and in the House of Representatives.

Mr. KENYON. Mr. President——

Mr. THOMAS. I yield to the Senator from Iowa.

Mr. KENYON. I am deeply interested in the philosophy which the Senator propounds concerning the American people and their desire or want of desire for any economy and their desire to have their money spent. I can agree with the Senator from Colorado, I think more perhaps than with any other Senator in this body, generally, but I can not believe that can be true. If that is true, when we meet in conventions, both parties representing the people and fresh from the people, conversant with their ideas and what they want, why do we say, both parties—your party said in the Baltimore platform, as we will say in the Chicago platform—that we are in favor of economy and a reduction of offices? If that is not what the people want, why do we say that?

If the Senator is correct, why do we not say in our platforms that we will appropriate all the money we can raise by any form of taxation and go to the people on that kind of a

platform? Does the Senator believe that any party could win on that platform?

Mr. THOMAS. Oh, no. Macaulay once said that you could practice wickedness and immorality with impunity, but the moment you began to preach it your doom was sealed.

Mr. KENYON. Does the Senator believe that the American people are not in favor of any economy? Does he believe that the public conscience of our people is such that if a State or a district can get appropriations out of the Public Treasury that is all the people care about?

Mr. THOMAS. Why, Mr. President, I will try to answer that, but I can not answer it categorically. There is an old saying with regard to some men that they are "in favor of the law but against its enforcement." Now, I have not any doubt that the people theoretically are in favor of economy. I have not any doubt that their indignation rises sometimes to an extreme when they are brought face to face with the aggregate of public appropriations. The Senator's people are in favor of economy, and earnestly so, but they want the appropriations which they desire for their own State exempted from the general program. The people of my State are in favor of economy, sincerely and earnestly so; but they naturally desire those appropriations designed for the benefit of their community, upon the assumption that they are necessary, to be exempted from the general program; and that, of course, is the universal condition. In effect it so operates as that nothing is exempted. It is just that condition which confronts the majority in the formation of a tariff bill taking in all the schedules, even a Democratic tariff bill for revenue only. Among the strongest advocates of the reduction of duties are those who want their own business exempted from the operation of the general law, and they are sincerely in favor of tariff reduction. It is the impossibility of economizing by piecemeal, by locality, and the consequent inevitable tendency toward the making of omnibus bills framed to include all these things and all these communities which produces extravagance.

When I say that the people are not in favor of economy, I have reference to the practical operation of their economic ideas upon financial legislation. For example, some time ago I received a letter from a constituent very much interested in a bill pending before the other House, and which he wanted me to introduce here, calling for some $5,000,000 for the construction of a needed piece of railroad. This gentleman called my attention to the fact that the bridging of the gap which this small section of railroad would effectuate would open up the coal deposits—and they are enormous—in the southwestern part of Colorado and the agricultural and mineral possibilities to the southwest and give them direct communication to Los Angeles. He also urged with perfect sincerity that it was an essential element in the scheme of preparedness, since this coal would be needed, in case of a foreign war, for our battleships and battle cruisers and submarines, and so forth, upon the Pacific coast.

I answered, calling attention to the enormous demands now being made upon the Treasury, to the fact that it was proposed to increase our Navy and our Army, and consequently increase taxes, and that our people should not only practice but preach and urge upon their representatives the strictest economy. The correspondent replied that that was true, and that he not only desired it but would hold me responsible, as far as he could, for it: "but here is something that must be exempted from the operation of this principle. We need the railroad. It is essential to our community life. It is essential to the great scheme of preparedness, and therefore it is not extravagant."

Mr. President, that incident is not only duplicated but multiplied infinitely and indefinitely before every Congress that has convened in my lifetime, and it will doubtless be repeated until some method of financial legislation not at present visible even upon the distant horizon shall take the place of the loose and slipshod method which has characterized the American Congress during the life of this Nation.

I wish that both parties could recommend and insist upon the adoption of what is called the budget system. It may not be the best but it seems to me to be the only solution of this problem, since, by adopting it, the estimates made by those who ought to know will constitute the maximum of appropriations for every year. We may reduce them, but we can not exceed them. On the other hand, too, those thus charged with the duty of financial legislation will see to it that their estimates and the purposes of the appropriations are strictly public in their character, and that the money devoted to the purposes mentioned in the budget will be so expended, and for the public benefit.

That plan meets with opposition from a great many people who are economists in theory, but who seem to apprehend that it may interfere with some exigent appropriation in which they may be interested thereafter. I believe it will work out, and I believe it will come when through the increase of taxes—direct taxes, I hope—the additional burden placed upon the backs of the people will cause them to realize that they can not keep their apple and at the same time eat it; and if increases come with a decrease in our present tide of prosperity, then many of the public now clamoring for appropriations will be the loudest in their denunciations of Congress for its extravagance.

I repeat, Mr. President, lest I be misunderstood, that I merely wanted to call the attention, and I think I have called the attention, of the Senate to the fact that in regard to the introduction of bills for appropriations, the sums desired and required and asked for, honors are practically easy on both sides of this Chamber.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Texas?

Mr. THOMAS. I yield.

Mr. SHEPPARD. I wish to call attention to the fact that the total annual expenditures of the United States Government, large as they may seem, are only five or six times larger than the total annual expenditures of the city of New York; and that the expenditures per capita of the city of New York are about $40, while those of the Federal Government are about $10 or $12.

Mr. THOMAS. That is true; and the Senator might add that the interest-bearing bonded debt of the city of New York is several hundred millions larger than the interest-bearing bonded debt of the Government of the United States. That money was and is being expended in a system of public improvements made necessary by the requirements of an enormous and congested population. It is raised by the issuance of bonds. That tremendous burden is thus very largely postponed and placed upon the shoulders of posterity. There is a day of payment coming for that, Mr. President; and if the sums of money being expended, as the Senator has reminded me, were required to be raised by direct taxation upon the principle of "pay as you go" their enormous total would disappear.

It is always easy to spend money at somebody else's expense. The easiest thing in the world is to have a good time on the money of others; and the tendency of the people of this generation and the preceding one, not only in the United States but everywhere, is to spend all the money they think they need at the expense of posterity, and let our children take care of the burden. We will indulge in luxury and in riotous living. These enormous incumbrances will not mature until long after we are dead and gone, and either enjoying ourselves somewhere else, or the contrary. Let posterity struggle with that problem.

It is upon this principle, Mr. President, that many people propose to pay for this system of preparedness—by issuing bonds, taxing the present generation only for the amount of interest, and, to use a common expression, "passing the buck" to posterity. There will be a day of reckoning some time between the public creditor and the tax-paying debtor. I hope it may never come with disaster as its attendant. There are no signs of it at present; but when we reflect that the expenditures and, consequently, the indebtedness of the cities, counties, municipal districts, school districts, and States is increasing by leaps and bounds, and that when a bond issue matures it is generally paid by the substitution for it of another bond issue, carrying, possibly, some different rate of interest and expiring 50 or 60 years hence—a practice which can not go on forever—and that each succeeding issue adds to the sum total of the aggregate indebtedness of the people, and that our total interest-bearing burden for city, county, State, and national indebtedness runs into the billions, and then reflect that there must be a day of payment, and that the source of payment is taxation upon the productive and consuming energies of the people; there are problems gathering for which we are responsible but which other generations must solve. These are dark and sinister in contemplation, and I fear are potent for trouble to those who will succeed us upon this stage of action.

Mr. President, in connection with these expenditures, of which this bill forms a part, I want for a moment to speak upon the coming tax increase. This bill will pass. I do not think there is any question about that. It is not a party measure. It is going to pass by the votes of Republicans and Democrats, most of them from the States receiving these appropriations, some of them from States not receiving the appropriations. I have no doubt that the flood-control bill, carrying $45,000,000 or $50,000,000, which came over yesterday from the House, will also pass; and, of course, when we come to the increase of the Army and the Navy, with the hundreds of millions of additional appropriations that they will carry, not only for this year but

as a continuing expenditure, I want to ask my friends upon the other side if they have considered any of the problems of increasing taxation to meet these enormous sums?

Of course, I am aware that the responsibility for such legislation is here; that it is one of the issues and conditions that power must necessarily assume; and that, whatever the merit or lack of merit in such legislation may be, we will receive treatment accordingly, and particularly from our historic adversaries. Yet it seems to me, Mr. President, that when our friends on the other side participate in the enactment of bills like this they ought to join with us, at least to the extent of considering carefully and giving us the benefit of their wise counsel with regard to methods of securing added revenue.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from Illinois?

Mr. THOMAS. I shall be glad to yield to the Senator.

Mr. SHERMAN. I will state, in response to the query of the Senator, that I have been considering very seriously the sources of revenue and the methods of raising sufficient funds to meet these enlarged expenditures, and, if the Senator will permit me to do so, I will state three sources as to which I have arrived at a conclusion.

Mr. THOMAS. I shall be very glad to hear the Senator state them.

Mr. SHERMAN. One is to increase the customs duties until about 40 or 45 per cent of our expenditures shall be raised from that source. Another is to readjust the income tax. A third is to enact a proper inheritance tax, with a division of the inheritance tax between the States, in which probate and laws of descent are provided, and the General Government.

Mr. THOMAS. I am more than obliged to the Senator for his suggestions. With regard to the first suggestion that, of course, is one which the policy and practice of the Republican Party ever since it became a dominant factor in administration has pursued, and one to which he very naturally and from their standpoint very properly turns when matters of revenue are considered. We are opposed to it, and without saying anything controversial upon the subject at this time, I think I owe it to the Senator to say that one reason, if not a principal reason, for my objection is, that it involves a method of indirect taxation which I think is a most pernicious principle. It hypnotizes the energies and the activities of the man who pays it in so far as the expenditure of that money is concerned. If a man pays taxes unconsciously he is not particularly concerned about the manner of its expenditure. Not being conscious of the burden, he takes upon himself no worry as to the manner in which the money may be disposed of.

I think that one reason why our State governments are less extravagant than our National Government is due to the fact that they depend for their revenues upon a system of direct taxation. The citizen must walk up to the captain's office and put his hand in his pocket and take out and pay over his money and he knows the effect of it, it is something real, but if he buys a pound of sugar or a yard of calico, or some other dutiable article the indirect import tax is both small and unnoticed. Hence the tendency to extravagance and liberality in appropriations is inevitable when a system of indirect taxation prevails.

I am in thorough accord with the Senator from Illinois with regard to the other two subjects to which he refers, and without going into them very extensively, I also believe in a good, round tax upon munitions of war, or rather upon those who manufacture them, so that the prodigious profits which are always made in those contracts may contribute, and be made to contribute very liberally, to the objects and purposes for which the added expenditures are incurred, and to meet which these extra taxes are required.

Mr. WARREN. The Senator will, of course, agree that that would be of a temporary nature, because the war we hope will not continue always.

Mr. THOMAS. No, Mr. President; I do not think it will be of a temporary nature unless the Government goes very largely into the manufacture of such munitions as it needs. The furnishing of war supplies is continuous. If we are to-day threatened with war, and I have my own views about that, and because we are threatened with war or because there may be a possible menace from some direction, we must add to our expenditures by way of preparation to the extent of two or three hundred million dollars now, and more next year; the same cause which induces us to take this new step will require us to continue in that direction. Of course, if there were a time when these things would cease to be demanded the tax would very naturally be eliminated; but so long as there be institutions making profit upon our need for preparation, just so long should the Government lay its strong hand upon their resources and require them to contribute, and contribute liberally, to the meeting of the bill.

Mr. President, let me now turn for a few moments to the bill under consideration. I have stated that I had no intention to refer to any specific items in it—that would be invidious—nor, indeed, to any of the States that are interested in the sense that these items to a greater or less degree are to be expended in them. I shall not allude to them nor to the Territory; but, speaking collectively, the bill provides 286 specific appropriations for the improvement of rivers and of harbors in 29 States and 4 Territories of the Union. Its benefits are to be distributed over these various Commonwealths in a greater or less degree of impartiality and reaching from one ocean to the other. It carries a total as amended here of $40,889,935, together with authorizations of continuing contracts amounting to a sum in excess of $2,000,000 more, or a grand total of $42,934,885.

The bill is entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes." To my mind, it is largely for other purposes.

I think, Mr. President, that it is no more than due to those framing this bill to say that it is probably cast as economically as it was possible under the circumstances and at the same time secure the passing of any bill at all. It should also be said that there is nothing new in this method of legislation, the grouping together of items from different parts of the Union into one bill and through that operation bringing to its support as an entirety votes which otherwise could not be obtainable at all.

There is nothing new, Mr. President, in this legislation, even as regards the American people, because I have no doubt that the practice obtained elsewhere before it found lodgment here. But whether that be true or not, it is the natural, inevitable, and unavoidable consequence of our methods of legislation, and particularly our methods of financial legislation. The practice has had various appellations in various parts of the country, logrolling being one of them. The public, for reasons satisfactory to them or for no reason at all perhaps, have fixed upon one designation for bills of this character and then wrongfully confined it to only two or three of the supply bills which pass Congress at every session. They are known as pork-barrel bills or pork bills. This may and doubtless does carry a term of reproach with it. That reproach, however, should be cast on each and every supply bill.

I have said such legislation is unavoidable, and that it always will be unavoidable until our methods of financial legislation are radically changed. Hence nothing should in any sense reflect discredit upon the authors of this measure, either because of the public estimate of its character or because of its inherent structure, since the method did not originate with them; and certainly nothing that I say by way of criticism is designed to carry any sort of personal tone or note with it.

But, of course, Mr. President, unless some effort is made either to circumscribe or to terminate this method of procedure it will naturally and necessarily continue, and continue in aggravated form. Indeed, as I have just stated, it is not peculiar to this bill. I do not know of a single appropriation bill of any consequence to which the reproach does not also apply. Take the Agricultural appropriation bill, the Indian appropriation bill, the Post Office appropriation bill, the legislative, executive, and judicial appropriation bill—any and all of them—they are covered, and the practice is increasing of covering them, with so-called riders carrying appropriations for this, that, and the other object or purpose quite as reprehensible and becoming quite as common as the items in what is generally known as an omnibus bill. If one be "pork," so is the other.

There is another reason for it, which consists in the fact that in national legislation the title of a bill has nothing to do with its subject matter, or at least if there be any relation between the two it is sometimes extremely remote. I think that every State in the Union, or nearly every one, by its constitution requires that all bills except general appropriation bills shall be confined to one subject only, and which subject shall be clearly stated in the title of the bill.

The fathers who framed our Constitution did so at a time when the evils of legislation consequent upon the power to include all subjects or any subjects in bills regardless of the title were not as manifest as they have since become.

Personally I believe that no greater service could be done to the people of the United States than by giving them an opportunity to amend their Constitution by expressly limiting all bills except general appropriation bills to one subject, and requiring that subject to be stated clearly and distinctly in the title. That would make a great many of these evils of Federal

That plan meets with opposition from a great many people who are economists in theory, but who seem to apprehend that it

Army and the Navy, with the hundreds of millions of additional appropriations that they will carry, not only for this year but

naturally be eliminated; but so long as there be institutions making profit upon our need for preparation, just so long should

quiring that subject to be stated clearly and distinctly in the title. That would make a great many of these evils of Federal

legislation absolutely impossible. Every bill that passes this body and carrying appropriations convinces me more and more of the prime need of resorting to the budget system in one direction and of amending the Constitution with regard to our legislative procedure in the other.

I think it is safe to say, Mr. President, that a very large proportion of the items in this bill would be voted down if they could be submitted to a separate vote. I believe there are many items in this bill carrying appropriations in some of the States of the Union which would not command the support of the Senators from that State if a separate vote upon those items could be secured. But because other appropriations are desired, because still other appropriations are absolutely essential, and because in order to get them we are obliged to attach those which are neither essential, necessary, or just, they find their way into the Treasury in conjunction with the beneficial items.

Now, that is wrong. No man can defend it. No man tries to defend it. Yet we practice it, all of us, the Speaker not excepted, and we practice it because it has crystallized into a custom which claims to be respectable through precedent and the lapse of years. But there is no reason, Mr. President, why, because of that fact, essential changes should not or could not be made.

Now, this bill is somewhat like the situation before the dawn of creation. It is chaotic; there is nothing systematic about it, and it is wasteful, extravagantly so, with regard to many of its items, since their expenditure in no sense improves navigation or even has a tendency to improve it. That is self-evident, it seems to me, when we consider that these appropriations are made with painful and unfailing regularity every time a bill of this kind comes up for consideration, and backed by the same arguments. Indeed, they are strengthened, not only by the same argument but by the fact that each recurring appropriation establishes another precedent for its renewal as the occasion may permit.

If these items were correlated, if they were a part of some intelligent or established system with an ultimate design of general improvement or benefit, it would be extremely questionable, to my mind, if we would then be justified in making the appropriations for them. But they are not. They have no more relation to each other than the Congress of the United States has to the Mexican zodiac. Some are along the Atlantic seaboard, some in the Mississippi Valley, some away out on the Pacific coast, some on the Gulf of Mexico. I am speaking particularly of those appropriations that are made to improve rivers, some actual and others rivers by courtesy, not so much of those to improve harbors, for they need not be and seldom are connected up in any way, although a system of financial legislation regarding them might well be systematized, and thoroughly systematized, so that the expenditures would be beneficial, not in part but as an entirety.

Now, Mr. President, if this bill and the purposes it is to subserve are desirable and the bill were drawn upon intelligent and systematic lines, the fact would be established better by pointing to the benefits resulting from preceding legislation of a similar character than in any other way. In other words, if by this method of legislation we are developing a system of river and harbor improvements to the benefit of our interstate commerce as well as our local traffic the facts would be abundantly shown, irrefragably shown, by the operation of similar expenditures during the 25 or 30 years that have elapsed immediately prior to the commencement of this Congress. Yet what do we find? Improvement, increased expansion of our river traffic? The development of commerce along these watery highways and their adjustment to or their competition with land transportation? Has anyone contended or claimed that for the some eight hundred million and odd dollars expended upon this scheme or system we have either an industrial condition or a traffic system or both commensurate with these enormous expenditures? Not at all.

Mr. President, the only approach to it, if I correctly comprehend the arguments to which I have listened upon the subject for the last two or three years, is that by the improvement of our rivers through national expenditure the railways of the country are unable to fix traffic rates as high as would otherwise be the case, and that the consequent indirect benefit is so great as to justify not only these but larger appropriations.

The distinguished Senator now occupying the chair [Mr. MARTINE of New Jersey in the chair] the other day called attention to the beneficial effects of rivers and harbors improvement in his State upon the rates charged for service upon some of its waters, and I have no doubt that this local benefit in the particular instances exists; nor have I any doubt that in such instances and in others of an isolated character and of a similar character the railway rates have accommodated themselves to this water competition.

But, Mr. President, in every instance whatever loss has been thus inflicted by river and harbor bills upon the railways in your State and in other States similarly situated has found compensation in the increase of rates to a far greater degree in those other sections of the country not similarly blessed with water competition either actual or potential.

In my State, which is the stepdaughter of the Republic in railway estimation, where even potential water competition does not exist, the losses to the railways of New Jersey and of other States where water competition exists are more than made up by the schedules upon traffic in Colorado and the other mountain States, and perhaps some of the other States as well.

We have had many discussions in Colorado at times of depressed financial and industrial conditions regarding their causes and how they could be overcome. We have attributed hard times and lack of prosperity to many things, and doubtless rightfully to some degree. But inevitably, Mr. President, we reach one conclusion, one goal, Democrats, Republicans, Progressives, black, white, Jew, and Gentile, which is the discrimination in rates upon traffic, putting us at a disadvantage with competitors elsewhere.

We have a railroad running from the city of Denver to the harbor of Galveston, downhill all the way. Yet the freight rates upon that road are so cunningly devised that it costs more to send freight from Denver down to the sea than it does to haul it upgrade from Galveston. It costs us 35 cents a hundred more to send Colorado sugar to San Francisco than it does to bring California sugar to Colorado.

So, Mr. President, I might go on enumerating specific rates with regard to many articles. The freight rate upon many articles from the Pacific coast to Denver is neither more nor less than the freight rate upon them from the Pacific coast to New York or Boston. Per contra, the freight rate from New York and Boston to the Pacific coast is much greater than the freight rate, generally speaking, from New York and other Atlantic common points to Denver and to Salt Lake City.

These are instances or illustrations of the manner in which local differences and competition resulting in decreases of rates is compensated for, and if it is true—I hope it is, and I have great respect for the assurances of those who so declare—that the general effect of these huge expenditures in river and harbor improvements is to lower local rates that otherwise would have to be paid for competing land transportation, then I concede some local benefit resulting from these expenditures. But if it be true generally, I ask why should we continue our Interstate Commerce Commission? Why should we continue the expense of local commissions—and nearly every State in the Union has them now—for the regulation of these public utilities and to restrain them from the imposition of extortionate rates, if we can accomplish the desired results so easily by the expenditure every year of only forty or fifty million dollars of public money in the improvement of rivers and harbors?

I do not think we derive any general benefit, Mr. President, from these expenditures. I notice that the authority and jurisdiction of the Federal Interstate Commerce Commission, which in some respects has failed so far to accomplish the purposes for which it was created, and which does not cost more than three or four million dollars a year, speaking very roughly, of course——

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from Arkansas?

Mr. THOMAS. In just a moment. Yet the Interstate Commerce Commission has done more to relieve the people from the evils of discrimination in transportation both as to communities and as to individuals than all the river and harbor bills that have been enacted into law since the beginning of this Republic or that may be enacted in the future. I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. Does not the Senator know that the railroads do not make the rates in cases where they charge more for a short haul than for a long haul? Such rates are permissive to them. They must be in each case permitted by the Interstate Commerce Commission. Is the Senator familiar with the process of reasoning by which the Interstate Commerce Commission reaches the conclusion that that is now a just way to fix rates?

Mr. THOMAS. I am familiar with it, Mr. President, as far as a man can be familiar with an intricate process of speculative reasoning. The reasons given have never appealed to me very strongly, but, generally speaking, the basis of the regulation to which the Senator refers is due to competing

railroads of different length between the same points or to transcontinental railroads suffering under the same differences with regard to mileage and supposedly confronted with water competition.

Of course, traffic has something to do with it. I have always believed that the railroad which can haul cheapest should be permitted to do so, notwithstanding the fact that railroads of greater mileage competing with it are obliged to charge considerably more, and for this reason, that the rates on the business which is local to each one of the lines make up the difference in every instance, or at least the effort is made to so fix such rates as to give the compensation in almost every instance where the short and long haul rate was authorized by the Interstate Commerce Commission.

Mr. CLARKE of Arkansas. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. CLARKE of Arkansas. In order that the Senator may understand more distinctly the phase of the question to which I desired to direct his attention, I will call attention to a statement of a case given by the senior Senator from Utah. He says that the freight on the supply of steel out of which a building in Salt Lake City was constructed cost, from Pittsburgh to point of delivery, $100,000 more than the freight on the steel for an identically similar building constructed at Seattle cost.

Mr. THOMAS. That is correct.

Mr. CLARKE of Arkansas. How does the Senator explain that? I should have said that the shipment to Seattle passed through Salt Lake City en route to Seattle.

Mr. THOMAS. I am glad the Senator made the second interruption. That practice is defended or permitted upon the theory that water competition between the Atlantic and Pacific coasts makes it necessary, if I understand correctly; in other words, what might be called potential water competition prevails on the coast, which is therefore favored with the lower rate. In fact, I once listened to an argument before the Interstate Commerce Commission a good many years ago, in which I participated to some degree, where that circumstance was iterated and reiterated by the attorneys for the railway companies. That is the reason also given in a number of the decisions which I can not recall by name, though I remember the Spokane case quite distinctly. In so far as the cities upon the two extremes of the continent are concerned, there is no question about the fact of a possible or potential water competition which, if no other compensating elements entered, might justify that situation; but, Mr. President, until recently, at any rate, this water competition was in fact wholly supposititious. I concede that it was potential, but actually it was imaginary, because the railways owned or controlled the lines of steamships which alone could create the competition.

I recall that a number of years ago the Southern Pacific Railroad Co., which was then practically in control of the Pacific Mail Line of steamships, entered into a contract with it whereby the road agreed to pay, and did pay, the Pacific Mail Steamship Co., in consideration of its refusal to haul any freight, or practically to haul no freight at all, more money than it could possibly earn if its vessels made their voyages with full cargoes each way; in other words, it received more money from the treasury of the Southern Pacific Railroad Co. for doing nothing and allowing its vessels to practically lie idle and rot away in the harbors than it could have made in competition with their vessels loaded to the decks on every voyage; and yet the Southern Pacific Railroad Co., in the face of that condition, successfully contended for its transcontinental rate in conjunction with the other transcontinental railroads, on the ground that the potential competition threatened by the ability of capital to establish new and independent lines of steamships between the two oceans, and which probably would be established if this long haul were not to be made or permitted at prices lower than some of the short hauls. The argument prevailed, and in consequence of it the desired rulings were made.

But, now, Mr. President, how do the railways operate under the ruling? How have they operated until interfered with, not by river and harbor bills—because they were being enacted at that time, just as they were before and have been since—but by the authority of the Interstate Commerce Commission? It was my fortune to represent a number of large interests in Goldfield, Nev.—which, roundly speaking, is about 500 miles from San Francisco—in the early days of the development of that camp, when it needed machinery and building material, in fact, everything that a community needs for existence in these modern days. They got most of it from San Francisco, though a great deal of it was obtained from the East. The rates of the Southern Pacific Railroad upon all traffic from the Pacific coast to Goldfield were virtually the same as the rates upon traffic from the East to Goldfield, which were calculated, first, upon the basis of the through route to the coast plus the local rate back to the city of Goldfield, and the additional freight charge thus imposed upon the consumers in Goldfield, Nev., in those days was equal to the freight rates from New York to South Africa by way of San Francisco. That is but one instance.

I do not know of any exception to the rule, that interior towns, large and small, and away from the coast, were always required, nothwithstanding the rate to the coast, to pay that rate plus the local rate back to the point of delivery, although, of course, the route of the freight terminated at the point of delivery, and did not go to the coast at all.

If this bill could regulate such conditions as that, I would not say a word against it; I think it would be worth to the people of this country, to the consumers and producers, everything that it calls for; but I am not convinced, Mr. President, that it does it or that it even tends to do it.

I might, in further answer to the query of the Senator from Arkansas [Mr. CLARKE], say that the potential water competition producing these reduced rates from coast to coast is ocean competition, which needs no river and harbor improvement. It may need some harbor repairs, of course, at the receiving and delivering points, but it needs none of this internal improvement; and the great bulk of the appropriations of this bill is for improvements or for purposes having no relation whatever to the underlying reasons for the long and the short haul.

Mr. President, if the items of this bill were correlated or could be correlated, it would at least escape the criticism of lack of systematic structure; but that is not the case. The appropriation for Sunflower River in one State is entirely independent of the appropriation for Shallow Bag Creek in another State; the appropriation for a small stream in the State of Washington has nothing whatever to do with a similar appropriation for a small stream in the State of Kentucky. In none of them, Mr. President, is there any correlation between the improvement itself and the other systems of transportation which doubtless exist in that vicinity.

I thoroughly believe—I may be mistaken, but I am convinced—that until the time comes, if it ever does come, when the railway or land transportation of this country is correlated or connected with our proposed water system of transportation there will be no water traffic at all to speak of. It is a remarkable fact that traffic upon our rivers decreases as the appropriation for their improvement increases. They seem to be in inverse proportion to each other. When these bills reach an appropriation of $150,000,000 there will not be a ton of traffic in this country transported by water unless the present relation between traffic and expenditure shall assume a different form and a different proportion.

The Senator from Louisiana [Mr. RANSDELL] the other day called attention to the wonderful system of improvements of water courses and harbors in Germany and declared that we should emulate the example of that most efficient people in the world, be guided by their experience, and therefore reach the same desirable results. To that I cordially subscribe in so far as the material conditions of Germany are concerned and without any reference to its political affairs or its form of government. There is no question, Mr. President, but that that great people are, in the development of their commerce, their industry, their manufactures, their resources, and all that contributes to the material welfare and comfort and civilization of a people, the most wonderful and efficient nation in the world. During the last 40 years, which is almost the life of the German Empire, it has developed a system of industry, of commerce, a system of growth and of development, a system of industry in all its varied branches, including the education of its youth, the development of its cities, the government of its municipalities, that has no equal anywhere in the world, and to which all nations might well aspire; and I venture the prediction that when this war is ended, even should it end with the defeat of the German Empire, that nation will be the first of the great nations involved to recover its poise, to get upon its feet, and to set about in a systematic way the reconstruction of its industries, its trade, its political and commercial status.

That wonderful people, Mr. President, realized by intuition, as it were, that river and harbor improvement was worthless unless it could be coordinated with the system of transportation by land. Not alone for that reason, because this is a military people, and is actuated in the last analysis by military reasons and demands, for practically every step that it has taken in any other direction has had the military purpose in view, but, partly for that reason, one of the first steps taken by the newly created German Empire was the nationalization of its

system of railroads; and with the exception of a few lines in some of the smaller States, it is, and for years has been, the owner of all the railroads in its dominions. A recent work by Frederic C. Howe, entitled "Socialized Germany," one of the most remarkable and, to me, one of the most interesting books I ever read, which was written just before, but published just immediately after, the outbreak of the European war, gives some interesting information upon this subject. I read from page 104 of this work and from chapter 7, which is entitled "The State-owned railways," a short extract, as follows:

"German railroads," says an English observer, "have largely contributed to the prosperity of German industry; the British railways have largely contributed to the decay of British industries. In Germany trade policy is made by trade; in Great Britain it is made by the railroads, which, without consulting the trade, prescribe its course, stimulating it here and stifling it there."

If that were written of this country it could not be a truer statement of our own situation; and I may remark here, by way of digression, that there is no interrelation between the British railroads and the British waterways, either natural or artificial, and consequently no great amount of water traffic, comparatively speaking—and by "comparatively speaking" I mean by way of comparison with Germany; and Britain in this regard is more in our than in Germany's situation.

The next chapter in this work refers to canals, waterways, and free ports, and to my mind is the most interesting chapter in the entire work, except that upon education. I read from page 121, as follows:

Waterway development, as a means of cheapening freights and the development of inland centers, has gone hand in hand with the extension of the railways, and in recent years the waterways have been receiving the greatest attention. This is remarkable, in view of the immense profits which the State receives from the operation of the railways, which profits have undoubtedly been materially reduced by water competition.

The program of waterway development has been thought out for many years to come and on a most elaborate scale. It includes the linking up of all the great ports of ocean entry with the rivers and inland centers by ship canals and river systems, capable of carrying very heavy traffic. In addition, splendid harbors have been built along the Rhine and on the North and Baltic Seas, with free ports at Hamburg, Bremen, and Lübeck. A network of canals is to unite the Rhine, the Danube, the Oder, the Weser, and the Meuse, of sufficient dimensions to carry large craft. Already the register of canal boats has been raised from 150 to 600 tons. Transportation by canals and rivers is closely integrated with the railways through splendidly equipped terminals, which facilitates the easy transshipment of freight from one to the other, while the larger towns on the rivers and ocean harbors have built the most completely equipped docks and warehouses for the development of trade and industry.

Is there any spot in this favored country, Mr. President, where "the railways, through splendidly equipped terminals," facilitate the easy transshipment of freight from themselves to the waterways or to the harbors? If so, it is because the railways own the wharfage facilities in that spot, and thereby control those lines of steamships and sailing vessels with which they interchange traffic.

The Senator from Iowa [Mr. KENYON] called the attention of the Senate the other day to the almost universal railroad ownership everywhere of the river fronts and water and harbor fronts where the great railway systems center to receive and discharge their freight—owned for the purpose of facilitating water navigation and water traffic? No; but for the purpose of stifling it or of controlling it, and never for the purpose of utilizing it, except when it is to the advantage of the railroads.

This author then gives the marvelous growth of the water traffic under the German system, and proceeds, on page 122:

A comprehensive imperial waterway program was authorized in 1905. It includes two great undertakings—one, the Rhine-Weser project, for a canal to connect the former river with the Dortmund-Ems Canal, from the latter to the Weser, the enlargement of other canals, and the canalization of the River Lippe, the estimated cost of which was $62,687,500.

I ask leave, Mr. President, to insert, without reading, page 124 and the first two lines of page 125.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The most notable features in the act of 1905, authorizing the Rhine-Weser and Oder projects, are the wide powers of expropriation of adjoining land reserved to the Government and the provision for a State monopoly of the towing service on the Rhine-Weser Canal and its branches.

In view of the improvements in transit facilities on the main rivers (Rhine, Oder, Weser) and some of their tributaries, the Agrarian Party, which has opposed waterway development because of fear of agricultural competition, insisted that dues be paid "on rivers regulated in the interest of navigation." Prussia promised this amendment without consulting the other States, although it involved an alteration in the constitution, which expressly prohibits dues on the natural waterways of the country. But the constitution was changed and the other States were induced to acquiesce—Bavaria, for example—by the promised canalization of the Main. The plans include a river board for each river, upon which all the principal interests concerned should be represented, and the dues to be charged were to be uniform on all the rivers. The Government claims the purpose of the dues is not to earn surpluses for the State, but to cover actual costs by an "inconsiderable addition to freightage rates."

In the construction of these great canal projects "rivers are crossed, ascents and descents of hundreds of feet are made with facility, and ships lifted and lowered bodily in troughs instead of by the old and slow method of locks.

Mr. THOMAS. On page 125 the author continues:

So comprehensive is the waterway development that goods can be sent from the mouth of the Rhine direct into Switzerland and the south of France in one direction and to Wurttemberg, Bavaria, and Austria in another. Merchandise bought in Hamburg can be dispatched by river and canal every yard of the way from that port to Berlin, or even to Silesia in the extreme south of Prussia. The canals have made Berlin, 400 miles from the sea, a great port, second only to the North Sea ports, and three cities on the Rhine.

Of course it will be borne in mind, Mr. President, that railway transportation between these points exists as well as the line of canals referred to, and that both are prosperous because of their cooperation and not because of any competition that is between them or that can exist between them.

On page 126 the author says:

The waterways are used for the handling of heavy bulk freight, such as coal, iron ore, lumber, grain, and the heavier articles of commerce, whose immediate delivery is not important. On these commodities very low rates are charged. And this is one reason why the railway freight rates in Germany are higher than in this country. For the waterways carry one-sixth as much freight as do the railways. Were the heavy bulk freight, which goes by water, subtracted from the freight by rail in America and a comparison made of similar commodities, it might be found that freight rates by commodities were as low in Germany as they are in America.

The canals and navigable rivers are operated in connection with the railways, which are further operated in connection with the docks and harbors, in which every provision is made for the cheap and easy transshipment of freight from one to the other. There is no conflict between water and rail transportation; no conflict between the public and private owners over the possession of the water front. All of these agencies are operated together as a unit for the promotion of the domestic and foreign trade of the Empire. They are all part of a coordinated whole.

It is unnecessary, Mr. President, to quote further from this book upon that subject.

Mr. RANSDELL. Mr. President——

Mr. THOMAS. Just a moment. I have read enough to show the identification, complete and absolute, of the land transportation system with the water transporation system of the German Empire, and that this is the absolute and indispensable prerequisite to any development of water traffic in a country that has both classes of transportation. I now yield to the Senator from Louisiana.

Mr. RANSDELL. Mr. President, I am very glad indeed that the Senator has read the illuminating extracts from the work of Mr. Howe, entitled "Socialized Germany." I think they corroborate exactly what I said several days ago to the effect that the Germans, who are as wise a people as exist in the world, have found it proper and beneficial to improve their waterways and use them as very great carriers of commerce——

Mr. THOMAS. They certainly do.

Mr. RANSDELL. And use them as a most important part of their transportation system. That, I believe, is the conclusion at which the Senator from Colorado arrives.

Mr. THOMAS. Yes; unquestionably.

Mr. RANSDELL. I should like to call the Senator's attention to a state of facts on one of our great waterway systems in this country which I think are almost identical with those in Germany. I refer to the Great Lakes. Until within the past year, if I mistake not, the railroads and the boats on the Great Lakes did cooperate just as thoroughly as they cooperate in Germany. The railroads owned the boats and carried decidedly the greater part of the commerce of the Great Lakes in their own boats; and that commerce last year was about 71,000,000 tons, carried at .071 of one mill per ton per mile, while the average charge for rail transportation of the country was 7.3 mills. So, on our Great Lake system, by cooperation between the rail and water carriers, I think there have been as good results accomplished as have been accomplished in Germany.

Now, I want to ask the Senator this question: Would it not be possible for us to devise some system by which we might get the same kind of cooperation between rail and river transportation in this country as the Germans have on all of their waterways and which has heretofore existed in this country between rail and water carriers on the Great Lakes? If the Senator can suggest such a method, I should be delighted to cooperate with him.

Mr. THOMAS. Mr. President, I can suggest one method, and, I think, the only possible one, and that is the German method—ownership by the Government of the system of land transportation and its consequent compulsory cooperation with water traffic on the waterways.

I do not think that the Senator's reference to traffic upon the Great Lakes is an apposite one. The Great Lakes of the country are more analogous to the ocean than they are to river and harbor systems. Long before the railroad companies monopolized the water traffic of the Lakes that traffic

was enormous, and was carried on by competitive lines, nearly all of which, when properly managed, made great profit. The traffic on the Lakes is more like the traffic from New York and other Atlantic ports to Liverpool and other European ports than it is to the subject matter of this bill.

Mr. President, I think in this connection that it is proper to assume—and I think it can be assumed safely—that if the railroads owned the boats that ply upon our rivers and along our coast line where railroad competition is possible, instead of developing our river traffic and our coastwise traffic it would be strangled, to a degree, and the railroads would do all of the business. That is human nature; that is the result of competition where one of the competing parties has such an enormous advantage; in other words, the private ownership of railroads is wholly incompatible with the use of our navigable streams for purposes of commerce. Railroads in private ownership will strangle water-borne commerce; they will throttle it; they will kill it, as they have killed it wherever it has been possible to do so. On the other hand, by placing the railroads where they were at the dawn of the development of the system, and where they always should have remained—in the hands of the people, as public institutions, subserving a great public purpose, operated for the public benefit—I do not believe we would have had such unsystematic and crude and wasteful methods of legislation regarding the rivers that have characterized such legislation for the last 25 or 30 years.

Mr. President, I am unable to perceive that this method of spending money for the improvement of rivers either benefits commerce or creates it, on the one hand, or that, on the other, it protects and preserves the rivers and the people living near them from the results of floods. Of course, there are exceptions to that statement. The vast sums of money spent upon the Mississippi River and some of the other great water arteries of the country are expenditures which have been called for by the necessities of the country, and particularly of those localities. They have been devoted to the laudable purpose of protecting life and property, but even they, Mr. President, have been most unsystematic and therefore most unsatisfactory. Money for the improvement of rivers either for purposes of navigation or for purposes of protection must necessarily be expended properly, systematically, and intelligently or it can not subserve the purposes of the appropriation. It is practically impossible.

My friend the Senator from Nevada [Mr. NEWLANDS] has on several occasions introduced a measure designed to bring about a systematic and unified treatment of this whole problem. Although the amount of money which he wants for that purpose may be necessary, its amount is so startling to an average mind like mine, which has not yet become accustomed to dealing in millions, the system itself is an intelligent and comprehensible one. He would begin at the source of the streams and, by operating, first, upon the tributaries, conserving the waters, and regulating their flow, not only preserve their natural and normal depth for the purposes of navigation but at the same time equalize that depth through the distribution of waters from these reservoirs during the dry seasons of the year; and, in addition, he would utilize these waters for industrial purposes and minimize the dangers and the destructive consequences of the ever-recurring floods that seem to come with greater frequency as the years go by.

Mr. President, that bill has for its recommendation a system, a plan of development, practically universal in its application, and necessarily leading to the solution of this problem, and I believe it is the only way in which it can be solved. If it were left to me, I would never expend a dollar for the improvement of the rivers of this country for purposes of navigation so long as the railways remain wholly in private hands. I would spend every dollar necessary for the protection of life and property along these streams for the regulation, if not for the prevention, of the flood flow and for the general purposes of navigation consequent upon an equalized distribution of water, checking it at the high periods and allowing it to flow liberally at periods of drought and when the streams are otherwise too low for navigation.

I do not know whether the Senator from Nevada will ever get a substantial consideration of his bill or not. He certainly has the merit of persistence, and that is a most excellent one, particularly in the Senate of the United States, if one would accomplish anything. I am satisfied that if he lives as long as I hope he will he will impress his ideas with regard to this method of river control and improvement, not only upon the country but upon a majority of this body, because, among other things, it will do away, in my judgment, with the necessity, real or assumed, of appropriations such as that I am now considering.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. THOMAS. I yield, with pleasure.

Mr. BRANDEGEE. Perhaps the Senator has touched upon this subject and given the answer, but, if he has, I did not hear it.

The Senator says he would not spend another dollar on the rivers of the country as long as the railroads are in private ownership.

Mr. THOMAS. For purposes of trade and water traffic.

Mr. BRANDEGEE. Yes; for deepening their channels, and so forth, and making them navigable.

Mr. THOMAS. Yes; for the purpose of promoting commerce.

Mr. BRANDEGEE. Now, suppose the Government owned the railroads. Would the Senator then spend money on the rivers?

Mr. THOMAS. Unquestionably.

Mr. BRANDEGEE. Why?

Mr. THOMAS. If the Senator had been here when I quoted——

Mr. BRANDEGEE. I will not ask the Senator to repeat it if he has covered that.

Mr. THOMAS. I quoted a number of extracts upon that subject from Mr. Frederick C. Howe's recent work upon "Socialized Germany," the purpose of which was to show that without the cooperation of land and water transportation the latter was impossible in these days; that you could not develop it, no matter what amount of money might be expended for the purpose, except in limited degree, of course.

Germany nationalized her railroad system very shortly after the Empire was consolidated. She has since then carried on a system of river improvement, canal building, and harbor improvement in conjunction with her ownership of the railroads which she has required to build terminal facilities for the interchange of traffic between the rivers and themselves. She has fixed rates for the railways with regard to what might be called bulk freight, the coarser commodities, that are practically prohibitive, thus forcing that class of traffic upon the rivers; and by her interrelated system of water commerce and of railway commerce she has made both very effective, the railroads paying enormous profit to the Government, and the traffic of the rivers increasing constantly, and bringing many inland cities to the coast by water connection.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. THOMAS. I yield; yes.

Mr. VARDAMAN. The Senator has evidently given a great deal of very intelligent thought and investigation to this subject; and I wish to ask him, just at this point, if it is not possible to bring about that cooperation of which he speaks by intelligent, comprehensive supervision by the exercise of powers which inherently belong to the National and the State Governments. It strikes me that cooperation and coordination might be effected in that way; that is, I am sure that we could more nearly approximate it.

Mr. THOMAS. Mr. President, so far as cooperation between the State and the Nation upon any given subject or enterprise is concerned, I think the tendency constantly is for the States to shift the financial burden more and more upon the National Treasury.

Mr. VARDAMAN. Is not that largely due to the fact that the question has not received that exhaustive consideration and study which the importance of it demands? Whenever the people of America discover the advantages which the Senator has referred to as being enjoyed by the people of Germany, it seems to me that it is perfectly natural that they should protect their own interests and bring about this very thing, if the waterways are perfected as it is the desire of all Americans to accomplish.

Mr. THOMAS. Mr. President, I do not know whether or not we could take the German industrial system without taking the German political system. That is a ponderous, serious, and far-reaching problem—whether the autocracy of the Empire is not the cause, and the necessary cause, of that other system of commercial government and expansion to which we have just referred I am unable to say. I confess that if we could not get the system and develop it effectually except by taking the autocracy of Germany, I should prefer our present system, loose and uncoordinated and unsystematic as it is.

Mr. VARDAMAN. Certainly that would not be more objectionable to the Senator than Government ownership.

Mr. THOMAS. I was going to say that I believe that the industrial system of Germany, especially in so far as transportation is concerned, is a solvable problem on land or by sea by adopting the most efficient elements of the German system, and

that we can accomplish it without submitting ourselves to its political methods and political forms of government.

Mr. VARDAMAN. I think there is no question about that.

Mr. THOMAS. But I do not believe it can be done by cooperation between the States and the Nation, nor by any system short of Government ownership; and I have not yet committed myself entirely to that idea, although I confess that as regulation seems to be only partially efficient, I frequently think that it will be a dernier resort of this Nation to take over its great lines of transportation. If I were as devoted to the cause of preparedness as some of my distinguished friends are, I would insist upon doing it now, because military preparation in the modern sense is inseparable from military control of all lines of transportation.

Mr. VARDAMAN. If the Senator will pardon me, he will find that the most active and enthusiastic advocates of preparedness will be the first to raise their voices against Government ownership of railroads or extreme Government regulation of railroads.

Mr. THOMAS. Oh, unquestionably, with some few exceptions.

Mr. NEWLANDS. Mr. President——

Mr. THOMAS. I yield to the Senator from Nevada.

Mr. NEWLANDS. I was very glad to hear the commendatory words of the Senator regarding the measure that I have been urging for so long, and I welcome the clear and incisive expression he has made upon this subject. It seems to me most convincing. I wish, however, to call the Senator's attention to the consideration that the case is hardly as hopeless as he imagines.

Mr. THOMAS. Well, I am not so optimistic as my good friend from Nevada.

Mr. NEWLANDS. Of course I understand that, and I want to make the Senator more optimistic. The Senator seems to have the view that whilst the regulation of these rivers and the incurring of a very considerable expense therein can be justified by reason of the great public benefit that will come from the mitigation of floods and from the beneficial uses to which the water can be put other than for purposes of navigation, navigation itself can not be a success unless the entire transportation system, both by water and by rail, is in the hands of the Government.

Mr. THOMAS. Oh, navigation may be a success, if the Senator will permit me, but the development of our traffic by water routes is inconsistent with private control of our lines of land transportation. That was the idea which I sought to convey.

Mr. NEWLANDS. I feel that we have never yet tested our powers regarding coordination between rail and water transportation; that the Nation has never yet exercised its powers in that direction; that the Nation has not as yet perfected a single waterway in the country as an instrumentality of commerce, involving, as that perfection must, not only the maintenance of a good channel and a steady flow but terminal facilities, transfer facilities, and the control of the relations between rail and water carriers in such a way as to prevent the rail carriers from sandbagging the water carriers and driving them out of business. We have never yet sought to exercise those powers. We have hardly attempted it. The attention of the Interstate Commerce Commission has not been directed to it. There is no use in directing the attention of the country to that question until we have made the waterway as nearly perfect as an instrumentality for transportation as the railway itself is.

They are developing to-day carriers taking the place of the old canal boats that will carry from 1,000 to 2,000 tons; and on the Rhine you will see such carriers, 8 or 10 in number, moving along, propelled or directed by a small tugboat. A boat that will carry 1,000 tons will carry as much freight as a train of 20 cars of 50 tons capacity each.

Mr. THOMAS. Mr. President, I thought I was yielding for a question. I do not want to interrupt the Senator, but I am pretty nearly through.

Mr. NEWLANDS. I wanted to add a little to the abundant information which the Senator has given to the Senate. My purpose was not to ask a question, but to add a little, in a supplementary way, to what the Senator was saying.

Mr. NORRIS. Mr. President——

Mr. THOMAS. I yield to the Senator from Nebraska.

Mr. NORRIS. May I ask the Senator from Colorado if he will tell the Senate how large an amount of money is carried in the bill that he has commended so highly to the Senator from Nevada?

Mr. THOMAS. The Senator from Nevada can answer that question better than I. I think it carries about six hundred millions.

Mr. SMITH of Arizona. Is that all? [Laughter.]

Mr. THOMAS. I think that is all.

Mr. NEWLANDS. In 10 years; only $60,000,000 a year.

Mr. THOMAS. Just a trifle.

Mr. NEWLANDS. A trifle compared with the five or six hundred millions—possibly a little less—that you propose to expend in military preparedness in a single year.

Mr. NORRIS. When the Senator says "you propose," does he refer to me?

Mr. NEWLANDS. Well, that Congress proposes to expend.

Mr. NORRIS. The Senator from Nevada is extremely fortunate on this occasion in being a Democrat. Otherwise, instead of being commended for the great plan that this bill outlines, he would have been held up as one who was trying to rob the Treasury.

Mr. THOMAS. If the Senator from Nebraska so feels, and is so sensitive about my inclusion of his name in the list which I disclosed, he can escape all that criticism, if he is correct, by coming over on this side of the Chamber.

Mr. NORRIS. I do feel very deeply the criticism, but God knows the remedy is so much worse that I prefer to stand it.

Mr. THOMAS. Mr. President, I am sorry the Senator feels very deeply the criticism—very sorry, indeed. He has never tried the remedy, however, and he does not know, therefore, whether it is good or bad.

Mr. BRANDEGEE. Mr. President——

Mr. THOMAS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. The Senator has stated that if the price of having efficiency of coordination and operation of the rail and water systems of the country to the extent which Germany has attained were the adoption of the German autocratic form of government, he would prefer to take his chances with the existing situation, or with such as may be worked out, rather than to accept that.

Mr. THOMAS. Yes; I would rather be free than prosperous.

Mr. BRANDEGEE. In saying that I think the Senator has touched upon one of the principal reasons that differentiates our problem from that in autocratic governments; and I was going to ask, if the Senator wants me to put it in the form of a question——

Mr. THOMAS. Oh, I do not insist upon that.

Mr. BRANDEGEE. I was going to ask the Senator if he did not think the two systems were entirely different in this respect: That in an autocratic government, where the activities of the people are directed by the government to such an extent as they are in Germany, a great problem like rail and water transportation over a country of great size necessitates, to have it successful, a continuous policy, whereas in a free Republic like this, where the parties are changing from year to year, and their policies are changing, it is very questionable if the Government could operate such a system?

Mr. THOMAS. I think I stated that it was a serious problem in my mind whether we could take the beneficial parts of the German system without taking those that were repulsive to the average American.

Mr. BRANDEGEE. And if we do not get the beneficial parts, whatever we did in that line for a year or two might be utterly wasted when the policy of the Government changed.

Mr. THOMAS. Yes; it might be. I think, however, that it is possible—I hope it is—to differentiate between the desirable parts and the undesirable parts of the system, if this question can not be solved in any other way.

Now, a word with regard to the bill of the Senator from Nevada [Mr. NEWLANDS], to which I referred. I stated, or intended to state when I referred to it and commended it, that, to my mind, it was a systematic and intelligent solution of what may be called the water question, and that we would have to resort to that system or to some other system, substituting it for such measures as this bill and the flood-control bill and those other bills which are designed in a haphazard sort of way to improve here, there, and yonder, if we ever got our rivers as a system either navigable or safe; that is to say, safe from floods and from the destructive consequences of these huge masses of water that so frequently devastate these regions. I am not in favor of adopting it now. I would be willing to chance it—and when I say "chance it" I have no reference to the terms of the bill, but to the condition of our Treasury—if we could begin such a system by substituting it for that which I am discussing and for other similar measures.

Mr. President, I have talked upon this subject longer than I intended, and longer than I assured my distinguished and genial friend from Arkansas [Mr. CLARKE] that I would probably occupy. There are one or two other features of the discussion to which I might refer, but I shall content myself by refraining from it. I can not, Mr. President, vote for this bill, notwithstanding its many important and highly essential features.

Mr. NORRIS. Mr. President, may I ask the Senator from Arkansas whether he intends to proceed further with the bill to-night or what his purpose is?

Mr. CLARKE of Arkansas. Some days since I moved an executive session, and provoked some controversy privately. I thought I would not venture on that any more. Unless somebody else intends to move one, I intend to ask the Senate to take a recess until to-morrow at 11 o'clock.

Mr. NORRIS. The Senator wishes to do that now, does he?

Mr. CLARKE of Arkansas. Yes. It is useless to take up any item of the bill at this time.

I desire to say, however, that from this time forward I am going to put the responsibility of delaying this bill upon those who unnecessarily debate it. I am going to test the question as to whether or not the Senate is willing to enforce its existing rules when I shall hereafter object to these so-called interruptions of Senators who are addressing the Senate.

My observation of 10 years convinces me that these interruptions prolong debate and do not elucidate the question to which they are addressed. They are an abuse of the right of debate that I am satisfied Senators themselves would be glad to be rid of if they had the opportunity without appearing to be discourteous to others.

I shall therefore ask that a somewhat more businesslike and systematic method of discussing the bill shall be adhered to from this time forward, not with any view at all of putting limitations upon the right of debate, because that exists under the rules, and as long as it exists it must be recognized and respected; but there are a great many abuses that have imperceptibly ingrafted themselves upon it that I think may be abandoned for the present time.

We are now entering upon the tenth day of the consideration of this bill, and we have considered only two or three of the proposed amendments. I feel satisfied that the Senate does not intend to deliberately sit here and waste its time; but if that is its policy, I, as a Member of it, have no ability, and therefore no desire, to change the current of events.

Mr. KENYON. Mr. President, is it not true that two days have been devoted to other matters?

Mr. CLARKE of Arkansas. I am sure the Senator is correct about that, because I have had the cooperation of the Senator from Iowa. He has not filibustered. He has not improperly obstructed the consideration of this bill. He is opposed to it, and he said so; and everything that he has done has been done in a manly and proper way. I have not the slightest criticism to address to anything he has done.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

S. 4603. An act to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at Princes Lower Landing, near Jackson, Ala.;

S. 4726. An act to permit issue by the supply departments of the Army to certain military schools and colleges; and

S. J. Res. 119. Joint resolution to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period.

RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 4 o'clock and 52 minutes p. m.) the Senate took a recess until to-morrow, Friday, May 19, 1916, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 18, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, that under the dispensation of Thy providence we are permitted to assemble once more within these historic walls where legislative enactments become a part of the body politic. Inspire these Thy servants with clear perceptions, high resolves, and patriotic endeavors, that good government may more and more obtain, and wherever the Stars and Stripes shall float on land or sea life, liberty, truth, and justice may be upheld and maintained, not only for the good of our Republic but for the good of all mankind. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN A MEMBER—GEORGE M. BOWERS.

Mr. MANN. Mr. Speaker, Mr. BOWERS, who has just been elected to fill the vacancy in the second district of West Virginia, is here, though his certificate has not yet been made out. I have consulted with Members on the other side, and I ask unanimous consent that Mr. BOWERS may be sworn in as a Member notwithstanding the fact that his certificate has not yet been received.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that Mr. BOWERS, of the second district of West Virginia, a newly elected Member, shall be sworn in, notwithstanding his credentials have not yet arrived.

Mr. KITCHIN. I understand that we have several precedents for this.

Mr. FITZGERALD. Is there any controversy over the election?

Mr. MANN. There is no contest over the certificate.

Mr. KITCHIN. I understand that we have some precedents to this effect, and I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BOWERS appeared at the bar of the House and took the oath of office as Representative.

EXTENSION OF REMARKS—WOMAN SUFFRAGE.

Mr. McCRACKEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution on the subject of woman suffrage.

The SPEAKER. The gentleman from Idaho [Mr. MCCRACKEN] asks unanimous consent to extend his remarks in the RECORD by printing a resolution on the question of woman suffrage. Is there objection?

Mr. FITZGERALD. A resolution by whom?

Mr. McCRACKEN. It is from a number of citizens who held a mass meeting in my home city of Boise, Idaho, on May 9.

Mr. FITZGERALD. I do not think we should print all the resolutions in the RECORD on these various questions.

The SPEAKER. Is there objection?

Mr. FITZGERALD. I will object, Mr. Speaker.

Mr. MANN. I hope the gentleman will not object. It is a very short resolution from the gentleman's home city.

Mr. FITZGERALD. From his home town? If it is from the "home folks," I will not object. I hope this will not be a common practice, however.

Mr. McCRACKEN. I thank you. I will ask to put in only one of several similar resolutions which I have received.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that on next Wednesday, immediately after the reading of the Journal, the House take up for consideration the bill known as the California and Oregon land-forfeiture bill (H. R. 14864). I believe every man in the House knows the urgent importance of getting this bill through. Congress must take some action under the Supreme Court decision of June 9, and we can finish it on that day, and I hope there will be no objection.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that on next Wednesday, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, that the Oregon and California railroad forfeiture land bill be taken up.

Mr. CRISP. Mr. Speaker, reserving the right to object, I would like to make this inquiry: The Committee on Flood Control yesterday finished their bill, and they lost the call under Calendar Wednesday. Is it the intention of the gentleman from North Carolina, when this Oregon land bill is disposed of, that the call will go where it now is or with the committee reporting the Oregon land bill?

Mr. KITCHIN. We can take up the regular order on Calendar Wednesday where it left off.

Mr. CRISP. I thought it wise to bring that out.

Mr. KITCHIN. I understand that the Judiciary Committee under the calendar has the first call.

Mr. MANN. The Ways and Means Committee is ahead of that.

Mr. KITCHIN. The Ways and Means Committee has the call, and we will arrange that with the chairman of the Judiciary Committee.

The SPEAKER. Of course if this consent is granted and this bill that the gentleman from North Carolina is referring to does not take up all of Calendar Wednesday, we will start

in on business of Calendar Wednesday. Is there objection? [After a pause.] The Chair hears none.

The Chair wishes to call the attention of Members of the House to one rule of the House that is constantly violated, and that is that when rolls are being called Members crowd up around these clerks and make inquiries and suggestions. It disturbs the clerks and it raises suspicion in the minds of the other Members. It is specifically against the rules and in bad form.

UNITED STATES SHIPPING BOARD.

The SPEAKER. The House will resolve itself automatically into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15455, with the gentleman from Tennessee [Mr. GARRETT] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15455, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] is recognized.

Mr. GREENE of Massachusetts. Mr. Chairman, the gentleman from Michigan [Mr. FORDNEY] commenced his remarks the other day, and had 15 minutes.

The CHAIRMAN. The gentleman from Michigan [Mr. FORDNEY] is recognized for 15 minutes.

Mr. FORDNEY. Mr. Chairman, perhaps nothing I may say here will change the mind of any man within the sound of my voice in reference to his vote on this bill. The President has directed his party to rush this legislation to its final enactment, and I presume this will be done without regard to any argument that might be presented.

First of all, gentlemen, permit me to say there are many reasons, under present conditions, why it is practically impossible to establish a merchant marine under the American flag, notwithstanding the fact that the great majority of the people of this country are strongly in favor of the establishment of a merchant marine under the Stars and Stripes.

Mr. Chairman, in the construction of a ship in the United States nine-tenths of the cost is labor, and when labor in the shipyards of the United States is paid from two to ten times the amount paid to labor in the shipyards in foreign countries it is evident to a business man that it is impossible to build ships in American shipyards to engage in foreign trade.

That alone is sufficient under existing laws to prevent our having a merchant marine to-day under the American flag. It is a well-known fact that in the shipyards of the United States skilled labor receives from $3 to $5 a day. I have here a report issued by the Department of Commerce, dated May 8—Monday of last week—in which it is shown that in the shipyards of Japan to-day 40,000 skilled laborers are employed, and the wages are 70 sen per day, or 34.9 cents in gold.

In the shipyards of Great Britain labor receives higher wages than in any other shipyards in the world outside of the United States, and those laborers receive not to exceed 50 per cent of the wages paid in this country in our shipyards. Therefore, when a ship is built in this country costing $1,000,000, $900,000 of that cost is labor, whereas the labor in England costs not to exceed one-half and the labor in Japan not to exceed one-tenth of that sum.

Now, when it comes to operating the ship, I have some figures here to which I want to call attention. At the present time there are three ships owned by Mr. Robert Dollar, a resident of San Francisco, one of which is operated under the Japanese flag, another under the English flag, and the third under the American flag.

The labor employed on board the Japanese ship, the *Yasama Maru*, of 402 nominal horsepower, 36 men, costs $795 a month, or $9,540 a year. A ship of practically the same size, the *Robert Dollar*, of 433 nominal horsepower, under the English flag, employs 47 men on board, and the labor cost is $1,308 a month, or $15,696 a year. The steamer *Algoa*, an American ship, of 430 nominal horsepower, pays $3,270 per month for labor, or $39,240 per year, or $29,700 per year more than the ship flying the Japanese flag, the *Yasama Maru*.

Mr. LAZARO. How many men are on board?

Mr. FORDNEY. Forty-nine men, as against only 36 men under the Japanese flag and 47 men under the English flag; a difference of $29,700 per year between the Japanese ship and the American ship for labor.

In addition to that, the ship under the American flag must undergo inspection and measurement each year, and the cost of inspection over that of a ship flying the English flag or the Japanese flag is about $3,000 a year and for measurement about $5,500 a year, or a difference in the cost of operating the American ship over and above that of operating the Japanese ship of $38,200 a year.

Those are difficulties, gentlemen, that you must face when you sail a ship under the American flag in competition with foreigners; first, your cost of construction; and, second, the cost of operting the ship; then in addition to all this is the subsidy paid by foreign Governments to their ships.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield for a question?

Mr. FORDNEY. I will.

Mr. LONGWORTH. Has the gentleman any figures there as to the difference in the cost of subsistence of the crews between Japanese sailors, for example, and the American sailors?

Mr. FORDNEY. Under the Japanese flag, I will say from my general knowledge, the cost of subsistence for the crews where oriental labor is employed is far below that under the American flag. It is shown here that able-bodied seamen under the American flag receive from $35 to $40 a month, while under the Japanese flag and under the English flag, with oriental labor in the Pacific Ocean trade the seaman is paid $8 a month. The citizens of nearly every country in this world except the United States are permitted under existing laws to go into any country in the world and purchase ships and bring them under their respective flags, and further to employ laborers wherever they can be found.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield for a question there?

Mr. FORDNEY. For just a question, please.

Mr. ALEXANDER. Is it not true that ships under the American flag in the Pacific trade can employ Chinese or Japanese crews?

Mr. FORDNEY. Yes; that is true. But under our navigation laws a certain percentage of the crew must be American citizens, and they will not work with foreigners unless such foreigners are paid the American scale of wages.

Mr. ALEXANDER. They have Chinese crews on those ships.

Mr. FORDNEY. That is true; but they pay them the American scale of wages.

Mr. ALEXANDER. I know that they do not.

Mr. FORDNEY. I know that they do. I put my word against the gentleman's on that question. I have been on board the ships whose names I have mentioned, and I know they had some Chinamen on board, and I know they received the American scale of wages. The gentleman from Missouri does not know that, because he was not there with me. [Applause on the Republican side.]

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. FESS. What would be the policy under this proposed bill—to build naval reserves and equip them with foreign operators?

Mr. FORDNEY. It would be a ridiculous proposition. To-day we have American colliers, auxiliary to the Navy of the United States, and my colleague from Michigan [Mr. LOUD] is very well informed as to the operation of those ships, and I am going to ask him to give me some figures. He mentioned a ship the other day, a ship operated on the Great Lakes under the American flag, the steamer *W. F. White*, of 10,500 gross tons, that carried more freight during the season operated last year in round trips of 1,050 miles than 18 colliers owned by this Government.

This ship, the *W. F. White*, makes a round trip, in six days, of 1,050 miles. She loads 10,500 tons in four hours and unloads in seven hours. The Government-operated colliers made 3,000 miles to the round trip and four round trips a year, or one trip in 3 months, which would give 10 days for sailing, 40 days for loading, and 40 days for unloading. Yet you propose to establish a merchant marine under the American flag, operated by the Federal Government, knowing full well that the Government can not operate as cheaply as private enterprise.

The railroads of the United States for the year 1913 paid $15.86 a week to their labor and carried freight for seventy-two one-hundredths of a cent per ton per mile, while Government-owned railroads in Germany paid $7.86 a week to their employees and charged 1.42 cents per ton per mile for carrying freight. [Applause on the Republican side.] In other words, gentlemen, under private ownership in the United States labor can receive double the wages paid by the Government of Germany, and carry freight for one-half the price that it is carried for by Government-owned railroads in Germany.

It is true we can establish a merchant marine in this country if Uncle Sam will pay the bills. You propose to establish here a commission to fix rates. You can not control the rates on foreign ships sailing under foreign flags, with which the American ships come in competition. You can only control the rates charged by American citizens on American ships; and in the operation of a ship like the *Robert Dollar*, to which I have called attention—on which the labor, inspection, and measurement costs are $32,000 a year more than on a ship of the same size under the English flag and still greater under the Japanese flag—you can only operate in competition with those ships by going down into Uncle Sam's pocket and digging up the money to pay the difference or loss. You know and I know and every sensible business man knows that there is no business enterprise that can be carried on by the Federal Government as cheaply as by private enterprise. [Applause on the Republican side.] My friends, if you are willing to pay a subsidy sufficient to offset the difference in the cost of operating a ship under the English flag as compared with the cost of operating an American ship on the high seas, then you can maintain a merchant marine. But first, my friends, you must change our navigation laws; for, as I have said, shipowners under practically any flag of any country in the world except the United States are permitted to go into any country in the world and employ their labor at such price as they can find it. That can not be done under the American flag. This bill does not give American shipowners permission to do that. Gentlemen, are you ready to repeal practically all our navigation laws and to permit American capital to go into any country of the world and purchase ships, bring them under the American flag, and employ their labor—in the Orient, if they so choose—at $8 a month, and in addition thereto have our Government pay a subsidy to our ships equal to the subsidy paid by England, Japan, Germany, France, or any other country? One ship of 10,500 tons capacity which I have mentioned carried on the Great Lakes more freight last year than all the 18 colliers of the United States Government, with a total tonnage of 167,000 tons. Eleven fuel ships owned by the Federal Government, of more than 10,500 tons capacity each, carried but about half the freight last year, all combined, that was carried by this one ship on the Great Lakes.

Mr. HARDY. Will the gentleman yield for a question?

Mr. FORDNEY. Yes; if the gentleman will be brief.

Mr. HARDY. Has the gentleman figured out what would be the difference necessary to be paid by subsidy in order to float 6,000,000 tons of American cargo freight?

Mr. FORDNEY. No; but let me say to my friend, with all the advantages to English, German, French, Japanese, and Belgian ships, France paid last year, in round numbers, $13,500,000 subsidy and England paid nearly $10,000,000 subsidy, and Germany and other countries smaller amounts, and yet some of our people wonder why we do not have an American merchant marine.

Mr. HARDY. Will the gentleman give the House even an approximate guess at how much of a subsidy we would have to pay?

Mr. FORDNEY. It does not make any difference how much it is, before you can establish an American merchant marine and run it successfully you will be compelled to permit your ships to compete with foreigners, and you must subsidize them in the same measure that the ships of foreign countries are subsidized or you can never have an American merchant marine.

Mr. HARDY. Will the gentleman yield for one more question?

Mr. FORDNEY. Yes.

Mr. HARDY. Would even $100,000,000 accomplish it?

Mr. FORDNEY. I do not know; but I do know to operate an American merchant marine by Government will cost us more, twice over, than if we were to give proper Government aid to private ownership. No country in the world to-day has a merchant marine operated by Government.

Mr. MADDEN. Will the gentleman yield to me?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GREENE of Massachusetts. I yield to the gentleman 10 minutes more.

Mr. FORDNEY. I thank the gentleman from Massachusetts.

Mr. MADDEN. Suppose the Government of the United States were to invest the amount of money necessary to buy 6,000,000 tons of shipping to be used in the merchant shipping trade and put them into operation under Government management, and to meet the loss which it is presumed they would make under Government management, how much would the subsidy amount to that would have to be paid out of the Treasury to make up the loss?

Mr. FORDNEY. Three to five times what a direct subsidy would amount to paid to private enterprise. There is no question about that. [Applause on the Republican side.]

Now, gentlemen, you propose to go into the markets of the world at this time to purchase ships to establish a merchant marine. My good friend, Mr. LOUD, on Tuesday called your attention briefly, because his time was limited, to the sale of a ship owned by Mr. Dollar, which I have mentioned here. Mr. Dollar is an old-time friend of mine, formerly a Michigan man. He came into my office about six weeks ago and said that only the day before he had sold a ship for thirteen hundred thousand dollars cash, for which ship 10 years before he had paid but $238,000. He sold the ship for five times what she cost 10 years ago, and yet you, my Democratic friends, propose to go out in the open market now and purchase ships to establish a merchant marine under such abnormal conditions. It is an absolute impossibility, without looting the Treasury of the United States. It can not be done; the proposition is absurd.

As an illustration of what the Government is paying her labor on Government-owned railroads and what other countries are paying, I want to say that the wage scale in England (in normal times before the war), railroad labor in 1913 received $5.36 per week, and in France $5 per week, and in Germany $7.87 a week—all other labor in Germany receives no more than is paid for the same employment in England and France—and in the United States, as I have said, $15.86 per week. And yet we carry freight per ton per mile on American railroads by private enterprise cheaper than freight is carried on any railroad under God's sun. And yet, my Democratic friends, you are advocating Government control not only of ships but of our railroads.

Go down to the navy yard, as I did a few days ago, and see them making 3-inch shells. It was but a short time before that I was in an institution in Pittsburgh operated under private enterprise, where they were making 3-inch shells by machinery speeded up, and I found that the man in the institution at Pittsburgh was turning out five shells to one turned out down here in the navy yard. And yet you want to build armor-plate plants and all sorts of Government enterprises to take the money out of the peoples' pockets and pay for it two, three, or five times what it can be done for by private enterprise. Please investigate these matters before moving in the dark.

Mr. MILLER of Pennsylvania. The gentleman from Illinois [Mr. TAVENNER] has got a bill that will remedy all that by shortening the time.

Mr. FORDNEY. Shortening the time of labor; yes. One man said some time ago he was in favor of shorter hours for a day's work, more pay for that day's work, and a lower price for the product of that labor. [Laughter.] Try it; put your money in the merchant marine to-day under the American flag and see how quickly you will become bankrupt working in competition with ships under foreign flags.

Mr. SABATH. Will the gentleman yield?

Mr. FORDNEY. For a question.

Mr. SABATH. Was not the same argument that the gentleman is making made some years ago about the manufacture of powder, that the Government could not compete with the Powder Trust, and did we not demonstrate that we could?

Mr. FORDNEY. I am not familiar with that subject and can not answer the gentleman, because I have not given any study to it. I do know that there is so much red tape and so much politics connected with Government-owned institutions that it is impossible to make a success alongside of private enterprise well conducted. [Applause on the Republican side.]

Mr. MILLER of Pennsylvania. Has Congress attempted during the last 50 years to pass a subsidy bill?

Mr. FORDNEY. Yes; subsidy bills have been before Congress ever since I have been a Member of this House.

Mr. MILLER of Pennsylvania. But they would not pass?

Mr. FORDNEY. No.

Mr. MILLER of Pennsylvania. Never succeeded in passing one?

Mr. FORDNEY. No.

Mr. MILLER of Pennsylvania. What is the remedy?

Mr. FORDNEY. Repeal all your navigation laws and let your shipowner buy his ships where he pleases in the markets of the world and employ labor where he pleases. Do you want to do that?

Mr. MILLER of Pennsylvania. Why did not the Republican Congress pass a subsidy bill?

Mr. FORDNEY. In the first place, nearly all the Democrats and many Republicans always voted no. They evidently did not think it wise to take the money out of the Treasury of the United States to the extent that would be necessary to put American ships in fair competition with foreigners, but this bill

which you are in favor of will take twice that money out of the Treasury to do it.

Mr. MILLER of Pennsylvania. But we will never have a merchant marine if we do not get it this way, according to the gentleman's own argument. [Applause on the Democratic side.]

Mr. FORDNEY. I have conveyed by my remarks no such meaning, but am arguing that we can, by Government aid properly given to private enterprise, accomplish the desired end in a far more satisfactory manner than by Government ownership, and at not to exceed one-half the cost to the Government.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield to the gentleman from Kansas [Mr. CAMPBELL] eight minutes.

Mr. CAMPBELL. Mr. Chairman, to justify the enactment of a law of this character, the natural and probable effect of the law should be the creation of a merchant marine in the United States. There is no man here who believes that the natural and probable effect of this law will be the creation of a merchant marine in the United States. All know it will not. The proposed purchase or construction of $50,000,000 worth of tonnage would make less than 10 per cent of the amount necessary for a merchant marine such as would give us control of our commerce on the sea. Now, this 10 per cent of Government owned and operated merchant marine, in competition with our present very small privately owned merchant marine—a little over 14 per cent—and in competition with the merchant marine of the world would simply make the Government of the United States another competitor with this small 14 per cent of privately owned merchant marine under the United States flag. If the Government of the United States carries commerce as cheaply as Japan or as Italy, Austria, or as any ocean-carrying country, we will have to carry it at a loss, and the Government will have to make up the difference out of the Treasury. The effect of the $50,000,000 investment will be to discourage private capital further from investing in merchant marine in the United States. Private capital will not invest in a business in which it has not only to compete with the cheap labor of all the world, but with the Government of the United States in the same business, and the Government of the United States at the same time regulating and controlling that portion of its competitors in the merchant marine of the world that is owned by private capital in the United States and under the American flag. Why, there is every possible deterrent for American capital to engage in ocean transportation under the American flag by the provisions of that portion of this bill that proposes to engage the Government of the United States in carrying the ocean commerce of the country in competition with the privately owned ships in the United States and the ocean carriers of all the world.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield for a short question?

Mr. CAMPBELL. For a very short one.

Mr. COOPER of Ohio. In the countries of Germany, France, and Great Britain, where they have been successful in building up a merchant marine, are those lines Government owned or have they been built up by subsidies?

Mr. CAMPBELL. They have been built up by subsidies and by the encouragement of the Governments, and are owned by private capital. No country in the world has built up a merchant marine by a Government-owned merchant marine such as is here proposed.

Mr. ALEXANDER. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. ALEXANDER. Is the gentleman in accord with the gentleman from Michigan [Mr. FORDNEY], in favor of subsidizing an American merchant marine?

Mr. CAMPBELL. No; I am not. I do not believe it is practicable, under the conditions of the commerce of the world to-day, to put a great merchant marine upon the seas by subsidies that can compete with the world. Our labor cost will not permit that now.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. CAMPBELL. In a moment. We can not compete with the world in ocean transportation, because we can not equalize the conditions. Even if the Treasury of the United States were full of money, it would not be practicable now to try to put a merchant marine on the seas to compete with the world in the carrying of the commerce of the world by subsidies. Now I yield to the gentleman.

Mr. GOODWIN of Arkansas. What is the gentleman's remedy for building up a merchant marine?

Mr. CAMPBELL. I will tell the gentleman what I would do. In the first place I would give every ship under the American flag the right to go through the Panama Canal without paying tolls. [Applause on Republican side.] I would give that encouragement. In the second place I would negotiate with all the countries of the world for the repeal of those treaties of commerce that now prevent us from giving a preferential tariff to commerce carried in American bottoms. [Applause on Republican side.] In that way I would encourage American ocean commerce. And, third, I would, in addition to that, offer premiums from the Treasury of the United States for the most expeditious transportation of the mails of the United States in every direction. [Applause on Republican side.]

We should not pay a dollar out of the United States Treasury to any ship carrying a foreign flag for carrying the mails of the United States if we could get American ships to carry the mails as expeditiously as foreign ships, and they will if we give them all of these encouragements. I believe that in these three ways we could build up a merchant marine.

Now it is not an opportune time to either purchase or build a merchant marine, even by the Government of the United States. No business man would do that. Construction cost is abnormally high. It is not now in order, either, to argue that we are not exporting the products of the farm and factory, because we are to a larger extent than ever before in our history. There is no condition existing to-day that justifies this Congress under any leadership in embarking upon the paternal business of carrying the commerce of the country for the purpose of marketing the products of any industry in the United States, because every industry is to-day marketing its products to a larger extent than ever before in the markets of the world. Why, there has been talk within the 18 months since these bills have been under consideration of an embargo on almost every variety of farm and factory products, and there is now a pressing demand in the country for an embargo on print paper. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I would like to inquire of the chairman of the committee if he is going to conclude in one speech?

Mr. ALEXANDER. I desire to make a few remarks and then expect to conclude in one speech.

Mr. GREENE of Massachusetts. I have 15 minutes remaining.

Mr. ALEXANDER. How much time did the gentleman have to begin with?

Mr. GREENE of Massachusetts. I have one speech to occupy 15 minutes' time.

The CHAIRMAN. The gentleman from Missouri has 20 minutes and the gentleman from Massachusetts has 15 minutes remaining.

Mr. ALEXANDER. I had 25.

The CHAIRMAN. The Chair is a temporary occupant of the chair and is simply stating what the Clerk at the desk says.

Mr. GREENE of Massachusetts. Last night when we adjourned the gentleman from Missouri had 25 minutes and I held 40 minutes, unless something has transpired to the time since.

The CHAIRMAN. The Chair knows the gentleman from Missouri has not used any time to-day.

Mr. GREENE of Massachusetts. He had 25 minutes.

The CHAIRMAN. The gentleman from Missouri, then, has 25 minutes and the gentleman from Massachusetts 15.

Mr. ALEXANDER. Mr. Chairman, it is my purpose, in answer to the gentleman from Michigan [Mr. FORDNEY], to make a few remarks just to clear up a few misunderstandings, although there is no occasion for any such misunderstandings. It has been stated time and time again that one of the handicaps to the rehabilitation of our American merchant marine is that we are compelled to have American officers and seamen on vessels under the American flag. That is accurate. Under the law the watch officers on an American ship must be American citizens. The crew may be citizens of any nation. There is no limitation upon the nationality of the crews aside from the watch officers. Until the Pacific Mail Steamship Co. went out of business, some time during last year, the crews on their vessels running between the Pacific coast and the Orient, except the watch officers, were Chinamen, and, notwithstanding the statement of the gentleman from Michigan [Mr. FORDNEY] to the contrary, they were paid from $7 to $9 a month. They did not receive the American scale of wages. Mr. Schwerin, vice president and general manager of that company, appeared before our committee time and time again in former Congresses and testified when the seamen's bill, the American merchant marine, and other important legislation was under consideration by the committee, and made that statement; and, as I have said, there is no law forbidding vessels under the American flag from employing Chinese crews, except watch officers, if they can qualify under the seamen's law. The steamship *China*, which was bought from the Pacific Mail Steamship Co. by San Francisco parties, and I understand is the only vessel now being operated

from San Francisco to the Orient under the American flag, employs a Chinese crew qualified under the seamen's law.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. MADDEN. What about the compensation to be paid to these men? Is that the American standard of wages?

Mr. ALEXANDER. I understand they receive the same standard of wages as the crews on the Japanese ships.

Mr. CANNON. Will the gentleman allow me?

Mr. ALEXANDER. Yes.

Mr. CANNON. From where to where?

Mr. ALEXANDER. From San Francisco to Japan and China and back—across the Pacific.

Mr. CANNON. That is the *China?*

Mr. ALEXANDER. The steamship *China*.

Mr. CANNON. That sails from the United States to the Orient?

Mr. ALEXANDER. Yes.

Mr. COOPER of Ohio. Will the gentleman yield for a question?

Mr. ALEXANDER. Certainly.

Mr. COOPER of Ohio. If this bill passes and this $50,000,000 is appropriated for American Government-owned ships, does the gentleman want to man those ships with coolie labor?

Mr. ALEXANDER. No. I think we can put them under the American flag and employ white men, and I think we can introduce economies in operation that will in large measure tend to equalize the difference in cost of operation.

The gentleman from Michigan [Mr. FORDNEY] could not remember whether any economies had been secured to the Government in the manufacture of powder. When I came here in the Sixtieth Congress we were paying 72 cents a pound for powder for the Navy. We built a powder plant since that time down at Indianhead and are now manufacturing powder at from 45 to 48 cents a pound by the Government.

Mr. FORDNEY. Will the gentleman yield?

Mr. KITCHIN. Thirty-three cents a pound.

Mr. ALEXANDER. The majority leader says 33 cents. I did not think it was so low.

Mr. KITCHIN. Last year it was 36 cents, and this year it will be 33 cents.

Mr. FORDNEY. How can you operate American shipping and pay American wages against $8 paid under the Japanese and Chinese flags?

Mr. ALEXANDER. Let me ask the gentleman a question. Those who want to subsidize ships, at the same time want to use the cheapest labor in the world.

Mr. FORDNEY. Japan paid more than $5,000,000 in subsidies last year in addition to this cheap labor.

Mr. ALEXANDER. Before this debate is through I am going to give you the laws of Japan controlling its subsidized ships, and there is no subsidy advocate in this country has ever expressed a willingness to yield to any such supervision and control. And if this bill becomes a law and provides for the supervision and control of rates on American shipping in the foreign trade, one serious objection may be removed to some reasonable form of subvention to mail lines under the American flag where needed, but to give them subventions now without any manner of control would be absurd. It would be an outrage on the American people.

Mr. LONGWORTH. Will the gentleman yield?

Mr. ALEXANDER. I can not yield; my time is limited.

Mr. LONGWORTH. For my own information.

Mr. ALEXANDER. You will get plenty of it in the course of this debate.

Mr. LONGWORTH. I simply wanted to ask——

Mr. ALEXANDER. I can not yield now.

Now, in reference to the people who favor this bill. The Chamber of Commerce of the United States submitted the provisions of the ship-purchase bill which passed this House in the last Congress to the constituent bodies of which the Chamber of Commerce of the United States is composed in the form of a referendum, and the report on the bill was adverse.

The Chamber of Commerce of the United States does favor the creation of a shipping board. It favors vesting that board with power to supervise carriers by water and reasonable regulation of ocean freight rates. The bill H. R. 450, which I introduced at the beginning of this Congress to carry out the recommendations of the Committee on the Merchant Marine and Fisheries, following the investigation of the Shipping Trust, seems to meet the views of the Chamber of Commerce of the United States. The bill was printed in full in referendum No. 9, submitted by the chamber of commerce to the various commercial bodies of the United States which are members of the chamber of commerce, and was given very careful consideration, and we have incorporated the most important provisions of that bill (H. R. 450) in the bill now under consideration (H. R. 15455).

Now, we must do something. I have no patience with those who are familiar with conditions in our over-seas trade and would say, "Let us do nothing." The policy of laissez faire does not appeal to me. The time for action has come. We have slept too long on our rights. Further delay is little short of a crime. While this measure may not be ideal from everyone's viewpoint, and while it may not in all respects reflect your views or my views, yet as a constructive measure I believe it is the best measure presented to the Congress since the Civil War, and if enacted into law will prove a great piece of constructive legislation.

The special committee on merchant marine of the Chamber of Commerce of the United States, of which Mr. William Harris Douglas, of New York; John A. Penton, who for many years was secretary of the Merchant Marine League; Ludwig Nissen, Bernard J. Rothwell, H. A. Black, and Thomas L. Stitt were members, have given great consideration to the question of our merchant marine. As I have stated, the report of the Chamber of Commerce of the United States was adverse to the ship-purchase bill introduced by me in the last Congress and to certain provisions of the bill (H. R. 10500) for which this bill is reported as a substitute.

The action of the chamber of commerce was largely influenced, if not controlled, by the views of the special committee of which Mr. Douglas was chairman.

Mr. Douglas and Mr. Stitt have followed this legislation at every step with the keenest interest. Mr. Douglas appeared before the committee at the hearings on House bill 10500 and gave the committee the benefit of his views; and Mr. Stitt submitted his views to the committee in writing in a letter addressed to me.

Both have received copies of the bill H. R. 15455, now under consideration.

I have a letter from Mr. Douglas favoring this bill. His letter is as follows:

NEW YORK, *May 12, 1916.*

Hon. J. W. ALEXANDER,
Chairman Merchant Marine and Fisheries Committee,
House of Representatives, Washington, D. C.

MY DEAR MR. ALEXANDER: I duly received bill now introduced in the House as substitute of H. R. 10500, and for your courtesy accept my thanks. I feel that your willingness to meet the unquestioned sentiment of the country, that permanent Government operation should not be undertaken in shipping matters, is most commendable and does you great credit, and it gives me pleasure to so state. You will probably remember that at the hearing in February I distinctly stated that it was my personal opinion that if you did this it would remove very considerably any objection to the measure. I am glad to note that one or two other suggestions which I made have also been accepted by your committee.

* * * * * * *

The general terms of the bill are fair and honest, and personally I shall state that I strongly favor its passage and sincerely trust that it will become a law. You have been most painstaking and careful in everything you have done and fair; and while many of us will not agree it will accomplish quickly or in the best method the results some of us hope for, you certainly should have the thanks of all, and I am pleased to extend mine.

Yours, very truly,

WM. H. DOUGLAS.

Mr. SLAYDEN. Who is that, I will ask the gentleman from Missouri?

Mr. ALEXANDER. That is William H. Douglas, of New York, a member of the firm of Arkell & Douglas (Inc.), capital $1,000,000, shipping and commission merchants, export and import, of New York.

Mr. KITCHIN. He is president of the Chamber of Commerce, is he not?

Mr. ALEXANDER. No; not now; but he is, and has been from its foundation, one of its leading members.

Now, I have another letter from a member of that committee, Mr. Thomas L. Stitt, of Chicago, a member of the Chamber of Commerce of the United States, of which the commercial bodies of Chicago are constituent members. He is a member of the special committee to which I have referred. He says:

CHICAGO, ILL., *May 12, 1916.*

Hon. JOSHUA W. ALEXANDER, M. C.,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

DEAR SIR: I have had before me since yesterday the new shipping bill, being H. R. 15455, which was introduced on May 8. I note with considerable satisfaction that the majority of the suggestions contained in my letter and memorandum of February 21 have been incorporated into the bill, in substance if not in form; and that where they were not incorporated, yet the present form of the bill is such that I can conscientiously say that I consider it a truly constructive measure, which will be beneficial to the shipping interests of the country and to the creation of a naval auxiliary and reserve, and that it will give to the shipping board sufficient power to enable them to eventually demonstrate the importance of a broadening of the scope of the powers of that board after it shall have become a working organization.

I therefore congratulate you and your committee upon the final result of your work, and am glad to be in a position to say that I am now for it and willing to work for its passage. Of course, this is only an expression of my individual opinion, but I am passing it on to you because, as you know, I am a member of the special committee on merchant marine of the Chamber of Commerce of the United States, and propose writing to the chairman and urging upon him that the committee make a formal expression of approval of the bill in its present form, to the end that whatever influence the chamber may have may be cast in favor of the bill this time instead of against it, as was the case a year ago in its then form.

With kind personal regards, I am,

Yours, very truly, THOMAS L. STITT.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. FESS. Those two letters were from Douglas and Stitt, representing individual opinions. Does the gentleman mean to say that the Chamber of Commerce of the United States favors this bill?

Mr. ALEXANDER. If the gentleman had paid any attention to the reading of these letters he would have noticed that they expressed individual opinions of the writers.

Mr. FESS. The letters express their individual opinions, but the gentleman does not mean to quote the chamber of commerce?

Mr. ALEXANDER. No; the chamber of commerce has not had an opportunity to express its opinion as a body on this measure. I can give the gentleman the opinion of another member of the special committee of the chamber of commerce who considered the ship-purchase bill. He is a teacher of economics in one of the leading universities of New York. He says, in substance, regarding a Government owned and operated merchant marine, that theories must sometimes give way to conditions.

Mr. FESS. It would not counteract the opinion of the body they belong to. The chamber of commerce is not in favor of this measure.

Mr. ALEXANDER. I do not know. They have not had any referendum on it. It was not introduced in the House until May 8.

Mr. FESS. Will the gentleman allow me to insert a communication on that subject that I have in my desk?

Mr. ALEXANDER. There will not be any official communication on this bill from the Chamber of Commerce of the United States condemning this bill, I am very sure.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. KITCHIN. As to Mr. Douglas, whose letter the gentleman quoted, is he not chairman of the merchant marine committee of the United States Chamber of Commerce, and was he not last year, when he gave in his testimony?

Mr. ALEXANDER. Certainly; that is correct.

Mr. KITCHIN. And being chairman of the merchant-marine committee of the Chamber of Commerce of the United States, it is presumable that he is speaking with some authority and for the sentiment of the Chamber of Commerce?

Mr. ALEXANDER. Yes. The opinion of the Chamber of Commerce of the United States with respect to the shipping bill in the last Congress was molded by the committee of which he is chairman, and I am now quoting from the chairman of the committee and one of the most prominent members of the committee with reference to this legislation and in approval of it.

In the hope of arousing gentlemen on the other side from their lethargy on this great question which vitally affects our prosperity as a nation, I shall submit for your consideration an editorial in the New York World and a letter from his excellency the minister of finance of Peru, addressed to Hon. William G. McAdoo, Secretary of the Treasury, and an article by Hon. Carl Vrooman, Assistant Secretary of Agriculture, entitled "The farmer and the shipping bill."

They follow in order:

[Editorial from the New York World, May 9, 1916.]

A SHIPPING BILL THAT SHOULD PASS.

The most important change in the new shipping bill introduced yesterday limits the enterprise to a period of five years from the close of the present war. With this restriction upon an undertaking in public ownership which many Democrats have opposed, it is expected that the measure will find increased favor in Congress.

As amended, that bill provides for necessary pioneering in the reestablishment of our merchant marine, especially in the Latin American trade, in which shipping is sorely needed. It also takes into account the matter of preparedness, for the vessels acquired are to be at the service of the Navy in case of emergency. While $50,000,000 is appropriated, there may be no such expenditure if private capital can be enlisted, and there will be no Government operation if individuals and corporations agree to act in that capacity.

By these terms the objection to public trading seems to be fully met. The bill not only meets a vital issue squarely, but, in addition, it creates a shipping board empowered to investigate and report on the navigation laws of all countries, to fix reasonable rates and practices, and to prosecute discriminations and illegal combinations by carriers in our ocean-borne commerce.

Much valuable time was lost when the earlier shipping bill was filibustered to death in the Senate. Almost unlimited commercial opportunities in South America and a desirable strengthening of our political relations in that quarter await the enactment of this measure.

THE SECRETARY OF THE TREASURY,
Washington, May 18, 1916.

Hon. J. W. ALEXANDER,
House of Representatives.

DEAR MR. ALEXANDER: Herewith I hand you a letter received to-day from his excellency the minister of finance of Peru, dated Lima, April 24, 1916, together with an English translation, from which you will observe that his excellency expresses himself very strongly in favor of the establishment of steamship facilities between the United States and Peru. I had the pleasure of discussing this subject with the minister of finance and other high officials of the Peruvian Government during my visit to Lima on the 23d of April, last, and was strongly impressed by their statements of the imperative need of improved steamship facilities between Peru and the United States if the growing commerce between the two countries is to be protected and encouraged.

Will you kindly return the original letter in Spanish when you have finished with it?

Faithfully, yours,
W. G. MCADOO.

(Inclosures.)

[Translation.]

TREASURY DEPARTMENT,
Lima, April 24, 1916.

MY DEAR MR. SECRETARY: Among the important resolutions adopted by the Pan American Financial Conference (International High Commission), which met at Buenos Aires early last April, is one referring to the development of rapid means of communication and the establishment of a steamship line between the United States and South American Republics.

The meeting expressed in this regard the same purposes and aims as have heretofore been manifested by international Pan American gatherings. This was only what was to be expected in view of the great importance of this subject in the economic development of the countries of the American Continent.

The Government and people of Peru are keenly interested in the carrying out of the resolution referred to, and would view with great satisfaction its prompt realization.

Our customs statistics show that the United States ranks as one of our principal markets, so far as our imports are concerned, and that the products of Peru find a ready market in the United States.

A steamship line with more or less definite itineraries which would carry the products of Peru to the United States, and vice versa, in addition to the benefits of an international and political order, would place the products of each in the other countries at excellent prices. Peru would send sugar, minerals, raw cotton, wool, hides, etc., while it would receive from the United States machinery and manufactured goods.

The United States would thereby be in a position to produce in their great factories with raw materials received from Peru merchandise which could compete with that produced in Europe under normal conditions.

It is fitting to recall, in order to dispel any prejudice with regard to the welcome which United States vessels would receive in our ports, that the laws and shipping regulations in Peru are most liberal and the taxes extremely moderate. In support of this statement we beg to refer to the great development of our own coastwise trade. An example of the zeal with which Peru is laboring to develop her maritime traffic is the establishment of the Peruvian Steamship Co., but this line is not in a position, for reasons which will readily be understood, to meet the great demands of traffic between our Republics.

I beg, therefore, to assure your excellency that the Government of Peru, interpreting the sentiment of the people of Peru, is keenly desirous that the Government of the United States should put forth every effort to carry out the resolutions of the financial conference of Buenos Aires (International High Commission) to which I have referred. Permit me to state, furthermore, that the Government of the United States will receive the most cordial cooperation from the Government of Peru in this connection.

Please accept, Mr. Secretary, etc.

A. GARCIA Y LASTRES.

Hon. WILLIAM G. MCADOO,
Secretary of the Treasury of the United States, Washington.

THE FARMER AND THE SHIPPING BILL.

[By Carl Vrooman, Assistant Secretary of Agriculture.]

In the past the average farmer has not considered a merchant marine necessary to his happiness or his financial welfare. Our farmers have never been slow to make use of the most up-to-date agricultural implements, of the automobile, or of the tractor. Nor have they been at all backward about fighting for what they considered to be their rights in the matter of railway freight rates. But up to date most of our farmers, particularly in the Middle West, have paid little or no attention to their commercial rights and requirements in the way of ocean transportation. This is not because the question is not to them a vital one, but merely because the facts about it have not been brought to their attention.

If for any unforeseen reason Congress should fail to take steps at this session to provide the country with an independent American merchant marine, it would pay the farmers of America, and "pay them big," to chip in and build a merchant marine for themselves. Our farmers could readily afford to spend, not merely the $50,000,000 called for by the pending shipping bill but $100,000,000, or even $200,000,000, in such an enterprise. If it were necessary, which it would not be, they could run such ships at a yearly loss of from 5 to 10 per cent on the last-named sum and still profit by the undertaking. In other words, it is a fact capable of demonstration that the most crying need of agriculture in this country to-day is for an independent American merchant marine.

EXORBITANT OCEAN RATES.

At the beginning of the war it cost about 5 cents a bushel to ship wheat from New York to Liverpool, but during the past few months it has cost over 40 cents. The rate is now 48 cents. At the beginning of the war it cost about one-fourth cent per pound to ship cotton across the Atlantic. To-day it costs in the neighborhood of 3 cents a pound. Other products of our farms and factories are paying similar extortionate freight rates.

As the world price of wheat is determined by the law of supply and demand and is established at Liverpool rather than at your local market or mine, it is clear that if the cost of ocean transportation were to-day 8 cents instead of 48 cents, the wheat growers of this country would receive a substantial part of this difference in a higher price for their wheat. It is a highly significant fact that on February 15, 1916, the cash price of No. 2 hard winter wheat was 49 cents higher in Liverpool than in New York, while on the same day the ocean freight rate for wheat from New York to Liverpool was 47.9 cents. With facts like this staring us in the face it is not difficult to see the close connection existing between ocean freight rates and the price the American farmer gets for his wheat. It is true that we are getting good prices for wheat now, but as Liverpool is paying enormously higher prices, there seems to be no good reason for allowing the international shipping combine to take advantage of the crop shortage in Europe and the ship shortage on the high seas to boost freight rates 100 to 1,000 per cent.

This year we have the largest wheat crop and one of the largest corn crops in our history. If we had adequate shipping facilities for carrying our goods at reasonable rates to the markets of the world prices of farm products would be so enormously increased as to bring a net gain to our farmers of over $300,000,000 on our wheat alone or our cotton alone. Moreover, even at present exorbitant rates it is impossible to get ships in which to transport to market a large percentage of our products of farm and factory. Not only are all the docks and storehouses of our leading Atlantic ports glutted with goods, but every important railway between the West and our seaboards has its terminals so crowded with loaded cars that a practical railway embargo recently has been declared on further grain shipments from the West.

THE SHIPPING SITUATION.

Every day more of the world's merchant ships are being sunk or interned or diverted from the uses of commerce to the purposes of war. Soon after the declaration of war the merchant marine of the central powers, which a shipping tonnage of 5,890,540 tons, was driven from the seas. The world's output of new merchant ships in 1915 was only 1,671,610 tons, or less than half the 1914 output of 3,484,171 tons. During the past 18 months 1,878,000 tons of merchant shipping have been destroyed by belligerents. Moreover, the allies have recently been diverting from the uses of commerce to the necessities of war a large and ever increasing percentage of the British merchant ships, amounting to millions of tons. The net result is that the commercial world not only in this country but in every country to-day is facing the gravest shipping crisis of which there is any record. This crisis will unquestionably get more and more acute every day until the end of the war.

Moreover, after the war, unless we have an independent merchant marine of our own, our commercial and economic position will continue to become more and more untenable and preposterous. Mr. Runciman, chairman of the British Board of Trade, has announced that the allies have arranged an offensive and defensive trade agreement which will enable them to wage commercial war against the central powers after military operations have ceased. The central powers undoubtedly will retaliate with equal, if not greater, vigor. Thus an era of commercial and industrial warfare unparalleled in history will set in. Nations like our own that have no merchant marine, or are inadequately supplied with merchant vessels, will find themselves at the mercy of these warring commercial world powers whose ships will traverse every sea and take advantage of the industrial and commercial necessities of every country which, like ours, is handicapped and commercially hamstrung for lack of ships.

These powerful maritime nations and groups of nations will be in a position to accept for transportation only such of our products as they want for their own use, and to penalize us by charging ruinously high freight rates to other world markets where we might compete with them. In other words, these international maritime combinations would be in a position to erect freight-rate barriers, as difficult to overcome as tariff walls, between us and the markets of other sovereign nations. The tribute levied by the robber barons of the Rhine was infinitesimal as compared with the loot which, as long as our present condition of shipping dependence continues, will be exacted from us and from all nonmaritime nations by these gigantic transportation tyrants of the high seas.

As a result of the present effort on the part of the Federal Department of Agriculture to popularize and render practical and efficient its scientific teachings, the agricultural output of this country is already appreciably on the increase. This means that if the farmers are to continue to get good prices for their products, they must find foreign markets. It is hard to say what the price of wheat would have been during the past two years had we not been able to dispose of several hundred million bushels each year to foreign countries. The farmers of the Middle West are especially interested in securing foreign markets, since the southern farmers, who in the past have taken millions of dollars' worth of northern crops every year, gradually are learning to raise their own corn, oats, hay, and live stock. Last year the South put in 1,827,000 acres of oats, 3,751,000 acres of corn, and 400,000 acres of hay more than the year before, which resulted in an increase in production of 44,709,000 bushels of oats, 201,132,000 bushels of corn, and 1,696,000 tons of hay over the year before. If this process continues, it will mean that the Middle Western States must find a foreign outlet for a portion of their grain, or pay the penalty in lower prices.

THE SHIPPING BILL.

There are two possible ways of achieving transportation independence for ourselves on the high seas. We may achieve nominal independence by granting huge subsidies of the people's money to shipping corporations, or we may achieve real independence by investing our money in a fleet of merchant vessels to be owned by the Government, and either leased or operated by the Government itself. The ship-subsidy plan has had the energetic support of various Republican administrations and of Republican leaders of both Houses of Congress. But so persistently and bitterly have the masses of the voters opposed this paternalistic plan of pouring the hard-earned shekels of the taxpayer into the coffers of shipping corporations that uniformly these measures have met with shipwreck in the Halls of Congress. If during the long period since the Civil War, when the Republican Party has had almost absolute power in this country, it has been unable to push through a ship-subsidy measure, it is clear to any sane mind that the American people are permanently and unalterably opposed to the subsidy plan of building up a merchant marine. If we are ever to have a merchant marine in this country, it must be obtained by some other method. The administration shipping bill is the only bill yet proposed that is based upon sound economics, common sense, and common justice, and it is the only bill that stands any chance of passage by this Congress. It was introduced at the last session of Congress and defeated by a persistent filibuster. It has since been carefully revised and improved in a number of essential particulars.

This plan not only provides for the building of a small but highly efficient merchant marine to carry American produce to the markets of the world in time of peace, but provides also that in case of war these merchant vessels shall all be turned into naval auxiliaries. Thus these vessels will all have a double mission, a double value, and will supply two fundamental and vital needs of our Nation. These vessels are as essential to our naval efficiency in time of war as they are to our industrial efficiency in time of peace.

NEED OF NAVAL AUXILIARIES.

Strange as it may sound, the United States at the present time does not really possess a navy. It possesses a number of splendid battleships with a hopelessly inadequate contingent of the other necessary naval units. But battleships do not constitute a navy, any more than a collection of bass drums would constitute a band. It takes many different kinds of instruments to make a band. It requires a number of different parts to make an automobile. It takes something more than wheels to make a wagon. It takes something more than sonorous phrases to make a statesman. And it requires a number of other essential units besides battleships to make an efficient fighting navy. A navy without scout ships and aeroplanes would be a navy without eyes. A navy without colliers and other naval auxiliaries of various sorts would be a navy without supplies. A navy without submarines and adequate means of defense against submarines in time of war would be a joke, short and to the point. In other words, if we are to have a real navy to defend our coasts and trade routes, we must have a navy that is complete, that is equipped with every feature that will add to its fighting efficiency. Without auxiliaries, a navy in the presence of an enemy at sea would soon become a hopeless and helpless aggregation of floating batteries.

During the Spanish War we squandered millions of dollars purchasing nondescript bottoms, in a hasty and hysterical effort to supply our deficiency in the way of an auxiliary merchant marine. We paid, as a rule, much more than these vessels were worth, and after the war sold them for whatever we could get. But not only did we thus squander immense sums of the people's money in this foolish and futile operation, but the efficiency of this scratch collection of vessels was so low that had our contest been with a first-class naval power, instead of with a nation even less powerful on the sea than ourselves, the weakness of our auxiliaries might easily have resulted in disaster and defeat for us. It would be not only incredibly costly but criminal and perhaps suicidal for us to attempt to face the future as we have faced the past, without a highly efficient auxiliary merchant marine for our Navy.

AN OBJECT LESSON.

The Federal shipbuilding plan of the shipping bill will be in the nature of a demonstration of the financial feasibility of building and operating American merchant ships at a profit. This plan of making "demonstrations" for the benefit of the business world is not a new one to the Agricultural Department. We are daily demonstrating the principals of the new agriculture in every State of the Union, and in a number of counties in each State. In fact, the Agricultural Department is spending millions of dollars every year carrying on practical demonstrations of scientific methods which the farmers and business men of the country seem unwilling to adopt until they have had ocular demonstrations that the new methods are profitable.

When once the Federal Government had demonstrated to the shipping corporations that ships can be built in American shipyards, operated under American charters and the American flag, by American crews, at a profit, these shipping corporations will not be slow to expand our merchant marine to meet the demands of American industry and commerce. But a demonstration of this nature is absolutely necessary at present, as American shipping corporations have taken the position that such a thing can not be done. Nothing is clearer than that they will not attempt to create an American merchant marine until the Federal Government demonstrates to them that even without subsidies it can be done profitably.

A NEW ERA DAWNING.

The change from sail to steam and from wood to iron construction shifted the supremacy in merchantmen from America to England, because England had facilities for building iron steamships cheaply and fueling them with cheaper coal than ours. We are now on the verge of another change—that from the coal-burning steamer to the oil-burning vessel with the Diesel type of engine. If America seizes her opportunity, the shoe will be shifted to the other foot, for America produces over 60 per cent of the world's crude oil. The Diesel engine makes more effective use of fuel than does the steam engine, occupies much smaller space, and requires a much smaller crew. Furthermore, the fuel is carried in the double bottom of the ship, a space only used for water ballast in coal-burning ships, and does not take up any cargo room.

This engine has not been perfected yet for the largest vessels, but is thoroughly practical for the type of merchantman most needed by us now. It has been estimated that though our crews should be largely composed of American citizens and paid the American scale of wages, enough could be saved on the cost of fuel and the economy of space in this new type of vessel to much more than offset the extra cost of American labor and food up to the American standard.

To sum up the whole question, then, is it not clear that an auxiliary merchant marine would be of inestimable value to the farmers of the country not only because of the wider market it would open to them and the higher prices it would enable them to get for the products, but also because it would help provide them, in common with all other citizens, with protection from possible foreign aggression?

As such a merchant marine can not conceivably be obtained by any ship-subsidy plan unless a complete and wholly undesirable revolution takes place in the sentiment of the people of the United States, if this primary necessity of our national life is to be provided for in the near future, evidently it must be in accordance with the plan worked out in the administration's shipping bill. In a national crisis of this character partisan considerations should and must be laid aside, and the farmers and business men of the country should rise up as one man to give their unequivocal and energetic support to the President in his efforts to secure for the country this incomparable piece of constructive legislation.

Mr. Chairman, I would like to have the gentleman from Massachusetts [Mr. GREENE] occupy the balance of his time.

Mr. GREENE of Massachusetts. I have two speeches instead of one. Do I understand that there is but one speech to be delivered on that side?

Mr. ALEXANDER. I have but one more speech on this side.

Mr. GREENE of Massachusetts. I yield, Mr. Chairman, to the gentleman from Washington [Mr. HUMPHREY] five minutes.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] is recognized for five minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, gentlemen on that side of the House have had a great deal to say about subsidies. There has been a subsidy law on our statute books for a great many years, and it is there now, and no man on that side has ever had the courage to offer to repeal it. Every ship flying the American flag to-day in the over-seas trade, engaged as a general carrier, is running under that law.

My distinguished friend from Missouri [Mr. ALEXANDER] made the statement just a little while ago that "we ought to do something." Well, it must be admitted that the Democratic Party has "done something" since it has been in power to American shipping. The first thing the Democratic Party did was to pass a free-ship bill. They said that was the remedy. Yet not a single vessel came under the American flag in consequence of that act.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield for a moment at that point?

Mr. HUMPHREY of Washington. No; I will not yield.

Mr. ALEXANDER. That was passed under a Republican administration.

Mr. HUMPHREY of Washington. No. The gentleman himself said there was not time to discuss this bill. It was a Democratic House, and it was brought in here by a Democratic committee and was urged by Democrats.

Then they said that we must have a discriminating duty downward in the tariff law, and, with all due respect to the gentlemen who advocated that, I must say it was the most absurd and foolish proposition that was ever seriously advocated in this House. [Applause on the Republican side.] We passed that. You got the alleged remedy then that you wanted, and the only result is to entangle the United States Government in a lawsuit involving something like $20,000,000.

Then the next thing you did was to repeal the Panama Canal act, exempting coastwise American shipping from payment of tolls—the only act which was written on our statutes in 50 years that really was in the interest of the American merchant marine.

Then you were not satisfied with that, but you passed the seamen's bill. Now, my good friend from Missouri [Mr. ALEXANDER] says this morning that under that bill you can still use Chinese crews. In Heaven's name, if that is so, what did you accomplish by your seamen's law. You did not even get rid of the Chinese crews, and yet by the seamen's law you drove every ship on the Pacific flying the American flag out of business, every one of them. Yes; the Democratic Party has done something—not for, but to, American shipping.

You refer now to those successive failures and then tell us what you are going to do. You point with pride to these failures to demonstrate the fact that because you have always heretofore been wrong you must now be right. [Laughter on the Republican side.] It is not any wonder that you are now proposing to try Government ownership. It is not any wonder that you have been driven to that socialistic scheme. It is the only thing that you have not heretofore tried. [Laughter on the Republican side.]

Everybody knows that that is the direction you would have to take. You have tried everything else except subsidy and subvention. You have gone on record as being against everything else, and you have been driven to this proposition. It is a peculiar sort of mentality that can see a subsidy in paying American ships to carry the mail and can not see a subsidy in going direct into the Treasury and paying out $50,000,000 to embark on a wild, socialistic, untried scheme. [Applause on the Republican side.]

To-day we are doing a greater foreign trade than ever before in our history. We are sending more of our products across the sea than at any other period in our history. It costs more to-day to build an American ship or any other ship than ever before. It costs more to purchase an American ship or to purchase any other ship than ever before. There is not a man on either side of this aisle who can tell this House where a ship can be bought. There is not a man upon either side of this aisle who can tell you where you can construct a ship.

Mr. MADDEN. They have got some Hamburg-American Line ships tied up in New York.

Mr. HUMPHREY of Washington. There never was a time in the history of this Nation when it was so inopportune as now to pass legislation of this character. During all the years when we could purchase ships at low prices, when our shipyards were idle, we did nothing; but now, when private enterprise has promptly responded, when we are building to-day 386 ships in our yards, at this most inopportune time we propose to embark upon the socialistic scheme of Government ownership. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. I yield the remainder of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, you can not successfully mix Government ownership and private ownership in competition, and you can not successfully mix Government operation and private operation in competition. You may provide that the Government shall do parts of its own work, either in the way of operation or in the way of manufacture, in order to protect itself from exorbitant charges by private parties, but I think there has never been a case where there was a successful effort made to have the Government own or operate any institution in competition with private parties that did not result either in a grave loss to the Government or in putting the resources of the Government on the one side and driving out the private competition.

The two things can not be worked together. You can take your choice. You can have the Government operate all of the railroads, but you could not have the Government operate one of the railroads between New York and Chicago and let the others continue in private ownership and leave the other roads solvent. Either you would operate the Government road at a great loss or else you would drive the other roads into insolvency or Government ownership. You can not mix those two things. Nobody has ever been able to do it. This bill undertakes to mix them. It undertakes to have the Government operate a portion of the shipping in competition with the balance of the shipping in private ownership. Of course, you can make the effort. It will not work. Under this proposition the Government may invest $50,000,000. It is not required to invest that sum. You will not invest $50,000,000 if private parties will put in the money. But in any event the Government is responsible for the operation of any ships which are leased, chartered, owned, or controlled by the corporations in which the Government has the majority of the stock. Are these ships, if we obtain them, to operate on the same scale of charges as the private ships? If they charge the same amount for the carriage of freight, who gets any advantage out of it? If they charge a lower rate for carrying freight, that will drive the private individual out of business. You can not make the two work together.

Now, it seems to me that this bill is not needed, because, in the first place, I can not see where a single ship will be added to commerce. It proposes to authorize the shipping board to buy ships. That will not add any ships to commerce. There are no idle ships that the Government can buy. It proposes to authorize the construction of ships; but the yards are now filled with all the orders that they can comply with during the next few years, and there will be a constant demand on the private parties for shipbuilding, if we do not scare them out by the passage of a bill like this. This bill will not add a single ship by the construction of a new ship, unless we frighten private individuals who are willing to put private capital into shipbuilding. If it does not add any ships to commerce, in what way is it any advantage? If it does not add a single ton to the tonnage capacity on the seas, how does it help? It will not carry any more commerce. You can not carry more commerce unless you have more shipping. You can buy ships, but that does not add a single ton. You can construct ships by preventing the shipyards building for private capital, but that does not add a single ton.

In what is the advantage of the bill? Not a thing. If the shipyards were empty and we had an immense foreign commerce seeking a chance to go across the seas and there was no tonnage with which to carry it, we might be justified in having the Government construct the ships, in order that there should be carrying capacity; but no one has the idle dream that this will add any more tonnage than would be added if the bill did not pass. The danger is that with the threat of Government ownership and Government operation private capital, which knows that it can not compete with public ownership, will cease to order the ships. The Government, with its great wealth, may operate ships at a loss and keep on doing it, but men with private capital can not afford to keep on operating ships at a loss and will hesitate to engage in shipbuilding as against Government ownership and operation, because they know that the Government can not be broken and made insolvent, while their corporations may be broken and made insolvent. With a very small amount of shipping, we might put the whole private shipping business to the bad. All of the capital we propose in this bill will not equal the capitalization of one private company in the United States. Yet we propose to say to private capital, "Do not venture here; this is preempted by the Government." The bill will do no good in that direction.

What are the dangers of the bill? Ships are at high value to-day. Freight rates are high. Shipping for the moment has come into its own. Ships which a few years ago could make little or no profit are to-day receiving high profits. To buy them means to pay a high charge for them. Who will buy these ships without scandal and graft? Everybody who has a ship will always be willing to sell to anyone else if he can get a high enough price for it. If we pay ten times or five times the value of ships, as we would have to pay, what a rare chance to put off onto the Government, through private influence, ships of little value and have the Government pay for them. [Applause on the Republican side.] I do not believe it is possible for the Government of the United States to purchase $50,000,000 worth of ships at this time, or perhaps at any other time, without scandal and graft being involved, and I believe if this bill passes more than one public official will pass out of public life heaped with scorn. [Applause on the Republican side.]

Mr. ALEXANDER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. ALEXANDER. I yield the balance of my time to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, crimination and recrimination about what has happened or has not happened in the past are very unprofitable; they do not get us anywhere. I suppose in a certain sense we are all sinners. I wish sometimes I never again could hear the word "Republican" or "Democrat" mentioned on a bill in this House which is purely a business matter. If there ever was any proposition introduced here that was simply and purely business, good, bad or indifferent, whatever it may turn out to be, this is one of them. All patriotic and wise American citizens, without regard to political or religious affiliations, want to see an American merchant marine. [Applause.] That is absolutely certain. A man that is opposed to rehabilitating the American merchant marine ought to be turned over to a board of alienists to see what is the matter with his head. [Laughter.]

We need an American merchant marine in our business. We need it as a matter of national pride and honor, that when we go abroad or sail on the high seas we shall not be compelled to sail under a foreign flag.

Of course you all know as well as I do that the deck of a ship is a part of the territory of the country under whose flag it flies. Upon the high seas the laws of the country which owns the ship apply to whatever crimes may be committed on board, and I will confess that even in time of profound peace I had rather sail the seas under the American flag than under a foreign flag. [Applause.] I would feel more at home. We need American ships not only for passenger and freight purposes, but they would be very handy things to have in case we should ever be involved in a foreign war—which God forbid!

There are only three ways to secure a merchant marine. One is by private enterprise. We have waited on that for 50 years. It has not rehabilitated the merchant marine. We are in a little better fix than we were a few years ago, but not much. We have no assurance under heaven that they ever will do it. Unless we completely revolutionize our shipping laws to suit their taste, they never will do it.

The second way is by means of a ship subsidy. The subsidy question has never been exactly a political question in this House—never entirely, but almost so. There were more Republicans voted for subsidy than there were Democrats, but there was always a certain percentage of Republicans that could not be lined up in favor of it. There was always a certain percentage of Democrats that we could not line up against it. If either party had been solid on this proposition, they would have had a ship subsidy long ago. I am not talking about the little subsidy that the gentleman from Washington [Mr. HUMPHREY] spoke about, for that does not amount to anything.

I am opposed to a subsidy and have always been opposed to one—that is, to hiring men to do that which they should do without being hired. No power on earth would force me to vote for a ship-subsidy bill. [Applause.] It has been up ever since I have been here, and how much longer I do not know. I suppose that a ship-subsidy bill in some shape, form, or fashion has passed one House or the other at least a half a dozen times, but they never could get both Houses to vote for it at once.

Mr. MADDEN. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. MADDEN. If the purchase and operation of these ships should create a loss to the Government of the United States and the Treasury had to be called upon to make up the deficit, would the gentleman consider that a subsidy?

Mr. CLARK of Missouri. No; I would not. I would consider it an ordinary transaction of a man paying his honest debts. [Laughter and applause.]

I will give you a little history. Most of the Members here are comparatively new Members, or at any rate you were not here when we had those rip-roaring fights about ship subsidy. In the Sixtieth Congress we beat the subsidy bill in the House one day on roll call by three votes just before Congress was going to die. But we were finally defeated that day under the most aggravating circumstances imaginable. We beat them three votes and several of our Members had bought their tickets and berths in the sleepers to go home, and after we had taken the vote and beaten them three votes there were four of our men who concluded that the whole thing was over and left the House. We telegraphed and telephoned to them and sent runners after them, but never could find them or stop them. One Republican, Mr. Littauer, from New York, changed his vote and voted against the subsidy bill so that he could move to reconsider. He did move to reconsider, and on the motion to reconsider they beat us one vote. When the roll was again called on the passage of the bill another of our men had jumped the bounty and they beat us two votes. [Laughter.]

In the next Congress—the Sixty-first—I fought that bill tooth and nail and helped Judge Moon, who was running it, what I could. Judge Moon was the leader in that fight. I ran two ex-Congressmen off the floor of the House that day. They were in here lobbying, which was against the rules; they would come over there and pick off a Democrat. [Laughter] Somebody would come and tell me, and I would go and get him back, and finally I sent word that if they did not get out of the Hall I would have them thrown out. When the roll was called they had beaten us by three votes. If I could get two Democrats to come over I had them. I want to two who voted for the subsidy and begged them as a political matter—I was willing to play politics then, as well as anybody else—and I induced two to change their votes, and we beat them. Now, when they beat us by one vote, I wrote a letter to Mr. Carmack, of Tennessee, who had been in the Senate six years, and told him that if he would talk that bill to death he would make more reputation in two days than he had in all of the time he had been there—5 years and 63 days. Senator JOHN SHARP WILLIAMS went over to see him. I did not know he was going, and he did not know I wrote a letter, but we wanted the same thing, somebody to talk it to death; and Carmack started in on a discussion of philology, and he took the Unabridged Dictionary as his illustrations and talked the thing to death.

I will tell the reasons which influenced me in being for this bill, and it may do some of you some good. I want to see a merchant marine. So do we all. When this bill was first introduced in the last Congress I was against it. I kept studying about it. There are only three ways to get a merchant marine, as I stated a while ago, and repeat now: Through private enterprise, which has failed; a subsidy, which Congress will not agree to; or this bill, or something like it, and I made up my mind that rather than have no merchant marine at all I would support a bill that I had some doubt about as to the theory on which it was built. Here is the situation in a nutshell: We all know it. There is no use to beat about the bush. We spend $300,000,000 a year for ocean freight, all paid to foreigners nearly—to foreign ship companies. I am in favor of paying that money to American ships under the American flag, giving employment to Americans on the high seas and American shipbuilders on shore. [Applause.] The way we have been proceeding about ocean transportation for half a century is sheer idiocy.

The history of the American marine is a story of mingled glory and shame—glory in the earlier years of the Republic; shame in these latter days. Before the Civil War we had the largest merchant marine in the world and it was gradually increasing. Our merchantmen rode every sea; our flag floated in every harbor in the world. Then came the building of iron and steel ships, and the British got at that before we did, and our merchant marine was slowly declining before the Civil War, and then the war came on and the privateers drove our flag from the seas to a large degree. There is no use telling you other reasons for its disappearance which might stir up

unpleasant political recollections; but anyhow we lost or abdicated our right to the rich domain of the seas—to the "seven seas" that they write about. A few years ago of all the vessels which went through the Suez Canal not one bore the Stars and Stripes at its masthead except men-of-war. Once upon a time there was a great famine in India. Men, women, and children were dying by the tens of thousands. Congress, reflecting and representing the generous hearts who sent us here, voted a million dollars to buy American foodstuffs to send to those starving and dying people, in a distant land and under strange stars. That was a magnificent donation. Having made it, we discovered to our ineffable disgust and shame that we could find no American ship to send our foodstuffs in and were compelled to hire a British ship in which to send our foodstuffs to the suffering subjects of Great Britain—which brought a touch of deep humiliation to every American citizen worth his salt. Query: Do we propose to go on in that foolish way forever? If not, vote for this bill as a dernier ressort—as the only way to change our course in this regard for the better.

There is a great deal of talk in this House and in the newspapers and everywhere else about securing the oriental trade. Of course, I am as much in favor of securing the oriental trade as anybody on the face of the earth, but the oriental trade is not a drop in the bucket and never will be to what the Central and South American trade ought to be, and we ought to have the big end of it instead of having a very small fraction of it. The way to secure that immense trade is to build our own ships and to operate them, thereby cultivating close friendly relations with the countries in this hemisphere. They are our neighbors and we should trade more with them. A merchant marine owned by the Government would be a regulator of ocean-freight rates and prevent extortion. For these reasons and others which I have not time to mention, I am most heartily in favor of building up and resuscitating our merchant marine, and to that end I am for this bill. [Loud applause.]

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15455 and had come to no resolution thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, by direction of the Committee on Appropriations. I present a bill making appropriation for the expenses of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes (H. Rept. 721.)

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15774) making appropriation to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. DAVIS of Minnesota. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Minnesota [Mr. DAVIS] reserves all points of order. The bill is ordered printed and referred to the Committee of the Whole House on the state of the Union.

PENSION APPROPRIATION BILL.

Mr. RAUCH. Mr. Speaker, by direction of the Committee on Appropriations I report the pension appropriation bill, making appropriations for invalid and other pensions for the fiscal year ending June 30, 1917. (H. Rept. 722.)

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15775) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order. The bill is ordered printed and referred to the Committee of the Whole House on the state of the Union.

INCREASE OF CERTAIN WORK, BUREAU OF ENGRAVING AND PRINTING.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report a joint resolution increasing the limit on certain classes of work in the Bureau of Engraving and Printing. (H. Rept. 723.)

The SPEAKER. The Clerk will report the joint resolution by title.

The Clerk read as follows:

House joint resolution No. 214, increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed in the Bureau of Engraving and Printing during the fiscal year 1916.

Mr. MANN. Mr. Speaker, I shall not make any point of order against it, but that bill ought to be reported through the basket.

Mr. FITZGERALD. I thank the gentleman.

The SPEAKER. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

UNITED STATES SHIPPING BOARD.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House of the state of the Union for the further consideration of the bill H. R. 15455.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15455, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15455.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET. Is this bill, which is very obviously divided into paragraphs, to be considered by paragraphs or sections?

The CHAIRMAN. By sections.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

The CHAIRMAN. All general debate having expired, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That when used in this act—

The term "common carrier by water in foreign commerce" means a common carrier engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, including the import and export trade.

The term "common carrier by water in interstate commerce" means a common carrier engaged in the transportation by water of passengers or property between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

The term "common carrier by water" means a common carrier by water in foreign commerce or a common carrier by water in interstate commerce.

The term "other person subject to this act" means any person not included in the term "common carrier by water," carrying on the business of forwarding, ferrying, towing, or furnishing transfer, lighterage, wharfage, dock, warehouse, or other terminal facilities in or in connection with a common carrier by water.

The term "person" includes corporations, partnerships, and associations, existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

Mr. BENNET. Mr. Chairman, I offer the following substitute for section 1, with the notice required by the precedents that if substitute for section 1 is adopted I shall move to strike out each successive section as it is read.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report, and gives notice required under the rules.

The Clerk read as follows:

Amendment by Mr. BENNET: Strike out the first section and substitute the following:

"That when used in this act—

"The term 'common carrier by water in foreign commerce' means a common carrier engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, including the import and export trade.

"The term 'common carrier by water in interstate commerce' means a common carrier engaged in the transportation by water of passengers or property between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

"The term 'common carrier by water' means a common carrier by water in foreign commerce or a common carrier by water in interstate commerce.

"The term 'other person subject to this act' means any person not included in the term 'common carrier by water,' carrying on the business of forwarding, ferrying, towing, or furnishing transfer, lighterage, wharfage, dock, warehouse, or other terminal facilities in or in connection with a common carrier by water.

"The term 'person' includes corporations, partnerships, and associations existing under or authorized by the laws of the United States,

or any State, Territory, District, or possession thereof, or of any foreign country.

"SEC. 2. That within the meaning of this act no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof.

"The provisions of this act shall apply to receivers and trustees of all persons to whom the act applies.

"SEC. 3. That a board is hereby created, to be known as the United States shipping board, and hereinafter referred to as the board. The board shall be composed of five commissioners, to be appointed by the President, by and with the advice and consent of the Senate, one of such commissioners to be designated by the President as chairman of the board and one as vice chairman.

"The first commissioners appointed shall continue in office for terms of two, three, four, five, and six years, respectively, from the date of their appointment, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds.

"The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this act and to a fair representation of the geographical divisions of the country. Not more than three of the commissioners shall be appointed from the same political party. No commissioner shall be in the employ of or hold any official relation to any common carrier by water or other person subject to this act, or own any stocks or bonds thereof, or be pecuniarily interested therein. No commissioner shall actively engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the board shall not impair the right of the remaining members of the board to exercise all its powers. The board shall have an official seal, which shall be judicially noticed.

"The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

"SEC. 4. That each member of the board, except the ex officio members, shall receive a salary of $10,000 per annum. The board shall appoint a secretary, at a salary of $5,000 per annum, and employ and fix the compensation of such attorneys, officers, naval architects, special experts, examiners, clerks, and other employees as it may find necessary for the proper performance of its duties and as may be appropriated for by the Congress. The President, upon the request of the board, may authorize the detail of officers of the military and naval services of the United States for such duties as the board may deem necessary in connection with its business.

"With the exception of the secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary to employ for the conduct of its work, all employees of the board shall be a part of the classified civil service.

"The expenses of the board, including necessary expenses for transportation, incurred by the members of the board or by its employees under its orders, in making any investigation, or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the board.

"Until otherwise provided by law, the board may rent suitable offices for its use.

"The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the board.

"SEC. 5. That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards, or to purchase, lease, or charter, vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or military purposes.

"SEC. 6. That the President may transfer to the board such vessels belonging to the War or Navy Department as are suitable for commercial uses and not required for military or naval use in time of peace, and cause to be transferred to the board vessels owned by the Panama Railroad Co. and not required in its business.

"SEC. 7. That the board, upon terms and conditions prescribed by it and approved by the President, may charter, lease, or sell to any person a citizen of the United States any vessel so purchased, constructed, or transferred.

"SEC. 8. That when any vessel purchased or constructed by or transferred to the board as herein provided, and owned by the United States, becomes, in the opinion of the board, unfit for the purposes of this act, it shall be appraised and sold at public or private sale free from the conditions and restrictions of this act.

"SEC. 9. That any vessel purchased, chartered, or leased from the board may be registered or enrolled and licensed as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: *Provided*, That foreign-built vessels heretofore or hereafter admitted to American registry or enrollment and license under the act of August 18, 1914, or under this act, and vessels owned, chartered, or leased by any corporation in which the United States is a stockholder (except the Panama Railroad Co.), may not engage in the coastwise trade of the United States, except that such vessels may engage in trade with Alaska, Hawaii, or Porto Rico, whether or not en route to or from a foreign port, if the board finds such trade is not being adequately served by a regular line or lines of vessels.

"Every vessel purchased, chartered, or leased from the board shall, unless otherwise authorized by the board, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein. No such vessel, without the approval of the board, shall be transferred to a foreign registry or flag, or sold; nor, except under regulations prescribed by the board, be chartered or leased.

"When the United States is at war, or during any national emergency the existence of which is declared by proclamation of the President, no vessel registered or enrolled and licensed under the laws of the United States shall, without the approval of the board, be sold, leased, or chartered to any person not a citizen of the United States or transferred to a foreign registry or flag.

"Any vessel sold, chartered, leased, transferred, or operated in violation of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than $5,000 or to imprisonment of not more than five years, or both such fine and imprisonment.

"SEC. 10. That the President, upon giving to the person interested such reasonable notice in writing as in his judgment the circumstances permit, may take possession, absolutely or temporarily, for any naval or military purpose, of any vessel purchased, leased, or chartered from the board: *Provided*, That if, in the judgment of the President, an emergency exists requiring such action he may take possession of any such vessel without notice.

"Thereafter, upon ascertainment by agreement or otherwise, the United States shall pay the person interested the fair actual value at the time of taking of the interest of such person in every vessel taken absolutely, or if taken for a limited period, the fair charter value for such period. In case of disagreement as to the fair value it shall be determined by appraisers, one to be appointed by the board, one by the person interested, and a third by the two so appointed. The finding of a majority of such appraisers shall be final and binding upon both parties.

"SEC. 12. That any vessel purchased, leased, or chartered from the board may be listed by the Secretary of the Navy as a vessel of the United States Naval Auxiliary Reserve. The officers and members of the crew of any such listed vessel who volunteer for the purpose and are citizens of the United States or its insular possessions may, under regulations prescribed by the Secretary of the Navy, be enrolled in various ranks and ratings corresponding to those of the United States Navy, not above the rank of lieutenant commander, as members of any naval reserve force established by law.

"SEC. 13. That the board shall investigate the relative cost of building merchant vessels in the United States and in foreign maritime countries, and the relative cost, advantages, and disadvantages of operating in the foreign trade vessels under United States registry and under foreign registry. It shall examine the navigation laws of the United States and the rules and regulations thereunder, and make such recommendations to the Congress as it deems proper for the amendment, improvement, and revision of such laws, and for the development of the American merchant marine. It shall investigate the legal status of mortgage loans on vessel property, with a view to means of improving the security of such loans and of encouraging investment in American shipping.

"It shall on or before the 1st day of December in each year make a report to the Congress, which shall include its recommendations and the results of its investigations, a summary of its transactions, and a statement of all expenditures and receipts under this act, and of the operations of any corporation in which the United States is a stockholder, and the names and compensation of all persons employed by the board.

"SEC. 14. That for the purpose of carrying out the provisions of sections 5 and 11 the Secretary of the Treasury, upon the request of the board, approved by the President, shall from time to time issue and sell or use any of the bonds of the United States now available in the Treasury under the acts of August 5, 1909, February 4, 1910, and March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $50,000,000: *Provided*, That any bonds issued and sold or used under the provisions of this section may be made payable at such time within 50 years after issue as the Secretary of the Treasury may fix, instead of 50 years after the date of issue, as prescribed in the act of August 5, 1909.

"The proceeds of such bonds and the net proceeds of all sales, charters, and leases of vessels and of sales of stock made by the board, and all other moneys received by it from any source, shall be covered into the Treasury to the credit of the board, and are hereby permanently appropriated for the purpose of carrying out the provisions of sections 5 and 11.

"SEC. 15. That no common carrier by water shall directly or indirectly—

"First. Pay, or allow, or enter into any combination, agreement, or understanding, express or implied, to pay or allow, a deferred rebate to any shipper. The term 'deferred rebate' in this act means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier, or for any other purpose, the payment of which is deferred beyond the period for which computed and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

"Second. Use a fighting ship either separately or in conjunction with any other carrier, through agreement or otherwise. The term 'fighting ship' in this act means a vessel used in a particular trade by a carrier or group of carriers for the purpose of excluding, preventing, or reducing competition by driving another carrier out of said trade.

"Third. Retaliate against any shipper by refusing, or threatening to refuse, space accommodations when such are available, or resort to other discriminating or unfair methods, because such shipper has patronized any other carrier or has filed a complaint charging unfair treatment, or for any other reason.

"Fourth. Make any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered, or unfairly treat or unjustly discriminate against any shipper in the matter of (a) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage; (b) the loading and landing of freight in proper condition; or (c) the adjustment and settlement of claims.

"Any carrier who violates any provision of this section shall be guilty of a misdemeanor punishable by a fine of not more than $25,000 for each offense.

"SEC. 16. That every common carrier by water, or other persons subject to this act, shall file immediately with the board a true copy, or, if oral, a true and complete memorandum, of every agreement with another such carrier or other person subject to this act, or modification or cancellation thereof, to which it may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses, or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential, or cooperative working arrangement. The term 'agreement' in this section includes understandings, conferences, and other arrangements.

"The board may by order disapprove, cancel, or modify any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be in violation of this act, and shall approve all other agreements, modifications, or cancellations.

"Agreements existing at the time of the organization of the board shall be lawful until disapproved by the board. It shall be unlawful to carry out any agreement or any portion thereof disapproved by the board.

"All agreements, modifications, or cancellations made after the organization of the board shall be lawful only when and as long as approved by the board; and before approval or after disapproval it shall be unlawful to carry out in whole or in part, directly or indirectly, any such agreement, modification, or cancellation.

"Every agreement, modification, or cancellation lawful under this section shall be excepted from the provisions of the act approved July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' and amendments and acts supplementary thereto, and the provisions of sections 73 to 77, both inclusive, of the act approved August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' and amendments and acts supplementary thereto.

"Whoever violates any provision of this section shall be liable to a penalty of $1,000 for each day such violation continues, to be recovered by the United States in a civil action.

"SEC. 17. That it shall be unlawful for any common carrier by water, or other person subject to this act, either alone or in conjunction with any other person, directly or indirectly—

"First. To make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

"Second. To allow any person to obtain transportation for property at less than the regular rates then established and enforced on the line of such carrier, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means.

"Third. To induce, persuade, or otherwise influence any marine insurance company or underwriter, or agent thereof, not to give a competing carrier by water as favorable a rate of insurance on vessel or cargo, having due regard to the class of vessel or cargo, as is granted to such carrier or other person subject to this act.

"SEC. 18. That no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States, as compared with their foreign competitors. Whenever the board finds that any such rate, fare, or charge is demanded, charged, or collected, it may alter the same to the extent necessary to correct such unjust discrimination or prejudice and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory or prejudicial rate, fare, or charge.

"Every such carrier and every other person subject to this act shall establish, observe, and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property. Whenever the board finds that any such regulation or practice is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable regulation or practice.

"SEC. 19. That every common carrier by water in interstate commerce shall establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto, and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.

"Every such carrier shall file with the board and keep open to public inspection, in the form and manner and within the time prescribed by the board, the maximum rates, fares, and charges for or in connection with transportation between points on its own route; and if a through route has been established, the maximum rates, fares, and charges for or in connection with transportation between points on its own route and points on the route of any other carrier by water.

"No such carrier shall demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges filed in compliance with this section, except with the approval of the board and after 10 days' public notice in the form and manner prescribed by the board, stating the increase proposed to be made; but the board, for good cause shown, may waive such notice.

"Whenever the board finds that any rate, fare, charge, classification, tariff, regulation, or practice, demanded, charged, collected, or observed by such carrier is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable maximum rate, fare, or charge, or a just and reasonable classification, tariff, regulation, or practice.

"SEC. 20. That whenever a common carrier by water in interstate commerce reduces its rates on the carriage of any species of freight to or from competitive points below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water, it shall not increase such rates unless, after hearing, the board finds that such proposed increase rests upon changed conditions other than the elimination of said competition.

"SEC. 21. That it shall be unlawful for any common carrier by water or other person subject to this act, or any officer, receiver, trustee, lessee, agent, or employee of such carrier or person, or for any other person authorized by such carrier or person to receive information, knowingly to disclose to or permit to be acquired by any person other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier or other person subject to this act for transportation in interstate or foreign commerce, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor, or which may be used to the detriment or prejudice of any carrier; and it shall also be unlawful for any person to solicit or knowingly receive any such information which may be so used.

"Nothing in this act shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court of a State or of the United States, or to any officer or agent of the Government of the United States, or of any State, Territory, District, or possession thereof, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime, or to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

"SEC. 22. That the board may require any common carrier by water, or other person subject to this act, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report, or any account, record, rate, or charge, or any memorandum of any facts and transactions appertaining to the business of such carrier or other person subject to this act. Such report, account, record, rate, charge, or memorandum shall be under oath whenever the board so requires, and shall be furnished in the form and within the time prescribed by the board. Whoever fails to file any report, account, record, rate, charge, or memorandum as required by this section shall forfeit to the United States the sum of $100 for each day of such default.

"Whoever willfully falsifies, destroys, mutilates, or alters any such report, account, record, rate, charge, or memorandum, or willfully files a false report, account, record, rate, charge, or memorandum, shall be guilty of a misdemeanor and subject, upon conviction, to a fine of not more than $1,000 or imprisonment for not more than one year, or to both such fine and imprisonment.

"SEC. 23. That any person may file with the board a sworn complaint setting forth any violation of this act by a common carrier by water, or other person subject to this act, and asking reparation for the injury, if any, caused thereby. The board shall furnish a copy of the complaint to such carrier or other person, who shall, within a reasonable time specified by the board, satisfy the complaint or answer it in writing. If the complaint is not satisfied, the board shall, except as otherwise provided in this act, investigate it in such manner and by such means and make such order as it deems proper. The board, if the complaint is filed within two years after the cause of action accrued, may direct the payment, on or before a day named, of full reparation to the complainant for the injury caused by such violation.

"The board, upon its own motion, may in like manner and, except as to orders for the payment of money, with the same powers investigate any violation of this act.

"SEC. 24. Orders of the board relating to any violation of this act shall be made only after full hearing and upon a sworn complaint, or in proceedings instituted of its own motion.

"All orders of the board other than for the payment of money made under this act shall continue in force for such time, not exceeding two years, as shall be prescribed thereto by the board, unless suspended, modified, or set aside by the board or any court of competent jurisdiction.

"SEC. 25. That the board shall enter of record a written report of every investigation made under this act in which a hearing has been held, stating its conclusions, decision, and order, and, if reparation is awarded, the findings of fact on which the award is made, and shall furnish a copy of such report to all parties to the investigation.

"The board may publish such reports in the form best adapted for public information and use, and such authorized publications shall, without further proof or authentication, be competent evidence of such reports in all courts of the United States and of the States, Territories, Districts, and possessions thereof.

"SEC. 26. That the board may reverse, suspend, or modify, upon such notice and in such manner as it deems proper, any order made by it. Upon application of any party to a decision or order, it may grant a rehearing of the same or any matter determined therein, but no such application for or allowance of a rehearing shall, except by special order of the board, operate as a stay of such order.

"SEC. 27. That for the purpose of investigating alleged violations of this act, the board may, by subpœna, compel the attendance of witnesses and the production of books, papers, documents, and other evidence from any place in the United States at any designated place of hearing. Subpœnas may be signed by any commissioner, and oaths or affirmations may be administered, witnesses examined, and evidence received by any commissioner or examiner, or, under the direction of the board, by any person authorized under the laws of the United States or of any State, Territory, District, or possession thereof to administer oaths. Persons so acting under the direction of the board and witnesses shall, unless employees of the board, be entitled to the same fees and mileage as in the courts of the United States. Obedience to any such subpœna shall, on application by the board, be enforced as are orders of the board other than for the payment of money.

"SEC. 28. That no person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to the subpœna of the board or of any court in any proceeding based upon or growing out of any alleged violation of this act; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"SEC. 29. That in case of violation of any order of the board, other than an order for the payment of money, the board, or any party injured by such violation, or the Attorney General, may apply to a district court having jurisdiction of the parties; and if, after hearing, the court determines that the order was regularly made and duly issued, it shall enforce obedience thereto by a writ of injunction or other proper process, mandatory or otherwise.

"SEC. 30. That in case of violation of any order of the board for the payment of money the person to whom such award was made may file in the district court for the district in which such person resides, or in which is located any office of the carrier or other person to whom the order was directed, or in which is located any point of call on a regular route operated by the carrier, or in any court of general jurisdiction of a State, Territory, District, or possession of the United States having jurisdiction of the parties, a petition or suit setting forth briefly the causes for which he claims damages and the order of the board in the premises.

"In the district court the findings and order of the board shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor shall he be liable for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If a petitioner in a district court finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as part of the costs of the suit.

"All parties in whose favor the board has made an award of reparation by a single order may be joined as plaintiffs, and all other parties to such order may be joined as defendants, in a single suit in any district in which any one such plaintiff could maintain a suit against any one such defendant. Service of process against any such defendant not found in that district may be made in any district in which is located any office of, or point of call on a regular route operated by, such defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

"No petition or suit for the enforcement of an order for the payment of money shall be maintained in a district or State court unless filed within one year from the date of the order.

"SEC. 31. That the venue and procedure in the courts of the United States in suits brought to enforce, suspend, or set aside, in whole or in part, any order of the board shall, except as herein otherwise provided, be the same as in similar suits in regard to orders of the Interstate Commerce Commission, but such suits may also be maintained in any district court having jurisdiction of the parties.

"SEC. 32. That whoever violates any provision of this act, except where a different penalty is provided, shall be guilty of a misdemeanor, punishable by fine of not to exceed $5,000.

"SEC. 33. That this act shall not be construed to affect the power or jurisdiction of the Interstate Commerce Commission, nor to confer upon the board concurrent power or jurisdiction over any matter within the power or jurisdiction of such commission; nor shall this act be construed to apply to intrastate commerce.

"SEC. 34. That if any provision of this act, or the application of such provision to certain circumstances, is held unconstitutional, the remainder of the act, and the application of such provision to circumstances other than those as to which it is held unconstitutional, shall not be affected thereby.

"SEC. 35. That for the fiscal year ending June 30, 1917, the sum of $100,000 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of defraying the expenses of the establishment and maintenance of the board, including the payment of salaries herein authorized."

During the reading of the substitute the following occurred:

Mr. GILLETT. Mr. Chairman——

Mr. BENNET. Mr. Chairman, the reading of the amendment is not concluded. The Clerk has not read 27 pages in two minutes.

Mr. ALEXANDER. As I understand, the Clerk so far is reading H. R. 15455, the bill that is under consideration. Is that correct?

Mr. BENNET. The situation is the same.

The CHAIRMAN. The gentleman from New York offered an amendment to strike out the first section of H. R. 15455, and insert in lieu thereof the bill which he sent to the Clerk's desk, and gave notice that if the amendment should be adopted he would then move to strike out each section of H. R. 15455 as it should be reached and read.

Mr. ALEXANDER. Is he offering the first section of that bill?

The CHAIRMAN. The Chair did not follow the reading of the amendment closely enough to know whether it is the first section of H. R. 15455 or not.

Mr. MANN. It would not make any difference.

The CHAIRMAN. Not parliamentarily. The parliamentary situation would not be changed even if it were.

Mr. ALEXANDER. As I caught the reading, it is the exact language of the first section of H. R. 15455.

Mr. MANN. That would not make any difference.

The CHAIRMAN. That would not change the parliamentary situation. The Clerk will read.

The Clerk proceeded with the reading of the substitute.

During the reading.

Mr. OGLESBY. Mr. Chairman, I reserve a point of order that the amendment outside of that already read is not germane to the paragraph to which it is offered as an amendment.

Mr. BENNET. The precedent is from Hinds' Precedents, volume 5, page 5796.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk concluded the reading of the substitute.

Mr. BENNET. Mr. Chairman, this amendment strikes out of the bill those words which add two Members of the Cabinet to the shipping board. It strikes out of the bill section 11—the section which provides for Government operation—and it strikes out of section 5 the words which permit this shipping board to go abroad and either build American ships with American money in foreign shipyards or buy them abroad. Otherwise it is the bill of the committee without change. There are matters remaining in the bill which do not have my personal sympathy, and which I think are even bad; but I wanted to keep Karl Marx and Socialism on the one side and American leadership and Americanism on the other. [Applause on the Republican side.] That is what this amendment does. To vote against my amendment is to vote to support the theories of those gentlemen who have the constitutional right, which they exercised, to send my colleague, Mr. LONDON, to the floor of this House. A vote for this amendment is to vote to support those principles of American government based upon the recognition of the individual that every Democrat and every Republican has professed during his entire political life. We have always been against Government operation. This gives us a chance to say whether our opposition to Government operation was sincere or whether, as the Socialist in every congressional district and every city charges, we are insincere in that, as they charge we are insincere in everything else.

Mr. OGLESBY. Will my colleague yield?

Mr. BENNET. Yes.

Mr. OGLESBY. I want to say to the gentleman that I am opposed to Government operation, and I would like to ask him this question: If you absolutely prohibit the Government from operating these vessels after we build them, are you not placing the shipping board of the Government in the position of possibly acquiring vessels for which they could have no use whatever? Should they not have this avenue of escape from a combination of shipping interests, for instance, who might not be willing to lease those vessels and operate them on fair terms?

Mr. BENNET. Mr. Chairman, if my colleague will read sections 7, 8, 9, 10, and, I think, 12, which have to do with the powers of this shipping board, I do not think that he would seriously press that argument. And if there was anything in his argument, just see where it leads him to—that there is so little demand for ships that we have to have the Government for a customer in order to justify any bill at all. If there is no demand for ships, why, then, there is no use for this bill. But we do want an American merchant marine and we do want it in private hands—at least, I do—and I have no doubt my colleague also. So long as we retain section 11 in the bill we will not have it in private hands, and so far as we retain those two Secretaries on the commission, which we do not do in the Interstate Commerce Commission, which we do not do in any other commission so far as I recall, we have brought the Government right into the business.

Why? Just stop and think. There are only seven men on that commission. The Government starts in with two Cabinet officers. It only has to have four in order to have a majority. The terms of these men expire, one each year, and during each presidential term, therefore, four will expire, and therefore every President has two of his Cabinet officers to start with, and four men who will come up for reappointment; six out of seven, who are more or less under his control the moment he is inaugurated President of the United States.

I am not going to take any great amount of time——

The CHAIRMAN (Mr. PAGE of North Carolina). The time of the gentleman from New York has expired.

Mr. SAUNDERS. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. SAUNDERS. What is the question now before the House upon which we shall vote?

The CHAIRMAN. The substitute is the amendment offered by the gentleman from New York [Mr. BENNET] for the pending bill.

Mr. SAUNDERS. An entire substitute?

The CHAIRMAN. Yes; an entire substitute.

Mr. SAUNDERS. Suppose that substitute is defeated. Will it be competent for any Member on this floor, when we reach the details in these sections to which that substitute relates, to offer from time to time amendments?

The CHAIRMAN. The Chair understands that this amendment, being offered in the way of a substitute, can be taken up section by section in the committee and read, subject to amendment.

Mr. SAUNDERS. If we vote down the substitute, I ask would it then be in order for gentlemen on the minority side, who want to present their objections to these different sections as we reach them, to offer amendments directed to those particular sections?

The CHAIRMAN. The Chair thinks that would be true. It would not limit their right to offer amendments to particular sections of the bill, provided this substitute is voted down.

Mr. OGLESBY. Mr. Chairman, I would like to ask unanimous consent that the gentleman from New York [Mr. BENNET], who introduced this amendment, may be allowed to state exactly what his amendment provides.

The CHAIRMAN. The gentleman from New York [Mr. OGLESBY] asks unanimous consent that his colleague [Mr. BENNET] may be allowed to state what his amendment provides.

Mr. COX. For how long, Mr. Chairman?

Mr. OGLESBY. Say, five minutes.

The CHAIRMAN. For five minutes. Is there objection?

There was no objection.

Mr. OGLESBY. The gentleman did explain it once.

Mr. BENNET. If the gentleman will take the bill which is before the committee, he will notice that on page 3 the substitute leaves out the following language: "The Secretary of the Navy and the Secretary of Commerce, as members ex officio, and," so that the language will read, "The board shall be composed of five commissioners, to be appointed by the President," and so forth.

Then, in section 5, lines 23 and 24, the substitute leaves out this language, "or elsewhere, giving preference, other things being equal, to domestic yards," so that the section will read:

That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards, or to purchase, lease, or charter, vessels suitable—

And so forth.

Mr. OGLESBY. May I interrupt the gentleman with a question?

Mr. BENNET. Yes.

Mr. OGLESBY. The gentleman's amendment does not, then, omit from section 5 the words "or to purchase, lease, or charter vessels"? The gentleman's amendment will permit the Government to take under lease or charter vessels as well as purchase them?

Mr. BENNET. It permits the shipping board to charter, lease, and so forth, vessels which may have been built abroad, but it prohibits them from building abroad in foreign shipyards or purchasing abroad vessels for use as auxiliaries to the Navy.

Then section 11, the section which permits this shipping board to form under the laws of the District of Columbia one or more corporations, is the strictly governmental operation section, and my amendment strikes that out.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from South Carolina?

Mr. BENNET. Certainly.

Mr. BYRNES of South Carolina. Do you not leave in the bill a provision appropriating $50,000,000 for the purpose of going into the business of building ships and selling, leasing, and chartering them?

Mr. BENNET. That is section 14. I do not strike it out.

Mr. BYRNES of South Carolina. Do you think you have anything on Mr. LONDON or Carl Marx and his socialism when you propose to put the Government into the business of leasing and chartering vessels to individuals?

Mr. BENNET. I think I am a distinct improvement on those theories, if the gentleman asks me my personal opinion of myself. [Laughter.] I attempt to draw as clearly and cleanly as possible the line between socialism and the old-time traditional views of the Democratic and Republican Parties. If I had my way I would strike out other things in this bill, but I do not see any sign that I will have my way in full, and therefore I want to get my way as far as I can.

Further than that, I am frank to say that I consider this question of socialism versus the old political methods a far graver and more important question even than the passage of this bad bill.

Mr. OGLESBY. The gentleman does not disturb section 9 of the bill.

Mr. BENNET. I have stated everything I do.

Mr. HELM rose.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] is recognized.

Mr. ALEXANDER rose.

The CHAIRMAN. Does the gentleman from Missouri desire recognition?

Mr. HELM. If so, I will surrender the floor to the gentleman from Missouri.

Mr. ALEXANDER. No; not at this time.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] is recognized for five minutes.

Mr. HELM. Mr. Chairman, there has been criticism of this bill because of an alleged subsidy feature which it contains.

I submit to the membership of this House whether the man who owns his house, his home, as the Government is proposing to own the ships: this bill, subsidizes himself by the ownership of his own home? Do you home owners subsidize yourselves when you buy, own, and operate your own homes? The answer is "No." Is there for like reason any subsidy attached, either directly or indirectly, when the Government owns and operates its own ships?

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. HELM. In just a moment.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADDEN. Just for one question.

Mr. HELM. Very well; I yield.

Mr. MADDEN. The man who owns his own home pays his own taxes. When the Government owns these ships other people will pay the taxes to maintain them, and the Government puts itself in competition with the people who pay the taxes.

Mr. HELM. I do not see the application of the argument of the gentleman from Illinois. The man who owns his own home and saves himself rent occupies a situation not unlike the Government that owns its own ships and operates them, certainly the farmer who owns his own horse and buggy or wagon and team, instead of hiring them, does not subsidize himself by such ownership. Where does the subsidy in Government-owned ships attach?

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield there?

Mr. HELM. No; I can not answer any more questions. I have only five minutes. Otherwise I would be delighted to yield further.

Ocean freight, like freight by rail, always moves over the line charging the lowest rate of transportation. The Government-owned and rate-controlled ship line, with reasonable rates, as contemplated and provided for in this bill, will inevitably reduce the ocean freight rates charged by the present uncontrolled trust-operated ships.

There are those opposing the bill because they do not think the Government should engage in private business, others on constitutional grounds, and so on. As for me, under the stress of the present extreme emergency and world-wide business upheaval, I am not going to stand on niceties and fine-spun distinctions. When the house is on fire, it is immaterial whether it is water from the branch, well, creek, cistern, or slop jar that is available—water is what you need. After the fire is out, then there is ample time to consider the source. Our merchandise is languishing at our ports. This is neither the time nor the occasion for an idle waste of time in the discussion of governmental theories. The merchandise must be moved. Private enterprise having failed to meet the exigencies of the occasion, the United States Government must step in and do what is needful.

Seeing the great possibilities of capturing the immense South American trade, and diverting it from across the oceans to our own doors, I introduced a bill having in view the establishment of a clearing-house, credit-extending, banking institution to be situated on the Canal Zone. Other schemes and plans have been proposed to accomplish the same end by different methods with indifferent success. But behind any and all such movements and enterprises is the question of adequate and sufficient transportation between the United States and Central and South America. It has been aptly stated that "the need of this shipping bill is to be found in the fact that all the export trade of the United States is now pouring through a funnel not near large enough to accommodate it."

The Democratic administration has succeeded in repealing many of our antiquated navigation laws that have been continued at the behest of the Shipping Trust, in force during the long Republican control, and that have hampered, in fact, prevented, the development of an American merchant marine.

Until 1912 only American-built vessels were admitted to American registry. Now registration under the American flag is restricted only to vessels owned wholly by American citizens, and the word "citizens" includes corporations organized or chartered under the laws of the United States or any State thereof.

The ship-registry act of August 18, 1914, passed by a Democratic Congress, repealed the act excluding from American registry foreign-built seagoing vessels to such as had not been constructed for a longer period than five years, and further provided that the President could, whenever in his discretion the needs of foreign commerce might require, "suspend by order, so far and for such length of time as he may deem desirable, the provision of law prescribing that all the watch officers of the vessels of the United States registered for foreign trade shall be citizens of the United States," and that the President could, "under like conditions, in like manner, and to like extent," suspend the provisions of law requiring survey, inspection, and so forth.

By Executive order of President Wilson, made on September 4, 1914, it was provided that requirements as to survey, inspection, and so forth, should be suspended for two years, as well as the provisions relating to watch officers without regard to citizenship for a term of seven years, provided that after two years any vacancy should be filled by a citizen of the United States. The act of March 4, 1915, went a step further and repealed the statute imposing tonnage duties of 50 cents per ton and light money of 50 cents per ton on vessels of the United States, and also repealed that portion of the tariff act imposing

a discriminating duty of 10 per cent ad valorem on goods imported in such vessels. This act was made retroactive and provided for a refund of all tonnage duties, light money, and discriminating duties collected since the passage of the act of August 18, 1914, all of which appears in the special agent series, No. 114, prepared by Mr. Grosvenor M. Jones, commercial agent, Bureau of Foreign and Domestic Commerce.

The acts cited evidence the bona fide efforts put forth by the Democrats to repeal the antiquated navigation laws that the Republicans have for many long years permitted to obstruct and stand in the way of the American merchant marine, and which the passage of the pending bill is designed to foster and promote.

Ocean freight rates have risen to dizzy heights within the last two years. In March, 1914, the rate per bushel on wheat from New York City to Liverpool was 2.5 cents per bushel; in March, 1915, it was 50.7, an increase of over 2,000 per cent. Freight on tobacco in April, 1914, was 31 cents per hundred pounds; in January, 1916, $3 per hundred pounds. The profits of the English shipowners are far in excess of the enormous profits of the munition manufacturers. If the railroads should resort to such practices either in intrastate or interstate commerce, it would start a revolution. The British shipowners are collecting extortionate tolls off the neutral commerce of the world.

Great Britain could destroy commerce between North and South America as completely and as effectively as she has German over-sea commerce simply by diverting her ships to other trade channels, under her right to requisition them for war purposes, and her keen eye for trade will not overlook the opportunity. What trade of the United States she does not capture by diversion or commandeering of her ships she will obtain by alleged blockades, and in this indirect but certain way it results that the United States stands to bear or pay a large portion of Great Britain's war expense.

The Government must match its resources against the "Mistress of the Seas" and come to the aid of our foreign commerce and the over-sea trade of its citizens. Private enterprise, as already said, has been either unwilling or afraid to meet the situation, and inasmuch as it has not and will not, nothing remains except for the Government to step in during the pending emergency. The purposes of the bill now under consideration are threefold: (1) To provide ships available in time of peace for commercial purposes; (2) naval auxiliaries in time of war; and (3) an entering wedge to split up the Shipping Trust. The Government alone is strong enough to cope with the Shipping Trust, that has a strangle hold on our foreign commerce.

It is useless to regulate the transportation of our commerce from inland ports to the seaboard, and then permit the shipowners to rob the shippers by extortionate ocean freight rates.

There is not a farmer in my district who does not know by experience when he offers his wheat crop for sale that the local miller pays him the current price of wheat in Cincinnati, Louisville, or Chicago less the freight from the farmer's shipping point to those centers. By the same token, the producers of grains and tobacco should be receiving the prices of their products in the foreign market less a reasonable—not an extortionate—freight to the foreign ports. But as intolerable as this situation is, and demanding immediate relief, it is just a little better than no ships at all, which is substantially our condition. Imagine the helpless condition of a coal merchant in a city without motor trucks or teams with which to deliver his coal. He may have his yard piled high with abundance of the best coal obtainable, but he is on the sure road to bankruptcy unless he is equipped with adequate facilities for the delivery of it, comparable to that of his competitor. If he is compelled to depend on his business rival to deliver his orders to his own customers, his days in that business are numbered, and they are few.

An editorial in the Washington Post of Wednesday, May 17, 1916, presents the American viewpoint in very vivid and striking form, and under leave I herewith insert it as a part of my remarks:

THE COUNTRY DEMANDS THE AMERICAN MERCHANT MARINE.

The bill for creating an American merchant marine is before the House of Representatives, and the people of the United States expect the Members of the House and of the Senate to do their duty to them and to the Republic by establishing that long-promised marine.

For 32 years of Republican control of Federal power and for 8 quadrennial periods of promises to establish a merchant marine for the Nation those promises were not fulfilled.

For an equally long period of Democratic pledges for a merchant marine and eight years of Democratic control of Federal power all the results the American people had were the unfulfilled promises of the party.

It has been a long period of national subordination upon the high seas, a long period of supremacy in facilities of trade for our commercial rivals, and the Republic of the United States was rendered a debtor nation for half a century largely by this long and grievously felt want of ocean transportation under the Stars and Stripes.

The past two years have so plainly disclosed the absolute necessity of this marine to the great masses of the people of the United States that they are now united as never before, urgent as never before, determined as never before to have that marine established, and they now ask the Congress to provide that marine as a national necessity to the maintenance of the country's prosperity.

They call for it in no partisan spirit, but with a patriotic purpose.

They realize the extent of the losses that agriculturists, miners, manufacturers of the United States have sustained during the past two years would have paid for construction of ten times the vessels that can be provided with the appropriation proposed in the pending measure.

They know, and Members of the House and the Senate know, that the want of a United States merchant marine is costing the people of this country millions of dollars every week at the present time.

The subtle influences which have paralyzed legislation in the past upon this question can not again prevail as against the demands of an aroused public sentiment.

It will not do for Senators and Representatives to face the farmers and the planters this autumn, and while their products are rotting in our ports or congested in the warehouses and railway terminals for lack of vessels to carry them to destined ports abroad it will not do for them to meet these constituents with a record of "no" against the shipping bill.

The miners demand vessels for their outputs, and vessels they can depend upon for steady service at reasonable and fair rates.

The manufacturers and the millions of their operatives will not consent to be thwarted again by open or concealed opposition of vessel owners or financial and shipping agents with foreign connections in their efforts to obtain vessels to carry the outputs of the mills, the shops, the factories of the United States.

There is a wave of Americanism sweeping this country from ocean to ocean that calls for the placing of this country in finance, agriculture, industry, and commerce above and beyond every other nation on the earth, and this can not be accomplished without the creation of an American merchant marine.

For more than 40 years our commercial competitors have had the advantage over this country through their control of ocean transportation.

We impugn the motives of no man in public life; we reflect upon no man who deems it his duty to oppose this measure which we believe so essential to the welfare of the people of the United States; but every vote in opposition to it will receive the hearty approval of the shipping combines of Great Britain, France, and Germany, and of every manufacturer in those countries who will have to compete with our own manufacturers in the markets of the world.

Every vote for the establishment of a merchant marine is a vote for America first.

Every vote for the establishment of a merchant marine is a vote to develop the resources and the commerce of the United States.

Every vote for the establishment of a merchant marine is a vote for making of our ports the centers of a mighty commercial power and influence.

Every vote for the establishment of a merchant marine is a vote for the prosperity of the more than 100,000,000 of people now under the Stars and Stripes.

Every vote for the establishment of the merchant marine, whether that vote is cast by a Republican, a Progressive, or a Democrat, is a vote to redeem party promises made by all parties to the electors of the Union.

Mr. Chairman, I have always considered the London conference a most unfortunate compact from the American point of view. If that compact was correctly construed by Senator Root in his speech in the Senate on January 25, 1915, opposing the passage of a bill similar to this one, in which address, after stating the conspicuous part he had taken as Secretary of State, he said:

The other consideration which makes me feel bound to ask for the attention of the Senate to my own views of what is the true state of the law is the fact that it happened to be my duty to give instructions for the Government of the United States to the delegates to the London conference, and to direct their action during all the earlier part of the existence of that conference by daily cable communication, and afterwards as a member of the Foreign Relations Committee of the Senate to discuss and vote favorably upon the report of the conclusions of that conference, and afterwards, as a Member of the Senate, to vote to advise the President to ratify. So, sir, when I see that under the law which I am advised we are about to pass it is the intention of the agents whom we shall constitute to buy these ships; when I see that purpose has been formed and is liable to be executed under what I believe to be an erroneous opinion as to the state of the law and the international situation which they will meet, I feel bound to give the best I can in the way of expressing and explaining my view of the true condition of the law.

And later advising the Senate that the enactment of that bill would inevitably result not in buying a ship but an international quarrel, and necessarily involve our country in the European wars.

I repeat this was a most unfortunate compact as viewed from the American viewpoint, because if there is one prime essential that this Government is a pauper in it is ships. Not having them, no possible state of case could have arisen whereby we could sell that which we do not have, but a golden opportunity has presented itself whereby we could have purchased at bargain-counter prices all of the German ships now interned in our ports, except for the London conference, championed by the Secretary of State and so ably defended and adhered to by him afterwards as a Member of the United States Senate.

He is now frequently mentioned in the daily press dispatches as a strong possibility for the Republican nomination for President at the coming Republican convention at Chicago. It remains to be seen how much the part he played in effecting the London Conference, in the wake of which followed the unparalleled freight congestion in New York City and other American harbors, and railroad embargoes that have blocked

American commerce, will contribute to his popularity and enhance his chances for that nomination. If the current reports that American business, fearing enormous losses by reason of this congestion which results even in part from effects of the London Conference, the American business man will, at least, know where the blame belongs.

Subsidies thrive and flourish on inefficiency and unbusiness-like methods. The beneficiaries are insatiable; subsidies, like all taxes, tariffs, bounties, and subventions, are ever on the increase. They feed and fatten on themselves.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent that the debate on this substitute conclude at the expiration of five minutes.

Mr. MANN. Oh, no.

Mr. SAUNDERS. Well, say 10 minutes. It is a very unsatisfactory method to discuss the bill, in this general fashion, when we can take it up section by section under the five-minute rule, and discuss in detail every feature that is referred to in the substitute of the gentleman from New York. It is not proposed to cut off debate, but to enable the debate to be conducted in more satisfactory fashion.

Mr. SLAYDEN. There will be opportunity for debate, will there?

Mr. SAUNDERS. Ample time.

Mr. BENNET. If we discuss this now, it will obviate the necessity for the same discussion later.

Mr. SAUNDERS. A general discussion of the substitute is not nearly so satisfactory as a concrete discussion of the different features section by section.

Mr. MANN. I think the debate will be concrete enough.

Mr. SAUNDERS. We will have to move to cut off debate unless we can reach an agreement.

Mr. MANN. The gentleman can move that any time he likes. If you want to put the gag on us, put it on.

Mr. SAUNDERS. Certainly, I understand that, but I prefer to reach an amicable agreement.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the debate on this substitute close in five minutes.

Mr. MANN. Make it 25 minutes.

Mr. SAUNDERS. I accept that.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. I wanted to get at least 10 or 15 minutes on this, but owing to the illiberality of that side of the House I do not desire to ask it.

Mr. FITZGERALD. The gentleman has just got 25 minutes.

Mr. MANN. Not for myself.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, I have heard various gentlemen on the Democratic side of the House privately refer to the fact that this was an authorization for the expenditure of $50,000,000, and that that authorization would cease at the end of five years after the war. Neither statement was correct, or based on any proposition in the bill at all. This bill authorizes the expenditure of $50,000,000 in the purchase or construction of ships, and the expenditure of another $50,000,000 in the purchase of the stocks of one or more corporations, which corporations shall purchase or construct ships. It provides that the corporation shall go out of business five years after the end of the European war, but it does not provide that the Government shall go out of the business of buying, selling, leasing, or operating ships at any time. Section 11, which is left out of the substitute, provides that at the end of five years after the European war the corporation shall be dissolved, and that the shipping board may sell, lease, or charter the vessel. After it sells the vessels, it turns the proceeds into the Treasury to its own credit, not as a miscellaneous fund, and it can use that money over and over again as it pleases. There is no limitation whatever at the end of five years.

Section 5 authorizes the Government to construct ships to the extent of $50,000,000, in addition to the $50,000,000 contributed to stocks in section 11, and there is no end to either one.

Section 11, which provides for the shipping corporation, provides that the corporation shall be dissolved at the end of five years after the war, and when that time comes, then the Government is either to operate its own vessels or grant private preferential leases or charters to other individuals. So that gentlemen on the other side who have been consoling themselves with the idea that the Government was going out of this business at the end of five years after the war are entirely deceived. You had better have the corporation continue indefinitely than to have the corporation ended at the close of five years and the Government itself either operating the ships or making private leases to private corporations or private individuals, as this bill contemplates.

Under the terms of this bill there is no way for any of the money ever being covered into the general fund of the Treasury. It is permanently appropriated—every dollar of it that the Government advances is permanently appropriated—to be handled by the shipping board after the end of the five-year limitation, for the Government to operate, or for the Government to make personal, private leases, in which it will have no interest as a stockholder.

I heard some gentlemen over on the Democratic side boldly proclaim in the last Congress, and privately in this Congress, that they never would vote for a bill that put the Government permanently into the shipping business. I shall await with pleasure hearing the distinguished leader of the Democratic side explain how he can vote for a bill which permanently puts the Government into the shipping business, when he has frequently declared that he never would. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HARDY. Mr. Chairman, the gentleman from Illinois is usually very particular in his constructions and is generally at least very correct, but he has totally misapprehended this bill. Section 14 is the only part of the bill which provides for any appropriation or the application of any public funds to the purposes of this bill, and section 14 limits the amount of public money to be so applied to $50,000,000.

Mr. MANN. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. MANN. Is not the only limitation in section 14, $50,000,000, of the sale of Panama bonds?

Mr. HARDY. That is the means of acquiring the money, that is all.

Mr. MANN. Oh, no; not at all.

Mr. HARDY. The gentleman is unquestionably mistaken.

Mr. MANN. The gentleman will find that is only a limitation on the amount of bonds sold, but no limitation on the expenditures.

Mr. HARDY. That is the only money appropriated for the purpose of carrying out the purposes of this bill. Section 14 appropriates for the purpose of carrying out the provisions of sections 5 and 11 of this bill $50,000,000, no matter how it is applied. I think I can explain, because the bill was gone over very carefully and the whole of the appropriations were carefully limited to the total amount of $50,000,000.

The amount appropriated may be expended in different ways. Section 5 authorizes the board to buy with any part of the $50,000,000, or have built ships here or elsewhere. Then if the Government sees proper these ships may be leased or sold to a private corporation or private capital. If so sold the money comes back into the hands of the board and may be used over again for buying other ships. It is possible that the Government might purchase $50,000,000 worth of ships and sell them to private parties subject to the regulations of this bill, get $55,000,000 for them and reinvest that money in other ships. That is true, but the Government under no circumstances can appropriate under this bill more than $50,000,000, except as proceeds or profits arising under the operation of this law may be covered into the Treasury and placed to the credit of the shipping board.

Mr. MANN. Will the gentleman yield for a question?

Mr. HARDY. I will; my time is very limited, however.

Mr. MANN. I will wait until I have my own time if I can get it.

Mr. HARDY. There are two ways in which this money can be expended, first, in buying ships and leasing them to private capital or selling them, and, second, if private capital refuses to lease or buy from the board on fair terms and undertakes to hold up the Government and to say to the board you have your ships and you have got to sell them, and we will not treat you fairly or give you a fair price, we have provided the means to prevent that hold-up by authorizing the Government to organize a corporation or corporations, and if the Government authorizes a corporation with $10,000,000 it will turn over to that corporation so many of the ships bought by the Government, charging the corporation up with them, as a part of its stock and paying for the stock which the Government takes with the property—that is, the ships which the Government turns over to the corporation. Then if you can conceive of private enterprise being totally indifferent to this opportunity, or attempting to hold up the Government, then the board might have to organize corporations and operate all the ships bought by the board, which in that case would be sold to the corpora-

tion of its own creation. But under no circumstances is there a greater appropriation than $50,000,000, which may be applied by the Government to the purchase or building of ships or invested in corporations organized under its terms. Now I will yield to the gentleman from Illinois.

Mr. MANN. Section 14 provides that for the purpose of carrying out the provisions of sections 5 and 11 bonds of the Panama Canal may be sold not to exceed $50,000,000, and that entire amount, if appropriated, could be used under section 5 of the bill, could it not?

Mr. HARDY. Absolutely; and then there would be nothing left for section 11.

Mr. MANN. Section 11 contains an authorization for the Government to purchase fifty millions of stock, which would warrant an appropriation. That is so perfectly patent that anyone familiar with appropriation bills would know at once that the entire $50,000,000 of bonds could be used under section 5, and then there would be an authority to make an appropriation of $50,000,000 more under section 11.

Mr. HARDY. Section 11 says that the board, if in its judgment such action is necessary to carry out the purposes of this act, may form under the laws of the District of Columbia one or more corporations for the purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels, and so forth.

That is the purpose for which corporations are formed, but that contains no authorization for them to use any money not appropriated by law.

Mr. MANN. Section 11 says:

> The board may, for and on behalf of the United States, subscribe to, purchase, and vote not less than a majority of the capital stock of any such corporation, and do all other things in regard thereto necessary to protect the interests of the United States and to carry out the purposes of this act.

That is an authorization for the board to subscribe for $50,000,000 of the capital stock, which we would have to appropriate for.

Mr. HARDY. Not at all. Under the provisions of the bill the board may subscribe for the stock and turn over the ships procured under section 5 in payment for that stock.

Mr. MANN. It may, but it is not required to.

Mr. GILLETT. Mr. Chairman, I recognize, as does everyone, the desirability of establishing an American merchant marine in foreign trade. For years a majority of the Republican Party has endeavored to attain that end by the same means which our rival nations have used, and as regularly the Democratic Party has opposed and thwarted us, denouncing all Government aid and subsidies. Now that party brings in this bill, which has every drawback and disadvantage and vice which attaches to a subsidy, and various others besides.

The time is shrewdly chosen. There is a crying need for merchant ships in every sea. Freight rates have soared to an incredible height and every ancient and discarded ship which dares to risk crossing the ocean is earning prodigious dividends. Noah's ark would be a profitable freighter to-day. [Laughter.] Thoughtless men will say there never was such an opportunity for the Government or anyone else to invest in ships. But a little reflection shows how superficial that reasoning is.

The reason for the present conditions is clear and unmistakable. All the ships of one of the great maritime powers are shut up in port. A considerable fraction of the ships of other nations has been sent to the bottom in the past two years. A large proportion of the ships of the other great maritime powers has been diverted to military service. And while the supply of ships available for the world's commerce has thus been so enormously reduced, the supply of cargo and demand for space has enormously increased. The nations of Europe have felt such a stringent need for our munitions and supplies that they are willing to pay any price for them, and abnormal freight rates have no effect in checking their demands. Thus an unprecedented shortage of ships is accompanied by an unprecedented supply of freight and, of course, the inevitable law of supply and demand produces its invariable result.

Such a condition insures a golden harvest for the few lucky enough to be prepared for it. If the United States Government or any other corporation could float $50,000,000 worth of new ships, built at normal prices, in New York Harbor to-morrow, even under the most extravagant management, it could probably earn a large portion of their cost before the war ends. But neither the United States nor anyone else can accomplish that. Every shipyard is working to its full capacity at high prices. The ships provided for in this bill, in all probability, can not be in commission until the war is ended. What the conditions then will be no one can foretell. But one thing is certain, our ships will have to compete for business with all the other ships of the world.

Mr. ALEXANDER. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. ALEXANDER. If the gentleman's argument is sound, why do we undertake to build up the Navy which we can not get until the emergency is over?

Mr. GILLETT. The need for a navy does not depend on the present war. If the only need for a navy was during the existence of the present war, there would be some force in the gentleman's argument, but the need for a navy will be far greater when the war is over than it is to-day. [Applause on the Republican side.]

And that brings us to the heart of this whole question. Why is it that American ships have been driven from the foreign trade by other ships and is there anything in this bill to change that economic law?

We all know the reason—it is that it costs more to operate American ships than any others. The standards of living and of wages in America are higher than anywhere else in the world. Americans will not become sailors if they can do vastly better on shore. Because of our laws and our land competition American sailors have to be paid and fed and housed better than any others. But the work of a sailor is not now such that the efficiency of an American sailor can be relatively as much higher than that of other nationalities as is his cost. And yet his employer has to compete directly with the ships and crews of other nations. He can not maintain the contest. The other ships and crews are so much cheaper that they can carry freight at a profit when it would be to him a constant loss. And so the American ship is driven from the foreign trade. American capital and labor can do better on shore.

American capital, to be sure, has made large investments in ships, but in order to earn dividends it is obliged to sail them under foreign flags. They are directed by American owners and serve American interests, but we do not have the pride and satisfaction of seeing the American flag float over them. That is the price we pay for our high standards of living and wages.

How does this bill undertake to relieve the situation? By investing $50,000,000 in ships to be run by the Government through a shipping board. No one pretends that they can be either bought or run by the Government any cheaper than by any other American. On the contrary, a candid man will admit that it will cost the Government more than a private individual. But these ships on the ocean will meet the free competition of the ships of other nations. That can not be avoided. To get business they must meet their freight charges. And that means that they must be run at a loss. And that loss must be paid from the Treasury, paid by all the people of the United States. And who gets the benefit of it? If there is an increased trade, that would be a national benefit, just as in the case of a subsidy. But the immediate beneficiaries are the shippers, who get cheaper rates than they otherwise would get, and the ports which get lines they otherwise would not have. That is paid for out of the Treasury. That is a subsidy. But it is a subsidy much less effective and remunerative and aboveboard than the ordinary subsidy.

And it has attached to it problems which involve local and political jealousies and logrolling which are certain to produce scandals. These ships will accommodate but a small fraction of our foreign trade. What ports shall they ply from? Where shall they touch? What kind of freight shall they take? Who shall get the preference in the low rates? What special favors shall be conferred? Everyone familiar with official life in Washington, with the constant pressure on executive officials to exercise favoritism, and with the constant yielding to that pressure by the present administration, at least, must be apprehensive over the operation of this shipping board, which would have such constant and lucrative opportunities to dispense personal, local, and political favors.

Government ownership at its best is attended with grave dangers in a republic, but I can think of no field of Government ownership less defensible than this. The argument is feebly advanced that this is only a branch of preparedness. It is sufficient answer to remind you that when this project was first advocated—just as earnestly as it is now—the administration was opposed to preparedness; avowed that the normal rate at which our national defenses were strengthening was quite sufficient. Since then, to be sure, the administration has changed front on that question, as on so many others, but that proves that the military argument is only an afterthought. It is really a project to put in the hands of this administration the spending of a vast sum of money, the dispensation of a large amount of patronage; and the building up of such ports and industries and products as it shall elect. It is based on the same principle as a subsidy, but is open to much greater abuses. It is unwise,

ineffective, extravagant, and we shall be very fortunate if it does not breed scandal and corruption. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. SAUNDERS. Mr. Chairman, I desire to call the attention of the committee to the exceedingly unsatisfactory way in which the real features in controversy are being debated. How much more satisfactory it will be for the two sides of the Chamber to take up this matter in order, and when a debatable proposition, is reached, consider it in order. In this way the discussion will be directed to the matter in issue, and will be of a deliberative character.

The committee is not seeking to evade or limit discussion. We invite criticism and desire fair discussion of every section of this bill. The gentleman from Illinois made certain suggestions as to the possibilities of this bill. Of course I give merely my own opinion, but I do not think that there is any merit in his suggestion. Let us see if I can support my opinion. The gentleman suggests that under the provisions of this bill the Government might become liable for, or expend a sum in excess of the sum appropriated, and provided for the disposition of the board. If such a thing were possible under the bill, it would be a valid criticism. But it is not possible. The board is authorized to take stock in the corporations that may be organized under the laws of the District of Columbia. That is true. But where does the money come from to meet that subscription? The means required, is provided in section 14. You have the bill before you, look to section 14 in respect to the money provided to pay for stock subscriptions.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SAUNDERS. Certainly.

Mr. MADDEN. Does the gentleman contend that the Government, under sections 5 and 11 and section 14 of this bill, is to buy $50,000,000 worth of ships and pay for them, and then subscribe $50,000,000 to the capital stock of these corporations, or invest $100,000,000?

Mr. SAUNDERS. That is an impossibility under this bill. That has been suggested in the way of criticism, but there is no foundation in the bill to support the charge. If such a thing was possible under the bill, that fact would furnish the ground of just criticism of the pending measure.

Mr. MADDEN. Will the gentleman yield for one more question?

Mr. SAUNDERS. Yes.

Mr. MADDEN. Is it proposed to buy $50,000,000 worth of ships?

Mr. SAUNDERS. Well, I do not know. That is left to the discretion of this board which, I trust and believe will be constituted of men of such large vision, and patriotic view, and sufficient capacity that they will do what is best in reference to whatever situation may confront them. The board may buy $50,000,000 worth of ships, if they think best to do it, or they may not buy a ship.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SAUNDERS. I will.

Mr. LONGWORTH. Suppose in the event of the passage of the bill it was found impossible to buy any ships, either being made in the shipyards or at present under sail, would the gentleman advocate the buying of the interned ships of belligerents under existing circumstances?

Mr. SAUNDERS. That is a question which the gentleman can answer for himself as well as I can.

Mr. LONGWORTH. But would the gentleman advocate it as a matter of national policy?

Mr. SAUNDERS. Personally, I would not. It is not in the contemplation of this bill to buy belligerent ships.

Mr. LONGWORTH. Would the gentleman object to an amendment which would prevent the possibility of buying them?

Mr. SAUNDERS. So far as I am concerned I have no objection whatever.

Mr. LONGWORTH. I will offer such an amendment.

Mr. SAUNDERS. Now let me answer the inquiry of the gentleman from Illinois——

Mr. ALEXANDER. Will the gentleman yield for a moment?

Mr. SAUNDERS. I will.

Mr. ALEXANDER. I would like to ask the gentleman from Ohio [Mr. LONGWORTH] if he had any objection to buying interned ships if the other belligerent nations should not object?

Mr. LONGWORTH. I did not hear the gentleman.

Mr. ALEXANDER. I would like to ask the gentleman if he has any objection to buying the interned ships if the allies did not object?

Mr. LONGWORTH. If the allies would consent to it? That is not the proposition involved at all. You are giving by this bill, as I gather, authority to this board, not to Congress, but a body of men——

Mr. ALEXANDER. Answer my question. That is what Brazil wanted Germany to do and tried to get the consent of the allies to it. Would the gentleman object to it under those circumstances?

Mr. LONGWORTH. I object to the creation of a board of seven men which will have the authority to do such a thing.

Mr. SAUNDERS. What the gentleman has in mind is to avoid international controversy. I agree with him in that respect.

Mr. LONGWORTH. Quite so.

Mr. SAUNDERS. Now let me answer the question of the gentleman from Illinois. Where is the money to come from, with which to pay for the stock in the companies which may be formed under the laws of the District of Columbia? Why, it is provided for by section 14. What does section 14 say? That for the purpose of carrying out the provisions of sections 5 and 11 the Secretary of the Treasury, may sell the bonds referred to, not to exceed $50,000,000. Section 5 is the ship construction section, and section 11 the one that relates to the formation of the companies in which the United States may be a stockholder. Whether acting under one, or both sections the board can not expend a greater sum than the amount provided, and that amount is $50,000,000.

Mr. LENROOT. I think it must be apparent that this preliminary discussion is exceedingly valuable, so that we may at least have the construction that the committee has placed upon certain important provisions in this bill so as to enable Members to determine whether amendments ought to be offered or not to specific provisions. But with reference to this question of whether here is a limitation of $50,000,000 or not, there is one thing that I am sure the gentleman who has just spoken will not deny, and that is that here is an authorization for unlimited appropriations to be put upon any appropriation bill in excess of the $50,000,000. The gentleman will not deny that, I am sure.

Mr. SAUNDERS. Congress will be perfectly competent to appropriate under this act or any other act——

Mr. LENROOT. And here is an express authority for unlimited expenditure, measured only by such appropriations as Congress may see fit to make in any appropriation bill. But, further than that, let us assume, Mr. Chairman, that $25,000,000 of stock is taken in this corporation.

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. LENROOT. Yes.

Mr. SAUNDERS. Is not the limit upon an appropriation of the Post Office bill such appropriation as may be deemed necessary for the proper development of our Postal System?

Mr. LENROOT. But the gentleman has been arguing that here was a $50,000,000 limitation and the Government could not go beyond that. I am saying there is an authorization that goes to any extent that appropriations may be made to meet without further express provision. That is the only point I am making.

Mr. SAUNDERS. I say they could not go beyond it under the authority of this bill. Can they go beyond it without coming back to Congress and getting additional authority?

Mr. LENROOT. I say they can. If a point of order is made against the appropriation, because it is not expressly authorized by law as the rule provides, the gentleman must admit that that point will be overruled, because this bill does authorize such appropriations as the committee may choose to bring into this House.

Mr. SAUNDERS. I admit that, of course.

Mr. LENROOT. That is the only point I was making upon that phase of it.

Further than that, Mr. Chairman, let us assume that this board subscribes to this corporation proposed in section 11 $25,000,000 of stock and pays for it out of this $50,000,000. Let us assume, further, that they construct or purchase under section 5 ships to the extent of $25,000,000 and pay for them. Then they have exhausted the $50,000,000 appropriated. But will the gentleman say that that board, although the $50,000,000 has been exhausted, can not go on and lease vessels to an unlimited extent and bind this Government to pay $5,000,000 or $10,000,000 and $20,000,000 a year and create liabilities against the Government for which appropriations must be made? I am not saying that ought not to be done.

Mr. SAUNDERS. I deny that anything of that sort is possible under this bill.

Mr. LENROOT. I assert that it is, because there is not one word of limitation anywhere in the bill in that respect. We should treat this upon its merits. I am not necessarily objecting to it, but I think we ought to understand the proper construction of it when we go into it; and I do assert that it does

permit a liability against the Government in excess of the $50,000,000; and we must trust this board not to go beyond the $50,000,000 not because they have not the power to do so, but because presumably they would not do so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. HUMPHREY of Washington. Mr. Chairman, has the time expired?

The CHAIRMAN. The time has expired. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BENNET. Division, Mr. Chairman.

The committee divided; and there were—ayes 46, noes 86.

So the amendment was rejected.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer a substitute to the first section of the bill, and give notice that if it is adopted I will move to strike out the rest of it.

The CHAIRMAN. The gentleman from Washington offers an amendment to strike out the first section, and substitute, and gives notice that if the amendment be adopted he will move to strike out the subsequent sections of the bill, giving his notice under the rules. The Clerk will report the amendment.

The Clerk read as follows:

That the Postmaster General is hereby authorized to pay for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes 4,000 miles or more in length, outward voyage, to South America, to the Philippines, to Japan, to China, and to Australasia, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act: *Provided*, That the total expenditure for Foreign Mail Service in any one year shall not exceed the estimated revenue therefrom for that year.

SEC. 2. That a contract pursuant to this act or hereafter pursuant to the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," shall not be made by the Postmaster General for the transporation of the ocean mails by any steamship which shall be owned or controlled by any railroad company or railroad corporation or to which any railroad company or railroad corporation shall extend any favor, privilege, or advantage which is not also extended on the same terms to any other American steamship. The Postmaster General is hereby authorized and directed to cancel any such contract upon evidence satisfactory to him that any provision of this section has been violated.

SEC. 3. That in any contract made pursuant to this act or hereafter made pursuant to the said act of March 3, 1891, the owners shall agree that any steamship under contract shall not be sold without the consent in writing of the Secretary of the Navy.

SEC. 4. That a tonnage duty of 12 cents per ton, not to exceed 60 cents per ton per annum, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place not in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea or Newfoundland, not, however, to include vessels in distress or not engaged in trade.

That so much of section 36 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," as conflicts with this section is hereby repealed.

SEC. 5. That on proof to the satisfaction of the Commissioner of Navigation that a vessel of the United States has on any foreign voyage carried a boy or boys, a citizen or citizens of the United States, under 21 years of age, suitably trained during that voyage in seamanship or engineering, in the proportion of one for such vessel, and in addition one for each 1,000 tons of her net registered tonnage, there shall be paid to the owner or owners of the vessel, out of any money in the Treasury not otherwise appropriated, an allowance equivalent to 80 per cent of the tonnage duties paid in respect of the entry in the United States of that vessel from that voyage.

SEC. 6. That section 4132 of the Revised Statutes is hereby amended to read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, and seagoing steel steamers of 2,500 gross tons or over, wherever built, and to engage only in trade with foreign countries or with the Philippines, being wholly owned by citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not be entitled to mail compensation under the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign parts and to promote commerce,' or to any compensation under this act, and shall not engage in the coastwise trade or transport from one port of the United States to another port of the United States either directly or via a foreign port or for any part of the voyage passengers or merchandise under penalty of $200 for each passenger so transported, and the forfeiture of the merchandise so carried."

Mr. ALEXANDER. Mr. Chairman, I make the point of order that that amendment is not germane to the first section of the bill.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. BENNET. Mr. Chairman, I offer the following amendment to the first section.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 2, line 1, after the word "country," strike out the words "including the import and export trade."

Mr. BENNET. Mr. Chairman, under the decision in the case of Gracie against Palmer, the Standard Oil carriers which take oil from Bayonne across the Atlantic Ocean, being owned by one corporation and getting their oil from another, are common carriers. Whenever I find language in a bill that applies to only one corporation or individual I rather assume that it applies to that corporation and individual. So far as I know, there is no other line that sends ships away from this country with a cargo and brings no cargo back, and that therefore is not in both the import and export trade.

I can not escape the conclusion that this language—I do not say it was framed for that purpose—will benefit one corporation, and one corporation only, and that is the Standard Oil Corporation under some one of its aliases or subsidiaries, because there is no use for the word. Here is the section:

The term "common carrier by water in foreign commerce" means a common carrier engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country.

That is a complete definition. Now, if you put in the words "including import and export trade" you let the Standard Oil out, because they are only in the export trade. Why in the world those words are in there except for that purpose I can not understand, but I do say that the ships—and there are many of them that are under the Standard Oil subsidiary that ply between Bayonne and Europe and are engaged in the export trade—would be taken out from under the provisions of this bill if these words are left in.

Mr. ALEXANDER. Mr. Chairman, I understand the gentleman is a lawyer, but I would not suspect it from his argument. [Laughter.]

Now, the provision is——

The CHAIRMAN. Does the gentleman from New York yield further?

Mr. BENNET. I am through.

The CHAIRMAN. Oh; the Chair was not aware of that.

Mr. ALEXANDER. This is a definition of the term "common carrier": The term "common carrier by water in foreign commerce" means a common carrier engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions, and a foreign country, including the import and export trade.

I suppose if it included both it would include either, and that it would include the Standard Oil Co. or any other company if engaged in the export or import trade as a common carrier by water.

Now, I can not understand the argument of the gentleman that if the definition stands as written in the bill it may favor some company. We simply define the term "common carrier" in foreign commerce as applied in this bill, and, of course, as to certain ships it might apply to the export trade, and as to other ships it might apply to the import trade, but it is intended to apply to the trade both ways.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. GREEN of Iowa. Will the gentleman explain, then, under his construction what is the need of having the words there at all?

Mr. ALEXANDER. I will say very frankly that if these words there were omitted, the meaning would be the same.

Mr. BENNET. Certainly. Why put them in?

Mr. ALEXANDER. Well, the gentleman's objection to them does not lie.

Mr. BENNET. My objection lies all right.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I would like to ask the chairman of the committee a question, if I may have his attention. I move to strike out the last word for the purpose of asking a question.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. LENROOT. With reference to the construction of the term "common carrier," at some point in the hearing I observe the chairman of the committee made the observation that the tramp steamer would not be included in the term "common carrier," and I would like to have the gentleman's view upon that point.

Mr. ALEXANDER. I do not think the chairman of the committee ever made that statement. Mr. Kirlin, of New York, made the statement that about two-thirds of the cargo carrying of the world was done in tramp steamers, and if those steamers were chartered by a private party at a stipulated price they

ships will have to compete for business with all the other ships of the world.

as a subsidy, but is open to much greater abuses. It is unwise,

would be bailees for hire, and would not be common carriers within the provisions of the law.

If the gentleman will look at the hearings in this case, he will see that I included a brief upon that subject from which it may be clearly determined when they may be common carriers and when they may not be common carriers.

Mr. LENROOT. Then it is not the gentleman's view that the tramp steamer is not necessarily a common carrier?

Mr. ALEXANDER. No. It is indicated when they may be and when they may not be.

Mr. TOWNER. Mr. Chairman, I want to oppose the pro forma amendment. I would like to ask the chairman of the committee if it is not practically true that all of the business done by tramp steamers is done under special contracts or charter agreements?

Mr. ALEXANDER. I think not.

Mr. TOWNER. I think the testimony before the committee was to that effect. Several of the witnesses testified unequivocally that that was the case; and, so far as I know, there was no testimony to the contrary.

Mr. ALEXANDER. If I understand the gentleman, his statement is to this effect, that a large part of the cargo-carrying trade is done by the tramp steamers, and they would not come under the provisions of this law. Is that what the gentleman understood the witnesses to testify before the committee?

Mr. TOWNER. I am not sure about that. I am inclined to think so, though. However, I do not think there is any question, if the fact is true, that the tramp-steamer traffic carried under special agreements or charter agreements could not be considered as a common-carrier traffic within the meaning of the law.

Mr. ALEXANDER. They are bailees for hire.

Mr. TOWNER. Certainly. They are engaged, in other words, not in general traffic business; they are engaged in a special contract to carry goods from one port to another; and, as I understand it, that is practically the method in which the tramp-steamer business is carried on.

Mr. ALEXANDER. I will not agree to that statement except in part. There is a large amount of the business done by so-called tramp steamers that makes those steamers come within the definition of common carriers. In other words, they go on berth and take miscellaneous freight just like any other steamship, but when I charter a ship to carry a cargo for me, of wheat or coal or any other commodity, then the carrier is a bailee for hire for me for a stipulated price for that service and for a particular voyage and would not come under the bill.

Mr. TOWNER. That may be true, Mr. Chairman; but as I understand it, this is the condition of the tramp-steamer traffic: They will make a contract to carry a cargo of goods from one port to the other. That is only, however, a part of their agreement, and immediately upon securing a contract of that kind, they have their agents arrange to make another contract agreement to carry a cargo from that port to some other place; not necessarily back to the original port of shipment, but to some other place, and so on from time to time. In other words, advance agreements are always made in the tramp-steamer trade, by which when the vessel goes from one port to another it is under a special contract to transport certain articles from that port to the other.

They do not go from one port to the other on regular schedules. They go all over the world, their only object being that when they take a shipment of goods from one port to another port they shall be able to receive a cargo from that port to some other port. And as long as that character of traffic continues, they are not common carriers, but only bailees for hire, and not within the provisions or terms of this law.

Mr. SAUNDERS. It is not intended that they should be.

Mr. TOWNER. I am not criticizing the proposition. I am only trying to show that the tramp-steamer traffic is not within the provisions of this law, and that tramp steamers are not common carriers within the definition given in this bill.

Mr. SAUNDERS. I agree with the gentleman. We had that in mind and did not intend that they should be.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BENNET. Mr. Chairman, I move to amend the bill by striking out the word "and," in line 1, page 2, between the words "import" and "export," and to substitute therefor the word "or."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 1, strike out the word "and" where it occurs the second time in the line and insert in lieu thereof the word "or."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. BENNET. Mr. Chairman, the gentleman from Missouri [Mr. ALEXANDER], with rather unaccustomed brusqueness on his part, paid his compliment to my legal ability in words, but almost immediately thereafter paid the highest compliment that one lawyer can pay to another, because he agreed with my contention that, unless there was some reason not apparent upon the surface of the bill, there was no reason at all for the inclusion of the words "including export and import trade" in the paragraph; in other words, that without them, unless my contention was correct, the definition was as complete without the words as with them. Now, I want to test the sincerity of the gentleman from Missouri.

Mr. ALEXANDER. What does the gentleman suggest?

Mr. BENNET. My suggestion is that we strike out the word "and" and insert the word "or," so as clearly to include the tank steamers of the Standard Oil Co., which are engaged only in the export trade. The gentleman says those words are not of any particular benefit one way or the other. So when the statement has been made by a man representing in part the cities from which these ships sail, that this provision does take the Standard Oil tank vessels out of the operation of this bill, why quibble, unless you want——

Mr. ALEXANDER. If the gentleman will yield right there.

Mr. BENNET. Certainly.

Mr. ALEXANDER. If the gentleman can stop his windmill, I will tell him what I will do.

Mr. BENNET. I do not yield for any discourteous suggestion like that.

Mr. ALEXANDER. The remark is intended to be good-natured. I do not think the word "or" ought to be substituted for the word "and" unless we substitute the word "whether" for the word "including."

Mr. BENNET. So that it will read "whether the import or export trade?"

Mr. ALEXANDER. Whether in the import or export trade."

Mr. BENNET. That is entirely satisfactory. Mr. Chairman, I ask unanimous consent to withdraw my amendment and ask that the one just suggested by the chairman of the committee be substituted.

Mr. ALEXANDER. Make it read "whether in the import or export trade," in lieu of the present language.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out the word "including" and insert the words "whether in," and strike out the word "and" and insert the word "or," so that the line as amended will read "and a foreign country, whether in the import or export trade."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 1, line 5, after the word "carrier," insert the words "except ferryboats running on regular routes."

Mr. BENNET. Mr. Chairman, there are 536 ferryboats in the United States, most of them engaged in interstate or intrastate commerce, it is true, but a few engaged in commerce which is defined in this first paragraph.

I have in mind the ferryboats running from Detroit to Windsor, from the United States to Canada. Unless you adopt my amendment you will have this somewhat ridiculous situation, that these ferryboats, which are, I presume, crowded morning and night by people going backward and forward, and all other ferryboats similarly situated, will have to go to all the bother of selling tickets and adopting all the regulations and rules that subsequent provisions provide. A ferryboat is not really a part of commerce. It is an extension of a road. It is the erection of a convenience. This amendment is not of any great importance, except that it does seem to me that a great deal of inconvenience will result.

Mr. SAUNDERS. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. SAUNDERS. The committee will accept that amendment.

Mr. BENNET. I thought they would.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 2, line 4, after the word "carrier," insert "except ferryboats, tugboats, and vessels of less than 100 tons burthen."

Mr. BENNET. Mr. Chairman, as I said a few moments ago, there are 536 ferryboats in the United States, of which 152 ply in the waters in and about the city of New York. Now, if you leave this bill as it is, so that it applies to every towboat, every ferryboat, and every little bit of a skiff, you just simply make your law ridiculous. New York City is just across the river from New Jersey, and therefore every tug and ferryboat that goes across the Hudson River comes under the definition of "a carrier by water in interstate commerce." That means that every time a steamer comes to the dock and throws a line to one of these little puffing tugs, and the rate is perfectly well known, nevertheless that steamer and that tug have both to report that oral understanding, which is as definite as the price of a shave in a barber shop ordinarily. That report must be made to this shipping board. It means more than that. You take our ferry lines—the Erie, the Lehigh, Delaware & Lackawanna, Pennsylvania, the West Shore, including the New York Central—and they have all to sell tickets. Imagine some Member of Congress running down to the ferry to get a boat and being stopped at the gate until he can buy a ticket and then loses his boat. It will delay patrons of the ferryboats by scores of thousands daily. Why bother all these good people? A good many of them vote the Democratic ticket, but I am not in favor of making them any trouble. Take my friend from New York [Mr. OGLESBY]——

Mr. OGLESBY. Did the gentleman ever cross the ferry that he did not have to buy a ticket? I never was able to. [Laughter.]

Mr. BENNET. I am surprised. I do not know what boat my friend patronizes, but I will tell him that the Pennsylvania and the Baltimore & Ohio, if you have a mileage ticket on the railroad, you do not have to buy any ticket for the boat, and if you come in on either one of those railroads you walk off the train onto the ferryboat. The gentleman must be an object of suspicion. [Laughter.]

Mr. HARDY. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. HARDY. Does the gentleman want these boats to have the privilege of giving free passes to some and not to others?

Mr. BENNET. No; but I do not want the business people, the commuters of New Jersey, to be compelled to do what they do not have to do now.

Mr. HARDY. Does the gentleman find anything that requires a special form of ticket?

Mr. BENNET. Well, they have a good many rules and regulations. I am frank to say that I do not want the ferry service of New York City which is operating to universal satisfaction, especially to the thousands that come over in them every morning—I do not want them bothered.

Mr. HARDY. Is there anything in this law that prevents anything except discrimination?

Mr. BENNET. Of course. In the latter part of the bill and throughout the bill there is power conferred on the shipping board to adopt rules and regulations affecting, as they say in lines 13 to 18, that the term "other persons subject to this act" means any person not included in the term "common carrier by water," carrying on the business of forwarding, ferrying, towing, or furnishing transfer, lighterage, wharfage, dock, warehouse, or other terminal facilities in or in connection with a common carrier by water.

Mr. HARDY. Does not the gentleman think that the proper and necessary rules and regulations ought to be adopted?

Mr. BENNET. I do not think that this project dealing with ships ought to deal with rowboats.

Mr. HARDY. The gentleman recognizes that docking facilities and everything relating to ships must be taken into account in your regulation of shipping, otherwise you would not have any.

Mr. SAUNDERS. Are the rowboats the gentleman speaks of common carriers?

Mr. BENNET. Oh, I used the word "rowboats" in somewhat of a metaphorical sense, but ships under 100 tons burden ought not to be burdened with the regulations of commerce.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BENNET) there were 46 ayes and 55 noes.

So the amendment was lost.

Mr. BENNET. Mr. Chairman, I move to amend by striking out, in line 15, page 2, the word "forwarding."

Mr. BENNET. Mr. Chairman, the express business is already regulated by the Interstate Commerce Commission. Now it is proposed to put every express company that does business in connection with common carriers by water—that is, steamboats—whether doing business in a foreign country or between States, under the regulations of the shipping board.

Mr. SAUNDERS. The gentleman says that this subject matter is all within the jurisdiction of the Interstate Commerce Commission?

Mr. BENNET. Certainly.

Mr. SAUNDERS. Will the gentleman look at page 26, section 33, and see whether that would make it impossible for the shipping board to get jurisdiction over any subject matter that is within the jurisdiction of the Interstate Commerce Commission?

Mr. BENNET. Without looking at it, I know what the gentleman means. That section attempts to avoid interference between the shipping board and the Interstate Commerce Commission, but that makes confusion worse confounded. In what position does it leave the men in the forwarding, towing, lighterage, and wharfage business? I will tell you. It is an absolute uncertainty; he does not know which board is going to regulate it. The rules will be different; the provisions of the law are different.

Mr. HARDY. Does not the gentleman understand that the provision is absolutely necessary in order to prevent common carriers using auxiliaries for the purpose of effecting discrimination like little terminal charges, which may be remitted in favor of one patron or another?

Mr. BENNET. In my State the defendant is allowed to put in defenses that are inconsistent. The gentleman from Virginia calls attention to section 33, and says therefore the shipping board has no jurisdiction over forwarding, while the gentleman from Texas says that this jurisdiction in the shipping board is absolutely necessary in order to carry out the purposes of the act. That illustrates that the act is not going to work.

The unsound part of it, from my standpoint, I can state in four words. The unfortunate part of it is that the failure of the bill is going to come in the cities, the ports, one of which I partly represent; and these men in the forwarding business, in the towing business, are the men that are going to be under the uncertainty of the law, while the men who drew the bill, good, conscientious men, good Americans, will be safely ensconced in their districts 1,500 miles or 2,000 miles from the sea front away from the trouble. For once I am glad that we have a large Democratic representation from New York City, because I am glad that they are going to get a part of the trouble.

Mr. SAUNDERS. The gentleman from New York [Mr. BENNET] started out by suggesting that the express companies were already under the jurisdiction of the Interstate Commerce Commission, and that we now propose to make trouble for them by putting them under the shipping board. I simply desire to call the attention of the committee to the fact that the bill does not propose to do anything of the sort. We not only did not intend to do such a thing but the language of the bill excludes the possibility of such a result.

With respect to the lighterage concerns and others engaged in the enterprises spoken of, if any of them are at present under the jurisdiction of the Interstate Commerce Commission, that jurisdiction will remain with the commission. If they are not under the jurisdiction of the Interstate Commerce Commission, then jurisdiction will attach to the shipping board, and it ought to attach. There will be no conflict, no confusion and no possibility of doubt in the minds of these concerns as to where they will stand. If they are not already under the jurisdiction of the Interstate Commerce Commission then they will go under the authority of the shipping board where they appropriately belong as agencies connected with transportation by water.

Mr. BENNET. Then does not a man engaged in any one of these businesses—or rather is not a burden put upon him in every instance of determining whether he is under the shipping board or under the Interstate Commerce Commission?

Mr. SAUNDERS. Is not such a man at the present time under the difficulty of determining whether he is under the Interstate Commerce Commission?

Mr. BENNET. But now it is only half the difficulty.

Mr. SAUNDERS. He is certainly under that half.

Mr. BENNET. In part; yes. But now the difficulty is doubled.

Every man in the express business knows he is under the Interstate Commerce Commission by express enactment. Either this bill means something or nothing. If it means something, it means trouble for those people without result. If it means nothing, it is useless.

Mr. ALEXANDER. I just want to say this: I suppose the gentleman is speaking for the steamship lines represented in New York. I am speaking of the importers and exporters of New York who appeared before the committee when we investigated the so-called Shipping Trust, and said that unless we provide against the discrimination by these agencies the law would be ineffective. I am speaking for the great commercial interests of the city of New York and for the whole country.

Mr. BENNET. I stated on the floor the other day very frankly I read that report. I read it, and I was paid for it, and I represented before the committee quite a number of steamship lines. That was in the Sixty-third Congress while I was out of Congress. Now, I want to challenge the gentleman—I have read the testimony, 1,800 pages—to show me the testimony of one single, solitary New Yorker who came before his committee and asked to have ferryboats regulated. The gentleman has made the assertion, and he should prove it.

Mr. ALEXANDER. We are not talking about ferryboats now.

Mr. BENNET. I am.

Mr. ALEXANDER. We are not talking about ferryboats. I do recollect that the gentleman was before my committee at some time during the progress of that investigation, but to what extent he participated I do not recall.

Mr. BENNET. I did not hear that last remark.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from New York.

Mr. BENNET. I ask to have the amendment again reported.

The amendment was again reported.

The question was taken, and the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 2, line 15, after the word "forwarding," strike out "ferrying, towing."

Mr. BENNET. Mr. Chairman, I would not discuss this amendment, except I want to say that I have read every line of the testimony taken in the Sixty-third Congress that was adduced before the committee of which the gentleman from Missouri is chairman. I knew most of the witnesses in the exporting and importing business who appeared before that committee, and I want to say frankly, and give him from now until 4 o'clock to-morrow afternoon, which time he has, to produce the evidence of one single man from the city of New York asked to have either express companies or ferryboats put under the operation of this shipping board. The gentleman has made the statement that people from my city made that statement, and I make the statement they did not, and there is no testimony which will show it.

Mr. ALEXANDER. The gentleman can not build up a man of straw and expect me to knock it down. I did not say any such thing.

Mr. BENNET. Why, the gentleman made the statement on this floor, and I am saying there is no such thing in the testimony. I have no desire to discuss the amendment. It is simply another additional annoyance on commerce that the people from my city, who are going to be affected, and from other places, do not want.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 12, after the word "commerce," insert "vessels engaged in the trade or business of carrying passengers to and from fishing banks on the Atlantic coast shall not be deemed to be common carriers by water."

Mr. BENNET. Mr. Chairman——

Mr. GORDON. Will the gentleman yield?

Mr. BENNET. I will.

Mr. GORDON. Is the gentleman still a representative of those steamboat corporations the gentleman was telling about?

Mr. BENNET. If I was not aware of the gentleman's somewhat unusual methods, that would be an insult.

Mr. GORDON. It is a fair question. The gentleman just said the gentleman was representing them in the Sixty-third Congress.

Mr. BENNET. Yes.

Mr. GORDON. Well, that is a proper question, I think.

Mr. MANN. Probably the gentleman from Ohio would think it proper.

Mr. BENNET. Doubtless the gentleman from Ohio thinks it is proper and——

Mr. OGLESBY. I am sure the gentleman does not mean that my colleague is representing them in Congress; he does not mean to intimate that?

Mr. BENNET. I do not know what he means to intimate.

Mr. OGLESBY. I am sure he will absolve my colleague from representing them on the floor of the House.

Mr. BENNET. My colleague would, because he knows me.

Mr. GORDON. The question is whether you are representing them still as attorney. You have not answered that yet.

Mr. BENNET. Back there in New York? Of course not. That would be obviously improper.

Mr. Chairman, before I commence to speak upon this matter, may I have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. BENNET. Mr. Chairman, I sincerely hope the committee will accept this amendment, and if I can have their attention I think they will. I am not myself a fisherman, but there are thousands of men in the coast cities who are. They go on weekdays, and, I regret to say, to a large extent on Sundays, but that is their right under the Constitution of the United States, out to what are known as the fishing banks on passenger steamers. Now, the provisions of the statutes, possibly intended to be good, have so operated in and about the city of New York that every single one of these fishing boats has had to tie up. I get petitions from my constituents by the hundreds asking for some relief. I am inclined to think that under common acceptation these ships are common carriers under the decision.

Mr. ALEXANDER. What is the complaint under existing law?

Mr. BENNET. The complaint is under existing law as common carriers they have to carry so many sailors. They never go more than 10 miles from shore, and they would have to carry so many life rafts and boats that there would be no room on the boats from which to fish.

Mr. ALEXANDER. They complain of the seamen's law?

Mr. BENNET. Yes; but if they cease to be common carriers, then they do not come under the seamen's law. I am simply attempting to serve——

Mr. ALEXANDER. That would not affect this at all.

Mr. BENNET. I think it would. May I enter into a bargain with the gentleman?

Mr. ALEXANDER. I will say that we have a bill pending in the committee to amend the seamen's law in some of its features, and the situation in New York had been brought to my attention, too.

Mr. SAUNDERS. Where does your amendment propose to come in?

Mr. BENNET. At the end of line 12. The committee, I know, recognize themselves that these people have a just complaint. They are good honest citizens, and they ought not to be interfered with in what many people regard as a very fascinating sport. I am not a fisherman myself, but the people that do fish seem to have the same affection for it that the people who smoke have for smoking. I am glad to hear that there is an effort being made in the Committee on the Merchant Marine and Fisheries to alleviate their distress and to allow these 10 or 12 vessels to continue their operations. If the chairman of the committee said—and I have such confidence when he makes a direct assertion of this sort—that this amendment will not operate to reach the purpose, I have no very great desire to press it.

Mr. TOWNER. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. TOWNER. I am inclined to think that the chairman probably is correct about that, because the gentleman will notice that the definitions included in this act will apply only to this act.

Mr. BENNET. But if the gentleman will listen to my amendment, he will find that i was brutally frank. I rather thought it took them out of consideration as common carriers. It seemed to be the only chance in this bill to do those people any good, but if the gentleman from Iowa [Mr. TOWNER] and the gentleman from Missouri [Mr. ALEXANDER] both are of the opinion that it will not do them any good, I will ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn, and the Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the section, and offer the substitute for the bill which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to strike out the section and insert as a substitute for the bill the bill which he sends to the Clerk's desk, giving notice under the rule that if adopted he will move to strike out the sections of the bill as they may be read. The Clerk will report the amendment.

The Clerk read as follows:

Substitute offered by Mr. MOORE of Pennsylvania:

"That the President of the United States is hereby authorized to appoint a shipping board, to be known as the United States shipping board, consisting of nine men, one of whom shall be named by the President as chairman of the board. The board shall be constituted as follows: Three members shall be practical seamen; one member shall be actually identified with the shipping interests of the Great Lakes; one shall be identified with the coastwise shipping interests, and one shall be identified with foreign shipping interests, and the remaining three shall be learned in the law.

"The said board shall be authorized and directed—

"First. To fully investigate and inquire into all matters and subjects connected with or pertaining to, or bearing upon—

"(a) The welfare of seamen and of boatmen who ply their trade upon inland waters;

"(b) The subject of protecting life and property at sea and upon inland waters;

"(c) The subject of officering and manning all vessels;

"(d) The subject of necessary amendments to the laws relating to the merchant marine of the United States and all other laws relating to merchant shipping and navigation in the United States, and generally all laws for the upbuilding of the merchant marine and the promotion and increase of foreign and domestic trade and commerce upon navigable waters.

"Second. To report not later than December 31, 1916, the result of said investigations on the subjects aforesaid, and to propose a plan or plans for the revision of the laws of the United States relating to the said subjects.

"SEC. 2. That the members of said board shall be paid their actual traveling expenses and subsistence while engaged upon the work of said board, and shall each receive as compensation the sum of $5,000.

"SEC. 3. That the said board shall have the authority to employ a secretary, clerical and other assistants, and to make such investigations as to them may seem necessary and proper, the entire expenses of the said board not to exceed the sum of $100,000.

"SEC. 4. That the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to meet the expenses of said board."

Mr. MOORE of Pennsylvania. Mr. Chairman, I am opposed to the present bill, H. R. 15455, because of its Government-ownership features. My information is that if it passes this bill will do great damage to the shipbuilding interests of the United States and to the labor by them employed; that it would tend to encourage foreign shipbuilding and take away from American labor the employment it has hitherto had in that great industry. The substitute that I have offered to the bill proposes to deal with this question of the upbuilding of the merchant marine in various ways. First, it proposes that a competent commission, made up not of shipbuilders exclusively, nor of seamen exclusively, nor of lawyers exclusively, but of all of them, shall investigate and inquire into matters pertaining to the welfare of seamen and boatmen, both upon the high seas and upon inland waters. I think most everyone familiar with the subject of shipping will agree that there is ample room for an improvement of our laws with respect to seamen on the high seas and with respect to boatmen generally. The substitute provides also for a report from this competent board in the matter of protection of life and property. There is room for improvement in that direction. Then it provides for an inquiry and report as to the officering and manning of vessels. It provides for a thorough inquiry into the matter of the upbuilding of the merchant marine, and particularly for a revision of the navigation laws of the United States.

Now, almost everyone who discusses this general question of the merchant marine refers to the alleged inadequacy or the restrictive tendencies of the navigation laws of the United States. The bill that has been offered by the Committee on the Merchant Marine and Fisheries does not contemplate——

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HARDY. Does the gentleman recall section 13, which provides for the procurement of information concerning the relative cost of building vessels here and abroad and the cost of operating them under our flag and other flags? In other words, giving this board all the powers that the gentleman contemplates in his substitute?

Mr. MOORE of Pennsylvania. I recall the provision in the bill presented by the committee, but the bill carries with it as its main feature an appropriation of $50,000,000 with which to enter a business to which, as a Government proposition, I am opposed and to which I believe the country is opposed, and it makes that $50,000,000 a condition precedent to any inquiry that the shipping board is to make.

Mr. HARDY. And the gentleman's substitute takes the substance of section 13 and leaves out all the rest of the bill before the House.

Mr. MOORE of Pennsylvania. Yes; but the bill prepared by the committee puts the cart before the horse and first insists upon this scheme involving an appropriation of $50,000,000 before inquiry.

Mr. HARDY. And you do not place any limit as to your inquiry?

Mr. MOORE of Pennsylvania. Yes; the time is fixed at December 31, 1916—ample time if the members of the commission were paid for their services and if they were free, as Members of Congress would not be, to make the inquiries necessary.

Mr. HARDY. The gentlemen thinks such a board could do that in six months, but that the committee that has had this subject under study for years can not make any recommendation or suggest any wise legislation?

Mr. MOORE of Pennsylvania. I think that men acquainted with the shipping industry and lawyers trained in maritime law, if placed upon such a board, would be competent in six months to recommend a revision of the navigation laws of the United States.

Mr. HARDY. The gentleman would have them report to Congress?

Mr. MOORE of Pennsylvania. Yes. I presume they would report to the Committee on the Merchant Marine and Fisheries.

Mr. HARDY. That report would come to our committee. Does the gentleman suppose we have not had experts and men engaged in shipping and in exporting and importing, and the wisest men connected with the trade, before us? Does the gentleman suppose we have not had those men before us?

Mr. MOORE of Pennsylvania. The committee may have had such experts before it, but the committee is made up largely of members of the legal fraternity, and the committee has brought in a bill not having any particular relation to the improvement of the navigation laws but having as its main purpose the building and purchase of ships here or elsewhere at tremendous cost.

Mr. HARDY. But does the gentleman know that the committee has had before it the best experts that this country contains, including the representatives of the American shipping lines and foreign shipping lines, and exporters and importers—and their lawyers, the best that the country contains?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may have two minutes more, in order that I may answer the gentleman from Texas.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORE of Pennsylvania. And yet the committee of which the gentleman from Texas is a distinguished member, after hearing all these experts, these shipbuilders, these seamen, these exporters and importers, and these men versed in maritime law, has brought in a bill that does not propose to do a single thing by way of revising the maritime laws of the United States, except to provide such an inquiry as I have referred to.

Mr. HARDY. I will say to the gentleman that we have asked men who are versed in maritime law as to what single law they would want to see repealed, until it has become a joke in that committee as to what laws should be repealed, because, while there has been much talk of antiquated navigation laws, the experts fail to point out any objectionable ones.

Mr. MOORE of Pennsylvania. In the time I have at my disposal I will ask the gentleman whether, as a result of answers to his inquiries, he has not brought in here a provision providing that a board shall be created a part of whose duties shall be to report a plan such as I have suggested in my substitute?

Mr. HARDY. Exactly; and to meet the very proposition that the gentleman presents now, I will say there are some things that even our committee has not been able to thoroughly investigate.

Mr. MOORE of Pennsylvania. I concede that.

Mr. HARDY. We do not know what Germany does to forward her merchant marine; what discriminations, if any, she makes favoring her shipping.

Mr. MOORE of Pennsylvania. I concede that; but I submit to the gentleman that the main point of his bill is $50,000,000 and the entering upon the Government-ownership plan, which is debatable here and debatable throughout the country.

Mr. HARDY. Is not the gentleman's main, if not only, purpose to do nothing now?

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. SAUNDERS. Mr. Chairman, I wish to say that the inquiries proposed by the gentleman, are entirely proper, and should be made; but it is not necessary to accept the gentleman's substitute, in order to secure the information contemplated. Our bill provides for the same things as the gentleman's

substitute, as well as for other desirable things in connection with the development of our merchant marine. If you will look at section 13——

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. TOWNER. Really, would not the bill be complete, so far as those matters are concerned, if sections 5 to 12, inclusive, were stricken from the bill?

Mr. SAUNDERS. If we can ever get to section 5, the gentleman can bring that section in issue by an appropriate amendment.

Mr. TOWNER. My question was asked in good faith.

Mr. SAUNDERS. I am answering in good faith. Does the gentleman think that the amendments we have considered so far, are serious, or vital? I will not press for an answer to that, however.

Mr. TOWNER. I will say this to the gentleman: I think a representative of the great city of New York, where 64 per cent of the entire foreign commerce enters and clears, is entitled to have these propositions submitted.

Mr. SAUNDERS. Absolutely; but does the gentleman think the amendments offered so far have been either vital, or meritorious?

Mr. TOWNER. I think some of them would be very beneficial.

Mr. SAUNDERS. I will accept the qualifying statement that some of them would be beneficial.

I call the gentleman's attention to section 13. That section provides that every inquiry contemplated by the substitute of the gentleman from Philadelphia shall be made by the shipping board, and a report made to Congress for action.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. MOORE of Pennsylvania. I stated to the gentleman from Texas [Mr. HARDY] that that section covers an inquiry.

Mr. SAUNDERS. Everything.

Mr. MOORE of Pennsylvania. But I also stated that that is incidental to the main purpose of the bill.

Mr. SAUNDERS. It is a part of our general plan for the development of a merchant marine.

Mr. MOORE of Pennsylvania. If the gentleman will yield further for this statement, I would like to say that section 13 is not operative until the Government of the United States has embarked in an experimental enterprise involving an expenditure of $50,000,000.

Mr. SAUNDERS. Congress possesses sufficient information to-day, as a result of years of inquiry, to justify us in setting the machinery in motion to build up an American merchant marine. In connection with the proper evolution of the plan proposed, the board will collect the necessary statistics and information that will enable it to go forward with the good work with which it will be charged.

Mr. HARDY. Will the gentleman permit an interruption?

Mr. SAUNDERS. Yes.

Mr. HARDY. Speaking of the city of New York, I wish to say that the Representative on our committee from the city of New York [Mr. ROWE] and myself collaborated very earnestly, and I think very effectually, in framing section 13 to make it cover these grounds. Most of it was his work.

Mr. SAUNDERS. That section was drawn by two members of the committee, one of whom was a Republican Member from New York City.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 2, line 9, after the word "possession," insert the words "but for the purposes of this act the term 'common carrier by water in interstate commerce' shall not include ferryboats running on regular routes."

Mr. BENNET. Mr. Chairman, this amendment is similar to the one that the committee has already accepted in line 5, page 2, applying to common carriers by water in foreign commerce.

Certainly there is no reason why we should not give to our own people traveling between ports of our own country the same measure of consideration that we give to people traveling between our country and a foreign country. I have no pride of opinion as to whether the amendment shall come in where I have suggested, or whether it should come in on line 4, page 2, in the same words that were used in line 5, page 1, which were:

Except ferryboats running on regular routes.

The language in one place would accomplish the result as well as in the other; but I will say to gentlemen who do not live in cities situated like ours, it is absolutely essential that this tremendous traffic, which goes all one way in the morning and all the other way at night, should be left as free and unhindered as possible. There is no difficulty about it. There is no demand for this; there is no request for it. It is simply a nuisance. I appeal to my colleague from the twenty-fourth district [Mr. OGLESBY], who is a New Yorker, although he lives in Yonkers, whether this amendment ought not to be adopted. He is a good Democrat. Perhaps the committee will take his suggestion when they will not take mine. This is in the interest of the people whom he and I in part represent. Let us represent our city for a while, as the cotton people represent their districts, and try to get what we ought to have for our own people. I appeal to my collegue Mr. GRIFFIN to say whether I am not right?

Mr. GRIFFIN. Absolutely.

Mr. OGLESBY. Mr. Chairman, since the gentleman has appealed to me in this matter, I will say to him frankly that I do not know of any provisions in this bill that would necessarily harass the people who travel on those ferryboats. Every person who crosses on these ferries now has to get a ticket. If a person has a commutation ticket, that carries him through to his destination. If he does not have a commutation ticket and does not have a railroad ticket, which also will carry him through to destination, he is compelled at the present time to buy a ticket at the ferry entrance. If it is a question of tickets, I do not see how that makes any great difference. Frankly, though, I do not see why these ferryboats should be placed under the jurisdiction of this board.

Mr. BENNET. I do not, either.

Mr. OGLESBY. But I can not see any great reason why they should be taken out.

Mr. BENNET. I ask any member of the committee to give any reason why these ferryboats should be placed under this shipping board.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The question being taken, on a division (demanded by Mr. BENNET) there were—ayes 36, noes 33.

Mr. ALEXANDER. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. BENNET and Mr. ALEXANDER.

The committee again divided; and the tellers reported—ayes 50, noes 61.

Accordingly the amendment was rejected.

Mr. COOPER of Ohio. Mr. Chairman, during the debate on the merchant-marine question on Tuesday, May 16, I asked a question which started a discussion that to me was very interesting This question and the debate immediately following was as follows:

Mr. COOPER of Ohio. Is it not a fact that in every country where they have been successful in building up a merchant marine it has been done by subsidy?

Mr. BYRNES of South Carolina. No; it is not a fact.

Mr. ALEXANDER. The greatest line in the world—the Hamburg-American Steamship Co.—was built up without subsidy in any form.

Mr. BYRNES of South Carolina. In the Committee on the Merchant Marine and Fisheries, in the consideration of this bill, that question, so far as I am concerned, was settled beyond dispute, and I care not whether the gentleman thinks so, or some of the other gentlemen who remain in their seats and say so, the facts show it is not true, and I defy any man to prove it.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. I yield.

Mr. KAHN. The gentleman from Missouri [Mr. ALEXANDER] just stated that the Hamburg-American Line was not built up by subsidy.

Mr. ALEXANDER. I did.

Mr. KAHN. Is it not a fact that Germany, owning its State railroads, gives a special rate to the goods manufactured in Germany, so that the steamship lines can get a preference in carrying the goods?

Mr. BYRNES of South Carolina. I will answer the gentleman.

Mr. KAHN. And it is equivalent to an enormous subsidy.

Mr. BYRNES of South Carolina. The gentleman has asked me a question, and I will say that that statement has been made in the committee several times, but never authoritatively, and even if it was, it is not such a subsidy as you gentlemen want, but have not the nerve to ask for now.

Mr. KAHN. It is a subsidy, nevertheless.

Now, Mr. Chairman, my question was not answered. The gentleman from South Carolina said that he would answer it so far as the German system of indirect subsidy or preferential rates given by the State-owned German railroads to German exporters shipping over German steamship lines is concerned. But all he said was that the statement that Germany used this system in helping its merchant marine had never been made authoritatively in committee during the hearings on the shipping bill.

I decided to investigate this question for myself and try to ascertain what authorities declared that Germany followed this

plan. I had no difficulty in finding plenty of authorities with the aid of the Library of Congress.

Among these authorities is the report on foreign bounties and subsidies made by the British foreign office to the House of Commons in June, 1913. This report stated that "preferential railway rates are in force on German State railways for certain raw materials and partly manufactured articles used for the construction of German shipping." It also states that the German East Africa Line and the German Levant Line receive assistance in the form of "largely reduced rates of carriage by all German State railways on goods exported from inland places of Germany on through bills of lading" over these lines. In addition, this report states that Germany grants postal subsidies and allows materials for shipbuilding and repairs to be admitted free of customs duties.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. COOPER of Ohio. Not now. I have only five minutes.

Similar findings to these were made by a special commission of British experts which investigated the question of foreign steamship subsidies in 1901 and 1902. Dr. Royal Meeker, in his History of Shipping Subsidies, published in 1905 by the American Economic Association, is another authority who admits that Germany aided its steamship lines by preferential rates in connection with its State railways. So does Walter T. Dunmore, professor of law at Western Reserve University, Cleveland, in a prize essay on Ship Subsidies, published in 1907. I have not had time to look up further authorities, but I think these should be sufficient to satisfy the gentleman from South Carolina, who said that the statement that Germany gave preferential railway rates to aid its shipping had not been authoritatively stated during the consideration of the shipping bill in committee.

Mr. Chairman, I believe that I have approached the question of building up the American merchant marine with an open mind. I am not committed to subsidy or any other plan, but I would favor any plan that I believe would help give this country sufficient ships to carry its goods to all quarters of the earth. I do not pretend to be an expert on this question.

But I do believe that this Government should help and not hinder the development of an American merchant marine. Whether or not the German merchant marine has been built up because of subsidies, I think we will all admit that the German Government has cooperated in every means in its power to aid its shipping, and I think this Government might learn a lesson from Germany in that respect. I believe that the proposed shipping bill will place the United States Government in competition with private vessel owners and not provide for desired Government cooperation.

I firmly believe that the Government must cooperate with all legitimate industries in order to maintain the national prosperity. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BENNET. Mr. Chairman. I move to amend the bill by inserting, after the word "carrier," in line 4, page 2, the words "except ferryboats running on regular routes."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 4, after the word "carrier," insert the words "except ferryboats running on regular routes."

Mr. SAUNDERS. Mr. Chairman, I make the point of order against that amendment that it presents the same proposition that we have already voted on.

Mr. BENNET. If the Chair will look to the precedents, he will find that it is for the committee and not the Chair to say, even if there is a change of as much as one word.

Mr. SAUNDERS. Oh, no. Of course if it is a different amendment, it will be in order. The Chair, must go into that, and if there is any doubt that the propositions submitted are different, then the proposition last submitted will be in order. But if the two amendments, though differently worded, present the identical proposition, and it is perfectly palpable to the Chair that such is the case, then the second amendment will be out of order. I submit that this is precisely the same amendment, not couched in the same language, but in effect the same proposition. The principle to be relied on for the Chair's decision is the one of finality of action.

Mr. BENNET. Mr. Chairman, this precise point was ruled upon by Speaker James G. Blaine in this House, and if the Chair will look he will find the ruling in the small book. It was made by Speaker Blaine, who was a good parlinmentarian. He says that the change of a single word made the new amendment admissible. Non constat, but the change of a single word made the difference being acceptable or rejected.

The CHAIRMAN. The Chair is familiar with that ruling. The Chair thinks the reason Mr. Speaker Blaine ruled that way was that on account of the particular language submitted at that time there was a possibility of there being a different meaning attached to the subsequent amendment from that which was attached to the first amendment. The Chair thinks certainly that was the view of Mr. Speaker Blaine. The Chair thinks it is clear to a man of good ordinary common sense that if the Chair can see that a second amendment is not capable of any other construction than that which would be given to the first amendment that it would be a waste of time to consider it, and for that reason the Chair will sustain the point of order.

Mr. BENNET. Mr. Chairman, rather than have the Chair make that ruling and overturning all other rulings for 100 years, I withdraw the amendment.

Mr. SAUNDERS. The gentleman can not withdraw the amendment. The Chair has ruled on it, and sustained the point of order. I will say however, if the Chair will permit me, that the ruling of the Chair is absolutely correct, otherwise this result would follow. A Member might be defeated on an amendment, and dropping out an immaterial word, offer it again, then if defeated, drop out another immaterial word, offer it once more and in perpetuum. A sentence can be verbally recast so as to leave the meaning precisely the same. Such a verbal change would leave the proposition precisely the same. I do not suppose that the gentleman from New York will contend that there is any difference of meaning between the present amendment, and the one submitted and voted on a few minutes ago.

The CHAIRMAN. There is no doubt that Speaker Blaine was one of the greatest parliamentarians that ever presided over the House. As far as his rulings have been examined by the present occupant of the chair they always seemed to go to the substance, and not to the technical form. The present occupant of the chair is following that principle and wise practice now.

Mr. BENNET. I will point out a distinction between the two amendments right now. In the amendment as to the word "possession," on line 9, there was a provision limiting it specifically in connection with this act. As it is here it excepts ferryboats running on regular routes. I will admit that the same thing is sought to be reached by both amendments. The vote was very close, and I can not say but some one was so moved by the inclusion of the particular words in that amendment that are not in this amendment. Does not the Chair see what danger the Chair is getting in; it puts it in the power of any man who occupies the chair of saying to a member of the Committee of the Whole, if this amendment is the same as another amendment which has been offered, look at the power it puts in his hands.

The CHAIRMAN. Not at all; the power of appeal always lies.

Mr. BENNET. No doubt about that; but that power gentlemen hate to exercise.

The CHAIRMAN. The gentleman need have no delicacy as to the present occupant of the chair.

Mr. BENNET. No; but it is rarely exercised.

Mr. TOWNER. Mr. Chairman, I want to make a remark or two on this proposition. I entirely agree with the gentleman from New York in his position, and I am compelled to disagree with the gentleman from Virginia [Mr. SAUNDERS], whose opinion I value very highly, and with the Chair, because of this fact, which has been adverted to by the gentleman from New York. It is entirely within not only the possibilities but the probabilities that many men would vote against the amendment offered in an inappropriate place that might vote for it if offered in an appropriate place. This question is before the Chair, and it seems to me a very important question. Here is an amendment offered in one place in the paragraph that has been voted down by a very close vote. The same gentleman offers substantially the same amendment at another point in the paragraph, and the Chair rules that it is the same amendment that was offered before. It occurs to me that that is an exceedingly dangerous proposition, as the gentleman from New York says. It is not the same amendment. If that be true, the gentleman could not offer the same amendment in substance to another paragraph in this bill to effect the same purpose.

The CHAIRMAN. Will the gentleman permit an inquiry?

Mr. TOWNER. I should be very glad to.

The CHAIRMAN. On this specific matter would there be the slightest difference in construction if the amendment now proposed be adopted from what would have been if the amendment proposed a few moments ago had been adopted?

Except ferryboats running on regular routes.

ascertain what authorities declared that Germany followed this

made the difference being acceptable or rejected.

proposed a few moments ago had been adopted?

Mr. TOWNER. I will say frankly to the Chair, I think not.

The CHAIRMAN. Is not the Chair supposed to, at least, in this matter, use a little of his legal knowledge? Is it not a matter of good plain common sense?

Mr. TOWNER. I will say to the Chair, certainly, but that does not meet the objection. I am inclined to think that the Chair has in mind the fact that this is a dilatory amendment. If that objection had been made, the Chairman might have been justified in his position. But I am urging upon the Chair the consideration of this proposition—that an amendment may be perfectly appropriate in one place in the bill or paragraph and improper in another point. Members might support an amendment if it was in another part of the bill even though they had voted against it in some other part of the bill, deeming it improper. Perhaps it is in the Chair's mind that it might be offered time and time again, and be dilatory. Now, if it is subject to that objection, the Chair should consider it; but that objection is not made, and the Chairman should not decide against a proper consideration of this amendment because it is dilatory when another reason and another objection has been assigned.

The CHAIRMAN. The question of the amendment being dilatory was not in the mind of the Chair the Chair will state. The Chair was simply following the wise rule which provides that an amendment which has once been passed upon shall not be again in order and again be submitted. It is a well-recognized principle of parliamentary law, as the Chair understands it. The Chair may be wrong. Of course the Chair would regret very much to be wrong, but the Chair, relying upon reason and common sense, will take the chances and sustain the point of order.

Mr. BENNET. Mr. Chairman, I respectfully appeal from the decision of the Chair.

Mr. TOWNER. Before that is done I am going to ask unanimous consent to allow the gentleman from New York to withdraw his amendment. He has asked to do it, and it occurs to me that would be better than to have, at least, this questionable precedent established, and it will relieve the House and the Chairman and everybody else from any embarrassment. I ask unanimous consent that the gentleman from New York may have the right to withdraw his amendment.

Mr. COX. Mr. Chairman, I object.

Mr. OGLESBY. Mr. Chairman, before the gentleman objects I wish he would give me an opportunity to make a statement in regard to it. I should like to join with the gentleman in asking unanimous consent. I believe my colleague has endeavored earnestly——

Mr. COX. Mr. Chairman, I object.

Mr. BENNET. May I read to the Chair from page 192 of Jefferson's Manual, section 459:

It is for the House rather than the Speaker to decide on the legislative effect of a proposition. (Hinds' Precedents, vol. 2, par. 1323–24.) The change of a single word in the text of a proposition is sufficient to prevent the Speaker ruling it out of order as one already disposed of by the House.

Now, if the Chair desires to overrule the holdings which have been unchanged, I have no recourse, as the Chair has reminded me, except to appeal from the decision; but I do not think the Chair would do it if the Chair gave it consideration.

Mr. SAUNDERS. If the Chair would like to hear a precedent which supports his ruling, I will be very glad to submit it.

The CHAIRMAN. Without objection, the gentleman can insert them. The Chair, of course, did not have these decisions within his reach. The Chair has read the decisions to which the gentleman referred—many of them. The Chair has been following the principles which they announce; and gentlemen will give the Chair credit for always trying to be fair about these matters respecting a correct ruling. The Chair has in mind the general principle.

Mr. SAUNDERS. I will submit a precedent sustaining the Chair, if the gentleman from New York has concluded.

Mr. BENNET. Yes.

The CHAIRMAN. The gentleman from New York appeals from the decision of the Chair.

Mr. BENNET. I will ask unanimous consent that the gentleman from Virginia may read the precedents which, he says, sustain his contention.

Mr. SAUNDERS. Mr. Chairman, the Chair correctly interpreted the ruling of the Speaker referred to (Speaker Blaine). The Speaker, in the course of his ruling, did say that the addition of a word would make a difference, but he had in mind a difference in meaning, not a difference in phrasing. The Chairman must interpret this precedent just as a court would interpret a precedent from another court. He must apply the rule of reason. Permit me to read to the Chair from Hinds' Precedents the resolution which was voted on, and then the resolution that was offered and held to be in order by the Speaker. The Chair will note how entirely the proposition of the one amendment differs from the proposition contained in the second amendment. (II Hinds, sec. 1274.)

The CHAIRMAN. The committee will be in order. The committee will be called upon in a few moments to pass upon a question of parliamentary law, which is a question in which there is no partisanship involved, but a question of parliamentary interpretation, and the Chair would be especially pleased if Members would listen to the argument upon this matter in order that they may pass upon the question intelligently.

Mr. SAUNDERS. I would not take up the time of the committee to read this matter, if it was not essential to a proper understanding of the merits of the point of order:

On March 16, 1870, Mr. William L. Stoughton, of Michigan, as a question of privilege, submitted a report of the Committee on Military Affairs, recommending the adoption of the following resolution:

"*Resolved*, That the House declares its condemnation of the action of Hon. Roderick R. Butler, Representative from the first district of Tennessee, in nominating Augustus C. Tyler, who is not an actual resident of his district, as a cadet at the Military Academy at West Point, and in subsequently receiving money from the father of said cadet for political purposes in Tennessee, as an unauthorized and dangerous practice."

The minority presented its views as follows:

Resolved, That Roderick R. Butler, a Representatives in Congress from the first congressional district of Tennessee, be, and he is hereby, expelled from his seat as a Member of this House.

When the resolution recommended by the majority came up for consideration, Mr. John A. Logan, of Illinois, moved to amend by substituting the minority resolution. This amendment was agreed to—yeas 101, nays 68—a majority vote.

The amendment having been agreed to, the question recurred on agreeing to the resolution as amended, which had thereby become a resolution of expulsion.

The Speaker stated that under the Constitution a two-thirds vote would be required.

There were yeas 102, nays 68—not a two-thirds vote—and the resolution was rejected.

Mr. Stoughton then offered a resolution which was the resolution originally reported by the majority of the commitee, with the addition of these words: "and he is hereby censured therefor."

Mr. Thomas W. Ferry, of Michigan, made the point of order that the House, upon the proposition of censuring the Member or expelling him, both ideas being separately before the House, had by a majority vote chosen expulsion and rejected censure, failing to finally carry the former by a two-thirds vote. This resolution was therefore not substantially a different proposition.

The Speaker said:

"The Chair overrules the point of order. The gentleman might not be able to offer the resolution in precisely the same words, but this is a different resolution, differently worded, and it is a question of privilege, and is in order at any time. * * * The difference of a single word would bring it within the rule of the House."

The resolution offered was a different resolution, different in substance, as everyone who reads it will admit. The difference of a single word would bring it within the rules of the House, not necessarily the addition of a single word, but the difference of a single word, that is, the addition of a single word or the excision of a single word thereby making a difference in meaning, and presenting a new proposition. If a resolution is offered, and voted down, and another resolution is offered of a different character, however slight that difference may be, I agree that this will be a new resolution within the meaning of this ruling, and in order. But it makes no difference what the wording may be, if the same thought that was presented in the first amendment and voted down, is plainly, palpably, and manifestly presented in the second amendment, then that latter amendment is not in order. If I should move that a bill should be postponed until day after to-morrow, and the resolution be lost, it would not be in order for me thereupon to move that consideration of the same bill should be postponed to Thursday of the week, when Thursday of the week and the day after to-morrow would be one and the same day. When it is admitted, and it is admitted, that the two amendments of the gentleman from New York present the same proposition, the second amendment falls within the principle of finality of action in a parliamentary body, and the first action taken, stands as the judgment of the House, unless it is reconsidered.

There are two principles that the presiding officer must have in mind in this connection. His ruling on the question presented is in harmony with both principles.

Mr. TOWNER. Will the gentleman yield before he takes his seat?

Mr. SAUNDERS. Yes; certainly.

Mr. TOWNER. The gentleman will concede, will he not, that an amendment offered at one place might be improper at another?

Mr. SAUNDERS. Certainly.

Mr. TOWNER. Is there any precedent that has been reported, of which the gentleman has any knowledge, in which the point has been raised, that an amendment offered at one place, if it had been overruled or if it had been voted down at another, was not in order?

Mr. SAUNDERS. But that suggestion is not pertinent to the present situation. An amendment offered under one set of conditions might fail, while it might succeed if offered under other and different conditions, but this has nothing to do with the question ruled on by the Chair, or the principles and precedents that support that ruling.

Mr. TOWNER. You are giving consideration only to the fact that when there is a difference in the language the same amendment can not be offered in the same place.

Mr. SAUNDERS. I will admit that. An amendment may be in order in one connection, and out of order in another, but the point of order must be made. No point of order was made that the first amendment was out of order when it was offered. Hence it was in order. We are confronted with the substantial proposition that whenever the House, or the committee has taken action on a proposition, the same proposition, whatever the phrasing may be, can not be presented again, if objection is made. Mr. Chairman, I am not presenting this question, merely as the result of cursory or hasty investigation. It is a question that I have heretofore had to examine, and relate to a fundamental principle, with a view to an ultimate ruling.

Mr. BENNET. Will the gentleman yield to a question?

Mr. SAUNDERS. Yes.

Mr. BENNET. Can the gentleman cite the Chair and the committee any precedent sustaining what he said? He cited Mr. Blaine's ruling, which I cited first.

Mr. SAUNDERS. Yes. The ruling just read sustains my attitude. I will say, in addition, that there is plenty of other authority.

Mr. BENNET. I would like to see some of it.

Mr. SAUNDERS. I will produce it, if time is given.

The CHAIRMAN. Let the Chair state this, if he may: If the Chair could have seen that there was a possibility of a construction to be placed upon the last amendment which could not have been placed upon the first amendment, he would not have hesitated to have overruled the point of order; but the Chair could not see that. It is admitted by everybody that there was no difference, and the Chair therefore applied the other principle that there ought to be a finality at some time.

Mr. TOWNER. I admit that the supposition of the Chair is well taken, and I am inclined to think that I would agree with the gentleman from Virginia [Mr. SAUNDERS] about his position. It occurs to me that a mere change of phraseology would not be sufficient if the same amendment was offered to the same language in the same paragraph. I am inclined to think that the Chair would be justified in his ruling under such circumstances. But, Mr. Chairman, I insist that you have before you an entirely different proposition, for which you have no authority whatever, that the committee having once decided against an amendment offered at one point in the bill it has no right to pass upon it at another point.

Mr. OGLESBY. Does the gentleman think there would have been any difference in the effect of the amendment adopted where it was originally offered than if adopted at the point where it is now offered?

Mr. TOWNER. I will confess to the gentleman I do not think so. That is not the point I am making. I will listen to the suggestion of the Chair.

The CHAIRMAN. The gentleman from New York [Mr. OGLESBY] expressed what the Chair had in mind. Why is the question of place important here in the particular facts we have before us? The question of place would be quite within the realm of possibility if an amendment would be offered to a section and held out of order as not being germane to that section, but would be held as being germane to another section. But why is it important under the proposition we have before us?

Mr. TOWNER. Mr. Chairman, we must not lose sight of the real proposition. The question of germaneness does not enter into the consideration of this question.

The CHAIRMAN. It does not. The question of germaneness does not enter into this proposition.

Mr. TOWNER. Certainly not in this case, and therefore I want to urge upon the Chair and upon the House that it ought not to influence the determination of the question now before us.

The CHAIRMAN. The Chair concedes that it ought not.

Mr. TOWNER. I am urging upon the Chair and upon the committee this proposition, and it seems to me it is conclusive: That a vote of the committee against an amendment in one place does not preclude its consideration in another place. I have never read any precedent against it, and I have never heard of any ruling of the Chair against it. It certainly would establish a new and dangerous precedent for the Chair to hold that an amendment once offered and voted down could not be offered at any other point in the bill and could not be placed thus before the committee for consideration.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. SAUNDERS. I think I catch very fully the point the gentleman is making, but it is all offered to the same section.

Mr. TOWNER. I think the argument applies as well to the same section as to different sections of the bill. Let me urge this thought upon the gentleman, because I value his judgment as highly as I do that of any other Member of this House, because I know of his long experience and of his entire fairness in the consideration of these questions. Let me suggest to the gentleman this proposition: It might be urged by the Member who offered an amendment at one point in the paragraph that it should be taken into consideration because it was properly there, but upon argument before the House the House might take a different opinion and vote it down, not on its merits but because improperly placed. In the consideration of that question it might be developed that it might properly be considered at another point in that same section.

The gentleman from Virginia knows how often that is done, and this would be a precedent to say that because the gentleman had offered it at an improper point he could not offer it at a proper point in the paragraph.

Mr. SAUNDERS. I see the gentleman's point. I do not think that would follow from the ruling. What determines the question of whether it must be in order or not as to an amendment to a section? If anyone fails to raise the question at the proper time, that establishes the order of your amendment, whatever it may be. I do not concede that it is out of order in the other place, but if there is any question about that, and the question was raised, what would be the determining point in the solution of that question?

Mr. TOWNER. The question would not be decided as to whether it would be properly in order at one place or another. That is a question for the committee to determine. But here is a proposition which, in my judgment, is a dangerous precedent for consideration.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BURNETT. Then, according to the argument of the gentleman, the same amendment might be offered a hundred times if it is germane.

Mr. TOWNER. Oh, no. My friend from Alabama loses sight of the fact that the objection that it is dilatory might be made at any time. Of course, amendments so offered would be apparently dilatory.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. DUPRÉ having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On May 15, 1916:

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town.

On May 16, 1916:

H. R. 6099. An act to amend section 72 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

On May 18, 1916:

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof;

H. R. 562. An act to amend the act approved June 25, 1910, authorizing the Postal Savings System, and for other purposes; and

H. R. 10685. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

UNITED STATES SHIPPING BOARD.

The committee resumed its session.

Mr. SABATH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. What is before the committee now?

The CHAIRMAN. An appeal from the decision of the Chair, as to whether the decision of the Chair shall stand as the judgment of the committee.

was offered and held to be in order by the Speaker. The Chair place, if it had been overruled or if it had been voted down at another, was not in order?

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the amendment may be withdrawn.

Mr. ALEXANDER. I hope there will be no objection on this side of the House.

Mr. BENNET. That vacates the ruling, as I understand it?

The CHAIRMAN. Yes. The gentleman from New York [Mr. BENNET] asks unanimous consent that the amendment be withdrawn. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 2, line 16, after the word "lighterage," strike out "wharfage, dock, warehouse, or other terminal facilities."

Mr. BENNET. Mr. Chairman, about 10 days ago we passed in the Agricultural appropriation bill a provision placing wharfage, dock, warehouse, and other terminal facilities—that is, those terminal facilities that can contain grain, flax, or tobacco—under the jurisdiction of the Department of Agriculture.

Mr. BLACK. Mr. Chairman, will the gentleman yield right there for just a minute?

Mr. BENNET. Yes.

Mr. BLACK. Is it not true that the warehouse amendment to the Agricultural bill only provided that warehouses could be licensed for this purpose?

Mr. BENNET. If the gentleman will read that bill carefully, he will find that powers are conferred upon the Department of Agriculture to make rules and regulations in connection with licenses. So here is the situation in regard to warehouses: Of course, no one has to go into the Federal warehouse system, if he does not want to. I suppose the idea is that as many will go into that system as possible. Now, the man who goes into the Federal warehouse system has to face this: In the first place, if he has any rail or other connection with a railroad he is under the Interstate Commerce Commission. If he goes into the Federal warehouse system, he is under the Department of Agriculture. If this bill passes, he is under the shipping board. In other words, except for the provision of section 33, on page 36, which introduces an element of doubt, he is under three different systems of Federal inspection, besides the State system.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. BYRNES of South Carolina. Is it not true that he certainly would not be under the inspection of the warehouse system unless he voluntarily places himself under it?

Mr. BENNET. Yes.

Mr. BYRNES of South Carolina. Then what complaint has the gentleman to make?

Mr. BENNET. My complaint is this: I presume the intention of that bill is to encourage the warehouseman to go into that system. Then inside of two weeks we turn around and discourage him.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield at that point?

Mr. BENNET. Yes.

Mr. ALEXANDER. This bill says:

The term "other person subject to this act" means any person not included in the term "common carrier by water," carrying on the business of forwarding, ferrying, towing, or furnishing transfer, lighterage, wharfage, dock, warehouse, or other terminal facilities in or in connection with a common carried by water.

Now, nearly two years or more ago, in fact since we investigated the steamship combination, I recall this circumstance, that the shippers of naval stores from the South to New York, firms engaged in that business, complained that while they got the same rate on the steamships bringing the naval stores to New York, there was a discrimination in the lighterage charges. They complained of that condition. Hence, if this board effectually regulates water carriers, it must also have supervision of all those incidental facilities connected with the main carriers. And mind you, when you read the provisions of this bill, it only provides that there shall not be unjust discrimination between shippers. And while this provision is very broad in its terms, I am very sure when you come to consider the section of the bill relating to the regulation of water carriers, there is not one of them that would not have applied to these terminal facilities for the reason I state.

Mr. BENNET. I would like to say to the chairman of the committee—to give a specific instance of what can be done under this bill—that the city of New York itself has spent $115,000,000 to construct wharves and warehouses which stretch along its water front for 79 miles. Under a subsequent provision of this bill, if it is not amended, any officer of the Government of the United States can go to the dock commissioner of the city of New York and compel him to make a report, not only in connection with the transportation and shipping business but in connection with anything relating to the business of the dock department of the city of New York, to that Government official.

Mr. COX. In what section will that authority be found?

Mr. BENNET. I can not put my hand on it just for the moment. It is here. I have a memorandum to move to strike it out when we get to it.

Mr. COX. It is one of the sections included in the substitute which the gentleman offered this morning for this entire bill, is it not?

Mr. BENNET. Unquestionably.

Mr. COX. And the gentleman voted for it this morning, did he not?

Mr. BENNET. Unquestionably, and as the gentleman will remember, I said this morning that I thought this question of socialism versus old-time doctrine was so important and grave that we could afford to overlook a good many things that we did not like. I think that is basic, and that is the reason I voted for the substitute containing a good many things that I did not like.

Mr. HUMPHREY of Washington. I would like to ask a question or two in regard to the provision which the gentleman from New York [Mr. BENNET] has just been talking about. Is it the purpose of that provision to place the municipal docks of this country under the control of this board? The gentleman probably knows what I have in mind. At many of the cities upon the Pacific coast we have great municipal docks. We have them at Los Angeles, at San Francisco, and at Seattle, which represent many millions of dollars. I think probably the value of the wharves at Seattle is $8,000,000 or $10,000,000. Now, is it proposed to take the control and regulation of those wharves away from the city authorities and place it under the control of this board?

Mr. ALEXANDER. Just to this extent: It is true they have municipal docks at Seattle which cost many millions of dollars——

Mr. HUMPHREY of Washington. They have them at other cities on the coast, too.

Mr. ALEXANDER. The steamship companies refuse to use those docks and compel shippers to use the docks of private parties, and I have had voluminous correspondence with the commissioner in charge of those docks, complaining of that condition and wanting them brought under governmental control.

Mr. HUMPHREY of Washington. I did not yield for that purpose, but I want to take occasion right here to dispute that statement as not true.

Mr. ALEXANDER. I have the correspondence.

Mr. HUMPHREY of Washington. I know what the gentleman has. I have read the correspondence. I know who sent the correspondence, and I repeat that the statement made by the gentleman who sent you that letter is not true; and when you refer to what occured in my own city, and when I know the men who wrote the letters, I think I am in a position to state that it is not correct.

Mr. ALEXANDER. That correspondence was with the Department of Commerce, and the letters referred to me were from the representatives of the——

Mr. HUMPHREY of Washington. I know who wrote them. It was from Commissioner Bridges.

Mr. ALEXANDER. Yes; it was from Commissioner Bridges.

Mr. HUMPHREY of Washington. A gentleman whom I have known for a great many years. He has been my friend for 25 years, but he never was right upon a public question in his life—never. [Laughter.] He is one of those most excellent men, as I say, my personal friend, but he can see more ghosts and more things where they do not exist than any man with whom I have ever had the pleasure of being acquainted. Now, that does not answer the question that I was asking. What I was asking was whether it was the intention of this provision in the bill to take away the control of these municipal wharves from the cities which constructed them.

Mr. ALEXANDER. Not at all; only to prevent unjust discrimination between shippers. If they do exercise such discrimination, there is no reason why they should not be amenable to the law as well as a private person.

Mr. HUMPHREY of Washington. Not at all. If the gentleman had answered that in the first place, we would have been through long ago. That was the information I sought when I first got up.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from New York [Mr. BENNET].

The amendment was rejected.

Mr. BENNET. Mr. Chairman, I move to amend the bill by inserting, after the word "carrier," in line 4, page 2, the words "except ferryboats."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 2, by inserting, after the word "carrier," in line 4, the words "except ferryboats."

Mr. OGLESBY. Will the gentleman yield for a question?

Mr. BENNET. Certainly.

Mr. OGLESBY. As far as the territory which the gentleman and I try to represent in part is concerned——

Mr. BENNET. And as far as the gentleman is concerned, he succeeds in representing it.

Mr. OGLESBY. I understand that all those ferries except the municipal ferry are operated in connection with the railroads, and that they are under the jurisdiction of the Interstate Commerce Commission, and this bill would not put them under the jurisdiction of this board. The municipal ferry is operated between points in the same State.

Mr. BENNET. Is that a question?

Mr. OGLESBY. Now, in view of that situation, I would just like to know what special reason there would be for the gentleman's amendment? Of course, I have no desire to take any action that will not aid in keeping New York City from being unnecessarily embarrassed.

Mr. BENNET. Mr. Chairman, in the gentleman's district up at Clason Point there is a ferry, a little bit south another ferry, at One hundred and thirty-eighth Street another ferry, at Ninety-ninth Street another ferry, at Forty-second Street another ferry, at Twenty-third Street another ferry, at Grand Street another ferry, and the South Ferry, in addition to the municipally operated ferry; there are at least four I can think of. There are seven or eight ferries coming to my mind at once that would not come under the Interstate Commerce Commission, but would come under this law.

Mr. OGLESBY. But they ply between points in the same State.

Mr. BENNET. Yes; that is covered, as the gentleman will find, later in the bill. I would like to ask the gentleman from Missouri, having accepted an amendment which excepts ferryboats running between this country and Canada, why in the world should we impose the burdens, such as they are, of regulations, and so forth, upon the ferries running across the rivers and bays and smaller arms of the sea in our own country? In our city are 25 per cent of all the ferries of the United States.

Mr. SAUNDERS. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. SAUNDERS. Did I understand the gentleman to say in response to his colleague that the ferries run between points in the same State?

Mr. BENNET. Yes.

Mr. SAUNDERS. They are not covered in this bill. We expressly exclude intrastate commerce.

Mr. BENNET. I know that, in relation to the commerce, but as to the ships they are not excepted, and there is a provision in your bill later expressly covering them, which I will call attention to when we reach it. I repeat, What earthly purpose can be served by putting ferryboats in this bill and subjecting the people in the cities which none of you gentlemen represent to this annoyance?

Mr. ALEXANDER. The provisions of the bill do not apply to the boats the gentleman refers to. That is the best answer to his statement.

Mr. BENNET. Now, may I ask the gentleman a question?

Mr. ALEXANDER. Yes.

Mr. BENNET. The gentleman having accepted an amendment which was inserted after the word "carrier," line 5, page 1, running on the regular routes, why is not the amendment I am seeking to get in the same principle in relation to vessels running not between foreign countries?

Mr. ALEXANDER. Because they are all excluded, and when we come to the consideration of the bill, as I hope we may some time, section by section, if the gentleman can find any section where it would apply to the ferryboats he speaks of we will consider it.

Mr. BENNET. Does not it apply to ferryboats on the Hudson River between New York and New Jersey?

Mr. SAUNDERS. We have voted on that once.

Mr. BENNET. The amendment before the House is "except ferryboats," and it is in connection with the definition of common carrier by water, and why you should keep these ferryboats in the bill I can not understand.

Mr. SAUNDERS. I tried to get an understanding of the question by asking if the boats the gentleman referred to plied between the points in his own State, and he said they did. I called attention to the fact that the bill does not apply to such boats. Now, if he is bringing in boats that ply between State and State we have already voted on that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BENNET) there were 36 ayes and 41 noes.

So the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, strike out lines 19 to 22, inclusive.

Mr. BENNET. Mr. Chairman, this, of course, is covered by decisions and statutes; but there is a distinct danger in attempting to put a definition in the bill where it has already been defined by court decision. I undertake to say that the word "person" has been defined by the courts in the United States and several States more than five hundred times. What do you do? If you do not happen to have made as full a definition as some court has, you limit the court. It is useless, simply burdens up the act, and in addition contains a real danger, because, as every lawyer knows, the assertion of one is the exclusion of others; and if, for the purposes of this act when used in this act, you have not made the definition as broad as some court has made it, you will simply limit the court.

Mr. HARDY. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. HARDY. When this question came up it was asked if there was any statute in the United States defining the word "person," and, I believe, it was generally conceded that perhaps there were none; and, to cover the chance that there might not be such a general definition in the Federal statutes, we put it in.

Mr. BENNET. The gentleman does not mean to say that there is no statute definition of the word "person"?

Mr. HARDY. I doubt if there is any, including the definition that we give here.

Mr. BENNET. Corporations and members of partnerships are indicted in every district in the United States on statutory definition.

Mr. SAUNDERS. That may be as to that particular offense. Is this or not a correct definition?

Mr. BENNET. So far as I am concerned I am not as competent to decide that question as the gentleman from Virginia.

Mr. SAUNDERS. Can the gentleman think of anybody who ought to be brought in that this does not bring in? If he does, let him tell us and we will bring him in.

Mr. TOWNER. Mr. Chairman, I think this applies only to persons referred to in this bill. I think it is perfectly proper for it to define the word "person" as used in this bill, because that is for the assistance of the court. Courts very often have difficulty in determining the definition of words. And in doing that we have to ascertain the meaning that was intended by the legislature, so all of these definitions given in this bill are definitions that are intended to be conveyed and those words are used in the bill and it certainly seems to me it is perfectly proper for the committee to have defined them in that way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That within the meaning of this act no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof.

The provisions of this act shall apply to receivers and trustees of all persons to whom the act applies.

Mr. GREEN of Iowa. Mr. Chairman, I rise simply for the purpose of asking the chairman of the committee a few questions. I would like to inquire whether in the formation of the bill and considering this general subject of the creation of an American merchant marine the committee considered the question of discriminating duties in that connection?

Mr. ALEXANDER. Whether we studied that question or not?

Mr. GREEN of Iowa. Whether that question was before the committee, whether an American merchant marine could not be built up in that way instead of the one proposed by the bill.

Mr. ALEXANDER. That question has not been considered by the committee in this Congress. Myself and the gentleman from Washington [Mr. HUMPHREY] and other Members have given it very serious consideration in other Congresses.

Mr. GREEN of Iowa. Well, I suppose so. Now, will the gentleman state the objection to it?

Mr. ALEXANDER. The gentleman knows the Republican Party in their national platform of 1896 declared in favor of discriminating duties as a method of building up the American merchant marine.

Mr. GREEN of Iowa. Yes; that is one reason I ask these questions. I want to know why the committee did not give that any consideration and did not take up that method. The gentleman surely has some reason in his mind.

Mr. ALEXANDER. I introduced a bill in the last Congress, which I think was a good bill, providing for discriminating duties, and personally I was disposed to give it a trial. It was a question, however, what other nations might do in the way of retaliation to nullify the effect of a law of that sort, and if the gentleman will come to my office I will show him tables of the imports and exports to and from our own country to Europe and other foreign countries, and we might sit down and figure out whether the benefits would be greater than the disadvantages of invoking such a system. If I thought it would do the work, I would be in favor of it.

Mr. GREEN of Iowa. I was about to discuss this plan not at this particular moment, but I expect to discuss it in connection with the bill, and I desired to get the reasons the gentleman has had in mind; but apparently the committee never considered the question of discriminating duties at all in the formation of the bill.

Mr. ALEXANDER. Not in this Congress; no.

Mr. HARDY. Will the gentleman permit a suggestion?

Mr. GREEN of Iowa. With pleasure.

Mr. HARDY. On the question of discriminating duties, before the gentleman discusses it very far, he ought to read the debates which took place from 1815 to 1828 on the question of discriminating duties in the Congress of the United States. They are extremely illuminating.

Mr. GREEN of Iowa. I have read a great many of them, but I do not know that I have read them all, and I doubt whether the gentleman has.

Mr. HARDY. I will tell the gentleman one thing they did show. All parties from 1815 to 1828 united in an earnest, strenuous effort to secure the repeal of all discriminating duties proposed or provided by other Governments, and——

Mr. GREEN of Iowa. And as the result the American marine disappeared from the ocean.

Mr. HARDY. On the contrary, the result from 1828, when the last discriminatory duty act was repealed, to 1860, our merchant marine was the finest on earth.

Mr. GREEN of Iowa. Oh, no; not at those dates, but later on.

Mr. HARDY. I think if the gentleman will look into the record he will find from 1828 our merchant marine still prospered, and continued to prosper to 1860, when the war broke out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. I would like to have one minute further.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Assuming the gentleman is correct. I expect to show when I take up this subject further that by reason of the passage of this act of 1828 and the effect of the conventions which were subsequently entered into under the act of 1828——

Mr. HARDY. If the gentleman will pardon me, many of those conventions were entered into just after 1815. All the countries of the world had already gone into a friendly agreement with us to abolish these discriminating duties except England, which hung out to the last.

Mr. GREEN of Iowa. I am aware of that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, and I call the attention of the gentleman from Virginia to this. The gentleman from Virginia asked me if I could suggest any improvement in his definition. I hold in my hand the Revised Statutes, and I desire to say I think I can, because if these framers of the Revised Statutes were right the gentleman could never convict a natural person. When the framers of the Revised Statutes had the question before them they provided as follows:

The word "person" may be extended to or applied to partnerships and corporations.

Of course this is an artificial definition, and in a penal statute a man who is indicted, a natural person, could plead that he was not a person, not being a partnership, corporation, or association. I will ask the gentleman from Virginia [Mr. SAUNDERS], in the interest of certainty, whether he does not think it would be a good idea to adopt the wording of the Revised Statutes, which is "the word person may extend and be applied to"?

Mr. SAUNDERS. I do not think it at all necessary; but I will say, in deference to the gentleman, that I shall not have any objection to accepting it.

Mr. BENNET. Mr. Chairman, I ask unanimous consent——

Mr. SAUNDERS. I would advise that the gentleman address that to the chairman of the committee. There is no difference in the world. It is only the difference between tweedledum and tweedledee.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that on line 19 the language may be changed by striking out the word "includes," on page 2, and inserting in lieu thereof the words "may extend and be applied to."

Mr. HARDY. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] asks unanimous consent to return to the last paragraph of section 1 for the purpose of offering an amendment. Is there objection?

Mr. HARDY. I object.

The CHAIRMAN. The Clerk will read.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 3, line 7, after the word "applies," insert "and to the successors or assignees of such person."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ALEXANDER. Will the Clerk please read it again?

The CHAIRMAN. The Clerk will read the amendment.

The amendment was again reported.

Mr. ALEXANDER. Mr. Chairman, I accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That a board is hereby created, to be known as the United States shipping board, and hereinafter referred to as the board. The board shall be composed of the Secretary of the Navy and the Secretary of Commerce, as members ex officio, and five commissioners, to be appointed by the President, by and with the advice and consent of the Senate; one of such commissioners to be designated by the President as chairman of the board and one as vice chairman.

The first commissioners appointed shall continue in office for terms of two, three, four, five, and six years, respectively, from the date of their appointment, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds.

The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this act, and to a fair representation of the geographical divisions of the country. Not more than three of the commissioners shall be appointed from the same political party. No commissioner shall be in the employ of or hold any official relation to any common carrier by water or other person subject to this act, or own any stocks or bonds thereof, or be pecuniarily interested therein. No commissioner shall actively engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the board shall not impair the right of the remaining members of the board to exercise all its powers. The board shall have an official seal, which shall be judicially noticed.

The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

Mr. HADLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 10, after the word "of," strike out the remainder of line 10 and all of line 11 and the first two words in line 12.

Mr. HADLEY. Mr. Chairman, the effect of the amendment just submitted is to eliminate from the membership of the board the Secretary of the Navy and the Secretary of Commerce. That would make the section read:

The board shall be composed of five commissioners to be appointed by the President, by and with the advice and consent of the Senate.

Now, I submit to the committee that this amendment raises a definite question of policy that is well worthy of serious consideration. I personally do not believe in confounding the functions of the Federal departments, the duties of Cabinet officers with the administrative functions of mere administrative boards. The only argument which I have heard advanced in support of the provision as it stands is to the effect that the subject matter so far as the Navy Department is concerned is related to the duties of the board, and that the same would apply to the Department of Commerce in respect to the Bureau of Navigation and the Bureau of Inspection.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HADLEY. Yes.

Mr. MOORE of Pennsylvania. Was not the Secretary of the Treasury included in the first bill as a member of the board?

Mr. HADLEY. I think not in this bill.

Mr. MOORE of Pennsylvania. In the bill we had before us in the last session.

Mr. HADLEY. I was not a Member last year and I am not advised as to that.

Mr. MOORE of Pennsylvania. I think I can say that the Secretary of the Treasury was included in the board at that time. I want to ask the gentleman why he was cut out of this bill?

Mr. HADLEY. I will refer that question to some gentleman who was a Member of the Sixty-third Congress. At all events, an inspection of this bill, which we have but inadequately had yet, will disclose many functions and duties administrative in their nature, which in the nature of things members of the Cabinet never could participate in. I think it is unwise to confer powers upon a member of a board which it will be impossible for the member to perform. It is manifest that such duties as are conferred here, particularly as to the regulatory powers of the board, and as to the operation of the vessels through a corporation which the board will control and manage, and so far as the stock interest is concerned, could not be discharged by Cabinet officers as they ought to be discharged.

Now, the information and knowledge that is in the possession of the department would always be, I take it, accessible to the membership of the board. I think the strongest argument that can be made against the membership of Cabinet officers on this board is the fact that there are certain functions to be performed which are germane to matters that pertain to the departments, and yet ought to be segregated, because it puts the officer in the position somewhat of a judicial officer sitting upon his own affairs; for instance, the Department of Commerce, through the Bureau of Navigation and Inspection. Its regulation and rules, made and administered there, ought not to be the subject of consideration by the Cabinet officer as a member of the board, but ought to be determined and interpreted by those who are entirely independent of the department. Furthermore, this raises the question of political consideration, and I speak entirely in an impersonal way and without any thought of political consideration. This is to be a continuing board, to run with the years. We ought to have a shipping board, and I am in favor of the creation of a shipping board. We ought to have one that will not be in any way shadowed with the suspicion of political control in the minds of the people of the country. I do not believe you can divorce that thought from the public mind if you constitute the board so that the voting power preponderates politically, as you provide in this case.

Now, there is another provision——

The CHAIRMAN (Mr. DUPRÉ). The time of the gentleman from Washington has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HADLEY. Mr. Chairman, I was about to say there is another provision in this same section to the effect that not more than three of the commissioners shall be appointed from the same political party—a provision in which I heartily concur. But the effect of that provision is largely nullified by the composition of the board as it is proposed. If one party is in power, there are two members manifestly of the same political faith, and if there are three appointed by the President, that will be five to two; or if it happens that the case be opposite to that, it will at least be four to three. The idea of the committee was to make it as nearly nonpolitical as possible, and that, I think, will meet with universal approval. But in order to do that the Cabinet officers ought to be eliminated, and the men appointed to discharge these duties ought to be those who are personally familiar with, and expert in their knowledge of, the subjects involved.

Mr. OGLESBY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from New York?

Mr. HADLEY. I do.

Mr. OGLESBY. I will ask the gentleman whether, as a matter of fact, the provisions for the appointment of three men of one political party is not intended to provide for minority representation, and that where there is minority representation the size of the majority is not particularly important?

Mr. HADLEY. Generally speaking, that may be true. But I will say to the gentleman that I think when you minimize the minority to the extent possible under the provisions of this bill, taking the two provisions together, you might as well in the first instance provide that all the members of the board shall be of the same political party. That would be the effect of the gentleman's position, as I think.

Mr. OGLESBY. Is not the purpose of the minority in a board of that kind rather to insure that everything which comes before the board will meet the light of publicity?

Mr. HADLEY. The nearer the minority and majority can be kept in balance, I submit to the gentleman, the better will be the results.

Mr. Chairman, I submit a statement that was made to the committee by Mr. Fahey, the late president of the Chamber of Commerce of New York. In this connection I would like to read to the Committee of the Whole one short statement that he made, because it may be taken to reflect the idea of the business interests of the country as represented by that body, although it was not on a referendum but was his personal expression. He said:

There are many who contend that, if the Government goes into this business through the organization of corporations to operate ships, it is going to be almost impossible to prevent pressure on that board from the various ports which have very highly developed local prejudices and jealousies.

Galveston, New Orleans, Jacksonville, Seattle, Norfolk, Newport News, Baltimore, Philadelphia, Providence, and Boston, and most of the rest of them, think they have the finest harbors in the United States and are entitled to all kinds of opportunities which they are not getting to-day. As a matter of fact, under the present conditions in reporting the statistics of these ports the Department of Commerce is in hot water frequently because of port rivalries. There are many who claim that it is likely to be very much more violent when the Government must say from what ports its ships shall sail. In the minds of many the idea of eliminating any possibility of charging political influences in the composition of this board is very important.

I know how hard it is to conceive of a board constituted without political thought or consideration, and yet I can conceive of it. Men who are selected and charged with responsible duties, such as they will be here, may assume that attitude of mind if they be business men, representative men, selected for the discharge of those duties and responsibilities. They may assume and exercise quasi judicial functions to the same effect and to the same extent as a judge on the bench, provided they be not associated with those who are preeminently and admittedly representatives of political thought and political parties. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Washington has again expired. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. HADLEY].

Mr. ALEXANDER. Mr. Chairman, my colleague on the committee Mr. ROWE, of New York, introduced into the House a bill which was prepared by the representatives of the Chamber of Commerce of New York, in which the board is composed just as it is composed in this bill. The Secretary of the Navy and the Secretary of Commerce are made ex officio members of the board, and five commissioners to be appointed by the President.

Now, there is a good reason for doing this. The vessels to be built under the provisions of the bill are to be naval auxiliaries. They are to be of the merchant type, it is true, but they are to be utilized by the Navy in the event of public emergencies or in war, and hence there is a good reason why the Secretary of the Navy should be a member of this board and should have something to say about the type of vessels to be built or purchased by the board.

Again, the bill provides that the Secretary of the Navy may list the vessels constructed under the provisions of this bill as a part of the naval auxiliary fleet. In addition, the bill provides that the officers and crews of these vessels may volunteer as a part of the naval auxiliary reserve force, and they shall receive additional compensation according to their rank under regulations to be made by the Secretary of the Navy. For these reasons we thought the Secretary of the Navy should be a member of this board.

The Secretary of Commerce should be made a member of this board for the same or better reasons, because the Bureau of Navigation and the Steamboat-Inspection Service are under the jurisdiction of the Department of Commerce. Hence, as he is charged with the administration of the navigation laws, and the duties of this board include the operation of vessels,

in order to prevent conflict and in order to coordinate the work it was though wise to make the Secretary of Commerce a member of this board.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Connecticut?

Mr. ALEXANDER. Yes.

Mr. TILSON. Will it not have the effect, we will say, of the Secretary of Commerce running with right arm a business—the business of shipping—and with his left arm making the inspections and enforcing the navigation laws? In fact, is he not put into something of a contradictory position?

Mr. ALEXANDER. Not at all. I think there are the best of reasons why he should be a member of the board.

However, there is one objection that has been urged——

Mr. KENT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from California?

Mr. ALEXANDER. Yes.

Mr. KENT. I would like to ask the gentleman if the argument that the Secretary of the Navy and the Secretary of Commerce should be ex officio members of this board would not, by a parity of reasoning, put the mayor of a city on every commission established in a city?

Mr. ALEXANDER. No; I do not think it would. But there has been one objection urged to the membership of the Secretary of the Navy and the Secretary of Commerce on this board, in relation to the regulatory provisions of this bill, for the reason that they hold political offices, and they might for political reasons influence the decisions of the board with reference to rates. Now, there is some force in that objection, and I think it can be obviated by providing in this bill, in appropriate language, an amendment that they shall not participate in those functions which involve the regulation of rates.

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ALEXANDER. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COX. Is it the purpose of the gentleman, before this bill passes the House, to offer an amendment of that kind?

Mr. ALEXANDER. It is; and I say the suggestion came to my mind in the course of the colloquy between myself and the minority leader [Mr. MANN] day before yesterday, as regards the personnel of the shipping board. I am only reflecting my personal opinion about the propriety of the amendment, but as far as I have canvassed the matter with the membership of the committee, I think they concur in that view, and it is my purpose to work out such an amendment and present it at the proper time, so that the Cabinet members will be eliminated from the exercise of those functions on the board which would relate to the regulation of rates.

Mr. COX. I think that is exceedingly important. I look upon this board as something of great and extreme importance. I think I can see in the not far-distant future a time when this board is going to serve the water shipping and transportation exactly as the Interstate Commerce Commission now serves the railroads, and I do not think that board should be encumbered with any politics whatever. I do not think a member of the Cabinet should have any voice or any vote in the fixing of the freight-rate regulations by water, and I hope before this bill passes the House, the gentleman will present an amendment here which will absolutely eliminate any Cabinet officer from having anything to do with the fixing of these rates or regulations.

Mr. TILSON. There is an amendment to that effect pending now.

Mr. COX. Oh, no; there is a motion to strike out.

Mr. FESS. Will the gentleman yield?

Mr. ALEXANDER. Certainly.

Mr. FESS. Would there not be this other element in it: This commission is to be entirely independent of Congress or of the Executive. If you make a portion of the Cabinet ex-officio members of it, may it not give undue influence to the executive department in exercising authority?

Mr. ALEXANDER. I think not. Of course we are dealing with human nature, and while there is a fear expressed that this board might be influenced by political considerations, the greatest fear with reference to this board should be that they might be influenced by the powerful interest; that we are undertaking to control. That would be the danger, rather than politics, in my opinion.

Mr. MOORE of Pennsylvania. Will the gentleman from Missouri yield?

Mr. ALEXANDER. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I asked the question of the gentleman from Washington [Mr. HUMPHREY] awhile ago, as to why the Secretary of the Treasury was not included as a member of the board. Is there any reason for that?

Mr. ALEXANDER. Yes; I presume so. Does the gentleman want him included?

Mr. MOORE of Pennsylvania. He is a very important member of the Cabinet, and had a great deal to do in the initiation of this measure.

Mr. ALEXANDER. That is true. He is a man of broad vision and great ability, and is rendering the country a great service in the active part he has taken in helping to frame and in urging the passage of this bill.

Mr. MOORE of Pennsylvania. He was included as a member of the board in the first bill. He is not mentioned as a member of the board in this bill. Is there any reason why the Secretary of the Treasury was eliminated and these other members of the Cabinet included?

Mr. ALEXANDER. I have given the reason why these members have been included. The question of the selection of the Secretary of the Treasury was not discussed; but, as far as he is concerned, I want to say that there is no man more keenly alive to the necessity of rehabilitating our American merchant marine, or whose service would be more valuable on the board; but he has since that time been made a member, and, if my memory serves me accurately, is chairman of that great board, and has enough to do, I would think.

Mr. MOORE of Pennsylvania. I understand that, and it was certainly in mind originally to include him as a member of this board.

Mr. ALEXANDER. He was included in the original ship-purchase bill.

Mr. MOORE of Pennsylvania. If the gentleman's suggested amendment is presented in due course, the two members who are included now will be in the nature of counselors or advisers to the board of five. Surely the Secretary of the Treasury, having posted himself upon this subject, would be as acceptable in giving advice as the other two.

Mr. ALEXANDER. I think I have stated the reasons very clearly why the Secretaries of the Navy and Commerce are made members of the board, that there are certain provisions of the bill which relate to the administration of the Navy and the Commerce Departments, and for that reason those Cabinet members have been made members of the board.

Mr. MOORE of Pennsylvania. I thought possibly because of the absence of the Secretary of the Treasury from the country while this bill was under consideration he was excluded.

Mr. ALEXANDER. Not at all.

Mr. HUMPHREY of Washington. Mr. Chairman, as a general proposition I would be in favor of this amendment that has been offered by my colleague. I think it is perfectly apparent to this House that politics ought not to enter into a proposition of this character, and in view of the amendment which has been suggested by the distinguished gentleman from Missouri [Mr. ALEXANDER] I want to say that it would not be imposing upon credulity to think that a fellow member of the board would have some influence on his colleagues in making these rules and regulations, even if he were not permitted to vote upon them.

Mr. GREENE of Vermont. Is not the proposition to tie the hands of the Cabinet officers on this board tantamount to a confession that they ought not to be there at all?

Mr. HUMPHREY of Washington. The committee want us to have more confidence in them than they themselves apparently have.

Mr. ALEXANDER. Will the gentleman yield for a remark right there?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. These Cabinet officers are very busy men, and there is another reason than the one suggested why they should not be members of the board that is to have these regulatory powers. It would be impossible for them to sit on that board from day to day and hear the complaints and the testimony and decide these cases.

Mr. HUMPHREY of Washington. I think that is true, and that is an additional reason why they ought not to be members of the board. But I wanted to say, if you will pardon me, that, in view of the personality now at the head of the Department of Commerce, I should look with a great deal of regret upon any amendment which sought to make it impossible for him to be a member of that board, because there is no man in

the United States who knows as much about shipping, or who knows as much about anything else in relation to business, as the distinguished Secretary of Commerce. Now, there is no question about that, because if any one will read the hearings before this committee he will see in the evidence the Secretary of Commerce himself affirms that is the fact. He states it over and over again. There is nobody in the United States or in Europe or anywhere in the world who knows as much about shipping as he does.

Mr. CANNON. You do not have to prove that.

Mr. HUMPHREY of Washington. Why, no; he has admitted it in the record; says so himself; and he says one of the greatest reasons why this bill ought to be passed is so that he can take this money and demonstrate that anybody else who ever built a ship did not know how to build it, and anybody else who ever ran a ship did not know how to run it, and if they will let him take $50,000,000, he will demonstrate that fact. So I do not want to take him off the board.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. CLARK of Missouri. Does not the gentleman suppose that the Secretary of Commerce knows what he does know; and if he knows that, he knows more than anybody else. Is not that correct?

Mr. HUMPHREY of Washington. He admits that and says so. There can not be any question about it. Everybody agrees; we agree; he agrees as to his greatness, and that is the end of it. I hope we will not be deprived of the services of the greatest efficiency expert the world ever saw—according to his own admission.

Mr. ROWE. Mr. Chairman, it is true, as the chairman of the committee has said, that I introduced a bill prepared by the Chamber of Commerce in New York in which this same provision for the board is to be found, that there were to be two members of the Cabinet and five other commissioners. We discussed this matter very extensively in our committee meetings, and I am convinced that the bill that I introduced was wrong. I stand for the amendment just offered by my colleague, that we should not have on this board the Secretary of the Navy or the Secretary of Commerce or any other member of the Cabinet.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. ROWE. Yes.

Mr. HUMPHREY of Washington. I want to call to the gentleman's attention the fact that he has not done anything wrong. There is another distinguished member of the committee who introduced a bill in which he did not include the members of the Cabinet——

Mr. ROWE. I believe, Mr. Chairman, that the expenditure of this vast sum of money provided in this bill should not be left to the Secretary of the Navy or the Secretary of Commerce. A perfectly independent commission who have all the advice and all the help they wish from these two Secretaries are the ones who should have charge of the great work. I agree with the chairman of the committee that these two Secretaries are so busy in their departments that it would be impossible for them to give the necessary time so that they can fully understand the subject.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ROWE. Yes.

Mr. MOORE of Pennsylvania. May not the fact that these two Secretaries are so busy that they could not attend to the functions of the board account for the absence from the board of the Secretary of the Treasury, who inaugurated the proposition?

Mr. ROWE. It might.

Mr. MOORE of Pennsylvania. The gentleman from Missouri, the chairman of the committee, has not explained why the Secretary of the Treasury is not included, and I understand from the gentleman from New York that he is very busy attending to other matters.

Mr. ROWE. I understand that is so.

Mr. MOORE of Pennsylvania. And that he would not have time to attend to the duties as a member of the shipping board, if appointed.

Mr. ROWE. That is undoubtedly true.

Mr. HARDY. Mr. Chairman, in spite of the would-be humorous suggestions and flings with reference to the Secretary of Commerce I will say that he has given the subject of this bill an intimate and extensive study and that his testimony before the committee shows that he does understand the subject far better than a great many of those who try to be witty at his expense, and when he came before it he gave our committee a great deal of light and valuable information.

I want to say that all this talk about the political complexion of the board to my mind is a matter of minor importance. We have got an Interstate Commerce Commission, and the law required that not more than four of its members, when it was composed of seven, should belong to one party. Now I never have heard the remotest hint that in the operations of the Interstate Commerce Commission politics ever played any part, and politics would not and could not have played any part in its actions if all its members had been of one party.

Mr. BENNET. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. BENNET. Is there any Cabinet officer a member of that commission?

Mr. HARDY. There is not; nor will there probably be after a year's or a few years' operation of this board; that is, if it proves as valuable as we hope and becomes a great industrial regulative body. There never was in the Interstate Commerce Commission any reason for putting a Cabinet officer in as a member, as there is at this time, as explained by the gentleman from Missouri for putting the Secretaries of the Navy and Commerce on this board. The influence on this board which will be complained of, if there ever is any complaint, will not be political; it will be business interests that will attempt to influence its decisions. Your Cabinet members are going to be very busy with the duties of their office. The real administration of this law will be by the five members appointed by the President, by and with the advice of the Senate. At present the whole navigation laws under which and in connection with which this law will operate are in charge of the Secretary of Commerce, and we must let him stay a member of this board unless we take over all the functions of the Bureau of Navigation and give them to this board. That would require a change of the whole system of laws. The Secretary of the Navy has duties intimately connected with the duties of this board, and for that reason he must stay there. I prophesy that when the board is in operation no man in America will ever be heard to complain of it on the ground that it is political.

Mr. FESS. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. FESS. There is no provision that it shall be nonpartisan, is there?

Mr. HARDY. It says that no more than three members shall belong to any one party.

Mr. FESS. Three out of the five?

Mr. HARDY. Three of the five.

Mr. FESS. And the two ex officio will belong to one party.

Mr. HARDY. Yes; but they really will have nothing to do with the active administration of the board—that is, the making and enforcing the rules, orders, and regulations of the board.

Mr. FESS. Will they have a vote?

Mr. HARDY. On some questions; but the chairman of the committee, without any suggestions from me and to which I have no objection, will perhaps prepare an amendment that will leave the fixing of rates and similar functions to the members appointed by the President and confirmed by the Senate.

Mr. FESS. But under the bill there can be three members appointed by the President belonging to one party, and two Cabinet officers make it five members belonging to one party.

Mr. HARDY. The bill was originally drawn for three members to be appointed, but since in our view the appointed members would discharge very nearly the whole duty of the board it was increased to five. I prophesy that no man will ever be able to point out any action of the board and say that it is political.

Mr. FESS. Political stress is sometimes pretty rigid.

Mr. HARDY. How can it be applied to the administration and regulation of rates and the prevention of discrimination? How can the fixing of a rate be affected by politics?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TOWNER. Mr. Chairman, the suggestions that have been made by the chairman of the committee—and I desire to compliment him on his frankness—evidently have been considered by the committee, and why they have not been sufficient to induce it to exclude the members of the Cabinet is incomprehensible to me.

Mr. Chairman, this board is a board that must act in a great many cases as a court. It is manifestly impossible that the members of the Cabinet shall sit and hear the evidence and the arguments in those cases. How, then, can they act in such cases with any degree of correctness of judgment if they do not hear the evidence nor the arguments that are adduced? That is one and a sufficient reason. And further, Mr. Chairman, as the chairman of the committee has well said, there are certain questions that must be considered by this commission

that it would be exceedingly improper for any representative of the administration to pass upon. In fact, Mr. Chairman, it is impossible for members of the Cabinet to sit in any board and not act as political representatives of the administration, and that would not only injure and disparage their decision as part of a court in which these representatives of the administration take part, but subject the entire commission to the criticism of having acted from political and not from perfectly legitimate reasons.

Mr. HARDY. Will the gentleman yield for a question?

Mr. TOWNER. I will.

Mr. HARDY. The gentleman says this board will act largely as a court. Do not the members of the Supreme Court of Iowa belong to one party? Does the gentleman have——

Mr. TOWNER. That has not anything to do with this question.

Mr. HARDY. But they pass on——

Mr. TOWNER. We never put any representatives of a party as a party in our supreme court.

Mr. HARDY. They are all of your party?

Mr. TOWNER. No; they are not.

Mr. HARDY. Has the gentleman's State any law to prevent putting not only a majority but everyone, either Republicans or Democrats, as the administration may be?

Mr. TOWNER. No, sir; that has not anything to do with the consideration of the question and the proposition I am making. I am saying that the very fact these men are members of the administration, if they shall act with the utmost disregard of political reasons, it would nevertheless subject not only their actions but the action of the entire commission to the charge that it was actuated by political and not legitimate reasons.

Mr. HARDY. No political case could come before it.

Mr. LONGWORTH. Is not the point the gentleman makes this: That the more efficient a member of the Cabinet was in his duties as a member of the Cabinet the less efficient he would be as a member of this board, and vice versa?

Mr. TOWNER. That is exactly it; and I am also taking into consideration the fact that it would disparage the very action of this commission as such to have members of an administration represented upon it.

Mr. KENT. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. KENT. Is it not a fact that the Supreme Court of Iowa is in the custom of hearing the evidence——

Mr. TOWNER. Yes; and listening to argument as well.

Mr. FESS. Will the gentleman yield?

Mr. TOWNER. If the gentleman will pardon me, I am afraid my time will expire before I can say one or two things which I am very anxious to say.

The CHAIRMAN. The gentleman declines to yield.

Mr. TOWNER. Mr. Chairman, I want to call the attention of gentlemen on the other side of the Chamber to the fact that if they really desire this commission to be effective, if they desire it to stand as high in the esteem of the people as it should, they should be the first to exclude from it any sort of political taint. They know as well as I do that all over this country, if these men are made members of this commission, it will be stated that it is done for political considerations. I want to call attention to these gentlemen further—is my time about to expire?

The CHAIRMAN. The Chair has allowed the time of the gentleman to run over a quarter of a minute.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for two minutes more. Is there objection?

Mr. ALEXANDER. Mr. Chairman, I want to modify that request and ask that all debate on this section and all amendments thereto close in 10 minutes.

Mr. LENROOT. I have an amendment I desire to offer.

Mr. MOORE of Pennsylvania. I should like to offer an amendment to this section.

Mr. ALEXANDER. Mr. Chairman, I will ask that all debate on this particular amendment and all other amendments and on the section shall close in 15 minutes.

Mr. LENROOT. I desire to have five minutes.

Mr. BENNET. I have an amendment to offer.

Mr. MOORE of Pennsylvania. I would like to have five minutes.

Mr. ALEXANDER. I desire to hasten the consideration of this bill along; I will make it 20 minutes.

The CHAIRMAN. How is the time to be controlled?

Mr. ALEXANDER. I will say 25 minutes, and I will control five minutes of that time.

Mr. GREEN of Iowa. How is the time to be divided?

Mr. ALEXANDER. I am going to give you gentlemen all except five minutes of it.

Mr. LENROOT. Mr. Chairman, reserving the right to object——

Mr. ALEXANDER. I want to hasten matters along and give the gentlemen a chance to consider this bill if I can.

Mr. BENNET. Reserving the right to object, will not the gentleman make it 30 minutes? There are six or seven amendments to be offered over here.

Mr. ALEXANDER. Complaint was made when we adopted this rule and I wanted gentlemen to have a chance to consider the various sections of this bill.

Mr. BENNET. We will not.

Mr. ALEXANDER. And the gentleman from New York has consumed most of the afternoon on unimportant amendments.

Mr. BENNET. Oh, they were not unimportant. The gentleman accepted four of my amendments.

Mr. ALEXANDER. I suggest 20 minutes. I would just as soon hear the gentleman talk——

Mr. MOORE of Pennsylvania. Is it not true the gentleman was limited in the time he had to introduce and explain the bill, and is it not true the gentleman from Texas [Mr. HARDY] asked not to be interrupted because of the limited time?

The CHAIRMAN. The Chair will state the request for unanimous consent.

Mr. ALEXANDER. I reserve 10 minutes over here, and 20 minutes can go to the other side.

Mr. LENROOT. Reserving the right to object, how is that to be controlled?

Mr. ALEXANDER. The gentleman from Massachusetts [Mr. GREENE] can control it.

Mr. FOSTER. Reserving the right to object, is this to be made on genuine amendments to be offered, or is it to be just talk?

The CHAIRMAN. The Chair understands that the request is that it is to be on the amendment pending and the amendments to be offered in that time.

Mr. LENROOT. I would like to have it understood that the amendments are to be voted on as offered and not after the debate is closed.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that we have 30 minutes' debate on the pending section, and the amendment now before the House and such other amendments that may be offered in that time, and 10 minutes to be controlled by himself and 20 minutes by the gentleman from Massachusetts [Mr. GREENE].

Mr. LENROOT. Reserving the right to object, I do not think that was it exactly. The debate is to be closed in 30 minutes, and the votes are to be taken upon the amendments as offered and debated.

Mr. ALEXANDER. Within the 30 minutes.

The CHAIRMAN. Within the 30 minutes. With the modification of the gentleman from Wisconsin [Mr. LENROOT], the Chair will ask if there is objection to the request?

Mr. GREENE of Massachusetts. With the understanding that there are to be 30 minutes for debate.

Mr. HUMPHREY of Washington. Reserving the right to object, I do not know how this time is to be distributed. I have an amendment to offer, and I want five minutes.

The CHAIRMAN. The gentleman from Massachusetts will control time on that side.

Mr. HUMPHREY of Washington. We will wait and see if he can do it or not.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Iowa [Mr. TOWNER] is recognized for two minutes.

Mr. TOWNER. Mr. Chairman, I want to call attention only to this one fact before I sit down:

It has been said—and that is the only argument adduced by gentlemen who favor the retention of the Cabinet officers—that because of their intimate connection with this line of business they ought to be members of this commission. Why, gentlemen, that certainly is not a reason that ought to appeal to you, for if there is an intimate relation between, for instance, the Secretary of Commerce and this board, there is a much more intimate relation between his duties and the Trade Commission. Why did you not suggest that he should be a member of the Trade Commission or the Interstate Commerce Commission? And, as far as the duties of the Secretary of the Navy are concerned, Mr. Chairman, that should be a reason why he should not be considered as a member of this commission. These gentlemen should act with regard to the interests of the marine commerce of the country.

The Secretary of the Navy should represent only the Navy. The Secretary of the Navy should no more operate with the marine commission than the marine commission should help the Secretary of the Navy perform his duties. They each have separate functions and can act together whenever it is required they both shall do so. It is not necessary that the Secretary be given a place on the marine board, neither is it necessary the marine board should assist the Secretary in the performance of his duties.

Mr. Chairman, there are very many reasons that can not even be suggested here why this is an unwise policy. I think many of our Republican friends are very optimistic, I will say confident, that the administration will change very shortly. That may be merely an optimistic dream in the view of gentlemen on the other side, but it is within the range of possibility, at least. You ought to think of this commission as it may act under a Republican administration as well as under a Democratic administration.

Mr. COX. If the gentleman's party gets in control of this country, it can repeal that.

Mr. TOWNER. I did not yield to the gentleman. You ought to act with regard to this question from motives that are not political in any sense. We are certainly acting from motives that are not political, because, believing as we do that we will soon control, we might have the idea that we obtain some political advantage under such an arrangement. But that would be as unworthy of us as, I trust, you will consider such a reason unworthy of you.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 33, noes 34.

Mr. MOORE of Pennsylvania. Tellers, Mr. Chairman.

Tellers were ordered, and Mr. HADLEY and Mr. ALEXANDER took their places as tellers.

The committee again divided; and the tellers reported—ayes 41, noes 42.

So the amendment was rejected.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, strike out lines 14 and 15 and insert:

"Said board shall annually elect one of its members as chairman and one as vice chairman."

Mr. LENROOT. Mr. Chairman, if this amendment I have proposed be adopted, it will strike out the language:

One of such commissioners to be designated by the President as chairman of the board and one as vice chairman.

And insert in lieu of it the following:

Said board shall annually elect one of its members as chairman and one as vice chairman.

In other words, this amendment proposes to leave the election of the chairman of the board to the members of the board instead of his being appointed by the President, as the bill now provides.

Now, Mr. Chairman, a great deal has been said about the nonpolitical character of this board and the desire of the committee that there be no politics in it. I have accepted that in good faith, and if that is true I confidently expect the chairman of the committee will accept this amendment.

Mr. ALEXANDER. Will the gentleman please state what it is?

Mr. LENROOT. The amendment that I have offered proposes that the board shall elect its chairman annually instead of being appointed by the President. That is all.

Mr. ALEXANDER. I agree to that.

Mr. LENROOT. And vice chairman.

Mr. ALEXANDER. So far as I am personally concerned, I am agreeable to that.

Mr. LENROOT. If there is no opposition, I do not care to take the time to debate it further.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield to the gentleman from Washington [Mr. HUMPHREY] five minutes.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] is recognized for five minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment by way of a substitute for the section.

The CHAIRMAN. The gentleman from Washington offers an amendment as a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Strike out all of section 3 and insert:

"That a commission is hereby created and established, to be known as the United States shipping board, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate.

"At least one member of the commission shall be appointed from the Atlantic seaboard States; at least one from the Pacific seaboard States; at least one from the States bordering on the Great Lakes; at least one from an inland port; and at least one from the States bordering on the Gulf of Mexico. Not more than three of the commissioners shall be appointed from the same political party.

"Said commissioners shall not be actively engaged in any other business, vocation, or employment during their tenure of office.

"The commissioners first appointed by this act shall continue in office for the terms of three, four, five, six, and seven years, respectively, from the 1st day of June, 1916, the term of each to be designated by the President. Their successors shall be appointed for terms of six years, except that any person to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed.

"The commissioner first appointed for the term of three years, and thereafter his successor, shall have had practical experience at sea, within the last 10 years, for a period of a year or more, as a licensed ship master of an ocean-going steam passenger and freight vessel. The commissioner first appointed for the term of four years, and thereafter his successor, shall have had experience in the practical operation of shipping, and shall have been employed within the last 10 years, for a period of a year or more, in the capacity of superintendent or manager of a firm, or firms, engaged in the ocean carrying trade, with a fleet of more than three ocean vessels. The commissioner first appointed for the term of five years, and thereafter his successor, shall be an experienced marine engineer, and shall have had, within the last 10 years, at least one year's experience as chief engineer of an ocean-going passenger and freight vessel. The commissioner first appointed for the term of six years, and thereafter his successor, shall be a naval architect, who shall also be experienced in marine engineering, and shall have been so employed, within the last 10 years for a period of at least three years, in a recognized shipbuilding plant. The commissioner first appointed for the term of seven years, and thereafter his successor, shall be learned in the maritime law and shall be the chairman of the commission.

"Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"No vacancy in the commission shall impair the right of the remaining commissioners to exercise the right of all of the powers of the commission.

"During a vacancy of chairman the remaining commissioners may select one of their number to act as chairman pro tempore until a new commissioner to act as chairman shall be appointed and qualified. Three members of the commission shall constitute a quorum, and the majority vote of all the commissioners then qualified to act shall control.

"The commission shall have a seal, which shall be judicially noticed.

"Either of the members of the commission may administer oaths and affirmations and sign subpœnas.

"That for the purposes of this act the commission shall have power to require, by subpœna, the attendance and testimony of witnesses, and the production of all books, papers, and documents relating to any matter under investigation, at any designated place of hearing, and may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers and documents, and any failure to obey the order of the court may be punished by such court as contempt thereof.

"That said commission shall formulate and prescribe rules and regulations governing the construction, gross and net tonnage measurement, shipping of crews, equipment, inspection, licensing, enrollment and registry, operation, and navigation of vessels of the United States of whatever class, kind, size, or motive power.

"That the commission shall take over the functions of the Steamboat-Inspection Service and the Bureau of Navigation, fill all vacancies that may occur in said services, and review all questions passed on by the local or supervising inspectors when an appeal is taken to the commission by the parties in interest; the commission shall also formulate rules for fixing the freeboard of all vessels of the United States, under load conditions, for summer and winter service, with modifications to meet the requirements of different trades, and for freight and passenger service, and, in connection with freeboard, the question of adequate transverse and other subdivision; the stability curves of all ships carrying passengers shall also be examined by the commission. Said commission shall administer the laws governing the licensing and the rights and duties of all officers of vessels of the United States, and shall administer the laws governing the rights and duties and qualifications of seamen, and shall formulate and prescribe rules and regulations governing the shipping and water-borne commerce of the United States, which rules and regulations shall become effective whenever promulgated by the President by proclamation thereof; such rules and regulations may be repealed, changed, modified, or amended by the commission or by promulgating act of the President, and all acts of law inconsistent with or incompatible with the authority hereby given said commission are repealed by this act.

"That the commission shall make careful comparison between the navigation laws of the United States and other maritime countries to ascertain if, as regards statutory regulations, American shipping carries any burdens that the shipping of other nations are free from, and also to determine the difference in the cost of construction of vessels in the United States and the cost of construction of vessels in other maritime countries, and if it is found that American shipping does carry burdens that other nations are free from the commission is hereby given the power, and it is the intent of this act that the commission shall take the necessary steps to remove such burdens from American shipping.

"That the salaries of the commissioners shall be $10,000 per annum for each commissioner, payable in the same manner as the judges of the courts of the United States.

"That the commission is authorized and empowered to appoint a secretary, to serve at the pleasure of the commission, at a salary of

$5,000 per annum, and to engage such other employees and assistants as it may deem advisable, whose terms of employment of service shall be at the pleasure of the commission and whose salaries or wages or compensation shall be fixed by the commission, with the approval of the President.

"Until otherwise provided by law the commission may hire suitable offices for its use and shall have authority to procure all necessary office supplies

"Witnesses summoned before the commission shall be paid the same fee and mileage that are paid witnesses in the courts of the United States.

"All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employees under their order, in making any investigation or upon official business in any other places than the city of Washington, shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission.

"On or before the 1st day of December in each year the commission shall make a report to Congress, which reports shall also contain its findings and recommendations.

"That the commission shall have full power and authority to do all acts and to incur all obligations necessary to the carrying into effect of the letter and spirit of this act, and all laws to the contrary are hereby repealed; and the bureaus now known as the Steamboat-Inspection Service and the Bureau of Navigation are abolished as such with the appointment of the commissioners named, who shall perform the functions of said bureaus and who shall take over all funds appropriated for said bureaus and through consolidation of the functions of those bureaus administer the same."

Mr. HUMPHREY of Washington. Mr. Chairman, this amendment is a bill that was introduced by the distinguished gentleman from Virginia [Mr. SAUNDERS]. I want to say, however, in justice to the gentleman from Virginia, that I do not know that he approves it, and possibly it was introduced merely as an accommodation. I did not introduce it as an amendment here for the purpose of binding or in any way embarrassing the gentleman from Virginia. That was not the object. I simply used that print because it was convenient.

I think the bill in substance was drawn by Capt. John F. Blain, of Seattle, who is trustee of the Merchants' Exchange of the city of Seattle and chairman of their shipping committee. I may say, further, that Capt. Blain has had wide experience in the command of vessels, both sail and steam, and he has also served as inspector of hulls in the Bureau of Steam-Inspection Service. I say that in order to show his competency to draw up a bill of this character. I read it over and I was struck with the wisdom of some of the provisions, and thought it was a better bill than the one that is now pending before the committee.

I do not undertake to explain it, however. The time I have will not permit. But that is no particular reason why it should not be adopted. Nobody there knows anything about this bill except, first, that it appropriates $50,000,000—that is certain—and second, that it provides for members of a shipping board who will draw a big salary. That also is certain. Everything else is left to the imagination. [Applause and laughter on the Republican side.]

As I said this morning, Mr. Chairman, no man can tell where they will get a ship under the terms of this bill. They can not tell where they will build one or where they will buy one or where they will get terminal facilities in case they obtain any ships; nor can they tell what ports they are going to run them from or to or anything about it. The whole thing is a socialistic dream. [Laughter on the Republican side.]

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield for a question right there?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Missouri?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. Will you let us use your municipal docks at Seattle if we build or buy these ships?

Mr. HUMPHREY of Washington. Well, will the gentleman promise that one of these lines shall be run from Seattle? Let us have something definite.

Mr. ALEXANDER. Will you let us use your municipal docks?

Mr. HUMPHREY of Washington. You can use the municipal docks if you get the ships and will give us a line from Seattle. But if you give to Seattle one of these lines I do not see how you can square yourself without giving one to San Francisco also; and if you give one of these lines to San Francisco I do not see how you will square yourselves with Los Angeles unless you give one to Los Angeles; and if you give lines to the Pacific coast what will you do about Galveston and Mobile on the Gulf? And if you give one line to any port on the Atlantic coast you will have to square yourselves with other ports on the Atlantic coast.

It just shows, Mr. Chairman, the absurdity of the whole proposition. You have just enough vessels here to discourage private ownership. You will have vessels to carry only such a small part of the commerce as to have no effect upon it whatever, except to discourage private effort. If there ever was an equally absurd proposition, it was the one you introduced in your tariff bill to reduce the tariff duties on foreign goods carried in American ships. That proposition was in a class by itself. [Laughter.] Nobody is in favor of it on that side of the House now that you have tried it, and if this bill is put on the statute books after a while there will not be anyone over there who will be in favor of it. You just have enough Government ownership here to stand as a threat to private enterprise, so that private enterprise will never do anything as long as this threat remains.

Nobody on that side of the aisle knows and nobody can say whether these ships are going to be run at a profit or at a loss. Of course we on this side all know that they will be run at a loss. But if they do ever happen under any circumstances under this bill to make a profit, then if you act in accordance with the message of the President when he came here and told you he wanted this legislation you will immediately put them out of business, so that under no circumstances will the Government get the best of this proposition. According to the statement of the President in his message, if you make a profit the Government will quit. But any way you do it you will put your hand into the Treasury, notwithstanding your platform declaration to the effect that you would not take anything out of the Treasury or place any burdens upon the people in order to develop a merchant marine. I would like to know whether you will take $50,000,000 out of the Treasury if you enact this bill? [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MADDEN. It would take $500,000,000 out of the Treasury.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

Mr. SAUNDERS. I simply desire to say with reference to the bill embodied in the substitute offered by the gentleman from Washington [Mr. HUMPHREY] that Capt. Blain testified before our committee, and we found him a very intelligent gentleman who made several suggestions that we regarded as valuable. The bill prepared by him was introduced by me in order that we might have its contents in a convenient form for reference.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. HUMPHREY of Washington. I hope the gentleman will not think that I attempted in any way to embarrass him by embodying his bill in my amendment. I explained the way I used it.

Mr. SAUNDERS. Oh, no; I do not understand it that way at all. I merely wish to point out the fact that Capt. Blain made some suggestions that were taken from his bill, and that I introduced this bill in order that all of its suggestions would be before us. The only difference of real moment between that bill, and the pending bill, is the limitation that the substitute proposes to place on the appointing power with respect to the selection of the members of this board, by the reference to certain geographical divisions of the United States.

I suggest that this limitation is neither wise nor wholesome. If the members of the committee will look to the bottom of page 3, they will find the following language:

The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this act, and to a fair representation of the geographical divisions of the country.

Under this language the considerations of geographical location, as well as the considerations of the qualifications of the appointees to discharge the important functions to be committed to them, will be entertained by the President in the exercise of his power of appointment. The committee largely followed a provision of the Federal reserve act, going however a little further than that act. This is the provision of the Federal reserve act, with regard to the selection of the five appointive members of the Federal Reserve Board:

The President shall have a due regard to the fair representation of the different commercial, industrial, and geographical divisions of the country.

The language of the pending bill merely affords the legislative attitude with respect to the determining considerations in the appointment of the commissioners.

The attempt to surround the appointments with too many encumbering restrictions, would, in the result, be futile, since the appointing power, if so disposed, could evade them, and if he is not so disposed, then they will not be needed. The President will have no difficulty in working out the selection of the men who ought to be on this board, by reason of their location, as well as their fitness in all respects to discharge the functions attaching to the appointments. I do not think this substitute

ought to be adopted, for the reason, as I have stated, that the really meritorious portions of it will be found in the bill of the committee, now under consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was rejected.

Mr. GREENE of Massachusetts. I yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the following amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 3, line 13, after the word "Senate" insert "at all times at least two of such commissioners shall be men who have had not less than 10 years' actual experience in some branch of the shipping business."

Mr. BENNET. Mr. Chairman, I desire to be stopped at the close of one minute.

If this board is to be of any importance at all, it is to be of great importance. Representing as I do in part the greatest shipping port of the hemisphere, I sincerely trust that this Congress will see to it that there are upon that board at least two men who have had experience in the shipping business. If this board related to any other business, there would not be any question for a moment but what it would be provided by statute that some of the commissioners should be men who knew something about the business. Now this bill does not make such provision. I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 3, line 13, after the word "Senate" insert "At least one of such commissioners shall be a seaman as defined by the statutes."

Mr. BENNET. Mr. Chairman, in the public-service commission law of the State of New York there is a provision which I have always thought a good one, that one of the commissioners must be a practical railroad man; and we always have a brakeman, a conductor, or some man like that on the public-service commission up State. It seems to me that on this commission, so vitally affecting seamen, there ought to be at least one seaman, and I give the House the chance to recognize the men that go down to the sea in ships.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The amendment was rejected.

Mr. BENNET. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 4, line 12, after the word "seal," strike out "which shall be judicially noticed."

Mr. BENNET. Mr. Chairman, a brief inspection of the Revised Statutes shows that this committee is attempting to give to this seal a privilege which the Great Seal of the United States does not have, nor does the seal of any one of the departments; and in addition, as a mere incident, something which neither the committee nor the House can confer on a seal. You can not make a judge take judicial notice of something he does not know anything about. All of us who are lawyers know that the only thing of which a judge will take judicial notice is something that he knows. Suppose you go into court and say to the judge, "This is the seal of the shipping board. You must take judicial notice of it." The first thing he will say to you is, "Prove that it is the seal of the shipping board." After that is done, of course, it is admissible anyway. This provision is simply foolish, and I hope it will be voted out.

Mr. ALEXANDER. Mr. Chairman, I will say that the interstate-commerce law has such a provision in it, and other laws have similar provisions.

Mr. BENNET. You can not find it in the interstate-commerce law.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

The amendment was rejected.

Mr. GREENE of Massachusetts. I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I move to strike out the last word, to make an observation upon this section. As I read it, each President will have the power at certain periods to appoint four of the five commissioners. I notice that there will be one year in every six when there will not be an appointment made, since the term is for six years and there are but five to be appointed. Now, while it is suggested that there will not be any politics in it, we ought to realize that there will be at least four out of the five appointed by a single President within four years, and two in addition are to be Cabinet members, which makes it possible that at all times there will be five of the seven belonging to the same political party and six of the seven appointed by the same man. While I appreciate what the chairman in charge of this bill has said, that politics will not crawl into this thing, I think there is a real danger that politics may become a real factor in appointments, since everybody will recognize the difference between the political complexion of an appointive board or commission such as here proposed and an elective body such as the courts mentioned by members of the committee in answer to Mr. TOWNER of Iowa. As a rule the supreme courts of the States are elective. The supreme court of my State is elective, and the same is true of Western States including Iowa. In the State of Pennsylvania, as I remember, it is appointed, but generally these courts are elective. As such they are not subject to executive control, which is always the danger. Here is an appointive commission, in the power of the President. If you make it possible for him to use five out of seven for political purposes, the pressure at times will be tremendous upon him to use it.

Democrats at least should not forget the powerful inveighing of their former great leader, Andrew Jackson, in his persistent campaign against the old national bank, and his successful prosecution if not persecution of its head, Mr. Biddle, of Pennsylvania.

The lodgement of appointments and a firm grip upon the purse strings of any considerable group in the hands of one man are always to be guarded. If ever any Government agency should be free of politics, those which command the money, the trade, the commerce, domestic and foreign, of the country should be free of that taint. I am aware that you say that the same provision is in the Federal Reserve Board. Some of us attacked that provision when we were ridiculed for the suggestion of a partisan complexion. There is no provision for a nonpartisan complexion, since the Senate struck out that provision which the House regarded as a safeguard. You are aware that in the Federal Reserve Board, as constituted by President Wilson, they were all, with the exception of one doubtful member, of the same political party. Had not the Senate rejected the name of Mr. Jones, that board would have none but Democrats. You notice that a similar partiality is existant in the Interstate Trade Commission. Not only were there no Republicans selected, but a majority were conspicuous as party workers. I think it is not out of place to call attention to what we should expect in this case, in the light of the past. It would be wise to guard this provision so that a quadrennial election might not be an invitation, as well as an occasion, to use such a powerful board for political purposes. It is the one feature I see where there is a possibility that pernicious political activity may be used. For their own protection, as well as the country's welfare, these men ought to be free from suspicion, and it would be an easy matter to cure that danger.

Mr. ALEXANDER. I would like to ask the gentleman how a political influence could affect it?

Mr. FESS. Any commission that has control of $50,000,000 and the regulatory power of the country's water commerce has a powerful leverage in its hands.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 15, after the word "chairman," insert the following: "*Provided*, That any person who has served in the Senate or House of Representatives of the United States prior to the Sixty-fourth Congress shall be eligible to appointment as a member of said board."

Mr. GREENE of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment proposes to admit Members of the House or of the Senate prior to the Sixty-fourth Congress to appointment as members of this United States shipping board, if the President in his judgment shall see fit to appoint one or more of such former Members. I tried to find out a little while ago, when discussion of the two Cabinet officers was under consideration, why the Secretary of the Treasury had been eliminated from the board. I have since learned that the Secretary of the Treasury, having very important duties in the Treasury Department and having just returned from a tour of another country, is unable to give the time and attention to the United States shipping board that it would deserve at his hands. Moreover, being a member

of the Federal Reserve Board, perhaps it would be duplicating the duties imposed on him and make the work more irksome than he could bear. In view of the fact that the committee has voted the Secretary of the Treasury out of the bill, but has kept the Secretary of the Navy and the Secretary of Commerce in, I have offered this amendment suggesting the availability of Members of Congress prior to this Congress. It would be indelicate, of course, for Members of this Congress to seek appointment on this board, but those who have been faithful in the service heretofore ought not to be cut out under any new policy that may be inaugurated by the President of the United States.

Now, I had in mind that there might be some changes in Congress very soon. Only a few days ago my distinguished colleague on the other side, the eloquent and forceful chairman of the Immigration Committee, came back from Alabama, having been renominated, according to the biblical term, by "the skin of his teeth." Had it been otherwise, it is possible, by reason of his long and able service here, the President might have been induced, in view of the withdrawal of the Secretary of the Treasury, to appoint him a member of the United States shipping board. His splendid knowledge of immigration——

Mr. BURNETT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. BURNETT. I thank the gentleman for his compliment, but I was not renominated by the "skin of my teeth." I beat both of them by a good majority. [Applause.]

Mr. MOORE of Pennsylvania. I congratulate the gentleman. I had no doubt when he left for the Alabama hustings that he would come back and make a good report of himself. Mr. Chairman, I have offered this amendment to protect the rights of Members of Congress. Why they should be eliminated from high places after they have retired from arduous service here I do not understand. We will all agree that this is not a partisan question. Prior administrations have recognized the merits of Members of Congress and under the title of "lame ducks" have provided for them on various boards and commissions, but the present President of the United States, who will have full power and authority in this matter, has been changing conditions a little. While it is true that he does not seek far for many members of the Republican Party to appoint on so-called nonpartisan commissions, he has not, up to this writing, appointed any conspicuous number of former Members of Congress to any of these lucrative positions on the numerous boards and commissions that the Sixty-third and Sixty-fourth Congresses have so generously created.

The danger point, the point that I would obviate to protect former Members of Congress, arises in the bill known as the Rainey tariff commission bill, which is the special measure of the President of the United States, as I understand. Even the leader of the Democratic Party in this House has not seen fit to introduce this bill in his own name. There are certain provisions in the bill which are evidently not acceptable to the gentleman from North Carolina [Mr. KITCHIN], so the gentleman from Illinois [Mr. RAINEY] sponsors the measure as the President's own.

But it presents the danger point. This new nonpartisan tariff commission bill provides that no Member of Congress shall be appointed to the tariff commission. We have a chance to remedy this defect in the present bill before the practice goes too far.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. And I hope the Democrats will do it. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 4. That each member of the board, except the ex officio members, shall receive a salary of $10,000 per annum. The board shall appoint a secretary, at a salary of $5,000 per annum, and employ and fix the compensation of such attorneys, officers, naval architects, special experts, examiners, clerks, and other employees as it may find necessary for the proper performance of its duties and as may be appropriated for by the Congress. The President, upon the request of the board, may authorize the detail of officers of the military and naval services of the United States for such duties as the board may deem necessary in connection with its business.

With the exception of the secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary to employ for the conduct of its work, all employees of the board shall be a part of the classified civil service.

The expenses of the board, including necessary expenses for transportation, incurred by the members of the board, or by its employees under its orders, in making any investigation, or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the board.

Until otherwise provided by law, the board may rent suitable offices for its use.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the board.

Mr. ESCH. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 25, after the word "military," strike out the word "and" and insert, after the word "naval" in the same line, the words "or other."

Mr. ESCH. Mr. Chairman, this amendment has for its only purpose the enlargement of the field of information which may be made available to this new shipping board. In the Federal Trades Commission bill, which was passed in the last Congress, we made available for that board every bureau or department of the Government in order to give it the fullest possible opportunity to investigate every subject matter within the purview of the act. In the bill we have before us the President, upon the request of the board, may authorize the detail of officers of the military and naval services——

Mr. ALEXANDER. What is the gentleman's amendment?

Mr. ESCH. "And other services," so as to make it as broad as possible. I can conceive of how this shipping board might want to avail itself of information, for instance, in possession of the Interstate Commerce Commission. It will have to deal with very complicated questions and schedules and rates. The commission would have experts, and it might supply very valuable information for this new shipping board.

Mr. ALEXANDER. I think that is all right.

The question was taken, and the amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to amend by striking out the first four words of line 3, page 5, and inserting, in line 7, before "all," the word "and," and after "all" the word "other," so that it would read:

The secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary to employ in the conduct of its work, and all other employees of the board shall be a part of the classified civil service.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 3, strike out the words "with the exception of," and, in line 7, before the word "all," insert the word "and," and after the word "all" insert the word "other."

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes, 5 to be occupied by the gentleman from Ohio and 5 by some one on this side.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on this amendment shall close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Chairman, this provision is another assault upon the merit system or the civil service as we understand it to be under the present law, and I want to call attention to what this Congress and the last Congress have done along this line.

I had occasion to make some investigation of the history of Congress since it has been under the control of our Democratic friends in their relation to the merit system. Now, I recognize that the civil service is not favored by some Members of the other side. Many chairmen of committees have frankly and openly assaulted it on the basis that it is a farce, and frequently Members not chairmen of committees have spoken in a similar vein, which leads me to believe that there is some very pronounced and well-defined dominance of opinion, as represented in this Democratic Congress, in opposition to the merit system. I do not believe that the country is ready to go back to the old spoils system of years ago. I think that one of the most pronounced items of progress in efficiency as well as economy of administration has been the operation of the recognized civil service under the merit system, and yet there have been nearly a dozen specific enactments since our Democratic friends have come into control, every one of which is an attack, some of them open and some of them subtle, against the merit system.

The Federal reserve act is one of the big legislative acts, the interstate-trade act is another, and another is the rural-credits act. Now, here comes this shipping bill, that will be in glaring headlines a part of the legislative program of the Sixty-third and Sixty-fourth Congresses, and I want to remind you that in every great act that you determine or denominate as a great act you have had an assault upon the merit system in this legislation; and there are other times where it has been done by riders upon appropriation bills that are not so conspicuous, yet entirely consistent with other attacks.

Mr. SAUNDERS. Will my friend yield in that connection?

Mr. FESS. I will.

Mr. SAUNDERS. The gentleman would not want the Secretary appointed under civil-service regulations, would he, or the clerk to the commission; the gentleman would not want him to be appointed under civil-service regulations. The commission would want its own secretary.

Mr. FESS. I am of opinion, I will say to my friend from Virginia, that there might be exceptions where it is rather a personal matter.

Mr. SAUNDERS. Well, now I was just going to ask where in this sentence the gentleman can find a possibility of people being appointed who are not under civil service who in the judgment of the gentleman ought to be in the civil service? These special experts and examiners?

Mr. FESS. I do not see why these various officers should be exempt from the civil service.

Mr. SAUNDERS. The great bulk of the employees who will be employed under this act, as the gentleman will see, are made from the classified service.

Mr. FESS. I do not see why naval architects, special experts, and examiners; or, in other words, why this provision is here except to avoid the civil-service regulations.

Mr. SAUNDERS. I might agree with the gentleman as to putting architects under the civil service, but as to these special experts, you can not make them subject to the Civil Service Commission.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I will be frank and fair with my friend. What I am after is not to attack the Civil Service Commission to the point of breaking it down, which I very much fear in the light of the past.

Mr. SAUNDERS. I agree with the gentleman fully, and in that respect I think we do not go very far.

Mr. THOMAS. Mr. Chairman, I ask to say a word or two about the civil service.

The CHAIRMAN. Will the gentleman from Kentucky pardon the Chair for a moment? There were 10 minutes agreed upon in this matter, and the gentleman from Missouri [Mr. ALEXANDER] should be recognized.

Mr. ALEXANDER. I yield to the gentleman for two minutes.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky may be allowed to proceed for five minutes.

Mr. ALEXANDER. I yield to the gentleman from Kentucky five minutes, then.

Mr. THOMAS. Mr. Chairman, I am utterly opposed to this so-called civil service or merit system, except, perhaps, in the departments in Washington City. I believe that a Congressman knows more about his district than any civil-service commission that ever existed. I believe a Congressman is better qualified to name the postmasters and the rural-route carriers in his district than anybody else.

Now, we have this so-called merit system in regard to rural routes and it has been operating in my district. And right recently four of the gentlemen who stood brilliant examinations and at the head of the class were discharged for incompetency. And only a day or two ago one was discharged for incompetency, for drunkenness, for gambling, and running after women. Outside of those few charges, gentlemen, he was all right. [Laughter.]

Now, that is your system. Why, it is a perfect fake. Generally the fellows that loaf around and do not work and study a little stand these examinations and make the best grade. I heard of one fellow who stood one of these examinations for rural-route carrier a good while ago, and they asked him what was the distance from the earth to the sun. He said he did not know, but he did not believe it was close enough to interfere with his duties. [Laughter.]

So I am against the whole business. If the Republicans get in, I want you to have the offices; and you will get them, or you will try to get them, every single one of you. You will make every effort in the world to turn out every Democrat who is now serving this Government under civil service, and you will trump up some character of charge or other, and do it, too. Oh, yes: you are for civil service now because you are not in power. That is the reason for it. You are not in power and you do not want us to have these offices. I am in favor of repealing the whole thing. Call me a spoilsman if you wish, but I am one of those Democrats who believe that to the "victor belong the spoils," and I believe there is a competent Democrat in this country to fill every office in it. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. FESS].

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. FESS. Division, Mr. Chairman.

The committee divided; and there were—ayes 25, noes 55.

So the amendment was rejected.

Mr. BENNET. Mr. Chairman, on page 5, lines 4 and 5, I move to strike out the words "and such special experts and examiners."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, lines 4 and 5, strike out the words "and such special experts and examiners."

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes, and that the gentleman from New York [Mr. BENNET] have the time.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that all debate on this amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, I sympathize a good deal with the gentleman from Kentucky [Mr. THOMAS]. There is a good deal of fake about this civil-service proposition, and I would have been satisfied when you Democrats came in three years ago if you had fired every Republican you could have laid your hands on, and I am somewhat ashamed of you because you did not. Some years ago in New York City there were laborers in the park department in The Bronx. The reformers came in, and the reform superintendent established two new classes—lawn trimmers and tree climbers—and it was a curious thing that the men that got on the list were Republicans from his part of The Bronx.

He found out that he did not need any laborers, but what he needed were lawn trimmers and tree climbers, and so he fired all the laborers and appointed lawn trimmers and tree climbers, who, curiously enough, were at once doing the work which the laborers had performed. In due course of time the reform administration went out, as reform administrations are in the habit of doing, and back came Tammany. So the Tammany superintendent raked up a couple of titles and fired the lawn trimmers and tree climbers. What happened to him? The Civil Service Reform Association held up its hands in holy horror, went before the grand jury in the then county of New York, and had him indicted for doing exactly what the reform administration which preceded him had done. There is a good deal of "bunk" about it.

Now, I know what will happen in relation to these "special experts and examiners" if this bill passes. Those are places where they will put a large number of "deserving Democrats." When the Democrats go out on the 4th day of March, 1917, those "deserving Democrats" will go out, and we will put in a few "deserving Republicans" in their places. It is all "bunk." [Laughter.] I ask unanimous consent, Mr. Chairman, to withdraw my amendment.

Mr. SABATH. Mr. Chairman, will the gentleman yield for a minute?

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

Mr. FESS. I object to the withdrawal of the amendment, Mr. Chairman.

Mr. SABATH. The gentleman is not worrying a great deal, or losing a great deal of time in thinking what particular men he will put in in 1917 to take the places of these men? I assure him he will not have to worry a great deal. [Laughter.]

Mr. BENNET. I do not worry. It is all over. [Laughter.]

Mr. HUMPHREY of Washington. There are none of us worrying about it over here. [Laughter.]

The CHAIRMAN. Without objection, the amendment of the gentleman from New York will be withdrawn.

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. COOPER of Wisconsin. Mr. Chairman, after listening to the gentleman from Kentucky [Mr. THOMAS] speak in favor of the principle of the old spoils system, and, in effect, advocate its restoration in the civil service of the Government, I desire to call his attention, and the attention of other gentlemen in the House who may be similarly minded, to what was said concerning that system by eminent statesmen, Democrats and Republicans, who were familiar with its actual workings. I will read from the CONGRESSIONAL RECORD, Fifty-eighth Congress, second session, volume 38, part 1, pages 724 and 725. A distinguished Democrat, Senator Bayard, of Delaware, is quoted as saying:

No man obtained an office except he was a violent partisan, and the office was given to him as a reward for party services; and so things went on until the offices generally were filled under that system, which

was false and dangerous in the extreme—a system which, as my friend from Ohio said, is absolutely fatal to the integrity of republican institutions, I care not what party or under what name it may be organized and carried on.

Another equally distinguished Democrat, Senator Vest, of Missouri, said on the floor of the Senate:

When I entered the Senate I became chairman of the Committee to Examine the Several Branches of the Civil Service, and for two years I was engaged with the rest of that committee in taking testimony upon the subject of civil-service reform. That very great evils exist there can be no sort of question—evils so monstrous, so deadly in their effects, that men of all political parties have come to the conclusion that some remedy must be applied.

A great Republican, President Grant, speaking of the evils of the spoils system, said in 1870 in a message to Congress:

There is no duty which so much embarrasses the Executive and heads of departments as that of appointment, nor is there any such thankless labor imposed on Senators and Representatives as that of finding places for constituents.

I ask the attention of the gentleman from Kentucky, although he seems to have gone from the House—I hope that he will read this—to what President Grant further said in the same message concerning the system which Senator Vest and Senator Bayard described as corrupt and corrupting:

The present system does not secure the best men, and often not even fit men, for the public places. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Illinois?

Mr. COOPER of Wisconsin. I can not yield until I have read some more Republican authority. Is the gentleman a champion of that system?

Mr. SABATH. No; I am not.

Mr. COOPER of Wisconsin. Gen. Garfield declared on the floor of the House on the 4th of March, 1870:

We—?

That is, Members of the Senate and the House—

We press such appointments upon the departments; we crowd the doors; we fill the corridors; Senators and Representatives throng the offices and bureaus until the public business is obstructed; the patience of officers is worn out, and sometimes, for fear of losing their places by our influence, they at last give way and appoint men, not because they are fit for their positions, but because we ask it.

In an article, published in the Atlantic Monthly Gen. Garfield said:

One-third of the working hours of Senators and Representatives is hardly sufficient to meet the demands made upon them in reference to appointments in office. * * * The present system * * * impairs the efficiency of legislators. * * * It degrades the civil service.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. SABATH. Reserving the right to object, Mr. Chairman, I would like to know if the gentleman will yield to me for a simple question and a short question?

Mr. COOPER of Wisconsin. Make it as short as possible.

Mr. SABATH. It will be.

Mr. COOPER of Wisconsin. I have no doubt it will be simple. [Laughter.]

Mr. HUMPHREY of Washington. Mr. Chairman, let me suggest to the gentleman from Wisconsin that we are very hungry. Will he not consent to resume to-morrow morning?

Mr. COOPER of Wisconsin. It will only take two minutes to finish.

Mr. BARNHART. I may want to reply to it.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. COOPER of Wisconsin. Said Gen. Garfield:

The present system * * * impairs the efficiency of the legislators; * * * it degrades the civil service; * * * it repels from the service those high and manly qualities which are so necessary to a pure and efficient administration; and, finally, it debauches the public mind by holding up public office as the reward of mere party zeal.

To reform this service is one of the highest and most imperative duties of statesmanship.

The author of the original civil-service law was a man conversant with the outrageous practices that obtained under the old spoils system—a Democrat, Senator George H. Pendleton, from the State of Ohio. Dorman B. Eaton, a Connecticut statesman, a Democrat, was also an ardent champion of civil-service reform. The offices in the civil service of the Government belong not to Senators or Representatives in Congress but to all the people of the United States, and they ought to be filled by employees selected because of their fitness to render the people efficient service, and not merely because of their willingness to serve the Senators or Representatives who appoint them.

Mr. SABATH. Will the gentleman yield for a simple question?

Mr. COOPER of Wisconsin. I will.

Mr. SABATH. Is it not a fact that the conditions that the gentleman has quoted to us applied to, and that those horrible conditions existed only, under a Republican administration?

Mr. COOPER of Wisconsin. There is no doubt about that being a simple question, too simple for me to attempt an answer.

Mr. SABATH. If it is so simple, why does not the gentleman answer it, whether those conditions prevailed under a Republican administration or not? The answer is that they did, because the Democratic Party was not then in power, and had been out of power for many years, and therefore those conditions must have applied to the system that prevailed under a Republican administration.

Mr. COOPER of Wisconsin. When Daniel Webster and John C. Calhoun, two of this country's most illustrious statesmen, were in Congress, before the Republican Party was born, they united in a report declaring that the spoils system if allowed to continue, would surely become a source of great danger to the Nation. The originator, the father, of the spoils system in the civil service of the Government was a Democrat, President Andrew Jackson. After him it existed under all administrations until the enactment of the civil-service law.

Mr. ALEXANDER. Will the gentleman yield to me now?

Mr. COOPER of Wisconsin. I yield to the gentleman from Missouri.

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

LEAVE OF ABSENCE.

The SPEAKER. About a week ago the gentleman from Pennsylvania [Mr. CASEY] telegraphed me that he wanted leave of absence on account of a death in his family. I lost the telegram, and I now ask that he have leave of absence to date back one week. That will put him right on the record. If there is no objection it will be so ordered.

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to print in the RECORD in extension of my remarks a statement of the National Trade Council upon foreign trade.

The SPEAKER. The gentleman from Ohio asks to print in the RECORD as a part of his remarks a report of the National Trade Council. Is there objection?

Mr. BARNHART. Reserving the right to object, I should like to inquire how long it is.

Mr. FESS. Very brief.

Mr. BARNHART. There were 46 pages of the RECORD taken yesterday by one Member of Congress.

Mr. MANN. Yes; putting into the RECORD a report made by another Member, to whom credit was not given.

Mr. FESS. I will.

Mr. FESS. Division, Mr. Chairman.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of pensions.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD on the subject of pensions. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Friday, May 19, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 217) to authorize the sale of school property in the city of Denver, Colo., and for other purposes, reported the same with amendment, accompanied by a report (No. 713), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BLACK, from the Committee on the Post Office and Post Roads, to which was referred the joint resolution (H. J. Res. 193) authorizing the Postmaster General to provide the postmaster of Newark, N. J., with a special canceling die for the Newark two hundred and fiftieth anniversary celebration, reported the same without amendment, accompanied by a report (No. 714), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 208) authorizing the Postmaster General to provide the postmaster of Southbridge, Mass., with a special canceling die for the Southbridge one hundredth anniversary celebration, reported the same without amendment, accompanied by a report (No. 715), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORGAN of Oklahoma, from the Committee on the Judiciary, to which was referred the bill (H. R. 14471) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported the same without amendment, accompanied by a report (No. 716), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 11584) for the relief of D. B. Barbour and A. P. Gladden, copartners doing business under the firm name of Brown, Barbour & Gladden, reported the same with amendment, accompanied by a report (No. 717), which said bill and report were referred to the Private Calendar.

Mr. SWIFT, from the Committee on Claims, to which was referred the bill (H. R. 4537) for the relief of the P. J. Carlin Construction Co., reported the same with amendment, accompanied by a report (No. 718), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 12463) for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn., reported the same without amendment, accompanied by a report (No. 728), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 10661) for the relief of Blair and Blake, reported the same with amendment, accompanied by a report (No. 729), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 1777) for the relief of Frank J. Deutsch, reported the same with amendment, accompanied by a report (No. 730), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 12244) for the relief of the D. B. Martin Co., of Philadelphia, Pa., reported the same adversely, accompanied by a report (No. 724), which said bill and report were laid on the table.

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 9698) to carry out the findings of the Court of Claims in the case of Velma C. Williams, administratrix of the estate of Paul Curtis, reported the same adversely, accompanied by a report (No. 726), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 9296) for the relief of Walter W. Parker for overtime work in the Navy Department, reported the same adversely, accompanied by a report (No. 725), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15658) granting a pension to Ellen Merritt, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. PAGE of North Carolina [from the Committee on Appropriations]: A bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. RAUCH [from the Committee on Appropriations]: A bill (H. R. 15775) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. RICKETTS: A bill (H. R. 15776) to authorize the acquisition of a site and the erection of a Federal building at Circleville, Pickaway County, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. KALANIANAOLE: A bill (H. R. 15777) to authorize and provide for the manufacture, maintenance, distribution, and supply of gas in the district of South Hilo, county of Hawaii, Territory of Hawaii; to the Committee on the Territories.

By Mr. CARY: A bill (H. R. 15778) to amend the law relating to national homes; to the Committee on Military Affairs.

By Mr. PAGE of North Carolina: Resolution (H. Res. 240) making in order certain provisions carried in the bill (H. R. 15774), making appropriations for the expenses of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes; to the Committee on Rules.

By Mr. O'SHAUNESSY: Joint resolution (H. J. Res. 225) increasing the compensation of the Capitol police; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and a resolution were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 15779) granting an increase of pension to David S. Griffith; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 15780) granting an increase of pension to Emily E. Smith; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 15781) granting a pension to Delphene E. Bird; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 15782) granting an increase of pension to Catherine Green; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 15783) granting a pension to William H. Scincraft; to the Committee on Pensions.

Also, a bill (H. R. 15784) granting an increase of pension to Jacob Bruno; to the Committee on Pensions.

By Mr. KELLEY: A bill (H. R. 15785) granting an increase of pension to Emeline E. Himes; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15786) granting an increase of pension to Martin Buehler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15787) granting an increase of pension to G. W. Coble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15788) granting an increase of pension to Mary C. G. Schwartz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15789) granting an increase of pension to Charlotte H. Moore; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 15790) granting a pension to Mrs. Adeline L. Black; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 15791) granting a pension to Herman H. Jahn, alias Herman Martin; to the Committee on Pensions.

Also, a bill (H. R. 15792) for the relief of George Andrews; to the Committee on Military Affairs.

By Mr. MORRISON: A bill (H. R. 15793) granting a pension to Mary T. Shepherd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15794) granting an increase of pension to Savannah Ward; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 15795) granting an increase of pension to Alice M. Hays; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15796) granting an increase of pension to Isaac W. Nutting; to the Committee on Military Affairs.

By Mr. ROWE: A bill (H. R. 15797) for the relief of Charles L. Schroeder; to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 15798) granting an increase of pension to Sidney W. Davy; to the Committee on Invalid Pensions.

By Mr. STEELE of Pennsylvania: A bill (H. R. 15799) to reinstate Paul D. Kern as a cadet at United States Military Academy; to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 15800) granting an increase of pension to Nelson B. Miller; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 15801) granting an increase of pension to David F. Moulder; to the Committee on Pensions.

Also, a bill (H. R. 15802) granting a pension to Barbara Whitney; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 15803) granting an increase of pension to Azor M. Nixon; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: Resolution (H. Res. 241) authorizing the payment of $1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the first session of the Sixty-fourth Congress; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of sundry citizens of the United States, relative to shipment of Red Cross supplies; to the Committee on Foreign Affairs.

Also (by request), petition of Missouri State Dairy Association, relative to dairy conditions in State of Missouri; to the Committee on Agriculture.

Also (by request), memorial of trustees of Trinity Lutheran Church, of Long Island City, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Evidence to accompany House bill 15685, for the relief of Mary A. Nichols; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of Local Unions Nos. 1294 and 472, United Mine Workers of America, favoring inspection of dairies, etc.; to the Committee on Agriculture.

By Mr. CAREW: Petition of citizens' peace committee, in re arbitration of international disputes; to the Committee on Foreign Affairs.

By Mr. CHARLES: Petition of various residents of Schenectady, N. Y., against the enactment of legislation excluding certain publications from the mails; to the Committee on the Post Office and Post Roads.

By Mr. COPLEY: Communication from Merchants' Association of New York City, protesting against the passage of House bill 11621 and Senate bill 4897; to the Committee on the Post Office and Post Roads.

Also, memorial of the Lutheran Ministers' Association of Northern Illinois, protesting against the blockade which prevents the shipment to the central powers of recognized noncontraband articles of war; to the Committee on Foreign Affairs.

Also, memorial of Commercial Club of St. Marys, Ohio, protesting against the plan of space payment for mail cars; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Gadsden (Ala.) Chamber of Commerce, favoring passage of the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of women voters of Yuma County and Lincoln County Branch of Congressional Union, Arizona, favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of J. G. White & Co., of New York City, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Kate E. Jacobson, of Hackensack, N. J., relative to House bill 1092, for probation for prisoners; to the Committee on War Claims.

By Mr. DILLON: Petition of Gadsden (Ala.) Chamber of Commerce, favoring Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of second convention of Mental Hygiene Societies of the United States, favoring a bill for division of mental hygiene in United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLING: Petition of automobile manufacturers, protesting against passage of Tavenner bill; to the Committee on Labor.

By Mr. FULLER: Petition of sundry citizens of Earlville, Ill., favoring a tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Scandinavian Lodge, No. 6, International Order of Good Templars, of Rockford, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GALLIVAN: Memorial of Gadsden Chamber of Commerce, of Gadsden, Ala., in re water-power development; to the Committee on the Public Lands.

Also, petition of National Automobile Chamber of Commerce, against bills to prohibit the Taylor system in Government shops; to the Committee on Labor.

By Mr. KENNEDY of Rhode Island: Petition of E. C. McVickar and others, against House bill 108 and Senate bills 3904 and 4452, relative to advantages of the Indians; to the Committee on Indian Affairs.

By Mr. LINTHICUM: Petition of American Association of Masters, Mates, and Pilots, Rescue Harbor, No. 14, Baltimore, Md., favoring House bill 449, for increasing number of inspectors; to the Committee on the Merchant Marine and Fisheries.

By Mr. LONDON: Petition of 12 citizens of Los Angeles, Cal., favoring the adoption of legislation providing that those who make war shall do all the fighting; to the Committee on Military Affairs.

By Mr. LOUD: Petition of H. A. Brewer and Methodist Episcopal Church, of Prescott, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MATTHEWS: Papers to accompany House bill 15699, to grant a pension to Sarah A. Christy; to the Committee on Invalid Pensions.

By Mr. NOLAN: Memorial of Old Dominion Citizens' Association, favoring the passage of the Nolan minimum-wage bill (H. R. 11876); to the Committee on Labor.

Also, petition of W. R. Bunch, of San Francisco, Cal., showing that the classified laborers in the customs service are required to work overtime at night without compensation; to the Committee on Labor.

Also, memorial of San Francisco Labor Council, favoring the peaceful settlement of all international disputes; to the Committee on Foreign Affairs.

By Mr. ROBERTS of Nevada: Petition of Woman's Christian Temperance Union of Reno, Nev., favoring prohibition in Porto Rico; to the Committee on Insular Affairs.

By Mr. ROWE: Petition of sundry American citizens against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Chase, Roberts & Co., of Long Island City, N. Y., in re House bill 8665; to the Committee on Labor.

Also, petition of H. S. Brancher, of Richmond Hill, N. Y; to the Committee on the Judiciary.

Also, memorial of New York Academy of Medicine, in re Army bill; to the Committee on Military Affairs.

By Mr. SCULLY: Petition of Southern Hardware Jobbers' Association, favoring legislation for prevention of floods; to the Committee on Rivers and Harbors.

By Mr. SNYDER: Petitions of various religious societies of Clinton, N. Y., against export of liquor to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. TEMPLE: Petition of the Woman's Home and Foreign Missionary Society of Mount Prospect Church, presbytery of Washington, Pa., to prohibit the importation, manufacture, and sale of intoxicating liquors in the island of Porto Rico; to the Committee on Insular Affairs.

Also, petition of the Mahoningtown Presbyterian Church, asking for the antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

Congressional Record

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION

OF THE

SIXTY-FOURTH CONGRESS

OF

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PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, FIRST SESSION.

SENATE.

FRIDAY, *May 19, 1916.*

(*Legislative day of Thursday, May 18, 1916.*)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

TEXAS BICENTENNIAL AND PAN AMERICAN EXPOSITION.

Mr. SHEPPARD. Mr. President, with the permission of the Senator from Arkansas [Mr. CLARKE], I wish to ask unanimous consent for the passage of the joint resolution (S. J. Res. 72) to provide for holding the Texas Bicentennial and Pan American Exposition at San Antonio in 1918. If it leads to any debate, I shall withdraw it.

Mr. CLARKE of Arkansas. That may be done by unanimous consent without displacing the river and harbor bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Industrial Expositions by Mr. MARTINE of New Jersey without amendment.

Mr. SHEPPARD. There are certain amendments to be added. I send them to the desk.

Mr. KENYON. I should like to make an inquiry of the Senator from Texas. I understand the joint resolution does not carry an appropriation.

Mr. SHEPPARD. It carries no appropriation.

Mr. SMOOT (to Mr. SHEPPARD). Has the Senator offered the amendments?

Mr. SHEPPARD. I have offered several amendments, among which are those suggested to me by the Senator from Utah.

The VICE PRESIDENT. The amendments will be stated.

The amendments were, on page 1, line 6, to strike out "San Antonio" and insert "Texas Bicentennial"; on page 1, line 7, strike out the word "Bicentennial" and insert the words "and Pan American"; on page 2, line 2, strike out the word "January" and insert "November"; on page 2, line 5, strike out the word "respectfully"; on page 2, line 6, strike out the words "by proclamation, or in such manner as he may deem proper"; and on page 2, line 7, insert the words "Spain and" between the word "invite" and the word "all," so as to make the joint resolution read:

Resolved, etc., That whenever it shall be shown to the satisfaction of the President of the United States that a suitable site has been selected and that adequate provision has been made for buildings and grounds that will enable the Texas Bicentennial and Pan American Exposition to inaugurate, carry forward, and hold an exposition at the city of San Antonio, Tex., on or about the 1st day of November, 1918, to celebrate the two hundredth anniversary of the settlement of San Antonio, the President of the United States be, and he hereby is, authorized and requested to invite Spain and all the Pan American countries and nations to such proposed exposition, with a request that they participate therein.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. I should like to ask the Senator from Texas if he desires the "whereases" to be inserted in the joint resolution?

Mr. SHEPPARD. Not necessarily.

Mr. SMOOT. They are not necessary, and I should like to have them go out.

Mr. SHEPPARD. Very well; let the preamble be stricken out.

The VICE PRESIDENT. Without objection, the preamble is stricken out.

The title was amended so as to read: "A joint resolution to provide for holding the Texas Bicentennial and Pan American Exposition in 1918."

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The SECRETARY. On page 22——

Mr. KENYON. Mr. President, I think we should have a quorum here before we commence with the bill. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Gallinger	Myers	Smith, Md.
Bankhead	Gore	Nelson	Smith, S. C.
Beckham	Gronna	Norris	Smoot
Brady	Hardwick	O'Gorman	Sterling
Catron	Hustlng	Oliver	Swanson
Chamberlain	Johnson, S. Dak.	Overman	Thomas
Chilton	Jones	Page	Thompson
Clarke, Ark.	Kenyon	Ransdell	Wadsworth
Culberson	La Follette	Sheppard	Warren
Curtis	Lea, Tenn.	Sherman	Williams
Dillingham	Martin, Va.	Simmons	Works
du Pont	Martine, N. J.	Smith, Ga.	

Mr. CHILTON. I wish to announce for the day that the senior Senator from Indiana [Mr. KERN] and the junior Senator from Indiana [Mr. TAGGART] are unavoidably absent, and also that my colleague [Mr. GOFF] is absent on account of illness.

Mr. CURTIS. I was requested to announce the absence of the Senator from Maine [Mr. BURLEIGH] on account of illness.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of the absentees.

Mr. CLARKE of Arkansas. I move that the Sergeant at Arms be directed to notify the absentees to attend. Let the clerks at the desk furnish him with a list of the absentees.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

The Secretary called the names of the absent Senators.

Mr. LODGE, Mr. STONE, and Mr. HITCHCOCK entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. CLARKE of Arkansas. I move that further proceedings under the call be vacated.

The motion was agreed to.

Mr. WORKS. Mr. President, ever since I have been in the Senate the river and harbor bill has been a matter of contention and criticism. Last year a filibuster was resorted to in order to defeat its passage. At the present session the junior Senator from Iowa [Mr. KENYON] has pointed out in a very able speech some of its weaknesses, defects, and vices. There is no doubt that the river and harbor bill has been a source of a great deal of unnecessary and inexcusable expenditure of public money. I think we all realize that fact.

The remedy for all this, it seems to me, is perfectly simple, yet it has never been resorted to, and probably never will be. If the Congress of the United States should do its duty, it would take up each one of the items contained in this bill, determine it upon its merits, and enact or defeat it as the interest of the Government required.

It has been very generally known that the river and harbor bill has been used for the purpose of aiding men to secure favor and votes at home. That is an evil that should be condemned by everybody, but nothing has been done so far to prevent it, and we have here again precisely the same old question that we have had ever since I have had any connection with the Senate and, I presume, for many years previously.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Missouri?

Mr. WORKS. I yield.

Mr. REED. The statement as just made by the Senator from California has been frequently made in the past, and I do not care to discuss it with the Senator or to interrupt him as to the question of whether the river and harbor bills have not at some time in the past contained items which were put into those bills for the purpose of aiding some Member of Congress; but I call his attention to the fact that there are certain great propositions which have been approved by the proper heads of departments and have been adopted permanently. I want to ask him now if it is not a fact that, with the exception——

Mr. KENYON. I rise to a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Iowa will state his parliamentary inquiry.

Mr. KENYON. I desire to make a parliamentary inquiry, because the Senator from Arkansas [Mr. CLARKE] yesterday, when the Senator from Missouri [Mr REED] was not present, I think, stated that he would object to any interruption of any of the speeches during the day. I am not myself raising any objection, but if the Senator from California is going to lose the floor by submitting to an interruption, I think——

Mr. REED. I have not the slightest idea of taking the Senator from California from the floor. I merely made a little preliminary statement, in order to make my question plain, and I was going simply to ask a question.

Mr. WORKS. Mr. President, I am very glad to have the Senator from Missouri ask any question which he desires to ask.

Mr. REED. Now, to resume, is it not a fact that, with the exception of a very few items, the present bill simply carries on those great projects which were approved by previous Congresses, and some of them approved by many previous Congresses? Is not that the situation which confronts us to-day in the consideration of the present bill?

Mr. WORKS. Undoubtedly. I think the Senator from Missouri was not present when I began what I have to say, in which I stated that the right thing to do in this matter was to test each one of these proposed appropriations upon its merits. I am not contending that there are not a great many items in the appropriations contained in the bill that ought to be made. I think we all realize that.

Mr. REED. I, of course, did not object to that statement; I did not take any exception to it; but the language employed by the Senator from California, to the effect that such bills had been used for the purpose of aiding particular Members of Congress, seemed to me to imply that that charge could be justly brought against the pending bill; and I do not think that so fair a man as the Senator from California is known to be would really want to have that statement, made in that way, to go to the country without the further statement which I have taken the liberty of making, that this bill almost entirely is confined to those various projects which have had the approval of previous Congresses, the approval of the departments, and which have been adopted as a part of the settled policy of internal improvement.

Mr. WORKS. Yes; I think that is undoubtedly true, Mr. President, but it is not at all true that a great many of these projects that have been long since adopted and have been carried on from time to time are now justified. This Congress ought to have the courage to put an end to those appropriations, no matter who has authorized them beforehand, if Congress believes that they are not just charges to be made against the Government. I do not believe that this Congress can justify itself in carrying on these continuous appropriations by reason of the simple fact that some other Congress in previous years has started us on that road; and I insist upon what I said in the beginning, I will say to the Senator from Missouri, that these different items of appropriation in this bill should be tested separately, and whatever of them are just and right should be allowed, of course. There are many of them in this bill that are not only justified and should, under the circumstances, be made, but there are others here that have been pointed out which I think are vicious and ought not to be allowed to remain in the bill.

My broad statement that the rivers and harbors bill was used for the purpose of securing votes did not imply that there were not a great many of these appropriations which were just and which should be made—and as to those there can be no fair criticism—but, taken as a whole—and this has always been so—there are items in this bill which are undoubtedly used for the purpose of gaining favor or credit by Members of Congress at home. We all know that, and there is no use trying to blink the fact. One of the difficulties about presenting this matter fairly and receiving an honest vote upon it is that one Member who desires to get through his appropriation, and one that may be perfectly fair and just, hesitates to oppose an appropriation offered in the interest of somebody else lest he lose the vote of that particular Member of Congress. That is one of the unfortunate features of legislation of this kind which I should like to see corrected.

But, Mr. President, what are we going to substitute in place of this means of making appropriations? That is the important question to me. I remember when Senator Burton last year was discussing this subject I asked him the question whether he had anything to offer as a substitute for this means of making appropriations, and he admitted that he had not. The Senator from Iowa [Mr. KENYON], who has given this matter the most careful and conscientious study, has, so far as I know—and I have heard a great part of his discussions of the question—offered no substitute for what we have already.

Mr. KENYON. Mr. President, I simply want to say to the Senator that I have offered an amendment, and shall present it at the proper time, for a national waterway commission to handle the question. I hope the Senator will examine that amendment.

Mr. WORKS. Very well. If I remember correctly, the Senator criticized the method that is in vogue now of submitting these matters to a board of Army engineers for the reason that Members of Congress control the action of that board; that they went before it and discussed and presented these items, and that the influence that Members of Congress were able to bear upon the board made it inefficient and resulted in the recommendation of appropriations that ought never to be made. If the Senator substitutes some other body, such as he suggests, the same condition will exist. Members of Congress are going to look after the appropriations for their own States and districts, whether the items go before a commission or not; and, after all, we have to come down to the one single and simple remedy, that is, to test these different items of appropriation upon their merits, and until we can do that no substitute can be devised that will get us out of this situation.

Mr. President, I am not going to discuss the rivers and harbors bill at any length. I want to talk about something else which has grown out of the discussion, particularly by the interesting address delivered by the Senator from Colorado [Mr. THOMAS] yesterday. I have no doubt the Senator was greatly delighted to be able to expose the fact that very large appropriations had been asked for by different Members of the Senate on this side of the Chamber. I can appreciate that fact. I think, perhaps, the Senator was a little bit unkind toward me because I had insisted in the beginning of this debate that we ought not to make it a political question. It is not a question of what Democrats or Republicans have been doing with respect to it; it does not make any difference whether these appropriations which are offered come from the Democratic side or from the Republican side of the Chamber. The Senator from Iowa very justly commented upon the fact that the Democratic Party had declared in favor of greater economy and that it was not living up to that pledge; but such pledges have been made by both the political parties that have controlled the Senate in the past; and, after all, it does not make very much difference whether a man is a Democrat or a Republican if he wants an appropriation for his State or district. However, what the Senator has said with reference to appropriations for which I have asked has given me an opportunity, of which I am going to take advantage, with the consent of the Senate, to point out some of the things that I have sought to bring about in asking for these appropriations, and to call the attention of the Senate to some of the things that I think ought to be taken up and acted upon, and that without delay, in justice to Congress and the country.

Now, let me take up a few of them and call the attention of the Senate to the appropriations for which I have asked and the objects sought to be accomplished by them. The first of them is an appropriation of $18,000 to pay the salaries of three members of a commission. That is asked for in the bill introduced by me to take out of the hands of the Members of Congress the disagreeable duty, if it is a duty, of recommending and selecting officers and employees of the Government; in other words, to take out of the hands of Congress political patronage and all that belongs to it, which, I think, is one of the greatest evils that afflicts this country and Congress to-day.

The provisions of the bill, in a brief way, were that at the incoming of any elected President he should, at the beginning of his term, appoint a commission of three to receive the recommendations for appointment to office or appointment as employees of the Government, and determine, upon full hearing, who was the most meritorious of those submitted for any particular office, and select and report that person to the President for his appointment. It is a singular thing to me that a Member of the Senate should object to a provision of that kind.

I should suppose that there was not a Member of this body who would not only be willing but glad to get rid of patronage and the burden that rests upon him of determining who shall be appointed to office from his State.

The bill provided further that upon making this recommendation to the President he might appoint or might not; and, if he was not satisfied with the selection, the matter was referred back to the commission to select some one else who should be satisfactory to the President. It was further provided that no Member of Congress and no member of the Cabinet should make any recommendations of anybody for appointment to office or as employees of the Government in any position whatever, taking it absolutely out of the hands of the Congress of the United States to deal with this question of patronage and turning it over to a commission that would aid the President in determining just who should be appointed to office. It involves, as I have said, an appropriation of $18,000 for the purpose of paying the commission. A Democratic committee dealing with the question at the last session of Congress reported the bill adversely. I reintroduced it at the present session of Congress, but it has not been acted upon at all and probably will not be.

The second appropriation asked for by me is $90,000 to pay the salaries of a tariff commission. That bill was offered at the last session of Congress. At that time the Democratic Party was not in favor of a nonpartisan tariff commission and the bill received no attention whatever. Since that time there has been a change in sentiment on the part of the administration and of the Democratic Party, as I assume, and now they are attempting to bring about just what I attempted to do by the bill to which I have called attention. That was another of the appropriations of which the Senator complains.

Then there is a proposed appropriation of $800,000 to provide a home for the Confederate veterans. It seemed to me that the time had come in the history of this country when, as a matter of benevolence and good will, Congress might very well extend this favor to the veterans of the Confederacy. Certainly there is nothing selfish about that proposed appropriation. It was intended principally as an act of good will toward the people of the South that would tend to remove any of the ill feeling that might still remain as between the two sections of the country growing out of the Civil War. Much to my surprise, that bill has also died in committee. At least it has not been reported upon or received any attention, as far as I know. Some of the soldiers' homes are now only partially occupied and soon they will not all be needed by the Federal veterans. It would be a commendable and a graceful thing to give them over to the few remaining Confederate veterans of the Civil War.

Then I have asked for an appropriation of $400,000 to buy lands for an aviation school at San Diego, Cal. That was recommended by the Secretary of War, who wrote me a letter upon the subject approving action of that kind. The bill was introduced, but never was passed. In place of it provision was made for an examination of the whole question by a committee to be appointed by the Secretary of War, or officers to be appointed for that purpose, and that was done. What has finally been done about it I do not know. The bill was again introduced at this session.

Then there was another small appropriation asked for of $10,000 for the purpose of putting up signposts in the deserts, where lives were sacrificed year after year by reason of the fact that persons passing over the deserts had lost their way and were unable to reach water. This bill simply provided for the establishment of signposts and the discovery of springs along the way, and was a purely beneficent act for the purpose of protecting human lives.

Then, Mr. President, I introduced a bill that has brought about some discussion here—one providing for a constructive industrial reserve military force. That bill provided, in substance, for the setting aside by the Government of the United States of small tracts of land upon which persons who enlisted in this reserve force might find homes for themselves and their families. The appropriation was for the purpose of buying these lands. I insist, Mr. President, that that should have been done by this Congress, and I think it will be done later on. It was an appropriation that has appealed to me very strongly as one means of providing for this Government a reserve force that could be used on occasions when it was necessary in time of war, if that should ever happen, and at the same time the men enlisted could be used as a reserve force to work upon the public works of the Government and help settle the public lands of the country that are now vacant and unimproved and improve them to an extent that will be of vast benefit to the whole country. That appropriation involved the sum of $50,000,000, and was the largest of the entire number that has been commented upon.

Then I come to another that has appealed to me very strongly, but seems to have appealed to very few other Senators. That is the appropriation of $800,000 for the purchase of what is known as Snow Court, one of the worst slums in Washington, and to erect upon it model houses for the housing of the poor. I offered that measure as an amendment to one of the bills that was pending here in the Senate. I have taken occasion, as I said then, to investigate these conditions, and they are horrible to think about. What can be done in a case of that kind? Even Senators will not stop to listen to information as to what the conditions are. You can not secure their support, because they seem to be indifferent to those conditions; and the same condition exists, so far as the people of the city of Washington are concerned. This city is filled up during the winter season in great part by the idle and profligate rich, who spend their time here without benefit to the city or the country, spending their surplus money in high society and extravagant living. One of these fine ladies, dressed in her silks and satins, could step into her $10,000 automobile in front of her $100,000 mansion on one of the great thoroughfares of this city and in three minutes drive into a section of this city that should shock her sensibilities and excite her sympathy for the people who are compelled to reside in those places. She is not a bad woman. She does not realize what those conditions are. She does not know anything about them. There are thousands of people right here in the city of Washington who have no knowledge of those conditions. I believe there are very few of the Senators of the United States who have looked into those conditions and know what they are.

It seemed to me, Mr. President, that it is a solemn duty resting upon the Congress of the United States, which has absolute control and jurisdiction over the District of Columbia, to see that these conditions are corrected. If Congress is not willing to appropriate the money of the Government for that purpose, there are rich people in the city of Washington who should see to it themselves that these conditions are removed. But there have been corporations organized here in the city, partly charitable and partly for the purpose of making money, organized for the very purpose of doing what is contemplated by this proposed appropriation—constructing and building model sanitary buildings to be occupied by the poor people of the city. But what has been the result of it? One of these organizations has been able to make the full amount of profit that was allowed by the act organizing the company. Therefore it is not a matter of charity; it is a matter of making money, and still the slums remain practically untouched. Another effort was made to remedy this evil by an act that was passed in memory of a good and charitable woman, providing for the organization of another just such partly charitable and partly profit-making corporation for the purpose of doing in part what is sought by this appropriation. There have been some donations, if they may be so called, to that corporation. There is some hope that something may be accomplished by it, but very little; and I am satisfied that this thing will never be accomplished until it is taken hold of by the Government, brought to a direct issue, and the slum districts destroyed and comfortable sanitary homes provided for the poor and unfortunate, to be supervised and kept sanitary by the Government.

Then another of the appropriations commented upon by the Senator is one that was offered as an amendment to a bill pending to appropriate $100,000,000 for the purpose of purchasing the lands on Pennsylvania Avenue, to be occupied by Government buildings. As was explained at the time, that was an arbitrary amount that was fixed, and it was for the purpose of purchasing land for the use of the Government, and an act of economy rather than the extravagant expenditure of money.

Then there was a general bill offered, that was included in this estimate by the Senator from Colorado, of $10,000,000 for the purpose of purchasing and cleaning out all these slums in the city of Washington. This is just what should be done. The work should not be done by piecemeal.

Mr. President, there is just one in all this list that may be regarded as a selfish one of advantage to my own State, and that is an amendment that I have offered to the bill that is now pending carrying an appropriation of $1,080,000 for the construction of a diverting dam to protect the Los Angeles and Long Beach Harbors from filling up by the silt that comes down from the mountains. That appropriation was very thoroughly and carefully examined by the Board of Engineers and recommended by it. It has been presented to the Committee on Commerce, and in that way has gone into the bill.

Then, in addition to that, to make up the amount of these appropriations, I have offered a number of bills embodying claims against the Government. I hope the time has not come when a Senator should be criticized for attempting to induce

the Government to pay its honest debts. One of those is quite a large appropriation of five hundred and twenty-six thousand and odd dollars for one of the Indian depredation claims. The others are small in amount.

Then follows the list of pensions that have been applied for. Usually these pension bills have not been criticized by anyone, and a great many of them are offered that are rejected because the proof is not sufficient or the circumstances are not such as to warrant the granting of the pension. Six of these have already been granted. They make up the sum of $6,036.

So these, Mr. President, are some of the appropriations that I have asked for. I have not said this about it in the way of apology for introducing these bills. I think they need no apology from me. I have not said what I have about it for the purpose of explaining these bills, with the object of justifying myself in introducing them in the Senate. I have only felt it proper to call them to the attention of the Senate because I think most of them should be taken up and dealt with by Congress and not hidden away in the committees.

Mr. President, my continued service in the Senate of the United States will be very brief. My term of office will soon expire. I expect, when it does, to retire to the peace and quiet of private life. When I look back over the more than five years that I have rendered service here I sometimes wonder what I am here for and what I have accomplished that is of good to the country or to humanity. I have made a few speeches—not very good ones, I am willing to concede. Maybe they will be looked upon as a fair average of the speeches that are made in the United States Senate. Few people read them—especially Senators. Very few of the Members of the Senate have heard them. I have tried to say some helpful things. I have condemned some of the evils that I think exist and should be remedied. But when any Senator looks back over the six years of his service he will, if he desires to accomplish anything of good, be sadly disappointed at the result. The fact that Senators will not stop to listen to something that is intended for the benefit of the public makes it seem almost hopeless to attempt to accomplish anything in that direction.

Under these conditions, Mr. President, I shall retire to private life with a great deal of satisfaction and relief. I have tried to do my part here. There is only one particular thing that I can look back to and say that I feel some pride in having accomplished at least that one thing for the help of others. I was partly instrumental in closing up something like 250 of the saloons in the District of Columbia and banishing them all from the residence districts of the city. But there are 300 of them yet open and sending out their poisons all over this city, and they probably will remain open until I have left the Senate.

One of the things that has appealed to me as most unfortunate in the work that I have tried to do here is the fact that these very attempts that I have made in behalf of humanity, unselfish in their object, seeking to relieve the poor and unfortunate who need our help more than anybody else, have seemed to receive the least attention from the lawmaking power of the Government. We discuss politics. We talk about money. We look after the selfish interests of our constituents at home. We all do that. There is almost no question that can come before this body that does not, somehow or somewhere, involve politics or some selfish interest that is calculated to bias the minds of men dealing with public affairs. I am not saying this in criticism of the Senators with whom I have worked for the past five years and more. One of the things that I prize most of all in my work here is the association with the Members of this body, who have treated me with the utmost kindness and consideration at all times. So I have no criticism to make of them. It is the condition into which we have fallen—the fact that men are not considering these things that go for the benefit of humanity. They are thinking about the material things, about politics and the advancement of their own interests and the interests of their constituents in a material way; and these things that seem to me to be vastly more important in the interest of humanity are laid aside and forgotten.

I think it will be seen that, in the main, these appropriations for which I have asked have been for the purpose of advancing the things that seem to me most important, and not for the purpose of aiding my constituents, except as they are a part of this great country of ours, and should be interested in these great moral questions that affect us all so closely.

Now, Mr. President, I have wandered away from the subject. I must confess to the Senate that some of these things that I have advanced have come very close to my heart. I have been greatly disappointed that some of them have not attracted the attention and the help of Senators in carrying them out. That is the way of things here. Nobody is particularly to blame or to be criticized respecting it, but I do wish Senators of the United States would think more about these great questions and that at some time some of these things that I have been talking about, especially those here in the Capital of the Nation, will be looked to and that at some time—not, perhaps, while I am here, but after I am gone—they will be corrected.

Mr. NORRIS. Mr. President, yesterday the Senator from Colorado [Mr. THOMAS] came to the relief of this bill. With one exception, as far as I know, no one else has undertaken to defend it. I have wondered during several days of this debate under the critical analysis of the bill that was made by the junior Senator from Iowa [Mr. KENYON] why some of its defenders did not take the floor and justify the various appropriations contained in the bill; but yesterday the defense was made. It was not a direct defense, it is true. The Senator from Colorado did not even profess to defend the bill directly, but he contented himself with making a partisan attack upon those who are opposed to it.

Personally I do not believe that the bill ought to be discussed on a partisan basis. As far as I am concerned, I do not believe any bill ought to be discussed here on a partisan basis. Such a basis is frequently artificial, made often for the purpose of concealing the real intent and aligning men on one side or the other, according to the partisan bias or prejudice that we all possess more or less, while the people and the country suffer for the want of good legislation or on account of bad legislation.

Instead of defending the bill directly the Senator from Colorado called attention to various bills that have been introduced by Republican Senators asking for appropriations, and then said that people who live in glass houses must not throw stones. It is the province of the Senator from Colorado or any other Senator to discuss the public record of any Member of this body, to take up all the bills that he has introduced, to show what they are, and comment on their extravagance if he believes them to be extravagant. That is perfectly legitimate; but, Mr. President, he ought to tell the whole truth and not stop at a part of it. To do as he did yesterday, taking a list of Senators, in the first place, it is not fair to divide them along political lines; but waiving that for the moment, to take up various Senators and then read the amounts contained in the various bills that they have introduced asking for the expenditure of public funds and then stop is, in my humble judgment, unfair, unjust, and unworthy of the Senator from Colorado. Coming from some sources, I would not think anything of it and would pay no attention to it, but coming from the Senator from Colorado, with his discriminating and analyzing mind, his judicial temperament, it seems to me that it can not be passed by unnoticed.

Mr. President, when a witness goes into court and holds up his hand he swears to tell the truth, the whole truth, and nothing but the truth; and there are men now serving in penitentiaries who have been convicted of perjury because they did not tell the whole truth and covered something up. The political boss and the political machine and the yellow newspapers seeking for sensation jump at the opportunity to tell a part of the truth about public men. The organized band that goes to rob a bank always places a sentinel on the outside to keep people off while the looters are inside cracking the safe, and the pedestrian who comes along the street with honest intent trying to do his duty is warned to stand back.

While this bill, which, in my judgment, is a pork-barrel proposition, contains a great many items that ought to be excluded, that ought to be condemned, and that have no place in any bill that should be passed by Congress, is being put through, the Senator from Colorado goes down the street and says to men who are trying to make the bill better, who are trying to protect the Treasury of the United States, "Stand back; I will expose your record and show that you yourself are extravagant in trying to take the public money of the United States"; and then he shows the amounts contained in the various bills that have been introduced by Republican Senators where they asked either for an appropriation or an authorization of the expenditure of public funds.

If he had been fair, as fair as he usually is, as fair as we have a right to expect him to be from his past work and his upright character, when he undertook to make that analysis and that comparison he would have gone into detail in every case sufficiently far to show what the amount was, what the appropriation asked for undertook to do, and then, if he thought it was extravagant, condemned it in any parliamentary way that he saw fit.

I can discuss some of the items included in the bills introduced by the Senator from California [Mr. WORKS]. I would not have discussed them if he had not already done so himself. He has explained them. The amount as shown in the RECORD, or as it will be shown in the RECORD I presume—the Senator

from Colorado has not yet published his speech, I am speaking of it entirely from memory—but the amount charged up against the Senator from California will be very large, running into the millions, and while we might disagree with the Senator from California as to whether any of these propositions which he has introduced in the shape of bills ought to become laws, no man can question his fidelity, his patriotism, or his honesty when he has asked for them. Personally I believe in a great many of them, and when I have had an opportunity for some of them at least I voted; and yet if the Senator from California were running for reelection this morning's yellow Democratic journals in California would contain flaming headlines something like this: "The attempt of the Senator from California to rob the Treasury of the United States is exposed on the floor of the Senate by the Senator from Colorado."

Then they would have gone no further in holding the Senator from California up to ridicule before the people than the Senator from Colorado went in what he said yesterday. They would have told part of the truth, not all. In other words, it would be getting into it a partisanship, it would excite the partisan newspaper, the partisan machine, the man who wanted to get some advantage of the Senator from California, and give him an opportunity and a text to scatter before the people a misrepresentation.

We all know, all of us, how those things occur. We all know how anxious men and newspapers and machines and political leaders in all parties are willing and ready to resort to a plan of that kind which will throw discredit upon the public official seeking the suffrages of his people. It is an illustration of partisanship and the unfair method that can be taken where such a record is made.

Mr. President, what is the effect of it? When the bill comes before the Senate that a Member of the Senate believes to be wrong, he may be wrong himself, but he conscientiously believes that the appropriations contained in it are, many of them, wicked, what is his duty? There is only one answer. But if he undertakes to expose it, if he undertakes to defend what he believes to be right in reference to it, he is going to be met with a proposition as an answer to it that as a matter of fact is no answer. "You yourself have been guilty of extravagance; you asked for fifty or sixty million dollars from the Treasury of the United States," and then stop. That is a sufficient text for a partisan machine, for a partisan newspaper, or a partisan leader to carry the deception to the voters, and at least put the honest legislator on the defense and compel him to explain; and often, very often, Mr. President, it is that the man who has had to make the explanation does not have the money to follow up the deception, and it travels many miles and goes into thousands of places, because those who want to circulate such things in a political campaign are always possessed of unlimited funds and means to do it.

That is one of the things that often keeps honest men out of public life. Men do not want to subject themselves to such an unfair and unjust yet wicked criticism as that may be, and when it is made, feeling compelled to defend it, they exhaust the last dollar in making such defense when no defense ever ought to have been required.

Mr. President, I want to illustrate that. At the risk of criticism I am going to illustrate it by something that happened in my own life. I was a Member of the House of Representatives during a Republican administration when we passed the Panama Canal act. I believed then, as I do now, that there ought not to be an exemption to American ships passing through that canal. I am not going to discuss that question, but for argument's sake you can assume that I am wrong if you want to. But I believe they should not be exempt. When that bill was before the House of Representatives I voted in favor of an amendment to the bill that provided that American ships should be compelled to pay toll the same as any other ships. The amendment was defeated. The bill went through the House, passed the Senate, and was signed by President Taft, and became a law.

The Democratic platform, you remember, at Baltimore contained a provision in which they said they were in favor of free American ships; that there should be no toll on American ships going through the canal. The then candidate for President, Mr. Wilson, made a speech in which he made particular reference to that plank to the farmers of New Jersey, commending it and favoring it. I am not criticizing him. He had a perfect right to do it. But the Democratic Party was successful on that record and thereby fairly bound to uphold the contention in their platform particularly approved by Mr. Wilson.

Then President Wilson changed his mind, and after he changed his mind the Democratic Party changed its mind, and we passed a bill through Congress which provided that American ships should pay toll. After the time that that bill passed the House in its original form I was elected to the Senate, and when I came to the Senate I supported that bill. I voted for the proposition then the same as I did in the House. During my campaign for the Senate I made a speech one evening in one of the towns in my State. Some man from the audience got up and asked me a question. The question was in regard to the free passage of American ships and whether I favored it. I told him I did not; that I had voted for an amendment providing for the payment of tolls by American ships. I said I voted for the proposition in the House of Representatives and still favored it. I discussed it somewhat briefly.

There were in that town two newspapers, one of them a Republican paper and the other a Democratic paper. The Republican paper was standing by President Taft and the action of the Republican Party as it existed in the House and in the Senate, and in the next issue criticized me for what I said rather bitterly. The Democratic paper also criticized me and called attention to the fact that nobody was in favor of charging tolls but the railroads, and that I was a railroad candidate, and would be a railroad Senator if I was elected to the Senate of the United States. Then it said, "The Democratic Party is on the other side of this proposition"; and it cited the plank of the Democratic Party. Then it said, "President Wilson, the Democratic candidate, has made a speech in which he has affirmed that particular proposition in the Democratic platform, and Mr. NORRIS's opponent is standing on that platform. If he is elected, he will be opposed to charging tolls to American ships. Therefore we say to the voters it is a choice between a railroad Senator and one who stands for the people." That was the substance of the editorial. So I was hit on both sides.

I remember the Democratic editorial said one thing further. It said, "There are a great many Republicans who are opposed to this railroad Senator because he has incurred the displeasure of some of the leaders of his party. All we have got to do is to stand together, in order to get a Democratic Senator, and at the same time defeat a railroad candidate."

Well, you all know what happened. In due time President Wilson delivered his message to Congress, in which he asked that we pass a law providing for a repeal of the free-of-tolls clause of that act, in effect compelling American ships to pay tolls the same as others; in other words, approving what was my position from the beginning.

I might digress here to say that I know this Democratic editor well. He is one of the best men of his community. He is an able man; he is honorable; and in everything but politics you can trust him to the limit. His word is good and his note is good, but he would skin his own father if he were running on the Republican ticket. So when President Wilson came forward and took the other stand, what did this editor do? Why, he did as most of the Democrats of the Senate and of the House did; he flopped over just as quickly as the President did; and he had this kind of an editorial in his paper: He commented at considerable length on the message in general, and then took it up in detail and said, "The President has strongly advocated the repeal of the free-of-tolls provision of the Panama Canal act," and he added, "Of course, everybody knows that that free-of-tolls plank, which went into the Baltimore platform, was never anything but a joke; that it got in there by manipulation; nobody knew anything about it; and nobody wants freedom of tolls except the Shipping Trust, and it can not be repealed too quickly."

Well, in due time it was repealed, as Senators know. Then there was another editorial in the newspaper which stated that "A tardy and recreant Congress had at last obeyed the mandate of the President, and had repealed the free-of-tolls provisions of the Panama Canal act, as it ought to have done long ago." It further stated, "We are glad to say that the Democratic Senator from Nebraska was with the President on that proposition and voted for it," and, as a sort of a postscript to the editorial, it said, "Mr. NORRIS also voted in that way; but he had already voted the same way in the House of Representatives, and he therefore was entitled to no credit for being right." [Laughter.]

That is an illustration of the partisanship—rank partisanship—that is going to be given and has been given a great boost by the Senator from Colorado, when he said, "Men who are fighting this bill, if they be Republicans, must desist, or I will expose to the country their record of extravagance."

Mr. President, I want to give just a little further illustration in regard to these things which have been alluded to, and I am going to refer to my own case. I do that, not because it is of any particular importance—for it is not—but because I should like to illustrate the point, and I can discuss my own case, of

course, without criticism and with perfect freedom, while I do not feel at liberty to discuss so freely the position of other Senators.

The Senator from Colorado, in showing up my wonderful extravagance, stated that I had introduced bills providing for the appropriation or authorization of the expenditure of public money amounting to something over $17,000,000. I am speaking from memory, because, as I have said, the Senator has withheld his speech from the RECORD, and so I have not been able to read it. With that statement regarding me, the Senator stopped, just as he did as to other Senators. Well, I want to take up just two bills that are included in my list. One was a bill providing for an authorization—not an appropriation, for it did not appropriate a dollar; but, of course, appropriations would have come, but they would have been spread out over the length of time that it would take to construct the improvement for which the bill provided. It provided for the development of water power out here, west of the city of Washington, at Great Falls. There the Potomac River is rolling down over rocks and precipices every day, and has been during all the ages, with enough power going to waste to turn every wheel in the city of Washington, to pull every car, to light every home, and to furnish all the electrical power that all the citizens of this Capital City could utilize. To my mind, it is a sin; to my mind, we are not doing our duty when we do not provide for the development of that power.

So I introduced a bill instructing the Secretary of War to take the necessary steps that would bring about this development. I did that in pursuance of an investigation which Congress had authorized by law, in which $20,000 of public funds were expended to make the investigation. It was one of the most complete investigations that has ever been made. I put in the bill the amount that the engineers of the Government said it would take. That was something over $15,000,000.

Who is opposed to that bill? A great many good, honest men, because they do not understand it, and some when they do understand it. I criticize no man who opposes the bill. The Senator from Colorado would have had a right and would have been perfectly justifiable, if he thought that was extravagance, to say, "One of those bills appropriates $15,000,000 to develop water power at Great Falls for the city of Washington and for the Government of the United States"; and then he could have used any language he saw fit that was parliamentary to condemn it and to show that it was unfair and that I was extravagant, but he did not do so.

Who is opposed to the bill? The bitterest opposition on earth that comes to legislation of that kind comes from the interests that are making money out of the people—the poor people of the city of Washington—in charging them exorbitant rates for electric light; and the effect of the attitude of the Senator from Colorado—and I know he does not intend to stand in that light—is to say to any man who dares stand between the people and this exorbitant expenditure, "Stand back, sir, or I will expose your record of extravagance to the people of the United States and of your State." The Potomac Electric Power Co. never counted the Senator from Colorado as one of its defenders; but, innocently, he has put himself in that class by saying, in effect, "You who undertake to provide for the development of that power I am going to put on the defensive, at least in your own States, and give the newspapers of a yellow streak an opportunity to show how extravagant you are in the use of Government funds."

Then there was another one of my bills containing an item, to which the Senator referred, of $2,000,000. When you add those two items together you have disposed of 99 per cent—more than that, probably—of the appropriations for which I have asked in the bills which I have introduced. That $2,000,000 was proposed to be appropriated; and, again, it related to a question concerning which there were two sides. Any man has a right to take the other side, and the Senator from Colorado had a perfect right to say, "This $2,000,000 is for the purpose of enabling the Federal Government to assist the States, particularly the States of the West and the Southwest, in the care of indigent persons afflicted with tuberculosis"; and then he could have said, "That is wrong; that is extravagant"; or he could have said anything else he desired; but that is what the bill provided for.

Every year there go from all the Eastern and Northern States into Colorado, into California, into New Mexico, into Arizona, and perhaps into some other States, an army of men, women, and children afflicted with tuberculosis. A majority of them are poor. They are clinging to life, as all men and women do cling to life, grasping perhaps at a straw, willing to take any chance to save their lives; their fathers, their wives, their husbands, their sons, their brothers, their sisters sacrificing the last dollar to carry the loved one into the State of Colorado, represented so ably on this floor by the Senator from that State. These afflicted people are often mistaken. It is often true that they are beyond the help of humanity; but they go out into these States and then become stranded. They are unable to secure admittance to the sanitariums; they do not have the money to secure proper treatment, and their cases have developed to such an extent that the climate, as beneficent and healthful as it is in some stages of that disease, is not able to save their lives. Hence, they drift into second-class boarding houses.

Why, Senators, you ought to read the testimony before the committee of the men who have been working for years and years along these lines to realize the fact that thousands and thousands of men have spent their last dollar to get into Colorado or California or New Mexico or Arizona, only to find when they get there that it is all too late. They do not have money enough to come back home to die; they do not have money enough to employ proper medical attendance; they do not have money enough to enter the sanitoria—and sanitoria, however much they may be inclined in that direction, do not have the money to provide free treatment for these poor people.

The bill to which I have referred provided that in cases of that kind, where the afflicted persons who had left their homes and gone into the Western States could not pay their way and could not provide for their own care, they should be cared for jointly by the State and by the General Government, each paying one-half; and it appropriated $2,000,000 for that purpose.

It seemed to me to be fair, although I may be wrong, that the remainder of the United States, sending this great army of persons afflicted with tuberculosis into the West and Southwest, ought to bear a portion of the expense involved. Not only that, but it seemed to me that it was an act of mercy that persons in the condition which I have described should be provided for in a proper and in a scientific way. I thought the bill had the necessary safeguards; in fact, it had the approval, and has the approval, of the Public Health Service of the United States and of the leading physicians of the United States who have devoted their lives to the study of tuberculosis. However, I may be wrong. A man can oppose that measure on the ground that it is not a proper use of public funds of the Federal Treasury; he has a right to do that, and I criticize no man for doing that; but I contend that no man, if he wants to be fair with me, has the right to say, "You live in your glass house; you are extravagant; you have asked the United States to pay out of its Treasury $2,000,000," and then not say what it was proposed to appropriate the $2,000,000 for, thereby laying the foundation for some political machine or some yellow sheet in glowing terms or in striking cartoons to "show me up" as just sneaking around the corner stealing $2,000,000 from the taxpayers of the country.

Mr. President, as I remember, when the Senator from Colorado looked up the bills which had been introduced by the junior Senator from Iowa he found that that Senator had introduced but very few bills asking for appropriations and that the amount carried by them was comparatively insignificant, and yet it may be that before this bill is disposed of he may offer a substitute cutting the appropriation down one-half or one-third, or some other figure. If he shall do that, even then the measure will carry a large appropriation of public funds; but if the Senator from Iowa had introduced that kind of a substitute before the speech of the Senator from Colorado, that Senator would have used that proposed amendment as an item to show the extravagance of the Senator from Iowa and his desire to get money out of the Public Treasury of the United States, when, as a matter of fact, if an analysis were made, it would be found that on its very face it was a saving instead of an expenditure of money.

Mr. President, the Senator from Colorado referred only to Republican Members. It has been true that in the last session and in the session preceding, when the river and harbor bill was before the Senate, the amount was materially reduced on account of the activities of certain Republican Senators. In the last two sessions this opposition to the "pork-barrel" bill was led by the then Senator from Ohio, Mr. Burton, and now the fight is led by the junior Senator from Iowa [Mr. KENYON]; so that, as a matter of fact, it happens that the real opposition, the real fight which has been made against this extravagance comes from this side of the Chamber, and therefore a Senator who wants to prevent opposition to this great measure and who would get it in such shape that there could be a partisan advantage taken of it, makes an attack, so far as extravagance is concerned, only on the Republicans.

Just the other day the Senator from North Carolina [Mr. SIMMONS], while this bill was before the Senate, made a statement here—and it was true—that in the last two Congresses

the Democratic Party had passed river and harbor bills carrying less appropriations than the Republicans had before them. That is true. And I suppose that when this is over, if you carry on the partisanship as the Senator from Colorado has so well begun it, if the fight led by the junior Senator from Iowa results in economy, the campaign speakers and the yellow journals of Democratic persuasion will go before the country and say: "Look at this! Here is a river and harbor bill that is 50 per cent less than a river and harbor bill when the Republicans were in power." They will not say anything about an attempt to hold back Republican opposition by citing things that might and will be used in a partisan way to injure the men who made the fight, the result of which they are going to claim credit for in the coming campaign.

Why, Mr. President, if the Senator had been as unfair to the Democrats as he was to the Republicans, he would have found some astounding results. I have not examined the figures; I do not intend to; but I venture the assertion that I can name three men on the Democratic side whose combined bills asking for authorizations and appropriations will amount to more than the total that was given yesterday by the Senator from Colorado as coming from the entire Republican side. But, Mr. President, it would not be a fair argument, it would not be justice, unless I went into the details and explained what the items were; and I concede then that a large part of it would vanish into thin air. It would be the same kind of an argument, however, that was made yesterday by the Senator from Colorado.

Instead of going out and warning Republicans to cease opposing pork-barrel bills and appropriations, the Senator from Colorado ought to be here united with them, leading the fight, if necessary, to bring about a bill here that would agree even with the ideas of economy of the Senator himself. Instead of taking the position he does and warning Republicans not to prevent this loot, he ought to raise his voice with them, or raise his voice and they would be glad to follow him, in an attack upon this bill, which I believe to be unjust and unfair. He ought to help the men who are protesting instead of trying to scare them away from the fight.

Mr. President, from the very beginning of time civilization has advanced because men had the courage to expose what was wrong. But you just undertake, under the political conditions that exist in this country, to expose what is wrong and you will find that political bosses and machines will search your life back to the time when you left the cradle; and whenever they find anything that is wrong—and when you are hunting for something wrong you can always find it—they will expose it. They will not tell what the real objection to you is, but they will unearth something; and if they tell all the truth, and that will not answer, then they will tell half the truth and put you on the defensive.

We would be in a condition of barbarism to-day if it were not for the men who through history have dared to face criticism, to face condemnation in exposing wrong. The man who has it presented to him as we do here, or if he believes it is presented to him—I want to put it in that way—and does not expose it, is not doing his duty to himself, to his God, or to his country. "To sin by silence when we should protest makes cowards out of men. The world has climbed on protest. If no voice had been raised against ignorance and lust, superstition yet would rule the law, and guillotines decide our least disputes. The few who dare must speak, and speak again, to right the wrongs of many."

I say this, Mr. President, without any criticism upon any man's action. He can take the course even that the Senator from Colorado has taken if he wants to. As I said at the beginning, if many men I know had taken that position I would only have laughed at it and said nothing. But when I saw the Senator from Colorado take it—a man in whose patriotism and whose wisdom and whose judgment and whose fairness I had almost unlimited faith—it seemed to me that I could not, in justice to my own conscience, permit it to pass unnoticed.

Men may favor every item in this bill if they want to, and I will not condemn them. I myself can not see how all of the items can be defended. It may be due to my ignorance, my lack of wisdom and lack of ability; but as far as my wisdom does go, I am going to follow it. And so, I think, those over here and over there who are opposed to this bill are going to do likewise, regardless of the unfair or unjust criticisms that may be made by any man or any set of men.

I am not opposed, Mr. President, to large appropriations. I am not opposed to river and harbor development. On the other hand, I am in favor of that kind of development; and I want to go just as far as honesty and good judgment will bid us go, regardless of what it costs. But I am just as anxious to prevent the use of Federal funds for the unjust development of localities as I am anxious to have good things accomplished if they can be accomplished with benefit to the people.

I believe the bill is wrong in its method. As long as we pursue this way of legislating for rivers and harbors we will always have, I believe, a pork-barrel proposition. I anticipate—in fact, I know—that the junior Senator from Iowa will have some remedies to suggest and offer. Personally, I believe Congress is not prepared or equipped to say whether there should be $40,000 or $10,000 or nothing expended on some creek in Florida or New Jersey or North Carolina or elsewhere. We ought to have, I believe, a nonpartisan permanent board of experts that would carry out a system of development the outlines of which Congress could very appropriately provide for.

There are in this bill items in regard to little creeks and little bayous that have been in the river and harbor bills for 10 or 15 years and are still uncompleted. No man would do that way with his own business or with his own property. If a certain river and its tributaries, for instance, ought to be developed, and can be developed for the improvement of navigation, it ought to be taken as a whole, and ought to be developed as speedily as possible, as speedily as economy and good judgment could provide and advance the work. Instead of that, we appropriate a few thousand dollars this year in a hundred or a hundred and fifty different localities, knowing that next year we are going to do the same, and next year the same, and so on, with the intent of completing the work in perhaps ten or a dozen years. It is not systematic; it is not economy. In the first place, an unbiased judgment would cut out hundreds of them entirely, and then would develop them as a system; and Congress ought to appropriate the money so that that can be carried on to advantage.

There would be no opposition, in my humble judgment, here or elsewhere, to a proper and honest system of development of our rivers and harbors, and there would be no particular criticism as to the amount if it could be justified. But this haphazard way, while it always gets votes in Congress and gets local support in the various localities where the money is expended, brings no return to the taxpayers of the United States.

It seems to me that not only ought we to defeat this bill but we ought to defeat the system. There might often be cases, probably, where it would be a close question as to whether or not a development ought to take place. I would not pretend to offer my judgment, at least, unless I had opportunities to make a close inspection and a complete investigation, and had the necessary qualifications of a technical nature to do that intelligently. So that I am willing to abide by the judgment of intelligent, honest men if a system is provided for, and, as far as I am concerned, give them the money to go ahead with the development.

There are a great many things we ought to do. There is not much use in developing harbors and rivers unless we make by law some provision that will prevent the railroads from putting out of business the men who go into the navigation business on the rivers and the lakes. It seems to me that that could be easily done. We ought to provide also that they should not be allowed to monopolize the harbors of the country. That, I think, could be easily done. Then we ought to provide by law for some tribunal within whose power and whose judgment it would be to investigate, and after investigation, if they thought the project was worthy of development, to develop it, and then have money enough to do it systematically, as a business man would do it in his own business. That kind of river and harbor improvement I would welcome.

We have been just as far from it as we possibly could be. It seems to me that it is unworthy of Congress year after year to sink the public funds of the taxpayers of this country in dry creeks and mudholes where never, under any conceivable conditions, will there be any navigation. This bill is full of such propositions. I expect later on to offer some amendments. I have not had time to give the matter the attention that other Senators have given it, particularly the junior Senator from Iowa [Mr. KENYON], in whose judgment I have great confidence after he has had an opportunity to make and has made an investigation of any proposition. But he is not trying to prevent river and harbor development. He is not trying to prevent the legitimate development of the internal resources of our country. He is not objecting to large appropriations, if he knows they are going to be used for legitimate and honest purposes. But he and those who are his lieutenants, with whom he advises and who follow him mostly in this fight, are not going to be diverted from the course that they believe to be right simply because somebody says, "We are going to expose your extravagant record to the people of the country."

Mr. THOMAS. Mr. President, I shall detain the Senate but a moment in again referring to some features of my discussion of yesterday. I do not know that I should do so, however, for I am not entirely sure of the standpoint to which any criticism or refutation of mine might be directed.

Some of my Republican associates, and particularly the junior Senator from Wyoming [Mr. WARREN], expressed their thanks and gratification that I had drawn attention to the bills calling for appropriations by Republican Senators. Among other things, the Senator from Wyoming expressed a sense of duty only partly performed in that he had introduced so few of them. Other Senators—not, perhaps, so candidly, but indirectly—have expressed some amusement and offered friendly suggestions with regard to some of the bills included in the list to which I had the honor of calling the attention of the Senate yesterday.

I shall not attempt, Mr. President, to reiterate the purpose for which I caused the tabulation to be made, for I have heretofore stated and restated what that purpose was. The Senator from California [Mr. WORKS] this morning expressed regret, and very properly so, that the matter to which these tabulations referred should have been considered as a political subject. If there is any partisanship in the performance, it did not have its origin with me, because if it be partisan or political, then surely the many criticisms and reminders concerning our expenditures which have proceeded from the other side of the Chamber and which prompted me to do that which I have done must have been inspired by a political or a partisan purpose, and if that be true then my rejoinder, if it is at all tinctured with partisanship, is due to the attitude of those who provoked the discussion.

I regret very much, Mr. President, that anything which I have done has caused any pain or given rise to any feeling on the part of the junior Senator from Nebraska [Mr. NORRIS]. He is evidently much concerned because of the inclusion in my list of certain bills which he introduced, and because of the political use which he thinks can be made of the list by what he calls politicians and yellow journals.

If it be true, Mr. President, that the political fortunes of a Member of this body can be injured or minimized by such a statement as I have submitted to the Senate, then the evil, if it be an evil, and I have not declared it to be one, of introducing bills for these appropriations is more far-reaching and deadly than I supposed.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Colorado yield to the Senator from California?

Mr. THOMAS. In just a moment. I gather that if it be so the abundant material which I have been informed can be provided by this side of the Chamber and in the same direction will be promptly and frequently utilized in the next five or six months and for the purpose to which the Senator referred.

I yield to the Senator from California.

Mr. WORKS. Mr. President, I should not want the Senator from Colorado to think that I was induced to say what I did about this matter out of any sense of injury on my part or any sense of pain or any feeling that the Senator from Colorado had been or intended to be unjust to me. I think the kindly and generous disposition of the Senator from Colorado would prevent him from doing anything unjust or malicious. As I have said, it gave me an opportunity to express some views respecting these appropriations that I was glad to take advantage of. That was about all. I was not thinking about myself, politically or otherwise. What might have been said by the Senator from Colorado, that is for the Senator. I have no feeling of resentment myself at anything he has said on the subject as it relates to me.

Mr. THOMAS. Mr. President, the few reflections which I have just uttered were based entirely upon the comments and the evident feeling exhibited by the junior Senator from Nebraska. Let me assure the Senator from California that I listened with a great deal of interest and pleasure and with sadness as well to remarks submitted to the Senate by him this morning. I have never even in thought attributed to any action of the Senator from California the notion of extravagance or improper motive, either as to political conviction or as to public expenditure. I know no man in this body who has been a Member of it during the short period of my service for whose convictions, candor, uprightness of purpose, and spotless integrity I have a greater regard.

It was with infinite sadness, Mr. President, that I heard the announcement by the Senator that he did not intend to seek a return to this body. When he leaves the Senate of the United States his retirement will be a distinct loss not only to this body but to the United States of America. He has been an agency here for good, for uprightness of purpose, for riveting attention upon those sinister and fundamental social and political conditions which, if not corrected, must sooner or later lead to national disaster. He has done his work here and done it well, and the people, when he retires, will follow him in his retirement with their constant and never-failing gratitude.

So, Mr. President, I could not under any circumstances have taken even seeming exception to anything which the Senator from California said this morning nor do I take very serious exception to those criticisms which the Senator from Nebraska has just submitted for our consideration.

I regret extremely that he should feel so sensitive upon this subject and the more so that in the proceedings of yesterday I seem to have lowered myself somewhat in his personal estimation. But I regard what I did as entirely fair, as entirely legitimate, and as entirely appropriate under the circumstances. Nothing which the Senator has so far said convinces me even in the slightest degree to the contrary. Hence while regretting that the Senator has taken the subject so seriously I see nothing that occurred which needs further comment or elaboration.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The SECRETARY. On page 24, after line 5, insert:

Sabine-Neches Canal, Tex.: Continuing improvement, $70,000: *Provided*, That so much of this amount as may be necessary may be expended for making a cut-off at Smiths Bluff, on Neches River.

Mr. KENYON. I think that amendment was given no consideration by the committee and before voting on it I should like to know what the circumstances are in regard to it.

Mr. CLARKE of Arkansas. The Senator from Texas is not in his seat at this moment, but I call the attention of the Senator from Iowa to the fact that we agreed to take up the East River item at this time. I ask that the amendment just read be passed over and that we proceed to the consideration of the amendment to strike out, which appears on the top of page 6 of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the item will be passed over. The amendment at the top of page 6 will be stated.

The SECRETARY. At the top of page 6 strike out from line 1 to line 15 in the following words:

East River, N. Y.: For improvement with a view to providing a channel 35 feet deep from deep water in New York Harbor to the Brooklyn Navy Yard in accordance with so much of the report published in House Document No. 188, Sixty-third Congress, first session, as applies to the channel west of the navy yard, $200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $500,000, exclusive of the amount herein and heretofore appropriated: *Provided further*, That nothing herein contained shall be construed as adopting the said project beyond the work to the extent and in the manner specified.

Mr. FLETCHER. Mr. President, not for the purpose of discussing this amendment, but just at this point I should like to take a few minutes to present to the Senate the matters which have already been passed which affect particularly those items relative to Florida mentioned in the bill. The Senator from Iowa [Mr. KENYON] challenged some explanation regarding certain of those items, and the Senator from Nebraska [Mr. NORRIS] indicated this morning that no explanations were forthcoming and there had been no presentation of the reasons justifying some of the improvements which have been objected to. For that reason I should like to have the indulgence of the Senate for a very few minutes in order to place in the RECORD the facts regarding the few projects located in Florida that were mentioned by the Senator from Iowa as not being satisfactory to him.

One of those projects was the Choctawhatchee River. The facts regarding that river are that it is in length about 200 miles. The section now under improvement extends from Newton, Ala., downstream 140 miles to the mouth. It is quite a considerable river. The pending bill provides for the maintenance of a navigable channel at low water from the mouth to Newton, Ala., including Cypress Top Outlet.

The river and harbor act of July 5, 1884, provided for the project. There was another act, the act of June 13, 1902, which added the improvement of Cypress Top Outlet, one of the mouths of the stream, but no provision was made for maintenance in either of these acts.

The present appropriation provided in this bill is to cover the operations for the next year, and the work will consist of maintenance by dredging and snagging and some construction work and making surveys where necessary.

"The funds now available," the report of the committee shows, and that is based on the report of the Chief of Engineers

of 1915, "will be expended by March 31, 1916." It is proposed to expend the funds requested for maintenance work as follows: Operating snag boats for one year, $30,000.

The original project has been completed. The river is in good condition, the reports show, from the mouth 27½ miles to the mouth of Holmes River, and from that point to Geneva, 96 miles above the mouth, the worst obstructions have been removed, but the river is yet in a bad condition.

The effect of the improvement on freight rates was beneficial as long as the improvement was maintained in good condition. At present, in connection with the Holmes River, it affords transportation to a large section of Florida that is without other means. Its restoration to a good condition will probably result in lowering the freight rates by rail to Geneva.

There has been, as the Senator from Iowa, I think, mentioned, some decrease of commerce in the last year, but the report shows that the reason for that was the temporary cessation of naval stores and the lumber industry. It may be stated that the effect of the European war was decidedly injurious to the naval stores and lumber industries, especially naval stores. Nearly two-thirds, perhaps four-fifths, of the naval stores were disposed of in foreign countries. Germany was a large buyer, and other countries involved in the war afforded a demand for naval stores. That industry, of course, suffered in consequence of the discontinuance of transportation and the loss of shipping facilities as well as the market. It is gradually coming back. The demand has increased and the price of naval stores has gone to a point where operators are able to continue the industry. All that commerce will come back to the river.

At present the commerce consists principally of naval stores, general merchandise, cotton, fertilizers, provisions, and hardware, and it amounted in 1912 in value to $1,732,000.

I submit, Mr. President, that heretofore no provision having been made for maintenance in the prosecution of the improvement the estimate of $30,000 for maintenance and for work on this river, as indicated in the report, for a distance of 140 miles is not an excessive amount to expend. It is a stream that, as the report shows, affords the transportation means of getting to markets for a large section of the State which has no railroad lines or any other means of transportation.

It will be noted that there is no large sum to be expended here in further improvement on the river. This is an estimate for maintenance work. This would put it in a condition where it can be of additional use and benefit, especially that portion of the river which has been neglected, because the other bills have carried no appropriation for maintenance in the past.

The Withlacoochee River is mentioned on page 170 of the committee report. The project there is about 85 per cent completed. The item in the bill is for maintenance, not for any additional work nor any new work nor any further improvement. It is for the operation of the dredge *Sarasota*, "for maintenance, $5,000." There is a river on which private individuals, the Dunnellon Phosphate Co., spent $200,000 of its own money. The incomplete improvement of the upper river from Port Inglis north does not affect commerce to any great advantage, because it is incomplete, but on the river from Dunnellon to the Gulf phosphate has moved in enormous quantities in the past, and that has been one of the chief articles of commerce. That portion of the river is the portion upon which private enterprise spent $200,000, and the report states to what extent the improvement from Port Inglis to the Gulf, partly by Federal and partly by private funds, reduced freight rates. Port Inglis is between Dunnellon and the Gulf, just within the river entrance. The report says:

The improvement from Port Inglis to the Gulf, partly by Federal and partly by private funds, reduced freight rates on phosphate from this territory fully 50 per cent and has opened an outlet for a large tonnage in this commodity.

Mr. NORRIS. What is the name of the private company that spent $200,000?

Mr. FLETCHER. The Dunnellon Phosphate Co.

Mr. NORRIS. What is their business?

Mr. FLETCHER. The mining and shipping of phosphate.

Mr. NORRIS. They are shipping phosphate out?

Mr. FLETCHER. Out of this river. Of course there are other articles of commerce moving on the river.

Mr. NORRIS. What other commerce is there on that river?

Mr. FLETCHER. The water-borne commerce on the river amounted in 1914 to 95,778 tons, valued at $832,045, of which amount 3,700 tons, chiefly citrus fruits and cypress blocks, were carried on the river, and the remainder, consisting of fish and oysters, groceries, iron pyrites, lumber, and phosphate rock, was handled between Port Inglis and the mouth.

Mr. NORRIS. Where is that phosphate rock shipped to?

Mr. FLETCHER. The phosphate rock has been shipped to foreign markets; largely to Germany.

Mr. NORRIS. Must it be reloaded after it is shipped?

Mr. FLETCHER. No; the depth of water is sufficient at Port Inglis to accommodate the vessels which load there and take the phosphate abroad.

Mr. NORRIS. Do the people who have paid this money own the territory where the phosphate rock is located?

Mr. FLETCHER. They own the mines and the land upon which the rock is mined. I take it.

Mr. NORRIS. I suppose their expenditure was made because in their judgment it was a good business proposition and would be of financial assistance to them?

Mr. FLETCHER. Undoubtedly it did help them, but the report says—and this is the fact about it:

This work, while primarily for the benefit of the company, to enable it to ship the product of its mines, was also of general benefit to navigation, and the channel dug now forms part of the adopted project.

Mr. NORRIS. What are the facts in relation to towns located along the navigable portion of the river? For instance, is there any passenger traffic?

Mr. FLETCHER. I take it that that is rather limited. There is not a great deal of passenger traffic.

Mr. NORRIS. Is it in the northern part of the State?

Mr. FLETCHER. No; it is in the peninsular portion of the State, on the western side. Port Inglis is at the mouth of the river, which flows into the Gulf of Mexico.

Mr. NORRIS. Is the country pretty well settled up and developed along there?

Mr. FLETCHER. The river extends quite a considerable distance farther into the interior. It reaches from large lakes, which are near the center of the peninsular portion of the State. That portion of it has not been improved which extends above Dunnellon. Its total length is about 120 miles.

Mr. NORRIS. Are there railroads on the stream or in any reasonable proximity to it?

Mr. FLETCHER. There are railroads crossing the river, but none leading down to the Gulf along or near the river.

Mr. NORRIS. Where is the outlet of the river? It flows into the Gulf?

Mr. FLETCHER. It flows into the Gulf of Mexico, running from the center of the peninsular portion of the State southwestward to the Gulf.

Mr. NORRIS. How many miles long is the navigable part?

Mr. FLETCHER. Twenty-four and one-half miles. Dunnellon is 24½ miles from the mouth of the river. This principal improvement is in that stretch of the river. The section on which the work has been done mainly is a little over 4 miles in length at the entrance to the river.

Mr. NORRIS. What is the depth of the water? What kind of boats can go up there?

Mr. FLETCHER. It is a channel of 10 feet at low water in depth and 100 feet wide.

Mr. NORRIS. Do boats drawing only 10 feet cross the ocean.

Mr. FLETCHER. Oh, no; the rock is transferred to ships crossing the ocean.

The Senator made the point, I believe, that there has been a falling off of commerce. That is true for the reason that there has been no movement of phosphate on account of the European war. Phosphate was largely shipped to Germany, and we brought back potash. That was largely the market for this hard rock phosphate.

Mr. NORRIS. As a matter of fact, it was shipped over in that form to a great extent and shipped back in the manufactured form, was it not?

Mr. FLETCHER. I am not so sure. It came back probably to some extent in manufactured form. We usually brought back German potash. Phosphate, potash, and nitrogen are the three necessary elements for plant food. Florida furnishes about 70 per cent of all the phosphate mined in this country, and the domestic market is oversupplied. Foreign countries heretofore took the larger portion of our output.

Mr. NORRIS. In regard to the decline of traffic, I have not looked at this river particularly; but from the examination I have made on a large number of them there has been a decline for a good many years in traffic. How was the traffic on that river prior to the war? Was it increasing or decreasing?

Mr. FLETCHER. It was increasing. The report shows the value of commerce in 1912 was $1,394,742; in 1913, $1,516,482. Then came the war, and the phosphate shipments were practically discontinued. The commerce fell off to such an extent that in 1914 it was $832,045.

This item is only $5,000, and it is for maintenance, to maintain that waterway, and it is a very important waterway. The

business of that industry alone would be almost destroyed if they were not able to use this waterway.

Mr. NORRIS. In what does the maintenance consist mostly? What is the work?

Mr. FLETCHER. The operation of the dredge *Sarasota*.

Mr. NORRIS. They have to dredge it somewhat in some places?

Mr. FLETCHER. That is all that is done—to dredge it.

The Senator from Iowa, I believe, mentioned the Anclote River, Fla. I will say in reference to that item that the only provision in the bill is for "maintenance, to operate the dredge *Sarasota* two months, $3,000." The effect of the improvement, as stated in the report, has resulted in making Tarpon Springs the headquarters for the sponging fleet on the west coast, and the most important sponge market in the United States. Freight rates have been reduced approximately 20 per cent by reason of that improvement. The commercial statistics show that the water-borne commerce for the calendar year 1914 amounted to 14,095 tons, valued at $1,551,250, consisting of fertilizers, fish, oysters, logs, lumber, ship chandlery, and general merchandise.

At times there may be some falling off of shipments on these rivers in the way of logs or lumber or phosphate or naval stores, or products of that kind, which move to foreign markets largely. When the foreign market is cut off, necessarily the commerce decreases for the time, but the products are there, and the commerce is bound to increase in the future rather than decrease as soon as normal conditions are reached.

The only item in this case, as I said, is a small provision for the maintenance of that channel.

I will not take further time in discussing that item. It seems to me the objection can not reasonably be urged to the maintenance of these improvements, which have been adopted by Congress, and where the work has been in many instances completed or largely completed. It is simply a question of preserving what has been accomplished by former appropriations.

Some reference was made to the Oklawaha River.

Mr. SMOOT. Before the Senator leaves Anclote River I wish to call his attention to the fact that July 1, 1915, there was an unexpended balance of $5,000. Can the Senator tell us why that appropriation has not been expended? In the appropriation act for the fiscal year ending June 30, 1915, there was appropriated for this river for maintenance $5,073.50, and we find on July 1, 1915, an unexpended balance of $5,000. The department recommends $3,000 for the river for 1917 for maintenance.

Mr. FLETCHER. Yes. The funds "now available"—that is, when the report was made in 1915—the department holds will be sufficient for necessary maintenance work during the fiscal year ending June 30, 1916. The additional funds asked for are to maintain the improvements during the fiscal year ending June 30, 1917.

Mr. SMOOT. That is the $3,000?

Mr. FLETCHER. That is the $3,000.

Mr. SMOOT. But what did they do for the fiscal year 1916?

Mr. FLETCHER. This report was made up to June 30, 1915. From then until now that $5,000 has been consumed in maintenance work, and there is further need of this $3,000 to carry the maintenance until 1917.

Mr. SMOOT. I see that the traffic on the river, if it may be called traffic, has decreased from 1912. In that year there were transported 35,100 tons, and in 1914 it had fallen off until there were 14,095 tons. I ask the Senator if that is going to continue to decrease, and is it on account of any lack of appropriation that it is so decreasing?

Mr. FLETCHER. It has decreased because of the inability to move lumber in the quantities in which we were able to move it previously, shipping conditions having been such that it has been impossible to get the lumber shipped.

Mr. SMOOT. Is phosphate rock a part of the shipments made upon the river?

Mr. FLETCHER. Not upon this river. There were no phosphates carried on this river. The commerce consists of fertilizer, fish and oysters, logs and lumber, ship chandlery, and general merchandise. There is no phosphate moved on this river.

Mr. SMOOT. I see the report claims that the decrease over the tonnage of 1913 is due to the falling off of the shipments of logs and lumber.

Mr. FLETCHER. Of logs and lumber. That is because the lumber shippers can not put the lumber into the market without paying such enormous freight rates that they are practically prohibitory at present. That condition, however, we expect will not obtain for many more months or years. The lumber is there; there will be a demand for it; it can be moved and will be moved on this river. It is partially because of the falling off of the shipments; but the value of the commerce for 1914, the Senator will observe, was greater than in 1912, although the tonnage seems to have been less. The value was $1,051,250 for 1914. As I say, the item is simply to provide for the maintenance for the coming year, until June, 1917.

Mr. SMOOT. Is there not fall enough in the river, so that they could float those logs instead of transporting them on barges?

Mr. FLETCHER. There is no difficulty about floating the logs, I take it.

Mr. SMOOT. That is the most of the tonnage, I should judge from this report.

Mr. FLETCHER. Yes; but the amount of logs and lumber depends on getting them beyond the point where the river reaches; and from that point the rates are so high that that movement for the present has been discontinued very largely. I do not think it has been entirely discontinued.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I do.

Mr. KENYON. Of the tonnage cited by the Senator from Utah [Mr. SMOOT] logs seem to constitute 10,500 tons and pine lumber 1,125 tons out of the 14,095 short tons. I note in the Engineer's report that they say:

Number of regular steamers in the trade, one launch.

I will ask the Senator if it is correct that there are no steamers there but one launch?

Mr. FLETCHER. Of course, I am not prepared to say with reference to that. I should be controlled by the Engineer's report as to the number of steamers; but the commerce on the river is not passenger business at all. There is no need of steamers. Barges and other boats can take care of the commerce without steamers.

Mr. KENYON. I suppose the lumber floats in rafts, does it not?

Mr. FLETCHER. The logs float in rafts and the lumber is transported in barges usually, though it may move some distance in rafts under some conditions.

Mr. KENYON. There seem to be no barges at all, according to the engineers' report, but there are some rafts.

Mr. FLETCHER. It is probable that, for comparatively short distances, they can float lumber also in rafts. I am not sure whether or not it moves in that way, but ordinarily I should say it is moved on barges. The logs, of course, are rafted.

Mr. KENYON. Mr. President, on page 2474 of the Army Engineer's report, volume 2, it is stated that the average distance carried of the different kinds of freight traffic set forth is eighty-five one-hundredths of a mile, as to fertilizer and as to general merchandise. Then, as to the other articles, there is the figure "1," which refers to the bottom of the page, and is marked "local." What does that mean; that the transportation is merely local?

Mr. FLETCHER. That it is to and from points on the river. The total length of the river is 20 miles.

Mr. KENYON. Not this project. It is about 3½ miles.

Mr. FLETCHER. This improvement covers a distance of 8½ miles, but the river is about 20 miles in length.

This river rises in the western part of Florida and flows northwestwardly, emptying into the Gulf of Mexico about 38 miles north of the entrance to Tampa Bay. Its total length is about 20 miles. The section under improvement extends from the mouth to the county bridge at Tarpon Springs, a distance of 8.6 miles.

It is quite a considerable river, and there is a good deal of local business on it.

Now, as to the Oklawaha River:

The section under improvement extends from the mouth to Leesburg, at the head of Lake Griffin, a distance of 94 miles.

* * * * * * *

The project is believed to be about 70 per cent completed.

* * * * * * *

Available funds will probably be exhausted before March 1, 1916. To keep the river open annual maintenance work is necessary, and for this purpose the following estimate is submitted.

Then follows an estimate for dredging, and so forth, a total of $10,000.

The tonnage shows an increase over last year, due to the resumption of logging.

* * * * * * *

The water-borne commerce on the river for the calendar year 1914 amounted to 34,430 tons, valued at $248,991, consisting of citrus fruits, hay and grain, logs, naval stores, vegetables, and general merchandise.

There has been considerable local cooperation, as shown by the fact that—

The city of Leesburg has dug a canal 2,500 feet long, 100 feet wide, and 5 feet deep from Lake Griffin to a point within easy reach of the business portion of the city, and a similar canal 2,200 feet long, 100 feet wide, and 6 feet deep from Lake Harris, with the object of enabling boats to land near the mercantile and shipping section.

This waterway connects St. Johns River with these important lakes and the interior of the peninsula portion of Florida. It is a river that ought to be improved very much more extensively than is contemplated in this report. I will not go into that now, but the proposal here is to keep the river open, and for its maintenance, at a cost of $10,000 for the year. It is a river 94 miles long and a very important waterway. I can not see, Mr. President, that there can be any reasonable objection to an expenditure of a small sum like that on a waterway of that kind.

I should like to have inserted in the RECORD that portion of the report which deals with the Oklawaha River.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

OKLAWAHA RIVER, FLA.

[Eng. Rept., 1915, p. 643; H. Doc. 514, 63d Cong.]

Location: This river has its source in the central part of Florida and flows in a general northerly direction, then eastwardly, emptying into the St. Johns River 22 miles above Palatka. Its length from the mouth to Lake Griffin is 86 miles. The extreme head of the system may be taken as Lake Apopka, 120 miles above the mouth of the river. The section under improvement extends from the mouth to Leesburg, at the head of Lake Griffin, a distance of 94 miles.

Present project: The improvement under the present project was inaugurated by Congress in the river and harbor act of September 19, 1890. It provided for clearing the channel from Lake Griffin to the mouth by removing snags, overhanging trees, and floating obstructions, with a view to obtaining a navigable depth of about 4 feet at low stages. The cost of the proposed work was estimated in 1892 at $26,000, with $1,000 annually for maintenance. The project was modified by Congress in the river and harbor act of March 2, 1907, to provide for removing obstructions and deepening the channel to 6 feet at mean low water from the mouth to and including Silver Springs Run, a distance of 62 miles, at an estimated additional cost of $15,000, and $600 annually for maintenance. By the river and harbor acts of June 25, 1910, and July 25, 1912, the project was further modified to provide for the maintenance of the levels in the lakes at the head of the river.

Condition at the end of fiscal year: The project is believed to be about 70 per cent completed. There is now a fairly well cleared channel approximately 6 feet deep for the first 32 miles above the mouth and a practicable channel from 5 to 5½ feet deep to the head of Silver Springs Run. The channel between Silver Springs Run and Leesburg has shoaled and become obstructed with water plants, and not more than 2 to 2½ feet can be carried over this part of the river. The total expenditure under the present project to June 30, 1915, has been $74,157.24, of which $33,531.32 was for original work and $40,625.92 was for maintenance.

Local cooperation: None is required by the appropriation acts. The city of Leesburg has dug a canal 2,500 feet long, 100 feet wide, and 5 feet deep from Lake Griffin to a point within easy reach of the business portion of the city, and a similar canal 2,200 feet long, 100 feet wide, and 6 feet deep from Lake Harris, with the object of enabling boats to land near the mercantile and shipping section. Lake Dora has been connected with Lake Eustis by a canal 1½ miles long, 25 feet wide, and 3 feet deep, dug by private enterprise at a cost of about $15,000. This canal enables small boats to pass from Lake Eustis to Lake Dora. In 1911 the owners of a basin of muck land along the river between Heather Island (60 miles above the mouth) and Moss Bluff (72 miles above the mouth) dug a channel 4.6 miles long and about 6 feet deep and 26 feet wide near the higher land on the east side of the basin and diverted the river into the new channel, cutting off about 6½ miles of the old river. The work was done with the object of facilitating the drainage of the basin, but incidentally it has proved, on the whole, of benefit to navigation.

Effect of improvement: No effect on freight rates has been observed.

Proposed operations: Available funds will probably be exhausted before March 1, 1916. To keep the river open annual maintenance work is necessary, and for this purpose the following estimate is submitted:

Dredging in continuation of improvement and for maintenance, with hired plant, 3 months, at $2,250	$6,750
Operation of snagging party, 4 months, at $750	3,000
Contingencies	250
	10,000

Commercial statistics: The water-borne commerce on the river for the calendar year 1914 amounted to 34,430 tons, valued at $248,991, consisting of citrous fruits, hay and grain, logs, naval stores, vegetables, and general merchandise. The tonnage shows an increase over last year, due to the resumption of logging which under present conditions forms the bulk of the tonnage.

Comparative statement.

Year.	Tons.	Value.
1912	102,206	$1,055,464
1913	14,622	546,045
1914	34,430	248,991

Financial summary.

Amount expended on all projects to June 30, 1915:	
New work	$37,443.27
Maintenance	40,625.92
Total	78,069.19
July 1, 1915, balance unexpended	4,552.76
Amount recommended by department for maintenance for 1917	10,000.00

Mr. FLETCHER. Mr. President, I believe that covers the items which have been mentioned with reference to Florida; and I do not care to take up the time of the Senate in any general discussion of this bill. The bill has one fault, and only one, in my judgment, and that is that it is confined to projects which are already under way and does not take care of projects that have passed examination by the engineers and have the indorsement and approval of the Board of Engineers for Rivers and Harbors, the Chief of Engineers, and the Secretary of War, as reported to Congress.

We can not continue very much longer, Mr. President, with merely taking care of old projects which Congress has approved years ago, which are partially completed and already under construction. We must provide for those projects which have been approved by the district engineer, approved by the Board of Engineers, approved by the Chief of Engineers, and reported to Congress favorably by the Secretary of War as being worthy of improvement after all the study and investigation which these responsible officials have given the subject.

We have no business to talk about spending money for preparedness or any other purpose if we must neglect internal improvements, the duty of taking care of which rests upon Congress. These are navigable streams. No individual can exercise any control of them or can undertake even to improve one of them without first getting the permission of the Board of Engineers. No individual can go into a harbor on the coast anywhere and spend his money to deepen that harbor without asking permission of the Government, through the War Department, to do so. He can not expend his own money to deepen and widen a river without asking permission to do it. Congress has jurisdiction over these navigable waterways, and it is incumbent upon Congress to take care of the waterways just as well as to take care of the harbors of the country; and we are neglecting our duty, we are shirking our responsibility, we are short-sighted, and guilty of inexcusable neglect of the public interest, in my judgment, when we fail to go on with the care, maintenance, and improvements of the highways of commerce—the rivers and the harbors of this country—which have been recommended for improvement because of their commercial justification and because of the merit in them by the boards charged with the duty of examining and studying and reporting upon them.

It has been mentioned here that there is a sentiment against the present system inaugurated for the improvement of the waterways, the rivers and harbors of this country. If so it is created by the cry of "pork barrel," and that sort of thing, for purposes which I do not care to characterize, but not in all instances in good faith, in my judgment. That sentiment has been manufactured; it has been created; it is not the judgment of the people of this country that we ought to neglect these waterways or fail to take care of them or to make the improvements for which the Federal Government is responsible. There is no better system, it seems to me, which can be devised than the present system.

A survey, when ordered by Congress, is referred to the district engineer. He is a responsible official; he is under nobody's control or influence; he is not elected in any district or by the people of any State; he is in office during good behavior; he is trained; he knows his business; he feels his responsibility; he is faithful to his trust; and he makes the examination and reports that the project is worthy of improvement or that it is not worthy of improvement; that its cost will be so much, and that Congress would not be justified in appropriating that amount of money for that improvement, or, otherwise, that Congress would be justified. That report comes to another responsible body, the Board of Engineers for Rivers and Harbors. The members of that board are not dependent on any county, State, or community for their positions. They are entirely independent, faithful, competent, honorable men of the highest integrity and of the very best capacity. Those men consider these reports, and, if that is desired, hearings are had before this board, and the Board of Engineers passes on the subject. Then the Board of Engineers reports to the Chief of Engineers, and the Chief of Engineers reports to the Secretary of War, and the Secretary of War to Congress. I can conceive of no safer or better way of safeguarding the public expenditures and of conducting these great public enterprises than the present plan provides, and I think all this talk about "pork barrel" and about favoritism and about influence, local or otherwise, is uncalled for, unwarranted, and that any sort of criticism that suggests nothing better is simply destructive criticism and gets nowhere. No plan has been proposed to change that system which in any way commends itself to Congress.

The proposal of the Senator from Iowa [Mr. KENYON] to make a lump-sum appropriation as a substitute for this bill is, in my

judgment, unsound. So far as I am concerned, I would rather see the bill go down in defeat than to see that amendment adopted. If Senators want to take the responsibility of stopping the improvement of the public waterways of the country, those which are under the jurisdiction of Congress because of their navigability, if Senators want to take the responsibility of saying "we will not spend another dollar on the rivers and harbors of the country," let them take it; and they would take that responsibility in effect if they should appropriate a lump sum in this bill, as they have done in the last two bills, because it would mean an absolute abandonment of the present system and plan of carrying on these improvements. It would mean that Congress was unwilling to be guided by the judgment and the opinion of the experts who are qualified to pass on these questions; that Congress discredits the reports made to it by the Chief of Engineers, by the Board of Engineers, and by the district engineers as to the merits of the various projects which have been undertaken in the past and which have already been reported for action to Congress. It would mean to say that we have no faith in the worthiness or the merit of any project now under way or heretofore reported on. I do not propose to put myself in that attitude under any consideration, because it would not only be contrary to my judgment and convictions, but it would be absolutely absurd, without any justification whatever, and unwise from the standpoint of the public interest.

So, Mr. President, I say that this bill ought to be passed as reported by the committee, and that, if it can not be passed in that form, I would rather have it defeated than to have the substitute proposed by the Senator from Iowa adopted. We have done that thing for the last two years. The last two river and harbor bills have provided lump-sum appropriations. If we did that thing again, it would mean clearly that that was the policy intended to be pursued by Congress; it would mean the tearing down and destruction of what Congress has heretofore done, a complete reversal of its position on this important question; and the consequence would be that when the time came again for taking care of the rivers and harbors there would be no appropriation at all provided. It would mean a complete abandonment of these great public works.

Mr. O'GORMAN obtained the floor.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to his colleague?

Mr. O'GORMAN. I yield.

Mr. WADSWORTH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Martine, N. J.	Smith, Ariz.
Bankhead	Hardwick	Myers	Smith, Mich.
Borah	Hitchcock	Nelson	Smoot
Brandegee	Hollis	Newlands	Sterling
Broussard	Hughes	Norris	Stone
Chamberlain	Husting	O'Gorman	Thomas
Clapp	Johnson, S. Dak.	Oliver	Tillman
Clark, Wyo.	Jones	Page	Vardaman
Clarke, Ark.	Kenyon	Pittman	Wadsworth
Curtis	La Follette	Poindexter	Warren
Dillingham	Lane	Ransdell	Williams
Fall	Lea, Tenn.	Shafroth	Works
Fletcher	Lewis	Sheppard	
Gallinger	Lippitt	Sherman	
Gore	Lodge	Simmons	

Mr. SMITH of Michigan. I desire again to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of sickness in his family. I desire also to state that he is paired with the junior Senator from Florida [Mr. BRYAN]. I wish this announcement to stand for the day.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. O'GORMAN. Mr. President, on page 6 of the bill before the Senate is an amendment proposed by the Senate Commerce Committee, striking out what I regard as perhaps the most important provision in the entire bill. The expense involved can not be the excuse for this action by the committee, because it provides for an appropriation of only $200,000, while making an authorization for $500,000. It contemplates an improvement regarded by the President and the Navy Department as absolutely imperative. It relates to one of the most important rivers of the country. It is not one of the streams that have figured frequently, and doubtless figure now in this bill, which in the dry season practically dry up and are incapable of navigation, and never will be fit for navigation, notwithstanding the vast sums of money taken out of the Public Treasury to waste upon those improvements.

In 1914 the commerce on the East River amounted to 46,000,000 short tons, valued at $1,500,000,000. It carried more than 22,000,000 passengers. Yet this committee, for some reason—perhaps not stated before the Senate—has seen fit to strike out this proposed appropriation, which was incorporated in the House bill after careful consideration of its merits and in response to a personal appeal by the President of the United States and the Secretary of the Navy. The immediate appropriation is $200,000 with an authorization for $500,000 more.

In the East River, which runs for a length of 16 miles north of New York Harbor, there are only two points where the depth is less than 35 feet. Diamond Reef is one of those points. In close proximity to the most important navy yard in the United States—the Brooklyn Navy Yard. They are now launching dreadnoughts from time to time with a draft of 30 to 31 feet, while the depth of water over this reef is but 26 feet. In order to avoid this menace to safe navigation, our great battleships can enter the navy yard only once a day, and at high tide. Not only can it be said in favor of the proposition that it is a commercial necessity, but from the standpoint of preparedness it is indispensable; and yet, if the Senate is to act with the committee, notwithstanding all these urgent reasons, this absolutely essential improvement is going to be eliminated.

A great deal can be said, I think, in criticism of the judgment of the Senate with respect to this provision. I am reluctant at this time to say more than that this is a just provision, it is a necessary provision, and in some respects it is vital in any broad scheme of national preparedness. I should prefer to withhold further comment until the Senate may be advised as to the reasons that animated the committee in taking this action. I should be very glad to hear from the distinguished chairman of the committee what reasons led him and his distinguished associates to take this most extraordinary action.

I pause for the information, if the Senator is disposed to give it.

Mr. CLARKE of Arkansas. Mr. President, it is my purpose to make a few remarks about the action of the committee on this particular item at some appropriate time before it is submitted to a vote, but I would not care to intrude upon the Senator while he is speaking.

Mr. O'GORMAN. It will not be an intrusion. I shall yield the floor now to the chairman of the committee, reserving the privilege of asking the attention of the Senate at another time.

Mr. CLARKE of Arkansas. The junior Senator from New York [Mr. WADSWORTH], I understand, desires to address the Senate, and I thought it was due him to afford him that opportunity now, if he cares to exercise it. If not, I have no objection to presenting the reasons that actuated the committee.

I think there is some force in what the senior Senator from New York has said. The improvement of New York Harbor is a matter always of vital concern in the development of the water transportation facilities of this country. The fact is New York is a favorite of national action, and ought to be. It is the very heart of the commerce and life of the Republic; and there is nothing that is proper and fairly within the means of the National Government that ought not to be done at that point, because it not only contributes to national pride but it promotes the national interest. The committee was not actuated by any spirit of hostility to New York nor to this particular enterprise.

In the first place, the committee found that the engineers were not agreed as to the proper channel to improve at that point. It seems that two investigations were made for the purpose of determining the most eligible point at which a deeper channel could be provided to the Brooklyn Navy Yard. One of the examinations and surveys was made under the direction of Col. Black, now the Chief of Engineers; another by Col. Roessler, a very eminent officer in the Engineer Corps. They reached different conclusions. Col. Roessler reported in favor of what is known as the Buttermilk Channel, and his report passed through the several stages necessary to make it an approved project, and the Board of Engineers decided that that particular channel should be improved in preference to this one. Subsequently Col. Black's report was submitted, providing for the channel mentioned in this particular bill.

The report submitted by Col. Black was for a more comprehensive project, known as Document No. 188, Sixty-third Congress, first session, and providing for the channel through the East River just as is described in the bill which the Commerce Committee has recommended for rejection. That particular part of the work is only a single unit in the larger program, and the program itself will be a failure if the several units that constitute it are not brought into harmony; the main feature being that a depth of 35 feet should be furnished for all the shipping facilities that are grouped at that point. The project of which the pending amendment is a part, and which received the second approval of the Board of Engineers, calls for an expenditure of $29,659,561. The project itself consists of five or six different units, the one under consideration now being only one of these.

I should say that it would not tend to a proper development of the shipping facilities at that point to improve one of the reaches of the harbor upon a basis of 35 feet without providing a similar depth for all of those that are associated in the shipping activities that concentrate there.

Leaving out any question, therefore, of a choice between these particular routes, it became a matter of importance to the committee to take time to determine whether or not the present necessity of providing for this particular item was of sufficient importance to practically commit the Government to the expenditure of the remaining $29,000,000. The Buttermilk Channel contemplates no such expensive outlay, and if the purpose be simply to provide for a 35-foot depth to the navy yard it can be much more readily and cheaply accomplished by improving that particular channel.

That is, in a way, the right of subsequent investigation that the committee saw proper to reserve to itself so far as the merits of the project itself are concerned. Then there entered into its consideration a matter of policy. It was given out authoritatively that this bill was to contain no new projects. That matter was submitted to the House of Representatives, and by a yea-and-nay vote that policy was declared to be the one that should govern in the preparation of this bill. An exception was made in favor of this particular item because of the insistence of the President, in a letter addressed to some one officially connected with the matter, wherein he based his recommendation upon the necessities that grow out of the military situation. He associated it with the so-called preparedness program. It was not insisted upon as a matter that would immediately promote the commercial interests of that particular port.

The committee felt that as long as they were confronted by that policy of a coordinate branch of the legislative part of our Government, it was well for us to determine whether or not the Senate would also take that view of it. We added 15 or 20 amendments. Some of them we deemed to be quite as meritorious as this particular item. We felt that we ought to enter the conference which will take place in the event the two Houses disagree on that policy upon a footing of absolute equality, and have an opportunity to compare the merits of this particular project with those that were inserted in the Senate bill. If we were confronted by a cast-iron instruction that would withdraw from the House conferees the right to consider any proposition simply because it was new, overlooking its merits entirely, then it would be a matter for further consideration to determine whether or not, if the policy was to be carried out at all, it was to be carried out in its entirety. We thought, too, that we might present the merits of the so-called Buttermilk Channel—a project that will cost very much less, and will accomplish much more readily and immediately the purposes that are in view.

It has been said that we struck out the item for trading purposes. Well, every one selects his own terms in which to express his own ideas. In a way, that element might be said to enter into it; but we can justify our action by a little more conservative and justifiable statement than that. We felt that we were entitled to put it upon the Democratic footing of "special privileges to none and equal rights to all"; that if the projects added by the Senate were to be subjected to scrutiny it was nothing more than right that this particular project, which stood upon identically the same claim of merit, should be considered surrounded by the same circumstances and conditions. In that sense it was a trade, but the trade did not partake of any corrupt or secret agreement. It was a public declaration of a policy to consider in cooperation with those who had a right to be consulted as to whether or not that policy should be applied at this time in its strictness and do justice to the country.

It was said that the present condition of the public revenues would not permit the Senate to exercise an absolute legislative discretion in making up this bill. In addition to the items contained in the bill, those included in the House bill as well as those added by the Senate, there are about $150,000,000 of projects that have been approved in the regular way by the Board of Engineers and forwarded to Congress for such action as it sees proper to take. So, out of that $150,000,000 of approved projects, located all over the country, the committee saw proper to select those that will cost in the aggregate about $3,000,000. For instance, a project in Connecticut appealed to us very strongly as one of necessity and of justice as well. An additional project was added for the State of New York, to join the great canal system with the rivers in connection with which the canals are intended to be operated. We thought that the harbors in California at San Diego and at Los Angeles were worthy of improvement; and we thought well of other projects that had been certified to us by the executive officers of the Government. Nearly any one of these four can be considered in connection with this particular item without suffering any on its merits; and we felt that if we were to enter a conference where those matters were to come into competition, or where principles were observed that would include one and exclude the other, we ought to enter that negotiation upon a footing of absolute equality and independence.

The action of the committee, therefore, had its justification in the fact that this was not the only project to accomplish the same purpose that was submitted to us. There was fair room for doubt as between the two; and if expense was to be considered, and this particular project alone was to be considered, the Buttermilk Channel was the better one. If, however, it was the purpose of the Congress to select the larger project, involving an expenditure of $29,000,000, and it was deemed wise to pick out one unit in that larger plan and begin work upon it at this time, then, of course, the preference would go in favor of the East River route.

That is just exactly, briefly, the reason that lay at the foundation of the committee's action. It is submitted to the Senate for what it is worth, and whatever the Senate does about it is just exactly what we want done about it. The committee had no particular preference about its action except as it represented the Senate; and it intended that its action should be submitted to the Senate frankly and openly, so that whatever action was taken would represent the policy of the Senate in this connection.

Of course, if the Senate expresses a preference for that particular item and takes away from the Senate conferees the right to insist upon a comparative consideration of the question, it carries with it a certain implication that the Senate conferees do not have behind them the sentiment of the Senate that they ought to insist upon their items as vigorously as they might if they were in a position where they could insist that the other House should accord to the Senate the right to make meritorious exceptions to the rule, just as the House had exercised its right to do.

That is all there is in it. The matter is submitted to the Senate for whatever action it may see proper to take.

Mr. NELSON. Mr. President, will the Senator from Arkansas yield to me for a minute?

Mr. CLARKE of Arkansas. I shall be glad to do so.

Mr. NELSON. Is it not a fact that for the sake of preserving two important items from the State of New York that we inserted in the bill—to wit, the Lake Champlain item and the Buffalo item—we thought it was good policy to leave the other out, so that we could perhaps secure all three?

Mr. CLARKE of Arkansas. We could at least consider all three upon a footing of equality.

Mr. NELSON. If the Senate does not sustain us on this East River item we may have to give way on the other two items in conference. We might as well talk very plainly on this subject.

Mr. CLARKE of Arkansas. Oh, I have no disposition to conceal anything.

Mr. NELSON. The bill came over from the House with the understanding that we were not to put in any new provision at all, except the one solitary item they put in. We broke over that rule and put in a few new items.

Mr. CLARKE of Arkansas. We had to do it, to do justice, as we understood our duty.

Mr. NELSON. Yea. Especially three of those items I regarded as very important. We will have to fight for those items in conference, and I hope the Senate will leave us in position to make a good fight to retain them.

Mr. CLARKE of Arkansas. I am very glad the Senator agrees with me.

Mr. O'GORMAN. Mr. President, the very illuminating remarks of the Senator from Arkansas, together with those offered by the Senator from Minnesota, almost persuade me to take the position advocated by the junior Senator from Iowa [Mr. KENYON] and the senior Senator from Colorado [Mr. THOMAS]. If a proposition on its merits is of such doubtful propriety that the members of the committee candidly avow that legislation can not be accomplished without throwing out some inducement here and there, giving every locality its price

for the support of the measure, then it is clear that the proposal is not in the public interest, and should be defeated.

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arkansas?

Mr. O'GORMAN. I do.

Mr. CLARKE of Arkansas. Does the Senator know an item in this bill of that character which the committee has recommended for adoption?

Mr. O'GORMAN. I know what has been stated here several times by the Senator from Iowa and by the Senator from Colorado. If it be avowed, as has been stated in the last few minutes, that an appropriation is dropped out to permit the committee in conference to have a basis of negotiation and trading and conceding this or that, it leads me to the conclusion that the entire proposition can not be defended upon its merits and lends much support to the criticism of this class of legislation.

Mr. President, a moment ago when I was referring to the importance of the commerce of the East River I am not sure whether I correctly stated the amount of tonnage passing through that river; but in 1914 it amounted to 46,000,000 tons, valued at $1,500,000,000. It does seem to me, and I think it should seem to every impartial observer, that a river of national importance, carrying that amount of trade and commerce, should not be denied the comparatively small appropriation provided for in the House bill.

We are told that among other considerations that influenced the committee they were in doubt as to whether they might not be committing themselves to a twenty-million or a thirty-million project. The fact is, this immediate proposition is absolutely divorced from any project. You are not passing on any proposition other than the simple one: "Are you prepared to devote $200,000 of the public money for a vital improvement close to the greatest navy yard we have in the country? Are you going to take the counsel of your Executive and of the head of your Navy Department, both of whom state that this is absolutely essential?"

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. O'GORMAN. Yes.

Mr. NORRIS. I want to say to the Senator that I am moved to ask the question I expect to propound solely with the object of bringing out the facts surrounding this proposition.

I want to ask the Senator what his judgment is in regard to what I understood the Senator from Arkansas to claim—that the expenditure of the money provided for in this item would necessarily lead to the expenditure of $29,000,000, I think it was?

Mr. O'GORMAN. No; I think the Senator from Arkansas, if he desired to be so understood, was mistaken, because the House provision expressly declares:

> That nothing herein contained shall be construed as adopting the said project—

And "the said project" refers to one of those alluded to by the chairman of the committee—

> beyond the work to the extent and in the manner specified.

I should like to direct the thought of the Senate to this immediate proposition. This Diamond Reef obstruction is in the direct course of navigation leading into the navy yard, and the water at that point is less than 35 feet deep. These large battleships now being built there and that have been built and that pass in and out now draw 30 and 31 feet of water; and, as has been testified by one of the admirals before the House committee, he never passes through that section of the East River without the gravest anxiety as to a possible injury to his ship for which we are expending in these days from fifteen to eighteen million dollars.

Mr. NORRIS. The question I really wanted the Senator to answer was whether or not, in his judgment, the expenditure of the money provided for in this item would, in order to make it useful, necessitate the expenditure of the additional sum mentioned by the Senator from Arkansas?

Mr. O'GORMAN. No; I do not think so. I do not think it would follow at all. My impression is that this immediate appropriation would go very far toward reducing the Diamond Reef and removing it as an obstruction.

Mr. NORRIS. What is the proposition that is going to cost $29,000,000 to which the Senator from Arkansas refers?

Mr. O'GORMAN. There are two propositions, rather comprehensive, but not necessarily affecting this immediate improvement that we are asking now. As I have said, that is apparent from the circumstance that in the House provision there is an express declaration that this appropriation is not to be regarded as an adoption of any project.

Mr. NORRIS. No; but, of course, a declaration in the law does not necessarily mean that it would not follow that such a thing might be necessary. I wanted to know what the facts were. Would this expenditure be useless if we did not go further and expend the additional money?

Mr. O'GORMAN. I think not. Indeed, I am sure it would not.

Mr. NORRIS. I should like to ask the Senator to discuss, at some time when he has the floor, the proposition—and I ask this question with the same motives—of what is known as the Buttermilk Channel, as I believe it is called.

Mr. O'GORMAN. That is one of the propositions, but that is not before this body.

Mr. NORRIS. Does this mean that that improvement would be rejected if we adopted this? Is this connected with that proposition in any way?

Mr. O'GORMAN. This does not adopt any project. It is a simple, concrete proposition. It is necessary to expend $200,000 to make a needed improvement in the East River in close proximity to the navy yard. The question is, Will the Senate of the United States refuse it—refuse it to a State that is contributing 25 per cent of every dollar paid out of the Federal Treasury for public improvements in every part of the Union? I do not think it is fair that such a disposition should be manifested.

Mr. NORRIS. Mr. President, I do not want the Senator to get the idea that I am propounding these questions in any spirit of hostility but without knowing all the facts I feel inclined to vote to retain this item in the bill, and the Senator has presented certain propositions that I think are worthy of consideration. I am trying to get information so as to vote intelligently.

Mr. O'GORMAN. The Senator referred to two propositions not before us. Both of them are found in House or Senate documents, which, of course, are accessible to any Senator who cares to read them. Mr. President, I believe on the merits that this proposition should be favored; it should have the approval of the Senate. I am not without appreciation of the other reasons offered by the chairman of the committee. He is a Senator of great experience. He knows better than a good many of us how to secure legislation. He knows the best methods to be employed, and I have no doubt from his viewpoint he is pursuing the very best course looking ultimately to the welfare of the country.

But I prefer not to be involved in those collateral considerations. I base my contention as to the propriety of this appropriation on its merits, divorced from all other propositions that came before the committee or that may come before the Senate. It is not to be supposed that this is of no more importance than the 15 or 20 other projects alluded to by the Senator from Arkansas. The President of the United States, at a time when he is endeavoring with the aid of Congress to formulate a preparedness program, advises us that he believes it essential to have this appropriation and to have this improvement. If his judgment is good in this respect I think the Senate ought to reinstate the House provision, and I think in reinstating it the plans the Senator from Arkansas has with regard to these other meritorious provisions will not necessarily suffer. With his powerful capacity for persuading, I have no doubt when he goes into a meeting with the House conferees he will be able to satisfy them that the best interests of the country will be served by yielding to every proposition he makes with respect to these public improvements.

Mr. OLIVER. Mr. President, when this bill was reported from the committee, I as a member of the committee reserved the right, while favoring the report, to vote in opposition to certain items of the bill of which I did not approve. The rejection of the East River proposition was one of the items that I had in mind. I do not think, and I so expressed it to the committee, that a matter vitally affecting the importance of the greatest harbor in the country and one of the greatest in the word should be made a trading point between the two Houses of Congress. It is no secret that this proposition on its merits met with favor on the part of a majority of the committee.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. OLIVER. I yield.

Mr. POMERENE. May I ask the Senator was there any difference of opinion as to the real merits of the proposition?

Mr. OLIVER. Not so far as I can remember. I do not remember that a single member of the committee expressed himself in opposition to this proposition.

Mr. POMERENE. May I ask a further question? Was there any different opinion expressed by any witness who came before the committee on the subject?

Mr. OLIVER. I do not think there was any hearing on this item.

Mr. CLARKE of Arkansas. There were no witnesses.

Mr. OLIVER. There was no hearing at all. The discussion was confined entirely to the members of the committee sitting in executive session. I will say, however, that in rejecting this proposition a very respectable minority of the committee voted in favor of retaining it.

For this reason, Mr. President, I feel constrained to differ from my associates on the committee, and I think that on the merits of the proposition it is undeniable that we ought to retain it and let the amendments reported by the committee which relate to new projects stand upon their own merits when the bill comes into conference.

Mr. WADSWORTH. Mr. President, while the utterances made thus far in the discussion of this item have been highly entertaining, particularly the statement of the chairman of the committee, fortified by the statement of the Senator from Minnesota with respect to at least one exceedingly important motive for the rejection of this item by the Senate Committee on Commerce, that motive has become so clear to the Senate, and it is so thoroughly understood by every Member of the body that I shall not make any further observations in connection with it. I do, however, desire to bring to the attention of the Senate some phases of this matter which I think are of importance by way of supplementing the remarks of my colleague, the senior Senator from New York.

I hope it will not be considered that the State of New York is asking for this item as a State, that the city of New York is here asking the Federal Government to expend $200,000 this year and $500,000 next year for the completion of this particular piece of work.

I need not say that the expenditure under Government contract of $700,000 and the subsequent expenditure of that sum by a contractor, in the space of two years, in the work of improving a portion of the harbor of New York is of very little importance, comparatively, to the people of that city in their capacity as citizens of that city or in their capacity as citizens of the State of New York. Neither my colleague nor myself ask this for the State of New York or for the city, but we do ask the Senate to take into consideration a condition of affairs which can not be ignored.

By an accident of geography and by the remarkable facilities afforded by nature at the mouth of the Hudson River the city of New York has become the metropolis of the United States. It has become the metropolis not only by the efforts of its inhabitants or by the efforts of the inhabitants of the State of New York, but it has become a metropolis as a result of the prosperity and the wealth and the enterprise of the entire Union, and as such it is the property of the United States. It is the pride of this country, just as Berlin is the pride of Germany, Paris of France, and London of Great Britain. Nothing that Congress can do or say can change the economic laws which make the city of New York the metropolis of the Nation and make the harbor of New York the greatest port of entry on this continent. If we place our discussion upon that plane and view the situation from that standpoint, I think we can approach it with clearer minds.

Now, it so happens that the progress of shipbuilding in recent years—particularly in the last 10 or 15 years—has resulted in this, that ships, instead of drawing 24 to 26 feet as a maximum, are now drawing 30 to 31 feet as a maximum.

That applies not only to merchant vessels, which, as my colleague has said, carry 46,000,000 tons in and out of New York every year, but also applies to battleships and armored cruisers.

Prior to this very significant increase in size and draft of ships the harbor of New York required very little improvement either at the hands of the Federal Government or of the local authorities. As a result of that situation existing prior to the increase in the size of ships, out of $850,000,000, in round figures, which has been appropriated by the Federal Government for the improvement of the rivers and harbors of the country since those appropriations were first started, just about 3 per cent of that sum has been spent in the harbor of New York.

Now, the situation has commenced to change. Ships have increased in size. Every great port in the world is being seriously affected by this change in the size of ships, and every Government in the world worthy of being called a great Government has been exceedingly industrious in recent years in improving the harbors of their great seaports. This has been done in Antwerp; it has been done in Rotterdam; it has been done on the Thames; it has been done in Liverpool. Eventually it must be done in the principal harbors of the United States; otherwise large vessels can not come to this country as they should come.

The Senator from Nebraska [Mr. NORRIS] has inquired whether or not this particular item will necessarily and inevitably lead to the expenditure of $29,000,000. The wording of the item expressly forbids any such construction being placed upon it. My colleague has read the language. The project to which he refers and to which the Senator from Arkansas [Mr. CLARKE] refers, as I understand it, is one which has been recommended a couple or three years ago by the Army engineers for a comprehensive improvement of all New York Harbor or all those portions of the harbor which need improvement in order to enable 30-foot draft vessels to reach the docks in both the North River and the East River and to reach the docks on the Jersey side at Hoboken and Jersey City. Much of the harbor, in fact a great portion of it now, will not only carry a 30-foot draft vessel but will carry a 35-foot draft vessel, and the main channel coming in from Sandy Hook through the lower bay, known as Ambrose Channel, already contains a 40-foot depth of water.

The proposal made by the engineers, and which has not yet been adopted by Congress, and which could not be adopted under the language of this item, is that an average depth in the usable waters of the harbor of 35 feet be eventually attained, at an estimated cost, as I understand it, of about $29,000,000.

The Senator from Nebraska has asked a question about the Buttermilk Channel and its relation to this particular improvement. At the risk of boring the Senate, but perhaps for the benefit of the Senator from Nebraska, I beg leave to point out on a map of the harbor the particular points of interest with respect to this bill.

Every Senator, I assume, of course, is familiar with Manhattan Island and the lower end of the island known as the Battery. To a ship coming in from the Atlantic and coming up the Ambrose Channel into the upper bay, we will say a battleship bound for the Brooklyn Navy Yard, which I have here indicated in solid blue [indicating], two entrances into the East River, which separates the borough of Brooklyn from Manhattan, are available.

The two entrances in the East River are separated from each other by Governors Island, which is here indicated in solid blue, and which is well known as an Army post and the headquarters of the Department of the East.

The channel at the south of Governors Island, separating Governors Island from the Brooklyn shore, is the Buttermilk Channel. The channel north of the island separating Governors Island from the Battery on Manhattan Island is the channel which is to be improved under this item.

The Senator from Arkansas has stated that two Army engineers have disagreed as to which of these two channels should be improved in order to allow a battleship to reach the Brooklyn Navy Yard with entire safety, and he has stated that the improvement of the channel between the Battery and Governors Island will cost a great deal more money than the improvement of the Buttermilk Channel south of the island.

However I call the attention of the Senate to the hearings held before the House committee, a copy of which I hold in my hand. On page 26 we have the testimony of Col. Black, of the Army Engineers, who says that to improve Buttermilk Channel to its full width, or to a width equal to the improvement now asked for the northern channel on the other side of Governors Island, would cost $1,950,000.

Further on in his testimony he states that the initial expenditure would not be sufficient for all time, because the bottom of that channel is composed largely of mud and clay and gravel, and consequently there will always be an annual maintenance charge to keep it clear. He states that the initial expenditure will be $1,950,000, and he estimates that the other channel, the one that is to be improved under this item, is to cost only a total of $700,000.

So I think, with all due deference to the Senator from Arkansas, he must be mistaken as to the comparative cost of the improvement of the respective channels.

Furthermore, Col. Black says in his testimony that when Diamond Reef is blasted out of the channel between Governors Island and the Battery there will be no cost of maintenance, because it is solid rock and does not fill in again by the drifting of silt. In that respect this improvement is exceptional. Once done it is permanent.

Now, what is the situation with respect to the East River? My colleague has stated the tremendous interest of the Navy Department in having this improvement made. He has not overstated that interest. Both these channels—the one north of Governors Island contemplated for improvement and Buttermilk Channel to the south of Governors Island—to-day carry about the same depth of water, from 30 to 32 feet, 32 feet being

the maximum depth at the top of the highest tide when the wind is right. With the wind blowing in a certain direction, Admiral Benson testified before the House committee, the water is backed out of both those channels, and as a result even at the highest tide there is sometimes a reduction of 2 feet in depth due to wind action alone. Sometimes that condition continues from 24 to 48 hours, and during such a condition no battleship built or launched or used by the United States during the last 8 or 10 years can reach the Brooklyn Navy Yard, and if it is in the yard at such a time it can not get out.

Mr. POMERENE. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Ohio.

Mr. POMERENE. Can the Senator state how many merchant vessels now enter New York Harbor requiring a draft of 35 feet?

Mr. WADSWORTH. I can not state the total number, in response to the question of the Senator from Ohio, but I will say that the North River can carry a 30-foot vessel. Improvements have been made along the North River docks, and North River, be it remembered, is the Hudson River lying between the Jersey shore and Manhattan Island. The North River now can carry a 30-foot vessel to the docks in Hoboken. The Hamburg-American Line and the North German Lloyd Line, as I remember—and my colleague will correct me if I am wrong—have their docks on the Hoboken side. The *Olympic* and the *Vaterland*, the greatest ships in the world, one White Star liner and one a German liner, can reach their Hoboken or Manhattan docks and discharge their passengers and freight. Therefore, so far as that is concerned, the west side of New York Harbor, the west fork, as it were, which presents itself to the ship coming north from Sandy Hook, can be used now by the largest boat in existence.

There are certain reaches of the river above the docks at Hoboken and Jersey City to which the ships can not go. It is the idea of the Government engineers, as I understand it, to make some further improvements in the North River, so that ships of any size can go farther north.

The same is not true of the East River. The reef between Governors Island and the Battery, which my colleague has described as Diamond Reef, and another reef just beyond it, known as Coenties Reef, limit the ships to 30-feet draft at a maximum under the most favorable conditions, so that none of the great ocean liners come into East River. They can not get into East River from Long Island Sound coming from the north on account of similar obstructions at Hell Gate, and it is the plan of the Army engineers eventually, with the consent, of course, of Congress, to blast out the reefs at Hell Gate and a few pinnacle rocks here and there in East River, so that both ends of the river will carry the largest vessel.

Two battleships have already touched bottom in this spot which it is desired to be improved, and when a battleship of 15,000 or 20,000 to 30,000 tons hits a rocky obstacle on the bottom of a stream it is an exceedingly serious matter. The momentum of a ship of that sort striking against a resisting material causes an enormous damage, and that is what gives rise to the nervousness of the navigating officers of our ships.

Furthermore, the channel between Governors Island and the Battery, which it is sought to be improved, such as it is, is not a straight channel, and the ships have to make two exceedingly sharp angle turns in a very restricted area of water. One of the turns is guided by a point on the roof of a hotel in the city of Brooklyn, situated on higher land. By ranging the roof of that hotel with a certain point down on the Brooklyn shore, the navigating officer knows he is following the turn in the channel; but Admiral Benson testified that if there was any fog on the river the shore-line point is obscured and he can not range it with the point higher up on the roof of the hotel. He has even had to back a great battleship out of the way of a tow of barges in that particularly narrow place.

The Brooklyn Navy Yard has been in existence for 100 years. The Government has spent millions and millions of dollars upon it. We build dreadnaughts there. A ship is being built there now. It is on the ways. Another battleship, having been completed so far as its hull is concerned, is being outfitted there. It is well to remember that the Brooklyn Navy Yard is the one navy yard above all others in the United States which is used for the outfitting of battleships, the placing of guns on board, the movable equipment. It has been the custom of the Navy Department to base, as it is called, four or five or six battleships on the New York Navy Yard. When a new ship is built and added to the Navy, they take the oldest of the battleships which have been based on the New York Navy Yard and base them on the Philadelphia or Norfolk or some other yard, always leaving four or five or six battleships based upon New York.

The situation is an exceedingly serious one. We have embarked on building these big ships, and we must continue it if we are to maintain our own in competition with others, even if we do not intend to compete with them to the limit. It strikes me, as it must strike every Senator who takes this matter seriously, that for us to leave a situation of that sort which at some time may lock up two or three battleships in the Brooklyn Navy Yard without their being able to get out or at any moment may prevent two or three battleships getting in is a matter of far greater importance to this country than the mere matter of hampering the legislative independence of the Senate in its dealings with the House.

Mr. POMERENE. May I ask the Senator further how many battleships we have now with a draft of 35 feet?

Mr. WADSWORTH. We have no battleships of more than 30-foot draft. But all harbor work in these modern days is being done on a basis of 35 feet depth of water. The Senator from Michigan [Mr. SMITH] reminds me. Ships like the *Utah*, the *Wyoming*, the *Arkansas*, the *Arizona*, the *California*, and *No. 43* and *No. 44*, now building, draw 30 feet and can not get in and out of that channel unless the conditions are absolutely normal in every respect, and then they have only a few inches to spare under their bottoms.

May I call the attention of the Senate to a very possible contingency? If one of our battleships in time of war should suffer an injury below the water line, which resulted in filling with water some of the water-tight compartments, she could not get to the Brooklyn Navy Yard dry dock to be repaired, and that is one of the few dry docks which will contain a modern dreadnaught. An injury below the water line, as is well known, will settle a battleship by the head or by the stern 18 inches or 2 feet. She can be kept afloat indefinitely by keeping the water-tight compartments closed and the pumps going; but she is disabled in her fighting capacity. If that should happen in time of war outside of New York Harbor in some contest between an American fleet and a foreign fleet, the injured American battleship could not be repaired, for she could not get into the Brooklyn Navy Yard.

Mr. President, I have attempted to point out, in a somewhat rambling way, what I believe is the national importance of this improvement, and for one, with all due deference to my colleagues, and particularly to the members of this committee, I must utter a protest against placing this item in the category already described in this debate. It is too important; it should not be trifled with; it is just as important to the people of the Middle West and of the Pacific coast as it is to the people of New York. That contention has, in effect, been made by the President of the United States, when he said it is of national importance, affecting our self-defense; it has been made by the Secretary of the Navy in a communication to the House committee; and it strikes me that the Senate would not be true to its traditions as a deliberative body, having in mind the good of the country—not merely the needs of New York—it seems to me that the Senate would not be true to its functions as the upper House of Congress if it did not correct what I believe to be an error on the part of this committee in striking out this item. For, Mr. President, while we have obtained some assurances with respect to the striking out of this item, and some intimation is made that it may go back in conference, I for one, as a Senator, am not willing to approach this project on that basis. I have not entire confidence in what the House of Representatives, through its conferees, will do upon this item. The House has passed it; it now comes before the Senate, just as it should come before the Senate, on its merits. Mr. President, I hope that the Senate will not agree to the amendment of the committee which strikes out this item.

Mr. KENYON. Mr. President, as a member of the Commerce Committee, I feel deeply hurt by the reflection of the distinguished Senator from New York [Mr. WADSWORTH] as to the consideration or lack of consideration of this matter by that committee. I think probably the Committee on Commerce gave nearly five minutes' attention to this important item. Some of us on the committee who tried to find out the reasons for striking out this item, heard the suggestion, as the distinguished Senator from Minnesota [Mr. NELSON] has here stated, in the frank and honest way that he always states the truth, that this was eliminated for trading purposes. When you say that you state the vice of this whole system that some of us have been fighting.

These propositions ought to stand upon their merit, or they ought to go down upon their demerits, as great national propositions of commerce or navigation or of preparedness, and not on their merit as trading propositions. I voted for this item in the committee; I shall vote for it on the floor, and hope it

may be restored to the bill, because it is a meritorious proposition.

While I have as great respect for the chairman of this committee as any man could have for another man, I do not believe that the chairman of the committee needs this for trading purposes. We know him well enough to know that if he can not persuade the conferees he can very quickly overrule any objection which they may make. He can swing the big stick very effectively.

Mr. CLARKE of Arkansas. Mr. President, would it not be a fairer way for the Senator from Iowa to state it, to say that we are not at liberty, under present understandings of the rules, to consider the merits of the different propositions with reference to this bill; that we are confronted by a prohibition against including any new items in it?

Mr. KENYON. We have included new items in it.

Mr. CLARKE of Arkansas. We are insisting that if any new items go into the bill they ought all to be considered on the same footing, so that their comparative merits might be considered at the same time on an equal footing. The Senator may call that "trading" if he wants to.

Mr. KENYON. And every other proposition in this bill we have been insisting ought to be considered on its merits. If Congress has reached the point that great questions of this character, entering into the question of preparedness, are to be considered as trading propositions, the sooner the country finds it out the better. And when it does find it out the rebuke will be quick.

I do not think this is a proposition merely for New York, as the Senator from New York has well said. It is a proposition in which the whole country is interested; it is a proposition in which the people of the West, of the Middle West, and of the South are interested; it is a proposition that the President of the United States considered so important that he asked the House committee to insert it in the bill.

I am one of those who glory in the progress of New York—of the city of New York and of the State of New York. We of the Middle West are proud of New York. Their progress is our progress; their pride is our pride. The fact that New York is a great, rich, prosperous city is a matter in which we all rejoice. Sometimes it seems as if they had almost a surplus of good things; even now they have three candidates for President. I wish they might eliminate some of them.

The Senator from Florida [Mr. FLETCHER], however, has told us this afternoon that we need not talk about any preparedness if we are to neglect the streams in this country. New York is for preparedness. Of course the people of New York are, perhaps, not apprehensive; but this is not for their particular benefit; it is for the benefit of the entire country. They must realize, however, that if trouble comes, if war comes, if they are attacked by foreign foes, they can, perhaps, get away and go down along the Anclote, and some of them take the one launch that goes up the Anclote, or perhaps grasp the trees that twine above the Orange or the Oklawaha Rivers, and thus evade hostile submarines. This is not a New York proposition entirely; it is for the whole country, and certainly is a meritorious one.

Mr. President, I do not understand why we can not as a Senate, as a Congress, be broad enough and fair enough to take up each proposition and decide it on its merits; cut out the bad propositions and keep the good ones, and stop this legislative trading. Believing this to be one of the good and meritorious ones, I shall vote for it when the opportunity to do so arrives.

Mr. LODGE. Mr. President, if this were a local improvement, I should say nothing about it, as I have kept silent on the many interesting local improvements of which this bill is full. I should be more than content to leave it in the very able and competent hands of the two Senators from New York; but, to my mind, it is in no sense a local improvement. To the people of the city of New York, vast as it is, and the great population of the State of New York, the expenditure of $200,000 on this channel in the next year is a matter of very little moment. The great majority of them will never know it is being done. This, however, is a wholly national question, as I look at it.

New York is the great gateway through which pour the bulk of the exports and the imports of the United States. It is to the interest of everybody in the United States that that gateway should be made as commodious as possible. Everyone throughout the United States benefits directly or indirectly by the condition of the harbor of New York. That is the commercial reason; but in this case with the commercial reason is associated the military reason or the naval reason. It is the site of one of our great navy yards—our greatest navy yard—and it is of immense importance to the defense of this country to have it readily open for our battleships, which are constantly growing in size and draft. It is now dangerous to take them there. Their approach to the yard and their departure from it ought to be made as safe as possible, so that our ships may pass in and out at all stages of water. It seems to me perfectly clear that this is perhaps the most important item nationally in the bill.

I want to say, in conclusion, a single word about the rule or law which has come into being about putting no new project in the bill. If this is a new project, it must have got into the bill in the other House, despite the law; but I am informed that what is called the "rule against new projects" is established by vote of the House. Mr. President, I am not one of those who are prepared as yet to accept the proposition that we have not an equal right with the other House to decide on any bill or on what shall be in any bill. The fact that the other House adopts a rule about new projects does not seem to me to have any bearing as to the action of the Senate of the United States.

Projects ought to go into this bill on their merits, and there is no use in holding up the bugbear of losing the bill because we put into it this or any other new project. As a matter of fact, this project was put in by the other House, and all we are asked to do is to keep it in.

Let me say to the Senate that, whatever else may happen, nothing will persuade the House of Representatives to allow this bill to fail. This bill is in no danger of failure. No river and harbor bill that I have ever seen ever was in danger of failure in conference. I have seen one or two river and harbor bills perish on the floor of the Senate, but never in conference. I think we may dismiss from our minds any apprehension of that kind. Judging this item, as the House put it in originally on its merits—and we have no other way to judge it here—judging it on its merits, there could not be a more meritorious proposition than this, for it is of great national importance. It affects us commercially and in a military way, and it affects not the port of New York alone, not the people of New York alone, but the commerce and the naval protection of the entire country.

Mr. NORRIS. Mr. President, I am only going to detain the Senate for a few moments. I shall do that for fear my attitude may be misunderstood. The questions I have propounded to the senior Senator from New York [Mr. O'GORMAN], which were also referred to by the junior Senator from New York [Mr. WADSWORTH], might have created the impression that because I am hostile to the bill itself, and have expressed myself to-day at some length upon it, I would be opposed to putting any items into the bill which I could be instrumental in any way in keeping out; but, Mr. President, I am just as anxious to get good items in this bill as I am anxious to get bad items out.

I have not the expert knowledge to enable me to say that I understand all of the items contained in the bill, meritorious and otherwise; but, so far as my limited knowledge goes, I believe this is the most important of any of the items contained in this bill. I think it is national in its character, and I believe every other item ought to be, to a great extent, a national item.

We are all interested in every one of our great ports and we are all interested, although in a lesser degree, in the smaller ports. We ought to be interested in anything that tends to build up the commerce of the country, regardless of location. I would not draw—and I hope I do not draw—in my consideration of the questions involved, any State line. The harbor of New York ought to be improved.

I wanted to say these few words for another reason, because, aside from its commercial possibilities and its commercial importance, the improvement covered by the amendment under consideration is a military necessity, and I wanted to make my position plain, because I have so often been quoted as one who was opposed to any consideration being given to anything along military lines, when, as a matter of fact, I have felt the same way about that question as I have about the river and harbor bill. While I do not agree with many great men, some of them being amongst my best friends, that there is a great necessity for extreme military development at the present time, I am anxious that any matter relating to military preparedness which, in my judgment, is reasonable and fair should be looked after and attended to properly.

It goes without saying that when we have a navy yard—if we were going to locate it now, it might be a different proposition—but when we have already located in the harbor of New York, and have maintained there for about 100 years, the greatest of all navy yards in this country, and when, on account of the increasing size of vessels which we have been building and are building for the Navy, it is practically an impossi-

bility for our ships to get in or get out, I think, as a military

to all the country; and I am not surprised that there is such a strong sentiment in favor of this amendment. Of course,

Mr. JONES. Mr. President, I do not yield to the Senator

letter to the chairman of the committee, and this is what

bility for our ships to get in or get out, I think, as a military proposition, this improvement ought to be made. I am therefore in favor of it under almost any considerations; but there is another reason why I am in favor of it.

It has been said that the item was put in the bill for trading purposes, and the Senator from Massachusetts [Mr. LODGE] intimated that some one had claimed that if we left this item stand the bill might fail. To my mind that is a very good reason why we ought to leave it in. If this bill, at least in its present form, can be made to fail by including any item, I would be glad to put it in the bill, and thus kill the bill, and then vote for a provision such as is contained in the amendment under discussion as a separate and independent matter. It is bad legislation, as I look at it, to put anything in a bill or to strike anything out of any bill for trading purposes.

There are other new items which have been incorporated in this bill by the Senate committee. I have not examined in detail all of them, but, for the purpose of the argument, I want to assume that at least some of them are meritorious and ought to be included in the bill. As I understand, however, the committee fears that the House will not agree to them unless the Senate conferees are able to say "We will keep the New York item out if you do not let these others in." If our committee have anything "up their sleeve" which is not meritorious, we ought not to give them that leverage, and if they have inserted some new item which is meritorious and which ought to be included in the bill, and it shall pass the Senate, then they do not need any leverage. It will stand on its own merits. If it is desired to add some other new and meritorious item, and if there is such a rule as that to which reference has been made, that nothing new shall be done under the sun, the House having violated that rule by putting in this meritorious item, there is no reason why the Senate should not also violate it. The pot could not call the kettle black in that instance, because the other body has already violated that rule, if there is such a rule; and if there is such a rule, it is not of any consequence, anyway, for there is no reason, if we want to legislate for the benefit of the entire country and we find a proposition that is meritorious—one that is going to be beneficial to the people of the country—why it should not be put in the bill, whether it is a child or whether it is hoary and gray haired and baldheaded with age. If it has merit, we ought to provide for it; and if it has not merit, it ought to be kept out.

So it seems to me, from any viewpoint, that this item ought to stay in the bill. It is of just as much interest to the people of the West as it is to the people of the East. They are just as anxious to protect the battleships which we have as are the people of New York. They are just as anxious that our battleships should have a harbor of safety as are the people of the cities of the Atlantic coast, and that, too, without regard to whether they believe that we ought to build a hundred battleships in the next six months and bankrupt the country by the expenditure of all the money which we can borrow everywhere to build battleships and provide armies, or whether they believe that there is not any demand or necessity for any increase of any kind. No matter what extreme you take, here is a proposition, it seems to me, that should appeal to all patriotic citizens, regardless of their belief upon that question, because no one wants to take a battleship now under our flag and prevent it from getting into a navy yard already established if, by the expenditure of a reasonable amount of money, we can make provision that the ship may have access to and egress from such yard.

I am glad of an opportunity to support this item, Mr. President. I wish that every other item in the bill had behind it the broad, patriotic reasons which, it seems to me, are behind this item.

Mr. JONES. Mr. President, as a member of the Committee on Commerce, I also reserved the right to vote for or against any item that might be in the bill and concerning which there might be controversy in the Senate. I think every member of the committee has that right, whether he expressly reserved it or not. I am not going to discuss the general features of the bill, except simply to say that I concur with all those who say that every item ought to be considered on its merits. I do not suppose there is a Senator here who will deny that.

Mr. President, with reference to this particular item, I have really been amused at the solemnity and earnestness with which the able Senators from New York have come to the defense of New York, and have so vigorously assured us that it is a great city. I really thought that it was before I heard this discussion. I think that the country generally recognizes that it is a great city. I think that everybody recognizes that the harbor of New York is more than a local harbor; that it is of national importance; that its development is of great benefit to all the country; and I am not surprised that there is such a strong sentiment in favor of this amendment. Of course, whenever the Senator from New York reads that the commerce in a certain channel is 46,000,000 tons a year and that they want additional sums to further improve the harbor, it very strongly appeals not only to the Senate but to the whole country.

The worst thing about this item is the way it got into the bill. My friend from Iowa [Mr. KENYON] talks about these items being considered on their merits. This item was not put in this bill on its merits at all. The merits of the item, as a matter of fact, had nothing to do with getting it in the bill. As I understand the senior Senator from New York, he said that this item was included in this bill by the unanimous vote of the House. I should like to ask the Senator whether I was mistaken in that?

Mr. O'GORMAN. Mr. President, the matter was taken up by the committee on the President's suggestion, and the hearings ordered by unanimous consent of the House. It is only to that extent that I meant to be understood.

Mr. JONES. Well, Mr. President, the House does not direct hearings before the River and Harbor Committee; the River and Harbor Committee had its hearings. That is true; but, Mr. President, this is the only item in this bill that led to a minority report on the bill signed by every member of the minority on that committee.

I want simply to call attention to these facts. I am going to vote for this item, so far as that is concerned—I will say that now—but I do say the method and manner in which the item was incorporated in this bill is most reprehensible.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. JONES. I do.

Mr. O'GORMAN. I know the Senator would be glad to have his facts stated accurately. All the minority members did not vote against this provision, but only five out of eight voted that way. That is my information.

Mr. JONES. Well, I have the record here, I will say to the Senator, and I will point out to the Senator wherein he is mistaken. I have here the minority report of the committee submitted to the House of Representatives. It speaks for itself, and it is signed by six members.

Mr. O'GORMAN. There are eight members altogether of the minority on the committee.

Mr. JONES. Then I am mistaken in that. There are eight members of the committee, and there were six who signed the minority report. I thank the Senator for making that correction. The minority was not unanimous, but six constitutes a large part of the minority; but that does not make any difference anyhow. It does not make any difference if there had been only one member of the minority who signed the report. I want to call attention to how this item got in this bill.

The Committee on Rivers and Harbors in the House of Representatives adopted a rule that it would not insert any new items in the bill which it was going to frame. It did that, according to this minority report, not only because of the views of the committee itself but at the request of the President of the United States. This is what the minority report says:

> The committee voted that owing to the condition of the National Treasury and in compliance with the wishes of the President no new project should be carried in the bill.

I have nothing to say as to the wisdom of that rule; but, nevertheless, the committee adopted it and said, "That is the rule we are going to follow," and the House of Representatives indorsed the committee in that rule in every respect. They did not include in the bill any new projects except this one; and they adopted that rule not only because of their views as to what ought to be done but at the request of the President of the United States.

Mr. HUGHES. Mr. President, will the Senator permit me to interrupt him?

Mr. JONES. Certainly.

Mr. HUGHES. Does the Senator say the committee passed a rule in the language which he has just read?

Mr. JONES. This is what the minority say in their minority report, and I think we have a right to assume that it is so. It is common knowledge that that is so; that they did pass a rule of that character and absolutely adhered to it.

Mr. HUGHES. It is common knowledge that it is not true, and that is the reason I wanted to correct the Senator. It is common knowledge——

Mr. JONES. The Senator can not correct me in that way.

Mr. HUGHES. It is common knowledge that it is not true, and that the committee never passed any such rule.

Mr. JONES. Mr. President, I do not yield to the Senator for that purpose. I have my opinion and he has his. There is no question, so far as that is concerned, but that the committee did adopt that rule. They may not have written it out, but they adopted that rule, and they have followed that rule all the way through except on this one item.

Mr. KENYON. Mr. President, does the Senator say they adopted that rule at the request of the President?

Mr. JONES. I read from the minority report. I am not a member of the committee over there and I was not in its deliberations. Every one of the members signed that statement.

Mr. KENYON. If they adopted the rule at the request of the President, then why would not they adopt the exception at the request of the President?

Mr. JONES. That is exactly what they did, and that is what I am going to show in a minute. That is exactly what they did, and that is what I object to. That is the objectionable feature about this item. The Senator does not approve of that way of getting items in the bill?

Mr. KENYON. No; Mr. President, but I am willing to take the judgment of the President of the United States.

Mr. JONES. Oh, yes. Let me show what he based his judgment on, however, and then I will ask the Senator whether he is willing to take his judgment.

Mr. LODGE. Mr. President, will the Senator allow me to ask him a question?

Mr. JONES. Yes.

Mr. LODGE. What on earth has a rule of the House Committee on Rivers and Harbors to do with our action? How does it concern us?

Mr. JONES. Oh, well, it has not anything to do with our action, except that it does have something to do with how we shall treat items put in the bill by the House and how we shall govern ourselves in the way we think is best with reference to our bill. As I stated a moment ago, I expect to vote for this item; but while certain Senators are denouncing this measure, I do want to show how some of these items that are really meritorious get in here. That is what I want to show. It shows that there are objectionable features outside of those that have been pointed out with reference to the making up of these bills.

As I say, the House committee followed this rule, and they refused to put this item in the bill because of this rule; and then a letter was sent to the President by a Member of the House in which he said to the President what I am about to read. Here are the reasons why he said this item should be put in. He did not talk about its commercial importance. He did not talk about the really great importance and the essential need of it from a preparedness standpoint; but he said this:

> The Representatives from New York will be placed in an impossible position if they support revenue measures which will largely increase the burdens of their constituents while failing to obtain legislation deemed essential for the security of the metropolis of the Nation.

That is nothing more nor less than a hold-up proposition. That is all it is. It is a notification to the President that "if you do not help us get this item in this bill, you can not command our support on your revenue legislation."

Now, some may draw other inferences from that language, but it seems to me that it is perfectly plain. They wanted the President to help them out, and that is the reason they give for it. They do not point out the great commerce carried in this channel. They do not point out these obstructions that are in it. They do not say anything about the navy yard or anything of that sort; but they insist upon his helping them, or else his revenue propositions are not meritorious, are not deserving of support. That is what it means.

There were some references in the debate awhile ago to items put in this bill that have been put in to help Congressmen. Why, that is exactly the reason why this item is put in here. That is perfectly plain. It was put in here for the purpose of helping Representatives. That is true regardless of its merits. It ought to have stood on its merits, but it did not. It was not put in here on its merits.

They say that the President says it is essential to national preparedness, and they say we ought to take the President's judgment. He never sent any message down to us. He never sent any message to Congress pointing out the importance of the improvement of this great channel for the great city of New York, which belongs to the Nation and not to the people of New York. What did he say in answer to this letter? Why, apparently he did not consider it of sufficient importance to sign a letter himself, but he directed his secretary to address a letter to the chairman of the committee, and this is what he said:

> THE WHITE HOUSE,
> *Washington, February 11, 1916.*
>
> MY DEAR MR. SPARKMAN: The President directs me to say to you that he is strongly of the opinion that the pending river and harbor bill should carry an appropriation for the immediate improvement of the East River adjacent to the Brooklyn Navy Yard. He fully appreciates the fact that this would be—

I want to call this to the attention of the Senator from New Jersey [Mr. HUGHES]. Listen to what the President says in this letter, through his secretary—

> He fully appreciates the fact that this would be contrary to the rule of the committee not to recommend appropriations for new projects at this time, but he feels that the importance of the matter in its relation to the question of national preparedness fully justifies an exception to the rule.
>
> The President understands that Secretary Daniels has fully explained this matter to the committee.
>
> Sincerely, yours,
>
> J. P. TUMULTY,
> *Secretary to the President.*

Mr. KENYON. What are the dates of those letters?

Mr. JONES. This letter is dated February 11, 1916. The date of the letter from the Congressman is not given here, but I suppose it is in the hearing.

The President, through his Secretary, does not give any special facts or special reasons why this item should be taken out of the rule adopted by the committee. If it is so important from a preparedness standpoint, he ought to submit to Congress a statement of the need for it.

Practically all the argument that has been presented on this floor to-day has been from the standpoint of the necessity of this improvement for the navy yard. Grant it; grant that it is necessary in order to get battleships up to the navy yard, and grant that we ought to get the battleships up there, and that we ought to have the channel. That could very properly, under the rules of the Senate and under the practices of the Senate, be taken care of in the naval appropriation bill, where it ought to be taken care of.

Mr. STONE. Mr. President, will the Senator permit me?

Mr. JONES. Certainly.

Mr. STONE. The Senator, as I understood, expressed himself as being in favor of this item.

Mr. JONES. Yes.

Mr. STONE. And yet he is making a very vigorous speech in opposition to it.

Mr. JONES. Oh, no.

Mr. STONE. I do not quite understand the attitude of the Senator.

Mr. JONES. Why, my attitude is very plain. I am opposed to the methods by which it got into the bill. The item is all right, but it did not get in here right.

Mr. STONE. Ought it to go out on that account?

Mr. JONES. No; it ought not; and I am not going to vote to have it go out; but I am going to call attention to how it got in, in the hope that in the future other items will not get in in the same way.

Mr. LODGE. Mr. President, on the matter of appropriating on naval bills, I have been on the Naval Committees in both Houses, and I have been for a good many years on the Naval Committee of the Senate. We could not put any such item as this in the naval bill.

Mr. JONES. Why not?

Mr. LODGE. Because it has nothing immediately to do with the navy yard. It is the approach to the navy yard. If the naval bill could be used in that way, you would have harbor improvements all over this country in the naval bill.

Mr. JONES. Yes, Mr. President; and if every river and harbor bill can be used in this way, you will have appropriations for all the navy yards in the country made in this same way.

Mr. LODGE. This is part of the general harbor of New York. It is some distance from the actual yard, and it is useful for commercial as well as military purposes. We never put such items as this in the naval bill.

Mr. JONES. Mr. President, I am going to touch on that matter, and I will do it right now. Why, the very language of this item shows that it is not put in here for commercial purposes. It is not a commercial item, and the Senators from New York have expressly said that it is not the beginning of any project; but the language of the item itself excludes that. It is solely for the purpose of getting up to the navy yard; and I venture to say that there is not any rule of the Senate or of any committee that would prevent the inclusion in the naval bill of any item necessary in order to secure an approach to any navy yard in the country. If there were any such rule, it would soon be done away with.

Mr. LODGE. Mr. President, there is not any question of the commercial value of this—none whatever. A very large commerce goes by there, and it is very essential to commerce. I will say that out of my own knowledge.

Mr. JONES. Why, Mr. President, according to the report they have a channel 26 feet deep all through this stretch of water—I do not know just what they call it—through which the great commerce that the Senator from New York has pointed out, 46,000,000 tons, is already going. There is not anything here that will show that there will be a through channel for commercial vessels drawing 35 feet—not a bit of it. There are other obstructions outside of the approach to the navy yard.

Mr. WADSWORTH. Mr. President——

Mr. JONES. If you take this from a commercial standpoint—and I wish the Senator from Nebraska were here—I want to call his attention to the fact that if you take it on that theory it is the beginning of a $13,000,000 project, and possible a $32,000,000 project.

I now yield to the Senator from New York.

Mr. WADSWORTH. Mr. President, with respect to the statement just made by the Senator from Washington, to the effect that the removal of this reef will not accomplish anything for commerce——

Mr. JONES. Oh, I did not say it would not accomplish anything; practically nothing, though, for the great through commerce going through there.

Mr. WADSWORTH. May I remind the Senator from Washington that this particular reef is the only obstacle at the mouth of the East River which prevents vessels of 35 feet draft from sailing up and into the East River to the Manhattan and Brooklyn docks. They can not get out of the East River at the northern end on account of similar reefs at Hell Gate; but commercial vessels may use all of the East River if this reef is removed.

Mr. JONES. Does the Senator say that they will use that channel to any very great extent if no further improvement is made?

Mr. WADSWORTH. Why, certainly.

Mr. JONES. Then, why did they put this limitation in here?

Mr. WADSWORTH. Mr. President, I did not draft the item. It was drafted in the House.

Mr. JONES. No; I judge not. We have to judge this item largely by its language. This is specifically put upon the ground of getting it in for the navy yard. Of course, the real purpose of it is set out in the letter from the Congressman.

With reference to this project, I want to call attention to the report of the engineers. The district officer recommended a project that would cost $32,000,000 and over. The total cost would be $32,533,501. The Board of Engineers did not think that the commerce, even of the great city of New York, warranted that increased expenditure, and they said so, and they modified that proposition in the recommendation of the local engineer, and they recommended a project like this for the East River:

The board reports that in its opinion it is not advisable for the United States to undertake any further improvement at this time of Little Hell Gate, New York, but it is advisable for the United States to undertake additional improvement of East River, N. Y., as follows:

Then they give one item that will cost $8,616,780. The $700,000 provided in this bill will not do that, and they say that is necessary. This item will not do that. Then there is another item to give access to the wharves that would cost $2,129,458. This will not do that. Then there is the east channel, which will cost in round numbers $13,400,000. Then they say:

The work should be prosecuted—

I call the attention of the Senator from Iowa to this proposition, as bearing upon some of the general criticisms he is making with reference to these bills. They recommend as follows:

The work should be prosecuted at such a rate as appropriations will permit, it being desirable to have at least $500,000 provided annually for this purpose, the application of the funds supplied being left to the discretion of the Chief of Engineers, so that the work may be carried on at such points and in such order as may best serve the interests of navigation.

According to that, they have a project to cost over $13,000,000. At the rate of $500,000 a year, it would be 26 years before they would get it done. That is what we are starting on, if we take the view that this is a commercial proposition. We are starting on a thirteen million dollar project that they do not expect to have finished for 26 years.

I should like to see the Senators from New York, if they stand on this as a commercial proposition, urging that we appropriate enough money to begin the work and authorize contracts to finish it and get it done. That is the great wasteful feature in the river and harbor work that we have done heretofore. I agree with the Senator from Iowa that we have been dribbling along in these projects for years and years and quarters of centuries, and we have wasted more money than would be necessary to finish the projects if we had appropriated all of it or made it available so that they could carry out the projects.

That is what this is the beginning of, if it is taken as a commercial proposition. I do not say it is not advisable to take it up as a commercial proposition. I think it is. I agree with the Senators from New York that the harbor of New York can not be made too good, and that it ought to be made so that it will accommodate the largest possible ships that are going to be constructed in the years to come, so as to accommodate this great commerce, which is the commerce of the country, and not simply the commerce of the city of New York.

Mr. President, I simply wanted to call attention to the manner in which this item got in here. As I said at the beginning, that is the worst objection to it—the manner of it getting in. Of course, we need not be controlled by the action of the House; and yet this is urged on the ground of preparedness, and the Senator from Massachusetts [Mr. LODGE] urges it on the ground of preparedness. If it is necessary for preparedness, that is all right; but that, again, is another argument why it should be in the naval bill. The river and harbor bill is not a military preparedness measure. It is an industrial preparedness measure, if you want to put it on that ground. Of course, everything that anybody wants now is put on the ground of preparedness, and that seems to be a sufficient argument to present for a great many of these things. This river and harbor bill and the different items in it are not being pressed and have not been pressed, however, on the ground even of industrial preparedness, although that is the line of work that should be carried on by this bill. But if this is an item of military or war preparedness, it certainly should be very properly in one of the war bills—either the naval bill or the military bill—whichever you want to put it in.

Of course, if you connect it up with a commercial proposition, why, all right; but when you connect it up with a commercial proposition I want you to understand what you are doing. You are connecting it up with a $13,000,000 proposition, and possibly a $30,000,000 proposition, that may take, and with the dribbling policy suggested in this report will take, from 26 to 30 years; and if you take the $32,000,000 proposition that would be 64 years. If we are going to take it up as a commercial proposition, we ought to take it up earnestly and do what is necessary to be done to complete it in the proper time.

As I said, I am going to vote for this item because it is needed both as a commercial proposition and as a naval proposition, but I am not voting to put it on because it really is entitled to be put on here on the basis of a naval proposition. It ought to have been put on the naval bill. That is where it ought to go. The main thing I wanted to call attention to was the methods used to put it on, which, in my judgment, are just as reprehensible, if not more reprehensible, than to put an improper item in the bill in the proper way.

Mr. CLARKE of Arkansas. Mr. President, the Committee on Commerce has fully accomplished the purpose it had in view in presenting this item by eliciting the discussion which has followed. I want to advise the Senate that the committee rested under no delusion about what it was doing and what will be done in this matter. Those of the members of the committee who informed themselves, as all members of the committees should, as to what they were doing knew exactly what was involved in this matter and acted with a perfect understanding of that fact. It is a deliberate attempt to capitalize the clamor in the country in favor of this so-called preparedness policy by the usual plan of first taking the most attractive and the most defensible item in a larger project and adopting it.

This particular East River project has been recommended for the last three years. The first report, the one recommending the Buttermilk Channel, was filed with Congress on May 3, 1913. There is a full discussion in that report of the relative merits of the two channels, and the then Chief of Engineers recommended the Buttermilk Channel in competition with this East River Channel as being not only the better one of the two but the cheaper. The report is accompanied by an approving report from the General Board of Naval Advisers headed by Admiral Dewey, in which the opinion is expressed that for the purpose of reaching the Brooklyn Navy Yard the Buttermilk Channel is the proper one. This report, recommending the larger project, was made by another division engineer and approved by another board of engineers a short time thereafter.

The project reported in the larger and more comprehensive report, known as Document No. 188, Sixty-third Congress, first session, was filed on the 7th of August, 1913. On its merits neither of these propositions commended itself sufficiently to the River and Harbor Committee of the House or the Senate Committee on Commerce to justify its being included in any one of the three

bills that have been prepared during the time that has intervened. It was not in either of the bills that failed during the last two sessions of Congress. Just at this time it seems to take on a new significance, and a misleading nominal appropriation is provided for it. The scope of the project is cut in two, and the proposition is coolly made to make one end of it 35 feet deep, under the safe assumption that hereafter an argument will thereby be furnished in favor of extending the whole system.

So far as I am concerned, I am not opposed to adopting the entire project, with the $29,000,000 in it, if it is necessary to do so; but I do not care to have it adopted by this process of indirection.

In recommending the rejection of the item we were not dealing with the item primarily. We were dealing with the policy as to whether or not other new items should go into this bill. The Senate Committee on Commerce felt that the Senate was an independent part of the legislative branch of this Government and had a right to exercise its judgment about what should be included in matters of legislation to which its assent is required; and in the exercise of that judgment it included some 15 or 20 items, aggregating an outlay of some $3,000,000 as against about $40,000,000 included in the bill by the House before it came to us. We thought that as there was so much dispute among professional men with reference to a choice between these two channels, we were well within our rights when we submitted that matter again to legislative inquiry. When we come to be confronted with an arbitrary, cast-iron rule when we go into conference we thought we were still within our rights when we could say, "If that is the rule for one item it should be the rule for another of equal merits."

I say to you that this proposition has no merit that is in excess of the merits of any one of three or four propositions that we included in the bill. If it goes in, others ought to go in. If others have to wait, it can wait; and I do not have to go outside of the testimony of engineers to reach that conclusion.

I am not opposed to the item going in the bill if, upon fair consideration of the whole project, it seems to us that it should go in and that others just as good should go in. It may be that I should be compelled to consent to others being thrown out; but I do not want to have my hands tied to start with when we come to consider the general question, because legislation, under our system, is not perfected until the two Houses have adopted the conference report.

I am not going into any very elaborate statement about these two projects—that is to say, the Butermilk Channel and the so-called East River Channel. This colloquy occurred before the Committee on Rivers and Harbors on the 12th of February, 1916, between Mr. BOOHER, a Member of Congress from Missouri, and Col. Black, now the Chief of Engineers:

Mr. BOOHER. Colonel, I want to ask you a question as to Document No. 44, Sixty-third Congress, first session, relative to the improvement of Buttermilk Channel. Now, you say that the other is better. Why the change?

Col. BLACK. There is no change. You will find that both projects are printed in the House documents of the Sixty-third Congress, first session. The Buttermilk Channel report is in Document No. 44, the East River report in Document No. 188. Both are important and much-used entrances to the East River. They were considered as such, reported on by different people. Both are worthy of improvement. At sometime both will be improved and it is simply a question which will be improved first.

Mr. BOOHER. Let me read you a section:

Reading now from report No. 44, in favor of the Buttermilk Channel—

"On account of the great cost of suitably enlarging the channel passing between Governors Island and the Battery—

That is, the East River project—

"and the difficulties attending the prosecution of the work in this congested part of the harbor, the district officer does not favor the enlargement of this channel, but recommends instead the improvement of the Buttermilk Channel to a depth of 40 feet at mean low water and width of 1,000 feet, believing that this route will adequately meet the needs of the Navy and be of future benefit to general commerce and navigation."

Who was the district officer that made this report?

Col. BLACK. Col. Roessler. I never did understand why that channel was given to Col. Roessler to report on and why the other was given to me to report on. There was a slip up in the chief's office. The clerk got the wrong man. Now, we two independent officers made two independent investigations. Col. Roessler got his in first and said this about the East River, but as a matter of fact, the other is cheaper.

Mr. BOOHER. Now, what caused the change from Buttermilk Channel over to the other?

Col. BLACK. Never was any change. Two independent officers make independent investigations as to which is the better, and the one comes to one conclusion and the other comes to another conclusion. Now, it is a question of your paying your money and taking your choice. Both will eventually be needed. Both will eventually be improved.

That was the only way left for him to get out of it.

Now, if those eminent engineers, in dealing with that question, differed, and the best answer that Col. Black could give to the question as to how he was going to reconcile that conflict was to say: "You pay your money and you take your choice," since we are called upon to pay the money I think we ought to have some voice in taking the choice.

I want the Senate to act independently on this matter. The Committee on Commerce has no pride of opinion about it. We have laid the cards on the table. That is what we have done about it. I shall not feel offended if every member of the committee votes for the retention of this item. This bill has been conducted in the open. There has not been a single item in it that we do not understand everything about that it is necessary to understand. There were very complete hearings in the House of Representatives. Printed copies—bound copies—of those hearings were laid upon the desk of every member of the committee, and if each did his duty he familiarized himself with what is contained therein. There is no guesswork about it. We know what we are doing. I think the item ought to be left out, but I shall not be offended at anybody who takes a different view of it.

Mr. SHERMAN. Mr. President, before any action is taken upon this item I wish to say that I shall vote to keep it in the bill. Of course, we are met instantly by the criticisms of the supporters of other items. We who believe in striking out certain items that are neither meritorious nor national in character are at once accused of inconsistency. I very much prefer to be accused of many things whether they be justly or unjustly founded than to interfere with the improvement of a harbor which leads to one of the navy yards of the country, and is at the greatest port in the New World. For that reason, if for none other, I shall support this item. I think it was stricken out without any proper foundation, and the more I have heard it discussed here the less good reason I have heard for leaving it out of the bill.

If there is any political argument advanced for omitting this improvement it would not appeal to me. It does not make any difference to me, Mr. President, whether the Chief Executive approves or disapproves. That of itself is not controlling, but the reason of his approval or disapproval ought to appeal to Senators on a matter of this kind, in which no political argument ought to control. While I admit that even a Democratic President may inadvertently be right sometimes, the mere fact that he recommended this item would not destroy its usefulness if it rested upon any sufficient foundation, and this does.

It is said in the minority report presented by the House committee that the improvement would not be undertaken before one year. I trust we will be at peace for at least one year, and even if it is indefinite, there are a great many improvements we might be compelled to make under the stress of a great emergency. If the appropriation be here allowed, at least within the year, steps will be taken for making this improvement.

New York and its harbors and all the approaches, whether on salt or fresh water, are a part of my country as much as it is of the gentlemen who reside in New York City. I feel just as much interest in any improvement there as if it were a few miles from my door. I believe the character of this improvement, its great importance in war as well as peace, the very great volume of commerce, both in merchandise and in passengers, that will have to enter this harbor annually, make it a first consideration to this body to see that all adequate appropriations are provided.

To my mind, the principal thing is stated by both Senators from New York. At this time if a portion of the Navy could not reach the Brooklyn Navy Yard because of water inadequate in depth, if in time of trouble they could neither obtain ingress nor egress or reach a dry dock for repairs, that, to my mind, answers all other objections, even those of a political character.

Whatever rule may have been passed, if we are to hamper ourselves by House rules and Senate rules that override an emergency of this kind, then it were better that no rules were made. Those rules are not made in the interest of economy. They are made solely for the purpose of cutting off appropriations in an easier way than to meet the ordinary appeals that are made by communities who desire additional expenditures. It is the easiest thing in the world when a rule of this kind has been adopted to say that we can not take up any new project under the rule.

I know how difficult it is to withstand those appeals. I know some of the difficulties that the chairman of the committee, who is primarily charged with a great responsibility in the handling of such bills as this, meets.

On every side of my State there are waterways. On the north and east is one of the Great Lakes, on the east and south there are the Wabash and Ohio Rivers, and along the entire western border of the State runs the Mississippi River.

Since I have opposed certain items in this bill, Mr. President, I have been deluged with telegrams that wish me to take even the bad in order that the good may be saved.

I had an idea once that the Senate was a proper body to make discriminating cuts; that we do not have to take the rotten with the sound in order to save the sound portions of a bill. If it has reached that bad eminence, and if parliamentary government has reached such a level that we are obliged to vote for every project, wise or unwise, that presents itself, without regard to its merits, then I am ready to vote against everything in such a bill. If economy, if proper restrictions, can not be made in any way save that meritorious projects be killed, then let the slaughter proceed, so far as I have a voice in the matter.

Sometimes it takes killing to do good. I do not think the Treasury is of more account than human life, and still military operations constantly kill so that by the destruction of human life ultimate good may come. So, if the Treasury must be protected by the killing of meritorious projects that appear from time to time, then let it be done. I must answer those appeals to me from my own country in that way.

This, however, calling for an immediate expenditure of $200,000, is of a high type of improvement that is not local in its character. It is national in its scope. If New York Harbor should have an insufficient depth of water, if suddenly war were to be our portion, I am vitally interested in seeing that access is obtained to the navy yard, that repairs may be made, new vessels launched, and that prompt action may be had in taking out such battleships or cruisers as are necessary. It is a national question.

Of course, the criticism will be made at once, "Why are you against some other item in the bill?" Those items that have not that opposition in every instance are purely local in their operation. Some of them, it is true, are old measures; they are old in sin and expenses and little result. Most of them show that supposed improvements were instituted but the volume of commerce has fallen off. In some instances it has fallen off 75 per cent or more. So the more the improvements are the less the commerce for the community. These in every instance are local in their character, and if they were obliterated entirely from this bill, and if such improvements were to be ended, they could not affect the national welfare in the least.

The improvements of this character in tidewater rest upon an entirely different basis. I am perfectly willing to be accused of the inconsistency of being unduly susceptible to a large center, where commerce legitimately ebbs and flows, than to add my vote to keep this item out of the bill. For that reason I shall vote to restore it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. WADSWORTH. I ask for the yeas and nays.

Mr. OGORMAN. I hope my colleague will withdraw the request.

Mr. WADSWORTH. I withdraw the request.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The Chair is unable to decide by the sound.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is necessarily absent. For that reason I withhold my vote.

Mr. SMITH of Michigan (when his name was called). I have a pair with the junior Senator from Missouri [Mr. REED] and withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

The roll call was concluded.

Mr. GRONNA. May I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I transfer my pair with the senior Senator from Maine [Mr. JOHNSON] to the senior Senator from Iowa [Mr. CUMMINS] and vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator. I transfer the pair to the Senator from Indiana [Mr. TAGGART] and vote "yea."

Mr. BECKHAM. I have a general pair with the Senator from Delaware [Mr. DU PONT], but I understand he would vote as I do, and I therefore vote. I vote "nay."

Mr. WEEKS (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I understand he has not voted. I transfer that pair to the senior Senator from Idaho [Mr. BORAH] and allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY].

Mr. CATRON (after having voted in the negative). I wish to inquire if the Senator from Oklahoma [Mr. OWEN] has voted?

The VICE PRESIDENT. He has not.

Mr. CATRON. I have a general pair with that Senator and withdraw my vote.

Mr. OLIVER (after having voted in the negative). I inquire if the senior Senator from Oregon [Mr. CHAMBERLAIN] has voted?

The VICE PRESIDENT. He has not.

Mr. OLIVER. I have a pair with that Senator which I transfer to the senior Senator from Delaware [Mr. DU PONT] and allow my vote to stand.

The result was announced—yeas 14, nays 48, as follows:

YEAS—14.

Bankhead	Martin, Va.	Shafroth	Swanson
Broussard	Myers	Sheppard	Vardaman
Clarke, Ark.	Nelson	Simmons	
Fletcher	Ransdell	Stone	

NAYS—48.

Ashurst	Hardwick	Martine, N. J.	Smith, Ga.
Beckham	Hitchcock	Norris	Smoot
Brady	Hughes	O'Gorman	Sterling
Brandegee	Husting	Oliver	Thomas
Chilton	Jones	Overman	Thompson
Clapp	Kenyon	Page	Tillman
Clark, Wyo.	La Follette	Pittman	Underwood
Curtis	Lane	Poindexter	Wadsworth
Fall	Lee, Md.	Pomerene	Walsh
Gallinger	Lewis	Reed	Warren
Gronna	Lippitt	Sherman	Weeks
Harding	Lodge	Smith, Ariz.	Works

NOT VOTING—34.

Borah	du Pont	McCumber	Smith, Md.
Bryan	Goff	McLean	Smith, Mich.
Burleigh	Gore	Newlands	Smith, S. C.
Catron	Hollis	Owen	Sutherland
Chamberlain	James	Penrose	Taggart
Colt	Johnson, Me.	Phelan	Townsend
Culberson	Johnson, S. Dak.	Robinson	Williams
Cummins	Kern	Saulsbury	
Dillingham	Lea, Tenn.	Shields	

So the amendment of the committee was rejected.

Mr. CLARKE of Arkansas. I now ask to go back to the amendment appearing on line 25, page 22, authorizing an increase of the appropriation from $25,000 to $50,000, that was passed over in order that we might supply a letter from the Chief of Engineers.

Mr. SMOOT. That amendment is in reference to the channel at Port Bolivar, is it not?

Mr. CLARKE of Arkansas. It involves the channel at Port Bolivar, Tex.

The VICE PRESIDENT. The amendment referred to by the Senator from Arkansas will be stated.

The SECRETARY. On page 22, line 23, it is proposed to strike out the figures "$25,000" and to insert "$50,000," so as to read:

Channel to Port Bolivar, Tex.: For maintenance, $50,000.

Mr. CLARKE of Arkansas. I now present the letter in reference to that amendment, and I desire the Secretary to be good enough to read it.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 2, 1916.

Hon. MORRIS SHEPPARD,
United States Senate.

SIR: In reply to your inquiry relative to the amount needed for the maintenance of Bolivar Channel, Tex., I have the honor to inform

you that immediately upon the passage of the pending river and harbor bill by the House of Representatives copies of this bill were sent to all district officers, with request for information as to whether the bill sufficiently met the needs of the works in their districts until about April 1, 1917. In reply to this letter the district officer at Galveston reported that no additional funds were needed for Bolivar Channel; but this morning I am in receipt of a telegram from him, stating that emergency dredging in this channel since March 9 has exhausted all available funds, and that $25,000 in addition to the amount carried in the pending bill, or a total of $50,000 altogether, will be required if the full channel depths and dimensions are to be maintained until April 1, 1917.

Very respectfully,

H. TAYLOR,
Colonel, Corps of Engineers,
Acting Chief of Engineers, United States Army.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Texas if he knows what class of work had been done before March 12, which necessitated the additional appropriation of $25,000? Why was the work undertaken? The letter does not make any explanation as to the reason for doing the work. I should like to be informed, if the Senator knows, why the work was done?

Mr. SHEPPARD. An unusual shoaling was caused by the storm of a few months ago.

Mr. SMOOT. That is, the Senator means by the wash from the watershed into the river?

Mr. SHEPPARD. It is not a river, but it is a channel in the bay near Galveston. It is one of the main channels composing the greater Galveston Harbor, the channel leading from Bolivar Roads to Port Bolivar.

Mr. SMOOT. What has been the usual annual appropriation for maintenance of the channel to Port Bolivar?

Mr. SHEPPARD. My impression is that it has been something like $25,000 or $30,000.

Mr. SMOOT. I thought I had the report in reference to the matter, but I have it not before me; and I therefore can not turn to it at present. It seems to me, however, that the letter which has been read at the desk is very indefinite. There is nothing particular in it. The letter states that the necessity for the increase in the appropriation is simply on account of work that has been done there, and that for that reason they want this extra $25,000. There is no explanation as to what was the character of the work or the necessity for it. It seems to me that information ought to have been supplied by the engineers before the increase should have been made.

Mr. SHEPPARD. I will state for the information of the Senator from Utah that I shall later have the full data in reference to the storm and the effects of the storm on that channel. The necessity for this appropriation is due to the unusual storm which took place there a short time ago; but I repeat that I shall have the data as to the effect of that storm and put it in the RECORD as soon as I can get it.

Mr. CLARKE of Arkansas. I hardly think it is necessary to further pass that item over. It is a maintenance item.

Mr. SMOOT. I am not going to ask that it be passed over, I will say to the Senator.

Mr. CLARKE of Arkansas. In consequence of a storm on the coast, the channel is filled up and must be dredged out, in order that boats may get in and out. It is one of the current expenses of maintaining the channel. About all that can be said is now said in the communication from the Chief of Engineers, which has just been filed. We added some $300,000 or $400,000 for a similar purpose at the mouth of the Mississippi River, at the Head of the Passes.

Mr. SMOOT. Mr. President, I do not ask that the item be passed over. I simply wanted to get some kind of explanation as to the necessity for the proposed increase, because the letter does not specifically state what was the necessity for the extra work that had been done.

Mr. CLARKE of Arkansas. I think it does state that the extra expense is rendered necessary by reason of the storm.

Mr. SMOOT. If that was stated, I did not hear it. There was so much confusion in the Chamber that I could not distinctly hear the reading, but I shall not further object to this item.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLARKE of Arkansas. The next item passed over is on page 24, in lines 6, 7, 8, and 9.

The VICE PRESIDENT. The amendment referred to by the Senator from Arkansas will be stated.

The SECRETARY. On page 24, after line 5, the committee reported to insert:

Sabine-Neches Canal, Tex.: Continuing improvement, $70,000: *Provided*, That so much of this amount as may be necessary may be expended for making a cut-off at Smiths Bluff, on Neches River.

Mr. KENYON. Mr. President, can we have some explanation of the necessity for that amendment, I ask the Senator from Texas?

Mr. SHEPPARD. It represents part of a project which was adopted by Congress and recommended by the engineers. The statement in reference to it is found on page 18 of House Document No. 1290, Sixty-first Congress, third session, and is included under the heading "Estimate for 25-foot channel." The project carries an estimate for "Cut-off, 70 feet bottom width." This is the cut-off authorized by the project as originally outlined, and was included in the Senate bill two years ago, but the bill failed on the floor of the Senate, as the Senator from Iowa will remember.

Mr. KENYON. Does the Senator know why the other House did not include this item?

Mr. SHEPPARD. I do not. I know that the Senate committee examined the item thoroughly two years ago; that it decided it was part of the original project; and that we followed that action of the committee at this time.

Mr. KENYON. Does this complete the project, I should like to ask the Senator?

Mr. SHEPPARD. It will complete the project as originally outlined by the special board of engineers, except as to maintenance.

Mr. SMOOT. Has this item been recommended by the Board of Engineers for this year's appropriation?

Mr. SHEPPARD. It is a part of the original project.

Mr. SMOOT. And for this amount?

Mr. SHEPPARD. This is the estimate of the engineers as to the cost of making the cut-off.

Mr. SMOOT. I have been trying to see whether there were any hearings upon the matter in the House, but I do not think there were. If there were any hearings, copies have not been sent to me. The Senator says that this $70,000 will complete the project?

Mr. SHEPPARD. It completes the project as outlined in the report of the special board.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 24, line 20, after the word "maintenance," to insert "and repair of levees destroyed by overflows in 1915 and 1916," and in line 22, after the words "Washita River, Tex.," to strike out "$25,000" and insert "$50,000," so as to make the clause read:

Red River, Ark. and Tex.: Continuing improvement and for maintenance and repair of levees destroyed by overflows in 1915 and 1916 between Fulton, Ark., and Washita River, Tex., $50,000.

Mr. KENYON. Mr. President, that amendment also makes an increase from $25,000 to $50,000. This is one of the items on which I want to ask a vote of the Senate. I hesitate to find fault with the Red River on account of its being in the vicinity of the home of the chairman of the committee, but I want to call the attention of the Senate particularly to some of the facts, and then, so far as I am concerned, will submit the item to a vote.

I do not know as to the third branch of the amendment, the one relating to the repair of the levees. I think we had no evidence before the committee on that subject, but the word of the chairman, of course, would be persuasive. I want to place in the RECORD an extract from the Report of the Chief of Engineers, commencing on page 947, volume 1, as to the Red River from Fulton, Ark., to the mouth of the Washita. We have appropriated for that part of the river——

Mr. CLARKE of Arkansas. Mr. President, I might say to the Senator that this item has nothing to do with that part of the river south of Fulton.

Mr. KENYON. It refers to the river below Fulton?

Mr. CLARKE of Arkansas. To the river north of Fulton.

Mr. KENYON. The item is for the Red River between Fulton and the mouth of the Washita, is it not?

Mr. CLARKE of Arkansas. North or west of Fulton.

Mr. KENYON. I want to ask the Senator, then, relative to geography. We have two items in this bill for the Red River?

Mr. CLARKE of Arkansas. Yes, sir.

Mr. KENYON. One from Fulton to the mouth of the Washita. That is this item, is it not?

Mr. CLARKE of Arkansas. The amended item on page 24, lines 19 to 23, covering the Red River in Arkansas and Texas, relates to the northern division, which is in the Dallas district, while that part of the river south of Fulton is in the Vicksburg district.

Mr. KENYON. That is the item that is treated in the Army Engineer's report on pages 947 to 950, volume 1, I think.

Mr. CLARKE of Arkansas. I doubt whether it is.

Mr. KENYON. The other part of the river, below Fulton, is treated on pages 953 to 956.

Mr. CLARKE of Arkansas. I should like the Senator to direct his attention to the particular item with which we are now dealing.

Mr. KENYON. That is what I am trying to do. There are two items, one involving the Red River from Fulton to the mouth of the Washita and the other below Fulton. Now, this is the one from Fulton to the mouth of the Washita, is it not?

Mr. CLARKE of Arkansas. No, sir; it is northwest from Fulton; it is what is called the upper reach of the river.

Mr. SHEPPARD. Mr. President, let me say to the chairman of the committee that the Washita River referred to there is in Oklahoma. It has the same name as the river which empties into the Red River in Louisiana; but the Red River from Fulton to the Washita is the upper section. The river which empties into the Red River in Louisiana is spelled differently; it is the Ouachita; that is all.

Mr. SMOOT. Then, this is the item referred to in the report made by the Chief of Engineers, in part 2, page 866, "Red River between Fulton, Ark., and the mouth of the Washita River in Oklahoma"?

Mr. SHEPPARD. Exactly; and it will be found there that the engineers estimate that $50,000 will be necessary for the next fiscal year.

Mr. KENYON. Let us settle, first, whether or not that is the item. The Army Engineer's reports speak of the Red River from Fulton, Ark., to the mouth of the Washita River in Oklahoma. This item on page 24 refers to the Red River between Fulton, Ark., and the Washita River, Tex. Is there any difference?

Mr. SHEPPARD. It should be the Washita River, Okla.

Mr. KENYON. So, then, I am correct, I think, in my statement. On the part of the Red River from Fulton to the mouth of the Washita River we have expended, as appears on page 950, volume 1, of the Report of the Chief of Engineers, $444,783.53. On page 949 the report refers to commercial statistics, and says:

> Navigation on the Red River above Fulton has practically ceased. No steamboats are now in operation, and the rafting of logs has been reduced to an almost negligible quantity.

On the Red River below Fulton, which this item, it is true, does not treat of, that section of the river being provided for in another part of the bill, we have expended, according to the Report of the Chief of Engineers, volume 1, page 955, $2,763,896.40, with a commerce on the river of 47,351 short tons.

Mr. SHEPPARD. Will the Senator state the value of the 47,351 tons?

Mr. KENYON. They had a value of $2,939,073. That traffic consists of lumber and logs, farm products, and general merchandise.

Now, as to the nature of that traffic, I have the minority report filed by Senator Burton in 1914, in which he discusses this improvement. I read from page 9:

> On the Red River below Fulton, covering a distance of 475.4 miles, there was in the year 1912 a total tonnage of 44,967 tons—

It was slightly more the next year—

> Of this amount 42,640 tons were saw logs, of which the average haul was 131 miles, and lumber 1,100 tons. Of the balance of the freight, including lumber, amounting to 2,327 tons, part was carried 45 and part 80 miles. The total amount appropriated to date for this stream is $2,768,377—

Which includes, of course, the river above as well as below Fulton—

> The expense per ton to the United States Government for carrying this freight, including the lumber, can be approximately obtained if an allowance of 4 per cent is made on the amount appropriated to date and the prospective appropriation in the pending bill is added. This interest on the investment would amount to $110,735.08, and adding the $100,000 appropriated, would make a total of $210,735.08. The cost per ton would be $4.68, or if the saw logs are excluded, the cost per ton would be $90.56, and the cost per ton-mile, $1.53.

I refer to these items to show that, so far as commerce is concerned, as to the particular item in question, there is no commerce, for, according to the Report of the Chief of Engineers—

> Navigation on the Red River above Fulton has practically ceased. No steamboats are now in operation, and the rafting of logs has been reduced to an almost negligible quantity.

I simply raise the question, Mr. President, whether, on that kind of a showing, we are justified in increasing this appropriation. If we are going to appropriate for flood control in this bill, there may be some justification for it, but a flood-control bill, carrying some $50,000,000, has now passed the House and is in the Senate for action before the committee. The flood-control matters ought to be separated from questions of navigation. I do not care to further discuss this matter, but I did desire to put the facts in the RECORD.

Mr. CLARKE of Arkansas. Mr. President, the amount carried by the amendment is the amount recommended by the engineers for the present year, as appears on page 281 of the report which accompanies this bill.

As to the matter of navigation, that part of the river has fallen somewhat into disuse. Under the general authorization for resurveys, contained in the last river and harbor bill, a new survey of the river was made during last summer, and a recommendation not altogether favorable to its very extensive improvement was made; but the engineers did recommend that the project was worthy of an appropriation of $50,000 for the purpose of keeping it in a navigable condition, or of keeping its natural navigable condition in such order that it might be used when necessary; and it is used during the so-called cotton seasons of the year. Many of the plantations in that locality can not be reached otherwise. It has lost some of its significance because of the construction of railroads running east and west from Texarkana, but it is still a river, and a navigable river, and under the jurisdiction of the Congress of the United States. After having dealt with it, I think as strictly as could reasonably be done under the modern and reform policy now prevalent in the Engineer's office, there was enough merit left in the proposition to justify the expenditure of $50,000.

Maj. Slattery, of the Corps of Engineers, in a communication on the subject, says, "only such snagging operations, such participation in levee building, and such levee and revetment work to prevent cut-offs as Congress may authorize" is warranted.

A very extensive scheme of improvement was originally adopted; but the policy now is to leave the river more in its natural condition, making such repairs as are necessary to prevent cut-offs. There have been three or four overflows on that river in the past two years, disastrous overflows, that practically devastated that section of the country and ruined every farmer in the Red River bottoms. They have lost their crops, and, in consequence of the breaking of the levees which protected what is called the regimen of the stream, cut-offs at various points are threatened.

I am sure the Senator from Iowa would not apply the rule so strictly as to preclude this improvement, if it is to be the policy of the Government to keep the rivers in their natural condition. There is some use for the river as a navigation proposition. There is much justification for preventing the river from doing additional damage to the farmers in the locality. They have put themselves to considerable expense—hundreds of thousands of dollars—to build those levees. They have broken in numerous places. The water has run through them and threatened cut-offs at various points. It is largely in the interest of the Government, I think, to make this very modest appropriation, and I hope it will be done.

Mr. KENYON. Mr. President, I should like to ask the chairman of the committee if there is any prospect of placing the Red River and the Arkansas River in the flood-control bill?

Mr. CLARKE of Arkansas. No, sir; I should say not. They are hardly propositions of sufficient magnitude to justify such separate treatment.

Mr. SHEPPARD. Mr. President, the statement of the Senator from Iowa as to the tonnage on the lower Red River ought not to go unchallenged. It is unfair to the river to select one particular year when the tonnage was unusually low and endeavor to analyze the river from that standpoint.

I have here a statement based on the tonnage transported on the river for the last 36 years. The statement shows that there was a total tonnage from 1878 to 1889 of the value of $72,000,000, in round numbers; from 1890 to 1907 a tonnage of $78,000,000; and from 1908 to 1913 a tonnage of about $1,500,000, making the average value of the tonnage for the last 36 years, or from 1878 to 1913, $4,220,000. In fact, the average yearly tonnage is much larger, when the traffic on the lower section of the lower Red is included, the section between the mouth of the Black in the lower Red and the mouth of the lower Red itself in the Mississippi. The fact that the tonnage increased in 1914 in the ratio of probably 50 per cent over 1913 shows that it varies from year to year.

Mr. KENYON. Mr. President, I will suggest to the Senator that the engineers state, on page 955 of volume 1, that "the apparent increase"—and there seems to be an increase for the year 1915—"was caused by an error in reporting the commerce for the fiscal years 1913 and 1914." So, apparently, they account for the increase for the year 1915, which does not seem to be large, by an error in the computations for 1913 and 1914.

Mr. SHEPPARD. Be that as it may, Mr. President, it does not alter the general fact that there has been a relatively large

tonnage, on the average, during the last 30 or 40 years on that river.

Mr. SMOOT. The trouble about it is that for the last few years it is decreasing rather than increasing. The Senator from Iowa was perfectly fair in quoting the figures that he did for the year 1915, because the tonnage for 1915 is nearly double what it was in 1914, and it is larger than it was in 1913. The value for 1913 was only $354,715, and the value for 1914 was only $310,333, whereas the value for 1915 was $2,939,073. In other words, there is some statement here that the increase for the year 1915, as reported by the engineers, was to correct the record that was made for the years 1913 and 1914, thus showing that the volume of commerce upon the river is not increasing, but is steadily decreasing. I think the Senator from Iowa was perfectly justified, and not only justified but was more than fair, in quoting the higher figures that he did to show the commerce upon that river.

Mr. SHEPPARD. But the average for three years is not a fair statement.

Mr. SMOOT. No, Mr. President; but the average for 40 years is not a fair statement, either, particularly when the heavy traffic upon the river was when we were not appropriating for it. Now that Congress is appropriating money for the river, the commerce is decreasing instead of increasing. I think it is that class of rivers that we should eliminate from our river and harbor bills, and spend the Government's money upon rivers where there is a chance of increasing the commerce on them and benefiting the people by the increase.

Mr. SHEPPARD. The Senator is mistaken about that. The river has been improved by the Government since 1828. In 1828 the sum of $500,000 was expended to remove a great raft.

Mr. SMOOT. That was the original amount. I am speaking now of the appropriations that have been made for the maintenance of the river.

Mr. SHEPPARD. But the Senator says that this tonnage was carried when we were making no appropriations for the river.

Mr. SMOOT. I spoke of relatively no appropriations.

Mr. SHEPPARD. One of the largest appropriations was made in 1828.

Mr. SMOOT. Yes; because that was the original appropriation that was made. There is not any question but that that was what they thought then would put the river in navigable shape; but we are appropriating $50,000 this year for the maintenance of the river when the original appropriation was $25,000. The House made an appropriation of $25,000. The Senate has increased it, and added an amendment, and I suppose the amendment gives the reason why the increase is made—that is, to take care of the levees that were destroyed by floods during the years 1915 and 1916. Evidently out of the appropriation that was made for the fiscal years 1915 and 1916 in a lump sum the engineers would not allow any part of the $20,000,000 or the $30,000,000 that was appropriated during those years, respectively, to be applied to this river; and therefore I take it for granted that there has been nothing spent there, even in the maintenance of the river, during those two years. I will ask the Senator whether I am correct with reference to that?

Mr. SHEPPARD. That there has been nothing spent for the maintenance of the river?

Mr. SMOOT. That is, for the fiscal years 1915 and 1916.

Mr. SHEPPARD. Oh, yes; they have continued to improve the river during these years.

Mr. SMOOT. How much did they allow out of the lump-sum appropriation for rivers and harbors, we will say for the fiscal year 1914, for the maintenance of the Red River?

Mr. SHEPPARD. Fifty or seventy-five thousand dollars for the lower river and something like $25,000 for the upper river.

Mr. SMOOT. It does not so appear in the report. That is all I know. It may be so, but it is not in the report.

Mr. SHEPPARD. I have seen the Government snag boats in operation on the river, and I know that the improvement has continued. But, Mr. President, the Board of Engineers recommended that $55,000 be appropriated for the lower river for the next three years to test out the question as to whether the commerce is really going to continue to decline. There has been a decline of commerce on the river during the last three or four years. Up to that time, however, the tonnage had averaged four or five million dollars a year in value for the last 30 or 40 years.

Mr. SMOOT. Can the Senator say why the tonnage is decreasing rather than increasing?

Mr. SHEPPARD. The machinations of the railroads have resulted in putting off the boats.

Mr. SMOOT. Just the same as they have in nearly every country in the world?

Mr. SHEPPARD. The people of Shreveport, the principal city on the river, have lately organized a barge line and subscribed fifty or a hundred thousand dollars in capital. The citizens laid this fact before the Board of Engineers when they made their special examination, and the Engineers decided to make this further recommendation and give the people a chance to continue the navigation of the river, to see if they could revive it and put it on the old basis.

Mr. CLARKE of Arkansas. Mr. President, the remarks made by the Senator from Texas are directed to that part of the river south of Fulton. The item that is now before the Senate relates to the part north of Fulton.

Mr. SHEPPARD. That is very true; but I will say to the Senator from Arkansas that the Senator from Iowa has taken up the question of navigation on the lower river, and I was making answer to that. As to the upper river, the project has really never been given a chance. In 1909 the Engineers recommended that it be improved by snagging and dredging and jettying. Congress, however, appropriated only for snagging, and it was not until last year that the dredge boat was put on the river, and no jettying has yet been done. As a matter of fact, the project authorized by the Government has never had a fair trial on the upper river.

Mr. KENYON. We have appropriated over $500,000, have we not?

Mr. SHEPPARD. That is true.

Mr. KENYON. Why has it not had a fair trial? What has become of the money?

Mr. SHEPPARD. It has been expended in snagging work.

Mr. KENYON. I do not know whether I gave the commerce for the last year. According to page 2690 of volume 2, it was 1,318 tons, of which 840 tons were lumber and 473 tons saw logs.

Mr. SHEPPARD. No one claims that there can be any extensive navigation on the upper section until this project is tried out. The project included dredging and jettying as well as snagging. It is not the fault of the upper section of the river that only snagging work has been done. It is rather the fault of Congress in not carrying out the project in its entirety.

Mr. KENYON. If we have spent $519,000 since 1902, how does the Senator account for the fact that there is practically no commerce?

Mr. SHEPPARD. I have tried to explain it to the Senator. Those expenditures have been confined to only one part of the recommended project; that is, snagging. The other two elements are just as necessary, and have not been supplied as yet by Congress.

Mr. RANSDELL. Mr. President, I wish to say that I understand we are taking up the upper Red River now. The Senator from Iowa attempted to discuss the lower Red River. I understood that he would move, at the proper time, to strike out the appropriation for the lower Red River. I wish to have something to say when that part of the river is taken up. I do not understand that it is under consideration now.

Mr. KENYON. I will say to the Senator that I was discussing them both, and I put in the RECORD from the engineer's report the appropriations for both projects and the commerce for both projects for those years.

Mr. RANSDELL. Do I understand from the Senator that he will discuss the lower Red River and move to strike out that item?

Mr. KENYON. I think so, at the proper time; yes.

Mr. RANSDELL. I simply wanted a chance to discuss that item when the Senator reached it. I have nothing further to say at this time.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. SMOOT. Upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the senior Senator from Oklahoma [Mr. OWEN]. As he is absent, I withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). Mr. President, what are we doing? Is the roll being called to ascertain the presence of a quorum, or are we voting on something?

The VICE PRESIDENT. We are voting on the amendment of the committee.

Mr. SMOOT. Mr. President, I do not know whether, under the rule, I can ask to withdraw the request or not. As this item is on the upper Red River and does not apply to the lower Red River——

Mr. THOMAS. The roll call has been ordered. Let us have it.

The VICE PRESIDENT. The Secretary will proceed with the calling of the roll.

Mr. CLARKE of Arkansas. Mr. President, the Senator from Utah wanted to make the statement that he was laboring under a misapprehension as to the item on which he called for a yea-and-nay vote. He desires to make a statement to the Chair with reference to it. I think he is entitled to do so.

Mr. THOMAS. I do not understand that after the roll call has begun any further statements can be made.

Mr. CLARKE of Arkansas. I think a statement for one purpose is permissible where it can not be made for another.

Mr. THOMAS. If the Senator from Utah withdraws the request, I shall renew it.

The VICE PRESIDENT. The Secretary will continue the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. FLETCHER (when his name was called). May I ask to have the question stated?

The VICE PRESIDENT. The Secretary will state the question.

The SECRETARY. On page 24, line 20, after the word "maintenanme," it is proposed to insert "and repair of levees destroyed by overflows in 1915 and 1916."

Mr. FLETCHER. Is that a committee amendment?

The VICE PRESIDENT. It is.

Mr. FLETCHER. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. As he is absent, I withhold my vote.

Mr. THOMAS (when his name was called). I make the same announcement as on the previous roll calls, and the same transfer, and vote "nay."

Mr. WEEKS (when his name was called). I have a pair with the senior Senator from Kentucky [Mr. JAMES]. As he is absent, I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Indiana [Mr. KERN], and vote "yea."

The roll call was concluded.

Mr. BECKHAM. I have a general pair with the senior Senator from Delaware [Mr. DU PONT]. As he is absent, I withhold my vote.

Mr. GRONNA. Has the senior Senator from Maine [Mr. JOHNSON] voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a pair with that Senator, and therefore withhold my vote.

Mr. MYERS. Has the junior Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, which I transfer to the junior Senator from Indiana [Mr. TAGGART], and will vote. I vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I wish to inquire if the junior Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I see he is in the Chamber, and I will allow my vote to stand.

The result was announced—yeas 41, nays 10—as follows:

YEAS—41.

Ashurst	Jones	Oliver	Smith, S. C.
Bankhead	La Follette	Page	Sterling
Brandegee	Lane	Pittman	Swanson
Chamberlain	Lee, Md.	Poindexter	Thompson
Chilton	Lewis	Pomerene	Vardaman
Clarke, Ark.	Lippitt	Ransdell	Wadsworth
Curtis	Lodge	Shafroth	Walsh
Fletcher	Martin, Va.	Sheppard	Williams
Hardwick	Martine, N. J.	Simmons	
Hitchcock	Myers	Smith, Ariz.	
Hollis	Nelson	Smith, Mich.	

NAYS—10.

Borah	Husting	Sherman	Works
Clark, Wyo.	Kenyon	Smoot	
Fall	Norris	Thomas	

NOT VOTING—45

Beckham	Gallinger	McLean	Smith, Md.
Brady	Goff	Newlands	Stone
Broussard	Gore	O'Gorman	Sutherland
Bryan	Gronna	Overman	Taggart
Burleigh	Harding	Owen	Tillman
Catron	Hughes	Penrose	Townsend
Clapp	James	Phelan	Underwood
Colt	Johnson, Me.	Reed	Warren
Culberson	Johnson, S. Dak.	Robinson	Weeks
Cummins	Kern	Saulsbury	
Dillingham	Lea, Tenn.	Shields	
du Pont	McCumber	Smith, Ga.	

So the amendment of the committee was agreed to.

REVOLT IN IRELAND.

Mr. CLARKE of Arkansas. Mr. President, we have been here now for six hours, and I move that the Senate take a recess until 11 o'clock to-morrow.

Mr. MARTINE of New Jersey. May I ask, before that motion is put, the attention of the Senate for a few moments? I read a little story to-day that impressed me intensely. It affected me to the quick; and, with the permission of the Senate, I desire to occupy a few moments.

Mr. CLARKE of Arkansas. I withdraw the motion temporarily.

Mr. MARTINE of New Jersey. Mr. President, I have no thought or desire to interfere with foreign Governments in the management of their domestic affairs, yet I feel that England in her effort to quell a local disturbance in the city of Dublin, Ireland, has gone rank mad and is both blind and deaf to all thoughts of humanity and civilization.

In the steps to quell a local disturbance the Government of Great Britain has descended to sheer butchery in dealing with this question.

Mr. President, we have listened for a long time to Great Britain's profuse professions of humanity, but her recent action bids me say that cant and hypocrisy still prevail there. Has it come to this, that proud and boastful England should brace up against a wall a poor, wounded cripple and then at order to riddle the helpless mortal with bullets? Shame! Shame! Yes, thrice shame!

Mr. President, I do not desire to commit my country, nor do I desire to commit any Senator, but for myself I want to be placed on record as standing aghast at this recent act of barbarism on the part of Great Britain. It seems to me humanity will rebel the world over at this recent act upon the part of this brutal and tyrannous power.

PETITIONS AND MEMORIALS.

Mr. GRONNA presented the memorial of Hubert Harrington, president of the North Dakota Retail Hardware Association, remonstrating against the creation of a national chamber of agriculture, which was referred to the Committee on Agriculture and Forestry.

Mr. WADSWORTH presented petitions of sundry citizens of Clinton, N. Y., praying for the enactment of legislation to prohibit the exportation of intoxicating liquors to Africa, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Long Island City, N. Y., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented a memorial of sundry citizens of Seattle, Wash., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 5525) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia, reported it with an amendment and submitted a report (No. 461) thereon.

He also, from the same committee, to which was referred the bill (S. 5976) to amend an act approved May 29, 1908, entitled "An act to amend an act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia," approved June 8, 1896, reported it without amendment and submitted a report (No. 460) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 5539) to consolidate national forest lands, reported it with an amendment and submitted a report (No. 462) thereon.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 2701) for the relief of William Walters, alias Joshua Brown, reported it without amendment and submitted a report (No. 463) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 453. A bill to place Lieut. Col. Junius L. Powell on the retired list of the Army with the rank of brigadier general (Rept. No. 465); and

S. 2222. A bill for the relief of the heirs of Antoine Bayard (Rept. No. 464).

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 6070) granting a pension to Florence V. Handbury (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 6071) for the relief of the Episcopal Church of Selma, Ala.; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 6072) to enable the Secretary of Agriculture to investigate the diseases and insects affecting cigar leaf tobacco; to the Committee on Agriculture and Forestry.

By Mr. LEWIS:

A bill (S. 6073) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River; to the Committee on Commerce.

A bill (S. 6074) to authorize the United States Government to build a certain number of merchant-marine vessels and own the same and launch the same upon seas for interstate and international trade, and lease the same to corporations, associations, or persons upon such terms as may be equitable and just, applying the proceeds of the said lease to the payment of the obligations issued for the money to be expended in the building of the ships, and to reserve to the United States the right to convert the ships to national defense at any time when, in the opinion of the President and Secretary of the Navy, such shall be necessary; to the Committee on Interstate Commerce.

By Mr. THOMPSON:

A bill (S. 6075) granting a pension to John F. Roberson (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 6076) to amend an act entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1888, and for other purposes; to the Committee on the Judiciary.

A bill (S. 6077) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. STONE:

A joint resolution (S. J. Res. 133) to authorize the President of the United States to convey the acknowledgments of the Government and people of the United States to various foreign Governments of the world who have participated in the Panama-Pacific International Exposition to celebrate the completion and opening of the Panama Canal, and also the four hundredth anniversary of the discovery of the Pacific Ocean; to the Committee on Foreign Relations.

INSPECTORS OF STEAM VESSELS.

Mr. MARTINE of New Jersey (by request) submitted an amendment intended to be proposed by him to the bill (S. 5349) to amend section 4414 of the Revised Statutes of the United States, relating to the appointment of local and assistant inspectors of steam vessels, which was referred to the Committee on Commerce and ordered to be printed.

RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m. Friday, May, 19, 1916) the Senate took a recess until to-morrow, Saturday, May 20, 1916, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 19, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord our God and our Father, whose tender mercies and loving kindness have been over us from the beginning, shaping and guiding our destiny as individuals and as a people, continue, we beseech Thee, Thy care over us; give us plenteously of Thy grace that we may do justly, love mercy, and walk humbly before Thee, and so hallow Thy name in all our doings, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. RUSSELL of Missouri. Mr. Speaker, I call up the conference report on the bill S. 4856.

Mr. MANN. I make the point of order, Mr. Speaker, that it is not in order to call up the conference report under the rule.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5841. An act to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.

The message also announced that the Vice President had appointed Mr. MARTINE of New Jersey and Mr. JONES members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

The message also announced that the President had approved and signed bills and joint resolution of the following titles:

On May 15, 1916:

S. 4432. An act to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; and

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town.

On May 16, 1916:

H. R. 6099. An act to amend section 72 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

On May 18, 1916:

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof;

H. R. 562. An act to amend the act approved June 25, 1910, authorizing the postal-savings system, and for other purposes;

H. R. 10385. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917;

S. 4603. An act to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at Princes Lower Landing, near Jackson, Ala.;

S. 4726. An act to permit issue by the supply departments of the Army to certain military schools and colleges; and

S. J. Res. 119. Joint resolution to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period.

SENATE BILLS REFERRED.

Under clause 2 Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3257. An act for the relief of Johnston-McCubbins Investment Co.; to the Committee on Claims.

S. 5841. An act to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.; to the Committee on Interstate and Foreign Commerce.

S. 746. An act to remove the charge of desertion from the military record of Capt. Daniel H. Powers; to the Committee on Military Affairs.

UNITED STATES SHIPPING BOARD.

The SPEAKER. The conference report is not in order under the rule. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15455, the shipping bill, with the gentleman from Tennessee, Mr. GARRETT, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 4, line 17, by striking out "ten thousand" and inserting "seven thousand five hundred."

Mr. HUMPHREY of Washington. Mr. Chairman, I have offered this amendment reducing the salary of the members of the shipping board from $10,000 to $7,500. When the rural-credits bill was under consideration a few days ago we reduced the salary from $10,000 to $7,500. I have been somewhat surprised that my farmer friends on the other side of the aisle have not offered an amendment before this. It can not be possible that the great friends of the farmers on that side think that a man on the shipping board is worth more than an expert on rural credits, who has to handle millions of dollars, and they only get $7,500.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. GREEN of Iowa. Does the gentleman realize the extreme difficulty that the shipping board is going to have to make the bill work? Will it not need high-salaried men to carry out the intention of the bill?

Mr. HUMPHREY of Washington. The same is true about the rural-credit bill. If you are going to base it on that proposition, the compensation which the President of the United States receives would be small. But, seriously speaking, I think $7,500 is sufficient compensation. The members of the board have no expenses; they have their secretaries; they have an office provided; and some of the greatest men in the United States—and I know everybody in the House will agree with me—are serving their country for $7,500 a year and paying campaign expenses every two years. [Laughter.]

Mr. MADDEN. Paying them every day.

Mr. HUMPHREY of Washington. Yes; paying them every day, as a matter of fact. I hope, Mr. Chairman, that the distinguished chairman of the committee will accept the amendment.

Mr. SLOAN. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. SLOAN. Would it not be preferable to have the campaign expenses come round only once in six years. [Laughter.]

Mr. HUMPHREY of Washington. Yes; I have decided opinions upon that point myself.

Mr. ALEXANDER. Does the gentleman from Washington think that the salaries of members of this board should be $7,500?

Mr. HUMPHREY of Washington. I do. I think that is a sufficient compensation to get the highest character of men.

Mr. ALEXANDER. What salaries do the members of the Interstate Commerce Commission get?

Mr. HUMPHREY of Washington. My recollection is $10,000.

Mr. ALEXANDER. And what salary do the members of the Federal Trade Commission get?

Mr. HUMPHREY of Washington. I do not know. The gentleman need not cross-examine me about what other people get. If you put it on the ground of ability and service rendered the country, I can put my hand on a gentleman who is rendering more valuable and distinguished service to the country at this time than any other man in it, and he only draws a salary of $7,500 a year. I refer to the distinguished leader of the minority. [Applause.]

Mr. ALEXANDER. The committee considered this question, and all the members of the committee, without exception, I think, were of the opinion that the minimum salary that should be provided for the class of men of the qualification necessary to efficiently discharge the duties of this board should be $10,000, and I think that is a reasonable opinion.

This Federal shipping board will become, in my judgment, a permanent institution. We want to make it a success. The sentiment of the country is in favor of the creation of the board. There is no division of sentiment, so far as I know, on that score.

The gentlemen who appeared before the committee, and particularly those from the East and representing the Chamber of Commerce of New York, expressed a doubt as to our ability to get men possessing the qualifications called for in this bill at $10,000 a year. That has been the only doubt expressed before the committee. For that reason the committee were a unit in fixing $10,000 a year as the salary men should receive possessed of the qualifications necessary for the proper discharge of the duties imposed on this board.

As I say, all members of the committee, Republicans as well as Democrats, agreed that the sum named should be the minimum salary. There is no reason why the salary should be less than that of the Interstate Commerce Commission, and certainly there is no reason why the salary should be less than that of the Federal Trade Commission. The bill establishing the Federal Trade Commission went through this House almost by unanimous consent. I do not know any better way to destroy the provision for the establishment of this board than to provide a salary that is insufficient to secure the service of men of the right kind. The bill provides that they shall not engage in any other business while sitting on the board.

Mr. MADDEN. Mr. Chairman, I think that where a man has been successful in life under the protection of his Government that he ought to be willing to give some of his time to his Government to pay the obligation that he owes. If this board should be created there will be an opportunity for patriotic men who have been protected in their road to success under the flag who will be glad to serve. Lots of men all over America are waiting for an opportunity to pay off the debt that they owe the Government in some way or other, and they would rather pay it by service than to be taxed out of existence.

There are men in this House who are serving for just that reason. They think they owe the Government of the United States something, and they are serving here at a great sacrifice from a financial point of view because they believe they ought to do something for their Government. It makes no difference whether you pay a man $7,500 or $500, if he has the qualifications to serve, if he is patriotic enough he will serve.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. GREEN of Iowa. Just for a suggestion of what the gentleman is doubtless aware, that in England there are many men serving on royal commissions of the highest importance without any compensation.

Mr. MADDEN. Why, we have men all over the United States serving local communities without any compensation whatever, and they are glad to do it. Members of great school boards of the great cities of America, having charge of all the expenditures of the moneys that are necessary for the education of the future citizens of America, not only serve free of charge but spend their own money to help build up the community and establish principles upon which we can base a citizenship of which we will in the future be proud. Seven thousand five hundred dollars is enough; it is plenty. If $7,500 is considered adequate compensation for men serving in the House and Senate, where the best brains of the country can be found and where those men are willing not only to serve for $7,500 but to spend all they get for the purpose of serving their people, twice as much more, for anybody knows that men serving in this House are serving at a sacrifice—and I would be sorry to think they were not; I would be sorry to think that we had men here for the purpose of making money—if men are serving in this House at a great loss for the good of the country, if we can find men, 500 of them, serving in the Congress of the United States, at great personal and financial sacrifice, we ought to be able to find men who will serve on this shipping board, in case it is organized——

Mr. COX. Mr. Chairman——

Mr. MADDEN. I will yield.

Mr. COX. I thought the gentleman had concluded.

Mr. MADDEN. No. I would like to get to another phase of the question.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. MADDEN. I will

Mr. HUMPHREY of Washington. I was just going to ask the gentleman if he had done himself the pleasure of reading a certain political document which was adopted over in Baltimore in reference to increase of salaries?

Mr. MADDEN. Yes; I have a very vivid recollection of that document, but I am not going to refer to it now.

Mr. FESS. It is out of order.

Mr. MADDEN. I would like to say that there are very many serious objections to the bill which is pending before the committee, and one of those objections is that it puts the Government of the United States into the Government ownership business of the transportation of the commodities of the country. It puts the Government into competition with the men who have invested their money in the most hazardous enterprise that is known to investment, the carrying of goods across the seas; and it takes $50,000,000 out of the Treasury at once and it opens the doors of the Treasury, that is already empty, to $500,000,000 more. Will anybody deny that? Nobody will deny it. Everybody knows if we start out on this enterprise, managed by the Government, controlled by the shipping board, which will be a Government instrumentality, that we are going to carry goods to ports all over the world at a loss; and everybody knows more than that, that when we make the loss we have driven the private citizen, whose capital is invested in

this line of endeavor, off the seas and we put our hands into the Treasury to take out the loss. The gentlemen on the other side of the House are opposed to a ship subsidy and so am I, but in addition to that I am opposed to Government ownership. But here you have Government ownership and ship subsidy combined. Here you pretend to be in favor of the enactment of a law that will admit the purchase of ships that can not be purchased or the right to build ships that can not be built. You will have to admit that you can not build any ships in American yards now, and that you can not build them for two or two and a half years.

Mr. HARDY. Will the gentleman yield?

Mr. MADDEN. The emergency which you say is on will be passed before the bill can become effective. I maintain there is no emergency calling for this legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. I yield to the gentleman from Texas.

Mr. HARDY. Mr. Chairman, the gentleman is now speaking of the difficulty of getting ships of which others have spoken. Does not the gentleman realize that even now private capital is having ships built and more are going to be built than ever before, and is it not possible to increase our shipbuilding output?

Mr. MADDEN. The gentleman will not be able to get ships built in American shipyards for the next two and a half years.

Mr. HARDY. Is there any reason why the Government can not get ships as rapidly as private individuals who are now having ships built?

Mr. MADDEN. Private individuals can not get them for the next two and a half years—except those already on the stocks.

Mr. HARDY. This is to help the situation and cause shipyards to increase their capacity, and be prepared to furnish them as rapidly as possible.

Mr. MADDEN. I assume we are passing this bill because there is said to be an emergency. Now, the emergency is likely to pass long before this bill can become effective. They are building about all the ships in the American yards they can to-day and this bill provides for the building of 600,000 tons, and when you put that 600,000 tons of ships in the market and offer them to carry the commerce of the world in competition with our own citizens, you drive our citizens out of business.

Mr. HARDY. Will the gentleman yield for just another question? Does the gentleman conceive it is impossible for us to be building more ships than we are now, or rather will not our shipbuilding increase and will not this law help it to increase?

Mr. MADDEN. Well, I do not know whether it will or not. Of course you can establish Government shipyards, and that might take another bill and more money out of a Treasury that is empty.

Mr. HARDY. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HARDY. Does not the gentleman feel that the private shipyards would be at least awakened to the necessity of increasing their facilities if they had a chance to secure the building of these ships for the Government?

Mr. MADDEN. Of course if the Government of the United States engages private shipyards to build 600,000 tons of ships, the shipyards will then have no business for private citizens of the United States, because the very moment we pass this bill and undertake to build ships every citizen who has heretofore been willing to put his money into merchant ships will quit and he will not build any more ships to go into competition with the Government.

Mr. FESS. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Ohio.

Mr. FESS. When the war ceases and the European shipyards again are utilized, what will be the demand upon us for the superfluity of ships we are trying to build?

Mr. MADDEN. We have all the ships now that we need in which to ship our products everywhere. Nobody complains.

Mr. ALEXANDER. Is the gentleman serious in that assertion?

Mr. MADDEN. I am.

Mr. ALEXANDER. It is contrary to all the facts of which I have knowledge. What I want to ask the gentleman is, You say if this bill becomes a law shipbuilding will stop by private parties?

Mr. MADDEN. Of course.

Mr. ALEXANDER. Even if this is a menace, yet within the last six months contracts have been let for more ships than at any other period since the Civil War.

Mr. MADDEN. I think the people of the United States who are willing to invest their money in the construction of merchant ships had a right to believe that Congress would have too much sense to pass a bill like this and that they might be willing to let them go on their way rejoicing and attend to their own business without Government interference.

Mr. ALEXANDER. The gentleman from Ohio [Mr. FESS] put in the RECORD yesterday a statement of the National Foreign Trade Council, composed of distinguished gentlemen, of which James A. Farrell, of the United States Steel Corporation, is president, in which they say we need six to ten million tons of shipping under the American flag. Do you think that the construction of 600,000 tons would be a menace to private capital?

Mr. MADDEN. Yes.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that I may have five minutes more to finish what I have to say.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. I will say to the gentleman from Missouri that my experience in business leads me to this conclusion, that it does not make any difference how big your concern is, how large a percentage of the business of your line you are able to do, if some man with a small corporation goes into competition with you, even though you may have $100,000,000 invested in your business, he can make the price, and he makes it, and you have to meet that price. And so the argument that 600,000 tons of shipping will not affect the rates as against 10,000,000 tons of shipping does not hold good. It is not a good argument. The Government can make a low rate and can afford to do it because it has the Treasury of the United States behind it to make up the loss.

There is one more thing that I want to speak about. This bill proposes to regulate the rate. It gives the power to the shipping board to regulate the rates. But you can not regulate the rates on anything except the liners, and two-thirds of all the tonnage carried all over the world is carried by the tramp steamer, and the tramp steamer fixes the rate. And if you fix a rate higher than the tramp steamer, why you put your people out of business.

Mr. HARDY. Will the gentleman yield right there?

Mr. MADDEN. Yes, sir.

Mr. HARDY. Is it not a fact that the tramp steamer practically always carries freight for less than the liner?

Mr. MADDEN. I do not know. I can not say as to that.

Mr. HARDY. Well, it is a fact.

Mr. MADDEN. I am only speaking from general principles.

Mr. HARDY. That being the fact, if you regulate the liners, and the tramp steamers run with a less rate than the liners, would you not benefit the whole people?

Mr. MADDEN. If you can make a rate so low that an American citizen who has his money invested in shipping must conduct his business at a loss, and you have to call on the Treasury of the United States to make up the loss of these ships, then you are a menace to the country. You are taxing the innocent citizen to make up the losses caused by Government operation of merchant ships.

Mr. HARDY. Do you think that the shipping board would fix the rate so low that there would be no profit in shipping?

Mr. MADDEN. I claim that you can not regulate the rate at all without doing injustice, because the tramp steamer regulates the rate.

Mr. HARDY. Does the gentleman think that there ought to be no power under the sun to prevent a thousandfold excessive rate or powerful combinations robbing the people?

Mr. MADDEN. I maintain you can not regulate the rates unless you regulate all the rates. If two-thirds of the rates are beyond your power to regulate, the rest amounts to nothing.

Mr. HARDY. If the liner always fixes a higher rate than the tramp, and you regulate the liner, does not that necessarily bring down the tramp?

Mr. MADDEN. No; it does not necessarily bring down the tramp at all.

Mr. SAUNDERS. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. SAUNDERS. You refer to the rate in foreign commerce?

Mr. MADDEN. That is, the commerce in which we engage.

Mr. SAUNDERS. We do not undertake to regulate that?

Mr. MADDEN. Not at all.

Mr. SAUNDERS. We provide in respect to foreign rates that we shall not be guilty of certain discrimination and unfair practices. We do not undertake to do anything whatever with fixing rates. There is no power to fix an establishment of foreign rates whatever.

Mr. MADDEN. If this bill becomes a law, you will drive every citizen who is now engaged in shipping out of business.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. And you will draw on the Treasury of the United States for all deficiencies, and you will be paying subsidies, although you pretend to be against subsidies.

Mr. SAUNDERS. I admit that under the terms of this bill there are subsidies in it. I would not deny that; but will the gentleman point out where this board can in any way regulate the rates of carriers of foreign commerce?

Mr. MADDEN. It is in the bill, but I would not undertake to point out just where now.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection?

Mr. MANN. I would like to have a little time.

Mr. CULLOP. Reserving the right to object, Mr. Chairman, I would like to have five minutes.

Mr. BENNET. I would like to have a little time. I have three amendments to offer to the section.

Mr. HUMPHREY of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUMPHREY of Washington. Has the debate on the amendment which I offered already expired?

The CHAIRMAN. Yes. That debate has expired.

Mr. ALEXANDER. Mr. Chairman, I modify my request and ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes, 10 minutes to be controlled by the gentleman from Massachusetts [Mr. GREENE] and 10 minutes by myself.

Mr. MANN. Make it 15 minutes on a side.

Mr. ALEXANDER. Let it be 15 minutes on the other side, to be controlled by the gentleman from Massachusetts [Mr. GREENE], and 10 minutes on this side, to be controlled by myself.

The CHAIRMAN. The gentleman from Missouri modifies his request and asks that the debate on the pending section and all amendments thereto close in 25 minutes, 15 minutes to be controlled by the gentleman from Massachusetts and 10 minutes by himself. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. I yield to the gentleman from Illinois [Mr. MANN] five minutes.

The CHAIRMAN. The Chair will first recognize the gentleman from Missouri [Mr. ALEXANDER], if he desires to yield time at this time.

Mr. ALEXANDER. No.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] yields five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I want to call the attention of the committee to a matter not involved in this section. If my recollection is correct, I reported in the act to amend the interstate commerce act, in 1910, a pooling provision relating to railroads. It was stricken out in the House. The matter has been put before the House several times again. It never has been enacted into law. The House has never been in favor of it.

Section 16 of this act contains a pooling provision, exempting all provisions which are approved by this board from the provisions of the Sherman antitrust law. I presume gentlemen will defend that proposition, and I am not sure but that it is defensible.

For instance, here is a railroad that has through connections on the Great Lakes with a steamer, and they make through rates. Those rates are controlled by the Interstate Commerce Commission. They can not be pooled, either as to rates or as to quantity of freight to be carried. But if the same freight is shipped merely from Chicago to Buffalo by water they can pool the freight, although it may be destined from Iowa to Boston or New York. That is an unfair discrimination against the through rates, and an unfair discrimination against the railroads which make through rates.

Section 16 provides that every common carrier subject to this act shall file with the board every agreement which is made, which agreement may be approved, modified, or canceled by the board. In other words, they can approve the agreement. Then the section further provides that these agreements are excepted from the provisions of the Sherman antitrust law. That permits the freight that may be broken at Chicago—and I only use Chicago as an illustration—and which may be shipped by water to Buffalo, so that it comes under the terms of this act, to be pooled. But if you ship it on a through rate from Chicago to New York, the Interstate Commerce Commission has control of that, and that can not be pooled.

There can be no justification, in my opinion, for this discrimination as to whether you can pool your freight as between through rates and through routes and broken routes and broken rates. Gentlemen, I think, can not deny that result. I can see no object in making this discrimination.

When we tried to give to the railroad companies—I tried in a way—the authority not to pool the rates, because they are usually uniform, but to make pooling arrangements so as to prevent railroad wars, leaving the control of the rates to the Interstate Commerce Commission, the House decidedly struck it out of the bill. But if it is to be given to those whose agreements come under the control of this board in direct competition with the agreements which come under the Interstate Commerce Commission, it is an unjust and unfair discrimination. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ALEXANDER. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CULLOP].

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] is recognized for five minutes.

Mr. CULLOP. Mr. Chairman, I am in favor of the amendment of the gentleman from Washington. Seventy-five hundred dollars a year for these men is an adequate compensation compared with the compensation of other public service just as important, where the duties involved require just as much talent. It is very rare that such positions are declined because of the inadequacy of compensation, and $7,500 salary for the period of appointment will get just as good talent as would be secured at $10,000 a year. [Applause on the Republican side.] I believe when the compensation was fixed at $10,000 a year in the Federal reserve law it was fixed $2,500 a year higher than it ought to have been. I believe in all cases "the laborer is worthy of his hire"; that reasonable compensation should be paid in all employments; but I do not believe salaries for public service should be out of proportion with other employments. The amendment fixes a reasonable sum and not out of proportion with other services just as important.

Now, this is an important measure. Its enactment will bring relief to all the people of the country and supply transportation to carry our products to the markets of the world.

Mr. RAGSDALE. Mr. Chairman, will the gentleman permit an interruption?

Mr. CULLOP. I regret I have not time now. The gentleman from Illinois [Mr. MADDEN] said it would be infringing on the opportunities of the men who own the ship lines; it will reduce their earnings, their extortionate charges for ocean shipments, and improve our foreign commerce. I will say to the gentleman from Illinois that their numbers are few compared with the thousands and millions of people who will be benefited by the reduction in the rate charged for ocean transportation at this time and in the future. This condition, this monopoly, has been demanding our consideration for more than two years, because of the excessive charges exacted for this service. It affects every branch of industry in this country, and has reduced the profits of every business we have engaged in foreign commerce, and it is essential that it be regulated, its grip broken, in order that trade may be accommodated and industry properly rewarded.

Every wharf along the Atlantic Ocean to-day is congested with goods for transportation, sold in foreign markets at good prices, but the cost of transportation is reducing the profits to every producer in the United States and preventing their speedy transportation.

The men who produce products ought to have the profits, not the shipowners that transport the products to foreign markets; but because of this monopoly of a few shipowners the producers are prevented from enjoying the profits and the shipowners absorb them.

Mr. MEEKER rose.

Mr. CULLOP. I have not the time to yield now. I believe in benefiting the many by legislation. This Government-ownership bugaboo is no longer scaring many people in this country. It formerly terrorized them, but it has been made do overtime, until now the people consider it harmless. Whenever anything becomes a monopoly so powerful that it can oppress the people,

limit business opportunities, just as this monopoly has been doing, it is proper for the Government to take a hand, and, if it requires Government ownership, furnish the relief the people require, as appears necessary in this matter, and break the grip of the monopoly. By this measure it is proposed to liberate business from this restraint and let the producers enjoy the profits they are able to earn and would be earning if it were not for the extortionate rates this giant monopoly is charging for ocean transportation. It is enabled to charge these rates because of the want of ample shipping facilities. This will supply this want, regulate prices by competition, and enable producers to realize the profits which now they pay to shipowners. The same argument was used here when we passed the Federal maritime insurance law. They said that the Government was going into business and competing with private capital; but the Government went into that business, and the prophecies of those same gentlemen that we would bankrupt the Government did not materialize and we did not drive a single company out of business. We regulated the rates and inspired business. On the contrary, the Government has paid every obligation under that law and has cleared more than $1,200,000, which has been put into the Public Treasury. It reduced the rates of insurance not to a starvation figure but with ample profit, as the results of this law have shown. It accelerated prosperity, encouraged business, and inspired confidence. So if this bill is passed, putting ships upon the ocean to carry the people's products to foreign markets on reasonable terms when they have sale for them in foreign ports to foreign purchasers, the producers will get the profits, and not the ship monopoly in this country. So that the enactment of this law is to the advantage of the many, the people who deserve to have the profits, instead of to the advantage of the men who control the ocean transportation, and who, on account of the scarcity of ships and the number of shippers, are able to raise the rates until they are almost prohibitive, and who thereby injure the producer, the wage earner, the manufacturer, the farmer, and the merchant in this country. For this reason there is a great public demand for the enactment of this law, in order that relief may be furnished to the producers and the wage earners of the country and to furnish opportunity to the men who produce the products to send them to market and realize the profits which legitimately belong to them, instead of permitting a few shipowners to absorb them.

Another feature I want to discuss for a moment. For years our shipbuilding interests have been dwindling down until it has become almost a business of the past, but this will encourage that great industry, revive it, and make it once more a thriving business in this country. Activity in that industry through the hope of the enactment of this law is appearing, and with the passage of this law it will again take its place among the great industries of the country. It will regain its lost prestige and will employ men and capital. It will add thrift to the great enterprise. It will restore the American flag on the seas, where it will float over American built and owned argosies carrying American goods to foreign markets, swelling American commerce. It will employ American wage earners at good wages and extend American industry. We will pay the money expended for this service to American people instead of paying it to foreigners, keeping it home to increase the welfare of our country and better the condition of our people. [Applause.]

Mr. GREENE of Massachusetts. I yield to the gentleman from New York [Mr. BENNET] five minutes.

Mr. BENNET. Mr. Chairman, I move as a substitute for the amendment of the gentleman from Washington to strike out $7,500 and insert $15,000.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out "$7,500" and inserting "$15,000."

Mr. BENNET. Mr. Chairman, I agree with the distinguished gentleman from Missouri that they ought to get good men for this board, and the figure that I propose is the amount that is paid the public-service commissioners in the city of New York, who have not a tithe of the work to do that this board will have to do.

The gentleman from Indiana [Mr. CULLOP] says that this board will discourage monopoly. I will tell you what the reports are that come to me. Our great objective is the South American trade. Now, what is being formed in the city of New York to-day because of this bill? I will tell the gentleman. There is a great bank, with practically unlimited capital. There is a shipping company that has nearly 50 vessels. There is an export house that has many branches in South America. They have combined. Why? Because if this bill goes into operation all other ships, being common carriers, will come under the regulations and provisions of this law. The combination's ships will not be common carriers, because, as freight is carried on with South America, the manufacturers, like my colleague [Mr. SNYDER], who manufactures bicycles, sell their products f. o. b. New York, and this tremendous combination will transport simply its own freight to South America. If this combination is perfected, no independent shippers will go into the South American trade if the regulations prescribed in this bill become law.

None of the ships under the jurisdiction of this shipping board can go into competition, because they are so bound and tied by the provisions of sections 7, 8, 9, 10, and 12 that they can not compete, and this combination, with seventy or eighty million dollars to start with, can, for as long as it is necessary, put the business on so low a rate that no man dare start in South America, because the ships of this combination do not come under the provisions of this act, that if they reduce the freight they must keep it reduced until they raise it for some other reason than the removal of competition. We ought to have good men to fight a condition like that; and while good men do volunteer, and good men like the gentlemen from Illinois, Mr. CANNON, Mr. MANN, and Mr. MADDEN, and good men like the gentleman from Missouri [Mr. ALEXANDER] do come to this House for $7,500 a year, there is no reason why men should be drafted from private life for such public service as this at less compensation than they are receiving in other public capacities.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. TOWNER. Does the gentleman really think that many of the Members of this House have been drafted to serve?

Mr. BENNET. I did not use that word in connection with Members of the House. I used it in connection with these proposed commissioners, for this reason, that I regard elective service as a Member of the House of Representatives of the United States as one of the highest honors that can be conferred upon a man, and not at all to be compared with an appointive position on a board.

Mr. TOWNER. I agree with the gentleman; but does he really think there will be any difficulty in obtaining deserving Democrats to fill these places at $7,500 a year?

Mr. BENNET. I am not going to make a political speech. You can get $7,500 men; but this important board ought to have the best men in the country, regardless of politics, especially in connection with section 13, under which they are to conduct investigations.

I have told this House frankly of the combination that is being formed in New York City at this very minute. I hold in my hand a report, as they call it, from the Nautical Gazette, received this morning, I presume, by every Member of the House, in which they call attention to this combination that has bought 500 acres of land alongside of the Standard Oil plant and the Baltimore & Ohio at Bayonne.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I wish I had more time.

Mr. GREENE of Massachusetts. I yield to the gentleman five minutes more.

Mr. BENNET. I hope the House will give these men $15,000 and enable us to get the best men.

Mr. SLAYDEN. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. SLAYDEN. I am interested in the statement the gentleman made; and, because unfortunately I was detained and did not hear his opening remarks, I wish to ask him, Is this combination that the gentleman speaks of one that proposes to develop trade between Latin America and this country? Is that their purpose, or are they to be shipowners or bankers or merchants or what?

Mr. BENNET. This combination is to develop trade between this country and South America for its own benefit.

Mr. SLAYDEN. Of course. That is the object of all trade development.

Mr. BENNET. They have 50 ships. They will not charge a dollar of freight. Here is what they said to a man in the export trade. They asked him to go into the combination, so it has been reported to me by a Government official, and he said he did not desire to go into the combination because he did not think they were on a sound economic basis. They said to him: "Sound economic basis! Why, we are going to control the whole thing, and we can fix our own rates." He said, "I prefer to stay out and do business on conservative lines that I have for years." They said to him, "All right, you stay out; but if you stay out of this combination there won't be any

way that you can ship your goods to South America." They start in with 50 ships and with the power in their own hands to keep every other man in the United States that has not a hundred million dollars to risk from putting one single ship on the ocean. And yet we proceed with regulations in which we tie the people up tighter and tighter and with a board so limited in its powers that it can not charter a single ship in the South American trade.

Mr. McKELLAR. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. McKELLAR. Is not the formation of such an organization a pretty good reason why this bill ought to pass?

Mr. BENNET. Not at all; not this bill, with the restrictions put on charters, because, as I said frankly, as long as the bill is to pass the House we ought to give these men $15,000 apiece, so as to get the best men to carry out the provisions of section 13.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. MOORE of Pennsylvania. Suppose we form this Government shipping board and a hundred million dollar corporation gets control of that board, what will happen?

Mr. BENNET. They do not have to get control of the shipping board. They control the ships.

Mr. MOORE of Pennsylvania. Would not this be a perfect monopoly?

Mr. BENNET. I do not think that they would ever control the shipping board. I am assuming that these men are to be good men, and I want them to be good men.

Mr. REILLY. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. REILLY. What is to prevent a corporation under existing conditions doing just what you claim this corporation is doing?

Mr. BENNET. Under existing conditions they are going to do it.

Mr. REILLY. Is it not time, then, for the Government to step in and do something to counteract it?

Mr. BENNET. It seems that it might be the duty of Attorney General Gregory to do something. The gentleman from Indiana talks about trusts. Do you Democrats forget that you are in power? If there is a Shipping Trust why does not the Attorney General go after it? There has not been a prosecution commenced against the so-called trusts in two years and a half, and yet every once in a while you Democrats get up and holler about the trusts. Why do not you get after them? If there are these iniquitous trusts, why do not you skin them? You promised to do so when you were out of power.

Mr. MOORE of Pennsylvania. Does not the gentleman remember that the other day gentlemen on the other side said the power of Mr. Morgan was just as great to-day, notwithstanding the Federal Reserve Board, as it was before the board was created? Is it not possible that the Shipping Trust will continue to be as powerful, notwithstanding Government competition?

Mr. BENNET. If there is such a thing as a shipping trust, the Attorney General ought to start after it to-morrow. The Democrats are so used to being out of power and criticizing the people that they forget it once in a while. Now, Mr. Chairman, I have no disposition to take up any more of the time. I have laid the facts before the House, and I hope they will get the best men they can for this shipping board.

Mr. ALEXANDER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I am not going outside the question before the House to reply to the efforts on the other side to inject politics into this bill. I will say on the question before the House that the remarks of the last gentleman [Mr. BENNET], who told us about an immense combination just being organized, that if there was no other reason given the House except that statement—granting that it is true, and I have no reason to doubt it—that statement would contain absolute proof that some regulatory laws such as are embodied in this bill ought to be passed in order to prevent such combinations.

Now, on the amendment offered by the gentleman from Washington, when I watched the smile of Mephistopheles that passed over his countenance and then heard his statement and the statement of the gentleman from Illinois that they hoped to God the bill will never pass, I know the purpose is not to strengthen but to destroy the bill.

I want to say that our committee of 21 members—Democrats and Republicans—heard all the evidence as to the fixing of these salaries, and there is not one of us that does not agree to the salaries as fixed in the bill. I want to say that while $15,000 may be a little sum to men engaged in large business, this committee looked into the whole subject and has found the right between the two extremes. We neither cut down the salary to a figure which might not get the men desired and qualified for this place nor did we wish to make salaries too high. The President, by the terms of the bill, must have regard to men having the capacity to do the work. Men of big business affairs are the only ones who will understand, and have that capacity—men of broad scope and views will be the only men to meet the requirements of the legislation on the subject. Men of that character will be able to contemplate the whole field of operations and put this law on its feet and help it to become a success. If the law does what we hope it will do, and helps to reinstate the merchant marine, this board will be worth a thousand times its salary, and if it shall help to prevent oppressive discriminations against our people used in various and sundry ways, and in the interest of special favorites and in tearing down the average small business man; if this board vindicates the powers given to it, it will be the most important board outside of the Interstate Commerce Commission that there is under the Government of the United States. It will be one of the greatest importance, and will stand side by side with the Interstate Commerce Commission. It will have a useful and possibly even greater field of usefulness than that board that undertakes to regulate our railway traffic. It will help to build up our commerce where it is needed to be built up and then to prevent such combinations and shipping trusts as prevent any effort on the part of American capital to get into line and to begin competition in the shipping of the world. I want to see the American flag on the high seas; I want to see American commerce carried under the American flag, but I want to see it carried with justice, fairness, and reasonableness of service to the American people. [Applause.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

Mr. MANN. Mr. Chairman, may we have that amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. HUMPHREY of Washington) there were—ayes 52, noes 84.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards [or elsewhere, giving preference, other things being equal, to domestic yards,] or to purchase, lease, or charter, vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or military purposes.

Mr. ROWE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 21, strike out all of section 5, with notice that if this paragraph is stricken out a motion will be made to strike out sections 6 to 12, inclusive, also section 14, being all the sections relating to the ship-purchase provisions of the bill.

Mr. ALEXANDER. Mr. Chairman, in order to facilitate the consideration of the bill can we agree on time on this amendment?

Mr. MANN. What is the gentleman's request?

Mr. ALEXANDER. Can we agree on time on this amendment and all other amendments to this section?

Mr. MANN. There are some other amendments to the section, and I think we had better not agree right now on all amendments to the section. Let us agree on this amendment.

Mr. ALEXANDER. How much time would the gentleman suggest?

Mr. MANN. Let it run a little while. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. ROWE] may proceed for 10 minutes on his amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from New York may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROWE. Mr. Chairman, there are two separate bills to this measure before the House. One provides for a commission to regulate commerce on the high seas; in other words, to be a regulatory commission and have charge not only of destroying the wrongs that are committed by those carrying on commerce under the United States flag and foreign flags if possible. The other appoints a commission and gives them the

authority either to purchase or construct $50,000,000 worth of ships to be leased or sold to private parties or to be transferred to a company in which the United States has the controlling interest.

Now, I claim that these two principles can not be operated together by the same commission. Let us use an illustration; for instance, the chairman of this committee and many others on the committee yesterday and to-day talked of the operation of steamers and shipping lines to South American ports. Now, the Grace Co., way back in the early times in the history of this Nation, began the operation of sailboats first to the Pacific coast of South America. They have built up a large trade there. Now there are opportunities for starting other companies in that locality.

Now, think of this commission starting a corporation in which it has the controlling interest to send ships to one or more ports on the Pacific coast and South America and at the same time having the power to regulate all of the business of the Grace Co. The thing would be almost exactly parallel if this House should vote to give to the Pennsylvania Railroad Co. the regulation of all the transportation by rail between the Atlantic and the Pacific coasts so that they could say to the New York Central, the Baltimore & Ohio, and the Erie roads what their rates were to be and how they were to do their business, and what was an unjust and a wrong practice in railroad matters.

I hold, gentlemen, that the commission to be appointed under this bill should be regulative; it should be helpful in the building up of the commerce of the United States on the high seas. It should not be competitive and destructive of our commerce.

Now, Mr. Chairman, there is no country in the world of any importance that owns its own ships. It is true that Brazil owns a line to the United States, but that line to the United States was established not because Brazil wanted the ships but because she had to take the ships for a debt, and they are still operating that line. It is a small item in the commerce of Brazil, and it has up to the beginning of this war, as the testimony shows and as you will find in our evidence, been operated at a great loss.

Mr. Chairman, it has been argued here, and it was very extensively discussed before the Merchant Marine Committee, that it is necessary to do this in order that the United States Government might have the necessary transports and auxiliaries. England has no steamships of its own, Germany has no ships of its own, France has no ships of its own, and yet England has the finest transport service and auxiliary service in this war that any nation at any time has ever had in any war. It is not necessary, gentlemen of this committee, that we should own ships in order to have transports and auxiliaries to care for our Army and our Navy.

Now, the people do not want this. We have had frequent reference from the chairman of the Merchant Marine Committee and from many others to the vote taken by the Chamber of Commerce of the United States. I would like to call attention to that vote, which contains some very interesting figures. This, by the way, is all within the minutes taken before our committee and is contained in the minutes. Take the State of New York, for instance, in the matter of Government ownership and Government operation. There is 1 vote for it and 106 votes against it. Take in the matter of Government ownership, but lease to private corporations, 1 vote for it and 108 votes against it. Take Missouri, the State of the chairman of the Merchant Marine Committee—7 votes for Government ownership and Government operation and 26 votes against it.

In Missouri, for Government ownership and lease, there were 7 votes for it and 26 votes against it. Take the State of our own President—the State of New Jersey—and in that State Government ownership and operation did not receive a single vote. And I would ask every man in this House to look at the civic bodies that voted on that matter. Not a single vote in favor of Government ownership and operation. There were 18 votes against it. And on the question of Government ownership, but leased to private parties, there was not a single vote in favor, but there were 18 votes against it.

Mr. BENNET. Will my colleague yield?

Mr. ROWE. Certainly.

Mr. BENNET. These votes were not cast by individuals but by chambers of commerce, were they not?

Mr. ROWE. They were cast by chambers of commerce and other commercial bodies.

Mr. BENNET. So that those 18 votes would represent memberships running into thousands?

Mr. ROWE. Yes; many thousands.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ROWE. I yield.

Mr. MOORE of Pennsylvania. May I say to the gentleman that the Philadelphia Maritime Exchange, which is the leading maritime body of that great city, has voted against this and forwarded resolutions against the bill?

Mr. ROWE. Thank you.

Mr. ALEXANDER. Will the gentleman yield right at that point?

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Missouri?

Mr. ROWE. Certainly.

Mr. ALEXANDER. Is it not true that the National Bankers' Association was almost a unit against the Federal reserve act?

Mr. ROWE. I think it was.

Mr. ALEXANDER. And are they not now a unit for it?

Mr. ROWE. No.

Mr. ALEXANDER. Who are the ones that are opposed to it?

Mr. ROWE. The difference there is very great. These bodies are not shipowners. They are just organizations that are composed of the business men of the country.

Mr. REILLY. Will the gentleman yield?

Mr. ROWE. Certainly.

Mr. REILLY. Is it not a fact that that same body voted against the Glass currency bill before it was adopted?

Mr. ROWE. I think not. Anyway, it does not matter about that.

Mr. REILLY. They are against everybody.

Mr. ROWE. Now, let us consider the entire United States, and we find that there were 89 votes in favor of Government ownership and operation and 690 votes against Government ownership and operation. Now, as to the proposition of just plain Government ownership, 51 were in favor of it and 730 votes were against it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman from New York may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROWE. Mr. Chairman, there is another question brought up here, and it is a very serious one—the question of subsidies.

Mr. CLINE. Will the gentleman yield, so that I may ask for information? What action, if any, was taken by the United States Chamber of Commerce that met at Washington last winter on this subject? Does the gentleman know?

Mr. ROWE. They indorsed the former action of the chamber. The former president of the organization appeared before our committee and backed up this vote, and the president, who comes from South Carolina, by the way, has appeared twice before our committee and said that the organization stood absolutely for this vote.

Mr. CLINE. Was there any referendum taken in the organization with reference to that matter?

Mr. ROWE. It was a vote taken by ballot cast by the separate organizations, and is very much ahead of a meeting held here.

Mr. HARDY. Will the gentleman yield for a question?

Mr. ROWE. Certainly.

Mr. HARDY. Was it not also in evidence before us that in sending out these referendums at least some of the bodies sent them out with the recommendation that "you vote this way on this proposition and that way on that proposition"? Is there not definite testimony to that effect?

Mr. ROWE. Mr. Chairman, the gentleman is right and wrong; that is, his question might easily give a wrong impression. I think the United States organization itself in sending out the questions did not suggest in any way how the vote should be cast; and yet when it came to the local organizations they referred it in many cases to a committee, and the committee, after having passed upon it and after making up its ideas, sent it out among the individual members with the findings of the committee.

Mr. Chairman, I object to any more interruptions.

The CHAIRMAN. The gentleman declines to yield to further interruptions.

Mr. ROWE. Now, there is no need of this measure at this time. The shipyards of the United States are in business; the money of the people of the United States has gone in during the last 12 months in very great amounts—three or four times the amount we are talking of putting into the shipbuilding bill. As I said in my former address here, while there were 76 vessels building on July 1, 1915, there are now 316 building in American yards.

If the House of Representatives and the Congress of the United States will only leave the people alone or assist in this business, within 10 years we will have the greatest merchant marine in the world. [Applause on the Republican side.]

Mr. TOWNER. Mr. Chairman, as the gentleman from New York [Mr. ROWE] has said there are two propositions before the House for consideration in this bill. One to provide a commission to investigate and regulate shipping; the other to appropriate $50,000,000 to start the Government of the United States in the shipping business. As to the first proposition dissociated from the second there would be little opposition. The second proposition many of us oppose, because we believe it inexpedient, unnecessary, and dangerous.

The legislation was first presented with the idea that it would enable the Government to buy the German interned ships at reduced figures and place them at once in the over-seas trade. But that idea had to be abandoned, for one reason, because Germany would not allow them to be sold. Then, the proposition was urged as necessary to relieve the cotton situation in the South. The price of cotton was greatly depressed, and it was thought the Government ought to relieve the situation by furnishing the cotton growers cheap transportation. But while the legislation has been pending the price of cotton has gone up to a high and satisfactory figure without Government aid. Now, the proposition is advocated as a preparedness measure, as necessary to reduce transoceanic rates, and as the only possible way by which we can build up an American merchant marine.

NOT A PREPAREDNESS MEASURE.

Any proposition, weak in its appeal and indefensible on any other ground, can now be given a semblance of value if on any plausible pretext it can be urged as a preparedness measure. When this legislation was first proposed it was not thought of as a preparedness measure, and not until every other theory on which the proposition had been advocated had failed was the bill amended so that it might read, "for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve."

That part of the title of the bill is a misnomer, for the object of the bill is to create a board which shall be given $50,000,000 to buy or build ships with which the Government is to engage in the shipping business. As a reason therefor, all other reasons having failed, it is provided that in case of need the ships can be used by the Navy. The Government can take what American merchant ships it desires in any event in case of war, without buying them in advance. Besides, if the ships are intended as naval auxiliaries they should be controlled by the Navy and not by a shipping board.

It must be apparent that the use of the ships by the Navy is only an afterthought and entirely subsidiary to the main purpose.

If it were proposed to use some of the auxiliaries of the Navy in time of peace for commercial purposes, such a proposition would be worthy of consideration. The vessels to be used as auxiliaries of the Navy should be built for that purpose, and are provided for in the naval bill now pending. Some, and only some of them, could be used for commercial purposes in time of peace. But a merchant ship, built primarily for that purpose, must be reconstructed to its disadvantage as a merchant ship if it is to be used as an auxiliary ship of the Navy.

Besides, we have more than enough of that class now on hand which we acquired during the Spanish-American War. As the gentleman from Michigan [Mr. LOUD] well suggests we ought to be selling instead of buying that class of ships. We have 53 ships now in the Navy that could be used for commercial purposes. They are many of them old, and should be disposed of while prices are high. One of them, a collier, the *Justin*, we purchased during the Spanish-American War. It was second-hand then, and we bought it for $145,000. It was condemned for further use as an auxiliary a short time ago; was ordered sold, and appraised at $75,000. The Government sold it to the highest bidder a short time ago for $301,070. It is a good time to sell. I agree with the gentleman from Michigan [Mr. LOUD] that every one of these old ships should be sold now when prices are good so they can be at once placed in the carrying trade. Or we could begin the experiment of the Government operating in the shipping business by putting them in commission as merchant ships. But the majority will consider neither the selling of the old ships which have outlived their usefulness as auxiliaries nor of using them while they last in commerce.

It should be said in passing that within the last few years we have built for our Navy the best fleet of colliers in the world, 14 in number, of 10,500 and 7,500 tons capacity, with a total tonnage of 132,000.

NOT A RELIEF MEASURE.

It is asserted by the advocates of this bill that it should be passed as an emergency relief measure, to furnish needed additional ships, and by thus adding competition to reduce rates.

There is no doubt a shortage of shipping occasioned by the European war. Great Britain alone controls one-half of the world's shipping, and 57 per cent of all her ships have been withdrawn from general business on account of the war. France and Italy have requisitioned large numbers of their ships. The great German fleet has been driven from the seas. There is unquestionably a great demand for more ships at this time.

Can we relieve this situation by taking $50,000,000 from the United States Treasury and building or buying ships with it? Suppose we contemplate a building program. The Government yards will be taxed to their utmost capacity with the building of additional warships. No merchant ships can be built in them. Suppose we attempt to have them built in private American shipyards. We find that all such yards are now engaged to their utmost capacity, and can not take any additional orders for completion within two years. We find all American plants have been enlarged, abandoned plants have been revived, and new plants have been established to meet the present extraordinary demand. At the beginning of the present month there were 368 steel merchant ships in process of building in the 32 private shipyards of the United States. This is three times the number that was ever at one time under construction in the country before the war.

We can not build in our own navy yards, and all our private shipyards are working night and day to their full capacity, so that we could not secure new ships either by building or under contract in less than two years.

But it is said we can buy them abroad under the terms of this bill. That is true, so far as the terms of the bill are concerned. But we find the same conditions exist everywhere. All private yards in the world are working overtime to fill orders at high prices to meet the present world-wide demand.

There is nothing left but to buy ships. It must be apparent that the present time is not a good time to buy ships. No other thing of merchantable value is so high. I have already called attention to the sale of the *Justin* at many times its value. Another instance may illustrate conditions. The steamer *Robert Dollar* was built 10 years ago at a cost of $250,000. It was sold a few weeks ago for $1,300,000 cash. Anything that will float and carry a cargo will command an exorbitant price to-day.

To buy now would be folly when vessels sell at five times their cost. Probably within a year the European war will end. When that time comes, the thousands of merchant ships now tied up by the war will be released to engage in the world's commerce. Vessels then will sell for a song that now will bring a fortune. Rates that now are mountain high will drop to the lowest point ever reached under the immediate and intense competition. If we invest now, we will have sunk $50,000,000 in the most foolish and unbusinesslike project ever suggested.

And all to no purpose. We can not add one single ship to our American merchant fleet within two years by building, and then there will be thousands of ships begging for trade. We can not add a ship to commerce by buying those already engaged in commerce. If a ship is already engaged in American trade, it would not help American trade to buy it, whether owned by foreigners or Americans. To buy a foreign ship to transfer it to American trade would be foolish as a business proposition, and is made impracticable by the fact that nearly all the European nations—Great Britain, France, Germany, Austria, Sweden, and others—have placed an embargo forbidding the sale of all ships under their flag.

We hear much about the exorbitant rates now charged for trans-Atlantic transportation. With the warring powers willing to pay any price for quick delivery of war material, high rates are inevitable. To expect that high prices for products can be secured and maintained and low prices for transportation prevail is absurd. The southern supporters of this bill are eloquent about what an increase in the price of cotton would accrue to the growers if they could only have the low rates now that prevailed at the opening of the war. Their logic would be strained if they were required to explain why the price of cotton has risen coincident with the rise in rates. In other words, the higher the rates the higher the price of cotton has gone. The same causes, of course, operate on both, viz, the increased demand.

The extraordinary demand for shipping will cease with the war, both because there will not be such an amount of goods to ship and because there will be released for competitive commerce about one-third of the world's ships now tied up on account of the war.

AN AMERICAN MERCHANT MARINE.

Our people are united in the desire to build up an American merchant marine. We are not only materially injured, but we are humiliated by our dependence on and subjection to foreign control of our own commerce. Nine-tenths of our overseas trade is carried in foreign ships. We can not send our own products in our own vessels. We can not transport American citizens under the American flag to foreign lands. We can not even forward the United States mail in our own ships. We pay from $200,000,000 to $300,000,000 annually to foreign shipowners for carrying American passengers and products. It is not comforting to realize that as our productive capabilities increase our dependence on foreign transportation of our commerce increases. In case of a war in which we should be involved our position would be not only dishonorable, it would be dangerous. There can be no doubt we need and must obtain an American merchant marine.

The imperative necessity of taking some action that will bring our shipping under our flag makes it the more necessary that we should carefully consider the problem, that we may act wisely in the initial steps of the great undertaking.

In the earlier years of the Republic we carried 90 per cent of our foreign commerce. Under varying conditions we managed to control a preponderance of our foreign trade for more than half a century. As late as 1856 we carried 75 per cent of it. For reasons which can not now be adequately discussed, we lost control of our foreign commerce during the Civil War. We have never regained it. We now carry less than 10 per cent in value of our foreign trade.

In the meantime the over-seas commerce of the world has grown to vast proportions. The oceans, instead of being barriers, have become the great highways of commerce. It is easier and cheaper in ordinary times to transport a cargo of grain across the Atlantic than across the State of Texas. One may travel from New York to Liverpool as quickly, as cheaply, and with more comfort than he can from New York to San Francisco.

There are now over 30,000 registered vessels engaged in the over-seas trade. Great Britain alone has over 12,000 merchant ships. In 1915 the United States had 680 vessels engaged in foreign trade. Before the war Great Britain carried 54 per cent of our foreign commerce. Germany carried 12 per cent. Less than 9 per cent was carried under our own flag.

The world's ocean tonnage is about 50,000,000. Our total tonnage engaged in the foreign trade is about 1,000,000.

It costs now about $100 per ton to build freighters. It costs $200 per ton to build combined passenger and freight ships. With $50,000,000 we could build, if we could find a place to build them, 50 freighters of 10,000 tons capacity. We could build 25 freight and passenger ships.

It must be manifest that the addition of 50 ships to the world's 30,000 can have but little influence on rates. It is evident that an addition of 500,000 tons to the world's tonnage of 50,000,000 can have no appreciable effect, except to discourage individual enterprise.

To dominate our foreign commerce we should control at least 60 per cent of it, and that would require at least 600 ships of the first-class freight type and would require an investment of $600,000,000. The building of 50 ships—all that could be obtained under the present bill—would be but a weak commencement of such a program.

Of course, nobody contemplates such a program. But if we do not intend to carry out the plan, why enter upon it?

GOVERNMENT OWNERSHIP.

In this debate there have been two lines of argument offered in defense of this Government-ownership proposition. One is that everything else has been tried and has failed, and there is nothing left but Government ownership; the other is that under the terms of the bill Government ownership is to terminate within five years following the close of the war.

The launching of the Government of the United States in the shipping business is a most remarkable proposition. No other nation of the world has been so foolish as to attempt it. Germany has experimented with Government ownership of railways, France of telegraphs, England of telephones, but none of these great centralized Governments has ever ventured to attempt developing a merchant marine by Government ownership.

It is a subject of wonder why some gentlemen seem so enamored with the Government-ownership idea. The Government never has and never can engage in competitive business without disaster to the business in which it engages and loss to itself.

The Government-owned railways of Germany, where Government efficiency is carried to the highest degree, before the war paid $7.86 a week for their labor, and charged 1.42 cents per ton per mile for carrying freight.

In the United States in 1913 the railways paid $15.86 a week for their labor, and carried freight for seventy-two one-hundredths of a cent per ton per mile.

It has been stated here as an instance where Government ownership has been justified that the Government is now making its own powder cheaper than it could buy it of private producers. True, but the Government is not going into the powder business to compete with its own citizens in the open market. That is what is proposed in this bill. It is proposed that the Government shall go into the shipping business to compete openly with its own citizens for business. In the first place it desires to have its citizens invest their money in the business, and then it goes into the business to compete with them. And in this case there is not even the excuse that the Government is itself directly interested. It is not shipping grain, or cotton, or merchandise.

The effect on rates of putting 50 ships in commission operated by the Government would be little if that were the limit of the Government's interference. But the effect on further investment and the further development of an American merchant marine can not but be injurious. Just at this time when American investors are interested in this as a promising line of industrial activity, to say to those contemplating entering it that if you do you must be prepared to compete with the Government is discouraging, to say the least.

The effect of this Government entering into competition directly in the business would likely be to drive every American-owned vessel under a foreign flag. If the Government-owned ships operate at less prices than the privately owned ships, the latter would be forced to go where operations are cheapest, and that is confessedly under foreign flags.

The impression is sought to be conveyed that the Government will not go further than this bill authorizes. If that be true, the action is unwise, for the addition of merely 50 ships will not materially lessen rates or supply demands. At the same time such action will operate as a discouragement to private investment, and thus injure rather than encourage the building up of an American merchant marine.

If, however, this is but a commencement, and the Government itself is to supply an American merchant marine, then our people must contemplate the investment of from $500,000,000 to $1,000,000,000 instead of this paltry $50,000,000, for that is what will be required to furnish even 60 per cent of our foreign commerce.

All this has been considered by thoughtful Members of the majority before, and was sufficient to defeat the proposition in the last Congress But these gentlemen it seems have been placated by the provision in the present bill that limits governmental operation to five years after the close of the present war. In view of the fact that it is perfectly clear that no temporary action of this kind can have any beneficial effect, and that the only result that can be anticipated would be to discourage rather than to build up an American merchant marine, it is difficult to see how these men can justify their present support of a bill which at this time is less needed than ever before and which still retains the fundamental defects of the other bills.

It requires only a slight consideration of the operation of shipping business under Government control to determine its utter impracticability.

It is proposed to put 50 ships belonging to the Government into operation. From what ports are they to sail? There are more than 50 ports on our seaboard. Is one ship to be assigned to each port, or are 64 per cent to be assigned to New York? Two views may be given. If the Government boats offer cheaper rates the shippers will demand them, and the private shipowners will try to prevent their competing with them. Which will prevail? What are the influences that will determine the placing of these ships? Can it be done without political favoritism? Can it be done without fraud and scandal?

And where are these ships to be sent? To Europe? If so, to the ports of what nation—England, France, or Germany? Or are they to be used to build up the trade with South America? Is it proposed to send them to China or Japan? What proportion is to be assigned to our eastern, western, and southern trade?

And what are to be the rates? Are they to be always lower than prevailing rates, or only lower when prevailing rates are too high? And on what classes of goods are preferences to be made? What particular classes are to be favored? Is cotton or corn to get the best of it?

These and numerous other like questions will have to be determined, not on their merits, but upon grounds that will, it

is believed, strengthen and sustain the administration. Political reasons, always and only these, must necessarily control this board. It is not like the Interstate Commerce Commission, a court that is to hear and determine causes impartially. The board is itself to be engaged in the business. It is itself to engage in the trade wars of the future. And the anomalous condition is to be established by this bill that the board is to engage as a competitor in the shipping business, and at the same time is given power to make rules to regulate and control its private competitors. What an encouragement is here offered to our citizens to build up an American merchant marine!

SUBSIDIES.

Granting that the administration is desirous of doing something toward building up an American merchant marine, it is improbable it would ever have indorsed the present indefensible proposition if it had not been for its terror of anything that might be labeled a subsidy. It is not the substance that is feared, but the name. The party is perfectly willing to support the essential, but it shrinks at the appellation. The administration still carries the subsidy for carrying the mail in its appropriations, and its tariff bill provided for a 10 per cent discrimination in favor of American ships, both admitted subsidies. Still the Democrats vehemently assert they are opposed to subsidies of every kind and character.

This proposition is a subsidy, pure and simple. It is, in fact, subsidy raised to the nth degree. It is subsidy in the superlative. Subsidy is defined as "a grant of money to a person or industrial scheme considered as beneficial to the public." It is pecuniary aid from the Government. In this case the Government takes $50,000,000 of the people's money to aid a corporation in which individuals are asked to invest, for which the Government is to furnish the credit, and to which it is to subscribe most of the capital. Or it proposes to buy ships and lease them to private parties on more favorable terms than they could otherwise be obtained. It does not require argument to show that this is subsidy in every requisite of the definition.

The Democratic Party has officially declared its purpose with regard to this matter. In 1908 the Democratic platform declared for the "upbuilding of the American merchant marine without new or additional burdens upon the people, and without bounties from the Public Treasury." The imposition of $50,000,000 is a considerable "burden upon the people." The present bill is in direct contravention of the statement that whatever was done to build up an American merchant marine it should not be done by bounties taken from the Public Treasury.

Again in 1912 the Democratic Party declared for building up a merchant marine, but declared it must be done without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury. This bill proposes to take $50,000,000 in one tremendous bounty from the Public Treasury, but its advocates declare on the floor of the House that the only advocates of subsidy in the country are Republicans.

However, at this time there is no need to discuss the policy of subsidies. At this time there is no necessity for subsidies, either of the bounty character or of the Government-ownership variety. Everything and more is being done now in building up an American merchant marine than could be secured by the most liberal subsidies. If as a result of subsidy legislation every private shipyard in the country had more than doubled its capacity; if new yards were being established almost every day; if more capital, more workmen, more energy were employed than was ever before known in the history of the Nation; if 368 new steel merchant ships had been placed on the ways, it would have been an ample vindication of the action. And yet all that and more has been accomplished without one cent of subsidy. Private enterprise has done everything that could be done without Government aid. What, then, is the necessity for this belated, unnecessary action? Why, this reckless, wicked waste of the people's money, that is needed so much for necessary things, that can not accomplish its avowed purpose, that can not add one ship to our merchant marine, not send one additional cargo from our ports?

WHAT CAN BE DONE.

While at present conditions are favorable, and while now everything is being done that can be done to upbuild American shipping, we must not shut our eyes to the fact that it is not likely such conditions will long continue. Neither should we disguise the fact that American shipping will have heavy handicaps to overcome before it can be placed in a condition successfully to compete for even the carriage of our own commerce. The present war, which occasions both a shortage of available shipping and an extraordinary demand, can not long continue. Nearly one-third of the world's ships will at its close be released to enter the contest for the world's trade. If we could enter the contest on equal terms with our competitors, no American would fear the trial; but, unfortunately, we can not do so.

In the first place it costs more to build ships in the United States than in other countries. In the construction of a merchant ship, it is computed that nine-tenths of the cost is for labor. Labor is paid more in American shipyards than in others. An official report of the Department of Commerce, issued this month, states that in the shipyards of Japan there are now employed more than 40,000 skilled laborers, and that their wages average 34.9 cents per day. In Great Britain higher wages are paid than in any other shipyards in the world except in the United States. Yet their wages are less than half those paid in American shipyards. A comparison may be of interest showing the average weekly wage in both countries before the war:

Great Britain.

Blacksmiths	$9.84
Machinists	9.67
Joiners	9.50
Carpenters	9.88

United States.

Blacksmiths	$20.88
Machinists	19.38
Joiners	21.18
Carpenters	22.14

If, then, an American contemplates entering the shipping business he must start with the realization that he must pay from twice to ten times the labor cost that his foreign competitors will be required to pay.

Nor are operating expenses on a more favorable basis. I am indebted to the gentleman from Michigan [Mr. FORDNEY] for some very illuminating figures with regard to the comparative operating expenses of shipping. The labor cost of the *Yasauna Maru*, a Japanese ship, carrying 36 men, was $795 per month, or $9,540 a year. The labor cost of the *Robert Dollar*, of practically the same size, operated under the English flag, with 47 men, was $1,308 per month, or $15,696 per year. The American steamer the *Algoa*, practically the same size, carrying 49 men, pays for labor $3,270 per month, or $39,240 per year. In other words it cost $29,700 more to run an American ship than a Japanese ship of the same size and type. It costs annually $13,550 more to run a ship of this type under the American flag than under the British.

Besides this, an American ship must undergo inspection every year at a cost of about $3,000. Its measurements cost is above $5,500 each year. The cost of subsistence is much larger also under the American flag. It requires more men to man a ship under our present requirements than is required by any other nation.

Several things have been proposed and some have been tried in an attempt to equalize conditions. It was strenuously advocated by Democrats that if free trade in ships was instituted and Americans were allowed to buy their ships in the cheaper foreign markets, the entire difficulty would be overcome. Accordingly they passed a free-ship bill. Not a single ship came under the American flag by the operation of that law.

Some bills passed during this administration instead of helping have greatly injured the upbuilding of an American merchant marine. The repeal of the act granting free tolls to American vessels using the Panama Canal was discouraging. The passage of the seaman's bill, while its declared purpose was good, has operated disastrously. It drove every merchant ship flying the American flag off the Pacific Ocean.

In the tariff act of October 3, 1913, a discriminative duty of 10 per cent, in addition to the regular duties, was imposed on foreign goods imported into this country in foreign vessels. This was a good provision, and undoubtedly would have accomplished much good. But the administration nullified the law and prohibited the collection of such duties on the ground that it violated our treaties, notwithstanding the fact that the board of general appraisers decided otherwise. It is to be regretted that this endeavor to test the effect of discriminative duties should have been thus prevented.

In 1789, immediately following the institution of our Government under the Constitution, a law was enacted under which a discount of 10 per cent was given on all duties on imports brought to this country in vessels owned in the United States. On August 10, 1790, an addition of 10 per cent on the specified rates was made on imports brought in foreign vessels. This amounted to a preference of 20 per cent made in favor of American shipping. Under the operation of this law by 1810 we were carrying 90 per cent of our foreign commerce.

It is believed by many that the effect of such a law would be very beneficial in placing our commerce under the American flag. If modifications in our treaties are needed to enable us

thus to assist our own industries, notice should be given at once and such changes made.

Free tolls should be given to all American ships through the Panama Canal. If any changes in our treaty agreements are needed to secure this preference to American ships, such changes should be at once made.

We should offer bounties and prizes to such American ships as shall most efficiently and speedily carry the American mails to foreign ports. By limiting such prizes only to American ships we would encourage American enterprise, and by offering such bounties only for efficiency and expedition we would relieve such action from the taint of subsidy.

All harbor charges, pilotage dues, and other expenses of like character should be remitted to American ships. We should in every way foster and favor American shipping where legislation can aid it. We should impose no burdens upon it not necessary to secure and protect passengers, crews, and cargoes.

These things we can do if we are really desirous of building up an American merchant marine. These things are not political. They are not in any sense partisan propositions. They are American. They mean America first. They do not crook the pregnant hinges of the knee to secure foreign praise or favor. They are proposals to look after our own interests just as every other nation is looking after its own interests.

How different is it with regard to this bill. The real grounds on which it is now pressed are political not national. It is considered desirable that just now the administration should have $50,000,000 to spend as it pleases. We are on the eve of a presidential election. With this money the administration can buy ships or build ships as may be most advantageous. It can put them where they will do the most good politically. It provides places at high salaries for a large number of "deserving Democrats" who may need to be placated or satisfied. The money may be used to build up such particular ports or special industries as are most advantageous to the administration. It is a political measure pure and simple, and its passage will be a reproach and a disgrace to the party that forces its enactment.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. ALEXANDER. Mr. Chairman, I esteem the gentleman from Iowa [Mr. TOWNER] very highly. There is just an imaginary line between our districts. He said it is impossible to have these ships built; that the American shipyards are being used now to their utmost capacity. Then in the next breath he says that we are proposing to take $50,000,000 out of the Treasury of the United States to build ships. Well, that is logical, I admit, with a reservation.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I do not want to yield at this point.

The CHAIRMAN. The gentleman declines to yield.

Mr. ALEXANDER. I decline at the present time.

Now, with reference to the referendum of the Chamber of Commerce of the United States, I wish to say that Benjamin J. Rosenthal, of Chicago, who is vice president of the National Business League of America, which is composed of some of the most distinguished business men in the United States, made this statement before our committee with reference to the referendum at Chicago:

Now, I will tell you gentlemen exactly how this vote was arrived at, and to make assurance doubly sure I will mention the fact that I happened to meet Mr. Nickerson, who is a member of the association of commerce, and was one of the subcommittee of two. I met him last night at the New Willard Hotel.

This is a statement made on February 12, 1916. Mr. Rosenthal continues:

He was here attending this conference of the United States Chamber of Commerce. I asked him, just to be sure, just how that vote was arrived at, and I will explain just exactly what he said, and that was my understanding. The request came to the executive committee; the executive committee referred it to a corimittee of two. Mr. Nickerson was one of that committee and Mr. Buchanan was the other. That committee of two had probably never even read the Alexander bill and did not know, perhaps, all of the provisions of it. This committee reported that they were not in favor of Government ownership, but in favor of some form of subsidy, and the executive committee indorsed this action of the committee of two, and it was sent to the National Association of Commerce, and in that way the National Association of Commerce attempts to bind an organization of 4,000 men.

That is the way the referendum was taken at Chicago. The correctness of that statement has never been challenged and I have never heard anyone question the fair reliability of Mr. Benjamin T. Rosenthal.

Now, with reference to the action of the Chamber of Commerce of the United States on two propositions in this bill, I said in my first statement that they had opposed Government ownership and operation of vessels.

On their ballot No. 2 the committee recommended the creation of a Federal shipping board to investigate and report to Congress regarding the navigation laws and to have full jurisdiction, under the law, in all matters pertaining to over-sea transportation. The vote was 639 votes in favor of the recommendation and 116 votes opposed.

On the fourth proposition the committee recommended that there should be legislation abolishing deferred rebates and providing for supervision of rates by the Federal shipping board, with requirements for filing with the board schedules of rates and all agreements among over-sea lines. There were 601 votes in favor of the recommendation and 130 votes opposed.

The Chamber of Commerce of the United States in referendum No. 9 on the ship-purchase bill accompanied that referendum with the report of the special committee of the chamber of commerce in opposition to the bill. I have no objection to that. I think that is entirely legitimate; but I say in every instance, in each referendum, these chambers of commerce had the recommendation of the special committee opposing this legislation or some features of this legislation. And it is only natural for these bodies to follow their recommendations, because that committee was composed of men of large capacity.

Yesterday I read into the RECORD a letter from Mr. William Harris Douglas, the chairman of that special committee, indorsing this bill and saying that he hoped it would become a law, and that quickly. I also read into the RECORD a letter from Thomas L. Sitt, of Chicago, another member of that special committee, indorsing this bill and saying that he was going to communicate with the officers of the national association with a view to having them officially indorse this bill.

I think the most harmful speech that could be made as affecting the upbuilding of our American merchant marine was made by the gentleman from Michigan [Mr. FORDNEY] yesterday, in which he exaggerated the difference in the cost of construction and operation of ships under the American flag as compared with ships under foreign flags. The Chamber of Commerce of New York in November last appointed a committee to consider this merchant marine question and particularly to hold an inquest on the Alexander ship-purchase bill. At the regular meeting on November 5 the president announced the appointment of this special committee: Irving T. Bush, president of the Bush Terminal Co.; William Harris Douglas, whose name I have just mentioned; George S. Dearborn, late president of the American-Hawaiian Steamship Co.; Jacob W. Miller, and J. Temple Gwathmey.

That committee made a report at a special meeting on January 14, and I want simply to call attention to some of the parts of that report referring to this difference in cost of construction, one serious handicap to the investment in merchant-marine property.

The steamship man must obtain his capital for American ships from American investors. The American investor knows little of the value of securities of steamship companies beyond the repeated statements in the public press that it costs 40 per cent more to operate an American vessel than one owned abroad, and that, consequently, competition is impossible without a heavy subsidy.

These statements are not calculated to attract American capital to vessel securities.

Again—

At the outset it must be recognized that one of the most important parts of this problem is to satisfy the investing public that they can safely buy bonds secured by vessel property. Otherwise the steamship man is helpless, and can do little to restore our shipping, no matter what inducements may be held out to him.

This bill provides that this board shall investigate securities on vessel property with a view to making them safe. Again—

We desire first to point out that there has been a general misunderstanding of the added cost of operating American vessels as compared with the same vessel under a foreign flag. It has been frequently stated, and generally accepted that the operation under the American flag will cost from 40 to 50 per cent more. We believe this percentage should be applied to wages alone, for the cost of fuel, supplies, insurance, and upkeep is substantially equal for the same vessel in the same trade regardless of flag.

On passenger ships, where the wage item may be a larger percentage of the total operating cost, the difference in favor of foreign vessels is somewhat greater, but with strictly freight carriers your committee is informed that the disadvantage under which American tonnage must labor is 5 and 10 per cent of the total operating cost. Even in passenger vessels of a type suitable for South American trade, the disadvantage probably does not greatly exceed 10 per cent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. ALEXANDER. I wish to read further from this report:

As we have pointed out, the item of wages on vessels of this character represents a smaller percentage of the total operating cost, and the disadvantage under which American vessels labor is in the neighborhood of 5 per cent of the total operating cost. Under conditions existing in the past, even this difference would prevent the engaging in foreign trade of American tonnage, but it is the conviction of your committee that conditions will not again be normal for a number of years, and that if credit machinery be created to enable the steamship men to finance American steamship enterprise sufficient inducements will exist to assure the construction of a substantial tonnage of freight vessels without the payment of subsidy.

Now, Mr. Bush, discussing the report of the special committee on the merchant marine in the foreign trade, from which I have quoted extracts, at a meeting of the Chamber of Commerce of New York, when the report was up for consideration, had this further to say with reference to the difference of cost of operation of vessels under the American flag and under the foreign flag:

The American steamship man, if he has to operate a ship under the American flag, must get his money from the American investing public.

* * * * * * *

The American public is unacquainted with it, and if we gave a substantial subsidy to establish an American merchant marine it is questionable if any amount of capital could be interested in it, because it is stated it costs 40 per cent more to operate vessels under the American flag than under the foreign flag.

I should like to say one word on that difference of cost. It may be that some of those gentlemen who have been advocating subsidies in the past have made such a good case that, perhaps, they have created too good a case for themselves at the present time. I do not think that it differs anything like 40 per cent; I do not think it does cost anything like 40 per cent more to operate freight vessels under the American flag. In fact, I think all of the committee, with the possible exception of one gentleman, are convinced that the difference in cost is very much less. In order to get some light on this subject I asked a steamship man in this port to have taken off from his books the exact cost of operating a vessel under the English flag prior to its passing through the American registry on a certain voyage and the exact cost of operating that same vessel under the American flag. We must recognize there is a great difference in the class of voyages. In vessels on voyage to Europe, a distance of 3,000 miles, the question of wages bears a much smaller percentage to the total operating cost than it does on the longer voyage at really a midway point, to the River Plate, which, I think, takes about 22 days. I asked him to get those figures for me without in any way discussing whether there was a difference of 5 per cent, or 10 per cent, or 25 per cent. I have in my hand the figures given me on a vessel of 3,000 tons net registry, which carried 7,400 tons, weight measurement, to the River Plate, and came back with a cargo of 6,800 tons of grain. I will not attempt to read all the details. There are freight charges at both ports, coal, wages, oil, vitroline, etc., left out of this; also the question of interest on property, the question of insurance, and any question of the commissions at the ports. Curiously enough it figured out that the total cost of such a round-trip voyage, which occupied about 22 days down, the loading there, and the return back, altogether about a three-months' period, was $40,700 under the British flag and $42,800 under the American flag.

This is an exact statement of the same vessel making the same voyage under the two flags, and it was worked out really with the idea of getting at the facts. That meant in this particular class of vessel, which did not carry passengers, a difference under the American flag of just about 5 per cent. If we had included any of the cost of dry dock and repairs, the insurance, and the commissions to the brokers and the agents at each end, it would be even less than 5 per cent. I therefore think that the statement which gives 40 per cent is entirely exaggerated, and we are within very conservative lines in stating that it will not be certainly more than 10 per cent, and the average would be somewhere between 5 per cent and 10 per cent, depending on the character of the cargo and the length of the voyage.

The estimate of difference in cost of operation of vessels under the American and under foreign flags may be too great or it may be too small. There is a wide difference of opinion on the subject. The point in his statement to which I wish to give emphasis is that we do not accomplish any good purpose by exaggerating the difference, the only effect of which can be, as Mr. Bush points out so clearly, to deter American capital from investing in vessel property.

GOVERNMENT OWNERSHIP AND OPERATION OF RAILWAYS IN GERMANY V. PRIVATE OWNERSHIP AND OPERATION OF RAILWAYS IN THE UNITED STATES.

The gentleman from Michigan, Mr. FORDNEY, also presented some figures to show that the carriage of freight per ton-mile on the Government owned and operated railways in Germany is much higher than on the privately owned and operated railways in the United States, although the wage scale for railway employees here, and operating costs in general, is much higher than in Germany. The gentleman from Michigan did not produce any evidence to show that the railways in Germany are not operated with as high a degree of efficiency under Government ownership as in the United States under private ownership; or that the higher cost per ton-mile for carrying freight on German railways is the result of mismanagement and lack of skill and efficiency and economy of management. He would have us assume that the higher cost is the result of this lack of skill, efficiency, and economy, based alone on the higher cost per ton-mile to carry freight on German railways, as compared with our railroads.

I have not had occasion to investigate this subject with any great care, but my understanding is that statisticians generally have rejected the ton-mile price as a basis of comparison between transportation on American railways with their long hauls and transportation on German railways, with their comparatively short hauls.

When we take into consideration that the cost of loading and discharging and the interest on terminal investments enormously increases the per-mile cost of German transportation, the futility of any comparison made on this basis is apparent.

If the gentleman wishes to make any effective argument against Government ownership, he is unfortunate if he can not find a better illustration than the German railways.

AUTHORITY TO PURCHASE MERCHANT VESSELS "ELSEWHERE."

Stout objection is made to the following provision in section 5 of the bill: "That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards, or elsewhere, giving preference, other things being equal, to domestic yards," and so forth. It is insisted that the board should have the vessels provided for in the bill built in American shipyards; that "elsewhere" should be struck out of the bill. It is my desire that all the vessels provided for shall be built and equipped in American shipyards, yet, I do not think it would be wise to limit the power of the board in that regard.

If the difference in cost of construction in domestic shipyards is so much greater than in foreign shipyards, as contended by some of the gentlemen on the other side, it would be manifestly unfair to the American taxpayer to so limit the power of the board.

The bill expressly provides that foreign-built vessels heretofore or hereafter admitted to American registry or enrollment and license under the act of August 18, 1914, or under this act may not engage in the coastwise trade of the United States, except that such vessels may engage in trade with Alaska, Hawaii, or Porto Rico if the board finds such trade is not being adequately served by a regular line or lines of vessels.

The Panama Canal act, which contained a provision admitting foreign-built vessels to American registry if owned by American citizens, became a law under the administration of President Taft.

The act of August 18, 1914, referred to was passed through the House under a suspension of the rules, and, as I now recall, without opposition.

It may well be claimed that it has become the settled policy of the Government to admit foreign-built vessels to American registry if their operations are limited to the foreign trade. This bill goes no further, except to provide that if the trade to Alaska, Hawaii, or Porto Rico is not being adequately served these foreign-built vessels may be employed in those trades.

As I have said, it is my wish that all these vessels may be built in American shipyards, and I believe they will be built in American shipyards. There is no good reason why it may not be done at this time and for years to come.

Wherein is the provision different in principle to the provisions of a joint resolution passed by Congress in 1906, under a Republican administration, providing for the purchase of material and equipment for use in the construction of the Panama Canal? That joint resolution is as follows:

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture from the lowest responsible bidder, unless the President shall in any case deem the bids or tenders therefor to be extortionate or unreasonable.

FREE SHIPS.

The free-ship policy has long been pursued by Great Britain, Germany, France, the Scandinavian countries, the Netherlands, Belgium, Spain, Portugal, Greece, Japan; in fact, by nearly every country except the United States.

Mr. EDMONDS. Mr. Chairman, I would like to call the attention of the House to the fact that during the argument made here we have had quite a number of gentlemen who have used figures showing that the American trade in American vessels has been decreasing. As a matter of fact, American trade has been increasing since 1880. Gentlemen have used the figures of the value of the cargo as a basis for their figures showing that the American trade has decreased. If they had used the tonnage figures on American trade carried in American vessels, they would have found that in 1880 19 per cent of our trade was carried in American vessels. To-day 29 per cent is carried in American vessels. This increase has been noticeable

since 1900, and, in fact, has increased very rapidly in the last five or six years. In 1910 we carried 22 per cent of the foreign trade in tonnage, and in 1915 we carried 29 per cent of foreign trade in tonnage. We carried 17,000,000 tons in 1910, and in 1915 we carried 26,693,000 tons.

The trade in foreign ships has decreased equal to that percentage, and their increase in the last six years has only been 4,000,000 tons, while in our ships it has been 9,000,000 tons.

I think we are mistaken when we take the money value of cargoes and use that as a basis for saying how much we ship in American ships. As a matter of fact, the American marine is taking care of itself by increase every year, and if you look up the record of tonnage, we are doing more business every year since 1880; and therefore Government aid and Government operation at the present time would be only a detriment to those gentlemen engaged in building up the business.

Take the report of the Department of Commerce, and you will find that 26,000 tons of new ships have been entered in the last few weeks—new ships completed in 1916—and have gone into the trade in this country. You will find that during April the shipyards have taken on 51,000 tons of new tonnage, which they are ready to complete. You will find that there has been an increase in the shipbuilding facilities of this country equal to any country in the world at any time in its history. We have eight shipyards now on the Delaware River instead of three a few years ago. They are building on the Delaware as many ships as Japan can build in all of their shipyards.

I do not think, gentlemen, it is a good time now to inject any Government operation into the situation, as provided for in this bill, if we expect to keep up the increase of tonnage we are now experiencing in our merchant marine. [Applause.]

Mr. OGLESBY. Mr. Chairman and gentlemen of the committee——

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN (Mr. ADAMSON). The gentleman will state it.

Mr. MOORE of Pennsylvania. Has the time agreed upon expired?

The CHAIRMAN. The Chair is not advised that any agreement as to time was made. Since the present occupant of the chair has been in the chair more time has been occupied on that side than on the other.

Mr. OGLESBY. Mr. Chairman, if I believed that the shipping board created in this bill would operate these vessels except as a last resort, I should not vote for the bill. I want to say, however, that I do not believe it would be wise to tie the hands of the board so that they may not operate the vessels in any contingency. We are all agreed that one of the best things that could happen in this country is the building up of a merchant marine so we can control the means by which our goods and wares can be taken to the markets of the world and at reasonable rates for its transportation. We have not that means at present. The present activity in shipbuilding is unquestionably due to the enormous rates for freight caused by the withdrawal from commerce of vessels that belong to the countries engaged in the European war.

We are all also agreed, or everybody that I have conversed with on the subject assents to the proposition, that it is practically impossible for us to build up a merchant marine except by some kind of Government aid. The question is to determine in what manner such aid should be given. The nearer we can come to devising a plan by which the Government may extend such aid as would result in the building up for us of a merchant marine ample for our requirements, and without cost to the Government or injury to private enterprise, the nearer we shall arrive at an ideal solution of the problem. The menace to private enterprise lies in the possibility of Government operation. Eliminate this—there is scarcely a possibility that the power will ever be exercised—and the plan here presented, if not ideal, will, in my opinion, come vastly nearer to a satisfactory solution of the problem than any I have ever heard proposed.

Mr. MEEKER. Will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. MEEKER. Does the gentleman believe that private investors in this country lack about $50,000,000 of having enough to start the proposition if they have the proper law?

Mr. OGLESBY. Oh, no.

Mr. MEEKER. Then why do we vote the money?

Mr. OGLESBY. This is what I have in my mind to explain, and I believe the plan entirely feasible. The main items of excess expenditure required for operating vessels of American ownership and registry over that of foreign owners are wages and food. Greater initial cost has also been a handicap, but such difference is rapidly approaching, if, in fact, it has not already reached, the vanishing point. The food and labor cost on a typical ship of American registry of 5,000 gross tons' capacity is less than $50,000 per annum. Operated under an English, French, or German registry the average cost would be at least 70 per cent of the cost under American registry. So that the total difference in these main items of expense can not exceed $15,000 between such a vessel operated under our flag and under the countries named. If the difference in initial cost be practically eliminated, it would then only be required to aid the man operating under American registry to the extent of balancing this difference in cost for wages and food.

Private capital will not invest in any commercial enterprise that does not give promise of a fair investment return and in addition thereto such added sum as will be deemed adequate by way of insurance for the risk involved. In my judgment, the promise of a return approximating 8 or 9 per cent would be required to induce private capital to embark upon a commercial enterprise of this character. But we will assume a minimum rate of 7½ per cent will be demanded for private capital invested in privately owned vessels.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OGLESBY. Mr. Chairman, I ask unanimous consent to proceed for five minutes. I have not so far taken up any time on this subject.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. FESS. Will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. FESS. I understood the gentleman to say that if he thought the board was to operate the ships he would not favor the bill.

Mr. OGLESBY. Yes.

Mr. FESS. If that is not the purpose, why does the bill say that the Government shall never be a minority stockholder?

Mr. OGLESBY. Oh, well, if the Government is a majority stockholder it can lease the vessels to men who will operate them, and if it is a minority stockholder it could not. The Government can build ships with money which costs not more than 2½ per cent. Private capital will demand at least 7½ per cent, so there is 5 per cent in favor of ships built with Government money.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. OGLESBY. I hope the gentleman will excuse me until I develop this. If such a vessel as I have suggested, and which is estimated to cost approximately $300,000, is built by the Government and leased to an operator at a rental sufficient to repay to the Government its interest outlay on the money required to build the vessel, say 2½ per cent plus whatever is necessary to amortize the investment, the operator of such a vessel would secure an advantage of at least 5 per cent per annum on the original cost of the vessel over the operator whose vessel has been built with private capital, to wit, $15,000, and substantially equalize the difference in cost for wages and food under American registry and that under a registry in European countries with which such operators will have to compete.

Mr. EDMONDS. That would be a subsidy, would it not?

Mr. OGLESBY. If you call it a subsidy; yes. It would be a subsidy which would not cost the Government of the United States one cent, but will place our operators here on a parity with the people owning and operating ships in foreign countries.

Mr. EDMONDS. Well, it would still be a subsidy.

Mr. OGLESBY. I suppose any Government aid to the owner or operator of a ship may be called a subsidy if you choose.

Mr. BENNET. Will my colleague yield for a question?

Mr. OGLESBY. Certainly.

Mr. BENNET. My colleague said the Government ought to go into the shipping business because it could get money at 3½ per cent.

Mr. OGLESBY. No; I did not say that.

Mr. BENNET. Well, 2½ per cent.

Mr. OGLESBY. I did not say the Government should go into the shipping business.

Mr. BENNET. That is the argument for building these ships.

Mr. OGLESBY. The gentleman misunderstood me.

Mr. BENNET. I think not. If that is so in reference to ships, why is not that so with reference to elevators which are built in the gentleman's district?

Mr. OGLESBY. Because the people who build those elevators have managed to do a very good business and amass very comfortable fortunes for themselves through their own enterprise without any Government aid; and if it were pos-

higher cost per ton-mile for carrying freight on German railways is the result of mismanagement and lack of skill and efficiency

trade was carried in American vessels. To-day 29 per cent is carried in American vessels. This increase has been noticeable

and food. Greater initial cost has also been a handicap, but such difference is rapidly approaching, if, in fact, it has not

vators have managed to do a very good business and amass very comfortable fortunes for themselves through their own enterprise without any Government aid; and if it were pos-

sible with private capital and with private ownership to build up a merchant marine to carry our goods to foreign ports, I would never advocate the Government extending aid for that purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OGLESBY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, I am very much in favor of an American merchant marine. If I were to name this bill, I would name it a bill to discourage American shipbuilding. There is just one way now to get a merchant marine in this country, and no other way, and that way is by doing just what other countries do, and a country never did it in any other way. You can not build a ship and compete with foreign nations where you pay 25 to 50 per cent more for building a ship in this country than you would in other countries. You can not build a ship here upon 6 or 7 per cent money on one-half its value if you can get a loan on it at all, when the English Government will furnish money at 3½ per cent and 4 per cent upon three-fourths of the value of the ship. You can not operate that ship by American seamen and pay our seamen $60 to $75 a month, where other countries pay their seamen $7, $8, $9, and $10 a month. That country will draw the commerce of the world which does it the cheapest. There is no question about that, and this is no new thing. The United States was the first country in the world, I think, to give a discriminating duty of 10 per cent on goods imported in American ships. It ran along until we had to make a treaty; I do not know but what it was all right to make that treaty. We agreed with 30 nations that we would not make any discriminating duties against them if they would not make one against us. It sounds strange to me that one after another of you gentlemen on that side stand up here and excuse yourselves from making an argument, because you say you have not the time after you voted for a gag rule to limit the time. [Applause on the Republican side.] It sounded very strange to me also, my friends, that one of the most distinguished gentlemen in this House will stand up here on the floor and say that he was steeped and saturated with a desire for a merchant marine and make nearly his whole argument upon the fact that he always fought against it tooth and nail from first to last every time it came upon the floor of this House when the Republicans were in power.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SMITH of Michigan. I will.

Mr. MOORE of Pennsylvania. Referring to the matter of time and the inability of gentlemen to offer amendments to this bill, does the gentleman know that we must vote under the rule at 4 o'clock on this bill, in which there are 27 pages, and that we have only read to page 4?

Mr. SMITH of Michigan. I know that very well.

Mr. MOORE of Pennsylvania. Does the gentleman know that we have heard members of the committee themselves complain that they had not time here to discuss their own proposition?

Mr. SMITH of Michigan. Certainly I do.

Mr. SABATH. Was not a majority of that time taken up yesterday by the Republican side that did not do anything but filibuster to kill time?

Mr. MANN. There is no sense in that statement.

Mr. SMITH of Michigan. No; we have not filibustered a minute; we have fought for time all the time and are fighting for time yet and now and are denied it.

Mr. SABATH. That is what I say. There is no sense to it.

Mr. MOORE of Pennsylvania. Does not the gentleman know that this very paragraph involves the rights of American labor, and we have not had opportunity to discuss it?

Mr. SMITH of Michigan. Everybody knows that. I will tell you another thing about the importance of this bill. It involves an expenditure of $50,000,000 and you have not any money in the Treasury of the United States, and at this inopportune time you are going to issue obligations against the Treasury by selling Panama bonds.

Mr. COX. Is the gentleman in favor of a straight-out subsidy? Would he vote for it?

Mr. SMITH of Michigan. I do not know I would do as other countries do; but this is a straight-out subsidy. I think this is a subsidy.

Mr. JOHNSON of Washington. I want to ask the gentleman a question, at this point, as it is apparent that section 9 will never be reached for discussion.

Mr. SMITH of Michigan. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. Does the gentleman from Michigan think that the provision on page 6, in section 9, "that foreign-built vessels heretofore or hereafter admitted to American registry or enrollment and licensed under the act of August 18, 1914," and so forth, "may not engage in the coastwise trade of the United States," is going to help shipping along the coasts of the United States?

Mr. SMITH of Michigan. It can not do it in any way.

The CHAIRMAN. The gentleman's time has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent for two minutes more.

Mr. HARDY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three minutes without interruption.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to know whether the gentleman is familiar with the fact that this $50,000,000 subsidy now being voted by the Democratic Party for the purchase of foreign-built ships is contrary to the Democratic platform adopted at Baltimore in 1912?

Mr. SMITH of Michigan. Certainly. As far as I am acquainted with that platform it is. But I have noticed that the only provisions of that platform being observed by the Democratic Party are those provisions carrying large appropriations or fat salaries.

Mr. HARDY. Mr. Chairman, I asked unanimous consent that the gentleman be allowed to proceed without interruption. I thought it was granted, and I hope it will be observed.

Mr. SMITH of Michigan. Now I commence on the three minutes that the gentleman from Texas [Mr. HARDY] so kindly procured for me.

We have not any ships in this country, according to the statements of some gentlemen in favor of this bill. We are not in dire straits for ships here. And, do you know, gentlemen, on page 177 of the World's Almanac you will find that the tonnage of the English merchant navy marine is 20,874,309 tons, and the United States comes next in line, with 8,389,499 tons. The next nation that has the greatest tonnage in the world is Germany, with 5,516,088 tons. The Norwegian tonnage is 2,474,165. France comes next, with 2,294,623 tons; Japan, 1,866,319 tons; Italy, 1,559,707, and so on.

I want to make this statement while I have the floor now, and you gentlemen or any gentlemen can answer it now or answer it later.

I have heard a great deal said here to-day and at other times about the beauties of the Federal reserve act; how it has benefited our country, and how you on that side compare one measure with another and refer to it by comparison when you wish to appoint a board or commission with large salaries, including a large number of offices. And I would like an answer out of the balance of my time if there is a gentleman on that side of the House who can tell me one single thing that can be done under the Federal reserve act that could not be done by the national banks, by the Comptroller, and by the Secretary of the Treasury before that act was passed?

Mr. FITZGERALD. I will tell you one thing. It keeps the Republican plutocrats from keeping the public money free at the expense of the people of the United States.

Mr. SMITH of Michigan. I asked for any one act. Of course, our friend from New York [Mr. FITZGERALD] puts us in a pretty high class. Is there any other thing you can think of or have you named them all?

Mr. MOORE of Pennsylvania. Is it not a fact that the Federal reserve act has created three or four thousand more Democratic offices than they had heretofore?

Mr. SMITH of Michigan. Why certainly. They have the offices now, we will have them after November——

The CHAIRMAN (interrupting). The time of the gentleman has expired.

Mr. SMITH of Michigan. I am sorry. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I shall ask to proceed without interruption, as this five minutes is possibly the only time I shall have in which to express my views.

Mr. LENROOT. Mr. Chairman, a parliamentary inquiry. I would like to inquire of the present status of this debate.

The CHAIRMAN (Mr. GARRETT). There is no limit.

Mr. LENROOT. Might I ask the chairman of the committee whether it is the present intention——

Mr. FITZGERALD. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. SLAYDEN. Mr. Chairman, I shall not be able to yield, and I would like now to have permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, the most eminent Member of this House and the most distinguished Democrat in the Congress of the United States—the Speaker—used these words in a brief speech which he made yesterday:

> Mr. Chairman and gentlemen, crimination and recrimination about what has happened or has not happened in the past are very unprofitable; they do not get us anywhere. I suppose in a certain sense we are all sinners. I wish sometimes I never again could hear the word "Republican" or "Democrat" mentioned on a bill in this House which is purely a business matter. If there ever was any proposition introduced here that was simply and purely business, good, bad, or indifferent, whatever it may turn out to be, this is one of them. All patriotic and wise American citizens, without regard to political or religious affiliations, want to see an American merchant marine.

And to that, if I may quote one of my colleagues, I say "Amen." We all want to see a large merchant marine developed—and along business lines.

Then, said Mr. CLARK;

> That is absolutely certain. A man that is opposed to rehabilitating the American merchant marine ought to be turned over to a board of alienists to see what is the matter with his head. [Laughter.]

Mr. Chairman, I indorse every one of those words uttered by the Speaker in his speech yesterday. I am as much in favor of the rehabilitation of the American merchant marine, not to its former magnificent proportions only, but to a degree of grandeur and importance it has never reached, as any man who lives. [Applause.] I am in favor of doing everything that is legitimate and proper to develop a merchant marine, and I will go as far as any man in that direction, except I can not be carried so far as to abandon a principle. I am opposed to the policy of Government ownership and operation of transportation lines. Such a plan does not mean a merchant marine but a Government commercial ship line which will surely operate at a loss and be an unusual tax on the people. It will be socialism [applause], and I still prefer the association of Thomas Jefferson to that of the modern socialists. [Applause.] I have been opposed as violently perhaps—I will not say as violently, but I have been as strongly opposed—to subsidies as any man who ever stood in this House.

My influence has not been so great, my tongue not so eloquent that I have been able to express my hostility to legislation of that sort in such a way as to command the attention of the country as other gentlemen have been able to do. But, Mr. Chairman, I can not conceal from myself the fact that in the general meaning of the word "subsidy" this bill, and every other Government-ownership bill, is indirectly, if not frankly, a subsidy. The inevitable deficit in the operation of such a line will be paid out of the People's Treasury, and no matter what gentlemen may call it, that is subsidy.

Sir, the Government of the United States can not operate transportation lines as cheaply as business men can do it. Deficits in the operation of lines under the Government are bound to occur. Who is going to pay them? The taxpayers. It has got to come out of the Treasury of the United States, and it goes to the benefit of a limited industry, limited compared with all the other industries, and none the less an industry because operated by the Government. And if that is not subsidy, getting away from the narrow, confined meaning of the word, or a direct application of so much of the public funds to the owners of ships, private or public, to induce them to operate their vessels, then I do not know what a subsidy is.

Mr. Chairman, it distresses me very much to have to oppose the majority of my colleagues in any way, but much as I regret to do so, sir, I shall take that road which I conceive to be the path of duty [applause on the Republican side] rather than to run counter to what I believe to be right. But, supported and sustained by the declaration of the Speaker yesterday, that the employment of the words "Democrat" or "Republican" or "politics" in connection with this bill is uncalled for and unwarranted, I feel that I am violating no obligation to my party in doing so. In my judgment, if this bill should become law, it will prevent the development of a merchant marine, a thing we all want to see done.

Mr. Speaker CLARK was right when he said in his frank, clear way that the American who is opposed to the rehabilitation of our merchant marine should have his sanity investigated. But there is no such person.

For commercial reasons and for reasons of defense we all want to see ships under the American flag traversing all the "seven seas," and the minor seas as well, peacefully distributing the produce of American farms and workshops. The question that Congress has to deal with is how shall we get the ships, not whether we want them. Politics has nothing to do with this question. It is purely a matter of business, the particular business being the determination of the method which shall be adopted by Congress for the reestablishment of the merchant marine.

The chairman of the committee, Mr. ALEXANDER, of Missouri, in his speech last Tuesday and in his report on the bill said, in substance, that "all reasonable objections" to the Government ownership and operation features of the bill that met its defeat last year had been removed from the bill of this year.

All I can say in reply to that statement of the distinguished chairman, whose high character, zeal, and earnestness I have always admired, is that the Member of Congress who voted against his bill in the Sixty-third Congress because of its Government-ownership feature and swallows the one under consideration is very easily satisfied.

The chairman does not deny that the Government-ownership feature is there, nor does my learned friend from Virginia, Mr. SAUNDERS, but they plead in extenuation that the offense is a small one and that in five years it will be ended.

Mr. Chairman, it is not a question of continuing the offense, not a question of brief or prolonged sinning. It is a question of sin, and in my opinion it is a political sin for the Government to engage in commercial transactions and particularly wicked for it to do so in competition with its own citizens. It is a matter of principle, not a mere question of policy or expediency. Five years of Government ownership is, in one sense, just as much a transgression of that principle as a hundred years.

It is intended, if this bill shall become law, to have two classes of shipowners engaged in freight carriage on the oceans. One will be private citizens, who, in an honorable endeavor to better their own fortunes and to accommodate commerce, have invested their capital in ships. If the investment should turn out to be unprofitable, these investors will withdraw from the enterprise without any avoidable delay or they will end in the court of bankruptcy.

The other class will be the Government of the United States. If its investment should not yield a profit, it will keep out of the bankrupt court by the simple process of calling on the taxpayers to meet the deficit and can go on operating a losing business. It is a matter of common knowledge, Mr. Chairman, that whatever business of a commercial nature the Government undertakes is done at a greater cost than are similar enterprises conducted by private citizens for their own account.

The reason is simple and easily understood. The Federal Government does its work by officials and hired agents, who are probably paid all they earn but who are usually less capable, less well trained, and less well paid than are the directors of great business firms or corporations in similar lines.

But this bill proposes a competitor for the citizen with whom, for the reason already mentioned, the ability to make up a deficit by the use of the taxing power he can not compete.

If you will appropriate money enough you can finally get ships, but not now; not until the European war is ended, when they will not be needed, but even then you will not have a merchant marine. It will be a Government marine and there will not be room enough on the widest ocean for a real merchant marine and the tax-supported Government substitute.

But how are the ships that the chairman and his committee want to buy to be obtained? By purchase? All are now profitably employed that can venture on the ocean and can not be had except for a price that no prudent business man would pay.

By construction? In what shipyard can they be built? Certainly in none in the United States, for all are working to capacity with orders ahead. In foreign yards? The great maritime countries of Europe are otherwise engaged, and nothing can be expected from that direction. There remains Japan, but it is a matter of common knowledge that she is building with feverish haste on orders from her own merchants and shipowners. So we can expect nothing there.

I have heard the suggestion made, but as a jest, I hope, that the only way we can get ships until long after the great European war will certainly end either from exhaustion or from decisive victory on the field of battle, is to pick a quarrel with Germany and seize her ships that sought security in our ports that they had reason to believe were neutral.

Of course that method of building up an American merchant marine is not honorable, and would be revolting to the gentleman from Missouri [Mr. ALEXANDER], and, moreover, would make them altogether too costly. It would even bring upon us the contempt of the allies, whom it would help.

Then, Mr. Chairman, it appears that there is no way of getting ships except to bid so high for them that present owners, in spite of the prevailing high rates and huge profits, will sell.

They know, even if Members of Congress do not, that the war in Europe must soon come to an end, and that when it does, and all the merchant ships now lying in neutral ports can venture on the seas again, freight rates will go down as rapidly as they advanced in 1914–15.

Mr. JOHNSON of Washington. Does the gentleman from Michigan think that the provision on page 6, in section 9, "that

mous consent to extend his remarks in the RECORD. Is there objection?

ular business being the determination of the method which shall

advanced in 1914–15.

Mr. Chairman, there is more complaint about unfair freight rates, both on land and sea, and less reason for it than with any branch of trade with which I am familiar.

A comparison of the rates charged on American railways, both on the basis of mileage and quality of service, with those of Europe, and particularly with the State-owned roads, discloses the gratifying fact that Americans are as a rule better and more cheaply served.

As to sea-borne freight I can only say, and about this thing I speak of personal knowledge and from my own experience, that prior to the war in Europe the ordinary charges were most reasonable.

Here and there one might run into conditions where the carrying charges were controlled by monopoly or a combination. About that I have no personal knowledge; but if there are such conditions and the transactions fall within the jurisdiction of the United States, the laws against restraint of trade may be invoked.

Prior to 1914—the war period—cotton was taken from Galveston, the great Texas port, to Liverpool at a cost rarely exceeding $2 a bale of 500 pounds. For a water haul of nearly 5,000 miles $2 a bale was not an exorbitant charge. Often it was as little as $1.50 a bale.

For years cotton has been taken from interior Texas markets across the continent to San Francisco, or other Pacific ports, and thence to Japan at a cost rarely more than $6.25 to $7 a bale of 500 pounds. That was for an average rail haul of about 2,250 miles and an ocean haul of about 6,000 miles.

I doubt, sir, if it can ever be done much cheaper and yield any profit whatever to the carrier.

This will give those Members of Congress who have had no personal experience in business an idea of the competition a Government-owned ship line would meet.

Until the European war disturbed the commerce of the world and drove so many merchant ships into harbors of safety and idleness ocean freight carrying was not a very profitable business. Ships could be bought at moderate prices and only those that could be run on an economical basis were money makers. Since the war and submarines have destroyed so many vessels and rates have advanced, any old tub that can float has been making money. These are all to be reckoned with as competitors of any fleet this legislation may provide.

I have heard supporters of this bill say that they will vote for it knowing perfectly well that it will not relieve the freight congestion, for the ships can neither be built nor otherwise acquired until long after the war will be only a bloody chapter in the history of the world.

I do not think these gentlemen believe in the bill. I believe that they feel as I do, that it is a step toward socialism and a dangerous experiment in government.

There is no demand for it in any Democratic platform with which I am familiar, and if there were I could not regard it as a sacred obligation, for it would be a command to do an undemocratic thing. The party would have just as much right to command me to support a protective tariff for the sake of protection.

I append a letter recently received from the Commissioner of the Bureau of Navigation. It shows a phenomenal growth in the American shipbuilding industry. I do not believe that this condition should be disturbed by legislation such as is proposed:

DEPARTMENT OF COMMERCE,
BUREAU OF NAVIGATION,
Washington, April 20, 1916.

Hon. JAMES L. SLAYDEN,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN SLAYDEN: Replying to your inquiry of the 19th instant as to the growth of shipbuilding in this country in the last three years, that growth is probably best illustrated by a statement showing at the beginning of the past three fiscal years and at the present time the number and gross tonnage of steel merchant vessels, building or under contract to be built, in the private shipyards of the United States. That statement is as follows:

	Lakes.		Seaboard.		Total.	
	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.
July 1, 1913	63	40,849	71	169,580	134	210,429
July 1, 1914	17	39,337	24	104,631	41	143,968
July 1, 1915	14	15,951	62	294,138	76	310,089
Apr. 1, 1916	184	244,205	176	823,651	360	1,067,856

I inclose a copy of Daily Commerce Reports for Saturday, April 15, giving further details on the subject.

Respectfully,

E. T. CHAMBERLAIN,
Commissioner.

Mr. SAUNDERS. Mr. Chairman, what does this bill propose to do? It will be well for a brief time to confine ourselves to the actual contents of the bill, and determine its possibilities whether for good or ill. The sum of $50,000,000 derived from the sale of Panama bonds will be turned over, and made subject to the disposition of the shipping board. To what uses can the board apply this fund? On the one hand they may take the $50,000,000 and buy ships, subsequently leasing, or chartering these ships on favorable rates, to intending operators. Should it lease these ships on such favorable terms to the lessees, as will enable them to overcome the handicaps of foreign competition, then that transaction will be Government aid. You can call it a subsidy, or not. That is a mere choice of terms. At any rate it will be Government aid.

On the other hand, what may the board do? It may use the $50,000,000 in another direction. It may subscribe to the stock of corporations that may be formed under the laws of the District of Columbia. It must take at least 51 per cent of that stock. Why? In order to have a majority of stock, a controlling interest, at all times in those corporations. Then, through those corporations, it can operate ships in the foreign trade. That will be Government operation, or ownership. The board may do either one or both of these things under the terms of the bill.

All this talk about Government ownership and operation, when it is boiled down, comes to this, that the Government through corporations hereafter to be formed may possibly operate a few ships in certain selected trades, for a period not to exceed five years after the present war. The danger to private enterprise from this limited and comparatively insignificant operation, is too trifling to be seriously considered.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. SAUNDERS. Certainly.

Mr. MANN. Under section 5 of the bill can not the board spend $50,000,000 in the construction and equipment of ships aside from subscribing to the stock of corporations to the extent of $50,000,000?

Mr. SAUNDERS. Yes. I said those ships could be leased or chartered in order to allow private enterprise to enter the merchant-marine business, and overcome the competition of foreign competitors, or at least meet that competition on equal terms. That is Government aid. Nobody denies it, or is seeking to conceal the fact that the bill makes provision for such aid. But the board can not build $50,000,000 worth of ships, and subscribe to $50,000,000 worth of stock. The amount that it can expend, is limited to $50,000,000. I ask the gentlemen on that side of the House who have criticized this bill, to tell me how, under present conditions, it is possible for private capital to enter the foreign trade without any aid, and meet the competition on the high seas of their foreign competitors? No one on the minority side of the House has attempted to answer that question. In fact the burden of their cry has simply been that it is not possible for private capital to compete in the foreign trade, without some form of aid. This bill provides a possible fleet of 50, or 60 ships, that may be used, so far as they will go, to enable private capital to overcome these handicaps.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Missouri?

Mr. SAUNDERS. Yes.

Mr. MEEKER. The gentleman referred a moment ago to going into competition with foreign ships. What would be the effect of such a ship competing with our American privately owned ship?

Mr. SAUNDERS. Oh, I answered that question once before, but I will answer it again. As a result of securing these leases on the favorable terms contemplated, the ships leased, and the lessees thus aided, will, of course, be in competition with private shipping not receiving that help. But any scheme of limited subsidy such as has been proposed ever since I have been a Member of this body, would involve the result that the privately owned ships receiving the subsidy, would be in competition with privately owned ships not enjoying that aid. At no time in the history of Congress, has anyone ever offered a plan of subsidy sufficiently comprehensive to apply to every shipowner deserving to take advantage of it. Until you do that, everyone who enjoys the benefit of Government subsidy, aid, or subvention, will operate in competition with domestic, competitors who do not receive that help. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, I call attention to the fact that it is now a quarter after 1 o'clock.

Mr. SHERLEY. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman——

Mr. SHERLEY. I ask for the regular order.

The CHAIRMAN. Is there objection?

Mr. JOHNSON of Washington. I object.

The CHAIRMAN. Objection is heard.

Mr. HARDY and Mr. ALEXANDER rose.

Mr. ALEXANDER. Mr. Chairman, an hour and a half ago I asked unanimous consent to limit debate on this section and all amendments thereto, and at the instance of the minority leader I withdrew the request, so that this debate has been proceeding at the instance of the gentlemen on the other side. Now, I am going to renew my request that all debate on this section and all amendments thereto close in five minutes.

Mr. LENROOT. Oh, if you do that, you will get into trouble. Of course on this amendment that does not apply.

The CHAIRMAN. Let the Chair state the question.

Mr. ALEXANDER. I make the request in this form: That all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent——

Mr. CANNON. One moment, if the gentleman will yield. I have listened to the remarks of the gentleman from Virginia [Mr. SAUNDERS]. He has talked to the bill, whether we agree with him or not. I make the request that he, being a member of the committee, have five minutes' extension of time, and I hope the gentleman from Missouri [Mr. ALEXANDER] will couple that with his request. It seems to me that is only fair. [Applause.]

Mr. ALEXANDER. The gentleman from Virginia yielded the floor voluntarily; but at the suggestion of the gentleman from Illinois I make the request that the time be extended to 10 minutes on this amendment—5 minutes to the gentleman from Michigan [Mr. FORDNEY] and 5 minutes to my colleague [Mr. SAUNDERS].

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate upon this amendment may be concluded in 10 minutes, 5 minutes of that time to be controlled by the gentleman from Michigan [Mr. FORDNEY] and 5 minutes by the gentleman from Virginia [Mr. SAUNDERS]. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object——

Mr. SHERLEY. Mr. Chairman, I again demand the regular order. I am not going to have the time wasted in this way.

The CHAIRMAN. The regular order is demanded. The regular order is, Is there objection?

Mr. GREEN of Iowa. I object.

The CHAIRMAN. The gentleman from Iowa objects. The question is on the amendment.

Mr. HARDY. Mr. Chairman, I have listened with——

Mr. MANN. Let us have a vote on this amendment. Debate is exhausted.

The CHAIRMAN. All debate on the amendment is exhausted. The question is on the amendment offered by the gentleman from New York [Mr. ROWE].

The question was taken; and on a division (demanded by Mr. ROWE) the chairman announced that the noes appeared to have it.

Mr. MANN. I ask for a division.

The committee divided, and there were—ayes 72, noes 57.

Mr. ALEXANDER. Tellers, Mr. Chairman.

Tellers were ordered, and the chairman appointed Mr. ROWE and Mr. ALEXANDER.

The committee again divided; and the tellers reported—ayes 106, noes 90.

Accordingly the amendment was agreed to.

The announcement of the result was greeted with applause.

The Clerk read as follows:

SEC. 6. That the President may transfer to the board such vessels belonging to the War or Navy Department as are suitable for commercial uses and not required for military or naval use in time of peace, and cause to be transferred to the board vessels owned by the Panama Railroad Co. and not required in its business.

Mr. ROWE. Mr. Chairman, I move to strike out section 6.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 6, by striking out section 6.

Mr. ROWE. I ask for a vote on that amendment.

Mr. HARDY. Mr. Chairman, I wish to be heard on this motion. Of course this section hangs on the other section. The fact that a vote by tellers, in the absence of a large number of Members on this side, has prevailed so far to strike out the preceding section of course means nothing. If it was the sense of the House to strike it out, of course there would be no occasion to do anything further except to strike out the rest of the bill, leaving only this board to investigate what might be done, and thus we would linger along year after year and term after term of Congress without doing anything. It is perfectly apparent from the arguments of gentlemen on the other side that that is the purposse of the Republican part of this Congress; that is, to do nothing toward helping to build up the great American merchant marine. Yet they sing the song and pretend to be in earnest—that they want to do something. But man after man of them has said that the best plan now is to do nothing, and let the American merchant marine grow. Why, the gentleman from New York [Mr. ROWE] and the gentleman from Pennsylvania [Mr. EDMONDS] have said that since 1880 the American merchant marine has been growing and growing; and yet the general knowledge of the whole country is that during that whole period of time our American merchant marine has dwindled till it has disappeared from the seas. Not only so, but the other gentlemen on that side, like the gentleman from Michigan [Mr. FORDNEY] present the figures which demonstrate that fact. If the figures of the gentleman from Michigan [Mr. FORDNEY] are not lying, then an American can not operate an American ship unless you give him a subsidy, and the gentleman from Michigan claimed to give us the exact figures of the subsidy that would be required. He said that a 5,000-ton vessel would require $39,000 a year as a subsidy to enable it to compete with a Japanese ship, and $32,000 a year to enable it to compete with a British ship.

According to the position of the gentleman from Michigan [Mr. FORDNEY] the American merchant marine can not get along without a subsidy; but according to the position of the gentleman from New York [Mr. ROWE] and the gentleman from Pennsylvania [Mr. EDMONDS] the American merchant marine is growing now, and all we want to do is to let it alone. These gentlemen know better. The fact of the business is that the American merchant marine has not prospered and everybody knows it. I want to tell you right now that under the subsidy proposition, which is really favored by every one of you who is fighting this bill, according to the figures of the gentleman from Michigan [Mr. FORDNEY], on the 6,000,000 tons of shipping that we need to have in the American merchant marine, put back on the sea, if you gave it a subsidy proportionate to what he says is necessary, it would take over $50,000,000 every year to keep that merchant marine on the sea. It would not only be a $50,000,000 expenditure now, but it would be a $50,000,000 expenditure every year, and you know you are not going to get it. Not only that, but the gentleman from Michigan [Mr. FORDNEY] and the rest of the gentlemen who advocate a subsidy know that if they were to put up to the American people at this time the idea of paying a subsidy to ships that are charging 100, 200, 300, 500, or 1,000 per cent over normal and reasonable rates, the American people would laugh at them as fools and pay no further attention to them. Yet that is the only remedy they propose. I beg the pardon of the gentleman from Iowa [Mr. GREEN]. He has another remedy. He wants discriminating duties applied; but other Members on his own side tell us that discriminating duties have been tried in this country and found wanting, and that is true. When we had the policy of discriminating duties in force by us and all other nations, we ourselves sought the nations of the earth and asked them to remove discriminating duties, and we removed them. If we were to adopt that policy, it would mean commercial warfare and cutthrontism. Every time we imposed a 10 per cent duty on goods coming into our ports in foreign ships, they would impose 10 per cent on goods coming into their ports in our ships. The result would be they would burden our commerce and we would burden theirs, and cutthrontism would run riot in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

Mr. JOHNSON of Washington. I object.

SEVERAL MEMBERS. Oh, no!

Mr. MANN. I ask unanimous consent that the gentleman from Texas may have five minutes.

Mr. JOHNSON of Washington. I withdraw my objection, Mr. Chairman.

The CHAIRMAN. The Chair hears no objection.

Mr. HARDY. Now, gentlemen, thanking the gentleman for that courtesy, let me go over the figures of the gentleman from Michigan [Mr. FORDNEY] coolly and calmly and deliberately. I have his own statement that the difference between the operation of an American ship of 5,000 tons and a Japanese ship of the same size would be $39,000 per year, and his assertion was that the only way to keep that American ship on the sea was to make up that difference by a subsidy. Now, it is well understood that in order to have any reasonable American merchant marine we ought to have from six to ten million tons on the sea. If you make it 6,000,000 tons, a 5,000-ton ship would go into that tonnage 1,200 times. Multiply $39,000 by 1,200 and you will find the total amount required to subsidize our merchant marine into existence. To maintain it you would have to pay over $47,000,000 every year, which is to compensate for the difference in cost of operation which he enumerated; and then he says that Japan subsidizes her ships and you would have to pay an additional amount to equal that subsidy. That supposes that the ships cost the same as foreign ships. But if we do not allow our merchants to go abroad and buy ships where they can buy them cheapest we have got to add enough to make up the added cost of our ships and the added amount of interest, insurance, repairs, and depreciation arising from the higher cost of our vessels which we buy in this country; and if we paid 25 per cent more on a vessel, as I figure it out, these items would cost, at a reasonable estimate, another $18,000,000; so that in order to run our ships it would cost $18,000,000 plus $7,000,000, making $65,000,000 every year that we would have to pay.

Is that what you gentlemen ask the country to do? That is all that you propose. That is the only remedy you have offered and the only one you ever will offer because you are tied hand and foot, neck and ankle, body and soul to the shipbuilding monopoly and the coastwise monopoly. You never will be willing to do what other nations do; you will never be willing to let the merchants of America have a merchant marine by buying ships in the cheapest market. We have yielded to that idea in the bill further than I for one desired to. We have not put in a free-ship clause, but we have proceeded to start a merchant marine, and from this beginning we will learn wisdom, and through our board we will amend such laws as need amendment and build up our merchant marine.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. JOHNSON of Washington. Can the gentleman find any provision in the bill that he thinks will assist the coastwise trade?

Mr. HARDY. No. The coastwise trade has never needed any assistance because by law you confine it to American ships and will not let anything else come in. A gentleman over there said the other day that we had 8,000,000 tons of shipping against 21,000,000 tons of England, but he neglected to say that the 8,000,000 tons was nearly all in the coastwise shipping.

Mr. JOHNSON of Washington. The gentleman is not quoting me.

Mr. HARDY. No; I referred to a gentleman who made a speech over there the other day, and the gentleman from Washington has made no speech.

Mr. JOHNSON of Washington. Is there anything in the bill that will help American coastwise shipping?

Mr. HARDY. I have said to the gentleman it does not need help; it needs control. When we find the coastwise shipping in combination robbing the country by excessive freight rates we need something to control it. They have an absolute monopoly. What more help could you ask? This is not to build up a coastwise trade, but we want to see our flag on the high seas and in foreign ports so that any American abroad can sometimes look at the flag that bears the Stars and Stripes and say that stands for my land—my native land. [Applause on the Democratic side.] You gentlemen care nothing; you have done nothing and you ask for nothing except a subsidy, and you know you can not get that, and when we bring this bill in you say let us alone and let us do nothing. [Applause on the Democratic side.]

Mr. MILLER of Pennsylvania. Mr. Chairman, when a resolution was brought into the House on Tuesday to take up the bill (H. R. 15455) to develop and create a naval auxiliary and naval reserve, and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries, I supported and voted for it. I did this for two reasons, among others:

First. The resolution provided 14 hours in all for discussing the bill and amendments thereto. I then believed, and still believe, that this was ample time for discussion. If any Member of this House can not understand the provisions of the bill between Tuesday noon and to-day at 4 o'clock by studying the bill and report and listening to 14 hours' debate, he is hopeless. He will never comprehend it.

Second. It provides for a final vote on the bill and all amendments offered thereto by to-day.

Without the adoption of this resolution no Member could even guess, not alone predict, the day when a final vote would be taken.

The bill in some respects does not meet my approval, and I will help to amend it if possible; but if all amendments fail, then I will vote for the bill as it now is.

The United States needs a naval auxiliary and naval reserve and a merchant marine to meet the requirements of our commerce in time of peace, and that can be used, in case of war between the United States and any foreign power, as a naval auxiliary and naval reserve. It is proposed to materially enlarge our Navy by constructing dreadnaughts, battleships, armored cruisers, submarines, and so forth. But of what avail if we have no naval auxiliaries or naval reserve ships?

In my opinion, the United States will never have an ample merchant marine except by three methods—first, subsidies; second, private capital without subsidies; third, Government aid, in whole or part.

The gentleman from New York [Mr. ROWE] demonstrated clearly that a merchant marine has been in the past, and can now be, built up in the United States by subsidies. Congress never has since 1860 adopted a subsidy bill. It has often been tried in the last 50 years, and, as admitted by the gentleman from Michigan [Mr. FORDNEY], in answer to a question propounded by me during his argument against this bill on the floor, always failed. The gentleman from Missouri [Mr. CLARK] also stated on the floor in debate on this bill that no Congress in 50 years had passed a subsidy bill. It always failed either in the House or Senate.

The gentleman from New York [Mr. ROWE] and the gentleman from Michigan [Mr. FORDNEY] both demonstrated that owing to the higher cost of labor paid in American shipyards—twice as high as is paid in British shipyards, and three times as high as is paid in Japanese shipyards—owing to the higher wages paid by American shipmasters to sailors over those paid by Great Britain, Germany, Japan, and other foreign shipmasters, it was impossible to either build up a merchant marine in the United States for the foreign trade or operate the ships, if built abroad, under the American flag without a subsidy.

A Republican Congress never has passed a subsidy bill in the past; a Democratic Congress never will. I would vote for a subsidy bill, but the passage of such a bill now or in the near future seems impossible. Without discussing its merits or demerits, such a method of building up a merchant marine can be dismissed.

For 50 years private capital has not undertaken to build up a merchant marine for the United States, and for the very good reason that it preferred to invest in railroads, in manufacturing, and in innumerable other important enterprises which tended to develop our country and presented more attractive inducements. Up to the present European war the investment of American capital in ships sailing under the American flag to foreign ports has been practically nothing. It is true very many ships are being built in American shipyards, as stated by the gentleman from New York [Mr. ROWE], but when asked if they were being built for the United States coastwise trade, or for carrying commerce to foreign countries, or for foreign shipowners, he frankly answered he did not know.

Up to the date of the Civil War of 1861-1865 the merchant marine of the United States did a very large carrying trade in both domestic and foreign commerce. During the Civil War foreign nations took advantage of internal conditions and by subsidies and other government aid developed a foreign merchant marine that practically drove American ships, sailing under the American flag and carrying United States commerce to foreign countries, from the high seas.

It is true that owing to present conditions in Europe the outlook is more hopeful; but the war will be over some time, and soon after it is closed and peace is assured foreign ships sailing under the English, German, French, and other foreign flags, aided by subsidies, will again cripple and finally drive from the high seas merchant ships owned and operated by American capital and sailing under the American flag.

This has been the result in the past; it will be the result in the future.

There remains but one method of solving the question: Government aid or ownership, or both.

This bill, or something like it, presents the only present solution.

Possibly there are defects in the present bill. It would be remarkable if there were not. But these can be corrected in time, if not corrected now by amendment.

The minority of the Committee on Merchant Marine say in the minority report accompanying the bill that it is experimental in its nature. That may be, but it is only by experiment that new methods are worked out successfully.

They further say:

> The bill can afford no present relief to shippers.

That may be true if by "present" is meant immediate relief. It will at least give the shippers of the United States in the future 40 to 50 additional ships in which they can ship their domestic commerce to foreign countries and bring back foreign commerce to the United States. It will relieve our shippers from dependence on foreign-owned ships in which to transport their commerce. It will afford American shippers an essential method of extending and protecting their foreign trade, so essential and vital to the interests of all classes of our people, whether laborers, tradesmen, farmers, manufacturers—whether living in city or country.

It will provide an effective naval auxiliary, which, while it promotes our commerce in times of peace, will furnish us additional means of defense in times of danger.

The minority further say in their report:

> We can not subscribe to the proposal to expend $50,000,000 of public funds in the way contemplated. While intended to further the public interest, we are of the opinion that such expenditure would work a public injury.

It is true, Mr. Chairman, that $50,000,000 is a large sum, but this House recently passed a river and harbor bill appropriating $39,000,000 for the improvement of rivers and harbors, and Members who should know whereof they spoke said that fully $20,000,000 was waste. The bill will come back to the House in a few days from the Senate increased to $40,000,000 or more, and the House will finally accept it.

Out of $50,000,000 proposed by this bill, I believe every dollar will be wisely expended for the benefit of all the people of the United States.

To-day the world's shipping has passed almost entirely under the control of Great Britain. Her large merchant fleet is wholly under control of the British Government. It is being used as a Government weapon of commercial and naval warfare both against enemies and neutrals. It dictates ocean freight rates and discriminates in favor of British traders.

If the United States intends to free her shippers and her commerce from the servitude of Great Britain and other foreign Governments, this country should build up an American merchant marine.

This bill should never have been made a political measure. It is not political in its results. If it were a political measure pure and simple, I reckon I would be found lining up with the Members on my side of the center aisle. Believing that it is a business measure; believing that its results will benefit a great majority of our people of all political shades of belief, I shall vote for the bill.

Mr. Chairman, I believe that the House has lost sight of the main object of the bill. I read in the title of this bill that it is for the purpose of encouraging, developing, and creating a naval auxiliary and a naval reserve. This House is going to be asked in a short time to vote a large appropriation to increase the efficiency of our Navy. We have not a naval auxiliary, we have not a naval reserve, and that is the main object of this bill. It never would have been brought into the House if it had been only for the purpose of establishing a merchant marine. The whole discussion on the bill up to this time has been on the question of a merchant marine. Does not the country demand that we should have a naval auxiliary if we are to have a large Navy? Does not the country demand that we should have a naval reserve if we are to have a large Navy? And one of the ways we can get it is by this bill. [Applause on the Democratic side.]

Gentlemen ask what is the use of making great appropriations for the Navy, building it up, if we have no naval reserve and naval auxiliary. In the recent War with Spain we had neither. We had to go out and buy worthless ships at a high price in order to get naval reserves. Are we to be in the same position in the future? I hope not.

But it will also help to build up a merchant marine. Why? The ships that are proposed to be built can be used in time of peace for the merchant marine, and will help develop the foreign commerce in this country. We have none to-day. It was demonstrated by the gentleman from New York [Mr. ROWE] and the gentleman from Michigan [Mr. FORDNEY] that we could not have a merchant marine in this country without a subsidy. I would favor that. But Congress never has done that, and never will do it, if we can judge the future by the past.

A Republican Congress never did do it, although they tried it for years and years. Why did not they do it? They could not get the necessary votes. [Laughter and applause.] The Democrats never will do it. The Democrats shun a subsidy and hate it like the devil shuns and hates holy water. [Laughter.] They never will vote for it. This is an entering wedge. If we pass this bill, we can have a merchant marine in times of peace and in time of war the same ships can be used for a naval auxiliary and a naval reserve. I should rather vote for this proposition than to vote to increase the number of dreadnaughts, which contribute nothing to the country in time of peace but expense.

Mr. Chairman, 18 months ago or thereabouts I made an address in the town of Sharon, in my district, the largest iron and steel manufacturing town in the district, to an association of business and professional men and manufacturers. I said then I would support a merchant-marine bill if one was presented to Congress while I was a Member. No one present objected. Knowing me, as they did, they knew I would do so, and I am going to do it to-day. [Applause.]

Mr. Chairman, I ask leave to extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The CHAIRMAN. The gentleman from New York [Mr. ROWE], a member of the committee.

Mr. LENROOT. Mr. Chairman, I have an amendment which is preferential.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 6, line 4, after the word "transfer," insert the words "either permanently or for limited periods."

Mr. LENROOT. Mr. Chairman, I think some of the time which remains should be devoted to a consideration of some of the defects of this bill as reported by the committee and an attempt, so long as the bill is evidently going to pass, to remedy those defects so far as possible. One, I think, is contained in this section now under consideration. The President is authorized to transfer to this board such vessels belonging to the War or Naval Department as are suitable for commercial uses and not required for military or naval use in time of peace. It provides for the transfer of all vessels in the control of the Army and Navy not now necessary for such use, but once transferred there is no method under this bill by which they can be retransferred to the Army and Navy when they may be required for use. And it is clear, Mr. Chairman, that if the full benefits of this bill shall be had the President should be permitted to transfer to this board, either permanently or for limited periods, such vessels as are not required for use. For instance, to-day we have transports that could have been used in this emergency for a short period of time if the law had permitted such use, but it did not. And I wish to say if this amendment is adopted and the section is not stricken out, I shall offer an amendment to the next section providing for the transfer or lease of such vessels for limited periods of time not extending beyond the period for which the transfer is made. It seems very clear it is a defect in the bill that ought to be remedied, and I trust there will not be any opposition to its adoption.

Mr. HARDY. Will the gentleman yield?

Mr. LENROOT. I do.

Mr. HARDY. I would suggest that while this provision requires or permits the transfer to the board, there is another provision in the bill that authorizes the President, whenever he sees proper, to take them away from the board.

Mr. LENROOT. No; I beg the gentleman's pardon. I have examined the bill carefully, and there is no such provision.

Mr. HARDY. To take any of these ships whenever in his judgment the emergency demands them to be used for the Government.

Mr. LENROOT. The gentleman refers to section 10?

Mr. HARDY. Yes.

Mr. LENROOT. Referring to section 10, I will say that it authorizes only the taking of such vessels as the board has already

sold, leased, or chartered, and in addition it will require the payment of the value of those vessels in the hands of those who may lease or charter, and therefore, of course, would prevent the President from transferring to the board these vessels for limited periods of time.

Mr. HARDY. The purpose of the gentleman is of course all right. I do not see where there is any objection to his suggestion, and I believe we would just as soon accept his amendment, although I believe it is already covered.

Mr. LENROOT. If the gentleman will examine again section 10 he will agree with me it is not covered.

Mr. HARDY. We will accept the amendment. I will ask that the amendment be again reported.

The amendment was again reported.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. A motion was made by the gentleman from New York [Mr. ROWE] to strike out the paragraph. What is the status?

The CHAIRMAN. The amendment proposed by the gentleman from Wisconsin is preferential. It is in order to perfect the text before a motion to strike out. The question is upon the amendment.

The question was taken, and the amendment was agreed to.

Mr. LOUD. Mr. Chairman, I offer the amendment, which is already at the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 4, after the word "President," strike out all down to the last word, "and," in line 7, and insert in lieu thereof the following: "shall transfer to the board all such colliers as are over 18 years of age and all such other auxiliaries as are suitable for commercial uses and not required for military or naval use in time of peace."

Mr. LOUD. Mr. Chairman and gentlemen, I offer an amendment which I trust will be accepted by the chairman of the committee, for it only seeks to perfect the bill and make it more useful for the object to be attained. Eight years ago we did not have a single respectable collier in the United States Navy. Eight years ago we authorized for the first two modern colliers. Since that time we have built 14 magnificent colliers and fuel ships for the use of the Navy. Before that time we had a few—about 15, I think—old, insignificant, inadequate ships which we had bought in the time of the Spanish-American War, which were not adapted to our use and were expensive to operate. We expected when we gave the Navy an adequate collier fleet that they would dispose of those old ships, but that has not been done. We have given to them in the last eight years 132,000 tons of splendid, modern construction in colliers and fuel ships. Now, there are 11 of those old ships which are of no use to the Navy and which would be of some considerable use to the merchant marine and to commercial use.

Mr. SAUNDERS. May I ask my colleague a question?

Mr. LOUD. Yes.

Mr. SAUNDERS. Why does the gentleman want specially to single out these ships in his amendment when these very ships can be transferred by virtue of the authority of the section as it stands?

Mr. LOUD. They can but will not.

Mr. SAUNDERS. Why will they not?

Mr. LOUD. Because they will not give them up. The Navy will hang onto them. They will hang onto everything they have, and more if you give it to them. But we have a splendid collier service—14 modern ships adapted to the work—and we are going to appropriate for one more in the present Navy bill. When Congress has given them all they ask for, and more, too, then it is in the power of Congress to take away from the Navy the old ships which they do not need.

Mr. SAUNDERS. It is the purpose of your amendment, then, that these old ships you speak of shall be transferred without discretion?

Mr. LOUD. It will be mandatory.

Mr. SMITH of Michigan. I have been interested to know, and perhaps with your extensive information you can tell us, how many colliers are necessary for the proper use of our Navy?

Mr. LOUD. No; I can not answer that. We have a great abundance and more, too, in time of peace, and we need many more in time of war, and this bill or some other bill we hope will provide for additional ones to be taken into service when emergency requires.

Mr. PADGETT. Will the gentleman yield?

Mr. LOUD. Yes.

Mr. PADGETT. I wanted to ask how you would reconcile this recommendation that you are offering as an amendment to transfer them to the board, when at your request the Naval Committee has included that provision in the naval bill, authorizing the Secretary of the Navy to sell those old colliers that are above 18 years of age?

Mr. LOUD. I do not need to reconcile it.

Mr. PADGETT. You authorize their sale and specially request it, and upon consideration and reference to the department recommending it, we have included it.

Mr. LOUD. I do not need to reconcile it, because I will use the first opportunity, and every opportunity, to take away these old and useless ships from the Navy and put them into commercial work, where they are needed a thousand times more than they are there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Michigan be extended five minutes. Is there objection?

Mr. KREIDER. Reserving the right to object, Mr. Chairman, if I can be recognized for five minutes I shall not object.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent also that the gentleman from Pennsylvania have five minutes, following the gentleman from Michigan.

Mr. GREEN of Iowa. Reserving the right to object, there are several of us——

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that the time of the gentleman from Michigan [Mr. LOUD] may be extended for five minutes. Is there objection?

There was no objection.

Mr. LOUD. A little more information, gentlemen. The gentleman who preceded me said that we had no auxiliaries in our Navy. It is true that we have not enough in time of war, but we have more than enough in time of peace. We have to-day 53 auxiliary ships adapted to commercial work, and out of these 53 there are 30 of them that are over 18 years of age, and those 30 average 25.7 years, and they should be disposed of, and I want new ones built, where needed, to take their place. I do not believe that we ought to take away all the auxiliaries of the Navy, but we ought to dispose of these old ships at this time, when the price is so high that we can sell them at three times their value. We sold one, the *Justin*, a short time ago, valued at $75,000. We paid for that ship at the time of the Spanish-American War, 18 years ago, $145,000, and in the sale a few months ago we received for that ship $301,070, over double the value of the ship at the time it was bought and four times its appraised value at time of sale. That is what it means to sell those old ships now. This list indicates the colliers I would at once take from the Navy and put into commercial use:

Old colliers which should be sold immediately.	Tons.
Abarenda	3,400
Ajax	5,000
Arethusa	3,625
Brutus	4,000
Cæsar	3,150
Hannibal	2,300
Leonidas	2,200
Nanshan	2,900
Nero	3,500
Sabura	2,500
Sterling	2,675
Eleven old colliers	35,250
Modern colliers.	Tons.
Cyclops	10,500
Jason	10,500
Jupiter	10,500
Neptune	10,500
Venus	10,500
Orion	10,500
Proteus	10,500
Ulysses	10,500
Achilles	10,500
Mars	7,500
Vulcan	7,500
Hector	7,500
Maumee	7,500
Kanawha	7,500
Total	132,000

Total tonnage of the 25 colliers, 167,250 tons.

Now, let me speak of the Army. They have 15 transports in the Army service, only 1 of which is of modern construction. Fourteen of those transports average 29 years. They are 22 to 42 years of age. Those old ships could all be disposed of, or at least a part of them, to the best advantage now and put into commercial service, where they are so badly needed, and take them away from where they are not needed.

I will yield the rest of my time, unless there is some question which some one wishes to ask.

Mr. KREIDER. Mr. Chairman, the purpose of my motion is to secure an opportunity to make a few observations upon this

bill as a whole, rather than on the particular paragraph under immediate consideration. It is evident that we are all in favor of enacting legislation that will develop a merchant marine for the United States. We all agree that we should adopt a sound national policy in regard to same. The subject is not a new one. This need has been recognized for many years, and in each succeeding Congress bills have been introduced designed to accomplish this result, but no positive policy has as yet been adopted.

It is a most deplorable fact that we have allowed the merchant marine to drift from the proud position it once occupied to its present condition, for we must admit that we have no merchant marine to-day that is worthy of the name. This fact is perhaps brought more forcibly to our notice and we more fully realize its importance because of the present European war, and we see more clearly the absolute and imperative need of a merchant marine.

It is absolutely essential, to my mind, that Congress enact legislation which will encourage the development and speedily give us an adequate merchant marine. Legislation with this object in view was first enacted on July 4, 1789; it provided that a discount of 10 per cent be allowed on all duties imposed on imports in vessels wholly the property of a citizen or citizens of the United States. Again, on August 10, 1790, further legislation was passed providing for an additional 10 per cent of the ordinary duties on imports in foreign ships, so that the inducement to import on American bottoms amounted to 20 per cent, consisting of the rebate of 10 per cent if the goods came on American bottoms and a penalty of 10 per cent if they came on foreign bottoms. This was the commencement of an effort to build up an American merchant marine.

Under this legislation marked progress was made, and in the course of a few years we were carrying 80 per cent of our own products on American bottoms; by 1810 we were carrying 90 per cent, and shortly thereafter we were not only carrying our own but a large portion of the world's commerce and led the world as a maritime nation. We then occupied the position that England now occupies. We maintained our supremacy until about 1845, and even as late as 1856 we carried from 75 to 85 per cent of our over-sea commerce.

Without going into detail, it seems that from then on a decline set in until to-day we find that we carry less than 10 per cent.

The merchant marine is not only needed for carrying our commerce in times of peace, but should we be so unfortunate as to become involved in war its need is most imperative.

During the last 30 years volumes have been written on the subject; men in public and private life, officers of the Army and officers of the Navy, Presidents of the United States have emphasized the importance and actual necessity of a merchant marine, both for safeguarding our Navy and protecting our commerce. Nothing has been done.

When President Roosevelt sent our fleet on a cruise around the world to show our naval strength and our up-to-date battleships, we were made the laughing stock of the foreign nations when they saw that we were obliged to carry our coal on foreign bottoms to keep the fleet steaming. Ex-President Roosevelt called our attention many times to this sad condition. Ex-President Taft said:

If we were compelled to go into a war to-day, our merchant marine lacks altogether sufficient tonnage of auxiliary ships necessary to the proper operation of the Navy.

But it is useless to continue to speak of the need of a merchant marine; we all agree we need it; we must have it.

The question, however, is, What policy can we or shall we adopt so that our merchant marine will again place us in the proud position we once occupied? Will the bill now under consideration accomplish the result? Does this bill embody the policy this Government shall pursue? These are the important questions. It is necessary that we give most serious and careful consideration to the policy we adopt. I want to say that I am in thorough accord with the provisions of the bill providing for a permanent shipping board, provided this board is composed of men experienced in shipping and foreign trade. I am in favor of empowering this board to recommend to Congress the repealing of any unwise legislation that may now be on the statute books and the enacting of such legislation as may seem wise and desirable. In fact, this board must have power to adopt and enforce rules and regulations as may seem necessary and have absolute control of our over-sea commerce.

It seems that at present our shipping interests are seriously hampered by unwise and ill-considered legislation, the most notable and recent of which was the passage of the seamen's bill passed by the Sixty-third Congress. This bill has driven more ships out of business, has caused the American flag to be hauled down on more ships in less time than any legislation on the statute books. The Pacific Mail, the Robert Dollar, and the Great Northern Steamship Cos. all claim that this bill drove them from the Pacific trade. In any event, the facts are that their ships have gone, and there is not an American vessel engaged in the trans-Pacific oriental service, while the Japanese ships have increased over 50 per cent. It was indeed a sad message when Thomas W. Gartick, commander of the *Minnesota*, was forced to flash by wireless, when sailing from the Golden Gate to Europe, "the great Northern steamship *Minnesota*, the finest ship that ever sailed the sea and the largest ship flying the American flag, is now passing down by your beautiful city, bound for a foreign country, never again to return with Old Glory floating from her stern."

This bill is supposed to correct this. Will it do it? Will the provisions of this bill result in the development and upbuilding of an adequate merchant marine? It provides, without going into details, for a certain form of possible Government and private ownership, but which in its last analysis is Government ownership, because I do not see that its provisions make private investment attractive. I am opposed to Government ownership and operation, and my opposition is not of a political nature, but I am opposed to it from a business standpoint.

The Government never does and never has managed, controlled, or conducted any business proposition on an economical basis. Whenever and wherever the Government operates, it is always at a far greater expense than the same operation is carried on by private capital; and it is reasonable to assume that this will be so as long as present political methods continue, and especially if the civil service, from which we have so much to hope and expect, will continue to be sidetracked and ignored as it has been during the last three years. When the Government erects a building it is at an increased cost of from 25 per cent to 40 per cent over the cost of the same building erected by private capital. When the plans for that building are drawn it is at an increased cost of 40 per cent to 50 per cent over the cost to private concerns. In various other governmental activities the increased cost as compared with private control is from 25 per cent to 100 per cent or more. If our governmental activities were conducted on the same economical lines that private business is, I give it as my opinion from actual observation while here that a saving of hundreds of millions of dollars could be effected. If I should go into details and cite my own observations I could easily prove this by actual facts and figures. I have personally called attention to and fought these extravagances on the floor of this House, but with very little result, except in one instance we feel that we were instrumental in saving about $3,000,000 for the Government. Only recently, just a few weeks ago, we tried to save $125,000 on a little item of printing, but the party in power would not have it. Therefore, as stated, I do not favor Government operation where it possibly can be avoided.

In all matters of legislation I believe it is a safe plan to seek advice from those who are actually engaged in that line of business which the legislation is intended to affect, and on this matter of building up a merchant marine and of the desirability of enacting this bill into law we are not without advice from the great business men of the country.

Mr. HARDY. Will the gentleman yield a moment right there?

Mr. KREIDER. Yes.

Mr. HARDY. I want to say this, that the committee has heard the evidence from every shipowner in the United States by their chosen representatives, sent before them, and we have been hearing them for two years.

Mr. KREIDER. Let me reply to the gentleman by saying that you may hear them, but you discard their evidence. Let me read what the Chamber of Commerce of the United States says on this subject.

The Chamber of Commerce of the United States, of which I happen to be a member, has taken this matter up and referred it to its merchant marine committee, and on February 4, 1916, the majority report condemned Government ownership but did recommend the creation of a Federal shipping board, composed of men experienced in marine transportation, with power to investigate navigation laws and recommend to Congress necessary revisions and to have full jurisdiction under the law of all matters pertaining to over-sea transportation. I might say that the Chamber of Commerce of the United States is composed of business men over the entire United States and of organized bodies of trade associations and of the various chambers of commerce in every important city in the United States and is absolutely nonpartisan in its character.

Mr. HARDY. Mr. Chairman, will the gentleman yield just at that particular point about the Chamber of Commerce of the United States?

Mr. KREIDER. In a moment. The National Foreign Trade Council at its meeting September 23, 1915, adopted a report which condemned the Government-ownership policy in principle and considered it as a standing deterrent to investment of private capital in shipping ventures.

Mr. HARDY. Mr. Chairman, will the gentleman yield right there?

Mr. KREIDER. Yes.

Mr. HARDY. I want to say that our committee had before it William L. Douglas, representing the New York Chamber of Commerce, who talked with us about this bill, and he has written the chairman a letter favoring the bill.

Mr. KREIDER. I do not know what Mr. Douglas has done, but I think he has no special knowledge of this subject and probably knows no more about maritime shipping than I do. [Applause on the Republican side.] I am speaking of the majority report of the Chamber of Commerce of the United States of America. In that report they disapprove of Government ownership, but they approve of a provision providing for a board so that our maritime laws relating to this subject may be changed and so that objectionable laws may be taken off the statute books.

Mr. HARDY. I am not speaking of Mr. Douglas of Massachusetts. The man I refer to is a different man. I am speaking of a man who lives in New York, who is connected with the Chamber of Commerce, and who is closely allied to the shipping business.

Mr. KREIDER. I have stated to you what the Chamber of Commerce of the United States has done. Now let me refer to the action of the Chamber of Commerce of the State of New York, as you seem to desire that information. The Chamber of Commerce of the State of New York on January 28, 1915, adopted a report condemning the Government-ownership policy, and declaring that desirable modification of the navigation laws were needed, but stated that the modification of these laws would not alone be sufficient to develop the American foreign mercantile marine, because of the greater cost of operation of American vessels, due to higher American wages, which it was desirable to maintain. [Applause on the Republican side.] These opinions are the expressions of men whose opinions should be respected; they know what they are talking about, having had extensive experience in shipping, and at the same time it gives us a positive expression of the sentiment of these men; and right here I want to state that it seems that legislators, as a rule, do not follow the advice given by experts when legislation is enacted affecting a particular line of industry. It is not only true in this case, but it is nearly always true. The railroader's testimony is rejected when legislation affecting transportation is enacted, because it is contended that he is a party in interest. The banker's testimony is rejected when legislation affecting finances is enacted, because he is a party in interest. The manufacturer's testimony, in whatever line of industry he may happen to be, is rejected when legislation affecting his business is enacted, because he, too, is considered a party in interest. Our great merchants' testimony is being rejected on the same grounds. The testimony of our Army and Navy officials is discounted and rejected because they, too, are considered a party in interest.

The truth is that all the testimony that is really worth while, that has any weight, is rejected, with the result that the schoolteacher dictates the legislation affecting the prosperity of the Nation and its people, when he knows absolutely nothing of the actual operation of these activities. Is it any surprise that business is afraid to expand, when legislation emanates from such a source and is liable to come at any time, at any moment, when the Congress is asked to enact legislation, right or wrong, as it may suit the whim of the dictator? I can not recall a single piece of legislation enacted into law since Woodrow Wilson was inaugurated President of the United States that has had as its underlying principle the promotion of business. It seems that it is the popular thing to decry, hamper, and destroy business activities, and then, after all the obstacles are put in the way of business, business men are told to go after and secure foreign business, wherein they must compete with foreign competitors whose Governments are given every possible assistance and encouragement.

This is not fair, and this policy must be and will be changed. I do not want to be misunderstood. I am opposed to Government ownership and Government operation, but I am in favor of Government control, a control which will protect capital and labor. During the last decade we have passed through an age or period of inventions such as the world has never known. Business men have taken advantage of these inventions which have revolutionized methods of transportation, of communication, methods of manufacture, and so forth. All this has resulted in large business being established in certain lines and, of course, some men have become wealthy because they have taken advantage of the opportunities presented.

This has given the opportunity to the hypocritical, political demagogue to go about the country in an effort to array labor and capital against each other, whereas, as a matter of fact, their interests are identical and each should receive his proper share of prosperity which can be secured by Government control. During the political campaign we hear these demagogues denouncing the tariff, ascribing the creation of trusts, monopolies, and special interests to a protective tariff, which is not true. I defy any man on the floor of this House or elsewhere to point to a single instance where a protective tariff has created a monopoly or a trust or to point to a single instance where free trade has destroyed one.

Quite the contrary is true. The tariff has protected thousands upon thousands of small concerns and enabled them to remain in business, and free trade has driven thousands of small concerns to the wall and out of business. The reason why this is so is plain and evident. The large concern, through its decreased cost of manufacture, because of its size, is able to withstand the foreign competition, and as each small concern is forced to the wall because of competition the large concern gets that business, and it enables it to become larger by each succeeding failure of the small concern, so that the large concern, the so-called trust, is never destroyed by free trade and it is never made by protective tariff, because the small concern can find a market for its product and continue in business under an adequate protective-tariff law. This gives labor a chance to secure its just dues, because labor is not confined to the dictation of any one concern in any particular line of business.

However, I did not intend to touch on this subject; it is the policy of building up a merchant marine that we are considering, but the evidence submitted by the various organizations which I have named and a large number I have not named is against Government ownership. I shall feel compelled to vote against this measure notwithstanding the fact that I consider the development and building up of the merchant marine imperative and the failure to do so almost a crime. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WOOD of Indiana. Mr. Chairman, I believe the people of the United States are opposed to this measure for a great many vital reasons.

If section 5 of this bill, which has been stricken out, is put back again—an attempt to do which no doubt will be made—it will present this beautiful spectacle of the United States engaging not only in private business but engaging in the discouragement of the investment of private capital, and at the same time it will engage in destroying the opportunity for employment of workingmen in this country.

It has long been the boast of gentlemen on the Democratic side of this House that their party is the good friend of the laboring men. Under section 5 of this bill $50,000,000 may be employed—will be employed—in the manufacture of ships, not in the United States, because under the terms of the bill this money may be or will be employed in the manufacture of these ships in foreign countries, for the reason that the terms will not be equal. And why are they not equal? They are not equal because of the fact that men who are employed in the shipbuilding business—laborers on the other side—receive less than one-half of what the men employed in the shipyards of this country receive.

Some man may rise in his place and say that that is not exactly true now, and he might be correct, for the reason that because this war has been making great demands on the shipyards of Europe wages there have increased; but after the war is over—and we could not get these ships built until the war is over—normal conditions will be resumed and normal prices will again prevail; and if so, the $50,000,000 will be invested over there.

And how much of it is represented by labor? Ninety per cent of every dollar of that money expended in the building of ships will represent labor. Ten per cent alone of it will represent the raw material. That means that $45,000,000 of that money that should go to the employment of American workingmen will go to the employment of workingmen on the other side of the sea.

I have taken some pains to collect data and have made a tabulated statement showing the wages paid to men employed in American shipyards prior to the war in Europe and the wages in establishments engaged in the same kind of business in Scotland and England; and, without a single exception, more than twice the wage that was paid on the other side was

paid to the workmen in the shipyards in this country; and what obtained then will obtain when the war is over.

The following figures are very instructive, and I commend them for the consideration of the Democratic majority:

Comparison of average wages per week paid at 12 British shipyards and the average for same class of men at the Union Iron Works, San Francisco, converted into United States money.

	Union Iron Works.	British shipyards.
Drafting room:		
Draftsmen	$19.44	$9.42
Apprentices	6.30	3.19
Pattern shop:		
Pattern makers	22.74	9.75
Helpers	13.20	6.25
Apprentices	6.07	3.02
Blacksmith shop:		
Blacksmiths	20.28	9.81
Helpers	13.20	6.62
Apprentices	6.72	3.78
Machine shop:		
Machinists	19.38	9.69
Helpers	13.44	6.83
Apprentices	5.58	3.05
Boiler shop:		
Laying out work	23.22	10.01
Boiler makers	19.74	9.35
Apprentices	7.20	3.65
Joiner shop:		
Joiners	21.18	8.50
Helpers	12.72	6.35
Apprentices	7.08	3.32
Ship carpenters and calkers:		
Ship carpenters and calkers	22.14	9.83
Helpers	13.20	6.62
Apprentices	5.76	3.32
Ship fitters:		
Fitters	20.10	9.50
Helpers	12.60	6.42
Apprentices	7.25	3.67
Riveters:		
Riveters	21.50	9.88
Drillers, chippers, and calkers	18.34	8.91
Helpers	13.28	6.72
Rivet-heater boys	7.30	4.20
Riggers and sailmakers:		
Riggers and sailmakers	17.80	8.96
Helpers	14.40	6.98
Boys	6.66	3.68
Coppersmiths:		
Coppersmiths	19.20	9.72
Helpers	13.44	7.36
Boys	7.20	3.83

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. HARDY. If we can not build ships in America because we pay a higher scale of wages than England, how can England build any ships at home when she pays a higher scale of wages than Japan or France? Is it not a fact that, although England pays a higher scale of wages than France or Japan, she not only builds her own ships, but builds ships for the rest of the world? And is it not a fact that while we pay higher wages, we can turn out cheaper iron and steel products than any other country in the world, and the same with respect to wooden products?

Mr WOOD of Indiana. Oh, the gentleman should ask his question and then sit down. The conditions that have heretofore obtained will continue to obtain. If you gentlemen on that side are the friends of labor that you profess to be, it is better that this money should be expended in our own country, even though we pay more for building ships than is paid on the other side, because thereby we are keeping the money here, which builds homes for the laboring man, and furnishes those homes, and provides for the higher education of the children, thereby bettering their condition in every way.

Mr. HARDY. How is it that Japan, with cheaper wages, does not build the ships for England?

Mr. WOOD of Indiana. It is because of the fact that England throws around her shipbuilding enterprises the same kind of protection that we should have here, and the further fact that she subsidizes her ships and gives them subventions that you have been denying on that side.

Mr. HARDY. Does not the gentleman know that England does not prohibit the building of her ships elsewhere?

Mr. WOOD of Indiana. England gives subsidies and subventions to the shipping companies and the owners of ships.

Mr. HARDY. Has she ever given a dollar to a shipbuilder?

Mr. WOOD of Indiana. I say she is giving subventions all the time, and the gentleman knows it.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HARDY. Mr. Chairman, I ask unanimous consent that the gentleman be given five minutes longer. The gentleman's statement is wrong, and I want to answer him. If England ever gave a dollar of bounty to a shipbuilder, I never heard of it.

Mr. WOOD of Indiana. She gives subsidies and subventions to all.

Mr. HARDY. To the shipbuilders?

Mr. WOOD of Indiana. To the shipping companies and to those engaged in the carrying trade.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HARDY. I ask that he be given five minutes longer, and I wish to ask him how it is that England can compete with Japan in building ships, although wages in England are so much higher than they are in Japan?

Mr. MANN. Would it be possible to make the same request that the gentleman from Texas made awhile ago, that the time be extended five minutes, not to be interrupted?

Mr. HARDY. I will admit that my question was impetuous. I ask unanimous consent that the gentleman's time be extended five minutes, and I will ask him only one question

Mr. MANN. Can not the request be made without any "ifs" or "ands" about it?

Mr. HARDY. I withdraw the condition, and ask that the gentleman's time be extended five minutes.

Mr. MANN. I will not object, because I assume that the gentleman from Indiana [Mr. WOOD] will get at least one minute out of the five.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Indiana may be extended five minutes. Is there objection?

There was no objection.

The CHAIRMAN. Just a moment before the gentleman proceeds. The Chair desires to make this statement now, in order that it may be understood: The Chair has promised to recognize the gentleman from Iowa [Mr. GREEN]. The Chair understands that the gentleman from South Carolina [Mr. BYRNES], a member of the committee, desires recognition. He will therefore recognize the gentleman from South Carolina next, and then recognize the gentleman from Iowa [Mr. GREEN], and then the gentleman from Illinois [Mr. CANNON]. That is the arrangement which the Chair now has. The gentleman from Indiana [Mr. WOOD] will proceed.

Mr. WOOD of Indiana. I will state, in answer to the gentleman from Texas, that the reason why the ships of England are not built in Japan, where wages are so much lower there than in England, is that the English Government will not grant a subsidy to any vessel that is not built in England or Scotland. [Applause on the Republican side.] That is the reason why. So I say we should throw the same arm of protection not only about the American who is engaged in the building of American ships for American trade, but we should also remember the men who are given employment thereby. Now, if it be true—and it is true—that we are paying to our men engaged in the shipbuilding business in this country, to the wageworkers $2 for every $1 that is paid upon the other side for the same amount of work, are we not doing the American laboring man a very great injustice when we make it possible for the United States, that ought to be the guardian of the welfare of the workingman, to become the instrument for the destruction of the welfare of the American laboring man?

Mr. HARDY. Now, if it is perfectly agreeable I will ask another question.

Mr. WOOD of Indiana. Well——

Mr. HARDY. Does not the gentleman know that England grants subsidies to only a very few of her ships? I want to know why it is that Japan does not build ships for the English trade to which no subsidy is given?

Mr. WOOD of Indiana. My understanding is that England does not give a subsidy to any ship that is not built in her own yards, and that in consequence there are very few English ships built outside. So far as Japan is concerned, I am glad that the gentleman has made the suggestion. The men who work in the shipbuilding yards of Japan work for from 40 to 60 cents a day, making it all the worse in this comparison. The United States has been trying for years and years to protect herself against the yellow race. Are we going to say that she is going to send her money across the Pacific to that country, to whose laborers she has denied admittance here, and is going to say to them, "You build our ships at from 40 to 60 cents a day while our workmen, who receive $4 and $5 a day, shall become idle or seek other employment?"

Mr. HUMPHREY of Washington. I want to say to the gentleman on that point that in our shipyards in Seattle we pay $3.50 to $5.50 a day to workmen, while workmen performing the same work in Japan receive 40 cents a day.

Mr. WOOD of Indiana. That is my information.

Mr. SAUNDERS. Did I understand the gentleman to say that ships that are built abroad can not be admitted to American registry?

Mr. WOOD of Indiana. My understanding is that there is a law now upon the statute books which provides that ships built abroad are not admitted to American registry.

Mr. SAUNDERS. The gentleman is mistaken, except as to domestic commerce. In the ocean-carrying trade you can buy a foreign ship to-day and have it admitted to American registry. Now, let me ask the gentleman another question.

Mr. WOOD of Indiana. Hurry up.

Mr. SAUNDERS. I do not want to take the gentleman's time if he thinks I am consuming it.

Mr. WOOD of Indiana. The point I want to make is that it would have been better if ample opportunity might have been had in this House to discuss all the objections that might be raised to this bill, so that the people who are vitally interested in the result of this legislation might have some chance to communicate with this Congress and to advise their Representatives concerning their best interests. I do not believe that the great army of American workingmen would be in favor of this bill if they knew or appreciated what it means to them. I do know that if the Americans who are engaged in the shipbuilding industry, and those who would like to invest their money in that industry, had confidence that the Government which ought to protect them would protect them, then they would invest their money in this character of enterprise and help to build up again that merchant marine which met the beginning of its destruction 54 years ago this week, when the *Alabama* started upon her cruise of destruction. [Applause on the Republican side.]

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. I see the gentleman from Iowa [Mr. GREEN] upon his feet, and I am perfectly content to have the Chair recognize him first.

The CHAIRMAN. Then the Chair will recognize the gentleman from Iowa, and after him will recognize the gentleman from South Carolina.

Mr. GREEN of Iowa. Mr. Chairman, I am in favor of the amendment which was introduced by the gentleman from Pennsylvania [Mr. KREIDER], but I shall address myself more particularly to some remarks made by the gentleman from Texas [Mr. HARDY], in which he was kind enough to make some reference to myself.

I wish, however, in the first place, to call attention to a remark which was made by the distinguished Speaker of this House in speaking on this bill yesterday. He said with reference to it that it was a business proposition. In one sense it is a business proposition, but in a true sense it is the most unbusinesslike proposition that ever came before any legislative body. [Applause.] This is a proposal to contract for ships at a time of scarcity and to operate them at a time when there will be a surplus of ships more than anyone needs.

What kind of a business proposition is that? Let me suggest by way of example a parallel case. Here is the gentleman from Illinois [Mr. MADDEN], a man of large business experience, who learns of a great scarcity in gun stocks, owing to the war. He finds out that black walnut lumber is very high and scarce. Suppose he concludes that he will take a million dollars, contract for all the lumber that can be delivered a year from now to be made into gun stocks, and sets up a factory in order to manufacture them. What would his friends say? "Too bad, too bad. He has gone clear crazy." [Laughter.] "We must have a commission of lunacy sitting on his case in order to keep him and his family from going to the poorhouse."

Mr. HARDY. Will the gentleman yield?

Mr. GREEN of Iowa. No; I can not yield unless the gentleman will get me more time.

That is what will happen to business men who do not observe the A B C of business principles. Poor old Uncle Sam, if this business goes on, will, metaphorically speaking, have to go to the poorhouse himself.

What kind of a condition will we have? The gentleman from Texas [Mr. HARDY] said that on our side we knew certain things. Well, on your side you know this, and no man has undertaken to deny it, that during the next year you will not get a ship under this bill. The freight that you say is lying at our wharves—that is congesting our railroad traffic—will not be moved by this bill, because no shipyard has any capacity to build any more ships than it is now building. What kind of a condition will you have when you get the ships? It will be just as it was after the Boer war. First, a scarcity of ships and then at the close a surplus, only the scarcity is now greater and the surplus will be greater when the German ships are released. You contract for them to-day when they cost four or five times their normal price, owing to the extraordinary conditions produced by the war going on in Europe, the demand for ships for military purposes and carrying supplies. You will contract for them and get them some time in a year or two. At that time there will be a surplus of ships, rates will go, nobody knows where, and we will be trying to carry freights under laws that make your operating costs twice that of your competitors. That is the kind of a business operation in which we are embarking. I say that a man who would propose anything of that kind really ought to have an investigation made not as to his sanity—as some one has said—but as to his business capacity. The gentleman from Texas spoke about the plan of discriminating rates. I believe it is a practical plan, but when the committee met they never found time to consider that or any other plan but the one embodied in this bill.

They took up this plan that we have here. Why did they take it up and refuse to consider any other plan. It was because of orders coming from the other end of the Avenue that this plan and this plan alone should be put through the House, and because it is the pet project of the Secretary of the Treasury.

Mr. ALEXANDER. Will the gentleman yield?

Mr. GREEN of Iowa. I can not refuse to yield to my friend from Missouri.

Mr. ALEXANDER. Did not the Republican national platform declare for discriminating duties, and why did not the minority offer amendments to consider it?

Mr. GREEN of Iowa. I think I am disclosing no secrets of the committee. The fact is that the minority had no opportunity of proposing any other plan. This bill was introduced one day and reported the next. Not half the members on the Democratic side, if they spoke their real sentiments, would favor it. Even the distinguished gentleman from Missouri, the chairman of the committee which reported the bill, at a previous Congress introduced a bill the purpose of which was to build up our merchant marine by discriminating duties.

A similar bill which was introduced last year failed to pass because so many on the Democratic side were openly opposed to it. The speech of the distinguished gentleman from Virginia [Mr. SAUNDERS] condemned the proposition in immeasured terms. The bill has now been slightly changed, the only change of any importance being the provision that the Government should go out of the ship business at the end of five years.

But, Mr. Chairman, this will be just about the time when the scheme is fairly set in motion. It is indeed a beautiful plan. It provides for ships in the future to meet present emergencies, and practically admitting that the proposition is neither workable nor feasible as a continuing one, also provides that we should get out of it as soon as we can.

Mr. Chairman, I am not so much worried as some others with reference to the Government-ownership features of the bill. When a work can be carried on successfully by the Government for the benefit of the people, or a large portion of them, I am in favor of the Government taking hold of it.

If the purchase and construction features of the bill would help either present or future conditions, I would not oppose it merely because Government ownership was involved. Private profit must yield to the public good, but in all this debate no man has claimed, nor will anyone claim, that any relief will be obtained for present conditions, and no one has undertaken to explain how the situation in the future would be benefited by the bill. We will, of course, get some American ships in the course of time, but nobody denies that it will cost us far more to operate them than ships sailing under a foreign flag. I have been astonished to hear gentlemen say that private capital of this country would not go into the ship business under ordinary conditions. What they mean is that it will not invest in ships to be run under the American flag. Millions—far more than is provided for under this bill—have been invested in this country in operating ships under the flag of some other country. Some of these on account of the war have recently come under the American flag. The people of the Middle West would like to see the American merchant marine rehabilitated, but they are not willing to pay too high a price in order that they may indulge in the high-flown sentiments over the fact that the American flag waves over the seven seas. Can they get an American merchant marine at a reasonable price through some sensible and practical plan? I answer "yes." The Republican platform of 1908 declared in favor of discriminating duties for this purpose. Under this plan, and in the early days of the Republic,

we built up a merchant marine which in proportion to the population was the greatest on earth. With the abolishment of the discriminating duties there came a gradual decline. Of course, as long as wooden ships were used exclusively and they could be built cheaper in this country than elsewhere and with operating costs only slightly larger than that of foreign vessels, American skill and enterprise for a long time survived the abolishment of these discriminating duties through the act of 1828. To-day no man claims that a ship can be built or operated under the American flag as cheaply as it can be under the control of foreign nations. The operating cost alone is over twice or three times as much, depending upon whether comparison is made with European or Asiatic ships. Discriminating duties would not only remedy this condition but would make the foreigner instead of the American taxpayer pay in building up the American merchant marine.

It is said that discriminating duties provoke retaliation, but here we have the greatest advantage over the foreigner. Our ships never engage in the indirect trade by which they would carry freight from one foreign country to another, whereas English, German, Norwegian, and other ships carry goods not merely from their own country to us but from the United States to countries which are also foreign to them. We have the advantage in this game of retaliation if it should be undertaken. It is true that discriminating duties would not be likely to give us fast passenger ships or ships for the high-class freight which is often carried on fast boats, but this would be easily taken care of if we were not so foolish as to pay enormous sums to the foreigner for carrying our ocean mails. If we had required all our outgoing mails to be carried under the American flag and paid a reasonable price for this service, we would have long before now been supplied with this class of ships. Of course, this would be somewhat in the nature of a subsidy, but this bill is the most gigantic subsidy ever proposed in this or any other country. True, it is ingeniously covered up, but this is just what it amounts to, after all. The fifty millions expended for the benefit of some one who leases ships costs the American taxpayer just as much as fifty millions paid to people who construct the ships themselves, and if it was proposed to expend one-half this sum in direct subsidies a howl would go up that would rend the skies.

Mr. Chairman, this bill is like the other administration measures that have been put through Congress since the present occupant of the White House controlled the situation. Such beautiful promises have been made as to what these bills would accomplish, such radiant hopes were aroused as to the benefits which would accrue, that many upon both sides, fearing that the people would think, if they voted against these measures, that they did not desire to see these hopes and promises fulfilled, have been led to cast their votes for them, and some may even vote for this bill. The result has been that we are loaded down by new boards and commissions, secretaries, departments, and hordes of new officeholders, with Government expenses constantly rising higher and higher in the millions, until with an empty Treasury we are compelled to sell the Panama Canal bonds, which a Republican administration had carefully saved and set aside, and to what good or for what benefit? None that anybody has been able to discover. These hopes have been disappointed and the promises have been unfulfilled. Nothing has resulted but the ever-increasing bill of expenses and ever-increasing multitude of officeholders. The result will be the same with this bill—a new commission, practically a new department, more officeholders, more expense, and nothing else. [Applause on the Republican side.]

Mr. BYRNES of South Carolina. Mr. Chairman, I am satisfied that the statement of the gentleman from Iowa [Mr. GREEN] will not be corroborated by any member on the Merchant Marine Committee, either on this side or that side of the House. No man on our committee from the Republican side will contend that he was denied an opportunity to present any amendment to the bill while it was being considered by the committee. Certainly you will not deny that there was nothing to prevent you from urging anything you wished in the minority report.

Mr. MANN. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MANN. This bill was introduced May 8 and reported May 9. Great opportunity there was to offer amendments.

Mr. BYRNES of South Carolina. Oh, before the bill was reported there was a meeting of the committee at which the minority was present, and they will not assert that they were denied an opportunity to present amendments.

Mr. MANN. But it was not in print until May 9.

Mr. BYRNES of South Carolina. The gentleman from Illinois can not fool himself in that way. This is merely a reprint of a bill that had been before the committee day after day, and no member of the committee will support the statement of the gentleman from Illinois.

Now, I remind my good friend from Indiana, who has spoken about this being such an inopportune time to build vessels, that he would have us believe that men of business ability, men of intellect, are to-day having built in American shipyards more vessels than ever before, and, yet, when it is proposed that Uncle Sam shall go into the business, you say that it is a demonstration of incapacity, when it is only proposed to have the Government do what the business men of America are doing to-day.

Another thing, the gentleman from Indiana [Mr. WOOD] spoke of his wonderful interest in behalf of American labor. He says that this provision authorizing the purchase and the construction of ships abroad if fair treatment is not accorded the board by American shipbuilders will drive American labor out of the shipyards. He says it will prevent the circulation in this country of several million dollars that ought to stay here for the benefit of American labor. But when he states that, he does not consider that last year we spent for freight that went to foreign shipowners $300,000,000 that ought to be in circulation in America. He has no desire to stop that payment to foreign shipowners. It is a wonderful inconsistency.

I might ask him again to read the remarks of that distinguished candidate for the Republican nomination for the Presidency, Ex-Senator Burton, who told you several years ago that the American flag would never float from the masthead of an American vessel until you did away with the provision which prevented the citizens of the United States from going into shipyards the world over and constructing vessels to engage in foreign commerce.

Why do they not follow him to-day——

Mr. FESS. Will the gentleman yield?

Mr. BYRNES of South Carolina. No; I can not yield right now; I want to tell you something else. The purpose of this provision is to do what? The purpose is to insure fair treatment of the United States through a shipping board. You talk as if it were something unheard of. What is the fact? The fact is every last one of you has been voting for a similar provision in the naval appropriation bill every year. Take the naval appropriation bill for 1909 and what does it provide? It says this, as to ships to be built under the bill:

And in all their parts shall be of domestic manufacture; and the steel material shall be of domestic manufacture and of the quality and characteristics best adapted to the various purposes for which it may be used in accordance with specifications approved by the Secretary of the Navy, provided contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties, and of the two first-class battleships provided for in this act not more than one shall be built by one contracting party.

You say they shall be bought from domestic manufacturers, provided you can secure them in a reasonable time and at reasonable prices. That is the provision we place in this bill. What happened to this? This very provision, which was placed in the naval bill to protect domestic manufacture, was, according to the chairman of the Committee on Naval Affairs, stricken out of the bill on motion of a Republican Senator. You tell me it will have a bad effect? Let me tell you what the effect was. Here is the testimony of Mr. Grace, who testified before the Committee on Naval Affairs during the consideration of the armor-plate bill. What did he say? He said that in 1912 he submitted a bid for $490 for a 14-inch shell, and when that provision was stricken from the bill and the bill was left practically as we now propose to leave this bill the next bid that was submitted by the company represented by Mr. Grace was for $315 per shell instead of $490 per shell. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. That, my friends, was a direct saving of $175 per 14-inch shell to the American taxpayer. Did you object to it then? No; you never objected to it until this bill was brought in and the proposition is submitted to you to furnish an American merchant marine to the people of America; and when it is, because it comes in conflict with the Shipping Trust, you Republicans in this House rise in holy horror and demand that there be stricken from the bill an authority you willingly permit to be carried in the naval bill.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. No; I have finished.

Mr. MANN. Mr. Chairman, I ask unanimous consent that my colleague [Mr. CANNON] may proceed for 10 minutes.

is congesting our railroad traffic—will not be moved by this bill. because no shipyard has any capacity to build any more ships

of 1908 declared in favor of discriminating duties for this purpose. Under this plan, and in the early days of the Republic,

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I do not know that I shall use the 10 minutes, but I desire now to ask unanimous consent to extend my remarks in the RECORD.

Mr. ALEXANDER. Mr. Chairman, I make the same request.

Mr. HARDY. Mr. Chairman, I make the same request.

Mr. MOORE of Pennsylvania. I ask the same privilege.

Mr. PRICE. I make the same request.

The CHAIRMAN. Is there objection to these requests? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I have heard this matter back and forth from one side of the aisle to the other about subsidies, about wages, about labor, about the merchant marine, for 40 years, and I had just as well be frank with the House. I succeeded, as the leader of the minority on the Post Office and Post Roads Committee, in 1877, with an overwhelming Democratic majority in the House, in turning down a ship-subsidy bill reported by the gentleman from North Carolina, I believe, now dead, Mr. Waddell. So much for that. I succeeded upon this ground which I hold now, that in this country, a new country, developing as we are—and we have greatly developed since 1877—with all the burdens that our people bear, that we can protect labor of the United States against the products of foreign labor that is paid less than our labor only in one way, and that by a tax on foreign products seeking our markets gathered at the customhouse equal to the difference in the cost of production at home and abroad. This we can do, for we are supreme in our territory. [Applause on the Republican side.]

But when we seek to compete on the world's highway—all the oceans of all the world—in the carrying trade, we can not do so successfully unless we sail our ships at a cost equal to what it costs the world to sail its ships. This can only be done in two ways—one by reducing the wages of our American sailors, the other by granting aid from the United States Treasury to make up the difference we pay and which the world pays.

I listened to the speech yesterday of our honorable Speaker, for many years my political opponent but my personal friend. I do not know whether I can read in this light—but I am not going to read much—but he very strongly said, in supporting this bill:

> There is no use to beat about the bush. We spend $300,000,000 a year for ocean freights, all paid to foreigners nearly, to foreign steamship companies. I am in favor of paying that money to American ships under the American flag, giving employment to Americans on the high seas and American shipbuilders on shore.

Mr. HARDY. Will the gentleman yield for just one question?

Mr. CANNON. The House has been kind to me. I yield for a question.

Mr. HARDY. Is it not a fact that the shipowners to-day complain of the seaman's bill because we tried to make American seamen?

Mr. CANNON. The seaman's bill, I think, added another weight against operating our ships upon the seas. But I am not speaking about the seaman's bill now; I am speaking about the conditions that obtained before the seaman's bill.

Now, take Japan. It costs us double and more to compete with Japan upon the high seas, but not so much as that when we compete with Great Britain or with Germany. It only costs us 33 to 50 per cent more, or did before the war. I want to be exactly fair and not color anything one way or the other.

Now, I have great admiration for the frankness of the honorable gentleman from Virginia [Mr. SAUNDERS], a member of this committee. I do not think the word "subsidy" scares him, if he is for that principle. He says it is "aid from the Treasury." So is subsidy an aid from the Treasury; but our Democratic friends have so long been crying "subsidy," "subsidy," "subsidy," that, as our honored friend, the Speaker, said yesterday, he never had and never would vote for a subsidy.

Mr. DAVIS of Texas. Amen!

Mr. CANNON. I get an "Amen" from over on that side. It comes with reason and without reason. [Laughter.] It is the substance you want. "The letter killeth, but the spirit maketh alive."

Now, then, I must hurry along. If a bill passes bearing aid from the Treasury, is this a proper time to pass it? You provide for $50,000,000. How far will it go? Why, gentlemen, it has already been stated, I believe, although I did not hear it, that nine months ago there were 76 ships amounting to 310,000 tons in construction in our shipyards, and to-day there are 360 ships, the tonnage of which, when completed, will be 1,067,000 tons. To-day, with the price of labor that we pay—higher than it ever was before—how many ships would your $50,000,000 build? How much would it pay for? Five hundred thousand tons; that is all.

Now, you say upon that side that you have to have 60 per cent of the tonnage in our foreign trade in American ships, flying the flag if we are to control and compete on the world's highway. Well, how far will $50,000,000 go? If you are to get 60 per cent, and if the Government goes into this business it must go the whole length, because nobody under our conditions can compete with the Government. How much would it cost? You can not place orders now at $100 a ton. It would cost $1,000,000,000 at least, and I guess you could not begin to do it at that price. Are gentlemen in favor of that policy? I think not. I do not believe the gentleman from Texas [Mr. HARDY] or the gentleman from Virginia [Mr. SAUNDERS], members of this committee, would have voted for this bill if they did not have a better excuse than that which satisfies most of you. However, I will just withdraw that part of my remarks, because I do not desire to be personal and say what one man would do and what another man would not do. But you would not have voted for this bill, many of you upon that side, had it not contained the provision that after five years, when the war has closed, these ships will be disposed of either by lease or by sale, and that they must be sold or leased to an American citizen.

Well, where does that place you? Fifty million dollars; 50 ships! It does not amount to anything to speak of. You are going to sell them. They cost you $50,000,000, and that is gone. What could you get for them? Why, it would be a thing that you would apologize for until you would drop into your graves if this bill goes on the statute books and it turns out in that way. All for what? Is it sound from an economic standpoint? Nay! Nay! Is it sound from the standpoint of good, common sense? Nay! Nay! From what standpoint is it sound? I do not desire to be offensive in my remarks, but if the Secretary of the Treasury had not invented this policy and had not made speeches——

The CHAIRMAN (Mr. RIORDAN.) The time of the gentleman has expired.

Mr. SAUNDERS. Mr. Chairman——

Mr. MANN. Does the gentleman from Illinois wish to have more time?

Mr. MEEKER. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I believe the President followed the Secretary of the Treasury, but, whether he did or not, they are both occupying the same position. That is part of the policy that is put up to the Democratic side of the House to pass. Now, if I could just stand you up and swear you, and say, "All you who love that policy, all of you who in your sound judgment and in your hearts believe it is right, stand up," I believe that not half of you would stand up. But yet that is the policy of the President. Well, that is what he wants; that is what the Secretary of the Treasury wants and, willy-nilly, you will pass it if you can and trust to Providence. Well, Providence has taken care of you, my Democratic friends, a good many times——

Mr. DAVIS of Texas. Amen!

Mr. CANNON (continuing). When I thought He ought not to have taken care of you. Always wait until the full sentence comes in before you say, "Amen!" [Laughter.]

Let me tell you another reason why we can not compete upon the world's highway. But before I do that, let me say that they talk about $300,000,000 paid to foreigners. Well, I used to hear earnest people on this side who wanted subsidies talk about the same thing. You know very well that great amounts of American capital have gone into foreign ships. Why? Because the labor for operation is less. Now, I think everybody will admit that that is true. But, after all, if you get service upon the world's highway, where we can not compete and where our laws do not extend—if we get good service—is it not legitimate to take that service at the lowest price? It is different from protection, because here we are supreme within our borders. You get the distinction.

Now, they talk about capturing the South American trade. It is a wonderful thing. Why, do you know, our trade with Asia last year was one-half greater than it was with South America? Our exports to South America in 1914 were only 5 per cent of our total exports to the world.

They are competitors with us in substantially everything except nitrates, rubber, and coffee. One reason why we have not the South American trade is that they, being our competitors, do not buy greatly of us. We will get the South American

nois can not fool himself in that way. This is merely a re-

my colleague [Mr. CANNON] may proceed for 10 minutes.

trade, gentlemen, when the time comes, and not before; only when the same amount of capital, the same amount of energy, the same amount of skill, will bring the American citizen better returns in South America than by keeping his own market. [Applause on the Republican side.]

We have just scratched the surface of this country. We have 100,000,000 people. The Speaker said the other day that the time was not far distant when we would have three hundred or four hundred or five hundred million people. When we are as fully developed as Europe is, where 300,000,000 people are fighting for the mastery, we shall support 700,000,000 people, and we have a better country to develop. Therefore, as a business proposition, I am for the Republican policy of protection at the customhouse. That is real protection. When you get out on the world's highway and undertake to sail ships on the oceans of all the world, to compete, you have to pay no more than the world pays for similar service.

Now, I think that is about all that I wanted to say. I have asked unanimous consent to extend my remarks, and they will not be very lengthy when I do extend them. I do wish you would adopt this amendment, that the Committee of the Whole should adopt it, to strike out this section and let this be an administrative measure only, because if you buy these ships at three or four times what they are worth, it will bring scandal and graft untold, that will not only make you but every American citizen bow his head in shame. [Applause on the Republican side.]

This ends my remarks in the House. However, under the leave to Members to revise and extend their remarks upon this bill, I print as an extension of my remarks, as follows:

It is said that we once had control of the sea and that our flag was known in every port of the world. That is true, but it was a time somewhat like the present. All Europe was engaged in war, and the United States, as a neutral power, was encouraged to take command of the sea. Our ships were welcomed everywhere because they were neutral and immune from attack. They could carry the commerce of the belligerent powers without attack, and they did. Americans, every ready to venture in enterprise which promised returns, built ships and engaged in international commerce. They were successful until peace returned to Europe and they again came into competition with the cheaper labor of Europe in building and in sailing ships. Then we lost because we could not compete with that cheaper labor in a field that was international, and we had opened to us better opportunities for better returns for labor and capital in developing our own country, building railroads, opening up new agricultural territory, and trying to supply our own needs by manufacturing what we consumed. We could protect our labor at home with taxes at the customhouse, and we did. Since 1850 we have doubled our wealth every 10 years, a record made nowhere else in the world in any time.

To-day Europe is again engaged in war, and there is again an opening for American ships. But need we look to the Government? Why, every shipyard is now crowded with work, and they have contracts to run for several years. Private capital has come forward to meet the opportunity and asks no aid from the Government. Why, then, should the Government at this time become a competitor of private capital in such an undertaking? It can only embarrass those who are willing to take the risk and discourage an enterprise for which we have been waiting many years for private capital to engage in.

Mr. SAUNDERS and Mr. WM. ELZA WILLIAMS rose.

The CHAIRMAN. The Chair will recognize the gentleman from Virginia [Mr. SAUNDERS].

Mr. WM. ELZA WILLIAMS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. REILLY. Mr. Chairman, I ask for the same privilege.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to these several requests?

Mr. MANN. Reserving the right to object, I just want to interject this little remark in the RECORD, so that it will be in the RECORD. Gentlemen on that side of the House having refused to consider the bill properly now want to make it appear that they have made speeches that have not been made.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. LENROOT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LENROOT. I desire to inquire the present status of the question before the House.

The CHAIRMAN. In what respect?

Mr. LENROOT. I understood the debate had been exhausted on this amendment.

The CHAIRMAN. The debate has been exhausted.

Mr. SAUNDERS. I move to strike out the last word, Mr. Chairman. I do not think that the action of the gentleman from Wisconsin was very gracious after we had extended the time for various Republican speakers, in one instance for as much as 10 minutes.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word.

Mr. SAUNDERS. Mr. Chairman, the gentleman from Illinois [Mr. CANNON] repeatedly emphasized the statement that it is impossible, under present conditions, for an American merchant marine to compete for the deep sea trade without Government aid of some sort. That is perfectly true. This bill undertakes to afford a measure of aid, and your side rejects it, on the ground that it is inadequate and insufficient, in a word that it will affect too small a proportion of the trade to be seriously considered.

Be frank with us, and tell the House that not a Member on your side has offered a single constructive proposition, either in the course of the present debate, or in the consideration of the bill before the committee, looking to aid of any sort that will enable American capital to overcome the difficulty with which it is confronted. [Applause on the Democratic side.]

Are discriminating duties the remedy, then why was no amendment to that effect submitted to the committee? The fullest opportunity was afforded to offer such an amendment, when the bill was under consideration in our committee. A like opportunity is still open. Why not avail yourselves of it?

The country will question the sincerity of your assertions, and the sufficiency of your remedy, if you delay much longer to vindicate the one, by submitting the other. Is there a gentleman on the minority side of the House, who has introduced a bill in favor of discriminating duties? What is your remedy, what do you suggest as a cure, for the conditions that thus far have made a privately owned merchant marine in foreign commerce, an impossibility?

Mr. Chairman, consider for a moment the inconsistency of the attitude of the opposition. First they say that the amount of the appropriation that this bill provides is too insignificant to accomplish anything: that the bill so far from being a serious contribution to the movement for the restoration of our merchant marine, is a colossal joke, that merits nothing but ridicule and contempt. Then another Member on that side will rise and tearing a passion to tatters, will denounce the bill on the ground that the Government aid proposed, and the possibility of operation of a few Government ships for a limited period, will paralyze the present boom in privately owned shipping, and drive all privately owned ships from the high seas, leaving that field to the foreign ships, and the wretched handful of Government-owned ships which the first speaker has denounced for their pitiful inadequacy to accomplish anything worth while toward relieving the public from the burden of the present extravagant rates. How do you reconcile the two positions? How can the shipping that this bill will provide, be so ineffective for good on the one hand, and so terrifying to, and destructive of private enterprise on the other? Again you contend that the discretion given to this board to award preference to American yards, but to build abroad, if the bids of the American yards are unreasonable, will destroy the American yards. Precisely the same provision was embodied by the Republican Party in an act with respect to the purchase of the materials required in connection with the construction of the Panama Canal. Was that provision destructive of American manufacturers? Not at all. It merely served to protect the Government against oppression and unfair combinations to secure extravagant prices for American materials. That will be the effect of the like provision in the pending bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. MOORE of Pennsylvania. An effort was made to do that, but it was voted down. I offered that myself.

Mr. SAUNDERS. The gentleman is mistaken. The statute is now on the books. It was passed in 1906, and expressly provided that if the bids of American manufacturers were not reasonable the purchase of materials could be made abroad.

Mr. MOORE of Pennsylvania. If the gentleman pleases, I have made points against that provision, and on one occasion I think, helped hold the House up over night until the point was decided.

Mr. SAUNDERS. I will show the gentleman the act. I am not in the habit, Mr. Chairman, of making a positive statement unless I am supported by the facts. I will read the act itself. I read:

Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal.

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

Approved June 25, 1906.

[Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Is the gentleman quoting from the Panama Canal government act? I am referring to that act.

Mr. SAUNDERS. I am quoting from a statute of the United States passed in 1906.

Mr. MOORE of Pennsylvania. Oh, I was not here when that act was passed, but I know Republicans have opposed those foreign purchases for American ships, and I have been one of them.

Mr. SAUNDERS. I have not referred to, or assailed the gentleman's personal record. I merely put in evidence the fact that the Republican Party enacted a law to the effect that if the bids of domestic bidders, for the materials needed in the construction of the Panama Canal, were unreasonable the authorities were authorized to buy abroad, and that this act did not destroy American industry. The law was a wise one, but a like provision in the pending bill, is the subject of bitter and unreasoning attack. In so doing our Republican friends challenge the propriety of their former attitude. Preferential consideration is given to American yards, but it is not proposed that in the construction of these ships, the Government shall be held up, as it has been held up in the matter of powder—and armor plate. If the domestic bids are unreasonable, they can be rejected and ought to be rejected. Under such circumstances the Government should have the authority to buy abroad. This authority has been conferred by the bill.

Mr. MONDELL. Mr. Chairman, I have never favored taxing the American people to pay a general subsidy to the over-seas carrying trade of the country, and I am opposed to this bill because it is the crudest, most unwise, and least defensible of all of the subsidy bills that have ever been presented to this Congress. It is a subsidy pure and simple, not to the carrying trade of the country generally, but to a certain chosen and hand-picked portion of the carrying trade to be selected by the shipping board to receive certain benefits, which benefits shall not be in anywise reflected on the general over-seas carrying trade of the country. There are certain things which as a Nation we need and need badly on the high seas. We need large, swift, regular steamship lines between our great Atlantic and Pacific ports and the great ports of South and Central America and the Orient, in the interest of our trade, our diplomacy, and our good relations with those countries. We need the naval auxiliaries that such lines would give us. But neither of these public purposes would be served by the passage of this bill, for by its very provisions the bill subordinates these public purposes to the ordinary uses of over-seas commerce, and for the benefit of a favored class and number of ships that under no circumstances or conditions could equal one-tenth of the carrying trade of the Nation.

The bill in its provisions of regulation will lay a very considerable additional burden upon all American high-seas shipping, whereas the ship purchase and operation provisions of the bill, carried out to the fullest extent, accomplishing all that anyone can hope they may accomplish, can not be of any benefit except to the very small and limited number of ships that may be provided for under the measure and the few shippers that may use them. It is an unwise, ill-advised effort to yoke together subsidy and public ownership, and to turn them loose upon the high seas in the hope that in some miraculous way that no one can understand or foresee it may accomplish some slight good. [Applause on the Republican side.]

I share in the desire to increase the merchant marine of my country. I am anxious to reduce the three hundred million we pay per annum for foreign bottoms, but I am even more anxious to reduce the two hundred million per month we are importing from foreign shores. If our Democratic friends would make an attempt to reduce the tremendous importations instead of loading a burden on the American people in a crude subsidizing of certain favored shipping they would be serving their country better.

Mr. SLOAN. I am opposed to contributing $50,000,000 from the Treasury of the United States to buy inflated priced ships for the Government. By the way, that is impossible at this time, as there is less than that sum in the Treasury of clear legal tender money. I am equally opposed to mortgaging the future by sale of Panama bonds, placing a burden upon our children of $50,000,000 for them to pay for ships to be purchased now at the highest price ships have ever brought, not only in the history of the United States but in the history of the world since Commodore Noah started out with his water craft and the scoffers of that day looked around, saw the gathering flood, and then asked him to name his price for a ship. [Laughter.]

Yet the inspiring genius of this legislation, still active in its support, no doubt will find a way to go into the market and purchase ships at whatever price necessary to obtain them, and place that burden upon our children. They probably will, God bless them, forgive us for it, but they will have a sublime contempt for our business judgment in investing at this time. The western man who bought water in a dry season to hold for use when the floods came had nothing on the financial genius who conceived this legislative enterprise.

I object to the investment for a larger reason, and that is the reason unveiled by the Speaker of the House in his address yesterday, unveiled with that frankness which compels us all to love and admire him.

Gentlemen will recall that the first bill presented in this House for this legislation, two or more years ago, stated clearly that it was to build up our South American trade. That appeared also in the committee reports to the House and Senate. But now the purpose up until yesterday and to-day was, if not veiled and concealed, was kept ably secluded. Because while I have always understood that the main purpose was to build up this South American trade, nothing in the bill, committee report, or responsible speech emphasized that fact till the Speaker declared the South American trade as the larger end to be served by passage of this bill.

I have no objection to building up trade with South America, with Europe, or with any of the continents of the earth, but I do not desire that trade shall be built up with South America at the expense of the American Treasury so as to give a special discrimination against the people whom I represent and those living in that part of the country whence I come.

The following is a portion of an editorial taken from the Wallace Farmer, one of the greatest farm journals in the world. I knew well its able and venerable founder in his lifetime. The last time I met him we discussed the adverse line of legislation begun and carried out in Congress against the men and women of the Northwest and the industries through which they were making that section the best and most useful part of the world—reciprocity, so-called farmers' free list, Underwood tariff law, and now this Government-owned shipping bill, with the South American trade as its objective:

But if we should be able to secure a large share of the South American trade, what effect will it have on the agriculture of the United States? What will it mean to the corn-belt farmer, who has been furnishing most of the corn consumed in the United States, and in some years has been exporting? What will it mean to the wheat grower in the United States? What will it mean to the live-stock grower and feeder, not only in the corn belt but in the West?

If we should establish a line of merchant vessels for the South American trade, either by Government subsidy or through Government ownership, these vessels would take down there the products of our manufacturing enterprises. What will they bring back? They must have a return loading. What will South America sell to us in return for what they buy from us? Naturally they will expect us to take their agricultural products, their corn and their small grains, their cattle, sheep, and hides. What effect will that have on the agriculture of the West? If we expect South American people to buy from us, we must be willing to buy from them and we must buy what they have to sell.

For a generation the farmers of this country sustained a high protective tariff on manufactured products, and during that period they were given a high protective tariff on agricultural products. Few of them realized that this tariff on agricultural products was absolutely worthless to them, because we had a surplus of agricultural products which we were selling at prices with which no other country could compete. When, a few years ago, prices of grain and live stock reached a point at which other countries could compete, what happened to us? The paper tariff, which had been of no value up to that time, was very promptly taken off as soon as it became worth something, and we are not likely to get it back if the efforts to establish relations with South America are successful.

The price of corn, for example, is governed very largely by the surplus which we have to sell; not necessarily the surplus which goes out of the country, but the surplus which goes out of the country in which it was grown. This amounts to not more than 20 per cent of the total crop. Speaking roughly, the price is fixed by a surplus of, say, 500,000,000 bushels. The Argentine surplus of corn is in the neighborhood of 170,000,000 bushels, or about one-third of our surplus. Now, if the price is fixed by our surplus of 500,000,000 bushels, what will happen if we add to that surplus 170,000,000 bushels from Argentina? We can not say definitely, but we would estimate the effect to be a reduction of not less than 5 cents a bushel—probably more. What effect will this have on the price of our land, remembering that this 5 cents is taken out of the profit of the farmer?

Not alone the farmers but all of the citizens of the West should consider this situation. No one can foresee now just what effect this war and its termination will have upon the United States; but when we consider that the prosperity of the West depends upon the prosperity of its agriculture, it seems high time that we should take note of the probable developments that may very injuriously affect us.

It seems to us the time has come for the people of the West to consider whether they should not send to Congress men who will represent the West and its interests, rather than men who will represent this party or that party.

South America, and especially Argentina, is our greatest rival for the markets of what are now, so far as farm products

are concerned, free-trade cities of London and New York, Boston and Liverpool, Philadelphia and Birmingham, Baltimore and Manchester.

Argentina exports more beef and veal than any other nation on earth. Argentina exports more corn than all the other nations of the earth, including the United States. The United States imported 30,000,000 bushels of corn the first two years under the Underwood law and nearly 400,000,000 pounds of beef and veal in the same time, both coming largely from Argentina. Argentine land is as fertile as ours, but worth only a fraction as much on the market; its labor costs only half as much; and before the European war ocean freights to our ports from Argentina were from one-fifth to one-half as much as our rail from Nebraska to the Atlantic and Gulf ports.

The trade to be built up in South America is that trade which will compete with the products of the farmers of the Northwest. If ships are bought at fabulous prices and cargoes are carried from United States ports to South American ports, those ships, unless they be operated at a great loss, must carry cargoes back, and the cargoes carried back must be of those products of which those places in South America have a surplus. [Applause on the Republican side.] They have a surplus of wheat, corn, and grains generally, alfalfa, beef, veal, and mutton and wool, the same as we produce throughout the great Northwest. I do not think it fair to the great producing portion of this country that this Congress shall first take off every vestige of protective duty on its products as did the Underwood law; keep out of the Treasury of the United States during the last two and one-half years $120,000,000 that should have been collected on farm products at our ports, and farm products competing with our Northwest products; then, in addition, as a crowning discrimination against the farmers of the United States, go a step further and, as a special premium to stimulate that discrimination, go into the Treasury of the United States, or, rather, sell $50,000,000 of bonds in the interest of the farmers of Argentina, Chile, Uruguay, and Paraguay against the farmers of Iowa, Illinois, and Nebraska to buy ships to cheapen transportation for the Joses, Miguels, and Pedros of South America. [Applause on the Republican side.]

Mr. OLNEY. Mr. Chairman and Members of the House, I realize that debate is limited upon this shipping bill, and I intend to consume only two minutes of the valuable time of the House.

It seems to me that American prosperity has been built up upon private competition and I therefore can not favor a shipping bill, a linking of Government ownership with private capital, which, it seems to me, would strike at the very vitals of American industry. [Applause on the Republican side.] Certain Members on this side of the House have told me in confidence that they were voting for this proposition under protest. I realize that no words of mine, a new Member, will convert the Members upon this side of the House, but I ask you to vote according to your consciences and beliefs. The chances of my election next fall are in the balance, and I may be crucifying myself politically here to-day by voting against this shipping bill, but at least I shall be at peace with my conscience [applause on the Republican side]; and I believe that by voting against this bill I shall be voting for the best interests of my people in my district, Massachusetts, New England, and the Nation. Although Quincy, Mass., the home of the Fore River Shipbuilding Co., one of the most prosperous and one of the largest private shipyards in the world, is in my congressional district, I am not altogether actuated by personal motives in registering my protest of the passage of this act, but in the belief that the happiness and prosperity of our great Nation were made possible by healthy, private industry and competition. I am constrained to deplore a partnership of Government and private capital, which would throttle and discourage investment by corporate and individual capital. [Applause on the Republican side.]

Mr. HUMPHREY of Washington. Mr. Chairman, there are several amendments to this bill of great importance that I should like to have offered, but it is perfectly apparent that I will not have the opportunity, because that portion of the bill will not be reached before 4 o'clock, the time fixed by the rule for ending all debate.

Under these circumstances, Mr. Chairman, it becomes impossible for me to represent my portion of the country as should have been done and would have been done if the bill had proceeded under the ordinary rules of the House.

The purpose of this filibuster has been perfectly apparent. My good friend from Missouri intimated that the Republicans had been carrying on a filibuster, and yet he remained in his seat for hours and permitted the discussion out of order to take place on the bill. That is something very unusual for the chairman of a committee that wishes to hurry along the reading and the passage of a bill that he is in charge of.

Mr. ALEXANDER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. A number of times I have tried to check debate, and the objections have come from that side of the House.

Mr. HUMPHREY of Washington. Oh, the gentleman does not have to ask unanimous consent to limit debate. The gentleman has been here long enough and is familiar enough with the practice to know that when you have five minutes on one side of an amendment and five minutes on the other, that closes debate, except by unanimous consent. The gentleman is not deceiving anybody by the filibuster that has taken place on that side of the House during the consideration of this bill. We saw the procession a little while ago through the tellers, and the way it moved one would think that all the lame, halt, and blind in the Democratic Party were passing between the tellers. [Laughter.] The reason why they do not want the bill read is because they do not want to get to the objectionable features in it. We only reached one of them, and on a vote it was stricken out. So, of course, you do not want to hurry and get to any more of those objectionable features.

Mr. SABATH. Will the gentleman yield?

Mr. HUMPHREY of Washington. Oh, yes. I should feel that I had labored in vain if I did not have at least one question from the gentleman from Illinois.

Mr. SABATH. I would like to know if the gentleman remembers how much time he took yesterday and to-day on this bill? If he does not know, I will enlighten him and tell him that he has taken up 45 minutes.

Mr. HUMPHREY of Washington. I might take up the time, but when I took it up I did not waste it, as does the gentleman from Illinois. I use it to some purpose, and not in asking absurd questions.

Now, my good friend from Texas, and also my friend from Virginia, members of the committee, seem very much grieved because the Republican Party has not done anything for the merchant marine. I have been a Member of this House for a good many years, and I am not very proud of the record my party has made on the merchant marine. While they were in power they did not do anything. That can not be said of the Democrats, because every act they have passed has been to drive what few American ships we had left off the seas. First, you had the Panama Canal act, and then you had your discriminating duties downward, a proposition which every man on that side of the House is now ashamed of. Then you passed the seamen's bill that drove the remaining American ships off the sea.

I forgot yesterday to mention the greatest achievement the Democratic Party has to its credit in regard to the merchant marine. A short time ago your party put on the statute books a law that permitted any old tub that floated the seas, wherever constructed, to come under the American flag, and in order to do this you waived the inspection laws and permitted foreign ships that would not pass an inspection; gave them privileges not granted to an American ship. You did more than that. You permitted foreign officers to go upon these vessels, although there were 300 American officers in my city alone that had served their country well, out of employment, and they saw their places taken by foreigners. Under that law you received some vessels under the American flag that belonged to great corporations, but you never received a vessel that did not belong to a corporation. These vessels are commanded by foreigners, were built abroad, and the only thing about them that is American is the flag, and colors in that under this administration are from foreign dyes and stamped upon foreign cloth. Such merchant marine certainly appeals to American patriotism. [Applause on the Republican side.]

Mr. ADAMSON. Mr. Chairman, I have not much to contribute to the gayety of the occasion, nor do I agree to contribute to the alleged filibuster on either side.

Mr. MANN. On that side.

Mr. ADAMSON. I said on either side. I am sure I do not wish to interfere with my amiable old friend, the common scold from Washington [laughter], who would be unhappy if he was not miserable in complaining about the blessed old Democratic Party. [Laughter.] I congratulate my Republican friends on the apparent success of their effort in this case, which was not to defeat the bill, but to kill the time until 4 o'clock this afternoon, so that, as provided by the rule, the rest of the bill would be read without debate and afford them the coveted opportunity of crying "gag" to the country and posing as political martyrs.

Mr. LENROOT. I understood the debate had been exhausted on this amendment.

unless I am supported by the facts. I will read the act now. I read:

the history of the United States but in the history of the world | rival for the markets of what are now, so far as farm products

That is their game, and because the chairman of the committee in charge of the pending bill has for the last half hour permitted them to debate what they call the most important part of the bill they are endeavoring to cry tit for tat and act "the pot calling the kettle black."

Now, the only substantial argument they have been able to make against the bill is the universal and abounding prosperity of this country under the Wilson administration [applause on the Democratic side], which they say renders this bill unnecessary.

I assure them the bill provides that the moment it appears to become unnecessary in its operation it shall be automatically discontinued. There will be no trouble about that. Whenever private capital wishes to invest and furnish facilities for foreign commerce, and do it honestly and fairly, at reasonable rates, the necessity will be removed and operation under this bill will cease. [Applause.] This is an emergency measure, necessary because private capital will not serve us on fair terms.

It is true that private capital is now building and buying and operating ships at prohibitory freight rates, and that is the reason that it is necessary not so much to buy as build 100 ships but to confer the authority to do it. It will act as a yardstick, it will exert an influence far beyond the number of ships that may be engaged in its operation. [Applause on the Democratic side.] Mr. Chairman, for the last two years ships have sailed the Atlantic and charged as much for one passage as the ship itself was worth. They will get the value of the ship going one way and the value of the ship returning in freight, and then if they had it insured and if it was burned up, they would have three times the price for the ship on one round-trip cruise. Now, if we can secure by private capital enough ships to do the business and secure honest and fair rates of freight instead of having the monopoly increase the rate a hundred or a thousand per cent under the stress of emergency circumstances, then there would be no further use for this bill and the corporation would be discontinued and the Government will withdraw its support. The remarkable thing in this debate is to hear gentlemen belonging to the Republican Party, which has for the past quarter of a century illustrated the doctrine and practice of special privileges and discriminations and graft, come up here and hold up their hands in holy horror and talk about our subsidizing the commerce of the country. Whatever benefits the people benefits the Treasury. When you make the people prosperous, when you save them freight rates, when you improve their facilities for transportation and commerce you make the country rich and you make it possible to enrich the Treasury by reimbursing its deficiencies from the incomes of a prosperous people. [Applause.]

Mr. MANN. Mr. Chairman, I make the point of order that debate is exhausted on this amendment, and I ask for a vote.

The CHAIRMAN. The gentleman makes the point of order that the debate is exhausted on this amendment. The point of order is well taken.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. LENROOT. Mr. Chairman, I desire to offer an amendment to that, the same amendment that was adopted to the original section. After the word "transfer" insert "either permanently or for limited periods."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by inserting, after the word "transfer," the words "either permanently or for limited periods."

Mr. LOUD. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the Chairman announced the noes appeared to have it.

Mr. MANN. Oh, I ask for a division on that.

The CHAIRMAN. Is the gentleman propounding an inquiry to the Chair?

Mr. MANN. I asked for a division.

The committee divided; and there were—ayes 113, noes 117.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan to strike out and insert.

The question was taken, and the Chairman announced the noes appeared to have it.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. LOUD and Mr. ALEXANDER) reported that there were—ayes 129, noes 156.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York, striking out the section.

The question was taken, and the Chairman announced the noes appeared to have it.

Mr. ROWE. Mr. Chairman, I ask for a division—Mr. Chairman, I will withdraw the request.

The CHAIRMAN. The gentleman withdraws his request.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That the board, upon terms and conditions prescribed by it and approved by the President, may charter, lease, or sell to any person, a citizen of the United States, any vessel so purchased, constructed, or transferred.

Mr. GOODWIN of Arkansas. Mr. Chairman, I move to strike out the last word.

Mr. LENROOT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

[Mr. GOODWIN of Arkansas addressed the committee. See Appendix.]

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, in line 12, after the word "a," insert "naturalized or native-born," so that the line will read: "naturalized or native-born citizen of the United States."

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, inasmuch as the distinguished Secretary of War, the Hon. Newton D. Baker, has issued an order, under date of April 24, calling for the discharge of all members of certain crews who are not citizens of the United States, and inasmuch as the Secretary of War has stated positively in that order that by citizens he means native-born citizens, it seems to be necessary to offer this amendment. The word "citizen" appears all through this ship-purchase bill, and the word means in the United States what it has always meant until the present Secretary of War issued an order making a distinction between native-born and naturalized citizens. I have shown the Secretary's remarkable order to a number of Members of the House of Representatives, all of whom at first said it was impossible that any such order could have been issued; that there had been some mistake. But there is no mistake. I have seen the order. It has resulted, to my knowledge, in the dismissal of five citizens, naturalized, if you please, but citizens of the United States nevertheless, employed as sailors on a vessel of the United States in Puget Sound doing Government work for the War Department. The first man who signs the protest to me is John W. Carlson, born in Finland. The second is Alfred Christianson, born in Denmark. The third is L. Hermansen, born in Norway. The fourth man is Carl Thomasson, born in Norway, and the fifth is William Matheon, born in Finland. All are naturalized citizens. Some have been citizens for many years.

Mr. Chairman, fifteen and one-half millions of people of the United States are foreign born. Most of them are naturalized. This order seems to discredit the loyalty of every one of them. It seems to say that their oaths of allegiance mean nothing. Twenty-seven per cent of the population of the district which I have the honor to represent here is foreign born. Nearly all of them have been naturalized and have taken the oath of allegiance to the United States, and I firmly believe that every last one of them meant that oath. Other Members of Congress will make similar affirmations concerning the naturalized citizens in their districts.

Mr. HUMPHREY of Washington. Will my colleague yield?

Mr. JOHNSON of Washington. I yield.

Mr. HUMPHREY of Washington. What is the reason given for the discharge of these people?

Mr. JOHNSON of Washington. I have been unable to get a reason. I have telephoned various branches of the War Department. I have received a letter from the Secretary of War but not an explanation. The exact situation is this: I was notified by telegraph——

Mr. TOWNER. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; I yield.

Mr. TOWNER. Did I understand the gentleman to say that this order applied to all naturalized citizens in the service?

Mr. JOHNSON of Washington. This direct order apparently does not. It is addressed to the commanders of certain vessels

and requests them to dismiss without delay all members of crews who are not citizens of the United States. Then follow the astonishing words—

by citizens is meant native-born citizens of the United States.

That is signed by Newton D. Baker and dated April 24, 1916.

Mr. TOWNER. Then it does apply to all naturalized citizens?

Mr. JOHNSON of Washington. If carried out far enough, or if other similar orders were issued for other branches of the service. We have foreign-born citizens in all branches of the United States Government and in all Government work. If they are good in one place they are good in another. They are taken into the Army on their first papers.

Mr. GREENE of Vermont. Suppose that such an order had been received by a Union commander at the time of the Civil War, would it not have obliged them to dispose of men like Siegel and Carl Schurz?

Mr. JOHNSON of Washington. Yes; but at a time like this, when we are at peace with all the world——

Mr. BENNET. If that order was issued to the Cabinet of the United States to-day, what would happen to the Cabinet?

Mr. JOHNSON of Washington. That brings up a problem. The proportion of foreign-born members of the Cabinet is about the same as the proportion in the United States. As the gentleman from Nebraska [Mr. SLOAN] remarks, such an order would exclude from the membership of the House of Representatives quite a number of members—Celtic, Teutonic, and Scandinavian, and so forth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Under the leave just granted to me I shall a little later place in the RECORD the telegraphic and other correspondence concerning this matter, including my protest against the discharge of the men named.

Mr. MOSS of West Virginia. Mr. Chairman, I desire to offer an amendment by moving to strike out the last two words.

Mr. Chairman, I do not think that my colleagues on this side of the House can accuse me of leaving them on many important measures that have come up for discussion. It is only when it is a question between conscience and party that I must decide according to my honest belief. And my honest belief, Mr. Chairman, is that although this bill may have imperfections it will be, if passed, one of the greatest measures on behalf of the American people that has ever been adopted by Congress. [Applause on the Democratic side.]

I want to say, Mr. Chairman, that it is not a partisan question. Every political party in this country has declared for the upbuilding of a merchant marine. Are we going to be content to let it stand that way and simply repeat in the platform year after year that we are for a merchant marine, and then sit here like wooden men and do nothing to build it up? [Applause on the Democratic side.]

Mr. Chairman, those who have invested money in the shipping industry in this country have had ample warning that they must supply this great need of ocean transportation. They have had ample opportunity to do something if they could, and it has been either impossible for them to do it or they have been unwilling to do it. All over this country there is a crying demand for ocean transportation of the products of the mine, the farm, and the factory.

I say that this measure will supply, to some extent, at least, this demand of the farmers of this country, the manufacturers of this country, and the laboring men of this country. They are entitled to be relieved of just such oppression as prevailed in rail shipments before the establishment of the Interstate Commerce Commission. I say they are entitled to relief.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from West Virginia yield to the gentleman from Missouri?

Mr. MOSS of West Virginia. No; I have not the time. Why, they talk about the expense of this thing. Mr. Chairman, the people of this country are losing millions of dollars. Fifty millions is nothing in comparison. Every single month in the year they are losing millions of dollars because they can not get their products transported abroad. [Applause on the Democratic side.]

Before this European war you could transport West Virginia coal to France for $5 a ton, and now shippers are charged $32 a ton, and even at that rate they can not get the ships, and the coal is piled up mountain high at the different ports. [Applause on the Democratic side.]

And yet, Mr. Chairman, I am asked, knowing that instance, knowing of numerous other instances of oppressive and almost prohibitive rates and of absolute lack of transportation facilities, to vote against a bill which I believe, even with its imperfections, will be of vast benefit to the American people. I decline to do it. [Applause on the Democratic side.]

Now, Mr. Chairman, we talk about preparedness for war. Almost everybody nowadays is in favor of it, although only a short time ago many prominent people were opposed to it. But now is the time to prepare for what is coming after the war; and, Mr. Chairman, when we contemplate the competition that will take place in foreign trade, in South America, all over the world, just as soon as this war ends; when we contemplate the fact that our Nation will be left in the lurch, as it has been left for years, simply because we have not enough ships to carry our products, I am unable to see why it is that Republicans on this side of the House should regard this as a partisan issue and should be opposed to the establishment of this service. [Applause on the Democratic side.]

Mr. Chairman, if this bill did nothing else—even though the amount appropriated is inadequate to purchase or build sufficient ships—we shall have established a board to examine into the rates that are being charged by some of these existing ship lines, to regulate those rates, to see that one shipper is not given rebates, to see that all are treated alike; and I submit that even if there is not a single ship purchased this result of regulation and fair and impartial treatment would alone justify the passage of the bill. I am, as a general proposition, opposed to Government ownership when private capital is willing and able to supply a great public demand. But as such ownership under this bill can continue only for five years and, therefore, will not constitute a precedent; and as private interests have demonstrated during the last generation that they will not, or can not, supply this vital need, for one I shall not permit a mere theory to frighten me into voting against this measure of relief, even though I must regretfully differ from my colleagues on this side of the House. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. ROWE. Mr. Chairman, I offered an amendment. The Clerk has it at the desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. ROWE].

The Clerk read as follows:

On page 6, line 10, strike out all of section 7.

The CHAIRMAN. The Chair directs the attention of the gentleman from New York to the fact that an amendment is pending to perfect the paragraph.

Mr. MANN. Let us have a vote.

The CHAIRMAN. The Chair desires now to appeal to Members of the House to please keep order. Within 15 minutes we shall have reached the point at which the reading is to proceed without interruption.

Mr. MANN. We would like to get a vote on this section.

The CHAIRMAN. There will probably be some confusion about amendments here, and the Chair desires that we should keep everything in regular order. The Chair appeals to the committee to keep order.

Mr. MANN. Mr. Chairman, I understand the debate on this amendment is exhausted.

The CHAIRMAN. There is an amendment pending, offered by the gentleman from Washington [Mr. JOHNSON], to perfect the paragraph. The gentleman from Illinois [Mr. MANN] makes the point that the debate is exhausted. The Chair sustains the point of order. The question is on agreeing to the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from New York [Mr. ROWE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 6, line 10, strike out all of section 7.

Mr. LENROOT. Mr. Chairman, I have an amendment which is preferential.

Mr. MOORE of Pennsylvania. I have an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment which is preferential. The Clerk will report it.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 6, line 13, after the word "or," insert the word "permanently," and after the word "transfer," insert the words "and may charter or lease to any such person any vessel transferred to it for a limited period by the President, but such lease or charter shall not be for a longer term than the period designated in such transfer."

Mr. LENROOT. Mr. Chairman, this amendment merely perfects the amendment which I proposed and which was accepted to the previous section authorizing the lease of these vessels transferred for periods, limited to the time only designated in the transfer, and I trust it will be accepted by the committee.

Mr. Chairman, a word with reference to this bill generally. Up to this afternoon I was in great doubt as to how I would vote on this bill, because, as between a ship subsidy and the principle involved in this bill, I am for the principle of the bill. I have several important amendments that I expected to discuss, and many of them I have been assured would be accepted by the committee, but under existing circumstances, with no opportunity for discussion, they will undoubtedly be voted down. If these amendments are rejected, I shall feel compelled to vote against the bill.

Mr. Chairman, the way this bill has been conducted justifies any Member upon this side of the House in voting against it. If the Democratic side of the House needed any votes from Republicans, they would not have conducted this bill as it has been conducted. It is now 10 minutes of 4 o'clock; all debate will close in 10 minutes. There are 35 sections of this bill and we have reached the consideration of the seventh section only. There will be no opportunity for consideration or discussion of the 28 sections remaining or the amendments to be proposed thereto. Nineteen sections of the bill which have not been considered relate to regulation of carriers by water, a question that has never been discussed in either House of Congress, a question of the very greatest importance, but, under the rule which has been adopted by the Democratic majority and the procedure which has taken place yesterday and to-day, these 19 sections referred to upon this new and important subject will never be discussed or considered in any way by the House. The Democratic majority not only closes the debate at 4 o'clock to-day but the committee having control of this bill have deliberately wasted the time of this House for the past two days so as to prevent consideration of the different sections of the bill upon their merits. [Applause on the Republican side.]

I have never seen nor has any other Member of Congress ever seen the consideration of a bill conducted by any committee as this bill has been conducted, especially this afternoon. In all probability, Mr. Chairman, they will say that it is this side of the House that has consumed the time. I have done everything that I could to expedite the consideration of this bill.

I have called for the regular order and have personally requested the chairman of the committee to expedite the consideration of this bill, as chairmen ordinarily expedite the consideration of any other bill. Only a little while ago the gentleman from Virginia [Mr. SAUNDERS], a Democrat, and a member of the committee, after some time had been consumed upon this side in general debate, took the floor himself and indulged in general debate. I called for the regular order, Mr. Chairman, because I wanted to expedite the consideration of this bill and have some consideration of the very obvious defects in it, but the gentleman from Virginia [Mr. SAUNDERS] then made the pro forma amendment to move to strike out the last word, and then proceeded to discuss, not the amendment that was pending before the House but the general question. Was that attempting to expedite the consideration of this bill upon the part of the Democratic side of this House? They have permitted a little less than two days for the consideration of this bill under the five-minute rule. Immediately following the conclusion of this bill the Porto Rican bill will be considered, which has the unanimous report of the committee, and as to which there is no opposition from any quarter, but upon that bill they make no attempt to limit debate whatever. Following the Porto Rican bill, the District of Columbia appropriation bill will be taken up, and I undertake to say that there will be no effort to limit debate upon that bill, and at least a week will be consumed in debating minor details of the appropriation, and yet upon this bill, involving $50,000,000 of Government money and one of the most important questions that has ever been presented to this House, they compel us to vote upon it after two days of consideration, and that consideration involving only 7 sections of the bill out of 35 sections. I say, Mr. Chairman, that the conduct of the majority members of this committee is inexcusable and indefensible in the premises. [Applause on the Republican side.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I am opposed to this ship-purchase bill because of its paternalistic features. I can speak also for the Maritime Exchange, the Bourse, and the Board of Trade of Philadelphia, all of which have passed resolutions opposing the principle of Government ownership of merchant vessels. The gentleman from West Virginia [Mr. MOSS], who preceded me, seems to think this bill ought to pass in order to obtain ships to carry coal abroad. I can not agree with his point of view unless we are ready to embark broadly in the Government control of public utilities in competition with private enterprise. The people generally do not yet believe in the Government ownership of railroads, nor would there be any difference in principle between taking this $50,000,000 of Federal money to buy or build a railroad to run into the coal fields of West Virginia and the taking of it to buy or build ships to carry coal across the ocean.

I can see one possible advantage in owning and controlling the railroad in this, that if we took $50,000,000 of the people's money for the railroad there would be a chance that they might get their coal cheaper in the United States than they do to-day, whereas if we used the people's money to buy and build ships we would do it more for the advantage of the foreigner than for the people of our own country. But that is not enough to justify this proposition of Government ownership.

DRIVING TOWARD PATERNALISM.

Mr. Chairman, it is to be regretted that the people themselves are not better posted on the tendency of this Congress to drive them into debt, taxes, and socialism. There is scant information for the toiling millions about the ease with which great measures fraught with serious consequences are forced through this House. In this instance you are appropriating $50,000,000 out of the Public Treasury under a rule which will require a vote upon the bill before it has been read for amendment. You are now about to come to a vote under your rule, when only 6 pages of the 27 pages of the bill have been read. With the money thus to be taken from the Treasury, you propose to buy or build ships in spite of the fact that American shipyards are working to the limit of capacity and that this vast sum of money must be used to buy foreign ships or have them built in foreign countries at war prices and in direct competition with the labor and shipbuilding interests of the United States. This $50,000,000 which you propose to take from the Treasury, which is buoyed up now by direct taxes upon the people, is, in effect, a direct tax of 50 cents upon every man, woman, and child of the 100,000,000 people in the United States. If it were levied directly upon the voters of the country it would approximate $3.50 per capita, but it is to be rushed through here regardless of the principle involved or of the burden it carries. It is going through in spite of the Democratic platform at Baltimore, which declared for the development of a merchant marine—

without imposing additional burdens upon the people and without bounties or subsides from the Public Treasury.

DEMOCRATIC DOCILITY.

But, Mr. Chairman, the breaking of its platform pledges by the present Democratic administration is not news to the Congress or the country. It has become a matter of habit. What is new and what would be news to most of the people of the country if they could get hold of the CONGRESSIONAL RECORD once in a while, is the deadly drive toward Government ownership for which this administration has been more responsible than any other. Since the falling of revenues, due to the low tariff bill now in effect, the administration has been more lavish in expenditure than any other in history, and this Congress has gone along with lamb-like obedience, in spite of the convictions and former professions of many of its Members against extravagance or the interference of the Federal overseer in matters affecting the rights of States and individuals.

COUNT ONE—$2.

First. You were compelled, in spite of your promise to relieve the people of their taxes, to impose a war tax—when there was no war—of $100,000,000, which was a tax of a dollar a head upon everybody. Then you renewed that $100,000,000 tax for another year, which was a direct tax of another dollar on everybody. That made a $2 tax against every man, woman, and child, or over $13 per capita for every voter, to save in part what you lost on the tariff. The war-tax items created many new offices the salaries for which are paid out of the common funds.

COUNT 2—ALASKA, 30 CENTS.

Second. You passed a $3,000,000 bill to buy old railroads and build new ones in Alaska. The amount provided for this purpose was equal, at the time the bill passed, to about $1,000 per head for every white person in Alaska. There may be more white persons up there now, and doubtless there are, but neither they nor the Government are extremely happy at the present time. The Government has run up against a strike, and harsh things are being said by the people most interested about Government-owned railroads in Alaska. It is a far cry to that country and the news of the Government's troubles is not extensively published in the United States, but enough is known to warrant the inference that the administration is already learning a valuable

lesson about Government ownership. It is finding out that while jobs may be provided for "deserving Democrats," and while conciliation and mediation boards may be created at the expense of the Government, harmony of operation and success in negotiating labor troubles are not more easily adjusted by a paternalistic Government than they are by private enterprise. While the railroads in the East are congested with freight and we could use a few more of them in various parts of the country to relieve the people of expensive charges, demurrage, and the like, you have provided that the Alaska experiment shall go on at the rate of 30 cents per capita for every man, woman, and child in the United States.

COUNT 3—50 CENTS.

Third. You have just passed through this House a flood-control bill granting upward of $50,000,000 for the reclamation of private lands, mostly along the valley of the lower Mississippi River. Several States will be directly benefited by this appropriation, and their population is comparatively small. You add on this account, however, an additional tax of 50 cents per head upon every man, woman, and child of the Nation.

COUNT 4—20 CENTS.

Fourth. You have passed an Army bill, which, while it proposes in part to respond to the public demand for preparedness, carries an appropriation suddenly raised from $15,000,000 to $20,000,000 for a nitrate plant, which expert opinion advises us is not necessary, but which we are informed will set the Nation up in business at Muscle Shoals on the Tennessee River to furnish fertilizer for some of the States when the plant is not needed for the production of war materials. The expenditure of $20,000,000 in any one of our States will help the locality and must necessarily provide jobs for a fine assortment of experts, scientists, and others who understand the technicalities incident to the manufacture of nitrates and fertilizers, but you should not lose sight of the fact that you are imposing an additional tax of 20 cents upon every man, woman, and child in the country for the installation of this plant.

COUNT 5—15 CENTS.

Fifth. You rushed the farm-land bank bill through the House last week, which many thoughtful men believe will require of the farmer a larger expenditure for loans than his necessities will warrant. The bill proposed to take $9,000,000 from the Treasury to set up banks which must needs employ a large number of officers, agents, investigators, etc., with salaries ranging up to $10,000 per annum, but you added to the $9,000,000 by amendment a possible $6,000,000 more, making a total of $15,000,000 of public money, which is an additional tax of 15 cents per head upon every man, woman, and child whether deriving advantage from the farm banks in the country or paying for a separate service in the cities.

COUNT 6—75 CENTS.

Sixth. The country-roads bill ought not to be overlooked. When it passed the House this bill was supposed to carry $25,000,000 for dirt roads, not city roads or highways already paid for by communities taxing themselves for the purpose, but country roads exclusively—dirt roads, so to speak. The Senate raised your modest appropriation of $25,000,000 to $75,000,000, and of course that $75,000,000 is as much the money of the people who live in the cities, who have taxed themselves heavily for their highways, as it is the money of the people in the country. But even so, the county-roads tax, which you are putting on everybody—man, woman, and child—is 75 cents a head.

COUNT 7—11 CENTS.

Seventh. The armor-plate proposition; let us not forget that. Existing companies offered to turn their books and business over to the Government. Of course that would mean a nice, new pay roll and a precarious business, but the administration says, "No; let us have an armor-plate plant of our own. Uncle Sam is rich enough and taxation is easy." The Navy bill provides for an armor-plate plant at $11,000,000. That means more admirals, captains, lieutenants, inspectors, specialists, and so forth, but do not forget that the initial tax on our 100,000,000 population for this plant is 11 cents apiece. Cost of maintenance, falling off in the demand for armor plate, and things like that may be considered later.

COUNT 8—30 CENTS.

Eighth. I had almost forgotten the income tax. Some say this is intended only for the rich, but somehow or other the poor manage to feel it just the same, even if it consists in the lopping off of charity on the one hand, or the imposition of excess profits and charges on the other, or higher rentals. At any rate, the income tax is calculated at about $90,000,000 per annum, and we shall use but one year for purpose of illustration. That is a tax of 90 cents apiece on all of us.

COUNT 9—10 CENTS.

Ninth. The postal deficit is reported to be about $10,000,000 per annum under this administration, and notwithstanding the strenuous efforts of the Postmaster General to economize we may lay a burden of 10 cents apiece on our population generally on this account.

COUNT 10—45 CENTS.

Tenth. The sugar "tax" ought not to be ignored. Democrats contend that the tariff is a tax, and for the sake of argument we will not dispute it just now, in the matter of sugar. The Democrats took down the so-called Republican "tax" on sugar, but when their revenues fell short and they were obliged to resort to war taxes to save the Treasury from bankruptcy, they made haste to restore the duty upon sugar. It amounted to about $45,000,000 per annum. Add a direct tax of 45 cents to every man, woman, and child, in consequence.

COUNT 11—$1.50.

Eleventh. It was announced this morning that the Ways and Means Committee, after consultation with the White House, had decided that new forms of taxation, not including gasoline, to the extent of $150,000,000, would be sufficient to make up the discrepancy in the Treasury, which the taxes heretofore referred to have failed to meet. This fresh burden of $150,000,000 is to be levied upon certain incomes, inheritances, and so forth, as well as upon munition makers, and, of course, will be charged back to the people in the end. That makes another $1.50 levy dead sure against every man, woman, and child. What do the people care, anyhow?

COUNT 12—5 CENTS PLUS.

Twelfth. I have not completed the list of taxes realized or possible, by any means. Every appropriation bill that has come up this session contains its "rider" or its pet appropriation to create some new commission or board of inquiry, giving the Government and its bureaus more and more power over the individual at the taxpayers' expense. It is estimated that the commissions, boards, and bureaus which have been created during this administration will require an expenditure of at least $5,000,000 next year, but the mere expenditure is not all. It is the fastening of bureaus, with their myriads of officeholders, upon the backs of the people that occasions concern. My colleague from Iowa [Mr. GOOD], a member of the Appropriations Committee, in a carefully prepared address, delivered a few days ago while the rural credits bill was under consideration, declared that this administration, which is supposed to be worrying itself to death about the war in Europe and the affront to American dignity in Mexico, had succeeded, in its first three years, in creating 30,000 new places for Government employees, while it was spending on salaries upward of $36,000,000 every year more than was ever appropriated for the same purpose by any Republican administration. No wonder the Democratic Party is not in argumentative mood on the subject of taxes. No wonder it is closing its eye to Government ownership and control. No wonder the Army and Navy are not filling up with recruits to fight the country's battles at $15 per month. No wonder the 30,000 new Federal employees are not enlisting for the service. The Government pay roll is far too attractive and the prospect of its continuance is too alluring for the faithful. They can be counted on to "stand by the President."

THE SUMMARY.

If you want to pass this ship-purchase bill on the record you have made, go ahead and do it. Some day, perhaps, the people back home will be wise to what it all means. As I figure it out roughly, your platform promise to relieve the people of their alleged, but imperceptible tariff burdens, has resulted in direct or prospective taxation exceeding $750,000,000, which is more than $7.50 for every man, woman, and child. If that $750,000,000 were put over on the voters exclusively, it would amount to approximately $50 apiece. With a record like that, and with more paternalistic propositions on the way, what will be the issue back home? Make it peace, preparedness, or pumpkins, just so long as the people can be made to forget about extravagance and taxes. [Applause on the Republican side.]

Mr. MANN. Mr. Chairman, I make the point of order that debate on this amendment is exhausted.

Mr. BYRNES of South Carolina. I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last word.

Mr. MANN. You can do that, and let us vote on it, if you want to, instead of considering the bill.

Mr. BYRNES of South Carolina. Mr. Chairman, I am not going to ask the gentleman from Illinois what to do about this bill, because the truth is——

Mr. MANN. This is cutting off the opportunity to amend——

Mr. BYRNES of South Carolina. The truth is you have not kept yourself well informed. You deserted the House yesterday and left the conduct of the filibuster in charge of the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Washington [Mr. HUMPHREY]; and, great heavens! the gentleman from Pennsylvania talked until he has lost his voice! [Laughter.] You left it in charge of the gentleman from Pennsylvania and the gentleman from Washington [Mr. HUMPHREY] and what happened?

Mr. MANN rose.

Mr. BYRNES of South Carolina. I refuse to yield. If the gentleman could enlighten the situation, I would yield; but, as I tell him, he was absent and does not know what happened yesterday.

Mr. MANN. I will soon wind you up.

Mr. BYRNES of South Carolina. I have wound you up; that is the trouble.

Mr. MANN. I will wind you up.

Mr. BYRNES of South Carolina. Oh, I am not afraid of the gentleman's threat.

The CHAIRMAN. The committee will please be in order.

Mr. BYRNES of South Carolina. The gentleman from Illinois [Mr. MADDEN] talked here to-day about gag rule, but what happened in the Sixtieth Congress? When they brought in the ocean-pay bill—your idea of a merchant-marine bill—you were the first man to complain of the Republican rule which did not allow a single Member of this House to offer an amendment. You and every other Member were gagged then by a rule brought in by the Republican Committee on Rules——

Mr. GOOD. Mr. Chairman, I rise to a point of order. The gentleman has no right to address a Member in the second person.

Mr. BYRNES of South Carolina. Oh, I do not blame you for objecting, my friend——

The CHAIRMAN. The point of order is sustained.

Mr. BYRNES of South Carolina. What happened yesterday? You come into this House now and complain that you did not have an opportunity to offer amendments, but it was because you were not here.

Mr. GOOD. If the gentleman can not observe the rules of the House, he ought to sit down.

Mr. BYRNES of South Carolina. Will the gentleman sit down? In order to conform to the rule I will say that the gentleman from Illinois was not here, and therefore I shall tell him what happened. Yesterday, between 12 o'clock and 6 o'clock, the gentleman from New York [Mr. BENNET] occupied the floor 93 minutes.

Mr. MANN. I make the point of order that the gentleman is not talking to his amendment or to the bill.

Mr. BYRNES of South Carolina. Mr. Chairman, I am talking to the bill and am replying to the gentleman.

The CHAIRMAN. The gentleman from South Carolina will proceed in order.

Mr. ALEXANDER. Mr. Chairman, it comes with very ill grace from the gentleman from Illinois——

Mr. MANN. Oh, I do not ask the gentleman for grace——

Mr. ALEXANDER. It comes with very ill grace from the gentleman from Illinois, who has occupied the time of the House, to talk to this side of the House about filibustering.

Mr. MANN. You are carrying on a filibuster now.

Mr. BYRNES of South Carolina. May I say that this amendment is not the nineteenth amendment, because 19 amendments were offered yesterday afternoon, 13 being offered by the gentleman from New York [Mr. BENNET]. If they offered 19 amendments in one day to five pages you can calculate how long it would take the House to consider even the amendments of the gentleman from New York if the time was unlimited. The total time consumed up to 3 o'clock——

Mr. MANN. Mr. Chairman, I make the point of order, and I ask that the Chair enforce the rule.

The CHAIRMAN. The point of order is well taken, and the gentleman from South Carolina will proceed in order.

Mr. HOWARD. Mr. Chairman, can not a Member of the House proceed to discuss things incidental to his amendment? [Laughter.]

Mr. BYRNES of South Carolina. Mr. Chairman, the gentleman from Illinois has charged me along with all other gentlemen on this side of the House with filibustering, and in answering that charge I think I have the right to say that to-day from 11 o'clock up to 3 o'clock the Democratic side consumed only 1 hour and 30 minutes. I think I should have a right to say that on yesterday afternoon I did not consume any time, but one gentleman, the gentleman from New York [Mr. BENNET], consumed 1 hour and 43 minutes.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I withdraw the pro forma amendment, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. I object [laughter] until we get a vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chair announced that the noes had it.

Mr. MANN. I demand tellers.

Mr. SAUNDERS. Mr. Chairman, I make the point of order that all time has expired.

The CHAIRMAN. Four o'clock having arrived, all time has expired, and the Clerk will proceed with the reading of the bill.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Under the terms of the rule, is it in order for any Member while the Clerk is reading the balance of the bill to send to the Clerk's desk and leave with him amendments to that portion of the bill which had not been read before 4 o'clock, in order to have the amendment pending?

The CHAIRMAN. It is in order; and amendments will be numbered at the Clerk's desk and will be voted upon in their order. That does not mean in the order in which they are presented. The Chair will construe the rule to mean that they will be voted upon in the order in which they would apply in the bill.

Mr. MANN. I think the Chair had better look that over, before he finally rules, as a matter of convenience.

The CHAIRMAN. The Chair stated that he did not think they should be numbered in the order in which they are sent up but in the order in which they would apply to the bill.

Mr. MANN. The gentleman who sends his amendment up can not number it?

The CHAIRMAN. No; the Clerk will do it. The Chair desires to state that already there has been sent to the Clerk's desk a number of amendments applicable to the sections of the bill that have been already read. Of course, those amendments will not be in order and will thus be laid aside. Gentlemen in sending amendments to the desk will confine them to that part of the bill which was not read prior to 4 o'clock.

Mr. MOORE of Pennsylvania. It being contrary to the rules for Members to advance to the desk, how will they get them there?

The CHAIRMAN. By a page.

Mr. LENROOT. Mr. Chairman, I desire to ask whether the amendments that were pending when 4 o'clock arrived will be considered as now pending?

The CHAIRMAN. They will.

Mr. FESS. Mr. Chairman, at what point will the question of the germaneness of an amendment be determined?

The CHAIRMAN. As they are reported at the desk.

The Clerk then began with section 8, and completed the reading of the bill.

Mr. SAUNDERS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS. The amendment to be voted on will be the amendment pending when the hour of 4 o'clock arrived and then the amendments that are sent to the desk in their parliamentary order?

The CHAIRMAN. That is correct. The first is the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken; and on a division (demanded by Mr. MANN) there were 114 ayes and 131 noes.

Mr. MANN. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Missouri [Mr. ALEXANDER].

The committee again divided; and the tellers reported that there were 156 ayes and 185 noes.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. ROWE].

The question was being taken when Mr. MANN demanded tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from New York [Mr. ROWE] and the gentleman from Missouri [Mr. ALEXANDER].

The committee again divided; and the tellers reported that there were 152 ayes and 181 noes.

So the amendment was lost.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 6, line 15, after the word "the," insert the words "control of."

The CHAIRMAN. The question is on the amendment.

The question was being taken when Mr. ALEXANDER demanded tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from New York [Mr. BENNET] and the gentleman from Missouri [Mr. ALEXANDER].

The committee again divided; and the tellers reported—ayes 126, noes 169.

So the amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 6, line 18, strike out the words "or private."

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 97, noes 129.

So the amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 6, strike out all of section 8.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 6, line 20, after the word "vessel," insert a comma and the following words: "not of foreign origin."

The question was taken, and the Chair announced the noes appeared to have it.

Mr. MANN. Mr. Chairman, I ask for tellers on this amendment.

Tellers were ordered.

The committee again divided; and the tellers (Mr. MOORE of Pennsylvania and Mr. ALEXANDER) reported—ayes 115, noes 156.

So the amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 6, line 23, after the word "thereto," insert the words "so long as it remains the property of a citizen of the United States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 6, line 23, after the word "thereto," strike out all the remainder of the paragraph, as follows: "*Provided*, That foreign-built vessels heretofore or hereafter admitted to American registry or enrollment and license under the act of August 18, 1914, or under this act, and vessels owned, chartered, or leased by any corporation in which the United States is a stockholder (except the Panama Railroad Co.), may not engage in the coastwise trade of the United States, except that such vessels may engage in trade with Alaska, Hawaii, or Porto Rico, whether or not en route to or from a foreign port, if the board finds such trade is not being adequately served by a regular line or lines of vessels."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 7, line 2, after the word "by," insert the words "the United States or."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 7, line 5, after the word "States," insert the words "and shall not be used to carry goods, wares, or merchandise from a port in the United States to a foreign port in contiguous territory, to be transported from such foreign port to any port or place in the United States by railroad or otherwise: *Provided*, That this provision shall not apply to the Great Lakes."

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 100, noes 146.

So the amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 7, line 5, after the word "States," strike out the remainder of line 5 and all of lines 6, 7, 8, and 9.

The question was taken; and on a division (demanded by Mr. KAHN) there were—ayes 90, noes 145.

So the amendment was rejected.

The Clerk read as follows:

Amendment by Mr. GRAHAM: Page 7, line 5, after the word "States," strike out the remainder of line 5 and all of lines 6, 7, 8, and 9.

Mr. GRAHAM. Mr. Chairman——

The CHAIRMAN (Mr. FERRIS). For what purpose does the gentleman rise?

Mr. GRAHAM. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM. Mr. Chairman, I do not see how anyone can understand, and I would like to be informed, what they are voting upon, because this amendment is not read, and I do not see anyone scarcely with the bill before them, and they can not understand what they are voting on. [Cries of "Regular order!"] One man has a newspaper and another man has something else.

Mr. MANN. Mr. Chairman, I ask that the language proposed to be stricken out be read.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent——

Mr. MANN. I did not ask unanimous consent; it is a matter of right. We have a right to have it read.

The CHAIRMAN. The Chair was under the impression the amendment has been once read.

Mr. MANN. It has not.

The CHAIRMAN. The Clerk will report the language proposed to be stricken out.

The Clerk read as follows:

Page 7, line 5, after the word "State," strike out the words "except that such vessels may engage in trade with Alaska, Hawaii, or Porto Rico, whether or not en route to or from a foreign port, if the board finds such trade is not being adequately served by a regular line or lines of vessels."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 7, line 6, after the word "with," strike out the word "Alaska."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 7, lines 6 and 7, after the word "Hawaii," strike out the words "or Porto Rico."

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 7, strike out line 9.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 7, at the end of line 9, add the following:

"*Provided*, That the board may permit, by general regulations or otherwise, such vessels to engage in the coastwise trade of the United States as incidental to the foreign trade in which they may be engaged, but only to such extent as the board shall find necessary to enable such vessels to successfully carry on foreign commerce."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. GREENE of Massachusetts: Page 7, line 9, after the word "vessels," insert:

"*And provided further*, That if the service of such regular line or lines subsequently becomes adequate in the judgment of the board such foreign-built vessels shall thereupon cease to engage in such trade."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. KENT: Insert, page 7, line 9, after the word "vessels":

"And except that such vessel, when en route to or from a foreign port or to or from a port of Alaska, Hawaii, or Porto Rico as hereinafter specified, may, by special permission of the shipping board, touch at more than one port on the coast of the United States and may be permitted to transport cargo and passengers between such ports when in the opinion of the board such action shall not interfere with an adequately supplied coastwise service."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 7, strike out lines 10 to 12, inclusive.

Mr. BENNET. Mr. Chairman, I would like to have the lines read which are proposed to be stricken out.

The CHAIRMAN. The gentleman from New York asks to have the lines read. The Clerk will read.

The Clerk read as follows:

Page 7, lines 10 to 12, inclusive: Every vessel purchased, or leased from the board shall, unless otherwise authorized by the board, be operated only upon such registry or enrollment and license.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 7, line 17, after the word "therein," insert:

"That said vessels shall take as cadets or apprentices one American-born boy under 21 years for each 1,000 tons gross register and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 7, line 26, after the word "board," insert "and of the President."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 8, line 8, strike out "misdemeanor" and insert "crime."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 6, line 20, strike out all of section 9.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 8, line 9, after the word "President," insert "in time of war or national emergency, the existence of which is declared by his proclamation."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Amend page 8, line 16, by inserting after the word "vessel" the following: "and any vessel under the control of said board belonging to the United States or any corporation created under the provisions of this act."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Amend page 8, line 19, after the word "value," insert "based upon normal conditions."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Amend page 8, line 21, after the word "value," insert "based upon normal conditions."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Amend, page 8, line 22, by striking out the word "the" and inserting the word "such."

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, this is a vaudeville performance that the Chair is having.

The CHAIRMAN. The gentlemen voted in the negative before the Chair had opportunity to put the question in the negative. The Chair will put the question over again. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 8, strike out lines 17 to 24, inclusive, and lines 1 and 2 on page 9.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 8, line 9, strike out all of section 10.

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 9, at the end of line 2, insert the following:

"Every sale, lease, and charter of vessels from said board or from any corporation created under the provisions of this act shall be expressly subject to the provisions of this section, and such condition shall be included as an express provision of every bill of sale, lease, and charter made under the provisions of this act."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, lines 5 and 6, after the word "Columbia," on line 5, strike out the words "one or more corporations" and insert the words "one corporation"; and, on line 12, after the word "of," strike out the word "any."

The amendment was rejected.

Mr. MANN. Mr. Chairman, I do not question the result, but I will ask the Chair to state the question so that we can hear it. Nobody can hear except those sitting in the front row.

The CHAIRMAN. The Chair stated that the question was on the pending amendment.

Mr. MANN. I have no doubt the Chair stated the question, but we could not hear it.

The CHAIRMAN. The amendment was rejected. The Clerk will report the next pending amendment.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 9, line 17, after the word "therein" insert: "*Provided*, That said board shall not establish and operate any steamship line where a sufficient service has been established by American companies operating ships under American registry."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LOUD: Page 9, line 3, strike out section 11 entire and insert in lieu thereof the following:

"SEC. 11. (a) Loans at 3 per cent may be made at the discretion of the board for the building or purchase of ships of domestic construction for American registry, suitable for naval or Army auxiliaries, to be used in foreign commerce, to the amount of 75 per cent or less of cost or appraised original value of such ships, less 5 per cent per annum for deterioration, the Government to be secured by the owner to the full value of the ships by a satisfactory insurance policy payable to the Government. First-mortgage liens shall be held by the Government against such ships. All ships acquired by aid of such loans shall be subject to requisition by the Government in time of need.

"(b) A construction option of 25 per cent shall be paid by the Government on ships constructed in the United States for American registry for use in foreign commerce according to plans suitable for auxiliaries for naval or Army use upon condition that such ships shall be taken over by the Government in time of need, in the discretion of the board, payment to be made at the rate of 75 per cent of cost of such ships less 5 per cent per annum for deterioration, and the further condition that such ships shall not be transferred from American registry. This section shall become operative at the close of the present European war, or at such future time as the Shipping Board may deem expedient. As paragraphs (a) and (b) conflict, if applied to the same ship, any shipowner may avail himself of one clause but not of the other; that is, he may not obtain both benefits as provided by paragraphs (a) and (b) for the same ship, but may secure either, at his option."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 9, line 25, strike out the word "board," and insert the words "United States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 9, lines 18 and 19 after the word "from" on line 18, strike out "the conclusion of the present European war," and insert in lieu thereof the words "the passage of this act."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, line 8, after the words "capital stock," insert the words "or purchasing power."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, lines 8 and 9, after the word "States," on line 8, strike out the words "the total capital stock thereof shall not exceed $50,000,000."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, lines 15 and 16, after the word "sell," on line 15, strike out the words "any or all of the."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, lines 18 and 19, after the word "the," on line 18, strike out the words "conclusion of the European war" and insert the words "date of this act."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, lines 22 and 23, after the word "dissolved," on line 22, strike out the period and the words "The date of the conclusion of the war shall be declared by proclamation of" and insert the words "upon proclamation by."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, line 25, after the word "board," strike out the period and the words "the board may sell, lease, or charter" and insert the following: "and the board shall, within one year after the President's proclamation of dissolution."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 9, line 25, after the word "board," strike out "may sell, lease, or charter such vessels as provided in section 7 and"; and strike out, on page 10, line 2, the words "other than vessels."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Pages 9 and 10, strike out all of the section after line 17 on page 9.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Pages 9 and 10, strike out all of the section after line 17 on page 9 and insert in lieu thereof the following:

"At the expiration of five years from the passage of this act the participation in any such corporation on the part of the United States shall cease. If the board on the one hand and the minority stockholders on the other can agree as to the disposition of the property, the board is authorized, with the approval of the President, to enter into such agreement on the part of the United States. If the board and the minority stockholders can not agree, then the property shall be valued after the manner provided in section 10. Either the board or the minority stockholders shall have the right to purchase at the value as so determined, but the board shall have the first right of purchase."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 9, line 3, strike out all of section 11.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ROWE].

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 74, noes 116.

Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. ROWE and Mr. ALEXANDER.

The committee again divided; and the tellers reported—ayes 116, noes 149.

Accordingly the amendment was rejected.

The CHAIRMAN. There are certain amendments to the text of this section which by inadvertence were overlooked, which should have been submitted before the motion to strike out the section.

Mr. MANN. I think that that was a very natural mistake.

The CHAIRMAN. The Clerk will report the first of these amendments.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 10, line 4, after the word "Treasury," strike out "to its credit" and insert in lieu thereof the following: "as miscellaneous receipts."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 10, line 3, after the word "proceeds," strike out the word "thereof" and insert the words "of such sales."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 10, line 1, after the word "shall," strike out the words "disposed of" and insert the word "sell."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 10, line 4, after the word "Treasury," strike out the words "to its credit" and insert the words "of the United States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 10, line 9, after the word "ten," insert the following:

"The board shall cease to exist at the expiration of one year after the President's proclamation of dissolution, and all unfinished business incident to its existence shall be transferred to the Secretary of the Treasury."

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were 55 ayes and 93 noes.

So the amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 10, at the end of section 11, insert the following:

"*Provided*, That if at the expiration of five years from the conclusion of the present European war any corporation created under the provisions of this section shall be engaged in the operation of vessels maintaining regular communication between the east or west coast, or both coasts, of the United States and either or both coasts of South America, and if the board shall find that the dissolution of any corporation created under the provisions of this section will result in inadequate lines of communication between the United States and South America as aforesaid, then and in that case any corporation created under the provisions of this act maintaining such lines shall continue until such time as the board shall determine such corporation is no longer necessary for such purpose."

The amendment was rejected.

The CHAIRMAN. A double amendment has been offered to strike out section 11. That has already been once voted upon.

Mr. BENNET. Mr. Chairman, I ask to withdraw that amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Amendment by Mr. WALSH: Amend line 20 after the word "law" by inserting:

"*Provided*, That nothing in this act shall apply to whaling or fishing vessels or ships engaged in the transportation of the products of whaling or fishing voyages."

The question was taken; and on a division (demanded by Mr. WALSH) there were 53 ayes and 90 noes.

So the amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LOUD: Page 10, line 13, strike out the entire section 13 and insert:

"That said board shall report to Congress at its next session and each succeeding session such changes as it deems advisable in our navigation or shipping laws to remove any of the disadvantages to American ships which may be found to exist in competition with the ships of other countries. It shall further be the duty of the board, if at the close of the present European War or at such time as the shipping business has returned to normal conditions it shall be found necessary to provide a subsidy to equalize conditions in operation, owing to lower wages paid to seamen on foreign ships and other causes, to make recommendation to Congress as to the necessity of such subsidy and the extent and method by which, in their judgment, it should be applied.

"It shall, on or before the 1st day of December in each year, make a report to the Congress, which shall include its recommendations and the results of its investigations, a summary of its transactions, and a statement of all expenditures and receipts under this act, and of the operations of any corporation in which the United States is a stockholder, and the names and compensation of all persons employed by the board."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 10, at the end of section 12, insert the following:

"All persons thus enrolled in the said reserve shall be entitled to receive retainer allowance from the United States while so enrolled, at rates to be fixed by the Secretary of the Navy, not to exceed an allowance of $5 per month for enlisted men, $10 per month for petty officers, and $15 per month for officers."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Strike out all of section 12.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 11, line 16, after the word "board," insert "or by such corporation at annual compensation."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. GRAHAM: Page 11, line 18, after the word "eleven" insert "no expenditure shall be made nor liability incurred exceeding a total of $50,000,000 and."

Mr. SAUNDERS. Mr. Chairman, may I ask who that amendment was offered by?

The CHAIRMAN. By the gentleman from Pennsylvania, Mr. GRAHAM.

Mr. SAUNDERS. May I have unanimous consent to say a word?

Mr. MANN. I do not object if you can do it under the rule.

Mr. SAUNDERS. We can do it by unanimous consent. All I want to say is that the committee accepts that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amendment by Mr. MANN: Page 11, line 16, after the word "of," where it first occurs, strike out "section 5 and," and insert in lieu thereof the word "section."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 12, line 11, after the word "board," strike out the last of line 11 and all of line 12.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 12, strike out lines 7 to 12, inclusive, reading as follows:

"The proceeds of such bonds and the net proceeds of all sales, charters, and leases of vessels and of sales of stock made by the board, and all other moneys received by it from any source, shall be covered into the Treasury to the credit of the board, and are hereby permanently appropriated for the purpose of carrying out the provisions of sections 5 and 11."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 12, at end of section 14, add: "Said board shall at no time make any expenditures or incur any liability on the part of the United States in excess of the unexpended balance of any sum or sums appropriated for its use."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 11, line 17, strike out all of section 14.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Page 13, line 15, after the word "fourth," strike out balance of line 15, all of line 16, and first two words in line 17, and insert in lieu thereof the word "to."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 13, line 22, insert as a separate section:

"That all goods, wares, and merchandise brought to a foreign port, in contiguous territory, by a foreign steamship line, doing or practicing any of the things or practices prohibited in this section, shall not be permitted to enter the United States on penalty of being seized and forfeited to the United States: *Provided*, That this provision shall not apply to the Great Lakes."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 13, line 22, insert as a new paragraph:

"That any vessel not of the United States which is owned, operated, or controlled by any person or persons who have been adjudged by a court of the United States to be a party or parties to any combination or conspiracy in restraint of trade with foreign nations such as is prohibited by the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' and which vessel is being used to carry out the unlawful purposes and objects of such combination or conspiracy, is hereby prohibited from entering at or

clearing from any port of the United States under penalty of $25,000 for each and every violation of the provisions of this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine and in the event such line is imposed while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"That the Postmaster General is hereby authorized and directed to cancel any contract for carrying the ocean mails pursuant to the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' on satisfactory evidence to him that any vessel performing such a service is, at the time of performing such service, owned, operated, or controlled by any person or persons who have been adjudged by a court of the United States to be a party or parties to any combination or conspiracy in restraint of trade with foreign nations such as is prohibited by the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies.'

"That the word 'person' or 'persons' wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States or the laws of any of the Territories, the laws of any State, or the laws of any foreign country."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 14, line 3, after the word "copy," strike out the words "or if oral, a true and complete memorandum."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 14, line 5, after the word "act," insert "or common carrier engaged in commerce between any foreign country and any foreign territory contiguous to the United States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 15, strike out lines 7 to 12, inclusive.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 15, strike out lines 13 to 23, inclusive, reading as follows:

"Every agreement, modification, or cancellation lawful under this section shall be excepted from the provisions of the act approved July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' and amendments and acts supplementary thereto, and the provisions of sections 73 to 77, both inclusive, of the act approved August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' and amendments and acts supplementary thereto."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Page 15, after line 2, add: "The board may direct any common carrier by water in foreign commerce to make with any person in the United States as favorable agreements or contracts as it has offered under like circumstances and conditions to persons residing or doing business in foreign contiguous territory. It may direct any collector of customs to refuse clearance to any vessel for noncompliance with any such order."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, lines 9 and 10, strike out "before approval or."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert "but nothing herein contained shall permit the board to approve any agreement or contract contrary to the provisions of section 1 of the act of August 1, 1882, known as the passenger act, as amended."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 13, insert as a new section after section 15:

"SEC. 15a. No ship not belonging to or operated by or as a part of a regular line shall be permitted clearance from any port of the United States if the collector at such port shall be satisfied after due examination that such ship is taking freight from such port or has brought freight to such port at less than the prevailing freight rates."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert: "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the immigration law approved February 20, 1907, or acts amendatory thereto."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert: "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the Chinese exclusion laws."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert: "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the provisions of any tariff act in force at the time when such approval is sought."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert: "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the provisions of the laws prohibiting the importation of absinthe into this country."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, at the bottom of the page, insert: "Any vessel known as a 'tramp,' by which is meant a vessel not operated regularly over definitely ascertained routes, but going from one port to another in search of freight or under a charter for a particular voyage which offers or accepts freight rates lower than those permitted by agreements approved by the board, shall be refused clearance from any port by the collector thereof, who shall after examination find that such lower rates are offered or accepted as aforesaid."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert, "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the national quarantine laws or the health laws of any State or municipality."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert, "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the laws permitting the prohibition of the importation of impure seed."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert, "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the laws permitting the Department of Agriculture to prevent the importation of certain domestic and wild animals."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, line 26, after the word "action," insert, "Nothing in this section shall be construed to refer to tug or tow boats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 13, after line 22, insert. "Fifth. But nothing in this act contained shall prevent any common carrier by water in foreign commerce from making contracts or agreements with shippers in the United States which shall be as advantageous as contracts or agreements made with or offered to shippers residing or doing business in foreign contiguous territory."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 13, strike out lines 23, 24, and 25, and insert in lieu thereof the following:

"Any carrier who violates any provision of the first, second, or third subdivisions of this section shall be guilty of a misdemeanor, punishable by a fine of not more than $10,000 for each offense. Any carrier who violates any provision of the fourth subdivision of this section shall be guilty of a misdemeanor, punishable by a fine of not more than $5,000 for each offense."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 16, lines 1 and 2, strike out "or other person subject to this act."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNETS Page 16, lines 13, 14, and 15, strike out all after the word "carrier" in line 13.

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 16, after line 21, insert: "A violation of any of the provisions of this section shall be punished by imprisonment for not exceeding five years or by a line not exceeding $10,000, or by both fine and imprisonment, in the discretion of the court."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 16, line 25, after the word "exporters," strike out "of" and insert "from or importers to."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 16, line 21, after the word "act," insert: "Nothing in this section shall be construed to refer to tug or tow boats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Page 16, strike out first subdivision of section 17, being all of lines 5, 6, 7, 8, 9, and 10.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 16, line 13, after the word "carrier," strike out "by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 17, after line 15, insert: "Any vessel disobeying any order made pursuant to the provisions of this section shall be refused clearance from any or all ports of the United States for such periods as the board shall direct."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 17, line 15, after the word "practice," insert "Nothing in this section shall be construed to refer to tug or towboats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 18, after line 23, insert "But this section shall not apply to ferryboats running on regular routes, nor to tugboats, nor to vessels of less than 100 tons burden."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 20, lines 20 to 24, inclusive, strike out the sentence commencing on line 20.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 20, lines 4 and 5, strike out "or to any officer or agent of the Government of the United States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 20, line 9, strike out "or suspected of."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 20, lines 14 and 19, strike from each line "or other person subject to this act."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 20, line 18, insert before the word "business" the words "transportation or shipping."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 20, line 12, after the word "carriers," insert "Nothing in this section shall be construed to refer to tug or towboats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 21, line 9, after the word "imprisonment," insert "Nothing in this section shall be construed to refer to tugboats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 21, line 16, strike out the word "complaint" and insert in lieu thereof the word "complainant."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 21, line 17, strike out the word "it" and insert in lieu thereof the words "the complaint."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 21, line 17, strike out the word "complaint" and insert in lieu thereof the word "complainant."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 21, line 19, strike out the word "it" and insert in lieu thereof the words "the complaint."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 22, line 23, strike out the word "States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 22, line 3, after the word "act" insert: "Nothing in this section shall be construed to refer to tugboats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 22, line 5, after the word "after" insert "due notice and."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 22, line 9, after the word "shall" insert "take effect within such reasonable time, not less than 30 days, and."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 23, line 11, after the word "documents" insert "including correspondence."

The amendment was rejected.

Mr. GOOD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOOD. I ask unanimous consent that the balance of the amendments be considered en bloc.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the balance of the amendments be considered en bloc. Is there objection?

Mr. THOMPSON of Oklahoma. I object.

The Clerk read as follows:

Page 24, line 18, strike out "of the parties."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 24, line 24, after the word "file," insert "or commence."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr ESCH: Page 24, line 4, after the word "documents," insert "including correspondence."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 26, line 7, after the word "filed," insert the words "or commenced."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 26, line 25, add "nor to the power or jurisdiction of the Department of Agriculture over Federal warehouses."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 26, line 18, strike out "misdemeanors" and insert "crimes and."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington: Page 27, line 8, after the word "of," strike out $100,000" and insert in lieu thereof "$200,000."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr LOUD: Page 27, line 6, after the word "thereby," insert a new section numbered 35, as follows:

"SEC. 35. That on or after August 1, 1916, a duty or additional duty of 5 per cent ad valorem shall be imposed upon all imports from foreign countries in ships which are not of American registry."

The amendment was rejected.

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill do pass.

Mr. MANN. It does not require a motion.

Mr. FOSTER. The rule says that the committee shall rise.

The CHAIRMAN. The Chair sustains the point of order on the ground that the rule previously adopted provides that after the amendments are disposed of the committee will rise and the bill be reported to the House with amendments.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes, and he reported the same back to the House with sundry amendments.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report the sundry civil appropriation bill (H. Rept. 735.)

Mr. MANN. The gentleman asks unanimous consent.

Mr. FITZGERALD. If the rule requires it, I will ask unanimous consent to report the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York, chairman of the Committee on Appropriations, reports the sundry civil appropriation bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order, and the bill will be printed and referred to the Committee of the Whole House on the state of the Union.

UNITED STATES SHIPPING BOARD.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ALEXANDER. Mr. Speaker, I demand a separate vote on the amendment striking out section 5.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote, and the other amendments were agreed to.

The SPEAKER. The question is on the amendment striking out section 5.

Mr. MANN. Mr. Speaker, I demand the yeas and nays, and upon that I make the point that no quorum is present.

The SPEAKER. The gentleman from Illinois demands the yeas and nays, and makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 153, nays 203, answered "present" 14, not voting 64, as follows:

YEAS—153.

Austin	Fess	King	Russell, Ohio
Bacharach	Focht	Kinkaid	Scott, Mich.
Barchfeld	Fordney	Kreider	Sells
Beales	Foss	Lafean	Siegel
Bowers	Frear	La Follette	Sinnott
Britten	Freeman	Lehlbach	Slemp
Browne	Garland	Loud	Sloan
Browning	Gillett	McArthur	Smith, Idaho
Butler	Glynn	McCulloch	Smith, Minn.
Campbell	Good	McKenzie	Snell
Cannon	Graham	McKinley	Snyder
Capstick	Green, Iowa	Magee	Stafford
Carter, Mass.	Greene, Mass.	Mann	Steenerson
Charles	Greene, Vt.	Mapes	Stephens, Cal.
Coleman	Guernsey	Matthews	Sterling
Cooper, Ohio	Hadley	Meeker	Stiness
Cooper, W. Va.	Hamilton, N. Y.	Miller, Del.	Sulloway
Cooper, Wis.	Haskell	Mondell	Sweet
Copley	Haugen	Moore, Pa.	Switzer
Costello	Hawley	Moores, Ind.	Temple
Crago	Heaton	Morgan, Okla.	Tilson
Cramton	Hernandez	Mott	Timberlake
Curry	Hicks	Mudd	Tinkham
Dale, Vt.	Hill	Nelson	Towner
Dallinger	Hopwood	Nichols, Mich.	Treadway
Danforth	Howell	North	Volstead
Darrow	Hull, Iowa	Olney	Walsh
Davis, Minn.	Humphrey, Wash.	Paige, Mass.	Ward
Dempsey	Husted	Parker, N. J.	Wason
Denison	Hutchinson	Parker, N. Y.	Watson, Pa.
Dowell	James	Powers	Wheeler
Drukker	Johnson, Wash.	Ramseyer	Williams, T. S.
Dunn	Kahn	Reavis	Williams, Ohio
Edmonds	Kearns	Ricketts	Wilson, Ill.
Ellsworth	Keister	Roberts, Mass.	Winslow
Elston	Kelley	Roberts, Nev.	Woods, Iowa
Emerson	Kennedy, Iowa	Rodenberg	
Esch	Kennedy, R. I.	Rogers	
Fairchild	Kleas, Pa.	Rowe	

NAYS—203.

Abercrombie	Cox	Gregg	Linthicum
Adamson	Crisp	Griffin	Littlepage
Aiken	Crosser	Hamill	Lloyd
Alexander	Cullop	Hamlin	Lobeck
Allen	Dale, N. Y.	Hardy	London
Almon	Davenport	Hart	McAndrews
Anderson	Davis, Tex.	Hastings	McClintic
Ashbrook	Decker	Hay	McDermott
Aswell	Dent	Hayden	McGillicuddy
Ayres	Dickinson	Heflin	McKellar
Bailey	Dies	Helgesen	McLemore
Barkley	Dill	Helm	Maher
Barnhart	Dillon	Helvering	Mays
Beakes	Dixon	Hensley	Miller, Pa.
Bell	Dooling	Hilliard	Montague
Black	Doolittle	Holland	Moon
Blackmon	Dupré	Hood	Moss, Ind.
Booher	Eagan	Houston	Moss, W. Va.
Bruckner	Eagle	Howard	Neely
Brumbaugh	Edwards	Huddleston	Nicholls, S. C.
Buchanan, Ill.	Evans	Hughes	Nolan
Buchanan, Tex.	Farley	Hulbert	Norton
Burgess	Ferris	Hull, Tenn.	Oglesby
Burke	Fields	Humphreys, Miss.	Oldfield
Burnett	Finley	Igoe	Oliver
Byrnes, S. C.	Flood	Johnson, Ky.	O'Shaunessy
Byrns, Tenn.	Flynn	Jones	Overmyer
Caldwell	Foster	Keating	Padgett
Callaway	Gallagher	Kent	Page, N. C.
Candler, Miss.	Gallivan	Kettner	Park
Caraway	Gandy	Key, Ohio	Phelan
Carew	Gard	Kincheloe	Price
Carter, Okla.	Garner	Kitchin	Quin
Cary	Garrett	Konop	Ragsdale
Church	Glass	Lazaro	Rainey
Cline	Goodwin, Ark	Lee	Raker
Coady	Gordon	Lesher	Randall
Collier	Gray, Ala.	Lever	Ranch
Connelly	Gray, Ind.	Lieb	Rayburn
Reilly	Sims	Stout	Venable
Riordan	Sisson	Sumners	Vinson
Robey	Small	Taggart	Walker
Rucker	Smith, N. Y.	Tague	Watson, Va.
Russell, Mo.	Smith, Tex.	Tavenner	Whaley
Sabath	Sparkman	Taylor, Ark.	Williams, W. H.
Saunders	Stedman	Taylor, Colo.	Wilson, Fla.
Shackleford	Steele, Iowa	Thomas	Wingo
Shallenberger	Steele, Pa.	Thompson	Wise
Sherley	Stephens, Nebr.	Tillman	Young, N. Dak.
Sherwood	Stephens, Tex.	Tribble	Young, Tex.
Shouse	Stone	Van Dyke	

ANSWERED "PRESENT"—14.

Bennet	Langley	Martin	Stephens, Miss.
Dewalt	Liebel	Murray	Wood, Ind.
Doughton	Longworth	Schall	
Gould	Madden	Smith, Mich.	

NOT VOTING—64.

Adair	Fitzgerald	Lindbergh	Pratt
Anthony	Fuller	Loft	Ronse
Borland	Gardner	McCracken	Rowland
Britt	Godwin, N. C.	McFadden	Sanford
Cantrill	Gray, N. J.	McLaughlin	Scott, Pa.
Carlin	Griest	Miller, Minn.	Scully
Casey	Hamilton, Mich.	Mooney	Sears
Chandler, N. Y.	Harrison	Morgan, La.	Slayden
Chiperfield	Hayes	Morin	Steagall
Clark, Fla.	Henry	Morrison	Sutherland
Conry	Hinds	Oakey	Swift
Doremus	Hollingsworth	Patten	Talbott
Driscoll	Jacoway	Peters	Vare
Dyer	Johnson, S. Dak.	Platt	Watkins
Estopinal	Lenroot	Porter	Webb
Farr	Lewis	Pou	Wilson, La.

So the motion to strike out section 5 was rejected.

The Clerk announced the following pairs for this vote:

Mr. ROWLAND (for striking out section 5) with Mr. LIEBEL (against striking out section 5).

Mr. MARTIN (for striking out section 5) with Mr. WILSON of Louisiana (against striking out section 5).

Mr. MCLAUGHLIN (for striking out section 5) with Mr. MORRISON (against striking out section 5).

Mr. MCCRACKEN (for striking out section 5) with Mr. SCULLY (against striking out section 5).

Mr. LONGWORTH (for striking out section 5) with Mr. CARLIN (against striking out section 5).

Mr. SWIFT (for striking out section 5) with Mr. STEPHENS of Mississippi (against striking out section 5).

Mr. CHIPERFIELD (for striking out section 5) with Mr. HARRISON (against striking out section 5).

Mr. BRITT (for striking out section 5) with Mr. DOUGHTON (against striking out section 5).

Mr. OAKEY (for striking out section 5) with Mr. LEWIS (against striking out section 5).

Mr. MCFADDEN (for striking out section 5) with Mr. DEWALT (against striking out section 5).

Mr. WOOD of Indiana (for striking out section 5) with Mr. ADAIR (against striking out section 5).

Mr. BENNET (for striking out section 5) with Mr. HENRY (against striking out section 5).

Mr. GARDNER (for striking out section 5) with Mr. GODWIN of North Carolina (against striking out section 5).

Mr. SMITH of Michigan (for striking out section 5) with Mr. DOREMUS (against striking out section 5).

Mr. DYER (for striking out section 5) with Mr. WEBB (against striking out section 5).

Mr. HOLLINGSWORTH (for striking out section 5) with Mr. STEAGALL (against striking out section 5).

Mr. PETERS (for striking out section 5) with Mr. SEARS (against).

Mr. GRIEST (for) with Mr. WATKINS (against).

Mr. SANFORD (for) with Mr. ESTOPINAL (against).

Mr. GOULD (for) with Mr. TALBOTT (against).

Mr. SCOTT of Pennsylvania (for) with Mr. CASEY (against).

Mr. JOHNSON of South Dakota (for) with Mr. JACOWAY (against).

Mr. HAMILTON of Michigan (for) with Mr. MORGAN of Louisiana (against).

Mr. CHANDLER of New York (for) with Mr. MURRAY (against).

Until further notice:

Mr. MOONEY with Mr. SLAYDEN.

Mr. HINDS with Mr. DRISCOLL.

Mr. MORIN with Mr. POU.

Mr. SUTHERLAND with Mr. BORLAND.

Mr. HAYES with Mr. LOFT.

Mr. MILLER of Minnesota with Mr. FITZGERALD.

Mr. LANGLEY with Mr. CANTRILL.

Mr. MADDEN with Mr. ROUSE.

Mr. FULLER with Mr. CLARK of Florida.

Mr. PORTER with Mr. PATTEN.

Mr. PRATT with Mr. CONRY.

Mr. MADDEN. Mr. Speaker, I wish to know whether the gentleman from Kentucky, Mr. ROUSE, voted?

The SPEAKER. He did not vote.

Mr. MADDEN. I am paired with Mr. ROUSE, and I desire to withdraw my vote and answer "present."

The name of Mr. MADDEN was called, and he answered "Present."

Mr. LANGLEY. Mr. Chairman, I voted "aye." I am paired with my colleague, Mr. CANTRILL, and I desire to withdraw my vote and answer "present."

The name of Mr. LANGLEY was called, and he answered "Present."

Mr. LONGWORTH. Mr. Speaker, I would like to know how the gentleman from Virginia [Mr. CARLIN] voted, if he is recorded.

The SPEAKER. He is not recorded.

Mr. LONGWORTH. I have a pair with Mr. CARLIN and I did not hear the pair read from the Clerk's desk. If the pair is of record, I desire to withdraw my vote and answer "present."

The SPEAKER. The pair is of record.

Mr. LONGWORTH. Then I desire to withdraw my vote, and answer "present."

The name of Mr. LONGWORTH was called, and he answered "Present."

Mr. MARTIN. Mr. Speaker, I voted "aye." I am paired with Mr. WILSON of Louisiana, and I desire to withdraw that vote and answer "present."

The name of Mr. MARTIN was called, and he answered "Present."

Mr. WOOD of Indiana. Mr. Speaker, I voted "aye." I am paired with the gentleman from Indiana [Mr. ADAIR]. I desire to withdraw my vote and answer "present."

The name of Mr. WOOD of Indiana was called, and he answered "Present."

Mr. STEPHENS of Mississippi. Mr. Speaker, I voted "no." I am paired with the gentleman from New York [Mr. SMITH], and I desire to withdraw my vote and answer "present."

The name of Mr. STEPHENS of Mississippi was called, and he answered "Present."

Mr. GLASS. Mr. Speaker, when my name was called I answered "Present," thinking Mr. WINSLOW, with whom I am paired, was not present. I find that Mr. WINSLOW was present and voted and I desire to change my vote from "present" to "no."

The name of Mr. GLASS was called, and he voted "No."

Mr. DEWALT. Mr. Speaker, I voted "No." I am paired with Mr. MCFADDEN, and I desire to withdraw my vote of "no" and answer "present."

The name of Mr. DEWALT was called and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, I demand the reading of the engrossed bill.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. If we adjourn now, do we adjourn until 11 o'clock a. m. to-morrow?

Mr. KITCHIN. Yes; we will adjourn until 11 o'clock a. m., under the rules.

EXTENSION OF REMARKS.

Mr. GUERNSEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Maine asks unanimous consent to extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill which has just been under consideration.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that all Members of the House have the right to extend their remarks in the RECORD on this bill for five legislative days.

The SPEAKER. The gentleman from North Carolina asks that all gentlemen who desire to do so may extend their remarks on this bill for five legislative days. Is there objection?

There was no objection.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR ITS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 8068. An act for the relief of E. C. Hornor.

WITHDRAWAL OF PAPERS.

Mr. CARY, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Veronica Werner, special pension act, Sixty-third Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. BRITT, by unanimous consent, was granted leave of absence for two days, on account of public business.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 655, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take the bill from the Speaker's table and disagree to the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. KEY of Ohio, Mr. KEATING, and Mr. JAMES.

ADJOURNMENT.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] moves that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Saturday, May 20, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Tombigbee River from Demopolis, Ala., to Columbus, Miss., with a view to securing continuous navigation by means of locks and dams (H. Doc. No. 1137); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John Gertelsen v. The United States, which is a correct copy of said findings of fact and conclusion, in lieu of an erroneous and incorrect copy transmitted May 9, 1916, and printed as House Document No. 1098, Sixty-fourth Congress, first session (H. Doc. No. 1098, pt. 2); to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting estimate of appropriation, with the recommendation that the same be included in the sundry civil bill now pending, Caruthersville (Mo.) post office, $250 (H. Doc. No. 1138); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ROBERTS of Nevada, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 2519) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes, reported the same without amendment, accompanied by a report (No. 731), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHACKLEFORD, from the Committee on Roads, to which was referred the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain

The SPEAKER. The gentleman from Illinois reserves all points of order, and the bill will be printed and referred to the Committee of the Whole House on the state of the Union.

UNITED STATES SHIPPING BOARD.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ALEXANDER. Mr. Speaker, I demand a separate vote on the amendment striking out section 5.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote, and the other amendments were agreed to.

The SPEAKER. The question is on the amendment striking out section 5.

Mr. MANN. Mr. Speaker, I demand the yeas and nays, and upon that I make the point that no quorum is present.

The SPEAKER. The gentleman from Illinois demands the yeas and nays, and makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 153, nays 203, answered "present" 14, not voting 64, as follows:

YEAS—153.

Austin	Fess	King	Russell, Ohio
Bacharach	Focht	Kinkaid	Scott, Mich.
Barchfeld	Fordney	Kreider	Sells
Beales	Foss	Lafean	Siegel
Lowers	Frear	La Follette	Sinnott
Britten	Freeman	Lehlbach	Slemp
Browne	Garland	Loud	Sloan
Browning	Gillett	McArthur	Smith, Idaho
Butler	Glynn	McCulloch	Smith, Minn.
Campbell	Good	McKenzie	Snell
Cannon	Graham	McKinley	Snyder
Capstick	Green, Iowa	Magee	Stafford
Carter, Mass.	Greene, Mass.	Mann	Steenerson
Charles	Greene, Vt.	Mapes	Stephens, Cal.
Coleman	Guernsey	Matthews	Sterling
Cooper, Ohio	Hadley	Meeker	Stiness
Cooper, W. Va.	Hamilton, N. Y.	Miller, Del.	Sulloway
Cooper, Wis.	Haskell	Mondell	Sweet
Copley	Haugen	Moore, Pa.	Switzer
Costello	Hawley	Moores, Ind.	Temple
Crago	Henton	Morgan, Okla.	Tilson
Cramton	Hernandez	Mott	Timberlake
Curry	Hicks	Mudd	Tinkham
Dale, Vt.	Hill	Nelson	Towner
Dallinger	Hopwood	Nichols, Mich.	Treadway
Danforth	Howell	North	Volstead
Darrow	Hull, Iowa	Olney	Walsh
Davis, Minn.	Humphrey, Wash.	Paige, Mass.	Ward
Dempsey	Husted	Parker, N. J.	Watson
Denison	Hutchinson	Parker, N. Y.	Watson, Pa.
Dowell	James	Powers	Wheeler
Drukker	Johnson, Wash.	Ramseyer	Williams, T. S.
Dunn	Kahn	Reavis	Williams, Ohio
Edmonds	Kearns	Ricketts	Wilson, Ill.
Ellsworth	Keister	Roberts, Mass.	Winslow
Elston	Kelley	Roberts, Nev.	Woods, Iowa
Emerson	Kennedy, Iowa	Rodenberg	
Esch	Kennedy, R. I.	Rogers	
Fairchild	Kless, Pa.	Rowe	

NAYS—203.

Abercrombie	Cox	Gregg	Linthicum
Adamson	Crisp	Griffin	Littlepage
Aiken	Crosser	Hamill	Lloyd
Alexander	Callop	Hamlin	Lobeck
Allen	Dale, N. Y.	Hardy	London
Almon	Davenport	Hart	McAndrews
Anderson	Davis, Tex.	Hastings	McClintic
Ashbrook	Decker	Hay	McDermott
Aswell	Dent	Hayden	McGillicuddy
Ayres	Dickinson	Heflin	McKellar
Bailey	Dies	Helgesen	McLemore
Barkley	Dill	Helm	Maher
Barnhart	Dillon	Helvering	Mays
Beakes	Dixon	Hensley	Miller, Pa.
Bell	Dooling	Hilliard	Montague
Black	Doolittle	Holland	Moon
Blackmon	Dupré	Hood	Moss, Ind.
Booher	Eagan	Houston	Moss, W. Va.
Bruckner	Eagle	Howard	Neely
Brumbaugh	Edwards	Huddleston	Nicholls, S. C.
Buchanan, Ill.	Evans	Hughes	Nolan
Buchanan, Tex.	Farley	Hulbert	Norton
Burgess	Ferris	Hull, Tenn.	Oglesby
Burke	Fields	Humphreys, Miss.	Oldfield
Burnett	Finley	Igoe	Oliver
Byrnes, S. C.	Flood	Johnson, Ky.	O'Shaunessy
Byrns, Tenn.	Flynn	Jones	Overmyer
Caldwell	Foster	Keating	Padgett
Callaway	Gallagher	Kent	Page, N. C.
Candler, Miss.	Gallivan	Kettner	Park
Caraway	Gandy	Key, Ohio	Phelan
Carew	Gard	Kincheloe	Price
Carter, Okla.	Garner	Kitchin	Quin
Cary	Garrett	Konop	Ragsdale
Church	Glass	Lazaro	Rainey
Cline	Goodwin, Ark	Lee	Raker
Coady	Gordon	Lesher	Randall
Collier	Gray, Ala.	Lever	Rauch
Connelly	Gray, Ind.	Lieb	Rayburn
Reilly	Sims	Stout	Venable
Riordan	Sisson	Summers	Vinson
Ruley	Small	Taggart	Walker
Rucker	Smith, N. Y.	Tague	Watson, Va.
Russell, Mo.	Smith, Tex.	Tavenner	Whaley
Sabath	Sparkman	Taylor, Ark.	Williams, W. E.
Saunders	Stedman	Taylor, Colo.	Wilson, Fla.
Shackleford	Steele, Iowa	Thomas	Wingo
Shallenberger	Steele, Pa.	Thompson	Wise
Sherley	Stephens, Nebr.	Tillman	Young, N. Dak.
Sherwood	Stephens, Tex	Tribble	Young, Tex.
Shouse	Stone	Van Dyke	

ANSWERED "PRESENT"—14.

Bennet	Langley	Martin	Stephens, Miss.
Dewalt	Liebel	Murray	Wood, Ind.
Doughton	Longworth	Schall	
Gould	Madden	Smith, Mich.	

NOT VOTING—64.

Adair	Fitzgerald	Lindbergh	Pratt
Anthony	Fuller	Loft	Ronse
Borland	Gardner	McCracken	Rowland
Britt	Godwin, N. C.	McFadden	Sanford
Cantrill	Gray, N. J.	McLaughlin	Scott, Pa.
Carlin	Griest	Miller, Minn.	Scully
Casey	Hamilton, Mich.	Mooney	Sears
Chandler, N. Y.	Harrison	Morgan, La.	Slayden
Chiperfield	Hayes	Morin	Steagall
Clark, Fla.	Henry	Morrison	Sutherland
Conry	Hinds	Oakey	Swift
Doremus	Hollingsworth	Patten	Talbott
Driscoll	Jacoway	Peters	Vare
Dyer	Johnson, S. Dak.	Platt	Watkins
Estopinal	Lenroot	Porter	Webb
Fare	Lewis	Pou	Wilson, La.

So the motion to strike out section 5 was rejected.

The Clerk announced the following pairs for this vote:

Mr. ROWLAND (for striking out section 5) with Mr. LIEBEL (against striking out section 5).

Mr. MARTIN (for striking out section 5) with Mr. WILSON of Louisiana (against striking out section 5).

Mr. McLAUGHLIN (for striking out section 5) with Mr. MORRISON (against striking out section 5).

Mr. McCRACKEN (for striking out section 5) with Mr. SCULLY (against striking out section 5).

Mr. LONGWORTH (for striking out section 5) with Mr. CARLIN (against striking out section 5).

Mr. SWIFT (for striking out section 5) with Mr. STEPHENS of Mississippi (against striking out section 5).

Mr. CHIPERFIELD (for striking out section 5) with Mr. HARRISON (against striking out section 5).

Mr. BRITT (for striking out section 5) with Mr. DOUGHTON (against striking out section 5).

Mr. OAKEY (for striking out section 5) with Mr. LEWIS (against striking out section 5).

Mr. McFADDEN (for striking out section 5) with Mr. DEWALT (against striking out section 5).

Mr. WOOD of Indiana (for striking out section 5) with Mr. ADAIR (against striking out section 5).

Mr. BENNET (for striking out section 5) with Mr. HENRY (against striking out section 5).

Mr. GARDNER (for striking out section 5) with Mr. GODWIN of North Carolina (against striking out section 5).

Mr. SMITH of Michigan (for striking out section 5) with Mr. DOREMUS (against striking out section 5).

Mr. DYER (for striking out section 5) with Mr. WEBB (against striking out section 5).

Mr. HOLLINGSWORTH (for striking out section 5) with Mr. STEAGALL (against striking out section 5).

Mr. PETERS (for striking out section 5) with Mr. SEARS (against).

Mr. GRIEST (for) with Mr. WATKINS (against).

Mr. SANFORD (for) with Mr. ESTOPINAL (against).

Mr. GOULD (for) with Mr. TALBOTT (against).

Mr. SCOTT of Pennsylvania (for) with Mr. CASEY (against).

Mr. JOHNSON of South Dakota (for) with Mr. JACOWAY (against).

Mr. HAMILTON of Michigan (for) with Mr. MORGAN of Louisiana (against).

Mr. CHANDLER of New York (for) with Mr. MURRAY (against).

Until further notice:

Mr. MOONEY with Mr. SLAYDEN.

Mr. HINDS with Mr. DRISCOLL.

Mr. MORIN with Mr. POU.

Mr. SUTHERLAND with Mr. BORLAND.

Mr. HAYES with Mr. LOFT.

Mr. MILLER of Minnesota with Mr. FITZGERALD.

Mr. LANGLEY with Mr. CANTRILL.

Mr. MADDEN with Mr. ROUSE.

Mr. FULLER with Mr. CLARK of Florida.

Mr. PORTER with Mr. PATTEN.

Mr. PRATT with Mr. CONRY.

Mr. MADDEN. Mr. Speaker, I wish to know whether the gentleman from Kentucky, Mr. ROUSE, voted?

The SPEAKER. He did not vote.

Mr. MADDEN. I am paired with Mr. ROUSE, and I desire to withdraw my vote and answer "present."

The name of Mr. MADDEN was called, and he answered "Present."

Mr. LANGLEY. Mr. Chairman, I voted "aye." I am paired with my colleague, Mr. CANTRILL, and I desire to withdraw my vote and answer "present."

The name of Mr. LANGLEY was called, and he answered "Present."

Mr. LONGWORTH. Mr. Speaker, I would like to know how the gentleman from Virginia [Mr. CARLIN] voted, if he is recorded.

The SPEAKER. He is not recorded.

Mr. LONGWORTH. I have a pair with Mr. CARLIN and I did not hear the pair read from the Clerk's desk. If the pair is of record, I desire to withdraw my vote and answer "present."

The SPEAKER. The pair is of record.

Mr. LONGWORTH. Then I desire to withdraw my vote, and answer "present."

The name of Mr. LONGWORTH was called, and he answered "Present."

Mr. MARTIN. Mr. Speaker, I voted "aye." I am paired with Mr. WILSON of Louisiana, and I desire to withdraw that vote and answer "present."

The name of Mr. MARTIN was called, and he answered "Present."

Mr. WOOD of Indiana. Mr. Speaker, I voted "aye." I am paired with the gentleman from Indiana [Mr. ADAIR]. I desire to withdraw my vote and answer "present."

The name of Mr. WOOD of Indiana was called, and he answered "Present."

Mr. STEPHENS of Mississippi. Mr. Speaker, I voted "no." I am paired with the gentleman from New York [Mr. SMITH], and I desire to withdraw my vote and answer "present."

The name of Mr. STEPHENS of Mississippi was called, and he answered "Present."

Mr. GLASS. Mr. Speaker, when my name was called I answered "Present," thinking Mr. WINSLOW, with whom I am paired, was not present. I find that Mr. WINSLOW was present and voted and I desire to change my vote from "present" to "no."

The name of Mr. GLASS was called, and he voted "No."

Mr. DEWALT. Mr. Speaker, I voted "No." I am paired with Mr. McFADDEN, and I desire to withdraw my vote of "no" and answer "present."

The name of Mr. DEWALT was called and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, I demand the reading of the engrossed bill.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. If we adjourn now, do we adjourn until 11 o'clock a. m. to-morrow?

Mr. KITCHIN. Yes; we will adjourn until 11 o'clock a. m., under the rules.

EXTENSION OF REMARKS.

Mr. GUERNSEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Maine asks unanimous consent to extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill which has just been under consideration.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that all Members of the House have the right to extend their remarks in the RECORD on this bill for five legislative days.

The SPEAKER. The gentleman from North Carolina asks that all gentlemen who desire to do so may extend their remarks on this bill for five legislative days. Is there objection?

There was no objection.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 8068. An act for the relief of E. C. Horner.

WITHDRAWAL OF PAPERS.

Mr. CARY, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Veronica Werner, special pension act, Sixty-third Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. BRITT, by unanimous consent, was granted leave of absence for two days, on account of public business.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 655, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take the bill from the Speaker's table and disagree to the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. KEY of Ohio, Mr. KEATING, and Mr. JAMES.

ADJOURNMENT.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] moves that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Saturday, May 20, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Tombigbee River from Demopolis, Ala., to Columbus, Miss., with a view to securing continuous navigation by means of locks and dams (H. Doc. No. 1137); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John Gerteisen v. The United States, which is a correct copy of said findings of fact and conclusion, in lieu of an erroneous and incorrect copy transmitted May 9, 1916, and printed as House Document No. 1098, Sixty-fourth Congress, first session (H. Doc. No. 1098, pt. 2); to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting estimate of appropriation, with the recommendation that the same be included in the sundry civil bill now pending, Caruthersville (Mo.) post office, $250 (H. Doc. No. 1138); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ROBERTS of Nevada, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 2549) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes, reported the same without amendment, accompanied by a report (No. 731), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHACKLEFORD, from the Committee on Roads, to which was referred the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain

cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, reported the same without amendment, accompanied by a report (No. 732), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMLIN, from the Committee on Industrial Arts and Expositions, to which was referred the joint resolution (H. J. Res. 92) to provide for holding the San Antonio Bicentennial Exposition in 1918, reported the same with amendment, accompanied by a report (No. 733), which said joint resolution and report were referred to the House Calendar.

Mr. TIMBERLAKE, from the Committee on the Public Lands, to which was referred the bill (H. R. 15287) authorizing the addition of certain lands to the Colorado and Pike National Forests, Colo., reported the same with amendment, accompanied by a report (No. 734), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8591) granting a pension to Charles M. Walker, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 15804) to amend paragraph 1 of section 3 of the act of May 27, 1908, and making the final rolls compiled and printed under authority conferred by the act of Congress approved June 21, 1906, conclusive evidence as to the age and quantum of Indian blood of duly enrolled members of the Five Civilized Tribes and of freedmen; to the Committee on Indian Affairs.

By Mr. LLOYD: A bill (H. R. 15805) providing for the purchase of a site and the erection thereon of a public building at Unionville, in the State of Missouri; to the Committee on Public Buildings and Grounds.

By Mr. DAVENPORT: A bill (H. R. 15806) to refer the claims of the Eastern and Western Bands of the Cherokee Indians to the Court of Claims for investigation and final judgment; to the Committee on Indian Affairs.

By Mr. GUERNSEY: A bill (H. R. 15807) to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside; to the Committee on the Judiciary.

By Mr. FITZGERALD [from the Committee on Appropriations]: A bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. SHERWOOD: Resolution (H. Res. 242) providing for pay for the examiner detailed to the Committee on Invalid Pensions from the Pension Bureau; to the Committee on Accounts.

By Mr. LOFT: Resolution (H. Res. 243) authorizing the Speaker to appoint a select committee to investigate the tapping of private wires in New York City; to the Committee on Rules.

By Mr. GALLIVAN: Resolution (H. Res. 244) relative to the executions in Ireland; to the Committee on Foreign Affairs.

By Mr. EMERSON: Joint resolution (H. J. Res. 226) to amend the Constitution of the United States so as to limit the term of the President of the United States to a single presidential term; to the Committee on the Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15808) granting an increase of pension to Joseph Myers; to the Committee on Invalid Pensions.

By Mr. BEAKES: A bill (H. R. 15809) granting an increase of pension to Henry H. Howes; to the Committee on Invalid Pensions.

By Mr. DALE of New York: A bill (H. R. 15810) granting an increase of pension to Joseph Simonson; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 15811) granting a pension to John H. Brinkley; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 15812) granting an increase of pension to John F. Hitchcock; to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 15813) granting an increase of pension to Robert B. Thomas; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 15814) granting a pension to Ellen M. Smith; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 15815) granting an increase of pension to Sarah J. Montgomery; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 15816) granting an increase of pension to William A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15817) granting an increase of pension to John Parker; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 15818) granting an increase of pension to Daniel Robb; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15819) granting an increase of pension to Mary A. Folkenroth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15820) granting an increase of pension to Mary E. Skinner; to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 15821) granting a pension to Francis M. Westbrooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15822) granting a pension to James W. Ledford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15823) granting a pension to M. Westbrooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15824) granting a pension to William Ledford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15824) granting an increase of pension to Mary K. Scott; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 15826) granting an increase of pension to William H. Freed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15827) granting an increase of pension to Michael T. Wertz; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 15828) granting an increase of pension to Fairfield Dresser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15829) granting a pension to Mary F. Starmer; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 15830) granting an increase of pension to Otis S. Mason; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 15831) granting an increase of pension to James T. Clark; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 15832) granting an increase in pension to Sarah E. Lafayette; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 15833) granting an increase of pension to James W. Smith; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 15834) granting a pension to Joseph W. Mitcham; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 15835) granting a pension to James Drake; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 15837) granting a pension to Edward G. Dalton; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 15838) granting an increase of pension to William H. Rees; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of American Supply & Machinery Manufacturers' Association, favoring a permanent tariff commission; to the Committee on Ways and Means.

By Mr. ASHBROOK: Papers to accompany House bill 15655, for relief of Edgar G. Speid; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of business men of Carrolltown, Pa., favoring bill taxing mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Southern Hardware Jobbers' Association, in re floods; to the Committee on Rivers and Harbors.

By Mr. DALE of New York: Petition of members of Congressional Union for Woman Suffrage, of Rhode Island, and Jessie M. Park, of Denver, Colo., favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. EMERSON: Memorial of Convention of Mental Hygiene Societies, favoring establishing a division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Memorial of members of the Fort Greene Chapter, Daughters of America, urging immediate action to prepare our Army, Navy, and coast defenses, thereby insuring the life, liberty, and the sacred honor of our beloved country; to the Committee on Military Affairs.

Also, memorial of 4,000 citizens of New Orleans, urging Congress, if diplomatic relations be severed, to use utmost endeavors to prevent a declaration of war; to the Committee on Foreign Affairs.

Also, memorial of Northeast Washington Citizens' Association, opposing the location of the proposed hospital on reservation No. 13; to the Committee on the District of Columbia.

Also, memorial of board of directors of the Irish-American Club, favoring bill introduced by the Hon. MURRAY HULBERT for the appropriation of money for the erection of a national stadium on East Capitol Park, in Washington; to the Committee on Appropriations.

Also, memorial of Southern Hardware Jobbers' Association, requesting Congress to enact such legislation as shall provide a separate and comprehensive plan for the prevention of floods; to the Committee on Flood Control.

Also, memorial of New York Board of Trade and Transportation, opposing House bill 8665, to prevent any time studies on work by Government employees; to the Committee on Labor.

Also, memorial of Central Labor Union of Brooklyn, N. Y., favoring Senate bill 3081 and House bill 6915, to retire employees in the Postal Service who may have become superannuated; to the Committee on the Post Office and Post Roads.

Also, memorial of Society of Scabbard and Blade, of Madison, Wis., recommending that the Pomerene amendment be enacted into law at the earliest possible date; to the Committee on Military Affairs.

Also, memorial of Cotton Goods Export Association of New York, disapproving the so-called Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. FULLER: Petition of Gadsden (Ala.) Chamber of Commerce, favoring Shield water-power bill; to the Committee on Rivers and Harbors.

By Mr. HOPWOOD: Petition of 40 citizens of Fairchance, Pa., for control of liquor traffic; to the Committee on Alcoholic Liquor Traffic.

By Mr. HOWELL: Memorial of citizens of Salt Lake City, Utah, favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. KEISTER: Memorials of a mass meeting held at Trafford and at Export, Pa., urging the adoption of a resolution providing for an amendment to the Federal Constitution prohibiting polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of Providence Central Federated Union, of Providence, R. I., in favor of House bill 8828 and Senate bill 3457; to the Committee on Appropriations.

Also, memorial of Rhode Island State Branch of the American Federation of Labor, favoring House bill 8828 and Senate bill 3457; to the Committee on Appropriations.

Also, petition of sundry citizens, on the practice of chiropody in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MAPES: Petitions of citizens of Grand Haven, men's Bible classes of Grand Haven, and Sunday school teachers of Grand Haven, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. VARE: Memorial of New Century Club, of Philadelphia, relative to proposed Indian legislation; to the Committee on Indian Affairs.

Also, memorial of Philadelphia Chamber of Commerce, advocating the establishment of free ports at various places and congressional investigation of the subject; to the Committee on Ways and Means.

Also, memorial of Philadelphia Real Estate Board, indorsing the park commission plans for the development of Washington; to the Committee on the District of Columbia.

SENATE.

SATURDAY, *May 20, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMOOT. Mr. President, there are very few Senators in the Chamber. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Myers	Simmons
Bankhead	Gallinger	Nelson	Smith, S. C.
Beckham	Gore	Norris	Smoot
Brady	Gronna	Page	Sterling
Chamberlain	Johnson, S. Dak	Pittman	Taggart
Chilton	Jones	Poindexter	Thomas
Clapp	Kenyon	Ransdell	Thompson
Clark, Wyo.	Lea, Tenn.	Shafroth	Vardaman
Clarke, Ark.	Martin, Va.	Sheppard	Wadsworth
Dillingham	Martine, N. J.	Sherman	Williams

Mr. CHILTON. I wish to announce for the day that my colleague [Mr. GOFF] is absent on account of illness, and also that the senior Senator from Indiana [Mr. KERN] is unavoidably absent.

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators.

Mr. BRANDEGEE entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present.

Mr. CLARKE of Arkansas. I move that the Sergeant at Arms be directed to notify the absentees and request their attendance.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. LIPPITT, Mr. WORKS, and Mr. WALSH entered the Chamber and answered to their names.

Mr. WALSH. I was requested to announce that the Senator from Oklahoma [Mr. OWEN], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Missouri [Mr. REED], the Senator from New Hampshire [Mr. HOLLIS], and the Senator from Wisconsin [Mr. HUSTING] are detained in the Committee on Banking and Currency upon official business.

Mr. O'GORMAN, Mr. CATRON, Mr. CULBERSON, Mr. NEWLANDS, Mr. SMITH of Arizona, and Mr. TILLMAN entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. CLARKE of Arkansas. I move that the proceedings under the call be vacated.

The motion was agreed to.

Mr. CLARKE of Arkansas. I am informed by the clerks at the desk that while the amendment appearing on page 24, lines 20, 21, and 22, was agreed to, the amendment on line 23 was not read. I ask that the Secretary may read the change made in line 23, because it is a part of the amendment that was adopted yesterday.

The SECRETARY. On page 24, line 23, strike out "$25,000" and insert "$50,000."

The VICE PRESIDENT. Was not that considered as a part of the amendment adopted yesterday?

Mr. CLARKE of Arkansas. It was not submitted to the Senate.

The VICE PRESIDENT. The Chair hears no objection, and the amendment is agreed to.

Mr. SHEPPARD. I wish to ask the chairman of the committee if the word "Texas" should not be stricken out in line 23, on page 24, and the word "Oklahoma" inserted.

Mr. CLARKE of Arkansas. I think that might be done, properly, although it is in the text of the bill as passed by the House, and it is the language they usually employ in the Engineer's office. I do not know that it is necessary. I suggest that we just let it stay like it is.

Mr. SHEPPARD. Very well.

The VICE PRESIDENT. The reading of the bill will be continued.

The Secretary resumed the reading of the bill.

The SECRETARY. The next amendment of the Committee on Commerce is, on page 25, line 5, after the word "including," to strike out the word "works" and insert "bank protection," and——

Mr. KENYON. I wish to raise some objection to this item.

Mr. CLARKE of Arkansas. Let it be read, I suggest to the Senator from Iowa, that we may understand what it is that we are going to consider.

The VICE PRESIDENT. It will be understood that the three amendments in this paragraph constitute one amendment.

Mr. CLARKE of Arkansas. That is all. They are associated in the text for the purpose of constituting a single amendment.

Mr. KENYON. They are all to go together?

Mr. CLARKE of Arkansas. Yes.

The VICE PRESIDENT. The amendments in the item will be stated as one amendment.

The amendment was, on page 25, line 5, after the word "including," to strike out "works" and insert "bank protection"; in line 6, after the words "Pine Bluff and," to insert "Little Rock and vicinity and"; and in line 7, after the word "plant," to strike out "$209,700" and insert "$234,700," so as to make the clause read:

Arkansas River, Ark. and Okla.: For maintenance of improvement, including bank protection at Pine Bluff and Little Rock and vicinity and the operation of dredging plant, $234,700.

Mr. KENYON. I will state to the chairman of the committee that the Senator from South Carolina [Mr. TILLMAN] desires to address the Senate at this time for a few moments, but he has stepped out of the Chamber.

Mr. CLARKE of Arkansas. There is no objection to the Senator from South Carolina addressing the Senate if he wants to do so.

Mr. KENYON. I will take the time until the Senator from South Carolina comes back, and I hope the Senator will listen very earnestly.

Mr. CLARKE of Arkansas. Very well.

Mr. KENYON. We have approached an item now, Mr. President, which will put the Senate to a test; an item that is contrary to the recommendation of the district engineer, the division engineer, the Board of Engineers, and the Chief of Engineers. I notice the Senator from South Carolina has entered the Chamber; and if he desires to proceed at this time, I will resume my seat.

Mr. TILLMAN. I am much obliged to the Senator.

The VICE PRESIDENT. The Senator from South Carolina is recognized.

Mr. TILLMAN. Mr. President, much to my regret, I feel compelled to vote against this bill, if I am the only Democrat to do so. The Senator from Massachusetts the other day, with a cynical laugh, said, "This is one of the bills that was made to pass," and I have no doubt that it will pass; but, all the same, I do not think it ought to become a law. I will trespass on the time of the Senate for a few minutes to give my reasons.

In the first place, the United States is confronted by a very unusual and remarkable condition. Nothing like it has ever been seen before in the world. The war in Europe, which came like a cyclone and burst upon the world with a suddenness and fury the like of which history gives us no parallel, will soon have been in progress two years. If there is any end in sight it is out of my vision. This fearful and bloody struggle has affected our country in many ways, bringing unexampled prosperity to some sections, and not injuriously affecting any class of its citizens except the southern cotton growers. And even the South is now very prosperous, thanks to Secretary McAdoo's wise and liberal administration of the Treasury Department. Like a fire bell in the night, the war has called attention in clarion tones to the conditions of unpreparedness for self-defense in which the United States finds itself.

I shall part company with my colleagues on this river and harbor bill with great reluctance. But I really can not see things as they seem to see them, judging by the action of the Senate Commerce Committee.

Congress has appropriated hundreds of millions of dollars for the Army and Navy both; but the country feels now, I am sure, that the Army and Navy which we have are not at all adequate for the amount of money they have cost. Had the $50,000,000 appropriated by Congress when the Spanish-American War broke out in 1898 not been scandalously squandered we would not now have such a worthless and inadequate transport service. Instead of Congress having to appropriate money for a merchant marine now, we would have a very respectable lot of ships—and serviceable ones, too—already belonging to the Navy which could be utilized for that purpose.

The *Chicago* and the *Dolphin*, authorized in 1883, are still in commission and doing good service, whereas the ships purchased in 1898 have either been sold at a loss or are still on the Navy list at a heavy expense to the Government.

Secretary McAdoo, in a speech before the Chamber of Commerce of Indianapolis, October 13, 1915, said:

The Navy alone bought at that time 192 vessels as naval auxiliaries, and paid, in round numbers, the fabulous sum of $18,000,000 for them. There is no officer of the Navy who knows about these purchases who won't admit that most of these vessels were junk.

I shall insert in my speech a table compiled from official figures obtained at the Navy Department giving the cost of some of these vessels, the amount that has been spent on them for repairs, and the price obtained for those that have been sold. It will prove very instructive and interesting, and is as follows:

Ships purchased during the Spanish-American War, the price paid for each, amount spent on repairs, and price for which sold.

	Purchase price.	Repairs, changes, etc.	Selling price.
Alexander	$206,825.25	.....	$17,103.00
Cheyenne	19,639.05	.....	1,690.00
Chickasaw	15,000.00	.....	2,550.00
East Boston	57,500.00	.....	58,091.03
Gov. Russell	71,000.00	.....	25,009.00
Hector	240,000.00	.....	65,150.00
Hist	65,000.00	.....	2,421.00
Hornet	117,500.00	.....	5,100.00
Inca	35,000.00	.....	1,800.00
Justin	145,000.00	$308,208.37	101,107.00
Niagara	240,000.00	.....	55,563.00
Oneida	60,000.00	56,703.31	2,550.00
Restless	29,000.00	.....	1,008.00
Scipio	88,760.71	.....	41,550.00
Shearwater	24,000.00	.....	1,530.00
Siren	40,000.00	.....	2,352.50
Vulcan	350,000.00	.....	55,750.00
Yankee	525,000.00	.....	2,010.00
Yosemite	575,000.00	.....	11,522.00
Zafiro	87,597.00	.....	3,920.00

We have as good officers and men in both Army and Navy as any Nation can show, but when put to the test the Army has not met expectations at all. The Navy has shown up much better. We seem to have lost the art of getting a dollar's worth of Army or Navy either for a dollar.

In the Navy the armor manufacturers have been allowed to steal too much, and for some reason or other the bill which went through here for a Government armor plant seems paralyzed in the House. While the Army did not get started into Mexico as quickly as it should have done under the circumstances, and seems to have been dazed by the suddenness that it was called on to really do something except patrol the border, I have every confidence that it will prove itself worthy of the Stars and Stripes under which it goes to battle, if we ever have any fighting down there. And the way Funston and Pershing have handled the troops under them shows what we may expect should any real business be cut out for them to do. It is my belief that we ought to set about this one particular thing and confine our energies and expenditures almost entirely to these two objects.

I want us to have the very best Army for its size in the world, and the very best Navy, too. Both have made such glorious records in the past that I do not fear that either of them will discredit those records.

We Americans can imitate and ought to imitate and emulate the wonderful efficiency of the German people. The marvelous condition of preparation which Germany has shown proves beyond doubt that she was ready and had expected war a long time; while the other combatants were not expecting it nor were they prepared for it.

The inventions of Americans have cut a great figure in the story and results of the fighting. Aviation in all its forms—aeroplanes, hydroplanes, biplanes, and Zeppelins, all American inventions except the last—has proved a great factor and been of immense use.

The fight between the *Monitor* and the *Merrimac* during our Civil War revolutionized naval warfare, and made junk of all the navies then in existence. This war has revived the trench fighting first used by the Confederates and Federals in the siege of Petersburg in 1864 and 1865. The Confederates defended the ruins of Fort Sumter after it had been battered to pieces by the Federal batteries on Morris Island and made a heap of brick dust. They found sand bags to be a far more efficient defense than bricks and mortar had ever been. Just so the destruction of the fortress at Antwerp, thought impregnable, demonstrated no new thing in defensive warfare, or fortification either. Many lessons taught by this war thought to be new had been proven by our Civil War. Students of military science hereafter can very profitably study the parallels and make comparisons. European generalship proves that the campaigns of Lee and

Jackson, Grant and Sheridan, Johnston and Sherman have been profitably studied across the water.

American inventors first conquered the air and taught men to fly, but notwithstanding that we were the pioneers and discoverers of aerial navigation, every American must have blushed with mortification at the unprepared condition of our Army and the almost worthless character of our flying machines as shown by the punitive expedition into Mexico. It was anything but creditable to American genius, progressiveness, and business ability.

I do not propose to vote for any scheme of lavish expenditure along any of these lines; but I do want—and will joyously vote for—enough money to give us adequate, well-equipped, and properly built aerial squadrons for Army and Navy both. The appropriations for aviation have not been at all lavish, and perhaps they were inadequate, but I feel sure that an honest and earnest supervision and inspection of machines before they were paid for would have given us better results; and there are entirely too many excuses—and lame excuses at that—to satisfy the people. There is incompetence or rottenness somewhere, and it ought to be ferreted out and punished. If the greed of contractors for money making is not checked and killed off some way, this country is bound to suffer should we get into war, and our national debt will mount up much more rapidly than it did during the Civil War.

I will not and can not but believe that our manufacturers can do as well as or better than the Europeans, all of whom seem to have become experts in flying. I know our men are just as brave as theirs, and we have as great dare-devils as they possess. But somehow there are too many failures to satisfy me.

The submarine, too, is an American invention, and yet we have allowed the Europeans to outstrip us so far as to wholly discredit our ability to manufacture and use our own invention.

We have had a hard struggle between the two committees of the House and Senate about the size and character of our Army. I am rejoiced to feel that we have agreed on a military force on land and set in motion preparation of the necessary reserves to enable us to temporarily defend our country if war should unhappily come. What we need now, in that respect, is enough reserves of ammunition and guns of all kinds.

But the one essential and most important expenditure confronting us, and to which we should bend all the Nation's energies, is an adequate navy; and by that I mean a navy second to none except England's, both in number of ships and their armament. I want us to have the very best types of ships and armament possible to obtain—not as many ships or as powerful a navy as Great Britain's, but equaling it in individual units and, if possible, surpassing it in every essential of modern warfare. This will cost hundreds of millions of dollars; but no matter what it cost, we ought to have it—we must have it—and we ought to set about obtaining it in a hurry, because it takes time to build battleships and battle cruisers.

Battleships and battle cruisers are not the only things we need for a great Navy, but we need docks, piers, and other facilities to take care of the ships after we build them.

This bill proposes to spend $40,000,000 or more on rivers and harbors. The Committee on Commerce reported this bill to the Senate with one of the most meritorious items that the House had put in stricken out—that for East River—"Providing for a channel of deep water from New York Harbor to the navy yard," so that a battleship could go up to the navy yard without running aground at any stage of the tide. The Senate has shown itself too broad and patriotic to follow its committee, and this item was restored by an overwhelming vote yesterday. The House Committee on Rivers and Harbors refused absolutely to put in a similar item for Charleston Harbor where, for $175,000 only, deep water can be obtained by dredging, so our largest battleships can go from open sea up to the navy yard under their own steam. The House Naval Committee has incorporated this item in the appropriation bill, and I feel sure the Senate will retain it without any contest at this time.

This policy of urging a river and harbor bill of this kind is inexplicable. It is as though men were wild and crazy over local affairs, and have no broad national grasp at all. Why should we spend all this money in the face of the fact that we are compelled to greatly increase taxes to get money to run the Government this year? I shall be criticized in South Carolina for voting against it. Many of our Congressmen who have small pieces of pork in this barrel will dislike very much my opposing it, but I have always found that truth and honesty of purpose in the long run to be the very best of policy. However, I have already told the people of South Carolina that I would never be a candidate again and would retire when my term expires; therefore the political aspect has no influence on me whatever. [Laughter.]

Senators laugh and do not believe me, but I will tell you it is true. You may be that kind of politicians, but I am not. I have stated to the people of South Carolina that I would not be a candidate, and they can not make me be a candidate. If they want to elect me, they can do so, though I am so feeble and helpless.

Mr. THOMAS. I beg to assure the Senator that I did not doubt his word at all.

Mr. TILLMAN. The Senator laughed.

Mr. THOMAS. I laughed because that reminded me of certain matters. I have the highest regard for the Senator's word, and do not question it for a moment.

Mr. TILLMAN. I beg the Senator's pardon, then; I apologize.

Many a time I have confounded my enemies with the plain, blunt, and almost brutal statement of the truth, both here and elsewhere. The unvarnished truth is a new weapon in political warfare as the game is generally played, and it revolutionized the science in South Carolina. Many men found fault with and even now do not like my methods, but they were compelled to respect my motives. I knew I was honest; I believed I was right; and I have never hesitated to blurt out the truth anywhere and before any audience. The people of South Carolina have sustained me, because they believed in my integrity of purpose and honesty. When they understand what I am doing here they will applaud me for my moral courage, and I can afford to let my critics continue to howl.

I can not understand such a policy at all. I do not want to hurt anybody's feelings, or wound sensibilities, but to me this expenditure would be criminal under the circumstances which now exist. I have not the figures, or even the approximate data, and can only guess; but I would be willing to vote $300,000,000 if necessary, to begin at once—and hurriedly, as though we expected a war immediately—the construction of the necessary ships of the most improved types to give us a really first-class Navy.

I see the House Committee on Naval Affairs proposes five battle cruisers of the most approved type. When the naval appropriation bill comes over from the House, if there is no provision in it, or adequate provisions in it, for docking these monsters, I expect to have something to say in regard to how we can get the first dock large enough on the Atlantic to repair them in one year and a half. But I will not anticipate.

Let us appropriate as many millions as the Board of Army Engineers in charge of these improvements tell us on their honor are vitally important and of immediate necessity, and vote every dollar that we spend this year to putting the country in a condition to defend itself.

I am not panic-stricken nor frightened, but when I consider the possible dangers that may confront us as a people when this European war is over, I tremble at what could happen. There will be millions of trained and veteran soldiers and all the treasuries of Europe will be bankrupt. If America is then defenseless and has shown no inclination to get ready to defend itself adequately, the temptation for invading us and taking some of the wealth which has been brought across the ocean by the war will be very great indeed. No one knows what combinations might be made or what alliances come about. Japan even now has a navy far more efficient than ours in some particulars, because she has battle cruisers of the best kind; and the war has brought to Japan much money for munitions, just as it has to us.

Armies are not created in a day. It takes six months or a year to drill men and familiarize them with the use of arms, so that they may know how to fight and defend themselves. Otherwise, they can be slaughtered like so many sheep. And a navy is even of slower growth. It takes from two to three years to build modern ships of war, depending on the size; and they have become such complicated machines that it takes a long while to drill the officers and men to handle them efficiently. It is far better—even an ignoramus will admit this—to keep men from landing on our shores and doing us damage than it is to have to fight them after they do land. Therefore the American people have never been willing, and they are not willing now, for a large standing army. I believe religiously that the taxpayers of the United States are not only willing but anxious to put their hands in their pockets to create and maintain a Navy sufficient to protect us from invasion. The people of the Pacific coast are, and have been for a long while, deeply concerned because of the unprotected condition in which that coast now finds itself. I do not believe any man of any party will receive consideration at the hands of intelligent audiences who

objects to giving us a powerful Navy "second only to Great Britain." I stress this, and I should like to most have it stressed throughout the country, because to me it is important, and it ought to be drummed into the ears of the American people, just like old Cato, in every speech he made, concluded with his famous utterance, "Delenda est Carthago"—"And, fellow citizens, Carthage must be destroyed."

Returning to rivers and harbors, this was the policy which has been in vogue for a long while. Members of the House, where all revenue bills must originate under the Constitution and whose Members go before the people every two years, have always been more solicitous about such things than Senators. "You vote for my river, and I will vote for yours; I'll tickle you, if you will tickle me"; and finally the slogan became very common: "You vote for my steal, and I will vote for your steal."

The appropriations thus made were not technically stealing at all, but the river and harbor bill came to be known as the "pork barrel"; and it has had much to do with the discredit into which Congress has fallen. It was permissible and perhaps admirable for Members to wish to get back for their congressional districts and Senators for their States as nearly as possible what those States paid in taxes. When you think about that phase of it, it does not appear so great a crime. It did not elevate men in their own estimation nor in that of their constituents, however.

The protective tariff piled money up in Washington, and these expenditures, whether stealing or not, served to circulate it among the people again.

I can recall the year after I came to Washington—1897—when the first tariff bill after I entered the Senate was under discussion. The Republicans following their usual tactics were pretending to "protect" wheat and cotton and other farmers' products we exported by putting a duty on them. I asked for a duty on rice—a South Carolina product—and said:

> Now, let us have a clean record on this business. I stand here myself and announce that if we are to have this stealing from the people by protected interests, I want my share for South Carolina; and I am not ashamed to say it. (CONGRESSIONAL RECORD, vol. 30, pt. 2, p. 1820.)

This utterance has been rolled under the tongues of my critics and enemies for these many years, and every once in a while it confronts me in the columns of some lying Republican newspaper—only that part of it, though, where I proclaimed I wanted "my share of the stealing." They are always careful to omit the first clause of the sentence, "if we are to have this stealing from the people by protected interests." That is always expunged, or omitted.

In 1901, when the rivers and harbors bill was before the Senate, I used these words:

> The Mississippi itself has quit having any steamboats on it almost, and the whole scheme of river improvement is a humbug and a steal; but if you are going to steal, let us divide it out, and do not go to complaining. (See CONGRESSIONAL RECORD, vol. 34, pt. 4, p. 3527.)

And again, in the same debate, Senator Carter had said the "locks and dams all through Pennsylvania on the Allegheny were erected in the time of George Washington, or shortly after"; and I made this reply:

> In those days the South stood back and did not claim anything for public improvements, on the ground that it was unconstitutional, and our friends up North got all the swag. We have come to think that we are entitled to our share. (CONGRESSIONAL RECORD, vol. 34, pt. 4, p. 3528.)

You see, I am taking a farewell, as it were, and this is my valedictory on the "stealing" business. I want to let everybody know just what I said, and when I said it, and why I said it, and let them do me justice. To oppose river and harbor bills is no new thing for me.

It was these utterances of mine which caused the Senator from Iowa some days ago in this debate to allude to the Senator from South Carolina in the way he did. But I do not want my share of the stealing in this bill; and while South Carolina has items in it amounting to $300,000, I shall vote against it, and hope it will not become a law. We need the money so much for far more important things that it is criminal to my mind to hesitate for one moment, or discuss this bill at all. Think of it! Forty million dollars to be wasted, and taxes to be heavily increased. That forty millions would build two battle cruisers. No one knows how many submarines it would build, and I can only guess how many airships and other things of that sort we could buy with it.

I make bold to say—and I do not say it in criticism of any other man's vote at all—that I would be ashamed to go home to South Carolina and tell my people that I had voted $300,000 for South Carolina and left unprepared and unprovided for the momentous question of a great Navy. I had rather have, and I believe the Nation needs more, a thousandfold more, two modern up-to-date battle cruisers of the best type than it does or can possibly need or be benefited by this forty millions for rivers and harbors. If this bill does pass, as Senator LODGE has said it was made to do, I pray God the President will veto it.

The wise course would be for us to pass a lump-sum appropriation for rivers and harbors to continue those most meritorious items in the bill—and there are many of these—leave out all surveys, and only give enough to keep the really important projects from going to ruin.

The Army engineers ought not to be encouraged, almost coerced, as it were, to advise or consent to the improvement of this and that creek or river until the country is prepared to protect itself. Common sense, patriotism, and every other consideration which ought to control men are against the passage of this bill. And while I do not claim I am more patriotic than my brethren on this side of the Chamber, and have none of the Pharisee in my nature, I hope there will be some others like myself who do not see their duty lying the way this bill points. I hope there will be votes enough to defeat it.

Mr. KENYON. Mr. President, I join in the wish of the Senator from South Carolina.

To revert to the proposition of the Arkansas River, if there is any proposition that can be a test as to whether or not the Senate will follow the Army engineers when the Army engineers decide against a project, here is the test. We have spent something like three and a half million dollars on the Arkansas River. The commerce in 1913, excluding timber and sand, was, I think, less than 20,000 tons. In 1915, under the allotment of the act of March 4, there was assigned $193,350. In 1913 and 1914 there were some 44,000 snags removed from this river.

I want to put into the RECORD, at least for some future reference, a portion of the minority report of Senator Burton with reference to this river. The part I put in is very short. On page 9 he says:

> On the Arkansas River the total tonnage was 71,516 tons—

He is speaking of 1912—

> of which 56,208 tons were saw logs. The balance, 15,308 tons, notwithstanding the length of the so-called navigable portion of the river (463 miles), was carried an average of only 34 miles. The appropriations to date on this stream have been $3,108,008.44, and the appropriation in the pending bill is $164,700.

He was referring then to the act of 1914—

> Using the same computation as before of 4 per cent on the amount appropriated for this river, and the $164,700 appropriated in this year, which includes work at Pine Bluff and the completion and operation of a dredging plant, the cost for carrying each ton would be $4.04. If the saw logs are excluded, the cost per ton would be $18.81. And yet it is proposed to expend on this stream $349,000 for permanent plant and $118,000 per year for its maintenance.

According to the reports of the Army engineers on page 2719 of volume 2, the appropriations and allotments and the proceeds of some sales—I do not know what those sales are, but they amount to a small figure—make an aggregate of $3,592,402.18. The commerce for 1914 was 79,169 tons. Of that 35,000 tons were logs, 3,000 tons lumber, and 17,115 tons sand and gravel hauled 7 miles, or a total of 55,115 tons that should be subtracted in getting at the real commerce on the river for handling that requires particular improvements, leaving 24,054 tons of commerce.

Mr. President, the House appropriated $209,700 for this stream. The Senate committee have inserted $25,000 more, making the total appropriation $234,700. Now, let us see what the reports of the Army engineers amount to.

When the report of the Army engineers is for a project, as yesterday on the Red River, I note that you follow it; and we have been listening for a year or so, whenever the bill has been up, to eulogies of the Army engineers. The Senator from Louisiana [Mr. RANSDELL] last year rather found fault with Senator Burton for finding any fault upon his part with the Army engineers, and delivered a eulogy of the Army engineers that almost amounted to a canonization. Now, are we going to follow the Army engineers when they decide our way and not follow them when they decide against us? That is the proposition involved here.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I do.

Mr. VARDAMAN. I should like to ask the Senator from Iowa if that is going to be his course?

Mr. KENYON. It is not.

Mr. VARDAMAN. The Senator is not going to follow them at all, then, is he?

Mr. KENYON. My course is definitely marked in my own mind. I am going to support propositions that, after study, seem to me to be for the benefit of the Nation, and I am going to oppose propositions that seem to me to be wasteful.

Mr. VARDAMAN. I commend the Senator's fidelity to his sense of duty, but if the Army engineer should be mistaken the Senator would not think any other Senator was acting improperly if he did not follow the recommendation of the engineers?

Mr. KENYON. I have no complaint of other Senators. I know very well they will not follow the Army engineers on this proposition, and I should like to see my way clear not to follow them, just because of the chairman of the committee. But, regardless of that, let us see what the engineers report.

Congress ordered a reexamination of this river; and I want to say now that this river is as good as a number of other rivers covered in this bill. There is not any question about that.

Mr. SMOOT. Better.

Mr. KENYON. Yes; better. In the report of Gen. Kingman, Chief of Engineers, Document No. 461, of date December 17, 1915, submitting to Congress the report of Maj. Putnam, Gen. Kingman says:

> The Arkansas River has been under improvement by the United States since 1832, when snagging operations were inaugurated. The present project provides for improving the river from its mouth to the head of navigation by snagging operations, removing shoals by dredging and the use of contraction works, and holding the improved channel by revetment where necessary.

Further down he says:

> Experience has now demonstrated that no benefit commensurate with the cost can be expected from them, even if confined to the short reach below Pine Bluff, where they have been operated. The commerce has been decreasing and now amounts to only about 55,000 tons, a large part of which consists of forest products, which can usually be handled at medium and high stages without improvement. In view of the existing physical and commercial conditions, the district officer thinks that the work of revetting the banks should be revived, and he recommends that the project be modified to provide for "the improvement of the river from its mouth to the mouth of Grand [Neosho] River (461 miles) by snagging operations, by revetting of banks, and by dredging operations, with a view to producing at ordinary low-water channel depths of 3½ feet to Little Rock, 3 feet from there to Ozark, 2½ feet from there to the mouth of the Canadian River, and 2 feet from there to the mouth of Neosho River." The division engineer calls attention to the general decline of commerce on the western rivers—

And so forth—

> After due consideration of the above-mentioned reports, I concur in the views of the division engineer and the Board of Engineers for Rivers and Harbors, and therefore recommend that legislation be enacted modifying the existing project for improvement of Arkansas River, so as to limit the work to snagging the river from its mouth to the mouth of the Neosho, at an annual cost of about $35,000, and authorizing the transfer without charge of the dredges and other plant not required for snagging to such other works of improvement as the Chief of Engineers may designate.
>
> DAN C. KINGMAN,
> *Chief of Engineers, United States Army.*

So he recommends the appropriation of $35,000. The House put in $209,700 and the Senate $234,700. Why?

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I do.

Mr. STERLING. Will the Senator please state again for what purpose the $35,000 is recommended by the Board of Engineers?

Mr. KENYON. For snagging the river from its mouth to the mouth of the Neosho.

The Board of Engineers, speaking through Col. Black, on page 3 of this report, says:

> Under this and the various other projects described by the district officer, there had been expended to June 30, 1914, a total of $3,243,650.91. It is estimated that snagging will cost $35,000 annually, and that it will require $118,700 annually for the operation of the two dredges.
>
> A modification of the plan which they recommend seems to eliminate the dredging.

At the bottom of page 3 is the district officer's plan, which seems to meet with Col. Black's approval. On that subject he says:

> The district officer believes that the improvement of the river should not be abandoned, but that more complete work of regulation should be undertaken and the project modified to read:
>
> "The improvement of the river from its mouth to the mouth of Grand [Neosho] River (461 miles) by snagging operations, by revetting of banks, and by dredging operations, with a view to producing at ordinary low-water channel depths of 3½ feet to Little Rock, 3 feet from there to Ozark, 2½ feet from there to the mouth of the Canadian River, and 2 feet from there to the mouth of Neosho River."

He says, further:

> The Arkansas River flows through an alluvial bed, and the channel is subject to unusually rapid changes in position and depth. Its banks are easily eroded, and experience has shown that no permanent improvement of channel can be expected unless the banks are protected by revetment. This would necessitate practically continuous work on one or both banks, similar in character to that being done on the Missouri River under the existing project for that stream. Such work on the Missouri River costs from $50,000 to $60,000 per mile, and is expected to result in a channel depth of 6 feet or more. The permanent improvement of the Arkansas would be correspondingly expensive, and owing to the small low-water discharge could hardly be expected to result in a low-water channel depth of more than about 3 feet, which would obviously be inadequate for a commerce great enough to justify such an expenditure.

Further, he says:

> The board fully realizes the advantages of water transportation and the benefits that would result to a large section of the States of Arkansas and Oklahoma if a stable channel of good navigable depth were available. The physical conditions on this stream, however, and particularly its small low-water discharge, are such as to prevent any radical improvement except at a cost which is entirely disproportionate to resulting benefits, as far as they can now be foreseen. The removal of snags, at an estimated cost of $35,000 per year, will make the natural depths available and permit a light-draft navigation such as has been carried on in the past. It is believed that this work should be continued.
>
> In view of the foregoing, the board recommends legislation modifying the existing project so as to limit the work to snagging the river from its mouth to the Neosho, at an annual cost of about $35,000, and authorizing the transfer without charge of the dredges and other plant not required for snagging to such other improvement as the Chief of Engineers may designate.

There is also in this document a report of Maj. Putnam, who, I think, was the district engineer.

On page 10 of House Document No. 461, page 6, of Maj. Putnam's report, there is set forth the commerce during the 10-year period ending with the calendar year 1913. It seems that in 1905 there were 86,458 short tons. The commerce seems to have reached its height in 1907, when it amounted to 104,493 tons. In 1913 it amounted to 55,228 tons, of which the heaviest movement, he says, has been below Pine Bluff, 80 per cent of it in forest products. Maj. Putnam makes the following recommendation on page 11:

> The improvement of the river from its mouth to the mouth of Grand River (461 miles) by snagging operations, by revetting of banks, and by dredging operations, with a view to producing at ordinary low water channel depths of 3½ feet to Little Rock, 3 feet from there to Ozark, 2½ feet from there to the mouth of the Canadian River, and 2 feet from there to the mouth of Neosho River.

Then Col. Townsend, colonel of the Corps of Engineers, he himself the division engineer, says what I shall read, because it is short and applies somewhat to other rivers than the Arkansas River:

> Not only has the commerce of western rivers rapidly declined in recent years, as stated by the district officer, but the character of the boats carrying the traffic has radically changed. In 1900 the average sized boat that navigated the Arkansas River was one of 174 registered tons, while in 1913 it was only of 46 tons. In 1900 the larger vessels made trips from Little Rock and Pine Bluff to Memphis and Vicksburg, while in 1913 the average distance traveled was only 34 miles, indicating that the boat has entirely ceased competing with the railroad in carrying through traffic and is only used to collect the products of a farm distant from a railroad and transport them to the nearest rail connection.

I will ask to have the entire report of Col. Townsend inserted as a part of my remarks.

The matter referred to is as follows:

OFFICE DIVISION ENGINEER, WESTERN DIVISION,
St. Louis, Mo., May 20, 1915.

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. Forwarded.

2. Not only has the commerce of western rivers rapidly declined in recent years, as stated by the district officer, but the character of the boats carrying the traffic has radically changed. In 1900 the average sized boat that navigated the Arkansas River was one of 174 registered tons, while in 1913 it was only of 46 tons. In 1900 the larger vessels made trips from Little Rock and Pine Bluff to Memphis and Vicksburg, while in 1913 the average distance traveled was only 34 miles, indicating that the boat has entirely ceased competing with the railroad in carrying through traffic and is only used to collect the products of a farm distant from a railroad and transport them to the nearest rail connection. A similar condition is found on all the western rivers, with the exception of the transportation of coal on the Ohio River and a small movement of freight on the Missouri River between Kansas City and St. Louis. Such transportation has no effect on rail freight rates, and can be most profitably carried by motor boats and barges of light draft.

3. Whatever may be the causes of this decline of river traffic, they are of general application to all the western rivers, and the density of traffic on the Arkansas River is so small that there is no probability that the improvement of its channel will counteract this general law, particularly since the radical improvement of the Mississippi River from St. Louis to New Orleans, which has existed for the past 10 years, has had no appreciable effect upon it.

4. Should a revival of river commerce occur, it will first be observed between large centers of population, such as Chicago, Pittsburgh, St. Louis, and New Orleans, where there are large amounts of manufactured articles to be moved. The agricultural products that are directly tributary to a river do not furnish a sufficient volume of freight to justify at present its permanent improvement as a route for through traffic, but a revival of commerce, commencing at large centers of population along the trunk stream, may gradually extend to the tributaries.

5. It is therefore recommended that the improvement of the Arkansas River be at present confined to snagging, which is warranted by the existing commerce, and that all attempts to permanently improve the river channel be deferred until there is an appreciable revival of commerce on the Mississippi River. The dredging proposed by the district officer is considered a waste of public funds. It can have no effect on the permanent improvement of the river. It is insufficient even to maintain a temporary channel from the river mouth to Pine Bluff. The transfer of the dredges built for the Arkansas River to the Ohio is suggested, where they would be of some practical use.

C. McD. TOWNSEND,
Colonel, Corps of Engineers, Division Engineer.

Mr. KENYON. The district officer, Maj. Putnam, did, it seems, recommend the dredging, and my statement is in error to that extent. But, we have here the division engineer, the Board of Engineers, and the Chief of Engineers of the United States Army, at least to the extent of suggesting a modification project, condemning the project that is carried by the terms of this bill. They recommend $35,000. This bill carries $234,700.

Now, a number of distinguished gentlemen appeared before the Board of Army Engineers, as there appeared before the Committee on Rivers and Harbors of the House. I called attention to the remarks made at that time by the distinguished chairman of this committee. There were few present, not as many as there are now, and I want to call attention to those remarks again. They are as forcible as the remarks of the Senator from South Carolina [Mr. TILLMAN], and I wish that we could follow the suggestion of the Senator from Arkansas. He says with relation to this matter:

There are millions of dollars scattered over the United States not doing any good except to improve the political prospects of some party. I have been aware that, whether from oversight or whatever it is, there comes up to our committee recommendations that seem to me to be discriminatory. Some things that are not half so worthy as other things are recommended where others things are not recommended. If it is the policy of this administration and of this board to adopt a more rational, businesslike system, I shall aid them in their efforts to do so, and if, after a fair test, the Arkansas River falls under the condemnation of any rule that has been adopted and will be uniformerly applied, I will stand as religiously for that as any other—

We all know that is true—

but, when I am backed by such reports as the two I have called your attention to—

Reports of the division engineer favoring this project. Indeed, I think there was a time when the Army engineers favored a project that involved an expenditure of $16,000,000 to improve the Arkansas River. The Senator from Arkansas continues:

and the policy was reasonable of digging out this stretch of 173 miles of river from here to the Mississippi River—I believe I am justified in showing some earnestness and protesting with some emphasis against the report made, and which is now under consideration by you.

After referring to some boats that had been constructed he further said:

The bill was passed by the committees—

Referring to the last river and harbor bill—

The bill was passed by the committees, but it was impossible to get it out under the "pork-barrel" system. If the shaking up that that business has gotten in the last two years or in the last two Congresses will result in a more careful discrimination in these objects, I think a very substantial result has come from it.

I had not used the words "pork barrel" in referring to this bill or in the discussion, but I am glad that the chairman of the committee at least is not one who condemned a thorough and full discussion and showing up of the last two bills.

Mr. President, I think that is all I have to suggest about the Arkansas River. I have shown that the commerce over it practically amounts to nothing after the sand, gravel, and logs and the lumber are deducted. There has been an expenditure of over $3,000,000, and the recommendation of all the engineers except the district engineer is against the provision of this bill, and in favor merely of $35,000 for snagging.

If the Senate votes that kind of a proposition into the bill or refuses to take it out it certainly is quite apparent that it is useless to endeavor to strike out any item in this bill.

There may be some reasons for keeping it in, I imagine the chairman has some other reason outside of the question of navigation why he feels this item should remain in the bill, and his personal appeal to Members of the Senate, of course, is most potent. No one can question his good faith and earnestness. The facts, however, speak for themselves. The Senate is at the testing place. Will you follow the Army engineers only when they report for the project you believe in?

Mr. CLARKE of Arkansas obtained the floor.

Mr. JONES. I wish to ask that the amendment be read before the Senator from Arkansas proceeds with his remarks, so that we may know just what it is.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 25, line 5, after the word "including," strike out the word "works" and insert "bank protection"; in line 6, after the word "and," insert "Little Rock and vicinity and"; and in line 7 strike out "$209,700" and insert "$234,700," so as to make the paragraph read:

Arkansas River, Ark. and Okla.: For maintenance of improvement, including bank protection at Pine Bluff and Little Rock and vicinity and the operation of dredging plant, $234,700.

Mr. CLARKE of Arkansas. Mr. President, I regret that a matter of this importance is to be submitted to the Senate at a time when there are not exceeding 10 Members present, but I think it due to those who have enough interest in this bill to attend to have a frank statement made of the reasons why I think the item should be retained in the bill and that the additional amount of $25,000 named in the Senate committee amendment should be provided. The addition of $25,000 is the only change that the Committee on Commerce made in the bill as it came from the House, in so far as the matter of amount is concerned. The Senate amendment provides that some part of it shall be expended in repairing the bank revetment heretofore made by the Government in the vicinity of Little Rock.

The Senator from Iowa [Mr. KENYON], contrary to his usual habit, has gotten into his mind a very erroneous impression about the Arkansas River. From the time that Arkansas was a Territory it has been one of the principal water highways of the country, and down to 1880 it constituted the principal means of reaching the western part of Arkansas and what was then known as Indian Territory. It is one of the well-known rivers of the country, and with proper improvement it will become one of the most important rivers of the country at least so far up as Fort Smith. But the present item does not deal with so comprehensive a problem as that.

The amount of $209,700 was included in the bill by the House, and is the amount recommended by the Board of Engineers, the same Board of Engineers who made this adverse report to which the Senator from Iowa has referred. They evidently had no confidence that Congress was going to adopt the wild and radical recommendation they made in this particular case, unless it shall be adopted in many other cases; in fact, unless Congress shall include in the act a complete change of policy with reference to all the western rivers, because the nonuse of western rivers is the ground upon which Col. Townsend puts his recommendation. I call attention to page 284 of the report accompanying this bill:

The funds available July 1, 1915, will be so reduced by January 1, 1916, that no active operations can be carried on after that date until additional funds are provided. The estimate for the fiscal year ending June 30, 1917, is to cover snagging and dredging operations, the maintenance of the works at Pine Bluff, and the procurement of additional plant needed in connection with the dredging operations. Total for the fiscal year ending June 30, 1917, $209,700.

That is the amount that the House included in the item. The aditional $25,000 was made necessary by the damage to the bank at Little Rock by the recent disastrous overflows. There have been three disastrous overflows on the Arkansas River during the past 12 months. The last overflow, the highest known in the history of the river, was brought about by the extreme high water of the Mississippi River so that the Arkansas River was not able to discharge itself as rapidly as on former occasions when the former river was not bank full at the same time.

The Government some years ago put in a wing dike north of Little Rock. The probable height of probable high water was estimated at that time, and the elevation of the wing dike was adjusted accordingly. During the last overflow the water rose to such a high stage that it went over the top of it and undermined it and cut the bank at various places and damaged the improvement made by the United States at that point. It threatened to so change the channel as to cut into the populated parts of the city of Argenta, which is located on the north side of the Arkansas River just opposite Little Rock. So we feel that, so far as the small increase in amount is concerned, it has all the indorsement and foundation in actual merit that any other amount in this bill has. There is nothing objectionable or questionable in that feature of the demand.

Now, as to whether the recommendation of Col. Townsend should be accepted, something may be said, because at last his recommendation is the basis of this so-called adverse report. The Arkansas River has been under consideration for many years, as I stated before.

The $3,000,000 that the distinguished Senator from Iowa says has been expended upon the river consisted of appropriations from time to time since 1834 of $1,018,511 for new projects. Since 1834 the current expenditures connected with the maintenance of the river were $1,934,932. Two-thirds of the $3,000,000 the Senator referred to was expended in that great length of time for the current maintenance of the stream, principally during the time when it was actively used for transportation purposes and which have become obsolete by the passing of time and changes due to natural causes. Of the remaining $1,018,000 spent for new projects, more than $400,000 of it was spent within the last three years for the construction of two dredge boats recently provided to operate on the lower reaches of the river. So there has actually been spent in new projects on that river since the year 1834, leaving out the items for dredge construction, about $600,000.

The dredges were not built by accident. They were supplied for purposes of improvement of the river and were the result of very deliberate action taken by the Board of Engineers as

late as 1913. A report was filed justifying this expenditure and earnestly recommending it in the Sixty-first Congress, second session, House Document 510. Three of the most eminent engineers then in the service made the report and recommended that the treatment of the river which would bring the best results was by the dredging process.

The Arkansas River is like all the western rivers. Its waters are heavily charged with silt. There are thousands of square yards of Colorado and Kansas silt brought down and deposited in the bed of the river every year. The result is that the channel of the river is disorganized and its bed is looped with pools of narrow and deep places. An unbroken deposit of white sand from the prairies of the West is observable from the mouth to Fort Smith at any time during an ordinary stage of the river.

So the treatment that was suggested by that particular Board of Engineers in the report filed, as I said, in January, 1910, and under which the boats were provided in 1915, was that those two boats would probably be able to keep the channel open from Little Rock to the Mississippi River. Since the boats were put into the river the water has either been too high, as was the case during the year of 1916, or too low, as was the case in 1915. It is said by those who are in a position to know what they are talking about to be a fact that the dredge boats have been operated in the actual work of dredging for less than 30 days since they were installed on the river. The proposition is now coolly made, without giving the former recommendations of the board a fair trial, to take the boats off to the Ohio River and relegate the Arkansas River to the same national status as an ordinary creek.

The Committee on Rivers and Harbors and the House of Representatives very properly reached the conclusion that Congress was not going to do any such thing. The dredges were built for that river on a plan especially adapted to that situation, and they have been in actual operation about 30 days. The only ground upon which such a radical change of policy could be put was the sweeping recommendation of Col. Townsend, and that was that the western rivers have been condemned because of the disappearance from them as a class of an adequate commerce. He does not say that the river ought to be abandoned unconditionally, but says that it ought to be abandoned until traffic can be restored on the Mississippi River. The people interested in the Arkansas River care nothing about the Mississippi River except as it is a part of the water highway from Little Rock to Memphis.

There are several reasons why Little Rock, which is quite a jobbing center, should have access to Memphis by some means other than railroad communication. The freight zones east and west divide at Memphis. The Mississippi River is the dividing line. Little Rock is 132 miles inside the western zone. The freight rates authorized by the Interstate Railroad Commission are from 30 to 300 per cent higher for all classes of freight coming from the east for delivery at Little Rock than for traffic of the same class coming from the same direction for delivery at Memphis. It gives the Memphis jobbers a decided advantage over those at Little Rock. That matter of difference could be measurably equalized if we had the Arkansas River in a condition to be used. The merchants of Little Rock are among the most enterprising of any to be found in the country. They realize that fact of the handicap of proximity to the dividing line between the two zones, and they provided themselves with two boats to transfer the traffic—hundreds and thousands of tons coming and going to the Memphis gateway, but the condition of the Arkansas River would not permit them to continue it. The particular boats were bought at Grand Rapids, Mich., and brought to Little Rock, and one of them is now lying at the wharf because there is no channel in the river that will permit it to be operated. This is not a case where the commerce has left the river, but one where the river has left an abundant and anxious commerce.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. CLARKE of Arkansas. Certainly.

Mr. JONES. Will the Senator tell me what is the condition of the Mississippi River for navigation purposes from the mouth of the Arkansas River down?

Mr. CLARKE of Arkansas. It is first class. There is a boating stage of about 7 feet in the Mississippi River.

Mr. JONES. Why did the engineer say, then, that the Arkansas River improvement should be put off until there is further navigation on the Mississippi River?

Mr. CLARKE of Arkansas. As the engineer did not explain, and I have not ingenuity enough to answer for him, I must admit that I can not answer.

Mr. JONES. The Senator does not see any reason why, because there is no navigation from the mouth of the Arkansas down the Mississippi River, we should withhold appropriations until they get navigation on the Mississippi to St. Paul?

Mr. CLARKE of Arkansas. I think the Senator's question is a very appropriate one, and it obviously answers itself in the negative. There is no reason in the world why the western rivers should be outlawed by the United States simply because the people will not run boats on the Mississippi River where they can run them if they so desire. They have the best boating stage on the Mississippi River they have ever had in its history. The commercial interests at Little Rock will run boats from Little Rock to Memphis any day the United States will furnish river on which to run them. They have the boats and they have a motive for using them in the fact that thousands of dollars in freight charges will be saved to them, and they will be put in a better condition to compete for business with Memphis in territory common to both; but the vice of the whole of this last recommendation of the board is that it does not deal with the peculiar situation at Little Rock and the Arkansas River from that city to its junction with the Mississippi. The first board did. The river can be maintained at a boatable stage by the outlay of a reasonable sum of money if the dredges are permitted to continue the work assigned to them, as the former board said they could do, in the matter of removing shoals and sand bars separating the pools in the river between Little Rock and the mouth of the river.

Now, take what Col. Townsend said, sitting securely in his office in St. Louis. He did not come down to Little Rock, so far as anyone ever heard; he made no examination of the river; but it is a political recommendation, not in any technical sense, but as a recommendation of policy, and a recommendation with reference to this particular item only; and on that proposition listen to what he says:

2. Not only has the commerce of western rivers rapidly declined in recent years, as stated by the district officer, but the character of the boats carrying the traffic has radically changed.

Now, why should the Arkansas River alone have to be condemned by a proposition involving all the western rivers? Then he goes on to say:

A similar condition is found on all the western rivers, with the exception of the transportation of coal on the Ohio River and a small movement of freight on the Missouri River between Kansas City and St. Louis.

His reasons for condemning the Arkansas River will condemn the Missouri River; they will condemn the White River, the St. Francis River, the Trinity River, the Brazos River, and every river on the western side of the Mississippi River. Col. Townsend continues—

Whatever may be the cause of this decline of river traffic—

That is what he is talking about—the decline of river traffic generally; which does not apply to Little Rock, because we have made arrangements there to see that traffic does not decline there, and we have good reasons for seeing that it does not decline; and one of those reasons is to save money. We are within 132 miles of the dividing line between the eastern and western freight zones, and we must pay the western rate, whereas our competitors in business get their freight delivered at the eastern rate, which is from 30 to 300 per cent less. There is no speculation about it; it is a matter of actual computation and sound business.

The people there, as I have said, have provided for the situation by supplying themselves with two boats, one of which, however, they had to sell, because they could not run it for want of a boatable stage on the river, and not for want of traffic. On one trip out of Memphis the boat was caught between two sand bars with a load of freight on it and remained there many days until the rise came that enabled it to proceed. These very engineers who made this last report sought to travel from Pine Bluff to Little Rock on one of these dredge boats, when they encountered a sand bar, which made it necessary for them to leave the boat and proceed to Little Rock by other means. There is plenty of water in the river, if the dredging process could be carried on to an extent that the shoals and sand bars could be gotten out of the way, to make a continuous channel in the river.

About this last recommendation of Col. Townsend, I will say that it is not a professional recommendation, not a recommendation based upon things an engineer would know, and that other people would not know. Anybody could make the observation contained in his report; I mean any well-informed man of the same standing and character of Col. Townsend; and he is a man of high standing. He said:

It is therefore recommended that the improvement of the Arkansas River be at present confined—

Not permanently abandoned, but—

be at present confined to snagging, which is warranted by the existing commerce, and that all attempts to permanently improve the river channel be deferred until there is an appreciable revival of commerce on the Mississippi River.

We will revive part of it if you will give us a chance, and we will revive as much as two or three boats regularly engaged can haul.

More than that, the greatest bauxite deposit in the world is within 22 miles of Little Rock. The great Aluminum Co. of America owns it. That is one of the great so-called trusts of the country; but they have encountered such differences with the railroads that make it to their interest to ship this ore to Little Rock and Devalls Bluff by rail and there transship it by water to East St. Louis. They have been able to do that profitably. They could furnish thousands of tons—a thousand tons a day—at Little Rock for shipment down the Arkansas River if there were facilities to take care of it. This particular tonnage supply will continue until such time as they can bring the railroads around to their way of thinking about it; but the tonnage is there, and they are actually engaged in shipping it, when the water stages will permit, from Devalls Bluff around the White River and up the Mississippi River to East St. Louis; and they report that, in view of the smaller terminal charges which they pay at East St. Louis, that they can afford to continue shipments in this way.

The actual situation with which we are confronted with here is that less than three years ago the Board of Engineers recommended that two new dredge boats be constructed and put on the Arkansas River. They have been put on the river, and they are there now, but they have worked less than 30 days in execution of the business they were sent there to do.

A provision was put in one of the lump-sum river and harbor appropriations directing the engineers to reinvestigate certain projects. The local engineer, who lives at Little Rock and who is familiar with business conditions there and with the use of the river as a commercial proposition when put in a condition to be navigated, recommended a continuance of the project. He was a man eminent in his profession; he was no novice, but a man about 50 years of age, a former citizen of Massachusetts, who had worked himself up from a lieutenant to a major of engineers. He wrote his report with a knowledge of local conditions and recommended a continuation of the project. It was then referred to the St. Louis office—to Col. Townsend. If that officer ever put his foot in the Arkansas Valley in connection with this examination, nobody ever saw him; but he is a well-informed man, a high authority on water matters, and I am not going to say anything in the slightest degree to his discredit; but the view he takes is one of governmental policy; it is not a professional reason, and is no more binding upon the Senate and no more binding upon the Congress than the same opinion expressed by anybody else of equal standing. If it were not for the reason that grows out of our proximity to the dividing line between the eastern and western freight zones the argument would be somewhat narrowed in our case, as it would also be if it were not for the fact that the bauxite field is within reach with a thousand tons a day of freight that the company will ship over the railroad to Little Rock and then by water to destination. Even then that does not measure the possibilities of the output available for freight tonnage.

So this is not such a project as would appear from a surface examination of some of the expressions found in this last report. It has been repeatedly examined; the closest scrutiny has been given to it, with no desire to exhibit any favoritism in its behalf. A slight increase in the amount required was brought about by damage that has been suffered by the Government dike to the banks at Little Rock since the estimates for this river were made to Congress.

I do not believe, if the Senator from Iowa were familiar with the situation, that he would address any criticism to the Committee on Rivers and Harbors of the House, which inserted this item, and I know he would not address any criticism to the Committee on Commerce of the Senate for the slight enlargement they have made to cover the subsequent damage done to the situation at Little Rock. It is not an abandoned river. In its best days boats, as is shown by official reports in different places, plied between Little Rock and Cincinnati, Little Rock and Memphis, and Little Rock and New Orleans. Single boats went out of that port carrying 3,500 bales of cotton, which is nearly a thousand tons. Boats of a thousand tons capacity came and went from its wharves, and, if we had the opportunity now, we could maintain a successful boat line from Little Rock to Memphis and from Little Rock down the Mississippi River as far as Greenville, in Mississippi. There is a small boat now running and making semiweekly trips from Pine Bluff to Rosedale, Miss., I believe it is.

This is a matter that will not suffer on the fullest examination to which it can be subjected. I believe I will submit the matter, because I think its merit is evident.

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee.

Mr. SMOOT. Mr. President, during the discussion of the river and harbor bill at the last session of Congress a number of what may be termed notorious projects were condemned. Among those referred to at that time were the 10 mentioned in the substitute for the bill of the House which passed the Senate on March 3, 1915. That provision, Mr. President, was found in section 15 of the substitute bill, and reads as follows:

That the following projects now under improvement shall be reexamined in accordance with the law for the original examination of rivers and harbors, with a view to obtaining reports whether the adopted projects shall be modified or the improvement abandoned.

Mr. CLARKE of Arkansas. Mr. President, if the Senator will allow me right there, I will say that I was in the committee when Senator Burton made that suggestion, and I told him that I was entirely agreeable to have the Arkansas River included in it.

Mr. SMOOT. I was going to call the attention of the Senate not only to the Arkansas River item but to the other nine items which were mentioned in that section. The river affected by that provision, Mr. President, were the inland waterway from Norfolk to Beaufort Inlet, N. C.; the Coosa River in Georgia and Alabama; the St. Lucia Inlet, Fla.; the Brazos River, Tex., from Old Washington to Waco; the Red River, La., Ark., Tex., and Okla.; the Ouachita River, Ark. and Okla.; the Arkansas River in Arkansas; the Tennessee River, Tenn., Ala., and Ky.; the Fox River in Wisconsin; and the Missouri River, Mo.

The provision contained this language:

And the Chief of Engineers is directed to make a report upon any other projects, river or harbor, the further improvement of which under present conditions is undesirable or in which modifications of the plans or projects should be made.

I am informed, Mr. President, that all of those reports have not yet been made, and I shall not spend very much time upon the discussion of the Arkansas item, because I think there are others in this bill that are even worse that that. The appropriations for this river, Mr. President, have been as follows:

July 3, 1832, to Sept. 15, 1900, appropriations and allotments	$2,250,783.46
June 13, 1902, continuing improvement and for maintenance, including the general improvement, and removing obstructions and operating snag boats	110,000.00
Mar. 3, 1905:	
For maintenance of improvement	35,000.00
For revetment work in the vicinity of Red Fork, provided it is required in the interest of navigation	30,000.00
Mar. 2, 1907:	
For maintenance of improvement	$35,000.00
Arkansas River at Pine Bluff and White River at Augusta Narrows (part applied to Pine Bluff)	74,200.00
Mar. 3, 1909:	
Preservation and maintenance (general)	35,000.00
For works at Pine Bluff	97,200.00
June 25, 1910	
For maintenance of improvement, including works at Pine Bluff	51,000.00
For the construction and operation of dredge boats and accessories	375,000.00

Those were the dredge boats referred to by the Senator from Arkansas.

Mr. CLARKE of Arkansas. Those are the ones that have just come into the river.

Mr. SMOOT. I continue:

Feb. 27, 1911, for maintenance of improvement, including works at Pine Bluff and the operation of dredging plant	$62,500.00
July 25, 1912:	
For protecting bank in front of Crawford County Levee	30,000.00
For maintenance of improvement, including works at Pine Bluff and the operation of dredging plant	30,000.00
Mar. 4, 1913, for protecting bank in front of Crawford County Levee (completion)	30,000.00

That was to complete the improvement; and I suppose that is the last appropriation that has been made for that project.

Mr. CLARKE of Arkansas. That is 200 miles west; that is away up near the Oklahoma line.

Mr. SMOOT. That project is completed.

For maintenance of improvement, including works at Pine Bluff and operation of dredging plant	$48,000
Oct. 2, 1914, maintenance and improvement of existing river and harbor works	46,000
Mar. 4, 1915, for maintenance of improvement, including works at Pine Bluff and operation of dredging plant	193,350

Or total appropriations, Mr. President, for that river of $3,533,033.40.

Mr. President, the Senator from Iowa [Mr. KENYON] has already referred to the amount of freight traffic in tonnage upon that river. It amounted to 79,169 tons for last year reported.

The valuation of all the products transported, including everything making up the 79,169 tons, was only $812,657. Now, we are asked, Mr. President, to appropriate $234,700 for a river the traffic on which, in dollars and cents, or the total value of the products transported, is but $812,657. Mr. President, it does seem to me that that is out of all proportion and all reason; and I might say that there are other rivers that are even worse than this. There was one expert who made the remark, in an article written by him some time ago, that we might better buy and burn the freight upon certain rivers in this country than to keep appropriating money as we are doing.

I want to call attention to the estimate of the cost to the Government for furnishing waterways to float actual commerce on a few projects in this bill. In this estimate I do not consider logs as commerce.

On the Ohio River a little over $5 a ton, excluding soft coal; on the upper Mississippi, $12 a ton; on the lower Mississippi, $35 a ton; on the Arkansas, nearly $20 a ton; on the Hennepin, $36.75 a ton; on the Missouri, a little over $40 a ton; Muscle Shoals, $41 a ton; the Arkansas Pass Canal, $80 a ton; the Brazos, $80 a ton; the Red River, $100 a ton; the proposed Muscle Shoals project, $100 a ton; and the Big Sandy, Ky., $350 a ton.

Mr. President, if we were providing transportation of commerce upon these rivers and we had to pay the money out of our own pockets none of us would for a minute consider a proposition of that kind.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I came in just as the Senator was reading those figures. Does it cost the Government that much per ton for the commerce that is floated on the rivers the Senator mentions?

Mr. SMOOT. Yes; that is what it costs the Government.

Mr. NORRIS. I wish the Senator would go into detail. That is an exceedingly interesting statement. How does he arrive at those figures? What does he take into consideration?

Mr. SMOOT. This is how it is arrived at: The amount the project has cost the Government, and a rate of interest of 4 per cent per annum upon it; then take the amount of actual commerce that is carried on the river, divide it into the cost of project with interest, and it shows the figures I have quoted.

Mr. NORRIS. What rate of interest does the Senator calculate?

Mr. SMOOT. Four per cent interest.

Mr. NORRIS. The Senator in each case takes, in the first place, the entire amount the Government has expended?

Mr. SMOOT. The entire amount the Government has expended upon the river.

Mr. NORRIS. And the interest upon that at 4 per cent?

Mr. SMOOT. The interest upon that at 4 per cent.

Mr. NORRIS. And then the Senator counts that interest——

Mr. SMOOT. And then the added amount each year that is appropriated for the purpose of maintaining those rivers for the purpose of transportation, and that gives the amount it costs for each ton.

Mr. NORRIS. Then the item consists, first, of maintenance, and, second, of interest on investment? Is that right?

Mr. SMOOT. That is right, Mr. President; and it is also based upon the amount that the project has cost the Government, of course.

Mr. NORRIS. That is the point I want to bring out.

Mr. SMOOT. For instance, if there is an appropriation, as there is in the present bill, for revetment purposes or for dredging purposes, outside of maintenance, that is included in the rivers mentioned as part of the cost per ton.

Mr. NORRIS. I should think that would be properly classified as part of the maintenance.

Mr. SMOOT. Yes.

Mr. NORRIS. What I want to reach distinctly is that as far as the investment is concerned the Senator counts nothing but the interest on that?

Mr. SMOOT. That is all.

Mr. RANSDELL and Mr. KENYON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana?

Mr. SMOOT. Yes; I yield to the Senator for a question.

Mr. RANSDELL. Did I understand the Senator to say that the cost of transporting freight on the Red River was $100 a ton?

Mr. SMOOT. Yes; $100 a ton for actual commerce.

Mr. RANSDELL. Will the Senator kindly tell me who furnished those figures—whether they were prepared by himself or not?

Mr. SMOOT. The figures that were given by me were furnished by Congressman FREAR, of Wisconsin.

Mr. RANSDELL. I notice that the tonnage on the Red River was 47,351 tons in 1915, valued at $2,939,000. Does the Senator mean to say that the appropriation we made for the Red River in 1915 amounted to $100 a ton on 47,351 tons?

Mr. SMOOT. No; I did not say that it did, Mr. President. I said that, taking into consideration the amount of money that was expended on the Red River and the appropriations made for the maintenance of the river, they amounted to $100 a ton for the actual commerce transported. In relation to the Red River——

Mr. RANSDELL. Will the Senator allow me to finish my question?

The PRESIDING OFFICER. Does the Senator from Utah further yield to the Senator from Louisiana?

Mr. SMOOT. I want to answer further the question which the Senator propounded.

Mr. RANSDELL. Certainly.

Mr. SMOOT. In a statement made in the minority views submitted by Mr. Burton from the Committee on Commerce on the river and harbor appropriation bill on June 25, 1914, referring to the Red River, he says:

There should be a careful reexamination of each of these waterways and a policy adopted which squares with present conditions. The following are illustrations: On the Red River below Fulton, covering a distance of 475.4 miles, there was in the year 1912 a total tonnage of 44,967 tons. Of this amount 42,640 tons were saw logs, of which the average haul was 131 miles, and lumber 1,100 tons. Of the balance of the freight, including lumber, amounting to 2,327 tons, part was carried 45 and part 80 miles. The total amount appropriated to date for this stream is $2,768,377. There was no appropriation in the pending bill as it came from the House, but by a proposed Senate amendment $100,000 has been inserted. The expense per ton to the United States Government for carrying this freight, including the lumber, can be approximately obtained if an allowance of 4 per cent is made on the amount appropriated to date and the prospective appropriation in the pending bill is added. This interest on the investment would amount to $110,735.08, and adding the $100,000 appropriated would make a total of $210,735.08. The cost per ton would be $4.68, or if the saw logs are excluded the cost per ton would be $90.56 and the cost per ton-mile $1.53.

Mr. RANSDELL. The figure is $4.68 instead of $100, then?

Mr. SMOOT. No, Mr. President; the $4.68 is arrived at by including the saw logs that could have been and are floated down the river without being transported on boats. They are not actual commerce. Excluding the saw logs—and the saw logs are excluded from all the figures that I have quoted—the freight itself, the merchandise, and that which is carried in commerce that requires transportation by barges or boats, amounts to the figures I have given.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. RANSDELL. The Senator usually tries to be fair. I should like to ask him if he thinks it is fair to charge that river with the entire amount of money appropriated for it since the beginning of this Government, to capitalize that sum at 4 per cent—which is certainly a much higher rate of interest than the Government pays—and not to give the river credit for any of the vast commerce which it has been carrying since we began to make appropriations for it?

I can testify, as I was born and reared near that river, that until very recent years it had a very large commerce. Now, if we are going to charge up to the annual expense of the commerce that is going on it every dollar ever expended on the river, and are going to capitalize that sum and estimate 4 per cent interest on it, ought we not, I say, in all fairness, to credit the river with the commerce that it has been bearing for all these years since the appropriations began?

Mr. SMOOT. Mr. President, the interest is only upon the amount actually appropriated and from the year it was appropriated. It is not 4 per cent for 50 years. Not only that, but the rate of 4 per cent interest is not too high, considering the amount that the Government has paid during the period of the expenditure of the money. It is true that the Government can secure money now at 3 per cent, as our 3 per cent bonds will sell at par; but the Senator knows that it has been but a few years since the Government had a great many 4 per cent bonds in circulation, and some of its bonds bore even a higher rate of interest.

Mr. President, this river exemplifies many of the statements that have been made by Senators calling attention to these "wonderful highways of commerce." The Senator from Louisiana has just referred to the vast amount of commerce upon

this river. Why, the whole commerce for last year was 44,967 tons. Of this amount there was 42,640 tons of saw logs. The Red River is not very different from many of the rivers enumerated in this bill, and it seems to me that the comparison was a just one. As I said the other day, general merchandise is not going to be shipped upon the waterways of the country. That method of transportation is too slow. The railroads are going to carry it, and are carrying over 95 per cent of it to-day, and will carry that amount of it, no matter how much money we expend upon rivers like the Red and others.

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. I do.

Mr. CLARKE of Arkansas. I want to call the Senator's attention to the fact that the very use we desire to make of the river from Little Rock to Memphis is to haul merchandise. As far as the 79,000 tons hauled last year is concerned, that was a mere bagatelle. It hauled five times that much on every trip that the boat left Little Rock.

Mr. SMOOT. I grant that that is true, Mr. President, but the trouble is that they do not haul it to-day. The commerce upon the river is decreasing each year.

Mr. CLARKE of Arkansas. The Government will not improve the river so as to let us haul it.

Mr. SMOOT. The trouble is that the railroads will not let it be hauled. The railroads can handle it better, quicker, and safer, and the shipper is going to take advantage of these conditions. Transportation of commerce on this river is only repeating the history of river transportation of every other country.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Certainly.

Mr. NELSON. There are two things that I want to call to the attention of the Senator with reference to these matters.

First, he goes on with old rivers like the Red River or the Arkansas and makes a list of all the appropriations that have been made for those rivers. Not many years ago those were the only avenues for trade and commerce, and appropriations were made for them and navigation carried on. By and by the railroads paralelled the rivers; and the railroads, in order to secure the traffic that had formerly moved by the rivers, reduced their rates. If we should close up all of these streams to-day, we would be at the mercy of the railroads as we were in many instances before. It is unfair to foot up the amount that we have devoted to a river in times past when that river was the only avenue for us, and say, "So much has been expended on this river." Why, the Arkansas River, from the time the country was first settled, was the main avenue and the main outlet for the commerce of that State as the Red River was for upper Louisiana and for a part of Texas.

It is unfair to go back and repeat all those figures. They relate to a day when that was the only avenue of transportation. Now they have built railroads along there, and the railroads have had to come down in their rates in order to steal the traffic from the river. That is all there is to it.

Mr. SMOOT. Of course it would not be possible now for the railroads to advance their rates unless the Interstate Commerce Commission should grant them permission to do so. Rates are regulated now. I grant what the Senator says—that in years past the reductions made in the rates came about, perhaps, as he has stated, but——

Mr. NELSON. If the Senator will allow me to interrupt him again, he refers to the Interstate Commerce Commission. When I first came to Washington in 1883 over the Baltimore & Ohio Railroad the rate was only $17, and they only ran two or three passenger cars. Now they run a large train full of passengers, and they charge, I think, a dollar and a half more, owing to the last increase granted by the Interstate Commerce Commission, this 5 per cent increase that they granted at the hearing last year. The rates are higher to-day, and we have an Interstate Commerce Commission, as it has appeared in its operation within the last 12 months, that is willing to give the railroads pretty nearly all they ask. We have higher rates to-day for the transportation of passengers from here to Chicago than we ever had before the Interstate Commerce Commission was created, and when the traffic was not a tenth part of what it is to-day.

Mr. SMOOT. Mr. President, I think that is true so far as the passenger fares are concerned between Chicago and Washington; but the freight rates in this country have all been reduced, particularly the through rates, I will say, from Chicago to almost any part of this country. The passenger business of the railroads has never at any time been very profitable. They have made their money mostly out of freight, as the Senator, no doubt, well knows.

Mr. RANSDELL. Mr. President——

Mr. NELSON. Oh, Mr. President, there are some roads, like the New Haven, the bulk of whose income comes from the passenger business, and to a large extent the same thing is true of the Pennsylvania Railroad.

Mr. SMOOT. I am speaking of the railroads in general, as the reports show. The railroads of the country as a whole make the most of their money from freight and not from passenger traffic.

Mr. RANSDELL. Mr. President, I should like to ask the Senator another question.

The PRESIDING OFFICER. Does the Senator from Utah further yield to the Senator from Louisiana?

Mr. SMOOT. Will the Senator wait until I have answered the question asked by the Senator from Minnesota?

Mr. RANSDELL. Certainly.

Mr. NELSON. Will the Senator allow me to say one word more?

Mr. SMOOT. Certainly.

Mr. NELSON. I can travel from one point to another in the State of Minnesota to-day at a lower rate than you can travel from here to New York, with all this immense traffic, and only two lines to carry it. I can travel in Minnesota from one end of the State to the other at 2 cents a mile, and you have to pay more than that for a ticket from here to New York.

Mr. SMOOT. That is true, Mr. President.

Mr. NELSON. That is the effect of the Interstate Commerce Commission. I hope Senators will not cite the Interstate Commerce Commission as proof that we are going to have lower rates. They have not given them to us. The principal good we have gotten is from the act preventing discriminations between places and individuals; but as for the lowering of rates, the Interstate Commerce Commission has conferred no blessing on us.

Mr. SMOOT. Of course, Mr. President, railroad rates can not be increased without the consent of the Interstate Commerce Commission. That commission, I believe, has had the approval of the American people, and the American people have had confidence in the commission protecting the interest of the people as against extortionate prices charged by the railroads.

I do not want to be unfair in any computation that I may make in relation to cost of transportation on rivers; but take the rivers that I have complained of, and take the amount of traffic carried upon those rivers to-day, outside of saw logs, and the rate that it costs the Government for the actual commerce, such as merchandise of all kinds, fertilizer, cement, oysters, and so forth, is out of all proportion and all reason.

I want to be perfectly frank in this matter in discussing it. I have no hostility to many of the items in the bill. I believe in proper appropriations for rivers and harbors in all parts of the country, but I think appropriation ought to be for rivers where there is at least a chance of increasing the amount of commerce upon them rather than to appropriate money and keep appropriating it from year to year on rivers where the commerce is decreasing every year.

Mr. RANSDELL. Mr. President——

Mr. SMOOT. There is no river that I shall refer to, but the commerce on the rivers is decreasing from year to year, and we are in many cases increasing appropriations for those rivers.

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from Louisiana?

Mr. SMOOT. I yield to the Senator.

Mr. RANSDELL. I hope the Senator will not evade an answer to my question. He has made a statement that the cost of the commerce on the Red River was $100 per ton and he has arrived at that figure, or is trying to arrive at it, by capitalizing every expenditure on the river since we began to make appropriations, computing interest at 4 per cent per annum on it. As a matter of fact, he must know, if he knows anything at all about the improvement of rivers and the commerce on rivers, that for many years there was very large commerce on the Red River, and that there were annual sums for maintaining that river. Certainly the maintenance item was a fair offset, I take it, to the commerce of that year. One offset the other for the time being, and it is unfair to bring it forward now to make a capital.

There is another very large item on that river. There was a big raft above the city of Shreveport which at an enormous cost was taken out many years ago. Have we a right to bring all those things forward and make them as a capital and compute interest on it?

I want the Senator to answer me this question: If you were to capitalize the railroads in all that has been spent on them,

the enormous sums subscribed to the original stock and never returned, the enormous bonuses of land given to railroads, the enormous grants in the way of exemption from taxes, going into billions, several times as much as the whole system has cost—if you were to capitalize all that could you earn interest on it?

Mr. SMOOT. That is exactly what every business concern has to do. They have to capitalize every cent that they put into the business, whether it is put in one year or another.

What the Senator says is true—that some of the railroads of this country have had land grants. Of course, those grants proved very profitable to the railroads; but there are other railroads—and most of those that are in competition with the rivers are finding fault with this bill—that never have received a land grant, and they have had to account for every dollar that was put into the road in the way of capital stock from the very first day they began building it to the present time.

Mr. RANSDELL. All those in Louisiana adjacent to the Red River had land grants of the biggest kind and exemption from taxation.

Mr. SMOOT. There is no need of discussing this question from any other point of view than as a business proposition, in my opinion. Whenever the Government puts a dollar into a river, no matter what it is for, whether it is for revetment or for maintenance, it does just exactly the same as if a corporation put their money into building a road and into repairing and maintaining and operating that road.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. I yield.

Mr. HUGHES. I can not understand how the Senator can draw a parallel between what a railroad does and what the Government does. Of course, the Senator knows and we all know that a railroad each year receives income from the freight carried, but the Government does not and is not supposed to receive income for the freight carried on a river. If so, each year it might have discharged some of the capitalization the Senator now speaks of. I can not see how any parallel can be drawn between the Government appropriating money for rivers and a railroad appropriating money for betterment.

Mr. SMOOT. There is no comparison based upon the position the Senator is taking. We were talking about what the appropriations made by the Government for these rivers actually were, and that the interest upon the actual cost at the rate of 4 per cent will amount to a rate of freight per ton so high that it is absolutely unjustifiable on the part of the Government to continue the appropriations as they have been doing in the past.

Mr. NELSON. Will the Senator allow me to make another suggestion? When comparing railroads with the expenses of water transportation, I want to call the Senator's attention to the fact that we embarked a few years ago upon a system of so-called railroad valuation. A large force has been appointed and is to-day at work on it and probably will be for half a dozen years before the system is completed. By that time it will have cost us millions of dollars, and the whole thing will be obsolete, as far as its value to regulate transportation or to adjust litigation is concerned. Does the Senator know how many million dollars we are spending on the valuation of railroad property?

Mr. SMOOT. I think the Senator will remember that I stated at the time of the passage of the act that that would be the result. I also stated that it would cost at least $10,000,000 to make the valuation, and that by the time the valuation was made the information would be almost useless as far as being a basis for rate making was concerned. I agree with the Senator absolutely as to the result of that appropriation. I think it was a perfect waste of public funds, nearly as bad, if not as bad, as a great many of the appropriations made in this river and harbor bill.

Mr. NELSON. But does not the Senator think the $10,000,00 that will be squandered on the valuation should be charged up against the railroads, not against the rivers and harbors of the country?

Mr. SMOOT. Mr. President, the railroads did not ask for that appropriation. The expenditure of that money has not even the advantage of improving the roads. It does not straighten the curves, it does not take out the weak rails or the rotten ties of the road. The Government gets nothing except simply a report, and a report which will be of little benefit to the people of the United States. I think it is a waste of money, even more so than the appropriations made for certain rivers and harbors I will mention before this bill passes.

Mr. President, I am not opposed to appropriations for rivers and harbors. I think some of the projects in this bill ought to receive more money than is appropriated; they ought to be dredged and put into a shape to enable commerce to be transported at the least possible cost. No one doubts but what traffic will increase on such rivers. Everybody agrees that they should be improved. Most of them are at present used by the Government. I have no objection to rivers of this kind being improved. I believe Senators ought to take an interest in the consideration of the bill, and this Chamber ought to be filled with Senators, rather than have three or four Senators present during the whole day, and when a vote is called have absent Senators come in and ask, "What is my vote?" or, "What am I to vote upon?" or, "What is the project that is being voted upon?"

When the time comes, Mr. President, that the Senate will take an interest in the appropriation of money for rivers and harbors and consider each item upon its own merits, and consider whether it is for the best interests of the United States to appropriate the money for each particular project, I know there are many, many appropriations in this bill that never would receive the sanction of the Senate of the United States if so considered. I am just as sure of it as that I live.

I do not, as a general thing, believe in lump appropriations. I never have done so. I think more appropriations have been squandered through lump-sum appropriations than in any other way. But it seems to me that rather than to make up a bill in the way this bill has been made up and the way former river and harbor bills have been made up, it would be much better to make a lump appropriation and leave the expenditure of the money to the Army engineers.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield.

Mr. NORRIS. I am interested in what the Senator says about lump-sum appropriations. There is not any doubt, of course, but that as a general proposition it is an extravagant way of legislating. But does not the Senator believe that lump appropriations, if they are justified at all, are justified in cases like the river and harbor improvements of our country, where, necessarily, Congress, with the other duties that it has to perform, finds it an impossibility to get all the information? Much of it is of rather a scientific nature, and Congress finds itself unable to legislate intelligently as to each of the large number of projects that are worthy.

Mr. SMOOT. I agree with the Senator. This is about the only exception, it seems to me, that should be made where the expenditure can possibly be specifically named and the amounts appropriated for. In my opinion, it would be much better to make a direct appropriation of $30,000,000, or even $40,000,000, rather than to pass this bill in the shape it is in.

I want to say another thing to the Senator. I remember that years ago, when former Senator Hemenway was speaking upon a river and harbor bill, he went into the details of many of the items of the river and harbor bill then pending. I remember well that he called attention to appropriations that were made for certain rivers in the past that had never been expended upon the river; they had been transferred to other places. If I remember aright, he called it the short-circuiting of appropriations.

If I had the time, Mr. President, I should like to go into the last appropriation act, where each river was appropriated for, and I should like to follow the expenditure of the appropriations for those rivers to see if the amount of money appropriated was expended upon those particular rivers or whether it had been transferred en bloc to some other rivers that the engineers desired to have it transferred to.

Mr. RANSDELL. That can not be done except by the authority of Congress.

Mr. SMOOT. Mr. President, I know that is often said, and just offhand I would say, as the Senator said, that it can not be done unless by act of Congress. But I want to call the Senator's attention to the fact that Congress has made appropriations for specific purposes and the heads of departments have spent the money for an entirely different purpose, not an appropriation of $20 or $100 or $1,000, but appropriations of tens of thousands of dollars have been spent for purposes for which the Congress of the United States never appropriated the money. I called attention to the case of the $2,000,000 appropriation the other day for the eradication of the foot-and-mouth disease. Tens of thousands of dollars of that appropriation was spent for other purposes than it was intended for.

Not only that, but there is another practice that is growing greater every year, and that is we pass appropriation bills carrying so much money for a specific purpose, and not a year passes but what the expenditures exceeded the appropriations. There

is no law which allows that to be done, and yet Congress is asked to pass a deficiency appropriation bill to cover those expenditures.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. I yield.

Mr. STERLING. I should like to ask the Senator from Utah what he thinks of the proposition of appropriating for a long stretch of a certain river, as in the Missouri River, for example, say $175,000 or $200,000 for improvement of the Missouri River from Sioux City to Fort Benton, a distance of 1,477 miles, I think. Would it not be better for Congress to designate a specific project for which an appropriation should be made, rather than leave it to the Board of Army Engineers to determine what particular project should be improved?

Mr. SMOOT. We certainly ought to state specifically where the money shall be spent if we are going into the appropriation of money, the same as we have done in the past in river and harbor bills, with the exception of the fiscal year 1915–16.

Mr. RANSDELL. Will the Senator permit me just one moment? I simply wish to call his attention to pages 36, 37, 38, and 39 of the report of the engineers, made December 1, to show that we authorized a transfer of appropriations made for certain specific purposes which were lying to the credit of the various projects.

Mr. SMOOT. I will say——

Mr. RANSDELL. Wait a moment, please, if you will let me make a statement.

Mr. SMOOT. The Senator is not asking a question.

Mr. RANSDELL. I am going to make a statement, if you please, and to ask the Senator a question in regard to it.

Mr. SMOOT. I will be a little more accommodating to the Senator than he was to me the other day. I have no objection to his continuing his statement.

Mr. RANSDELL. If the Senator objects to according me the right——

Mr. SMOOT. Not at all, Mr. President.

Mr. RANSDELL. I want to show the Senator how these transfers were made without authority. The last river and harbor act authorized the transfer of sums amounting to $5,000,000. We gave $25,000,000 in cash and authorized the Engineer Corps to transfer unused balances and they did make a transfer to the extent of $5,000,000. Those transfers appear in volume 1, on pages 36, 37, 38, and 39 of the Engineer's report for 1915. I simply call the Senator's attention to it. I thought he had overlooked it.

Mr. SMOOT. I had no reference to that. That was done by act of Congress in a specific river and harbor bill. I was speaking of the past practices of the departments in the expenditure of appropriations. I can not state what specific items have been appropriated for a specific purpose that have been transferred to other rivers, but I know it has been stated on this floor time and again that that was done, and I never heard a contradiction made of it.

Mr. President, I simply rose to speak upon the Arkansas River appropriation. I have been carried away from the Arkansas River to the increase of passenger rates upon the railroads, the valuation of railroads, and a number of other very interesting subjects; but I do not want to delay the vote upon this item.

I quite agree, Mr. President, with the Senator from Iowa [Mr. KENYON] that this item should not be agreed to. It proposes to expend the public money with very, very little return for it. The commerce upon the river will not justify the expenditure of this amount of money. I think with the amount of commerce upon the river the appropriations in the past have been very large indeed, for they have been $30,000 and $35,000 and $50,000 per year. I notice that the amount included in the cost of the river is the two dredges. I suppose they cost $375,000, as that is the amount that was appropriated for. I notice in the report of the engineers that this is what is said in reference to them:

The dredges *H. S. Taber* and *Robert McGregor* were under construction by contract at Dubuque, Iowa, at the beginning of the year. The *H. S. Taber* arrived at the mouth of the Arkansas River on August 12, 1914, and active work was begun August 14, 1914. The *Robert McGregor* was delivered at Pendleton, 42 miles above the mouth, on the Arkansas River, September 18, 1914. As it had not yet been equipped or outfitted, the 30-day trial of this dredge was made with the crew of the *H. S. Taber*, the latter boat remaining with the *Robert McGregor*. At the expiration of the 30-day trial of the *Robert McGregor*, the river was so low that the boat could not be run to Pine Bluff for outfitting and it remained with the *H. S. Taber* until December 29, 1914, when it proceeded to Pine Bluff and was outfitted.

I think the Senator from Arkansas stated the situation exactly when he said that after the Government had spent $375,000 for these dredges and after they had been delivered in August, 1914, it was only possible under river conditions for a 30-day trial of the dredges and scarcely any work was done. It seems to me, Mr. President, that that of itself shows that it would have been very much cheaper for the Government to have hired a dredge to do the work rather than to have put $375,000 into them and have them remain idle at a great expense to the Government.

Mr. CLARKE of Arkansas. That is the very work they were sent there to do. That was the difficulty they were sent there to remove.

Mr. SMOOT. I will ask the Senator if the conditions are such that they can remove that difficulty why they have not done so before this time? It is nearly two years since they were sent there.

Mr. CLARKE of Arkansas. When they first went into the river about the 1st of January, 1914, they found the river very low. During the next year the river was unusually high, and they could not work in consequence of that. So far as the work they were sent there to do is concerned they have devoted less than 30 days to it. Nobody can condemn the project until it has had a fair trial.

Mr. SMOOT. In other words, the Government spent $375,000 for building the dredges and——

Mr. CLARKE of Arkansas. Two brand new first-class dredges adapted to that very situation.

Mr. SMOOT. And from August 12, 1914——

Mr. CLARKE of Arkansas. The report says they were equipped in December, 1914, 1915, and a part of 1916, less than a year and a half.

Mr. SMOOT. And it has been impossible for them to do anything that amounts to anything.

Mr. CLARKE of Arkansas. A part of that time it was absolutely impossible for them to do anything. They are just coming to the time now when they may be able to do something, when the water recedes, as it will this spring. The water is receding now.

Mr. SMOOT. Does the Senator expect that the water will get so low this year that they can not do anything?

Mr. CLARKE of Arkansas. The object is to get ahead and dredge the channel a little at a time, and connect these pools. There is plenty of water in the river, but the water shoals, and the channel is in a deplorable condition.

Mr. SMOOT. It is a larger appropriation than has usually been granted to that river.

Mr. CLARKE of Arkansas. The Senator is quite mistaken. The appropriation recommended there last was $239,350, and there is recommended now by the Board of Engineers $239,350.

Mr. SMOOT. I said appropriated.

Mr. CLARKE of Arkansas. The engineers themselves, out of the lump-sum appropriation, gave approximately the amount we are asking now.

Mr. SMOOT. The engineers give as the appropriation, March 14, 1915, $193,350. However, every year before that the appropriations ran as follows: $46,000, $48,000, $30,000, $30,000, $62,500, $51,000, $74,200, $35,000, $30,000, $35,000.

Mr. CLARKE of Arkansas. The engineers reached the conclusion that that sort of an appropriation was just throwing money away, and the only way to do anything on earth was to put dredges there. Since the dredges were put in the river appropriation has necessarily increased, because the dredges can not run themselves.

Mr. SMOOT. Does the Senator think that after the dredging work is done the commerce will be increased?

Mr. CLARKE of Arkansas. There is not any doubt about it. A navigable river in that section of the country so improved will have that result. There are reasons for it.

Mr. SMOOT. I mean for actual commerce.

Mr. CLARKE of Arkansas. Actual, everyday commerce. There is not any doubt about it. We are in the western freight zone and we pay from 30 to 33 per cent more freight than is paid on freight delivered at Memphis, 132 miles away. With its connections, when the improvement is made, ample commerce will be maintained. As I said before, it is a case where the river has left the commerce and not commerce the river.

Mr. SMOOT. The Senator will be perfectly satisfied, if, after dredging the river and putting it in good shape, and commerce does not increase, to have the river abandoned?

Mr. CLARKE of Arkansas. Yes, indeed; better than that. I have an item in this bill directing them to make a survey and make their report to the next Congress. If it does not show that the river can maintain a commerce, I will be perfectly willing for the item to go out of the bill.

Mr. SMOOT. I think that is a very proper thing to do. Of course I do not believe that we ought to proceed with any of

the general projects that we have authorized or make provision for a reexamination, and particularly do I believe that it is unwise to make appropriations additional to those we have made in the past. I will not take the time of the Senate in saying anything more in relation to this matter. I sincerely hope the Senate will not agree to this amendment.

Mr. CLARKE of Arkansas. May I call the attention of the Senator to the fact that the appropriation last year of $239,350 appears on page 38?

Mr. SMOOT. I notice the report says——

Mr. CLARKE of Arkansas. This is the last report of the Chief of Engineers, part 1.

Mr. SMOOT. I have part 2 of the report of the Chief of Engineers of the United States Army, page 2718, and it says:

Mar. 4, 1915, for maintenance of improvement, including works at Pine Bluff and operation of dredging plant------ $193,350

Mr. CLARKE of Arkansas. That was the first sum appropriated. The second one is in the other volume.

Mr. JONES. Mr. President, the Senator from Iowa [Mr. KENYON] said that an issue would be raised in reference to this amendment as to whether the Senate was going to follow the report or whether the Senate was going to follow the rule which has been referred to, the adoption of projects that have not been recommended by the engineers; that is, it has been urged here in behalf of projects that have been recommended by the engineers that the Senate should adopt them, and hence the Senator said the issue is as to whether an item that is reported against adversely by the engineers should be adopted by the Senate. I am going to refer to that for just a moment.

I was a member of the Rivers and Harbors Committee of the House for six years, and I know that that committee adhered rigidly to the rule that it would not put any item into the river and harbor bill that did not have the approval of the Board of Engineers.

I am not going to consider whether that is a good rule or the reasons for the rule; but I have not, in the time that I have been here, knowingly voted for the adoption of any project that has not had the approval of the Board of Engineers. I believe that it is a good rule to follow, for reasons, as I have said, which I am not going into now. If this proposition came clearly within that rule I would vote against it and I would vote in favor of striking out the item in the bill. That was my impression when the Senator from Iowa [Mr. KENYON] read from the report what he did; but since I have looked into the matter a little bit more fully, I think that I can very consistently vote for this item, even with my belief in the advisability of following the rule to which I have referred.

What is recommended by the engineers, according to the report from which the Senator from Iowa quoted, is a modification or an abandonment of a project that has already been adopted. The item in this bill is simply to carry out a project that has not only been recommended by the Board of Engineers but that Congress itself has actually approved, adopted, and begun. This item is to carry on a project which was adopted by Congress just a few years ago, for which the dredges that we approved have been constructed and put in operation only a little over a year and a half.

So, as I take it, the question here is whether or not we shall accept and follow absolutely the adverse recommendation of the Board of Engineers just submitted, or whether we shall continue the project that the Board of Engineers heretofore recommended, that Congress adopted, and that we have been carrying out practically for a year and a half, but not long enough, as the district officer says, to demonstrate whether or not it can be successfully carried on.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. Yes.

Mr. SMOOT. I desire to ask the Senator if he does not think it would be very much better to wait for a resurvey of the river before the expenditure of this amount of money, as the resurvey of the river was ordered a year ago?

Mr. JONES. I did not know that a resurvey had been ordered a year ago.

Mr. SMOOT. Oh, yes.

Mr. JONES. The document from which the Senator from Iowa read, as I understand, is a report of the last survey. As I understand, the Senator from Arkansas has put another provision in the bill for a further survey.

Mr. SMOOT. I call the Senator's attention—he was not here when I read it—to the provision of the river and harbor bill of March 3, 1915.

Mr. JONES. The Senator from Arkansas says that what I have just suggested to the Senator is correct, that the report from which the Senator from Iowa [Mr. KENYON] read is a response to that provision.

Mr. CLARKE of Arkansas. Yes.

Mr. KENYON. I will say——

Mr. SMOOT. That is the report on the resurvey?

Mr. JONES. Yes.

Mr. SMOOT. And that report is adverse?

Mr. JONES. Yes.

Mr. KENYON. This is the report made in accordance with the act of Congress to which the Senator refers—a very recent report.

Mr. SMOOT. And that report is adverse to the proposition.

Mr. KENYON. That is just what I was contending.

Mr. JONES. That is correct. In other words, it must be admitted that we have an adverse report from the Board of Engineers, and they recommend the abandonment of the project, except as to snagging; but the project which they recommend shall be abandoned is the project that has been approved by the Board of Engineers; it also had the approval of Congress itself, and we have entered upon it. It seems to me that I am not put up against this rule that I have been following, and which I think is a good rule to follow.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. I do.

Mr. KENYON. Under that theory, then, of the Senator, it makes no difference what the Army engineers may find as to any of these projects, we can not abandon them?

Mr. JONES. No; that does not follow at all.

Mr. KENYON. That is the logic of the Senator's position.

Mr. JONES. Not at all. I am not saying, because of the mere fact that we have already adopted a project, and then the Army engineers should recommend its abandonment, that necessarily we shall still adhere to the one that we adopted; but, under the circumstances of this case, I think that is the proper thing to do; and I will briefly state why I think so.

It was brought out a moment ago that the dredges that Congress provided for under the project that was approved did not get down there on that river until August, 1914. They have been there only a little over a year and a half; and because of exceptional conditions, as I understand the chairman of the committee, they have not been able to do very much; it has not been practicable to use them probably more than a month or so. Now, the district officer, who is on the ground and knows all of the conditions and circumstances, says this:

Operation of suction dredges has not yet passed the experimental stage so far as this river is concerned. By "experimental stage" I mean the extent of work required to maintain a navigation channel over any fixed distance of river and the duration of time through which a dredged channel will remain effective.

If that is correct—and I think the local officer is better able to determine that than is anybody else—it seems to me that we ought at least to complete the experiment; and that is practically what the chairman of the committee, who knows this situation better than anybody else, proposes to the Senate. He said just a moment ago that if, under the provision for a resurvey that he has in this bill, the report should come in that this work should not be carried on, then he would say that it should be abandoned; in other words, he is willing to let the operation of these dredges pass the experimental stage; and, if the result of the experiment is adverse, he will accept that as the proper decision of the matter.

Mr. CLARKE of Arkansas. I want to say, in that connection, that the report recently filed is not based upon any examination at all. It is based upon the recommendation of an officer, whose headquarters are in St. Louis, and who never put his foot in that valley so far as we have been able to hear anything about it. He caused no survey to be made, but merely exercised his judgment generally on what is happening to western rivers.

Mr. JONES. I will read from the report of the district officer, contained in the same document from which the Senator from Iowa read. Of course this is the local man, the man on the ground. He is A. B. Putnam, major, Corps of Engineers. He concludes his report with this statement:

10. I am not of the opinion that the improvement of the Arkansas River should be abandoned, but am inclined to the belief that the work of revetting the banks should be revived.

That is carried out in one of the amendments proposed here:

The commercial importance of the valley is increasing all the time, as is natural under an increase of population. While this increase is not reflected in the river commerce, I can not hold that the absence

of such reflection is an indication of the unworthiness of the improvement of the river.

Then, in his report, he suggests that he has approved the estimate for operating the two dredges, which is $118,700 a year. As I understand, the amount provided for in this bill is the amount that is necessary for the operation of these two dredges, with possibly some additional revetting along the banks.

Mr. CLARKE of Arkansas. And to repair a break in the bank and a wing dike at Little Rock.

Mr. JONES. That is in accordance with the project that the Board of Engineers has approved; it is in accordance with a project that Congress itself approved just a short while ago. We have been working on it only about a year and a half. We have not, according to the local engineer, passed the experimental stage. So, under those circumstances, Mr. President, I think we are more justified in following the project that we have already adopted, at least for another year, than we would be to accept the judgment of the Board of Engineers in their last report; which, as the Senator from Arkansas says, is based upon a general policy, rather than upon anything that may apply particularly to this particular project.

I have not any doubt that the statement of the Senator that the engineer who made the report on which the Board of Engineers based its report, did not go down there and examine the river at all. The report in itself shows that. He simply based his report upon his idea as to what the policy should be with reference to western rivers.

So, Mr. President, in voting for the retention of this item in this bill, I do not believe that I shall be violating the rule that I have heretofore, at least, very consistently followed and in which I believe. I think this item should remain in the bill under the circumstances. This does not indicate how I am going to vote upon the final passage of the bill. I shall probably say something about my view with reference to the framing of this measure and the different items in it a little bit later on; but, so far as this particular item is concerned and so far as this particular amendment goes, I think the item should be kept in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KENYON. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARDWICK (when his name was called). I inquire if the Senator from Kansas [Mr. CURTIS] has voted?

The PRESIDING OFFICER. The Chair is informed the Senator from Kansas has not voted.

Mr. HARDWICK. Having a pair with that Senator, I withhold my vote.

Mr. SIMMONS (when the name of Mr. OVERMAN was called). I desire to state that my colleague [Mr. OVERMAN] is unavoidably absent. He is paired with the Senator from Wyoming [Mr. WARREN].

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER], which I transfer to the junior Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. CLARKE of Arkansas. I shall have to have some information as to that kind of a transfer.

Mr. THOMAS. I do not know that any explanation is necessary. If so, I will make it. What is the Senator's point?

Mr. CLARKE of Arkansas. Does the Senator know the attitude of the Senator from South Dakota?

Mr. THOMAS. With respect to this bill?

Mr. CLARKE of Arkansas. Yes.

Mr. THOMAS. He told me this morning——

Mr. CLARKE of Arkansas. That is all right; that is satisfactory.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). I desire to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of sickness in his family. He is paired with the Senator from Florida [Mr. BRYAN]. I desire this announcement to stand for the day.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from New Jersey [Mr. MARTINE] and vote "nay."

The roll call was concluded.

Mr. JONES (after having voted in the affirmative). I voted, overlooking the fact that I have a pair for the day with the junior Senator from Virginia [Mr. SWANSON]. I am advised, however, that the junior Senator from Virginia, who is unavoidably absent to-day, would, if present, vote "yea" on this question. I therefore will ask to allow my vote to stand.

Mr. HARDWICK. I transfer my pair with the junior Senator from Kansas [Mr. CURTIS] to the junior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. McLEAN] has voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator, which, in his absence, I transfer to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. SHEPPARD. I wish to announce the unavoidable absence on official business of the Senator from Kentucky [Mr. BECKHAM]. He is paired with the Senator from Delaware [Mr. DU PONT].

Mr. PHELAN. I desire to announce the unavoidable absence of the Senator from Oregon [Mr. CHAMBERLAIN]. He has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. FLETCHER. If no announcement has been made concerning the absence of my colleague [Mr. BRYAN]. I desire to announce that he is paired with the Senator from Michigan [Mr. TOWNSEND]. I ask that this announcement stand for the day.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 29, nays 17, as follows:

YEAS—29.

Bankhead	Hardwick	O'Gorman	Smith, Ariz.
Brandegee	Hughes	Owen	Smith, Mich.
Chilton	Jones	Phelan	Vardaman
Clarke, Ark.	Lane	Poindexter	Warren
Culberson	Lee, Md.	Ransdell	Williams
Fall	Martin, Va.	Shafroth	
Fletcher	Myers	Sheppard	
Gallinger	Nelson	Simmons	

NAYS—17.

Borah	La Follette	Smoot	Wadsworth
Brady	Lippitt	Sterling	Works
Catron	Norris	Thomas	
Husting	Page	Thompson	
Kenyon	Sherman	Tillman	

NOT VOTING—50.

Ashurst	Goff	McCumber	Smith, Ga.
Beckham	Gore	McLean	Smith, Md.
Broussard	Gronna	Martine, N. J.	Smith, S. C.
Bryan	Harding	Newlands	Stone
Burleigh	Hitchcock	Oliver	Sutherland
Chamberlain	Hollis	Overman	Swanson
Clapp	James	Penrose	Taggart
Clark, Wyo.	Johnson, Me.	Pittman	Townsend
Colt	Johnson, S. Dak	Pomerene	Underwood
Cummins	Kern	Reed	Walsh
Curtis	Lea, Tenn.	Robinson	Weeks
Dillingham	Lewis	Saulsbury	
du Pont	Lodge	Shields	

The PRESIDING OFFICER. No quorum has voted.

Mr. CLARKE of Arkansas. Mr. President, may I inquire whether or not there were certain Senators who announced their presence, but did not vote?

The PRESIDING OFFICER. The Chair thinks there was not one. The entire Senate voted.

Mr. SMOOT. The roll will have to be called.

Mr. CLARKE of Arkansas. I think the roll will have to be called.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Nelson	Simmons
Bankhead	Hardwick	Norris	Smoot
Borah	Hughes	O'Gorman	Sterling
Brady	Husting	Oliver	Thomas
Brandegee	Jones	Owen	Thompson
Chilton	Kenyon	Page	Tillman
Clapp	Lane	Phelan	Vardaman
Clark, Wyo.	Lee, Md.	Poindexter	Wadsworth
Clarke, Ark.	Lodge	Shafroth	Williams
Culberson	Martin, Va.	Sheppard	Works
Fall	Myers	Sherman	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. SMITH of Arizona, Mr. SMITH of Michigan, and Mr. WARREN answered to their names when called.

Mr. BECKHAM, Mr. JOHNSON of South Dakota, Mr. LA FOLLETTE, and Mr. WEEKS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, Its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. KEATING, and Mr. JAMES managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of the Manchester Dry Goods Co., of New Hampshire, remonstrating against the enactment of legislation to fix standard prices for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a petition of sundry citizens of Massachusetts, praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Association of Cotton Manufacturers, of Boston, Mass., praying for the imposition of a tariff on dyestuffs, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Boston, Cambridge, Millbury, and Oxford, all in the State of Massachusetts, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Massachusetts, praying for an increase in armaments, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Massachusetts, praying for the enactment of legislation looking to a reclassification of the employees in the Bureau of Animal Industry, Agricultural Department, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Association of Cotton Manufacturers, of Boston, Mass., praying for the enactment of legislation to prevent fraudulent advertising and the misbranding of merchandise, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Massachusetts, remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented memorials of sundry citizens of California, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union, of Berkeley, Cal., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment:

S. 4176. A bill authorizing and directing the Secretary of War to make certain provisions for the care of Federal and Confederate veteran soldiers who served in the War between the States, 1861 to 1865, to enable them to unite in participation of a national reunion and peace jubilee to commemorate the victories and virtues resulting in the half century of peace and prosperity to the American Nation, to be held in the national domain within the Vicksburg National Military Park October 16, 17, 18, and 19, 1917; and

S. 4473. A bill for the relief of Charles G. Griffa.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2880. A bill for the relief of Martin V. Parmer (Rept. No. 466);

S. 3973. A bill for the relief of Clyde R. Altman (Rept. No. 467);

S. 1533. A bill for the relief of Peter Kenney (Rept. No. 468); and

S. 3268. A bill for the relief of John Duggan (Rept. No. 469).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 6078) granting a pension to Rufina M. Sutton (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6079) granting a pension to Henry C. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 6080) granting a pension to Mary J. Nolan (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 6081) providing for the purchase of the portrait of Samuel Blodget, jr.; to the Committee on the Library.

A bill (S. 6082) granting an increase of pension to Eliza J. Stillwell (with accompanying papers);

A bill (S. 6083) granting an increase of pension to Louisa E. McMillen (with accompanying papers); and

A bill (S. 6084) granting an increase of pension to William H. Hayes (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6085) to repeal an act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, Ohio; to the Committee on the Judiciary.

A bill (S. 6086) for the relief of the Equity Savings & Loan Co., of Cleveland, Ohio; and

A bill (S. 6087) for the relief of The Royal Savings & Loan Co., of Portsmouth, Ohio; to the Committee on Claims.

RIVER AND HARBOR APPROPRIATIONS.

Mr. LA FOLLETTE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which were ordered to lie on the table and be printed.

EMPLOYMENT OF STENOGRAPHER.

Mr. POMERENE submitted the following resolution (S. Res. 199), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Civil Service and Retrenchment, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

PENSIONS TO SURVIVORS OF INDIAN WARS.

The PRESIDING OFFICER (Mr. SMITH of Michigan) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HUGHES. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

HOUSE BILL REFERRED.

A bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States

with its Territories and possessions and with foreign countries, to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

RECESS.

Mr. CLARKE of Arkansas. Mr. President, it is perfectly evident that we shall not be able to get a working quorum today. I move that the Senate take a recess until 11 o'clock on Monday next.

The motion was agreed to; and (at 1 o'clock and 58 minutes p. m., Saturday, May 20, 1916) the Senate took a recess until Monday, May 22, 1916, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 20, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, fountain of light, life, and love, pour out abundantly upon us, we beseech Thee, of those gifts which make for righteousness in the soul, that we may be indeed members of the kingdom of heaven, and thus be able to render unto Thee and our fellow men a truer, nobler, more efficient service as citizens and lawmakers of a great Republic "conceived in liberty and dedicated to the proposition that all men are created equal." For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 655) entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

UNITED STATES SHIPPING BOARD.

The SPEAKER. When the House adjourned yesterday the unfinished business was the bill H. R. 15455, the shipping bill.

Mr. MANN. Mr. Speaker, I withdraw my demand for the reading of the engrossed bill.

The SPEAKER. When we adjourned we had reached the third reading of the bill. The Clerk will read it the third time. The gentleman from Illinois [Mr. MANN] withdraws his request for the reading of the engrossed copy.

The Clerk read as follows:

A bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. ALEXANDER. Mr. Speaker, I call for the yeas and nays.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present. That will expedite matters.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of passing this bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 209, nays 161, answered "present" 12, not voting 52, as follows:

YEAS—209.

Abercrombie, Adamson, Aiken, Alexander, Allen, Almon, Ashbrook, Aswell, Ayres, Bailey, Barkley, Barnhart, Beakes, Bell, Black, Blackmon, Booher, Borland, Bruckner, Brumbaugh, Buchanan, Ill., Buchanan, Tex., Burgess, Burke, Burnett, Byrnes, S. C., Byrns, Tenn., Caldwell, Callaway, Candler, Miss., Caraway, Carew, Carlin, Carter, Okla., Cary, Church, Cline, Coady, Collier, Connelly, Cox, Crisp, Crosser, Cullop, Dale, N. Y., Davenport, Davis, Tex., Decker, Dent, Dickinson, Dies, Dill, Dillon, Dixon, Dooling, Doolittle, Doughton, Dupré, Eagan, Eagle, Edwards, Estopinal, Evans, Farley, Farr, Ferris, Fields, Finley, Flood, Flynn, Foster, Gallagher, Gallivan, Gandy, Gard, Garner, Garrett, Goodwin, Ark., Gordon, Gray, Ala., Gray, Ind., Gregg, Griffin, Hamill, Hamlin, Hardy, Hastings, Hay, Hayden, Heflin, Helm, Helvering, Hensley, Hilliard, Holland, Hood, Houston, Howard, Huddleston, Hughes, Hulbert, Hull, Tenn., Humphreys, Miss., Igoe, Jacoway, Johnson, Ky., Jones, Keating, Kent, Kettner, Key, Ohio, Kincheloe, Kitchin, Konop, Lazaro, Lee, Lesher, Lever, Lieb, Linthicum, Littlepage, Lloyd, Lobeck, London, McAndrews, McClintic, McDermott, McGillicuddy, McKellar, McLemore, Maher, Martin, Mays, Miller, Pa., Moon, Moss, Ind., Moss, W. Va., Murray, Neely, Nicholls, S. C., Nolan, Norton, Oglesby, Oldfield, Oliver, O'Shaunessy, Overmyer, Padgett, Page, N. C., Park, Phelan, Price, Quin, Ragsdale, Rainey, Raker, Randall, Ranch, Rayburn, Reilly, Riordan, Ruhey, Rucker, Russell, Mo., Sabath, Saunders, Schall, Shackleford, Shallenberger, Sherley, Sherwood, Shouse, Sims, Sisson, Small, Smith, N. Y., Smith, Tex., Sparkman, Stedman, Steele, Iowa, Steele, Pa., Stephens, Nebr., Stephens, Tex., Stone, Stout, Sumners, Taggart, Tague, Tavenner, Taylor, Ark., Taylor, Colo., Thomas, Thompson, Tillman, Tribble, Van Dyke, Venable, Vinson, Walker, Watkins, Watson, Va., Whaley, Williams, W. E., Wilson, Fla., Wilson, La., Wingo, Wise, Young, N. Dak., Young, Tex.

NAYS—161.

Anderson, Anthony, Austin, Bacharach, Beales, Bowers, Britt, Britten, Browne, Browning, Butler, Campbell, Cannon, Capstick, Carter, Mass., Chandler, N. Y., Charles, Coleman, Cooper, Ohio, Cooper, W. Va., Cooper, Wis., Copley, Costello, Crago, Cramton, Curry, Dale, Vt., Dallinger, Danforth, Darrow, Davis, Minn., Dempsey, Denison, Dowell, Drukker, Dunn, Edmonds, Ellsworth, Elston, Esch, Fairchild, Fess, Focht, Fordney, Foss, Frear, Freeman, Garland, Gillett, Glynn, Good, Gray, N. J., Green, Iowa, Greene, Mass., Greene, Vt., Gneriney, Hadley, Hamilton, Mich., Hamilton, N. Y., Haskell, Haugen, Hawley, Heaton, Helgesen, Hernandez, Hicks, Hill, Hinds, Hopwood, Howell, Hull, Iowa, Humphrey, Wash., Husted, Hutchinson, James, Johnson, Wash., Kahn, Kearns, Keister, Kelley, Kennedy, Iowa, Kennedy, R. I., Kiess, Pa., King, Kinkaid, Kreider, Lafean, La Follette, Lehlbach, Lenroot, Longworth, Loud, McArthur, McCracken, McCulloch, McKenzie, McKinley, Magee, Mann, Mapes, Matthews, Meeker, Miller, Del., Mondell, Moore, Pa., Moores, Ind., Morgan, Okla., Mott, Madd, Nelson, Nichols, Mich., North, Olney, Paige, Mass., Parker, N. J., Parker, N. Y., Platt, Porter, Powers, Ramseyer, Reavis, Ricketts, Roberts, Mass., Roberts, Nev., Rodenberg, Rogers, Rowe, Russell, Ohio, Sanford, Scott, Mich., Sells, Siegel, Sinnott, Slayden, Sloan, Smith, Idaho, Smith, Minn., Snell, Snyder, Stafford, Stevenson, Sterling, Stiness, Sulloway, Sweet, Switzer, Temple, Tilson, Timberlake, Towner, Treadway, Volstead, Walsh, Ward, Wason, Watson, Pa., Wheeler, Williams, Ohio, Williams, T. S., Wilson, Ill., Woods, Iowa.

ANSWERED "PRESENT"—12.

Bennet, Dewalt, Gardner, Gould, Lazaro, Liebel, Madden, Patten, Slemp, Smith, Mich., Stephens, Miss., Wood, Ind.

NOT VOTING—52.

Adair, Barchfeld, Cantrill, Casey, Chiperfield, Clark, Fla., Conry, Doremus, Driscoll, Dyer, Emerson, Fitzgerald, Fuller, Glass, Godwin, N. C., Graham, Griest, Harrison, Hart, Hayes, Henry, Hollingsworth, Johnson, S. Dak., Lewis, Lindbergh, Loft, McFadden, McLaughlin, Miller, Minn., Montague, Mooney, Morgan, La., Morin, Morrison, Oakey, Peters, Pou, Pratt, Rouse, Rowland, Scott, Pa., Scully, Sears, Steagall, Stephens, Cal., Sutherland, Swift, Talbott, Tinkham, Vare, Webb, Winslow.

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. DRISCOLL with Mr. HAYES.

Mr. ROUSE with Mr. MADDEN.

Mr. CONRY with Mr. PRATT.

Mr. PATTEN with Mr. PORTER.

Mr. CLARK of Florida with Mr. FULLER.

Mr. FITZGERALD with Mr. MILLER of Minnesota.

Mr. LOFT with Mr. TINKHAM.

On the vote:

Mr. HARRISON (for shipping bill) with Mr. CHIPERFIELD (against).

Mr. STEPHENS of Mississippi (for shipping bill) with Mr. SWIFT (against).

Mr. HART (for shipping bill) with Mr. GRIEST (against).

Mr. MONTAGUE (for shipping bill) with Mr. SLEMP (against).

Mr. MORRISON (for shipping bill) with Mr. MCLAUGHLIN (against).

Mr. GLASS (for shipping bill) with Mr. WINSLOW (against).

Mr. TALBOTT (for shipping bill) with Mr. GOULD (against).

Mr. MORGAN of Louisiana (for shipping bill) with Mr. GRAHAM (against).

Mr. SCULLY (for shipping bill) with Mr. MOONEY (against).

Mr. CANTRILL (for shipping bill) with Mr. LANGLEY (against).

Mr. POU (for shipping bill) with Mr. JOHNSON of South Dakota (against).

Mr. STEAGALL (for shipping bill) with Mr. HOLLINGSWORTH (against).

Mr. SEARS (for shipping bill) with Mr. PETERS (against).

Mr. WEBB (for shipping bill) with Mr. DYER (against).

Mr. CASEY (for shipping bill) with Mr. SCOTT of Pennsylvania (against).

Mr. DOREMUS (for shipping bill) with Mr. SMITH of Michigan (against).

Mr. GODWIN of North Carolina (for shipping bill) with Mr. GARDNER (against).

Mr. HENRY (for shipping bill) with Mr. BENNET (against).

Mr. ADAIR (for shipping bill) with Mr. WOOD of Indiana (against).

Mr. LEWIS (for shipping bill) with Mr. OAKEY (against).

Mr. SMITH of Michigan. Mr. Speaker, I wish to change my vote from "nay" to "present."

Mr. LANGLEY. I voted "nay," but I am paired with my colleague, Mr. CANTRILL, and I desire to withdraw my vote and to answer "present."

Mr. GARDNER. I voted "nay," but I am paired with the gentleman from North Carolina, Mr. GODWIN, who did not vote. I withdraw my vote and answer "present."

Mr. MADDEN. I voted "nay," but I am paired with the gentleman from Kentucky, Mr. ROUSE, who did not vote. I withdraw my vote and answer "present."

Mr. STEPHENS of Mississippi. I voted "yea." I desire to withdraw that vote and to answer "present," as I am paired with the gentleman from New York, Mr. SWIFT.

Mr. DEWALT. I voted "yea," but I am paired with the gentleman from Pennsylvania, Mr. MCFADDEN, and I desire to withdraw that vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The doorkeeper will unlock the doors.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. GREENE of Massachusetts. Mr. Speaker, I desire to extend my remarks on the bill just passed.

The SPEAKER. The gentleman from Massachusetts asks leave to extend his remarks on the bill just passed. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

Mr. ASWELL. Mr. Speaker, I make the same request.

Mr. OLIVER. Mr. Speaker, I make the same request.

The SPEAKER. Everybody has leave to extend remarks on the bill just passed. That leave was granted long ago.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I call up the conference report on the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States; and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the Army reorganization bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 695).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment to the title of the bill and agree to the same.

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the matter proposed by the amendment of the Senate insert the following:

"That the Army of the United States shall consist of the Regular Army, the Volunteer Army, the Officers' Reserve Corps, the Enlisted Reserve Corps, the National Guard while in the service of the United States, and such other land forces as are now or may hereafter be authorized by law.

"SEC. 2. Composition of the Regular Army: The Regular Army of the United States, including the existing organizations, shall consist of 64 regiments of Infantry, 25 regiments of Cavalry, 21 regiments of Field Artillery, a Coast Artillery Corps, the brigade, division, army corps, and army headquarters, with their detachments and troops, a General Staff Corps, an Adjutant General's Department, an Inspector General's Department, a Judge Advocate General's Department, a Quartermaster Corps, a Medical Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Bureau of Insular Affairs, the Militia Bureau, the detached officers, the detached noncommissioned officers, the chaplains, the Regular Army Reserve, all organized as hereinafter provided, and the following as now authorized by law: The officers and enlisted men on the retired list; the additional officers; the professors, the Corps of Cadets, the general Army service detachment, and detachments of Cavalry, Field Artillery, and Engineers, and the band of the United States Military Academy; the post noncommissioned staff officers; the recruiting parties, the recruit depot detachments, and unassigned recruits; the service school detachments; the disciplinary guards; the disciplinary organizations; the Indian Scouts; and such other officers and enlisted men as are now or may be hereafter provided for: *Provided*, That hereafter the enlisted personnel of all organizations of the Regular Army shall at all times be maintained at a strength not below the minimum strength fixed by law: *Provided further*, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts and the enlisted men of the Quartermaster Corps, of the Medical Department, and of the Signal Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 175,000 men: *Provided further*, That the unassigned recruits at depots or elsewhere shall at no time, except in time of war, exceed by more than 7 per cent the total authorized enlisted strength.

"SEC. 3. Composition of brigades, divisions, etc.: The mobile troops of the Regular Army of the United States shall be organized, as far as practicable, into brigades and divisions. The President is authorized, in time of actual or threatened hostilities, or when in his opinion the interests of the public service demand it, to organize the brigades and divisions into such army corps or armies as may be necessary. The typical Infantry brigade shall consist of a headquarters and three regiments of Infantry. The typical Cavalry brigade shall consist of a headquarters and three regiments of Cavalry. The typical Field Artillery brigade shall consist of a headquarters and three regiments of Field Artillery. The typical Infantry division shall consist of a headquarters, three Infantry brigades, one regiment of Cavalry, one Field Artillery brigade, one regiment of Engineers, one field signal battalion, one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical Cavalry division shall consist of a headquarters, three Cavalry brigades, one regiment of Field Artillery (horse), one battalion of mounted Engineers, one field signal battalion (mounted), one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical army corps shall consist of a headquarters, two or more Infantry divisions, one or more Cavalry brigades or a Cavalry division, one Field Artillery brigade, one telegraph battalion, and one field signal battalion, and such ammunition, supply, engineer, and sanitary trains as the President may deem necessary. A brigade, a division, an army corps, and an army headquarters shall consist of such officers, enlisted men, and civilians as the President may prescribe. Each supply train, ammunition train, sanitary train, and engineer train shall consist of such officers and enlisted men and shall be organized as the President may prescribe, the line officers necessary therewith to be detailed under the provisions of sections 26 and 27, act of Congress approved February 2, 1901. Nothing herein contained, however, shall prevent the President from increasing or

decreasing the number of organizations prescribed for the typical brigades, divisions, and army corps, or from prescribing new and different organizations and personnel as the efficiency of the service may require.

"SEC. 4. General officers of the line: Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line; officers commissioned to and holding in the Army an office other than that of a general officer, but to which the rank of a general officer is attached, shall be known as general officers of the staff. The number of general officers of the line now authorized by law is hereby increased by four major generals and 19 brigadier generals: *Provided*, That hereafter in time of peace major generals of the line shall be appointed from officers of the grade of brigadier general of the line, and brigadier generals of the line shall be appointed from officers of the grade of colonel of the line of the Regular Army.

"SEC. 5. The General Staff Corps: The General Staff Corps shall consist of 1 Chief of Staff, detailed in time of peace from major generals of the line; 2 assistants to the Chief of Staff, who shall be general officers of the line, one of whom, not above the grade of brigadier general, shall be the president of the Army War College; 10 colonels; 10 lieutenant colonels; 15 majors; and 17 captains, to be detailed from corresponding grades in the Army, as in this section hereinafter provided. All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the General Staff Corps officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the General Staff Corps officers shall return to the branch of the Army in which they hold permanent commissions, and no officer shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in time of actual or threatened hostilities. Section 27 of the act of Congress approved February 2, 1901, shall apply to each position vacated by officers below the grade of general officer detailed in the General Staff Corps.

"Not more than one-half of all of the officers detailed in said corps shall at any time be stationed, or assigned to or employed upon any duty, in or near the District of Columbia. All officers detailed in said corps shall be exclusively employed in the study of military problems, the preparation of plans for the national defense and the utilization of the military forces in time of war, in investigating and reporting upon the efficiency and state of preparedness of such forces for service in peace or war, or on appropriate general staff duties in connection with troops, including the National Guard, or as military attachés in foreign countries, or on other duties, not of an administrative nature, on which they can be lawfully and properly employed: *Provided*, That no officer shall be detailed as a member of the General Staff Corps, other than the Chief of Staff and the general officers herein provided for as assistants to the Chief of Staff, except upon the recommendation of a board of five officers not below the rank of colonel, who shall be selected by the President or the Secretary of War, and neither the Chief of Staff nor more than two other members of the General Staff Corps, nor any officer not a member of said corps, who shall have been stationed or employed on any duty in or near the District of Columbia within one year prior to the date of convening of any such board, shall be detailed as a member thereof. No recommendation made by any such board shall, for more than one year after the making of such recommendation or at any time after the convening of another such board, unless again recommended by the new board, be valid as a basis for the detail of any officer as a member of the General Staff Corps; and no alteration whatever shall be made in any report or recommendation of any such board, either with or without the consent of members thereof, after the board shall have submitted such report or recommendation and shall have adjourned sine die: *Provided further*, That the War College shall remain fully subject to the supervising, coordinating, and informing powers conferred by law upon members of the General Staff Corps, and officers for duty as instructors or students in or as attachés of said college may be selected and detailed freely from among members of said corps, but any officer so selected and detailed other than one director shall thereupon cease to be a member of said corps and shall not be eligible for redetail therein so long as he shall remain on said duty; and no officer on the active list of the Army shall, for more than 30 days in any calendar year, be attached to or assigned to duty in the War College in any capacity other than that of president, director, instructor, or student, nor, unless a member of the General Staff Corps, be attached to or employed in the office of the Chief of Staff: *Provided further*, That the organizations heretofore existing in or in connection with the office of the Chief of Staff under the designations of the mobile army division and the Coast Artillery division be, and they are hereby, abolished and shall not be reestablished. The business heretofore transacted in said divisions, except such as comes clearly within the general powers specified in and conferred upon members of the General Staff Corps by the organic act of Congress approved February 14, 1903, is hereby transferred as follows, to wit, to the office of the Chief of Coast Artillery, all business apportioned to that office by law or Army Regulations at the time of the creation of the Coast Artillery division of the office of the Chief of Staff; to the office of The Adjutant General or other bureau or bureaus concerned, all other business; and, subject to the exercise of the supervising, coordinating, and informing powers conferred upon members of the General Staff Corps by the act of Congress last hereinbefore cited, the business transferred by this proviso to certain bureaus or offices shall hereafter be transacted exclusively by or under the direction of the respective heads thereof; and the Chief of Coast Artillery shall be an additional member of the General Staff Corps and shall also be adviser to and informant of the Chief of Staff in respect to the business under his charge: *Provided further*, That hereafter members of the General Staff Corps shall be confined strictly to the discharge of the duties of the general nature of those specified for them in this section and in the organic act of Congress last hereinbefore cited, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof: *Provided further*, That all pay and allowances shall be forfeited by any superior for any period during which, by his order or his permission, or by reason of his neglect, any subordinate shall violate any of the foregoing provisions of this section: *Provided further*, That if any officer detailed in the General Staff Corps, or as an officer of any staff corps or department of the Army, shall be promoted to the next higher grade while so serving he may be permitted to serve out the period of his detail, and the number of officers in the organization in which he shall be serving and in the grade to which he shall have been promoted shall be increased by one for such time as he shall be an additional number in said organization and grade; but the whole number of officers detailed to said organization shall at no time exceed the aggregate of the numbers allowed to the several grades thereof by law other than this proviso.

"SEC. 6. The Adjutant General's Department: The Adjutant General's Department shall consist of The Adjutant General with the rank of brigadier general; 7 adjutants general with the rank of colonel; 13 adjutants general with the rank of lieutenant colonel; and 30 adjutants general with the rank of major.

"SEC. 7. The Inspector General's Department: The Inspector General's Department shall consist of 1 Inspector General with the rank of brigadier general; 4 inspectors general with the rank of colonel; 8 inspectors general with the rank of lieutenant colonel; and 16 inspectors general with the rank of major.

"SEC. 8. The Judge Advocate General's Department: The Judge Advocate General's Department shall consist of 1 Judge Advocate General with the rank of brigadier general; 4 judge advocates with the rank of colonel; 7 judge advocates with the rank of lieutenant colonel; and 20 judge advocates with the rank of major: *Provided*, That acting judge advocates may be detailed under the provisions of existing law for separate brigades and for separate general court-martial jurisdictions, and when not immediately required for service with a geographical department, tactical division, separate brigade, or other separate general court-martial jurisdiction, acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require: *Provided further*, That, of the vacancies created in the Judge Advocate General's Department by this Act, one such vacancy, not below the grade of major, shall be filled by the appointment of a person from civil life, not less than 45 nor more than 50 years of age, who shall have been for 10 years a judge of the Supreme Court of the Philippine Islands, shall have served for two years as a captain in the Regular or Volunteer Army, and shall be proficient in the Spanish language and laws: *Provided further*, That so much of the act of Congress approved August 24, 1912, as relates to the detachment or detail of officers for duty in the Judge Advocate General's Department shall hereafter be held to apply only to the acting judge advocates authorized by law; and hereafter no officer shall be or remain detached from any

command or assigned to any duty or station with intent to enable or aid him to pursue the study of law: *And provided further*, That no officer of the Judge Advocate General's Department below the rank of colonel shall be promoted therein until he shall have successfully passed a written examination before a board consisting of not less than two officers of the Judge Advocate General's Department, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service: *Provided*, That should any officer in the grade of major of the Judge Advocate General's Department fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of two officers of the Judge Advocate General's Department superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall be honorably discharged from the service with one year's pay. If the action of the examining board is disapproved by the board of review, the officer shall be considered qualified and shall be promoted: *Provided further*, That any lieutenant colonel of the Judge Advocate General's Department who, at his first examination for promotion to the grade of colonel, has been found disqualified for such promotion for any reason other than physical disability incurred in the line of duty shall be suspended from promotion and his right thereto shall pass successively to such officers next below him in rank as are or may become eligible to promotion under existing law during the period of his suspension; and any such officer suspended from promotion shall be reexamined as soon as practicable after the expiration of one year from the date of the completion of the examination that resulted in his suspension; and if on such reexamination he is found qualified for promotion, he shall again become eligible thereto; but if he is found disqualified by reason of physical disability incurred in line of duty in either examination, he shall be retired, with the rank to which his seniority entitled him to be promoted; and if he is not found disqualified by reason of such physical disability, but is found disqualified for promotion for any other reason in the second examination, he shall be retired without promotion.

"SEC. 9. The Quartermaster Corps: The Quartermaster Corps shall consist of 1 Quartermaster General with the rank of major general; 2 assistants to the Quartermaster General with the rank of brigadier general; 21 colonels; 24 lieutenant colonels; 68 majors; 180 captains; and the pay clerks now in active service, who shall hereafter have the rank, pay, and allowances of a second lieutenant, and the President is hereby authorized to appoint and commission them, by and with the advice and consent of the Senate, second lieutenants in the Quartermaster Corps, United States Army. The total enlisted strength of the Quartermaster Corps and the number in each grade shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of quartermaster sergeants, senior grade; quartermaster sergeants; sergeants, first class; sergeants; corporals; cooks; privates, first class; and privates. The number in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Quartermaster Corps, namely: Quartermaster sergeants, senior grade, five-tenths of 1 per cent; quartermaster sergeants, 6 per cent; sergeants, first class, 2⅘ per cent; sergeants, 25 per cent; corporals, 10 per cent; privates, first class, 45 per cent; privates, 9 per cent; cooks, 2 per cent: *Provided*, That the master electricians now authorized by law for the Quartermaster Corps shall hereafter be known as quartermaster sergeants, senior grade, and shall be included in the number of quartermaster sergeants, senior grade, herein authorized: *And provided further*, That all work pertaining to construction and repair that has heretofore been done by or under the direction of officers of the Quartermaster Corps shall, except as otherwise now provided by laws or regulations, hereafter be done by or under the direction of officers of said corps.

"SEC. 10. The Medical Department: The Medical Department shall consist of one Surgeon General, with the rank of major general during the active service of the present incumbent of that office, and thereafter with the rank of brigadier general, who shall be chief of said department, a Medical Corps, a Medical Reserve Corps within the limit of time fixed by this act, a Dental Corps, a Veterinary Corps, an enlisted force, the Nurse Corps and contract surgeons as now authorized by law, the commissioned officers of which shall be citizens of the United States.

"The Medical Corps shall consist of commissioned officers below the grade of brigadier general, proportionally distributed among the several grades as in the Medical Corps now established by law. The total number of such officers shall approximately be equal to, but not exceed, except as hereinafter provided, 7 for every 1,000 of the total enlisted strength of the Regular Army authorized from time to time by law: *Provided*, That if by reason of a reduction by law in the authorized enlisted strength of the Army aforesaid the total number of officers in the Medical Corps commissioned previously to such reduction shall for the time being exceed the equivalent of 7 to 1,000 of such reduced enlisted strength no original appointment to commissioned rank in said corps shall be made until the total number of commissioned officers thereof shall have been reduced below the equivalent of 7 to the thousand of the said reduced enlisted strength, nor thereafter so as to make the total number of commissioned officers thereof in excess of the equivalent of 7 to the thousand of said reduced enlisted strength; and no promotion shall be made above the grade of captain in said corps until the number of officers in the grade above that of captain to which the promotion is due shall have been reduced below the proportional number authorized for such grade on the basis of the reduced enlisted strength, nor thereafter so as to make the number of officers in such grade in excess of the proportional number authorized on the basis of said reduced enlisted strength: *Provided further*, That when in time of war the Regular Army shall have been increased by virtue of the provisions of this or any other Act, the medical officers appointed to meet such increase shall be honorably discharged from the service of the United States when the reduction of the enlisted strength of the Army shall take place: *Provided further*, That persons hereafter commissioned in the Medical Corps shall be citizens of the United States between the ages of 22 and 30 years and shall be promoted to the grade of captain upon the completion of five years' service in the Medical Corps and upon passing the examinations prescribed by the President for promotion to the grade of captain in the Medical Corps: *Provided further*, That relative rank among captains in the Medical Corps, who have or shall have attained that rank by operation of law after a period of service fixed thereby, shall be determined by counting all the service rendered by them as officers in said corps and as assistant surgeons in the Regular Army, subject, however, to loss of files by reason of sentence of court-martial or by reason of failure to pass examination for promotion: *Provided further*, That hereafter the President shall be authorized to detail not to exceed five officers of the Medical Department of the Army for duty with the military relief division of the American National Red Cross.

"The enlisted force of the Medical Department shall consist of the following personnel, who shall not be included in the effective strength of the Army nor counted as a part of the enlisted force provided by law: Master hospital sergeants, hospital sergeants, sergeants (first class), sergeants, corporals, cooks, horseshoers, saddlers, farriers, mechanics, privates (first class), and privates: *Provided*, That master hospital sergeants shall be appointed by the Secretary of War, but no person shall be appointed master hospital sergeant until he shall have passed a satisfactory examination under such regulations as the Secretary of War may prescribe before a board of one or more medical officers as to his qualifications for the position, including knowledge of pharmacy, and demonstrated his fitness therefor by service of not less than 12 months as hospital sergeant or sergeant, first class, Medical Department, or as sergeant, first class, in the Hospital Corps now established by law; and no person shall be designated for such examination except by written authority of the Surgeon General: *Provided further*, That original enlistments for the Medical Department shall be made in the grade of private, and reenlistments and promotions of enlisted men therein, except as hereinbefore prescribed, and transfers thereto from the enlisted force of the line or other staff departments and corps of the Army shall be governed by such regulations as the Secretary of War may prescribe: *Provided further*, That the enlisted men of the Hospital Corps who are in active service at the time of the approval of this Act are hereby transferred to the corresponding grades of the Medical Department established by this Act: *Provided further*, That the total number of enlisted men in the Medical Department shall be approximately equal to, but not exceed, except as hereinafter provided, the equivalent of 5 per cent of the total enlisted strength of the Army authorized from time to time by law: *Provided further*, That in time of actual or threatened hostilities, the Secretary of War is hereby authorized to enlist or cause to be enlisted in the Medical Department such additional number of men as the service may require:

Provided further, That the number of enlisted men in each of the several grades designated below shall not exceed, except as hereinafter provided, the following percentages of the total authorized enlisted strength of the Medical Department, to wit: Master hospital sergeants, one-half of 1 per cent; hospital sergeants, one-half of 1 per cent; sergeants, first class, 7 per cent; sergeants, 11 per cent; corporals, 5 per cent; and cooks, 6 per cent: *Provided further*, That the number of horseshoers, saddlers, farriers, and mechanics in the Medical Department shall not exceed one each to each authorized ambulance company or like organization: *Provided further*, That in said department the number of privates, first class, shall not exceed 25 per cent of the number of privates: *Provided further*, That if by reason of a reduction by operation of law in the authorized enlisted strength of the Army aforesaid the number of noncommissioned officers of any grade in the Medical Department whose warrants were issued previously to such reductions shall for the time being exceed the percentage hereinabove specified for such grade, no promotion to such grade shall be made until the percentage of noncommissioned officers therein shall have been reduced below that authorized for such grade on the basis of the said reduced enlisted strength, nor thereafter so as to make the percentage of noncommissioned officers therein in excess of the percentage authorized on the basis of the said reduced enlisted strength; but noncommissioned officers may be reenlisted in the grades held by them previously to such reduction regardless of the percentages aforesaid; and when under this provision the number of noncommissioned officers of any grade exceeds the percentage specified, any noncommissioned officer thereof, not under charges, may be discharged on his own application: *Provided further*, That privates, first class, of the Medical Department shall be eligible for ratings for additional pay as follows: As dispensary assistant, $2 a month; as nurse, $3 a month; as surgical assistant, $5 a month: *Provided further*, That no enlisted man shall receive more than one rating for additional pay under the provisions of this section, nor shall any enlisted man receive any additional pay under such rating unless he shall have actually performed the duties for which he shall be rated.

"The President is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental surgeons, who are citizens of the United States between the ages of 21 and 27 years, at the rate of 1 for each 1,000 enlisted men in the line of the Army. Dental surgeons shall have the rank, pay, and allowances of first lieutenants until they have completed eight years' service. Dental surgeons of more than 8 but less than 24 years' service shall, subject to such examination as the President may prescribe, have the rank, pay, and allowances of captains. Dental surgeons of more than 24 years' service shall, subject to such examination as the President may prescribe, have the rank, pay, and allowances of major: *Provided*, That the total number of dental surgeons with rank, pay, and allowances of major shall not at any time exceed 15: *And provided further*, That all laws relating to the examination of officers of the Medical Corps for promotion shall be applicable to dental surgeons.

"Authority is hereby given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster.

"SEC. 11. Corps of Engineers: The Corps of Engineers shall consist of 1 Chief of Engineers, with the rank of brigadier general; 23 colonels; 30 lieutenant colonels; 72 majors; 152 captains; 148 first lieutenants; 79 second lieutenants; and the enlisted men hereinafter enumerated. The Engineers troops of the Corps of Engineers shall consist of 1 band, 7 regiments, and 2 mounted battalions.

"Each regiment of Engineers shall consist of 1 colonel; 1 lieutenant colonel; 2 majors; 11 captains; 12 first lieutenants; 6 second lieutenants; 2 master engineers, senior grade; 1 regimental sergeant major; 2 regimental supply sergeants; 2 color sergeants; 1 sergeant bugler; 1 cook; 1 wagoner for each authorized wagon of the field and combat train, and 2 battalions.

"Each battalion of a regiment of Engineers shall consist of 1 major, 1 captain, 1 battalion sergeant major; 3 master engineers, junior grade; and 3 companies. Each Engineer company (regimental) shall consist of 1 captain; 2 first lieutenants; 1 second lieutenant; 1 first sergeant; 3 sergeants, first class; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 6 sergeants; 12 corporals; 1 horseshoer; 2 buglers; 1 saddler; 2 cooks; 19 privates, first class; and 59 privates; *Provided*, That the President may, in his discretion, increase a regiment of Engineers by 2 master engineers, senior grade, and 2 sergeants; each battalion of a regiment of Engineers by 3 master engineers, junior grade; and each Engineer company (regimental) by 2 sergeants, 6 corporals, 1 cook, 12 privates, first class, and 34 privates.

"The Engineer band shall consist of 1 band leader; 1 assistant band leader; 1 first sergeant; 2 band sergeants; 4 band corporals; 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; and 2 cooks.

"Each battalion of mounted Engineers shall consist of 1 major; 5 captains; 7 first lieutenants; 3 second lieutenants; 1 master engineer, senior grade; 1 battalion sergeant major; 1 battalion supply sergeant; 3 master engineers, junior grade; 1 corporal; 1 wagoner for each authorized wagon of the field and combat train; and 3 mounted companies. Each mounted Engineer company shall consist of 1 captain; 2 first lieutenants; 1 second lieutenant; 1 first sergeant; 2 sergeants, first class; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 4 sergeants; 8 corporals; 2 horseshoers; 1 saddler; 2 cooks; 2 buglers; 12 privates, first class; and 37 privates: *Provided*, That the President may, in his discretion, increase the battalions of mounted Engineers by 1 master engineer, senior grade; 2 sergeants; and 3 master engineers, junior grade; and a mounted Engineer company by 2 sergeants; 3 corporals; 8 privates, first class; and 24 privates: *Provided further*, That appropriate officers to command the regiments, battalions, and companies herein authorized and for duty with and as staff officers of such organizations shall be detailed from the Corps of Engineers, and shall not be in excess of the numbers in each grade enumerated in this section. The enlisted force of the Corps of Engineers and the officers serving therewith shall constitute a part of the line of the Army.

"SEC. 12. The Ordnance Department: The Ordnance Department shall consist of 1 Chief of Ordnance, with the rank of brigadier general; 10 colonels; 15 lieutenant colonels; 32 majors; 42 captains; 42 first lieutenants; the ordnance sergeants, as now authorized by law, and such other enlisted men of grades now authorized by law as the President may direct: *Provided*, That ordnance sergeants shall be selected by the Secretary of War from the sergeants of the line or Ordnance Department who shall have served faithfully for eight years, including four years in the grade of noncommissioned officer: *Provided further*, That vacancies which may occur in the commissioned personnel of the Ordnance Department shall be subject to the provisions of sections 26 and 27 of the act approved February 2, 1901, the acts approved June 25, 1906, and February 24, 1915, and acts amendatory thereof relating to the Ordnance Department: *Provided further*, That hereafter the Secretary of War is authorized to detail not to exceed 30 lieutenants from the Army at large for duty as student officers in the establishment of the Ordnance Department for a period of two years; and the completion of the prescribed course of instruction shall constitute the examination for detail in the Ordnance Department.

"SEC. 13. The Signal Corps: The Signal Corps shall consist of 1 Chief Signal Officer, with the rank of brigadier general; 3 colonels; 8 lieutenant colonels; 10 majors; 30 captains; 75 first lieutenants; and the aviation section, which shall consist of 1 colonel; 1 lieutenant colonel; 8 majors; 24 captains; and 114 first lieutenants, who shall be selected from among officers of the Army at large of corresponding grades or from among officers of the grade below, exclusive of those serving by detail in staff corps or departments, who are qualified as military aviators, and shall be detailed to serve as aviation officers for periods of four years unless sooner relieved; and the provisions of section 27 of the act of Congress approved February 2, 1901, are hereby extended to apply to said aviation officers and to vacancies created in any arm, corps, or department of the Army by the detail of said officers therefrom; but nothing in said act or in any other law now in force shall be held to prevent the detail or redetail at any time, to fill a vacancy among the aviation officers authorized by this act, of any officer who, during prior service as an aviation officer of the aviation section, shall have become proficient in military aviation.

"Aviation officers may, when qualified therefor, be rated as junior military aviators or as military aviators, but no person shall be so rated until there shall have been issued to him a certificate to the effect that he is qualified for the rating, and no certificate shall be issued to any person until an aviation examining board, which shall be composed of three officers of experience in the Aviation Service and two medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the rating. No person shall receive the rating of military aviator until he shall have served creditably for three years as an aviation officer with the rating of a junior military aviator.

"Each aviation officer authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of 25 per cent in the pay of his grade and length of service under his commission. Each duly qualified junior military aviator shall, whole so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of 50 per cent in the pay of his grade and length of service under his commission. Each military aviator shall, whole so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of 75 per cent of the pay of his grade and length of service under his commission: *Provided further*, That the provisions of the act of March 2, 1913, allowing increase of pay and allowances to officers detailed by the Secretary of War on aviation duty are hereby repealed: *Provided further*, That hereafter married officers of the line of the Army shall be eligible equally with unmarried officers, and subject to the same conditions, for detail to aviation duty; and the Secretary of War shall have authority to cause as many enlisted men of the aviation section to be instructed in the art of flying as he may deem necessary: *Provided further*, That hereafter the age of officers shall not be a bar to their first detail in the aviation section of the Signal Corps, and neither their age nor their rank shall be a bar to their subsequent details in said section: *Provided further*, That when it shall be impracticable to obtain from the Army officers suitable for the aviation section of the Signal Corps in the number allowed by law the difference between that number and the number of suitable officers actually available for duty in said section may be made up by appointments in the grade of aviator, Signal Corps, and that grade is hereby created. The personnel for said grade shall be obtained from especially qualified civilians who shall be appointed and commissioned in said grade: *Provided further*, That whenever any aviator shall have become unsatisfactory he shall be discharged from the Army as such aviator. The base pay of an aviator, Signal Corps, shall be $150 per month, and he shall have the allowances of a master signal electrician and the same percentage of increase in pay for length of service as is allowed to a master signal electrician.

"The total enlisted strength of the Signal Corps shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of master signal electricians; sergeants, first class; sergeants; corporals; cooks; horseshoers; private, first class; and privates; the number in each grade being fixed from time to time by the President. The numbers in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Signal Corps, namely: Master signal electricians, 2 per cent; sergeants, first class, 7 per cent; sergeants, 10 per cent; corporals, 20 per cent. The number of privates, first class, shall not exceed 25 per cent of the number of privates. Authority is hereby given the President to organize, in his discretion, such part of the commissioned and enlisted personnel of the Signal Corps into such number of companies, battalions, and aero squadrons as the necessities of the service may demand.

"SEC. 14. Bureau of Insular Affairs of the War Department: Nothing in this act shall be construed to repeal existing laws relating to the organization of the Bureau of Insular Affairs of the War Department.

"SEC. 15. Chaplains: The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in service, 1 for each regiment of Cavalry, Infantry, Field Artillery, and Engineers, and 1 for each 1,200 officers and men of the Coast Artillery Corps, with rank, pay, and allowances as now authorized by law: *Provided*, That in the appointments of chaplains in the Regular Army, preference and priority shall be given to applicant veterans, if otherwise duly qualified and who shall not have passed the age of 41 years at the time of application, who have rendered honorable war service in the Army of the United States or who have been honorably discharged from such Army.

"SEC. 16. Veterinarians: The President is hereby authorized, by and with the advice and consent of the Senate, to appoint veterinarians and assistant veterinarians in the Army, not to exceed, including veterinarians now in service, 2 such officers for each regiment of Cavalry, 1 for every three batteries of Field Artillery, 1 for each mounted battalion of Engineers, 17 as inspectors of horses and mules and as veterinarians in the Quartermaster Corps, and 7 as inspectors of meats for the Quartermaster Corps; and said veterinarians and assistant veterinarians shall be citizens of the United States and shall constitute the Veterinary Corps and shall be a part of the Medical Department of the Army.

"Hereafter a candidate for appointment as assistant veterinarian must be a citizen of the United States, between the ages of 21 and 27 years, a graduate of a recognized veterinary college or university, and shall not be appointed until he shall have passed a satisfactory examination as to character, physical condition, general education, and professional qualifications.

"An assistant veterinarian appointed under this act shall, for the first 5 years of service as such, have the rank, pay, and allowances of second lieutenant; that after 5 years of service he shall have the rank, pay, and allowances of first lieutenant; that after 15 years of service he shall be promoted to be a veterinarian with the rank, pay, and allowances of captain, and that after 20 years' service he shall have the rank, pay, and allowances of a major: *Provided*, That any assistant veterinarian, in order to be promoted as hereinbefore provided, must first pass a satisfactory examination, under such rules as the President may prescribe, as to professional qualifications and adaptability for the military service; and if such assistant veterinarian shall be found deficient at such examination he shall be discharged from the Army with one year's pay.

"The veterinarians of Cavalry and Field Artillery now in the Army, together with such veterinarians of the Quartermaster Corps as are now employed in said corps, who at the date of the approval of this act shall have had less than 5 years' governmental service, may be appointed in the Veterinary Corps as assistant veterinarians with the rank, pay, and allowances of second lieutenant; those who shall have had over 5 years of such service may be appointed in said corps as assistant veterinarians with the rank, pay, and allowances of first lieutenant; and those who shall have had over 15 years of such service may be appointed in said corps as veterinarians with the rank, pay, and allowances of captain: *Provided*, That no such appointment of any veterinarian shall be made unless he shall first pass satisfactorily a practical professional and physical examination as to his fitness for the military service: *Provided further*, That veterinarians now in the Army or in the employ of the Quartermaster Corps who shall fail to pass the prescribed physical examination because of disability incident to the service and sufficient to prevent them from the performance of duty valuable to the Government shall be placed upon the retired list of the Army with 75 per cent of the pay to which they would have been entitled if appointed in the Veterinary Corps as hereinbefore prescribed.

"The Secretary of War, upon recommendation of the Surgeon General of the Army, may appoint in the Veterinary Corps, for such time as their services may be required, such number of reserve veterinarians as may be necessary to attend public animals pertaining to the Quartermaster Corps. Reserve veterinarians so employed shall have the pay and allowances of second lieutenant during such employment and no longer: *Provided*, That such reserve veterinarians shall be graduates of a recognized veterinary college or university and shall pass a satisfactory examination as to character, physical condition, general education, and professional qualifications in like manner as hereinbefore required of assistant veterinarians; such reserve veterinarians shall constitute a list of eligibles for appointment as assistant veterinarians, subject to all the conditions hereinbefore prescribed for the appointment of assistant veterinarians.

"Within a limit of time to be fixed by the Secretary of War, candidates for appointment as assistant veterinarians who shall have passed satisfactorily the examinations prescribed for that grade by this act shall be appointed, in the order of merit in which they shall have passed such examination, to vacancies as they occur, such appointments to be for a probationary period of two years, after which time, if the services of the probationers shall have been satisfactory, they shall be permanently appointed with rank to date from the dates of rank of their probationary appointments. Probationary veterinarians whose services are found unsatisfactory shall be discharged at any time during the probationary period, or at the end thereof, and shall have no further claims against the Government on account of their probationary service.

"The Secretary of War shall from time to time appoint boards of examiners to conduct the veterinary examinations herein-

before prescribed, each of said boards to consist of three medical officers and two veterinarians.

"SEC. 17. Composition of Infantry units: Each regiment of Infantry shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 15 captains, 16 first lieutenants, 15 second lieutenants, 1 headquarters company, 1 machine-gun company, 1 supply company, and 12 Infantry companies organized into 3 battalions of 4 companies each.

"Each battalion shall consist of 1 major, 1 first lieutenant, mounted (battalion adjutant), and 4 companies. Each Infantry company in battalion shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 6 sergeants, 11 corporals, 2 cooks, 2 buglers, 1 mechanic, 19 privates (first class), and 56 privates.

"Each Infantry headquarters company shall consist of 1 captain, mounted (regimental adjutant); 1 regimental sergeant major, mounted; 3 battalion sergeants major, mounted; 1 first sergeant (drum major); 2 color sergeants; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 1 sergeant; 2 cooks; 1 horseshoer; 1 band leader; 1 assistant band leader; 1 sergeant bugler; 2 band sergeants; 4 band corporals; 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; 4 privates, first class, mounted; and 12 privates, mounted.

"Each Infantry machine-gun company shall consist of 1 captain, mounted; 1 first lieutenant, mounted; 2 second lieutenants, mounted; 1 first sergeant, mounted; 1 mess sergeant; 1 supply sergeant, mounted; 1 stable sergeant, mounted; 1 horseshoer; 5 sergeants; 6 corporals; 2 cooks; 2 buglers; 1 mechanic; 8 privates, first class; and 24 privates.

"Each Infantry supply company shall consist of 1 captain, mounted; 1 second lieutenant, mounted; 3 regimental supply sergeants, mounted; 1 first sergeant, mounted; 1 mess sergeant; 1 stable sergeant; 1 corporal, mounted; 1 cook; 1 saddler; 1 horseshoer; and 1 wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may in his discretion increase a company of Infantry by 2 sergeants, 6 corporals, 1 cook, 1 mechanic, 9 privates (first class), and 31 privates; an Infantry machine-gun company by 2 sergeants, 2 corporals, 1 mechanic, 4 privates, first class, and 12 privates.

"The commissioned officers required for the Infantry headquarters, supply, and machine-gun companies and for the companies organized into battalions shall be assigned from those hereinbefore authorized.

"SEC. 18. Composition of Cavalry units: Each regiment of Cavalry shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 15 captains, 16 first lieutenants, 16 second lieutenants, 1 headquarters troop, 1 machine-gun troop, 1 supply troop, and 12 troops organized into 3 squadrons of 4 troops each.

"Each squadron shall consist of 1 major, 1 first lieutenant (squadron adjutant), and 4 troops. Each troop in squadron shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 5 sergeants, 8 corporals, 2 cooks, 2 horseshoers, 1 saddler, 2 buglers, 10 privates (first class), and 36 privates.

"Each headquarters troop shall consist of 1 captain (regimental adjutant), 1 regimental sergeant major, 3 squadron sergeants major, 1 first sergeant (drum major), 2 color sergeants, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 1 sergeant, 2 cooks, 1 horseshoer, 1 saddler, 2 privates (first class), and 9 privates, 1 band leader, 1 assistant band leader, 1 sergeant bugler, 2 band sergeants, 4 band corporals, 2 musicians (first class), 4 musicians (second class), and 13 musicians (third class).

"Each machine-gun troop shall consist of 1 captain, 1 first lieutenant, 2 second lieutenants, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 2 horseshoers, 5 sergeants, 6 corporals, 2 cooks, 1 mechanic, 1 saddler, 2 buglers, 12 privates (first class), and 35 privates.

"Each supply troop shall consist of 1 captain (regimental supply officer), 2 second lieutenants, 3 regimental supply sergeants, 1 first sergeant, 1 mess sergeant, 1 stable sergeant, 1 corporal, 1 cook, 1 horseshoer, 1 saddler, and 1 wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may, in his discretion, increase each troop of Cavalry by 10 privates (first class) and 25 privates; the headquarters troop by 2 sergeants, 5 corporals, 1 horseshoer, 5 privates (first class), and 18 privates; each machine-gun troop by 3 sergeants, 2 corporals, 1 mechanic, 1 private (first class), and 14 privates; each supply troop by 1 corporal, 1 cook, 1 saddler, and 1 horseshoer.

"The commissioned officers required for the Cavalry headquarters, supply, and machine-gun troops, and for the troops organized into squadrons, shall be assigned from those hereinbefore authorized.

"SEC. 19. Composition of Field Artillery units: The Field Artillery, including mountain artillery, light artillery, horse artillery, heavy artillery (field and siege types), shall consist of 126 gun or howitzer batteries organized into 21 regiments.

"In time of actual or threatened hostilities the President is authorized to organize such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks with such numbers and grades of personnel and such organizations as he may deem necessary. The officers necessary for such organization shall be supplied from the Officers' Reserve Corps provided by this act and by temporary appointment as authorized by section 8 of the act of Congress approved April 25, 1914. The enlisted men necessary for such organizations shall be supplied from the Regular Army reserve provided by this act or from the Regular Army.

"Each regiment of Field Artillery shall consist of 1 colonel, 1 lieutenant colonel, 1 captain, 1 headquarters company, 1 supply company, and such number of gun and howitzer battalions as the President may direct. Nothing shall prevent the assembling, in the same regiment, of gun and howitzer battalions of different calibers and classes.

"Each gun or howitzer battery shall consist of 1 captain, 2 first lieutenants, 2 second lieutenants, 1 first sergeant, 1 supply sergeant, 1 stable sergeant, 1 mess sergeant, 6 sergeants, 13 corporals, 1 chief mechanic, 1 saddler, 2 horseshoers, 1 mechanic, 2 buglers, 3 cooks, 22 privates (first class), and 71 privates. When no enlisted men of the Quartermaster Corps are attached for such positions there shall be added to each battery of mountain artillery 1 packmaster (sergeant, first class), 1 assistant packmaster (sergeant), and 1 cargador (corporal).

"Each headquarters company of a regiment of two battalions shall consist of 1 captain, 1 first lieutenant, 1 regimental sergeant major, 2 battalion sergeants major, 1 first sergeant, 2 color sergeants, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 2 sergeants, 9 corporals, 1 horseshoer, 1 saddler, 1 mechanic, 3 buglers, 2 cooks, 5 privates (first class), 15 privates, 1 band leader, 1 assistant band leader, 1 sergeant bugler, 2 band sergeants, 4 band corporals, 2 musicians (first class), 4 musicians (second class), and 13 musicians (third class). That when a regiment consists of three battalions there shall be added to the headquarters company 1 battalion sergeant major, 1 sergeant, 3 corporals, 1 bugler, 1 private (first class), and 5 privates. When no enlisted men of the Quartermaster Corps are attached for such positions there shall be added to each mountain artillery headquarters company 1 packmaster (sergeant, first class), 1 assistant packmaster (sergeant), and 1 cargador (corporal).

"Each supply company of a regiment of two battalions shall consist of 1 captain, 1 first lieutenant, 2 regimental supply sergeants, 1 first sergeant, 1 mess sergeant, 1 corporal, 1 cook, 1 horseshoer, 1 saddler, 2 privates, and 1 wagoner for each authorized wagon of the field train. When a regiment consists of three battalions there shall be added to the supply company 1 second lieutenant, 1 regimental supply sergeant, 1 private and 1 wagoner for each additional authorized wagon of the field train.

"Each gun or howitzer battalion shall consist of 1 major, 1 captain, and batteries as follows: Mountain artillery battalions and light artillery gun or howitzer battalions serving with the field artillery of Infantry divisions shall contain three batteries; horse artillery battalions and heavy field artillery gun or howitzer battalions shall contain two batteries: *Provided*, That the President may, in his discretion, increase the headquarters company of a regiment of two battalions by 2 sergeants, 5 corporals, 1 horseshoer, 1 mechanic, 1 private (first class), and 6 privates; the headquarters company of a regiment of three battalions by 1 sergeant, 7 corporals, 1 horseshoer, 1 mechanic, 2 cooks, 2 privates (first class), and 7 privates; the supply company of a regiment of two battalions by 1 corporal, 1 cook, 1 horseshoer, and 1 saddler; the supply company for a regiment of three battalions by 1 corporal, 1 cook, 1 horseshoer, and 1 saddler; a gun or howitzer battery by 3 sergeants, 7 corporals, 1 horseshoer, 2 mechanics, 1 bugler, 18 privates (first class), and 37 privates.

"SEC. 20. Coast Artillery Corps: The Coast Artillery Corps shall consist of 1 Chief of Coast Artillery, with the rank of brigadier general; 24 colonels; 24 lieutenant colonels; 72 majors; 360 captains; 360 first lieutenants; 360 second lieutenants; 31 sergeants major, senior grade; 64 sergeants major, junior grade; 41 master electricians; 72 engineers; 99 electrician sergeants, first class; 275 assistant engineers; 99 electrician sergeants, second class; 106 firemen; 93 radio sergeants; 62 master gunners; 263 first sergeants; 263 supply sergeants; 263 mess sergeants; 2,104 sergeants; 3,156 corporals; 526 cooks; 526

mechanics; 526 buglers; 5,225 privates, first class; 15,675 privates; and 18 bands, organized as hereinbefore provided for the Engineer band. The rated men of the Coast Artillery Corps shall consist of casemate electricians; observers, first class; plotters; chief planters; coxswains; chief loaders; observers, second class; gun commanders and gun pointers. The total number of rated men shall not exceed 1,784. Coxswains shall receive $9 per month in addition to the pay of their grade.

"SEC. 21. Porto Rico Regiment of Infantry: The Porto Rico Regiment of Infantry of the United States Army shall hereafter have the same organization, and the same grades and numbers of commissioned officers and enlisted men, as are by this act or shall hereafter be prescribed by law for other regiments of Infantry of the Army. All vacancies created by this act or occurring hereafter in commissioned offices of said regiment above the grade of second lieutenant and below the grade of colonel shall, except as hereinafter provided to the contrary, be filled by promotion according to seniority in the several grades and within the regiment, subject to the examination prescribed by section 3 of the act of Congress approved October 1, 1890, and said section is hereby extended so as to apply in the cases of all officers below the grade of lieutenant colonel, who shall hereafter be examined for promotion in the Porto Rico Regiment of Infantry, except that the President may prescribe such a system of examination for the promotion of officers of said regiment as he may deem advisable.

"The colonel of said regiment shall be detailed by the President, from among officers of Infantry of the Army not below the grade of lieutenant colonel, for a period of four years unless sooner relieved. Vacancies created by this act in the grades of lieutenant colonel and major in said regiment shall be filled by appointments from the senior captains in regimental rank of the Porto Rico regiment mentioned in the act of March 4, 1915; and captains and lieutenants of said regiment shall also be eligible for such detached service, transfer, or assignment to duty with other organizations as may be approved by the Secretary of War; but vacancies created by such detachment of officers shall not be filled by promotions or appointments.

"All men hereafter enlisting in said regiment shall be natives of Porto Rico. All enlistments in the regiment shall hereafter be the same as is provided herein for the Regular Army, and the regiment, or any part thereof, may be ordered for service outside the island of Porto Rico. The pay and allowances of members of said regiment shall be the same as provided by law for officers and enlisted men of like grades in the Regular Army.

"Vacancies created by this act or occurring hereafter in the grade of second lieutenant in said regiment shall be filled during any calendar year by the appointment by the President, by and with the advice and consent of the Senate, of any native of Porto Rico graduated from the United States Military Academy, and, after such appointment shall have been made or provided for, by like appointment of native citizens of Porto Rico between 21 and 27 years of age.

"*Provided*, That officers of the Porto Rico Regiment of Infantry, United States Army, who held commissions in the Porto Rico Provisional Regiment of Infantry on June 30, 1908, shall now and hereafter take rank in their grades in the same relative order held by them in said Porto Rico Provisional Regiment of Infantry on June 30, 1908, subject to any loss in rank due to failure to pass examinations for promotion or to sentence of court-martial.

"SEC. 22. All existing laws pertaining to or affecting the United States Military Academy and civilian or military personnel on duty thereat in any capacity whatever, the officers and enlisted men on the retired list, the detached and additional officers under the act of Congress approved March 3, 1911, recruiting parties, recruit depots and unassigned recruits, service-school detachments, United States disciplinary barracks guards, disciplinary organizations, the Philippine Scouts, and Indian scouts shall continue and remain in force except as herein specifically provided otherwise.

"SEC. 23. Original appointments to be provisional: Hereafter all appointments of persons other than graduates of the United States Military Academy to the grade of second lieutenant in the Regular Army shall be provisional for a period of two years, at the close of which period such appointments shall be made permanent if the appointees shall have demonstrated, under such regulations as the President may prescribe, their suitability and moral, professional, and physical fitness for such permanent appointment, but should any appointee fail so to demonstrate his suitability and fitness, his appointment shall terminate; and should any officer become eligible for promotion to a vacancy in a higher grade and qualify therefor before the expiration of two years from the date of his original appointment, he shall receive a provisional appointment in such higher grade, which appointment shall be made permanent when he shall have qualified for permanent appointment upon the expiration of two years from the date of his original appointment, or shall terminate if he shall fail so to qualify.

"SEC. 24. Increase to be made in five increments: Except as otherwise specifically provided by this act, the increases in the commissioned and enlisted personnel of the Regular Army provided by this act shall be made in five annual increments, each of which shall be, in each grade of each arm, corps, and department, as nearly as practicable, one-fifth of the total increase authorized for each arm, corps, and department. Officers promoted to vacancies created or caused by the addition of the first increment shall be promoted to rank from July 1, 1916, and those promoted to vacancies created or caused by the second increment shall be promoted to rank from July 1, 1917; those promoted to vacancies created or caused by the addition of the third increment shall be promoted to rank from July 1, 1918; those promoted to vacancies created or caused by the addition of the fourth increment shall be promoted to rank from July 1, 1919; and those promoted to vacancies created or caused by the addition of the fifth increment shall be promoted to rank from July 1, 1920: *Provided*, That in the event of actual or threatened war or similar emergency in which the public safety demands it the President is authorized to immediately organize the entire increase authorized by this act, or so much thereof as he may deem necessary, and when, in the judgment of the President, war becomes imminent, all of said organizations that shall then be below the maximum enlisted strength authorized by law shall be raised forthwith to that strength, and shall be maintained as nearly as possible thereat so long as war, or the imminence of war, shall continue.

"Vacancies in the grade of second lieutenant, created or caused by the increases due to this act, in any fiscal year shall be filled by appointment in the following order: (1) Of cadets graduated from the United States Military Academy during the preceding fiscal year for whom vacancies did not become available during the fiscal year in which they were graduated; (2) under the provisions of existing law, of enlisted men, including officers of the Philippine Scouts, whose fitness for promotion shall have been determined by competitive examination; (3) of members of the Officers' Reserve Corps between the ages of 21 and 27 years; (4) of commissioned officers of the National Guard between the ages of 21 and 27 years; (5) of such honor graduates, between the ages of 21 and 27 years, of distinguished colleges as are now or may hereafter be entitled to preference by general orders of the War Department; and (6) of candidates from civil life between the ages of 21 and 27 years; and the President is authorized to make the necessary rules and regulations to carry these provisions into effect: *Provided*, That any such original vacancies not so filled, and remaining at the time of graduation of any class at the United States Military Academy, may be filled by the appointment of members of that class; and all vacancies in the grade of second lieutenant not created or caused by the increases due to this act shall be filled as provided in the act making appropriation for the support of the Army, approved March 3, 1911: *Provided further*, That enlisted men of the Regular Army who have completed one year's service with an organization may become candidates for vacancies in the grade of second lieutenant created or caused by the increases due to the operation of this act: *Provided further*, That appointments to the grade of second lieutenant in the Corps of Engineers, including those created by this act, shall continue to be made as now provided by law, but that officers of the Army or Navy of the United States may become candidates for said appointments under the provisions of section 5 of the act of Congress approved February 27, 1911, without previously vacating their commissions as officers and that the Secretary of War may, in his discretion, allow persons to become candidates without previously establishing eligibility for appointment as junior engineer under the Engineer Bureau of the War Department: *Provided further*, That officers appointed to original vacancies in the grade of second lieutenant created or caused by this act shall take lineal and relative rank according to dates of appointment, and the lineal and relative rank of second lieutenants appointed on the same date shall be determined under such regulations as the Secretary of War may prescribe: *Provided further*, That the President may recommission persons who have heretofore held commissions in the Regular Army and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness; such recommissioned officers shall take rank at the foot of the respective grades which they held at the time of their separation from the Army: *Provided further*, That the provisions of existing law requiring examinations to determine fitness for promotion of

officers of the Army are hereby extended to include promotions to all grades below that of brigadier general: *Provided further*, That examinations of officers in the grades of major and lieutenant colonel shall be confined to problems involving the higher functions of staff duties and command: *And provided further*, That in time of war retired officers of the Army may be employed on active duty, in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grade: *And provided further*, That hereafter any retired officer, who has been or shall be detailed on active duty, shall receive the rank, pay, and allowances of the grade, not above that of major, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement.

"SEC. 25. The detached officers: That on July 1, 1916, the line of the Army shall be increased by 822 extra officers of the Cavalry, Field Artillery, Coast Artillery Corps, and Infantry arms of the service of grades from first lieutenant to colonel, inclusive, lawfully available for detachment from their proper arms for duty with the National Guard, or other duty, the usual period of which exceeds one year. Said extra officers, together with the 200 detached officers provided for by the act of Congress approved March 3, 1911, shall, on and after July 1, 1916, constitute the detached officers' list, and all positions vacated by officers assigned to said list, and the officers so assigned, shall be subject to the provisions of section 27 of the act of Congress approved February 2, 1901, with reference to details to the staff corps. The total number of officers hereby authorized for each grade on said list entire shall be in proportion to the total number of officers of the corresponding grade now authorized by law other than this act for all of the said four arms combined, exclusive of second lieutenants and of the 200 extra officers authorized by the act of Congress approved March 3, 1911, and exclusive also of the additional officers authorized by the act to restore lineal rank lost through the system of regimental promotion formerly in force; and the total number of officers hereby authorized for each grade in each of said arms on said list shall be in the proportion borne by the number of officers now authorized by law other than this act for such grade and arm to the total number of officers now authorized by law other than this act for the corresponding grade in all of the said four arms combined, exclusive of the extra and additional officers last hereinbefore specified and excluded: *Provided*, That all vacancies created or caused by the foregoing provisions of this section in grades above that of second lieutenant shall be filled by promotion according to law existing on and before the date of approval of this act, and subject to the examinations prescribed by existing law. As soon as practicable after such promotions shall have been made, there shall be detached from each arm and assigned to the Detached Officers' List a number of officers of each grade equal to the number of officers of said grade by which said arm shall have been increased by the foregoing provisions of this section; and thereafter any vacancy created or caused in any of the said arms of the service by the assignment of an officer of any grade to said Detached Officers' List shall be filled, subject to such examination as is now or may hereafter be prescribed by law, by the promotion of the officer who shall be the senior in length of commissioned service of those eligible to promotion in the next lower grade in the arm in which such vacancy shall occur: *Provided further*, That no officer of any of said arms of the service shall be permitted to remain on said Detached Officers' List for more than 45 days unless he shall have been actually present for duty for at least two years out of the last preceding six years with an organization composed of one or more statutory units, or the equivalent thereof, of the arm to which he shall belong. Any vacancy created in said list by the removal of any officer therefrom because he shall not have been present for duty as before prescribed in this proviso shall be filled by the transfer to said list of an officer having the same grade and belonging to the same arm as the officer whose removal from said list shall have created said vacancy; but, except as before prescribed in this proviso, all officers who shall have been assigned to said list shall remain thereon for not less than four years from the respective dates of their assignment thereto, unless in the meantime they shall have been separated entirely from the Army, or shall have been promoted or appointed to higher offices, or shall have been retired from active service: *Provided further*, That after the apportionment of officers to said Detached Officers' List shall have been made as authorized by this Act, whenever any vacancy shall have been caused in said list by the separation of an officer of any grade therefrom, such vacancy shall, except as prescribed in the last preceding proviso, be filled by the detail and assignment to said list of an officer of the corresponding grade in that arm in which there shall be found the officer of the next lower grade who at that time shall be the senior in length of commissioned service of all the officers of the said lower grade in all of the four arms hereinbefore specified; if two or more officers of different arms shall be found to have equal seniority in length of commissioned service in said lower grade, the question of seniority shall be decided by their relative standing on the list of the commissioned officers of the Army: *Provided further*, That, with a view further to equalize inequalities in past promotions of officers of the line of the Army, on July 1, 1916, the Cavalry shall be increased by 17 colonels and the Infantry by 4 colonels, all of whom shall be additional officers in that grade, and shall not bar nor retard the promotion to which any officer would be entitled if the appointment of the said additional officers had never been authorized; and after July 1, 1919, no vacancies occurring among the said additional officers shall be filled, and the offices so vacated shall cease and determine: *And provided further*, That for the purpose of lessening as much as possible inequalities of promotion due to the increase in the number of officers of the line of the Army under the provisions of this act any vacancies created or caused by this act in commissioned grades below that of lieutenant colonel in any arm of said line may, in the discretion of the President and under such regulations as he may prescribe in furtherance of the purpose stated in this proviso, be filled by the promotion or transfer without promotion of officers of other branches of the line of the Army; but no such promotion or transfer shall be made in the case of any officer unless it shall have been recommended by an examining board composed of five officers, senior in rank to such officer, and of the arm to which the promotion or transfer of such officer shall have been proposed, who, after having made a personal examination of such officer and of his official record, shall have reported him qualified for service in said arm in the grade to which his promotion or transfer shall have been proposed.

"SEC. 26. Retirement of officers of Philippine Scouts: Captains and lieutenants of Philippine Scouts who are citizens of the United States shall hereafter be entitled to retirement under the laws governing the retirement of enlisted men of the Regular Army, except that they shall be retired in the grade held by them at the date of retirement, shall be entitled to retirement for disability under the same conditions as officers of the Regular Army, and that they shall receive, as retired pay, the amounts allowed by law, as retired pay and allowances, of master signal electricians of the United States Army, and no more: *Provided*, That double time for service beyond the continental limits of the United States shall not be counted for the purposes of this section so as to reduce the actual period of service below 20 years: *Provided*, That former officers of the Philippine Scouts who, because of disability occasioned by wounds received in action, have resigned or been discharged from the service, or who have heretofore served as such for a period of more than five years and have been retired as enlisted men, shall be placed upon the retired list as officers of Philippine Scouts and thereafter receive the retired pay and allowances provided by this section for other officers of Philippine Scouts: *And provided further*, That any former officer of Philippine Scouts who vacated his office in the Philippine Scouts by discharge or resignation on account of disability contracted in the line of duty and who was subsequently retired as an enlisted man, except any former officer of Philippine Scouts who has been retired as an enlisted man by special act of Congress, shall be transferred to the retired list created by this section and shall thereafter receive the retired pay and allowances authorized by this section, and no more. Officers of Philippine Scouts retired under the provisions of this section shall not form part of the limited retired list now authorized by law.

"SEC. 27. Enlistments in the Regular Army: On and after the 1st day of November, 1916, all enlistments in the Regular Army shall be for a term of seven years, the first three years to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last four years in the Regular Army Reserve hereinafter provided for: *Provided*, That at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained

may, in the discretion of the Secretary of War, be furloughed to the Regular Army Reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the reserve shall be eligible to reenlist in the service until the expiration of his term of seven years: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this act three years shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of three years in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within 20 days after the date of such discharge: *Provided further*, That no person under the age of 18 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control: *And provided further*, That the President is authorized in his discretion to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment of recruits for the Army, and for each recruit accepted for enlistment in the Army the postmaster procuring his enlistment shall receive the sum of $5.

"In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers.

"SEC. 28. Pay of certain enlisted men: Hereafter the monthly pay of enlisted men of certain grades of the Army created in this act shall be as follows, namely: Quartermaster sergeant, senior grade, Quartermaster Corps; master hospital sergeant, Medical Department; master engineer, senior grade, Corps of Engineers; and band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, $75; hospital sergeant, Medical Department; and master engineer, junior grade, Corps of Engineers, $65; sergeant, first class, Medical Department, $50; sergeant, first class, Corps of Engineers; regimental supply sergeant, Infantry, Cavalry, Field Artillery, and Corps of Engineers; battalion supply sergeant, Corps of Engineers; and assistant engineer, Coast Artillery Corps, $45; assistant band leader, Infantry, Cavalry, Artillery, and Corps of Engineers; and sergeant bugler, Infantry, Cavalry, Artillery, and Corps of Engineers, $40; musician, first class, Infantry, Cavalry, Artillery, and Corps of Engineers; supply sergeant, mess sergeant, and stable sergeant, Corps of Engineers; sergeant Medical Department, $36; supply sergeant, Infantry, Cavalry, and Artillery; mess sergeant, Infantry, Cavalry, and Artillery; cook, Medical Department; horseshoer, Infantry, Cavalry, Artillery, Corps of Engineers, Signal Corps, and Medical Department; stable sergeant, Infantry and Cavalry; radio sergeant, Coast Artillery Corps; and musicians, second class, Infantry, Cavalry, Artillery, and Corps of Engineers, $30; musician, third class, Infantry, Cavalry, Artillery, and Corps of Engineers; corporal, Medical Department, $24; saddler, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Department; mechanic, Infantry, Cavalry, and Field Artillery, and Medical Department; farrier, Medical Department; and wagoner, Infantry, Field Artillery, and Corps of Engineers, $21; private, first class, Infantry, Cavalry, Artillery, and Medical Department, $18; private, Medical Department, and bugler, $15. Nothing herein contained shall operate to reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army.

"SEC. 29. Final discharge of enlisted men: No enlisted man in the Regular Army shall receive his final discharge until the termination of his seven-year term of enlistment except upon reenlistment as provided for in this act or as provided by law for discharge prior to expiration of term of enlistment, but when an enlisted man is furloughed to the Regular Army Reserve his account shall be closed and he shall be paid in full to the date such furlough becomes effective, including allowances provided by law for discharged soldiers: *Provided*, That when by reason of death or disability of a member of the family of an enlisted man occurring after his enlistment members of his family become dependent upon him for support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States or be furloughed to the Regular Army Reserve, upon due proof being made of such condition: *Provided further*, That when an enlisted man is discharged by purchase while in active service he shall be furloughed to the Regular Army Reserve, unless, in the discretion of the Secretary of War, he is given a final discharge from the Army.

"SEC. 30. Composition of the Regular Army Reserve: The Regular Army Reserve shall consist of, first, all enlisted men now in the Army Reserve or who shall hereafter become members of the Army Reserve under the provisions of existing law; second, all enlisted men furloughed to or enlisted in the Regular Army Reserve under the provisions of this act; and, third, any person holding an honorable discharge from the Regular Army with character reported at least good who is physically qualified for the duties of a soldier and not over forty-five years of age who enlists in the Regular Army Reserve for a period of four years.

"SEC. 31. The President is authorized to assign members of the Regular Army Reserve as reserves to particular organizations of the Regular Army, or to organize the Regular Army Reserve, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps herein provided for; and he may summon the Regular Army Reserve, or any part thereof, for field training for a period not exceeding 15 days in each year, the reservists to receive travel expenses and pay at the rate of their respective grades in the Regular Army during such periods of training; and in the event of actual or threatened hostilities he may mobilize the Regular Army Reserve in such manner as he may determine, and thereafter retain it, or any part thereof, in active service for such period as he may determine the conditions demand: *Provided*, That all enlistments in the Regular Army, including those in the Regular Army Reserve, which are in force on the date of the outbreak of war shall continue in force for one year, unless sooner terminated by order of the Secretary of War, but nothing herein shall be construed to shorten the time of enlistment prescribed: *Provided further*, That subject to such regulations as the President may prescribe for their proper identification, and location, and physical condition, the members of the Regular Army Reserve shall be paid semiannually at the rate of $24 a year while in the reserve.

"SEC. 32. Regular Army Reserve in time of war: When mobilized by order of the President, the members of the Regular Army Reserve shall, so long as they may remain in active service, receive the pay and allowances of enlisted men of the Regular Army of like grades: *Provided*, That any enlisted man who shall have reenlisted in the Regular Army Reserve shall receive during such active service the additional pay now provided by law for enlisted men in his arm of the service in the second enlistment period: *Provided further*, That upon reporting for duty, and being found physically fit for service, members of the Regular Army Reserve shall receive a sum equal to $3 per month for each month during which they shall have belonged to the reserve, as well as the actual necessary cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty under such summons: *And provided further*, That service in the Regular Army Reserve shall confer no right to retirement or retired pay, and members of the Regular Army Reserve shall become entitled to pension only through disability incurred while on active duty in the service of the United States.

"SEC. 33. Use of other departments of the Government: The President may, subject to such rules and regulations as in his judgment may be necessary, utilize the services of members and employees of all departments of the Government of the United States, without expense to the individual reservist, for keeping in touch with, paying, and mobilizing the Regular Army Reserve, the Enlisted Reserve Corps, and other reserve organizations.

"SEC. 34. Reenlistment in time of war: For the purpose of utilizing as an auxiliary to the Regular Army Reserve the services of men who have had experience and training in the Regular Army or in the United States Volunteers outside of the continental limits of the United States, in time of actual or threatened hostilities, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who, having been found physically qualified for the duties of a soldier, if not over 50 years of age, shall reenlist

in the line of said Army, or in the Signal, Quartermaster, or Medical Department thereof, within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of $8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of $6 per month for the second year of such period; at the rate of $4 per month for the third year of such period; and at the rate of $2 per month for any subsequent year of such period; but no bounty in excess of $300 shall be paid to any person under the terms of this section.

"SEC. 35. Enlisted men prohibited from civil employment: Hereafter no enlisted man in the active service of the United States in the Army, Navy, and Marine Corps, respectively, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

"SEC. 36. Sergeants for duty with the National Guard: For the purpose of assisting in the instruction of the personnel and care of property in the hands of the National Guard the Secretary of War is authorized to detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army not to exceed one thousand sergeants for duty with corresponding organizations of the National Guard and not to exceed one hundred sergeants for duty with the disciplinary organizations at the United States Disciplinary Barracks, who shall be additional to the sergeants authorized by this Act for the corps, companies, troops, batteries, and detachments from which they may be detailed.

"SEC. 37. The Officers' Reserve Corps: For the purpose of securing a reserve of officers available for service as temporary officers in the Regular Army, as provided for in this act and in section 8 of the act approved April 25, 1914, as officers of the Quartermaster Corps and other staff corps and departments, as officers for recruit rendezvous and depots, and as officers of Volunteers, there shall be organized, under such rules and regulations as the President may prescribe not inconsistent with the provisions of this act, an Officers' Reserve Corps of the Regular Army. Said corps shall consist of sections corresponding to the various arms, staff corps, and departments of the Regular Army. Except as otherwise herein provided, a member of the Officers' Reserve Corps shall not be subject to call for service in time of peace, and whenever called upon for service shall not, without his consent be so called in a lower grade than that held by him in said reserve corps.

"The President alone shall be authorized to appoint and commission as reserve officers in the various sections of the Officers' Reserve Corps, in all grades up to and including that of major, such citizens as, upon examination prescribed by the President, shall be found physically, mentally, and morally qualified to hold such commissions: *Provided*, That the proportion of officers in any section of the Officers' Reserve Corps shall not exceed the proportion for the same grade in the corresponding arm, corps, or department of the Regular Army, except that the number commissioned in the lowest authorized grade in any section of the Officers' Reserve Corps shall not be limited.

"That all persons now carried as duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903, shall, for a period of three years after the passage of this act, be eligible for appointment in the Officers' Reserve Corps in the section corresponding to the arm, corps, or department for which they have been found qualified, without further examination, except a physical examination, and subject to the limitations as to age and rank herein prescribed: *Provided*, That any person carried as qualified and registered in the grade of colonel or lieutenant colonel pursuant to the provisions of said act on the date when this act becomes effective may be commissioned and recommissioned in the Officers' Reserve Corps with the rank for which he has been found qualified and registered, but when such person thereafter shall become separated from the Officers' Reserve Corps for any reason the vacancy so caused shall not be filled, and such office shall cease and determine.

"No person shall, except as hereinafter provided, be appointed or reappointed a second lieutenant in the Officers' Reserve Corps after he shall have reached the age of 32 years, a first lieutenant after he shall have reached the age of 36 years, a captain after he shall have reached the age of 40 years, or a major after he shall have reached the age of 45 years. When an officer of the Reserve Corps shall reach the age limit fixed for appointment or reappointment in the grade in which commissioned he shall be honorably discharged from the service of the United States, and be entitled to retain his official title and, on occasions of ceremony, to wear the uniform of the highest grade he shall have held in the Officers' Reserve Corps: *Provided*, That nothing in the foregoing provisions as to the ages of officers shall apply to the appointment or reappointment of officers of the Quartermaster, Engineer, Ordnance, Signal, Judge Advocate, and Medical sections of said Reserve Corps.

"One year after the passage of this act the Medical Reserve Corps, as now constituted by law, shall cease to exist. Members thereof may be commissioned in the Officers' Reserve Corps, subject to the provisions of this Act, or may be honorably discharged from the service. The Secretary of War may, in time of peace, order first lieutenants of the medical section of the Officers' Reserve Corps, with their consent, to active duty in the service of the United States in such numbers as the public interests may require and the funds appropriated may permit, and may relieve them from such duty when their services are no longer necessary. While on such duty they shall receive the pay and allowances, including pay for periods of sickness and leaves of absence, of officers of corresponding rank and length of active service in the Regular Army.

"The commissions of all officers of the Officers' Reserve Corps shall be in force for a period of five years unless sooner terminated in the discretion of the President. Such officers may be recommissioned, either in the same or higher grades, for successive periods of five years, subject to such examinations and qualifications as the President may prescribe and to the age limits prescribed herein: *Provided*, That officers of the Officers' Reserve Corps shall have rank therein in the various sections of said Reserve Corps according to grades and to length of service in their grades.

"SEC. 38. The Officers' Reserve Corps in war: In time of actual or threatened hostilities the President may order officers of the Officers' Reserve Corps, subject to such subsequent physical examinations as he may prescribe, to temporary duty with the Regular Army in grades thereof which can not, for the time being, be filled by promotion, or as officers in volunteer or other organizations that may be authorized by law, or as officers at recruit rendezvous and depots, or on such other duty as the President may prescribe. While such reserve officers are on such service they shall, by virtue of their commissions as reserve officers, exercise command appropriate to their grade and rank in the organizations to which they may be assigned, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of active service, as allowed by law for officers of the Regular Army, from the date upon which they shall be required by the terms of their orders to obey the same: *Provided*, That officers so ordered to active service shall take temporary rank among themselves, and in their grades in the organizations to which assigned, according to the dates of orders placing them on active service; and they may be promoted, in accordance with such rank, to vacancies in volunteer organizations or to temporary vacancies in the Regular Army thereafter occurring in the organizations in which they shall be serving: *Provided further*, That officers of the Officers' Reserve Corps shall not be entitled to retirement or retired pay, and shall be entitled to pension only for disability incurred in the line of duty and while in active service.

"Any officer who, while holding a commission in the Officers' Reserve Corps, shall be ordered to active service by the Secretary of War shall, from the time he shall be required by the terms of his order to obey the same, be subject to the laws and regulations for the government of the Army of the United States, in so far as they are applicable to officers whose permanent retention in the military service is not contemplated.

"SEC. 39. Instruction of officers of the Officers' Reserve Corps: To the extent provided for from time to time by appropriations for this specific purpose, the Secretary of War is authorized to order reserve officers to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year, and while so serving such officers shall receive the pay and allowances of their respective grades in the Regular Army: *Provided*, That, with the consent of the reserve officers concerned, and within the limit of funds available for the purpose, such periods of duty may be extended for reserve officers as the Secretary of War may direct: *Provided further*, That in time of actual or threatened hostilities, after all available officers of any section of the Officers' Reserve Corps corresponding to any arm, corps, or department of the Regular Army shall have been ordered into active service, officers of Volunteers may be appointed in such arm, corps, or

department as may be authorized by law: *Provided further*, That nothing herein shall operate to prevent the appointment of any officer of the Regular Army as an officer of Volunteers before all the officers of the Officers' Reserve Corps or any section thereof shall have been ordered into active service: *And provided further*, That in determining the relative rank and the right to retirement of an officer of the Regular Army, active duty performed by him while serving in the Officers' Reserve Corps shall not be reckoned.

"SEC. 40. The Reserve Officers' Training Corps: The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including State universities and those State institutions that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions, except that units of the senior division may be organized at those essentially military schools which do not confer an academic degree but which, as a result of the annual inspection of such institutions by the War Department, are specially designated by the Secretary of War as qualified for units of the senior division, and each division shall consist of units of the several arms or corps in such number and of such strength as the President may prescribe.

"SEC. 41. The President may, upon the application of any State institution described in section 40 of this act, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least 100 physically fit male students.

"SEC. 42. The President may, upon the application of any established educational institution in the United States other than a State institution described in section 40 of this act, the authorities of which agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least 100 physically fit male students.

"SEC. 43. The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of the senior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the senior division or to devote at least an average of three hours per week per academic year to such military training; and no unit of the junior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the junior division, or to devote at least an average of three hours per week per academic year to such military training.

"SEC. 44. Eligibility to membership in the Reserve Officers' Training Corps shall be limited to students of institutions in which units of such corps may be established who are citizens of the United States, who are not less than 14 years of age, and whose bodily condition indicates that they are physically fit to perform military duty, or will be so upon arrival at military age.

"SEC. 45. The President is hereby authorized to detail such numbers of officers of the Army, either active or retired, not above the grade of colonel, as may be necessary, for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed 300, and no active officer shall be so detailed who has not had five years' commissioned service in the Army. In time of peace retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail. No detail of officers on the active list of the Regular Army under the provisions of this section shall extend for more than four years.

"SEC. 46. The President is hereby authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired or of the Regular Army Reserve, as he may deem necessary, but the number of active noncommissioned officers so detailed shall not exceed 500, and all active noncommissioned officers so detailed shall be additional in their respective grades to those otherwise authorized for the Army. Retired enlisted men or members of the Regular Army Reserve shall not be detailed under the provisions of this section without their consent. While so detailed they shall receive active pay and allowances.

"SEC. 47. The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, and for its return when required.

"SEC. 48. The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a period longer than six weeks in any one year, except in time of actual or threatened hostilities; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit; to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit; to use the Regular Army, such other military forces as Congress from time to time authorizes, and such Government property as he may deem necessary for the military training of the members of such corps while in attendance at such camps; to prescribe regulations for the government of such corps; and to authorize, in his discretion, the formation of company units thereof into battalion and regimental units.

"SEC. 49. The President alone, under such regulations as he may prescribe, is hereby authorized to appoint in the Officers' Reserve Corps any graduate of the senior division of the Reserve Officers' Training Corps who shall have satisfactorily completed the further training provided for in section 50 of this act, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in section 50 of this act, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of 21 years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army during a period of at least 10 years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority; but the total number of reserve officers so appointed shall not exceed 50,000: *Provided*, That any graduate qualified under the provisions of this section undergoing a postgraduate course at any institution shall not be eligible for appointment as a reserve officer while undergoing such postgraduate course, but his ultimate eligibility upon completion of such postgraduate course for such appointment shall not be affected because of his having undergone such postgraduate course.

"SEC. 50. When any member of the senior division of the reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for further training by the president of the institution and by its professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course in the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the courses in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps.

"SEC. 51. Any physically fit male citizen of the United States, between the ages of 21 and 27 years, who shall have

graduated prior to the date of this act from any educational institution at which an officer of the Army was detailed as professor of military science and tactics, and who, while a student at such institution, completed courses of military training under the direction of such professor of military science and tactics substantially equivalent to those prescribed pursuant to this act for the senior division, shall, after satisfactorily completing such additional practical military training as the Secretary of War shall prescribe, be eligible for appointment to the Officers' Reserve Corps and as a temporary additional second lieutenant in accordance with the terms of this act.

"SEC. 52. The President alone is hereby authorized to appoint and commission as a temporary second lieutenant of the Regular Army in time of peace for purposes of instruction, for a period not exceeding six months, with the allowances now provided by law for that grade, but with pay at the rate of $100 per month, any reserve officer appointed pursuant to sections 49 and 51 of this act and to attach him to a unit of the Regular Army for duty and training during the period covered by his appointment as such temporary second lieutenant, and upon the expiration of such service with the Regular Army such officer shall revert to his status as a reserve officer.

"SEC. 53. No reserve officer or temporary second lieutenant appointed pursuant to this act shall be entitled to retirement or to retired pay and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the Regular Army pursuant to the provisions of this act: *Provided*, That in time of war the President may order reserve officers appointed under the provisions of this act to active duty with any of the military forces of the United States in any grades not below that of second lieutenant, and while on such active duty they shall be subject to the Rules and Articles of War: *And provided further*, That The Adjutant General of the Army shall, under the direction and supervision of the Secretary of War, obtain, compile, and keep continually up to date all obtainable information as to the names, ages, addresses, occupations, and qualifications for appointment as commissioned officers of the Army, in time of war or other emergency, of men of suitable ages who, by reason of having received military training in civilian educational institutions or elsewhere, may be regarded as qualified and available for appointment as such commissioned officers.

"SEC. 54. Training camps: The Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accoutrements, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish, at the expense of the United States, uniforms, subsistence, transportation by the most usual and direct route within such limits as to territory as the Secretary of War may prescribe, and medical supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instruction at said camps, for cash and at cost price plus 10 per cent, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time of the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

"SEC. 55. The Enlisted Reserve Corps: For the purpose of securing an additional reserve of enlisted men for military service with the Engineer, Signal, and Quartermaster Corps and the Ordnance and Medical Departments of the Regular Army, an Enlisted Reserve Corps, to consist of such number of enlisted men of such grade or grades as may be designated by the President from time to time, is hereby authorized, such authorization to be effective on and after the 1st day of July, 1916.

"There may be enlisted in the grade or grades hereinbefore specified, for a period of four years, under such rules as may be prescribed by the President, citizens of the United States, or persons who have declared their intentions to become citizens of the United States, subject to such physical, educational, and practical examination as may be prescribed in said rules. For men enlisting in said grade or grades certificates of enlistment in the Enlisted Reserve Corps shall be issued by The Adjutant General of the Army, but no such man shall be enlisted in said corps unless he shall be found physically, mentally, and morally qualified to hold such certificate and unless he shall be between the ages of 18 and 45 years. The certificates so given shall confer upon the holders when called into active service or for purposes of instruction and training, and during the period of such active service, instruction, or training, all the authority, rights, and privileges of like grades of the Regular Army. Enlisted men of the Enlisted Reserve Corps shall take precedence in said corps according to the dates of their certificates of enlistment therein and when called into active service or when called out for purposes of instruction or training shall take precedence next below all other enlisted men of like grades in the Regular Army. And the Secretary of War is hereby authorized to issue to members of the Enlisted Reserve Corps and to persons who have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, distinctive rosettes or knots designed for wear with civilian clothing, and whenever a rosette or knot issued under the provisions of this section shall have been lost, destroyed, or rendered unfit for use without fault or neglect upon the part of the person to whom it was issued, the Secretary of War shall cause a new rosette or knot to be issued to such person without charge therefor. Any person who is not an enlisted man of the Enlisted Reserve Corps and shall not have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, and who shall wear such rosette or knot shall be guilty of misdemeanor punishable by a fine of not exceeding $300, or imprisonment not exceeding six months, or both.

"The President is authorized to assign members of the Enlisted Reserve Corps as reserves to particular organizations of the Regular Army, or to organize the Enlisted Reserve Corps, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps, herein provided for.

"To the extent provided from time to time by appropriations the Secretary of War may order enlisted men of the Enlisted Reserve Corps to active service for purposes of instruction or training for periods not to exceed 15 days in any one calendar year: *Provided*, That, with the consent of such enlisted men and within the limits of funds available for such purposes, such periods of active service may be extended for such number of enlisted men as may be deemed necessary.

"Enlisted men of the Enlisted Reserve Corps shall receive the pay and allowances of their respective grades, but only when ordered into active service, including the time required for actual travel from their homes to the places to which ordered and return to their homes: *Provided*, That said enlisted men shall not be entitled to retirement or retirement pay, nor shall they be entitled to pensions except for physical disability incurred in line of duty while in active service or while traveling under orders of competent authority to or from designated places of duty.

"The uniform to be worn by enlisted men of the Enlisted Reserve Corps, except corps insignia, shall be the same as prescribed for enlisted men of the Regular Army Reserve, and that in lieu of any money allowance for clothing there shall be issued to each enlisted man of the Enlisted Reserve Corps in time of peace such articles of clothing and equipment as the President may direct: *Provided*, That any clothing or other equipment issued to any enlisted man of the said corps shall remain the property of the United States, and in case of loss or destruction of any article, the article so lost or destroyed shall be replaced by issue to the enlisted man and the value thereof deducted from any pay due or to become due him, unless it shall be made to appear that such loss or destruction was not due to neglect or other fault on his part: *Provided further*, That any clothing or other equipment issued to enlisted men of the Enlisted Reserve Corps which shall have become unserviceable through ordinary wear and tear in the

service of the United States shall be received back by the United States and serviceable like articles issued in lieu thereof: *Provided further*, That when enlisted men of the Enlisted Reserve Corps shall be discharged or otherwise separated from the service, all arms, equipage, clothing, and other property issued to them shall be accounted for under such regulations as may be prescribed by the Secretary of War.

"Any enlisted man of the Enlisted Reserve Corps ordered to active service or for purposes of instruction or training shall, from the time he is required by the terms of the order to obey the same, be subject to the laws and regulations for the government of the Army of the United States.

"The Secretary of War is hereby authorized to discharge any enlisted member of the Enlisted Reserve Corps when his services shall be no longer required, or when he shall have by misconduct unfitted himself for further service in the said corps: *Provided*, That any enlisted man of said corps who shall be ordered upon active duty as herein provided and who shall willfully fail to comply with the terms of the order so given him shall, in addition to any other penalty to which he may be subject, forfeit his certificate of enlistment.

"In time of actual or threatened hostilities the President may order the Enlisted Reserve Corps, in such numbers and at such times as may be considered necessary, to active service with the Regular Army, and while on such service members of said corps shall exercise command appropriate to their several grades and rank in the organizations to which they shall be assigned and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service as now allowed by law for the Regular Army: *Provided*, That upon a call by the President for a volunteer force the members of the Enlisted Reserve Corps may be mustered into the service of the United States as volunteers for duty with the Army in the grades held by them in the said corps, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service, as now provided by law for the Regular Army: *And provided further*, That enlisted men of the Enlisted Reserve Corps shall not acquire by virtue of issuance of certificates of enlistment to them a vested right to be mustered into the volunteer service of the United States.

"SEC. 56. Military equipment and instructors at other schools and colleges: Such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges, other than those provided for in section 47 of this act, having a course of military training prescribed by the Secretary of War and having not less than 100 physically fit male students above the age of 14 years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized to detail such commissioned and noncommissioned officers of the Army to said schools and colleges, other than those provided for in sections 45 and 46 of this act, detailing not less than 1 such officer or noncommissioned officer to each 500 students under military instruction.

"SEC. 57. Composition of the militia: The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than 18 years of age and, except as hereinafter provided, not more than 45 years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the Unorganized Militia.

"SEC. 58. Composition of the National Guard: The National Guard shall consist of the regularly enlisted militia between the ages of 18 and 45 years organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of 21 and 64 years.

"SEC. 59. Exemptions from militia duty: The Vice President of the United States; the officers, judicial and executive, of the Government of the United States and of the several States and Territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from military service, if the conscientious holding of such belief by such persons shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant.

"SEC. 60. Organization of National Guard units: Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units.

"SEC. 61. Maintenance of other troops by the States: No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this act: *Provided*, That nothing contained in this act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this act shall prevent the organization and maintenance of State police or constabulary.

"SEC. 62. Number of the National Guard: The number of enlisted men of the National Guard to be organized under this act within one year from its passage shall be for each State in the proportion of 200 such men for each Senator and Representative in Congress from such State, and a number to be determined by the President for each Territory and the District of Columbia, and shall be increased each year thereafter in the proportion of not less than 50 per cent until a total peace strength of not less than 800 enlisted men for each Senator and Representative in Congress shall have been reached: *Provided*, That in States which have but one Representative in Congress such increase shall be at the discretion of the President: *Provided further*, That this shall not be construed to prevent any State, Territory, or the District of Columbia from organizing the full number of troops required under this section in less time than is specified in this section, or from maintaining existing organizations if they shall conform to such rules and regulations regarding organization, strength, and armament as the President may prescribe: *And provided further*, That nothing in this act shall be construed to prevent any State with but one Representative in Congress from organizing one or more regiments of troops, with such auxiliary troops as the President may prescribe; such organizations and members of such organizations to receive all the benefits accruing under this act under the conditions set forth herein: *Provided further*, That the word Territory as used in this act and in all laws relating to the land militia and National Guard shall include and apply to Hawaii, Alaska, Porto Rico, and the Canal Zone, and the militia of the Canal Zone shall be organized under such rules and regulations, not in conflict with the provisions of this act, as the President may prescribe.

"SEC. 63. Any corps of Artillery, Cavalry, or Infantry existing in any of the States on the passage of the Act of May 8, 1792, which by the laws, customs, or usages of said State has been in continuous existence since the passage of said act, under its provisions and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of title 16 of the Revised Statutes of 1873, and the act of January 21, 1903, relating to the militia, shall be allowed to retain its ancient privileges, subject, nevertheless, to all duties required by law of militia: *Provided*, That said organizations may be a part of the National Guard and entitled to all the privileges of this Act, and shall conform in all respects to the organization, discipline, and training of the National Guard in time of war: *Provided further*, That for purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they shall be serving.

"SEC. 64. Assignment of National Guard to brigades and divisions: For the purpose of maintaining appropriate organization and to assist in instruction and training, the President may assign the National Guard of the several States and Territories and the District of Columbia to divisions, brigades, and other tactical units, and may detail officers either from the National Guard or the Regular Army to command such units: *Provided*, That where complete units are organized within a State, Territory, or the District of Columbia the commanding officers thereof shall not be displaced under the provisions of this section.

"SEC. 65. Chiefs of staff of National Guard divisions: The President may detail one officer of the Regular Army as

chief of staff and one officer of the Regular Army or the National Guard as assistant to the chief of staff of any division of the National Guard in the service of the United States as a National Guard organization: *Provided*, That in order to insure the prompt mobilization of the National Guard in time of war or other emergency, the President may, in time of peace, detail an officer of the Regular Army to perform the duties of chief of staff for each fully organized tactical division of the National Guard.

"SEC. 66. Adjutants general of States, etc.: The adjutants general of the States, Territories, and the District of Columbia and the officers of the National Guard shall make such returns and reports to the Secretary of War, or to such officers as he may designate, at such times and in such form as the Secretary of War may from time to time prescribe: *Provided*, That the adjutants general of the Territories and of the District of Columbia shall be appointed by the President with such rank and qualifications as he may prescribe, and each adjutant general for a Territory shall be a citizen of the Territory for which he is appointed.

"SEC. 67. Appropriation, apportionment, and disbursement of funds for the National Guard: A sum of money shall hereafter be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the National Guard, including the expense of providing arms, ordnance stores, quartermaster stores, and camp equipage, and all other military supplies for issue to the National Guard, and such other expenses pertaining to said guard as are now or may hereafter be authorized by law.

"The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia, shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services, now authorized for the Division of Militia Affairs; for expenses of enlisted men of the Regular Army on duty with the National Guard, including quarters, fuel, light, medicines, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law.

"The governor of each State and Territory and the commanding general of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretary of War, an officer of the National Guard of the State, Territory, or District of Columbia who shall be regarded as property and disbursing officer for the United States. He shall receipt and account for all funds and property belonging to the United States in possession of the National Guard of his State, Territory, or District, and shall make such returns and reports concerning the same as may be required by the Secretary of War. The Secretary of War is authorized, on the requisition of the governor of a State or Territory or the commanding general of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof so much of its allotment out of the annual appropriation for the support of the National Guard as shall, in the judgment of the Secretary of War, be necessary for the purposes enumerated therein. He shall render, through the War Department, such accounts of Federal funds intrusted to him for disbursement as may be required by the Treasury Department. Before entering upon the performance of his duties as property and disbursing officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretary of War, for the faithful performance of his duties and for the safe-keeping and proper disposition of the Federal property and funds intrusted to his care. He shall, after having qualified as property and disbursing officer, receive pay for his services at a rate to be fixed by the Secretary of War, and such compensation shall be a charge against the whole sum annually appropriated for the support of the National Guard: *Provided*, That when traveling in the performance of his official duties under orders issued by the proper authorities he shall be reimbursed for his actual necessary traveling expenses, the sum to be made a charge against the allotment of the State, Territory, or District of Columbia: *Provided further*, That the Secretary of War shall cause an inspection of the accounts and records of the property and disbursing officer to be made by an inspector general of the Army at least once each year: *And provided further*, That the Secretary of War is empowered to make all rules and regulations necessary to carry into effect the provisions of this section.

"SEC. 68. Location of units: The States and Territories shall have the right to determine and fix the location of the units and headquarters of the National Guard within their respective borders: *Provided*, That no organization of the National Guard, members of which shall be entitled to and shall have received compensation under the provisions of this act, shall be disbanded without the consent of the President, nor, without such consent, shall the commissioned or enlisted strength of any such organization be reduced below the minimum that shall be prescribed therefor by the President.

"SEC. 69. Enlistments in the National Guard: Hereafter the period of enlistment in the National Guard shall be for six years, the first three years of which shall be in an active organization and the remaining three years in the National Guard Reserve, hereinafter provided for, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army: *Provided*, That in the National Guard the privilege of continuing in active service during the whole of an enlistment period and of reenlisting in said service shall not be denied by reason of anything contained in this act.

"SEC. 70. Federal enlistment contract: Enlisted men in the National Guard of the several States, Territories, and the District of Columbia now serving under enlistment contracts which contain an obligation to defend the Constitution of the United States and to obey the orders of the President of the United States shall be recognized as members of the National Guard under the provisions of this act for the unexpired portion of their present enlistment contracts. When any such enlistment contract does not contain such obligation, the enlisted man shall not be recognized as a member of the National Guard until he shall have signed an enlistment contract and taken and subscribed to the following oath of enlistment, upon signing which credit shall be given for the period already served under the old enlistment contract: 'I hereby acknowledge to have voluntarily enlisted this —— day of ————, 19—, as a soldier in the National Guard of the United States and of the State of ————, for the period of three years in service and three years in the reserve, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ————, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ————, and of the officers appointed over me according to law and the rules and articles of war.'

"SEC. 71. Hereafter all men enlisting for service in the National Guard shall sign an enlistment contract and take and subscribe to the oath prescribed in the preceding section of this act.

"SEC. 72. Discharge of enlisted men from the National Guard: An enlisted man discharged from service in the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.

"SEC. 73. Federal oath for National Guard officers: Commissioned officers of the National Guard of the several States, Territories, and the District of Columbia now serving under commissions regularly issued shall continue in office, as officers of the National Guard, without the issuance of new commissions: *Provided*, That said officers have taken, or shall take and subscribe to the following oath of office: 'I,————, do solemnly swear that I will support and defend the Constitution of the United States and the constitution of the State of ————, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the

President of the United States and of the governor of the State of ————; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ———— in the National Guard of the United States and of the State of ———— upon which I am about to enter, so help me God.'

"SEC. 74. Qualifications for National Guard officers: Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this act unless they shall have been selected from the following classes and shall have taken and subscribed to the oath of office prescribed in the preceding section of this act: Officers or enlisted men of the National Guard; officers on the reserve or unassigned list of the National Guard; officers, active or retired, and former officers of the United States Army, Navy, and Marine Corps; graduates of the United States Military and Naval Academies and graduates of schools, colleges, and universities where military science is taught under the supervision of an officer of the Regular Army, and, for the technical branches and staff corps or departments, such other civilians as may be specially qualified for duty therein.

"SEC. 75. The provisions of this act shall not apply to any person hereafter appointed an officer of the National Guard unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard, or both.

"SEC. 76. Filling of vacancies when drafted into Federal service: All vacancies occurring in any grade of commissioned officers in any organization in the military service of the United States and composed of persons drafted from the National Guard under the provisions of this act shall be filled by the President, as far as practicable, by the appointment of persons similarly taken from said guard, and in the manner prescribed by law for filling similar vacancies occurring in the volunteer forces.

"SEC. 77. Elimination and disposition of officers: At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such an officer, he shall be discharged. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial. Officers of said guard rendered surplus by the disbandment of their organizations shall be placed in the National Guard Reserve. Officers may, upon their own application, be placed in the said reserve.

"SEC. 78. The National Guard Reserve: Subject to such rules and regulations as the President may prescribe, a National Guard Reserve shall be organized in each State, Territory, and the District of Columbia, and shall consist of such organizations, officers, and enlisted men as the President may prescribe, or members thereof may be assigned as reserves to an active organization of the National Guard: *Provided*, That members of said reserve, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as enlisted men of like grade on the active list of said guard when likewise engaged: *Provided further*, That, except as otherwise specifically provided in this act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes.

"SEC. 79. Reserve battalions for recruit training: When members of the National Guard and the enlisted reserve thereof of any State, Territory, or the District of Columbia shall have been brought into the service of the United States in time of war, there shall be immediately organized, either from such enlisted reserve or from the unorganized militia, in such State, Territory, or District, 1 reserve battalion for each regiment of Infantry or Cavalry, or each 9 batteries of Field Artillery, or each 12 companies of Coast Artillery, brought into the service of the United States, and such reserve battalion shall constitute the fourth battalion of any such regiment or 12 companies of Coast Artillery. Reserve battalions shall consist of four companies of such strength as may be prescribed by the President of the United States. When the members of three or more regiments of the National Guard of any State, Territory, or District shall have been brought into the service of the United States, the reserve battalions of such regiments may be organized into provisional regiments and higher units. If for any reason there shall not be enough voluntary enlistments to keep the reserve battalions at the prescribed strength, a sufficient number of the unorganized militia shall be drafted into the service of the United States to maintain each of such battalions at the proper strength. As vacancies occur from death or other causes in any organization in the service of the United States and composed of men taken from the National Guard, men shall be transferred from the reserve battalions to the organizations in the field so that such organizations may be maintained at war strength. Officers for the reserve battalions provided for herein shall be drafted from the National Guard Reserve or Coast Artillery companies of the National Guard or the Officers' Reserve Corps, such officers to be taken, if practicable, from the States, respectively, in which the battalions shall be organized. Officers and noncommissioned officers returned to their home stations because of their inability to perform active field service may be assigned to reserve battalions for duty, and all soldiers invalided home shall be assigned to and carried on the rolls of reserve battalions until returned to duty or until discharged.

"SEC. 80. Leaves of absence for certain Government employees: All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this act.

"SEC. 81. Militia Bureau of the War Department: The National Militia Board created by section 11 of the act of May 27, 1908, amending section 20 of the act of January 21, 1903, shall, from the date of the approval of this act, be abolished. The Militia Division now existing in the War Department shall hereafter be known as the Militia Bureau of said department, shall, like other bureaus of said department, be under the immediate supervision of the Secretary of War, and shall not form a part of any other bureau, office, or other organization, but the Chief of the Militia Bureau shall be ex officio a member of the General Staff Corps: *Provided*, That the President may, in his discretion, assign to duty in the Militia Bureau as assistants to the chief thereof not to exceed one colonel and one lieutenant colonel of the National Guard, for terms of four years, and any such officer while so assigned shall, subject to such regulations as the President may prescribe, receive out of the whole fund appropriated for the support of the militia the pay and allowances of a Regular Army officer having the same rank and length of service as said National Guard officer, whose prior service in the Organized Militia shall be counted in ascertaining his rights under this proviso.

"SEC. 82. Armament, equipment, and uniform of the National Guard: The National Guard of the United States shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army.

"SEC. 83. The Secretary of War is hereby authorized to procure, under such regulations as the President may prescribe, by purchase or manufacture, within the limits of available appropriations made by Congress, and to issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, such number of United States service arms, with all accessories, field-artillery matériel, engineer, coast artillery, signal, and sanitary matériel, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia: *Provided*, That as a condition precedent to the issue of any property as provided for by this act, the State, Territory, or the District of Columbia desiring such issue shall make adequate provision, to the satisfaction of the Secretary of War, for the protection and care of such property: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of War that the National Guard of any State, Territory, or the District of Columbia, is properly organized, armed, and equipped for field service, funds allotted to that State, Territory, or District for the support of its National Guard may be used for the purchase, from the War Department, of any article issued by any of the supply departments of the Army.

"SEC. 84. Under such regulations as the President may prescribe, whenever a new type of equipment, small arm, or field gun shall have been issued to the National Guard of the several States, Territories, and the District of Columbia, such equip-

ment, small arms, and field guns, including all accessories, shall be furnished without charging the cost or value thereof or any expense connected therewith against the appropriations provided for the support of the National Guard.

"SEC. 85. Each State, Territory, and the District of Columbia shall, on the receipt of new property issued to replace obsolete or condemned prior issues, turn in to the War Department or otherwise dispose of, in accordance with the directions of the Secretary of War, all property so replaced or condemned, and shall not receive any money credit therefor.

"SEC. 86. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department for the use of the National Guard, including the officers thereof, any stores, supplies, material of war, and military publications furnished to the Army, in addition to those issued under the provisions of this act, at the price at which they shall be listed to the Army, with cost of transportation added. The funds received from such sale shall be credited to the appropriation to which they shall belong, shall not be covered into the Treasury, and shall be available until expended to replace therewith the supplies sold to the States in the manner herein authorized: *Provided*, That stores, supplies, and matériel of war so purchased by a State, Territory, or the District of Columbia may, in time of actual or threatened war, be requisitioned by the United States for use in the military service thereof, and when so requisitioned by the United States and delivered credit for the ultimate return of such property in kind shall be allowed to such State, Territory, or the District of Columbia.

"SEC. 87. Disposition and replacement or damaged property, etc.: All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard, detailed by the Secretary of War, and the report of such surveying officer shall be forwarded to the Secretary of War, or to such officer as he shall designate to receive such reports; and if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor. If it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable State, Territory, or District of Columbia, to be paid from State, Territory, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and as a part of and in addition to that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war: *Provided further*, That if any State, Territory, or the District of Columbia by the Secretary of War pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment shall have been made.

"SEC. 88. The net proceeds of the sale of condemned stores issued to the National Guard and not charged to State allotments shall be covered into the Treasury of the United States, as shall also stoppages against officers and enlisted men, and the net proceeds of collections made from any person to reimburse the Government for the loss, damage, or destruction of said property not charged against the State allotment issued for the use of the National Guard.

"SEC. 89. Horses for Cavalry and Field Artillery of National Guard: Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery and Cavalry of the National Guard, said horses to remain the propery of the United States and to be used solely for military purposes.

"Horses so purchased may be issued not to exceed 32 to any one battery or troop, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the use of such organizations, condemned Army horses which are no longer fit for service, but which may be suitable for the purposes of instruction, such horses to be sold as now provided by law when said purposes shall have been served.

"SEC. 90. Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government horses issued to any battery or troop, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each battery or troop, shall be duly enlisted therein and shall be detailed by the battery or troop commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia.

"SEC. 91. Discipline to conform to that of Regular Army: The discipline (which includes training) of the National Guard shall conform to the system which is now or may hereafter be prescribed for the Regular Army, and the training shall be carried out by the several States, Territories, and the District of Columbia so as to conform to the provisions of this Act.

"SEC. 92. Training of the National Guard: Each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than 48 times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least 15 days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such assembly at which he shall be credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Secretary of War.

"SEC. 93. Inspections of the National Guard: The Secretary of War shall cause an inspection to be made at least once each year by inspectors general, and if necessary by other officers, of the Regular Army, detailed by him for that purpose, to determine whether the amount and condition of the property in the hands of the National Guard is satisfactory; whether the National Guard is organized as hereinbefore prescribed; whether the officers and enlisted men possess the physical and other qualifications prescribed; whether the organization and the officers and enlisted men thereof are sufficiently armed, uniformed, equipped, and being trained and instructed for active duty in the field or coast defense; and whether the records are being kept in accordance with the requirements of this act. The reports of such inspections shall serve as the basis for deciding as to the issue to and retention by the National Guard of the military property provided for by this act, and for determining what organizations and individuals shall be considered as constituting parts of the National Guard within the meaning of this act.

"SEC. 94. Encampments and maneuvers: Under such regulations as the President may prescribe, the Secretary of War is authorized to provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor-target practice, for field or coast-defense instruction, either independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds appropriated for that purpose and allotted to any State, Territory, or the District of Columbia, such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of such State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor-target practice, for field and coast-defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be

entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled by law.

"SEC. 95. When any part of the National Guard participates in encampments, maneuvers, or other exercises, including outdoor-target practice, for field or coast-defense instruction at a United States military post, or reservation, or elsewhere, if in conjunction with troops of the United States, the command of such military post or reservation and of the officers and troops of the United States on duty there or elsewhere shall remain with the commander of the United States troops without regard to the rank of the commanding or other officer of the National Guard temporarily engaged in the encampments, maneuvers, or other exercises.

"SEC. 96. Use of Regular Army personnel: The Secretary of War may detail one or more officers and enlisted men of the Regular Army to attend any encampment, maneuver, or other exercise for field or coast-defense instruction of the National Guard, who shall give such instruction and information to the officers and men assembled for such encampment, maneuver, or other exercise as may be directed by the Secretary of War or requested by the governor or by the commanding officer of the National Guard there on duty.

"SEC. 97. Under such regulations as the President may prescribe the Secretary of War may provide camps for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for that purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard designated to attend said camps shall belong. Officers and enlisted men attending such camps shall be entitled to pay and transportation, and enlisted men to subsistence in addition, at the same rates as for encampments or maneuvers for field or coast-defense instruction.

"SEC. 98. When any portion of the National Guard shall participate in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, under the provisions of this Act, it may, after being duly mustered, be paid at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive; and such payment, if otherwise correct, shall pass to the credit of the disbursing officer making the same.

"SEC. 99. National Guard officers and men at service schools, etc.: Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy; or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and such officer or enlisted man shall receive, out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters, or commutation of quarters, and the same pay, allowances, and subsistence to which an officer or enlisted man of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction: *Provided*, That in no case shall the pay and allowances authorized by this section exceed those of a captain.

"SEC. 100. Detail of officers of Regular Army to duty with the National Guard: The Secretary of War shall detail officers of the active list of the Army to duty with the National Guard in each State, Territory, or District of Columbia, and officers so detailed may accept commissions in the National Guard, with the permission of the President and terminable in his discretion, without vacating their commissions in the Regular Army or being prejudiced in their relative or lineal standing therein. The Secretary of War may, upon like application, detail one or more enlisted men of the Regular Army with each State, Territory, or District of Columbia for duty in connection with the National Guard. But nothing in this section shall be so construed as to prevent the detail of retired officers as now provided by law.

"SEC. 101. National Guard, when subject to laws governing Regular Army: The National Guard when called as such into the service of the United States shall, from the time they are required by the terms of the call to respond thereto, be subject to the laws and regulations governing the Regular Army, so far as such laws and regulations are applicable to officers and enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law.

"SEC. 102. System of courts-martial for National Guard: Except in organizations in the service of the United States, court-martial in the National Guard shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted like, and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for said similar courts.

"SEC. 103. General courts-martial of the National Guard not in the service of the United States may be convened by orders of the President, or of the governors of the respective States and Territories, or by the commanding general of the National Guard of the District of Columbia, and such courts shall have the power to impose fines not exceeding $200; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of noncommissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts.

"SEC. 104. In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, camp, or other place, brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed $100.

"SEC. 105. In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, or other place, regiment or corps, detached battalion, company, or other detachment of the National Guard may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding $25 for any single offense; may sentence noncommissioned officer to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States.

"SEC. 106. All courts-martial of the National Guard, not in the service of the United States, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentences of confinement shall not exceed one day for each dollar of fine authorized.

"SEC. 107. No sentence of dismissal from the service or dishonorable discharge, imposed by a National Guard court-martial, not in the service of the United States, shall be executed until approved by the governor of the State or Territory concerned, or by the commanding general of the National Guard of the District of Columbia.

"SEC. 108. In the National Guard, not in the service of the United States, presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpœnas and subpœnas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts.

"All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the several States and Territories, and in any State where no provision shall have been made for such action, and in the Territories and the District of Columbia, such processes and sentences shall be executed by a United States marshal or his duly appointed deputy, and it shall be the duty of any United States

marshal to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same.

"SEC. 109. Pay for National Guard officers: Certain commissioned officers on the active list belonging to organizations of the National Guard of each State, Territory, and the District of Columbia participating in the apportionment of the annual appropriation for the support of the National Guard shall receive compensation for their services, except during periods of service for which they may become lawfully entitled to the same pay as officers of corresponding grades of the Regular Army, as follows, not to include longevity pay: A captain $500 per year and the same pay shall be paid to every officer of higher rank than that of captain, a first lieutenant $240 per year, and a second lieutenant $200 per year. Regulations to be prescribed by the Secretary of War shall determine the amount and character of service that must be rendered by officers to entitle them to the whole or specific parts of the maximum pay hereinbefore authorized: *Provided*, That all staff officers, aids-de-camp, and chaplains shall receive not to exceed one-half of the pay of a captain, except that regimental adjutants, and majors and captains in command of machine-gun companies, ambulance companies, field hospital companies, or sanitary troops shall receive the pay hereinbefore authorized for a captain.

"SEC. 110. Pay for National Guard enlisted men: Each enlisted man on the active list belonging to an organization of the National Guard of a State, Territory, or the District of Columbia, participating in the apportionment of the annual appropriation for the support of the National Guard, shall receive compensation for his services, except during periods of service for which he may become lawfully entitled to the same pay as an enlisted man of corresponding grade in the Regular Army, at a rate equal to 25 per cent of the initial pay now provided by law for enlisted men of corresponding grades of the Regular Army: *Provided*, That such enlisted man shall receive the compensation herein provided if he shall have attended not less than 48 regular drills during any one year, and a proportionate amount for attendance upon a lesser number of such drills, not less than 24; and no such enlisted man shall receive any part of said compensation except as authorized by this proviso and the three provisos next following: *Provided further*, That the compensation provided herein shall be computed for semiannual periods, beginning the 1st day of January and the 1st day of July of each year, in proportion to the number of drills attended; and no compensation shall be paid to any enlisted man for the first semiannual period of any year unless he shall have attended during said period at least 24 drills, but any lesser number of drills attended during said period shall be reckoned with the drills attended during the second semiannual period in computing the compensation, if any, due him for that year: *Provided further*, That when any man enters into an enlistment other than an immediate reenlistment he shall be entitled to proportional compensation for that year if during the remainder of the year he shall attend a number of drills whose ratio to 24 is not less than the ratio of the part of the year so served to the whole year; and when any man's enlistment shall expire, the compensation, if any, to which he may be entitled shall be determined in like manner: *Provided further*, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War.

"All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the 31st day of December and the 30th day of June of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War: *Provided*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

"Except as otherwise specifically provided herein, no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over 64 years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Inspection, Subsistence, and Medical Departments, hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District: *Provided further*, That the preceding proviso shall not apply to any State, Territory, or District until 60 days next after the adjournment of the next session of its legislature held after the approval of this act.

"SEC. 111. National Guard when drafted into Federal service: When Congress shall have authorized the use of the armed land forces of the United States, for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. All persons so drafted shall, from the date of their draft, stand discharged from the militia, and shall from said date be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Volunteer Army, and shall be embodied in organizations corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof, officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service.

"SEC. 112. Rights to pensions: When any officer or enlisted man of the National Guard drafted into the service of the United States in time of war is disabled by reason of wounds or disability received or incurred while in the active service of the United States in time of war, he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer or enlisted man dies in the active service of the United States in time of war or in returning to his place of residence after being mustered out of such service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

"SEC. 113. Encouragement of rifle practice: The Secretary of War shall annually submit to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges, under such a comprehensive plan as will ultimately result in providing adequate facilities for rifle practice in all sections of the country. And that all ranges so established and all ranges which may have already been constructed, in whole or in part, with funds provided by Congress shall be open for use by those in any branch of the military or naval service of the United States and by all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War. That the President may detail capable officers and noncommissioned officers of the Regular Army and National Guard to duty at such ranges as instructors for the purpose of training the citizenry in the use of the military arm. Where rifle ranges shall have been so established and instructors assigned to duty thereat, the Secretary of War shall be authorized to provide for the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such rifle practice.

"Sec. 114. Temporary vacancies in Regular Army due to details to the National Guard: In time of war the temporary vacancies created in any grade not above that of colonel among the commissioned personnel of any arm, staff corps, or department of the Regular Army, through appointments of officers thereof to higher rank in organizations composed of members taken from the National Guard, shall be filled by temporary promotions according to seniority in rank from officers holding commissions in the next lower grade in said arm, staff corps, or department, and all vacancies created in any grade by such temporary promotions shall be in like manner filled from, and thus create temporary vacancies in, the next lower grade, and the vacancies that shall remain thereafter in said arm, staff corps, or department and that can not be filled by temporary promotions, as prescribed in this section, may be filled

by the temporary appointment of officers of such number and grade or grades as shall maintain said arm, corps, or department at the full commissioned strength authorized by law: *Provided*, That in the staff corps and departments subject to the provisions of sections 26 and 27 of the act of February 2, 1903, and acts amendatory thereof, temporary vacancies that can not be filled by temporary promotions as hereinbefore prescribed shall be filled by temporary details in the manner prescribed in said sections 26 and 27, and acts amendatory thereof, and the resulting temporary vacancies in the branches of the Army from which the details shall be so made shall be filled as hereinbefore in this section prescribed: *Provided further*, That officers temporarily promoted or appointed under the terms of this section shall be promoted or appointed by the President, by any with the advice and consent of the Senate, for terms that shall not extend beyond the war or the passing of the emergency for which additional forces were brought into the military service of the United States, and at the termination of the war or the passing of the emergency said officers shall be discharged from the positions held by them under their temporary commissions or appointments, and officers detailed as herein authorized shall be relieved from their temporary details: *And provided further*, That officers temporarily promoted under the provisions of this section shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.

"SEC. 115. Physical examination: Every officer and enlisted man of the National Guard who shall be called into the service of the United States as such shall be examined as to his physical fitness under such regulations as the President may prescribe without further commission or enlistment: *Provided*, That immediately preceding the muster out of an officer or enlisted man called into the active service of the United States he shall be physically examined under rules prescribed by the President of the United States, and the record thereof shall be filed and kept in the War Department.

"SEC. 116. Noncompliance with Federal act: Whenever any State shall, within a limit of time to be fixed by the President, have failed or refused to comply with or enforce any requirement of this act, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of War, the National Guard of such State shall be debarred, wholly or in part, as the President may direct, from receiving from the United States any pecuniary or other aid, benefit, or privilege authorized or provided by this act or any other law.

"SEC. 117. Applicable to land forces only: The provisions of this act in respect to the militia shall be applicable to militia organized as a land force and not to the Naval Militia, which shall consist of such part of the militia as may be prescribed by the President for each State, Territory, or District: *Provided*, That each State, Territory, or District maintaining a Naval Militia as herein prescribed may be credited to the extent of the number thereof in the quota that would otherwise be required by section 62 of this act.

"SEC. 118. Necessary rules and regulations: The President shall make all necessary rules and regulations and issue such orders as may be necessary for the thorough organization, discipline, and government of the militia provided for in this act.

"SEC. 119. Annual estimates required: The Secretary of War shall cause to be estimated annually the amount necessary for carrying out the provisions of so much of this act as relates to the militia, and no money shall be expended under said provisions except as shall from time to time be appropriated for carrying them out.

"SEC. 120. Purchase or procurement of military supplies in time of actual or imminent war: The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

"Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War, shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunitions, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and, through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry or the responsible head or heads thereof failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $50,000.

"The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just.

"The Secretary of War shall also make, or cause to be made, a complete list of all privately owned plants in the United States equipped to manufacture arms or ammunition, or the component parts thereof. He shall obtain full and complete information regarding the kind of arms or ammunition, or the component parts thereof, manufactured or that can be manufactured by each such plant, the equipment in each plant, and the maximum capacity thereof. He shall also prepare, or cause to be prepared, a list of privately owned manufacturing plants in the United States capable of being readily transformed into ammunition factories, where the capacity of the plant is sufficient to warrant transforming such plant or plants into ammunition factories in time of war or when war shall be imminent; and as to all such plants the Secretary of War shall obtain full and complete information as to the equipment of each such plant, and he shall prepare comprehensive plans for transforming each such plant into an ammunition factory, or a factory in which to manufacture such parts of ammunition as in the opinion of the Secretary of War such plant is best adapted.

"The President is hereby authorized, in his discretion, to appoint a board on mobilization of industries essential for military preparedness, nonpartisan in character, and to take all necessary steps to provide for such clerical assistance as he may deem necessary to organize and coordinate the work hereinbefore described.

"SEC. 121. Investigation as to Government manufacture of arms, etc.: The Secretary of War is hereby authorized to appoint a board of five citizens, two of whom shall be civilians and three of whom shall be officers of the Army, to investigate and report to him the feasibility, desirability, and practicability of the Government manufacturing arms, munitions, and equipment, showing in said report the comparative prices of the arms, munitions, and equipment manufactured in Government plants and those manufactured in private plants, the amount of money necessary to build and operate Government plants for the manufacture of arms, munitions, and equipment; showing also what the Government plants and arsenals are now doing in the way of manufacturing arms, munitions, and equipment, and what saving has accrued to the Government by reason of its having manufactured a large part of its own arms, munitions, and equipment for the last four years. And the Secretary of War is hereby directed to transmit said report to Congress on or before January 1, 1917.

"SEC. 122. Investigation concerning medals of honor: A board to consist of five general officers on the retired list of the Army shall be convened by the Secretary of War, within 60 days after the approval of this act, for the purpose of investigating and reporting upon past awards or issues of the so-called congressional medal of honor by or through the War Department; this with a view to ascertain what medals of honor, if any, have been awarded or issued for any cause other than distinguished conduct by an officer or enlisted man in action in-

in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, in-

arm, staff corps, or department and that can not be filled by temporary promotions, as prescribed in this section, may be filled

volving actual conflict with an enemy by such officer or enlisted man or by troops with which he was serving at the time of such action. And in any case in which said board shall find and report that said medal was issued for any cause other than that hereinbefore specified the name of the recipient of the medal so issued shall be stricken permanently from the official medal of honor list. It shall be a misdemennor for him to wear or publicly display said medal, and, if he shall still be in the Army, he shall be required to return said medal to the War Department for cancellation. Said board shall have full and free access to and use of all records pertaining to the award or issue of medals of honor by or through the War Department. The actual and necessary expenses of said board and its members shall be paid out of any appropriations available for contingent expenses of the Army of the War Department.

"SEC. 123. Procurement of gauges, dies, jigs, etc., necessary for manufacture of arms, etc.: The Secretary of War be, and he is hereby, authorized to prepare or cause to be prepared, to purchase or otherwise procure, such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, as may be necessary for the immediate manufacture, by the Government and by private manufacturers, of arms, ammunition, and special equipment necessary to arm and equip the land forces likely to be required by the United States in time of war: *Provided*, That in the expenditure of any sums appropriated to carry out the purposes of this section the existing laws prescribing competition in the procurement of supplies by purchase shall not govern, whenever in the opinion of the Secretary of War such action will be for the best interest of the public service.

"SEC. 124. Nitrate supply: The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

"The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

"The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

"The President is hereby authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

"The sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.

"The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

"In order to raise the money appropriated by this act and necessary to carry its provisions into effect, the Secretary of the Treasury, upon the request of the President of the United States, may issue and sell, or use for such purpose or construction hereinabove authorized, any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $20,000,000: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable, and fix, instead of 50 years after date of issue, as in said act of August 5, 1909, not exceeding 50 years.

"SEC. 125. Protection of the uniform: It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps, to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps: *Provided*, That the foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent members of the organization known as the Boy Scouts of America, or the Naval Militia, or such other organizations as the Secretary of War may designate, from wearing their prescribed uniforms; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, or Marine Corps, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing his uniform from the place of his discharge to his home, within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps; nor to prevent the instructors and members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and members of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing, while in attendance upon such course of instruction, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, or Marine Corps: *Provided further*, That the uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps: *And provided further*, That the members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto.

"Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $300, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

"SEC. 126. On and after July 1, 1916, an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 3½ cents per mile from the place of his discharge to the place of his acceptance for enlistment, enrollment, or original muster into the service, at his option: *Provided*,

That for sea travel on discharge transportation and subsistence only shall be furnished to enlisted men.

"SEC. 127. Nothing in this act shall be held or construed so as to discharge any officer from the Regular Army or to deprive him of the commission which he now holds therein.

"SEC. 128. All laws and parts of laws in so far as they are inconsistent with this act are hereby repealed."

And the Senate agree to the same.

JAMES HAY,
S. H. DENT, JR.,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
J. C. W. BECKHAM,
R. F. BROUSSARD,
H. A. DU PONT,
F. E. WARREN,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, make the following statement:

The differences between the two Houses were so wide that the conferees were compelled to rewrite in a great many particulars the bill of the House and the Senate amendment thereto.

The bill, as agreed upon by the conferees, provides for a standing Army in time of peace of 175,000 enlisted men of the line, in addition to which are to be added the enlisted men of the Hospital Corps, the Quartermaster Corps, the Signal Corps, and the Philippine Scouts.

The section of the Senate amendment providing for a Volunteer Army was stricken from the Senate amendment, as was also the provision providing for a reserve army through training in schools, known as the Hardwick amendment.

The provision in the Senate amendment providing for vocational training of enlisted men of the Regular Army was modified so as to give to the Secretary of War full discretion as to the hours of instruction and training.

The organizations provided for in the Senate amendment were accepted by the House.

The increase of officers and organizations are to be made in five annual increments. The General Staff Corps, the Adjutant General's Department, the Inspector General's Department, the Judge Advocate General's Department, and the Quartermaster Corps are all adequately provided for to meet the increase in the Army. The Senate accepted the provision of the House bill with regard to the Medical Corps, which provided for 7 medical officers for every 1,000 of the enlisted strength of the Army.

The Ordnance Department is provided for as in the House bill.

The Signal Corps is increased and the aviation section of the corps is also increased.

The Senate accepted the House provision as to veterinarians.

The Senate accepted the House provision as to Porto Rico Regiment of Infantry.

The House accepted the number of detached officers provided for in the Senate amendment for duty with the National Guard and other detached duty. The House accepted the provision for the retirement of the officers of the Philippine Scouts.

Enlistment in the Regular Army is provided for as follows: A term of seven years, three years with the colors and four in the reserve, and the further provision that an enlisted man serving in continental limits of the United States after one year's honorable service may be furloughed to the reserve upon the recommendation of his company, troop, battery, or detachment commander, in the discretion of the Secretary of War.

Provision is also made for reenlistment.

Provision is made for an Army reserve and also for an Enlisted Reserve Corps.

Provision is also made for an Officers' Reserve Corps, both for the Regular Army and the National Guard.

The Reserve Officers' Training Corps, which the President is authorized to establish and maintain in civil educational institutions, is retained in the bill as it appeared both in the House bill and the Senate amendment, and is known as the Pomerene guard provision.

The Senate accepted the House provision as to the organization and federalization of the National Guard, with the exception that the oath of commissioned officers and enlisted men of the National Guard is the same as is provided for in the Senate amendment and the section of the Senate amendment with regard to the adjutant generals of the States is incorporated in the bill.

The nitrate proposition as it passed the House was agreed to by the Senate, no change having been made in the House provision.

There is retained in the bill the House provision for the utilization and mobilization of the industries of the country in time of war, and also the House provision providing for a board of five citizens to investigate and report upon the practicability of the Government manufacturing arms, munitions, and equipment.

Also the provision authorizing the Secretary of War to purchase or otherwise procure gauges, dies, tools, and fixtures known as the Tilson amendment.

The bill also provides for summer training camps.

JAMES HAY,
S. H. DENT, JR.,
JULIUS KAHN,
Managers on the part of the House.

Mr. HAY. Mr. Speaker, I ask unanimous consent that there may be two hours' debate on this conference report, at the end of which time the previous question shall be considered as ordered, one half the time to be controlled by the gentleman from California [Mr. KAHN] and the other half by myself.

The SPEAKER. The gentleman from Virginia asks unanimous consent that debate on this conference report be limited to two hours, one hour to be controlled by himself and the other by the gentleman from California [Mr. KAHN], and that at the end of that time the previous question shall be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The House will be in order. The Sergeant at Arms will clear the aisles and keep them cleared until we get through with the consideration of this Army reorganization bill. If gentlemen wish to converse or carry on private debate with one another, the Chair wishes they would leave the Hall. Gentlemen will take their seats. The Chair wants to remark that the pair clerk's desk is not a joke exchange; and when gentlemen come down there to arrange pairs they will please do it as quietly as possible; and while there is a full attendance the Chair wants to repeat a remark that he made the other day, that when the roll is being called Members have no business to cluster around the Clerk's desk. It disturbs the clerks, and it raises a suspicion in the minds of men that the roll call is not fair. The clerks have no right to change votes, and they ought not to be asked to do it. [Applause.]

Mr. HAY. Mr. Speaker, does the gentleman from California desire to go ahead now?

Mr. KAHN. No.

Mr. HAY. Then, Mr. Speaker, I will take the floor. [Applause.]

This conference report embodies the compromise reached on the part of the conferees of the House and Senate on what is known as the Army reorganization bill.

The bill as it passed the House provided for 140,000 men of the line—that is, men who fight. The bill as it was amended by the Senate provided for 250,000 fighting men, and the bill as agreed upon by the conferees provides for 175,000 fighting men.

It has been stated that this bill carries an enlisted force of 206,000 men, and the inference has been drawn that they are all to be put in the Army at once. As a matter of fact, the increase over the number of men now in the Army is to be provided for in five annual increments; and the increase in the officers, with the exception of those officers who are to be used for the purpose of training the National Guard and teaching in military schools, are also to be added in five annual increments. So, as a matter of fact, this bill provides for the next fiscal year an increase of about 12,000 enlisted men and between 3,000 and 4,000 officers. It is entirely within the discretion of Congress, without infringing upon the rights of any officer or man, to cut off next year the increments which are provided for in this bill.

Mr. GARDNER. Will the gentleman yield?

Mr. HAY. I will.

Mr. GARDNER. Do I understand the gentleman to say that this bill only increases the enlisted force of the Army 12,000 men up to the 1st of July, 1917?

Mr. HAY. About that; yes.

Mr. GARDNER. Twelve thousand are the most we can expect up to the 1st of July, 1917?

Mr. HAY. Plus the 20,000 that were authorized in the joint resolution.

Mr. GARDNER. The filling up to about 160,000.

under the act of August 5, 1909, the act of February 4, 1910, | or original muster into the service, at his option: *Provided*,—

the National Guard is the same as is provided for in the Senate ¦

Mr. GARDNER. The filling up to about 100,000.

Mr. HAY. One hundred and nineteen thousand.

Mr. GARDNER. I think not.

Mr. HAY. Well, the gentleman probably knows better than anybody else.

These increments are wholly within the discretion of Congress in the next five years. When this war in Europe is over, "when the war drums beat no longer and the battle flags are furled," when the hysteria which has been pervading the atmosphere of the country has died away, when the shouting and the tumult are no more, then Congress can cut off these increments and make the standing army of the United States any number it pleases. [Applause.]

Certain people in the other body were amazed at the attitude of the House of Representatives, and I am amazed at some of the Senators who are trying to couple this legislation with a possible emergency which may exist to-morrow, next week, or next month. This is not an emergency bill. It is not intended as an emergency bill; it is not intended to raise an Army for the purpose of possible war with Mexico or any other power. It is intended as a peace proposition, as I have often said on this floor, and no man who understands the bill or the situation can couple with it what it must be necessary to do in the event of war breaking out in the next few months.

We have already on the statute books, placed there two years ago, a bill known as the volunteer army bill, which would enable the President, when authorized by Congress, to raise as large an Army as he wants if we should be so unfortunate as to go to war. It is useless to try and enlighten these densely ignorant newspaper editors [laughter and applause] who have been undertaking to write about this legislation without knowing anything about it and who have been slandering the Congress of the United States without taking the trouble to find out what Congress was doing or had done. [Applause.]

I beg gentlemen to carry that distinction in their minds that this is not an emergency bill but a bill for future preparedness, and it does that. This bill provides a standing army as large as can be recruited in this country under the volunteer system. It provides a larger number of men than I believe the recruiting officers think they can get. It provides an organization which in time of war can be increased to an army of 216,000 men.

It provides for training young men as officers; it provides for an officers' reserve corps; it provides for a Regular Army reserve of enlisted men; it provides for an enlisted reserve corps of men from civil life; it provides for a nitrate plant to manufacture powder; it provides for the utilization and mobilization of industries in time of war; it provides for purchasing gauges, dies, tools, and fixtures for the purpose of equipping manufacturing plants to be used in time of war—all of these provisions were original House provisions and originated here. [Applause.]

It provides for the development of the National Guard, the only volunteer force in this country which is in existence and with which we could work. It provides for their development, and since this law has passed the House it has developed the National Guard to the extent that at least 40,000 new men have applied for membership in the National Guard. [Applause.] That carries out the assertion made that if the National Guard was put on a proper basis we would have at least the number provided for in this bill in a few years—425,000 men as a reserve. It is purely a preparedness measure. It meets the best thought of the two bodies and, in my judgment, merits the support of every man on this floor.

Mr. MADDEN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. MADDEN. What would be the probable annual expenditure for the National Guard under the provisions of this bill, and would it be effective all at once or does it come annually?

Mr. HAY. It is effective all at once. Of course the annual expenditures depends upon the number of men in the National Guard.

Mr. MADDEN. Assuming the full strength is provided.

Mr. HAY. It would be about a hundred million dollars a year.

Mr. SHERWOOD. Will the gentleman yield?

Mr. HAY. Yes.

Mr. SHERWOOD. If the 63 recruiting officers of the United States failed to get the volunteers, does the bill still provide for an increase of officers?

Mr. HAY. It does not. The bill provides for five annual increments both of commissioned officers and enlisted men, so that, as I said, it is within the power of Congress to cut off the increments if they desire without in any way invading the right of any officer or any man. Therefore, the standing army being in the discretion of Congress, it is for them to say what number they will have when the war is over and when the hysteria passes away.

Mr. Speaker, if there is any gentleman who has a question to ask, I would be glad to answer it. The subject has been so much debated that I do not think it is necessary for me to take up the time of the House.

Mr. HELGESEN. What does the bill provide as to service with the colors?

Mr. HAY. Three years with the colors and four years with the reserve.

Mr. THOMPSON. How much would this bill increase the expenditure for the Army?

Mr. HAY. I will say that this bill, as far as the personnel is concerned, would increase the expense of the Army about $25,000,000. But the gentleman must remember that we are being asked to provide a large reserve of ordnance, guns, ammunition, machine guns, and everything of that sort, and therefore the Army bill will be very largely increased by reason of making provision for the reserve supplies asked for.

Mr. THOMPSON. How much?

Mr. HAY. I can not say; but I think the Army bill will be about $150,000,000 this year.

Mr. THOMPSON. One hundred and fifty million dollars increase?

Mr. HAY. Oh, no; $50,000,000 increase.

Mr. BARNHART. Does the bill carry a provision for vocational training?

Mr. HAY. Yes.

Mr. BARNHART. What is the provision as to profits?

Mr. HAY. That is left to the discretion of the Secretary of War.

Mr. MADDEN. How many men of all classes will it be possible to employ or enlist under the terms of this bill—I do not mean the fighting line?

Mr. HAY. The gentleman means outside of the reserve?

Mr. MADDEN. Everything.

Mr. HAY. Why, it is possible to enlist large numbers. It is impossible to tell how many, but any man who wants to go into the enlisted reserve corps provided for in this bill who is a chauffeur or mechanician of any kind, can do so, and any man who can qualify can go in the officers' reserve corps. Of course, these corps do not cost anything except in time of war when their members will be called into active service.

Mr. MADDEN. Assuming we had the maximum number of men provided for in this bill in the line, how many will there be in the whole service?

Mr. HAY. One hundred and seventy-five thousand.

Mr. MADDEN. How many men would that increase the Army including quartermasters and all other branches of the service?

Mr. HAY. The gentleman means the Quartermaster Corps, Hospital Corps, untrained recruits; about 31,000.

Mr. MADDEN. In addition to the 175,000.

Mr. HAY. The gentleman understands they are noncombatants.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAY. I will.

Mr. STAFFORD. When the Regular Army is up to its full fighting strength of 175,000 and the militia or National Guard is up to its full maximum strength and all the other forces as provided for in this bill are in service, what does the gentleman estimate will be the total national expense for maintenance yearly?

Mr. HAY. Well, I have not figured that that would take place in the near future.

Mr. STAFFORD. The gentleman can count on our having these annual increments of 12,000 men and additional officers will be required each year?

Mr. HAY. I assume an army of 175,000 men would cost about $200,000,000 a year.

Mr. STAFFORD. That, together with $100,000,000 for the National Guard, would be an annual cost of $300,000,000.

Mr. HAY. Yes.

Mr. STAFFORD. In that particular I wish to inquire how much will the States be relieved of the burden of supporting the National Guard by the provisions as carried in this bill?

Mr. HAY. That is up to the States. They can do as they please about it. We can not control the State appropriations and do not undertake to do it in this bill.

Mr. STAFFORD. The gentleman knows, however, the National Government provides the camps and all the munitions, matériel, and so forth?

Mr. HAY. We do that now. The Government does that now under the present law.

Mr. STAFFORD. Not to the extent of paying officers or men.

Mr. HAY. Not to the extent of pay; but we provide everything else but the pay now.

Mr. STAFFORD. It is only an annual expenditure of something like $8,000,000, whereas this will provide an expenditure of $100,000,000.

Mr. HAY. Oh, no.

Mr. STAFFORD. Not for the same number of men, but with the force allowed it will be $100,000,000.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HAY. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. In going over the conference report I notice, page 5, under the head of the "Judge Advocate General's Department," a proviso which contains a description of a judge advocate general that is rather unusual. It provides that he shall have been a judge of the Supreme Court of the Philippine Islands for a period of 10 years. Is it the idea that there shall be a judge advocate general located in the Philippine Islands?

Mr. HAY. No; but there is one located there. I will say to the gentleman, that provision was put in at my request, if that is what the gentleman desires to know.

Mr. MOORE of Pennsylvania. I wanted to know if this was not an unusual designation?

Mr. HAY. Not at all. A large number of the officers in the Judge Advocate General's office were civilians, and were appointed from civil life.

Mr. MOORE of Pennsylvania. He is to have been a judge of the supreme court——

Mr. HAY. And also in the Volunteer Army.

Mr. MOORE of Pennsylvania. I inquired to find out if it was the intention to locate one of those judge advocate generals specially in the islands?

Mr. HAY. There is a judge advocate in the islands always.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HAY. I will.

Mr. GREEN of Iowa. I understood the gentleman, in reply to a question from the gentleman from Massachusetts [Mr. GARDNER], to name the number of enlisted men who would be added by the bill. I assume that in giving that number the gentleman meant that was in addition to the 20,000 we provided for a short time ago. Am I correct in that?

Mr. HAY. Yes, if we ever get them.

Mr. GREEN of Iowa. If we ever get them.

Mr. TRIBBLE. Will the gentleman yield?

Mr. HAY. I will.

Mr. TRIBBLE. I would like to have a little more information with reference to the National Guard and the Regular Army in time of peace. In other words, what benefits the National Guard get from this bill that they have not had heretofore?

Mr. HAY. They get pay.

Mr. TRIBBLE. What pay do they get?

Mr. HAY. Captain and officers above the rank of captain get $500 a year, and enlisted men get one-fourth of the pay of the Regular Army.

Mr. SMITH of Michigan. Does anybody who enlists in the National Guard at the present time get pay?

Mr. HAY. They do not.

Mr. SMITH of Michigan. You spoke something of the difficulty of recruiting the Army to its full strength. I would like to inquire whether or not now the Army is not being recruited to its full strength for volunteers, and what progress is being made—whether or not they are joining freely?

Mr. HAY. I will state to the gentleman that they are not joining freely. We passed that resolution in March, over two months ago, and they have succeeded in getting only 6,000 men, and that number will about take the place of the number going out at the expiration of their term of enlistment.

Mr. SMITH of Michigan. How many stations are recruiting?

Mr. HAY. I understand there are 253, although I am not certain about the number.

Mr. GUERNSEY. As I understand, the added expense of the bill is $100,000,000, on account of the National Guard?

Mr. HAY. The bill does not do that unless the National Guard is recruited up to 425,000 men.

Mr. GUERNSEY. What is the estimated expense of the first year on account of the National Guard?

Mr. HAY. About $27,000,000.

Mr. GILLETT. Will the gentleman tell us, if the Army is recruited up to its full strength of 175,000, how large a mobile army it would leave?

Mr. HAY. We would have 175,000 men.

Mr. GILLETT. Does not the gentleman include the coast defenses?

Mr. HAY. Yes.

Mr. GILLETT. How many would that take?

Mr. HAY. That would take 30,000.

Mr. GILLETT. Is that the only reduction?

Mr. HAY. Yes; that is all.

Mr. MEEKER. Has the gentleman received the report of the enlistments to the Regular Army from Boston of about five weeks?

Mr. HAY. I heard that they got one recruit there. I do not know whether that is true or not. [Laughter.]

Mr. KAHN. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I shall vote for this conference report [applause], but not, I confess, with undiluted enthusiasm. It is an improvement, though, over the bill as it passed the House in many respects, and while it falls far short of meeting the exigencies of the times as I see them, it is at least a considerable step in the right direction.

There is one provision in this report, however, that I regard as possibly the most obnoxious and unjustified piece of legislation that has passed Congress in my experience. I mean the so-called Government nitrate plant. [Applause.] Unfortunately the parliamentary situation is such that we must vote the whole report up or we must vote it down. We must take the bitter with the sweet, if we are to get any of the sweet, and I am compelled, therefore, at the risk of the permanent impairment of my digestion, to stomach this nitrate proposition, but not without voicing, if a useless, at least an emphatic, protest. [Applause.]

What is this so-called nitrate proposition? It is a scheme to spend $20,000,000 of the people's money absolutely uselessly, so far as they are concerned, and the inherent vice of it all is that this money is being taken from them under false pretenses. In the name of national preparedness we are going to spend $20,000,000, and this is but an entering wedge, for eventually it will cost millions more if carried out upon a scheme which has nothing whatever to do with national preparedness, upon a scheme which, when advocated on its real merits, has been repeatedly repudiated by Congress.

Whether or not this scheme can be justified upon any other grounds—and in my judgment it can not be—my proposition now is that it is wholly unjustifiable on the ground of national preparedness and therefore has no proper place in this bill. The "preparedness" cloak is falsely used in this wise: It is argued that if this country were at war and we should have lost control of the sea and be deprived consequently of the use of Chile saltpeter, then we would have to obtain the nitrogen necessary for explosives from the air, and that this can only be done by the use of water power.

Now, the assumption that water power is necessary for the fixation of nitrogen is false, and I challenge, as I have repeatedly challenged, contradiction of that statement. I have on a number of occasions during this session, in speeches and by insertion of documents in the RECORD, shown on unimpeachable authority that there are a number of methods, some in use and some in process of development, in this and other countries for the fixation of nitrogen which are better and cheaper than water power. I have pointed out, by way of illustration, that German interests which owned the control of the water-power company in Norway, where formerly nitrogen was produced by the use of the best and cheapest water power in the world, disposed of their control in that company for the avowed reason that nitrogen could be better and more cheaply obtained at home where there is no water power.

It is useless now to discuss these methods or deal in technicalities, but I want once more to submit this proposition to those who, on the plea of preparedness have forced the inclusion of this item in this bill.

If it be necessary as a preparedness measure to spend $20,000,000 to develop water power to make nitrogen, how is it that Germany, concededly the best prepared and most efficient military power in the world's history who has found herself for a year and a half in the exact situation we are now seeking to guard against—how is it that Germany is daily turning out nitrogen and high explosives in unlimited quantities without the use of an ounce of water power?

I shall not pause for an answer, because there is no answer. [Applause.]

There is one regrettable and distinctly unpleasant feature about this whole business. From the outset there has been a determined and continued effort on the part of somebody or other to keep the real facts from the public. A short time ago there was sent to the newspapers by the Smithsonian Institution for release on the 6th of this month an interesting and elaborate treatise on the various methods of securing nitrogen by other than the use of water power. A few days before its publication, however, it was ordered withdrawn and killed.

This document is to be found on page 7606 of the RECORD, included in the remarks of the gentleman from Wisconsin [Mr. LENROOT]. There is only one possible explanation of this remarkable incident, and that is that some one interested and highly influential found the information published therein embarrassing to the success of this water-power project.

Mr. MANN. Will the gentleman yield?

Mr. LONGWORTH. For a very brief question.

Mr. MANN. Does the gentleman know that shortly after the vote taken in the House on the nitrate proposition the same thing was again furnished in practically the same form and published?

Mr. LONGWORTH. I was not aware of that, but I have no doubt that the gentleman is right. It was a question of the psychological moment in that case.

I have heard it said that the administration insisted that this scheme should be included in the bill. If that be true, it was due, I am sure, either to ignorance of the facts or else to misrepresentation of the facts by those directly interested.

I do not assert that history is repenting itself. I merely mention in passing that it was said of a former President not many years ago by certain of his opponents that he too good-naturedly gave ear to "gentlemen who know exactly what they want." This water-power nitrate scheme, I repeat, is not a preparedness measure and has no place in this bill. I will go even further. Without posing as a prophet or the son of a prophet, I venture this prediction, that not a pound of nitrogen will ever be made at this plant for the use of the Government in time of war. It is obsolete for war purposes before it is built. As a weapon of defense in time of peril to the Nation it will be about as useful as one of the old monitors that are to-day used as targets for our own guns. [Applause.]

The American people will not benefit by this scheme. Not a soul will benefit except a few highly efficient captains of industry, who "know exactly what they want" and who at this moment are doubtless laughing in their sleeves at the ease with which they have pulled the wool over the eyes of a docile Congress.

This incident is not closed, gentlemen. It will rise to plague in the not far-distant future. The people are going to demand an accounting for this and other reckless drafts upon their Treasury. Be well assured that the "pork barrel" will not smell sweeter because of the admixture of its contents with fertilizer. [Applause.]

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, I take this occasion simply to put myself on record again in favor of the general policy, and, so far as I may subscribe thereto, to the details embodied in the conference report now before the House for its consideration. As a member of the House Committee on Military Affairs, and as one who for one reason or another for a number of years has endeavored to give some study to the general proposition of national defense and the Military Establishment of the country, I have made up my mind that notwithstanding some of the ideals of a better systematized and more extensive preparation for national defense that I had entertained, this is the best thing I can hope to have an opportunity to vote for under the circumstances.

I am a Vermont Yankee, and it is said to be somewhat characteristic of our people that we know something about how to make a trade. The underlying philosophy of that characteristic is to walk away with all you can honestly get. But I ask you to notice that, as a part of the definition, we are to "walk away," and when we have got all we can get it is time to walk away. I believe we have got all we can get in the present temper of the Congress and with the present organization of this House, and this is the psychological moment, to use a hackneyed phrase, for us to take what we can get and walk away. [Applause.]

I believe that the present Military Establishment is, and has long been, altogether inadequate for the purpose for which it should be designed, and I believe that the coming years will demonstrate even more emphatically than the years of the past have done that we shall need a first-class scheme of national defense if we are to hope to maintain our place among the nations or at least to preserve our own self-respect.

It does not make any difference about the dreams of the millennium. It does not make any difference about the dreams of the pacifists, or of all those who expect that at some time or other in the near future nations are going to beat their swords into plowshares and their spears into pruning hooks. In the language of a former Democratic President, "It is a condition, and not a theory, that confronts us"; and if we want any demonstration of that at all, we have to cast our eyes no farther than the Rio Grande at this very moment. We are not prepared to maintain our self-respect before the nations of the world, under present conditions, with our present Military Establishment.

But I am not one who joins in the idea that all these preparations for national defense should be made in the excitement of immediate and temporary hysteria. I do not believe, myself, there is anywhere near the probability that we shall be engaged in the present war in Europe or that its immediate consequences will be brought home to our doors at once. That might at one time not long ago have appeared likely; but I do believe that the greatest danger of war will threaten this country of ours when the European conflict is over, perhaps some years after it is over, when the great nations now fighting each other will be struggling to regain their share of the world's trade and the world's money to recoup the tremendous losses they are now undergoing. Then will come the inevitable jealousies and frictions that experience shows under one pretext or another all too often lead to war. And the United States, the one great Nation on the globe that actually made a vast money profit while its neighbors were well-nigh bankrupting themselves in war, in its enviable prosperity and riches will be the most conspicuous target of the competition of the great industrial powers of the world. I believe this proposed law, while not all that I desire, is a long step toward the Military Establishment I hope some day to see provided, and I am convinced that it is all that we can possibly expect to get in the way of a greater and better Military Establishment at this time.

The SPEAKER. The time of the gentleman from Vermont has expired.

Mr. GREENE of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Vermont asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

The SPEAKER. The gentleman from Illinois [Mr. MCKENZIE] is recognized for five minutes.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman.

The SPEAKER. The gentleman from Illinois is recognized for 10 minutes.

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, I do not know that I shall require 10 minutes to say what I desire to say. In the first place, I simply wish to say that I am going to support this conference report, not that it suits me entirely, because if I had had my way about it I would have left out a few brigadiers and the fertilizer plant and made it a defense bill pure and simple.

But, gentlemen of the House, all matters of this kind are more or less of a compromise, and they ought to be. If we were to be guided by the extreme pacifists in this country, our Nation would be as defenseless as China; and, on the other hand, if we were to be guided by the extreme radical militarists of our country they would saddle onto us a military despotism that would make the militarism of Russia and Germany look like the girls' camp out at Chevy Chase. [Laughter and applause.] But on a great question like this men should be reasonable. They should endeavor to give to the people that character of legislation that is practical and that can be worked out under existing law and under existing circumstances. This bill takes care of the Regular Army in an organization formulated, as I am told, by experts from the Army. It takes care of the National Guard, and combines these two elements of national defense.

The National Guard is now on trial. It remains to be seen whether or not it will give to our country that element of defense which we expect of it. If it does not, then it must step out, and we will have to take up some other plan for training the boys of our country.

I believe that this bill will demonstrate a number of things. It will demonstrate, as I have said, whether or not we can depend upon the National Guard for our reserve. It will determine another question, and that is whether or not the American boy will enter the Regular Army for $15 a month, and if so, it will be an easy matter to extend the Regular Army if the people of this country desire so to do.

Personally I am opposed to a large standing army in time of peace. But that is my individual opinion. If the people of the country want it and the boys will enlist in the Regular Army, all well and good. But if they will not, it will be demonstrated that in order to have a Regular Army we must have conscription, and I am not one of those who believe that the American people are yet ready to have their boys taken in time of

peace and put into the Regular Army to serve for three years. [Applause.]

Ex-President Roosevelt said, if war should come, he and his four sons and his two sons-in-law, or at least one of them, would enlist and rally to the colors. [Applause.] I have no doubt about it, and especially I have no doubt about his distinguished son-in-law, who is an honored Member of this body, going to the colors. [Applause.] Why, of course, they would. I do not doubt the ex-President's word. If ever a foreign power attempted to lay hands on that grand old flag the boys would come from all over this country, as Mr. Bryan says, "a million men springing to arms overnight." [Applause.] Yes; they would come as they did in the years gone by, when they came singing that old song, "We are coming, Father Abraham, 100,000 strong."

But, gentlemen of this House, that is not preparedness. I believe in that character of preparedness that will have something for these boys to take into their hands when they spring to the defense of the flag, and that they will know how to take care of themselves.

And, after all, I want to say once more that, in my judgment, the Regular Army should not be our main thought as a means of national defense. Let us protect our harbors, let us protect our coast line, let us build up our Navy, so that if war ever comes it will do the fighting and prevent the enemy landing on our shores. And the time is coming and is not far distant when we will be called on to vote on the matter of a great navy.

Mr. FERRIS. Will the gentleman from Illinois yield for a question?

Mr. MCKENZIE. If I have the time.

Mr. FERRIS. I notice that on the call for 4,000 of the National Guard in the State of Texas only 55 failed to respond. I wonder if that is not typical of the way in which the men of our country will respond when they are needed?

Mr. MCKENZIE. That is the history of our National Guard through all the history of our country, and I am proud of it. [Applause.]

Mr. KAHN. Will the gentleman yield for another question?

Mr. MCKENZIE. If I have the time. How much time have I?

The SPEAKER. The gentleman has three minutes?

Mr. KAHN. Did the gentleman also read in this morning's paper that the National Guard of Arizona and New Mexico are so badly equipped that they have not been able to mobilize yet?

Mr. MCKENZIE. Yes; and I think there is probably something in that, and I will vote to give them the necessary equipment. I think that is the thing we want to look out for—to equip and take care of the boys when they are called into the service of the Government.

Now, gentlemen of the House, I want to say just one word more. It has been said of me and of some others in this fight which we have made in this House, and it has been said in the editorial columns of one of the great newspapers of the world, that we were in favor of leaving this Nation defenseless, and that we were impelled in that by a desire for "pork" or because of sheer cowardice. I want to say to you, gentlemen of this House, that I believe every man here has endeavored to do his patriotic duty. But when a great conflict like this is on, when the waves of passion and emotion are driving men from their steady, stable courses, I think it is the time when a man can show his greatest courage by standing up for what he believes to be right and for the best interests of his country as he sees it and refusing to be driven as a coward from his position because some one criticizes him. [Applause.] I have done in this matter what I believed to be for the interest of my country and my flag, and I have no apology to make to any editorial writer or to the people of the country. [Applause.] I have done my duty, as I think every man here has done his duty as he saw it, and I thank God that we have reached a reasonable, sane compromise, which means reasonable preparedness for our country in time of peace. [Applause.]

I yield back any time that I have remaining.

The SPEAKER. The gentleman yields back one-half minute to the gentleman from California [Mr. KAHN] and one-half minute to the gentleman from Virginia [Mr. HAY].

Mr. KAHN. I yield 10 minutes to the gentleman from Massachusetts [Mr. GARDNER].

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] is recognized for 10 minutes. [Applause.]

Mr. GARDNER. Mr. Speaker, the gentleman from Ohio (Mr. LONGWORTH) is wrong in supposing that voting down this conference report defeats the bill. If you vote down this conference report you open up the whole question, so that you can strike out the provision for that nitrate plant if you want to, if you have the votes to do it, and you can put some real things into the bill. The bill as it now stands will be voted for by practically every pacifist in this House and will be praised by every little Army man in the country. Now, what does the bill do? The chairman of the committee (Mr. HAY) has told us that the most it does by way of increasing the enlisted line of the Army is to add some 12,000 men between the present time and the 1st of July, 1917, over a year from now. On the 1st of July, 1917, almost three years after the European war started, we shall have 12,000 more men in the Regular Army, and that is all we will have. That is true, is it not?

Mr. HAY. Plus 20,000.

Mr. GARDNER. Plus whatever we have been able to get under the recent joint resolution.

Mr. HAY. That is the point, you know. Why did you not propose something like compulsory military service, if you believe in it?

Mr. GARDNER. I am in favor of compulsory military training for every man in the United States.

Mr. HAY. Why did not you offer that amendment to the bill? [Applause on the Democratic side.]

Mr. GARDNER. Does the gentleman think I failed to offer that amendment because I was afraid of stating my position?

Mr. HAY. Not at all.

Mr. GARDNER. Mr. Speaker, the gentleman is quite mistaken as to the size of the Regular Army which is at present authorized by law. I have just telephoned down to The Adjutant General's department, and I find that the full authorized enlisted strength of the Army is very much nearer what I said than what the gentleman said. I shall have complete figures in a few minutes. Here are the facts with regard to the number of enlisted men of the line now authorized by law for the Army: Up to a few days ago the complete strength authorized for the United States Army was 100,000 enlisted men of the line. Since then we passed a joint resolution permitting recruitment of the Army up to war strength, which I figure to be about 100,000 men. Now, this pending bill proposes to give us 175,000 enlisted men of the line. It proposes to pay men for serving in the State militia. It provides for camps of the Plattsburg type, and that is all it does.

The Senate provided 250,000 enlisted men of the line. The House rejected that proposition. We were told that we can not enlist so many men. Of course, as matters stand at present you can not get men enough to enlist. It is a surprise to me that we get so many men as we do to give away their services to Uncle Sam in time of peace for 50 cents a day. That is the wage of the Regular Army man—50 cents a day. Of course, we can not get enough enlistments. If we want men we must go out in the labor market and get them. That is the only way we shall ever get them in time of peace.

Mr. QUIN. Will the gentleman yield there?

Mr. GARDNER. Yes.

Mr. QUIN. How much would the gentleman pay?

Mr. GARDNER. I offered an amendment which the gentleman voted against——

Mr. QUIN. And I will vote against everything you favor increasing this Army bill, I will tell you that.

The SPEAKER. When a gentleman asks the Member who has the floor a question he ought to give him a chance to answer.

Mr. QUIN. I want to know how much you will pay them.

Mr. GARDNER. When the bill was up I offered an amendment providing $20 a month for the lowest-rank enlisted men, and increasing all the rest along the line.

Now, Mr. Speaker, these 65,000 men—and it is only 65,000 new men which are authorized—I will tell you what they can do. They can man a trench which extends one-sixth of the distance around the city of New York, and that is all they can do, the whole 65,000 men, if you ever get them, and you do not undertake to get them for five years. You do not propose to get them except one-fifth each year, so that it will be five years before you get them. But you are not going to get them at the present wage. You are not going to get 250,000 men who are willing to go out and obey your officers and sleep in cactus bushes along the border unless you pay them as much as a 16-year-old girl can get in a sweated industry.

Mr. SABATH. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. SABATH. Does the gentleman believe that by increasing the pay 15 cents a day, from 50 cents to 65 cents per day, that that will secure a larger enlistment?

Mr. GARDNER. Yes, that is the evidence of the officers who testified before the Committee on Military Affairs. I do believe it, because when we raised the pay $2 a month enlistments shot right up.

Mr. SABATH. Is the gentleman willing to pay them 65 cents a day?

Mr. GARDNER. I am willing to pay the men any amount to get men in the labor market, if it is a dollar a day and everything found.

Mr. ANTHONY. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. ANTHONY. Is it fair to say that these men get 50 cents a day when they really get an equivalent of $40 or $50 a month?

Mr. GARDNER. Yes; that is a fact; they get the 50 cents a day and keep, which some people claim is equivalent to $40 or $50 a month.

Now, Mr. Speaker, the two great jokes of the century have been perpetrated within the last 12 months. One was when Bryan resigned from the Cabinet because Wilson was too much of a Hotspur. The second joke was when we sent the whole Army of the United States to catch one murderer and a parcel of ragamuffins. [Laughter and applause.]

The fact of the matter is that no one has given a single good reason why we should not have an Army of 250,000 men, except that some people want our militiamen on the first line of defense. I do not want them in the first line. I have been in the militia; I have seen them break down in marches in the hot sun in the Spanish War; I have seen them go all to pieces. I have seen their health break down; they are not trained, not hardened, not to be depended upon for the first line; in spite of anything you pay them they are not going to be dependable for the first line. Civilians can not give the time to military matters requisite to fit them for service in the first line at the outbreak of war.

Everybody agrees that in case of a war with a strong power we are going to need 500,000 thoroughly trained men to stop the first rush while the Volunteers are being trained for service. Of course this is based on the assumption that our Navy has lost control of the seas. That figure is agreed on by pretty much everybody, only the authorities disagree as to how we should raise those 500,000 men. The War College says that we ought to have a Regular Army of 250,000 and a regular reserve—that is, a reserve of men who have been Regulars—so that when the war breaks out we shall have available half a million fully trained men who have not grown too old or too fat or too proud to fight. This is the principle the War College lays down: A first line of 500,000 men, exclusively Regulars and former Regulars.

The proposition laid down both by the Chamberlain and by the Hay bills is a first line of 500,000 men partly Regulars and the rest militia men.

My friends, I say to you that that is unsafe.

Do not make a farce of the whole question of preparedness. It is as though we had not learned anything from the war in Europe. You had much better leave the whole matter alone than make a pretense of preparedness. [Applause.]

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I shall vote against the conference report. [Applause.] As a primary proposition I voted for the bill when it passed the House, because that was the only way we could have the bill make any progress or send it to the Senate for consideration there. But if we should defeat the conference report now, the gentleman from Virginia, who is opposed to the increase that I want, would lose control of the bill. We would send the bill back with new conferees who might agree on proper provisions for the increase of the Army as an emergency proposition.

I like the gentleman from Virginia; he is a fighter. If we could pick an army out anywhere in the world composed of such fighters as Mr. HAY, that army could lick any other army that could be made up. [Laughter and applause.] But he is frank with the House; he does not endeavor to deceive the House. He says that this is purely a peace proposition; that it is not an emergency proposition. He says there is no emergency which this bill is designed to take care of. He frankly states that to the House.

I think there is an emergency in the world. The emergency exists now. It is an emergency which we ought to look forward to and prepare against. The emergency is now. We are not engaged in war now, we do not expect to be engaged in war, but we may be. It is our duty to prepare now for the emergency which now exists, and it is not preparing by saying that we will add 12,000 men to the Army inside of the next 13 months.

The President of the United States could have his way if he would say so. He could tell the Democrats in this House what to do and they would do it. The President of the United States traveled around the country and said, "The sparks are flying everywhere. They may set our house on fire. We should be prepared against that contingency." And lo and behold, he now is indorsing a bill which, with the sparks flying all around, with the danger of our house being set on fire, would not do as much as a pail of water a mile away. Twelve thousand more men in 13 months! We can afford to spend the money preparing against the possibility, knowing that the danger now exists. We will be thankful, if we should prepare now, that we escape with so little loss of money, but if we fail to make preparation now for an emergency that now exists and war should come, history will never tire of telling of the faithlessness of those who supported this proposition. [Applause.]

Mr. KAHN. Will the gentleman from Virginia use some of his time?

Mr. HAY. Yes. I yield five minutes to the gentleman from New York [Mr. CALDWELL]. [Applause.]

Mr. CALDWELL. Mr. Speaker, I am a new member of the Committee on Military Affairs, a big Army man, and I am in favor of this bill because it provides what in my opinion is a big Army, the biggest Army that the United States can hope to get at this time without absolute universal service throughout the country. It provides for a Regular Army as large as can be procured under our system of pay, according to the testimony of Adjt. Gen. McCain, whom I regard as the best posted man in America on this subject. He said that a slight increase of pay would not, in his opinion, based upon his experience, materially increase enlistment, so therefore no increase was provided by the Committee on Military Affairs in its proposed bill. Now, on the question of the organization of the citizen soldiery of this country, I desire to call the attention of this House to the provision of the bill known as section 62. Under that bill the minimum is all that is prescribed. There is no maximum fixed for the citizen soldiery of America and there should not be a maximum, because every citizen of America is ready to be a soldier whenever he is needed.

Mr. DAVIS of Texas. Amen!

Mr. CALDWELL. I would remind the gentleman from Texas that we are in the Halls of Congress, not in a church.

Now, under this bill there can be no soldiery except that which is prescribed by the bill and authorized in accordance with the plan laid down. In the State of New York, the State of Massachusetts, the State of Connecticut, the State of New Jersey, and the State of Pennsylvania, which have already shown that they are prepared to vote universal service, or universal training, as the gentleman from Massachusetts would say—if they pass such statutes as that, every man of the organization becomes a part of the National Guard, and immediately after enacting such statute we will have under arms in the United States more than 3,000,000 men ready, able, and willing to go to the defense of this country. What more do you want? As to the men in the Middle West or central parts of the United States who are against preparedness, I say to you that this bill is good because your people can stay at home if you want them to and our people who desire to train for the defense of their country can organize under this bill and learn how to defend the country when called.

In conclusion, gentlemen, I want to say that in my opinion you who oppose this bill, now that it has come here from the conferees, formed and framed as it is, and with the compromises made, remind me very much of the young, overgrown boy who attempts to cover up his chin and exposes his feet. [Applause.]

Mr. HAY. Will the gentleman from California use some of his time?

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. ANTHONY]. [Applause.]

Mr. ANTHONY. Mr. Speaker and gentlemen of the House, I believe that every Member of this House, if he should perform the duty that he owes to himself and the country, should cast his vote for this bill to-day. [Applause.]

The bill carries more than any of the gentlemen who have yet spoken against it realize. It carries a great deal more of preparedness than the country to-day realizes. While it is true that the bill provides that the increases made in the Regular Army shall be in five annual increments, yet the authority is conferred by this bill upon the President of the United States that upon the outbreak of war, or even with the imminence of war, whenever he believes it necessary, he can instantly set the machinery in motion and increase the Regular Army to the maximum of practically 300,000 men. That is what this bill does; and yet they speak of it as a "little Army" bill. In addition to that, the National Guard is to be increased 50 per cent of the 427,000 authorized the first year, over 200,000 men, and the President is also empowered to at once increase the guard to its maximum of 427,000 men, if he deems it necessary. In addition to that, means have been provided, and ample funds will be given in the

appropriation bill, by which every powder factory, every munition plant, every arsenal for the manufacture of guns, large and small, will be kept going day and night if necessary to put this country in a proper condition of preparedness. All that is needed, gentlemen, is for the press of this country—the big city papers are the greatest sinners in this respect—to tell the truth about the legislation that the Committee on Military Affairs of the House and Senate and the action which the House and Senate will have placed on the statute books to-day, that proper provision has been made in these matters, and the country will be satisfied with this bill.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. SMITH of Michigan. I understood from the gentleman's remark that the President now has authority to increase the present Army up to 300,000 men?

Mr. ANTHONY. Up to practically 300,000 men, in this bill.

Mr. SMITH of Michigan. Could he on the day after this bill passes this House make an order that would be followed by that increase in the number?

Mr. ANTHONY. If he still believed that "sparks are flying and that our house is liable to burn" he can to-morrow instantly set in motion the machinery to give us a Regular Army of 300,000 men. [Applause.]

And if such conditions prevail, gentlemen, there will be no trouble in increasing even the Regular Army to that amount. Now, I can cheerfully support this bill, because it happens that the increase of organizations, of men, and of officers which have been made, practically coincide with the ideas that I originally advanced in the committee and on the floor of this House. I believe the conferees have done their work well. They have given the country what it needs in the way of a Regular Army. They have given the War Department all it can well digest in the next few years, and if it succeeds in getting the number of officers, even, that we have provided for, in the next year, it will be mighty lucky.

Mr. SABATH. I know the gentleman is posted as well as any Member of this House, and therefore I am going to take the liberty of asking the question whether any provisions have been made in this bill as to the increase of our munitions and arms?

Mr. ANTHONY. There have been no direct provisions made in this bill, but the proper appropriations will be made in the bills which will follow, and adequate provision, in my opinion.

Mr. TILSON. There are provisions in this bill. In fact, there is one which I had the honor of proposing to this House, and which went through, authorizing an appropriation for matériel. Is that right?

Mr. ANTHONY. That is true.

Mr. GUERNSEY. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GUERNSEY. Did the gentleman consider the proposition of establishing a Government munitions plant in the interior of the country?

Mr. ANTHONY. Let me say that provision is going to be made so that every plant now possessed by the Government will be run to its full capacity, perhaps, for years to come.

Mr. GUERNSEY. Is there any provision for a new plant?

Mr. ANTHONY. Perhaps other committees which have jurisdiction intend such action.

Mr. SMITH of Minnesota. What provision has been made for new factories?

Mr. ANTHONY. As the gentleman from Connecticut has said, a reserve supply of machinery, tools, jigs, and dies for manufacturing arms will probably be provided by the War Department under the provisions of this bill.

In closing, let me say to the House that I do not believe the emergency which has been spoken of by the gentleman from Illinois [Mr. MANN] exists to-day; but if it should exist, I believe, with the great number of men that we could instantly bring to arms and train before our Navy was wiped off the map, we would have adequate time to raise the army of reserves and volunteers needed for any such emergency, with the Regular Army of 200,000 peace strength and a federalized National Guard of 427,000 peace strength, which this bill creates, to compose our first line of defense, will be adequate, in my opinion, for such purpose. [Applause.]

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, 4 major generals, 19 brigadiers, a large and juicy assortment of dental and commissary colonels, and $20,000,000 of nitrate "pork" are some of the outstanding and interesting features of this conference report; and, judging by the energy and enthusiasm with which certain newspapers and certain people elsewhere than in this body have advocated and insisted upon these things, you might imagine that these are what they really have in mind when with unction they talk about patriotism and preparedness.

And yet I shall vote for the conference report, because if it is defeated the nitrate "pork" will not go out; the brigadiers and major generals and the dental colonels will not be eliminated; but the general establishment will, I fear, be considerably increased.

Mr. KAHN. The gentleman does not want to deceive the House. There are no dental colonels provided.

Mr. MONDELL. It is possible the dental colonels are only majors.

The bill provides for a peace maximum of 175,000 troops of the line, to be secured in five annual increments, as large a Regular Establishment as we can secure under voluntary enlistment in time of peace, and it is a peace bill. If I believed that the sparks were really dangerously flying and that there was immediate danger to the country, I should not advocate further increases of the Regular Establishment, but the calling to the colors at once of half a million of volunteers [applause], because those are the forces on which we must depend in time of real war. Within the week we have seen the pictures down here at the Belasco Theater showing what the people of England have done since war was declared, and by voluntary enlistment, in arming and equipping 4,000,000 effective troops. That is the best lesson the world has had in a good long time of what a free people can do after the sparks have settled and ignited, and without conscription.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. MONDELL. I should like to, but have not time. I have only five minutes. This bill will increase under the expected increments the cost of the Military Establishment, as I figure, about $40,000,000 to $50,000,000 a year for five years, and would eventually increase the total cost of the Regular Army and the militia from $200,000,000 to $250,000,000 above the present cost.

But the best provision in the bill is section 24, under which, after the present excitement has subsided and the people are in a normal and reasonable frame of mind, we can cut off unnecessary increments of units of the establishment and keep the Regular Establishment, both as to men and officers, to a size needed and men for garrisons at home and abroad in time of peace and as a nucleus in time of war. [Applause.] While the establishment provided for, if fully organized, is, in my opinion, rather more than we need in time of peace—certainly more in officers—it is large enough, and provision is so made that in time of necessity, if sparks shall threaten or bring the fires of war, the President can, without any further authority, provide in this first line of defense for upward of 300,000 men. Behind that force stands the militia, largely benefited by this bill, and finally the stalwart citizenry of this country, the boys that, if they can not be made soldiers overnight, can be made splendid and effective defenders of their country in a comparatively few days. It is that citizenship, fine, patriotic, sturdy, that any power contemplating an attack would consider more than any military forces we are likely to organize, for all the world knows that temporary or local advantage by a possible enemy would simply serve to augment the tremendous forces that would be hurled at the invader. [Applause.]

Mr. KAHN. Mr. Speaker, I yield the half minute which the gentleman from Massachusetts yielded back to me to that gentleman.

Mr. GARDNER. Mr. Speaker, I accept that half minute for the purpose of inserting in the RECORD the true strength of the line of the Army as authorized in the joint resolution the other day. I said, during the remarks of the gentleman from Virginia [Mr. HAY], that it was 109,000. It happens to be 109,027. The full enlisted war strength of the Army as prescribed by law is 103,294; Philippine Scouts, 5,733. Therefore on the passage of that joint resolution it became possible to recruit the Army up to 109,027, according to information just obtained from The Adjutant General's office.

Mr. HAY. Well, I will say to the gentleman, it does not make any difference to me who said it. I know that when the organizations that now exist are recruited up to their full strength it is 119,000 men and a few hundred, The Adjutant General to the contrary notwithstanding.

Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. FERRIS].

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] is recognized for three minutes.

Mr. FERRIS. Mr. Speaker, I am not in favor of a big Army in time of peace, and I do not believe that this bill will get a big Army in time of peace. That is the reason why I intend to vote for it.

I am not in favor of compulsory service, now or next year, although the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Illinois [Mr. MANN], with their pugnacious dispositions, may desire and emphatically demand it. This bill carries no compulsory service, and if it did I would not vote for it. I am in favor of the Government munition plant carried in this bill, the gentleman from Ohio [Mr. LONGWORTH] to the contrary notwithstanding, and the people of this country are in favor of it. It is a step forward toward legislating profit out of war and war matériel. They may roll that around under their tongue and say there is a comeback upon it, but I am willing to stand on any comeback there may be about it. It is what the people desire, and I congratulate the committee for putting it in.

The results of the response to the call to service in the State of Texas ought to be very gratifying to the Texas delegation and ought to and will make every Texan very proud. Out of 4,000 militiamen in the State of Texas, if the morning Post tells the truth, only 55 failed to respond. Some of them were rejected.

Mr. GARDNER rose.

Mr. FERRIS. The gentleman from Massachusetts [Mr. GARDNER] need not rise. I know what he has in mind. He is going to read the article down below, showing how the Arizona and New Mexico militiamen did not so readily respond and say that 3,000 have not yet responded, for the purpose of overturning my statement. But the fact is that only 55 of those accepted for service failed to respond. True, some were rejected. I repeat that I am proud of Texas and of Texans, and every Texan ought to rise in his place to-day with considerable pride. I am wondering whether the gentleman from Massachusetts [Mr. GARDNER] can rise in his place with the same amount of enthusiasm for that one man who has enlisted up in his State. [Laughter.]

Something has been said regarding the chairman of the committee, Mr. HAY, as a fighter. I never before was so proud of a fighter as I am proud of him. I wish he could have won all of his fights in conference. His view is the correct one. [Applause.] He has earned and he enjoys the respect and the affection of this House, and he has exacted common decency and common respect and common fairness and common courtesy out of the other end of the Capitol—something that does not happen every day. [Applause on the Democratic side.] If the gentleman from Virginia [Mr. HAY] had won all his fights, we would have had a better bill, because it would have been a smaller bill than it is.

This bill does not please the extremists. They will applaud it neither here nor elsewhere. The gentleman from Illinois [Mr. MANN] and the gentleman from Massachusetts [Mr. GARDNER], on the one hand, will say it is a driveling effort at preparedness. On the other hand, I presume the gentleman from New York [Mr. LONDON] will say it is the most preposterous and outrageous and enormous preparedness program ever heard of in the history of the world. It will not please either one of those extremes. It will not please Henry Ford, on the one hand; neither will it please Theodore, on the other. [Laughter.]

But I am in hopes, Mr. Speaker, that it will please the great body of the American people, 100,000,000 in number, and I hope and believe it will please the Democratic Party, which in this time of excitement and fervor takes the common-sense view, which it ought to do, and adopts a reasonable program, as it has done in this case. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. KAHN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eighteen minutes.

Mr. KAHN. Mr. Speaker, will the gentleman yield me five minutes?

Mr. HAY. I yield the gentleman five minutes.

The SPEAKER. The gentleman is recognized for 23 minutes.

Mr. KAHN. Mr. Speaker, as one of the managers on the part of the House on the military preparedness bill, I shall support the conference report.

It does not wholly express my personal views. I think we should have a larger Army in time of peace than the bill provides for. I think 220,000 men should have been the minimum figure that we should have had for the line of the Army in times of peace. As I have frequently stated on the floor of the House, that would not necessarily mean that we must enlist them immediately; but, having the authorization for them, we could gradually build up the Army as necessities arise to that full minimum strength. There should be such an authorization. As you all know, I strongly urged an authorization, first, for 220,000 and later for 250,000 men for the line of the Army as a minimum peace strength.

But when these matters came up on the floor of the House recently, and the House expressed its judgment through the recorded yea-and-nay votes that were given on the various questions that were submitted at that time, I felt that it became my duty as a manager on the part of the House to follow the instructions of the House, and I believe that this conference report does meet the views of the majority of the House, as expressed here a number of times on record votes.

This bill provides 175,000 men as an enlisted force in the line of the Army in time of peace. As a matter of fact, if all of the organizations which are included in the bill are enlisted to their full peace strength, and the auxiliaries provided for in the bill are also enlisted to their peace strength, it will give us an Army of a trifle over 210,000 men. If the organizations provided in the bill are enlisted to their full war or statutory strength, they will provide 232,495 enlisted men, exclusive of the auxiliaries. By auxiliaries I mean the enlisted men of the Quartermaster's Corps, the Hospital Corps, and the Signal Corps. Adding the full strength of these corps to the men in the line of the Army, there would be a total enlisted strength of 282,461 men; these, plus 12,000 Philippine Scouts, will give us a total under this bill of 294,461 men—the largest Regular Army force that this Government ever has had occasion or opportunity to put in the field in case of national danger.

Mr. QUIN. The National Guard added to that will make how much?

Mr. KAHN. I disagree with my colleague on the committee [Mr. QUIN] that the National Guard can be enlisted to the extent of 425,000 men. The provisions of this bill create a National Guard of such a minimum strength; not of a maximum strength, mark you, but a minimum strength of 425,000 men. As I have repeatedly pointed out on this floor we will never get them. If we get 200,000 or 250,000 men in the National Guard we will be doing all that the country can hope for under this legislation.

I believe, however, that many of the provisions regarding the National Guard embodied in this bill are splendid provisions. I believe that we will federalize them to an extent that those who have been criticizing the bill do not realize.

During the discussion on this conference report this afternoon reference has been made to the mobilization of the militia of the States of Arizona, New Mexico, and Texas. The experience of the War Department since the order calling out the militia of those three States has been anything but encouraging. The following extract from the Washington Times of this date is, in fact, exceedingly discouraging. The article says:

MILITIA HAS FAILED, IS FUNSTON'S REPORT.

The National Guard has failed utterly to meet the emergency for which it was called to the Mexican border, according to official reports to the War Department from Gen. Funston.

Although ordered to the border May 9—11 days ago—not a single militia organization is ready for duty, Gen. Funston reports.

Gen. Funston telegraphed he has been compelled to withdraw the Sixth Cavalry from Gen. Pershing's column to do work of border patrol, for which the National Guard was called out.

Some of the factors causing the delay in mobilizing the militia, as outlined in Gen. Funston's report, are as follows:

CAUSES FOR DELAY.

Shortage of men in skeleton organizations reporting for border duty. Where the paper strength called for 4,000 men in the three State militias there will be less than 3,000 available for duty.

Shortage of equipment for men reporting with militia. Although the War Department furnished Texas, Arizona, and New Mexico with full equipment for 65 men to a company, much of this equipment was missing when the men reported.

Failure of the militiamen to pass the physical examination required before they could be taken into the service of the United States. It was necessary to relax the severity of the regulations to avoid rejection of a large percentage of militiamen.

Refusal of militiamen to take the oath of allegiance in the Regular Establishment when told they would be required to serve if needed for the full period of their enlistment.

Conflict between the Federal Government and States because the uniforms and equipment, although furnished by the War Department, are the property of the States and compensation must be fixed for them before their transfer is effected.

The necessity of filling up the gaps in military units, already skeletonized, to make up for guardsmen rejected as physically unfit or who refuse to take the oath.

MAY BE READY NEXT WEEK.

Gen. Funston believes that the work of mobilizing the three Texas brigades will be completed by the middle of the week. It is not certain whether the Arizona and New Mexico regiments will be ready then or not.

At the earliest, however, it will be 15 days after the troops were called out before they will be available for service. In addition to this the governors of the three States had 10 days' notice to prepare for a call, and for months previously the militia organizations were under orders to be ready for service when called.

Army officers said to-day that at the slow rate of mobilization for the three militia organizations on the border it would take one month to two months to get any large body of militia from the Northern or Eastern States mobilized for the Mexican campaign.

In a speech I delivered on this floor recently in defense of the Volunteer Army provision of the Senate bill, I pointed out that even under the federalized National Guard provisions of the

conference report there must inevitably be delay in mobilizing the forces of the guard, for some of the very reasons given in the newspaper article as being responsible for the slowness of mobilization under existing law. But the conference report does contain many excellent and desirable provisions that will make the National Guard organizations infinitely better than they have been heretofore. One of these provisions relates to the commissioned personnel of these organizations. The officers of the National Guard hereafter will be compelled to pass examinations provided by a board of officers selected by the Secretary of War. The haphazard way of appointing officers for the National Guard, either by political preferment or by election of their officers by the members of the guard themselves, can no longer continue under this proposed law. Every man who hereafter receives a commission as an officer must pass an examination showing that he is capable of commanding men. In that respect a great advance has been made over the legislation of the past.

But, Mr. Speaker, aside from the number of enlisted men in the Regular Army, aside from the strength of the National Guard, there are many things in the bill that should commend it to the membership of the House. In the first place the conference report provides for the organization contained in the Senate bill. Under the bill recommended by the conferees the Army of the United States will be properly divided into tactical units. Heretofore we have had no real legislation on our statute books regarding the organization of the Army in brigades, divisions, Army corps, and armies. The conference report provides that hereafter all this shall be done in organizing the Army of the United States. Every military officer will commend these provisions of the bill.

We have increased the regiments of Infantry from 30 to 65, including the Porto Rico regiment of Infantry. We have increased the regiments of Cavalry from 15 to 25. We have increased the regiments of Field Artillery from 6 to 21, and we have practically doubled the Coast Artillery forces. All of these things should commend this bill to the membership of the House.

We have provided that hereafter in the Judge Advocate General's Department men must take examinations for promotion just as they do in the Medical Department. The officers of the Judge Advocate General's Department are lawyers. They look after the legal affairs of the Army, and it is necessary that they should be up constantly with the legal decisions appertaining to the Army. Hereafter no man in that department can be promoted unless he shall have passed an examination to show his capability as a lawyer so far as the Military Establishment of the Government may be concerned.

The Senate retains the House provision regarding the Medical Corps in this conference report. The House fixed the strength of the Medical Corps so that there shall be 7 medical officers to every 1,000 enlisted men in the Army. That was done after we had had most interesting hearings. We had several medical officers before us who had come but recently from the trenches in Europe, and after listening to them and after realizing the necessity for preparedness in that direction, the House committee provided for 7 medical officers to every 1,000 men. In all our past wars we have lost great numbers of men on account of the inadequacy of our Medical Department. We felt that the people of the United States would never tolerate a recurrence of such unpreparedness in that department. And the Senate accepted the provisions of the House bill.

We have given rank, pay, and allowances to dental surgeons up to the grade of major. We did this advisedly. The dentists on the fields of Europe are working in harmony with the medical surgeons; they are showing their worth on those fields and are doing wonders in their line in restoring the jaws and teeth of desperately wounded men so that they can still remain useful members of society.

We have provided a splendid veterinarian corps. The Senate accepted the House provision in this regard. This corps is also demonstrating its thorough usefulness on the battle fields of Europe.

We have created a new grade in the aviation section of the Signal Corps—that of aviator. If it is impossible to secure the requisite number of Army fliers, the Secretary of War is authorized, even in time of peace, to enlist or, rather, to commission, civilians as aviators in the aviation forces of the United States Army. He can make contracts with civilian fliers and so build up an excellent aviation section for the Army of the United States.

The Coast Artillery has been increased so that we will have 363 companies, exclusive of the 18 bands that are allotted to that branch of the Army. It gives us a total of 30,006 men in the Coast Artillery. That is about one-half the number of

men required to man the guns that have been emplaced heretofore.

The States were to furnish the other 30,000 enlisted men, through Coast Artillery militia organizations; but, unfortunately, we have not been able to get those men from the States. Frequently when the Regular Army officers went to the States and asked that they organize the necessary number of Coast Artillery companies for the defense of the Union they were met with the question, "What has the Federal Government done to supply its quota to man the seacoast defense guns?" And heretofore they have had to reply that as yet the Federal Government has not provided the proper number of men. This bill does make provision for the full number of men required for that purpose on the part of the Federal Government. Under the provisions of the bill the coast defenses should in a comparatively short time be infinitely better than most of us hoped for at the time the Hay bill passed this House.

The Porto Rico Regiment—which is called a regiment, but which heretofore has been a regiment of only two battalions—is created a full regiment by this legislation, and it is now liable to service in any part of the territory of the United States. In other words, if the President should determine that that regiment would be useful on the Isthmus of Panama to defend the Panama Canal, the President of the United States under this legislation would have the right to order the Porto Rico Regiment to Panama, or he would have the right to order them to Hawaii or to the Philippines or anywhere else where he deemed that the exigencies of the case might require their presence.

A very important feature of this bill, in my judgment, is that which provides as to original appointments in the commissioned strength of the Army, except in the case where the appointees are graduates from West Point—that the commissions shall be for a temporary period of two years, within which time the commissioned officer must demonstrate his worth and ability as an officer of the United States Army. If, after the lapse of two years, it be determined that he is not qualified to command troops in the Army of the United States, he is given an honorable discharge from the Army. I believe a great step in advance has been made in that one particular.

The matter of vocational training for enlisted men assumes considerable importance in this bill. It provides that hereafter enlistments in the Army may be made from boys 18 years of age or over without the consent of their parents. Anyone over 16 who wants to enlist may do so with the consent of his parents or guardian. That simply applies to the Army what we have been doing in the Navy for many years. In our Navy boys from 16 to 18 years of age can enlist with the consent of their parents or guardians, but after they have attained the age of 18 it does not require the consent of anyone. This bill follows those provisions.

Under this bill the young man can receive vocational training at the hands of civilian instructors or such other instructors as the Secretary of War may determine to be necessary. In my opinion that provision will bring many young men into the Army who will take advantage of the military training, and who will also be glad to get the vocational training provided by this bill. I firmly believe it will also have a great effect in increasing the number of enlistments for the Regular Army.

There was a provision in the Senate bill which the House conferees insisted should be stricken out. That was the provision known as the Hardwick amendment. It attempted to take into an Army reserve boys 15, 16, 17, and 18 years of age. They were to go into an encampment every year, and while in the encampment those boys were to receive the same pay and allowances that the enlisted men and officers of similar grades in the Regular Army receive, and yet they were not to be utilized, in case we should get into trouble, until they were 18 years of age. That provision was put in on the floor of the Senate. The House conferees insisted that it should go out, and it went out; as did also the provision giving preferences in the civil service of the United States to discharged men of the Regular Army.

Mr. Speaker, in my opinion, the Regular Army reserve will add very materially to the strength of our Army. A great deal of humor was developed by the gentleman from Massachusetts [Mr. GARDNER] a year or two ago over the fact that there were but 16 reserves in our entire Army. As a matter of fact, the reserve section of the existing law had not had an opportunity to go into full effect, nor is it in full effect to-day. But we have now about 4,000 men in the Regular Army reserve, and we feel confident that when the full seven-year period of the law elapses we will have fully 50,000 men in the reserve, ready to

go to the front immediately upon the call of the President to take up the defense of their country.

The enlisted Reserve Corps, in addition to the Regular Army reserve, is a very important feature of this legislation. The men who are chauffeurs, who are telegraph and telephone linemen, who are railroad trainmen, who are fliers, who are working in the factories where flying machines are being constructed, or in locomotive shops, or ammunition factories, or automobile factories, or hospitals, or drug stores, or the one hundred and one different industries where men become skilled in duties that will be of inestimable service to their country in time of national danger will be enrolled under this bill as auxiliary forces. They are to be called out, if the President deems it advisable, for 15 days' training at any time in any one year, and while so training they receive pay and allowances given to men in the Regular Army. It is the purpose to drill these auxiliary forces so that if we ever get into a war we will have men in the Engineer, the Quartermaster, and the Signal Corps, and in the Medical and Ordnance Departments that will enable this Government to perform its work in these various corps and departments as we never at any time in our history have been able to do it heretofore. These men will be encouraged in every way under this bill to become a part of the auxiliary forces of the United States, to be called on in case of national emergency.

I understand that in one section of the country, in Michigan, recently an officer of a railroad company pledged nearly all of his employees in every branch of service of his company to enlist in this enlisted reserve corps. [Applause.] And that is in the State of the great pacifist, Mr. Henry Ford.

Mr. Speaker, there is a provision in the Regular Army reserve that is not unlike the system that prevails in Australia and Switzerland, of which we hear so much in these days. These reserves can be called out for additional training at any time for 15 days in any one year by the President of the United States. That will keep these men in the Regular Army reserve in constant touch with preparedness. In my judgment, it is an excellent provision.

We also allow in this bill the reenlistment of men who have heretofore received honorable discharge from the Regular Army of the United States, provided they are under 50 years of age. It has been estimated before our committee that there are probably as many as 120,000 of these men. I have always questioned the reliability of those figures. I believe there are 40,000 or possibly 50,000 of these men. The bill holds out inducements to them to come back to the colors of the United States in the case of emergency so that they can give to their country the benefit of their previous training.

In addition to that, the men of the Volunteer forces of the United States—in other words, the men of the Spanish-American War who served in the Philippines, or in Hawaii, or Porto Rico, or Cuba are entitled, under that provision, to come back to the colors when they are needed. There is a small payment by way of bounty for their services, so that if they have married since their discharge, and have families dependent upon them, the family will receive a bounty not to exceed $300 when the husband goes to the front. With that sum as payment in the nature of a bounty they will not be altogether helpless. I think that is an excellent provision of the bill.

The bill provides for summer training camps. Under section 54, students and others are invited to the training camps for military instruction. These camps, which were inaugurated last year, have become known as the Plattsburg idea. I believe that that section of the bill is so framed that it will enable the Secretary of War under such terms of enlistment and regulations as he may prescribe practically to create a volunteer army out of these men. [Applause.]

The Officers' Reserve Corps is a splendid provision of the bill. The struggle in Europe has demonstrated beyond question that one of the greatest necessities toward thorough preparedness is a trained force of officers. The so-called Gard amendment, which was adopted by this House when the bill was before it for consideration last March, has been retained in the conference report. No doubt it will furnish the country a large force of additional officers to meet the requirements of the service in case we should ever become involved in war.

Another splendid provision which refers to the National Guard sections of the bill is that which requires the organization of reserve battalions in every State that sends its National Guard to the front when the President drafts them into service. During the Civil War it was the custom for some ambitious civilian or a commissioned officer of one of the lower grades to raise a new regiment of volunteers with himself as colonel in order that the new regiment might go to the front and give him an opportunity to show his ability as a military commander. This will be impossible under the pending legislation. The reserve battalions enlisted in the States to which the respective regiments that go to the front belong will be able to fill up the wastage resulting from disease, death, or any other cause, and will thus constantly maintain the regiments in the field at full war strength.

There is also a provision that the officers and men in the National Guard will be compelled to pass a physical examination when they are drafted into the service of the United States. They must also pass a physical examination at the time they are mustered out, and a record of such physical examination must be filed in the records of the War Department. In the years to come that provision will save a great deal of difficulty regarding pensions.

The bill provides for the purchase by the Government of military supplies of every character in time of war. It compels any individual, firm, company, association, corporation, or organized manufacturing industry to furnish such arms and ammunition, or parts of ammunition, or other supplies and equipments, at a reasonable price to the Government of the United States, and imposes a penalty on any individual, firm, or the responsible head or heads of any company, association, or corporation or organized manufacturing industry for refusing to comply with the provisions of that section of the bill. It provides, however, that compensation to any of those manufacturers of products or material necessary for the defense of the United States shall be fair and just.

The bill provides for a census of all privately owned plants in the United States equipped to manufacture arms or ammunition or the component parts thereof. To insure a prompt mobilization of these various industries a nonpartisan board on mobilization of industries essential for military preparedness is provided for. There is also a provision for the investigation by two civilians and three Army officers as to the Government's manufacture of arms, ammunition, and equipment. The War Department for the past four years has been manufacturing practically all of the arms, ammunition, and equipment which it requires, and yet thousands of men and women throughout the Union have been led to believe that the department purchases all its powder and ammunition from private concerns. These private concerns are charged with being responsible for the demand for preparedness in the United States. In view of the fact that they have not been selling their products to the War Department, I do not see what authority those who are opposed to preparedness can have for their assertions that the ammunition manufacturers are responsible for the demand for a larger military force.

The bill provides for the protection of the uniform of officers or enlisted men of the United States Army, Navy, or Marine Corps. Exception is made, however, in favor of the organization known as the Boy Scouts of America, the Naval Militia, or such other organizations as the Secretary of War may designate for wearing their prescribed uniforms. This will enable such organizations as have been in existence in many of the States and whose uniforms are very similar to the uniforms worn by some units of the Army, Navy, or Marine Corps, to preserve their uniforms through the permission of the Secretary of War.

The bill also provides for the procurement of gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings as may be necessary for the immediate manufacture, by the Government or private concerns, of arms, ammunition, and equipment for our military forces. That provision I consider to be a great step in the path of military preparedness.

Mr. Speaker, there are many other admirable provisions in this bill. I admit it is not a perfect piece of legislation. It has some weak spots. Perhaps many weak spots. But it is infinitely better than any Army legislation we have had heretofore. It is a decided step toward military preparedness. I hope the conference report will be adopted.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the gentleman have one minute more in order that I may ask him a question.

Mr. HAY. I will yield to the gentleman one minute more.

Mr. DENISON. I would like to ask the gentleman if there is any way that we can get rid of this nitrate proposition.

Mr. KAHN. If you vote down the conference report and send it back to conference, you might. That matter of the nitrate plant was submitted to the House recently and the House voted for it, and I felt, therefore, as a conferee on the part of the House that I was instructed to stand by the House provision.

In conclusion, Mr. Speaker, I desire to insert a statement showing the minimum and possible maximum commissioned and enlisted strength of the Regular Army under the provisions of the bill recommended in the conference report. It is as follows:

TABLE I.—*Statement showing the commissioned strength of the Regular Army provided by conference committee report on H. R. 12766, Sixty-fourth Congress, first session.*

[This strength will be authorized only after all increments provided for shall have become effective.]

Corps or arm.	Major generals.	Brigadier generals.	Colonels.	Lieutenant colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Dental surgeons.	Veterinarians.	Total.
General officers of the line	[1] 11	[2] 36									47
General Staff	[3] 1	[3] 2	10	10	15	17					[4] 52
Adjutant General's Department		1	7	13	30						51
Inspector General's Department		1	4	8	16						29
Judge Advocate General's Department		1	4	7	20						32
Quartermaster Corps	1	2	21	24	68	180					360
Medical Department	[5] 1		47	80	350	[6] 1,000	(7)	[8] 73	[9] 175	[9] 118	[6] 1,771
Corps of Engineers		1	23	30	72	152	148	79			505
Ordnance Department		1	10	15	32	42	42				142
Signal Corps [10]		1	4	9	18	54	189				[10] 275
Bureau of Insular Affairs		1	1		1						3
Chaplains						[11] 143					[11] 143
Cavalry			25	25	75	375	400	400			1,300
Field Artillery			21	21	[12] 47	[13] 236	294	[13] 257			[13] 876
Coast Artillery Corps		1	24	24	72	360	360	360			1,201
Infantry			64	64	192	960	1,024	960			3,264
Porto Rico Regiment				1	3	15	16	15			50
Detached officers [14]			[15] 33	[15] 34	[15] 92	[15] 431	[15] 432				1,022
Additional officers			[16] 45	1		1					[16] 47
Military Academy			4	3							7
Total	13	46	347	369	1,103	3,966	2,905	2,144	175	118	11,186
Philippine Scouts						52	65	65			182
Total Regular Army	13	4	347	369	1,103	4,018	2,970	2,209	175	118	11,368

[1] Including 1 major general, appointed under act of Mar. 4, 1915. Not a permanent grade.
[2] Including 2 brigadier generals, appointed under act of Mar. 4, 1915. Not a permanent grade.
[3] These may be 2 major generals and 1 brigadier general, but included in "general officers of the line" and not in addition thereto.
[4] Does not include 3 general officers of the line as accounted for above.
[5] This number reported by Office of the Quartermaster General as "now in active service," as pay clerks.
[6] Brigadier general, after present incumbent.
[7] Assuming line 175,000; Quartermaster Corps, 6,403 (present law); Signal Corps, 3,387 (Rept. 263 on S. 4840); Medical Corps (5 per cent), 10,500; Ordnance Department, 1,115; recruits (7 per cent of all above), 14,700=211,112. At 7 per 1,000 men=1,477 officers Medical Corps (1,000 captains and first lieutenants) exclusive of Surgeon General. This is only approximate, not accurate, since enlisted strength depends, in three corps, upon executive action.
[8] 1 for each 1,000 of 175,000 in line of Army; majors, captains, and first lieutenants. Not included in 7 per cent Medical Corps, but in total strength of Medical Department.
[9] Veterinarians and assistant veterinarians (captains, first lieutenants and second lieutenants, according to service).
[10] Includes Aviation Section (1 colonel, 1 lieutenant colonel, 8 majors, 24 captains, 114 first lieutenants).
[11] Cavalry, 25; Infantry, 65; Field Artillery, 21; Engineers, 7; Coast Artillery Corps, 25. Rank according to service. Shown as captains, but not actually such. Not to exceed 15 majors.
[12] Assuming 5 regiments organized in 3 battalions (2 horse and 2 heavy).
[13] Including 200 under act of Mar. 3, 1911, in grades as authorized by that act. These numbers in grade will be changed if the 1,022 are all to be assigned to grades by ratio shown in sec. 25. If the 822 added by bill are assigned by such ratio and the 200 now authorized are left as assigned in 1911, the figures are approximately correct.
[14] Including 17 colonels, Cavalry, 4 colonels, Infantry, made "additionals" by sec. 25.
[15] Including those "additional" by act of Mar. 3, 1911; this is subject to increase by transfer of retired officers to active list under act of Mar. 4, 1915. Several nominations are now pending.

TABLE II.—*Statement showing the minimum and maximum enlisted strength of the Regular Army provided by conference committee report on H. R. 12766, Sixty-fourth Congress, first session, and also maximum "except in event of actual or threatened war"* (sec. 2 of act).

Corps or arm.	Minimum strength.	Maximum strength.
Cavalry, 25 regiments (minimum strength, 999; maximum strength, 1,475)	24,975	36,775
Field Artillery, 16 regiments of 2 battalions (minimum strength, 839; maximum strength, 1,263)	13,744	20,208
Field Artillery, 5 regiments of 3 battalions (minimum strength, 873; maximum strength, 1,282)	4,365	6,410
Field Artillery added to headquarters companies (2) of Mountain regiments when Quartermaster Corps not available	6	6
Field Artillery ammunition batteries, depot batteries, and battalions and Artillery parks, supplied from Regular Army Reserve or Regular Army. Organization fixed by President.		
Coast Artillery Corps, 263 companies and noncommissioned staff	29,469	29,469
Coast Artillery Corps, 18 bands of 30 men	540	540
Infantry, 64 regiments (minimum strength, 1,336; maximum strength, 1,964)	85,504	125,696
Porto Rico regiment of Infantry	1,336	1,964
Corps of Engineers, 7 regiments of 2 battalions of 3 companies each (minimum strength, 696; maximum strength, 1,036)	4,872	7,252
Corps of Engineers, 2 battalions Mounted Engineers (3 companies) (minimum strength, 244; maximum strength, 371)	488	742
Corps of Engineers, 1 band	30	30
Military Academy detachment. See sections 2 and 22	632	632
Service school detachments. See sections 2 and 22	746	746
United States disciplinary barracks guards. See sections 2 and 22	350	350
With disciplinary organizations (sergeants). See section 36	100	100
With organizations of the National Guard (sergeants). See section 36	1,000	1,000
With units of Reserve Officers' Training Corps (noncommissioned officers). See section 46	500	500
Indian Scouts. See sections 2 and 22	75	75
Line of the Army, exclusive of unassigned recruits	168,732	232,495
Maximum line of Army "except in event of actual or threatened war." See section 2	175,000	.....

TABLE II.—*Statement showing the minimum and maximum enlisted strength of the Regular Army, etc.*—Continued.

Corps or arm.	Minimum strength.	Maximum strength.
Quartermaster Corps, strength to be fixed by President (present law as to minimum and double that for maximum strength)[1]	6,403	12,806
Signal Corps, strength to be fired by President (strength of, Senate bill 4840)[1]	3,387	4,338
Ordnance Department, strength to be fixed by President (present authority for minimum and double for maximum strength)[1]	1,115	2,230
Medical Corps, 5 per cent of maximum peace (175,000)+Quartermaster Corps, Signal Corps, Ordnance Department, and recruits for minimum	10,500	14,100
5 per cent of above at maximum +232,495, and of recruits for maximum.		
Unassigned recruits, 7 per cent of total enlisted strength	13,700	16,500
Total, excluding Philippine Scouts	210,105	282,461
Philippine Scouts (present law). See section 22	5,733	12,000
Aggregate, Regular Army (including Philippine Scouts)[2]	215,838	296,461

[1] As the enlisted strength of the Quartermaster Corps, Signal Corps, and Ordnance Department are such as may be prescribed by the President, until Executive orders are issued, it is impracticable to ascertain the strength of the Medical Corps and unassigned recruits which are 5 and 7 per cent, respectively, of total enlisted strength. Figures above are based upon assumptions which seem reasonable. But any other estimate may be equally correct, if assumptions as to Executive action be changed.
[2] For present authorized commissioned and enlisted strength, see Army List and Directory, April 20, 1916.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. HARDY). The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I ask to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an

article written by John J. Walt, an ironworker, and printed in the Bridgeman's Magazine.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GALLIVAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address of Edward N. Hurley, vice chairman of the Federal Trade Commission, before the Boston Commercial Club, March 28, 1916.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts.

There was no objection.

Mr. HAY. Mr. Speaker, I ask unanimous consent that all gentlemen may have five legislative days after the passage of the bill to extend remarks on the bill.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that all gentlemen have five legislative days after the passage of the bill to extend remarks on the bill. Is there objection?

There was no objection.

Mr. HAY. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. HAY. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Virginia makes the point that no quorum is present. Evidently there is not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 351, nays 25, answered "present" 3, not voting 55, as follows:

YEAS—351.

Abercrombie	Curry	Gregg	Linthicum
Adamson	Dale, N. Y.	Griffin	Littlepage
Aiken	Dale, Vt.	Hamill	Lloyd
Alexander	Dallinger	Hamilton, Mich.	Lobeck
Allen	Danforth	Hamilton, N. Y.	Longworth
Almon	Darrow	Hamlin	Loud
Anderson	Davenport	Hardy	McAndrews
Anthony	Davis, Minn.	Haskell	McArthur
Ashbrook	Davis, Tex.	Hastings	McClintic
Aswell	Decker	Haugen	McCracken
Austin	Dempsey	Hawley	McCulloch
Ayres	Denison	Hay	McDermott
Bacharach	Dent	Hayden	McGillicuddy
Bailey	Dickinson	Heaton	McKellar
Barkley	Dies	Helgesen	McKenzie
Barnhart	Dill	Helm	McKinley
Beakes	Dillon	Helvering	McLemore
Beales	Dixon	Hensley	Madden
Bell	Dooling	Hernandez	Magee
Bennet	Doolittle	Hicks	Maher
Black	Doughton	Hill	Mapes
Blackmon	Dowell	Hilliard	Martin
Booher	Drukker	Hinds	Matthews
Borland	Dunn	Holland	Mays
Bowers	Dupré	Hood	Meeker
Britt	Eagan	Hopwood	Miller, Pa.
Browne	Eagle	Houston	Mondell
Browning	Edmonds	Howard	Moon
Bruckner	Edwards	Howell	Moore, Pa.
Brumbaugh	Ellsworth	Huddleston	Moss, Ind.
Buchanan, Tex.	Elston	Hughes	Moss, W. Va.
Burgess	Esch	Hulbert	Mott
Burke	Estopinal	Hull, Iowa	Mudd
Burnett	Fairchild	Hull, Tenn.	Murray
Byrnes, S. C.	Farley	Humphreys, Miss.	Neely
Byrns, Tenn.	Farr	Hutchinson	Nicholls, S. C.
Caldwell	Ferris	Igoe	Nichols, Mich.
Callaway	Fess	Jacoway	Nolan
Campbell	Fields	James	North
Candler, Miss.	Finley	Jones	Norton
Cannon	Fitzgerald	Kahn	Oglesby
Capstick	Flood	Kearns	Oldfield
Caraway	Flynn	Keating	Oliver
Carew	Focht	Keister	Olney
Carlin	Fordney	Kelley	O'Shaunessy
Carter, Mass.	Foss	Kennedy, Iowa	Overmyer
Carter, Okla.	Foster	Kennedy, R. I.	Padgett
Cary	Frear	Kent	Page, N. C.
Chandler, N. Y.	Freeman	Kettner	Paige, Mass.
Charles	Gallagher	Key, Ohio	Park
Church	Gallivan	Kiess, Pa.	Parker, N. J.
Cline	Gandy	Kincheloe	Parker, N. Y.
Coady	Gard	King	Patten
Coleman	Garland	Kinkaid	Phelan
Collier	Garner	Kitchin	Porter
Connelly	Garrett	Konop	Pou
Cooper, Ohio	Glynn	Kreider	Powers
Cooper, W. Va.	Good	Lafean	Price
Cooper, Wis.	Goodwin, Ark.	La Follette	Quin
Copley	Gordon	Lazaro	Ragsdale
Costello	Gould	Lazaro	Ramseyer
Cox	Gray, Ala.	Lee	Rauch
Crago	Gray, Ind.	Lenroot	Rayburn
Cramton	Gray, N. J.	Lesher	Reavis
Crisp	Green, Iowa	Lever	Reilly
Crosser	Greene, Mass.	Lieb	
Cullop	Greene, Vt.		

Ricketts	Sinnott	Sterling	Vinson
Riordan	Sisson	Stiness	Volstead
Roberts, Mass.	Slayden	Stone	Walker
Roberts, Nev.	Sleman	Stout	Ward
Rodenberg	Sloan	Sulloway	Wason
Rowe	Smith, Idaho	Summers	Watson, Pa.
Rubey	Smith, Mich.	Sweet	Watson, Va.
Rucker	Smith, Minn.	Switzer	Whaley
Russell, Mo.	Smith, N. Y.	Taggart	Williams, T. S.
Russell, Ohio	Smith, Tex.	Tague	Williams, W. E.
Sabath	Saed	Taylor, Ark.	Williams, Ohio
Saunders	Snyder	Taylor, Colo.	Wilson, Fla.
Scott, Mich.	Sparkman	Temple	Wilson, Ill.
Sells	Stafford	Thompson	Wilson, La.
Shackleford	Stedman	Tillman	Wingo
Shallenberger	Steele, Iowa	Tilson	Wise
Sherley	Steenerson	Timberlake	Wood, Ind.
Sherwood	Stephens, Cal.	Towner	Woods, Iowa
Shouse	Stephens, Miss.	Tribble	Young, N. Dak.
Siegel	Stephens, Nebr.	Van Dyke	Young, Tex.
Sims	Stephens, Tex.	Venable	

NAYS—25.

Britten	Husted	Nelson	Thomas
Buchanan, Ill.	Johnson, Ky.	Platt	Tinkham
Gardner	Johnson, Wash.	Raudall	Walsh
Gillett	London	Rogers	Wheeler
Guernsey	Mann	Sanford	
Hadley	Moores, Ind.	Schall	
Humphrey, Wash.	Morgan, Okla.	Tavenner	

ANSWERED "PRESENT"—3.

Butler	Miller, Del.	Treadway

NOT VOTING—55.

Adair	Glass	Loft	Scott, Pa.
Barchfeld	Godwin, N. C.	McFadden	Scully
Cantrill	Graham	McLaughlin	Sears
Casey	Griest	Miller, Minn.	Small
Chiperfield	Harrison	Montague	Steagall
Clark, Fla.	Hart	Mooney	Steele, Pa.
Coury	Hayes	Morgan, La.	Sutherland
Dewalt	Henry	Morin	Swift
Doremus	Hollingsworth	Morrison	Talbott
Driscoll	Johnson, S. Dak.	Oakey	Vare
Dyer	Lehlbach	Peters	Watkins
Emerson	Lewis	Pratt	Webb
Evans	Liebel	Rouse	Winslow
Fuller	Lindbergh	Rowland	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. DEWALT with Mr. MCFADDEN.

Until further notice:

Mr. WATKINS with Mr. MORIN.

Mr. GODWIN of North Carolina with Mr. VARE.

Mr. STEELE of Pennsylvania with Mr. EMERSON.

Mr. LEWIS with Mr. OAKEY.

Mr. HENRY with Mr. MILLER of Minnesota.

Mr. DOREMUS with Mr. BARCHFELD.

Mr. EVANS with Mr. JOHNSON of South Dakota.

Mr. STEAGALL with Mr. HOLLINGSWORTH.

Mr. SEARS with Mr. PETERS.

Mr. WEBB with Mr. DYER.

Mr. CASEY with Mr. SCOTT of Pennsylvania.

Mr. MONTAGUE with Mr. MILLER of Delaware.

Mr. TALBOTT with Mr. BUTLER.

Mr. ADAIR with Mr. LEHLBACH.

Mr. ROUSE with Mr. MCLAUGHLIN.

Mr. MORGAN of Louisiana with Mr. GRAHAM.

Mr. SCULLY with Mr. MOONEY.

Mr. MORRISON with Mr. SWIFT.

Mr. HART with Mr. GRIEST.

Mr. CLARK of Florida with Mr. FULLER.

Mr. CONRY with Mr. PRATT.

Mr. DRISCOLL with Mr. HAYES.

Mr. HARRISON with Mr. CHIPERFIELD.

Mr. LIEBEL with Mr. ROWLAND.

Mr. GLASS with Mr. WINSLOW.

Mr. SMALL with Mr. TREADWAY.

Mr. LANGLEY with Mr. CANTRILL.

Mr. TREADWAY. Mr. Speaker, I voted "aye." I have a pair with the gentleman from North Carolina, Mr. SMALL, and I desire to withdraw my vote and answer "present." He would vote "aye" also if he were here.

The name of Mr. TREADWAY was called, and he answered "Present."

Mr. LANGLEY. Mr. Speaker, I am paired with my colleague, Mr. CANTRILL. I know that he is for this conference report, and I therefore voted "aye." I believe it is all right to let my vote stand.

The result of the vote was announced as above recorded.

On motion of Mr. HAY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

EXTENSION OF REMARKS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the conference report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Was not general leave given?

Mr. LANGLEY. Mr. Speaker, I make the same request.

Mr. FARR. Mr. Speaker, I desire to extend my remarks on the shipping bill.

The SPEAKER. There is general leave; everybody can extend their remarks on the shipping bill and on the conference report, too, but they have to stick to the bill, however, in extensions.

FRAUDULENT ADVERTISING, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the conference report on the bill H. R. 10490.

Mr. ADAMSON. Mr. Speaker, will my amiable friend from Kentucky listen to me for one minute? I have a plea for a minute's time, and I know the gentleman will yield it. My colleague from Georgia has a little emergency bill, and he wants to go home on the next train, and I therefore ask unanimous consent to consider his little bridge bill. It will take but a minute, and I promise the gentleman——

The SPEAKER. What does the gentleman from Kentucky say?

Mr. JOHNSON of Kentucky. Mr. Speaker, I will have to insist on my motion.

I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I have not examined it. Does the statement give information so that we can tell?

Mr. JOHNSON of Kentucky. I think so. That is the intention.

The SPEAKER. Is there objection?

Mr. MANN. We have just had one statement read that did not give any information.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. I do not.

The conference report is as follows:

CONFERENCE REPORT (NO. 712).

The conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) entitled "An act to prevent fraudulent advertising in the District of Columbia," having met, after a full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its disagreement to the Senate amendment numbered 1 and agree to the same with an amendment by also striking out the article "a" at the end of line 13, page 1, so that instead of only striking out the word "fraudulent" the part stricken out should be "a fraudulent."

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment. The Senate amendment numbered 2 adds the following language to the bill: "purchase any goods, wares, or merchandise, or anything of value, or to."

That amendment numbered 2 is amended by striking out the word "purchase" therefrom and inserting in lieu thereof the words "sell, barter, or exchange."

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4.

That the Senate recede from its amendment numbered 5.

BEN JOHNSON,
CARL VINSON,
WILLIAM J. CARY,
Managers on the part of the House.

JOHN WALTER SMITH,
ATLEE POMERENE,
WILLIAM P. DILLINGHAM,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House relative to the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) entitled "An act to prevent fraudulent advertising in the District of Columbia," herewith submit the following statement concerning the result of the conference:

Relative to amendment numbered 1 the managers on the part of the House have to state that the said bill passed the House containing the language "a fraudulent intent to deceive, mislead, etc." The Senate struck out the word "fraudulent," being of the opinion that the words "deceive, mislead, etc." were sufficient. The managers on the part of the House agreed to that amendment, but called attention to the fact that the article "a" which immediately precedes the word "fraudulent" should also be stricken out. The reason for striking out the article "a" is quite apparent upon reading the bill.

The original draft of the bill contained a clause relating to the "sale of goods, wares, or merchandise" as the result of fraudulent advertising. However, just before the bill was introduced some of its friends struck out that clause and the bill was introduced without it. When the bill was under consideration by the House it was conceded that the language should be restored, but at the moment when attention was called to this omission the section which should have contained it had been passed. It was then deemed advisable to permit the bill to pass in its then present shape and let the correction be made by the Senate. The attention of the Senate was duly invited to the omission referred to; but by inadvertency the word "purchased" was used instead of the word "sell." Then in conference it was deemed best not only to use the word "sell," but to use the three words "sell, barter, or exchange"; so that the bill when thus amended reads "with intent to sell, barter, or exchange any goods, wares, or merchandise, or anything of value, or to deceive, mislead, etc."

Amendment numbered 3 is the striking out of the second use of the word "fraudulent," the words "to deceive, mislead," and so forth, again being deemed sufficient.

Amendment numbered 4 is exactly similar to amendment numbered 3 and the word "fraudulent" was again stricken from the bill.

Senate amendment numbered 5 strikes from the House bill the words "for a valuable consideration." However, the Senate receded, and that language is restored.

That part of section 1 after the semicolon in line 9, page 2, wherein appear the words "for a valuable consideration" undertakes to create an offense where three persons figure in the transaction.

The first of the three is the one who makes the misrepresentations for another, and not for himself.

The second of the three is the one to whom the misrepresentations are made.

The third of the three is the one for whose advantage the misrepresentations are made by the first of the three.

If the first of the three, by use of any of the means set out in the act, should induce the second of the three to use the services of the third and pay a fee or give a valuable consideration for those services, then the offense would be complete; but, upon the other hand, if no fee were charged or paid, or no valuable consideration passed, then there would be no offense, as the second party of the three would have suffered no wrong.

It is the intention of this provision in the bill to punish the act only in event some one is injured.

It is also sought to differentiate between the "capper" or "booster" for a falsely advertised business or alleged profession upon the one hand and the overzealous man or woman upon the other hand who, for instance, innocently writes a letter or, in good faith, gives a testimonial commending the "incorporated dental parlor" which claims that its employees, without the use of a drug, can painlessly extract teeth. Neither is it intended to punish the admiring, overconfident, and gullible friend of the "quack" who claims to be able to permanently cure all human ailments out of the same bottle or with the same pill.

However, it is hoped that the bogus claim agent and patent attorney, of whom there are many in Washington, may be compelled not only to stop his extravagant and untruthful advertising, but, at the same time, become unable to find "boosters" for his cheating game. Also, the "ambulance chaser" for some of the legal fraternity may find his occupation neither profitable nor agreeable if this bill becomes law.

BEN JOHNSON,
CARL VINSON,
WILLIAM J. CARY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 72. Joint resolution to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3101. An act authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material"; to the Committee on Military Affairs.

BRIDGE ACROSS THE ST. MARYS RIVER, GA. AND FLA.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 14771, because it is an emergency.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent for the present consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across St. Marys River, to be known as the Dixie Highway Bridge.

The SPEAKER. Is there objection?

Mr. JONES. Reserving the right to object, I would like to ask the gentleman from Georgia if there is a unanimous-consent report on this bill?

Mr. ADAMSON. It is entirely unanimous. Everybody is crying for it.

The SPEAKER. The Chair hears no objection. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the commissioners of Charlton County, Ga., and Nassau County, Fla., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the St. Marys River, at a point suitable to the interests of navigation, at or near a point known as Calico Hill, to be known as the Dixie Highway Bridge, in the county of Charlton, in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendment was read:

Page 1, lines 8, 9, and 10, strike out the words "to be known as the Dixie Highway Bridge, in the county of Charlton, in the State of Georgia."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River."

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask to call up the conference report on the bill H. R. 12027.

The SPEAKER. The gentleman from Missouri calls up the conference report on the bill H. R. 12027, of which the Clerk will report the title.

The Clerk read as follows:

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of certain soldiers and sailors of said war.

The SPEAKER. The Clerk will read the report.

The conference report was read as follows:

CONFERENCE REPORT (NO 719).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12027) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, and 14 and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 29, line 1, strike out "$30" and insert in lieu thereof "$24"; and the Senate agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing vote of the two Houses on certain amendments of the Senate to the bill (H. R. 12027) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: House recedes. Proof submitted justifies increase.

Amendment No. 2: House recedes. Proof submitted justifies increase.

Amendment No. 3: House recedes. Correction in phraseology.

Amendment No. 4: House recedes. Rules provide for a maximum rate of $50.

Amendment No. 5: House recedes. As the soldier did not hold the rank of captain or above, $20 is the limit.

Amendment No. 6: House recedes. Proof submitted justifies proposed increase.

Amendment No. 7: House recedes. Proof submitted justifies proposed increase.

Amendment No. 8: House recedes. As soldier did not hold rank of captain or better, $20 is the limit.

Amendment No. 9: Senate recedes. Proof submitted justifies pension of $12.

Amendment No. 10: House recedes. Correction of service.

Amendment No. 11: House recedes. Correction of service.

Amendment No. 12: House recedes. Proof submitted justifies proposed increase.

Amendment No. 13: House recedes. As soldier did not hold rank of captain or better, $20 is the limit.

Amendment No. 14: House recedes. Correction of service.

Amendment No. 15: House recedes from its disagreement to the amendment of the Senate, and agrees to the same with an amendment in accordance with the evidence submitted; and the Senate agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL of Missouri. Mr. Speaker, I also call up the conference report on the bill H. R. 12843.

The SPEAKER. The gentleman from Missouri calls up the conference report on the bill H. R. 12843, which the Clerk will report by title.

The Clerk read as follows:

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of certain soldiers and sailors of said war.

The conference report was read as follows:

CONFERENCE REPORT (NO. 720).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12843) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 7, 9, 11, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 8, 10, 12, 13, 14, 15, 18, and 19, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: On page 4, line 5, strike out amount named and insert in lieu thereof "$24"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: On page 25, line 21, strike out amount named and insert in lieu thereof "$36"; and the Senate agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes on certain amendments of the Senate to the bill (H. R. 12843) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submit in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: House recedes from its disagreement to the amendment of the Senate and agrees to the same with an amendment making the usual allowance for a widow of a captain.

Amendment No. 2: Senate recedes. Proofs submitted justify the proposed increase.

Amendment No. 3: House recedes. Evidence on file does not justify a higher rate than allowed by Senate amendment.

Amendment No. 4: Senate recedes. Claimant is the widow of a captain and under the rules is entitled to a higher rate of pension.

Amendment No. 5: House recedes. Proof submitted does not justify a higher rate.

Amendment No. 6: House recedes. Claimant is the widow of an officer and under the rules she is entitled to a higher rate of pension.

Amendment No. 7: Senate recedes. Proof submitted justifies the proposed pension.

Amendment No. 8: House recedes. Proof submitted does not warrant any increase.

Amendment No. 9: Senate recedes. Proof submitted justifies proposed pension.

Amendment No. 10: House recedes. A correction of service.

Amendment No. 11: Senate recedes. Evidence submitted justifies proposed pension.

Amendment No. 12: House recedes. Bill for claimant was passed by the Senate April 10.

Amendment No. 13: House recedes. Under the rules claimant is entitled to proposed increase.

Amendment No. 14: House recedes. Proof submitted does not justify a higher rate.

Amendment No. 15: House recedes. Soldier's rank does not warrant a higher rate.

Amendment No. 16: Senate recedes. Evidence submitted justifies proposed pension.

Amendment No. 17: House recedes from its disagreement to the amendment of the Senate and agrees to the same with an amendment in accordance with the proof submitted.

Amendment No. 18: House recedes. Claimant is an officer's widow and under the rules entitled to proposed pension.

Amendment No. 19: House recedes. Proof submitted does not justify higher rate.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

PORTO RICO.

Mr. JONES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9533.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Porto Rican bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9533, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9533, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

The CHAIRMAN. There is an amendment pending, offered by the gentleman from Oklahoma [Mr. MURRAY]. The gentleman from Virginia [Mr. JONES] is recognized.

Mr. JONES. Mr. Chairman——

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the amendment may be again reported. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. MURRAY: Page 3, line 24, after the word "allowed," insert the words "and that no political or religious test shall ever be required for the exercise of civil or political rights."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. KEATING. Mr. Chairman, before we leave that paragraph, I desire to offer this amendment on page 4, line 8.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KEATING: Insert as a new paragraph, on page 4, after line 8, the following:

"That the right of workers to organize for the purpose of securing better wages, shorter hours, and improved working conditions shall never be questioned."

Mr. KEATING. Mr. Chairman, I can not conceive of any reason why the committee should not accept this amendment. I am prompted to offer it by reason of certain events which transpired in Porto Rico two or three years ago and which were called to the attention of the Committee on Labor.

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield to a question in order that I may understand the amendment?

Mr. KEATING. Yes.

Mr. DAVENPORT. Did the gentleman from Colorado use the words "rights of workers" or "rights of laborers"?

Mr. KEATING. I used the words "rights of workers."

Mr. DAVENPORT. It occurred to me that "workers" is rather an indefinite word there, and I thought perhaps the gentleman had used it inadvertently.

Mr. KEATING. I think the term "workers" is really a broader term than "laborers," and therefore I used the word "workers." I am not particularly concerned about the occupation they are engaged in, but I want men who work and who organize to better their condition to be distinctly recognized in the terms of this act.

It is alleged by the workers of Porto Rico that they have been denied that right. I hold in my hands a petition, prepared by the workers of Porto Rico and forwarded to the Committee on Labor of this House, in which they allege that their right to organize, their right to strike, in order to insure shorter hours, increased wages, and improved conditions, has been denied in Porto Rico.

Now, I would not undertake to say that all the statements set out in this petition are true; but, whether they are true or not, the matter has been called to the attention of this House, and we know officially that, in the judgment of the workers of Porto Rico, they are being denied the right to organize. So I offer this amendment in order that it may be distinctly understood that in Porto Rico hereafter the right of workers to organize shall never be questioned.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. YOUNG of North Dakota. For purposes of information only, I would like to know who denied to them that right? Was it officers of the Porto Rican government or the governor, or who was it that denied to these people the right to organize?

Mr. KEATING. I hold in my hand a report prepared for the American Federation of Labor, and I find the following in that report, which has been made a part of the petition to the Committee on Labor of this House. It says:

PORTO RICO.

Mr. Santiago Iglesias, president of the Federacion Libre de los Trabajadores de Puerto Rico, makes the following report of the year's work in Porto Rico and other Spanish-American countries:

The invasion of Porto Rico by Americans and the infusion of the principles of the American Federation of Labor into the life of the workers have led to considerable change in the attitude of the people toward work and toward the workers. The American Federation of Labor has tended to strengthen in many ways the position of the laborers.

The forces of reaction and greed of employers have shown great aggressiveness during the last year. All that could be done to destroy existing labor organizations and to prevent the organization of new ones in the island has been done.

In spite of that, during the year past the toilers have advanced along the road of progress toward the achievement of a better social, economical, and political independence by means of a methodical and persistent labor fight, both collectively and individually. The effects of this effort will prove in the near future to be highly beneficial to the producing people of the island at large, and specially to the agricultural laborers so much exploited in this country.

The efforts of the American Federation of Labor are being antagonized by those who have interests in keeping this island as a large factory worked by slaves.

On the other hand, the workers are realizing that only by an active, economic organization and a persistent effort the social and economic progress could reach the masses of the workers in the agricultural fields where the crops are collected, and those of the industrial pursuits where they are suffering an intolerable economic exploitation. Certainly they are striving to sweep out the old form of Spanish peonage now aggravated with the American form of plutocracy in its new form of feudalism.

It is true at this time that the landholding conditions involved in most of the agricultural districts of the island have enabled the employers to keep what amounts to a feudal system for the operation of the sugar as well as the tobacco fields and manufactures.

The most important event during the past year brought about by the labor movement was the greatest strike of agricultural workers that ever occurred in this island.

STRIKE OF AGRICULTURAL WORKERS.

About 40,000 agricultural workers of the sugar-cane fields and from some of the mills, men, women, and children went on strike during the early days of February of this year. The bulk of them lack necessary resources for striking. However, it was the most favorable occasion we had to teach the peasants the principles and the aims of trade-unionism and the best way to create the most powerful organization of the agricultural workers.

After taking into consideration the deplorable conditions prevailing in the country, the low wages and long hours, and taking into consideration also the high prices for sugar which the companies obtained at that time in the American market, it seemed to us that no better opportunity would present itself to advance and strengthen the position of the workers getting for them better wages, shorter hours of labor, and the right to organize themselves.

But the old, old story that happens in this island when workingmen entertain any plan for freedom was repeated over again. As soon as the bosses realized that the labor movement afforded an opportunity to be heard and the chance to create a powerful organization, repressive measures were undertaken and a rule of terrorism inaugurated among the working people by the police authorities, by the mayors, judges, and other officials of the government. In time of strikes the masters assumed the power of police in many ways to force the poor laborers to go back to work on the terms of the employers. Of course, real freedom under such conditions is impossible and industrial tyranny prevailed.

The labor men were prosecuted, jailed, wounded, and killed in the streets and highways, with the purpose of stopping the advancement of the labor movement, and of cutting in the bud the aspiration of the peasant folk for freedom, who produce the wealth of the island.

According to the old policy of tyranny the government supported the employers and the privileged, the police force were put at their disposal to force the agricultural workers to return to work, or to compel them to leave the houses where they were living, if they would not go to work under the old conditions. All the public police force, under the pretense of keeping order and guaranteeing the properties, was in the service of the private corporations, landlords, and capitalists to break the strike, to force men to work while they enjoy their banquets and drinks. In almost all the towns where the workingmen were on strike the local headquarters of the police force were installed within the sugar mills or under their premises, the men of the force were fed by the plantations' owners, and the horses and automobiles used by the police to hunt the strikers were also furnished by the bosses.

The governor turned over to the police the whole rural region, and these in their turn had forbidden that there should be any public meeting, gatherings, parades, and groups of not even 10 persons should gather on the highways and barriers of the whole island, though it were shown that such gatherings were of an orderly and peaceful character. So practically a species of martial law was declared by the police, and attacks upon strikers were very common. It was very common to force the labor speakers down from the stands and afterwards to disperse the meetings, the workers being brutally attacked with revolvers, carbines, and clubs.

Thus it is that the wish of the employers was secured by the police force, namely, that of breaking the strike of the poor country workers through fear and intimidation, through persecution, and murder.

Upon request from every union of Porto Rico, we asked President Gompers to help the workers of this country. The American Federation of Labor, after being informed of the many sad incidents of the agricultural strike in which poor laborers had been killed and many others imprisoned and clubbed, asked for and obtained that the Federal Commission on Industrial Relations would investigate the labor troubles of Porto Rico. In pursuance of advices from President Gompers, Mr. Rivera Martinez, president-organizer of the Cigarmakers' Unions of this island, and I went to Washington to be heard before the commission. This hearing took place about May 26–27 of this year. The insular government sent also two representatives to appear before the commission to defend the government officials. Mr. Martin Traboso, secretary of Porto Rico, and Mr. Bills, of the bureau of labor, represented the government.

In summarizing the matters presented before the Commission on Industrial Relations by the labor representatives I desire to mention those of more importance.

Our island of Porto Rico is one of the West Indies which occupies an important place as to agricultural production. It had been a possession of the Spanish monarchy for more than 400 years and had a governmental régime brutalizing in its results, and the régime of this Government was deeply rooted in Porto Rico. The island has about 1,200,000 inhabitants—25,000 industrial workers and about 600,000 agricultural laborers.

From and after 1898 Porto Rico became a possession of the United States of America. It has progressed in many ways. It is true that the conditions of the toilers have improved somewhat, relatively speaking, though not in proportion to the vast wealth that this same class has produced, and much less in comparison with the great improvements made by the monopolists of commerce, industry, the political power, the financial power, and the possessors of privileges and franchises.

Some of the deplorable conditions of the peasant of Porto Rico are the following:

Men working in the sugar and tobacco plantations, engaged in cutting cane, labor an average of 12 hours a day for the wage of 45 to 55 cents.

The system of paying the men with checks is much in vogue. The check system, operated in conjunction with the "pluck-me" stores, enables the company or the tools of the company to gather in all the money paid. Checks are, of course, redeemable only at "pluck-me" stores, or like stores.

Woman labor is even more exploited than that of the men. Women and girls work, as a rule, from 10 to 12 hours a day in sugar fields or selecting tobacco or coffee in the large houses, for which they make an average of 30 to 40 cents a day. Other laborers can not make more than 30 to 40 cents a day for 12 and 14 hours' labor.

Housing conditions are almost indescribable. Families of 10 and 12 live in one room, and a small room at that. This is the rule rather than the exception. It can be found in thousands of cases. Lucky are the families that boast of having a two-room shack. Few, indeed, have three rooms.

The houses in the suburbs are, as a rule, built on hills. As they are difficult to construct, they are built as small as possible. Thus an entire family has to dwell in a small shack measuring 10 by 12 feet in width and less than 8 feet in height.

Now, in the early days of February more than 40,000 of these poor workers went to strike, demanding a flat scale of pay of $1 for an eight-hour workday.

At several points—Fajardo, Juncos, Humanacao, and other places—agreements involving 9,000 laborers had been closed with the employers, resulting in the winning of important advantages to the men. But when the police of Porto Rico were placed at the disposal of the corporations, then not only did the corporations give up the idea of reaching terms of agreement with the laborers, but the corporation which had already signed and made peace with its workers broke the agreements and entered fiercely into the contest to establish the old conditions of wages, etc.

At a meeting of the Sugar Producers' Association, held in San Juan, representatives from most of the large sugar interests all over the island discussed means of handling the situation, and finally requested the enlistment of at least 200 more insular police. At this conference Gov. Yager was told that in various sections cane fires had followed meeting of strikers, at which threats were made by strikers against the property of cane men. Most of those who attended the meetings were inclined to oppose a basis of settlement which the Fajardo Co. had reached with its laborers, which provided for a sliding scale of wages to be based on the price of sugar. Since this agreement was entered into it was found unsatisfactory by the laborers, and after a trial of but two days it was dropped, in so far as the field laborers were concerned.

The bureau of labor was helping the employers in breaking the agreements. The following telegram was signed by chief of the bureau of labor:

DOMINGO SANTOS,
Fajardo, P. R.:

Mr. Bird, manager of the Fajardo Sugar Co., has officially informed the government that workingmen are not fulfilling their part of the contract, which makes it therefore neutral. I trust all differences will work out regardless of strike.

(Signed) BILLS.

This telegram was sent after the Sugar Growers' Association and corporations had agreed not to sign any terms of agreements with the workers and not to agree upon any wage scale. More than 1,000 country workers in Fajardo filed complaints duly sworn to before a judge protesting against the attitude of the chief of the labor bureau, and the same thing happened at Juncos, Humacao, and other places. Since the Sugar Growers' Association refused to sign any terms of agreement with the agricultural workers, police violence commenced all over the island to break the strike, as has been proved by many exhibits.

Some of them are as follows:

Exhibit No. 1: Contained the casualties of Juncos, where a parade of strikers was violently dispersed with shots by the police, and the men we beaten.

It was generally known that the man who started the attack against a peaceful parade of agricultural workers at Juncos was an officer of the Sugar Central, who, with a revolver, had been trying to intimidate and violently disperse the assembly of the workers, and, notwithstanding (12 peasants having been injured by the police and the officers of the Sugar Central), no arrest was ordered against the officer of the sugar company, nevertheless the workers were sentenced to six months in the municipal court, and how they were acquitted by the district court,

where they filed an appeal. While this trial was in progress in the district court, the justice had to call attention to only the corporals and to two of the guardsmen on account of their perjury before the court.

These men of Juncos who were released on the appeal had been put in jeopardy by preferring charges against them for the same crime and with the same evidence. The flags which the strikers carried in the procession, even the American flag, were torn by the police from the hands of those who bore them.

Exhibit No. 2: Contains several documents regarding the deplorable incidents which occurred on the island of Vieques, where a parade of strikers was violently dispersed and five men killed and others wounded; a legal report of the attorneys for the strikers, and some affidavits. It was demonstrated by those documents how some of the men were sentenced by the judge in the local headquarters of the police, which was not a legally constituted court. The writs for imprisonment were amended, some of them were originally used, charging the men with assault and battery, with intent to deprive other persons of life, and in order to deprive them of jury trial these writs were amended and the cases were brought before the municipal court in which a severe penalty was imposed upon them. The dates of the sentences of some of the men were illegally amended to prevent the appeals to the superior courts. The so-called concealed weapons and arms of the laborers were sticks at the ends of which were flags. The same exhibit contains the manner in which the offices of the federation were closed by the police and how the meetings were prohibited; how the liberty of these men was jeopardized by denial of habeas corpus. When the workers protested against those actions they were brutally wounded, killed. Three of the workers defending themselves wounded two policemen with their machetes. More than 100 arrests followed. In the town the police scattered the people with shots and blows. There was a great dread in the town.

Exhibit No. 3: Contains an affidavit sworn to and signed by about 300 persons, stating that the one responsible for the occurrences that took place in Ponce was only the captain of police, Ramon Fernandez Nater, and those guardsmen under his command, who without cause insulted the people and disbanded a meeting of strikers without cause, which was being held near the market. The meeting was opened in the evening at half past 7, by the members of the organized labor movement. After I had spoken for about an hour, and was making the statement that the police could not be placed on an impartial and independent position while having their quarters in the premises of the sugar mills and plantations, while eating and drinking with the bosses, while using the horses of the sugar-mill owners under the pretense of guaranteeing the properties, I was brutally ordered to leave the tribune, while the captain of police, Fernandez Nater, cried: "This meeting has finished."

Then the police were ordered to dissolve the meeting; the workers were shot and clubbed. The result of this social crime committed against the people was a man dead and several wounded. Organizer Rivera Martinez, myself, and all my fellows from San Juan in the commission were arrested and placed under bail of $2,000.

Ultimately the district court of Ponce, where our trial took place, released my colleagues and me of the charges preferred by the captain of the police against us.

In an affidavit signed by Juan Cruz Piris, secretary of the Free Federation of Workingmen, who after the meeting disbanded came near the headquarters of the police to offer his service to us, and he was beaten by Captain of Police Fernandez Nater and some of the guardsmen; he was then taken to the prosecuting attorney. The prosecuting attorney asked the captain of police why he had beaten Mr. Piris, and the captain of police answered that he had beaten him by mistake. Some of the police without any warrant entered the offices of the federation at Ponce, broke up some of the desks, and took with them some of the documents and papers of the strikers' committee.

Exhibit No. 4: Contains 14 affidavits intended to prove how Policeman Quiles illegally killed the workman named Robledo at the meeting in Ponce, and how the man was killed while he was running, and how captain of police is also responsible for this crime. Policeman Quiles was set free on bail, and he is as yet in active service, not having been suspended as policeman or from payment. He is serving duty and as a man he has the confidence of his chiefs. The commission of the police has just demonstrated its good feelings in regard to Policeman Quiles by voting an appropriation of $100 of the funds of the same force to defend him, and also have requested some of the local headquarters to help this policeman in his defense before the court. This initiative is due to the activity of the chief of police of Ponce, Fernandez Nater. This same police commission granted gold medals to those who killed the strikers of Vieques.

Exhibit No. 5: Contains 14 affidavits to prove how the right of meeting, no matter how peaceful, was absolutely denied by chief of police, who exceeded the order received from the Governor of Porto Rico. The right of meeting in Arecibo was denied to all of the representatives of the American Federation of Labor in or outside of the urban zone.

Contains 7 affidavits signed by several persons to prove assaults, abuses, and searches by the police in the town of Arecibo, and to prove the number of men who were wounded by the police, and how the people were terrorized. To prove how 19 workingmen were held for trial and how they were sentenced to 30 days by the municipal court without being given the necessary time to speak to their lawyers and to produce evidence in their favor. These 19 persons were acquitted on the appeal that they filed in the district court and no further action taken.

Exhibit No. 6: Is an affidavit signed by Mr. Andres Orellano, of the Bakers' International Union, stating how he was thrown from the platform while addressing a meeting in the town of Barceloneta. Charges were preferred against him by the police before the municipal court and he was released. He was compelled to leave the town and prohibited from speaking within the jurisdiction of that municipality.

Exhibit No. 7: This is in regard to the unbecoming conduct of the captain of police in Cayey, and the persecutions of the labor press. On March 26 the police violently disbanded a meeting, clubbing the people. A local representative of the federation was arrested after being taken down while he was speaking. The annual labor convention which was in session at the Baptist Church was closely watched and disturbed by police. The labor press men were also arrested for protesting against the brutality of the police officials. The same kind of brutalities of the police and violent dispersion of labor meetings occurred at Anasco, San Lorenzo, Bayamon, Humacao, and other places. Public roads were illegally closed to the agricultural strikers in order to prevent them from going from their homes to towns and vice versa. Contains the original letters and telegrams of mayors, prohibiting the free exercise of the right of meeting.

Exhibit No. 8: Is to prove the conspiracy of the employers trying to destroy the American Federation of Labor in Porto Rico, and how to place discredit upon this labor organization.

The Sugar Growers' Association has issued a circular relative to the creation of funds with which to form an association against strikes with the purpose to destroy the Free Federation of the Workingmen of Porto Rico which is the State branch of the American Federation of Labor. The sugar men solicited checks of $15 to be contributed by each member of the Sugar Growers' Association, and at the same time recommended the so-called "Liga Obrera" and "Federation Regional" as sister organizations to counteract the strikes brought on by the "Free Federation," and in order to carry on this work money is urgently requested of each member.

In another circular, pecuniary assistance is also asked of the rich merchants of the island, possibly with the same purpose of working against the American Federation of Labor.

The whole Island was placed in the hands of the police and there occurred many dispersions of meetings, speakers taken down from stands, and the entire sugar and tobacco fields were terrorized and workingmen practically forced to go back to work.

The martial law was declared by the police, and attacks upon the people were accumulating rapidly to the discredit of the police who kept on terrorizing the country people.

When the house of delegates was informed by one of its members that a meeting had been disbanded by the insular police in Ponce while I was addressing the gathering, the matter was in the first moment discussed, and one of the members of the house moved that a special committee be appointed to investigate the facts and inform the house of the truth, because one man who had been present in the meeting had been killed by the bullets of the police and some more seriously wounded. A resolution presented was as follows:

"*Be it enacted*, That the most energetic protest of the house be brought to bear against the violation of the law of defending the rights of the people committed at Ponce by members of the insular police, while they caused a man to come down from the speaker's stand or rostrum while he was in the full exercise of his rights of speech."

When President Gompers received the news by cable in regard to the strikers' conflict and the killing of men he called these matters to the attention of Gen. McIntyre, Chief of the Bureau of Insular Affairs, and asked for information. He was informed that no information as to the killing or wounding of anyone or that the constitutional rights of the people were invaded had been received. Then President Gompers requested Gen. McIntyre to send a cable under his name to Iglesias, Porto Rico, when McIntyre said he would take pleasure in doing it. Mr. Gompers could not get my answer because the Government declared it was not in strict accord with the facts.

Gov. Yager was requested to appoint a commission to investigate the incidents of the strike. All we wanted was an opportunity to present publicly and impartially the facts. The reasons we had for insisting upon the appointment of this commission was that we were firmly convinced that in no other way could the Government obtain the absolute truth of the deplorable facts of tyranny and oppression brought about by the public officials of the Government during the strike.

After our appearance before the Commission on Industrial Relations, upon our request, President Gompers and Secretary Morrison introduced us at the White House, helping the people of Porto Rico by handing to President Wilson, through the courtesy of Secretary Tumulty, the memorial which we had prepared portraying the deplorable situation as it exists in Porto Rico.

CONGRESSIONAL INVESTIGATION.

At the convention of the American Federation of Labor, held in Philadelphia, Pa., was adopted the following resolution:

"*Resolved by this convention of the American Federation of Labor assembled*, That the President of the American Federation of Labor be earnestly recommended to request the President of the United States or the Congress, or both, to appoint a commission as soon as possible with authority to investigate the deplorable industrial conditions, as well as the general governmental affairs of the island, especially in the questions affecting education, health, and sanitation, economic and living conditions of the working masses of Porto Rico, and land and financial resources, and to ascertain if it is true that the Federal, as well as the organic law, has been continually violated by the big corporations which exploit the people of the Island."

It is the earnest wish of the Free Federation of Workingmen of Porto Rico that such commission may visit our island to make a thorough investigation, as the resolution urges; that the commission may be composed of men who will not, as several commissions in the past have done, accept mere courtesies and official declarations as sufficient evidence upon which to base their attitude, but that the commission be composed of men who will go to the heart of things to get the real points and views of men of labor, of business, who know, who feel, who understand.

ORGANIC LAW AND CITIZENSHIP.

That a new organic act or constitution for Porto Rico is necessary all Porto Ricans agree, and all who studied the subject recommend. It is therefore respectfully urged that a new organic act or constitution for the government of Porto Rico should be recommended to Congress and enacted, and it is urged that whatever form the new organic act should take great consideration should be given regarding the power, the influence, and the capacity of which the working people of the island are capable. The existing political vices, the pernicious effect of false system of education by which the children of the poor are impressed with the idea that they occupy an inferior position in society, and the overt conduct of employers should be considered, and indeed under every circumstance the almost defenseless position in which the laborers of Porto Rico are now placed should be regarded as a feature for the consideration and protection of the law and its administrators. The workers should be given the fullest assurance and guarantee of protection in the enjoyment and exercise of constitutional rights equal with those of other citizens of Porto Rico.

At present the people of Porto Rico occupy an anomalous position. We belong to the United States and yet are not citizens of the United States. We are a people belonging to the island of Porto Rico, part of the United States, and yet are a people without a country. Citizenship should be conferred upon the people of Porto Rico, not individually but en bloc, collectively, and thus make for a more complete Americanization of the people of Porto Rico, in full touch, sympathy, and cooperation with the people of the United States. The possessors of capital should be obliged to pay their full share for what the government needs for public education, for sanitation, for roads, and for improvements on the island, as well as the security of justice for all.

This report so impressed the delegates to that national convention that they adopted a resolution calling upon Congress to appoint a committee to investigate conditions in Port Rico.

Congress did not see fit to act upon that suggestion. The matter was never formally brought before this House. I think now it is too late to appoint such a committee.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. KEATING. Mr. Chairman, I ask for five minutes more.

Mr. DAVENPORT. Mr. Chairman, I ask unanimous consent that the gentleman be given five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. JONES. Mr. Chairman, was the Chair putting the question?

The CHAIRMAN. Yes.

Mr. JONES. I desire to be heard on that for a moment.

Mr. KEATING. No; the Chair was not putting the question on the amendment, but simply my request to proceed for five minutes more.

Mr. JONES. All right.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes; I yield to the gentleman from North Dakota.

Mr. YOUNG of North Dakota. Does the gentleman believe that if this amendment were adopted it would prevent the repressive measures he speaks of?

Mr. KEATING. It may not prevent those repressive measures, but it would be a recognition in the organic law that the workers have the right to organize, and to that extent it would exercise a restraining influence upon public officials.

Now, as I said before, I have no desire to present an indictment to this House against the officials of Porto Rico. I have no desire to say that these charges are true or untrue. That is not material for the purposes of the present discussion. It should be sufficient, so far as this House is concerned, to know that as responsible a body as the American Federation of Labor has taken cognizance of these charges, that the workers themselves have made the charges, to justify this House in taking action, especially when the only action asked is that this inherent right shall be recognized. The right should be recognized without question wherever the American flag flies—the right of workers to organize for the purpose of improving their condition.

I trust the amendment will be adopted, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. KEATING].

Mr. JONES. Mr. Chairman, I can not quite agree with my friend [Mr. KEATING] that this amendment ought to be adopted, if for no other reason, because it is essentially right. I do not think we ought, even if it be admitted that the proposition embodied in his amendment is in itself good, to incorporate it in this bill. He ought not to and we can not put everything in this bill that is essentially right. I do not know what took place before the Committee on Labor nor have I any knowledge as to the character of any petitions which may have been presented to that committee from Porto Rico. I do know that this bill was under consideration in committee for a long time and that no such statement as that just made was made to the Committee on Insular Affairs. I do know, too, that when the Porto Rican bill, which was reported to this House in the Sixty-third Congress, was under consideration in committee no such representations as are now made were then made. I am informed, too, by the Delegate from Porto Rico that the gentleman is mistaken. The people who sent him the information upon which he bases his statement are mistaken in saying that the laborers of Porto Rico have ever been denied the right to strike. I never heard of it, and I have been somewhat familiar with Porto Rican matters for the last 14 or 16 years.

Mr. KEATING. Will the gentleman yield?

Mr. JONES. I will.

Mr. KEATING. The gentleman does not question the right of workers under the American flag, either in Porto Rico or elsewhere, to organize?

Mr. JONES. Certainly not.

Mr. KEATING. And the gentleman believes that it would be quite proper to recognize that right in the fundamental law?

Mr. JONES. Yes; but I can not believe this right has ever been denied, and therefore I see no reason for the adoption of this amendment.

It is doubtless true that some irresponsible persons, some self-constituted, so-called representatives of labor in Porto Rico, have made such representations as these, but I can not believe for a moment that the laboring people of Porto Rico have ever been denied the right to strike. The statement read by the gentleman is most general in its terms. Those who make these charges should be able to point to some specific instance when this right was denied. They should state who denied this right to the laboring people of Porto Rico.

Mr. KEATING. Will the gentleman yield?

Mr. JONES. I will.

Mr. KEATING. If the gentleman will give me time, I will read the complete statement, which gives the date and the names of the public officials, when this instance occurred, and all that. The only reason I did not read the entire statement was because of lack of time. If the committee will grant me permission, I will put the complete statement in the RECORD, so that the gentleman and every one else may know, not only that these events did occur, but who was responsible for them.

Mr. JONES. I have no objection to its going into the RECORD, but I have such absolute confidence in the administration in Porto Rico, especially in Gov. Yager, that I do not believe he would countenance any effort on the part of policemen or other Government officials to prevent labor from organizing.

I desire that the gentleman from Porto Rico [Mr. RIVERA], who knows more about this than anyone else here, may be recognized so that he may state what he knows about this matter.

Mr. RIVERA. Mr. Chairman, I will not oppose this amendment. I consider it very just, although not very important, because the local laws of Porto Rico provide sufficient guaranties for the laboring classes in the island to organize themselves into unions and to declare and maintain strikes. They never were interfered with in the exercise of this right. They do declare strikes. They are organized. The American Federation of Labor has a branch in Porto Rico. This branch has been in existence for more than 12 years. In no instance have the officials of Porto Rico opposed the organization of the laboring classes. The only fact is that at some times laborers and certain of their leaders have during strikes disturbed the public order and the public peace, and the Governor of Porto Rico has been obliged to compel them to respect order. Among the duties of the Governor of Porto Rico is the duty of maintaining peace and good order, and he has always done so effectively. This is the only instance of which I know. Never has the right to organize or to peacefully strike been denied to the laborers of Porto Rico.

Mr. LONDON. Mr. Chairman, in supporting the amendment that the right of workers to organize shall not be abridged I desire to urge that in framing a new fundamental law, a new charter of rights, we must consider modern conditions. At the time the amendments to the Constitution, which we now usually refer to as the Bill of Rights were drafted, the modern struggle between the industrial working class and large employers of labor was unknown. It could not be foreseen. The men who drafted the Declaration of Independence, the men who a few years later presented to the world the Bill of Rights, knew only such conditions as were prevalent in their day, knew only of such struggles as preceded their generation. They could not foresee the modern, gigantic, bitter conflict between capital and labor. You are now framing a fundamental law for Porto Rico and as part of it a bill of rights. The right of workers to organize has been questioned in many States, has been questioned both by legislatures and by the courts. Within recent times in the State of New York they were compelled to pass a special law—I think it is section 170 of the Penal Code, which provides that the organization of workers for the purpose of obtaining an advance in the rate of wages, and so forth, shall not be held a conspiracy. That was done in order to meet the difficulty presented by the common law under which such an organization was held to be an unlawful body. Now, why not say in clear, unequivocal and specific terms that the right of the workers to organize for the improvement of their condition shall not be questioned? It can certainly do no harm, and it may do a great deal of good. By adopting this amendment you will lay down a moral code for the guidance of those who will be engaged in industrial conflicts. This struggle between poor and rich, between those who have and those who have not, between the man who has property and the man who has no property, will go on for many years; and unless you provide a civilized form for the contest, an outlet for a peaceful method of conducting this warfare, unless you by law provide that those who temporarily enjoy the power of making laws shall not utilize that power in order to oppress the masses, you will do a great deal of harm to the people of Porto Rico. Therefore I ask the chairman of the Committee on Insular Affairs not to interpose any objection to the proposed amendment.

Mr. DAVENPORT. Mr. Chairman, I do not think there is a Member of the House who is more strongly in favor of labor having the right to assemble peaceably and to organize for its

own protection and for the purpose of seeing that it gets better wages than I am, but I candidly believe that all the guaranties that are necessary are provided for in the bill of rights for this temporary government of Porto Rico. If they are not, I say frankly that I am in favor of putting in those guaranties. Yet in providing a bill of rights for a temporary and limited government of Porto Rico, which we are now providing, I do not believe it is necessary to write into that bill of rights all the provisions necessary in a statute. I believe we have written into this bill of rights a sufficient guaranty to the laborers of Porto Rico, if they desire to organize and peaceably assemble for the purpose of presenting their grievances against those for whom they are laboring, to protect their rights. To-day is the first time since we began considering this bill—the provisions of which began to be considered more than four years ago—that I ever heard that laborers had been denied the right in Porto Rico to organize. I know at one time that Mr. Gompers was before our committee and spent quite a lot of time, and later on one of the natives of Porto Rico was before us, and if either one of these gentlemen mentioned the fact that any laborers had been denied the right to organize, either by the court or the Government officers, I have no recollection of it, and I can not find it in the report of the hearings.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. KEATING) there were 14 ayes and 19 noes.

Mr. KEATING. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Colorado demands tellers. All those in favor of ordering tellers will rise and stand until they are counted. Sixteen gentlemen have risen, not a sufficient number and tellers are refused.

Mr. KEATING. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. Evidently there is not a quorum.

Mr. FESS. Mr. Chairman, I move that the committee do now rise.

Mr. JONES. Mr. Chairman, the Chair has directed that the roll be called, and it does seem to me that this is not the proper time to move that the committee rise after it has developed that there is no quorum.

The CHAIRMAN. The Chair at first was of the opinion that it was not, but the Chair thinks it is and the question is on the motion of the gentleman from Ohio that the committee rise.

The question was taken; and there were 24 ayes and 32 noes.

Mr. FESS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed the gentleman from Ohio [Mr. FESS] and the gentleman from Virginia [Mr. JONES] as tellers.

The committee again divided, and the tellers reported that there were 1 aye and 100 noes.

So the committee refused to rise.

Mr. COOPER of Wisconsin. Mr. Chairman, I offer the following amendment.

Mr. KEATING. Mr. Chairman, before I made the point of no quorum I made the demand for tellers. The Chair decided that there was not a sufficient number present to order tellers, and I submit that the Chair should now submit my demand for tellers.

The CHAIRMAN. The vote by tellers has disclosed that a quorum was present. The Chair has no way of knowing whether there was a lack of a quorum before or not.

Mr. KEATING. When the Chairman decided that there was not a sufficient number present to order tellers the Chair counted the number present.

Mr. MURRAY. Mr. Chairman, the gentleman from Colorado desires that his request for a vote by tellers be put, and he is entitled to it, because it has developed that a quorum has come in since he made the point.

The CHAIRMAN. The Chair thinks that this is the situation: The gentleman from Colorado offered an amendment, and the vote was taken, and the amendment was disagreed to. Then the gentleman from Colorado demanded tellers, and tellers were refused. Then the gentleman from Colorado made the point of no quorum.

Mr. KEATING. I made the point of no quorum, and the fact that there was not a quorum in the House prevented the House from giving me tellers.

Mr. JONES. But it has since developed that there was a quorum.

Mr. SABATH. Mr. Chairman, the Chair can not deny the gentleman from Colorado tellers. When the request for tellers was made the Chair ascertained that there was no quorum. We could not have proceeded in order without a quorum, and the request of the gentleman is still pending. The vote that has just been taken was whether the committee should rise, and the committee refused to rise, and the request of the gentleman from Colorado was in order and he is entitled to tellers.

Mr. JONES. May I ask the gentleman from Illinois a question?

Mr. SABATH. Yes.

Mr. JONES. It is admitted that the gentleman from Colorado made the point that there was no quorum, but it has since developed by tellers that there was a quorum, and before that the gentleman's request for tellers had been denied. Then he raised the point that there was no quorum, and therefore he has now nothing to complain of.

Mr. SABATH. If there is a quorum, we can proceed to do business and his request for tellers is in order. The Chair can not deprive him of the right to have tellers.

The CHAIRMAN. The Chair is ready to rule.

Mr. MURRAY. If the Chair had not announced the absence of a quorum the gentleman's contention would not be correct, but after it developed that a quorum was present the gentleman's request for tellers is still pending.

The CHAIRMAN. The Chair thinks that the gentleman's request for tellers was put and denied. After that he made the point of no quorum.

Mr. MURRAY. But it was developed on another question.

The CHAIRMAN. That is true; but the Chair thinks the matter is settled. The gentleman from Wisconsin offers the amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. COOPER of Wisconsin: On page 3, strike out all of paragraph beginning with line 13 and ending with line 15, inclusive, and in lieu thereof insert the following: "That slavery shall not exist in Porto Rico. That involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall not exist in Porto Rico."

Mr. COOPER of Wisconsin. Mr. Chairman, I call the attention of the committee to the fact that as the paragraph is punctuated on page 3 it would permit slavery in Porto Rico as a punishment for crime. It reads:

That neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in Porto Rico.

Under that language and punctuation either slavery or involuntary servitude could exist in Porto Rico as a punishment for crime. I have drawn the amendment so that there shall be left no opportunity for mistake because of punctuation. I think that there can be no objection to the amendment.

Mr. MONDELL. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MONDELL. Would not the gentleman accomplish the same result by placing the comma that is after the word "servitude" after the word "slavery"?

Mr. COOPER of Wisconsin. In my judgment any law which so vitally affects human rights ought not to depend upon punctuation for its proper construction. We ought to put it beyond the possibility of misconstruction, and we can easily do so.

Mr. TOWNER rose.

The CHAIRMAN. Does the gentleman yield?

Mr. COOPER of Wisconsin. I do.

Mr. TOWNER. Mr. Chairman, I was just going to ask for the floor in my own right. I am in favor of the amendment. I think, Mr. Chairman, that the language that is suggested by the gentleman from Wisconsin is preferable to the language used in the bill, not only because it is clearer, but because of the fact that the exception refers not to slavery but to involuntary servitude, and in every respect the language suggested is better, and I hope the chairman of the committee will accept the amendment.

Mr. DAVENPORT. I will say there is no objection whatever to the language used, and so far as the committee is concerned it has no objection and we will accept the amendment offered.

Mr. MONDELL. Mr. Chairman, I do not rise to oppose the amendment, but simply to call attention to the fact that the language in the bill is the language of the Constitution of the United States. The only difference is that the comma is in the wrong place.

Mr. COOPER of Wisconsin. Mr. Chairman, I called attention to the fact that exactly similar language in another measure was the language of the Constitution of the United States when the bill for the Philippines was up a year or more ago. I then had before me a copy of the Constitution of the United States, and the comma in that copy was in precisely the same place as is the comma in this paragraph of the pending bill. The comma is in the wrong place in the thirteenth amendment to the Constitution, and, strictly speaking, the letter of the Constitution would permit slavery in the United States as a punishment for crime, whereof the party shall have been duly con-

been denied the right to strike. The statement read by the

victed. As I said, anything in the nature of an organic act, and especially anything which so vitally affects human rights as does the pending paragraph, ought not in the slightest degree to depend for its proper construction upon punctuation.

Mr. DAVENPORT. We have agreed to accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MURRAY. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MURRAY: Page 3, line 2, insert:

"Private property shall not be taken or damaged for public use without just compensation. Until the compensation shall be paid to the owner, or futo court for the owner, the property shall not be disturbed, or the property rights of the owner divested. When possession is taken of property condemned for any private or public use the owner shall be entitled to the immediate receipt of the compensation awarded, without prejudice to the right of either party to prosecute further proceedings for the judicial determination of the sufficiency or insufficiency of such compensation.

"In all cases of condemnation of private property for public or private use the determination of the character of the use shall be a judicial question."

Mr. MURRAY. Mr. Chairman, will the committee accept that amendment? If not, I would like to have 10 minutes on this amendment.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. DAVENPORT. Mr. Chairman, I suggest that my colleague proceed for five minutes, and then if he desires further time——

Mr. MURRAY. Mr. Chairman, I do not want to set a speech for 10 minutes and quit at the end of 5. If I have to set the speech for 5 minutes, I want to know in advance.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY. Mr. Chairman, this section is in the nature of a bill of rights. I do not understand the idea that the committee has when they put into a bill of rights provisions in the Federal Constitution prohibiting a State or a Territory from doing things and at the same time there is not put in measures not prohibited to the States. The Constitution of the United States, in Article I, has numerous limitations, but the most of them are limitations on Congress, not against the States or Territories.

For instance, it says that no preference shall be given for regulation of commerce. No tax or duty shall be laid on articles from any State, and so forth, but the limitation against the right of a State or a legislature are found in section 10, which reads as follows:

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

Now, these gentlemen have recited these provisions when they were unnecessary. No State or Territory can do that now, but it is fundamental in a sovereignty that the sovereignty has the right to take private property for public use, and that makes it necessary for the States to put in a limitation that it must be paid for, and that is all this does. Now, there is some wording in this in addition to the ordinary State constitutions, in this, that it provides that before, for instance, a railroad can take the property of a citizen they must pay the citizen or deposit the money in the court for the citizen, wherever the Federal court has had jurisdiction. It was true in the Indian country; it is true everywhere, wherever they have jurisdiction. They appoint appraisers and the appraisers assess the damage to the property, and they say to the landowner, "Take this or go to the court." If he does not accept it, they take his property. They litigate him for 5 or 10 years about the value of his land. What is the result? He is denied the right to his property. Nobody who believes in the right of property and the protection of property would insist for a moment that in the exercise of public domain or any kind of public use that a private citizen's private property should be taken until he receives the money or the money is deposited in the court for his benefit. And that is all this provision provides. This provision is found in the Oklahoma constitution and will guarantee to the landowner, to the holder of the property, the value of his property the moment it is taken by a corporation or for any kind of public use.

I am really astonished that the gentleman does not accept it. They put in the provisions prohibited to the State legislature, and leave out the provisions that ought to go in and upon which a Territorial or State legislature can make enactment unless they are limited. Now, I do not object, of course, to the provision prohibiting slavery—although they could not do it under the Federal Constitution or the other provisions they have put in—as an example to the Porto Rican people; but certainly, whenever you exercise a power provided in this amendment of eminent domain by taking property, the real right of the man, whether a large or a small owner, ought to entitle him to the compensation the moment he is divested of the use of that property. And this is all this amendment does.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oklahoma.

Mr. JONES. I would not object to the first sentence in this amendment, that which declares that private property shall not be taken or damaged for public use without just compensation, but I do very seriously object to the remainder of it.

Mr. MURRAY. I am willing to divide the question and vote on those paragraphs separately.

Mr. JONES. I hope the gentleman will offer his propositions as separate amendments.

Mr. CANNON. Will the gentleman allow me?

Mr. JONES. Certainly.

Mr. CANNON. Section 2, "that no law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws," seems to cover everything.

Mr. MURRAY. No, sir; it does not.

Mr. JONES. It seems to me that covers it sufficiently, and that was the idea of the committee. But in order to make it perfectly clear that property can not be taken without just compensation, I would not object to that much of the amendment. I do object to general legislation in a bill of rights.

Mr. MURRAY. Mr. Chairman, I will agree to call for a division of the question and vote by paragraphs.

Mr. CANNON. I think the gentleman is entirely correct, and it could not be broader than it is succintly stated and carried in the constitutions of all the States.

Mr. MURRAY. Not all of them.

Mr. CANNON. After all, it is in the Federal Constitution. I will read it again:

That no law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law.

That covers everything from the birth of Christ to the end of the world, touching life, liberty, and property.

Mr. MURRAY. The gentleman from Illinois would not claim "compensation" and "due process of law" mean the same?

Mr. JONES. Mr. Chairman, all this is in my time. I just wish to add that I agree with the gentleman from Illinois [Mr. CANNON] that no addition to the language of the bill is necessary. But, inasmuch as the gentleman from Oklahoma thinks "due process of law" and "compensation" might not mean the same thing, I am willing that this bill of rights shall specifically state that private property shall not be taken without due compensation. I am not willing to go further and state just how that compensation shall be ascertained. That is a purely legislative matter and should have no place in a bill of rights. It is a matter of detail and not one of principle. The legislature created in this bill will deal with all purely legislative matters.

Mr. MURRAY. Will the gentleman agree to vote on each paragraph separately? Will he agree to that?

Mr. JONES. I will agree to this, that the gentleman withdraw his amendment and offer the first part of it as a separate and independent proposition.

Mr. MURRAY. I want to consume the balance of my 10 minutes.

Mr. JONES. Mr. Chairman, I thought I had been recognized.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. JONES] has expired.

Mr. JONES. The chairman had asked for a vote when I asked to be recognized. The gentleman had concluded his remarks when I was recognized.

Mr. MURRAY. I asked for 10 minutes a while ago.

Mr. BURNETT. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BURNETT. Has not the chairman of the committee a right to conclude debate?

The CHAIRMAN. He has.

Mr. BURNETT. And had not the gentleman concluded his time and yielded?

Mr. JONES. The gentleman had yielded the floor.

Mr. MURRAY. I call for a vote on the three separate paragraphs of that amendment.

The CHAIRMAN. The gentleman asks unanimous consent——

Mr. MURRAY. I am entitled to a division of the question.

Mr. JONES. I do not know about that, Mr. Chairman.

Mr. TOWNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNER. The gentleman has no right to demand that his amendment shall be separated.

Mr. DAVENPORT. Not a bit.

The CHAIRMAN. He has the right to offer it in three parts.

Mr. TOWNER. He has the right to withdraw his amendment, and I hope will withdraw the subsequent parts of the amendment. I agree to that.

Mr. DAVENPORT. Mr. Chairman, permit me to say the parliamentary situation is such and his amendment is so offered that he can not ask for a separate vote on the amendment as offered.

Mr. MURRAY. Mr. Chairman, it is set out in three separate paragraphs.

Mr. DAVENPORT. I submit, Mr. Chairman, it is all in one amendment, and he can not compel this committee to vote upon them separately.

Mr. MURRAY. Does not the gentleman know that it is susceptible of division and separation?

Mr. DAVENPORT. Well, I will say to my colleague that I, too, have exercised a speakership at one time, as the gentleman did, and I think I know as much about parliamentary law as the gentleman does, although I do not parade it all over the country as he does [laughter]; and I say that he can not separate, under parliamentary usage, an amendment into its separate parts after he has offered it in its entirety. He can not then ask that it shall be separated into its parts and voted upon as he wishes.

Mr. FINLEY. Mr. Chairman, if the gentleman from Oklahoma [Mr. MURRAY] will offer his amendment in such form as to secure or cover the right of eminent domain exercised by Porto Rico, I think there will be no objection in the committee here to placing that provision in the bill.

Mr. MURRAY. I will ask the gentleman what objection there is, when this is written in three distinct and separate sentences, to separating them?

Mr. FINLEY. I think that before the gentleman can get a vote in that way he will have to ask unanimous consent of the Committee of the Whole.

Mr. MURRAY. Then, Mr. Chairman, I will ask that.

The CHAIRMAN. What is the gentleman's request?

Mr. MURRAY. That these three sentences be divided and voted upon as separate questions.

The CHAIRMAN. The Chair thinks that as offered this is one combined amendment. The Chair thinks that if the gentleman wants to divide it, he should offer just the part he desires to offer at this point, and the Chair so rules. Will the gentleman indicate what part he wishes to submit?

Mr. MURRAY. Mr. Chairman, will the Chair submit my request for unanimous consent?

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent that the amendment be divided into three parts and voted on separately. Is there objection?

Mr. JONES. I shall have to object, Mr. Chairman.

The CHAIRMAN. Objection is made.

Mr. MURRAY. All right. If the gentleman wants to vote against property rights of individuals, go ahead and vote it down. I will vote for it just as it stands.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oklahoma [Mr. MURRAY].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MURRAY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 1, noes 26.

So the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I offer an amendment at that point:

Private property shall not be taken or damaged for public use, except upon just compensation, which shall be provided by law.

That is a new paragraph.

The CHAIRMAN. Will the gentleman send up his amendment?

Mr. BORLAND. I will withdraw it for a moment, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. SANFORD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANFORD: Strike out all after line 3, page 2, and ending with line 8, and insert:

"That in all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, I hope I may have the attention of the chairman of the committee. I would be pleased if he would accept the amendment I have offered.

Mr. JONES. If the gentleman will explain wherein his amendment differs in substance from the provision of the bill, I will be glad.

Mr. SANFORD. I will explain.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. SANFORD. Yes.

Mr. FESS. I was wondering whether the gentleman's amendment was not the provision contained in the Federal Bill of Rights?

Mr. SANFORD. Yes. I was about to say that the language is an exact copy of section 6 of the Bill of Rights.

The chairman of the committee wants to know how it differs from the bill. I think I can make it clear to you if I remind you that since the Bill of Rights was written there have been I do not know how many volumes of opinions of judges of our courts written defining those words.

The words embodied in the bill are,

The accused shall have the right to meet the witnesses face to face.

What does it mean? Does it mean to meet the witnesses in a dark alley or in a dark cellar face to face? It seems to me absurd now to present that as a proper interpretation of the words of the committee, and yet some court somewhere might so hold.

Mr. DAVENPORT. Does not that semicolon relate back to the subject of trial, giving a fair trial?

Mr. SANFORD. What it means to meet the witnesses face to face I do not know, and yet I have practiced in the criminal courts as a prosecutor for six years. But under the law of this country and in the definitions that the courts have laid down you find the definitions of human liberty in criminal cases the like of which the world has never seen anywhere.

It is perhaps impossible for us to impose upon those people of Porto Rico our conception of what constitutes our rights and what we mean by individual liberty, but we are not doubtful as to what words do define our idea of individual liberty in this country.

Take another illustration. You say under your bill of rights that you are creating in this committee that a man shall be heard and shall have the benefit of counsel. What does it mean? We have splendid definitions of what it means:

To have the assistance of counsel for his defense—

But what does it mean?—

To be heard.

Perhaps the courts of Porto Rico will construe that to mean that he shall have the right to stand up and say "Present," or that his counsel shall say "Present" for him, that that is being "heard." What I want is that we may offer to these people the same guaranties of the right of defendants in criminal prosecutions that after over 100 years of experience in this country have had their meaning definitely fixed. If we love these things ourselves, and are proud of these combinations of words that mean so much to us, it is our duty at least to offer them in this bill of rights. I do not want to say that the words you have presented here are unscientific, but they certainly are not so precise as the words of our Bill of Rights.

Our courts have interpreted the language of our Constitution, every sentence of it, and I do not think we are called upon to write these strange combinations of words anew here to-day through this committee. If the committee have any reason for throwing aside the Bill of Rights with which we are familiar, if they can give us any reason for these strange combinations of words that they have here, I do not want to make any point of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG of North Dakota. Mr. Chairman, I think the gentleman from New York [Mr. SANFORD] has called attention to a portion of this bill which is very much in need of amendment. As he stated, the Constitution of the United States has been construed and passed upon by the courts so often during the past century it would seem to be very unwise to adopt other words, even if the chairman of the committee may think they are just as good. It seems to me unwise to substitute other

words that have never yet been construed by any court. In addition to what the gentleman from New York has said in calling attention to the wording of this paragraph, I want to call attention particularly to the words in line 4:

He shall have the right to demand the nature and cause of the accusation against him.

Now, of what good is that to a defendant in court, simply to have the right to "demand" it? A man may "demand" anything in a court. He may "demand" his release. He may "demand" every conceivable thing, but the question is whether he has got a right to it.

Now, the words used in the Constitution of the United States are that he shall have the right—

to be informed of the nature and cause of the accusation.

Instead of that we substitute the word "demand," which, so far as I can see, gives him no right at all.

Mr. BORLAND. Will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. BORLAND. I call attention to the fact that it says:

To have a copy thereof—

Meaning a copy of the accusation against him, the bill of indictment, or the information, as the case may be.

Mr. YOUNG of North Dakota. Then in that case I submit to the gentleman, Why change the wording? Why not leave it as we have it in the State constitutions and in the Constitution of the United States?

Mr. BORLAND. I do not know. I simply call the attention of the gentleman to the fact that the accused is entitled to a copy of the instrument to which he is called upon to plead.

Mr. SANFORD. This language says:

To demand the nature of the accusation against him.

Our Constitution says:

The nature and cause of the accusation.

Now, he may be indicted with half a dozen other men. I can conceive that there might be a great deal of difference between having the accusation against himself and having a copy of "the accusation." The difference of opinion here merely illustrates the opportunity for more litigation on such an uncertain subject.

Mr. YOUNG of North Dakota. It seems to me to illustrate the complications and difficulties that would arise if the change were made as proposed in this bill.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. YOUNG of North Dakota. I yield to the gentleman.

Mr. GREENE of Vermont. If this bill is undertaking to establish a greater degree of liberty for the people of Porto Rico, is it not evident from this discussion that before they can arrive at any practical realization of that liberty the words and terms by which it is conferred must be defined and test cases will arise?

Mr. YOUNG of North Dakota. I think the question may well be raised as to whether we are capable of self-government, if we adopt a crude, ill-constructed section like this. [Laughter.]

Mr. GREENE of Vermont. In the first place, the courts must define the terms in which this supposed liberty is granted.

Mr. YOUNG of North Dakota. Certainly.

Mr. GREENE of Vermont. Whereas the terms of our own Constitution are all construed and have a fixed and definite meaning.

Mr. YOUNG of North Dakota. Yes; certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, this language that is used in the bill of rights, as we call it, is the language that has been suggested by the Bureau of Insular Affairs, who have had intimate knowledge with regard to conditions in the island for a great many years. It is in substance the language that is used in the Constitution of the United States. I am frank to say that I see no objection whatever to accepting the substitute offered by the gentleman from New York [Mr. SANFORD]. In fact, I think there is one reason why it should be adopted, and I hope that the chairman of the committee [Mr. JONES] will agree with me and accept it, because it is only a question of form after all. That reason is this, that in the interpretation of this provision of the bill of rights in Porto Rico the courts there would have the assistance of the decisions of the courts of the United States upon the language which is used in the Constitution of the United States. Therefore, as it is only a question of phraseology, I see no real ground or reason why we should not accept the amendment offered, if it is considered to be vital.

Mr. JONES. Mr. Chairman, I fully agree with the gentleman from Iowa [Mr. TOWNER] that there is nothing vital, nothing of substance, involved in this amendment. It is substantially what the bill already contains, and the only thing that can be said in its favor is that it is the language of the Constitution of the United States. If the exact language of the bill is not to be found in the Constitution of the United States, it may be found in the constitution of some of the States of the Union. It is unquestionably substantially the language of the Constitution of the United States. I can not see, therefore, that the language which the gentleman would substitute for that of the bill would in any respect improve matters. I can not agree with the logic of the gentleman from New York [Mr. SANFORD] when he says that the expression that witnesses shall meet the accused face to face is indefinite inasmuch as it is not said where the meeting is to take place. The entire language of the paragraph must, of course, be taken together. Provision is made for a speedy and public trial, and it is at that public trial that the accused must be confronted with his accusers. Still, I agree with the gentleman from Iowa [Mr. TOWNER] that inasmuch as the amendment makes no real change in the language of the bill, it may as well be accepted if for no other reason than to save time.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York [Mr. SANFORD].

The amendment was agreed to.

Mr. HASTINGS. Mr. Chairman, we are considering this afternoon a bill to give a civil government to Porto Rico and to give to the people of Porto Rico a larger measure of self-government, or, in other words, to give them a bill of rights. I thought it might not be inappropriate to call attention to the fact that we have a largely similar condition of people in the United States to whom a larger measure of local authority ought to be given. I refer to the Five Civilized Tribes.

Mr. Chairman, on December 6, 1915, the day Congress convened, I introduced as my first bill H. R. 108, to confer upon the Superintendent for the Five Civilized Tribes in Oklahoma the authority now conferred by law upon the Commissioner of Indian Affairs and the Secretary of the Interior respecting lands allotted to the enrolled restricted members of the Five Civilized Tribes and their individual moneys.

I want to make it clear at the outset that this bill only deals with the lands and moneys of individual restricted Indians and has nothing whatever to do with the tribal property of the Five Civilized Tribes.

In order that the purposes of the bill may be better understood, permit me to state that the eastern half of Oklahoma prior to statehood was known as the Indian Territory and was occupied by the Five Civilized Tribes—Cherokee, Creek, Seminole, Choctaw, and Chickasaw. In the early part of the last century these tribes moved under treaties made with the Government of the United States from the Southern States to the Indian Territory. Each tribe maintained a government of its own, separate and distinct from the other tribes, as much so as one State of the Union is separate and distinct from another State. Each tribe had its own executive head, its legislature, and its judiciary. They enacted their own laws without any supervision whatever from the Federal Government and they executed them. Their lawsuits were tried in their own tribal courts, presided over by judges elected by them and without any appeal to a Federal court.

The difficulty in presenting this question to Congress lies in the fact that but few Members of Congress not on the Indian Committee are acquainted with the situation. They do not distinguish between a member of the Five Civilized Tribes and a reservation Indian. To them the word Indian means a blanket Indian and not a progressive, Christian, civilized Indian citizen of the United States.

For the past 100 years these tribes have intermarried with white people who came among them. Schools and churches were established, and the members of the tribes were recognized as being on an equal plane of intelligence with citizens of the surrounding States. White people settled in their country, railroads were built, cities were established, and finally Congress, by the act of March 3, 1893 (27 Stats., 612), created the Dawes Commission and sent it to the Indian Territory to make treaties with the tribes, with a view of having their lands individualized, their tribal funds paid out per capita, and their territory admitted as a State of the Union.

Under various treaties and acts of Congress, provision was made for the allotment of their lands. The final enrollment showed 101,521 allottees, to whom 19,526,966 acres of land belonged. All the lands agreed to be allotted by the various treaties and acts of Congress have been individualized and patents issued therefor and delivered. The unallotted lands are known as tribal lands.

Let me repeat that this bill only affects the lands allotted and patented to the individual restricted Indian and the moneys deposited with the Government to the credit of the individual Indian. It does not affect any tribal lands or tribal money.

RESTRICTED INDIAN DEFINED—DEGREE OF BLOOD, NOT COMPETENCY, THE TEST.

Under various agreements and acts of Congress under which the lands were allotted, provisions were inserted restricting the sale of their lands for certain periods of time. Part of these restrictions were removed by the act of April 21, 1904 (33 Stats., 189), and by the terms of the acts of April 26, 1906 (34 Stats., 137), and May 27, 1908 (35 Stats., 312), all the homestead land of an enrolled member of one-half Indian blood was restricted from alienation and all the surplus land of an Indian enrolled as of three-fourths or more Indian blood. His business qualifications are determined by his degree of Indian blood, not by his competency. Lawyers admitted to practice in the Supreme Court of the United States, professional men of all classes, officials, members of the legislature, college graduates, and many of the best business men are restricted. (Hearings, pp. 55–56.)

No restricted member of the tribes can lease his land for oil or gas, nor can he make an agricultural lease upon his homestead for more than one year, without the approval of the Secretary of the Interior. In brief, a "restricted Indian" has become a very well-defined term in Oklahoma. It means an Indian, who, under the law, is not permitted to manage his own affairs. In other words, he can not lease, encumber, or sell his land, or handle his own individual money without the approval of the Secretary of the Interior 1,500 miles distant.

Of the 101,521 members of the Five Civilized Tribes, there were, in round numbers, about 75,000 of Indian blood, and of this number 37,182 were restricted. The records show that restrictions have been removed from about 8,000 of these Indians, and about one-third of the Indians remaining have died since their enrollment. Hence the number of Indians within the restricted class in eastern Oklahoma is estimated approximately to be 20,000. Formerly two officials in Oklahoma looked after the affairs of the tribes—one the Commissioner to the Five Civilized Tribes, who succeeded the Dawes Commission, and the other the United States Indian agent. One looked after the tribal property and the other after the individual property of the restricted members of the Five Civilized Tribes. Would any Member of Congress from California, Texas, or any other State want the guardianship of his child's property supervised from Washington?

By the act of August 1, 1914 (38 Stats., 582), Congress consolidated these offices, and the Superintendent for the Five Civilized Tribes was appointed. He was nominated by the President and confirmed by the Senate. Theretofore the officers had been appointed by the Secretary of the Interior. The combined office was considered of more importance, and it was expected greater power would be conferred upon him. The salary was fixed at $5,000 per annum, the same amount the Commissioner of Indian Affairs receives.

PURPOSES OF THE BILL.

This statement is preliminary to what I wish to say regarding the purposes of this bill.

At present a restricted Indian has no control whatsoever over his allotted land, or his share of the tribal moneys, without the supervision of a clerk in the office of the Commissioner of Indian Affairs or the Secretary of the Interior, fifteen hundred miles away. He can not, as above stated, make an agricultural lease or an oil lease upon his land. He can not sell any part of his restricted land, nor can he pay a dollar upon an honest debt which he owes without the approval of the Secretary of the Interior or a clerk or inferior officer under him. It is the purpose of this bill to confer this authority upon the Superintendent for the Five Civilized Tribes at Muskogee, Okla.

SUPERVISION TRANSFERRED.

You will note that the bill does not take away any supervision whatever, but it transfers supervision from Washington to Muskogee. To illustrate: If a restricted Indian wants to make an agricultural lease upon his land, he goes before the local field clerk in Oklahoma, who is under the civil service. (Hearings, p. 59.) He examines the Indian and the lease, and transmits the lease to the Superintendent for the Five Civilized Tribes, who has it sent through the files in the proper division; thence it goes to the Commissioner of Indian Affairs, where it is referred to some clerk; and thence it is sent to the Secretary of the Interior, where it is referred to another clerk and final action is had upon it. It is returned the same way, and the Indian and the tenant are finally notified of the result two or three months thereafter.

Our contention is:

First. That final authority should be given to the Superintendent at Muskogee to approve these agricultural leases, as he understands local conditions.

Second. If a restricted Indian wants to make an oil lease, regular blank forms have been prepared, with rules and regulations understood by everybody, and the Superintendent at Muskogee has local men at convenient points throughout eastern Oklahoma who can supply detailed information. He is more competent, with all this information, to approve these leases than anyone else, and can be as safely trusted to supervise and approve them as any man at the head of a bureau in the office of the Commissioner of Indian Affairs or the clerk in the office of the Secretary of the Interior. The truth is that the Commissioner of Indian Affairs does not personally superintend these matters, nor does the Secretary of the Interior, but some clerk, paid $1,800 or $2,000 per annum 1,500 miles away, supervises the action of the Superintendent for the Five Civilized Tribes, a man upon the ground, appointed by the President and confirmed by the Senate, who is paid a salary of $5,000 per annum.

Third. If a claim is presented against an Indian who is within the restricted class, unless authority is first obtained, it has to go through the same routine that an agricultural lease or an oil lease does. This method results in tedious delays, which the bill introduced by me is intended to correct.

Fourth. If a restricted Indian wants to make application to remove the restrictions upon the sale of his land, it goes through the same channel—through the local field clerk, thence the Superintendent for the Five Civilized Tribes, thence through the bureau under the Commissioner of Indian Affairs, and finally over the desk of some clerk in the Department of the Interior. The Indian may be old and decrepit or sick, or there may be other reasons for urgent action being taken upon his application. Our contention is that all matters affecting the individual Indian—his allotted land and individual money—should be supervised by an honest, trustworthy, competent official, the Superintendent for the Five Civilized Tribes, at Muskogee, Okla. He has a large number of law clerks, stenographers, appraisers, oil inspectors, field clerks, and other clerical help to investigate thoroughly every matter at first hand which may be submitted to him for supervision and approval.

THE QUESTION INVOLVED.

There is but one question involved in this bill, and that is whether Congress favors conferring authority upon a competent, trustworthy Federal official in the State of Oklahoma to supervise the land and money of each individual Indian, or whether that can best be done by a clerk or minor official in the office of the Commissioner of Indian Affairs or the Secretary of the Interior, 1,500 miles away, who knows nothing whatever about the Indian personally or local conditions in Oklahoma, but who acts on no other information than that contained in the typewritten report transmitted.

For more than 100 years the individual members of the Five Civilized Tribes were free to do as they pleased with their individual property. They bought and sold it. They contracted debts and paid them without any supervision whatsoever. By the act of March 3, 1901 (31 Stat., 1447), they were made citizens of the United States. There was no supervision whatever exercised by any officer of the United States until their lands were allotted some 15 years ago.

The present Indian appropriation bill carries an appropriation of $185,000.

We claim that all these matters can be safely trusted to the local man, and that the interests of the individual Indian will be scrupulously guarded, action upon the various transactions expedited, and their rights better protected if this bill becomes a law. There can be no legitimate argument against it.

EVERY DEPARTMENT JEALOUS OF JURISDICTION.

It is the history of every department in Washington that none ever wants to give up any jurisdiction. They all want it centered in Washington. They want to retain all supervision here. No bureau wants to give up any of its authority. Every official at the head of a department clings with great tenacity to all the authority given him.

A representative of the Indian Office appeared before the committee, and, in our judgment, presented an argument wholly foreign to the issues involved in this bill. Among other things:

First. He referred to the necessity for supervision of probate matters in Oklahoma, and invited attention to some cases tried there a few years ago, just after statehood. This has nothing to do with the merits of the bill, because the present Indian appropriation bill carries $85,000 for probate attorneys in Oklahoma. The bill under discussion does not take away any of that supervision, and we respectfully submit that the introduction of these matters is only intended to encumber the record and confuse the issue. Let us not dodge the issue by attempting to distract attention.

Second. He advocated a change of the law providing for more supervision in the approval of agricultural leases. This is wholly foreign to a discussion of this bill. The bill retains all the supervision with reference to the approval of agricultural

leases now provided by law. The only thing this bill seeks to do is to transfer this supervision to a local man in Oklahoma. The issue should not be confused. It should be met squarely. Is it better for this supervision to be made by a competent, trustworthy man in Oklahoma than to transmit all matters by mail 1,500 miles to a clerk at the head of some bureau? This is the point.

Third. It is recommended that the law with reference to the approval of wills be changed. This is also foreign to the subject, as the bill does not seek to change the law in this respect.

Fourth. It is charged that the Superintendent for the Five Civilized Tribes is a political office. It was created by the act of August 1, 1914. The present incumbent, Gabe E. Parker, was nominated by the President and confirmed by the Senate. The hearings (p. 63) show that he was not recommended by any of the members of the Oklahoma delegation and by no person in Oklahoma, that he was the personal selection of the Commissioner of Indian Affairs, and that he was selected solely upon merit. Hence, I submit that such an argument is wholly unjustified.

Mr. Parker is an educated, competent, high-class man. There has not been so much as a breath of suspicion against him, and no insinuation that he is incompetent. He was formerly at the head of one of the schools of Oklahoma. He is a member of the Choctaw Tribe of Indians and thoroughly familiar with conditions in Oklahoma. He is in deep sympathy with the Indians of that State. He was a member of the constitutional convention of Oklahoma and later appointed by the President and confirmed by the Senate as Register of the Treasury. He was finally selected for his present responsible position upon the recommendation of the present Commissioner of Indian Affairs.

These facts are not known to many associations, newspapers, and philanthropic citizens of the United States who have the interest of the Indian at heart. They are led to believe that this bill turns over the supervision of the affairs of the Indians to a local official elected by the citizens of Oklahoma and who would, therefore, be influenced by the people who elect him. This is not true, as the Superintendent for the Five Civilized Tribes is a Federal official. The Commissioner of Indian Affairs, the Assistant Commissioner of Indian Affairs, and the Secretary of the Interior are nominated by the President and confirmed by the Senate. They are Federal officials, as is the Superintendent for the Five Civilized Tribes.

These hearings show (pages 59 and 161) that neither the Secretary of the Interior nor the Commissioner of Indian Affairs passes upon any of the matters affected by this bill. On the other hand, the hearings show that when they come through the mail they are referred to some clerk of a bureau paid $1,800 or $2,000 per annum, who, in effect, sits in judgment upon the acts of the Superintendent for the Five Civilized Tribes. Let us not confuse the issue. What this bill seeks to do is to have final supervision lodged in the Superintendent for the Five Civilized Tribes.

Fifth. The Kagama case (118 U. S., 375) is quoted from. This was a case certified up from the circuit court of appeals in 1886 and is a criminal case involving the constitutional question as to whether or not Congress can confer jurisdiction upon a Federal court in criminal matters over a crime committed by one Indian upon another in a reservation within a State. In it the court took occasion to remark that oftentimes there was prejudice against the Indian in the State in which a reservation was located. This is not a happy argument against the pending bill for many reasons.

The Indians in the Kagama case were reservation Indians. Their lands had not been allotted and they were not citizens of the United States. They had never been made citizens of the United States, as in the case of members of the Five Civilized Tribes, who were made citizens by the act of March 3, 1901. The Five Civilized Tribes have had governments of their own for the past 100 years, and they take part in the local affairs of Oklahoma as actively as white men. The truth is the history of that State for the past few years completely refutes the charge that there is any race prejudice. More than 2,000,000 people are now living in Oklahoma; over one-half dwell in the eastern part, which was formerly occupied by the Five Civilized Tribes. There were enrolled, of all classes, 101,521 members, one-third of whom are now dead. Hence it will be seen that more than 100 white persons live in eastern Oklahoma to each member of the Five Civilized Tribes. Notwithstanding this, a large number of enrolled Indians were elected as delegates to the constitutional convention which framed the organic law of the State. Riley Copeland, A. S. Wyly, J. T. Edmondson, C. O. Frye, O. H. P. Brewer were all Cherokees; W. N. Littlejohn was an enrolled intermarried citizen of the Cherokee Nation; Gabe E. Parker was a Choctaw; and Henry Cloud was a Cherokee. Many others, whom I do not now recall, were elected members of the constitutional convention. The president of that convention was Congressman MURRAY, an intermarried Chickasaw citizen. Will anyone say the above showing indicates prejudice on the part of the people of Oklahoma against the enrolled members of the Five Civilized Tribes.

Let us investigate a little further. Hon. R. L. OWEN was elected one of our first Senators, and Hon. C. D. CARTER, a member of the Indian Committee, was elected a Member of Congress. Both are enrolled citizens. Hon. J. S. DAVENPORT is an intermarried Cherokee citizen and a Member of Congress. Hon. W. H. MURRAY is a Member of Congress and a member of the Indian Committee. The author of this bill is an enrolled Cherokee citizen. Certainly the reasoning by the court in the Kagama case would not apply to Oklahoma.

I might add in this connection that a very large number of the county officers in Oklahoma and members of the State legislature are members of the Five Civilized Tribes. Many of these are restricted Indians. Everyone in Oklahoma knows that there is no prejudice against a member of these tribes. His race is not inquired into. All officers are nominated at a primary and are elected at a general election. Hence we insist that the reference to the Kagama case is not a happy one.

Sixth. It is argued that local pressure may be brought to bear upon the Superintendent, and, of course, it carries with it the insinuation that he may be weak enough to yield to it. This argument is puerile. It is an argument against local self-government everywhere. If this argument be sound, no citizen of Oklahoma should be appointed to the Government service within the State, because he might yield to local influences. This would apply to all tribal and probate attorneys. I am impatient with this suggestion. It is based on distrust and not confidence in officials of the Government. It assumes weakness and not strength of character. It is not justified by the record of the present Superintendent or any of his predecessors. We decided against "long-distance government" in 1776. Every Territory in the United States was persistent in urging admission to statehood in order to bring the Government as near the people as possible.

The hearings (page 15) show that 7,650 letters were forwarded to the Department of the Interior last year by the Superintendent for the Five Civilized Tribes and that 7,694 letters were received by him from the department. Excluding Sundays, the Superintendent signed and forwarded more than 25 letters and reports each day to the department and received as many from Washington.

Our contention is that the making of reports and the reading of letters to and from the department take up practically all of his time and leave but little time in which he can give attention to the important duties of his office. If the bill is enacted into law, all this would be corrected.

In addition, 116,570—page 15—miscellaneous letters were received in the office of the Superintendent for the Five Civilized Tribes and 144,402 miscellaneous letters sent out. If matters brought to his attention could be acted upon in Muskogee expeditiously and not sent to Washington, untold thousands of these letters would never be written. A great deal of the stenographic and clerical help could be dispensed with and the salaries paid them could be used in paying expert farmers, placed in convenient localities among the restricted members of the tribe, who could give them personal attention, aid, and encourage them in improving their homes and farms, and be of much more substantial benefit to the real Indian. At present, so far as I am advised, there is not an expert farmer doing exclusive farm work. It is true that some employees are carried upon the pay roll as expert farmers, but practically all of them are doing administrative work. Very few, if any, are doing expert farm work exclusively. The hope of the Indian needing assistance lies in teaching him farming and stock raising. Instead of doing this, the Government is expending $185,000 annually for clerical help, mostly in a forwarding office at Muskogee, and is not spending money on men to go among the Indians and render them encouraging assistance in their daily tasks.

SAVING TO THE GOVERNMENT.

Our contention is, further, that there would be a great saving of clerical help in the office of Commissioner of Indian Affairs and the Secretary of the Interior if these matters were not forwarded here. (Hearings, p. 156.)

Instead of spending money for the pay of officials, including stenographic and clerical help, we submit that it could be more advantageously spent upon men in the field to look after the Indians themselves.

COMMISSIONER OF INDIAN AFFAIRS SHOULD LOOK AFTER TRIBAL AFFAIRS AND NOT DETAILS OF INDIVIDUAL INDIANS.

The Commissioner of Indian Affairs should look after the broader questions affecting Indians, should shape the policy of the Government as to them, and should be glad to be rid of the numerous little details incident to this work. No business man at the head of a great institution attempts to give attention to minor details. That responsibility is given to others. Congress intended to confer larger authority upon the Superintendent of the Five Civilized Tribes by the act of August 1, 1914, just as this bill does.

The members of the Five Civilized Tribes want their tribal affairs wound up. The Choctaws and Chickasaws want their coal and asphalt lands sold, as well as the remainder of their unallotted lands, including surface and timber lands, and the proceeds divided among them. No representative of the department has asked to appear in person before the Indian Committee to urge action upon these matters. The members of the other tribes are equally anxious to have their affairs wound up as expeditiously as possible.

The Dawes Commission was created by the act of March 3, 1893, 23 years ago. More than one-third of the enrolled members of the tribes are dead, and yet the affairs of some of the tribes, particularly Choctaws and Chickasaws, will not be wound up for years.

We insist that the time of the Commissioner of Indian Affairs should be devoted to the larger tribal questions, so that their settlement may be expedited rather than to the affairs of the individual Indian.

It was conceded by the representative of the Indian Office before the committee (hearings, p. 160): (a) That the approval of all agricultural leases might be safely left to the Superintendent for the Five Civilized Tribes; (b) that perhaps 95 per cent of the oil leases were uncontested (hearings, p. 160) and that these uncontested matters might be safely left to the Superintendent at Muskogee (hearings, p. 153); (c) that he might safely be clothed with authority to finally supervise the investment of money of restricted Indians when the amount did not exceed $2,500 (hearings, p. 160). We insist that this would cover 95 per cent of all investments, would correct 95 per cent of the delays, and practically concedes our contention.

If the Superintendent could be safely trusted with this authority, we see no reason why he should not be allowed to supervise and approve the sale of 10 acres of restricted land, or any amount of less value than $2,500.

EVERY INDIAN IN OKLAHOMA FAVORS THIS BILL.

Every Indian in Oklahoma favors this bill. At least, not one has lodged a protest against it. These hearings indicate that the Five Civilized Tribes have had schools of their own—common schools, high schools, and boarding schools—for 100 years. Many of their members are graduates of the various colleges and institutions of learning in the United States. Many other members are leading lawyers, doctors, farmers, bankers, and business men of every kind. This bill was introduced on the first day Congress convened, December 6, 1915, and has been extensively commented on in the press throughout Oklahoma, and yet no protest has been filed on behalf of a single Indian.

ALL OTHER CITIZENS APPROVE IT.

Every white man who is a citizen of Oklahoma and who is not in the employ of the Indian Office, so far as the hearings show, favors the passage of this bill.

THE PRESS UNANIMOUSLY INDORSES IT.

The hearings (pp. 175-184) show that this bill has been favorably commented upon and analyzed by a large number of newspapers throughout Oklahoma. A number of the clippings have been filed with these hearings. It has not been unfavorably criticized by any newspaper.

OKLAHOMA DELEGATION FAVORS BILL.

Practically all the members of the Oklahoma delegation favor the bill. Senator OWEN has introduced a similar bill in the Senate.

The State Senate of Oklahoma unanimously passed a resolution favoring the bill. The resolution was introduced by a restricted Cherokee Indian—George W. Fields.

PRESENT SYSTEM OCCASIONS DELAYS.

It can not be controverted but what the sending of all these matters through, first, the local field clerk; second, the Superintendent for the Five Civilized Tribes; third, the Commissioner of Indian Affairs; and, fourth, the Secretary of the Interior—shown by the hearings (p. 60) to pass through eight different hands—must occasion delays and criticism against the department and militates against the Indian; and the system has unquestionably aroused more prejudice against the Indian and occasioned more insistent demands for the repeal of all legislation for the supervising of the affairs of individual Indians than anything else. Unless changed it will ultimately destroy the Indian.

LOCAL SYMPATHY AND COOPERATION NECESSARY TO PROTECT INDIAN.

The interests of the restricted Indian can best be subserved by inviting the cooperation of the local officers and the citizens of Oklahoma and not by wholesale criticism of them. A representative of the department can not have any influence with a court or jury, and can not, therefore, protect the restricted Indian unless he invites their cooperation and assistance.

As in all new States, when Oklahoma was first organized some injustices were done the Indian, but when public attention was called to them a splendid citizenship was aroused and the unworthy officials were driven from their places of trust. Juries unhesitatingly convicted those who sought to despoil the Indian.

The report of the Secretary of the Interior shows that the Supreme Court of Oklahoma has promulgated rules for the guidance of the probate courts of the State and that all the courts through the State are now working in harmony with the probate attorneys there.

The Secretary of the Interior, on page 63 of his last annual report, says:

> The State authorities have shown a disposition to cooperate in every way possible with the department, and the Supreme Court of the State of Oklahoma has provided uniform rules of procedure in probate matters, at the suggestion of the Commissioner of Indian Affairs, after his conference with county judges, county attorneys, and tribal attorneys in January, 1914.

It served no good purpose, however, for the representative of the Indian Office to refer to this matter before the Indian Committee for two reasons: First, because the things criticized happened while the department had supervision, and, second, the bill under discussion does not do away with the probate attorneys.

The department has seen fit to file certain letters and circulars from people throughout the East, who are not acquainted with local conditions in Oklahoma, but who get their information solely through the department. Inasmuch as the same references and arguments are used in all of them, we may reasonably infer how they originated.

These good people really believe that they are serving the Indian. They see no difference between an Indian in Oklahoma and an Indian on a reservation. Every Indian to them is a blanket Indian. They do not know that the members of the Five Civilized Tribes had a constitution and a regular form of government for more than 100 years. The reservation Indians do not have. The members of the Five Civilized Tribes have been citizens of the United States since March 3, 1901, and take an active part in the local affairs of Oklahoma. Our eastern friends do not know that many of them are lawyers, doctors, teachers, ministers, bankers, and industrious citizens, competing in every activity with their white neighbors. Our eastern friends insist on one policy for all Indians, and they argue that the policy adapted to reservation Indians should be applied to people who have governed themselves for a century.

Surely a tribe of Indians that gave to the country the great Sequoyah, the inventor of the Cherokee alphabet, the Cadmus of his race, whose statue is soon to be placed in Statuary Hall as one of Oklahoma's distinguished sons; a tribe whose rolls contain the name of Alex Posey, the Creek bard and philosopher; a tribe that produced Green McCurtain, the chief executive of the Choctaws for years; the tribe that produced such distinguished men as Overton Love and George W. Harkins, who so ably and effectively represented the Chickasaws; and the tribe that gave to the country Osceola, the noted Seminole warrior, is not to be compared with the unlettered tribes of reservation Indians of the West.

CONCLUSION.

Finally, permit us to say that this bill affects Oklahoma only, and we desire to repeat that every Indian there, as well as every white man, the two United States Senators, every Member of Congress representing Oklahoma, every newspaper in Oklahoma, and the State Senate of Oklahoma, after the fullest discussion and closest analysis of this bill, all favor its enactment. Can it be that they are all in error? Certainly, if this were not a meritorious bill, after all the discussions which the hearings show have been had upon it in the press throughout Oklahoma, some person, Indian or white, residing in that State would be found to protest against it. We submit that this bill should be promptly enacted into law. Sending all matters to Washington for approval delays the development of the Indian's property. Preparation can not be made to begin work on an agricultural lease until it is approved and returned, and contracts can not

be let to drill oil leases until the action of the authorities at Washington is known. In order to expedite consideration of matters transmitted here for approval a large number of lessees come to the department, either in person or by attorney, and all these delays and expenses could be avoided if final action were had at Muskogee.

The insinuations and criticisms expressed and implied by the representative of the Indian Office in the hearings before the committee against the people of Oklahoma can not be but detrimental to the restricted members of the Five Civilized Tribes. They are residents and citizens of that State, vote and hold office there, attend the public schools, and receive the protection of the State's laws. Under existing legislation, within a few years all of their restrictions will be removed, when they will need the sympathetic cooperation and not the antagonism of the splendid citizenship of which they are a part and among whom they dwell.

I am a member of the Cherokee Tribe. I was reared among the Cherokees and spent my whole life there, attended their public schools, taught in them; was for 4 years attorney general of the tribe, for about 20 years practiced law in the Cherokee tribal courts, and represented them frequently as delegate to Washington, D. C., since 1892. As one of their attorneys I represented the Cherokee Nation before the Commission to the Five Civilized Tribes in making the final roll of citizens of the tribe from 1896 until they were closed March 4, 1907, and I was national attorney for the tribe under contracts approved by the President from January, 1906, to June 30, 1914, assisting in the trial of all important lawsuits before all the courts of the country, including the Supreme Court of the United States. The affairs of the Cherokee Tribe have been completely wound up.

I have made this personal reference to indicate the opportunities I have had to study these people, as well as my great indebtedness to them, my deep affection for them, and my earnest desire to secure the enactment of such legislation as will develop the individual Indian through giving him greater responsibility into a useful productive citizen.

THE ISSUE.

I am determined that the issue presented by this bill shall not be confused. It is this: Does Congress favor the supervision of individual affairs of the restricted members of the Five Civilized Tribes by a competent, trustworthy, and efficient Federal official in Oklahoma, known as the Superintendent of the Five Civilized Tribes, nominated by the President and confirmed by the Senate, with a salary of $5,000 per annum, or does Congress favor supervision by a clerk or inferior official in the office of the Commissioner of Indian Affairs or Secretary of the Interior, located in Washington?

Mr. JONES. Mr. Chairman, I would like to ask if all debate has not been exhausted on this amendment.

The CHAIRMAN. It has.

Mr. MURRAY. Mr. Chairman, I want to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 3, before the beginning of the line insert "That no private property shall be taken or damaged for private use, with or without compensation, unless by consent of the owner, except for private ways of necessity, or for drains and ditches across lands of others for agricultural, mining, or sanitary purposes, in such manner as may be prescribed by law."

Mr. MURRAY. Mr. Chairman, the first part of that provision is in the bill of rights. My purpose for introducing it was to create an exception for agricultural and mining purposes. There are two States that have this provision; Missouri was the first to adopt it. I do it because many times drainage districts are organized in many States where you can not prove any public benefit and if you can not prove a public benefit the district falls. You find it also in the development of mining. There are only two States in the Union where you can take private property for private use without consent of the owner—Missouri and Oklahoma—unless they have changed these provisions since 1906. This was introduced in the interest of progress. They have many difficulties in the State of Iowa and other States where they have drainage laws and where they can not prove "public benefit."

Mr. SANFORD. Will the gentleman yield?

Mr. MURRAY. Yes.

Mr. SANFORD. Does the gentleman know that this provision in the bill of rights was held in New York and some other States to prevent the passage of a workmen's compensation act?

Mr. MURRAY. I do not know it.

Mr. SANFORD. It was so held, and several workmen's compensation acts were defeated by this section in the bill of rights, and so we have amended the constitution of New York by another provision permitting the passage of workmen-liability acts.

Mr. MURRAY. The provision that I offer is that in the bill.

Mr. SANFORD. But I call attention to the fact that under the laws of New York, which might also be held under the laws of Porto Rico, it made unconstitutional the compensation act.

Mr. MURRAY. But the constitution of New York does not contain the exception. I introduced it so as to create the exception.

Mr. SANFORD. My conclusion is that if this provision goes in that there should be a further exception permitting the enactment of proper compensation law. I have such a provision taken from the New York constitution, if the gentleman wants it.

Mr. MURRAY. I say in such a way "as the law may provide."

Mr. MONDELL. Will the gentleman yield?

Mr. MURRAY. Yes.

Mr. MONDELL. Does the gentleman say that only two States in the Union have laws which will permit private property to be taken for private use?

Mr. MURRAY. I stated that all the States in the Union prohibited, or did up to 1906, the taking of private property for private use without the consent of the owner except two, and these allowed an exception for agriculture and mining.

Mr. MONDELL. The gentleman has overlooked or forgotten all of the irrigation States. In irrigation there is a taking of private property for private use.

Mr. MURRAY. But you have to prove that it is for the public benefit, and that is eliminated in my amendment.

Mr. MONDELL. We proceed on the theory that irrigation is a public benefit.

Mr. MURRAY. But if it was disputed in the courts you would have to prove it.

Mr. MONDELL. It is never questioned.

Mr. MURRAY. In most places they do question it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. MURRAY].

The question was taken, and the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment by Mr. BORLAND: Page 3, at the end of line 2, insert: "Private property shall not be taken or damaged for public use except on payment of just compensation ascertained in the manner provided by law."

Mr. BORLAND. Mr. Chairman, I think that covers the main point of the gentleman from Oklahoma. I do not think the provision in the first paragraph of section 2, which prohibits the taking of life, liberty, and property without due process of law, is coextensive with this amendment. Due process of law means the summons by which a man is brought into court, by which he obtains his day in court. Due process of law is some method of summoning him to appear in the action. It has nothing to do with compensation for private property taken for public purposes. So the amendment is necessary also in addition to the provision occurring in the first sentence of this section.

Now, this amendment I have offered is substantially in the words of the Missouri provision of the constitution, which says that private property shall not be taken or damaged for public use without due process of law.

Mr. TOWNER. Mr. Chairman, as far as I am concerned, and I think as far as the chairman of the committee is concerned, there is no objection to it.

Mr. BORLAND. Mr. Chairman, I do not care to discuss it further, except to say that the decisions in some States have been that "damage" is not the same as "taken." Property may be damaged by the overflowing of a stream or may be damaged by having something cast upon it, as an embankment, and not a natural damage, so I think that if property is damaged for public use it should be compensated for.

Mr. FESS. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. FESS. I notice the Federal Constitution says, "Nor shall private property be taken for public use without just compensation," and I do not know why we omitted that in this bill of rights, so the gentleman's amendment will apply——

Mr. BORLAND. My amendment applies, and if there is any objection on the part of the committee——

Mr. JONES. I do not know of any objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment, and this amendment is to come in after the amendment just adopted.

The Clerk read as follows:

Page 3, at the end of the Borland amendment, insert:

"Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a State or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination, and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not exceed a fixed or determinable sum: *Provided*, That all moneys paid by an employer to his employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of operating the business of the employer."

Mr. BENNET. Mr. Chairman, that language may seem a trifle long, but it has been taken verbatim from the constitution of the State of New York as amended in 1915, and the reasons for that amendment were these: At the legislative session of 1911, I think it was, we passed a workman's compensation act by a unanimous vote of both branches of the legislature. It was construed by the courts, and our highest court, by unanimous vote, declared the law unconstitutional because it violated the constitutional provisions which we have in our Constitution against the taking of private property for public use without just compensation, so that the two successive legislatures of 1912 and 1913 passed this provision and the people ratified it at the polls by about 30,000 majority, and we now have a splendid workman's compensation act, under which we are settling, out of court, something like 30,000 cases a year, to the great benefit of everybody.

Mr. FESS. Will the gentleman yield?

Mr. BENNET. I will.

Mr. FESS. Do I understand this is part of the constitution or is it a legislative enactment?

Mr. BENNET. It is part of the constitution, that which was put in the constitution of the State of New York in order to make the law we knew we could pass constitutional, and as soon as we got this into the constitution we passed a statute, and that statute has been declared constitutional and is one of the most beneficial statutes we have on the statute books. My idea is that we ought to give Porto Rico in this bill of rights every right that any State has, and we ought not to subject it to chance if it happens to pass a workman's compensation act—and my judgment is that every State ought to have a workman's compensation act—we ought not to give any chance of having such an act declared unconstitutional.

Mr. FESS. I think so far as those on this side regard such a provision there would be no objection unless this is writing legislation by an act——

Mr. BENNET. No, sir; it does not write anything legislative; the provision is entirely constitutional.

Mr. FESS. I think the gentleman would realize that the tendency of the time is to put legislation in organic acts.

Mr. BENNET. Yes, sir.

Mr. FESS. And I think they are unwise.

Mr. BENNET. We have resisted that in the State of New York wonderfully up to date.

Mr. BORLAND. Will the gentleman yield?

Mr. BENNET. I will.

Mr. BORLAND. Do I understand that your workman's compensation law, enacted since the adoption of this constitutional amendment, has been sustained?

Mr. BENNET. It has been declared constitutional.

Mr. BORLAND. It was enacted under this particular constitutional amendment?

Mr. BENNET. Yes.

Mr. BORLAND. And it has passed the highest court of the gentleman's State?

Mr. BENNET. It has passed the highest court of our State and has been held constitutional.

Mr. SANFORD. And the United States Supreme Court recently declared it constitutional.

Mr. BENNET. And the United States Supreme Court also, and therefore it seems to me in enacting this new charter for Porto Rico we ought to give them the benefit of something that has been tried and approved not only by the highest court of the State of New York, but, as my colleague [Mr. SANFORD], than whom there is no better lawyer in that State, informs me, has been held constitutional by the Supreme Court of the United States.

Mr. MURRAY. Do I understand that is the verbatim language of the constitution of New York?

Mr. BENNET. Verbatim.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. Mr. Chairman, I confess, for one, that this amendment is so long and seeks to accomplish so many different objects that I am unable to fully grasp its meaning and purpose. For this reason, if for no other, I feel constrained to oppose its adoption. Nothing should be put into a bill of rights that has not been very carefully considered, and certainly there is no opportunity now to consider carefully all that is involved in an amendment of this character and importance.

I much deprecate the habit gentlemen seem to have fallen into of endeavoring to have incorporated into the bill of rights of Porto Rico the various new and novel provisions of the constitutions of their own States. Doubtless they may serve a good purpose in their States, but if we undertake to put into this bill of rights all the progressive and modern ideas that are to be found in the constitutions of the various States of our Union a hundred pages will not suffice to contain the Porto Rican bill of rights.

If this amendment was confined to these words—

Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees—

I would see no objection to it; but I can not agree to accept all that follows these words simply because, as the gentleman says, it has been adopted by the State of New York. I imagine that the gentleman did not approve the action of the voters of his State when they recently rejected a constitution submitted to them for their ratification by a convention presided over by that distinguished New Yorker, the Hon. Elihu Root. Why, then, should he think that the fact that the amendment he offers was ratified by the people of New York is an all-sufficient reason for inserting it in the Porto Rican bill of rights? This argument does not appeal very strongly to me.

I think, Mr. Chairman, that some better argument should be offered for the adoption of this amendment than that there is a similar provision in the constitution of New York. I am not willing to impose upon the people of Porto Rico a constitutional provision the terms of which I have not had the opportunity to examine and carefully study. I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

Mr. KITCHIN. Why could not the gentleman from New York [Mr. BENNET] and the gentleman from Virginia [Mr. JONES] get together on this?

Mr. BENNET. I am willing to accept his modification, and I thought if I could get unanimous consent I would modify my amendment in the manner suggested by the gentleman from Virginia.

Mr. JONES. So that it will be in this language. I will mark it and send it down to the Clerk's desk.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment. The Clerk will report the modified form.

The Clerk read as follows:

Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees.

Mr. CANNON. One further word. Read the balance of his proposed amendment.

The CHAIRMAN. The Clerk will report the entire amendment as amended.

Mr. CANNON. I want to hear that which is to be dropped out and see what that says.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the amendment as originally offered be again reported.

Mr. CANNON. That part of it that is proposed to be eliminated. I want to see how it qualifies the other, if at all.

The CHAIRMAN. Without objection, the Clerk will again report it.

The Clerk read as follows:

Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers or by employers and employees or otherwise, either directly or through a State or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination, and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not

exceed a fixed or determinable sum: *Provided*, That all moneys paid by an employer to his employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of operating the business of the employer.

Mr. CANNON. Mr. Chairman, I suggest to the gentleman that he chops out very important exceptions.

Mr. BENNET. I realize that, but the gentleman has been here a good deal longer than I have, and knows sometimes that if we can get only a little bit we had better take it.

Mr. CANNON. That is a good deal of a bit. It is two bits, or eight bits, for that matter. There is a question of contributory negligence, and a question of where the injury results from intoxication. That is all cut out.

Mr. BENNET. But it is cut out in connection with the giving of the remedy.

Mr. CANNON. You could under that, I take it, empower the legislature to enact a law providing that, where a man is injured, being an employee, without regard to any condition connected with the injury, the employer could be taxed by virtue of that legislation.

Mr. BENNET. I realize that. I realize it is giving a pretty broad power.

Mr. CANNON. It seems to me, if I may be allowed to suggest, as this bill will not be completed to-day—as is perfectly evident—that by unanimous consent this amendment could go over for further consideration, so that it may be returned to later on if desired by the mover thereof or the chairman of the committee—either one, or both.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent——

Mr. JONES. Mr. Chairman, I am in favor of that, if the gentleman offering it desires it to go over.

Mr. CANNON. He says he will not object to it if you desire it to go over, with leave to return to it later.

The CHAIRMAN. Does the gentleman ask that under unanimous consent?

Mr. BENNET. I think that is only fair. I am inclined to say this, that if we put it over, the whole thing may go in.

Mr. CANNON. I think possibly it ought to do so.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] asks unanimous consent that this may go over and be returned to at a later time. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY. Mr. Chairman, I offer an amendment here, and I will say to the chairman that this is taken verbatim from a provision of the Filipino bill.

The Clerk read as follows:

Amendment offered by Mr. MURRAY: Page 4, line 2, after the end of the line add the following: "That no public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion; or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. The contraction of bigamous or plural marriages hereafter is prohibited."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LONDON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. LONDON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 4, line 14, strike out lines 14 and 15 and insert the words "16 years in any occupation is hereby prohibited," so that the subdivision will read, "That the employment of children under the age of 16 years in any occupation is hereby prohibited."

Mr. LONDON. Mr. Chairman, the way the subdivision reads now it is absolutely worthless. It provides that "the employment of children under the age of 14 years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited." Now, if you had at least said "the employment of children under the age of 14 years is prohibited," you would limit the hours of labor for children; but you do not do that. You qualify the prohibition. You limit the limitation, and you say "the employment of children under the age of 14 years in such occupations as are injurious to health or morals or hazardous to life or limb is prohibited." You are giving to Porto Rico child-labor laws less progressive than you have in some of the States.

It is evident that the committee have had in mind in drafting a bill of rights the new conditions which have arisen because of the great industrial changes from which——

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BORLAND. The gentleman can shorten his argument if he would realize that Porto Rico has not an industrial population. If the gentleman had ever been in Porto Rico he would know that. It is an agricultural population, and the whole island there is devoted to agriculture; and these children work in agriculture, where they ought to work.

Mr. LONDON. I was going to refer to that. I know that one-half of the population of Porto Rico are workers; that they have an agricultural class of 600,000 and an industrial class of only 25,000. Nevertheless, the employment of children at a very young age is bound to have a deteriorating effect on the rising generation.

Mr. BORLAND. Is not the gentleman's amendment perfectly sweeping? Does it not prevent their employment in agricultural pursuits up to 16 years of age?

Mr. LONDON. It prevents their employment for pay.

Mr. BORLAND. Is not that an outrageous provision, to prevent their employment in agricultural pursuits?

Mr. LONDON. I would prevent the employment of children for wages; not the employment of a child by its parents. There is the difference. No matter how hard a child may work under the loving care and supervision of a parent, the child will never be exploited as much as when it works under the cruel supervision of a foreman or an employer.

Mr. GARRETT. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. LONDON. Yes.

Mr. GARRETT. The gentleman fixes the age at 16. Has the gentleman considered the fact that in Porto Rico, as in all tropical or semitropical countries, children reach maturity much earlier than they do in the Temperate Zone?

Mr. LONDON. I do not know. What I have in mind is this: The probabilities are that these children will be exploited by capital. These children will be exploited by a growing industrial class, by capitalists that will come from America, who will have no compunction about utilizing the labor of young children. That is what I have in mind. If you consider this amendment too sweeping, why not offer amendments that would make it more adaptable? But do not insist on a provision which as it stands has absolutely no meaning, but adds to its other vices the vice of hypocrisy, because it proposes to limit——

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. DAVENPORT. I want to understand if the gentleman's contention is that young children under the age of 16 years, irrespective of whether or not they have a father or mother living, shall not be permitted to work on a farm or in any other occupation that is not hazardous or injurious to their health or morals?

Mr. LONDON. Oh, that orphan-and-widow argument has been worked to death for the last 100 years. I saw it in the report of a British commission which examined into the condition of children way back in 1817.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DAVENPORT. Mr. Chairman, I wanted to ask the gentleman a question as to whether or not that is his contention. I ask unanimous consent that he may have one minute more in order that he may have the opportunity to answer the question I addressed to him.

The CHAIRMAN. The gentleman from Oklahoma [Mr. DAVENPORT] asks unanimous consent that the gentleman from New York [Mr. LONDON] may proceed for one minute more. Is there objection?

There was no objection.

Mr. DAVENPORT. I made that request, Mr. Chairman, in order to be informed as to whether or not it was the gentleman's contention that children under the age of 16 years should not be permitted to be hired for farm labor or for any other kind of labor for wages?

Mr. LONDON. An orphan child?

Mr. DAVENPORT. An orphan child, or a child that has parents.

Mr. LONDON. Civilized States are beginning to learn how to take care of the orphaned by establishing widows' pension funds. We have such a fund, the beginning of such a fund, in New York. It is the only way to save the orphan child, to prevent it from being exploited in infancy. I would permit a child to be employed by its own parents, but I would not permit a child under the age of 16 to be exploited, because the child can not take care of itself.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LONDON. This leave, Mr. Chairman, applies to some former remarks I made on another amendment, does it not?

The CHAIRMAN. Yes; it does.

Mr. MURRAY. Mr. Chairman, this brings up two views with reference to the rearing of children. There are a bunch of mollycoddles in the country who believe that children ought not to be permitted to work until they reach a certain age. As a matter of truth, unless you make them work they will be shiftless in after life. I believe there ought to be a few speeches made here on the subject of the "evils of child idleness." Now, suppose we adopt the most restricted definition that the gentleman could give it—that is, "paid for their work." Here is a widow with one boy. She is washing for a living. Under that provision that boy could not aid her by carrying the clothes back and forth. Away with such a proposition! As a matter of truth, the boy who starts to study a trade and goes up the line from the bottom will in the end make the most thrifty man. [Applause.] That is the reason why the poor men of the country rear boys who can succeed in life, and that is the reason why the wealthy, who give their children all they want, satisfying all their appetites and passions, keeping them from any kind of labor, rear a lot of boys for the dramshops, the gambling dens, and the poorhouse. I would not want my boys to be reared otherwise than to work. When I came to Washington, finding that there was no employment in the summer months when school ended, I said to my boys, "What are you going to do? Are you going to lie around here on the streets playing and learning meanness?" They finally said they would be willing to sell newspapers; and since we have been in Washington they have sold newspapers on the street, and last summer earned $12 a month each, and while doing so bettering their opportunities for success in life. [Applause.]

The Government ought not to attempt to go further than to prevent the child from working in places harmful to the child's life, health, and morals. Granting that most men do not and can not rear their children in an ideal way, nevertheless the man who works day in and day out and year in and year out to feed and clothe and support his children will in the end do far better toward those children than to attempt to follow the doctrine that would be laid down by the gentleman from New York [Mr. LONDON] to rear and educate them "according to law."

Mr. LONDON. Will the gentleman yield one moment?

Mr. MURRAY. Yes.

Mr. LONDON. Does the gentleman disapprove of child-labor legislation?

Mr. MURRAY. I am opposed to any child-labor legislation that goes further than to take children from places injurious to their morals, their health, or their lives, or that tries to prohibit their learning to work. I believe that after all you must leave with the parents the greatest responsibility, however poor the parents may be, to teach the children their morals and their training. Otherwise, or if you follow the doctrine of the gentleman from New York [Mr. LONDON], it would mean that children must be reared according to law in a public nursery, and I do not believe that any rearing of children according to the rules of law will be as good as letting the parent who strives day after day and year after year give them the proper training.

Mr. LONDON. Will the gentleman yield?

Mr. MURRAY. Yes.

Mr. LONDON. Has any suggestion been made by me which would indicate that I want children to be trained in a public nursery at public expense?

Mr. MURRAY. No; but the gentleman represents a doctrine that does favor it, and in the first Oklahoma Legislature they came there urging it, and that is why I know the doctrine that the gentleman refers to. Better to have societies organized to prevent child idleness and to keep them employed, for "an idle brain is the devil's workshop."

Mr. LONDON. Have not a majority of the States of the Union adopted child-labor laws?

Mr. MURRAY. I am not acquainted with a majority of the States, but I am acquainted with what ought to be done. I say to you that the boy who starts at the ground and goes up with the business will be a boy who can take care of that business and himself in after life and will not become a vagabond and a burden upon society. Why do Jews prove thrifty? Because every Jew boy must hustle—must get up and do. You must restrain a boy in his appetites and passions if you expect to make a man out of him. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. LONDON].

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to this section? If not, the Clerk will read:

The Clerk read as follows:

Page 4, line 18, section 3——

Mr. TOWNER. Mr. Chairman, I have an amendment.

The CHAIRMAN. Will the gentleman allow the Clerk to finish the reading of the section?

Mr. TOWNER. This is an amendment to section 2.

The CHAIRMAN. We have passed section 2.

Mr. TOWNER. I was on my feet, Mr. Chairman.

The CHAIRMAN. The Chair failed to hear the gentleman. The Chair asked if there were any further amendments to this section, and no one offered anything.

Mr. TOWNER. I was on my feet, Mr. Chairman.

The CHAIRMAN. The section has been passed. It will require unanimous consent.

Mr. DAVENPORT. The gentleman is a member of the committee.

Mr. BENNET. I ask unanimous consent that the gentleman from Iowa may offer his amendment.

Mr. GARRETT. Is this the amendment of the gentleman from Iowa [Mr. TOWNER]?

The CHAIRMAN. Yes.

Mr. GARRETT. He is a member of the committee. I ask unanimous consent to return to section 2.

The CHAIRMAN. Is there objection? No objection is heard, and the Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. TOWNER: Page 2, line 4, strike out the word "in" and insert in lieu thereof the words "under the government of."

Mr. TOWNER. Mr. Chairman, this is just simply a verbal change that I think ought to be made in the language, so that it will read:

Hold any office of profit or trust under the government of Porto Rico.

I think it is necessary in order to make it clear.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. TOWNER].

The amendment was agreed to.

Mr. TOWNER. Another amendment: On page 4, in line 2, after the word "under," insert the words "the government of."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 2, after the word "under," insert the words "the government of."

The amendment was agreed to.

Mr. TOWNER. Another amendment: In line 16, on page 4, after the word "action," I move to insert the words "now existing."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 16, after the word "action," insert the words "now existing."

Mr. GARRETT. Mr. Chairman, just a moment, if the gentleman will permit, before that is voted on. The bill provides—

That the right of action to recover damages for injuries resulting in death shall never be abrogated.

If you insert the words "now existing," it might possibly be construed to exclude subsequent rights of action that might arise. I suggest to the gentleman that this language is broader than the language that he offers.

Mr. TOWNER. I do not know whether the right to recover for death losses exists under the laws of Porto Rico or not.

Mr. BENNET. It does not exist under the civil law. In our State of New York we found that we had to insist on these words, there being no right at common law, nor under the Roman or civil law, and unless you preserve some right of action you have nothing.

Mr. GARRETT. The point I am making is that the language of the gentleman from Iowa would limit it to the right now existing, and might by construction exclude all rights that might arise in the future.

Mr. BENNET. It says that the right shall not be abrogated.

Mr. GARRETT. If no right exists, if it is true that under the Roman law no right exists, it would not add anything to it.

Mr. BENNET. There may be a right of action under some statute that we passed.

Mr. GARRETT. If so, it will be continued.

Mr. DAVENPORT. My recollection is that we extended the statutes over Porto Rico which gives them that right.

Mr. TOWNER. Mr. Chairman, I do not insist on this amendment, and I ask unanimous consent to return to it if necessary.

The CHAIRMAN (Mr. FOSTER). Without objection, the amendment is withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 3. That no export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Porto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law, and to protect the public credit: *Provided, however*, That no public indebtedness of Porto Rico or of any municipality thereof shall be authorized or allowed in excess of 7 per cent of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Porto Rico or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. In computing the indebtedness of the people of Porto Rico bonds issued by the people of Porto Rico secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico shall not be counted.

Mr. BORLAND. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 5, line 5, strike out the words "authorized or allowed" and insert the word "valid."

Mr. BORLAND. Mr. Chairman, these bonds are either valid or invalid, for in this act there is no provision for some higher body to authorize the issuance of a bond. There is no provision in this bill to permit anybody to authorize the bonds. I think the word used here ought to be "valid," and if the committee concurs in it, I will not take the further time of the committee.

Mr. JONES. I call the gentleman's attention to the language of the bill. This is the language he desires to have amended:

That no public indebtedness of Porto Rico or of any municipality thereof shall be authorized or allowed in excess of 7 per cent of the aggregate tax valuation of its property.

The very section in which this language is found also provides for the creation of a public indebtedness, but such public indebtedness shall not be authorized in excess of 7 per cent of the taxable value of all property in Porto Rico. If his amendment is adopted the bill will read "that no public indebtedness of Porto Rico or of any municipality thereof shall be valid in excess of 7 per cent," and so forth. It may be that same municipality has now a bonded indebtedness in excess of 7 per cent. If so, the effect of this amendment would be to make that indebtedness invalid. The language of the bill, in my opinion, fully accomplishes the purpose for which it was intended. I can not see how you can make it any plainer.

Mr. BORLAND. I will explain. If there are issues of bonds in Porto Rico, and the chairman of the committee, I suppose, would be familiar with the issues of those bonds——

Mr. JONES. I am not saying that there are any.

Mr. BORLAND. Then an exception should be made; but I contend that this language is necessary. If a municipality in Porto Rico undertakes to issue bonds in excess of its power under the organic law, the validity of these bonds as a burden on the property owners comes before the courts. The question before the court is, Are these bonds that were issued valid or invalid under the organic act? If the organic act provides for some authorization like Congress or by the governor or some other person, then they might be shown to be valid by showing that they were authorized; but the purpose here is to restrain the issuance by a municipality or corporation beyond 7 per cent. That must be obtained by making the overissue invalid.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. BRUMBAUGH. May not the word "valid" have a meaning or construction different from what the gentleman intends it to have? Who would decide as to the validity? Would not the court decide it?

Mr. BORLAND. Precisely.

Mr. BRUMBAUGH. Before they could go ahead with the issue of the bonds they would have to be submitted to the court.

Mr. BORLAND. Not necessarily. If nobody attacked the bonds, there is no case for the court; but if the property owner attacks the bonds as being an overissue the question is whether they were issued in accordance with the provisions of the organic act, namely, whether they exceeded 7 per cent valuation. All these provisions are to restrain parties from issuing an excessive amount of bonds and indebtedness.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. I ask unanimous consent that the gentleman may have one minute more in order that he may answer a question I desire to ask him.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES. If bonds not authorized by this law should be issued, would they not be invalid?

Mr. BORLAND. Let me ask the gentleman a question. What does the words "authorized or allowed" mean?

Mr. JONES. In this connection it means that the Porto Rican Government created under this bill shall not authorize the creation of the public indebtedness contemplated in the bill to an amount that will be in excess of 7 per cent of tax values.

Mr. BORLAND. Well, I see the gentleman's point, and I will answer. If we were to strike out the words "or allowed" and insert before the word "authorized" the word "hereby," that language would be absolutely in accordance with his meaning now. If we were to say "it is hereby authorized in excess of 7 per cent," that would be satisfactory to the position the gentleman has stated, but it says "authorized or allowed."

Mr. JONES. I do not see how the insertion of the word "hereby" would improve matters.

Mr. BORLAND. It says "authorized or allowed," which implies there is a power resident somewhere outside of this act to authorize or allow.

Mr. JONES. I think not; I think that is a strained construction.

Mr. TILSON. Mr. Chairman, I rise in opposition to the gentleman's motion. Is not the trouble with my friend from Missouri the fact that he interprets this to mean an authorization of bonds or other forms of indebtedness, whereas, as a matter of fact, it is a limitation upon the legislative body of Porto Rico? It says to the legislative body of Porto Rico, or any municipality thereof, "You shall not authorize bonds in excess of 7 per cent." That is what it says. Now, as a matter of fact, if in violation of this organic act the legislative body itself should authorize or by legislative act allow some municipality to authorize bonds in excess of 7 per cent, then they would be invalid. This, however, is not an authorization for bonds, but it is a limitation upon the authority of bodies which may authorize bonds. Therefore it seems to me it is correct as it stands. Certainly it would be entirely incorrect and not convey the proper meaning if the word "authorized" were stricken out and the word "valid" inserted.

Mr. BORLAND. I want to call the attention of the gentleman before he sits down to the effect of this language:

And when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any other municipal government therein as provided by law—

There is direct authority in your organic law to issue bonds. Now, so far it is unlimited. It goes on to say:

and protect the public credit.

Then it goes on and attempts to limit that authority to 7 per cent of the tax valuation of its property. My contention is that limitation intends to say that an overissue is invalid.

Mr. TILSON. I do not understand there is any authorization of bonds made here at all.

Mr. BORLAND. The gentleman can read it.

Mr. TILSON. This says they shall not issue bonds in excess of a certain amount.

Mr. BORLAND. The words here give power to issue bonds, and if the gentleman will read it, he will see it.

Mr. TILSON. That gives authority to the legislative assembly, or whatever it may be, to authorize bonds; but it states that it shall not authorize them beyond a certain amount. No specific bonds are authorized, and it does not attempt to say that certain bonds are valid and certain invalid, but says——

Mr. BORLAND. The gentleman has not read that carefully. It says:

And when necessary to anticipate taxes and revenue, bonds and other obligations may be issued by Porto Rico or any other municipal government therein.

There is direct authority—"may be issued."

Mr. TILSON. There is a limitation upon that.

Mr. BORLAND. It is unlimited. Then you come to the words:

And no public indebtedness of Porto Rico or of any municipality thereof shall be authorized or allowed—

By whom?—

in excess of 7 per cent.

Now, my amendment is—

Shall be valid in excess of 7 per cent.

Mr. TILSON. No; it should stand as it is as a limitation upon what may be authorized by the legislative body or any municipality thereof.

Mr. MADDEN. Mr. Chairman, I make the point of order there is no quorum present. This is Saturday night, and we have worked very hard all the week.

Mr. JONES. Mr. Chairman, I hope the gentleman will wait until we get through with this section. It is not 5 o'clock yet.

The CHAIRMAN. The gentleman from Illinois makes the point of order there is no quorum present.

Mr. JONES. Mr. Chairman, I hope the gentleman will withdraw it.

Mr. MADDEN. Mr. Chairman, I make the point of order of no quorum.

Mr. JONES. I will ask the gentleman from Illinois to withhold his point until we complete this section. I do not think it will take many minutes.

Mr. MADDEN. I withdraw the point for the present, Mr. Chairman.

Mr. YOUNG of North Dakota. Mr. Chairman——

The CHAIRMAN. There is an amendment pending now. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. YOUNG of North Dakota. Mr. Chairman, this section states that the bonded indebtedness shall be limited to 7 per cent of the assessed valuation, which is ordinarily considered quite high. It would seem to me that the language is sufficiently broad to permit a limit of 7 per cent for the municipal indebtedness, also 7 per cent for school indebtedness on top of 7 per cent for the island government. If so, that would make in some portions of the island indebtedness as high as 21 per cent of the assessed valuation. Should not the wording be changed? Should there not be a limit much under 21 per cent for all kinds of public indebtedness?

I would like to ask the chairman of the committee as to his idea of the meaning of these lines 4 and 5.

Mr. JONES. Well, I will say that the government of Porto Rico could not issue bonds and sell them in excess of 7 per cent of the taxable value. It expressly says, "Of any municipality." It does not speak of any other subdivision.

Mr. YOUNG of North Dakota. It says, "Or any municipality thereof." Is not a school district a municipality?

Mr. JONES. I will say, if the government of Porto Rico could incur indebtedness not exceeding 7 per cent the city of San Juan could do the same thing.

Mr. YOUNG of North Dakota. How about the school district?

Mr. JONES. There is no authority here. There is nothing here on the subject of school districts.

Mr. YOUNG of North Dakota. Does not the gentleman think that the limit would be rather high at 14 per cent?

Mr. JONES. I do not think so. I think property values there are very small.

The CHAIRMAN. The Clerk will read.

Mr. BORLAND. Mr. Chairman, I offer an amendment to section 3, page 5, line 5, after the word "be," insert the word "hereby."

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 5, after the word "be," insert the word "hereby."

Mr. BORLAND. So that the language will read.

The Clerk read as follows:

Shall be hereby authorized or allowed in excess of 7 per cent.

Mr. BORLAND. If this authorization and allowance is meant the authorization and allowance given by this particular act, it ought to so state. If it is an authorization or allowance by somebody else, the committee would be opposed to its insertion at all.

Mr. GARRETT. Will the gentleman permit. If that language should be inserted which the gentleman suggests, it would mean that they could not authorize anything more, but it would mean the Porto Rican Legislature, of course, could authorize it. The purpose is to put a limitation on the Porto Rican government itself and the municipality. If the gentleman puts in his language, the limitation would not be any limitation at all.

Mr. BORLAND. I offered it a little while ago, and the chairman said the authorization and allowance was in this act. I did not agree with him.

Mr. JONES. I call for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That the capital of Porto Rico shall be at the city of San Juan, and the seat of government shall be maintained there.

Mr. MADDEN. Mr. Chairman, I renew the point of order.

Mr. JONES. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9533, the Porto Rican bill, and had come to no resolution thereon.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask to call up the bill S. 4856 for the purpose of agreeing to a conference report. It will take only a moment.

The CHAIRMAN. The Clerk will report the title.

The Clerk read as follows:

An act (S. 4856) granting pensions and increase of pensions to soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the report as follows:

CONFERENCE REPORT (NO. 727).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4856) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 3, 9, 11, 12, 13, 14, 15, 18, and 19.

That the Senate recede from its disagreements to the amendments of the House numbered 5, 7, 8, 10, 16, 17, and 20, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

Amendment numbered 6: That the Senate recede from its disagrement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

Amendment No. 1: Reinstates the provision for increase of pension for Moses Green as proposed by the Senate.

Amendment No. 2: Grants a pension of $36 instead of $40 as proposed by the House and $30 as proposed by the Senate.

Amendment No. 3: Reinstates the provision for increase of pension to Justine M. Thrift as proposed by the Senate.

Amendment No. 4: Grants a pension of $36 instead of $40 as proposed by the House and $30 as proposed by the Senate.

Amendment No. 5: Grants a pension of $40 as proposed by the House.

Amendment No. 6: Grants a pension of $36 instead of $40 as proposed by the House and $30 as proposed by the Senate.

Amendment No. 7: Strikes out the provision for pension for James H. Moser.

Amendment No. 8: Grants a pension of $24 as proposed by the House.

Amendment No. 9: Grants a pension of $30 as proposed by the Senate.

Amendment No. 10: Grants a pension of $24 as proposed by the House.

Amendment No. 11: Reinstates the provision for pension for increase of pension to John S. Allison as proposed by the Senate.

Amendment No. 12: Reinstates the provision for pension for increase of pension to George W. Doyle as proposed by the Senate.

Amendment No. 13: Reinstates the provision for pension for increase of pension to Harvey D. Plummer, alias Harvey D. Picknell, as proposed by the Senate.

Amendment No. 14: Reinstates the provision for pension for increase of pension to Benjamin H. Whipple as proposed by the Senate.

Amendment No. 15: Reinstates the provision for pension for increase of pension to Julia C. Bradley as proposed by the Senate.

Amendment No. 16: Grants increase of pension to $24 as proposed by the House.

Amendment No. 17: Grants increase of pension to $24 as proposed by the House.

Amendment No. 18: Grants increase of pension to $25 as proposed by the Senate.

Amendment No. 19: Reinstates the provision for pension for increase of pension to Louis Badger as proposed by the Senate.

Amendment No. 20: Makes provision for additioml pension on account of soldier's helpless child as proposed by the House.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

HOUR OF MEETING MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks upon the Porto Rican bill.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned until Monday, May 22, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TILLMAN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6876) to amend an act entitled "An act to amend an act entitled 'An act to provide for the adjudication and payment of claims arising from Indian depredations,' approved March 3, 1891," approved January 11, 1915, reported the same without amendment, accompanied by a report (No. 736), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NORTON, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12030) to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914, reported the same without amendment, accompanied by a report (No. 737), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLYNN, from the Committee on Claims, to which was referred the bill (H. R. 8010) making an appropriation to pay the legal representatives of the estate of John H. Christy, deceased, to wit, E. J. Christy and others, heirs at law of John H. Christy, late of the State of Georgia, in full for any claim for salary and allowance made by reason of the election of the said John H. Christy to the Thirty-ninth Congress and his services therein, reported the same with amendment, accompanied by a report (No. 738), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1106) for the relief of C. E. Moore; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 2597) for the relief of E. B. Huntley, Noah Harper, and S. Hoagland, sureties on the bond of Mrs. Jewell B. Hope, postmaster at Astor Park, Fla.; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 2742) to reimburse Isaiah Stephens, postmaster of McMechen, Marshall County, W. Va., for money and postage stamps stolen; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 4416) to reimburse L. W. Dragoo, formerly postmaster at Smithfield, Wetzel County, W. Va., for money, money orders, and postage stamps stolen; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 5849) granting a pension to Cornelius J. Hurley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10810) granting a pension to Louis F. Pampe; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5882) to defray expenses of L. K. Meldrim in certain litigation; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 5990) to reimburse S. S. Buzzerd, postmaster of Berkeley Springs, Morgan County, W. Va., for cash stolen; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 6267) to reimburse Tennie A. Anderson, postmaster at Maplewood, Fayette County, W. Va., for money, money orders, and postage stamps stolen; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 10015) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, or otherwise; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 10792) for the relief of George F. Nicholson; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 12725) for the settlement of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue to use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, and directing him to determine upon a fair, just, and equitable compensation for the use of said inventions; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 14345) to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 14568) granting a pension to Benjamin Burkett, Rural Retreat, Va.; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14989) granting a pension to Nina H. Love; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. McGILLICUDDY: A bill (H. R. 15839) to regulate the importation into the United States of halibut or salmon taken in the North Pacific Ocean or its tributary waters; to the Committee on Ways and Means.

By Mr. HULBERT: A bill (H. R. 15840) for the purchase of certain lands in the District of Columbia for a public park; to the Committee on Public Buildings and Grounds.

By Mr. LONDON: A bill (H. R. 15841) to amend section 17 and section 64 of the bankruptcy act; to the Committee on the Judiciary.

By Mr. RUCKER: A bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. CARTER of Oklahoma: A bill (H. R. 15843) to establish the southern district of the United States court in the State of Oklahoma, and for other purposes; to the Committee on the Judiciary.

By Mr. HULBERT: Resolution (H. Res. 245) relative to summary execution of Irish prisoners; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15844) granting an increase of pension to Norman Gregory; to the Committee on Invalid Pensions.

By Mr. BEALES: A bill (H. R. 15845) granting an increase of pension to Daniel Deitrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15846) granting an increase of pension to George M. Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15847) granting an increase of pension to Elizabeth Spangler; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 15848) to remove disabilities of Edward R. Schauffler; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 15849) granting a pension to William E. Keels; to the Committee on Pensions.

Also, a bill (H. R. 15850) granting a pension to Robert Wilks; to the Committee on Pensions.

By Mr. COLEMAN: A bill (H. R. 15851) for the relief of William H. Watt; to the Committee on Claims.

By Mr. CRAGO: A bill (H. R. 15852) for the relief of Allen Hyatt; to the Committee on Military Affairs.

By Mr. DECKER: A bill (H. R. 15853) granting an increase of pension to John K. Miller; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 15854) granting an increase of pension to John Johnson; to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 15855) granting an increase of pension to Edward C. Eubanks; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 15856) granting an increase of pension to Catharine Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15857) for the relief of George Moran; to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 15858) granting an increase of pension to Mary J. Peirce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15859) granting an increase of pension to Frank R. Barfoot; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 15860) granting an increase of pension to Catharine Shirkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15861) granting an increase of pension to Laura S. Pritchard; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15862) granting an increase of pension to Caroline Rively; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15863) granting an increase of pension to Euphenia Spangler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15864) granting an increase of pension to Anna Helfrich; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 15865) granting an increase of pension to Eda M. McCammon; to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 15866) granting a pension to Cora G. Baber; to the Committee on Pensions.

By Mr. PARKER of New York: A bill (H. R. 15867) granting an increase of pension to William Holley; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 15868) granting an increase of pension to Amanda Adams Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15869) granting an increase of pension to Julia V. White; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 15870) granting a pension to Eva S. Lamson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BACHARACH: Memorial of Convention of Mental Hygiene Societies of the United States, favoring bill for division of mental hygiene in United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN of Illinois: Petition of 187 citizens of Chicago, Ill., favoring House bill 127, relative to shipment of milk; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of Philadelphia Chamber of Commerce, in re Senate bill 19; to the Committee on Interstate and Foreign Commerce.

By Mr. CLINE: Petition of Mary Stirk and 70 others, members of the Ladies of the Grand Army of the Republic of Fort Wayne, Ind., favoring increase of widows' pensions; to the Committee on Invalid Pensions.

By Mr. DALE of New York: Petition of Louise M. Tyler, of Denver, Colo., favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, memorial of the Convention of Mental Hygiene Societies of the United States, favoring bill for division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of P. A. Casberg and 15 others, of La Crosse, Wis., favoring bill to prohibit Taylor system in Government shops; to the Committee on Labor.

By Mr. GALLIVAN: Memorial of Convention of Mental Hygiene Societies, favoring bill relative to division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston Retail Grocers' Association, against bill for compulsory use of the metric system in the United States; to the Committee on Coinage, Weights, and Measures.

By Mr. KELLEY: Petition of eight retail jewelry firms of Pontiac, Mich., favoring Stephens price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Memorial of Phoebe L. Cargill Technical High School, of Providence, R. I., in favor of Senate bill 4874; to the Committee on Military Affairs.

By Mr. LAFEAN: Petition of American Union Against Militarism, against proposed subsidy to National Guard; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of Canteleu Bros., factors, of Montgomery, Ala., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Qui Vive Club, Mrs. Eugene Henry, Birmingham, Ala., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, Local Union No. 1912, Hartford, Ark., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Dr. M. E. Jaffa, consulting nutrition expert, Berkeley, Cal., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Mr. F. M. Andreasen, secretary State dairy bureau of California, San Francisco, Cal., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Woman's Club, Virginia Barlett, secretary, Paso Robles, Cal., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Browning Club, Mrs. Caroline O. Bradley, secretary, Los Angeles, Cal., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Woman's Bindery Union, Local No. 42, International Brotherhood of Bookbinders, Miss Flora C. Plumb, secretary, Washington, D. C., indorsing House resolution 127; to the Committee on Rules.

Also, petition of Woman's Civic League, Miss A. O. Plaisted, president, Winter Haven, Fla., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Commercial Travelers of America, H. M. Ashe, secretary, Atlanta, Ga., indorsing House resolution 137; to the Committee on Rules.

Also, petition of the Order of Railroad Telegraphers, Mr. C. A. Pye, secretary, Oglethorpe, Ga., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Dr. H. Louis Jackson, State chemist, board of health, Boise, Idaho, indorsing House resolution 137; to the Committee on Rules.

Also, petition of Consumers' Cotton Oil Mills, F. W. Dewson, Chicago, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Dr. John D. Robertson, commissioner of health, Chicago, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Mr. A. W. Currin, Chicago, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Mr. John B. Newman, assistant commissioner, State food department, Chicago, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Ladies' Athaneum, Miss Emma J. Imig, secretary, Minier, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of the Illinois League for Nursing Education, Miss Elsie L. Burks, secretary, Chicago, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of E. Re Nata Club, Mrs. F. C. Arthur, Streator, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Indiana Division, Travelers' Protective Association, Mr. Charles M. Zink, of Indianapolis, Ind., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Fort Wayne Antituberculosis League, Miss Irene Byron, secretary, of Fort Wayne, Ind., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers, Local No. 942, J. Frank Sherum, of Montgomery, Ind., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Woman's Club, Mrs. I. W. Douglass, of Maxwell, Iowa, indorsing House resolution 137; to the Committee on Rules.

Also, petition of Kansas State Agricultural College, Dr. J. T. Willard, of Manhattan, Kans., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Gove City Chapter of the Utopian Club, Mrs. Claude Thomas, of Gove City, Kans., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Croweberg Local Union, No. 1896, Mr. Frank Eber, of Croweberg, Kans., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Kansas State Federation of Labor, Charles Hamlin, secretary, of Leavenworth, Kans., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Current Events Club, Mrs. Daniel B. Weeks, of Augusta, Me., indorsing House resolution 137; to the Committee on Rules.

Also, petition of chief, bureau of bacteriology, department of health, Dr. William Royal Stokes, of Baltimore, Md., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Mr. Henry M. Walker, of Baltimore, Md., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Harvard Medical School, Dr. M. J. Rosehau, of Boston, Mass., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Medical Woman's Club, Margaret Kock, M. D., president, of Minneapolis, Minn., indorsing House resolution 137; to the Committee on Rules.

Also, petition of State Chemist Dr. W. F. Hand, of Agricultural College, Miss., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Stove Mounters' International Union, Local No. 34, E. W. Kaiser, secretary, of St. Louis, Mo., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, Local No. 858, B. D. Chesney, of Bearcreek, Mont., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Woman's Club, Ellen Stewart Griffin, president, of Franklin, N. H., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Barbers' Union, James McAdams, of Watervliet, N. Y., indorsing House resolution 137; to the Committee on Rules.

Also, petition of North Carolina Cotton Seed Crushers' Association, H. A. White, secretary, of Greenville, N. C., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Order of Railroad Telegraphers, J. H. Williams, of Wilson, N. C., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Granite Cutters' International Association, J. O. Belton, secretary, of Mount Airy, N. C., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Newbern Cotton Oil & Fertilizer Mills, C. L. Ives, president, of Newbern, N. C., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Women's Club, Mrs. George Dial, president, of Springfield, Ohio, indorsing House resolution 137; to the Committee on Rules.

Also, petition of Sorosis Club, Mrs. George Lee Miller, president, of Canton, Ohio, indorsing House resolution 137; to the Committee on Rules.

Also, petition of superintendent, Cincinnati Antituberculosis League, Dr. Courtenay Dinwiddie, of Cincinnati, Ohio, indorsing House resolution 137; to the Committee on Rules.

Also, petition of grand counselor, United Commercial Travelers, Mr. Louis Wirth, of Dayton, Ohio, indorsing House resolution 137; to the Committee on Rules.

Also, petition of Laundry Workers' Local No. 28, of Chickasha, Okla., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Portland Railroad Woman's Club, Miss Emma I. Holmes, secretary, of Portland, Oreg., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Woman's Civic Club, of Lebanon, Oreg., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, W. A. Kelley, secretary, South Fork, Pa., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, Local 2179, John Andrews, secretary, Lilly, Pa., indorsing House resolution 137; to the Committee on Rules.

Also, petition of department of biology, Lafayette College, Prof. William F. Foster, Easton, Pa., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Civic League and Housewives' Club, Mrs. J. L. Barringer, president, Florence, S. C., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Memphis Bag Co., William Borwork, manager, Memphis, Tenn., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, John J. Boise, secretary, Soddy, Tenn., indorsing House resolution 137; to the Committee on Rules.

Also, petition of P. I. Fletcher, Texline, Tex., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Dallas Oil & Refining Co., J. S. Le Clerco, manager, Dallas, Tex., indorsing House resolution 137; to the Committee on Rules.

Also, petition of W. S. Forbes & Co., S. C. Ewing, Richmond, Va., indorsing House resolution 137; to the Committee on Rules.

Also, petition of polishers' branch of the International Association of Granite Cutters, Mr. Arthur H. Pine, Barre, Vt., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, J. S. Johnson, secretary, Carbonado, Wash., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, Local 2586, D. T. Rayford, Mahon, W. Va., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Boiler Makers' Brotherhood, Mr. F. G. Maybury, Elkins, W. Va., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, Local No. 2293, Port. J. Ward, Rock Springs, Wyo., indorsing House resolution 137; to the Committee on Rules.

By Mr. MEEKER: Memorial of Rising Sun Council, No. 52, of Luxemburg, Mo., against bill to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. OAKEY (by request): Memorial of Sunday school of Fourth Church, of Hartford, Conn., favoring bill for Federal censorship of motion pictures; to the Committee on Education.

By Mr. O'SHAUNESSY: Memorial of Wood & Skilton, of Philadelphia, Pa., in re House bill 165; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Providence Central Federated Union, of Providence, R. I., and the Rhode Island State Branch of the American Federation of Labor in re House bill 8828 and Senate bill 3457; to the Committee on Appropriations.

Also, memorial of American Association for Labor Legislation in re House bill 15376; to the Committee on Labor.

Also, memorial of the national committee for mental hygiene in re House bill 721; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Newport Central Labor Union, favoring investigation of dairy conditions in the United States; to the Committee on Rules.

Also, memorial of the Franklin Typothetæ, of Chicago, in favor of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of one hundredth meeting of the National Association of Cotton Manufacturers, favoring preparedness; to the Committee on Military Affairs.

Also, petition of American Women's German Aid Society, of Saylesville, R. I., in re foreign conditions; to the Committee on Foreign Affairs.

Also, memorial of Jenckes Spinning Co., of Pawtucket, R. I., in re House bills 8665 and 8677; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Memorial of Manufacturers' Association of Texas, favoring the Shields water-power bill; to the Committee on Rivers and Harbors.

By Mr. STINESS: Petition of Jenckes Spinning Co., of Pawtucket, R. I., against bills to prohibit Taylor system in Government shops; to the Committee on Labor.

By Mr. TAGUE: Memorial of Central Council of Irish County Associations of Massachusetts, relative to treatment of Irish prisoners by England; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *May 22, 1916.*

(*Legislative day of Thursday, May 18, 1916.*)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of the Committee on Commerce, page 25, line 5, after the word "including," to strike out the word "works" and insert "bank protection"; in line 6, after the words "Pine Bluff and," to insert "Little Rock and vicinity and"; and, in line 7, after the word "plant," to strike out "$209,700" and insert "$234,700," so as to make the clause read:

Arkansas River, Ark. and Okla.: For maintenance of improvement, including bank protection at Pine Bluff and Little Rock and vicinity and the operation of dredging plant, $234,700.

Mr. CLARKE of Arkansas. Mr. President, a parliamentary inquiry. On last Saturday the pending item in the bill was submitted to a yea-and-nay vote, and the vote on this particular proposition disclosed the absence of a quorum. What is the ruling of the Chair as to whether the names of the absentees shall be called or that the vote be declared void, to be taken over?

The VICE PRESIDENT. The opinion of the Chair is that the roll call developing a quorum—the taking of the yeas and nays on the amendment is the pending question; that the roll call must be proceeded with and a quorum developed.

Mr. CLARKE of Arkansas. De novo, overlooking the former call?

The VICE PRESIDENT. De novo.

Mr. CLARKE of Arkansas. I have no objection.

Mr. KENYON. Then the order of business is merely to proceed with the roll call.

Mr. BRANDEGEE. Did the Secretary call the roll to develop the presence of a quorum?

The VICE PRESIDENT. The Chair was not here, but the Chair understands that a quorum was developed.

Mr. BRANDEGEE. I did not understand that a quorum had been developed.

The VICE PRESIDENT. A quorum was developed.

Mr. CLARKE of Arkansas. A quorum was not developed on the vote upon the item, but it was developed upon the suggestion of the absence of a quorum. Whatever the ruling is it will be agreeable and we will conform to it.

The VICE PRESIDENT. The yeas and nays no doubt will develop a quorum this morning. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I see that he is not in the Chamber, and I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. WALSH (when his name was called). I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I have a pair with that Senator and withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Illinois [Mr. LEWIS], I vote "yea."

The roll call was concluded.

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. MYERS (after having voted in the affirmative). Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I transfer my pair with that Senator to the Senator from Maryland [Mr. LEE] and allow my vote to stand.

Mr. OVERMAN. I am paired with the junior Senator from Wyoming [Mr. WARREN]. I transfer my pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. CHILTON. I am paired with the Senator from New Mexico [Mr. FALL], but if present he would vote as I am about to do. I vote "yea."

Mr. GALLINGER (after having voted in the affirmative). I have voted, but I have a pair with the senior Senator from New York [Mr. O'GORMAN], who is absent. I transfer that pair to the Senator from Idaho [Mr. BRADY] and allow my vote to stand.

Mr. DILLINGHAM. Owing to the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, I withhold my vote.

Mr. WEEKS. I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. In the absence of that Senator I withhold my vote.

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness, and also the unavoidable absence of the senior Senator from Indiana [Mr. KERN].

Mr. OWEN. I wish to ask if the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I withhold my vote.

Mr. UNDERWOOD (after having voted in the affirmative). I am paired with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and allow my vote to stand.

Mr. MARTINE of New Jersey. I wish to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] on official business.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to my colleague [Mr. GORE] and vote "yea."

Mr. SHERMAN (after having voted in the negative). I wish to inquire if the Senator from Kansas [Mr. THOMPSON] has voted?

The VICE PRESIDENT. He has not.

Mr. SHERMAN. I have a pair with that Senator and withdraw my vote.

Mr. TILLMAN. I am paired with the Senator from West Virginia [Mr. GOFF] and withhold my vote.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The yeas and nays resulted—yeas 34, nays 14, as follows:

YEAS—34.

Bankhead	Hitchcock	Overman	Sheppard
Brandegee	Hollis	Owen	Simmons
Chilton	Hughes	Phelan	Smith, Ga.
Clapp	Jones	Pittman	Stone
Clark, Wyo.	Lea, Tenn.	Poindexter	Underwood
Clarke, Ark.	Lodge	Ransdell	Vardaman
Culberson	Martine, N. J.	Reed	Williams
Fletcher	Myers	Saulsbury	
Gallinger	Nelson	Shafroth	

NAYS—14.

Ashurst	La Follette	Smoot	Wadsworth
Husting	Norris	Sterling	Works
Johnson, S. Dak.	Page	Sutherland	
Kenyon	Pomerene	Taggart	

NOT VOTING—48.

Beckham	du Pont	Lewis	Smith, Ariz.
Borah	Fall	Lippitt	Smith, Md.
Brady	Goff	McCumber	Smith, Mich.
Broussard	Gore	McLean	Smith, S. C.
Bryan	Gronna	Martin, Va.	Swanson
Burleigh	Harding	Newlands	Thomas
Catron	Hardwick	O'Gorman	Thompson
Chamberlain	James	Oliver	Tillman
Colt	Johnson, Me.	Penrose	Townsend
Cummins	Kern	Robinson	Walsh
Curtis	Lane	Sherman	Warren
Dillingham	Lee, Md.	Shields	Weeks

The VICE PRESIDENT. The Senator from Illinois [Mr. SHERMAN] and the Senator from South Carolina [Mr. TILLMAN] are present in the Chamber, and if voting in the negative would not change the result. So the Chair declares the amendment of the committee carried. The next amendment of the committee will be stated.

Mr. CLARKE of Arkansas. We passed over the amendment embraced in lines 4, 5, 6, and 7, on page 11, to await the presence of the Senator from Delaware [Mr. SAULSBURY]. I ask that that amendment may be taken up.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The committee reports to insert, after line 3, on page 7, the following:

Maintenance and repair of the Government iron pier, Harbor of Lewes, Del., hereafter, under regulations prescribed by the Secretary of War, to be opened to public use, $10,000.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SMOOT. Mr. President, this is one of the items in the bill that I think, if we take the record into consideration, there is no justification for. I wish to call the attention of the Senate to a few of the things that I find in the report as given by the engineers and found in the committee report. Speaking of previous projects, it says:

A wooden-pile landing pier, about 1,200 feet long and 20 feet wide, terminating in 8 feet of water at the pierhead, was constructed in 1837 (act of Mar. 3, 1837), for use of vessels in communicating with the shore, so that provisions and supplies could be obtained, and also to give access to lines of travel and afford mail accommodations. This structure was guarded by a series of six ice-breaker piers on the seaward side and a like series on the inner side, placed 100 to 150 feet apart at distances of 75 feet from the landing pier. This structure cost about $60,000, and endured about 12 years. Its failure was caused by a vessel which broke through it after the piles had been honeycombed by boring worms. For scope of previous projects, see Appendix, page 1783.

Present project: The river and harbor act of July 15, 1870, adopted a project and appropriated $225,000 for the construction of "a good and substantial pier of stone or iron in the Delaware Bay, at or near Lewes, in Sussex County, in the State of Delaware," for the benefit of commerce that was expected to develop at this locality, but which has failed to materialize.

Operations and results prior to the fiscal year: Work was commenced April 15, 1871, and completed in 1882, except as to superstructure, at a cost of $353,546.41, and resulted in the construction of 1,155 linear feet of pier having a width of 21 feet, and 546 linear feet having a width of 42 feet, or a total length of 1,701 feet, with a depth of water at the pierhead of about 21 feet at mean low water. At the date of completion of the substructure, the superstructure of the inner section, which had been completed in accordance with the original plan, required complete rebuilding on account of decay. Between 1882 and June 30, 1890, the work was directed toward maintenance and practically carried to completion the superstructure of the pier. The amount expended for maintenance of the pier since completion is $34,292.99, making a total of $387,839.40 expended on the work up to the close of the previous fiscal year. The Junction & Breakwater Railroad, since absorbed by the Pennsylvania Railroad Co., was authorized by the act of July 15, 1870, to extend their railway upon and over the said pier, but this right has never been, and doubtless never will be, exercised, as the pier is not sufficiently strong to support the weight of a modern locomotive. The sundry civil act of March 3, 1891, authorized the Marine Hospital Service to occupy a portion of the pier.

The engineers proceed to tell us what the effect of the improvement has been. They say:

Effect of improvement: The pier has never been used to any extent for the interchange of commerce. It has been used occasionally as a landing place for vessels reporting at Lewes. The United States Lighthouse Establishment uses the pier as a place for the storage of buoys, the United States Life-Saving Service has a boathouse at a point about midway of the pier, and the United States Quarantine Service uses it occasionally for landing passengers. The pier was also used to some extent by the Engineer Department during the construction of the harbor of refuge in Delaware Bay from 1897 to 1901, but has not been used by this department to any extent since that time.

Mr. President, there was no appropriation made for this improvement for the years 1913, 1914, and 1915. When lump-sum appropriations were made in the last two river and harbor bills, and the division of that money was left in the hands of the Army engineers, not one cent was appropriated for this pier; in other words, for the last five fiscal years there has been nothing appropriated for this pier. The last appropriation made for its improvement was on February 27, 1911, and there was a thousand dollars appropriated at that time to make some repairs upon the pier.

There are no commercial statistics given by the engineers and I suppose there is no commerce affected by it. I judge so from the report made by the engineers themselves.

Therefore, Mr. President, it seems to me that this proposed appropriation would be an absolute waste of money. While the Government of the United States has already spent upon this pier $387,839.40, I believe the first loss is the best loss, and that we might just as well take that loss now and put no more money into this pier, which does not in any way benefit commerce, so far as I can see from any report which I have examined.

Mr. President, it is just such items as this, it seems to me, that ought to be stricken from the bill. This whole question was considered by the other House, and the House did not appropriate a dollar for this pier. It was considered by the committee in the House and they refused to insert an appropriation for it. When we consider the other items in this bill that were inserted by the House committee, items that ought never to be in a river and harbor appropriation bill, it seems to me that it is absolutely inexcusable to have this item included in the bill and the amount appropriated.

Mr. President, I expect the Senator from Delaware [Mr. SAULSBURY] to give his reasons why this item should be in the bill, but as soon as those reasons are given I hope that the Senate will vote to disagree to the amendment reported by the committee of the Senate.

Mr. SAULSBURY. Mr. President, the statement of the Senator from Utah [Mr. SMOOT] shows how true is the saying that a little knowledge is a dangerous thing. The distinguished Senator from Utah has taken a bit from the report of the committee, which shows quite a different state of facts, as he interprets that report, from the facts which anyone familiar with the ground and anyone familiar with the reports in the Engineer's Office of the War Department, from which I have to-day come, would consider the real condition.

I do not want this Congress to appropriate a single dollar for any purpose in the State which I in part represent unless such appropriation addresses itself to the good judgment of the Members of this body. The Senate, I think, will hear a considerable amount more about the harbor at Lewes, Del., before this session terminates, than it has heretofore, and I shall hope to make Congress somewhat familiar with the conditions.

The harbor of Lewes, Del., is a fine harbor, 120 miles from New York, 114 miles from the Capes of the Chesapeake, 101 miles from the city of Philadelphia, a little over 100 miles from this city—possibly it may be as far as 150 miles. That harbor is absolutely without any defenses, though it is known by the War Department, from official reports in its possession, to be the most vulnerable portion of our Atlantic seaboard. The War College have recommended, in a letter to the Military Committee of this body, the fortification of that harbor, and for a long period of time this Government has made improvements in that harbor, chiefly as a harbor of refuge for vessels engaged in the Atlantic seaboard trade, this being the only harbor between New York and the Capes of the Chesapeake which can be so used. The Government has spent at that point, in making that harbor of refuge, over two and one-quarter million dollars, as is shown by the schedule of expenditures at page 11 of the schedule which the committee submits.

This iron pier, which is in this harbor of refuge and which was built for the purpose of being used in the interchange of commerce at that point between boats and the shore, was built at an original expense of about $300,000, as I remember it, and the cost of maintenance brings the whole amount up to $387,839.

From the report from which the Senator from Utah read it would seem that there is no commerce in the port of Lewes. As a matter of fact there are several piers there, which have been erected by private parties and by subscription, where boats do land. There had been a large trade at Lewes, to my personal knowledge, until the small railroad referred to in this report as the Junction & Breakwater Road was purchased by the Pennsylvania Railroad Co. and added to its system. Then, after having purchased the railroad from the Old Dominion Steamship Co., the boats to New York, which ran daily, were discontinued, and the trade and traffic of that whole southern peninsula was diverted over the rails to Philadelphia and to New York rather than making the short trip by water from this point.

There have been from time to time lines of steamships plying to this port from Philadelphia, as well as from New York, but the superstructure of this pier has been allowed to fall into decay, simply because the people there could not use it, or they believed that they could not use it. So far as the development of commerce over that pier is concerned, the statement made in this report which the Senator from Utah read would remind me of a man who built a house and then walled up all the doors and windows with masonry, and when the roof had rotted off said it was not worth while to renew the roof because the house had never been used. That is practically the condition into which that pier has fallen at Lewes. When it was completed in the eighties and the request was made to use it for railroad purposes, for the interchange of traffic, it was found that the superstructure was too light to sustain the weight of a locomotive, and it is to-day too light to sustain the weight of a locomotive; but that does not mean that that pier can not be used for the interchange of ordinary traffic through light shifting engines or something of that kind.

Here is $380,000 worth of Government property which could be used by people who want to use it. They never have had the right to use it, as they supposed, and I can not find that any regulations have ever been promulgated for the use of that pier. The pier has just been allowed to go to pieces, so far as the superstructure is concerned, and that superstructure has now rotted.

Mr. KENYON and Mr. GALLINGER addressed the Chair.

Mr. SAULSBURY. I yield to the Senator from Iowa, who first rose, I think.

Mr. KENYON. I will yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, the inquiry I wish to make is this: Is it contemplated by this appropriation to strengthen the pier so that a modern locomotive could pass over it?

Mr. SAULSBURY. I do not think the $10,000 will place the pier in that condition. I think the $10,000 will renew the superstructure so that it can be used for ordinary traffic purposes, but not for trains.

Mr. KENYON. Mr. President——

Mr. SAULSBURY. I yield to the Senator from Iowa.

Mr. KENYON. I should like to inquire of the Senator why the pier has never been used? I have not heard any explanation of that.

Mr. SAULSBURY. The reason the pier has never been used, as I am informed, is that the people there have never thought they had the right to use it.

Mr. KENYON. Why have they thought that they did not have the right to use it?

Mr. SAULSBURY. Because, for example, here is a statement which I see in the report of the committee to the effect that an amendment was placed on the sundry civil bill authorizing the Marine Hospital Service to use the pier. I do not know whether they would have been permitted to use it or not; but this morning I stopped at the War Department and in talking with Col. Taylor in regard to it he said that they could have used it if they had asked permission to use it. Now they are asking permission to use it. I do not know how many times they have asked it heretofore, or whether they have ever done so, but evidently the pier has not for years been in a condition to be used.

Mr. KENYON. We have spent $387,000 on the pier, and that did not put it in condition for use.

Mr. NELSON. Mr. President, will the Senator from Delaware allow me?

Mr. SAULSBURY. Certainly.

Mr. NELSON. I want to suggest to the Senator this fact—and I think it ought to be decisive of the case—that the Government has spent over $350,000 in the construction of this pier, and it is now a question of whether the pier should be preserved or go to decay and destruction. I read from the report of the Chief of Engineers as follows:

It will require the expenditure of about $10,000 to place the pier in a reasonable state of repair.

We have invested a large sum of money in that pier, and it would be a shame if, for the lack of $10,000, we allowed it to go to decay and destruction. The previous expenditure would be an absolute waste. Waiving all other considerations, I think this is perfectly decisive of the case.

Mr. SAULSBURY. I thank the Senator. I was going to call attention to that recommendation.

Mr. SMOOT. Let me read the complete sentence from the report to which the Senator from Minnesota has just called the attention of the Senate. The engineers say:

It will require the expenditure of about $10,000 to place the pier in a reasonable state of repair, but for the reason that the pier is used so little no work of maintenance is proposed at this time.

That is the complete recommendation of the Army engineers.

Mr. SAULSBURY. Mr. President, I will call the attention of the Senator in a moment to what is the very latest recommendation of the Army engineers with regard to this pier. I was trying to get along toward that. I have read the reports of the Army engineers in regard to this pier and also the correspondence which I have had with a former Chief of Engineers. They seemed to be without information or, at least, unable to arrive at any recommendation regarding this pier.

I propose, Mr. President, to ask the Senate to increase this amount from $10,000 to $78,000, in accordance with the recommendation which is now just being printed and which I have seen this morning at the War Department. The Chief of Engineers, Gen. Black, who is probably well known to all of us, makes that recommendation in connection with various uses that the Government can make of the pier; and I should like, if the Senate can place such an amendment to this bill, to have that done for the purpose of referring this amendment to the conference committee when it is appointed, and let them determine this whole matter as to whether they would follow the recommendation of the War Department, which will be available to every Member of the Senate in the course of a day or two. I have merely seen the proof sheets of this recommendation.

I want to say, Mr. President, that, in my judgment, it is very important that that particular portion of our seaboard shall be carefully looked after, if we are going to have any real preparedness and any real defense along sensible and coherent lines of our eastern seaboard. That particular point, as I have said, is declared in official reports to the War Department to be the most vulnerable point on the Atlantic seaboard, and the report now in hand and approved by the Chief of Engineers declares that this pier should be placed in a condition of good repair, at an expenditure of $78,000, for the uses of the War Department. I have just read that report, and I have made a memorandum of it, and I may have in the course of a half hour or so a copy of that report, which is only in the proof sheets, as I have said.

The other day, when I had a few words to say on this subject in reply to the Senator from Iowa, the official report made me say that I knew my way to the Willard Hotel. I do not know that that will be particularly charming to some of my prohibition friends in my State; but what I said was that I personally knew this location as well as I know my way from this Capitol up Pennsylvania Avenue to the Willard Hotel.

The idea that there is no commerce in that harbor is entirely wrong. There are two piers within a few hundred feet of this Government pier used by commercial houses and fish-fertilizer factories, and there are other piers which also exist there.

Mr. CLARKE of Arkansas. Mr. President, will the Senator from Delaware permit me to say that the representation made to the Committee on Commerce which was most influential in causing that committee to include this item in the bill was that a certain canal was about completed to divert commerce to the point at which this pier is located. It was originally built to accommodate certain railroad terminals in connection with shipping which assembled at that point, but the railroad company thought proper to move their terminals to another point, which, in a way, caused this pier to fall into disuse. If it were not for the showing made that commerce would seek that point by reason of the completion of the canal, with the name of which the Senator from Delaware is perfectly familiar, the committee would not have given the item the attention they did. They believe it meritorious and think the amendment ought to be made.

Mr. SAULSBURY. Precisely; and at that time, Mr. President, I may say that I did not know that this recommendation would be coming in from the War Department. I knew that it ought to come in; I knew that this vast amount of Government property at that point would be useless for commerce; I knew that the pier would be of very great advantage, but I could not find any justification myself for asking for an appropriation of that kind unless it had been considered. Now, I hope, Mr. President——

Mr. SMOOT. Mr. President, will the Senator allow me to interrupt him?

Mr. SAULSBURY. Yes.

Mr. SMOOT. Can the Senator state what has happened between the time of the report of the Army engineers in 1915 and the report to which the Senator now refers as having been made by the Army engineers upon the same project? Has anything happened to change the opinion of the engineers?

Mr. SAULSBURY. Mr. President, I can not answer that fully. I can guess as to some matters which have happened to change the condition. It was a surprise to me to find this report ready to be presented, and a copy of the rough proof has been given to the House committee, and I have been hoping that that would be delivered at my desk so that I could inform the Senate more fully. But this is one thing that has happened:

A bill has been introduced and has been referred to the Military Affairs Committee of this body, authorizing an appropriation for the purpose of defending this harbor, and if this harbor is defended this pier will be of very great use to the War Department. The War Department has recommended that this harbor be defended. The matter is now in the hands of the Military Affairs Committee of this body, which increased the amount asked for for the defense of the harbor, a bill concerning which I introduced, and asked for $480,000. The War Department recommend that $700,000 be appropriated, and they say they have the guns which they could put at this point, and they hope the harbor will be defended.

That is one of the things that has happened. It is merely a fuller understanding that has come to the War Department regarding this particular locality, more than the trifling questions of who has used this particular pier and how much it has been used. I do not think I would be justified in asking the Senate to do this as a positive and conclusive matter at this stage, but I suggest to the chairman of the Commerce Committee and to the Senate that I would very much like the Senate to change this amendment to read $78,000 instead of $10,000, and let the conferees have the benefit of all the information that can come to them from the War Department in regard to this matter, stating that I am entirely satisfied with any result that they may reach.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. PHELAN in the chair). Does the Senator from Delaware yield to the Senator from Colorado?

Mr. SAULSBURY. Gladly.

Mr. THOMAS. I should like to inquire of the Senator, who has referrred to that project as one which the War Department is considering in connection with the subject of preparedness, what the high-water and low-water depth of the harbor is?

Mr. SAULSBURY. The harbor would hold a fleet of warships. I suppose the depth of water in the harbor runs possibly as high as 100 feet. I do not undertake to state accurately.

Mr. THOMAS. Is that true with regard to the end of the pier?

Mr. SAULSBURY. I think the reports show that the water at the pier has a depth of 21 feet.

Mr. President, under such conditions as these, I sincerely hope the Senate will agree to increase the amount of the amendment. My original amendment was for $75,000, which I put in my proposal because of letters which I had from the former Chief of Engineers, Gen. Kingman. That, on the basis of the report made to the Board of Engineers, was reduced to $10,000, which, in view of the report, was reasonable. But, from the information that I give the Senate to-day, it seems to me that the request I make is reasonable, to increase the amount to $78,000.

As I say, I merely wish the matter to be properly considered by the committees of the two Houses when they meet in conference on this bill; and if there is not a dollar appropriated for this project after they have duly considered it, I shall not be dissatisfied. I do not want a single dollar appropriated for anything which is going to be wasted.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from South Dakota?

Mr. SAULSBURY. I yield.

Mr. STERLING. Do I understand the Senator from Delaware to say that the report in course of preparation by the War Department has reference to this particular pier?

Mr. SAULSBURY. Yes.

Mr. STERLING. I confess that in view of the report of the committee, which I understand is based upon the report of the Board of Army Engineers, I was not very favorably impressed with this appropriation, because the report is to the effect that "it will require the expenditure of about $10,000 to place the pier in a reasonable state of repair, but for the reason that the pier is used so little no work of maintenance is proposed at this time." Yet, in view of what the Senator from Delaware says in regard to the recommendation to be made by the War Department, I for one should like to consider that recommendation. I thought it might be proper to suggest to the chairman of the committee that this proposed amendment be passed over for the time, until that recommendation can be laid before the Senate, as I understand the Senator from Delaware to say that it will be here before long.

Mr. CLARKE of Arkansas. Mr. President, it is not at all necessary that the amount carried by the item shall be increased to $78,000 in order to give the conference committee jurisdiction of it. The adoption of the amendment in the present form would carry the matter before the conference committee, and that conference committee can either increase or diminish the amount or leave it out, just accordingly as the showing then made will justify its action. It is not at all necessary that it shall be increased at this time in order that the conference committee may have jurisdiction of the matter.

Mr. GALLINGER. Mr. President, inasmuch as there is no appropriation for this purpose in the bill as it comes to us, and we have placed $10,000 in the bill, does the Senator think that the conference committee could increase that amount?

Mr. CLARKE of Arkansas. If the House should insist upon the Senate amendment with an increase of it, I think we would have that right; yes. We probably would not have the right to originate an increase of the amount.

Mr. GALLINGER. I have had a contrary opinion, but perhaps I am wrong.

Mr. CLARKE of Arkansas. The Senator has an idea that the House could not insist upon the increase?

Mr. GALLINGER. My notion has been that the only thing the House could do would be to consider the difference between the amount of the House and the amount of the Senate.

Mr. CLARKE of Arkansas. It is not a House item. It is a new item added in the Senate. It has never been before the House. It is not in the House bill.

Mr. GALLINGER. I have not thought it could be increased, but I may be wrong.

Mr. SAULSBURY. That was my idea.

Mr. GALLINGER. I was about to suggest to the Senator from Delaware precisely what the Senator from South Dakota has suggested—that I apprehend, from appearances, that we are not going to pass this bill to-day, and why not let this item be passed over, with a view to receiving the report to which the Senator calls attention?

Mr. SAULSBURY. That would be most agreeable to me.

Mr. CLARKE of Arkansas. Oh, yes; that is all right.

Mr. SAULSBURY. I shall be very glad to have that done, and I expect that report to be on my desk at any moment.

Mr. CLARKE of Arkansas. Very well.

The PRESIDING OFFICER. Without objection, the item will be passed over.

The next amendment was, on page 25, line 8, after the word "maintenance," to strike out "$30,500" and insert "and for preventing cut-off at De Valls Bluff, in accordance with House Document No. 1259, Sixty-second Congress, third session, $30,700."

White River, Ark.: For maintenance, and for preventing cut-off at De Valls Bluff, in accordance with House Document No. 1259, Sixty-second Congress, third session, $30,700. In addition thereto the sum of $8,000, appropriated by the river and harbor act approved March 4, 1914, is made available unconditionally.

The amendment was agreed to.

The next amendment was, on page 25, line 15, to strike out "Cache River, Ark.: For maintenance, $3,000," and insert:

Cache River, in Arkansas: That the Cache River in the State of Arkansas be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. This provision shall become void after one year from the date of the approval of this act unless within said period the Legislature of Arkansas shall pass an act expressly approving this declaration. The right of the Congress to alter, amend, or repeal this paragraph is hereby expressly reserved.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. NORRIS. Mr. President, this amendment seems to be a departure. I should like to have the chairman of the committee, or some other member of the committee, explain why line 15 is stricken out and the amendment proposed inserted?

Mr. CLARKE of Arkansas. Mr. President, the principal reason for it is that the Cache River is not much of a river. On page 286 of the report, it says:

The river is not navigable at low water, the controlling channel depths over the shoals being from 6 to 8 inches. The total expenditure for maintenance under the present project to June 30, 1915, is $27,419.58.

This is a river wholly within the State of Arkansas, if it can be called a river at all. It is a very shallow and tortuous stream, probably 150 miles in length. It runs from northeast to southwest. The levees on the White River, into which it empties, coming in the direction I indicate, have been put up to an extent that keeps out of the river a certain amount of water that formerly went into it. It never was a navigable stream in the sense that it was regularly navigated by any craft. For a time there was considerable timber found upon its banks. The land has now become valuable for farming. As long as it is nominally or technically navigable, the bridges constructed across it must be swing bridges, or such bridges as can be opened to permit boats to pass through. Those bridges cost a vast amount of money. They are wholly useless there. The citizenship in that locality are unanimously in favor of doing away with the technical navigability of the river, when it is not navigable, as a matter of fact.

This amendment, however, does not assume to dispose of that matter finally. It gives the consent of the National Government to the declaration of nonnavigability, provided the Arkansas Legislature at its next session ratifies that consent. It did that for the purpose of giving the persons interested in the matter generally an opportunity to apply to a local tribunal for the purpose of having their protests, if there be any, heard and disposed of. We went further than that, and included a provision that "the right of the Congress to alter, amend, or repeal this paragraph is hereby expressly reserved," so that if at any time it might become important that the legal navigability of the river should be restored, the right to do so should be reserved.

Mr. NORRIS. Mr. President, I am not, of course, opposed to the amendment. I do not understand why the limitation should be put on; but, at least, the amendment, it seems to me, ought to appeal to those who are opposing—as, to a limited extent, I have—some of the provisions of this and other river and harbor bills. But I wanted to call attention to it, because it seems to me that it illustrates a practice that has been pursued by Congress in the past, and is still pursued in this bill, of using Federal funds for the purpose of improving rivers that, as a matter of fact, are not navigable and for practical purposes can not be made navigable; and that, in the end, does not bring any good returns to the localities in which the streams are located.

Here is a stream for which Congress has in the past appropriated a great deal of money, comparatively speaking. I notice from the report that back as far as 1894 provision was made in the river and harbor bill for the improvement of this river. I judge from what the chairman of the committee says, together with what I learn from the report, that the country through which the river ran was not then settled. It was perhaps a timbered country, and they were getting saw logs out of the country and settling it up. Now, as the chairman says, the country has been settled up; and since Congress has been improving the river for navigation, it follows that when the settlers in the community want to build a bridge across this river they have to come to Congress to get consent. So they prefer, I presume, to have Congress declare that this river is nonnavigable—something that, I presume, is apparent to anybody who will look at it—and thus enable them to build bridges, when the country settles up, for the purpose of travel and of commerce.

I believe there are a good many other streams where Congress has been doing the same kind of work, where money is appropriated and streams developed when there is nothing there but forest, and we spend a great deal of the Federal funds for the purpose of improving streams on which the commerce is continually declining.

Here is a stream that from the report of the committee itself we find is not in fact navigable, although we have been appropriating money to improve it ever since 1894, the controlling depths over the shoals at low water being from 6 to 8 inches. So that since 1894 we have been digging and snagging and spending money in this stream, and after all these years we have from 6 to 8 inches of water in it.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. I will inquire of the Senator if he knows the depth of the stream before we commenced doing all this work—whether the work has deepened it or not?

Mr. NORRIS. I am not informed as to that, but it would be interesting to know whether there was at low water more than 6 or 8 inches of water in 1894.

The total expenditure for maintenance under the present project to June 30, 1915, is $27,419.58. To-day we had the case of a pier that was not much used, and the argument was made that we had spent such a vast amount of money there that now we certainly could not quit. Here would be another instance, if the committee were inclined to take that view of it; and I presume they would if it were not for the fact that the people living along the stream, the farmers, who want to build some bridges across this little creek, are opposed to having it developed any further on a scheme of navigation. So they say: "If we want to put a couple of logs across this stream of water and put down some planks, so that we can drive across it, we do not want to go to Congress to get that permission, as we will have to do as long as it is in theory a navigable stream of water."

I presume, although there is nothing here to show it, that the bed of the creek is quicksand, or something of that kind, because if it were not something like that they would not need a bridge. They could drive across it; and, in fact, if the bottom were solid, it would be a good place, unless the water goes down lower than the report shows, to wet up the horses' hoofs and to swell the fellies on the wagon wheels so that the tires would not come off. So I take it, since they want to bridge this stream and only have 6 inches of water to begin with, that it is a dangerous stream to ford. With all this improvement that Congress has made during all these years, it seems to me that the engineers, if they had had their eyes open to their duty and had done it properly, might have built fords at various places with this money and put in stone and gravel, so that the farmers of the community could have forded the stream, rather than to go to the expense, since lumber is so high, of building bridges.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. VARDAMAN. I ask the Senator from Nebraska is he opposed to this amendment?

Mr. NORRIS. I said I was not. I am trying to offer words of praise to the committee for the recommendation they have made to abandon this stream.

Mr. VARDAMAN. It seems that I was not present when the Senator expressed his approval of the action of the committee. Judging from what the Senator has said since I entered the Chamber, it is a question of the committee, in the Senator's estimation, of being "damned if you do and damned if you don't." The committee is trying to stop an outlay of money, which the Senator condemns. It is receiving at his hands no very kindly censure for what, it seems, he approves.

Mr. NORRIS. The Senator does not exercise his usual shrewd perception, or he would discover from the very able argument that I am making that I have been condemning what has been going on in the past and finding fault, perhaps, because the same favorable recommendation in regard to this stream is not made in reference to some other streams that are in the bill.

Mr. VARDAMAN. The Senator does not hope to accomplish any special good by dwelling upon what has happened and the mistakes Congress has made in the past, for which this Congress is in no way responsible?

Mr. NORRIS. Yes; the Senator hopes to be able to do that, and I presume after I have finished my argument all these other bad creeks and mud holes in this bill will immediately by unanimous consent be stricken out of the bill, because I will illustrate what happened in these streams when we, for 10, 15, or 20 years, continued to appropriate money, and they are condemned in the end by the local community, who, I presume, originally were anxious to have Federal money expended in their immediate vicinity.

Mr. VARDAMAN. I do not think it sounds very well for the Senator to impute to Representatives in Congress the motives which he has imputed to the men who constructed this bill. I trust the Senator does not maintain that he has a corner on all the political morality and all the wisdom that is possessed by this body. The Senators and Representatives who have constructed this bill are charged with the same duties to the public, inspired, I apprehend, I am willing to concede to them, by the same patriotic motives that inspire the Senator from Nebraska in the performance of his duty, and I do not think it is in good form that the Senator should impute to his colleagues motives of that character.

Mr. NORRIS. Mr. President, I have not been aware that I have imputed any dishonorable motives to the committee or to my colleagues. If it be true that in this bill or any other a committee, after it has made a favorable report——

Mr. CLARKE of Arkansas. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment I will yield to the Senator. If it be true that in that case, when anyone opposes what has been done in the past and uses a very apt illustration before the Senate to show that the same procedure ought to be extended to other cases, he is guilty of discourtesy, then it must follow that when a bill is reported here by a committee it be-

comes the duty of every Member of the Senate to stand by it or else he might be liable to the charge that he is impugning somebody's motives. I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. I fear that I shall not be able to interest the Senator as I thought I might a moment ago. I wanted to exonerate him from any charge of making an unfair reflection upon the committee. I am sure he did not do it. I think he is just exercising his privilege, as he has a right to do, just as any orator from the Platte might do. That river is said to be 900 miles long, 200 feet wide, and 6 inches deep. Generally orators coming from that section assimilate their remarks somewhat to the aqueous example which confronts them.

Mr. VARDAMAN. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. VARDAMAN. If the Senator's remarks go to prove that these appropriations were made for improvements in the rivers in order that the money might be expended in the communities in which the rivers happened to be located, it is, I submit, an implied charge of infidelity to duty, and I can scarcely conceive that a man who has any right to occupy a place on this floor would vote for any such measure or prostitute the functions of his place for such a purpose.

Mr. NORRIS. I agree with the Senator. I can not conceive that anyone would do that. I have not said that anyone would.

Mr. President, I presume there is not a stream or a harbor in this bill where provision is made for the expenditure of public money in its improvement but that has almost the unanimous support of the local community, and they are anxious to have streams in their community improved. They are anxious to have public money expended in their vicinity. I am not saying that that is a dishonorable feeling to have; I am not going to be kept from voting for a provision or for a bill because any Senator, even though I respect him as highly as I do the Senator from Mississippi, tries to say that because I am opposed to a practice that has gone on in the past, and I am illustrating it by actual facts that the committee admits to be true. I am not going to be bound, even though I incur the censure of all the friends I have here or elsewhere. I take it I am within my province when I direct the attention of the Senate to the fact that here is a stream that we have been appropriating money for since 1894 that now is abandoned by the committee. I commend them for abandoning it, but I call attention to the fact that the same thing that has been done during all these years with regard to this stream is being done now with regard to other streams that are contained in this bill.

Mr. VARDAMAN. Mr. President——

Mr. NORRIS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I am sure I would not in any way proscribe or circumscribe the Senator's conduct in this Chamber. I am sure the Senator is going to vote for the things that his judgment and his conscience approve, and I would not have the great admiration for him that I now have if I did not believe he was going to oppose the things that he believes to be wrong and favor the things he believes to be right. It is proper for him to do that and I honor him for it; but he can do that, he can exercise untrammeled his judgment, without imputing improper motives to others.

So far as the communities or the localities taking great interest in the development of their waterways, that is perfectly natural. I do not know what the people of California or Oregon need in their waterways. I have not had the pleasure of visiting that favored part of our country and, of course, neither I nor my constituents have an intelligent personal interest in it. It is that spirit of altruistic selfishness which moves all patriotic men in the performance of a duty like that, and it is perfectly proper. If they did not present their enterprises to the Congress and give the Congress information regarding them of course nobody else would. I commend them for doing that. It is prudent; it is proper that they should. But because it is to their interest, because they may reap some pecuniary advantage from it, I am not going to say that the motives behind it or that move them are not proper or that they are for the purpose of plundering the Treasury.

Mr. NORRIS. Neither am I, Mr. President. I am not only not going to do that but I have not done it as a fact in the past. I believe in the brief time I have been a Member of this body I have been as free from impugning motives as anyone; and never before to my knowledge has anybody intimated that I was impugning a motive to somebody else that was not proper.

But because those people favor the development of streams that in my judgment ought not to be developed, because they favor the improvement of streams that I believe are nothing more than ordinary creeks, some of them hardly entitled to that designation, I know no reason why I should favor them because some one else who lives in the community does favor them. If that is the duty of a Member of Congress, then we might just as well abandon Congress and let the local communities send in a statement as to how much they want for every stream and every harbor, and put it in the bill. I am not finding fault with the man who defends it; I am not questioning his honesty, and he is entitled to the same privilege to defend them and to show that they are good as I am to show that they are bad, but if I believe they are bad I am going to say so.

Now, Mr. President, on this improvement the report says, referring to the expenditure of $27,419.58 during the past year on this stream:

> This improvement has no effect on freight rates. The benefit is confined to that of giving outlet for its timber to an isolated, limited territory. * * * Practically all commerce is confined to forest products, less than 1 per cent originating agriculturally or otherwise, and 82 per cent consisting of rafted saw logs.

Mr. President, if this stream or any other stream must be developed by Federal funds under the clause of the Constitution that provides for navigation, in order to let local parties float saw logs down the stream, then this appropriation is justifiable; otherwise it is not. I take it the committee feel that they were not justifiable in expending public funds for that purpose, and they have abandoned it in this particular case.

Mr. LANE. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. LANE. I think it is just as important to the community, if their main product is saw logs, to get them to market as any other community has to get its products to market.

Mr. NORRIS. What product?

Mr. LANE. Saw logs. It is just as important to the community that they should get that main product and that resource, if it is lumber and saw logs, to market as it is to another community to get potatoes, cotton, wheat, or anything else to market.

Mr. NORRIS. Yes.

Mr. LANE. Of course it is.

Mr. NORRIS. But does the Senator believe it is necessary to develop our rivers and streams in order to float saw logs down the streams?

Mr. LANE. It is just as important as it would be to transport wheat, corn, cattle, potatoes, or anything else, if that is the main product of that section of the country.

Mr. NORRIS. If the Senator thinks that way—that they are justifiable, as I said awhile ago, in developing streams, digging out the channel in order that people living along the banks may float saw logs down those streams——

Mr. LANE. Yes; if that is the only way you can get the saw logs to market and the country is heavily timbered, as it is out on the Pacific coast. That is their principal asset, and it is our duty to help them just as much as it is your duty to open a river for any other purpose of navigation.

Mr. NORRIS. Now, the Senator feeling that way, he is perfectly justified, if he believes that we ought to develop these streams for the purpose, in voting for an appropriation of this kind. I do not believe it myself.

Mr. LANE. I do not see wherein the distinction is made or why you should make a classification which eliminates important products from getting an outlet. It should apply to anything that is useful. People use lumber. They have to build houses. They can not eat it, to be sure; neither can they eat cotton and a hundred other things that go to market. You can not justly make such a distinction.

Mr. KENYON. Mr. President——

Mr. NORRIS. Just a moment, and then I will yield to the Senator from Iowa. In my judgment, we have no right to expend—perhaps I ought to modify that; we have a right, but we are not justified in expending public funds for the purpose of digging channels in order that people may float saw logs down the channel; neither are we justified in digging channels to float corn or oats or people down. It is a matter of commerce that we ought to develop. There should be a stream developed where commerce will go up the stream and down the stream, something that will carry produce. In other words, we are confining it in this case to one product. If we had a stream that we could develop by improvement so that boats could go up and down and carry the commerce of the country up and down, saw logs could float down. There is no objection to saw logs going down, but to develop a stream that has no other commerce than saw logs going down is a waste of public funds. In the first place, it does not help to take the saw logs down. In 99 times out of 100 they will go down just as well without it and lots of times better than where they build a dam across that would interfere with the saw logs going down. I yield to the Senator from Iowa.

Mr. KENYON. I was going to ask a question. The floating of logs on streams does not require, as I understand it, the same amount of water and the same amount of work to formulate and develop the channel that are required for boats to carry general merchandise and freight. The logs float along without much water, do they not?

Mr. LANE. Certainly, but I understood the appropriation was made to improve the stream to the extent that it would permit the transportation of logs. I will say that in certain portions of the country 85 per cent of the produce is lumber or logs, and that it is just as important to get those to market that the people may have cheap lumber at the other end of the line as it is to get any other article of commerce such as steel, iron, lime, and a hundred other articles. It is just as important, and more important, to that community. Also it requires less money in expenditure, as the Senator from Iowa has suggested. It does not require the development of the channel and it is not necessary to have a deep channel so that a steamboat can go back up, for the products of that country do not go up the stream but mostly go down it. In going into the interior you reach the mountainous country, where a steamboat can not navigate the stream. It takes years and years, after the logs have been cut off and the stumps have been cleared out, before you can cultivate the land to any extent. You can not develop the country at all unless you get their product out, which is logs. If it is necessary to straighten the channel or dredge it or to pull out obstructions, the Government ought to do that work as cheerfully for that section as it will do the same work for another section of the country on other streams for other products. The Government can not better expend its money and do its duty by the people any more equitably than to do that with regard to all people, provided it does it economically and within the limit to which the commerce is entitled. If it expends enough money to float products, such as logs, out of a section of the country without spending more than is necessary, that item will, in my opinion, be absolutely all right. It is just as necessary to the people on the Pacific coast as it is to the people on the lower Mississippi or the Ohio or upon any other stream for other commerce.

Mr. NORRIS. If the Senator feels that way about it, he will certainly oppose the amendment of the committee, because the committee propose to stop in this particular case. The farmers want to build some bridges across the stream and they are opposed to this development because they do not want to come to Congress to get permission to build a bridge, so that we will have to say to the farmers of the locality, "There is a fellow farther upstream who has a few saw logs he wants to float down here, and you can not build a bridge, or when you do build a bridge you will have to get the consent of the War Department, and you will have to build the bridge high enough so that the saw logs can float under the bridge." I presume a good-sized saw log could not get through if bridges should be constructed on streams like this.

Mr. LANE. Mr. President, it is quite evident that the Senator from Nebraska does not know much about saw logs and has not had much experience with bridges. It would be a foolish undertaking for anyone to build a bridge so low that a saw log could not float under it. The largest saw log that floats is 8 or 10 feet through in our section of the country; it will float half under water, and therefore the bridge would only have to be 4 feet high. If you build a bridge with 6 or 8 feet clear way the logs can get through. So that argument will not stand.

Mr. NORRIS. But, Mr. President, the Senator could not float one of his saw logs down this stream with 6 inches of water. A saw log 6 feet through would not be able to get any distance. It would tear the bridges out from one end to the other of the stream.

Mr. LANE. No; it would not float in that depth of water.

Mr. NORRIS. In fact, when he went to the Secretary of War to get permission to place across the stream a couple of logs on which to lay some planks the Secretary of War would refer him to the Corps of Engineers, and they would refer the matter to the district engineer, and the district engineer would refer it to some one else, who would go out and make a survey, and who might find, perhaps, that at that place it was not desirable to have a bridge. So the farmers of the community who wanted to get to town to sell their wheat or corn or to ship it out of the country would not be able to get the bridge, and they could not cross the stream because the bed of the stream might be too soft or muddy.

Mr. LANE. But I understand the Board of Engineers have nothing to do with bridges on nonnavigable streams.

Mr. NORRIS. But we are providing only for navigable streams in this bill. If the Senator will read the amendment, it shows on its face that at the present time this is a navigable stream; and any citizen of the United States who would want to build a bridge across it would have to come to Washington and get the permission of the Secretary of War to do so. Not only that, but he would, perhaps, have to secure the passage of an act of Congress before he could build a bridge across the stream. This is a navigable stream; but we are going to make it unnavigable by the adoption of this amendment. That seems like a queer proposition, but it is true. The stream is navigable now; but as soon as this bill becomes a law it will then be nonnavigable, because we will have said so in black and white. That ought to satisfy anybody. That is what this amendment is and nothing else. It is a declaration that this stream is not navigable, and everybody will have to take notice of that fact after we have passed the law.

The only objection I have to the amendment is that it provides that the Legislature of Arkansas must take a hand in it. This is the proviso which is added:

> This provision shall become void after one year from the date of the approval of this act unless within said period the Legislature of Arkansas shall pass an act expressly approving this declaration.

So here is a case where we are going to pass a law of Congress and get the approval of the State legislature. Otherwise it will become void one year afterwards. The stream is now navigable, but we will pass a bill, and as soon as it becomes a law the stream becomes nonnavigable; and in one year from that time, unless the Legislature of Arkansas declares by solemn statute that it is nonnavigable, it will again become navigable. This river is now a navigable stream; we pass a law and it becomes nonnavigable; and all commerce ceases; everything is on a dead quiet; the Legislature of Arkansas meets in solemn conclave and says that this stream is navigable, and then it becomes again navigable. Now you have it and now you do not have it.

So the farmer who wants to get across this creek to town with a load of corn or oats or wheat will have to look at the calendar before he starts, for he would not dare even to put a temporary structure across that stream; he would not dare impede that river in any way by dropping a load of rocks into it, in order to make the foundation solid, so that he might drive across, unless he got the permission of the authorities here in Washington to do so.

Mr. President, it seems to me that this only illustrates what I pointed out the other day, that Congress is undertaking, in bills of this kind, to do something that it can not satisfactorily do. It is not the right way for us to legislate. We have been doing it a great many years, and, of course, as has already been pointed out here, a Senator is liable to have his motives impugned if he dares suggest that it is not the right way. After 10 years of development of this stream we have but 6 inches of water in it; and it seems to me that as to other streams provided for in this bill, just as bad as this one, in my humble judgment, where we are appropriating money for maintenance and the continuance of the work, we ought to take the same action that we take here.

Mr. NEWLANDS. Mr. President, I understand the Senator from Nebraska [Mr. NORRIS] is critical of this amendment which is offered by the committee regarding the Cache River, in Arkansas. This amendment involves an abandonment of the proposed appropriation contained in the House bill of $3,000 for the maintenance of the Cache River. I understand that many of the critics of this bill have been opposing it on the ground that numerous unknown rivers and creeks are receiving appropriations ostensibly in the interest of navigation, and the Senator from Nebraska himself indulges in a somewhat dual argument regarding this item.

The Senator from Nebraska condemns this amendment because it condemns the Cache River to nonnavigability and in the same breath he insists that numerous other items in this bill ought to be treated in the same way; that instead of having appropriations made for their improvement, many other rivers should be abandoned by the Government.

Mr. President, the difficulty with the whole bill is the system under which we are operating. Congress will never be satisfied with it; the country is not satisfied with it; these long and protracted debates indicate that the Senate is not satisfied with it; the failure of two river and harbor appropriation bills indicates that, and yet every public man will concede that it is essential to improve the waterways of the country; that it is essential to develop and control them for every useful purpose, not only for navigation but for the reclamation of arid lands, the development of water power, the reclamation of swamp

lands, and for the other beneficial uses and controls that come from river regulation. It must be true that we are dissatisfied with the system when so much criticism is given to bills of this kind.

I only intend to say a few words, simply to point the argument of the Senator from Nebraska, and those words shall be confined simply to the system itself.

The difficulty is that we are treating each one of these little rivers and inlets and waterways as a separate unit, and we are not considering them all with a view to having a connected and continuous system of waterways which will be perfected instrumentalities for navigation.

I have no doubt that many of the little rivers which are included in this bill would be valuable parts in a continuous and connected system, whilst they are subject to criticism, and to severe criticism, when each one is considered as a separate unit; and yet, under our system with reference to these projects, as the initiative lies in the individual Congressmen and not in some organization charged with the direction of a great public policy, we must have a bill composed of individual projects, appealing to the interests of the individual Representative or Senator and considered without relation to a perfected system of waterway transportation. We have been improving these rivers now for generations and have not yet perfected a single river in the United States—not one. That is a sorry showing for the present system.

Some of us have been urging a policy for years through different bills, among them a bill which I have been urging for many years and which bears the name of the Senator from Louisiana [Mr. BROUSSARD] and myself, calling for a comprehensive policy regarding our waterways, providing for coordination of the scientific services which are engaged in detached studies throughout the country of various parts of these waterways, calling for the cooperation of the States with the Nation, calling for an ample fund which will secure continuous work and which will give us a system of 25,000 miles of waterways and afford as perfect a system of transportation as our 250,000 miles of railways, a system which will carry more tonnage and commerce than the miles of railway in the country, for the waterways will carry the bulky and the cheap objects of transportation.

Mr. President, I do not intend to take up the time of the Senate. I have recently addressed a circular letter to each Senator calling attention to the fact that I have a motion pending here to refer the flood-control bill, known as the Humphreys bill, and the so-called Newlands bill, both of which lie on the table, to the Interstate Commerce Committee of the Senate, and I ask leave to insert that letter in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. SMITH of Michigan. Mr. President, let me ask the Senator from Nevada, does he think that under the rules of the Senate the Interstate Commerce Committee have jurisdiction of the subject matter, or does he ask this as a favor and courtesy from his colleagues?

Mr. NEWLANDS. I think the Interstate Commerce Committee has jurisdiction of that subject, but it has never yet asserted it, and I will give my reasons. The older committee is the Commerce Committee. The jurisdiction of that committee covered both interstate and foreign commerce.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada to have inserted in the RECORD the circular letter referred to by him?

Mr. SMITH of Michigan. No; I shall not object, because I think it is a good letter and does the Senator from Nevada credit; but I was really a little in doubt after I had read it whether the Senator was asking a courtesy from his colleagues or a right for his committee. My own impression is that the Committee on Commerce have jurisdiction over that subject, and that it ought not to be deprived of that jurisdiction without good reason.

The PRESIDING OFFICER. In the absence of objection, the letter referred to by the Senator from Nevada will be printed in the RECORD.

The letter is as follows:

UNITED STATES SENATE,
Washington, D. C., May 19, 1916.

MY DEAR SENATOR: I have a motion pending to refer the so-called flood-control bill and the Newlands river-regulation bill to the Interstate Commerce Committee, instead of the Commerce Committee, and I am inclosing you my remarks upon the question of committee jurisdiction as well as copies of these bill. This question will be disposed of shortly, either during or after consideration of the river and harbor bill.

Is not the primary and basic reason for river regulation the need of the country—not for mere river channels without commerce, but for a great system of inland waterways, like that of Germany, crowded with actual water-borne commerce, thereby relieving congested railway traffic, reducing transportation costs, and rendering unnecessary huge additional burdens on the people for new railroads and enormously expensive railroad terminals?

Have not our efforts to establish such a system been a failure? Have we not thus far made progress backwards, in our attempt to upbuild inland-waterway commerce?

The answer to all these questions must be "yes."

And is not the reason for the steady deterioration in our waterway commerce the fact that we have assumed, up to this time, that all that was needed to develop water-borne commerce was "river improvement" as heretofore made, through the river and harbor bill, under the jurisdiction of the Senate Commerce Committee and the House Rivers and Harbors Committee?

That is the reason. That is why we have failed. A revival of waterways will be brought about only by coordinating rail and water routes and rates of transportation, and providing adequate transfer facilities and waterway terminals. That can not be done through any other committee than the Interstate Commerce Committee.

I have given this subject much thought and am profoundly convinced that until the jurisdiction over inland waterways, including river regulation, is vested in the Interstate Commerce Committee, our efforts to establish waterway commerce will continue fruitless and we will continue to waste millions upon the improvement of rivers that carry no commerce justifying the expenditure.

Flood control is a mere incident of river regulation or waterway development. The constitutional authority for flood control lies primarily and principally in the power to aid interstate commerce by promoting waterway development. Any other source of power is incidental. If I am right in these views, and it seems to me they are incontrovertible, is it not clear that the river-regulation bill, introduced by me in the Senate, and the flood-control bill, recently passed by the House, should be referred to the Interstate Commerce Committee?

I hope you will concur with me in this view. No question has arisen in many years of more vital importance to the country than the benefits that will result from this new and broader treatment of our problem of waterway development, contemplating, as it does, not only the carrying of interstate commerce but the creation of interstate commerce by such beneficial use of the water as will prevent the formation of floods in the lower reaches of the rivers.

If we now inaugurate the policy I am urging, in a very few years the Mississippi, the Missouri, the Ohio, and all other rivers reaching far inland from the bays and harbors on the Atlantic, Pacific, and Gulf coasts will be crowded with commerce, and the saving to our people in the cost of transportation will be so vast as to be almost beyond calculation.

Very truly, yours, FRANCIS G. NEWLANDS.

Mr. NEWLANDS. Mr. President, I have great respect for the Committee on Commerce, and my suggestion involves no lack of confidence whatever in that committee; but I think that every subject ought to go to a committee having jurisdiction. I was about to show that originally the Commerce Committee was the only committee having power to deal with these subjects, and that its jurisdiction included both interstate and foreign commerce. Later on, the attention of the country being called to the necessity of regulating interstate commerce, a committee was organized called the Interstate Commerce Committee, and the assumption of that committee of jurisdiction over interstate commerce has been a very gradual one, but a very progressive one.

In the first place, that committee took jurisdiction only over the railroads. Then it extended its jurisdiction to express companies, to telegraph companies, to pipe-line companies, and other instrumentalities of interstate commerce; thus, by gradual process, not enlarging its jurisdiction, but assuming jurisdiction over a subject which the very character of the committee and its organization entitled it to.

Only recently has the question of waterway transportation come up as a vital question affecting the prosperity of the country in the future. The question of coordinating the waterways with the railways has only come up within late years. The attention of the country has been called to the absolute necessity of developing its rivers, not only for navigation, but for all incidental purposes, and attention has also been called to the fact that the elaboration and development of the incidental uses of these rivers will go far toward justifying the very large expenditure necessary for the development of rivers for navigation; so that, by teamwork between the users, great work can be acomplished in the development of these rivers, which will make them not only a source of wealth, whereas at present they are destroyers of wealth, but will make them great and beneficial instrumentalities for the promotion of the transportation of the country, and in such a way as to aid the railroads and not to injure them, for we are beginning to realize that we are about reaching the limit of the capacity of our railway transportation. The freight congestion all over the country is calling our attention to that fact, and we are told that it will take an expenditure of $5,000,000,000 upon the railroads in the near future in order to meet the demands of transportation. If we can by an expenditure of $1,000,000,000 in the development of these 25,000 miles of waterways in the country do away with the necessity of an expenditure of a large portion of that $5,000,000,000 which in the near future must otherwise be expended upon the railways, we will be doing the country a great benefit in the line of economy as well as efficiency.

So, too, as the telegraph lines and the express companies and other instrumentalities have gradually come within the jurisdiction of the Interstate Commerce Committee—not by usurpation, but by right—why is it not time now logically to conclude that waterway transportation should come up for action by that committee? The most important part of waterway transportation is the perfection of the rivers themselves for commerce, and a most important part of that development will be legislation which will prevent the rail carriers from destroying the water carriers, as they have in the past, by lowering the rates during the navigable season so that transportation will not be profitable to the water carriers and then raising the rates during the season when the rivers are not navigable either as the result of drought or ice. There must be also a system of teamwork that is absolutely essential.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. NEWLANDS. Yes.

Mr. JONES. I just wanted to ask the Senator if there is not a provision in the law now under which, if a railroad lowers its rates as the Senator has suggested, they can not be raised again without making a showing to the Interstate Commerce Commission?

Mr. NEWLANDS. I do not recall the exact legislation upon this subject. There has been some.

Mr. JONES. That is my recollection—that there is such a provision in the law.

Mr. NEWLANDS. There has been some legislation upon the subject, but the question has never been taken up seriously by the Interstate Commerce Committee. It ought to be, and the whole question ought to be taken up, it seems to me, by that committee.

In the friendliest spirit to the Commerce Committee, and without any disposition whatever to invade its jurisdiction, I simply say that it seems to me that the time has come when the Interstate Commerce Committee, organized to take charge of interstate commerce, should assume the jurisdiction which was originally granted to it when the committee itself was created, and that this is not a usurpation of authority, but is simply the exercise of a right which has existed but has not been used.

I do not want to delay the consideration of this bill. I say it would be a great mistake if the numerous rivers included in this bill which are regarded as small and inferior were suddenly declared to be nonnavigable. I yield to the wisdom of the Senator from Arkansas with reference to this particular river. I have no doubt his judgment is right regarding this river, and I concur in the amendment which he has offered, that it should be declared to be nonnavigable. But I object to the suggestion of the Senator from Nebraska [Mr. NORRIS] that all the obscure little rivers included in this bill should be declared nonnavigable, for I think it would be a blow aimed at the future development of the great waterway transportation system of the country, which will involve not only the development of the existing rivers and their tributaries but their connection by artificial canals in such a way as to make it possible to move from one part of the country to another entirely by water, as they do in Germany and in France.

Mr. SMITH of Michigan. Mr. President, the Senator from Nevada [Mr. NEWLANDS] has for years pressed upon the committee his views regarding the coordination of the various departments in his general plan, but I think never until now has he disclosed any selfish purpose to do the whole thing himself. For one, I must say that I can not agree with the Senator that the Committee on Interstate Commerce is the appropriate committee to take charge of the legislation as he suggests.

I want to say further—and I am sorry the Senator from Nebraska [Mr. NORRIS] is not here—that a great deal has been said against this bill. We can judge this bill somewhat by the various items affecting our own States. There is not an item in this bill affecting the State of Michigan that I would not be willing to leave to the Senator from Nebraska on its merit. That is the test of these items. There is only one river in Michigan provided for in this bill by affirmative appropriation, and that is the St. Clair River. This came too late to include in the House bill. The present channel in the St. Clair River accommodates 78,800,000 tons of freight annually. The commerce in this river last year amounted to $855,000,000. All of that commerce must be carried through a channel on the Canadian side of the St. Clair River, and it is so tortuous and irregular that it exposes vessels going up the river to violent and dangerous contact with those going down. I do not know of a project in this bill that has more merit than that, and yet that is the only Michigan river provided for in this bill.

I am going to repeat that last year the tonnage on that river amounted to 78,800,000. There is no traffic so great on any similar waterway in the world. I asked that an item of $83,000 be put in to cut another channel, in order that the vessels coming down would not be obliged to go over onto the Canadian side, and navigate a channel that is in itself very insufficient to accommodate the traffic.

This item is a belated item. It came over here because the Chief of Engineers did not get his report in until after the bill had passed the House. Not to put it in would be the grossest kind of neglect.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee on page 25.

The amendment was agreed to.

Mr. CLARKE of Arkansas. Mr. President, there is a formal amendment to be made in line 14, page 26. The word "Church" should be stricken out and the word "Clinch" inserted.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the word "Church" where it occurs in line 14, page 26, and to insert in lieu thereof the word "Clinch."

The amendment was agreed to.

The next amendment was, on page 26, line 25, after "$500,000," to strike out "*Provided*, That no contract shall be entered into for the construction thereof until the local interests shall assume and pay all claims for flowage damage or arrange to do so in manner satisfactory to the Secretary of War," so as to make the clause read:

Tennessee River, Tenn., Ala., and Ky.: For maintenance and continuing improvement by open-channel work above Chattanooga, Tenn., $300,000, and of this amount not to exceed $5,000 may be expended, in the discretion of the Chief of Engineers and Secretary of War, for the maintenance of the Clinch and Holston Rivers at or near the mouth of said rivers; for maintenance and continuing improvement by open-channel work between Florence and Riverton, Ala., $120,000; for continuing improvement by the construction of locks and dams between Chattanooga, Tenn., and Browns Island, Ala., in accordance with the report submitted in House Document No. 360, Sixty-second Congress, second session, as modified by the report of the Board of Engineers for Rivers and Harbors printed in Rivers and Harbors Committee Document No. 1, Sixty-fourth Congress, first session, $500,000: *Provided further*, That one high dam or two low dams may be constructed according as the local interests may contribute the cost of all claims for flowage damage arising from either type of dams, respectively: *And provided further*, That the Secretary of War shall ultimately determine the type of dams to be constructed; for continuing improvement and for maintenance below Riverton, Ala., $24,000; in all, $944,000.

Mr. KENYON. Mr. President, I think we should have some information as to why this proviso is proposed to be stricken out, and some information as to why it was originally put in. I assume that the Army engineers asked for it. This bill carries $944,000 for the Tennessee River. We have spent something like $10,000,000 on it out of the Federal Treasury, and its commerce, deducting sand, gravel, and timber, does not require any more water than it did 50 years ago. Now, we come along with this proposition, which in itself, as to the amounts appropriated for, ought to be reduced, and at the proper time I shall move to reduce them. The only proviso here that seems to be for the protection of the Federal Treasury is stricken out, and the Government will be compelled under this amendment to pay all claims for flowage damage if this proviso is stricken out.

After this great expenditure of money on this river, running into the millions, and the appropriation in this bill with this proviso assumedly put in by request of the Army engineers, just why it should be stricken out, and the Public Treasury compelled to stand this flowage damage, is more than I can understand.

I shall ask for a vote on this proposition, Mr. President, if it comes to a vote now without explanation. I ask for the yeas and nays on this proposition.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on the motion to strike out.

Mr. CLARKE of Arkansas. Mr. President, the Senator from Alabama [Mr. BANKHEAD] desires to be recognized.

Mr. BANKHEAD. Mr. President, I desire to say a word with reference to the motion to strike out this proviso. It will be observed that the bill provides for the construction of a dam in the Tennessee River——

Mr. CLARKE of Arkansas. Mr. President, as the matter is one of some importance, I think Senators ought to hear what the Senator from Alabama has to say about it, because when they vote on it they ought to know what they are voting about. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Smith, Ariz.
Bankhead	Hughes	Norris	Smith, Mich.
Brady	Husting	Oliver	Smoot
Brandegee	Jones	Page	Sterling
Bronsard	Kenyon	Phelan	Stone
Chilton	Kern	Pittman	Sutherland
Clapp	La Follette	Poindexter	Swanson
Clark, Wyo.	Lane	Ransdell	Taggart
Clarke, Ark.	Lewis	Reed	Underwood
Curtis	Lippitt	Saulsbury	Vardaman
Dillingham	Lodge	Shafroth	Wadsworth
Fall	Martin, Va.	Sheppard	Walsh
Gallinger	Martine, N. J.	Sherman	Williams
Hitchcock	Myers	Simmons	

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent on account of illness in his family. He is paired with the junior Senator from Florida [Mr. BRYAN]. I desire the announcement to stand for the day.

Mr. CURTIS. I desire to announce that the junior Senator from Georgia [Mr. HARDWICK] is absent on account of illness. I have a pair with that Senator. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present. The question is on the amendment of the committee on page 27, to strike out the proviso, upon which the yeas and nays have been ordered.

Mr. BANKHEAD. Mr. President, the pending motion is to strike out the proviso on page 27, beginning on line 4. An examination of the bill as reported by the committee discloses the fact that there were two provisos with reference to this item. The committee struck out the first proviso. I thought the motion included both, but it appears that as the bill is printed only the first proviso was affected.

Now what are the facts? The bill contains an item for the construction of a lock and dam on the Tennessee River between Hales Bar and Decatur. Hales Bar is 35 miles below Chattanooga and was constructed by private capital exclusively. It improved the navigability of the river up to and above Chattanooga.

This proviso, Mr. President, contemplates that the farmers—the owners of land along the river where the lock is to be constructed—shall pay all the damage, the flowage damage, as it is commonly called by the engineers.

There is no town anywhere along there. Nobody lives on that stretch of the river except the farmers along the river for 50 or 75 miles. If these landowners who own small tracts of land along that river that would be subjected to overflow are compelled to pay for that flowage before this work can be constructed, it simply means, Mr. President, that the lock and dam so much needed will never be built.

It this situation was at a considerable port of commerce, a place like Chattanooga or even at Decatur, there would be, perhaps, some justice in saying that the local interests that are to be so greatly benefited by this construction should pay at least a part of the flowage damage. But we should not require it to be paid by these farmers, all of whom are, as I said, small landowners, and that portion of their lands that would be overflowed by this construction is the most valuable part of their holdings.

This proviso is much worse than the one stricken out, because the one stricken out by the committee contemplated the building of one dam—one low dam—as it is expressed. The proviso that we are now considering provides that one high dam may be built. I presume for the purpose of creating a power situation, if that should appear to be advisable, and in that case the flowage damage would exceed $100,000.

Now, why should these people be called upon to pay that? There is no justice in it. There is no fairness in it. No board of engineers, so far as I know, have suggested or recommended it, and how it got into this bill I do not quite understand. It came over, however, from the House of Representatives. As I stated, it was my impression when the committee acted upon the bill that both these provisos were included in the motion I made and that both were stricken out. There is some misunderstanding about it, either in the printing or in the construction put upon the motion I made, by the Committee on Commerce when the bill was being considered.

That is all there is in this case, and I hope the Senate will recognize the injustice of the unusual demand that is being made—the requirement that would be made of people on this stretch of the river owning small tracts of land. The most valuable of their land would be destroyed by the construction of this dam, and then in the face of that it has been proposed that they shall be required to pay the flowage damage.

The PRESIDING OFFICER. The question is on the amendment of the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK], who is absent on account of illness, and I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from New York [Mr. O'GORMAN], who is absent, and I withhold my vote.

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. SAULSBURY (when his name was called). In accordance with my previous announcement of a general pair I withhold my vote.

Mr. SHERMAN (when his name was called). I am paired with the Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the Senator from Iowa [Mr. CUMMINS] and vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent for the day. For that reason I withhold my vote. I will let this announcement stand in relation to all votes during the afternoon.

Mr. UNDERWOOD (after having voted in the affirmative). I am paired with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the Senator from Tennessee [Mr. LEA] and let my vote stand.

Mr. MYERS. I will ask if the Senator from Connecticut [Mr. MCLEAN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. MYERS. I have a pair with that Senator. I transfer my pair to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. WILLIAMS. I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I understand that if he were present he would vote as I am about to vote. I therefore regard myself as released from the pair. I vote "yea."

Mr. TILLMAN. In the absence of my pair, the Senator from West Virginia [Mr. GOFF], I withhold my vote.

Mr. OLIVER (after having voted in the affirmative). I understand that the senior Senator from Oregon [Mr. CHAMBERLAIN] with whom I have a pair is not present. I will therefore transfer my pair to my colleague [Mr. PENROSE] and allow my vote to stand.

The result was announced—yeas 35, nays 17, as follows:

YEAS—35.

Bankhead	Lippitt	Phelan	Smith, Mich.
Borah	Lodge	Pittman	Stone
Broussard	Martin, Va.	Poindexter	Swanson
Chilton	Martine, N. J.	Ransdell	Underwood
Clapp	Myers	Reed	Vardaman
Clark, Wyo.	Nelson	Sheppard	Wadsworth
Clarke, Ark.	Oliver	Simmons	Walsh
Fall	Overman	Smith, Ariz.	Williams
Hughes	Page	Smith, Ga.	

NAYS—17.

Ashurst	Husting	Lane	Sutherland
Brady	Johnson, S. Dak.	Norris	Taggart
Brandegee	Jones	Sherman	
Hitchcock	Kenyon	Smoot	
Hollis	La Follette	Sterling	

NOT VOTING—44.

Beckham	Fletcher	Lee, Md.	Shafroth
Bryan	Gallinger	Lewis	Shields
Burleigh	Goff	McCumber	Smith, Md.
Catron	Gore	McLean	Smith, S. C.
Chamberlain	Gronna	Newlands	Thomas
Colt	Harding	O'Gorman	Thompson
Culberson	Hardwick	Owen	Tillman
Cummins	James	Penrose	Townsend
Curtis	Johnson, Me.	Pomerene	Warren
Dillingham	Kern	Robinson	Weeks
du Pont	Lea, Tenn.	Saulsbury	Works

So the amendment of the committee was agreed to.

Mr. CLARKE of Arkansas. The logic of that is to make it necessary to strike out the other proviso in the bill, and I move, beginning with the word "*further*," in line 4, that the matter between that point and the word "That," in line 8, be stricken out; in other words, that the second proviso be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the following words:

Provided further, That one high dam or two low dams may be constructed according as the local interests may contribute the cost of all claims for flowage damage arising from either type of dams, respectively: *And provided further*.

Mr. WALSH. Will the chairman of the committee give us some information as to why these provisions were put in the bill originally?

Mr. CLARKE of Arkansas. They were put in in the House. The committee did not go very elaborately into the investigation before the amendment suggested by the Senator from Alabama [Mr. BANKHEAD] was adopted, because they felt satisfied that even if the Senate committee should agree with the Senator from Alabama the matter would not pass entirely beyond the control of the conference because it would come up again in conference. It was the purpose of the committee at that time to look into the general question as to whether or not the words "local interests" really meant the farmers of the locality or whether it meant certain other interests interested in the construction of that particular dam. In other words, the committee felt that a full opportunity would be left to determine the justice and propriety of the provision by striking it out. Assuming that the House had some particular reason for including it, we did not make a very full examination of the report of the Board of Engineers. We just assumed that it was such an unusual provision to be in the bill that it was worthy of further investigation.

Mr. WALSH. I will say that I was investigating the report accompanying the bill and I find in it no explanation whatever of the significance or import of the original provision and no explanation whatever of the action recommended by the committee, namely, striking out the first proviso, and no explanation whatever in the report as to why, if the first proviso was stricken out, the second proviso was not likewise stricken out.

Mr. CLARKE of Arkansas. If the words "local interests" be confined to landowners, farmers along the route owning that part of the land adjacent to the river which will be subject to overflow in the event the dam is constructed, there is no justice in making those persons pay the flowage damage.

Mr. WALSH. I agree with the Senator.

Mr. CLARKE of Arkansas. They are victims, not beneficiaries, in a large degree.

Mr. WALSH. I agree with the Senator completely that there is no semblance of justice in that, and I assume that that was not what was meant at all. Of course, we all understand that there are immense power possibilities in that portion of the Alabama River. I assumed that this meant that those parties who desired to develop power on the river might be induced to enter into some arrangement with the Government by which the expense of the work would be divided between them and the Government. Am I correct?

Mr. CLARKE of Arkansas. The term "local interests" in its primary meaning would not include an arrangement like that, but it might be made in this particular instance to mean it. If upon further investigation that turns out to be the fact, I assume that the amendment will not remain out of the bill, although we might strike it out here now. If there are interests other than those of the farmers and the landowners along the stream interested sufficiently to make it just to contract with them, that will be demanded before the matter is finally disposed of.

Mr. WALSH. With the enlightenment I have, I do not know really how to vote on this question.

Mr. NELSON. Will the Senator from Montana allow me? I wish to say to him that this is a dam to be constructed by the Government, not by private parties; and, of course, if there is any surplus power for the Government to lease, it would get a profit out of it. It is not like a private dam.

Mr. JONES. Mr. President, I merely wish to call the attention of the Senator from Montana to the fact that the engineers recommend that the flowage rights should be taken care of by the State, counties, and municipalities, and other local interests before the Government goes into the expenditure of this money.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

The next amendment was, on page 27, after line 18, to insert "*Provided also*, That the pierhead for marking the east end of the east breakwater extension and provided for in the existing approved project shall be located at the east extremity of the breakater as now built, the structure to be built with funds previously appropriated for that purpose," so as to read:

Harbor at Cleveland, Ohio: For maintenance, $65,000: *Provided also*, That the pierhead for marking, etc.

Mr. SMOOT. Mr. President, in the first place, I wish to suggest that the word "also" ought to be stricken out.

Mr. CLARKE of Arkansas. Yes.

Mr. POMERENE. There is no objection to that.

Mr. SMOOT. If there is no objection to that, I wish to ask the Senator from Ohio to explain this amendment.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Utah that the word "also" be stricken out? The Chair hears none, and it is so ordered.

Mr. POMERENE. Mr. President, I do not have with me the correspondence which I had on this subject. I offered this amendment at the instance of the Cleveland Chamber of Commerce. There have been some changes in the harbor there, and it seems provision was made for the construction of this pierhead under some previous action of Congress at a given place, as I understand it.

Mr. CLARKE of Arkansas. May I interrupt the Senator?

Mr. POMERENE. Certainly.

Mr. CLARKE of Arkansas. During the consideration of this item the matter was referred to the junior Senator from Ohio [Mr. HARDING], who was directed to make the necessary investigation and report to the committee. He reported that the amendment was entirely proper and was much needed, and supported the report with some communications from persons who were anxious to be heard. The effect of it was that it satisfied the committee absolutely that it was an entirely proper amendment. It does not cost the Government anything and makes more convenient the general improvement contemplated by the appropriation.

Mr. POMERENE. I may say also that I had some letters from certain shipping interests, working in harmony with the chamber of commerce, and they were to the effect that this provision should be in the bill.

Mr. SMOOT. The object I had in asking the question was to know from the Senator from Ohio whether, if the change was made, it would cost more than the original plan?

Mr. CLARKE of Arkansas. My understanding is that the junior Senator from Ohio reported that it would not; that it was merely a convenience in providing the improvement.

Mr. SMOOT. As far as dollars and cents are concerned, there is no change made by a change of the plan.

Mr. CLARKE of Arkansas. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert:

Arcadia Harbor, Mich.: For improvement and rebuilding old piers, $25,000.

Mr. KENYON. Mr. President, I only wish to suggest about Arcadia that, as I understand the report of the Chief of Engineers and the Board of Army Engineers, this is a project that has been condemned twice. Of course, I realize that that makes no difference. We have appropriated, according to the report, $63,000 for Arcadia Harbor. The commerce is practically nothing. What there has been has been forest products. I wish to read into the RECORD a part of the report of the Chief of Engineers, dated February 8, 1916:

Arcadia Harbor is on the east shore of Lake Michigan, 17 miles north of Manistee Harbor and 10 miles south of Frankfort Harbor. The harbor was constructed by private parties to afford facilities for the shipment of lumber. The river and harbor act approved March 3, 1905, adopted a project for the maintenance of the entrance channel by dredging not less than 50 feet wide and 12 feet deep below low water, at an annual cost of $3,000, the work to continue for a period of five years. Since the expiration of that period several reports have been submitted under congressional authorization recommending the discontinuance of improvement by the United States. The district officer is of opinion that the present and prospective commerce is too small to justify the necessary expenditure for the maintenance of this harbor and he recommends that the improvement be abandoned by the United States. The division engineer and the Board of Engineers for Rivers and Harbors concur in this opinion.

After due consideration of the above-mentioned reports, I concur in the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore recommend legislation authorizing the discontinuance of the work of maintaining this harbor.

Notwithstanding that, Mr. President, Arcadia is in this bill for $25,000. I dislike to object to it on account of the distinguished Senator from Michigan [Mr. SMITH]. That is always the hard part of any of these matters, because Senators seem to have certain projects which they regard as personal to themselves, and when any criticism or objection is raised we are met with the charge that we assume that all morality and honesty is with us. But here is the direct issue again, just as it was on the Arkansas River, of a project condemned by the Army engineers, of whose infallibility we have heard so much, and it will be for the Senate again to go on record as to whether it will simply stand by the Army engineers when they report favorably to their projects and reverse them when they report otherwise.

Mr. SMITH of Michigan. Mr. President, I do not know that I care to say anything. Almost everyone in the Senate is

familiar with Arcadia. This little rural community on Lake Michigan built this harbor at their own expense, at a cost of $75,000, which was a great deal for a small community like that. The Government engineer went up there and investigated the matter and concluded that to rebuild these piers would require an expenditure of $140,000. The people there took up the matter, and more than half rebuilt the piers at an expense of $15,000. It will take $25,000 to complete the project. This rural community has no other way of getting its products to market, except through this harbor, to Milwaukee and Chicago.

Mr. SMOOT. Mr. President, I simply wish to add a few words to what the Senator from Iowa [Mr. KENYON] stated in relation to this project. All the commerce at this harbor, as reported by the Chief of Engineers, amounts to but 21,525 short tons. That was in the year 1914. The amount is growing less each year. Ninety-five per cent of the commerce is in forest products alone. It is entirely a local business. There is but one railroad that reaches the little town, known as the Arcadia & Betsie River Railroad.

Mr. SMITH of Michigan. I will say to the Senator from Utah, if he will permit me, that that railroad does not do the town any good; it was never intended as a commercial highway.

Mr. SMOOT. I am not speaking against the town; I am speaking against the appropriation of $25,000. I was simply calling attention to the fact that there was a railroad that reached the little town; and I was going to say that it does not do an interstate business.

Mr. SMITH of Michigan. Probably not.

Mr. SMOOT. Mr. President, the engineers report as to the "proposed operations" as follows:

Proposed operations: The funds available for maintenance will be exhausted June 30, 1916. No recommendation is made for appropriation for fiscal year ending June 30, 1917. Maintenance for the year would require about $4,000 for dredging, engineering, and contingencies.

The engineers have reported against the project; but if there is to be an appropriation made, they say that $4,000 is all that is necessary, yet we find an amendment in the bill providing for an expenditure of $25,000.

Mr. SMITH of Michigan. The Senator from Utah does not think that that money would be wasted by the engineers, does he?

Mr. SMOOT. Mr. President, I can not say what the engineers would do with the money.

Mr. SMITH of Michigan. Does the Senator believe the money would be wasted?

Mr. SMOOT. I am afraid a great deal of it will be.

Mr. SMITH of Michigan. Not on this little project.

Mr. SMOOT. In fact, I think that nearly half of all the money that has been appropriated in the past 50 years, amounting in the total to $850,000,000, has been wasted, so far as any benefit to the commerce of the country is concerned.

Mr. SMITH of Michigan. This would not pay the interest on that amount of money for 30 seconds.

Mr. SMOOT. That is true; but this is only one of the items in the bill which never ought to be in it, in my opinion.

Mr. SMITH of Michigan. If the Senator from Utah speaks much longer, the interest will amount to more than the appropriation.

Mr. SMOOT. Mr. President, I know there is little use in calling the attention of the Senate to any of these unwarranted appropriations, and I have become discouraged in doing so; perhaps it will be just as well to let the bill pass; but I do know that if the people of the country understood that appropriations were being made by Congress for this character of work it would not meet their approval. I know this proposed appropriation is small compared to other great items in the bill; but $25,000 for this project and $25,000 for another project, and $12,000 for this and $10,000 for that, will soon run up into the millions of dollars, as every Senator must understand.

There are some 270 items or projects appropriated for in the bill, and I can not see what justification a Senator can offer for voting an appropriation of $25,000 for a project which the Army engineers say should be abandoned, and as to which they also further state that if it is to be maintained, and if the Government of the United States is to make further appropriations for its maintenance, $4,000 will be ample for the dredging, for the engineering, and for all contingencies; yet we find an amendment to the bill carrying $25,000 for the purpose.

Mr. President, I am not going to say any more upon this item; but it seems to me that it can not be defended; and I do not believe that the Senate of the United States ought to throw this money away, for that is exactly what it means if the amendment is agreed to.

Far be it from me to cast a vote that would harm any of the people in the little town which this project is supposed to assist; if I thought, Mr. President, that it would assist them in any way, I would never vote against it; but here we find that 95 per cent of all the commerce consists of saw logs, that can be floated without the expenditure of a single cent by the Government for dredging. Therefore, Mr. President, I shall be content to allow Senators to vote for this appropriation if they desire to do so; but I do not believe that any Senator can justify his vote for it.

The PRESIDING OFFICER (Mr. WALSH in the chair). The question is on the amendment reported by the Committee on Commerce.

Mr. KENYON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CHILTON. What is the pending question?

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. On page 28, after line 7, it is proposed by the Committee on Commerce to insert the following item:

Arcadia Harbor, Mich.: For improvement and rebuilding old piers, $25,000.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Being advised, however, that if present the Senator from North Carolina would vote as I shall vote, I vote "yea."

Mr. CURTIS (when his name was called). Again announcing my pair with the junior Senator from Georgia [Mr. HARDWICK], I withhold my vote.

Mr. MYERS (when his name was called). I make the same announcement as to my pair and its transfer which I made on the last vote and vote "nay."

Mr. SAULSBURY (when his name was called). Repeating the same announcement as to my pair that I made on the previous roll call, I withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. That Senator being absent, I withhold my vote. I will ask that this announcement stand for the day.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. LEA] and vote "nay."

The roll call was concluded.

Mr. STONE. I have been requested to announce that the Senator from South Carolina [Mr. TILLMAN] is paired with the Senator from West Virginia [Mr. GOFF].

Mr. GALLINGER. I announce my pair with the senior Senator from New York [Mr. O'GORMAN], who is absent to-day. For that reason I withhold my vote.

Mr. LEA of Tennessee. The transfer of a pair having been made to me, I desire to transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will vote "yea."

Mr. THOMAS. I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], which I transfer to the junior Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. CATRON (after having voted in the affirmative). I have a pair with the Senator from Oklahoma [Mr. OWEN], who has not voted. I therefore ask to withdraw my vote.

Mr. CURTIS. Mr. President, I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Rhode Island [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 27, nays 22, as follows:

YEAS—27.

Bronssard	Lea, Tenn.	Pittman	Smith, Ariz
Chilton	Martin, Va.	Poindexter	Smith, Mich.
Clapp	Martine, N. J.	Ransdell	Stone
Clarke, Ark.	Nelson	Reed	Swanson
Fall	Oliver	Shafroth	Vardaman
Fletcher	Page	Sheppard	Wadsworth
Hollis	Phelan	Simmons	

NAYS—22.

Ashurst	Husting	Sherman	Thompson
Borah	Jones	Smoot	Walsh
Brady	Kenyon	Sterling	Williams
Brandegee	Lane	Sutherland	Works
Gore	Myers	Taggart	
Hughes	Pomerene	Thomas	

NOT VOTING—47.

Bankhead	du Pont	Lee, Md.	Robinson
Beckham	Gallinger	Lewis	Saulsbury
Bryan	Goff	Lippitt	Shields
Burleigh	Gronna	Lodge	Smith, Ga.
Catron	Harding	McCumber	Smith, Md.
Chamberlain	Hardwick	McLean	Smith, S. C.
Clark, Wyo.	Hitchcock	Newlands	Tillman
Colt	James	Norris	Townsend
Culberson	Johnson, Me.	O'Gorman	Underwood
Cummins	Johnson, S. Dak.	Overman	Warren
Curtis	Kern	Owen	Weeks
Dillingham	La Follette	Penrose	

So the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 28, after line 13, to insert:

For dredging above Ogden Street Bridge, Menominee River, $16,000.

Mr. KENYON. Mr. President, I am not rising to object to that item, but I should like to have some explanation of it in the RECORD. I think there was nothing concerning it before the committee.

Mr. SMITH of Michigan. Mr. President, it is perfectly simple. This bridge runs across the center of the city of Menominee. The appropriations hitherto have been expended only south of the bridge, and this amendment authorizes an expenditure of $16,000 north of the bridge, which is necessary. Menominee is a thriving city, and this stream is an important highway of commerce.

Mr. KENYON. I should like to ask the Senator if there is any recommendation by the Board of Army Engineers in regard to this item?

Mr. SMITH of Michigan. In the last river and harbor bill we provided for an appropriation for use south of this bridge. In the bill prior to that I think the same thing was done, and, without authority to dredge north of that bridge none of this money, $16,000, can be spent there. I have nothing more to say about it. I think the item ought to go in.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 28, after line 19, to insert:

Saugatuck Harbor and Kalamazoo River, Mich.: For maintenance, $10,000.

Mr. KENYON. Mr. President, notwithstanding this is a small item and there seems to be some irritation when we ask about small items, I should like to inquire if a resurvey of this project was not ordered at the last session of Congress and whether or not there has been any report on it? There was nothing before the committee, as I remember, about this item. Of course, I suppose it does not make much difference whether we know anything about it or not, but I should like to secure what information I can.

Mr. SMITH of Michigan. Mr. President, I know something about it. I know about the traffic there. There is a very large traffic at Saugatuck, which is an important harbor on Lake Michigan. The harbor has been completed. No money was provided for maintenance. The harbor will not maintain itself. It is left to Congress to say whether that harbor shall be maintained; and we put this item of $10,000 in the bill to maintain it. If the engineers do not spend it for that purpose it will be left in the Treasury.

Mr. SMOOT. Has there been an appropriation heretofore for this specific project?

Mr. SMITH of Michigan. This harbor has been practically completed, and now it has got to be maintained, just as other items provide for maintenance for the harbor at Charlevoix, at Frankfort, and other places.

The money, as I have said, can only be used for maintenance; if it is not necessary, it will not be expended; but if it is necessary, its expenditure must be authorized in order to enable the engineers to protect the work already done.

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 29, after line 15, to insert:

St. Clair River, Mich., with a view to securing a channel along the water front of Port Huron 21 feet deep at low water and 400 feet wide, according to the report of the Chief of Engineers in House Document No. 782, first session Sixty-fourth Congress, $83,325.

Mr. SMITH of Michigan. Mr. President, the report referred to in the amendment did not reach the House before the bill was completed. The item provides an additional channel in the St. Clair River. Through the St. Clair River passed last year 78,800,000 tons of freight, valued at $855,500,000. That channel is very congested, tortuous, and unsafe to navigate; we want another channel along the Port Huron water front, which will make it more safe for vessels than otherwise. No waterway in the world accommodates the amount of traffic that is borne on the St. Clair River. This amendment ought to be agreed to. It was put in by the committee on my motion, and I have no doubt that it will be approved by the Senate.

Mr. SHERMAN. Mr. President, I want to inquire of the Senator in connection with this proposed amendment if he intends to offer any objection to the adoption of the amendment to which I will call his attention on page 31, beginning in line 24 and extending over to page 32? I ask that question in view of a communication from certain manufacturers and harbor authorities presented some days since and incorporated in the CONGRESSIONAL RECORD. It referred to the alleged lowering of the lake levels, especially in the upper lake regions, because of the diversion of water through the sanitary district channel of Chicago. Does the Senator intend to offer any objection to the amendment to which I have referred?

Mr. SMITH of Michigan. Mr. President, I do not know just why the Senator from Illinois should ask that question. Does the Senator mean to argue that the construction of another channel through the St. Clair River would divert the waters of Lake St. Clair and Lake Huron?

Mr. SHERMAN. Yes, sir.

Mr. SMITH of Michigan. Not at all.

Mr. SHERMAN. That is the point.

Mr. SMITH of Michigan. This channel is not long and only 400 feet wide.

Mr. SHERMAN. It is the bone of contention, Mr. President.

Mr. SMITH of Michigan. It is a very different thing from an artificial waterway that takes water out of Lake Michigan and puts it into the Gulf of Mexico.

Mr. SHERMAN. Before the vote, in order that I may vote as intelligently as I am able to do, I should like to state that the St. Clair River, which connects the waters of the two lakes, Huron and Erie, is directly connected with the question of lake levels. As I remember now—and I can turn to the document later—the original natural depth of the St. Clair River at or about the point covered by this amendment was about 8 feet. There were a number of channels in its natural state, making what might be called flats, as I remember the report of the engineers on it. The channel has now been changed until the present depth is about 20 feet, and it is contemplated by this amendment that the depth would be increased to about 21 feet. The original width of this channel was much less than is now proposed. I do not know what it was, but it is now proposed in this amendment to make the width some 400 feet.

Mr. SMITH of Michigan. Yes.

Mr. SHERMAN. I call the Senator's attention to the physical condition not only of the upper lake region that is connected with the subject of levels, but the increasing of the width and depth of the connecting waters between the lakes, which comprise what is called the lower lake region. The greater these connecting waters are increased in depth or width the greater the flow of water. It facilitates the passage of water even between so large bodies as the lakes.

The reason why I make this inquiry is that if any objection shall be made to the proposed amendment on the ground that it diverts a certain amount of water from Lake Michigan, I wish to state now that these improvements of waterways like the St. Clair River facilitate the flow of water from Lake Huron into Lake Erie, and so from Lake Michigan and Lake Superior. This one, standing by itself, would be insignificant; but this question has been raised and argued at great length, and many engineers of two nations have reported at various intervals, and have arrived at widely different conclusions. The claim is, on petition filed by the Senator some days ago, that so much water has been diverted from the territory of these petitioners that it interferes with navigation, and has very materially affected the ability to receive and transmit water-borne freight from certain points.

I wish to call the Senator's attention to this matter, and to inquire if he knows about how much of this change in the lake levels is to be attributed to increasing the depth and width of the natural outlet of the lakes, the connecting waters, like the St. Clair River. I will confine it for the present to that point. It is contended by Canada, in numerous reports of their engineers and by their representative, who has been a number of times in consultation with the Chicago authorities, that they have not materially contributed to this. I wish to say, however, to generalize, without going into details at this time, that the increase in the depth and width of the connecting waters between the Great Lakes, whether in the upper or lower lake region, increasing very materially the flow, has contributed

vastly more to the lowering or change of the lake levels—without conceding that it is such as to interfere with commerce in any material degree—than all the waters diverted, even though the maximum amount permitted by the War Department should be diverted, at Lake Michigan to the Chicago River and the sanitary district. It has never exceeded 10,000 cubic feet per second, and even that has been cut down of late. That is how this amendment here, which contemplates a change by increasing the depth 1 foot and by increasing the width from 300 feet to 400 feet, which will make a greater outlet for the water and thereby facilitate the flow to an extent that might interfere with the lake levels above, was complained of and charged to the account of the sanitary district.

Mr. SMITH of Michigan. Of course, Mr. President, it would be useless to argue the proposition that to deepen the river would cause the concentration of water to be greater at this point than otherwise; and the engineers have stated that deepening a channel like this to which I have referred would have a tendency, but to what extent I am not able to say, to reduce the lake level. That is one of the reasons why they have been so jealous in protecting the diversion through the Sanitary Canal and the Illinois River on the proposed Lakes-to-the-Gulf plan. But we have reached the point when commerce is seriously congested and the danger to shipping has become very great because of the incapacity of the channel in the St. Clair River, which must, as I said a few moments ago, accommodate 78,800,000 tons of freight a year. There is no waterway like it. There are no figures like these that I know anything about. The value of that commerce aggregates $855,800,000 per year. They can not safely operate those ships through that single channel along the Canadian shore. Many accidents occur. I venture the assertion that a million dollars' worth of damage has been done to vessels as they attempted to pass through this narrow strip, the St. Clair River.

This is vital to the safety of our commerce on the Lakes, and the engineers recommended it. Their recommendation came too late to get it into the House bill. I have taken the liberty of putting it into the Senate bill. It ought to pass. I have no doubt but that it will pass; and the work of making a new channel to accommodate this commerce should not be longer delayed. The expense is not great, and it has most unusual merit. When we reach the item referred to by the Senator from Illinois I may have something to say about it. A great many people are seriously exercised about it in my State. They think that the diversion of water through that canal would be a serious thing to them and to the shipping upon the Lakes; but this item ought not to be confused with that.

Mr. CLAPP. Mr. President, can the Senator tell us the difference in altitude, if any, between Lake Huron and Lake Erie?

Mr. SMITH of Michigan. No; I can not tell the Senator. The engineers have considered that matter and recommend this plan.

Mr. CLAPP. Is it not so much that in order to maintain this channel you have got to go on and deepen it still farther?

Mr. SMITH of Michigan. No; I do not think so.

Mr. CLAPP. But if the mean level of Lake Huron is above the mean level of Lake Erie, in proportion as you deepen the channel of course it will naturally reduce the mean level in the upper lake and require another deepening of the channel, I should think.

Mr. SMITH of Michigan. The engineers say that it is entirely feasible, and that it is very inexpensive. It takes all the shipping from the Northwest.

Mr. CLAPP. It might be inexpensive and it might be feasible. I was just thinking of the ultimate; that is all. I am not opposed to the item at all.

Mr. SMITH of Michigan. I do not know, Mr. President, but that I ought to put into the RECORD a statement of the number of vessels that have been injured at that point and their cost. It is a very large item. I think it will go very close to a million dollars. I do not think, however, that I will encumber the RECORD with it. There can not be any opposition to this item.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the committee.

The amendment was agreed to.

The next amendment was, on page 31, line 23, after "$55,000," to insert "and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act," so as to make the clause read:

Illinois River, Ill.: Continuing improvement and for maintenance below Copperas Creek, $55,000; and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act.

Mr. LEWIS. Mr. President, in this connection, as explanation of that matter—if explanation is at all needed—I beg to yield to my colleague [Mr. SHERMAN], who is a member of the committee, that he may make an explanation now; and if there is any desire that it shall be followed with anything, I will take the liberty of doing so.

[Mr. SHERMAN addressed the Senate. See Appendix.]

The PRESIDING OFFICER. Does the Senator from Illinois offer the amendment he has read as an amendment to the one proposed by the committee?

Mr. SHERMAN. Yes, sir. It has been printed.

The PRESIDING OFFICER. It will be read.

Mr. CLARKE of Arkansas. Let the amendment be read as it will be when amended as suggested by the Senator from Illinois.

Mr. SHERMAN. All right.

The PRESIDING OFFICER. The Secretary will read the amendment as proposed to be amended.

The SECRETARY. On page 31, line 25, after the word "Assembly," insert the words "approved June 18, 1915," and, on page 32, line 2, following the word "act," insert "the Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation," so that if amended it will read:

Illinois River, Ill.: Continuing improvement and for maintenance below Copperas Creek, $55,000; and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly, approved June 18, 1915, providing for an expenditure of $5,000,000 therefor by the State of Illinois, be and is hereby authorized in accordance with said act.

The Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. CLARKE of Arkansas. Mr. President, the committee has no objection to the amendment of the committee being amended as indicated by the amendment offered by the Senator from Illinois.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to. The question is on agreeing to the amendment of the committee as amended.

Mr. LEWIS. Mr. President, I do not know that what I shall say is at all required, and I may impose upon the indulgence of the Senate merely to make clear what might otherwise be presumed to be doubtful.

We have all listened to my colleague [Mr. SHERMAN] in his exposition of the mechanical and engineering surroundings of this project. Without repeating those matters and saving the Senate the burden of its duplication, I desire to say that my position can be expressed by an incident which is reported at the time Edmund Burke ran for the third time for Parliament for Bristol. There was elected with Mr. Burke a colleague by the name of Lauderdale. Lauderdale was a dry-goods merchant. He affected in no wise statesmanship. He knew little of governmental affairs. He knew much of bookkeeping and accounts touching the dry-goods business. After Edmund Burke had rendered a very clear exposition upon governmental questions Mr. Lauderdale rose and responded as follows: "Gentlemen, I say ditto to Mr. Burke; I say ditto." [Laughter.] My position can be best expressed in those exact terms. I say ditto to my colleague. I give my approval to his position. I support his contention. I have personal knowledge of the matters to which he refers.

Mr. President, the Legislature of the State of Illinois, Republican by majority, supported this measure under the suggestion of a Democratic governor. My colleague and myself went over the State of Illinois in different parts presenting from time to time the virtues of this project, getting the people of our State to vote the $5,000,000 bonds indebtedness which is contemplated in the enterprise.

The Committee on Commerce has courteously considered the whole project, and, as I feel, very patriotically given its approval to this extent, that it allows the State of Illinois to make the expenditure under the supervision of the Federal Government, that the expenditures might cooperate with such methods as the Federal Government now inaugurate and give effect to touching the streams for interstate commerce.

Mr. President, there are but two allusions I shall make, and this shall dispose of anything I shall say upon the project. The able Senator from Michigan [Mr. SMITH] a few moments ago addressed the Senate very capably respecting an amendment touching Michigan, and but for his very able utterance would

hardly have overcome the formidable opposition we saw addressed toward it; but in this observation of his he expressed some doubt as to whether the Illinois project would exhaust the water of the Lakes, or at least so separate this water as to create some little complication upon the surrounding States.

I desire to say to the able Senator that this matter has been seriously investigated and reported upon by the engineering department of the Federal Government; and I wish to offer him the suggestion that if there should be danger in prospect that this waterway could in any wise flood by surplus water the lands of any State, any arrangement by locks suggested by the Federal Government, I am sure, would overcome that. So, therefore, we have at the outset an engineering project and an engineering proposition which would overcome the difficulties of my learned friend from Michigan, if he voiced generally the objections which might come from other sources.

Mr. President, I beg to allude to two other things. If the War Department has objected—that is, if the Chief of Engineers of the War Department has objected—upon the ground that the provisions of the act of the Illinois Legislature, which I tendered to the Senator from Minnesota [Mr. CLAPP], who asked for it, would permit unfair or unreasonable charges for commerce, I have this reply to make: Within the State of Illinois there is a public utilities commission, and within that State these rates will be regulated by that public utilities commission to the same extent that they regulate all other rates purely intrastate. In matters interstate, as affecting Illinois and the other States, the Interstate Commerce Commission, by an opinion of the Supreme Court of the United States lately rendered, has complete jurisdiction. Therefore, to the extent of interstate rates, the Interstate Commerce Commission has full jurisdiction. No imposition therefore seems likely or possible.

For the reasons urged by my eminent colleague [Mr. SHERMAN] in the lucid explanation he has made, I respectfully submit to the Senate that the project is a very worthy one. We are supporting it with our money, the money of Illinois, and asking nothing of the Federal Government but its supervision and that it treat this project as it treats other projects instigated by the War Department and sustained by the Federal Government.

I ask for a vote on the amendment.

Mr. SMITH of Michigan. Just one word, Mr. President. I filed the other day with the Secretary of the Senate a protest from shippers on the Lakes addressed to the Chief of Engineers of the War Department, a copy of which they gave to me. They say:

Each and all of us emphatically protest against any additional water being given to said canal, and respectfully urge that the amount be cut down to not to exceed 250,000 cubic feet per minute during a day of 24 hours.

These people—and their judgment has been reinforced by expert engineering opinion—hold that a diversion of the waters of Lake Michigan into this canal to the extent proposed would reduce the lake levels by an additional 8 or 10 inches. Of course, this is very serious. I do not pretend to give that as my judgment, but I will say that our committee has frequently had this matter up for investigation. Such eminent engineers as Mr. Cooley and Mr. Noble have reported upon it. It is a serious question whether these waters can be diverted through that river and the lake levels be maintained.

I do not desire to impede or to thwart a proposition of such vital importance as that suggested by the Senators from Illinois; but the War Department have this matter now under advisement. The governor of the State of Illinois appeared before the Secretary of War the other day, and in his statement he said to the Secretary of War that he did not desire to reduce the water of Lake Michigan at all; that he thought their plan would not do it. They are asking for a more liberal maximum than has heretofore been granted; and until the War Department have passed upon the question, it seems to me it should not be hastily decided.

I am aware of the large expenditure and its purpose by the State of Illinois, all of which is very commendable; but it can not be said that if the waters of the lake are reduced it will involve no additional expenditure on the part of the Government, for if the levels of Lake Michigan and the other inland lakes are reduced, then we must spend millions and millions of dollars to afford sufficient depth of water in the harbors in order to make them properly navigable. It is just possible that this great expense that the State of Illinois is incurring may have to be compensated by an equal expenditure by the General Government in order that the damage to the lake levels may be rectified.

I simply desire to reaffirm what has been stated in this protest made to the Chief of Engineers. I think the matter ought to be taken up with the engineering department of the Government before decisive action is taken. I think that the engineers should be asked whether or not the lakes can stand this increased diversion of their waters. If the engineers say that they can not, why, then, the authorization ought not to be made.

As I said a moment ago, I do not care to go further into the matter. If it proceeds very far and it becomes evident that injury will be done, the project may be halted. The Government may find it necessary to halt it. Congress may have to reconsider the passage of this section at some future time. I hope that may not be the case; but people doing business on Lake Michigan and Lake Superior and the other lakes are entitled to be heard.

Illinois is almost as vitally interested as is my own State. The maintenance of the present volume of water in the harbor at Chicago is a very important thing to Chicago; I do not disguise that at all; but it seems to me that there is enough to this proposition to warrant its reference to the War Department and to take the judgment of the Chief of Engineers and his advice before we get into a situation from which it may be most difficult to extricate ourselves.

Mr. SHERMAN. Mr. President, before the Senator from Michigan concludes I will ask him if he knows that the War Department, acting through its engineers, has made no objection on the question of lowering the Lake levels; that their objection, speaking through the Chief of Engineers, was entirely on the question of the possibility of the State imposing an excessive freight charge, or toll, and on the ownership of the hydroelectric power to be developed by the waterfall? The objection was based on those considerations and not on the question of Lake levels. They have not raised that question.

Mr. SMITH of Michigan. Oh, yes, Mr. President; this question was raised.

Mr. SHERMAN. They have not raised that question so as to make it a part of their present objection. I take it for granted, I may say to the Senator, that they have passed on that in previous years.

Mr. SMITH of Michigan. This question was raised, I will say to my friend from Illinois, the other day. Four or five days ago at the hearing attended by Gov. Dunne, he said—at least it was so reported to me—that they did not seek to take a cupful of water through the Illinois River in addition to what they are now taking. The Senator and his colleague—both of whom I respect very highly, of course—desire only to do what is practicable and proper. Illinois would suffer if the Lake levels were to be reduced, just as Michigan, Wisconsin, and Minnesota would suffer. If by reason of authorizing the expenditure of $5,000,000 in that improvement by the State of Illinois the levels of the Lakes were to be reduced so that there must be expended an additional $5,000,000 or more by the General Government for dredging we shall not have acted wisely.

Mr. SHERMAN. Mr. President, may I ask the Senator again if he realizes that not one gallon of water additional will be taken out by the improvement contemplated? There was a maximum flow permitted by the War Department of 10,000 cubic feet per second; that was the maximum which was allowed. That was reduced by the War Department several years ago, and I think the present cubic feet per second flow is 4,167 cubic feet. The engineers in the War Department having charge of the lake question report that this improvement contemplating an 8-foot channel would not require, if that were the only question—for there are many other questions connected with this diversion of water—a maximum of 10,000 cubic feet per second through the controlling works; that, if the question of navigation alone were to be considered, the diversion of 1,000 cubic feet per second for a 24-hour day would be all that would be required to provide the depth contemplated by the improvement.

Mr. SMITH of Michigan. I understand that that was the argument made by the delegation from Illinois the other day. I am sorry, however, that the Secretary of War has not been able to reach a conclusion upon that hearing. I have just telephoned to the Chief of Engineers to see if a conclusion had been finally reached, and I have ascertained that it has not been. The Senator contends that this will not divert any additional water into the Illinois River, does he not?

Mr. SHERMAN. Yes, sir.

Mr. SMITH of Michigan. And I believe that that is the contention of the Senator's colleague? Am I right about that?

Mr. LEWIS. The Senator is.

Mr. SMITH of Michigan. If that is true, of course, any argument that might be attempted against this provision in the bill would be unnecessary and puerile; but if it should turn out that this would reduce the levels of the Lakes, it would be an exceedingly serious matter. For that reason I have felt called upon to present this memorial and to invite the attention of Senators to the question. I should like very much if we were able to get the judgment of the Engineering Corps of the Army before this provision becomes a law.

Mr. SHERMAN. Mr. President, there will not be a particle of danger. If you put the $5,000,000 paid by the sanitary district taxpayers into the hands of the Army engineers or the Board of Engineers, it would not be 24 hours until there would be a favorable decision. They have an idea that nobody but themselves ought to spend any money.

Mr. SMITH of Michigan. I do not know about that. They were quite in accord with the recommendations of the National Waterways Commission that the respective communities should spend at least half the amount necessary to put their harbors and their rivers in proper shape. I know they badgered that Waterways Commission, for I was a member of that commission and heard their arguments; but I do not care to say any more about it. It is an important matter, in my opinion, and the Senators from Minnesota and the Senators from Wisconsin are all interested in the matter and will be heard before the bill passes the Senate.

Mr. SHERMAN. Mr. President, may I correct a statement made by me? I referred to the Board of Engineers. The Board of Engineers is favorable to this project. I meant to refer to the Chief of Engineers. It would not be fair to say what I did about the Board of Engineers. It is the Chief of Engineers who made the objection.

Mr. LEWIS. Mr. President, let me observe that if any of the objections of the Senator from Michigan shall ever arise and shall ever have existence, such will be plain to the engineers. The Government engineers, cooperating with those from the State of Illinois having charge of this matter, will necessarily observe the amount of water coming forth and report at any time when it could and should be curtailed, and I assure the Senator from Michigan that then Illinois will obey any injunction looking to the protection of her neighboring States which the Board of Engineers recommend.

Mr. CLAPP. Mr. President, I have not gone over carefully the act of the Illinois Legislature referred to in the proposed amendment. It is referred to in the amendment as follows:

And the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act.

That is a Federal authorization to proceed under the State law; and, while probably the Federal Government could, as a matter of abstract right, regulate that permission, or, at least, modify the terms of its exercise as expressed in the State law, yet if the State should go on and make a large expenditure on the strength of the authorization by the Federal Government of the proceeding under the State act, would it not place the Federal Government in a position where the State might justly say afterwards "you have authorized this expenditure, business has been adjusted to it, and it is hardly fair for you now to withdraw it or to withdraw any portion of it"? Would not that situation arise if later it was found that the use of the water, as contemplated by the State act, was seriously affecting the Lakes?

Mr. LEWIS. Mr. President, I reply to the Senator from Minnesota by saying that the State of Illinois anticipated that and has practically indicated to the Government that it accepts the permission granted upon such conditions as the Government tenders, and accepts it subject to having the whole project interdicted if at any time it shall develop that it is harmful to any part of the country. For that reason I say to the able Senator that the State of Illinois has anticipated the situation which he supposes might arise, and could not complain in equity——

Mr. CLAPP. The State would be estopped from making complaint.

Mr. LEWIS. The State would be estopped from entering complaint, inasmuch as she sets forth that she accepts the permission under these conditions.

Mr. CLAPP. Mr. President, I realize, of course, the importance of this matter to the State represented by the two Senators from Illinois, and hardly know just what plan to adopt as to voting for a matter of this great importance. I will ask the Senator if the subject was ever considered in the committee?

Mr. SHERMAN. Yes, sir. I offered the amendment in the committee and it was adopted there. Although there was no debate on it, no objection was made. I stated the purpose of the provision.

Mr. CLAPP. Were the engineers brought before the committee?

Mr. SHERMAN. No, sir. The Board of Engineers favored granting the permission, but the Chief of Engineers made objection, not upon the question of navigation or because of engineering problems or that any obstruction to navigation might ensue, but on the two questions which I mentioned a while ago—one that the State ought not to claim the water power and the other that it might charge excessive freights or tolls. The freight or toll question is covered in the amendment which is printed and is pending.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 32, after line 2, to insert:

Mississippi River: Government dike, in Illinois, directly opposite the city of Louisiana, Mo., for raising dike at least 7 feet, $15,000, or as much thereof as may be necessary.

Mr. CLARKE of Arkansas. Mr. President, the junior Senator from Missouri [Mr. REED] has charge of that amendment. He is not now in the Chamber, and I ask that it may be passed over for a few moments. An amendment relative to the Government pier at Lewes, Del., on page 11, which was passed over, might be disposed of at this time. I refer to the item on lines 4, 5, 6, and 7, page 11.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, after line 3, it is proposed to insert:

Maintenance and repair of the Government iron pier, harbor of Lewes, Del., hereafter, under regulations prescribed by the Secretary of War, to be opened to public use, $10,000.

Mr. SAULSBURY. Mr. President, I referred this morning to a report from the Chief of Engineers in regard to the iron pier at Lewes, Del., of which I had seen an advance copy. I have received from the Committee on Rivers and Harbors of the House a copy of that report, which I send to the desk, and ask the Secretary to read paragraph 4 on the second page, which gives the meat of the whole matter.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

After due consideration of the above-mentioned reports, I concur with the Board of Engineers for Rivers and Harbors in the opinion that the repair and maintenance by the United States of the iron pier in Delaware Bay, near Lewes, Del., is not justified solely in the interests of commerce and navigation; in view, however, of the fact that this pier is used by several branches of the Government service and might be important in connection with military-defense operations, I believe that it should be placed in suitable condition for governmental and commercial use. While the act of March 3, 1891, authorized the transfer of the pier to the Treasury Department, it is not apparent that such transfer would be advisable at the present time, as the pier is of value not only to that department but is continuously used and occupied by the Department of Commerce, and with the strengthening proposed by the district officer it will be suitable for commercial purposes and for certain needs of the War Department. It is therefore recommended that an appropriation of $78,000 be made for repairing this pier, and that the provision of the act of March 3, 1891, authorizing the transfer of the pier to the Treasury Department be repealed.

W. M. BLACK,
Chief of Engineers, United States Army.

Mr. SAULSBURY. Mr. President, that gives the statement of the case as I know it. Connected with the paragraph of the report which has been read is a complete history of this whole matter, showing when the pier was built, the circumstances, in so far as the War Department knows, of how it has been used and how it is used now. My object in having this read is to put the committee in possession of such facts as I have. That report is now in the possession of the Committee on Rivers and Harbors of the other House. I want this amendment to go in the bill, and I have no objection, under the circumstances, to accepting the amendment as the committee has proposed it for only $10,000, with the understanding, as expressed by the chairman of the committee, that they may change it to such an amount as the report convinces them should be allowed.

Mr. SMOOT. Mr. President, I think the Senator ought to be advised that, in the opinion of a great many Senators, conferees have no power to increase the maximum amount put in a bill by either House. Whatever amount is provided in this amendment can not be increased in conference, but it may be decreased. In other words, the House having appropriated nothing and the Senate having appropriated $10,000, the conferees will have power to fix an amount between nothing and $10,000, but the conferees will have no power to increase the appropriation over the amount fixed by the Senate, there having been no appropriations provided in the bill by the House.

Mr. SAULSBURY. Mr. President, I find there is a difference between two of the oldest Members of this body as to whether such action can be taken. I confess that I am not sufficiently familiar with the proceedings of conference committees or with the action this body and the other have taken in connection with such matters to express an opinion. It seems to me that the suggestion of the chairman of the committee in charge of this bill is a reasonable one, that where the Senate has incorporated in the bill a new amendment carrying an appropriation, if the conferees find that that amount is not sufficient, but they favor the amendment, the appropriation might be increased to carry out the evident purpose for which the appropriation is intended.

Mr. SMOOT. I will say to the Senator that that has not been the practice of the Senate; and I believe if the conferees will look up the precedents established by the conferees of both Houses for years and years back they will find that wherever there is an amendment added to a bill by either House inserting a new item of appropriation the amount of that item can not be increased in conference. It can be, as I have stated, decreased between the amount which the House provided and the amount provided by the Senate, but it can not be increased over and above the maximum amount proposed to be appropriated by the House which incorporated the amendment in the bill.

Mr. CLARKE of Arkansas. Mr. President, that rule would put limitations upon the legislative power of the two Houses which I do not think is justified by the Constitution. If the Senate should insert in the bill this item appropriating $10,000, the House might conclude that the amendment was a proper one, but that $10,000 was not sufficient to supply the facilities which the adoption of the project was intended to furnish, and they might insist that sufficient money should be appropriated to do effectively what we are attempting to do. There never can be any such limitation as that. The Senate conferees would be in no position to insist that the amount should be increased; I agree to that; but if the House agrees to the purpose of the provision, then they have a right to exercise their judgment as to how much money it requires to effectuate it.

Mr. SMOOT. But the Senate conferees must agree before a report can be made to either House.

Mr. CLARKE of Arkansas. If the Senate conferees were convinced that it was the proper thing to do, it would be their duty to accede to it.

Mr. SMOOT. I have been on a great many conference committees; but I will say to the Senator that if it happens that this amount is increased in conference, being a committee amendment inserted in the Senate, there having been no action taken on it by the House, it will be the first time that I have ever seen such an increase made since I have been in the Senate.

Mr. CLARKE of Arkansas. Therefore the most expeditious way to treat the matter is to increase the amount here to $78,000. Then, I presume, the Senate conferees can agree to its reduction if the necessity exists.

Mr. SMOOT. There is no doubt about that.

Mr. CLARKE of Arkansas. Let that be the course, then.

Mr. SAULSBURY. May I ask the Senator in charge of the bill if he is willing to accept an amendment increasing the amount to $78,000, stating at the same time——

Mr. CLARKE of Arkansas. I think that might be submitted to the Senate. I am not going to vote against it. It is a matter now that is under the jurisdiction of the Senate.

Mr. SAULSBURY. I only state that I shall be very glad to have the conference committee thoroughly examine this question, in view of the recent report from the War Department, and determine it. What their conclusion is will be entirely agreeable to me. I think this is a sufficiently important matter to place it within the consideration of that committee; and I hope there will be no objection to increasing the amount in this amendment, then, to $78,000 and letting it go to the conference committee. With that understanding, I move that the $10,000 be stricken out and $78,000 inserted. I move that the amendment of the committee be amended in that fashion.

Mr. SMOOT. Mr. President, upon that I desire to say just a few words.

It seems to me this is a most extraordinary course for the engineers to pursue. This river and harbor bill was based upon and made in large part from last fall's report of the engineers just a few months ago. This is an item placed in the bill by the Senate committee for a certain project that a few months ago the Army engineers rejected and advised against. In the supplemental report just read there is no new information. It does say if certain things are done, then a certain amount should be appropriated. We had better wait and see if those certain things are done.

I want to call the attention of the Senate to the regular report of the engineers and the conclusions then reached by the engineers, and let Senators judge for themselves whether there has been any additional light given to the Senate as to why this appropriation should be made.

Mr. KENYON. Mr. President, does not the Senator think that, perhaps, in the interest of economy, it would be well to accept this amendment, because if the debate runs on a few days more the Army engineers may raise this amount another $75,000 or $80,000?

Mr. SMOOT. They may do it, particularly if there is an urgent request from some Senator for an additional report as a basis for an increase.

Mr. SAULSBURY. Mr. President, as I am somewhat interested in this discussion, I wish the Senators would not have a conversation between themselves, but would speak loud enough so that we may hear them on this side of the Chamber.

Mr. SMOOT. I shall try to do so, Mr. President. I thought I was speaking loud enough to be heard all over the Chamber.

I will read a part of the engineers' report, and I want the Senators to follow it and see how closely it accords with the report that has been read from the desk to-day:

The pier has never been used to any extent for the interchange of commerce. It has been used occasionally as a landing place for vessels reporting at Lewes. The United States Lighthouse Establishment uses the pier as a place for the storage of buoys; the United States Life-Saving Service has a lookhouse at a point about midway of the pier; and the United States Quarantine Service uses it occasionally for landing passengers. The pier was also used to some extent by the Engineer Department during the construction of the harbor of refuge in Delaware Bay from 1897 to 1901, but has not been used by this department to any extent since that time.

That is about the statement that was made in this additional report to-day. The engineers, when they made this report a few months ago, knew the conditions just as they existed and just as they are stated in this report, and this is their conclusion then:

It will require the expenditure of about $10,000 to place the pier in a reasonable state of repair, but, for the reason that the pier is used so little, no work of maintenance is proposed at this time.

Now, Mr. President, we are not only asked to appropriate $10,000 for this purpose, but that it be increased to $78,000.

Mr. STERLING. Mr. President, does not the Senator from Utah think, in view of the further uses to which this pier may be put, as shown by the later report just read from the desk a while ago, that we would be justified at least in appropriating $10,000 to keep the pier in reasonable repair?

I will say to the Senator that that is what appeals to me. Standing alone, and without this further report, I would have voted against this proposed appropriation of $10,000; but in view of what is stated in this report as to the uses to which the pier may be put I believe that the pier should be kept in repair and an appropriation of $10,000 made for it.

Mr. SMOOT. Mr. President, I can not agree with the Senator from South Dakota in his conclusion. The Army engineers, when the report was made a few months ago, knew the conditions and knew what this pier was to be used for just as much as they know to-day. There is some reason for this supplemental report. It is dated yesterday, a few days after the item was questioned on the floor of the Senate. It does seem to me that it is an absolute waste of public money. I am not going to say anything more about it. If the Senate wants to put in $78,000 or $178,000, or a million dollars, I know the opponents of this bill are powerless to prevent it.

Mr. CLARKE of Arkansas. Mr. President, in making the suggestion I did I thought that would reduce the question to be submitted to the Senate to the one question of adoping the amendment.

Mr. SMOOT. That is true.

Mr. CLARKE of Arkansas. I did not know that there would be any controversy as between the two amounts.

Mr. SMOOT. What the Senator says is true, that there will be no controversy then; but it will be in the power of the conferees to make an appropriation of $78,000, and if we put it at $10,000 we will certainly limit it to that amount.

Mr. CLARKE of Arkansas. I do not agree with the Senator about that; so I suggest to the Senator from Delaware that he withdraw his amendment for $78,000, which provoked the controversy, and let us vote on the item for $10,000. We will run the risk.

Mr. SAULSBURY. I shall be very glad to withdraw that amendment.

I want to say one more word in regard to this matter. Evidently the Senator from Utah is under the impression that there is no commerce at that pier. I was not sure as to how

many piers were in use in that harbor; but since the discussion this morning I wired a friend of mine, who is a prominent business man, inquiring how many piers there are in use at that harbor in addition to this iron pier, which is practically unused except by the Government. I have received from him this reply:

Three fish-house piers, one railroad, one iron.

Making altogether four piers in use in this harbor besides this iron pier, of which this iron pier can be made, at very small expense, the very best of all of them.

That may, I think, convey to the Senator from Utah some information as to some commerce going on there.

Mr. SMOOT. Oh, Mr. President, if the Senator thought I stated there was no commerce there, I think he is mistaken. I know that there are some fish piers there. The engineers' report calls attention to them. In fact, one of them adjoins this iron pier, so the report says. I simply say that if the iron pier were destroyed to-morrow morning, swept into the bay, it would make no difference to the commerce now there.

Mr. SAULSBURY. It is not used for commerce.

Mr. SMOOT. That is what I stated.

Mr. SAULSBURY. We are trying to get it in a position where it can be so used.

I think it is quite profitless to continue the discussion, so I think we might as well determine the question of the insertion of the amendment or leaving it out.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SMOOT. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK], and therefore withhold my vote.

Mr. MYERS (when his name was called). Announcing the same transfer of my pair with the junior Senator from Connecticut [Mr. MCLEAN] that I announced on the last roll call, I vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from South Dakota [Mr. JOHNSON] and will vote. I vote "nay."

Mr. TILLMAN (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote. I will let this announcement stand for the day.

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN]. As he is not present, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I have been informed that if present he would vote as I intend to vote. I therefore feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BECKHAM. Has the senior Senator from Delaware [Mr. DU PONT] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I have a general pair with him and withhold my vote.

Mr. GALLINGER. I am paired with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Idaho [Mr. BRADY] and vote "yea."

Mr. CLARK of Wyoming. I desire to ask if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, and therefore withhold my vote.

Mr. CURTIS. Mr. President, if there is not a quorum present, I should like to be counted as present to help make a quorum.

Mr. CLARKE of Arkansas. I suggest that the Secretary call the names of absentees.

Mr. SMOOT. The result has not yet been announced.

The roll call resulted—yeas 33, nays 11, as follows:

YEAS—33.

Ashurst	Culberson	Hollis	Martine, N. J.
Bankhead	Fall	Lea, Tenn.	Myers
Brandegee	Fletcher	Lewis	Nelson
Chilton	Gallinger	Lodge	Oliver
Clarke, Ark.	Hitchcock	Martin, Va.	Phelan
Pittman	Saulsbury	Smith, Mich.	Williams
Poindexter	Sheppard	Sterling	
Pomerene	Simmons	Swanson	
Ransdell	Smith, Ariz.	Vardaman	

NAYS—11.

Husting	La Follette	Sherman	Thomas
Jones	Norris	Smoot	Works
Kenyon	Page	Taggart	

NOT VOTING—52.

Beckham	Dillingham	Lee, Md.	Smith, Ga.
Borah	du Pont	Lippitt	Smith, Md.
Brady	Goff	McCumber	Smith, S. C.
Broussard	Gore	McLean	Stone
Bryan	Gronna	Newlands	Sutherland
Burleigh	Harding	O'Gorman	Thompson
Catron	Hardwick	Overman	Tillman
Chamberlain	Hughes	Owens	Townsend
Clapp	James	Penrose	Underwood
Clark, Wyo.	Johnson, Me.	Reed	Wadsworth
Colt	Johnson, S. Dak.	Robinson	Walsh
Cummins	Kern	Shafroth	Warren
Curtis	Lane	Shields	Weeks

The VICE PRESIDENT. On the amendment of the committee the yeas are 33, the nays are 11. There are three Senators present and not voting. There is not a quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Norris	Smoot
Bankhead	Hitchcock	Oliver	Sterling
Brandegee	Hollis	Owen	Taggart
Catron	Husting	Page	Thomas
Chilton	Jones	Pomerene	Tillman
Clapp	Kenyon	Ransdell	Vardaman
Clark, Wyo.	La Follette	Saulsbury	Warren
Clarke, Ark.	Lea, Tenn.	Sheppard	Weeks
Culberson	Lippitt	Simmons	Works
Curtis	Lodge	Smith, Ariz.	
Fall	Nelson	Smith, Mich.	

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.

Mr. CLARKE of Arkansas. I move that the Sergeant at Arms be directed to notify the absentees and to request their attendance. I understand that the Committee on Agriculture and Forestry is in session; and I move that the Sergeant at Arms be especially directed to notify the Senators present there that the Senate is in session, and that they are expected to give some attention to service here.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. LEWIS, Mr. MARTIN of Virginia, Mr. FLETCHER, Mr. SWANSON, Mr. PHELAN, Mr. JOHNSON of South Dakota, Mr. MYERS, Mr. KERN, and Mr. WADSWORTH entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. CLARKE of Arkansas. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

The VICE PRESIDENT. The Secretary will proceed with the calling of the roll on the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. CURTIS (when his name was called). Repeating the announcement that I made before, I withhold my vote.

Mr. GALLINGER (when his name was called). Repeating the transfer that I made on the last roll call, I vote "yea."

Mr. MYERS (when his name was called). Announcing the same transfer of my pair as heretofore to-day, I vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating my announcement on the previous roll call, I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. My pair having returned to the Chamber, I desire to vote. I vote "yea."

Mr. OWEN. Has the junior Senator from New Mexico [Mr. CATRON] voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I withhold my vote.

Mr. DILLINGHAM. Owing to the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, I withhold my vote.

The result was announced—yeas 44, nays 10, as follows:

YEAS—44.

Ashurst	Gallinger	Myers	Sheppard
Bankhead	Hitchcock	Nelson	Simmons
Beckham	Hollis	Newlands	Smith, Ariz.
Brandegee	Johnson, S. Dak.	Oliver	Smith, Ga.
Chamberlain	Lane	Overman	Smith, Mich.
Chilton	Lea, Tenn.	Page	Sterling
Clapp	Lee, Md.	Phelan	Thompson
Clarke, Ark.	Lippitt	Pittman	Vardaman
Culberson	Lodge	Pomerene	Walsh
Fall	Martin, Va.	Ransdell	Warren
Fletcher	Martine, N. J.	Saulsbury	Williams

NAYS—10.

Borah	Kenyon	Sherman	Works
Husting	La Follette	Smoot	
Jones	Norris	Wadsworth	

NOT VOTING—42.

Brady	Goff	McLean	Stone
Broussard	Gore	O'Gorman	Sutherland
Bryan	Gronna	Owen	Swanson
Burleigh	Harding	Pearose	Taggart
Catron	Hardwick	Poindexter	Thomas
Clark, Wyo.	Hughes	Reed	Tillman
Colt	James	Robinson	Townsend
Cummins	Johnson, Me.	Shafroth	Underwood
Curtis	Kern	Shields	Weeks
Dillingham	Lewis	Smith, Md.	
du Pont	McCumber	Smith, S. C.	

So the amendment of the committee was agreed to.

Mr. POMERENE. Mr. President, I wish to submit a conference report.

Mr. CLARKE of Arkansas. I can not consent to displacing the pending bill without the deliberate action of the Senate.

Mr. POMERENE. It is in order at any time.

Mr. CLARKE of Arkansas. It is in order at any time to present it, but not at any time to consider it.

Mr. POMERENE. If there is any discussion upon the report I will not press it.

Mr. CLARKE of Arkansas. With that understanding, I will not object.

FRAUDULENT ADVERTISING IN THE DISTRICT OF COLUMBIA.

Mr. POMERENE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) entitled "An act to prevent fraudulent advertising in the District of Columbia," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 1 and agree to the same with an amendment by also striking out the article "a" at the end of line 13, page 1, so that instead of only striking out the word "fraudulent" the part stricken out should be "a fraudulent."

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment. The Senate amendment numbered 2 adds the following language to the bill "purchase any goods, wares, or merchandise or anything of value or to."

That amendment (No. 2) is amended by striking the word "purchase" therefrom and inserting in lieu thereof the words "sell, barter, or exchange."

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4.

That Senate recede from its amendment numbered 5.

JOHN WALTER SMITH,
ATLEE POMERENE,
W. P. DILLINGHAM,
Managers on the part of the Senate.

BEN JOHNSON,
CARL VINSON,
W. J. CARY,
Managers on the part of the House.

The report was agreed to.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CLARKE of Arkansas. Mr. President, the next amendment is one offered by the junior Senator from Missouri [Mr. REED]. I do not see him in his seat. I will not undertake to dispose of it in his absence unless we get through with the committee amendments. I ask that that amendment be passed over for the present.

Mr. SMOOT. It is on page 32.

Mr. CLARKE of Arkansas. Inserting lines 3, 4, 5, and 6, on page 32. I ask that all the matter in italics in the paragraph beginning on page 33, line 6, down to the end of the paragraph may be read. That is a single amendment

The VICE PRESIDENT. The amendment of the committee will be read.

The SECRETARY. On page 33, after the word "Mississippi," at the end of line 5, insert "and the Ohio River from its mouth to the mouth of the Cache River"; in line 7, after the word "which," to strike out "is" and insert "are"; and in line 16, after the word "action," insert "*Provided further*, That no part of the improvement of the Ohio River, with a view to the construction of locks and dams, shall be considered as transferred to or placed under the control and jurisdiction of the Mississippi River Commission: *Provided further*, That a survey, with a report, shall be made by the Mississippi River Commission of the Atchafalaya River in accordance with the general plan of said commission for the improvement of the Mississippi River, and in making such survey and report, if in their opinion the improvement of the Atchafalaya is desirable, consideration shall be given and recommendation made as to any plans for cooperation on the part of local interests," so as to make the clause read:

Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, $6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, and which may be done, in the discretion of the Secretary of War, by hired labor or otherwise, between Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from Head of Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That of the money hereby appropriated so much as may be necessary shall be expended in the construction of suitable and necessary dredge boats and other devices and appliances and in the maintenance and operation of the same: *Provided further*, That the watercourses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, together with the harbor at Vicksburg, Miss., and the Ohio River from its mouth to the mouth of the Cache River, which are hereby transferred to and placed under the control and jurisdiction of such commission, may, in the discretion of said commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amount herein appropriated: *Provided further*, That the report of the Mississippi River Commission, contained in House Document No. 607, Sixty-third Congress, second session, shall not be construed as a project requiring special congressional action: *Provided further*, That no part of the improvement of the Ohio River, with a view to the construction of locks and dams, shall be considered as transferred to or placed under the control and jurisdiction of the Mississippi River Commission: *Provided further*, That a survey with a report shall be made by the Mississippi River Commission of the Atchafalaya River in accordance with the general plan of said commission for the improvement of the Mississippi River, and in making such survey and report, if in their opinion the improvement of the Atchafalaya is desirable, considerations shall be given and recommendation made as to any plans for cooperation on the part of local interests.

Mr. CLARKE of Arkansas. The paragraph ends there. The latter part of the amendment is simply for a survey. I did not notice that it was there. I take it for granted that there will be no objection to it, however.

The principal part of the amendment has for its purpose the extension of the jurisdiction of the Mississippi River Commission up to the mouth of what is known as Cache River, on the Ohio River. It seemed that the proximity of that locality to the Mississippi River in a way involves the levee system and bank protection that the Government has heretofore committed itself to, and that this is the most rational way in which to deal with the situation. The Chief of Engineers has now recommended that the jurisdiction of the commission be extended to that point.

I send to the desk his letter on that subject, which is self-explanatory. Let the Secretary read the letter.

The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 4, 1916.

HON. JAMES P. CLARKE,
Chairman Committee on Commerce, United States Senate.

SIR: 1. Replying to your letter of the 3d instant, asking that I furnish for the use of your committee at its meeting this morning such information as my office may possess relative to the necessity for work to protect the levees between Cairo and Mound City, Ill., on the Ohio River, I have the honor to inclose herewith copies of reports received this morning from the district officer, Maj. George R. Spalding, Corps of Engineers, which contain the only information available.

2. With regard to Maj. Spalding's suggestion that the lower Ohio River be placed under the supervision of the Mississippi River Commission, I beg to say that I fully concur in this suggestion, with the understanding that it applies to levee and bank protection work only. To carry out this suggestion it would only be necessary to make the following changes in the pending river and harbor bill as it passed the House of Representatives:

On page 29, at the end of line 1, add "and the Ohio River from its mouth to the mouth of the Cache River"; in line 2 substitute the word "are" for the word "is"; and at the end of line 11 add "*Provided further*, That no part of the improvement of the Ohio River with a view to the construction of locks and dams shall be considered as transferred to or placed under the control and jurisdiction of the Mississippi River Commission."

If the matter is thus placed under the control of the Mississippi River Commission, the commission could make proper investigation and take such steps as may be necessary and proper to protect the levees. From Maj. Spalding's reports it does not appear that the matter is especially urgent—at least, that the entire work is not especially urgent—and if this is the case, the commission could allot to it as much of the funds appropriated as might be necessary, and this could probably be done without serious interference with the other work assigned to the commission

Very respectfully,

W. M. BLACK,
Chief of Engineers United States Army.

Mr. CLARKE of Arkansas. There are two other letters relating to the details of the project. It is not necessary to have them read, but I ask that they be printed in the RECORD in connection with this item.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Cincinnati, Ohio, May 2, 1916.

From: The District Engineer Officer, First District, Cincinnati, Ohio.
To: The Chief of Engineers, United States Army, Washington, D. C.
Subject: Levees at Cairo, Ill.

1. The following copies of telegrams are furnished for the information of the Chief of Engineers:

"WASHINGTON, D. C., *May 2, 1916.*

"Kindly advise me by wire my expense, Cochran Hotel, if you consider immediate revetment work on Ohio River bank between Cache River and North Levee necessary to save levee embankment. If so, can you give approximate estimate of cost?

"GEORGE PARSONS."

"CINCINNATI, OHIO, *May 2, 1916.*

"Regret can make no report Cairo levee work except on direct orders from Chief of Engineers.

"SPALDING."

2. Mr. Parsons is president of the Cairo Trust, which owns or controls the drainage district at Cairo. See map opposite page 2733, Report of Chief of Engineers for 1914. The Ohio River levee (8 on plat shown) was built by the drainage district.

3. While I have made no examination of conditions referred to by Mr. Parsons, at my last visit to Cairo he expressed anxiety as to this levee from erosion, and later wired me asking if I could not use some emergency funds to protect the bank. I replied that there were no funds available, and, in my opinion, congressional enactment would be necessary if the War Department was to do any work. There is no question but that bank protection would be a good thing, and is probably advisable. Whether it is in the interest of navigation is another matter. In this connection attention is invited to report of Col. Lydecker, dated December 7, 1903, printed as House Document No. 308, Fifty-eighth Congress, second session.

4. This information is furnished, as it is thought Mr. Parsons may visit the office of the Chief of Engineers in reference to the matter.

GEO. R. SPALDING,
Major, Corps of Engineers,
United States Army.

CINCINNATI, OHIO, *May 3, 1916.*

CHIEF OF ENGINEERS,
Washington, D. C.:

Erosion of bank will in time, unless arrested, destroy Big Four Railroad embankment, which is part of drainage district levees. Bank protection desirable. Would cost couple hundred thousand. Might divert current for less. Examination at low water needed for proper report. Property to be protected is railroad and 7,000 acres farm land. Do not believe Cairo city or Mound City levees endangered, nor is danger to railroad embankment imminent. Advisability of placing these lower Ohio levees under supervision Mississippi River Commission is suggested. Hasty letter mailed last night.

SPALDING.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President——

Mr. CLARKE of Arkansas. The next amendment is associated with the same matter, and we will then go to the matter for which the Senator from Missouri rose.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The next amendment was, on page 34, after line 3, to insert:

The jurisdiction of the Mississippi River Commission is hereby extended so as to include that part of the Arkansas River between its mouth and the intersection thereof with the division line between Lincoln and Jefferson Counties, and any funds which are herein or may be hereafter appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees and bank revetment, may be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, and upon like terms and conditions for levees and bank revetment upon any part of the Mississippi River now under the jurisdiction of said commission, and in such manner as will best promote and accomplish the purposes for which commission was created, in so far as the territory hereby added to its said jurisdiction may be involved.

Mr. CLARKE of Arkansas. Mr. President, this amendment does not call for any additional appropriation. It simply extends the jurisdiction of the Mississippi River Commission so as to make it coextensive with the damage to be remedied by the creation of the commission. The levee in this locality extends from the mouth of the Arkansas River to the Red River. The flood line on the Mississippi River has increased in the last 10 years probably 6 or 7 feet. The levees on the Arkansas River will take care of an elevation of about 49 or 50 feet. The levees on the Mississippi River are designed to take care of the water up to the present high-water level, which is about 57 feet. The result is that the waters of the Mississippi River back up the Arkansas in times of overflow and come down behind the Mississippi front levee and overflows the vast section of the country in Arkansas and Louisiana. In addition, this backwater flow weakens the Mississippi River levee by saturating both sides of it, which is recognized as a great evil in levee maintenance.

The jurisdiction of the commission now extends up the Arkansas River to Red Fork. I am not entirely familiar with the exact number of miles. The purpose is to extend the jurisdiction several miles farther up the river, so as to make the zone of protection the same as that of the injury to be guarded against.

It was disclosed during the last high water, which was the highest in the history of the Arkansas Valley, that when the Mississippi River is at flood tide and the Arkansas River is also at its highest, that the water enters the basin south of the Arkansas several miles—I do not know the exact number—further up the Arkansas River than it was originally calculated it would do. The purpose of this amendment is to extend the jurisdiction of the commission so as to include that newly established limit of damage. It does not involve any new appropriation.

Mr. SMOOT. How many miles does it extend the jurisdiction of the Mississippi River Commission?

Mr. CLARKE of Arkansas. It would be a guess on my part to say, but I express the opinion that the added distance is not many miles beyond what is now under the jurisdiction of the commission. The commission when it comes to act will determine the exact boundary where its intervention is actively necessary.

Mr. SMOOT. That is, the Mississippi River Commission today has jurisdiction over a portion of the Arkansas River?

Mr. CLARKE of Arkansas. A very small part of it—up to what is called Red Fork, one of the landing places on the river by which the distances are designated.

Mr. SMOOT. It simply extends the jurisdiction of the commission to the point where the waters of the Mississippi do not get behind the levees on the Arkansas.

Mr. CLARKE of Arkansas. Substantially, yes. The commission always exercise a discretion in all matters coming before it. They do not expend money unless they find it necessary, and it is generally in cooperation with the local community. I repeat the pending amendment does not call for any additional appropriation.

The amendment was agreed to.

Mr. CLARKE of Arkansas. The Senator from Missouri [Mr. REED] has an amendment. It appears at page 32, lines 3, 4, 5, and 6, which he doubtless will explain to the satisfaction of the Senate.

Mr. REED. Mr. President, I think the best statement I can make of the facts is in a letter written by Mr. Glenn, who is himself a member of the Mississippi River Commission. I will read the letter. I will say in advance it will be noticed this item is only $15,000. Mr. Glenn says:

LOUISIANA, MO., *May 12, 1916.*

Senator JAMES A. REED,
Washington, D. C.

DEAR SENATOR: In reference to matter of raising dike in the Mississippi River opposite Louisiana, Mo., the facts are as follows:

Some years ago the Government permitted the Chicago & Alton Railroad Co. to build an approach for a bridge from the Illinois side of the river below Louisiana, Mo., about 1,500 feet or more in length out into the river. A little later it permitted the railroad company to put in a large dike about 2,500 feet north of this approach above mentioned, extending into the river, for the purpose of throwing the current to the Missouri side to create deep water at the draw of bridge. Later the Government built a large dike 2,000 or 3,000 feet north of first-mentioned dike for this same purpose. The railroad approach and these dikes have caused the river on the Illinois side from the embankment north to fill with sand bars for 2 miles. The ferry for a number of years has been landing at the end of last-mentioned dike in low water. The Government extended and raised this dike for this purpose once, but the dike settled, and now when the stage of water reaches 7½ feet above low water (as per Government gauge at Chicago & Alton bridge) the ferry can not land on this dike, but must get into the shore through narrow chutes, and at last land against a railroad embankment, which is extremely dangerous, and the landing is only made with much difficulty. This is a great highway for interstate automobiles and wagon traffic. From talks and correspondence it seems those in authority think the law which says that money appropriated "shall be used in aid of navigation," etc., means exclusively up and down stream, and not across the stream. The Government's action, stated before, caused this condition, and in justice should give some relief.

Yours, truly,

ED. A. GLENN.

I desire to present in this connection a letter from Speaker CLARK. Louisiana, Mo., is in Speaker CLARK's home county, and I read it not because of his importance as an individual but because he writes with a full knowledge of the facts.

THE SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 13, 1916.

Hon. JAMES A. REED,
United States Senate Chamber.

MY DEAR SENATOR: In connection with, or indorsement of, the letter from Col. Glenn, of the Mississippi River Commission, I hope it will be possible for the Senate to adopt an amendment to the river and harbor bill for raising a Government dike opposite Louisiana, Mo., in order to afford a suitable ferry landing.

There was originally an excellent ferry landing at all seasons of the year. About 40 years ago, however, the Chicago & Alton Railroad Co. was allowed to build an embankment on the Illinois shore in connection with their bridge across the Mississippi River at that point. Later the United States Government put in a big dike just above the railroad embankment straight out into the river.

The result of these dikes has been the practical destruction of the ferry landing at that point by the formation of continuous sand bars. When the river rises so as to make it impossible for the ferryboat to land at the end of the Government dike, it prevents the running of the ferryboat, which, at this point, is practically the only means of communication between Missouri and Illinois for miles up or down the river.

Farmers from a large section of Illinois find it necessary to go to Louisiana on business and the ferryboat is a real necessity to a great many.

An appropriation to raise the dike at this point so as to make a ferry landing possible would be a real and genuine aid to navigation, and would be a great convenience to a great many people on both sides of the river.

With kindest regards, I am your friend,

CHAMP CLARK.

Mr. President, those are the facts very briefly. The Government made this condition by virtue of having built or permitted the building of various dikes out in the river. This simply proposes to raise the Government dike so that it comes above the high-water mark. It is a very small appropriation and I hope it will be accepted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 35, line 12, after the word "maintenance," to strike out "$1,200,000" and insert "$1,500,000," so as to make the clause read:

Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement and for maintenance, $1,500,000.

Mr. KENYON. Mr. President, I hope before that amendment is agreed to that we may have some explanation of it. Of course it is a very small matter—only $200,000; very trivial—but the bill carries for the Mississippi River from the mouth of the Missouri to Minneapolis as it came from the House $1,200,000. That part of the river was allotted last year by the Army engineers $1,000,000; in 1914 it was allotted $800,000.

I realize, Mr. President, that the Mississippi River ought to be a great channel of commerce. It is the river that flows the entire length of my State, and I have received a great many letters condemning my attitude as to this bill from people along the Mississippi River in my State. I do not propose, as far as I am concerned, to vote for appropriations for the Mississippi River in order to get what my people may think they ought to have along there in a bill that carries with it so many other propositions that seem to me to be very indefensible. It does seem that at this time in the condition of our national finances, instead of increasing the appropriation for the Mississippi River from the mouth of the Missouri River to Minneapolis, it ought to be cut down at least to the amount which was proportioned last year and which seems to have carried on the work.

The Mississippi River has lost 90 per cent of its commerce in the last 40 years. We have expended approximately $150,000,000 on the Mississippi River. There have been certain lands reclaimed. The expenditure has probably had an effect upon freight rates. If there is any channel in this country that could be developed for commerce, it would seem to be the Mississippi River. What are the cold facts about the commerce of that river? I want to put them into the RECORD as showing that the commerce on the Mississippi River has simply been running down; and while the commerce, according to the figures of the Army engineers, appears to be large, yet, when analyzed, when the brush is taken out, and the gravel and the sand and the logs and the lumber and the animals and the automobiles ferried across the river are taken out, it is rather a small commerce on which to have expended this tremendous amount of money.

From the mouth of the Ohio to the mouth of the Missouri the bill carries $350,000. We have heretofore appropriated $17,351,469.85. The freight traffic for the year 1914 on that part of the river was 204,118 short tons. Of that, 6,079 short tons were transported 5 miles; of that, lumber comprises 5,083 short tons; logs, 46,202 short tons; coal, 2,780 tons, transported 5 miles.

As to the commerce from the mouth of the Missouri River to Minneapolis—and I want to refer just briefly to that commerce, for it would be expected, and it would seem, that there would be a large commerce on that part of the river—on page 2767 of the Army engineers report for 1915, it is stated:

Lumber: The lumber business, formerly of great magnitude on the river as connected with the movement of logs and lumber, has, owing to the destruction of the forests in Wisconsin contiguous to the Mississippi River and tributaries, dwindled so that in 1914 there was only a comparatively small quantity of lumber and lath floated from St. Croix River to Guttenberg and other points. The lumber cut at Minneapolis during 1914 was 89,873,200 feet b. m., but none of this product was floated on the river below the falls of St. Anthony, although it is believed that on completion of Lock No. 1 a large part of this product will find its way down river.

In 1914 on that portion of the river the traffic was as follows:

Upper Mississippi River freight statement for 1914.

Designation.	Short tons.	Ton-miles.	Valuation.
Rafted lumber and lath	13,211	4,482,868	$169,114
Miscellaneous freight	1,132,574	15,472,577	40,900,063
United States material	281,185	2,115,662	254,864
Total	1,426,970	22,071,107	41,324,041

That would seem to be a large commerce, but on that same page of the Engineer's report there is classified this nearly a million and a half short tons of commerce. I ask to have that classified freight-traffic table inserted in my remarks, without taking the time of the Senate to read it.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The table referred to is as follows:

Classified freight traffic, 1914.

Articles.	Amount.		Valuation.	Average haul.	Ton-miles.
	In customary units.	In short tons.			
				Miles.	
Brick	488,650 pieces	1,475	$4,216	10.2	15,059
Brush	295,427 cubic yards	37,002	98,423	18.1	670,564
Cement	2,474 tons	2,474	24,413	7.6	18,752
Coal	18,678 tons	18,678	62,271	11.8	218,955
Corn	170,706 bushels	4,797	113,070	4.7	22,318
Farm produce	3,344 tons	3,344	100,335	6.0	20,110
Fish	6,763 tons	6,763	629,401	5.97	40,500
Gravel	116,745 cubic yards	178,017	88,624	11.5	2,024,850
Hay	1,641 tons	1,641	29,515	3.4	5,583
Lath	7,356,850 pieces	2,552	27,447	140.7	359,038
Live stock	61,803 head	21,502	4,234,927	1.2	25,786
Logs	2,627,221 feet b. m.	8,853	64,296	22.5	199,073
Lumber	17,197,826 feet b. m.	28,247	419,625	160.0	4,265,265
Merchandise	87,404 tons	87,404	24,672,790	67.8	5,926,745
Oats	59,845 bushels	959	85,490	1.4	1,397
Rock	194,791 cubic yards	261,805	182,656	8.9	2,338,702
Sand	403,257 cubic yards	599,558	195,102	4.4	2,623,760
Shells	10,186 tons	10,186	195,431	39.4	401,356
Shingles	550,000 pieces	56	1,665	4.1	231
Teams	20,240	30,201	5,206,900	1.0	30,752
Wheat	64,535 bushels	1,936	65,272	2.5	4,922
Wood	25,991 cords	41,885	121,888	16.1	675,312
Miscellaneous	77,615 tons	77,615	4,700,284	28.1	2,182,037
Total		1,426,970	41,324,041	15.5	22,071,107

Mr. KENYON. I wish, however, to call attention to the fact that of that traffic brush comprises 37,002 short tons, the average haul being 18.1 miles; coal, 18,678 tons, the average haul, 11.8 miles; cement, 2,474 tons, average haul, 7.6 miles; gravel, 178,017 tons, average haul 11.5 miles; live stock, 21,502 tons, average haul, 1.2 miles. Apparently the traffic is all across the river. Logs, 8,853 short tons, average haul, 22.5 miles; lumber, 28,247 tons, with a very much longer haul, 160 miles; rock, 261,805 tons, with a haul of 8.9 miles; oats, 959 tons, with an average haul of 1.4 miles; shingles, 56 tons, average haul, 4.1 miles; teams, 30,201 tons, with an average haul of 1 mile. And so on it goes.

For the year before the commerce on that portion of the river mounted to, logs, short tons, 64,489; rafted lumber, 13,570 tons;

miscellaneous freight, 1,294,864 tons; United States material, 772,392 tons; making a total of 2,145,315 short tons.

That seems to be a very large commerce, but when analyzed we find that of that commerce brush for river construction work constituted 82,450 tons; gravel dredged from the river, 398,179 tons; rock for river work, 708,066 tons; sand dredged from the river, 562,040 tons; logs, that are floated on the river and have been all these years, 98,268 tons; lumber and wood barged, 64,408 tons; animals ferried across the river, 55,322 tons; automobiles ferried across the river, which are put in as "commerce" by the Army engineers, 6,034 tons, making a total of that class of freight of 1,974,980 tons that could be floated in 3 or 4 feet of water and which was actually so floated, leaving less than 200,000 tons of commerce, which was hauled on an average not over a distance of 34 miles.

I merely put these figures into the RECORD. I do not know what is the matter with the commerce on the Mississippi River. There ought to be a great commerce there. We have spent enough on the Mississippi River, if we were doing this as a proposition for regulating railroad rates, to build a railroad on each side of that river, and that would be just as good a way to regulate the railroad rates.

Mr. SHAFROTH. Mr. President, will the Senator from Iowa yield for a question?

Mr. KENYON. Yes.

Mr. SHAFROTH. I should like to know whether or not there are discriminatory rates made by the railroad companies? There has been considerable agitation for a good many years about requiring railroad companies to charge no more for a short haul over the same line than for a long haul. I have always thought, especially as to the Mississippi River, that the lack of commerce upon our waterways was due very largely to the fact that the railroads charge such low rates to terminal points or to places near terminal points that they would sometimes transport freight almost at a loss and make it up by charging high rates to intermediate points. That condition, I can readily see, would hurt commerce very much upon any river; and it seems to me that there ought to be incorporated in this bill a provision to the effect that no charge shall be made by a railroad for a short haul greater than for a long haul over the same line of road. If that were the case, the railroads could not make up the losses which they sustain on the through freight by charging it up to the intermediate points, and thereby a river which is susceptible of navigation and of carrying a considerable commerce between the larger cities or towns would no doubt have a better chance to survive. I should like to ask the Senator whether or not he has examined that matter so as to see whether any of the appropriations in this bill are influenced by that consideration?

Mr. KENYON. Mr. President, I have given a good deal of thought, of course, to that subject. There is not any doubt about what the Senator says. In my judgment, it has much weight; and the truth is the railroads have done that very thing.

Mr. SHAFROTH. Then, why would it not be wise to put a provision in this bill to the effect that that practice may not be continued and prohibiting the Interstate Commerce Commission from allowing a charge for a short haul to be greater than for a long haul over the same line in the same direction?

Mr. KENYON. The Interstate Commerce Commission has that power now.

Mr. SHAFROTH. The Interstate Commerce Commission has it now; but if you make the law absolute, so that the railroads can not depart from it for the purpose of meeting competition or anything else, it seems to me it would be wise to do so. If that were done we would have river navigation and river traffic to a large extent in this country. I believe that is one of the things that has prevented the development of traffic on the rivers of the United States.

Mr. KENYON. I think that is true.

Mr. SMOOT. Mr. President——

Mr. KENYON. I yield to the Senator from Utah.

Mr. SMOOT. I desire to suggest to the Senator from Colorado that, in my opinion, the commerce on the Mississippi River will never grow much greater than it is to-day until there is freight in sufficient quantities up the river as well as down the river. It is impossible to make traffic profitable by river transportation or any other kind of transportation where there is freight only one way.

Mr. SHAFROTH. I should like to ask the Senator how it is that the railroads succeed in securing freight both ways and make great profits? Is it possible that steamboats can not secure the same kind of business?

Mr. SMOOT. It is possible, and it is a fact that they do not have it. The railroads traverse the settled portions of the country, either by the main line of the road or side lines, and reach every hamlet in the country.

There is an immense amount of freight upon the railroads, both going and coming, but upon the Mississippi River the freight obtained is that taken at the large centers of commerce in the Northern States and transported to the South, and there is little in the South to be transported up the river to be distributed at the points at which the down-river freight is loaded. It is impossible to make water transportation profitable under those conditions, and no matter how much money the Government of the United States spends on the Mississippi River it will never be a success, so far as transportation and commerce are concerned, until freight can be shipped both ways on the river.

Mr. SHAFROTH. Mr. President, if the Senator from Iowa will permit me, we have a number of railroads, for instance, the Illinois Central, which pretty nearly parallels the Mississippi River, and which extends in all directions on the line of that river from New Orleans to St. Louis and Chicago and clear up to Minnesota; and it seems to me that, if that road, with its numerous trains each day, gets sufficient traffic to make it pay each way, steamboats, with the natural advantages which they have, would of necessity be a paying proposition.

I believe that this is one of the important factors to be determined as to whether we can ever make the Mississippi River a successful highway of commerce. I want to call the attention of the Senator from Utah to the fact that we have had the same trouble out West. Our freight rates were such at one time that on shipments from New York to Grand Junction it was advisable to ship via San Francisco and back to Grand Junction. Even in recent years shipments have been made from New York to Salt Lake City and back to Grand Junction in order to get a lower freight rate than from New York to Grand Junction. It seems to me when those conditions exist and we have an opportunity in a bill to put in a provision that the railroads shall not be permitted to charge a higher rate for a short haul than for a long haul over the same line—and nobody, it seems to me, can contend that such a system is equitable—that we ought to do it, and I believe it will make our rivers carry a great deal more commerce than they do now.

Mr. SMOOT. Mr. President——

Mr. KENYON. I yield to the Senator.

Mr. SMOOT. I simply want to emphasize what the Senator from Colorado [Mr. SHAFROTH] has said in relation to the unjust freight rates charged to intermountain points by the railroads as compared with the freight rates to the Pacific coast, we will say. Years ago I had occasion to go to San Francisco to buy a few carloads of wool. I purchased the wool and went into the railroad company's office and asked what the freight rate was that day. I was told 75 cents a hundred. I said, "I have two or three carloads which I desire to ship." The railroad official asked, "Where do you want to ship them—to Boston or Philadelphia?" I said, "To neither place; I want to ship them to Provo, Utah." "Oh," said he, "the rate to Provo is $2.25 a hundred." The distance from San Francisco to Provo, Utah, was not one-third of the distance from San Francisco to Boston, and yet the freight rate from San Francisco to Boston was 75 cents and the freight rate from San Francisco to Provo was $2.25—two-thirds of the distance and three times the amount. That is only a sample of what we had to contend with for years and years in the intermountain country.

Mr. REED. Mr. President, will the Senator from Iowa permit me to say a word?

Mr. KENYON. I was about through, but I will yield to the Senator.

Mr. REED. On this particular point, I called the attention of the Senate several days ago not only to the inequalities of these rates, but to the fact that since the Panama Canal had been opened the roads have been allowed to readjust their rates to and from points where it is claimed the railroads come in competition with the water rates through the Panama Canal, with the result that a readjustment of rates is going on of such a nature that the discrimination against the interior parts of the country, to which the Senator from Utah [Mr. SMOOT] and the Senator from Colorado [Mr. SHAFROTH] have both adverted, is now pressed upon us in an aggravated form.

I repeat what I then said—that the early business of Congress must be to meet this situation. There are two ways to meet it, probably—one by the creation of water competition, which would result in a readjustment of rates based upon the new water competition; the other by legislative enactment, which may or may not be an easy task to accomplish. I say now that I intend in the very near future to introduce a bill affecting the long and short haul clause; but, so far as this bill

is concerned, I do most earnestly call the attention of the Senator from Iowa to the fact that whenever there is a river transportation, however small it may be, it affords a basis for adjustment of railroad rates upon the basis of water competition so that you may actually have a condition of substantially little river transportation, and yet that little river transportation may result in the making of railroad rates so that the general benefit to commerce is almost inestimable. And at this particular time, when the great central part of this country, in which the Senator's own magnificent State lies, is confronted by not only a potential or prospective but by an absolute discrimination and disadvantage because it is alleged to be without water competition, every man ought to give himself pause who represents that part of the country and who does anything to prevent the creation of a water competition.

I have taken longer than I intended, but I want to add one word. I want to illustrate the situation.

Since the Panama Canal has been opened, the railroads having their termini on the Pacific coast at harbors touched by boats have claimed that the long-and-short haul clause of the interstate-commerce act should be set aside as to those points because of this competition by water, and the Interstate Commerce Commission in several cases has ruled with the contention of the roads, the result being that goods can now be shipped from the Atlantic coast to the Pacific, then into the interior, and I believe I speak by the card when I say farther into the interior than the State of Utah, represented by the Senator who has just spoken [Mr. SMOOT], even on almost to the Mississippi River, cheaper than those goods can be shipped directly across the continent to the same point. That would not be true to so great an extent if the representatives of that territory could go before the Interstate Commerce Commission and show a water competition at that point, and insist upon rates being based upon the water competition.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Colorado?

Mr. REED. I do.

Mr. THOMAS. I merely wish to remind the Senator that the condition he describes is not something that has occurred since the opening of the Panama Canal. That situation the people of my section of the country have been suffering from for over a quarter of a century. It is not due to any new condition created by the completion of the Panama Canal. It is an old sore, and is getting worse, instead of better.

Mr. REED. But, Mr. President, if the Senator will pardon me, I think he did not hear all of my statement.

Mr. THOMAS. Yes; I heard it all. I may have misunderstood it.

Mr. REED. The condition to which the Senator refers has existed for many years. In order to meet that condition, there was placed in the interstate-commerce law a provision that more should not be charged for a short haul than for a long haul; but at the same time the power was vested in the Interstate Commerce Commission, whenever it found as a fact that there were competitive conditions rendering it desirable or necessary—I do not quote the exact language, but my recollection of it—the Interstate Commerce Commission could set aside the long-and-short haul clause.

What I am calling the attention of the Senate to is this: Since the building of the Panama Canal, the railroads in a number of cases have obtained rulings from the commission to the effect that ports on the Pacific coast where steamships also run are these competitive points within the meaning of that act, and they have set aside the long-and-short haul clause by a direct order; so that the condition to which the Senator from Colorado adverts is being aggravated, and the necessity for some action is manifest.

I say to the Senate that under those conditions I think we ought to be trying to build up a commerce on these rivers. Even if the commerce on the rivers be not so great as apparently to pay for the investment, yet, in estimating the real benefit, you must take into consideration the fact that railroad rates to points where there is water competition are cut enormously; so that the right estimate and the just estimate is not dependent merely upon the commerce upon the river but upon the saving upon all of the commerce to and from the points in question.

I say to the Senator now that the business upon the Missouri River which has sprung up there in the last few years has had the effect of reducing railroad rates and of enabling escape from raises of railroad rates. Always we are able to claim and to show an actual river competition. And now I say again to the Senator from Iowa, whom I regard as one of my best friends, and whom I also regard as one of the best men in the Senate, that if he will but put his shoulder to the wheel and help us, we can place the upper Missouri as far at least as Sioux City in such condition that his great State will receive the benefit of railroad rates based upon this water competition.

Mr. KENYON. Mr. President, the discussion, of course, is interesting. We have been discussing this matter off and on here for a number of days. My State, I think, has been a sufferer from discriminatory railroad rates perhaps as much as any State in the Union. We have the Mississippi on one side of us, and that is made a basic point. We have the Missouri on the other, and that has been a basic point also to some extent. But now take just what the Senator says: Are we not down to the question of regulating railroad rates (1) by water competition, or (2) by proper legislation?

I am willing to join the Senator in any effort to get legislation; or, if the other is the only way, and I should want to think a good while about that, because of the great expense attached to it, I might join him along that line. I do not agree it is the only way. If we say we must have water competition to regulate railroad rates, then do we not confess Congress to be incompetent to formulate laws which will regulate them?

When I first came to the Senate I introduced a bill to give the Interstate Commerce Commission power to fix a minimum rate. It seemed to me the commission should have that power. They could determine then that railroads should not make less than a certain rate, and thus prevent them from reducing their rates in order to drive out water competition.

There is another view that comes to my mind from the suggestion of the Senator. Along the Missouri River and along the Mississippi River, with those as basic points, the rates are reduced, and the people along those rivers get the benefit of those rates. The railroads, I assume, under the law are entitled to earn a reasonable return upon the investment. Now, if the rates are made to the people along these rivers for this lesser amount, somebody has to make up that. The people in the interior, who can not have the river transportation, must pay this additional amount to make up what the river points are gaining.

It has always seemed to me that there was an element of injustice in that. Just as in the Panama situation, which the Senator cites, the people in the interior must pay to make up for the reduction in the rates granted to the ports along the ocean by reason of the Panama Canal. All the people are compelled to contribute to dredge or canalize rivers, and then the people along the rivers get the benefit of rates brought about by the contributions of all the people. We may well ask ourselves if that is fair.

So the whole subject is one of such seriousness that I have doubted if we were ever going to solve it until the Government was compelled, possibly, to take over the railroads. I am not ready as yet, however, to accept that as the only alternative. If we had a situation like Germany, the problem would be a different one. They have handled it because they compel the railroads to cooperate with the waterways, and they do not permit them to make rates that will drive the commerce off of their streams. The Government owns both railways and waterways.

Mr. SHAFROTH. Mr. President, does not the greatest evil that exists in this matter arise from the fact that the railroad companies, when there is any movement in the way of forming companies for navigation on these rivers, make the rate at these terminal points or at these large points so low that when the navigation company examines into it its officials conclude that they can not make any money at that rate, and consequently they do not build their steamboats to go on the rivers? The result of it is, that after that occurs and the movement has subsided, then the railroad companies, to a large extent, reestablish the higher rates.

There is something very peculiar about this interstate commerce law. I do not know whether Senators have ever examined the wording of it or not; but the wording of it is that no higher charge shall be made for a short haul than for a long haul over the same line, in the same direction, for persons and other like property.

Mr. KENYON. Under the same circumstances.

Mr. SHAFROTH. Yes; but the language is, "persons and other like property." What does that mean? What is "like property" to persons? Of course it would be impossible to charge a person going to a given place a higher rate for a short haul than for a long one, because he would get off the car. Since they have put in those words, "persons and other like property," I believe there would be a great contest as to whether there is anything whatever of a restriction upon the railroad

companies to keep them from charging a greater sum for a short haul than for a long one.

If the railroad companies lose money by coming into competition with rivers and harbors, then it seems to me they have no right to make it up from the people living in the interior. Besides that, it seems to me that when they attempt to control that traffic in that manner it has an effect that is exceedingly bad on the interior of the country and upon these intermediate points.

There is no reason why the railroads should run in competition with boats on rivers any more than what is reasonable. The idea that discrimination should be given to the railroads to the extent of permitting them to lose money in order to get freight at a certain point where there is river competition is untenable. The river boats have to live and should be permitted to live; and you are not going to have fair traffic conditions on the rivers unless you permit them to live by a law that will compel the railroad companies to charge no more for a short haul than for a long haul over the same line.

Mr. WILLIAMS. Mr. President, when the interstate-commerce act originally passed the House of Representatives, and was called then by the name of a distinguished Senator from the South, it conveyed a provision, absolute and unconditional, that under no circumstances should more be charged for a short haul than for a long haul. It reached the Senate of the United States, and when it came here the seemingly very innocent words "under similar conditions" or "under similar circumstances"—I have forgotten which: "similar conditions," I believe, was the language—were introduced. That language was then construed to give a discretion, and that discretion was exercised in this way: It was decided that when a railroad was subjected to water competition it had a right to meet that competition by lowering its rates to the river or lake or seacoast point to the rate at which it could get its share of the traffic.

Now, "its share of the traffic" meant nothing. That meant the point at which it could get the traffic, because if a railroad can give you the same rate that a watercourse can, the railroad has the advantage of delivering the product very much more quickly. So "at the same rate" it has an advantage, and the shipper, of course, took the railroad rather than the watercourse.

Mr. President, that law was afterward changed, and was expressed as the Senator from Colorado [Mr. SHAFROTH] a moment ago quoted it. It became still more vague, still more indefinite, and added, if anything, still more discretion to the rate-fixing power.

I have said once before upon the floor of the Senate and I have said several times at the other wing of the Capitol that you will never under the sun escape the evil of sacrificing freight rates at all the interior points to seaports and termini rates until you go back to the original idea that under no circumstances must railroads ever charge more for a short haul than for a long haul, except on goods billed for export and not subject to stop in transitu.

The result of the present law is that you sacrifice all interior commerce—you make the rates that the railroads charge in competition with watercourses less than the cost of the service—and the railroads must necessarily recoup their losses on long hauls by charging an increased price for interior traffic. The consequence of the discretion lodged with the Interstate Commerce Commission has been that the entire commerce of the Mississippi and Ohio Valleys and the Rocky Mountain States of the country has been sacrificed to the building up of New York, Baltimore, Philadelphia, Norfolk, Savannah, Charleston, New Orleans, San Francisco, and whatsoever ultimate destinations of commerce there may be. While the railroads carry for cost or for less than cost their freight between New York and San Francisco they must make it up by an increased cost from San Francisco to Denver and from New York to Denver, and while they carry it for less than cost from New York to New Orleans to meet the freight rates around Cape Hatteras, and even around Florida, which ordinarily would be cheaper by water rate than they are, they make up by the freight rates which they charge from Crystal Springs or some other place along the road to some other equally unrecognized point intermediate and not final.

There are places in the State of Mississippi, or there were a few years ago, and I suppose are yet, where you could carry a bale of cotton for $1.25 to New Orleans because it was a river course, although the bale of cotton was not carried on the river but was carried on the railroad, and where 12 miles out a shorter distance, 50 miles out a shorter distance, 75 miles out a shorter distance, the freight rates were greater because the point of departure was off a watercourse. Twelve miles out from the river it was $3.50 instead of $1.25.

That has been the system. In other words, you have chosen deliberately to sacrifice the interior commerce of the United States to the commerce between the termini. You have done that deliberately. The law does it.

Now, what is the consequence? The railroads are congested. They can not carry the freight. Their charges from terminus to terminus are very cheap as compared with all European countries. So that half of the argument that our railroad men make over here in behalf of our system as against those abroad are based upon these reductions of averages that come from rates from water terminus to water terminus. But if you take the interior commerce, 100 miles, 200 miles, 500 miles from places which have no water competition, you have the highest freight rates in the world. The average is false if by it is meant to be spelled the general welfare and the price of transportation of the goods of the people. You are sacrificing the people who live in the interior of the country to the people who live upon the seacoast, or else you are sacrificing the people who live in the Middle West off of the river courses to those who live upon the rivers and the lakes.

Thus you not only have created a congestion of the freight business for the railroads, but you have created a vacuum of freight business for the river. Why? Because you permit that railroad, regardless of what it has to recoup upon intermediate points, to make its freight rate from water terminus to water terminus so cheap that a man dares not build a river boat and put it in the business, for if the railroads temporarily lower their freight rates, which they can not do now overnight as they used to, but which they can still do after notice, the boat goes out of business. Then if a man attempts to build a boat to put in the trade he has not been in a week or two before, the railroad can go to the Interstate Commerce Commission and get permission under this discretion granted to meet the boat rate, and the minute it meets it equally the boat can not compete, because the boat can not deliver as quickly.

I have heard a lot said here about the German efficiency, and a lot of it has disgusted me, because there is no peculiar German efficiency over and above ours or over and above that of other countries. There is a very efficient class in Germany, and that is the governing class. The masses of Germany are less well prepared than we, or the English even, are to meet the problems of the world. The élite, the people who do the thinking, the professors, the men who do the leading, and the German at the moment of his birth is seeking a leader, while the American at the moment of his birth is seeking to be a leader—the men who do the leading are very much more efficient than we are. The Government as a government is more efficient. The people as individuals are less so. We are their superiors in enterprise and in courage and in intellect; but, notwithstanding that, there are some things about the German Government in connection with this question that appealed to me as a matter of opinion.

Mr. SHAFROTH. Mr. President——

Mr. WILLIAMS. Wait a minute. Under the "iron-and-blood" rule of Bismarck and the men who followed him when they came to building up the commerce of Germany, they laid down the iron-clad rule that under no circumstances should the charge made for a short haul exceed that made for a long haul going on the same line and in the same direction.

Mr. SMOOT. Unless for exportation.

Mr. WILLIAMS. Unless for exportation; the Senator is right; but that has nothing to do with this particular question. That is a matter relating to foreign relations, and I have acquired the habit of driving directly at the point, and I frequently forget to condition things so as to include everything or to include the branches that grow out of the tree when I am talking about the trunk.

They made the ironclad rule that under no circumstances should the charge made for a short haul in the same direction on the same line exceed that for a long haul. What is the consequence? When I was a boy in Germany, the Rhine carried steamers like the Hudson now carries tourists and passengers from New York to Albany. The Rhine carried up steamers from Cologne to Coblenz to Mainz and all the way as far as navigation went, to Mannheim, and somewhat beyond. Mannheim was a little, sleepy village; it amounted to nothing. I do not remember it except for the fact that we went down there once to hear some magnificent Wagner opera. That is about all it then amounted to. Mannheim to-day is one of the chief commercial cities of Germany. The entire Rhine is lined from way above Mannheim, mighty near to Schaffhausen, clear down to Rotterdam beyond the German boundaries with freight ships, doing what? Carrying lumber, iron ore, the heavy products concerning which the matter of expedition of freight is a secondary consideration, while the railroads on both sides of the Rhine, on the left and on the right, are full of the other sorts

of freight that are carried. The railroads are never congested, because when it comes to the coal and the iron and the lumber and the locomotives and the harvesting machines and the great, heavy slow freight the river carries them.

Now, here in the United States is the great Mississippi River. The Rhine is a mere pigmy in comparison with it. If you look at two drawings on the same scale and the Mississippi was that big [indicating], you could not see the Rhine at all in breadth and you could hardly see it in length. From St. Paul down to New Orleans if there is a through freight boat I do not know it. There are boats from Cairo to St. Louis. There are boats from Memphis down to the mouth of the St. Francis, the White, and the Arkansas. There are boats from New Orleans up the Red River and running out; but there are no through freights on the Mississippi River any more. Why? Because if you had $5,000,000 and wanted to put it into those boats the railroads, under the permission given by law, would bankrupt you in six months, and if you had any sense you would not enter the arena. If you have not much sense, and generally in that case you have not much money, either, you build one or two boats and you undertake the venture, and at the end of a week or two you are out of the business.

I have known in my experience not less than 12 boat lines originating from the tributaries of the Mississippi organized to travel up to St. Louis and down to New Orleans which have been bankrupted in less than a year. Now and then I have seen the merchants of a neighborhood gather together and say, "These railroad rates are extortionate; we want river transportation." Then after a little while the P Line, as my friend from Arkansas remembers, or some other line of these I remember, has gone out of business. It has to go out of business.

Senators, I do not care whether you dig a channel 14 feet deep from the Lakes to the Mississippi or not; unless you change this law you will never have commerce upon the river. That does not mean that equipping the river for carrying cheap commerce does not benefit the people. It benefits the people by making the railroads at all river points, at any rate, reduce their freight rates. But you never will get rid of the great evil of a congestion of freight upon the railroad and paucity of freight upon the river unless you go back to the present German principle and the original American Regan principle, which is an ironclad rule that under no circumstances shall the freight for a short haul exceed that for a long haul.

Mr. SHAFROTH. Mr. President——

Mr. WILLIAMS. One minute. I have been told, though I have not examined it, that the ordinary freight rate from New York to Denver—I was told the other day—is the ordinary freight rate from New York to San Francisco plus the rate from San Francisco back to Denver. Is that so?

Mr. SHAFROTH. No; I do not think it is that much. There was a time when Grand Junction, in our State, was the point; but I do not think that that is the case now.

Mr. WILLIAMS. The Senator says it is not quite true now. It is approximately true, is it not?

Mr. THOMAS. It is very much more than the through rate to the coast.

Mr. WILLIAMS. So it is approximately true.

Mr. President, then, under the present system none of our work in improving watercourses can do any good except to prepare a passageway for freight when we have sense enough to change the law. I am in favor of this provision because I am in favor of preparing the passageway beforehand.

Mr. THOMAS rose.

Mr. WILLIAMS. Now, if the Senator from Colorado will pardon me——

Mr. THOMAS. I was going to remind the Senator that the mere imposition by the German Government of a rule prohibiting the railroads from making discrimination between a long and a short haul does not meet the difficulty. The Senator overlooks the fact, for the moment, of course, that in Germany the Empire owns the railroads and fixes a price for heavy freight that is practically prohibitive, thus forcing that class of transportation upon the river.

It also, being the owner of the railroads, builds great terminal facilities, so that railroads and the water lines can interchange their traffic. In other words, the Government, through Government ownership, requires and carries out a policy whereby land transportation and water transportation are correlative; they do not compete together; they form a great system.

I am sure the Senator will have to go further than the mere prohibition of a difference between the long and the short haul before he can bring about the result which we all desire so much; in other words, until we practically control by some means the system of land transportation, and by our control compel them to cooperate with instead of opposing our lines of rivers and harbors. Until that is done we are never going to have any water traffic to amount to anything.

Mr. WILLIAMS. I think the Senator from Colorado is in error. The rate fixed upon the railroads and the rate fixed upon the watercourses determine the division of the freight regardless of the ownership of either. While our Government does not own the railroads it has reserved the power to fix the rates through the Interstate Commerce Commission, and if it will fix the rates so that they shall be fair and nondiscriminative—they are discriminating now in favor of the seaport and lake and river termini—then necessarily it will follow that watercourses will carry the heavy freight where time is not the essence of the contract and the railroads will carry everything else.

Now, as to joint freight between the two, where it is necessary to change from a railroad to a watercourse and from a watercourse to a railroad, whatever troubles we have with that proposition now are not troubles with regard to watercourses which are intervening, but troubles with regard to railroad freight rates, which I discussed. In Germany while the German Government owns the railroads it does not own the boats upon the Rhine; it never has owned one. The trouble is demonstrated to be with the railroads and not with the boats.

Mr. CLARKE of Arkansas. May I ask the Senator from Mississippi whether it would suit him to resume his remarks to-morrow and let us take a recess now?

Mr. WILLIAMS. I am through and have been for some minutes.

Mr. CLARKE of Arkansas. I am not complaining at all.

Mr. WILLIAMS. I understand. I know the Senator from Arkansas is too polite to complain unless he had a real grievance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 72) to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House had passed a bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. JONES presented petitions of sundry citizens of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TAGGART presented the memorial of Joe R. Ray and 39 other citizens of Indianapolis, Ind., remonstrating against appropriations for sectarian purposes, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Dallas, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hood River County, Oreg., praying for an investigation into the price of

sugar, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. WARREN presented a petition of the Uinta County (Wyo.) Branch of the Congressional Union for Woman Suffrage, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. OLIVER presented a petition of sundry citizens of Allegheny County, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the passage of the so-called ship-purchase bill, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 1936, United Mine Workers of America, of Branchdale, Pa., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. PHELAN. I beg to present to the Senate a telegram and correspondence in the nature of a memorial by the most representative American Irish society of San Francisco, which carries on the traditions of such societies as the Friendly Sons of St. Patrick, organized in Revolutionary days, of which George Washington himself was an honorary member. I have received many communications on the subject, but I have singled this one out with my reply, as indicating the condition of public sentiment, so far as these societies and our fellow citizens of Irish extraction are concerned. I consider theit plea worthy the attention of the Senate of the United States. I ask that this correspondence may be printed in the RECORD and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[Telegram.]

SAN FRANCISCO, CAL., *May 19, 1916.*

Hon. JAMES D. PHELAN,
United States Senate:

We have sent the following telegram to President Wilson. Will you, as a fellow member of the Knights of St Patrick, kindly request him to give it early consideration:

"The Knights of St. Patrick of San Francisco, an organization composed of American citizens, now in the forty-second year of its existence, respectfully requests that you request the British Government to exercise all possible clemency in behalf of Irish prisoners who are now or who may hereafter be under arrest in connection with the recent uprising in Ireland to the end that secret trials and secret executions and severe sentences of imprisonment may cease. This request is made on behalf of numberless American citizens whose ancestry, like your own, is Irish. In behalf of American friends and relatives of those concerned in the Irish uprising and as Secretary of State, John Sherman, in the protest of the United States to Spain against reconcentration in Cuba in 1897, said: 'In the name of common humanity.' As precedents which justify your friendly interposition in the present emergency, we would cite the letter of Thomas Jefferson, Secretary of State, to Gouverneur Morris, minister to France, in 1793, requesting the release of Gen. Lafayette from imprisonment; the action of President Fillmore in 1851 in conveying Kossuth in an American war vessel from Turkey to the United States; the communication of Secretary of State Seward, in 1867, to Mexico, in behalf of clemency for Maximilian; the communication of Secretary of State Fish, in 1872, to Spain, protesting against the death penalty being inflicted upon Cuban insurgents; the action of President Grant, in 1867, in obtaining a mitigation of the capital punishments of those convicted in the Canadian courts in connection with the Fenian uprising; the representations made by President Grant to England, in 1867, in behalf of the Irish prisoners in the Manchester case; and the numberless requests made by various Presidents of the United States to Russia for clemency in behalf of her Jewish subjects. The only offense of the Irish revolutionists was the same aspiration for liberty which inspired Washington in the American Revolution. The extreme and unusual severity of their secret executions and imprisonments has deeply stirred and saddened the millions of American citizens who are proud of their Irish blood and who sympathize with every nation which strikes for liberty."

ROBERT P. TROY,
President Knights of St. Patrick.
RICHARD C. O'CONNOR,
Chairman Board of Trustees.
JOHN MCHERN,
Corresponding Secretary.

MAY 22, 1916.

Mr. ROBERT P. TROY,
President Knights of St. Patrick,
703 Market, San Francisco.

MY DEAR MR. TROY: Your telegram of May 19, concerning presidential protest to England in behalf of Ireland, is received.

I desire to say I am in full sympathy with your action, and have already communicated with the President. Protests have been made in several cases where the lives of American citizens of Irish birth have been in peril. Last Thursday night the President sent such a protest in the case of Lynch, a citizen of New York, at the instance of Senator O'GORMAN, and the day before I had a personal interview with Hon. Robert Lansing, Secretary of State, and Hon. Frank L. Polk, the counselor of the Department of State, urging that representations be made on the general subject.

Majority leader, Senator JOHN W. KERN, introduced a resolution in the Senate which I am supporting, requesting the State Department to formally act.

I am sure that the administration will do everything in its power to carry out the wishes of the Knights of St. Patrick.

Very truly yours,

JAMES D. PHELAN.

MAY 22, 1916.

To the PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I have received a telegram from the Knights of St. Patrick, of San Francisco, communicating the one that they sent to you. They request me as follows:

"Will you, as a fellow member of the Knights of St. Patrick, kindly request the President to give early consideration to the telegram which we have sent him?"

It is requested that this Government make representations to the British Government to the end that it shall exercise all possible clemency in behalf of Irish prisoners, to stop secret trials and secret executions, and to resort to the courts of law to determine the guilt or innocence of the parties and the measure and nature of the punishment, if any is decreed.

American citizens of Irish birth have been arrested and held without trial; and there are reports that one such citizen has been condemned by court-martial to capital punishment. In reenforcing the sentiments of the Knights of St. Patrick I can not too strongly urge that you comply with their request.

You have in the name of humanity protested to other foreign Governments against the recklessness of power. "The divine right of revolution" is inherent in every people; our independence was won under the leadership of that "immortal rebel," George Washington. It is true that those who fail in such an enterprise expose themselves to trial for treason. The Revolutionary fathers were all traitors in the eyes of the English law, but patriots in the eyes of the world.

"No treason succeeds, and what is the reason?
For when it succeeds, who dare call it treason?"

There is no excuse for treason in America, because the people are the sovereign and under the Constitution have a lawful and effective means of expressing their views. This is the right for which the unconquerable spirit of the Irish people has contended for centuries. It was conceded by Mr. Gladstone and recently by the present ministry of England. Its accomplishment was met with armed resistance on the part of the people of the north, by mutiny among the troops and insubordination among the officers of the British Army. This doubtless led to the futile attempt to accomplish by force what Parliament and the ministry had abjectly failed to establish by law. Well might the Irish patriots, having but the single and sincere purpose to redeem their country, come to the conclusion that there was no remedy which did not involve the employment of force.

The poets, who have been described as the "unauthorized legislators of the world," had long taught them "Hereditary bondsmen, know ye not who would be free themselves must strike the blow."

I personally felt the same emotion when I read of the shooting of Pearce and his brave and patriotic associates that I experienced when I read of the secret execution of Ferrer, the Spanish patriot, who had conspired in some way against the King. Patriots are killed because they have no means within the constitution to remedy intolerable conditions, and hence they are compelled to resort to conspiracies and overt acts. It is not a matter of choice. If constitutional rights are accorded them, there will be no need of violence.

We can not as Americans look with indifference upon these events, because if our emotions do not respond under such circumstances our own liberties and independence are in danger. We will have failed of our appreciation of those things for which our American revolutionists died.

Therefore, I repeat, in the name of humanity and liberty you should protest against these practices which all history, modern enlightenment, as well as political sagacity, condemn. From whatever point of view they are regarded, these executions can only be classified as crimes or as blunders. I am,

Respectfully, yours, JAMES D. PHELAN.

Mr. PHELAN presented a memorial of sundry citizens of Sawtelle, Cal., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Calistoga, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Ladies' Auxiliary, Ancient Order of Hibernians, of Los Angeles, Cal., and a memorial of the County Clare Association of California, of San Francisco, Cal., remonstrating against the execution of Irishmen connected with the recent revolt in Ireland, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. NORRIS, from the Committee on Public Lands, to which was referred the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands, reported it with amendments and submitted a report (No. 470) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 471) thereon.

He also, from the same committee, to which was referred the bill (H. R. 14576) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 472) thereon.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes, reported it with amendments and submitted a report (No. 473) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAGGART:

A bill (S. 6088) granting an increase of pension to George D. Mitchell (with accompanying papers);

A bill (S. 6089) granting an increase of pension to Jesse O. Banion (with accompanying papers);

A bill (S. 6090) granting an increase of pension to Noah Sage (with accompanying papers);

A bill (S. 6091) granting an increase of pension to George Yeager (with accompanying papers);

A bill (S. 6092) granting an increase of pension to James M. Beeber (with accompanying papers);

A bill (S. 6093) granting an increase of pension to Jacob A. Stewart (with accompanying papers);

A bill (S. 6094) granting an increase of pension to Pollard McKenney (with accompanying papers);

A bill (S. 6095) granting an increase of pension to Francis M. Pierce (with accompanying papers);

A bill (S. 6096) granting an increase of pension to Hymelius Mendenhall (with accompanying papers);

A bill (S. 6097) granting an increase of pension to Elzira Vanhoy (with accompanying papers);

A bill (S. 6098) granting an increase of pension to Alfred McFeely (with accompanying papers);

A bill (S. 6099) granting an increase of pension to Elijah Kessler (with accompanying papers);

A bill (S. 6100) granting an increase of pension to Charles Wilkinson (with accompanying papers);

A bill (S. 6101) granting a pension to James M. Brown; and

A bill (S. 6102) granting an increase of pension to Theodore Luther; to the Committee on Pensions.

By Mr. LANE:

A bill (S. 6103) granting a pension to Charles E. Wilber (with accompanying papers); and

A bill (S. 6104) granting an increase of pension to Theodore Hansen (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 6105) granting an increase of pension to James H. Kneeland (with accompanying papers);

A bill (S. 6106) granting a pension to Leonora V. Lunt (with accompanying papers);

A bill (S. 6107) granting an increase of pension to Thaddeus Cross (with accompanying papers);

A bill (S. 6108) granting an increase of pension to Charles E. Cook (with accompanying papers);

A bill (S. 6109) granting an increase of pension to Florence M. Moore (with accompanying papers);

A bill (S. 6110) granting an increase of pension to Horatio N. Lowell (with accompanying papers);

A bill (S. 6111) granting an increase of pension to Truman F. Maxim (with accompanying papers);

A bill (S. 6112) granting a pension to Fred S. Knight (with accompanying papers);

A bill (S. 6113) granting a pension to Alden Turner (with accompanying papers); and

A bill (S. 6114) granting an increase of pension to Almon G. Warren (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 6115) for the relief of the heirs at law of the late Duncan H. Campbell; to the Committee on Patents.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. BANKHEAD submitted an amendment proposing to appropriate $4,140 to pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on the District of Columbia and ordered to be printed.

COAST AND GEODETIC SURVEY.

Mr. JOHNSON of Maine. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill (H. R. 15836) relative to an additional appropriation for the United States Coast and Geodetic Survey. I ask that the amendment be printed and referred to the Committee on Appropriations.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JOHNSON of Maine. I also submit a letter from the Superintendent of the United States Coast and Geodetic Survey stating the reasons for the necessity for the appropriation, which I ask may be printed in the RECORD and referred to the Committee on Appropriations to accompany the amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF COMMERCE,
UNITED STATES COAST AND GEODETIC SURVEY,
Washington, May 22, 1916.

Hon. CHARLES F. JOHNSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR JOHNSON: In accordance with your request that I set forth reasons for the necessity for the introduction of an amendment to H. R. 15836 in the Senate of the United States to provide funds which the United States Coast and Geodetic Survey requires in addition to those contained in the sundry civil bill just reported, I submit the following:

The sundry civil bill as reported to the House of Representatives does not make provision for some help and materials, etc., that this bureau must have to continue issuing its charts throughout the coming fiscal year. I tried to impress the Appropriations Committee of the House with the gravity of the situation, but apparently failed to make them comprehend the seriousness of the facts. I am therefore glad for the opportunity afforded by your kind request.

I enumerate our needs in the order of their importance.

First, in regard to the production and output of charts: I need not detail how rapidly information comes in requiring changes in the nearly 700 charts covering our 103,000 miles of coast line; but there are in this office to-day reported dangers in the way of submerged rocks and shoals found and other dangers to navigation, and changes in aids to navigation that make it absolutely necessary to reprint 135 of our charts with the least possible delay.

Nor shall I burden you with the details of how this information must be examined, verified, drafted, engraved, or lithographed before it finally filters through the office and goes on the printed chart so that it is absolutely correct and reliable when the chart is sent to the merchant mariner or to our Navy Department for the use of the Navy vessels.

The point is that requests come to us daily for some of these 135 charts that are out of print, and vessels are delayed in their sailings because they can not be supplied with our charts.

We have at this writing a request from a vessel that is leaving New York for 223 of our charts, of which 64 can not be supplied, because they are out of print; nor can we give any definite promise when they can be furnished. Another shipowner wishes 27 different charts, of which 17 can not be supplied; and still another has ordered 27, of which 18 are out of print; and there are many other such orders.

We have made a careful canvass of the situation, and have no hesitancy in saying that the extra help requested in this amendment will no more than meet the situation.

Should it be thought that a remedy could be had in overtime work, the answer is that we have resorted to this means continually. The inevitable result must be, if this is made a permanent practice, that the better class of our employees will be driven to other branches of the Government service where overtime work is not continually required, or to positions outside the Government service. We would then be in a worse situation than now, because the number of persons skilled in the technical qualifications required is limited, and it takes time for a person having the technical qualifications to further acquire the exact knowledge needed to carry on our work.

The above applies to skilled help. Now, in regard to chart paper and other supplies:

During the current fiscal year 75,940 pounds of chart paper were purchased at a cost of $12,151.80. More than this was needed and would have been purchased had the current appropriations been adequate. One of the necessary elements, with reference to chart paper, is that it be well seasoned before printing. If charts are printed on "green" paper, the paper in seasoning distorts the chart so that the distances represented thereon are misleading to a mariner, and the chart is a menace rather than a guide.

Only a certain grade and quality of paper can be used for chart-making purposes, and this kind of paper is not carried in stock by the paper mills. It therefore follows that when this bureau places an order for chart paper, that paper is made on the receipt of the order, and we receive "green" paper. To meet this condition, it has been our custom to keep a supply of chart paper on hand; but owing to the increased demand for charts, with no increase in funds, this stock has been from year to year encroached upon until it is practically exhausted.

We are now facing an unprecedented demand for charts, with no reserve stock of seasoned paper to draw upon. With the cost of paper advanced some 50 per cent, owing to a raw famine resulting from foreign embargoes, it is absolutely necessary that additional funds be provided for the purchase of chart paper, unless we are to stop work.

The primary cause of this increase of demand can be attributed to the increased activity in shipping, and to the increased demands of our Navy Department. In figures, which fall to convey any notion of the work involved, this increase during the present year has been 30,000 charts.

Our resources are strained almost to the breaking point, and with the growing demand which is more apparent each day we shall shortly be absolutely swamped unless Congress at an early day provides adequate funds.

Money appropriated for chart paper in reality takes little, if anything, out of the Treasury, for the reason that the printed charts are sold for the cost of paper and printing, and the money from these sales reverts to the Treasury each month.

While we must have the funds for the skilled help and the chart paper referred to above, it is also necessary, if our work is to go on, that money be provided for the two chart presses. Without going into

detail I may say that the presses now in use are antiquated, and require a maximum of hand labor with the minimum of production, and are insufficient for our present demands.

LAUNCHES FOR WIRE DRAG WORK, ETC.

Under existing appropriations for wire-drag work there has never been sufficient money to purchase launches for this work. The result is that each year we hire the necessary launches under competitive bids.

While we make the best selection possible for launches for this work, these two results follow:

First. The type of launch needed for wire-drag work is the type used by fishermen, and we are in the market for them at the very time of the year when they are needed by the fishermen. From this it follows that, though the launches are hired under competitive bids, the amount of rental paid is out of proportion to the value of the launch.

Second. In nearly every instance, though the specifications call for launches suited as closely as possible to our needs, we often have to replace the entire superstructure to adapt them to our needs. When the season is over, the rigging we have placed on them must be removed and the launches placed in their former condition to be returned to the owners.

The result is that we are, in rentals and adjustments, paying over and over again the value of these launches, while if money were available to build launches exactly suited to our needs there would not be this extravagant yearly outlay. Then, too, the time of our parties in securing these bids and making these changes each season would be saved.

AS TO MONEY FOR A NEW VESSEL.

The Federal Government has appropriated $35,000,000 for a new railroad in Alaska and is making many other wise expenditures there, and as the only way to reach the ports of that country is by water, it follows logically that, with the 23,000 miles of shore line yet to be surveyed, we must have vessels and appropriations to carry on the work.

Meanwhile, I have figures from what I consider reliable sources showing that the losses in Alaskan waters for the past 10 years in vessels valued at $20,000 and upward have averaged $490,000 each year, or more than twice the amount of money this bureau has available yearly for surveys of all kinds on the coasts of Alaska.

The Coast and Geodetic Survey vessel *Gedney*, 41 years old, was sold last fall, after being condemned by the Steamboat-Inspection Service. We have nothing to take her place. Without a new vessel the condition will be most unfortunate. The supply must be increased not decreased. I am,

Respectfully, yours, E. LESTER JONES,
Superintendent.

HOUSE BILL REFERRED.

H. R. 14771. An act granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River was read twice by its title and referred to the Committee on Commerce.

RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m., Monday, May 22, 1916) the Senate took a recess until to-morrow, Tuesday, May 23, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 22, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Teach us, O God, the meaning of life. We are profoundly impressed with the vast and countless variety displayed in Thy creative acts. Every thing in nature bears its peculiarity, and when we reach man the differences are more clearly defined. Each is cast in a different mold and stamped with a personality all his own, and can fulfill his particular place better than another. Help us, therefore, until we find our sphere to do what we find to do with earnestness, patience, persistence, and courage, that we may be prepared for the work Thou hast called us to do.

And only the Master shall praise us,
And only the Master shall blame;
And no one shall work for money,
And no one shall work for fame;
But each for the joy of the working,
And each in his separate star,
Shall draw the thing as he sees it,
For the God of things as they are!

Amen.

The Journal of the proceedings of Saturday, May 20, 1916, was read and approved.

CHANGE OF REFERENCE.

Mr. COX rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. COX. To prefer a unanimous-consent request: to ask that two bills now pending before the Committee on the Post Office and Post Roads, of which I do not think that committee has jurisdiction, be referred to the Committee on Reform in the Civil Service.

The SPEAKER. What are the bills about?

Mr. COX. One is H. R. 6915 and the other is H. R. 10130.

The SPEAKER. What are they about?

Mr. COX. They relate exclusively to civil-service pensions.

The SPEAKER. Without objection, the reference will be made.

There was no objection.

EXTENSION OF REMARKS.

Mr. DALE of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the rural-credits bill.

The SPEAKER. The gentleman from Vermont [Mr. DALE] asks unanimous consent to extend his remarks on the rural-credits bill. Is there objection?

There was no objection.

TEXAS BICENTENNIAL AND PAN AMERICAN EXPOSITION.

Mr. SLAYDEN. Mr. Speaker, I would like to have taken off the Speaker's table and have considered Senate joint resolution 72.

The SPEAKER. The Chair lays before the House Senate joint resolution 72, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 72) to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

Resolved, etc., That whenever it shall be shown to the satisfaction of the President of the United States that a suitable site has been selected and that adequate provision has been made for buildings and grounds that will enable the Texas Bicentennial and Pan American Exposition to inaugurate, carry forward, and hold an exposition at the city of San Antonio, Tex., on or about the 1st day of November, 1918, to celebrate the two hundredth anniversary of the settlement of San Antonio, the President of the United States be, and he hereby is, authorized and requested to invite Spain and all the Pan American countries and nations to such proposed exposition, with a request that they participate therein.

The SPEAKER. There is a House resolution of similar tenor on the calendar.

Mr. SLAYDEN. Yes; precisely the same.

Mr. GARNER. With a unanimous report from the committee.

Mr. MANN. I believe it requires unanimous consent, nevertheless. Did the gentleman from Texas ask unanimous consent?

Mr. SLAYDEN. No; I asked that the bill be laid before the House.

Mr. MANN. I suggest that the gentleman ask unanimous consent.

Mr. SLAYDEN. I ask unanimous consent, then, Mr. Speaker, that the Senate bill be considered in lieu of the House bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Speaker, I would like to ask the gentleman a question. Recollecting the attitude of many very distinguished gentlemen from Texas on the floor of the House in reference to expositions in the past, is it the expectation or intention to ask for any Government appropriation in aid of this exposition, except possibly a Government exhibit?

Mr. SLAYDEN. No; Mr. Speaker, there is no such intention, and the officers of this exposition association, as I suppose you would call it, have filed with the Committee on Industrial Arts and Expositions over their signatures a pledge that they would not do so.

Mr. MANN. Well, I remember, in reference to the California exposition, that we had the same statement from Members of the House from California in reference to that exposition; and they carried it out. They never asked for any aid, but somebody else did—the President did—and we had a very determined contest over it. Is the same procedure likely to happen in reference to this exposition? Of course the gentleman can not speak for the next President. I understand that.

Mr. SLAYDEN. No; but I assure the gentleman that it is not the intention of any Member of the Texas delegation to do so, and these gentlemen from Texas were told that fact with a frankness which I think some of them thought was almost brutal.

Mr. MANN. Of course I understand that would not prevent, so far as I know, a Senate amendment on the sundry civil bill or on the deficiency bill carrying an appropriation that would have to be voted on in the House.

Mr. GARNER. May I say to the gentleman from Illinois that both the Senators from Texas have taken the same position as the House Members, that they will not ask for money to defray the expenses of the exposition or money to defray a deficiency in the expenses of the exposition? At least one of the Senators will be here, and probably the other.

Mr. MANN. Personally I may say that I think the Government ought to make an appropriation in aid of this exposition.

Mr. GARNER. But the Texas delegation do not feel that way about it, and they are not willing to support one.

Mr. SLAYDEN. Question, Mr. Speaker.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the House resolution of similar tenor will be laid on the table.

There was no objection.

On motion of Mr. SLAYDEN, a motion to reconsider the vote whereby Senate joint resolution 72 was passed was laid on the table.

PORTO RICO.

Mr. GARRETT. Mr. Speaker, I desire to prefer a request for unanimous consent touching the Porto Rican bill.

The SPEAKER. The gentleman will proceed.

Mr. GARRETT. I ask unanimous consent, Mr. Speaker, that the House may resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Porto Rican bill; that the Clerk shall immediately proceed to read the bill without interruption; that during the reading amendments may be offered; that at the conclusion of the reading the amendments may be read in the order in which they are offered, and that at not later than 4 o'clock the committee shall proceed to vote upon the amendments offered, and so perfect the bill, and upon its perfection the committee shall rise and report the bill to the House, the previous question shall be considered as ordered on the bill and all amendments thereto to final passage, except one motion to recommit.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Porto Rican bill; that the Clerk shall read the bill without interruption until the reading has been concluded, whereupon any amendments that may be offered shall be read in the order in which they are sent to the Clerk's desk; thereupon the committee shall rise and report the bill to the House, the previous question shall be considered as ordered, and without intervening motion except one motion to recommit the House shall vote on the bill. This shall happen before 4 o'clock——

Mr. GARRETT. Not later than 4 o'clock.

The SPEAKER. Not later than 4 o'clock. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman from Tennessee [Mr. GARRETT] is one of the best legislators in this House. If he were not, I would say that that proposition was fit to come from a set of lunatics, but not from sane men. I do not think that that is a proper way to legislate, and I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. JONES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Porto Rico bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, with Mr. FOSTER in the chair.

The Clerk read as follows:

SEC. 5. That all citizens of Porto Rico, as defined by section 7 of the act of April 12, 1900, "temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and all natives of Porto Rico who were temporarily absent from that island on April 11, 1899, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: *Provided*, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this act before the district court in the district in which he resides, the declaration to be in form as follows:

"I, ———, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this act to the executive secretary of Porto Rico: *And provided further*, That any person who is born in Porto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this act, or if a minor upon reaching his majority or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Porto Rico, setting forth therein all the facts connected with his or her birth and residence in Porto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I think there was some discussion in general debate in reference to this section, as the gentleman will doubtless recall.

Mr. JONES. The gentleman from New York [Mr. BENNET] suggested that there should be an amendment to this section in order that certain Porto Ricans who are resident in New York and who were absent from the island at the date mentioned in this section might be included in this provision. It was stated at the time that there was no provision of general law upon the subject of naturalization which would permit them to become citizens of the United States. Since that time the general laws upon the subject have been examined; I have conferred with Mr. BENNET, and he is perfectly satisfied, not only that they can become naturalized under the general law but that a number have already been so naturalized, and he therefore does not desire any amendment, but thinks that the law is sufficiently broad.

Mr. MANN. That statement is satisfactory. I remember seeing in the newspapers at one time the statement that some of these people were refused naturalization. Whether the statement was correct or not, I do not know. The gentleman says they have been naturalized?

Mr. JONES. So I am informed by the Insular Affairs Bureau, and the gentleman from New York [Mr. BENNET] is satisfied of that fact.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 19. That the commissioner of health shall have general charge of all matters relating to public health, sanitation, and charities, and shall perform such other duties as may be prescribed by law.

Mr. JONES. Mr. Chairman, I desire to offer an amendment. On page 16, line 14, after the word "charities," insert "except such as relate to the conduct of maritime quarantine."

The CHAIRMAN. The gentleman will please send the amendment to the desk so that the Clerk can get it. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: Amend, on page 16, line 14, after the word "charities," by inserting the following: "except such as relate to the conduct of maritime quarantine."

Mr. JONES. I will state, Mr. Chairman, that this amendment was suggested by the Treasury Department. The Treasury Department seemed to think that this duty could be better performed by officials of the United States.

Mr. CANNON. Will the gentleman allow me?

Mr. JONES. Certainly.

Mr. CANNON. Is that all the explanation?

Mr. JONES. I will say to the gentleman, if he desires a further explanation, that the section as framed placed these matters under officials appointed by the Governor of Porto Rico. The Treasury Department, having the machinery to perform these duties, thought there would be some confusion if they were turned over to the Porto Rican government and that it would be better to have them conducted as they now are, under Federal authority.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

The amendment was agreed to.

The Clerk read as follows:

SEC. 20. That there shall be appointed by the President an auditor, at an annual salary of $6,500, for a term of four years and until his successor is appointed and qualified, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts, from whatever source, of the government of Porto Rico and of the municipal governments of Porto Rico, including public trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government of Porto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

In case of vacancy or of the absence from duty, from any cause, of the auditor, the Governor of Porto Rico may designate an assistant, who shall have charge of the office.

The jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the governor, he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: *Provided*, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

The decisions of the auditor shall be final, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by the law upon the several auditors of the United States and the Comptroller of the United States Treasury, and is authorized to communicate directly with any person having claims

before him for settlement, or with any department, officer, or person having official relations with his office.

As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted the auditor shall submit to the governor an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various municipalities, and make such other reports as may be required of him by the governor or the head of the executive department of the Government of the United States, to be designated by the President as herein provided.

In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence, and in the pursuance of these provisions may issue subpœnas and enforce the attendance of witnesses.

The office of the auditor shall be under the general supervision of the governor and shall consist of the auditor and deputy auditor and such necessary assistants as may be prescribed by law.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word, largely for the purpose of inquiring the viewpoint of the committee as to this supervisory control of the auditor over the revenues of Porto Rico. I understood from reading the report of the chairman of the committee that it was the policy of the committee to give complete control to these islanders in the management of their internal affairs. Yet we have here a provision for the appointment of an auditor by the President, who will virtually exercise supervisory authority over the control of the revenues. If these Porto Ricans are to be vested with full authority in the management of their internal affairs, why should you withhold from them this authority in the management of their own revenues?

Mr. JONES. Mr. Chairman, I will say to the gentleman from Wisconsin that he is not quite correct in assuming that this bill is intended to give the Porto Ricans full and complete authority over all of their domestic matters. It is intended, however, to give them the fullest measure of self-government that, in the opinion of the committee, ought to be bestowed upon them, taking into consideration the interests of the United States. For instance, the President appoints the attorney general under this bill, under a section that has already been read, and the President appoints the commissioner of education, while the governor appoints the other four heads of departments.

There were various reasons for thinking that would be better. For instance, as to the department of education, if the Porto Rican government had complete control over that subject there might be some question as to whether English would be taught in the schools or whether Spanish would be substituted therefor. The committee thought it would be better to have that matter under the control of a commissioner of education appointed by the President, so as to insure the continued teaching of English in the public schools. I mention that simply as one of the exceptions to the rule which the gentleman thinks the committee desires to lay down.

Now, as to this specific question as to the auditor, I will say that my recollection is that as the bill was originally drawn there was no provision such as this, but some of the members of the committee, some of the minority members especially, thought there ought to be that provision. I think the gentleman from Iowa [Mr. TOWNER], the ranking minority member of the committee, was very earnest in the belief that there should be an auditor. I think the gentleman will admit that it is a wise provision.

Mr. STAFFORD. If the gentleman will allow me, an auditor is in the nature of a comptroller, an administrative official purely; and in my viewpoint, if we are going to vest these islanders with control over the administration of their own affairs, certainly the governor should have the right to appoint a purely administrative official like the auditor, rather than to vest that authority in the President to appoint some person who might not be in harmony or personally acquainted with the business affairs of the island.

Mr. JONES. I will be frank enough to say to the gentleman that I rather inclined to that view myself at the time, and when the bill was first drawn this provision was not in it, but other members of the committee desired this change.

Mr. STAFFORD. What was the motive that impelled the gentleman to withdraw from his logical position of having this official appointed by the governor rather than by the President?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that my time be extended five minutes, in order that the gentleman from Virginia may finish his explanation.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES. In the first place, I will say to the gentleman that this bill does not propose to confer full and complete self-government upon the people of Porto Rico. For instance, we retain the veto power in the President. The Porto Ricans would confer only a qualified veto power on the governor. The committee deemed it wise to lodge absolute veto power in the hands of the President. It was the opinion of the committee that this position of auditor should be created. My friend from Iowa, Judge TOWNER, who took great interest in the framing of this bill, was particularly anxious that an auditor should be provided for.

Mr. STAFFORD. Oh, there can be no objection from one standpoint that all the officials should be appointed by the President, but if we proceed along the line of giving the auditor the full authority as consistent with their own government, the management of their own affairs, I can see why the auditor should be appointed by the governor. As to the commissioner of education and the attorney general I can see a potency in the reasons advanced by the gentleman from Virginia as to why the President should have the authority to appoint them. But here is a purely administrative official taken out of the hands of the local authorities and placed in the hands of the President, who knows nothing about the local conditions.

Mr. JONES. I realize that there is a good deal in what the gentleman says, but the committee concluded, after full discussion, that this position should be created.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I wish I had the time to go into this matter as I would have under general debate. It seems to me that this and the other provisions which propose to make it a half-and-half government in Porto Rico is a confession that the whole bill should fail. If they be ripe for self-government, if they should be clothed with citizenship, if there is a public sentiment and manhood there to enable them to elect both branches of their legislature and to have citizenship, not thrust upon them by compulsion, they ought to have it in full measure, but this half-and-half plan, to my mind, is a confession that the bill ought to fail.

Now, I have not anything but the kindliest feelings for the Porto Ricans. I have a kindly feeling toward every human being on earth. I am for this provision in the bill if it is to pass; but experience has shown us that in the West Indies under the French, the British, the Spanish, or American control, that they are not competent for self-government. Oh, there are some that are competent, and if you give them enough power their competency would make them oppressors perhaps for the great benefit or the great harm of the most of the population.

I want to say here and now that I have been in Porto Rico many times. I have been in Cuba many times; I have been in Jamaica many times; and, as I said on a former occasion, there are 30 per cent pure African and enough to make 75 per cent who are not Caucasion or Spanish, but mixed. We are in Hayti now, and we are liable to be called to Cuba under a provision in their constitution which we made them adopt. We are responsible for them. Bless my soul, under 200 or 300 years of English domination in Jamaica they are not yet ready for self-government.

Now, it is not just to the Porto Ricans; it is not just to us that this bill should pass. But, if it must pass, this section and other provisions in it should remain, although it gives them privileges that Territories do not ordinarily have. That is all I want to say, and I say it as a final protest. I shall vote against this bill.

Competent for self-government? I want to say that we have 10,000,000 people, lately enslaved, who have made very great progress, but they are in contact with 90,000,000 of people who have proved their competency for self-government of the Caucasion race; and with the fullness of time, with this great disparity in population, I believe as generations come and go we will work out our salvation in this country, but down in Porto Rico I am not so optimistic. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 24. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the governor in such case shall be final and conclusive.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The office of auditor ought never to be a political office. I very much approve of the provision of the preceding section for the appointment of an auditor by the President of the United States, so that that officer will not be involved in local politics. I question somewhat the desirability of this section providing for an appeal from the auditor to the governor. You might just about as well let the governor appoint the auditor, direct him how he shall make his findings, as to let an appeal be taken from the auditor to the governor.

I think on the whole we have a very good system in the United States in reference to the auditing of claims or bills against the United States. They first go through the departments. They go to the auditor for the different departments; that official being an official of the Treasury Department. Then an appeal can be taken from the auditor to the comptroller. It is supposed, and I think correctly, that the Comptroller of the Treasury is an official who is not reached by clamor or influence. His term of office is not coincident with that of the President of the United States. He invariably holds over beyond the term of the President, and while new comptrollers are appointed from time to time the decision of the comptroller is believed to be absolutely on the square, apart from any political influence.

Well, the governor will be influenced more or less by popular clamor in Porto Rico. If he is a good governor he will try to make himself popular, and the auditor, the man who determines whether a bill shall be paid, ought to decide in accordance with the law and absolutely regardless of public opinion. I do not think myself it is good judgment to allow an appeal from the auditor to the governor. The auditor, appointed as he is, is there merely to construe the law. The governor, appointed as he is, both being appointed by the same official, wants not only to construe the law but he wants to make himself popular with the people of Porto Rico, and it will occasionally arise that there will be popularity on the one side in favor of the payment of a bill, and the law on the other side. I think we always ought to hew to the line of the law in the payment of bills against the Government.

Mr. JONES. Mr. Chairman, it seems to me this is a very wholesome and salutary provision. I can not quite agree with my friend from Illinois [Mr. MANN] that the governor would be any more apt to be influenced by popular clamor than the auditor would be. They are both appointed by the President of the United States, and the governor holds his office at the pleasure of the President of the United States, and I think there ought to be some right of appeal somewhere. If not to the governor, it ought to be to the President of the United States. Surely you would not wish to burden the President of the United States with a matter of detail such as this; and even if you did, the President would refer it to the governor and, in all probability, would follow the advice of the governor. The auditor should not be clothed with autocratic power. He ought not to be vested with a power that can not be reviewed by anybody; and that being true, I know of no official other than the governor to whom the appeal should be taken. The governor, as I have said, and as the gentleman knows, as well as the auditor, is appointed by the President of the United States and is removable at the pleasure of the President. His appointment must also be confirmed by the Senate of the United States.

Mr. MANN. Mr. Chairman, just a word. Mr. Chairman, I think somebody has to be an autocrat about the payment of bills. The Comptroller of the Treasury in our country is an autocrat. There is no appeal from his decision unless you have a legal claim where you can go to the Court of Claims. I do not see any great difference between making the governor an autocrat and the auditor an autocrat, except that the auditor will know a great deal more about the subject than the governor, necessarily. That is his business. It is an incident with the governor; it is the business of the auditor. The gentleman says the auditor ought not to be an autocrat. Well, it would be well, possibly, if we could prevent anybody from being an autocrat, but in this case the governor will be an autocrat. He can overrule the auditor, and the decision of the governor is final, and very likely if many appeals are taken, the decision of the governor will be rendered without the same scrutiny and care which will be given to the subject by the auditor. That is the whole business of the auditor; it is the mere incident to the duties of the governor.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 25. That all local legislative power in Porto Rico, except as herein otherwise provided, shall be vested in a legislature, which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "the Legislature of Porto Rico."

Mr. PARKER of New Jersey. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I propose to offer an amendment to section 37, which defines the local legislative power that is granted by this section; but, lest I should be held to waive my right and my amendment should be held to involve something of a general legislative effect, I say a few words just now. When we are dealing with an island like this we must reverse the old motto "Be good, and you will be happy." If we make them happy they will be good. If the United States will give prosperity to an island of this sort, they will be bound by ties of affection to the United States, and if they do not have prosperity there is certain to be a revolution some day. Now, there is no doubt that the exports from Porto Rico to the United States of sugar, coffee, and so forth, have grown wonderfully; but I want to point out to the committee that the growth of exports and imports does not always indicate real prosperity. Jamaica in ancient days made enormous exports of sugar, but it was grown by slave labor. They have less imports and exports now, but, on the whole, the people are happier than they were then, though they might have more employment and be more prosperous. It just happens. During many years I have studied from time to time the affairs of Porto Rico; I have had some rather recent information from people who have been there. A young naval officer lately wrote me that sugar plantations were very prosperous in Porto Rico, but that the plain people were not doing well. The population has increased greatly because of the abolition of disease. The United States have not given them profitable employment. Another gentleman whom I know well—I do not mention names—told me that he was down on a plantation in Porto Rico quite recently; that the head of that big sugar company told him that he had made 60 per cent profit during last year, and at the same time he learned that the men who were loading at the wharves at the shipping towns in Porto Rico were getting 5 cents, and sometimes a little more, per hour for loading. My friend told me that this sugar plantation had 10 or 15 square miles of territory, and that he had heard that they had gotten rid of small farms that used to be on that area by rather arbitrary methods.

On my suggestion that he did not get that from the headman he said, "No; but his foreman suggested it to me." To the inquiry, "Was it by tax sale?" he said he did not know. I remember that my friend Larrinaga, the former Commissioner, told me that the poorer people of Porto Rico did not understand how to deal with taxes on land and were sold out. I understand my friend the present Commissioner to say that they are not sold out now. I remember that there were many tax sales, and I regretted them. The people of Porto Rico should know how to settle their own form of taxation. They will be ready to submit, as they did in olden times, to the old provision that put into the Porto Rican treasury a duty on goods coming to and fro from the United States which amounted to one-fourth of the duty charged on goods from outside. That gave the government something to live on.

Unfortunately in the year 1900 we passed an act, on April 12, chapter 191, page 77, which has reduced those duties from 25 to 15 per cent, which was to go into the Porto Rican treasury, and then provided that as soon as the United States was convinced that they had a system of local taxation which made them independent of those duties the duty should be abolished, and that, at any rate, all duties should be abolished in 1902. They are gone.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. They are gone. By this act we establish a great many officers. I notice one is to be paid $4,000. That does not mean pesos, but dollars, each of which is $2 and more than that to them. We have given them a central government that costs money. It is imposing license taxes, and every municipality does the same. Those people do not usually speak English. They can not get into the labor market in this country and get something to do, as our people can. They ought to have an opportunity to build up their own industries. And as a believer in the prosperity of every bit of the land that belongs to the United States, I urge, and shall urge when we get to section 37, that there should be given to their legislature such powers as Canada has against England, and as Australia has, and as New Zealand has, and as every happy and loyal colony of Great Britain has—the power to lay a tariff against their home country, the United States—which tariff, however, should be preferential and should not exceed a certain proportion of the United States tariff on goods that come from elsewhere. Unless you give to this legislature, to a certain extent—not altogether, but within reasonable bounds—the power of the purse and the power of regulating their commerce within reasonable limits, they are not free; they will not be prosperous; they will not be happy, and if they are not happy they will not be loyal. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 26. That the senate of Porto Rico shall consist of 19 members elected for terms of four years by the qualified electors of Porto Rico. Each of the seven senatorial districts defined as hereinafter provided shall have the right to elect two senators, and in addition thereto there shall be elected five senators at large. No person shall be a member of the senate of Porto Rico who is not over 30 years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Porto Rico for at least two consecutive years, and, except in the case of senators at large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election, and who does not own in his individual right taxable property in Porto Rico to the value of not less than $1,000. Except as herein otherwise provided, the senate of Porto Rico shall exercise all of the purely legislative powers and functions heretofore exercised by the executive council, including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate. In electing the five senators at large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be elected.

Mr. LONDON and Mr. MANN rose.

The CHAIRMAN. The gentleman from New York [Mr. LONDON] is recognized.

Mr. LONDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 13, after the word "election," in line 13, strike out all that follows in line 13, and all in line 14, and the words "less than $1,000," in line 15.

Mr. LONDON. Mr. Chairman, the amendment is very simple. If the people of Porto Rico are qualified to take care of their own affairs, why should we impose a property qualification on members of the senate. It is a dangerous thing to do. You are giving to the propertied class the right to rule the country. You are drawing distinctions which should not exist. You are separating the people. You authorize one portion of the community to rule over the other portion of Porto Rico. It is a dangerous thing, and I do not believe that you should embody it in the law of Porto Rico as reflecting the best judgment of Congress in the year 1916. We can not go back to the theories of those legislators of 100 years ago who did try to create special distinctions for the propertied class. You know that the Senate of the United States was only a short time ago called "the Millionaires' Club." When you study the minutes of the Constitutional Convention of 1787, you will find that the authors of the Constitution feared the masses; they feared the crowd. I do not recall who it was who said it, but I believe it was Morris, that it was "necessary to create a legislature which should be independent of the whims and caprices of the people." Now, there is no reason in the world why we should now in drafting a law for Porto Rico embody every reactionary principle, every conservative principle in the old constitutions, principles that have been repudiated by the progressive part of America. Why should you now in the year 1916 go back to reactionary principles, to reactionary theories, to theories that have been exploded, to theories which will place property above men? That is where the vice of this thing lies.

In this section you have another obnoxious provision to which I want to call your attention:

No person shall be a member of the senate * * * who has not been a resident of Porto Rico for at least two consecutive years.

Mind you, when it comes to residence you permit a man to become a member of the Senate who has been a resident of Porto Rico for two years, but when it comes to property, then the native must own at least a thousand dollars worth of property. In other words, a rich man, a well-to-do man, who will come to Porto Rico and will have been a resident for two years only will have a right to sit in the upper house of Porto Rico and to govern Porto Rico. But a man who has been a resident of Porto Rico for 20 years, or who is a native of Porto Rico, a man of education, a man of intelligence, who does not possess a thousand dollars' worth of property, will be disqualified from contributing his judgment and his voice to the shaping of the laws for his own people.

I do not understand the operations of the minds of the members of the committee. I do not understand what they are after, unless it is their object to give to property the right to rule over the people of Porto Rico. A government of the people of Porto Rico by the Porto Ricans is inconceivable under the proposed bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. LONDON. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 42.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. This section provides that the senators shall be elected by the qualified electors of Porto Rico. Section 35 provides that the qualified electors of Porto Rico "shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted." Is there any provision in this bill in reference to the registration of the electors of Porto Rico?

Mr. JONES. There is not, I will say to the gentleman; but I desire also to say to him in this connection that that section has been redrafted—the thirty-fifth section. The gentleman from Iowa [Mr. TOWNER] and myself, it was understood, were to redraft it, and I shall present a new section for this thirty-fifth section when we reach it.

The CHAIRMAN (Mr. CROSSER). Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 30. That the terms of office of senators and representatives shall be four years from the 1st of January following their election. In case of vacancy among the members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred, under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred.

Mr. CANNON. Mr. Chairman, I notice that the senators and representatives are to be elected at the same time, and that the tenure of office is four years in each case. Am I correct in that?

Mr. RIVERA. Yes; you are correct.

Mr. CANNON. Why should not the senators serve a longer term than the representatives, or why should not the representatives serve a longer term than the senators?

They are elected at the same time. If you were to have hysteria in the island, you would have a complete absence of check by this arrangement. We get hysteria in the United States sometimes. The Senate is elected with a tenure of six years, one-third going out every two years. In theory, and I must confess in practice, according to my observation for a considerable number of years, the Senate does not as promptly reflect the popular judgment, or hysteria, as the case might be, as the House does. Many a time I have thought that the Senate did not perhaps perform its function. At times it has been uncomfortable. But after all, a majority of that Senate, two-thirds of it, lasts for four years, one-third of it for six years, and one-third of it for two years, and it gives an opportunity for a sober second thought, inasmuch as both Houses must concur in legislation. That has been exceedingly useful.

Now, they might have a storm, or a "brain storm," in Porto Rico; and with an election once in four years, the only check would be the veto of the governor.

The CHAIRMAN. The Clerk will read.

Mr. CANNON. I would be glad to know the views of the Committee on Insular Affairs. Of course, the gentleman in charge of the bill may have the power to proceed. I did not quite consume my five minutes. He will have the power to read along, and everything will go; but if there is some reason why both these houses should be elected at the same time and have the same tenure I think it would be well to give the House information, if there is any.

Mr. JONES. I shall be glad to give the best reason I can. I certainly did not intend to be discourteous to the gentleman. I did not understand that he had offered any amendment. He asked whether or not the two houses were to be elected at the same time and whether they were to have the same terms, and I indicated that that was the case. I did not know that the gentleman desired any further explanation.

In the first place I want to say that the reason of economy—the frequency of elections—had more or less to do with this provision than any other consideration. The only practical solution of the question other than that which we adopted would have been to have elected senators for four years and representatives for two years, or representatives for three years and senators for six years. That idea was suggested some two years ago during the consideration of the Philippine bill, and objection was made to it on the floor, and the bill was amended. The idea is to reduce the number of elections as much as possible.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. TOWNER. That last remark that the gentleman made was what I was going to call attention to. I think we all understand the common ground upon which the objection of the gentleman from Illinois [Mr. CANNON] was based. However, on consultation with the Insular Department, that has had charge of these matters for a good many years, and with the people of Porto Rico, through their Representative, Mr. RIVERA——

Mr. JONES. And I would add the Governor of Porto Rico, who came here——

Mr. TOWNER. Yes; and considering the present condition of the finances, taking into consideration all those things, it was thought best to place these terms as they are in the bill.

Mr. CANNON. In other words, it is popular government; they are to govern themselves. But this is another argument against any legislation.

Mr. TOWNER. I do not altogether agree with the gentleman from Illinois, I will say.

Mr. MONTAGUE. I would like to ask the gentleman from Iowa a question.

Mr. TOWNER. The gentleman from Virginia [Mr. JONES] has the floor.

Mr. MONTAGUE. Do I understand from the gentleman from Virginia and the gentleman from Iowa that the only argument for this uniformity of term of the House and Senate is the one of economy?

Mr. TOWNER. It is not the only argument.

Mr. MONTAGUE. That is the only one that has been given.

Mr. TOWNER. That is the principal argument.

Mr. MONTAGUE. If that is the principal argument, would you not accomplish the object aimed at by abolishing one or the other branch of the Congress?

Mr. JONES. I do not think that that is a fair deduction at all.

Mr. MONTAGUE. I deduce that from the principle presented. If you are going to have a bicameral body, you ought to have a varying term, according to the development and usages of our legislative institutions.

Mr. JONES. And you ought to have some regard for the people as to the cost of elections and the frequency of elections.

Mr. MONTAGUE. I think that is right.

Mr. JONES. This recommendation was made by gentlemen who are more familiar with local conditions than members of the committee. It was made by the Chief of the Bureau of Insular Affairs and by Gov. Yager, who came on here, and the committee, considering all things—the matter of expense and the matter of the frequency of elections—concluded that this was the better proposition.

Mr. RIVERA. Mr. Chairman, there are other reasons aside from that of economy in favor of this provision of the bill. In my judgment, the principal and paramount reason is not only economy, but it is a social and political reason. The people of Porto Rico are easily excited by an electoral contest, and it is better for them to have elections once in four years rather than once in two years, because if elections are to be held every two years there will be an enormous loss of time.

Mr. KEATING. Will the gentleman yield?

Mr. RIVERA. Certainly.

Mr. KEATING. How do your citizens manifest this excitement?

Mr. RIVERA. In different ways.

Mr. KEATING. Do they commit acts of violence?

Mr. RIVERA. Oh, no; they never manifest their excitement by unlawful means.

Mr. KEATING. You mean that they take an interest in the elections. Is that the idea?

Mr. RIVERA. They take a great interest; yes.

Mr. KEATING. Is it not true that in this country prior to an election the citizens take a great deal of interest in the election?

Mr. RIVERA. The people of the United States have different characteristics than the people of the Latin countries. In the Latin countries eight months before the election the people are very much occupied in election matters.

Mr. KEATING. The gentleman does not mean to convey the impression to this House that elections in Porto Rico are marked by acts of violence, does he?

Mr. RIVERA. No; not at all. There is no violence.

Mr. KEATING. By "excitement" the gentleman means that the people of Porto Rico are interested in their elections?

Mr. RIVERA. Yes; they are warmly interested in the elections.

Mr. KEATING. That they discuss the questions at issue?

Mr. RIVERA. Yes.

Mr. KEATING. And discuss the candidates?

Mr. RIVERA. Yes.

Mr. KEATING. But no violence is committed?

Mr. RIVERA. We think it is better that the elections in Porto Rico should be held once in four years, because of the saving in the people's time, and also for the reason of economy. The distinguished gentleman from Iowa [Mr. TOWNER] has explained this point clearly.

Mr. KINKAID. Will the gentleman yield for a question?

Mr. RIVERA. Yes.

Mr. KINKAID. How many months before the election are the candidates brought out?

Mr. RIVERA. Eight months.

Mr. KINKAID. Do the voters become so much interested in the campaign that they devote most of that eight months to having public meetings and electioneering for their candidates and working against those whom they oppose?

Mr. RIVERA. Yes.

Mr. KINKAID. And during that time do they neglect their work?

Mr. RIVERA. To some extent.

Mr. KEATING. I do not want to assume the responsibility for defending the gentleman's constituents, but I would suggest to him that he should not permit the impression to be given to this House that the people of his country are so utterly lacking in qualifications for self-government that for eight months prior to an election they neglect their business and devote all their attention to politics.

Mr. RIVERA. That is not exactly my affirmation. I have not stated that. The people of my country, enthusiastic as are all the peoples of the Latin race, do not limit their activity to casting their votes, but they frequent clubs, attend political meetings, discuss political issues, and sometimes carry their generosity to the point of neglecting their profitable business for the sake of their principles and ideals. This is the only meaning of my remarks, which the gentleman from Colorado has attempted to criticize.

Mr. KINKAID. Will the gentleman yield further?

Mr. RIVERA. With pleasure.

Mr. KINKAID. Does the gentleman mean that the people of Porto Rico can not afford to devote eight months to a campaign every two years?

Mr. RIVERA. That is what I mean.

Mr. KINKAID. And it would be more economical to have an eight months' campaign only once in four years, which would amount to two months for each year?

Mr. RIVERA. Certainly.

Mr. KINKAID. I think that that is a sensible proposition.

Mr. KEATING. If the gentleman will yield, I want to clear up this point. It is a serious matter. There are a million people in Porto Rico who are seeking self-government. Their Representative is here. He has not, as I understand it, stated that his people neglect their work? I am sure he does not desire to convey that impression to the House.

Mr. RIVERA. They do not completely neglect their other occupations, but they do so in part.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Does the gentleman from Porto Rico desire more time?

Mr. RIVERA. Yes; I do.

Mr. STAFFORD. I ask unanimous consent that the gentleman may have five minutes more.

Mr. JONES. I ask unanimous consent that the debate on this amendment conclude in five minutes.

Mr. CANNON. Oh, I think we ought not to do that. I take it there will not be a protracted debate.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. CANNON. A little later the gentleman may present his proposition and I shall not object. I have no desire for a long debate.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the time of the gentleman from Porto Rico be extended five minutes. Is there objection?

There was no objection.

Mr. RIVERA. I think it is a matter of economy, not only for the government of Porto Rico but also for the private citizens of Porto Rico, to have the elections every four years and not every two years, because at election time the enthusiasm there is very ardent, and frequently produces a great deal of public effervescence.

In elections for officials of the municipality the people are used to spending very much money. Sometimes in a little town of 10,000 inhabitants they spend more than $10,000 in one election. That is too expensive. According to the report the expenses of an election, referring to private expenses and not public expenses of the Government, are about $200,000 for each election.

and it seems to me that it would be a very good thing to save this large amount of money.

Mr. TILSON. Will the gentleman yield?

Mr. RIVERA. I will.

Mr. TILSON. Does not the gentleman take into consideration the matter of experience—that if the official will receive four years service it will be of much benefit to him as compared to two years or a shorter service?

Mr. RIVERA. Yes; that is another powerful reason. The gentleman from Illinois [Mr. CANNON] said that it was difficult for him to understand the different conditions between members of the house and members of the senate in Porto Rico, because the members of both houses are elected for four years; but the difference is that the members of the house will be elected by a single legislative district and the members of the senate will be elected by five districts. In this manner if a member of the house is given 20,000 votes, the member of the senate will receive 100,000 votes. That is the distinction between the members of the two bodies. Senators will have more representation and responsibility.

Mr. CANNON. Will the gentleman yield.

Mr. RIVERA. I will.

Mr. CANNON. In the whole island you elect 20?

Mr. RIVERA. Thirty members of the house and 19 senators.

Mr. CANNON. A portion of them from the island at large that everybody votes for.

Mr. RIVERA. Yes, sir.

Mr. CANNON. The others are elected by districts.

Mr. RIVERA. Exactly. Fourteen senators are elected by seven districts.

Mr. CANNON. Will the gentleman answer a further question? In the United States, here and there, we have bribery at elections. Fortunately, so far, taking the whole electorate, the rule is not bribery but honest voting upon the judgment of the electors. How is it in Porto Rico? The gentleman spoke of large expenditures; is there any bribery there?

Mr. RIVERA. Nothing of the kind. The elections are completely honest. The large expense that I spoke of is on account of the propaganda.

Mr. CANNON. There is no bribery, the gentleman says, direct or indirect, of the individual voter?

Mr. RIVERA. No bribery at all. Or, perhaps, in a very small number of cases; but not to any dangerous extent.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. RIVERA. I will.

Mr. SMITH of Michigan. How does it take so much money, then, to elect a senator or representative?

Mr. RIVERA. It takes no money at all.

Mr. SMITH of Michigan. He does not pay anything?

Mr. RIVERA. Nothing. I have been elected to represent the people of Porto Rico in this House for three terms, and I did not spend one cent in my elections. [Applause.]

Mr. KINKAID. Did any person run against the gentleman for the office; was there any opposition?

Mr. RIVERA. Oh, yes.

Mr. KINKAID. Every time?

Mr. RIVERA. Yes. I belong to the Union Party in Porto Rico, and there is another party, called the Republican Party, which has no connection with the Republican Party in the United States; it is a local party. But every time that I was a candidate the Republican Party has also presented its candidate, and I have had a great opposition.

Mr. KINKAID. Mr. Chairman, I am heartily in favor of the provision of the bill under consideration; that is, I think few elections are preferable to frequent elections in Porto Rico. I favor fewer elections rather than frequent elections in the United States. I think in several of the States of the Union general elections come too often. Several of the old States, including Massachusetts and Rhode Island, elect a governor every year. That seems to me to be useless and very uneconomical. As I view it, too much time and too much money, honestly expended, is lost in holding general State elections annually. Neither can a fair trial be given an administration in one year.

The State of Nebraska has recently changed its constitution so that it does not require a general State election every year. A general election is now required but once in two years. This year will be the first year to vote under the new system and elect all of the officers that heretofore have been elected by two elections, held a year apart. I think we ought to go still further and elect both State and county officials for four instead of two years. Mr. Chairman, it is significant that while old constitutions are being amended to make official terms longer no changes are being made to shorten terms, hence progress is in the direction of longer terms in office. I think the general trend is for fewer elections, with correspondingly longer terms in office. At any rate, I have stood consistently for such change for years.

Mr. Chairman, I am indeed very much pleased to know that the able gentleman from Porto Rico gives his unqualified approval of the provisions contained in the bill for the election of the members of the house as well as the members of the senate for a term of four years. I can readily understand why this may be appropriate for Porto Rico, but not desirable for the States of the Union. The stand taken by the gentleman from Porto Rico, in my estimation, reflects very favorably upon himself and his constituents. The reasons, in substance, given by the able gentleman from Porto Rico in favor of infrequent rather than frequent elections for his people, as I understand him, though he has not expressly so stated himself, is that their enthusiasm, stimulated and awakened by the exercise of the right of suffrage, comparatively new to them, leads them to devote too much time to political campaigns to the neglect of their usual vocations, thus tending to impoverish individuals and cause loss to the local public generally. The reason, therefore, is an economic and laudable one.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HELM. Mr. Chairman, I move to strike out the last two words. Ever since I have been a member of the Insular Affairs Committee I have felt a very keen and lively interest in the people of Porto Rico. They are indeed the wards of this Government. One of the features of this situation to which I have alluded on every occasion similar to this is the possibility of the enormous trade looming up, the commerce of South America looming up as a possibility for this country, and inasmuch as this bill now makes the Porto Ricans citizens of the United States, we ought to take advantage of every possibility to select from the Porto Ricans the representatives for the Consular Service especially, and send as many of them as possible into the countries of South America as representatives of this Government. They have a kindred language, they are a kindred race, and they know the manners and customs of the people of South America. They would make the most serviceable representatives in a business way that this Government could have.

I hope that the department will, as far as it can, take notice of this situation and carry it into execution as far as it is possible to do so.

Another thing I could never understand and that is why, since the construction of the Panama Canal, we have not employed Porto Ricans when we have been going through the south islands to secure labor of all kinds in the construction of the canal.

I am informed that labor there is at a discount, that there is not enough employment in the island of Porto Rico for the Porto Ricans. Why our Government from the start has not been going to the island of Porto Rico to get labor to take down to the canal to help construct it I do not know.

Mr. MADDEN. Will the gentleman yield?

Mr. HELM. I will.

Mr. MADDEN. Does the gentleman know that the Canal Commission organized a board of civilians to go all over the world to find men to go and dig the canal, and they had to take them where they could get them?

Mr. HELM. I think if we could get laborers on the islands of the South Seas in the same latitude as Porto Rico it could have been possible to have obtained them in Porto Rico. On my trip to the Canal Zone I saw Jamaicans and laborers from several of the islands in the South Sea who were doing the manual labor in the Canal Zone, and why we have not had our people—citizens of our colonial possessions, if you may so term them—at work there instead of these English citizens is something I can not understand. I can not yield further.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. HELM. I only have five minutes. Now, this situation has arisen: There is a great scarcity of labor in this country now. Labor is at an enormous premium in the United States; there is a good paying job for every person willing to work. People are offering $3 a day for the commonest kind of work, and this bill makes the Porto Ricans citizens of the United States, and why we could not, why we should not, undertake in every possible way to get labor from Porto Rican Islands into the United States to take the place of this labor that has gone back to Europe——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALMON. Mr. Chairman, I see no objection to the text of the bill providing that the senators and representatives in the Porto Rican Legislature shall both be elected for a term of four years. It is true, as has been stated by some, that it has been the practice in many of the States of the Union to elect the members of the State senate for a term of four years and the members

of the house for two years. Such was the case in Alabama until 1901. Since then, in accordance with the provisions of the constitution of 1901, we have elected our State officers and the members in both branches of the legislature at the same time for a term of four years. This new plan has given satisfaction and, we believe, is in the interest of good government. If this be true as to one State it would no doubt be true as to others. If it works well in the States it would, no doubt, in Porto Rico.

When the question of terms of the President of the United States, Senators, and Members of the House was under consideration in the convention which prepared the Constitution of the United States there was wide difference of opinion as to what should be the length of the term of these various officers, and it is said that giving the United States Senators six years, the President four years, and the Members of the House two years was the result of compromise. It was then provided that the Senators should be elected by the legislatures of the various States. That has been changed so that they are now elected directly by the people.

There is a strong sentiment in this country to-day for the election of the Members of this House for four years, and if it could be left to a vote of the people of the Nation I believe it would carry by an overwhelming majority. I hope the committee to which the resolution providing for an amendment to the Constitution providing for the election of the Members of Congress for four years was referred will grant hearings and report the resolution, in order that it may come before Congress and that we may have an expression on the subject. [Applause.]

Mr. FESS. Mr. Chairman, I simply want to remind the committee that there was no controversy as to whether this should be a bicameral system of the two houses, but there was a question as to whether the tenure should be the same in both houses. However, the committee came to the conclusion, and it was a unanimous vote, ultimately, that instead of lessening the time of members of the house from four to two years, or extending the time of the members of the senate from four to eight years, it was better to make the tenure of the members of the two houses the same, four years. That similarity of tenure does not destroy the bicameral system at all. The facts are, we provide for 35 districts and four members at large for the house, and we have 7 districts with two members from each and five members at large in the senate, their duties and powers while legislative are not entirely similar, and therefore there is a difference in the two houses which makes it a bicameral system instead of a unicameral system, but the only similarity is in the tenure. We agreed that two years in the house is too short and eight years in the senate is too long, and a compromise is reached to make them both four years. It does not destroy the bicameral system at all. The functions of the two houses are preserved, as they are recognized in the States. The only bit of difference from what we have in the several States and in the Federal Government is the similarity of tenure, and that is why the committee came to that conclusion.

Mr. JONES. Mr. Chairman, there is no amendment offered.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 32. That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their members, and they shall have and exercise all the powers with respect to the conduct of their proceedings that usually pertain to parliamentary legislative bodies. Both houses shall convene at the capital on the second Monday in February following the next election, and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill, does this provide for the length of sessions for the senate and house?

Mr. JONES. I think it does in the subsequent section:

But no regular session shall continue longer than 90 days, not including Sundays, holidays, or days during which both houses may by concurrent resolution and with the approval of the governor have agreed to a recess.

The Clerk read as follows:

SEC. 34. That the enacting clause of the laws shall be as to acts, "Be it enacted by the Legislature of Porto Rico," and as to joint resolutions, "Be it resolved by the Legislature of Porto Rico." Bills and joint resolutions may originate in either house. The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. No bill shall become a law until it be passed in each house by a majority vote of all of the members belonging to such house and be approved by the governor within 10 days thereafter. If, when a bill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members of that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members of that house it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same, he shall sign it and it shall become a law. If he shall not approve same, he shall return it to the governor, so stating, and it shall not become a law. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If any bill shall not be returned by the governor within 10 days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the governor within 10 days after receipt by him; otherwise it shall not be a law. All laws enacted by the Legislature of Porto Rico shall be reported to the Congress of the United States, as provided in section 23 of this act, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the committee return to page 25, section 33.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to page 25, section 33. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I want to ask a question of the gentleman in charge of the bill. Beginning with line 18, the gentleman will observe that the governor may call "special sessions of the legislature or of the senate"; that is, he may call a special session of either the legislature or of the senate alone at any time. Then, in lines 20, 21, and 22, is a provision that the governor—

shall call the senate in session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for.

That amounts to a regular session of the senate. The bill is mandatory that the senate shall convene on that day—the second Monday of February—in certain designated years. These would not be special sessions of the senate. They are to be fixed by law. Then follows the language in line 23:

But no special session shall continue longer than 10 days.

Now, that applies only to any special session of either the legislature or of the senate. But how about the sessions of the senate which the law in mandatory fashion requires shall convene regularly on the second Monday in certain Februarys? How long are these to continue?

Mr. FESS. There is no limit.

Mr. COOPER of Wisconsin. If they are to draw $7 per day, ought there not to be some limitation upon the length of time in which the senate shall remain in session in these particular February sessions?

Mr. GARRETT. Will the gentleman permit? The criticism of the gentleman from Wisconsin may possibly be well taken, but, in the contemplation of the committee, this session of the senate was regarded as a special session, because it was provided that the governor should call it.

Mr. COOPER of Wisconsin. But strictly speaking, taking these two provisions of the paragraph together, it is not, because there is in the same clause a provision for the calling of special sessions of the senate. These are specifically called special sessions. But the other provision is mandatory that the senate shall convene on the second day of February in certain years. That is, convene regularly in these years.

Mr. MANN. It is on the call of the governor.

Mr. COOPER of Wisconsin. It is not a special session, because just before that there is a provision for special sessions of the senate to be called by the Governor to convene at any time.

Mr. GARRETT. I see the point the gentleman makes. But still it does not mean by direction of the law. It means by the call of the governor. That, I think, makes it a special session.

Mr. TILSON. Will the gentleman yield?

Mr. GARRETT. Mr. Chairman, if the gentleman will permit a minute, in order to clear up any doubt that may be in the mind of anyone concerning this, I think I could suggest an amendment, after the word "in," in line 21, by inserting the word "special."

Mr. TILSON. I was just going to suggest that to the gentleman from Wisconsin.

Mr. GARRETT. I think that would bring it within the terms of the bill.

Mr. COOPER of Wisconsin. It ought to be there if that is the meaning, and then these February sessions can not last longer than 10 days.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 21, after the word "in," insert the word "special."

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives, by Mr. Sharkey, one of his secretaries.

PORTO RICO.

The committee resumed its session.

The Clerk read as follows:

SEC. 35. That the qualified electors of Porto Rico, for any election whatsoever, shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted. That no person shall be allowed to register as a voter or to vote in Porto Rico who is not a citizen of the United States, over 21 years of age, and who is not able to read and write, or who is not a bona fide taxpayer in his own name in an amount of not less than $3 per annum.

Mr. JONES. Mr. Chairman, I move to strike out all of section 35 and insert in lieu thereof the following, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman sends the following amendment to the Clerk's desk, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. JONES for the committee: Strike out all of section 35 and insert in lieu thereof the following:

"SEC. 35. That the qualified electors of Porto Rico shall consist of all male citizens of the United States 21 years of age or over (except insane or feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th of August, 1898) who are able to read or write either the Spanish or English language, and who shall be bona fide taxpayers in their own name and in an amount not less than $3 per annum. No person shall be allowed to vote at any election whatsoever who shall not be registered as a qualified elector, and no person shall be registered as a qualified elector unless he shall have the qualifications herein specified and shall further comply with such regulations as may be hereafter enacted by the Legislature of Porto Rico."

Mr. JONES. Mr. Chairman, I merely wish to state that during the general debate upon this bill it was developed that this section was defective in some respects, and the gentleman from Iowa [Mr. TOWNER], the ranking member of the minority of the committee, and I undertook to redraft it. The amendment which I send to the desk is intended to cure the defects that we then discovered in the section. For instance, the section as it appears in the bill would require that the voter must be able to read and write and also must be a taxpayer to an amount not less than $3 per annum. That was not the intention of the committee in drafting the bill. The intention was to make the provision in the disjunctive and not in the conjunctive. It was not the purpose of the committee to add a property qualification to an educational one. A voter possessing either qualification should be permitted to vote. As the language is written in the bill, he would have to possess both the property and the educational qualifications.

Mr. TILSON. As I heard the gentleman's amendment, it did not seem to me it provided for any residence in Porto Rico at all. Did it not simply say that any citizen of the United States should be an elector? Should it not provide that he should reside in Porto Rico?

Mr. JONES. It provides that the qualified electors of Porto Rico shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws to be hereafter enacted.

Mr. TILSON. Should it not say something about residence in Porto Rico?

Mr. JONES. There is nothing said as to residence in this bill.

Mr. TILSON. Was it not the intention to make it so?

Mr. JONES. I will say to the gentleman that all voters have to be registered, and the power and authority is conferred upon the legislature to provide for their registration. This bill simply undertakes to provide for the qualifications of voters, and the legislature has conferred upon it the authority to provide for registration, and so forth.

Mr. MANN. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment offered by Mr. MANN: After the word "citizens," insert the words "without regard to sex"; and before the word "citizens" strike out the word "male."

Mr. MANN. Mr. Chairman, I offer an amendment to perfect the text of the bill.

The CHAIRMAN (Mr. FOSTER). The gentleman from Illinois offers an amendment to perfect the text. The Clerk will report it.

Mr. JONES. Mr. Chairman, does the gentleman offer two amendments?

Mr. MANN. One is an amendment to the amendment and one is to perfect the text of the bill.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois to perfect the text of the bill.

The Clerk read as follows:

Amendment offered by Mr. MANN: On page 28, line 12, after the word "enacted," insert the words "and no discrimination shall be made as to sex."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. STAFFORD. Mr. Chairman, I wish to be heard before that very important amendment shall be put to a vote.

Mr. KEATING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEATING. The vote will come, first, on the amendment to perfect the text, and after that is voted on an opportunity will be afforded to vote on another amendment to perfect the text, will it not?

The CHAIRMAN. The vote will first come on the amendment to the amendment.

Mr. MANN. No; the first will come on the amendment to perfect the text.

The CHAIRMAN. The first will come on the amendment offered by the gentleman from Illinois.

Mr. JONES. The first vote will come on his amendment to perfect the text.

Mr. MANN. That is the rule.

The CHAIRMAN. Yes; that is correct.

Mr. LONDON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONDON. May I offer in the form of a substitute an amendment?

The CHAIRMAN. To what?

Mr. LONDON. To retain section 35 as it appears in the original bill, and to strike out that part of section 35 which begins on line 14 with the word "age," and then strike out lines 15 and 16 of section 35.

The CHAIRMAN. It will be in order for the gentleman from New York to offer an amendment after the amendment of the gentleman from Illinois has been disposed of.

Mr. LONDON. It will not be in order to offer it at this time?

The CHAIRMAN. Not at this time.

Mr. JONES. Mr. Chairman, does the gentleman from Illinois [Mr. MANN] desire any prolonged discussion of these amendments?

Mr. MANN. No. I am willing to vote right now.

Mr. JONES. I will ask, Mr. Chairman, that by a unanimous-consent agreement the debate on these amendments be closed in 10 minutes.

Mr. MANN. Very well.

Mr. KEATING. Reserving the right to object, Mr. Chairman, that would not close debate on other amendments to the section?

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the debate on these two amendments be closed in 10 minutes.

Mr. MANN. The debate on my amendments, not on that of the gentleman from Virginia.

Mr. KEATING. To close debate, as far as the amendments of the gentleman from Illinois are concerned, but that would not apply to the right of the gentleman from New York [Mr. LONDON] to offer his amendment?

Mr. MANN. That would not affect his right to offer further amendments.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES. I suppose the gentleman from Illinois wants to use his time. I would like to close the debate on this proposition.

The CHAIRMAN. There seems to be no one on the other side asking for recognition.

Mr. JONES. The gentleman from Wisconsin [Mr. STAFFORD] asked for time.

Mr. KEATING. Mr. Chairman, this is too important a question to be disposed of without some debate.

The CHAIRMAN. Unless some one wants to occupy the floor, the Chair will put the question.

Mr. KEATING. I am enthusiastically for it.

Mr. MANN. Mr. Chairman, I do not particularly desire to take the time to discuss the woman-suffrage amendment, the equal-suffrage amendment, which I offered. It has been discussed all over the country. If there is anyone in this House who is not familiar with it, he ought not to be here. [Laughter.] Ten minutes' discussion on the subject amounts to nothing. I think everyone is prepared to vote on the subject. That is what it is—an equal-suffrage amendment. [Cries of "Vote!" "Vote!"]

Mr. JONES. Mr. Chairman, I want to say just a word. I shall not undertake in five minutes to discuss this question of woman suffrage, but I do wish to say that I hope this committee will not undertake to force woman suffrage upon the people of Porto Rico.

As I understand it, there is no desire for it in the island. Nobody has appeared before the Committee on Insular Affairs asking for it. I do hope that the Congress of the United States will not undertake to force woman suffrage upon the people of Porto Rico, and that Representatives upon this floor, simply because they have woman suffrage in their own States, will not undertake to fasten it upon a people who do not desire it, who have never asked for it, and who have never shown any disposition to have it.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. JONES. I certainly will.

Mr. KEATING. I wanted to ask the gentleman if he consulted with the people of Porto Rico, or if the committee consulted with the people of Porto Rico, before they inserted in this section a provision which will disfranchise 60 per cent of the voters of Porto Rico?

Mr. JONES. This subject was somewhat discussed by Porto Ricans who appeared before our committee, most of whom, I think, favored some restrictions upon the suffrage.

Mr. KEATING. The gentleman does not pretend, though, that the 160,000 men disfranchised have been consulted?

Mr. JONES. I will say to the gentleman that, so far as I know, only one or two persons who claimed to represent them have protested against it. But I was not discussing that proposition at this time. That is not the matter upon which the committee is called upon to vote now. I am simply saying that so far as the committee is aware there is not a single human soul, male or female, in Porto Rico demanding equal suffrage, and therefore it seems to me that the Congress of the United States ought not to undertake to force equal suffrage upon that people.

Mr. Chairman, I reserve the rest of my time.

Mr. MANN. Mr. Chairman, this bill provides that the people shall not be qualified to vote unless they can read and write or pay taxes to the extent of $3 a year. I think that the woman in Porto Rico who can read and write or the woman who is a taxpayer there ought to have the privilege of voting. [Applause.] If all the men and all the women qualified to vote in Porto Rico under the terms of this bill do vote, the electorate there will be a smaller percentage of the population than there is now in any State in the Union; and when you attempt to cut down the electorate all along the line, and give the franchise only, as you say, to intelligence or property, then beyond all question you ought to give it to women. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 63, noes 33.

Mr. JONES. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. JONES and Mr. MANN.

The committee again divided; and the tellers reported—ayes 60, noes 37.

Accordingly the amendment was agreed to.

The announcement of the result was received with applause.

The CHAIRMAN. The vote now comes on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, debate is limited on these two amendments.

Mr. JONES. Mr. Chairman, I understand that this is the amendment offered by the gentleman from Illinois.

Mr. LONDON. Mr. Chairman, I have an amendment to the text.

Mr. MANN. I hope the gentleman from New York will reserve it until this amendment is disposed of. It will be in order after my amendment is voted on.

Mr. GARRETT. Let us see about that. What is the amendment?

Mr. MANN. His amendment will be in order after this amendment is disposed of.

Mr. GARRETT. I do not know whether it will or not. I have not heard the amendment read.

Mr. MANN. I know it will.

Mr. GARRETT. Well, let us hear it read. We will see about that.

The CHAIRMAN. Does the gentleman from New York [Mr. LONDON] offer an amendment to perfect the text of the bill as now printed?

Mr. LONDON. Yes.

Mr. MANN. We had a unanimous-consent agreement to close debate on these two amendments.

Mr. GARRETT. That is quite correct; but, Mr. Chairman——

The CHAIRMAN. As the Chair understands it, the gentleman from New York offers an amendment to the substitute offered by the gentleman from Virginia.

Mr. MANN. But the gentleman from New York will be entitled to offer an amendment to perfect the text after my amendment is disposed of.

Mr. GARRETT. Mr. Chairman, an amendment to perfect the text takes precedence.

Mr. MANN. It certainly takes precedence except for the unanimous-consent agreement. If there is debate, after you have made this agreement, you certainly will not get any more agreements.

Mr. GARRETT. The only unanimous-consent agreement was to close debate.

Mr. MANN. The gentleman's amendment will be in order after this amendment is disposed of.

Mr. LONDON. I will offer it as soon as the amendment of the gentleman from Illinois is disposed of.

The CHAIRMAN. The question is on the amendment to the substitute offered by the gentleman from Virginia.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. I desire to offer an amendment perfecting the text of the amendment offered by the gentleman from Virginia [Mr. JONES]. I desire to know whether such an amendment is now in order.

The CHAIRMAN. It is not.

Mr. MONDELL. Will such an amendment be in order later?

The CHAIRMAN. It will be in order. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN] to the substitute offered by the gentleman from Virginia [Mr. JONES].

Mr. STAFFORD. May we have that amendment reported again?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "citizens," in the amendment offered by Mr. JONES, insert the words "without regard to sex"; and before the word "citizens" strike out the word "male."

The CHAIRMAN. The question is on the amendment just reported.

The question being taken, on a division (demanded by Mr. JONES) there were—ayes 51, noes 36.

Accordingly the amendment was agreed to.

The announcement of the result was received with applause.

Mr. JONES. Now, Mr. Chairman, I suppose the vote comes on my amendment as amended.

Mr. MANN. The amendment of the gentleman from New York [Mr. LONDON] is now in order.

Mr. LONDON. Mr. Chairman, I ask that my amendment be read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. LONDON].

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 28, line 14, strike out the words "and who is not," and also strike out all of lines 15 and 16.

Mr. LONDON. Mr. Chairman, this opens up again the question whether the unit of society is the human being or property. If you adopt the amendment which I now propose, you will eliminate the most objectionable feature of the bill. If you permit it to stand as recommended by the committee, you will disfranchise three out of every four voters in Porto Rico.

The people of Porto Rico have been exercising the franchise for 14 years. We are not called upon to confer a new right or a new privilege. We are asked to take away a right that people have enjoyed for 14 years. You have heard from the representative of Porto Rico that his people take an intense interest in elections, that for months prior to an election they debate and discuss and analyze the issues involved in the campaigns, and now you attempt to separate the Porto Rican people into two classes. One class is to make the law and the other class is to obey it. One class is to rule, the other class is to be

ruled. According to the testimony of every man who appeared before the Committee on Insular Affairs, a tax of $3 will disfranchise 165,000 people out of a total of 205,000 voters. I can not understand on what principle you defend the action of the committee. I presented the subject to you before, and I ask you to think twice before you put yourselves down as reactionaries and as willing to bring back to life the principle that property and not man shall rule.

The bill is both unwise and reactionary. It is unwise because it forces upon the Porto Ricans United States citizenship, when almost all the Porto Ricans, with the exception, as I am informed, of a small labor and Socialist group, crave Porto Rican citizenship under the protection of the United States. It is not for us to say whether the Porto Ricans are foolish or wise in their preference for Porto Rican sovereignty. In dealing with national aspirations you deal with matters of the heart, which do not lend themselves to calculating logic.

It is more than probable that if no attempt is made to graft upon them American citizenship that in the very logic of events and by the very force of its own growth and development Porto Rico will consider it a privilege to become an integral part of the United States. The wisest course, then, would be to give them the greatest possible measure of self-government consistent with the exercise of protection by an elder brother over a younger one. They would then become the makers of their own fate. The inexorable law of life would lead them to merge into the people of the United States.

We do not only impose upon them American citizenship but we force upon them theories of government which have long ago been repudiated by the progressive forces of American democracy.

The bill provides that no person shall be a member of the Senate of Porto Rico unless (among other qualifications) he owns in his individual right taxable property in Porto Rico to the value of not less than a thousand dollars. In other words, the upper legislative body is made accessible only to the very richest. A thousand dollars is a fabulously large sum of money for Porto Rico.

Under Spanish rule the Porto Ricans were governed by the aristocracy of birth. We are imposing upon them the most despicable kind of an aristocracy, the aristocracy of pelf. No matter how cultured or educated a man may be, unless he has accumulated taxable property of the value of at least $1,000 the proposed law will exclude him from representing the people of Porto Rico in their highest legislative body.

In some European countries, where the form of constitutional monarchy prevails and where the franchise has not yet been extended so as to cover every citizen, along with special privileges enjoyed by the man of property, homage is paid to the intellectual elements by giving representation to universities or by exempting college graduates from property qualifications.

I am pointing out this merely to show that we are less progressive in this matter than are some constitutional monarchies.

But the limit of iniquity is reached in the proposed act by the provision that no person "who is not able to read and write or who is not a bona fide taxpayer in his own name in an amount of not less than $3 per annum" shall be allowed to exercise the franchise. According to the unanimous testimony of all who appeared during the hearings, the sum of $3 is so onerous a tax that it will disqualify 165,000 out of 205,000 voters who participated in the last election. The present minimum tax is 3 cents.

When one but considers the miserable economic conditions prevailing in Porto Rico, where 5 cents an hour is considered a generous wage, there will be no difficulty in reaching the conclusion that the suggested tax has for its object the disfranchisement of the great majority of the working people of Porto Rico. One need but read the report of the last strike of the agricultural workers on the island—and there are 600,000 of them—to realize how utterly helpless the great masses will be when, in addition to the disadvantage of poverty, they will be deprived of the opportunity to assert their rights through the means of the ballot.

It may be worth while to quote here from the report of the United States Commission on Industrial Relations that: "As a result of the low-wage standard, the diet of the laborers, consisting chiefly of rice, beans, codfish, and plaintains, is so miserably inadequate that the worker not only is rendered inefficient but to a large extent undernourished;" that "there are nearly 200,000 children for whose education no provision has been made"; that "the great majority of the Porto Ricans are landless, the land being owned by corporations, wealthy landlords, and the colonial government and municipalities."

How big a sum a $3 tax is in Porto Rico one can appreciate only when he reads that "A majority of the rural workers live in huts which do not cost more than $10 to build."

For more than 50 years after the adoption of the Federal Constitution, the various States of the Union struggled to rid themselves of the antiquated property qualifications which hampered the growth of democracy. Dorr's Rebellion in Rhode Island in 1842 resulted in abolishing a system of voting which limited the franchise to landlords and to their first-born sons. Manhood suffrage is at least theoretically recognized as the very foundation of democracy. Many States of the Union and several European nations have extended the franchise to woman. Universal suffrage is inevitable.

You seek to reverse the law of progress, so far as Porto Rico is concerned. What the American States have freed themselves from, after long and painful effort, you now seek to foist upon Porto Rico. As it is, wealth has a tremendous advantage over poverty. You make the wealthy class so much stronger by conferring upon them the exclusive power of making the law of the land. By law you divide the Porto Ricans into classes. One class is to make the law, the other is to obey. The few are to command; the many are to serve. Such are the principles which the Congress of the United States promulgates in the year 1916. What a strange sort of democracy! What a peculiar kind of republicanism!

I challenge your right to endow property with the franchise which you deny to man.

Mr. AUSTIN. Mr. Chairman, this bill comes here with the unanimous approval of the Committee on Insular Affairs—Democrats and Republican alike. It has the support, the cordial support, of the Representative of the people of Porto Rico in this House. If it is satisfactory to the citizens and the Representative of the Porto Rican people, the gentleman who represents the East Side of New York ought to hold his peace.

Mr. LONDON. Mr. Chairman, I ask that the expression "from the East Side" be stricken out. It is as if I said "the gentleman from the mountainous regions of Tennessee." I am a Representative from New York.

Mr. KEATING. Mr. Chairman, I ask that the gentleman's remarks be taken down. He said the gentleman who misrepresents the East Side. The gentleman from Tennessee is so punctilious himself and so often instructs the House——

The CHAIRMAN. The gentleman from Colorado can not proceed after he has demanded that the remarks be taken down.

Mr. BURNETT. Mr. Chairman, does the gentleman mean to say that it is a disgrace to represent the East Side?

Mr. KEATING. I will withdrawn the request, Mr. Chairman; I will permit the gentleman to proceed.

Mr. AUSTIN. I do not ask the gentleman from Colorado to permit me to proceed.

The CHAIRMAN. The gentleman from Colorado withdraws his request, and the gentleman from Tennessee will proceed.

Mr. AUSTIN. I supposed that the gentleman from New York [Mr. LONDON] represented an East Side district of New York City. If he has not that honor——

Mr. BURNETT. Mr. Chairman, I think there was a misapprehension. The gentleman from Colorado understood the gentleman from Tennessee to say "misrepresents."

Mr. AUSTIN. That is a question for the people of that district to pass upon, and I take it they will do it next November. [Laughter.]

Mr. KEATING. I want to say, Mr. Chairman, that I did understand the gentleman to say that Mr. LONDON misrepresented that district. The reporter's notes will show whether I was in error or not.

Mr. AUSTIN. In the first statement I made I did not use the word misrepresent. Later on I may have used it.

Mr. KEATING. The gentleman did use it in his first statement.

Mr. AUSTIN. I did not.

Mr. LONDON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman can not make a parliamentary inquiry while the gentleman from Tennessee has the floor.

Mr. AUSTIN. Mr. Chairman, universal suffrage has been tried in Porto Rico for 14 years and has been unsatisfactory to the people of the island. They have made such representations to us, and the committee thought it was our duty to correct it. If the gentleman from New York wants to put ignorance above education, that is his right. There are 60 per cent of the people of Porto Rico of the voting age who are illiterate. There are no harsher conditions in relation to the payment of taxes in this bill than in the State of Tennessee or a large number of States of the Union, the New England States especially. By and by,

with free educational advantages in Porto Rico, they will have a great majority of the people who are going to vote who will be able to read their tickets. We do not permit ignorance to rule in the Southern States, and yet the gentleman from New York is for universal suffrage in Porto Rico regardless of the ability to read or the payment of taxes. And yet he would not dare to stand on the floor of this House and favor universal suffrage and the right of illiterates to control in South Carolina or Louisiana.

Many of the cities, counties, and congressional districts in the United States do not have universal suffrage, and yet he will advocate here, as the gentleman from Colorado proposed, universal suffrage, regardless of their ability to read and write or the payment of taxes. No man in Porto Rico who does not qualify himself to read and write and has not industry and patriotism enough to save and contribute $3 toward the running expenses of the government ought to be placed in the position to dictate the form of government and the manner in which the goverment should be run.

Mr. REILLY. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. REILLY. Does this require two qualifications, or only one?

Mr. AUSTIN. He must either be able to read and write or pay taxes to the amount of not less than $3.

Mr. REILLY. Why would not one be sufficient to protect the government?

Mr. AUSTIN. One is sufficient. He can vote if he pays taxes to the amount of $3, or he can vote if he can read and write.

Mr. JONES. At the present time the people control only one branch of the legislature. This bill confers upon them the right to elect both branches, and we thought that when we have extended them that right we ought to put these reasonable restrictions in.

Mr. AUSTIN. I thank the chairman of the committee for his statement. This is a forward and advanced step in giving the people of Porto Rico the right to manage their local affairs, and it should receive the undivided support of this House. It is a piece of splendid constructive legislation and is a credit and an honor to the distinguished gentleman from Virginia who reports the bill. It does not lie in the mouth of the gentleman from New York [Mr. LONDON] or the gentleman from Colorado [Mr. KEATING] to question the wisdom, the justice, or the patriotism of this measure, which bears the impress of this splendid man's work, the dean of this House, the gentleman from Virginia, Mr. JONES. [Applause.]

Mr. KEATING. Mr. Chairman, I am sure I have no disposition to question the patriotism or the ability of the gentleman from Virginia, the chairman of the committee. But I do not understand that when we offer amendments to this bill we are questioning the ability or the patriotism of the gentlemen who compose the Committee on Insular Affairs. A few moments ago an amendment was adopted, largely by votes on the other side of the House, led by the distinguished gentleman from Illinois, the minority leader, and I am sure he would be the last man in this House to question the ability or the patriotism of the distinguished and well-beloved chairman of the Committee on Insular Affairs.

But, Mr. Chairman, this is a fundamental question. For years the people of Porto Rico have been permitted to vote without an educational or a property qualification; and it is estimated that if the proposed restrictions are thrown about the franchise 60 per cent of the men who now vote will be deprived of the ballot. The gentleman from Tennessee [Mr. AUSTIN] states that this 60 per cent have not demonstrated their capacity to use the franchise. But I submit to this House—and I think the distinguished gentleman from Virginia, the chairman of the committee, will bear me out, and I am sure that the distinguished representative from Porto Rico will sustain me—that there is not a scintilla of evidence to sustain that assertion.

Why, one of the most distinguished residents of Porto Rico, a former Member of this House, testifying before a committee of the Senate, submitted this amazing instance to show the capacity of the people of Porto Rico for self-government: He said that in one instance 5,000 votes had been cast in a municipal election, and the result had been determined by a majority of 7 votes; and those who lost—and I think he represented the losing side—instituted a contest and expended a very considerable amount of money; and he called the attention of the committee to the fact that after weeks of endeavor they had been unable to find among those 5,000 votes 7 tainted votes. I want to submit in all candor to the members of this committee that a better record could not be made in any American municipality.

Now, my friends, most of these men whom you will disfranchise—if you adopt the provisions of this bill or if you adopt the substitute offered by the gentleman from Virginia—are the toilers of Porto Rico. This weapon, the ballot, is the only weapon they have with which they may protect their interests, and I appeal to the Members of the American House of Representatives, without regard to party affiliations, not to take away from these men the measure of self-government which was granted them even by their Spanish rulers.

Mr. AUSTIN. Will the gentleman yield for a question?

Mr. KEATING. I wish the American people to be quite as generous in their dealing with these Porto Ricans as were the Spaniards who preceded them. I am delighted to yield to the gentleman.

Mr. AUSTIN. Why did not the gentleman favor universal suffrage in the Philippine Islands and offer an amendment to the Philippine bill to that effect?

Mr. KEATING. Mr. Chairman, if I neglected to offer such an amendment, if I voted for any restriction upon suffrage in the Philippine Islands, I did it unconsciously, because I not only believe in permitting the Filipinos to vote without regard to property qualifications or educational qualifications, but I favor giving them their independence, and I would vote that way today, and if I had an opportunity this moment to give the people of the Philippines complete independence I would deem it a very high privilege.

Mr. AUSTIN. If the gentleman was a citizen of the South, say in Mississippi, would he favor universal suffrage there?

Mr. KEATING. Mr. Chairman, I do not propose to raise the color question here at this time [laughter on the Republican side], but I will say that the gentleman from Tennessee sits on the Republican side of the House and represents the party which wrote into the Constitution the declaration that the black man should be protected in his rights. It is rather strange to hear a Republican enunciate such a doctrine, and I do not think it will meet with any vast amount of applause or approval on that side of the aisle.

Mr. AUSTIN. I beg the gentleman's pardon; I never enunciated any doctrine, but I asked the gentleman a straightforward question and he dodged the answer.

Mr. DAVENPORT. Ask him whether he did——

Mr. KEATING. No; I will not ask the gentleman any question relating to his views on the color question. I want to confine my remarks to the pending measure. I hope no restriction will be placed on the Porto Ricans' right to vote.

Mr. JONES. Mr. Chairman, I desire to say a word or two before this amendment is voted on. This question was very carefully considered by the Committee on Insular Affairs, and while I greatly appreciate the kindly things the gentleman from Tennessee [Mr. AUSTIN] has said in regard to myself, I do not and can not take credit for the insertion in this bill of the provision to which he calls attention. It was very carefully considered by the whole committee. As gentlemen know, different views are entertained as to the question of the capacity of the people of Porto Rico for self-government. The people of Porto Rico only elect one branch of their legislature at this time. The legislature to-day consists of an executive council of 11 members and of a house of delegates. The executive council is appointed by the President of the United States, and, of course, the house of delegates can not enact any law without the concurrence of the executive council.

Mr. REILLY. Will the gentleman yield?

Mr. JONES. In just one moment I will. Now, when the proposition was made to give the people of Porto Rico control of both branches of their legislature by allowing them to elect a senate as well as a house of representatives a number of Members of this House thought that was going too far. I was one of those who advocated giving them control of both branches of their legislature; other gentlemen were not willing to go so far unless a veto power was lodged somewhere, either in the governor or the President. Most of them insisted that if the people of Porto Rico were permitted to elect both branches of their legislature that certain restrictions should be placed upon the exercise of the right of suffrage. So this was a matter of compromise, so to speak. The people of Porto Rico desire more than anything else to be given the right to elect both branches of their legislature. We give them that right in this bill, but in doing so it has seemed to us that reasonable restrictions should be placed upon the exercise of the suffrage. I now yield to the gentleman.

Mr. REILLY. The gentleman states that at the present time they elect by universal suffrage one house?

Mr. JONES. I would not say universal suffrage. I had not desired to discuss that matter, but I may say here that the gentleman from Colorado [Mr. KEATING] was mistaken in saying that the people of Porto Rico enjoyed universal suffrage under Spanish sovereignty.

Mr. REILLY. What were the qualifications when we took over the island from the Spaniards?

Mr. JONES. I can not answer that question from memory. The present organic law says:

At such elections all citizens of Porto Rico shall be allowed to vote who have been bona fide residents for one year and who possess the other qualifications of voters under the laws and military orders in force on the 1st day of March, 1900, subject to such modifications and additional qualifications and such regulations and restrictions as to registration as may be prescribed by the Executive Council.

Mr. REILLY. Now, will the gentleman yield?

Mr. JONES. That has been declared to be manhood suffrage, but it is not what is generally understood to be manhood suffrage.

Mr. REILLY. What, if anything, has occurred in the exercise of the right to vote, as read by the gentleman, that would indicate the wisdom of restricting the right to vote in Porto Rico?

Mr. JONES. As I have already said, the people of Porto Rico now vote only for the members of their house of delegates.

Mr. REILLY. Have they elected good delegates?

Mr. JONES. I think in the main they have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for two minutes. I want to ask him a question.

The CHAIRMAN. The gentleman from New York [Mr. LONDON] asks unanimous consent that the time of the gentleman from Virginia be extended two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LONDON. May I ask whether an ignorant person who can not read and write will become intelligent if he pays $3 taxes?

Mr. JONES. I will say to the gentleman that if a man is sufficiently thrifty and has the business capacity to accumulate property sufficient to pay a tax of $3, I think he has a sufficient stake in the land to permit him to vote. That is what I think.

Mr. LONDON. It is not a question of intelligence.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LONDON. Division, Mr. Chairman.

Mr. COOPER of Wisconsin. May I ask to have the amendment read?

The CHAIRMAN. The amendment will be again read.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

On a division (requested by Mr. LONDON) there were—ayes 9, noes 59.

So the amendment was rejected.

Mr. KEATING. Mr. Chairman, I desire to offer an amendment to perfect the text.

Mr. MONDELL. Mr. Chairman, I thought I had an amendment pending.

The CHAIRMAN. The gentleman has an amendment to the substitute, and this is to perfect the text. The gentleman will be recognized in time. The Clerk will report the amendment of the gentleman from Colorado [Mr. KEATING].

The Clerk read as follows:

Page 28, line 15, after the word "write," strike out the remainder of the section.

Mr. GARRETT. Mr. Chairman, that has been stricken out.

Mr. KEATING. Mr. Chairman, this amendment if adopted will strike out the property qualification. The amendment of the gentleman from New York [Mr. LONDON] struck out both the educational and the property qualification. My amendment will merely strike out the property qualification.

Mr. MANN. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. MANN. Under the bill, a man who can not read or write, but pays taxes, votes. The gentleman seeks to strike that privilege out. I think the gentleman offers his amendment under a misapprehension.

Mr. KEATING. I am perfecting the original text of the bill.

Mr. MANN. I am referring to the original text of the bill—who is not able to read and write, or who is not a bona fide taxpayer. That is the original bill. The gentleman is seeking to strike that out. I know the gentleman does not desire to do it.

Mr. KEATING. The gentleman is quite right when he says I do not desire to restrict the franchise. I withdraw the amendment.

Mr. MONDELL. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The CHAIRMAN. The gentleman from Wyoming offers an amendment to the substitute. Are there any more amendments to perfect the text?

Mr. LONDON. Will it be in order to offer an amendment to section 35 in the following form:

At the end of section 35 add the words "or who is not the head of a family."

The CHAIRMAN. It is in order to offer such an amendment. Does the gentleman offer the amendment?

Mr. LONDON. I do offer that amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. JONES. Has the amendment of the gentleman from Wyoming [Mr. MONDELL] been reported?

The CHAIRMAN. The gentleman from New York offers an amendment to perfect the text of the section, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 28, line 16, at the end of the section add the words "who is not the head of a family."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. MANN. I would just like to ask the gentleman from New York, for information, if, in view of the amendment just agreed to, whether he would always be able to determine the head of the family or not? [Laughter.]

Mr. LONDON. I think the gentleman from Illinois has put a very embarrassing question, and has put the whole House in an embarrassing position with his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

Mr. DAVIS of Texas. Mr. Chairman, I do not want to let this whole discussion go without saying something. In the committee the matter that presented itself seriously to me was the question that we were not only regulating a right to vote, while we enlarged the scope of the representation in legislative matters, our proscription as to the vote would necessarily disfranchise a large element of the population that is now voting. I realize that that is a dangerous proposition to a people that you are governing at long distance. And so I offered practically in committee the amendment of the gentleman from New York [Mr. LONDON], defining what qualifications for voting should be; that he could vote when he paid taxes to the amount of $3, or could read and write, either the English or the Spanish language, or was the head of a family, a householder, under the rules and customs of the country. That is practically the qualification for a juror in my State. The State of Texas in qualifying a juror asks him if he can read and write, or if he is a householder, the head of a family; and if he is the head of a family, whether he can read or write or not, he is qualified as a juror. And so I undertook to put that qualification to the voters in this bill, but the Committee on Insular Affairs disagreed with me and unanimously agreed on the measure as it is. I just wanted to make my position clear, so that it would be understood.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the amendment was rejected.

Mr. JONES. Now, Mr. Chairman, if all the amendments to the text have been disposed of——

The CHAIRMAN. They have been——

Mr. JONES. Inasmuch as the amendment offered by the gentleman from Illinois [Mr. MANN] on the subject of woman suffrage has been added to the text, I would like to withdraw my amendment.

Mr. MANN. It has been added to both.

Mr. JONES. Yes. I suppose the object the gentleman had in view has been subserved by putting it in the text, and I suppose he has accomplished what he wants; and I ask unanimous consent to withdraw the amendment.

Mr. MANN. I probably will not object. The gentleman from Virginia offered an amendment because he thought there ought to be some change, so far as woman suffrage is concerned; it is in both alike.

Mr. JONES. Yes.

Mr. MANN. If there was any reason for offering the substitute before, that reason still exists. Of course if there was no reason for it——

Mr. JONES. There was a reason for it, but I do not think it exists now, inasmuch as the text has been perfected by the gentleman from Illinois.

Mr. MANN. Both the text and the amendment have been perfected. If there was any reason for offering the substitute that reason still exists. I can see but one reason why the gentleman wants to withdraw it. He would not want a roll call in the House to vote against his own amendment. There is no other reason.

Mr. JONES. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his amendment. It can only be withdrawn by unanimous consent. Is there objection?

Mr. MANN. I object.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amendment offered by Mr. MONDELL to the amendment offered by Mr. JONES: Amend the amendment offered by the gentleman from Virginia [Mr. JONES] by adding at the end thereof the following: "*Provided*, That nothing herein contained shall be held to deprive any person of the right to register and vote who has heretofore legally exercised those rights under the laws of Porto Rico."

Mr. JONES. Mr. Chairman, a point of order. I would like to ask if this amendment is in order. The amendment offered by the gentleman from New York [Mr. LONDON] was not in this language, but it was substantially this amendment, and it was designed to accomplish exactly the same purpose. I had not supposed the gentleman would want to offer this after the House had——

Mr. MANN. Even supposing that to be true, one amendment was an amendment to the text of the bill and the other was to the substitute.

The CHAIRMAN. The Chair thinks this amendment is clearly in order. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I hope the committee will accept my amendment. I am in favor of the educational qualification which the committee provides for, both in the original text of the bill and in the substitute offered by the gentleman from Virginia [Mr. JONES]. I think that under existing conditions in Porto Rico that is a very excellent provision.

But here is the question we are confronted with: Right or wrong, a number of years ago we granted to the people of Porto Rico universal male suffrage, and under that provision of law those people have been voting for a considerable number of years. Now, granting for the sake of argument that in proposing to turn over to them a complete control of their affairs we are wise in the view that it is necessary somewhat to limit the right of franchise, should we in so doing disfranchise those who have already exercised that right?

I am one of those who hold perhaps an extreme view with regard to these matters of the franchise. I doubt if under a republican form of government in a representative government there resides anywhere authority to take the right of franchise from those to whom it has once been granted, except as a punishment for crime. You may modify conditions of franchise with regard to the new voter. We did that in my State when we adopted our State constitution. We provided the qualifications for the elector of the future, but we made no effort to disfranchise those who had been voting up to that time.

Now, gentlemen will say that it is important that we should modify the qualifications for the franchise in Porto Rico even to an extent and in a way that will disfranchise about 30 to 35 per cent of the people, now that we are giving them virtually self-government. Does the fact that the committee has agreed to such a provision indicate the necessity of it to the extent of disfranchising many voters? Not necessarily. It does indicate a view on the part of the committee that in the running of years that shall come the qualifications they propose should govern, but there has been no evidence before the committee to the effect that those people, even the illiterates, have not reasonably discharged their duty as electors, and my amendment simply provides that, retaining all the qualifications proposed by the committee for the future, we shall still not disfranchise the man who has had the right to vote in the past. I do not believe we have any authority to do it. But whether we have or not it is not necessary to do it. The number of these illiterates or nonproperty-holding electors will decrease very rapidly.

I well remember when we adopted an educational qualification in my State. The number of illiterate voters was very small, to begin with, not over 2½ per cent; but the number of those illiterates who had been voters and had continued to exercise the right under our constitutional provision decreased rapidly, and they became at once a marked set of voters, different from the others, separate and apart, and they hesitated somewhat about offering their ballot under those circumstances.

So that while we had a small per cent of illiterate voters prior to the adoption of that amendment, and those men were still qualified to vote, the number of those illiterates who did vote decreased in the first election, and in a very short time practically none of those illiterate voters attempted to exercise the right of the franchise. But we did save ourselves from the charge that we had attempted to take away from a voter a right which had been at one time granted, and we passed to the new order of things without resentment on the part of anyone, for we took no right from anyone, we made the change without criticism of the new provision because it wronged no one. We did justice, and we secured the conditions that we desired. Let us do the same in Porto Rico. In providing new qualifications for voters let us refrain from doing injustice and wrong to a large body of those now exercising the right of franchise.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman from Virginia if there is any provision in this bill concerning elections, how they are to be regulated, and so forth?

Mr. JONES. Matters of registration and everything pertaining to the conduct of elections are left to the Legislature of Porto Rico.

Mr. COOPER of Wisconsin. In my judgment, we ought to provide in this law that elections in Porto Rico shall be by ballot. Experience has taught me, and what I have read has confirmed the teachings of experience, that we ought to put a stop to voting by voting machines. I think the gentleman from Illinois [Mr. MADDEN] can tell what they have learned about such voting in the city of Chicago, after awarding a million dollar contract for machines.

Mr. MADDEN. Does this bill provide for voting by machines?

Mr. COOPER of Wisconsin. No; but it would permit that method of voting.

Mr. MADDEN. It ought to prohibit it.

Mr. MONDELL. The amendment has no relation to the matter of voting by machines.

Mr. MADDEN. If the gentleman will allow me, I will say that the election commissioners of the city of Chicago contracted for a million dollars worth of voting machines, and they put them into operation in some of the wards in the city, and upon investigation it was proved beyond any doubt that if anyone wished to reverse the will of a voter and to cause his vote to be recorded against the man whom he supposed he was voting for all it was necessary to do was to have some one put a thin slip of paper behind one of the keys, and when the voter pressed the key to vote for the candidate for whom he intended to vote his vote would be registered against that candidate, and so do exactly the reverse of the thing that the voter wanted to do and that he was expecting to do. The result was that upon the investigation of the question by the legislature of our State the board of election commissioners of Chicago were compelled to throw this $1,000,000 worth of voting machines into the junk heap so that the people of our city might have a right to vote according to the way they believed they were voting.

Mr. COOPER of Wisconsin. In line with what the gentleman from Illinois [Mr. MADDEN] has said, a former Member of this House told me that his own defeat was due to the fact that there was what he denominated crooked work in the manipulation of voting machines at the election. He was beaten by a very small majority, only one vote, I think. He said there was no question whatever that in certain wards the machines were fixed to defeat him, possibly in the manner just indicated by the gentleman from Illinois [Mr. MADDEN].

And, Mr. Chairman, in this connection there is this other thing to which I wish to call attention. You have voted and I have voted by pulling the lever of a machine, and yet neither you nor I could make an affidavit as to whom we voted for nor as to whether we had voted at all.

Mr. MADDEN. You could not see.

Mr. COOPER of Wisconsin. When you mark a ballot with a pencil, hand your ballot to an election official, and see him deposit it in the box you know for whom you have voted. But when you vote by pulling the lever of a machine you see no record made nor can you tell for whom you have voted, nor, as I have said, whether you have voted at all. You trust it all to a machine made by some other man, a machine which has been

in the possession of other people all of the time and about the workings of which you know nothing. As has just been narrated by the gentleman from Illinois [Mr. MADDEN], the city of Chicago canceled a contract for $1,000,000 worth of voting machines because, after a thorough test, it was found that by inserting pieces of paper in the machines they could be used absolutely to defeat the will of the voters.

This is not a trifling matter. On the contrary, it is of very great importance. We should not permit the Legislature of Porto Rico to enact a law that would allow the use of voting machines in the island.

Mr. TEMPLE. Why would it not be as easy to protect the machines against improper manipulation as it would be to protect the count of the ballots? It is not the machine that ought to be thrown away, but the man who manipulated it so as to produce a false result ought to be locked up.

Mr. COOPER of Wisconsin. I do not know how the gentleman from Pennsylvania feels about it, but when I mark a ballot and hand it to the election official, and see him put it into the box I know that, so far as I am concerned, I have voted for the candidate of my choice; but when I pull the lever of a machine, I see no record made and do not know for whom I have voted. I could not make an affidavit that I had actually voted for any person.

Mr. KING. Will the gentleman permit a suggestion?

Mr. COOPER of Wisconsin. Yes.

Mr. KING. I want to state for the information of gentlemen that I happened to be a member of the committee of the Illinois Legislature that investigated that subject. It was proven there beyond question that those machines could be manipulated, that they could be arranged so that at least 10 votes could be added for a particular candidate before the voters started to vote in the morning, and in that way favor the candidates whom those manipulating the machines desired to see elected.

Mr. MADDEN. Not only that, but they could manipulate the machines so as to defeat the will of the voter and make his vote be registered for the opponent of the man whom he desired to support.

Mr. KING. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MONDELL. I am not going to object to the gentleman from Wisconsin discussing something that is not before the House, but I have an amendment pending, and I am afraid Members will conclude that my amendment has something to do with voting machines. It has not; it has something to do with disfranchisement. I do not want my amendment to get mixed up with the voting machines, and I would like to have the gentleman from Wisconsin say something in favor of my amendment.

Mr. COOPER of Wisconsin. I had intended to reach that later in the discussion. [Laughter.] Mr. Chairman, the statements of the two gentlemen from Illinois, Mr. KING and Mr. MADDEN, are of extreme importance. I repeat that it is most important to the people of Porto Rico that these crooked machines shall not be installed for voting purposes in that island. We can make a sufficient educational test if we require that the vote shall be by the Australian ballot and prohibit the giving of assistance to voters in marking their ballots. That would constitute an excellent educational test.

Mr. MONDELL. If you adopt the educational test you would not disfranchise those who have already been voting?

Mr. COOPER of Wisconsin. Oh, no. The people there are civilized, so civilized, I will say to the gentleman from Wyoming, that in the island of Porto Rico years ago, when they bought and sold slaves, they voluntarily taxed themselves, raised money to the aggregate of $16,000,000 paid for all of the slaves, and made them free. That is better, far better, than we did in the United States, for we killed hundreds of thousands of our own people before we could free the slaves.

In Porto Rico the population is homogeneous; the island is in size only about 90 miles by 40 miles; it is close to our shores, and when the Panama Canal is opened is going to be made a very busy spot by the shipping of the world, which will stop there on its way to and from that great waterway. The people of Porto Rico are abundantly able to elect their legislature in both branches, but I am in favor of prohibiting them from voting by machinery and of requiring them to use the Australian ballot.

Mr. HOWARD. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. HOWARD. I have enjoyed the gentleman's dissertation on inanimate machines. The gentleman does not have any reference to the human machine which is built up all over the country?

Mr. COOPER of Wisconsin. No; you do not work the human machine with a lever; you do that with the pocketbook. [Laughter.]

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that my amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again reported the amendment as follows:

Amend the amendment of the gentleman from Virginia [Mr. JONES] by adding at the end the following: "*Provided*, That nothing herein contained shall be held to deprive any person of the right to register his vote who has heretofore legally exercised this right under the laws of Porto Rico."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken; and on a division (demanded by Mr. MONDELL) there were 27 ayes and 51 noes.

So the amendment was lost.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

Mr. JONES. Mr. Chairman, I ask that all debate on this amendment and amendments to the amendment close in five minutes.

Mr. HUDDLESTON. I will say that it is my intention to offer an amendment later, so that I shall feel obliged to object to the request.

Mr. JONES. The gentleman will be recognized. How much time does the gentleman want?

Mr. HUDDLESTON. I want five minutes now and five minutes on my amendment when I offer it. I suggest to the gentleman that we let the amendment be offered at the proper time and then make an agreement.

The CHAIRMAN. Has the gentleman from Alabama an amendment to offer?

Mr. HUDDLESTON. I now move to strike out the last word, and I will offer an amendment later.

The CHAIRMAN. The gentleman will proceed.

Mr. HUDDLESTON. Mr. Chairman, it seems to me the fundamental mistake we are making this afternoon is in undertaking to dictate to the people of Porto Rico who shall vote and who shall not vote in those islands. Many of us have never been in Porto Rico, many of us have never seen a Porto Rican except the distinguished Porto Rican Commissioner who is here this afternoon, and practically none of us have any knowledge of the conditions that exist in that island. How, then, can we assume the knowledge that will enable us to say for that people who shall and who shall not vote? I assert that the whole proceeding is undemocratic and, even more, it is un-American.

It is fundamental in this country that just governments derive their powers from the consent of the governed. It is just as fundamental that you have no right to interfere with the right of the people to local self-government unless it is absolutely necessary for the good of the whole people of the Nation.

Now I ask, Is it necessary for the good of the whole of the people of the United States that we shall dictate to the people of Porto Rico as to which of them may vote? I assert that there is nothing of the kind, no such condition as this. In your State, Mr. Chairman, in the State of every gentleman here, the people would resent bitterly any attempt on the part of the Congress to prescribe the qualification of voters. In my section of the country the right of the people of the separate States to fix such qualifications is regarded as sacred, as the ark of our liberties; and any man who would lay his hand on the right of Alabama to govern itself, anybody who would assume to dictate to Alabama what part of her citizenship should vote and what part should not vote would, if we had our will, meet the fate of the man of old when he laid his hand upon the ark of the covenant. I am willing to concede to the people of Porto Rico the same rights that I claim for my own people. I am even willing to insist that they shall have exactly the same measure of political freedom, the same right of self-government that the people of Alabama have, and I say that to the people of Porto Rico should be left the question as to who shall enjoy the right of franchise. I insist that we ought to give to the people of Porto Rico who now have the right to vote the right in some fair and proper way to meet together and fix the qualifications of voters. Unless we do so, we will betray the fundamental principles of Americanism; we will betray the real democracy.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. HUDDLESTON. I will.

Mr. MONTAGUE. I desire to ask the gentleman if we have not uniformly fixed the right of suffrage in the Territories of America?

Mr. HUDDLESTON. I am not able to say; but I am able to tell the gentleman that never have we undertaken to say to the

people of any Territory of the United States that they should not have in future, when they become a State, the right to fix the qualifications of voters.

Mr. MONTAGUE. Will the gentleman permit me another question?

Mr. HUDDLESTON. In just a moment.

Mr. MONTAGUE. I think the gentleman misapprehended my question.

Mr. HUDDLESTON. I do not think I did. We do not contemplate that Porto Rico shall become a State of this Union. There is not a gentleman here who has any such idea in his mind. The organization of a Territory is a temporary thing. It is intended merely to give the people a form of government until the time shall come when they shall have the population to organize as a State and to legislate for themselves. Nothing of the kind is contemplated here. We are passing an organic act, we are fixing a permanent form of government for the people of those islands, and I insist that they shall be allowed, that they themselves shall be allowed, to say who shall take part in that government.

Mr. LLOYD. Is it not true we have provided the form of government in Alaska, that we have provided a different one in Hawaii, and have not we provided a different one still in the Philippine Islands, and is it not true that in Porto Rico there is a different condition existing than in any of these other places?

Mr. HUDDLESTON. I think so.

Mr. LLOYD. And this Government——

Mr. HUDDLESTON. But I think entirely different conditions obtain in Porto Rico than those which obtain in the Philippines. The people of Porto Rico are of our race, they are people who inherit an old civilization—a civilization which may be fairly compared to our own.

Mr. LLOYD. In every Territory of the United States, the United States Government has fixed the qualifications of voters.

Mr. HUDDLESTON. Mr. Chairman, the gentleman by his question evades the proposition I lay down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Wyoming in the way of a substitute to section 35.

Mr. HUDDLESTON. Mr. Chairman, I ask that the amendment be again reported.

The amendment was again reported.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In view of the statement of the gentleman from Alabama that the State of Alabama would not permit the gentleman's government in any way even to influence the right of the State of Alabama to determine who shall vote in that State, I suggest that he would read the fifteenth amendment to the Constitution of the United States:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude.

I am inclined to think they do not know there is such a provision in the Constitution.

Mr. HUDDLESTON. Does the gentleman mean to say that provision of the Constitution of the United States is acceptable to the people of Alabama?

Mr. MANN. I mean to say that the United States have imposed that provision on the State of Alabama; and does the gentleman mean to say that the State of Alabama and its citizens refuse to obey the Constitution of the United States in its entirety?

Mr. HUDDLESTON. I say that we obey that provision with extreme reluctance. I say, furthermore, that never in the history of this country, with the consent of the people of Alabama, will any amendment to the National Constitution similar to that read by the gentleman be adopted.

Mr. MANN. With the consent of Alabama. This bill may not be adopted with the consent of Alabama. Well, the Government will run.

Mr. JONES. Has all debate on this been exhausted?

The CHAIRMAN. The debate has been exhausted.

Mr. COOPER of Wisconsin. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The question is on the substitute of the gentleman from Virginia.

Mr. COOPER of Wisconsin. I do not understand——

The CHAIRMAN. The parliamentary situation is this——

Mr. COOPER of Wisconsin. I desire to perfect the text in the original——

The CHAIRMAN. By unanimous consent amendments were offered to the text and exhausted, and then the question of a substitute was under consideration, and one amendment has been offered to that. Now, the question under consideration is the substitute as offered by the gentleman from Virginia, as amended.

Mr. COOPER of Wisconsin. Then I offer it as an amendment at the end of the substitute proposed by the gentleman from Virginia.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the substitute insert the following: "All elections under the provisions of this act and of laws enacted in pursuance thereof shall be by ballot."

Mr. COOPER of Wisconsin. Mr. Chairman, I think there can be no objection to that amendment.

Mr. JONES. Mr. Chairman, if I had my way about it I would much prefer having it written in the organic law that all voting should be by a viva voce vote. I should much prefer that to the ballot, but I think that is a matter that ought to be left to the people of Porto Rico.

We have not undertaken in this bill to go into matters of detail as to registration, as to whether they shall have the ballot, or whether, if they have it, it shall be provided by the state or the candidates, and all that sort of thing. We think the Porto Ricans, as the gentleman does, have sufficient intelligence to decide for themselves whether the voting shall be viva voce or whether it shall be by ballot, or how it is to be done. I have no doubt in my own mind but that it will be done by ballot. I prefer, however, the viva voce system of voting.

Mr. COOPER of Wisconsin. I am surprised to hear the gentleman from Virginia suggest the possibility of viva voce voting. A man that runs a great plantation in Porto Rico could vote every one of the employees on that plantation. All he would have to do would be to stand around and indicate to them how he desired them to vote and they would vote that way, not vote at all, or not work on his plantation.

Mr. JONES. May I ask the gentleman a question?

Mr. COOPER of Wisconsin. Yes.

Mr. JONES. I will ask the gentleman if he does not remember a contested-election case before this House some years ago—he was here at the time—when the evidence showed that the representatives of certain great packing houses stood near the ballot boxes and handed ballots out to the voters, to the number of several hundred in one single precinct? The voters were unable to read the English language, and they accepted their ballots from the agents of their employers.

Mr. COOPER of Wisconsin. Yes, Mr. Chairman. I do not remember that particular instance, but I know of such cases having happened many years ago; but, fortunately, throughout the whole North they are impossible now. The secret-ballot system has done away with that. If I may, in this connection, be permitted to do so, in reply to the gentleman from Virginia, I will narrate a little personal experience.

On an election day in the afternoon I was seated in my office drawing a complaint when in came a man and his wife. I had been his attorney in a suit that he had thought of some importance. He said, "Hal, I am sorry I can not vote for you." I replied, "That is all right whether you can or not. Vote as you please." "Oh, no," he said, "I want to vote for you, but I can not get near the polls without showing my ballot. Three or four heelers are there, and everybody who comes up has to show his ballot." I went with him to his precinct. There was a long line of voters waiting for an opportunity to vote, with heelers at intervals on each side. One of the largest of these stood there, and as the men came up shouted, "Make them show their ballots. Make them show their ballots." Other heelers would make them show their ballots. Many of the voters dropped out one by one. It happened that I was elected to the State senate that year, and as soon as possible I went to work to devise an election law to stop that sort of thing. So I drafted and introduced the bill which became a law and first established the secret-ballot system in Wisconsin, and since then we have never had that sort of abuse at elections. What the gentleman from Virginia [Mr. JONES] said was true everywhere before we had the secret-ballot system, but it is true no more. If you revive the viva voce system you restore those abuses and a thousand others still more aggravated. You will have intimidation. You will have the man with a mortgage on another's place watching the mortgagor as he votes. An employer who happens to be tyrannical in his disposition—not all employers are that way—will see to it when his employees vote viva voce that they vote as he wants them to vote or that they shall not work for him. Secret voting must be maintained

in the United States of America if this Republic is to endure. Let the men who would corruptly use money buy or try to buy voters. The voters will have the secret ballot and the would-be buyer can not see the vote delivered. Therein we are safe. But the minute you do away with ballots and have a lot of poor men stand up and say "I vote this way," and another man has it in his power to say "You vote the other way or you get your pay check and quit to-morrow," you restore the system that never ought to have been even suggested by the gentleman from Virginia. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin to the substitute offered by the gentleman from Virginia [Mr. JONES].

The question was taken, and the chairman announced that the "noes" seemed to have it.

Mr. COOPER of Wisconsin. A division, Mr. Chairman.

The committee divided, and there were—ayes 27, noes 42.

So the amendment was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Virginia [Mr. JONES].

Mr. HUDDLESTON. Mr. Chairman, I would like to have that reported.

The CHAIRMAN. The Clerk will report the substitute.

The substitute was again read.

Mr. COOPER of Wisconsin. A parliamentary inquiry. If it requires another amendment to strike out section 35, it will be in order after the substitute is acted on?

The CHAIRMAN. The committee closed the consideration of section 35 to perfect it, and then the question came up on the substitute.

Mr. COOPER of Wisconsin. I desire to offer an amendment now.

The CHAIRMAN. To the substitute?

Mr. COOPER of Wisconsin. To the section.

The CHAIRMAN. It is not in order to offer an amendment to the section.

Mr. HUDDLESTON. Mr. Chairman, I desire to offer an amendment to the substitute.

The CHAIRMAN. The gentleman will send it to the Clerk's desk.

The Clerk read as follows:

Page 28, line 12, after the word "enact," strike out all of the remainder of section 35.

Mr. HUDDLESTON. I have not the substitute before me, Mr. Chairman. I want to strike out the portion that describes the qualifications of voters.

The CHAIRMAN. There is apparently no place in the substitute where this amendment would apply.

Mr. HUDDLESTON. The portion of the substitute prescribing the qualifications of voters is the one I wish to strike out.

Mr. DAVENPORT. Evidently it is desired to strike out all after the word "enacted" on line 12.

The CHAIRMAN. The Chair will state that the gentleman's amendment, so far as the Chair is able to understand it, can not be inserted in the substitute at an appropriate place.

Mr. HUDDLESTON. I have not the substitute before me.

Mr. MANN. Oh, we shall never finish the bill at this rate. I ask for the regular order, Mr. Chairman.

The CHAIRMAN. The regular order is the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON], which the Clerk will report.

The Clerk read as follows:

Amend the substitute by striking out all after the words "per annum."

Mr. JONES. Mr. Chairman, will the Clerk report the words to be stricken out?

The CHAIRMAN. The Clerk will report the words to be stricken out.

The Clerk read as follows:

No person shall be allowed to vote at any election whatsoever who shall not be registered as a qualified elector, and no person shall be registered as a qualified elector unless he shall have the qualifications herein specified, and shall further comply with such regulations as may be hereafter enacted by the Legislature of Porto Rico.

Mr. CANNON. Mr. Chairman, is that an amendment or an amendment to the substitute?

The CHAIRMAN. An amendment to the substitute.

Mr. CANNON. So that it would read, if it were adpoted, how?

Mr. HUDDLESTON. Mr. Chairman, is this taken out of my time?

Mr. CANNON. Oh, not at all.

The CHAIRMAN. The Clerk will report it as it would read if it were adopted.

The Clerk read as follows:

SEC. 35. That the qualified electors of Porto Rico shall consist of all citizens without regard to sex, of the United States, 21 years of age or over (except insane or feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th of August, 1898), who are able to read and write either the Spanish or English language, or who shall be bona fide taxpayers in their own name in an amount not less than $3 per annum.

Mr. CANNON. That is the way it would read if the amendment were adopted?

Mr. HUDDLESTON. My amendment was not inserted in the proper place, Mr. Chairman. It is the part relating to qualifications, being able to read and write or being taxpayers. I made a mistake in writing my amendment. I ask unanimous consent to correct my amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. HUDDLESTON] asks unanimous consent to correct his amendment. Is there objection?

There was no objection.

Mr. JONES. Regular order, Mr. Chairman.

Mr. MANN. Reserving the right to object, Mr. Chairman, how soon will we get it closed up?

The CHAIRMAN. The Chair can not answer that question.

Mr. CANNON. Now, Mr. Chairman, let the Clerk read the substitute as it would read if the amendment of the gentleman from Alabama were adopted.

The CHAIRMAN. The Clerk will report the substitute as it would read if the amendment of the gentleman from Alabama were adopted.

The Clerk read as follows:

SEC. 35. That the qualified electors of Porto Rico shall consist of all citizens, without regard to sex, of the United States, 21 years of age or over (except insane or feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th of August, 1898).

Mr. HUDDLESTON. Mr. Chairman, I have endeavored in making this amendment, which, I fear, is a little crude, to leave it to the people of Porto Rico to say who shall vote. That is the purpose of my amendment, and I trust that purpose is effected by it.

The argument implied by the questions which were asked me a few minutes ago, that we should afford to the people of Porto Rico the same treatment with reference to fixing the qualifications of voters that we give to those citizens of the United States living in the Territories which we organize, is not a fair argument. It is necessary in organizing a Territory of the United States to start out with some plan or form of government. In order to do that we have to make some provision as to who shall vote. We have to have something to start out on. Prior to their organization there is no provision of law as to who shall vote in the Territories. There is nobody qualified to vote. There is an absence of law on the subject. This is true of the Territories, of Hawaii, and also of the Philippines. It is not true of Porto Rico. In Porto Rico we have now laws which provide who shall vote. There are persons in Porto Rico who now exercise the franchise.

Mr. JONES. Does the gentleman mean to say that we have not got a law in the Philippines as to who shall vote?

Mr. HUDDLESTON. We did not have until Congress passed one, and therefore it was proper to put into that law some provision as to voting.

Mr. JONES. We did not have it in Porto Rico until we put it there.

Mr. HUDDLESTON. How can the gentleman justify himself in putting in the organic act that is to outline the government of Porto Rico a provision that would cut off the right of a large part of the people of Porto Rico to vote? Is the gentleman putting that provision in for the benefit of the Porto Ricans themselves? Does the gentleman know more about what the people of Porto Rico want than they know? Is he better qualified to pass upon the qualifications of voters and the qualities that fit the people of Porto Rico for self-government than the Porto Ricans themselves? If the gentleman does not claim for himself that knowledge of Porto Rico, he has no right to undertake to dictate to them on the subject.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. JONES. I understand the gentleman from Alabama bases his remarks upon the theory that the people of Porto Rico ought to be permitted to fix their own qualifications for voting.

Mr. HUDDLESTON. I base my argument on the theory that this is the United States of America, and supposed to be a free country, and that the people have the right to rule it. Our ancestors said in effect that no just government can exist against the will of the people. If the gentleman knows of a higher political principle, I will be glad to have him state it.

Mr. JONES. I am not questioning the gentleman's position at all, but——

Mr. HUDDLESTON. The gentleman is in effect repealing the Constitution of the United States when he attempts to put in this provision of law.

Mr. JONES. I started out simply by saying what I thought was the gentleman's position, but I wanted to ask this question: Will this amendment that the gentleman has offered accomplish what he states he wanted to do?

Mr. HUDDLESTON. I hope it will. If not, then I hope the gentleman will put the measure in such shape that it will.

Mr. JONES. That is the reason why I wanted to call the gentleman's attention to it.

Mr. HUDDLESTON. I think it will.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The amendment was rejected.

The CHAIRMAN. The question is on the substitute of the gentleman from Virginia [Mr. JONES] as amended.

Mr. CULLOP. Mr. Chairman, may that amendment be reported again?

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the amendment be again reported. Is there objection?

A MEMBER. Regular order!

The CHAIRMAN. The regular order is demanded, which is equivalent to an objection. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES] as amended.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 38, noes 49.

Accordingly the substitute was rejected.

The Clerk read as follows:

SEC. 37. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico or any municipality or district thereof not inconsistent with the provisions of this act.

No executive department not provided for in this act shall be created by the legislature.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 30, line 2, in section 37, after the word "act," strike out the period and insert in lieu thereof the following: "; also the power to impose, levy, and collect duties upon merchandise going to the United States from Porto Rico and coming into Porto Rico from the United States, which duties shall not exceed 25 per cent of the duties which are required to be levied upon like articles of merchandise imported from foreign countries."

Mr. PARKER of New Jersey. Mr. Chairman, I have spoken twice on this subject and would like to say only a word more on one or two matters that have not been touched upon.

My amendment proposes to reenact the law that prevailed when we first took Porto Rico. We did not then leave it to the Porto Rico Legislature to say how much of the 25 per cent should be collected, but we ordered 25 per cent of the United States duties collected on goods from Porto Rico, which when collected were remitted to them, and 25 per cent of the like duties were collected on articles sent from the United States to their shores, and that amount was given to them, and the United States kept their government provided with sufficient revenue instead of taxing the people out of existence.

Afterwards Congress abolished that, and the present arrangement is a sham. The law says that they shall have United States duties on goods that go into Porto Rico from foreign countries; but the steamship lines run to New York, and the duties are paid there and go into the United States Treasury, and then those same goods are sent to Porto Rico, but the people of Porto Rico get no benefit from the foreign tariff unless the ship goes from the foreign country to Porto Rico. The only way to see that they will get any benefit is to make it more profitable to send the goods to Porto Rico direct from the foreign country than to send them via New York.

Outside of that the United States, with its great manufacturing power, is supplying everything those poor people want, and so they get little or no revenue from the tariff. Our factories are driving their shoemakers out of existence with American shoes. They are driving the carpenters who made their furniture out of their trade. They are driving their blacksmiths who made their locks and their hinges out of their trade. They have done that to our small trades here, but our people can go into a mill and get along. There they have no mills, and they are left in the same condition as India and Ireland were left.

Do we realize that the free-trade policy of Great Britain sent calicoes into India which drove their cotton manufactures almost out of existence. Sheffield sent tools there which drove Indian-made tools—the best handmade tools in the world—out of existence. English machine-made carpets and shawls made the woolen productions of India something to be had only by the very rich who could pay for their art designs. Do we realize that between the great home country and the little colony, with a different language, and different traditions, which has not the freedom to go to the home country and get the benefit of its business, this is destruction to the small country, such as has changed India from one of the richest countries in the world to one of the poorest (although it has been given good government), because its people have to pay taxes upon their trades and upon their lands, as we are forcing Porto Rico and the Philippines to do? England has learned better as to her recent colonies. They demanded the right of self-government. The United States should profit by that example and see that that right of self-government, which involves the power of the purse, shall be given under proper restrictions and preferences not to the United States but to these poor people. [Applause.]

Mr. MANN. Mr. Chairman, those who have been in the House a long time remember the trouble in reference to the tariff laws in Porto Rico when we passed the law providing for a tariff on goods entering Porto Rico from the United States and on goods coming from Porto Rico to the United States. Then we changed that law and provided for the free entrance of goods between Porto Rico and the United States.

I am unable to agree with the distinguished gentleman from New Jersey [Mr. PARKER], in the belief that it will be wise to have goods going from the United States into Porto Rico pay a tariff there and have the goods coming from Porto Rico into the United States pay a tariff here. We are probably destined to possess Porto Rico as a part of us forever, as we use the term "forever." Since the construction of the Panama Canal it is quite essential that the United States shall have command of the Caribbean Sea. I think we should bring ourselves as closely as possible in touch with Porto Rico and the Porto Ricans. I have no doubt that the privileges and rights which we accord to them now will in the future be increased, and I am not in favor of building up any kind of wall over which commerce must jump between Porto Rico and the United States. The closer we are in touch with them the better. I do not think we ought to provide any tariff wall now.

Mr. GARRETT. Mr. Chairman, that is what the amendment proposed by the gentleman from New Jersey would do, or, at least, it would give the possibility to the Legislature of Porto Rico to do it.

Mr. MANN. That is the reason I am opposing it.

Mr. JONES. Will the gentleman permit a suggestion?

Mr. MANN. Certainly.

Mr. JONES. The laws of the United States now provide for free trade between Porto Rico and the United States.

Mr. MANN. I am well aware of that fact.

Mr. JONES. And this bill provides that the laws of the United States that are not locally inapplicable shall be applicable in Porto Rico, so that we provide in it that the United States shall legislate on the tariff question, and the proposition of the gentleman from New Jersey [Mr. PARKER] is to take it away from the Congress and to confer it upon the Legislature of Porto Rico.

Mr. MANN. The distinguished gentlemen from Virginia and Tennessee do not accord me any sense or knowledge at all. Having discussed for some time the question, both gentlemen now tell me that we have free trade with the island and that the gentleman from New Jersey proposes a method by which it shall be changed. That is the reason I am on the floor. I did not require to be told that. Of course that is the case. I am opposed to giving any opportunity to building up any tariff wall between Porto Rico and the United States.

Mr. AUSTIN. Mr. Chairman, I want to call attention to a statement made by Gen. McIntyre when we had him before the committee in the preparation and consideration of this bill. I asked him what the trade was between the United States and Porto Rico under the Spanish Government, and he said practically nothing, but that last year it amounted to $30,000,000. We have built up and increased our trade in Porto Rico on account of the tariff laws. It was a tariff which gave us an advantage over our competitors. We have as a result built up our annual trade with Porto Rico from nothing to $30,000,000.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. AUSTIN. Yes.

Mr. PARKER of New Jersey. The gentleman recognizes that I leave 75 per cent still of preference?

Mr. AUSTIN. That is true, but we want absolute free trade between our country and its colonial possessions, as we have between the different States. We sold $7,500,000 to the Philippines, Porto Rico, and the Hawaiian Islands under foreign flags, and last year under our flag we sold $85,000,000, because of our tariff laws, which gave us an opportunity to go in without paying custom duties. Our competitors were compelled to pay custom duties. It gave us a preference, and that preference resulted in an increased trade of from $7,500,000 to $85,000,000 annually. So we ought to be exceedingly careful about placing a duty on the importation of goods into Porto Rico or our insular possessions, because it may rob us of the absolute and necessary preference we ought to have covering the difference in the cost of production here and abroad.

Mr. FOCHT. How much were the imports to Porto Rico and what benefit was it to us?

Mr. FESS. The combined exports and imports was $83,000,000.

Mr. AUSTIN. The gentleman from Ohio says the combined exports and imports were $83,000,000. The imports into Porto Rico from the United States last year were $30,929,831, and the exports to the United States were $42,311,920. Porto Rico will never be anything but an agricultural country. It has no mineral resources, no manufacturing industries, and for the most depends upon its tropical fruits, coffee, sugar, pineapples, and, as the Democratic governor of the island said in the hearing before the committee, free trade in sugar would ruin that country, whereas the protective tariff would help it—make it prosperous.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 38. That all grants of franchises, rights, and privileges of a public or quasi public nature shall be made by a public-service commission, consisting of the heads of executive departments, the auditor, and two commissioners to be elected by the qualified voters at the first general election to be held under this act and quadrennially thereafter. The terms of said elective commissioners shall commence on the 1st of January following their election, and they shall serve for four years and until their successors are elected and qualified. Their compensation shall be $8 for each day's attendance on the sessions of the commission, but in no case shall they receive more than $400 during any one year. The said commission is also empowered and directed to discharge all the executive functions relating to public-service corporations heretofore conferred by law upon the executive council. Franchises, rights, and privileges granted by the said commission shall not be effective until approved by the governor, and shall be reported to Congress, which hereby reserves the power to annul or modify the same.

Mr. JONES. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Add to section 38 the following clause:

"The interstate-commerce act and the several amendments made or to be made thereto, the safety-appliance act and the several amendments made or to be made thereto, and the act of Congress entitled 'An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887,' and all acts amendatory thereof by providing for valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities, approved March 1, 1913, shall not apply to Porto Rico. The Legislative Assembly of Porto Rico is hereby authorized to enact laws relating to the regulation of the rates, tariff, and services of public carriers by rail in Porto Rico; the public-service commission hereby created shall have power to enforce that law under proper regulation."

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Virginia about a matter in the preceding section where I think there ought to be a change of phraseology, although I have no change to suggest. The last clause at the bottom of page 29 reads:

SEC. 37. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico or any municipality or district thereof not inconsistent with the provisions of this act.

Whoever drew that, I think, had in mind that if there was an alteration or modification of the law that the new law should not be inconsistent with this act, but that is not what it says. It says they shall have power to alter, amend, modify, and repeal any existing law not inconsistent with this act. Or, leaving out the two negatives, they have the power to alter or amend any law which is now consistent with this act. That, plainly, was not the intention.

Mr. JONES. The purpose of it was to confer on the legislature authority to alter, amend, modify, or repeal any or all laws, ordinances, and so forth, not inconsistent with the provisions of this act.

Mr. MANN. To amend any law not inconsistent with this act.

Mr. JONES. They could not enact any legislation that was inconsistent with this act.

Mr. MANN. That is different. I take it that what was intended was that they could not enact new legislation in repealing or modifying a law inconsistent with this act.

Mr. JONES. That is the purpose.

Mr. MANN. That is not what it says. The word "inconsistent" that this act refers to is existing law. I simply call the attention of the gentleman from Virginia to it for his consideration. I am not offering any amendment.

Mr. JONES. What amendment would the gentleman suggest to carry out his idea?

Mr. MANN. I have no amendment to offer.

Mr. JONES. I will ask permission to return to this section later on.

Mr. MANN. I am not asking for that, although I am perfectly willing. I called it to the attention of the gentleman, for I wanted to be sure that my point was right. The gentleman will have a chance to have it corrected.

Mr. JONES. Mr. Chairman, I ask to return to the section if, on examination, it would seem that it needs correction.

Mr. LONGWORTH. Will the gentleman yield?

Mr. JONES. I will.

Mr. LONGWORTH. Does not the gentleman think that the salary of $400 a year is pretty small for men who occupy such an important position as commissioners with power to grant franchises, and so forth?

Mr. JONES. We thought not. There were a number of the members of the committee who thought that was too much, and we spent a good deal of time over this question of salaries, conferred with the Commissioner, who is a member of the committee, and concluded that would be proper.

Mr. LONGWORTH. Does the Resident Commissioner think that salary is sufficient?

Mr. JONES. Yes; we all substantially agreed as to the proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. STAFFORD. Mr. Chairman, as to the amendment, I move to strike out the last word. I would like to inquire of the gentleman from Virginia why the gentleman restricted the power of the public service commission to merely rail lines and did not extend it to water lines that cover the local interisland services of Porto Rico?

Mr. JONES. I will say to the gentleman and to the committee that under recent decisions of the Supreme Court of the United States in cases appealed from Porto Rico it has been held that there are in force in that island the acts of Congress known as the safety-appliance acts and the Federal employer's liability act. The effect of these decisions is to apply to Porto Rico all of the Federal legislation affecting the regulation of rates and service by common carriers by rail.

This carries with it the jurisdiction of the Interstate Commerce Commission of the United States, in so far as it is vested with power to control such matters.

By reason of the peculiar conditions existing in Porto Rico and the modest character of the railroads in operation there it has been found that the application of the Federal laws above referred to presents a matter of the gravest difficulty. The bulk of the traffic by railroads in Porto Rico consists of sugar cane transported from the fields to central sugar factories. This traffic exists but five or six months in the year and requires a special character of car and service. The only railroad in the island worthy of the name is a narrow-gauge road, whose principal business is that of cane transportation, as above stated.

Mr. STAFFORD. The gentleman is giving a justification of his proposed amendment, but he is not answering the question which I propounded to him.

Mr. JONES. I thought the gentleman desired me to explain the reasons——

Mr. STAFFORD. I wished to ascertain why the gentleman excluded water lines from the provision of his amendment and only extended the power of the public service commission to the rail lines.

Mr. JONES. There are no water lines.

Mr. STAFFORD. I assume there is some communication by water around the island.

Mr. JONES. From the United States to Porto Rico?

Mr. STAFFORD. No; I mean from different ports about the island.

Mr. JONES. Well, perhaps so.

Mr. STAFFORD. That is not covered by the amendment of the gentleman.

Mr. JONES. The reason is this: The conditions that relate to the railroads are very peculiar, just as I attempted to state to the committee, and I have not heard of any reasons why the water transportation should be exempt. There is but one railroad that can be called a railroad in the island, and that is a narrow-gauge road that is engaged for five or six months in the year in hauling cane, and if these acts to which I have referred are to be applied through the Interstate Commerce Commission to these roads it will produce a very great hardship. This amendment is suggested by the department having charge of the matter. I have never had my attention called to the water transportation by any complaint in regard to it.

Mr. STAFFORD. The other day the shipping bill provided various regulatory provisions for controlling water traffic. The gentleman is creating a public-service commission which has jurisdiction over public-service affairs in Porto Rico. Why should not it extend also to the water lines?

Mr. JONES. Well, I will say to the gentleman that this amendment is the result of an opinion written by a member of the Interstate Commerce Commission, which I have in my hand. If the gentleman cares to have it read for the information of the gentlemen in the committee, I can do it.

Mr. STAFFORD. I can understand the reason for the exemption of the interstate-commerce laws from application on the island——

Mr. JONES. Well, I have not looked into the steamboat question, nor has any member of the committee, as far as I know.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 30, line 16, after the figures "$400," insert the word "each."

Mr. TOWNER. Mr. Chairman, this is offered——

Mr. JONES. Will the gentleman explain his amendment?

Mr. TOWNER. The gentleman will notice in line 16 it says, "but in no case shall they receive more than $400 during any one year." Of course it may be implied that that meant $400 for the commission. I just simply inserted the word "each" for the purpose of making it clear.

Mr. JONES. The words "each member"?

Mr. TOWNER. No; just simply "each"; that will be sufficient.

Mr. MANN. Mr. Chairman, just a moment. Does the gentleman want to insert "each" or "each commissioner"?

Mr. TOWNER. Well, "each commissioner." I have no objection.

Mr. MANN. There are two. It is not intended to pay anybody but the elective commission, is it?

Mr. TOWNER. No, sir; but you will notice this is part of one sentence, and it says "their compensation shall be $8 for each day's attendance on the sessions of the commission, and in no case shall they receive more than $400 during any one year." This means "$400 each" and not $400 for the entire commission.

Mr. MANN. Well, I presume it would refer back to the elective commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The amendment was agreed to.

The Clerk read as follows:

SEC. 39. That all grants of franchises and privileges under the section last preceding shall provide that the same shall be subject to amendment, alteration, or repeal, and shall forbid the issue of stocks or bonds except in exchange for actual cash or property at a fair valuation equal in amount to the par value of the stocks or bonds issued, and shall forbid the declaring of stock or bond dividends, and in the case of public-service corporations shall provide for the effective regulation of charges thereof and for the purchase or taking of their property by the authorities at a fair and reasonable valuation.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I shall not offer any amendment in regard to this, though I think it is unfortunate that the bill provides that there shall be no issue of stock or bonds except in exchange for actual cash and property at a fair valuation, and so forth. I think promotion charges, and charges of organization, are legitimate charges in organizing a corporation and getting the money with which to finance a great enterprise. It is very seldom that such things are successful without the payment of such charges. My recollection is that in the water power bill which we passed we recognized the right to pay for promotion and organization expenses. I am not sure what the language was. Then, I doubt, also, the desirability of saying that there never shall be a stock or bond dividend. In my judgment a corporation just organized may well be advised that instead of paying dividends from the start to build up a surplus, so that they have cash on hand as working capital, and then after a while pay a stock dividend instead of paying dividends from the start, and always have a working capital.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 40. That the execution of the laws of the United States relating to immigration, to tariffs, customs, and duties on importations into the United States and the regulations made pursuant thereto shall be effected in Porto Rico through officials appointed by the Governor of Porto Rico: *Provided*, That the exemption of aliens arriving in Porto Rico from the payment of the head tax provided by section 1 of the act of Congress of February 20, 1907, is hereby repealed.

Mr. JONES. Mr. Chairman, I move to amend section 40 by striking out all the words beginning on line 12, as follows:

That the execution of the laws of the United States relating to immigration, to tariffs, customs, and duties on importations into the United States and the regulations made pursuant thereto shall be effected in Porto Rico through officials appointed by the governor of Porto Rico: *Provided*,

So as to leave these subjects in the hands of officials appointed by the United States Government. I offer this amendment at the suggestion of the officials of the Treasury Department, who think that confusion would result from any change in present conditions.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 31, by striking out, in line 12, after the figures "40," the remainder of the line down to and including the word "*Provided*," in line 17.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. Is it not the purpose of the committee to have officials of the Treasury Department give consideration to the importance of these respective matters rather than to have local officials look after the enforcement of these affairs?

Mr. JONES. That is the purpose of this amendment. It is believed that if the change contemplated in the bill is made it will result in confusion, which should be avoided. Hence I am offering this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 42. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of four years and until his successor is appointed and qualified, and whose salary shall be $5,000 per annum. There shall be appointed in like manner a district attorney, whose salary shall be $4,000 per annum, and a marshal for said district, whose salary shall be $2,500 per annum, each for a term of four years, unless sooner removed by the President. The district court for said district shall be called "the District Court of the United States for Porto Rico," and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States: *Provided, however*, That no person who declares his intention not to become a citizen of the United States in accordance with the provisions of section 3 of this act may thereafter be naturalized. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Porto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of $2,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid: *Provided*, That nothing in this act shall be deemed to impair the jurisdiction of the District Court of the United States for Porto Rico to hear and determine all controversies pending in said court at the date of the approval of this act. Upon the taking effect of this act the salaries of the judge and officials of the District Court of the United States for Porto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Porto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Porto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court, without extra compensation.

Mr. MANN. Mr. Chairman, I move to amend page 33, line 16, by striking out "$2,000" and inserting "$3,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, on page 33, in line 16, by striking out "$2,000" and inserting "$3,000."

Mr. CULLOP. That makes it conform to the law here in the United States.

Mr. MANN. I think so. That was what was in the bill before. If I had my own way about it, I would make it $5,000. I do not think there is any reason for letting everybody go into the United States courts when they have their own courts there.

Mr. GARRETT. The only reason I can give so far as I am personally concerned——

Mr. MANN. Has the gentleman the same notion about this that I have?

Mr. GARRETT. The only reason, I will say to the gentleman, that the committee had in fixing this at $2,000 was that the values are much less down there than they are here.

Mr. MANN. The local courts in the main are to be fully trusted everywhere. I think we confer altogether too much jurisdiction upon the Federal courts here. We have too small an amount here. And so I think we can increase it. I do not see why we can not increase the amount down there.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. There is one provision here that rather struck me as being somewhat harsh to these present residents of Porto Rico who decline the summary process of this bill by refusing to become citizens in six months—that they shall not be allowed later to become naturalized. I can not understand why we should mandatorily in the proviso as found on page 33—and I would like to have the attention of the chairman—expressly prohibit those residents of Porto Rico who decline for some good reason to become citizens of the United States within six months of the enactment of this law from at any time in the future availing themselves of the privilege of naturalization and becoming citizens. It seems to me that those residents who may take the oath and decline to become citizens of the United States within the six months after the passage of this act may change their minds thereafter, and should be given the full privilege of coming under the fold of citizenship of the United States.

Mr. JONES. What section is the gentleman discussing now?

Mr. STAFFORD. I am referring to the proviso on page 33, which reads as follows:

Provided, however, That no person who declares his intention not to become a citizen of the United States in accordance with the provisions in section 5 of this act may hereafter be naturalized.

I can not appreciate the reason for such an arbitrary provision as that. I can not understand the purpose of the committee trying to force or include all the residents of Porto Rico into citizenship and requiring, as stated in section 5, that they shall be so considered unless they take the oath that they do not intend to become citizens. But I can also appreciate how large numbers who may to-day decline to become citizens should still be privileged to become citizens thereafter. Before moving to strike out that proviso, I wish to inquire of some member of the committee what was the real reason for placing that arbitrary prohibition against these residents who might not wish to become citizens to-day from ever becoming citizens. They may move to the United States. I question whether they would even be privileged to avail themselves of citizenship in this country if they came here after they had once taken the oath not to become citizens under section 5.

Mr. JONES. Mr. Chairman, in reply to what has been stated by the gentleman from Wisconsin [Mr. STAFFORD], I wish to say that the committee thought the provisions of section 5 were as liberal as they ought to be made. Six months is given those people, who otherwise would be made collectively citizens of the United States, in which to go into the courts and declare that they do not desire to be so made.

If they are out of Porto Rico they do not even have to go there in person to make this declaration; they can transmit such declaration under oath. When those who do not desire to become citizens of the United States have deliberately so declared in court, that action on their part should end the matter so far as they are concerned.

Mr. STAFFORD. If those people some time within six months say they do not want to avail themselves of citizenship, and then, after seeing the workings of the government, desire to have citizenship, I think they ought to be granted that right and not be barred.

Mr. JONES. I can only say to the gentleman that it was the consensus of opinion of the Committee on Insular Affairs that when a Porto Rican deliberately renounced his United States citizenship he should not be permitted thereafter to change his mind.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment and move to strike out the clause on page 33, beginning on line 7 with the word "provided" and ending with the word "naturalized," on line 10.

The CHAIRMAN (Mr. CRISP). The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 33, by striking out the clause beginning with the word "provided," on line 7, down to and including the word "naturalized," on line 10.

Mr. STAFFORD. Mr. Chairman, I think the provisions under section 5 are very harsh and mandatory, whereby you compel every resident virtually to become a citizen of the United States unless within six months after the passage of this act he takes an oath that he does not wish to be so included.

I think you go very far in your arbitrary legislation, in the provision which I here seek to strike out, in providing that these persons who for some reason or other may not now desire to become citizens of the United States shall not have the privilege forever after of becoming naturalized. You are driving them virtually under the cover of citizenship in the provisions of section 5, and you are enforcing it still more by saying "If you do not accept citizenship now, you may never be privileged to have it."

That certainly is not consistent with the ideas of citizenship which rests upon the volition of the individual. Never before in the history of our Government have we passed any such restrictive prohibition as that.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. YOUNG of North Dakota. Are there not a large number of people living in Porto Rico who, under the provisions of this proposed bill, if they were denied the privilege of citizenship, as provided in the clause that the gentleman proposes to strike out, would not be citizens of any country at all?

Mr. STAFFORD. Why, certainly.

Mr. YOUNG of North Dakota. They would not be citizens of the United States or any other country.

Mr. STAFFORD. They are to-day subjects of the United States. We have thrown the protecting arm about them. They are not citizens of Spain, and they can not be. You are proposing to create by this provision two different classes in Porto Rico—native Porto Ricans who within six months accept the privileges of the Government and do not take an oath that they do not want to come under these provisions, and those who decline and will be forever debarred from becoming citizens of the United States. You say you wish to bring these residents into the fold of the United States and give them as full liberties as possible, and yet after they see the beneficent workings of the government that you are here attempting to establish by this proviso, you say, "You will not be privileged to have in the future those privileges, and you will be forever barred from citizenship or of exercising the privileges of government thereunder."

Mr. JONES. Vote, Mr. Chairman.

Mr. STAFFORD. I think the proviso should certainly be stricken from the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. STAFFORD. I ask for a division.

The committee divided; and there were—ayes 23, noes 35.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 44. That writs of error and appeals from the final judgments and decrees of the Supreme Court of Porto Rico may be taken and prosecuted to the Supreme Court of the United States in any case wherein is involved the validity of any copyright, or in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, or wherein the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimed thereunder is denied, without regard to the sum or value of the matter in dispute, and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of $5,000. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken to the Supreme Court of the United States from the district courts.

Mr. STAFFORD. Mr. Chairman, I move to strike out, in lines 15 and 16, the words "Supreme Court of the United States," and insert in lieu thereof "the Fifth Circuit Court of the United States."

The CHAIRMAN. Will the gentleman from Wisconsin please restate his amendment? What page?

Mr. STAFFORD. Page 35. Strike out, from lines 15 and 16, the words "Supreme Court of the United States," and insert in lieu thereof the words "the Circuit Court of Appeals of the Fifth Circuit of the United States."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The Clerk read as follows:

Amend, page 35, by striking out, in lines 15 and 16, the words "Supreme Court of the United States," and inserting in lieu thereof the words "Circuit Court of Appeals of the Fifth Circuit of the United States."

Mr. STAFFORD. Mr. Chairman, I will ask unanimous consent to modify the amendment by substituting the "First" instead of the "Fifth" circuit.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to modify his amendment by substituting the "First" instead of the "Fifth" circuit.

Mr. CULLOP. Mr. Chairman, if that were done, it would provide for two appeals instead of one. The appeal would be taken from the Supreme Court of the District of Porto Rico to the Court of Appeals, and then from the Court of Appeals to the Supreme Court of the United States, and it would be multiplying litigation and multiplying the cost instead of reducing the same.

Mr. STAFFORD. I ask for recognition, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. If my amendment is adopted, I will follow it with another amendment, striking out the last sentence of the section on page 36 and incorporating the same phraseology as we find in the Panama Canal government act. I would not submit this proposed amendment to the attention of the committee were it not that this very question was considered some years back, when the Committee on Interstate and Foreign Commerce was considering the question of appeals from the district courts of the Canal Zone.

At that time the committee thought that the Supreme Court of the United States was too burdened with litigation to have any appeals from the district court direct, and in the Panama Canal government act reported from the committee in 1910, and again in 1912, which became a law, the appellate jurisdiction was conferred upon the Circuit Court of Appeals. Now, the Supreme Court of the United States is back in its consideration of pending cases more than one year. So far as cases arising from the Supreme Court of Porto Rico are concerned, we ought not to burden the Supreme Court of the United States more than is necessary.

Mr. CULLOP. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Indiana.

Mr. CULLOP. There is a wide difference between the Panama act and this one. Appeals from Panama are from the district court of the United States just the same as in the United States. Now, the appeal from the Supreme Court of Porto Rico is the same as an appeal from the supreme court of any State in this country. It goes direct to the Supreme Court of the United States, and the autonomy in the practice ought to be kept in this instance just the same as it is in cases appealed from the various State supreme courts in the United States; whereas, if the gentleman's amendment was adopted, it would be an exception to the method of appeal from other State supreme courts in this country.

Mr. STAFFORD. Will the gentleman recognize that, so far as cases arising in the Canal Zone are concerned, there is no authority for direct appeal in any case to the Supreme Court of the United States? The Interstate and Foreign Commerce Committee of the House had this very question under consideration, and for the reason that we did not wish to burden the Supreme Court with appellate jurisdiction from these minor courts, we provided that those appeal cases should be sent to the circuit court of appeals. I am attempting to accomplish the same purpose in the amendment which I am submitting to the attention of the committee.

Mr. DAVENPORT. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Oklahoma.

Mr. DAVENPORT. Is it not a fact that when a question is raised in any district court of the United States to-day involving a treaty or a constitutional provision the appeal is taken directly from that district court to the Supreme Court of the United States?

Mr. STAFFORD. The preceding section that we have just passed provided for that very case. That section provides for appellate jurisdiction in all those cases arising in the district court of Porto Rico first going to the circuit court of appeals, and then, if a case involves a constitutional question, being referred to the Supreme Court upon certification.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. DAVENPORT. Mr. Chairman, my contention is that this section is drawn as it should be drawn. It simply provides for appealing cases from the Supreme Court of Porto Rico to the Supreme Court of the United States where a treaty of the United States or the Constitution of the United States is involved or a treaty or an act of Congress brought into question in the trial of the case; and so far as I have been able to observe in the last 25 years in the district courts and circuit courts as we once had them in the United States, now all merged into the district courts, where questions of that character were involved those cases were appealed directly to the Supreme Court of the United States in order to get them settled. And that is the way you would bring a case on appeal if you were coming from the supreme court of a State to the Supreme Court of the United States in order to get those constitutional or treaty questions settled. It is not an unusual thing to do, and I do not believe the amendment should prevail, because questions will arise in the Supreme Court of Porto Rico that ought to be brought direct to the Supreme Court of the United States and settled finally, and the burden of appealing to the district court and then from the district court to the Supreme Court of the United States ought not to be imposed upon litigants who are as far away as these people are from the court to which they would have to bring the case.

Mr. JONES. Will the gentleman let me suggest to him that the present organic law provides for an appeal to the Supreme Court of the United States, and there has never been any question raised as to burdening the Supreme Court with these appeals.

Mr. DAVENPORT. This provision has never been called in question before when questions designated as they are designated in this act have been involved, and never will be, in my judgment, because it is not right to compel them to go such a circuitous route as they would have to go by appealing to the circuit court of appeals and then to the Supreme Court in order to get them to the court of last resort, the only court where you can finally get the questions definitely settled.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The amendment was rejected.

The Clerk read as follows:

SEC. 57. That this act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and the Executive Council shall, until the assembly and organization of the Legislature of Porto Rico as herein provided, consist of the attorney general, the treasurer, the commissioner of the interior, the commissioner of education, the commissioner of health, and the commissioner of agriculture and labor, and the five additional members as now provided by law. And any functions assigned to the Senate of Porto Rico by the provisions of this act shall, until this said senate has assembled and organized as herein provided, be exercised by the Executive Council as thus constituted.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I wish the gentleman from Virginia would tell us briefly just what this section means. Of course I know generally what it means. It says—

But until its provisions shall severally become operative, as hereinbefore provided.

There will be some delay on account of an election down there. I do not know just what it will be. When does it take effect?

Mr. JONES. I do not know whether there will be any delay or not; but until the election does take place, and the senate provided for in the act is elected, I understand that the Executive Council provided for in this bill will exercise the powers conferred upon the senate. The Executive Council in Porto Rico now is the senate, and this is to prevent any hiatus, as I understand it. It is provided that the duties that are devolved upon the senate shall be discharged by this Executive Council until the senate has been elected and organized.

Mr. MANN. Under the terms of this act the Legislature of Porto Rico in some way has to provide a qualification of voters. They could not have an election there until you do that, or can you?

Mr. JONES. This act provides the qualification of voters.

Mr. MANN. This is what section 35 provides:

That the qualified electors of Porto Rico, for any election whatsoever, shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted.

You can not have an election until you fix the qualification of voters. You can not fix the qualification of voters until you enact hereafter a law of Porto Rico; you can not have a meeting of the legislature. Does the executive council have authority to pass a law for Porto Rico?

Mr. JONES. No; the legislature now consists of the house of delegates and the executive council, and this legislation will have to provide for the registration of the voters who are qualified as provided in this act.

Mr. MANN. When does the legislature meet again?

Mr. JONES. I can not state what day the legislature meets; I do not recall it; but the governor can call the legislature in extra session if it is desirable to do so. This section simply provides that any duties that devolve upon the senate shall be performed by the executive council until this legislature is elected. They have a legislature there now, but we abolish the present executive council, and therefore we substitute this council in the place of that council, which is abolished for the purpose of enacting the legislation which the gentleman thinks is necessary and in which I entirely agree with him is necessary.

Mr. MANN. This bill says:

"That this act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and the executive council shall—

Of course it would be a violent assumption to assume that the governor of Porto Rico would not think it necessary to call an extra session of the legislature, which he is not required to do; but if he does not, the law would not go into effect, or a large share of it would not go into effect.

Mr. JONES. The gentleman from Porto Rico [Mr. RIVERA] tells me that the legislature will not meet again until February unless the governor convenes it under the power which he has under the present law.

Mr. MANN. I am inclined to think that it would be wise to have in here a provision for a special session of the legislature, because you provide for elections in November and fix the status as of November for a four-years' term.

Mr. JONES. I do not think we are taking any risk on that, because the governor of Porto Rico is more anxious to pass this law as soon as possible than any Member of Congress, and so are all the people down there. The governor is very anxious to see this bill passed, and he can be relied upon to do everything in his power to organize the legislature provided for.

Mr. MANN. And still, an act of this sort ought not depend on the whim or act of any one man.

The Clerk read as follows:

SEC. 58. That the laws and ordinances of Porto Rico now in force shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided for Porto Rico or by act of Congress of the United States; and such legislative authority shall have power, when not inconsistent with this act, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this act as it may from time to time see fit.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to return to page 29 for the purpose of correcting the text, and I offer an amendment for that purpose.

Mr. JONES. Consent was given, Mr. Chairman, to return to this paragraph.

Mr. MANN. When was consent given?

Mr. JONES. The gentleman from Illinois [Mr. MANN] raised a question about the language, and I asked unanimous consent to return to it if necessary.

The Clerk read as follows:

Page 29, line 23, after the word "therefor," strike out the remainder of the paragraph and insert in lieu thereof the following: "Also the power to alter, amend, modify, or repeal any and all laws and ordinances of ever; character now in force in Porto Rico, or any municipality or district thereof, in so far as such alterations, amendments, or modifications or repeal may be consistent with the provisions of this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 59. That all laws or parts of laws applicable to Porto Rico not in conflict with any of the provisions of this act, including the laws relating to tariffs, customs, and duties on importations into Porto Rico prescribed by the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. DUPRÉ. Mr. Chairman, I move to strike out the last word. What adjustment was made, if any, of the question raised by the gentleman from New York [Mr. BENNET] about the citizenship of Porto Ricans now in America?

Mr. JONES. The gentleman from New York [Mr. BENNET] discovered on examination of the general laws relating to naturalization that there was no difficulty in the way of the persons to whom he referred becoming naturalized.

Mr. STAFFORD. Mr. Chairman, I wish to direct the attention of the gentleman from Virginia to an amendment offered by the gentleman from New York [Mr. BENNET] providing for incorporation of a provision that would permit a workman's compensation act. That was passed over for subsequent consideration. The gentleman from Virginia had no objection to the incorporation of the first clause of that amendment. I suggest that we return to that section, and if no other amendment is offered, incorporate the first part of that in the bill of rights.

Mr. JONES. I will say to the gentleman from Wisconsin that the gentleman from New York, although he did not specifically refer to this, came to me and said that he had no further amendments to offer.

The CHAIRMAN. The Chair begs to state this amendment, offered by the gentleman from New York [Mr. BENNET], was passed temporarily at the suggestion, as the Chair remembers, of the gentleman from Illinois [Mr. CANNON] and was to be recurred to later. Unless the chairman of the committee has the authority of the gentleman from New York to withdraw it, or it is thought best to do so at this time—the Chair understands the gentleman from New York is not here at this time.

Mr. GARRETT. Does anyone desire to insist upon that amendment?

Mr. STAFFORD. I believe the gentleman from Virginia said that he had no objection to the first part of the amendment.

Mr. JONES. I did not think there was any necessity for it, but I had no objection to it. I did object to the rest of it, but it went over with the understanding that the matter was to be taken up, but, as I said, the gentleman from New York came to me and told me of his satisfaction with the section relating to citizenship, and that he had no further suggestion or amendments to offer; and while he did not give me specific authority to withdraw it——

Mr. MANN. Let us get at it. I ask to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Modification of the amendment offered by Mr. BENNET: On page 3, to follow the amendment already adopted as a new paragraph, insert the following:

"Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York just read.

The question was taken, and the amendment was agreed to.

Mr. JONES. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9533, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. JONES. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. JONES. I demand a vote on the amendment to section 35.

The SPEAKER. Is a separate vote demanded on any other amendment; if not, the Chair will put them in gross.

Mr. GARNER. Is that the so-called suffrage amendment?

Mr. MANN. Mr. Speaker, reserving the right to ask for a separate vote, my understanding is the previous question being ordered the other amendments are agreed to, and we will not have a vote on the suffrage amendment to-night.

Mr. JONES. That is the understanding, I think.

Mr. KITCHIN. With the further understanding we will take up the District resolution and discuss it after this.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the other amendments be considered as agreed to, and that the vote upon the amendment to section 35 and the final passage of the bill go over until to-morrow morning.

Mr. KITCHIN. And that we meet at 11 o'clock to-morrow.

Mr. MANN. I am perfectly willing.

Mr. KITCHIN. And that we meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that all amendments, except the one to section 35, be considered as agreed to, that the vote on that amendment and the bill go over until to-morrow, and that the House meet at 11 o'clock to-morrow. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. MADDEN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. Mr. Speaker, I rise for the purpose of entering a motion to reconsider the vote by which the House on the unanimous-consent motion of the gentleman from Indiana [Mr. COX] had the bills H. R. 6915 and H. R. 10130 transferred from the Committee on the Post Office and Post Roads to the Committee on Reform in the Civil Service. I do that for the reason that there is a large majority of the Committee on the Post Office and Post Roads in favor of those bills. They have had them under consideration, and on last Wednesday they passed a motion to take those bills up for consideration again on next Wednesday and consider them until final conclusion.

Mr. GARRETT. When was that order made?

Mr. MADDEN. That was this morning.

Mr. KITCHIN. By unanimous consent?

The SPEAKER. It was a unanimous-consent order.

Mr. MADDEN. It was on motion of the gentleman from Indiana.

Mr. GARNER. Mr. Speaker, if it was by unanimous consent, the gentleman, under the rules, would not have the right to make a motion to undo what has been done by unanimous consent unless he can get it done by unanimous consent.

Mr. MADDEN. I think I have under the rules of the House.

Mr. FOSTER. Will not the gentleman let it go over until the gentleman from Indiana is here?

Mr. MADDEN. It was done when I was not here.

The SPEAKER. The Chair wishes the gentleman would bring it up in the morning.

Mr. MANN. I suggest that the gentleman enter the motion to reconsider.

Mr. MADDEN. I have entered the motion to reconsider.

Mr. GARNER. Has the gentleman a right to enter a motion to reconsider when it is given by unanimous consent? I reserve a point of order against the gentleman's motion.

The SPEAKER. Anyhow, the RECORD will show the gentleman reserved the point of order. The Chair was under the impression from what the gentleman from Indiana stated that the committee wanted it done.

Mr. MADDEN. Not at all; two-thirds of the committee did not want it done.

Mr. GARNER. Mr. Speaker, just a moment. May I say that if the House has done a thing by unanimous consent——

The SPEAKER. There is no use to argue that now.

Mr. MANN. For the benefit of the gentleman let me suggest that the Journal of this proceeding will show that by unanimous consent the gentleman from Indiana moved to do so-and-so. That is the record of it.

The SPEAKER. The Chair will investigate all that.

Mr. MADDEN. I enter the motion, Mr. Speaker.

Mr. GARNER. I reserve a point of order.

The SPEAKER. Both things will be done in the morning and decided.

SAMUEL SCHWARZ (H. DOC. NO. 1153).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Foreign Affairs and ordered printed:

To the House of Representatives:

In response to the resolution of the House of Representatives dated May 13, 1916, and reading as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interests, to furnish the House of Representatives with a statement of what he has done under the provisions of section 2001 of the Revised Statutes to secure the release of Samuel Schwarz, an American citizen alleged to be unjustly deprived of his liberty by or under the authority of the Government of Great Britain.

I transmit herewith a report from the Acting Secretary of State, furnishing a summary of the correspondence on file in the Department of State relating to the case of Samuel Schwarz.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, May 22, 1916.

DISTRICT OF COLUMBIA.

Mr. POU. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 240 (H. Rept. 740).

Resolved, That during the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, it shall be in order to consider the following items (the general rules of the House notwithstanding):

"Hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues and amounts to pay the interest and sinking fund on the funded debt of said District, shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated."

On pages 73, 74, and 75:

"Upon the passage of this act the terms of the members of the present board of directors shall terminate, and thereafter the board shall consist of the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service and one Senator and two Representatives in Congress, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, each for the term of a single Congress and be eligible for reappointment, and five members, who shall be residents of the District of Columbia, to be appointed by the commissioners. Of the number of directors appointed by the commissioners first after the passage of this act, one shall serve for one year, two for two years, and two for three years; all subsequent appointees of said commissioners shall serve for three years, except that appointments to fill vacancies occurring during a term shall be for the unexpired term. The said board shall have full power to appoint all officers and employees of said hospital, including the medical staff, subject to the approval of the commissioners. There shall always be at least three members of each sex upon said board. The said hospital shall continue to operate as a hospital (and dispensary) for the treatment of diseases peculiar to women and lying-in asylum, and shall continue to furnish board, lodging, medicine, and medical attendance gratuitously to those unable to pay therefor, when so duly certified by the Board of Charities of the District. It shall also receive patients who are willing to pay their expenses, and all money received from said patients shall be paid daily to the collector of taxes of the District, to be deposited by him to the credit and to constitute a part of the annual appropriation for support and maintenance of said hospital, which money, together with all appropriations made for said hospital, shall be expended under the direction of the board of directors of the hospital and the supervision and control of the commissioners."

On pages 83, 84, and 85:

"That whenever any person has been convicted of crime in any court in the District of Columbia and sentenced to imprisonment for more than one year by the court, the imprisonment during the term for which he may have been sentenced or during the residue of said term may be in some suitable jail or penitentiary or in the reformatory of the District of Columbia, above referred to; and it shall be sufficient for the court to sentence the defendant to imprisonment in the penitentiary without specifying the particular prison or the reformatory of the District of Columbia and the imprisonment shall be in such penitentiary, jail, or the reformatory of the District of Columbia as the Attorney General shall from time to time designate: *Provided further*, That the commissioners are vested with jurisdiction over such male and female prisoners as may be designated by the Attorney General for confinement in the reformatory of the District of Columbia from the time they are delivered into their custody or into the custody of their authorized superintendent, deputy, or deputies, and until such prisoners are released or discharged under due process of law: *And provided further*, That the residue of the term of imprisonment of any person who has heretofore been convicted of crime in any court in the District of Columbia and sentenced to imprisonment for more than one year by the court may be in the reformatory of the District of Columbia instead of the penitentiary where such person may be confined when this paragraph takes effect, and the Attorney General, when so requested by the Commissioners of the District of Columbia, is authorized to and he shall deliver into the custody of the superintendent of said reformatory or his deputy or deputies any such person confined in any penitentiary in pursuance of any judgment of conviction in and sentence by any court in the District of Columbia, and the Commissioners of the District of Columbia are vested with jurisdiction over such prisoners from the time they are delivered into the custody of said superintendent or his duly authorized deputy or deputies, including the time when they are in transit between such penitentiary and the reformatory of the District of Columbia and during the period they are in such reformatory until they are released or discharged under due process of law. The Attorney General shall pay the cost of the maintenance of said prisoners so transferred, said payment to be made from appropriations for support of convicts, District of Columbia, in like manner as payments are now made for the support of District convicts in Federal penitentiaries. Nothing herein contained shall be construed as applying to the National Training School for Boys or the National Training School for Girls. The provisions of this paragraph shall take effect on and after July 1, 1916."

On pages 95 and 96:

"SEC. 6. That hereafter no part of any money appropriated by this or any other act shall be used for the payment to the Washington Gas Light Co. or the Georgetown Gas Light Co. for any gas furnished by said companies for use in any of the public buildings of the United States or the District of Columbia at a rate in excess of 70 cents per 1,000 cubic feet."

On page 96:

"SEC. 7. That all fees, assessments, rents, and all other receipts now required when collected to be paid into the Treasury, one-half to the credit of the District of Columbia and one-half to the credit of the United States, shall hereafter when collected be paid into the Treasury and credited wholly to the revenues of the District of Columbia.

"SEC. 8. That hereafter the Commissioners of the District of Columbia are authorized and directed to assess and collect rent from all users of space occupied under the sidewalks and streets in the District of Columbia, which said space is occupied or used in connection with the business of said users."

On pages 97 and 98:

"SEC. 10. That hereafter the half cost of the paving or repaving of a roadway between the side thereof and the center thereof with sheet asphalt, asphalt block, granite block, vitrified block, cement concrete, bituminous concrete, macadam, or other form of pavement shall be assessed against the property abutting the side of the street so improved, such assessments to be levied and collected as now provided as to alleys and sidewalks: *Provided*, That the advertisement by publication of the commissioners' intention to do such work and the formal hearing in respect thereto required by law as to alley and sidewalk improvements shall not be required as to roadway improvements.

"There shall be included in the area the cost of which is assessable hereunder only the roadway area abutting the property between lines normally projected from the building line of the street being improved at the points of intersection with the building lines of intersecting streets.

"There shall be excluded from the cost of the roadway work to be assessed hereunder:

"First. The cost of all such work beyond a line 20 feet from the side thereof.

"Second. The cost of all such work within the space within which street railway companies are required to pave by law, and nothing herein contained shall be construed as relieving street railway companies from bearing all the expenses of paving and repairing streets and avenues between lines 2 feet exterior to the outer rails of their tracks, as required by section 5 of the act providing a permanent form of government for the District of Columbia, approved June 11, 1878."

On pages 98 and 99:

"SEC. 11. That for the protection of streams flowing through United States Government parks and reservations in the District of Columbia from pollution by sewage discharged therein from sewerage systems of Maryland towns and villages oordering said District, the commissioners are authorized to enter into an agreement with the proper authorities of the State of Maryland for the drainage of such sewerage systems into and through the sewerage system of the District of Columbia; and the said commissioners are further authorized to permit connections of Maryland sewers with the District of Columbia sewerage system at or near the District line whenever, in their judgment, the sanitary conditions of streams flowing into and through such United States Government parks and reservations in the District of Columbia are such as to demand the elimination of such pollution: *Provided*, That all cost of construction of such sewers to and connection with the sewerage system of the District of Columbia shall be paid by the proper authorities of the State of Maryland, and that said State shall enter into such agreement with the commissioners and shall guarantee the protection of the District of Columbia sewerage system from unauthorized connections thereto, and shall reimburse the District of Columbia for the actual cost of pumping and handling such sewage by annual payments for such service, as determined by the commissioners in such agreement; all such sums collected therefor to be paid into the Treasury of the United States through the collector of taxes to the credit of the District of Columbia."

Mr. POU. Mr. Speaker, I ask unanimous consent that there be not exceeding an hour's debate on the rule, and that at the end of that time the previous question be considered as ordered; that one half the hour be controlled by myself and the other half by the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the debate on this rule shall not exceed an hour, one half of the time to be controlled by himself and the other half by the gentleman from Kansas [Mr. CAMPBELL], and that at the end of that time the previous question shall be considered as ordered.

Mr. CAMPBELL. Reserving the right to object, is it the intention of the gentleman from North Carolina to conclude debate on the rule to-night?

Mr. POU. That is our very earnest desire.

Mr. CAMPBELL. Is it the intention to ask for a vote on the rule to-night?

Mr. POU. That is our purpose. I would like very much to get the rule adopted if we can.

Mr. MANN. There was an understanding there would be no record vote on the rule to-night, I will say to the gentleman. I do not think the gentleman ought to ask us to agree to the previous question. He can move the previous question.

Mr. POU. I shall do everything I can to carry out any agreement that may have been made.

Mr. PAGE of North Carolina. The gentleman would have no objection to the previous question being considered as ordered at the end of the hour's debate if the vote goes over until to-morrow?

Mr. MANN. I have no objection to moving the previous question.

Mr. CANNON. May I make one suggestion? What is the use of debate to empty seats on an important rule of this kind. You might just as well vote at once unless you are going to get gentlemen here.

Mr. MANN. I think the gentlemen who are not here, if the vote goes over until to-morrow, will read all the debate in the RECORD. [Laughter.]

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, do I understand the gentleman from Illinois [Mr. MANN] to state that there was an agreement that there would be no vote on this this evening?

Mr. MANN. That was the agreement, yes; with the majority leader.

Mr. CAMPBELL. I have a demand for much more than 30 minutes' time, I will say to the gentleman from North Carolina [Mr. POU]. I do not know whether the gentlemen who asked for time would want to talk to empty seats here or not.

Mr. POU. Surely an hour ought to be sufficient. It seems to me we could have an agreement to go on for an hour this afternoon.

Mr. PAGE of North Carolina. Question, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. MANN. As the request is put, I shall have to object.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that debate on this rule shall proceed for not more than an hour, half of the time to be controlled by himself and half by the gentleman from Kansas [Mr. CAMPBELL]. Is there objection? [After a pause.] The Chair hears none.

The gentleman from North Carolina is recognized for 30 minutes.

Mr. POU. Mr. Speaker, this resolution makes in order legislation which has had long and serious consideration by the great Committee on Appropriations of this House and by other committees as well. In view of the fact that there has been this consideration given to this legislation, the Committee on Rules has felt justified in giving the House an opportunity to vote upon this legislation.

I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, after I have occupied 10 minutes I desire to have my attention called to it.

The SPEAKER. Very well.

Mr. CAMPBELL. Mr. Speaker, there have been a great many rules brought in from the Committee on Rules making legislation in order on appropriation bills during this session of Congress. Heretofore the legislation that has been in order on appropriation bills has been such legislation as the committee bringing it in had jurisdiction of. In this case five substantive legislative provisions are made in order on an appropriation bill of which the Committee on Appropriations, which reports the bill, does not have jurisdiction.

These matters of legislation, or most of them, are now under consideration before the Committee on the District of Columbia, a committee made up of able Representatives, who give serious consideration to the matters referred to that committee. All those important matters of legislation are taken away from the Committee on the District of Columbia and jurisdiction is assumed by the Committee on Appropriations, and the Committee on Rules is asked to make all those matters of legislation in order on this appropriation bill.

The matters to be considered by the House are of the greatest possible importance to the country and to the District of Columbia. It is proposed by one provision that is made in order by this rule to repeal or set aside a provision in the charter or the fundamental law of the District of Columbia by a rider on an appropriation bill brought in by a committee that has not jurisdiction of the subject. I refer to that provision under which the expenses of the District government have been paid since 1878.

In 1874 the Congress of the United States took up for serious consideration, by the appointment of a commission or a committee, the regulation of the expenses of the District of Columbia and apportioning that expense between the General Government and the District. The result was that after four years of labor, under the leadership of Senator J. C. S. Blackburn, of Kentucky; Senator Allen G. Thurman, of Ohio; and Senator Edmonds, of Vermont, a charter or fundamental law was solemnly enacted by the Congress of the United States to be known from that time on as the charter or fundamental law of the District of Columbia. It is now proposed to change that fundamental law by this rider on an appropriation bill.

Now, if this House wants to take that responsibility, if this House wants to undo in a few moments what it took four years of consideration to enact, the responsible majority is assuming a great responsibility.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. LONGWORTH. Would it not be possible to consider this matter in the regular course on a District day?

Mr. CAMPBELL. There is no doubt of it.

Mr. LONGWORTH. There is no necessity for bringing it up in this way, is there?

Mr. CAMPBELL. Absolutely none, except to get it through on a rider. The bill must go through, and the only excuse for placing this fundamental legislation, this repeal of the fundamental law of the District of Columbia, on an appropriation bill is to have it go through as a rider on an appropriation bill.

Now a year ago a joint commission was appointed, consisting of Senators and Representatives, made up of the ablest

Members of the Senate and of this House. That commission took time to seriously consider the question that is proposed to be reported here. Two large volumes of testimony were taken. A report was made by that commission, and, strangely enough, the report was not referred to the Committee on Appropriations, but was referred to the Committee on the District of Columbia.

That report is totally ignored by the Committee on Appropriations, in that the investigating committee found that Congress was solemnly bound to provide by appropriations for the payment of 50 per cent of the interest and the sinking fund upon the funded debt of the District. One of the very first provisions made in order by this rule is in violation of that finding, and the recommendation that that condition be carried out by the Congress of the United States is set aside by one of the first provisions of this rule. The Committee on Appropriations totally ignores the recommendations of the commission that was appointed by the last Congress to consider this very subject, and Members of Congress are asked, under a possible 10 minutes of time for consideration, to vote upon a question that in the first instance had consideration for four years, and that in the last Congress was deemed to be of sufficient importance to justify the appointment of a joint commission, and that commission deemed the subject of sufficient importance to take testimony for weeks. They took testimony, as I stated, consisting of two volumes, and made a report. All this matter is ignored, and this House is asked to make in order on an appropriation bill legislation that should be considered by and reported out of the Committee on the District of Columbia.

Mr. Speaker, I do not desire to go into the probable effects of this law if it is enacted. These matters have been discussed here from time to time for years. The danger of the enactment of this first provision, repealing the organic law of the District of Columbia, is that the city of Washington will begin at once to deteriorate into the old conditions in which it was found in 1874, when the matter of considering the question of paying the expenses of the District was taken up. That was a third of a century ago. I sincerely hope, in the interest of the country and in the interest of the pride which every citizen of the Republic has in the Capital of the Nation, that no step will be taken that will result in the Capital going backward.

The SPEAKER. The gentleman has used 10 minutes.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. PAGE].

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] is recognized for five minutes.

Mr. PAGE of North Carolina. Mr. Speaker, I have repeatedly said that on general principles—and being a member of the Committee on Appropriations and knowing thoroughly the rules as they apply to legislation on an appropriation bill—I do not believe that it is good legislative policy to legislate on appropriation bills. But there are exceptions to all rules, and the committee formulating this bill, after very mature consideration, and not only that but after consultation with some of our colleagues who serve upon the legislative committee of the District of Columbia, decided that it was——

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Missouri?

Mr. PAGE of North Carolina. Yes.

Mr. MEEKER. Has it not been the exception this year not to legislate upon appropriation bills?

Mr. PAGE of North Carolina. Oh, no; not this year. I will remind the gentleman that at this session of Congress there have been rules making in order on the Post Office appropriation bill a great mass of legislation. Only two weeks ago there was a rule that made in order on the Agricultural bill a great deal of legislative matter.

Mr. MEEKER. I say that an appropriation bill which does not contain legislation is the exception this year.

Mr. PAGE of North Carolina. It has been the exception in every Congress in which I have served, and this is the seventh. As far as that goes, the law creating the Public Utilities Commission for the District of Columbia and the excise law for the District of Columbia were passed on District appropriation bills. If that side of the House was in control at this time, and they could not find another place, they would not hesitate to bring in a rule to pass a tariff bill on the District of Columbia appropriation bill. [Applause and laughter.] This whole question about the propriety of passing legislation by a rider on an appropriation bill is altogether a matter of whether you favor legislation or are opposed to it. Why, the Evening Star of this city, which has criticized this rider because it was carried on an appropriation bill, has criticized the subcommittee of the Committee on Appropriations because it did not bring out legislation on the same bill establishing a garbage plant for the District of Columbia—because that paper wants a garbage plant and it does not want the other. The same is true with every individual here.

This matter of the fiscal relations of the District of Columbia was discussed at great length in the first session of the Sixty-third Congress, because of section 8 that was carried in the District appropriation bill. Section 8 passed this House by a decided majority. It was in practical effect just exactly this legislation. In the last session of Congress what was known as section 15 passed this House on a record vote by nearly 100 majority. Since the Senate would not accept that, there was, on motion of the gentleman from Alabama [Mr. UNDERWOOD] a resolution agreed to in this House which appointed a select special committee to take under consideration this whole matter of the fiscal policy of the District of Columbia, between it and the United States Treasury. As the gentleman from Kansas [Mr. CAMPBELL] has said, that committee sat for nearly two months, and took testimony that filled two volumes, and made a recommendation.

The gentleman from Kansas says that this provision does not carry out that recommendation in one minor detail. With that exception it does carry it out. That exception is as to the bonded debt of the District of Columbia. That debt up to date has been paid in accordance with the act of 1878. It was more than $30,000,000. It has been paid, until now the amount is less than $6,000,000. This very bill carries $975,000 for interest and sinking fund of the bonded debt of the District of Columbia. By the year 1923 that bonded debt will have been retired. That is a mere temporary matter. This other, which is included in the first section of this bill and the first section of this rule, is permanent legislation.

The gentleman from Kansas referred to the former distinguished Senator from Kentucky, Senator Blackburn, who in 1874, as a Members of this House, was chairman of the committee that for four years investigated and made a report upon which was based the legislation of 1878. If the gentleman from Kansas had taken the time to read the testimony before this select committee sitting last fall he would have found that that same ex-Senator Blackburn appeared before that committee and gave unmistakably his testimony and his judgment that the time had arrived when that law was no longer equitable and that the very provision that is in this bill should be enacted into law. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. I yield to the gentleman from Mississippi [Mr. SISSON] five minutes.

Mr. SISSON. Mr. Speaker, it was my pleasure to serve on the District subcommittee that made the two recommendations referred to by the gentleman from North Carolina [Mr. PAGE] a moment ago. In the last several years there has been no justification for the arbitrary half-and-half plan which has prevailed in the District of Columbia. When I first went upon the Committee on Appropriations I insisted that the only just and equitable plan was that all the property in the District of Columbia should be assessed at a reasonable value and that a reasonable tax rate should be levied against that property; that that money should be collected, and whatever other money was needed to run the District government should be paid out of the Federal Treasury, and that Congress should assume that responsibility on behalf of the people of the United States.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SISSON. I yield to the gentleman from Ohio.

Mr. LONGWORTH. What does the gentleman estimate will be paid as a matter of fact by the District of Columbia and what portion by the Government?

Mr. SISSON. At the present assessment and the present valuation, in round numbers, about $8,000,000 will be paid by the District of Columbia.

Mr. LONGWORTH. At the present rate of taxation?

Mr. SISSON. Yes. Now, those are round figures. I could tell the gentleman exactly by looking at the District appropriation bill, which has just been reported to the House.

Mr. TILSON. Expressed in terms of percentages?

Mr. SISSON. About 60-40, or about 61 per cent to 39 per cent.

Mr. LLOYD. It will be about 69 per cent to 31 per cent, I think; but that has nothing to do with the principle.

Mr. SISSON. Not a thing.

Mr. LLOYD. Is it not true that next year the figures might be reversed, according to this rule?

Mr. SISSON. If Congress saw fit and proper to appropriate vast sums of money, that would be true.

Mr. LLOYD. That is the point I am making, but the thing that is fixed is the amount that the District shall pay.

Mr. SISSON. That is it exactly. In other words, under this law and under section 8, which was awkwardly drawn, but did just exactly, in substance, what this does, the amount that the District should pay was fixed. But last year we put almost this exact language into the appropriation bill and thrashed it out on the floor of the House at length, and by a vote of 2 to 1 the House of Representatives passed this provision. It went over to the Senate, and for the first time in the history of the Senate for thirty-odd years the provision was championed by a Senator, Senator KENYON of Iowa, and one-third of the Senate voted for it. Then the bill came back to the House, after a disagreement, and the House, by more than 2 to 1, stood by the House conferees, and then the bill went back to the Senate. Certain influences were brought to bear here, and then the gentleman from Alabama [Mr. UNDERWOOD] offered the proposition that was carried, by a small majority of 14, to have this joint commission appointed. The men appointed on that commission were not wedded to this proposition. They were absolutely fair, and the three Senators appointed were Senators who, so far as the record shows, had been on the other side of this proposition. Yet, after two months of taking testimony, all three of the members of the House commission and all three of the members of the Senate commission made a unanimous report as to this provision that is in this bill. The only difference between their recommendation and this bill was in reference to the bonded debt of the District of Columbia.

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, ever since I have been a member of the Committee on Rules I have tried to pursue a consistent policy with reference to legislative riders on appropriation bills. I have always been opposed to such riders except in two classes of cases—one where the legislation proposed was so intimately connected with appropriations that they ought to be considered together, and the other an emergency that called for an exception to the rule.

If this rule that is now proposed was confined in its provisions of those two classes of cases I should gladly support it. I want to frankly say that in my judgment the provision known as the half-and-half provision does come within that rule. It is intimately connected with the appropriations and does affect the appropriations that may be made.

But, Mr. Speaker, there are other provisions in this bill that have no connection whatever with appropriations, and I can not understand upon what theory the Committee on Appropriations, which is not a legislative committee at all, has incorporated them into the bill—one, for instance, in reference to the organization of a hospital here, another with reference to the amendment of the Criminal Code of the District of Columbia, and there are other provisions.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. LENROOT. For a brief question.

Mr. PAGE of North Carolina. The gentleman mentioned the hospital; the hospital is very intimately connected with the appropriations, and that is the reason of its being in here.

Mr. LENROOT. Yes; but I can not assume that the Appropriation Committee will make the appropriations greater or less because of the legislation included in this bill. I would assume that the Committee on Appropriations would make such appropriations for running the hospital as in its judgment was necessary for that purpose, and the matter of administration of that hospital lies not with the committee, but with the Committee on the District of Columbia, so far as the legislation of the House is concerned.

So, Mr. Speaker, the rule in its present form can not receive my support, although there are some provisions that I believe should be made in order.

The House will observe that there is no limit to debate for the consideration of this bill provided for in this rule. I am not complaining of that, but I do want to draw the contrast between this rule and the rule adopted the other day on the shipping bill, a bill carrying $50,000,000, a bill containing new subjects of legislation that have never been considered by either House of Congress. Under that rule adopted by the Democratic majority consideration under the five-minute rule was limited to less than two days, and we witnessed at 4 o'clock last Friday one of the greatest farces ever perpetrated on this House. We had over 100 amendments, many of them important amendments, many of them amendments that the majority members of the Committee on the Merchant Marine and Fisheries agreed ought to be adopted to this bill, and yet every one of them was voted down just as fast as they were read from the Clerk's desk.

I said at that time that while the Democratic majority would make a claim that they shut off debate on that bill because they needed to expedite business and hurry along the business of the House—I prophesied then that upon the District of Columbia bill, that carrying an appropriation of $11,000,000, there would be no effort to shut off debate; that debate would be unlimited as far as the rule was concerned. It will take at least a week to consider it, and a little later on, as we get into the consideration of the bill, we can fairly expect that we will have a debate of an hour or more on such important items as to whether or not the secretary of the automobile board shall have $300 or $350 a year. [Laughter.] And so on with other items, ample debate, ample opportunity to debate little infinitesimal items on this bill, but no opportunity to debate great questions of public policy and expenditure of millions of dollars of public money on the shipping bill.

Again I want to call the attention of the House that although the Democratic majority did not have time on the shipping bill to afford the minority an opportunity for fair consideration of that bill, they had plenty of time on the Porto Rican bill, to which there was no opposition and as to which there was a unanimous report from both sides of the House. We have been on that bill two days, we have been considering that bill to-day, and just finished the consideration of it a few minutes ago. If the Democratic side was sincere in their rule on the shipping bill, why have they not been anxious to expedite business on other bills? The answer is that their claim with reference to the shipping bill was a pure piece of hypocrisy on the part of the Democratic majority.

Mr. GORDON. Will the gentleman yield?

Mr. LENROOT. Briefly.

Mr. GORDON. Does not the gentleman think that there is an important principle involved in the payment by the people of the United States for one-half of the taxes of the District of Columbia, one-half of the sewer assessments and one-half of the sidewalk assessment?

Mr. LENROOT. I do, and I want full debate and full consideration; but I say to my friend that it is not more important than the creation of a shipping board, spending $50,000,000 of the Government money and the matter of the regulation of the shipping of the United States and of the world that has never been before considered. If the gentleman from Ohio thinks that this now requires full debate and consideration, why did not he vote for full debate and consideration on the shipping bill? Is it the gentleman's idea that the half-and-half question in Washington is more important than the other great questions? Evidently the gentleman thinks so, and if he thinks so he is justified in voting as he did against every amendment from the minority, only inquiring, "How does my chairman stand, and I will vote the way he does whether he is right or whether he is wrong?"

Mr. GORDON. Does the gentleman want an answer?

Mr. LENROOT. Yes.

Mr. GORDON. I voted against those amendments because I thought that they were offered as a filibuster and not offered in good faith.

Mr. LENROOT. Does the gentleman want an answer to that?

Mr. GORDON. Why, most of the men that offered them did not stay here until they were voted on.

Mr. LENROOT. The chairman of the committee—and it is no breach of confidence for me to state this, for it was stated in the presence of several persons—said while some of the amendments were being voted on, and he voted against them, that many of them he thought ought to be adopted. Does that answer the gentleman's question? The gentleman was content to vote against the amendments because they came from this side of the aisle.

Mr. GORDON. No, no.

Mr. LENROOT. It was not necessary to inquire whether an amendment was a good amendment or whether it was a bad amendment. He took the position, "I am a Democrat, and this side of the House and my leader is against it, and so I will follow my leader." But, Mr. Speaker, I hope the time will come when this House will not legislate in this manner.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. HUMPHREY of Washington. I want to ask the gentleman whether there had been any intimation from the President that this District bill must pass before the Democratic convention meets?

Mr. LENROOT. I judge not, because if there was there would be a rule on this bill like there was on the shipping bill. [Laughter on the Republican side.]

The SPEAKER. The gentleman from Wisconsin yields back one minute.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, I am in accord with the general principle that legislation should not be embodied as riders upon appropriation bills except it be intimately related thereto, and the subject upon which I desire to give the Members of the House some information is, I think, intimately related to the subject of these appropriations. That is the first part of the bill making in order the question of appropriation for the payment of interest and the principal of the funded debt and for the expenses of the District of Columbia. I first want to say that it is my idea that the language which is carried in the bill providing for the payment of interest and sinking fund of the District of Columbia out of the revenues of the District is not a proper recommendation to this House. The finding of the select committee, which was a unanimous finding of three United States Senators and three Members of this House of Representatives, was to the effect that the inception of this bond legislation, the rulings of all the departments, and indeed the very highest sense of justice between the bondholders, the citizens of the District, and the citizens of the General Government, ought to be to the effect that these bonds, having been issued under a particular law, should be by that particular law paid; and therefore I believe, Mr. Speaker, that this bill should be so amended, and I refer, with the permission of the chairman of the Subcommittee on Appropriations, to line 6 of page 1, where I think the word "and" should be stricken out and the word "except" be incorporated.

Mr. PAGE of North Carolina: Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. PAGE of North Carolina. In order that this matter may be cleared, I want to say to the gentleman, and through him to the committee, that the committee reporting this bill will not only consider that amendment, but has no particular antipathy to the views as expressed by the gentleman from Ohio when we come to take up the bill.

Mr. GARD. It would seem to me that by the striking out of the word "and" and inserting the word "except" this can be made to read:

> That all appropriations for the support of the District of Columbia except the interest on the funded debt of the District shall be paid from the revenues of the District to the extent that the same shall be sufficient therefor, and the remainder out of any money in the Treasury not otherwise appropriated.

And for the information of gentlemen who may desire it, I say this, further. I may say that this provision is carried on page 66 for the payment of interest and the sinking fund on this funded debt, and that can be very easily amended, in line 18, so as to provide for the findings of the select committee, which findings, I believe, are authorized by law.

This funded debt is not a large debt. The city of Washington is indeed unique in not having a large public debt. There remains about $6,000,000, I think, of the debt; and in the ordinary course of events that will be paid off in 1923 or possibly in 1922, and after that time the city of Washington will have no funded debt. The larger part for the consideration of the House will be the question as to how the expenses of the District of Columbia shall be paid. Now, the findings of the select committee, in brief, upon that is that there is not and should not be any arbitrary rule, but that the responsibility of the residents of the District of Columbia should be the payment of a fixed and reasonable amount assessed as proper taxation.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. Will the gentleman use some of his time?

Mr. LENROOT. Mr. Speaker, I yield seven minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Speaker, before protesting against this rule, to which I am much opposed, I desire to ask the honorable Representative from North Carolina, who has charge of the bill, whether he has ever heard of any appropriation bill which carried eight separate and diverse pieces of legislation? I ask him if he has ever heard of an appropriation bill which carried a provision in reference to such an important matter as the fiscal relations between the Federal Government and the District of Columbia; the appointment of trustees to a hospital board; the terms and transfers of prisoners and the power of parole; the price of electric service to be paid by the Government; the creation of a trust fund for money for the great District of Columbia; the taxing of vacant spaces under the streets in the District of Columbia; a law concerning the paving of streets, and an authorization for an agreement between the Commonwealth of Maryland and the District of Columbia in reference to sewers?

Mr. PAGE of North Carolina. Mr. Speaker, the gentleman has addressed a very long series of questions to me. I was going to ask him if he would give me time to answer them, and if he wants me to answer them now or at some later time.

Mr. TINKHAM. Mr. Speaker, the question is extremely simple. I asked the gentleman if he has ever known an appropriation bill in his term of service which has carried so many diverse pieces of legislation, utterly ungermane to the subject of the provisions of the bill and not properly before the Appropriations Committee. The gentleman can say yes or no.

Mr. PAGE of North Carolina. Mr. Speaker, I prefer to make my own answer and not answer as the gentleman tells me. I do not admit, in the first place, his premise that these various items are correlated to the appropriations. On the other hand, more than half of them, in fact a majority of them, are directly related to the appropriations, and I have seen on a number of appropriation bills more legislative provisions not related to the appropriations than are on this bill.

Mr. TINKHAM. Mr. Speaker, in view of the fact that the honorable Representative from North Carolina was not responsive to my last question, I ask him in all courtesy to be responsive to my next question. Was any public hearing given on any of these pieces of legislation, either by the Appropriations Committee or by the subcommittee of the Appropriations Committee? I mean public hearings?

Mr. PAGE of North Carolina. Mr. Speaker, in answer to the gentleman's question, if he will give himself the time to read the hearings before the subcommittee of the Appropriations Committee formulating this bill, he will find that there is a very considerable amount of testimony relating to each of the items contained in this rule. That item does not hold public hearings, but the hearings are as voluminous, possibly, as if they had been public, and the gentleman has access to them.

Mr. TINKHAM. Mr. Speaker, the answer of the honorable gentleman is that there were not any public hearings given.

Mr. PAGE of North Carolina. That is my answer, Mr. Speaker. Will the gentleman yield further?

Mr. TINKHAM. I will.

Mr. PAGE of North Carolina. Will the gentleman allow me to interrogate him? Has the gentleman taken the pains to read the hearings before the subcommittee of the Appropriations Committee having charge of this bill at this session of Congress?

Mr. TINKHAM. Not very closely.

Mr. PAGE of North Carolina. Will the gentleman submit to another interrogation?

Mr. TINKHAM. I will.

Mr. PAGE of North Carolina. Has the gentleman taken the time and the pains to read the testimony given before the select committee sitting last fall and having been commissioned to take testimony in relation to the fiscal relations of the District of Columbia?

Mr. TINKHAM. I have read about 800 pages.

Mr. PAGE of North Carolina. The gentleman has done very well.

Mr. TINKHAM. Now, Mr. Speaker, I want to protest against this rule, first, because it is arbitrary, and that which is arbitrary should not be done in the popular house of a great democracy unless there is great and compelling necessity, and there is no great and compelling necessity for arbitrary action in these matters. Next, I want to protest against this rule because it is unnecessary that it should pass. Every piece of legislation proposed, with two exceptions, and they are of minor importance, are before the Committee on the District of Columbia.

Mr. PAGE of North Carolina. Will the gentleman yield to a further question?

Mr. TINKHAM. I will.

Mr. PAGE of North Carolina. The gentleman, I believe, is a member of the legislative Committee on the District of Columbia?

Mr. TINKHAM. I am.

Mr. PAGE of North Carolina. Has the gentleman used due diligence in having this legislation reported to the House of Representatives and put on the Calendar?

Mr. TINKHAM. I have done everything that is possible, Mr. Speaker.

Mr. PAGE of North Carolina. Has the gentleman introduced any bill on any of these subjects in which he is so much interested?

Mr. TINKHAM. I have not. There was no necessity for my doing so, because the bills were before the Committee on the District of Columbia.

Next, I protest against this rule because you are asking for legislation for the District of Columbia, 350,000 people, American citizens, without any public hearing. The first recommenda-

tion for legislation affects vitally what is the most important part of the charter or organic act of the District of Columbia.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. LENROOT. I yield to the gentleman from Massachusetts [Mr. TINKHAM] one minute more.

Mr. TINKHAM. I think there is no necessity for it.

Mr. RAINEY. Mr. Speaker, the people of the District of Columbia were given most extensive hearings on this subject in which they are so vitally interested before the joint committee of the House and Senate having this matter in charge for purposes of investigation. We for nearly 60 days' time listened to the representatives of various civic organizations here in the city. We heard everybody who wanted to be heard. Citizens of Washington are not complaining about taxation. They are not insisting that they are assessed too high, and yet under the present assessments they will contribute more for public purposes than ever before—nearly $2,000,000 more.

That contribution will occur during the fiscal year 1917. They will contribute during that year over $8,000,000 for public purposes. Now, if the Government of the United States matched dollar for dollar this year the contributions made by the people of Washington it would make a total of over $16,000,000 to be expended here in this Capital City, over $1,000,000 more than the commissioners submitted estimates for. Now, what other course can be pursued under these circumstances than to abandon the half-and-half system of contributions which has prevailed in the management of District affairs from 1878 down to the present time?

This bill appropriates about as much for the District of Columbia as the last bill appropriated. This bill appropriates $11,631,000 and the last bill appropriated $11,662,000. It is going to cost just as much to run the District of Columbia during the next fiscal year as it has cost during the present fiscal year, except that the people who live here contribute more. Now, that situation of affairs may be reversed under the present system at any time.

Mr. LLOYD. They do not contribute more, in fact. They contribute more in proportion to what the National Government contributes.

Mr. RAINEY. They will contribute over $8,000,000.

Mr. LLOYD. If the United States Government paid one-half the expense, they would still have to pay $8,000,000.

Mr. RAINEY. If the United States should contribute $8,000,000, that would be $16,000,000, and that is $7,000,000 more than needed.

Mr. LLOYD. What I am trying to express is, that the District of Columbia is paying just the same as it would pay if the half-and-half principle were carried out, because the tax is levied, and the amount that is collected under the law at the present time would be paid in taxation.

Mr. RAINEY. Yes; but the fact remains that next year—during the year 1917—the citizens will pay $8,000,000.

Mr. LLOYD. Certainly.

Mr. RAINEY. If the Federal Government contributes as much as they contribute—and they are not complaining any about that—it would make a total of $16,000,000.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. CRISP. The gentleman from Missouri [Mr. LLOYD], as I understood it, means that the taxpayers will pay under this new plan just what they would pay under the other; that the individual payment of the taxpayer in the District is not increased any. Is not that it?

Mr. LLOYD. Yes. The only people who will benefit by this bill is the General Government.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FOSTER. Mr. Speaker, will the gentleman from Wisconsin [Mr. LENROOT] use some of his time?

Mr. LENROOT. How much time have we remaining on this side, Mr. Speaker?

The SPEAKER. Four minutes.

Mr. LENROOT. I yield that time to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming is recognized for four minutes.

Mr. MONDELL. Mr. Speaker, the unwisdom and viciousness of legislation upon an appropriation bill is universally recognized. It is prohibited by the rules, and the situation is made no better by the fact that such legislation is made in order by a special rule. As a matter of fact, to the extent that such action inclines Members of the majority to accept the legislation as being approved by their side, it renders the situation even more dangerous, and we are even more likely to legislate unwisely when legislation is thus made in order than we would be otherwise.

As a member of the Committee on Appropriations, it might be assumed that I would be in favor of extending the jurisdiction of the committee in this way. But the practice is vicious, and I am as much opposed to it when it is offered by a committee of which I am a member as when it is offered by any other committee.

Further than that, not only has the Committee on Appropriations assumed the right to legislate, but in a very important matter, to wit, in regard to the half-and-half plan, it has not proposed legislation in harmony with either the letter or the spirit of the findings of the joint committee which the House and Senate appointed for the purpose of investigating these matters.

First, it has proposed legislation contrary to the letter of the recommendation made by the joint committee relating to the funded debt and the interest thereon; and, second, it has proposed legislation not calculated to carry out the recommendation of the joint committee to the effect "that the Congress should pursue a definite policy of regular and liberal appropriations, having in view not only the permanent moral and physical advancement of the city but also its permanent and growing grandeur as a municipal expression of the Nations' home and the people's pride." Who is there on either side of the House who will suggest that the meager appropriations made in this bill for our great Capital City in any way carry out that declaration of our joint committee as to what our legislation should accomplish touching the Capital of the Nation?

Mr. PAGE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. PAGE of North Carolina. Is there anything to prevent a majority of this House increasing it to any amount?

Mr. MONDELL. There is nothing to prevent the majority, but the gentleman will see to it that there is not a majority favorable to increases. He has, or believes he has, a majority on his side already bound against liberal appropriations, contrary to the recommendations of the joint committee, for which that side is largely responsible. First, the commissioners were influenced to make low estimates, and, second, you have reduced the estimates they have made by two and one-half million dollars.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. FOSTER. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. JOHNSON] the remainder of my time, except one minute.

The SPEAKER. The gentleman from Kentucky is recognized for five minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker, as a general proposition, I am not in favor of "riders" upon appropriation bills. However, I am very much in favor of this amendment, call it "rider," if you please, being placed on this appropriation bill in order to do away with the old half-and-half arrangement.

It has been insisted here by the gentleman from Kansas [Mr. CAMPBELL] and by my good friend from Massachusetts [Mr. TINKHAM] that this matter ought to come from the Committee on the District of Columbia. Those for whom they speak have not heretofore taken this position. During the last Congress when I prepared an amendment similar to this one and got it upon the District appropriation bill those who now proclaim the loudest against this measure going upon the appropriation bill said that the Committee on the District of Columbia was not qualified to determine the matter and that a special committee should be created to consider it.

At last they succeeded in getting the Senate to defeat my amendment which went on the District appropriation bill by which the half-and-half was abolished and themselves put a "rider" on the appropriation bill providing for a special joint committee. That special joint committee, which has gone into this subject, was created, I say, by a "rider" upon an appropriation bill, and it was put there by those who now decry this rider. At this time it is the report of that special committee which is placed upon this appropriation bill, and to that they object and call it a "rider" and unfair.

Every District appropriation bill for years has commenced with language similar to this: "That there is hereby appropriated one-half out of the revenues of the District of Columbia and one-half out of the Federal Treasury such sums as are herein appropriated."

Now, if this amendment is adopted that language will be changed in substance to this: "That hereafter the expenses of the District of Columbia shall be paid from its own revenues if

sufficient, and if not sufficient then the remainder shall be paid from the Federal Treasury."

What can be fairer? The gentleman from Wyoming [Mr. MONDELL] just spoke of the "miserable, meager amount" to be contributed by the United States. That "miserable, meager amount" that he speaks of, if I am correctly advised, amounts to $3,500,000 in this bill.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. MONDELL. The gentleman misunderstood me. The adjective that I used had reference not to the amount of the national contribution, but to the character of the appropriations made for the District in the bill.

Mr. JOHNSON of Kentucky. Under the present tax rate the District of Columbia is raising about $8,000,000 annually. Regardless of whether or not it is necessary to spend double that amount, it is insisted by some that the United States Government shall still put up $8,000,000 to carry out the half-and-half arrangement. That would make $16,000,000; and even the Commissioners of the District of Columbia do not claim that $16,000,000 are needed. Therefore, why should the United States put up $8,000,000 when nobody claims that amount is needed.

Now, the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Massachusetts [Mr. TINKHAM] both say that these matters ought to come from the District of Columbia Committee. Is it not a fact that those who represent the District—in other words, the Commissioners of the District of Columbia themselves—have gone before the Appropriations Committee and asked them to include in their appropriations several of the very items against which some of these gentlemen complain of being in this appropriation bill?

To resume, this amendment comes properly before the Appropriations Committee because the Appropriations Committee is endeavoring to carry out the findings of the special committee which was appointed in compliance with a rider on the District of Columbia appropriation bill in the last Congress.

The special joint committee was created by the friends of the half-and-half plan by means of a rider on the District appropriation bill, and they should not now object to the finding of that special committee being enacted into law through the same committee and upon the same bill which created the commission.

It is well for members to constantly bear in mind that no member of the special joint committee, either Senator or Representative, ever cast a vote against the half-and-half, and that it is their report which it is now proposed to put upon the appropriation bill for the District of Columbia.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is——

Mr. MANN. No.

Mr. FOSTER. The understanding was that the matter should go over until to-morrow. I move that the House do now adjourn.

ADJOURNMENT.

The motion of Mr. FOSTER was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 23, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on reexamination of Buffalo Harbor, N. Y. (H. Doc. No. 1139); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Leonidas M. Jewett v. The United States (H. Doc. No. 1140); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of H. Walter Nichols v. The United States (H. Doc. No. 1141); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Posey Buckley v. The United States (H. Doc. No. 1142); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ebenezer Knight v. The United States (H. Doc. No. 1143); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edward G. Mathey v. The United States (H. Doc. No. 1144); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Theodore L. Minier v. The United States (H. Doc. No. 1145); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Cary W. Moore v. The United States (H. Doc. No. 1146); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a list of cases referred to the court by the House of Representatives, which cases were dismissed by the court under section 5 of the act of March 4, 1915, commonly known as the Crawford amendment (H. Doc. No. 1147); to the Committee on War Claims and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting an estimate of deficiency in the appropriation for contingent expenses, Post Office Department, fiscal year ending June 30, 1916 (H. Doc. No. 1148); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting an estimate of appropriation for publication of the Official Postal Guide for the fiscal year ending June 30, 1917, being additional to the sum provided for by the legislative, executive, and judicial act for the same year (H. Doc. No. 1149); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of Commerce submitting a supplemental estimate of appropriation, "Salaries and wages of officers and crews of lighthouse vessels and lighthouse tenders, including temporary employment when necessary, for the fiscal year ending June 30, 1917 (H. Doc. No. 1150); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting urgent estimates of deficiencies required for the service of the War Department in consequence of recent operations upon the border and in Mexico (H. Doc. No. 1151); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimates of appropriations covering urgently needed buildings and other construction in connection with the proposed ordnance depot in the Canal Zone (H. Doc. No. 1152); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DILL, from the Committee on the Public Lands, to which was referred the bill (S. 3928) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, reported the same without amendment, accompanied by a report (No. 739), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9619) granting a pension to Eliza J. St. Clair; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5521) granting a pension to James H. Buckner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. BYRNES of South Carolina: A bill (H. R. 15871) authorizing the purchase of a site for a public building at Bamberg, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. DOOLITTLE: A bill (H. R. 15872) to establish a Government bureau to loan money on agricultural lands as security; to the Committee on Banking and Currency.

By Mr. WISE: A bill (H. R. 15873) providing for a site and public building for a post office at Thomaston, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15874) providing for a site and public building for a post office at Jackson, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. KONOP: A bill (H. R. 15875) to incorporate the Kee-too-wah Band of Cherokee Indians in Oklahoma, otherwise known as the Night Hawks, into an industrial community for their mutual benefit and protection and the promotion of education, self-government, self-control, and industry among them, and for other purposes; to the Committee on Indian Affairs.

By Mr. KIESS of Pennsylvania: A bill (H. R. 15876) to enlarge and extend the post-office building at Williamsport, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. GLASS: A bill (H. R. 15877) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BURKE: A bill (H. R. 15878) granting an increase of pension to Catherine Assenmacher; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15879) for the reinstatement of Commander James H. Reid in the United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 15880) granting a pension to Mary E. Sanborn; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 15881) for the relief of Lloyd D. Pocock; to the Committee on Military Affairs.

By Mr. DILL: A bill (H. R. 15882) granting an increase of pension to Mrs. Mary Eaton; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 15883) granting an increase of pension to George P. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15884) granting an increase of pension to Rowland Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15885) granting an increase of pension to Frank Niegenargend, alias Frantz Mier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15886) granting an increase of pension to Wilkerson E. Grubbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15887) granting an increase of pension to Jacob Stevens; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 15888) granting an increase of pension to Orrel Tucker; to the Committee on Pensions.

Also, a bill (H. R. 15889) granting an increase of pension to Lydia W. Nott; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15890) granting an increase of pension to Louisa Mawhinney; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 15891) granting an increase of pension to John C. Young; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 15892) granting an increase of pension to Samuel E. Palmer; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15893) granting a pension to Louc Thompson; to the Committee on Pensions.

Also, a bill (H. R. 15894) granting a pension to John F. Mulhall; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 15895) for the relief of the Royal Savings & Loan Co., of Portsmouth, Ohio; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 15896) to correct the military record of Jefferson Mullins; to the Committee on Military Affairs.

Also, a bill (H. R. 15897) to correct the military record of Benjamin F. States; to the Committee on Military Affairs.

By Mr. TAGUE: A bill (H. R. 15898) for the relief of Louis A. Berretta; to the Committee on Claims.

By Mr. MOSS of Indiana: A bill (H. R. 15899) granting an increase of pension to Lemon McGrew; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 15900) for the relief of John Hill; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 15901) granting an increase of pension to Leo V. Burchetts; to the Committee on Pensions.

Also, a bill (H. R. 15902) to remove the charge of desertion from the military record of Preston B. Staufill; to the Committee on Military Affairs.

By Mr. QUIN: A bill (H. R. 15903) for the relief of the Bluff City Railway Co., a corporation domiciled and doing business at Natchez, in the State of Mississippi, by requiring the Chief of Engineers to cause an examination to be made into the facts attending a collision between a barge being towed by the tug *Marengo* on the Mississippi River and a wharf house belonging to said Bluff City Railway Co. and situated on the river in front of said city of Natchez, and, subject to the approval of the Secretary of War, to adjust and settle all claims for damages sustained by said Bluff City Railway Co. in a sum not to exceed $5,000, and report same to Congress; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 15904) for the relief of Thomas A. Winn; to the Committee on the Public Lands.

Also, a bill (H. R. 15905) granting an increase of pension to Daniel Stevenson; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 15906) granting an increase of pension to Harvey Enyart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15907) granting an increase of pension to James E. Houghland; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 15908) for the relief of Ed. D. Steger and J. E. Labatt; to the Committee on War Claims.

By Mr. ROWLAND: A bill (H. R. 15909) granting an increase of pension to Theodore Sinzig; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 15910) granting a pension to George M. Woodard; to the Committee on Pensions.

By Mr. VINSON: A bill (H. R. 15911) granting a pension to Victor Lewis; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Elizabeth Decherd Woman's Missionary Society, of Mount Air Church, Curryville, Mo., against sale, etc., of liquors in Porto Rico; to the Committee on Insular Affairs.

By Mr. BAILEY: Petition of H. O. Snively, D. T. Ketring, A. D. Schmucker, F. R. Schmucker, H. R. Allender, R. H. Justice, W. W. Woods, W. M. Eicholtz, J. G. Metz, B. E. Marty, Rhule & Acker, H. H. Patterson, and Estep & Flaig, all of Williamsburg, Pa., in favor of a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Memorial of American Union against militarism in re military bill; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of Bakery and Confectionery Workers' International Union of America, favoring passage of workmen's compensation act in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Lora C. Little, of Portland, Oreg., and Adelaide Short, of Lowden, Wash., favoring woman suffrage amendment; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Papers to accompany House bill 14549, granting a pension to John I. Temple; to the Committee on Pensions.

Also, petition of J. O. Cary, Waco, Tex., favoring bill for Federal control of the National Guard; to the Committee on Military Affairs.

By Mr. DYER: Memorial of the National Committee for Mental Hygiene favoring House bill 721, for division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Missouri State Dairy Association, relative to dairy conditions in the State of Missouri; to the Committee on Agriculture.

By Mr. EAGAN: Memorial of Gadsden (Ala.) Chamber of Commerce, favoring Shields water-power bill; to the Committee on Rivers and Harbors.

Also, petition of the National Committee for Mental Hygiene, favoring House bill 721, for division of mental hygiene in

United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Memorial of Merchants' Association, of New York, favoring the maintenance and proper extension of pneumatic-tube service in connection with the transportation of mail; to the Committee on the Post Office and Post Roads.

Also, memorial of United Brotherhood of Carpenters and Joiners of America of the District Council of Greater New York, urging the prevention of the reduction of wages or depriving workmen of requisites, now employees in the Canal Zone; to the Committee on Insular Affairs.

Also, memorial of Common Council of Nome, Alaska, unreservedly commending the work of the Alaska Road Commission on the peninsula and earnestly urging the Government and the road commission to extend the road so begun with all possible dispatch; to the Committee on Insular Affairs.

Also, memorial of board of governors of India House (Inc.), urging Congress to appropriate sufficient funds to carry out such a program of preparedness, particularly with respect to the defense of our Atlantic, Gulf, and Pacific coasts; to the Committee on Military Affairs.

Also, memorial of men of the Bushwick Avenue Congregational Church, urging Congress to take immediate action that will result in carrying out the recommendations of the General Board of the Army and the General Board of the Navy in the program for adequate defense preparedness of the United States; to the Committee on Military Affairs.

Also, memorial of executive committee of the Society of Chagres, favoring Senate bill 3457 and House bill 8828; to the Committee on Appropriations.

Also, memorial of 11 citizens and others of New York, urging adequate military and naval preparedness of the United States; to the Committee on Military Affairs.

Also, memorial of Central Memorial Committee, Sons of Veterans, of Brooklyn and Long Island Division of New York, approving the adoption by the Congress and the constituted authorities of the United States of such a wise policy of preparedness as shall fully and adequately provide for the effective defense of our country; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of Central Council of Irish County Associations, relative to England's treatment of Irish prisoners; to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 15633 to pension Douglas D. Powell; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of the State of Washington, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Memorial of Missouri State Dairy Association, relative to condition of dairies in State of Missouri; to the Committee on Agriculture.

Also, memorial of Medical Society of City Hospital Alumni, St. Louis, Mo., against resolution relative to physicians in Government connected with private health institutions; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of sundry citizens of the State of Louisiana, favoring bills taxing mail-order houses; to the Committee on Ways and Means.

By Mr. MATTHEWS: Evidence supporting House bill 15791, granting a pension to Herman H. Jahn, alias Herman Martin; to the Committee on Pensions.

By Mr. OAKEY (by request): Memorial of executive board of Woman's Suffrage Association of Connecticut, relative to two women commissioners for Federal censorship of motion pictures; to the Committee on Education.

By Mr. O'SHAUNESSY: Petitions of Christian Rudolph, jr., and Otto Rudolph, of Providence, R. I., in re shipment of hospital supplies by the Red Cross to the central powers; to the Committee on Foreign Affairs.

Also, petition of Louise P. Chance, of Providence, R. I., favoring the Gallinger amendment to the Agricultural appropriation bill; to the Committee on Agriculture.

Also, petition of Phobie L. Cargill, of Providence, R. I., in favor of Senate bill 4874; to the Committee on Education.

By Mr. PATTEN: Memorial of the Merchants' Association of New York, favoring Senate joint resolution 60 and opposing House bill 563 and similar bills; to the Committee on Interstate and Foreign Commerce.

By Mr. PRATT: Petition of Elmira (N. Y.) Local Union, No. 57, of Metal Polishers, Buffers, and Silver Platers, Brass Workers' Union of North America, A. J. Miller, president, and Charles Cordier, recording secretary, favoring inspection of dairy products; to the Committee on Agriculture.

Also, petition of Mrs. Mary E. Parsons, R. A. Parsons, and Samuel E. Blinn, all of Candor, N. Y., opposing the passage of House bills 491 and 6468, to amend the postal laws, and House bill 13048, known as the juvenile-court bill; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petition of members of the Holy Name Society of the Church of Our Lady of Victory, Brooklyn, N. Y., favoring bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the Plattsdnetscher Volksfest-Verein, of New York, against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, against bills to prohibit the Taylor system in Government shops; to the Committee on Labor.

By Mr. SMITH of Michigan: Petition of M. E. Miller and 22 citizens of Diamondale and vicinity, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Minnesota: Memorial of Trades Assembly of Minneapolis and Hennepin County, Minn., against the Federal reserve bank; to the Committee on Banking and Currency.

By Mr. STINESS: Petition of Robert W. Adams, C. E., of Providence, R. I., favoring passage of the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Rhode Island State Branch of American Federation of Labor and Providence (R. I.) Building Trades Council, favoring House bill 8828, relative to wages, etc., of employees on Panama Canal; to the Committee on Appropriations.

Also, petition of Rhode Island Chiropodists' Society, favoring passage of bill regulating practice of chiropody in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TIMBERLAKE: Petition of citizens of Boulder County, Colo., against Sunday observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Boulder County, Colo., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Memorial of Central Council of Irish County Clubs of Massachusetts, denouncing Britain for brutal inhumanity; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *May 23, 1916.*

(*Legislative day of Thursday, May 18, 1916.*)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

The Vice President being absent, the President pro tempore took the chair.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Norris	Smith, Mich.
Bankhead	Hardwick	Oliver	Smoot
Brady	Hitchcock	Overman	Sterling
Brandegee	Husting	Page	Sutherland
Burleigh	Johnson, S. Dak.	Penrose	Taggart
Catron	Kenyon	Pittman	Thomas
Chamberlain	La Follette	Pomerene	Tillman
Chilton	Lane	Ransdell	Townsend
Clapp	Lea, Tenn.	Reed	Vardaman
Clarke, Ark.	Lee, Md.	Saulsbury	Warren
Colt	Martin, Va.	Shafroth	Williams
Curtis	Martine, N. J.	Sheppard	Works
Dillingham	Myers	Sherman	
Fletcher	Nelson	Simmons	

Mr. CHILTON. I wish to announce for the day the absence of my colleague [Mr. GOFF] on account of illness.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Fifty-four Senators have responded to their names. There is a quorum present.

Mr. SHEPPARD. Out of order I ask unanimous consent to report two bridge bills from the Committee on Commerce, and I direct the attention of the Senator from Mississippi [Mr. VARDAMAN] and the Senator from Georgia [Mr. HARDWICK] to the bills.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent to report two bridge bills. Is there objection?

Mr. GALLINGER. Mr. President, I do not object if I may be permitted to introduce a bill which is important.

Mr. CLARKE of Arkansas. I have not any objection to devoting some reasonable time this morning to current business

provided it does not displace the river and harbor bill. With that understanding I have no objection.

Mr. VARDAMAN. There will be no controversy over this bridge bill. It is a bill authorizing the citizens of Pascagoula, Miss., to build a bridge over the Pascagoula River.

Mr. GALLINGER. There is no objection to it.

Mr. VARDAMAN. It is very desirable that action be taken immediately. The department has approved it.

PASCAGOULA RIVER BRIDGE, MISSISSIPPI.

Mr. SHEPPARD. From the Committee on Commerce, to which was referred the bill (S. 6041) granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River at or near Pascagoula, Miss., I report it favorably without amendment, and I submit a report (No. 475) thereon.

Mr. VARDAMAN. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. MARYS RIVER BRIDGE, FLORIDA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River, and I submit a report (No. 474) thereon.

Mr. HARDWICK. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. POMERENE. I introduce a bill.

Mr. SMITH of Michigan. Mr. President, are we proceeding by unanimous consent?

The PRESIDING OFFICER. We are.

Mr. SMITH of Michigan. I object.

Mr. CLARKE of Arkansas. I assume the Senator from Michigan did not hear the announcement made some minutes ago. It is perfectly evident that in consequence of the numerous recesses we have had the volume of current morning business has been accumulating, and I believed it would be in the interest of speeding up the consideration of the river and harbor bill to permit that to be done at one time instead of scattering it through the day. I still think that is a better policy.

Mr. SMITH of Michigan. If it will speed the passage of the bill, I withdraw the objection.

TRAINING OF ORGANIZED MILITIA AND NATIONAL GUARD.

Mr. CHAMBERLAIN. There is one bill to the consideration of which I hope the Senator from Michigan will not object, and that is the bill which passed the House to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia this summer. If it is not passed now, it will be too late to avail the Secretary of War, and, on his request, on reporting it back I shall ask unanimous consent for its immediate consideration.

THE PRESIDING OFFICER. Is there objection to the reception of the report? The Chair hears none.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably with amendments the bill (H. R. 15005) to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia, and I submit a report (No. 476) thereon. I ask for unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 3, after the word "Militia," to insert "or National Guard"; on page 1, line 11, after the word "purposes," to insert "as amended, or as may hereafter be authorized by law"; and on page 2, line 5, after the words "Organized Militia," to insert "or National Guard," so as to make the bill read:

Be it enacted, etc., That for paying the expenses of the Organized Militia or National Guard of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instructions of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," as amended, or as may hereafter be authorized by law, to be immediately available and to remain available until the end of the fiscal year 1917, $200,000 is hereby appropriated: *Provided*, That when it is not practicable to obtain the presence of regular troops for a joint encampment, the funds herein appropriated shall be available for such encampments, maneuvers, and field instruction for the Organized Militia or National Guard as the Secretary of War may prescribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia."

Mr. CHAMBERLAIN. I desire to have the letter of the Secretary of War, which is embodied in the report of the committee, printed in the RECORD in connection with the bill, so that the reasons for its passage may be given.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, May 5, 1916.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SIR: I see by the CONGRESSIONAL RECORD of May 4, 1916, page 8490, that H. R. No. 15005, appropriating $200,000 for training the Organized Militia has passed the House, and I request that if possible, endeavor be made to obtain the passage of this bill in the Senate as promptly as possible in order that camps of instruction determined upon for the instruction of troops of the auxiliary arms of the Organized Militia prior to June 30, 1916, may be carried out.

In order to afford the Field Artillery and sanitary troops of the Organized Militia an opportunity to attend camps for field training, it is necessary that the camps shall be established early in June and continue until October. Twenty-two batteries, seven field hospitals, and six ambulance companies must attend before June 30. The camps will be occupied to their full capacity by other organizations after June 30 and until the end of the season in which men can attend. Unless, therefore, the organizations scheduled for the periods prior to June 30 are permitted to go at the times designated, they will be deprived of all field training this year. Nine batteries are composed wholly or in part of students of universities, who can not attend camps except immediately after the end of the college year. In addition to the above it will be necessary to have 22 companies of Coast Artillery attend camp July 2, and preparations must be completed prior to June 30. Before the movements can be ordered, funds must be available for the preliminary preparation of the camps, for ammunition, and for the expenses of the troops. The States have been authorized to have all of the foregoing organizations participate in the camps, and the troops have made plans accordingly.

It was expected by the War Department that the money for which estimates have been submitted for these camps would be appropriated in time to give the States authority for participation. It is now evident that there will be delay in the passage of the appropriation bill for the fiscal year 1917 and if the holding of these camps is prevented now, the effect will be harmful upon the morale and the efficiency of the militia for whom they are intended.

It is therefore requested that in order to insure the training of these organizations the necessary action be taken to assure the prompt passage of H. R. No. 15005 by the Senate to meet such expenditures that must be obligated for the camps prior to June 30, 1916, if these camps are to be held. A memorandum showing how it is contemplated that the $200,000 appropriated by the House bill is to be spent is inclosed for your information.

Very truly, yours,

NEWTON D. BAKER, *Secretary of War.*

ESTATE OF DAVID B. LANDIS.

Mr. OLIVER. On the 5th of January I introduced the bill (S. 2998) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased, and it was referred to the Committee on Claims. It is a matter that involves revenue and it should have gone to the Committee on Finance. I ask that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

COMMITTEE ON CIVIL SERVICE AND RETRENCHMENT.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back sundry resolutions, and as the Senators who submitted the resolutions say they are urgent I ask unanimous consent for their present consideration.

The PRESIDING OFFICER. The Chair hears no objection, and the reports will be received.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 199, submitted by Mr. POMERENE on the 20th instant, reported it favorably with an amendment (S. Rept. 477), and the Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in lines 3 and 4, to strike out the words "to send for persons, books, and papers," so as to make the resolution read:

Resolved, That the Committee on Civil Service and Retrenchment, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

Mr. SMITH of Michigan. I should like to ask the Senator from Ohio a question. Is it the purpose of the Senator from Ohio to go into the question of the violation of the civil-service law by the present administration? Is the Senator to take up in this investigation the question of the discharge and hiring of employees of the Government in open and flagrant violation of the civil-service rules? If it is to be a mere recapitulation of the virtues of civil-service reform and not of its present practical workings, I shall object.

Mr. POMERENE. Mr. President, I am very sorry the Senator from Michigan is so disturbed.

Mr. CLARKE of Arkansas. It was implied in the agreement that nothing would be considered which would provoke controversy.

Mr. SMITH of Michigan. I object.

Mr. POMERENE. I hope the Senator from Arkansas will permit the resolution to be considered.

Mr. CLARKE of Arkansas. There is a controversy as to whether or not there is objection, and the Senator from Michigan has objected.

Mr. POMERENE. I hope the Senator from Michigan will withdraw his objection after I shall have made a brief statement.

The PRESIDING OFFICER. The Senator from Michigan objects, and the resolution will go to the calendar.

COMMITTEE ON TERRITORIES.

Mr. LEA of Tennessee. I report back favorably with an amendment, from the Committee to Audit and Control the Contingent Expenses of the Senate, Senate resolution 192, submitted by Mr. PITTMAN on the 13th instant, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in lines 3 and 4, to strike out the words "to send for persons, books, and papers," so as to make the resolution read:

Resolved, That the Committee on Territories or any subcommittee thereof be, and hereby is, authorized during the Sixty-fourth Congress to administer oaths and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as have been had or may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recess of the Senate.

Mr. SMOOT. I wish to ask the Senator from Tennessee if the Committee on Territories have any idea of sending for persons outside of Washington?

Mr. LEA of Tennessee. There is an amendment striking out that provision.

Mr. SMOOT. That is stricken out?

Mr. LEA of Tennessee. The resolution as amended provides only for the administration of oaths and the holding of hearings.

Mr. SMOOT. There was so much confusion in the Senate I did not hear the amendment stated.

The amendment was agreed to.

The resolution as amended was agreed to.

COMMITTEE ON PUBLIC HEALTH AND NATIONAL QUARANTINE.

Mr. LEA of Tennessee. I ask unanimous consent for the present consideration of Senate resolution 114, being Order of Business No. 388, authorizing the Committee on Public Health and National Quarantine, or any subcommittee thereof, to employ a stenographer and to send for persons, books, and papers, and so forth.

Mr. CLARKE of Arkansas. I can only consent to have matters considered that are of an urgent character. Otherwise we will be put to a disadvantage if the consideration of the river and harbor bill is longer delayed.

Mr. LEA of Tennessee. The Senator from Louisiana [Mr. RANSDELL] requested me to ask for the immediate consideration of the resolution.

Mr. CLARKE of Arkansas. I shall object. I will explain why to the Senator from Louisiana when he comes in.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of Corning Grange, No. 632, Patrons of Husbandry, of Lansing, Minn., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. THOMAS presented a petition of sundry citizens of Fort Collins, Colo., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

Mr. SUTHERLAND. I present resolutions adopted at a meeting of the Daughters of the Utah Indian War Veterans, held May 6, 1916, at Salt Lake City, Utah, protesting against the action of the Judiciary Committee of the House of Representatives in failing to report the Susan B. Anthony amendment. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH, *May 10, 1916.*

Senator GEORGE SUTHERLAND,
Washington, D. C.

DEAR SIR: At a regular meeting of the Daughters of the Utah Indian War Veterans, held May 6, 1916, at Salt Lake City, Utah, the following resolution was passed:

"*Resolved*, That the Daughters of the Utah Indian War Veterans protest against the action of the Judiciary Committee in failing to report the Susan B. Anthony amendment to the House; and

"*Resolved*, That we request immediate action from this committee, and that our Representatives to Congress may be allowed to vote on this measure; and

"*Resolved*, That we request and favor the passage of this measure through Congress; and

"*Resolved further*, That a copy of this resolution be sent to the President of the United States and to all the national administration leaders, with instructions that they be read into the CONGRESSIONAL RECORD."

MISS EMMA E. LINDSEY,
State Regent, Daughters of the Utah Indian War Veterans.
MRS. LILY CLAYTON WALSTENHOLME,
State First Vice Regent, Daughters of the Utah Indian War Veterans.

Mr. SUTHERLAND. I present resolutions adopted by the envoys of the Congressional Union at Hotel Utah, Salt Lake City, May 11, 1916, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution passed at a breakfast given the envoys of the Congressional Union, at the Hotel Utah, Salt Lake City, Utah, May 11, 1916.

Whereas there can be no finer use of political power than to wield it to win freedom for our countrywomen, politically less fortunate than ourselves: Be it

Resolved, That we call upon the administration to put its party strength behind the passage of the Susan B. Anthony Federal suffrage amendment, so that it may be passed on without delay to the State legislatures for their ratification, and that we hold the administration responsible for its passage; be it further

Resolved, That a copy of this resolution be sent the leaders of the administration, the Judiciary Committee of the House of Representatives, and the Utah congressional delegation, with the request that it be read into the CONGRESSIONAL RECORD by Senator SUTHERLAND and Congressman MAY.

MARGARET ZANE W. CHERDRON,
Chairman.

Mr. SUTHERLAND. I present resolutions adopted at the Woman Voters' Conference, assembled in Salt Lake City, Utah, May 11–13, 1916, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas the women voters of the United States, now numbering over 4,000,000, desire the immediate enfranchisement of women throughout the Nation; and

Whereas they wish their own voting and citizenship rights guaranteed by the United States Constitution; and

Whereas the Democratic Party is to-day responsible for the passage of the national suffrage amendment through Congress: Be it

Resolved, That we call upon the Democratic Party to pass this national suffrage amendment on to the State legislatures for ratification, and we hereby determine to organize our political strength in support of this measure, for use if necessary, in the next national election without considering the interest of any national political party; and be it further

Resolved, That these resolutions be intrusted by the members of the Woman Voters' Conference assembled in Salt Lake City on May 11 and 12, 1916, to its duly elected representatives of the 12 free States to be presented in person to the President and Congress of the United States.

MARGARET ZANE CHERDRON,
General Chairman Woman Voters' Conference.

Mr. JOHNSON of South Dakota presented a memorial of the trustees of the German Presbyterian Church of Avon, S. Dak., remonstrating against the severance of diplomatic relations between the United States and Germany, which was referred to the Committee on Foreign Relations.

Mr. POINDEXTER presented a petition of Aeneas Lake Grange, No. 423, Patrons of Husbandry, of Tonasket, Wash., praying that the Government take over the sugar industry and sell sugar direct to the consumers, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of D. H. Feddersen and sundry other citizens of Freeland, Wash., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Puget Sound quarterly meeting of Friends, held at Tacoma, and a petition of Gerhard

Kolligs and sundry other citizens of Port Angeles, Wash., praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club of Seattle, Wash., praying for the enactment of legislation to protect the halibut industry, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Vocational Guidance Society, of San Francisco, Cal., praying for Federal aid for vocational education, which was ordered to lie on the table

He also presented memorials of sundry citizens of Sacramento, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Sawtelle, Cal., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEE ON CONTINGENT EXPENSES.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 121 authorizing the Secretary of the Senate to pay to Caroline L. Rifenberg, widow of Sherman Rifenberg, late a laborer in heating department of the United States Senate, a sum equal to six months' salary at the rate he was receiving at the date of his death, reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 136, to authorize the Secretary of the Senate to pay Clara M. Curran, widow of John W. Curran, late a laborer of the United States Senate, a sum equal to six months' salary, etc., reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 190, authorizing an additional clerk to the Committee on Public Lands until the end of the present session of the Sixty-fourth Congress, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HITCHCOCK:

A bill (S. 6116) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska; to the Committee on Indian Affairs.

By Mr. MYERS:

A bill (S. 6117) to establish a horse-breeding station in the State of Montana; to the Committee on Agriculture and Forestry.

By Mr. GALLINGER:

A bill (S. 6118) for the national defense and the general welfare, to regulate commerce between the United States and foreign countries, and to restore and maintain American ships in foreign trade; to the Committee on Commerce.

A bill (S. 6119) granting an increase of pension to Horatio P. Abbott (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6120) for the relief of the Central Building Loan & Savings Co., Columbus, Ohio; to the Committee on Claims.

A bill (S. 6121) granting a pension to Alma Frambes (with accompanying papers); and

A bill (S. 6122) granting an increase of pension to Henry T. Hertslet (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 6123) for the relief of John D. McNeel, collector of internal revenue, district of Alabama; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 6124) granting a pension to Matilda J. Wilson; to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 6125) granting an increase of pension to John S. Kephart;

A bill (S. 6126) granting an increase of pension to Edward Foster;

A bill (S. 6127) granting a pension to Thomas R. Poole;

A bill (S. 6128) granting an increase of pension to David F. Boyer;

A bill (S. 6129) granting an increase of pension to Sarah I. Tammadge; and

A bill (S. 6130) granting a pension to Leo J. Emery; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 6131) granting an increase of pension to Patrick A. Stack (with accompanying papers); and

A bill (S. 6132) granting an increase of pension to John Ferguson (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6133) authorizing the Secretary of War to grant to John D. Sherwood, of Spokane, Wash., the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., and to accept the conveyance to the United States of other lands to be designated by the Secretary of War and suitable for a rifle range in exchange for the land so overflowed; to the Committee on Military Affairs.

A bill (S. 6134) granting an increase of pension to Stephen O. Meyers (with accompanying papers); and

A bill (S. 6135) granting a pension to Sarah Compton (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6136) to restore First Lieut. Archibald Grymes Hutchinson, resigned, to the active list of the Army; to the Committee on Military Affairs.

AMENDMENT TO SUNDRY CIVIL BILL.

Mr. MYERS submitted an amendment proposing to appropriate $5,000 for a fish-cultural station at Bozeman, Mont., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4856) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 3, 9, 11, 12, 13, 14, 15, 18, 19.

That the Senate recede from its disagreement to the amendments of the House numbered 5, 7, 8, 10, 16, 17, 20, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

CHARLES F. JOHNSON,
WILLIAM HUGHES,
REED SMOOT,
Managers on the part of the Senate.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

RIVER AND HARBOR APPROPRIATIONS—STATUE OF LIBERTY, NEW YORK HARBOR.

Mr. CLARKE of Arkansas. I offer an amendment to the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and ask that it be printed and printed in the RECORD and that there also be printed in the RECORD the public document accompanying it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment proposes to add as an additional section to the bill the following:

SEC. —. That the Secretary of War be, and he is hereby, authorized to accept for and on behalf of the United States, with thanks to the donors, funds raised or to be raised by the New York World by popular subscription for the construction of an electric-lighting plant adequate for the illumination of the Statue of Liberty, on Bedloes Island, New York Harbor, with the understanding that the funds will be applied to

the purpose for which donated and that the lighting plant after construction will be maintained at the expense of the United States.

[House of Representatives, Document No. 496, Sixty-fourth Congress, first session.]

NEW LIGHTING PLANT FOR STATUE OF LIBERTY, NEW YORK HARBOR.

LETTER FROM THE ACTING SECRETARY OF WAR, TRANSMITTING COPY OF A JOINT RESOLUTION AUTHORIZING THE SECRETARY OF WAR TO ACCEPT, ON BEHALF OF THE UNITED STATES, FUNDS FOR THE CONSTRUCTION OF A LIGHTING PLANT FOR THE ILLUMINATION OF THE STATUE OF LIBERTY ON BEDLOES ISLAND.

WAR DEPARTMENT,
Washington, January 3, 1916.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR: I have the honor to inclose herewith, for submission to Congress, copy of a joint resolution authorizing the Secretary of War to accept, on behalf of the United States, funds for the construction of a lighting plant for the illumination of the Statute of Liberty, on Bedloes Island, New York Harbor.

The reasons for this action are set forth in copies of correspondence accompanying.

The plans and specifications in the premises have been retained in the files of the office of the Quartermaster General.

Respectfully,

HENRY BECKINRIDGE,
Acting Secretary of War.

—

NEW YORK WORLD,
Washington Bureau, October 22, 1915.

Col. ISAAC W. LITTELL,
Quartermaster Corps, Local.

DEAR SIR: Attached you will find detailed plans for the night illumination by electricity of the Statue of Liberty on Bedloes Island, about which a representative of the World talked with you and Capt. Robinson some time ago. At that time you suggested that a proposition be submitted in concrete form, the plans being worked out by an engineer. You will note that the accompanying plans were worked out by Mr. George Williams, of Henry L. Doherty & Co., 60 Wall Street, New York.

In brief, the proposition is that the World by popular subscription raise $20,000 to install the new lighting plant, the Federal Government to appropriate annually thereafter approximately $4,000 for maintenance.

The publishers of the World are anxious to learn whether the proposition as outlined is acceptable to the Government. No steps can be taken toward raising the funds for the initial cost until this question is determined. The World is quite anxious to go ahead with the proposition if it is acceptable or to receive any suggestions looking to modifications which the Army experts may deem wise.

In general, the plan provides for the illumination of the entire statue, increasing the power of the present light only enough to meet the light thrown on the statue proper. You will recall that our representative discussed the effect of an illumination of the entire statue, making it stand out in bold relief. This character of illumination, Capt. Robinson suggested, would make a beautiful sight without interfering with other aids to navigation.

We would appreciate a report on the acceptability of the proposition at your early convenience.

Respectfully, yours,

CHARLES S. ALBERT.

—

DEPARTMENT OF COMMERCE,
LIGHTHOUSE SERVICE, GENERAL DEPOT,
OFFICE OF INSPECTOR, THIRD DISTRICT,
Tompkinsville, N. Y., November 18, 1915.

HEADQUARTERS, EASTERN DEPARTMENT,
OFFICE OF QUARTERMASTER,
Governors Island, N. Y.

SIR: Referring to your letter of November 10, 1915, File No. 619.1, concerning the new lighting plans for the Statue of Liberty.

You are advised that this service has no objections to the installation as described by the plans and specifications received with your letter of November 10, which plans and specifications are herewith returned.

In the absence and by direction of the Inspector.

Respectfully.

RAYMOND HASKELL,
Superintendent.

—

WAR DEPARTMENT,
OFFICE OF THE SUPERVISOR OF NEW YORK HARBOR,
ARMY BUILDING, 39 WHITEHALL STREET,
New York City, November 22, 1915.

From: Supervisor of New York Harbor.
To: Chief Quartermaster, Eastern Department, Governors Island, N. Y.
Subject: New lighting plant for Statue of Liberty.
Reference: Q. M. letter No. 619.1 of November 10, 1915.
Inclosure: Plans and specifications for illuminating Statue of Liberty.

1. Replying to reference I do not find any objections to the plant proposed. The matter is not under the cognizance of this office, and I am not prepared to comment on the technical features involved.

ROY C. SMITH,
Captain, United States Navy.

—

Joint resolution authorizing the Secretary of War to accept, on behalf of the United States, funds for the construction of a lighting plant for the illumination of the Statue of Liberty, on Bedloes Island, New York Harbor.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to accept for and on behalf of the United States, with thanks to the donors, funds raised or to be raised by the New York World by popular subscription for the construction of an electric-lighting plant, adequate for the illumination of the Statue of Liberty, on Bedloes Island, New York Harbor, with the understanding that the funds will be applied to the purpose for which donated, and that the lighting plant, after construction, will be maintained at the expense of the United States.

—

WAR DEPARTMENT,
OFFICE QUARTERMASTER GENERAL OF THE ARMY,
Washington, November 5, 1915.

From: Quartermaster General.
To: The Adjutant General of the Army.
Subject: New lighting plant for Statue of Liberty, New York Harbor.

1. Herewith are detailed plans for the night illumination by electricity of the Statue of Liberty at Fort Wood, New York Harbor. These plans were submitted to this office by the New York World, of New York City. There is also inclosed a letter from the New York representative of the World, briefly describing the proposition of that paper, which is, that the World shall arrange for the installation of the necessary apparatus for this illumination, while the Government shall provide for its maintenance.

2. It is recommended that this matter be referred to the commanding general, Eastern Department, for his remarks and recommendations. In connection with this case the department commander should ascertain whether the New York Harbor and lighthouse authorities would make any objection to this installation on the grounds of interfering in any way with navigation.

HENRY G. SHARPE,
Acting Quartermaster General,
By I. W. LITTELL,
Colonel, Quartermaster Corps.

—

[First indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
November 5, 1915.

To the commanding general, Eastern Department, for action as recommended herein.

By order of the Secretary of War.

W. M. WRIGHT,
Adjutant General.

—

[Second indorsement.]

HEADQUARTERS EASTERN DEPARTMENT,
November 26, 1915.

TO THE ADJUTANT GENERAL OF THE ARMY:

1. It is recommended that the inclosed plans for lighting the Statue of Liberty be approved

2. Attention is invited to inclosed letters from the Department of Commerce, Lighthouse Service and Supervisor of New York Harbor.

LEONARD WOOD,
Major General, Commanding.

—

[Third indorsement.]

ADJUTANT GENERAL'S OFFICE,
November 30, 1915.

To the Quartermaster General.

—

[Fourth Indorsement.]

OFFICE QUARTERMASTER GENERAL,
December 1, 1915.

TO THE ADJUTANT GENERAL OF THE ARMY:

1. Returned. It would seem proper to present the project covered in these papers to the Judge Advocate General of the Army for an expression of opinion by him as to the acceptance of the proposed donation from the New York World, especially with reference to representing the matter to Congress for acceptance and future maintenance, and such action is recommended.

C. A. DEVOL,
Acting Quartermaster General.
By I. W. LITTELL,
Colonel, Quartermaster Corps.

—

[Fifth Indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
December 2, 1915.

To the Judge Advocate General, for an expression of opinion as recommended in the preceding indorsement hereon. The return of these papers is desired.

By order of the Secretary of War.

G. W. READ,
Adjutant General.

—

[Sixth indorsement.]

WAR DEPARTMENT,
JUDGE ADVOCATE GENERAL'S OFFICE,
December 7, 1915.

TO THE ADJUTANT GENERAL:

1. The views of this office are desired with reference to the acceptance of the proposed donation by popular subscription to be raised by the New York World of a new lighting plant, to cost about $20,000, for the "illumination by electricity of the Statue of Liberty on Bedloes Island," the purpose being to add to the present lighting plant so as to provide "for the illumination of the entire statue." The offer is made on the understanding that the Federal Government will maintain the lighting plant at an annual expense of about $4,000.

2. In opinions of this office dated November 17, 1911, respecting the authority of the War Department to accept the donation of six horses from a private owner, and of November 22, 1911, upon an offer of the county commissioners of Galveston County, Tex., to donate shell to join the brick roads along the east wall at Fort Crockett, Tex., by two loops around the batteries, it was held that in the absence of restriction imposed by law, such as are imposed with respect to the acceptance of land or of voluntary services, there would be no legal objection to the acceptance of the proposed donations, the view being that where the donations are not accompanied by any burden upon the United States the acceptance by the proper executive officers would not be illegal (Dig. Op., J. A. G., 910-6). In the present case, the acceptance of the proposed donation would include an undertaking in the part of the Government to assume the maintenance of the new lighting plant at an annual expense of about $4,000, and I am clearly of opinion that

the proposed donation, to be made with the understanding that the Government shall assume this increased burden, can not legally be accepted without authority of Congress.

E. H. CROWDER,
Judge Advocate General.

—

[Seventh indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
December 9, 1915.

Through the Judge Advocate General, to the Quartermaster General, the preceding indorsement hereon being approved by the Secretary of War.

W. M. WRIGHT,
Adjutant General.

—

[Eighth indorsement.]

WAR DEPARTMENT,
JUDGE ADVOCATE GENERAL'S OFFICE,
December 10, 1915.

To the Quartermaster General, noted.

—

[Ninth indorsement.]

OFFICE QUARTERMASTER GENERAL,
December 13, 1915.

TO THE ADJUTANT GENERAL OF THE ARMY:

1. Returned. Sixth indorsement of the Judge Advocate General, page 4 hereon, in which he gives his opinion that the donation of a lighting plant for the Statue of Liberty in New York Harbor can not legally be accepted without the authority of Congress, has been noted.

2. Attention is invited to paragraph 3 of the letter of the New York World, dated October 27, 1915, in which it is stated that the publishers are anxious to learn whether the proposition as outlined is acceptable to the Government, as they desire to go ahead in the matter of raising funds therefor. The question of acceptability appears to have been determined favorably in the second indorsement, page 2, with its inclosures.

3. It is, therefore, recommended that the New York World be informed that the installation they propose is acceptable to the Government but that the authority of Congress is necessary before it can be accepted and they may take the necessary measures for introducing a bill in Congress for this purpose, or, if considered more desirable by the Secretary of War, a bill may be drafted by the Judge Advocate General and duly submitted, the New York World being informed of such action being taken by the War Department.

HENRY G. SHARPE,
Acting Quartermaster General.
By I. W. LITTELL,
Colonel, Qaurtermaster Corps.

—

[Tenth indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
December 22, 1915.

Through the Quartermaster General, to the Judge Advocate General, inviting attention the preceding indorsement hereon, with request that the Judge Advocate General draft the necessary bill for presentation to Congress covering this matter.

It is desired that the Quartermaster General advise the New York World accordingly.

By order of the Secretary of War:

W. M. WRIGHT,
Adjutant General.

—

[Eleventh indorsement.]

OFFICE QUARTERMASTER GENERAL,
December 22, 1915.

To the JUDGE ADVOCATE GENERAL OF THE ARMY:

1. Forwarded, inviting attention to the ninth and tenth indorsements hereon, pages 5 and 6, and to the request contained in the latter indorsement that your office draft the necessary bill for presentation to Congress covering the donation by the New York World of a lighting plant for the Statue of Liberty in New York Harbor.

2. This office has advised the above newspaper of the proposed action in submitting the matter to Congress

HENRY G. SHARPE,
Acting Quartermaster General.
By I. W. LITTELL,
Colonel, Quartermaster Corps.

—

[Twelfth indorsement.]

WAR DEPARTMENT,
JUDGE ADVOCATE GENERAL'S OFFICE,
December 23, 1915.

To THE ADJUTANT GENERAL:

1. Returned, inclosing draft of a joint resolution for "authorizing the Secretary of War to accept, for the United States, funds for the construction of a lighting plant for the illumination of the Statue of Liberty, on Bedices Island, New York Harbor." It is believed that the draft submitted will be sufficient for the purpose in view.

W. A. BETHEL,
Acting Judge Advocate General.

—

[Thirteenth indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
December 29, 1915.

To the Quartermaster General, for preparation of draft of letters for the signature of the Secretary of War presenting this matter to Congress for its consideration.

By order of the Secretary of War.

W. M. WRIGHT,
Assistant Adjutant General.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CLARKE of Arkansas. I move that the Senate proceed to the consideration of House bill 12193.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. On page 35 in the item relative to the Mississippi River from the mouth of the Missouri River to Minneapolis, Minn., continuing improvement and for maintenance, the committee proposes in line 12 to strike out "$1,200,000" and to insert in lieu "$1,500,000."

Mr. NELSON. Mr. President, it was not my purpose to have taken up the time of the Senate in discussing any part of this river and harbor bill; but, in view of some remarks that were made last evening in reference to this amendment, I ask the indulgence of the Senate for a few minutes.

The amendment relates to that reach of the Mississippi River extending from the mouth of the Missouri River to Minneapolis, a distance of some 660 miles. The present project for the improvement of that river was adopted by Congress by the act of March 2, 1907, and it contemplated the improvement of the river by removing sand bars and improvement at rapids and by wing dams and other works in order to promote the navigation of the river.

The river before that was in normal times of only about 4 feet depth; in some places hardly that. The present project contemplates the improvement of the river so as to make it navigable at a low-water depth of 6 feet. A large share of the work has gone on under the river and harbor act of June 25, 1910, and provision was made in connection with the improvement with a view of completing it within 12 years.

It is estimated that the whole project would cost upward of $20,000,000; and on the basis of completing it in 12 years, it would have involved an appropriation of something over a million and a half dollars a year. The last regular annual appropriation made for this work was in 1913, when we had a full river and harbor bill, and it amounted to a million and a half dollars—exactly the same as the appropriation contained in this bill.

The engineers recommend in reference to this improvement an expenditure of $1,900,000. When the bill was before the committee I, in the first instance, asked the committee to allow the entire recommendation of the engineers and to make the appropriation $1,900,000. The committee agreed to that; but afterwards, for the purpose of framing the bill as economically and as reasonably as possible, I consented to a reduction of that sum to $1,500,000; in other words, to a reduction of $400,000 below the estimates of the Government engineers.

I may as well read at this point from the Report of the Chief of Engineers what is stated regarding this project:

Present project: The present project was adopted by Congress in the river and harbor act of March 2, 1907, and is given in full with detailed estimate in House Document No. 341, Fifty-ninth Congress, second session. This project provides for obtaining a channel depth of 6 feet, with width varying from 300 feet at St. Paul to 1,400 feet between the Illinois and Missouri Rivers; the channel to be obtained by means of contraction works consisting of wing or spur dams for narrowing the main channel of the river and closing dams for closing side chutes, by rock excavation and by auxiliary dredging and repairs to work constructed under previous projects; the Rock Island Rapids to be surmounted by two locks, each having a length of 350 feet between miter sills, 80 feet clear width, and a depth of 6 feet on the miter sills at low water. The additional work contemplated at the Des Moines Rapids Canal, as also the improvement of the river from Montrose to Burlington, Iowa, about 31 miles, has been made unnecessary by the dam of the Mississippi River Power Co. at Keokuk, Iowa. The upper limit of the project named in House Document No. 341, Fifty-ninth Congress, second session, was the Omaha Bridge at St. Paul, but by the river and harbor act of March 2, 1907, which adopted the project the upper limit was fixed at Minneapolis. Estimated cost for completing the project is $20,000,000, with $300,000 per annum for maintenance after completion. The river and harbor act of June 25, 1910, made an appropriation for this improvement "with a view to completing said improvement within a period of 12 years."

The commerce on this river, like the commerce on all of our rivers, has not been extensive, but I think I may truthfully say that the commerce on this reach of the river has been about as great as it has been on the lower reaches of the river. As a matter of fact, it has been slightly on the increase. We have been handicapped by the fact that most of our transcontinental railroads run from east to west and there has been a purpose to divert the traffic of the Northwest from going down to the Gulf and to bring it over to the Atlantic seaboard. We are now very much interested in the navigation of this river because of the opening of the Panama Canal. We hope we will be able to send our commerce from the upper Mississippi down the length of that river and by water either to Europe or to the Central American or to the South American States, through the Panama Canal.

I wish to quote further from the last report of the Chief of Engineers. After describing the improvement which has been carried on—and I will not weary the patience of the Senate by quoting the description in detail—the report adds:

Effect of improvement: The usual reduction in freight rates due to water competition is experienced, but comparatively little benefit is expected until transfer and terminal facilities are provided at the various cities, plans for which, in some cases, are now being carried out. Some increase in commercial water-borne freight is noted.

I wish also to call attention to the commercial statistics. In 1912 the value of the commerce was $26,677,651, in 1913 it was $32,705,137, and in 1914 it was $41,324,041. While the tonnage in 1914 diminished because the Government failed to do the usual river and harbor work and failed to carry the amount of supplies usually carried in river and harbor improvements, yet a footnote to these figures states:

NOTE.—The loss in total tonnage of 1914 as compared with 1913 is due to the decrease in United States material on account of a short season and the abandonment of the sand and gravel plant at Hannibal. From this latter cause the commercial tonnage fell off 250,000 tons, but in other commodities increased over 50,000 tons.

For the information of the Senate I submit and call attention to this comparative statement:

Comparative statement.

Calendar year—	Total.	Commercial.	United States material.	Valuation.
	Short tons.	*Short tons.*	*Short tons.*	
1912	1,830,294	1,358,983	471,311	$26,677,651
1913	2,145,315	1,372,923	772,392	32,705,137
1914	1,426,970	1,145,785	281,185	41,324,041

The engineers make this further statement:

Amount that can be profitably expended in fiscal year ending June 30, 1917, for works of improvement and for maintenance, $1,900,000.

While a good deal of money has been spent on this reach of the river from first to last, I find by looking over the reports of the Department of Commerce that a great deal of it has been spent in the lower reaches of this portion of the river in so-called harbor improvements. I find various cities in Iowa, in Illinois, and all along up to the borders of Minnesota have from time to time had extensive improvements made to their harbors, as they are called, but they were really made to afford facilities of access to steamboats and to prevent the caving of the banks, and in some instances appropriations have been made for levees to prevent the overflow of the lowlands along the river. I am not finding fault with these appropriations, but I point them out to show that they have swollen the aggregate amount that has been appropriated for the river.

Years ago there was a good deal of commerce on this river, and there is still considerable commerce on it. Now, with the construction of the Panama Canal, we hope that the commerce will increase by great bounds. There has been difficulty in securing the proper kind of boats for the commerce of the Mississippi River. The wholesale merchants of St. Paul and Minneapolis are now engaged in securing boats of the same character as those which have been adopted in the State of Alabama and in other places, under the leadership of a gentleman by the name of Bernhard. They hope, when they get those boats of a peculiar kind, that they will be able to divert a great deal of the freight and commerce down the course of the Mississippi River.

The soft coal of Iowa and Illinois ought to come up the Mississippi River, and our wheat for foreign shipment ought to go down the Mississippi River, for both of those commodities are a species of freight which is heavy and coarse and which can hardly bear expensive railroad transportation. Cheap water transportation will be much more beneficial.

Mr. President, as I said a moment ago, I do not know of any rivers in this country that have been improved where there is, in proportion to distance and everything else, as much commerce as there is on this stretch of the Mississippi River. The statistics which I have before me do not show the amount of the traffic for the year 1915, they only give the traffic for the year 1914; but I am informed by the Boards of Trade of Minneapolis and St. Paul that that commerce has been increasing and that it was much greater in 1915 than it was in 1914. I have not, however, the exact statistics at hand, nor are they now available.

As I have stated, this amendment proposes to increase the appropriation of the other House by $300,000, which is $400,000 less than the Government engineers have recommended for this improvement.

I am unwilling to take up the time of the Senate further in this matter. There is much more, however, which might well be said in favor of the proposition. I have, I think, however, said enough to convince the Senate of the absolute justification for this proposed increase.

Mr. TAGGART. Mr. President, in a general way I am in favor of improving the rivers and harbors of our Nation; particularly am I in favor of improving the rivers on which we have a real and substantial commerce, such as the Mississippi and its tributaries, the Ohio and the Missouri, and I am equally in favor of improving all of our main harbors where vessels of deep draft load and unload their commerce; indeed, as I look at it, our large harbors need improvement much more than do our small rivers. While I am in favor of going this far, I am unalterably opposed to the improvement of every little creek, bay, inlet, sound, and river at the expense of the United States Treasury.

From my viewpoint, I believe that every dollar of the public's money expended in river and harbor projects should give to the people 100 cents on the dollar in return, and it can only return to the people value received by giving cheap transportation rates.

Mr. President, I have read the bill under consideration, together with the majority and minority reports. When this bill left the House it carried an appropriation of $39,770,760. As reported to the Senate by the Committee on Commerce it carried an appropriation of $40,809,935. With the bill in its present shape I do not see how I can give it my support. I do not consider it my duty to vote for every measure that is presented to the Senate. I conceive it to be my duty to vote only for those measures which, when enacted into law, will give to the people benefits at least equal to the cost of procuring such benefits. This bill has many worthy projects in it which commend themselves to me, but it has many items which do not.

It is generally understood that water transportation, for various reasons, has rapidly declined in the past quarter of a century, and this notwithstanding the fact that we have expended upon our rivers and harbors in the United States more than $800,000,000. I will not stop at this time to inquire as to the reason of the decline of river transportation. Certainly it has not been due to a lack of appropriations made by Congress for their improvement. If under an expenditure of over $800,000,000 river transportation has rapidly declined, will any Senator contend for a moment that if during the same period of time the Government had expended double the amount it has already expended on improvements our rivers would to-day be carrying a single ton of freight more than they are now carrying? Having tried the experiment of generously appropriating for the improvement of rivers with a view of reclaiming freight traffic thereon, and with facts demonstrating to a certainty that this system is a failure, is it not time for Congress to call a halt in this lavish expenditure of money?

As above stated, I am in favor of improving the great water thoroughfares of our Nation, the natural arteries of river commerce, together with such other rivers as can fairly and definitely be shown to have in sight an actual tangible commerce.

I read in the bill an item relating to the Tombigbee River:

For maintenance of improvement from the mouth to Demopolis, $25,000; and from Demopolis, Ala., to Walkers Bridge, Miss., $10,000; in all $35,000.

The honorable Mr. FREAR, a Member of the House, says, in speaking of the expenditures for the improvement of this river, that—

The Government has expended $9,961,295. The total cost of the improvement and betterment of this river has been about $12,000,000.

During the year 56,000 tons of commerce was averaged at the 17 locks on this river, at a cost of about $12 per ton; and in his statement he says 95 per cent of this was coal, stone, and floatable timber.

I also find in the bill the following item:

Arkansas River, Ark. and Okla.: For maintenance of improvement * * * $234,700.

Over $3,500,000 has been expended on this river, and the actual commerce in 1913, including floatable timber and sand, amounted to less than 10,000 tons. The Government engineers recommended its abandonment in 1915. This appropriation for an utterly useless project, condemned by the Army engineers, seems to me to be absolutely indefensible.

I also find in the bill the item "Red River, Ark. and Tex." The bill as it left the House contained the following language:

Continuing improvement and for maintenance between Fulton, Ark., and Washita River, Tex., $25,000.

This item has been amended by including the "repair of levees destroyed by overflows in 1915 and 1916" and increasing the appropriation from $25,000 to $50,000. In 1913, after deducting the floatable timber, the tonnage on the river was 16,094 tons, and the Government has heretofore expended $3,000,000 in appropriations on this river. It is estimated that the commerce on the river costs the Government $80 to $100 per ton, counting interest on the investment and maintenance charges.

Mr. President, I could go through this bill and the various reports and select many items on a parity with those I have mentioned. I do not believe the people who pay the taxes would approve of appropriating money for these purposes if they knew it. They would hold Congress responsible for this reckless extravagance. I do not believe in taxing the people to improve rivers and harbors where the cost of hauling the freight in many cases ranges from $11 to $80 per ton. It seems to me absurd, almost unbelievable; yet these are the facts, undenied and undisputed. River transportation can not compete with railroad transportation when the average cost of railway transportation is only about 7 mills per ton per mile. To undertake to tax the people to hold up a losing and discredited system of transportation is undemocratic and unbusinesslike.

Mr. President I thoroughly agree with the distinguished Senator from South Carolina [Mr. TILLMAN], who on last Saturday said that to pass this bill in its present shape is little less than criminal. When money is needed for so many more necessary projects, particularly to place our Nation in a condition of preparedness, in my judgment it is wrong to spend the money for these unmeritorious projects.

Mr. President, we should not deceive ourselves. Let us look the situation squarely in the face. We are going to have a hard time to raise the money to meet the additional necessary burdens imposed upon us by conditions not of our own choosing. Although a new Member of this body, I refuse to send or be a party to sending the Treasury of the United States to the "scrap heap" so that every little river from Raccoon Creek, N. J., to Kissimmee River, Fla., shall be improved; and unless a large number of these seemingly useless items are eliminated from this bill I shall be compelled to vote against it.

Mr. President, I do not like to oppose this measure, but looking at this bill as it now stands, as a business proposition, I can not see my way clear to support it, and I do not believe that the taxpayers who live in my own State expect me to stand here and vote for every measure reported by any committee unless I believe that the things represented in the measure will redound to the benefit of all the people in general. Mr. President, I hope that this bill will be amended in such a manner that at least a saving can be made of $15,000,000 or $20,000,000 to help defray some of the necessary expenses to which the Government will be put in the near future.

Mr. RANSDELL. Mr. President, I heard yesterday evening what seemed to me to be a remarkable statement made by the Senator from Utah [Mr. SMOOT], which I can not allow to pass without at least a little explanation. He said there was no commerce for the boats which pass down the Mississippi River to bring back with them to the North and West; that while boats might get freight downstream they could not get cargoes upstream. The Senator surely did not give the question very serious consideration before making that statement.

The States of Arkansas, Louisiana, and Mississippi, which border that stream, produce an immense amount of lumber and cotton. Lumber is a low-class heavy article, which is peculiarly adaptable to transportation by boat. Louisiana is the second lumber-producing State in the Union. It also produces quantities of sugar, rice, molasses, and articles of that kind, which are sold in the North and West and which furnish admirable cargoes for boats. They are all heavy, low-class commodities. There is also in process of development a very large business between the Tropics and the city of New Orleans, and that business might well be carried by boat.

I shall not take the time of the Senate to go into an elaborate discussion of the matter, but I wish to remind this body that within the last few weeks a boat line has been started between the city of St. Louis and the city of New Orleans. I have before me a letter from the manager of that boat line, Mr. J. H. Bernhard, president of the Inland Navigation Co., from which I should like to read a very brief extract. The letter is dated May 8 and is addressed to Mr. S. A. Thompson, secretary-treasurer of the National Rivers and Harbors Congress, of this city. It says:

Inco No. 1 has proved a complete success so far, and has been so much faster than anticipated that we have changed our schedule and now accept freight at the municipal dock at St. Louis on Saturday, leaving St. Louis at 5 p. m., delivering it at Memphis the following Monday morning and at New Orleans the following Wednesday evening. In this manner we give a faster service than rail for less money—

I hope some of the Senators who have been talking so much about railroads will listen to this statement—

We give a faster service than rail for less money. We handle almost exclusively first-class freight alone.

I hope they will pay attention to that statement. They have been saying we can not carry anything but heavy, low-class commodities. Listen now to what he has been carrying on that boat:

For instance, on its next downward trip, May 13, the barge will carry a carload of roofing material, 30 tons of paper bags, 1 carload of tinware, a carload of wrapping paper, a carload of tin plate, 45 tons of glucose, 3 carloads of oxygen gas, 2 carloads of porcelain insulators, 1 carload of filter iron, 2 carloads of building paper, 2 carloads of linoleum, 8 tons of shoes, 1 carload of furniture, 2 carloads of asphalt shingles, 1 carload of soap, 2 carloads of automobiles, 2 carloads of bottles, 1 carload of washboards, 100 bales of cotton, 2 carloads of plug tobacco, 1 carload of heaters, 1 carload of prepared mustard—

Nearly all high-grade articles.

On the upstream trip—

This is a trip from New Orleans north—from that section where the Senator from Utah said we had no commerce.

On the upstream trip we carried sugar, molasses, coffee, glassware, olive oil, wine, cigars, 12 tons of Panama hats, scrap tin, and rice.

Mr. President, I will ask permission to put into the RECORD letters which I have received from this gentleman and to which I shall refer later.

The PRESIDING OFFICER. If there is no objection, the request of the Senator from Louisiana will be granted.

The matter referred to is as follows:

NEW ORLEANS, *April 27, 1916.*

Mr. THOMPSON,
Rivers and Harbors Congress, Washington, D. C.

DEAR SIR: The barge *Inco No. 1* is now about to depart on her upstream trip to St. Louis, after having made a remarkably successful downstream trip to New Orleans carrying a full cargo.

In this connection I would like to call your attention to the attitude of several of the railroads.

All during the time the barge was lying at St. Louis being loaded, the Illinois Central and Louisville & Nashville Railroads particularly had men on the dock checking every ton of freight put on the barge. They even went so far as to stop the drays and ask the teamsters to show their dray tickets, acting as though they were employees of the Inland Navigation Co.

The same railroads were conspicuous for similar actions while the barge has been in New Orleans, the same course having been pursued here.

I thought this information would be of value to you, and I would like to know what could be done to assist us in overcoming this unfair competition. We have already lost four customers, whose loss I charge against the railroads having influenced them to stay away from the Inland Navigation Co.

Very truly, yours,

INLAND NAVIGATION CO. (INC.),
JOHN H. BERNHARD, *President*

MAY 11, 1916.

Senator JOS. E. RANSDELL,
Washington, D. C.:

Barge lying at St. Louis now being loaded. John Hays, of Louisville & Nashville, and James Reardon, of Illinois Central Railroads, are again checking carefully all freight received. Can not you assist me in breaking this unfair competition?

JOHN H. BERNHARD,
President Inland Navigation Co.

MAY 12, 1916.

Senator JOS. E. RANSDELL,
Washington, D. C.:

Notwithstanding my past attempts to get presidents of Illinois Central and Louisville & Nashville Railroads to stop unfair competition practiced by their agents, not the slightest change is noticed. Yesterday being harassed by their representatives, I wired Markham and Smith, presidents of above railroads, to call off their men without any result, since to-day men are again on ground.

JOHN H. BERNHARD,
President Inland Navigation Co.

MAY 13, 1916.

Senator JOS. E. RANSDELL,
Rivers and Harbors Congress, Washington, D. C.:

Interference of Louisville & Nashville and Illinois Central Railroads is increasing. To-day their men are jumping on drays, getting teamsters to give complete details, as if they were employees of this company. Yesterday I telephoned F. H. Law, assistant general freight agent of the Illinois Central, who admitted he had received word from office of their president that my letter was received. His continuing said malpractice is proof to me that it has sanction of Illinois Central Railroad. However, Law promised yesterday to discontinue this practice. Notwithstanding this, men are to-day on the ground. I further communicated with local representatives of Louisville & Nashville Railroad, who admitted he had received word from President Smith regarding my letter, and stated that he would continue this practice as long as it suited him. Will you, as president of Rivers and Harbors Congress, assist me if I take matters in my own hands and use force to stop this unfair competition of rail against water and archaic cutthroat methods?

JOHN H. BERNHARD,
President Inland Navigation Co.

ST. LOUIS, MO., *May 11, 1916.*

Senator JOSEPH E. RANSDELL,
Rivers and Harbors Congress, Washington, D. C.

DEAR SIR: I have wired you to-day as follows:

"Barge lying at St. Louis now being loaded. John Hays, of Louisville & Nashville Railroad, and James Reardon, of Illinois Central Railroad, are again checking carefully all freight received. Can not you assist me in breaking this unfair competition?"

This on account of your previous wire, asking whether I would see any objection to having the data contained in my letter of April 27 to Mr. S. A. Thompson used by you on the floor of the Senate.

In reply to this I will gladly say that it would be very much appreciated by me if you would do so.

The barge having arrived at St. Louis and lying at the dock loading and unloading, we are to-day favored again by the continuous presence of two railroad men—one from the Illinois Central and one from the Louisville & Nashville—namely, James Reardon and John Hays.

It seems there should be some protection in the United States against such unfair competition. Why water transportion should be open to any attack a railroad feels willing to make upon it is beyond my comprehension. Should the Standard Oil Co. follow such practices with its competitors a big howl would go up of unfair competition. All the same, thanks to effective press publications, the railroads are now looked upon by the public as being overlegislated, when the reverse is true.

I have given instructions to have the facts contained in my letter of the 27th ultimo and in this letter put in the form of an affidavit, to be properly sworn to and sent to you; and I beg of you all the cooperation you can give me to stop this archaic, cutthroat business.

Very truly, yours,

INLAND NAVIGATION CO. (INC.),
JOHN H. BERNHARD, *President.*

MAY 13, 1916.

Mr. F. B. BOWES,
Vice President Illinois Central Railroad Co., Chicago, Ill.

DEAR SIR: I have your letter of the 12th, in which you state that as long as you interfere in an orderly way with our business there should be no cause for complaint on our side.

This looks to me very much like the attitude of a man who spits across a lady's face for a couple of hours but never hits her and always spits in a spittoon, and claims as long as he does this in an orderly way she should not object. I trust you will pardon my comely comparison, but I can not offhand think of anything better. It would be anybody's perfect right to move his hands in the air as much as he pleased as long as he did it in an orderly way, but if some one persisted, while you and your wife were dining out, in moving his hand up and down just a few inches in front of your nose as if he were catching flies I wonder how long it would take you to get rid of this nuisance.

Is the valley not large enough and is there not enough freight for the Illinois Central Railroad that it is forced to spend its money in keeping track of all the freight that is moved via the Inland Navigation Co.? Is not the attitude of your railroad very much like that of the big child who has been crying to its parents (Congress) that it is overpunished (overlegislated), and no sooner is a baby brother born to it than it snatches away or attempts to snatch away its milk bottle?

Up until now you have had a man at New Orleans and St. Louis checking all freight going to and from the barge of the Inland Navigation Co. These men have not hesitated, weeks after I wrote to the president of your road and complained about it, to stop teamsters bringing freight to our barge and, acting as employees of the Inland Navigation Co., ask them to show their dray tickets.

It is very evident from facts in the case that these circumstances are thoroughly known to the highest officials of the Illinois Central Railroad, and apparently meet with their approval. It surprises me to have you fearlessly state that your traffic department only expects to get information of its competitors' business in an orderly way. My idea of fair business is to get it on the merits of my own work, not by watching my competitor. That is unfair in principle alone and not in line with upright business methods—certainly not modern methods—that the railroads will be forced to accept until the public is willing to believe they are overlegislated.

I can not appreciate, as you state, that a large railroad like yours must have some system and organization to keep posted as to what your competitors are doing. That is not what your words imply. I, too, read technical papers and traffic papers to keep posted and abreast with the world, but I hope I will never be responsible for having a man check carefully what business my competitor does. It reminds me too much of the scavenging hyena. It is not my style of doing business, and I sincerely hope the Illinois Central Railroad will at least recognize the wisdom of letting my company alone.

If this letter should in any way impress you as unduly harsh, please accept, first, my word that it is not meant as such; and, secondly, that it is my opinion that our difference in looking upon the ethics of business may, in your eyes, give harshness to this letter which I can not find in it.

Far-sighted business must impress any thorough and capable student of transportation that the development of freight traffic upon the Mississippi River must benefit the Illinois Central Railroad. It is the flow of traffic that is increasing with cheaper and better service, and an increase of flow of traffic must be beneficial to paralleling lines.

Very truly, yours,

INLAND NAVIGATION CO. (INC.),
JOHN H. BERNHARD, *President.*

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Michigan?

Mr. RANSDELL. I do.

Mr. SMITH of Michigan. Did the Senator say "12 tons of Panama hats"?

Mr. RANSDELL. "Twelve tons of Panama hats" is what he says.

I wish to call attention now to a very remarkable statement made by Mr. Bernhard in his letter to Mr. Thompson, dated April 27, 1916. He says:

The *Inco No. 1* is now about to depart on her upstream trip to St. Louis, after having made a remarkably successful downstream trip to New Orleans, carrying a full cargo. In this connection I should like to call your attention to the attitude of several of the railroads—

I hope I may have the attention of Senators to this statement—

All during the time the barge was lying at St. Louis being loaded the Illinois Central and Louisville & Nashville Railroads, particularly, had men on the dock checking every ton of freight put on the barge. They even went so far as to stop the drays and ask the teamsters to show their dray tickets, acting as though they were employees of the Inland Navigation Co. The same railroads were conspicuous for similar actions while the barge has been in New Orleans, the same course having been pursued here.

The telegrams and letters to which I have referred, and which I insert in the RECORD as a part of these remarks, show that the railroads have done their utmost to interfere with this barge line, which, Mr. Bernhard says, is carrying the freight quicker than they. It is a new line, just started, and started under splendid conditions. It has its wireless-telegraph service, so that you can communicate with the boat at any point. It is a strictly modern barge, which can carry freight in very large quantities, and it bids fair to reopen boat commerce on the river.

Just a word more. There was much said here yesterday about the freight charges on the river as compared with those by rail. I hold in my hand a compilation made by me some months ago giving the actual rates on sugar in carload lots by rail between New Orleans and certain points. For instance, from New Orleans to Bayou Sara, La., on the river, the freight on the Yazoo & Mississippi Valley Railroad is 7½ cents on sugar in carload lots for 125 miles. To Lindsay, La., on the same railrond, for 113 miles, the rate is 17 cents. Now, this is a very striking case, as the distance to Lindsay is 12 miles less than to Bayou Sara, La., although the rate per hundred pounds in carload lots is two and two-tenths times greater than to Bayou Sara.

To Memphis, Tenn., the distance is 455 miles, and the rate in carload lots is 12½ cents, while to Darling, Miss., a distance of 400 miles the rate is 34 cents. Memphis, of course, is on the river, but Darling is in the interior. Twelve and one-half cents to go 455 miles to a river point, 34 cents to go 400 miles to an interior point!

I will not quote all these other rates in my remarks at this time, but ask permission to insert them in the RECORD.

The PRESIDING OFFICER. If there is no objection, the request will be granted.

The matter referred to is as follows:

Comparison of rates on sugar from New Orleans, La., and points taking same rates to Ohio River crossings, Memphis, Tenn., St. Louis, Mo., and intermediate points:

Rates on sugar and distances from New Orleans via the Yazoo & Mississippi Valley R. R.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Bayou Sara, La	125	7½
Lindsay, La	113	17

This is a very striking case, as Lindsay, La., is 12 miles less than the distance to Bayou Sara, La., although the rate per 100 pounds per carload is 2.20 times greater than Bayou Sara, which is 7½ cents.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Memphis, Tenn	455	12
Darling, Miss	400	34

Darling, Miss., is an inland town and the haul is 55 miles shorter, and its rate per 100 pounds is almost three times as great as the rate to Memphis.

From New Orleans to—	Distance.	Rate carload.
	Miles.	*Cents.*
Anguilla, Miss	284	31
Helena, Ark	400	12

Helena, Ark., is 125 miles farther north than Anguilla and enjoys a much cheaper rate of 19 cents less than said place, or 2.5 times as great, covering a much greater distance.

Rates on sugar and distances from New Orleans via the Illinois Central R. R. to different points.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Hammond, La	53	12½
Memphis, Tenn	395	17

This is very striking, as the Memphis haul is 342 miles longer than to Hammond, La., with a lesser freight rate of one-half of a cent.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Ponchatoula, La	48	17
Cairo, Ill	554	17

This seems ridiculous. Ponchatoula is almost a suburb of New Orleans, yet the rate is the same as to Cairo, in the State of Illinois.

This is a very striking instance of the effect of waterway competition on railroad rates. Cairo is situated on a navigable stream, whereas Ponchatoula is inland. This is a remarkable contrast between these two points as to both mileage and rate, the difference in mileage being 506 miles.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Winona, Miss	272	22
Hopkinsville, Ky	629	22

This is extremely remarkable, as the rates are the same, and Hopkinsville, Ky., is 357 miles, as a difference between the two points.

Rates on sugar and distances from New Orleans via the Louisville & Nashville Railroad are as follows:

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Cincinnati, Ohio	919	18½
Cave City, Ky	724	47

This is a remarkable instance, as the rate, 47 cents per carload per 100 pounds, is 28 cents greater, with 195 less mileage than to Cincinnati, Ohio, which only has a rate of 18½ cents.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Gentilly, La	4	7
Mobile, Ala	139	12

Mobile is 139 miles farther from New Orleans, and the difference in mileage is 135 miles, compared with that of 4 miles at 7 cents.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Athens, Ala	515	34
Nashville, Tenn	622	17

From New Orleans to Nashville, Tenn., is a distance of 622 miles, with a rate of 17 cents per carload, or one-half the rate to Athens, Ala., a distance of 515 miles, or 107 miles less than to Nashville, although with a rate of 34 cents, or twice the rate to Nashville.

Cincinnati, it is alleged, has long been the pivotal point, from a market standing, between New Orleans and the East, and while the rates from the East and from New Orleans to Cincinnati have not always been the same, those rates have closely approximated each other. At the present time the rail-and-water rate on sugar from Philadelphia to Cincinnati is 18 cents, as against a rate of 18½ cents from New Orleans to Cincinnati.

Mr. RANSDELL. Let me call your attention to one of the most striking of these discriminations. Situated on the Illinois Central Railroad, Ponchatoula, La., is 48 miles from the city of New Orleans, and the rate on sugar in carload lots is 17 cents. That same railroad, the Illinois Central Railroad, which had spies checking up Mr. Bernhard's freight when he was putting it on the boats at St. Louis, charges exactly 17 cents to carry sugar 554 miles to the city of Cairo, Ill. Think of that, Senators! The Illinois Central Railroad charges 17 cents to Ponchatoula, 48 miles, for 100 pounds of sugar, in carload lots, and 17 cents to Cairo, 554 miles, for 100 pounds of sugar in carload lots! Where does the distinction come in? What is the difference? Why, Ponchatoula is in the interior, where there is no possible water competition, and Cairo is on the river, both on the Ohio and on the Mississippi, where there is some actual and unlimited potential competition.

I sincerely hope the amendment of the Senator from Minnesota [Mr. NELSON] will be adopted. It will be a wonderful thing for the valley if we can have the Mississippi properly improved, and can reasonably protect men like Mr. Bernhard and others who are establishing boat lines. If that be done, we will have actual as well as potential commerce on the river. He is now carrying freight, according to his letter, quicker than it can be carried by rail, and he is carrying it cheaper than it can be carried by rail.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Florida?

Mr. RANSDELL. I do.

Mr. FLETCHER. I should like to ask the Senator if these barges are self-propelling barges or what is the motive power?

Mr. RANSDELL. They are self-propelling barges. They are large barges, self-propelled, and have every modern appliance. They have a wonderful machine for loading the freight and for taking off the freight—a great crane that runs on tracks from one end to the other, and swings the freight over on the shore or takes it from the shore to the boat. There is an exceedingly interesting description of the barge in the Engineering News of May 4, 1916, page 864, and I ask permission to put this description in the RECORD along with my remarks.

The PRESIDING OFFICER. If there is no objection, the request will be granted.

The matter referred to is as follows:

OIL-ENGINE-DRIVEN STEEL BARGE FOR RIVER FREIGHT TRAFFIC.

A novel type of vessel for freight traffic on the Mississippi began running between St. Louis and New Orleans on April 15, and has aroused great interest among those who look for a revival of traffic on the River.

The new vessel is the *Inco No. 1*, built and owned by the Inland Transportation Co., of 52 Broadway, New York, and St. Louis. The president of the company and the moving spirit in developing this new craft and putting it into service is John H. Bernhard, associate member American Society Civil Engineers. Mr. Bernhard was also chiefly responsible for the design and construction of the steel barges, propelled by gas engines using gas from producers, which have been running for the past year between the Warrior River, in Alabama, and New Orleans. These barges are operated by the Alabama & New Orleans Transportation Co., and were described in Engineering News of December 4, 1913.

In the new venture in Mississippi River traffic, however, Mr. Bernhard is aiming to carry not the cheapest class of bulk freight, like coal, on which rates are very low, but high-class merchandise freight. The rail rate on this traffic is very much higher than on low-class bulk freight, and the boat line can make a strong appeal for such freight, not only on the ground of lower rates but of quicker delivery.

Of course, at times of car shortage like the present, shippers are eager to send goods by the boat line; but even under ordinary conditions the delays at railway terminals are such that a boat shipment from one city on the river to another will usually reach its destination in half or a third the time it would if sent by rail.

Merchandise shipments have been sent by rail instead of by boat, however, because the old river craft still in service are irregular and unreliable. Goods are roughly handled and poorly protected from the weather, from thieves, and from fire, and in case of loss recovery by the owners of the goods is more or less doubtful. All these conditions Mr. Bernhard hopes to change in his new type of boats, which are to run with regularity and are so designed as to reduce as much as possible the liability to accident, and thus to popularize his service.

The new type of boat is a steel barge, with flat bottom. It is 240 feet long, 43 feet wide, and with a draft of 8½ feet will carry 500 tons. At 7½-foot draft it will carry 1,000 tons. The barge is covered with a steel-plate deck, protected by a wooden floor. The cargo is carried on this deck, nothing whatever being carried in the 6-foot high space between the barge's bottom and this deck. This space contains steel posts, which support the deck beams and at the same time form the verticals for five lines of longitudinal trusses. These posts also support transverse water-tight bulkheads which divide the hull into five separate compartments.

The advantages of carrying the cargo on the deck instead of in the hold are the much greater convenience of loading and unloading and the lessened liability to damage in case of leaks. Further, the longitudinal trusses previously referred to and the transverse bulkheads give the hull a strength and stiffness far beyond that of ordinary river craft.

To protect the cargo from the weather the cargo deck has permanent sides, with 10 openings on each side, closed by rolling steel doors, and a roof that is made in sections, so that any section can be lifted off when it is desired to handle the cargo from the top.

Probably the most striking feature of the boat in its external appearance is a traveling bridge crane, which runs on rails that extend along each side of the deck outside the deckhouse. A telescoping boom on this crane may be extended out on either side of the boat to a distance of 68 feet, and will carry a load of 3 tons.

The old-time Mississippi River steamboat carries a long, heavy gangplank swung from a spar at its bow, and as there are few river towns along the Mississippi that have any wharves, this long gangplank is necessary to reach from the steamer to the river bank where a landing is made. The traveling crane on the *Inco No. 1* takes the place of the gangplank. It can hoist any section of the roof, lift the cargo from the section beneath, and transport it to the shore. It can also be used instead of davits for lowering boats. For handling cargo on and off the boats an electric truck is carried on board, and other trucks are to be available at the landings. Electric endless-belt conveyors are also to be used to transport freight on and off the boat.

The barge is propelled by four 80-horsepower Fairbanks-Morse oil engines, burning a petroleum distillate of 29° Baumé gravity. Each engine has four cylinders, operates on the four stroke cycle, and drives a screw propeller 51 inches in diameter. The propeller has four blades

bolted on a central hub. There are trapdoors in the floor of the barge over the propellers. Through these doors the propellers can be reached and a broken blade removed and replaced with a new one as quickly as one could change an automobile tire. In tests blades have been changed in 9½ minutes.

The engine room is at the stern and the cook's galley is at the bow. When the boat is running without load the extra weight of the engines in the stern increases the draft aft and reduces the draft forward, so that the propeller immersion is about the same with the boat light and loaded.

The engines are started by compressed air stored in tanks at 150 pounds pressure. An electric generator driven by silent chain from one of the engines furnishes current for lighting the boat and also for operating a dozen or more electric motors used for various purposes on board. When the boat is stationary and it is desired to operate the generator to furnish current—for handling cargo, for example—a clutch on the propeller shaft is opened and the engine runs without driving the propeller. Electric current is used for all heating and cooking, and no fire whatever is allowed on board.

The barge is still further equipped with three powerful searchlights—one at the bow, one at the pilot house, and one at the stern; each of them can be operated from the pilot house. The combined power is 18,000 candlepower.

The boat has four balanced rudders aft of the propellers. In maneuvering one side engine can run ahead while the one on the opposite side is backing. Further, to assist in swinging the bow, as in coming alongside or leaving a pier, there is an electric motor-driven rotary pump at the bow under control of the pilot, which can draw water from either side and deliver an 8-inch stream on the side opposite; the reaction of this jet exerts a strong force against the bow.

The boat is operated by a captain, mate, 2 engineers, 2 oilers, 4 deckhands, cook, helper, and 2 wireless operators, who act also as freight clerks, a total of 14 for a double watch. Instead of carrying its own gang of roustabouts for cargo handling reliance is placed on the freight-handling force at the wharves where the boat will land.

There is a refrigeration plant on board capable of cooling a chamber of 6,000 cubic feet capacity to a temperature of 31° when the temperature outside is 95°. The refrigeration plant is designed not merely to maintain a low temperature in the storeroom adjacent to the cook's galley, but enables the boat to handle butter, eggs, and similar freight which requires refrigeration.

Appliances for protecting the boat against accident are especially complete. As already explained, the 6-foot high space between the deck and the bottom of the barge is divided into four water-tight compartments, which can also be made air-tight, so that water could not enter the hull faster than it could force out the air contained, and by the provision of a small air compressor on board it would be easy to expel water if it gained an entrance. There are also connected with the water-tight compartments three powerful electric bilge pumps, which may be put in operation by a switch in the pilot house, and which are capable of discharging 8,000 gallons per minute. Mississippi River boats frequently get out of the channel and run aground. The *Inco No. 1* carries 2,600-pound anchors at bow and stern, and by aid of powerful electric winches these can be made use of to haul the boat off if she runs aground. Another most unusual device for a Mississippi River boat is a gun similar to those used in the Life-Saving Service for sending a line on board a wrecked vessel. The gun can shoot a line 1,750 feet. The barge carries two boats—a 20-foot power launch, capable of 22-mile speed, which can be put into the water by the traveling crane in two minutes, also an ordinary rowboat. In the swift currents of the Mississippi it is often a difficult matter to carry a heavy line to shore for use in hauling the boat off a bar. With the life-saving gun, however, a line can be shot to shore and a boat's crew sent ashore to haul it in and draw a cable after it.

At each end of the barge is a telescopic wireless mast, which can be quickly lowered when passing under bridges. The barge carries two wireless operators, so that it can be communicated with at any time from the offices in St. Louis and New Orleans. The captain regularly reports to these offices his position, speed, the weather, etc., and can promptly summon help in case of need. In addition, the accounting department is informed of the freight on board the boat before its arrival, and the time of arrival can be so closely gauged that a force of roustabouts to handle the freight can be on hand as soon as the boat arrives, without wasting time waiting for it.

The *Inco No. 1* surpassed the expectations of its designers in the speed which it made on its initial trip from St. Louis to New Orleans. The river was in flood, and the boat had the aid of the current, but an average speed of 16 miles per hour was attained.

Three additional barges are under construction, and will be placed in service this summer. The company plans to have 36 barges in service by the spring of 1918.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], but I am informed by him that he would vote as I am about to vote; so I vote "yea."

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, I withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER] which I transfer to the junior Senator from South Dakota [Mr. JOHNSON] and will vote. I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina], who is absent, and will vote. I vote "nay."

The roll call was concluded.

Mr. MYERS. I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. He being absent, I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. GALLINGER. I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is absent from the Chamber. For that reason I withhold my vote.

Mr. CATRON. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. He not having voted, I withhold my vote.

Mr. FALL. I inquire whether the senior Senator from West Virginia [Mr. CHILTON] has voted?

The PRESIDING OFFICER. He has voted.

Mr. FALL. I vote "yea."

The result was announced—yeas 48, nays 15, as follows:

YEAS—48.

Bankhead	Harding	Myers	Saulsbury
Brandegee	Hardwick	Nelson	Sheppard
Broussard	Hitchcock	Oliver	Simmons
Chamberlain	Hollis	Overman	Smith, Ariz.
Chilton	Hughes	Page	Smith, Mich.
Clapp	Kern	Pomerene	Sterling
Clark, Wyo.	Lea, Tenn.	Phelan	Stone
Clarke, Ark.	Lee, Md.	Pittman	Swanson
Culberson	Lewis	Poindexter	Underwood
Fall	Lodge	Penrose	Wadsworth
Fletcher	Martin, Va.	Ransdell	Warren
Gore	Martine, N. J.	Reed	Williams

NAYS—15.

Ashurst	Lane	Smoot	Thompson
Curtis	Norris	Sutherland	Tillman
Husting	Shafroth	Taggart	Walsh
Kenyon	Sherman	Thomas	

NOT VOTING—33.

Beckham	du Pont	Lippitt	Smith, Md.
Borah	Gallinger	McCumber	Smith, S. C.
Brady	Goff	McLean	Townsend
Bryan	Gronna	Newlands	Vardaman
Burleigh	James	O'Gorman	Weeks
Catron	Johnson, Me.	Owen	Works
Colt	Johnson, S. Dak.	Robinson	
Cummins	Jones	Shields	
Dillingham	La Follette	Smith, Ga.	

So the amendment of the committee was agreed to.

The next amendment was, on page 36, after line 14, to insert:

Reservoirs at headwaters of Mississippi River: That so much of the adopted project for the construction of a low reservoir dam at Gull Lake, Minn., as provides for the digging of ditches between Gull Lake and Round Lake and between Round Lake and Long Lake, is hereby abandoned; and the Secretary of War is hereby authorized to surrender to the parties entitled thereto the flowage rights on Long Lake and Round Lake heretofore granted the United States for the aforesaid work.

The amendment was agreed to.

The next amendment was, on page 37, line 11, after the words "Fort Benton," to strike out "$125,000" and insert "$150,000"; in line 12, after the words "at least," to strike out "$50,000" and insert "$75,000"; and in line 15, after the words "in all," to strike out "$175,000" and insert "$200,000," so as to make the clause read:

Missouri River: For improvement and maintenance from Kansas City to Sioux City, $50,600, of which amount at least $25,000 may be expended for such bank revetment as in the judgment of the Chief of Engineers may be in the interest of navigation; continuing improvement and for maintenance from Sioux City to Fort Benton, $150,000, of which amount at least $75,000 may be expended for such bank revetment as in the judgment of the Chief of Engineers may be in the interest of navigation; in all, $200,000.

Mr. KENYON. I should like to inquire if this matter was presented to the committee by the Senator from South Dakota [Mr. STERLING]?

Mr. STERLING. I will state for the information of the Senator from Iowa that I did not present this distinct matter to the committee. I presented another matter to the committee, and it may be that in view of what I then said the committee recommended this increase of $25,000.

Mr. KENYON. I was trying to find out the reason for the increase.

Mr. STERLING. I will say to the Senator from Iowa that there is a very good reason, I think, for this increase. I thought when I saw the increase that, like all other small favors, it should be "thankfully received."

I will say to the Senator that the revetment work provided for in this paragraph, amounting to $75,000, covers that full stretch of the Missouri River from Sioux City to Fort Benton, a distance of 1,477 miles. There are three or four places within 50 miles of Sioux City where every dollar of this appropriation could be profitably expended, not to say anything of the revetment work that may be required above the city of Yankton, S. Dak. So there is need not only for this $75,000, but need for very much more than that sum.

I have in mind the introduction of an amendment to the bill providing for a larger appropriation than even this for

revetment work or other improvement that will prevent the erosion of the banks of the Missouri River. That is very much needed, and is at just one place on the Missouri River. The amendment I shall offer will provide for a contribution on the part of the city, the county, or other agencies interested in the improvement; but this amount, independently of anything I shall offer, is needed, as I said, between Sioux City and Yankton, S. Dak.

I will state further, Mr. President, that the amendment agrees exactly with the report of the Board of Engineers. On page 364 of the committee report, in giving the estimate of the work between Sioux City and Fort Benton, there is this item, taken from the report of the Board of Engineers:

Systematic works of improvement: Standard revetment, $75,000.

So the amendment of the committee just brings the amount up to what has been proposed by the Army engineers to be expended in the long distance between Sioux City and Fort Benton in improvement of this kind.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 37, line 23, after the word "appropriated," to insert:

Provided, That the amount required to be paid by the city of St. Joseph or other agency shall not be in excess of two-fifths of the total amount expended, and in no event to exceed $50,000.

So as to make the clause read:

Missouri River at St. Joseph, Mo.: For improvement, $75,000: *Provided*, That no part of this amount shall be expended until the city of St. Joseph or other agency shall have deposited to the credit of the Secretary of War in some duly recognized depositary of the United States to be designated by him such sum as may be satisfactory to him to be expended together with an equal amount of the funds herein appropriated: *Provided*, That the amount required to be paid by the city of St. Joseph or other agency shall not be in excess of two-fifths of the total amount expended and in no event to exceed $50,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 5, to insert:

For the building of a diverting dam in the Los Angeles and Long Beach Harbors, Cal., and their tributary waters with a view to their protection from the deposit of silt in said harbors, in accordance with House Document No. 462, Sixty-fourth Congress, first session, $1,080,000: *Provided*, That before any work is undertaken by the United States assurances satisfactory to the Secretary of War shall be given that the city or county of Los Angeles or other agencies will provide the right of way, defray the cost of the necessary roads and bridges, adjust all damage claims, and maintain all improvements after its completion, $500,000 of said amount to be immediately available.

Mr. SMITH of Arizona. Mr. President, I do not want to lose my right to offer an amendment to the text of the bill. I understand that we are now considering only the Senate committee amendments.

The PRESIDING OFFICER. That is the order.

Mr. SMITH of Arizona. After those amendments have been considered, the bill will be open to amendment by any individual Senator?

The PRESIDING OFFICER. That will be the order.

Mr. CLARKE of Arkansas. Mr. President, let me modify that statement somewhat. Amendments to the House text either to strike out or insert will be in order. Then, as the third order of business, new amendments offered by individual Senators to the bill will be in order.

Mr. SMITH of Arizona. If that be true, an amendment to the text of the bill as passed by the House, on page 38, line 5, the item of $3,000 for maintenance of Colorado River, Ariz., by repair of the levee on the Gila River near its junction with the Colorado at Yuma, will be in order. If I wish to amend that, now will be the proper time?

Mr. CLARKE of Arkansas. No; that will come after we get through with the committee amendments.

Mr. SMITH of Arizona. All right, then, I will wait.

Mr. KENYON. Mr. President, I suppose there will be some explanation of this item. It may be that it is so small an amount, being such a trifle—$1,000,000—that we will not have an explanation of it. I think, before voting on a proposition which involves $1,000,000, we ought to have some explanation of it from some one.

Mr. WORKS. Mr. President, I think I can explain the objects and purposes of the appropriation. It is for the construction of what is called a diverting dam. The object of it is to prevent the inflow into Los Angeles and Long Beach Harbor of silt and débris of various kinds that periodically fill up the channel to the harbor. It has been estimated that where the storms that we have in that section occur once in five years it costs the Government about $100,000 a year to dredge out the deposits that come in in that way.

The intention of this is to construct a dam running between two of the hills jutting out into the coast, a distance of something like 3 miles, simply a low dam, for the purpose of preventing the inflow of the débris and silt into the channel of the harbor.

In connection with this improvement the county of Los Angeles has inaugurated a project to prevent the effect that followed from the heavy rainstorms on which they are proposing to expend about $15,000,000, which is directly beneficial and prevents the inflow into the harbor. That project has gone so far that they have commenced now to build one of the reservoirs that is intended to prevent a sudden flow of the stream.

In addition to that, in connection with the dam which I mentioned, the county expects to create a new channel that will conduct the waters away from the harbor. This dam is simply a part of that project. The Government is proposing to expend $1,080,000 upon it. The county of Los Angeles expects to expend $15,000,000 partly for that purpose and partly for the protection of the land intervening between the mountain and the bay.

In addition to that the county of Los Angeles is required under this amendment to provide the rights of way, the approaches, and the various other things that are necessary to protect the Government from damages, which, as estimated by the Board of Engineers, will amount to something like $900,000.

This improvement is absolutely necessary for the protection of the harbor in the way I have mentioned. It is a saving of expense to the Government in the long run besides the fact that it keeps the harbor in good and serviceable condition.

I think I need not take up the time of the Senate in an attempt to show the importance of that harbor. It is a subject that has been before the Senate many times. It is one of the important harbors of the country, and one upon which the Government has expended considerable money in the past in order to make it a safe harbor.

I regard this as a meritorious improvement in the interests of the Government. I think that for that reason it should be adopted.

Mr. KENYON. May I ask the Senator a question?

Mr. WORKS. I yield.

Mr. KENYON. I would simply like to inquire of the Senator if in his judgment the proposition of the committee is of pressing importance, or would any injury result from a delay of a year or so?

Mr. WORKS. Yes, Mr. President; there is always danger of injury by delay, for the reason I have stated. When these thunderstorms come they do a great deal of damage to the harbor. We have had two of those severe storms within two years. Usually they are not expected to occur more than once in five years, but last year we had one of the most damaging floods and storms we have had in the history of that section of the country. It is a matter of urgency. Only $500,000 of the amount is made available at the present time, and, in view of what is being done by the county of Los Angeles, that has already been commenced, I think it is quite important that this work should be done in that connection.

Mr. KENYON. It has all been recommended by the Army engineers?

Mr. WORKS. It has been very thoroughly examined into by the Board of Army Engineers on the ground, besides the report made by the local engineers.

Mr. KENYON. Is it in the nature of a cooperative project?

Mr. WORKS. It is.

Mr. KENYON. The Government does not bear the entire expense?

Mr. WORKS. No; on the contrary, the county of Los Angeles in the long run will bear more than one-half of it.

Mr. SMITH of Michigan. The question of the Senator from Iowa whether this is an emergency matter or a matter that could not wait a year has been answered with great modesty by my friend from California. There is another reason, however, why it should not wait a year. If it waits a year the Senator from California will not be here.

Mr. KENYON. How do you know?

Mr. SMITH of Michigan. Because he has already given notice of his retirement, and what more appropriate time to do it than now when he will appreciate it?

Mr. NELSON. Nevertheless, the people may elect the Senator from California.

Mr. SMITH of Michigan. I think that this is an emergency matter.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 38, after line 21, to insert:

San Diego Harbor, Cal.: For improvement and maintenance, $220,000, in accordance with House Document No. 648, Sixty-fourth Congress,

first session: *Provided*, That the city of San Diego donates to the United States Government 500 acres of tide lands known as Dutch Flats.

Mr. WORKS. Mr. President, that is another appropriation in which I am interested, and as the Senator from Iowa seemed to desire an explanation of the other item I think one is due in this case also. This is a proposition to widen the channel of the harbor. The city of San Diego has itself already expended $300,000 upon this project without calling upon the Government; but the channel is still too narrow. It has been cut straight down so that as the steamers come in they have a tendency to wash the sides of the channel into the channel itself, and is in that way obstructing it, and there is necessity for immediate action in regard to it.

I wish to read just a little from the report of the Army engineers that will explain, I think, what is the purpose. I read on the San Diego Harbor from the report signed by the Chief of Engineers of the United States Army, as follows:

For reasons stated the board believes that no further deepening of area B is required at this time, and that there is no pressing need for dredging area A. It is of opinion, however, that the United States should undertake the maintenance of area B and should dredge area C to a corresponding depth of 32 feet, at an estimated cost of $220,000, the latter work being necessary to give adequate approach to the channel provided by the city along the municipal pier and wharves.

That is the matter which is covered by this amendment.

After due consideration of the above-mentioned reports, I concur in the views of the Board of Engineers for Rivers and Harbors, and therefore report that the further improvement by the United States of San Diego Harbor, Cal., is deemed advisable to the extent of dredging area C, indicated on accompanying map, to a depth of 32 feet below mean lower low water, at an estimated cost of $220,000, and maintaining this area and area B to similar depth. The entire amount of the estimate should be made available in one appropriation. There are no data regarding the cost of maintenance, but it is believed that this will be moderate. The above recommendations cover only such further work as is deemed necessary in the interests of commerce and navigation. The needs of the Navy, as stated by that department, are indicated above in second paragraph.

Then, it is pointed out, Mr. President, by the Board of Army Engineers, in the report signed by W. M. Black, colonel, Corps of Engineers, senior member of the board, as follows:

The commerce of the harbor for 1914, as given in the report of the district officer, amounted to 654,087 tons, having a value of $60,184,675.

Again:

The improvement contemplated by "widening the main channel at the Government coaling station" is apparently in the interests of the Navy Department, as the present facilities are ample for general commerce and navigation in that vicinity. The accompanying correspondence with the Navy Department indicates that its requirements are in effect practically those indicated on the map in the report printed in House Document No. 1209, Sixty-second Congress, third session, as plan C for the middle ground, and plan B for outer bar. The improvement desired by the city of San Diego is additional dredging to a depth of 35 feet in the vicinity of the new municipal dock, and is described by the district officer and shown on the accompanying map under three separate items pertaining respectively to the areas A, B, and C.

This appropriation is recommended, as you will see, Mr. President, in the interest of navigation and commerce, and also in the interest of the Navy Department. The condition is imposed upon the city of San Diego that it shall convey to the Government a certain tract of land bordering upon this improvement, known as Dutch Flat. The amount of land is 500 acres, being in the immediate vicinity of the dredging that is required to be done. The material taken out can be dumped upon this piece of land and will make it an extremely valuable piece of property. It is estimated by those who claim to know that the property will be worth at least $2,000,000. By others it is estimated much higher than that. It is slightly under water, and by the dredging out of the channel it can be elevated above the water. It will make an excellent training ground and may be used for other purposes.

As showing something about the value of the property, I want to read a letter to Mr. WILLIAM KETTNER, the Member of Congress from that district, from Mr. Will M. Parry, who is now one of the trade commissioners. He says in that letter:

Replying to your letter of May 9, I desire to say that for 16 years and up to the time that I became a member of the Federal Trade Commission I was the president and manager of a corporation engaged in reclaiming tidelands in the harbor of Seattle, and have made a particular study on the subject of reclamation of land suitable for industrial purposes. As a part of that study I looked into the tideland situation in the city of San Diego, and am familiar with the tract of land referred to in your letter, and known as Dutch Flats.

You ask me to give my estimate of the value of the tidelands known as Dutch Flats after those lands are filled to the height required to make them commercial property. It is my opinion that if these lands are filled to a height of, say, 2 feet above extreme high tide, and suitable provision is made for platting the same, with proper streets for giving access to industrial sites, that the land so created would be worth, for industrial purposes, an average of 30 cents per square foot. This estimate is based upon the present population and commercial situation of San Diego, and does not take into account its great potentialities as an industrial and commercial center.

It is my opinion, as one who has been engaged in dredging operations for many years, that the lands can be very cheaply filled by depositing thereon the silt, which should be removed in order to widen the channel to the new municipal wharf. Unfortunately, the present channel is too narrow for navigation for very large ships, and the material removed in widening the channel should be deposited upon the tract of land to which you refer, thereby increasing its value to an amount equal to the cost of the dredging.

So, Mr. President, in this case the city of San Diego is a good deal more than paying the amount of money that is to be appropriated by the Government; it is paying three or four times as much. This tract of land has been approved by captains of ships that enter as affording an excellent place for training ground, one of the best in the country when this filling-in process shall have been completed. So, really, the making of this appropriation with the condition attached is a making of money—not only an economy, but the actual making of money—by the Government. Therefore, it seems to me, there is no question about the merits of the appropriation.

Mr. SMOOT. Mr. President, I understood the Senator from California to say that the appropriation was for the widening of the channel?

Mr. WORKS. Yes.

Mr. SMOOT. I listened attentively to the reading of the report by the Senator, and from that report I gathered the impression that it referred to the deepening of the channel.

Mr. WORKS. It is for both purposes; it has both effects; it is to widen as well as to deepen the channel.

Mr. SMOOT. Mr. President, I will say that this is one of the items in this appropriation bill which has merit. The appropriation ought to be made. Last June I visited San Diego and had the pleasure of taking an aeroplane trip over the bay. I saw a large boat coming up the channel, and I noticed that the channel was so narrow that it was a revelation to me how a boat could be so skillfully handled as to pass through it. I wanted to see the channel, and thought the best way to see it was to take a trip in an aeroplane. I followed the channel from the landing wharf out to the ocean, and could see its width and every curve in it.

I am positive, Mr. President, that this money ought to be expended for the widening of the channel in that harbor. The Dutch Flats, I believe, when filled 2 feet above the extreme high level of the ocean, can be sold for enough money to not only pay the expenses incurred by the appropriation, but many times over. Those flats are very close to the city; in fact, they can be used either for residential purposes or for drilling grounds, if the Government so desires.

This is one of the items in this river and harbor bill which appeals to me, and should appeal to anyone who is interested in the development of the waterways of our country. I expect to see San Diego at some day a great port of entry. It is splendidly located; it has a fine citizenship, composed of business men of the very highest type, and they are all most active and enterprising. I certainly shall be more than pleased to have an opportunity to vote for this item in the bill.

Mr. PHELAN. Mr. President, I had expected to address the Senate on the subject now before this body, but finding such unanimity in favor of the committee amendment, and not desiring to obstruct the progress of the debate on the river and harbor bill, I shall confine my remarks simply to a rebuke of the city of San Diego, because, if I were in the confidence of the municipal authorities of that city, I should have endeavored to restrain their impetuosity when, in order to receive Federal aid for their harbor, which was badly in need of it, they offered as a consideration to the Federal Government 500 acres of tide lands, which Mr. W. H. Parry, of the Federal Trade Commission, who is an expert in such matters, estimates to be worth in the neighborhood of five or six million dollars, on a basis of 30 cents per square foot.

It is very pleasing to hear the Senator from Utah [Mr. SMOOT] agree with the absolute justice of this item; but there is even more than that involved. While it may be an act of justice on the part of the Government, it is an act of generosity on the part of the municipality. As I have said, however, there is no need of persuading an already convinced Senate; and so I shall limit my remarks to what I have said.

Mr. SMITH of Michigan. Mr. President, I want to commend this San Diego project, and, while I can add nothing to what has been said by the Senators from California and the Senator from Utah, nevertheless I regard this harbor improvement as much more than a mere question of local interest. San Diego Harbor is a proper rendezvous for the ships passing through the Panama Canal; it is the most southerly American port on the Pacific; and it has never been treated with the generosity or the consideration which it deserves.

The Government coal wharves, referred to by the Senator from California [Mr. WORKS], are a standing criticism of the policy of the Government of the United States. They have never been completed. They are splendidly located; they are vitally important; and yet the money that has been necessary to complete those coal docks for the Government has been very ungenerously withheld. I should like to see a Secretary of the Navy sometime with pride enough in that great southern Pacific port to complete the work long ago undertaken and which is so vital to our Government.

I am very familiar with that harbor; indeed I was aboard the first battle cruiser that ever entered the harbor of San Diego, and I know the difficulties encountered in getting into the harbor and the necessity for this appropriation in order to make the harbor practical and feasible and give it the place which it is entitled to occupy in the commerce and the navigation of our country.

I am glad to hear my friend from Utah [Mr. SMOOT] speak in praise of the harbor of San Diego. He has evidently been to San Diego. He has not been to Arcadia. If he had been to Arcadia perhaps his vision would have likewise broadened. He is looking at San Diego through a field glass from a commanding height, while he is observing other meritorious items in the bill from the valley with a microscope. He ought, at least, add to his equipment a field glass that will extend northward as well as westward.

Mr. KENYON. We may reconsider that action.

Mr. SMITH of Michigan. Very well; reconsider it. It should stand on its merits, as this project does. But I do not want to confuse that item of unusual merit, which the Senate has already adopted, with this southernmost California harbor, and I rejoice that both Los Angeles Harbor and San Diego Harbor have been treated appropriately by the Committee on Commerce and appropriately by the Senate.

The PRESIDING OFFICER (Mr. WALSH in the chair). The question is on the adoption of the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 41, line 1, after the word "maintenance," to insert "of the channel from Bay City to Tillamook City," so as to make the clause read:

Tillamook Bay and Bar, Oreg.: For maintenance of the channel from Bay City to Tillamook City, $5,000.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment was, on page 41, after line 23, to insert:

Willapa Harbor and River, Wash.: For improvement in accordance with the report submitted in House Document No. 706, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $247,900, exclusive of the amount herein and heretofore appropriated.

Mr. KENYON. Mr. President, if it is not out of order to make an inquiry as to this item, I should like to have some explanation for the RECORD of this appropriation. I believe there was nothing in relation to it presented to the committee.

Mr. RANSDELL. Mr. President, I ask unanimous consent that that item be passed over until the Senator from Washington [Mr. JONES] shall return to the Chamber, as he is especially interested in it.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 42, after line 19, to insert:

And for the construction of the west breakwater, Kahului Harbor, in accordance with the report published in House Document No. 1330, Sixty-second Congress, third session, $100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $150,000, exclusive of the amount herein and heretofore appropriated.

Mr. KENYON. Mr. President, I should like to make the same inquiry, if it is not out of order, with respect to this item. I should like to find out something about this item of $150,000. I believe nothing was presented to the committee in regard to it.

Mr. SMITH of Michigan. There is a favorable report on the project from the engineers.

Mr. CHAMBERLAIN. Mr. President, in answer to the Senator, permit me to say that if the Senator will examine Document No. 1330 of the Sixty-second Congress, third session, he will find the whole subject discussed. It is discussed further in the report of the committee at page 411. I introduced this proposed amendment at the request of representative citizens from that section.

Mr. KENYON. Mr. President, I should like to inquire if the Senator considers the improvement a military or naval necessity?

Mr. CHAMBERLAIN. I can not undertake to put it on that ground, Mr. President, although I will say that, as a general proposition, the deepening of all harbors along the coast, if they are large enough for the admission of naval vessels at all, is something that may be considered to be along the line of preparation for defense. However, I would not claim that for this harbor. It is a much-needed improvement; the Government has already spent a good deal of money on the harbor, and the appropriation is for the purpose of redredging and deepening it.

Mr. SMOOT. Mr. President, when I first read the item I thought that it was for a harbor located on the island of Oahu; but I see it is on the north coast of the island of Maui, about 110 miles by water from Honolulu. I have been all over the island of Maui, and it may be that this improvement is necessary, but I should like to have some little explanation of it. Will the Senator allow it to go over until I can look up the report?

Mr. CHAMBERLAIN. I have no objection to that course being taken.

Mr. SMOOT. I rather think it is all right, but I should like to look at the report.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was in section 2, page 43, line 9, after the words "the sum of," to strike out "$250,000" and insert "$350,000," so as to read:

SEC. 2. That for examinations, surveys, and contingencies for rivers and harbors for which there may be no special appropriation, the sum of $350,000 is hereby appropriated: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made.

Mr. KENYON. Mr. President, at the risk of marring the delightful harmony of this occasion and the smoothness with which all these appropriations are passed along, I want to place in the RECORD something from the different reports and some observations about this increase of $100,000.

We have now reached the point in this bill where we have before us the consolation prizes. The bill as it came from the House contained $250,000 for these surveys. A number of new surveys are put in the bill, and the amount is increased to $350,000. Of course I realize that as items are put in this bill this is a very small and trivial sum. We are so accustomed to thinking about millions in connection with these bills that anyone who objects to a $100,000 item is supposedly engaged in very small and discreditable business.

These surveys are laying the foundation for unlimited appropriations from the Public Treasury; while as it now stands, and if the surveys are made, money is not appropriated without further action of Congress, yet the very fact that the survey has been made and favorable reports have been secured thereon is the first peg on which to hang the appropriations that are sure to follow.

All through these 15 pages of surveys are entered new surveys by the committee under a system which the committee has, as I understand—and if I am wrong about it, the members of the committee can correct me—that any Senator who wants a survey for any project merely presents that matter to the committee and it goes in as a matter of course. It is needless to say that any members of the committee who desire any number of surveys can insert them as a matter of course, because we were told that the surveys did not cost much of anything. But it seems that the new surveys placed in this bill are to cost $100,000, making $350,000 altogether.

I want to call attention to a few of these, and see if the Senate is practically willing to commit itself to some of these propositions.

On page 49 of the bill, lines 7, 8, and 9, I find this item:

Waterway between Sarasota Bay, near Venice, and Miakka River, Fla., with a view to giving such channel dimensions as commerce may demand.

One would imagine from reading that that there was some great necessity to have a waterway for the commerce of Sarasota Bay. Let us see what that commerce is.

We have appropriated $125,042.75 for that bay. According to the engineers' reports for 1915, the commerce for the year 1914 amounted to 10,574 short tons, of which over 1,000 tons was fish. The Miakka River was provided for in the river and harbor acts of July 26, 1912, March 4, 1913, and March 4, 1915, for a preliminary examination and survey. That river has had

nothing at all done with it. The commerce of this bay amounts to 10,000 tons. We now practically commit ourselves to the proposition of eventually constructing a waterway between those points.

On page 50 we have provision for an instrumental survey of the Brazos River and the Colorado River in Texas. That is a new item.

On page 51 we have another survey of the Brazos River. I do not know how many surveys we need of the Brazos River or how many different kinds of surveys can be made. We have ordered a reexamination of the Brazos River. That report has not as yet been submitted to Congress; and yet we go ahead in this bill and appropriate either $200,000 or $250,000 for the Brazos River. Not only that, but we go ahead in the surveys and provide for two more surveys—one of them an instrumental survey. What is that? It sounds like a musical survey, possibly to see whether there is any music in the babbling waters of the Brazos; and there are two surveys of the Brazos River.

On page 50 there is an item providing for another survey of the Trinity River. A few years ago Congress ordered a resurvey of the Trinity River. That is being made. We can not wait for the Army engineers' reports on the Trinity River to put in this bill $250,000 for that river—a proposition of 37 locks and dams that are going to cost the people of this country at least $10,000,000.

Then we come on with our surveys, and authorize another survey of the Trinity River near Liberty, Tex.

The Sulphur River in Texas and Arkansas: There is one of the prizes. We have had surveys of the Sulphur River. We have expended considerable sums of money on the Sulphur River with no results. I want to put in the RECORD, as bearing on this matter, portions from volume 1 of the Army engineers' report for 1915, page 950. They say:

For the first 12 miles above the mouth the average width of the river at low water is about 75 feet, the depth a few inches only, and the fall about 10½ feet. Thence to a point about 51 miles above the mouth there is a pool with average width of 125 feet, a minimum depth of at least 5 feet, and a fall of only 1 foot. Above this point the depth and width decrease rapidly.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. From the name of that river I gather the idea that probably it is not water they are after. How about the sulphur?

Mr. KENYON. There is nothing on that point in the record; but I suppose that with these few inches of water they will be able to get the sulphur out of the bottom. It may be a sulphuric proposition.

Prior to improvement the river was badly obstructed by snags, logs, and overhanging trees—

The same old story—

Navigation of the lower 17 miles has never been possible at low stages. Rafting was carried on in the pool for about 55 miles.

We have had a previous project for this river; but they are so tenacious, when there is once a pull out of the Federal Treasury, that they are unwilling to give it up.

Under the original project adopted by the river and harbor act of August 18, 1894, $2,488.99 was expended.

* * * * * * *

The present project was adopted by the river and harbor act of March 2, 1907, and provides for the improvement of the lower 150 miles by snagging and a small amount of dredging.

* * * * * * *

About one-third of the work contemplated by the project has been completed and maintained. The river above the lower 51 miles is badly obstructed, and that portion of the project has been reported as unworthy of further improvement.

This, I assume, is to reverse the action that already has been taken, finding this stream unworthy of further improvement.

I will put in the RECORD a little more from the report:

Below that point some obstructions have accumulated since the last work was done, in January, 1913, but these are not sufficient to make navigation impracticable. A depth of at least 5 feet at low water is available in the pool from about 18 miles to 51 miles from the mouth. Below that point navigation is possible only at high water. The total expenditures under the existing project were $43,500.

With that kind of a stream, why not let it alone? Why do any more surveying? There has been no commerce of any value on this river, and the improvement has had no effect on rail freight rates. So we have expended $45,988.99, and the engineers say, on page 952, that there was no commerce reported on this river during the calendar years 1912 and 1914.

What is the use of putting a proposition like that in this bill? But it is apparently violative of senatorial courtesy to object, or even to question, any of these matters. Senatorial courtesy in voting on appropriations is getting about the same as senatorial courtesy in voting on nominations; and men in this Chamber are voting on many of these things because "it is Senator So-and-so's proposition or harbor," and so forth. I can not believe that any Senator ought to find fault with a colleague who votes against a proposition in which he may be interested and honestly believes is right, if his colleagues honestly believe it may not be right; but it seems that that is the custom we are getting into.

It is not enough to have simply a survey of Sulphur River, but another survey is authorized of Sulphur River and Days Creek in Texas and Arkansas, and then a survey of the St. Francis River through the "sunk lands."

There is a most remarkable river—a river as to which the testimony in the House shows that you could cross it at the "sunk lands" and not know when you had crossed the river. I glory in the courage of the Senator from South Carolina [Mr. TILLMAN] and the Senator from Indiana [Mr. TAGGART] in standing up here and denouncing this bill. They show long-headedness in doing it, too—political long-headedness for their own party—because, while it is not a party matter, our Democratic friends will have to answer to the country for these expenditures.

On page 51 a survey is provided for the St. Francis River. I want to call attention to what a witness said in the House hearings about that river. I read from page 7 of the hearings in the House of Representatives on the St. Francis River, Ark. and Mo.:

Through the sunk lands, in some places, it has a well-defined bank on one side, but on the other the average above low water, I should think, was not over 18 inches, and it may be less than that. In fact, when you approach it at many places you will not know when you reach the river, and the channel winds around through logs and growth and this smartweed, as we call it, and you can actually cross the river and never know it. As I said, where they have built the railroad bridge and wagon bridge at Lake City, and where I have seen steamboats at least 30 or 40 feet in length, there are willows growing up, in some places coming through the flooring of the bridges.

At another place in this hearing there is a statement of what it is going to cost to canalize this weedy river, for which we are providing a survey in this bill. On page 4 of that document is Mr. Whittemore's statement. He went over the river in conformity with the provisions of the last river and harbor bill. He was under the direction of the engineer in charge at Little Rock, but is now at Humboldt Bay, in California. He made the survey and wrote a letter in which he set forth his findings, which letter is inserted, at least in part, in these hearings. He says:

With reference to your inquiry concerning my estimates of canalizing through the sunken lands, I have to report that the cost would be about $610,000 for a canal with a top width of channel of 130 feet, bottom width of 85 feet, and mean depth of 15 feet below low water.

What is the particular use of the survey, when already the investigation has been made, and it will only cost the trivial sum of $610,000 to put a canal along through this river grown over with weeds?

Mr. President, that is not to regulate freight rates, which we have heard so much about. That is just a wasteful, useless expenditure of public funds, if we are going to do it.

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. KENYON. Certainly.

Mr. CLARKE of Arkansas. I have not felt justified in trespassing upon the time of the Senator to refer to these matters——

Mr. KENYON. I will say to the Senator that I am only going to take a very few minutes.

Mr. CLARKE of Arkansas. But a very simple explanation would be sufficient there.

About 1823 there occurred what is now known as the New Madrid earthquake, which caused quite a body of land—say, 30 or 40 miles in width, and 15 or 20 miles in length—to sink down some 17 feet. Its course lay right across the channel of the St. Francis River. Little River, which is one of the branches of the St. Francis River, was included also. The river above and below there is a perfectly well-defined stream; but through that sunken portion of it, of course, being lower than the banks above and below, the water necessarily spreads over the sunken area. The proposition here is to delineate a channel, and, by constructing a levee on each side of it, to reclaim all that land, subject it to the uses of the people, and make the stream navigable up to its capacity, as it was before that occurred, up into Missouri.

The proposition, however, has not been to impose the cost on the United States Government. It is thought that the land which is reclaimed from that swamp—it is Government land—will be sufficient, when disposed of, to pay the entire cost of the project; and the purpose of this survey is to determine whether or not it will.

Mr. KENYON. That being true, Mr. President, it throws a very different light on the subject. I am glad to have that information, because it seemed a most preposterous proposition; but the explanation of the Senator from Arkansas, of course, changes that situation.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. KENYON. Yes.

Mr. SHEPPARD. Let me say to the Senator that since the unfavorable report to which he refers was made on the Sulphur River immense iron-ore deposits have been definitely blocked out in Cass County near the river; and it was in order to see if the river could be improved, with a view to establishing a channel for the transportation of that ore to the Gulf, that I asked for another survey. If the survey shows that the iron-ore deposits are not of sufficient value to justify an improvement, then that will be the end of it.

Another proposition, in connection with Days Creek, is to establish a canal from a point on the Sulphur to the city of Texarkana, an important city of some 20,000 people, which channel, in connection with the Sulphur River and the Red River, into which the Sulphur flows, will give a navigable waterway from Texarkana to New Orleans, the Gulf of Mexico, and the markets of the world. It was in order to have these questions decided that I asked for these two surveys. Texarkana is only 8 miles from the nearest point on Sulphur River, and even without the canalization of Days Creek would, in my opinion, benefit immensely by the improvement of the Sulphur.

Mr. KENYON. Yes, Mr. President; whenever any new survey or new appropriation is to be made there is always something just going to be discovered that will be great for commerce or there is a new barge line just being organized somewhere generally just before the river and harbor appropriation bill comes along. That has grown very customary. We have here a survey for the Arkansas River from Little Rock to its mouth. That is an instrumental survey. I am not going to say anything more about the Arkansas River.

Mr. CLARKE of Arkansas. If the Senator will permit me, I will say a few words about it.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. KENYON. I do.

Mr. CLARKE of Arkansas. I desire to have that survey made for the purpose of putting Congress in the possession of a reliable statement of the actual conditions on that river from Little Rock to the mouth. We believe it is an excellent river—one of the principal rivers of the country. The surveys that have heretofore been made establish that fact. But the recent report—not survey, but report—to which the Senator from Iowa attaches so much importance, has rather thrown some doubt upon it. We wish a more detailed and accurate survey in order to disclose the fact whether it is one of the rivers of the country worthy of appropriations by the Government, so that we shall have a more tangible basis than we ever had on which to deal with it further.

Mr. KENYON. I pass from that, Mr. President. The Cache River we have heard much about. There was a survey provided for the Cache River. That the committee has eliminated. Another one of the items is Thunder Bay River, Mich., with a view to improving its mouth. The Black Lake Harbor, Mich., item is one of the committee amendments. There are items for the floods in the State of Kansas, and other propositions in Oregon, Virgin River, Nev., Tolovano River, Alaska. There are some 15 of those surveys in all, which of course practically means the commencement of further great expenditures.

I have called attention to these matters, Mr. President, simply because I desire that we shall have a vote on this proposition and not for the purpose in any way of delaying the proceeding. There are very few Senators here. There are only nine Senators in the Chamber. I should like to have a yea-and-nay vote and let that go as a quorum call.

Mr. CLARKE of Arkansas. If the Senator will permit me to make a short statement concerning that particular item, possibly it will not be necessary to have formal action by calling the yeas and nays. The proposed increase in amount from $250,000 to $350,000 was made by the committee principally upon the information contained in this communication, which is a letter from the Chief of Engineers dated May 3, 1916, addressed to the chairman of the committee. It says:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 3, 1916.

Hon. JAMES P. CLARKE,
Chairman Committee on Commerce, United States Senate.

SIR: 1. Referring to section 2 of the pending river and harbor bill, which authorizes certain preliminary examinations and surveys and appropriates the sum of $250,000 for payment of the expenses incurred in connection therewith, I have the honor to say that a rough calculation of the cost of the work involved by these examinations and surveys indicates that the appropriation is insufficient to complete all of the investigations authorized, and that it should be increased by $100,000, or to $350,000.

2. It may be proper to add that not only are the expenses incurred in connection with the specific examinations and surveys authorized in this section borne by this appropriation, but also certain other expenses, particularly the cost of printing the annual report of the Chief of Engineers, which amounts to about $25,000; the cost of printing the congressional documents in which the reports of the preliminary examinations and surveys are printed for distribution, which for the past year has amounted to about $15,000; the pay of certain civilian employees in the office of the Chief of Engineers amounting to about $40,000; and the expenses of the civilian employees and other expenses in connection with the Board of Engineers for Rivers and Harbors, amounting to approximately $15,000; making a total of $95,000, in addition to the expenses incurred for the specific examinations and surveys authorized.

3. Should additional preliminary examinations and surveys be incorporated in the bill by your committee, it would, of course, be advisable to increase the amount carried in this section proportionally.

Very respectfully,

H. TAYLOR,
Colonel, Corps of Engineers,
Acting Chief of Engineers, United States Army.

It seems that the total appropriation of $350,000 included and covered a variety of expenses, the making of surveys being the principal item; but $100,000 was required for service and printing other than making surveys. It will not do to unduly restrict the right of having surveys made, because what little information we have about these different projects comes to Congress in a reliable form through the reports made by the engineers. A community or a delegation from a State in Congress think that a certain enterprise is worthy. There is no way preliminarily to dispose of it except by examinations made by the responsible officers of the Government.

I am inclined to believe that the engineers have been altogether too liberal in their reports heretofore. I think I discover a purpose to radically change the policy, for we find them now frequently reversing what former engineers have done. It is the best thing we have at hand. The ingenuity and ability of the Senator from Iowa may devise a better plan. I hope he will devote himself to it, for I am one of those who believe that the time has arrived when substantial modifications of the existing plan should be made. I do not believe we will make much progress in that direction by denying a fair supply of public funds to discharge the duties now imposed upon these officers. I think the amendment is amply justified by the information given by the communication from the Chief of Engineers. The committee agreed with me, and we have accordingly put that amendment in the bill.

Mr. WORKS. Mr. President, my own impression is that most of the money that is expended for these surveys is money thrown away. Yet there are occasions where I think it is entirely proper that surveys should be made if it is done in good faith for the purpose of determining whether further improvement should be made or not.

I was struck by what was said by the chairman of the committee respecting the Arkansas River. There is a controversy here in good faith as to whether upon that river further money should be expended. The Senator says the object of this survey is to determine that question. If that be so, it is a perfectly legitimate appropriation, but I think most of them are not in that class. I voted against the appropriation for the Arkansas River because from the best information I could get at the time I thought it was not a case where the Government should make the appropriation. On the other hand, I do not think an appropriation ought to be denied to any river or harbor where it is for the public interest that the improvement should be made. Whenever a survey is ordered to develop the real facts as to whether an appropriation ought to be made or not I think it is a perfectly legitimate expenditure of public money and it ought to be allowed.

Of course, I do not know anything about the merits of these different cases where a survey has been provided for. Judging from what the Senator from Iowa says as to a good many of them it seems that no appropriation should be made or at least it would be a waste of public money. If we could only sort out the legitimate and worthy appropriations and only appropriate for what is in the public interest it would relieve us of a great

deal of trouble and responsibility. One of the great difficulties is to determine what kind of examination we can make of this question, and for a man to determine to his own satisfaction what appropriations ought and what ought not to be made. It is a matter that has troubled me ever since I have had to deal with these questions, and I have no doubt it does every other Member of this body.

Mr. NELSON. Mr. President, I merely wish to add a word of explanation. It is not possible for us to go and examine all the cases where Senators and Representatives think that improvements are desirable. We can only do it through the Engineer Department. The Engineer Department under the law make first a preliminary reconnoissance. They send out a local engineer to look over the ground and if he thinks it is not worthy of improvement he so reports. It is referred to the division engineer, who generally concurs with him, and then it goes to the board of review, and that is the end of the matter. That is all the expense. If, however, after such a preliminary reconnoissance the local engineer comes to the conclusion that the matter ought to be further investigated and gives his reasons for it, then it is again sent up to the division engineer, and through the division engineer up to the board of review to determine whether there should be an exact and careful survey.

So there really is no expense incurred of any account except in those cases where they deem it of sufficient importance to make a thorough survey, and those surveys are only made in those cases where the Engineer Department are convinced that there ought to be an improvement. In those cases they not only make a survey but they plan the work, suggest the manner in which it is to be done, and make an estimate of the cost of it.

In recent years, and I have kept somewhat track of it, in the case of a large number of surveys put in the bill there is nothing done with them. There is a preliminary report made, but the local engineer does not deem it worthy of improvement, and as a consequence nothing further is done in the bulk of these cases.

Now, as to the good cases, I can not conceive of any other body that could report upon them and furnish information except the Engineer Department. As I said at the outset, how could we do it? We must have some body of men trained to furnish us the information, and this is the only tribunal we have for that purpose.

Mr. KENYON. On the question of increasing the appropriation for examinations, surveys, and contingencies from $250,000 to $350,000 I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). Announcing the same transfer of my pair which I announced on the last vote, I vote "yea."

Mr. THOMAS (when his name was called). Announcing the same transfer as heretofore, I vote "nay."

Mr. UNDERWOOD (when his name was called). I desire to inquire whether the junior Senator from Ohio [Mr. HARDING] has voted?

The PRESIDING OFFICER. The junior Senator from Ohio has not voted.

Mr. UNDERWOOD. I am paired with the junior Senator from Ohio and withhold my vote.

The roll call was concluded.

Mr. GALLINGER. I will again announce my pair with the senior Senator from New York [Mr. O'GORMAN], who is absent. For that reason I withhold my vote.

Mr. DILLINGHAM. I withhold my vote, having a general pair with the senior Senator from Maryland [Mr. SMITH].

Mr. STONE. Has the Senator from Wyoming [Mr. CLARK] voted?

The PRESIDING OFFICER. He has not.

Mr. STONE. I have a pair with that Senator. If he were present and I could vote, I would vote "yea."

Mr. CHILTON. Making the same announcement that I did on the former roll call, I vote "yea."

Mr. UNDERWOOD. I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. STONE. I transfer my pair with the senior Senator from Wyoming [Mr. CLARK] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I wish to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDING OFFICER. He has not.

Mr. SIMMONS. I have a general pair with that Senator. I transfer my pair to the Senator from Illinois [Mr. LEWIS] and let my vote stand.

The result was announced—yeas 34, nays 15, as follows:

YEAS—34.

Bankhead	Hollis	Nelson	Smith, Ariz.
Brandegee	Hughes	Oliver	Smith, Mich.
Chamberlain	Jones	Overman	Sterling
Chilton	Lane	Page	Stone
Clarke, Ark.	Lea, Tenn.	Poindexter	Underwood
Curtis	Lippitt	Ransdell	Warren
Fall	Lodge	Reed	Williams
Fletcher	Martine, N. J.	Sheppard	
Hardwick	Myers	Simmons	

NAYS—15.

Borah	La Follette	Smoot	Wadsworth
Brady	Norris	Sutherland	Walsh
Husting	Pomerene	Thomas	Works
Kenyon	Sherman	Thompson	

NOT VOTING—47.

Ashurst	du Pont	Lewis	Shafroth
Beckham	Gallinger	McCumber	Shields
Bransdard	Goff	McLean	Smith, Ga.
Bryan	Gore	Martin, Va.	Smith, Md.
Burleigh	Gronna	Newlands	Smith, S. C.
Catron	Harding	O'Gorman	Swanson
Clapp	Hitchcock	Owen	Taggart
Clark, Wyo.	James	Penrose	Tillman
Colt	Johnson, Me.	Phelan	Townsend
Culberson	Johnson, S. Dak.	Pittman	Vardaman
Cummins	Kern	Robinson	Weeks
Dillingham	Lee, Md.	Saulsbury	

So the amendment of the committee was agreed to.

Mr. CLARKE of Arkansas. The amendment of the committee appearing at page 41, beginning at line 24, and continuing to line 8, page 42, was passed over until the Senator from Washington [Mr. JONES] could be present. That Senator is now present, and I ask that we take up that amendment for consideration.

Mr. JONES. Mr. President, I am sorry that I had to be away, but I had a matter in one of the departments and could not get back sooner. This item carries an appropriation for the improvement of Willapa Harbor and River, Wash. It is one of the new items in the bill, and provides for an improvement to give 24 feet in the channel of this harbor.

I think, of course, that this is a very meritorious item, and I desire just to present briefly the facts which I think warranted the committee in putting the item in the bill. This item was in each of the two preceding river and harbor bills which failed of passage. The Government has completed one project there giving 18 feet depth, and I think the engineers say with reference to this project what they have said about very few other projects. I want to read just a word from the report. It is said:

> Advantage has been taken of the increased depth given, but it has been found inadequate to permit vessels to move freely from mill to mill, as they are required to do in loading, except on the tides.

Now, as showing the importance of this harbor, I want to call attention to the fact that in 1905 the tonnage, exports and imports, was 76,713 tons. In 1910 the tonnage was 486,516 tons. It got up to 766,416 tons in 1912. We have had, according to the engineers' report, and it is something we all know, considerable depression in our part of the country during the last two or three years. Notwithstanding that, the imports and exports for 1914 amounted to 669,619 tons.

The engineers say in another part of the report that the vessels that come in have to load partially now on account of the depth of 18 feet and then go to other harbors to complete their loading, and if we get a 24-foot depth the vessels can load to the full limit. This is not domestic commerce, but largely foreign commerce, imports and exports, so that whatever benefits come from it are benefits to the foreign commerce, benefiting all the country.

I wish to say that in the preceding project the people of the city of South Bend contributed over $125,000 toward this improvement on an expenditure by the Government of $230,000. Under the project we propose here the people have to make a further contribution of $143,000. So those people are doing their part.

Without taking the time of the Senate further, unless some one asks a question, I am willing to submit this item on this statement of facts. It seems to me that what we have heretofore done fully justified the expenditures we have made, and that the prospects for the future justify this expenditure, and that the contribution on the part of those people entitle them to the favorable consideration of Congress.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The question is on agreeing to the amendment of the committee inserting the matter from line 24, on page 41, to line 8, on page 42, the appropriation for Willapa Harbor and River, Wash.

The amendment was agreed to.

Mr. CLARKE of Arkansas. The amendment beginning at line 20, on page 42, was also passed over. The Senator from Washington [Mr. JONES] desires to be heard on that question.

Mr. JONES. Mr. President, this is the item with reference to Kahului Harbor on the island of Maui, in the Sandwich Islands, an item in which the Senator from Oregon [Mr. CHAMBERLAIN], too, is very much interested; but I know he is detained by business of the Senate. So I want to present just briefly the facts.

Of course this Territory has no representative in the Senate, and I feel justified on that account in presenting the matter here. Kahului Harbor is the harbor of the island of Maui, and the only harbor on that island, and the only way of getting products from the island, of course, as we know, is by ships. The Government has expended some money there in the construction of a breakwater. The expenditures have up to June 30, 1915, amounted to $390,000 and a little over. This is page 1591 of volume 1 of the engineers' reports.

When this project was adopted it was adopted subject to the condition that the Kahului Railway Co. should cede to the United States free of cost its property there. The report shows that they have expended for wharves and docks and on the breakwater and harbor improvement some $304,784. The commerce increased at this port from $1,800,000 in 1908 to a little over $13,000,000 in 1914.

In reporting on the new project, the Board of Engineers say in their report of this new project, on page 5:

> The district officer reports that the partially constructed breakwater has greatly facilitated the handling of freight, and greater protection is expected through the completion of the dredging provided for by the existing project. He finds that the harbor is subject to considerable shoaling, the cause of which he traces to sediment from the Iao River carried into the harbor by the littoral currents. He estimates the amount of shoaling at 33,000 cubic yards per annum, that it will cost at least $15,000 to remove it, and that it seems possible that if the harbor is enlarged the cost of maintenance will be increased. He states that a breakwater as proposed—

That is the one carried in the item in the bill—

> would prevent the littoral current entering the harbor, and would therefore check the deposit of material therein. He estimates the cost of the breakwater, including engineering, inspection, and contingencies at $250,000.

So we will save by the construction of this breakwater nearly $15,000 a year in the matter of maintenance. The district officer says he thinks that that saving will justify this cost.

> From the facts presented it appears that the construction of the west breakwater would be of some benefit in reducing wave action in the harbor and would be of material advantage in reducing the cost of maintenance.

The board therefore concur in the recommendation of the district officer.

I will say that I was talking with one of the commanders or captains of a vessel a short time ago that goes in and out of this harbor. He stated that with the breakwater constructed out as it is, the storms that sometimes come there very greatly endanger vessels in the harbor, because there is a sweep in one direction through which the winds can come right into the harbor. I do not know exactly the direction, whether it is east or west, but he said his vessel was almost driven from its moorings and he had to get out into the ocean in order to save the ship. The construction of this breakwater will very largely do away with that difficulty and that danger.

Furthermore, it seems that with these storms coming this one breakwater, running out into the ocean, causes a sort of eddy or current around the shore, which makes it also very dangerous for the vessels that are at anchor there. With this breakwater constructed as proposed, that danger will be very largely done away with. For these reasons I think that this provision ought to be made.

I have here also a letter addressed to me by the secretary of the Delegate from Hawaii, in which he gives the reasons which appealed to him in reference to the desirability of this improvement, which I ask may be put into the RECORD without reading.

The PRESIDING OFFICER. If there is no objection, the request will be granted. The Chair hears none.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., May 8, 1916.

Hon. WESLEY L. JONES,
United States Senate.

MY DEAR SENATOR: Referring to our conversation concerning the Kahului Harbor, Hawaii—West Breakwater, line 29, page 42 of the river and harbor bill.

There are five chief reasons why this improvement should be immediately provided for:

The first is that the West Breakwater is required in connection with the existing structure in order to make a safely protected harbor. Capt. Hall, of the American-Hawaiian Steamship Co., has personally told you of his perilous experience there last January.

The deep sea commerce of Kahului includes steamers from 10,000 to 18,000 tons register, and single cargoes sometimes represent over $1,000,000 in value. Such commerce is entitled to reasonable safety and protection. Under present conditions all the commerce with the mainland from that island is sometimes cut off for a week at a time, with great loss both to shippers and vessel owners.

The second reason is that this improvement is a provision for commerce already existing, and not merely in prospect. In 1915 there were 562 vessels entered and cleared out of the port of Kahului, with the registered tonnage of 835,330. The actual freight handled was over a quarter of a million tons. The increase in freight handled annually at Kahului Harbor during the five years since the Government began its improvement is over 78 per cent.

The third reason is that there is no alternative of rail shipment for this commerce. The entire Island of Maui is dependent on this single port for the handling of all its commerce with the United States.

The fourth reason is that the people of the Island of Maui have themselves spent the sum of $304,784 in improving Kahului Harbor, and are therefore entitled to the just and prompt cooperation of the United States toward completing that harbor.

The fifth consideration is that during the past nine years Hawaii has paid into the Federal Treasury a sum averaging over $1,683,000 per year. Deducting all Federal appropriations for Territorial purposes, the net payments to the United States Treasury have been over one and a quarter millions of dollars per year.

With these facts before you, we appeal to the sense of justice and fair play in Congress to enable us to carry on our commerce and develop our islands.

Respectfully, yours, GEO. MCK. MCCLELLAN,
For the Delegate from Hawaii.

Mr. MARTINE of New Jersey. Mr. President, these harbors are so far away from us that we pay but little attention to them. It was my good fortune during the past summer to visit the island referred to in the Hawaiian group, and I was very much impressed with the trade and commerce of those ports on five of the principal islands there, and particularly of the harbor mentioned in the bill. It was my privilege to visit whilst there and to confer with shipping men and men interested in mercantile matters.

The breakwater, as the Senator from Washington [Mr. JONES] says, is not far enough extended. It is far enough out for an ordinary and placid sea; then, however, we really need none; but in case of a storm, it is very much needed. It was demonstrated to me in a very practical way that the breakwater should be very considerably extended in order to secure the ships and craft that would come in there seeking anchorage for the purpose of discharging their freight. The amount of business which is done in these ports is marvelous, as are the general thrift and enterprise that exist in those tropic islands. I was very much won to their suggestion, and I feel that it would be a manifest wrong upon the part of the United States Government if we should fail to adopt this provision which is embodied in the bill. I trust that it may pass.

There are other instances of a similar character in those islands, and I feel, considering their splendid loyalty, their marvelous business, and the wonderful climatic conditions that exist there, the Government of the United States should endeavor to make possible a tide of trade and commerce there that will eventually be colossal. I feel that it is our duty to do what we can to make safer and better the great shipping interests of those islands—the gems of the sea.

Mr. SMOOT. Mr. President, when I questioned this item a few moments ago I did so because I knew that there was a breakwater near where the one proposed is to be located. I have been on the island of Maui many times. It is the greatest agricultural island among the Hawaiian group of islands. I think it produces the largest and best pineapples in the world. It produces a great deal of sugar. It is true that they ought to have the very best harbor possible for the transportation of their commerce, which, I will say, is very rapidly growing every year.

After further examination of the report, I find that this is not for the repair or the rebuilding of the present breakwater but for an extension, which will be known as the west breakwater for the harbor. I have no objection to an appropriation for this purpose. I recognize that they have some very severe storms around the islands, and, perhaps, with the length of the breakwater as at present constructed, it would not afford ample protection to large vessels that may be loading or unloading in the harbor. Therefore, I believe that the amendment is a proper one, and that the money expended will indeed help the commerce of those islands, particularly the island of Maui. I do not believe that I care to say anything further in regard to the item, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 44, after line 6, to insert:

> Kennebec River, Me., Parker Head Harbor and Channel.

The amendment was agreed to.

The next amendment was, on page 44, after line 18, to insert:

> A preliminary examination, report, and estimate for a landing place in the Point Judith Harbor of Refuge, R. I.

The amendment was agreed to.

The next amendment was, on page 44, after line 21, to insert:

> Preliminary examination, report, and estimate for the removal of shoal spots in the westerly entrance of the Point Judith Harbor of Refuge, R. I., and in the harbor itself.

The amendment was agreed to.

The next amendment was, on page 45, after line 2, to insert:

> New York Harbor, N. Y., with a view to securing an increase in depth up to 40 feet and suitable widths in the North or Hudson River Channel from deep water in the upper bay as far north as Spuyten Duyvil Creek.

The amendment was agreed to.

The next amendment was, on page 46, after line 2, to insert:

> Greenwood Lake, N. J., survey with a view to dredging channel at the southern end.

The amendment was agreed to.

The next amendment was, on page 46, after line 7, to insert:

> Hackensack River, N. J., with a view of obtaining a depth of 16 feet up to the Central Railroad Co. of New Jersey bridge.

The amendment was agreed to.

The next amendment was, on page 48, after line 5, to insert:

> Front River, Ga.: For survey near Clark's Dock, Sapelo Harbor.

The amendment was agreed to.

The next amendment was, on page 48, after line 16, to insert:

> Northwest Channel, Key West, Fla., with a view to securing a channel 30 feet in depth and of sufficient width from the harbor to deep water in the Gulf of Mexico.

The amendment was agreed to.

The next amendment was, at the top of page 49, to insert:

> Ship channel from the docks at Apalachicola, Fla., through St. Georges Sound to the Gulf of Mexico, on such route as may be most desirable for the demands of commerce.

The amendment was agreed to.

The next amendment was, on page 49, after line 6, to insert:

> Waterway between Sarasota Bay, near Venice, and Miakka River, Fla., with a view to giving such channel dimensions as commerce may demand.

The amendment was agreed to.

The next amendment was, on page 50, after line 9, to insert:

> An instrumental survey of the Brazos River and of the Colorado River in Texas.

The amendment was agreed to.

The next amendment was, on page 50, after line 23, to insert:

> Trinity River, near Liberty, Tex.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

> Texas City Harbor, Tex., with a view to enlargement and protection.

The amendment was agreed to.

The next amendment was, on page 51, after line 2, to insert:

> Brazos River, San Antonio River, Colorado River, Trinity River, and the tributaries of these rivers, all in Texas; Red River and its tributaries, Texas, Arkansas, Oklahoma, and Louisiana, with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States and other communities and interests in carrying out such plans, its share being based on the value of protection to navigation.

The amendment was agreed to.

The next amendment was, on page 51, after line 10, to insert:

> Sulphur River, Tex. and Ark.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. SMOOT. Mr. President, I should like to have the Senator from Texas explain why these surveys are really needed. Appropriations, for instance, for the Trinity River are being made every year. This bill provides for a survey of "Trinity River, near Liberty, Tex.," and also for a survey of "Brazos River, San Antonio River, Colorado River, Trinity River, and the tributaries of these rivers, all in Texas; Red River and its tributaries," and also of "Sulphur River, Tex. and Ark."

I should like to ask the Senator from Texas what is the real object of these surveys? Are they resurveys, or are they surveys ordered with the hope that a favorable report may be received, so as to expend money further up those rivers or more money than we are now annually appropriating on those so-called navigable rivers?

Mr. SHEPPARD. Mr. President, I will say to the Senator from Utah that the survey of the Trinity River near Liberty, Tex., is for the purpose of examining into a caving bank that is threatening the railroad bridge and a bridge that has been constructed by the county, to determine whether or not that is a proper charge in connection with the development of the river. In the immediate section near Liberty, Tex., the project as originally outlined included only snagging and open-channel work; but this proposed survey is to determine whether the protection of that caving bank can be properly undertaken by the Federal Government.

Mr. SMOOT. Then, it is for the Government to undertake to improve the bank so that it will protect the railroad bridge?

Mr. SHEPPARD. No; but to determine whether the damage resulting to the bridge is such an injury to navigation as will justify the undertaking of the work by the Federal Government.

Mr. SMOOT. Has there been any work heretofore done on the Trinity River near Liberty?

Mr. SHEPPARD. There has been no bank work done.

Mr. SMOOT. Has there been any dredging done?

Mr. SHEPPARD. There has been no dredging done.

Let me say to the Senator that the survey of Texas City Harbor, Tex., is to determine whether that harbor should be enlarged in order to accommodate ships of 400 feet in length. At present ships 300 feet in length can use the channel, but the larger ships have difficulty in using the harbor. It is to determine that particular point that that survey is undertaken.

Mr. SMOOT. How as to the Brazos River?

Mr. SHEPPARD. The next paragraph relative to surveys all relates to the question of flood protection in cooperation with the State and in relation to navigation.

Mr. SMOOT. That is something new for the Government to undertake, is it not?

Mr. SHEPPARD. No, sir. The language in the bill follows a similar clause, which was in the last river and harbor appropriation bill, in relation to some rivers in Ohio.

Mr. SMOOT. Is the Government now, under that provision, undertaking to control the waters tributary to the Ohio?

Mr. SHEPPARD. Of rivers in the State of Ohio. I have not seen the report.

Mr. SMOOT. Of different rivers?

Mr. SHEPPARD. It is simply for the purpose of developing a plan for flood protection in connection with navigation.

Mr. SMOOT. Mr. President, we will have a bill from the House now in a day or so at least appropriating over $50,000,000 for flood protection.

Mr. SHEPPARD. That bill relates only to the Mississippi and Sacramento Rivers.

Mr. SMOOT. I am aware that that bill relates only to the Mississippi River and to one river in California, but it seems to me that this item ought to be left to be dealt with when the flood bill is before us. If we are going to enter upon the subject of the control of flood waters, let us enter upon it properly; let it apply all over the country rather than simply to one river of the country.

Mr. SHEPPARD. It has not been determined yet, Mr. President, as to what the scope of the work of the new Flood Control Committee will be, and, inasmuch as this examination is desired during the coming year, it seemed that the only practical method to bring it about was to have the item inserted in this bill.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Certainly.

Mr. THOMAS. Mr. President, if one may judge from its name and from the bill which is its first production, it is a committee whose measures will soon overwhelm the Treasury of the United States.

Mr. SMOOT. I merely refer to two items in the bill, which we know is going to pass the House and which I am fearful is going to pass the Senate.

Mr. CLARKE of Arkansas. It has passed the House; and there were only 29 votes against it.

Mr. SMOOT. It does seem to me, Mr. President, that if we are going into the question of controlling flood waters it should not be on the river and harbor bill, but it ought to be on the flood-control bill, which will be before the Senate in a short time.

Mr. CLARKE of Arkansas. Mr. President, may I say a word to the Senator?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. Certainly.

Mr. CLARKE of Arkansas. Of course all provisions for flood control will be preceded by a professional engineering examination. The flood-control bill provides that all those examinations shall be made by the engineering force of the War Department. If a survey should be directed in a bill coming from that com-

mittee, it would take the same course as the surveys proposed in this bill will take and would be made by the same officials.

Mr. SMOOT. If history is to repeat itself in relation to the flood-control bill, as it has in relation to the improvement of a lot of creeks in this country, I have no doubt that the report from the engineers will be most favorable. This plan will extend their work and give them a greater opportunity for spending Government money than they have to-day, and, God knows, they have enough power now in expending money appropriated by the Government of the United States.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Yes.

Mr. THOMAS. Before the Senator takes his seat, I want to call his attention to the phraseology of the amendment about which he is making inquiry. The Government officials are required, under the provisions of the bill, to make inquiry not only as to the rivers named but as to their tributaries. Of course, the tributaries are very considerable in number and very extensive in their range throughout the neighboring domain of these streams.

Mr. SMOOT. There are four rivers mentioned in the amendment.

Mr. THOMAS. This is an amendment to a river and harbor bill, the theory upon which such bills are founded being the control of the General Government over navigable streams. Such amendments as this, if they are properly included within the purview of a river and harbor bill, only serve to extend the jurisdiction of the National Government over streams which are not navigable, which can not be made navigable, and which can not be considered for the purposes of navigation at all, except as they may affect the volume of water in the streams of which they are tributaries and which are actually serviceable for purposes of navigation.

We are experiencing in the arid regions of the country some of the expensive consequences of extending the jurisdiction of the War Department over these streams. This jurisdiction finds its support and its excuse only in such amendments as this, which appear, as the Senator from Texas says, not only at present, but have appeared heretofore in previous river and harbor bills. That, to my mind, is an exceedingly sinister feature of these measures, because we know by experience what the control over the waters of these tributaries by so many of the different departments means to our people.

It is impossible nowadays for a modest locator of a homestead to secure a recognition of his appropriation from some tributary of water enough to cultivate his land and make a living upon it. He has to come to Washington or send down here and apply successively to the Interior Department, the Agricultural Department, and the War Department, and, if the tributary happens to be a tributary of an international boundary stream, to the State Department, before he can secure the right to use sufficient water to support himself and his family.

Mr. SMOOT. The Senator must not forget the Geological Survey. That bureau has also to pass upon the applications.

Mr. THOMAS. That bureau is a branch of the Interior Department. Of course if I enumerated the various bureaus through which his devious and tortuous way is directed before he reaches a conclusion, I would take up too much of the time of the Senate; but I want to protest, although I know it may be useless, against the inclusion in these bills of items which have reference to flood control or any other object except purposes of navigation. It is of very serious consequence to the arid regions of the country. While it is true that the share of the Government is being based upon the value of protection to navigation, everybody knows—and it is unnecessary to do more than state the fact—that the tendency is more and more to throw this burden upon the Treasury of the General Government, and these items being based upon the value of protection to navigation, ultimately means the imposition of the entire cost upon the National Treasury. That is incidental, however, to the consequences involved in the continued expansion of the jurisdiction of the Department of War over all the little streams and rivulets of the country.

Mr. SHEPPARD. Mr. President, may I say to the Senator from Utah that the last river and harbor act, passed in the Sixty-third Congress, approved March 4, 1915, contains the following clause:

Cheat River in Pennsylvania and West Virginia; Tygarts River, West Fork River, Kanawha River and its tributaries, all in West Virginia; Muskingum River and its tributaries, Scioto River and its tributaries, Miami River and its tributaries, all in the State of Ohio; Maumee River and its tributaries, Ohio and Indiana; Kankakee River, and the Wabash River and its tributaries, Illinois and Indiana, with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States and other communities and interests in carrying out such plans, its share being based upon the value of protection to navigation.

Mr. SMOOT. That only goes to show that provisions of a wide, sweeping nature are placed on appropriation bills and passed without due consideration on the part of the Senate.

Mr. SHEPPARD. Let me say to the Senator that it was at the request of the Senator from Ohio, Mr. Burton, that the Ohio rivers were included in this clause, if I remember correctly.

Mr. SMOOT. I do not care what Senator requested it and I do not care how many times it has been done in the past; it is wrong in principle; and this item is not germane to the river and harbor bill.

Now, Mr. President, turn to page 50 of the bill and you will find an item—and I did not make any objection to it—which reads as follows:

An instrumental survey of the Brazos River and of the Colorado River in Texas.

There is at present a survey of the Brazos River and a survey of the Colorado River in Texas authorized. On the very next page an amendment is found authorizing another survey of the Brazos River, the Colorado River, and the Trinity River in Texas "with a view to devising plans for flood protection." How many surveys do we want of those rivers?

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. KENYON. And the Senator knows, does he not, that we are now making a survey of the Brazos River under a previous act of Congress, and we are also making a survey of the Trinity River? We might be able to see why there should be three surveys of the Trinity River, but why there should be three surveys of the Brazos River is beyond comprehension.

Mr. SMOOT. Mr. President, I think we ought to have a hundred surveys of the Trinity River, and perhaps of some of the other rivers, if thereby we could secure an increased flow of water; but, unfortunately, if we had a survey every day it would not increase the flow of water in these so-called navigable rivers. I would rather designate them as creeks than rivers.

If there is any justification for an amendment of this kind to this bill I should like to know what it is; particularly, Mr. President, when these rivers are now being surveyed, and when also as to two of these rivers there is an instrumental survey provided for. I will ask the Senator from Texas what he expects from the instrumental survey of these two rivers that is provided for in the amendment on page 50 of this bill?

Mr. SHEPPARD. An instrumental survey of the Brazos River is not now in progress. The examination now in progress is what is known as a preliminary examination and is not a technical inspection, such as would be called for by the words "instrumental survey."

Now, as to the Colorado River, the object of the instrumental survey is to have the river examined and technically surveyed at the same time.

Mr. SMOOT. I do not want to take any more of the time of the Senate; but I want a vote of the Senate upon the amendment.

Mr. CLARKE of Arkansas. Mr. President, I think the Senator from Utah has magnified the importance and extent of the scope of this amendment in order that he might condemn it. It is nothing more nor less——

Mr. SMOOT. I will say to the Senator that I had no such object.

Mr. CLARKE of Arkansas. Well, I will modify that by saying that the Senator misunderstands the scope of it, if I understand it.

Mr. SMOOT. That is better.

Mr. CLARKE of Arkansas. The purpose of it is simply to have made a preliminary examination of the territory described with a view of determining whether or not a comprehensive plan for protection against floods can be suggested to the local communities, and to determine the additional fact as to whether or not the situation developed by the examination is such that the United States would be justified in contributing to the expense of inaugurating the plan proposed. It is nothing more nor less than furnishing the community with the plans and the specifications as to how that particular difficulty may be overcome. It very frequently happens that the Public Roads Bureau of the Agricultural Department surveys a road for a community, makes an estimate of cost, and does a great many things that might be done by private investment, but which in these days are not done by private investment.

No one can enter any navigable river for the purpose of doing anything to it without the permission of the United States Government; and, because of that and other circumstances, it was thought proper to invite the National Government to make this survey, with a view of determining whether or not any scheme of reclamation of that kind was practicable.

Mr. SMOOT. Mr. President, the tributaries to these rivers are not navigable, and they are all, no doubt, within the State of Texas. If there is any method by which floods can be controlled in the State of Texas, the State of Texas ought to develop the method and ought to take care of those floods, just as the Western States take care of their flood waters. Texas has no greater floods than we have in the West.

Mr. CLARKE of Arkansas. There is nothing in this amendment that makes the United States pay the expense of installing the additional protection that this particular survey might suggest.

Mr. SMOOT. But the object of the amendment is to make the survey with a view of the Government of the United States cooperating with the State in controlling the flood waters.

Mr. CLARKE of Arkansas. If, under all the circumstances, that is deemed to be equitable, yes; otherwise, no.

Mr. SMOOT. I can not see why——

Mr. SHEPPARD. Cooperation is sought as to flood waters, provided the streams are navigable.

Mr. SMOOT. Does the Senator mean provided that the tributaries are navigable?

Mr. SHEPPARD. Provided they are navigable. The engineers will not make a recommendation for any work at all on a tributary unless there is a navigation interest to be subserved.

Mr. SMOOT. I should like to know from the Senator now, what, in his opinion, constitutes a navigable stream? How many inches of water must there be in a river to make it navigable?

Mr. SHEPPARD. I think a river may be navigable with a depth of 2 feet, or even a foot and a half, as a minimum.

Mr. SMOOT. There are many rivers provided for in this bill through which for eight months of the year a person can walk over and never know there is a river there.

Mr. SHEPPARD. Of course, the Senator makes that statement——

Mr. SMOOT. I make it upon the basis of a report made to Congress, and I make it upon the statement of men who know the facts and have stated them not once but more than once on the floor of the Senate. I used to think, of course, that a navigable river was one that had water sufficient at least to float a boat, even though it were only a duck boat, but that idea has gone glimmering long, long ago, and what I am fearful of, Mr. President, is that this is the beginning of another plan of making the Government of the United States pay for the control of waters within a State which the State itself ought to take care of. I might just as well come here and ask for an amendment to this bill for the deepening and the widening of the Jordan River between Utah Lake and Salt Lake, in my State. There would be more commerce carried on between those two lakes, if that river were dredged to a sufficient depth and were made wide enough so that boats could go on it, than there is—I was going to say on 15 per cent of the projects provided for in this bill. But, Mr. President, Utah is situated in the tops of the mountains, and we are a thousand miles from the ocean. We never expect to see a battleship anywhere near the borders of our State, but that does not deter me from being in favor of the improvement of our rivers, and especially of our harbors. I am perfectly willing to admit that in this bill there are items that I would gladly vote to increase, because I should like to see the work go on faster than it is going on or has been going on in the past. But this amendment will provide another plan of trying to throw onto the Government of the United States the responsibility of the State to control its flood waters in creeks that never in the world will be navigable. Therefore, Mr. President, I do not believe it ought to be passed.

Favorable reports are very easily obtained, considering the reports that have already been made on a number of projects in this bill, and it is only on that fact that I base the statement I have just made. Now, in all fairness to the Government of the United States, I want to ask the Senator from Texas if he does not think this amendment is carrying the thing too far?

Mr. SHEPPARD. I do not. I think the position of the Senator from Utah is entirely without justification, and entirely unfair.

Mr. SMOOT. All I want is a vote of the Senate. I want the Senate to say whether they think this plan of entering upon a new survey of rivers, with a view of devising plans for flood control, should be undertaken at this time.

I ask for the yeas and nays on the amendment.

Mr. SHEPPARD. Before we take the vote, let me say that unless the element of flood control is found to be related necessarily and fundamentally to the element of navigation, the result of this examination will be unfavorable, and the clause is so worded as to make the interest of navigation a necessary one. No such reason as that alluded to by the Senator from Utah has actuated me in offering this amendment.

Mr. SMOOT. I want to say to the Senator that if I really believed there could be an adverse report made upon a project I should be almost tempted to vote the money asked for. I want the Senate to vote upon it.

Mr. SHEPPARD. Very well, Mr. President. I am willing to leave the matter to the vote of the Senate.

The PRESIDING OFFICER. The Chair will remind the Senator of the fact that this amendment has been adopted. It is necessary to make a motion to reconsider the vote.

Mr. SMOOT. I was on my feet at the time, but I will admit that the Chair is correct. I tried to get the attention of the Chair before the announcement was made. I do not think there will be any objection at all to reconsidering the vote.

Mr. CLARKE of Arkansas. Mr. President, I move that the vote by which the amendment was adopted be reconsidered.

The motion to reconsider was agreed to.

Mr. SMOOT. Now I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will state the amendment which is to be voted on.

The SECRETARY. On page 51, after line 2, it is proposed to insert the following:

Brazos River, San Antonio River, Colorado River, Trinity River, and the tributaries of these rivers, all in Texas; Red River and its tributaries, Texas, Arkansas, Oklahoma, and Louisiana, with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States and other communities and interests in carrying out such plans, its share being based on the value of protection to navigation.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], and therefore withhold my vote.

Mr. MYERS (when his name was called). Making the same announcement as heretofore of the transfer of my pair, I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence, I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN]. Not knowing how he would vote, I withhold my vote. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

Mr. GALLINGER. I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is absent. For that reason, I withhold my vote.

Mr. OVERMAN. I inquire whether the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has not.

Mr. OVERMAN. I have a general pair with that Senator, and withhold my vote.

Mr. SHEPPARD. I desire to state that the junior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Mississippi [Mr. VARDAMAN] are detained on business of the Senate.

Mr. SAULSBURY. I transfer my pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I wish to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDING OFFICER. He has not.

Mr. SIMMONS. I have a pair with that Senator. I transfer that pair to the junior Senator from Mississippi [Mr. VARDAMAN] and will allow my vote to stand.

Mr. CHILTON. Has the senior Senator from New Mexico [Mr. FALL] voted?

The PRESIDING OFFICER. He has not.

Mr. CHILTON. I have a pair with that Senator. I desire to be counted as present to make a quorum, however.

Mr. DU PONT (after having voted in the negative). I ask whether the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The PRESIDING OFFICER. He has not.

Mr. DU PONT. I did not observe that he was absent from the Chamber. As I have a general pair with him, I withdraw my vote.

The roll call resulted—yeas 31, nays 14, as follows:

YEAS—31.

Bankhead	Hardwick	Myers	Simmons
Brandegee	Johnson, S Dak.	Nelson	Smith, Ariz.
Broussard	Jones	Phelan	Smith, Mich.
Chamberlain	Lea, Tenn.	Poindexter	Sterling
Clarke, Ark.	Lee, Md.	Ransdell	Swanson
Culberson	Lewis	Reed	Underwood
Curtis	Martin, Va.	Saulsbury	Williams
Fletcher	Martine, N. J.	Sheppard	

NAYS—14.

Ashurst	La Follette	Page	Smoot
Gore	Lane	Penrose	Wadsworth
Harding	Lippitt	Shafroth	
Kenyon	Norris	Sherman	

NOT VOTING—51.

Beckham	Fall	McLean	Stone
Borah	Gallinger	Newlands	Sutherland
Brady	Goff	O'Gorman	Taggart
Bryan	Gronna	Oliver	Thomas
Burleigh	Hitchcock	Overman	Thompson
Calhoun	Hollis	Owen	Tillman
Chilton	Hughes	Pittman	Townsend
Clapp	Husting	Pomerene	Vardaman
Clark, Wyo.	James	Robinson	Walsh
Colt	Johnson, Me	Shields	Warren
Cummins	Kern	Smith, Ga.	Weeks
Dillingham	Lodge	Smith, Md.	Works
du Pont	McCumber	Smith, S. C.	

The PRESIDING OFFICER. On the question of the adoption of the committee amendment the yeas are 31, the nays are 14. The Chair notes the presence of the following Senators who have not voted: The Senator from Vermont [Mr. DILLINGHAM], the Senator from Colorado [Mr. THOMAS], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Michigan [Mr. TOWNSEND], the Senator from Wyoming [Mr. CLARK], the Senator from North Carolina [Mr. OVERMAN], the Senator from West Virginia [Mr. CHILTON], and the Senator from Delaware [Mr. DU PONT].

Mr. GALLINGER. Mr. President, in making the declaration I think the Chair ought to say, "who have not voted in consequence of being paired."

The PRESIDING OFFICER. Yes; probably the Chair had better say that in consequence of being paired they have not voted. The amendment is agreed to. The Secretary will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 51, after line 11, to insert:

Sulphur River and Days Creek, Tex. and Ark.

Mr. KENYON. Mr. President, I shall not call for the yeas and nays on that amendment, I think. I simply do not want it adopted without objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, out of order, I ask leave to——

Mr. CLARKE of Arkansas. I object, Mr. President. We are about to get through with the amendments of the committee, and I hope that no member of the committee, at least, will obstruct us when we are so near reaching a climax in the bill. We have to close the consideration of it at 3.30.

Mr. REED. I simply wanted to read a telegram, Mr. President.

Mr. CLARKE of Arkansas. I object to that.

Mr. REED. Of course, I could not do it unless I spoke on the bill. I could do that, but I will not do it.

The reading of the bill was resumed.

The next amendment was, on page 51, after line 12, to insert:

San Antonio River.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

Arkansas River, from Little Rock to its mouth, an instrumental survey with a view to determining if a minimum depth at all seasons of 4½ feet can be maintained; and if so, a detailed estimate of the cost thereof.

The amendment was agreed to.

The next amendment was, on page 52, after line 9, to strike out:

Cache River from its mouth to Algoa, Jackson County, Ark.

The amendment was agreed to.

The next amendment was, on page 52, after line 20, to insert:

Thunder Bay River, Mich., with a view to improving the mouth.

The amendment was agreed to.

The next amendment was, on page 53, after line 6, to insert:

Black Lake Harbor, on Macatawa Bay, Mich., from piers to point 200 feet east of Graham & Morton dock, 16 feet, with a view to establishing car-service ferry.

The amendment was agreed to.

The next amendment was, at the top of page 54, to insert:

Traverse and Big Stone Lakes, on the boundary between Minnesota and South Dakota, with a view to connecting and extending navigation on and between said lakes.

The amendment was agreed to.

The next amendment was, on page 54, after line 6, to insert:

State of Kansas, floods in: Investigate the flood periods of the waters of the State of Kansas by an examination of the territory and from data already gathered by governmental, State, and private efforts by the Board of Engineers of the War Department, and to devise some general plan which will best guard against the recurrence of such floods and diminish their damaging effects upon the lower valleys of the Kansas, Arkansas, Missouri, and the Mississippi Rivers.

The amendment was agreed to.

The next amendment was, on page 54, after line 20, to insert:

Umpqua River bar and entrance, Oreg.

The amendment was agreed to.

The next amendment was, at the top of page 55, to insert:

Yaquina Bay and Harbor, Oreg., including consideration of any proposition for cooperation of local interests.

The amendment was agreed to.

The next amendment was, on page 55, after line 13, to insert:

Channel of Youngs Bay from the main ship channel of the Columbia River to a point 1 mile above County Road Bridge.

The amendment was agreed to.

The next amendment was, on page 55, after line 17, to insert:

That a survey of the Columbia River from the mouth of the Snake to Priest Rapids is hereby ordered to be made with a view to improving open-river navigation.

The amendment was agreed to.

The next amendment was, on page 56, after line 5, to insert:

That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examination and survey to be made and a report to be made thereon to Congress of the intervening territory between Puget Sound and the Columbia River, with a view to determining the advisability of constructing a canal connecting Puget Sound with Grays Harbor, Willapa Harbor, and the Columbia River.

The amendment was agreed to.

The next amendment was, on page 56, after line 13, to insert:

Virgin River, Nev., between its intersection with the east line of the State of Nevada and the Colorado River, with a view to confining such river within its channel and the protecting of the banks against erosion.

The amendment was agreed to.

The next amendment was, on page 57, after line 15, to insert as a new section, the following:

SEC. 5. That the St. Johns River south of Salt Run, in the State of Florida, is hereby declared to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters, and that the provisions of river and harbor acts heretofore enacted providing for the prosecution of work upon that portion of the said St. Johns River, are hereby repealed.

Mr. FLETCHER. Mr. President, I submit to the chairman of the Commerce Committee whether or not that amendment should be insisted upon. It was proposed, I believe——

Mr. CLARKE of Arkansas. I will say to the Senator from Florida that, of course, it will not be insisted upon, and that any suggestions he makes in connection with it will be very cheerfully adopted by the chairman of the committee. The Senator was not present when it was inserted in the bill, else his judgment about the matter would have been taken at that time.

Mr. FLETCHER. I am obliged to the chairman of the committee.

I will simply say, in that connection, that I think the purpose of the amendment was, without doing any real harm to the navigation of the river, to promote the improvement of a large area of land lying in what is going to be a drainage district of the headwaters of the St. Johns. There was a difference between the engineers of the drainage district and the Army engineers as to the plans for promoting that drainage, and it was supposed that difficulties might be overcome by declaring that portion of the upper river nonnavigable.

I have a letter from the Chief of Engineers of the War Department to the effect that that purpose would not be accomplished by the amendment. I have consulted my colleague [Mr. BRYAN] on the subject. He leaves it to my judgment to insist or not upon the amendment. I am quite sure that if he were acquainted with all the facts he would himself favor not insisting upon the amendment.

Mr. SMOOT. Will the Senator have the letter read?

Mr. FLETCHER. I ask that the letter from the War Department on this subject be inserted in the RECORD, and I ask that the amendment be rejected.

Mr. SMOOT. I ask that the letter may be read, because no doubt the letter explains the item.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read the letter.

The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 13, 1916.

Hon. DUNCAN U. FLETCHER,
United States Senate.

SIR: 1. In reply to your letter of the 12th instant, relative to amendment to the river and harbor bill declaring the St. Johns River beyond Salt Run nonnavigable, I have the honor to inform you that it does not appear to me that this amendment will accomplish the purpose for which it was intended. The existing laws for the protection of navigable waters impose upon the War Department the duty of exercising jurisdiction on the nonnavigable portions of a stream to the extent of preventing any operations thereon from affecting the navigable capacity of the navigable portion of the stream below.

2. The reason a permit was not granted to the upper St. Johns drainage district was that the plan proposed would divert the water from the upper St. Johns River Basin in such a way as to affect adversely the navigable capacity of both the St. Johns and Indian Rivers. Declaring the upper St. Johns River nonnavigable would not relieve the department from the duty of interfering should this project be started in accordance with the present plans of the drainage district.

3. The department is fully cognizant of the desirability of carrying out some plan for the drainage of the upper St. Johns River district and is prepared to lend whatever assistance it can to bring about a satisfactory solution of the problem.

4. The papers in the case were returned some days ago to the district officer at Jacksonville, Fla., and both he and Col. Langfitt, the division engineer, were instructed to render any assistance practicable to the drainage district in revising the plans so as to remove the objections which have been found in them.

Very respectfully,

H. TAYLOR,
Colonel, Corps of Engineers,
Acting Chief of Engineers, United States Army.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment was, on page 58, line 1, to change the number of the section from "5" to "6."

The amendment was agreed to.

Mr. SMOOT. The last amendment should not have been agreed to, because section 5 has now been stricken from the bill.

Mr. CLARKE of Arkansas. Yes.

Mr. SMOOT. Therefore the old number should be retained.

Mr. CLARKE of Arkansas. The Senator is right about that. That, however, is a formal matter that can be attended to later.

The PRESIDING OFFICER. Very well.

Mr. CLARKE of Arkansas. Mr. President, I wish to inquire whether or not any amendments have been reserved that have not been disposed of.

The PRESIDING OFFICER. No; that disposes of the committee amendments. The bill is still in Committee of the Whole and open to amendment.

Mr. CLARKE of Arkansas. I will say to the Senator from Missouri [Mr. REED] that if he desires to have read the telegram to which he referred there will be an opportunity to do so at this time.

Mr. LODGE. Mr. President, if the committee amendments have been disposed of, I desire to offer an amendment introduced by my colleague [Mr. WEEKS].

Mr. CLARKE of Arkansas. At this stage, when the Senator from Missouri has disposed of the matter he desires to present, I wish to make a statement as to the order of business.

NATIONAL DEFENSE.

Mr. REED. Mr. President, whether founded upon facts or upon some misapprehension I do not know, but the papers have recently announced that there has been trouble about the mobilization of the National Guard in three States from which they were called—trouble about their taking oath of enlistment. Frequently it has been stated in the press that the National Guard have "fallen down." The impression seems to exist that the National Guard will not fulfill their duty if called upon in the Mexican embroglio.

In view of that condition I wired the commanding general of the National Guard of Missouri asking him what the situation was with reference to the Missouri National Guard, and I desire to read this telegram. I will say that the commanding general, Gen. Clark, is one of the most responsible gentlemen in my State—a man who does not talk unless he knows what he is saying. The telegram is addressed to me, and reads as follows:

If called upon the Missouri Guard will promptly respond, take oath, and meet every expectation. In anticipation of call we have carefully canvassed the matter in all organizations, and our officers are absolutely confident. All arrangements for quick mobilization have been quietly made, and you will be proud of the showing made by our guard if the call comes.

Our troops have had same physical examination required for Regular Army, and requirements have been rigidly enforced. The oath prescribed by the statute law requires support of Constitution and laws of the United States, and men understand they are obligated to go, and expect to do so. Conditions are very different here from the Texas and Arizona cases mentioned. We are having the additional oath prescribed in the new law printed, and when the President signs the bill it will be taken immediately.

H. C. CLARK.

Mr. MARTINE of New Jersey. Mr. President, if I may, I will state in that connection that within the past two days I have received a letter from Gen. Wilbur Sadler, of the National Guard of New Jersey, in which he asserts that there need be no fear so far as the New Jersey troops are concerned. When the hour demands them, the New Jersey National Guard will be in line and ready for the Government's defense.

Mr. REED. Mr. President, if I may say one word further, I have not yielded the floor.

Mr. MARTINE of New Jersey. I beg the Senator's pardon. I thought he had yielded it.

Mr. REED. The Senator from New Jersey is always welcome to a part of my time.

I only put this telegram in the RECORD in order that whether the assertions which are being made regarding the failure of the guard to respond are well-founded or otherwise, whatever that fact may be, the country may understand that there is no occasion for the people of the country to lose confidence in the National Guard. I think that fact ought to be plainly made known.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CLARKE of Arkansas. Mr. President, we have now reached the stage where the committee amendments have been disposed of. With reference to the further progress of the bill, I ask permission to read, in the few minutes at our disposal, what took place when the order of business was established.

I read from page 8677 of the RECORD of May 9. At that time this occurred:

Mr. CLARKE of Arkansas. Mr. President, I move that the formal reading of the bill be dispensed with and that the Senate proceed to consider first the Senate amendments, second the amendments to strike out the text of the House bill or to amend the same, and third the amendments offered by individual Senators. * * *

Mr. GALLINGER. Will the Senator from Arkansas kindly repeat the order?

Mr. CLARKE of Arkansas. That the formal reading of the bill be dispensed with, and that the Senate proceed to consider first the committee amendments, second the amendments to strike out the House text or to amend it, and third the amendments offered by individual Senators.

The order of business under that arrangement, which met with the unanimous consent of the Senate, will be to offer amendments to strike out the text of the House bill or to amend it. Under that order of business some very important amendments will be offered, as I am advised; and I suggest to such Senators as feel an interest in the ultimate passage of the bill that from this time forward I think their attendance in larger numbers than heretofore would be advisable.

There is so little time left this afternoon for the consideration of any further matter that I ask——

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. CLARKE of Arkansas. I am very glad to yield to the Senator.

Mr. LODGE. I supposed that the order had been reached for introducing individual amendments, and I sent one to the desk; but I understand now that that order has not yet been reached.

Mr. CLARKE of Arkansas. No; it has not.

I therefore ask that the bill be laid aside until to-morrow morning at 11 o'clock; and I move that when the Senate takes a recess this afternoon it will be until 11 o'clock to-morrow.

The PRESIDING OFFICER. The Senator from Arkansas moves that when the Senate takes a recess to-day it be until 11 o'clock to-morrow morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of executive business.

Mr. CURTIS. By unanimous consent, the Senate was to go into executive session at 3.30 o'clock.

The PRESIDING OFFICER. That hour has not quite arrived. There are one or two minutes left. The Senator from Nevada moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 15 minutes spent in executive session the doors were reopened.

NOMINATION OF GEORGE RUBLEE.

The injunction of secrecy was removed from the following proceeding in executive session:

Vote on motion to reconsider the vote by which, on the 15th instant, the Senate refused to advise and consent to the appointment of George Rublee to be a Federal Trade Commissioner:

YEAS—38.

Ashurst	Kenyon	Owen	Stone
Chilton	Kern	Phelan	Swanson
Clapp	La Follette	Pittman	Taggart
Culberson	Lane	Poindexter	Thomas
Fletcher	Lea, Tenn.	Pomerene	Thompson
Hitchcock	Lee, Md.	Ransdell	Tillman
Hollis	Lewis	Shafroth	Walsh
Hughes	Newlands	Sheppard	Williams
Husting	Norris	Simmons	
Johnson, S. Dak.	Overman	Smith, Ariz.	

NAYS—38.

Bankhead	Dillingham	Martine, N. J.	Smoot
Borah	Fall	Nelson	Sterling
Brady	Gallinger	O'Gorman	Sutherland
Brandegee	Goff	Oliver	Underwood
Broussard	Harding	Page	Wadsworth
Catron	Hardwick	Penrose	Warren
Clark, Wyo.	Jones	Saulsbury	Weeks
Clarke, Ark.	Lippitt	Sherman	Works
Colt	Lodge	Smith, Ga.	
Curtis	Martin, Va.	Smith, Mich.	

The following pairs were announced:

The VICE PRESIDENT with Mr. REED.

Mr. BURLEIGH with Mr. ROBINSON.

Mr. CUMMINS with Mr. VARDAMAN.

Mr. DU PONT with Mr. BECKHAM.

Mr. GRONNA with Mr. JOHNSON of Maine.

Mr. McCUMBER with Mr. GORE.

Mr. McLEAN with Mr. MYERS.

Mr. TOWNSEND with Mr. BRYAN.

Mr. JAMES with Mr. SHIELDS.

Mr. MYERS. I am paired with the junior Senator from Connecticut [Mr. McLEAN]. If he were present he would vote "nay" and if I were at liberty to vote I would vote "yea."

RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m., Tuesday, May 23, 1916) the Senate took a recess, the recess being, under the order previously made, until to-morrow, Wednesday, May 24, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 23 (legislative day of May 18), 1916.

REGISTERS OF LAND OFFICE.

M. C. Warrington, of Mason City, Nebr., to be register of the land office at Broken Bow, Nebr., vice John Reese, term expired.

John P. Golden, of O'Neill, Nebr., to be register of the land office at O'Neill, Nebr., vice Brantley E. Sturdevant, term expired.

APPRAISER OF MERCHANDISE.

James Houlihan, of Pittsburgh, Pa., to be appraiser of merchandise in customs collection district No. 12, with headquarters at Pittsburgh, Pa., in place of Bernard B. McGinnis, resigned.

COLLECTOR OF INTERNAL REVENUE.

Benjamin F. Davis, of Lancaster, Pa., to be collector of internal revenue for the ninth district of Pennsylvania in place of Fred C. Kirkendall, transferred to the twelfth district.

Mr. Davis is now serving under a temporary commission issued during the recess of the Senate.

POSTMASTERS.

DELAWARE.

A. J. McCabe to be postmaster at Frankford, Del., in place of A. J. McCabe. Office became presidential April 1, 1916.

INDIANA.

Walter J. Rierden to be postmaster at Montezuma, Ind., in place of Emma G. Powell. Incumbent's commission expires June 14, 1916.

George W. Roy to be postmaster at Wolcottville, Ind., in place of Emery A. Metz, resigned.

Edward H. Taylor to be postmaster at Knox, Ind., in place of W. P. McCormick. Incumbent's commission expires June 12, 1916.

IOWA.

E. F. Main to be postmaster at Hopkinton, Iowa, in place of F. B. Tibbitts. Incumbent's commission expired March 13, 1916.

MASSACHUSETTS.

William J. Young to be postmaster at Woburn, Mass., in place of Edwin F. Wyer. Incumbent's commission expired December 20, 1915.

MICHIGAN.

Henry J. Lynch to be postmaster at Mayville, Mich., in place of James Garnsey. Incumbent's commission expires June 14, 1916.

MINNESOTA.

E. J. McGuiggan to be postmaster at Winnebago, Minn., in place of Charles Canfield. Incumbent's commission expires June 12, 1916.

MISSISSIPPI.

Arthur E. Bergold to be postmaster at Osyka, Miss., in place of Mae Wright. Incumbent's commission expires June 12, 1916.

NEBRASKA.

L. G. Lowe to be postmaster at Sidney, Nebr., in place of J. T. McIntosh. Incumbent's commission expired December 12, 1915.

W. E. Roudebush to be postmaster at Chappell, Nebr., in place of G. C. Neumann. Office became presidential January 1, 1916.

NEW YORK.

Archie Goodfellow to be postmaster at Jamesville, N. Y., in place of H. P. Cross. Office became presidential October 1, 1915.

PENNSYLVANIA.

L. J. Casey to be postmaster at Wilkes-Barre, Pa., in place of T. F. Heffernan. Incumbent's commission expired December 20, 1915.

VERMONT.

William H. Finn to be postmaster at St. Albans, Vt., in place of C. S. Forbes. Incumbent's commission expires June 5, 1916.

WEST VIRGINIA.

Richard C. Cooper to be postmaster at Farmington, W. Va., in place of W. H. Veach. Incumbent's commission expired March 13, 1916.

WISCONSIN.

Myra W. Blanding to be postmaster at St. Croix Falls, Wis., in place of Myra W. Blanding. Incumbent's commission expired January 16, 1916.

R. E. Bundy to be postmaster at Menomonie, Wis., in place of Egbert Marks. Incumbent's commission expired August 21, 1915.

Alexander G. Krembs to be postmaster at Stevens Point, Wis., in place of D. E. Frost. Incumbent's commission expired January 16, 1916.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 23, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, who hast spoken to Thy children of every age out of the great book of nature and hast spoken to the world out of the mouth of prophets and seers, and especially out of the mind and heart of Thy Son Jesus Christ, the express image of Thy glory, give to us, we beseech Thee, the hearing ear, the sensitive heart, that we may hear Thy word and obey, feel Thy loving presence to cheer and comfort, so that when we shall be called upon to pass from the endearing scenes of this beautiful world and our loved ones to go out into the great unknown we may pass serenely on with faith and confidence in Thee who doeth all things well. Hear us and thus bless us, in the name of the Master of all good works. Amen.

The Journal of the proceedings of yesterday was read and approved.

PORTO RICO.

The SPEAKER. When the House adjourned yesterday there were two matters on which the previous question had been ordered. The first one was the Porto Rican bill (H. R. 9533), and the first vote is on an amendment offered by the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I ask that the amendment be reported.

The SPEAKER. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 12, after the word "enacted," insert "and no discrimination shall be made as to sex."

The SPEAKER. The question is on the amendment just read.

The question was taken; and on a division (demanded by Mr. MANN) there were 43 ayes and 67 noes.

Mr. MANN. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Virginia [Mr. JONES] and the gentleman from Illinois [Mr. MANN].

The House again divided, and the tellers reported that there were 59 ayes and 80 noes.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JONES, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. The question now is on the rule reported by the Committee on Rules with reference to the District of Columbia appropriation bill. (H. Res. 240.)

The question was taken; and on a division (demanded by Mr. CAMPBELL) there were 91 ayes and 71 noes.

Mr. CAMPBELL. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Kansas makes the point that no quorum is present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 178, nays 136, answered "present" 8, not voting 112, as follows:

YEAS—178.

Abercrombie	Dickinson	Keating	Rucker
Adamson	Dies	Kettner	Saunders
Aiken	Dill	Kay, Ohio	Shackleford
Alexander	Dixon	Kitchin	Shallenberger
Allen	Doolittle	Konop	Sherwood
Almon	Doughton	Lazaro	Shouse
Ashbrook	Dupré	Lee	Sims
Aswell	Edwards	Lesher	Sisson
Ayres	Estopinal	Lever	Slayden
Bailey	Evans	Lieb	Slemp
Barnhart	Farley	Linthicum	Small
Beakes	Ferris	Lloyd	Smith, N. Y.
Bell	Fields	Lobeck	Smith, Tex.
Black	Flood	London	Sparkman
Blackmon	Foster	McAndrews	Stafford
Booher	Gandy	McClintic	Steele, Iowa
Borland	Gard	McDermott	Steele, Pa.
Britt	Garner	McGillicuddy	Stephens, Miss.
Brumbaugh	Garrett	McKellar	Stephens, Nebr.
Buchanan, Ill.	Goodwin, Ark.	Mapes	Stephens, Tex.
Burgess	Gordon	Mays	Stone
Burke	Gray, Ala.	Moon	Stout
Burnett	Gray, Ind.	Moss, Ind.	Sumners
Byrnes, S. C.	Gregg	Murray	Taggart
Byrns, Tenn.	Hamlin	Neely	Talbott
Callaway	Hardy	Nicholls, S. C.	Tavenner
Candler, Miss.	Hastings	Nichols, Mich.	Taylor, Colo.
Caraway	Hay	Oldfield	Thomas
Carter, Okla.	Hayden	Oliver	Thompson
Cary	Helm	Olney	Tillman
Church	Helvering	Overmyer	Tribble
Cline	Hensley	Padgett	Van Dyke
Collier	Hillard	Page, N. C.	Venable
Connelly	Holland	Park	Vinson
Cox	Hood	Phelan	Watkins
Cramton	Houston	Price	Watson, Va.
Crisp	Howard	Quin	Webb
Crosser	Huddleston	Ragsdale	Whaley
Cullop	Hughes	Rainey	Williams, W. E.
Davenport	Hull, Tenn.	Raker	Wilson, Fla.
Davis, Minn.	Igoe	Randall	Wingo
Davis, Tex.	Jacoway	Rauch	Wise
Decker	James	Rayburn	Young, Tex.
Dent	Johnson, Ky.	Reilly	
Dewalt	Jones	Ruby	

NAYS—136.

Anderson	Browne	Carter, Mass.	Cooper, W. Va.
Austin	Browning	Chandler, N. Y.	Cooper, Wis.
Barchfeld	Butler	Charles	Copley
Bowers	Campbell	Coady	Crago
Britten	Cannon	Cooper, Ohio	Curry
Dale, Vt.	Hamilton, Mich.	McKinley	Russell, Ohio
Dallinger	Hamilton, N. Y.	Magee	Sanford
Danforth	Haskell	Mann	Schall
Darrow	Haugen	Mattis	Scott, Mich.
Dempsey	Hawley	Matthews	Sells
Denison	Hayes	Miller, Pa.	Sinnott
Dillon	Helgesen	Mondell	Sloan
Dowell	Hernandez	Moores, Ind.	Smith, Idaho
Dunn	Hicks	Morgan, Okla.	Smith, Mich.
Dyer	Hinds	Mott	Snyder
Ellsworth	Hollingsworth	Mudd	Steenerson
Elston	Hopwood	Nelson	Stephens, Cal.
Esch	Howell	Nolan	Sterling
Farr	Hull, Iowa	North	Sthess
Fess	Hutchinson	Norton	Sullloway
Fordney	Johnson, Wash.	Oakey	Swem
Foss	Kahn	Parker, N. J.	Swift
Frear	Kelley	Parker, N. Y.	Temple
Freeman	Kennedy, Iowa	Platt	Tilson
Gardner	Kiess, Pa	Porter	Timberlake
Garland	King	Powers	Tinkham
Gillett	Kinkaid	Pratt	Towner
Glynn	La Follette	Ramseyer	Treadway
Gould	Lenroot	Reavis	Volstead
Graham	Loud	Ricketts	Watson
Green, Iowa	McArthur	Roberts, Mass.	Williams, Ohio
Greene, Mass.	McCracken	Roberts, Nev.	Wilson, Ill
Greene, Vt.	McCulloch	Rowe	Woods, Iowa
Hadley	McKenzie	Rowland	Young, N. Dak.

ANSWERED "PRESENT"—8.

Harrison	Kennedy, R. I.	Madden	Ward
Humphrey, Wash.	Longworth	Meeker	Wheeler

NOT VOTING—112.

Adair	Fairchild	Kincheloe	Pou
Anthony	Finley	Kreider	Riordan
Bacharach	Fitzgerald	Lafean	Rodenberg
Barkley	Flynn	Langley	Rogers
Beales	Focht	Lehlbach	Rouse
Bennet	Fuller	Lewis	Russell, Mo.
Bruckner	Gallagher	Liebel	Sabath
Buchanan, Tex.	Gallivan	Lindbergh	Scott, Pa.
Caldwell	Glass	Littlepage	Scully
Cantrill	Godwin, N. C.	Loft	Sears
Capstick	Good	McFadden	Sherley
Carew	Gray, N. J.	McLaughlin	Siegel
Carlin	Griest	McLemore	Smith, Minn
Casey	Griffin	Maher	Snell
Chiperfield	Guernsey	Miller, Del.	Steagall
Clark, Fla.	Hamill	Miller, Minn.	Stedman
Coleman	Hart	Montague	Sutherland
Conry	Heaton	Mooney	Switzer
Costello	Heflin	Moore, Pa.	Tague
Dale, N. Y.	Henry	Morgan, La.	Taylor, Ark.
Dooling	Hill	Morin	Vare
Doremus	Hulbert	Morrison	Walker
Driscoll	Humphreys, Miss.	Moss, W. Va.	Walsh
Drukker	Husted	Oglesby	Watson, Pa.
Eagan	Johnson, S. Dak.	O'Shaunessy	Williams, T. S.
Eagle	Kearns	Paige, Mass.	Wilson, La.
Edmonds	Keister	Patten	Winslow
Emerson	Kent	Peters	Wood, Ind.

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. EAGLE with Mr. SMITH of Minnesota.

Mr. HUMPHREYS of Mississippi with Mr. WOOD of Indiana.

Mr. KINCHELOE with Mr. WHEELER.

Mr. ROUSE with Mr. MADDEN.

Mr. CASEY with Mr. SCOTT of Pennsylvania.

Mr. GALLAGHER with Mr. WINSLOW (ending May 27, inclusive).

Mr. SHERLEY with Mr. LONGWORTH (ending May 29).

Mr. CLARK of Florida with Mr. FULLER.

Mr. BRUCKNER with Mr. BENNET (ending June 20).

Mr. CANTRILL with Mr. LANGLEY.

Mr. SCULLY with Mr. MOONEY.

Mr. DRISCOLL with Mr. PAIGE of Massachusetts.

Mr. FITZGERALD with Mr. MOORE of Pennsylvania.

Mr. DOREMUS with Mr. FAIRCHILD.

Mr. DALE of New York with Mr. KEISTER.

Mr. ADAIR with Mr. COLEMAN.

Mr. HAMILL with Mr. GUERNSEY.

Mr. EAGAN with Mr. FOCHT.

Mr. DOOLING with Mr. ANTHONY.

Mr. CALDWELL with Mr. EDMONDS.

Mr. GLASS with Mr. HILL.

Mr. LEWIS with Mr. KREIDER.

Mr. CONRY with Mr. EMERSON.

Mr. MAHER with Mr. HUSTED.

Mr. LIEBEL with Mr. McFADDEN.

Mr. CAREW with Mr. GOOD.

Mr. FINLEY with Mr. HEATON.

Mr. HULBERT with Mr. KEARNS.

Mr. WALKER with Mr. MORIN.

Mr. RUSSELL of Missouri with Mr. VARE.

Mr. SEARS with Mr. PETERS.

Mr. OGLESBY with Mr. MOSS of West Virginia.

Mr. FLYNN with Mr. GRIEST.

Mr. GODWIN of North Carolina with Mr. McLAUGHLIN.

Mr. LITTLEPAGE with Mr. MILLER of Minnesota.
Mr. HART with Mr. CAPSTICK.
Mr. PATTEN with Mr. SNELL.
Mr. MORGAN of Louisiana with Mr. BRITT.
Mr. STEAGALL with Mr. BEALES.
Mr. POU with Mr. SUTHERLAND.
Mr. HENRY with Mr. GRAY of New Jersey.
Mr. BRUCKNER with Mr. COSTELLO.
Mr. GRIFFIN with Mr. LAFEAN.
Mr. SABATH with Mr. DRUKKER.
Mr. LOFT with Mr. WATSON of Pennsylvania.
Mr. McLEMORE with Mr. BACHARACH.
On the vote:
Mr. RIORDAN (for rule) with Mr. WARD (against).
Mr. HEFLIN (for rule) with Mr. THOMAS S. WILLIAMS (against).
Mr. TAYLOR of Arkansas (for rule) with Mr. MILLER of Delaware (against).
Mr. STEDMAN (for rule) with Mr. ROGERS (against).
Mr. TAGUE (for rule) with Mr. KENNEDY of Rhode Island (against).
Mr. MONTAGUE (for rule) with Mr. SIEGEL (against).
Mr. WILSON of Louisiana (for rule) with Mr. LEHLBACH (against).
Mr. BARKLEY (for rule) with Mr. WALSH (against).
Mr. CARLIN (for rule) with Mr. MEEKER (against.
Mr. BUCHANAN of Texas (for rule) with Mr. RODENBERG (against).
Mr. GALLIVAN (for rule) with Mr. JOHNSON of South Dakota (against).
Mr. O'SHAUNESSY (for rule) with Mr. SWITZER (against).
Mr. HARRISON (for rule) with Mr. CHIPERFIELD (against).
Mr. KENNEDY of Rhode Island. Mr. Speaker, I am paired with the gentleman from Massachusetts [Mr. TAGUE]. I voted "no." I desire to withdraw that vote and answer "present."

The name of Mr. KENNEDY of Rhode Island was called, and he answered "Present."

Mr. MADDEN. Mr. Speaker, I voted "no." I am paired with the gentleman from Kentucky [Mr. ROUSE], and I desire to withdraw my vote and answer "present."

The name of Mr. MADDEN was called, and he answered "Present."

Mr. HUMPHREY of Washington. Mr. Speaker, I am paired with the gentleman from Indiana [Mr. MORRISON]. I desire to withdraw my vote "no" and answer "present."

The name of Mr. HUMPHREY of Washington was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors.

AMENDING AUTHORIZATION OF FLEET SUBMARINES.

Mr. PADGETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. PADGETT. Mr. Speaker, I rise to ask unanimous consent for the present consideration of the bill (H. R. 13670) to amend a provision in reference to a couple of submarines authorized in the bill of a year ago.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13670) amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, relating to the authorization of fleet submarines."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have the bill reported and then to have the gentleman state the necessity for it.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the provisions of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," which reads as follows: "Two submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 20 knots, to cost, exclusive of armor and armament, not exceeding $1,500,000 each," is hereby amended to read as follows: "Two submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 19 knots, to cost, exclusive of armor and armament, not exceeding $1,500,000 each."

The committee amendment was reported, as follows:

Page 1, line 3, strike out the word "provisions" and insert "provision."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, let the gentleman make a statement about the bill.

Mr. PADGETT. Mr. Speaker, the appropriation act of last year authorized two fleet-going submarines, specifying that the minimum speed should be not less than 20 knots. The Secretary of the Navy advertised, as provided by law, for bids, and only received one bid, and that provided a guaranty of a minimum speed of 19 knots, and he was unable to get any company to bid for a speed guaranteed above 19 knots. They think they can get 20 knots, but they will not undertake or guarantee it, and the committee bring in this bill to amend it so they can proceed with the construction of these two submarines after advertising, if they get bids.

Mr. MANN. Mr. Speaker, may I ask the gentleman when were these submarines authorized?

Mr. PADGETT. In the appropriation bill of last year. The bill was passed, I believe, the 3d of March.

Mr. MANN. All of them were passed on March 3. When were they advertised for?

Mr. PADGETT. The designs were finally completed on December 11, 1915, and the department called for bids on February 16, 1916.

Mr. MANN. That was in February?

Mr. PADGETT. Yes, sir; that the bids were opened.

Mr. MANN. When did the Secretary make the request?

Mr. PADGETT. To the committee?

Mr. MANN. Well, to anybody. I do not know to whom he made it, but I suppose to Congress, not to the committee.

Mr. PADGETT. He addressed a letter to me March 3, 1916, and I introduced the bill March 24, and the committee reported it April 4.

Mr. MANN. Well, I am not going to object to this, but if we have equal speed all along the route these vessels may be constructed some time during the next century.

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to make another suggestion.

Mr. MANN. I would like to make this suggestion: The Republican convention is going to be held in Chicago to nominate the next President of the United States week after next. [Applause on the Republican side.] I have so far been unable to get any understanding with that side of the House as to what the program of the House should be during the time of the convention. Quite a number of gentlemen on this side of the House are delegates to the convention and quite a number of others desire to attend the convention. I do not yet know whether it is the purpose of the majority to take up and consider matters of importance during the week of the convention or not. It is highly desirable that gentlemen who wish to attend the convention may know at an early date what is to be the program. While I shall not object to this request unless we can have some understanding, I will have to object hereafter to any unanimous-consent requests until the matter of the convention is disposed of or settled.

Mr. BUTLER. Reserving the right to object, let me ask the chairman of the committee what his purpose may be regarding the consideration of the naval appropriation bill?

Mr. PADGETT. I understand it is the expectation to bring in a rule to take it up either next Monday or next Tuesday.

Mr. BUTLER. Does the gentleman then propose to complete the consideration of that bill, which has very many new features in it, and which involves the Public Treasury to the extent of $361,000,000, during that week?

Mr. PADGETT. I understand it is the purpose to pass that bill not later than Saturday.

Mr. BUTLER. Can the gentleman give me some idea of how much general debate will be afforded the committee on this bill?

Mr. PADGETT. I understand it is the purpose to have one day devoted to general debate.

Mr. BUTLER. And then how many days to consider this important bill?

Mr. PADGETT. That would leave three.

Mr. BUTLER. Is it the purpose of the gentleman to conclude his bill by Friday of next week?

Mr. PADGETT. If we get it on Monday, it is hoped to conclude it on Friday; if we do not take it up until Tuesday, to pass the bill on Saturday

Mr. BUTLER. If the gentleman will permit me to say to him, there are a good many gentlemen on this side of the House who desire to go away next week. Who created the impression I do not know, who was authorized to create it I do not know, but it has been well understood on this side that this bill would not be considered until after these two conventions had met and had concluded their proceedings. Many of the gentlemen on this side have made their arrangements to go away. It does not affect me personally, because I am going to stay here; and if there is any attempt to crowd the measure, I shall make it a business to see that every gentleman is in his seat. Gentlemen who have understood they were to have the privilege of going away at the end of the week ought to have that privilege accorded to them.

Mr. PADGETT. I understand it is the purpose to pass the bill not later than Saturday of next week.

Mr. MADDEN. Most of the gentlemen going will leave here on Saturday morning and will not have opportunity to vote on the bill, and they ought to have that opportunity.

Mr. KITCHIN. It is our intention to get through with this District bill Friday, if possible, and take up on Saturday or Monday the naval bill, and to come here early in the morning and stay late in the evening, so that we can finish it by Friday night week, or Saturday at the outside. This will enable the gentlemen on that side who desire to vote on the bill to vote and attend the convention. I am sure that if we begin the naval bill on Monday and meet here at 11 o'clock or 10.30 a. m., and on one or two evenings sit until 10 or 11 o'clock, we can finish it by Friday night. We all know the points in controversy, and the questions that will arise under the bill have been debated and discussed for years and years, and there is no reason why we should take over three or four days under the five-minute rule.

Mr. BRITTEN. Does the gentleman really think that the House can consider the naval bill at the rate of $100,000,000 a day and do that subject justice?

Mr. KITCHIN. It does not make any difference as to what the amount is, or whether $1,000,000, or $2,000,000, or $100,000,000 may be in controversy if we know and understand thoroughly the entire matter. Some may want two battleships and some may want three battleships and some more or less. It is a matter that can be easily ended in a short time.

Mr. BRITTEN. This bill will take a lot of time to consider, and should be given a lot of time.

Mr. KITCHIN. We are willing to stay here until 10 or 11 o'clock every night, which will make it a week or more in time.

Mr. BRITTEN. I have no objection to rushing this bill, Mr. Speaker, but every item in the bill is of very great importance, and should be thoroughly considered, and I am sure you can not get proper consideration of the bill by 10 or 12 Members sitting around and listening to Members over here reading their manuscript.

Mr. BUTLER. I will say that if we begin Monday, we will have Monday, Tuesday, Thursday, Friday, and Saturday, and, if you desire it, have three hours in the evening. Will the gentlemen all be present if we sit in the evening? I understand how to keep them here, and I will try it, too.

Mr. KITCHIN. Another thing, if we can have unanimous consent to give Calendar Wednesday to this, I shall be glad to ask it, and I hope it will be granted. Now, I will ask the gentleman from Pennsylvania [Mr. BUTLER] if the gentleman does not think if we can begin Monday and the evening sessions, and if we can do away with Calendar Wednesday and give it to this, that we will have ample time for discussion by Friday night?

Mr. BUTLER. Mr. Speaker, it is a pleasure to endeavor to answer the gentleman's question.

Mr. KITCHIN. What do you think about it?

Mr. BUTLER. I do not. This is the twentieth naval appropriation bill that has been considered in the House since I have been here, and it is the first time it has ever been asked that we should dispose of it in three or four days.

Mr. KITCHIN. I do not desire to rush it through.

Mr. BUTLER. I am ready to take the morning session, but that time is not sufficient. I do not think you should require us to sit here in the nighttime to consider a bill of this importance. I think it ought to be considered in the daytime. I do not think we should be required to sit here at night.

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him a question?

Mr. PADGETT. With pleasure.

Mr. COOPER of Wisconsin. How many weeks or months has the Naval Committee been considering this bill?

Mr. PADGETT. December, January, February, March, April, and part of May, and not yet reported to the House.

Mr. COOPER of Wisconsin. So that the proposition now before the House is that a bill which it took this committee five months to consider the House should decide upon and vote to appropriate $360,000,000 in three days.

Mr. MANN. The gentleman is in error. We do not decide upon it. The President has already told them how to do it. [Applause.]

Mr. COOPER of Wisconsin. I accept the amendment.

Mr. BUTLER. The evidence submitted to this committee is very valuable and will help us for years to come. The chairman of the committee, with great patience, took this evidence, so that the House might have it and consider it, and it was never supposed by any of us that we would not have the opportunity to consider this bill as it should be considered, and with the country demanding that it should have consideration within three weeks' time.

Mr. KITCHIN. I would like to say to the gentleman from Wisconsin [Mr. COOPER] that it has taken the Committee on Appropriations, having jurisdiction of the District of Columbia bill, four or five or six months, with night and day work, to get the District appropriation bill and the Appropriation Committee to get the sundry civil appropriation bill prepared, but we do not expect to take any such time as that in putting them through the House.

Mr. COOPER of Wisconsin. I hope the gentleman from North Carolina will not suggest that there is any resemblance between the District of Columbia appropriation bill and this bill.

Mr. MANN. The gentleman from North Carolina is in error as to the facts.

Mr. KITCHIN. No; I am not. Personally I am willing to give, so far as I am concerned, all the discussion you want on the bill. I am willing to have two weeks or three weeks devoted to it. But if the majority of this House will stand with me, we are going to begin the consideration of the naval bill on Monday, and not later than Tuesday.

Now, I wanted to hurry this matter up just to accommodate Members on that side, because Members had told me that they wanted to go to the Chicago convention and leave on Friday or Saturday. In order to accommodate them, I wanted to take this up on Monday and spend all the week till Friday night on it, and have evening sessions on it and get through in time for them to vote Friday and leave for the convention Friday night or Saturday morning.

Mr. MADDEN. Why not substitute it for this bill? Then you would have done something.

Mr. KITCHIN. And, to be candid with the gentleman, too, my present intention is to ask for a rule to take this up on Monday, or possibly Saturday if we can conclude the District appropriation bill by Friday night; and we are going through with that bill without interruption. I will ask unanimous consent for Wednesday, so that we may have Tuesday, Wednesday, Thursday, and Friday under the five-minute debate rule, giving full opportunity for discussion of all points at issue——

Mr. SMITH of Michigan. How many pages are there in the bill——

Mr. KITCHIN. And we can consider all the points in controversy.

Mr. BUTLER. Does the gentleman propose to have night sessions to consider the District appropriation bill?

Mr. KITCHIN. Yes.

Mr. PAGE of North Carolina. We will do that if we can.

Mr. KITCHIN. I will say, Mr. Speaker, that I have discussed it with the gentleman from Pennsylvania [Mr. BUTLER] and other members of the committee, and several Members on that side, and I did not perceive when we were discussing it privately so much opposition to this proposition from them as now appears in public. We all pretty much agreed upon that course, and while naturally you gentlemen would have to vote against any rule, yet from my conversation with you gentlemen I took it and understood that some of you would be very glad for us to run that rule over you. [Laughter.]

Mr. BUTLER. Mr. Speaker, I will say I voted in committee for this legislation, and I voted to put the legislation in the bill, and I should certainly vote for nothing to defeat it; but a good many gentlemen over here desire to discuss this bill. It is an absolute beginning of a new life for this country.

Mr. KITCHIN. Yes; and we ought to begin that life as soon as possible, if you consider it a good one.

Mr. PADGETT. And I hope we can take up and consider this submarine bill now.

Mr. BUTLER. Some people think it is not a good life.

Mr. BRITTEN. Would it be possible to substitute the naval bill for consideration on Thursday of this week?

Mr. KITCHIN. We can possibly get to it by next Saturday morning.

Mr. MANN. Mr. Speaker, I hope somebody will indulge me. We have been in session since the 1st of December, a period of nearly six months, and during that time we have passed, I believe, four of the regular appropriation bills, which are proceeding somewhat leisurely. Now, right upon the verge of the Republican national convention, where there is a contest in the convention of great interest to the Republican Members of the House, many of whom are delegates, the majority proposes to indulge in a trick to force their measures through hurriedly, without consideration, or to endeavor to force the Republican Members to stay away from the Republican convention. Such a

thing has never been done before. It is not generous, fair, or decent. [Applause on the Republican side.]

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. PADGITT]?

Mr. BUTLER. Reserving the right to object, Mr. Speaker—and I am not going to object—let me say to the gentleman that he may have great difficulty in passing this naval bill next week, even if you have from 20 to 30 majority on it.

Mr. KITCHIN. Reserving the right to object, Mr. Speaker, I want to say to the gentleman from Illinois [Mr. MANN], the minority leader, that he knows that it is neither unfair nor is it a trick that we are trying to play upon that side of the House.

Mr. ADAMSON. Nor indecent.

Mr. KITCHIN. No; nor indecent; and I am really surprised that a man who usually keeps his head should lose it in this manner. Now, the fact is that I discussed the matter with the gentleman from Illinois, and with the gentleman from Massachusetts [Mr. ROBERTS], and with the ranking member of the committee from Pennsylvania [Mr. BUTLER] a few days ago, and told them that we would have to get this naval bill out before the convention, and thought we ought to do it, and of the method of procedure that I intended to take to pass the bill by Friday or Saturday week. I saw no real objection to it on their part, and the gentleman from Illinois thought we could get through it at this time if we would hold it down to the very merits of the question and the points in controversy and come here regularly and keep a quorum here. I do not think the gentleman really meant to say we were trying to trick them, because I was telling him all the time what we hoped to do.

Mr. MANN. Mr. Speaker, I myself never refer to private conversations with the gentleman from North Carolina, and the conversation which the gentleman says took place he states erroneously. What the gentleman said to me was, and he did say to me, that the President had directed him to pass the naval appropriation bill before the Republican convention. There was no discussion about it at all.

Mr. KITCHIN. No; I did not use any such language. Here is what I said. I believe I can jog the gentleman's memory.

Mr. MANN. My memory is very clear.

Mr. KITCHIN. Mr. ROBERTS and Mr. BUTLER were there, right by that desk, and I laughingly said, "Why, MANN, you know we have to pass this bill next week as a matter of policy. We have to pass this before the Republican convention"—not what the President said, but I said—"we have to pass this before the Republican convention, because you folks are 'mean' enough to denounce us for having been in session all this time and not having done anything for the Navy if we do not pass it before your convention meets."

Mr. MANN. That conversation never took place.

Mr. KITCHIN. Mr. ROBERTS said, "I don't know that that would give time," and the gentleman from Illinois said, "ROBERTS, they are in a position where perhaps they will have to do it"—substantially that.

Mr. MANN. The gentleman is now drawing on his imagination. I made no such statement.

Mr. KITCHIN. The gentleman said, "Well, I reckon we will denounce you, whether you pass it before our convention or afterwards." Did not you say that, now; honor bright? Did not you say that?

Mr. MANN. What I said was that we would denounce your naval policy, whether you passed the bill before the convention or not.

Mr. KITCHIN. No——

Mr. BUTLER. Mr. Speaker——

SEVERAL MEMBERS. Regular order!

The SPEAKER. The regular order is demanded.

Mr. BUTLER. I ask unanimous consent for two minutes to answer the gentleman from North Carolina.

The SPEAKER. There is one request for unanimous consent pending already. The gentleman from Pennsylvania asks for two minutes. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Speaker, it is true I went to the gentleman from North Carolina, as I have frequently done, and as I expect frequently to do again. My purpose in going to him this time was to learn the sort of a bed he proposed to put me in. He did not consult me and I gave him no advice. I did not dissent, because he told me what he had concluded to do. I am prepared to lie still where he places me, but others upon this side of the House are not so content. I do not know whether the President asked that this bill be passed before our convention or not. I know that the country has demanded that there be some preparation made.

Mr. KITCHIN. And the country demands that you shall not filibuster to prevent the passage of this bill.

Mr. BUTLER. I understand that the country expects more of you than it will get.

Mr. GARNER. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. GARNER. The controversy here seems to be whether or not the President suggested that this bill pass before the convention.

Mr. BUTLER. I never heard anything about that.

Mr. GARNER. Does not the President have the right to suggest the policy of the party? He is the head of the party.

Mr. BUTLER. No doubt he has that right.

Mr. MANN. He has the right to tell you what to do, and you do it. [Cries of "Regular order!"]

The SPEAKER. The regular order has been called for, and the question is, Is there objection to the request of the gentleman from Tennessee?

Mr. KAHN. Reserving the right to object, I would like some information in regard to the bill.

The SPEAKER. The regular order has been demanded, and the question is, Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, I would like to ask the gentleman——

The SPEAKER. That is not in order. The question is, Is there objection?

Mr. HUMPHREY of Washington. I object.

CIVIL PENSIONS—POST OFFICE DEPARTMENT.

Mr. MADDEN. Mr. Speaker, I desire to call up the motion to reconsider the motion of the gentleman from Indiana [Mr. COX], by which the House gave unanimous consent to send the bills H. R. 6915 and H. R. 10130 from the Post Office Committee to the Committee on Reform in the Civil Service.

Mr. COX. Mr. Speaker, I do not believe the point of order has been reserved, but I will make the point of order.

Mr. MADDEN. I hope the gentleman will reserve it.

Mr. COX. I will reserve the point of order for a reasonable time.

The SPEAKER. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. MADDEN. The gentleman from Indiana has reserved it.

Mr. COX. I will make the point of order.

Mr. MADDEN. Now, Mr. Speaker, the Post Office Committee of the House of Representatives is organized for the purpose of taking jurisdiction of post-office matters, including appropriations for the men who are employed in that service. It is given jurisdiction over the Railway Mail Service, the Foreign Mail Service, the postal savings bank, and all matters pertaining to post-office service, and anything that pertains to greater efficiency in the service I maintain comes within the jurisdiction of the committee. Frequently the committee has reported legislation to the House to do first one thing and then another with the end in view of creating a greater efficiency in the department. One piece of legislation reported by this committee and enacted by Congress was the classification act, by means of which the men in the service were given the right of promotion from grade to grade automatically from one year to another, which created an expense in connection with the conduct of the department. Nobody will contend that it did not also create greater efficiency in the department.

Not long since the committee had referred to it a bill providing for the enactment of a law to pay compensation for injury to men in the service while on duty. The committee took jurisdiction of that and reported the bill. Under that law a man in the Postal Service now injured in the line of duty is entitled to full pay for one year's disability and half pay for the second year, and the family receives $2,000 in case of death, if it is the result of the injury. I might enumerate many other salutary recommendations for the improvement of the department ratified by the Congress.

Nobody will claim that in the conduct of the great Postal Service of the United States the committee having jurisdiction over postal affairs has no right to recommend improvements in the service. Not long since bills were introduced and referred to the Post Office Committee providing for superannuation of men grown old in the service. What was the purpose of that? Only one, and that purpose was to retire men who had grown old in the service in order that young men might take their places and greater efficiency result from the enactment of the law.

The bill was under consideration by the committee. The question of order was raised as to the jurisdiction of the committee by the gentleman from Indiana, and a majority of the

Committee on the Post Office and Post Roads overruled the question of order raised by him.

The SPEAKER. Has the gentleman from Illinois anything to say as to whether this motion is in order?

Mr. MADDEN. I maintain that where a Member of the House makes a motion to reconsider any motion which the House acts upon it is in order.

The SPEAKER. He did not make any motion.

Mr. MADDEN. The Journal says that he did.

The SPEAKER. It does not make any difference what the Journal says; the RECORD shows what took place.

Mr. MANN. Oh, yes, Mr. Speaker; the Journal has been approved.

The SPEAKER. If the gentleman from Illinois has anything to say as to why the motion is in order, the Chair will hear him.

Mr. MADDEN. My contention is that the motion to reconsider as used in the Continental Congress and in the House since its first organization was made the subject of a rule adopted in 1802, and it has been the universal practice that where a motion has been made and carried by the House that it is in order to move a reconsideration and that any Member of the House can make the motion unless there was a roll call showing who was on one side and who was on the other. I maintain that there having been no roll call on the motion of the gentleman from Indiana that any Member now on the floor of the House can rise in his place and make a motion to reconsider under the rules of the House, and that it is in order and that it is the duty of the Chair to state the question to the House and give the House an opportunity to vote upon it. The bills taken from the Post Office Committee and referred to the Committee on Reform in the Civil Service, by unanimous consent, on the motion of the gentleman from Indiana [Mr. COX] were under consideration in the Committee on the Post Office and Post Roads. Hearings had been held on the Griffin bill, and more than 100 Members of the House testified before the subcommittee in favor of that bill. The subcommittee had reported the bill favorably to the full committee. The full committee at its meeting on May 20 voted to take it up for further consideration on Wednesday the 24th of May, and yesterday morning when the House met at 11 o'clock, there being not more than 25 Members present, unanimous consent was granted to take the bills from the committee on the motion of the gentleman from Indiana [Mr. COX] without knowing the facts and without knowledge of the effect of such action. I insist that the jurisdiction of the subject of the bills lies in the committee. That the gentleman's motion was not warranted without the consent of the committee and that a motion made by unanimous consent is no different than any other motion and under the rules a motion to reconsider will lie as in the case of action by the House of a motion made under any other circumstances.

Mr. GARRETT. If the Chair desires to hear——

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. GARRETT. Mr. Speaker, I direct the attention of the Chair to section 832, paragraph 3, of Rule XXII. Speaking of the matter of the reference of public bills and their rereference, in the latter part of the rule this language is used:

And corrections in case of error of reference may be made by the House without debate in accordance with Rule XI on any day immediately after the reading of the Journal.

"By unanimous consent," that is one way. "On motion of the committee claiming jurisdiction," that is the second way. "On the report of the committee to which the bill has been erroneously referred," that is the third way.

Now, the use of the expression "by unanimous consent," when construed in connection with the other parts of the section, necessarily, it seems to me, implies that the ordinary rule does not apply to this particular case, and where a reference has been made by unanimous consent that it may not be reconsidered in the manner in which the gentleman from Illinois is attempting to reconsider it. It is not made upon motion, because there is no provision made as to how it shall be made on motion.

Mr. MADDEN. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. MADDEN. Why does the Journal say that it was made on motion?

Mr. GARRETT. I did not hear the Journal read, and if the Journal says that, it is erroneous; the rule, of course, controls.

Mr. FITZGERALD. Can anything be done in the House except on somebody's motion? How can it be done by unanimous consent except on somebody's motion?

Mr. GARRETT. Peculiarly enough this particular rule provides—and this is the only exception in all the general rules of the House—that by unanimous consent a proposition may be agreed to without a formal motion being made.

Mr. FITZGERALD. Oh, the rule uses an expression understood in parliamentary law. It uses the expression that by unanimous consent, but it must be upon somebody's motion. It can not be done by anyone without somebody suggesting or moving it. It must be by motion, and the rule was written by men who understood the meaning of an expression used in a parliamentary sense.

Mr. MANN. Mr. Speaker, while the rule provides that a change of reference can be made by unanimous consent, as suggested by the gentleman from New York [Mr. FITZGERALD], wherever unanimous consent is granted the Journal of the proceedings has always shown that the motion is made by unanimous consent, and in this case while the Speaker awhile ago intimated, without, I think, full consideration, that it made no difference what the Journal showed, still I think upon reflection the Speaker will find reason that the Journal of the proceedings, when they have been agreed to, tells what took place, no matter what really took place. And the Journal of this proceeding shows, as has been always the custom, that on motion of Mr. COX, by unanimous consent, this order of transfer was made to discharge the Committee on the Post Office and Post Roads and referring these bills to the Committee on Reform in the Civil Service. That was a motion made, probably agreed to by unanimous consent. Now, the rule in reference to consideration says:

When a motion has been made and carried or lost it shall be in order to move to reconsider.

I do not think that means there has to be a vote upon the motion. The Speaker frequently states: "Without objection, the amendment is agreed to; without objection, the bill is passed."

I do not think that the Speaker can hold, then, that because there has been no actual vote that a motion to reconsider does not lie. On the other hand, the Speaker frequently puts the question in reference to the passage of a bill, "Without objection, the bill is engrossed, read the third time, and passed," and subsequently the motion is made, usually is made, to reconsider and to lay that motion upon the table. That is the practice of the House. So that it does not require an actual vote, viva voce or otherwise, though the rule says when a motion has been made and carried or lost. It is made, it is carried when it is made by unanimous consent, and carried by unanimous consent, but it is still a motion, and when it is a motion it is in order to move to reconsider that motion.

Mr. COX. Mr. Speaker, I do not desire to burden the Chair with unnecessary argument, but the question before the House this moment is a question of procedure. It is not a question whether at this time, and so far as the decision the Chair is called upon to make, it is not a question whether or not the Committee on the Post Office and Post Roads, as I view it, has jurisdiction of these two bills, but it is a question of construing the rules of the House and whether or not the Speaker was operating within the rules of the House yesterday when he referred these bills from the Committee on the Post Office and Post Roads to the Committee on Reform in the Civil Service.

Now, as to what I did yesterday the RECORD shows I asked unanimous consent to refer these two bills from the Committee on the Post Office and Post Roads to the Committee on Reform in the Civil Service. If that should be treated tantamount to a motion upon my part, then the gentleman from Illinois is not within the rules of the House because he is not moving this morning, nor did he move yesterday, to ask unanimous consent of the House to reconsider the vote by which the question was carried yesterday.

Mr. STEENERSON. Will the gentleman yield?

Mr. COX. Not just at this minute. I read from page 9582 of the RECORD when this motion was made by the gentleman from Illinois [Mr. MADDEN] yesterday, and it is the motion that is pending before the House now:

Mr. Speaker, I rise for the purpose of entering a motion to reconsider the vote by which the House on unanimous consent motion of the gentleman from Indiana—

And so forth. That does not ask or does not move for leave or permission to ask unanimous consent to refer those two bills back to the Committee on the Post Office and Post Roads, nor does he ask or move for unanimous consent to ask reconsideration of the vote on yesterday when those two bills were referred by unanimous consent.

Mr. MADDEN. Will the gentleman yield?

Mr. COX. In a minute I will yield.

Mr. MADDEN. Does the gentleman contend that I would have to ask unanimous consent to make a motion to reconsider?

Mr. COX. No, sir; I do not contend that at all. Now, as to the point I made a moment ago. There are two motions I

made yesterday, and, treating it as tantamount to a motion, the motion I made treated in that light was to ask unanimous consent that those two bills be referred from the Committee on the Post Office and Post Roads to the Committee on Reform in the Civil Service. That is where my motion yesterday comes squarely within clause 3 of Rule XXII; and when the Chair reads the motion made by the gentleman from Illinois, as reported in the RECORD this morning, in the light of clause 3 of Rule XXII, it does not square itself at all. There are only three ways, as the gentleman from Tennessee well said, whereby public bills can be referred where the reference was originally erroneous. One is by unanimous consent; and I do not care whether the Journal shows unanimous consent was granted in the first instance or whether unanimous consent was granted for the purpose of permitting some Member of the House to make a motion to ask unanimous consent, the effect is just the same. There is not any difference whatever. The next way whereby public bills can be properly referred is a motion of the committee claiming jurisdiction. The gentleman from Illinois does not come within that reservation in the rule at all.

Mr. MADDEN. Will the gentleman yield?

Mr. COX. In just a minute I will. The next is on the report of the committee to which a bill has been erroneously referred. The motion of the gentleman from Illinois does not bring him within that part of clause 3 of Rule XXII.

Mr. MADDEN. The gentleman from Indiana will not contend or does not claim jurisdiction in the face of the fact that the gentleman raised the question of jurisdiction in the committee and a large majority of the committee overruled his contention.

Mr. COX. But the committee claiming jurisdiction is one thing, and the House, when the question comes squarely before it for decision on the question of jurisdiction, is a totally different proposition.

Mr. STEENERSON. Does the gentleman contend that the Committee on the Post Office and Post Roads have authorized or directed him to make the motion he made?

Mr. COX. No; I was proceeding under my own initiative when I asked unanimous consent to make the motion to refer, as the Journal shows. I would suggest to the Chair—probably the Chair has read it—Hinds' Precedents, volume 4, section 4605, a decision rendered by Speaker Crisp. It does not throw very much light upon the subject, but it is a construction of this rule.

The SPEAKER. Both the gentleman from Illinois [Mr. MADDEN] and the gentleman from Indiana [Mr. COX] are disposed to be technical. The gentleman from Indiana insists that the motion of the gentleman from Illinois is not sufficient. The motion is good enough; that is, as far as the shape of it is concerned.

If the Chair was disposed to be technical, which he is not, the gentleman from Illinois [Mr. MADDEN] did not have a right to make the motion at all, because he was not here when the gentleman from Indiana [Mr. COX] secured the reference of the two bills. The Chair knows, because the gentleman from Illinois [Mr. MADDEN] stated on the floor of the House that he was not here.

Mr. MANN. That is not official to the Chair.

The SPEAKER. If it is not official to the Chair, I do not know what would be. The Chair takes it that the gentleman from Illinois [Mr. MADDEN] is a man of veracity. The only question involved in this thing is this, whether a motion to reconsider applies to the rereference of a bill by unanimous consent. This is the only rule the Chair knows of that specifically provides for a request for unanimous consent. This is subdivision 3 of Rule XXIII, at the last end of the subdivision:

> Corrections in case of error of reference may be made by the House without debate and in accordance with Rule XI on any day immediately after the reading of the Journal in three ways: By unanimous consent—
>
> That is what has happened in this case—
>
> on motion of a committee claiming jurisdiction, or on the report of a committee to which the bill has been erroneously referred.

In this case it is the Committee on the Post Office and Post Roads which claims jurisdiction, and, without knowing, the Chair supposes that the Committee on the Civil Service Reform would fight its claim.

The gentleman from New York [Mr. FITZGERALD] used the exact words that ought to be used. It was a suggestion for unanimous consent. That seems to be the only way they can journalize a unanimous-consent request. The gentleman from New York said, "on a motion or suggestion." Now, the word "suggestion" is precisely the word that applies to the situation.

Mr. FITZGERALD. Mr. Speaker, the Speaker is bound by the Journal of the House, and can not go beyond it. The Journal has been approved. The Journal says, "By motion." The Speaker can not ignore the Journal of the House.

The SPEAKER. The Speaker is not deaf and blind, and knows exactly what happened here.

Mr. FITZGERALD. But the official record of the House of Representatives is the Journal, by which the Speaker is controlled.

The SPEAKER. The point of order made by the gentleman from Indiana [Mr. COX] is sustained. The gentleman from Illinois [Mr. MADDEN] has a remedy. If he does not like the decision of the Chair, he can get his committee to come in here and move to refer this bill to the Committee on the Post Office and Post Roads.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Can he do that when the House itself has changed the reference once?

The SPEAKER. The Chair thinks he could.

Mr. MADDEN. I will take advantage of that situation. We will have the committee gotten together, and we will come to the House as a committee and ask for rereference of this bill.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15774, a bill making appropriations for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes; and pending that, Mr. Speaker, I would like to see if we can reach unanimous consent as to the time for general debate with the gentleman from Minnesota [Mr. DAVIS].

Mr. DAVIS of Minnesota. Mr. Speaker, I would like to agree upon some time. I will say that I have requests for over three hours on this side.

Mr. PAGE of North Carolina. Mr. Speaker, there have also been numerous demands on this side for time, but I would like to suggest to the gentleman that in view of the conversation that went on in the House a little while ago relative to taking up of another appropriation bill after this one, it seems to me that this is not an opportune time to spend very much time in general debate. We ought to pass this bill as quickly as possible.

Mr. DAVIS of Minnesota. I agree with the gentleman, except in this particular: The general debate in this matter, while it may not be confined exclusively to the items of the bill, yet I am inclined to believe will, in the few hours which we agreed to, be confined to the so-called half-and-half plan. So that when that section of the bill is reached it will have been pretty generally debated under the general debate, and then the chairman of the subcommittee, the gentleman from North Carolina, will perhaps be justified in curtailing all matters of that kind. Now, I simply suggest that. I rather insist, if possible, that we have those three hours and a half upon this side.

Mr. PAGE of North Carolina. Mr. Speaker, that would mean seven hours' debate. In my judgment, that is too much. That would mean the remainder of the legislative day; and while the gentleman suggests that the debate might be confined to the first section of the bill——

Mr. DAVIS of Minnesota. I do not say it would be.

Mr. PAGE of North Carolina. He has no way of guaranteeing that. Neither has he any way of cutting off debate on that section when we reach it under the five-minute rule. I will say to the gentleman that we will be willing to suggest general debate on this side for three hours.

Mr. DAVIS of Minnesota. Under the conditions I do not see how I can agree to that.

Mr. PAGE of North Carolina. Mr. Speaker, if we can not get a unanimous-consent agreement for three hours—one hour and a half on a side—one half to be controlled by the gentleman from Minnesota [Mr. DAVIS] and the other half by myself, I shall proceed to an explanation of the bill. I move to go into the Committee of the Whole House on the state of the Union.

The SPEAKER. The question is on the motion of the gentleman from North Carolina.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, with Mr. FERRIS in the chair.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. PAGE of North Carolina. Mr. Chairman, the bill under consideration making appropriations for the expenses of the District of Columbia for the fiscal year ending June 30, 1917, carries appropriations aggregating, exclusive of the water revenues, $11,631,907.34. The estimates submitted to the Congress in the Book of Estimates aggregated $15,182,196.34. The amount carried by the bill, therefore, is $3,550,298 less than the estimates.

The gentleman from Wyoming [Mr. MONDELL], in his remarks upon the rule for making in order certain legislative provisions contained in the bill, on yesterday made the statement that in this bill, not to use his own words, that we had so cut the estimates submitted to the committee that it did not provide for the necessities of the District of Columbia, and I merely want to say to the members of the committee in the consideration of the various items that go to make up the total of this bill that the subcommittee formulating it did not consider a single item with reference to what the total of the bill would be, but that every one of the many hundreds of items that go to make up the aggregate was considered by that committee on its merits and without regard to what the total of the bill should be.

Now, inferences might be drawn from the statements already made that it was extremely unusual for a bill to be brought in from the committee making appropriations for the District of Columbia as much as $3,000,000 less than the estimates submitted by the commissioners. The statement was also made, I believe, that this bill was less in amount than former bills reported to this House in prior years, providing for the expenses of the District of Columbia. I want at this place to put into the RECORD the fact that the bill now under consideration carries $591,689.11 more than the bill reported to the House a year ago by the same committee. In other words, it exceeds by nearly $600,000 the amount in the bill reported a year ago.

These are the figures:

District of Columbia appropriation bills, fiscal years 1908 to 1912, inclusive.

Year.	Estimates.	Reported to House.	Reduction.
1908	$11,598,222.00	$10,112,234.63	$1,485,987.37
1909	13,798,126.35	9,561,449.35	4,236,677.00
1910	16,176,355.52	9,961,418.52	6,214,937.00
1911	11,190,628.49	10,285,907.99	894,720.50
1912	12,872,985.90	11,498,371.50	1,374,614.40
Total	65,626,318.26	51,419,381.99	14,206,936.27

NOTE.—The total reduction of $14,206,936.27 of the District of Columbia bills, as reported to the House for the five fiscal years 1908 to 1912, inclusive, under the total amount of the estimates submitted by the commissioners for that period, is 21.6 plus per cent.

District of Columbia appropriation bills, fiscal years 1913 to 1917, inclusive.

Year.	Estimates.	Reported to House.	Reduction.
1913	$12,954,720.50	$10,302,208.00	$2,652,512.50
1914	12,874,297.60	11,221,964.00	1,652,333.60
1915	14,491,614.49	11,465,480.49	3,026,134.00
1916	12,909,434.23	11,303,048.23	1,606,386.00
1917	15,475,676.34	11,894,737.34	3,578,939.00
Total	68,706,743.16	56,187,438.06	12,516,305.10

NOTE.—The total reduction of $12,516,305.10 of the District of Columbia bills for the last five fiscal years, as reported to the House under the total amount of the estimates submitted by the commissioners for that period, is 18.1 plus per cent.

In 1915 the reduction, when the bill was reported to the House, is shown to have been $3,026,134 less than the estimates. In the year 1913 the amount reported to the House in the bill was $1,652,000 less than the estimates.

Going back prior to the present administration, in 1908—in the bill for 1909—the estimates submitted to that Congress were $13,798,126.35, and the appropriations reported to the House were $9,561,449, or $4,236,677 less than the estimates. For the fiscal year 1910 the estimates submitted to the Congress were $16,176,355, and the appropriations were $9,961,418, or $6,214,937 less than the estimates. In fact, the estimates submitted to this Congress, with only one exception, were larger than any that had been previously submitted to the Congress for the expenses of the District of Columbia, and the cut is very much less than it has been in recent prior years when the estimates were not so great.

Mr. TILSON. Mr. Chairman, will the gentleman yield for a question before he leaves that point?

Mr. PAGE of North Carolina. Yes; I yield to the gentleman.

Mr. TILSON. In general, what are the major items in which the cut was made below the estimates?

Mr. PAGE of North Carolina. I can cite to the gentleman in two or three items the major cuts that were made; items that were not reported in this bill, but which were in the estimates.

Mr. TILSON. That is, of the larger items?

Mr. PAGE of North Carolina. Yes; of the larger items. There was an estimate submitted for the purchase of a park in the northwest, for which $624,000 was asked. There was also an estimate for a park known as the Patterson Park, in the northeast, carrying several hundred thousand dollars—the amount I do not just now remember exactly. There was also an estimate submitted asking for an appropriation for the building of a municipal garbage-disposal plant that carried several hundred thousand dollars. These are the three largest items that suggest themselves to my mind at this time.

Now, I want to say in this connection that the appropriation carried in this bill for the improvement of the streets within the city is a larger appropriation than has been carried in any bill, to my knowledge, at any time. The appropriation for the schools in the District is not quite so large as last year, for the reason that last year we were carrying final appropriations, several hundred thousand dollars, for the completion of the new high schools. They were completed, and, of course, there was no estimate at this time.

Mr. AYRES. In reducing the items for the school facilities, did that in any way reduce the salaries of the teachers?

Mr. PAGE of North Carolina. Not in any way. The amounts carried in this bill for the pay of teachers and the organization of schools in the city of Washington does not cut one iota from the estimates submitted by the school board, and there were increases this year, not only in the number of employments but some increases of salary. There are always increases of salaries of teachers, because they automatically advance.

Mr. SMITH of Michigan. What is the amount in the bill for the schools?

Mr. PAGE of North Carolina. Something over $3,000,000. I will give the gentleman the exact amount if he will indulge me for just a moment. It is distributed in a number of amounts in the copy of the bill reported to the House, and I have not the amounts, but it is considerably over $3,000,000.

Mr. SMITH of Michigan. That is one-half of the amount necessary to carry on the schools?

Mr. PAGE of North Carolina. No; that is the total amount, because we do not segregate in the bill the part that is being paid by the District and the part that is being paid by the Treasury. We do not make those distinctions, but the total shows the total for the object to which the money is devoted.

Mr. SMITH of Michigan. Are there any figures showing how that amount compares with the expenditures of other cities of similar population for school purposes?

Mr. PAGE of North Carolina. I do not know that any evidence was elicited in the hearings taken as to the comparative cost of schools in Washington and other cities this year, but we have investigated it at other times, and I think it is higher than in any city comparable in size in the United States.

Mr. GARD. Mr. Chairman, will the gentleman pardon an interruption?

Mr. PAGE of North Carolina. Yes.

Mr. GARD. For the information of the gentlemen on the other side I will say that the report of the auditor of the District of Columbia, made in October, 1915, shows that for education in the public schools and special education in public libraries the appropriation was $3,164,308.17.

Mr. FESS. On page 41 of the bill, line 5, the item in all for teachers is $1,438,200.

Mr. PAGE of North Carolina. That is for teachers only. That, of course, does not include the other expenses in connection with the schools.

Mr. FESS. I thought the inquiry was as to teachers.

Mr. PAGE of North Carolina. No. I find on reference to the report that the total amount carried for the schools in this bill—and that includes new construction and all the expenses of the schools—is $2,801,780, which was very nearly $3,000,000.

Now, I do not care at this time to make any reference to the legislative provisions that are in this bill. In spite of the fact that it was said yesterday by certain gentlemen that the first legislative provision which changes the fiscal policy as between the Treasury and the District of Columbia has not been discussed, that hearings had not been had, I am sure that gentlemen who made those statements did not make them seriously, or they themselves had not taken advantage of the opportunity

to inform themselves, because there has been during the last two sessions of Congress, and there was during the last Congress particularly, a great deal of discussion on the floor of the House relative to this subject, which led to the passing of a resolution and the appointment of a special committee to take testimony and report to this House their conclusions as to what was the proper fiscal relation to be adopted between the Government and the District of Columbia.

That report has been made. These gentlemen spent practically two months in taking voluminous testimony, which is now in the hands of the Congress in two volumes.

In passing I might say that certainly seven-tenths, if not more, of the evidence taken by this committee was from people who are in favor of the old half-and-half plan, or opposed to any change. Yet after hearing these people patiently and at length this committee reported in favor of the abolition of the half and half. That has been embodied in this first legislative provision in the resolution adopted this morning, and the gentleman from Ohio [Mr. GARD], who was a member of that select committee, having the floor yesterday, made the statement that with one exception the language carried in this bill is in accord with the report made by that special committee, which was a unanimous report, signed by the three Senators and the three Representatives who composed it. I intimated to him then on the floor of the House, and I want to say now, that when we begin the reading of this bill under the five-minute rule I shall offer an amendment that meets the view of the gentleman from Ohio [Mr. GARD], which will except from this provision the funded debt of the District; and so long as that debt remains, which will be only a few years, will carry in this bill in connection with that particular item the specific language that one-half of this amount shall be paid from District revenues and one-half from any money in the Treasury not otherwise appropriated. I think that meets absolutely and fully not only in spirit but actually the recommendation contained in the report made by this joint committee. Now I yield to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Does the honorable Representative from North Carolina think the following words, which are the only words in the report of the joint select committee that have any reference to the abolition of the so-called half-and-half plan, recommend that it be abolished? The words in the report are as follows, on page 11:

But we think that the conditions of to-day and of the few years last passed are so different from the conditions of 1878 that this arbitrary rule, a rule of time seeming necessity, need no longer be applied to the District appropriations.

Mr. PAGE of North Carolina. Oh, certainly; and I can take one verse from Holy Writ and prove anything. In the full report of this committee they do recommend specifically that the taxes collected in the District of Columbia be expended for the expenses of the District of Columbia, and supplemented by the Congress in such amount as may be necessary for the expenses of the District.

Mr. TINKHAM. Will the honorable Representative yield?

Mr. PAGE of North Carolina. I yield to the gentleman from Massachusetts.

Mr. TINKHAM. I desire to bring the attention of the honorable Representative to the final recommendation in the report of the joint select committee:

Our unanimous conclusion is that the rate of taxation in the District should be fixed and certain; that the Congress should pursue a definite policy of regular and liberal appropriations.

Mr. PAGE of North Carolina. In reply to that I will say, Mr. Chairman, that there is nothing in this provision or in this bill that refers directly, indirectly, or remotely to any subject of taxation in the District of Columbia, and this committee does not propose to take it under consideration.

Now I will yield to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Is it not true that there are a number of items that are carried in the sundry civil bill, where the bill provides for distribution between the District of Columbia and the National Government, and that in order to make to the country a proper statement of the distribution of this fund between the General Government and the District of Columbia those items ought to be included?

Mr. PAGE of North Carolina. They certainly ought. There are a number of them.

Mr. LLOYD. Is it not true that every one of those items in the sundry civil bill will be paid out of the Trensury of the United States?

Mr. PAGE of North Carolina. No; that is not true, because it is specified in many of them that they shall be paid half from the revenues of the District of Columbia and half from the Federal Treasury.

Mr. LLOYD. But you have provided that the full $8,000,000 which will be received from taxation in the District shall be paid toward the expenses of the District. According to this bill there will be a little over $3,000,000 paid out of the Treasury of the General Government and $8,000,000 from taxation in the District of Columbia. Now, when you add that which belongs to the District which is found in the sundry civil bill, then the amount that is to be paid by the General Government will be not $3,000,000 but nearly $5,000,000.

Mr. PAGE of North Carolina. Of course. It will be this amount plus the amounts carried in the sundry civil bill for the District, whatever those amounts may be.

Mr. LLOYD. The gentleman catches my point.

Mr. PAGE of North Carolina. I do.

Mr. LLOYD. That at the present time, according to the report, there is a slightly misleading statement——

Mr. PAGE of North Carolina. I see the gentleman's point. It was an amount that was indeterminate when this report was written, because we had no knowledge, and neither had the gentleman or the House, as to what amounts would be carried in the sundry civil bill.

Mr. LLOYD. And it is also true that while the sundry civil bill will provide that one-half shall be paid out of the District funds and one-half shall be paid out of the Treasury, the effect will be, notwithstanding that provision, that the full amount will come out of the Federal Government, because the full $8,000,000 will have been absorbed in paying the expenses provided for in the District of Columbia appropriation bill.

Mr. PAGE of North Carolina. Why, certainly, because there will be no District revenues out of which to pay the sums carried in the sundry civil bill.

Mr. TINKHAM. Will the honorable Representative yield for a question?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. TINKHAM. The Committee on Appropriations this year recommended the construction of a new bridge across the Potomac and provided that the proportion to be paid by the District of Columbia should be 50 per cent, and the appropriation to be paid by the Federal Government should be 50 per cent. I desire to ask the honorable Representative from North Carolina why that percentage was fixed on a basis of half and half?

Mr. PAGE of North Carolina. Simply because that is the law until this provision is adopted in this bill, and it was fixed on the basis of the then law. I want to say further to the gentleman, in line with the remarks made by the gentleman from Missouri [Mr. LLOYD], that necessarily the entire amount for the construction of this bridge, chargeable to the District of Columbia under the half-and-half provision, will be paid from the Treasury of the United States and none of it from District revenues, because the District revenues will be exhausted, and that is plus the amount paid by the National Treasury, as shown in this bill.

Mr. TINKHAM. When the Appropriations Committee reported the bill for the new bridge it could have fixed the proportion to be paid by the District of Columbia or the Federal Government—that is, the fair proportion—could it not, notwithstanding any previous appropriations?

Mr. PAGE of North Carolina. The gentleman should inform himself. The Appropriations Committee did not report that bill for the building of the bridge. We had nothing to do with it. It came from the Committee on Interstate and Foreign Commerce, and was considered by the same committee in the Senate. It did not come from the Appropriations Committee at all. I want to submit to the gentleman that the members of the Appropriations Committee of the House do not have jurisdiction over matters in the Committee on Interstate and Foreign Commerce.

Mr. TINKHAM. When the Committee on Interstate and Foreign Commerce, if it was the Committee on Interstate and Foreign Commerce that reported the bill for the construction of the new bridge, and reported that it should be paid for half from the funds from the District of Columbia and half from the funds of the Federal Government, did the honorable Representative from North Carolina protest that this proportion and plan of payment was unfair or inequitable?

Mr. JOHNSON of Kentucky. If the gentleman from North Carolina will permit me, I will suggest to the gentleman that the District people caused that bridge bill to be introduced, and in it they required the United States to pay for all of it, but the Committee on Interstate and Foreign Commerce changed the conditions of payment and compelled the District to pay one-half of it.

Mr. PAGE of North Carolina. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15774, the District of Columbia appropriation bill, and had come to no resolution thereon.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15774, the District appropriation bill, and pending that, I move that all general debate on the bill be concluded at 3 o'clock and 30 minutes this afternoon, and on that I move the previous question.

The SPEAKER pro tempore. The gentleman from North Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill, and pending that he moves that general debate on the bill shall be closed at 3.30 o'clock this afternoon, and upon that he moves the previous question.

Mr. DAVIS of Minnesota. Mr. Speaker, I would like to ask the gentleman if we can not agree to have general debate close at 4 o'clock?

Mr. PAGE of North Carolina. I will agree to that; the gentleman knows that I am reasonable, but I did not want general debate to occupy the whole legislative day. I will withdraw my motion, Mr. Speaker, and ask unanimous consent that debate be closed at 4 o'clock, one-half the time to be controlled by the gentleman from Minnesota and one-half by myself.

Mr. HUMPHREY of Washington. The gentleman has already occupied some time.

Mr. MANN. They want to hog the whole of it.

Mr. PAGE of North Carolina. Now, the gentleman need not have made that remark. I was going to ask how much time I had consumed.

The SPEAKER pro tempore. The gentleman has consumed 22 minutes.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that general debate on the bill close at 4 o'clock this afternoon, one-half of the time to be controlled by myself and one-half of the time by the gentleman from Minnesota [Mr. DAVIS], and that the 22 minutes already consumed by me be charged to me.

The SPEAKER pro tempore. The gentleman from North Carolina withdraws his motion to close debate and asks unanimous consent that general debate shall close at 4 o'clock p. m., one half to be controlled by himself and the other half by the gentleman from Minnesota [Mr. DAVIS], and that the 22 minutes occupied by the gentleman from North Carolina shall be deducted from his time. Is there objection?

Mr. MANN. Reserving the right to object, suppose somebody should make a point of no quorum?

Mr. PAGE of North Carolina. That is taken out of the time.

Mr. MANN. Is that a fair proposition?

Mr. PAGE of North Carolina. I am not going to make any such point.

Mr. MANN. Nobody knows; how can you distribute the time?

Mr. PAGE of North Carolina. This request was made by the gentleman from Minnesota, and I agreed to it in perfect good faith. As far as I can, and as far as my influence will go, I shall keep it.

Mr. MANN. I do not doubt that; but it is bad practice, because anybody in the House can make the point of no quorum.

Mr. PAGE of North Carolina. I can say to the gentleman from Illinois that I am sure it will not be made on this side of the House.

Mr. MANN. And I do not think it will be made on this side; but no one can tell.

Mr. PAGE of North Carolina. If it is made on this side of the House I will take it out of the time.

Mr. MANN. Instead of fixing the exact hour, why not fix the length of time?

Mr. PAGE of North Carolina. I am not willing to do that, because that would be a bid for somebody to have a call of the House.

Mr. MANN. Very well; I shall not object, although I think it is ungenerous and unfair.

Mr. PAGE of North Carolina. And I think that is gratuitous on the part of the gentleman from Illinois.

Mr. MANN. It is true just the same, and I will get even with it in some other way.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina.

There was no objection.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from North Carolina that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FERRIS in the chair.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield 25 minutes to the gentleman from Minnesota [Mr. SCHALL].

Mr. SCHALL. Mr. Chairman, one of the two most important issues that has been before this House was recently passed, the Army bill. The other is the Navy bill, which, I understand, is reported, or is to be immediately reported, out and will next be before us.

In speaking upon the question of adequate preparedness, it is fitting that I place upon record the opinions of those in my district interested in the question. They are by counties, as follows:

Shall the Navy be increased?

Counties.	Yes.	No.	No vote.
Wright	390	208	19
Pine	345	296	31
Mille Lacs	291	179	46
Kanabec	162	351	10
Isanti	339	173	22
Chisago	339	118	19
Anoka	447	248	121
Hennepin[1]	3,300	1,451	538
Total	5,613	3,019	839

[1] Hennepin County includes all rural part, third, fourth, and tenth wards of the city of Minneapolis.

Yes	5,613
No	3,019
No vote	839
Total	9,468

Shall the Army be increased?

Counties.	Yes.	No.	No vote.
Wright	396	239	19
Pine	291	250	31
Mille Lacs	279	185	72
Kanabec	162	356	37
Isanti	333	179	22
Chisago	279	173	19
Anoka	414	281	121
Hennepin	2,962	1,919	538
Total	4,986	3,543	839

Yes	4,986
No	3,543
No vote	839
Total	9,468

Mr. Chairman, when the Army bill was first under discussion our respected leader, conservative, far-sighted, seasoned statesman, equipped and in a position to read the signs of the times, told us that we were sitting on the top of a volcano that was liable to erupt at any moment, and from the depths of his patriotic soul urged us to expend American dollars now for peace as an insurance against war, instead of oceans of American blood later. And last Saturday he pleaded with us as our last chance to vote against the conference Army report, so that we might put preparedness men in the saddle and secure adequate preparedness now, not a year from now. The Army bill provides for an increase to our standing army of 12,000 men by July 1, 1917. Two years and 11 months from the time the war broke in Europe we have magnificently prepared by adding 12,000 men to our Army, a corporal's guard, a patch of tin, when we need a panoply of steel.

When Mrs. Schall read to me the other day a statement made to an American audience by no less a person than William Lyon Phelps, of Yale, I felt impelled to resent it and to add what little I could to public opinion upon the important and vital question of adequate preparedness. He said, "The American flag and patriotism are an illusion." I thank him for that word "illusion." Only an illusionist without the pulse of patriotism, disordered in his understanding of what the flag really means, could have honestly made such a statement. All the devoted lives, all the patriots whose blood has consecrated our soil, the

shades of Washington, Jefferson, Lincoln, must cry out against such utterances. What, gentlemen, are the facts that face us? What are the conditions that surround us? Who are the nations we must abide with? We are living in the most vital crisis the world has ever known, an era of warriors, a snarling, fighting, lawless, war-torn world, built from top to bottom—armies, business, churches, homes, individual rights—on fighting, competition. In animal and in vegetable life alike, it is the survival of the fittest. The community of grass kills the community of brush. The high plant kills the low plant. The mistletoe battles with its supporting oak. The strong prey upon the weak. Sir Edwin Arnold observed:

How lizard fed on ant, and snake on him,
And kite on both; and how the fish hawk robbed
The fish tiger of that which it had seized,
The shrike chasing the bulbul, which did hunt
The jeweled butterflies; till everywhere
Each slew a slayer and in turn was slain;
Life living upon death. So the fair show
Veiled one vast, savage, grim conspiracy
Of mutual murder, from the worm to man
Who himself kills his fellow.

Gentlemen, the whole social fabric of the world rests upon the fighting power of man. Do men no longer wish to fight for their homes, their country, their loved ones? Any man worth the name of man would rather die for a right cause if need be than live ignominiously. If not to fight, means that America shall go down before the ambition of any foreign nation, shall bend her neck to the command of any foreign power, or suffer disgrace and shame in silence, then who is so ignoble as to prefer to sacrifice future interests for the comforts of a present peace? [Applause.] Shall we be a nation of men capable of protecting our rights at home and abroad or shall we be fat oxen waiting for the butcher's knife? Unpreparedness offered up the gentle peace-loving Incas to be crushed under the heel of the invading Spaniard. Unpreparedness has shackled China and rendered her subservient to any power that cares to dictate. Belgium and Greece were neutral, had justice on their side and all the brotherly love argument, when they asserted they were nations and not highways, but preparedness soon demonstrated that they were only military roads. To advocate unpreparedness as a means of keeping out of war that nation that was born and cradled in war, nurtured and reared to manhood in war, held together by war, is the height of fatuity. [Applause.]

It is no guaranty, gentlemen, that we are peaceful, that our policy is not one of aggression, that we want nothing but to be let alone, to be allowed to go our own way. Belgium did not want anything but to be let alone, and yet the attack on France was made through Belgium, because she furnished the way of least resistance. Poland has not wanted anything but to be let alone, yet for a century she has been the shambles of Europe. Unpreparedness, gentlemen, will sacrifice any nation or any individual. Men easily believe that which they desire. We have listened to the siren song of peace so long that we are like to be sunk in the Lethe of our prosperity. Two years ago it was easy to believe that science, with its terrible engines of destruction, had rendered war impossible. We all hoped that the brotherhood of man was near at hand when all international questions could be settled in open court. But the chaos of to-day shows war yet a grim reality and vain the 50-year long dream for the brotherhood of man. It is pathetic to hear pacifists declare that after the war the European nations will be too exhausted to fight.

Nothing so well prepares a nation for war as war. England, Germany, France, Russia, Italy, Japan, Austria, Bulgaria, Turkey are better prepared to-day than they were at the beginning of the war. It is not what they have, it is what they can get along without. They have learned to live in terms of war instead of peace. A great readjustment has taken place. A mighty unselfishness has been bred. It will not help to stick our head in the sand like the ostrich. England, basking in the security of her ocean fortifications, failed to prepare and she is to-day paying dearly the penalty. Our preparedness in no way compares with that of England, for she being a sea-going nation had the greatest navy in the world, and it is due entirely to her navy that she is to-day a nation. We should profit from the lessons of experience written in the blood of patriots across the sea. Europe slept in her fancied security. She awoke not to a nightmare but to a grim reality, a hideous leering monster of war that will find the sea no barrier to batter its defenseless when he has finished over there. In fact, the sea to-day offers less resistance than entrenched ground. It is too late, gentlemen, to install a fire department when the great buildings in your town are burning. It is too late to put an insurance policy on your house after it is destroyed.

We can not expect to be weak to-day in preparedness and hope to be strong to-morrow when the enemy lurks at our door. Adequate preparedness is an insurance policy against war and a vast saving in the ghastly consequences. We can not have peace just by wishing for it. We must be strong enough to demand it. "No war is inevitable until it occurs." If we can gain time, we can gain peace; but you can not gain time without adequate preparedness, moral and material, to make the proposed enemy hesitate before they strike against such formidable odds. War is the last protest in a series of ineffectual protests. The might of war is the only legal international tender of to-day. [Applause.] Why prepare? Our neighbor to the north is involved in war. Our warring neighbor to the south is more than friendly to our warring neighbor far to the west. Our President tells us that we are liable to be attacked simultaneously on both coasts. Gentlemen, to stand unarmed in the midst of armies is childlike simplicity.

What was the impelling cause that made the President in the early days of his diplomatic experience, in opposition to his own party, the Progressive Party, and the Republican Party, urge Congress to reverse itself and repeal the Panama free-toll act, and, that if they did not, he hardly knew how to handle the delicate diplomatic situation that might arise. What was back of the fiasco at Vera Cruz, when after demanding a salute of 21 guns, we slunk home, hooted by the pleasunish nation as Gringoes, forced to be content with a salute of 5 guns. No man, and especially the President, could have thought it was weak, anarchistic Mexico that made us do that.

There was no motive in the Western Hemisphere, but from the East and from the West there came suggestions; and should he not take kindly to these suggestions, an eloquent finger pointed to a mighty array of preparedness. Had the President been as able in international questions as he undoubtedly is in economic ones he would have known earlier that whether we will or no our path inevitably converges to those of other nations. He would have known where the Mexican situation was leading. He would have known, as all other nations knew, that all that protects the Isthmus of Panama, Alaska, the Philippine Islands, Hawaii, and our protectorate over Haiti and Nicaragua is our potential, not our actual, power; and he would undoubtedly have taken the people into his confidence and told them the situation instead of telling them that there was no need of preparing. With the highest motives, hoping for the best, doubtless thinking that he could in some way handle the situation, he procrastinated in warning the people. Had he even warned them when a war broke in Europe we would to-day be in a position to maintain our neutrality, and his belated and frantic efforts for preparedness would be unnecessary. What was it that suddenly caused him to plead for preparedness? Gentlemen, it was the ghost that stalks abroad in Mexico and will not down, which, as President of the United States, had he been the leader he should have been, he should have known would not down when he was forced to humble the honor and pride of the United States by withdrawing from Vera Cruz.

The President stated in Kansas City on February 2, 1916: "I have not enough men to guard the Mexican border. I have not enough men to keep bandits from raiding our territory. The whole world is on fire." This was nothing new. It had been on fire a year and a half at that time, and apparently he had just discovered it. "If these flames," he continues, "creep in upon the United States, they may creep in on both coasts." And then he says, "You know that great sweep from the Isthmus of Panama to Alaska and that great distance from the Gulf of Mexico to the River St. Lawrence. There are many harbors and many cities open to attack"; and then he adds, "Do you think a Navy that ranks fourth is enough to guard that long expanse of coast?" That long, expansive coast was no longer February 2, 1916, than it was on April 21, 1914 (Vera Cruz fiasco), or in August, 1914 (outbreak of European war). The eleventh-hour warning of this once "too-proud-to-fight" but now "willing-to-knock-them-down-for-moral-influence" President exclusively in possession of all the facts that peril menances our western coast should give us pause, and tend to explain his sudden grasping of the submarine situation in order to crystallize the people's attention, eradicate from their minds the lessons of nonpreparedness he has been teaching them, while he secures belated preparedness in order that there may be some guaranty that at the close of the European war they will not turn loose their armies and navies on us.

If we have anything that Europe wants she will take it, unless we develop sufficient resistance to prevent her. The instrument will be ready, and ever in the background is an excuse in the Monroe doctrine by which we are irreparably bound to resist foreign aggression in the Western Hemisphere. To stand unarmed among the impoverished and hungry, but at the same

time highly prepared nations of Europe after the war is to invite spoliation. We have the wealth, they will have the armies and the navies, and it is folly to think they will not avail themselves of this opportunity. It is our duty as citizens in the present crisis, no matter how we got there or whose fault it is that we are there, to stand unflinchingly for the future safety of America. And I believe it the patriotic duty of the people's representatives, the crew of the ship of state, no matter how many and numerous protests come from the passengers, to steer that ship of state from the dangerous maelstrom of nonpreparedness. The 100,000,000 passengers, though now unconscious of the danger that lurks, but trustful of our seamanship, will not hold us guiltless when the time comes and, through nonpreparedness, the great suction of the vortex of war has gained control of our ship. The people's representatives should know the threatening clouds that round us hang, and they should move forward fearlessly in that course which judgment and honor prescribe. The people will approve when they understand the situation. The people's representatives should have vision, patriotism big enough and broad enough to give the country what it needs, regardless of whether it loses votes or not. They should go before and beckon. Given a starting point, it should be their business to reason to a conclusion. They should be driving into the minds of the people the situation as it is, not as we wish it were.

We are unprepared, gentlemen, not because we have no facilities but because we have no organization of those facilities. We have organizations of capital, we have organizations of labor, we have organizations of business men, but each are organized for selfish purposes. We have been wasteful, prodigal with our vast resources, and our thriftlessness has endangered the nobility of the Nation's soul. Our Army and Navy have been costly, extravagant, inefficient. We have spent more than any nation on the face of the earth but one, yet are worse prepared.

In the Spanish War we lacked enough colliers to escort our Navy. We lacked transports. We lacked even the most essential minor details of tents and uniforms and guns. Our present brush with a single Mexican bandit shows us, what has been perfectly well known to all our possible opponents, that our condition is one of hideous insecurity. We can not even have honest aeroplanes or honest submarines. Armor plate that costs the United States $616 was laid down in Russia in 1893 for $249. To cheat Uncle Sam is to cheat a gullible stranger, a ludicrous caricature, in nowise related to ourselves. To squander the public money is a crime only if it is discovered. But all this can to-day be no argument against our adequately preparing for imminent danger. If through adequate preparedness we could disarm the world, we would be willing to throw it all into the scrap heap and count the money well spent.

We are a great, spoiled, undisciplined, destructive Nation. A discontented and oppressed laboring class, an opulent profligate upper class, a universal distrust of class toward class, and of the individuals within that class, where the greed of envy is pitted against the greed of arrogance. On the one hand an unlawful property destruction, on the other commercial tyranny. The problem of to-day's preparedness is the amalgamation of our divergent forces into one spirit of patriotic defense of their common country. The loyalty of our citizens in a crisis has never been found wanting. Under the stern call of duty, in the school of sacrifice, patriotism and devotion flourish, but the warfare of to-day is waged with scientific engines of destruction, and in order to be prepared we must have in readiness these engines of war before the day of storm and shock. There will be no lack of men. The brain, the brawn of the Nation we can count upon by the millions. They will gladly come to the defense of their homes and country. All they ask is to be assured that our policy is one of defense not of aggression, and that their guns will not be turned upon their own class; that the expense of preparedness will be borne in proportion to the income of the individual or corporation; that military service will be an equal burden on rich as well as poor, and that it will not mean a military system that makes a lord of the officer and a slave of the private. Democracy and constitutional government is their slogan.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MEEKER. Mr. Chairman, I ask that the gentleman may have three minutes more.

The CHAIRMAN. The time can not be extended by unanimous consent.

Mr. STAFFORD. How much time does the gentleman desire?

Mr. SCHALL. I do not want to monopolize more than my share of the time, but there are many things that ought to be said.

Mr. STAFFORD. The time is limited, but I will yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes more.

Mr. SCHALL. I thank you. Those who fear militarism through preparedness are incontrovertibly refuted by the disbanding of the great Union Army. That great Army, made up of the best stuff in the country, from all walks of life, conscious of the power they held within themselves, marched, with battered arms, torn flags, and faded uniforms, regiment by regiment through the streets of our capital, past the reviewing stand, and impatiently awaiting their discharge eagerly hurried back to their homes, leaving thoughts of war forever behind. An army of freemen fighting for their liberties can not be a menace to the Republic. The Navy can never menace its country. It can never be used save as defense. The fact that it is responsible to the people's representatives for its maintenance removes the idea of militarism. Our aim should be the best Navy we can get. Where there is no supremacy there is no glory, nor is there security, when the nation with the superior navy is using it to flout and humiliate us. One hundred years ago England was pursuing exactly the same tactics of insufferable presumption. She boarded our vessels, she removed our sailors, she disregarded our protests, till the United States was forced to go to war. To-day that same issue looms threateningly. Our trade is being filched from us by pilfered mails, by infamous orders in council, each more humiliating and exacting than the last. She invades the territory of our merchant and transport ships, while we sit impotent and baffled, unable and unready to defend our rights. Notes and protests only make us ridiculous unless we have the power to back them up. [Applause.] Shall our beautiful Capitol again go down in ruin as it did in 1814? Our Navy is the only argument that will avail, now or at the end of the war, to get us respectful hearing. To-day all over the world our policy is derided, and we are laughed at as a nation of women. If the first arm of defense is powerful we shall not have to humbly implore nor suffer humiliation in silence. If we are to guard within our thousands of miles of coasts, our priceless inheritance, the third of the wealth of the world, we must do something besides talk. Talk will not cut down any of the years it takes to build a Navy. They talked and talked and talked before the Revolutionary War, but there came a time when all talk culminated, and it took George Washington and his brave army of farmers seven years to put us in a position where we were able to talk with effect and say that taxation without representation is tyranny. We talked and talked and talked before the Civil War. But there came a time when talk would no longer avail. For four long years the red tide of carnage swayed to and fro, brother against brother, friend against friend. But the end came at last, when Gen. Grant extended his hand to Gen. Lee and said, "Let us have peace." Then and not till then were we able to talk and say that a State shall not wreck a Union. And war became a Pentecost from which a national spirit descended upon us.

We should be more than human if in the life of our Nation there did not come times when talk and treaties would not suffice. We should be prepared to guard American lives and American rights everywhere, during the war and at the close of the war we should be in a position to advance the American ideal—ideals that can not be purchased in the market place. [Applause.]

Our pressing duty is to organize our undisciplined democracy, our reserve strength, to preserve our security and honor. Why should we be penny-wise and dollar foolish over preparedness? What shall it profit a nation to gain the wealth of the world and lose her own soul? The antithesis of freedom, as we understand it, will prevail in Europe, whoever wins. The question is, Can we organize our undisciplined democracy to match the discipline of absolutism? Brotherly thoughts and good intentions in a mob will not avail against organization. Defeat is inevitable, everything else being equal, when the undisciplined nation is pitted against the disciplined. Warfare of to-day is a fight between the resources of nations, from top to bottom, from the mightiest manufacturer to the least considered atom of economic resource, it is the struggle between the organized genius of combating nations. This must be our lesson from the war. If we fail to learn it, even the preserved from warfare, we shall cheat ourselves of this mightiest lesson of the twentieth century. And we must inevitably perish as a democracy before that nation which having best learned its lesson shall prevail. Individuals can not save us, nor individual unselfish-

ness. The reaction must go to the very essence of our Nation. It must work through and transform the whole mass. We are individually patriotic, but we are not collectively patriotic. We must have one thought, one soul, one heart for America and the ideals she represents.

New dangers, new problems, confront us. They must be met by a close-knit, high, and true devotion to duty and to humanity. The bristling dangers that surround us should inspire a national soul of patriotism and quicken our national life to something more than lukewarm insipidity, half selfish, half indifferent. Words oft mouthed till they mean nothing must be flamed into life again till no man can say "my country" and "my flag" without a thrill of loyalty to that flag and that country which means all there is of human freedom, human equality. [Prolonged applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. SCHALL. I ask permission, Mr. Chairman, to extend and revise my remarks.

The CHAIRMAN. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHACKLEFORD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4856) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors."

The message also announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. HOWARD. Mr. Chairman, I yield 15 minutes to my colleague from Georgia [Mr. CRISP].

The CHAIRMAN. The gentleman from Georgia [Mr. CRISP] is recognized for 15 minutes.

Mr. CRISP. Mr. Chairman, I am going to do the unusual thing in general debate, to really discuss the measure before the House. [Applause.]

I do not arrogate to myself the ability to change the opinion of any of the old Members of this House on this much-discussed half-and-half question, for they are thoroughly familiar with it. They will recall how the Washington press during the last Congress abused, reviled, and ridiculed me because I had the temerity to introduce a bill to repeal this half-and-half proposition, for I believed then, as I do now, that it is unfair to the people of the United States. They will remember how intemperate the local taxpayers were toward those Congressmen who favored the repeal of this law and that their attitude became so intolerant that Congressman Pronty, of Iowa, on December 22, 1913, introduced House resolution 358, providing for an investigation of their conduct, claiming their attitude was an attempt to intimidate Members of Congress, to prevent them from performing their public duty. The preamble of said resolution read as follows:

Whereas on Saturday, December 20, 1913, there appeared in the Washington Times, a paper published in the city of Washington, and having a very large circulation throughout the United States, in an article headed in large type clear across the front page, the following:

"NATION-WIDE FIGHT ON CRISP BILL BACKERS—DISTRICT CHAMPIONS UNITE IN EFFORT TO PREVENT REELECTION.

"Plans for a concerted fight against the reelection of the Members who voted for the measure are already under way. Their respective districts will be flooded with letters protesting against their unpatriotic stand toward the National Capital. Voters throughout the country will be appealed to in the hope that Congressmen will be urged to take the welfare of the District at heart and aid in making the Capital City of the United States the queen metropolis of the world. Members of the executive committee of the joint committee of Chamber of Commerce, the Board of Trade, and the Retail Merchants' Association have been notified by Chairman William H. Singleton, of the committee, that they must be ready at a moment's notice to answer a call to meet and determine on some concerted action immediately."

The resolution was by a vote of the House referred to the Committee on Rules and no further action taken on it. On the floor of the House I asked that no investigation be made, stating I could take care of myself, and the threats of the local people would not deter me from doing my duty as I saw it.

The repeal of this act of 1878 was discussed at length in the last Congress, and I have found, during my short experience here, that when a Member has made up his mind on a legislative proposition it is generally like the law of the Medes and Persians, which changeth not. Therefore in debating this measure I am directing my remarks to my new colleagues, and I hope I may be able to throw some light on it, so as to help them in arriving at a conclusion as to how they should vote. It is not my purpose or intention in this speech to speak for home consumption. It is with the sincere desire to try to convey to my colleagues some information, hoping that they will see the matter as I see it, and vote to repeal this half-and-half proposition, which, to my mind, is utterly unjustifiable, and entails inequitable tax burdens on your constituents and mine.

Now, if we believe the Washington papers, this half-and-half proposition is a holy of holies. It is more sacred than the Declaration of Independence, the Bill of Rights, or Magna Charta itself, and I am sure my new colleagues, even before they came to Washington and took the oath of office as Congressmen, very frequently received the Washington Star, full of the beauties of the half and half, arguing why it should not be repealed, for the local people will do all in their power to retain this law.

Mr. Chairman, it is plain why the property owners of Washington are so anxious to prevent the repeal of the half and half, for they are perfectly willing, aye, even quite anxious, for the people of the United States to bear half their tax burden, which they will be forced to do as long as the half-and-half act remains the law. I earnestly favor repealing this inequitable and unfair law, and I am confident this Congress will repeal it.

Now, what are the facts as to the government of the city of Washington? The National Government acquired the District of Columbia in 1800, and from 1802 to 1871 the affairs of this city were managed by a mayor and aldermen, just as the municipal affairs of Baltimore or New York or any other city in the United States are managed, and the Supreme Court of the United States, in the case of the Metropolitan Railroad Co. against The District of Columbia, expressly stated that the Government of the United States exercised no authority or control over the internal affairs of the District of Columbia.

We read in Holy Writ that Esau sold his birthright for a mess of pottage, and I have often thought history repeated itself when the citizens of Washington gave up their inalienable birthright as American citizens, to manage and control their own local affairs, for a mess of pottage, getting the Federal Treasury to pay part of the taxes for the maintenance of the District of Columbia. I am willing as a Member of Congress to vote to allow the people of the District to pay their own bills, manage their own affairs, and to give them representation in the Halls of Congress.

In 1874 Congress was told that the tax rate on the property owners of Washington was exorbitant and confiscatory, and that the city was bankrupt, and that, as it was the National Capital, Congress should come to its relief. Permit me to say in passing that from 1802 until 1874 Congress yearly appropriated millions of dollars to the District of Columbia; but there was no fixed law requiring it to pay any particular proportion of the expenses, but Congress was liberal in its appropriations. Since the act of 1878 Congress has donated to the city government of the District of Columbia over $110,000,000, besides the many millions spent by the Government in the District erecting and maintaining Government buildings. In 1878 Congress passed what is called and known as the organic act for the District of Columbia, and under that act the Federal Government was to pay half the expenses of the maintenance and operation of the government of the city of Washington. Congress passed this act because Congress was of the opinion that the taxable property in the District of Columbia at that time was not sufficient to run the affairs of the government without inflicting undue hardships or burdens upon the taxpayers.

When the act of 1878 was passed Washington consisted of 6,110 acres, 3,606 of it already laid out in streets and mostly paved, and the Government only owned 1,523 acres of the 6,110, the Government land being practically all in parks, and the citizens of Washington derived the greatest benefit from Government parks. Now, under the terms of the act of 1878 the people of the United States are being made to bear half the expense of developing and caring for 44,316 acres of land, of which the Government owns but 5,550 acres, practically all of this being in parks. It is a very different proposition, making the people of the United States bear half the burden of maintaining Washington in 1878 to caring for and developing the whole of the District, which they are now required to do.

In 1878 Washington had about 150,000 people; now it is a city of 350,000 people, and the taxable property is many millions more than it was in 1878. In 1878 the city had a bonded indebtedness of many millions; now its bonded indebtedness is about six millions, less than the bonded indebtedness of any city in the

United States anywhere near its size. Conditions now are very different to what they were in 1878, and Washington citizens and property owners are fully able to pay the expenses of the maintenance of their city government without being taxed higher than the citizens of other cities, and it is nothing but equitable and right that they should do so. It is unjust that the citizens of other States should be taxed to maintain their own cities and then pay an additional tax to lessen the tax burden on the favored property owners of the Capital City. When the act of 1878 was passed it provided that all property in the District of Columbia, real estate and tangible and intangible personal property, should be taxed at the rate of $1.50 per hundred. You have heard much of the crime of attempting to repeal, modify, or change this sacred organic act. Some of my colleagues may be surprised to know that in 1902 Congress passed a law, and passed it on the District appropriation bill, modifying and changing this sacred organic act by providing that real estate should be taxed at only two-thirds of its value instead of its full value, and intangible personal property and articles of personal adornment should be absolutely exempt from all taxation; and I will venture my head that you did not hear any cry or complaint from the Washington papers or the Washington people about changing the sacred organic act in that respect, for it again lessened their taxes.

Mr. TINKHAM. Mr. Chairman——

Mr. CRISP. Mr. Chairman, I must decline to yield until I finish what I desire to say. Then, if I have any time left, I will be glad to answer the gentleman or any other gentleman to the very best of my ability. My friend the gentleman from Kansas [Mr. CAMPBELL] spoke about legislating on an appropriation bill, and how outrageous it was to interfere with or change this sacred organic act by legislation on an appropriation bill. It may interest some of my colleagues to know that they will find in volume 32 of the Statutes at Large the District of Columbia appropriation bill, approved July 1, 1902, about 14 pages of legislation relating to taxation of real estate—reducing the assessment to two-thirds valuation—in the District, dealing with the taxation of personal property and exempting intangible personal property from all taxation, and providing sundry other tax exemptions. You will find the legislation deals with the whole system of license taxes in the District and with many other subjects foreign to an appropriation bill. But that legislation was, in the main, favorable to the taxpayers of the District, and you heard no complaint.

Now, Mr. Chairman, when the sacred organic act was passed a tax was levied on real estate and on tangible and intangible personal property, but as time went on and the taxable property grew larger and larger, even at this low rate of taxation, the taxes collected from the District of Columbia, plus an equal amount to be contributed by the Federal Government, aggregated more than could be expended. I must compliment the owners of the Washington papers and the real estate speculators for being shrewd and far-seeing men. They knew that if this condition continued the people of the United States would not stand for being annually forced to pay many millions of dollars for the maintenance of the city government of Washington when the amount raised from local property owners in the District at a low rate amounted to more than they could use and allowing the surplus of the District half to pile up in the Treasury to the credit of the District, so something had to be done. In my judgment, this was a good time for Congress to have legislated in the interest of all the people of the United States by reducing the proportion of expense the people of the United States should pay for the maintenance of the affairs of this District; but instead of doing this Congress further favored the property owners of Washington rather than the toiling tax bearers of our country, for by the act of July 1, 1902, the sacred organic act of June 11, 1878, was amended by providing that real estate should be taxed at 66⅔ per cent of its value instead of its full value and that intangible personal property, such as money, notes, mortgages, and so forth, should not be taxed at all, thus largely reducing the amount of taxes to be collected from Washington property owners. This reduction of taxes to the local people in no way curtailed the expenditures of the government of the District, for the Federal Treasury supplied an annual donation sufficiently large to meet all requirements.

Gentlemen of the committee, you will bear in mind that in Washington there is only one tax levied, which is the city tax. They have no State and county taxes, as we have in all States of the Union. So when they pay one tax that is the only tax they do pay. I have some figures that were furnished me by the United States Census Office, which I used in a speech here about two years ago; I do not think there has been any change since then, and I will take the liberty of calling the attention of my colleagues to these comparative figures, showing what taxes the citizens of the United States pay in cities of approximately the size of the city of Washington:

	Nominal tax rates.			Total.	Reported levy assessment	Reported true tax rates.	Rate per hundred.
	City.	County.	State.				
					Per cent.		
Detroit	$19,832	$1,454	$2,204	$23,580	100	$23,580	$2.35
Milwaukee	11,468	3,425	985	15,878	90	14,290	1.42
Cincinnati	11,430	2,959	451	14,840	100	14,840	1.48
Newark	13,760	4,076	2,564	20,400	100	20,400	2.04
New Orleans	22,000		6,450	28,450	75	21,338	2.13
Washington	15,000			15,000	66⅔	10,000	1.00
Minneapolis	23,460	2,980	3,580	29,980	50	14,995	1.49
Jersey City	13,860	5,550	2,590	22,000	100	22,000	2.20
Indianapolis	15,900	2,615	3,185	21,900	60	13,140	1.31
Louisville	17,900	2,800	5,000	25,700	70	17,990	1.79
Atlanta	12,500		5,000		60		

Mr. SISSON. Mr. Chairman, does the gentleman object to an interruption?

Mr. CRISP. I stated that I preferred not to be interrupted.

Mr. SISSON. I only wanted to ask this question, to make it more clear to myself and other Members: Does the gentleman include in that rate the State and county taxes?

Mr. CRISP. I do.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. SMITH of Minnesota. The gentleman says the Minneapolis rate is 1.49 on the 50 per cent valuation?

Mr. CRISP. Yes, sir.

Mr. SMITH of Minnesota. The Minneapolis rate, including county and State taxes, is 3.6.

Mr. CRISP. Mr. Chairman, you will see from a comparison of these figures that the property owners of the city of Washington have a smaller tax rate on their real estate and tangible personal property—intangible personal property bears no tax, as it does in about all the States—than any other city of approximately its size, and that the property owners in the city of Washington are of all these cities the most favored.

Mr. LLOYD. Mr. Chairman——

Mr. CRISP. Mr. Chairman, I shall have to decline to yield until I complete my statement.

Mr. LLOYD. The tax in the District of Columbia is $1.50, is it not?

Mr. CRISP. The tax rate is $1.50, but under the law I have just quoted real estate is assessed at only 66⅔ per cent of its true value, which makes the tax rate but $1 on the actual value. I have stated that the figures I quoted, giving the tax rate of other cities, showed the rate of tax on the full value of the property, so the Washington rate is only $1 on the hundred.

Mr. Chairman, when it was first suggested that the half-and-half act should be repealed the advocates of the law contended that the tax rate of Washington was confiscatory and greater than that of the taxpayers of other cities. This claim has been overwhelmingly disproved; therefore the beneficiaries of the bounty from the Federal Treasury residing in the District were driven to the extremity of seeking some other reason why the act of 1878 should remain. They then contended that a per capita tax on the property owners of Washington was larger than any other city. I take the liberty of quoting some figures on the subject used in a speech on the floor by Congressman BEN JOHNSON of Kentucky, which are as follows:

Per capita expenditures.

CITY.

GROUP II.	
Milwaukee	$25.38
Cincinnati	37.47
Newark, N. J.	36.80
New Orleans	24.94
Washington, D. C.	35.45
From local revenues	18.79
From Federal subsidy	16.66
GROUP III.	
Minneapolis	35.50
Seattle	44.83
Jersey City	22.33
Kansas City, Mo.	41.48
All nine cities	33.33
All cities over 30,000	32.59
Cities of Group I	37.56
Cities of Group II	30.99
Cities of Group III	28.92
Cities of Group IV	24.15
Cities of Group V	22.87

Mr. LONGWORTH. That is the per capita tax?

Mr. JOHNSON of Kentucky. That is the per capita tax. Now, your city of Cincinnati pays per capita $37.47. Washington has a per capita tax from its local revenue of only $18.79.

These figures show that while the per capita tax in the District of Columbia, according to expenditures, approximates that

of other cities in the same group with it, the burden borne by the citizens of the city of Washington is just about half of the per capita tax of other cities, for the Federal Government pays half of the per capita tax in Washington, so this claim fails.

Mr. Chairman, I will not argue this phase of the question longer, but if anyone cares to pursue it further, if they will do me the honor to read a speech I made in the House on December 16, 1913, on this question, they will see that the repeal of the half-and-half act will work no hardship or injustice upon the property owners of Washington, but its repeal will be doing justice to the citizens of the United States and relieve them from a tax burden which they ought not in good conscience to be forced to bear.

In the last Congress I introduced House bill 9417, entitled "A bill to repeal the act of June 11, 1878, known as the half-and-half act." The Committee on the District of Columbia reported the bill favorably, whereupon for days all four of the Washington papers ridiculed me, and mass meetings were held over the city denouncing me, and Congress was urged to retain the half-and-half act. When the District appropriation bill was before the House for consideration an amendment was offered repealing the half-and-half act, and after debate the House, by a vote of 186 to 100, favored the repeal of the act. (See CONGRESSIONAL RECORD of Dec. 14, 1914, p. 178). The Senate refused to concur in the amendment, though twenty-odd Senators favored the repeal, and when the bill came back to the House I urged the House to remain firm and let the bill fail, rather than to recede from our position repealing this act. In a few days Congress was to adjourn, for it expired by law on March 4, and our leaders urged that a compromise be made, that a commission be appointed to investigate the fiscal relations between the District and the United States, and to report to this Congress. The leaders of the respective parties in the House, Messrs. UNDERWOOD, FITZGERALD, MANN, and others, urged that this compromise commission be accepted, and finally, by a vote of 165 to 151 (see CONGRESSIONAL RECORD of Feb. 27, 1915, p. 4865), Congress appointed the joint commission. This commission consisted of Senators CHILTON, SAULSBURY, and WORKS, and Congressmen RAINEY, GARD, and COOPER. Certainly, Mr. Chairman, this commission was impartial, for an examination of the votes on the half-and-half proposition will disclose the fact that neither of them ever voted to repeal the half-and-half act. This commission was composed of patriotic, able, learned Members of Congress, and they entered upon the duty assigned them with a determination to do equity and justice to the people of the District and of the United States. They had hearings for 60 days, and after careful consideration of the testimony, unanimously reported to Congress that the half-and-half provision, or the sacred organic act of June 11, 1878, should be repealed. The bill before the House carries into effect the recommendation of this joint committee to repeal the act of 1878, and, Mr. Chairman, it is with great satisfaction that I realize that this Congress will repeal this act of 1878, and thus correct a wrong that has existed for many years, and relieve your constituents and mine from an unjust tax burden, and at the same time inflict no hardship upon the local property owners.

Mr. Chairman, the local people say because the Government owns property here they should pay half the taxes, and I am thoroughly persuaded they are quite willing for your constituents and mine to pay all of their tax burdens. Addressing my colleagues from the Western States, let me ask how can you justify to your constituents burdening them to pay half the taxes of the District of Columbia, because the Government owns a small amount of property here, when the Government owns millions of acres of land in your States and does not pay 1 cent to your States, counties, or cities as taxes. How can my colleagues from any of the States justify such a thing, when you know the Government pays not 1 cent of tax on the valuable public buildings and other property in your State or mine? It may interest you, my colleagues, to know that practically none of the foreign Governments of the world pay any taxes to the municipality of their capital city on account of property owned therein. This statement may be verified by reference to Senate document 163, Sixty-third Congress, third session, which is a report from the various United States ambassadors and ministers to foreign countries, advising our State Department regarding this identical subject. No State in the Union contributes from its treasury the people's money toward maintaining the city government of its capital city because the State owns property therein, and to my mind no equitable reason exists why the Nation should do so. Gentlemen from prohibition constituencies, do you know when you vote for the half-and-half act you are giving the District of Columbia a premium of $1,500 out of the Treasury of the United States for every barroom established within the District? Such is the case, for the whisky license here is $1,500, and whenever the District sells a license $1,500 is raised in revenue, and under the half-and-half act the Federal Treasury must contribute a like amount to the District, so each whisky license sold in the District yields to the municipal government $3,000, fifteen hundred contributed by the owner of the bar and fifteen hundred by our constituents, and the United States gets for the license only $25.

I must bring these remarks to a close. But for the selfishness of it, it would be pathetic the way the Washington press and property owners are begging for the retention of the half-and-half act. A few days ago there appeared in the Washington Post an editorial, calling upon the President to veto the Army preparedness bill because it had a provision in it to spend $20,000,000 outside of the District of Columbia to erect a nitrate plant, to extract nitrogen from the air, to be used by the Government in the manufacture of powder, and the surplus nitrate to be sold to the great producing classes of our country for fertilizers. From a Washington viewpoint this expenditure is outrageous, while I consider it one of the best provisions of the bill, for it will aid our farmers by giving them cheaper fertilizers.

Let me again contrast the Washington viewpoint. Mr. HULBERT, of New York, introduced a bill to take from the people's Treasury one and a half million dollars to improve Potomac Flats by building a stadium for the college athletes to hold revelry, run foot races, and engage in athletic sports, and the Washington papers and Washington people urge its passage, and I will guarantee that any Congressman who will vote for the bill will be heralded in the Washington papers as a statesman, broad visaged and patriotic; if any Congressman has the temerity to oppose the expenditures of any money from the Federal Treasury for any object to be created in the District of Columbia he is proclaimed provincial, narrow minded, and unpatriotic.

A few days ago our beloved Speaker, Hon. CHAMP CLARK, stated in substance on the floor in discussing the flood-control bill:

> If you will spend every dollar in the Treasury of the United States in the District of Columbia the local press and people will approve it, but if you seek to authorize the erection of public buildings in your district or mine, or try to improve the navigable streams of our country, or seek to lessen the cost of transportation from the farms to the towns by building good roads, the local press will cry out "Pork-barrel statesman."

Mr. Chairman, I would not do the citizens of Washington an injustice. I do not want to inflict upon them any unjust or harsh taxes. They are citizens of our beloved country and are entitled to the same rights and privileges that the citizens of your State and mine are entitled to, and they should receive from the Government exact and impartial justice—no more and no less. I believe the Federal Government should compensate the District of Columbia for all benefits it receives from it, and under the bill before the House it will amply do so.

I have done all I could, in my humble way, to bring about the repeal of this so-called sacred half-and-half act because I believe it unjust to the people of the United States and confers special privileges on the citizens of the District. It is with gratification that I find myself vindicated by the able joint commission, and it is to me a source of happiness that this Congress will repeal the act of 1878. I am pleased. For by its repeal no injustice is done the local property owners, and justice, though tardy, will at last be done your constituents and mine.

Mr. PAGE of North Carolina. Mr. Chairman, I yield to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. I yield to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, in the absence of the gentleman from Minnesota, I yield 25 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, for a number of years past there has been a considerable amount of discussion relative to the wisdom of the arrangement under which the Federal Government has since the seventies paid one-half of the expenses of the District of Columbia. So much opposition developed in Congress to what is known as the half-and-half plan that on March 3, 1915, a joint select committee was appointed with duties and responsibilities as follows:

> That a joint select committee shall be appointed consisting of three Senators to be named by the Presiding Officer of the Senate and three Members of the House to be named by the Speaker of the House of Representatives, whose duty it shall be to prepare and submit to Congress a statement of the proper proportion of the expenses of the government of the District of Columbia or any branch thereof, including interest on the funded debt, which shall be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based.

The report of that committee made some time ago is very definite in two essential features. One with regard to the payment of the interest on the funded debt of the District of Columbia, and the other a recommendation as to the attitude that Congress should assume toward the District in the future.

The Committee on Appropriations has seen fit to bring into the House legislation in connection with the District bill which the majority of the members of the committee claim or assume, carries out the recommendation of the joint committee.

In the first place, the bringing of legislation of this importance into the House on an appropriation bill is a very questionable procedure. There is a committee directly charged with responsibility in matters of this kind, presided over by the able and amiable gentleman from Kentucky, composed of Members of the House selected on account of familiarity with municipal matters, and certainly thoroughly able and qualified to legislate or at least to advise the House.

I do not think the Committee on Appropriations is altogether to blame for bringing in this legislation. The Committee on the District of Columbia, in my opinion, should have very promptly, after the submission of the report of the joint select committee, busied itself with legislation proposed and intended to carry out, if in the wisdom of the committee they should be carried out, the findings and conclusions of the joint committee.

The Committee on the District of Columbia, so far as I know, has not, up to this time, taken up that matter systematically with a view of bringing in legislation. At least they have presented nothing to the House, although several months have elapsed since the report was made, and the time has come to make up the District appropriation bill. The Appropriations Committee was confronted with this situation—the view expressed in the House by at least a large minority if not a majority was that the old fiscal relations were not satisfactory or at least were not wise under present conditions.

The first question naturally was, How were the bills to be paid? Were we to continue under the old system, when a joint committee of the House and Senate had recommended a modification; and if not, what was to be done? Under these circumstances it will be urged that the Committee on Appropriations can be very greatly blamed for assuming responsibility for legislating, although even under those circumstances the bringing in this important legislation by the Committee on Appropriations is not, in my opinion, fully justified. Having assumed responsibility for this legislation, the committee brought in legislation which does not, in my opinion, harmonize with either the letter or the spirit of the report of the joint commission. Certainly it does not harmonize with the spirit of that report when you view the legislation in conjunction with the items of the bill and the appropriations which it carries. So far as the interest on the bonded debt is concerned, this legislation flies squarely in the face of the report of the joint commission. The Committee on Appropriations has assumed to know more about that than the joint committee did.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COOPER of Wisconsin. It also flies squarely in the face of two decisions of Comptroller Downey, of the Treasury Department, on that exact proposition.

Mr. MONDELL. That is undoubtedly true.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. PAGE of North Carolina. Neither the gentleman from Wyoming or the gentleman from Wisconsin were present during the brief remarks I made on the bill this morning. At least I assume they were not, because I stated emphatically that when we reached the sinking-fund item I should introduce an amendment, already prepared, stating directly that one-half of this amount should be paid from the District revenues and one-half from the money in the Treasury not otherwise appropriated. I also stated that in the first provision of the bill on the first page where the exception is made in line 11 I proposed to strike out the word "and" and insert the word "except."

Mr. MONDELL. I did not hear the gentleman's statement, but I am glad to know that he contemplates offering the amendment he now suggests. The very fact that such an amendment is now offered, before we begin the consideration of the bill, radically changing and modifying the legislation which the subcommittee presented to the committee and the committee to the House is proof sufficient, it seems to me, that the committee did not give the matter proper consideration at the time it took it up.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. MONDELL. In just a moment. I know that the subcommittee is qualified, I know that the full committee is qualified, to legislate on this or other subjects, therefore when a subcommittee makes such a blunder as to bring in a proposition which it proposes to amend before it is presented, it is proof certainly not of a lack of capacity on the part of the committee, but of a lack of consideration of the subject.

Mr. PAGE of North Carolina. Will the gentleman yield for one moment?

Mr. MONDELL. I do.

Mr. PAGE of North Carolina. I want to say in that connection that the view of the subcommittee in framing this paragraph was that it is merely a bookkeeping matter, and I think, if I were to take the gentleman from Wyoming or the gentleman from Ohio or the gentleman from Wisconsin into the committee room, I could convince him in 15 minutes that is true; but I want to confess that I despair of convincing the House in the brief time given in this discussion that it is a mere bookkeeping matter, and to remedy the objection in the minds of gentlemen I now say I will offer this amendment.

Mr. MONDELL. Well, some very extraordinary things have been done in the world as a matter of bookkeeping. We have had a beautiful, illuminating illustration of that, or had some time ago, in the methods of bookeeping by the Secretary of the Treasury, where by the application of peculiar bookkeeping he added some forty or fifty million dollars to the net reserves of the Federal Government, made the Federal Government richer by fifty or sixty million dollars, as I recollect, by the legerdemain of fancy bookkeeping. Still to the average man, the ordinary individual, it may seem more than a matter of bookkeeping to decide whether or not one party has to pay all of $6,000,000 debt, and the interest thereon, or whether it is to be divided between two parties. While to the ordinary individual it may be more than a matter of bookkeeping, I will grant you that a gentleman who can accept as a matter of bookkeeping forty, fifty, or sixty million dollars added to the sum in the Federal Treasury is peculiar in his views, and he can accept almost anything as a matter of bookkeeping. Most of us look upon it as more than a matter of bookkeeping. However, the committee has seen the error of its ways even before it reached the discussion of the legislation, and now proceeds to attempt to square itself by an amendment, which does, as a matter of fact, meet with the approval of all of us.

But that is only one feature of the report of the committee. The very important feature—but before I go to that I want to make this suggestion with regard to legislation on an appropriation bill. It is a most objectionable and dangerous way to legislate, as we all know, as those who have written the rules know, and therefore prohibited it. Such legislation becomes particularly objectionable presented under a special rule. Dangerous as such legislation is, when it is enacted, as it frequently is practically by unanimous consent, it is even more dangerous when made in order by a rule. The fact that the majority of the Committee on Rules favor making the legislation in order, the fact that in the vote on the rule the support of the rule in itself carries to a certain extent an approval of the legislation, you bring about a situation under which at least the majority side is practically pledged to the legislation before it has been discussed at all. Under conditions that exist here all Members do not hear the discussion of measures and a man may become pledged to a piece of legislation through a vote to make it in order and never thereafter discover the error of his judgment, because he does not hear the discussion of the matter. He simply follows the lead that is thus given him before he understands anything about the virtue or the lack of virtue of the proposition thus made in order.

Now, a very important part of the report of this joint committee is the last paragraph of its report. Personally I have regretted somewhat that the committee, composed of able men, could not have found some basis for a definite determination of the percentages of the cost of the District to be borne by the District and by the Federal Treasury, respectively. But personally I am anxious to follow that committee so far as I can in good conscience and this legislation taken in connection with and interpreted by the bill, of which it is a part, does not carry out the spirit of that joint report which is set forth in the last paragraph as follows:

> Our unanimous conclusion is that the rate of taxation in the District should be fixed and certain; that the Congress should pursue a definite policy of regular and liberal appropriations, having in view not only the permanent moral and physical advancement of the city, but also its preeminent beauty and grandeur as the municipal expression of the Nation's home and its peoples' pride.

Now, I leave it to any Member of the House on either side if this bill, reducing as it does the estimates submitted by

the commissioners by over two and one-half million dollars, leaving out as it does many items urgently urged by the commissioners, trimming many other items to the bone, if this bill thus put together and presented to the House in anywise expresses the view of the joint committee "that Congress should pursue a definite policy of regular and liberal appropriations having in view not only the permanent moral and physical advancement of the city but also its permanent grandeur as a municipal expression of the Nation's home and the people's pride." This, the first bill presented under the new plan proposed by the joint commission, as interpreted by the majority of the Committee on Appropriations, realizes what some of us have feared would happen when we depart from a definite provision as to the respective share of appropriations to be paid by the District on the one hand and the Federal Government on the other. What we feared was this: That first an agitation would be started for increasing the revenues of the District in an unreasonable and in an unwarranted way. The gentleman from Georgia has just voiced that idea. The very first argument made here on the bill is to the effect that the District does not pay taxes enough; that the people of the District are tax dodgers and are escaping the payment of such sums as they should pay toward the maintenance of the government. This in face of the fact that the joint committee expresses its opinion in the paragraph that I have just quoted to this effect:

Our unanimous conclusion is that the rate of taxation in the District should be fixed and certain.

And further in other parts of the report they express the opinion that the people of the District have been paying reasonable sums for the maintenance of the District government.

Mr. PAGE of North Carolina. Mr. Chairman, of course the gentleman realizes that there is nothing in this bill affecting either the assessment or the rate of taxation?

Mr. MONDELL. I realize that. I have not suggested that there was.

Mr. PAGE of North Carolina. Now I will ask a question in order to furnish the gentleman information, namely, if he knew this bill carried $591,000 more than the bill as reported to this House from the Committee on Appropriations last year, in view of his statement as to its illiberality?

Mr. MONDELL. What the gentleman states may be true, but, if the gentleman will recall, I expressed the same opinion with regard to the bill of last year that I am expressing with regard to the bill now before us. It was illiberal to the last degree. It neglected important improvements and betterments which this city needs. It refused betterments and improvements that the city of Washington should have if it were not the Capital of the Nation, and improvements and betterments the importance of which were emphasized by the fact that Washington is the Capital of the Nation. That was my first fear, that if we departed from the rule of a definite apportionment there would be a constant and never-ending insistence upon an increase of tax burdens. I do not say, because I am not sufficiently informed to say, that the present tax rate and the present tax levy is just what it ought to be in the District, but certain I am that you could not greatly increase the assessment and the levy in the District of Columbia without doing injustice to its people.

Now, second, what I have feared and what has been demonstrated in this bill is that if we depart from a fixed rule of apportionment of expenditures, the Appropriations Committee will be constantly tempted, as this committee has been, to keep the expenditures just as low as possible, without much reference to the real needs of the city and the District. In other words, I fear that without a fixed rule of apportionment of expenditures as between the city and the Federal Government, we will fail to obtain that "definite policy of regular and liberal appropriations" which the joint committee laid down as the first essential of satisfactory conditions in the District. In the time that I have it will be entirely impossible for me to go over in detail the items of the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. I shall not have time to go over in detail the items estimated for by the District Commissioners that have been entirely eliminated, or the numerous items in the bill in which the estimates have been, I was going to say, scandalously scaled; but I will say unjustifiably scaled.

There are a number of improvements badly needed which the people of the District have been asking for for years. The city needs, and needs badly, a better and systematic improvement of the water front of this city. We need that improvement for the benefit of the people of Maryland and Virginia, on the Potomac and Chesapeake, who so largely contribute their produce to feed the people of this District. It is needed on behalf of the people of the District in order that the cost of living may be reduced by making it cheaper and easier to discharge the produce of the neighboring States and have it cared for until transported to the markets of the District.

A bill that reduces by half a million dollars the estimate for school buildings in a city like this can not be justified unless the committee brings in an indictment against the District Commissioners to the effect that they are extravagant in their estimates beyond all conscience. If the District Commissioners so poorly understand and so misinterpret the needs of this District for schools that they bring in estimates of $500,000 in advance of the needs of the District, some one ought to start an inquiry relative to their capacity. As a matter of fact, I assume the estimates were not too high. In my opinion, they included very few items that should not have been provided for.

This city needs a city hospital. It needs a new municipal lodging house, and needs it badly, as everyone knows who has visited the small, inadequate building which is now used.

The city needs more playgrounds. It needs, above all things, public bathing facilities for the young people and the children of the District. There are few cities of its size in the Union that have such meager and limited public bathing facilities as has the District of Columbia. We need appropriations for vacation schools and care of playgrounds. I have four children in the public schools, and they have been importuned constantly for the last month to make contributions, to sell tickets, and to do all sorts of things to raise money to provide for the vacation schools and the playgrounds, and yet this committee refuses a single, solitary penny for those things, though the people of the District are anxious to provide for them.

Mr. PAGE of North Carolina. Is there anything in the estimate as to these items?

Mr. MONDELL. There is a $7,000 estimate for this purpose. The committee did not only not provide for it, but entirely overlooked it, evidently.

Mr. PAGE of North Carolina. Mr. Chairman, I yield one minute to the gentleman from Tennessee [Mr. SIMS].

Mr. DAVIS of Minnesota. Mr. Chairman, I yield four minutes, in addition, to the gentleman.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] is recognized for five minutes.

Mr. SIMS. Mr. Chairman, on April 13, 1910, I delivered a speech in the House which I will now read, if the House will be patient and bear with me:

"Mr. Chairman, on February 20, 1901, more than nine years ago, as a supplement to some observations I had made on the rules of the House, I read an article from the Kansas City Times, the same being by Mr. H. J. Groves, at that time the staff correspondent of that paper. I now read enough of the article I then read to give the House an idea of what it was:

NEW ENGLAND INFLUENCE IN AMERICAN POLITICS.

"'WASHINGTON, D. C., *February 4, 1901.*

"'In his great ship-subsidy speech in the Senate Mr. Vest called attention to the domination of New England in American politics. The Senator said:

"'"New England is rich and powerful. Her people have made money in every contingency and in every era in the history of our country.

"'"I admire them; I admire their courage, their sagacity, their aggressiveness. With a sterile soil and an inhospitable climate, they control the politics and the policy of the United States. They send their ablest men to both branches of Congress and keep them here as long as they can preserve the material interests of that section. It makes no difference how much these Representatives and Senators may differ with the people as to matters of sentiment and abstraction, if they are true to the material interests of New England, that is enough. The two Senators from Maine differ as widely as the North and South Poles upon the foreign policy of the United States, but they are both here to-day by the unanimous vote of the Legislature of Maine. The two Senators from Massachusetts are equally diverse in their opinion as to the Philippine question and the Philippine war, but the people of Massachusetts send them both here because they know their ability and recognize their usefulness.

"'"New England, six small States, a majority of them not as large as counties in Missouri, controls the politics of the whole United States. There is no measure before the Senate or the other branch of Congress in which New England does not receive the largest share of Government bounty."'

"'In these few words Senator Vest told a story known to every student of public men and affairs. The six little States which form the New England group have figured prominently in the settlement of every question that has been presented to the Republic. The West and South have sacrificed prestige in Washington by changing the Representative every time an ambition was born in the imagination of some bright young lawyer. The reason these sections have not exerted more influence in national legislation is because they have left but few of their Representatives here long enough to ripen into usefulness.

"'But few men who are sent here leave an impress upon the legislators of the country. Those who do either possess commanding and unusual ability or else secure prestige by continued service and consequent familiarity with the needs of the country.

"'Senator Vest is not mistaken about New England. He told the gospel truth, and the West and South should study what he said.

"'The people of the West and South should not overlook or pass unnoticed the statement made by Senator George G. Vest that New England has dominated the politics and legislation of the Republic. He is not a word dealer or phrase coiner. He means what he says and always has the proof to substantiate his statements. This condition has existed, and every student of public affairs knows it. Senator Vest graphically stated the fact. He casually told the reason: "They keep their men here."

"'I would not advocate the changing of the congressional tenure of office. The people should have an opportunity to pass on the congressional record often, at least every two years; but if the record is a good and growing one, it should be indorsed. There are many who give to Congressmen two terms, no more. These districts are never influentially represented.

"'Thus you have the story of influence in Congress. It is the story of long service.

"'H. J. GROVES.'

"It will be seen that the article consisted of a liberal extract from a speech of the late Senator George G. Vest, of Missouri, then serving his last term in the Senate of the United States, with a very forceful comment by Mr. Groves, who was a brilliant and able newspaper man then residing in Washington. As is well known to all intelligent men, Senator Vest was one of the greatest statesmen this country ever produced—that for learning, wisdom, and oratory he had few equals and no superiors.

"It matters not what a Member's educational qualifications may be, it matters not how great an intellect he may possess, nothing can fully equip him for the most effective service here except continued service. As bearing directly upon this point, I now read from a speech of President Taft, made in this city several years ago. He said:

"'There is only one thing I want to say about Ohio that has a political tinge, and that is that I think a mistake has been made of recent years in Ohio in failing to continue as our representatives the same people term after term. I do not need to tell a Washington audience, among whom there are certainly some who have been interested in legislation, that length of service in the House and in the Senate is what gives influence. And, therefore, that rotation in office, while it may satisfy the different counties and keep them from a county internecine war, very much interferes with the State of Ohio exercising that influence that it ought to exercise in the Senate and in the House. I am in favor, therefore, of continuing the representation as we have it, so that our representatives shall be the foremost in both Halls of the Legislature.

INFLUENCE OF SMALL STATES.

"'Why is it that the small States of the East exercise so much power in Congress? It is not because an eastern man has any more capacity in the matter of legislation than a western man—certainly not more than an Ohio man. It is because when they get a good representative they keep him as long as he lives, and then he has the influence that vastly exceeds the more numerical representation of population. I do not know whether this is quite germane to the subject, but it occurred to me to say this because I feel as if we were all interested in having Ohio well represented and in having Ohio make herself felt in the legislation of this country by adopting a system that will certainly bring about the weight she is entitled to.'

"Mr. Chairman, who knew better the value of long and continuous service in Congress than President Taft? He could have had no other motive in asking his own State to continue their representatives in Congress than the desire that his State have the weight and influence in this body that can come in no other way than by continuously returning the same men.

"I now beg the indulgence of the House to read an editorial from the Washington Post, of this city, on the above extract from that speech:

ROTATION IN OFFICE.

"'There is a truth as profound as political experience can make it in the following passage from the speech of President Taft before the Ohio Society of Washington:

"'"Why is it that the small States of the East exercise so much power in Congress? It isn't because an eastern man has any more capacity in the matter of legislation than a western man—certainly not more than an Ohio man. It is because, when they get a good Representative, they keep him as long as he lives, and then he has the influence that vastly exceeds the more numerical representation of population."

"'Though a man were Hazlitt and Macaulay combined, he would not be a great writer unless he had been of the guild a while. We are told by Edmund Burke himself that it was by slow degrees and constant discussion that Charles James Fox became the greatest parliamentary debater the world ever saw. Fox entered the British Commons before he was 20 years old. He remained a member of that body till his death, at the age of 57. In opposition he did as much to advance the cause of good government as Pitt did in power, for he kept Pitt not only on the alert but on his good behavior.

"'Had Fox been an American and a Member of our Congress, he would have been fortunate if he had been chosen to and served in 10 Congresses—20 years. Sam Randall was not bred a statesman, but he became one of our great parliamentary leaders by reason of his long service. Had John G. Carlisle been English born, he would have served in the House of Commons at the least 50 years. Gladstone was in the Commons 60 years. Had he been an American, it is doubtful if the whim of a single constituency would have allowed him 12 Congresses.

"'Matt Carpenter was a more powerful intellect than William B. Allison, but Allison exercised an infinitely more powerful influence on our parliamentary policies than Carpenter. One served less than 12 years, the other more than 30.'

"Mr. Chairman, as corroborative and cumulative testimony on this very important question of length of service in this body, I now read from the address of the Hon. CHAMP CLARK, the present Democratic leader in this House, and who, in all human probability, will be its next Speaker, if the Democrats return to power, delivered on the 9th day of April, 1910, on the life, character, and public services of the late Hon. David A. De Armond, of Missouri, as follows:

"'That he stood among the highest here and was recognized as a force to be taken into account at all times and under all circumstances was a fact known to all of us. Why did he so rank? First, because of his native ability, his accurate information, his clear, incisive style of speaking, his fidelity to principle, and his flawless integrity. Secondly, by reason of his long service and by his constant attendance on the sittings of the House.

"'He died near the end of his nineteenth year in Congress. Of all the Missourians who have been Members of the House, one only exceeded him in length of service—the sterling and well-beloved Richard Parks Bland, who died in the early part of his twenty-fifth year of service, possessing an international reputation. The Missourian next to him in point of service in the House was Gov. John S. Phelps, who served 18 years and rose to be chairman of the Committee on Ways and Means, the first chairman of that committee from the sunset side of the great river. Roger Q. Mills, of Texas, is the only other trans-Mississippian to achieve that greatly coveted honor. The high places to which Phelps, Bland, and De Armond rose in both the House and the country is another illustration of the value of long service—value not only to themselves but to their constituencies and to the entire Republic.

"'Men should not be sent hither simply to gratify their own personal ambitions, but because they can be of service, and having proved that they are of service, wisdom dictates that they should be kept here so long as they continue to be of service; and it may be confidently asserted that the value of the services of a man of capacity, character, industry, and good habits increases in exact proportion to his length of service. New England understands this thoroughly. So do the cities of Philadelphia and Pittsburgh. When a Representative from any of those places demonstrates his fitness here he is retained until he retires, dies, or is promoted. Five times in succession Philadelphia has had the distinguished honor of furnishing the "father of the House"—Kelley, Randall, O'Neal, Harmer, and Bingham. Should Gen. Bingham, the present "father of the House," for any reason cease to be a Member, the title of "father of the House" would pass to still another Pennsylvanian, my friend the Hon.

John Dalzell. These facts should furnish much food for thought to every constituency in the land.'"

Mr. Chairman, it now appears that when I said in my speech delivered in this place in 1910 that in all human probability the Hon. CHAMP CLARK would be the next Speaker of the House of Representatives I was more of a prophet than I could lay claim to at that time, for since that prophecy was made Hon. CHAMP CLARK has been three times elected Speaker of the House, without a dissenting vote in his own party, either in caucus or in the House, which can be said of no other man in our history.

Party changes may come and go in this body, but the effect of long and continuous service on the strength and usefulness of its membership remains incontrovertible.

When my speech of April 13, 1910, was delivered the House was Republican, and I then gave a statement as to the length of service of the chairmen and ranking members on 18 of the more important committees of the House as it was at that time constituted, which proved conclusively that my contention as to the value of long service was true.

The House of Representatives is now Democratic, and I give the names and length of service of the chairmen and ranking majority and minority members of each of 12 committees, as follows:

AGRICULTURE.

A. S. LEVER, chairman; length of service, 16 years.

GORDON LEE, ranking majority member; length of service, 12 years.

GILBERT N. HAUGEN, ranking minority member; length of service, 18 years.

APPROPRIATIONS.

JOHN J. FITZGERALD, chairman; length of service, 18 years.

SWAGAR SHERLEY, ranking majority member; length of service, 14 years.

F. H. GILLETT, ranking minority member; length of service, 24 years.

FOREIGN AFFAIRS.

H. D. FLOOD, chairman; length of service, 16 years.

CYRUS CLINE, ranking majority member; length of service, 8 years.

HENRY A. COOPER, ranking minority member; length of service, 24 years.

INSULAR AFFAIRS.

W. A. JONES, chairman; length of service, 26 years.

FINIS GARRETT, ranking majority member; length of service, 12 years.

HORACE M. TOWNER, ranking minority member; length of service, 6 years.

INTERSTATE AND FOREIGN COMMERCE.

W. C. ADAMSON, chairman; length of service, 20 years.

T. W. SIMS, ranking majority member; length of service, 20 years.

JOHN J. ESCH, ranking minority member; length of service, 18 years.

JUDICIARY.

EDWIN Y. WEBB, chairman; length of service, 14 years.

C. C. CARLIN, ranking majority member; length of service, 10 years.

ANDREW J. VOLSTEAD, ranking minority member; length of service, 14 years.

MILITARY AFFAIRS.

JAMES HAY, chairman; length of service, 20 years.

S. HUBERT DENT, ranking majority member; length of service, 6 years.

JULIUS KAHN, ranking minority member; length of service, 14 years.

NAVAL AFFAIRS.

LEMUEL P. PADGETT, chairman; length of service, 16 years.

J. FRED TALBOTT, ranking majority member; length of service, 22 years.

THOMAS S. BUTLER, ranking minority member; length of service, 20 years.

POST OFFICE AND POST ROADS.

JOHN A. MOON, chairman; length of service, 20 years.

DAVID E. FINLEY, ranking majority member; length of service, 18 years.

HALVOR STEENERSON, ranking minority member; length of service, 14 years.

WAYS AND MEANS.

CLAUDE KITCHIN, chairman; length of service, 16 years.

HENRY T. RAINEY, ranking majority member; length of service, 14 years.

JOSEPH W. FORDNEY, ranking minority member; length of service, 18 years.

BANKING AND CURRENCY.

CARTER GLASS, chairman; length of service, 26 years.

EVERIS A. HAYS, ranking minority member; length of service, 12 years.

RULES.

ROBERT L. HENRY, chairman; length of service, 20 years.

EDWARD W. POU, ranking majority member; length of service, 16 years.

PHILLIP P. CAMPBELL, ranking minority member; length of service, 14 years.

In this list I have given the names and length of service of all chairmen of the 12 committees, and also of all the ranking majority members, except in the case of the Banking and Currency Committee, for the reason that the ranking majority member, as the committee was made up at the beginning of this Congress, has recently died. I have given all the names of the ranking minority members and length of service of all. These 12 committees are the most important committees of the House.

As a general rule, the chairman and ranking majority with the ranking minority members of all committees are appointed on conference committees of the two Houses on all bills where differences arise between the House and Senate in order to adjust such differences and by reason of being so appointed on conference committees, they perform the most important legislative service that can be performed, as reports of conference committees must be accepted or rejected as a whole. On this account the three House members on a conference committee represent the whole membership of the House.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, if the gentleman desires five minutes more I shall be glad to yield it to him.

Mr. SIMS. I would be glad to have it.

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes more.

Mr. SIMS. In case of a change in party control, the ranking minority members, as a general rule, become chairmen of their respective committees, and the chairmen of the committees of the party losing control become ranking minority members of the same committees and as such continue to go on conference committees, notwithstanding a change in party control of the House. It therefore follows that a study of the length of service of the chairman, ranking majority, and ranking minority members of these 12 committees I have named will shed much light on the importance and value of long and continued service in this great legislative body. I find that the combined service of the 12 chairmen and 11 ranking majority members, 23 in all, amounts to 370 years, making the average service for each member to be a fraction over 16 years. I find that the combined length of service of the 12 ranking minority members to be 196 years, or an average of 16⅓ years for each minority ranking member. I find that the combined length of service of the 35 members I have just named to be 566 years, or as near as I can express it numerically, an average length of service of each of the 35 members of 16⅙ years.

These facts and figures demonstrate beyond any sort of doubt the wisdom of returning Members to this body continuously as long as they retain the mental and physical vigor necessary to enable them to effectively discharge their official duties.

Mr. Speaker, I hope I may be pardoned if I now give a somewhat detailed statement of the record of the Tennessee delegation in the House of Representatives as to length of service and character of same and as to committee assignments.

RECORD OF TENNESSEE MEMBERS OF SIXTY-FOURTH CONGRESS.

SAM R. SELLS, of the first district, is ranking minority member of the Committee on Pensions and is also a member of the Committee on Roads. His length of service is 6 years.

RICHARD W. AUSTIN, of the second district, is ranking minority member of the Committee on Public Buildings and Grounds, and is also a member of the Committee on Insular Affairs. His length of service is 8 years.

JOHN A. MOON, of the third district, is chairman of the Committee on the Post Office and Post Roads. His length of service is 20 years.

CORDELL HULL, of the fourth district, is a member of the Committee on Ways and Means. His length of service is 10 years.

W. C. HOUSTON, of the fifth district, is chairman of the Committee on Territories, and is also a member of the Committees on the Census, Labor, and War Claims. His length of service is 12 years.

JOSEPH W. BYRNS, of the sixth district, is a member of the Committee on Appropriations, and is chairman of the subcommittee of that committee which makes up the legislative appropriation bill. His length of service is 8 years.

LEMUEL P. PADGETT, of the seventh district, is chairman of the Committee on Naval Affairs. His length of service is 16 years.

T. W. SIMS, of the eighth district, is ranking majority member of the Committee on Interstate and Foreign Commerce. His length of service is 20 years.

FINIS J. GARRETT, of the ninth district, is the ranking majority member of the Committee on Insular Affairs, and is also a member of the Committees on Rules, Expenditures on Public Buildings, and Flood Prevention. His length of service is 12 years.

K. D. MCKELLAR, of the tenth district, is a member of the Committee on Military Affairs. His length of service is 6 years.

It will thus be observed that the 10 Members constituting the Tennessee delegation have membership on the important committees of Pensions, Roads, Public Buildings and Grounds, Insular Affairs, Post Office and Post Roads, Ways and Means, Rules, Census, Labor, War Claims, Appropriations, Naval Affairs, Military Affairs, Interstate and Foreign Commerce, and Territories.

I know of no other 10 Members of this House from any other State that have an equal number of committee assignments on so large a number of the greatest and most important committees of the House as does the Tennessee delegation, and the reason for such fortunate committee assignments is apparent to all who will study the facts I have just detailed. The combined length of service of the Tennessee Members of this House is 118 years, and the average length of service of each Member is 11⅘ years. Length of service tells the whole story. It will be observed that Messrs. MOON, HULL, BYRNS, PADGETT, SIMS, and MCKELLAR are all members of committees which, under the rule adopted by the Democratic caucus on organization of this House, bars them from membership on any other committee.

Service on the great Committees on Interstate and Foreign Commerce, Ways and Means, Appropriations, Naval Affairs, Military Affairs, and Post Office and Post Roads was regarded by the caucus as being of such preponderating importance, both to the House and to the Nation, as to require all the time of their Members.

Barring the application to myself of what I am just about to say, I think any citizen of Tennessee, regardless of politics, may well be proud of the record of its delegation in the House of Representatives of the Congress of the United States. But the making of such a record would have been impossible without the long and continuous service with which the people of the State of Tennessee have honored its Representatives in this body. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent to include in my remarks, in the proper place, parts of my address to the House delivered April 13, 1910.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I yield 20 minutes to the gentleman from Kentucky [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] is recognized for 20 minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman: During the last few years much has been said and printed concerning the half-and-half relations existing between the Federal Government and the District of Columbia. There is published in Washington a magazine known as the National Geographic Magazine. I have in my hand a copy of that magazine for March, 1915, in which appears an article by ex-President Taft relative to the National Capital. That article has been very elaborately illustrated for the purpose, no doubt, of conveying to its readers the impression that the District of Columbia is asked by some people to bear all the burden of Capital building. One illustration in that article appears on page 227, and is a picture of one end of the Capitol Building, the Senate end.

I wish to take these illustrations one after another and see to what extent the property in the District of Columbia is taxed for the purpose of building a National Capital. The picture to which I just referred, on page 227 of the magazine, shows property built entirely out of Federal funds, and property in the District of Columbia was not taxed at all to build it.

The next illustration is on page 229, which shows the south wing of the Capitol Building. That, too, was built entirely out of public funds, and the property in the District of Columbia was not taxed at all to help build it. The next illustration is on page 230, and shows a part of the building of the Daughters of the American Revolution. Property in the District of Columbia was not taxed to help build that.

Another of the illustrations is shown on page 231, which is a front view of the United States Treasury Building. Property in the District of Columbia was not taxed to help build that. The next two illustrations are shown on pages 232 and 233, and both show the Washington Monument. The property in the District of Columbia was not taxed to help build that. The next illustration is on page 234, and shows the statues in Lafayette Square. The property in the District of Columbia has not been taxed to help build them. On page 235 is shown a rear view of the White House. The property in the District of Columbia has not been taxed to help build that.

The next view is of the Connecticut Avenue Bridge. The property in the District of Columbia was, however, taxed to pay half of that.

The next illustration is a view of a building on New Hampshire Avenue. The property of the District of Columbia has not been taxed to help build that. The view on page 239 of the magazine is of the Chesapeake & Ohio Canal. The District was originally taxed way back yonder to help build this canal, but the bonds and stocks which the old cities of Georgetown and Washington took in that canal were unloaded on the United States Government, and those stocks are now held by the United States Government and are not worth the paper on which they were printed.

On page 240 we have the Arlington Memorial Amphitheater, a most elaborate thing. That is being paid for out of the Federal Treasury, and the property in the District of Columbia is not taxed to build that. Then, on page 241, we have an illustration of the cemetery at Arlington. That was purchased and paid for out of the Federal funds, and the property in the District of Columbia was not taxed to pay for that. Then, on page 242, is a picture of the proposed homes of four of the great departments of the Federal Government. When they are built the property in the District of Columbia will not have been taxed to build them.

On page 244 we have a picture of the dome of the Capitol and the front of the Capitol. The property in the District of Columbia has not been taxed to help build that.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. NORTON. Does the gentleman maintain that the property of the District of Columbia should be taxed to pay for improvements of that kind?

Mr. JOHNSON of Kentucky. I do not; but I am answering the often-made statement that the people of the District of Columbia have imposed upon them the onerous task of building a beautiful National Capital. I am showing now that out of fifty pictures of buildings used to illustrate the Taft magazine article only one of them was built partly out of funds raised by taxing the property of the District of Columbia, and that is the Municipal Building.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. FOCHT. Does not the gentleman think it is the desire of the people of this Republic—and that they are willing to pay—that the Government beautify and make this the most beautiful city in the world?

Mr. JOHNSON of Kentucky. I am fully in accord with the gentleman in his views. I have stated on many occasions, and now repeat, that the United States Government ought to erect all the buildings it needs; that it ought to quit renting, and that it ought to construct elaborate buildings. But I do oppose the public and new Members of Congress being imposed upon by just such stuff as this and made to believe that property in the District of Columbia is taxed to erect all these buildings, when they do not pay a farthing for the purpose.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. LONGWORTH. Can the gentleman say how the tax rate of Washington compares with the tax rate of other cities?

Mr. JOHNSON of Kentucky. I am coming to that later on.

Mr. LONGWORTH. I just thought I would suggest that.

Mr. JOHNSON of Kentucky. I now wish to resume my comment on Mr. Taft's magazine article and the illustrations which accompany it.

On page 247 of the magazine already referred to I find a view from Arlington Cemetery of the Lincoln Memorial. Recently Congress has appropriated more than $2,600,000 for the Lincoln Memorial, and property in the District of Columbia has not been taxed a cent for the purpose of paying for this memorial. However, the Taft article as illustrated conveys to the mind of the uninformed reader that this is one of the great projects toward

capital building for which the District of Columbia is called upon to pay.

On page 250 is another view of the magnificent Lincoln Memorial, to which I just referred. This additional view is, no doubt, added to the number of illustrations for the purpose of impressing the implication that property in the District of Columbia is taxed to help build it.

On page 251 is a picture of the "basin" in Potomac Park. This basin is one of the adornments and places of pleasure in the District of Columbia. A picture of it is, no doubt, used in the Taft article so that the uninformed reader may again draw the conclusion that property in the District of Columbia has been taxed to build it. However, it was paid for entirely out of the United States Treasury.

On page 252 is a picture of the Army War College and on page 253 is a picture of the Bureau of Engraving and Printing. It is but reasonable to infer that these, too, have been used to illustrate the Taft article so that the uninformed reader may be left to believe that property in the District of Columbia has been taxed to help build them, while the fact is that they were paid for entirely by the United States.

On page 254 we find the Taft article further illustrated by pictures of the new Union Station and the new Post Office Building. The property in the District of Columbia was not taxed to help pay for either of these. The general supposition is that the Pennsylvania Railroad Co. and the Baltimore & Ohio Railroad Co. bore the burden of the cost of the Union Station. That supposition, however, is incorrect. The act of Congress provided that the station should not cost less than $4,000,000. In money and land the United States contributed something like $8,000 000 toward the railroad terminals, improvements, and changes made necessary by the erecting of the Union Station and elimination of grade crossings. In 1903, I believe it was, Congress made the Baltimore & Ohio Railroad Co. a present of a million five hundred thousand dollars toward these improvements. About the same time a present of a similar amount was made to a subsidiary of the Pennsylvania Railroad Co. by the United States. The new Post Office Building, which is shown in the same illustration, was paid for entirely out of funds of the United States. The District of Columbia paid nothing toward its erection.

On page 255 is a beautiful illustration of the United States Treasury Building. The Federal Treasury paid for the erection of this building, and property in the District of Columbia was not taxed to help build it.

On page 256 is a picture of the Red Cross Building. Property in the District of Columbia was not taxed to help build that.

On page 257 is a picture of the New National Museum, just south of Pennsylvania Avenue. Property in the District of Columbia was not taxed to help build that.

On page 258 is a picture of the Von Steuben Monument in Lafayette Square. Property in the District of Columbia was not taxed to help pay for that.

On page 259 is a beautiful colored picture of Lincoln Park and the Thomas Ball monument to Abraham Lincoln. Property in the District of Columbia was not taxed either for the purpose of purchasing this park or erecting this handsome Lincoln Statue.

On page 260 is shown the beautiful fountain in the rear of the White House. Property in the District of Columbia was not taxed to pay for the construction of this.

On page 261 is a picture of the White House with the Army and Navy Building in the distance. Property in the District of Columbia was not taxed to pay any part of this.

On page 262 is a picture of the building of the National Geographic Society. Property in the District of Columbia was not taxed to pay for any part of this.

On page 263 is a picture of the United States Patent Office. Property in the District of Columbia was not taxed to pay for any part of this.

On page 264 is a picture of the Pan American Union Building. The property in the District of Columbia was not taxed to pay any part of the cost of that.

On page 265 is a picture of the Continental Hall of the Daughters of the American Revolution. Property in the District of Columbia was not taxed for the purpose of erecting this magnificent building.

On page 266 is a picture of the Public Library of the District of Columbia. The District of Columbia paid no part of the cost of its construction.

On page 267 is a picture of the Millet-Butt Memorial Fountain. The property in the District of Columbia was not taxed to pay any part of the cost of that.

On page 268 is a picture of the accepted design for the George Washington Memorial Hall, which is to cost about $2,000,000. The property in the District of Columbia will not be taxed to erect that.

On page 269 we have a picture of the Municipal Building. The property in the District of Columbia was taxed to pay one-half the cost of this building and the United States paid the other one-half.

On the same page is a picture of the Carnegie Institution of Washington. Property in the District of Columbia was not taxed to pay any part of the cost of that.

On page 270 is a picture of a residence on Massachusetts Avenue covered with wistaria. Property in the District of Columbia was not taxed to build it.

On page 271 is a picture of a beautiful rose garden. The property in the District of Columbia was not taxed to create it.

On page 272 is a picture of the House Office Building. Property in the District of Columbia was not taxed to build it.

On page 273 is a picture of the Library of Congress, perhaps the most beautiful building in the world. The property in the District of Columbia was not taxed to help build it. The Federal Government built it at its own expense.

On page 274 is a picture of the National Capitol, showing both the Senate and House wings. Property in the District of Columbia was not taxed to help build that.

On page 275 is another picture of the National Capitol, inserted in the Taft article, no doubt, for the purpose of impressing upon the minds of the uninformed the enormous cost of Capital building, and for the further purpose, perhaps, of leaving the uninformed to infer that property in the District of Columbia had been taxed to help build it, when such was not the case.

On page 276 is shown a picture of the Temple of Scottish Rite, built at a cost of a million and a half dollars. The property in the District of Columbia was not taxed to help build that.

On page 279 is a view of one of the roads through Rock Creek Park. The property in the District of Columbia was taxed to pay for one-half of that.

On page 281 is a picture of the Volta Bureau. Property in the District of Columbia was not taxed to help pay for that.

On page 284 is a picture of the Smithsonian Institution. Property in the District of Columbia was not taxed to help pay for that.

On page 286 is a picture of the Roosevelt group of lions, and on page 287 is a picture of the Roosevelt rhino group in the National Museum. Property in the District of Columbia was not taxed to help pay for them.

Although not shown in the illustrations, there is the Senate Office Building, one of the costly structures of the National Capital, but property in the District of Columbia has not been taxed to help pay for that.

Then there is the beautiful and costly Potomac Park, upon which it is now proposed to erect a stadium to cost a million and a half dollars. This park has been made at the cost of the United States Government, and property in the District of Columbia has not been taxed to help create it.

It is also proposed to erect an armory for the District Guard at a cost of $2,500,000. The authorities of the District of Columbia do not contemplate paying any part of this. The fact is that the wirepullers in the District of Columbia are not so anxious to secure an armory as they are to have the United States build a convention hall under the guise of building an armory, so that the hotels and boarding houses in the District of Columbia may use it as an argument as to why conventions should come to Washington.

It is contemplated to build a memorial bridge between the Lincoln Memorial at Arlington. If this bridge is built according to present designs, it will cost something like twelve million or fifteen million dollars. No one anticipates that property in the District of Columbia will be taxed to help build that.

Out of the 50 or more pictures illustrating Mr. Taft's article it is not certain that property in the District of Columbia has been taxed to help pay for more than two of them, yet they have all been used in connection with this magazine article for the purpose of showing to the country the great cost of National Capital building without being frank enough to say in so many words that nearly all of the cost was paid by the Federal Government and but an insignificant part of it paid by the District of Columbia.

The great cost of Capital building and Capital beautification has been paid and is being paid by the National Government and but little by the District of Columbia.

Mr. Taft commences his magazine article by saying:

> I have been deeply interested in the development of Washington ever since as Solicitor General I looked out of the windows of the clerk's office of the Supreme Court, at the Capitol, and stood awe-struck by the beauty of that sweep from the Capitol down to the Monument, thence to the shining bosom of the Potomac beyond, and across to the Arlington hills. * * *
>
> When I left Washington on the 4th of March, 1913, the last view that my eye lovingly rested upon was that other axis, at right angles with the first, from the south windows of the White House across the White House Grounds and the White Lot to the Monument, thence to the Potomac Park and the majestic river, with the far hills of Anacostia to the left and a distant suggestion of Alexandria on the right.

For the creation of nothing within that sentimental description was property in the District of Columbia taxed.

Further along in the article Mr. Taft, in advocating a condemnation of the Palisades and the country back of it in Virginia, says:

> In this way the limits of Washington may be extended across the Potomac and brought within the improving influence of the Government Treasury.

Even he does not thereby intimate that it is to be brought within the improving influence of the treasury of the District of Columbia.

Again, further along in the article, Mr. Taft says:

> While they (the people of the District of Columbia) have to pay but half of the expense of the city government, that half is greater than most cities of Washington's class impose upon their people. There are two reasons for this. The first of these is that no other city of its class has so many unusual expenses to meet. For instance, no other city of its size has as many square feet of street surface to maintain, etc. * * *.

Only Pennsylvania Avenue and three or four squares of Louisiana Avenue are in reality much broader than the streets of other cities. They are broader upon paper, but are not broader in reality. Take Sixteenth Street, for instance; from curb to curb it is but a street of average width the country over. However, at least 35 feet on each side of the sidewalks are given to making front yards for the residents along that street. Those who own homes on Sixteenth Street, on K Street, and on practically all of the other streets throughout the District of Columbia have the free use of front yards in which they have no money invested and for which they pay no rents. Yards in front of residences in all other cities of this country are the property of the home owners. In those yards the owners have their money invested, but they derive no more pleasure from those yards for which they are compelled to pay than the residents of the District of Columbia derive from their front yards, for which they do not have to pay.

On page 289 of the magazine article Mr. Taft says:

> When the question of finding a fair basis for the financial resolutions between the United States Government and the District of Columbia was pending in Congress during the middle seventies a report favorable to the half-and-half plan was made by the Judiciary Committee of the House. Among other striking statements in that instrument was one which shows how the lawmakers of that period viewed the subject. It is as follows: "There is something revolting to a proper sense of justice in the idea that the United States should hold free from taxation more than half of the area of the Capital City and should be required to maintain a city upon an unusually expensive scale, from which the ordinary revenues derived from commerce and manufactures are excluded; that in such a case the burden of maintaining the expenses of the Capital City should fall entirely upon the resident population."

How absurd and misleading it is for a man of Mr. Taft's prominence to include such a statement in his magazine article. When he refers to the legislation of the "middle seventies" he no doubt refers to the act of June 20, 1874, and the act of June 11, 1878. By the first of these acts the temporary commission form of government was established, and by the second the permanent commission form of government was established.

Mr. Taft should have known that by the act of February 21, 1871, the charters of the old cities of Washington and Georgetown were repealed, and that the one municipality of the District of Columbia was created and the entire District of Columbia made the Capital City. Therefore, when he used the quotation above referred to, he should have known that "more than half of the area of the Capital City" was not withheld from taxation. The original city of Washington comprised only about 6,000 acres. The District of Columbia, which is now the Capital City, is made up of approximately 45,000 acres; and such has been the case since the act of February 21, 1871.

The United States Government owns Potomac Park, but it is not used exclusively for governmental purposes. Instead, it is used as a pleasure ground for the people of the Capital City. The United States Government owns the great park around the Capitol. That is not used exclusively for governmental purposes, but is also used as a pleasure ground for the people of the Capital City. The United States Government owns Lafayette Park, Franklin Square, Lincoln Park, and a number of other parks, but none of them is used for governmental purposes, but all are given up as pleasure resorts to the people of the Capital City. Therefore the people of the Capital City can not complain that these parks are held free from taxation. The streets of the Capital City do not belong to the Government, except for public use. It has been held by the Supreme Court of the United States, in the case of Smith v. The Corporation of Washington (20 How.), that the United States only exercises sovereignty over the streets and holds them only in trust for the people.

Every day we see something in one or the other of the Washington papers asserting that if the half-and-half arrangement is done away with that those who would do away with it suggest nothing to take its place. This assertion is really silly, because there is something substantial proposed to take its place, and that something is the proposition that the United States shall not be committed to the payment of any definite proportion of the expenses of the District of Columbia, but that property in the District of Columbia shall continue to be taxed as it is now taxed, and the proceeds from that taxation used for municipal purposes; and if the amount be not sufficient to fully meet all of the municipal functions, then the United States Government is to make up the difference.

Again, the Washington papers day after day say that the proposition which is now before the House does not fix a permanent rate of taxation. There is already a permanent rate of taxation in the District of Columbia, and thus far nobody has proposed to change it. That rate is as definite and certain as Congress can make it. It can not be made more definite and certain without an amendment to the Constitution of the United States fixing the rate of taxation at a certain figure and providing that thereafter it can not be changed.

They say that the present rate of taxation is "flexible." If it is flexible its flexibility has never been used to increase the rate but always to lessen it. Since the adoption of the act of June 11, 1878, known as the "organic act," the rate of taxation has several times been changed, but every time it has been changed it has been made less and less. In its flexibility it has always "flexed" downward. It has never "flexed" upward. The Republicans revised the tariff upward, but they have always "flexed" the rate of taxation in the District of Columbia downward.

The gentleman from Kansas [Mr. CAMPBELL] and the Washington papers continue to assert that the present half-and-half arrangement was the result of four years' study and labor. They say that it took from 1874 to 1878 to construct the policy of the half and half. In this they are all mistaken. The truth of it is that it took four years of expensive lobbying upon the part of the "Committee of One Hundred" to induce Congress to enter into that arrangement.

The friends of the half and half insist that the amendment to the appropriation bill doing away with the half and half has been hastily drawn. In this also they are mistaken. When those who have been in Congress for long years have heard this question discussed year after year and have finally reached the conclusion that the half and half should be done away with, then the friends of the half and half say that their action is hasty. But, when other Members, like the gentleman from Massachusetts [Mr. TINKHAM], for instance, arrive in Washington one day and the next day arrive at the conclusion that the half and half is the proper thing, then the friends of the half and half do not charge them with hasty action, but they laud their judgment to the skies.

When the select joint committee was appointed a little more than a year ago to have hearings upon this subject and then report their findings to Congress, the Washington papers and the other friends of the half and half announced that they would be satisfied with the findings of that select joint committee. They all gave credit to the intelligence and good judgment and integrity of purpose and fairness of the members of the select joint committee, and indicated quite clearly that they would abide by their finding. They received the appointment of the members upon this select joint committee with delight. No doubt much of this came from the fact that no one of the six of this joint select committee had ever cast a vote against the half-and-half arrangement. It is reasonable to presume that the friends of the half and half were surprised when this joint select committee reported that the half and half should be repealed.

The defenders of the half and half one year ago indicated quite clearly, as I have said, that they would abide by the decision of the joint select committee. That committee has made a unanimous report. The substance of that report is embodied in the present District of Columbia appropriation bill. I insist that the defenders of the half and half show their good faith, acquiesce in that report, and support the section in the District appropriation bill which does away with the half and half.

The Washington papers and the Washington lobbies at first insisted that the rate of taxation in the District of Columbia was as much as that in any other city in the United States of

comparable size. They have been driven from that false position by an exposition of the facts. Then they resorted to another comparison by which they undertook to show that their per capita tax was greater than that of other comparable cities in the United States. They seem to forget that persons are not taxed, but that property is. In consequence the argument of a per capita tax can not possibly answer their purpose. But for the sake of argument let us accept the proposition that it does answer the purpose. I think I will show in my remarks of to-day that the per capita tax of the residents of the District of Columbia is far less than the per capita tax of the residents of any other city of comparable size in the United States.

There are a number of citizens' associations in Washington which, with the chamber of commerce and the board of trade, are constantly petitioning Congress for the expenditure of greater and greater sums of money in the District of Columbia, without ever intimating that they are willing for any increase in the rate of taxation in order that their unreasonable requests may be granted.

I have before me a communication dated April 29, 1916, addressed to me by the Board of Trade of the District of Columbia. In this communication they ask for a great many things, as follows:

First. That public-comfort stations be provided as follows: At the northeast corner of Ninth and F Streets NW.; at or near the corner of Thirty-second and M Streets NW.; at or near Fourteenth Street and Park Road NW.

Second. An additional shelter at the Farmers' Produce Market, at Twelfth and B Streets NW., to be built on the B Street side.

Third. A central heating plant for the group of school buildings at Seventh and O Streets NW.

Fourth. A new modern fireproof building to replace the present municipal lodging house.

Fifth. A new Eastern High School, large enough to accommodate 1,500 pupils.

Sixth. A graded school building with an assembly hall on site owned by District to accommodate the Woodridge, Langdon, and East Brookland sections.

Seventh. A fireproof storage building for the safe and economical keeping of supplies.

Eighth. Provision for a suitable armory building.

Ninth. New buildings to replace the present first, fourth, seventh, and harbor precinct stations.

Tenth. That cells and cell corridors in precinct stations 2, 7, and 9 be reconstructed, modernized, and made sanitary.

Eleventh. A new municipal hospital, but not on the site proposed at Fourteenth and Upshur Streets NW.

Twelfth. Larger appropriations for salary increases, for the employment of additional assistants, and for equipment, especially for a greater number of books at the Public Library of the District of Columbia, totaling more than $100,000.

Thirteenth. That a ship canal of ample size connecting the Eastern Branch with Chesapeake Bay be constructed by the United States Government.

Fourteenth. That the channel of the Potomac River, from its mouth to Washington and Georgetown Harbors, should be dredged to the depth of 28 feet, width of 400 feet.

Fifteenth. That the channel of the Anacostia River, from its mouth to the Navy Yard Bridge, should be dredged to a depth of 28 feet, preferably 400 feet wide.

Sixteenth. The Anacostia River should be made navigable from its mouth to Bennings Bridge.

Seventeenth. The United States should acquire all lands on both banks of the Anacostia River now owned by private parties.

Eighteenth. The United States to inaugurate a system of permanent dock improvements, and so forth, from the mouth of the Anacostia River to Bennings Bridge.

Nineteenth. That appropriation be made for the construction of a new fire and ice boat, with hinged smokestacks, to be located in Georgetown.

The above communication is but one sample of their extravagant and unreasonable demands of Congress.

Something has been said here to-day about the decision rendered by the Comptroller of the Treasury (Judge Downey) relative to the interest on the 3.65 bonds of the District of Columbia which, in the District appropriation bill is always referred to as the "interest and sinking fund."

The Comptroller of the Treasury, in writing that opinion, laid erroneous premises upon which to base his opinion. Even after he had laid erroneous premises for it he labored throughout that opinion to make good his position. I have long ago accepted that opinion as final, and it is not my purpose now to offer any further or additional argument in support of my original contention relative to the payment of the principal and interest of the 3.65 bonds. While I now decline to make any argument in favor of the position which I took relative to this subject I feel it not at all out of place that I say something in criticism of that opinion.

The comptroller, in that opinion, makes the act of June 11, 1878, retrospective when it is entirely prospective in its nature.

It relates to future expenses of the District of Columbia and not past expenses. It relates to future and not past relations beween the United States and the District of Columbia. While, no doubt, some unpaid expenses of former years have been paid since June 11, 1878, on the half-and-half plan, this has been done by virtue of express provisions of appropriation acts and not by virtue of the half-and-half clause of the organic act. Indeed, the half-and-half clause is not a self-executing provision. It is a mere pledge as to future appropriations. No payment has been made or could be made under authority of the organic act itself. Nor is there anything in this act which authorizes any release of any obligation of the District to the United States or anyone else. If any such release was then contemplated it was evidently intended by Congress that it should be effected through subsequent legislation. But the fact that no subsequent legislation has authorized any release, at least as to interest advanced during the fiscal years 1877 and 1878, is strong evidence that no such release was ever contemplated by Congress.

The precise question here involved is whether the half-and-half clause of the organic act is retrospective as to payments of interest during the fiscal years of 1877 and 1878. The general rule is that an act is to be construed as prospective only, unless the language employed can not be reconciled with such a construction. Here, however, the language employed admits of no retrospective construction. It is provided—

> To the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of 50 per cent thereof; and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and the District of Columbia.

The use of the future tense is conclusive of the question of whether the half-and-half clause was intended to be retrospective in its operations. The subject matter of this legislation is future estimates, future appropriations, and future levying of taxes upon District property and privileges.

The comptroller refers to the provision of the act of June 20, 1874, which contemplates proportional appropriations by the United States and the District of Columbia toward the payment of interest on the bonds, and it is decided by the comptroller that the organic act "fixed the respective proportional payments of the United States and the District at 50 per cent each." But if the organic act is prospective and not retrospective in its operations, such fixing related only to years subsequent to 1878. Before 1878 the 3.65 bondholders had no right to complain if determination of what should be the proportion of the payments to be made by the United States and the District of Columbia was deferred for several years, provided the obligation to make proportional payments was recognized and provision was made by Congress for the payment of current interest. Such provision was made by congressional legislation, and this legislation not only satisfied the legal demands of the bondholders but also fixed the obligations of the District with respect of these payments. Congress certainly had power to place upon the District such obligation or liability as to the interest payments for the years 1874 to 1878, or for any other period as seemed just to Congress. Congress was empowered to fix one proportion for the years 1874 to 1878 and another proportion for subsequent years. This, in effect, was what was done.

In determining the amount of the indebtedness of the District of Columbia to the United States the comptroller undertakes to make an adjustment of interest payments between 1874 and 1878 on the half-and-half plan. It is not claimed that Congress has expressly authorized any such adjustment. The acts of July 31, 1876, and March 3, 1877 (19 Stats., 106, 346), expressly provided for a reimbursement by the District of Columbia to the United States, and it is frankly conceded by the comptroller that if this question be viewed from the standpoint of these two acts alone the District owes the United States a million dollars. But inasmuch as the two acts are congressional enactments, it would seem that Congress alone could release the liability created by them. It would also seem that any such release would have been expressed by Congress in language at least as plain as that which was employed to create the liability. It should also be borne in mind that whenever Congress has intended that there should be an adjustment of accounts between the District of Columbia and the

United States such adjustment has been provided for by express enactment.

Referring to the acts of July 31, 1876, and March 3, 1877, the comptroller says:

> These statutes were purely provisional and designed to meet the exigencies of the situation by providing a means of payment of the interest on these bonds which fell due before the enactment of a permanent provision for its payment, and payments under them were subject to future proportional adjustment of accounts.

Of course, Congress had power to make such release or adjustment, as between the United States and the District of Columbia, as seemed just and proper to Congress; but the error of the comptroller is in assuming in this part of the opinion that Congress has authorized a "proportional adjustment of accounts," which, in fact, has not been done.

Construing the acts of July 31, 1876, and March 3, 1878, the comptroller says:

> If we isolate and consider alone the legislation of the two fiscal years 1877 and 1878 there can be no doubt that, under the specific requirement of the statutes under which money to pay the interest on these bonds for these years was advanced by the United States, the District was indebted to the United States under the terms of the statutes at the close of the fiscal year 1878 in the amount of $1,003,257.24, and as limited by the submission this is the question which I am called upon to decide.

The comptroller then decides that the organic act of June 11, 1878, fixed "absolutely and finally the respective obligations of the United States and the District with reference to these interest payments from the first interest accruing on the bonds until the last interest payments shall have been made."

The comptroller, therefore, decided that although at the close of the fiscal year 1878 the District was indebted to the United States on account of interest payments in the sum of $1,000,000, the organic act of June 11, 1878, had the effect of releasing a part of this indebtedness or of equalizing all interest payments, past and future, of the United States and the District of Columbia. It will readily be conceded, however, that there is no language in the organic act which expressly authorizes any such adjustment. But was there any such implication? As the District owed the United States $1,000,000 at the close of the fiscal year 1878, any adjustment of this indebtedness by the organic act which reduced the indebtedness would in reality be a partial release of the indebtedness. The comptroller, however, expressly decided that the organic act did not release any part of the preexisting indebtedness, this language being used:

> There is nothing in the organic act which expressly or by sufficiently founded implication remits or cancels any part of the then existent indebtedness of the District either to the United States or to others.

And again the comptroller says:

> The organic act took no account of and made no provision for the payment of any indebtedness growing out of the transactions of the preceding four years between the Government and the District and that condition was permitted to continue for 35 years.

We find, therefore, that neither in the organic act nor in any subsequent legislation has there been a releasing of any part of the indebtedness of the District to the United States existing at the end of the fiscal year 1878. But if there has been no such release and payment has not been made, which is conceded by the comptroller, how can we escape the conclusion that the indebtedness existing at the close of the fiscal year 1878 is still existent? Congress alone would have the right to release an indebtedness of this sort, and the comptroller concedes that Congress has not done so.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield there?

Mr. JOHNSON of Kentucky. I will.

Mr. TRIBBLE. Does the District of Columbia pay for any of the upkeep of these buildings, or part of them?

Mr. JOHNSON of Kentucky. Only to a very limited extent when all are considered.

Mr. TRIBBLE. The Government pays all that?

Mr. JOHNSON of Kentucky. Yes; the Federal Government pays it. The Federal Government paid for and owns LaFayette Park, opposite the White House, and paid for and owns Franklin Square, and paid for and owns Lincoln Park and a number of other parks that I could recount, if I had the time, and for the purchase of which property in the District of Columbia has not been taxed a penny.

Now, answering the question of the gentleman from Ohio [Mr. LONGWORTH], who asked me a question a few moments ago as to the rate of taxation in the District of Columbia, I will say that in a speech which I made in the last Congress I named forty cities in the United States, and set opposite the names of each one of them its rate of taxation. I wish now to reinsert that list in the RECORD, and in connection with it I wish to say that the rate of taxation in Washington is the lowest of them all. Opposite the name of each city I will put its rate of taxation, beginning with the city which has the smallest rate, and go down the list, naming the cities in order as the rate of taxation increases, as follows:

Washington, on the $100	$1.00
Philadelphia, on the $100	1.50
St. Louis, on the $100	1.51
Pittsburgh, on the $100	1.53
Cincinnati, on the $100	1.56
Bridgeport, on the $100	1.65
Chicago, on the $100	1.71
Boston, on the $100	1.72
New Orleans, on the $100	1.72
Milwaukee, on the $100	1.76
St. Paul, on the $100	1.76
Minneapolis, on the $100	1.79
Lawrence, on the $100	1.80
New York, on the $100	1.82
Springfield, on the $100	1.82
Brooklyn, on the $100	1.85
Cleveland, on the $100	1.88
New Haven, on the $100	1.90
Rochester, on the $100	1.93
Lowell, on the $100	1.94
Lincoln (Nebr.), on the $100	1.97
Baltimore, on the $100	1.98
Detroit, on the $100	1.99
Camden, on the $100	2.00
Syracuse, on the $100	2.00
Trenton, on the $100	2.00
Lynn (Mass.), on the $100	2.00
New Bedford, on the $100	2.02
Newark, on the $100	2.02
Fall River, on the $100	2.03
Cambridge, on the $100	2.04
Providence, on the $100	2.05
Jersey City, on the $100	2.12
Grand Rapids, on the $100	2.14
Tacoma, on the $100	2.17
Tiffin, on the $100	2.20
Des Moines, on the $100	2.22
Buffalo, on the $100	2.29
Charleston (S. C.), on the $100	2.50

And yet, after a showing of that kind, which places Washington as the least taxed of them all, there come those here to-day and defend Washington's millionaires from paying tax on their wealth.

The general average paid by the forty cities which I have just named is $1.90 on each $100 worth of property, yet Washington complains of being overtaxed when she pays only a dollar on the hundred.

The special joint committee had a hearing upon that subject. And I wish to have this to say upon that subject:

"The report of the Joint Select Committee on the Fiscal Relations between the United States and the District of Columbia" contains—beginning on page 186, volume 1, Exhibit No. 38—an analysis of municipal taxation of various cities of over 100,000 in comparison with the District of Columbia. This exhibit was prepared under the supervision of a so-called "Citizens Committee" in support of the half-and-half plan of appropriation.

An examination of this exhibit No. 38 shows an ignoring, if not a specific denial, of the self-evident fact that the District of Columbia combines in its government the functions elsewhere separated into State, county, and municipal administrations and receives the same benefits. Thus ignored or denied, the document excludes from the municipal taxes of the cities embraced in its tabulations certain items of contributions to county and State support for the specific purpose of maintaining its argument that the District of Columbia bears a heavy tax in the aggregate and per capita in comparison with the other cities named therein.

Therefore it excludes county expenditures, as follows:

"1. Municipal taxation for general government expense of counties in which the cities are located (p. 192).

"2. Municipal taxation for conservation of health and sanitation of the counties in which the cities are located (p. 193).

"3. Municipal taxation for highways in the counties in which the cities are located (p. 193).

"4. Municipal taxation for interest on the debt of the counties in which the cities are located (p. 194).

"5. Municipal taxation for county outlays of the counties in which the cities are located" (p. 195).

For the same purpose it further excludes State expenditures, as follows:

"6. Taxation for the expenses of the general State government (p. 196).

"7. Taxation for State conservation of health and sanitation (p. 196).

"8. Taxation for State highways (p. 197).

"9. Taxation for apportionment of 'all other' State expenditures to counties and other civil divisions, principally for highways (p. 198).

"10. Taxation for interest on State debts and outlays" (p. 198).

With these exclusions the tabulations are easily manipulated to make a showing favorable to the contention that Washington pays a per capita tax comparable with the average of cities of over 100,000 population.

"But, strangely, the citizens' committee omitted any presentation of the expenditures of cities, particularly of census Group II, in which Washington is included, until their attention was forcibly directed thereto during the hearings. Whereupon, they promised to supply the omission, and did furnish a tabulation near the close of their argument, too late to permit an examination of their presentation by its opponents. (Vol. 2, facing p. 1636.) This tabulation was not of the cities of Group II, but the five cities of Group II, including Washington, and four cities of Group III.

These nine cities, including Washington, with their per capita expenditures, set forth in census bulletin No. 126, for the year 1913, are as follows:

Per capita expenditures.

CITY.

GROUP II.

Milwaukee	$25.38
Cincinnati	37.47
Newark, N. J.	36.80
New Orleans	24.94
Washington, D. C.	35.45
From local revenues	18.79
From Federal subsidy	16.66

GROUP III.

Minneapolis	$33.50
Seattle	44.83
Jersey City	22.33
Kansas City, Mo.	41.48
All nine cities	33.33
All cities over 30,000	32.59
Cities of Group I	37.56
Cities of Group II	39.99
Cities of Group III	28.92
Cities of Group IV	24.15
Cities of Group V	22.87

Mr. LONGWORTH. That is the per capita tax?

Mr. JOHNSON of Kentucky. That is the per capita tax. Now, your city of Cincinnati pays per capita $37.47. Washington has a per capita tax from its local revenue of only $18.79.

Actually, then, the citizens of Washington make less expenditures per capita out of their own pockets than the citizens of any city named by the advocates of the half-and-half subsidy, and less than the average of any group of cities set forth in Census Bulletin No. 126.

So this is the argument and the order which comes to Congress from the advocates and local beneficiaries of the half-and-half subsidy:

You Congressmen from New York City, according to Census Bulletin No. 126, your constituents raised $39.52 per capita in taxes in 1913. You are asked to vote a subsidy so that Washington need raise only $18.79 per capita.

You Congressmen from Chicago, your constituents raised $31.91 per capita in taxes. You are now asked to tax them some more that Washington need raise only $18.79 per capita.

You Congressmen from Philadelphia, your toiling taxpayers raised $24.94 per capita. You are now asked to add to their burden that Washington may escape with only $18.79 per capita.

You Congressmen from St. Louis, your population were taxed $29.86 per capita in 1913. Now, let them pay some more that Washington taxpayers may escape with only $18.79 per capita.

You Congressmen from Boston, Cradle of Liberty and the Boston Tea Party, your sturdy citizens contributed for local taxes $47.10 per capita. Surely they will not mind a little extra taxation that the citizens of Washington may escape with only $18.79 per capita.

Mr. MANN. What figures did the gentleman give as to Washington?

Mr. JOHNSON of Kentucky. I will repeat what I said. A moment ago I said concerning Chicago:

They raised $31.91 per capita in taxes. Now, tax them some more that Washington need raise only $18.79 per capita.

Mr. MANN. I should have to challenge the gentleman's figures. I do not know where he got them.

Mr. JOHNSON of Kentucky. The gentleman will do nothing more than challenge them. He will not disprove them.

Mr. MANN. I know they are not correct.

Mr. JOHNSON of Kentucky. The gentleman is mistaken. They are correct if the census is correct.

You Representatives from Cleveland: Your taxpayers raised only $24.34 per capita. Surely you will not object to helping Washington out with her taxes at $18.79 per capita.

Baltimore with $24.68 per capita, Pittsburgh $38.26, and Detroit with $28.29. How can your Congressmen refuse to aid Washington taxpayers with a little subsidy to keep their burden down to $18.79 per capita?

Those are all Group I cities. Now, dear Congressmen from Group II cities—Buffalo, San Francisco, Los Angeles, Milwaukee, Cincinnati, Newark, N. J., New Orleans, and Minneapolis—your cities averaged only $39.99 in expenditures per capita. Washington has a champagne appetite and a beer income. It raises only $18.79 per capita and wants to expend $35.45 per capita. You vote in favor of having your constituents help make up the $16.66 deficit. You will be highly rewarded. Your names will appear often in the society columns of the Washington papers.

Or the case can be presented in a comparison of municipal indebtedness in 1913:

New York City	$1,177,321,916
Chicago	95,344,355
Philadelphia	117,386,321
St. Louis	25,034,860
Boston	118,666,742
Cleveland	53,027,487
Baltimore	71,410,448
Pittsburgh	61,423,579
Detroit	17,348,286
Buffalo	33,654,772
San Francisco	35,064,936
Los Angeles	43,444,330
Milwaukee	14,252,888
Cincinnati	66,376,079
Newark, N. J.	44,308,700
New Orleans	44,167,875
Minneapolis	23,199,804
Seattle	34,785,209
Jersey City	29,887,847
Kansas City	11,448,915
Washington	9,566,137

At this time the funded debt of Washington is only about $6,000,000.

Now, good Congressmen from all these cities: Your constituents have mortgaged their present and their future and their children's future for the great public improvements which were secured by these enormous bonded indebtednesses. You are now asked to add to their tax burdens whatever is necessary that Washington may be spared the same necessity.

Yet there is a rule of common sense and common justice: A country, a State, or a city is entitled to have expended for its own benefit just what it is willing to raise in taxes or to incur in public indebtedness, and not another dollar, not another cent. If Washington insists on eating nothing but cake, it should be permitted to raise the dough. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN], and I understand the gentleman from Minnesota [Mr. DAVIS] also yields to him five minutes.

Mr. DAVIS of Minnesota. I yield to the gentleman from Texas five minutes.

The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] is recognized for 10 minutes.

Mr. SLAYDEN. Mr. Chairman, I regret very much that I can not have more time to speak about the matter to which I am going to invite the attention of this large and interested audience of Members. While I am not going to speak about the bill which is under consideration, I shall talk about a matter that I think most Members are interested in, because I am going to undertake very briefly—courteously, I hope, but firmly—to resent some slanders that have been uttered against the Texas National Guard.

An editorial that appeared in a Washington paper last Sunday had as its heading, "Poor Showing of the National Guard." I shall not concern myself with that part of it which refers to the National Guard of New Mexico and of Arizona. Concerning those two divisions of this military body now on the border I am not informed.

But I have kept myself reasonably well informed about the Texas National Guard, because their rendezvous is in my home town of San Antonio. But "A poor showing of the National Guard," accompanied by a general attack on the character of these people as soldiers and on their qualities as men is, at least, a fair inference from the remarks that have been made, and these remarks have not been confined to papers in Washington, but have been a conspicuous feature of a number of papers all over the country. There seems to have been a concerted and untruthful attack upon the National Guard or Organized Militia of the States. Now, I would like to ask, in what way has there been a poor showing? And in order that I may answer that question with accuracy, I have jotted down some few things that I have learned from the War Department and from other sources of information.

The testimony of Gen. Albert L. Mills, who is the head of the Militia Division in the War Department, given before the House Committee on Military Affairs when the Army reorganization bill recently enacted was under consideration, disclosed the fact that at the 1915 inspection of the National Guard of the State of Texas there were only 2,236 officers and men in that organization; but less than a year later, Mr. Chairman, approximately 4,000 responded to the President's call. Of this number less than 3 per cent were not inclined to agree to serve in the Army for an indefinite period. Now, let it be remembered in behalf of these men that they have wives and children dependent on their earnings. Many of them have meager earnings at best, and when the head of the family quits working, the bread supply of the family is in actual danger. The people of my State are not paupers, but they are not rich. They nearly all have to work for a living. We have few idlers, few men of leisure in the State.

Now, without knowing the conditions in each case, the peculiar obligations of each man, you and I, Mr. Chairman, and the Members of this House are not in a position to judge of that matter. Let us be charitable, and let us keep our minds on the fact that the whole of the Texas National Guard did assemble on the call of the President, and with a promptness that has caused Gen. Funston, their commander in chief at this time, to speak of them in words of the strongest commendation of their soldierly qualities, their general alertness, and their willingness to do service for their country and to obey the orders of their superior officers. [Applause.] I have here a report from the San Antonio Express of last Saturday of the militia activities of the previous day. It is a satisfactory answer of these critics of the Texas troops:

"The question whether the National Guard of the country can be depended on when needed"—

I am quoting now—

"has been finally and eloquently answered, as far as the Texas troops are concerned," remarked one regimental officer. "There has been a lot of talk that the National Guard could not be depended on in case of war. We have been told in the halls of Congress and in the newspapers that the men would not volunteer and that there was no way to compel them; that the money and time spent training them had all been wasted. The men of Texas were not compelled to enlist in the United States service, and they did not enlist not knowing what they were doing. The effect of signing the muster roll was explained to each man and all entered the service with full knowledge of what it means."

Gen. Frederick Funston yesterday referred to this fact and said that it was a remarkable showing. The general seemed much pleased with the result of the muster.

FEW FAILED EXAMINATIONS.

The medical officers took charge of the men as soon as they were out of the hands of the mustering officers, and examinations were begun. The surgeons were pleased with the high standard of the men, and said that very few would be rejected. All of the companies have been carefully "weeded" of men who were physically unfit at their home stations, and the few rejections resulting from examinations were for diseases contracted since the previous inspection.

The entire brigade was inoculated with typhoid serum yesterday. Several surgeons were detailed for the work, and it was quickly done.

The Adjutant General of the Army, H. P. McCain, told me to-day that he had a telegram in his office from Funston's headquarters, saying that 3,354 men had been mustered into the service up to the hour at which that telegram was dispatched. [Applause.] I think that is doing very well considering that less than a year ago the whole Texas Guard had only 2,236 men in it.

In passing I will say, Mr. Chairman, that after the 1915 inspection the impression spread throughout the State that the services of the guard might be needed, and in a few months it was increased by more than 50 per cent. Does that show any disposition to hang back? Does that show any inclination to dodge a situation that might have some danger in it? Fifty per cent increase! No; that does not show any inclination on the part of these Texans to shirk any duty that may be expected from them, as some of these slanderous newspapers have persistently said.

Now a word as to delay. Some of these Texas guardsmen had to travel 24 hours on fast trains to reach the rendezvous at Fort Sam Houston. Naturally they needed a day or so at home to adjust their personal affairs, and then remember the distance they had to travel. Keep in mind that they are citizens not professional soldiers, and were engaged in all sorts of work and had business ties that could not be broken in five minutes, except in newspaper offices.

The mobilization was ordered on the 9th of May, and on Friday the 20th of May, 11 days later, 3,354 of these citizen soldiers of Texas had been examined by the medical officers and passed, had signed the roll, and then mustered into the service. Any hanging back there as has been untruthfully charged? The transfer of Texas troops commanded by Gov. Fergusson to service with the United States under the command of Woodrow Wilson involved a lot of clerical work which can not be done in a minute, except in some newspaper offices. The enlistment of the physically unfit must be prevented for the general good of the service and for the protection of the Treasury through the needless growth of the pension list.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SLAYDEN. My time is very brief.

Mr. LONGWORTH. I wanted to ask if there is any connection between the Texas Rangers and the National Guard?

Mr. SLAYDEN. Not at all.

Compare this rapid growth of the little Texas army with the vain efforts to enlist 20,000 men for the Regular Army. In about 90 days, with the most extraordinary efforts to get recruits, less than 7,000 men were enlisted for the United States Army under what would almost be considered an emergency call.

Reference was made last Sunday in the newspapers from which I have quoted to some alleged remarks of governors of Texas that if the United States would stand aside and let Texas undertake the job she could handle the border situation. It may be that they did say something like that, Mr. Chairman, but they were individual not official utterances. They spoke for themselves and not for the State.

I am not inclined to boast, but I will venture the statement that if circumstances required it Texas could do so. [Applause.] She does not invite nor does she expect to be given the task. The border is a national as well as a State boundary and the question is international.

Texas will do her duty fully to the satisfaction of the country in the settlement of this question, but she does not expect to prevent raids into the United States with three or four thousand troops, when more than 19,800 Regulars that were on the border on March 9 failed to prevent it on that day at Columbus, N. Mex. There are more than 2,000 miles of border from the Pacific to the Gulf and occasional raids of thieves and murderers have always occurred, and always will, I suppose, as long as the border exists.

A handful of Texans, Mr. Chairman, defeated the Mexicans at San Jacinto and made a great republic out of a Mexican province that had a glorious national existence for nine years and then came into the United States, not as a conquered territory but by courtship, coming in through honorable wedlock and receiving her dower, which is very different from conquest. [Applause.]

Texans distinguished themselves in Mexico in the War of 1845. They made themselves immortal by service with Hood, Terry, and Ross in the Civil War, and I beg to assure you, now that divisions between us no longer exist, you may rely upon them as staunch, loyal, valiant defenders of the Union. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield 35 minutes to the gentleman from Massachusetts [Mr. TINKHAM]. And I want to caution the gentleman to bring himself within the 25 minutes, for I have no further time to yield.

Mr. TINKHAM. Mr. Chairman, I shall not only endeavor to confine myself in debate to 25 minutes of time, but also to the real question before the committee. The question before the committee is the District appropriation bill, with various proposed measures of legislation, and I am here to speak and protest against that measure of legislation which repeals what has been the law since 1878, concerning the fiscal relations of the District of Columbia and the Federal Government, the law which has required that in all appropriation bills since that date the Federal Government should pay half and the District of Columbia should pay half.

Mr. Chairman, the vision in the eyes of Washington, the founder of this city; the vision in the eyes of L'Enfant, the planner of this city, was not the same as that of the joint select committee when it drew its report; nor was it the same as the vision of the honorable Representative from Georgia, who has spoken in support of its report; nor that of the honorable Representative from Kentucky, who has spoken to the same effect, and who desire to see the wise fiscal provisions now obtaining in the District of Columbia abolished, for the abolition of the present equitable arrangement between the District of Columbia and the Federal Government must inevitably lead to a lesser Washington rather than a greater Washington; to a less worthy and magnificent Capital for this great Nation. Had the vision in the eyes of Washington and of L'Enfant been such as the vision of this joint select committee and these honorable Representatives, then Washington would not be here, and if Washington were here it would not be the imperial city that it is to-day.

Mr. Chairman, in discussing the issue now before the committee and the legislation proposed in the appropriation bill, which is based upon the report of the joint select committee, I desire to bring your attention closely to the report. It is one of the most curious and extraordinary legislative reports that

has ever been brought to my surprised attention. The joint select committee was directed by the Sixty-third Congress what it should do in the following language:

To submit to Congress a statement of the proper proportion of the expenses of the government of the District of Columbia, or any branch thereof, including interest on the funded debt, which shall be borne by the said District and the United States, respectively, together with the reasons upon which their conclusions may be based.

The joint select committee was directed specifically to report the proportion of the division of the expenses between the District of Columbia and the Federal Government. This was their sole function and only direction. It has not reported any proportion, as directed. It has merely reported in doubtful language that there seemed no longer any need of the so-called half-and-half plan. I therefore submit to the committee that the joint select committee has not conformed to the directions of the Sixty-third Congress. When, in 1878, a somewhat similar committee was appointed to fix the fiscal relations between the District of Columbia and the Federal Government the very same directory words were used as were used by the Sixty-third Congress—in fact, the exact words—and this committee in 1878 did as it was directed, and, as it should, found the proportion. Now, I submit, Mr. Chairman, that the joint select committee has not done what it was directed to do, nor has it done what, by precedent, its predecessors did. In discussing the joint select committee's report I do not challenge any of its findings of fact, but I do maintain, first, that it did not do as directed by the Sixty-third Congress, and, second, that the reasons given in its report are inconclusive and, in fact, would support the maintenance of the present half-and-half plan rather than its abolition.

The committee finds, on page 14 of its report, that the assessment of the property in Washington is fair and the rate of taxation is reasonable, and that, therefore, the Nation is not being asked for an unfair contribution under the present law. This important finding of fact needs comment, as it completely refutes the statements made in the Sixty-third Congress which brought about the appointment of the joint select committee, which, in turn, has led to the change in fiscal relations recommended in the present appropriation bill. Sensational claims were made that property was undervalued and that the tax rate was not fair. Had these claims been known to be untrue, the joint select committee would never have been appointed and there would have been no proposal to change the equitable relations now maintained between the District of Columbia and the Federal Government. This committee should take into consideration this important finding of fact in their deliberations, for if it finds that the very basis for the appointment of the committee has been destroyed, it means that the very reasons for the proposed abolition of the half-and-half plan were unfounded and the committee should seriously hesitate to adopt a new, indefinite plan of appropriations, which many believe will be destructive to the development of Washington along the lines it has developed in the past—grandly, graciously, and wonderfully.

Mr. Chairman, on page 11 of the committee's report the committee finds that more and more land is being acquired by the Federal Government and that more and more land in the District of Columbia will be acquired for the Federal Government in the future. They also find specifically that the so-called half-and-half plan has been fair both to the Federal Government and the District of Columbia in the past. If this plan has been fair in the past and more and more property is being exempt from taxation by being taken by the Government, then how can it be claimed that now or in the immediate future the half-and-half plan will be unfair, except that the District of Columbia will be called upon for a greater proportion than is its fair share? Is it not rather possible that the half-and-half plan to-day is unfair and that the Federal Government should contribute more rather than less, not only now but in the future? In any event, the half-and-half plan is not unfair to the Federal Government, and should be maintained, as is the wish of the residents of the District of Columbia.

At the conclusion of the report of the joint select committee, on page 15, it says "that Congress shall pursue a definite policy of regular and liberal appropriations." If the legislation in the appropriation bill is adopted, this committee will be adopting an indefinite policy in place of a definite policy. The present measure calls for a definite contribution from the District of Columbia, with a certain tax rate, but the contribution of the Federal Government is left uncertain. I ask that the recommendations of the committee be ignored and that the half-and-half plan be maintained as definite and the proposed legislation be defeated as indefinite. Under the half-and-half plan the appropriations are regular; under the plan proposed in the appropriation bill appropriations will be irregular.

So far as liberality is concerned, the very first application of this new indefinite policy shows that it will result in illiberality and parsimony.

Mr. RAINEY. Mr. Chairman ——

Mr. TINKHAM. I must decline to yield, as I have but a short time to say what I desire. Under the operation of the proposed new indefinite system as opposed to the definite system of the half-and-half law now maintaining, we have before us a bill which is less in amount than a number of the other District appropriation bills of the past. The largest appropriation bill in the past was made in 1915, when the appropriations were $12,252,000; the next largest was made in 1912, when the appropriation bill was $12,061,000; the third largest appropriation bill was in 1916, when the amount appropriated was $11,949,000. All of these appropriation bills were passed under the half-and-half plan. The present bill calls for an amount less than either of these, and is the first production of the new proposed policy. Is there wonder that those who believe in liberal appropriations for the National Capital and a magnificent future for it should feel that an unsound course is being pursued in the abolition of the present beneficent and fair adjustment between the obligations of the Federal Government and the District of Columbia. It may be said that the bill is not finished, and that there will be material additions to its appropriations, but the naked fact is that there is not going to be as liberal appropriations as there were in some of the bills in the past, and therefore that the final conclusions of the joint select committee are not being carried out by adopting the proposed plan.

I want to bring the attention of this committee to the fact that in the very language of the report of the joint select committee it is left in much doubt whether it really intends to recommend finally and conclusively the abolition of the half-and-half plan. The report says, on page 11, "but we think." That is not a word of assertion or an imperative word. "We think"—meaning, perhaps, that they may be in doubt "conditions of to-day and of the few years last passed are so different from the conditions of 1878 that this arbitrary rule, a rule at that time of seeming necessity, need no longer be applied to District appropriations." The committee merely makes a suggestion that it may not be needed; that perhaps it is not needed. If it had desired to recommend the abolition of this so-called arbitrary rule it could and should have used the word "should" in place of "need;" but they did not. This statement leaves Congress without the guidance of the joint select committee to determine whether it is well or not to abolish the half-and-half plan. Its recommendation can only be said to squint in the direction of its abolition. This should be taken into serious consideration by those who may be doubtful as to the advisability of the proposed drastic action.

Mr. Chairman, commenting upon the first product of the proposed new system, let us look again to the present bill. It calls for an appropriation from the District of Columbia of 70 per cent and 30 per cent from the Federal Government. I ask you whether that is fair? I ask you if the Federal Government has not at least a half interest in the District of Columbia? Is there an honorable Representative upon this floor who desires to say to his constituents or to the Nation, that the United States has less than 50 per cent, less than a half interest in the District of Columbia?

Mr. Chairman, on the question at issue I want for a moment to invoke the history of the past, and I believe that the past is the best guide for the future. There was once an indefinite plan of appropriations for the District of Columbia, just such a plan as is now proposed, and that indefinite plan called upon the District to appropriate what it could and the Federal Government would make up the deficit. That plan was in operation from 1800 to 1878. The result of that plan, which plan was similar to the plan herein proposed, was a bankrupt city; a city of which all Americans were ashamed, and a situation which was such a scandal that Congress was called upon by the Nation to apply a cure. As a result, after great deliberation, in 1878 a definite plan for regular and liberal appropriations was evolved, which plan is the plan known as the half-and-half plan, and which is yet the law. If the past can give any guidance for the future, then this committee should not adopt the proposed indefinite plan, but should maintain the present definite and fixed one. The fundamental and vital trouble with the report of the joint select committee, one that can be seen from its language and its reasoning is that the committee takes the view that Washington is first an American city and afterwards the Capital of the United States. It therefore gives its attention, first, to what Washington shall contribute and then what the Federal Government shall contribute. This process of reasoning is narrow, wrong, parochial, and unpatriotic. The committee should first have considered Washington as the National Capital and

then as an American city, and have asked the question, first, What shall the Federal Government contribute? and then, What shall the District of Columbia contribute? I ask the honorable Representatives who strongly oppose the half-and-half plan how they explain the fact that this very Congress has already made an appropriation for a bridge across the Potomac, half of which is to be paid for by the Federal Government and half to be paid for by the District of Columbia. Why was that proportion fixed, if it was not fair, if it was not just?

The only answer can be that it was the sense of this Congress that the proportion was fair and equitable. If this proportion was fair and just in relation to a bridge, why should it not be fair in relation to the maintenance of a street, the building of a school, or the construction of a fire house? Why should this proportion not be fair in relation to other expenses of the District of Columbia. The chairman of the Appropriations Committee has just assented to an amendment to the bill by which the interest and sinking fund of the debt of the District of Columbia should be paid in a proportion of half by the District of Columbia and half by the Federal Government. If he feels that this is a fair proportion to pay upon the debt, why not upon the general expenses for the maintenance of the District? Every American city makes an appropriation for the interest and sinking fund upon its debt, and it is made upon the same basis that all of its appropriations are made for general maintenance. When you say that the debt of the District of Columbia shall be paid for, 50 per cent by the Federal Government and 50 per cent by the District of Columbia, you are asserting beyond denial that the principle of half payment by the Federal Government and half payment by the District of Columbia is right, but you refuse to apply the principle further than the debt. This is a complete contradiction in terms and in principle. An honest search shows the absurdity of the committee's reasoning and its confusion of ideas and its confusion of sound with unsound principles.

Mr. PAGE of North Carolina. Mr. Chairman——

Mr. TINKHAM. Mr. Chairman, I can not be interrupted.

The CHAIRMAN. The gentleman declines to yield.

Mr. TINKHAM. Let us reason this question from a different point of view and with more philosophy. The fundamental difference between Washington and any other city of the United States is, first, that Washington does not tax itself or make its own appropriations, but that those are imposed by Congress; and, second, that Washington is a capital city with all that that implies—broad streets and avenues, much property dedicated to public uses all withdrawn from taxation, and laws prohibitive to the development of manufacturing establishments. From these facts must inevitably follow a different treatment of fiscal policies to the treatment of such questions in any other city of the United States. No fiscal system should allow of any uncertainty, or at least the uncertainty should be reduced to a minimum. Appropriations from year to year should be systematic and orderly. In the District of Columbia, as the appropriations come not only from the National Treasury but from the tax revenue of the District of Columbia, it is necessary in order that the progress of the Capital may continue in an orderly and systematic manner that there shall be a definite apportionment between the contribution of the National Government and the contribution of the District of Columbia, so as to insure a sufficient amount of money for public purposes without inflicting unjust taxation upon the people of the District of Columbia, and to that end a definite apportionment should be made. In practice the so-called half-and-half plan, although arbitrary, has worked well.

Where two people are to make a contribution for certain continuing purposes and the one's contribution is fixed and the other may give from time to time what his whim and caprice may allow, the inevitable result is trouble, injustice, and inequity. To obviate any such difficulties mathematics, as part of human machinery, is invoked and some definite proportion settles the problem. This should be done in settling the fiscal relations of the District of Columbia to the Federal Government. It might well be said that Congress should set a standard and safeguard for itself so as to put a restraint upon undue economy or undue extravagance. The theory upon which the Capital was founded was that all expenditures would be for the benefit of the whole people, that the District of Columbia was the child of the Nation, the creation of the Union for its own purposes, and that Congress in making laws for the District of Columbia was a body acting for all the people of the Nation. Washington should be protected against arbitrary rule, and it has been said by one of our greatest modern statesmen that the half-and-half plan was a protection for the District of Columbia against the abitrary rule of Congress, no matter how well Congress might be disposed toward the District of Columbia.

A beautiful Washington spreads its splendor before an admiring Nation. Its beauty and its grandeur are the result of wise and beneficent laws, and those laws should not be changed without convincing proof and without irresistible evidence that Washington will be made a greater and more worthy Capital of this great Union of States. The joint select committee has not adduced this proof, nor has this evidence been submitted in this debate. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, within the five minutes which I have been given to discuss this question, and one that has commanded the attention of every Congress since I have been here, I will not be able to give all the thought I have to it; but I want to say that I am in hearty accord with the gentleman from Massachusetts [Mr. TINKHAM], and I am glad to say that my home State of Pennsylvania is in full alignment with the idea of public development and improvement that Massachusetts has always been.

Now, what is Washington? We saw yesterday the distinguished leader of the Republican side propose that we should grant franchise to the colored women of Porto Rico. No franchise is given to even the mates of Washington, yet the National Government has control of all the property. It can preempt every avenue and every alley. It has full charge and full control and direction of the entire District of Columbia, and yet none are allowed to vote, and I understand now it is proposed to tax them 70 per cent of the total levy within the District.

My friends, it is a matter of common decency and patriotism that since we are to consider and undertake to follow out the designs of George Washington and his French engineer and make this the show place, not only of the country but of the Western Hemisphere and the world, the Government should at least largely share in the outlay and burden of support.

But we find it is proposed by this committee that the residents of the District of Columbia shall pay the greater share of the expense of governing the Capital City. The residents of the District of Columbia comprise whom? Largely shopkeepers, boardinghouse keepers, clothiers, tobacconists, and barbers, and a few in many instances poorly paid Government employees, and these people are called upon to help make this the world's most beautiful city and support it for the pleasure of winter visitors and transient Congressmen.

It is true, as alleged, that there have been land sharks here. Yes. We could even point to former Presidents who have been in land speculations and to Congressmen and to other public officials, so that if land sharks have come here, it is probably due to the example set them by men in the official life of the Federal Government.

But my surprise was greatest when at a hearing it was stated by people competent to know that in this great National Capital the children of some of the schools do not have free school books. I was further surprised when I saw the arrangement of some of the schoolhouses which I visited. I was more than ever astounded when I was told that much of this was due to the inefficiency and incompetency of those who undertake to direct the city affairs, and who in large part have charge of the construction of some of these buildings. And to-day we have the admission that hospitals are not ample to accommodate the sick of the District.

Think of that for a minute! In the National Capital of a Government like this, a Nation that has the revenues of any half dozen empires of the world, and yet is so parsimonious as not to take care of the school children and the feeble and the ill of the District.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. No, sir; not now; in five minutes.

I sincerely trust, Mr. Chairman, that there will be a broader and more magnanimous spirit exhibited toward this city. If there are any sharks, as alleged, wipe them out, and when you wipe out the land shark, wipe out also the illegal loan shark, and for the credit of the Nation, for the credit of this committee and of Congress, also wipe out the Chinese and other cheap joints which decorate the Avenue right before the Goddess of Liberty. [Applause.] Until we do that, my friends, it will not be for us to legislate and extend the franchise to Porto Rico and the Philippine Islands. We have plenty to do within a square of this great Capitol of our country. And so let us, from the North and the South, from the East and the West, feel that this is the great Capital City of our great country. Let us realize that the people of the country differentiate between a great Capital City of

beauty and convenience as against great commercial and industrial cities like Philadelphia, Pittsburgh, and New York, where wealth abounds and property values have no limit. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield one minute to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. GARD].

The CHAIRMAN. The gentleman from Ohio [Mr. GARD] is recognized for 15 minutes.

Mr. GARD. Mr. Chairman, as a member of the joint select committee which took up the question of the fiscal relations between the District of Columbia and the General Government, I desire to reply more immediately to the prepared and contributed remarks of the gentleman from Massachusetts [Mr. TINKHAM].

Certain complaints are found with the report of the Committee on Fiscal Relations, and these I shall discuss. In the first place, it is said that the committee has not done that which the House intrusted it with doing; in other words, that it has not fixed a proportion of demand contribution.

Gentlemen of the committee, in the consideration of the trust which was given to this joint select committee by the Senate and by the House of Representatives, there were two things which we considered. The first was the payment of the interest and the principal upon the funded debt. The second was the question of the proportion to be paid for the expenses within the District of Columbia by the residents thereof.

The committee made a finding that under the existing law, the law which authorized the issuance of the so-called 3.65 bonds which constitute the whole of the funded debt of the District of Columbia, under the continued practice of the years, under the rulings of at least two different Comptrollers of the Treasury, and in full justice to the holders of the bonds, the residents of the District of Columbia and the residents of the General Government outside of the District of Columbia, that the proportion of half and half should obtain.

Therefore, I suggested on yesterday to the chairman of the subcommittee of the Committee on Appropriations in charge of the District of Columbia appropriation bill that the language of the pending bill was not in accord with the finding of the Joint Select Committee. The chairman of the subcommittee has accepted my suggestion and will incorporate an exception, paying "half and half" the funded debt of the District of Columbia. This is because, as I said, an existing law authorized the issuance of the bonds, has carried them down through the years, and that existing and particular law should continue until the payment of those bonds. The city of Washington, I think, is most fortunate in this respect, for of these 3.65 bonds, which compose its entire debt, only about $6,000,000 remain unpaid, and this is to be paid at the rate of about $675,000 per year, so that in 1922 or 1923 the city of Washington will have no debt of any kind, no funded debt or any other sort of debt, but will be a municipality free from any and all indebtedness.

Now, in the consideration of the other question referred, the committee found that there was no necessity of determining any proportionate contribution between the residents of the District of Columbia and the residents of the United States outside of the District of Columbia, but did find that the responsibility of the residents of the District of Columbia should be fixed definitely and absolutely; therefore it was the finding that, just as the residents of New Orleans and just as the residents of New York and of Boston and of Cincinnati and other cities do, so the residents of the city of Washington or of the District of Columbia should return a fair and reasonable amount in taxation, and that that should be their contribution to the government of this city and of this District, and that with that contribution their responsibility should end.

I do not know that the language in the bill is most happily chosen with regard to the finding of the joint select committee, since the finding in effect was this, that the residents of Washington should pay a reasonable amount of taxes into the Treasury of the United States, that this entire amount should remain in the Treasury of the United States as a credit to a special District fund, and that this fund should be used for the maintenance of the government in the District of Columbia, and for no other purpose.

With that idea in mind, it followed that there was suggested a definite and fixed responsibility and that in so far as the residents of this District were concerned there could be no greater apportionment of municipal expense against them. Their responsibility was fixed, was definite, and was certain. That was in the minds of the committee, because the committee not alone found it impossible to determine any positive proportion, but under their thought it was unnecessary, as is stated in the language of the report:

> In seeking to apportion benefits resulting to the General Government and to the citizens and residents of the District of Columbia, it is manifest that no fine or rule of distinction can be found.
>
> The expenditures of the District of Columbia are for police and fire protection, education, sanitation and health, charities, correction and reform, the care of the insane and the poor, and in each and every one of these specific items of expense both the General Government and the District of Columbia are benefited, but the ratio of benefit is impossible to determine and, under our thought, unnecessary.

There can be no doubt, gentleman of this committee, that the power conferred upon this select committee to determine the proportionate amount of contribution contained the general power of informing the House whether or not any proportionate contribution could be authorized by the evidence. This committee was in session for two months, and we heard very carefully every one who presented himself to give information as to the state of affairs within the city of Washington and the District of Columbia. I am very happy to say that a great contribution of information was afforded by the representatives of the citizens' committee of the city of Washington. They had a very carefully prepared brief which was filed with the committee, and which the committee studied, and they had the information from the most representative men in the city of Washington, touching the question of the contribution, if any, which was to be made by the residents of Washington and the General Government. We approached this question with a full realization that the city of Washington is the capital of the greatest Nation on earth, and for one I believe that the city of Washington should be maintained in all its departments as the model municipality of the world. The city of Washington is to-day one of the most beautiful cities in the world, and it should be made increasingly beautiful. Therefore it was the idea of this committee that the appropriations, which necessarily are yearly, should be regular, should be systematic, and all operate toward the end that the city of Washington should become the model of all municipalities of the United States of America.

It is indeed unfortunate that the gentleman from Massachusetts [Mr. TINKHAM] has chosen to say in his speech that the action of the Subcommittee on Appropriations is in direct violation of that which the select committee has found, when he seeks to convey to the House his idea that in this bill there is a relative contribution of 70 per cent by the residents of the District of Columbia and 30 per cent by the General Government.

In addition to the amounts which are carried in this appropriation bill, the gentleman from Missouri [Mr. LLOYD] this morning very aptly gave the information that in the sundry civil bill are carried $2,000,000 additional; so, instead of $3,000,000 being contributed, somewhat over $5,000,000 are now being contributed by the General Government to the maintenance of municipal affairs within the District of Columbia. But, independently of that, it was not the idea of the select committee, nor is it the idea of this subcommittee, to report any authorized proportion, either 50-50 or 60-40 or 70-30, but only to find, as the select committee has found, that the only contribution which the residents of the District of Columbia should be called upon to make is a fair, reasonable, and honest response to taxation; that when they have made that response then their duty and their responsibility as residents of this District must cease, and that whatever is necessary for the continuation of the activities of this Capital, the carrying on of all its municipal expenses, shall devolve upon the General Government whose Capital it is. So that it is not now for the Members of this House to be assailed with the expressed idea that the 50-50 contribution has been abandoned and in its place has been substituted a 70-30 per cent contribution.

Mr. TINKHAM. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. GARD. Very gladly.

Mr. TINKHAM. I desire to ask the honorable Representative from Ohio if, in explicit language, the committee were not requested to find a proper proportion, and I desire to ask if they have found any proportion?

Mr. GARD. I explained that just a moment ago. If the gentleman had been in the Hall, doubtless he would have heard my explanation. I read from the report of the select committee that the committee found that all of the assembled things

which are necessary to carry on a city and necessary to carry on the city of Washington and the District of Columbia were impossible to be apportioned between the citizens of the District and those of the General Government, and therefore we found that the only responsibility which these people of this District should have was a fixed and certain responsibility in taxation.

I am of those who believe in the continuation of improvement of Washington as a typical modern city, as the model city of the world, and I therefore believe in all necessary playgrounds and parks. I believe, as does the gentleman from Wyoming [Mr. MONDELL], in the beautification and improvement of the river front. I believe, too, in the authorization of money for the building or improvement of a municipal hospital. I believe in all of these things, because they mean the development of Washington as a truly capital city, as the representative city of this great Government. But in every respect I think that the residents of Washington may fully rely upon this Congress and succeeding Congresses of the United States to maintain Washington as a city beautiful in every way as should be maintained the Capital of our Nation. [Applause.]

The CHAIRMAN. Debate having expired, under the unanimous-consent order the Clerk will read the bill under the five-minute rule for amendment.

The Clerk read as follows:

> *Be it enacted, etc.*, That hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues and amounts to pay the interest and sinking fund on the funded debt of said District shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated.

Mr. PAGE of North Carolina. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. PAGE of North Carolina: Page 1, line 6, strike out the word "and" and insert the word "except."

Mr. PAGE of North Carolina. I merely want to say for the benefit of gentlemen who were not in the House when I mentioned it earlier this morning that this amendment is in order to except from the provision of this paragraph the sinking fund and bonded debt and interest thereon, and in another place in the bill I shall offer another amendment to make it payable half from the revenue of the District and half from the Federal Treasury.

Mr. MANN. Mr. Chairman, it has been a good while since I have read the report of the joint commission, and I do not know that I have ever read it very carefully, but my recollection is, refreshed from what I have heard to-day, that the commission recommended that the funded debt be paid half and half, the proportions otherwise being paid first out of the District revenues and the balance out of the National Treasury.

Mr. PAGE of North Carolina. That is my understanding of it.

Mr. MANN. Am I correct, I will ask the gentleman from Ohio?

Mr. GARD. As expressed possibly not exactly correct, but the substance of it is true.

Mr. MANN. As the gentleman from North Carolina said this morning, it was a mere matter of bookkeeping. Of course, it is absolutely immaterial what fund the funded debt is paid out of, after you provide that the District revenues shall be wholly absorbed in some other way, the balance is to be paid out of the Federal Treasury. I am very much surprised that such a distinguished joint commission as was appointed should have made a distinction between the method of paying the interest and principal of the funded debt and the other expenditures of the District, because in the end it does not make one cent's worth of difference. It will add a little to the bookkeeping cost to accept this amendment. The District revenues will all be expended in some way, and the balance will be paid out of the General Treasury. To say that a particular item shall be paid one-half out of the Treasury and one-half out of the District revenues is only to add to the expense of somebody. How a joint commission composed of such eminent gentlemen could have brought in a report making this distinction, which an ordinary bookkeeper, getting $75 a month, or even $50 a month, would have known better, really beats me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I have not taken any time in general debate on this bill, although I have been very much interested in the subject of fiscal relations of the District since my first service on the District Committee eight years ago. I became convinced then that the half-and-half plan had been outgrown; not only that, but actually became an evil both to the Government and to the District.

At the time the half-and-half plan was adopted in 1878 the District, in common with many other American municipalities, following the era of extravagance after the Civil War, had become enormously involved in debt and was totally bankrupt. It was necessary for the Federal Government to maintain a Capital here and conduct the operations of the city government. The cost was not material at that time for it was less than half a million dollars. So that the fact that the Federal Government contributed 50 per cent and 50 per cent was raised by taxation in the District was a mere hasty and arbitrary division of the expense. But since that time, under the fostering care of the Federal Government, the value and amount of private property of the District has increased enormously, until to-day, with only 15 mills on the dollar taxation, the District raises $8,000,000.

If the arbitrary requirements of law compelled the Federal Government to contribute dollar for dollar we would have to contribute $8,000,000, making a total of $16,000,000 for governing the District, which is more than is needed. Therefore the time has come when the half-and-half principle has broken down of its own weight.

This proposition simply is that the private property in the District pay 15 mills on the dollar, which no man will contend is an excessive amount for city property, and that this shall first be applied to its own local purposes. If that is not a fair business proposition, I would like to see one. Then we go further and say that, regarding this as the National Capital, if Congress imposes a higher cost of administration than the city needs the Federal Government shall meet the excess. In addition to that, there are a great many other things which in other cities the cities would have to provide—like the park system, the monuments—the great deal which goes to the beautification and attractiveness of the city, is supplied by the Federal Government without expense to private property.

No man will contend that private property here ought to pay a less rate of tax than private property in other cities. I do not think it can be contended that 15 mills is an excessive rate of taxation for a city of this size and governed as it is.

But the worst feature of the half-and-half principle is that it has become the shelter of tax dodgers. It is impossible, as long as this half-and-half principle exists and the 15 mills real estate tax will raise $8,000,000, to increase the tax burden of the District. You can not raise a saloon license in the District of Columbia without taxing the Federal Treasury an equal amount. That is a plain absurdity.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. There is another disagreeable feature about this thing which lurks behind the demand for the repeal of the half-and-half clause. Under the present fiscal system no taxes are levied on intangible wealth, and thus this city has become the center of intangible fortunes. All you have to do is to go to the probate records and find them. This man Post, who manufactures the breakfast foods, or did until he committed suicide, was a legal resident of the District of Columbia. Why? Because he had $31,000,000 intangible property and $210,000 real estate. On his $31,000,000 he did not pay a penny to the District of Columbia; he did not pay anything, because no law provided for it. And to the State of Michigan he did not pay a dollar, because he was not a resident of that State. I could name 100 such cases. We can not tax intangible property while the half-and-half plan is in existence, because if we raise $8,000,000 under the present plan, $16,000,000 is more than we need, and if we tax intangible wealth and raise $3,000,000 or $5,000,000 more, making a total of $13,000,000 raised in the District, we would have to double that and make it $26,000,000 out of the Federal Treasury.

We need not increase the taxes on the small home owner or the small merchant, who pays the bulk of the taxes now. But there is a vast amount of untaxed wealth in the District that knows it may be taxed if the half-and-half plan is abolished.

So you see it operates as an automatic check upon the taxation of intangible property or accumulated wealth in the District of Columbia. Now that is the whole secret; that is the whole story in opposition to the repeal of the half-and-half.

Mr. FESS. Will the gentleman yield?

Mr. BORLAND. In just a minute. I desire to present one more point. Not only that, but there is no law in the District of Columbia for the taxation of inheritance, and yet there is a

law in New York and almost every other State in the Union. A man who comes here finds that his fortune is exempted from inheritance tax.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BORLAND. In a moment.

Mr. COOPER of Wisconsin. And yet a special committee wrote it in its report.

Mr. BORLAND. Of which I think the distinguished gentleman was a member. An inheritance tax ought to be levied here. If it produces three or four million dollars, as it certainly would, that would tax the American people three or four million dollars under this arbitrary system of the half-and-half plan. So before you can abolish tax dodging in the District of Columbia, which certainly is enjoyed here, and no man has lived here any length of time without seeing it, you must provide that the taxes raised in the District of Columbia shall first be applied to local purposes. Now if there is anything unfair in that proposition that the taxes upon private property in the District shall first be applied as far as they may be to the local government of the District, I am utterly unable to see it.

If we were to provide that the taxes should be raised until they absorbed the running expenses of the Government, there might be some objection that we were unfairly taxing the property here in the District of Columbia, and yet I am not at all sure, with the enormous accumulation of private wealth in the District, drawn here by the police protection, the beautification, and the other advantages of the city, I am not sure but what the private property here ought to contribute a higher rate of taxation than it does contribute at the present time. But no such proposition is involved here. The rate of assessment remains the same, 15 mills on the dollar on real estate and tangible personality.

Mr. FESS. Will the gentleman yield?

Mr. BORLAND. I do.

Mr. FESS. Under what authority is this estimate for 1917 made?

Mr. BORLAND. Under what authority?

Mr. FESS. Yes. Is that Congress——

Mr. BORLAND. No; it is made up by the District Commissioners.

Mr. FESS. And the District Commissioners are subject to whom?

Mr. BORLAND. The District Commissioners are appointed by the President of the United States, one of whom must be an Engineer officer of the Army.

Mr. FESS. Subject to the Federal Government.

Mr. BORLAND. Subject to the Federal Government.

Mr. PAGE of North Carolina. I understood the gentleman from Ohio to ask how the estimates were made up. The commissioners submit the estimates to the Secretary of the Treasury as are all other estimates.

Mr. FESS. The allowance or recommendation is three and one-half million dollars less than they estimate?

Mr. BORLAND. Yes.

Mr. FESS. Now, the only question with me is whether the authority making up the estimates and the authority acting upon the recommendation might not, in order to relieve the Federal Government of certain expenses, cut down the recommendation so as to relieve it of this burden and still not harm——

Mr. BORLAND. I see the point the gentleman has in his mind. I want to say to the gentleman that my experience——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman have at least one minute or two minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Missouri may proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. I have believed, I want to say to the gentleman from Ohio, that the half-and-half plan has had the effect of raising a great deal more revenue by doubling the amount of the District revenue out of the Federal Treasury, and the commissioners in times past made estimates a great deal more expansive than they would have made if they were expending simply the money of the District.

Mr. FITZGERALD. I will say at times they made estimates sufficient to absorb all the estimated revenues of the District regardless of the necessity.

Mr. BORLAND. I think that is true, as the chairman of the Committee on Appropriations says. That is the natural desire, but irrespective of that we always take the estimate simply as a basis for the hearings, and if we find the estimates are not justified on the facts stated we cut them down, and that is true, I think, concerning all the estimates of the other departments of the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. Mr. Chairman——

Mr. PAGE of North Carolina. Mr. Chairman, before the gentleman from Illinois proceeds I would like to find out if we can not reach an agreement as to time of debate on this particular section. I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

Mr. MANN. Mr. Chairman, I am perfectly willing if the gentleman wants to postpone consideration of this and preceding paragraphs until to-morrow and that we go ahead and read the bill; otherwise I would not be willing to close debate without letting the Members of the House know about this being under consideration. Why not put this over?

Mr. PAGE of North Carolina. Mr. Chairman, I do not know; I think the Members of the House were rather put on warning this morning, and I do not see why we should not dispose of these matters as we go along.

Mr. MANN. I am only making the suggestion; it is immaterial to me.

Mr. PAGE of North Carolina. I have no desire to unduly cut off time.

Mr. MANN. Otherwise I will try to get a quorum of the committee here.

Mr. PAGE of North Carolina. Mr. Chairman, was my request objected to?

The CHAIRMAN. The Chair has not yet put the request. The request of the gentleman from North Carolina is that all debate close on this paragraph and all amendments thereto in 10 minutes. Is there objection?

Mr. MANN. I object.

Mr. DAVIS of Minnesota. Mr. Chairman, I object also because the gentleman from Massachusetts is preparing an amendment in effect striking out the first two sections of the bill and substituting the old law. Hence 10 minutes' discussion seems to me to be rather limited.

Mr. PAGE of North Carolina. Has the gentleman any suggestion as to how long we shall spend in debate on this paragraph? I would like to reach an agreement.

Mr. MANN. The gentleman knows perfectly well a vote on this will not be had without having more Members here. Why does not the gentleman go ahead with other matters in the bill and let this go over? There will certainly be more Members here. I will not be satisfied for a vote without getting a quorum.

It would save time, in my judgment, for it to go over.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent that this first paragraph of the bill——

Mr. MANN. The two paragraphs. They are both involved.

Mr. PAGE of North Carolina. All affecting this one subject—down to and including line 10, on page 2—may go over until Thursday morning, to be taken up the first thing at that time. I ask unanimous consent that that be done.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that further consideration of the first two paragraphs, running down to and including line 10 on page 2, be postponed until Thursday morning after the convening of the House. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Office of corporation counsel: Corporation counsel, $4,500; assistants—first $2,500, second $2,000, third $1,800, fourth $1,500, fifth $1,500; stenographers—one $1,200, one $840, one $720; clerk, $720; in all, $17,280.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving a point of order, I would like to ask the gentleman from North Carolina, who has the bill in charge, what increases of salary there are in this section?

Mr. PAGE of North Carolina. We increased the second corporation counsel from $1,800 to $2,000, the third assistant from $1,600 to $1,800, and there is one new employment of a clerk at $720.

Mr. JOHNSON of Kentucky. Still reserving the point of order, I would like to ask the gentleman if he does not think it would be best—in fact, if it is not necessary—to amend this paragraph of the bill, to make provision against the corporation counsel or any of his assistants taking as an addition to their compensation part of the costs which are taxed in a suit. For instance, I now hold in my hand a check by which a litigant with the District of Columbia paid the costs. Part of the costs taxed in the suit amounted to $10 for attorney's fee. One of the assistant corporation counsel appropriated that fee to himself, and I am advised that that is done constantly notwithstanding that it is contrary to law so to do.

Mr. PAGE of North Carolina. I was going to ask the gentleman if there is any provision of law by which this corporation counsel is not guilty in such a case as that?

Mr. JOHNSON of Kentucky. No; but I believe if this paragraph were amended to prohibit them from appropriating this part of the funds it would prevent their doing so in the future.

Mr. PAGE of North Carolina. Does not the gentleman think it would possibly be better to put in a provision here specifically saying that they should not have the fees, in face of the fact that it is compensation under the law and they have no right to collect the fees; that he might put the evidence, if not before the corporation counsel, if they are guilty, but some other official of the District of Columbia under the law as it now exists?

Mr. JOHNSON of Kentucky. I believe the simplest way would be to put the amendment here providing that they should not appropriate any part of the cost taxed. If the gentleman will agree that this paragraph be passed, so that I may have a little time in which to prepare an amendment, I will do so. I would like to reserve my point of order, so that if we do not get a satisfactory amendment I can make a point of order to it.

Mr. PAGE of North Carolina. I ask unanimous consent that this paragraph be passed over for a few moments and that we may revert to it later on.

The CHAIRMAN. The gentleman from North Carolina [Mr. PAGE] asks unanimous consent that the paragraph be passed over for a few moments so that the gentleman from Kentucky may prepare an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Municipal architect's office: Municipal architect, $3,600; engineering assistant, $2,400; superintendent of construction, $2,000; chief draftsman, $1,800; draftsmen—one $1,400, one $1,300; heating, ventilating, and sanitary engineer, $2,000; superintendent of repairs, $1,800; assistant superintendent of repairs, $1,200; boss carpenter, boss tinner, boss painter, boss plumber, boss steam fitter, five in all, at $1,200 each; boss grader, $1,000; machinist, $1,200; clerks—one $1,200 (including one now paid from lump-sum appropriations), one $1,050, one (office of superintendent of repairs) $1,000 (now paid from lump-sum appropriation), one $720; copyist, $840; driver, $900; in all, $31,110.

Mr. COX. Mr. Chairman, I reserve a point of order on the salary of the chief draftsman, $1,800. Is not that an increase?

Mr. PAGE of North Carolina. Yes; it is an increase from $1,700 to $1,800.

Mr. COX. That is what I thought. I am going to make a point of order on that right now.

Mr. PAGE of North Carolina. Will the gentleman reserve the point of order?

Mr. COX. I reserve it.

Mr. PAGE of North Carolina. I believe I can convince him that he does not want to do that. I want to say to the gentleman that as a result of the lack of sufficient help in this architect's office it has been necessary in a number of instances to have outside architects to prepare plans for certain buildings in the District, at a very considerable increased cost over the increase we have given in this item.

Mr. COX. You have provided for a new engineer and assistant here at $2,400.

Mr. PAGE of North Carolina. That is in order that the architect may spend his time in the office.

Mr. COX. It is a new place?

Mr. PAGE of North Carolina. It is a new place.

Mr. COX. How many more new places are there in this paragraph?

Mr. PAGE of North Carolina. That is all.

Mr. COX. There is a new place here provided at $2,400, and an increase to $1,800 for another man.

Now, you say that for lack of proper help this work is going to be done by outside persons?

Mr. PAGE of North Carolina. Yes; at the usual architect prices of 6 per cent.

Mr. COX. I recall that a few years ago there was considerable discussion on the floor of the House that a fellow who did this work went out and did outside work.

Mr. PAGE of North Carolina. I will say to the gentleman that they can not do it now.

Mr. COX. Is this permanent law?

Mr. PAGE of North Carolina. Law issued by the commission.

Mr. COX. They are not doing it?

Mr. PAGE of North Carolina. They are not doing it. In fact, they have not time to do the work to be done now.

Mr. COX. Well, Mr. Chairman, it is a pretty hard job for me to let these increases of salaries go through, especially where they are all drawing a salary of $1,700.

Mr. PAGE of North Carolina. Mr. Chairman, I am sure that the gentleman from Indiana is an economist. I have served with him here long enough to know that, and I think he will give me credit for not wanting to pay any more than is necessary to get the service properly performed in these offices, and I want to assure him here and now that these increases that we have made here from the viewpoint not only of myself, but the members of the subcommittee preparing the bill, were made in order that we might save money in the preparation of plans instead of employing outside architects.

Mr. COX. I will make a point of order on any increase of salary over $1,200 a year, but inasmuch as the gentleman makes a strong case in behalf of this item, I will withdraw my point of order and trust to his judgment.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Public Utilities Commission: For salaries (including inspector of gas and meters, $2,000; assistant inspectors of gas and meters—1, $1,000; 2 at $900 each; messenger, $600, transferred from engineer commissioner's office); in all, $30,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word, in order to ask the gentleman in charge of the bill just how he gets the amount of increase from $25,000 plus to $30,000? Is that a lump-sum appropriation. "For salaries (including inspector of gas meters, $2,000; assistant inspectors of gas and meters—1, $1,000; 2 at $900 each; messenger, $600, transferred from engineer commissioner's office); in all, $30,000"?

Mr. PAGE of North Carolina. Well, I will say to the gentleman that that is really a lump-sum appropriation that is paid out to the various employees under this bureau, a scheduled list of whom is submitted to the committee by the commission each year.

Mr. TILSON. I observe that the employees named here are not increased either in number or amount of salary, and yet the total is increased by nearly $5,000.

Mr. PAGE of North Carolina. I will say to the gentleman that, of course, these people are not put on the permanent roll because they are not permanent employees. There are inspectors of gas and inspectors of meters and other inspectors, a messenger, and several statisticians and engineers. A number of employees who are paid from this item, and who are not carried on the rolls, are specified because of the fact that they are not permanent employees and we can drop them at any time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Department of insurance: Superintendent of insurance, $3,700; deputy and examiner, $2,000; statistician, $1,700; clerk, $1,200; stenographer, $840; temporary clerk hire, $1,200; in all, $10,440.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the increased salary in that paragraph.

The CHAIRMAN. Will the gentleman indicate it?

Mr. PAGE of North Carolina. It is an increase from $1,700 to $2,000.

Mr. JOHNSON of Kentucky. Page 11, line 12.

Mr. PAGE of North Carolina. Does the gentleman make the point of order or reserve it?

Mr. JOHNSON of Kentucky. I make the point of order.

Mr. PAGE of North Carolina. Unquestionably it is subject to a point of order. If I had the opportunity, I might persuade the gentleman that he is wrong.

Mr. JOHNSON of Kentucky. I reserve a point of order, then.

Mr. PAGE of North Carolina. I can at least give my friend from Kentucky the reasons which prompted the members of the subcommittee in increasing the salary of this particular man. The superintendent of insurance is paid $3,500 under the law, and this man, his deputy and examiner, acts in the absence of the superintendent of insurance. This man, who now receives a salary of only $1,700, is charged with the responsibility of acting in his place as insurance superintendent, and because of the responsibilities that necessarily devolve upon this man at times as the head of this office, we thought his salary should be increased. He is an expert accountant and necessarily examines the books of insurance companies, and an underpaid man, in our judgment, could not fill this position satisfactorily, and therefore we increased the salary.

Mr. JOHNSON of Kentucky. Mr. Chairman, I think it would be far better for the people of the District of Columbia if the present superintendent of insurance should go away and stay away. Partly through his connivance the rates of insurance in the District of Columbia have been increased from 50 per cent to 150 per cent and more, and I feel absolutely certain in my own judgment when I say that it has been with his connivance and with his approval.

I did not expect that this item would be reached this afternoon. I have some figures that I would like to submit to the House relative to what is going on in insurance circles in the District of Columbia. I believe I can establish the fact that the present superintendent of insurance is a mere tool behind

the insurance companies, undertaking to put up insurance rates on the people of the District of Columbia.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. In a moment. During the last year, if I am correctly advised, on account of the increased rate the amount of insurance written in the District of Columbia fell off $7,000,000 and the losses fell off $200,000, and notwithstanding that the premiums collected by the fire insurance companies in the District of Columbia from those who continued to carry their insurance was increased about $123,000.

Now I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, I wish to inquire what is the tenure of this official and by whose grace does he retain his position?

Mr. JOHNSON of Kentucky. This official is appointed by the Commissioners of the District of Columbia, and I think that he serves at their pleasure. When this gentleman was about to be appointed I believed that I knew then that he would not work in behalf of property owners in the District of Columbia, but that he would use his office in behalf of the insurance companies doing business here. I then protested to the Commissioners of the District against his appointment, and each of the two then civilian commissioners assured me that he would not be appointed, but, notwithstanding their assurance to that effect, he was appointed.

Mr. STAFFORD. Has any charge been lodged with the present commissioners as to the conduct of this man?

Mr. JOHNSON of Kentucky. I do not know; but they must know of my speech concerning him during the last Congress. He was appointed when the board was made up of Mr. Newman, Mr. Siddons—now Mr. Justice Siddons—and the engineer commissioner. I forget who he was at that time.

Mr. STAFFORD. I assume from the statement of the gentleman that there is no hope of any relief until the commissioners are changed?

Mr. JOHNSON of Kentucky. I am constrained to accept that belief.

Mr. TILSON. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I do.

Mr. TILSON. The gentleman has made a speech, which, if correctly interpreted, would mean, it seems to me, that we ought to vote to strike out the whole or at any rate part of the salary of the superintendent of insurance, but really he has not said anything in support of his point of order that would strike out the proposed salary of the deputy examiner, or reduce it from $2,000 to $1,700.

Mr. JOHNSON of Kentucky. I am not in favor of paying any additional compensation to a servant of the District of Columbia who is working against the interests of the people of the District of Columbia.

Mr. TILSON. It is in order to move to reduce the superintendent's salary, is it not? And ought not the gentleman do that rather than aim a blow at the man who is receiving only $1,700?

Mr. PAGE of North Carolina. Mr. Chairman, if the gentleman will yield, I was just going to make the same suggestion that my friend from Connecticut [Mr. TILSON] has made, that because of information which the gentleman from Kentucky has relative to the superintendent of insurance I hardly see why this examiner, who is really doing expert work in this office, and who is not guilty of any of these things that he even charges against this other man, should be made the object of the gentleman's point of order instead of offering an amendment to reduce the salary of the superintendent of insurance.

Mr. JOHNSON of Kentucky. I do it for the reason that I do not believe he would be retained in the office by the present superintendent of insurance unless he was doing the will of the superintendent of insurance.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. JOHNSON of Kentucky. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOHNSON of Kentucky. In addition to that, I move to strike out the salary of $3,500 of the superintendent of insurance, in line 12, page 11.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the salary of $3,500, in line 12, page 11.

Mr. LLOYD. Mr. Chairman, I hope the gentleman will state what the particular thing is that the superintendent of insurance has done to increase the insurance rates.

Mr. JOHNSON of Kentucky. During the last session of Congress I stated on the floor of the House here that the present superintendent of insurance had been the moving spirit behind the formation of an insurance trust in the District of Columbia. I gave the names and instances of when and where he had gone out of his way not only to induce but to coerce the officials of independent insurance companies to join and become a part of this trust, which has put up the rates of insurance in the District of Columbia in the last two years from 50 to 250 per cent, I believe.

Mr. LLOYD. Does the gentleman think he is responsible for the increase?

Mr. JOHNSON of Kentucky. I think he could have defeated it if he had been willing to do so; but instead of being disposed to defeat it he has been an instrument in the hands of these people to multiply the rates of insurance upon the people in the District of Columbia.

Mr. LLOYD. What proof has the gentleman of that fact?

Mr. JOHNSON of Kentucky. In my former speech I stated the proof, and I gave the names of the men to whom he had gone and asked them to join the trust, and had practically threatened to drive them out of business if they did not go into the trust. Mr. Chairman, I believe that for the welfare and in the interest of the people of the District of Columbia this salary should be stricken out. When a man is working for the insurance companies and against the interests of the people whom he is supposed to represent, if the Commissioners of the District of Columbia do not remove him, Congress ought to remove the salary. The people in the District ought not to be taxed and thereby be compelled to pay the salary of an officer who is working against the interest of the people of the District who pay him.

Mr. STEPHENS of Texas. If this trust exists in violation of the Sherman antitrust law, as a combination of that kind would be, why is it not prosecuted?

Mr. JOHNSON of Kentucky. I do not know anything more than the gentleman from Texas does about why it is not prosecuted.

Mr. STEPHENS of Texas. Why not call the attention of the Department of Justice to it?

Mr. JOHNSON of Kentucky. But I think the people of the District of Columbia ought not be compelled to pay this salary when the man who draws the salary is working directly and constantly against their interests. I move to strike out the $3,500 in line 12 on page 11.

Mr. PAGE of North Carolina. Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Kentucky. I am sure that this committee can not take the responsibility of abolishing the commissioner of insurance of the District of Columbia. If the things that the gentleman from Kentucky has said about the conduct of this office are true there is another method by which it can be reached, a perfectly proper and orderly method. If this man can not be reached through the appointing power of the commissioners, if he is guilty of half that the gentleman from Kentucky has charged here, he can be removed very easily through the courts, and I hope that the amendment will not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. JOHNSON].

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 15, noes 33.

Accordingly the amendment was rejected.

The Clerk read as follows:

Employment of females: To carry out the act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia, approved February 24, 1914, namely: For 3 inspectors (2 of whom shall be women), at $1,260 each; stenographer and clerk, $900; in all, $4,500.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MONDELL: Page 12, after line 9, insert as a new paragraph the following:

"Child-labor law: For the enforcement of the provisions of the act 'to regulate the employment of child labor in the District of Columbia,' approved May 28, 1908, namely: For 2 inspectors, at $1,200 each, $2,400: *Provided*, That the existing provision of law requiring the detail of two privates of the Metropolitan police force for the enforcement of said act is repealed."

Mr. PAGE of North Carolina. Mr. Chairman, I make the point of order against the amendment. I will say to the gentleman from Wyoming that exactly what he asks is provided for in the bill in another place. These two policemen are relieved and these two inspectors are appointed.

Mr. MONDELL. Is the provision made specifically for the enforcement of this law?

Mr. PAGE of North Carolina. It is, by the withdrawal of the policemen and the appointment of the inspectors, almost in the language of the gentleman's amendment.

Mr. MONDELL. And in their appointment is it specified that it is for the enforcement of this law?

Mr. PAGE of North Carolina. It is, in that connection.

Mr. MONDELL. In view of the statement of the gentleman from North Carolina I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. If there be no objection, the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Free Public Library, including Takoma Park branch: Librarian, $4,000; assistant librarian, $1,800; chief circulating department, $1,500; director of children's work, $1,500; children's librarian, $1,000; assistant in charge of school work, $1,000; librarian's secretary, $1,000; Takoma Park branch librarian, $1,000; reference librarian, $1,000; assistants—1 $1,000, 1 in charge of periodicals, $1,000, 1 $900, 6 at $840 each, 6 (including 1 for the Takoma Park branch) at $720 each, 3 at $600 each, 3 (including 1 for Takoma Park branch) at $540 each; copyist, $540; classifier, $900; catalogueers—1 $840, 1 $720, 2 at $600 each; stenographer and typewriter, $720; attendants—1 $720, 6 at $600 each, 5 at $540 each; collator, $540; 3 messengers, at $600 each; 10 pages at $420 each; 3 janitors, at $480 each, 1 of whom shall act as night watchman; janitor of Takoma Park branch, $360; engineer, $1,200; fireman, $720; workman, $600; library guard, $720; 2 cloakroom attendants, at $360 each; 6 charwomen, at $240 each; in all, $55,160.

Mr. COX. Mr. Chairman, I make a point of order on the increase of salaries to the librarian, $4,000; assistant librarian, $1,800; the chief of the circulating department, $1,500.

Mr. PAGE of North Carolina. In the first item that the gentleman mentions I think there is an increase; the other two items I do not think are changed.

Mr. COX. As I compared it, the assistant librarian last year was $1,500 and the chief of the circulating department was $1,200.

Mr. PAGE of North Carolina. On reflection, I think the gentleman is right. I hope he will reserve his point of order.

Mr. COX. I will reserve it on the last two.

Mr. PAGE of North Carolina. There is probably no institution for which this bill provides where the amount of work has increased as it has in the public library in the city of Washington. The increase in the number of volumes circulating and the amount of work that has been consequently involved is great. That, together with the fact that these people are not getting excessive salaries, led us to make the increases. I will say to the gentleman that the librarian has been for a number of years librarian of the city library and had numerous offers at a very large increase of salary in other cities, and has only been kept here by the insistence of certain influential people—for instance, the Librarian of the Library of Congress, and various other people—because of the excellent work that this man is doing here. Personally I know nothing about him. This committee a year ago on these representations increased the salary to $4,000 and it went out on a point of order. I can only say that if it goes out on a point of order this time I believe the city will lose the services of this very valuable man, who has trained a force there and is worth $4,000, and more than anybody he will get there. But it is with the gentleman from Indiana, and he must assume the responsibility.

Mr. COX. I have supreme confidence, Mr. Chairman, in the gentleman who has charge of the bill, as well as the entire committee. I recall that six or eight years ago Members on this side of the House were charging day in and day out Members on that side of the House with the constant and continuous increase of salaries, and I think many Members on this side promised that when we got control of the House we would stop increasing salaries. This man may be worth $4,000, as the gentleman from North Carolina says, I will concede everything he says about him. I will concede all he says about the other men, but all through this bill are large increases of salaries. I do not believe that a salary of $1,200 is excessive, but I made up my mind to make a point of order to all increases of salary over $1,200. The gentleman has begged me not to carry that out as to one or two salaries, but I am going to stand hitched on this, and I make the point of order on all three of them.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE of North Carolina. Mr. Chairman, I offer an amendment as follows:

On line 11, after the word "librarian," where it first occurs, insert $3,500. After the word librarian," in the same line where it occurs the second time, I move to insert $1,500; and on line 12, after the word "department" insert "$1,200."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, insert in line 11, after the word "librarian," where it occurs, "$3,500"; after the word "librarian," where it occurs the second time, insert "$1,500"; after the word "department," in line 12, insert "$1,200."

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I think there is some obvious incongruity if you pay the chief of the circulating department of this library $1,200 and pay the new director of children's work $1,500. It does not seem to be in harmony with the recommendations of the committee, and everyone who has the faintest knowledge of library work must know that the superintendent of the circulating department is a much more important position than the director of children's work.

Mr. COX. The director of children's work is a new place.

Mr. STAFFORD. I hope the gentleman will withdraw his objection.

Mr. PAGE of North Carolina. Not only was $1,500 inserted in connection with this employment, but it was in harmony with the views of the committee. I believe that the director of children's work is possibly the most responsible position in the library.

Mr. STAFFORD. The gentleman recognizes that the director of children's work will not have near the number of employees under his charge that the superintendent of the circulating department has. I assume this library is similar to the library in my own city, with which I am somewhat acquainted. The superintendent of the circulating department there receives, I believe, something in the neighborhood of $2,000, and he has numerous employees under his charge, whereas the director of children's work only has three or four, so I really believe the superintendent of the circulating department has a much more responsible place than that of director of children's work.

Mr. PAGE of North Carolina. I will say to the gentleman I do not think that disparity exists in the employment here, because under this director of children's work she has a certain amount of circulating work under her, as well as the other, and quite a number of employees.

Mr. STAFFORD. Three or four, whereas the superintendent of the circulating department has some ten or a dozen.

Mr. PAGE of North Carolina. I do not know the number, and I do not think the gentleman knows how many there are.

Mr. STAFFORD. I do know that in my home city, and I am comparing the institutions because the sizes are about the same. I simply rose to impress on the gentleman from Indiana the incongruity of voting one person $1,200 where there is more responsible work and allowing the other for less responsible work $1,500.

Mr. PAGE of North Carolina. In other words, the gentleman from Wisconsin was inviting the gentleman from Indiana to make his point of order against this, too?

Mr. STAFFORD. I beg the gentleman's pardon. We have passed the question of making a point of order. I take issue with the gentleman from North Carolina on that point. I was simply trying to call the attention of the committee to the incongruous position in which the gentleman's point of order placed the committee.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment of the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Appropriations in this act shall not be expended for the purchase or maintenance of horses or horse-drawn vehicles for the use of the commissioners, or for the purchase or maintenance of horses or horse-drawn vehicles for inspection or other purposes for those officials or employees provided with motor vehicles.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 8, as a new paragraph, insert:

"For the purchase or condemnation of a site and the erection thereon of a central garage, $35,000."

Mr. PAGE of North Carolina. Mr. Chairman, I make a point of order against the amendment.

Mr. MONDELL. Will the gentleman reserve the point of order?

Mr. PAGE of North Carolina. I will reserve the point of order.

Mr. MONDELL. Mr. Chairman, I offer this amendment not that I claim to be fully informed as to the necessity for this central garage but because it is one of the items estimated for by the Commissioners of the District and because of the very convincing statement which was made regarding it in the hearing before the committee. It was stated by the engineer commissioner:

Col. KUTZ. When our subordinates presented their tentative estimates to the commissioners there was hardly a department that did not ask for one or more additional passenger-carrying vehicles, and the same thought occurred to the commissioners that has occurred to Mr. Howard in connection with the use of passenger vehicles. We felt that the present system, whereby such vehicles were assigned to separate departments, was uneconomical. These vehicles are housed in different parts of the city and there is no way, without a central garage, by

which we can unify the use of these machines, so we have had inquiries made, and an estimate prepared, based on the assessed value, as to the cost of acquiring a small tract of land in the rear of the District Building, with the expectation of putting up on it a $10,000 building and using it for housing and caring for all of our passenger-carrying vehicles, which number about 15 now.

If we can get such a central garage it is our purpose to put it in charge of a single individual, have every passenger automobile housed there, and nothing taken out except on a specific requisition and on a certificate showing that the use of the machine is for official business. We feel that such a garage would greatly increase the usefulness of the machines that we now have, and it was with the expectation that you would look at the matter in the same light and authorize such a garage that we asked for no more machines in the engineer department, though I believe the need is greater than the need of a year ago, as our work is increasing every year.

It seems to me that the reasons given by the engineer commissioner for this central garage are strong and convincing that the expenditures would be in the interest of economy. If such a central garage were built, it would, I am sure, reduce the complaints that have been made, and the more or less scandal there has been, not in this office, but elsewhere in the Government service, as to the use of official vehicles for private or social use. It occurs to me that the building of such a garage would be a matter of economy, of good governmental procedure, and the estimate is certainly in line with the recommendation of the joint select committee that the appropriations for the District of Columbia should be regular and liberal and in keeping with the needs of the District.

Mr. PAGE of North Carolina. Mr. Chairman, in view of the fact that the gentleman from Wyoming is so much opposed to legislating on appropriation bills, I must insist on my point of order.

The CHAIRMAN. The Clair sustains the point of order.

The Clerk read as follows:

Work on streets and avenues: For work on streets and avenues named in Appendix L, Book of Estimates, 1917, $186,600, to be expended in the discretion of the commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely:

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Kentucky. Does the paragraph end with line 24, "namely," or does it go along until all of the enumerations have been made subsequent to that?

The CHAIRMAN. The Chair thinks that while the Clerk is reading by paragraphs this paragraph would run down to the end of line 11, page 22.

The Clerk read as follows:

Provided, That streets and avenues named in said schedules already paved with Belgian block or granite shall not be paved or otherwise improved under this appropriation, and the remaining streets and avenues, except as herein specified, shall be contracted for in the order in which they appear in said schedules, and be completed in such order as nearly as practicable, and shall be paved, in the discretion of the commissioners, instead of being graded and regulated.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the item on page 21, line 25, the northwest section schedule, $34,300.

Mr. PAGE of North Carolina. Will the gentleman state on what ground he makes his point of order?

Mr. JOHNSON of Kentucky. Yes; because it is not authorized by law. Under the act approved March 2, 1893, there is this language:

No expense for the improvement of any street, circle, reservation, or avenue made under the provisions of this act outside of the cities of Washington and Georgetown shall be chargeable to the Treasury of the United States, but such expense shall be paid solely out of the revenues of the District of Columbia.

Mr. PAGE of North Carolina. I beg to say to the gentleman that none of these streets are outside of the city of Washington.

Mr. JOHNSON of Kentucky. Some of them, if I am correctly advised, are beyond the original boundaries of the city of Washington.

Mr. PAGE of North Carolina. I will say to the gentleman that the schedule that makes up this amount contains Twenty-sixth Street from K to Virginia Avenue, Twenty-seventh Street from I to K, Twenty-third Street, B to E, W and Florida Avenue to Eleventh, making $34,300, all within the limits of Georgetown, or what is termed the city of Washington.

Mr. JOHNSON of Kentucky. Well, it is the first one of those items to which I make the point of order—Twenty-sixth Street from K to Virginia Avenue.

Mr. PAGE of North Carolina. Mr. Chairman, I submit that item does not appear in the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, the rule is this, that those who contend for the correctness of a proposition have to sustain it. I make the point of order against it upon the authority which I just read. Now, the burden is upon the gentleman from North Carolina to show that it was within the old city of Washington, and that is a physical impossibility for him to do.

The CHAIRMAN. The Chair will hear the gentleman [Mr. PAGE].

Mr. PAGE of North Carolina. Mr. Chairman, I confess I can not, to save my life, say to the gentleman just exactly where Virginia Avenue is located, and I do not think he knows.

Mr. JOHNSON of Kentucky. The gentleman knows that Virginia Avenue is not in the old city of Washington.

Mr. PAGE of North Carolina. Well, I did not know that. I do not recall that that is true. I think it is up to the gentleman to convince the Chairman of this committee that it is not.

Mr. JOHNSON of Kentucky. No; it is up to the gentleman from North Carolina to show to the Chair that it is in the old city of Washington. That is a well-established rule.

Mr. PAGE of North Carolina. Mr. Chairman, if the Chairman of this committee is depending upon "the gentleman from North Carolina," who has charge of this bill, to convince him that Virginia Avenue is or is not inside the limits of what is known legally as the city of Washington, he will have to call in another witness, because I can not say, and I think he ought to be convinced by some authority that it is not before he sustains the point of order made by the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. The burden is upon the gentleman from North Carolina to show that Virginia Avenue is within the old city of Washington.

Mr. PAGE of North Carolina. I want to submit these schedules. These items now being considered were submitted to the committee as being within the city of Washington. Immediately following this is another item for the construction of a suburban road that includes all this street north of Florida Avenue and outside of the legal limits as read by the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. To all of which I expect to make a point of order, Mr. Chairman.

Mr. HOWARD. Mr. Chairman, I desire to submit this proposition to the committee. The act of 1893 that the gentleman has read from is specifically repealed by the act of 1895, which the gentleman will find in the same volume. The act of 1895 specifically repeals the act of 1893 so far as the boundary limits of the city of Washington are concerned.

Mr. JOHNSON of Kentucky. The gentleman is mistaken. But the act of March 3, 1909, Statutes at Large, volume 35, page 728, has this provision, which I will send to the Chair:

The cost of acquisition of land for street extensions, and all advancements heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia.

That is but in keeping with the act I have just read.

Mr. MANN. Mr. Chairman, may I ask the gentleman from North Carolina if the money is not to be paid out of the revenues of the District of Columbia, anyhow?

Mr. PAGE of North Carolina. Certainly; for this purpose. If the gentlemen who are opposed to the first section of this bill will withdraw this objection, I think the point of order made by the gentleman from Kentucky would go by the board even though it would hold otherwise.

Mr. MANN. Up to date there is no appropriation made except as made out of the revenues of the District of Columbia. The revenues of the District of Columbia are much more than sufficient to pay for this item. It does not seem to me it makes any difference whether the statute says it is to be paid out of the revenues of the District of Columbia or not.

The CHAIRMAN. The first section has been agreed to.

Mr. JOHNSON of Kentucky. It has not become law.

Mr. MANN. That is the way it stands so far as the bill is concerned now.

Mr. GARD. May I ask what was the gentleman's inquiry? I was out and did not hear it.

Mr. MANN. I was asking whether it made any difference whether this was to be paid out of the revenues of the District of Columbia, as the gentleman says the law provided, because this was to be paid out of the revenues of the District?

Mr. HOWARD. If the gentleman will permit me, the gentleman from Kentucky has cited the act, but it has been repealed, and I have cited the Chair to the act of 1895 that specifically repeals it, and the point of order made under the act of 1893 would be good if the act of 1895 did not repeal it. It has been specifically repealed, and the gentleman has got the law in his hands.

Mr. JOHNSON of Kentucky. I believe the gentleman from Georgia [Mr. HOWARD] is correct about it. There is a repeal bid away here in the law which I failed to notice. I withdraw the point of order.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to return to line 14, page 21, to offer an amendment.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to return to page 31, line 14, for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 14, insert as a new item the following:
"For improvement at Eastern and Western Markets and Farmers' Produce Market, $23,000."

Mr. MONDELL. Mr. Chairman, these are items estimated for by the District Commissioners and urged very earnestly by them. The improvements for the eastern and western markets are for painting, for toilets, for retaining walls, and pavements, and the improvement they desire at the Farmers' Produce Market is a new shelter. They call attention to the importance of these improvements in order to keep the markets in condition, and particularly the new shelter at the Farmers' Produce Market, in order to shelter the farmers who come there in inclement weather to sell their produce. I fail to understand on what theory the committee declines to appropriate for these very worthy public betterments.

Mr. PAGE of North Carolina. Mr. Chairman, I am thoroughly satisfied that if the gentleman from Wyoming would go down to the foot of Tenth Street and see how much space there is under these sheds that we have already constructed, and would also take into consideration the fact that one of the greatest and most frequently visited buildings in the city of Washington—the National Museum—is located near by, he would realize that the construction of the sheds is merely another one within the shadow of that great building.

Mr. MONDELL. I will agree with my friend that that is not the place for a permanent market.

Mr. PAGE of North Carolina. I was going to say that we have already a number of sheds there, and I think we have gone further already than we should have gone in constructing these market sheds at this place, and your committee did not feel like spending money to extend what possibly some day—not very far in the future—might become objectionable, and we might make an appropriation to remove them.

Mr. MONDELL. I think they are somewhat objectionable now, but so long as we are using that place as a market we should shelter those farmers that come there with their produce. I will say to my friend that I frequently go to that market. I find it necessary in these days of high cost of living under a Democratic administration to economize, and I go down to the market early in the morning to buy of the farmers my little basket of produce for my family in order to secure some relief from these Democratic conditions of high cost of living. [Laughter.] I agree with the gentleman, that we may not always keep a market there, but I frequently have gone down there when there were insufficient shelters for the farmers, and so long as we have the market we should have shelters, should we not?

Mr. PAGE of North Carolina. If there is an hour or two perhaps at certain seasons of the year when there is not sufficient shelter to take care of all the farmers that come in, it is to be regretted, but that is an exception to the rule.

Mr. MONDELL. A farmer can get very wet in an hour, and so can a customer who is bargaining with a farmer for sweet corn and peas and radishes, and one thing and another.

Mr. PAGE of North Carolina. I imagine that the gentleman, when he goes down there, is very well protected in his automobile, and does not get rained on.

Mr. MONDELL. Not this year. What with the Democratic high cost of living and gasoline, I can not afford an automobile. How about the other markets?

Mr. PAGE of North Carolina. A majority of the subcommittee preparing this bill went in person to examine the proposed repairs at both these markets. I do not mind saying that two of them were on the gentleman's side of the House, and the chairman of the committee happened to be on the subcommittee that visited these markets.

Mr. MONDELL. And he hypnotized the other two.

Mr. PAGE of North Carolina. No; they hypnotized me; and they came to the unanimous conclusion that it would be a waste of money to spend more money on those markets.

Mr. MONDELL. It was a pure matter of hypnotism. [Laughter.]

Mr. PAGE of North Carolina. No. I am sure that the gentleman from Wyoming, if he were a member of that subcommittee, or if he were to go down there now, would reach the same conclusion, that to spend the money as provided for in his amendment would be to waste the money. I am sure he would not undertake if it he knew what he was doing.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. CANNON. Do I understand the gentleman to say, touching this market, whose location I am not clear about, that is near the National Museum?

Mr. MONDELL. It is almost directly in front of the National Museum. It is the farmers' produce market, where there are sheds, under which the produce is assembled—sheds under which the farmers can shelter their produce.

Mr. CANNON. Now, the gentleman claims that for the comfort of the living these repairs ought to be made or extensions made, notwithstanding that it might perhaps disturb the beautiful repose of the dead over in the Museum? [Laughter.]

Mr. MONDELL. Well, I think some day we will remove that market. We have erected a very beautiful monumental building there as a museum; and while personally I enjoy a produce market and find it a very interesting place, and like to commune with my farmer friends there in the morning as I buy their produce, still I think it is not exactly the place to permanently retain an institution of that kind. But we have the market. We have these steel shelters recently erected. We shall not tear them down, and we should have enough of them to protect the farmers produce and their customers.

Mr. PAGE of North Carolina. Mr. Chairman, was a vote taken on the amendment?

The CHAIRMAN. No; it was not taken. The gentleman from Illinois [Mr. CANNON] intervened. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. PAGE of North Carolina. Now, Mr. Chairman, I ask unanimous consent that the committee may return to the item to which the gentleman from Kentucky [Mr. JOHNSON] desired to offer an amendment, on page 6, line 15.

The CHAIRMAN. Is there objection to the gentleman's request, that the committee return to page 6, line 15?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Page 6, at the end of line 15, after the figures "$17,280," add the following: "*Provided*, That hereafter no attorney for the District of Columbia shall be entitled to or receive any attorney's fees taxed as costs in any litigation to which the District of Columbia is a party."

Mr. MANN. Mr. Chairman, I supposed the gentleman wanted to have that turned into the Treasury.

Mr. JOHNSON of Kentucky. Well, it would go like the rest of the costs go if these attorneys did not take it out. They have been taking out this part of the costs.

Mr. MANN. Then I should think it might be construed that there should be no attorney's fees taxed as costs.

Mr. JOHNSON of Kentucky. That is not my construction. Let us have it read again, Mr. Chairman.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. MANN. Clearly I think the court would say the law forbids the taxing of attorney's fees.

Mr. JOHNSON of Kentucky. No; the attorney's fee is $10.

Mr. MANN. This says he should not receive it.

Mr. JOHNSON of Kentucky. Yes; he should not receive it.

Mr. MANN. He should receive it, but not retain it.

Mr. JOHNSON of Kentucky. No; it should not be paid to the attorney at all. What does the gentleman suggest?

Mr. MANN. I first thought of suggesting the word "retain," but I am not sure. I suppose when you tax an attorney's fee the attorney must receive it, but he ought to turn it over.

Mr. JOHNSON of Kentucky. I do not think that in the routine of business he ever touches the rest of the costs, and he should not touch this; but I am anxious to have suggestions to fix it so that it will be properly fixed, and I have no objection to striking out the word of the amendment "receive" and put in there the word "retain" in lieu of it. I am quite sure, on reflection, that would make it plainer.

Mr. PAGE of North Carolina. Mr. Chairman, I suggest to the gentleman from Kentucky that he add to his amendment the words "as a part of his compensation."

Mr. JOHNSON of Kentucky. I believe the amendment suggested by the gentleman from Illinois is better. I ask unan-

imous consent to modify my amendment by striking out the words "entitled to or receive" and put in lieu thereof the word "retain."

The CHAIRMAN. Is there objection to the modification of the amendment suggested by the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Provided, That hereafter no attorney for the District of Columbia shall retain any attorney fee taxed as costs in any litigation in which the District of Columbia is a party.

The amendment was considered and agreed to.

Mr. PAGE of North Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15774, the District of Columbia appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURKE, after to-day, for eight legislative days, on account of sickness in his family.

To Mr. HULBERT, for three days, on account of illness in his family.

To Mr. MCFADDEN, indefinitely, on account of sickness.

To Mr. LITTLEPAGE, indefinitely, on account of illness.

To Mr. WILSON of Louisiana, indefinitely, on account of official business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House without leaving copies, no adverse report having been made thereon, was granted as follows:

To Mr. LANGLEY, from the Committee on Pensions, papers in the case of Henry Fields, H. R. 8298, and William Winn, H. R. 8565, Sixty-fourth Congress.

To Mr. DYER, papers in the case of Peter Mathews, H. R. 17708, Sixty-third Congress.

Also, papers in the case of Herman J. Wacker, H. R. 804, Sixty-third Congress.

EXTENSION OF REMARKS.

Mr. HELVERING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the shipping bill.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on agriculture.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14771. An act granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River;

H. R. 12766. An act for making further and more effectual provision for the national defense, and for other purposes; and

H. R. 10490. An act to prevent fraudulent advertising in the District of Columbia.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 72. Joint resolution to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 24, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BURGESS, from the Committee on Rivers and Harbors, to which was referred the bill (H. R. 12455) authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or piece of land owned by the United States Government on the Great Kanawha River in West Virginia, reported the same with amendment, accompanied by a report (No. 741), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NOLAN, from the Committee on Labor, to which was referred the bill (H. R. 11876) to fix the compensation of certain employees of the United States, reported the same with amendment, accompanied by a report (No. 742), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15796) granting an increase of pension to Isaac W. Nutting; Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15053) granting a pension to John Richstein; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. GARD: A bill (H. R. 15912) to purchase a cyclorama in oil of the Battle of Gettysburg; to the Committee on the Library.

By Mr. LEVER: A bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes; to the Committee on Agriculture.

By Mr. STEELE of Iowa: A bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes; to the Committee on Agriculture.

By Mr. LLOYD: A bill (H. R. 15915) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. GOODE: A resolution (H. Res. 246) directing an inquiry relative to the organization of a post-office lobby; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. DALLINGER: A bill (H. R. 15916) granting a pension to John A. White; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15917) granting an increase of pension to Andrew J. Molder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15918) granting an increase of pension to Fannie Dunnigan; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 15919) granting an increase of pension to William C. Barnett; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 15920) granting a pension to Wiley Lawson; to the Committee on Pensions.

By Mr. GLYNN: A bill (H. R. 15921) granting an increase of pension to Lucia Barber Thorpe; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 15922) granting an increase of pension to Idella White; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 15923) granting a pension to Edward V. Andrews; to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 15924) for the relief of George Rutherford; to the Committee on Military Affairs.

By Mr. HILLIARD: A bill (H. R. 15925) granting an increase of pension to Harvey Sallade; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 15926) granting an increase of pension to Catharine May; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 15927) for the relief of the Commercial Bank of Gibbon, Nebr.; to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 15928) granting an increase of pension to William H. Wilhelm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15929) granting an increase of pension to Rebecca Poff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15930) granting an increase of pension to Mercy K. Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15931) granting an increase of pension to Rebecca B. Diehl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15932) granting an increase of pension to S. Caroline Gemmill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15933) granting an increase of pension to Mary Jane Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15934) granting an increase of pension to Eleanor E. Butcher; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 15935) granting a pension to Josephine Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15936) granting a pension to Mary Baxter; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 15937) granting an increase of pension to William E. Cornwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15938) granting an increase of pension to George W. Hall; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 15939) granting a pension to Nellie Hanlon Bush; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 15940) granting an increase of pension to Thomas J. Harbaugh; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 15941) authorizing certain exchange of lands between the United States and the heirs of S. G. Little; to the Committee on the Public Lands.

By Mr. TEMPLE: A bill (H. R. 15942) granting an increase of pension to Lewis O. Barnes; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 15943) granting an increase of pension to Edward Looby; to the Committee on Pensions.

Also, a bill (H. R. 15944) granting a pension to Annie S. Blanchard; to the Committee on Pensions.

By Mr. STINESS: A bill (H. R. 15945) granting an increase of pension to William R. Smith; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 15946) granting an increase of pension to Margaret Hagerman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of board of supervisors of city and county of Honolulu, relative to right to make changes in existing roads in county of Honolulu; to the Committee on Military Affairs.

By Mr. ASHBROOK: Petition of merchants of Shiloh, Ostrander, Centerburg, Utica, Lexington, Fredericktown, Brink Haven, Buckeye City, Danville, Howard, Perrysville, Plymouth, Loudonville, Ashley, Shelby, Mansfield, and Ashland, all of the seventeenth Ohio district, asking that concerns who sell goods by mail be compelled to contribute their share of municipal, county, and State taxes; to the Committee on Ways and Means.

By Mr. BAILEY: Petition of P. B. Baker, Frank Glessner, the Diamond Hardware Co., George W. Wilharm, C. E. Reed, E. J. Fay, T. H. Meckling, W. P. McKillip, T. B. McFarland, C. B. Jacobs' Son & Co., T. W. Snyder, Claude L. Pruyn, L. Leedom & Son, and Walter H. Leedom, all of Hollidaysburg, Pa., for the passage of a measure placing a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BURKE: Memorial of Good Roads Association of Wisconsin, at a meeting held at Milwaukee, Wis., May 18, 1916, urging Congress to designate and construct and maintain a system of highways; to the Committee on Roads.

By Mr. CAREW: Memorial of Convention of Mental Hygiene Societies of the United States, favoring bill for division of mental hygiene in United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMTON: Petition of Fred Poppeck, Albert Breining, August Teschendorf, Fred Dargatz, August Loulitzke, Ernest Adler, C. H. Pawliz, Louis Poppeck, Fred Flakel, Emil Marquardt, all of Port Hope, Mich., for an embargo on the shipment of munitions to belligerent nations; to the Committee on Foreign Affairs.

Also, resolutions of Local Union No. 97, of the National Brotherhood of Operative Potters of Mount Clemens, Mich., protesting against radical increase in appropriations for Army and Navy; to the Committee on Military Affairs.

Also, petition of Frank G. Jayne and 110 other business firms of the seventh congressional district, in support of bill proposing tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Wales Grange, No. 450, protesting against legislation which would prevent sale of products made in whole or in part by prison labor; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. J. A. King and 13 others, of Almont and Imlay City, Mich., protesting against passage of bill closing barber shops in the District of Columbia on Sunday as a law enforcing the observance of certain religious views; to the Committee on the District of Columbia.

Also, petition of Rev. C. Binhammer and 24 others and A. A. Martini and 44 others, of Sebewaing, Mich., protesting against any restrictions placed upon the work of the American Red Cross by nations engaged in the European war that prevent impartial aid to all such belligerents alike; to the Committee on Foreign Affairs.

Also, petition of Mrs. G. C. Gregg and 40 others, of Memphis, Mich., asking passage of the Susan B. Anthony suffrage amendment; to the Committee on the Judiciary.

Also, petitions of the Congregational Sunday School at Utica; Wesley Methodist Episcopal Church, of Colfax Township; Mount Pleasant Sunday School at Wales; Cole Sunday School and Church at Yale; Methodist Episcopal Church at Caseville; Sunday School of First Congregational Church, at Carsonville; Pentecostal Church of the Nazarene, at Mayfield; the congregation and Sunday School of Methodist Episcopal Church at Algonac; First Baptist Church, at Vassar; Baptist Church at Bad Axe; Methodist Episcopal Church and Sunday School at Lawrence; Evangelical Church and Sunday School at Elkton; Trinity Evangelical Church, at Snover; Sunday School of Trinity Evangelical Church, of Snover; the Methodist Episcopal Church and Sunday School of Shabbona; First Congregational Church, of St. Clair; Second Presbyterian Church, of Marlette; Methodist Episcopal Sunday School at Carsonville; Methodist Episcopal Church of Carsonville; Methodist Episcopal Church at Decker; Methodist Episcopal Church at Elkton; Methodist Episcopal Sabbath School at Metamora; the people of the Methodist Protestant Church of Lum; 22 citizens of North Street and Atkins; church people at Peck; J. D. Bradshaw and 25 others, of Yale; Andrew J. Niles and 53 others, of Carsonville; Owen Smith and 21 others, of Sanilac County; C. C. Kemp and 25 others, of Bad Axe; Charles Blank and 46 others, of Snover; Solomon Eidt and 25 others, of Elkton; Oliver M. Wood and 24 others, of Marlette; William Jones and 45 others, of Atkins, Blaine, and North Street; Mrs. Sarah Hascall and 24 others, of Vassar; George Day and 59 others, of Algonac; R. C. Moore and 23 others, of Lum; John McCrudy and 12 others, of Fairgrove; J. S. Hossler and 23 others, of Metamora; Earl C. McCarty and 18 others, of Colfax Township, Huron County; J. S. Hoffman and 18 others, of Elkton; Joseph Tomlinson and 65 others, of Port Austin; Fred D. Walker and 22 others, of Lum; Sidney J. Powers and 46 others, of Caseville; George E. E. Evans and 31 others, of Brockway Township; Thomas Mollan and 23 others, of Wales; Hugh Hodgins and 25 others, of Brockway Township; George W. Howe and 16 others, of Port Huron; E. L. Bates and 25 others, of Waldron; J. G. Haller and 26 others, of Lapeer; Ira G. Chapman and 5 others, of Utica; Bruce C. Adam and 45 others, of Lamatte, all in the State of Michigan, in support of the Webb-Smith national prohibition resolution, proposing an amendment to the Constitution of the United States for national prohibition; to the Committee on the Judiciary.

Also, petition of Frederick Kaufmann and 50 others; Frank Meissner and 74 others; Evangelical Zion's Church, of Mount Clemens; J. W. Leipprandt and 134 others, of Pigon; Charles Brandt and 38 others; Ernest R. Wolf and 19 others; Henry Graichen and 4 others; Charles J. Wolf and 36 others; George Schroeder and 5 others; also telegrams from J. Murray, H. H. Powers, E. J. Smith, F. J. Wargowsky, Clarence Kellogg, Dr. C. R. Osins, and Rev. Rausch, all of Port Huron; the three Evangelical Lutheran congregations of the township of Sebewaing; C. C. Haag, pastor of St. John's Church, of Port Huron; Citizens' League of Richville; the Hermeter Cigar Co., of Detroit; Citizens' League of Reese; St. John's Church, of Pigeon, all in the State of Michigan, protesting against the United States becoming a party to the European war; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of Charles K. Blatchly, employment secretary, the Prison Association of New York, favoring Senate bill 1022 and House bill 42; to the Committee on the Judiciary.

Also, petitions of Clarence M. Smith, of New York, and Lucy Loud Ellis, of Pendleton, Oreg., favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. DYER: Memorial of St. Louis Medical Society, opposing Senate joint resolution 120; to the Committee on Appropriations.

Also, memorial of Rising Sun Council, No. 52, Luxemburg, Mo., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petition of R. A. Craig and 110 other citizens of Alameda County, against House bill 13048, to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of R. A. Craig and 42 other citizens of Alameda County, protesting against House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. ESCH: Memorial of Good Roads Association of Wisconsin, urging the necessity of the early designation, construction, and maintenance of a system of national highways to be built and maintained by the National Government; to the Committee on Roads.

By Mr. FITZGERALD: Memorial of automobile manufacturers of New York, protesting against the enactment of the Tavenner bill, House bill 8665, or any similar measure; to the Committee on Labor.

By Mr. GALLIVAN: Memorial of the Lithuanians of Greater Boston, condemning certain acts of Great Britain; to the Committee on Foreign Affairs.

By Mr. GLYNN: Memorial of sundry citizens of Waterbury, Conn., favoring permanent international tribunal; to the Committee on Foreign Affairs.

By Mr. GOOD: Memorial of board of directors of the Marshallton Club, indorsing House resolution 175; to the Committee on Mines and Mining.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 13738, for relief of Robert W. Johnson; to the Committee on Invalid Pensions.

By Mr. HAMLIN: Papers to accompany House bill 15890, to increase the pension of Louise Mawhning; to the Committee on Invalid Pensions.

By Mr. HILL: Papers in the case of George Rutherford; to the Committee on Military Affairs.

By Mr. HUDDLESTON: Petition of E. H. Parker and others of Birmingham, Ala., in re House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Will D. Root and others of Birmingham, Ala., in re Senate bill 645; to the Committee on the District of Columbia.

Also, petition of Rev. H. Reuter and others, of Birmingham, Ala., in re House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. KELLEY: Petition of 15 citizens of Clio, Mich., against certain amendments to the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Memorial of the Maryland Antivivisection Society of Baltimore, Md., favoring House bill 11079; to the Committee on Agriculture.

By Mr. LOUD: Petition of D. E. Wade and 51 other citizens of McLure and Wagerville Townships, Gladwin County, Mich., for passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. McDERMOTT: Petition of Messrs. William Stemrick, N. Murray, C. Lyons, C. F. Kenney, and others, all of Chicago, Ill., favoring the passage of the Lobeck classification bill; to the Committee on Agriculture.

By Mr. MAGEE (by request): Petition of citizens of Syracuse, N. Y., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorials of sundry citizens and organizations of the State of California, favoring the reporting out of the Susan B. Anthony suffrage amendment from the Judiciary Committee; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Protestant Churches Association of Greater New York City, opposing war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, report on pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

Also, memorial of National Automobile Chamber of Commerce, opposing the Tavenner or similar bills; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of James S. McCabe, of Providence, R. I., favoring the resolution requesting the President to designate a day on which funds may be raised for the relief of the Armenians; to the Committee on Foreign Affairs.

Also, petition of Phoebie L. Cargill, of Providence, R. I., favoring Senate bill 4874; to the Committee on Agriculture.

By Mr. SULLOWAY: Petition of citizens of first congressional district of New Hampshire, favoring Senate concurrent resolution No. 12, granting relief to suffering citizens of Armenia; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Petition of sundry citizens of Grand Junction, Colo., favoring the passage of House bill 8665, to regulate working conditions for skilled labor in Government service; to the Committee on Labor.

Also, petition of citizens of Grand Junction, Colo., protesting against passage of bills to amend the postal laws in relation to religion; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of Piper & Fullerton Co., Beaver Falls, Pa., favoring House bill 13946, laying an embargo upon crude petroleum; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. Chattaway, of Hazzard, Pa., favoring increase of compensation for fourth-class postmasters; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of John Connell and 22 others, of Meriden, Conn., urging Congress to pass House bill 8665, to prevent the introduction of efficiency systems in Government workshops; to the Committee on Labor.

SENATE.

WEDNESDAY, *May 24, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT resumed the chair.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Myers	Smoot
Bankhead	Gallinger	Nelson	Sterling
Borah	Hardwick	Norris	Sutherland
Brandegee	Hollis	O'Gorman	Swanson
Broussard	Husting	Overman	Taggart
Chamberlain	Johnson, S. Dak.	Poindexter	Thomas
Chilton	Jones	Ransdell	Thompson
Clapp	Kenyon	Shafroth	Tillman
Clark, Wyo.	Kern	Sheppard	Vardaman
Clarke, Ark.	La Follette	Sherman	Wadsworth
Culberson	Lane	Simmons	Warren
Curtis	Lea, Tenn.	Smith, Ariz.	
Dillingham	Martine, N. J	Smith, Ga.	

Mr. CHILTON. My colleague [Mr. GOFF] is absent unavoidably to-day.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. WADSWORTH. Out of order I ask unanimous consent to submit a favorable report from the Committee on Claims.

The VICE PRESIDENT. Without objection, the report will be received.

M. A. SWEENEY SHIPYARDS & FOUNDRY CO.

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (H. R. 13064) for the relief of the M. A. Sweeney Shipyards & Foundry Co., reported it without amendment and submitted a report (No. 478) thereon.

FOREIGN-BUILT DREDGES.

Mr. RANSDELL. Out of order I ask leave to submit a report from the Committee on Commerce.

The VICE PRESIDENT. The Chair hears no objection, and the report will be received.

Mr. RANSDELL. I am directed by the Committee on Commerce, to which was referred the bill (S. 4797) to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906, to report it favorably without amendment, and I submit a report (No. 479) thereon.

Mr. O'GORMAN. Mr. President, I ask unanimous consent for the immediate consideration of the bill just reported from the Commitee on Commerce. It is to permit an American contractor to bring in two dredges which he had occasion to use on some work in Canada. All the material used in the construction of the dredges was produced in the United States. The assembling of the material was done in Canada. The bill gives the Secretary of Commerce discretion as to the imposition of terms and conditions on which the dredges may be brought into this country.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend the act entitled "An act concerning foreign-built dredges," approved May 28, 1906, by adding, at the end of section 1, the following words: "or unless permitted by the Secretary of the Department of Commerce, on such terms and conditions as he may impose."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WOMAN SUFFRAGE IN COLORADO.

Mr. SHAFROTH. Mr. President, various statements have been made by individuals and reported in the press concerning the financial condition of the State of Colorado and the city of Denver, which condition, it was claimed, has been produced by woman suffrage. I have a statement here signed by 70 of the prominent business men of the city of Denver, and I ask unanimous consent that it be inserted in the RECORD without reading.

Mr. SMOOT. The Senator does not want to have the 70 names printed in the RECORD?

Mr. SHAFROTH. Yes; they are very prominent men, comprising the bankers, the wholesale merchants, bond brokers, and other business men. Their very names will produce conviction as to the absolute verity of their statement. The charge was made that the credit of the State of Colorado was impaired, which is an absolute falsehood. Then leading men have taken the trouble to get up a statement of this kind, which shows that the standing of the city of Denver and the State of Colorado in finances is as good as that of any city or State in the Union. Their bonded indebtedness is insignificant compared to the wealth of that city and State. It would be well for States having only manhood suffrage to take notice of this condition in an equal-suffrage State. I should like very much to have the statement inserted, with the names of the signers.

Mr. SMOOT. I have no objection to the insertion of the statement, but I thought the statement of the Senator was sufficient to describe the character of the signers, and that it would be useless to take up that much space in the RECORD.

Mr. SHAFROTH. It is very short—all on one page. The statement is signed by men well known throughout the United States.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE TRUTH ABOUT COLORADO.

Because various irresponsible persons, in no way representing the real spirit of Colorado, have circulated statements defamatory to the credit of the State and its womanhood, we believe the time has come when all such silly and slanderous stories should be repudiated by the intelligent and public-spirited men of the State of Colorado.

The demand for Colorado bonds is far greater than the supply. In per capita wealth, in expenditures for education, in the percentage of homes without encumbrance, in public improvements in all matters affecting social welfare and the humane side of legislation, Colorado stands well to the front, as may easily be verified by the reports of the United States Government.

In all efforts that have served to forward the health and prosperity of the State the women of Colorado have done their share. The enfranchisement of women is no longer a question here. Equal suffrage was granted by popular vote in 1893 and incorporated in the constitution 10 years later by a majority three times the size of that given the original referendum.

H. J. Alexander, president First National Bank; J. A. Thatcher, president Denver National Bank; George B. Berger, president Colorado National Bank; Godfrey Schirmer, president German-American Trust Co.; W. J. Galligan, president City Bank & Trust Co.; John Evans, president International Trust Co.; James C. Burger, president Hamilton National Bank; Frank N. Briggs, president Interstate Trust Co.; James H. Causey, banker and investment bonds; Gordon Jones, United States National Bank; C. B. Whitehead, bonds and investments; Percifor M. Cooke, banking; E. J. Wecklerch, banking; Hume Lewis, of Boettcher, Porter & Co., bond dealers; C. K. Boettcher, Boettcher, Porter & Co.; John H. Porter, Boettcher, Porter & Co.; M. C. Harrington, president Hibernian Bank; W. M. Marshall, president Central Savings Bank & Trust Co.; C. Max A. Willcox, vice president Daniels & Fisher Stores Co.; W. R. Owen, vice president the Denver Dry Goods Co.; H. M. Stoll, the Joslin Dry Goods Co.; A. D. Lewis, the A. T. Lewis & Son Dry Goods Co.; Meyer Neustetter, the Neustetter Co.; Frederick W. Hodgework, president Hodgework & Jones Specialty Store Co.; Wm. I. Mead, manager the May Co.; A. Glesecke, president Denver Music Co.; V. C. Campbell, the Knight Campbell Music Co.; H. M. Williamson, president Davis Chemical Co.; Alfred T. Bowen, Davis Chemical Co.; George E. Turner, Turner Moving & Storage Co.; C. A. Kendrick, president Kendrick-Bellamy Co., stationers; A. J. Spengel, president Spengel House Furnishing Co.; W. H. Kistler, president W. H. Kistler Stationery Co.; E. L. Scholtz, the Scholtz Drug Co.; O. L. Smith, jr., vice president Smith-Brooks Printing Co.; Jesse W. Wheelock, general manager Northwestern Mutual Life Insurance Co.; Henry Van Kleeck, mortgages and investments; Zeph Charles Felt, real estate; George S. Van Law, real estate and loans; E. W. Merritt, real estate and loans; Cass E. Herrington, legal department Colorado Fuel & Iron Co.; O. E. Lefevre, ex-district judge, retired capitalist; Charles D. Hayt, attorney, ex-judge supreme court; Charles M. Beardsley, attorney; J. B. Grant, attorney; Henry May, attorney; Frank E. Gove, attorney; A. N. Patton, attorney; Alva A. Swain, Pueblo Chieftain and Grand Junction News; Carlos M. Cole, superintendent public schools; William H. Smiley, supervisor high schools; J. M. Downen, Clayton School for Boys; John B. Garvin, instructor East Denver High School; C. A. Brooks, past national patriotic instructor, Grand Army of the Republic; S. A. Ritter Brown, author and capitalist; James A. Beebe, president Iliff School of Theology; S. B. Longacre, dean Iliff School of Theology; Borden P. Kessler, instructor Iliff School of Theology; Charles O. Thibodeau, pastor Grace Methodist Episcopal Church; T. E. McGuire, pastor Park Hill Methodist Episcopal Church; James Thomas, pastor Grant Avenue Methodist Episcopal Church; Orrin W. Auman, district superintendent Denver District Methodist Episcopal Churches; H. R. A. O'Malley, rector St. Stephen's Church; S. R. S. Gray, vicar West Denver; James Rae Arnelll, M. D.; O. D. Wescott, M. D.; Edw. Wm. Lazell, M. D.; the City Federation (a delegate organization of the Associated Charities, Ministerial Alliance, and nearly 50 other societies of Denver, instructed its president and secretary to sign the foregoing statement), by Dr. Clinton G. Hickey, president, and Walter C. Heckendorf, secretary.

DENVER, COLO., *May 10, 1916.*

RIVER AND HARBOR APPROPRIATIONS.

Mr. CLARKE of Arkansas. I ask that the river and harbor bill may be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. HUSTING. Mr. President, I rise this morning for the purpose of addressing the Senate on the so-called river and harbor bill, and I expect at the end of my remarks to offer a motion to recommit the bill to the committee with instructions to report out a bill in a sum not exceeding $20,000,000. In support of that motion which I propose to make I now address myself.

Mr. NELSON. Will the Senator from Wisconsin yield to me?

Mr. HUSTING. Certainly.

Mr. NELSON. Do I understand that the Senator is moving to recommit the bill?

Mr. HUSTING. I shall move to recommit the bill at the end of my remarks.

Mr. NELSON. I was going to suggest to the Senator that there are a few more amendments to be offered, and we had better complete the bill before a motion is made to recommit it. I would ask the Senator to postpone the motion until we have finished the bill, and then his motion to recommit would be more appropriate.

Mr. HUSTING. Perhaps the Senator is right from his point of view, but from mine I think this is the appropriate time. That is my humble judgment.

Mr. CLARKE of Arkansas. I quite agree with the Senator from Wisconsin that if the bill is going to be recommitted it had better be recommitted at this point.

Mr. HUSTING. I was going to say in explanation of that that if the bill is going to be recommitted it had better, it seems to me, be recommitted before we spend any further time in the consideration of the bill. All the committee amendments are now in, and the Senate is informed of the type of bill which the committee proposes to pass.

Mr. President, in opposing this bill I should like to be understood as not opposing any particular appropriation in the bill or of commending any particular appropriation in the bill, because I am opposing this sort of a bill in its entirety. There may be and undoubtedly are very meritorious projects in the bill. I do not think there is any doubt that there are a great many projects in the bill that have little or no merit whatever, and that the Government is spending its money in a wasteful and extravagant manner in carrying all the projects which are proposed in the bill.

In a matter of this kind, although Wisconsin in a measure is interested primarily, I have voted in at least one instance against a proposal to increase the appropriation for the Mississippi River from $1,250,000 to $1,500,000. I voted that way because I do not know whether it is needed or is to be wisely expended. If it is a good thing I am sure that standing alone those favoring it will be able to vindicate that appropriation. If we spend money only to aid in meritorious projects merit will get a better hearing when standing alone, and the project will get more money when standing alone than it can possibly get if we are going to divide the funds which ought to be expended for meritorious projects among a great many others of little or no merit whatever. I, for one, am willing to let the Wisconsin projects or those affecting Wisconsin stand on their own legs. If there is any project which concerns Wisconsin immediately I am willing to have that particular measure stand or fall on its own merits.

I am sure that whatever is to be expended here in the improvement of harbors along Lake Michigan is good and will stand alone, and not only that but I believe that those harbors are worthy of a greater expenditure of money than has heretofore been made on them. As a matter of self-enlightened interest for Wisconsin and Wisconsin projects I say I want to disapprove any bill which uses any meritorious scheme in which Wisconsin may be interested as a stalking horse or a bait for any other project which has no merit.

I am sorry to hold the opinion that it has been the practice in the past—I guess that is not seriously disputed; in fact, some of the things that have arisen in the discussion of the pending bill warrant me, I think, in believing it—that sometimes meritorious measures are left out of the bill in order to coerce, or rather to persuade, those particularly interested in such projects in voting for some other project that has no merit whatever, in order to secure its own just demands. That is a practice that is not only bad, but which leads to extravagance and to the expenditure of money for many improper projects. So, I say, in discussing this matter I want to object chiefly to the system that is in operation here, to the method used in attempting to pass a river and harbor appropriation bill.

There has been expended, I am informed, $850,000,000 on river and harbor projects. It has been, as has already been stated here and as everybody knows, a hit-and-miss proposition. It is a sum here and a sum there and a sum some other place of so many million dollars a year, so that altogether a grand total of $850,000,000 has been reached in river and harbor projects; certainly a most stupendous sum, and a sum which, if it had been properly expended, should show results somewhat commensurate with the immense sum of money which has been expended. I repeat, it has been a hit-or-miss proposition.

A great deal of criticism that can be directed against our whole waterways proposition—or rather lack of one—can be directed against a river and harbor scheme of this kind. It gets us nowhere; it never will get us anywhere; it accomplishes nothing, except to take money out of the Treasury and to squander it for a great many unworthy purposes.

This is not a party question. The parties ought not to divide upon this proposition, and I, for one, would like to discuss it from a nonpartisan standpoint. Our friends on the other side have insisted all along that it is a nonpartisan question and that they propose to discuss it from a nonpartisan standpoint, although the record will show that not all of the Senators, yet a number of them, have injected into their remarks speeches of a highly partisan nature. They have taken occasion to call into this discussion the Mexican question, the European question, and a great many other questions.

Before proceeding any further I want to say a few words about that. The trouble with a great many of the appropriations which a Democratic Congress has been obliged to make is that they have been made necessary to carry out a great many of the extravagant measures instituted by a Republican administration. The consequence of extravagant appropriations does not always stop with the administration that is responsible for them, but it continues on and on for a great many years. Projects are started, first, in a river and harbor bill calling for an immediate small appropriation, but the project involves a possible expenditure, as I think the record will show and as I think I can show a little later on, of hundreds of millions of dollars. So projects have been started under former administrations carrying with them appropriations for the immediate needs of a project which has been started, but which, in the end, is going to involve the expenditure of hundreds of millions of dollars. That is not our fault, but it is the fault of those who started the project. Of course the argument now is that, having put in ten or twenty or thirty or forty or fifty million dollars, it is the duty of a Democratic administration to continue the appropriation.

If our friends on the other side wanted to be fair about it, they would at least acknowledge the corn, and say "We want you to continue these things, but we admit that we are responsible for them." But what do they do? They hold up before our eyes the threat that if we pass the appropriations they are going to charge us with extravagance, and if we abandon them they are going to charge us with "scuttling the ship." They have done that in reference to the Philippine question, which is something that we have inherited from a Republican administration. They foisted onto our necks something that is costing us I do not know how many hundreds of millions of dollars—I believe about $300,000,000—but when we are trying to separate ourselves from what has proven to be an incubus, we are charged with scuttling the ship. If we continue to pay the money that the Philippines cost us, they are charging that up as a part of Democratic extravagance.

I might cite the Mexican question, another thing that we have inherited from our Republican friends. It is a matter that they did not settle, but which they handed down as a legacy from their administration. In this debate Senators on the other side have been talking about the cowardice of a Democratic administration, and have complained that we have not gone to war with Mexico; that we have not intervened; that we have not sent down 250,000 men to invade Mexico. If we had taken their advice and taken care of the situation in the manner in which they have suggested, our appropriations would have sprung up to a great many hundreds of millions more than they are already amounting to. If we had taken their advice and gone into and invaded Mexico and expended a half billion dollars, they would charge that up to Democratic extravagance. If we do not do it, we are charged with cowardice, and with a failure to do our duty. If we do what they deem to be our duty and spend the money, then we are extravagant, they say.

In this connection, I might say that our Republican friends have not hesitated to inject into this debate the European question.

Others on the other side contend that we should have gone to war with Germany in defense of Belgium's neutrality. If we had done that, the sum total of the appropriation bills would amount to billions of dollars and the bills which we shall pass this session would "look like 30 cents."

I am not going into a discussion of that any further than to show the bearing that this charge of extravagance, coming from the Republican side of the Chamber, has on the necessities of the country. In short, the criticisms which have been made amount to this: That if we do not do a certain thing, we are this, that, or some other thing, and if we do what they suggest we ought to do, then we are guilty of unwarrantable extravagance; in other words, we will be "damned if we do and be damned if we don't." So it seems to me that it will be impossible for us to satisfy the Senators on the other side, or at least some of them, and consequently I presume the only thing that is left for us to do is to try to satisfy the people of this country, which is, of course, of the first importance and the other only of secondary or more remote importance. Therefore I want to speak with regard to this bill from the standpoint of what I conceive to be the interest of the people, disassociated from any possible partisan tinge, for, in a large way, it is nonpartisan. Those supporting this bill are nonpartisan except in the sense that in this bill and bills of like nature their interests, or what they conceive to be their interests, are tied up together and party lines are not drawn, nor are sectional lines.

A great deal of time has been consumed in the discussion of this bill and a great deal of information has been put into the RECORD. I do not think that anyone can have listened to the indictments against this bill or the facts as portrayed here without feeling that this bill in its entirety ought not to pass. I do not think that this Government at this time, when it is engaged, and must continue to be engaged for some time at least, in extraordinary expenditures for preparedness, both in the way of defense and also in an industrial way, in the way of spreading our commerce to the four corners of the globe and providing for contingencies of a grave and great nature which

now confront us, ought to expend money that is going to be needed so badly elsewhere in the development of small or insignificant creeks or rivers.

I think, in consonance with the general purpose of this Congress, that every river and harbor project ought to be made a part of a harmonious whole from a military and commercial standpoint and ought to be made to harmonize with the general spirit of preparedness in the way of preparing this country to compete with the world, either in a contest of arms, if it should come, or in a contest of commerce when it shall come, as it is bound to come. Everything else ought to be stricken out of this bill, ought to be sidetracked for the moment, or entirely abandoned; and I would say the same thing even in regard to those projects which have some merit. They do not all have to be completed at this time. Rome was not built in a day, and neither must every small stream or creek or river be developed in a day. There are appropriate times for things, and I think the appropriate thing at this time is to swing our resources back of this country in its program of preparedness, as I have said, both in a military and naval sense and also in a commercial sense.

Referring to extraordinary expenditures, I want to add to what I said awhile ago that the country is asking us to prepare, and we have already passed a bill, which, I think, has become or will soon become a law through the President's signature, which will raise the military expenditures of this country something like $150,000,000 or $200,000,000 annually. We are soon to enter upon the development of our Navy, and I understand the naval appropriation bill will reach a total of something like $250,000,000 or $300,000,000. A shipping bill has reached the Senate, calling for something like $50,000,000. These matters have got to be attended to, because the people as a whole demand that they shall be taken care of; and, of course, the people know that when they make that demand they have got to pay the bills. These things do not come like nitrates from the sky, but have to come about by the expenditure of money from the Treasury. While they know that, and while they are willing to pay the bill for these purposes, even if they increase the expenditures of this Government several hundred millions of dollars annually, I think they do expect, on the other hand, that things which are not of such moment shall either be cut out or deferred or abandoned for the time being.

Our friends on the other side are crowding this Congress for increased preparedness. I know a great many on this side also favor adequate preparedness, and now if that is brought about in accordance with the universal demand or the nonpartisan or bipartisan demand and money is voted for that purpose, it will not lie in the mouths of our Republican friends in the next campaign to charge us with extravagance, because it is not extravagance to put our house in order and to put ourselves in such shape as we ought to put ourselves in to meet exigencies that are now confronting or soon will confront us. And it will not become a Republican to criticize as extravagance something done which they had demanded and costing money for the appropriation of which they are in part responsible. However, even though our friends on the other side are demanding a correction of an evil for which they are responsible in the instance of the river and harbor system—if they call such a thing a system—I feel we ought to feel no resentment, but ought to feel grateful to them for pointing out the evils of their system and for offering to help us cure the evil. I also think we should take in the proper spirit the warning held out to us by them, accompanied as it is with an admission that this and other extravagances on their part while in power in part were responsible for their party's downfall. I hope we will profit by their warnings and their experiences.

Now, in discussing the bill I am not going to go over the old ground that has already been covered, but I have selected three rivers which are to be improved under this bill, and, instead of selecting the worst, I presume everyone will agree that I have selected the best.

You have heard a great deal about some of the rivers and creeks that are to be improved under this bill. Senators have shown the worst projects covered by this bill; they have shown that streams and creeks which carry only a foot and a half of water sometimes are to be improved, and hundreds of thousands, if not millions, of dollars expended upon them. I do not think there is any question about those projects being bad. I think the question was asked a Senator who was discussing one of these creeks where there was little water whether they wanted to supply more water in the creek. It occurred to me that perhaps the reason why a great many of these creeks and rivers are to be improved is because there is too much earth and ground in the bottom of the creeks and rivers, and they want to dig out mother earth itself; they want to turn something from a purpose to which it is adapted to some purpose to which it is not adapted. We can not change the face of this hemisphere, but we can do certain things to advantage. For instance, in the discussion of the East River project here the other day, which was left out of this bill when it was originally reported to the Senate, it was shown that a certain ridge in the river separated deep basins on either side, and that by the expenditure of a couple of hundred thousand dollars this ridge or bar could be removed, and our dreadnaughts could enter from the sea into the Brooklyn Navy Yard, where during stress of war or battle they might be obliged to go.

That is a project that no two men can disagree upon. It is perfectly obvious that that bar has got to be removed, because it is necessary to have it removed. But that is a far different project from turning a stream having a foot and a half of water into a stream that is navigable for its entire length by means of excavation throughout its entire length, because the more you excavate the lower the water drops. That does not increase your volume of water at all. If you take any given stream with a certain limited supply of water and gouge it out for its entire length, you will have the same result when you finish that you had when you started. You will still have too much ground at the bottom of your river; and you can keep on until you get down to the hot place and it will not do you any good. There is another way, and oftentimes the better or only way, in which water can be put on top of land, and that is by means of dams and reservoirs; but that is another story. What I was going to say is that these creeks a foot and a half in depth their entire length can never be made into rivers that will carry ocean-going steamers. You are just expending your money for the purpose of giving exercise to some men that you like to see exercise. It is merely a little game, that is all—a little play. What I mean to say is that you are paying your money for a useless purpose to keep men out of mischief or to keep them going. That is the effect of it. I do not say that that is the purpose, but that is the effect of it, and it does not get you anywhere.

But that kind of streams I do not care to talk about; but I do want to take what I consider the three most plausible projects we are expending our money on. I think it will be agreed that if the three best that we have do not warrant the expenditures we are making, as we are now making them, then, of course, the worst can not be good enough to spend any money on. I have reference to the Mississippi River, the Missouri River, and the Ohio River.

I have gathered some data here—not through my own industry, but through the industry of others—bearing upon the expenditure of money on these three rivers. I have given some study to the subject and looked over some of the tables, and in a general way know a little about the subject. I hope to know more in the course of years. But, from the showing that is made here, I can not see where we get anything out of even the improvement of these rivers under the present method of expenditure of money. I am going to take up a little of the time of the Senate to discuss these rivers and the money expended on these rivers, and I trust I may be pardoned for reading part of this, because I have not the figures in mind.

Under the present bill we are to expend for these three streams $15,500,000; and the bill contemplates the expenditure of over $20,000,000 on 11 streams, or a grand total of over $40,800,000. I believe the Senate committee has raised it to something like $43,000,000. I am going to ask to have the table that I have here included in the RECORD if not already printed in some other speeches. I should like to have it looked at. It shows how this money is to be apportioned. I am going to dwell on the Missouri River first.

That river takes $1,750,000. Of this, $1,500,000 is appropriated for 400 miles of river which lie between Kansas City and St. Louis. When the project of the whole river shall have been completed it will have cost the Government the sum of $34,000,000. Nearly $20,000,000 has already been expended, and an expenditure of $14,000,000 is contemplated. Before the era of railroads this river bore a great carrying trade. To-day it has dwindled down to almost nothing; and, as I shall show you shortly, the greater part of the so-called commerce of the Missouri consists of the transportation in barges of the sand and stone and gravel which the Government itself is using in the improvement of this highway of commerce.

Since the opening of the Sixty-fourth Congress two tables showing the plans in favor of reinstating the Missouri River project have been placed in my possession. There is reported, based on the report of 1914, a loss of commerce as follows:

Tons of commerce reported in 1905, 343,435; in 1913, 347,235; in 1914, 240,550. That is a loss of 30 per cent of the commerce on the Missouri River.

After making the deductions of gravel and stone used by the Government itself in these improvements, and the logs and material that could be floated down without any improvement, the actual commerce is as I shall state a little further on. This feature of the commerce, or this distinction between the commerce, I believe, has been discussed here in the Senate; but it seems that these reports are made up with a great deal of duplication, and include commerce carried on by the Government in its execution of the work. Of course it is manifest that when they stop their work this part of the river commerce will cease, and consequently it is not a proper item to be charged up as a part of the general commerce. Therefore it is deducted; and of course on these rivers where logs and lumber can be floated without any improvements, it is clear, it seems to me, that a project should not be credited with a certain amount of commerce that it would have received anyway without the improvements in the river. Of course, too, when a stream can carry logs and timber and things of that kind without any improvement and continues to carry them with the improvement, that part of the commerce is not to be credited to the improvement, but is to be credited to the river in its original state; and therefore it should be deducted.

On the Missouri the actual commerce in 1905 was 18,182; in 1913, 24,000; and in 1914, 19,000, a loss of 30 per cent also for 1914 over 1913.

Mr. STERLING. Mr. President, I should like to ask the Senator if he means by the commerce on the Missouri River the commerce through the entire extent of what is known as the navigable Missouri River, from Fort Benton to the mouth of the Missouri, near St. Louis, or does he just refer to particular stretches of the river, as from St. Louis to Kansas City and from Kansas City to Sioux City, Iowa?

Mr. HUSTING. I should have to refer to the reports to get that information. I think the Deakyne report will show that. I am coming to that in a little while. Perhaps I have that information here. My understanding is that that is the entire river, or so much thereof, at least, as is credited to the part over which the improvement has been made for which this appropriation is asked.

Mr. STERLING. I am not sure whether the figures given by the Senator referred to the tons of commerce or to the value of the commerce.

Mr. HUSTING. Those are the tons of commerce. I want to say to the Senator from South Dakota, or any other Senator present, that I should like to be corrected in case I make mistakes in the figures presented. I have confessed that I am not as well grounded in this matter as I should be; but I am taking this from what I consider reliable reports, and I should like to be corrected if I make any misstatement. To my mind, these figures never have been contradicted or challenged.

Take, for instance, the conditions on the Missouri River in 1913. The report shows—and this will be found in Mr. FREAR's minority report—a table which purports to give the freight traffic on the Missouri River. The total valuation of the commerce is $3,929,212.32 and a tonnage of about 347,235. Of this, 309,577 tons was sand and gravel hauled 1 mile.

Nine-tenths of the traffic was barged 1 mile; showing that while the figures are somewhat imposing, yet, getting down to brass tacks, there is not very much left in the way of any substantial commerce. Of the above, 309,577 tons consisted of sand and gravel carried 1 mile, probably in the Government's own construction work—a good deal of it, at least. Somebody in the neighborhood of Kansas City hauled 2,513 tons of sand 9 miles, and 10,312 tons of railroad ties were hauled 14 miles. This makes a total of 322,402 tons of these freight items, and the average haul was about 2 miles. The balance consists of a little bit of grain, logs, and wood, chiefly material which could be floated down any unimproved river. The total of this amount is 24,833 tons and the average haul less than 100 miles.

Lieut. Col. Herbert Deakyne, of the Corps of Engineers, who was sent to reexamine the Missouri River, reported on April 15 that this project should be abandoned. I am going to take the time of the Senate to read his report in full:

REEXAMINATION OF MISSOURI RIVER FROM KANSAS CITY, MO., TO THE MOUTH.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Kansas City, Mo., April 22, 1915.

From: The District Engineer Officer.
To: The Chief of Engineers, United States Army
(Through the Division Engineer).
Subject: Reexamination of project, Missouri River, Kansas City to mouth.

1. In compliance with instructions contained in department letter dated March 18, 1915, I submit the following report giving my general views on the question of the modification or abandonment of the project for the improvement of the Missouri River from Kansas City to the mouth. This report is called for by section 14 of the river and harbor act approved March 4, 1915.

2. The project for this improvement was adopted by Congress July 25, 1912, in the following language:

"Improving Missouri River with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the River, in accordance with the report submitted in House Document No. 1287, Sixty-first Congress, third session, and with a view to the completion of such improvement within a period of 10 years, $800,000: *Provided*, That cooperation from the localities benefited may be required in the prosecution of the said project in case any comprehensive plan is hereafter adopted by Congress for an apportionment of expense generally applicable to river and other projects in which any improvement now or hereafter adopted confers special or exceptional benefit upon the localities affected: *Provided further*, That nothing herein contained shall postpone the expenditure of the amount hereby appropriated or any further appropriation for said project without action by Congress."

However, the first appropriation for the work was made June 25, 1910, in the following language:

"Improving Missouri River, with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $1,000,000: *Provided*, That the Secretary of War shall appoint a board of three officers to further consider and report upon the most economical and desirable plan of securing such channel, in which report consideration will be given to the subject of cooperation on the part of local interests in the work of said improvement: *Provided further*, That the report hereby authorized shall be submitted to Congress on or before the opening of its next regular session."

3. The appropriations and allotments made for this project are as follows:

June 25, 1910	$1,000,000
Feb. 27, 1911, authorized Aug. 24, 1912, appropriated	600,000
July 25, 1912	800,000
Mar. 4, 1913	2,000,000
Oct. 2, 1914	850,000
Mar. 4, 1915	1,000,000
Total of 6 appropriations	6,250,000

It will be noted that the appropriations have been made at about half the rate mentioned in the act adopting the project.

4. The expenditures to March 4, 1915, were $3,577,290.85, consisting of $3,286,082.59 for improvement and $291,208.26 for maintenance. It is estimated that the project is about 9 per cent completed. There have been large expenditures for plant since the inception of the project, and for that reason and on account of the lack of appropriations at the proper rate, the amount expended and the percentage completed appear out of proportion. But it has been demonstrated that the work can be done within the estimated unit cost, and it is my opinion that with appropriations at the rate of $2,000,000 per year for improvement and sufficient funds for maintenance the project could be completed within the total estimated cost.

5. The cost of maintenance after completion of the project is estimated at $500,000 per year. The maintenance work, including snagging, is now costing about $100,000 per year. It will gradually increase as the work progresses. If appropriations are continued at the rate of about $1,000,000 per year, and the maintenance increases from $100,000 to $500,000 per year, averaging $300,000 per year during the execution of the work, it is plain that over 20 years from this time will be required to complete the project.

6. I consider that the question of modifying or abandoning the project is one to be decided by a comparison of the cost involved with the benefits derived. Assuming the money of the Government to be worth 3 per cent interest, the total estimated cost of the project represents $500,000 per year interest. Adding the maintenance cost of $500,000 per year gives $1,100,000 per year as the permanent charge to the Government resulting from the execution and maintenance of this project.

7. The benefits derived are represented by the increased facilities for navigation. There are other incidental benefits, such as the protection of lands from erosion and the amelioration of flood conditions, but these have not been recognized as proper objects of Government expenditure on the Missouri River and are therefore not considered in the analysis.

8. The commerce to be considered is present and prospective, and the advantages that commerce will obtain from the improvement are the actual saving in freight charges by the use of the river and the effect on railroad freight rates produced by the possibility of water transportation.

The commerce for the calendar year 1914 is not fully tabulated.

Then follows the total I have just read. I want to say that is in Deakyne's report, and that is my authority for the statement.

Mr. STERLING. I ask the Senator if he can refer again without much trouble to the figures he gave of the tonnage on the Missouri River from Kansas City to the mouth?

Mr. HUSTING. This is the total, but I think that is filed with the Deakyne report. I will give you the figures found in his report and that is my authority for these distances concerning which he proposes to cover. He does not say what part of the stream it is in, but I assume it is for that part affected by this money, whether the whole or a part of it.

Mr. STERLING. I refer to the figures given by the Senator.

Mr. HUSTING. This is the same table.

Mr. STERLING. May I call the attention of the Senator for the purpose of the RECORD to the statement given in the report of the Committee on Commerce? As I remember the figures given earlier in the Senator's address, he gave the tonnage as something like 18,000 or 19,000 tons.

Mr. HUSTING. No; the total tonnage was 347,235.

Mr. STERLING. For 1913?

Mr. HUSTING. For 1913; and I deducted from that the gravel. I am coming to that now, and I will give them over again if you desire.

Mr. STERLING. I do not care to have the Senator repeat it, but I call the Senator's attention also to the value of that tonnage during the three years 1912, 1913, and 1914, showing a constantly increasing value of the tonnage during those three years.

Mr. HUSTING. Please give me the page of the report.

Mr. STERLING. Page 365 of the report. I suppose that is taken from the report of the Board of Army Engineers.

Mr. HUSTING. These figures are taken from the Deakyne report and I assume that they are correct. I say personally I do not know whether they are or not.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. HUSTING. Certainly.

Mr. REED. I ask the Senator if he does not know that that report was absolutely turned down by a full board, who sat on it and repudiated it——

Mr. HUSTING. What board?

Mr. REED. The board of appeal that was appointed, at the head of which was Col. Black, now Gen. Black; and that after a full hearing this report was not only repudiated, but after the hearing placed Deakyne in a position that I will not say was discreditable but, at least, it was extremely pitiable.

Mr. HUSTING. I am sorry if I shall be quoting anybody who has been discredited by any subsequent investigation, but I do not understand from the Senator that his figures were challenged.

Mr. REED. There were many other figures given, and the fact that his figures were inapplicable and unjust was made clearly manifest.

Mr. HUSTING. That is a matter of argument.

Mr. REED. No; it is not a matter of argument, because the board of appeal found against him, consisting, I think, of nine officers who came there and had a hearing lasting for several days. At the head of that board was then Col. Black, who is now Gen. Black, Chief of Engineers. The fullest hearing was had, and I say without desiring to reflect upon Col. Deakyne that I never saw a man in a much more pitiable condition than he was after that hearing had proceeded a few days.

The fact is Col. Deakyne did not understand the Missouri River or know what he was trying to do. It had been a pretty complete failure all the time he was out there; and his report is discredited and discarded and in the waste basket of forgetfulness, except that the Senator has reached down and shaken the dust off of it and brought it in here before the Senate.

Mr. HUSTING. I will say to the Senator that I do not understand whether the Senator is stating these things as his opinion or whether he is stating his opinion as to the pitiable condition of the engineer at the time he appeared before the board. I will state to the Senator that I shall take occasion to look up this conference of these governors or the report of this committee and see whether they have denounced him as severely as the Senator has done.

Mr. REED. They did not denounce him. They simply reported against everything that he reported in favor of, that is all.

Mr. HUSTING. I would consider that as a matter not in any way reflecting on the figures and facts given by the engineer.

Mr. REED. I have already said there were at this hearing facts and figures produced which showed that the figures of Col. Deakyne were inadequate, were not complete, and that new facts and new figures and new evidence throw added light on the whole proposition and entirely destroy the effect of these figures. The Senator will be so kind as to permit me to observe at this point one trouble with Col. Deakyne's figures, and it goes to the Senator's argument. I do not know whether the Senator has ever seen the Missouri River or not.

Mr. HUSTING. Yes; I have seen it.

Mr. REED. I suppose he has seen it. That is probably about all.

Mr. HUSTING. I have not seen it as often as the Senator has.

Mr. REED. No. One trouble is that Col. Deakyne's figures were based upon tonnage upon a river which everybody admits until it is improved is only navigable at certain periods of the year and by boats of certain special build and limited capacity. The effect of the Senator's argument is and the effect of Col. Deakyne's report was that it was a fair test of the value of the river. In other words, a river is unnavigable because of certain bars across it. Therefore these gentlemen say, not being navigated to any great extent, it is unfit for navigation, and they proceed to prove that by the fact that there is no navigation, and that navigation is practically impossible, when the proposition is to cut through those obstructions and to place the river in a condition to be navigated.

Mr. HUSTING. How many miles, I should like to know, have to be excavated and how much money has to be expended before the improvement of the Mississippi River can be made.

Mr. REED. The amount that is estimated for the completed project is $20,000,000.

Mr. HUSTING. And $14,000,000 more.

Mr. REED. No; about $14,000,000 to cover the entire river.

Mr. HUSTING. For 400 miles.

Mr. REED. From Kansas City to St. Louis, a distance of about 420 miles, I think, though I have not the figures in my mind. Now, I want to get——

Mr. HUSTING. Before the Senator leaves that, as I understand it his reflection on this engineer is that his idea of what is going to happen after the river is improved differs from the opinon of the corps of engineers who examined it.

Mr. REED. No; the point I am making now is that no man with good judgment and with a reasonable degree of fairness wants to attack a thing simply for the sake of attacking it.

Mr. HUSTING. I should like to ask the Senator a question in order to get this position clearly before the Senate, if he will. The point, then, is that the figures are not disputed, but that the appropriation rests on the future commerce and the possibilities of future commerce, and not on what has already been engaged.

Mr. REED. There are some of the figures that the engineer gave that are accurate. Many of them, however, are not complete.

Mr. HUSTING. Will the Senator point out those not complete.

Mr. REED. I will at the proper time. I could not do it out of mind. I have not the report before me. I can bring the figures here, however. This is what I want to get into the Senator's mind, and I am presenting it to him as a fair man. Assume the case of a good highway built up to a river bank and a good highway upon the other side of the river, an impassable river, and no bridge. Now, it is proposed to appropriate some money to build a bridge, and the report is there has never been any traffic across that river, and therefore, because there has never been any traffic across the river, except perhaps by some ford that could only be used one month in a year, the bridge should not be built. Now, that has been the line of reasoning followed by every man who has opposed this project.

Mr. HUSTING. That will not be the line I am going to follow.

Mr. REED. That was Deakyne's plan. He said, "Here is a river. How much business have you upon this river now?" In the face of the fact that he knew and that everybody else knew who knew anything about it that the reason why the traffic was not on the river was because in moving their boats up and down at every season of the year except in high water there were certain shallows and certain bars that made it impossible to move their boats. The project is to remove those obstructions. Therefore the question is not how much there has been but how much there will be in traffic upon that stream.

Now, that is to be settled. It is upon the basis that the river has been made navigable, which all engineers, five or six boards sitting at different times, have agreed is entirely feasible and practical. The further question is, Is there business? Is there traffic along this river which at prices that it can be hauled for will go to the river?

The answer to that is that there is no territory west of the Mississippi River that will afford an equal amount of traffic. That is shown by population, shown by the great wealth and resources of the country, by the enormous production, by the thick population, and by the fact that the boat line already operating under these almost impossible conditions has been able to operate and pay its expenses with a cut in freight rates on the average of 20 per cent. Now, if you——

Mr. HUSTING. If the Senator please, I should like to resume my argument.

Mr. REED. Let me just finish this sentence. When you remove the obstructions so that the river can be fully employed, the evidence that was taken before the board of appeals overwhelmingly shows that the river would carry upon its bosom an enormous commerce which would result in a reduction of freight rates to all of that great State and to the territory that is tributary to it, the Dakotas, and even Oklahoma, and that the resultant benefit to the public would be almost incalculable. Yet in face of that showing we are asked to consider Mr. Deakyne's report based upon the unimproved condition of the river. I am obliged to the Senator.

Mr. HUSTING. The Senator talks of the future. It is impossible to show the future. I do not care what any corps of engineers may venture to predict as to what is going to happen in the future, the future can be better judged from the past than it can by the prognostications of a board of engineers. I believe—I have been so informed, and I feel that I am fairly safe in making the statement—that the figures all go to show that river transportation has decreased over those parts of rivers that have been improved, or, in other words, that it has decreased whether it has been improved or not.

Mr. REED. On the Missouri River?

Mr. HUSTING. Yes. I will take it not for a couple of years, but take it ever since the river has been improved, and there has been a decrease in proportion to the total transportation, if not a literal decrease in transportation, in the amount of transportation.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. SIMMONS in the chair). Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. HUSTING. For a question.

Mr. REED. The Senator certainly wants to get his figures right.

Mr. HUSTING. Yes.

Mr. REED. There was a time many years ago when there were no railroads and when the traffic there had to be upon the river, when there was a very considerable tonnage upon the Missouri River and upon many little rivers that we would not consider navigable.

Mr. HUSTING. I have already shown by this table that the tonnage on the Missouri River has decreased from 343,435 tons in 1905 to 240,550 tons in 1912, the total commerce. It is true that before the advent of the railroad west of the Mississippi the river tonnage was high, but it has steadily been declining ever since, at least proportionately if not literally.

Mr. REED. There are no such figures, in fact.

Mr. HUSTING. The Senator——

Mr. REED. I want to get the Senator right. My word on this is almost as good and important as an Army engineer's. They are not infallible. I say to the Senator that the figures absolutely show that since the present boat line was put on—now some four or five years back—there has been a steady, constant, and rapid increase in traffic upon that river; and anybody who says to the contrary—I do not care whether he is an Army engineer or whether he is a Hottentot—is not stating what is the fact.

Mr. STERLING. I should like to say, in all fairness, I think the Senator from Wisconsin ought to include in his table the value of this commerce, as it has increased in the last three years. It runs thus—that is, between Kansas City and the mouth of the Missouri: In 1912 it was $3,149,870.

Mr. HUSTING. The Senator is now speaking of the value of the commerce.

Mr. STERLING. Of the value. Just let me complete this statement. In 1913 it was $3,929,212, and in 1914, $4,677,207, making a total for those three years on that stretch of the Missouri River of $11,756,289.

Now, the Senator from Wisconsin does not consider that as inconsiderable commerce; but if there was that commerce with the then condition of the river and it can be increased by the improvement of the river, would not the Senator be in favor of making the improvement?

Mr. HUSTING. I will ask the Senator whether he is giving the value of the cargo. I should like to have the Senator give, if he can, the tonnage.

Mr. STERLING. I can give the Senator the tonnage.

Mr. HUSTING. It may be different from the figures I gave.

Mr. STERLING. The tonnage in 1912 was 185,110; in 1913, 347,235; and in 1914 the tonnage was as the Senator stated—240,550—but now the value of that tonnage has exceeded the value of the tonnage in either of the other years by considerably over a million dollars.

Mr. HUSTING. I do not see that the value of the cargo throws any light on this question at all. It does not as far as I am concerned, or as far as my understanding of the problem is concerned.

Mr. STERLING. It seems to me that the important element in it is the value of the commerce.

Mr. HUSTING. Not of the commerce carried to show the saving in the carrying of that commerce.

Mr. STERLING. Now——

Mr. HUSTING. Just a moment. If you transport commerce in gold coin of the value of $1,000,000,000 down a river and get $500 worth of revenue out of it for the carrying of it, and the Government spends $10,000,000 to transport that billion dollars of gold down the river 5 miles, I do not see that that is a help to the transportation problem.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. HUSTING. Certainly.

Mr. KENYON. In the figures suggested by the Senator from South Dakota, if he will analyze them he will find, for instance, 211,000 tons worth of sand and gravel barged a mile and sand and gravel again barged for 9 miles.

Mr. STERLING. I will ask the Senator from Iowa for what year was there tonnage of that kind?

Mr. KENYON. In the report of 1915.

Mr. STERLING. In the report for 1915?

Mr. KENYON. No; the year 1914.

Mr. STERLING. Will the Senator state the total tonnage and the value of the total tonnage for 1915?

Mr. KENYON. I have it not for 1915. I have it for 1914. It is in the 1915 report. I have it also for 1913. There were 309,000 tons of sand and gravel barged 1 mile.

Mr. HUSTING. I will say to the Senator that Engineer Deakyne analyzed those figures. I may as well here ask what are we spending money for in the way of improving water transportation? Is it for the purpose of hauling down the stream goods of great money value, or is it for the purpose of serving the people and saving them money on transportation?

That brings me to the proposition of the Senator from South Dakota. I say it does not make any difference what the value of the cargo is that goes down the river as between a railroad and the waterway. It seems to me that the figures throwing light on the amount of revenue derived by the transportation companies and the amount of tariff or toll that the public has to pay and the difference or the saving between those two either directly or indirectly by reason of the river improvement is the test whether we are spending our money for a useful purpose or not. In other words, taking the question of convenience into consideration, would we, as a business proposition, vote $10,000,000 or $20,000,000, with $14,000,000 more, or a total of $34,000,000, to carry, as the Senator admits his own figures show, a few hundred thousand tons of commerce, where we know that the public will save only about $10,000 per annum?

Mr. STERLING rose.

Mr. HUSTING. Just pardon me a moment. The Senator from South Dakota gave some figures here as to the tonnage, which entirely coincide with the figures that I have given. So these figures are not challenged; they are corroborated by the report of the committee.

Mr. STERLING. Will the Senator permit me to make a suggestion right there?

Mr. HUSTING. Certainly.

Mr. STERLING. The Senator speaks of an expenditure of $20,000,000 on the Missouri River. Now, may I ask to what reach or stretch of the river he has reference?

Mr. HUSTING. I refer to the portion of the river through which this tonnage is carried.

Mr. STERLING. Does the Senator mean, now, from Kansas City to the mouth of the river?

Mr. HUSTING. I refer to any tonnage that goes on the river.

Mr. STERLING. Does the Senator mean the whole river?

Mr. HUSTING. I mean that part of the river on which this $34,000,000 was expended, or an expenditure which has been made on this particular stretch of the river. If I am wrong, I should like to be corrected.

What is the standard here? What is the compass with which we are going to steer this business? Is it by a view of the good the expenditure does the people and the amount it saves them on transportation charges, or is it going to be without any regard to return for the money expended? Is it merely going to be just for no particular purpose, except to spend the money in certain States because Senators or Representatives want it spent there?

Take the Missouri River. I say it is one of the best, and I have singled it out, and I want to tell the Senator from Missouri [Mr. REED], who was not here at the time that I singled it out, that I am singling this out as one of the three most promising enterprises of the lot—not as the worst, but as one of the best. The worst have been pointed out by the Senators who have spoken before me; but the purpose of my argument, in so far as I can make it clear, is to show that even as the best, taking the best project into consideration, under the present system——

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. HUSTING. Just a moment. We are expending our money uselessly and extravagantly without getting just returns for the expenditure.

Mr. STERLING. Mr. President, it seems to me that the Senator from Wisconsin will have to revise his figures in regard to the amount expended on the Missouri River from Kansas City to the mouth. I have here a statement under the head of "Financial summary" of the amount expended on all projects to June 30, 1915, which shows the expenditure to have been $10,475,618.90. I understood the Senator to say that $34,000,000 had been expended for that purpose.

Mr. HUSTING. No; I said $20,000,000 and $14,000,000 more——

Mr. STERLING. Then it seems to have been just about half the amount which the Senator stated.

Mr. REED. Mr. President, the Senator is talking manifestly with perfect fairness; that is, he intends to be fair——

Mr. HUSTING. I intend to be fair.

Mr. REED. But I suggest to him that, if he thinks there has been any such sum of money as that expended on the stretch of the Missouri River from Kansas City to St. Louis, he had better discontinue his speech, and get somewhere within eight or ten million dollars of the facts.

Mr. HUSTING. I will let the Senator from Missouri get close to the facts. I am stating my authority. I have already made the statement that I have no personal knowledge of this matter, but I am taking my figures from reports that purport to be true. I shall be glad to be corrected by any Senator who finds anything to the contrary.

Here in this summary I find, on looking at it, that the appropriation for the general improvement has been $15,451,432, and from the mouth of the river to Kansas City it is $2,250,000, making a total of nearly $18,000,000. What part of that has been expended I will let the Senator explain, and I hope he will; but taking the statement that $10,000,000 have been expended as true, the same argument obtains, and with $14,000,000 more of expenditure it makes a total of $24,000,000. If my figures are not correct, let us take the Senator's own figures.

Mr. REED. I did not give those figures. I said that the Senator was off over $10,000,000. Now, he has got it up to $24,000,000 as the amount which will be ultimately expended.

Mr. HUSTING. There is $14,000,000 more to be expended. The Senator himself said that a little while ago.

Mr. REED. I said approximately, but I did not say $10,000,000 had been expended. The total that was contemplated to be appropriated was $20,000,000. So the Senator will have to cut off 4,000,000 more cuts to get down to the number that are in the back yard.

Mr. HUSTING. I said that if there were only ten millions appropriated, the same argument will hold good, and the Senator admits that the amount will be $21,000,000.

Mr. REED. No; I admitted it to be $20,000,000.

Mr. HUSTING. Well, the Senator admits it to be $20,000,000. I will not haggle with him about millions; five or six million dollars, more or less, in a matter like this, according to past practices, does not change the proposition in the least. Let us say that $20,000,000 will be expended on this proposition.

I say the test is whether we are warranted in expending that $20,000,000 when we could take every ounce of commerce that has been floated down there, pay the expense of transportation on the railroads, and have almost our $20,000,000 left in the Treasury.

Mr. STERLING. Mr. President, as I understand, the commerce for three years——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. HUSTING. Yes.

Mr. STERLING. The commerce for the three years 1912, 1913, and 1914 amounts to more than has been expended up to this date.

Mr. HUSTING. But the Senator from South Dakota misunderstands me. I did not mean to pay for the cargoes. I meant to pay for the transportation charges on those cargoes.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. HUSTING. Certainly; for a question.

Mr. REED. If the result of the river transportation has been to reduce railroad rates generally to all that vast territory, would the Senator from Wisconsin regard that as a fact that might be considered?

Mr. HUSTING. That is a fact that certainly should be taken into consideration as a factor in the question; but I am coming to that a little later. I am now talking about the saving in the transportation charges.

Let us take these figures. I again want to say that I do not propose that the United States shall buy the cargo and pay the $10,000,000 for the cargo itself; but I am speaking as to the saving in the transportation charges on this cargo. This cargo, as I understand, in 1914 amounted to 240,550 tons. I do not understand that that part of it was carried a considerable distance. The total tonnage carried between these points amounted in 1913 to 347,235 tons.

Of that gravel, logs, and lumber rafted amounted to 309,684 tons, which leaves a difference of 37,551 tons of genuine commerce; that is, commerce in the sense that it would be transported regardless of whether or not this improvement was going on.

I do not know just what transportation per ton might be worth. Let us say that it is worth $5 a ton, which is a pretty fair charge, I think, for 50 cents a hundred is a pretty fair charge.

Mr. REED. Fifty cents a hundred would be $10 a ton.

Mr. HUSTING. Very true; 50 cents a hundred would be $10 a ton. Let us say $10 a ton. You would have for this 37,551 tons $370,000 for the total freight charges of that commerce. Now, let us say you save 20 per cent by sending it by water. That would make $60,000 saving to the people in the carrying of that cargo; but you are going to pay out when it is all done a total expenditure of $20,000,000. The interest on that at 3 per cent represents an annual interest charge of $600,000. Add a maintenance cost of $100,000 or $200,000 or $300,000 a year, and you are paying practically a million dollars per year to save somebody $60,000 in freight charges. Those are merely arbitrary figures. You can double them or you can divide them or you can multiply them by three or four, and the showing will be the same, except in the matter of degree. Does it pay to do that? That is the question. Is there not some other way, some better way, to arrive at this thing and make it pay?

I want to say that I am not in favor of permanently abandoning the waterways of this country. I favor a complete and harmonious development of the Mississippi River watershed from the Great Lakes down to the Gulf. What I am complaining of is that we are proceeding in a way that is wasteful and extravagant and does not get us anywhere.

Proceeding with the reading of this report—and I want to say in behalf of Col. Deakyne that, without a further showing at least, I do not subscribe ipso facto to the declarations made by the other board; in fact, it has been one of the peculiar things in all this river and harbor appropriation business that inquiries are made by Congress; an engineer is sent to the ground to look it over; he comes back and makes a good, honest report, and after he has made a report that is adverse, and that turns down the project, the engineer is browbeaten; he is coerced; and he is discredited because he has dared to go in and independently to tell the truth and make a fair and honest report.

Mr. REED. Mr. President——

Mr. HUSTING. I am going to presume that this man made an honest report until I hear some facts which convince me to the contrary.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. HUSTING. Yes; for a question.

Mr. REED. What reason has the Senator to think that Col. Deakyne is any more honest than the board of eight or nine men who were sent there to examine this project?

Mr. HUSTING. I do not say he is any more honest. I say he is as honest, presumptively.

Mr. REED. But the Senator complains that an engineer goes out and makes an honest report, and then is turned down by some board, the intimation being that the men composing the board were dishonest, and he was honest.

Mr. HUSTING. I do not know anything about that. I will say, in reply to the Senator, that here is a man who goes and gets the facts; he is on the ground, and presumably he knows the facts; but when he gets back here his findings are overturned by others who are not acquainted with the facts and who in fact invested him with the authority to go and get them.

Mr. REED. Why, Mr. President——

Mr. HUSTING. The presumption in my mind is in favor of this engineer's report, unless some presumption is raised against his honesty and integrity; and when the Senator sees fit to impugn bad motives to the colonel, I am going in my humble way, at least for the present, to state why I think the colonel is all right.

Mr. REED. Mr. President, the trouble with the Senator is, that when a report is made by an officer condemning a project that appeals to the Senator's mind that man immediately is honest; but when anybody reports the other way, that being in

opposition to the Senator's own preconceived notions, he regards the other man as dishonest. Now——

Mr. HUSTING. Wait a moment.

Mr. REED. I did not reflect upon Col. Deakyne's honesty; I simply said he had made a report that was literally torn to pieces upon a full hearing. Now, I say to the Senator——

Mr. HUSTING. Who tore it to pieces, I should like to ask the Senator?

Mr. REED. It was torn to pieces by the testimony of witnesses, by an elaborate statement of facts by witnesses who testified that they were on the ground and knew all about the conditions. Now, I call the Senator's attention to the fact that the board of appeal did not sit here in Washington; the board of appeal went out on the river and examined the project, and it had upon it men who were familiar with river improvement in the country and who were familiar with the history of the Missouri River improvement. Therefore it was not any star-chamber examination by men who had never been on the ground.

Mr. HUSTING. Was Col. Townsend one of these men?

Mr. REED. I think not; I do not recall his name. I am not good at remembering names.

Mr. HUSTING. Has the Senator finished?

Mr. REED. Yes.

Mr. HUSTING. The Senator says that Col. Deakyne's report was all torn to pieces. I should like to have the Senator, if he will be kind enough, to call my attention to the place where these facts were challenged or produce figures with which to disprove these facts. Opinions and insinuations merely that this man is not all right do not dispute the facts.

Here are the facts which the colonel has given, and he has given his reasons. I think his reasons are good; I think they are sound; I think his whole analysis of the question is sound; and if anybody has any fault to find with the Deakyne report, it would seem that either his reasoning or his facts or something else of material interest and value to this discussion should be disproven.

Of course, this Deakyne report, discrediting in a way, or at least advocating the abandonment of this project, certainly, standing for its face value, is an indictment against the project; and, of course, if this report and its author can be discredited, it certainly relieves the situation quite a bit, so far as that project is concerned.

I do not want to stand here and defend Col. Deakyne if he is indefensible, but I should like to know whether the facts are wrong or whether his reasoning is wrong or whether his premises are wrong. Now——

Mr. REED. Mr. President——

Mr. HUSTING. If they are, I should like to have the Senator, not during my time, but I should like him to be kind enough during his own time to put them in the RECORD, so that it will disprove this without going into a discussion of it. The facts, if they are facts, will show that it is all wrong if that is really the case.

Mr. REED. I want to put them in now——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. REED. Because the Senator ought to get right. I think the Senator can be convinced, although, perhaps, not here in public.

Mr. HUSTING. I would be willing to take it up with the Senator at some other time.

Mr. REED. Of course, the Senator would hardly get up and read to the Senate the findings of fact and conclusions of law of a nisi prius court if he knew that that decision, upon an appeal, had been completely reversed. He would regard the decision on appeal, and not the nisi pirus decision, as the authority.

Mr. HUSTING. Let me ask the Senator a question.

Mr. REED. Now——

Mr. HUSTING. Wait just a moment. I should like to have the privilege of asking the Senator a question on my time.

Mr. REED. I wanted to make my statement of fact; that was all.

Mr. HUSTING. The Senator does not dispute the amount of tonnage that has been carried on the river in these years, does he?

Mr. REED. I have already said that it was inaccurate in that it did not include a great many items that ought to have been included, and that it was not brought down to date.

Mr. HUSTING. The Senator from South Dakota [Mr. STERLING] shows that it agrees with the tonnage reported by the committee, so that Col. Deakyne's report is verified by the figures given by the committee. The Senator also admits, as I understand, that at least $21,000,000 is to be devoted to this project.

Mr. REED. No; the Senator still is bound to swell it one million.

Mr. HUSTING. I beg the Senator's pardon; I mean twenty million.

Mr. REED. Yes. The Senator never makes any mistakes the other way. Go ahead, however.

Mr. HUSTING. Well, I do not think the Senator from Missouri will make a mistake the other way on his figures. The question that is vital, to my mind, here is whether we are warranted in expending $20,000,000 to carry about 37,551 tons of commerce annually.

Mr. REED. The Senator addresses that inquiry to me. I have already pointed out to the Senator that this river, with these bars and obstructions in it, can only be navigated under great difficulty, and at certain seasons of the year not at all, but that every engineer who has ever reported upon the project has said that it is absolutely feasible to remove these bars and obstructions. The question, then, is not How much have you carried over impassable obstructions? but How much can you carry with the obstructions removed? The Senator refuses absolutely to bring his mind to the consideration of that question.

Mr. HUSTING. If the Senator will not interrupt me any further, I will try to bring my mind to that question.

Mr. REED. Will the Senator let me conclude? A while ago I asked the Senator, who stands here reading the report of Col. Deakyne, if he would think of reading to the Senate as an authority the finding of fact and conclusion of law of a nisi prius court when he knew that that finding of fact and all the conclusions of law had been overturned by the appellate court. I now want to say to him that Col. Deakyne made this report. The law provides for a board of appeals which consists, I think, of nine—I am not sure, although I sat for days before the board—of from seven to nine Army engineers. At the head of that board was Col. Black, who is now the Chief of Engineers of the Army.

Mr. HUSTING. When did that board sit?

Mr. REED. It sat here last fall—last December. And I read to the Senator the concluding paragraph of that report.

Mr. HUSTING. By whom was it signed?

Mr. REED. It is signed by William M. Black, senior member of the board, for the board, of course.

> A review of the entire situation indicates that the present grounds for continuance of this project are stronger than those which led to its adoption. The board therefore concludes that it is advisable for the United States to continue the improvement of the Missouri River between Kansas City and the mouth in accordance with the existing project.

I have only read the concluding paragraph; but there is nothing in the whole report reflecting upon Col. Deakyne. Nobody is charging him with bad faith, but there is a complete turndown of his entire conclusion. Now, I ask the Senator, knowing that fact, knowing that this report is turned down by a board duly constituted for that purpose, turned down unanimously, if he thinks he ought to stand here before the Senate and read Col. Deakyne's report as the correct finding of fact?

Mr. HUSTING. I presume we are here for the purpose of considering the facts. If the board's report forecloses the Senate from going into the question, then the discussion might as well end right here; but I for one understand that that is merely advisory to the Senate, the same as Col. Deakyne's report is advisory to the Senate; and I for one reserve to myself the right of seeing whose judgment and whose reasoning is the best, so that I may form my own opinion on the subject and so that I may vote intelligently on the subject.

Mr. REED. Mr. President, has the Senator read the report of this board of review?

Mr. HUSTING. No; but I have given the facts here.

Mr. REED. If the Senator has not read the report of the board of review, and, in fact, did not know such a report had ever been made until I told him so a few moments ago, and says that he reserves to himself the right to examine the facts, I want to ask if he does not think he had better read that report before he assumes as a fact things that have already been condemned?

Mr. HUSTING. Why, Mr. President, the Senator says "things have been condemned." I do not understand that any things have been condemned. It is a matter of judgment between the board and the colonel on facts that are not disputed.

Mr. REED. The facts are in dispute.

Mr. HUSTING. The Senator makes the statement that because the report differs from Col. Deakyne, therefore his findings of fact are challenged and discredited. Why, of course I know that Col. Deakyne's report was overturned; otherwise we would not be here discussing this item. It would not be in the bill. I know it was overturned, but I want to know why

it was overturned and whether or not they were warranted in overturning it.

Mr. REED. Then why does not the Senator read the "whys" that are set forth in this report before he undertakes to enlighten the Senate about something he has never seen? If he wants to know the "whys," why does he not go and look at them?

Mr. HUSTING. The Senator has outlined what they have found—that they think they are going to have a great deal of commerce in the future. I have the facts here, which I do not think the Senator will dispute; that instead of the board being warranted in the belief that the transportation is going to be increased in the future all the facts of the past negative that presumption, and that as a matter of fact the probabilities are that the transportation will decrease instead of increase. So, I say it is not a question of whose report is right; and I am not citing the Deakyne report as to what he thinks, but I am merely citing it because of the facts that he adduces here, and which throw light on this question. I say again that the questions recur whether we want to spend $20,000,000 to preserve a commerce of 37,000 tons annually. That is the question, and it is from that point of view that I am going to argue this matter or try to argue it, at least.

Now, I will go ahead with the reading of the Deakyne report.

> A table is given here for 1913 which shows the grain and the hay and the feed and the flour and the oil, and so forth, amounting in all to 347,235 tons.
>
> The items that are not benefited by improvement of the river are the sand and gravel barged and the logs and lumber rafted.

Now, why is that? That is because they do not have to improve a river to float down barges or logs and lumber. The river is good enough for that without improvement. So if you are going to put $20,000,000 into that river, you have got to show that they are going to haul something besides that which they can already float down the river without spending the $20,000,000.

> Eliminating the logs and the sand and gravel barged, the remaining traffic is 37,551 tons, divided into classes which are carried over average distances of from 8 to 294 miles. The total freight charge on this traffic was about $41,000. The Kansas City-Missouri River Navigation Co., the only through line on the river, operating between Kansas City and St. Louis, charges 80 per cent of the railroad freight rates. Assuming this to be the relation between the rail and water rates for the entire traffic, the saving to shippers by the use of the river in 1913 was about $10,000.

The interesting question is, Are those figures correct? That is to say, that the shippers were saved $10,000 by the expenditure of something like $10,000,000, and in which we are asked to invest another $10,000,000, or $20,000,000 in all. In other words, is it a good business proposition to expend $20,000,000 to save $10,000 annually?

> It is evident that this saving is entirely inadequate to warrant the serious consideration of an expenditure by the Government of $1,100,000 per year in interest and maintenance.

The colonel here, with all the disgrace that he is said to have suffered by the adverse report of the Board of Engineers covering his recommendations, not the facts, is a mathematician, at least. He figures out, by what we have already spent—that is, the interest on the money that we have already spent and the maintenance charges, that it will cost the Government to maintain this project $1,100,000 a year. Now, the Colonel wants to know whether we want to spend $1,100,000 a year in perpetuity to save somebody $10,000 annually.

With all due regard for the board that turned down Col. Deakyne, I should like to have them explain why they think it is wise for the Government to spend $1,100,000 a year to save $10,000. I should like to have them explain why it would not be better to give a bounty of $10,000 to these shippers and pay the difference in the freight rates for them and save $1,990,000 a year. I say, with all due respect for them, that I stand for the colonel as against the board.

I think his reasoning is a great deal better than the board's reasoning, and if the facts are correct, I should like to have the Senator from Missouri give his opinion as to what he thinks about that as a business proposition.

Mr. REED rose.

Mr. HUSTING. I do not mean at this time. I will say to the Senator.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. HUSTING. Yes.

Mr. REED. I have already tried to make plain to the Senator that a man can not test his ability to cook victuals until he has fuel to put in his stove; that you can not test the ability to carry traffic upon a stream by what is carried when you have no channel through which a boat can run; and that any man who uses the amount of traffic which is carried on a nonnavigable stream to test what will be carried upon that stream when it is made navigable is not proceeding in accordance with ordinary common sense and reason.

I want to say to the Senator further that he is in that class of individuals to which the old lady belonged who said to her daughter, when she asked: "Mother, may I go out to swim?" "Yes, my darling daughter; hang your clothes on a hickory limb, but don't go near the water." The girl was expected to swim without going into the water. The Senator expects transportation upon a stream that the Government admits and everybody admits has bars and shallows in it that prohibit successful transportation; and then, under those conditions, he stands and lustily shouts, "Why don't you show us that you have carried enough traffic to pay the interest on the investment?"

You might just as well say to a man who had not yet built his house, "Show us the rents you have received from your house." The wise man would say, "How much rent will I get when the house is built?" not "How much have I received before it is built?"

Mr. HUSTING. Let me ask the Senator whether he does not think a wise man would find out what other people were getting for like houses in the way of rent?

Mr. REED. Yes; and you would find out how many people there were in a community, and what the rents were, and then you would estimate. So this board has found out here what the population is; that at one end of this stretch of the river is a city of 750,000 people; and that at the other end of the stretch are nearly 500,000 people.

Mr. HUSTING. Just a moment. Does the Senator know of any river that has been improved that would warrant him in believing that this $10,000 in saving is going to be stretched into anything near——

Mr. REED. Now the Senator talks about $10,000 in saving. Indeed, I think it is pretty nearly useless for the Senator and me to debate.

Mr. HUSTING. Then I hope the Senator will let me proceed.

Mr. REED. When the Senator admits, as he has admitted, that if the lowering of the rates upon the river resulted in a general lowering of freight rates, that fact ought to be considered, and then utterly ignores the fact that the river traffic has kept down railroad rates, and proceeds to talk about $10,000 saving——

Mr. HUSTING. I want to say to the Senator that he does not give me an opportunity to get to that. I will try to get to it a little later.

Mr. REED (continuing). It looks to me as though he was more interested in attacking the project than in ascertaining the facts.

Mr. HUSTING. The Senator does me an injustice. I want to say that this is the trouble with the Senator's position about this young lady who wanted to go out and swim: The mother in his case would say, "No; my darling daughter; we have no river around here, but I will go and dig one for you, and then, after we get it dug, I will let you go in and swim."

Mr. REED. No; what she would say, if she had any sense, would be: "If you want to learn to swim, go down to the river and learn to swim."

Mr. HUSTING. Well, she would say: "It is not deep enough, my daughter, so I will go and dig a few million dollars' worth of ground out of it."

Mr. REED. That would be a good thing if there was great necessity for a bath.

Mr. HUSTING. To be sure; and if that was the only place to bathe it would be all right to go and dig a hole for the young lady to go in swimming. But here the Senator wants to ignore all the lakes and the oceans we have around here, and go and dig some rivers purely for the purpose of giving some young lady an opportunity to take a swim. I will ask him whether, in that case, he would want to expend $1,100,000 a year in order to give the ladies of the country $10,000 worth of bathing.

That is the way I look at this situation. I say that it is a business proposition, that it is a matter of public policy, and I again say that I stand for Col. Deakyne as against the board in his saying that he does not believe in a project on which in order to save somebody $10,000 they want to spend $1,100,000 a year.

Mr. REED. Will the Senator let me enlighten him on the situation with reference to the difficulties of navigation and the absolute unfairness of testing this matter by the present navigation?

Mr. HUSTING. Yes; although I should like to proceed.

Mr. REED. Here is a report. There are between Kansas City and St. Louis some 11 shallows. The report of the Kansas City (Mo.) Navigation Co.—which was put in at this hearing, and which was very accurately kept—shows that on one bar, the Baltimore bar, their boats were obstructed 85 times in the season of 1914-15; the Glasgow bar, 154 times; the Saline City bar, 165 times; the Plow Boy bar, 210 times; the Stanley Island bar, 230 times; the Isbell bar, 258 times; the Chamois bar, 266 times; the Klondyke bar, 334 times; the St. Albans bar, 337 times; the St. Charles bar, 363 times; the Pelican Island bar, 377 times.

Those were the obstructions that these boats suffered. Nevertheless, in the face of all that, they practically managed to pay expenses, with a cut in freight rates of 20 per cent. On the other stretches of the river, with these bars out, these boats could ply up and down there carrying any amount of commerce. What this bill proposes to do is to cut out these bars and shallows and to remove these obstructions.

In view of the figures I have given, does the Senator think that the navigation, in the face of these obstructions, is a fair test of what can be done with the obstructions removed? I should like to have the Senator answer that question fairly. Does he think it is a fair test?

Mr. HUSTING. I do not quite understand the Senator's question as to what is a fair test.

Mr. REED. I could not make it plainer.

Mr. HUSTING. I ought to say that one illustration does not make a fact any more than one swallow makes a summer. This thing has got to be looked upon in its entirety.

I have already said that I can conceive that in the East River of New York, where there is an obstruction and a bar surrounded by water on both sides, the removal of the bar will make the entire river navigable. A hill now and then will warrant that it ought to be removed, and the railroad considers it good business policy to remove it and even up their grade, but they could not shovel away the whole Rocky Mountains any more than you can excavate the bottom of the whole river and make it something that nature did not intend it to be. It is not to be done by digging out the bottom. You can put water on top of it and increase your depth of water in an intelligent way, but when that river is only a 2-foot river you can not make it a 10-foot river. No matter how much you dig, when you dig all along the bed the water settles down in its bed, and you have still only 2 feet; you have a big ditch, but you have not any more water in it. So a project to be a feasible project, and I do not claim to know very much about engineering, does seem to me to promise some success, first, in the way of deepening the channel and have it remain permanently deepened, and, secondly, in inviting commerce.

The Senator from Missouri says something about building a bridge across a river. I would say that I would vote to build a bridge across a river where it was necessary to transport stuff from one side to the other, but I would not spend $1,100,000 for a bridge across any river if you can get your stuff across another bridge for $10,000 a year. I would not believe in covering the entire river with bridges when one bridge would do the work.

The Senator says that they anticipate an increase of commerce. I think the figures have been pointed out here, and I do not think anybody will dispute it or show figures to the contrary, that the water-carrying freight has decreased and decreased until it is almost a nullity on rivers that used to carry heavy commerce.

I think the time is coming back, however, and is not very far distant, when our rivers shall have been properly developed, that we may have a carrying trade in the way of small launches and small craft that will make these waterways and these lakes very valuable. I think our mails will be carried that way, and I think things will be transported that way and without the necessity of much excavation, but rather by means of dams and reservoirs; but as to expending the amount of money in this bill without getting any returns, I can not see the sense of it.

The Senator says another thing. He says that this matter is being argued upon the theory that the traffic will never be increased.

I say, in answer to that, the facts show that the traffic is not increasing, but decreasing instead, where it has already been developed and where money has been expended. I want to ask whether it is fair to assume that when rivers have been improved and millions of dollars have been put into these things or taken out of it, whichever way you put it, and no increase in traffic has resulted on those stretches that have been improved, but, on the contrary, the traffic has decreased, have we got to take the board's word for it that in their judgment it is going to increase. That is something entirely beyond the province of a board to say or even to know.

It is a matter that lies within the knowledge of any Senator or for that matter within the knowledge of any citizen, at least his guess is as good as another's; and I will take the judgment of no head of the Board of Engineers on that proposition when experience negatives the conclusion. If a man has only a little common sense—I do not care what his learning is—and will look up the statistics and base his idea upon them, he will find that notwithstanding $850,000,000 have been poured into these things, the traffic on rivers has decreased instead of increased.

I have a good deal of respect for a man's opinion when he says he does not believe it will increase when we have put the last million dollars into it. I should like to ask the Senator from Missouri whether he expects me or any other Senator to take the board's word for it? We can not expect to get any return until $20,000,000 have been put into it, until the matter is absolutely completed, and then the harvest is going to come all at once, and in the meantime we must put our faith in the board's judgment and must close our eyes to the facts and the experience of the past.

I have heard a great many stories of that kind told about other enterprises when the thing did not begin to pan out, and you were told just to keep on paying in your assessments, and when the thing is completed it surely would hand you a gold brick, or something equivalent in value to it.

Now, proceeding with Col. Deakyne's report, he said:

12. The reduction in rail rates resulting from the possibility of water transportation is not a simple subject. There is no question that towns having water transportation are for that reason favored with lower rates than other places having no water transportation and requiring equal rail haul. It is my understanding that this condition is recognized by the Interstate Commerce Commission. It is frequently argued that if the improvement of a river gives lower rail rates, such improvement is justified even if the river never carries a ton of freight. This might be true if there were no other method of controlling rail rates, but in these days when the railroads claim that they are being regulated too much, there appears to be no lack of governmental machinery for controlling them, and it does not seem necessary to spend $20,000,000 to bring about a proper rail rate between Kansas City and St. Louis.

That is pretty good sense. We have got an Interstate Commerce Commission and we have a railroad commission in my State, and I presume they have them in other States, and we have intrusted to them the duties of rate making. I do not share the belief that a great many entertain that the railroad commissions are perfect and that they are regulating rates in such way that they go up or down, according to the increase or decrease in expense and the amount of business—the tonnage. It is a very inelastic system. The pressure is put on the commission when business is poor to raise their rates, and complacent commissions oftentimes raise them; and after having raised them, when business has increased like it has done at the present time, for instance, we hear no more about lowering them back to where they were before they were raised. Some time ago the railroads made a great outcry that they were not paying expenses, and the matter was investigated. The rates were raised. Now, business has come with a rush, and I understand they are hard-set to carry the transportation of the country. The high rate sticks, nevertheless, and I do not believe it will ever be pulled down, at least not on the initiative of any board, and hardly on the initiative of the railroads.

So I say I do not share in the belief that the rates are always just as they should be, but the power is always there, and I do not assume that a rate commission would find a justification for lowering the rates or keeping them high merely because of water competition. I do not think that is a sound proposition. I know it has been contended by the railroads that they are justified in lowering their rates and charging for a long haul less than for a shorter haul where they are met with water competition, but I do not think that is sound. I do not think that the railroad commission is going to hold that way.

I think it is immaterial what competition they have. The question is, Are they earning a reasonable return on their investment? If they are, it does not make any difference what their competition is or whether it subjects them to the competition of lower rates, they are held to a fair and reasonable rate, nevertheless.

There is another answer to that proposition, and perhaps a better one. Now, we have an illustration out where I live. I know in the little town I live in we are paying, or used to pay, 25 cents more per ton for coal than was paid for a ton in a city 22 miles farther on. The railroad said that they made that rate because of the competition on Winnebago Lake and Fox River. The tonnage on that is quite small, indeed, and I presume that the railroads just put that as an excuse for hitting our people

for 25 cents a ton more than they did the people of the city 22 miles farther on. But assuming it to be sound in the sense that they should have the right to lower rates as against the public, yet, as a matter of fairness to those living inland, is it just and right that they should charge less for a greater service than for a lesser one and make somebody else pay for it?

The trouble with this argument is that if a town is on a river that has a potential carrying capacity and a railroad lowers rates from that place, they think they must raise it somewhere else; and they come to the commission and have it raised because they are not earning enough on their investment.

Is it a justification for the voting of money out of the Public Treasury to lower somebody else's transportation rates in a city on a river when it is known that it will correspondingly increase the rates of those off the river? In other words, are they justified in taxing you to help some purely local interests?

Perhaps that argument might be extended, and you may say, Well, what is the use of expending public moneys for harbors or Lake ports and sea ports? The answer to that is that it helps the whole country, and everybody is benefited by a general lowering of rates. But that argument will not hold good on river transportation where there are railroads running close by and where water transportation can lower rates only locally. Thus, people away from the river will not load their stuff into a railroad car 8 or 10 miles away from the river and run to the river and pay the cost of unloading and putting it on board and pay for retransporting it when it gets to its destination at another point 8 or 10 miles out, because of the 20 per cent saving. That would be swallowed up and more, and they would get no benefit out of it. So the benefit is purely local.

So I say that appeals to me as being a pretty good statement by the colonel, and I will proceed now with the further reading of his report.

13. In some cases the improvement of a stream is justified, even at high expense, where the absence of rail transportation leaves the territory along the stream entirely dependent on water transportation.

That is a fair statement. Our people have got to have a way to get out their stuff, and it is entirely justifiable for the Government to help them if they can, because they are entitled to some service.

Now, he goes on and says:

This is not the case with the Missouri River between Kansas City and the mouth. Over a great part of the distance the river is paralleled with railroads on both banks, and there are few localities that have no railroad within easy reach.

14. There remains to be considered the question of prospective commerce, and in my opinion the improvement must stand or fall by this criterion.

Coming to the point now made by the Senator from Missouri:

In the survey report upon which the present project is based the prospective commerce was given by the president of the Missouri Valley River Improvement Association as 1,000,000 tons. (See p. 45 of H. Doc. No. 1120, 60th Cong., 2d sess.) That estimate was based upon a 10-foot channel, with six or seven boats especially adapted to the navigation of the Missouri River, handling cargoes of 2,000 tons each, and making one round trip per week during a navigation season of 10 months. The fact is that anyone can make almost any estimate he sees fit as to the prospective commerce. I think a better way to approach the subject is by inquiry concerning a river that has been improved.

I should like to know whether that is not a rather sensible suggestion? He says anybody can make a guess as to what is going to happen, and then he asks whether the better way is not to inquire what has happened on the streams that have been improved. That is just the suggestion I made a little while ago. Also it seems to me to be an entirely proper one.

An example is the Mississippi between the mouth of the Ohio and the mouth of the Missouri.

That is just above the point in question.

In the annual reports of the Chief of Engineers this stretch of river is reported as having a navigable depth of 6 feet or more during the entire navigation season of recent years. The commerce for the calendar year 1913 was 258,709 short tons, not including sand and gravel or ferry traffic. It should be noted that this stretch of river is so situated as to draw commerce from the improved stretches of the Mississippi above and below it, as well as from the Ohio and the Missouri. If the Mississippi under these conditions and with a 6-foot channel carries 258,000 tons, it seems to me doubtful whether the Missouri with the same depth will carry any more. The Missouri River traffic would have to increase sevenfold to equal that on the above section of the Mississippi and would have to increase a hundredfold to reach a figure commensurate with the cost of the work.

I wonder whether anybody is so enthusiastic as to contend that if this additional $10,000,000 is spent, or $20,000,000 in all, traffic on the Missouri is going to increase a hundredfold in order to reach a figure commensurate with the cost of the work. I do not know whether I need to dwell on that. I do not think anyone with the wildest imagination possible can figure out that it will ever increase a hundredfold. I do not think the Board of Engineers would say that or have said it, and yet it appears that that is the figure necessary to be reached to be "commensurate with the cost of the work."

15. From the foregoing considerations I am of the opinion that the present and reasonably prospective commerce on the Missouri River between Kansas City and the mouth is not sufficient to warrant the continuance of the present project. I think the snagging should be continued, so that commerce may have the advantage of the natural depth of the river and the river shall not be allowed to become entirely obstructed. Any attempt at partial improvement seems futile, because the draft of boats, and therefore their cargoes, will be determined by the least existing depth. If the river is improved at all, the work should be complete as to protection of banks and control of channel. For the same reason it seems to me injudicious to spend any money in keeping up the works already built. If in another generation the improvement of the river becomes advisable, the present works will be of little value, and in the meantime the channel depth in the portions that have been improved are not likely to be less than in the portions wholly unimproved.

16. It is to be noted that these views agree in many respects with the previous attitude of the Engineer Department, as expressed by the Board of Engineers for Rivers and Harbors June 8, 1908, and by the Chief of Engineers December 2, 1908, in action on survey report published in House Document No. 1120, Sixtieth Congress, second session.

Now, we have, it seems, two boards who have approved these views, and so I do not see why our friend, Col. Deakyne, should have been so terribly humiliated when another board with a new Chief of Engineers differed from him and went and overturned all the precedents of his predecessors in office before he got there. By the way, this same Gen. Black has only been chief, I think, since December; at least it is less than a year since his predecessor went out. So here comes a new chief, Gen. Black, according to the statement of the Senator from Missouri, and overturns the reports not only of Col. Deakyne but of boards who have also looked into this project.

The views of the board as to the futility of partial improvement and the wastefulness of inadequate and irregular appropriations are of particular interest. The Missouri River Commission in its final report also expressed the opinion that there was no middle course between mere snagging and through systematic improvement.

17. I recommend that the present project be modified so as to provide for snagging alone at an estimated cost of $40,000 per year and that all other work be stopped.

HERBERT DEAKYNE,
Lieutenant Colonel, Corps of Engineers.

I desire to have printed here the report of Col. Herbert Deakyne in full.

REEXAMINATION OF MISSOURI RIVER FROM KANSAS CITY, MO., TO THE MOUTH.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Kansas City, Mo., April 22, 1915.

From: The District Engineer Officer.
To: The Chief of Engineers, United States Army
(Through the Division Engineer).
Subject: Reexamination of project, Missouri River, Kansas City to mouth.

1. In compliance with instructions contained in department letter dated March 18, 1915, I submit the following report giving my general views on the question of the modification or abandonment of the project for the improvement of the Missouri River from Kansas City to the mouth. This report is called for by section 14 of the river and harbor act approved March 4, 1915.

2. The project for this improvement was adopted by Congress July 25, 1912, in the following language:

"Improving Missouri River, with a view to securing a permanent six-foot channel between Kansas City and the mouth of the river, in accordance with the report submitted in House Document Numbered Twelve hundred and eighty-seven, Sixty-first Congress, third session, and with a view to the completion of such improvement within a period of ten years, eight hundred thousand dollars: *Provided*, That cooperation from the localities benefited may be required in the prosecution of the said project in case any comprehensive plan is hereafter adopted by Congress for an apportionment of expense generally applicable to river and other projects in which any improvement now or hereafter adopted confers special or exceptional benefit upon the localities affected: *Provided further*, That nothing herein contained shall postpone the expenditure of the amount hereby appropriated or any further appropriation for said project without action by Congress."

However, the first appropriation for the work was made June 25, 1910, in the following language:

"Improving Missouri River, with a view to securing a permanent six-foot channel between Kansas City and the mouth of the river, one million dollars: *Provided*, That the Secretary of War shall appoint a board of three officers to further consider and report upon the most economical and desirable plan of securing such channel, in which report consideration will be given to the subject of cooperation on the part of local interests in the work of said improvement: *Provided further*, That the report hereby authorized shall be submitted to Congress on or before the opening of its next regular session."

3. The appropriations and allotments made for this project are as follows:

June 25, 1910	$1,000,000
Feb. 27, 1911, authorized } Aug. 24, 1912, appropriated }	600,000
July 25, 1912	800,000
Mar. 4, 1913	2,000,000
Oct. 2, 1914	850,000
Mar. 4, 1915	1,000,000
Total of 6 appropriations	6,250,000

It will be noted that the appropriations have been made at about half the rate mentioned in the act adopting the project.

4. The expenditures to March 4, 1915, were $3,577,290.85, consisting of $3,286,082.56 for improvement and $291,208.26 for maintenance. It is estimated that the project is about 9 per cent completed. There have been large expenditures for plant since the inception of the project, and for that reason and on account of the lack of appropriations at the proper rate, the amount expended and the percentage completed appear out of proportion. But it has been demonstrated that the work can be done within the estimated unit cost, and it is my opinion that with appropriations at the rate of $2,000,000 per year for improvement and sufficient funds for maintenance the project could be completed within the total estimated cost.

5. The cost of maintenance after completion of the project is estimated at $500,000 per year. The maintenance work, including snagging, is now costing about $100,000 per year. It will gradually increase as the work progresses. If appropriations are continued at the rate of about $1,000,000 per year, and the maintenance increases from $100,000 to $500,000 per year, averaging $300,000 per year during the execution of the work, it is plain that over 20 years from this time will be required to complete the project.

6. I consider that the question of modifying or abandoning the project is one to be decided by a comparison of the cost involved with the benefits derived. Assuming the money of the Government to be worth 3 per cent interest, the total estimated cost of the project represents $600,000 per year interest. Adding the maintenance cost of $500,000 per year gives $1,100,000 per year as the permanent charge to the Government resulting from the execution and maintenance of this project.

7. The benefits derived are represented by the increased facilities for navigation. There are other incidental benefits, such as the protection of lands from erosion and the amelioration of flood conditions, but these have not been recognized as proper objects of Government expenditure on the Missouri River and are therefore not considered in the analysis.

8. The commerce to be considered is present and prospective, and the advantages that commerce will obtain from the improvement are the actual saving in freight charges by the use of the river and the effect on railroad freight rates produced by the possibility of water transportation.

9. The commerce for the calendar year 1914 is not yet fully tabulated. For 1913 it was as follows:

Articles	Amount. Customary units.	Amount. Short tons.	Valuation.	Average haul.	Rate per ton-mile.
				Miles.	
Grain	251,941 bushels	6,701	$195,501.38	121	$0.0091
Hay		114	2,019.66	166	.0155
Ice and flour		334	9,538.88	8	.0679
Oil	46 barrels	12	345.00	8	.0483
Manufactured iron and steel		1,655	89,799.59	291	.0189
Livestock	1,893 head	945	117,039.20	31	.0401
Salt	118 barrels	22	259.00	9	.0510
Sand and gravel	1,735 cubic yards	2,513	1,646.00	9	.0557
Brick	4,800	16	56.00	9	.0349
Cement	551 barrels	107	1,152.00	26	.0346
Lumber	75,369 feet b. m	181	2,976.60	13	.0333
Other building material		15	1,088.00	10	.0415
Railroad ties	128,008	10,312	62,607.50	11	.0085
Produce		126	22,370.40	125	.0111
Wood	501 cords	817	2,135.60	9	.0102
Miscellaneous		11,579	2,520,731.80	237	.0093
Logs and lumber rafted	43,093 feet b. m	107	473.00	159	(1)
Sand and gravel barged	238,115 cubic yards	350,577	71,555.00	1	(2)
Total		347,235	3,929,212.52		

[1] Owner.

10. The items that are not benefited by improvement of the river are the sand and gravel barged and the logs and lumber rafted. They amount to 399,684 tons. Every traffic is not counted in reporting the commerce on the Missouri River.

11. Eliminating the logs and the sand and gravel barged, the remaining traffic is 37,551 tons, divided into classes which are carried over average distances of from 8 to 291 miles. The total freight charge on this traffic was about $41,000. The Kansas City-Missouri River Navigation Co., the only through line on the river, operating between Kansas City and St. Louis, charges 80 per cent of the railroad freight rates. Assuming this to be the relation between the rail and water rates for the entire traffic, the saving to shippers by the use of the river in 1913 was about $10,000. It is evident that this saving is entirely inadequate to warrant the serious consideration of an expenditure by the Government of $1,100,000 per year in interest and maintenance.

12. The reduction in rail rates resulting from the possibility of water transportation is not a simple subject. There is no question that towns having water transportation are for that reason favored with lower rates than other places having no water transportation and requiring equal rail haul. It is my understanding that this condition is recognized by the Interstate Commerce Commission. It is frequently argued that if the improvement of a river gives lower rail rates, such improvement is justified even if the river never carries a ton of freight. This might be true if there were no other method of controlling rail rates, but in these days when the railroads claim that they are being regulated too much, there appears to be no lack of governmental machinery for controlling them, and it does not seem necessary to spend $20,000,000 to bring about a proper rail rate between Kansas City and St. Louis.

13. In some cases the improvement of a stream is justified, even at high expense, where the absence of rail transportation leaves the territory along the stream entirely dependent on water transportation. This is not the case with the Missouri River between Kansas City and the mouth. Over a great part of the distance the river is paralleled with railroads on both banks, and there are few localities that have no railroad within easy reach.

14. There remains to be considered the question of prospective commerce, and in my opinion the improvement must stand or fall by this criterion. In the survey report upon which the present project is based, the prospective commerce was given by the president of the Missouri Valley River Improvement Association as 1,000,000 tons. See page 45 of House Document No. 1129, Sixtieth Congress, second session. That estimate was based upon a 10-foot channel, with six or seven boats especially adapted to the navigation of the Missouri River, handling cargoes of 2,000 tons each, and making one round trip per week during a navigation season of 10 months. The fact is that anyone can make almost any estimate he sees fit as to the prospective commerce. I think a better way to approach the subject is by inquiry concerning a river that has been improved. An example is the Mississippi between the mouth of the Ohio and the mouth of the Missouri. In the annual reports of the Chief of Engineers this stretch of river is reported as having a navigable depth of 6 feet or more during the entire navigation season of recent years. The commerce for the calendar year 1913 was 258,709 short tons, not including sand and gravel or ferry traffic. It should be noted that this stretch of river is so situated as to draw commerce from the improved stretches of the Mississippi above and below it as well as from the Ohio and the Missouri. If the Mississippi under these conditions and with a 6-foot channel carries 258,000 tons, it seems to me doubtful whether the Missouri with the same depth will carry any more. The Missouri River traffic would have to increase sevenfold to equal that on the above section of the Mississippi, and would have to increase a hundredfold to reach a figure commensurate with the cost of the work.

15. From the foregoing considerations I am of the opinion that the present and reasonably prospective commerce on the Missouri River between Kansas City and the mouth is not sufficient to warrant the continuance of the present project. I think the snagging should be continued, so that commerce may have the advantage of the natural depth of the river and the river shall not be allowed to become entirely obstructed. Any attempt at partial improvement seems futile, because the draft of boats, and therefore their cargoes, will be determined by the least existing depth. If the river is improved at all, the work should be complete as to protection of banks and control of channel. For the same reason it seems to me injudicious to spend any money in keeping up the works already built. If in another generation the improvement of the river becomes advisable, the present works will be of little value, and in the meantime the channel depth in the portions that have been improved are not likely to be less than in the portions wholly unimproved.

16. It is to be noted that these views agree in many respects with the previous attitude of the Engineer Department, as expressed by the Board of Engineers for Rivers and Harbors June 8, 1908, and by the Chief of Engineers December 2, 1908, in action on survey report published in House Document No. 1129, Sixtieth Congress, second session. The views of the board as to the futility of partial improvement and the wastefulness of inadequate and irregular appropriations, are of particular interest. The Missouri River Commission in its final report also expressed the opinion that there was no middle course between mere snagging and thorough systematic improvement.

17. I recommend that the present project be modified so as to provide for snagging alone at an estimated cost of $40,000 per year, and that all other work be stopped.

HERBERT DEAKYNE,
Lieutenant Colonel, Corps of Engineers.

That is not all. There was another report made by C. McD. Townsend, colonel, Corps of Engineers:

[First Indorsement.]

OFFICE DIVISION ENGINEER, WESTERN DIVISION,
St. Louis, Mo., May 22, 1915.

Just a year ago—

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. Forwarded, concurring in the opinion of the district officer that the existing river commerce is not sufficient to justify the permanent improvement of the Missouri River from Kansas City to its mouth, but not approving the recommendation that the work should be entirely abandoned.

2. It is believed that there is still opportunity for the revival of western river commerce, but that it should first be sought not in the tributaries but in the main river. There is neither the density of population nor of material seeking shipment on the tributaries of the Mississippi, with the exception of the Ohio, to cause such a revival which will be in the nature of a revolution of the existing methods of transportation and will naturally originate at large centers of population, such as Chicago, Pittsburgh, St. Louis, and New Orleans, where large amounts of manufactured products are seeking shipment. The agricultural products originating on a river bank are not sufficient to justify a large expenditure for the improvement of the river channel. With a revival of commerce on the main stream its extension to the tributaries will gradually follow.

3. The fact, however, that there has been a failure to properly utilize the improved channel that has been maintained during the past 10 years from St. Louis to New Orleans should cause Congress to hesitate before continuing the large appropriations it is making for the western rivers.

4. In the opinion of the division engineer the problem of developing our western rivers should be treated as a single one. Instead of scattering appropriations over the entire western territory, a channel of 8 or 9 feet depth should first be provided from Chicago to New Orleans, and the offer of assistance in the construction of a canal along the Des Plaines River from the State of Illinois accepted. An opportunity should then be afforded the American people to determine whether they want waterways, not by rhetorical efforts in river conventions, but by a practical utilization of the channel thus afforded. Until such revival occurs appropriations on the tributaries should be confined to maintaining the existing status. The existing works should not be allowed to deteriorate. At present an annual appropriation of $150,000 for snagging and the maintenance of existing works is therefore recommended.

C. MCD. TOWNSEND,
Colonel, Corps of Engineers.

So that here the colonel of the Corps of Engineers—the head of the division—approves Col. Deakyne's report with the exception that he does not favor the abandonment of the present project, but believes Congress should continue to appropriate $150,000 a year.

That is what the men on the ground thought of this proposition. I submit in all fairness to the Senate whether their facts which are practically admitted to be true and the inferences

they have drawn from those facts and the reasons given by them are not far superior to any which the Board of Engineers has given.

I should like to have this report printed in connection with my remarks.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

Mr. HUSTING. Let us dig into this proposition and see whether or not in its essence it is merely a commercial waterway scheme. In the report of the Board of Engineers for Rivers and Harbors in House Document 463, page 7, there appears the following:

15. It has been estimated that, with the channel held by revetted banks, there would be available for agricultural purposes in the bottom land along the river between Kansas City and St. Louis, 500,000 acres, the greater part of which would be less than a mile distant from the river, and a considerable portion of which is now necessarily nonproducing. It is claimed that this area would contribute very substantially to the river traffic.

Page 210, report of 1914 of Chief Kingman, shows also the situation:

WHERE THE MONEY GOES.

To show specifically why $1,552,650 was recommended by Col. Deakyne for land-reclamation purposes in 1915, and $1,000,000 paid by Chief Kingman, I quote from page 2510, report 1914, on this 400 miles of the Missouri, along which Army engineers estimate 500,000 acres will be saved, valued at $100 to $125 per acre—land belonging to private interests deeply interested in this $20,000,000 project:

During the coming fiscal year it is proposed to carry on work with the funds for which allotments have been approved in the completion of contracts now in force and in work by day labor and Government plant, as follows:

97,500 linear feet standard revetment, at $10	$975,000
11,000 linear feet concrete revetment, at $10	110,000
21,950 linear feet 3-row standard dike, at $15	329,250
Maintenance of improvement	25,000
New plant	13,400
Snagging and repairs to plant	50,000
Surveys and superintendence	50,000

Other work will be done if appropriations are made.

This work is expected to result in greater permanence and depth of channel in the improved sections and greater ease of navigation.

APPROPRIATIONS AND ALLOTMENTS (ON THIS PRESENT PROJECT).

June 25, 1910	$1,000,000
July 25, 1912	800,000
Aug. 24, 1912	600,000
Mar. 4, 1913	2,000,000
Oct. 2, 1914	850,000
Total of appropriations	5,250,000

A $60,000,000 LAND RECLAMATION PROJECT.

One million four hundred thousand dollars was demanded for 25 miles of revetment and diking in 1915.

It appears from this that these men who speculated in these swamp-river bottoms along the banks of the Missouri are reaping the advantages of the work of the Government. It is a reclamation scheme pure and simple. The only difference is that in most reclamation projects the Government makes the project pay for itself either because of increased price for Government lands or some other device. Here the Government steps in and disburses millions, and as far as I know never receives anything in return.

The figures above show that 90 to 95 per cent of the money expended is going to reclaim the lands of the owners of these 500,000 acres. It appears as though somebody were getting rich off of the charity of the United States.

16. Interested parties invite attention to the readjustment of transcontinental railway rates that is being made as a result of traffic through the Panama Canal. The effect of these changes is to give pronounced advantage to Eastern seaboard industries for the Pacific coast trade, and thus to handicap the interior manufacturers, and it is claimed that their only hope of retaining a competitive position is in having the benefit of cheap water routes to the sea. An improved channel in the Missouri would connect with the effective channel already provided in the Mississippi and give such a route from Kansas City to the Gulf of Mexico.

Hon. JAMES A. FREAR said, in the House on January 10, page 1115, RECORD:

INFLUENCE ON FREIGHT RATES—STONE-AGE STATESMEN.

Any attempt to sift worthless projects from waterway bills is hooted down by a few stone-age statesmen and lobby agents who affect to believe that millions of dollars in Government money now annually thrown away on private-land reclamation, private water powers, and deserted rivers, in some indefinite way will serve to reduce freight rates for the public at large; that those who oppose wasteful waterway bills are thereby preventing a reduction in railway tariffs. No well-informed man will so argue to an intelligent audience, and it is significant that railways now contribute liberally to waterway lobbies to secure Government-built railway, water terminals, and other private privileges. Under existing law any undue loss in income on one branch of the railroad must be made up on the rest of the system to secure reasonable rates guaranteed under the Constitution, and yet the Government is asked to waste millions on favored communities to be paid out of taxes contributed by other communities.

Men who oppose waterway waste are among those who have demanded strict railway regulation.

Speaking personally, as before stated, with my colleague [Mr. LENROOT] and other State legislators I was identified with the passage of railway-regulation laws which were secured in Wisconsin after a lively fight lasting several years. Having the greatest waterway commerce of any State in the country, with one exception, and with the two greatest lakes and greatest river in the world washing its borders, Wisconsin is profoundly interested in genuine waterway development, but she will never come to the Government Treasury under the pretense that railway freight rates are to be lowered by such means.

Her railway commission and the Interstate Commerce Commission have abundant powers to control such rates and have exercised those powers effectually. The same situation is true in practically every State that cares to use the constitutional rights it possesses.

If the railroads must reduce rates to meet the competition of water at points along the Missouri River or any other river they will raise the rates at some inland point to make up the difference, or they will be forced to raise the rates on commodities that can not by their nature be the subject of river traffic.

What shippers and growers and manufacturers want is to get their products to the market as quickly as possible. Therein lies the primary reason for the triumph of railroads and electric roads over that branch of the traffic which takes the slower water route. The more money that is lavished on the rivers of this country the less grows the commerce that exists upon the particular streams. They seem to be shifting in adverse proportion.

I have some more figures here which I do not feel as though I want to take up the time of the Senate to read, but I should like to have them included also in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUSTING. I have some figures here on the Ohio River which have been presented to the Senate at former sessions, and I think also at this session and in my opinion in this debate. It would be only duplicating what I have said to read these figures. I think it is a fair statement to say that the figures concerning the Ohio River show the same state of affairs.

The Ohio River gets, under this bill, an appropriation of $5,500,000. Congress has already appropriated $53,000,000 for this purpose, and to complete the locks and dams it will take $38,601,488 more. That makes a total of something like $91,000,000 for this project.

The figures in connection with the Ohio River improvement and the rates of traffic going through different locks when analyzed, as they have been in this printed statement which I am going to put in in connection with my remarks, and which I do not care to go over and discuss at this time, show that, when the figures are analyzed right down to the bone, the traffic carried on is entirely incommensurate with the expenditures, and that if it is merely to figure out the saving of the 20 per cent, not only as to the traffic which is actually carried on the river, but that which is tributary to it, there can not be any doubt in anybody's mind that it would well pay the Government to pay out as a bonus the actual amount of freight charges paid by shippers on the actual amount of saving made by them, and it would not make a dent in the appropriation.

I am going to have this also printed in connection with my remarks.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 27, 1914.

Hon. S. M. SPARKMAN,
Chairman Committee on Rivers and Harbors,
United States House of Representatives.

SIR: 1. Referring to the statement of the commercial statistics of the Ohio River, telephoned to you some time since, I have the honor to inform you that a report just received from the district officer states that the commercial statistics which he reported by telegraph have been found upon careful check to have contained some duplication. A corrected tabular statement of the statistics is herewith.

2. As to the reason for reporting the statistics at only six locks, it may be stated that the particular locks were selected with a view to obtaining as complete statistics as possible, and at the same time to eliminate duplication as much as practicable. Boats with through tows are required to report only at the first lock through which they pass. The item for open-river commerce is the local commerce carried on between the various locks and dams.

Very respectfully,

DAN C. KINGMAN,
Chief of Engineers, United States Army.

Ohio River tonnage, calendar year 1913.

[Through lock and open river.]

	Tonnage.	Valuation.	Passengers.
Lock No. 1	1,982,237.5	$3,720,704.56	86,518
Lock No. 8	221,080.5	1,006,666.92	5,005
Lock No. 18	374,045.0	2,356,045.31	9,421
Lock No. 26	706,020.0	2,920,918.65	17,296
Lock No. 37	1,088,434.0	9,953,468.24	104,078
Lock No. 46	1,567,148.5	6,318,567.53	11,562
Open river	1,519,111.5	14,088,452.70	1,098,897
Ferries	1,401,519.5	36,000,000.07	2,949,811
Total	9,811,123.0	77,028,901.75	4,280,587

A corrected statement of average freight floated on the Ohio, based upon official lock reports, is now presented over Chief Kingman's signature, and invites scrutiny.

OHIO RIVER TRAFFIC AT LOCK 1.

Lock 1 is given 1,982,257 tons. But page 2711 says that is commerce which passed through the lock—"and open river"—at that point. The table further shows that of the impressive tonnage reported, including duplications, 1,946,119 tons consisted of soft coal, sand, and gravel that was always floated down the "open river," leaving a commerce of 36,135 tons, including 11,240 tons of floatable logs and ties, or less than 25,000 tons, that may or may not have required the services of this $100,000,000 lock system.

OHIO RIVER TRAFFIC AT LOCK 8.

Lock 8 and "open river" is given 224,080 tons by Chief Kingman, page 2712. Of that traffic, so reported, soft coal and railroad ties, that for a half century were floated down the open river, reached 207,429 tons, leaving 16,651 tons of cement and other reported freight at that point for which a $100,000,000 lock system is being built under the recommendation of Army engineers.

OHIO RIVER TRAFFIC AT LOCK 18.

Other lock statistics are of the same character. For fear this statement may not be accepted, as based on investigation, I will take the next lock, Chief Kingman's next lock, 18, and "open river" statistics are found on page 2713. He reports a total "commerce" of 374,945 tons, whereas out of an even 50 items reported, 2 items of soft coal and logs reached 342,856 tons. Just what method was taken for shipping some 7,000 tons of oil and 2,500 tons of lumber, found in the remaining 48 items, the report fails to disclose. One thing is certain amid all this attempt to impress Congress with inflated statistics of open-river and lock traffic, the Government is annually paying bills reaching, with the regular and sundry civil bills, from $5,000,000 to $8,000,000 for the Ohio River alone, for a comparatively insignificant commerce average along the river, apart from soft coal, sand, and gravel, of less than 50,000 tons at given points, as shown by the official reports.

The same is true of the Mississippi River. I have only taken the Missouri River because I have had it more in detail, but what I have said in regard to the Missouri River is largely, if not entirely, true with regard to the Mississippi proposition.

A large part of the 600 miles between St. Louis and Minneapolis borders on the boundaries of my State. It is proposed to spend this year the sum of $1,200,000 on this project. According to the plans it is proposed to complete the entire Mississippi project at a cost of $166,000,000. All this $20,000,000 either is going or has gone on that part of the river which lies between St. Louis and Minneapolis. Does the traffic warrant it?

I say that the analysis that I have here, which I have taken from the CONGRESSIONAL RECORD, contains tables—which I believe to be true, but if they are not correct I should like to have them corrected—to show that it is entirely disproportionate to the amount of money expended under the present system and in the manner it has been done, and that it is impossible for anybody to sit down and figure out where the United States Government could be justified in expending that tremendous amount of money, judging by the returns that we have from this expenditure.

Upper Mississippi River freight statement for 1913.

Designation.	Short tons.	Ton-miles.	Valuation.
Logs	64,489	30,245,340	$315,271
Rafted lumber, shingles, etc	13,570	4,400,147	190,001
Miscellaneous freight	1,294,861	12,229,310	31,417,968
United States material	772,392	9,445,576	781,897
Total	2,145,315	56,320,373	32,705,137

Classified freight traffic, 1913.

Articles.	Amount.		Valuation.	Average haul.	Ton-miles.
	Customary units.	Short tons.			
				Miles.	
Apples	160,000 barrels	11,505	$200,218	34.4	395,959
Automobiles	5,703	6,034	9,545,950	3.8	23,014
Brick	192,190 pieces	981	3,052	7.3	7,157
Brush	656,944 cubic yards	82,450	170,191	20.6	1,700,694
Cement	4,905 tons	4,305	34,378	9.9	425,790
Coal	26,236 tons	26,236	90,400	13.5	354,401
Corn	119,000 bushels	3,463	77,431	6.4	22,144
Farm produce	13,565 tons	13,565	359,319	23.5	318,900
Fish	6,539 tons	6,539	666,600	9.8	62,485
Gravel	268,103 cubic yards	308,179	195,242	9.1	3,621,435
Hay	2,615 tons	2,615	44,269	5.4	14,122
Lath	1,055,000 pieces	1,018	10,575	317.2	322,989
Live stock	58,954 head	28,713	5,218,730	6.6	190,202
Logs	8,901,380 feet b. m	98,298	463,631	316.2	31,074,221
Lumber	19,167,689 feet b. m	30,408	467,775	138.0	4,195,827
Merchandise	17,101 tons	17,101	2,107,830	126.9	217,089
Oats	3,550 bushels	55	1,775	1.0	55
Rock	555,113 cubic yards	708,066	562,077	11.3	7,976,674
Sand	439,173 cubic yards	562,040	209,143	4.7	2,633,545
Shells	11,428 tons	11,428	246,229	42.9	490,801
Shingles	622,000 pieces	65	1,866	1.3	85
Teams	23,501	26,609	6,540,900	1.7	46,537
Wheat	11,500 bushels	382	12,347	7.9	3,015
Wood	21,847 cords	34,248	198,213	16.4	560,865
Miscellaneous	71,042 tons	71,042	5,366,996	231.0	1,042,366
Total		2,145,315	32,705,137	26.2	56,322,373

A comparative statement of upper river commerce is also offered by years, during which period between $20,000,000 and $25,000,000 have been expended by the Government on the advice of Army engineers. While the 1913 commerce was only about 35 per cent of that floated in 1885, it will be ascertained upon analysis that over nine-tenths of the 35 per cent floated in 1913 is bogus commerce, or, assuming the 1885 commerce reported to have been legitimate, in 28 years river freight fell approximately 96 per cent.

Mississippi River: Mouth of the Missouri to St. Paul, Minn.

[From reports of the Chief of Engineers, War Department.]

	Tonnage.
1885	5,607,196
1886	3,200,000
1887	3,500,000
1888	3,750,000
1889	3,500,000
1890	4,200,000
1891	3,300,000
1892	3,750,000
1893	3,200,000
1894	2,975,000
1895	3,000,000
1896	2,750,000
1897	3,200,000
1898	2,800,000
1899	2,900,000
1900	2,400,000
1901	2,125,000
1902	1,900,000
1903	4,545,129
1904	4,534,539
1905	4,089,318
1906	3,847,319
1908	2,581,857
1909	1,916,114
1910	1,826,035
1911	2,081,566
1912	1,830,294
1913	2,145,315

[From reports of the Chief of Engineers, War Department, 1904, vol 2, p. 2157, and 1913, vol. 2, p. 2385.]

	Tonnage.
Average tonnage for years 1877 to 1903, inclusive	4,615,376
Tonnage in 1912	1,830,294
Decrease	2,785,082

ENGINEER'S STATISTICS OF COMMERCE (?).

"Commerce" reached 2,145,315 tons in 1913, so the Chief of Engineers reports. Tons of what? Let us see:

	Tons.
Brush for river construction work	82,450
Gravel dredged from river	308,178
Rock for river work	708,066
Sand dredged from river	562,040
Logs that have floated for 50 years	98,298
Lumber and wood barged	64,108
Animal ferried across river	55,322
Automobiles ferried across river	6,034
	1,974,989

This quotation from a St. Paul paper shows what is thought of the project by those who are supposed to be interested in this improvement. Here is what the St. Paul Dispatch says:

[From the St. Paul Dispatch, Aug. 12, 1915.]

DEMAND IS SLIGHT FOR RIVER SHIPPING—ASSOCIATION OF COMMERCE COMMITTEE FINDS 20 FIRMS USING WATER FREIGHT.

A report made to-day by a special committee of the association of commerce shows little demand at this time for river transportation. An estimated tonnage of 10,464 inbound and 2,472 outbound for one year was made to the committee by 20 out of 64 business firms.

THIRTY-SIX DO NO RIVER BUSINESS.

Thirty-six of the 64 firms said they could do no business by river transportation.

Eight shippers said they may be able to use the river, but were unable to make any definite statement. Several of the largest firms did not reply to the communication sent to them by the committee.

REPORT FOR A YEAR.

The tabulated report for a year showed from foreign ports by way of New Orleans 1,124 tons of freight would come in and only 7 tons go out. From Pacific and Atlantic ports by way of New Orleans, 4,200 tons will come in and 1,715 go out.

Along the Mississippi River 2,704 tons could be picked up and 165 tons sent to the way points. From St. Louis to St. Paul the inbound is estimated at 606 tons and the outbound at 390. Pittsburgh and other points on the Ohio would send 1,830 and take 225 tons from St. Paul.

TOTAL TONNAGE 12,936.

The total tonnage is estimated by the 20 concerns at 12,936. This is the estimated amount of the business, and not an estimate of all St. Paul firms.

For October 160 tons can be brought in by river and only 3 tons sent out.

The committee which made the investigation is composed of H. T. Quinlan, J. W. Cooper, C. E. Tuttle, C. H. Bigelow, C. J. McConville, Charles Patterson, H. S. Sommers, J. A. Seeger, J. A. Gregg, and J. Clair Stone.

Can anything be added to this tragic statement of a $20,000,000 expenditure for a waterway that will float about 12,000 tons of commerce for St. Paul annually out of a hundred million tons and over handled by the Twin Cities? Some open-river expenditures ought to be made to provide for the small existing local freight, but $2,000 per mile annually is a notorious waste of money directly chargeable to the Chief of Engineers.

Yet from his reports we are told, according to a contributed manuscript which will later be considered—

As I say, I have taken probably three of the most promising projects, so far as rivers are concerned, as examples to show the benefits of these river and harbor appropriations. Surely if money could be well expended, or if, what is more to the point, money were being expended to advantage anywhere, it would be upon these streams; but the figures and the facts show that the people are not getting their money's worth from these appropriations. If it is true that even in those instances—and those instances where one would naturally suppose we would get the greatest benefit—those expenditures are not bringing adequate returns, then I should like to know where on earth we could expect any returns from the hundred or more that are incorporated in this bill—items in regard to the improvement of certain creeks and rivers which seem upon their face to be of absolutely no value whatever to anybody?

Another thing. I find here, for instance, that as to the Mississippi River, only yesterday we agreed to abandon a project, which is found on page 36 of the bill, as follows:

Reservoirs at headwaters of Mississippi River: That so much of the adopted project for the construction of a low reservoir dam at Gull Lake, Minn., as provides for the digging of ditches between Gull Lake and Round Lake and between Round Lake and Long Lake is hereby abandoned; and the Secretary of War is hereby authorized to surrender to the parties entitled thereto the flowage rights on Long Lake and Round Lake heretofore granted the United States for the aforesaid work.

I do not know just how much money has been expended on that particular reservoir, but I merely took the opportunity to look up and to see what was done on that sort of work on the Mississippi River. I find that on reservoirs and headwaters $1,618,354 has been expended. This bill has been amended by abandoning a part of this project. It may be a small portion of it; I do not know; but it is some portion of it. Not only that, but it is a portion of it in which lie the headwaters of the Mississippi. What is the object of having us vote a million and a half dollars to improve reservoirs on the headwaters of our great streams, which at some time in the future we are going to use as reservoirs, to put in money and actually develop them, and then come here before Congress and in a bill appropriating other moneys for the development of other reservoirs withdraw that appropriation and turn the flowage rights back to the men from whom we secured them? What is the purpose of that?

I find other items here. I found an item which, however, the Senator from Florida [Mr. FLETCHER] did not insist upon, but a bill was introduced by one of the Senators providing that a part of St. John's River should be abandoned above a certain point—a river on which has been expended several million dollars.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. HUSTING. Yes, sir.

Mr. FLETCHER. I will say to the Senator from Wisconsin that that portion of the river never has been improved at all by the Government.

Mr. HUSTING. That may be, if the Senator please. I am not saying anything about that, but here below on the river we are spending millions of dollars to keep it navigable, and a part of the navigability depends upon the headwaters of streams if you want to control the river and to control navigation. So in a bill improving other streams and voting hundreds of millions of dollars we are withdrawing some of them as they become improved from the general jurisdiction of the United States and putting the matter out of the hands of the United States; in other words, we are building up something at a cost of millions of dollars, and then at a sacrifice of thousands and thousands of dollars we are abandoning these things and destroying them. We are spending millions in attempting to build up and then tear down as fast as some of it is built.

There is another thing in this bill, I think, or there is at least another bill here which proposes to surrender the jurisdiction of the Illinois River into the hands of the State of Illinois. What is the object of that?

I think that is a fine illustration, if the Senate will permit me to point it out, of the cross purposes at which we are working. Here we are expending hundreds of thousands and millions of dollars to improve the navigation on Lake Michigan, Lake Superior, and other lakes. We are digging out the bottoms of the lakes and improving our harbors. Then, again, I understand there is a bill coming over here carrying $45,000,000 to build levees and dikes down in the south end of the Mississippi River. What have we done and what are we doing and what are we going to do?

I am sorry the Senators from Illinois are not here, for I do not want to say anything against something that I know is dear to their hearts, and rightfully so, for it means a good deal to the city of Chicago, but I can not help pointing out the senseless action of the United States in connection with these propositions. I ask what have we done? We have permitted the State of Illinois to turn a river that formerly flowed into Lake Michigan and to throw its waters down into the Mississippi Valley. By doing that we have taken water from where it is needed, beneficial, and handed it to a section of country where it is not wanted and where it is destructive. Now a movement is on foot to give the State of Illinois further jurisdiction over that river; to expend further millions of dollars to deepen that waterway, and to still further tap the navigable waters of the Great Lakes and take greater quantities of water from them.

What is the consequence and what is going to be the consequence? The consequence is that we are going to lower the water and to have lower levels in the Great Lakes. Having lowered the levels of the Great Lakes at great expense to the State of Illinois, we are going to spend millions of dollars to dig out the bottoms of the Lakes for harbor improvement to make up for the lowering of the water caused by the tapping of those Lakes by the Illinois River.

That is not all. Then we are going to vote millions of dollars, to be expended down in Louisiana, to build dikes, so that these waters which have been withdrawn and are destroying our navigability on the Lakes are going to overflow and destroy their property down there. Money is being spent to lower our Lakes, then money must be spent to deepen our harbors because of the lowering of the Lakes, and then money is to be spent to protect property from floods caused by the spending of money in the lowering of our Lakes. It is a waste all around to spend money to no purpose. What kind of a proposition is that? Is that good business sense? Yet those are the things that are going on all the time.

Here in a report that I have is a list of abandoned canals. Of canals, we have abandoned in this country 2,444 miles, which cost us in the neighborhood of $81,171,374; canals that we have built with public money, but which we have abandoned. What is the use of digging canals if we do not want them? But if we have to finance them, what is the use of throwing them back and giving them away? I say, what is the use of giving the State of Illinois, great though her needs may be, the possibilities of destroying the commerce on the Great Lakes by making it necessary for us to appropriate moneys to dig out our harbors and then turn around and because of what we have done, at least in part, because of the additional waters that have been thrown into the Mississippi Valley, we have to vote additional millions to put up dikes to keep those waters which have been thrown away, or which have been withdrawn from beneficial use and which turned into a destructive force, from destroying the lives and property of our citizens in the South?

Not only that, but I understand that almost all of these great waterway schemes involve reverting, which only can be defended upon the theory that it is to drain land, to reclaim land, which is something that has no part in a river and harbor bill. That is another question and another story; and they can not justify that expenditure on the ground that it is going to reclaim certain lands on the banks of the Missouri or on the banks of the Mississippi or on the banks of the Ohio. That is not a part of a proper waterway scheme. That is a reclamation scheme, not a scheme of navigation.

But, aside from that, what are we doing? We are also discharging water through those lands with greater rapidity, with the result of making greater floods down in the Mississippi Valley. The States are permitting the citizens to straighten out the streams, to reclaim the swamp lands; we are permitting them to cut down the forests, destroy the swamps, destroy the springs, all with the result that the water is being hurried down the Mississippi Valley just as fast as we can get it there. Then, when we do that, and it causes floods down in Louisiana, they want us to expend $45,000,000 to take care of those floods.

There was a time when nature took care of the floods. There is not any question in my mind that the Mississippi River Valley, or those flood areas or those parts of the river and lands adjacent thereto, were naturally subject to periodical floods; but it is going to be worse and worse, unless we find some way to correct it. It is true they can not help it down there; but they ought not to aid in doing certain things, and the people of those States ought to aid in doing certain things that are going to ameliorate and correct the condition caused by those floods.

I say nature took care of the flood proposition in early times. We had forests. Snows would fall upon the forests, and they would not thaw until along some time in May or June. We had marshes to hold the waters like sponges, which gradually released them during the summer months. We had springs that were located in these forests that let the accumulated waters out gradually. So we had an even flow of water throughout the whole year; but now every improvement, every advance in civilization which has resulted in the cutting down of our forests, the draining of our swamp lands, and the straightening of our rivers, all lead to one thing, and that is to hurry the water off of our territory just as fast as we can get it off and to put it onto the territory of those below us. We are expending money and voting money for those things. Then when the floods come, because of the very thing happening that was bound to happen, we have to go into the other pocket to make good for our errors in the first instance. So it is costing us money coming and it is costing us money going. So the thing comes right down to this point, with me, at least, that I think before we go on expending any more hundreds of millions of dollars we ought to know in advance what we are going to do, what is our objective, and at what we are driving. For instance, the voting of $45,000,000 for the purpose of building dikes or levees for flood protection amounts in the end to little if anything beneficial; that does not get us anywhere. The flood is a symptom of mismanagement in the handling of our waterways; it is a disease. It is a disease caused by a surplusage of energy which has been forced down into the rivers through our own unwise and thoughtless action. The very fact of the building of the Chicago Drainage Canal shows that we have not any well-defined ideas, because, as I have pointed out before, we are spending money to create a condition which creates the disease, and then we spend millions more to cure the disease of our own making.

So it is with the floods. They have floods down the Mississippi Valley, and it need not be a matter of surprise that those floods occur, for where else should the waters go if they could not go down the Mississippi Valley? Where do we expect those floods to go? The great volumes of water that are gathering throughout this immense territory have to find an outlet. They all head down to the same place, and, under present conditions, they can not go out in an orderly manner any more than you could cry fire in a crowded theater and expect all of the people to get out of the same door at the same time without a panic or without injury to life and limb. A flood is an absolutely inevitable consequence of the thing for which we are at least in part responsible. If we want to expend this money in this way, why not do it so as to bring important and good results at some time?

This is a matter in which I take a great deal of interest. I am not going to tire the Senate with talking about it again; but I do say that, if you want to cure the flood evil, all you have to do is to regulate the stream flow in every river and stream in that watershed, and then you will have the flood evil cured. Not only that, but then you will have permitted the waters to go out in an orderly manner and take their exit, in the way nature intended they should, to the sea, by providing an even flow of water; by making a beneficial use of something, that, unchecked, would be destructive; by providing in advance that this thing that is of such great value to us in the use of water power and irrigation and navigation be so treated as to conserve it and to save it, and by thus treating and conserving it take away a destructive power. We should make it our servant instead of our master. Then you will turn a murderous and destructive agency into something that is a factor for the upbuilding of wealth. It will be a wealth producer, and not a wealth destroyer, if you treat the question right; and, in order to treat it right, do not go down where these rivers overflow their banks and empty into the sea, but go up the streams and hold them where they belong, in a way which can be arranged absolutely and scientifically by a competent corps of engineers.

There is no question that this problem could be solved if this matter were placed in the hands of a competent body of engineers taken not only from the military, but from hydraulic and civil fields of activity—men who know their business as well as the men knew their business who constructed the Panama Canal. All you have to do is to find another colonel like the colonel who built the Panama Canal; let another Col. Goethals—or perhaps that great constructor himself—figure out some waterway scheme embracing the country from coast to coast and he will tell you just how much water has to go down through the several creeks and rivers and waterways of the country; he will tell you approximately just how many cubic feet of water have to force their way through the Mississippi River bottoms in a given time and at a certain time; and he will tell you how to check them and how to use them. He will tell you where to use them, where you should put up your dams for storage reservoirs and for water-power purposes. He will tell you how to regulate them and how to regulate their stream flow so that when your system is perfect and built from above down—from the source of the stream down—in the course of time and with a minimum expenditure of money, if the matter is wisely administered, it will take care of every problem which we have in the way of rivers and harbors and waterways construction, in the way of irrigation, in the way of navigation, and, lastly, in the way of flood control, because you will stop the floods when you harness the waters and stop the waters from running away from you. There is not any question about that. It is a matter susceptible of easy regulation and at a minimum of expenditure; and I say that, if the thing is properly administered, it will pay for itself by way of returns that can be exacted from those given privileges to use this water to enrich themselves.

I feel that the way to go would be first to settle upon a plan and then to go ahead only with those things which are absolutely necessary, which we do not want to abandon, and which we can not abandon at this time. When the plan has been evolved by a corps of engineers, by men who know their business, it should be adopted and prosecuted to a conclusion. We legislators can not expect to know, and do not know, how this can be done, except in a general way; but if it can be shown—and I am sure it can be shown as a matter of scientific demonstration—to be practicable, to be profitable and beneficial, by men who are making a study of this subject, then we can go ahead and spend our money in a wise way.

Suppose we had now $850,000,000 to set out on a big, broad, comprehensive scheme to take care of our waterways and our harbors, we would at the time of completion of the whole system have money in the Treasury, besides having a completed waterway system. It is not a matter which can be built in a day or a year or, perhaps, in a score of years; but in the course of time we could have a system every angle and every element of which would be doing good and helping the country at large. All we have to do is to do it, in my humble judgment, by eliminating the present system and adopting a wise and proper plan.

My friend from Missouri a few minutes ago talked about building a house. I wonder what kind of houses we would have in this country if a lot of carpenters and masons set to work to build houses, without knowing what kind they were going to build and without a plan. We would have a fine hodge-podge proposition all over the country if we started to do that. I wonder what kind of railroads we would have in this country if every railroad went to work without consulting engineers, and started up in a haphazard hodge-podge way to build railroads all over the country, a mile here and a mile there. We have an illustration of that in the good-roads proposition, that ought to be corrected. In my State every county is building its own highways, and every town is determining where the road should be built for the money that comes to their town. In the course of time, if the money is expended, we will get something out of it, but anybody must know that, if a plan were arranged in advance, scientifically arranged in an orderly manner, with brains back of it and intelligence back of it, we would get $5 for $1 which we are expending now; and why should we not go ahead and do it?

It lies within our power here to do just as we want to do if we can get a majority to agree; and when a thing seems so perfectly obvious as this would appear to be, why not proceed in that way and conduct this kind of business in a proper manner?

I say we ought to stop, except as to those improvements which are absolutely necessary, and then we ought to look about and see what we can do in the way of getting some big, broad, comprehensive scheme to take care of all these questions either by way of a bureau or a department or perhaps through the instrumentalities which we have already established; but in some way that is dependent upon good reasons, scientific reasons, and not in part or in whole dependent upon this system, that "I will give you this if you will give me that," or "I will do this if you will do that," or "we will build this if you will build that"; not dependent upon anything that in particular benefits the whole country, but possibly benefiting only a few sections, where the representative people perhaps are zealous and want to get it for their appropriation; want to get an appropriation as a warrior of old wanted to get a scalp so he could wear it in his belt and boast about it.

We have our problems in Wisconsin, as I said at the outset. We would like to have our harbors improved as well as anybody else, but if there is any one of them which we can not show to Congress is important and worthy of the money being spent upon it I am not going to defend it, and I do not want to see it adopted. Neither do I want to see anything passed

that is going to put money into any other State unless it appears that not only the purpose of it, but the effect of it, is to give benefits to the country at large, or at least to a great portion of our inhabitants, commensurate with the moneys expended.

I feel as though this bill ought to be recommitted with instructions to the committee to report a bill out for what has heretofore been thought sufficient, namely, $20,000,000, for the purpose of carrying on such projects as seem to be proper and most necessary. I have tried to show that even the best of these projects, so far as the appropriations relating to streams are concerned, do not appear to have brought in returns such as we have a right to expect and ought to expect from the investment of governmental funds. Yet there may be such; but I think enough has been shown, and it appears sufficiently clear from the facts adduced here, that Congress ought not to appropriate $43,000,000 for things which at least, appear dubious and not deserving, and many of which are practically without merit. When so recommitted, meritorious provisions may be brought forward and taken care of pending some sort of united action on the part of Congress to go at this matter in a scientific way. I think that if that is done something could be worked out here in the next two years. The present system has gone on for over a century in the old way; another year or two will not make so much difference; but the policy ought to be changed at once, and we ought to go at this thing in a different and, if I may be pardoned for saying so, in a more comprehensive way, with some idea of what it is going to lead to and where it is going to land us.

At the outset I made a statement that I was not here to oppose any of the particular projects; that I was here to try to discuss the system. This is not a system that ought to make Americans feel proud of their country or of their efficiency. I do not think a system of that kind is good enough for the United States; I do not think it reflects credit on the United States or makes anybody feel proud of it. I venture to say that the people of the United States, so far as I have any idea of their sentiment, favor a complete change of this system. It has been shown that our people are not afraid to appropriate money for some worthy cause, even though it costs a great deal. Not a grumble has been heard about the digging of the Panama Canal, and not a word of complaint has been heard about the additional expense occasioned by reason of certain cavings or slides, and that we have not yet got, because of that fact, the canal into its highest state of efficiency; but they have all backed the idea, without grumbling or without talking about the cost; they have all indorsed the idea of the Panama Canal, and they will indorse any kind of a proposition, no matter how much money it costs, if the ordinary man can be shown that for the dollar he has to produce from his pocket he is getting a dollar's worth of benefit somewhere in some way. He wants to feel that his affairs are being administered in a way that is going to bring benefit to the country and that it is not being thrown away or wasted.

When matters are discussed here about economy, we do not talk just the same as we do when we are talking about this question of raising the taxes from somebody.

I remember here when the water-power bills were up there was a proposition of raising some little revenue from the water-power privileges; but it was said "We will not need that money; the Nation does not want to exact tribute from its people." That is all very good, but you have to get your money somewhere, and if you do not get it from the fellow who is getting benefits from you you have to get it from the fellow who is not getting any benefits from you. If you are not going to tax the man who is being given special privileges, then you have to tax the man who is not being given special privileges. The Lord knows that a lot of men in this country when tax-paying time comes around are hard-set to get the money to pay their taxes; but after all they are good Americans, and the least grumbling comes from those who are least able to bear the tax. However, the average man likes to see at least one thing, and that is to see his money wisely expended. He would like to see the country of which he is a citizen administer his affairs for his benefit and the benefit of his fellow citizens, and even if the taxes are high, and even if he thinks sometimes that there is injustice he does not care really if he knows that back of the dollar he has had to contribute and which is being spent some good scheme is being pressed forward which is going to bring material returns in the way of benefits to all of the citizens of the country. That is what he would like to see in the expenditure of money on rivers and harbors. If you are going to tax him and going to take his money away from him he does not want you to toss it away on unworthy projects. He wants you and me and all of us to see that the money he has earned by the sweat of his brow is invested in a way that is going to benefit him and his fellow citizens.

I do not honestly think that he will feel that the method under which $850,000,000 of this money has been expended has been one that he can sanction or approve. He will never propose three cheers and wax enthusiastic over this proposition. I do not think that any Senator in this Chamber deep down in his heart thinks so himself. I have never heard anybody boast about the blessings secured from this expenditure. I have only heard them on the defensive, explaining, if not apologizing for, what has been done. I have never heard them parading around before the voters in campaigns the benefits and blessings which we have derived from river and harbor appropriations. One thing upon which all parties are agreed is that the least said about it the better. That is a fair test whether we ourselves think it is a good thing. We like to talk about the things that we think are beneficial, and the things that are not beneficial which we have no reason to be proud of we like to forget.

Applying that test or any other test, it seems to me that the expenditure of this money in this way any longer is beyond judgment or excuse, and therefore I move that the bill be recommitted to the committee with instructions to bring out a bill appropriating a sum not exceeding $20,000,000.

Mr. TOWNSEND. Mr. President, will the Senator allow me?

Mr. HUSTING. I yield the floor.

Mr. TOWNSEND. I wanted to ask the Senator if he did not think it would be better to withhold his motion to recommit until the efforts to perfect the bill have been completed? There are many Senators who feel somewhat as does the Senator from Wisconsin, but who are, however, very much in favor of a proper river and harbor bill, who believe that there are many items in this bill which should be passed; and who, if the bill could not be changed, would be inclined to vote with the Senator, but who would not do that at this time. I was wondering if his purpose would not be served as well by withholding his motion to recommit until the efforts to perfect this bill have been completed.

Mr. HUSTING. I will say to the Senator——

Mr. TOWNSEND. I take it that what the Senator wants is to have the bill recommitted. He certainly must recognize the fact that there will be a better opportunity to recommit it if it can not be amended so as to suit the ideas of Senators of what a proper bill should be than there is now, before all efforts to amend the bill have been exhausted.

Mr. HUSTING. I will say to the Senator that, of course, it is my hope and purpose that the bill may be recommitted. I am sure I do not know whether this is a proper time or not, but I am willing to adopt the Senator's suggestion.

Mr. TOWNSEND. I am going to vote for the Senator's suggestion if the present bill is not materially amended, and I know that there are several other Senators who feel as I do. I do not care to interfere with the Senator's plan as to what he wishes, but it seems to me that in behalf of an effort to get the best bill possible it might be better to withhold his motion until later along in the consideration of the bill.

Mr. HUSTING. I will take the Senator's suggestion and will be glad to withhold the motion to recommit the bill until some time further on.

Mr. CLARKE of Arkansas. Mr. President, I ask that that motion be reduced to writing.

Mr. HUSTING. I thought I had it here, but I have not been able to find it.

Mr. KENYON. Mr. President, I now move to strike from the bill, on page 23, lines 21, 22, and 23.

Mr. CLARKE of Arkansas. What item is that?

Mr. KENYON. That is the Brazos River item. I think the Senator from Texas will be here in a moment.

Mr. CLARKE of Arkansas. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Nelson	Smith, Md.
Bankhead	Hardwick	Newlands	Smith, Mich.
Brady	Hitchcock	Norris	Smoot
Brandegee	Hollis	O'Gorman	Sterling
Broussard	Hughes	Oliver	Stone
Catron	Husting	Owen	Sutherland
Chamberlain	Johnson, S. Dak.	Pittman	Tagger
Clapp	Jones	Poindexter	Thomas
Clark, Wyo.	Kenyon	Pomerene	Thompson
Clarke, Ark.	Kern	Ransdell	Tillman
Culberson	Lane	Reed	Townsend
Cummins	Lea, Tenn.	Shafroth	Underwood
Dillingham	Lewis	Sheppard	Vardaman
du Pont	Lippitt	Sherman	Wadsworth
Fall	Lodge	Simmons	
Fletcher	Martine, N. J.	Smith, Ariz.	
Gallinger	Myers	Smith, Ga.	

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

Mr. KENYON. Mr. President, I wish to say a word about this amendment before it is voted on, if I can have the attention of the Senate. The amendment is to strike out on page 23 the words:

Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000.

We voted yesterday for a survey of the Brazos River. The bill carries another survey. At a former session of Congress we voted for a resurvey and a reexamination of this project, the report of which has never been as yet presented to Congress. We are now called upon to vote $200,000 on this Brazos proposition before the report of the engineers is received here and considered.

I wish to call attention to this proposition in a general way. We have appropriated somewhere around two and a half million dollars on the Brazos. There is no commerce that can be called commerce on the stream. The cost to the mouth is something like $10,000,000. Two hundred thousand dollars was allotted under the act of 1914 and there was $200,000 in the allotment of 1915.

The Brazos project is divided into two parts, from Velasco to Old Washington and from Old Washington to Waco. The former project carries in the bill for open-channel work $15,000. I think probably there will be no objection made to that item. The commercial statistics as to that part of the stream should be very interesting.

On page 913 of volume 1 of the Engineer's Report for 1915 we find this interesting proposition:

Commercial statistics: No record of commerce could be obtained for 1914. The record for 1913 shows 1,080 short tons, valued at $81,000. No record of commerce had been obtained for 1912. One boat makes weekly trips from Galveston to Columbia, but no record could be obtained.

We have spent on that part something like $399,000. Then, on the part where the locks and dams are to be constructed we appropriated up to the end of the last fiscal year $993,689.34. There was allotted under the act of 1914, $200,000, and under the act of 1915 the allotment for the Army engineers was $200,000, making a total of $1,393,689.

That is the proposition that the last Congress decided should be resurveyed and reexamined, and that report has not as yet come to Congress. Is it not a fairly reasonable proposition now to wait until that report gets here?

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. KENYON. I yield.

Mr. NEWLANDS. Are we to understand that an appropriation is made in this bill for a project with reference to which a resurvey and a report and investigation have been ordered by Congress?

Mr. KENYON. Yes; and no report has yet been made. That need not shock the Senator.

Mr. NEWLANDS. On what theory, after Congress has determined that a matter shall be resurveyed and a reinvestigation made, is an actual appropriation made in this bill?

Mr. KENYON. If the Senator will explain to me the theory under which we have been voting propositions into this bill where reexaminations have been ordered and where the engineers had reported against the proposition, I might be able to explain this to him.

Mr. NEWLANDS. With reference to what proposition does the Senator speak?

Mr. KENYON. Arcadia, Mich., and the Arkansas River.

Mr. SMOOT. I wish to say that the following projects are included:

Inland waterway from Norfolk to Beaufort Inlet, N. C.
Coosa River, Ga. and Ala.
St. Lucia Inlet, Fla.
Brazos River, Tex., from Old Washington to Waco.
Red River, La., Ark., Tex., and Okla.
Ouachita River, Ark. and Okla.
Arkansas River, Ark.
Tennessee River, Tenn., Ala., and Ky.
Fox River, Wis.
Missouri River, Mo.

And there are a number of others.

Mr. FLETCHER. May I ask the Senator from Utah——

Mr. KENYON. This project is to consist of eight locks and dams.

Mr. FLETCHER. I understood the Senator from Utah to refer to some river in Florida.

Mr. SMOOT. I did—St. Lucia Inlet, Fla. The engineers were instructed in the act of March, 1915, to make a resurvey of that inlet. I will say to the Senator——

Mr. FLETCHER. No; the appropriation was made and the Board of Engineers approved it. That is the work going on now. The resurvey proposition has not yet come up because it has not been acted upon by Congress, but the improvement of the river is based on the favorable report of the district engineer, the Board of Engineers for Rivers and Harbors, and the Chief of Engineers.

Mr. SMOOT. In the act of March 4, 1915, section 15, it appears——

Mr. FLETCHER. That report has not yet been presented to Congress.

Mr. SMOOT. That is exactly what the Senator from Iowa says.

Mr. FLETCHER. That report does not exclude the improvement. It contemplates a more ambitious improvement of the project than ever before.

Mr. KENYON. They are all ambitious.

Mr. SMOOT. They are all that way. I am not disputing that at all. That is why the resurveys are made.

Mr. FLETCHER. The appropriation, the Senator will see, is not based on that. Nobody is asking that the action of Congress shall be based on that report, because it has not been made.

Mr. SMOOT. But the appropriations go right on.

Mr. FLETCHER. Where does the Senator see that in the bill?

Mr. SMOOT. I simply stated in answer to the question asked of the Senator from Iowa, the rivers included in the request made of the engineers for resurveys, and among them was the St. Lucia Inlet, Fla. That is what I meant.

Mr. FLETCHER. The inquiry was directed as to projects in this bill that did not meet the approval of the Board of Engineers. There is no provision in the bill for St. Lucia Inlet at all.

Mr. SMOOT. Does the Senator say that St. Lucia Inlet, Fla., is not a questionable project?

Mr. FLETCHER. I say there is no provision in this bill, and we will deal with that when we get to it. We are talking about a concrete proposition before the Senate, and St. Lucia Inlet is not in the bill. It makes no difference whether it is a meritorious project or not, we are not passing upon it.

Mr. KENYON. I think the Senator from Utah is out of order in claiming that there is any project that is questionable in the bill.

Mr. FLETCHER. Why not be reasonable about it? What is the use of discussing something that is not in the bill? We are talking about the bill that is before the Senate. There is no use in saying that the bill contains items that are unworthy, that have not been favored by the engineers at all, and then point to the St. Lucia Inlet as one of the items when it is not in the bill at all. That is the kind of argument we have been hearing all the way through this discussion.

Mr. NEWLANDS. Mr. President——

Mr. KENYON. I yield to the Senator from Nevada.

Mr. NEWLANDS. May I inquire from the Senator from Iowa whether the St. Lucia Inlet, Fla., referred to, is a project for which appropriations have heretofore been made?

Mr. KENYON. I think there is no question of that.

Mr. NEWLANDS. Then I should like to ask the chairman of the committee if continuing appropriations on the St. Lucia Inlet, Fla., should for the time being be abandoned in order to await the report upon the reexamination authorized by the last river and harbor act, why the same course has not been pursued with reference to all the items and all the projects with reference to which reexaminations were ordered? If the order of Congress that a reexamination should take place with reference to the Florida project has been made so effective as to exclude that project from the present appropriations, why should not the same rule be applied with reference to all other projects that were ordered to be reexamined by Congress, and why should the committee report to us appropriations upon such projects which were ordered to be reexamined?

Mr. CLARKE of Arkansas. Mr. President, will the Senator from Iowa yield to me for just a moment?

Mr. KENYON. Certainly.

Mr. CLARKE of Arkansas. I am not entirely familiar with the history of the St. Lucia Inlet provision, but my recollection is that there has been no appropriation made to begin work there for the reason that the last two or three river and harbor bills failed. The pending bill was largely made up in the House of Representatives. Such items as were eligible to admission there under the theory of being old projects were included in it there. We did not go over the whole field to determine whether or not something that ought to be in the bill was left out, because we had before us projects amounting to about $125,000,000 and we were compelled to select as between many meritorious projects in order to bring the bill within the limits of the possibility of the Government to provide for them. The Senator from Florida is more familiar with the situation at St. Lucia Inlet, and I am sure if the Senator from Iowa will permit him he will gladly state the position there.

Mr. KENYON. St. Lucia Inlet is not in this bill. I think we had better, perhaps, take up something that is in the bill.

Mr. SMOOT. I notice also that the Chief of Engineers reports that on July 1, 1914, there was an unexpended balance of $99,927.08; that June 30, 1916, the amount expended during the fiscal year for the work of improvement was $13.05; and that on July 1, 1915, there was an unexpended balance of $99,914.03. That is the history of the financial summary as given by the Chief of Engineers in relation to St. Lucia Inlet, Fla.

Mr. FLETCHER. There was a project adopted for St. Lucia Inlet by Congress on the favorable report of the district engineer and the favorable report of the Board of Engineers and the Chief of Engineers, and an appropriation of $100,000 was made to begin that work. That was in 1913. The engineers were under the impression that a dredge could be built that would excavate the rock at the entrance without blasting. They thought that such a dredge could be brought from Panama, and there was some effort to do that. Gen. Goethals was on the stand, and testified before the Commerce Committee that there was a dredge at Panama which could take out this rock, which is not very hard rock. It is a coral formation under water and is hardened upon exposure. The engineers supposed that could be done, and for a long while they expected that they would get the dredge from Panama. But there were subsequent troubles, as Senators know, down there, and the material at Panama was needed there, so the dredge was not forthcoming.

That is the reason why, as the Senator has suggested, only some $13 was spent of that money for a period of time covering one year. That was spent in calling for bids for the work. The bids were rejected because they were regarded as too high. The Government engineers thought they could do the work cheaper than they could get it done by contract, and they rejected the bids. Nothing was done, and so time has gone on, and no part of the appropriation has been used.

As the present contracts have been let, the work is going on, or will shortly be begun. Contracts have been entered into. When the Government found they could not get the dredge which they supposed they could use they made a contract at a figure which they believe is reasonable, much less than the former figures were. The contract is, as I said, actually closed, and the contractors are soon to begin work, if they have not already begun work within the last few days.

So there was no need for any reconsideration of the St. Lucia project, because there is enough money on hand to accomplish what had been authorized by Congress.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. KENYON. I do, if he will get through in a moment or two.

Mr. NEWLANDS. I merely wish to ask the Senator from Florida whether the contract for the St. Lucia Inlet has been let since the time when Congress ordered a reexamination of the project?

Mr. FLETCHER. I think it has.

Mr. NEWLANDS. March 4, 1915.

Mr. FLETCHER. They were authorized to go on under the original act and do that work.

Mr. NEWLANDS. Does not the Senator assume that Congress intended, with reference to the projects that were intended to be reexamined, that no such important step should be taken in the work as letting a contract until the report upon the reexamination was submitted to Congress?

Mr. FLETCHER. The engineers had full power and authority to proceed with the project, which had been approved by Congress. A reexamination might lead to the enlargement of the project or a change of the project to some extent.

Mr. NEWLANDS. Or perhaps to an abandonment?

Mr. FLETCHER. No; it could not possibly lead to an abandonment. I think nobody suggests that. There is need of that improvement there, and the question is as to the extent of it.

Mr. NEWLANDS. The act itself says "with a view to their abandonment."

Mr. FLETCHER. It has never been recommended that it be abandoned by any board or any engineer.

Mr. KENYON. I will say to the Senator from Nevada, he will also find that a resurvey was ordered for Trinity River some years ago. It is going on now. The bill carries $250,000 for Trinity River. The Senator will also find that the engineers just a few days ago reported against the James River proposition, that has been running for some 20 years, and is destined to run, probably, for all eternity. They reported against that just a few days ago. The bill carries $190,000 for the James River.

But I want to get back to the Brazos. It is set forth on page 914 of the Engineers' Report that this project has not been adopted as a whole by Congress. We have gone along appropriating for different locks and dams in a scheme that requires eight locks and dams and 103 miles of open channel work at an estimated cost of $2,915,000. It seems strange that Congress should go ahead year by year and appropriate these large sums of money while the project as a whole, according to the Army engineers, has never been adopted.

I am not quite certain from these reports whether any of the locks and dams have been completed. They state on the same page that Lock No. 1 has been brought to 98 per cent of completion, and that Lock No. 8 was 75 per cent completed. A total of $853,052.11 has been expended, of which $441,564.62 was expended at Lock No. 1. Here is the statement about the commerce:

Commercial statistics: No freight is now carried on this section of the river, nor can be economically until the improvement is completed.

Of course the answer to that is, as it is to all these other projects, you can not have your commerce until the project is completed; but what I am insisting on is that a project of this character, involving millions, where Congress has ordered a resurvey and a reexamination, ought not to have another dollar appropriated until we get the result of that examination.

Mr. NEWLANDS. I should like to ask the Senator how many projects which have been ordered to be reexamined by Congress are included within the appropriations made by this bill?

Mr. KENYON. I can not tell the Senator exactly. I think I am safe in saying that there are seven or eight. If the Senator had lent his genial presence to us yesterday and the day before he would have known that the Senate has voted in the bill projects that were condemned by the Army engineers under a reexamination ordered by Congress. While we can not do anything here, I hope that somewhere inquiries are going to be made of the Senators who have voted those things as to why it was done. Of course, the Senator knows we have had practically no attendance here, and there has been no attention given to the discussion of this bill. Senators rush in from the cloakrooms when the yeas and nays are taken and ask "What is the committee amendment?" or "What is it that we are to vote on?" I suppose that always will be true, but it has been especially true in the consideration of this bill. I kept an account one day when we were discussing the East River project, New York, of the attendance. At 25 minutes after 1 there were 7 Republicans in the Chamber and 12 Democrats. At 45 minutes after 1 there were 11 Republicans and 12 Democrats. The Democrats seem to have done better than the Republicans.

Mr. GALLINGER. There are more of them.

Mr. KENYON. At 5 minutes after 2 there were 11 Republicans and 14 Democrats in the Chamber. At 25 minutes after 2 there were 11 Republicans and 12 Democrats. At 45 minutes after 2 there were 14 Republicans and 10 Democrats, the only time when the Republicans had more here than the Democrats.

Mr. BORAH. May I ask the Senator whether it was the same 11 who were here or was that the average?

Mr. KENYON. I think perhaps some went to lunch; I do not know where the others went. It simply illustrates the kind of consideration that has been given to this bill.

Mr. CLARKE of Arkansas. The Senator will bear witness to the fact that I have been here all the time.

Mr. KENYON. The Senator from Arkansas has been here every moment.

Mr. President, I think I have said all I want to say about the Brazos River. If the Senate wants to vote these kind of matters into the bill, of course that is its privilege.

Mr. THOMAS. Before the Senator takes his seat I should like to ask him a question. The Senator said, if I understood him correctly, that the bill carries an item for James River, Va., for a project which has been condemned by the Army engineers. Does the Senator refer to the item at the top of page 12?—

James River, Va.: Continuing improvement and for maintenance, $190,000.

Mr. KENYON. I referred to that item. I want to qualify what I said in this way: The project calls for many millions of dollars. It is a project, I think, for a 22-foot depth. The Army engineers report against that. I have here the advance sheets of their report.

Mr. THOMAS. When was that report made?

Mr. KENYON. That report was made the 13th day of May.

Mr. THOMAS. Since this bill came over from the House?

Mr. KENYON. Since we have been discussing it. They report in favor of an 18-foot depth to the river and a turning basin at Richmond to cost $450,000, and recommend that that appropriation be divided into two parts, that they be made two annual appropriations; $190,000 is provided for here and $190,000 is appropriated on the theory of the old plan.

Mr. THOMAS. With the abandonment of the old project?

Mr. KENYON. The modification.

Mr. THOMAS. A modified project?

Mr. KENYON. A modification of the project from 22 feet to 18 feet. The district officer says it can be completed for $2,588,636.79. They have there an 18-foot channel and they recommend abandoning that project in favor of simply constructing a turning basin to cost $450,000 and maintaining the river at 18 feet. I think we will hear more about that river before we are through with the bill.

Mr. THOMAS. Then I will content myself by waiting until the subject comes directly before the Senate.

Mr. KENYON. I shall not raise any more question about it, but I imagine the Senators from Virginia will.

Mr. THOMAS. Let me ask one other question, then. Assuming that the bill passes in its present form and the $190,000 appropriation becomes effective and is expended upon the prevailing project, what effect will that have upon the recommendations last made by the Board of Engineers?

Mr. KENYON. I assume it will be that much money wasted, because it goes on the old project and will not be used for what the engineers recommend.

Mr. THOMAS. So, notwithstanding the present recommendation, if this item becomes a law it will be expended upon the existing project, and then we will have to spend just as much more upon the new project as though this appropriation had failed?

Mr. KENYON. Unless the bill is changed and the $190,000 provided for is to be used for the turning basin.

Mr. POMERENE. May I ask the Senator a question?

Mr. KENYON. I yield.

Mr. POMERENE. A moment ago the Senator from Iowa said there were seven or eight projects provided for in the bill on which resurveys had been ordered. Can the Senator state what would be the cost of those projects which are provided for in the bill?

Mr. KENYON. Does the Senator mean the amount of money that is carried in the bill for those projects?

Mr. POMERENE. The amount of money that is carried in the bill for those seven or eight projects.

Mr. KENYON. No; I can not. There is $250,000 carried for the Trinity; $200,000 for the Brazos; $25,000 for Arcadia.

Mr. SMOOT. How much for the Missouri?

Mr. KENYON. The Missouri was condemned by only two of the engineers. There is a million and a half carried for the Missouri which is condemned by the district engineer and the division engineer but not by the Board of Engineers. Then there is the Arkansas River.

Mr. POMERENE. What is the amount for the Missouri?

Mr. KENYON. A million and a half. For the Arkansas River I think the appropriation is $234,000.

Mr. SHEPPARD. If the Senator from Ohio will allow me, I will say to the Senator from Iowa——

Mr. POMERENE. I will be very glad to allow the Senator.

Mr. SHEPPARD. No resurvey of the Trinity River was ordered in the last river and harbor act, and the instrumental survey now in progress on the Trinity was not ordered with a view to determine whether the project should be retained or abandoned, but in order to determine exactly how many locks and dams would be required under the existing project.

Mr. KENYON. Does the Senator say that under the last act or the previous act there was not a resurvey or reexamination of the Brazos ordered?

Mr. SHEPPARD. I am referring to the Trinity.

Mr. KENYON. Oh.

Mr. SHEPPARD. The Senator said a resurvey had been ordered of the Trinity to determine whether the project should be retained or abandoned.

Mr. KENYON. I did not say, however, that a resurvey had been ordered of the Trinity in the last act. I knew that that was not so. It was ordered some years ago and a survey is now in progress of the Trinity. Is not that true?

Mr. SHEPPARD. But it is an instrumental survey to determine the exact number of locks and dams necessary for the project. This resurvey was not ordered for the purpose of determining whether the project should be continued or discontinued.

Mr. KENYON. The Senator may be correct; I do not know. He knows more about the Trinity than I do.

Mr. POMERENE. The Senator from Iowa also made the further statement that there are other projects provided in the bill which have been rejected by the Board of Engineers. Can the Senator state what would be the cost of those items?

Mr. KENYON. As to the Arkansas River, to which the Senate added another $25,000, I can give the Senator the exact figures. The amount is $234,700, where the engineers recommended $35,000. Then there is the Wichita, on which I expect to show a little later the Army engineers recommended $234,000 and the bill carries $470,000. That is one of the projects resurveyed. The Arcadia, which is the proposition of the distinguished senior Senator from Michigan [Mr. SMITH], carries $25,000, a small amount. That was condemned by the Army engineers and it is placed in the bill by a committee amendment.

Mr. President, that is all I care to say about the Brazos River.

Mr. NEWLANDS. Mr. President, this discussion simply illustrates how hopeless the present system of conducting river development is. We find it universally admitted that although the United States Government has been employed for over a hundred years in working upon our rivers river commerce has steadily declined; that on the whole the rivers are not so well adapted to navigation as they once were.

Now, where does the fault lie? Does it lie with the Board of Engineers who are charged with the work of developing these rivers? Does it lie with Congress, or does it lie with and is it inherent in the general system, or rather no system, that exists for comprehensive river development? Has Congress been at fault? What general legislation has it ever adopted with a view to the complete regulation of our rivers as instrumentalities of commerce? Have we ever proposed or adopted with reference to river development and regulation such a full and comprehensive measure as we adopted for the commencement and the completion of the Panama Canal? Have we ever proposed or adopted such a full and complete system of legislation as we adopted with reference to irrigation and reclamation of arid lands in 17 States?

Have the engineers been incompetent or has Congress been incompetent? The engineers demonstrated their competency in the completion of the Panama Canal, costing over $400,000,000. The engineers have demonstrated their capacity in 23 irrigation projects in 17 States, costing nearly $80,000,000, and embracing problems in engineering and in hydraulics far surpassing in difficulty those attendant upon the building of the Panama Canal. Almost all of those projects have been completed within a period of 12 years.

Here we have, then, a competent Engineer Corps of the Army, their competency demonstrated at Panama, and a competent corps of civil engineers in the Reclamation Service whose competency has been demonstrated in 23 projects either finished or nearing completion within a period of 12 years.

Mr. SMITH of Arizona. I do not wish to interrupt the Senator, but I should like to suggest a word rather than to be foreclosed by the statement the Senator just made in reference to some matters that may subsequently arise as to irrigation projects. I shall say no more to the Senator than that, while the greatest possible intelligence has been shown by the engineers, some very grave mistakes have been made by them. Rather than to let it go as an absolute piece of certainty without a reservation in the RECORD, I wish to accompany the Senator's remarks with the statement that there have been grave mistakes made, and they naturally would be made in any enterprise as large as that.

Mr. NEWLANDS. Yes, Mr. President, mistakes have been made, and mistakes always are made in great works. A mistake was made in the orighal estimate of the cost of the Panama Canal. It was estimated at $150,000,000, the actual completion costing more than $400,000,000. Mistakes were made in the estimates regarding the irrigation works; estimates largely increased by the unprecedented rise within the period of 10 years of the cost of labor and of supplies. But the fact remains that these great monumental works have been undertaken and have been completed within a period of 12 years. So I say the fault does not lie with the engineers. Where does it lie?

Oh, you may say commerce has declined upon these rivers because the railroads have taken the place of the rivers as instrumentalities of commerce. Yes, they have taken the place, but how has that place been taken? By the cruel and brutal competition of the rail carriers with the water carriers, which resulted in the destruction of the latter, and Congress has been impotent to stay the ruthless hand of the rail carriers.

Is river regulation and river navigation a failure elsewhere in the civilized world? Is not river transportation employed side by side with rail transportation in every civilized country

in the world that has rivers? Can you point me to one that has not fully developed its rivers or is not now engaged in the work of developing its rivers? Their work is not to reclaim swamp lands but to promote commerce.

We have Germany, we have France, we have Austria, we have Russia, all of which countries either have developed or are in the work of developing their rivers to their full capacity for transportation, even going to the extreme of connecting those rivers at their headwaters and at other places with each other in such a way that they have a perfect network of waterways, consisting of natural and artificial waterways, just as complete a network as the railways themselves. There it is well understood that the rivers are to be used for cheap and bulky products, far exceeding in tonnage the valuable products, and whose cheap transportation is absolutely essential to cheap living among the people and to cheap production and manufacture everywhere.

In this country the railroads, eager to absorb the entire tonnage, have upon these products received rates that are hardly compensatory, because the products will not stand high rates of transportation, and we are constantly increasing the capitalization of the railways of the country to meet the demand of bulky transportation, which could be much more economically made by the cheaper development of our rivers for transportation. But in all those foreign and highly civilized countries we find the water carrier coordinating with the rail carrier and not sandbagged by the rail carrier, and both of them coordinating with the ocean carriers in the development of a scientific system of transportation. If the development of our rivers has failed, why has it failed? Because our engineers are incompetent? No; because Congress has been incompetent.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Illinois?

Mr. NEWLANDS. Certainly.

Mr. SHERMAN. Will the Senator, for my information, name a single inland waterway in the United States that carries any commerce of any consequence at this time?

Mr. NEWLANDS. I do not know of any except perhaps the Ohio; and this reduction of water-borne commerce has been the result of the system which has been pursued by Congress. What has that system been? The system of individual initiative by Members of Congress, under which an individual Senator or an individual Representative presents a measure that relates to his particular locality, and which has the virtue perhaps of aiding commerce in some degree, but in a very large degree of expending money in the locality from which the Representative hails.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield further to the Senator from Illinois?

Mr. NEWLANDS. Certainly.

Mr. SHERMAN. May I inquire, then, whether this whole river and harbor bill is not in fact what Hancock said the tariff was, a local issue?

Mr. NEWLANDS. Well, it looks so; and we find Members of the House and of the Senate seeking positions upon committees having jurisdiction of this subject, not so much with a view of building up a great comprehensive, useful system, which will embrace the development of the commerce of the country, but with a view to the benefit of a particular section or locality which they represent; and then the temptation is presented of a union of support in favor of individual projects, otherwise indefensible, with a view of carrying them all through in the pending bill.

And how was this system further strengthened? The engineers were useful, it is true. Upon them Congress relied for the ultimate work. But instead of giving the engineers a free hand and enabling them to report their suggestions with reference to full and comprehensive legislation upon this subject Congress in its very river and harbor bills put shackles upon its engineers, put them in chains, and forbade them to make a suggestion beyond the proposal made to them by the initiative of an individual Congressman, approved by Congress. You will find in two or three cases in the legislation of Congress, as it progressed, an absolute instruction and a veto upon the action of the engineers with reference to any suggestion beyond the matter in hand. The engineers have never yet been called upon to present a full and comprehensive scheme for the development of our rivers as instrumentalities of commerce.

I do not know how many hundred millions have been spent, and yet commerce has declined; and what remedy is now proposed by the action of the House of Representatives? The organization of a Committee on Flood Control; not the organization of a committee to create navigable rivers, not the organization of a committee to promote commerce, but to control floods; and those floods, according to its action, are to be controlled only upon the lower reaches of the Mississippi River. They invite the waters in this vast watershed, embracing one-half of the United States, to flow down to them without embarrassment or obstruction. They say to us, "Hurry them on; drain your lands; reclaim your swamp lands; let all the waters hurry down to the lower Mississippi River, and then we will take care of them." And how do they propose to take care of them?

By building levees mountain high on either side of the Mississippi River in order to prevent the overflow. And when we suggest that a policy may be pursued in the upper reaches of these rivers, in the great intermountain region which is the source of many rivers, in the Great Lakes region, in the great regions of the Ohio and the Tennessee and the Cumberland and the upper Mississippi, that developments may be made there by which the flow of the water may be so obstructed as to prolong the length of the high-water season below, so that its flood height will be only one-half of the accustomed height, we are told that we are visionary; that nothing should be done in the way of obstructing or slowing up the progress of these waters; that nothing should be done in the shape of turning these waters into a national asset, into creators of wealth; but we should permit them to mass together for destruction below; and then a cry of distress comes up from our southern friends: "The waters coming from your region are destroying us. Give us $6,000,000 a year with which to put up mountains on each side of this great river to prevent these waters from overflowing our lands and from destroying our cities." And when we tell them that there are four departments of the Government that are engaged in the great work of water conservation and water study—the Department of Commerce, the Department of the Interior, and the Department of Agriculture, in addition to the Department of War—and that each one of these departments has two or three scientific services that are engaged not only in studies, in scientific research with reference to this matter, but in actual engineering work, and that these departments ought to be brought into coordination with the War Department in plans and in works, the reply is made to us: "No; we prefer that this entire work shall remain as it has been, in the hands of but one of these departments—the War Department—and that the engineers of the Army shall alone attend to this work," without the aid of the accumulated experience and knowledge of these scientific services, many of which for over 50 years have been serving their country faithfully and well, not only in the matter of research but in the matter of actual engineering work.

I have no words of criticism for the Engineer Corps of the Army. There is nothing that can be said in commendation of the integrity of that corps which I would not indorse; but I have the same words of commendation with reference to the integrity and the efficiency of the engineering corps of the Reclamation Service, composed of civil engineers. I assert without fear of contradiction that that engineer corps has solved more difficult problems with reference to hydraulics than have ever been considered by the Engineer Corps of the Army; and yet our southern friends say that these men shall not be brought into collaboration; that you will drain the whole Union for money with which to take care of the floods in the southern reaches of this river, and you will not apply a dollar to the obstruction of these waters on their way to the lower flood reaches of the river and the application of these waters to beneficial purposes, such as making the arid lands blossom, such as the creation of water power, the development of electrical energy—entering more vitally into the lives of our people than any other agency, advancing their comfort and their convenience and diminishing their physical effort—the restoration of our forests, where vast masses of trees will drink up this moisture which otherwise would go into the streams and rivers, and develop it into fiber useful to man; and, above all, or equally with these other uses, involving the scientific control of water in such a way as to promote the reclamation and use of swamp lands as well; so that all of these uses and controls of water, creating wealth, can be developed by the very method employed for slowing up the progress of these waters falling from the heavens on the various watersheds of the country from their sources to the gulfs and oceans.

We have in the West 17 arid and semiarid States, with 34 votes in this body—States which occupy for the most part the elevated region of the country, where men have vision, where there are men who can see things beyond the boundaries of their own States, and who are capable of conceiving of great engineering works that will benefit not only them but the entire country. Are we going to participate longer in the piecemeal legislation which has thus far characterized Congress? Are we

going to encourage the committees which have fallen into bad habits of division of projects and silence, which are intent upon what has been designated by the country as a spoils system? Or are we going to give a committee jurisdiction of this subject whose very name indicates its purpose?

What was the basis for the proposition upon which the Interstate-Commerce Committee was organized? It was the promotion of interstate commerce. Prior to that time, the Commerce Committee of the Senate was the only committee on commerce having jurisdiction both of foreign and of interstate commerce. What did the Senate mean when it created the Committee on Interstate Commerce? Why, it meant that it intended to segregate that entire subject from the jurisdiction of the Commerce Committee, and give it to the new committee.

What has that new committee done? Why, it advanced gradually and progressively toward complete jurisdiction of the subject, and wisely so. The first question which it took up was the question of rail transportation, for that was the vital question of the time—the regulation of these giant carriers that had constructed a network of rails over the entire country, and were controlling political organizations and legislatures and administrative officers. After a long struggle, as the result of the recommendations of that committee, legislation was enacted under which public regulation was developed, and it is now about to enter upon an inquiry which embraces not only the perfection of that regulation but the study of a possible Government ownership.

Then it took up the question of the control of telegraph companies, and then of express companies, and then of oil carriers; and now it finds before it the vital question of the development of our water transportation, the promotion of water carriage, and its regulation and control in such a way as to protect it from the rail carriers, who have been the destroyers of the water carriers, and the development of both as coordinate instrumentalities for the service of the public.

Mr. President, the traditions of the committees of the House and the Senate—the Rivers and Harbors Committee of the House and the Commerce Committee of the Senate—are such as to give no indication that they will take up this question in a full and comprehensive way, and it does not fall within their jurisdiction. That jurisdiction has been exercised there by sufferance and not as a matter of right; and yet, when we seek to have bills for the regulation of commerce between the States by the instrumentality of water carriers referred to the Interstate Commerce Committee, whose jurisdiction upon those subjects is a matter of right, we are met by the objection that the practice has been to the contrary, and that as a matter of tradition the Commerce Committee has control of this subject.

Mr. President, I have talked with individual members of the Commerce Committee, which is composed of men of the highest distinction and the highest character in this body. I know how individuals on that committee have felt with reference to the lameness and the impotency of this development. They are embarrassed by the practices of the past, by the traditions of the past. They are embarrassed by the necessity of immediate action with reference to the localities which they represent; and it is much easier to pursue the beaten path of legislation than to indulge in revolution which may temporarily disturb the progress essential in their judgment to the prosperity of the communities which they represent.

I make no attack on that committee or its membership. I was once a member of that committee myself. I sat upon it for several years. My purpose in going upon the committee was to secure the consideration of some big measure that would correct the practices of the past. I found that committee so overloaded with work—not simply with work relating to the river and harbor bill, but with work relating to other departments and bureaus of the Government—that they had not the time to take up such a consideration; and whilst I was persistent and insistent I could never get patient consideration for a broad and comprehensive measure. So, having failed there, I went off the committee; and ever since I have been off the committee I have been pressing this matter upon the floor, in the hope that I could arrive at some accommodation. I have even gone so far as to suggest that we should organize a new committee in the Senate as they organized it in the House—a committee of 15, of which one-third should be taken from the Committee on Commerce one-third from the Committee on Interstate Commerce, and one-third from the Committee on Irrigation and Reclamation of Arid Lands. I have not been able to make any headway with that proposal. Such a committee would not resemble the committee that has been organized in another body, whose jurisdiction seems to be only over flood control and whose jurisdiction seems to be exercised simply in taking care of the floods after they have been massed, instead of preventing them from massing. It would be a committee composed of experienced men on all three of these committees, embracing Senators representing every section of the country, with a view to framing not simply a measure for the flood control of the lower reaches of the rivers but with a view to controlling those waters from the time they fall from the heavens upon the earth, God's benefaction to men, and putting every drop of that water to beneficial use before it finally mingles with the waters of the ocean.

Whilst this bill has progressed I have not been disposed to intrude my views very much regarding it. For instance, I did not know until to-day that this bill embraced seven or eight projects with reference to which Congress at the last session, during the consideration of the last river and harbor bill, ordered a reexamination to be made. Why did Congress order that reexamination? Because it had doubts as to the feasibility and value of the projects. Does not good faith require that Congress should wait until these examinations and reports are made to Congress, so that it can form its judgment? Yet these appropriations are placed in this bill, doubtless as the result of the settled convictions of the Senators or Representatives representing the districts to which they belong of their feasibility and their value; but the judgment of Congress was that their feasibility and value was in such doubt as to require a reexamination, and these reports have not been made. How are the items in this bill? They are in this bill as a part of this very system which I criticize, whereby, in order to get the support of all the members of the committee for a bill and to present an undivided front either in the House or in the Senate, it is necessary to include measures concerning which there is doubt, but concerning which certain members of that committee have no doubt. So they are included, and thus the judgment of two or three or four or five or six men backing these projects, which have been declared by Congress to be of doubtful value, is forced upon the judgment of the Senate and the House of Representatives, and we are called upon either to defeat the entire bill or to let these appropriations go through.

I wish to say that, with reference to the flood-control bills coming from the House of Representatives, I claim that there has been—I will not go so far as to say a lack of good faith, but I do claim that there has been a lack of consideration. The city of New Orleans was in danger, was fearing another flood. The Reclamation Association of New Orleans and the Chamber of Commerce of New Orleans have declared in favor of a bill which I have been urging for years, known as the Newlands-Broussard river-regulation bill, differing in their judgment, perhaps, from the rest of the lower Mississippi Valley, the people of which seem attached to the present system of river development and river appropriation.

The city of New Orleans, as the result of that system of inviting the waters of this great watershed to rush down the Mississippi River, by the very doors of New Orleans, has seen the flood level constantly rising in height and threatening the destruction of the city, and so the people of that city have been compelled to build their levees higher and stronger. The entire city may yet, at some time, be the victim of some failure of or defect in its levee system through a crevasse or otherwise. So, being apprehensive, as they saw the policy being carried out of building these levees higher and higher in order to prevent the waters from going over their accustomed area of overflow and thereby lowering the height of the flood below, observing that their flood level was constantly increasing in height, they sent a telegram to the Secretary of Commerce calling attention to this important question. That communication was laid before the Cabinet, and as a result of that the interdepartmental committee of Cabinet officers, appointed three years ago to consider this river-regulation bill, as a result three-fourths of them declaring in favor of it and the other one-fourth, the Secretary of War, not opposed to it but not enthusiastic about it, that interdepartmental Cabinet committee was called together, and what did they do? The first thing they did was to send for those who were responsible for the Newlands-Broussard bill and for the Ransdell-Humphreys bill, assuming that these two bills covered all the proposals that could be made upon the subject. As a result of this inquiry, these gentlemen, this Cabinet committee, made a unanimous report to the President, recommending substantially the organization which has been urged by the bill which bears my name. They recommended coordination of services by the appointment of a departmental council, consisting of the Secretaries of War, of the Interior, of Commerce, and of Agriculture, with the President at its head, and authorizing that commission to bring the various services into coordination, and providing the other machinery for full and comprehensive consideration of all the problems that relate to water, including cooperation with the States.

It was supposed, inasmuch as the Senator from Louisiana [Mr. RANSDELL] assented to those recommendations, his assent would carry the support of his associate in that bill, Mr. HUMPHREYS, of the House, but it did not.

Mr. RANSDELL. Mr. President, may I interrupt the Senator?

Mr. NEWLANDS. Yes.

Mr. RANSDELL. I should like to ask the Senator if, when he invited me to that conference, I did not insist that he wait until Mr. HUMPHREYS returned?

Mr. NEWLANDS. The Senator did.

Mr. RANSDELL. And told him that I had no authority to speak for Mr. HUMPHREYS?

Mr. NEWLANDS. That is right.

Mr. RANSDELL. Then, why does the Senator try to insist on my binding Mr. HUMPHREYS? He has done that about three or four times on this floor. I told the Senator that I could not bind Mr. HUMPHREYS; that I could not bind the other House; that I was willing to stand by what the interdepartmental conference did; and I urged Mr. HUMPHREYS and several of his most influential associates to create some kind of commission which would carry out the ideas of the Senator from Nevada; but they refused to do it. I am willing now—and I said so the other day on this floor—to create a commission to work out some kind of control of the waters from the time they fall from the clouds until they get into the ocean.

I can not control this matter, however. I have presented the interdepartmental plan for a national waterways commission to a number of Senators, asking them if they would stand for such a commission; and I have not found one who would agree to anything of the kind. I am tired of having my name brought in so often. I will say to the Senator, in connection with this by innuendo or otherwise. I want the Senator to confine himself absolutely to a plain statement of the actual facts of the case. I tried to get Mr. HUMPHREYS there; I tried to get the Senator to wait until he came, but he would not do it.

The Senator insisted on holding the conference, and at the meeting I said that I had no objection to the general plan which the departmental committee desired. I am willing to have it, so far as I am concerned. I am so anxious to get legislation for the lower Mississippi that if Congress will legislate for it and relieve my people from the awful suffering and sorrow that they have had to undergo from the waters of 31 States since the beginning of this Republic, I shall make no objection to investigating other projects; but I insist on this, and this alone: That no money be appropriated for anything until it has been thoroughly and carefully investigated and reports thereon have been made to Congress. The Senator will remember that I said that, and I am willing now to have a commission created that will study water for the purposes of irrigation and navigation, porosity and absorbent qualities of the soil, about which the Senator is so anxious, drainage, flood control, and every use of water; but I do not think that it really would be quite dignified to ask the President of the United States and four of his Cabinet officers to form such a commission.

It seems to me that, if we wish to get something practical, we should create a commission of seven or nine of the ablest men in the United States, of the ablest engineers, men of the caliber, for instance, of George W. Goethals, the Panama Canal builder. We might create a commission of that kind and put Goethals or some other able man like him at its head, and say to them, "Gentlemen, we are not altogether satisfied with the present system of spending money on drainage, navigation, irrigation, flood control, the use of water in connection with forestry, and all the uses of water. Work out something better if you can, gentlemen of this commission, and submit it to us, and let us see if we can devise wiser methods than those now in use." I have no objection to that kind of a commission. I have said that here; I said it to the Senator from Nevada [Mr. NEWLANDS] first, and then I said it to many others. I am entirely willing to have that kind of commission, but I do not wish to be placed in a false position, and I do not think the Senator from Nevada means to misrepresent me; I hope he does not; but I am bound to state exactly what happened at that meeting and to set myself right.

I had no power to control the other House, but I did confer with Mr. HUMPHREYS and some of his associates and try to get them to have a much broader commission than their bill provides. I discussed all these questions with Mr. HUMPHREYS, Dr. FOSTER, and Mr. R. J. WILSON, and they will tell the Senator so. I urged that on them strongly.

Mr. NEWLANDS. Mr. President, I am very glad to hear the views of the Senator from Louisiana, though they have been expressed with unnecessary heat. I am glad also to know that he favors substantially the recommendation by this departmental commission.

I did not misrepresent the Senator from Louisiana. I stated the facts—the fact that the junior Senator from Louisiana [Mr. BROUSSARD], the senior Senator from Louisiana [Mr. RANSDELL], and myself consulted with this Cabinet committee, and that it was assumed by us that his colleague in the Ransdell-Humphreys bill would follow those recommendations. That assumption proved to be incorrect; but the statement that the assumption existed and it was incorrect is no reflection upon the Senator from Louisiana.

I wish, however, to state that I have now learned for the first time that the Senator from Louisiana is prepared to accept the recommendations of this Cabinet committee; I mean for the first time recently, but since the bill was introduced and reported by the Flood Control Committee of the other House, I assumed that the Senator from Louisiana had practically abandoned that recommendation, for I understood—and in that I may be inaccurate—that the Senator from Louisiana introduced in the Senate the same bill that was introduced by Mr. HUMPHREYS in the other House. Is not that correct?

Mr. RANSDELL. I did so because I believed it was the very best that we could get.

Mr. NEWLANDS. I assume from that that the Senator was disposed to support that bill, and I am opposed to that bill.

Mr. RANSDELL. I am disposed to support the bill, Mr. President.

Mr. NEWLANDS. I am going to fight against that bill because of the abandonment of the most essential recommendations of this cabinet committee, which is a coordination of the various scientific services of the country in this great work of comprehensive river development, the basic thing upon which the other sections of the country rely. I am willing to give Louisiana the money; but what I insist upon is that the bill that carries the money should also carry the organization that will be of advantage to sections of the country other than the lower reaches of this river. I am more intent upon a perfected organization that will give us a perfect plan than I am upon immediate appropriations. I am perfectly willing to sacrifice any appropriations called for by the bill which I have supported, and am perfectly willing to give the South the appropriations that they insist upon; but their policy seems to be to insist that we should shove the waters continually down upon them so that they levee against them, and spend money in leveeing against them, whilst we say we want to retain these waters within our own boundaries as the sources of untold wealth. That bill unfortunately——

Mr. RANSDELL. Will the Senator permit a brief interruption?

Mr. NEWLANDS. Yes.

Mr. RANSDELL. I want to ask the Senator if he recalls that in March, 1909, a National Waterways Commission was created by act of Congress, with the following membership: Theodore E. Burton, of Ohio, chairman; Jacob H. Gallinger, of New Hampshire, vice chairman; Samuel H. Piles, of Washington; William Alden Smith, of Michigan; F. M. Simmons, of North Carolina; James P. Clarke, of Arkansas; and William Lorimer, of Illinois, on the part of the Senate; and on the part of the House, D. S. Alexander, of New York; Frederick C. Stevens, of Minnesota; Irving P. Wanger, of Pennsylvania; Stephen M. Sparkman, of Florida; and John A. Moon, of Tennessee?

That commission made a report in March, 1912, which shows that they had examined the waterways practically all over this country and Europe. I shall not take the time of the Senate by reading it. But on page 65 of their final report they say that they thoroughly examined the Mississippi River from St. Paul to New Orleans, that they had inspected the Missouri River from Kansas City to its mouth and the Illinois River from the lower portion to the head of navigation. They had the assistance of a great many very able engineers and experts. I desire to read merely a brief sentence from the report, as follows:

> Numerous propositions have been made for the creation of a board of public works or other body which shall decide upon the feasibility and desirability of propositions for expenditures on rivers and harbors. The commission is unwilling to recommend a change of this kind, and points to the fact that the past recommendations of the Engineer Corps have been carefully prepared and with a degree of expert knowledge and comprehension of the commercial needs of the country which could not well be supplied by any other body or organization. The advantages which attach to the Engineer Corps are obvious. The members are in the permanent service of the Government and are free from those influences which would inevitably be brought to bear upon men in civil life. Those engineers now engaged in the work are carefully trained in the planning and execution of these improvements and have special qualifications for judging the feasibility and the cost of proposed river and harbor projects. They also have a good general knowledge on the

probable commercial results which would accrue, though on this point their opinions have not been regarded as conclusive.

That commission was created for the purpose of investigating questions pertaining to water transportation and the improvement of waterways and to make recommendations to Congress. It was certainly composed of a number of the very ablest men in the Congress at that time, and it recommended leaving waterway matters in the hands of Congress and the Engineer Corps of the Army. I do not know that we can act in any wiser way than that, though, as I have said, I am willing to have another commission created to make a study similar to that made by the National Waterways Commission and with enlarged powers, as I have indicated, to see if any better plans can be worked out.

Mr. CLARKE of Arkansas. Mr. President, I want to say that, whilst I was a member of that commission, I was not able to devote any attention to its work.

Mr. NEWLANDS. Mr. President, I will state that that commission, called the National Waterways Commission, was organized some two or three years after the Inland Waterways Commission had made its report. Mr. Burton was the chairman of both of those commissions. The National Waterways Commission, the last one appointed, was composed entirely of Members of the Senate and of the House, selected from the Commerce Committee of the Senate and from the Rivers and Harbors Committee of the other body. Those committees were practically wedded to the system which has existed so long. The Inland Waterways Commission was a commission appointed by President Roosevelt and composed of two Senators, two Representatives, and the chiefs of the various scientific services, including the Chief of Engineers of the Army, the Chief of the Reclamation Service, the Chief of the Forestry Service, the Chief of the Geological Survey, and some others.

That first commission, the Inland Waterways Commission, after a thorough survey of the entire subject, visiting every part of the country, made a report recommending practically the organization covered by the bill which I had the honor to introduce and the organization recommended by the present Cabinet committee. Mr. Burton signed that report as the chairman of that commission.

Now, I wish to say that, whilst Mr. Burton knew more about the waterways and the harbors of this country than anybody else, Mr. Burton was never an active advocate of the development of our rivers. Instead of being the engine that propelled this movement he was always the brake upon the movement. Brakes, as well as engines, have their use. So far as I am concerned I prefer to belong to the motive power rather than to the braking and obstructing power. But you can review Mr. Burton's entire connection with the river development of this country, and you will not find that driving energy, that faith and confidence that are essential to carry through a great movement; but throughout, so far as river regulation is concerned, Mr. Burton has been an obstructor, a brake upon the movement, rather than a motive power.

I make no reflection upon Mr. Burton when I state that. He will probably state that to be his own position. He signed the Inland Waterways Commission report, however, providing practically for the very organization for which I am now contending.

Why was that second commission organized? I asserted at the time that that commission was organized because it was felt by the opponents of river development, of real, genuine river development, that the recommendations of the Inland Waterways Commission, urged by Mr. Roosevelt and urged by Mr. Taft in a report when Secretary of War, were about to ripen into legislation, and so the expedient was resorted to of getting a new investigating commission.

I protested against it at the time. I wanted no more investigations; I wanted work; and I wanted a commission organized to commence work and not simply to study the subject; and that commission was not organized in such a way as to develop a vital energy in this movement.

So I expected that a commission composed entirely of members of the Rivers and Harbors Committee of the other House and of the Commerce Committee of the Senate, who had been accustomed for years to regard the Engineering Corps of the Army with the highest confidence and esteem, and to question whether there was wisdom anywhere else than in that corps—I expected that they would make a report practically insisting that the work should continue as heretofore, entirely under the control of the Engineer Corps.

Recollect, that I do not propose to deprive the Engineer Corps of one iota of jurisdiction which they have had in the past. I simply propose to add to their knowledge and their information and their work the knowledge and the information and the work of other scientific services of the Government; but I regret to say that the Engineer Corps of the Army, exclusive, as it always has been, by reason of its military organization, does not look with favor upon a cooperation or coordination of powers; and that is the one criticism that I have to address to that corps. I have no hostility to that corps; on the contrary, the great bulk of the work done under this proposed new system of organization will be done by the Engineer Corps of the Army, and their work will be enlarged instead of diminished; but it seems perfectly obvious that when different forces and boards and bureaus and services are at work upon the elusive waters of these great river systems—in Montana to-day, in Missouri to-morrow, and in the Gulf of Mexico the day after that—the cooperating, coordinating powers of all these services should be employed by the Government, not only in plans but also in work.

So, as against Mr. Burton as chairman of the National Waterways Commission, composed simply of members of the Commerce Committee of the Senate and of the Rivers and Harbors Committee of the other body, I appeal to the judgment of Mr. Burton, as chairman of the Inland Waterways Commission, composed not only of Senators and Representatives, but of the chiefs of the scientific services of the Government, and by reason of that fact, it seems to me, taking a broader view of the subject.

If you will refer to the report of the Inland Waterways Commission, you will find that that commission regards as essential the coordination of these scientific services, the cooperation of the Nation with the States in the proper and proportionate development of the rivers of the country.

Mr. President, I will say that I do not think the members of the Commerce Committee of the Senate and of the Rivers and Harbors Committee in the other House are quite satisfied as individuals with the system which has been pursued; but they find themselves under the restraint of yielding their individual opinions here and there in order to get what they need, or what they think they need, for their constituencies. It seems to me, therefore, that the Senate of the United States might well turn over this subject matter of the development of our rivers to the committee which is organized for the development of interstate commerce and declare now that, inasmuch as the subjects relating to interstate commerce have constantly increased, coming under the jurisdiction of this committee, this subject shall also be added.

What I fear is that, if we permit, against the individual judgment of the Members of this body, a big measure like this, with many defects, to pass upon the assumption that it has in it more of good than of bad, we will lose the opportunity of broad, comprehensive legislation upon this subject, which can be spurred on only by necessity. If those interested in the various projects realize that they can get only what they want by the perfection of the system, they will hurry to perfect the system.

I am very unwilling myself to take any obstructive attitude with reference to any legislation; but if ever there was a condition that warranted it it is now. For two sessions river and harbor bills—I think for two sessions—have been rejected by Congress, and we have been compelled to resort to lump-sum appropriations. That very condition shows that the system is at fault and that there is a widespread dissatisfaction with it, which is reflected not only here but throughout the country; and it seems to me that Senators may well now consider whether this is not the time to seize for appropriate work and whether if this opportunity is lost it can be recovered in the future.

Mr. VARDAMAN. Mr. President, I would commend to Congress the wise advice given by one of the world's great thinkers:

> Be wise to-day; 'tis madness to defer;
> Next day the fatal precedent will plead;
> Thus on, till wisdom is push'd out of life.

The discussion of this bill has been of peculiar interest to me. The variety of views expressed and the multiplicity of plans proposed reveal the marvelous mechanism and the winding ways of man's mentality. The different viewpoints, the angles at which the question is seen, and the conclusions reached afford an interesting study in psychology.

My good friend the learned and patriotic junior Senator from Iowa [Mr. KENYON] finds little good in the measure, and with tears in his voice he solemnly assures the Senate that his sense of duty is so outraged by this legislative enormity that he is utterly helpless from any point of consideration to square an act in support of this bill as consonant with his sense of obligation to his constituents. Therefore he is compelled to maintain an attitude of relentless antagonism to it. In this determination he is very ably assisted by the erudite, persistent, and patriotic Senators from Nebraska and Wisconsin. Notwithstanding the fact that the system of river and harbor improvement is of long standing and the policy an ancient one, if such a term may be used with reference to anything in America, which has repeatedly received the unqualified approval of the American people in their national political platforms and at the polls, viewed through the glasses used by these able Senators and measured by the standard employed by them it is a veritable thing from Nazareth, out of which no good could possibly come.

Mr. President, there is not anything conceived in the brain or constructed by the hand of finite, fallible man that is perfect. One who recognizes man's mental and moral limitations, and the great variety of interests to be subserved, would not expect this measure, or any other measure, that might originate with this body to be free of all objectionable features. Certainly the proponents of this bill do not claim for it perfection, or in very large degree the elements of inerrancy. But it is as good as its predecessors. It is as good as the men who framed it, and the men who framed it are as good as any other men who occupy places in this Chamber or hold membership in the Congress.

Now, let us see how this bill was created, the multiplicity of interests it is intended to serve, and the various sections of our common country where these interests are located. From the east to the west, the north to the south, contributions are made to this proposed piece of legislation. It is intended to take care of the waterways of New England, down our eastern coast to Florida, from Florida around the continent to San Francisco, and from San Francisco to Alaska, and from Alaska back to the Northeast. It also serves the Middle and Western States, and the Northern, Southern, and Eastern States. There is scarcely a place an inch square on a map of America of ordinary size that does not mark the location of some interest treated by the bill. It was constructed by the Representatives in Congress of the American people from every section of the Republic—men who are here for the purpose, not of promoting personal interests, but rather of serving the interests of all the men and women who pay the taxes and bear the burdens of government. The bill is altruistic in its purposes, boldly patriotic in its design, and intended solely for the public good.

If this were a new project or an untried scheme, there might be some justification for the wholesale abuse, the conscienceless lambasting, and the cruel excoriation which this measure has received at the hands of certain honorable Members of this body. But it is not new. It is pretty nearly as old as the Republic itself.

And, as I stated a moment ago, it has received the unqualified indorsement and approval of all the important political parties in America. The great seminal idea or principle running through this bill underlies the prodigious conservation schemes which have been adopted by this Government and put into operation in the semiarid West. Its benign purpose is to facilitate commerce between the sections by deepening the channel of the great waterways, the effect of which will be to lower the freight rates and save to the people the profits which otherwise would go to the owners of the railroads and the common carriers.

Now, I am not at all wedded to the policy of digging canals or canalizing rivers for the sole purpose of controlling freight rates on railroads. That strikes me as rather an expensive expedient or policy. If I had my way about such matters, I should insist upon the Governments, State and National, regulating railroad rates, and thereby save to the taxpayers the cost of constructing waterways. But, Mr. President, I can not have my way about these things. My judgment will not be taken by all the Members of Congress and the American people on this or any other question. No man can hope to have that degree of consideration given his views. There is no infallibly wise, benevolent despot in this country to whom these matters may be referred for prudent and perfect arrangement. So I shall do that which every rational and patriotic servant of the people in the legislative department of the Government ought to do. I shall take the next best thing. I am not going to say, because the Senator differs with me, that the scheme he proposes is a dishonest scheme, designed to rob and plunder the Treasury, and to misuse the money collected from the people by taxation. If I had had my way in framing this bill, very probably I should have eliminated some of the old projects that are scarcely worth the money spent upon them, and put in their stead new and more meritorious projects. But I did not have my way and I can not have my way. Now, because I can not have my way, I am not willing to destroy the whole system—a system that has been employed not only in America but in every civilized country beneath the stars, both in ancient and modern times, with the net result of positive good to the people of the respective countries where it has been tried.

Mr. President, I have not reached that point yet—and God forbid that I may ever reach it—where I shall feel that I have a corner on all the patriotism and wisdom in the Congress of the United States. It may be uncharitable on my part, but I can not refrain from a sneaking suspicion that every man who admits his own infallibility is not the true glitter that comes from the genuine gold. I am willing to join with my colleagues in an effort to work out, develop, and perfect, as nearly as we can, this bill. If I should conclude after the work is finished that the bad outweighs the good, then I shall do what I concede it to be the right of every other Senator to do—vote against the measure. But, after all, it is a matter of judgment rather than a question of moral turpitude.

Mr. President, I was very much impressed a few days ago with an address delivered in this Chamber by the venerable and honorable Senator from South Carolina [Mr. TILLMAN]. His long service in this body and his well-known devotion to the interests of the common people of America entitle anything that he might say to serious and respectful consideration. Senator TILLMAN has said a great many good things on the floor of the Senate in days gone by which challenged my admiration and commanded my highest approval. He said those things when it required courage to say them, and he did many things which it required the highest order of patriotic courage to do. For that reason I confess to a degree of disappointment when I heard him utter these words:

> We need the money so much for more important things that it is criminal, to my mind, to hesitate for one moment or discuss this bill at all. Think of it! Forty million dollars to be wasted and taxes to be heavily increased. That forty millions would build two battle cruisers. No one knows how many submarines it would build, and I can only guess how many airships and other things of that sort we could buy with it.

Mr. President, the Senator from South Carolina can not be more solicitous about the future welfare of this great Republic than I am. I yield to no man in my love of country and willingness to make a sacrifice in its interest. He and I may differ as to the methods, the extent, the time, and the occasion for preparation for defense; but about the ends to be served, I dare say, there is very little difference between us. I want an adequate navy, one capable of defending the rights of the American people against any power that may dare to violate those rights. And I think we have such a navy. Love for this Republic and patriotic concern for its future are not new impulses or novel passions. It is the common attribute of the American citizen, and has been from the formation of the Government to the present day. "Preparedness" has become a fad, and the much talk about it is rather a cheap method of advertisement. It is heard more from the lips of that character of our citizenship who in the past have shown less patriotism in thoughts and less altruism in action than any other class of our people.

Of course, I will not question the purposes or the loftiness of their motives; but the fact remains that many of this vociferous, opulent breed of militant patriots, famed for their much speaking, will be peculiarly benefited by carrying out their suggested plans for "preparedness." Of course, it may be that pelf and patriotism, profits and "preparedness" are mere coincidents. It is not my province to judge. But if we are to prepare for war—which I myself do not think at all imminent—that fact will in no wise justify this Congress in failing to carry out the promises made to the people of America in our platform with reference to waterway improvements by cleaning out the streams, leveeing the rivers, and deepening the harbors.

I believe that a platform promise imposes an obligation that can not lightly be thrown aside, and I have never regarded a platform promise as molasses with which to catch flies or for the purpose of getting votes.

It is my good fortune, Mr. President, to represent in part in this Chamber a people who are vitally interested in the passage of this bill. There are several streams of minor importance within the limits of the State of Mississippi. The harbors on the Gulf coast afford access to the ships from every land, which come to our coast to bear away great cargoes of freight to the world's market. But the great item—the project of paramount importance to them in this bill—is the Mississippi River and the protection of the great Mississippi Delta, the most fertile section of our common country, inhabited by hundreds of thousands of patriotic, enterprising, happy people—people living behind the levee—and the preservation of whose homes depend upon the passage of this bill.

It has been said that the Mississippi River is the "drainage ditch" for more than one-half of this Republic in North America. The water that falls on 32 States finds its way to the sea through the channel of this wonderful stream. Of course, the people on the bank of the lower Mississippi can not afford—it is

a physical and financial impossibility—the expense of deepening the channel and leveeing its banks so as to hold this vast volume of water within the channel without Government aid. Mr. President, the Government of the United States alone is capable of solving that problem, and a failure on the part of the Congress at this session to take such action as the exigency and the magnitude of the problem demand will involve a betrayal of a sacred trust.

The residents of the great Delta of the Mississippi Valley, I am sure, Mr. President, will not listen with very much patience or approval to the suggestion made by the senior Senator from South Carolina [Mr. TILLMAN] when he suggests that it is of more importance that the money proposed to be appropriated by this bill be used for the protection of their homes and firesides from the devastation of the floods, should go to build battleships and other instruments of death, which, I know, are not needed now. With all due respect to the venerable and highly honored Senator, I think the suggestion is a little short of monstrous. It only shows to what extremes man may go when obsessed with some vague and indescribable apprehension of impending disaster. It is the effect of the policies of falsehood injected into the veins of the body politic by the wild advocates of preparedness. Since the days of John Law, with his Mississippi Bubble, I do not think a more palpable fraud has ever been attempted to be perpetrated upon a patriotic, intelligent people than is being attempted at this time by the interested advocates of "preparedness."

Mr. President, in my support of the measure before the Senate I trust I shall be able to rise above all sectional considerations, that the egoistical element may be wholly lacking in my conduct. I sincerely hope that I may be able to demean myself as an American Senator should act charged with the responsibility and the duty of conserving the interests of the Nation. While I know that I am not wholly free or exempt from the influences, environment, and the considerations of personal, selfish interests, I am going to try in this instance, as I have universally endeavored to do since I became a Member of this body, to rise above those distorting and warping influences and to live and act that broad, selfish altruism, which, to my mind, is the highest evidence of man's fitness for legislative duties. In being true to myself and the best and higher interest of my immediate constituents I can not be false to my colleagues and untrue to my country.

The time has arrived, I think, when the Senate should take action in this matter. Free and full discussion, exhaustive discussion, has been had; and now we owe it to the American people, our masters, to take definite and certain action.

But there is another snag in the stream that we have encountered, which I shall notice briefly. The erudite, far-seeing senior Senator from Nevada [Mr. NEWLANDS] has a scheme of marvelous magnitude, which he has, with the pertinacity of purpose that characterized the elder Cato in his antagonism to Carthage, urged upon the attention of the Senate of the United States. I trust, Mr. President, that I may at this juncture be permitted to pay to the honorable Senator the tribute of my respect and admiration. He is one of those splendid dreamers whose vision permits him to stand within the shadow of the night and look beyond it toward the coming light and see, far off, with trance-prophetic eye, the consummation of the centuries. Maybe he is just a little bit ahead of his time. I know that the American people can not afford or expect his wonderful plan, so marvelous in its conception, intricate in its details, and, to my mind, well nigh impossible of operation, to be put into effect at this time. So far-reaching, vast, and comprehensive is the system offered by the able Senator that he proposes by "cooperation and coordination" of some sort to take possession of the water from the time the mist in the heaven is condensed into the drop of rain, conduct it to the earth, harness it, control it, and direct its course until it becomes a part of the great restless, rolling sea.

He would extract the fertilizing qualities from the drop of rain and with it enrich the earth. He would use the kindly moisture to encourage the growth of the young and tender plants. He would hang the dewdrop upon the flower, and through the reflected rays of the sun study the colors of the rainbow with all its neutral tints. He would control the waterways of the land by impounding the rainfall, create the power that would generate the electricity to light the world, and turn the wheels of industry; he would direct the current and control the flow of the streams upon whose placid bosom the commerce of the nation might float; he would follow the water into the sea, and after he had directed it through all of its meanderings, he could then withdraw himself from the "madding crowd's ignoble strife," seek seclusion upon some tropical Morro, where he might sit with the tragic poet of old, and "listen to the multitudinous laughter of the sea," and peacefully, with infinite pride, contemplate the marvelous work of his wonderful scheme. A mere ambitious undertaking never stirred the brain of man, and, I might add, no such scheme was ever accomplished.

Mr. President, nothing short of Omnipotence could carry out this scheme. The despot who built the Pyramids accomplished an inconsequential undertaking compared with the magnitude of this stupendous project. If some modern Sesostris wielded the scepter of absolute authority at Washington, and all the American people were his slaves, and that great ruler should be possessed of the vision of all the poets, the combined wisdom of all the philosophers, and the tested skill of all the engineers of ancient and modern times, I am persuaded that probably in the course of a century he might be able to carry out the tremendous undertaking proposed by the senior Senator from Nevada.

Of course, I am not entirely sure about the length of time it might require, but I am sure it would take at least a century to accomplish what the Senator from Nevada has in his mind. Not having in hand all of those influences and forces to employ, it seems to me, Mr. President, an unwarranted prodigality of time to consider further the Senator's pet project.

Let us pass this bill and conserve the lands of the great delta which are liable to destruction by devastating floods. Let us deepen the harbors, that the products of our fields, forests, and factories may be floated out to sea and carried to the peoples of the world who need them. Let us deepen the channels of the rivers, that our domestic commerce may be facilitated; that the consumer may be given cheaper freight rates; and the interests of the toilers of all America be promoted. I will go further: I shall be glad to cooperate with the Senators from the great West in carrying out the plans already inaugurated for the reclamation of the arid lands of the West that happy homes may be made for the homeless and that prosperity and abundance may be vouchsafed to our people.

The future of America is in the keeping of the country home. Free institutions find their enduring foundation upon the home, away from the congested centers—with that class of our people who live close to nature and nature's God, whose labor is remunerative, healthful, and inspiring. In the heart of the American farmer burns the unquenchable fire of patriotism which shall save this Republic from the corroding influences of sordid materialism which is eating out the hearts of the money lovers and stilling the speechless, longings of the heart of the indigent unfortunates who live in the congested districts.

Mr. SHEPPARD. Mr. President, before the vote is taken on the motion of the Senator from Iowa regarding the Brazos River, I think it proper that a brief answer should be made to his allegations.

I desire to direct the attention of the Senate to the recommendations of the engineer who examined the Brazos River, and on whose report the present project is based.

The examining engineer was Capt.—now Col.—Edgar Jadwin, one of the ablest members of the Engineer Corps. His report was practically a continuation of a report by Col. C. S. Riché, who initiated the preliminary examination, and who is one of the most brilliant members of the corps. Jadwin said:

> Having in mind the existing development of the valley, the fact that it lies in the center of the State, is traversed by three railroads, produces about one-third of the cotton crop of the State, and probably half the crop of the State passes through it now by rail; that Texas is the principal cotton State, producing an average of about 2,500,000 bales, worth about $50 per bale—

That was some 10 years ago. The cotton production of Texas is now somewhere between four and five million bales, worth about $50 a bale—

> that there is no water transportation in the section from Washington to Waco; that this improvement will put the section in water communication with the largest cotton port in the United States; the results obtained elsewhere where water competition has been afforded, the possibility of an extension of the improvement farther inland above Waco, if required, and the relatively low cost and the quickness with which the result can, with adequate appropriations, be obtained to Waco, it is evident that the proposed improvement is especially meritorious, and that the basic conditions show it to be a project worthy to be undertaken by the United States.

On the strength of that report, Congress inaugurated the present project, and provided for the erection of two locks and dams—two of the eight locks and dams which Capt. Jadwin said would be necessary in order to complete the project.

The territory tributary to the Brazos contains about 31,084 square miles, a territory nearly as large as Indiana, larger than South Carolina or West Virginia, and within 1,000 square miles of being the size of Massachusetts, Rhode Island, Connecticut, New Jersey, and Maryland combined. While this section is only about one-eighth of the entire area of Texas, it has more than a third of the population of the State, and produces one and

one-half million bales of cotton, which is more than one-third of the cotton crop of Texas, and nearly one-tenth of the cotton crop of the entire world.

Of course, Mr. President, no commerce of any respectable size can possibly develop on the river until the entire project has been completed, until the eight locks and dams have been constructed between the mouth of the Brazos and Waco, the head of navigation. Waco is a city of some 40,000 people. It has seven railroad trunk lines. Within a few months the interurban railway has been completed from the Red River section and Dallas. A pipe line for natural gas from the Mexia field has been constructed. Waco does $70,000,000 worth of wholesale business annually. It is the center of the most thoroughly populated section of Texas, and it is the largest inland cotton market in the world.

At the mouth of the Brazos, Mr. President, a deep-water port has already been established—a port that now has a minimum depth of 18 feet, and one of the largest fuel-oil concerns in the world is establishing extensive warehouses there. This concern has indicated its intention of barging its oil to Waco as soon as the river has been improved, and of building at Waco a storage plant with a capacity of 600,000 barrels. One of the largest sulphur deposits in the world is being developed near Freeport. The tonnage transported from that port to the markets of the world amounted to 53,133 tons in 1913, 104,281 tons in 1914, and 152,945 tons in 1915. Three steamships make regular calls at Freeport, at the mouth of the Brazos, each month, and do a large business. I shall give the Senate the names of some of the boats that are now operating between the mouth of the Brazos and the ports of the world.

They are the *Kennebec*, the *Honduras*, the *Algiers*, the *Frederick Luckenbach*, the *Wilhelmina*, the *Wm. P. Palmer*, the *Carolina*, the *Francis Hanify*, and so forth. Now, the improvement of the Brazos River will connect this important port with a large part of the interior of Texas and will put that important territory in touch with the markets of the world. I know of no waterway proposition that has greater possibilities than this Brazos River project.

Mr. THOMAS. Mr. President, may I ask the Senator if the town of Freeport, at the mouth of the Brazos River, has railway connections?

Mr. SHEPPARD. It has. The Missouri, Kansas & Texas Railroad, one of the large trunk systems of the Southwest, now has railroad connection with Freeport, and the other principal trunk lines of our section are preparing to make similar connection.

Let me say one other thing. The Senator criticized the fact that there was to be a depth of only 3½ or 4 feet from the mouth of the Brazos to Waco. That is an entirely sufficient depth for an extensive barge service. Why, Mr. President, on the Rhone in France, from Le Parc, near the Swiss boundary, to Lyon, a section 95 miles long, the navigable draft is only 1.3 feet, and yet the traffic on that section in 1905 was 160,000 tons. On the Rhone, from Lyon to Arles, a distance of 178 miles, the navigable draft is 3.3 feet; and boats of this draft on the Rhone to-day carry 400 to 500 tons and are from 400 to 430 feet long. The traffic on this section in 1905 amounted to 750,000 tons.

More than that, the Oder is one of the principal rivers of western Germany. It has six divisions: First, from its junction with the Neisse to Breslau, 46 miles, with a depth at mean low water of from 2.6 to 3 feet; second, from Breslau to Furstenburg, 185 miles, with a depth at mean low water of 3 feet; third, from Furstenburg to Kustrin, 38 miles, with a depth at mean low water of 3.3 feet; fourth, from Kustrin to the junction with the Finow Canal, 31 miles, with a depth at mean low water of 4.2 feet; fifth, from the Finow Canal to Stettin, 49 miles, with a depth at mean low water of from 5 to 8.7 feet; sixth, from Stettin to the sea, an estuary of 20 miles; total, 349 miles. The traffic on this river in 1905 was 4,200,000 tons; and of that amount, Mr. President, 1,107,000 tons were received and dispatched at Breslau, where the river in one direction has a depth of from 2.6 to 3 feet and in another direction of only 3 feet.

In order to show the possibilities of shallow-draft navigation, let me say, further, that of the 22,238 boats on German waters in 1905, 10,443 were boats carrying from 10 to 150 tons. It is evident that an inland barge traffic could be established on the Brazos with the greatest ease, and an inland waterway of tremendous benefit not only to Texas but to the entire Southwest developed.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. SHEPPARD. Yes, sir.

Mr. THOMAS. I should like to ask the Senator if he really believes that the business upon the waterways of France and Germany can be duplicated on the Brazos or any other river until the present methods of those countries in land transportation and the control of railways are established in this country?

Mr. SHEPPARD. I think so.

Mr. THOMAS. Does not the Senator know that if we should expend enough money on the Brazos to give it a depth of 10 feet, with the opposition of the railways to the waterways of the country, it would not get the traffic, and could not hold it if it did, and that any attempt to establish it to any serious degree would result not only in railway competition but in the practical destruction by the railways even of its potential business?

Mr. SHEPPARD. I do not think so, Mr. President.

Mr. THOMAS. Can the Senator name any stream, in Texas or elsewhere, on which there is a substantial and continued increase of water traffic where there is railroad competition?

Mr. SHEPPARD. Oh, yes; the waterway from Duluth to New York.

Mr. THOMAS. Oh, I said any small watercourse. I admit, of course, that the instance to which the Senator refers is one in which there is an increase in traffic; but the Senator knows that it is not necessary there to spend millions to get 2 or 3 feet of water. He also knows that there is communication from the upper regions of Lake Superior clear to the seaboard.

Mr. SHEPPARD. Not originally. They had to construct a part of that waterway through dry land. They had to connect Lake Ontario with the Hudson River by constructing a canal through the soil.

Mr. THOMAS. Yes; and also the Welland Canal through the soil, capable of accommodating enormous boats. The Senator knows that that is a part of a waterway which is substantial and which connects great bodies of water with each other and is not the expenditure of money upon a stream which leads into the interior part of the country where the railways dominate the traffic and where they always will dominate it until the Government shall reach out its strong hand and compel them to cooperate, just as they are required to cooperate in France and in Germany. It seems to me we are beginning this whole subject wrong side to. Let us get control of the railways and then, by virtue of that control, we will be enabled to make the same arrangement with reference to boat traffic and general traffic that is made in the case to which the Senator calls attention.

Mr. SHEPPARD. Why, Mr. President, the railroads will never dominate the traffic of the country if waterways are properly managed, because the railroads have not sufficient capacity to carry the traffic which this country is capable of developing. I would never advocate the improvement of waterways merely on the ground of its influence on railroad rates. I advocate the improvement of waterways primarily because they establish new and additional systems of transportation. Mr. James J. Hill said some years ago that it would require an expenditure of $5,000,000,000 a year for the next 5 or 10 years in order to enable the railroads to keep pace with the material development of which the country was capable.

Mr. President, in that fact may be found the prime necessity for waterways. We need the additional facilities of transportation afforded by water routes in order that the country may have its highest development and growth, a development and growth which can not materialize as long as transportation is confined to railroads with their limited capacity.

Mr. JONES. Mr. President, I hate to oppose any proposition in which my friend from Texas [Mr. SHEPPARD] is interested, but it does seem to me that this is one item in this bill that we can very well cut out at this time, at any rate.

I want to call attention to what the Senator from Iowa [Mr. KENYON] said, merely by way of emphasis.

We are not dealing in this amendment with the mouth of the Brazos River. We are not dealing with the situation that will be created when the project that was recommended by the engineers is completed. What we are dealing with is the improvement of the river from Old Washington to Waco.

Mr. SHEPPARD. Mr. President, I endeavored to show the desirability of connecting the port at the mouth of the Brazos with Waco by a barge line, and of enabling the interior of the State to utilize that port by means of the improvement of the Brazos River.

Mr. JONES. Oh, yes; I understood the purpose of the Senator. But, Mr. President, this appropriation will not make any connection that will be available for navigation. As a matter of fact, Congress has not yet approved or adopted the project that was recommended by the engineers. The engineers said that to get this depth of 3½ feet at certain times of the year

from Old Washington to Waco would require the building of eight locks and dams. It is expressly stated in the Engineers' report that Congress has never adopted this project. We have provided, however, for the construction of four locks and dams, and we have expended toward their completion something over a million dollars; and this appropriation is to be applied only upon the locks and dams that we have heretofore commenced constructing. They are not to begin upon any new locks and dams. So that even if the locks and dams which we have already commenced are finally completed, unless we take up the other four we will not have any navigation. We will not have any water-borne commerce.

Mr. SHEPPARD. Mr. President, I know the Senator would not intentionally misinform the Senate.

Mr. JONES. No; I would not. I just want the facts.

Mr. SHEPPARD. The examining engineer said that it would require eight locks and dams to secure this navigation from the mouth of the Brazos to Waco.

Mr. JONES. Oh, no; from Old Washington.

Mr. SHEPPARD. Well, from Old Washington to Waco.

Mr. JONES. Is that the mouth of the river?

Mr. SHEPPARD. That gives Waco connection with the mouth. The river is easily navigable from the mouth to Old Washington. No locks and dams are necessary between the mouth and Old Washington.

Mr. JONES. Oh, I understand that.

Mr. SHEPPARD. The river and harbor act of 1909 provided for a survey for the selection of sites for the additional locks and dams between Old Washington and Waco. At that time the work on Lock and Dam No. 1 had been begun. The survey was made, and the river and harbor act of 1910 carried an initial appropriation of $75,000 for Lock and Dam No. 8.

Mr. JONES. Yes.

Mr. SHEPPARD. If Congress provided for Lock and Dam No. 1 and Lock and Dam No. 8, and also provided for a survey to locate the intervening locks and dams, it certainly adopted the project.

Mr. JONES. Mr. President, the basis of my statement was this: In the report on the river and harbor bill in the House, submitted by Mr. SPARKMAN, it is said:

> This project has not been adopted as a whole——

Mr. SHEPPARD. That statement is evidently erroneous.

Mr. JONES. It goes on to say:

> But Lock and Dam No. 1 at Hidalgo Falls was authorized by the river and harbor act approved March 2, 1907; Lock and Dam No. 8 by the act approved June 25, 1910; and Locks and Dams Nos. 3 and 6 by the act approved July 25, 1912.

In other words, Congress has simply been making appropriations for different locks and dams within the limits of the project recommended by the engineers, but Congress itself has never yet finally adopted the entire project. Now, what the special reason was for adopting Lock No. 8, and beginning its construction before beginning the construction of Lock No. 6 or the other locks, I do not know; but the situation is just that way.

Mr. SHEPPARD. Mr. President, when the former Senator from Ohio, Mr. Burton, was conducting his famous filibuster against the river and harbor bill two years ago, he prepared a substitute containing those projects which evidently he deemed worthy, or he would not have included them in the substitute, and that substitute contained the following language:

> Improving Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000.

The language of this clause shows that the project for locks and dams as outlined in the survey authorized in 1909 had been adopted, in the opinion of Mr. Burton. Furthermore, the fact that this clause was inserted by Mr. Burton shows that he considered the project worthy of prosecution. As a matter of fact, the present bill merely provides for beginning construction work on Locks and Dams Nos. 3 and 6, approved and authorized by the act of July 25, 1912, as quoted by the Senator from Washington [Mr. JONES].

Mr. JONES. While I have very great respect for the opinion of former Senator Burton, yet I take it that his judgment is not conclusive in matters of this character.

Mr. THOMAS. Mr. President, let me ask the Senator if his contention is not borne out by the fact that this bill makes provision for an instrumental survey of the Brazos River, and also for another survey, on pages 50 and 51, and whether that provision would have been made for a project which had been actually adopted by Congress?

Mr. JONES. I think that is true; and, as I understand from the Senator from Iowa [Mr. KENYON], provision was made in preceding bills for a resurvey of this river, the report upon which has not yet been submitted to Congress. If that is the case, then it seems to me that it is an added reason why we should leave out this appropriation.

We talk about the need for money and the need for economizing and the need for saving money. Here is an appropriation that will not accomplish anything unless this entire project is completed. We have directed a survey for the purpose of eliciting a further report to Congress. Why can we not very well just leave out this appropriation until we get the report on this survey, and then determine whether or not we are going to complete the project?

I do not say that this project ought not to be completed. I am not opposing the entire proposition. I am simply presenting the question upon the facts as they are now, as to whether or not we ought to put this item in the bill. The putting in of all of these eight locks may be a splendid thing, and I may be for it when the time comes to do that; but I do say that if we are going to do it, then we ought to do it just as quickly as possible. We have spent now over a million dollars on this project and it has not brought us one cent's worth of benefit.

Mr. SHEPPARD. It can not bring any benefit until the project is completed.

Mr. JONES. That is exactly it. If we are going to complete the project, we ought to provide for its completion, and instead of appropriating $200,000 here we ought to appropriate over a million dollars, which is necessary to put in every lock and dam that will make it available for navigation.

Mr. SHEPPARD. Then every other project the completion of which has not been provided for in this bill ought to go out also?

Mr. JONES. Yes; every one similarly situated, with the conditions the same as this, ought either to go out or provision ought to be made for its completion, one or the other. I am not saying that it ought to go out for the best interests of the Government, but it ought to go out or it ought to be completed, one or the other.

One of the sources of great waste in connection with river and harbor bills is that we commence a project which will cost a million or two million or three million dollars, and we dribble along year after year—I was going to say almost century after century—without appropriating the money that is necessary to complete it. The result is that it costs three or four times what it really would have cost had we in the beginning provided for it as we ought to have done.

That is the situation with reference to this proposition. If when the report on the survey comes in the engineers say that this project ought not to be completed, that it ought to be stopped, that the results will not be good, and Congress should accept that decision, then we will have wasted this $200,000 appropriation. If the report comes in and says it will be a good thing and we ought to do it, then we will have lost nothing. We can then make the appropriation, and, in my judgment, we should make an appropriation sufficient to complete the project, and complete it quickly.

We can lose nothing by cutting out this item. We may lose it all by leaving it in. It will not bring any good to commerce, because they say here, and the Senator has said, that there can be no commerce until the whole project recommended by the engineers is completed. Unless we are determined, notwithstanding any report that may come in on this new survey, that we are going to go on and complete this project, I say we ought to stop now and wait and see what that report is; and if we are determined to finish the work, let us appropriate whatever amount is necessary to construct every dam and get the commerce which will be developed from that project.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHEPPARD. Mr. President, I do not think the exact form of the question is understood.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa [Mr. KENYON] to strike out, on page 23, after line 20, the following words:

> Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000.

The Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. In his absence, and not knowing how he would vote, I withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT]

to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence, I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. UNDERWOOD (when his name was called). I have a pair with the junior Senator from Ohio [Mr. HARDING]. He is absent, so I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I understand that I am at liberty to vote upon this particular amendment, and I vote "nay."

The roll call was concluded.

Mr. HITCHCOCK. On this vote I am paired with the Senator from New York [Mr. O'GORMAN]. If I were permitted to vote, I should vote "yea" and he would vote "nay."

Mr. UNDERWOOD. I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from California [Mr. PHELAN] and vote "nay."

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN] which, in his absence, I transfer to the Senator from Maryland [Mr. LEE], and vote "nay."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

Mr. LIPPITT. I inquire if the Senator from Montana [Mr. WALSH] has voted?

The VICE PRESIDENT. He has not.

Mr. LIPPITT. As I have a pair with that Senator, I will withhold my vote.

Mr. SAULSBURY (after having voted in the negative). I transferred my pair with the Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS], who has since entered the Chamber and voted. I now transfer my pair to the junior Senator from New Jersey [Mr. HUGHES] and will allow my vote to stand.

Mr. TOWNSEND (after having voted in the affirmative). I have a pair with the junior Senator from Florida [Mr. BRYAN], but notwithstanding that I have voted because of an arrangement or understanding I had with him which permits me to do so.

Mr. HARDWICK (after having voted in the negative). I inquire if the Senator from Kansas [Mr. CURTIS] has voted?

The VICE PRESIDENT. He has not.

Mr. HARDWICK. I transfer my pair with the Senator from Kansas to the Senator from Arizona [Mr. SMITH] and will allow my vote in the negative to stand.

Mr. ASHURST. I rise to announce that my colleague [Mr. SMITH of Arizona] is unavoidably detained. He has been called to one of the departments on an important matter.

Mr. SMITH of Maryland. I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 28, nays 33, as follows:

YEAS—28.

Ashurst	Cummins	Kenyon	Smoot
Borah	Fall	Kern	Sterling
Brady	Gallinger	La Follette	Sutherland
Brandegee	Gore	Lodge	Taggart
Catron	Husting	Norris	Thompson
Clapp	Johnson, S. Dak.	Oliver	Townsend
Clark, Wyo.	Jones	Sherman	Wadsworth

NAYS—33.

Bankhead	Lea, Tenn.	Ransdell	Stone
Broussard	Lewis	Reed	Swanson
Chamberlain	Martin, Va.	Saulsbury	Tillman
Chilton	Martine, N. J.	Sheppard	Underwood
Clarke, Ark.	Myers	Shields	Vardaman
Culberson	Nelson	Simmons	Williams
Fletcher	Overman	Smith, Ga.	
Hardwick	Owen	Smith, Md.	
Lane	Poindexter	Smith, Mich.	

NOT VOTING—35.

Beckham	Dillingham	Hitchcock	Lee, Md.
Bryan	du Pont	Hollis	Lippitt
Burleigh	Goff	Hughes	McCumber
Colt	Gronna	James	McLean
Curtis	Harding	Johnson, Me.	Newlands
O'Gorman	Pittman	Smith, Ariz.	Warren
Page	Pomerene	Smith, S. C.	Weeks
Penrose	Robinson	Thomas	Works
Phelan	Shafroth	Walsh	

So Mr. KENYON's amendment was rejected.

Mr. CLARKE of Arkansas. Mr. President, I desire to say that it will be impossible to dispose of any other item in the bill this afternoon, and I ask that it be laid aside until 12 o'clock to-morrow.

I move that when the Senate takes a recess this afternoon it be until 12 o'clock to-morrow. There will be a meeting of the Committee on Commerce to-morrow morning, and that is the reason why I make the request.

The VICE PRESIDENT. Is there objection to the motion of the Senator from Arkansas? The Chair hears none, and it is agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 10490. An act to prevent fraudulent advertising in the District of Columbia;

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12766. An act for making further and more effectual provision for the national defense, and for other purposes;

H. R. 14771. An act granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River; and

S. J. Res. 72. Joint resolution to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of the Brotherhood of St. Andrew of Los Angeles, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Sawtelle, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. COLT presented a petition of sundry citizens of Warren, R. I., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Wyoming, Harrington, and Port Penn, all in the State of Delaware, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the Chamber of Commerce of Boston, Mass., praying for the enactment of legislation to provide for the grading of grain, which was ordered to lie on the table.

Mr. WADSWORTH presented a memorial of sundry citizens of Buffalo, N. Y., remonstrating against sectarian appropriations, which was ordered to lie on the table.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. MYERS presented a petition of the Montana Branch of the Parent-Teacher Association, praying for the enactment of legislation to provide expeditious adjudication of pending State selections of school lands, which was referred to the Committee on Public Lands.

He also presented a petition of the Commercial Club of Terry, Mont., praying for the settlement of disputes between railroads and their employees by arbitration, which was referred to the Committee on Interstate Commerce.

Mr. THOMPSON presented a petition of the Commercial Club of Manhattan, Kans., praying for the establishment of engineering experiment stations in connection with land-grant colleges, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Emporia, Kans., remonstrating against any further appropriations for the enforcement of the migratory-bird law, which was ordered to lie on the table.

He also presented a petition of the Rotary Club of Leavenworth, Kans., praying for the passage of the so-called Shields water-power bill, which was ordered to lie on the table.

Mr. TOWNSEND presented memorials of 960 farmers of Michigan, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Jackson, Mich., remonstrating against the enactment of legislation to limit the freedom of the press, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Sebewaing, Mich., remonstrating against the action of Great Britain in prohibiting the sending of Red Cross supplies to Germany, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Board of Commerce of Detroit, Mich., remonstrating against the enactment of legislation to prohibit the use of stop-watch and labor-measuring devices in Government arsenals, which was referred to the Committee on Military Affairs.

Mr. LIPPITT presented a petition of 22 citizens of Providence, R. I., praying for national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 5344) for the regulation of the practice of podiatry in the District of Columbia and for the protection of the people from empiricism in relation thereto, reported it without amendment and submitted a report (No. 480) thereon.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act by adding a new section, reported it with amendments and submitted a report (No. 481) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COLT:

A bill (S. 6137) granting a pension to Mary E. Gilbert; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 6138) granting an increase of pension to Hugh O. Neville;

A bill (S. 6139) granting an increase of pension to Charles Apple;

A bill (S. 6140) granting an increase of pension to Adolphus B. Capron; and

A bill (S. 6141) granting an increase of pension to Madeline A. Rowell (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 6142) granting an increase of pension to Eliza M. Flint (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 6143) granting a pension to David Noe; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6144) granting an increase of pension to Lydia C. Stevenson;

A bill (S. 6145) granting an increase of pension to Alexander Ferris, jr.; and

A bill (S. 6146) granting an increase of pension to George L. Wait Wiltbank, alias George L. Wait; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6147) fixing the compensation of inspectors of customs, and for other purposes; to the Committee on Finance.

By Mr. GALLINGER:

A bill (S. 6148) to establish a horse-breeding station in the State of New Hampshire; to the Committee on Agriculture and Forestry.

By Mr. OLIVER:

A bill (S. 6149) for the relief of the McClintic-Marshall Construction Co.; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 6150) granting an increase of pension to Daniel A. Ray;

A bill (S. 6151) granting an increase of pension to George Ellars; and

A bill (S. 6152) granting an increase of pension to Charles Blitz (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A joint resolution (S. J. Res. 134) requesting the President to invite the Governments of Japan and China to join in the formation of an international commission to study the questions at issue between the Orient and the United States; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLETCHER submitted an amendment proposing to investigate the grading, weighing, handling, and transportation of naval stores, the preparation of definite type samples thereof, and for the demonstration of improved methods or processes of preparing naval stores, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. ASHURST submitted an amendment proposing to appropriate $100,000 for the elimination and eradication of the purple loco weed, the white loco weed, and other poisonous leguminous weeds in Arizona, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. LODGE submitted an amendment proposing to appropriate $15,000 to enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the National Dairy Show Association to be held at Springfield, Mass., during the fiscal year ending June 30, 1917, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. SMITH of Maryland submitted an amendment proposing to appropriate $16,000 for the improvement of New Hampshire Avenue NW., from Grant Circle to Oregon Avenue, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on Appropriations and ordered to be printed.

THE COLUMBIA RIVER HIGHWAY.

Mr. CHAMBERLAIN. Mr. President, through the enterprise of the people of Oregon a magnificent scenic highway has been constructed along the south bank of the Columbia River from Astoria to The Dalles, a distance of more than 200 miles. The construction of this highway has involved an immense expenditure, contributed by the State and its citizens. World travelers declare this to be the greatest road ever built to meet the conditions of modern traffic. Gen. George W. Goethals, in speaking of it, said: "It is a splendid job of engineering and absolutely without equal for scenic interest in America." Other distinguished engineers have spoken of this great highway in the same complimentary terms.

Many thousands of our citizens will visit the Pacific coast during the present season as a part of their vacation and will have an opportunity to pass over and along one of the most beautiful rivers of the country. The changes which have come to the West since President Thomas Jefferson sent his confidential message to Congress that resulted in the sending of Lewis and Clark into the unexplored regions beyond the Rocky Mountains and down the Columbia River to the Pacific is truly wonderful; the land which President Jefferson spoke of as "That vast and fertile country which their sons are determined to fill with arts, with science, with freedom, and with happiness."

The governor of the State has set apart Wednesday, June 7, 1916, as a day for celebrating the formal opening of the Columbia River Highway, and the people of the State of Oregon are anxious to have an invitation extended to those mentioned in the resolution which I send to the desk and for which I ask that unanimous consent be given for its present consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 200) was read, as follows:

Whereas the people of Oregon have constructed a great highway, which extends from the wheat fields of eastern Oregon, "the Inland Empire," to the Pacific coast, passing through the Cascade Range and the Gorge of the Columbia; and

Whereas the Columbia River Highway is declared by world travelers to be the greatest road ever built to meet the conditions of modern traffic; and

Whereas the governor of the State of Oregon has declared Wednesday, June 7, to be the day set aside for celebrating its formal opening: Therefore be it

Resolved, That the President of the United States be, and he is hereby, authorized and respectfully requested, in such manner as he may deem proper, to invite the diplomatic representatives of foreign Governments with embassies or legations in Washington, D. C., to participate in celebrating this historic event.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

MR. SMOOT'S SUPPLEMENTAL RESOLUTION.

Mr. SMOOT. In order that there may be no question regarding appropriations to be made hereafter to pay the expenses of delegates to this celebration, I submit the following, and ask for its adoption.

The Secretary read the resolution (S. Res. 201) as follows:

Resolved, That no appropriation shall be granted at any time hereafter in connection with the celebration of the formal opening of the Columbia River Highway, to be held Wednesday, June 7, 1916.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution is agreed to.

THE COASTWISE TRADE.

Mr. NEWLANDS. I ask to have printed as a public document the report of the Interstate Commerce Commission relative to corporate interests of railroads in vessels or steamship lines engaged in transporting freight between Atlantic and Pacific ports and in the coastwise trade of the United States. The cost, I will say, will be $92.26, according to the estimate of the Public Printer.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada?

Mr. SMOOT. I object.

Mr. NEWLANDS. Then, I ask that the document be referred to the Committee on Printing, with a view to its publication.

The VICE PRESIDENT. Without objection, it is so ordered.

EXPERIMENT STATIONS IN ENGINEERING (S. DOC. NO. 446).

Mr. NEWLANDS. I ask unanimous consent to have printed as a public document certain correspondence, being a letter from Dr. W. R. Whitney, chairman of the committee on chemistry and physics of the United States Naval Consulting Board, and a circular letter dated April 29, 1916, written by Dr. Whitney, to various citizens throughout the country, extracts from replies of these gentlemen to Dr. Whitney, together with certain other matter relative to Senate bill 4874, proposing to establish experiment stations in engineering in State colleges of agriculture and the mechanic arts. The document will comprise about 40 pages and the cost will not be very much.

The VICE PRESIDENT. Without objection, it is so ordered.

RURAL CREDITS.

Mr. OWEN. I find that five conferees have been appointed on the part of the House on the rural-credits bill (S. 2986), and I ask that there may be added to the Senate conferees the Senator from North Dakota [Mr. GRONNA] and the Senator from Florida [Mr. FLETCHER].

The VICE PRESIDENT. Without objection, it is so ordered.

HOUSE BILL REFERRED.

H. R. 9533. An act to provide a civil government for Porto Rico, and for other purposes, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 27 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m., Wednesday, May 24, 1916) the Senate took a recess until to-morrow, Thursday, May 25, 1916, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 24 (legislative day of May 18), 1916.

PROMOTION IN THE ARMY.

MEDICAL CORPS.

Maj. William O. Owen, retired, to the grade of colonel in the Medical Corps, with rank from April 12, 1912.

JUDGE CIRCUIT COURT OF HAWAII.

James Wesley Thompson to be judge of the Circuit Court of the Third Circuit of the Territory of Hawaii.

POSTMASTERS.

CALIFORNIA.

Charles F. Evers, Fortuna.

KENTUCKY.

Nannie E. Butler, Elkton.
John R. White, Irvine.

LOUISIANA.

Albert Nunez, Arabi.
Lou E. Russell, West Monroe.

MISSOURI.

Thomas P. Benson, Sturgeon.
Hevner P. Hoover, Hardin.

NEW YORK.

Richard F. Hayes, Ticonderoga.
Florence L. Johnson, Elmsford.
John Lemmon, Churchville.
Timothy D. Mulcahy, Lawrence.
Benjamin B. Tooker, Center Moriches.
Wilber W. Wilcox, Lacona.

SOUTH DAKOTA.

D. C. Campbell, Wolsey.
G. A. Miller, Conde.
Frank E. Riley, Dupree.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 24, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With profound faith and confidence in Thee, O God our heavenly Father, as the most potent factor in the affairs of men and of nations, we come to Thee in the fervency of prayer that we may feel sweeping through our souls Thy holy influence to guide us in all our transactions, that we may think well, act well our part in the affairs of life, and pass on our way rejoicing as integral parts of the great eternal plan; and Thine be the praise, through Him who taught us faith, hope, love. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the oil and gasoline situation.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to extend his remarks in the RECORD on the subject of gasoline, and so forth. Is there objection?

There was no objection.

NAVAL APPROPRIATIONS.

Mr. PADGETT, from the Committee on Naval Affairs, reported the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 743), ordered to be printed.

Mr. BUTLER. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Pennsylvania reserves all points of order.

Mr. PADGETT. Mr. Speaker, at the request of the minority I ask that they have until to-morrow to submit their views.

Mr. BUTLER. Until 12 o'clock.

Mr. PADGETT. You may have all day.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the minority have until to-morrow night to file their views. Is there objection?

There was no objection.

OREGON & CALIFORNIA RAILROAD LAND GRANT.

The SPEAKER. There is a special order for to-day, the California-Oregon Railroad land bill, H. R. 14864.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 14864; and pending that I want to see if we can agree with the gentleman from Wisconsin [Mr. LENROOT] for time. Would two hours be agreeable for general debate?

Mr. LENROOT. I have applications for two hours on this side without using any time myself. I had hoped we might agree upon two hours on a side.

Mr. MANN. Why does not the gentleman let it run along? Both sides want to finish the bill to-day. I do not think there will be any difficulty about it.

Mr. FERRIS. I have no desire to cut anyone off. I know the Members from Oregon want to speak on this. It is a matter that is very vital to them. Of course, the gentleman from Wisconsin and the gentlemen from Oregon know that we practically must get through with this bill to-day. It is wedged in here between appropriation bills, and I think we ought to finish it.

Mr. MANN. I ask unanimous consent that the time for general debate be equally divided between the two gentlemen.

Mr. LENROOT. May I suggest to the gentleman from Oklahoma that we agree on not exceeding three hours. We will cut it down as much as possible.

Mr. FERRIS. I accept that suggestion. There is a disposition on the part of all of us to get this bill through. It is absolutely essential that we do so.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the general debate be confined to not exceeding three hours—one-half the time to be controlled by himself and one-half by the gentleman from Wisconsin [Mr. LENROOT]. Is there objection?

There was no objection.

The motion of Mr. FERRIS was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, with Mr. GARD in the chair.

Mr. FERRIS. Mr. Chairman and gentlemen, I shall make only a short statement concerning this bill, expecting to consider it more in detail under the five-minute rule, where legislation of this kind is usually perfected and made. I think it is very proper and very necessary, however, that the House know something about what we are doing and something about what this bill is and what we propose to do.

By the acts of 1866, 1869, and 1870 Congress granted about 3,200,000 acres of land to the Oregon & California Railroad Co. upon five conditions. I will strip it of all details and get right down to the heart of the matter. The conditions were (1) that they should build the railroad, (2) that they should carry the Federal troops without charge, (3) that they should sell the land for a price not greater than $2.50 an acre, (4) to actual settlers, (5) in 160-acre tracts.

This occurred about 50 years ago. The act of 1866 was passed just 50 years ago, but there were two acts passed later, in 1869 and 1870, extending the time to build the railroad.

Mr. McCRACKEN. Within what limit of time was the railroad to be constructed?

Mr. FERRIS. There were two or three different lines. One was from Portland south to the California line, and one was from Portland or Astoria to McMinnville. In all, there were two or three different lines to be built. The latter road was not built.

Mr. McCRACKEN. Were those lines specified in the grants?

Mr. FERRIS. They were specified, where the road was to be built, and there was a grant of alternate sections for 20 miles on either side of the proposed railroads.

Mr. CANNON. All in Oregon?

Mr. FERRIS. A little of the land is in Washington, but practically all in Oregon, a very small part in Washington. I think only 150 acres.

The railroads were transferred from one concern to another, but finally they were built; not all of them, but where the railroads were not built the land was not granted. As time went along the railway people came before the Interior Department and got patents to the land, for these alternate sections, the patents, of course, containing these conditions, limitations, and restrictions.

For a time the railroad sold these lands at two and a half dollars an acre to actual settlers and in tracts of 160 acres in compliance with the grant; this was only covering a period of a few years. Then they totally abandoned these three conditions, paying no attention to them whatever. For example, they would sell 40,000 acres to a single lumber concern or to a citizen for a price of forty or fifty or sixty dollars an acre or any amount that they could get for the land. This went along in that way until 1908. In 1908 the Department of Justice, through a Mr. Townsend, who then had charge of this matter, began to complain that the railroad was not complying with the terms of the grant; that it was not selling the land for $2.50 an acre; that it was not selling the land to actual settlers or in tracts of 160 acres; and, in fact, was not selling it at all, but was holding it for speculation. The gentleman from Wyoming [Mr. MONDELL] was then the chairman of the Committee on the Public Lands. I was a member of the committee at that time. We reported and passed a joint resolution in 1908 in response to that appeal from the Oregon people authorizing and directing the Department of Justice to bring suit and cancel this land grant because of breach of the conditions of the grant itself. The Attorney General did bring suit, tried it, and carried it to the Supreme Court of the United States. A decision was entered December 9, 1915, granting an injunction for six months and virtually passing the whole matter up to Congress for appropriate action and disposition. That occasioned this bill and its presentation here to-day. The lower court, the trial court, Judge Wolverton, held a complete forfeiture of these lands to the Government by reason of the breach. On appeal the Supreme Court did not in all things affirm that decision, but did this: They granted an injunction for six months, a temporary injunction, during which time they passed the proposition up to Congress for Congress to take such action as it saw fitting. I think that is the language they used. The Department of Justice, acting in conjunction with Senator CHAMBERLAIN at the other end of the Capitol, drafted a bill dealing with this matter.

Mr. ALEXANDER. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. ALEXANDER. What did the Supreme Court hold with reference to these lands?

Mr. FERRIS. It is a very long decision and a very unique one, but in substance the Supreme Court held that these lands as they were being operated tended more to speculation than to settlement, and for that reason they granted an injunction against the sale or disposition of any of the lands or timber for six months, during which time Congress should take such action as it saw fit, further saying that we should give the railroad company, now the Southern Pacific, all that they were entitled to under the grant, intimating that that was $2.50 an acre. The Department of Justice and your committee so interpreted it and do so interpret it.

Mr. McARTHUR. Mr. Chairman, will not the gentleman explain to the members of the committee about this being an enforceable covenant?

Mr. FERRIS. I have just stated that the court did not hold a complete forfeiture, but said that the procedure under which the lands were being disposed of tended more to speculation than to settlement, and they therefore granted a temporary injunction for six months, during which time Congress should take such action as it saw fit.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BUTLER. How much land was conveyed by the Government to this railroad company?

Mr. FERRIS. Three million two hundred thousand acres.

Mr. BUTLER. How much land was disposed of?

Mr. FERRIS. About 800,000 acres was sold by the railway company, most of which in total violation of the terms of the grant.

Mr. BUTLER. And the balance of the land remains in the possession of the railroad company?

Mr. FERRIS. That is true; and we are seeking to recover it for the Government.

Mr. BORLAND. Do I understand that the decision of the Supreme Court leaves the title still in the railroad company?

Mr. FERRIS. Yes; it does not decree a complete forfeiture, but it authorizes Congress to deal with it as they shall determine proper under the circumstances.

Mr. BORLAND. How can Congress, by legislation, divest that title if it is still in the railroad?

Mr. FERRIS. The Supreme Court holds that Congress has authority to dispose of it, and therefore it has the power to resume title and appropriately deal with the matter. It should be remembered that the right of Congress to alter, amend, or repeal this act is also reserved in the law.

Mr. BORLAND. Will the gentleman put in the RECORD the Supreme Court decision?

Mr. FERRIS. I have it here. It is a part of the report.

Mr. BUTLER. Was it held to be a condition between the railroad company and the Government?

Mr. FERRIS. No; it does not hold that. It held that the title vested, but it is held to be an enforceable covenant, to which

the railroad company did not adhere. After stating the facts at great length, this is what the court said:

> This, then, being the situation resulting from conditions now existing, incident, it may be, to the prolonged disregard of the covenants by the railroad company, the lands invite now more to speculation than to settlement, and we think, therefore, that the railroad company should not only be enjoined from sales in violation of the covenants but enjoined from any disposition of them whatever or of the timber thereon, and from cutting or authorizing the cutting or removal of any of the timber thereon, until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances and at the same time secure to the defendants all the value the granting acts conferred upon the railroads.
>
> If Congress does not make such provision, the defendants may apply to the district court within a reasonable time, not less than six months from the entry of the decree herein—

I might pause long enough here to say that that decree was entered December 9 last, and that the six months' period expires the coming 9th of June—

> for a modification of so much of the injunction herein ordered as enjoins any disposition of the lands and timber until Congress shall act, and the court in its discretion may modify the decree accordingly.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BOOHER. The opinion of the court held that the conditions attaching to that grant were not a part of the grant, did it not?

Mr. FERRIS. I think not. Oh, no; the gentleman is in error about that. That was the contention of the railway and also some of the claimants, but the court held no such thing.

Mr. BOOHER. Did it not hold that it was simply an agreement on the part of the railroad company to do certain things?

Mr. FERRIS. No. That is the contention of certain gentlemen; but that is not a fair construction of the decision, nor is that the construction placed upon it by the Department of Justice.

Mr. BOOHER. I call the gentleman's attention to that because I saw a full-page advertisement in the newspapers stating that.

Mr. FERRIS. That is true; and I may say to the gentleman that that eleventh page in the Post was put in by one S. A. D. Puter, who had gone about the country selling these lands, that never belonged to him and for which numerous prosecutions have already been had and indictments and sentence served by quite a number of them.

Mr. BUTLER. Mr. Chairman, I will ask the gentleman what this land is worth on an average?

Mr. FERRIS. I think I can answer the gentleman fairly well. A stipulation was filed by the parties to the suit, agreeing to certain facts, in the Supreme Court, by the Department of Justice on one side and the Southern Pacific on the other, to the effect that the lands were worth upward of $30,000,000—that is, the timber and the land.

That has been corroborated by the Agricultural Department which sent cruisers out who say it is worth $50,000,000. The Department of Justice also made some extended investigation of the lands to ascertain their value.

Mr. BUTLER. And we propose to pay a million and a half for it?

Mr. FERRIS. We propose to give the railroad what the Supreme Court says we have to give them, which I think will be $2.50 per acre, of course, claiming an offset for the some $5,000,000 they have already had.

Mr. BUTLER. The Government gets back at least a million and a half?

Mr. CANNON. It is $2.50 an acre?

Mr. FERRIS. $2.50——

Mr. FESS. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. FESS. I am trying to get information about it. I understand the company was to build a railroad. Was that railroad built?

Mr. FERRIS. Most of it. I think they provided one line of it.

Mr. FESS. The conditions upon which it was to be built have not been abided by?

Mr. FERRIS. They have not adhered to them and that was tried out in the Supreme Court.

Mr. MEEKER. Mr. Chairman, might I inquire what question the gentleman asked?

The CHAIRMAN. Will the gentleman kindly repeat his answer?

Mr. FOSTER. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from Illinois.

Mr. FOSTER. As I understand from this bill, it provides 40 per cent shall go to the reclamation fund——

Mr. FERRIS. That is true.

Mr. FOSTER. And 20 per cent to schools and 20 per cent to building roads.

Mr. FERRIS. That is true.

Mr. FOSTER. So I understand from this bill that at least 40 per cent is supposed to go into the Federal Treasury after the Government has paid all these expenses.

Mr. FERRIS. Yes; but that does not quite state it all. Of course the 40 per cent that goes to the reclamation fund finally comes back to the Treasury. It is a revolving fund, and is only loaned to the settlers to irrigate with. That is not lost to the Government. If it was public land, under the law it would all go to the reclamation fund.

Mr. FOSTER. That is, it theoretically comes back.

Mr. FERRIS. Under the law it does come back. There is no theory about that. The Government takes mortgages on the land, which will enforce the repayment of this and all other funds.

Mr. FOSTER. Theoretically it does. Now, the Government practically gets nothing out of this.

Mr. FERRIS. Yes; 10 per cent on $50,000,000 is $5,000,000 and 10 per cent on $50,000,000 would be $5,000,000, so there would go into the Treasury at once, if the land is worth $50,000,000, $5,000,000.

Mr. FOSTER. But the Government under this bill has to pay back to the State of Oregon——

Mr. FESS. But all of that is taken out of the lump sum. The Government gets 10 per cent of the net after the Government has in all things been reimbursed.

Mr. FOSTER. How do they sell this land?

Mr. FERRIS. It provides it shall be sold immediately either for cash or in 10 installments, so they will have the money in 10 years.

Mr. FOSTER. Then it is the intention of the Government to immediately sell the timber?

Mr. FERRIS. The bill provides it shall be done.

Mr. FOSTER. Does the gentleman think that is a good policy for the Government to pursue right at this time?

Mr. FERRIS. Yes; I do, for this reason: In the first place, there is the contention made that seems to have considerable color, and appealed to the committee and to the Department of Justice a good deal, and that is that the railroad is entitled to have these lands settled within a reasonable time, and it was our thought that if we put these lands in forest reserves or made them anything like a Federal reserve, then that might involve the Government's rights, in the face of the Supreme Court decision. You see, the decision provides the railway is entitled to all the benefits of the grant, and we wanted to keep clearly within the decision.

Mr. FOSTER. How much timber is estimated to be on these lands?

Mr. FERRIS. The stipulation filed in the Supreme Court by the litigant parties was that there were upward of $30,000,000. The Department of Agriculture——

Mr. FOSTER. I asked how much timber.

Mr. FERRIS. I am speaking of the timber; and the Department of Agriculture estimates it to be worth $50,000,000.

Mr. LENROOT. It is about 40,000,000,000 feet.

Mr. FERRIS. Oh, the gentleman meant feet. About 40,000,000,000 feet. I thought the gentleman from Illinois wanted it in dollars.

Mr. FOSTER. So this bill will compel the Government to sell this 40,000,000,000 feet of lumber immediately?

Mr. FERRIS. Well, it is well safeguarded. It has the rights of the Government hedged about in every way. Nothing can be lost.

Mr. FOSTER. Does not the gentleman think to force a sale of 40,000,000,000 feet of lumber is not a good thing?

Mr. LENROOT. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman.

Mr. LENROOT. The gentleman will remember that there is a provision in the bill providing that this timber shall be sold as rapidly as reasonable prices can be obtained, based upon normal conditions.

Mr. FERRIS. We do not dump it on the market, but we authorize the Secretary to reject any bid that may come, and we make a provision for the appraisement and classification of these lands before they are sold at all, and we provide for a reclassification in the event one is needed.

Mr. BUTLER. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. BUTLER. It has been 50 years since this grant was made?

Mr. FERRIS. Yes.

Mr. BUTLER. When did the railroad company cease to sell these lands, except in large pieces, of which the gentleman has spoken?

Mr. FERRIS. They have been selling them right up until recently. Of course, they have sold none since the decision, for it specifically enjoins any disposition of them.

Mr. BUTLER. Tell me whose effort is this; is it by the Government?

Mr. FERRIS. The gentleman did not hear my first statement.

Mr. BUTLER. I am very sorry. I was called to the door. I am always glad to hear the gentleman.

Mr. FERRIS. It was alleged that some of this land was being sold in total disregard of these conditions, and citizens of Oregon and the Department of Justice came before the Committee on the Public Lands in 1908 and, in response to the request of the Department of Justice, we passed a joint resolution, which I have in my hand, providing, authorizing, and directing the Department of Justice immediately to institute proceedings to recoup these lands and recover by reason of a breach of the terms of the grant.

Mr. BUTLER. Really, the State of Oregon initiated this?

Mr. FERRIS. The State of Oregon and the Department of Justice together. They came before us, too.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. STAFFORD. Does this bill clear up all litigated questions concerning the land involved in the original land grant?

Mr. FERRIS. We authorize a suit to be brought for an accounting cleaning up all differences, which we think will bring that about.

Mr. STAFFORD. Are there not some lands that will still be in dispute that will not be adjudicated under this bill or the provisions of this bill?

Mr. FERRIS. That may be. We only deal with the unsold land. There are some 15,000 people who have been duped and gold-bricked all over the United States. And the Supreme Court held they had no right. But there are certain other people who have bought lands in violation of the grant. We thought if we got back $40,000,000 or $50,000,000 worth of timber for the Government on unsold land that was probably as big a job as we ought to tackle at one time here. There will probably be some additional requests from the so-called executory contract class, but they are not on all fours with this class and do not really belong on this bill.

Mr. STAFFORD. There has been considerable mention in the public press about the interests of a former member of this House, a former governor of the State of Minnesota, who had large interests involved. I wish to know whether any provision in this bill covers those lands in which he is interested?

Mr. FERRIS. There is not.

Mr. STAFFORD. They are still in dispute?

Mr. FERRIS. Unless they can be settled in this provision in this bill for an accounting in this bill that we are presenting. We do not deal with that in this bill. We leave that question alone for the present. I do not think it belongs here at all.

Mr. STAFFORD. Will that be a matter for subsequent legislation?

Mr. FERRIS. It may be, or a matter for subsequent litigation. I do not know which. I will say to the gentleman from Wisconsin that when we tried to put this bill through everybody came in with every claim they ever had. They wanted everything adjusted on this bill. I wanted to bring to this House something that was easy to understand, something that was easy to accomplish. We have a bill here that is easy to understand, and by which it is easy to tell what we are trying to do with this 2,300,000 acres of land. The House can readily understand the numerous complications that would come in as to land that had been sold even outside of the terms of the grant. It is also true that most of them are confirmed by an act of Congress, anyway, passed in 1912. We are now dealing with the lands that are unsold. Gov. Lind came before the committee in a very frank and honest way, urging the committee to deal with his proposition. I do not say it is not sound, but I do say that this bill shall not be made a vehicle for everybody's scheme and everybody's trouble that happens to come along. If we had brought it in here cumbered by a lot of details, the House would probably have gone off debating some side issue and let the real prize of 2,300,000 acres get away.

Mr. BUTLER. What will become of the titles granted to purchasers prior to the institutions of proceedings in the court to restrain the company? The company was authorized to sell the land?

Mr. FERRIS. But on condition. They did not adhere to the conditions. Some of the lands had been conferred by special act of Congress passed in 1912.

Mr. BUTLER. The railroad company did not adhere to the conditions?

Mr. FERRIS. They totally ignored them.

Mr. BUTLER. I heard the conditions which the gentleman stated, coupled with this grant. Which of those conditions would involve the title?

Mr. FERRIS. The Supreme Court has just held——

Mr. BUTLER. I have not read the decision of the Supreme Court. You can not read everything. We depend on gentlemen like yourself, gentlemen who are well informed——

Mr. FERRIS. That is very good of the gentleman to say that. We are trying to do our best in this matter.

Mr. BUTLER. If I did not have to vote on the bill, I would not ask that question.

Mr. FERRIS. I am glad the gentleman asked the question.

Mr. STEPHENS of Texas. If this bill is passed, how much land becomes taxable to the State of Oregon? What benefit will it be to the State of Oregon? A complaint that has been made is this, that the land has been locked up and is not taxable, and it makes a great burden on the people of the State. I want to know if it will release that land so that it will become taxable for the benefit of the State?

Mr. FERRIS. Of course, the citizens of Oregon have been taxing this land while it was in the hands of the railways, and have been receiving taxes for it; so that there is a view in Oregon that these lands ought not to be taken back by the Government, because they will lose the taxes. I feel that is hardly a sound theory, because if the Government has the right under the Supreme Court decision to take $50,000,000 worth of property, it is easy to dispose of the land so that some community can tax it. This bill authorizes the timber to be sold and get all that we can for it. It then automatically authorizes the land, after the timber is cut and removed, to be homesteaded and passed on to the tax rolls and into private ownership along the line of the suggestion of the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. As I understand, under the present homestead laws of the United States.

Mr. FERRIS. With some modification.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. JOHNSON of Washington. The timber on the land is to be sold in large quantities?

Mr. FERRIS. In 40-acre tracts or multiples thereof.

Mr. JOHNSON of Washington. In large quantities?

Mr. FERRIS. Within the discretion of the two departments, the Department of Agriculture and the Department of the Interior.

Mr. JOHNSON of Washington. And the cut-over land is to be offered to homesteaders?

Mr. FERRIS. That is true. The land that is not timbered can be homesteaded now at $2.50 an acre.

Mr. JOHNSON of Washington. The gentleman stated that the people of Oregon have been homesteading the land, but the county had been receiving no taxes since this litigation commenced?

Mr. FERRIS. That is true.

Mr. BUTLER. Is the railroad company resisting this effort on the part of the Government to recover this land? Because, according to the gentleman's statement, this land is worth $50,000,000. It seems to me like a good deal of money.

Mr. FERRIS. Yes; and the railroad is resisting it. It contends that the conditions and covenants are not binding.

Mr. McARTHUR. Does not the railroad claim that it has the right to take the timber?

Mr. FERRIS. They claim they have the right to cut the timber. No member of the committee agrees to any such contention. It was also presented to the Supreme Court and they did not agree, but on the contrary enjoined them from disposing of any of it.

Mr. WINGO. I understood the gentleman to say that the only land that will be open to homestead will be the cut-over land.

Mr. FERRIS. No; the gentleman did not say that. Let me make that clear. The lands are divided by this bill into three classifications. First, water-power sites; second, timberlands; third, agricultural lands. Now, I will tell the gentleman how it was. The nontimbered lands are subject to homestead entry. Now, by the payment of $2.50 an acre—and they are worth it—in the timberlands we provide for the sale of the timber, and as soon as the timber is removed automatically they go to

homestead without $2.50 an acre. It was brought to our attention that it was very expensive to get the stumps out of the cut-over land, and we thought they ought not to be charged that much.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. WINGO. The tracts that contain 300,000 feet of standing timber are classed as "timbered land." If a tract has 290,000 feet of board measure that is classed as "nontimbered land" and may therefore be homesteaded?

Mr. FERRIS. That is true, if the gentleman's figures are right. Of course, that is 300,000 feet for each 40-acre tract, which would make 1,200,000 feet for a full 160 acres.

Mr. WINGO. If a tract has 350,000 feet of board measure that is called "timberland" and can not be homesteaded until the timber is cut?

Mr. FERRIS. That is true.

Mr. WINGO. To what extent does the cutting of timber go? Does that mean all merchantable timber in the opinion of the buyer?

Mr. FERRIS. Not at all. The Secretary of the Interior, acting in conjunction with the Department of Agriculture—and it is necessary to have both, because the Secretary of Agriculture has cruisers whom he may employ—authorize the sale by competitive bidding or otherwise, as they may deem proper, and the lands are not automatically subject to homesteading until the Secretary of the Interior causes a public proclamation to be issued to the effect that the merchantable timber is all removed. We think that is safeguarded pretty well.

Mr. WINGO. There is no provision made in the bill or under existing regulations that have been made, is there, by which a homesteader may homestead the land and pay an agreed price for the timber?

Mr. FERRIS. There is no provision of that sort, but we thought it was not practicable, and for this reason: The ordinary homesteader is not in any sense a lumberman, and the man who goes out to live on one of those claims would be ordinarily a poor man and he could not buy timber in quantities for logging purposes.

Mr. WINGO. The land has been denuded of its timber, and can not be homesteaded for timber because there is no timber on it; but the gentleman knows that in an ordinary country the homesteader needs some timber on the land for his farming purposes. Should there not be a provision somewhere in the bill by which the homesteader could obtain some timber? Who is responsible for that arbitrary classification of 350,000 feet being "timberland"? In other words, that lands having less than 350,000 feet of board measure are not "timberlands" and lands having 350,000 feet and over are "timberland." Who was it that set that standard?

Mr. FERRIS. Well, the gentleman knows that there can be a good deal of difference of opinion about any effective dividing line with respect either to timber or anything else. I will say to the gentleman that that was a compromise, based on the combined judgment of the Department of Agriculture, the Department of the Interior, and the Department of Justice and of every expert from whom we could get an opinion. The Department of Agriculture wanted that 250,000 feet to the 40 acres instead of 300,000. This seemed to us the just amount.

Mr. WINGO. Here is the thing I wanted to call the gentleman's attention to: "Merchantable" timber is the thing that should be considered, but in the bill the expression used is "growth of timber." I am sure, from the gentleman's knowledge of timberlands, and I think any man familiar with the subject knows, that the classification of land as "timberland" does not absolutely depend upon the stumpage in feet, but it is controlled largely, as well, by the character of the timber, and to a timberman such a classification as this is ridiculous on its face, because there might be a growth of 500,000 feet on a tract which still would not be called "timberland," because it is not merchantable timber.

Mr. FERRIS. Well, the gentleman may have a better idea of timber than I. I have lived in a country where, in many places, they have not sufficient timber from which to cut a switch to whip the children with.

Mr. WINGO. Yes; but the doubt I have in mind is that there will not be enough timber on these homesteads to whip a child with.

Mr. FERRIS. The gentleman may be entirely right about that. This bill is open to amendment, and when the time comes we will present the facts that were adduced in the hearings upon this bill, and it can be determined in accordance with the facts. I do not know whether this is the correct amount, but it is the best we could do with the combined judgment that we had.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BOOHER. Does not the gentleman know that it would be better to say "merchantable timber" rather than "growth of timber"?

Mr. FERRIS. Well, "growth" is restrictive, and it prevents the Government from being skinned. Now, the two gentlemen who are talking about timber are both practical men, and I will add my judgment to the two, making that of three practical men. The Government does not generally get its full dues on a timber proposition. It generally gets peeled. Those people out there, it may be depended upon, will get all that is coming to them.

Mr. BOOHER. Why would not the words "merchantable timber" be better to use as a term than the words "growth of timber"?

Mr. FERRIS. Well, the word "merchantable" is a word on which you can play back and forth, and with it probably weave the Government out of its money. We are spending a good deal of money and using a good deal of Government machinery to get this land back. What I am trying to do is not to give it all away; some one should look after the Government interests. I am trying to help the Government to get this land back, and I do not want to use loose terms, so that this land or timber can be frittered away.

Mr. BOOHER. Does not the gentleman think he ought to look somewhat, too, after the interests of the homesteader, the one who wants to go out there?

Mr. FERRIS. Yes. I have been a homesteader myself since the time when the gentleman from Missouri has, and I have proved up a claim in the last 15 years, and my heart goes out to the homesteader generally, who, I may say, does not have much music playing in his home during his meals.

Mr. BOOHER. But I do not want him to get more than is coming to him.

Mr. FERRIS. I lived in the gentleman's State for 23 years, and——

Mr. WINGO. Mr. Chairman, I, like the gentleman, want to protest against a loose expression. The gentleman is clearly in error, though, when he says "merchantable timber" is a loose expression. The term "growth of timber" is in fact a loose expression. My suggestion is that we protect the Government, not by loose expressions but by expressions that have a clearly defined and well understood meaning. To protect the Government and the homesteader who may enter the "cut-over" lands, the cutting of timber should be limited to "merchantable" timber.

Mr. FERRIS. If the gentleman thinks I have used a term that is not applicable I want to withdraw it. I do not pretend to know all about timber. We are presenting our best judgment with the facts we had.

Mr. RAKER. The question of merchantable timber was not involved; but in the testimony of experts before the committee the expression 300,000 feet board measure meant that they would investigate and that there should be at least 300,000 feet of timber on that land that could be used for sawing purposes, excluding pole timber, post timber, and such like as that, so that the homesteader would get the benefit of that; and this expression was the best that the committee could get from the experience of the men before the committee.

Mr. WINGO. May I ask the gentleman what the committee understand is meant by the words "board measure"?

Mr. RAKER. Timber that will be used by a sawmill.

Mr. WINGO. A sawmill may cut timber that is not merchantable.

Mr. RAKER. Anything that can be sawed up into merchantable timber.

Mr. WINGO. That is all I want to ask. We know what is meant by merchantable timber.

Mr. FERRIS. Now, Mr. Chairman, I do not wish to take any more time in a general statement. Does any member of the committee want to ask me anything?

Mr. COOPER of Wisconsin. I notice in the Washington Post of this morning a full-page advertisement signed by Mr. S. A. D. Puter. Who is Mr. Puter, and what does he represent?

Mr. BUTLER. Tell us that story again.

Mr. COOPER of Wisconsin. If the gentleman has already stated it, I do not ask him to repeat it.

Mr. FERRIS. I have a letter from the Department of Justice telling all about Mr. Puter. It is a photographic copy that was sent to me, telling me about those who operated with Mr. Puter. It is a very sad tale, which involves Mr. Puter and his connection with about 10 of his cohorts, some of whom were put in the penitentiary, some now refugees from justice, some now on trial,

and many of the cases are now pending. Some of the men are in Canada.

Mr. COOPER of Wisconsin. I think that is about all the information I require as to Mr. Puter.

Mr. BUTLER. Is Mr. Puter a State boarder at this time?

Mr. FERRIS. No! I think he is away from home at present, engaged in passing the Washington Post through the House Office Building filled with full-page advertisements against this bill.

Mr. ELSTON. Do the remarks that the gentleman has made concerning Mr. Puter relate to the methods that he and his associates have adopted with regard to putting in applications for the purchase of the lands or do they refer to previous transactions?

Mr. FERRIS. If I had the time I would like to read this letter from the Department of Justice. It will probably creep in here, I presume, before we get through. It begins as follows:

In re the Oregon and California land-grant frauds I have read the testimony given by Mr. S. A. D. Puter before the House Committee on Public Lands.

It goes on and tells about the transactions, a number of them. A number of Mr. Puter's associates are in Canada. They are indicted, and the department is trying to get them. A lot of them are being tried in San Francisco this month; nine of them have served terms in the penitentiary, and some of them are still there. They have sold lands all over the United States to innocent purchasers, lands that they did not own, lands to which they had no title, lands to which they never can acquire title; and the Department of Justice says that these men have collected about $2,000,000 from unsuspecting people and that they have about a million dollars of it now; and some of that money was spent to buy a page in the Washington Post this morning.

Mr. BUTLER. The railroad has nothing to do with Mr. Puter.

Mr. FERRIS. No; and I did not say it had.

Mr. BUTLER. Mr. Puter might assume to own anybody's land.

Mr. FERRIS. Yes; and these locators are selling or pretending to locate people on these lands to which they have no more right than they would have to go out and offer for sale stock in the House Office Building.

Now, Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has used 38 minutes.

Mr. FERRIS. I did not intend to use that much time, because the gentlemen from Oregon are vitally concerned in this bill and they want to speak. I did not want to curtail their time, neither did I want to consume but little time in debate. I reserve the remainder of my time.

Mr. LENROOT. I yield 45 minutes to the gentleman from Oregon [Mr. SINNOTT]. [Applause.]

Mr. SINNOTT. Mr. Chairman, I would like to have my attention called when I have occupied 30 minutes.

Mr. Chairman and gentlemen, it is my intention to discuss this bill only as it relates to and affects my State. But before going into that matter I desire to say that the general policy of the committee is approved in the State of Oregon. However, I will say that the people of Oregon are sorely disappointed in the details of this bill and in the manner in which it will affect the State.

Mr. Chairman, it is suggested in the report on this bill that the division of the proceeds "may seem exceedingly liberal to the State of Oregon." I am gratified to note that the sagacious chairman of the committee has sought to forestall any such inference.

It is generally thought that the State of Oregon is to receive 50 per cent of the proceeds of the sales under this bill. If the most cursory reading of the bill so hoodwinks anyone pretending to be at all familiar with the subject, then his knowledge of the bill is most superficial or the bill—

Is like a villain with a smiling cheek,
A goodly apple rotten at the heart.

The report of the chairman further states:

It must be remembered that the lands in question are now, and have been, subject to State taxation, but with the passage of this bill will be exempt from such taxation until disposed of by the Government.

This is indeed a most scant and deficient justification of Oregon's righteous claim. I am not criticizing the genial and accommodating chairman of the Public Lands Committee for not elaborating in his report on Oregon's claims and the great and incalculable damage my State has suffered on account of the railroad company's contemptuous disregard of the provisions of the granting acts; nor do I wish to complain because he has not set out in detail how the passage of this bill will further jeopardize the State's welfare. Our lovable chairman is a very busy man. I know his anxiety to get this bill before the House and to secure early consideration so that the six months' period fixed by the Supreme Court for action by Congress may not lapse. I realize the short time he had between the final action of the committee and the filing of his report—too short indeed to cover any but the legal features of the bill—so I do not complain. Doubtless the chairman felt that the members of the Oregon delegation would, to some extent, on the floor discuss the manner in which the State has been affected by the railroad grant and will be affected by the passage of this bill. For this reason I feel it incumbent on me to discuss these matters and to allay any apprehension that Oregon is too liberally treated.

By the granting act of 1866 every alternate section of land in a strip 40 miles wide and about 350 miles long was granted the railroad company. The amendatory act of 1869 provided that the granted lands should be sold to actual settlers in quantities not greater than 160 acres to each purchaser and for a price not exceeding $2.50 per acre. This provision was practically ignored by the railroad company. This grant was tantamount to a grant of a solid body of land 20 miles wide and 350 miles long. It lay across the most fertile part of the State of Oregon.

The area in gross of the grant was over 4,000,000 acres, an area one-third again as large as the State of Connecticut, which has an area of 3,084,800 acres; twice as large as the combined area of Delaware and Rhode Island, which together have 1,940,480 acres. The net grant which the railroad company was able to obtain was 3,207,356.73 acres, according to its own figures, an area still larger than the area of Connecticut.

Of this enormous area the railroad company prior to 1887 sold only 163,439.28 acres to actual settlers. All told to date, about 800,000 acres have been sold, the greater portion to timber interests. Of this amount over 370,000 acres sold to the large timber interests in violation of the settlers' clause of the granting acts were involved in the compromise suits under the 1912 compromise act.

By the granting acts this enormous area was withdrawn from the operation of the preemption and homestead laws. While similar lands in other public-land States were open to entry and settlement—were made productive, helped to add to the population, wealth, and development of the States in which they were situated—Oregon's wealth, development, and population were retarded by the railroad company's disregard and defiance of the terms of the act. All the while the administrative officers of the Government were apathetic spectators of the violation of the terms of the act.

A fertile area larger than the State of Connecticut withheld from settlement for the period of 50 years! Who can estimate the loss to my State? What monetary consideration can recompense us for the past mischief and damage? Further loss confronts us with the passage of this bill in lands withdrawn from taxation and settlement. The insinuation of something "extremely liberal" for Oregon in the division of the proceeds is dispelled when the situation and this bill are dissected.

Secretary Lane in his report, speaking of the settlers' provision, says:

The failure of the company to carry into execution this special provision of the grant was considered inimical to the interest of the settlers, the State, and the Nation, debarring one from valuable opportunities for the acquisition of a home and retarding the development of the other.

The Supreme Court, in its decision of the land-grant case, quotes with approval:

* * * Indeed, the very fact that injury is of public character and such that no damage could be calculated is an added reason for the intervention of equity.

And I say that the injury to my State by the loss of homes, of schools, and development is an injury that is incalculable. It has run on for 50 years; it can not be measured or be recompensed by any disposition of the granted lands. The loss and injury to Oregon is irreparable. Remember that the granted lands were dedicated to the settlement, to the progress, and development of Oregon. This purpose was frustrated.

Mr. STAFFORD. Will the gentleman yield?

Mr. SINNOTT. For a brief question.

Mr. STAFFORD. Can the gentleman give the committee information as to the proposition of these 2,300,000 acres that are agricultural lands suitable for homesteading, and how much is timberland and mineral land?

Mr. SINNOTT. The Commissioner of the General Land Office, Mr. Tallman, told the committee that 75 per cent of the lands were suitable for ultimate cultivation. My colleague Mr. HAWLEY, in whose district these lands are, told the committee that the major part could eventually be cultivated. He is very familiar with these lands, having surveyed a part of them, also having hunted over them.

Mr. JOHNSON of Washington. Does not the gentleman want the House to understand that if these lands had been in progress of settlement; that is, if they had gone to actual settlers during the last 50 years, the timber would have been cut off, the stumps pulled, and the land now the same as other magnificent agricultural land in Oregon and Washington?

Mr. SINNOTT. Certainly. I do not care to digress too much from my remarks at this time, but I will say that the Commissioner of the General Land Office informed the committee that 75 per cent of these lands were suitable and adapted for ultimate cultivation. Why, in the great Hood River Valley in my district, when I was a boy I saw quarter sections containing from 6,000,000 to 10,000,000 feet of timber, which quarter sections are now the orchard lands in the world-famous Hood River valley.

Mr. RAKER. Will the gentleman yield?

Mr. SINNOTT. Very briefly.

Mr. RAKER. The gentleman is now discussing the conditions that existed before the Supreme Court decision and before the action of the committee on these land grants.

Mr. SINNOTT. Certainly.

Mr. RAKER. I understand the gentleman's statement. His contention is that the only thing involved in the gentleman's complaint is that the committee has not gone far enough in the amount provided that should go to the State for roads and school purposes.

Mr. SINNOTT. That is one thing we complain of, and we also complain of the line of demarcation between the timber and the agricultural land, and a few other features that I expect to cover.

At the time of the grants both the even sections and the odd sections within the limits of the grant were open to preemption settlement at $1.25 per acre. The railroad company was given the odd sections, the Government retained the even sections. The granting act provided that the even-numbered sections should be raised in price from $1.25 an acre to $2.50 an acre. Thus the Government provided for its reimbursement for the grant. Again the Government recovered in the compromise suits, under the act of 1912, nearly $1,000,000, every dollar of which has gone into the Treasury of the United States. In free transportation for its troops and property the Government has received over $2,000,000.

The Government will receive many million dollars more under the provisions of this bill, all for lands which were devoted to the development of my State. This development has been defeated. The Government parted with its title to the grant lands, never expecting another dollar therefrom. The Supreme Court held that, with the exception of the settlers' clause, the grant was "unqualified." The court held, "There was a complete and absolute grant to the railroad company, with power to sell, limited only as prescribed." Had the Government not permitted the settlement clause to be ignored for years with impunity, the development of that section of the State would present a vastly different picture from what it does to-day. We in Oregon feel it is only equitable that, inasmuch as the Government has parted with its title to these lands to effect the settlement and development of Oregon—this object having been defeated—the proceeds of the lands should now be pursued and devoted to the original purpose of the granting acts; the progress and development of the State to the remedying, as far as mere money can remedy, a loss that can not be reckoned, that can not be recompensed.

My State has borne the entire loss and burden of the violated grant, the adverse conditions thereby entailed. Our industrial loss easily amounts to more than the entire value of the granted lands.

Mr. McCRACKEN. Will the gentleman yield?

Mr. SINNOTT. With pleasure.

Mr. McCRACKEN. The gentleman attributes the wrongs done to Oregon to the negligence of the Interior Department?

Mr. SINNOTT. The Interior Department has, to use the vernacular, "passed the buck" to the Attorney General's office, saying that it was not in their jurisdiction.

Mr. McCRACKEN. The fact remains, however, that it was within the province of the Interior Department, and had it given diligent attention to its duty the wrong done the State of Oregon would not have happened.

Mr. SINNOTT. I will state that Mr. Townsend, the attorney who tried the case for the Government, testified that he had consulted all the attorneys in the Interior Department, some 14 or 15, and they said that they had forgotten all about the terms of the grant.

Mr. LENROOT. Will the gentleman yield?

Mr. SINNOTT. Briefly.

Mr. LENROOT. Is it not a fact that the first action taken by the State of Oregon was a memorial to Congress in 1907, and within 12 months thereafter Congress did act?

Mr. SINNOTT. I am not prepared to answer that wholly in the affirmative. It would take me some time to explain this in detail and I expect to do it before we are through with the bill to-day. I will state this, however, by way of digression, that there was a resolution in Congress in 1886 to have these lands declared forfeited at the southern end of the grant, and Congress, although the Public Lands Committee reported favorably on that resolution, refused to act.

How does this bill purpose to right these wrongs? What reparation does it offer for arrested development in a strip of land 20 miles wide and 350 miles long, held in idleness in a wilderness for 50 years—held at prices that prevented the settlement and the peopling of Oregon?

The lands are now on the tax rolls paying a yearly tax of about $450,000. It is purposed to revest in the Government title to these lands to withdraw them all from the tax rolls, subject a small part of them to settlement, and in the far distant future sell the timber, and, after deducting several million dollars from the proceeds, give the counties for roads 30 per cent and the State for schools 20 per cent of the balance. The remaining 50 per cent is to go, 40 per cent to the reclamation fund and 10 per cent to the Treasury.

Mind you, on the passage of this bill $450,000 of yearly taxes will be lost. The time when we are to be recompensed for lost taxes alone is a matter of the greatest conjecture. If the theories of the administrative officers are given full scope it will be many decades before Oregon's proportion of the proceeds are returned to the State.

The timber is to be sold by the Secretary of the Interior and the Secretary of Agriculture, which means the Forestry Department. They are given practically carte blanche, their own sweet will, as to the time when they shall sell the timber.

The so-called regulations as to when the timber shall be sold are equivalent to leaving the matter to their discretion. What are their views, their theories about selling timber. I am going to get them from the record—from the officials who will have the matter in charge. Their views will afford us little approximation of how long a time the $450,000 yearly taxes will be withheld.

I am not quarreling with their views, but only calling them to your attention to show how long it may be before this matter is closed up and the State repaid for its lost taxes alone, not to mention any recompense contemplated for arrested development to the State.

Mr. Greeley, the assistant forester, who appeared before the committee, testified that 40,000,000,000 feet was a conservative estimate of the timber on the grant.

In his report on this bill the Secretary of the Interior says:

The discretion given to the Secretary by this section to sell, for cash or on deferred payments, the timber on these lands, at such time and in such quantities as may seem best to him, is deemed by me absolutely essential to an effective discharge of the duty imposed by the bill. To order the immediate sale of such a vast quantity of valuable timber without any consideration as to the demands or needs of the market would, in all probability, not only result in a sacrifice of these particular lands of great value, but would disastrously affect the Government's disposition of matured timber in forest reservations, and very likely result in a demoralization of the lumber market. On the other hand, the requirement made in the proviso "that said timber shall be sold as rapidly as reasonable prices can be secured therefor in a normal market," is in harmony with the general scheme of the proposed legislation, viz, to subject the timber to taxation and the land to settlement as promptly as conditions will warrant. These conditions, however, can not be foreseen with sufficient accuracy to fix them in the shape of hard and fast statutory requirements.

The Secretary of Agriculture in his report to the chairman of the Senate committee on the original Chamberlain bill writes:

The timber in private ownership in Oregon west of the Cascade Mountains is estimated, in the published reports of the Bureau of Corporations, at 348.5 billion feet. Privately owned timber in western Washington totals 270.5 billion feet. The aggregate in private ownership west of the Cascades in the two States is thus 619 billion, aside from 156 billion feet in the national forests.

Although the lumber cut in the Northwest may increase rapidly, it is apparent that the great demand for immediate consumption will not strike this region until supplies of timber more accessible to the great centers of consumption are more easily exhausted. In addition, western Oregon is placed in an extremely unfavorable market condition owing to the fact that her present outlet by rail to the East is either north through or past the heavily timbered regions of Washington, or south through the almost equally well timbered region of California. In consequence, the production of lumber in Oregon for a number of years has been practically at a standstill, and, while the rate of cutting will doubtless be materially increased as time goes on, it is obvious that vast quantities of privately owned timber must be held for many decades before it can be marketed as lumber.

The Secretary calls to our attention that it will be many decades before the now privately owned timber can be marketed as lumber. Further on in this report he states:

Specifically, it is believed very strongly that the 40 or 50 billion feet of timber on the Oregon and California grant lands should not be sold except as is desired for immediate manufacture.

Assistant Forester Greeley testified before the committee:

Now, if the Oregon and California grant timber is to realize the value which has been placed upon it by the Department of Justice, it must, in my judgment, be sold under substantially the same requirements; that is, for immediate manufacture rather than for holding or speculation.

He further stated that—

the lumber industry out there now owns all the stumpage which it is able to carry

Mr. Greeley told us that the—

Secretary's recommendation is that the timber be sold as there is a demand for it for manufacture.

Again quoting Mr. Greeley:

Bringing this all down to the point, it is our suggestion that the timber on the Oregon and California lands be sold whenever there is a real demand for it for manufacturing purposes. Particularly, timber on agricultural lands ought to be disposed of as rapidly as that can be done.

There are now, as the Secretary of Agriculture informed us, 619,000,000,000 feet of timber in western Oregon and Washington and 128,000,000,000 feet in the Oregon national forests, a total of 747,000,000,000 feet. Mr. Greeley told the committee that this timber is being cut at a rate which has never exceeded 6,000,000,000 feet a year, and that the industry is carrying all the raw material which it can afford to carry. While I do not assent to these views, it makes no difference, for they will control the disposition of the timber.

Applying these economic theories announced by the two secretaries to the sale of timber, namely, considering the needs of the market, an industry now carrying all the timber it is able to carry—619,000,000,000 feet of privately owned timber, which the Secretary of Agriculture tells us "must be held many decades before it can be marketed as lumber," the greatest cut of any one year 6,000,000,000 feet—156,000,000,000 feet in the national forests, 40,000,000,000 feet on the grant lands, to be sold in a normal market, such as may not "disastrously affect the Government's disposition of matured timber in forest reservations," or to demoralize the lumber market. Sales of timber compatible with these views offer little hope that the present generation in Oregon will be made whole for the loss of $450,000 of yearly taxes, not to mention what we have already lost from the refusal to permit settlement. "Generations yet unborn" may see the final division of the proceeds; the present will not. We feel like exclaiming:

Keep not your kisses for my dead, cold brow,
The way is lonely, let me feel them now!

In Oregon we believe that the original bill, introduced by Senator CHAMBERLAIN, providing 40 per cent for the counties and 40 per cent for the State for public-school purposes is not more than the State is entitled to; that it will inadequately repay the State for arrested development and lessened population. I intend to offer an amendment for this 40-40 division.

Such a division can only partly atone for past injustice to Oregon on account of the illicit administration of the land grant.

Oregon is now the Nation's wood lot, with 13,148,941 acres of forest withdrawn from taxation. From this great untaxable area last year the State received the munificent sum of $49,000.

This bill puts 40 per cent of the proceeds of the land and timber into the general reclamation fund.

Oregon, with over 1,000,000 acres of arid land susceptible of irrigation, according to the reconnoissance of the Reclamation Service, has up to June 30, 1915, enriched the reclamation fund over $10,000,000 and has had returned but $3,758,812.32. Now, when we see further funds diverted to other States we are prone to cry out:

Quosque tandem, Catilina, nostra patientia abutere?
How long, O Catiline, wilt thou abuse our patience?

There are many features of the bill which I should like to comment on, but the limited time allotted to general debate does not permit. I shall try to discuss them when amendments are in order under the five-minute rule. A few features, particularly, I shall call to your attention now.

The State will never get more than one year's taxes from all this timber. It is doubtful if the State will even get that. The timber may be sold with payment in 10 annual installments. The bill provides for that, and that is most likely the way in which it will be sold. It is not to be taxed until patent is issued for the timber; patent is to be issued only on payment of the full purchase price, but patent may be issued on any legal subdivision when the full purchase price of the timber on such subdivision is paid. It will result from this that the purchaser, when he is ready to cut the timber from any particular subdivision, will pay the price of the timber on that subdivision and the same year will remove the timber. Assessments in Oregon are made as of March 1 of each year. A patent may be issued after March 1, and before the next March 1 comes all the timber could be cut.

The report of the Attorney General shows that the railroad company has received on account of the grant lands $3,500,000 in excess of what it is entitled to. If this claim of the Attorney General is found correct in the accounting suit provided for in section 7, this amount will be retained by the Government when it settles with the railroad company under the provisions of section 10. This amount will be treated as money already had and received by the railroad company.

Three million five hundred thousand dollars is equivalent to the payment for 1,400,000 acres at $2.50 an acre. The railroad company will not again be paid this amount. This $3,500,000 is retained in the Treasury of the United States. It is not treated as a part of the fund to be divided. The payment for 1,400,000 acres to the railroad company will not have to be made again. Yet section 10 of the bill takes no account of this fact, for it requires that before the proceeds of the sales are divided there shall be deducted therefrom $2.50 an acre for each acre of land revested. This deduction of $2.50 an acre is obviously made to enable the Government to settle with the railroad company. But why deduct $2.50 an acre for these 1,400,000 acres, or $3,500,000? The Government will not have to pay this sum to the railroad company. The railroad company has already received this amount. It has it in the $3,500,000 in excess of legal profits, and will be treated in the suit as money had and received by the railroad company. The Government will not have to pay it to the railroad company when settlement is made, so why take it out of the fund which is to be divided between the State of Oregon, the reclamation fund, and the Government?

We find the same incongruity in the matter of taxes. Under section 7 the taxes which should in law have been paid by the railroad company and which are to be advanced by the Government are to be treated as money had and received by the railroad company. The back taxes now amount to $1,565,458.88 (Mar. 1, 1916). Now, under the provisions of section 10, when settlement is had with the railroad company, this sum of $1,565,458.88, if found legally assessed, is to be retained by the Government. Yet section 10 also requires the deduction of these taxes from the proceeds of the sale before any division is made with the State and counties. The amount of these taxes withheld before division is to become the property of the Government. Thus the Government will be making a profit of 100 per cent for all it advances for taxes.

These two items, the excess of $3,500,000 and the taxes, amount to over $5,000,000, nearly 10 per cent of the highest valuation ever suggested for the grant lands.

By order of court, timber sales amounting to $190,000, payable in installments, were made. There are on deposit at Portland, Oreg., $90,000 from these sales and from condemnation suits. This amount and future payments by section 8 are vested in the United States.

This manipulation makes the 50 per cent division a delusion and a snare, for, instead of the State getting 50 per cent of the proceeds, the reclamation fund 40 per cent, and the Government 10 per cent, this division is not to be made until after the Government first gets a "rake-off" of over $5,000,000, not to count the $920,000 already received in the compromise suits.

Oregon's loss in settlement and population certainly is the Government's gain, to the tune of nearly $6,000,000, with a further 50 per cent division when the lands and timber are sold, amounting to an additional ten or fifteen million dollars.

No one need have any nightmare or apprehension over any "extremely liberal" consideration for Oregon in this bill. It falls far short of doing justice to the State. In equity and justice we are entitled to the full 40 per cent to the counties and 40 per cent to the school fund, as provided for in the Chamberlain bill, and that will not repay us for lands held in idleness for 50 years and now to be withdrawn from taxation for an indefinite period.

Our school fund is an irreducible fund. It is loaned on farm property; it in effect is a rural-credit fund. Every dollar allotted to the State is placed in this fund. The principal can not be drawn on; only the interest may be used for school purposes.

Some of these withdrawn lands are within port districts—municipal corporations organized under the laws of the State to improve ports and harbors. These port districts are improving the harbors on the Oregon coast in cooperation with the Government. They have put up dollar for dollar with the Government for that purpose. In all, these port districts have put up $2,000,000. They have bonded their lands to pay that sum. Their limit of indebtedness is 10 per cent of the assessed value of the property in the port district. Fifty per cent of the area

of Siuslaw and Umpqua port districts are in the area to be revested in the Government and withdrawn from taxation.

Many settlers settled on these lands thinking that the actual settlers' clause meant just what it said. A technicality, the lack of the definition of an actual settler in the granting act, the omission of proper regulations in the granting act exclude these settlers from any rights, although the Supreme Court says that their claims are supported by "appealing considerations." If worry and delay have not driven these settlers from the land since December 1, 1913, they may hold their lands if they do not contain more than 1,200,000 feet of lumber to the one-quarter section. If more, then they can only hold the 40-acre tract upon which their house or improvements are located. There was no timber restriction when they settled on the land; there should be none now if they are found to be settlers in good faith.

In homesteading these lands the bill fixes 300,000 feet of timber to the 40 acres as the line of demarcation between agricultural and timber land.

This would be fatal to the settlement of some of the best agricultural land in southern Oregon, according to the statement of the county court of Josephine County. M. J. Anderson, of Grants Pass, whom I have known nearly all my life, a man of intelligence and integrity, formerly a forest supervisor in Oregon, wrote to me. You will find his letter on page 537 of the hearings. He says, referring to a 1,000,000-foot timber classification, that "one ordinary Oregon tree per acre would throw the land out of agricultural class; six small 24-inch trees scattered about an acre, or such average over the 160 acres," would take the land out of the agricultural class.

I do not see how anyone knowing the facts in this matter, the past treatment, and what the future has in store for Oregon under this bill can reconcile them with the suggestion that the division of proceeds "may seem exceedingly liberal to Oregon." He can not do it unless he possesses somewhat the temperament of Warren Hastings, who, after listening to Burke's impeachment of the spoliation of India, said that when he considered his opportunities he was astonished or marveled at his own moderation.

Mr. Chairman, the adjustment of a land grant is ordinarily a prosaic subject with little sentiment in it; but, Mr. Chairman, when I am seeking justice for my State in this matter I can not suppress the sentiments surging in me when I think that these very lands were won and presented to the Government by the Oregon pioneers without any assistance from the General Government, but in the face of every discouragement and rebuff.

The Oregon country originally embraced with other lands the territory now in the States of Oregon, Washington, Idaho, and parts of Wyoming and Montana. The story of how the early Oregon pioneer saved for the United States this area is a thrilling tale full of romance and fascination. It is as the historian, Schafer, says, "A record of pathos, tragedy, and achievement not surpassed in any annals of our country." In the time at my disposal I can only give a bare outline.

By the treaty of 1818 the Oregon country was held in joint occupancy by England and the United States, free and open to the citizens of both countries. The powerful Hudson Bay Co. was England's representative in the Oregon country. A few intrepid American trappers, home builders, and missionaries were the sole guardians of our interests. The future ownership and control of this mighty empire was at stake—on the one side the colossal forces of the opulent and energetic Hudson Bay Co., backed by the wealth and encouragement of the British Empire; on the other the trapper, the pioneer home builder, and missionary, whose welfare gave our Government and foremost statesmen little concern.

Webster said in 1840:

The ownership of Oregon is likely to follow the greater settlement, the larger amount of population.

Another statesman said:

The ridge of the Rocky Mountains may be named as a convenient, natural, and everlasting boundary. Along this ridge the western limit of the Republic should be drawn and the statue of the fabled god Terminus should be erected on its highest peak, never to be thrown down.

Dayton is quoted as saying:

God forbid that the time should ever come when a State on the shores of the Pacific, with interests and tendencies of trade all looking toward the Asiatic nations of the East, shall add its jarring claims to our distracted and already overburdened confederacy.

The Oregon pioneer despite this dismal foreboding determined to form a State on the shores of the Pacific. Our Government was reluctant to bring to an issue its claim of sovereignty. Another treaty of occupancy was entered into, again leaving the future dominion over the Oregon country to be decided by the settlement and occupation of the frontiersman and hardy pioneer.

The Hudson Bay Co. enforced the laws of England on all its agents and employees. The Oregon pioneers were in reality without a flag, a country, or laws which they could invoke for their own protection. They sent repeated petitions to Congress urging in most eloquent language that our Government take speedy and formal possession of the Oregon country. They called attention to the richness, the resources, and the extent of the territory. They wrote, "we flatter ourselves that we are the germ of a great State, that the territory will be populated, that Congress must say by whom." Their petitions were ignored or lightly considered.

George Himes, the historian, says, "Had Congress been relied on, Oregon would inevitably have become a dependency of Great Britain." Their petitions to Congress availed nothing. So the intrepid pioneers proposed to form a government of their own. They were importuned by the Hudson Bay Co. and English influences to form an independent government. Had they done this Oregon soon would have been an English colony, and the boys from Oregon, Washington, Idaho, and parts of Wyoming and Montana would now be fighting in the bloodstained trenches of France.

Or perhaps Oregon would have been taken into the Union as Texas was, reserving the public lands for the State, but their love for the Stars and Stripes was too intense. Instead of organizing an independent government they organized, by the bare majority of two votes over the English vote, a provisional government until such a time as the United States should extend its jurisdiction over them.

The provisional government at first was ignored and defied by the Hudson Bay Co. The numbers of Oregon pioneers were weak. They wrote and sent speakers to their friends, neighbors, and relatives in the States urging them to cross the plains and settle in Oregon to save the Oregon territory for the United States. The Hudson Bay Co. and the English interests did likewise for their Government, writing to their friends in Canada and England, urging the peopling of the Oregon territory by the Canadians and English.

The race for Oregon was on. The emigration of 1843, which Horace Greeley said "wore an aspect of insanity," on account of its seeming foolhardiness, and that of 1844, across the dreary plains "with sickness and death their traveling companions," brought an overwhelming number of American settlers into the Oregon country. The provisional government was perfected and made secure and the mighty power of the "mistress of the sea" was compelled to recognize our supremacy and sovereignty over the greater part of the Oregon territory. And thus, as Fred Holman, the president of the Oregon Historical Society, tells us—

Without the aid, assistance, or protection of the United States, their daring patriotism in effect won an empire in extent for their country.

When we meditate, Mr. Chairman, upon the trials and sufferings of the Oregon pioneers, their virtues and achievements, we must conclude that the pioneers who won and conquered the Oregon country deserve to have their names inscribed on history's indelible scroll with the Pilgrim Fathers—the pioneers immortal. [Applause.]

Their children's children, not as mendicants asking alms, but as rightful heirs, demand that their heritage be administered in the fullest measure to upbuild their State and to promote their public schools.

For this reason, Mr. Chairman, all the granges, commercial bodies, and school districts in the State of Oregon have petitioned Congress that 40 per cent of the proceeds be allotted to the counties for roads and 40 per cent to the State for our public-school system. Thus and only thus will the purpose which the Supreme Court said Congress had in mind when passing the granting acts be fulfilled. [Applause.]

Mr. FERRIS. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I am going to yield enough of my time to ask the gentleman from Oregon a question, if he will tell the committee how he would dispose of these lands that are to be revested in the United States.

Mr. SINNOTT. I am not objecting to the disposition of the lands.

Mr. RAKER. That is what I am asking the gentleman; the only objection, then, the gentleman has to the bill is as to the disposition of the fund.

Mr. SINNOTT. If the gentleman had listened to my remarks he would know——

Mr. RAKER. I did, but the gentleman did not refer to that.

Mr. SINNOTT. I mentioned the division of the proceeds. I mentioned the timber classification, I mentioned the fact that there are certain settlers on the lands referred to by the Supreme Court which said that their arguments and claims presented "appealing considerations," and yet this bill absolutely ignores the great number of these people. They have but limited rights under the bill.

Mr. RAKER. I hope the gentleman will not take all my time. [Laughter.] Has he no further objection?

Mr. SINNOTT. If the gentleman will yield me an hour or so, I will mention several other objections. [Laughter.] There is another thing. You take out of the pot $3,500,000, and in addition to that you take $1,500,000 on the pretense that you are going to pay it to the railroad company, when you are not going to pay it to the railroad company, because that is to be deducted.

Mr. RAKER. Now, I can not yield any further. The gentleman is using up all of my time. [Laughter.]

Mr. SINNOTT. Does the gentleman want to ask me another question?

Mr. RAKER. Yes; but instead of answering the question, the gentleman is repeating his argument just made. [Laughter.] I ask the gentleman what disposition he would make of the land, but he does not tell us, and still the arguments go back solely and entirely to the disposition of the fund. The committee, after extended hearings on this bill as well as by subcommittee, with the assistance of the Department of the Interior, the Department of Agriculture, and Attorney General's office, tried to do three things. First, prepare a bill so that the title might be revested in the United States; second, that they might dispose of the lands; third, that the accounts or the money due by the railroad company as well as that which is due them under the Supreme Court's decision might be adjusted. I also might incidentally say fourth, providing for the very thing the gentleman from Oregon refers to the settlers on the lands.

The bill provides for the revesting of the title, for the disposition of the lands, and it seems to me in the best method it could, not only for the Government but for the State of Oregon and the citizens who desire to obtain the lands; and further, it provides for free actual homesteaders that might have a claim on the land.

Mr. DUPRÉ. Mr. Chairman, will the gentleman yield.

Mr. RAKER. Yes.

Mr. DUPRÉ. Does it give them preferential treatment?

Mr. RAKER. Yes; it gives preferential treatment to those who have actually settled on the land, but there are 15,000 pretended claimants to the land, some of them living in Canada, some living in the Eastern and Western and in the Southern States, none of them ever having seen the State of Oregon, or been upon the land, who desire now to be recognized and have rights granted to timberland that is worth a great deal of money.

Mr. ELSTON. It is claimed by a good many that the title is already in the railroad, that this clause is in the nature of a covenant and not a forfeiture. What are the provisions of the bill respecting that?

Mr. RAKER. The railroad company is entitled to $2.50 an acre for the land, and is entitled to further consideration in that the land be disposed of. The Government revests the title and then pays the railroad company $2.50 an acre, to which it is entitled, and the land is then disposed of to the end that it may be put upon the market and used, all of it. The record shows from the Southern Pacific land agent, Mr. McAllister, who is familiar with the land, that 41 per cent of it has been cruised and the balance of it gone over casually; that only 15 per cent of this land can be used for agricultural purposes at the present time and that the rest is heavily timbered land. The same appears from the statement of the Forestry Service that practically 15 per cent is agricultural land and the rest of it is heavily timbered land, running from 5,000,000 to 20,000,000 board-feet measure per 160 acres of land. The committee, after providing for the disposition of the land, specifies the three clauses—power sites, timberland, which is then designated, if it does not contain over 300,000 board-feet measure, and the balance to be classified as agricultural land, and in that is the mineral land. The gentleman complained that the State of Oregon will not get any consideration. The taxes up to the present time have been in the neighborhood of $1,500,000, paid to the State of Oregon by the railroad company. There are about $1,500,000 of taxes due to these counties, and the bill provides for the payment and the appropriation of money, to the end that the title may be clear and that the Government in handling it may not have any trouble with it.

The homesteader who goes on the land pays $2.50 an acre, agricultural land, and he may enter the land as other public land is entered and it will be subject to taxation. All of the timber is placed in shape that it can be disposed of to the best interest of the Government and to the best interest to the State of Oregon, leaving only that which the gentleman from Oregon [Mr. SINNOTT] insisted upon should be retained in the bill and not disposed of for two years, namely, some 2,000 acres, or a particular water or dam site, or watershed to the city of Portland. All of the land and all of the timber will be placed under taxation as soon as it can be sold. The State and the counties will then receive their proportion of the taxes, and as the timber is sold it will be the same, and the land is placed back on the market for the purpose of permitting it to be homesteaded so that as rapidly as possible the land may be disposed of. The bill then provides that the Attorney General shall commence an action against the company and all of those who claim any interest in it, to adjust the matter between the railroad company, the lien holders, and the Government, so as to give them $2.50 an acre, their interest in this land for the entire tract of land, charging them up with the excess that has been paid for the sale of the land.

Something has been said and will be in regard to the resolution of 1912. The first one of 1908 authorized the Attorney General to proceed. He did proceed. Then there was a question as to whether or not he had power to dispose of the entire matter. In 1912 the Attorney General with his assistant appeared before the Committee on Public Lands urging the adoption of the resolution of 1912, permitting that department to compromise some 46 suits that had been begun against parties who were grantees of the railroad company, by their paying to the Government $2.50 an acre. The Attorney General stated before the committee that there might be with their influence and with the general feeling a question of losing the case. That was compromised. It was then provided that within a year where no suits were brought, as to those who had bought from the railroad company tracts of a thousand acres or under the statute of limitations would apply, and therefore it cleared the title to something like 400,000 acres of land in about 4,000 people. The bill as reported by the committee has covered the entire subject and should pass without opposition.

The CHAIRMAN. The time of the gentleman from California has expired.

[By unanimous consent, Mr. RAKER was granted leave to extend his remarks in the RECORD.]

Mr. LENROOT. Mr. Chairman, I yield 40 minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman, on May 2, 1916, the Committee on the Public Lands of the House of Representatives reported favorably to the House H. R. 14864, relating to the Oregon and California land grant, commonly known as the Ferris-Chamberlain bill, for the disposition of certain large areas of land granted to certain railroads to aid them in the construction of roads in Oregon. The bill so reported becomes, of course, the basis for the action of this House to-day. I regret to say that the bill in its present form is a disappointment to our people and greatly defeats their reasonable expectation. Under the five-minute rule, when the bill is read for amendment, I expect to offer some amendments and to advance arguments in support of them, trusting that the House will, in its wisdom and its kindly consideration for our disadvantageous situation, modify some of the provisions of the bill materially in our favor. It is my intention at this time to state for the information of the House the essential facts in the case and the conditions that have arisen by reason of the grant, as well as to explain the reasons and purposes that moved Congress in the first instance to make the grant. I wish also to present for your consideration certain problems that our people will have to face under the proposed bill and the difficulties in which it places them, especially the people of the counties in which these lands are situated. This bill deals with the disposition of some 2,300,000 acres of lands. It faces the direct possibility of being rejected by the courts. It handicaps the development of a number of counties by largely reducing their tax rolls. I respectfully urge that it merits the careful and patient consideration of this great body of men.

Almost all of the lands in these grants are included in the district I have the honor to represent.

Any legislation should carefully provide against fraud or other improper practices, and I would not support this or any other legislation under which objectionable methods or corrupt practices may be possible.

I submit below the resolutions adopted by a most representative conference of citizens of Oregon. Delegates to this conference were chosen by the county courts, commercial and agricultural organizations, by the governor, and otherwise:

Resolutions adopted by the Oregon State Land Grant Conference, State Capitol, Salem, Oreg., September 16-17, 1915.

Whereas the people of the State of Oregon, by their representatives, duly assembled at Salem, Oreg., September 16 and 17, 1915, have been brought together by a common inspiration to consider the material welfare of Oregon made imperative by the rendition of the opinion of the Supreme Court of the United States in the case of the Oregon-California Railroad Co. et al. v. The United States, popularly known as the land grant case; and

Whereas in said case the Supreme Court has construed the acts of Congress of the United States approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1869, and the act of May 4, 1870, to be not only laws but enforceable and continuing covenants; and

Whereas said acts contain conditions for the sale of the lands granted thereunder, requiring the said lands to be sold to actual settlers in quantities not greater than 160 acres and for sums not exceeding $2.50 per acre; and

Whereas the said conditions plainly imply an obligation upon the grantees in said land to sell said lands to actual settlers who comply with the conditions of said grant, and bring themselves within the conditions of said grant as actual settlers; and

Whereas it is apparent that the grantees in said grant by the acceptance of said grant plainly agreed to convey the said lands according to the terms of said grant to such settlers upon the payment of the amount specified in said grant, and to make such conveyance upon the full performance of the terms of said grant by said actual settlers; and

Whereas the Supreme Court in its opinion of June 25, 1915, held that Congress should have a reasonable opportunity to provide by legislation for the disposition of said lands in accordance with such policy as it might deem fitting under the circumstances and at the same time secure to the defendants in said cause all the val the granting acts conferred upon the said defendants, at all times keeping in view the policy which will insure actual settlement of the lands rather than speculation; and

Whereas the United States Government has heretofore created national forests within the State of Oregon, occupying approximately one-third of the area of the State of Oregon, and thereby militating greatly against the growth and development of the State of Oregon: Therefore be it

Resolved, That it is the sense of this conference that the Congress of the United States should enact laws defining and settling who shall be considered an actual settler under the terms of said acts, and what shall be considered an actual settlement, and requiring the grantees under said acts to perform the terms and conditions of said acts, and sell and dispose of said lands according to the true intent and purpose of said acts to such actual settlers; and be it further

Resolved, That we are unalterably opposed to any further increase of forest reserves in the State of Oregon; and lastly be it

Resolved, That we urge upon Congress the enactment of legislation which shall provide for the immediate sale of said grant lands in quantities of not greater than 160 acres to any one person and to actual settlers at a price not in excess of $2.50 per acre, and to provide against all fraud in the settlement and disposition of said lands.

Adopted September 17, 1915.

WM. I. VAWTER, *Chairman*.
C. C. CHAPMAN, *Secretary*.

OREGON & CALIFORNIA RAILROAD LAND GRANT.

Congress, by an act approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1869, granted certain lands in Oregon as an aid in the construction of a railroad that was constructed from Portland south through the Willamette Valley on the east side of the Willamette River, through the Umpqua Valley and the Rogue River Valley to the southern boundary of the State. For each mile of construction the grantees were to receive the odd-numbered sections within place limits of 20 miles on either side of the road, or 12,800 acres for each mile of road constructed, in accordance with the terms of the grant. For lands lost to the grantees by reason of appropriation by others prior to the attaching of their right to any lands within the place limits they were given the right to select lieu lands within an indemnity limit of 10 miles on both sides of the place limits. Under this grant the grantees earned 3,821,901.8 acres.

Congress, by an act approved May 4, 1870, granted certain lands, under similar terms, as an aid in the construction of a railroad from Portland to Astoria and McMinnville, on the west side of the Willamette River. Under this grant 397,602.16 acres were earned.

Telegraph lines were to be built in connection with both roads.

The Southern Pacific Co. subsequently acquired both roads, and now owns and operates them. The granted lands were transferred to this company with the roads. The granting acts passed the title to the lands out of the Government, and nearly all the lands earned were patented to the grantees, to the amount of 2,894,295.23 acres. There are approximately 250,000 acres selected by the railroad not yet patented to it. The patented lands have been taxed for many years at an assessed valuation of both land and timber for county and State purposes. Under date of April 26, 1916, the Commissioner of the General Land Office advised me as follows by letter:

In reply you are advised that the estimated area of the land grant to the Oregon & California Railroad Co. under the act of July 25, 1866 (14 Stat., 239), commonly called the East Side Grant, is 3,821,901.8 acres, and that the estimated area of the grant to the Oregon & California Railroad Co. as successor to the Oregon Central Railroad Co. under the grant by the act of May 4, 1870 (16 Stat., 94), commonly called the West Side Grant, opposite the constructed portion of the road, is 397,602.16 acres, or a total of 4,219,503.96 acres. Patents have been issued to the company under said grants for 2,894,295.23 acres, leaving due to the company 1,325,208.73 acres. There are pending selections of the company amounting to approximately 250,000 acres.

THE PROVISOS.

While the granting acts gave the title to earned lands to the grantees, that title was not a fee simple of all the value of the land and its appurtenances, but appears to have been limited to a maximum interest of $2.50 for any acre, so far as any direct interest in the land is concerned. There is a further limitation also upon the power of alienation, set forth with great exactness of language.

The proviso in the act of April 10, 1869, reads as follows:

And provided further, That the lands granted by the act aforesaid (act of 1866) shall be sold to actual settlers only, in quantities not greater than one quarter section to one purchaser, and for a price not exceeding $2.50 per acre.

A proviso of similar import was included in the act of May 4, 1870.

By reason of the violation of the terms of these provisos by the railroad company in making sales and its refusal to make sales in accordance with their terms, and a decision of the Supreme Court of the United States upon these matters on June 21, 1915 (see 238 U. S. Repts., 393), the matter of these grants is now before Congress that Congress may make such disposition of them as the terms of the granting acts, the rights and interests of all parties concerned, and the decision above referred to will justify. And it is my belief that this Congress in enacting any legislation upon this subject, so vital to the welfare of the State, counties, and people of Oregon, should give force and effect to the intent of the former Congresses which passed the granting acts; that Congress at this late date should not deprive us of the value of a grant once made in good faith.

Prior to these grants, many grants were made by Congress to aid in railroad construction by which an unqualified title was given and no restrictions upon alienation imposed. The Supreme Court in its opinion, after referring to the grants made without restrictions and quoting from the record certain phrases characterizing the evils arising from such methods of making grants, says:

Informed by such experience, in substance is the contention, and solicited by petition and moved by the reasoning of some of its members, Congress changed its policy of unqualified bounty, and, while not refusing to contribute to the aid of great enterprises, sought to prevent the perversion of such aid to selfish and personal ends, and to promote the development of the country by the disposition of the lands to actual settlers.

And in making the grants now in question, Congress adopted the latter policy. The title passed to the grantees, with power to sell the lands under certain conditions at a maximum price of $2.50 for any acre; the proceeds were to be retained by the grantees and were in the nature of a bonus, which amounts to $32,000 for each mile of road constructed.

The purpose of this policy was twofold—to aid in the construction of railroads which would become parts of a great transcontinental system and to people of the country by requiring the lands to be sold to actual settlers only. The settlement and subsequent development of the lands was intended to be an aid to the railroads in providing traffic in passengers and freight, and to the State by peopling the new country and increasing the taxable area, from which both State and counties derive that financial resource which enable them to undertake and carry out their beneficent purposes. Taking into consideration all the debates had when the grants were made by Congress, it is clear that both purposes were of equal importance and to be equally subserved. The Supreme Court recognizes these two purposes in its decision (416-417). The State of Oregon, and the counties in which these lands are situated especially, depending upon the good faith of the railroads and of the Government in carrying out the purposes of the grants, are more or less largely dependent upon the taxes derived from these lands for the maintenance of the common schools, the construction of roads, and the support of their other institutions. Congress divested the Government of all title to these lands, and they have been on the tax rolls for many years, paying State and county taxes upon their assessed valuations.

FAILURE OF THE RAILROAD TO COMPLY WITH THE PROVISOS.

The lands patented under the grants amount to some 2,900,000 acres, and the lands claimed as earned by the grantees but not patented to 250,000 acres, in round numbers. Prior to the institution of the Government's suit in 1908, some 820,000 acres had been sold by the grantees, of which 296,000 acres were sold in general conformity with the restrictive provisions and 524,000 acres without reference to them. Some 4,930 sales

were made for quantities not exceeding 160 acres, and 376 sales for quantities exceeding 160 acres, to one purchaser. The Supreme Court says that prior to May 12, 1887, 163,430.28 acres were sold to actual settlers in small quantities at prices slightly in excess of $2.50 per acre. The Attorney General states that prior to 1894 few sales were made in quantities greater than 160 acres to one purchaser. From the dates mentioned until 1903 no special attention was paid to the terms of the provisos, but lands were sold as purchasers appeared and in such quantities and at such prices as were agreed upon. The lands were withdrawn from market in 1903.

Two things resulted. The railroad company had made itself obnoxious to the law by its violations of the provisos prior to 1903, and after that date by its refusal to sell it obstructed the settlement and development of the lands and aroused the people of the State to demand that it obey the terms of the provisos. This demand had gained considerable strength in 1906, so that the Legislative Assembly of Oregon in 1907 memorialized Congress on the subject. There was also a constant and growing demand on the part of purchasers for the lands.

CONGRESS ACTS.

When the matter was submitted to Congress, Congress, deeming itself not prepared to pass upon the rights of the parties, gave them their day in court by the adoption, on April 30, 1908, of a joint resolution authorizing and directing the Attorney General of the United States to institute and prosecute any and all suits in equity, actions at law, or other proceedings to enforce any rights or remedies of the United States arising and growing out of the granting acts. Proceedings were brought in the United States District Court for the District of Oregon. This court held the lands for forfeiture to the United States. (See 186 Fed., 861-910.)

ACT OF AUGUST 20, 1912.

During the progress of the suit in the district court and pending action thereon it developed that in some patents issued to the grantees by the General Land Office the restrictive provisos were omitted. What proportion of the lands were so patented I can not now say. Purchasers of lands under patents issued without the restrictive provisos were not put on notice. Although everyone is supposed to know the law, the omission by a public official of an important provision from so formal a public document as a patent raised the question whether innocent purchasers were not relieved by the omission. Other patents recited the provisos or referred to them. Large areas of the lands, bought without reference to the restrictive provisos, were being productively used and considerable capital had been employed in their development. Reputable attorneys had passed favorably upon the abstracts of title.

It was the intention of the Department of Justice at first to ask for forfeiture of the lands sold in violation of the provisos as well as for forfeiture of the lands still unsold. A more careful examination, however, caused the department to suggest a different procedure. There were equities in its opinion in favor of the purchasers that did not exist in behalf of the railroad. Joining both parties in the suit for forfeiture might therefore have endangered the whole suit. The proposal was to proceed with the suit for forfeiture against the railroad, but to deal with the purchasers by legislation. Under the legislation the purchasers were divided into two classes—those who had purchased less than a thousand acres, against whom proceedings were not intended because of the great numbers of them, the difficulty in ascertaining their addresses, the expense, and the length of time it would take to try them, and after two years their title was to be incontestable; the second class consisted of those who had bought more than a thousand acres, who were to be allowed to come into court, confess judgment of forfeiture, and receive a patent upon payment to the Government of $2.50 per acre. The result of this legislation was to leave a clear-cut issue with the railroad over the provisos.

The Government has received nearly a million dollars from purchasers who confessed forfeiture and repurchased the lands under the conditions above stated.

BEFORE THE SUPREME COURT OF THE UNITED STATES.

The case was appealed by the railroad company to the Supreme Court of the United States. Decision was rendered by that body on June 21, 1915, which decision is reported in Two hundred and thirty-eighth United States Reports, page 293. The four parties which had appeared in the district court appeared before the Supreme Court. These were the railroad company, the Government, the cross-complainants, and the intervenors. The attorney general of Oregon appeared also in behalf of the interests of that Commonwealth. The cross-complainants were persons who had gone on the lands as actual settlers, each offering to pay to the railroad company $2.50 per acre for a quarter section of land. The intervenors were persons who had offered to purchase quarter sections at $2.50 per acre, without having become actual settlers on the lands. Sales were refused to both cross-complainants and intervenors.

The Government contended that the provisos were conditions subsequent, and that the railroad's disregard for and violation of them operated to work the forfeiture asked by the Government. The railroad maintained that the provisos were restrictive and unforceable covenants. The cross-complainants urged that the provisos created a trust for actual settlers and asked an enforcement of the trust. The intervenors gave the trust contended for a wider scope, so as to include all persons who desired to make actual settlement upon the lands. The attorney general of Oregon declared it to be to the interest of the State that the lands shall be "subject to settlement and improvement, as contemplated by the provisions of the grant, in order not only that those vast areas of the State may be improved, but also that the lands may not be withdrawn from taxation, thus depriving the State, and especially the 18 counties in which they are situated, of a large proportion of their resources from direct taxation."

The decision of the court is long and in many respects disappointing. Possibly it could not have been otherwise. While there were a number of issues involved, three stand out from a practical standpoint:

First. What were the provisos in effect?

Second. What was the extent of the railroad's interest in the lands under the grant?

Third. What was necessary to be done to secure the enforcement of the grant?

The court decided that the provisos were not conditions subsequent, as claimed by the Government, and, therefore, the forfeiture asked for was refused, but that they were covenants and enforceable, thus denying the railroad's contention. The court denied the claims of the cross-complainants and intervenors, with tears in its eyes, apparently upon the theory that the Government only could ask for the enforcement of the terms of the grant. In holding that the provisos constituted enforceable covenants, the court did not say whether or not they could be enforced by the courts, except by possible inference, but referred the matter to Congress for such action as it may be possible for Congress to take, without indicating what that action should be, except in an indefinite reference to the public interests.

The court enjoined the railroad company from selling any of the lands or timber thereon, and from the cutting and removal of any timber for a period of six months from the date of the entry of the decree by the district court, but after that date the company may apply for a modification of the decree so as to permit it to dispose of the lands and timber according to the terms of the provisos. With this application the court can deal as it thinks wise.

The decision does not determine what the total interest of the railroad is in the grant; it confirms the interest of $2.50 per acre for the land, but whether that is its entire interest is not stated; and in its reference of the matter to Congress it enjoins that "all the value the granting acts conferred upon the railroads" be secured to them. A more indecisive phrase than "all the value" could hardly have been chosen.

The court does not indicate what action Congress can take. What can be done is to be inferred or deduced from the decision and limited by whatever rights the railroads have acquired and can not be divested of. It is important that whatever legislation is enacted be valid in the courts. Litigation over the question of forfeiture by the courts occupied some seven years. Legislation enacted at this time, unless clearly within the power of Congress and properly providing for the rights of the grantees and their transferees, will be attacked by them. Their claim is substantially that they own the land, timber, and so forth, and can use or lease them, and are limited by the provisos only when they may at any time conclude to sell a tract of land. Their representatives appeared before the Committee on the Public Lands with a proposal to compromise for the sum of $10,000,000 additional to that already received by them from the grant from various sources. Legislation now enacted which would be contested in the courts over another period of years would be a disaster to us.

Referring again to the phrase used by the Supreme Court consisting of the words "all the value the granting acts conferred upon the railroads," their indeterminate and indecisive character is emphasized by the fact that the United States Court of Appeals at San Francisco, Cal., has within a few days certified

a list of questions to the Supreme Court, all of which I give below, but from which I now quote question 4:

Is the expression "all the value the granting acts conferred upon the grantees" or anything else in the decision of the Supreme Court contained to be taken as meaning that said grantees and their successors in interest have only an equity in the proceeds of the sales of the lands in question to the extent of the statutory selling price thereof?

Which is $2.50 per acre. These questions indicate the uncertainty in the minds of the appellate judges as to what the rights of the parties are under the decision. If the above question is to be answered in the affirmative, the legislation proposed in the pending bill has no ground to stand on.

QUESTIONS OF LAW CONCERNING WHICH THE COURT OF APPEALS DESIRES INSTRUCTIONS OF THE SUPREME COURT FOR ITS PROPER DECISION.

1. Was the decree of the District court of December 9, 1915, in accordance with the opinion of the Supreme Court?

2. If not, should the District court have made and entered its decree in the manner and form as proposed to it by the defendants in the decree submitted by them and set forth in the approved statement of facts?

3. During the continuance of the estate granted by the acts of Congress mentioned in the opinion of the Supreme Court, and while the grantees thereof and their successors in interest retain the same, have such grantees or their successors in interest, within the decision of the Supreme Court, the right to cut or remove or to authorize the cutting and removal of the timber thereon, or to remove or authorize the removal of mineral or other deposits therein or to sell the timber thereon or the mineral or other deposits therein, apart from the sale of the land bearing the timber or containing the mineral or other deposits, except as such right is suspended pending the congressional action referred to in the decision?

4. Is the expression "all the value the granting acts conferred upon the grantees" or anything else in the decision of the Supreme Court contained to be taken as meaning that said grantees and their successors in interest have only an equity in the proceeds of the sales of the lands in question to the extent of the statutory selling price thereof?

5. Does the decree of the district court conform to the mandate of the Supreme Court in the insertion in the second paragraph of such decree of the following: "And from selling any of the timber on said lands, or any mineral or other deposits therein, except as part of and in conjunction with the land on which the timber stands or in which the mineral or other deposits are found, and from cutting or removing or authorizing the cutting or removal of any timber thereon, or from removing or authorizing the removal of any mineral or other deposits therein, except in conjunction with the sale of the land bearing the timber or containing the mineral or other deposits"?

6. Does the decree of the district court conform to the mandate of the Supreme Court in failing to make provision for the termination of the injunction contained in the decree in the event that Congress shall make provision as therein provided?

SAN FRANCISCO, CAL., *May 12, 1916.*

STATEMENT OF PRESIDENT SPROULE.

In order that the House may have a statement of the position of the Southern Pacific Co. and the nature of the claim made by that company as the present owner of the grant, I submit a statement issued by President Sproule. This statement has been printed in circular form and also printed in the news columns of a number of papers. While I have had no communication with the company during the progress of this case, I presume the statement is authentic. I submit it simply for the information of the House:

The United States Supreme Court held that the company is the owner of the lands under the grant, with absolute title, subject only to the restriction that when it chooses to sell these lands it shall sell them only to actual settlers in parcels not exceeding 160 acres and at a price not exceeding $2.50 per acre. It reversed Judge Wolverton, who had held that because the company had sold these lands with the timber thereon in larger parcels than 160 acres and to persons not actual settlers and at prices exceeding $2.50 an acre the company forfeited its title to all the land unsold.

After receiving the grant the company offered the lands for sale in accordance with these restrictions, and in early times sold substantially all the lands that were suitable for settlement at prices not exceeding $2.50 an acre. But as the remaining lands were of a character not suitable for actual settlement, being timberlands in the mountains, it could not dispose of such lands by selling to actual settlers only, no such settlement being practicable.

Thereafter the company did make sale of timberlands in larger tracts than 160 acres to persons other than actual settlers and at prices exceeding $2.50 an acre. It was these sales that were made the foundation of a claim on the part of the Government that the company had forfeited its title to all the lands unsold, which claim was rejected by the United States Supreme Court.

In view of the decision of the Supreme Court, the company insists that being the owner of these timberlands, and under no obligation to sell them, and, in fact, it being impossible to sell them under the restrictions of the grant, it has the right of any other owner to dispose of the timber on those lands, just as it would dispose of any other crop produced by the land, at the same time admitting that when it comes to sell the land itself it must do so under the terms of the grant. The cutting of the timber from these lands is in fact a step toward making them fit for settlement, so they may be disposed of under the terms of the grant.

But the Government contends that the company shall not be allowed to realize more than $2.50 an acre for any of these lands, even though they may be worth many times that amount because of the timber thereon, and that, therefore, the company has not the right to dispose of the timber growing upon these lands. It is strange indeed that the Government should now maintain that the company has no right to the timber upon these lands, because for many years before coal was used as fuel it used this timber as fuel, without question, and the right to do this is clear, because the act of Congress granted the lands "to secure safe and speedy transportation of mails, troops, munitions of war, and public stores over the line of said railroad." Of course such object could not be accomplished without fuel to produce motive power.

And, further, this provision of the law implies that the road shall be maintained, and certainly the use of this timber for ties and lumber to be used in the construction and maintenance of the road would seem to be a matter beyond doubt.

Further, the Government in the third section of the act expressly granted the company the right to take timber from the Government sections of land adjacent to the line of road, and under section 10 it allowed the taking of timber from lands excepted from the grant by reason of being mineral. In view of this express grant to take timber from lands owned by the Government and not included in the grant, upon what pretext can the Government deny the company the right to take timber from the land granted to the company?

The facts show that the position of the Government, if carried out, would force upon the company a large financial loss. In other words, while the grant was one to aid the construction of a railroad, it would turn out to be, if the position of the Government is correct, the means only of producing a deficit for the grantee and this appears from the following facts, stating in round figures:

Expense to the company of administering this grant	$1,372,000
It has paid taxes on these lands aggregating	2,758,000
Making total expense and taxes	4,130,000
The company's total cash receipts from all sources under this grant, including sales of lands, amount to	5,345,000.00
This leaves the company a net revenue from past transactions of	1,215,000.00
The lands of this grant heretofore sold aggregate (acres)	804,637.75
Which have yielded the company therefor an average net revenue for the lands sold per acre of	1.51

And further, this grant required the company to carry free for the United States its mails, troops, munitions of war, and public stores over this railroad without limit as to time. The value of this free transportation at regular rates which have been furnished the Government equals $2,084,467, which amount exceeds the receipts of the company under the grant by $808,644. It embraces the service between Portland and Roseville Junction, 664 miles.

From the experience of the past we may be certain that the company will be called upon to furnish the Government free transportation of the value of $75,000 per annum, and this is a perpetual obligation. Now, if we could sell every acre of the land at present unsold, viz, 2,400,000 acres, at the price of $2.50 per acre, this would yield $6,000,000, which would be used up in 80 years by the free transportation which we are bound to furnish the Government, leaving the company thereafter—for all the time—to furnish transportation to the Government without compensation.

But there is a considerable quantity of this land, at least 400,000 acres, which can not be sold at any price, hence the amount that could be realized by sales would be something like $5,000,000 or $4,000,000 at the utmost, from which expenses of administration and taxes must be deducted.

The company therefore insists upon its legal rights as the owner of these lands to dispose of the timber thereon; and any fair adjustment of this matter with the Government, considering all the facts, would not deny to the company this right—a right which in a similar transaction between private individuals would not be questioned for a moment.

THE INTEREST OF OREGON AND HER PEOPLE.

Prior to 1840 there had been some settlement in western Oregon, which, though not large in numbers, was excellent in character. After that date the call of the Great West was heard in all parts of the United States and elsewhere, and the numbers so increased that Congress admitted the State into the Union in 1859. The general character of its citizenship has always been of the highest quality. Its early communication with the world was by the long and dangerous roads across what was then known as the Great Desert and by the rivers to the sea. The territory was of great extent. The land was rich, fertile, and capable of sustaining a numerous people. All crops that flourish in the Temperate Zone thrive and produce abundantly. Congress made these grants to provide better means of transportation and to promote settlement. One road was to provide an outlet to the ocean at the mouth of the Columbia River, the other to connect with the great transcontinental railroads then being built from California to the East. There is no doubt but that Congress intended that these lands should pass into private ownership for purposes of development and to become a part of the taxable area for the support of the institutions of the State and its municipal subdivisions. We can see no reason now for changing the destination of the lands. We believe we are entitled to the full value of the grant as Congress intended to the same extent, for instance, as in grants of lands for school purposes. It makes no difference whether that value is of one kind or another, Congress granted to us whatever it contained to promote settlement and development after the railroad's claim had been satisfied. Eighteen counties in western Oregon have portions of these lands in them. They form a considerable proportion of the taxable area in several of them.

The table given below shows first the acreage of the grant lands in each county; then the total acreage of other lands taxed for county and State purposes; next the lands in forest reserves, as given by the Forest Service, and the lands in Indian reservations, as stated by the Indian Office; the fourth column gives the acreage of public lands under control of the General Land Office, which are additional to those in the preceding column; and the last column gives the total acreage, as given by the Oregon Blue Book, an official State publication. The acreage included in the brackets was obtained from a source other than the assessor's statement.

The withdrawal from taxation of the grant lands in these counties will be a serious matter for all of them. It is of especial concern to several which have very large acreages of the grant within their boundaries. The percentage of acreage that will be lost to taxation in five counties is as follows:

	Per cent loss.
Josephine	52.0
Jackson	36.6
Douglas	31.2
Lane	18.3
Coos	12.4

These serious reductions in the taxable area, with the consequent annual loss of taxes incident thereto, strongly support our contention for a more generous proportion of the proceeds derived from the proposed sales of the grant lands and timber than the pending bill provides.

County.	Oregon & California Railroad land according to county assessor.	Other taxed land according to assessor.	Reserved land as given by Forest Service and Indian Office.	Public land by General Land Office.	Total land by Oregon Blue Book.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Benton	55,627	113,798	640	5,855	440,320
Clackamas	98,296	520,814	528,127	9,285	1,192,960
Columbia	18,000	.....	.....	.....	421,680
Coos	121,045	553,605	89,930	16,001	1,041,920
Curry	23,400	.....	596,176	40,368	958,720
Douglas	650,418	1,106,253	985,667	39,631	3,150,455
Jackson	464,560	803,516	397,494	57,145	1,815,040
Josephine	301,768	280,172	390,720	41,155	1,120,640
Klamath[1]	42,983	572,800	922,089	990,779	3,339,360
Lane	300,110	1,261,241	1,361,243	29,086	2,951,680
Lincoln[2]	16,000	422,885	116,229	5,074	645,120
Linn	62,870	933,582	435,902	1,874	1,435,520
Marion	51,062	507,406	193,114	125	764,160
Multnomah	9,000	164,509	57,442	1,360	288,640
Polk	37,000	.....	2,695	600	453,760
Tillamook	30,000	680,000	62,231	21,042	720,000
Washington	17,932	101,241	.....	320	467,840
Yamhill	28,655	389,997	23,237	370	456,960

[1] Indian lands, 817,896 acres. [2] Indian lands, 37,000 acres.

These lands, being the odd-numbered sections, are checkerboarded in with the even-numbered sections. This increases the cost and difficulty in constructing roads, maintaining schools, and other forms of development. Adding to this the great areas in forest reserves and other reserved lands, the difficulty is further increased. The forest lands are, of course, untaxed. The grant lands are now taxable, but settlement and development would increase their taxable value.

What I am insisting upon is this: The taxable status of these lands should not be changed to an untaxable status for any period whatever. As above shown, the counties have only a portion of their superficial area available for purposes of taxation. A certain and regular income from taxation is essential to their progress, and it might be said in the case of some of them, to their existence. To deprive them of this would be inimical to their welfare. In other words, by appropriate legislation enforce the terms of the grant.

It appears to me that if the policy of enforcing the terms of the grant were adopted, it would be possible, without encountering as many difficulties as will be involved in the adoption of any other policy, to provide for the disposition of these lands in accordance with the decision of the Supreme Court and conserve all legitimate interests in a proper way; that by so doing further litigation might be avoided; that the work of the counties would not be hindered, interrupted, and embarrassed, nor the lives of our citizens be embittered by the addition of unnecessary burdens of taxation.

There are scores of rural schools in these counties. The removal of the grant lands from the tax rolls will reduce the funds available for their support and impair seriously the educational advantages of thousands of children.

Congress made this grant to promote the settlement and development of a new and great Commonwealth on the Pacific coast, making it in such terms and under such conditions that it must inevitably become a part of the taxable area and the scenes of the operations of that great army of civilization and soldiers of the common good—the home builders who tame for the habitations of men the wild and vast unoccupied spaces of the primeval earth. This transformation is taking place. [Applause.]

Now, if another Congress, a half century later, because of no fault of Oregon or her people, but because the intermediate beneficiary—the railroad—has acted wrongfully, proposes to resume the grant and dispose of the same by sales, it should, acting as if for us, after discharging the claim of the grantees and reserving sufficient to reimburse the Government for the costs of administering upon the grant, deliver the remainder to us for our public uses, at least to the extent originally provided in the bill. We have done no wrong, been in no default, violated no law or condition, have proceeded as we ought to have proceeded, and ought not to be made to suffer.

Oregon and her people were the ultimate beneficiaries under the original grant, the railroad only an intermediate beneficiary with a limited interest. There is reason for proceeding against the intermediate beneficiary, yet under the decision of the Supreme Court it must be paid the full value of its interest. There is no reason for proceeding against the ultimate beneficiaries or depriving them of the proceeds of the grant further than to pay the claims above stated. We should receive full value also, and all that is done should be for our benefit and in our interest. Since it is now proposed to change the form of the grant its value should be paid to us, as above indicated.

Moreover Congress, when making the grant, took care of the interest of the Government. Prior to the grant these lands were for sale at $1.25 per acre. The act, while granting the odd-numbered sections, reserved the even-numbered sections, and provided that the price per acre for the latter should be not less than $2.50. This meant that the Government was to receive for the even-numbered sections under the grant as much as it would have received from all if the grant had not been made, and such additional amounts as the building of the railroad, the settlement of the country, and the establishment and maintenance of a civilized government in that section would add to the value of the even-numbered sections.

The conclusion is that since it is now proposed to change the arrangement, Congress ought to provide that the proceeds of the grant, after paying the charges above indicated, shall be paid to the State for its common-school fund, to the land-grant counties, and to the ports in proper proportions, at least according to the terms of the bill as originally drawn.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SINNOTT. I do not know whether the gentleman is going into the subject, but I understand he has been over these lands repeatedly, hunting and surveying, and that he knows more about the agricultural nature of the lands probably than anyone here. Does the gentleman intend to go into that matter?

Mr. HAWLEY. I will say in reply to the gentleman's question that in my judgment, having lived in that country all of my life, born there, large areas of this land involved in this suit are immediately capable of cultivation and settlement, and there are other large areas that can be added to them. What proportion that will be finally I can not tell, but it will be more than a moiety by a great deal, in my judgment.

Mr. SLOAN. Will the gentleman yield?

Mr. HAWLEY. I will yield to the gentleman for a question.

Mr. SLOAN. Will the gentleman state briefly what the present value of these unoccupied lands is, concerning which he has spoken as being fit for cultivation?

Mr. HAWLEY. The gentleman means the value per acre?

Mr. SLOAN. Yes, sir.

Mr. HAWLEY. It would altogether depend upon the character of the soil and location of the land, how close to market or other enterprises, how close to schools, and so many other conditions are involved that it would be almost impossible to tell. I can tell the general value of particular areas, but it would be difficult to fix a price per acre for land so widely scattered.

Mr. SLOAN. It would be greater approximately than $2.50 an acre?

Mr. HAWLEY. Yes. On the timber there is an assessed valuation of about $22,000,000, so I am informed by the tax officers. This is probably the value for market purposes at this time.

Mr. RAKER. Does the gentleman think the statement of McAllister——

Mr. HAWLEY. I did not hear the McAllister statement and consequently can not properly express an opinion upon that——

Mr. RAKER. Where it was said about 15 per cent of these lands was capable of being cultivated at the present time?

Mr. HAWLEY. The gentleman knows from his own experience that people go out on the public lands and find homes on lands that the railroad might not esteem fit for that purpose.

Mr. SINNOTT. Will the gentleman yield for a statement in answer——

Mr. HAWLEY. Yes.

Mr. SINNOTT. That 75 per cent of the land was susceptible of cultivation? That was the statement of the Commissioner of the General Land Office, and he got that information from the agent who went out and examined the land.

HARBOR IMPROVEMENT DISTRICTS.

Mr. HAWLEY. An illustration of the injury resulting from the removal of the lands from the tax rolls is found in the situation of districts organized under State law for the purpose of aiding the Government in the improvement of the waterways within the districts. These port districts are public corporations, with the taxing power and the authority to sell bonds. The ports have incurred a bonded indebtedness of over $2,000,000. Under authority of Congress, the War Department has received this money and has been and is using it in the construction of works of improvement duly adopted by Congress. These waterways will, of course, be open to the use of navigation generally, and the benefits arising from the improvements will not be confined to the localities which have contributed one-half to their cost.

There are a number of port districts in Oregon, but the following are specially interested in the pending legislation by reason of their including considerable areas of the grant lands in their districts—the ports of Nehalem, Tillamook, Siuslaw, Umpqua, Coos Bay, and Coquille. The ports did not anticipate the removal of these lands from the tax rolls. Such reduction will result in increasing the rate of taxation on the remaining lands. For instance, the port of Siuslaw has an assessed valuation of taxable property within its boundaries of $4,500,000, of which $1,408,685 consists of the valuation of grant lands, or over 30 per cent. Other ports will be similarly affected. I have here a statement which gives the details, and under the five-minute rule it is my intention to ask that the bill be amended to provide for the relief of the ports and will at that time explain their situation more fully.

It would be a travesty of justice if enterprising people who have undertaken to burden themselves for the public good should not be equitably provided for in the pending bill.

In the map on the easel the green represents the forest reserve in that portion of Oregon west from the backbone of the Cascade Mountains and on the Coast Range on the Pacific side. The red-checked spots represent the granted lands.

The CHAIRMAN. The Chair desires to inform the gentleman he has used 35 minutes.

Mr. HAWLEY. Very well. The white are either the lands in private ownership or public lands of the Government not yet appropriated.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. HAWLEY. I will.

Mr. JOHNSON of Washington. Has any real progress been made toward classification of the land on the large tract shown as forest reserves?

Mr. HAWLEY. Well, there has been some progress, but it seems to us to be slow.

Mr. JOHNSON of Washington. Not so as to invite any real settlement?

Mr. HAWLEY. Only settlement to a limited extent. The port of Siuslaw includes the land within the yellow lines here. I take this port because it will very clearly explain the situation. In this area there are $4,500,000 of assessed valuation. From the red-checked spots you can see the proportion of the grant lands within the port's boundaries. When that port was organized many years ago the land grants were being taxed under the county and State authority, and that port district was organized before there was any question of revesting title in the Government. The port had a right to expect that the grant lands would continue to bear a portion of the tax burden. The port has contributed to the improvement of the public harbor at Siuslaw about $325,000.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. LA FOLLETTE. There is a railroad running out of that grant land down to the——

Mr. HAWLEY. From Eugene to the city of Marshfield—just recently constructed.

Mr. LA FOLLETTE. That gives two outlets instead of one for their products.

Mr. HAWLEY. Now, if compensation in this bill is not made to this port, which has contributed $325,000 for the improvement of a public harbor of the United States, expecting to pay the bonds issued to get this money from the proceeds of taxation of property within the port limits—if no provision is made for the relief of this port, the time will come in a few years when they will need to pay their bonds and the burden of taxes to accomplish that purpose will be very great. There is another reason. You see within these lines this area of green. That is a forest reserve—valuable timber which had no way of moving out to the markets of the world and consequently had practically no market prior to the improvement which is now approaching its completion.

There has been added to the value of these most favorably located forest lands an immense value by reason of the improvement of the waterway. They not only have rendered a public service in opening a waterway, to which they have contributed one-third of a million dollars, but have greatly increased the value of the property of the United States. At the proper time I propose to offer an amendment, which I trust this committee will approve.

Mr. MILLER of Pennsylvania. Will the gentleman indicate the lands in dispute?

Mr. HAWLEY. The red-checked ones.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HAWLEY. For a question.

Mr. JOHNSON of Washington. Now, since this timber in the forest reserve near the port of Siuslaw is greatly increased in value through the development of that port, will not the placing in the market of a great quantity of timber right around the forest-reserve timber reduce the value of both and destroy the value of the forest reserves and keep all out of taxation?

Mr. HAWLEY. I have an answer to that which I have written out.

ACCRUED TAXES.

The bill proposes that there shall be advanced from the Treasury of the United States a sum sufficient to pay the taxes levied by the taxing powers in the counties in which the grant lands are situated, and which have now accrued and are liens upon the lands. For the years 1913, 1914, and 1915 such taxes are reported to aggregate over $1,300,000. These taxes are to be paid in order that the United States may obtain, and so be able to give to purchasers, an unencumbered title to the land and timber thereon. Nearly all the lands involved in this legislation have been patented to the railroad company and are clearly subject to taxation. The accrued taxes are a burden upon the lands and the title thereto and will so remain until paid. Resumption of title by the Government will not divest others of rights in the lands legally accruing and attaching thereto prior to the taking effect of the actual act of resumption. Whether the bill authorizes the payment of interest and the penalties fixed by law upon taxes that have become delinquent is not clear.

SETTLEMENT ON THE LANDS.

It was the intention of Congress when making the grant that the lands should pass as soon as possible into the possession of actual settlers. Congress has held the public land in trust for the people and has made the lands available for settlement and development. As a result, in every generation indomitable men and women have left the settled sections of the country, seeking homes on the frontier. The pioneers have been and are the advance guard of an ever-victorious army of civilization. Their willingness to undergo the privations, dangers, and hardships incident to the making of homes in a new country gradually but irresistibly extended our borders. That our country extends from sea to sea we owe to them. The pioneer spirit has been one of the most valuable characteristics of our people. Recognizing this fact, Congress devoted the lands in this grant to the settler, who has everywhere laid the foundations of the Republic. These lands should still be devoted to settlement. A family on every habitable portion of our land is the best guaranty of our future security and prosperity. Any tract of fertile and cultivable land will in a score of years or less be worth more and produce more than it will in a hundred or hundreds of years if left in a state of nature. While I do not think the bounties of nature should be wasted, I am for men, women, and children. [Applause.]

The bill does not provide for settlers who went on the lands in good faith and, after having spent considerable sums and time in making improvements temporarily, left them to earn more money for their improvement. Their absence is due to the refusal of the railroad to sell and the long continuance of the litigation. The date of settlement of those now on the lands should be fixed at a later date than the one given in the bill. Preference rights should be given to both these classes.

The chief purpose of the provisos was to provide for settlement upon the lands granted. The refusal of the railroad company to sell to the actual settlers is a material portion of the basis of the action against it. The actual settlers have a very strong case and claim for favorable consideration.

THE PROPOSED SETTLEMENT.

From the methods of disposing of this grant, the Committee on the Public Lands have chosen that of revesting title to the lands in the Government. This will operate to abrogate

the exclusive right of Oregon and her people. It provides for their sale, in part, and the division of the proceeds with others—strangers to the original grant. It risks prolonged litigation.

But I must not forget to state that the proposed legislation evidently proceeds upon the theory that the railroad company by reason of many acts in violation and in noncompliance with the terms of the grant has forfeited its right to manage the grant in its own interest and as the intermediary or agent for its disposal to those for whom it was originally ultimately intended. The refusal of the railroad to comply with the terms of the grant lies at the base of all the proceedings that have been had in reference to the grant—former proceedings as well as these.

That this matter is pending before Congress at all is due to the action of the people of Oregon. They waited many years and used all proper means to induce the railroad to comply with the terms of the grant. This being refused, they demanded the enforcement of the grant and their rights thereunder.

I earnestly call the attention of the Congress to the fact that when proceedings were instituted under the act of April 30, 1908, the Department of Justice made the demand for forfeiture the relief first asked for, contrary to the wish of the people of Oregon, who had caused the suit to be brought. The Supreme Court totally denied forfeiture as a judicial remedy. Whether it will uphold the relief asked for by the pending bill, of a related nature, is a very grave question.

The settlement proposed by the bill is to take the lands from the railroad and pay them $2.50 per acre for the lands still undisposed of. Whether this amount of $2.50 per acre is all the value that the railroad company has in the grant will still be left for the courts to determine. If the railroad's interest in the grant can be thus eliminated, the lands thus returned to the Government will be divided into three classes and disposed of as follows:

1. Power-site lands, withdrawn and held under conditions that amount to a permanent withdrawal, and their value is lost to the State, counties, and people of Oregon.
2. Timberlands, which is to include lands having a growth of timber of 300,000 board feet or over for each 40-acre subdivision, as estimated by the Government.
3. Agricultural lands, which consist of all lands not included in the previous classes.
4. Mineral entry, exploration, and disposition can be made on the timber and agricultural lands.
5. Any of the lands, however first classified, can be reclassified by the Secretary of the Interior whenever and as many times as he may desire.
6. Rights of way of all kinds for the removal of timber and for any length of time the Secretary of the Interior may fix are reserved over all classes of these lands when patented to purchasers or settlers.
7. When the merchantable timber on the lands in class 2—that is, the timberlands—has been removed the lands thus cut over will become subject to homestead entry without the payment of $2.50 per acre.

The timber on the lands classed as timberlands is to be sold by the Secretary of the Interior when in his judgment "reasonable prices can be secured therefor in a normal market," whatever that may mean, upon public competitive bids, to be paid for in cash or upon 10 yearly payments, in such quantities as the Secretary may think proper to offer. He can reject all bids. Large tracts of land may be divided into their smallest legal subdivisions at the request of purchasers which may result in the segregation of exceptional stands in such tracts for speculative purposes.

Buyers of timber receive a patent for the timber only, which must be removed within a specified term of years, and if any timber is not removed during the period specified the buyer loses it. It is proposed to make the timber so sold, separate from the land, taxable under the laws of the State.

The agricultural lands can be homesteaded by actual settlers who must pay $2.50 per acre for the lands; 50 cents to be paid when entry is allowed and $2 when final proof is made. Residence and cultivation for a period of five years is required. Final proof must be made within seven years from date of entry.

There are now upon the lands a considerable number of actual settlers, many of whom have been maintaining themselves upon the land for a considerable period and the others for a lesser time, but all of whom so far as my information extends are and have been acting in good faith. Under certain restrictions, such settlers as have resided upon the land since December 1, 1913, and have improved and cultivated it are given a preference right in making entry. I regret a more liberal provision was not made for the actual settlers. They have proven not only their own good faith, but also the agricultural character of the lands. It seems to me that in the case of no actual settler would justice be done, if he were dispossessed and another given the benefit of his toil and improvement, even if the date of his entry upon the land was later than that given in the bill, and I hope Congress will grant a more liberal provision for the settlers.

The last proviso in section 5 withholds from all forms of disposition for a period of two years relatively limited areas upon watersheds from which the cities of Portland, Oregon City, and Corvallis derive their municipal water supplies.

DISPOSITION OF THE FUNDS.

The moneys obtained from the sales of timber and of the agricultural lands are to be deposited in the Treasury of the United States and kept separate in a fund to be known as the "Oregon and California land-grant fund." The moneys so deposited shall be distributed as follows:

1. The railroad company shall be paid from this fund such a sum of money which added to that already received by it from previous sales shall together equal $2.50 per acre for every acre earned under the grant. How much this will be will require the suit provided in the bill to determine, but it will probably exceed $3,500,000. If land and timber have not been sold in sufficient amounts to provide this sum, or whatever sum may be found due the railroad company, at the end of 10 years the balance due shall be paid out of the Treasury of the United States and the Treasury reimbursed out of the first moneys received from the sales of lands or timber.

2. After the claim of the railroad has been paid, then the Treasury of the United States shall be reimbursed for the moneys advanced to pay the taxes accrued as before explained.

3. When sales have been made in sufficient quantities to discharge the above two preferred claims, moneys thereafter received shall be divided as follows, yearly:

(a) Thirty per cent shall be paid to the treasurer of each county in which any of the grant lands lie for roads, highways, and bridges.

(b) Twenty per cent shall be paid into the common-school fund of the State.

(c) Forty per cent shall be paid into the general reclamation fund, and available for use anywhere in the United States.

(d) Ten per cent shall be paid into the general fund in the United States Treasury.

That is, one-half of the proceeds derived from the sale of the lands and timber on the grant after deducting the preferred claims shall be returned to the people of Oregon, and one-half taken elsewhere.

Before any county can receive any part of the funds in the yearly distribution, there must have been sold previously in such county enough land and timber of the grant both to pay $2.50 per acre for each acre resumed under this act by the Government and also to pay the accrued taxes as above explained.

In counties where sales are slow they will wait long for any returns into their treasuries. In counties where sales are made more rapidly they will share earlier. And the question of vital interest, especially to the counties which have any considerable bodies of these lands within their boundaries, is how long a period of years will elapse before they receive any appreciable amount from the division proposed above, and also how long it will be before they will be receiving from such division and from taxes on land and timber patented and returned to the tax rolls an amount equal to what they have been receiving from taxes. Good business policy requires a steady income for carrying on the business of the county. It seems to me that these lands should have been left on the tax rolls and that it was perfectly feasible to have worked out an effective and safe plan for the solution of the grant question on such a basis. Under the theory of this bill the grant lands become public property and the exclusive claim of Oregon is obliterated. Under the revestment theory Congress has a free hand and can do whatever it sees fit to do, now or at any time before the lands are sold.

Under no circumstances whatever should any of these lands be included in the forest reserves. There are now in the forest reserves in Oregon over 13,000,000 acres of land, or more than 20 per cent of the entire area of the State. The withdrawal of these vast areas is a great handicap in road building, in settlement and the education of the young, and upon our development generally. If for any reason, such as that of consolidation of areas, any of these lands are ever to be included in the forest reserves, it should not be done unless at the same time there should be returned to settlement and taxation an area equal in value and acreage.

There is held up before us a parade of certain sums that we may receive at some future time. But there will be an annual loss of taxes that to some of the counties at least will be very burdensome and for a period that will seem very long. Such loss of taxes will amount to millions under the most favorable view that can be taken of the working out of the method proposed in this bill.

The agricultural land will remain off the tax rolls for six years, at least, and probably for eight years, even if they were to be all taken at once. No one can tell how long the timber will remain unsold. There are no large mills operating south of Lane County east of the Coast Range of Mountains. The great body of the land lies south of this county. The sales of timber farther south in any considerable quantities will depend upon the future establishment of mills.

From over 13,000,000 acres of forest-reserve lands in Oregon the Forest Service sold some $200,000 worth of products, or

sales were made aggregating an average of about 1½ cents per acre during the last fiscal year. If this can be considered any criterion, even taking into consideration that the grant lands are somewhat more accessible, it will be a quarter of a century before enough has been received from them to discharge the preferred claims. The counties are now receiving some $435,000 from them yearly in taxes. The timber on these lands must be sold in competition with the hundreds of billions of feet of other timber on lands adjacent to these.

And some of the great departments which will have a voice in making sales have expressed the opinion that sales should proceed with great deliberation.

However, since the Committee on the Public Lands has reported this bill and it is now the basis of action for the House, I intend to offer some amendments to the bill when it is being considered under the five-minute rule and to support them by arguments, in the hope that the House in its wisdom may be induced to grant to the people of Oregon terms more favorable than those contained in the bill. The division proposed originally by the Department of Justice was that the counties should receive 40 per cent and the school fund of the State 40 per cent. This is a fairer division and, considering the great burdens placed upon the counties by this bill, a juster compensation. The 40 per cent for the common-school fund will increase a fund to which it has been the time-honored policy of our Government to contribute by grants of lands, and which increase is greatly needed.

If this legislation stands the test of the courts, it will give the Government a very great power over the welfare of a large portion of the State, and, in a measure, over the whole State. I earnestly urge that advantage should be taken of this opportunity to promote our welfare in the spirit of that former Congress, whose wisdom sought to make of Oregon, then far distant in time and space, a prosperous and populous State.

[Editorial from the Portland (Oreg.) Oregonian, Apr. 3.]

HOCUS-POCUS.

Let us examine once more the land-grant bill as prepared by the House Committee on Public Lands.

In determining the amount due the railroad it first provides for computing the gross acreage that inured to the railroad company under the terms of the grant. This is 3,182,169 acres, according to figures printed in the Supreme Court decision. To this acreage the $2.50 value due the railroad is to be applied. The result is $8,000,000 in round numbers.

From this are to be deducted amounts received through sale and various uses to which the grant was put by the railroad company. Such receipts net, according to the Supreme Court decision, were $2,495,094, or, say, $2,500,000, to preserve the round numbers.

There is also to be deducted approximately $1,000,000 in taxes, which will be advanced by the Government.

The net sum due the railroad company will therefore be about $4,500,000.

But all of the three million-odd acres is not to be put on sale. Title to that which has already been sold is apparently to be confirmed in the private holders. Lands unpatented to which the railroad company is entitled under the terms of the grant are not affected by the sale terms of the bill. Instead of three million-odd acres offered to settlement and industrial use the acreage will be only 2,075,616, not deducting water-power sites, which are subject to withdrawal. The probable offering will be about 2,000,000 acres.

The estimated value of this 2,000,000 acres as printed in the records in the case taken to the Supreme Court is $30,000,000. This is the sum that is to be subject to division among State, counties, reclamation fund, and Federal Treasury. Before distribution is made $2.50 per acre, or $5,000,000, is to be retained to pay the railroad company. Approximately $1,000,000 is to be deducted for taxes advanced by the Government and already taken out of the railroad's share. There will therefore be $24,000,000 to divide, of which the State school fund and the various counties will receive a total of $12,000,000.

The sum is well worth having, although the time of its full payment is bound to be remote. But observe what the Government gets. It charges the settlers $5,000,000 and pays the railroad company only $4,500,000. To the Government revert nearly 285,000 acres of unpatented land that would otherwise have gone to the railroad but which will become a part of the forest reserves or public domain. If these unpatented lands are worth the same as the remainder of the grant their value is $4,275,000. It also receives $12,000,000 as its share of the net receipts on lands sold.

It thus appears that the Government's profit on the land-grant transaction will be $16,775,000 and the State's $12,000,000. The bill purports to be a fifty-fifty division. It is hocus-pocus.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more, not to be taken out of the allotted time.

Mr. FERRIS. Mr. Chairman, I object. We have to finish this bill to-day.

Mr. JOHNSON of Washington. There are not many Members present, and those who are present are interested, and the gentleman from Oregon is vitally interested.

Mr. FERRIS. Let me say to the gentleman I am giving away all of my time.

Mr. JOHNSON of Washington. I wanted some time on this bill. I do not think we will lose any time by letting the gentleman have the additional time.

Mr. FERRIS. The gentleman is not a member of the committee——

Mr. JOHNSON of Washington. Mr. Chairman, I withdraw the request.

Mr. FERRIS. I do not think the gentleman from Oregon [Mr. HAWLEY] will ask for additional time.

Mr. YOUNG of North Dakota. Mr. Chairman, I renew the request.

Mr. HAWLEY. Mr. Chairman, I appreciate the courtesy, but I think we ought to go on under the original arrangement.

Mr. LENROOT. Mr. Chairman, I yield such time as I have left to the gentleman from Oregon [Mr. MCARTHUR].

The CHAIRMAN. The gentleman yields 20 minutes to the gentleman from Oregon.

Mr. FERRIS. And I yield eight minutes to him.

The CHAIRMAN. The gentleman from Oregon [Mr. MCARTHUR] is recognized for 20 minutes.

Mr. MCARTHUR. Mr. Chairman, this bill is of great importance to the State of Oregon, as it provides for the disposition of 2,300,000 acres of land embraced in what is known as the Oregon & California Railroad Co. land grant. The general provisions of the bill have been fully explained by other speakers, but there are some points which I desire to discuss briefly. The original granting act and acts amendatory thereto provided that the railroad company should dispose of these lands to actual settlers in tracts not larger than 160 acres and at a price not to exceed $2.50 per acre. The original act was passed on July 25, 1866—nearly 50 years ago—and it was the intention of the Congress that the land embraced within the grant should go to the railroad company as an inducement to the construction of a railroad from California to the northern boundary of Oregon, and that the lands in question should be sold within a reasonable time and at a low cost as an inducement to settlement and development of the country.

It is fair to say that had the terms of the granting act been complied with by the railroad company within a reasonable time, the company's profits would not have been unusually large. The railroad company did, however, sell approximately 800,000 acres of the land in violation of the terms of the grant, but it has tenaciously held onto the remaining 2,300,000 acres and has thereby greatly retarded the development of western Oregon. During all the years up to 1908 the Federal Government took no definite action toward compelling the railroad company to live up to the terms of the grant, and all the while the land was becoming more valuable by reason of the development of the surrounding country and the growth and increasing value of the timber.

Inasmuch as the grant in question is now a highly valuable property, and inasmuch as the railroad company, according to the decision of the Supreme Court, has an equity of only $2.50 per acre in said grant, the following question naturally suggests itself: Who shall profit by this great increase in value? The Supreme Court has defined the railroad companys' equity. What are the rights of settlers of the State of Oregon and of the Federal Government in the premises? There is a great demand for the lands from persons who style themselves as "settlers," but is it fair to assume that Congress intended that these lands should be held for 50 years until they had greatly increased in value and then turned over to settlers for the paltry sum of $2.50 per acre? I, for one, do not believe that Congress ever intended that the railroad company should hold this land for such a long period of time or that quarter sections that have grown to the value of $15,000 to $20,000 should be sold at the figure named in the granting acts. A disposition of the lands in accordance with the terms of the original grant would doubtless be the means of enriching a large number of individuals—a few of them bona fide settlers, but a much larger number of them speculators. These speculators would follow the usual practice of the old days in the West and, after a brief residence and the securing of a patent, would sell the lands to other speculators or to large timber concerns. These speculators have been in league with shyster lawyers, demagogues, and candidates for public office, and many of them have been beguiled into putting up coin of the realm to pay the expenses of useless lawsuits and campaigns.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MCARTHUR. I yield.

Mr. JOHNSON of Washington. That situation is going on in Oregon at this very day, is it not?

Mr. MCARTHUR. I believe it was last week. [Laughter.] I was born and reared in the West, in the State in which this

land grant is located, and I have seen the public domain looted by land thieves, timber thieves, and other parasites until the birthright of the people has passed from their control. I have seen the ruins of many a squatter's cabin—memories of the perjury and dishonesty of its former owner, who acquired and sold lands purely for speculative purposes. I have no quarrel with the bona fide settler, for it was he who made the great West and laid the foundations of a mighty empire. I would not by word or deed place a straw in the way of the honest homesteader or settler who is animated by a desire to have a home and to become a landowner. There is a wide difference, however, between the settler and the speculator. The one builds up the country, the other tears it down. The one leaves behind him a family, a home, schools, churches, villages, cities, institutions; the other leaves deserted cabins and burned stumps. I feel that the bill before us is designed to protect my native State from fraud and speculation, and for this, if for no other reason, I must support it. There are differences of opinion—honest differences—as to the power of Congress to pass legislation of this character, as it is ably contended by gentlemen of high standing and integrity that Congress has no power to alter the terms of the original granting act in respect to the disposition of these lands. I must, however, dissent from these views, and in so doing beg to refer to the language of the granting acts and to one of the concluding paragraphs of the decision of the Supreme Court of the United States in land-grant case (Oregon & California Railroad Co. v. United States, 238 U. S., 393), wherein the court said:

> This, then, being the situation resulting from conditions now existing, inclosed, it may be, to the prolonged disregard of the covenants by the railroad company, the lands invite now more to speculation than to settlement; and we think, therefore, that the railroad company should not only be enjoined from sales in violation of the covenants but enjoined from any disposition of them whatever, or of the timber thereon, and from cutting or authorizing the cutting or removal of any of the timber thereon, until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances and at the same time secure to the defendants all the value the granting acts conferred upon the railroads.

I therefore do not believe that it can be successfully argued that Congress can not legislate as to the disposition of these lands or that the courts will not uphold any proper act that may be passed.

We are here to legislate for the public weal—not for individuals or classes. The people of Oregon have large rights at stake in the matter before us. Our State has been hampered in its growth and development by the refusal of the railroad company to comply with the terms of the grant. An area larger than some of the Eastern States is to-day a howling wilderness as the result of the company's policy—a policy for which the Federal Government is responsible, because the proper officials failed to compel the railroad company to live up to the terms of the grant. In some of the southern Oregon counties the percentage of lands embraced within this grant is so large that development has been retarded. In some counties large areas are already withdrawn from the tax rolls by reason of being in forest reserves and, as a consequence, the burden of maintaining schools and roads and supporting the local government has fallen upon the shoulders of a few. To make matters worse, the railroad company has refused to pay its taxes on the grant lands since the forfeiture decree of the district court of the United States for the district of Oregon (reversed by the Supreme Court of the United States).

Mr. FERRIS. Mr. Chairman, will the gentleman yield for a question?

Mr. McARTHUR. I will.

Mr. FERRIS. I notice that there is a statement of facts before the Supreme Court that the lands are worth upward of $30,000,000. Is that a fair estimate?

Mr. McARTHUR. That is a pretty hard question to answer, Mr. Chairman, but a great deal depends upon the general conditions throughout the country and particular conditions affecting the timber market. Just now the timber situation is not what it should be, and the value of these lands is probably not as great as it would be if there were a greater demand for timber and greater activity in logging.

Mr. FERRIS. If the bill was enacted as it now stands, the State would get 50 per cent of the proceeds direct, would it not?

Mr. McARTHUR. It would get 50 per cent after certain deductions had been made.

Mr. FERRIS. It would get 50 per cent of the net?

Mr. McARTHUR. Yes.

Mr. FERRIS. The gentleman knows that there are a number of bills pending that propose to give land to the settlers, and under that the counties would not get a cent?

Mr. McARTHUR. The only people who would profit by these bills would be the speculators and the so-called settlers, who would get the land at comparatively small prices and sell it at high prices.

Mr. FERRIS. Does not the gentleman think that in adopting the views and policies of the bill that it would accomplish more for Oregon than anything else?

Mr. McARTHUR. My idea is that the bill follows the correct theory and presents a correct solution of the entire question.

In some of the counties along the coast the situation is even more serious, because large sections of the grant lie within the boundaries of certain port districts, which have been created by virtue of a general law of Oregon, and which have cooperated with the Federal Government in river and harbor development. The withdrawal of these grant lands from the taxing power of the port districts has been a serious blow to plans for river and harbor improvements; and unless this bill is amended to the end that a percentage of the proceeds be turned over to the port districts, the consequences will be serious. In fact, the validity of the outstanding bonds of certain port districts will be seriously imperiled by the removal of these lands from the taxing power of the districts, unless some provision is made for participation in the proceeds. Many of these ports have spent dollar for dollar with the Federal Government in river and harbor improvements, and have thereby made easier the facilities for commerce.

The pending bill provides that 30 per cent of the proceeds from the sale of these lands and their timber shall go to the counties in which the lands are located, to be used for the construction of roads, highways, and bridges; 20 per cent to the common-school fund of the State; 40 per cent to the reclamation fund, and 10 per cent to the general fund in the Treasury of the United States. I regret that the percentages allowed the county and State are not larger, for their growth and development have been arrested by the failure of the Federal Government to make the company live up to the terms of the grant. It is true that 40 per cent of the proceeds will go to the reclamation fund, but there is little prospect of this money being spent in Oregon. It has been suggested that, inasmuch as the land embraced within the grant originally belonged to the Federal Government, the State of Oregon should not be considered in the distribution; but in this connection permit me to say that the Federal Government never paid a dollar for the Oregon country, but acquired it by virtue of discovery and settlement; so when Oregon was admitted to the Union she turned over millions of acres of public domain to the Federal Government absolutely without cost.

The administration of this public domain, not only in Oregon but in the entire West, has until quite recently been fraught with much dishonesty. I mention all these matters not for the purpose of opposing the pending bill, but to emphasize the obligation that the Federal Government owes to Oregon and her people in connection with this entire question. For 42 years, from the passage of the original granting act, the Federal Government made no genuine attempt to compel the railroad company to live up to its agreement. Finally a suit was commenced and carried through to the Supreme Court of the United States, and now, 50 years after the passage of the original granting act, Congress is about to take over unsold lands and dispose of them in a manner that I for one believe to be proper. I approve of the theory of the bill before us and of the motives of the men who introduced it.

The Federal Government undoubtedly has the legal right to pay the railroad company its $2.50 per acre and take over the unsold portion of the grant, disposing of it or including it in a forest reserve. But has it the moral right to do so? Is it not true that the various counties and port districts have enjoyed the right to tax these lands, and would not their indefinite removal from the tax rolls become a serious burden to struggling communities? Would it be just and equitable to emasculate these communities in this manner? Some gentlemen will undoubtedly argue that Oregon is being overgenerously treated in this matter; but knowing, as I do, the heavy burden that many counties of the State have carried by reason of the land grant, I can not concur in these views. In fact, I feel that it will be many years before all the timber and land passes into private ownership, and it is safe to predict that some of the smaller counties are going to encounter more hardships.

Mr. FERRIS. Mr. Chairman, will the gentleman yield at that point?

Mr. McARTHUR. I will.

Mr. FERRIS. The Wolverton decision, which was in 1913, did designate a complete forfeiture, did it not?

Mr. McARTHUR. Yes.

Mr. FERRIS. And at that time the railroad quits paying taxes, and this bill proposes that the railroad pay those taxes up to date until it can be reimbursed by the sale of timber?

Mr. McARTHUR. That treats the counties fairly up to date; but what I am emphasizing is that they are going to have very hard times struggling along between the passage of the bill and until the land goes on the tax rolls.

I am sincerely hopeful that the timber and land will be disposed of with reasonable rapidity and that the county will be allowed to develop. Some of the land is fit for agriculture, and the bill provides that it shall forthwith become available for entry under the general provisions of the homestead laws. Other lands can be homesteaded after the timber is removed. The general character of the land is, however, nonagricultural. Much of it is heavily timbered, and there is a good amount of grazing or pasture land. There is room for the honest homesteader, and an opportunity for him and those who were on the land as homesteaders in good faith prior to December 1, 1913, will not lose their rights. The bill contains no comforting assurances for the speculator or professional land or timber locator, and the committee is wise in its decision that the proceeds over and above the railroad company's equity shall go to different public funds rather than into the pockets of parasites.

Demagogues and self-seekers have told the people of Oregon that they are being robbed of their birthright by the passage of this bill, and that the land and timber will go to the trusts and big corporations. These charges have been made solely for political effect and are thoroughly dishonest. The bill provides that the timber shall be sold by competitive bid and that the Secretary of the Interior shall have the right to reject any and all bids where he has reason to believe that the price is inadequate. It is inconceivable that the Secretary of the Interior would connive at the sale of lands for less than their value, and any suggestion to that effect is the product of a dishonest intellect.

The bill makes provision for protecting the water supply of Portland and other cities by providing that certain lands on the watersheds of streams, from whence came the water consumed by these cities, be withheld from entry for two years. This arrangement will give Congress ample opportunity to legislate for the further protection of the water supply of these cities. The subject can hardly be covered in the pending bill, although there are 11,360 acres of the grant lands in the Bull Run Forest Reserve—the source of Portland's splendid water supply.

In conclusion, Mr. Chairman, permit me to say that I am in favor of this bill because it authorizes the sale of this timber to the highest bidder under competitive bid; because it permits acquisition of agricultural lands at $2.50 per acre by actual settlers; because it protects the actual settlers who are now on the land in good faith; because it provides for early payment of the back taxes due the several counties in which the grants are located; because it does not contemplate the inclusion of this land in any national forest reserve; because it does equity to the railroad company by providing that the company shall receive $2.50 per acre, the amount specified in the grant; because it will safeguard the public interest against speculation and fraud; because it will put money into public roads and other improvements in the counties in which the grant lands are located; because it will put several millions of dollars into the irreducible school fund of the State, and, in brief, because it will protect the common interests of the great body of the people as against the selfish interests of a few hundred land and timber grabbers and professional locators. I must confess my dislike for some features of the bill, but I can not permit these objections to overcome my approval of the general plan of the measure and the public interests which will be conserved by its passage. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. What is the status of the time, Mr. Chairman?

The CHAIRMAN. The time allowed to the gentleman from Wisconsin [Mr. LENROOT] has expired, and the gentleman from Oklahoma [Mr. FERRIS] has 35 minutes remaining.

Mr. FERRIS. Mr. Chairman, I yield to the gentleman from Utah [Mr. MAYS] 10 minutes, or so much thereof as he may require.

Mr. MAYS. Mr. Chairman, an hour and 45 minutes have been occupied by the gentlemen from Oregon, and I believe we have received considerable information from their speeches. Unfortunately, however, no one of the three gentlemen has agreed with any other as to the proper policy that should be pursued in this bill. The gentleman from Oregon [Mr. SINNOTT] said that this bill was rotten at the heart. He seems to believe that things should be left as they were, unless his State gets all the proceeds. Throughout all of this time he has never brought in a bill that has sought to solve this problem that confronts us, and that the Supreme Court has said should be given legislative attention. The gentleman from Oregon [Mr. HAWLEY] has offered a bill which would not give the State of Oregon or the counties of Oregon one cent. It would all go, as the other gentleman from Oregon [Mr. McARTHUR] has stated, to speculators, who would buy this land at $2.50 an acre.

Mr. HAWLEY. Will the gentleman yield?

Mr. MAYS. I have only 10 minutes, but I will be glad to yield, however.

Mr. HAWLEY. The gentleman will remember that in the discussion before the committee, in answer to questions directly asked me, that was shown not to be the intention or the result.

Mr. MAYS. The gentleman did not speak loud enough so that I could hear what he said, but I have not time enough to yield further. I shall quote from the Supreme Court decision, which emphasizes the necessity for legislation here at this time. It says:

> If Congress does not make such provision—

That is, for the revestment of title and the disposition of these lands—

> the defendants may apply to the district court within a reasonable time, not less than six months from the entry of this decree herein, for a modification of so much of the injunction herein ordered as enjoins any disposition of the lands and timber until Congress shall act, and the court, in its discretion, may modify the decree accordingly.

Congress was given six months from the 9th day of December to act. That six months will expire on the 9th day of June next, and the Department of Justice has stated that unless Congress should act, undoubtedly the railroad company would apply for relief to the end that the decree be set aside and the injunction be dissolved, and in that case they say the Government would lose, at the agreed price that has been generally stipulated, the sum of more than $23,000,000. Many others have stated that this land was worth at least $60,000,000, on account of the timber upon it. The railroad company, of course, would like to keep it.

The gentleman from Oregon [Mr. HAWLEY] seems to believe that the railroad company ought to retain this land and do as they have done in the past—refuse to sell a single acre of it for years, and when they did sell any of it they did so in violation of the agreement or the provisions of the grant, under which they received the land, in parcels of as much as 40,000 acres to one lumber company, and the gentleman from Oregon would permit that kind of a system to continue to exist. I am glad to notice that the other gentleman from Oregon [Mr. McARTHUR] takes a fair and proper view of this matter. He believes that the State of Oregon should receive all that it is entitled to receive out of this bill. I believe that the chief objection that will be made to his bill will be that the State of Oregon and the counties of that State will receive more than they should receive. This bill as it is drawn first pays the back taxes of $1,500,000, then gives to the counties 30 per cent of this entire fund, 20 per cent to the State, and 40 per cent to the reclamation fund, which is a western proposition, of which Oregon in time will get its proper share, and 10 per cent will be turned over to the Public Treasury. Now, in all the other States whose public lands have been sold some 95 per cent, I believe, as a rule, has gone into the General Treasury and 5 per cent to the State. This, I believe, is more than fair treatment to the State of Oregon.

Something has been said here with reference to the executory contracts and the like. Claimants for 16,000 acres are here—their representatives are in the gallery now. They would like to get an amendment inserted in this bill to give these claimants preferred rights. But the Supreme Court has decided the question. The executory contracts that were entered into present a different proposition.

Mention was made a little while ago of Mr. John Lind, a former governor of Minnesota. I will give his experience in order to show something of the value of the land. Mr. Lind stated to our committee that in 1905 he purchased about 2,200 acres of timberland in that country for which he paid $10 an acre. He kept that land until 1910, and he sold it for $100,000 to the C. A. Smith Lumber Co. The C. A. Smith Lumber Co. gave him notes for $100,000, of which $40,000 was paid in cash, and $60,000 which he still holds for the 2,200 acres of land, the price being nearly $50 an acre. In answer to a question he stated that he did not receive enough for his land from the C. A. Smith Lumber Co. He has already received for his 2,200 acres $40,000 in money, and he has received interest since 1910 on $60,000. Yet he asks that the title to the 7,000 acres of land which the C. A. Smith Lumber Co. has assigned to him as security be guaranteed under this bill in order that he might have that much more value. It would be unfair to give to John Lind

or anyone else such a graft as that, and we have left that for future adjudication.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. JOHNSON of Washington. Will the gentleman state whether it is also unfair to pass the land or the so-called title to the land to the C. A. Smith Lumber Co. either?

Mr. MAYS. I admit that; but two wrongs would not make a right. Some 40 individuals and corporations secured 400,000 acres of this land by special act of this Congress.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman permit another question?

Mr. MAYS. Yes.

Mr. JOHNSON of Washington. Had it not been for these intervenors who are to be shut out of any prospect of getting any piece of this land, would not the 3,000,000 acres have gone to the C. A. Smith Lumber Co.?

Mr. MAYS. No. The gentleman from Oregon [Mr. SINNOTT] stated that the Federal Government stood idly by and let the railroad company violate all these covenants without protest. What did the State of Oregon do through all this time, through all these 40 years? Senator CHAMBERLAIN stated before our committee that it was first called to the attention of the country in 1907 at a meeting over which he presided, when the president of the Southern Pacific Railroad Co., Mr. E. H. Harriman, stated that they intended to hold this land permanently—not to open it up for settlement or to sell it to settlers, but that they would need it in the future to make ties, and the like, and he would keep it. That was in 1907. That stirred up the matter. Through all the time the State of Oregon could be considered as guilty of laches in not bringing this to the attention of the Government.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. CRAMTON. Is it not a fact, in the event that further legislation is not enacted subsequent to this bill to take care of contracts like the Lind contract, that Mr. Lind will have a contract pending yet with the railroad company which will insure him the title eventually to that land, and with no further payment to the Government?

Mr. MAYS. Mr. Lind has been guilty of violating the covenant. I can not say what the courts will decide in the future.

Mr. CRAMTON. He has a good contract with the railroad, and if the railroad retains the title to the land, then the railroad will be obliged to give him that land under the contract, and no payment will be made to the Government at all.

Mr. MAYS. That is the gentleman's own conclusion. I do not believe that the courts would so decided. But John Lind, when he bought, or the C. A. Smith Lumber Co., when they bought, 27,000 acres of land in violation of this grant, violated the covenant here under which the railroads secured the land, and I doubt whether any court would hold that that was a valid contract.

Mr. CRAMTON. But is it not a fact that the only thing that to-day prevents the railroad from performing its contract with John Lind is the injunction now pending and in force, and that in the absence of legislation by Congress within a reasonable time the court can dissolve that injunction, and when it is dissolved the company can proceed to perform its contract?

Mr. MAYS. There are entirely too many "ifs" in that proposition; any one of the "ifs" might defeat the gentleman's contention. However, the committee had this in mind, first of all, to revest title of 2,300,000 acres of this land unsold about which there was no dispute and to let these other little matters be settled in due course of time. If they want to bring suit, they may do so, and the Government will probably bring suit for an accounting with the railroad company. The railroad company by its own figures has received $5,600,000. They would like to receive the entire value of the timber. They urged the contention before us that the timber was separate and should be considered as separate and that they should be permitted to sell it and appropriate the proceeds to their treasury.

The CHAIRMAN. The time of the gentleman from Utah has expired.

[Mr. MAYS had leave to extend his remarks in the RECORD.]

Mr. FERRIS. Mr. Chairman, I yield 20 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I had hoped in general debate to discuss somewhat the very interesting proposition of the legal theory upon which this bill is based, but I can not do that and also discuss the only controverted proposition there is in the bill. I therefore shall reserve that discussion until we reach the section of the bill revesting the title in the United States. I want to address myself in the time I have to the contention made by the Representatives from the State of Oregon that this bill deals unfairly with them in the division of the proceeds that is provided in the bill.

I want to say at the very outset that the only criticism that can properly be held against the Committee on Public Lands in this respect is that it has been too liberal to the State of Oregon. [Applause.] I want to very freely confess that I think that extreme liberality has been due to the very persuasive arguments of the gentleman from Oregon [Mr. SINNOTT], a member of the committee, and the gentleman from Oregon [Mr. MCARTHUR]. The bill of Mr. HAWLEY proceeds upon an entirely different theory, and possibly the arguments of those gentlemen did make the Committee on Public Lands lean over a little too much in favor of the State of Oregon.

Now, the gentleman from Oregon [Mr. SINNOTT], in the speech that he has made this morning, speaks of the Government standing by as an apathetic spectator, permitting the railroad company to violate the terms of the grant.

Mr. Chairman, if there has been an apathetic spectator in this case that is subject to criticism it is the State of Oregon and not the Government of the United States. In 1907, for the first time, the State of Oregon officially took cognizance of the violation of the grant by the railroad company and sent a memorial to Congress, and within a few months thereafter Congress passed the act of 1908 directing the Department of Justice to bring an action in equity against the railroad company to forfeit the grant or secure compliance with its provisions.

There has not been an hour of delay on the part of the United States Government from the time that the State of Oregon asked the Government to proceed.

Further than that, he said that it was the duty of the Department of Justice to have proceeded in these matters. Now, in 1872, shortly after these grants were made, a trust company sought information from the then Secretary of the Department of the Interior as to the construction of the terms of these provises—whether or not the railroad company would or could be permitted to sell these lands in quantities in excess of 160 acres to purchasers and at prices in excess of $2.50 an acre. The then Secretary of the Interior, Mr. Delano, replied that they could not do so, and that the Government in its construction of that act held that that was not permitted.

Again, in 1907, the matter came before the Department of the Interior, and Mr. Ballinger, then Commissioner of the Land Office, in a communication to a Member of the House of Representatives, expressed the view that "as soon as the title vested in the company (and it was his view that it had vested by the construction of the railroad), jurisdiction over the lands passed from the executive branch of the Government, and the enforcement of the provision (the sale of lands to actual settlers) rests with the courts, through appropriate action by either the settlers entitled to purchase or by the Government, acting through the Department of Justice."

He there holds that it was equally the duty of the State of Oregon and those interested in these grants to proceed in the courts as it was of the Department of Justice, and the most that the gentleman can say is that if there be dereliction, the dereliction is no more on the part of the Government than it is on the part of the State of Oregon. [Applause.]

Another contention made is that the State of Oregon has lost large sums of money in the development of the State through the failure on the part of the railroad company to live up to the terms of the grant. Now, Mr. Chairman, we had evidence before the committee in the hearings had upon this bill as to the character of the even-numbered sections of the lands which did go to patent and private ownership. You know that the odd-numbered sections were to go to the railroad and the even-numbered sections should be open to entry under the land laws at double the minimum price. If these lands would have built up the State, we would have a right to expect that the even-numbered sections would be devoted to agriculture and highly developed. But the testimony was that only a small percentage of the lands in private ownership has been developed; the timber has been cut off and they lie there waste, and the fact is that when we give it 50 per cent we give twice the sum more than they would have received if the land had been sold and the timber cut off and the land remained.

Now, what does the bill do for the State of Oregon? It gives Oregon, after paying off the railroad company and the taxes that are to be advanced out of the Federal Treasury, 50 per cent of the remainder, 30 per cent to go to the county for the construction of roads and bridges and 20 per cent to the State for common schools. In addition to that, we advance in this bill

$1,565,458 to the State of Oregon, or the counties in it, to pay off existing taxes, and that amount is at least double the amount that the State of Oregon is entitled to, and yet we are giving it to them here. These lands have been taxed by the State. There are three years' delinquent taxes; some of these lands have been assessed as high as $40 an acre, but the average is $8 or $10 an acre, when all the interest that the railroad company had in these lands, as admitted by everybody, was $2.50 an acre.

All that the State could equitably tax against the railroad company or against these lands was upon a valuation of $2.50 per acre, whereas the taxes that have been levied against them were three or four times that sum, and if these counties were getting what they were equitably entitled to, instead of $1,565,000 it would be less than $500,000.

Mr. SINNOTT rose.

Mr. LENROOT. I can not yield. We are making the State a clear gift in taxes of something like $1,000,000. What else do we do? We provide, then, that 50 per cent of the proceeds of these lands, after paying the full $2.50 an acre and reimbursing the Government for these taxes, shall be paid 50 per cent to the State of Oregon, 20 per cent to the school fund, and 30 per cent to the counties in which the timber is located. Now, what will that amount to? It was stipulated in the case in the Supreme Court that the value of this grant was upward of $30,000,000. The State forester of Oregon has estimated that there are 40,000,000,000 feet of merchantable timber upon these lands. The testimony is that that timber to-day is worth from 50 cents to $1.75 a thousand feet. Assuming that it is worth $1 a thousand, that is $40,000,000 for the timber alone, to say nothing of the value of the land. But assuming that we receive only $30,000,000 out of this grant, then what will Oregon receive? The counties will receive upon that basis $7,275,000, the State school fund of Oregon will receive $4,850,000, and the total to the State of Oregon on a $30,000,000 basis will be $12,125,000. Assuming that the grant is worth $50,000,000, upon that basis the counties in Oregon under this bill will receive $13,275,000, and the State will receive for its school fund $8,850,000, or a total of $22,125,000.

Now, what is the State of Oregon equitably entitled to receive from the Government out of the proceeds of this grant? The question is simple. The State of Oregon is entitled to receive only such sum as it will lose by the fact that the revested title to these lands is in the Government, and so long as the title remains in the Government these lands will not be subject to taxation. That is all the State is entitled to. But in this bill we provide that these lands, immediately as fast as this timber can be sold at reasonable prices upon a normal market, shall again go back into taxation. We provide that when the timber is sold and paid for the timber shall be taxed by the State of Oregon apart and separate from the land. So that all the State is entitled to receive is such sum as it will lose in taxes during this interim between the revesting of title and the going back of these lands again into private ownership.

Mr. MONDELL rose.

Mr. LENROOT. I can not yield. Now, what has the State of Oregon received in taxes during the past 40 years? That is a fair inquiry in determining whether this 50 per cent is an equitable division or not.

Up to and including 1912 the total taxes levied by the State of Oregon and all of its municipalities against all of the lands in this grant, including those sold and unsold while they were in the ownership of the Southern Pacific, was $2,752,599.31. We propose to pay them in this bill $1,565,458, making a total of $4,318,057, based upon the amount due March 1 last. In over 40 years Oregon has received in taxes, or has assessed as taxes against these lands, only $4,300,000. Under this bill, on a basis of $30,000,000 in value, it will receive over $12,000,000, and on a basis of $50,000,000 value it will receive over $22,000,000, or five times more than the taxes assessed against these very lands for over 40 years. And a considerable portion of these lands will at once become taxable again by the State of Oregon. I undertake to say that so far as loss of taxes is concerned, the division in this bill is twice too high instead of being too little.

Now, I want to say, too, that the division that we have provided for in this bill was a division over the protest of the Department of the Interior and the Department of Agriculture. The Department of Agriculture reported to our committee upon the first bill introduced that in its opinion there should be no division of the proceeds at this time, and none provided for until the claims of the railroad company and the taxes had been fully met. And the Department of the Interior in its report used this language:

> The timber as well as the lands will be subject to local and State taxation upon their disposition, and I do not know of any reason why the State and counties should receive such a large proportion of the proceeds of such sales.

I will say that the bill then provided for a division of 80 per cent to the State and counties, and 20 per cent to the Government.

Mr. SINNOTT. Will the gentleman yield?

Mr. LENROOT. Not now. The report of the Secretary of the Interior proceeds:

> The withdrawal of the lands from taxation will be to a large extent temporary, and while I have no objections to a provision that will fairly compensate the State and counties for losses incurred by reason of such temporary withdrawal of the lands from taxation, I can not approve of such a large donation of the proceeds.

Now—

> In any event, the amount that should go to the State and counties should be reduced by half; that is, should not exceed 20 per cent to the State and 20 per cent to the respective counties, under the conditions set forth in the bill.

In other words, the Secretary of the Interior recommends that a 40 per cent division to the State and counties would be a liberal one, while this bill which the gentlemen from Oregon criticize provides for a 50 per cent division.

Now, the gentleman from Oregon [Mr. HAWLEY] and the other gentlemen have complained because there are certain port taxes that are not taken care of in this bill. I want to say to the gentleman from Oregon that if he desires to offer an amendment that will provide for paying these port taxes out of the 30 per cent that we provide shall go to the counties, I do not believe the committee will have any very serious objection to it. This 30 per cent more than takes care of the port taxes and all other taxes that have been imposed or will be imposed, three times over, and it is most inequitable upon the part of these gentlemen to make any such complaints as they are making before this committee.

Mr. Chairman, as I said in the beginning, the only criticism that can be fairly lodged against this committee upon this question of the division of the proceeds is that the committee has been too liberal to the State of Oregon. The gentleman from Oregon [Mr. HAWLEY] in his speech talked about this grant "to us," implying the grant of these lands to the State of Oregon in comparing it to the grant of school sections. This grant was never to the State of Oregon. The State of Oregon never had a penny of interest in it, as it does in the grant of school lands or other grants, and if this grant had been disposed of under the terms of the proviso originally the State of Oregon would never have gotten a penny of this division, and the State of Oregon would never have gotten one tithe of what it has received in the past and what it will receive in the future under the terms of the bill. [Applause.]

Mr. FERRIS. Mr. Chairman, I feel just a little grieved to think that the gentleman from Oregon [Mr. SINNOTT], a man who had introduced no bill on the subject himself, a Member who had remained absolutely silent as to any initiative on the proposition of getting this land back, or his State anything, should—after the committee had agreed to pay deferred taxes to the amount of $1,500,000 and to grant to his State 50 per cent of the proceeds, over their own best judgment—come here and viciously criticize and attack the committee. In consequence of his actions here to-day, I feel some question as to his good judgment, for if his pro rata share of the funds are lost to-day it will be by reason of his lack of judgment. The gentleman from Oregon [Mr. HAWLEY] has introduced a bill which, if enacted into law, would not give the State of Oregon a penny, would not give the Government a penny, but would enable a lot of people out there who squatted on the land, and those who want to squat upon it, to get away with a lot of valuable timberland without paying anything for it. Some of this land has timber on it to the value of $20,000 to the quarter section. The gentleman from Oregon [Mr. HAWLEY] would, by his bill, have that homesteaded, and without one cent to the State or the Government. This is the sort of diligence two of the gentlemen have been exercising. They now come here to-day and assault the laches of the Government.

The gentleman from Oregon [Mr. MCARTHUR] has in good faith and earnestly tried to help the committee in the House and in the committee room in getting a bill through here that will do common justice to Oregon, or probably more than justice, and at least have some regard for the Government of the United States. The gentleman from Oregon [Mr. SINNOTT], I think, improperly assailed the Government of the United States for its alleged great laches and delays. What are the facts? Nothing could be more erroneous concerning the Government than a statement of that kind. The Government acted as soon as it was called to its attention—acted more expeditiously than anyone could properly expect it to act under the

circumstances—and it has recovered the land; and now comes the State of Oregon and wants practically all of the money.

The gentleman from Wisconsin [Mr. LENROOT] stated exactly what was in my mind and, I think, what was in the mind of nearly all of the committee. If the committee is subject to any criticism at all it is because we have been overgenerous to Oregon. The people of Oregon seem to think that this is their land. They seem to think that because the Federal Government comes in here and appropriates millions out of its pocket and sets the machinery of the Department of Justice in motion to recover this land, that it is parsimonious if it asserts any claim to the land at all.

Mr. GORDON. Why give all this land away to the State of Oregon? The gentleman is not here apologizing for this bill, is he?

Mr. FERRIS. Oh, I only have a minute or two, and I can not yield.

Mr. McARTHUR. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I only have a minute or two, but I will yield to the gentleman from Oregon.

Mr. McARTHUR. Never mind; I will withdraw my request.

Mr. FERRIS. I did not know the bill was going to be attacked broadside. The real truth is that in less than a month from now the six months' period will expire, and if Congress does not make a showing of diligence the Government may lose $25,000,000 or $30,000,000. What has the gentleman from Oregon [Mr. SINNOTT] done about it? He is a good deal like the old maid who waited 25 years to be kissed. Finally the hired man threw her down and kissed her, and she said, "Thank God, it came at last, and without sinning." [Laughter.]

The gentleman from Oregon would like to lie around here and get twenty-five or thirty million dollars for his State against great protest on his part, and then blandly say I fought for more. Such procedure is hardly in keeping with the gentleman's usual good judgment. I do not think it just fair to the committee that was so generous to him. I do not dare say all of the things that ought to be said about what Oregon is getting out of this. If we did, they would throw Oregon down and take away what it is getting, and perhaps they will do it anyway. There are plenty of answers to everything that has been said here, and the committee hopes it will not have to make answers to all of it. There are plenty of answers to this page in the Washington Post, and we do not want to have to answer that. There are plenty of answers to bills introduced here which the Members themselves have withdrawn, and we do not want to answer them. Three great departments of the Government—the Department of Justice, the Department of Agriculture, and the Department of the Interior—are all behind the bill, and they think we are within the law and doing right. The Supreme Court decision authorizes us to do what we are doing. No minority report has been filed against what we are doing from a committee of 22 good men.

Mr. MADDEN. What about the old maid? Did she not like a protest?

Mr. FERRIS. Thank God, she found it without sinning and that is what the gentleman from Oregon wants to do.

Mr. MOORE of Pennsylvania. Did the gentleman say "without sinning" or "without SINNOTT"? [Laughter.]

Mr. FERRIS. Oh, I said "without sinning." Mr. Chairman, I ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the title to so much of the lands granted by the act of July 25, 1866, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon," as amended by the acts of 1868 and 1869, for which patents have been issued by the United States, or for which the grantee is entitled to receive patents under said grant, and to so much of the lands granted by the act of May 4, 1870, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," for which patents have been issued by the United States, or for which the grantee is entitled to receive patents under said grant, as had not been sold by the Oregon & California Railroad Co. prior to July 1, 1913, be, and the same is hereby, revested in the United States: *Provided*, That the provisions of this act shall not apply to the right of way to the extent of 100 feet in width on each side of the railroad and all lands in actual use by said railroad company on December 9, 1915, for depots, sidetracks, wood yards, and standing grounds.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. This is the section that proposes to revest title in the Government to the unsold lands of this grant, and during the general debate a number of gentlemen made inquiries as to the theory upon which the bill was based. It was stated in response that it was based upon the direction of the Supreme Court in the decision rendered in the land-grant case last year, and it is in this language:

This, then, being the situation resulting from conditions now existing, incident, it may be, to the prolonged disregard of the covenants by the railroad company, the lands invite now more to speculation than to settlement; and we think, therefore, that the railroad company should not only be enjoined from sales in violation of the covenants but enjoined from any disposition of them whatever or of the timber thereon, and from cutting or authorizing the cutting or removal of any of the timber thereon, until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances and at the same time secure to the defendants all the value the granting acts conferred upon the railroads.

That is a clear expression of the Supreme Court of the power of Congress to revest in the United States the title to these lands; but Congress, of course, can not receive any power from the Supreme Court. All of the power that Congress gets over this or any other subject is from the Constitution itself.

And while the Supreme Court has made this broad general statement it must be assumed, of course, that in making it they had in mind some principle of law that would uphold the right of Congress to so revest title under the Constitution, and that is what I want to discuss for a moment.

Now, as has been said, there were two different grants, one in 1866, amended by the act of 1869, and the other by the act of 1870, to two different railroads but both of them finally merging into the Oregon & California Railroad Co., now owned by the Southern Pacific.

Out of these 2,300,000 acres all but 58,000 acres was granted by the act of 1866 and only 58,000 granted by the act of 1870. Now, the act of 1866 contained a section reserving to Congress the right to alter, amend, or repeal the act, and the act of 1869, which was amendatory of it, of course, carried with it that same power, but the act of 1870 had no such reserving clause in it.

Now, as to our power. So far as these lands are concerned that were granted under the act of 1866, which comprise all but 58,000 of the 2,300,000 acres, unquestionably under our right to alter, amend, or repeal we have the right to revest in the United States the title to those lands upon giving to the railroad company the full value of the grant, as the Supreme Court has said we must do in providing for their disposition. That we do in this act. So that as to all lands granted by the act of 1866, as we have provided for full compensation to the railroad, it seems to me there can be no question but that under the right to alter, amend, or repeal we have the power to do what is proposed to be done in this bill. As to the act of 1870, however, it did not contain the clause reserving the right to alter, amend, or repeal, and a different question arises.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I would ask for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman is recognized for five additional minutes.

Mr. LENROOT. But there is another theory upon which this bill can be sustained, applied both to the act of 1870 and the act of 1866. The Supreme Court in its opinion several times referred to the fact that this grant, while it was a grant upon the part of the United States acting as a proprietor disposing of the public domain, it was also a law of Congress acting in its sovereign capacity as well as proprietor, and that law has been violated by the railroad company. The Supreme Court has said that there were two great purposes to be subserved by the grant—one to aid in the construction of the railroad, which was a great public benefit, and the proviso in relation to the sale of land to actual settlers not to exceed 160 acres and not to exceed $2.50 an acre was a provision in the public interest and a matter of public policy to secure the development and settlement of that great area of country. Now, it is clear as to that proviso that that was inserted to serve a public purpose. They have failed to comply with that, and therefore the public interest to be subserved by the proviso has failed, because the railroad company refused to carry it out. That public purpose then having failed, it is competent for Congress to accomplish that same public purpose in another way, and we propose to do it by retaking this title to these lands and giving to the railroad company the full value of the grant and securing the development and settlement of this country in the method that we provide in this bill. It is a public purpose to retake these lands under these circumstances, paying the railroad company for them and then providing for the settlement of the country, as we do provide in the bill. And so, as to the land grant by the act of 1866 this bill can be sustained upon two theories—

the right to alter, amend, or repeal and the right to retake the land and paying the railroad for the full value for a public purpose. And as to the 58,000 acres of land granted under the act of 1870, it can be sustained by the latter proposition alone. [Applause.]

Mr. LA FOLLETTE. Mr. Chairman, I want to be heard in opposition to the pro forma amendment. Mr. Chairman, I have asked for this time for the purpose of making a few remarks in regard to what I consider to be an unwarranted attack by the chairman of the committee on a member of this committee, Mr. SINNOTT, of Oregon.

The gentleman from Oklahoma [Mr. FERRIS] seems to think Mr. SINNOTT was derelict in his duty because he did not introduce a bill on the California land-grant matter. His colleague from Oregon [Mr. HAWLEY], who represents the district, introduced a bill in the House, and his colleague from Oregon, Senator CHAMBERLAIN, introduced a bill in the Senate. Then why was it necessary for the gentleman from Oregon [Mr. SINNOTT] to introduce a bill to show he was interested in the Oregon land-grant matter? I think the records of our committee will show Mr. SINNOTT gave the matter as close attention as any other member of the committee, and was not in any way, shape, form, or manner derelict in his duty to his State or to his country. [Applause.] Mr. SINNOTT has the right to his opinion and has the right to express it in any fair way to the committee, and I can not help but think that when the gentleman from Oklahoma considers this matter he will expunge the remarks he made from the RECORD, and I think in a spirit of fairness he should do so.

Mr. FERRIS. Mr. Chairman, the gentleman from Oregon [Mr. SINNOTT] needs no defense at the hands of the gentleman from Washington [Mr. LA FOLLETTE]. No one here is more fond of the gentleman from Oregon than myself. I merely met argument with argument, and his argument was that the Government has been very derelict in its duty; and in my reply that the Government was not derelict—that if there be any dereliction at all it was himself, because he had introduced no bill at all on the subject—I merely stated the fact, which no one will or can deny. I did not intend to and was not, in stating plain facts, indecent or unfair, as suggested by the gentleman from Washington [Mr. LA FOLLETTE]. The gentleman and myself are on the same committee, and he knows that neither then nor now am I unfair to anybody.

The gentleman from Oregon [Mr. SINNOTT], after sitting all through the committee deliberations, after serving on the subcommittee that helped digest this bill, got up and said that the bill was rotten to the core, and did not back up his judgment by filing minority views. The gentleman from Oregon [Mr. SINNOTT] has been very solicitous and even very boisterous about getting a very large amount of this money for his State. Somebody here must at least see that the Government is not mistreated. It is not a pleasant task to defend the Government, but is certainly a very necessary one on this occasion.

The Government first gave the land to help Oregon get railroads. Now that a breach occurs and the Government must take it back, the State insists on all the proceeds.

Mr. RAKER. Mr. Chairman, the only reason why I rise at this time is to refer to the Attorney General's statement as to the power of Congress to act, which I will read later.

I want to say it seems that this little matter has risen, which it ought not to have done. The gentleman from Oregon [Mr. SINNOTT] is a lovable fellow, and for 10 days he was on the subcommittee having charge of this bill, which consisted of the distinguished gentleman from Wisconsin [Mr. LENROOT], the gentleman from Utah [Mr. MAYS], the gentleman from Washington [Mr. LA FOLLETTE], the gentleman from Oregon [Mr. SINNOTT], and myself. In addition to the work of the general committee, we gave 10 days of actual service, as much as we could, sometimes practically all day, with the various departments before us, and I was a little bit pained and a little disappointed at the gentleman from Oregon [Mr. SINNOTT] that he did not file minority views. As a matter of fact, the objection he has to the bill is as to the question of the amount of money that should go to the State. That is all. He did not mean—I know that he did not—that the bill is rotten to the core, because he made no offer of an amendment that would cover that, either in the committee or in the subcommittee. The districts of the gentleman from Oregon and mine join, and we reach hands across the border there, and I would not want to meet him out in the mountains for anything on earth and have him feel that we are trying to treat him otherwise than the best. I think the committee did go to its very utmost to assist the Oregon people because of the lovable character of our friend from Oregon. But still, you know, sometimes in consideration of a bill your overstep your bounds, and I am afraid that my friend from Oregon did that to-day, although he did not mean it.

Mr. BUTLER. I did not know that the gentleman charged indolence. He charged greediness.

Mr. RAKER. He said that the bill was rotten to the core. He did not mean that.

Now, in referring to the opinion of the Attorney General as to the power of Congress to act in this matter, it is stated in a few words. It says:

The act of 1866, as we have seen, provides that Congress may at any time, having due regard for the rights of the railroad company, "add to, alter, amend, or repeal the act." This act affects the greater part of the lands involved. By the decision of the Supreme Court the rights of the railroad company are fixed at a sum not to exceed $2.50 per acre. Therefore Congress has the power to amend this act, provided it secures to the railroad company $2.50 per acre, that being the measure of its rights in the land.

But, apart from this, the fact that the Supreme Court has referred the subject to Congress necessarily implies the power of Congress to deal with it along the lines of the court's opinion.

This bill accomplishes the disposition of the title by revesting it in the United States. The balance of the bill simply relates to the disposition of the land now or as early as it can be under the enactment of the law, and provides that if the railroad company is not satisfied by an agreement that can be had with the Attorney General they may go into a court of equity, and the Attorney General is directed, for the purpose of having the court fix and determine, so that the Government must pay the amount remaining up to the limit of $2.50 an acre for this land.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 30 minutes—25 minutes to be used on that side and 5 minutes to be used by some member of the committee—all debate on this section and all amendments thereto be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the time be extended 30 minutes—25 minutes to be used by the gentleman from Wisconsin [Mr. LENROOT] and 5 minutes by the gentleman from Oklahoma [Mr. FERRIS] and that at the end thereof all debate shall be finished to this section.

Mr. FERRIS. That will fix them all up over there.

Mr. LENROOT. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, some of the lands involved are in the district which I have the honor to represent. My interest in the quick settlement of the Oregon-California land grant, however, lies in the fact that I am Oregon's neighbor and well-wisher and because I want to see the lands in question disposed of as quickly as possible to small holders, and with the lands I would include the timber. I oppose this bill—all the sections of it. I can readily understand why the Members from Oregon do not stand against the bill in its entirety, a bill upon which the Public Lands Committee has labored hard and earnestly. The Oregon Members must know that if they develop much opposition the next move will be to throw this great tract of land into the forestry reserves, where it will be of even less value to the State than it is now. In my opinion the lands will be found in the forest reserve sooner or later anyway. Even if this bill passes, I doubt if we are going to see the astonishing spectacle of the Secretary of the Interior selling timber at wholesale in Oregon, stripping the land clean, and at his side the Secretary of Agriculture withholding timber from sale in the name of conservation. It is a fact that this land grant lies alongside a lot of forest-reserve land. For that matter, a lot of the granted land lies within the forest reserve.

I believe it will be a long, long time before the Government receives any $40,000,000 or $50,000,000 for the timber on these lands and before these counties come into any money from taxation. It will be a long, long time, too, before the stripped and denuded lands are occupied by homesteaders. The matter will go into the courts once more, and goodness knows when it will come out. What timber is sold will go to big timbermen.

Mr. Chairman, in this connection I desire to read from the twenty-fifth chapter of Matthew, as follows:

A certain nobleman went into a far country to receive for himself a kingdom, and to return.

And he called his servants and delivered unto each of them a talent, and said unto them, Occupy until I come.

And it came to pass that when he was returned, having received the kingdom, then he commanded these servants to be called unto him that he might know how much every man had gained by trading.

Then came the first, saying, Lord, thy talent hath gained ten talents.

And he said unto him, Well done, good and faithful servant; because thou hast been faithful in a very little, I will make thee ruler over much.

And the second came, saying, Lord, thy talent hath gained five talents.

And he said likewise to him, Well, thou good servant, thou hast been faithful in a few things, therefore have thou authority over many things.

And another came, saying, Lord, behold, here is thy talent, which I have kept laid up in a napkin.

His Lord answered, and said unto him, Thou wicked and slothful servant, thou oughtest to have put my money to the exchangers, and then at my coming I should have received my own with interest.

Take then, therefore, the talent from him and give it unto him which hath ten talents. For unto everyone that hath shall be given, and he shall have abundance; but unto him that hath not shall be taken away, even that which he hath.

That is a good parable to have in mind during eastern consideration of western development problems. In this particular case the railroad has been busy for 30 years kicking would-be settlers off of these lands. The timbermen, who secured large tracts from the railroad, when small settlers could not get a "hundred and sixty," have also kicked off all of the settlers or squatters they could find, either on the disputed sections or on some of the free sections, and now the Government—Congress, if you please—proposes with this bill to step in, kick the remainder off, and arrange things so that few others will get on that land within the lifetime of most of us here present.

The bill is going through apparently. Desirable amendments will be voted down. Why? Because the Public Lands Committee has spoken? Because three great departments have decided what they think ought to be done. When they decide, this Congress acts.

Mr. SLOAN. What departments have told Congress what to do?

Mr. JOHNSON of Washington. This matter has been before the Agricultural Department, the Interior Department, and also the Department of Justice. All have reported, although the Agricultural Department falls into line rather reluctantly. It would like to take over the lands and the timber and conserve both for our children's children's grandchildren.

Mr. SLOAN. Does the gentleman mean to say that Congress will accept that mandate?

Mr. MONDELL. I feel quite sure that it will.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. RAKER. Is not the gentleman sort of fearful over a thing that can never happen if the provisions of this bill are carried out and all the timber is sold as the bill directs?

Mr. JOHNSON of Washington. There are no "ifs" about it. The United States Government will be in the place of the railroad companies sooner or later, when this legislation goes through. But the matter will stay in the courts for years, in my opinion. There will be no taxes, and the dispute will go on and on, so that the land and the timber on it will finally wind up in the forest reserves.

To a considerable extent this is Oregon's affair; and yet the Oregon men are sharply criticized on this floor for doing and trying to take part in what will affect the future welfare of that State a great deal more than many of those who will vote on this measure can realize.

Mr. RAKER. Can the gentleman inform the House what kind of a bill can be passed to avoid any litigation and enable the Government to get what belongs to it?

Mr. JOHNSON of Washington. Yes; I think so, but not in 5 or 10 minutes. A few years ago land-hungry people were permitted to stampede into what was then the Indian Territory and grab lands free of charge. The pioneers of Oklahoma got their start that way, many of them. Other people will march into the Rosebud Indian Reservation in Montana this summer and get land. Still others will go to the Colville Indian Reservation in the State of Washington to get homestead land or to take their chances on getting some. This Oregon land was ceded away on certain terms. It was intended for settlers—homesteaders. They have not got it, nor will they. In my opinion they should have a real chance to get it.

Mr. RAKER. The gentleman would not propose that when they can not get enough land to build their cabins on.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD at a later date.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I shall not consume the time allotted to me as gentlemen on both sides have done in contributing to the campaign of the gentleman from Oregon [Mr. SINNOTT] by emphasizing his splendid and successful work on behalf of his State. I think they have clearly assured the gentleman from Oregon of reelection. He is entitled to it. I leave the matter right there.

I will, however, discuss some of the provisions of the bill. There are quite a number of us still here who were here on April 30, 1908, and remember the very pretty fight we had on that day, or a few days before that, in the passage of the resolution which became a law on that date, under which the Federal Government proceeded to seek a forfeiture of the Oregon and California land grants. Those of us who were then here, and particularly those of us who participated in that discussion, are, of course, more or less familiar with this general situation. The lower court found for the Federal Government, and, as I recall, brought in a decision forfeiting the grant. That decision was modified by the Supreme Court by a decision which, to my mind, speaking now as a layman and not as a lawyer, is not as clear and definite as it might be or as we hoped it would be.

The committee, which has proceeded under this decision of the Supreme Court to the consideration of the legislation now before us, has given a very great deal of time and attention to the matter, has called to its assistance the officials of the various Government departments that have to do with or have knowledge of these matters, and have brought in a bill which, after a very thorough and conscientious study, they believe is in accord with the decision of the Supreme Court and will best meet the situation and the conditions surrounding the lands of this grant.

I have some mental reservations with regard to the legislation. I am not altogether certain that under the decision of the Supreme Court it will be possible to revest the Federal Government in its title to these lands. I hope that it will be possible. The gentleman from Wisconsin [Mr. LENROOT], who is a very good lawyer—and I am no lawyer at all—smiles; he smiles in his confidence, but I have known very good lawyers before now who smiled and were certain, and yet did not find that the courts agreed with them. I hope that the legislation will stand the scrutiny of the courts. My regret with regard to it—and I am sure that it is the regret of all those who labored on the bill—is that it has not seemed possible to the committee to bring out legislation which would settle these questions without further litigation. I say this because I assume it is admitted by all who are familiar with the subject that we are simply providing for disposition of these lands after further and prolonged litigation. Beyond all question or controversy I assume the railroad company will contest the provisions of this bill. I am informed that the State of Oregon is also likely to contest the provisions of the bill.

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LA FOLLETTE. Can the gentleman conceive of any legislation that would have been reported out by this committee that would have been acceptable to the railroads and that would not have led to litigation, unless we had given them everything they wanted?

Mr. MONDELL. I want to say to my friend that I am not criticizing the committee. Personally I think I should have suggested legislation different from this, but I am going to support the legislation, brought in by the committee in good faith after consideration—after much more consideration than I have been able to give the matter since the Supreme Court decision.

But it is unfortunate that we must leave the matter, if we must, where it will take its long and tedious course through the courts before any conclusion is reached. Answering the question of my friend from Washington further, I wish to say I think it might have been possible to have brought in legislation without conceding everything that the railroad company demanded, without conceding anything improper or unwise, that would have settled the main questions involved without further litigation.

I am not entirely certain that such legislation as I have in mind would have been in all respects as satisfactory as the procedure that we now hope to follow under this bill will be if the matter is not too long delayed. There is a question, however, as to whether it might not have been better to have conceded some things to any early settlement of the matter rather than to have made provisions which are likely to prolong the agony for a good many years before we shall have a final settlement. This is particularly true in view of the fact that at the end of long and costly and tedious litigation we may find we have made no progress whatever. However, I make these statements not as a criticism, but simply as a suggestion of other ways in which the matter might have been approached.

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman again yield?

Mr. MONDELL. Yes.

Mr. LA FOLLETTE. Does not the gentleman think, in view of the fact that this question is up to the Supreme Court itself, it would not be as long as it would be if it had to work itself up through the district court and then up to the Supreme Court at last?

Mr. MONDELL. I presume that the tests as to the provisions of this law will be brought, will be had in the local courts, and however the local courts decide the cases will undoubtedly be carried to the court of last resort. And it will take more than one suit, as the gentleman knows. It will take a variety of suits, because, as I understand it, the committee in bringing in this bill, in using the word "sold" in this section, does not intend to include the lands that were contracted for. Is that understanding correct?

Mr. LA FOLLETTE. Yes.

Mr. MONDELL. There must follow therefore the suits that will be brought in order to determine the rights and interests and equities of those who are interested in the 16,000 acres or more of land under contract. That could not perhaps have been avoided without provisions which would perhaps have been of doubtful wisdom; at least it would have subjected the committee to criticism. I beg to suggest, however, that I think the committee might have brought in a provision with regard to these contract lands which would not have been equitable, and which would have settled the matter much earlier than it will be settled under the conditions which will exist if this legislation is enacted. I realize, however, that that was not an easy matter to adjust.

Mr. LA FOLLETTE. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. LA FOLLETTE. Does the gentleman think the suit that would be brought to settle the question as to those lands that have already been contracted for and are in controversy would have anything to do with the main question and the recovery of the unsold lands? It would only be incidental to the main purpose anyhow, and consequently I think that the decision to leave it out was wise.

Mr. MONDELL. Perhaps a suit of that sort was inevitable in any event, though I am not altogether certain as to that.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. LENROOT. I yield five minutes to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, I do not want to enter into any controversy with any gentleman, but I desire to make some suggestions in connection with this first section. It seems to me to be very doubtful that we have the power to reinvest in the Government the title to this land. The reasons suggested why we may do so are not persuasive. There are two provisions of our Constitution that may apply to this matter. One is the right to take property for public use. That right rests on necessity. I doubt very much that this is a public necessity in this case, and even if there is I do not believe that we comply with the necessary requirements in cases of that kind. We take it now, take it immediately. We pay for it 10 years hence. Is that a compliance with the Constitution, which requires that property shall only be taken upon compensation being paid therefor?

Then there is another constitutional provision which requires that this land must be taken under due process of law. Is it due process of law for us to act as judges in our own case and determine this whole matter by this act? In the lower court it was held that we had no right to demand a forfeiture. In effect you declare a forfeiture when you say that this land shall immediately revert to the Government. That land has vested in the railroad company. If this forfeiture is valid, what becomes of the railway mortgages? You can not forfeit the railway company's title without forfeiting these mortgages. You make no provision for their payment. Upon what theory can this be sustained? There are many questions still to be litigated. You proceed as though everything was plain, as if the railway company had forfeited the land. Why is not the company entitled to its day in court upon its right to have this land settled and upon the terms and conditions of sale?

Mr. LENROOT. I want to suggest that there is no forfeiture involved in this bill.

Mr. VOLSTEAD. My contention is that it is the same thing in effect, and that you can not avoid it by calling it a different thing. The company's interest is forfeited, though you make some provision for payment in part, a provision that the railway company has no power to enforce. I do not believe there is any necessity for reinvesting the Government with this title.

I believe that other means could have been provided that would have been strictly within the ordinary proceedings in law. We could have provided, for instance, that a receiver should hold and dispose of these lands or we might have provided machinery under which the railroad company could have been compelled to deed this land upon the happening of certain conditions that would have carried out the purpose of the grant. It seems to me it is unwise to take this extreme position. I am in thorough sympathy with this legislation. I think something of the kind ought to pass; but I feel that we ought to proceed along what we all recognize as safe and conservative lines, so that we will have as little litigation as possible. This bill will certainly invite a great deal of litigation, litigation that may make it necessary in years to come to pass further legislation in regard to it. If it does, settlement will be delayed, and those for whom the legislation is passed will suffer in the meantime. I am simply anxious to pass laws that we can sustain in the courts, laws that will be of advantage to the country and will carry out the views and purposes we have in mind. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. LENROOT. I yield five minutes to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Chairman, a moment ago some captious criticism was directed against me for not having introduced a bill and also against the State of Oregon for not having obtruded itself into the department of government and put in motion the machinery to adjust this grant. As to the criticism of myself, I will not answer it. I hardly think the chairman of the committee meant that criticism in the way it sounded, and I do not propose to reply to it more than to say that a small part of these lands are in my district; that my colleague [Mr. HAWLEY] introduced a bill in the House and Senator Chamberlain introduced one in the Senate, and that I have been for the Chamberlain bill from first to last; that I have made no different fight on this floor to-day that I have been making continually in the committee, trying to represent my State and the views of the people of my State relative to this division. [Applause.] As to the criticism upon the State for not going into this matter sooner, I will say to you, Mr. Chairman, that the facts as to the violation of this grant were in the possession of the Government from the very day of the first violation up to the day of the last violation. These facts were not in possession of the State of Oregon, but the Government did know of these violations and did apathetically let them go on.

Mr. QUIN. When was the first violation?

Mr. SINNOTT. I will explain that. In 1872 the Secretary of the Interior rendered an opinion to the Attorney General, informing him that the position taken by the railroad company was erroneous. The Attorney General at that time tried to have that opinion suppressed. The records in the case show that the reports of all these sales were made by the railroad companies to the Secretary of the Interior. They show repeated violations beginning about the year 1892. Prior to 1892 there was no affirmative violation of the settlers' laws. That is, the railroad companies did not sell to anyone in quantities greater than 160 acres, but there were negative violations of that grant—that is, the railroad company refused to sell to actual settlers. The people of the State of Oregon were not aware of that fact. Evidence of those negative violations was not produced before the court deciding this matter. We only learned of that accidentally. The gentleman from Washington, sitting on my left [Mr. LA FOLLETTE], endeavored to buy some of these grant lands in the year 1878, and then the railroad company asked him $10 an acre for those lands. It was not until after 1892 that the sales to any great extent were made in quantities of over 160 years. We did not know of those sales in Oregon, but the department here in Washington knew of those sales and paid no attention to them. Indeed, the Forestry Department made an exchange for these same lands after 1897.

Mr. QUIN. Why did not they pay attention to it?

Mr. SINNOTT. It was not until 1907 that one of these deeds that conveyed a large amount of property was placed on record in Oregon. About that time the agitation commenced. Of course, the people are slow to act in such matters.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. FERRIS. I have five minutes remaining, and I will yield the gentleman three minutes of it.

Mr. SINNOTT. The records before the Supreme Court show that the railroad company endeavored to suppress the information about these violations concerning the settlers' clause. Here is an extract from a letter from Charles W. Eberlein, the acting land agent of the railroad company dated February 19, 1904, to their chief counsel, Mr. Herrin in San Francisco. I will read one clause:

> I realize the necessity of not calling any more attention than is absolutely necessary to the provisions in our grant which are already giving us trouble.

That was the position of the railroad company, endeavoring to cover up this entire matter. We did not have the information in Oregon, but the information was on the departmental records here in Washington. When we did know it we acted with great diligence. We passed this resolution in 1907, and it is not until 1916, nine years after the passage of the resolution, that we get this matter adjusted.

I reiterate that it was not the duty of the State of Oregon, it was the duty of the Government of the United States to see that there was no violation of the grant.

The CHAIRMAN. All time for debate having expired on this section, the Clerk will read.

The Clerk read as follows:

SEC. 2. That the Secretary of the Interior, in cooperation with the Secretary of Agriculture or otherwise, is hereby authorized and directed, after due examination in the field, to classify said lands by the smallest legal subdivisions thereof into three classes, as follows:

Class 1. Power-site lands, which shall include only such lands as are chiefly valuable for water-power sites, which lands shall be subject to withdrawal and such use and disposition as has been or may be provided by law for other public lands of like character.

Class 2. Timberlands, which shall include lands bearing a growth of timber not less than 300,000 feet board measure on each 40-acre subdivision.

Class 3. Agricultural lands, which shall include all lands not falling within either of the two other classes:

Provided, That any of said lands, however classified, may be reclassified, if, because of a change of conditions or other reasons, such action is required to denote properly the true character and class of such lands: *Provided further*, That all the general laws of the United States now existing or hereafter enacted relating to the granting of rights of way over permits for the use of public lands shall be applicable to all lands title to which is revested in the United States under the provisions of this act. All lands disposed of under the provisions of this act shall be subject to all rights of way which the Secretary of the Interior shall at any time deem necessary for the removal of the timber from any lands of class 2.

Mr. SINNOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. SINNOTT: Line 24, page 4, amend by inserting after the word "of" the word "merchantable."

Mr. BOOHER. Will the gentleman permit me? If you will add the word "saw," you will perfect it. Unless you do that, you will include other things, like telephone poles and such.

Mr. SINNOTT. I will state that the term "merchantable timber" is very well known in the State. It is a term that the department has used.

Mr. BOOHER. Telephone poles are merchantable timber.

Mr. SINNOTT. Telephone poles are included in merchantable timber.

Mr. BOOHER. Then the gentleman wants to include that kind of timber under his amendment?

Mr. SINNOTT. Yes.

Mr. BOOHER. Has the department sold telephone poles as merchantable timber?

Mr. SINNOTT. I think they have been in the habit of selling telephone poles as merchantable timber.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment. In the presentation of the case this morning the chairman of the committee said that there was some difference of opinion between the various departments as to the amount of timber that should be the basis of determination, whether it should be considered agricultural or timber land. I would like to press the gentleman a little further as to what was the minimum amount recommended by the department and what was the maximum amount, and particularly whether the department recommended limiting the character of the timber as merchantable.

Mr. LENROOT. The amount recommended by the department was 1,000,000 feet and another department recommended a greater amount, but the committee after hearing all the testimony and being extremely liberal to the State of Oregon, increased it to the amount named in the bill, 1,200,000 feet.

Mr. STAFFORD. The gentleman is speaking of a quarter section.

Mr. LENROOT. Two hundred and fifty thousand feet to a quarter was recommended by the department.

Mr. STAFFORD. And limited the timber to merchantable timber.

Mr. LENROOT. Yes; as we have it.

Mr. STAFFORD. But by this amendment you are making it more liberal to the people who wish to locate on the land.

Mr. LENROOT. Possibly.

Mr. LA FOLLETTE. The idea of making it 300,000 feet was to give greater opportunities to the farmer, the agriculturist. It only takes a few trees, in many cases, of the character of the trees in that section, that large timber, to make 300,000 feet. You can readily see that it would take a large lot of agricultural land away from settlement if the limit of timber per 40 is made too low, and it is to give more opportunity for homes that it was made a little more liberal than the 250,000 feet.

Mr. STAFFORD. How many feet of boards are in one of these trees?

Mr. LA FOLLETTE. I have seen any amount of trees that would make 30,000 or 40,000 feet.

Mr. STAFFORD. That is not the general character of timber I saw when I was in the Northwest last summer.

Mr. QUIN. How many trees are there on an acre?

Mr. LA FOLLETTE. It does not take many trees to make 1,000,000 feet in some localities.

Mr. STAFFORD. I do not think we should liberalize the provision made by the committee. The committee has gone beyond the recommendation of the department in increasing the amount of standing timber to determine whether it should be passed as agricultural or timber land. I think one criticism of this bill is, as has been stated by the gentleman from Oklahoma and by my colleague from Wisconsin, that it is too liberal to the people of Oregon and too little consideration of the welfare of the country at large.

Mr. LA FOLLETTE. This is not so much liberality to the people of Oregon as to the people of the entire country, the men who desire to get homes. They can get a homestead more advantageously if they have a larger amount of timber allowed on each 40-acre tract. There is any amount of these lands which are valuable agricultural lands. I think the utmost liberality should be allowed in providing that as much of this land can go into settlement and the making of homes as possible.

Mr. STAFFORD. Mr. Chairman, I have not much knowledge of western forest lands, but I have sufficient to know that those lands will be valuable for timber purposes, and when they are valuable for timber purposes they should be classified as timberlands and the rights of the Government protected along those lines. In this amendment you are going contrary to the recommendations of the Department of Agriculture and the Interior Department. You are taking away the benefits that will accrue to the Government by classifying these lands as merchantable timberlands. We have gone to the extent of 200,000 additional board feet to the quarter section by increasing the basis of classification as timberlands, and I do not think we should go any further. I can conceive of growing timber on these 40 acres which in a few years will be valuable as matured timber, and yet when you put in there the word "merchantable" you are virtually going to give to some of these settlers valuable timber rights not available to the public generally.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BOOHER. The gentleman then objects to giving the settler on these lands anything but the bare rocks and the hills that are there?

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, I ask unanimous consent that debate on this section and all amendments thereto close at the expiration of 20 minutes.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Does that mean the section?

Mr. FERRIS. Yes.

Mr. DAVENPORT. I desire to have five minutes to offer an amendment.

Mr. FERRIS. I counted the gentleman in.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair desires to ascertain how the time is to be apportioned?

Mr. FERRIS. Five minutes to the gentleman from Oklahoma [Mr. DAVENPORT], five minutes to the gentleman from Missouri [Mr. BOOHER], five minutes to the gentleman from Mississippi [Mr. QUIN], one minute to the gentleman from Washington [Mr. LA FOLLETTE], and two minutes to the gentleman from Wisconsin. Does the gentleman from Wyoming desire time?

Mr. MONDELL. I do not desire to have any time.

Mr. FERRIS. And two minutes to the gentleman from California [Mr. RAKER].

Mr. STAFFORD. Mr. Chairman, in reply to the gentleman from Missouri [Mr. BOOHER] I desire to state that I am just as considerate of the welfare of the settler as anyone, but I do not believe that we should give to the settler timberlands under the guise of giving him agricultural lands. There is only one rule that this committee can consistently follow as to the determination of what are agricultural lands and what are timberlands, and that is the recommendations of the heads of the respective departments that have these matters in charge. The

departments say that they should be classified as timberlands with not less than 250,000 standing feet to the 40 acres, and yet the committee recommended 300,000 feet, and now you are going to go still further at the behest of these local people, and I am not blaming them for endeavoring to get all they can. I believe in conservation of our natural resources. I believe these timberlands should have a different rule applied to them from what is applied to agricultural lands; and who knows better about that, the head of the Forestry Service or we? I am willing to take the judgment of the Forestry Service in that regard, and not allow persons out there, under the guise of getting agricultural lands, to come in and locate virtually on timberlands.

Mr. LA FOLLETTE. Mr. Chairman, I simply want to say that in raising this amount from 250,000 to 300,000 the committee went upon the principle that the committees of the House and the Members of Congress should have some little initiative and not leave everything to the departments of the Government. [Applause.] We are having a little too much bureaucratic control in this Government at the present time; and I also want to say that I can not blame the gentleman from Wisconsin [Mr. STAFFORD] for taking the view of timberlands that he does. There is a vast difference between the toothpicks of Wisconsin and the mammoth trees of Oregon.

Mr. BOOHER. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Oregon [Mr. SINNOTT] by adding the word "saw" after the word "merchantable."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by adding, after the word "merchantable," the word "saw."

Mr. BOOHER. Mr. Chairman, I do not understand the argument of the gentleman from Wisconsin [Mr. STAFFORD]. He said that he was in favor of conservation, and yet he is in favor of a provision in this bill that would cut a whipstock off this land and sell it. He wants to sell the whole thing. I want this bill to give something to the settler who goes on the land. I want something left for the homesteader. I do not believe it is the object of this bill or the policy of this committee to sell all of the timber on the land. The departments have never indulged in it. They have always measured it as lumber, and they sell it board measure. This amendment is more restrictive. It is not as liberal to the timber purchaser as the gentleman wants to be. It restricts what may be cut off this land. It is a conservation measure. It leaves the timber that will not be saw timber standing on the land, so that the man who comes there and buys it from the Government or homesteads it may have some timber on his land. The gentleman says that timber may grow up and become valuable. Why not let the homesteader have it, then? The Government sells the saw timber in the first instance and gets all it is worth. It is paid for and the man comes there to make a home and he leaves a patch of this timber, and why should he not have a right to it?

Mr. LENROOT. Does the gentleman think that 160 acres having a stand of piling timber and telegraph poles worth $15,000 should be open to homestead?

Mr. BOOHER. Piling would be saw timber. You can not take a simple telephone pole or fence post and make saw timber of it. They do not use that kind of timber for piling in my country.

Now, I think this amendment I offer ought to be adopted. I believe the timber to be sold ought to be defined. I believe that the sale of that timber ought to be restricted instead of enlarged, and instead of making it merchantable timber make it merchantable saw timber, so there may be something left on the land for the people who hereafter may desire to homestead it. [Applause.]

Mr. RAKER. Mr. Chairman, I trust the amendment offered by the gentleman will not be allowed. It is intended to define as timberland where there is less than 300,000 feet of timber, board measure, per 40-acre tract. This is intended to mean that there is timber that will be cut according to the custom of the country for sawmill purposes, and when that amount of timber is estimated by the inspector on the ground to be less than the amount named then it is agricultural land. If it is more, it is timber land. The gentleman from Missouri [Mr. BOOHER] has put an amendment in here that will defeat the homesteader, of whom I am in favor, believing that he ought to have the telegraph poles, believing that he ought to have the piling, that he ought to have the timber that will make posts, whereas the amendment of the gentleman from Missouri will classify all of that kind of timber as merchantable saw timber, which they can do, and it will probably strip the land from the homesteader, whereas under the wording of the bill he can take the piling and the telegraph and telephone poles and the posts and clear the land and make it agricultural, and when he cuts these poles from the land he will get a revenue that will assist him in developing the land. That is what we want. I trust the committee will vote down the gentleman's amendment, because it is against the homesteader.

Mr. DAVENPORT. Mr. Chairman, I desire to offer an amendment on page 4, in line 14, after —

Mr. LENROOT. There is an amendment pending now.

Mr. DAVENPORT. But the time has been fixed. After the comma, following the word "agriculture," in line 14, page 4, I want to strike out the two words "or otherwise."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 14, after the word "agriculture," strike out the words "or otherwise."

Mr. DAVENPORT. Now, Mr. Chairman, after the other amendment has been disposed of, I desire to address the committee.

Mr. QUIN. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Missouri [Mr. BOOHER]. It strikes me that Congress certainly ought to get as much out of it as we can for the Government and at the same time leave this land in shape for the man who wants to homestead. I think this Congress is indeed fortunate to be able to vote for this bill. Out of 4,000,000 acres of land given to the Southern Pacific Railroad by Congress in 1866, land which belonged to all of the people of this Nation, all of which should still belong to the American people, there are about 2,000,000 acres in the State of Oregon which we are trying to get back, and it seems to me it matters little whether Oregon gets it all so that the United States Government gets enough to pay the expenses. Of all the fraudulent schemes that have ever been perpetrated I think the act of Congress that granted away all of these millions of acres of land—timber, oil, gold, and silver—to this railroad corporation heads the list. The Southern Pacific Railroad Co. has sold 800,000 acres of the land for over $5,000,000.

Under the Supreme Court decision we now have the opportunity to save the other 3,200,000 acres of land which, I think, was wrongfully granted to the railroad company. The evidence shows this land is worth $50,000,000. Some of it $200 per acre.

Think of it! Four million acres of land given to one railroad company, and we are now working around and squabbling over $2.50 an acre, and whether a whipstock or riding switch shall be cut off these acres of land which some homesteader may want. We are leaving the sublime and coming to the ridiculous. Let us pass this bill. If we do not get it through by the 9th day of June the railroad holds all the land. I do not care if the Government can not get it, let the State of Oregon get it. Let us be honest and let some part of the people of this Republic get this land. What is the use of quibbling around here about a telephone pole, about a whipstock, some $2 proposition, when we have only 15 days' time under the courts' decision to save 3,200,000 acres of land for the people? The Southern Pacific is not asleep. This bill has to pass the Senate after it leaves the House. Let us pass the bill and let the Government dispose of this timber so that the people can settle upon the land and build homes.

Why, if there is 40,000 feet of timber in one tree, as the gentleman from Oregon states, the Government ought to get this land and sell that timber and let it be manufactured into lumber to build up that country and let a lot of people who say they can not get enough to eat in the cities in these times of prosperity go to Oregon and go to work and raise products and feed the people. [Applause.]

I am not opposed to their having plenty of timber to build their fences with; whether the trees are a foot through or half a foot through or an inch through, we do not care. That is all right; whether one of these big trees makes 40,000 feet of lumber or whether it is a little tree that can be made into a post, I am in favor of the farmer who wants a homestead. [Applause.] If he can get a farm at 50 cents an acre paid down and $2 when final proof is made, it is a boon to him and the country. That is what the public domain is intended for—bona fide homesteaders. I have always condemned the acts of Congress in bygone years which granted all of these public lands to a few fellows who had a railroad charter.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. QUIN. I have not time to yield. It seems to me that enough of these farmers could go out there and soon have more than my friends SINNOTT and HAWLEY, from that State as Representatives in Congress, if we pass this bill and give the people a chance to go there under the bill as drawn here. I do not want to see the State of Oregon get all of this money, but let us pass this bill as the committee has brought it here and get it through to the President to sign before the 9th day of

June [applause], so that the American Government can get what is coming to it.

After this case has gone all the way to the Supreme Court of the United States, has run the gauntlet, and obtained the information suppressed by the railroad company showing that fraud had been practiced and the grants of Congress violated, which the gentleman from Oregon says was done by the railroad company in all these years—and I do not doubt that, for I know the methods of railroad corporations in dealing with the Government after the agents and servants of the people give them, through solemn acts of Congress, virtually all of the public domain in many of the States of this Republic, I am not surprised at the statement the gentleman makes when he said that this railroad company had violated the land-grant contract, which Congress had foolishly granted to the railroad company, in order to maintain this great landed right by suppressing information and keeping it from the Land Department, from the attorney general of the State of Oregon, and the Attorney General and the Secretary of the Interior of the United States. [Applause.]

It takes work to protect the interest of the people. The sharpers are always active and on the alert. There was some smooth work done when Congress was induced in 1866 to give all of those millions of acres of land to that railroad company. Let us work with all of our vigor to get as much as possible restored to the people.

Gentlemen, we now have the chance to get back 3,200,000 acres of fine land from one railroad company. Let us do our full duty by staying on guard day and night till this bill becomes a law. Future generations will rise up and bless the memories of the Congressmen who are now fighting the battle of the people in passing this measure. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVENPORT. Mr. Chairman, the amendment that I offer is a proposition as to who shall classify these lands as timber, agricultural, or mineral lands. The first part of the section provides that the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall do this, and then the words "or otherwise" are thrown in. Now, I confess that if this land is as valuable as it has been represented to be, the departments having to do with the rights can cooperate in making these appraisements. The words "or otherwise" ought not to be in that provision, because it ought to be mandatory that the Department of Agriculture and the Interior Department, cooperating together, shall make that valuation and classification. I know, unless it is different from what it is in any other State of the Union where Government timberland is involved, there is going to be an effort made to have a lot of it classified as timberland, and I know that those interested in timber are going to do everything they can to have that classified for those who expect to bid on the timber. I believe the words "or otherwise" ought to be stricken out of this bill, and let it read that the Secretary of the Interior, cooperating with the Secretary of Agriculture, shall make this classification, and then have the two cooperating together make the classification. Then there can be no complaint made either by the State of Oregon or by the Government representatives if it is not properly done. I care not so much who buys this timber if it is possible to get it out of the hands of those who have been holding it for years, and who have been improperly holding it, as the court has decided. If you give half or more of it to the State of Oregon and the people, where they may get the benefit, I do not care for that. But I do say this, that if you are going to give any of that land to the homestead settler, where he may be permitted to make a home, there ought to be some restriction on the class of the timber to be taken from the land, and there ought to be something more than the bare ground left to him where he makes his homestead.

I lived for a time in a section of the South where they had iron works, and they went out in the forest and cut all the timber off the land in order to make charcoal. You could not get any settler to take that land, because it was barren and there was no timber to make improvements. And there ought to be some restriction as to the size of timber or the kind of timber that is to be taken off of this land. I think that could be easily remedied. Whether the timber shall be classed as telephone-pole timber, that will be a matter to be settled by the Government when they go on the land. If they do not, no man can tell who will classify it or know what the words "or otherwise" means.

Mr. FERRIS. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman, I think to amend those class 2 lands would be a serious mistake. The language in the bill as it is proposed is too broad. If you have the words "saw timber or merchantable timber" inserted, merchantable timber would include everything on the land.

Now, it is provided in class 2 lands, where the timber does not exceed 300,000 feet to the 40 acres; that is, 1,200,000 feet to the quarter section—I venture to say that one-half of the land of that grant will not cut more than 1,200,000 feet of saw timber per quarter section.

Mr. COX. Would that be heavy timber?

Mr. FORDNEY. It would be heavy timber in the mountains.

Mr. COX. Would that be a heavily timbered tract?

Mr. FORDNEY. Yes. I will say that not more than half the lands would cut that much of timber per quarter section, unless you make it merchantable, so as to include fence posts and telegraph poles, and so forth. But merchantable saw logs on the Columbia River are limited to 16 inches at the top end of the log. Any log below that in diameter is not a merchantable log and is not supposed to be scaled, and the logger will get nothing for it. But as to fence posts or telephone poles or any other use you can put them to, it would make them merchantable. A great portion of those lands contain nothing but very large timber, and no small timber at all; and therefore, if you include the words "saw timber," you are going to take all the timber away from the homesteader and he will get nothing. I think it would be a great mistake to amend by either inserting "merchantable timber" or "merchantable saw timber." The language as it is seems to be correct.

Mr. FERRIS. Mr. Chairman, there are three amendments pending. I hope they will all be voted down, and I think the departments which have gone over this so carefully and spent so much time on it have reached a just conclusion about it. We had all of them with us in considering this bill, and they have had experience in lumber propositions and experience in formulating language, and I think if we put language in this bill with which we are not familiar it will harm the bill rather than do it good. My colleague [Mr. DAVENPORT] asks to strike out the words "or otherwise." I hope the amendment will not prevail, for these reasons: There are times when it would be a ponderous, cumbersome procedure, and would always force the two departments to act in the premises before any action can be taken. I hope they will be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. BOOHER] to the amendment of the gentleman from Oregon, which the Clerk will report.

The Clerk read as follows:

After the word "merchantable," insert the word "saw," so that the words will read, "merchantable saw timber."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Missouri to the amendment of the gentleman from Oregon.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Oregon.

The amendment was rejected.

The CHAIRMAN. The question is now on the amendment proposed by the gentleman from Oklahoma [Mr. DAVENPORT], which the Clerk will read.

The Clerk read as follows:

Page 4, line 14, after the word "Agriculture," strike out the words "or otherwise."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. SINNOTT. Mr. Chairman, I have another amendment to section 2.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. SINNOTT].

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Amend, line 24, on page 4, by striking out the words "three hundred" and inserting in lieu thereof the words "five hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the classification provided for by the preceding section shall not operate to exclude from exploration, entry, and disposition, under the mineral-land laws of the United States, any of said lands, except power sites, which are chiefly valuable for the mineral deposits contained therein, and the general mineral laws are hereby extended to all of said lands, except power sites: *Provided*, That any person entering mineral lands of class 2 shall not acquire title to the timber thereon, which shall be sold as hereinafter provided in section 4, but he shall have the right to use so much of the timber thereon as may be necessary in the development and operation of his mine until such time as such timber is sold by the United States.

Mr. SINNOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. SINNOTT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Amend line 3, on page 6, by adding, after the word "States," the following:

"*Provided, however*, That the Secretary of the Interior may reserve before sale for the operation of mines such timber as he may deem necessary."

Mr. SINNOTT. Mr. Chairman, the object of this amendment is to enable the Secretary of the Interior, in his discretion, to reserve timber that may be needed in small quantities for the operation of mines.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That nonmineral lands of class 2 shall not be disposed of until the Secretary of the Interior has determined and announced that the merchantable timber thereon has been removed, and thereupon said lands shall fall into class 3 and be disposed of in the manner hereinafter provided for the disposal of lands of that class.

The timber on lands of class 2 shall be sold by the Secretary of the Interior, in cooperation with the Secretary of Agriculture, or otherwise, to citizens of the United States, associations of such citizens, and corporations organized under the laws of the United States, or any State, Territory, or District thereof, for cash or payment in not exceeding 10 equal annual installments with interest on such deferred payments as the Secretary of the Interior may prescribe, not to exceed 6 per cent per annum, at such times, in such quantities, and under such plan of public competitive bidding as in the judgment of the Secretary of the Interior may produce the best results: *Provided*, That said Secretary shall have the right to reject any bid where he has reason to believe that the price offered is inadequate, and may reoffer the timber until a satisfactory bid is received: *Provided further*, That upon application of a qualified purchaser that any legal subdivision shall be separately offered for sale such subdivision shall be separately offered before being included in any offer of a larger unit, if such application be filed within 90 days prior to such offer: *And provided further*, That said timber shall be sold as rapidly as reasonable prices can be secured therefor in a normal market.

Persons purchasing under the provisions of this section shall be given patents when the purchase price is fully paid, conveying to them the timber and expressly reserving the land to the United States. The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall be designated in the patent; all rights under said patent shall cease and terminate at the expiration of said period: *Provided*, That in the event the timber is removed prior to the expiration of said period the Secretary of the Interior shall make due announcement thereof, whereupon all rights under the patent shall cease.

No timber shall be removed until the issuance of patent therefore, but the Secretary of the Interior may, in his discretion, issue patents from time to time on any legal subdivision whenever the amount received on any bid is sufficient to pay the full purchase price of the timber on such subdivision.

All timber sold under this act shall be subject to the taxing power of the States apart from the land as soon as patents are issued as provided for herein.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: On page 7, line 23, after the words "from time to time," insert the words "for the timber."

Mr. LENROOT. Mr. Chairman, this is simply designed to correct an omission which was called to the attention of the committee, but which was not corrected.

Mr. FERRIS. We accept it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The amendment was agreed to.

Mr. BOOHER. Mr. Chairman, I desire to call the attention of the committee to line 6 on page 6. It says "and announced that the merchantable timber thereon has been removed." If that word "merchantable" remains in and it accomplishes the thing that the gentleman from California [Mr. RAKER] and the gentleman from Michigan [Mr. FORDNEY] say it will do, and if we put it in in another place it certainly should be stricken out here. According to the statement of the gentlemen and their arguments on the other motion to amend, that if the word "merchantable" be put in the bill, it would enable the department to sell everything on the land, and they could sell it all off and strip everything off the land.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. BOOHER. Yes.

Mr. RAKER. This comes now after the timber has been classified and put under the class of timberland and the man has cut off the timber that has been sealed to him, and the Government is then offering the land for homesteading.

Mr. BOOHER. I am not talking about time when it takes place or anything like that. I am talking about the word "merchantable," which, as these gentlemen have argued before, will take everything off the land and will not leave anything on the land for the homesteader. I move that the word "merchantable" be stricken out. I do that for the purpose of testing the gentlemen on that subject.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. BOOHER].

The Clerk read as follows:

Amend, page 6, line 6, by striking out the word "merchantable."

Mr. LENROOT. Mr. Chairman, if the amendment of the gentleman from Missouri [Mr. BOOHER] should prevail he will accomplish the very thing he seeks to avoid. As the language now stands, when the timber has been removed by the purchaser and the patent has expired there will still be timber remaining on the land. Then, although there is still timber remaining on the land, it will fall within class 3, providing the merchantable timber is removed. If not removed, it would not be open to homesteading if a stick of timber were left on the land.

Mr. BOOHER. Mr. Chairman, I am inclined to think that the argument of the gentleman from Wisconsin is right. That is the position the gentleman from Washington and myself took on the other amendment exactly, but the committee did not agree with us and did agree with the gentleman from Michigan and the gentleman from California when we undertook to put in the word "merchantable." Now, I think the word is right, but it is not right and proper to be there if we are to be governed by the vote of the committee on the prior amendment, the amendment to insert the word "merchantable," in line 24, on page 4.

Mr. STAFFORD. Mr. Chairman, I desire to be heard on this amendment.

Mr. Chairman, the phraseology of the bill is entirely in harmony with the idea of conserving the best interests of the Government and the best interests of the settler. It is not purposed to have timberland entirely denuded of all timber before it can be opened to entry after the timber has been once removed. The very purpose is that only after the merchantable timber has been removed, then and thereupon it becomes of that character whereby it is subject to entry under the homestead law. This is a conservation provision, and the amendment of the gentleman from Missouri [Mr. BOOHER] would really cause all the small growing timber to be stripped from the land before the timberland could be opened to settlement as agricultural land.

Mr. DAVENPORT. I should like to ask the gentleman from Wisconsin if he does not think we can choose a better word than "merchantable," if it is intended to be a definitive word, when the Secretary of the Interior has determined and announced that all timber heretofore sold has been removed from the land?

Mr. STAFFORD. Oh, no; I think the word "merchantable" is a proper one in this particular; and after listening to the timber expert of this House, the man who has more knowledge about timber than any other person in this body, the gentleman from Michigan [Mr. FORDNEY], I must say I think we are entirely too liberal in fixing the amount as 300,000 feet per 40 acres as the limit of timber on land opened to settlement as agricultural land. The gentleman from Michigan stated here, of his own knowledge, that one-half of the lands in this district would be included as agricultural lands; that valuable timberland will be open to homestead entry; and the rights of the Government will in no wise be conserved.

Mr. DAVENPORT. In the section classifying this land there is no definitive word saying what kind of timber shall be sold——

Mr. STAFFORD. I will answer the gentleman, because I anticipate his point. Every person who is acquainted with the operation of timberlands knows that the timber people do not cut down the small nonmerchantable timber, but leave that standing, and they cut down only that which is profitable or merchantable; and so when they proceed under this law they will go ahead and cut down the merchantable timber, leaving small trees standing, which will make it available for homestead entry as agricultural land.

Mr. DAVENPORT. Mr. Chairman, I desire recognition.

The CHAIRMAN. Does the gentleman desire to be heard on the amendment?

Mr. DAVENPORT. Yes; I am in favor of the amendment.

Mr. FERRIS. How much time is desired on the other side?

Mr. JOHNSON of Washington. I should like two minutes.

Mr. MONDELL. I desire to offer a substitute for the amendment.

Mr. FERRIS. Will five minutes be enough for the gentleman?

Mr. MONDELL. Yes.

Mr. FERRIS. I ask unanimous consent that at the end of 15 minutes debate on this section and all amendments thereto close.

Mr. LENROOT. We will not get through if the gentleman makes the time as long as that?

Mr. FERRIS. This is quite a long section, and I make the request on the section.

Mr. MONDELL. The gentleman does not mean to close debate on the entire section in 15 minutes?

Mr. FERRIS. Yes. We have got to finish this bill to-day.

Mr. MONDELL. That is, we have got to finish the bill to-day if we have time to discuss it.

Mr. LENROOT. The gentleman from Wyoming evidently is not aware of the fact that there was an understanding that the bill was to be finished to-day.

Mr. MONDELL. The gentleman from Wyoming is not going to stand in the way of doing anything in due and proper time, but the gentleman from Wyoming does not propose to be hurried along when there are matters here that need discussion.

Mr. FERRIS. We will give the gentleman time enough. I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes. We will give the gentleman from Wyoming five minutes.

Mr. MONDELL. I have another amendment to offer to this section beside the amendment that I now propose to offer, and I should like to have five minutes on that.

Mr. FERRIS. Ten minutes on the two?

Mr. JOHNSON of Washington. I will give the gentleman two minutes.

Mr. DAVENPORT. I will give he gentleman two minutes of my time.

Mr. STAFFORD. I suggest to the gentleman from Oklahoma that he make it 20 minutes.

Mr. FERRIS. I ask unanimous consent that debate on this section and all amendments thereto be closed in 20 minutes.

The CHAIRMAN. The gentleman asks unanimous consent that at the end of 20 minutes' debate on this section and all amendments thereto be closed. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I want only one or two minutes, to call attention to a difficulty that I think the two departments will get into. The Agricultural Department has a great selling service already organized in the Division of Forestry for the sale of timber. This bill provides for the sale of class 2 timber by the Department of the Interior. The ranking Republican member of the committee, Mr. LENROOT, tells me it will be sold in that way. My impression is that it should be sold by the Forest Service. I am not offering any amendments, because I do not think any of it will be sold for many years. I will take no more time.

Mr. DAVENPORT. Mr. Chairman, I still believe that the word "merchantable" in section 4 should not remain there, and that some other word or phrase defining the class of timber when it is announced that the class which has been sold has been removed should be incorporated. However, I do not expect to have anything to do with putting into effect that provision up there, and for that reason I am not going to insist, except to say to my friend the gentleman from Wisconsin [Mr. STAFFORD] that I do not know how they operate in the Northwestern States when they go to sell timber, but my experience has been that when they sell the poplar, white oak, walnut, or other timber in the South they cut everything from 6 inches up; and I think the same thing will be done there if you do not put in a limitation as to the size of the timber that they shall take from the land. I believe any man engaged in the lumber business, if there is not something to define to him what class of trees or saplings, to use the common expression, he shall take off the land, he will take everything that will make a fence post, as the gentleman from Michigan [Mr. FORDNEY] said, or anything that will make a fishing rod or anything else, if there is money in it for him to put it on the market. Therefore some kind of a definitive word should be used clearly to define the intent and what the Interior Department or the Forestry Department, whichever exercises the control, sells to him when he contracts for the timber, and not leave it to an indefinite decision, so that there shall be a lot of lawsuits and arrests and countercharges, such as have been going on for years and years in the timbered regions of the country.

Mr. COOPER of Wisconsin. Why not fix the size of the tree that may be cut?

Mr. DAVENPORT. That is what I suggest, that there ought to be some definitive word to fix either the size of the tree or the class of timber that shall be taken from the land.

Mr. MONDELL. Mr. Chairman, I think the views of the gentleman from Oklahoma are sound, and I propose to offer an amendment which I believe will meet his view of the matter, and remove from the bill a serious objection as the matter now stands. The provision of this section is that the land shall be disposed of when the Secretary has determined and announced that the merchantable timber thereon has been removed. Now, we give a good long time to purchasers to pay for this timber—10 years. We leave it entirely to the Secretary of the Interior to say how long a time they shall have for cutting the timber, and in the meantime the timber is growing. Who is to determine when the time comes that the timber which was sold is cut and the land ready to be entered under the law? It is very easy to remedy that. Strike out, in line 6, the word "merchantable," and in line 7 the word "thereon," and insert the words "sold as provided herein," so that the bill will read:

SEC. 4. That nonmineral lands of class 2 shall not be disposed of until the Secretary of the Interior has determined and announced that the timber sold as provided herein has been removed, and thereupon said lands shall fall into class 3 and be disposed of in the manner hereinafter provided for the disposal of lands of that class.

This will define definitely the timber that is to be removed before the land is open to homestead settlement.

Mr. COOPER of Wisconsin. How does it fix it definitely?

Mr. MONDELL. The balance of the section gives the Secretary authority to fix conditions under which the timber is to be sold, which would authorize him to describe, or even mark, the timber he actually does sell, and when that timber is cut the lands can be sold. If you leave the matter as it is now there is no way that the Secretary could determine when the time came that the timber he actually sold had been removed.

Mr. JOHNSON of Washington. It says, in line 11:

The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall—

Is not that going to put the timber from the forest reserve to be sold by the Department of Agriculture in competition with the timber sold by the Department of the Interior under different conditions?

Mr. MONDELL. I do not know. I presume that is so, and it presents another troublesome question; but we are discussing an entirely different matter now. We are discussing a provision as to when land may be subject to homestead settlement.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. For a question.

Mr. RAKER. I take it for granted that, although the gentleman is familiar with the cutting of timber, he is not familiar with the character of timber involved in this bill.

Mr. MONDELL. I think I am; I have been through this region somewhat. I have traveled somewhat over the land referred to here, and I have listened to a great deal of testimony on the subject.

Mr. RAKER. What I meant to say was that after the logging company has been over the land once, they do not go over it again, as they do in the East and the Southern States.

Mr. MONDELL. Unless you amend the bill, that is what they can do.

Mr. RAKER. It would not justify them.

Mr. MONDELL. Years after they have logged it off for the saw timber they might find it paid to go over it again for other classes of timber or material.

Mr. LENROOT. When the patent expires the right to the timber is then gone.

Mr. MONDELL. When the patent expires; but that is left to the discretion of the Secretary of the Interior, and the Secretary may make the period as long as he sees fit. Now, Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amendment by Mr. MONDELL: Page 6, lines 6 and 7, strike out the word "merchantable" in line 6 and the word "thereon" in line 7 and insert in lieu thereof the words "sold as provided herein."

The CHAIRMAN. The question is as to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri [Mr. BOOHER], which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BOOHER: Page 6, line 6, strike out the word "merchantable."

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I gave notice I would offer two amendments to this section, but in the place of the second one I move to strike out the last word. I have come to the conclusion that the committee does not intend to allow the bill to be amended, no matter how fair, reasonable, wise, or proper the amendments may be.

This section is one that ought to be carefully considered. In my opinion it is a section very much more in the interest of the timber companies than in the interest of either the public, the State, or the settlers. I endeavored to get the committee to accept an amendment which would make it reasonably certain that when the timber which was actually sold was cut the settlers could obtain these lands; but the committee refused to accept it. The matter is left entirely with the Secretary of the Interior to say in what quantities the timber shall be sold, and he can sell all the timber to one individual if his bid or bids are the best offered. He can give a timber company just as long as he sees fit in which to cut the timber. The purchaser may apply his first or any deferred payment on a particular tract or subdivision of his purchase, so that he need make payments only on the particular tract or tracts of land which he proposes to cut from.

The purchaser can secure a patent to a particular tract by applying every payment that may be made to that particular tract, and, having done that, proceed to cut the timber on the tract, holding in reserve in the meantime all of the other tracts without cost or investment. I take it that the committee has given very careful consideration to the matter and has felt justified in bringing in legislation as liberal as this is to the timber owners and the timber cutters. It strikes me, however, as being very questionable. The communities have ground for complaint in that the timber may be used for years, at little cost to the purchasers from taxation. The time is left very uncertain except by expiration of the patent, when the lands may be made subject to homestead settlement.

In the last paragraph of page 7 of the bill it is proposed to issue patents to the timber. I intended to offer an amendment striking out the word "patent" wherever it appears and inserting the words "certificate of purchase," but I have come to the conclusion that it is idle to offer any amendments to the bill. This is the first instance, as far as I know, in American legislation where the word "patent" has been applied to anything except the transfer of a permanent right, title, or easement to land. I do not pretend to say that the issuance of a patent such as is proposed would cast a cloud on the title to the land, although I think that is altogether possible.

But I do not see why the committee saw fit to use the word "patent" when the words "certificate of purchase" is the phrase that would describe the transaction that takes place. I have been told that the committee wanted to be sure that the timber would be taxable. It is no more taxable when the title to the timber is conveyed under the word "patent" than it would be if conveyed under a proper designation. The word "patent" has heretofore in our legislation referred exclusively to either a fee title to land or a proprietary limited fee with a reservation of some mineral contained in the land. It never has been and, in my opinion, can not properly be applied to a transfer of timber.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TAYLOR of Colorado. I think the idea in using the word "patent" was that the land might be taxable. The people out there are especially desirous of having this timber taxable, and I think that puts it in better shape.

Mr. MONDELL. The issuance of a patent to the timber would not make the land taxable. I can not believe the committee thought it would.

Mr. TAYLOR of Colorado. I am talking about the timber.

Mr. MONDELL. I said that was the argument, as I understood it, but it seems to me there is nothing to it. You do not make timber any more taxable than it would otherwise be by conveying it under a title and designation which does not properly apply to it. Timber will be just as taxable if sold under a certificate of sale as it would be under any other designation.

I have looked at all of the definitions of the word "patent" that I can find in the dictionaries. How that word can properly be applied to timber which it is proposed to cut down and take away I do not understand, but I shall not offer the amendment I intended because I do not think it is worth while. Let me make this further suggestion in the hope that elsewhere and before this bill becomes a law it may be considered.

The people of Oregon desire to tax this timber, the committee is anxious to assist in bringing about that desirable consummation. That could be promptly accomplished by issuing a certificate of sale when the sale is made and the first installment paid; such a transaction would pass title to the timber and render it taxable. Under the plan proposed by the committee, however, it is not contemplated that any evidence of title shall be issued until the so-called patent is granted. Under this plan purchasers for speculation could hold for 10 years by making deferred payments without paying taxes. That would be fine for the speculators but hard on the communities. If on the other hand the purchaser of a large area desired to cut timber but avoid taxes, he could apply his payments to one or more tracts and thus secure the so-called patent to those tracts, and proceed to cut from them, meanwhile hold the remainder without cost of investment or payment of taxes. All this is, of course, very fine for intending purchasers but it certainly is not good for the State and its communities. If the plan was devised to enable the State and its communities to secure taxes from the timber, it will certainly defeat its purpose.

It may be that these very liberal provisions for timber purchasers are deemed necessary in order to secure the best prices for the timber. If so, the committee should so state. That they have not is perhaps only another evidence of the fact that this measure is being hurried along too rapidly to have proper consideration or explanation.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, what is the status of the time?

The CHAIRMAN. There still remains seven minutes of the time.

Mr. FERRIS. Mr. Chairman, I desire to consume only a couple of minutes. The gentleman from Wyoming [Mr. MONDELL] has long been a Member of the House, and for a long time was chairman of the Committee on the Public Lands. He knows a great deal about public-land legislation, and he can help us a great deal, and, of course, I know he wants to help us. However, I doubt if his construction of the sections is made in the light of the facts out there. This tract of land is not a bald, prairie homestead proposition. Some of these quarter sections of land have $20,000 worth of timber on a single quarter section. This land has been reserved and held from homestead for 50 years. It is not a proposition like going out into Wyoming and taking up a quarter section of land worth 25 cents an acre or possibly nothing. Safeguards, limitations, and restrictions have to be drawn around the opening of valuable timberland like this in order to avoid confusion, mistakes, errors, and I might also say graft.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I can not yield. The gentleman has consumed 12 or 15 minutes of the 20 minutes allotted time. The gentleman complains that this is harshly dealing with the homesteader. It is not a homestead proposition. I have photographs of little shanties that they have put up, worth ten or twelve dollars apiece, where they have hardly cleared off enough land to set the shanty on. They are trying to acquire title to this valuable timberland by fraud, by deception, and with nothing but speculation in mind. This is no homesteader proposition.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I can not yield. I am trying to present the views of the committee. The gentlemen can disagree with me; that is their right. The proposition is to dispose of this timber and get all we can out of it for the Government and for Oregon, in spite of the gentlemen from that State, and then let the land go to the homesteader. This is the proper way to proceed with it, I am sure.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. COOPER of Wisconsin. Instead of the word "merchantable" why could you not define the diameter of the tree and the distance above the ground?

Mr. FERRIS. I think that would require too technical an examination. It would cost too much to make such a critical examination. It would consume the value of the land.

Mr. COOPER of Wisconsin. There is nothing technical about that. It is the simplest sort of a thing. The other way you leave it to a man to get anything he can, to make a dollar out of it if he can, and that is what he will say "merchantable" means.

Mr. FERRIS. Let us see what we do on that proposition. We first provide that two of the great departments of the Government shall carefully classify this land to determine what is timber and what is agricultural land, and then what? They sell it, and then there is a homestead proclamation issued by the Secretary of the Interior and another finding that all of the merchantable timber so sold is removed and then that land automatically goes into the agricultural class for homesteading. That is double protection for the Government, and I know those who believe that this land ought to be homestended; I know that those who believe that land worth $20,000 a quarter section ought to go to the homesteader, timber and all, do not agree with this proposition, but I do not agree with them on

any such course as that; I would not support a bill to carry on any such farce as that; that has been going on too long already.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MONDELL. The gentleman used language as to what would be done which is just exactly the language in the amendment that I offered which he declined to approve. He says that the Secretary is to certify when the timber so sold has been removed.

Mr. FERRIS. Yes.

Mr. MONDELL. That is what I wanted to define in the bill.

Mr. FERRIS. We have that.

Mr. MONDELL. The gentleman has not defined it.

Mr. FERRIS. We have.

Mr. MONDELL. He says when the merchantable timber is disposed of.

Mr. FERRIS. When the merchantable timber is disposed of the Secretary shall issue a proclamation. I know that we could weave in language here undigested; I know that we could change words here and there that would probably give away this timber, but I say to you that after the departments have put in months and months of consideration and after hearings when there were experts before us, we have concluded that it is dangerous to take words here and there and put in language that the department and the committee have rewritten and digested, making it so that it will not let anything get away from the Government.

Mr. COOPER of Wisconsin. May I ask the gentleman one question?

Mr. FERRIS. I yield to the gentleman.

Mr. COOPER of Wisconsin. It strikes me as a rather novel proposition to say it is dangerous for the Congress of the United States to add by way of an amendment anything to a bill that a committee and gentlemen at the head of bureaus of the departments have fixed upon.

Mr. FERRIS. Oh, no; the gentleman knows——

Mr. COOPER of Wisconsin. That is exactly what the gentleman said.

Mr. FERRIS. If I said that I was in error, because no gentleman here can believe any such thing as that. The gentleman has been so long a legislator, and such a useful one, I know he would rather risk a mature judgment on a technical question than a judgment that has not been carefully weighed. I know the gentleman believes that as a general proposition. It, of course, is not my purpose to set the committee up as infallible, but on technical matters that have received such unusual and such extended consideration I thought under those conditions I presented the correct method of procedure.

Mr. LENROOT. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] is very much aggrieved because the committee does not see fit to accept an amendment that he offers. The gentleman ought to remember that this committee has spent weeks in the consideration of this bill and has gone over the language of this bill time and time again. That does not mean that this committee is infallible; that does not mean that this committee is not wrong; but it does mean that the committee has given careful consideration to every phrase that is put into this bill. With reference to his criticism, if the gentleman's amendment had been adopted let us see where we would have been with respect to this situation. The gentleman provided that when the merchantable timber had been sold——

Mr. MONDELL. I did not have the word "merchantable."

Mr. LENROOT. That when the timber sold had been removed that then there should be a homestead entry.

Mr. MONDELL. That is it.

Mr. LENROOT. Now, then, the timber is sold under the provisions of this bill; the purchaser may not remove all of that timber. There may be some of that remaining upon the land that was sold to him, and yet if the gentleman's amendment had been adopted after the patent had expired, not 1 acre of that could have been open to homestead entry and could have been put in class 3 so long as there was a tree remaining upon the land sold and included in the original patent to which title had gone and the expiration of the time of the patent came.

Mr. MONDELL. The gentleman knows perfectly well that the argument he now makes applies to the language as it stands in the bill just as much as it would to the language I propose.

Mr. LENROOT. The gentleman does not know that.

Mr. SLOAN. Will the gentleman yield for just a moment?

Mr. LENROOT. I do.

Mr. SLOAN. Would not this be a proper amendment: To add to line 9, on page 6: "*Provided*, That no timber shall be considered as merchantable timber where the tree diameter at 2 feet above the ground is less than 10 inches," or whatever the committee would think would be proper?

Mr. RAKER. Nine inches.

Mr. STAFFORD. Eight inches.

Mr. LENROOT. Possibly so, and yet at the same time even then if you put in a provision that it should not be considered unless it was nine inches in diameter, if there was timber upon it that was in excess of that and a few trees left upon it, yet we could not place that land in class 3 if there were a dozen trees left upon the quarter section in excess of nine inches in diameter at the bottom.

Mr. Chairman, the language in the bill, which merely provides when this land in class 2 shall fall into class 3, is proper as it stands notwithstanding the suggestion of the gentleman from Wyoming. The gentleman from Wyoming probably picked up this bill yesterday, has given it very slight attention to-day, and sitting here at his desk to-day offers amendments that he thinks are perfect. It may be so, but it ought not to be assumed that because he offers them that they are.

The CHAIRMAN. The time limit agreed upon has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The time for debate upon this amendment has expired. The pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. SINNOTT. Mr. Chairman, I have an amendment which I desire to offer to this section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of line 18, page 6, the words "at such," and strike out of line 19, page 6, the word "times," and insert in lieu thereof the words "as soon as practicable."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. That nonmineral lands of class 3 shall be subject to entry under the general provisions of the homestead laws of the United States, except as modified herein, and opened to entry in accordance with the provisions of the act of September 30, 1913 (38 Stat. L., p. 113). Fifty cents per acre shall be paid at the time the original entry is allowed and $2 per acre when final proof is made. The provisions of section 2301, Revised Statutes, shall not apply to any entry hereunder and no patent shall issue until the entryman has resided upon and cultivated the land for a period of five years, proof of which shall be made at any time within seven years from date of entry. The area cultivated shall be such as to satisfy the Secretary of the Interior that the entry is made in good faith for the purpose of settlement and not for speculation: *Provided*, That the payment of $2.50 per acre shall not be required from homestead entrymen upon lands of class 2 when the same shall become subject to entry as agricultural lands in class 3: *Provided further*, That during the period fixed by the Secretary of the Interior for the submission of applications to make entry under this section any person duly qualified to enter such lands who has resided thereon, to the same extent and in the same manner as is required under the homestead laws, since the 1st day of December, 1913, and who has improved the land and devoted some portion thereof to agricultural use, and who shall have maintained his residence to the date of such application, shall have the preferred right to enter the quarter section upon which he was so residing where such quarter section does not contain more than 1,200,000 feet board measure of timber, and where the quarter section contains more than the said quantity of timber such person may enter the 40-acre tract, or lot or lots containing approximately 40 acres, upon which his improvements, or the greater part thereof, are situated: *Provided further*, That a prior exercise of the homestead right by any such person shall not be a bar to the exercise of such preference rights; *and provided further*, That all of the following-described lands which may become recested in the United States by operation of this act, to wit: Township 1 south, range 5 east, sections 23 and 35; township 1 south, range 6 east, sections 3, 5, 7, 9, 17, 19, 29, 31, and 33; township 2 south, range 5 east, sections 1 and 3; township 2 south, range 6 east, sections 1, 3, 5, 7, 9, and 11; township 2 south, range 7 east, section 7; township 3 south, range 3 east, section 15; township 4 south, range 4 east, sections 11 and 13; township 4 south, range 5 east, sections 19 and 29; and township 12 south, range 7 west, sections 15, 21, 23, 27, 33, and 35, Willamette meridian and base, State of Oregon, shall be withheld from entry or other disposition for a period of two years after the approval hereof.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 18, after the word "situated," insert "and such other contiguous subdivisions of said quarter section as are classified as lands of class 3."

Mr. MONDELL. Mr. Chairman, the section provides, on page 9, that any person duly qualified to enter these lands who has resided upon them shall have a preference right to entry on the quarter section he occupies, providing it does not contain more than 1,200,000 feet board measure of timber, and where the quarter section contains more than the said quantity of timber he may enter the 40-acre tract or lands containing approximately 40 acres upon which his improvements, or the greater part thereof, are situated.

It will be noted from the reading of this provision that if the quarter section exceeds the rate of 300,000 feet to the 40, or 7,500 feet to the acre, by a single foot board measure, the entryman is cut down from 160 to 40 acres. I do not think that is what the committee intended, and certainly is not fair. If you leave the language of the bill as it stands, providing that in such case the entryman may have the forty on which his improvements are situated and in addition to that other contiguous forties, provided they are classed as agricultural lands, you will do justice to the settler without allowing him timber in excess of the maximum.

I do not think that the committee intended to deprive such a settler of such of his lands as were of a character that would allow their entry as a homestead.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. The gentleman's amendment appears to be very reasonable, except for one thing, in this, that he may not have to be a qualified entryman.

Mr. MONDELL. The entire provision is liberal in that respect. The gentleman knows that to be necessary, because in some cases people have settled on these lands who were not qualified entrymen. Let me make this suggestion: You have concluded to be liberal to all these people. Now, it is not fair to provide that some of these people must drop down to a single forty, provided some of the other forties are lands they could as entrymen select. Now, my amendment does not fly in the face of the provision of the committee limiting the amount of timber which a man may take; it simply provides a method by which if a settler be limited by the terms of the bill to the forty on which his improvements are situated and there are agricultural forties contiguous, he may also take them. That will allow those people who would be limited by the terms of the bill to 40 acres to secure in some cases 80 and in some cases 120 acres; otherwise you would reduce a man to 40 acres if by a single foot board measure his entire 160 acres exceeded the maximum of timber. It does not seem to me a fair proposition.

Mr. RAKER. As to the contention of the gentleman there will possibly be no objection; but really, as a matter of fact, under the law and under the language of the bill as it now stands the homesteader would have no right except upon the one forty, except as to the amount of time he has resided on it, because he has no claim to the balance if he has not resided on it; and if those three forties are in excess, so far as the time is concerned, and on the other side of his forty and the two forties and three forties are contiguous, then he could take that one forty and the other land beside that.

Mr. MONDELL. That condition may not exist. The entrymen may have settled upon the only tract in the locality that is only partially timbered, but the whole 160 acres may contain timber somewhat in excess of your maximum allowance. Now, that being the case, the provisions of the bill reduce him not merely within the limit of tolerance but reduce him to 40 acres, which is not a reasonable thing to do. It is all right to say, as the committee has, that in any event he shall have the 40 on which his buildings are situated, but he should also be allowed to have the other tracts if they are what we class as agricultural lands.

Mr. RAKER. The proposition is this: If there is an actual residence under the bill provided, he can make a claim, and he can run it beyond 160 acres, because he has a right to run it otherwise and there is no law to fix the boundary. But he is beyond the 40-acre tract which does contain 350,000 feet board measurement, and he can get that 40 acres anyhow, and if on the other side there is land that contains only 350,000 feet board measurement, he can take that, under the law, unless there is a prior claim to his land.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. For a question.

Mr. MONDELL. The gentleman says if the settler was reduced down to the 40-acre tract he could, if there was agricultural land adjacent to him, take it as a homestead settler outside of this provision in this section. If you are willing to allow him to do that, why not allow him to do the same thing within the tract that he has originally selected? Furthermore, no one knows how these lands are to be opened to entry, and if you take from a settler his preference right he may never get an opportunity at that particular tract.

Mr. RAKER. The bill provides for it now. If land is in 40-acre lots contiguous to his original entry, he can, under this law, get them beyond question.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate, and I ask for a vote.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MONDELL. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 10, noes 17.

So the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I desire to offer an amendment.

Mr. FERRIS. How much time do you want?

Mr. HAWLEY. Three minutes.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes, three minutes to be used by the gentleman from Oregon and two by the committee, that debate close on this amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] offers an amendment, which the Clerk will report. And pending that the gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that debate on this section and on this amendment close in five minutes, three to be used by the gentleman from Oregon [Mr. HAWLEY] and two by the committee.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 15 minutes, 5 to be used by the gentleman from Oregon [Mr. SINNOTT], 5 by the gentleman from Wyoming [Mr. MONDELL], and 3 by the gentleman from Oregon [Mr. HAWLEY] and 2 by myself, that all debate close on this section and amendments thereto.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The Clerk read as follows:

Page 9, line 1, after the word "further" in line 1, strike out the remainder of the line, and all of lines 2, 3, 4, 5, 6, 7, 8, 9, and the first three words in line 10, and insert in lieu thereof the following: "That, first, any person actually residing in good faith on not exceeding one-quarter section of such land prior to December 1, 1915, who has cultivated and improved the same upon his making application therefor within six months from the date of the passage of this act; and, second, any person who shall have made settlement in good faith upon not exceeding one-quarter section of such land at any time, cultivated and improved the same, and made application to purchase the same under the terms of the provisos in the granting acts prior to December 1, 1915, upon his resettling upon and asking application therefor within six months after the date of the passage of this act."

Mr. HAWLEY. Mr. Chairman, the purpose of this amendment is to accomplish two things. It changes the date from that given on line 7, page 9, to the date that I understand has been agreed on in another body, and which I think is fairer to the settler.

In the second place, it allows those who have made settlement on the land and made improvements, and have gone temporarily off by reason of lack of funds to seek employment, or discouragement because the suit continued seven years when they thought it would be a much shorter period, to return upon the land.

The general purpose of it is to let the man who has made the settlement, who has made the improvement, who has done the clearing, and built the houses and barns, and who has broken the soil and prepared it for cultivation, to have the benefit of his work rather than let somebody else have it. It seems to me the amendment is a reasonable one.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. RAKER. Then, I would take it for granted from the gentleman's amendment, judging from some of these pictures here, where the land is worth $20,000, that those people could return and come in under this amendment?

Mr. HAWLEY. No. The gentleman is in error, because this settlement can only be made under the preceding portions of the bill, which limit the settlement to agricultural lands provided in the bill. They can only make settlements of the agricultural lands provided in the bill, just as was provided by the committee.

Mr. RAKER. If a man went there and built a cabin and stayed one day, and then went to Canada and returned, he could take out a homestead?

Mr. HAWLEY. I do not think it would be construed that that would mean cultivation and improvement.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. LENROOT. Did not the act of 1912 expressly provide that no rights should be initiated by anybody on these lands?

Mr. HAWLEY. I will say to the gentleman that whatever was done by one Congress can be changed by a succeeding Congress.

Mr. LENROOT. But those people had no equities, because they had notice that no rights would be recognized.

Mr. HAWLEY. It seems to me it would be justice that the man who has made improvements, cultivation, expended his money and his labor should have the benefit of it rather than some other person.

Mr. FERRIS. Mr. Chairman, I hope no one will be misled by the language of that amendment. That would open up a lot of things that I thought every one wanted to avoid. That would let in a lot of people that the Supreme Court has decided have no rights. I have not read it carefully, but I think it contains the elements of more mischief than appears on the face of it. Any amendment looking to a step of this kind would be harmful.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. HAWLEY. Absolutely none of those people that the gentleman refers to would be able to take advantage of this.

Mr. FERRIS. I have pictures here of houses that did not cost $12 to build, on a little clearing on these timberlands out there, where the timber is worth $20,000, and they are trying by a fictitious and spurious settlement to get hold of a lot of this timberland.

No one need be mistaken as to what they are trying to do or as to what they will do if such amendments as this are to be adopted.

Mr. HAWLEY. I do not think anything like that would be counted as settlement and cultivation. But if any one has settled on that land since December 1, 1913, he would come under this.

Mr. FERRIS. I think it will be worth while for gentlemen here to look at these pictures of these pretended settlements. The whole thing is pure fiction. This is not a common homestead preposition at all.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes; I yield to the gentleman.

Mr. SINNOTT. Is that a record of the pictures taken from the Supreme Court case?

Mr. FERRIS. Yes; that is it.

Mr. SINNOTT. Those, the gentleman will understand, were exhibits introduced by the railroad company to show that this land was not agricultural land.

Mr. FERRIS. They show the fictitious character of the proposition. Mr. Chairman, they are photographs. They are a part of the record. They show for themselves and they prove what I am saying. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Page 8, lines 13 and 14, after the word "and," strike out "$2 per acre when final proof is made" and insert "50 cents per acre per annum."

Mr. MONDELL. Mr. Chairman, this is an amendment that I assume no one will vote for, and yet every one should vote for it. The gentlemen of the committee will not want to vote for it, because it modifies their bill. The gentlemen from Oregon will not want to vote for it, because it requires the homestead settlers to continue to make payments yearly, instead of allowing them to wait seven years after they make entry, to make payment upon their lands. I think it would be very much better, both for the State of Oregon and its settlers—I am sure it would be better—if this provision were adopted. It is a very great mistake, as has been proven a multitude of times, to leave the major portion of the payment for homestead land until final proof is made. The settler, instead of becoming thoroughly and earnestly interested in his land as he makes small payments year by year, is very much inclined to hold his land in a speculative way, hoping to sell it to some one before he makes final proof or when he makes final proof, allowing the purchaser to pay the purchase price. We allow these settlers when they make entry to pay 50 cents an acre, and then allow them to live on their land seven years before making final proof and payment. It would be very much better to require them to make payments of 50 cents per acre per annum, in which event the place would be paid for at the end of five years. Now, Mr. Chairman, so much for that. This is an amendment that I do not expect will be adopted, although it ought to be.

But I want to take the minute or two that I have left to refer back to the last section, which really ought to have been discussed much more than it was. I have no doubt that the committee did the very best they could. I am sure the committee did not desire, in adopting the provisions of that section, to do an injustice to the State of Oregon in retarding settlement, or to be improperly liberal to the timber companies; but I am sure that the timber companies of the west coast, all of them, approve of every provision in this section, because it leaves with the Secretary of the Interior the question as to how much of this timber one individual or one company may buy and the time they shall have in which to cut the timber. All of the timber on all of these lands might be purchased by one individual or one corporation, and the Secretary of the Interior is left with carte blanche to decide how long the purchaser shall have in which to cut off the timber, and when the land shall be restored to entry.

Mr. RAKER. The gentleman does not want to misstate something that is provided for in the bill. On page 9 every piece of this land can be sold in tracts of 40 acres to whomever wants to buy it, and the Secretary of the Interior must sell it to men having small amounts of money, in tracts of 40 acres, if they want it.

Mr. MONDELL. I am not talking about the land. I am talking about the timber; and, furthermore, there is no such provision as the gentleman refers to on page 9 in regard to either land or timber.

Mr. RAKER. I mean the timber.

Mr. MONDELL. That is not true, so far as the timber is concerned, any more than it is true in regard to the land. Evidently the gentleman has not read the bill, because the provisions relative to the sale of timber are on pages 6 and 7 and provide that the Secretary may sell it at such times, in such quantities, and under such plans of bidding as he may in his judgment prescribe; and in the next section it provides that he shall fix the time for the running of the patent, shall determine how long these people are to have within which they may cut the timber. It may not be too liberal a provision, but it certainly is a very liberal provision, and if we should get a Secretary who was not entirely dependable we might regret it. It is true that on page 7 there is a proviso to the effect that under certain conditions the Secretary shall on application first offer any single subdivision applied for, but that does not essentially affect the situation.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Wyoming [Mr. MONDELL].

The amendment was rejected.

Mr. SINNOTT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Amend, page 9, line 1, by inserting after the word "three," "*Provided further*, That any purchaser of timber being a qualified homestead entryman, or his assignee, being a qualified homestead entryman, on the issuance of a patent for the timber on any quarter section, or smaller legal subdivision of nonmineral land may, in the discretion of the Secretary of the Interior, enter said quarter section, or smaller legal subdivision thereof, in like manner as lands of class 2 are entered after the removal of the timber."

Mr. SINNOTT. Mr. Chairman, the object of this amendment is to enable a homestead entry to be made on timberland as soon as the timber is paid for and the patent is issued for the timber. Otherwise the land can not be entered until the timber is all cut and removed from the land. The object of this amendment is to enable anyone who is a qualified homestead entryman to enter 160 acres of timber and not be compelled to wait until the timber is removed. I have spoken to some members of the committee about it, but have not heard any objection to this amendment.

Mr. MONDELL. Mr. Chairman, I do not desire to take up the time of the committee in discussing this amendment unless the committee proposes to oppose it. I supposed the committee would accept it.

This amendment in effect authorizes a homesteader to also become the owner of the timber which is on his homestead by paying for it. Of course it is an amendment that is not in the interest of the timber companies; it has none of the elements of liberality to the great timber companies contained in the former section.

Mr. McARTHUR. And will it not have the effect of getting the man onto the homestead quicker than the provisions in the bill?

Mr. MONDELL. Of course. This amendment is in favor of everybody except the timber companies. Without this the timber companies may hold the lands so long a time as may be fixed by the Secretary of the Interior.

Mr. COOPER of Wisconsin. Would the bill as now drawn permit the Secretary of the Interior and the Secretary of

Agriculture to sell all these lands to one or two great timber companies?

Mr. MONDELL. It would authorize them to sell all the timber on all the lands to one person or one company and to give them as long a period of time in which to cut the timber as the Secretary saw fit. I should be much afraid of such provisions, and if I were a member of the committee I would not approve of them.

Mr. FERRIS. The gentleman ought to state in response to the gentleman from Wisconsin that it is made compulsory on the part of the Secretary of the Interior to offer these lands in 40-acre tracts, so that the humblest citizen may bid and buy a tract as small as 40 acres.

Mr. COOPER of Wisconsin. And they are to be sold to the highest bidder?

Mr. FERRIS. Yes; certainly.

Mr. MONDELL. It is true that on page 7 there is a provision under which before offering the land in large units the Secretary shall on application offer separately the timber on any legal subdivision; but this would not prevent the selling of all the timber to one party if he was the highest bidder, and this provision is hedged about by a curious provision that the application for the small sale shall be made 90 days before an offer by the Secretary of the land in a larger unit. On page 6 of the bill it provides that the timber on the land can be sold by the Secretary of the Interior—

at such times, in such quantities, and under such plan of public competitive bidding as in the judgment of the Secretary may produce the best results.

Under those provisions the Secretary can sell the timber on every acre on all these lands to one individual or company, if that individual or company is the best bidder. The small man may bid, it is true, on the timber on a small tract, if he is alert and active enough to file his application 90 days before the tract is included in a large unit. Whether the small man would consider it worth his while to watch his chance to get in an application before the timber he desired was included in an offer of a large tract and bid against the large purchaser is a question.

The CHAIRMAN. The time has expired, and the question is on the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. SINNOTT) there were 20 ayes and 30 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 10. That all moneys received from or on account of said lands and timber under the provisions of this act shall be deposited in the Treasury of the United States in a special fund, to be designated "The Oregon and California land grant fund," which fund shall be disposed of in the following manner: The Secretary of the Interior shall ascertain as soon as may be the exact number of acres of said lands, sold or unsold, patented to the Oregon & California Railroad Co., or its predecessors, and the number of acres of unpatented lands which said railroad company is entitled to receive under the terms of said grants and the value of said lands at $2.50 per acre. From the sum thus ascertained he shall deduct the amount already received by the said railroad company and its predecessors in interest on account of said lands as determined under section 7 of this act; and a sum equal to the balance thus resulting shall be paid, as herein provided, to the said railroad company, its successors or assigns, and to those having liens on the land, as their respective interests may appear. The amount due lien holders shall be evidenced either by the consent, in writing, of the railroad company or by a judgment of a court of competent jurisdiction in a suit to which the railroad company and the lien holders are parties. Payments shall be made from time to time, as the fund accumulates, by the Treasurer of the United States upon the order of the Secretary of the Interior: *Provided, however*, That if, upon the expiration of 10 years from the approval of this act, the proceeds derived from the sale of lands and timber are not sufficient to pay the full amount which the said railroad company, its successors or assigns, are entitled to receive, the balance due shall be paid from the general funds in the Treasury of the United States, and an appropriation shall be made therefor. After the said railroad company, its successors or assigns, and the lien holders shall have been paid the amount to which they are entitled, as provided herein, an amount equal to that paid for accumulated taxes, as provided in section 9 hereof, shall be deposited in the Treasury to the credit of the United States.

A separate account shall be kept in the General Land Office of the sales of land and timber within each county in which any of said lands are situated, and, after deducting from the amount of the proceeds arising from such sales in each county a sum equal to that applied to pay the accrued taxes in that county and a sum equal to $2.50 per acre for each acre of such land therein title to which is revested in the United States under this act, 30 per cent of the remainder shall be paid to the treasurer of the county for the construction of roads, highways, and bridges; 20 per cent shall be paid to the State in which the county is located for the establishment and support of common schools; 40 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act; and the balance remaining in said Oregon-California land grant fund shall become a part of the general fund in the Treasury of the United States. The payments herein authorized shall be made to the treasurers of the States and counties, respectively, by the Treasurer of the United States, upon the order of the Secretary of the Interior, as soon as may be after the close of each fiscal year during which the moneys were received.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 13, line 5, after the word "lands," insert the words "which should be charged against it."

Mr. LENROOT. Mr. Chairman, a word of explanation with reference to the amendment. Section 7 directs the Attorney General to bring an action against the railroad company for an accounting, and to determine the moneys received by the railroad company from sales heretofore made, and also what portion should be charged against the railroad company as a part of the full value of the grant. This section provides for the payment to the railroad company but omits the expression "which should be charged against it." It reads:

From the sum thus ascertained he shall deduct the amount already received by the said railroad company and its predecessors in interest on account of said lands as determined under section 7 of this act; and a sum equal to the balance thus resulting.

In order to harmonize it this amendment should be inserted.

Mr. FERRIS. We accept the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. I have a further amendment, Mr. Chairman.

The Clerk read as follows:

Page 14, line 21, after the word "Oregon," insert the word "and."

Mr. LENROOT. This is to harmonize the expression "Oregon and California."

Mr. FERRIS. We accept the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I also offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, line 3, after the word "received," insert:

"*Provided*, That none of the payments to the States and counties and to the reclamation fund herein provided for shall be made until the amount due the Oregon & California Railroad Co., its successors or assigns, has been fully paid and the Treasury reimbursed for all taxes paid pursuant to the provisions of section 9 of this act."

Mr. FERRIS. Mr. Chairman, there is no opposition on the part of the committee to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, line 12, at the end of the line, strike out the word "thirty" and insert the word "twenty."

Mr. FOSTER. Mr. Chairman, under the provisions of this bill the Government advances the money to pay the taxes which have been accumulating since suit was started upon these lands and which were not paid by the railroad company. Then it also provides that when all this is taken out of the expenses and everything else, 30 per cent shall go to the treasurers of the counties for construction of roads, bridges, and so forth, and 20 per cent to the State for schools. What I am getting at is that the United States Government, the Federal Treasury, shall have 20 per cent of the money—not more than that; but that instead of giving 50 per cent to the State, that we shall give 40 per cent to the State, 40 to the reclamation fund, and 20 per cent to the United States Treasury. I think it is nothing but fair that the Federal Treasury should get something out of the property it owns in the State of Oregon, and I submit that is a fair proposition. I think the people of the State of Oregon ought to be willing to accept that kind of a proposition. The Federal Treasury ought to get a little something from the proceeds of the sale of its own property.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division, at the suggestion of the Chair, there were—ayes 29, noes 24.

Mr. MONDELL. Mr. Chairman, I regret to call the attention of the Chair to the fact that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. MONDELL. If the committee is not going to stand by the bill, we will have to have a quorum present.

Mr. RAKER. Oh, the members of the committee stood by the bill, and there is no need of any such criticism.

Mr. MONDELL. The committee, on the one hand, stands against any sort of an amendment to the bill, and, on the other hand, whenever an amendment is offered that appeals to gentlemen on the committee they desert their own work.

Mr. RAKER. I do not think the committee is subject to that criticism.

Mr. ADAMSON. Mr. Chairman, I make the point that the gentleman from Wyoming did not make the point of order that there was no quorum present. I voted with him. He merely called the attention of the Chair to the fact that there might not be a quorum present.

The CHAIRMAN. The Chair understood that the gentleman did make the point of order that there is no quorum present.

Mr. MONDELL. Has the Chair announced the vote?

The CHAIRMAN. The Chair did not announce the count.

Mr. MONDELL. I am going to make the point.

Mr. FERRIS. I wish the gentleman would let us go through with the bill.

Mr. ADAMSON. I suggest that the gentleman ask for tellers.

Mr. MONDELL. Has the Chair yet announced the count?

The CHAIRMAN. The Chair has not yet begun to count. The Chair will ask the gentleman if he makes the point of order of no quorum?

Mr. MONDELL. Not as yet.

Mr. ADAMSON. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The Chair will state that the Chair has announced the vote.

Mr. ADAMSON. Is it too late to demand tellers?

Mr. MONDELL. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. FOSTER and Mr. MONDELL to act as tellers.

The committee again divided——

Mr. COX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX. What are we voting on here?

The CHAIRMAN. Voting upon the amendment offered by the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. To give the Government 10 per cent more money; that is all.

The tellers reported there were—ayes 33, noes 32.

Mr. MONDELL. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and one Members are present, a quorum.

So the amendment was agreed to.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 17, after the word "schools" strike out the semicolon of line 17 and all of lines 18, 19, and all of line 20, down to the word "act" in said line.

Mr. CANNON. That strikes out all of line 17 after the word "schools." Now, Mr. Chairman, I am not going to take much time in discussing this amendment. As I understand it the lands that are to come back to the Government are worth all the way from $30,000,000 to $250,000,000, just according to the guess that the man makes, and some guess $5,000,000, and possibly the last guess is the best guess. We have had all kinds of guesses. There is evidently a very considerable amount of land in Oregon that was granted to this railroad company under the conditions of the act, and it seems that as the railroad is to get $2.50 per acre for lands not sold that no one will be hurt.

Now, the effect of this amendment is, to see my colleague and go him better, this amendment strikes out these words:

Forty per centum shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act.

If this amendment should prevail, this would read, in line 21:

And the balance remaining in said Oregon-California land grant fund shall become a part of the general fund in the Treasury of the United States

If this amendment prevails, instead of 10 per cent being paid to the general fund of the United States, it will be 50 per cent. Now, it is true that under the reclamation act the proceeds of public lands as they were sold went into the reclamation fund on the theory that there would be a "round robin" going round and round and round. Suffice it to say, that it has not gone round sufficiently. [Laughter.] We have made a loan to the reclamation fund of $20,000,000. I have my views about when that will be paid back, but then if it only was $50,000,000—I believe I am conservative—which is it?

Mr. FERRIS. Thirty million to fifty million.

Mr. CANNON. Well, now, if this amendment is adopted, we will put $25,000,000 in the Treasury of the United States, and God knows we will need it by that time. [Laughter.] I mean exactly what I say; this amendment is not for buncombe. Well, but does that violate the spirit of the reclamation act? Nay, nay; for the reason that when the reclamation act was passed—and I recollect very well when it was passed—there was something of contest about it. The present Senator from Nevada [Mr. NEWLANDS] was in the House at that time, and he was a leader, very enthusiastic, and it was passed. I had the honor of being one who voted against it and was confronted with it many, many times. I have always been willing, if I had it to do over again, under all the conditions, I should vote against it again. But, outside of that, this land, claimed to be worth $50,000,000, was not in the mind of Congress when the reclamation act was passed. It was supposed to belong to—I do not know what the name of the railroad was—the California & Oregon. Well, there was a railroad there that was built, and the land was granted. What for? Just as under the leadership of Stephen A. Douglas, a great Senator from Illinois, in 1850, when the first land grant was made that ever was made in aid of railway construction of alternate sections for 6 miles on each side the track from Chicago to Cairo and Centralia to Dunleith.

Those lands were being located at that time with 70-cent military land warrants. The Government reserved the alternate sections as fast as that road was located and the alternate sections were gathered up at $2.60 per acre. Because while the country was largely unsettled, it was known that the lands were good and it was a question of markets. It was a question of population. Since that time Chicago has grown in population from less than 50,000 people to 2,500,000. Now, upon the theory that a railroad would develop the country this land grant was made. It had the restrictions referred to in the bill and report and provision. The railroad people did not comply. I shall certainly vote for the bill. It now not being within the sphere of the United States and not belonging to it at that time—nobody ever dreamed of it belonging to the United States—I think it is folly that after the United States has borne the burden and is still to pay money before this is settled, with perhaps a company or, I was going to say, a regiment in the employ of the Government, I think it is proper that this $25,000,000 should go into the United States Treasury. [Applause.]

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this amendment and all amendments to the paragraph in 25 minutes, 5 to be controlled by the gentleman from Colorado [Mr. TAYLOR], 5 by the gentleman from Wyoming [Mr. MONDELL], 5 by the gentleman from Oregon [Mr. HAWLEY], 5 by the gentleman from Oregon [Mr. MCARTHUR], and 5 by the committee.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the end of 25 minutes all debate on this paragraph and amendments thereto be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Chairman, in my judgment the committee made a very grave error in adopting the last amendment. I feel that that was an outrage upon the State of Oregon. The State is entitled to every dollar that this bill gives it. Now, if the House should adopt the amendment of the gentleman from Illinois [Mr. CANNON], we might about as well throw this bill into the wastebasket. If you are starting out to try to repeal the reclamation law, by violating not only the spirit of that law, but the entire course of legislation of Congress from 1902 down to this time, we of the West are in honor to on: States bound to resist it in every way we can.

The Government of the United States has authorized the construction of some 32 Government reclamation projects. They now cover some 3,000,000 acres of irrigable land. There are, or will be, some 60,000 homes upon these projects. The conservationists of this country, of whom my friend from Illinois who sits at my right [Mr. FOSTER] is one, have succeeded in having withdrawn from settlement some 185,000,000 acres of the United States in forest reserves; something like 30,000,000 acres of supposed coal lands, and Heaven only knows how much more in power sites, oil lands, and otherwise, so the receipts from sales of public lands have been rapidly diminishing during recent years. Our receipts from the public domain have dwindled from about $40,000,000 down to about $3,000,000 a year. Now, if you take away the only means we have of completing those irrigation projects, you will commit one of the most outrageous wrongs and hardships that Congress has ever inflicted upon any people or any State. There is no semblance of justice in an amendment that would take away from the completion of these projects their only source of supply.

It is true we extended the period of payment from 10 to 20 years. We did that because the receipts were not sufficient to complete them sooner, and also because the people could not any sooner pay the enormous price they are compelled to pay for these lands. But that money is coming back. There is not a single project in the United States that has ever repudiated its obligation.

Mr. MADDEN. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. MADDEN. Whatever would become of the reclamation revenues of this land if they came into the possession of the Government of the United States?

Mr. TAYLOR of Colorado. If the Government appropriated to itself and kept all the receipts from the sale of these lands, then, of course, we would not get any of that money. And if the Government kept the land and did not sell it we would get nothing. But, as a matter of fact, it is sheer nonsense to talk about $200,000,000. As a matter of fact, I think the most conservative and best estimates we have had made on that land is from $10,000,000 to $20,000,000.

Mr. TILSON. What is the difference between giving this number of millions, whatever it may be, and making a direct appropriation out of the Treasury? Why should we not appropriate just so many million dollars out of the Treasury to the reclamation projects?

Mr. TAYLOR of Colorado. The laws now set apart the proceeds from the sales of the public lands, and put them into that reclamation fund, and after they have been used once in that way they are all to be paid back into the Federal Treasury by the settlers upon the lands under these reclamation projects. The lands under these projects are utterly worthless without irrigation, and the Government is trying to bring about their irrigation and settlement for the development of the West. It requires an enormous amount of money to build those irrigation works, and they can only be built from the proceeds of the sale of the public lands, and that fund is getting smaller all the time.

Mr. TILSON. What connection has this land with the reclamation subject at all?

Mr. TAYLOR of Colorado. Well, after it is taken back from the railroad it becomes a part of the public land of the United States. If we declare it to be public land, the proceeds derived from its disposition go into the reclamation fund under the existing law, and thereafter they are paid back into the Treasury. It is being paid back now by some of the projects, and in a few years all of them will be paying back this money.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman's time has expired.

Mr. CARAWAY. I just wanted to know if a dollar of it would ever get back; that is all.

Mr. MONDELL. Mr. Chairman, the gentleman from Illinois [Mr. CANNON] proposes to repeal what is known as the reclamation law and deplete the reclamation fund, in so far as it applies or shall apply to the sums that may be received from the sale of these lands and this timber. I had the honor of presenting the reclamation bill to the House and of making the motion on which it passed the House.

The gentleman from Illinois says he did not vote for it. I want to say for the gentleman from Illinois that, as Speaker, he did use his influence to make it possible for us to consider the bill, so that whether he voted for it or not, he is entitled to great credit by reason of the fact that he did afford an opportunity for the consideration of the bill while he was Speaker of the House.

Mr. CANNON. Mr. Chairman, will the gentleman allow me?

Mr. MONDELL. I will.

Mr. CANNON. The majority always had the right to proceed in the House, and it was no part of my business to defeat it. [Applause.]

Mr. MONDELL. Well, in this particular case we never came to that test. The gentleman from Illinois, as Speaker, smoothed the way and made it possible to have the bill considered, and it became a law. It is working well. Under that law all the proceeds of the sale and disposition of the public lands flow into the reclamation fund. This bill modifies that provision somewhat by retaining for the State 50 per cent of these particular funds, and for the Federal Government 10 per cent, giving the reclamation fund only 40 per cent, where it would receive, except for this particular legislation, the entire proceeds.

The sum to be received from these sources will never mount up into the millions that have been mentioned by the gentleman from Illinois and others. By the time we shall have paid the State of Oregon the taxes due her and shall have paid the railway company the amount which is coming to the company on the basis of $2.50 an acre, and when we shall have provided for the care, sale, and disposition of the lands, the net sums received will be far below the juicy sums referred to. But whatever they are, it is right and proper that they should flow, as the receipts of other classes of public lands flow, into the reclamation fund.

Let me call the attention of the House to this fact: That if it had not been for the very earnest efforts of some of us here we would have never had these sums. The lands from which they are to be derived would be the property of the Oregon & California Railway Co., except for the efforts made by some of us to pass the resolution under which forfeiture suits were brought. I well remember how earnestly we were contested when we brought in a resolution authorizing the Federal Government to begin the suit that led to the situation which is now before us. There were a number of gentlemen who did not want that suit instituted. There were some who were perfectly willing that the railroad company should retain these values. We insisted that they were values that belonged to a certain extent to the people of the Union, and we pressed that resolution, which led to the Supreme Court decision under which we are now proposing to dispose of these lands. If we have secured by that action funds which otherwise would have flowed into the treasury of this great railway corporation, is that any reason why those funds should be diverted from the very meritorious uses which we have provided for such funds?

We are reclaiming and developing great areas of the West under the reclamation law, and if gentlemen will only be patient we shall have a return to the reclamation fund of the great bulk of the sums now invested in irrigation works. This year there has been returned to the fund over a million dollars, and in the year we are about to enter upon more than $2,000,000 will come into the fund from repayments. A great work is being carried on with a large measure of success.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, how much time remains?

The CHAIRMAN. Fifteen minutes remain.

Mr. FERRIS. Mr. Chairman, I ask for a vote. Does the gentleman from Oregon [Mr HAWLEY] want any time on this?

Mr. HAWLEY. No; I do not want any time.

Mr. FERRIS. Then just a word, Mr. Chairman. I hope the amendment of the gentleman from Illinois [Mr. CANNON] will not be adopted. As the law now stands all of the proceeds of the sale of public lands go into the reclamation fund, to be loaned to farmers for the purpose of converting the arid West into habitable homes for the people. This bill puts only 40 per cent of the proceeds of this sale into the reclamation fund. The reclamation fund needs this amount. The different projects now under progress need it. If the amendment of the gentleman from Illinois [Mr. CANNON] prevails, nothing goes into this fund. It is an effort to strike down the irrigation law, and it should not be agreed to. I am sorry the distinguished ex-Speaker would want to strike down so useful and wholesome a law.

Mr. HILL. Will the gentleman yield for a question for information?

Mr. FERRIS. I yield to the gentleman from Connecticut.

Mr. HILL. In whom was the title to this land at the time the reclamation act was passed?

Mr. FERRIS. It was in the railroad, with some limitations and restrictive covenants that ran with the land.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. CANNON].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. CANNON. I think I will just ask for a rising vote.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 18, noes 49.

Accordingly the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 14, line 12, strike out the word "thirty," in line 12, and the remainder of the paragraph down to the period in line 23 and insert in lieu thereof the following: "Ten per cent of the remainder shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act; 30 per cent of said remainder of the proceeds arising from the sales of land and timber in the counties of Coos, Douglas, Lane, Tillamook, and Multnomah, in the State of Oregon, shall be paid to the treasurers of the said respective counties for the construction of roads, highways, and bridges, and for such other public purposes as the county authorities may direct, and 20 per cent thereof shall be paid to the proper officer of the respective port districts within the counties named, for the purpose of reducing the bonded indebtedness of such districts and for general harbor improvement, and, where there are more than one port district in any county, the county court of such county shall determine what portion of the fund shall be credited to the several port districts therein; 30 per cent of said remainder of the proceeds arising from the sale of lands and timber in the said named counties shall be paid to the State of Oregon for the establishment and support of common schools; 35 per cent of said remainder of the proceeds arising from the sale of lands and timber within counties other than the counties

of Coos, Douglas, Lane, Tillamook, and Multnomah shall be paid to the treasurers of the respective counties for the construction of roads, highways, and bridges, and for such other public purposes as the county court may direct, and 45 per cent thereof shall be paid to the State in which the respective counties are situated, for the establishment and support of common schools, and the entire balance remaining in said Oregon and California land-grant fund shall become a part of the general fund in the Treasury of the United States."

Mr. FOSTER. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. HAWLEY. When the bills were originally introduced in the House and Senate——

Mr. FERRIS. Mr. Chairman, is not debate closed?

The CHAIRMAN. No; there still remain 15 minutes.

Mr. FERRIS. Oh, no; I asked if anyone desired to use any time, and then I took a moment to close debate, and no one elected to use the remaining time.

Mr. HAWLEY. The gentleman from Oklahoma will recollect that I asked for five minutes when he asked to close debate on the pending amendment and paragraph.

Mr. FERRIS. That is true.

Mr. HAWLEY. And I did not want to take my five minutes on the other amendment. I wanted it on this one.

The CHAIRMAN. The Chair will recognize the gentleman from Oregon.

Mr. HAWLEY. Mr. Chairman, when the bills were introduced originally in the House and Senate, as drafted by the Department of Justice, in cooperation with some gentlemen of the two bodies, they provided 40 per cent for common schools and 40 per cent for the counties. I offer this amendment because of what virtually amounts to a universal demand from the people of the State of Oregon. They have felt that this proposed original division of 40 per cent for school purposes, which this will average up, and 40 per cent for the purposes of the political or municipal subdivisions, is a fair and just division, under the theory of this bill, and I would be derelict in my duty if I did not offer, even after the action already taken by the House, this amendment for your judgment, and ask you that, even after the extreme measure which you have taken—I speak it respectfully, but from our standpoint you will appreciate, of course, that it is rather extreme and unexpected—you will now take a different attitude and agree to the amendment I have just offered.

We have submitted, as fully as the time at our disposal would permit, our claims upon the proceeds to be derived from the disposition of the lands under the pending bill. Had greater opportunity been given for the consideration of the measure, we could have more fully elaborated the nature and justice of our claims.

The amendment I have just offered provides for the distribution of the funds as follows:

In counties in which there are no ports.	Per cent.
For the State school fund	45
For the counties	35
For the reclamation fund	10
For the Government	10

In counties in which there are ports.	Per cent.
For the State school fund	30
For the port districts	20
For the counties	30
For the reclamation fund	10
For the Government	10

This arrangement will give the State school fund on the whole practically 40 per cent. The Government has already received about $1,000,000 from the settlement under the act of 1912. Under this bill the Government will become a residual legatee and will receive a definite portion of the proceeds also, which, altogether combined, will give to the Treasury several millions of dollars. The reclamation fund will also receive under the amendment several millions. Our school fund is irreducible as to its principal sum, the interest only being used. I do not need to argue to this intelligent body of men the importance of public education. Since so great a portion of the State is Government land of different kinds, our power to raise money is greatly diminished in comparison with that of States whose whole areas are taxable.

The division we now ask would be a generous exhibition of a kindly interest in our welfare, and recognize what seems to me to be an indisputable and just right on our part. The ports have an exceptional status. Organized under State law, they have sold bonds, based upon the taxable area within their respective boundaries, and have paid the moneys received therefrom to the War Department, to assist the Government in the construction of works of river and harbor improvement on projects regularly adopted and approved by Congress. To reduce the taxable area at this time without making compensation in the bill would greatly increase the burden assumed by them and in a wholly unexpected manner. And by assisting in the construction of waterway improvements they have added a great deal to the value of the large areas of timber held by the Government and made accessible to market many billions of feet of the timber on them. By this the Government has received all that it ought reasonably to expect from the sales of land and timber on the grant within the port districts. As to the reclamation fund, Oregon has never received the apportionment of funds for the construction of reclamation projects within her boundaries we were entitled to under the law. An additional great contribution to that fund at this time, to be derived in the manner proposed in the bill, ought not to be made at our expense. The adoption of this amendment would do more substantial justice. Reclamation work is a national undertaking and should be supported from the general revenues. We are distant from the seat of government and have at present only a moderate population, but right and justice should not be made an attribute of time and numbers.

In the days before our flag had an undisputed right to float over the Oregon country stout-hearted American men and women, taking their goods in wagons and their lives in their hands, braved the continuous danger from hunger and thirst, desert and Indian, to establish homes in its vast unpeopled spaces. They carried with them the loves of men and women for homes and families, the fear of God, and the border of the Republic. Too far distant to expect protection from the Government, they provided for their own protection, made hospitable homes in growing neighborhoods, constructed churches, built schools, established justice, and by the bloodless contests of a better civilization won for the United States the Oregon country against the claims of the English Government. To them it is due that to-day the hem of Columbia's robe flows in the western winds coterminous with the boundary of the continent. But with others the contests were not bloodless. Some Indian tribes were insistent and dangerous enemies. No road was too long, hungry, or thirsty, or place too remote for the pioneers when the cry for rescue came to the scattered settlements. There was mounting in hot haste, shouted farewells, and men went to the front. During the Civil War period, at the request of President Lincoln and the Secretary of War, the State of Oregon undertook to maintain order and safety over an area of some 300,000 square miles. And maintain them we did. We raised troops from our scant population, sold bonds and equipped them out of our poverty, rescued wagon trains, protected the Government mails, saved Government property, and guarded settlements. This and others of our just claims have never been paid. Is there reluctance to-day in giving us a little of the value of the land that the courage and endurance of our pioneer men and women won and the blood of their brave sons preserved? What we have asked in the name of the people of Oregon to-day the history of the case and the merits of their cause amply justify. [Applause.]

Mr. FOSTER. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order which he reserved. The question is on the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 14, line 17, strike out the word "forty" and insert in lieu thereof the word "thirty," and, after the semicolon in line 20, page 14, insert the following: "10 per cent of said proceeds shall be paid to the State treasurer of the State of Oregon for the use of and to be apportioned between the now duly organized port district in which any of said lands are located in proportion to the assessed value of said lands within the respective port districts as shown by the 1915 assessment rolls, to be used by the port district authorities for the purpose of reducing the bonded indebtedness of the respective port districts and for general harbor improvement therein."

Mr. RAKER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. HAWLEY. Mr. Chairman, how much of my five minutes remain?

The CHAIRMAN. Two minutes.

Mr. HAWLEY. Mr. Chairman, during the general debate the three Members from the State of Oregon presented the claims of the port. The lands in green [pointing to the map] indicate the forest reserve. The boundaries of the port districts are indicated by the yellow line. The grant lands are indicated by the red squares on the map, which also show the proportion the grant lands bear toward the total areas of the port districts. These districts were organized under State law. They have issued bonds and paid the money received from sales of bonds over to

the War Department, in accordance with existing law, for the improvement of waterways which had been adopted by Congress. For instance, the port of Siuslaw bonded itself for $325,000. One-third of the taxable area of that port will be taken by this bill from the taxable property of the port and will leave them only two-thirds of the present taxable area. They had a right to depend on it all remaining on the rolls, when they undertook their cooperative work with the United States, to aid in paying the interest and the bonds when they mature. Removing these lands from the tax rolls will increase the tax 50 per cent on the remaining land and make the burden very hard to be borne. It seems to me that these people who bonded themselves, denied themselves, put money into the Treasury of the United States for waterway improvement, should receive the favorable consideration of the House for their practical exhibition of public spirit, and that that consideration should be evinced by granting relief to the several port districts, based upon the taxable area lost to each port. This is what the pending amendment seeks to do. I offered a moment ago an amendment which reduced the payment to the reclamation fund to 10 per cent. That amendment was rejected. This amendment will give the reclamation fund 30 per cent and the port districts 10 per cent, and certainly the claims of the port districts are infinitely stronger and juster than any claim that can be advanced in behalf of the reclamation fund for any portion of the proceeds of the grant.

Under this amendment the division of the proceeds will be the same as that provided in the bill, with the exception that instead of 40 per cent being paid into the reclamation fund that 40 per cent will be divided into two parts and 30 per cent will go to the reclamation fund and 10 per cent to the ports.

The assessed valuation of the grant lands within the counties in which are port districts	$11,085,095
The assessed valuation of the grant lands in counties having no port districts	11,469,175
Total assessed value of the grant lands in the 18 counties	22,554,270
Deducting from this total the amount estimated as yet due the railroad company and the amount due the counties as accrued taxes	6,668,622
There will be left to be distributed proceeds to the amount of	15,775,648

On the basis of the figures furnished me and on the further assumption that the assessed valuation under the Oregon law, which requires assessment on the basis of the cash value, is the present selling value of the property, the amounts apportioned to the several funds, then, will be—

For the counties, 30 per cent	$4,732,694
For the State school fund, 20 per cent	3,155,129
For the port districts, 10 per cent	1,577,564
For the reclamation fund, 30 per cent	4,732,694
For the Federal Treasury, 10 per cent	1,577,564

If the grant should sell for more than is above made the basis of calculation, the items will be proportionately increased; and I wish to call to the attention of the House that it will be a long time before any considerable part of the funds estimated to be received by these several funds will be credited to them. If the grant contains 40,000,000,000 feet of timber, that timber must be sold in competition not only with the more than 500,000,000,000 feet of other timber in Oregon in public and private ownership, but in competition also with many hundreds of billions of feet of other timber on the Pacific coast.

Mr. RAKER. Mr. Chairman, I withdraw the point of order.

Mr. McARTHUR. Mr. Chairman, I agree with everything that my colleague [Mr. HAWLEY] has said about the port districts and the equity and justice of the present amendment which he has offered. The port districts were created by general law of the State of Oregon. Now we are coming along with this bill which proposes to remove a large area of the taxable property. It is like cutting off a man's leg and expecting him to go through life plowing and doing manual work. It is a hard proposition. Just a few moments ago the House struck down the provision for supporting the roads and bridges in counties from 30 to 20 per cent. I can hardly believe that the House acted with full knowledge of the situation. I hope the House will restore the original figures when it comes back for final action.

In the district of the port of Siuslaw—40 per cent of that particular district is covered by forest reserve on which the authorities of the county have no right to collect any taxes—we are now taking out of the area of this port district all the Oregon & California grant lands. For a great many years these lands will be under the ownership of the United States Government and not subject to local taxation. There is a very small part of the territory that is allowed to be taxed, and the port districts are going to suffer and be handicapped.

Mr. MEEKER. Will the gentleman yield?

Mr. McARTHUR. Certainly.

Mr. MEEKER. I did not understand the gentleman. Did he say "port" or "pork"? [Laughter.]

Mr. McARTHUR. There is no "pork" about the river and harbor propositions in the Northwest. They all went through the House without discussion. [Applause.]

Mr. FERRIS. Mr. Chairman, I was somewhat in error about the time; but now that these amendments have come in, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. FERRIS. Mr. Chairman, this bill provides for the payment of the delinquent taxes for Oregon. They have given them 40 per cent, after the amendment of the gentleman from Illinois was adopted, for the improvement of roads, schools, and bridges. Now come these two industrious Representatives from Oregon and out of this fund want to improve the rivers and harbors and ports. I do not know just where the demand on this fund is going to stop. I can not conceive where anybody in Oregon could have the courage to ask that a part of the proceeds of these lands be used for the improvement of rivers and harbors. I can not conceive of a constituency so ravenous as to ask for it, and I am sure the House will take little or no part in granting such a request. I know of no such generosity ever practiced by Congress upon any State, and there seems to be no end of the efforts that are being made to get the rest of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 11. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect; and any person, applicant, purchaser, entryman, or witness who will swear falsely in any affidavit or proceeding required hereunder or under the regulations issued by the Secretary of the Interior shall be guilty of perjury and liable to the penalties prescribed therefor.

* * * * * * *

Mr. SINNOTT. Mr. Chairman, I have an amendment I wish to offer.

The Clerk read as follows:

Amend, line 4, page 14, by inserting after the word "States" the following:

"The balance shall be paid to the distributees hereinafter mentioned, in the proportions hereinafter set forth and for the purposes hereinafter set forth: the amounts to be paid to the counties shall be divided among the counties in proportion to the present assessed valuation of the grant lands in each county."

Mr. SINNOTT. Mr. Chairman, it is generally supposed that this bill in its present form provides that the State will get 40 per cent. This is not correct. After paying the railroad company there will be a balance left of some $5,000,000 which goes into the Treasury of the United States. The State ought to be entitled to a share in whatever fund is left over after paying the railroad company and the taxes. Otherwise we do not get 40 per cent of the proceeds.

The CHAIRMAN. The time for debate on this section has expired, and the question is on the amendment offered by the gentleman from Oregon [Mr. SINNOTT].

The question was taken, and the amendment was rejected.

Mr. SINNOTT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, line 17, after the word "centum," insert "to be expended in Oregon."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, line 17, strike out the words "forty per cent" and insert the words "the balance remaining," and also strike out all after the word "act," in line 20, down to and including the word "States," in line 22.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I would like to have one minute in which to explain the amendment.

The CHAIRMAN. All time has expired.

Mr. MONDELL. The amendment provides that the remainder, after paying the State of Oregon, shall go into the reclamation fund.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

SEC. 11. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect; and any person, applicant, purchaser, entryman, or witness who shall swear falsely in any affidavit or proceeding required hereunder or under the regulations issued by the Secretary of the Interior shall be guilty of perjury and liable to the penalties prescribed therefor.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. What protection, if any, is provided in the bill in case the United States Supreme Court should hold that the railroad company had the right to take the timber off the land? Would the United States, under the terms of this bill, still be required to pay the railroad company $2.50 an acre for the land without the timber?

Mr. FERRIS. Not at all. The Supreme Court has passed on that proposition. That was urged in the trial before the court. They made that contention both in their pleading and in their argument.

Mr. NORTON. I do not understand that the Supreme Court has held squarely upon that question.

Mr. FERRIS. I think so by inference. They wound up by saying that they granted an injunction for six months, during which time Congress could do anything with these lands that it wanted to, so long as it gave the railroad the benefit of the granting act.

Mr. LENROOT. May I suggest that in the event the Supreme Court should hold as the gentleman suggests this entire bill then falls?

Mr. NORTON. There will be no obligation on the part of the United States to pay the railroad company anything then under the terms of this bill?

Mr. LENROOT. No.

Mr. FERRIS. Not alone that, but in response to that contention the court specifically granted an injunction against selling and cutting.

Mr. NORTON. Granting an injunction would not mean for a certainty that the court would hold that the railroad company does not have the right to the timber on the land.

Mr. FERRIS. The injunction standing alone would not, but the language used in connection with it passed it up to Congress for Congress to act upon.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 12. That the sum of $100,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of the Interior, in cooperation with the Secretary of Agriculture, or otherwise, to complete the classification of the lands as herein provided, which amount shall be immediately available and shall remain available until such classification shall have been completed.

Mr. SINNOTT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. SINNOTT: Amend, page 15, by inserting, after line 21, a new paragraph as follows:

"Nothing in this act shall be construed as affecting the right of the State of Oregon to tax said lands."

Mr. SINNOTT. Mr. Chairman, I think the true theory of this bill ought to be, and also a correct interpretation of the decision of the Supreme Court is, that the Government may dispose of these lands; that the Government in so doing in a sense acts as the attorney—in fact, the agent—for the disposal of these lands; that the Government has no right to step in and revest in itself the absolute title to these lands, when in a sense it has only a temporary title for the purpose of conveyance, it may have the custody of these lands which the Government under this bill assumes, and not the actual title to the land which would enable the Government to withhold them from taxation. I do not believe it rests in the power of Congress to step into my State and withdraw lands from taxation in this manner. Congress may dispose of the lands because the railroad company has refused to do it, but Congress can not revest in the Government the absolute title to these lands, thus withdrawing them from taxation. This amendment which I have offered covers that idea.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that debate end in four minutes, and of that time I desire that I have two minutes and the gentleman from Wisconsin [Mr. LENROOT] two minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that debate close in four minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LENROOT. Mr. Chairman, if this amendment should be adopted upon the theory that the State of Oregon is entitled to continue to tax this land, then we should strike out of the bill entirely the provision giving to the State of Oregon 50 per cent of the proceeds of those lands. They are not entitled to both, certainly. If they are entitled to tax, they are not entitled to the proceeds, and the proceeds are given to the State of Oregon to take the place of taxes, so there is no equity or justice in the contention made by the gentleman from Oregon.

Mr. MONDELL. Mr. Chairman——

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming has not any time. Debate was closed by unanimous consent at the end of four minutes—two minutes to be given to the gentleman from Wisconsin and two to myself. If the gentleman wants one minute of my time, I will give that to him.

Mr. MONDELL. I did not understand that debate was limited.

Mr. FERRIS. Debate was to be closed in four minutes—two to the gentleman from Wisconsin and two to myself.

The CHAIRMAN. By unanimous agreement, all debate was to close in four minutes.

Mr. FERRIS. Mr. Chairman, I only want to consume a moment's time. The gentleman from Oregon [Mr. SINNOTT]—this is just another effort to reach his hand into the crib and get all of this proposition, and, not content with that, he contends the Government has not the right to take back its own property, and he had advanced the novel theory here that the State of Oregon shall begin to tax Government property. No such proposition is known to the law or the Constitution; no such proposition can be recognized. They first secure a portion of the proceeds to compensate them for loss of taxes; they now come and want to tax Government land. Where will these requests end? I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

Mr. FERRIS. Mr. Chairman, I ask that the preamble be read.

The preamble was read, as follows:

Whereas by the acts of Congress approved April 10, 1869 (14 Stat. L., p. 239), and May 4, 1870 (16 Stat. L., p. 94), it was provided that the lands granted to aid in the construction of certain railroads from Portland, in the State of Oregon, to the northern boundary of the State of California, and from Portland to Astoria and McMinnville, in the State of Oregon, should be sold to actual settlers only, in quantities not exceeding 160 acres to each person and at prices not greater than $2.50 per acre; and

Whereas the Oregon & California Railroad Co., beneficiary of said acts, has violated the terms under which the said lands were granted by selling certain of said lands to persons other than actual settlers, by selling in quantities of more than one-quarter section to each person, by selling at prices in excess of $2.50 per acre, and by refusing to sell any further portions of such lands to actual settlers at any price, and in so doing has willfully violated the terms of the statutes by which the said lands were granted; and

Whereas in the suit instituted by the Attorney General of the United States, pursuant to the authority and direction contained in the joint resolution of April 30, 1908 (35 Stat. L., p. 571), the Supreme Court of the United States, in its decision rendered June 21, 1915 (238 U. S., p. 393), ordered that the Oregon & California Railroad Co. be enjoined from making further sales of lands in violation of the law, and that the said railroad company be further enjoined from making any sales whatever of either the land or the timber thereon until Congress should have a reasonable opportunity to provide for the disposition of said lands in accordance with such policy as Congress might deem fitting under the circumstances and at the same time secure to the railroad company all the value conferred by the granting acts; and

Whereas it was expressly provided by section 12 of the act of July 25, 1866 (14 Stat. L., p. 239), that Congress might at any time, having due regard for the rights of the grantee railroad company, add to, alter, amend, or repeal the act making the grant; and

Whereas the Oregon & California Railroad Co. and its predecessors in interest received a large sum of money from sales of said land for prices in excess of $2.50 per acre, and from leases, interest on contracts, etc.; and

Whereas the aforesaid granting acts conferred upon the said railroad company the right to receive not more than $2.50 per acre for each acre of land so granted: Therefore

Mr. FERRIS. Mr. Chairman, I move that the preamble be adopted.

The question was taken, and the preamble was adopted.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill H. R. 14864 to the House with recommendation that the amendments be agreed to and that the bill as amended, with the preamble adopted, be passed.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14864 and had directed him to report the same back to the House with sundry amendments and a preamble, with the recommendation that the amendments be agreed to, that the preamble be adopted, and that the bill as amended, with the preamble, be passed.

Mr. FERRIS. Mr. Speaker, I move the previous question on the bill, preamble, and amendments to final passage.

Mr. McARTHUR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McARTHUR. Does this shut off a demand for a separate vote?

The SPEAKER. Oh, no; the Chair will put that at the right time.

The previous question was ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6041. An act granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River at or near Pascagoula, Miss.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 12766. An act for making further and more effectual provision for the national defense, and for other purposes;

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10490. An act to prevent fraudulent advertising in the District of Columbia; and

H. R. 14771. An act granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River.

HOUR OF MEETING TO-MORROW.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection? [After a pause.] The Chair hears none.

OREGON & CALIFORNIA RAILROAD LAND GRANT.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. SINNOTT. Mr. Speaker, I demand a separate vote on what is known as the Foster amendment in section 10, whereby the amount was cut from 30 to 20.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en grosse.

The question was taken, and the other amendments were agreed to.

The SPEAKER. The question is on the amendment suggested by the gentleman from Oregon [Mr. SINNOTT].

The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 12, strike out the word "thirty" and insert in lieu thereof the word "twenty."

The SPEAKER. The question is on agreeing to the Foster amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. SINNOTT. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 53, noes 60.

Mr. FOSTER. Mr. Speaker, I ask for tellers.

Tellers were refused.

Mr. FOSTER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-five Members are present, not a quorum.

Mr. PAGE of North Carolina. Mr. Speaker, I move a call of the House.

Mr. MANN. Oh, no. Move to adjourn.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] moves a call of the House.

Mr. CANNON. Mr. Speaker, it comes automatically.

The SPEAKER. That is exactly correct. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Thursday, May 25, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Pocomoke River, Md. (H. Doc. No. 1165); was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5841) to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla., reported the same without amendment, accompanied by a report (No. 744), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15322) granting the consent of Congress to the board of county commissioners of Traill County, N. Dak., to construct a bridge across the Red River of the North, reported the same with amendment, accompanied by a report (No. 745), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 15318) granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States, reported the same without amendment, accompanied by a report (No. 746), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15682) granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River at or near Pascagoula, Miss., reported the same without amendment, accompanied by a report (No. 747), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5310) to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank, reported the same without amendment, accompanied by a report (No. 748), which said bill and report were referred to the House Calendar.

Mr. RUCKER, from the Committee on the Election of President, Vice President, and Representatives in Congress, to which was referred the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes, reported the same without amendment, accompanied by a report (No. 765), which said bill and report were referred to the House Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 348) to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes, reported the same with amendment, accompanied by a report (No. 749), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. O'SHAUNESSY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5910) authorizing the sale of the lighthouse reservation at Scituate, Mass., reported the same without amendment, accompanied by a report (No. 750), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (S. 3101) authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material, reported the same without amendment, accompanied by a report (No. 751), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARK, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5839) to repeal paragraph 4 of section 21 of the public buildings act, approved March 4, 1913, providing for the construction of a national archives building, reported the same without amendment, accompanied by a report (No. 753), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 138) for the relief of the Ottawa Indian Tribe of Blanchards Fork and Roche de Boeuf, reported the same without amendment, accompanied by a report (No. 754), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 4371) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, reported the same without amendment, accompanied by a report (No. 755), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 13637) for the relief of T. J. Ball, reported the same with amendment, accompanied by a report (No. 752), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3257) for the relief of Johnston-McCubbins Investment Co., reported the same without amendment, accompanied by a report (No. 756), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 8624) for the relief of Mary Bailey Pratt, reported the same with amendment, accompanied by a report (No. 757), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 13785) for the relief of Sarah S. Plank, reported the same with amendment, accompanied by a report (No. 758), which said bill and report were referred to the Private Calendar.

Mr. LINTHICUM, from the Committee on Pensions, to which was referred the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 764), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 14345) to reimburse J. B. Patterson, postmaster at Lacon, Morgan County, Ala., for certain postage stamps stolen, reported the same adversely, accompanied by a report (No. 759), which said bill and report were laid on the table.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 12483) for the relief of W. H. Cleere, reported the same adversely, accompanied by a report (No. 760), which said bill and report were laid on the table.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 1960) for the relief of Bybee & Beard, of Lander, Wyo., reported the same adversely, accompanied by a report (No. 761), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 10737) for the relief of Eli Pettijohn, reported the same adversely, accompanied by a report (No. 762), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 12022) for the relief of the estate of Moses M. Bane, reported the same adversely, accompanied by a report (No. 763), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6950) granting a pension to Anna R. Burket; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7675) granting a pension to Sara Gates; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. PADGETT: A bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HAY: A bill (H. R. 15948) to provide for the creation of a Council of Executive Information for the Coordination of Industries and Resources for the National Security and Welfare and for other purposes; to the Committee on Military Affairs.

By Mr. SIMS (by request): A bill (H. R. 15949) to prevent the nullification of State antigambling laws by international or interstate transmission of race-gambling bets or racing odds; to the Committee on Interstate and Foreign Commerce.

By Mr. STERLING: A bill (H. R. 15950) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: A bill (H. R. 15951) to provide for the purchase of additional ground and for erecting an addition to and making alterations in the Federal building at Beaver Falls, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15952) to provide for the purchase of additional ground and for erecting an addition to and making alterations in the Federal building at Washington, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KIESS of Pennsylvania: A bill (H. R. 15953) authorizing the Secretary of War to donate one condemned cannon to the cemetery at Ulysses, Pa.; to the Committee on Military Affairs.

By Mr. SAUNDERS: A bill (H. R. 15954) to establish an experimental station in the State of Maryland or Virginia for the study of fish diseases and problems in the propagation of fish; to the Committee on the Merchant Marine and Fisheries.

By Mr. ADAMSON: A bill (H. R. 15955) extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVENPORT: A bill (H. R. 15956) to repeal section 3 of the act of Congress, approved May 4, 1916, providing for an increase of the Corps of Cadets at the United States Military Academy at West Point; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 15958) to amend an act providing for the withdrawal from public entry of lands needed for town sites in connection with irrigation projects; to the Committee on Irrigation of Arid Lands.

By Mr. FARLEY: Joint resolution (H. J. Res. 227) authorizing the Secretary of War to accept on behalf of the United States funds for the construction of a lighting plant for the illumination of the Statue of Liberty, on Bedloes Island, New York Harbor; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Joint resolution (H. J. Res. 228) in relation to the International Bridge in Niagara River; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. LINTHICUM: A bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. AIKEN: A bill (H. R. 15959) for the relief of J. Richard Earle; to the Committee on War Claims.

By Mr. BAILEY: A bill (H. R. 15960) granting an increase of pension to Harmon Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15961) for the relief of Harrison Dellbaugh; to the Committee on Military Affairs.

By Mr. BRITT: A bill (H. R. 15962) for the relief of J. C. Smathers; to the Committee on War Claims.

Also, a bill (H. R. 15963) granting an increase of pension to Wiley S. Roberts; to the Committee on Pensions.

By Mr. BRITTEN: A bill (H. R. 15964) for the relief of Frank Kinsey Hill, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 15965) granting an increase of pension to Emily F. Belden; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 15966) granting an increase of pension to Clifford Jones; to the Committee on Pensions.

By Mr. DUPRÉ: A bill (H. R. 15967) granting a pension to Wiley Lawson; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 15968) granting a pension to Honor K. Forman; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 15969) granting a pension to Mary M. Gardner; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 15970) granting an increase of pension to John L. Swain; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 15971) granting a pension to Esther Penick; to the Committee on Invalid Pensions.

By Mr. HOOD: A bill (H. R. 15972) granting a pension to Christopher M. Saunders; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15973) granting an increase of pension to Simeon L. Coen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15974) granting an increase of pension to Myra Church; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 15975) granting an increase of pension to William Cassman; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15976) granting an increase of pension to Casandra M. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15977) granting an increase of pension to Margaret E. Feiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15978) granting an increase of pension to Elizabeth Bose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15979) granting an increase of pension to Ellen Kipp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15980) granting an increase of pension to Mary A. Garrety; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15981) granting an increase of pension to George Horn; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 15982) for the relief of Edward F. Dunne, jr.; to the Committee on Appropriations.

By Mr. McCLINTIC: A bill (H. R. 15983) granting a pension to John Smith; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 15984) granting an increase of pension to Elgar W. Rose; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 15985) granting an increase of pension to Charles Hoff; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 15986) granting an increase of pension to Alexander Clark; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 15987) granting an increase of pension to Olive J. Boylan; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 15988) granting an increase of pension to William H. Topp; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 15989) granting an increase of pension to Henry M. Means; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 15990) granting an increase of pension to George Newschafer; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15991) granting an increase in pension to Mathew Kerwin; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 15992) granting an increase of pension to Adam Funk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15993) granting an increase of pension to Thomas J. Gafford; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 15994) for the relief of Sam H. McCain; to the Committee on Claims.

By Mr. SMITH of New York: A bill (H. R. 15995) granting a pension to Wilhelmina Rohe; to the Committee on Pensions.

By Mr. TAGUE: A bill (H. R. 15996) granting a pension to James D. Winslow; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of St. Louis (Mo.) Medical Society, against Senate joint resolution 120, relative to members of Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Evidence to accompany House bill 13055, for the relief of George W. Statler; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petitions of James M. McGee, Duquesne Oil & Supply Co., and W. F. Weppner, all of Pittsburgh, Pa.; Mrs. Henry Villard, of New York City; Marine Manufacturing & Supply Co., of Pittsburgh, Pa.; Acheson Manufacturing Co. and F. W. Robertshaw, both of Rankin, Pa.; J. H. Niehman, J. B. Booth & Co., A. W. Cornt, Louis Muerich, Campbell & Horigan, I. L. Scherlman Co., John Eichenlaub, Net Cabinet & Folder Co., Rasner & Dinger Co., Pennsylvania Door & Sash Co., Weber-Erickson-Bunting Co., M. M. McKinney, J. J. McKinney, H. B. McKinney, S. Keighley, and Charles R. Bryan, all of Pittsburgh, Pa.; Cornelius Donovan, Charles E. Buckley, Wilhelm J. Donovan, Jay E. Whiting, Peter W. Valehose, and A. H. Loeberman, all of New York, N. Y.; Heppenstall Forge & Knife Co. and Tranter Manufacturing Co., both of Pittsburgh, Pa.; John K. Thompson, Fred H. Briggs, Louis des Fuller, J. M. Moorehead, A. J. Nol, Julius Brill, R. M. Stoker, H. Woodmead, and A. W. Lake, all of Kansas City, Mo.; C. P. Powell, Thomas Powell, M. D., L. A. Wilkinson, A. T. Belchin, Mrs. Nora V. Dillavon, Le Roy Henry, M. D., E. E. Sherman, E. L. Horton, M. D., and Lewis Evans, all of Los Angeles, Cal., asking for the speedy passage of House bill 13281, which provides for amending the tariff so as to admit free the products of any American country which will admit our products free; to the Committee on Ways and Means.

Also, petition of J. E. Dilling, R. S. Isenberger & Son, Eichelberger, Earlenburgh & Co., J. P. Rearick, A. N. Johnson, L. C. Hausacker & Son, and W. O. Shubert, all of Martinsburg, Pa., for the passage of a bill imposing a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Chamber of Commerce of Milwaukee, Wis., favoring Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of John M. Nichols, of Ogdensburg, N. Y., favoring House bill 42, to establish probation system in Federal courts; to the Committee on the Judiciary.

Also, memorial of Congressional Union for Woman Suffrage, favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. DOOLING: Petition of convention of Mental Hygiene Societies of United States, favoring bill for division of mental hygiene in United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Papers to accompany a bill granting a pension to Mary M. Gardner; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 15922, for relief of Idella White; to the Committee on Invalid Pensions.

By Mr. HELM (by request): Petition of citizens and members of Kentucky Quarterly Conference, Methodist Episcopal Church South, asking for enactment of temperance legislation; to the Committee on the Judiciary.

By Mr. HOOD: Petitions of sundry citizens of North Carolina, favoring amending the rural-credit bill; to the Committee on Banking and Currency.

By Mr. IGOE: Memorial of St. Louis (Mo.) Medical Society, against Senate joint resolution 120, relative to members of Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Petition of 47 citizens of Clarke County, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Memorial of the Newport Humane Club, indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Providence (R. I.) Chamber of Commerce, in favor of House bill 650; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Providence (R. I.) Chamber of Commerce, in favor of Senate resolution 173; to the Committee on Naval Affairs.

By Mr. KETTNER: Petition of Mrs. W. L. Keeney, corresponding secretary La Mesa Woman's Club, San Diego, and Fred Moore, secretary Cooks, Waiters, and Waitresses Union, Local 402, San Diego, Cal., favoring House resolution 137, investigation of dairies; to the Committee on Rules.

Also, petition of E. L. Burroughs and 14 others of Niland, Cal., and L. R. Shutt, of Thermal, Cal., favoring House bill 9162, providing for 8-hour working day for railroad agents and telegraphers; to the Committee on Labor.

Also, petition of Trinity Lutheran Church, Otto C. A. Pautz, secretary, Santa Ana, Cal., and E. R. Wilson, Los Angeles, Cal., and one other, opposing war with Germany; to the Committee on Foreign Affairs.

Also, petition of Charles H. Stone, Ramona, Cal., and two others, protesting against increase in Army and Navy; to the Committee on Military Affairs.

Also, petition of E. S. Crumley, National City, Cal., protesting against House bills 6468, 491, and 8348; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of Clara A. Osburn and members of the Union Literary Club, of Big Rapids, Mich., indorsing House resolution 137, referring to the manufacture and distribution of dairy products; to the Committee on Rules.

By Mr. MANN: Petition of citizens of Chicago, Ill., favoring passage of House bill 5792; to the Committee on Agriculture.

By Mr. NORTH: Petition of 19 voting citizens of Templeton, Pa., and of Methodist Episcopal Sunday School of Templeton, Pa., praying for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Memorial of Rhode Island Branch of the Woman's Auxiliary to the Board of Missions of the Episcopal Church, against certain bills relative to some Indian tribes; to the Committee on Indian Affairs.

Also, memorial of Providence (R. I.) section, Council of Jewish Women, favoring investigation of dairy products; to the Committee on Agriculture.

By Mr. ROWLAND: Petitions of sundry citizens of the twenty-first district of Pennsylvania, favoring House bills 270 and 712; to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Memorial of Brotherhood of Texas Locomotive Firemen and Engineers, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. STINESS: Papers to accompany House bill 15945, granting an increase of pension to William R. Smith; to the Committee on Invalid Pensions.

Also, petition of Providence (R. I.) Chamber of Commerce, favoring House bill 651, prescribing certain duties for carriers, subject to the act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Providence (R. I.) Chamber of Commerce, favoring Senate resolution 173, providing plans for the improvement of certain harbors for coast defense; to the Committee on Rivers and Harbors.

Also, petition of executive committee of the Rhode Island branch of the Woman's Auxiliary to the Board of Missions, opposing certain proposed Indian legislation; to the Committee on Indian Affairs.

Also, petitiion of Newport (R. I.) Humane Club, favoring the appointment of Federal and State inspectors of food-producing animals and their products; to the Committee on Rules.

Also, petition of 21 voters of Providence, R. I., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of William H. Weitz, of Providence, R. I., favoring the passage of House bill 8828; to the Committee on Appropriations.

By Mr. SULLOWAY: Petition of Merrimack Lodge, International Order of Good Templars, of Manchester, N. H., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Twenty-nine petitions from members of churches and other organizations in Pennsylvania, favoring an antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 25, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON. Mr. President, I offer the following amendment, and on the amendment I ask for the yeas and nays, which will answer the purpose of a quorum call.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, at the end of line 25, in the item for Brazos River, Tex., insert the following proviso:

Provided, That no part of the said appropriation of $200,000 shall be expended until the report of the Army engineers upon the reexamination of said project, as provided for by the last Congress, shall have been reported to Congress; and if said report shall be unfavorable to the further progress of said project, then no part of said $200,000 shall be expended thereon.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. TILLMAN (when his name was called). I have a pair with the Senator from West Virginia [Mr. GOFF]. In his absence I withhold my vote. I make this announcement for the day.

The roll call was concluded.

Mr. WILLIAMS. Feeling at liberty to vote on this item, regardless of my pair, I vote "nay."

Mr. CATRON. I am paired with the Senator from Oklahoma [Mr. OWEN]. I transfer my pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. SMITH of Georgia (after having voted in the negative). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Illinois [Mr. LEWIS] and let my vote stand.

Mr. STONE (after having voted in the negative). I have a pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and let my vote stand.

Mr. THOMPSON. I am paired with the senior Senator from Illinois [Mr. SHERMAN]. I understand that he would vote the same way that I would on this question. I therefore feel at liberty to vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM]; and

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 31, nays 28, as follows:

YEAS—31.

Ashurst	Dillingham	Kern	Sterling
Brady	Fall	La Follette	Sutherland
Brandegee	Gallinger	Lane	Taggart
Catron	Harding	Martine, N. J.	Thompson
Clapp	Hitchcock	Norris	Townsend
Colt	Johnson, S. Dak.	Oliver	Warren
Cummins	Jones	Pomerene	Works
Curtis	Kenyon	Smoot	

NAYS—28.

Bankhead	Lea, Tenn.	Saulsbury	Smith, Md.
Chamberlain	Martin, Va.	Shafroth	Smith, Mich.
Chilton	Nelson	Sheppard	Stone
Clarke, Ark.	Overman	Shields	Swanson
Culberson	Pittdexter	Simmons	Underwood
Fletcher	Ransdell	Smith, Ariz.	Vardaman
Hardwick	Reed	Smith, Ga.	Williams

NOT VOTING—37.

Beckham	Hollis	McLean	Sherman
Borah	Hughes	Myers	Smith, S. C.
Broussard	Husting	Newlands	Thomas
Bryan	James	O'Gorman	Tillman
Burleigh	Johnson, Me.	Owen	Wadsworth
Clark, Wyo.	Lee, Md.	Page	Walsh
du Pont	Lewis	Penrose	Weeks
Goff	Lippitt	Phelan	
Gore	Lodge	Pittman	
Gronna	McCumber	Robinson	

So Mr. KENYON's amendment was agreed to.

Mr. MARTINE of New Jersey subsequently said: Mr. President, on the vote upon the amendment of the Senator from Iowa [Mr. KENYON] I voted "nay." It was my desire to vote "yea." The result has been announced, but I ask unanimous consent that I may change my vote from "nay" to "yea."

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARKE of Arkansas. Mr. President, a parliamentary inquiry. What becomes of the amendment offered by the Senator from Iowa in view of the fact that the vote of the Senator from New Jersey has been changed?

The VICE PRESIDENT. It did not change the result. It increased the majority.

Mr. KENYON. It doubled it.

The VICE PRESIDENT. It doubled it.

Mr. MARTINE of New Jersey. I was only anxious to square myself on the matter.

Mr. REED. I offer the following amendment.

The SECRETARY. At the top of page 37, at the end of line 2, in the item for the Gasconade River, Mo., insert the following proviso:

Provided, That the dam near Heckmans Mill, at Pryors Bend, and any other obstruction to the flow of water at or near that point, shall be immediately removed, and so much of this appropriation as necessary may be expended for that purpose.

Mr. REED. Mr. President, that does not increase the appropriation at all, but it makes it available for a purpose for which it might not be available except for the amendment. The appropriation is not increased, and the work is at the same place. I have consulted with my colleague, and both of us hope that this amendment will be accepted.

Mr. TOWNSEND. Let the amendment be read again. I have not yet understood what the amendment is.

The Secretary again read the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. REED].

The amendment was agreed to.

Mr. CLARKE of Arkansas. I ask unanimous consent that in the further consideration of the bill debate shall be limited to 10 minutes and shall be confined to real amendments that are offered in good faith and not mere technical amendments sometimes offered for the purpose of prolonging the period.

Mr. SMOOT. I wish to say to the Senator that I believe the Senator from Colorado [Mr. THOMAS] wishes to speak on the question of the recommittal of the bill.

Mr. CLARKE of Arkansas. We will make an exception in his favor.

Mr. SMOOT. Making an exception on the question of the motion to recommit, I have no objection to at all.

Mr. CLARKE of Arkansas. Very well.

Mr. POMERENE. The request of the Senator from Arkansas, I understand, is that debate be limited to 10 minutes. Does the Senator mean that debate upon each question shall be limited to 10 minutes or that each speaker may have 10 minutes?

Mr. CLARKE of Arkansas. No; that each speaker may have 10 minutes on each amendment. Let the Chair submit the request which I made to the Senate.

The VICE PRESIDENT. Is there objection to the request that from this time forward——

Mr. BRANDEGEE. Mr. President, I am in hearty sympathy with the Senator from Arkansas as to limiting debate as far as possible, but I have an amendment to offer which is an important one to my State. I think I could state the argument in favor of it in 10 minutes, but if other Senators should take my time, then I might have to answer them.

Mr. CLARKE of Arkansas. Each Senator is entitled to 10 minutes.

Mr. BRANDEGEE. If I use up my 10 minutes, and other Senators talked on the other side——

Mr. CLARKE of Arkansas. I suppose that in an exceptional case another unanimous-consent agreement might be granted.

Mr. BRANDEGEE. I will not object. I will throw myself upon the indulgence of the Senate in that case.

The VICE PRESIDENT. The proposed unanimous-consent agreement is that from this time forward speeches upon amendments shall be limited to 10 minutes save in the case of the motion to recommit.

Mr. SMOOT. No; just confine it to a limit of 10 minutes upon speeches on amendments that may be offered.

Mr. CLARKE of Arkansas. That is all right.

Mr. SIMMONS. Mr. President, there is one item in the bill which will be objected to, and I am afraid I will not be able to make the statement I desire to make in 10 minutes. I ask the Senator——

Mr. CLARKE of Arkansas. Then I withdraw the request. If the members of the committee do not sustain the chairman in his effort to facilitate the passage of the bill I will withdraw the request.

Mr. SIMMONS. If the chairman of the committee insists upon the request, I shall not oppose it. I was simply making a suggestion to him. Of course, if he wishes to withdraw the request——

Mr. CLARKE of Arkansas. I withdraw the request.

Mr. BRANDEGEE. Is it in order now to offer an amendment?

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to amendment.

Mr. KENYON. Under the unanimous-consent order amendments are first to be offered to the text of the bill.

Mr. BRANDEGEE. I know that, but I saw that the Senator from Missouri [Mr. REED] offered an amendment, and I supposed the bill was open to amendment.

Mr. KENYON. We have not passed on amendments to the text as yet.

Mr. BRANDEGEE. I am perfectly willing to wait. I asked if it was in order and I was informed that it was. Are there yet amendments to the text of the bill to be offered?

Mr. KENYON. There are.

Mr. BRANDEGEE. I withdraw it, then, for the present.

Mr. SHAFROTH. I desire to offer an amendment.

The VICE PRESIDENT. That is not yet in order.

Mr. SHAFROTH. Very well, then, I will withhold it. The clerks can just keep it at the desk.

Mr. KENYON. Mr. President, I move to strike out, on page 24, the language beginning with the word "for," on line 11, the remainder of line 11, and all of lines 12, 13, 14, 15, and 16, down to and including the word "improvement."

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 24, beginning in line 11, it is proposed to strike out the following:

For improvement by the construction of Locks and Dams Nos. 3 and 5, $250,000: *Provided*, That no part of the latter amount shall be expended until the city of Dallas or other local interests shall have contributed the sum of $50,000 toward the improvement.

Mr. KENYON. Mr. President, that is a motion to strike out the provision for the appropriation of $250,000 for locks and dams. I want to place in the RECORD, for reflection by those who in the future may want to study the Trinity River, two or three observations of the Army engineers. I will say, before passing to that, that this is a project for 37 locks and dams at a cost running into many millions of dollars—I think it is safe to say $10,000,000—and that we have already spent over $2,000,000 on this stream. On page 938 of their report the Army engineers say:

The river above tidal action is a narrow stream with a low-water depth insufficient for even light-draft navigation.

And, on page 939, they say:

From the manner in which appropriations have been made for the improvement of the Trinity River, it has been held that the entire project outlined in House Document No. 409, Fifty-sixth Congress, first session, has never been adopted in its entirety by Congress, but that only such locks and dams have been authorized as have been specifically appropriated for. The report in question contemplated the construction of 37 locks and dams with incidental dredging and other open-channel work, at an estimated cost for a 6-foot navigation of $4,650,000 and $280,000 annually for maintenance after completion.

Five of these locks have been completed, but others have been specifically appropriated for, and two others have been authorized.

Mr. CLAPP. Will the Senator pardon an inquiry?

Mr. KENYON. The Senator from Minnesota objected a little while ago that we were not getting along fast enough.

Mr. CLAPP. But we are now dealing with the bill. We were then dealing with a question of unanimous consent, which usually takes much longer to decide.

What I want to ask the Senator is, what relation this proposed appropriation bears to the utility, present or prospective, of the work that has been accomplished by the money already expended?

Mr. KENYON. I will explain that from the engineers' report as I go along. I will quote from that.

Mr. LODGE. Let me ask the Senator from Iowa, before he begins on that, whether this is the river on which some years ago it was recommended that there should be artesian wells dug in order to supply a flow of water?

Mr. KENYON. I understand this is the river on which Col. Riché recommended the sinking of artesian wells in order to get water; and from the dryness of this stream, I think the Senator will see that perhaps that would be a wise thing to do. I hope, however, that my argument will not be interrupted hereafter by any such interrogations.

The engineers say:

The amount expended on this project to the end of the fiscal year was $2,062,262.42, of which $1,823,595.06 was for original work and $238,667.36 for maintenance.

The engineers further say:

Effect of improvement: Owing to the fact that the river is not yet navigable to Dallas, the only place at which it can come into active competition with the railroads, no effect on freight rates has been produced.

The commercial statistics of this wonderful stream are as follows:

Commercial statistics: The commerce transported during the calendar year 1914 consisted mainly of logs in rafts and of merchantable timber, with a small amount of cotton and other farm products.

Amounting in 1914 to the stupendous sum of 12,610 tons on an investment of over $2,000,000! The Army engineers further observe:

All of the above tonnage, except the rafting of logs, originated at or below Liberty, Tex. In addition, during the calendar year 1914, 20 bales of cotton and 300 passengers were carried by the light-draft gasoline boat *Commodore Duncan* between Dallas and Lock and Dam No. 2.

As to one of the locks, the engineers' report, on page 944, says:

The only lockages made during the year were 4 at Lock and Dam No. 1. The only navigation in this section was that by the small gasoline tug *Commodore Duncan*, which made a few trips, carrying 300 passengers and 20 bales of cotton, between Dallas and Locks and Dams Nos. 1 and 2.

Mr. President, that is a fine proposition upon which to be voting away money out of the Public Treasury, especially in view of the fact that a survey is now being made on this river. It is true, it is an instrumental survey, as the Senator from Texas [Mr. SHEPPARD] has observed, which is for the purpose of finding out the exact number of locks and dams that are necessary to carry the mighty commerce of this river.

In volume 2 of the engineers' report, on page 2684, is an analysis of this commerce, which shows that of the 12,610 tons of commerce, 4,804 were saw logs by raft, 5,700 were lumber, and 1,000 tons were cordwood. But progress may be observed, as the engineers state, on page 2685 of volume 2, and they then say:

A maneuver boat was constructed for the dam, paving was placed behind the land wall of the lock, a portion of an old cofferdam was removed, a boundary fence was constructed on the lock side of the river, the reservation was graded and cleared, and the lock tender's house erected. At Lock and Dam No. 4 a barn and chicken house were built and a well dug.

These are the kind of serious reports that we get on a proposition on which we have spent over $2,000,000—that there is no commerce—and on which we are in the future to spend a great deal more. Mr. President, it seems to me, in view of the suggestion we have heard——

Mr. NORRIS. Does the Senator say that part of the improvement was the digging of a well?

Mr. KENYON. It was the digging of a well, but not an artesian well.

Mr. NORRIS. How deep was the well dug?

Mr. KENYON. The report of the engineers does not state.

Mr. NORRIS. What was the object of digging the well?

Mr. KENYON. I am not prepared to state. I suppose it was for the lock tender.

Mr. SUTHERLAND. For what was the well dug—to furnish water for the project or for the chickens?

Mr. SMITH of Michigan. Or was it in order to reach a subterranean stream?

Mr. KENYON. I regret that these facetious interruptions should occur in such a very solemn matter as this. This river, it was stated at the last election in Texas between the "wets" and the "drys," was the only thing that went dry in Texas. [Laughter.]

Mr. NORRIS. Was the well dug in the stream proper or at some place adjacent thereto?

Mr. KENYON. I shall have to refer the Senator from Nebraska to the engineer's report. I really do not want to dwell on that any longer than necessary. I merely want to suggest at this point that the Trinity River seems almost like a description that Zimmern has given in The Greek Commonwealth as to some of the rivers of Greece. He states:

If rain falls in this torrential manner, its effect must naturally be marked in the behavior of springs and rivers. Indeed, it is due to this that Greece possesses practically no rivers, in our sense of the word, at all. As the Admiralty Pilot remarks, with ill-concealed irony, "The rivers that empty into the Ægean Sea are more deserving of notice from their classical associations than from their commercial importance."

That may be true likewise of the Trinity River.

In winter Greece has torrents; in summer, dry stony beds, with perhaps a trickle in the middle; but rivers such as we know, which flow, in the Greek phrase, "equal themselves with themselves," all the year round, are unknown. Some of the larger streams are deep enough to bathe in during the summer, but the majority could be mistaken by the unwary traveler for an unusually rough road or sometimes, when there are oleanders in blossom there, for a very neglected garden. One of the lawsuits in Demosthenes turns upon the question whether a certain piece of ground was a watercourse, a public highway, or a private garden.

That is equaled only by some streams that we have been hearing about in this debate.

Mr. President, I have not been facetious about this matter; I have tried to be very serious. It seems a good place to stop here and save a little money by letting this matter wait at least until the surveys are completed by the engineers. I do not care to take any more time on it. I will simply ask for a vote.

Mr. LANE. Mr. President, I should like to ask the Senator, if he will allow me, what is the total cost contemplated, if this project is completed?

Mr. KENYON. I am not prepared to say that an estimate has been made, although, likely, there has been. It is a project that never has been adopted in its entirety by Congress. We simply appropriate year by year for different locks and dams, and we have appropriated now over $2,000,000.

Mr. LANE. Have the engineers made an estimate of the total cost?

Mr. KENYON. I think they have. Their estimate is $4,650,000.

Mr. LANE. Has anybody estimated as to what amount of commerce or tonnage this river would open up if the improvements were completed?

Mr. KENYON. The Senator will find that as to all of these projects there is just about to be discovered some great mine, or large factories are about to be started, so that the commerce is to be perfectly tremendous.

Mr. LANE. Mr. President, this is the joke item in the bill; it sort of hits the Senate on its funny bone when it is mentioned, and yet at the same time there may be some reason in it. If, by completing the project, a large commerce could be opened up, it might prove to be a justifiable expenditure. I have not heard that side of the question argued. I know that Texas is a very rich country.

Out in Oregon there is a stream, for opening the mouth of which to the ocean Congress has appropriated money so that vessels may come in and go out of it. Vessels do come in and go out; yet between the upper and lower harbors there is a sand bar, forming an obstruction which should be removed, and until it is removed no commerce can be developed above that obstruction. There are millions of feet of the finest timber we have on the Pacific coast in that neighborhood which can not get to the sea on account of it.

It is not a matter to laugh about; it is a serious question to the people who live there, who are denied access to the ocean by an obstruction which, if removed, would allow them to market their products. I am wondering if back of this item, after all, there may not be some merit. It is made fun of. I have spoken of it to the people, and yet we have in Oregon one stream that is in pretty much the same condition, and we can not get the obstruction removed, for the reason that no commerce has ever gone below it. Neither steamers nor sailboats can get over the obstruction. They could climb a tree as quickly. It is unjust to those people in Oregon that that condition should be allowed to continue; and I was wondering

if there were not, aside from the funny part of this item and the facetious aspect of it, back of it and behind it a kernel of truth and justice. If there is, we ought to take cognizance of it.

That is the reason why I asked the questions of the Senator from Iowa. It may be that ultimately this improvement would bring about a saving of money, if a commerce can be opened by an expenditure not in excess of a proper amount. If that is the case, the subject ought to be given some serious consideration, and I bespeak that for it.

Mr. SHEPPARD obtained the floor.

Mr. JONES. Mr. President, if the Senator from Texas will allow me, I desire to occupy a few moments and to make a few suggestions which the Senator might wish to answer. I will therefore, with the Senator's permission, say a word or two now.

Mr. SHEPPARD. Very well.

Mr. JONES. The pending amendment provides:

For improvement by the construction of Locks and Dams Nos. 3 and 5, $250,000.

That looks as if the locks would be completed with this appropriation, but they will not be. We are not appropriating more than about half enough to complete these locks. If we are going to complete them, we ought to appropriate the money that is necessary to do the work; otherwise, we are not only going to make the cost greater but we may waste all of the appropriation.

This is what the engineers of the War Department say about what we ought to do, if we do anything. I quote from page 941 of their report:

If the project is to be continued, Locks and Dams Nos. 3 and 5 are the logical ones to be next undertaken—

That is what we are undertaking—

They are estimated to cost $300,000 each. It is very desirable that, when authorized, provision should be made for their entire completion.

Mr. CLAPP. Mr. President, will the Senator pardon a question?

Mr. JONES. Certainly.

Mr. CLAPP. It strikes me that we ought to have some light on this subject if it is obtainable, and so I should like to know what relation the proposed expenditure bears to the question whether there is salvage left in the expenditures we have already made? I do not know whether the engineers report shows that or whether the Senator is in a position to state it; but it does seem to me that we ought to take into account the money we have put into this project and the question of whether it will be wasted if no more is expended, and then the question of whether it will be a profitable enterprise to go on and put enough more in to make that which we have put in of some value.

Mr. JONES. Mr. President, as bearing on that, I want to read a little bit more from the report. On page 939 the engineers say that the original project as reported upon contemplated the construction of 37 locks and dams at a cost which is estimated at $4,650,000 and $280,000 annually for maintenance after completion. They make the statement that Congress has never formally adopted the full project, but has simply authorized from time to time the construction of locks. Referring to the work which has already been done, they say this:

In the original report it was planned that five locks and dams should be located in section 1, but as a result of further investigation it has been found necessary to increase the number to six, with an auxiliary dam at Parsons Slough, about 22 miles below Dallas.

I call the attention of the Senate now to this:

During the course of construction it has also been found that the original estimate of cost was inadequate, and that on account of the manner in which the appropriations have been made, the inaccessibility of certain of the localities at which work has been directed by Congress, and the general increase in prices, it is now known that the ultimate cost of the entire project will be largely increased.

In other words, if we continue this project to completion, as recommended in the early report, it will cost largely more than $4,650,000; but they say——

Mr. CLAPP. As I understand, we have already put about $2,000,000 into this project. That is what I understood from the Senator from Iowa.

Mr. JONES. That is correct; we have put in up to June 30, 1915, on new work $1,830,595.06, and for maintenance $238,067.36. Here is a comparative statement of the commerce——

Mr. CLAPP. I do not think the commerce is a fair argument.

Mr. JONES. I thought the Senator wanted some information as to that feature.

Mr. CLAPP. No; what I want to know is—and that is where these reports seem to me to be so often defective—what relation the proposed continued expenditure bears to that which we have already made, and whether what we have made will be lost if we do not go on, and whether, in view of the entire cost, it is wiser to lose what we have put in, or to try and save that by spending more. These reports, it seems to me—and I am not criticizing the reports—do not throw much light upon that inquiry.

Mr. JONES. I will say to the Senator that there is not very much information here along that line.

Mr. CLAPP. No.

Mr. JONES. But I think this is significant, and I think this ought to be taken into account in determining whether we are going to go on with this work now or wait just a little while. We have provided for another survey of this stretch of the river, so as to get possibly the very information that the Senator is anxious to have; and here is what the engineers say in the report:

The report, in accordance with which the work authorized is being done, was based upon a survey authorized in the river and harbor act of March 3, 1899, for which purpose only $7,000 was appropriated, in view of the fact that it was necessary to carry this survey over more than 500 miles of river. It is apparent that the work could not be done with sufficient thoroughness to enable an accurate estimate to be made. To remedy this defect the river and harbor act approved July 25, 1912, authorized the making of an accurate instrumental survey of Trinity River, following the recommendation of the chief of Engineers in his annual report for the fiscal year ending June 30, 1911. This survey is nearly completed, but no estimate of cost of the completion of the entire plan of improvement has yet been made.

It seems to me that we could very wisely withhold this appropriation for the building of these new locks until that report comes in. It will not only give us a detailed and more accurate estimate, a more reliable estimate of what the cost will be, but it will very likely furnish information meeting the suggestions to which the Senator has just referred.

Mr. CLAPP. Yes, Mr. President; I think myself that while it throws no light presently upon the inquiry, it may in the end answer the inquiry. It strikes me that there is a great deal of force in the Senator's suggestion that that is the true way to get the answer to the inquiry—first to get this additional survey.

Mr. JONES. It seems that way to me, and that is the only reason why I am led to vote against this amendment now. Just as in the case of the item yesterday, I may be in favor of the proposition in the end. I may think it is a good thing. There may be facts disclosed, such as the Senator from Oregon referred to, showing that this project, even if it does cost four, five, or six million dollars, is a good one and a wise one from a governmental standpoint. But here we are confronted with this situation: We have authorized a survey. There is almost ready a report that will give us what ought to be reliable information, not only with reference to the cost of it but with reference to the benefits that will come from it; and, furthermore, the appropriation we make in this bill will not complete what we propose to do. It only provides for one-half of what these two locks and dams will cost. If we are going to provide for Locks 3 and 5, we ought to provide the entire amount necessary to construct them; otherwise, they are going to cost more than they ought to cost.

The engineers do say in their report that if we only provide for one year's work, then we should provide $150,000 for each lock and dam that is appropriated for. In this bill we provide that no part of this $250,000 shall be expended until the city of Dallas shall have contributed $50,000. That makes $300,000. It makes $150,000 for each of these locks. They will cost $600,000; and the engineers say that they consider it very desirable that the whole amount necessary to complete these locks shall be appropriated if we decide to build them at all.

It seems to me that for those two reasons it would be the wise thing to leave this item out of this bill at this time. As I said, I do not take my position because of opposition to the project generally. I want to consider the project when the estimates come in. All these suggestions about the dryness of the river, and all that sort of thing, have no weight with me in the consideration of this matter; but I do think that in the interest of economy it would be wise action by Congress now to leave this item out of the bill.

Mr. LANE. Mr. President, I think the amendment offered by the Senator should go further. It should amend the item so as to call for a showing to the Senate and to the Congress as to the economic conditions of the surrounding country, and whether or not the expenditure will be ultimately beneficial and worth the cost. That should accompany it. They come in here, with the most meager information, with an appropriation to remedy a condition which proves nothing to us, and gives us no facts—just a mere appropriation.

It might be that a full showing of conditions surrounding the project might make it a justifiable and a meritorious appropriation; but we do not have the information, and it becomes a joke, and maybe it is a joke.

It may be that facts can be shown and made of record which will justify it. No commerce can develop upon a stream that is obstructed, or has obstructions in it over which navigation can

not pass either up or down the river. I know that. Everybody knows it. Everybody that has ever cleaned out a ditch knows that you must remove the obstruction, or you can not get drainage or irrigate your land. It applies to rivers in the same way, and there will be and can be no commerce until the obstructions are removed, although there may be none afterwards; but it ought to be and should be shown to the Senate that the chances or the facts are that the commerce is there after the expenditure of the people's money has been made for opening up the channel.

I think that is due the Senate, and with me it is a matter of experience. I know streams which have no traffic and have plenty of water both below and above an obstruction, and there never will be any commerce until that obstruction is removed. There can not be. It is a physical impossibility; and because there is no commerce the stream is condemned, and unjustly condemned. That is not a fair way of reasoning upon it. But if the traffic is behind the obstruction, and the commerce is there awaiting an outlet, then it is justifiable to make a reasonable expenditure, and it is not a laughing matter. It may be a most serious matter for the people who live above the obstruction in the stream.

As I say, I have laughed about this item many times, too, and the joke about their having to dig artesian wells; but we have one such stream in my own State that I know of personally, and that is no laughing matter, when the truth is known. I do not think it is fair, and I do not think it should be urged that because no commerce has passed up and down this stream on account of this obstruction, none ever will.

Mr. SHEPPARD. Mr. President, the preliminary report of the engineer, on the basis of which the first appropriation for the Trinity River was included in a rivers and harbors act, concluded by saying that the engineer considered 4-foot navigation of the Trinity River from Dallas to the mouth to be not only advisable but urgently necessary, and that it would accomplish much good for many people. It was shown in that report that there were approximately 10,000,000 acres of timber along the Trinity, comprising oak, ash, cottonwood, cedar, elm, bois d'arc, walnut, pecan, hickory, pine, and cypress, whose value was estimated at $50,000,000 whenever river transportation should be established. It was also shown that there were extensive deposits of coal, iron, and clays along the river or within easy reach, and also that there were extensive deposits of building material, such as stone, gravel, and so forth. A statement from the Weather Bureau was quoted to the effect that the territory tributary to the Trinity River had a rainfall about the same as Massachusetts, New York, New Jersey, Connecticut, Missouri, Wisconsin, Michigan, and Ohio. It was also shown by that report that the 15 counties bordering on the river on each side—namely, Dallas, Kaufman, Ellis, Henderson, Navarro, Anderson, Freestone, Leon, Houston, Madison, Trinity, Walker, San Jacinto, Polk, and Liberty—had an area of 8,813,440 acres, of which over 1,200,000 were already in cultivation in 1909, and a population of about half a million. It was also shown that at least 75 per cent of these lands was capable of a high state of cultivation, and could produce a million and a half bales of cotton, 750,000 tons of cotton seed, 70,000,000 bushels of corn, 10,000,000 bushels of oats, 3,000,000 bushels of wheat and other products in proportion.

The commercial importance of Dallas, the city at the head of navigation on the Trinity, was demonstrated by figures of a most convincing nature. The population of Dallas at that time was 65,000, and its volume of wholesale trade was about $30,000,000 in value. To-day the estimated population of Dallas is over 130,000, and its volume of trade $211,000,000 in value. A million and a half bales of spot cotton are now handled in the Dallas market. Dallas has 9 railways and 5 interurban railways radiating in 18 different directions, with 85 passenger trains and 10 gas-electric motors in and out daily, and with 156 daily interurban trains carrying 4,000,000 passengers annually.

On the basis of that report, Congress made the initial appropriation for the Trinity River. The bill in which that appropriation was embodied failed in the Senate on account of the speech of the Senator from Montana, Mr. Carter, which will be recalled by many Senators here to-day, I am sure.

In the next river and harbor bill an appropriation for the Trinity was again made, and when the matter came up for discussion in the House Mr. Burton, of Ohio, the chairman of the committee, delivered the following remarks in reference to the Trinity:

We have not included in the bill any new projects for locks and dams except the Trinity River, in the State of Texas, where we have appropriated or authorized $750,000, part for general improvements and part for the construction of locks and dams. I am frank to say to the committee that on first examining this project I did not think favorably of it, but I gave it a good deal of consideration. The committee called before them the engineers having the improvement in charge, and it seemed to us that an expenditure of this amount was justified. The river is easily capable of improvement. It has stable banks, and the construction of locks and dams is a comparatively easy problem. There is a great amount of traffic in prospect both from the source to the mouth and from the mouth toward the source. In this particular it differs from many other rivers, where the bulk of the traffic must necessarily be one way. Great quantities of cotton and grain will be carried toward the mouth, and from the mouth toward the source timber and building material for the large expanse of prairie tributary to Dallas toward the north.

In that bill, Mr. President, provision was made for another examination of the first section of the Trinity River—the section near Dallas—with a view to determining specifically whether there was a sufficient water supply. The engineer who made the preliminary examination authorized in 1899 had made some reference to the advisability or possibility of using artesian wells along the banks of the first section as an aid to navigation. It was partly on account of this statement that in the bill of 1901 provision was made for another examination by a special board of engineers to determine this particular question of a sufficient water supply, and the report of the special board was favorable to the continuance of improvement on the first section. The board held that navigation of from six to seven months' duration could be obtained on section 1 with six locks and dams, at an expense of $918,000, and that in some years there might be eight months' navigation.

I shall state that it was developed at the hearings in the House in connection with the present measure that another investigation was recently made of this section, that observations were taken of weather conditions at stated periods; and that the result of the investigation was that there were sufficient rainfall and sufficient water supply in section 1. There has never been any question as to sufficient rainfall or sufficient water supply below section 1, for the reason that an important tributary of the Trinity joins the river about 60 miles below Dallas—that is, below section 1.

The people of Dallas themselves have expended over a million dollars, directly and indirectly, in connection with this project while it has been in progress. I want to quote here from a letter sent me by the secretary of the Dallas Chamber of Commerce on June 25, 1914:

DEAR SIR: We are sending you to-day by special delivery a separate package containing data with reference to the Trinity River gauge readings. Take those with the explanations and the first 18 pages of Duncan & Cowart's argument, and it will enable you to substantiate all that is stated therein.

We desire, however, if necessary, to have you impress upon the Senate and the conference committee that the people of Dallas, in their anxiety to improve the river so that they may have navigation, have not hesitated to open their pocketbooks and aid in the great enterprise. By public subscription their first paid $66,000 to the Government, which was expended by direction of the Government's engineers on Lock and Dam No. 2 and on Parsons Slough. They have also paid for the sites for nine locks and dams more than $20,000—in round numbers about $90,000. The people of Dallas and Dallas County have spent by bond issues more than $800,000 for the purpose of building two high bridges or viaducts and constructing four steel turn bridges, so that boats can readily pass up and down the river without obstruction or delay. They have secured about 30 acres of land on the river front in the city of Dallas for wharves, etc., the value of which is some $60,000 or $70,000. They have also voted an indebtedness of some $700,000 for diverting the sewage from the river, so that sewage disposal will not interfere with any kind of river navigation. Work is already commenced on the same and will be completed within the next two years. The people have also subscribed a fund of $50,000 for the purchase of boats and barges; one boat has already been bought and another will be secured as soon as possible. So it will be seen that the people of Dallas, in their eagerness and enthusiasm to secure the navigation of the Trinity, have already spent and are spending $1,800,000, which is more than the appropriations that have been made by Congress for the improvement of the river. We believe the amount appropriated by Congress to date is about $1,700,000.

That there will be a great commerce on the river can not for a moment be denied. The wholesale trade of Dallas has increased from $40,550,000 in 1900 to $211,458,000 in 1913. The number of loaded cars of freight handled in Dallas are more than 220,000 annually, or more than 600 every day.

Mr. President, it will be observed that the appropriation carried in the present bill is conditioned on a contribution by the people of Dallas of $50,000. Let me say further that the people of Dallas have also made a proposition to Congress that they will contribute $3,000,000 if the Government will agree to complete the project. Certainly, gentlemen, a project in which the people near the river have such confidence is entitled to the serious consideration of Congress.

Let me say further that the locks and dams provided for in this bill are Nos. 3 and 5 on the first section. Locks and Dams Nos. 1, 2, 4, 6, and 7 have already been constructed. The construction of these two locks and dams is necessary to the completion of the first section. Without them the six locks and dams already in existence there are absolutely useless. It would indeed be a great waste of money to cause the project to stop here when the first section has been so nearly completed. The

first section is the most difficult section from the standpoint of navigation.

Mr. GALLINGER. Will the Senator permit me?

Mr. SHEPPARD. Certainly.

Mr. GALLINGER. At some previous time when this matter was under discussion my attention was called to the fact that the locks had not been constructed consecutively, that No. 1 and then perhaps No. 3 had been constructed. I think the Senator himself just stated that they are not consecutively constructed.

Mr. SHEPPARD. Almost consecutively. I have just said to the Senate that of the nine locks and dams on the river seven have been constructed on the stretch between Dallas and a point on the river some 50 or 60 miles below Dallas. The locks and dams provided for in this bill are needed to complete that particular section. Locks 1, 2, 4, 6, and 7 have been practically finished. Locks 3 and 5 are provided in this bill.

Mr. GALLINGER. Ordinarily would not Locks 3 and 5 have been built before 6 and 7 had been built? Why was it that they skipped, that they built a lock and then left a place for the construction of a lock at some other time lower in its order than those that were constructed?

Mr. SHEPPARD. I am unable to inform the Senator. I think perhaps it was due to the fact that the engineers thought the locks and dams at first constructed would probably be sufficient.

Mr. GALLINGER. That would be an explanation if that had been in the mind of the engineers.

Mr. SHEPPARD. Most of these locks and dams are in the same congressional district. There could be no question of their distribution simply to accommodate different congressional districts, as has been suggested by the Senator from Iowa [Mr. KENYON] heretofore.

Mr. GALLINGER. I asked the question, the Senator will understand, for information. I have no personal knowledge and I have no engineering skill, but it did strike me when it was presented at some previous time as being rather singular that the locks had not been built consecutively; that is all.

Mr. RANSDELL. Mr. President, in order to have the record clear in this case in regard to the artesian wells which have been alluded to several times, I should like to read very briefly from the report of Capt. C. S. Riché, now Col. Riché, made to Gen. Wilson, then Chief of Engineers, December 23, 1899. I think we ought to know exactly what was said about these artesian wells. It is right interesting reading. He makes a very favorable report, let me say, upon the improvement of the Trinity River, and that report was transmitted to Congress by Gen. Wilson, with a favorable report recommending that the work be done. I quote from page 4 of this document, House Document No. 409, Fifty-sixth Congress, first session. He says:

Periods of drought, however, would interfere with navigation to such an extent as to prevent the river from becoming a commercial factor of much importance unless such additional measures were adopted as would secure a navigation which would be practically continuous during all seasons of the year. For this purpose it will be necessary to canalize the river by means of locks and dams, which, by holding the water in a series of steps or pools, would greatly prolong the period of navigation. With the addition of an artificial water supply in the upper reaches of the river, to be obtained by storing surplus water during the wet season—

That is one method. Now let me call the attention of the Senator from Iowa to that—

or by sinking additional artesian wells, or by a combination of the two methods, it will be possible to obtain a navigation which will be continuous at all seasons, except possibly for a short period during years of excessive drought.

The character of Trinity River and its geographical location will permit an improvement, as above outlined, to be made without excessive cost. The river for the greater part of its length is narrow, its banks are generally high, and, except in the lower reaches, remarkably stable and free from erosion. Good foundations exist also at all the sites where locks and dams are likely to be needed. The cost of these locks and dams, therefore, will be less than on many other streams where such favorable conditions do not exist.

Mr. POMERENE. Mr. President——

Mr. RANSDELL. Will the Senator kindly let me read the extract, and then I will yield in just a moment?

Mr. POMERENE. Certainly.

Mr. RANSDELL (reading)—

Again, the question of a special artificial water supply for navigation purposes is not of such supreme importance as might at first be supposed. In the watershed of the river numbers of artesian wells have already been driven, and many more are being driven every year. These wells furnish a steady supply of water for the river, irrespective of weather conditions, and the time is not remote when they will supply enough water to permit navigation by means of a system of locks and dams to continue through an extended drought.

Now, I ask the especial attention of the Senate to this clause:

Taking one year with another, however, the dry season is generally in the summer, when the movement of crops is not in progress, and the wet season generally begins in the fall and continues until late in the spring covering the months of the year when transportation facilities are most needed. Ice will interrupt navigation only during exceptional temperature conditions, which are very rare indeed, and which will never be other than of brief duration.

I now yield to the Senator from Ohio.

Mr. POMERENE. It occurred to me that that portion of the report of the engineers which the Senator has read is rather indefinite in this, that it does not state how many artesian wells have been drilled or how many would be required in order to provide the necessary flow; neither does it show to what extent the flow has already been increased by the artesian wells that have already been sunk, nor the extent to which it could be increased by the sinking of other artesian wells. I wondered if the Senator had any more explicit information upon that subject.

Mr. RANSDELL. I do not understand that this report says that the artesian wells are absolutely necessary. It says that water might be stored during the wet season, or you might get a supply from artesian wells. I will state to the Senator that I understand since this report was made, in 1899, a special board has made an examination of the subject and has determined that there is plenty of water from the usual rainfall to fill the pools in the wet season so full as to maintain a reasonable supply of water during the dry season.

I wish to make this observation also. Senators, in speaking about the low-water period on the southern rivers we must not forget that on the northern rivers and on the Great Lakes, for instance, there is a long period of ice. The Great Lakes, which have the greatest commerce in this country, are closed for navigation from four to four and a half months of every year by being frozen over—at least the harbors are frozen. We have only from seven and one-half to eight months' navigation on the Great Lakes and on the rivers in the northern portion of the country. And on the Erie Canal in the State of New York, where they are now spending $150,000,000 to perfect their canal system, they have navigation for only about eight months.

The low-water period on the southern rivers does not last more than three or four months. So, Senators, let me remind you that even if we did have a low-water period of about four or five months, when we could not do any transportation of goods, we would be in no worse fix than our friends in the northern portion of this country. No one contends that the low-water period on the Trinity River would last more than four to five months out of any year.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. RANSDELL. I gladly yield.

Mr. POMERENE. There is, of course, a good deal of force in what the Senator says in regard to the obstruction of navigation during the freezing period in the North, but I have been particularly interested in the suggestions which have been made with regard to artesian wells. Can the Senator state to what extent artesian wells have been resorted to in order to furnish the necessary flow to make rivers navigable?

Mr. RANSDELL. Not a gallon of water has ever been obtained from an artesian well in any of the waterway projects of our country that I have ever heard about.

Mr. POMERENE. Is that true elsewhere?

Mr. RANSDELL. I have never heard of it in other countries. It may be true elsewhere, but I have never heard of it. It certainly is not true in the United States, so far as I know. It was stated incidentally by Capt. Riché as one means of getting additional water for the Trinity if it was desired, and I thought that the Senate was entitled to know exactly what had been said on the subject, because it is much misunderstood. Lots of the trouble we have had in this world comes from ignorance. We do not understand the proposition before us, and, not understanding it, we get a wrong idea about it.

Mr. POMERENE. That being so, does it not occur to the Senator that when an engineer has resorted to the extreme suggestion of saying that the navigability of the river could be increased by sinking artesian wells it rather reflects upon the wisdom of large expenditures along the river under those circumstances?

Mr. RANSDELL. I think, if the Senator please, that this engineer was referring to only a very low-water period of the river. He was only saying that if it was desired to make assurance doubly sure and prevent any interference with navigation on the river even in time of extreme drought so that the river could certainly and surely be navigated for 365 days out of every year, possibly it would be well to put in artesian wells.

But he did not advocate putting them in. He simply said that it might possibly be done.

Now here is a more recent report, which I should like to read from very briefly:

On December 8, 1903, Brig. Gen. Gillespie, Chief of Engineers, submitted with his concurrence the report of the Board of Engineers authorized by act of June 13, 1902, to examine into the advisability of attempting to secure eight months' navigation on section 1—

That is section 1 of the Trinity River—

with an expenditure of $550,000. The board held that navigation of from six to seven months' duration could be obtained on section 1 with six locks and dams, at an expense of $918,000, and that in some years of unusual rainfall this might give eight months' navigation.

As I understand it, there was not a word said in that report about artesian wells.

Now, I wish to read just a very little more from the report of this engineer, Capt. Riché, the man who spoke about artesian wells, to show you how he feels in regard to this project. I imagine that he is entitled to have his conclusions read as long as the things he said are criticized. He states on page 7:

I am convinced, therefore, that the existence of Trinity River in navigable condition from Dallas to its mouth, even for but 8 or 10 months in the year, would radically reduce present railway rates in all the northern and eastern portions of Texas, and that this reduction of rates would be effected to a gradually diminishing degree for long distances in all directions. The Commercial Club of Dallas, in their statement, estimate that the annual saving to the people consequent upon the improvement of the river would be $9,830,000. Even if the saving should be but one-tenth of that sum the improvement would be eminently advisable.

Then he goes on to discuss it. I will ask to insert it all without reading

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The reduction of freight rates would mean that the railways would, as at present, carry the bulk of the traffic, and that but a relatively small portion of it would actually be transported on the river, but the improvement of the river would accomplish its main purpose when the railway rates were lowered and the ever-present possibility of serious water competition would be an automatic check upon excessive charges.

Competition among the various railway companies may be said to have ceased, so far as its effect in reducing rates is concerned. Tariff agreements prevent any serious rate cutting, and water competition appears to afford the only available relief.

Mr. RANSDELL. Capt. Riché says in conclusion:

All things considered, therefore and in view of the fact that south and west of Red River the railways in the interior are at present entirely unchecked by water competition, I am of opinion that the improvement of Trinity River for a 4-foot navigation from Dallas to its mouth is not only advisable, but urgently necessary, and that it will accomplish much good for many people.

Very respectfully, your obedient servant,

C. S. RICHÉ,
Captain, Corps of Engineers.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. RANSDELL. I would be glad to yield.

Mr. POMERENE. When the Senator speaks of the effect water navigation has upon traffic rates it interests me very much. The next question that occurs to me is to what extent this may influence the rates and whether or not rates could be reduced in other ways. As a student of the commerce of the country, I have always referred to Texas with a great deal of pride in the effort that she made to control railroad rates. I recall that Texas was, I think, the pioneer State when it came to railroad-rate regulation in this country. If the commission in Texas has the power to control these rates, assuming for the sake of argument that the railroad rates are exorbitant, why could not the commission so regulate those rates as to bring them within reasonable bounds?

Mr. RANSDELL. I will answer that by reading another extract from the report of the same Capt. Riché, page 8:

It is claimed in some quarters, however, that railway rates can be reduced in other ways than by water competition and that national or State railway commissions can force rates down whether water competition exists or not. That this state of affairs does not obtain at present can be seen by reference to the statement of the Dallas Commercial Club to the effect that twice in recent years has the Texas Railway Commission been successfully enjoined in the United States courts from attempting a reduction of a small per cent of the railway tariffs, the railways establishing in the litigation that any reduction was confiscatory, the original and accrued cost of the railways, as represented by their stock and indebtedness, and not their present value, apparently being the basis from which is computed the reasonable profit of which they can not legally be deprived by national or State railway commissions.

Falling efficient regulation of rates by railway commissions, it is sometimes suggested that a solution of the problem can often better be obtained by the construction of a Government railway rather than a Government waterway and the subsequent hauling on this railway of freight and passengers by the Government at cost or less than cost price. As an abstract problem in dollars and cents, this may frequently be the case, but the consideration of such a proposition opens up such an array of possible consequences that the time does not seem ripe, and perhaps never will be ripe, for the Government to undertake this method of controlling rates.

Water competition, therefore, appears to be the only practicable way of reducing and controlling freight rates in this section of the country, and the improvement of Trinity River will effect this result to a large degree. Nor will the consequent reduction of rates be in any way disastrous to the railways; on the contrary, its ultimate effect will benefit them greatly. Reduced rates mean new industries, additional land under cultivation, and great increase in population. As a result, the passenger and freight traffic of the railways will be so greatly increased in volume that their profits will be steadier and more certain. As a general proposition, the railways which are financially the most stable come well within the zone of influence of the rate-regulating effect of efficient waterways.

Mr. POMERENE. Mr. President, assuming the soundness of the logic of the engineers, then it must follow as a consequence that if you had the greatly reduced rates due to river navigation you are going to destroy these railroads.

Mr. RANSDELL. I do not know that that would follow at all. It would perhaps so develop the country that the railroads might carry high-class freights. I will state that on and adjacent to the Erie Canal, in New York, there are six railroads paralleling the canal, and that is the most prosperous part of the State. It is said that 90 per cent of the population and 85 per cent of the wealth of the State of New York lie in an area 5 miles on either side of the Erie Canal—a great waterway which was completed in 1825 and which has been operating ever since. It is a well-known fact——

Mr. THOMAS rose.

Mr. RANSDELL. Let me complete my statement, and then I shall be glad to yield to the Senator.

It is a well-known fact that the greater the competition the better and more prosperous are the railways. Mr. President, there is no portion of this country where the railways are more prosperous than along the Hudson River, along Long Island Sound, and along the Great Lakes. There they have the keenest water competition. The water rates are very low, the railroad rates are low; and there has been a tremendous growth of populous, wealthy cities on the Lakes—they have grown by leaps and bounds, very much more rapidly than cities like Cincinnati and St. Louis, which are located on unimproved rivers. On the Hudson, likewise, they have grown in the same way as they have on Long Island Sound. There has been such a rapid development of commerce of every kind, both of merchandise and of passenger freight, that not only have the people of those favored localities got the benefit of the cheaper rates, but the railroads also have prospered greatly. So, if the Trinity River had been improved and there had been great prosperity resulting from the cheap rates there, the railroads would have derived some of the benefit.

In connection with my remarks about the Trinity River—and I then shall yield to the Senator from Colorado [Mr. THOMAS]—I wish to introduce here a letter from Mr. J. R. Babcock, who is the assistant to the president of the Chamber of Commerce of the city of Dallas, Tex. It is dated February 19, 1916, and is addressed to Mr. S. A. Thompson, secretary-treasurer of the National Rivers and Harbors Congress. I quote an extract from it, and I ask especially the attention of Senators to this letter. It is from Dallas, and it is very recent, Senators. Mr. Babcock says:

Your favor of February 9 arrived while I was in Washington appearing before the Rivers and Harbors Committee. In consequence of that visit, the Rivers and Harbors Committee has recommended $50,000 for open-channel work and $250,000 for Locks and Dams Nos. 3 and 5, we proposing to put up $50,000 in cash for this portion of the work.

We made a further proposition that, if Congress would appropriate $3,000,000, we would raise $3,000,000; this $6,000,000 to complete the canalization of the Trinity River forever and all time to come, placing the Trinity on its proper basis.

Senators, does any reasonable man believe that those wise, far-seeing business men of Dallas, the queen city of Texas, one of the most enterprising cities of this Nation, after expending, as I will show later in this letter, something like $1,681,000 to develop their water front and to assist in developing their river, would spend another $3,000,000 of their own money if it was going to be thrown away? Would they throw away something like $5,000,000? Oh, no; that is unreasonable. Those people have faith in the improvement, and it would do great good if we should make it.

Mr. Babcock further says:

Answering your particular questions, Dallas has paid for the sites of nine locks and dams $20,000; gave $66,000 in cash to start the work; has bought 32 acres of river front for wharfage; has built two high bridges and four steel turn bridges so that boats can pass, $800,000; has spent $25,000 in the purchase of tow boats, and built two 100-ton barges; is spending $700,000 to make same navigable by sewage diversion, etc., making a total of $1,681,000. If we are able to reduce rates by way of the river to the Gulf as much as 5 cents per hundred pounds, it will mean a saving to the city of Dallas of $9,000 per day.

Now I ask your attention to this statement:

We have on file a list of 44 steamboats which operated on the Trinity River from 1865 to 1878, the smallest tonnage of any one of

them being 65 tons, the largest being 180 tons. At that time the water rate on cotton was $1 a bale to Galveston; it is now $2.75 per bale.

Think of that! In the days when there were very few, if any, railroads I presume there was water enough then to operate boats for a number of months in each year, and the rate on cotton was a dollar a bale. Now, with nine railroads running in there, with every boat driven off the river, the people of that section—and Dallas is the basic point for fully a million bales of cotton—the people there pay $2.75 per bale.

What did the famous Texas Railroad Commission do for them? It reduced the rate 25 cents a bale. The former railroad rate was $3, and the Texas commission was only able to reduce it 25 cents per bale.

Senators, if we improve this river properly and make it navigable for 8 or 9 months in each year those people will again get their cotton carried at $1 per bale.

Mr. JONES. Mr. President, I wish to ask the Senator from Texas [Mr. SHEPPARD] a question. It may be that he answered it awhile ago when I happened to be out of the Chamber. If he has done so, I shall not ask him to go over the matter further. I merely want to ask, If these two locks and dams were completed and the rest of the project were not taken up, what would be the benefit to navigation?

Mr. SHEPPARD. It would give us several months' navigation on the river in each year.

Mr. JONES. Would that be of great benefit to commerce?

Mr. SHEPPARD. Undoubtedly it would be a benefit to commerce. It would enable boats to operate from Dallas to the Gulf.

Mr. JONES. And they would operate?

Mr. SHEPPARD. They would operate, as I imagine from the statement which has been read here.

Mr. THOMAS. Mr. President, I merely wish to inquire of the Senator from Louisiana [Mr. RANSDELL] what has become of that wonderful traffic existing some forty-odd years ago upon this river, before any improvements were put in by Congress?

Mr. RANSDELL. I presume it is now carried on the nine railroads that run into Dallas; but they are carrying cotton now. I will say to the Senator, at $2.75 a bale, while when the boats used to carry the cotton they carried it at a dollar per bale. That is the evidence. Personally I know nothing about it.

Mr. THOMAS. Is there not just as much water in the river now as there was then?

Mr. RANSDELL. But the boats were driven off. I may say to the Senator, by railroad competition at certain points. After driving the boats off the river, the railroads put up their rates.

Mr. THOMAS. Let me ask the Senator from Louisiana if we can drive the boats back by improving the river without destroying the railroads?

Mr. RANSDELL. I think that can be done; I think we ought to regulate those railroads somewhat; and I want the Senator from Colorado to help pass laws to regulate them.

Mr. SHEPPARD. Mr. President, let me state also that before the advent of the railroads the periods of high water were uncertain. The uncertainty of those periods, however, did not interfere with navigation. Since the advent of the railroads certainty is demanded more than ever; that is an element demanded now that was not demanded at that time. In consequence, the people, not knowing when the river would be navigable, preferred to use the railroads.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa [Mr. KENYON].

Mr. KENYON. On that I ask for the yeas and nays.

Mr. SHEPPARD. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fall	Lodge	Smith, Mich.
Borah	Fletcher	Martin, Va.	Smoot
Brady	Gallinger	Martine, N. J.	Sterling
Brandegee	Hardwick	Myers	Swanson
Broussard	Hitchcock	Newlands	Taggart
Chamberlain	Hollis	Norris	Thomas
Chilton	Hughes	Poindexter	Tillman
Clapp	Johnson, S. Dak.	Ransdell	Townsend
Clark, Wyo.	Jones	Santsbury	Underwood
Clarke, Ark.	Kenyon	Shafroth	Vardaman
Culberson	La Follette	Sheppard	Walsh
Cummins	Lane	Shields	Warren
Curtis	Lea, Tenn.	Simmons	Williams
Dillingham	Lewis	Smith, Ariz.	
du Pont	Lippitt	Smith, Md.	

The PRESIDING OFFICER (Mr. CHILTON). I make the same announcement in regard to the absence of my colleague [Mr. GORE] as on the last roll call.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Fifty-eight Senators having answered to their names, a quorum of the Senate is present.

Mr. KENYON. Mr. President, I had asked for the yeas and nays when the absence of a quorum was suggested. I do not know whether the Chair announced that the yeas and nays were ordered. If not, I renew my request for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays having been demanded by the Senator from Iowa, is the demand seconded?

The yeas and nays were ordered.

Mr. LODGE. I inquire what is the question? Is it on a motion to strike out?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. KENYON], which the Secretary will state.

The SECRETARY. On page 24, line 11, after the numerals "$50,000," it is proposed to strike out the following:

For improvement by the construction of Locks and Dams Nos. 3 and 5, $250,000: *Provided*, That no part of the latter amount shall be expended until the city of Dallas or other local interests shall have contributed the sum of $50,000 toward the improvement.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. MCLEAN], in his absence, to the Senator from Maryland [Mr. LEE] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the junior Senator from Wisconsin [Mr. HUSTING] and vote "yea."

Mr. TILLMAN (when his name was called). I am paired with the Senator from West Virginia [Mr. GORE], and therefore withhold my vote.

Mr. LODGE (when the name of Mr. WEEKS was called). I desire to announce that my colleague [Mr. WEEKS] is absent from the city and is paired with the Senator from Kentucky [Mr. JAMES].

Mr. WILLIAMS (when his name was called). In view of my pair with the senior Senator from Pennsylvania [Mr. PENROSE] and in view of the fact that I do not know just how he feels about this particular item I will withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE], who has been called from the Chamber. I transfer that pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. DU PONT. I have a general pair with the Senator from Kentucky [Mr. BECKHAM]. As he is absent and as I do not know how he stands on this question I will withhold my vote.

The PRESIDING OFFICER. Will the Senate indulge the Chair to say that he is requested by his colleague [Mr. SHERMAN] to announce that he has been called from the Chamber upon necessary business, and is paired?

Mr. LODGE (after having voted in the affirmative). I notice that my pair the senior Senator from Georgia [Mr. SMITH], is absent. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and will let my vote stand.

Mr. GALLINGER. The Senator from Maine [Mr. BURLEIGH] is detained on account of illness. He is paired with the Senator from Arkansas [Mr. ROBINSON]. I ask that this announcement stand for the day.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hempshire [Mr. HOLLIS]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 29, nays 31, as follows:

YEAS—29.

Borah	Gallinger	Martine, N. J.	Thomas
Brady	Gore	Norris	Thompson
Clapp	Harding	Oliver	Townsend
Clark, Wyo.	Jones	Overman	Walsh
Cummins	Kenyon	Smoot	Warren
Curtis	La Follette	Sterling	
Dillingham	Lippitt	Sutherland	
Fall	Lodge	Taggart	

NAYS—31.

Ashurst	Hardwick	Nelson	Simmons
Bankhead	Hitchcock	Pittman	Smith, Ariz.
Brandegee	Hughes	Poindexter	Smith, Md.
Broussard	Lane	Ransdell	Smith, Mich.
Chamberlain	Lea, Tenn.	Reed	Swanson
Clarke, Ark.	Lewis	Shafroth	Underwood
Culberson	Martin, Va.	Sheppard	Vardaman
Fletcher	Myers	Shields	

NOT VOTING—36.

Beckham	Hollis	Newlands	Sherman
Bryan	Husting	O'Gorman	Smith, Ga.
Burleigh	James	Owen	Smith, S. C.
Catron	Johnson, Me.	Page	Stone
Chilton	Johnson, S. Dak.	Penrose	Tillman
Colt	Kern	Phelan	Wadsworth
du Pont	Lee, Md.	Pomerene	Weeks
Goff	McCumber	Robinson	Williams
Gronna	McLean	Saulsbury	Works

So Mr. KENYON's amendment was rejected.

Mr. KENYON. Mr. President, on page 25, line 1, I move to strike out "$474,000" and insert "$259,000." On line 3, I move to strike out "$499,000" and insert "$284,000"; and I wish to indulge in a word of explanation.

This is the proposition of the Ouachita River, to which I have heretofore referred. This bill carries $499,000 for this river. The part of that for open-channel work up to Camden is $25,000. My motion does not go to that part of the bill, but to the part reading:

Continuing improvement by the construction of locks and dams heretofore authorized, $474,000.

I am aware that the Army engineers in their report for 1915, which I think was made up some time in September, did state that the sum of $474,000 could be expended; but in a report subsequent to that time they suggested an appropriation of $234,000. My amendment is to carry out that suggestion, adding thereto the $25,000 for the open-channel work which the Army engineers have recommended.

Of course we have voted into this bill projects that were condemned by the Army engineers. This is one of the projects resurveyed under the act of last Congress, and it can not be said, I think, that the Army engineers' reports are for a condemnation of the project; but they are for this apparent modification, at least, in the amount of money. We have spent upon this stream approximately $2,700,000. Deducting sand, gravel, and logs for the year 1914, the commerce will not amount to over 32,000 or 33,000 tons.

This is a river which is perhaps somewhat distinguished because the able senior Senator from Louisiana [Mr. RANSDELL] was born along the banks of this river somewhere; and in a statement before the House committee on the 2d of February, 1916, he said—no; I am wrong about that. The Senator was born on the banks of the Red River, he states.

Mr. RANSDELL. Yes.

Mr. KENYON. But this river, being near the Red River, shares in that fame and distinction.

The Senator from Louisiana, in his argument before the House committee, said:

This report of the engineers shows we receive no benefit whatsoever from what has been done, because the chain has not been completed; there are intervening links, and we have only about 8 or 9 inches of dependable depths of water in the river.

Here is a project on which we have expended $2,700,000 and are going on with more locks and dams in a project that will involve millions more; and the Senator who is the great authority in this country on rivers and harbors says that we have only about 8 or 9 inches of dependable depths of water in the river.

Let me put in the RECORD one or two other things from the Army engineers' reports.

We have had previous projects on this river running back into the seventies, and under those projects we have expended $614,802.19, as appears from page 956, volume 1, of the Army engineers' reports. It is there said:

The present project is based on plan contained in House Document No. 448, Fifty-seventh Congress, first session, which proposes to obtain a navigable depth of 6½ feet at low water from the mouth of Black River, La., to a point about 10 miles above Camden, Ark., a distance of 360 miles, by the construction of nine locks and movable dams * * * at an estimated cost of $4,876,654.35.

I wish the Senators who are going to vote on this proposition would observe this fact. The Army engineers say, on the same page:

From the manner in which the appropriations have been made for this improvement it has been held that the project has never been adopted in its entirety by Congress.

This is the third item "hand running" this afternoon involving the expenditure of millions of dollars on projects that have not been adopted in their entirety by Congress. Of course that does not make any difference. This delightful throwing away of public money is to continue.

Locks 2, 4, 6, and 8 have been authorized; in the case of Nos. 3 and 7 the sites have been acquired, and there remain unprovided for Locks and Dams 1, 5, and 9.

I also desire to place in the RECORD the following on page 957 of the Engineer's reports:

The amount expended on the existing project prior to the beginning of the fiscal year was for original work $2,279,021.33 and for maintenance $251,562.14, a total of $2,530,583.47.

What is the condition at the end of the fiscal year, after the expenditure of these moneys?

The project for constructing locks and dams—

The engineers say—

is 46¼ per cent completed. Maintenance by snagging work will have to be continued indefinitely. Locks and Dams Nos. 4, 6, and 8 have been completed and are in operation, but as the pools are not continuous, little benefit has been obtained. The maximum draft that can be carried at low water over the shoalest part of the section under improvement is 8 inches. The total expended under the existing project to the end of the fiscal year was $2,447,936.32 for new work and $267,121.67 for maintenance, a total of $2,715,057.99.

And 8 inches of water! It is fine business, Mr. President. Anybody objecting to this kind of a proposition wants to go in the crank class at once and join the "uplifters"!

On page 958 of volume 1 of the engineers' reports I find the following, under the head of "Commercial statistics":

These statistics were compiled for the fiscal instead of the calendar year, because the former more nearly coincides with the commercial year, and the period of navigation ordinarily closes in June.

In 1913 the commerce was 48,222 tons; in 1914, 64,874 tons; in 1915, 70,619 tons.

The freight carried during the last fiscal year consisted of lumber and logs, farm products, and general merchandise.

I propose to show, further on in the engineers' reports, that, taking out the sand and the gravel and the logs and the lumber, the commerce will not exceed 32,000 or 33,000 tons.

Further, the engineers say in volume 2, page 2693:

The U. S. snag boat *Jos. E. Ransdell* began work at Jonesville, La., October 22, 1914, and continued snagging in these streams until February 16, 1915, after which operations were suspended on account of high water.

And here is the great work that this snag boat did:

Snags pulled	1,711
Stumps pulled and destroyed	820
Leaning trees cut	2,151

That seems to have been from Camden to the mouth of the Black River, a distance of 350 miles. Then snagging operations were suspended, and they began work again and continued operations to Jonesville, a distance of 83.9 miles, and they did work as follows along there:

Snags cut and destroyed	715
Shore snags cut	1,871
Logs removed from channel	378
Leaning trees cut	4,540
Trees girdled	69

On page 2699 of volume 2 of the engineers' report is a statement of the commerce on this stretch, which I will ask to have inserted as a part of my remarks, if there be no objection.

The PRESIDING OFFICER. The Chair hearing no objection, there is none.

The matter referred to is as follows:

Freight traffic.

Articles	Amount.		Value.	Average haul or distance freight was carried	Rate per ton mile.
	In customary units.	In short tons.			
				Miles.	*Cents.*
Cotton	9,776 bales	2,931	$499,410	177	1.41
Cotton seed	93,029 sacks	7,045	197,288	177	.81
Grain	21,634 sacks	1,551	62,040	177	.55
Provisions	125,066 packages	6,214	931,553	177	1.49
Hides	122 bundles	9	1,117	183	2.06
Cattle	817 head	338	54,080	183	2.63
Hogs	6,158 head	646	88,560	183	1.40
Staves	326,000	4,655	37,240	219	.51
Lumber	225,000 feet b. m.	500	8,667	177	.75
Timber rafted	2,700,000 feet b. m.	7,515	57,995	100	(1)
Timber barged	4,700,000 feet b. m.	18,956	37,912	60	1.01
Crossties	42,824	3,444	20,184	100	.58
Shingles	1,771 bundles	65	2,620	177	1.05
Sand and gravel	7,016 cubic yards	8,268	1,178	4	(1)
Lime and cement	3,375 barrels	337	6,752	50	1.00
Hay	5,965 bales	446	5,452	183	.91
Poultry	728 coops	55	16,500	183	1.85
Machinery	145	145	30,000	53	1.56
Miscellaneous	70,174 packages	7,017	1,032,950	183	2.34
Total		70,619	3,074,465		

[1] No rate given.

Mr. KENYON. Of the short tons for the year—70,619—it appears that 4,655 are staves, 500 lumber, 7,515 timber rafted, 18,956 tons timber barged, 3,444 tons crossties, and 7,017 tons packages of various kinds. Deducting, as I have said, those matters which do not require great depth or great channels to float them, it leaves a commerce of about 30,216 tons.

Under the act of the last Congress the Army engineers made a reexamination of this stream and filed their report April 1, 1916. It is an illuminating document. I am not going to take

the time to read it all or many parts of it. I just wish to refer here and there to parts of this document. It seems that there were two projects, according to the report of Col. Black, set forth on page 2 of this document. I will say that the document is House Document No. 979.

One provides in part for the construction of eight locks and dams with a view to securing a channel 6½ feet deep from the mouth of Black River to a point 10 miles above Camden, Ark., while the other provides for removing snags, leaning trees, and other obstructions between Camden and Arkadelphia. In addition, the removal of obstructions below Camden is continued under an earlier project. Locks and Dams Nos. 4, 6, and 8 have been completed and are in operation; Nos. 2 and 3 are under construction. * * * Funds on hand are sufficient to complete No. 2, but it is estimated that an additional amount of $234,000 will be required to complete No. 3, and $1,804,000 to complete Nos. 5, 7, and 9. The district officer is of opinion that the resources of the adjacent country are sufficient to justify further work on the lock and dam project to and including Lock and Dam No. 8, but that the building of No. 9 should be postponed until the development of traffic on the canalized river indicates the necessity of its construction. * * * and that the project for open-channel improvement above Camden should be abandoned.

Col. Black says:

After due consideration of the above-mentioned reports, I concur in the views of the division engineer and the Board of Engineers for Rivers and Harbors, and therefore report that it is deemed advisable to discontinue the project for improvement of Ouachita River between Camden and Arkadelphia, and to modify the project for improvement below Camden to provide for the completion of Locks and Dams Nos. 2 and 3, and their operation when completed, and continuing the operation of Nos. 4, 6, and 8, together with such snagging as may be necessary to facilitate navigation up to Camden. An appropriation of $234,000 should be provided in one sum for completion of Lock and Dam No. 3.

They recommend the completion of Locks and Dams Nos. 2 and 3. They say they have money on hand for the completion of Lock No. 2 and that $234,000 is necessary for the completion of Lock and Dam No. 3. My amendment adds to that $25,000 for the open-channel work, which they have recommended.

This is the last report of the Army engineers on this subject, coming very late in the time of the present Secretary of War. I have heretofore referred to the situation above Camden. I am not going to spend any time on that.

I think, Mr. President, this is all I have to say about the Ouachita River.

Mr. RANSDELL. Mr. President, I am somewhat interested in the Ouachita River project, and I am glad to explain to the Senate something about it. The project was begun in 1902 after a very elaborate survey extending over a period of several years. The original document is No. 448, Fifty-seventh Congress, first session. I read from that report, on page 3:

By following the construction of Nos. 4 and 6 by the construction of Nos. 2, 3, and 8 the navigation would be improved so as to give between 3 and 4 feet all the way up to Camden, and the ultimate depth of 6½ feet could then be secured by building Nos. 1, 5, 7, and 9.

In 1902 the project was adopted and Locks 4 and 6 were provided for and appropriation made for them. In the act of March 2, 1907, Locks 2 and 8 were provided for. The act of June 25, 1910, provided for the acquisition of sites for Locks and Dams Nos 3 and 7, and in the act of July 25, 1912, provision was made for the construction of Locks and Dams Nos. 3 and 7.

The original project, Mr. President, called for nine locks and dams to give a minimum depth of 6½ feet at low water from the mouth of the river to the city of Camden, a distance of about 360 miles. A subsequent change in the plans did away with the necessity of Lock No. 1, so we are not to consider it. Provision has already been made for carrying on the work on six of the remaining locks and dams. Locks 2, 4, 6, and 8 have been completed. Locks 2 and 4 are below the city of Monroe, La.; 6 and 8 are north of that city and in the State of Arkansas; 7 and 9 are also in the State of Arkansas. Lock No. 5 is in Louisiana.

The locks already provided for by Congress are 2, 3, 4, 6, 7, and 8. Four of those have been completed. One, No. 3, is very nearly completed, and the site has been acquired for Lock No. 7, and work authorized to proceed thereon.

The project for Lock No. 7 has been formally adopted. The controversy at this time is only in regard to Locks 5, 7, and 8, because the engineers themselves insist that the work should go on below the city of Monroe to complete Lock 3, which will give a completed river up to that city.

In the stretch between Monroe and Camden, Locks 6 and 8, let me repeat, have already been finished and are of practically little or no value until the other three, 5, 7, and 9, are finished.

The proposition in this last report of the engineers is to make no provision for 5 and 9 and to abandon or rather discontinue any work on Lock 7, which was formally adopted in the act of 1912, which authorized work to proceed thereon, and made appropriation therefor.

This is an entirely different proposition from recommending against a project which Congress has never adopted. This has been adopted, let me repeat, at least as to Locks and Dams 6, 7, and 8, and a great portion of the work actually finished on that stretch of the river, 6 and 8 being already completed, and 7 actually authorized. The site of No. 7, as I understand it, has been acquired. I believe the site has been acquired; I am not positive.

Now, they say after spending upward of a million dollars to finish 6 and 8, and after Congress having in the most formal manner authorized the work on 7, it is inadvisable at this time to continue the work on that stretch of the river between Monroe and Camden.

Mr. President, I can not understand that kind of reasoning. I admit that Congress has never at any time formally adopted the whole project for eight locks and dams between Camden and the mouth of the Ouachita, but in three separate acts, aye, in four separate acts, it has adopted in the most formal manner and provided for six of these locks and dams, and five of them are practically completed, four actually completed, and one very nearly finished.

Mr. BRANDEGEE. Mr. President——

Mr. RANSDELL. Now the engineers propose to have us abandon the work north of Monroe.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Connecticut?

Mr. RANSDELL. I will very gladly yield.

Mr. BRANDEGEE. Suppose all nine locks are completed, what is the estimated depth of water that it is expected to get in the river?

Mr. RANSDELL. Six and a half at minimum low water. There are many stages of the river when it is very much more than that, but that will be the minimum at extreme low water.

Mr. BRANDEGEE. In brief, what reason does the engineer give for recommending that further development be abandoned there?

Mr. RANSDELL. It is not at all satisfactory to me. I will have to read it to you to tell you just what they do recommend.

Mr. BRANDEGEE. I do not want the Senator to devote a lot of time to reading the entire report unless he wants to do it. I did not know but that he could tell me whether they recommended the abandonment of it because they did not think the commercial advantage would be commensurate with the outlay.

Mr. RANSDELL. As I gather from the report, the Senator has correctly stated that at this time it would not be justified by the possible commercial benefits to continue the work up to the city of Camden.

Mr. CLARKE of Arkansas. If the Senator will permit me, let me read a single paragraph, a short one, to show just what the report is based on, found on page 11 of the report on new surveys. It is an excerpt from the report of Col. Townsend, whose headquarters are at St. Louis, known as the division engineer. He designates by numerals his different proposals. When he comes to this particular matter he says as follows:

5. Above Monroe work has not been begun on three of the dams.

Two of them have been completed on that stretch of the river. It contemplates in all five dams and two of them have been completed.

5. Above Monroe work has not been begun on three of the dams, whose estimated cost is $1,804,000, and as it is considered doubtful if any material shipment of sawed lumber would be brought about by the canalization of this portion of the river, it is recommended that their construction be deferred until the influence of the improvement below Monroe has been determined, work being confined to operating the existing locks and dams and snagging.

It is a political recommendation. It is not based on actual conditions. He says, "Let us try out those that are below Monroe and two above that place." We will then let the river go along, gapped up by those dams and narrow and shoaly stretches, absolutely useless. It would isolate the whole country above that.

Mr. BRANDEGEE. Will the Senator state about what total sum has been expended on that entire project?

Mr. RANSDELL. Something like $2,700,000.

Mr. BRANDEGEE. That is the estimate of the entire project if completed?

Mr. RANSDELL. A little over $2,000,000 additional is required to finish it.

Mr. CLARKE of Arkansas. One million six hundred and fifteen thousand dollars is the estimate, in addition to the $500,000 which this bill carries.

Mr. RANSDELL. I should like to say, Mr. President, that as a general proposition I do not favor the adoption by Congress of any project which has not been reported upon favorably by the

Engineer Corps. If this were before us as an original proposition and we had never acted upon it I would not stand here advocating it. But the measure was favorably reported a great many years ago. In February, 1902, a favorable report was made on this project; and Congress, as I said, has from time to time adopted and made provision for extending the work on several of these locks and dams—six in all.

Now, the Senator from Iowa says we have never adopted it formally; we never adopted it as a whole. I do not understand that we have adopted as a whole any of the big waterway projects of the country, except those where we make provision for the completion at one time, and that would be the wise plan. But we certainly have adopted three locks north of Monroe; we certainly have completed two locks north of Monroe. We could not have done it more completely.

As was so well said by the able Senator from Washington [Mr. JONES] two or three days ago, there is a vast distinction between making an appropriation for a project which has never met the approval of the Engineer Corps and refusing to follow the advice of the Engineer Corps when they recommend the abandonment of a project that was formally adopted years ago and is in process of construction. It is a very different thing; and that is what they are recommending now as to that part of the Ouachita improvement north of Monroe.

After adopting Lock No. 7 in 1910 and readopting it in 1912, work has been delayed on it for some reason, and no money seems to have been spent on it; but after it has been adopted for six years the engineers now say let us stop it, do not go on with it at all, and allow Locks 6 and 8, which have cost over a million dollars, to remain unused and go to ruin.

Is it any wonder that we do not get good results from our waterways system, Mr. President, when we carry on the work in such a desultory way? This project was begun, let me repeat, in 1902—14 years ago—and it is not quite half finished yet. What business man could avoid having his friends send him to an insane asylum if he proceeded with his ordinary business in that manner? And yet that is the way Congress has done not only in regard to the Ouachita, but in regard to many other waterway projects throughout the Nation. We began the improvement of the Ohio River in 1876 with a project to give it 6 feet at minimum low water. About 12 or 14 years ago we changed that to 9 feet, and it is nothing like half finished yet. More than a third of a century has passed and the Ohio River project is not one-half complete.

I do not know why that has been our policy, but I want to call the attention of the United States Senate to this remarkable fact: Wherever there has been a harbor on the Lakes, on the Gulf, or on any of the oceans it has been put under a continuing contract and promptly finished. Harbors are railroad terminals. Railroads run up alongside the wharves and docks in the harbors and discharge their cargo into the boats in the harbor, and the boats in turn transfer their cargo to the railroads. Harbors are complements of railroads. They are adjuncts to railroads; they are the supplements and helpers to railroads. The harbors, let me repeat, have been promptly finished in the very best way. I always gave my vote in favor of them, because I know it has been beneficial to the commerce of the country to have great, deep harbors like that at Boston, for instance. I was in Congress when we changed that project from 30 to 35 feet. Evidence was produced subsequently showing that as a result of that improvement there had been a reduction of nearly 50 per cent in the ocean freight rates because of the greater size and depth and carrying capacity of the vessels which used a 35-foot harbor. I felt as a representative of the South that my people were going to get the benefit of cheapened ocean freight rates for their cotton because of this deepened harbor. I felt that the grain grower on the distant plains of Dakota would get a like benefit from the deepening of that harbor. I have nothing to say against it; on the contrary, I approve it heartily.

But, I repeat, whenever harbors were under consideration we gave them all that was needed, on the Great Lakes, on the ocean, and on the Gulf, and they are adjuncts to railroads. Wherever waterways became the competitor, the rival of the railway, which a river like the Ohio is, which a river like the Missouri is, which a river like the upper Mississippi and the lower Mississippi is, like the Ouachita is, the Red is, the Arkansas is, the Tennessee is, and a number of other rivers—when it comes to that kind of a proposition we have pursued a piecemeal policy. We have kept the work going on forever and ever and ever, never completing, never finishing it. I do not know the influences back of this policy, but I state facts. If there is any doubt about them, I will lay the cases before you.

Again, referring to the wonderful Ohio River, having its head at Pittsburgh, whose commerce equals the combined commerce of the five great cities of New York, London, Liverpool, Antwerp, and Hongkong, the greatest freight-producing center on the globe, it is a river which, even in its present bad condition, carries over 13,000,000 tons of freight annually. That river has been under improvement for more than a third of a century, and it is not half finished. If we are going to have the policy which some men are advocating here I doubt if it ever will be finished.

Senators, if you are in favor of legitimate river and harbor improvements, then let us place great projects like the Ohio, the upper Mississippi, the Missouri, the Tennessee, and the Ouachita on the continuing-contract plan and see what benefits we will get therefrom.

Mr. BRANDEGEE. Mr. President——

Mr. RANSDELL. Just one word, please, then I will gladly yield. The only river I know of of any significance that has been completely improved in this country is the Black Warrior-Tombigbee system, which was improved by means of locks and dams, the work extending over a period of more than 22 years. It was completed last spring, and already there has been an enormous increase in the freight carried thereon, and the railroad rates on pig iron from Birmingham to Mobile have already been reduced from $2.75 to $1.75 per ton as a result of that improvement. Here is a river which has been really improved. Now, what is going to be the result? We can not tell yet, but the increase in river freight has already been material, and railroad rates in adjacent territory have been reduced very much.

I now yield to the Senator from Connecticut.

Mr. BRANDEGEE. I think there is a good deal of ground for the criticism made by the Senator as to the wavering policy of Congress about these matters, but why does not the committee put a provision in the bill that a river improvement shall be carried on by continuing contract, as the Senator says the harbor improvements are carried on?

Mr. RANSDELL. It is right hard to answer that question. The gentleman who made such a desperate attack on this bill two years ago, ex-Senator Burton, from Ohio, was for many years chairman of the Rivers and Harbors Committee of the House, and more responsible during the 10-year period when he was chairman than any other Member of the American Congress for the present policy of river and harbor improvements. During his incumbency it seemed impossible ever to get a continuing contract for a river. We got a number of continuing contracts for harbors. In the act of 1907, as I recall, we gave the Great Lakes, the Sault Ste. Marie, and the Detroit River, which are the connecting links between the Great Lakes about $13,000,000 in one contract. We placed a number of big harbors under the continuing-contract system. Senator Burton said that that was the greatest river and harbor bill ever passed by the American Congress. I believe he is pretty nearly right. It was a good one. I had a very humble part in making it, and I claim no credit whatsoever for it; but it was impossible to put the Ohio, or any other river which competed with railroads, on a continuing contract. I was very glad to get a provision for two little locks and dams on the project for the Ouachita. Here is the provision for the Ouachita in that nearly perfect act of 1907:

> Improving Ouachita and Black Rivers, La. and Ark.: Continuing improvement by the construction of Lock and Dam No. 2, near Camdenia Shoals, La., and Lock and Dam No. 8, near Franklin Shoals, Ark., in accordance with the plan in House Document No. 448, Fifty-seventh Congress, first session, and for maintenance, $200,780.

There was a continuing contract authorized for $368,823 to prosecute work on the Ouachita.

Let me say to the Senator from Connecticut in further answer to his statement that when Mr. ALEXANDER, of New York, became chairman of the Rivers and Harbors Committee we adopted the plan of annual river and harbor bills. We used to have them every three years. We tried to adopt, in a formal manner, some of our great river projects with the understanding that appropriations would be made for them every year. The exigencies of the Treasury seemed to be such that we could not very well in one bill take on $20,000,000 for the Missouri, $63,000,000 for the Ohio, and large sums for many other rivers. The size of the projects seemed to preclude that, but it would have been the wise plan, and I should like to see such a plan adopted and would gladly vote for it. I should like to pick out several of the most important of our great rivers and put them under the continuing contract.

Mr. BRANDEGEE. I was going to suggest that the former Senator from Ohio is no longer a member of the Committee on Commerce and the Senator from Louisiana is. If the Senator would like to see this done, I wonder whether he has made any terrific effort in committee to get it done.

Mr. RANSDELL. I have attempted for years, I will say to the Senator, to get such a policy as that adopted. I have talked with the different chairmen of the Rivers and Harbors Committee. The Senator knows that river and harbor bills originate in the House and how hard it is for us to make any very material changes in the bills that come from the House. I have never known just how this could be done; the condition of the Treasury, I say, has always prevented it, but I should like to see some such plan adopted.

Mr. President, I do not wish to take up more of the time of the Senate. I want again to call the attention of this body to the unwisdom of beginning a work like that on the Ouachita and carrying it on for many years and then abandoning it, and I certainly hope that no such policy in regard to this project will be adopted.

Mr. CLARKE of Arkansas. Mr. President, it is quite unfortunate that a matter of this magnitude must be debated and its fate determined when there are just a handful of Senators here; less than a dozen. In looking around I find while there are but few here they are among the most intelligent and high-minded Members of this body, and I shall therefore venture to make a few words of explanation of this item, because I think the Senators now here are a fair sample of the fairness and intelligence of the Senate.

As has been said this project was adopted in 1902. Congress has in the intervening years appropriated all the money that has been recommended for it. Just why that comparatively small project has not been completed is a matter that never has been explained, and upon its face it fairly discredits the officers in charge of the matter. It has been permitted to drag along without any official explanation. The only explanation I have received when personal application was made to at least one officer in charge was to the effect that the water was too high, that they could not work to the best advantage at times.

The matter went along as one of the recognized and adopted projects of the Government until the passage of a river and harbor act under circumstances fully known to every Senator here in which a provision was incorporated that directed the reexamination of certain projects and in doing so the following language was employed in this act, approved March 4, 1915:

> SEC. 14. That the following projects now under improvement shall be reexamined, in accordance with the law for the original examination of rivers and harbors——

Bear that in mind——

> with a view to obtaining reports whether the adopted projects shall be modified or the improvement abandoned.

The statement has been made here that the project was not adopted. It is declared to be adopted by the act of Congress of 1915.

Among the streams mentioned in the list which follows is the Ouachita River. The matter was referred to the district engineer, Capt. Harold C. Fiske, and he recommended that there was nothing the matter with the project except that Lock No. 9, which is in the vicinity of Camden, might be omitted for the present; but he recommended the continuation of the project, including every one of the locks provided for except No. 9, which he said might be postponed to a later day. That report went to St. Louis, to the division engineer's office, when it was considered by Col. Townsend, the same officer who made these recommendations in the Arkansas River case. He did not pretend to go into details nor to make any recommendation to Congress that was based upon specific objections to that particular route, but he did as he did in the Arkansas River case. He undertook to become the adviser of Congress. He did not survey the project or examine it as an original project would have been examined, but ventured to express an opinion that it ought to be abandoned until there had been a trial made of the lock and dam south of Monroe, La. Congress invited no such opinion from him. He was not expected to constitute himself the adviser of Congress in matters of policy. He was asked to state what the condition of these projects was with reference to whether or not they should be continued.

Now, take this particular project. It calls for nine locks. Six of them have been completed—four of them down the stream or to the east of Monroe, La., and two between Camden and Monroe. The two above Monroe are so related as to become absolute obstructions in the stream. They are not connected with anything. If a boat adapted to the natural capacity of the river were to undertake to pass down that river, it must be burdened with the task of going through those two locks, thus delaying the trip and adding to the expense of it without doing any possible good. Why that particular method of construction was adopted is one of the things, I think, which would be involved in a full explanation of the situation.

Capt. Fiske's recommendation was a very favorable one for the project. He is the local engineer who examined it in person and who has charge of it as part of his daily work. His report is comprehensive and is unconditionally favorable to the continuation of the work, except as to Lock No. 9, which is in the immediate vicinity of Camden, Ark. When his report went before Col. Townsend, in St. Louis, that officer said:

> However, below Monroe the construction of the locks and dams has progressed to such an extent that they can not be abandoned without the works already built causing serious obstructions to navigation.
>
> If the four locks below Monroe constitute serious obstructions to navigation, why would not the two between Camden and Monroe likewise constitute serious obstructions to navigation there?
>
> As the district officer estimates that they can be completed for an additional appropriation of $234,000, and the commerce which does not consist of timber products is generally confined to the lower portions of the river, the completion of Dams Nos. 2 and 3 is recommended.

Well, the colonel is a very eminent man in his profession. He is a growing man. His importance in connection with these waterway problems is growing all the time; and he has come to a place now where he feels that his advice is worth something to the people, notwithstanding the fact that he may go outside of his professional obligations and his professional employment.

Another reason why there is no commerce between Camden and Monroe is that the river is obstructed with two unnecessary dams. If the others are never to be built, the two that are there now should be torn away.

Then comes the fifth clause of his schedule of recommendations, which reads as follows:

> Above Monroe work has not been begun on three of the dams, whose estimated cost is $1,804,000, and as it is considered doubtful if any material shipment of sawed lumber would be brought about by the canalization of this portion of the river it is recommended—

What?

> That their construction be deferred until the influence of the improvement below Monroe has been determined—

That is exactly the thing that Congress determined when it adopted the project; in other words, the proposition submitted to Congress was not merely to provide for the canalization of the river from Monroe out to the mouth. That is a mere stretch of it that does not reach into the most populous part of the region served by that river.

> It is recommended that their construction be deferred until the influence of the improvement below Monroe has been determined, work being confined to operating the existing locks and dams and snagging.

I submit in fairness that Col. Townsend was not asked for any such opinion as that. The project was adopted to consist of nine locks. It was intended to provide river connection with Camden, Ark., which is a railroad center. To stop the project where it is now would be not only an absolute waste of money, but it would be a destruction of the utility of the entire project.

There is nothing new brought out in his report; there is nothing based upon personal information; it is altogether a question of opinion as to the policy that should be adopted. It is not a recommendation in the technical sense of the term, because he was not commanded to make such examination as he would make if the project had originally been sent to him.

Let us suppose that when a new project had been remitted to the engineers' office he had sent back a report consisting of nothing more than the statement contained in clause 5 of his communication. How little attention Congress would have paid to it is a matter within the knowledge of all of us. I do not think he ought to have any more right to destroy an existing project by the mere expression of an opinion than he would to install one that he happened to be favorable to. The reason of things, the facts upon which the improvement is based, are submitted to Congress, and whatever questions of wisdom or policy are involved Congress itself must pass upon.

To show that this Board of Engineers, when they came to make their estimates, had no particular confidence in that report, or that Congress would share his view about it, they recommended the $474,000, which this bill carries.

On page 282 of the report of the committee, in giving the estimate for the year, it is stated:

> Amount recommended by department for improvement and maintenance, 1917, $499,000.

Now we are confronted with a case where a project which has been under way for 14 years has reached a point where, instead of being of any benefit to navigation, it is absolutely an obstruction. Then, upon the mere waving of an officer's hand, we are to abandon the whole thing and leave the river in a worse condition than that in which it was originally found. I do not believe Congress is going to do any such thing. The Committee on Rivers and Harbors of the House did not take that view; the House of Representatives did not take that view; the Committee on Commerce of the Senate did not take that view;

and I have every reason to believe that the Senate will not take that view.

Mr. KENYON. Mr. President, may I ask the Senator what the amount above the $234,000 and the $25,000 additional for open-channel work is to be used for?

Mr. CLARKE of Arkansas. I beg the Senator's pardon; I did not hear him.

Mr. KENYON. The engineers in their last report recommend an appropriation of $234,000 to complete Lock and Dam No. 3. They also recommend, in a previous report, in September, 1915, $25,000 for open-channel work. When you add those two together, what is the difference between the resulting sum and the amount named in the bill to be used for?

Mr. CLARKE of Arkansas. That is the amount necessary to complete the other two locks.

Mr. KENYON. The engineers do not recommend the completion of the other two locks.

Mr. CLARKE of Arkansas. Locks 5 and 7. Col. Townsend recommends the continuance of locks 2 and 3. The only difference between his comment and the actual report of Capt. Fiske is that Capt. Fiske says that they ought to go on with all four of them.

Mr. RANSDELL. Mr. President, may I interrupt the Senator to say that it is not meant to complete them all? It is stated on page 958 of the report of the Chief of Engineers:

> Lock and dam construction, continuing construction of Locks and Dams Nos. 3 and 7—

It is not designed really to complete them.

Mr. KENYON. I have been basing my remarks on the report of last March, and it seems to me from the report dated March 31, 1916, that there was very clearly a recommendation for $234,000 to complete Lock and Dam No. 3. They had on hand enough money to complete No. 2. Does the Senator from Arkansas understand that there are other locks and dams which would be taken care of by this extra amount?

Mr. CLARKE of Arkansas. Yes; two additional locks provided for, namely, Locks 5 and 7. It is perfectly obvious that the river is in such condition that it can not be abandoned without a complete acknowledgment of the fact that the engineers in recommending the improvement in the first place were absolutely profligate and without any justification whatever.

It might be well to say just a word about the action of the engineers in continually reversing themselves in recent times in reference to the recommendations to Congress. It may be that they were too liberal in the beginning; it may be that they did not know what they were talking about when they recommended things that would not stand the test of practical experience; but, no matter what the cause may be, they are practically running amuck on all the projects which they have ever recommended in the South and West. No reason is given for it, except that the western rivers are no longer useful for commerce and that not one of them ought to be improved until the Mississippi River is actually used for commerce. There is a better boating stage of water on the Mississippi River now than it ever enjoyed in its past existence, but they point to it, and they say when the boats run up and down that river it will be time enough to talk about improving these other rivers. Why did they not say that to start with, and stop all this business? If they had brains enough to comprehend a broad system with its necessary connections, why did they not say so? They have gone along and expended millions of dollars in partially completed projects, and now, to cover their retreat and to justify a different condition that has come about under their very liberal system of making recommendations, they propose things to Congress which the conscience and intelligence of Congress will not permit it to do.

It may be that there never was any reason why this Ouachita project should be adopted. Many years were devoted to its examination, to a history of the country, the possible outcome, and to the sources of tonnage that might be produced. All that was gone into for years. It was a locality where river improvements were peculiarly adapted to the situation. The river runs east and west from about the center of the State of Arkansas. There were no railroads in the vicinity, and the river was the chief artery of commerce. It was patronized every day in the year. In the meantime several systems of railroads have crossed the river at right angles and divided it up into reaches, one terminating at Monroe, and another at Camden, Ark. There is not any reason now why that river should not be completed so as to make it a part of the transportation system that grows out of the splendid facilities of the railroad at Camden. The Ouachita River should be improved to that point.

I find in this bill many things that I would not put there, but Ouachita River is not one of them. This lock and dam system ought to be extended up to Camden. That is at the end of another reach of the river. Then, whether it should be carried west of there is another question. No money has been expended; no work has been done. It might be tested out with reference to those two units to determine whether or not the Government is called upon to make further expenditure of its money in that locality; but there can be no difference of opinion amongst people who will look the whole situation over as to the propriety of retaining the particular appropriation provided for in this bill.

Mr. KENYON. Mr. President——

Mr. RANSDELL. Mr. President, may I be allowed just one word before the Senator from Iowa begins? I understood the Senator to say that a considerable portion of the commerce on that river was sand and gravel. I have an itemized statement of the commerce, which appears on page 2699 of the report of the Chief of Engineers for December last. I will not attempt to read it, but I should like to put it in the RECORD. It consists of cotton, cotton seed, grain, provisions, hides, cattle, hogs, staves, lumber, timber rafted, timber barged, crossties, shingles, sand and gravel, lime and cement, hay, poultry, machinery, and miscellaneous, a total of 70,619 tons, valued at $3,074,465—a very considerable commerce on a river the improvement of which is not half finished.

Mr. KENYON. Mr. President, I have no quarrel with that statement. My suggestion was that staves, lumber, timber rafted, timber barged, and sand and gravel hauled about 4 miles, comprise 40,403 tons of the 70,619 tons. I do not care to take any more time; but I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. CATRON in the chair). The question is on the amendment proposed by the Senator from Iowa [Mr. KENYON], on which he demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). Announcing the same transfer of my pair as heretofore, I vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. He is absent, but, under an arrangement with him, I am permitted to vote on this item of the bill, and I vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair and transfer as heretofore, I vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. In his absence, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I am informed that, if he were present, he would vote for the bill and with the committee upon all of the committee amendments. I therefore feel myself absolved from the pair when I vote the same way as the Senator from Pennsylvania would vote if present. I ask that this announcement may stand for the remainder of the day without my repeating it. On this amendment I vote "nay."

The roll call was concluded.

Mr. UNDERWOOD. I transfer my pair with the Senator from Ohio [Mr. HARDING] to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. MYERS (after voting in the negative). The Senator from Maryland [Mr. LEE], to whom I transferred my pair, having entered the Chamber, I now transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Nevada [Mr. PITTMAN] and will allow my vote to stand.

Mr. STONE. I inquire if the Senator from Wyoming [Mr. CLARK] has voted?

The PRESIDING OFFICER. He has not.

Mr. STONE. I transfer my pair with that Senator to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. DU PONT. I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. As he is absent from the Chamber, I will withhold my vote.

Mr. SMITH of Maryland. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

The roll call resulted—yeas 13, nays 34, as follows:

YEAS—13.

Borah	La Follette	Smoot	Warren
Cummins	Lane	Sutherland	
Gore	Norris	Thomas	
Kenyon	Pomerene	Thompson	

NAYS—34.

Bankhead	Clarke, Ark.	Jones	Lodge
Brandegee	Culberson	Lea, Tenn.	Martin, Va.
Broussard	Fletcher	Lee, Md.	Myers
Chamberlain	Hughes	Lippitt	Nelson

Oliver	Shafroth	Smith, Ga.	Underwood
Overman	Sheppard	Smith, Mich.	Vardaman
Poindexter	Shields	Stone	Williams
Ransdell	Simmons	Swanson	
Reed	Smith, Ariz.	Taggart	

NOT VOTING—49.

Asburst	Fall	Lewis	Sherman
Beckham	Gallinger	McCumber	Smith, Md.
Brady	Goff	McLean	Smith, S. C.
Bryan	Gronna	Martine, N. J.	Sterling
Burleigh	Harding	Newlands	Tillman
Catron	Hardwick	O'Gorman	Townsend
Chilton	Hitchcock	Owen	Wadsworth
Clapp	Hollis	Page	Walsh
Clark, Wyo.	Husting	Penrose	Weeks
Colt	James	Phelan	Works
Curtis	Johnson, Me.	Pittman	
Dillingham	Johnson, S. Dak.	Robinson	
du Pont	Kern	Saulsbury	

The PRESIDING OFFICER. On the question of the amendment offered by the Senator from Iowa [Mr. KENYON] the yeas are 13, the nays are 34. The following Senators are present but have not voted: The Senator from Maryland [Mr. SMITH], the Senator from Delaware [Mr. DU PONT], and the Senator from New Mexico [Mr. CATRON]. The amendment is rejected.

Mr. KENYON. On page 12, line 6, I move to strike out "$1,000,000" and insert "$200,000." This is in the item for the improvement of the inland waterway from Norfolk to Beaufort Inlet. I only want to say about this project that it seems to be the heart or one link of a great intercoastal waterway from Boston down to the neighborhood of Mexico City. It is a proposition involving altogether an expenditure of about $5,400,000. Under the apportionment provision of the act of the last session of Congress $400,000 was allotted to this project. The Government has been making excavations with its own plant, and it has also been having excavations made by contractors. It has always seemed to me that this is one of the most indefensible propositions in the whole bill. There were originally, as I understand, two canals. The Government purchased this bankrupt canal for $500,000.

The commerce, as appears from the Engineer's report, on page 2329, of volume 2, amounted in the year 1914 to 229,047 tons. Of that logs constituted 48,900 tons; lumber, 34,178 tons; piling, 44,000 tons; wood, 29,252 tons; ties, 1,317 tons; staves, 3,369 tons; and one other item of that nature of 2,045 tons, making a total of 163,061 tons of that class of traffic. Deducting that from the total traffic, 229,047 tons, leaves 65,956 tons as about the traffic through this waterway of materials that need extra work on the waterway in order that they may be carried.

The Engineer's report, volume 1, page 486, shows that—

> The average cost of the work with Government plant was $0.043 per cubic yard, place measurement. The average contract price was $0.0752 per cubic yard, place measurement.

So the contract price was nearly double the price it has cost the Government to do the work itself. I read from the views of the minority of the House Committee on Rivers and Harbors on page 12, as follows:

> Col. Taylor stated to the committee that private contractors charge nearly double the cost for Government dredging. He further stated that $200,000 would keep the Government dredging crews busy during the year.

My proposition is to strike out "$1,000,000" and insert "$200,000," which is the amount Col. Taylor says can be used by the Government in doing the work itself for the coming year. I am not going to move to strike out the whole item, because I realize that such a motion would be absolutely impossible of success. I assume also that the motion I now make will probably be unsuccessful, but there ought to be more of a chance to cut this appropriation to $200,000, which is sufficient to carry on the work of the Government, and not leave it at $1,000,000, a large part of the money to be expended under private contract.

Mr. SIMMONS. Mr. President, this is, in my judgment, one of the most important items in this bill, and one of the most meritorious items. It is an item in which, in a local way, one-third of the people of my State are interested. In a general way all of the people of my State are interested; but it is not a local or State matter alone, it is an interstate matter, and every great commercial port, from Boston to Jacksonville, Fla., is deeply interested in this particular item.

I do not think there is anywhere in this country, outside of the Great Lakes, a finer system of waterways than are to be found in the eastern Carolinas, lying between Norfolk and Beaufort. This system comprises a considerable number of connecting sounds. The surface area of all of those sounds constitutes a body of water of something over 3,100 square miles, and emptying into this magnificent system of connecting sounds, skirting the Atlantic Ocean but separated from it by a narrow sand bank, there are 10 or 12 rivers. Some of these rivers are very large streams. The largest one, I believe, is the Neuse River, which runs by the town in which I live. That stream is 350 miles in length. It flows by the capital of the State. It flows by the important cities of Goldsboro, Kinston, and the town in which I live, Newbern. Where I live the river is about a mile and a half wide. That is about 35 miles from its mouth. It stretches out until it is 7 or 8 miles in width.

The Roanoke River, a famous river in this country, rising in the State of Virginia and flowing through North Carolina, also empties into these sounds; the Tar, the Pamlico, the Pasquotank, the Chowan, and, as I say, a number of other important rivers.

This whole system of waterways comprises 2,500 miles of navigable water. I wish I could have the attention of the Senator from Iowa to this statement. This whole system of inland waterways, covering an area of 3,100 square miles, to say nothing about the tributary rivers, comprises 2,500 miles of navigable waterways; and until recently that system was landlocked, except through two privately owned canals that I shall hereafter mention, and could be used only for the purpose of accommodating purely local traffic.

In 1907 Congress appropriated $550,000 to connect the southern end of this system of sounds with Beaufort Inlet. That canal has been constructed. It is now completed. It is 10 feet in depth and 90 feet in width. That canal has afforded the people along those rivers and along those sounds an outlet to the ocean south of Hatteras; but that is not the direction in which their commerce goes, and the outlet, while of local value, is chiefly valuable as a connecting link in the complete inland route from Norfolk to Beaufort. There was no outlet whatever northward except two privately owned, shallow and narrow canals, one of them about 9 feet in depth, and the other 8 feet in depth. It was through those canals, and only through those canals, until this outlet to Beaufort was completed, that the commerce of this 2,500 miles of navigable inland water could reach the ocean. It is through those two canals, and only through those two canals to-day, that the commerce of this magnificent inland system of waterways can reach the ocean to the north.

In 1912, carrying out the project for an inland waterway from Beaufort to Norfolk, the southern end of that route having been completed by the digging of a canal costing $550,000, Congress decided to purchase one of these privately owned canals, and to deepen it and widen it so as to make it of sufficient size to accommodate economical vessels of commerce, especially barges. Up to that time the commerce going through these canals had annually paid in tolls something over $100,000, and last year the commerce that went through those canals paid in tolls something over $100,000.

The Senator from Iowa says that there is very little commerce upon the canal which the Government has purchased and is now improving and constructing. As the Senator says, there was last year only 229,000 tons, as against a very much smaller tonnage in 1912. The commerce has really very much increased in that canal since 1912. In 1912 there were only 90,000 tons going through that canal. With the slight improvement that the Government has made, in 1914, 229,000 tons went through that canal; but the Senator overlooks the fact that during these years, 1913 and 1914, the Government was actively engaged in work upon this canal, the Government dredge at one section of the canal and the privately owned dredges at another section of the canal, thus obstructing it and making it difficult of passage. The Senator further overlooks the fact, as stated in the reports, that the governing depth of that canal was only about 8 feet, while it was 9 feet in the other canal.

The commerce that went through the other canal, the toll canal, in 1914, amounted to 347,000 tons. Every dollar's worth of that would have gone through the Government-owned canal if it had been in a state of completion, or in a state sufficiently complete to accommodate it adequately and safely.

Mr. KENYON. Mr. President, I should like to ask the Senator if it is not true that there was a great deal more commerce in the canals 20 years ago than there is now?

Mr. SIMMONS. In those two canals?

Mr. KENYON. Yes.

Mr. SIMMONS. Twenty years ago?

Mr. KENYON. Twenty years ago.

Mr. SIMMONS. I am not able to answer the Senator with respect to that inquiry.

Mr. KENYON. I think that is the fact.

Mr. SIMMONS. But I can say to the Senator that I know as a matter of personal knowledge that the commerce upon those inland waterways has enormously increased, and the boat traffic upon those inland waterways has enormously increased in recent years. Now, the fact is—and I am intimately ac-

I find in this bill many things that I would not put there, but Ouachita River is not one of them. This lock and dam

Broussard	Culberson	Lea, Tenn.	Martin, Va.	
Chamberlain	Fletcher	Lee, Md.	Myers	
	Hughes	Lippitt	Nelson	

row sand bank, there are 10 or 12 rivers. Some of these rivers are very large streams. The largest one, I believe, is the Neuse

traffic upon those inland waterways has enormously increased in recent years. Now, the fact is—and I am intimately ac-

quainted with these facts—that only a part of the commerce of those waters has ever gone through either one of these canals, and that is because they were toll canals. In recent years a railroad has been constructed from Norfolk, Va., to Beaufort Harbor, running through many of the important towns lying along the streams that empty into these sounds, and I know as a fact that boats are loaded upon these rivers and taken to these large towns and the freight transshipped by rail to Norfolk, traveling a distance over the water that would be nearly as great as if they had gone directly to Norfolk, the northern market of that section of the country. I think I can say to the Senator that with a free canal, the local traffic through the canal will be doubled.

Mr. KENYON. But, as I have the figures, in 1909 the Report of the Chief of Engineers shows that through the Dismal Swamp Canal there went something like 400,000 tons, and through the other some 200,000 tons. I do not quote the figures exactly, but about that.

Mr. SIMMONS. The tonnage through both of the canals in 1914 was 603,000 tons.

Mr. KENYON. How does the Senator account for the tremendous decrease in the commerce since that time?

Mr. SIMMONS. I have just stated to the Senator that there has recently been constructed a railroad that runs from Norfolk to Beaufort, and the commerce of this country goes to Norfolk. That is the northern market for it; and that road being completed, instead of carrying it to Norfolk by boat, they take it to these towns and there deliver to the railroads. But I said to the Senator that the haul they have to make to reach these towns in some instances is nearly as great as the haul to Norfolk by boat, and they would go to Norfolk directly by boat if it were not for the fact that when they get to the strip of land through which these canals are cut they have to pay tolls.

The engineers have made it perfectly plain, and others who have written to me upon the subject—large mill owners, large transporters of commodities—have written me that they can not use this canal in its present condition, although free, and they prefer to pay tolls and do pay tolls on the other canal rather than to take the risk of long delays and of the difficulties of operating vessels through a narrow canal where there are two sections of it under improvement and obstructed by dredges and other boats incident to that kind of work.

Mr. HARDWICK. Mr. President, if the Senator from North Carolina will permit me, I should like to say to the Senator from Iowa that many of the most prominent business men in Savannah, Ga., are wiring me that their freight rates, present and future, and the arrangements that they are making to transport heavy freights from the eastern ports down to Savannah, and even ports below that, are entirely dependent upon this project, and that it is an absolute necessity to carry on this project and to carry it to its completion if they are to get reasonable freight rates on that kind of products.

Mr. SIMMONS. The Senator is right. I have a great many telegrams on the subject myself, some of which I will read into the RECORD. All the commercial cities along our eastern coast are deeply interested in this inland route; and why are they deeply interested in it?

Let me call the attention of the Senator from Iowa to the fact that the most profitable and economical way of transporting or carrying freight known to man is by the barge system. There is a tremendous barge commerce north of Chesapeake Bay all the way up the Atlantic coast. There is, however, no barge commerce between the northern Atlantic ports and the southern Atlantic ports below Norfolk, because when they reach Norfolk and start down the coast right abreast of this system of sound waters that I have described they encounter the dangerous capes of Hatteras and Lookout, recognized as the graveyards of the Atlantic coast, one of them being admittedly the most dangerous point upon the Atlantic coast, making it necessary for vessels to go out to sea probably 50 or 75 miles from shore in order to avoid its dangers.

On account of that I say that there is not now any traffic from the North Atlantic ports to the South Atlantic ports by barges, the cheapest method of transportation, and the one now largely used for coastwise trade of our northern seaboard.

This route, when finished, will constitute an inland route from Chesapeake Bay to Beaufort Inlet, passing inland both Cape Hatteras and Cape Lookout, and making barge transportation between the North and the South Atlantic seaports perfectly feasible. The only coastwise trade between the northern ports and the southern ports south of Norfolk is now carried on in large steamers. It has to be carried on in large steamers. It can be carried on neither in barges nor in small steamers. Of course, the Senator will readily see that there will be a vast difference if we can introduce this barge method of transportation between the south and the northern ports of our seaboard, not only because it is cheaper but because the rates of insurance are much less.

Mr. President, the Congressman from the first congressional district of North Carolina, Mr. SMALL, who is a member of the Committee on Rivers and Harbors of the House, caused the clerk of that committee to make a thorough investigation with a view to ascertaining what was the joint commerce carried over these two canals, and he reported the items. He reported that the joint commerce carried over those two canals in 1914 was of a value of $603,000. Now, I want to call the attention of the Senator from Iowa to the fact—and I want him to listen to this—that $603,000 is no index of what the commerce through those canals, even in their present condition, would be in a normal year. If the Senator will examine all the rivers in North Carolina and in the South, he will find that in 1914 there was a tremendous dropping off in the commerce of those rivers; but there was no greater falling off in the water commerce in 1914 in the South than there was in the railroad commerce in that section of the South during that year. It is a well-known fact that nearly every railroad running through the South, especially the through lines, had a most remarkable decline in its tonnage and in its passenger traffic during 1914. Why? Simply because the South happens to be, unfortunately, largely a one-crop country. We raise chiefly cotton, and we rely chiefly upon cotton. In 1914 the price of cotton went down to 5 and 6 cents a pound; and while, of course, the amount of cotton produced was approximately the same, the result of the decline in price was a general demoralization of the whole business of that section, resulting in the most tremendous contraction in the commerce of that section that we have ever known and I hope ever will know.

But, Mr. President, I am not here insisting upon this inland waterway system as a purely local institution. It did not have its inception as a local institution, although our people bore the burden—and it was a burden—of $100,000 a year tolls in order to get the products along this 2,500 miles of navigable water to the sea for years and years. It has risen above the dignity of a local matter and it has become a part of a nation-wide system.

The commerce I have been talking about up to this time was the local commerce. It was purely local up to 1915. In 1915 a barge traffic from Philadelphia and from Baltimore and from Norfolk—chiefly from Philadelphia, however—began in that section. How did that begin? I have a letter here from Mr. Frye, written to Congressman SMALL, which I will put into the RECORD. I will not read it. I believe he is the treasurer or the president of the Southern Transportation Co., of Philadelphia. He went down to the ports south of Beaufort and entered into arrangements with the shippers of that section to put on a line of barges to be operated through this inland canal. He put them on and started to work. That was in 1915.

Here is a telegram that I have from him, received yesterday. I had seen in the papers and I had read in Mr. Frye's letter the statement that he had made that arrangement with the shippers south of Beaufort Inlet, and that he had started in 1915 this barge line, but that he expected at the time he started it that in a short time this Chesapeake & Albemarle Canal would be so far completed that his barges could use it.

Mr. SMALL, the Congressman from the first district, where these waters chiefly lie, got into communication with Mr. Frye yesterday and told him I wished to know how many barges he was operating now. In reply to Mr. SMALL's talk with him over the telephone, Mr. Frye sent me last night this telegram from Philadelphia, Pa.:

F. M. SIMMONS,
United States Senate, Washington, D. C.:

Please give your active support to the item of appropriation of $1,000,000 toward the further construction of the Norfolk to Beaufort Inlet waterway as now carried in the river and harbor bill. Of our fleet of nearly 100 barges, we are now operating about 45 barges to North Carolina points, using the Lake Drummond Canal.

This is the Dismal Swamp Canal—

Paying a high rate of toll, our boats not being able to carry full cargoes, on account of the limited draft of 9 feet of water. We understand the million-dollar appropriation will complete the Government free waterway between Norfolk and Albemarle Sound this year, giving early relief to the North Carolina shippers at much lower rates of freight, and, consequently, a larger volume of business to us. We can not now use the Government canal, and the North Carolina shippers can not get any benefit whatever from it until this link, Norfolk to Albemarle Sound, is fully completed.

Mr. President, I wish to put in the RECORD the whole of the letter to which I have heretofore referred, written by Mr. Frye, for the Southern Transportation Co., to Hon. JOHN H. SMALL,

House of Representatives, on March 27, 1915. I want to read just a little portion of it:

We are now very much handicapped in carrying commerce between the North and the South, as we are obliged to pay canal tolls to the Lake Drummond Canal & Water Co. for all of the cargoes passing through the canal, and all of our barges are limited to a 9-foot draft in passing through the canal. We have persistently tried to develop this large traffic under the adverse conditions which we must at present encounter in using the inland waterway Norfolk to Beaufort, eliminating Hatteras, only because we have been anticipating the early completion of the Norfolk and Beaufort waterway. We do not receive a fair profit—

And so forth. I will not read that part of it.

We are now operating a fleet of 95 barges, 15 steam tugs, and more than half of the barges are equipped for sea service. We wish to state emphatically that unless we can see early relief in the way of the completion of the Norfolk-Beaufort Inlet waterway, enabling our barges to use the free waterway with a draft of 11 or 12 feet we must withdraw our boats from the South Atlantic trade.

Mr. President, bear in mind that the distance between Norfolk and Beaufort is 186 miles by this inland route. It is over 300 miles around the coast. There is already a 10-foot depth from Beaufort Inlet to the southern terminus of the canal the Government is now improving and for which this appropriation is desired. That is to say, for a distance of one hundred and thirty-odd miles on this route there is now a 10-foot canal; and if this link is finished—and the engineers say it can be finished for a million dollars—we will then have a free waterway, without the expenditure of any more money whatsoever, of 10 feet depth from Norfolk to Beaufort.

Of course to make it 12-foot depth throughout will require an additional amount. As soon as this link is completed it will cost only $1,000,000, and we will have 10 feet of free waterway from Norfolk to Beaufort, making it possible to carry on a barge and other commerce, avoiding the dangers of Hatteras.

Now, Mr. President, there is one other thing I wish to say, and then I will conclude. I have thought it proper, and I believe now it was proper, for me to make a somewhat detailed explanation of this matter. The Senator says it will cost less for the Government to do this work. In making the estimate of what it costs the Government, they do not include anything either for interest or depreciation of plant and equipment. It is just as if some one presented a contractor with a dredge and its equipment and all its subsidiary and auxiliary tubs and boats. If the Senator will take the statement of the engineers—and I have it and I will put it in the RECORD if you desire—he will find that were all these items of cost included the average cost to the Government of dredging would be about 8 cents per cubic yard. That is the general average cost, calculated upon the same basis of cost as is calculated by private contractors.

But the Senator wishes to reduce this appropriation to $200,000 because that is the amount which would be required to operate the Government plant. He does not wish any part of this work done by private contract. If the Senator has his way about this matter it will take about 10 or 12 years to finish up the work, as against three years by the usual method. I thought the Senator had always been an enemy of dribbling appropriations. I thought the Senator had stood here on the floor and championed the making of appropriations sufficiently large to complete meritorious works as quickly as possible in order that the public might get the benefit of the work speedily. Here is a work of national importance, and yet the Senator wants that work to be spread out over about 10 years, when it might be completed in two or two and a half years.

Mr. KENYON. I should like to ask the Senator if an appropriation of $1,000,000 will not complete the work?

Mr. SIMMONS. Yes; $1,000,000 will complete the work on this link and immediately give a free waterway 10 feet deep between, connecting Chesapeake Bay and Beaufort Inlet.

Mr. RANSDELL. Mr. President, I wish to submit a few remarks on this subject in a general way. I wish to call attention to the fact that there seems to be the same kind of opposition to the improvement of this intercoastal canal that there is to the improvement of the rivers of this country *which are the competitors of railroads*. I do not know whether or not there is anything peculiar in that, but the same kind of opposition has developed to this intercoastal canal. I have been up and down the proposed intercoastal canal in person and I was very much impressed by it.

I wish to call attention to a report of the Committee on the Merchant Marine and Fisheries of the House on the investigation of shipping combinations (under House resolution 587, 62d Cong., 2d sess., vol. 4, p. 483), in which it is stated that—

In the entire Atlantic and Gulf coastwise trade (exclusive of all inland waterway and purely local carriers) 28 lines, representing 235 steamers, of 349,821 gross tons, furnish the line service. Of this number of lines 10 are railroad owned and represent 128 steamers, of 340,084 gross tons, or 54.5 per cent of the total number of steamers in the trade and 61.9 per cent of the tonnage. Seven lines, operating 71 steamers, of 175,971 gross tons, in the coastwise trade, belong to the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines, and represent in the aggregate nearly 30 per cent of the total number of steamers and 32 per cent of the tonnage. Combining the two interests, it appears that the railroads and two Atlantic-coast shipping consolidations control nearly 85 per cent of the steamers and nearly 94 per cent of the gross tonnage engaged in the entire Atlantic and Gulf coastwise trade. Attention may be called again to the fact that very few of the routes between any two ports on the entire Atlantic and Gulf coasts are served by more than one line.

Mr. President, this report shows that a very considerable percentage of the coastwise vessels plying on the Atlantic coast are railroad owned or practically railroad controlled.

This canal, if it is constructed, Mr. President and Senators, will come into competition with railroads on the land and with railroad ships on the sea. It will have railroads on the east and railroads on the west, and who will be the beneficiary if construction on this intercoastal canal is stopped? Will it be the American people who are going to get the benefit of cheaper water transportation? Will it be the farmers on the little streams along the Atlantic coast, for there are many of them where small boats can run and get into that canal, or will it be the railroads who own these Atlantic coastwise boats, which, if there be no intercoastal canal, would carry the commerce on their own rail and water lines? It is unnecessary for me to answer that question.

I wish to read just a very brief extract from a speech delivered by a disinterested party—ex-Chief of Engineers William H. Bixby—before the National Rivers and Harbors Congress, December 9 to December 11, 1914. He is one of the ablest men in the United States. I think his original home was somewhere in New England. He certainly does not belong to the southern intercoastal canal section of the Union. This is what he says, speaking of the merits of waterways in general:

The waterway is a great developer of the country. When I was on duty on the south Atlantic coast from 1884 to 1891 there were some 12 or 15 little rivers down there that were being improved, and some of the newspapers attempted to ridicule many of these rivers by calling them creeks.

We hear that same old song now; these rivers are called creeks to this day by the critics of this bill both in and out of Congress. Gen. Bixby continues:

We took out their snags and sunken trees so that the boats could ascend these little rivers freely in springtime when the farmers wanted to bring fertilizer up into the country, and in the fall when the farmers wanted to get their goods to market.

I suppose some of those rivers did not have more than 8 or 10 inches of water in the summer season. I have no doubt that was the minimum on some of them, but Gen. Bixby said they furnished good boating in spring when the farmers wanted to carry out their fertilizers and in the fall when they wished to carry their produce to market. He continues:

At the time we started that improvement there had been very little farming and town development in that part of the country. When the waterway improvement was ended there it was found that for every thousand dollars that Uncle Sam had expended on these streams there was a new development of $20,000 worth of goods annually carried on these streams for every $1,000 once spent upon them.

That looks like a pretty good investment, Mr. President.

The new commerce thus developed was commerce between that country and northern coast cities, extending also to Milwaukee, Chicago, Duluth, St. Louis, and even to towns in Iowa—

The State of the Senator who is trying so hard to kill this bill—

and all these cities and towns and the surrounding country were benefited by the opening up of those little waterways. The annual profits on this new tonnage of manufactured and transported articles was 100 per cent of the total cost of the waterway improvements.

That is no waterway booster, Mr. President. It is the ex-Chief of Engineers, who has no interest to misrepresent things, even if you assume, as I think some of the speakers have assumed, that Senators here are endeavoring to misrepresent facts in favor of their own projects. Let me repeat:

The annual profits on this new tonnage of manufactured and transported articles was 100 per cent of the total cost of the waterway improvements. Wherever the United States can make 100 per cent a year for 10 years by taking hold of such improvements, as was secured in this particular case, I hold that we are idiots if we do not find some way of getting the money to carry them on.

The same is true about a great many of the other projects.

Just a word now about the waterway that runs out into the State of the Senator from Iowa. I wish to read very briefly a paragraph from the recent report of the Board of Engineers for Rivers and Harbors on their reexamination of the Missouri River. It speaks of the establishment of a boat line between Kansas City and St. Louis. Then it goes on:

10. The company has taken steps to remedy certain conditions that have contributed largely to the decline of river transportation. It has secured the establishment of terminal facilities at Kansas City and at East St. Louis, having rail connection at both places and mechanical devices for the transfer of freight. It has entered into joint traffic

arrangements for the interchange of freight with connecting carriers, both rail and water, and is now handling commerce on through bills of lading.

Yes; Mr. President and Senators, that boat line on the Missouri River can give shippers a through bill of lading from all that western country to any point on the Atlantic seaboard, or anywhere in the United States. Listen to the reduction in rail rates. I will come to that in a moment:

It receives and delivers goods in cars on shippers' sidings, paying switching charges within certain limits, transferring to and from the boat, assuming carriers' risk in lieu of marine insurance, and transporting between terminals, all at a rate of 80 per cent of the corresponding rail rate.

That reduction affects the enormous commerce between the Mississippi River and the western section of this country. There is a colossal commerce in the vicinity both of St. Louis and Kansas City. If boats are carrying freight at 80 per cent of the railroad rate on the Missouri River in its present undeveloped condition, where there are snags, sand bars, and many obstructions to impede commerce, what will that river do when it is completed under the existing project? Yet, I understand that that river is to be taken out of the bill if votes enough can be had to do it.

Again let me ask, Mr. President and Senators, who will be the beneficiary if we cease to improve the Missouri River? Will it be the people of Missouri, Kansas, Nebraska, Iowa, and all that splended western section who now get the benefit of having their freights carried at 20 per cent less than the railroad rate, or will it be the railroads that will immediately put up their rates 20 per cent higher if we cease to improve the Missouri?

Mr. SMOOT. Mr. President, I have listened to the remarks made by the Senator from Louisiana [Mr. RANSDELL] and the Senator from North Carolina [Mr. SIMMONS] upon this project in hopes that I could learn something that would justify me in voting for the million dollars provided for the project in the bill. But I have not heard anything that would change my view in the matter, nor has there been anything said that would change in any way the report that has been made by the engineer upon this project, and upon that report I base my opinion.

I have no desire to strike from the bill a single cent of an appropriation where upon the showing of the engineers it is necessary and would be of profit to the commerce of the country in which the river or canal is located. The Senator from Louisiana in this particular case refers to railroad competition, and says that on account of improvements upon inland waterways railroad rates are kept down, and even though the rates have been reduced, the water rate is at present 20 per cent less than the rail rate. If that is true and are the actual conditions existing, I can not for the life of me see why it is that commerce upon this canal has decreased so rapidly in the last 20 years.

I notice in a statement which was made by Senator Burton in the Senate debates found in the RECORD of September 3, 1914, on page 16015, he said:

Twenty-four years ago, when your channels were shallow, when your tolls were imposed, the traffic on these two routes—

The Beaufort and the Dismal Swamp—

was more than four times as much as it was in 1912. It is flying to a refuge which is not safe. It is leaning on a broken reed, to say that it is because a railroad was built there or some boats were bought off. If the traffic was shifted to the railroads, it was because that was the more convenient and economical way of carrying the freight; and no removal of tolls on canals, no enlargement from 9 or 10 feet to 12 feet in depth, no expenditure of $5,400,000, is ever going to bring back what has been lost to those channels. It is a chimera, it is a waste of public moneys, to attempt it.

This project, Mr. President, calls for $5,400,000. In fact, I may say that it is a part of an inland waterway scheme and we can not tell how much the cost will be. We may spend the $5,400,000 and then find ourselves with a project only half completed.

The Senator from North Carolina tried to make it appear that it is wasteful to expend the amount of money required for a project extended over a long term of years. I grant that, Mr. President. That is one thing in the river and harbor bills we pass which is most objectionable to me. I would very much prefer to see the rivers and harbors of our country improved and completed the same as they are in Germany, and the expenditure required not spread over a long series of years. Our practice is to spend a little this year, then an interval of one year in which nothing is done, and then the following year a little more is appropriated, and many times the money so appropriated is required to place the river in the same shape it was the year before, and such appropriations are absolutely wasted. It is a waste of money and it is not a proper way to improve our rivers and harbors. I believe it would be better for this country to adopt projects that we absolutely know will increase the commerce of the country and complete them just as soon as money will do it rather than to try to spread the money that we appropriate all over the country with little result to any project.

I notice in regard to this project that the commerce for 1914 was 229,047 tons. But included in that tonnage we find: Logs, 46,900; lumber, 34,176 tons; piling, 44,000 tons; staves, 3,369 tons; ties, 1,252 tons; wood, 31,297 tons; or a total of 162,996 tons of floating commerce. Apart from these there were only 66,061 tons of commerce.

Mr. SIMMONS. If the Senator will pardon me, during that year the Government-owned canal was obstructed by the construction work going on there, and it could only be used for that kind of commerce. The other kinds of commerce went chiefly by the parallel tolls canal.

Mr. SMOOT. I do not want to take the time of the Senate to go back into the years preceding 1914, but I want to say to the Senator that there would be very little difference in the amount of commerce upon the river in 1913. I think in that year it was a little more than in 1914.

Mr. SIMMONS. I did not catch the point of the Senator's statement.

Mr. SMOOT. I accept the last statement of the Senator as being true; but I am speaking of the project as a whole and not for any one year. The amount of commerce that is carried has never justified the amount of money expended upon the project.

I wish to say to the Senator, if ex-Senator Burton was correct in his statement, that during the year 1912 the commerce was only one-fourth of what it was 20 years before on this very project.

Mr. SIMMONS. Certainly the Senator did not hear the statement I made. Ex-Senator Burton referred to a period when that section had to rely very largely upon water transportation. Since then railroads have been constructed.

Mr. SMOOT. I recognize why the commerce has decreased. I recognize it is caused by railroad competition, and we go right along appropriating large sums of money for maintaining projects, for deepening a channel, and for widening the same, and we know before we appropriate the money that it is impossible to increase the commerce. We must recognize that railroads are going to take the business as long as our laws are the same as they are to-day. The railroads, before regulation, drove commerce from the rivers in Germany; the railroads can and do it in every country until the law regulates what class of commerce shall be carried by water and what class shall be carried by rail.

Mr. OVERMAN. That will apply to every other proposition in the bill.

Mr. SMOOT. Certainly. I called the attention of the Senate to that before. I do not criticize this item particularly upon that basis any more than I criticize the other items I have spoken of.

Mr. BRANDEGEE. The Senator, then, will vote, I assume, against any river improvement anywhere in the country.

Mr. SMOOT. No. The Senator is wrong in assuming that. The Senator from Louisiana quoted from Brig. Gen. William H. Bixby as being the highest authority upon the improvement of our rivers and harbors. Let me quote what he said in his address delivered before the National Rivers and Harbors Congress, Washington, D. C., December 7, 1911, and I approve of what Gen. Bixby says in this statement:

If the United States shall establish a good standard line of water communication between all the States along the coast and through the Great Lakes and up the interstate rivers, it would seem as if it would be nothing more than fair for each individual State to assume to itself the responsibility of the extension of this general system to all connecting waterways and smaller tributaries so far as they may lie within the individual State.

Mr. President, if we confined ourselves to that class of improvement of harbors and rivers I would not object, but we go away beyond that.

Mr. BRANDEGEE. I have myself some doubt as to the merit of the policy of the internal-waterway development. The country has been heretofore committed to it. If what the Senator from Utah says is correct, to wit, that after you develop these waterways the railroads are still going to keep the business, it is perfectly evident that there are many projects where every dollar put in is utterly thrown away. Is that not so, I ask the Senator from Utah?

Mr. SMOOT. Of course it is so, and particularly on what may be called the smaller streams in a State; but I will say to the Senator that, taking rivers that reach the ocean, rivers that are navigable, there is an advantage to the Government of the United States in improving those and keeping them open to navigation, because of the fact that the United States Government itself may want to use those rivers in case of war.

Mr. BRANDEGEE. I know that; but I mean from the standpoint of reaching the object desired by the Senator from Nevada [Mr. NEWLANDS], for instance, which he so eloquently

described in his speech on his project the other day on the floor here, to wit, that these inland streams will teem with commerce and that they will get their share of the business, even competing against the railroads. That is the theory on which I supposed we were appropriating for the development of these rivers. The Senator from Utah, if I understand his position, thinks that is a waste of money; that these internal waterways can never be made to compete with the railroad systems.

Mr. SMOOT. That is my belief, Mr. President; but I want to say, in behalf of the Senator from Nevada, that is not his position, as I understand it. The Senator from Nevada, however, is now here and can explain his own position.

Mr. NEWLANDS. Mr. President, if the Senator from Utah will permit me, I will say that I regard the moneys that are now being spent upon the small streams under the present system as practically wasted.

Mr. SMOOT. That is what I understood the Senator to say.

Mr. NEWLANDS. But I favor a system that will involve a study and investigation of all the waterways of the country, including not only the navigable portions, but the source streams, the tributaries, with a view of artificializing them all so as to make them useful for commerce. If that scheme is carried out, and if a plan and system such as has been carried out in France, in Germany, in Austria, and in Russia is pursued we shall be amazed at the extent to which these small streams can be utilized for commerce itself; but unless we determine to enter upon this plan of operation in a big and comprehensive way I regard the present system of detached work here and there, without a general plan, as an absolute waste of money.

Mr. SMOOT. That is what I understood the Senator to say in his speech yesterday.

Mr. President, I am not going to say very much more upon this project, and shall then leave it for the Senate to decide. I take it for granted, though, in reading the report of the engineers that they almost looked with a microscope to find some reason why the Government of the United States should continue to spend money upon this project. I find in House Document 591, Sixty-second Congress, second session, on page 27, a dissertation on the military value of this 12-foot canal along the sands. Col. Black, the present Chief of Engineers, on page 27, says:

For the movement of troops water transportation affords many advantages over rail. * * * To move a division of troops it will take 12 ships of 20-foot draft or 22 ships of 16-foot draft.

Well, Mr. President, I wondered how it was possible to have ships with a draft of 20 feet to move troops, or even ships with a draft of 16 feet, in a canal that is only 12 feet deep. I can not for the life of me see why that should be considered as a reason for appropriating money for its improvement.

Mr. GALLINGER. The ships would have to be on rollers, of course.

Mr. SMOOT. There is no proposition to deepen this canal to 20 feet nor even to 16 feet. Why the question of transporting troops in ships of a draft of 20 feet or 16 feet is considered, I can not conceive.

Mr. SIMMONS. Mr. President, will the Senator from Utah permit me to interrupt him?

Mr. SMOOT. Certainly.

Mr. SIMMONS. In the final report signed by Black, Abbot, Sanford, Patrick, and Raymond, they say:

The military importance of such a waterway likewise has been the subject of numerous reports—

That is, a 12-foot project—

It will furnish a ready means for the transport of troops and supplies along a portion of the seacoast and a sheltered interior route for torpedo boats, destroyers, and submarines.

Of course, such a waterway would have to be over 12 feet in depth to accommodate larger vessels.

Mr. SMOOT. Not only that, but it seems to me that it would be out of the question to try to transfer troops over this canal, because they could be moved very much more quickly over the railroads, and besides there is no particular place on the canal for them to land. I will say to the Senator that from the report it looks to me as though this is a far-fetched proposition, trying to make it appear that this improvement would be of any advantage to the Government of the United States for the transportation of troops.

Mr. SIMMONS. I want to ask the Senator this question: Does his argument, made a little while ago in favor of the railroads against waterways, apply to coastwise trade, or does it apply to interior trade?

Mr. SMOOT. It does not apply to the coastwise trade, Mr. President, because of the fact that seagoing ships, long hauls, cheaper maintenance, and operation are involved in our coastwise trade.

Mr. SIMMONS. Then the Senator from Utah, regarding this as a purely local project, has overlooked the fact that the main reason for the project is that it will furnish a link in our coastwise trade, which will afford protection against Hatteras and Lookout. Will the Senator let me read just a little paragraph or two from the report of Gen. Black and these four other eminent Army officers about this matter?

Mr. SMOOT. I have no objection to the Senator doing that, Mr. President.

Mr. SIMMONS. This report says:

While the opening of the Norfolk-Beaufort link in the inland waterway would no doubt result in a very substantial saving in freight charges, just what would be the amount of such saving it is not so easy to predict. The board has examined with care all the statements heretofore submitted by commercial bodies and others and has checked the figures given therein as thoroughly as possible. After a study of these statistics the 1902 board—

That was the first board. This project has not been examined by one engineer, but it has always been examined by boards of engineers—

The 1902 board estimated that the annual saving in freight charges on "through" freight which would be carried between the terminal of this portion of the waterway would probably not be less than $600,000. In view of the possible development of free inland waterways north and south of the Norfolk-Beaufort section, the board believes this estimate of the probable saving to be a conservative one.

A little further on it is stated:

It has been shown above that the existing commerce, although handicapped by the small depth in the canals south of Norfolk, actually pays in tolls to the owners of these canals no less than $100,000 annually. Making free the waterway between Norfolk and Albemarle Sound will result in saving this sum at once, while if this free waterway is given the dimensions recommended herein, there seems to be no doubt that there will be a substantial increase in this commerce and that the actual saving may be, at the least calculation, twice the amount now paid in tolls, or some $200,000.

An annual saving of this sum capitalized at 3 per cent would amount to over $6,000,000, about twice the estimated cost of constructing that portion of the waterway which will connect the Elizabeth River at Norfolk with Albemarle Sound and considerably more than the estimated cost of the entire waterway from Norfolk to Beaufort.

Add to this—

That is the local—

almost certain annual saving any saving which might be effected on through freight which would follow this route in preference to taking the outside passage around the Capes and also any saving on the local traffic which would be developed along the waterway south of Albemarle Sound, and it seems certain that the resulting total benefit to commerce will be enough to warrant the statement that as a mere business proposition the construction of the inland waterway from Norfolk to Beaufort is fully justified.

Mr. SMOOT. Mr. President, perhaps I had better answer that quotation by referring to another positive estimate made by the engineers on another project as to the amount of commerce that could be developed if certain improvements were made. I refer to the Rehoboth waterway of Delaware. In House Document No. 823, Sixtieth Congress, first session, on page 5, Gen. Smith reports upon this project. In the same document, on page 9, Maj. Flagler, an Army engineer, estimated that $4,500,000 in commerce would follow the canal, and that "the amount would be doubled within 10 years"; in other words, this is the major's conclusion.

I believe the above statements to be fairly accurate in quantities, but somewhat inflated in values, which are throughout the highest market rate. I think it safe to say that the region affected by the Lewes Canal has a present commerce, import and export, of $9,000,000 per year; that half of this would follow the canal, and that the amount would be doubled within 10 years.

Yet, Mr. President, what do we find? We find that after the lapse of seven years from the date of that report the commerce has reached the enormous quantity of 4,928 tons, with a value of $67,122, or less than 2 per cent of the estimate.

Mr. THOMAS. Is the project completed?

Mr. SMOOT. The project is completed so far as the money that was appropriated could bring its completion about.

Mr. RANSDELL. Will not the Senator be kind enough to state when that project was completed? I am under the impression that it is not completed yet, though I am not positive. That, however, is my impression.

Mr. SMOOT. I will say to the Senator that they are spending money on the project now for maintenance. I will also say to the Senator that it is hard to say when any project will ever be completed, because of the fact that the appropriations continue year after year. It is almost the same as a provision which, when it once appears in an appropriation bill, never gets out.

Mr. RANSDELL. If I am correctly informed——

Mr. THOMAS rose.

Mr. RANSDELL. Will the Senator permit me to conclude?

Mr. THOMAS. Certainly.

Mr. RANSDELL. If I am correctly informed, there is a railroad bridge on that canal beyond which boats can not pass. They can come up to the bridge, but never have been able to

get past it. Hence the canal has never been used except up to this bridge. Perhaps I am confused on that, but that is my recollection. If the Senator from Delaware is here I hope he will correct me if I am wrong; but I do not think I am.

Mr. SMOOT. There is no such thing as that in the report; and I will say to the Senator from Louisiana that this is the first time I ever heard of it. I really believe the Senator is confused on the project.

Mr. RANSDELL. Perhaps I am mistaken, but I will look it up and see. I think there is a bridge there, beyond which the canal can not be used.

Mr. SMOOT. That may be true.——

Mr. THOMAS. Mr. President, I should like to ask the Senator from Utah how much more it will be necessary to appropriate for the completion of that canal and entirely wipe out this small, insignificant remaining tonnage?

Mr. SMOOT. Mr. President, I profess to understand mathematics fairly well, but really the question of the Senator from Colorado is one greater than I can solve either by arithmetic, algebra, or geometry.

Mr. THOMAS. Does not the Senator think there would be the inevitable consequence of continued appropriations, if one may judge by results attending previous ones?

Mr. SMOOT. Of course, if we are to judge by the commerce which is carried on rivers mentioned in the bill, not only this project but 50 others, the more money we appropriate for them the less commerce there is upon them. Therefore, Mr. President, whenever there is a project of this kind, I believe it is the part of wisdom to stop appropriating public money for what may be termed improvements upon it. The argument has been made several times to-day, now that we have started upon a project and have spent a million dollars or $500,000 upon it, it would be a total waste of money if we did not continue to spend more money on it. It has always been a rule of mine in life that where I have made a bad investment I will take my first loss and quit rather than to send good money after bad. I think that principle ought to apply in a great many of the rivers for which we keep on appropriating and which have a commerce which is growing less and less every year.

Furthermore, if there was any advantage to the Government in any way in improving these creeks there would be some justification for continuing the appropriation, but the Government of the United States will never have a boat within hundreds of miles of many of these creeks at any time in its history, and there is no advantage to commerce in any way nor to the Government of the United States in continuing the waste of money on them. To keep appropriating money for projects of this kind, it seems to me, is almost criminal; it is certainly a waste of public funds, and I certainly hope that the amendment offered by the Senator from Iowa will prevail.

Mr. KENYON. Mr. President, on that amendment I ask for the yeas and nays, if there is to be no further discussion upon it.

Mr. LODGE. I desire to ask the Senator from Utah, before he takes his seat, where the troops that are to be carried over this improved waterway will start from and where they will go?

Mr. SMOOT. In the engineers' report there is no definite statement as to that; but I referred to the fact that I did not know where they would start from or where they would land.

Mr. LODGE. Where do they begin?

Mr. SMOOT. Well, they would have to be brought on a railroad from some point, transferred to tugs or light boats, and landed somewhere—the Lord only knows where. I can not conceive of any such argument as that ever being made to bolster up a project of any kind.

Mr. KENYON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARDWICK (when his name was called). I transfer my pair with the junior Senator from Kansas [Mr. CURTIS] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], but I have his permission to vote on this bill, and I vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "yea."

Mr. UNDERWOOD. I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. CLARK of Wyoming (after having voted in the affirmative). I inquire if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, which I will transfer to the Senator from Vermont [Mr. PAGE] and allow my vote to stand.

Mr. CATRON. I inquire if the Senator from Oklahoma [Mr. OWEN] has voted?

The VICE PRESIDENT. He has not.

Mr. CATRON. I have a general pair with that Senator, and therefore withhold my vote.

Mr. SMITH of Georgia (after having voted in the negative). I am informed that the senior Senator from Massachusetts [Mr. LODGE] has not voted. I transfer my pair with him to the junior Senator from California [Mr. PHELAN] and will let my vote stand.

The result was announced—yeas 20, nays 35, as follows:

YEAS—20.

Borah	Gore	Norris	Taggart
Brandegee	Husting	Pomerene	Thomas
Clark, Wyo.	Kenyon	Shafroth	Thompson
Cummins	La Follette	Smoot	Walsh
Gallinger	Lane	Sutherland	Warren

NAYS—35.

Ashurst	Hardwick	Nelson	Smith, Ariz.
Bankhead	Jones	Oliver	Smith, Ga.
Broussard	Lea, Tenn.	Overman	Smith, Md.
Chamberlain	Lee, Md.	Poindexter	Smith, Mich.
Chilton	Lewis	Ransdell	Sterling
Clarke, Ark.	Lippitt	Reed	Swanson
Culberson	Martin, Va.	Sheppard	Underwood
Fall	Martine, N. J.	Shields	Vardaman
Fletcher	Myers	Simmons	

NOT VOTING—41.

Beckham	Gronna	McLean	Smith, S. C.
Brady	Harding	Newlands	Stone
Bryan	Hitchcock	O'Gorman	Tillman
Burleigh	Hollis	Owen	Townsend
Catron	Hughes	Page	Wadsworth
Clapp	James	Penrose	Weeks
Colt	Johnson, Me.	Phelan	Williams
Curtis	Johnson, S. Dak.	Pittman	Works
Dillingham	Kern	Robinson	
du Pont	Lodge	Saulsbury	
Goff	McCumber	Sherman	

So, Mr. KENYON's amendment was rejected.

Mr. HUSTING. Mr. President, I stated yesterday that I would move to recommit this bill to the Committee on Commerce, with instructions. I was asked to defer that motion until it could be ascertained what shape the bill would assume. It appears now that the motions to strike out are defeated, and consequently there is every indication that the bill as now recommended by the committee will be the bill upon which the Senate will vote. For that reason, I consider this a proper time to make the motion to recommit the bill.

Mr. BRANDEGEE. Mr. President——

Mr. SHAFROTH. Mr. President, there are other amendments to be offered to the bill. I have one which I think ought to be adopted, and if adopted it seems to me Senators ought to vote for the bill. That is a provision that 20 per cent shall be contributed by each one of these localities in order to have the appropriation take effect; and I should like to have that voted upon before the Senator moves a substitute for the bill.

Mr. HUSTING. With all deference to the Senator, I feel that this is a good time to offer the motion to recommit.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. HUSTING. I do.

Mr. BRANDEGEE. I simply wanted to state to the Senator that this morning I offered an amendment, and then withdrew it to allow the House text to be voted upon; and I expect to offer that amendment. I do not wish to make any suggestions to the Senator about when he shall make his motion, that is his affair; but if the Senator cared to defer his motion until a vote had been taken upon my amendment, I wanted to let him know that I was going to offer it. I can offer it just as well after his motion has been voted on, however, if he prefers to make his motion now.

SEVERAL SENATORS. Suppose the bill is recommitted.

Mr. BRANDEGEE. If it is recommitted, I do not care anything further about the bill.

Mr. RANSDELL. Let us have a vote on it now.

Mr. HUSTING. I shall submit the motion now, and leave it to the Senate, at the proper time, to vote on it.

Mr. BRANDEGEE. I did not understand what the Senator said.

Mr. HUSTING. I say, I will submit the motion now, and leave it to the Senate, if it desires, to vote upon it.

Mr. VARDAMAN. I move to lay the motion to recommit on the table.

Mr. SHAFROTH. I hope the Senator will not ask for a vote until these other amendments are disposed of.

Mr. VARDAMAN. Mr. President, I move to lay the motion to recommit the bill on the table.

The VICE PRESIDENT. The Senator from Wisconsin offers a motion which will be stated by the Secretary.

The SECRETARY. That the pending bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, be recommitted to the Committee on Commerce, with instructions to report back a bill appropriating not to exceed the sum of $20,000,000.

The VICE PRESIDENT. The Senator from Mississippi [Mr. VARDAMAN] has moved to lay this motion on the table.

Mr. CLARKE of Arkansas. Mr. President, I should like to address an inquiry to the Senator from Mississippi. We have been proceeding here along a line that permitted reasonable debate on all propositions presented. If any Senator desires to debate the motion to recommit, I think the motion to lay it on the table ought to be withdrawn.

Mr. VARDAMAN. If any Senator wants to debate it, I shall very cheerfully withdraw my motion. My understanding was that no Senator desired to debate it.

Mr. CLARKE of Arkansas. Let us have a vote directly on the motion to recommit.

Mr. THOMAS. Mr. President, I desire to be heard on the motion to recommit.

Mr. VARDAMAN. I withdraw the motion to lay it on the table, then.

AMENDMENT REQUIRING 20 PER CENT CONTRIBUTION.

Mr. SHAFROTH. Mr. President, I want to say to the Senator from Wisconsin that I believe the amendment which I propose to offer has a virtue in it that ought to determine to a large extent whether or not this bill should pass. This amendment provides for adding to the bill a new section, to read as follows:

> That each of the appropriations herein made shall become available only in the event States, counties, cities, or individuals shall pay into the Treasury as part of the same 20 per cent of the amount thereof: *Provided, however*, That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. President, we have had a discussion of this bill extending over many days. I have found rising upon one side Senators of the highest integrity, asserting that the project under discussion is an unworthy one and should not be approved. Yet, when called upon, the Senator from the State where the improvement is to be made emphatically states that it is one of the best provisions in the entire bill. We who are not members of the committee find it impossible to go into these matters from the standpoint of full information by reading the evidence taken with relation to these items; consequently it seems to me that we ought to put each project to a test as to whether or not these enterprises are meritorious. If we provide that there shall be a contribution in behalf of each of these improvements to the extent of 20 per cent of the amount appropriated before the appropriation shall become available, that will work a determination as to whether there is any "pork-barrel" appropriations in this bill. The acid test is when the pocketbooks of individuals are touched. If they respond, the appropriation is meritorious. If not, it is generally unworthy.

Mr. MARTINE of New Jersey and Mr. CHAMBERLAIN addressed the Chair.

Mr. SHAFROTH. If they are willing to subscribe, then it seems to me my judgment as to the character of the improvement should be set aside, because I believe that when men will go into their own pockets, or counties will go into their own treasuries, or cities will go into their own treasuries for the purpose of putting up a substantial amount for the project, it means that there is merit in the enterprise, and consequently it ought to be adopted.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. SHAFROTH. I yield to the Senator.

Mr. CHAMBERLAIN. I want to ask the Senator if he will not go a step further and refund to the States that have paid dollar for dollar for all Government appropriations the amount that they have contributed?

Mr. SHAFROTH. No; I will not.

Mr. CHAMBERLAIN. Oregon has paid dollar for dollar for nearly every improvement the Government has made.

Mr. SHAFROTH. Yes; that is true, and that is unfortunate; but the difficulty is that unless you have some provision of this kind which puts the enterprises upon a different basis it is not fair——

Mr. MARTINE of New Jersey. Mr. President——

Mr. HARDWICK. Mr. President, may I make a suggestion to the Senator?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I do.

Mr. HARDWICK. There is a good deal of merit, I think, in the Senator's suggestion in a general way, but how in the world is he going to work it out? How wide is the territory on each side of a river that would be called on to contribute? Where does the line of contribution end and where does it begin? The Senator would have to work that out; and it is a pretty difficult question, it seems to me.

Mr. SHAFROTH. Oh, Mr. President, that is no difficulty whatever, because the amendment does not limit contributions to owners of land on the borders of the river. There is no provision as to who shall contribute. People who are interested may contribute. Cities that are interested may contribute. Individuals may contribute. It is not to be an assessment upon the land abutting on the stream. Nothing of that kind is intended by this amendment; but it is provided that those people who say that an enterprise is a good one and is going to be of some value to the people of the United States, and particularly of advantage to their section, must raise a certain percentage of this money in order to get the Government to expend this large appropriation on the enterprise.

Mr. President, we are doing that directly in the case of the good-roads measure. Nobody has suggested that the United States Government should build these roads altogether out of its own treasury. We say that we will build the roads, provided the States, the counties, and the individuals combined contribute at least an equal amount. It might be that it would be proper even to increase the amount specified in this amendment from 20 to 50 per cent; but it seems to me that there ought to be an effort to make communities, people, and cities specially benefited contribute something out of their own moneys, thereby showing their good faith in the assertion that these improvements that are specified here are worthy objects.

Mr. BRANDEGEE, Mr. SMITH of Michigan, and Mr. MARTINE of New Jersey addressed the Chair.

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. SHAFROTH. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Colorado who would pay this 20 per cent in a situation such as this:

The St. Clair River, which runs along the Canadian and the Michigan line, with a commerce of $885,000,000 a year, asks for an additional channel because the present channel can not accommodate the traffic. It is dangerous. There is an estimate of $83,000 in this bill for that extra channel. It is a channel that is as important to Minnesota, Wisconsin, and the Northwest as it is to Michigan, and I was almost going to say that it is as important to Canada as it is to us. On what theory would that 20 per cent be levied? Certainly not against the city of Port Huron, along whose water front this channel must be built. The Senator is running into great difficulty with his proposition, and I am afraid has not given his usual care and thought to the suggestion which he makes.

Mr. SHAFROTH. I see no difficulty in that case—none whatever.

Mr. SMITH of Michigan. Where would the Senator put it?

Mr. SHAFROTH. I will explain to the Senator just where I think it ought to be put. This is an open contribution. The benefit is to the ships that go through there, and these ship companies can contribute to that measly $83,000. The persons who make the shipments also can contribute with relation to it. Wherever there is a benefit there ought to be a contribution; and the measly sum of $83,000 would not be wanting long in contributions by persons who are interested in getting the channel there if it is a meritorious enterprise.

Mr. SMITH of Michigan. Then the Senator would pass the hat among all the shippers and the shipowners to pay for great national improvements, as vital to the consumers as well as the

producers and the carriers, who in most instances are entirely unrelated to this waterway?

Mr. SHAFROTH. No; I would not. I would simply say: "Gentlemen, you can get this if you will contribute 20 per cent; but if you do not believe in it yourselves to the extent of making a contribution to that extent, why, then, we will decline to make the appropriation."

Mr. SMITH of Michigan. Yes, but the whole country is interested in that waterway.

Mr. SHAFROTH. That is the reason why it should be so much easier to do it. Where you have such great resources, such great capital, it ought to be a very easy matter.

Mr. SMITH of Michigan. The entire country is interested in it. Is the Government to plead poverty and lack of interest in a great improvement of that character in order to establish the virtue of the project?

Mr. SHAFROTH. No, sir; it is not pleading poverty. It is just testing the question as to whether or not you people believe that these enterprises which you are undertaking are worthy; and it makes the acid test, as it were, when it comes to the question of going down into the pockets of the companies, individuals, or persons who are benefited by the commerce.

Mr. MARTINE of New Jersey and Mr. WILLIAMS addressed the Chair.

Mr. SMITH of Michigan. There is one more question I should like to ask the Senator. Take the case of the improvement of the East River in New York: Upon whom would the 20 per cent be levied, when it appears here that the Navy and the Government are to be benefited more than any individual or municipality? An injury to one battleship passing from the Brooklyn Navy Yard through the East River between Governors Island and the Battery would cost the Government more money than that entire improvement would involve. The test proposed by the Senator from Colorado would be very difficult of execution and is inequitable when applied to many of these projects. The two instances which I have cited are not exceptional; there are many others in the bill of similar character, and unless the Senate proposes to abandon all river and harbor improvements this amendment ought not to be adopted. There are undoubtedly many appropriations which could with propriety be based upon local contributions for a fair share of the cost, but in the very nature of things such a rule can not be applied indiscriminately.

Mr. SHAFROTH. The Government would contribute 80 per cent of it for that benefit, and consequently there would be no trouble. The Government would be paying an undue proportion even then; but you can not fail to get a contribution of that kind from the great city of New York and by other persons who may be interested. It seems to me that it is a very easy way of testing the question as to whether or not these enterprises are meritorious.

Mr. WILLIAMS. Mr. President——

Mr. GALLINGER. Mr. President, I rise to a point of order.

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. GALLINGER. I rise to a question of order.

The VICE PRESIDENT. The Senator from New Hampshire will state the question of order.

Mr. GALLINGER. There is so much confusion that we can not understand what is going on, and I think the Senator from New Jersey [Mr. MARTINE] ought to be granted permission to explain this matter.

Mr. WILLIAMS. Am I recognized?

Mr. SHAFROTH. I yield to the Senator from New Jersey.

Mr. WILLIAMS. I thought the Senator yielded to me.

Mr. SHAFROTH. I will yield to the Senator from Mississippi in a minute. The Senator from New Jersey rose first.

Mr. MARTINE of New Jersey. Mr. President, I want to hold up to the Senator from Colorado and to the Senate of the United States the glorious example of the little Commonwealth of New Jersey. We are asking for some little appropriations in this bill for some great rivers and for some other streams that are only dignified by the name of creeks. The New Jersey Legislature have passed a resolution insisting that they would ask for no appropriations for the rivers or harbors of New Jersey unless the cities and the contiguous territory should pay at least 50 per cent, so we go you 30 per cent better than your 20 per cent.

Mr. SHAFROTH. I am very glad of the example of New Jersey.

Mr. MARTINE of New Jersey. We believe that the rivers and harbors are one of the great blessings of the great Jehovah to our country, and we believe it is our duty and the duty of the Government of the United States to maintain and preserve and improve these things, and as an evidence of the faith that is in us we have passed the resolution that I have mentioned.

Mr. SHAFROTH. The legislature of the Senator's State has simply recognized the fact that that State gets a direct benefit, and for that reason his people are willing to contribute their share.

Mr. MARTINE of New Jersey. We get not only a direct benefit, but we feel that we get an indirect benefit. The city of Elizabeth, if you choose, or Jersey City, or Newark, or Patterson, or Passaic, may get a direct benefit; but the hills of Sussex, clear up and far beyond, reap the splendid prosperity and the glorious hope that we all do in the prosperity of our little Commonwealth.

Mr. WILLIAMS. Now, Mr. President——

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I am not so much interested in the proposition that the locale should pay 20 per cent as I am interested in the question as to who shall pay back the surplusage over 20 per cent that the locale has already contributed. Upon the Mississippi River we have contributed about $4 from the beginning of the improvements down to now for every dollar that the United States Government has contributed. I have paid a great deal of that in taxes myself in the Yazoo Delta. Does the Senator's proposition involve paying back the difference between the 80 per cent that we paid and the 20 per cent the Senator thinks we ought to have paid?

Mr. SHAFROTH. Oh, no; but we think the rule ought to be different. Instead of relying, as heretofore, upon voluntary contributions, it ought to be a condition as to whether or not you can avail yourselves of the provisions of the bill; and it seems to me that that will constitute a test as to whether or not it is a meritorious measure.

Mr. WILLIAMS. Mr. President, if we are to be subjected to an acid test, and that is to be a test of equity, anybody coming into a court of equity must bring equity with him; and if the Senator makes the demand that the locality must pay 20 per cent, then those localities that have paid 80 per cent ought to have 60 per cent refunded to them.

Mr. SHAFROTH. No; because they did it voluntarily, without any imposition or requirement upon the part of the United States Government; and the Senator knows very well that whenever taxes are paid without protest you can never recover them back.

Mr. NEWLANDS. Mr. President——

Mr. WILLIAMS. They did not pay it voluntarily. They paid it because, if they had not paid, they would have been destroyed by the great national river. It was just as much compulsion as anything in the world ever was.

Mr. SHAFROTH. There is no compulsion upon the part of the United States Government. Consequently there is no moral obligation upon the part of the United States Government to refund that money.

Mr. NEWLANDS. Mr. President——

Mr. WILLIAMS. There may or may not be. I do not think there is any moral obligation upon the part of the locality to pay 20 per cent; but if there be, then there is also the reciprocal moral obligation upon the part of the United States to reduce it to 20 per cent, and keep it down to that figure.

So far as I am concerned, if you adopt the 20 per cent proposition the people of the Mississippi Valley will be delighted, provided you make the United States pay back the 80 per cent while you are making our people pay the 20 per cent.

Mr. NEWLANDS. Mr. President——

Mr. SHAFROTH. Let me answer the statement of the Senator from Mississippi. He thinks that there ought to be a refund upon the part of the Government of the United States. This contribution which has been made by the States bordering upon the Mississippi Valley has been a voluntary contribution upon their part, prompted no doubt by benefits received, and consequently there is no obligation whatever upon the part of the Government to make a refund. But here comes a line of action to be applied to all of the appropriations; and by reason of its being applied to all of the appropriations you will find that it not only cuts the amount which the United States Government must appropriate under this act to the extent of $8,000,000 or $10,000,000, but it will also be a guarantee that every project that is entered upon as the result of putting up that 20 per cent will be a genuine enterprise.

Mr. WILLIAMS. Mr. President, for the sake of the argument I am willing to "let the dead past bury its dead" if the Senator will put his proposition in such shape as that all appropriations for the Mississippi River shall be paid 80 per cent by the United States Government and 20 per cent by the local authorities for all time hereafter to come.

Mr. SHAFROTH. No, Mr. President; that is not involved. Each individual appropriation will arise, and the question will

naturally present itself to every Senator here, "Is this a meritorious enterprise that is presented?"

Mr. NEWLANDS. Mr. President, will the Senator let me make a suggestion?

Mr. SHAFROTH. Yes, sir; I will let the Senator make a suggestion, although it breaks the continuity of my argument.

Mr. NEWLANDS. The suggestion is this: That the project to which the Senator from Mississippi refers is one for the reclamation of swamp lands through the construction of levees, and not a proposition relating to the development of commerce; and that in such a case it is obvious that the entire cost of the reclamation ought to be levied upon the lands, as it is with reference to the arid lands of the West, where every dollar expended is recovered from the land itself; and that this case does not come within the class of projects for the promotion and development of commerce.

Mr. WILLIAMS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. WILLIAMS. First, all the engineers agree that levees improve navigation; secondly—just one moment more. I hate to disturb the Senator from Colorado; but does the Senator from Nevada really intend to convey to the country the idea that the West is paying the irrigation tax and that anybody with common sense ever expects the Government to get it back?

Mr. NEWLANDS. Why, of course, we are paying it, and we expect to pay it back, and the law requires the payment back of every dollar.

Mr. WILLIAMS. Oh, yes; but how much has been paid back? Moreover, you want the balance of us to pay in advance.

Mr. NEWLANDS. Then I maintain, Mr. President, that commerce on the lower Mississippi would be better off without levee building than with it.

Mr. WILLIAMS. In that opinion you differ with the Mississippi River Commission and all the distinguished engineers of America. Now, Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado further yield to the Senator from Mississippi?

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. WILLIAMS. If the Senator from Nevada will agree, now, that the locality shall be subjected to even 20 per cent of the cost of irrigation in the West, now, beforehand—not ultimately and doubtfully and certainly never to pay—I imagine that nearly everybody from the Mississippi Valley who has ever voted for an irrigation project would be ready to close with his proposition. Nobody except the Senator from Nevada really expects that there ever will be paid back into the United States Treasury the immense amount of money that the United State Government has devoted to irrigation in the West; and if it ever comes to the point where the law is sought to be enforced there will be a bill here, possibly offered by him, releasing settlers from their payments. I think the Senator from Nevada knows that as well as I, or better than I. But if it is agreed that in all these irrigation projects in the West the community must put up 20 per cent before the United States Government advances the balance of it, that will be a new doctrine sounding from the West and will be very welcome to a great many of us who want to "get in on the ground floor."

I voted for these irrigation projects in the West. I have not voted for them upon the narrow ground that is now being presented, both by me and by the Senator from Colorado and by the Senator from Nevada, but I have voted for them upon the broad national ground that under modern circumstances of civilization there is a degree of collectivism that must be carried through in order to give efficient Government to all parts of the Union. That collectivism applies in a tenfold degree to the great national river, or as Calhoun, strictest of strict constructionist, called it, the great American inland sea. I dare say that in the very next bill carrying an irrigation project, if it is proposed that no money shall be spent by the United States Government until after the locality has put up 20 per cent, the Senator from Nevada will be found opposing it.

Mr. NEWLANDS. Mr. President——

Mr. SHAFROTH. Mr. President, the Senator has said that I will have to look up a precedent somewhere else. I want to call his attention to the fact that there is precedent after precedent in this very bill, and I will read him one:

Provided, That no part of the latter amount shall be expended until the city of Dallas or other local interests shall have contributed the sum of $50,000 toward the improvement.

There is a direct requirement of contribution upon the part of the city of Dallas before a single dollar of the appropriation which is provided here can be obtained. Not only that, but there are 8 or 10 similar provisions in this bill. One of them provides that they shall pay into the Treasury a certain large amount, and, unless they do so, that the improvement shall not be started. Eight or nine provisions make that condition; and in my amendment, after requiring this 20 per cent contribution, I make this proviso:

Provided, however, That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. LEWIS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Illinois.

Mr. LEWIS. I should like to ask the Senator from Colorado if his amendment contemplates that each State through which an enterprise goes shall pay 20 per cent? Or does the Senator assume that in the case of enterprises passing through four or five States 20 per cent shall be gathered from all the States through which the enterprise goes?

Mr. SHAFROTH. Oh, Mr. President, I provide that the contribution shall be made, and we are not particular as to where it comes from. They will find the way. The city of Chicago has done this very same thing.

Mr. LEWIS. Then, I call the attention of the Senator, if he will permit me, to the fact that as the amendment now stands the Missouri River or the Mississippi River passing through five States, each paying 20 per cent, all would pay 100 per cent, and there would not be a cent then left for the Federal Government to pay at all.

Mr. SHAFROTH. Oh, no; that does not apply. It is a question of 20 per cent of the entire appropriation made. Consequently, if there are 10 States, it is only 2 per cent, as a matter of fact, against each State, if it is levied in that way.

Mr. LEWIS. I wanted to catch the Senator's idea as to how he expected to apply his amendment.

Mr. SHAFROTH. Mr. President, we can not help but realize the fact that there are appropriations made in every——

Mr. OLIVER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Pennsylvania will state it.

Mr. OLIVER. What is the proposition before the Senate at the present time?

The VICE PRESIDENT. The motion of the Senator from Wisconsin [Mr. HUSTING] to recommit the bill to the Committee on Commerce.

Mr. OLIVER. Then I make the point of order that this discussion at this time is out of order.

Mr. THOMAS. Mr. President, I understood——

The VICE PRESIDENT. The point of order will have to be overruled. The Senate of the United States rarely discuss the question.

Mr. CLARKE of Arkansas. Mr. President, if the Senator from Colorado will yield to me at this time, I ask that the bill may be temporarily laid aside, in order that we may arrange for a recess. I understand that it is the purpose to hold an executive session at 5 o'clock, and that hour has about arrived.

Mr. SHAFROTH. I yield for that purpose.

The VICE PRESIDENT. Without objection, the bill will be temporarily laid aside.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of A. H. Overman of Westmoreland Depot, N. H., praying for the enactment of legislation to provide for the grading of grain, which was ordered to lie on the table.

Mr. SMITH of Michigan presented a memorial of the ministers of the Lutheran South Michigan Conference, held at Detroit, Mich., remonstrating against the severance of diplomatic relations between the United States and Germany, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Flint, Mich., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Flint, Mich., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 6153) for the relief of Frank A. Kopp; to the Committee on Claims.

By Mr. CHILTON:

A bill (S. 6154) for the relief of Dr. Charles Lee Baker; to the Committee on Military Affairs.

By Mr. BRANDEGEE:

A bill (S. 6155) granting an increase of pension to Alma I. Austin (with accompanying papers);

A bill (S. 6156) granting an increase of pension to Annie Jain Bump (with accompanying papers);

A bill (S. 6157) granting an increase of pension to Mary E. Button (with accompanying papers);

A bill (S. 6158) granting an increase of pension to Catherine L. Commerford (with accompanying papers);

A bill (S. 6159) granting an increase of pension to Anna M. De La Forgue (with accompanying papers);

A bill (S. 6160) granting an increase of pension to Ellen Hopper (with accompanying papers);

A bill (S. 6161) granting an increase of pension to Annie K. Lamphere (with accompanying papers);

A bill (S. 6162) granting a pension to Hannah C. Leary (with accompanying papers);

A bill (S. 6163) granting a pension to Mary J. Lynch (with accompanying papers);

A bill (S. 6164) granting an increase of pension to Mary A. Marble (with accompanying papers);

A bill (S. 6165) granting an increase of pension to Charles H. Minson (with accompanying papers);

A bill (S. 6166) granting a pension to Annie L. Kelly Nichols (with accompanying papers);

A bill (S. 6167) granting an increase of pension to Caroline M. Osborn (with accompanying papers);

A bill (S. 6168) granting an increase of pension to Sarah E. Parrott (with accompanying papers);

A bill (S. 6169) granting an increase of pension to Charles A. Potter (with accompanying papers);

A bill (S. 6170) granting an increase of pension to Ada Roberts (with accompanying papers);

A bill (S. 6171) granting an increase of pension to Edwin D. Sweet (with accompanying papers);

A bill (S. 6172) granting an increase of pension to Adelaide F. Thomas (with accompanying papers); and

A bill (S. 6173) granting an increase of pension to George O. Whitman (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6174) granting a pension to Alexander Farris, jr.; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6175) granting an increase of pension to Thomas B. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6176) granting an increase of pension to James E. Bresett (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6177) for the relief of Frank Kinsey Hill; to the Committee on Naval Affairs.

A bill (S. 6178) to exempt from taxation certain property of the Congressional Club in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. NEWLANDS:

A joint resolution (S. J. Res. 135) to create a commission to investigate the standardization of time in the United States and its territorial possessions; to the Committee on Interstate Commerce.

RESTORATION OF PEACE.

Mr. LEWIS. Mr. President, I submit a resolution and ask that it may lie on the table.

The resolution (S. Res. 202) was ordered to lie on the table and to be printed, as follows:

Whereas the present war involving Europe has, up to the present time, sacrificed to death, disaster, or general destruction 10,000,000 human beings and has forced an outlay and expenditure of money exceeding $20,000,000,000, all to the desolation of countries and to the destruction of civilization; and

Whereas the conflict at this time gives no promise of absolute victory or absolute defeat to either of the forces engaged in the combat, and each of the principal combatants having indicated desire for peace; and

Whereas it is necessary for the best uses of the world that peace be had among the contending forces at the earliest possible moment and upon terms that may make for permanent peace, and which shall remove the possibility of revival or renewal of conflict born of any sense of disappointment or defeat upon the part of either or any one of the combatants: Therefore be it

Resolved, That the President of the United States is requested—unless to him such appears incompatible with the public interests of the United States—that he suggest through proper channels that the United States mediate between the combatants by tendering the proposition that the combatants at the earliest moment convenient to the situation in which they are placed declare a truce and either withdraw the armies from the field or hold the same in nonaction, and in the meantime each of the countries engaged in the combat choose a neutral country as its representative, thus creating a board of arbitration made up of the chosen neutral countries; the said board to have a member for each of the countries engaged in the conflict, with the President of the United States, or a representative of such chosen by him, to serve as referee. That this board be the tribunal before which the combatants shall at a time appropriate to their immediate necessities, present the demands or the claims which each regards as necessary to the acceptance of peace. That the said commission or arbitration board shall after the said propositions have been submitted settle upon such terms as in all the circumstances would appear equitable to all parties, leaving to the future the remedying of any omission which might be endured or accepted by any one of the combatants in the general solution presented by the commission; be it further

Resolved, That the said proposition is suggested by the Senate to the President of the United States to present to the combatants as an expression of the desire of the United States for world peace, and not as any expression of favoritism or partiality to any one of the combatants engaged at present in the European conflict.

FOREIGN-BUILT DREDGES.

Mr. LIPPITT. Mr. President, I enter a motion to reconsider the vote by which the Senate on yesterday passed the bill (S. 4797) to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906, and I ask that the House of Representatives be requested to return the bill to the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

RAILROAD EMPLOYEES.

Mr. NEWLANDS. Mr. President, I desire to have printed as a public document the report of the United States Board of Mediation and Conciliation on the effects of arbitration proceedings upon rates of pay and working conditions of railroad employees. The estimated cost for printing the report will be $3,529.91. I ask that the report be referred to the Committee on Printing for action.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the following act:

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

RECESS.

Mr. STONE. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m., Thursday, May 25, 1916) the Senate took a recess until to-morrow, Friday, May 26, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 25 (legislative day of May 18), 1916.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Henry S. T. Harris, Medical Corps, to be colonel from May 23, 1916, vice Col. John L. Phillips, who died May 22, 1916.

Maj. James M. Kennedy, Medical Corps, to be lieutenant colonel from May 23, 1916, vice Lieut. Col. Henry S. T. Harris, promoted.

Capt. William H. Moncrief, Medical Corps, to be major from May 23, 1916, vice Maj. James M. Kennedy, promoted.

CAVALRY ARM.

First Lieut. George A. F. Trumbo, Cavalry, unassigned, to be captain from May 21, 1916, vice Capt. Wallace M. Craigie, Thirteenth Cavalry, retired from active service May 20, 1916.

Second Lieut. George S. Patton, jr., Eighth Cavalry, to be first lieutenant from May 23, 1916, vice First Lieut. Albert H. Mueller, Tenth Cavalry, detached from his proper command.

COAST ARTILLERY CORPS.

First Lieut. Henry T. Burgin, Coast Artillery Corps, to be captain from May 21, 1916, vice Capt. Charles L. J. Frohwitter, retired from active service May 20, 1916.

First Lieut. Nathan Horowitz, Coast Artillery Corps, to be captain from May 21, 1916, vice Capt. James Totten, detached from his proper command.

Second Lieut. George W. Easterday, Coast Artillery Corps, to be first lieutenant from May 21, 1916, vice First Lieut. Henry T. Burgin, promoted.

Second Lieut. George B. Gorham, Coast Artillery Corps, to be first lieutenant from May 21, 1916, vice First Lieut. Nathan Horowitz, promoted.

INFANTRY ARM.

First Lieut. Robert G. Peck, Seventh Infantry, to be captain from May 24, 1916, vice Capt. Frederick W. Bentcen, Twelfth Infantry, retired from active service May 23, 1916.

Second Lieut. Robert Coker, Third Infantry, to be first lieutenant from May 16, 1916, vice First Lieut. John F. Curry, Fifth Infantry, detailed in the Aviation Section, Signal Corps.

Second Lieut. William F. Hoey, jr., Twelfth Infantry, to be first lieutenant from May 20, 1916, vice First Lieut. Henry H. Arnold, Third Infantry, detailed in the Aviation Section, Signal Corps.

Second Lieut. John H. Stutesman, Twenty-third Infantry, to be first lieutenant from May 24, 1916, vice First Lieut. Robert G. Peck, Seventh Infantry, promoted.

MEDICAL CORPS.

The first lieutenants of the Medical Reserve Corps herein named for appointment as first lieutenants of the Medical Corps, United States Army, each to rank from the date set opposite his name:

William Frederick Rice, May 8, 1916, vice First Lieut. George G. Divins, Medical Corps, honorably discharged March 25, 1914.

Edward Allen Noyes, May 9, 1916, vice First Lieut. Bert R. Huntington, Medical Corps, honorably discharged March 27, 1914.

Charles Woodward Riley, May 10, 1916, vice Capt. George D. Heath, jr., Medical Corps, retired from active service April 15, 1914.

Charles George Sinclair, May 11, 1916, vice Capt. John L. Shepard, Medical Corps, promoted April 23, 1914.

Charles George Hutter, May 12, 1916, vice Capt. Edwin D. Kilbourne, Medical Corps, resigned May 22, 1914.

Frederick Hensel Petters, May 13, 1916, vice Capt. Joseph O. Walkup, Medical Corps who died June 4, 1914.

Clarence Searle Ketcham, May 14, 1916, vice First Lieut. Charles R. Castlen, Medical Corps, resigned July 1, 1914.

Robert Parvin Williams, May 15, 1916, vice Capt. William L. Keller, Medical Corps, promoted July 4, 1914.

Edwin Brooks Maynard, May 16, 1916, vice First Lieut. Howard L. Hull, Medical Corps, resigned February 5, 1915.

Harvard Clayton Moore, May 17, 1916, vice Capt. Charles C. Billingslea, Medical Corps, promoted May 9, 1915.

Arden Freer, May 18, 1916, vice Capt. Harry S. Parnell, Medical Corps, resigned June 1, 1915.

Paul Adolph Schule, May 19, 1916, vice First Lieut. John S. C. Fielden, jr., Medical Corps, resigned September 1, 1915.

John Stuart Gaul, May 20, 1916, vice Capt. Henry L. Brown, Medical Corps, who died April 14, 1916.

APPOINTMENT AND PROMOTIONS IN THE NAVY.

Hubert A. Royster, a citizen of North Carolina, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 15th day of May, 1916.

Boatswain Gregory Cullen to be a chief boatswain in the Navy from the 9th day of January, 1915.

Machinist Charles F. Beecher to be a chief machinist in the Navy from the 30th day of December, 1915.

Pay Clerk Andrew J. McMullen to be a chief pay clerk in the Navy from the 7th day of August, 1915.

Pay Clerk Alvah B. Canham to be a chief pay clerk in the Navy from the 16th day of August, 1915.

Pay Clerk Noble R. Wade to be a chief pay clerk in the Navy from the 18th day of October, 1915.

Pay Clerk Ross E. Deming to be a chief pay clerk in the Navy from the 10th day of December, 1915.

Pay Clerk Ellinger E. Hartline to be a chief pay clerk in the Navy from the 30th day of January, 1916.

Chaplain James D. MacNair, with rank of lieutenant (junior grade), to be a chaplain in the Navy, with rank of lieutenant, from the 20th day of May, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 25 (legislative day of May 18), 1916.

INTERNAL-REVENUE COLLECTOR.

George L. Loomis to be collector of internal revenue for the district of Nebraska.

REGISTERS OF THE LAND OFFICE.

M. C. Warrington to be register of the land office at Broken Bow, Nebr.

John P. Golden to be register of the land office at O'Neill, Nebr.

APPOINTMENTS IN THE ARMY.

Rev. John Granville Bresler to be chaplain with the rank of first lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Zabdiel Boylston Adams.
Herbert Merton Greene.
James Earle Ash.
Astley Paston Cooper Ashhurst.
James Harold Austin.
Louis de Keyser Belden.
Bernard Johan Benker.
John Welch Boyce.
Claude Lee Bradford.
Harry Francis Byrnes.
George Fitzpatrick Adair.
Richard Travis Atkins.
Julius Benjamin Boehm.
Walter Whitney Beardman.
Ward Brinton.
Bert Wilmer Caldwell.
Williams Biddle Cadwalader.
Donald William Cameron.
Benjamin Van Campen.
Brewster Clarke Doust.
Ambrose Francis Dowd.
Blake Ferguson Donaldson.
William Darrach.
Charles Dudley Eldred.
Thomson Edwards.
Eldridge Lyon Eliason.
Daniel Wadsworth Frye.
Isaac Samuel Gellert.
Curtenius Gillette.
Thomas E. Gutch.
Edward L. Hanes.
Walter Coit Hill.
Daniel Mansfield Hoyt.
Reid Hunt.
Henry Barr Ingle.
Frank Hussy Jackson.
Floyd Elwood Keene.
Elmer Alexander Klein.
Edward Bell Krumbhaar.
Peirce Henry Leavitt.
Burton James Lee.
Hanson Thomas Asbury Lemon.
John Borneman Ludy.
William Sharp McCann.
Archibald Alexander MacLachlan.
Thomas William Maloney.
Harrison Stanford Martland.
Alvah Strong Miller.
Alfred Meyer.
Alfred James Ostheimer.
William Barclay Parsons, jr.
George Morris Piersol.
Thomas Christian Peightal.
Edmund Brown Piper.
Martin William Reddan.
Nathaniel Fulford Rodman.
George Malcolm Laws.
Daniel Augustus Shea.
Andrew Watson Sellards.
Henry Larned Keith Shaw.
Richmond Stephens.
Henry Joseph Fitz Simmons.
John Reid Simpson.
Frederick Jennings Smith.
Joseph Wheeler Smith, jr.
William Johnson Taylor.
Royden Mandeville Vose.
John William Warner.
James Homer Wright.
Herbert Maxwell Nash Wynne.
John Edward Williams.
William Whitridge Williams.
Warren Wooden.

John Archibald Campbell Colston.
Victor Francis Cullen.
Paul Wiswall Clough.
Arthur Bliss Dayton.
John Howland.
John Theodore King, jr.
Winford Henry Smith.
Arthur Charles Stokes.
Thomas Linville.
James Lee Funkhouser.
Clarence Linwood Scamman.
James Lona Stewart.
Lincoln Davis.
Edward Lorraine Young, jr.
John Aloysius McKenna.
Henry Lee Smith.
William Hayes Mitchell.
Philip Levey.
Paul Regan Howard.
William Alexander Fisher, jr.
Reuben Spencer Simpson.
James Torrance Rugh.
Otto Lowy.
Roger Kimmcutt.
Custis Lee Hall.
George Adams Leland, jr.
Walter James Dodd.
Charles Galloupe Mixter.
William Thomas Fitzsimons.
Carl Henry Davis.
Harvey Heber Martin.
Beth Vincent.
Charles Ira Redfield.
Charles Andrew Fife.
Malcolm Eadie Smith.
Arthur Ellison Midgley.
Albert David Kaiser.
Charles Chester Benedict.
Arthur Wilburn Allen.
Robert Williamson Lovett.
Joshua Clapp Hubbard.
Isedor Mack Unger.
Charles Henry MacFarland.
Andrew Smith Robinson.
George Washington Wales Brewster.
Michael Joseph Sheahan.
Theodore Foster Riggs.
George Noble Kreider.
John Carl Arpad Gerster.
Montrose Thomas Burrows.
Verne Rheem Mason.
Charles Alexander Waters.
Homer Graham Duncan.
Robert Davies Rhein.
Harry Carl William Schultz-de Brun.
Clinton Ephraim Harris.
Robert Coalter Bryan.
Charles Christian Wolferth.
Truman Gross Schnabel.
Rutherford Lewis John.
Jacob Leon Herman.
Edward Harris Goodman.
John Dibble.
Emory Graham Alexander.
Bruce Gretton Phillips.
Philip Edward Rossiter.
Chester Field Smith Whitney.
William Ropes May.
Everett Garnsey Brownell.
Brooks Hughes Wells.
Francis Stuart Matthews.
Lawrence James Nacey.
John Rochester Booth.
Harry Rubin.

DENTAL CORPS.

Acting Dental Surg. Harry Morton Deiber to be dental surgeon with the rank of first lieutenant.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Capt. Edward C. Carey to be major.
First Lieut. Guy E. Bucker to be captain.
Second Lieut. Oral E. Clark to be first lieutenant.
First Lieut. David A. Henkes to be captain.
Second Lieut. James W. Peyton to be first lieutenant.
Lieut. Col. William P. Burnham to be colonel.
Maj. Arthur Johnson to be lieutenant colonel.
Capt. George H. Jamerson to be major.
First Lieut. Wallace McNamara to be captain.
Second Lieut. William B. Loughborough to be first lieutenant.

FIELD ARTILLERY ARM.

Second Lieut. Lucien H. Taliaferro to be first lieutenant.
Second Lieut. Harold H. Bateman to be first lieutenant.

TRANSFER TO ACTIVE LIST.

CAVALRY ARM.

Capt. Ben H. Dorcy, United States Army, retired, to the Cavalry Arm.
Second Lieut. Joseph I. McMullen, United States Army, retired, to the grade of first lieutenant.

INFANTRY ARM.

Capt. Robert C. Williams, United States Army, retired, to the grade of lieutenant colonel.
Capt. Harold L. Jackson, United States Army, retired, to the grade of major.

POSTMASTERS.

COLORADO.

Jerry F. Halloran, Victor.

ILLINOIS.

N. J. Highsmith, Robinson.

MINNESOTA.

John Engebretson, Elbow Lake.
Edward L. Wurst, Richmond.

MISSISSIPPI.

Arthur E. Bergold, Osyka.

NEW MEXICO.

Joseph C. Swain, Wagon Mound.

PENNSYLVANIA.

Henry M. Good, New Castle.

WASHINGTON.

Eli P. Marsolais, Sultan.

WEST VIRGINIA.

Stanhope McClelland Scott, Terra Alta.

WISCONSIN.

Christian F. A. Mau, West Salem.
Frank E. Poll, Almond.
Henry B. Taylor, Iola.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 25, 1916.*

The House met at 11 a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, have mercy, we beseech Thee, upon us, and forgive our transgressions; create within us clean hearts and renew a right spirit within, that with unbiased judgment and a broader sweep of vision we may see clearly the way and walk with unfaltering footsteps therein; that we may satisfy our own longings and strive to measure up our lives to the life of the world's great Exemplar, that Thy kingdom may come and Thy will be done in all our hearts. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4797. An act to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906.

The message also announced that the Senate had passed the following order:

Ordered, That Mr. FLETCHER and Mr. GRONNA be added to the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2986) entitled "An act to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositories and financial agents for the United States, and for other purposes."

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4797. An act to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906; to the Committee on the Merchant Marine and Fisheries.

LEAVE TO PRINT.

Mr. DYER. Mr. Speaker, I ask unanimous consent to print in the RECORD a petition addressed to the Speaker and signed by a number of Members of this House with reference to House resolution 235.

The SPEAKER. The gentleman from Missouri [Mr. DYER] asks unanimous consent to have printed in the RECORD a petition signed by certain Members.

Mr. DYER. It is very short, Mr. Speaker, and it is in support of House resolution 235, which asks Great Britain to use humane and present-day civilization treatment in dealing with the revolution in Ireland.

Mr. FOSTER. I suggest to the gentleman that he put it through the basket.

Mr. FITZGERALD. What is the request, Mr. Speaker?

Mr. DYER. The petition is addressed to the Speaker of the House, and——

Mr. FITZGERALD. I object, whatever it is.

The SPEAKER. The gentleman from New York objects.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a resolution unanimously indorsed by the Chicago Federation of Labor in regard to the parade in Chicago to be held on the 3d of June.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a set of resolutions from the Federation of Labor in Chicago——

Mr. BUCHANAN of Illinois. And by inserting an article and editorial from the Chicago Day Book.

The SPEAKER. And by inserting an article and editorial from the Chicago Day Book. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have inserted in the RECORD two short resolutions.

Mr. COX. What do they relate to?

Mr. RAKER. One is by the Oleta Suffrage Club, of California, and the other is by the Women Voters' Conference.

Mr. COX. I have no objection.

Mr. FITZGERALD. Mr. Speaker, I do not believe we should get into the practice of printing in the RECORD the resolutions of all these very desirable organizations.

Mr. MANN. Considering the fact that the gentleman from California [Mr. RAKER] was absent when we had a vote on the subject the other day, I think he ought to be permitted to square himself this morning. [Laughter.]

Mr. RAKER. Oh, no; I was not absent.

The SPEAKER. Is there objection?

Mr. CANNON. Mr. Speaker, pending the request, I want just half a minute.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to proceed for half a minute. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I hope that the House—if necessary, by a concurrent or joint resolution—will take into consideration this matter of printing in the RECORD. The RECORD ought to record what happens in the House in a space where it can be found, and if we are to print speeches and resolutions not directly related to the proceedings of the House they ought to be printed separate and apart from the CONGRESSIONAL RECORD. I have not anybody in mind in particular when I say that, and I do not mean to reflect upon anybody. I have not asked permission myself to print things of that kind. [Applause.]

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from California to proceed for one minute?

Mr. MADDEN. Reserving the right to object, Mr. Speaker——

Mr. DYER. I object.

The SPEAKER. Objection is made. Is there objection to the request of the gentleman from California to extend his remarks in the RECORD?

Mr. MADDEN. Reserving the right to object, I would like to ask the gentleman a question.

Mr. DYER. I object.

The SPEAKER. The gentleman from Missouri [Mr. DYER] objects.

BUREAU OF ENGRAVING AND PRINTING.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to have considered House joint resolution 214, to enable the Bureau of Engraving and Printing to do certain work that is very imperative.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 214) increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

The SPEAKER. Is there objection to the present consideration of that resolution? [After a pause.] The Chair hears none. The Clerk will report it.

The Clerk read as follows:

Resolved, etc., That the limitation in the sundry civil appropriation act for the fiscal year 1916 as to the number of delivered sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing is increased from 239,000 and 1,600,500 to 289,000 and 2,101,000, respectively.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the House joint resolution was passed was laid on the table.

AUTHORIZATION OF FLEET SUBMARINES.

Mr. PADGETT. Mr. Speaker, I wish to ask unanimous consent for the present consideration of the bill H. R. 13670, the submarine bill that I had up the other day.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks for the present consideration of the bill of which the Clerk will report the title:

The Clerk read as follows:

A bill (H. R. 13670) amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Tennessee how long has it been since these submarines were authorized?

Mr. PADGETT. They were authorized last March.

Mr. MADDEN. They were authorized last March by the Congress?

Mr. PADGETT. Yes, sir.

Mr. MADDEN. Is the contract about to be awarded?

Mr. PADGETT. It was advertised for, and they could not get any bids under the limitations imposed by the act.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object——

Mr. PADGETT. I promised the gentleman in charge of the District appropriation bill that we would not interfere with them.

Mr. MADDEN. I will ask the gentleman from Tennessee, Was this last March or a year ago last March?

Mr. PADGETT. Last March a year ago.

Mr. MADDEN. A year ago last March?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman explain the purpose of this bill?

Mr. PADGETT. The naval appropriation bill required that those submarines should be of 25 knots speed if possible, but with a minimum of 20 knots. They advertised for bids and could not get a guaranty above 19 knots, and this is to make the minimum 19, and 25 if possible. That is all there is in it.

The SPEAKER. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Speaker, there is a correction of a word, in line 3, "provision" instead of "provisions."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "provisions" and insert the word "provision."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. PADGETT, a motion to reconsider the last vote was laid on the table.

OREGON & CALIFORNIA RAILROAD LAND GRANT.

Mr. PAGE of North Carolina. Mr. Speaker, a parliamentary inquiry. Is the amendment to the bill in charge of the gentleman from Oklahoma (H. R. 14861) now pending as unfinished business?

Mr. WINGO. It is, with the previous question ordered.

The SPEAKER. That is correct. When the House broke up last night there was an amendment pending, offered by the gentleman from Illinois [Mr. FOSTER] to the California-Oregon Railroad bill, on which the previous question had been ordered.

Accordingly the House resumed consideration of the bill (H. R. 14861) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The SPEAKER. The Clerk will report the pending amendment offered by the gentleman from Illinois [Mr. FOSTER].

The Clerk read as follows:

Page 14, in line 12, strike out the word "thirty" and insert "twenty."

The SPEAKER. The question is on agreeing to the amendment just read.

The question was taken; and on a division (demanded by Mr. FOSTER) there were—ayes 60, noes 72.

Mr. FOSTER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is none. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 167, answered "present" 10, not voting 129, as follows:

YEAS—128.

Abercrombie	Dies	Houston	Rubey
Aiken	Dixon	Howard	Rucker
Allen	Doolittle	Huddleston	Saunders
Almon	Doremus	Hull, Tenn.	Shackleford
Ashbrook	Doughton	Jacoway	Shallenberger
Ayres	Eagan	Johnson, Ky.	Sherwood
Bailey	Edwards	Key, Ohio	Shouse
Barnhart	Fields	Kitchin	Sims
Beakes	Finley	Lazaro	Sisson
Bell	Fitzgerald	Lee	Slayden
Black	Flood	Lesher	Small
Borland	Foster	Lloyd	Smith, N. Y.
Brumbaugh	Gard	McAndrews	Smith, Tex.
Buchanan, Ill.	Garner	McClintic	Stafford
Burgess	Goodwin, Ark.	McKellar	Steele, Iowa
Burnett	Gordon	Mann	Steele, Pa.
Barnes, S. C.	Gray, Ala.	Mays	Stephens, Nebr.
Burns, Tenn.	Gray, Ind.	Montague	Stone
Caldwell	Griffin	Moon	Sumners
Callaway	Hamlin	Neely	Talbott
Caraway	Hardy	Oldfield	Taverner
Carlin	Harrison	Oliver	Taylor, Ark.
Cline	Hastings	Olney	Thompson
Connelly	Hauger	Padgett	Tillman
Cox	Hay	Page, N. C.	Tribble
Crisp	Heflin	Park	Van Dyke
Crosser	Helm	Phelan	Vinson
Cullop	Helvering	Quin	Watkins
Davenport	Hensley	Ragsdale	Webb
Davis, Tex.	Hilliard	Rainey	Wilson, Ill.
Dewalt	Holland	Raker	Wise
Dickinson	Hood	Rayburn	Young, Tex.

NAYS—167.

Adamson	Church	Dunn	Good
Alexander	Coleman	Dupré	Graham
Anderson	Cooper, Ohio	Dyer	Green, Iowa
Aswell	Cooper, W. Va.	Edmonds	Greene, Mass.
Bacharach	Cooper, Wis.	Ellsworth	Gregg
Blackmon	Costello	Elston	Hadley
Booher	Crago	Esch	Hamilton, Mich.
Britt	Cramton	Estopinal	Hamilton, N. Y.
Britten	Curry	Evans	Hawley
Browne	Dallinger	Farr	Hayden
Butler	Danforth	Ferris	Hayes
Campbell	Darrow	Fess	Heaton
Cannon	Davis, Minn.	Fordney	Helgesen
Capstick	Decker	Foss	Hernandez
Carter, Mass	Denison	Freeman	Hill
Carter, Okla.	Dent	Garland	Hinds
Cary	Dill	Garrett	Hollingsworth
Charles	Dowell	Glynn	Hopwood
Howell	McDermott	Palze, Mass.	Stephens, Tex.
Hughes	McKenzie	Parker, N. Y.	Sterling
Hull, Iowa	McKinley	Platt	Stiness
Igoe	McLaughlin	Porter	Stout
James	Magee	Powers	Sulloway
Johnson, Wash.	Mapes	Raker	Sweet
Kahn	Martin	Ramseyer	Taggart
Keating	Matthews	Randall	Tague
Kelley	Mecker	Reavis	Taylor, Colo.
Kennedy, Iowa	Miller, Del.	Reilly	Temple
Kennedy, R. I.	Miller, Pa.	Ricketts	Tilson
Kettner	Mondell	Roberts, Mass.	Timberlake
Kinkaid	Moore, Pa.	Roberts, Nev.	Tinkham
Kunep	Moores, Ind.	Rogers	Towner
Lafean	Morgan, Okla.	Russell, Ohio	Venable
La Follette	Moss, Ind.	Sanford	Volstead
Lenroot	Mott	Schall	Wason
Levy	Murray	Scott, Mich.	Watson, Pa.
Lieb	Nelson	Sinnott	Watson, Va.
Lufthcum	Nicholls, S. C.	Sloan	Wilson, Fla.
Lobeck	Nolan	Smith, Idaho	Wingo
Lond	North	Smith, Mich.	Woods, Iowa
McArthur	Norton	Steagall	Young, N. Dak.
McCracken	Ogley	Stephens, Cal.	

ANSWERED "PRESENT"—10.

Browning	Langley	Madden	Wheeler
Candler, Miss.	London	Overmyer	
Humphrey, Wash.	Longworth	Price	

NOT VOTING—129.

Adair	Focht	Lehlbach	Scott, Pa.
Anthony	Frear	Lewis	Scully
Austin	Fuller	Liebel	Sears
Batchfeld	Gallagher	Lindbergh	Sells
Barkley	Gallivan	Littlepage	Shirley
Beales	Gandy	Loft	Siegel
Bennet	Gardner	McCulloch	Slemp
Bowers	Gilbert	McFadden	Smith, Minn.
Brückner	Glass	McGillicuddy	Snell
Buchanan, Tex.	Godwin, N. C.	McLemore	Snyder
Burke	Gould	Maher	Sparkman
Cantrill	Gray, N. J.	Miller, Minn.	Stedman
Carew	Greene, Vt.	Mooney	Steenerson
Casey	Griest	Morgan, La.	Stephens, Miss.
Chandler, N. Y.	Guernsey	Morin	Sutherland
Chiperfield	Hamill	Morrison	Swift
Clark, Fla.	Hart	Moss, W. Va.	Switzer
Coady	Haskell	Mudd	Thomas
Collier	Henry	Nichols, Mich.	Treadway
Conry	Hicks	Ogdesby	Vare
Copley	Hulbert	O'Shaunessy	Walker
Dale, N. Y.	Humphreys, Miss.	Parker, N. J.	Walsh
Dale, Vt.	Husted	Patten	Ward
Dempsey	Hutchinson	Peters	Whaley
Dillon	Johnson, S. Dak.	Pou	Williams, T. S.
Dooling	Jones	Pratt	Williams, W. T.
Driscoll	Keatns	Riordan	Williams, Ohio
Drukker	Kelster	Rodenberg	Wilson, La.
Eagle	Kent	Rouse	Winslow
Emerson	Kless, Pa.	Rowe	Wood, Ind.
Fairchild	Kinchelos	Rowland	
Farley	King	Russell, Mo.	
Flynn	Kreider	Sabath	

So the amendment was rejected.

The following pairs were announced:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. LIEBEL with Mr. ROWLAND.

Until further notice:

Mr. STEVENS of Minnesota with Mr. SWIFT.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. HULBERT with Mr. SIEGEL.

Mr. THOMAS with Mr. DEMPSEY.

Mr. KINCHELOE with Mr. WHEELER.

Mr. ROUSE with Mr. MADDEN.

Mr. CANTRILL with Mr. LANGLEY.

Mr. CONRY with Mr. EMERSON.

Mr. MAHER with Mr. HUSTED.

Mr. FLYNN with Mr. GRIEST.

Mr. PATTEN with Mr. SNELL.

Mr. DALE of New York with Mr. HASKELL.

Mr. HENRY with Mr. JOHNSON of South Dakota.

Mr. COADY with Mr. WALSH.

Mr. DOOLING with Mr. DALE of Vermont.

Mr. FARLEY with Mr. MCCULLOCH.

Mr. MCGILLICUDDY with Mr. MORIN.

Mr. CAREW with Mr. MUDD.

Mr. CANDLER of Mississippi with Mr. FAIRCHILD.

Mr. EAGLE with Mr. SMITH of Minnesota.

Mr. HUMPHREYS of Mississippi with Mr. WOOD of Indiana.

Mr. HAMILL with Mr. WILLIAMS of Ohio.

Mr. SEARS with Mr. KIESS of Pennsylvania.

Mr. WALKER with Mr. PETERS.

Mr. LOFT with Mr. SNYDER.

Mr. GLASS with Mr. SLEMP.

Mr. LITTLEPAGE with Mr. SUTHERLAND.

Mr. POU with Mr. TREADWAY.

Mr. ADAIR with Mr. PRATT.

Mr. GANDY with Mr. RODENBERG.

Mr. COLLIER with Mr. MOONEY.

Mr. BARKLEY with Mr. DRUKKER.

Mr. GALLIVAN with Mr. ANTHONY.

Mr. WILSON of Louisiana with Mr. MILLER of Minnesota.

Mr. STEDMAN with Mr. HUTCHINSON.

Mr. SABATH with Mr. LEHLBACH.

Mr. OGLESBY with Mr. GRAY of New Jersey.

Mr. JONES with Mr. GILLETT.

Mr. BUCHANAN of Texas with Mr. FOCHT.

Mr. HART with Mr. COPLEY.

Mr. MORGAN of Louisiana with Mr. GOULD.

Mr. RUSSELL of Missouri with Mr. GARDNER.

Mr. O'SHAUNESSY with Mr. HICKS.

Mr. CASEY with Mr. GUERNSEY.

Mr. LEWIS with Mr. MCFADDEN.

Mr. WHALEY with Mr. CHIPERFIELD.

Mr. GODWIN of North Carolina with Mr. AUSTIN.

Mr. DRISCOLL with Mr. CHANDLER of New York.

Mr. MCLEMORE with Mr. KEARNS.

Mr. RIORDAN (for rule on District of Columbia bill) with Mr. WARD (against).

Mr. GALLAGHER with Mr. WINSLOW (commencing May 22, ending May 27, inclusive).

Mr. BRUCKNER with Mr. BENNET (ending June 20, 1916).

Mr. CLARK of Florida with Mr. FULLER (commencing May 8, until further notice).

Mr. SHERLEY with Mr. LONGWORTH (ending May 29).

Mr. BURKE with Mr. GREENE of Vermont (ending June 2).

Mr. WM. ELZA WILLIAMS with Mr. KING (commencing May 24, ending May 27, 1916).

Mr. SPARKMAN with Mr. BARCHFELD (commencing May 24, ending June 10).

Mr. BROWNING. Mr. Speaker, I voted "no." I am paired with the gentleman from New Jersey, Mr. SCULLY. I therefore withdraw my vote and answer "present."

Mr. LANGLEY. Mr. Speaker, I voted "no," but I have a general pair with my colleague, Mr. CANTRILL, and I withdraw that vote and answer "present."

Mr. HUMPHREY of Washington. Mr. Speaker, I have a pair with the gentleman from Indiana, Mr. MORRISON. I voted "no." I withdraw that vote and answer "present."

Mr. SLOAN. Mr. Speaker, inadvertently I answered the call of the name of the gentleman from New York, Mr. ROWE.

The SPEAKER. Does the gentleman know that Mr. ROWE is not here?

Mr. SLOAN. I do not; but I do not want my answer to stand for him.

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MANN. Mr. Speaker, I ask that that be taken by a rising vote.

The question was taken by a rising vote, and the Speaker announced that there were 186 ayes and 6 noes.

So the bill was passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15774, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. PAGE of North Carolina. Mr. Chairman, when the House rose at the time it last had the bill under consideration there was a unanimous-consent agreement that when the House met this morning we would revert to the first section of the bill. Under that agreement, I ask that the Clerk read the first section.

The Clerk read as follows:

Be it enacted, etc., That hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues and amounts to pay the interest and sinking fund on the funded debt of said District, shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. PAGE of North Carolina. Before the gentleman proceeds under his pro forma amendment, it is evident that we shall have some discussion on these two paragraphs, and I would like to arrange for the time under the five-minute rule.

Mr. MANN. I moved to strike out the last word because the Clerk was going to read the second paragraph, which would have prevented amendment to the first paragraph. The gentleman from Massachusetts [Mr. TINKHAM] intended to offer an amendment.

Mr. TINKHAM rose.

Mr. MANN. I withdraw my pro forma amendment.

Mr. TINKHAM. I offer the following amendment: Strike out the entire paragraph after the enacting clause, from line 3 to line 8, inclusive, on page 1, and from line 1 to line 3, on page 2.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause, including line 3, page 1, to line 3, on page 2.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I move to strike out the last word of the amendment.

Mr. PAGE of North Carolina. Mr. Chairman, at this stage of the proceeding, I would like to arrange with the gentleman on the other side as to how much time shall be consumed in debate on these two paragraphs with all amendments thereto. I suggest to gentlemen that we have had a great deal of debate on this subject.

Mr. MANN. Let us have the debate on this first paragraph first.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. PAGE of North Carolina. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Has the gentleman from North Carolina offered his amendment as to the funded debt?

Mr. PAGE of North Carolina. Yes; I offered it as it applied to this section, and I shall offer it at another place to perfect it.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. HUMPHREY of Washington. I wish the gentleman would explain in a word or two just what this amendment does.

Mr. PAGE of North Carolina. That will be explained when we get into the discussion; I am trying to fix the time for debate.

Mr. DAVIS of Minnesota. Mr. Chairman, it has been suggested by the chairman of the committee that we consume one hour in the discussion of the amendment and the principle contained in the first paragraph—that is, the first paragraph of the first section of the bill. The second paragraph has not been read. I was very favorable to this proposition, because I know that considerable discussion has already been had on this proposition for the last 10 years. I do not think that anything new can be said. However, I will consent to 1 hour and 10 minutes' debate on this paragraph.

Mr. PAGE of North Carolina. That is agreeable to me. How does the gentleman want the time divided?

Mr. DAVIS of Minnesota. Half of the time to be controlled by the gentleman from North Carolina and the other half by myself.

Mr. PAGE of North Carolina. Mr. Chairman, I will make that request for unanimous consent that all debate on the first paragraph of the bill and all amendments thereto be closed in 1 hour and 10 minutes—one half of the time to be controlled by myself and the other half by the gentleman from Minnesota [Mr. DAVIS].

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that debate on this first paragraph be confined to 1 hour and 10 minutes—one half of the time to be controlled by the gentleman from North Carolina [Mr. PAGE] and the other half by the gentleman from Minnesota [Mr. DAVIS]. Is there objection?

Mr. SMALL. Mr. Chairman, reserving the right to object, I would like to know if I can have a little time?

Mr. PAGE of North Carolina. Mr. Chairman, I will try to accommodate the gentleman and do my best. I have 35 min-

utes at my disposal. I shall do the best I can; and, of course, I shall be disposed to give my colleague time.

Mr. SMALL. Unless I can get some time I shall have to object.

Mr. PAGE of North Carolina. Then, Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 1 hour and 10 minutes.

Mr. SMALL. Mr. Chairman, in lieu of that motion I ask unanimous consent that there be 1 hour and 20 minutes of debate.

The CHAIRMAN. Does the gentleman from North Carolina accept that proposition?

Mr. PAGE of North Carolina. Mr. Chairman, I have made the agreement with the other side. I will do the best I can to accommodate the gentleman, but I insist upon my motion.

The CHAIRMAN. The question is on the motion of the gentleman from North Carolina that all debate on this paragraph and all amendments thereto close in 1 hour and 10 minutes.

The motion was agreed to.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time be equally divided between the gentleman from North Carolina [Mr. PAGE] and the gentleman from Minnesota [Mr. DAVIS].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, when this paragraph was under consideration on Wednesday last, in commenting upon the amendment proposed by the chairman of the committee my colleague from Illinois [Mr. MANN], usually so accurate in his figures and in his conclusions, expressed surprise that the joint committee investigating the fiscal relations between the District of Columbia and the Federal Government should have made a distinction between paying the interest and the principal of the funded debt and other expenditures of the District, and he insisted that the matter was a mere matter of bookkeeping which a $50-a-month clerk ought to understand. The gentleman is absolutely correct so far as this bill is concerned and so far as all appropriation bills are concerned where the Government's contribution amounts to at least one-half of $975,000 and half of the interest on the funded debt.

If it should ever happen that the Government's contribution should be less than this, the Government would be in the position of repudiating its obligations if the method suggested by the gentleman from Illinois were adopted. This debt accrued between 1871 and 1874, and long before the organic act of 1878 the half-and-half principle as to the payment of the funded debt and the interest upon it was recognized by the Congress. In a long series of appropriation bills it was recognized; in messages submitted to Congress by Presidents of the United States it was recognized. Finally, in 1914, the Comptroller of the Treasury in an exhaustive opinion assembling all of these facts reached the conclusion that the Federal Government had agreed and stood obligated to pay one-half of the funded debt and one-half of the interest upon those bonds as they accrued. The contribution of the Government to-day in this bill is apparently smaller than it has been in recent years. Suppose a tax upon intangibles should be imposed here in the District in the future, and an inheritance tax; suppose the contribution of the people who live here should exceed eleven or twelve million dollars in any one year, should amount to as much as Congress felt like appropriating for District expenditures, should amount to as much as the commissioners recommended and submitted estimates for. In that event the Federal Government would not be compelled, if we repealed entirely the act of 1878 and the obligations, written and unwritten, which the Federal Government has assumed, to pay one-half of the funded debt and one-half of the interest on the funded debt. I am not discussing the proposition as a question of abstract right; but if the Federal contribution should ever be less during the next six or seven years than $975,000 and half the interest upon the public debt, the Federal Government would be in the position of having repudiated to that extent its obligations, and, therefore, this is not merely a matter of bookkeeping; it may not be a matter of bookkeeping.

We can not tell what Congress hereafter may do, but the gentleman from Massachusetts [Mr. TINKHAM], who has been arguing this matter upon the floor here and in the newspapers, insists that without the amendment offered by the committee the Government would be in the position, might be in the position some time in the future, of repudiating its obligations, and the gentleman from Wyoming [Mr. MONDELL] takes the same position, and as lawmakers, protecting the obligations of this Government, especially when it undertakes to pay a part of the amount due upon issues of bonds and interest thereon, it is necessary for us——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield the gentleman more time.

Mr. MANN. Mr. Chairman, would the gentleman have time to yield for a question?

Mr. RAINEY. Yes; I will be glad to yield.

Mr. MANN. Does the gentleman refer to the obligation of the Government to the bondholders or the obligation of the Government to the District of Columbia?

Mr. RAINEY. I am referring to the amendment the committee made, which my colleague insisted was not necessary at all, was a mere matter of bookkeeping, and it may be a matter of bookkeeping as long as the Government's contribution is as much as it is in this bill, and it will be of course in the future as long as the Government contributes more than the amount I have indicated.

Mr. MANN. The gentleman spoke about repudiating obligations of the Government. Does he mean obligations to the District or obligations to the bondholder?

Mr. RAINEY. The obligation that the Government has assumed to pay one-half of these bonds out of the National Treasury.

Mr. MANN. Obligations to whom—the bondholders or to the District?

Mr. RAINEY. Obligations to whoever owns these bonds and presents them for payment.

Mr. MANN. They are not interested if they are paid. They do not care where the money comes from if the bonds are paid.

Mr. RAINEY. But the citizens of the District are interested, and the Government has assumed obligations to them in this connection. The people who live in the United States are interested. The citizens of the District want to keep their contracts, and the United States Government ought to keep its contracts, and we have made this amendment in order that the United States Government may keep its contracts.

Mr. MANN. Is not the same obligation in the act in reference to the bonded indebtedness also in reference to the current expenses? Does not the same act provide that the Government shall pay half?

Mr. RAINEY. The conclusion the committee reached in that particular was that the citizens who live here ought to pay as much for public purposes as they would pay if they lived in any other comparable city; the conclusion we reached in our report was that they ought not to pay any more, but they ought to pay as much.

LIBERAL APPROPRIATIONS FOR THE NATIONAL CAPITAL.

The gentleman from Massachusetts [Mr. TINKHAM] and other gentlemen on both sides of the House insist that there ought to be liberal appropriations for the National Capital, and for that reason they support the half-and-half plan of contribution—the Government to pay half of the expenses of conducting the District of Columbia, the people who live here to pay the other half. Liberal appropriations for the National Capital do not mean necessarily that the half-and-half plan of contribution should be continued. If we matched dollars in this bill, the bill would carry a million dollars more than the amount of the estimates submitted by the commissioners. This state of affairs is brought about by the fact that during the next fiscal year there will be collected from the citizens of the District more money in taxes than ever collected before, over $8,000,000. We could not use $16,000,000 this year, or anything like that amount, without making most extravagant, unnecessary, and indefensible appropriations. The bill we are considering now already carries $600,000 more than any other bill ever reported out by the committee. At this stage the bill is larger than it ever has been. Every amendment which adds an appropriation will be added to the sum the General Government appropriates. When it comes to a matter of liberal appropriations for the National Capital this bill, as far as it has gone, is the most liberal bill ever suggested by any committee of the House. It is hardly possible that any newspaper in the District of Columbia will call attention to this fact. The people who live here would be happier and the matter would be better presented by the newspapers if this phase of the situation were fairly presented.

PEOPLE WHO LIVE HERE NOT TAX DODGERS.

According to the best available data, the people who live here are not tax dodgers, as has been intimated more than once on this floor, and they are at the present time contributing their full share toward the payment of the expenses of the District of Columbia; they are contributing, according to the best available data, substantially what they would contribute if they lived in

any other city of comparable size. The unusually large amount that will be contributed next year by the people who live here is due to the fact that under the present administration the assessed value of real estate in the business section of Washington and in the more important residence sections has been materially increased, and more taxes will be collected from personal property than ever before. The assessment now in progress has not reached the small-homes sections of the city. It may be that the assessed value of real estate in the small-homes sections will be substantially diminished or it may remain substantially as it is.

There is no complaint with reference to the new assessment in Washington so far as it has gone. The taxpayers will willingly and readily pay the amount the assessment will require them to pay.

CITIZENS PAY FAIR SHARE OF MUNICIPAL EXPENSES.

The gentleman from Kentucky [Mr. JOHNSON] called attention to Bulletin No. 126 issued by the Bureau of the Census in an effort to show that the citizens of Washington were greatly favored over the citizens of other cities, and were contributing for public purposes out of the ir pockets only about half as much as the citizens of other cities.

Bulletin No. 126 will not, in my judgment, sustain the position taken by the gentleman from Kentucky. The best way to arrive, from this bulletin, at the contribution of the citizens who live here for public purposes is to examine the item "General property taxes," contained in table No. 1, which will show that citizens who live in Washington contributed in 1913 for public purposes over $5,000,000. In this table are grouped 19 cities of comparable size, containing from 300,000 to 500,000 inhabitants. In 1913, when these figures were made up, the citizens of Washington contributed in gross more than the citizens of any of these cities contributed except six, and of these six every one of them contained a much larger population than Washington except Minneapolis, and the contribution, however, of the citizens of Minneapolis in general property taxes was, in 1913, only slightly larger than the contribution made by the citizens of Washington. This same table shows that the per capita levy of property taxes in Washington was $16; it will be larger next year. Eight of these nineteen cities had in that year per capita levies of between $14 and $18, and the per capita levy in Washington seems to have been in 1913 a fair average per capita levy for a city in this group of comparable cities. Of course the levies in San Francisco and Los Angeles were much larger, but in those cities, in all probability in that year, payments were being made for municipal improvements unusually extensive.

THE NEGRO POPULATION.

In estimating the burdens placed upon the taxpayers of Washington there ought to be taken into consideration the fact that more negroes live here than in any other city in the United States. Ninety-four thousand four hundred and forty-six negroes live here, 28¼ per cent of the total population. New York comes next, with a little over 91,000, and Baltimore next, with a little over 84,000, but New York and Baltimore are not comparable in size with Washington. The negro population in a city is not regarded as a tax-paying proposition. Their holdings upon which taxes can be assessed are small, indeed. This situation therefore increases far beyond $16 the per capita contribution of the white citizens of Washington who pay taxes. I therefore submit that the statistics contained in Bulletin No. 126, upon which the gentleman from Kentucky relies, show that the people who live here contribute substantially as much for public purposes as they would contribute if they lived in some other city comparable in size to Washington.

As far back as 1835 Senator Southard, of New Jersey, chairman of a joint committee to investigate this very subject, reported in effect that Washington was being developed as a Nation's capital on a most stupendous scale, and that the people who live here ought not to be compelled and could not be expected to pay the expenses of maintaining in a proper scale of magnificence the Capital City. The attempt of the District of Columbia from 1871 to 1874 to level the hills, lift the city out of the mud, and pave the streets resulted in the tremendous indebtedness of which the Government agreed to pay half. The Government is paying half of the bonds as they fall due to this day. The amount remaining of the original indebtedness of $30,000,000 is small, and Washington carries the smallest debt of any city at all approaching it in size in the United States, the indebtedness here now being only about $6,000,000. At the present rate of payment—$975,000 per year—in a comparatively few years the debt will be entirely wiped out.

The time will, in my judgment, never come when the District of Columbia will be self-sustaining. It ought not to be self-sustaining. The people of the United States expect it to be maintained as at present, the most magnificent and most beautiful capital in all the world.

WASHINGTON COMPARED WITH BALTIMORE.

In this connection it may be interesting to compare the city of Washington with the nearby city of Baltimore. Washington had a population in 1913 of 348,000; Baltimore had a population in that year of 572,000. The streets and avenues in Washington have now been practically extended to the District boundary, and there is embraced in the city of Washington 60 square miles, while in the city of Baltimore with its 224,000 more population there are only 30 square miles of territory. There are in Washington substantially as many square yards of pavement as there are in the much larger city of Baltimore. The best type of pavement is the asphalt pavement, and there is in Washington 3,964,000 square yards of asphalt pavement; in Baltimore there are only 750,000 square yards of asphalt pavement. In Washington there are 543 miles of sewers; in Baltimore there are only 77 miles of sewers.

The situation therefore is this: If the people who live in Washington were compelled to pay for building and maintaining the pavements here as they are compelled to pay for building and maintaining the pavements in Baltimore, the citizens of Washington would be charged with building and maintaining 21.41 square yards of paved streets per capita, while the citizens of Baltimore would be compelled to build and maintain only 12.80 square yards of paved streets per capita. For each 100,000 of population in Washington there would be charged 166.12 miles of sewers; for each 100,000 of the population of the much larger city of Baltimore there would be charged only 13.82 square miles. All this is due to the magnificent distances which prevail here, the parking spaces, the tremendously large and magnificent public buildings and the grounds which surround them. The population per square mile of territory in Baltimore is 17,000; in Washington the population per square mile is only 5,801.

A brief examination of such comparisons as these indicates the reason for the Government's contribution. The citizens of Washington ought not to be expected and never will be expected under these circumstances to pay the entire expenses of maintaining this magnificent Capital City. Every citizen of the United States has an interest here. Citizens come here from all parts of the Union and throng the streets of Washington every day in the year. I have never seen one of them who did not experience a feeling of pride in the beauty and grandeur of the Capital of the wealthiest Nation in all the world. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I will answer the gentleman from Illinois [Mr. MANN] by quoting from the opinion of Comptroller Downey, of the Treasury, on the exact point raised by the gentleman's question. On page 344 of the first volume of the hearings of the Joint Select Committee on Fiscal Relations I find this excerpt from the comptroller's opinion:

"2. To restore the credit of the District of Columbia, make acceptable to creditors of the District 3.65 bonds by a guaranty of payment, and assume the to-be-determined equitable proportion to be contributed by the United States toward the expenses of the District, the United States covenanted with the holders of these bonds that it would provide, by taxation on the property within the District, a portion of the revenues necessary to pay the interest on and principal of these bonds, and that it would provide the other portion, to be determined, by appropriation out of the revenues of the United States."

Later he said:

"As to one half of this debt, the United States undertook with the bondholders, in effect, that the District would pay it out of its revenues from taxation, and as to the other half, it promised the bondholders that it would appropriate it out of the Treasury. The original pledging clause did not make certain these proportions. They might ultimately be seven-eighths out of the District revenues and one-eighth out of the revenues of the United States. So far as the bondholders were concerned, it was the pledge of the United States to provide the necessary revenues, which was effective, and, so far as they were concerned, an undertaking on the part of the United States that it would provide all the funds necessary out of District revenues derived from taxation would have been equally effective. In other words, the United States as guarantor, in terms, for the payment of all of this debt would have been just as acceptable to the bondholders as the United States as guarantor of an unascertained part and as a promisor to pay of the other part. If, then, that was all the United States was to be as to all the debt, either to the bondholders or as between it and the District, why might it not as easily and effectively have been so stated?"

* * * * * * *

"The United States undoubtedly assumed, so far as the bondholders were concerned, that it would pay one-half of this debt."

Now, in January, 1876, two years before the enactment of the act of 1878, which established the half-and-half plan, Senator Thurman, of Ohio, one of the country's great lawyers, said in the Senate:

"This act contemplated that the General Government should pay a proportional part of the expenses of government within this District and that proportional part of it was supposed would be ascertained by the joint committee that was to frame a permanent form of government for the District; and here is a pledge that the Government of the United States will pay that proportional part. What it should be was not determined by this act; it was to be the subject of investigation; but whenever found, here is the pledge that the Government would, by payments out of the Public Treasury of its proportional part of the expenses of government in this District, contribute to pay the interest on these 3.65 bonds and provide a sinking fund for the liquidation of the principal."

Now the proportional part to be paid by the National Government, to quote the language of former Senator Thurman, was not determined by the act to which he was making specific reference, but two years later, in June, 1878, Congress enacted the half-and-half law, and fixed the proportion of the District funded debt to be paid by the Government at 50 per cent thereof. The joint select committee of the two Houses of the present Congress, of which committee the gentleman from Illinois [Mr. RAINEY], the gentleman from Ohio [Mr. GARD], and I were members, reached the same conclusion as did the comptroller concerning the payment of the funded debt. But the joint select committee also found that as a matter of logical reasoning it is impossible to reach a conclusion that all of the other expenditures for District purposes should be in accordance with the so-called half-and-half plan. We declared in our report that when the residents of this District are taxed as their fellow citizens in other cities with which Washington is fairly comparable, are taxed, they pay all that they ought to pay to the United States, and that the United States ought in justice to pay all of the balance necessary to properly develop and maintain this Capital City of a great Nation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to my colleague from North Carolina Mr. SMALL.

Mr. SMALL. Mr. Chairman, I hesitate to disagree with the committee, which evidently have given consideration and study to the matter of fiscal relations between the United States and the District of Columbia. We all agree that Congress has exclusive jurisdiction of the District of Columbia. Congress, in exercising that jurisdiction, ought to be governed by the same motives as if it were legislating about matters in which their particular States or districts are concerned. To my mind, I would not be willing to impose such an indefinite method of raising revenues upon my State in the matter of local taxes as is proposed by this paragraph.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. SMALL. I will.

Mr. PAGE of North Carolina. Simply for a question. Is there any question of taxation involved in this paragraph? I claim that there is not.

Mr. SMALL. This paragraph, it is true, does not purport to amend existing law as to the rate or subject of taxation or as to the machinery for its collection. To come to the point, Mr. Chairman, that I had in mind: Under existing law the United States and the District each pay one-half of the appropriations for the maintenance of the District government. It is proposed in this bill to pay all appropriations out of the District revenues until they are exhausted and to pay the deficiency out of the Federal Treasury. If assurance could be given of the stability of the law fixing the subjects and rate of taxation in the District, much of the objection to this new plan would be removed; but there can be no such assurance. I do not wish to disparage the temper, the intelligence, or the motives of Congress, but my observation, I think, justifies the statement that this House does not always give that deliberation and consideration to affairs in the District here as they do to general legislation affecting the country as a whole. The District would become an experiment station, as it were, for every variety of theory of fiscal government. Year after year, at each recurring session, every impracticable theorist will be free to offer a new experiment in taxation. Different subjects and methods of taxation will be attempted to be introduced. The machinery for the collection of taxes will be changed.

This is becoming a great municipality. It is true that the fathers intended it for the seat of government and to retain control over it, but at the same time it is a great city and ought to be treated as a city. Men have investments here. We encourage business of various kinds here; and yet what sort of invitation do we offer? The possibility at each session of Congress of a change in the rate and subjects of taxation and the proportion which is to be paid by the people of the United States and by the people of the District.

Everyone agrees that the United States should contribute toward the revenues of the District, and I do not concede that it is impossible to lay down a fixed proportion. If one-half is too much, make it less. Why, according to this proposition——

Mr. GARD. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. GARD. Has the gentleman any information to give to the House as to what the proportion should be?

Mr. SMALL. The gentleman was a member of the joint commission to consider this subject and, I have no doubt, industriously studied the evidence submitted to them. If that evidence was not sufficient, they should have sought evidence that would have been sufficient to have fixed upon a definite proportion; and because they failed to comply with the direction of Congress in this respect, I do not approve their report or conclusions.

Permit me to summarize the contentions I have endeavored to present. It is admitted that the Federal Government should contribute a fair proportion toward the revenues of the District for the maintenance of its government and to meet the annual appropriations made by Congress. I contend that it is of the very essence of fairness that this proportion should be fixed and definite. Neither the joint commission appointed at the last session of Congress to consider this subject nor the Committee on Appropriations in this bill have met this condition. The paragraph under consideration in this bill does not in express terms repeal the half-and-half law of 1878, but seeks to accomplish its repeal by inference. It provides that appropriations made by Congress for the District shall be paid out of the revenues of the District until they are exhausted, and that the deficit shall be paid out of the Federal Treasury. Let us anticipate the future and observe how this plan will work. It must be remembered that Congress alone has the power to fix the subjects of taxation and the rate of taxes. Doubtless there will be Members of Congress at each session who will contend that the District is not raising sufficient revenue, and there will be constant agitation for adding to the subjects of taxation. At the same time others will doubtless seek to increase the rate. While it is now admitted that the Federal Treasury should bear a proportion of the revenues for the District, there will doubtless be some who will contend either that this contribution should be decreased or reduced to a minimum. We have had many illustrations in the past of Members from villages or rural sections seeking to apply their own provincial theories of government in the administration of the affairs of the District. While the joint commission enjoin generous appropriations and emphasize the necessity of making the seat of Government one of the beautiful capitals of the world, their fine words will soon be forgotten under the exigencies of practical and provincial politics. We are simply paving the way for making our National Capital the football of provincial and impracticable theorizers in municipal government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, just a word on this subject. My colleague says that unless we continue to pay one-half of the funded debt out of the General Treasury we will be repudiating our obligations. I ask him to whom he made the obligations. The bondholders do not care where the money comes from. We are not repudiating any obligation to the bondholder if his bonds and interest are paid. He can not complain. And if it be said that we are repudiating our obligation to the District—and I think we are—it equally applies to the payment of the expenditures for current expenses. Because in the same law is the obligation fixed that the Government pays one-half of the running expenses out of the General Treasury and one-half of the funded debt and interest out of the General Treasury.

I think we have the right and the power at any time to change our fiscal relations with the District of Columbia as we please. I think we ought to treat them fairly. I am opposed to the repeal of the half-and-half proposition. I believe it is wiser and better for us to say that on account of this being the Capital of the country, on account of the great number of buildings and public lands which the Government owns in the District of Columbia, in order that we may continue to be proud of the Capital of the country, we may well say we will pay one-half of the expenditures in the District out of the General Treasury. But the gentlemen say that will raise too much money. That does not frighten me. I think we can expend it very profitably.

It has been cited here, for instance, that tax levies in various cities are over $2 a hundred on the actual valuation and only $1 a hundred on the actual valuation here. If that be the case, we ought to continue our present system as an example. There is not another city in the country that is as well taken care of, as well cleaned, that has as good streets, that has as good municipal government as the District of Columbia. And gentlemen say that it costs less per capita here and less in actual taxation here than it does in other cities, even if you combine what the District contributes and what the General Government contributes. I would take the extra money which is not now appropriated, and I would buy new parks. I would provide for the future. I would develop the park system that we have now. I would make a place where the people could meet and enjoy themselves. They do not have much opportunity for that now. Why, even in the city of Chicago, which is new, and more or less an over-grown village, we would be ashamed if in our park system we did not better provide for the people in the parks than they do in Washington. I would finish up the improvements along the Anacostia River, make drives and places where the people could go. I would develop the new park over here east of the railroad tracks into a great gathering place for the people. I would add to Rock Creek Park. I would add to the "Zoo" in Rock Creek Park, where the people of the whole country go. There are many, many things where we can profitably expend money for years to come. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I know that the section under discussion does not deal with the tax rate, and yet all here so treated it, and so will I. I spent two years as a member of the Committee on the District of Columbia. I heard nothing but complaints and pleas for special privileges by the citizens who came before that committee while I was a member of it. There are a good many confusing laws with reference to taxation in the District. In the first place, real estate within the city proper is taxed on two-thirds of its real value, at $1.50, or, really, a dollar rate. The part of the District outside the city is taxed $1 on two-thirds of its value, or two-thirds of a dollar. This is all the burden of taxation that is borne by the residents of the District of Columbia for all purposes. In return they get a magnificent park system; they get, according to the statement of the gentleman from Illinois [Mr. MANN], the best-kept and best-lighted and cleanest city in the world. All these at a tax rate less than one-half of the property tax on the property of the constituents of any Member who has a seat in this House. All intangible personal property is wholly exempt.

And there is another rather unique scheme that I have seen availed of on several occasions here and that is on your tangible personal property a mortgage is placed, and to the extent of this mortgage it is exempt from all taxes.

I recall one rather wealthy citizen of this District—in fact, an extremely rich man—who was getting ready to go to Paris with a string of race horses, placed a mortgage of $40,000 on his household furniture. The only object was to exempt $40,000 worth of his property from taxation. It worked, and he went happily. That is not all. Let us take, for instance, the people who live along these broad streets. They tell you that the burden of caring for the streets is heavy because the streets are so broad. They get a compensation for this. Everybody's front yard—that is, with but a few exceptions—is not his property at all.

There are streets in this town where the average width of the property between the building line and the sidewalk line is from 20 to 25 feet. If it is 25 or 30 feet, and the lots are 20 feet in width the man has from 500 to 600 square feet of property that belongs to the Government, yet he is permitted to fence it in and exercise exclusive ownership of it. It did not cost him a cent. It is exempted from taxation. He pays nothing for it, nor does he pay tax on it, as you and I must do if our children have a front yard in which to play. In the street where I now live the average width of the lot is 20 feet; the depth from sidewalk to building line is 30 feet, so each owner has 600 square feet, so far as the use of it is concerned, that never costs him a cent, and it is not assessed for taxes against him. At the back of their lot they have 200 square feet which they are permitted to use in the same way, so that every man's lot has 800 square feet of land, worth at least $1.50 a square foot, over which he exercises exclusive ownership, but which never costs him anything and on which he pays no taxes. It belongs to the Government, yet the lot owner has an exclusive use of it, free both of cost and taxes. Yet they tell you they are overtaxed, and want your people and mine to bear a heavier burden that they may bear none at all.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] is recognized for five minutes.

Mr. LONGWORTH. Mr. Chairman, for a good many years I have heard this proposition debated pro and con, and I have given particular attention to this debate. I have tried to weigh as judicially as I could the various arguments in favor of the abolition of the so-called half-and-half plan, but I can not come to any other conclusion than that by so doing we would not be taking a step in advance, but, on the contrary, would be taking a step backward.

Since 1878 it has been the policy of this Government to divide equally with the District of Columbia the cost of its maintenance, and during that time and under that method Washington has developed from comparative insignificance into one of the most beautiful, one of the most dignified, capitals in the world. Its progress has been noteworthy. But I do not believe our ambitions as legislators should stop at that. We should aim, as I believe is the desire of the people we represent, to stop at nothing short of making Washington the capital of capitals, the fitting majestic seat of government of the greatest of the Nations.

The method pursued for the last 40 years, nearly, has gone far in that direction. Why should we change it now? It has been said in this debate that the people of our districts are being overtaxed for the development and upkeep of the National Capital. It is proposed in this bill to reduce their share of the expense from 50 to 30 per cent, to reduce it in actual cash from about $6,000,000 to about $3,500,000. That is a saving, if, on please. But to me it is too insignificant to talk about. If you divided it up among all the people of this country, it would amount to about 22 cents apiece, and I do not believe that the American people will begrudge this pittance to the beautification and the upkeep of the Capital of the United States.

Our duty in reference to matters concerning the government of the District of Columbia is exceptional, because it is twofold in its nature. We must represent not only the people of the States and the districts that send us here but we must also represent the people who live here, and from whom, because of the fact that they can not speak for themselves, there can be no comeback. It is therefore peculiarly our duty to be scrupulously careful lest, merely because we have a giant's strength, we shall use it like a giant. Statesmen are often too prone, I think, to use Washington as a legislative experiment station. They are too often prone, I think, to attempt to impose upon this particular portion of the American people, and against their protest, laws which they would hesitate to impose upon another portion endowed with the power to translate a protest into retribution. The Capital of the Nation is the last place in the country which should be selected by any legislator to "try it on the dog."

It can not in the long run accomplish any useful purpose to hamper, as I fear that this proposition will at least tend to hamper, the development of Washington. Money spent here is well spent. I can not think that the American people are disposed to haggle over the amount. On the contrary, I believe that posterity will be satisfied with nothing less than that Washington shall be, not in size, perhaps, but in the beauty of its parks and public places and in the dignity of its monuments and buildings, the most impressive and majestic capital that the world has ever known.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. I will ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, the act of June 11, 1878, provided for what is known as the half-and-half plan between the District of Columbia and the Federal Government. There has been more or less dissatisfaction with regard to that plan for a number of years past, culminating in the appointment of the Joint Select Committee whose recommendation was made

to the House and Senate a short time ago—several months ago, in fact.

In the ordinary course of legislative business it would have been the duty of the Committee on the District of Columbia to take cognizance of that report and bring in legislation in harmony with that report, in so far as the findings of the report met their judgment. That committee did not do so, and the Committee on Appropriations, in making up its bill, concluded that it was its duty to legislate in the matter.

There are a number of objections to that form of procedure: First, the Committee on Appropriations has no jurisdiction over legislation of this character. It could not, in the nature of things, give the matter the consideration to which it is entitled. Furthermore, the Committee on Appropriations did not bring in legislation in harmony with the report of the Joint Select Committee. It simply provided that in the future the District revenues should be used, and whatever was necessary over and above that to meet the expenses of the District should be paid out of the Federal Treasury.

This is not the time, this is not the place, to amend the half-and-half plan, either in accordance with the report of the joint select committee or in any other way. It is the duty of the Committee on Appropriations to provide for the expenditures of the District, to bring in its bill, and to bring in the bill in accordance with the law as the committee finds it. Therefore I am against this provision, not that I am unalterably opposed to any change of the half-and-half plan. I think it is possible that we may work out a change from that plan. But I am opposed to a provision such as is contained in this bill, which does not settle the matter, because it does not settle it wisely. It does not legislate upon it in detail, does not follow the plans outlined by the joint select committee, and in my opinion it does not or ought not to meet with the judgment or approval of the membership of the House.

In due time, if this provision goes out of the bill and the bill is otherwise amended, this bill will be in accordance with the existing law relative to the fiscal relations between the District and the Federal Government, and in due course of time the District Committee can bring in a bill modifying those relations as it sees fit. The House can then pass upon that question in a fair, orderly way. It occurs to me that, of all people, the members of the joint committee, whose recommendation is not fairly carried out by this legislation, should oppose it, and that we should all of us oppose it, on the ground that it has not had fair consideration, is not presented to the House by the committee having jurisdiction over the subject, and is not a wise or definite settlement of the question.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, those who are opposed to changing the fiscal relations between the District of Columbia and the United States will oppose this provision in the bill. Those who believe that there should be a change in the fiscal relations will favor it. It is idle to talk about modifying the present fiscal arrangements by the consideration of a separate bill. Whoever has been in Washington long enough to find his way from one end of Pennsylvania Avenue to the other knows that such a bill has not the slightest chance of being considered in one body of the Congress.

What is proposed here is very simple. It contemplates that under a fair system of taxation, with a very considerable volume of taxable, intangible property eliminated from taxation, revenue shall be raised in the District of Columbia; that the sum raised each year shall be appropriated to the payment of the sums necessary to maintain the District government in a suitable manner; and that if any additional sums be required they shall be paid out of the general funds of the Treasury of the United States. That is the whole proposition.

Some objection is made to it because the joint commission in its report said that there should be adopted a definite policy of liberal appropriations. That can not be done simply by a resolution to that effect. The definite policy of liberal appropriations is expressed in the annual appropriation bill, and if the Congress be dissatisfied with the recommendations for appropriations, if the Congress believes the appropriations recommended are too great or too small, this is the time to make the changes necessary in the amounts to be appropriated.

Mr. TINKHAM. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. FITZGERALD. For a question. I have not much time.

Mr. TINKHAM. Does not the abolition of the half-and-half plan leave each District appropriation bill in succeeding Congresses at the mercy and the caprice of each Congress, thereby making the appropriations for the District less definite and less regular than under the half-and-half plan?

Mr. FITZGERALD. Oh, no; there is nothing to that contention. If it were not that I do not want to be discourteous I would say that it was just balderdash. Every appropriation bill is at the mercy and caprice of Congress. Regardless of the amount of revenue raised in the District of Columbia, Congress can appropriate what it sees fit. For years during my service in the House of Representatives, when the District of Columbia was unable to raise a sum sufficient to equal one-half of the money that Congress determined should necessarily be expended for the support and in the improvement of the District of Columbia, Congress advanced out of the Federal Treasury, as a loan to the District, money in excess of the revenues raised by the District. But the appropriations can not be at the caprice of Congress. There are certain fixed and definite charges in the conduct of a municipality which can not be lessened in any substantial way. The police department, the fire department, the school system, the park system, the upkeep of streets, the extensions of sewers and streets, all must be carried on and will be carried on regardless of what the revenues of the District may be.

This is an equitable provision. It does justice to the residents of the District, so far as the taxing laws at present permit, and does justice to the people of the United States. If all of the available property that ought to be taxed were brought within the taxing system the Federal Treasury would be called upon for very little contribution, and even then no injustice would be done to the residents of the District of Columbia. [Applause.]

Mr. PAGE of North Carolina. Will the gentleman from Minnesota use some of his time?

Mr. DAVIS of Minnesota. I yield five minutes to the gentleman from Connecticut [Mr. OAKEY].

Mr. OAKEY. Mr. Chairman, if all of the taxable property in all of the communities of the United States were equitably reached by the taxgatherer the burdens of the people would be very much less than they are at present. However, from some considerable experience in tax levying, I am inclined to think that the taxpayers of the District of Columbia are, indeed, let off easily. I can see no extreme tax burden from a levy of what in our country we call 15 mills, or $1.50 a hundred, with an assessment on a two-thirds valuation of tangible property.

However, this city is just a little different in regard to taxation and its fiscal considerations than most cities, because of the fact that it is a capital city, that it is filled with exempted property, and that certain kinds of industry and business are at least prevented from coming here.

Mr. Chairman, I am one of those who believe in a liberality in regard to District appropriations. I am one of those who believe that the residents of this city ought to be enfranchised. I believe they ought to be represented in this body and the one across the way. I like what has been said here about the future home of our Capital City. I believe the American people will be more inclined to be liberal, to be generous with the appropriations that we may make, to make this our municipal national home as beautiful, as picturesque, and as artistic as possible. I like what is said about the improvement of our beautiful parks, our great buildings, and our memorials. I want to see them extended and beautified, so that this will become indeed the most beautiful city in the world. I want to see that bridge that I have heard so much about, from the Imperial Capital City to the silent city of our heroic dead; that this city indeed, bearing the honored name of Washington, occupying such a beautiful place as it does, shall become the pride of all our people. And I think, Mr. Chairman and my colleagues, in conclusion, that these matters pertaining to our interest should be considered in the open forum of the Committee on the District of Columbia. I think that is the place where these things should be considered and presented to this body, rather than through the doubtful, the mysterious, and I am afraid dangerous policy of an appropriation rider. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman from Minnesota [Mr. DAVIS] consume the remainder of his time? There will be only one more speech on this side.

Mr. DAVIS of Minnesota. How much time have I remaining?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. DAVIS of Minnesota. I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, my interest in this particular item is not because I am temporarily a resident of the Capital City, but rather because as a citizen of the State of Ohio I am

interested in the Capital City never becoming less in its importance or in its beauty than it now is. I feel that at times we approach this subject with too much regard to the city itself without reference to its being the Capital. I frequently hear mention of the low taxation rates here. I think that all of us will agree that we must not think of this city just as we would of the city in which we live.

Mr. GORDON. Just why; that is what I would like to know.

Mr. FESS. The reason I have is that the Capital City should be a model city in every feature that pertains to a modern city. We ought to have a model school system that would serve as an example for all the schools in the United States. It ought to have a model street system as an object lesson for all the cities in the United States. It ought to have a model hospital system of a municipal character to serve as a standard for all the hospitals found in any city in the United States. We ought to strive to make this city an object lesson to the country in all the things that stand for efficiency in administration, beauty in street, in park, in all that serves the artistic taste of our people.

Mr. FITZGERALD. Does the gentleman think that the city in which we live ought not to have a model system?

Mr. FESS. I do not mean that they ought not to have a model system, but I am sure that the Capital City is the place necessarily where we ought to expect to find the highest reach of efficiency and achievement of any place in the world.

Mr. FITZGERALD. How will that be affected by people who have not a model system contributing to a reasonable extent in the upkeep of the city?

Mr. FESS. I am not married to any particular plan of half and half other than I want to be assured that a system that has continued for 30 years upon a certain plan of expenditure outlined by the authority of the Government will not be interrupted. We are not going to stop that plan, I trust; but it looks as though we are going to refuse to bear our share of the burden and place it on the District. That is, if we continue the plan that is in view—and I hope we will not only continue it but improve upon it—we should be free to bear the additional burden. I think the park system should be improved far beyond what it now is. The city of Boston has a more beautiful park system than we have here. There are many other cities which have a more ambitious system than in the Capital City. I do not think that ought to be. I think the highest reach in art of every sort ought to be in this city, if for no other reason than that it is the model city of the world, and if we are going to continue supreme authority of Congress in the Capital City we ought to realize that we ought not to put an additional burden on the people here, who do not have any voice in what they are to bear.

Mr. HOWARD. Will the gentleman yield?

Mr. FESS. Yes.

Mr. HOWARD. Does not the gentleman think that in addition to all the model things, we ought to have here the most model system of taxation as to equity and justice and the manner of collecting it?

Mr. FESS. In other words, you would say that if there is a city somewhere in the country that has a lower rate of taxation than this city we ought to have it here.

Mr. HOWARD. I do not. I am talking about the system.

Mr. FESS. What I am talking about is that if this is the Federal Government system we must not be niggardly about it; we must be benevolent, not only to the people of the city but in a degree that this is our Capital City, and we want to make it the most beautiful place in the world. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, the only thing I have to say in concluding what is to be said in behalf of the plan that has been in vogue here since 1878 is that the commission found that we were obligated to the bondholders because we entered into a contract with them that we would pay one-half and the District one-half of the District debt and that we should continue it.

The House will to-day say we must keep our contract with the bondholders, and properly so, on recommendation of the commission. But, upon the other hand, under the organic act we have undertaken to carry out a plan for a great city, with schools, hospitals, parks, streets, sidewalks, sewer system, water system, health department, inspections and regulations of every character. We have builded a Capital City upon an extensive plan, and we have paid half of that expense out of the Public Treasury. After we have laid out the plan for expenditures it is now proposed that the Government of the United States withdraw from the contract and no longer pay its share, its half of maintaining the expenses of the Capital of the Nation. The people of the District of Columbia must tax themselves to keep up the Nation's Capital on the plan on which we have started it. We say to the District people: "We legislate for you, but you will pay the burden of the expense. Of course if you are unable to tax yourselves to pay all, we will make up the difference." Mr. Chairman, we start in on this plan by paying about one-third and the District two-thirds. It is stated that there are $8,000,000 in revenue raised by the District this year. Every dollar should be expended, and we should cover every dollar of it in additions to the parks and streets and schools and hospitals. We should pave Pennsylvania Avenue from here to the White House, so that a man who rode over it in an automobile would not think he was riding on a rough sea.

Mr. FITZGERALD. It has only been paved within a year.

Mr. CAMPBELL. Then the paving contractor ought to make his work good.

Mr. FITZGERALD. We can not pave the street every year.

Mr. CAMPBELL. It ought to have been better paved, so that would not be necessary. Then, too, there are many streets in the city not properly lighted.

Mr. FITZGERALD. Where?

Mr. CAMPBELL. Nineteenth Street from Pennsylvania Avenue north and south and Twentieth Street from Pennsylvania Avenue north and south. There are 100 blocks in this city where people live and pay taxes where the streets are not properly lighted. There are many things the Capital of the Nation requires that may not be required in other cities.

Mr. GORDON. Name some of those cities; name one.

Mr. CAMPBELL. The standard of streets and parks and of beauty required by your people when they come here. They are disappointed when they come here and do not find what they saw when they were in Berlin, Paris, or Petrograd. They expect to find in the Capital of their country better streets, better parks, better surroundings than in any capital of any nation on earth, and they have a right to. The people of the country are not penurious about these matters. It is only their Representatives here who make a show of economy by lack of proper appropriations for the Nation's Capital. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman, that which is before this committee now is simply a plain business proposition. We have heard a great deal about the so-called organic act and about the development of the city of Washington. Concerning the development and continuance of the city of Washington as a beautiful city and as a city fit in every way to be the Capital of this great Nation, I am sure everyone here is in accord, but there is a great deal of noise made about this so-called organic act which has no basis in merit. The truth of the matter is this, that that which is called the organic act, the act of 1878, was simply passed because of a then existing necessity. At about that time the city of Washington had many civic improvements. The streets were being rebuilt and paved, sewers and water extensions were being put in, and the city of Washington was being transformed from a town into a city. Naturally a great expense attached thereto, and the city at that time found itself unable to cope with this additional expense, whereupon the act of 1878, this so-called half-and-half contribution, was suggested as a temporary expediency in order to help the District of Columbia and more particularly help the city of Washington.

As time has gone on, as the city of Washington has developed from a town into a city, as the taxable assets have increased, as the population has increased, there no longer exists any reason for the continuance of this half-and-half contribution. There is absolutely no reason why the Government should contribute dollar for dollar to the expenses of maintaining the municipal government in the city of Washington and in the District of Columbia.

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. GARD. For a question.

Mr. TINKHAM. Are not the taxable assets being reduced each year by the Federal Government taking property, are not the streets being increased, and are they not having much more money spent upon them because of their breadth, because this is the National Capital, and is not this Congress passing legislation continually to prevent industrial establishments coming here?

Mr. GARD. Mr. Chairman, I decline longer to yield. A time may come when additional space will be needed by the General Government, and if such time does come then the General Government is still in a position through its acts of Congress to afford all necessary relief to the District of Columbia and the city of Washington. I will say that this is the only town in the United States, necessarily the only town, where any sum of

money is contributed from national finances toward carrying on the expenses of the municipal government. This is the plain business proposition: The tax rate here is fixed and it is certain, and that is all that is asked from the residents of the District. The Federal appropriation for local expenses is $3,600,000 in this bill, over $2,000,000 in another bill, in all over $5,500,000, and now if the half-and-half plan is continued as some gentlemen want, it would mean that the Government contribute under this bill, instead of $3,000,000, $8,300,000, which nobody says they have any need for and nobody wants. That is the plain business proposition. There can be no defense in the system of taxation of piling up unnecessarily at the expense of all of the people of the United States a sum of money which is not needed and not even asked for by those who have knowledge of municipal needs. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, without any criticism and with great commendation for the members of the special committee investigating the fiscal relations between the United States Treasury and the District of Columbia, had I been a member of that commission I should have reached a slightly different conclusion from that reached by them.

There is no other spot, large or small, within the boundary of the United States bearing the same relationship to the Nation as does the District of Columbia, set aside by mandate of the Constitution as the seat of government, to be directly and immediately under the control of the Congress, in order that there might be no conflict of authority.

The city population and private ownership of property are merely incidental and in no degree change the national character of the District nor the national obligation to maintain and control it. The very fact that it is a national city, the Capital of a great Republic, makes it an attractive place of residence. It does not follow, however, that the person whose necessity or preference brings him here should be exempted from the usual and ordinary obligations of citizenship, nor should he be penalized by being required, because of his residence, to contribute more largely to the support of the Government than do those citizens living elsewhere under the flag.

In my judgment much confusion exists in the minds of Members of Congress attempting to deal with this question, for the reason that they think of Washington as a municipality and undertake to compare it with other cities incorporated under States laws and constituting a part of the State in which they are located.

This same thought is uppermost in the minds of those who reside here, ignoring or forgetting the peculiar relationship to the Nation of that territory embraced within the District of Columbia.

There is nothing local about it. It is the one national city.

The resident property owner is not a citizen of Washington or the District of Columbia in the same sense that I am a citizen of North Carolina. By choice he relinquishes his rights of municipal or State citizenship when he elects to permanently reside within the District and becomes a citizen of the Nation exclusively.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. FESS. Is there not a little difference there? The residents of Baltimore, for example, have some voice in the Government.

Mr. PAGE of North Carolina. It was intended that the residents of this District should never have a voice or a vote.

Mr. FESS. And for that reason should the tax rate be as high as where the resident does have a voice and a vote?

Mr. PAGE of North Carolina. I do not think that we compensate any of those people from whom we take the franchise anywhere else by lowering the rate of taxation.

Mr. FESS. I am assuming that we will not give the franchise. I am not in favor of that, but I am in favor of taking more of the burden ourselves.

Mr. PAGE of North Carolina. He enjoys the same right of protection to his person and property, the same advantages of schools, hospitals, and other conveniences that people living elsewhere enjoy, and should make his contribution to the general fund that other people must contribute to obtain these advantages—this and nothing more.

Therefore I believe that an assessment and tax levy should be made upon privately owned property within the District of Columbia in like amount and at a like rate as is placed upon the property of people living in other places enjoying like benefits, and every dollar so collected should be paid, not into a supposed municipal treasury but into the Treasury of the United States to the credit of "miscellaneous receipts."

Then the first paragraph of this bill should read: "The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes."

No divided obligation or responsibility, no quarreling over percentages, but a National Capital supported, enlarged, beautified by the whole people from the Common Treasury, the pride of the Nation, in time the marvel of the world, and a constant joy to all those who reside in it.

I believe that this paragraph should be adopted, and that the man who votes to have this old, inadequate fiscal policy continued is voting against the interest, and the best interest, of the Capital of his Nation. [Applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. TINKHAM. Mr. Chairman, I demand tellers.

The CHAIRMAN. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Seventeen; not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

The following sums are appropriated out of the revenues of the District of Columbia to the extent that they are sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, namely:

Mr. MONDELL. Mr. Chairman, I make the point of order against this paragraph that it is a change of existing law, not made in order by the special rule, and does not come within any of the exceptions to the general prohibition against legislation on all appropriation bills laid down in Rule XXI.

Mr. PAGE of North Carolina. Mr. Chairman, the first paragraph of the bill having been made in order and having been adopted by the committee, it seems to me that it necessarily follows that the language contained in the second paragraph, to make the application of the first paragraph, is in order. I frankly confess that had I considered this question, to make assurance doubly sure, I might have included it within the rule. I do not think that the gentleman's point of order is well taken.

Mr. MONDELL. Mr. Chairman, the gentleman in charge of the bill, who is a good parliamentarian, does not deny the force of the point of order, but he presents for the consideration of the Chair a new, novel, and curious theory, unknown heretofore to parliamentary law, to wit, that a rule having made one part of a section in order, the balance of the section is made in order by reason of the adoption of that rule. Now, I submit to the Chair that is not sound reasoning. The question as to whether or not this paragraph is subject to a point of order depends solely and wholly on the paragraph itself, unaffected by anything that precedes or follows it. Now, if the Chair will indulge me, I want to make this observation: If the gentleman in charge of the bill had insisted that this paragraph was in order under the Holman rule, he might at least have had some excuse for that argument. It is not, however, in order under the Holman rule, as the Chair, who, I have no doubt, is familiar with the rule, very well knows. The Holman rule is as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for public work and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, this paragraph does not accomplish any of those objects. It does not, therefore, come within the provisions of the Holman rule. There is, it is true, a proviso to the Holman rule which provides that upon the report of a committee or a joint commission authorized by law, or the House, or the House Members of any such commission, having jurisdiction of the subject matter an amendment germane to the subject matter of the bill which shall retrench expenditures is in order. But this is not presented by a committee having jurisdiction of the subject matter. It was presented by the Committee on Appropriations that has no legislative jurisdiction in this regard.

Now, to come back to the genesis of the thing. Let me call the attention of the Chair to the fact that the act of 1878 very clearly and definitely provided for the payment of these appropriations, one-half out of the District treasury and one-half out of the Treasury of the United States. That is the law; it has never been superseded, modified, or amended. Now, it is proposed in an appropriation bill, presented by a committee having no jurisdiction over the legislation, to modify and change that

provision of law. It can not be done in this way, Mr. Chairman.

Mr. CRISP. Mr. Chairman, I desire to present this thought to the Chair in passing upon the point of order, and it seems to me the point of order is not well taken. It is a rule of this House—and if the Chair desires it I can cite several authorities on this subject—that where a provision is in an appropriation bill, and that provision itself is not in order, it is in order to further amend that proposition by other germane legislation—legislation that as an original proposition would itself be out of order. Now, the House has refused to strike out of this bill the first section, which repeals the act of June 11, 1878, and provides that the revenues raised from the District of Columbia shall first be used. Now, the paragraph of the bill to which the gentleman from Wyoming lodges a point of order is the natural logical sequence of the first paragraph of the bill, which is in order under the special rule. It seems to me that the paragraph in question is germane, relates to and necessarily follows the first paragraph, and therefore is in order.

Mr. MONDELL. Mr. Chairman, I am very much surprised at the line of argument made by the gentleman from Georgia [Mr. CRISP], who is a splendid parliamentarian. We all know that a provision not in order under the rules, if not objected to or if made in order by a special rule, may be further amended. That is true; there is no question about that. But that is not the situation at this time. While the first paragraph was under discussion, made in order by the special rule, it would have been entirely in order to have offered this paragraph as an amendment, as a proviso. It certainly would have been in order to have amended that paragraph with any amendment that was germane to it, but nothing of the sort was done. That paragraph was disposed of. The House has acted upon that matter; it is out of the way; it is no longer before us; and we are now on an entirely different and distinct proposition. It seems to me it is not necessary to argue this further point with the Chair, but, if the Chair will allow me, let me illustrate how illogical the argument of the gentleman from Georgia is. These two paragraphs do not, as a matter of fact, relate to the same matter. One is a change in existing law for all future time. The other, the one now before us, is a provision relative to the appropriations contained in this bill.

Mr. PAGE of North Carolina. Will the gentleman allow me an interruption?

Mr. MONDELL. Certainly.

Mr. PAGE of North Carolina. The gentleman's last statement is unquestionably true and showing its close relationship to the paragraph already accepted by the House and made in order it uses the same language as to how the money shall be expended.

Mr. MONDELL. But surely my friend will not contend—I am sure he will not contend—that the matter having been made in order by a special rule and disposed of, you can thereafter bring in other matters that are subject to a point of order on the theory that they have some relation to what has already been disposed of by the House.

Mr. HOWARD. Mr. Chairman——

Mr. MONDELL. Just let me suggest to the gentleman what that would lead him to. Under that theory we could continue to the end of the bill and add all sorts of amendments on the theory that one paragraph in the bill having been made in order and disposed of another paragraph germane to the subject matter of the paragraph thus made in order is in order thereafter simply because it relates in a way to the same general subject. It is a most extraordinary theory that making one paragraph in order by a special rule makes in order thereafter every proposal of legislation that in the remotest way relates to the same general subject.

Mr. HOWARD. Mr. Chairman, if the Chair will bear with a parliamentary tenderfoot for a moment, I have one suggestion I desire to offer. The point of order raised by the gentleman from Wyoming [Mr. MONDELL], in my judgment, is not good for this reason, that the second paragraph, and its relation to the first paragraph, made in order by the rule, simply does this. It simply carries into effect, so far as the provisions of the first paragraph are concerned, the provisions of the first paragraph as applicable to the appropriations in this bill. They are inseparable for this reason, that the first paragraph abolishes what is now known as the half-and-half plan. It says how the revenues of the District of Columbia shall be applied, how much shall be paid out of the Treasury, and the second paragraph says that the application of the first paragraph to the appropriations carried in this bill shall be done in like manner.

In other words, it would be the height of legislative folly to hold the first paragraph in order and to hold the second paragraph out of order, because the law contained in the first paragraph could not possibly be administered without the following paragraph that is incorporated on page 2 of the bill. Therefore they are inseparable. One is obliged to follow, as the gentleman from Georgia [Mr. CRISP] says, as a sequence to the other.

Mr. MONDELL. I appeal to the gentleman's own excellent judgment to show how illogical his proposition is. He is assuming that the first paragraph, having been made in order and having received an affirmative vote, is law. It is not anything of the kind. It is simply an expression of opinion on the part of the committee. The law still stands and will stand until both bodies of Congress and the President have, acting together under the Constitution, changed it, and it does not change the situation because a certain thing was made in order under the rule.

Mr. HOWARD. Will the gentleman state how this second paragraph, then, will be in any different situation than the first paragraph if we do the same thing to the second paragraph that we did to the first paragraph, namely, express an opinion about it? They are on all fours.

Mr. MONDELL. The difference between the two paragraphs, I will say to my friend, is that the Committee on Rules, or whoever it was made up the rule, "slipped a cog," if I may use that expression. They should have covered both paragraphs by the rule. They failed to do it. That is not my fault. I am taking advantage of the fact that they did not provide in their rule to accomplish that which they sought to accomplish, and they can not come in here now and plead the "baby act" that, having brought in a certain provision which otherwise would have been out of order, thereafter they may propose and have considered all sorts of propositions out of order if they tend to relate to the same general subject.

The CHAIRMAN. The gentleman from Wyoming makes a point of order on the language on page 2, from line 4 to 10, inclusive, asserting it to be a change of existing law, and asserting it not to be one of the exceptions made by the Holman rule or any other exception in the rule; also asserting that it is not made in order by the special rule. Of course an examination of the special rule discloses that it is not made in order by reason of the special rule. The Chair thinks, however, that inasmuch as the paragraph against which the point of order is lodged merely contains a repetition of the language in the first paragraph plus the necessary words "of appropriation," necessarily appropriating the money to carry that into effect——

Mr. MONDELL. Before the Chair goes further, will he allow me just a moment? I do not want to see the Chair go wrong on as important a matter as that. The Chair seems to have it in mind that this paragraph simply follows the former paragraph and really is surplusage. That is not true. The first paragraph provides that "hereafter all appropriations made for the support of the government of the District of Columbia," and so forth, and this paragraph provides that "the following sums are appropriated out of the revenues of the District of Columbia." They are two very different and distinct matters. It might be held that if this item went out entirely the former paragraph would accomplish what is sought to be accomplished in this paragraph. I do not think it would. The two things are entirely dissimilar in their character and in what they seek to accomplish.

The CHAIRMAN. The Chair thinks that the language on page 4 just referred to merely consists of a repetition of words already made in order and the necessary language carrying into effect and appropriating money provided for in the first paragraph. While the Chair does not claim to be infallible, neither does he think that he is the last word on the subject of rules; he does think the paragraph under discussion to be ancillary and a necessary incident thereto. The Chair thinks there is no question that it would be in order as an amendment to the former paragraph, having in mind that the first paragraph was made in order by the special rule. Hence the Chair overrules the point of order.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

Mr. PAGE of North Carolina. Mr. Chairman, I call the attention of the Chair to the fact that the bill has been read down to and including line 11 on page 22.

The CHAIRMAN. The gentleman is right about that. The Clerk will read.

The Clerk read as follows:

Repave with asphalt the roadway of Fourteenth Street NW., from Pennsylvania Avenue to F Street, 70 feet wide, $7,500.

Mr. TINKHAM. Mr. Chairman, I desire to make a point of order against the appropriation in lines 8 to 10.

The CHAIRMAN. On what page?

Mr. TINKHAM. On page 23, just read. Under Rule XXI, section 2, it says:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

As I understand the law, no street can be widened without authority of Congress. If that is so, then this appropriation is subject to a point of order, as it is an expenditure not previously authorized by law.

Mr. HOWARD. Mr. Chairman, I do not think the point of order made by the gentleman from Massachusetts is well taken for this reason. Under the existing law, as found in section 77 of the District Revised Statutes, with which I presume the gentleman is not familiar, or he would not have made this point of order, the commissioners are given this power. I do not think this has ever been repealed, except possibly there has been a limitation and restriction placed upon it. But this is the general fundamental law that has been under the revision of the courts of the District of Columbia:

The board of public works shall have entire control of and make all regulations which they shall deem necessary for keeping in repair the streets, avenues, alleys, and sewers of the city, and all other works which may be intrusted to their charge by the legislative assembly or Congress.

Now, in the appropriation bill of 1907 this provision is contained:

For work on streets and avenues in Appendix A.

And so forth, which I will not read, and then they go on and name some streets, and continue:

Provided, That hereafter no street or avenue in the District of Columbia shall be paved less in width than the width now provided by law, except upon express authority of Congress, upon estimates to be submitted to Congress by the Commissioners of the District of Columbia.

Now, there is absolutely no inhibition on widening streets, but the inhibition in the statute, which is the existing law, is that they can not make them narrower.

Now, here is the proposition on Fourteenth Street, from Pennsylvania Avenue to F Street, as contained in the present bill: The sidewalk on the west side—and that is what the gentleman from Massachusetts [Mr. TINKHAM] is probably trying to protect here from disturbance—is alongside the hotel property. They have a sidewalk there 36 feet wide, and they occupy all that space under the sidewalk, which is very valuable to them, under this street, and they do not want their permissions disturbed. The roadway on Fourteenth Street from F Street to G Street is 70 feet wide, and by some hook or crook this particular privileged character in the District of Columbia has gone out on the west side of this street, from Pennsylvania Avenue up to F Street, and taken in 36 feet of sidewalk. The commissioners, in an attempt to straighten Fourteenth Street, to make the roadway the same width all the way up from Pennsylvania Avenue, have asked an appropriation for restoring this street along that block to its proper width; they have asked so much money to make this street 70 feet wide.

Now, the point of order made by the gentleman from Massachusetts [Mr. TINKHAM] is that there is no legislative authority for it. The legislative authority distinctly says that these commissioners can not make a street narrower. Now, they have the authority to do the reverse of it, to wit, to widen a street; and here is the law. I would like to have the gentleman answer that.

Mr. JOHNSON of Kentucky. Will the gentleman yield there?

Mr. HOWARD. Yes.

Mr. JOHNSON of Kentucky. Is this one of the wide streets that is a burden to them?

Mr. HOWARD. Yes; I suppose this is one of the wide streets that is a burden to them.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there for a question?

Mr. HOWARD. Yes.

Mr. MADDEN. What is the ordinary sidewalk width along Fourteenth Street in other places?

Mr. HOWARD. I can only give the gentleman information as to the other side of the street.

Mr. MADDEN. I suppose they have a uniform width, except at that place?

Mr. HOWARD. Yes; 70 feet is the usual width of the roadway.

Mr. MADDEN. There must be a uniformity of width in the sidewalk everywhere?

Mr. PAGE of North Carolina. No; there is not everywhere. It varies on different streets.

Mr. MADDEN. On that particular street?

Mr. PAGE of North Carolina. Without attempting to be absolutely correct, I think on most of the streets it is about 12 feet.

Mr. MADDEN. Then I suppose all above 12 feet is an encroachment on the street?

Mr. PAGE of North Carolina. Yes.

Mr. HOWARD. I will say to the gentleman that the sidewalk on that street, on the west side, where the roadway of Fourteenth Street runs into the sidewalk, is 36 feet wide. Now, that is the widest sidewalk of which I have any knowledge in the District of Columbia.

Mr. MADDEN. What I was trying to get information on is what is the width of the sidewalk at every place else except at this place?

Mr. HOWARD. It is 20 feet.

Mr. MADDEN. Then they are 20 feet in excess?

Mr. HOWARD. Yes; they are 20 feet in excess. The committee wanted to straighten Fourteenth Street by taking off that width from this sidewalk.

Mr. EVANS. Mr. Chairman, may I ask the gentleman a question?

Mr. HOWARD. With pleasure, sir.

Mr. EVANS. Is it not a fact that about all of Fourteenth Street, along there, that is not occupied by the sidewalk is occupied by taxicabs?

Mr. HOWARD. Yes. That is the very reason why the commissioners want to straighten that funnel down to the Avenue for traffic. Of course, that applies to the merits of it. I would like to defend the committee's action in the matter and commend the good judgment of the District Commissioners, but that does not apply to the parliamentary situation.

Mr. MADDEN. The commissioners are not seeking to widen the street, but are simply seeking to widen the roadbed?

Mr. HOWARD. Yes; to widen the roadbed. They are not going to tear down anybody's playhouse.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TINKHAM] makes a point of order against the language on page 23, lines 8 to 10, inclusive, on the ground that it is legislation added on an appropriation bill in contravention of paragraph 2 of Rule XXI. The gentleman from Georgia [Mr. HOWARD] presents a law here in which there is an inhibition against narrowing streets. The Chair thinks he would have to go a long way to prove that that would authorize the widening of the street, and the Chair is inclined to sustain the point of order, and does sustain it.

Mr. JOHNSON of Kentucky. It is not a proposition to widen the street. It is a proposition to widen the roadbed to the extent that they have legally the right to widen it.

Mr. HOWARD. Mr. Chairman, it is an incident. It does not change the width of the street. From building line to building line across that street the distance is not changed an atom, but by this provision we simply desire to cut off some of the sidewalk and restore it to the street or roadway where it is now being usurped by a certain concern, which makes the roadway along this particular block 20 feet narrower than the roadway along the rest of the street. We simply want to lower the sidewalk to the roadbed. That is all. It is not narrowing; it is not widening. It is doing nothing but lowering the sidewalk and making a roadway for vehicles instead of a sidewalk for pedestrians.

Mr. TINKHAM. Mr. Chairman, there is no such explanation in the bill.

Mr. HOWARD. In other words, if we had asked for the removal of an obstruction out of the street, which we have specific authority here to do under the law, we would probably have reached this matter in another way, because of the fact that the street in this block—that is, the roadway——

The CHAIRMAN. If any property owner transgresses upon or extends his private holdings out upon the public thoroughfare, is there not a criminal statute under which he can be proceeded against for obstructing the street?

Mr. HOWARD. I do not know about that; and I will admit that if we wanted to go in and tear down a wall or encroach upon private property for the purpose of widening this street, the point of order of the gentleman from Massachusetts [Mr. TINKHAM] would be good.

Mr. JOHNSON of Kentucky. But we do not want to go beyond our own property.

Mr. HOWARD. But under the law of the land the streets from building line to building line are the property of the United States Government. In the Van Ness case (4 Pet., 232) the United States Supreme Court squarely decided, in an opinion by Justice Story, that the United States had "an absolute, unconditional fee simple" in the streets and public squares of the city under the conveyance by the original proprietors.

There was elaborate argument by eminent counsel, including Taney, afterwards Chief Justice of the United States, for Van Ness, and Daniel Webster and William Wirt and Attorney General Berrien on the other side.

The case of Smith v. Washington (28 How., 135), decided in 1857, which has been quoted as modifying the opinion in the Van Ness case, did not pass upon the Van Ness case or the question involved in it; and the Supreme Court, since the Smith case, has repeatedly approved the Van Ness case. (See Steamboat Co. case, 109 U. S., 672, and Morris v. United States, 174 U. S., 196.)

Under the Van Ness decision the United States could close or sell any of the streets and reservations in the original city of Washington. As Representative Garfield said in the House June 19, 1876:

They (the fathers) went even further. They went so far as to arrange that the fee simple of the streets of the Federal city should be exclusively and only in the Government; and, so far as I know, it is the only city on the globe that owns the fee simple to every foot of the streets in it. We could build a block of buildings all the way from the western front of our Capitol to the Treasury, filling Pennsylvania Avenue from side to side, if we chose to do so, because we own every foot of the ground.

Now, we do not want to encroach on the rights of anybody. We want to do a certain thing with our own property—to widen the roadway 20 feet to make it conform with the width of the street so far as that street runs through the city.

Mr. JOHNSON of Kentucky. And we ask for nothing but the money to do it with.

Mr. HOWARD. The street is 70 feet wide, except upon this particular block; and on account of the congestion of the traffic the commissioners wish to change this width, to take 20 feet of sidewalk and apply that 20 feet of sidewalk to 20 feet of roadway. That is the simple proposition.

Mr. JOHNSON of Kentucky. Mr. Chairman, if you will permit me to say it, no authority is asked to change a law or to make a law. They are asking for $7,500 to do work upon a roadway that belongs to the Federal Government, established long ago. In the beginning the lawmakers chose to make the roadway narrower. Now they ask for the money—and for nothing else except the money—to build the roadway upon property which has already been set aside for street purposes.

The CHAIRMAN. The Chair will ask the gentleman if this requires the purchase of any new property at all?

Mr. JOHNSON of Kentucky. None at all.

The CHAIRMAN. The property that is proposed to be paved already belongs to the Federal Government?

Mr. JOHNSON of Kentucky. Absolutely.

The CHAIRMAN. Who occupies it now?

Mr. PAGE of North Carolina. It is occupied by the sidewalk. When they originally paved the roadway of Fourteenth Street in this block between Pennsylvania Avenue and F Street, instead of paving it to the full width of 70 feet, as they did north and south of it, the commissioners paved it 50 feet wide, and made the sidewalk wider. We merely propose, by widening the pavement, to take the city's property that is now used as a sidewalk with which to widen the roadway and make it conform to the width of the roadway both north and south of this block.

Mr. JOHNSON of Kentucky. Just to transfer from sidewalk to driveway; that is the only difference.

The CHAIRMAN. What does the gentleman from Massachusetts [Mr. TINKHAM] say about that?

Mr. TINKHAM. Mr. Chairman, I say that the condition of the street as it now exists is in accordance with law, and that no change can be made in that street without new legislative action, and that this is legislative action which is asked, and therefore is subject to a point of order.

Mr. HOWARD. Will the gentleman from Massachusetts yield for a question?

The CHAIRMAN. The Chair wishes to ask the gentleman from Massachusetts where is the authority that authorizes these sidewalks to be laid by private parties upon Government property? Has the gentleman that authority?

Mr. TINKHAM. I have not the authority right in hand, but I understand the sidewalks are properly there by permission of the District government, and that is not denied.

Mr. HOWARD. I will say to the gentleman that there never was any such permit.

Mr. JOHNSON of Kentucky. If there was, it was illegally done.

Mr. HOWARD. If there was any such permit, it was void, because they had no authority to grant it. I want to say that I have diligently investigated this matter for three weeks, and I have all the law there is upon it, and that there is no such provision in existence as the gentleman from Massachusetts states.

Mr. MADDEN. Mr. Chairman, I have no interest in this thing, except to see the tangle straightened out. I think it is within the power of the committee to decide whether the roadway on a given street shall be a certain width or some other width. If the commissioners decide that it is wise to create a uniform width of roadway upon a given street, it is within their power to do that. I assume that they have granted permits to the owners of certain property to encroach upon the roadway of the street within this block; but such permits when granted, as they frequently are in all cities, are granted on condition that they are revocable at the pleasure of those who granted them. There is no doubt about that, and when the person to whom the permit is granted accepts the privilege and acts under it, he acts with the distinct understanding that he is doing it at the pleasure of those who granted the permit.

Now, it can not be said that it is not within the power of the District of Columbia to pave a street to a width of 30 feet or 40 feet or 50 feet or 60 feet, or whatever width they may choose to pave it. It frequently happens that they make a very narrow roadway, and the reason why they do it is because they want to economize. They do not want to impose upon the Treasury the immense burden that would be required by the paving of a wide roadway. On residential streets, for example, it frequently happens that the roadway is only 25 or 30 feet wide, while on business streets it is 50, 60, 70, or 80 feet wide, depending on the width of the street, and it is nearly always uniform on a particular street.

Mr. BUTLER. What is the width of that street, may I ask the gentleman?

Mr. MADDEN. I understand the width of the roadway is 70 feet, except at this point.

Mr. HOWARD. And 50 feet at this point.

Mr. MADDEN. And 50 feet at this point.

Mr. HOWARD. Between Pennsylvania Avenue and F Street it is 50 feet wide, and all the rest of the way it is 70 feet wide.

Mr. MADDEN. I do not think we are doing anything in this provision except to appropriate the money to do that which we already have the authority to do.

The CHAIRMAN. The Chair is ready to rule. A moment ago, when the Chair started to sustain the point of order, he was under the impression that this necessitated the acquirement of new land and the doing of something other than the paving of land that now belongs to the Government. As I now understand the situation, however, it seems to be uncontroverted either by word of mouth or by the existing law that this amendment only authorizes the pavement of a street that now belongs to the Government. It seems to be true part of the street is not at this time used by the Government as a roadway, and it is apparently true that some sort of a permit has heretofore been issued, although nothing definite is here presented to so show. Either that or else a trespass is being committed by the private owners who have built the sidewalk out into the street and are temporarily occupying the same. But, be that as it may, such permit if any there be, even if acted upon, does not rise to the dignity of law; hence this provision repeals no law and therefore does not bring this provision within the rule. The Chair therefore overrules the point of order. The Clerk will read.

The Clerk read as follows:

For repaving the roadway of H Street NW., from Seventh Street to Ninth Street, on plans to be approved by the commissioners: *Provided*, That the one-half cost of paving said roadway between the north side thereof and a line 20 feet therefrom and parallel thereto between the west building line of Seventh Street and the east building line of Ninth Street shall be assessed against the Washington Market Co. and collected as provided herein for assessments for paving roadways on streets herein authorized to be paved or repaved, $22,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word for the purpose of saying that the history of the Washington Market Co. is very wonderful. It had its origin in one of the most monumental pieces of graft that ever went out of the American Congress. That bill was lobbied through Congress by the then Sergeant at Arms of the House. The bill is singularly peculiar in its very first words of the charter, which incorporated a lot of people who never did and never expected to put the charter into effect. They never intended to put into execution the charter, but they did intend and it followed that it was put into execution by Members of Congress, represented by Mr. Ordway, the then Sergeant at Arms of this body. The capital stock was subscribed largely by Members of Congress and those who were then in control of the government of the District of Columbia.

At that time the stockholders in the Washington Market Co. were the very highest officers in the District of Columbia, and they made a trade between the District of Columbia and the Washington Market Co. by which the District of Columbia was discriminated against and the stockholders of the Washington Market Co. were benefited. The trail of this corporation through its early existence was marked by corruption and fraud, by the destruction of private property of the poor. It has been marked by the torch of the incendiary, and it has been further marked by the destruction of human life.

Mr. Chairman, I ask unanimous consent to extend my remarks upon this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

The Secretary of the Interior is authorized and directed to transfer to the commissioners for use as a public highway so much of the United States reservation on Nichols Avenue, and designated as parcel 243, one, as may be necessary to open Nichols Avenue with a width of 110 feet from its westerly line as now established.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order against the paragraph.

Mr. PAGE of North Carolina. Mr. Chairman, I can not controvert the point of order that this is not authorized by existing law; but when I drew the rule making certain provisions in order on the bill I did not think this of enough importance to include it. I want to say to my friend that before we allowed this item to go into the bill the subcommittee went out and made a personal examination of this situation with a view of making the avenue meet the purposes for which it was laid out, and this item seemed necessary. We were assured that it was not resented, but acquiesced in, by the National Government. It will be a considerable hardship to the people living in this section if the item goes out, and since it does not meet any opposition from the National Government, the owner of the land, I hope the gentleman will withdraw his point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, in view of the explanation made by the gentleman from North Carolina, I withdraw the point of order.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from North Carolina to the word "one," in line 19, page 24. Is that correct?

Mr. PAGE of North Carolina. Yes, Mr. Chairman; that is the description given as it relates to this plot.

The Clerk read as follows:

Northwest, Thirteenth Street, Florida Avenue to Clifton Street, pave, $6,700.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Committee amendment: Line 10, page 25, insert "Northwest, Champlain Street, Florida Avenue to Kalorama Road, pave, $10,500."

Mr. MONDELL. Mr. Chairman, I shall not oppose the amendment, but I rise to express the hope that before we get through with these appropriations the chairman of the subcommittee will offer many amendments of this sort, taking care of the roadways that are not provided for in the bill. The District Commissioners, in my opinion, and I have given some little attention to their estimates, were careful in making up their estimates for the coming fiscal year, were anxious to provide only for those roads that required immediate care and attention, and my opinion is that they did not estimate for anything that is not needed. And yet in this matter of suburban roads the committee has reduced their estimate from $284,000 in round numbers to $174,000, or $110,000. It is true this amount is an increase over the amount appropriated last year, but that is true because the amount appropriated last year was scandalously inadequate. This year the committee seems to have been fearful that it would depart too radically from its too parsimonious attitude last year. As I understand it, these roads are improved out of the revenues of the District and not charged against the abutting proprietors. Is that true?

Mr. PAGE of North Carolina. They are charged against the abutting proprietors under what is known as the Borland amendment.

Mr. MONDELL. Yes; if it is a permanent roadway.

Mr. PAGE of North Carolina. If it is asphalt.

Mr. MONDELL. But they are not in most cases permanent roads.

Mr. PAGE of North Carolina. No.

Mr. MONDELL. Is it not true that a considerable portion of these roads will be improved out of funds of the District?

Mr. PAGE of North Carolina. They will not if the gentleman from Wyoming and other gentlemen will support the provision made in order on this bill under the rule to include not only asphalt but macadam and all permanent pavements under the provision of the Borland amendment.

Mr. MONDELL. Let me call my friend's attention to the lack of logic in his attitude.

Mr. PAGE of North Carolina. The gentleman from North Carolina makes no special pretense of being logical.

Mr. MONDELL. Or consistent.

Mr. PAGE of North Carolina. Not always.

Mr. MONDELL. He being a member of the Democratic Party, which he honors, I think that is a true confession. [Laughter.] If the amendment which the gentleman refers to is not adopted, and it is not yet, these suburban roads would mostly be built out of public revenues not chargeable to abutting proprietors, and it seems to me it is the wise and proper way to build suburban roads.

Mr. PAGE of North Carolina. Under that provision, if we confine the part payment to abutting property owners on suburban roads, the very street which my amendment provides for, if the amendment be adopted, which will be paved with asphalt running due north from Florida Avenue, would be classed as a suburban road, and the property in the middle of the city enjoying all the benefits of property on the one side of Florida Avenue would be exempt from any participation in the payment and that on the other side would have to participate. Is that logical?

Mr. MONDELL. Mr. Chairman, I admit that there are exceptions to all good rules. It takes exceptions to really prove a rule, it is said. But in the main it is not fair to charge a suburban holder with a road built past his property intended not so much for his use as for the use of the general public in getting from the city out onto the main roads in the country. That is the purpose of these suburban roads in the main; many of them do not add materially to the value of the property. But that was not what I was intending to discuss, but rather this proposition, that under the law as it now exists these roads would largely be built out of the revenues of the District. If the committee is endeavoring to bring itself in line with its new theory of cutting down expenditures so that the Federal Government will pay as little as possible, then the reduction of this estimate might be logical, but if the gentleman expects his amendment to become law and the property owners are to be called upon to pay for this improvement, then why should not we provide for all of those improvements? If the people are to pay for them, as the gentleman thinks they should, why did you not approve them if they are really needed? Why cut out a number of these roads when it is to be assumed the property owner is in favor of the improvement, and the property owner, if the amendment prevails, pays? It seems to me that is not a logical position for the gentleman to take, if he expects the amendment to be adopted, so that the property owners will pay for the work. Why not have the work done? It is not going to cost the Government anything in the long run.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to the gentleman's criticism of the committee as to the meagerness of this appropriation, let me say that last year we appropriated $118,700 for the suburban roads in the District of Columbia. The present bill carries $284,450, or an increase of more than 120 per cent. I do not think that is very slow progress.

In answer to the gentleman's other inquiry as to why, if we expect the amendment in this bill requiring the abutting property owners to pay a certain part for the paving of these suburban roads to be adopted, we do not include the whole amount as estimated by the commissioners, the gentleman and the committee must remember that there is a limitation upon the ability of the organization to accomplish within a year more than a certain amount of work, and your committee thought that if we gave them twice as much work to do during the next fiscal year and twice as much money with which to do it they would probably accomplish it within the life of the appropriation, while if we gave them more they would not. That is all I have to say about the proposition.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Northeast, Ord Street, Kenilworth Road to Forty-fourth Street, grade and improve, $2,900.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 4, on page 26, insert:

Southeast, Portland Street, Nichols Avenue to Fourth Street, grade, $10,500.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the commissioners are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Seventeenth Street NW., from Kenyon Street to Irving Street, with a width of 90 feet, said extension to be in direct line with Seventeenth Street as it now exists north of Kenyon Street: *Provided, however*, That the entire amount found to be due and awarded by a jury in said proceedings as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of the proceeding hereunder, shall be assessed by the jury as benefits;

There is appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceeding taken pursuant hereto and for the payment of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia;

Mr. MONDELL. Mr. Chairman, I want to ask the chairman of the committee with regard to this paragraph relative to the widening of Seventeenth Street, from Kenyon to Irving, to 90 feet. Did the committee feel that it was necessary, in widening that street, to widen it to the extent of 90 feet? That will be a very expensive procedure, it seems to me.

Mr. PAGE of North Carolina. If the gentleman is acquainted with the locality, and I think he is——

Mr. MONDELL. I am familiar with it.

Mr. PAGE of North Carolina. The representation to your committee was that this street should be widened at this place into Irving Street to the full width as provided on the highway plan. The gentleman understands that this includes not the roadway, but the sidewalks as well—that it is from building line to building line, as it is laid out on Seventeenth Street.

Mr. MONDELL. The street is now very narrow?

Mr. PAGE of North Carolina. Yes.

Mr. MONDELL. It ought to be widened?

Mr. PAGE of North Carolina. I think so.

Mr. MONDELL. But is there not an apartment house on one side? If the street is to be widened in line with the extension of Seventeenth Street, it would cut into that apartment house, would it not?

Mr. PAGE of North Carolina. No. I am assured by the engineer commissioner that it will not interfere with any property now constructed or any building line that has been established, and the apartment to which the gentleman refers is farther up on Seventeenth Street than this particular part. There is not a building on either side of this proposed extension of Seventeenth Street from Kenyon to Irving Street. That is over what was a few years ago a very deep ravine, which has been filled up by a dump. This fill is still extending down toward Rock Creek Park, and a communication into Irving Street can now be made over the dump.

The Clerk read as follows:

In all, $174,950.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent that the Clerk may be given permission by the committee to correct this total and other totals affected by amendments offered.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the Clerk be given authority to correct totals. Is there objection?

There was no objection.

The Clerk read as follows:

To carry out the provisions contained in the District of Columbia appropriation act for the fiscal year 1914, which authorizes the commissioners to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, there is appropriated, payable entirely from the revenues of the District of Columbia, such sum as is necessary for said purpose during the fiscal year 1917.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the subcommittee just what necessity there is for the last sentence of this paragraph, "payable entirely from the revenues of the District of Columbia," in view of the provisions of the first section of the bill? These sums are all to be paid out of the revenues of the District of Columbia, and I assume that this is simply a relic of the former fiscal plan.

Mr. PAGE of North Carolina. Mr. Chairman, we left this language in because the first section of this bill was not at that time adopted by the committee. If this bill is enacted into law as it now stands, I agree with him that this should be stricken out, and if the gentleman cares to offer an amendment to that effect——

Mr. MONDELL. Oh, no.

Mr. PAGE of North Carolina. I do not think we ought to strike it out now, and I merely want to give the gentleman the assurance that before the bill does become a law, providing the first section is kept in, we will endeavor to make this language in each instance conform to the first section of the bill.

The Clerk read as follows:

The authority given the commissioners in the District of Columbia appropriation act approved March 2, 1907, to make such changes in the lines of the curb of Pennsylvania Avenue and its intersecting streets in connection with their resurfacing as they may consider necessary and advisable is made applicable to such other streets and avenues as may be improved under appropriations contained in this act: *Provided*, That no such change shall be made unless there shall result therefrom a decrease in the cost of the improvement.

Mr. TINKHAM. Mr. Chairman, I desire to make a point of order against the section, lines 24 and 25, page 29, and lines 1 to 8, page 30, just read, as being new legislation not authorized in the special rule.

The CHAIRMAN. What has the gentleman from North Carolina to say about that?

Mr. PAGE of North Carolina. Mr. Chairman, this provision has been carried in several appropriation bills in this same language. I do not know, in fact I am inclined to think that does not make it in order simply because it has been carried year after year in appropriation bills, but this is not new to this appropriation bill. It has been carried in others, and no objection has been raised to it. The gentleman from Massachusetts in making the point of order will not effect the purpose that he had in view when he made the other point of order. It does not change any existing law, however, that I know anything about. I know of no law contrary to the provisions of this bill.

The CHAIRMAN. Does the gentleman from Massachusetts insist upon his point of order?

Mr. TINKHAM. No; Mr. Chairman, I do not.

The CHAIRMAN. The gentleman withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

Repairs to suburban roads: For current work of repairs to suburban roads and suburban streets, including the purchase of four motor cycles, and one truck at a price not exceeding $1,000, in lieu of four motor cycles and one truck to be exchanged, and including maintenance of motor vehicles, $150,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I shall not offer an amendment increasing this item to the amount of the estimate of the District Commissioners, but I simply rise to suggest that even though we do halt the work of new surfacing, we should at least give what the District Commissioners ask for the purpose of keeping the suburban roads in condition. I am not one of those lucky people who own an automobile, or at least not one of those who have one at this time, but I am told by my friends who have that the suburban roads of the city are not in good condition at this time, and I am of the opinion that all of this money is needed. I am sorry the committee did not see fit to allow the full estimate.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For painting the ironwork and repairing the fenders of the bridge, $10,000.

Mr. MONDELL. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 13, on page 31, insert the following as a new paragraph: "For preparation of plans for the construction of a bridge to take the place of the existing Calvert Street Bridge, $10,000."

Mr. PAGE of North Carolina. Mr. Chairman, I make a point of order against the amendment. I will reserve it if the gentleman wishes me to do so.

Mr. MONDELL. Mr. Chairman, the item is subject to a point of order. However, I rise to ask the chairman of the subcommittee why the committee did not allow this item? I understand that a new bridge at Calvert Street is very badly needed. I am told that the old bridge is dangerous. I know that several years ago the District Commissioners issued orders which were in force for some time very greatly restricting traffic across that bridge. It is not safe and very unsightly, and it seems to me we ought to begin to make preparations for a new bridge there.

Mr. PAGE of North Carolina. Mr. Chairman, in answer to the gentleman's question as to why the subcommittee did not allow this item for plans for the construction of a new bridge at Calvert Street, I will say that the knowledge of the members of the subcommittee and the knowledge of other Members of the House is to the effect that a very few years ago we built a very expensive, very handsome bridge over Rock Creek Park on the line of Connecticut Avenue——

Mr. MANN. Rock Creek.

Mr. PAGE of North Carolina. Rock Creek, soon to be part of Rock Creek Park, and those two bridges on the northerly end are almost exactly at the same place. The present bridge at Calvert Street was constructed, not by the city but by the street railway company, entirely for the use of the car line out to Chevy Chase some years ago. It was never intended that that bridge should be a highway for traffic, and there is a very grave question in the minds of the gentlemen who compose this subcommittee as to whether or not we should build another expensive bridge so near to the million-dollar Connecticut Avenue Bridge, and whether the matter of traffic warrants the expenditure at that place. My own judgment is that at this time it does not; that the street-car company having constructed this bridge, using it almost exclusively, if it is a little weak or a little unsafe they might repair it, it being used for street car purposes, and so we do not think it is wise to expend this money at this place.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MADDEN. Does the gentleman think it never would be wise to build it?

Mr. PAGE of North Carolina. I think possibly at some time it would be wise; yes. I think with the increase of traffic going in that direction it is possible that at some time there should be a bridge at Calvert Street.

Mr. MADDEN. I understand there is in contemplation the extension of Calvert Street to the west of Connecticut Avenue.

Mr. PAGE of North Carolina. Yes; I think if it was opened up that would increase the necessity for this bridge at this point. But it has not been opened up. And there is, as the gentleman knows, a constant development of that section of the city, and when it becomes popular enough and a sufficient amount of traffic I think the time will come for the building of a bridge.

Mr. MADDEN. If you take Sundays and holidays now, the traffic to Chevy Chase Lake is very heavy.

Mr. PAGE of North Carolina. Very recently, as the gentleman knows, the Connecticut Avenue Bridge has been closed for repairs.

Mr. MADDEN. The stoppage of the other bridge on account of repairs is only temporary and only for three or four weeks.

Mr. PAGE of North Carolina. I insist on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Rock Creek main interceptor: For completing construction of the Rock Creek main interceptor from P Street to Military Road, $50,000.

Mr. MONDELL. Mr. Chairman, I intended to offer quite a number of amendments to the bill covering items that were estimated for by the commissioners and not allowed by the committee, but I have no desire to take up the time of the committee unnecessarily and will not do so further than to call attention to those items as we reach them. The District Commissioners estimated $30,000 for land for sewage-treatment work, and called attention to the fact that it was important and in their opinion essential that the city should begin the development of a sewage-treatment plant, and that we should at least make a beginning this year by purchasing this land.

I am sure the committee gave attention to this matter, but they do not seem to have considered it of sufficient importance to have allowed it. I would like to have the view of the chairman of the subcommittee on that point. The engineer commissioner made a pretty strong statement in regard to it. If the committee really had any reason for disallowing this item further than that they were trying to economize, I would be glad to know it. The argument as made before the committee was very strong, and, it seems to me, convincing, that this amount was needed for the establishment of this sewage-treatment plant.

Mr. PAGE of North Carolina. Mr. Chairman, there was no probability of the beginning of the construction of this sewage-treatment plant at any time in the near future, because of the building of the mains that we are providing in this bill. There is not the slightest probability in the world that the lands that they need will increase in value. The probability is, judging by some real estate I have known in the District of Columbia, by deferring this we can buy cheaper than we can now. It was not a pressing necessity at all, and I want to say to the gentleman from Wyoming [Mr. MONDELL] that this subcommittee—and I can speak for myself—still has a slight regard for the Treasury of the United States, and I did not see any necessity for appropriating money for a project that was not at this time a necessity and that we would not lose money on by deferring.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Dust prevention, cleaning, and snow removal: For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the commissioners, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, in the discretion of the commissioners, including services and purchase and maintenance of equipment, rent of storage rooms; maintenance and repairs of stables; hire, purchase, and maintenance of horses; hire, purchase, maintenance, and repair of wagons, harness, and other equipment; allowance to inspectors and foremen for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed for each inspector or foreman $20 per month for a horse-drawn vehicle, $25 per month for an automobile, and $12 per month for a motor cycle; purchase, maintenance, and repair of motor-propelled vehicles necessary in cleaning streets; purchase, maintenance, and repair of bicycles; and necessary incidental expenses, $290,000, and the commissioners shall so apportion this appropriation as to prevent a deficiency therein.

Mr. LIEB. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 33, line 3, strike out the figures "$20" and insert in lieu thereof "$25."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PAGE of North Carolina. Mr. Chairman, I want to say to my friend from Indiana and to the committee that running through this bill for prior years there have been diverse amounts appropriated in various departments for the upkeep of motor cycles, horses and buggies, and motor-driven vehicles furnished by the employees, running in this instance all the way, I believe, from $20 to $30 a month as applied to horses and vehicles. The commissioners recommended to the committee in their estimates at this session of Congress that these prices be made uniform through all the various departments of the District of Columbia, and we have made them uniform, recommending in every single department, even with the superintendent of schools, that he should be allowed the same as one of these inspectors, for a horse and buggy, $20 a month. The evidence before the committee was to the effect that they could maintain a horse for this price, and I do not think that one exception should be made in one section of the bill, applying to one department, whereas to the other departments no amendment has been offered, and likely will not be offered, and destroy the uniformity running all through the bill.

Mr. STAFFORD. As I understand the policy of the committee in making the recommendations, it is to have a uniform allowance made to all of the users of these motor vehicles, and not keep an account of their individual items of expenditure?

Mr. PAGE of North Carolina. That is done in every department of the District government. It is made uniform in this bill as applying to all the departments of the Government and all employees of the Government who furnish their own means of transportation, whether it is a motorcycle or a horse and buggy or an automobile.

Mr. STAFFORD. Do I understand you extend it to others than are provided for in this bill?

Mr. PAGE of North Carolina. We have not extended it at all. We have made it uniform to those who formerly had it.

Mr. LIEB. Mr. Chairman, the amount heretofore paid is $27.50, and it has been reduced in this item to $20, while on the other hand with the motor vehicles it is $25, and they should let those men have the same. Now, I have evidence here that the horse hire amounts to $27.50. They can not afford to keep a horse at any less than that amount and keep up a buggy, too, and I believe that my amendment should prevail and make it uniform at $25, the same as given to the owners of the motors. I think it is unjust to put these men at $27.50.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MAPES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. MAPES. Mr. Chairman, I would like to ask the chairman of the committee if this is the item from which the commissioners get their allowance for the pay of the men who clean the streets?

Mr. PAGE of North Carolina. Yes, sir; this is the item.

Mr. MAPES. What compensation do they receive?

Mr. PAGE of North Carolina. I think the compensation of the men on the streets now runs from $1.50 a day—none of them less than that—up to $1.75, and some of them $2 a day.

Mr. MAPES. There has been some complaint, I think, about the little pay which they receive, and the answer of the commissioners, as I understand it, has been that the lump-sum appropriation which they receive for that purpose did not allow them to pay any more than they were paying.

I have heard it rumored that the committee was going to report an item which would allow the commissioners to increase the pay of these street cleaners. Is that correct?

Mr. PAGE of North Carolina. I will say, Mr. Chairman, in reply to the gentleman, that the subcommittee, after investigating this matter, found that these people were paid just as much here for like service rendered as they were paid in any other similar city, although a few of the larger cities had a scale of wages averaging perhaps a little higher, but that these people were paid here for this service on a par with cities elsewhere of like size. If the gentleman will keep his eyes open and observe, he will notice that these people do not overwork themselves.

Mr. MAPES. The committee has not recommended any increase?

Mr. PAGE of North Carolina. No; the committee has not recommended any increase, so far as it would allow them to pay an additional scale of wages all the way through. No; we have not. We have increased the amount $10,000 over the appropriation for the current year. We do not direct, of course, how the commissioners shall spend this money. They could increase the wages of some of these lower priced men under this lump-sum appropriation. We have increased it $10,000.

Mr. MAPES. Is it true that these men receive on an average less than $1 a day?

Mr. PAGE of North Carolina. I have no information as to that. Under the schedule furnished us by the Commissioners of the District of Columbia, $1.50 is the minimum wage of these men. There is no wage less than $1.50.

Mr. MAPES. Does the gentleman know whether or not they lose a great deal of time on account of bad weather and other things.

Mr. PAGE of North Carolina. I am not informed as to the number of days they are able to make in a week, but I should say that from the climate we have in Washington from March until December they are not forced to lose any time on account of weather conditions any more than similar employees are in other cities forced to lose time.

Mr. MAPES. Does the gentleman think these men would come under the Nolan bill, requiring that all Government employees receive $3 a day?

Mr. PAGE of North Carolina. I think it would be an outrage on the Treasury of the United States to be obliged to pay these men $3 a day for the work they perform.

Mr. MONDELL. Mr. Chairman, the question of increasing the compensation of the lowest paid employees of the District government and of the Government generally is one that has been considered very carefully by the subcommittees of the Committee on Appropriations this year. There is no question but that the Federal Government is paying less for certain classes of work than some of the States, municipalities, or private employers are paying. That is true, not in all cases; but it is true in quite a number of cases, particularly in the case of laborers or mechanics.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes

Mr. COX. Will the gentleman put in the RECORD what class of employees the Government is underpaying, as compared with States and municipalities, and where?

Mr. MONDELL. Well, I do not know that I will have time to do that, but I will say to my friend that there are quite a number of such cases in the Government service, by and large, although generally I think the Government pays quite as well as private employers do for the same class of work.

Mr. DENISON. Mr. Chairman, if the gentleman will yield, I will answer the question which the gentleman from Indiana has asked. Will the gentleman yield for a moment?

Mr. MONDELL. Yes.

Mr. DENISON. The custodians of some of the Government buildings and the elevator men and the watchmen in a number of different places in the Government service are paid less than those who are engaged in similar service for private people.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to the gentleman who has just made that observation, he no doubt realizes that this bill does not appropriate for any of the employees of the Government of the United States in the District of Columbia, but only for employees in the service of the government of the District of Columbia, and there are only a few of these buildings to which these appropriations apply.

Mr. COX. I suppose the gentleman takes into consideration, does he not, the fact that Government employees do not work by far the number of days in the year that private citizens in other municipalities work? For instance, they have a Saturday afternoon during three or four months each summer and they have 30 days' leave of absence and 30 days' sick leave, and all the holidays. They work only about 247 days in a year, and they work the enormous length of time of six and one-half hours a day.

Mr. MONDELL. It is true, Mr. Chairman, that Government employees mostly do have vacations with pay, which employees of private individuals and corporations do not have in all cases; but it is also true, as has just been stated by the gentleman from Illinois [Mr. DENISON], that certain classes of employees of the Federal Government, and among them notably those having charge of public buildings, are paid less than men doing the same class of work and working the same number of hours employed by municipalities and by private employers in many cities of the country. There is no question about that. That matter was developed in the hearings had before the Committee on Appropriations, and particularly before the subcommittee having charge of the sundry civil bill.

There is another matter that has been brought to our attention and that renders important this matter of increasing the pay of these low-paid employees of the Federal Government, and that is the continual increase in the price of living.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MONDELL. A great deal was said about the high cost of living several years ago. It was quite a campaign slogan, and certain gentlemen on the other side of the aisle had those words constantly on their lips and rolled them as a delicious morsel under their tongues, and projected them upon all of the audiences they could get before them. But they have entirely forgotten that there is such a thing as the high cost of living, although it is a fact that the cost of living has increased more in the last two years than it did in the 12 or 15 years preceding, and that it is higher now; not only actually higher, but higher in proportion to salaries and wages than it ever has been in the history of the country. Now I yield to the gentleman from Texas.

Mr. DAVIS of Texas. If the gentleman will allow me, I just want to suggest that hereafter under Democratic prosperity we are going to reverse the expression, and to say not the high cost of living, but the cost of high living.

Mr. MONDELL. Whenever Democratic prosperity is ushered in—we have heard a great deal about it, but most of us have not seen much of it—whenever that time comes it may be all right to reverse the statement, but in the meantime it is a very serious matter. Now, I am not charging, as our friends on the other side charged two years ago, that their party is responsible for the very great increase in the cost of living within the last two years. They have sins enough to answer for, Heaven knows, without being charged up with that. But it does present a very serious situation when we take into consideration the large number of people employed by the Federal Government who receive less than $1,000 a year, less than $900 a year, from $540 to $1,000 a year. Personally, I should have been very glad indeed if we could have brought in, on all of our appropriation bills, appropriations that would have authorized increases of all of these low wages and salaries, at least everything below $1,000 a year. We do not know how long this condition of the high cost of living is going to continue. We all feel it, and it is particularly hard on those people who are receiving small salaries and small incomes, not only in private employment, but under the Federal Government. This is certain, that if the present cost of living proves to be permanent, then within a very short time we must increase the salaries and wages of a very large number of people employed by the Federal Government in order to make it possible for them to live decently.

Mr. DENISON. I will state in this connection that the Committee on Labor, of which I happen to be a member, has reported to the House favorably a bill fixing the minimum wage for all employees of the Government and of the District of Columbia at $3 per day. That bill has been reported to the House and the

gentleman from Wyoming [Mr. MONDELL], as well as other Members, will have a chance to express their views on that question when that bill reaches the House, which we hope will be at this session.

Mr. MONDELL. I do not care to express any opinion with regard to that at this time. I do not think we ought to be extravagant with the public money or to pay larger salaries and wages in Government employment than are paid in well-paid private employments. But the cost of living in a decent way has so advanced as to render it necessary, if we are going to do justice by these people employed by the Federal Government, to increase their salaries and their pay very considerably. Everybody feels it, but those who are hardest hit and entitled to first consideration are the humble but faithful folks receiving the very lowest salaries and wages.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent to proceed for two minutes out of order.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes out of order. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Chairman, I feel called upon to express my appreciation and gratitude for the confidence and respect that have been shown to me by my colleagues in the House, in spite of the erroneous, libelous statements in the big daily newspapers of the country and the fraudulent indictment in the southern district of New York, and I propose now to show the illegal and fraudulent character of that indictment against me and others, for the benefit of Members of this House. Therefore I ask unanimous consent to extend my remarks in the RECORD by inserting a brief compiled by Hon. H. Robert Fowler, a former Member of the House, who was a most faithful servant of the common people in the House. I believe the Members of the House ought to know something about the fraud that is being practiced by men holding Federal office at the present time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a certain brief. Is there objection?

There was no objection.

The brief referred to is as follows:

ARGUMENT BY HON. H. ROBERT FOWLER.

In the Supreme Court of the District of Columbia, Justice Ashley M. Gould, presiding.

Hiram E. Martin et al. v. Maurice Splain, United States marshal. Habeas Corpus.

A REMOVAL PROCEEDING IS JUDICIAL AND NOT MINISTERIAL.

It is now well settled that, in passing upon an application for removal, the court must determine (1) whether the indictment charges an offense against the United States, (2) whether there is probable cause for believing the accused guilty of the offense charged, (3) whether the court to which the accused is sought to be removed has jurisdiction of the same. A careful examination of the indictment will enable the court to determine the first of these requirements, but additional testimony may be required to enable him to settle the other two.

The power and duty of preliminary courts in removal proceedings under section 1014, Revised Statutes of the United States, have been often misconstrued by such courts as conferring upon them a ministerial duty instead of the exercise of an important judicial function. It is ordinarily said that the indictment furnishes prima facie evidence of probable cause, and in one case—Tinsley *v.* Treat (205 U. S.)—the lower court held the indictment conclusive evidence; but this holding, however, was reversed by the Supreme Court in a well-considered opinion by Chief Justice Fuller. At page 29 of the above case he said:

> It has been repeatedly held that in such cases the judge exercises something more than a mere ministerial function, involving no judicial discretion. He must look into the indictment and ascertain whether an offense against the United States is charged, find whether there was probable cause, and determine whether the court to which the accused is sought to be removed has jurisdiction of the same. The liberty of the citizen and his general right to be tried in a tribunal or forum of his domicil imposes upon the judge the duty of considering and passing upon these questions.

While it has been frequently held that the indictment need not be judged with technical precision and nicety, yet in every case in which the question has arisen it has been definitely held that the finding that an offense against the United States is properly charged in the indictment is an absolute essential.

This is illustrated in the case of Haas *v.* Henkel (216 U. S., 462), wherein the court stated the objection that the indictment thereunder mentioned did not charge an offense against the United States, and said, at page 479, "Do the counts which charge a conspiracy to defraud the United States charge any offense?" And in the case of Peerless *v.* Weil (157 Fed. Rep., 499), we find a comprehensive statement of the law upon the subject, as follows:

> In the proceeding it is necessary to determine whether the offense against the United States has been committed and whether there is probable cause to believe the defendant guilty. * * * Under the sixth amendment to the Constitution there is also a question whether the petitioning defendants shall be removed for trial to the district in which the indictment was found and whether the district court of that district has jurisdiction of the offense charged in the indictment.

Upon consideration the court found that the indictment did not charge an offense against the United States, so the defendants were discharged. In the case of United States *v.* Greene (137 Fed. Rep., 618), at page 669, the court says:

> A void indictment—that is, one void on its face for the reason it does not charge the commission of a crime—is not prima facie evidence to an intelligent court or charge of anything except that the person who directed and the grand jury that found it made a mistake. It will be a sad day for the cause of justice when it is decreed by Congress or the courts that a citizen may be removed from Maine to California for trial on a void indictment. That question may be determined by the court where the arrest is made, for it is jurisdictional.

Section 761 of the Federal Revised Statutes, dealing with habeas corpus questions, provides as follows:

> The court or justice shall proceed in a summary way to determine the facts in the case by hearing the testimony and argument and thereupon to dispose of the party as law and justice require.

In passing upon this statute, the Supreme Court, in the case of In re Neagle (135 U. S., 1), said:

> This, of course, means that if he is held in custody in violation of the Constitution or law of the United States, or for any act done or omitted in pursuance of law of the United States, he must be discharged.

Bailey on Habeas Corpus, page 66, lays down the same doctrine.

In the case of Henry *v.* Henkel (235 U. S., 219), which was a habeas decision, the court said:

> No hard and fast rule has been announced as to how far the court can go in passing upon the questions raised in a habeas corpus proceeding.

In the case of Brown *v.* Henkel (194 U. S., 73) Justice Brown, in an able opinion on extradition, said:

> It may be considered that no such removal should be summarily and arbitrarily made. There are risks and burdens attending it which ought not to be needlessly cast upon any individual. These may not be serious in a removal from New York to Brooklyn, but might be if the removal was from San Francisco to New York. And statutory provisions must be interpreted in the light of all that may be done under them. We must never forget that in all controversies, civil or criminal, between the Government and the individual the latter is entitled to reasonable protection. Such seems to have been the purpose of Congress in enacting section 1014, Revised Statutes, which requires that the orders of removal be issued by the judge of the district in which the defendant is arrested. In other words, the removal is made a judicial rather than a ministerial act.

In the case of Tillinghast *v.* Richards (225 Fed. Rep., 234), decided July 27, 1915, the commissioner held the defendant for removal, but he was discharged by the court in a habeas corpus proceeding, in which the court said:

> If a rule of pleading is adopted which permits a constructive presence to be alleged in the same terms as an actual presence, and this upon a foundation of a bare allegation that an act apparently isolated was done in pursuance of a plan with which it has no apparent connection, then the prima facie effect of an indictment as evidence of probable cause is entirely destroyed. * * * A pleader should not be permitted to allege isolated acts, and the court required, upon his mere allegation that they were done pursuant to the conspiracy, and with out the slightest idea whether this is true or not, to take the pleader's word instead of himself seeing whether the act alleged was relevant or not. * * * He must find in the facts alleged and not in the pleader's conclusions as to logical construction of facts.

From this opinion, which is one of the very latest on this subject, and the other opinions above cited, and still others of a like character which might be cited, we are forced to the conclusion that before the indictment will be held as prima facie evidence fo. removal it must follow the common-law rule—that the substance, nature, and manner of the crime must be laid positively and not by way of recital. Recitals and conclusions of the pleader will not be accepted as true by the court. The court must find in the facts alleged and not in the pleader's conclusions as to the merits of the indictment as evidence of prima facie cause for granting removal.

In habeas corpus proceedings for removal the decisions of the Federal and Supreme Courts are not harmonious as to what the indictment must contain in order to furnish evidence of probable cause; yet the latest decisions of the Supreme Court furnish as a reasonably safe guide. In the case of Pierce *v.* Creecy (210 U. S., 400) Justice Moody, in delivering the opinion of the court, laid down the rule that the indictment, in order to constitute a sufficient charge of crime to warrant extradition, must show that the accused has been substantially charged with crime.

In the case of Henry against Henkel, Two hundred and thirty-fifth United States, page 230, Justice Lamar delivered the opinion of the court. George G. Henry, a member of the banking firm of Solomon & Co., of New York, had been called before the congressional Committee on Banking and Currency, in pursuance of a resolution to investigate and report upon the financial affairs and activities of the national banks, in which he testified that his bank had paid $8,215,262 for $22,500,000 worth of preferred and common stock of a California oil company. After detailing the manner of allotting the stock among a group of four New York banks, consisting of his bank, Lewisohn Bros., Hallgarten & Co., and another bank not named, he said that 12½ per cent of this oil stock had been allotted to persons whose names he refused to disclose. He was indicted in the District of Columbia for contempt of Congress. Removal proceedings were instituted in New York City to bring him to the District of Columbia, which resulted in a habeas corpus proceeding finally reaching the Supreme Court. After citing several important cases, Justice Lamar concluded by saying:

> These cases do not, of course, lead to the conclusion that a citizen can be held in custody or removed for trial where there was no provision of the common law or statute making an offense of the case charged. In such cases the commitment court would have no jurisdiction, the person would be in custody without warrant of law, and therefore entitled to his discharge.

Citing Greene against Henkel, 142 United States, page 249.

These two decisions disclose the fact that the Supreme Court makes it obligatory upon the pleader to set out the offense against some statute before extradition will be granted. If, upon a careful examination of the indictment, it is found that any essential element necessary to constitute the offense sought to be alleged is omitted, the court will discharge the prisoner.

In the Tillinghast case, supra, the defendants were indicted for a conspiracy to defraud the United States by omitting to place on colored oleomargarine the statutory required stamp of 10 cents a pound. The indictment was returned in the southern district of New York and charged the defendants with being engaged in the manufacture of oleomargarine at Providence, R. I.; numerous overt acts were charged in the indictment as to secret purchases in New York City of many of the ingredients used in the manufacture of oleomargarine. It was also charged that these secret purchases were followed up by secret shipments and secret manufacture of said product, but the omission of the required revenue stamp is charged to have taken place at Providence, R. I. On application for removal at Providence, R. I., after hearing much evidence the commissioner held the defendants for removal. On a writ of habeas corpus District Judge Brown, in a lengthy opinion, held that the defendants were entitled to their discharge for the reason that the indictment did not charge that the offense was committed in the southern district of New York. One of the ingredients purchased in New York was palm oil. In passing upon the sufficiency of the venue the court said:

> The purchase of palm oil, its shipment, payment for it, etc., may be acts to effect the object of manufacturing colored oleomargarine; but they can not possibly affect the removal of oleomargarine without payment of the tax, unless by some connection which does not appear and which is not inferable from what is alleged. These are, for all that appears, nonculpable acts, from which no intent to defraud can be inferred, and which can not support a finding of probable cause.

From the consideration of this matter it clearly appears that in removal proceedings it is a prime essential that the indictment on which the removal is asked be sufficient on its face to show that an offense against the United States has been committed, and it follows as of course that unless the commissioner who is charged with the duty of inquiry in that behalf is advised of an offense against the United States, sufficiently charged on the face of the indictment, he has no alternative to discharging the defendant.

THE INDICTMENT IN THE CASE AT BAR DOES NOT CHARGE AN OFFENSE AGAINST THE UNITED STATES.

It is the policy of the law to surround the accused with the highest degree of caution and circumspection, so that the innocent may escape the punishment sought to be inflicted by wrongful accusation. One of the wisest of these safeguards is found in the fifth amendment to the Constitution, which provides that:

> No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury * * *.

The indictment grew up with the civilization of England, and is a milestone in the history of the development and growth of the common-law jurisprudence of that country.

The injunction placed on the common-law indictment requires that every element necessary to constitute the offense must be charged in the indictment with that degree of clearness, positiveness, and certainty as to enable the court to see, from the face of the indictment, that if the elements charged in the indictment were proven to be true as charged in the indictment the offense charged would inevitably follow. This is the yardstick of measurement for every Federal indictment which finds its way into the courts of the United States. In the case of Pettibone *v.* United States (148 U. S., 202), in an able opinion Chief Justice Fuller said:

> The general rule in reference to an indictment is that all material facts and circumstances embraced in the description of the offense must be stated, and that if any essential element of the crime is omitted, such omission can not be supplied by intendment or implication or by way of recital. * * * This indictment does not in terms aver that it was the purpose of the conspiracy to violate the injunction referred to, or to impede or obstruct the due administration of justice in the circuit court; but it states as a conclusion from the previous allegation that the defendants had conspired, by intimidation, to compel the officers of the mining company to discharge their employees, and the employees to leave the service of the company, a conspiracy which was not an offense against the United States.

In the case of the United States *v.* McAndrews & Forbes Co. (149 Fed. Rep., 630) the court there said as to an indictment for a conspiracy:

> An indictment for conspiracy should describe something that amounts to a conspiracy conformable to the rule of the common law as perhaps, modified by general Federal statute.

Let us compare the rule of common-law pleading as laid down by one of the eminent English writers with the requirement set forth in the above able opinions. From Hakwins's "The Pleas of the Crown," fourth edition, 1762, book 2, chapter 25, of indictments, section 59, page 226, we quote the following:

> That regularly every indictment must either charge a man with some particular offense or else with several such offenses, particularly and certainly expressed, and not with being an offender in general, for no one can well know what defense to make to a charge so uncertain or to plead it either in bar or abatement of a subsequent prosecution, neither can it appear that the facts given in evidence against the defendant on such general accusation are the same of which the indictors have accused him; neither can it judicially appear to the court what punishment is proper for an offense so loosely expressed. And upon this ground it hath been adjudged that an indictment is insufficient which only charges a man in general with having spoken divers false and scandalous words against J. S., being mayor of such a place, or with being a common defamer, vexer, and oppressor of naughty men, * * * or with being a common deceiver of the king's people, or with being a common publisher of the king's secrets, or with being a common evildoer, or with being a common conspirator and such like. It is holden in a note in Fitzherbert's Abridgment that an indictment for conspiracy in general is good, but this is made quaere by the reporter of the yearbook, from which the said note in Fitzherbert's is taken, and is denied to be the law both by Brook and Rolle, nor do I anywhere find the least reason offered to distinguish this from other cases above mentioned. Also it is holden by Sir Edward Coke that the ancient form of indictment charging men with having, as heretics and traitors and infestors of the highways, conspired and contemplated, etc., to destroy the Catholic faith, and having daily published false and seditious writings, etc., were utterly insufficient, and yet such indictments seem to have been frequent, as were also indictments charging men in general, as insidiatores viarum and depopulatores agrorum, which words took the benefit of clergy from the persons indicted before the statutes of Fourth H., 4, 2, by which it is enacted that these words shall no more be put into indictments, nor if they be shall have such effect as to take from the persons indicted the benefit of clergy, and this statute in this respect seems to be an affirmance of the common law, which seems generally to disallow such uncertain indictments as appears from the reasons and authorities set forth.

> SEC. 60. That the charges must be laid positively, and not by way of recital, and that the want of a direct allegation of anything material in the description of the substance, nature, or manner of the crime can not be supplied by any intendment or implication whatever.

By a few quotations from some of the other leading cases dealing with the sufficiency of the charges in the indictment it will be seen that this English author laid down the rule now followed by both the Federal and Supreme Courts of the United States, and that all indictments which do not conform to these rules are fatally defective and are not sufficient to require the defendant to be placed on trial.

The following is taken from the opinion of Foster *v.* United States (178 Fed. Rep., 165):

> An indictment is fatally defective if an essential element of the crime intended to be charged is omitted.

In the case of United States *v.* Post (133 Fed. Rep., 852) the following rule is laid down:

> All indictments require direct, positive, and affirmative allegations of every point necessary to be proven.

The Federal court holds, in the case of John Reardon & Sons (191 Fed. Rep., 454), that—

> It is never sufficient to charge in an indictment that an act is illegal, but something must be alleged which the court can see on the face of the indictment is illegal if the facts are proven.

The common-law rule for indictment for conspiracy does not require an overt act to support a conviction. The Federal statute, section 5440, changed this rule, by requiring an overt act to be charged in the indictment and proven. As the Sherman law omits the requirement of such overt act and fails to define what is required to constitute a conspiracy under its provisions we are compelled to go back to the requirements of an indictment for a common-law conspiracy, and as it was not a crime to restrain trade and commerce at common law we must resort to the common law applicable to other conspiracies made criminal at common law for a guide in passing upon the sufficiency of

an indictment under this antitrust law. Section 60, quoted from Hawkins, supra, appears to lay down the correct rule as to what an indictment at common law for a conspiracy must contain, which is quoted again:

The charge must be laid positively, and not by way of recital and that the want of a direct allegation of anything material in the description of the substance, nature, and manner of the crime can not be supplied by any intendment or implication whatever.

We must conclude from the decisions above quoted, and from the various decisions, both of the Federal and Supreme Courts of the United States, dealing with indictments for conspiracy under the Sherman Act, that the common-law rules governing the sufficiency of such indictments must be invoked in determining the sufficiency of all indictments for conspiracy under the Sherman Act.

THE INDICTMENT

Now let us turn to the indictment in this case and apply these well-known and highly established rules as a test of its merits as evidence in this case. All that part of the indictment down to the words "and the grand jurors aforesaid, upon their oath aforesaid, do further present that upon the 1st day of May," and so forth, is a mere recital, not of facts but of things supposed to exist, without being able to give the name of a single person, copartnership, association, or corporation in the business recited, to wit, the manufacture and transportation of munitions, or to locate either definitely or indefinitely the location of a single manufacturing plant so engaged, or transportation line, either by rail or water, so engaged, either in intrastate, interstate, or foreign trade or commerce, but, on the other hand, the pleader winds up this recital with a frank confession that the grand jury does not know the names of the supposed manufacturers of munitions, nor the names or locations of their supposed manufacturing plants, nor the names of the supposed shippers of munitions, nor the names of the supposed transportation lines and the names of the routes of the supposed shipments, nor the kind of commodities supposed to have been shipped, nor the amount of any supposed shipment, nor the point of origin or of destination. If the grand jury failed in procuring evidence of the existence, location, or transportation of such commerce, how was it possible for them to learn that there had been a conspiracy to restrain such unknown commerce?

The question naturally arises, how could the grand jury know that any person, copartnership, association, or corporation had been engaged in the manufacture of munitions during the time indicated in the indictment, or that munitions had been sold or delivered to any point in America and shipped to any port in any foreign country without having had some person who, under oath, was able to and did testify of his own knowledge, giving names of the persons, firms, companies, and corporations, with the names and locations of the manufacturing plants, and the names of the interstate transportation lines, the routes taken, the commodities transported, the States crossed, and the destination ports reached, together with the names of the companies engaged at this end of the line in the supposed foreign commerce, and the ocean transportation lines engaged in the supposed foreign commerce. Without such evidence it is impossible for the grand jury to say upon their oath that any foreign trade and commerce had been carried on during the time, or any portion of the time, attempted to be charged in this indictment. Hence it follows that it was impossible for them to know of any alleged conspiracy for the restraint of such commerce.

Certainly the pleader can not expect the court to believe that such trade and commerce existed during the time set out in the indictment, first, because the grand jury frankly says it did not know of any such commerce at the time of their return of the indictment; secondly, there is nothing in that part of the indictment from which the court may determine the truth of such recitals, all of which have been condemned by both the Federal and Supreme Courts of the United States, and the recent decision in the Tillinghast case, supra, repudiated such recitals, declaring that they were not worthy of consideration as evidence.

The right of the grand jury to use the term "To the grand jurors unknown" is a privilege and arises from the necessity of the case and should never be abused. In the case of United States v. John Doe (122 Fed., 964) the grand jury indicted a Chinese in this language, "John Doe, a Chinese person whose true name is to the grand jurors aforesaid unknown," charging him with the offense of aiding the illegal landing of Chinese persons in the United States. The court held that the indictment, on its face, showed that the name "John Doe" was fictitious only, and that the grand jury did not know and were unable to identify the person they were indicting, and held the indictment void for insufficiency of description.

In the case of United States v. Rhodes (212 Fed., 517) the grand jury indicted Rhodes for concealing "goods, wares, and merchandise," alleging that the "character, kind, and particular description of which is to the grand jurors unknown." The court held that such language is permissible only when the grand jury can not obtain a knowledge of the facts. On the hearing the evidence showed that the grand jury did know the character and kind of goods concealed, so the court discharged the defendant. The case of Naftzger v. United States (200 Fed. Rep., 494) upholds this rule.

Immediately following the language, "are not known to the grand jurors aforesaid," we find the following remarkable statement: "And are so numerous as to preclude their enumeration in this indictment." A most astounding disclosure, a flat contradiction of a want of knowledge on the part of the grand jury, for how could the grand jury know that the number of the manufacturing plants of munitions and their names and locations, and the transporation companies, the names thereof, the names of the owners and operators thereof, the character and quantity of the commodities shipped in foreign commerce were "so numerous as to preclude their enumeration in the indictment, without first having had some reliable evidence before them upon which to base such a statement"? This is impossible; and when compared with the statement disclaiming a want of knowledge of such things, a statement made under oath, it is patent on its face that the indictment is a snare and a delusion, stamping it as a miserable fraud, unworthy of belief. It is a desecration of the sanctity of an oath, and a brazen invasion of the dignity of a high court of justice. Under the rules of pleading, this part of the indictment is good for nothing, except to expose the lack of good faith, necessary in the presentation of every indictment in a court of record.

We now reach what is known as the charging part of the indictment, which states, after naming the defendants:

Each of whom well knew the facts as to said foreign commerce hereinbefore stated and alleged

Then after stating the sins of the supposed offense the indictment continues as follows:

Unlawfully did knowingly and willfully engage in a conspiracy to restrain the aforesaid foreign trade and commerce * * * and to prevent the transportation of said articles in said foreign trade and commerce.

This part of the indictment fails to charge any offense, for the reason that it does not charge that an offense has been committed, to wit, a conspiracy to restrain foreign trade and commerce. It attempts to appropriate what appeared in the former recitals, all of which failed to state facts from which the court could see from the face of the indictment that there was any such foreign trade and commerce in existence at the time named in the indictment or at any time within the last three years. "The said foreign commerce," the "aforesaid foreign trade and commerce," "the said foreign trade and commerce" are the terms in this part of the indictment which the pleader relies upon as a compliance with the rules of pleading. The pleader is required to state distinctly and definitely some specific trade and commerce against which the conspiracy was directed, and in the light of that part of the former recital, which declared under the oath of the grand jury that they did not know the name and location of any munition plant engaged in manufacturing munitions for foreign trade and commerce and that they did not know the name of any transportation company engaged in foreign trade and commerce nor the transportation routes used for foreign trade and commerce, how can the court say that the statements in the charging part are any more definite and clear than those to which it would refer in the former recitals? This part of the indictment, the chief and all-important part, is required by all the rules of common-law pleading to set out in clear and unmistakable terms every element and ingredient of which the offense is composed, which embraces the substance, nature, and manner of the crime.

In the case of United States v. Cruikshank (92 U. S., 542) the indictment sought to charge the defendants with conspiring to deprive colored citizens of certain legal and constitutional rights, and in the charging part it was charged that the defendants conspired to hinder and prevent certain-named colored citizens in the free exercise and enjoyment of "every, each, all, and singular the rights granted them by the Federal Constitution," without specifying any particular right. In passing upon the indictment the court said, this—

is too vague and general to charge an offense under the act of May 31, 1870, section 6, making criminal the banding or conspiring together with intent to hinder or prevent the enjoyment or exercise of a right or privilege granted or secured by the Federal Constitution or laws.

The statute referred to in this case is very similar to the conspiracy clause in the Sherman Act in that neither requires an overt act to complete a right of action. If the one requires the indictment to state definitely and distinctly the name of a specific right against which the conspiracy was directed in order to

constitute a charge of conspiracy, it would seem that equal particularity should be required in stating the names of the munition, manufacturing, and transportation companies in this indictment. Suppose the names of the colored citizens had been omitted instead of the particular right, and it had been charged generally that a large number of colored citizens, somewhere located in the United States, had been hindered from exercising the right of franchise at an election for a Member of Congress at a place certain on a day certain, would anyone contend for a moment that the last indictment charged an offense any more definitely and clearly than the indictment condemned by the Supreme Court in the above case?

The next six or eight lines of the indictment contain a statement that the quantity sought to be restrained, the time, place, and number of articles was to be no more than the defendants "might thereafter be able to do"; and then follows a statement that the restraint of the manufacture of munitions was directed against "such of said articles and in such ways and at such times and places as they might be able so to do." All of which is a mere conclusion of the pleader and has no more weight in the indictment than if it had been omitted entirely.

The next paragraph is among the most novel in the history of criminal pleading. What shall we think of an indictment which begins by trying to charge a conspiracy to restrain foreign commerce at a particular time in munitions of war, and after blundering along like a lost man in a forest, it suddenly breaks off by saying that the "conspiracy was not confined to any particular articles, times, places, ways, and means," but it was "intended at any time or place, and by any ways and means, some of which were not definitely determined upon," all of which indicates a most wonderful accumulation of information, the possession of much of which could be had only by the unlocking of the secret chambers of the minds of the defendants, and then success would depend upon whether the defendants were in possession of such knowledge.

"Not confined to any particular articles" is broad enough to include all the articles in the world. "Not confined to any particular time or place" includes all time and all places in the world. There seems to be no limitation. But the real ludicrous portion of the composition, after assuming such a wide range of definite and general knowledge, is found in the following extract from the indictment:

And the particular articles, times, places, and means determined upon by the defendants are not known to the grand juror aforesaid.

Yet, just a few lines above this statement, the grand jury, upon its oath, was able to inform the court and the defendants that some of the ways and means were not determined upon, indicating that some others had, but when all this is followed by a disclaimer under oath we reach a climax in doubt and wonder. Yet in the next sentence we are informed by the grand jury, under oath, that divers means and methods were intended to be used by the defendants, and our wonder deepens, and we are at a loss to know how it is that the grand jury was able to emerge so suddenly from total darkness, as to the ways and means, into the clear sunlight of knowledge, sufficient to inform us that divers ways and methods were intended to be used, and then following up this statement with six specific ways and means which it had learned so suddenly. But this is in keeping with the whole indictment. It violates more rules of pleading than any indictment I ever saw, and what I have said as to the conclusions of the pleader's vague and misty statements "to the grand jurors aforesaid unknown" heretofore, I now urge against this portion of the indictment and insist that it is good for nothing except to show a lack of good faith in the presentation of the indictment. It bristles with inconsistencies from the beginning, sufficient to destroy it, but it is further loaded down by recitals of indefinite matter, having no logical connection, all of which are vague conclusions of the pleader.

I now come to the consideration of the six ways and means which are recited in the indictment to effect the supposed conspiracy, the first five of which deal with strikes and walkouts in the supposed munition plants and transportation lines supposed to be engaged in foreign commerce. The third and fourth embrace all that is in the first and second, but go further by reciting the supposed means agreed upon by the defendants for carrying into effect strikes and walkouts in the supposed munition plants and transportation lines. Number five differs only in that the heads of labor organizations were to be appealed to as a means of creating strikes and walkouts.

Bearing in mind the well-accepted doctrine that the statute does not apply unless the restraint complained of produced a direct effect on the foreign commerce and not merely indirect, which doctrine is laid down in one of the most recent cases for conspiracy under the Sherman Act (United States v. Patten, 225 U. S., 542), I think we can dispose of this part of the indictment with clearness and certainty. Summing up these charges and taking them in their fullness, they amount to no more than this: That the defendants agree to inaugurate an educational campaign for the purpose of crystallizing public sentiment against the manufacture and shipment of war materials to foreign belligerent countries, hoping thereby that those engaged in such business would quit, and that the means agreed upon were the following: Inducing by solicitation, persuasion, and exhortation, and by circulating through the mails, through the public press, and by distribution of literature, such as telegrams, circulars, pamphlets, letters, and newspaper articles. No matter from what angle we examine the language used in reciting the ways and means, it can amount to no more than what is indicated above.

To hold to the contrary would be an invasion of three of the most important, original, and superlative rights of men, none of which depend upon any law made by man, and all of which antedate all human law. The freedom of speech, the freedom of the press, and the right to assemble peaceably are fixed rights, coextensive with human civilization, and as enduring as the mountains or stars. To deny workingmen the privilege of quitting their jobs at will would destroy the force and effect of the thirteenth amendment to the Constitution and revive the ante bellum practice of involuntary servitude. Voluntary servitude is the universal rule in America, and the obligation to work for others depends, as a rule, upon contract; and a termination of such contract, even before the terms of the contract have been complied with, has never been held to be a violation of the antitrust law; neither has it ever been held that peaceable persuasion by word or by writing has been a violation of this act.

The first amendment to the Constitution provides that—

Congress shall make no laws abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

All of the means specified in the six paragraphs of this indictment are invulnerable and immune from assaults or abridgment by legislative enactment or decisions of the courts. They were bulwarks of freedom long before the Sherman law was born.

To hold that it is a conspiracy under the Sherman Act for two or more to agree to try to induce workmen to quit their work in munition plants or transportation lines engaged in moving munitions in foreign trade and commerce by exhortation, persuasion, and solicitation, or to agree to do the same by means of newspaper articles, telegrams, letters, pamphlets, and circulars, would be to hold that Congress has a right to pass a law abridging the freedom of speech and the freedom of the press, and also to abridge the right of people to peaceably assemble for the purpose indicated in the indictment, and it is upon such allegations that the Government relies as evidence to support their claim for removal, which is wholly insufficient.

There is nothing in the indictment, from which the court can see for himself that if all the workmen in munition plants and munition transportation business, located in the United States and elsewhere, should have been moved by the agencies enumerated to quit in a body that the result of such action would in any way restrain foreign commerce at all. So far as the allegations in this indictment are concerned the places of all such workmen might have been readily filled without any restraint whatever to the production or transportation in foreign commerce of all the munitions referred to in the indictment.

This is well supported by the law as is evidenced by a late decision in the case of United States against North Pacific Wharves & Trading Co., Fourth Alaska, page 583, which was an indictment for a conspiracy to monopolize the trade in coal at Skagway, Alaska.

Lyons, district judge, delivered the opinion, saying:

The indictment charges the North Pacific Wharves & Trading Co. was the owner of all the wharves in Skagway, excepting the Pacific coast wharf, which was owned by the Pacific Coast Co.; that the North Pacific Wharves & Trading Co. entered into an agreement with the Pacific Coast Co. whereby the latter agreed to close its wharf as a public wharf and to permit only the North Pacific Wharves & Trading Co., E. E. Billinghurst, and E. J. Shaw to use the same for storing purposes. In consideration whereof the North Pacific Wharves & Trading Co. agreed to pay the Pacific Coast Co. 25 cents per ton wharfage on all coal passing over the wharf owned by the North Pacific Wharves & Trading Co., and further agreed to ship all of its coal to or through Skagway on boats owned by the North Coast Steamship Co., which is alleged to be a subsidiary corporation of the Pacific Coast Co.

The reasoning of the court was based upon the failure of the indictment to charge that the wharf business was sufficient to support more than one wharf or that the conditions were such that no other person or company could engage in the wharf business at Skagway.

grand jury indicted Rhodes for concealing "goods, wares, and ' cific right against which the conspiracy was directed in order to

The court also says:

The facts charged in the indictment do not warrant an inference that the carrying out of the alleged agreement in the indictment would in any way restrain trade. * * * The indictment should state facts, from which it must be inferred trade will be restrained or competition stifled. If every fact charged in the indictment were proved to a mathematical certainty, no jury or court would be warranted in saying that such a conspiracy would substantially restrain trade or would result in a monopolization of any particular business.

Before the court can say that foreign commerce in munitions would have been restrained if the things recited in the indictment should happen, he must be compelled to reach such conclusion from the matters and things recited in the charging part of the indictment, for, under the decision of the case of Tillinghast against Richards, supra, of July 27, 1915, the court is compelled to "find in the facts alleged and not in the pleader's conclusion as to the logical construction of facts." If the courts were compelled to rely upon the truth of the matter recited in the indictment by the pleader, and accept his conclusions as true, the habeas corpus proceedings would be a mere matter of form, and amount to no more than the exercise of a ministerial act.

Under such practice any old indictment, although it might amount to no more than a scrap of paper, would be accepted as prima facie evidence, on an application for removal to any court in which the indictment was returned, regardless of its distance away from the home of the defendant. Thanks to the courts that such is not the practice. They have declared repeatedly that such proceedings contemplate the exercise of a high judicial function on the part of the court, wherein evidence may be heard to aid the court in determining the questions raised by the pleadings so that justice may be dealt out the same as in other cases.

We now come to the consideration of No. 6 of the specific ways and means attempted to be charged in the indictment which recites "that divers other means and methods not specifically determined upon by the defendants" were agreed upon for the purpose of carrying into effect the supposed conspiracy. This would not only be a very uncommon thing to do, but when supplemented by the words "to be decided upon by them as occasion might arise" justifies us in concluding that the grand jury had before it no evidence on which to base this charge.

The grand jury was unable to learn any of the names of the unknown means and methods, but determined upon by the defendants, but it did learn that the defendants were to decide upon these unknown "means and methods" * * * "as occasion might arise," and that all of them were "calculated in furtherance of and to effectuate the object of the supposed conspiracy."

It is difficult to say how the grand jury were able to say upon their oath that there were unknown "divers other means and methods not specifically determined upon," and that they were to be decided upon at some unknown time and under some unknown circumstances, and that they were all "calculated" to consummate the "object of said conspiracy." As a rule such a statement in an indictment is worthless, but in this indictment it is very valuable, for it indicates a total want of information on the part of the pleader, and discloses a mechanical effort on his part to construct the indictment without evidence, and at the same time to conceal from the court and the defendants the real conditions under which he labored. Were it perfect in every other respect the use of the word "calculated" would destroy it as an element of pleading, for the courts have often condemned the use of such words and styled them as conclusions of the pleader. In the case of United States v. Patten (187 Fed., 664); same (U. S., 226, 525), this word was used in an indictment for conspiracy and was condemned as a mere conclusion of the pleader, and when considered with the other parts of the sentence it is evident that the pleader could not possibly have arrived at any intelligent conclusion.

I pass the concluding paragraph of the indictment for the reason that if the charging part fails to charge an offense against the United States it can not draw any aid or support from the closing part.

To sum up the important defects in this indictment is now the object of counsel. What are the defects which cause it to sink below the level of prima facie evidence of probable cause? When stripped of the recitals and conclusions of the pleader, we have left the charging part only, which, after setting out the names of the defendants, the time and the place, continue as follows:

Unlawfully did knowingly and willfully engage in a conspiracy to restrain the aforesaid foreign trade and commerce.

Is this language sufficient to charge a conspiracy under the Sherman Act? If not, then the defendants should be discharged. Let us put it to the test of the decision of the Supreme Court in the case of United States against Cruikshank, in 92 United States, page 542. We have seen that Cruikshank and others were indicted for a conspiracy to prevent negro citizens from the free exercise and enjoyment of "ever, each, all and singular, the rights granted them by the Federal Constitution," without specifying any particular right. In passing upon the question as to whether the indictment contained any charge for such conspiracy, Chief Justice Waite, in delivering the opinion of the court, said that the charge—

Is too vague and general to charge an offense under the act of May 31, 1870, section 6, making criminal the banding or conspiring together with the intent to hinder or prevent the enjoyment or exercise of a right or privilege secured or granted by the Federal Constitution or laws.

The failure of the Cruikshank indictment to charge an offense against the Federal statute was its failure to charge the specific right against which the conspiracy was directed. The names of the parties, to wit, the negroes who were entitled to the specific right, were properly set out, but the Chief Justice held the indictment void and discharged the defendants because it failed to set forth the specific right necessary to constitute the offense.

But the indictment now before the court is doubly defective, because it fails to set out in proper terms the names of the parties and the specific right they were entitled to under the law.

In other words, it is a general rule that the name of the thing against which the conspiracy is directed must be set out specifically and accurately in the charging part of the indictment. This is not done in this indictment.

The specific location of the munition plants and the names of the owners thereof, the specific commerce, with the names of the specific owners and the names of the specific transportation lines used in facilitating such commerce, and the names of the specific companies owning or operating the same are entirely absent from the indictment, which reveals a total failure to charge the offense of a conspiracy under the Sherman law.

Recalling the case of United States against McAndrews & Forbes Co., supra, which lays down the doctrine that—

The Sherman Act is not directed against an abstraction. * * * Its prohibition is not directed against a state of mind, but against a state of facts. * * * An indictment for conspiracy should describe something that amounts to a conspiracy conformable to the rules of pleading at common law.

A doctrine uniformly adhered to by both the Federal and Supreme Courts of the United States in passing upon indictments for conspiracy in habeas corpus proceedings. Measured by this rule the indictment before us sinks far below the level of prima facie evidence of probable cause.

In support of this doctrine we also cite the following cases: In re Neagel, 135 U. S., 1 supra; Pettibone v. United States, 148 U. S., 202, supra; Tillinghast v. Richards, 225 Fed., 234, supra.

The indictments in the above cases were much less defective in substance than the present indictment, and yet the defendants were discharged by the courts in habeas corpus proceedings.

The statute of Illinois, section 659, provides that "any two or more persons who shall conspire or agree falsely and maliciously to charge or indict, or cause to procure to be indicted, any person for a criminal offense shall be fined not exceeding $1,000 and confined in the county jail not exceeding one year."

Who would contend that the offense of such conspiracy was charged in an indictment which alleges that A and B, on a day certain, at a time certain, unlawfully and willfully conspired to falsely and maliciously charge a person of a criminal offense without stating the specific name of the party against whom the conspiracy was directed and the character of the crime said to be charged against him?

Under the United States Criminal Code, section 37, formerly section 5440, the Joplin Mercantile Co. et al. were indicted for conspiracy substantially as follows:

The defendants (naming them) did unlawfully conspire together to commit an offense against the United States of America, to wit, to unlawfully, knowingly, and feloniously to introduce, and attempt to introduce, malt, vinous, spirituous, and other intoxicating liquor into the Indian country, which was formerly the Indian country and now is included in a portion of the State of Oklahoma, and into the city of Tulsa, Tulsa County, Okla., which was formerly within and now a part of what is known as the Indian country and into other parts and portions of that part of Oklahoma which lies within the Indian country.

Then followed the allegation of overt acts of delivering intoxicating liquor to the express company at Joplin, Mo., to be shipped to Tulsa, Okla.

Justice Pitney, in this case (226 United States, page 525) in delivering the opinion of the court said:

The clause of the indictment which sets forth the conspiracy does not in terms allege, as a part of it, that the liquor was to be brought from without the State of Oklahoma, nor does this clause refer, for light upon its meaning, to the clause that sets forth the overt act; we do not think the latter clause can be resorted to in aid of the averments of the former * * * for this reason, among others, it seems to us, as here, the averment respecting the formation of the conspiracy refers to no other clause for certainty of its meaning—it should be interpreted as it stands. We therefore think the court of appeals properly treated this indictment as not charging that the liquor was to be introduced from without the State and correctly assumed in favor of the accused that the design attributed to them looked only to intrastate commerce in intoxicants.

Citing Britton v. United States (108 U. S., 199), in which latter case the court held that the indictment did not charge any offense.

There were two Federal statutes prohibiting the shipment of intoxicating liquor into the Indian country, one of which prohibits the shipments from points within the State of Oklahoma into the Indian country, while the other prohibited the shipment of such liquor from without the State of Oklahoma and into the Indian country. Now had there been but one statute on this subject, to wit, the statute prohibiting the shipment of intoxicating liquor without the State of Oklahoma into the Indian country, this indictment would not have charged any offense against the defendants for the reason that it omitted one of the essential elements to constitute the offense, to wit, a charge of the shipment of intoxicating liquor named in the indictment from without the State of Oklahoma into the said State and into the Indian country.

The defendants in an indictment for a conspiracy to restrain interstate or foreign commerce can be convicted only for a conspiracy to restrain such business of the party or parties specifically named in the indictment. And if the indictment charges a generic conspiracy to restrain such commerce without setting out specifically the names of the person or persons owning and conducting such commerce, it fails to charge a conspiracy and is therefore void.

The above proposition is well supported by the authorities. In the Cash Register case, Patterson against United States, 26 Federal Reporter, page 616, 30 defendants, owners and directors of the National Cash Register Co., were indicted in three counts, one of which was for a conspiracy to restrain the interstate commerce in cash registers of 32 cash register companies specifically set out in the indictment by the names and location of each of said companies. The indictment specifically set out 11 separate paragraphs of distinct and unlawful ways and means by which the conspiracy was to be carried into effect. Judge Cochran, in the United States Circuit Court of Appeals for the Sixth Circuit, March 13, 1915, in passing upon the sufficiency of the conspiracy count in the indictment, said:

As we have seen, the charge of the count is of a conspiracy against the competitors who are named and is limited thereto. Its underlying thought is that there was a generic conspiracy against all competitors and that this conspiracy took specific direction against the competitors named as they came into existence, and continued against them as long as they remained in existence. In the second item of the introductory statement, where those competitors are named, it is alleged that they are all the competitors known to the grand jurors, which as much as says that if the others had been known they would have been named also. This could only have been on the basis that there was a generic conspiracy against all competitors. The effect of this consideration is merely to relieve the court of any claim of duplicity. It is the tie that binds. It did not render the defendants subject to conviction on the generic conspiracy so presupposed. In spite of it, they were only subject to conviction for the conspiracy against the competitors named.

The indictment must set out definitely the names of the party or parties against whose business the conspiracy is directed, otherwise it is void.

Patterson against United States, 222 Federal Reporter, page 623, says:

When, however, we turn to the first count we do not find any of the competitors named therein as having carried on business during the three years preceding the indictment * * * the competitor, then, whose business it is alleged the defendants secured by the use of these means are incapable of identification. It is not those who in fact carried on the business during the three years, but those which the first count mentioned as then carrying on the business, and it does not mention which of them so did. We see no escaping from the conclusion that the count on this ground is void for uncertainty.

Where an indictment mentions several whose business has been restrained, but fails to single out those whose business was restrained during the three years next prior to the finding of the indictment it is bad.

Ibid., 624, says:

The first count no more mentions which of them carried on business before the three years than it does those which did so during the three years. On this ground the count is bad.

THE WAYS AND MEANS CHARGED IN THE INDICTMENT ARE NONCULPABLE AND SANCTIONED BY LAW.

So far we have considered the indictment as to its sufficiency from a standpoint of pleading, and we have discussed its weakness with reference to the material allegations necessary to constitute a charge of an offense against the statute. Now we come to the consideration of its sufficiency from an entirely different standpoint.

CLAYTON ACT.

On October 15, 1914, what is known as the Clayton Act became a Federal law, section 6 of which declared—

That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof, nor shall such organizations or members thereof, be held or be construed to be illegal combination or conspiracies in restraint of trade, under the antitrust laws.

For all intents and purposes this is an amendment to sections 1 and 2 of the Sherman law, and acts as an exemption of farmer and labor organizations and the members thereof from its operations. If such exemptions had appeared in the original Sherman Act, there is no doubt but what this indictment would be fatally defective on account of its failure to set up such exemptions. It will be noted that the indictment failed to reveal the special business or organization to which all these defendants belonged, to wit, Labor's National Peace Council. Had it done so, as it should in fairness to the defendants, it would have enabled the court to see from the face of the indictment that the defendants were exempt under the provisions of section 6 of the Clayton Act.

The effect of section 6 of the Clayton Act is to define the Sherman law as applied to farm and labor organizations. This being true, the jurisdiction of the court for the southern district of New York is raised as completely by the pleading in this case as though the Clayton Act had repealed the Sherman law in toto. However, it may be claimed by some that this part of the Clayton Act is unconstitutional in the light of the case of Connolly v. Union Sewer Pipe Co. (184 U. S., 540), which declared unconstitutional an antitrust act of the State of Illinois. This statute sought to exempt all farm products, including live stock, in the hands of the producers from the operation of its provisions. It also provided for the repudiation of contracts in violation of its terms. The suit arose over the collection of a note claimed to have been executed in violation of the terms of the act. The Supreme Court held the Illinois statute unconstitutional for the main reason that it violated section 1 of the fourteenth amendment to the Constitution, which provides that—

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

It will be remembered that the State of Illinois in passing this act was hedged about by the above constitutional limitations, which, if exceeded, would subject the law to be dealt with by the courts in harmony with such constitutional provision.

It will also be remembered that the income-tax law of 1894 was declared unconstitutional by the Supreme Court because it violated paragraph 4, section 9, of Article I of the Constitution which requires that—

No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

But after the passage of the sixteenth amendment, giving Congress unlimited power to levy an income tax, the Underwood law of 1913 imposed a graded income system, which made discriminations clearly and unmistakably, leaving all incomes of $3,000 of unmarried people and all incomes of $4,000 of the heads of families free and exempt from such taxation, yet the Supreme Court in a recent decision upheld its constitutionality.

Now, when we examine the constitutional power which gives Congress the right "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," we find that it is without limitation, which distinguishes the Clayton Act entirely from the antitrust law of Illinois in that the one, the Clayton law, is a Federal act passed by Congress under a constitutional power without limitation, while the Illinois act was passed by the Legislature of Illinois under a constitutional limitation.

Who will say that in exempting labor, agricultural and horticultural organizations from the operation of the antitrust laws, including the Sherman law, is any greater discrimination than the new income-tax law exempting all incomes below a certain amount from any taxation whatever? Both of these laws were passed by Congress under constitutional powers similar, to wit, without limitation.

In the case of Loewe v. Lawler (208 U. S., 274) Chief Justice Fuller, in delivering the opinion of the court, said, among other things:

Records of Congress show that several efforts were made to exempt by legislation organizations of farmers and laborers from the operation of the act, and that all these efforts failed, so that the act remained as we have it before us.

It seems reasonable that a fair construction of this language of the Chief Justice indicates that Congress might, by appropriate act, exempt such organizations from the operation of the Sherman law, without violence to any constitutional provision. However this may be, it remains that section 6 of the Clayton Act is the law of the land until it has been repealed by either an act of Congress or by a decision of the Supreme Court in a direct proceeding to test the question of its constitutionality, and the courts of the land in the discharge of their official duties will take judicial notice of such law.

By a further examination of the Clayton Act we find that the last paragraph of section 20 directly sanctions all the ways and means enumerated in this indictment. That paragraph reads as follows:

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relations of employment, or from ceasing to perform any work or labor, or from commending, advising, or persuading others by peaceful means to do so; or from attending any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or abstain from work, or from ceasing to patronize or employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do. Or from paying or giving to, or withholding from any person engaged in such dispute, any strike benefits or other moneys or things of value, or from peaceably assembling in a lawful manner and for lawful purposes, or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law in the United States.

This list of exceptions include every ways and means recited in the indictment and charged to have been agreed upon by the defendants to aid them in carrying into effect the supposed conspiracy, and the last clause of this paragraph declares emphatically that the doing of all the acts and things enumerated in the indictment shall not be held to be violations of any of the laws of the United States.

This provision of the Clayton Act is universal in its application, and makes no exemption whatever, dealing with all alike and giving all like and equal opportunities under its provisions, and it can not be held to come within that class of laws which are passed under constitutional limitations and which make exemptions contrary to such limitations. Such as are dealt with by the Supreme Court in the Connolly case, supra, and the decision of the Supreme Court holding the old income-tax law of 1894 unconstitutional.

Applying the doctrine that courts will take judicial notice of all Federal statutes, it is to be presumed that in passing upon these questions the courts will not only take into consideration the provision above referred to in the Clayton Act, but that they will also take into consideration the doctrine laid down in the case of In re Neagle (135 U. S., 1) supra, wherein it was decided in construing section 761 of the Federal statute dealing with writs for habeas corpus, that—

This, of course, means that if he (meaning the defendant) is held in custody in violation of the Constitution or of a law of the United States, or for any act done or omitted in pursuance of the law of the United States, he must be discharged.

After a careful examination of the different parts of this indictment we are driven to the conclusion that its author undertook to set up a wholly imaginary case. The entire absence of the names of those corporations who are engaged in the manufacturing and transportation of munitions of war for foreign belligerent countries emphasize this idea to the point of certainty. This entire trade is confined to a very few giant concerns under the control of J. P. Morgan & Co. as the agent of such foreign traffic, which can be enumerated on the fingers of one hand, to wit, the United States Steel Corporation, the Armor Trust, the Bethlehem Steel Co., the Du Pont Powder Trust, the Remington Arms Co., now owned by the Midvale Steel Co., and the transportation is controlled by the Joint Traffic Association—official classification committee—and the Ocean Steamship Pool.

If the business of any of these companies had been threatened or interfered with by the defendants, it would have been very easy for the pleader to have presented such evidence to the grand jury, as the chief offices of all these corporations are located in the city of New York, within gunshot distance of the United States attorney's office. If he was unable to secure such evidence, so vital to the validity of the indictment, how was it possible for him to secure any real evidence of the alleged conspiracy to restrain either the manufacture or transportation of the products of these great concerns?

Labor's National Peace Council was in touch with 6,000,000 men, yet it will be remembered that not one single overt act is charged in the indictment as a means to effect the supposed conspiracy. It is reasonable to conclude that if such acts had been known to the pleader he would have inserted them in the indictment. We must therefore conclude that the grand jury was unable to learn of any such acts during the entire four months of its sitting. We are driven to the further conclusion that the conspiracy must have been a very weak and harmless one if, during the entire eight months it was alleged to have been in operation, it was unable to do any single overt act to accomplish its supposed purpose. As we have already clearly shown that the ways and means enumerated in the indictment are wholly nonculpable in character and expressly sanctioned by the highest law of the land, how can anyone doubt that these defendants and their organization, Labor's National Peace Council, as its name indicates, was anything but a lawful and peaceable educational propaganda to aid in keeping this country out of war?

The fact that a charge of impeachment had been made in Congress against the United States attorney two weeks before this indictment was returned must have acted as a high incentive to prompt him to extraordinary efforts for revenge; and as the former United States district attorney, Henry A. Wise, of the southern district of New York, has recently testified that the grand jury of this district is nothing but a "rubber stamp" in the hand of the United States district attorney, it was all the more easy for him to secure the return of this fraudulent indictment without evidence.

All citizens of the United States have a right to oppose any act, deed, trade, profession, or business illegal in character or affecting the public morals, especially if they menace the general welfare of the country. If foreign commerce in munitions was being conducted in violation of the Federal statutes or international law, such as shipping high explosives on vessels carrying passengers, or lending money by the Government to belligerent countries to be used against any country or countries with which we are at peace, in order to promote such foreign commerce, then the American people, either singly or collective, had a right to protest against such business by any and all of the ways and means set up in this indictment.

If the substance of the speeches and writings recited in the indictment had been disclosed by the pleader, as was done in the Cash Register case, supra, it would have revealed that they were directed to the various branches of the executive department and to Congress in the interest of preserving "a friendly and impartial neutrality," to keep this country out of war, and to prevent the violation of Federal statutes and international law, and that in all cases in which they were used with labor and farmer organizations that each was done as an appeal for assistance in this peace propaganda in which Labor's National Peace Council was interested.

To extend the operation of the Sherman Act to the activities of such organizations as are enumerated in the indictment would be to establish a rule so universal and dangerous in its operation that it would destroy the collective energies of all benevolent and educational organizations which are directed against vicious and immoral habits and customs. Churches, temperance unions, and other moral organizations have been making for more than a half century an active campaign against the use of intoxicating liquor as a beverage, and no one will contend but what they have been successful and have materially restrained both the manufacture and interstate and foreign commerce of such liquors. In many instances their use has been entirely blotted out.

Yet, it would be a crime against civilization were such organizations even checked in their operations in the interest of humanity. An effort to extend the operations of the Sherman law for this purpose would meet with the universal condemnation of the public, and justly so, because it is well known that the excessive use of intoxicating liquor materially affects the general welfare of the Republic. What is true with reference to the activities of temperance organizations in the interest of man is true with reference to many other organizations which seek to elevate the standing of public morals.

This leads us back to the doctrine which has been universally adhered to by the courts, that the restraint of the interstate or foreign commerce must be direct and not indirect. There is scarcely any business, trade, or occupation which, if checked or stopped, would not in a measure lessen the production of either the crude or finished product and indirectly affect the interstate or foreign commerce flowing therefrom. The refusal of the farmer to produce farm products or lessen the acreage in any commodity, or the failure of any workman on the farm to execute, in a skillful way, the cultivation of the crop or crops, would, in a measure, affect the quantity of the farm products, and thereby lessen the interstate and foreign commerce in such products. We can readily see that the framers of the Sherman Act had in mind one great object, and that was to enact a law to prevent the direct restraint of interstate and foreign commerce and not to impede the activities of the citizen

in his daily work or the activities of organizations in the interest of mankind.

The following is the indictment:

DISTRICT COURT OF THE UNITED STATES OF AMERICA FOR THE SOUTHERN DISTRICT OF NEW YORK.

"At a stated term of the district court of the United States of America for the Southern District of New York, begun and held in the city and county of New York within and for the district aforesaid, on the first Tuesday of September, in the year of our Lord 1915, and continued by orders of the said court dated, respectively, the 2d day of October, 1915, the 28th day of October and the 1st day of December, 1915, and by adjournment to and including the 28th day of December, 1915.

"SOUTHERN DISTRICT OF NEW YORK, *ss:*

"The grand jurors of the United States of America within and for the district aforesaid, on their oath present that heretofore, to wit, during the year 1915, and for some time prior thereto, and up to and including the date of the filing of this indictment, a large number of individuals, copartnerships, and corporations, hereinafter called 'manufacturers' were engaged in various States in the United States in the producing and manufacture of munitions of war, and of military and naval stores, and of rifles, cannon, and other weapons of war and parts thereof and appliances used in connection therewith; shells, cartridges, projectiles, gunpowder, and other explosives and other ammunition, parts thereof, materials used in the manufacture of and appliances used in connection therewith; locomotives, cars, automobiles, aeroplanes, and other vehicles of transportation, parts thereof, and appliances used in connection therewith; building and railroad materials and other articles of many kinds, all of which were of a character adapted for use in war on land or at sea; that the said manufacturers so produced and manufactured said articles for the sole purpose of immediate sale and shipment in trade and commerce with Great Britain, France, Russia, Italy, and other foreign nations; that the said manufacturers were engaged in the business of delivering and shipping said articles to persons, partnerships, corporations, and organized bodies of men from the State in which they were so produced or manufactured to and through the port of New York and other ports of the United States and thence to said foreign countries; and that divers persons, partnerships, corporations, and organized bodies of men other than said manufacturers were also engaged in so delivering, shipping, and transporting such articles from States of the United States to said foreign countries; that the said manufacturers and other persons, partnerships, corporations, and organized bodies of men so engaged in foreign trade and commerce, as aforesaid, employed large numbers of men both in the producing and manufacture of said articles and in the selling, shipping, and transporting of them in the aforesaid foreign trade and commerce and said articles were continuously moved in said foreign trade and commerce; that the said articles, when it was necessary or convenient so to do in order to bring them to a suitable port for shipment, were continuously moved from one State of the United States to other States; that all of the names and localities of said manufacturers and said other parties so engaged in foreign trade and commerce, as aforesaid, and the times, amounts, and routes of such shipments and transportations are not known to the grand jurors aforesaid and are so numerous as to preclude their enumeration in this indictment.

"And the grand jurors aforesaid, upon their oath aforesaid, do further present that on the 1st day of May, in the year 1915, and continuously thereafter, until and including the date of the filing of this indictment, Franz Rintelen, alias Fred Hansen, alias Miller, alias Muller, alias Edward V. Gasche, alias Edward V. Gates; David Lamar, alias Lamauer, alias David H. Lewis; Frank Buchanan; Jacob C. Taylor; H. Robert Fowler; Frank S. Monnett; Herman Schulteis; and Henry B. Martin, hereinafter called the 'defendants,' and divers others persons, whose names are to the grand jurors unknown, each of whom well knew the facts as to said foreign commerce hereinbefore stated and alleged, at and within the said southern district of New York and within the jurisdiction of this court, unlawfully did knowingly and willfully engage in a conspiracy to restrain the aforesaid foreign trade and commerce and to restrain, hinder, and prevent the transportation of said articles in said foreign trade and commerce so far as, and at such times, places, and as to such of said articles and in such ways as they might thereafter be able so to do, and to restrain, prevent, and hinder the producing or manufacture of said articles for the sole purpose of restraining, preventing, and hindering the shipment and transporting in foreign trade and commerce of such of said articles and in such ways and at such times and places as they might be able so to do; that the purpose and object of said conspiracy was not confined to any particular articles, times, places, ways, and means, but the said defendants conspired and intended, at any time or place, and by any ways or means (some of which were not definitely determined upon by said defendants) to restrain, prevent, and hinder such shipments in foreign trade and commerce; and the particular articles, times, places, ways, and means determined upon by said defendants are not known to the grand jurors aforesaid; that among the divers means and methods by which the objects of said conspiracy were intended by the defendants to be accomplished were the following:

"1. Instigating and causing strikes and walkouts among the workmen employed at the plants and factories of the aforesaid manufacturers, so as to prevent and hinder the aforesaid manufacture, and thereby to restrain the shipping and transportation of said articles in said foreign trade and commerce.

"2. Instigating and causing strikes and walkouts among workmen and employees of said persons, partnerships, corporations, and organized bodies of men other than said manufacturers engaged in foreign trade and commerce as aforesaid employed in the shipping and transporting of said articles, so as to restrain the said shipping and transporting thereof in said foreign trade and commerce.

"3. Inducing by solicitation, persuasion, and exhortation, and by the preparation, sending, mailing, and distribution of circulars, pamphlets, letters, telegrams, newspaper articles, and other printed and written matter the aforesaid workmen to quit the employment of the aforesaid manufacturers, and thereby to restrain, hinder, and prevent in whole or in part the operation of said plants for the purpose of restraining the shipment and transportation of said articles in said foreign trade and commerce.

"4. Inducing by solicitation, persuasion, and exhortation, and by preparation, sending, mailing, and distribution of circulars, pamphlets, letters, telegrams, newspaper articles, and other printed and written matter the aforesaid workmen to leave the employ of the aforesaid persons, partnerships, corporations, and organized bodies of men other than said manufacturers engaged in said foreign trade and commerce as aforesaid for the purpose of restraining, hindering, and preventing in whole or in part the shipping and transporting of said articles in the aforesaid foreign trade and commerce.

"5. Bribing and distributing money among divers officers and persons in charge and control of various labor organizations to induce the said officers and persons in charge and control of said labor organizations to cause the members of said organizations who were or might be employed by the said manufacturers or by the said other persons, partnerships, corporations, and organized bodies of men engaged in foreign trade and commerce as aforesaid to leave their employment and to bring about strikes and walkouts among the said members of the said labor organizations, and thereby to restrain, prevent, and hinder, in whole or in part, the producing and manufacture and the expected shipment and transportation in said foreign trade and commerce of said articles.

"6. By divers other means and methods not specifically determined upon by said defendants, but to be decided upon by them as occasion might arise, all calculated in furtherance of and to effectuate the object of said conspiracy.

"And so the grand jurors aforesaid, upon their oath aforesaid, do say and present that the said defendants, Franz Rintelen, alias Fred Hansen, alias Miller, alias Muller, alias Edward V. Gasche, alias Edward V. Gates; David Lamar, alias Lamauer, alias David H. Lewis; Frank Buchanan; Jacob C. Taylor; H. Robert Fowler; Frank S. Monnett; Herman Schulteis; and Henry B. Martin, and said divers other persons whose names are to the grand jurors unknown, on the said 1st day of May, in the year 1915, and continuously thereafter to and including the date of the filing of this indictment, at and within the southern district of New York and within the jurisdiction of this court, in the manner and form aforesaid set forth, unlawfully did knowingly and willfully engage in a conspiracy in restraint of the aforesaid trade and commerce with the aforesaid foreign nations, against the peace of the United States and their dignity, and contrary to the form of the statute of the United States in such case made and provided. (Act of July 2, 1890, 26 Stat., 209.)

"H. SNOWDEN MARSHALL,
"United States Attorney."

(Indorsed:) S-295. United States district court. The United States v. Franz Rintelen, alias Fred Hansen, alias Miller, alias Muller, alias Edward V. Gasche, alias Edward V. Gates; David Lamar, alias Lamauer, alias David H. Lewis; Frank Buchanan; Jacob C. Taylor; H. Robert Fowler; Frank S. Monnett; Herman

Schultels; and Henry B. Martin. Indictment. Conspiracy in restraint of foreign commerce. Act of July 2, 1890 (26 Stat., 209). H. Snowden Marshall, United States attorney. A true bill. Albert J. Daly, foreman. United States District Court for the Southern District of New York. Filed December 28, 1915.

December 29, 1915, David Lamar pleads not guilty; bail, $5,000.

December 29, 1915, Jacob C. Taylor pleads not guilty; bail, $5,000.

December 29, 1915, Frank S. Monnett pleads not guilty; bail, $5,000. Fourteen days to withdraw.

January 4, 1916, Buchanan pleads not guilty; bail, $5,000. January 20 to withdraw.

January 11, 1916, filed motion to make more definite and certain, etc. Quash as to Monnett.

January 12, 1916, filed demurrer of Lamar. Plea of not guilty withdrawn.

Mr. TAGUE. Mr. Chairman, I should like to ask the chairman of the committee or some member of the committee whether I understood him correctly when he said that the laborers in the street department of this city are paid on an average less than $1.50 a day or $1.50 a day.

Mr. HOWARD. The minimum wage scale is $1.50 a day. That is one grade. Then there is a grade of $1.75 a day, and a certain portion of these laborers are paid as high as $2 a day. I will say to the gentleman that this conforms favorably to the salaries paid all over the United States in the street-cleaning departments by the different municipalities. Hardly any cities pay any higher wage than that

Mr. TAGUE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAGUE: At the end of line 10, on page 33, insert the following:

"*Provided*, That the pay of laborers in the street department shall be not less than $2 per day of eight hours."

Mr. HOWARD. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman from Georgia makes a point of order.

Mr. HOWARD. I will reserve it if the gentleman from Massachusetts desires to be heard.

Mr. TAGUE. Mr. Chairman, I was rather surprised when I learned that the city of Washington was paying to the men in its street department $1.50 per day, a rate of wage that, to my mind, is not at all in keeping with the standards of living of this day. Mr. Chairman, in every city that I have had anything to do with, and in my own State, the street laborers are paid more than $2 per day for eight hours' labor, and especially the city I have the honor in part to represent, we pay our street laborers not less than $2.50 a day for eight hours' work, give them Saturday afternoon holiday and a vacation during the summer time. When I hear on this floor that men in this city are compelled to work for $1.50 a day, with wet days taken out of their wage, making their wage a great deal less, I think it is time for this Congress to make some provision for a fair wage for these men in order that they and their families may live. I do not believe that $1.50 a day is a living wage. I do not believe that we have any right as legislators in this Congress to ask men to work on highways for such a wage or to work for wages that will not permit them to bring up their families in a proper manner and give them sustenance and a livelihood. With that idea I have offered this amendment. I am sorry the point of order is raised here, because, when sustained, the men will not get the benefit of my amendment. Before the bill is passed I am going to put in an amendment somewhere in this bill that will bring about a fair rate of wage for these workingmen in the employ of the Government of the United States. I believe it is an indictment against the United States to think that a man would be asked to work for the meager wage of $1.50 a day; that does not permit him to provide in a proper manner a living for himself and his family.

Mr. REAVIS. Mr. Chairman, I sincerely trust that the point of order against the amendment offered by the gentleman from Massachusetts will not be insisted upon. The statement made by the chairman of the committee that these laborers upon the streets were paid in accordance with the average wage which prevails in other cities scarcely meets the situation, to my mind. It is not a question of whether other cities pay a like wage, but it is a question as to whether or not we pay a living wage. It seems to me that in the city of Washington an intermittent employment—not an everyday employment, because there are days when by reason of the inclemency of the weather they can not work—an employment at $1.50 a day is not a fair compensation to a sober and industrious man. It seems to me, in this day and age, if this Congress is going to act in harmony with humanitarian principles, principles of fair play that are obtaining more and more throughout the world, it at least ought to be willing and able to pay these men enough for their labor to keep them and their families in comparative comfort. I have just as much regard for the Treasury of the United States as any other Member on the floor, but I have too much regard for this Congress and this country to be willing to pay a man a wage which is insufficient to support his family and educate his children. That can not be done on $1.50 a day in this city.

I think the time has come when those who by accident of birth or by environment have a little the best of it in life's battle ought to be willing to assume a little of the burden and help in some measure to care for the more unfortunate of their brothers. It seems to me that this Government can not afford to be so niggardly with its money, can not afford to guard the Treasury of the United States to an extent that will deprive sober and industrious laborers of the opportunity to labor at a wage that will support their families in some sort of decency and comfort. I sincerely hope that the point of order will be withdrawn.

Mr. DENISON. Mr. Chairman, I will state that an investigation of the time that these men actually work on the streets and reported to the Committee on Labor shows that they make an average through the year of just 98 cents a day for the time they are working. Investigation further shows that the men who work on the streets, many of them, have to partly depend for a living on the labor of their wives, who go out and perform other classes of labor to help the family. Many of them have to depend on charity to help get clothes for their families. That evidence has been submitted to the committee at this session. I think that the gentleman from Georgia, who usually claims to be a friend of the laboring men, ought not to make the point of order. The committee could not do a better thing than to accept the amendment offered by the gentleman from Massachusetts.

Mr. HOWARD. Mr. Chairman, before renewing the point of order I want to say that the policy of the committee is to make these bills as economical as we can in view of the circumstances. There is one phase of this case that I want to state before renewing my point of order. I reiterate that the salaries paid to the street-cleaning force of the city of Washington is as high as the salary paid for the same manner of work in all of the large cities of the United States.

Mr. MADDEN. I beg the gentleman's pardon, but that is not true of Chicago, where the wages are $2.25 and the highest is $2.75.

Mr. JOHNSON of Kentucky. And the highest here is $4.

Mr. MADDEN. But that is not for laborers.

Mr. HOWARD. The wage scale is stated by the commissioners to run from $4 down to $1.50 a day. Now, let us see what class of laborers are getting $1.50 a day. There is not a Member on the floor of this House that has not noticed these old fellows around town, men 65 to 75 years of age, hobbling around the streets picking up paper, or with a little broom pushing a little cart.

The Government of the United States, through the commissioners, give preference to these old fellows that are liable to become chargeable to the District, at $1.50 a day. The higher class of workmen get $2 a day, 86 of them, and 312 of them get $1.75 a day. I can show you an old man at the foot of the Capitol, an old Confederate soldier, 75 years of age, on the pay roll of the District, and he could not make 50 cents a day in any place on earth.

Now, the arms of the Government have been opened, and these old men have been taken in and given a position that pays $1.50 a day and keeps them out of the poorhouse. If you increase the wages what will be the result? There will be 150 or 200 strong bucks that will come in here and jostle these old fellows out of their jobs. They can not retain the positions at those wages. I am in favor of as high a wage scale as the gentleman from Nebraska or the gentleman from Illinois or anybody else. But the taxpayers of the District of Columbia must be taken into consideration. The Government of the United States does not contribute all of this money, and we must look upon this District government here as at least a quasi municipality.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 33, line 10, at the end of the paragraph insert the following:

"*Provided*, That no part of this appropriation shall be paid to any laborer engaged in street-cleaning work at less than $2 a day for not more than eight hours work."

Mr. PAGE of North Carolina. Mr. Chairman, I make the point of order against that.

Mr. STAFFORD. Mr. Chairman, it is well known that in the consideration of appropriation bills limitations on appropriations are always in order, and it is always within the authority of the House to restrict and limit the scope of an appropriation. Otherwise Congress would not have that control over appropriations which is its right. The amendment proposed is a pure limitation upon the expenditure of this appropriation, namely, that the executive officials are not authorized to expend any of this fund for this designated character of work——

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman allow me to make a suggestion to him and to the Chair? Under the guise of a limitation you can not change the law any more than you can in any other way under the rules of the House.

Mr. STAFFORD. But there is no law to-day limiting the scale of wages to be paid to these men.

Mr. PAGE of North Carolina. No; but there is a lump-sum appropriation——

Mr. STAFFORD. Ah, the gentleman admits away his case. If there had been a law limiting the wages to be paid to these men, then there might be some basis for the gentleman's contention, but he admits that there is no law except this lump-sum appropriation. I go back to my original premise and state that Congress has the right to determine how this fund shall be utilized. We can say that it shall not be utilized in the payment of the laborer unless he receives $2 for not more than eight hours' work.

Mr. PAGE of North Carolina. Mr. Chairman, I beg to submit that this is not a limitation within the rules of the House. It is a direction and not a limitation, and it does not decrease the appropriation and therefore can not come within the rules of the House as a limitation upon an appropriation bill. So far as I am concerned, I am ready to have the Chair rule.

The CHAIRMAN. The Chair is ready to rule. In order to come within the Holman rule, the Chair thinks that it would have to show upon its face a reduction, and the Chair thinks it does not do that.

Mr. STAFFORD. But, if the Chair will permit me, it is not the purpose to bring this within the Holman rule. Long before that rule was established the rule of limiting an appropriation was well recognized. There is precedent after precedent recognizing the right of the House to put a limitation upon an appropriation.

Mr. MEEKER. Would it be a limitation the way that is stated—to pay not less than $2 for more than eight hours' work?

Mr. MADDEN. That would be the condition under which they are allowed to expend the money.

The CHAIRMAN. The Chair thinks this is a proposition creating a new law and a new scale of wages, not permissible on an appropriation bill, and the Chair therefore sustains the point of order.

Mr. STAFFORD. Mr. Chairman, I move to increase the amount carried in the bill from $290,000 to $310,000, and I ask to be recognized on that proposition.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 33, line 8, strike out "$290,000" and insert "$310,000."

Mr. STAFFORD. Mr. Chairman, in the last year's appropriation act we appropriated in this item $280,000. The commissioners recommended an increase of $42,000 for the sole purpose of increasing the wages of these poorly paid street laborers from $1.50 to $1.75 and of those receiving $1.75 to $2 a day. What has the committee done toward carrying out that beneficent and humanitarian recommendation? It has brought in here a meager recommendation of $10,000, which will permit of no increase substantially in the wages of these laborers. What kind of a government are we going to have in the District when the members of the legislating committee decline to consider the recommendations of the commissioners that have this matter in hand, who recognize the need of increasing the wages of these men? It is no wonder that we have the Committee on Labor coming in here with an omnibus bill seeking to increase the salaries of all employees to a minimum of $3 per day. I say that anyone who wishes to see a fair living wage paid will vote for this amendment, though I think you can hardly consider that a living wage when you provide for an increase of wages of street laborers from $1.50 to $1.75 and from $1.75 to $2. I challenge the statement of the gentleman from Georgia [Mr. HOWARD] when he says that in other cities of like size the minimum wage is the same as is paid in this city. I can not speak for other municipalities, but we have heard here instances cited by the gentleman from Massachusetts [Mr. TAGUE] where, in Boston, the wage is $2.50 a day; by the gentleman from Illinois [Mr. MADDEN], where the minimum wage in Chicago is $2.25 and runs up to $2.75. In my home city the minimum wage, according to an ordinance passed some years ago, is $2. Why should we be niggardly toward these men? It was the policy of the subcommittee in the preparation of the legislative, executive, and judicial appropriation bill to raise the pay of most of those who receive $600, $700, $800, and $900 so that they could provide adequately for their families. I am not rising here to make any demagogic appeal, but I think we should, regardless of the recommendations of the committee, provide funds whereby the commissioners can carry out what everybody must admit is only a fair proposal of increase, namely, to increase the wages of those receiving $1.50 a day to $1.75 a day and those receiving $1.75 to $2 a day.

Mr. HOWARD. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. HOWARD. Does the gentleman insist that the minimum wage here of the class of people I have specified as employed under this provision is not adequate pay?

Mr. STAFFORD. Yes; the commissioner himself, in testifying before your committee, stated that he wants to increase these men from $1.50 to $1.75.

Mr. HOWARD. I just want to ask the gentleman this question: If the gentleman believes that, and he has always believed it, and kept on believing it, why, in the name of common sense, did the gentleman and the gentlemen on that side want to heap all of these increases on Democratic appropriation bills when you had 16 years in which you did nothing in this regard?

Mr. STAFFORD. In answer to that statement I want to say to the gentleman that, so far as my conduct has been concerned on the legislative committee, I was not in favor of increasing salaries if they were above $1,200 a year, and I voted consistently here in the House to sustain the chairman of the committee against those increases, but on those below $1,200, where the salaries were not sufficient to provide for a man to support a home, I voted consistently to raise those salaries. My position is entirely consistent.

Mr. TAGUE. Mr. Chairman, I hope the amendment of the gentleman [Mr. STAFFORD], who has just spoken, will pass. Mr. Chairman, we sit here as Members of this Congress and say we are appropriating a sum sufficient to keep life and limb together of the poor old laborer who works around the Capital. In this great country of ours we read in the papers daily of our great wealth and how rich we are, and yet we are telling these men——

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. TAGUE. In just a minute—we are telling these men, faithful servants, veterans of the Army, who it has been said are unfit to earn more than 50 cents a day, that that is all they can have. Why, Mr. Chairman, at this time and in this Congress, I believe, it is the duty of every Member of Congress to see to it that some provision is made to provide for these men. I said in my city we give $2.50 for eight hours' labor. We give them Saturday afternoons. We give them two weeks' vacation in the summer, and when they get old and are unable to perform their duties my city pensions them at a dollar a day. [Applause.]

Mr. BUCHANAN of Illinois. Will the gentleman yield right there?

Mr. TAGUE. I will.

Mr. BUCHANAN of Illinois. Our friend from Georgia [Mr. HOWARD], who has always been in sympathy with the laboring people, opposes this on the ground that there are some old men working. That does not apply about other cities. I know in the city of Chicago, where the wages of the common laborer are $2.25 to $2.75, there are old men there who perform work, efficiently able men, just the same as there are here, so that is no argument against giving a living wage scale.

Mr. HOWARD. If the gentleman will permit, what I wanted to convey by that statement was this, that those who get this minimum wage scale are a class of people, old men, who can not readily find employment on account of some decrepitude or age, who come in contact with the high class of laborer who gets $2 a day.

Mr. BUCHANAN of Illinois. The idea I want to convey is that the same thing applies to the other cities where they pay more for the common labor, $2.50 a minimum wage for the same kind of labor the gentleman speaks of.

Mr. TAGUE. Mr. Chairman, I realize the gentleman from Georgia and all of the Members of this House want to give the men in the employ of the city a fair compensation for their labor, and here is our opportunity. Let us raise this appropriation; let us give them something that is fair. One dollar and fifty cents a day! No man can live on that at this time and take care of himself and family. It is all right to say they perform no labor; but they do, and they must live. They must live as well as any of us. I believe $2 a day is little enough and too little to supply the wants of life for these men. I said at the beginning I was surprised to think that such a condition could prevail in this country and in this city, and if it is the condition, then the sooner this Congress and the Nation can get down to the question and take care of them in their old age by appropriating money that will provide for them, the sooner this country will be better off. If we are going to have good citizens, we must give men a living wage. If they are going to bring up families to amount to anything in the future, we must provide them with a wage sufficiently large to enable them to secure the necessities of life. One dollar and fifty cents a day, or, as one Member said, 98 cents a day, paid to some men in this department, is not sufficient. I believe, Mr. Chairman, it is a disgrace and a blot upon the good name of this country, and I for one, as a Member of this House, want to see this rectified. I hope the chairman of this committee will accept this amendment and let the men in the street department in the city of Washington, whether it is governed and controlled by two distinct factions or satisfies the wishes of two distinct factions, so that it will become the law and give these men what they should get and rightfully deserve. [Applause.]

Mr. MEEKER. Some one has well said:

> Methods are many; principles are few.
> Methods often vary; principles never do.

We are discussing here a method of paying men who are employed to do a certain line of work at a reasonable, decent wage. Because of storm and rain there are many days when these men can not work, and we "take it out" on them. We want men to do this work and we offer them the munificent (?) salary of $1.50 a day on nice days, but when it rains they are losers and not Uncle Sam.

I really think I have never felt so ashamed of the policy of our Government as when I had my attention called a few months ago, out in my home city, to the fact that men and women out there were working for this Government at the rate of less than 98 cents a day. And yet we are passing laws to force corporations and employers of labor into all sorts of terms. The old-age pension system and the compensation laws that we are passing are forced upon employers of labor, but as to ourselves, when we come to where we can do as we please as employers of labor in the name of the Government, we dodge the responsibility. I do not see how any man could oppose a wage scale of $2 a day, when the weather permits employment, when we make the laborers stand the loss when it rains. I think a principle is involved here, and it is simply this: Can we look the men of this country squarely in the face when we say that we are giving $1.50 a day if it does not rain. Back in Indiana on the farm I knew a man, who was a sort of a skinflint, who used to say to his boys, "It is too wet to work on the farm to-day and so we will grease the harness." Uncle Sam says here in the District of Columbia, "It is too wet to work on the streets and you will go without your pay."

Now, gentlemen, let us be ordinarily, decently fair. If these men are old men, if they have people dependent upon them so that they can not work elsewhere at odd jobs, so much the more should we manifest some generosity, but I can not be persuaded that $2 a day is a generous wage when a man stands the loss because of bad weather. We have voted millions away here this year, and the men who voted them away will have to do more explaining than those who voted against doing so. When we get down to the man on the street we become "economical."

I hope this amendment will pass.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that at the expiration of 10 minutes all debate on all amendments to this paragraph be closed. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, this reminds me of the many other times during my service here when this subject, or a similar one, has been before the House. I say now, substantially, what I have said on other occasions, that it is altogether wrong for the United States Government, the richest Government in the world to-day, the richest Government the world has ever seen, to force people who work for it to indulge in cutthroat competition in order to get a job. Of course it has the power to say, "You work for 98 cents a day or for $1.50 a day or we will get somebody else to work for us." And the poor man takes the starvation wage. But the Government ought not to use such a power. One dollar and fifty cents a day in Washington in these times of extraordinarily high prices does not enable a man to pay running expenses, clothe himself and his family, feed them, keep them warm in winter, and pay the doctor.

It is the duty of the United States Government to say "We will pay to every man who works for this Government a living wage. We can afford to do it, and in honor we ought to do it." That is the attitude the United States Government should take. Any other attitude is wholly unbecoming. It would be unbecoming for a very rich private corporation or a very rich employer to say to a poor man applying for work, "We can get somebody else to work for 90 cents a day," and then on the man replying "I have a wife and children to support; I must take that or starve, and I will work for 85 cents a day, though it will hardly keep body and soul together," for the corporation or other employer to say, "All right; you get the job." As the gentleman from Missouri [Mr. MEEKER] suggested, the Government says, "We will give you 98 cents a day while it is pleasant weather." Last year it rained in southeastern Wisconsin practically all of the time for six or seven weeks. It was the longest rainy season that I remember. If some such downpour as that should occur where these miserably paid, fair-weather men with families to support are employed by the Government it would leave them to starve.

The United States Government ought to be a model employer. It ought to pay a living wage. It can afford to pay, and is in honor bound always to pay, a living wage.

Mr. PAGE of North Carolina. Mr. Chairman, I am not opposing this amendment as one who is opposed to paying a living wage for the rendering of a service. I know that I agree with my colleague on the committee [Mr. HOWARD] in the statement he made earlier in this discussion, that a great many of these people who are employed in the street-cleaning department of the city of Washington, for which they receive a compensation of $1.50 a day, would not likely receive this employment if the wage were made higher. They are not vigorous, able-bodied men, able to go out in the competitive labor market of this city or any other and make a living for themselves. They are given an opportunity by the governing board of this city to earn $1.50 a day at light, easy work, with short hours of labor, and have the satisfaction of knowing that they are sustaining themselves, without placing themselves upon the charity of this city. Now, these gentlemen who want to put this wage at $2 a day, or at some other price higher than the present wage, if they succeed in voting this amendment onto this bill, will in all probability put half of those old men who are now employed, largely as charity, rendering some service, light as it is, upon the cold charity of this city, without possibly ample opportunity to take care of them by the appropriations made and the facilities afforded.

I am not going to be placed in the position of opposing the man who is a wage earner. I was once a wage earner myself. I started as a boy working for a wage, and I know what the man who has to work for a living has to endure. But I stand and maintain here that it is infinitely better for a large class of these people to be given an opportunity to retain their self-respect by their own labor to make their own living, than to be thrown upon charity. Many of them would have their hearts broken if they were thrown upon the charity of this city or upon any other charity. I am not here saying that every man should not receive all the wages he deserves. I am not opposed to any man receiving all the wage he can get, provided he gives in return for that wage an equivalent in work. But I believe in this instance, instead of helping the wage earner who is employed in the street-cleaning department of this city, if you vote this amendment in the bill, in all probability, as I honestly believe, instead of rendering him a service, you will do him a hurt.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. DENISON. Can the gentleman state when there has been an advance in the District here in the wages of the men who clean the streets?

Mr. PAGE of North Carolina. I can not answer that. I am not pretending to say.

Mr. DENISON. Can the gentleman state when he has been in favor or when he ever will be in favor of increasing the wages of these people?

Mr. PAGE of North Carolina. If the gentleman will put it on the basis of an able-bodied man doing the work of an able-bodied man, I would do it now. But I am not willing to throw out of employment a large number of men of the particular class who, by my own observation and experience, I know happen to be employed in the service.

Mr. DENISON. Mr. Chairman, will the gentleman yield further?

Mr. PAGE of North Carolina. Yes.

Mr. DENISON. If the reason the gentleman has given is good for not increasing the wages of these people now, is that a good reason for not ever increasing their wages?

Mr. PAGE of North Carolina. Yes.

Mr. DENISON. What is the reason?

Mr. PAGE of North Carolina. I will say now that this city has not made sufficient provision for taking care of that class of people that live in it, and I am one of those who believe that it ought to make provision for taking care of its old and feeble and sick and decrepit. I hope the day will come very soon when it will do that.

Mr. BAILEY. Mr. Chairman, will the gentleman yield for a question?

Mr. PAGE of North Carolina. Yes.

Mr. BAILEY. Are these particular laborers themselves asking for an increase?

Mr. PAGE of North Carolina. I can not answer as to that. I have no information on that.

Mr. DENISON. I will answer that question, if the gentleman will permit. Some of these men have been before the Committee on Labor, and they have told pitiful stories of the small wages they are receiving.

Mr. PAGE of North Carolina. I can not mention anybody who is receiving a salary, from the humblest laborer up to the gentleman who is receiving on this floor $7,500, who does not want that amount increased. Mr. Chairman, I call for a vote.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. REAVIS. Mr. Chairman, did the gentleman from Wisconsin [Mr. STAFFORD] consume all of his time?

The CHAIRMAN. The gentleman from Wisconsin and the gentleman from North Carolina [Mr. PAGE] consumed 10 minutes.

Mr. REAVIS. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. REAVIS. Mr. Chairman, I do not know the character of the men who are employed on this street work at $1.50 a day. I do not know whether they are old, crippled, sick, and objects of charity or not. But I do know this, that this Government can not afford to take the labor of any man at a price that will not permit him to keep soul and body together. [Applause.] I do know this——

Mr. PAGE of North Carolina. Mr. Chairman——

Mr. REAVIS. I can not yield; I have but three minutes.

Mr. PAGE of North Carolina. I gave time to the gentleman because I refrained from objecting to his request for unanimous consent.

Mr. REAVIS. I yield to the gentleman.

Mr. PAGE of North Carolina. I wanted to ask the gentleman if he knew anybody whose soul and body had parted because of this wage?

Mr. REAVIS. I do know this, and the chairman of the committee knows it, that there is no man at this day and age and under existing circumstances who can support himself and his family in the city of Washington by intermittent labor at $1.50 a day; and this Government can not afford, I care not how old its employees may be, to hold them down to a wage that will not permit them to support their families.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. GARRETT. What has the gentleman to say with reference to the suggestion made by the gentleman from North Carolina [Mr. PAGE] and the gentleman from Georgia [Mr. HOWARD], to the effect that if these wages are increased, many of these men who are now working will be thrown out of employment, and therefore it would be an unkindness to them rather than a kindness to increase the wage?

Mr. REAVIS. Whether or not these men are thrown out of employment is dependent entirely upon the sense of justice of the commissioners who employ them, and the commissioners who are charitable enough to give employment to these old men surely would not be brutal enough to throw them out of employment when their wage was increased to a living wage. I do not believe that that condition would obtain. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the chairman announced that the "noes" appeared to have it.

Mr. STAFFORD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 26, noes 27.

Mr. STAFFORD. Tellers, Mr. Chairman.

Tellers were ordered; and the chairman appointed Mr. PAGE of North Carolina and Mr. STAFFORD to act as tellers.

The committee again divided; and the tellers reported—ayes 33, noes 25.

So the amendment was agreed to.

Mr. EVANS. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TAGUE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TAGUE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Disposal of city refuse: For collection and disposal of garbage and dead animals; miscellaneous refuse and ashes from private residences in the city of Washington and the more densely populated suburbs; collection and disposal of night soil in the District of Columbia; payment of necessary inspection, allowance to inspectors for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed $20 per month for each inspector for horse-drawn vehicles, $25 per month for automobiles, and $12 per month for motor cycles; fencing of public and private property designated by the commissioners as public dumps, and incidental expenses, $179,945.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming, a member of the committee, offers an amendment, which the Clerk will report.

Mr. MONDELL. I offer an amendment as a separate paragraph.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: On page 33, insert at the end of line 25 the following as a separate paragraph:

"Garbage reduction plant: The commissioners are authorized to acquire by purchase or condemnation a site or sites, and to use any land belonging to the District of Columbia which is suitable, in the discretion of the said commissioners, to enter into contracts for the construction of the necessary buildings thereon, to purchase the necessary machinery, tools, equipment, including motor and other vehicles, horses, supplies, personal services, and incidentals, required for municipal collection and disposal of city refuse, in general accordance with plans and specifications prepared under the authority contained in the District appropriation act for the fiscal year 1915, all of which shall be ready for operation on or before July 1, 1918, at a total cost not to exceed $885,000, of which $300,000 is appropriated and made immediately available.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against that amendment.

Mr. MONDELL. Will the gentleman withhold his point of order just a moment?

Mr. JOHNSON of Kentucky. Yes; I will withhold it.

Mr. MONDELL. Mr. Chairman, the Engineer commissioner of the District called attention to the importance of this item at this time in these words:

There is this reason for the initial appropriation at this time: If we do not get it this year we will have to look forward to a postponement of possibly three years, for the reason that our existing contract began on the 1st of July, 1915, and will expire on the 1st of July, 1918. Now, we deliberately made a three-year contract, because we knew it would require that time for the completion of this report and the construction of the municipal plant.

Municipal garbage plants are coming to be quite common in the country, and it seems to me that there are many arguments in favor of such a plant in the District of Columbia. It is true that no legislative provision has been made for such a plant as this, and in making the point of order I hope the chairman of the District Committee will promise us that very soon that committee will bring in the necessary legislation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I am not in the frame of mind now to make such a promise, and am entirely satisfied I will not be in that frame of mind later on, for the reason that I recently saw in a New York newspaper that that city now proposed to sell its garbage and make a profit out of it without handling it at all; and I have seen other articles

more recently, copied in the papers from other parts of the country, showing that this subject is now being investigated, and it is believed by many that municipally owned garbage plants will not be needed at all, that the soap manufacturers and the fertilizer manufacturers will buy all this stuff and pay a profit for it. Therefore, Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDEN. I move to strike out the last word. I should like to ask the gentleman from North Carolina a question. I notice that in this paragraph of the bill provision is made for payment for the removal of dead animals. In all large cities of the country they get paid for the privilege of removing dead animals. Why do we not do that way?

Mr. PAGE of North Carolina. I think the number of dead animals here is very small, and the subject has not been of enough importance for anyone to make a bid to take those dead animals away. I believe they are not removed by the same people who have charge of the city pound.

Mr. MADDEN. They get paid for doing it, however.

Mr. PAGE of North Carolina. Yes; they are paid for the service.

Mr. MADDEN. In all other large cities in the United States they pay the municipality for the privilege of doing it.

Mr. PAGE of North Carolina. I think so, and I think the time may come very soon when there will possibly be dead animals enough here to make it worth while.

Mr. MADDEN. Yes; to make soap and glue.

Mr. PAGE of North Carolina. I do not know of any soap or glue factory in this vicinity.

Mr. JOHNSON of Kentucky. I can not understand why this has not been done long ago. If I remember correctly, the Commissioners of the District of Columbia have been offered $3 apiece for dead horses, while they pay $2 apiece for having them hauled away.

Mr. MADDEN. The usual price paid for the privilege of removing a dead horse is $5 a head; and if the commissioners have been offered $3 a head, I see no reason why they should pay $2. Those who made the offer of $3 must have had some means of disposing of them at a profit or they would not have offered the $3.

Mr. JOHNSON of Kentucky. A good horse hide is worth $3 anywhere on the market.

Mr. MADDEN. Surely, Mr. Chairman, it seems to me there ought to be a provision made in this section of the bill requiring the commissioners to sell the privilege of removing dead animals, instead of paying some one for removing them. I just want to call attention to this.

Mr. CAMPBELL. May I inquire of the gentleman from North Carolina or the gentleman from Kentucky where the soap factory is that could take these animals?

Mr. PAGE of North Carolina. I said I did not know of any.

Mr. CAMPBELL. I was just wondering where these dead animals could be sold.

Mr. MADDEN. They can be made into glue.

Mr. CAMPBELL. Where is the glue factory?

Mr. MADDEN. They can soon fix one. It does not require much money.

Mr. CAMPBELL. The policy of the city of Washington is to prevent the establishment of soap factories and glue factories.

Mr. MADDEN. They could go across the river into Virginia or out here into Maryland. It does not take much capital to start one.

Mr. CAMPBELL. There are no soap factories here now.

Mr. JOHNSON of Kentucky. One will be built if we change this policy.

Mr. PAGE of North Carolina. Mr. Chairman, I want to say that my only personal experience with a dead animal was a dog that weighed possibly a pound and a half, and if I had paid 5 cents for each time that I used the telephone in an effort to have the dog carried off I would have paid $5 in getting him removed.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Bathing beach: Superintendent, $600; two watchmen at $480 each; temporary services, supplies, and maintenance, $2,250; for repairs to buildings, pools, and upkeep of grounds, $1,400 to be immediately available; in all, $5,210.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order as to the new office created—two watchmen for bathing beach, $480.

Mr. PAGE of North Carolina. It is clearly subject to a point of order. I do not know that I can induce the gentleman to withdraw it. He says I can not.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE of North Carolina. I offer the following amendment.

The Clerk read as follows:

Amend, on page 34, line 6, by striking out the word "two" and inserting the word "one."

The amendment was agreed to.

Mr. PAGE of North Carolina. Now, Mr. Chairman, the word "watchmen" should be changed to "watchman," and the word "each," in line 7, be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6 change "watchmen" to "watchman," and in line 7 strike out the word "each."

The amendment was agreed to.

The Clerk read as follows:

For construction of two swimming pools, shower baths, appurtenances, and equipment on sites to be selected by the commissioners, $7,500.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The committee has done fairly well in the matter of the playgrounds and swimming pools considering the estimates of the commissioners, although the committee allowed $7,000 less than the estimates. My opinion is that the commissioners were themselves rather too modest and moderate in their estimates, and certainly everything they estimated for should have been allowed. This city needs more playgrounds; it needs better care of playgrounds; and above all things it needs more public swimming pools.

I have stated here a number of times that this city has less provision for swimming pools than any city in the United States of its size, and that is true. The Capital of the United States ought to set an example to the balance of the country in this regard. And yet we have practically nothing in the way of public swimming pools except a makeshift affair down here in Potomac Park, where the boys in the swimming time are thick as mosquitoes in Jersey. The numbers there are so great that it is impossible for them to enjoy the facilities as they should, and it is practically impossible for a boy to learn to swim for there is not room enough. The city is hot and uncomfortable in the summer time, and we ought to provide for bathing and swimming facilities in abundance. We have not even made provision along the Potomac for bathing facilities. There is not a point along the Potomac River anywhere within reachable distance of the city where a boy can go in and bathe without being arrested and carried off to the station house. Recently the officer in charge of public buildings and grounds has tried to provide for the boys by opening some pools up in Rock Creek Park. That is the best we have at this time.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. FESS. Last year some of the playgrounds had to be closed because there were not facilities to keep them open.

Mr. MONDELL. That is true, we have been niggardly in the extreme in the appropriations for the care of playgrounds and for public bathing beaches and pools in the city.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Public convenience stations: For maintenance of public convenience stations, including compensation of necessary employees, $13,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

New public convenience stations: F, G, and Ninth Streets NW., $20,000; Wisconsin Avenue and M Street NW., $18,000; Fifteenth Street and New York Avenue, $25,000.

Mr. PAGE of North Carolina. To that, Mr. Chairman, I make a point of order.

Mr. MONDELL. Will the gentleman reserve the point of order for just a moment?

Mr. PAGE of North Carolina. Well, since the gentleman from Wyoming has not said anything, I will reserve it.

Mr. MONDELL. Mr. Chairman, I want to ask my genial friend why he did not allow the estimates of the commissioners?

Mr. PAGE of North Carolina. I can explain it. One item which has been estimated for, also estimated for in former estimates, at Ninth and F Streets, is very seriously objected to, and if I had known that the gentleman was going to offer this amendment I would have brought the letter from the Secretary of the Interior opposing it. The fact is that that is a very crowded intersection of streets. The streets themselves are narrow and the Patent Office employees are immediately connected with the place that was sought to be used, and your committee does not believe that that is a proper place for a station. The same thing applies exactly to the proposed station at New York Avenue and Fifteenth Street. If the gentleman knows any more crowded district in the city of Washington than that, I would like to have him mention it. The Treasury Department protested just as vigorously against it as did the Secretary of the Interior against the other, and while there may be some need from a public standpoint of a station somewhere in these localities, certainly these are not the places, in the judgment of the committee.

Mr. MONDELL. The gentleman agrees with the commissioners that these are localities where stations are needed, and if the station should not be located just at the particular point suggested by the commissioners it should be located somewhere in the immediate vicinity. It seems to me that we do not get anywhere by simply declining to make any appropriation for the stations because some one occupying a public building does not feel disposed to approve of it. The stations are needed somewhere in these locations.

Mr. PAGE of North Carolina. Let me remind the gentleman that there was a location made two or three years ago for the establishment of a station at Ninth and F, and we repealed it because it was not a practical place for it there, in the judgment of Congress itself.

I think there is a solution of this problem, and I have personally talked this over with the engineer commissioner. In the narrow streets and the crowded intersections like these proposed it seems to me it would be impossible to place these stations underground even, without seriously interfering with the traffic. I think a plan can be worked out and will be worked out to take care of the situation.

Mr. MONDELL. I am simply calling attention to these matters in the hope that a plan will be worked out. We have been agitating them for years. The necessity for them is apparent to all, and we should not delay forever because there is some slight disagreement as between the commissioners and those in the departments.

Mr. PAGE of North Carolina. I agree with the gentleman, and I think it will be worked out.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

ELECTRICAL DEPARTMENT.

Electrical engineer, $3,000; assistant electrical engineer, $2,000; inspectors—1 $1,000, 4 at $900 each; electrician, $1,200; 2 draftsmen, at $1,000 each; 3 telegraph operators, at $1,000 each; repairmen—expert $1,200, 3 at $900 each; telephone operators—3 at $720 each, 5 at $540 each, 1 $450; electrical inspectors—1 $2,000, 1 $1,800, 1 $1,350, 4 at $1,200 each; cable splicer, $1,200; clerks—1 $1,400, 1 $1,200, 2 at $1,125 each, 1 $1,050, 1 $750; assistant repairmen—2 at $620 each, 2 at $540 each; laborers—1 $620, 3 at $600 each, 2 at $540 each; storekeeper, $875; in all, $49,515.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the increase in the salary in line 24, page 38, where the salary is increased from $2,500 to $3,000.

Mr. PAGE of North Carolina. Mr. Chairman, it is clearly subject to the point of order. If he will withhold it for a moment——

Mr. JOHNSON of Kentucky. I withhold the point of order.

Mr. PAGE of North Carolina. We had quite a discussion a while ago in reference to the wages paid to these more or less infirm and old and decrepit men who work on the streets of the city of Washington. The subcommittee having this bill in charge does not believe that an electrical engineer competent to take charge of the electrical department of the municipality of the District of Columbia can be employed or one that is being employed in a position of like responsibility, requiring the skillfulness, anywhere else that I know of at a salary of $2,500. Believing that skilled men in this position should be paid this amount, the committee increased it from $2,500 to $3,000.

Mr. JOHNSON of Kentucky. My objection is that this particular individual is entirely too "skillful."

Mr PAGE of North Carolina. If the gentleman will allow me, I want, in justice to the members of this committee and to myself and for the members of the subcommittee, to say that this subcommittee has not appropriated for any individual. I have not the slightest idea of the name of the man, or his age, or where he came from, or who he is. That has nothing to do with the increase in the appropriation.

Mr. JOHNSON of Kentucky. I have that information, Mr. Chairman. During the last Congress Senator SMITH of Maryland brought complaint to the House District Committee which at that time was investigating and inquiring into the official conduct of some of the officers of the District of Columbia, and a clear case was made out, where this gentleman had prepared some specifications so artistically that it became necessary to accept the highest bid instead of the lowest for the lamp posts now on Pennsylvania Avenue from the Peace Monument to the Treasury Building; and, because of that artfulness, he compelled the District of Columbia and the United States Government, upon the half-and-half plan, to pay, if I remember correctly, something like five or six dollars difference for every post that was purchased. I do not believe, in view of that kind of thing, that the salary of this individual ought to be increased.

Mr. PAGE of North Carolina. Mr. Chairman, I would like to ask the gentleman if he communicated this information to the Commissioners of the District of Columbia, who have charge of the employment of this man?

Mr. JOHNSON of Kentucky. I did, and I am sorry to say that they did not take any action concerning him that I now recall. They held up the contract pending the inquiry of the House District Committee, and they were fully conversant with the inquiry that was going on, and I can positively state that they know absolutely and certainly that this contract was drawn—that the bids were asked in such a "skillful" manner that the contract as they construed it was awarded to the highest bidder instead of the lowest.

Mr. DUPRÉ. Does the gentleman think that because certain Representatives may be delinquent in the discharge of their duties that the salaries for those particular districts should be abolished?

Mr. JOHNSON of Kentucky. Yes; I favor that proposition, and that is the law right now. I now make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 35, line 24, strike out "$3,000" and insert "$2,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant directors of music, drawing, physical culture, domestic science, domestic art, kindergartens, and penmanship, seven, at $1,300 each; *Provided*, That the assistant director of penmanship, who shall be an instructor in the normal school and an assistant director in the grades, shall be placed at a basic salary of $1,300 per annum and shall be entitled to an increase of $50 per annum for five years.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 40, by inserting after line 10 the following as a new paragraph:

"Vacation schools and playgrounds. For the proper care, instruction, and supervision of children in the vacation schools and playgrounds, and directors, supervisors, teachers, and janitors of vacation schools and playgrounds may also be directors, supervisors, teachers, and janitors of day schools, $7,000."

Mr. HOWARD. Mr. Chairman, I make the point of order against that.

Mr. MONDELL. Mr. Chairman, the item is not subject to the point of order, as the gentleman very well knows. I hope that the committee will accept this item. I think the committee overlooked the item. The gentleman from North Carolina [Mr. PAGE] thought there was not any such item in the estimates.

Mr. HOWARD. It certainly would not be in order, if it was in order at all, at this particular point, because this is for the salary of school-teachers. The whole paragraph is devoted to that. If it be in order at all, it would be in order at the end of line 5 on page 41.

Mr. MONDELL. I would just as soon offer it at some other point.

Mr. HOWARD. I hope the gentleman will withdraw and offer it at some other point.

Mr. MONDELL. I do not know that it makes any difference if it is going into the bill, however.

Mr. HOWARD. It comes now right in the very middle of the classification of these teachers.

Mr. MONDELL. I am willing to withdraw it for the time being.

The CHAIRMAN. The gentleman withdraws the amendment, and the Clerk will read.

The Clerk read as follows:

Hereafter in assigning salaries to teachers of public schools in the District of Columbia no discrimination shall be made between male and female teachers employed in the same grade and performing a like class of duties; nor shall it be lawful to pay, or authorize or require to be paid, from any of the salaries of such teachers any portion or percentage thereof for the purpose of adding to salaries of higher or lower grades; and no such teacher shall be employed as, or required to discharge the duties of, a clerk or librarian.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. ABERCROMBIE. Mr. Chairman, I desire to offer an amendment.

Mr. HOWARD. Mr. Chairman, I would like for the Chair to dispose of the point of order.

Mr. STAFFORD. I wish to inquire what was the purpose of the committee in making this paragraph permanent legislation?

Mr. HOWARD. The purpose was to avoid repeating it year after year. It has been carried in the current bill for several years.

Mr. STAFFORD. I wish to inquire whether it is the established policy of the committee to have the same salaries paid to teachers here in the District of Columbia, regardless of sex, for performing the same grade of work?

Mr. HOWARD. That is the policy and that is the provision in this law.

Mr. STAFFORD. I know it is the provision. I assume that in some cities male teachers receive a higher salary than those paid to females, and I question whether sufficient consideration has been given to that phase of the subject so as to make it permanent law by the addition of the word "hereafter."

Mr. HOWARD. The gentleman is probably familiar with the classification of the different grades in which teachers are put here and the different processes through which they go in reaching certain grades and salaries, and in the grouping of the teachers the committee has put them in a certain classification, starting with the lowest and going to the highest. There is no distinction made between the salaries of male and female teachers. Female teachers of one grade get as much as a male teacher in the same grade.

Mr. STAFFORD. Was it the purpose of the committee in putting in this mandatory provision that there should not be any distinction in pay?

Mr. HOWARD. I can only say to the gentleman that that is the identical language that has been carried in current bills for the last 5 or 6 years—well, more than 10 years. I will state to the gentleman this is for the purpose of saving printer's ink and printing and repetition. We just simply put the language in and make it permanent law.

Mr. STAFFORD. There has been no question in the committee as to the wisdom of having the same salary paid to teachers regardless of sex? I will withdraw the point of order.

Mr. HOWARD. As far as I am concerned, I believe that a woman who is as capable a teacher as a man ought to get the same money; and the committee feels the same way.

Mr. STAFFORD. That is the general principle; but we all know that male teachers have families dependent upon them, and it is necessary to pay them a higher salary than is paid to females.

Mr. HOWARD. Salaries in this day and generation are not based on that proposition at all.

Mr. STAFFORD. That is the rule obtaining in private business establishments as well as in municipalities in the employment of teachers and in other grades of work.

Mr. Chairman, as this has been carried for 10 years, I will not press the point of order on the word "hereafter," and withdraw it.

Mr. HOWARD. I thank the gentleman.

The CHAIRMAN. The point of order is withdrawn.

Mr. ABERCROMBIE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 42, line 19, after the word "librarian," insert the following as a new paragraph:

"Interchange of teachers: That the superintendent of schools of the District of Columbia is authorized, with the approval of the board of education of said District, to provide for the interchange of efficient teachers with other school systems for periods not exceeding one year in each case: *Provided*, That not exceeding 20 teachers shall be on interchange service at one time: *And provided further*, That each teacher so interchanged shall be paid her regular salary by the school system in which she is teaching at the time the interchange is arranged: *And provided further*, That service of teachers of the public schools of the District of Columbia under this provision shall count as regular service in the District of Columbia."

Mr. HOWARD. Mr. Chairman, I reserve a point of order against the amendment.

[Mr. ABERCROMBIE addressed the committee. See Appendix.]

Mr. HOWARD. Mr. Chairman, in the temporary absence of the chairman of the subcommittee, I will be obliged to insist on the point of order.

The CHAIRMAN (Mr. FOSTER). The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

Miscellaneous: For rent of school buildings, repair shop, storage and stock rooms, $15,000.

Mr. MONDELL. Mr. Chairman, I offer the amendment which I withdrew a moment ago and which is at the Clerk's desk—an amendment for an appropriation for vacation schools.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Page 47, after line 2, insert as a new paragraph the following:

"Vacation schools and playgrounds: For the proper care, instruction, and supervision of children in the vacation schools and playgrounds, and directors, supervisors, teachers, and janitors of vacation schools and playgrounds may also be directors, supervisors, teachers, and janitors of day schools, $7,000."

Mr. HOWARD. Mr. Chairman, I make a point of order against the amendment.

Mr. MONDELL. Mr. Chairman, the amendment is not subject to the point of order.

Mr. HOWARD. I will make this statement to the gentleman, that there is no provision of law for vacation schools. This creates new law.

Mr. MONDELL. There is no provision of law for any particular kind of schools. There is a provision of law for schools. Some of the schools are held in the daytime and some at night, and these particular schools happen to be held during the time when the other schools are in vacation. If the gentleman will withhold his point of order for just a moment——

Mr. HOWARD. I withhold the point of order.

Mr. MONDELL. I would like to explain this matter to him and the committee. It is a matter that we ought to have cared for long ago in the District. Some years ago those in charge of the District school system realized the necessity for summer or vacation schools for the purpose of helping those students who for one reason or another needed a little help in order to keep them in their grades. President Blair, of the school board, said, in regard to this matter, in the hearing before the subcommittee:

Mr. PAGE, that is to get away from the provisions that have to be made now of raising money to support that summer playground work through the contributions of outside people and to keep away from the provision of the law which prevented any improper use of the schools. The amount of that work is growing. We are now giving instruction in the summer time, so that children who are back in one, two, or even more subjects which prevents their promotion from one grade to another, but who ought to go on because of their age or ambition, can be given some special instruction in the summer time. We are taking care of that kind of children by looking after them, giving them instruction, and preparing them to go on in the fall on the certificate of these teachers, and then it is also playground work. Mr. Thurston, have you a detailed statement of that?

Mr. THURSTON. I have not here, but the sum we are asking for is approximately the sum spent last year from private contributions. There were between five and six thousand children accommodated on the different playgrounds, both for industrial work and study and for organized play.

Sometimes children are inevitably absent owing to their own illness or on account of illness in the family. Some children are slow in some one study or another. Those children need help in vacation time so that they may not lose the entire year.

We have been doing this work in years past by voluntary subscription. It so happens we have in our family four "hostages to fortune" who are attending the schools here. This is what occurred: In order to keep these vacation schools going—and all the teachers and many of the scholars are interested in them—they make all sorts and kinds of efforts to collect money through the children. My youngsters have been selling tickets to picture shows. They have been importuned and invited to bring contributions, to do various things, in order to make a little money to help raise this $7,000 for these vacation schools and for the care of the playgrounds.

The gentleman from Georgia [Mr. HOWARD] is going to say that what is now being done in this respect, in soliciting contributions in the schools, is contrary to law.

Mr. HOWARD. I was not going to say that.

Mr. MONDELL. He might have said that.

Mr. HOWARD. I did not have it back in my head, because I knew it was contrary to law.

Mr. MONDELL. It is contrary to law. I am not complaining of the teachers. My children have been glad to make their small contributions, but there are many children who are attending the public schools who can not afford to do it, just as it was stated here at the time we prohibited that sort of thing. We do not want to embarrass children who can not afford to contribute, and yet there is such value in these schools that people are anxious to contribute. Let me ask my friend whether or no he thinks that in this Capital City of the Nation we should go on asking the children of the public schools to collect pennies and earn dimes in one way or another in order to keep this very useful branch of the public-school service going?

Mr. HOWARD. Does not the gentleman think this, that if they would teach during the teaching period instead of on

Wednesday morning allowing all the children to go to the moving-picture shows and distracting their attention for the whole day from their studies, that there would be no necessity for these vacation schools, and that they could use that period for developing their physical condition?

Mr. MONDELL. The gentlemen could easily get a rise out of me on that question of improper dismissal and adjournment of public schools, but that is aside the mark. Say that they do sometimes dismiss the schools without sufficient reason.

Mr. HOWARD. They do it.

Mr. MONDELL. For insufficient and for very flimsy reasons and for no good reason at all. If that be so, the occasions are not frequent enough to make any particular difference in the scholarship of the pupil and his ability to keep up with his classes.

These vacation schools have come to be recognized as an important part of the school systems everywhere; not only here, but elsewhere, and they will be kept up. The question is whether they are to be kept up by penny contributions of the children and by all these various and sundry questionable devices that have been resorted to, or whether we shall appropriate for them.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. There is a very important part of this work that my friend from Georgia [Mr. HOWARD] will appreciate. I think he thoroughly appreciates all the purposes of the vacation schools, but the part of these expenditures that is used for the purpose of promoting industrial education and industrial exhibits in the playgrounds in the summer time is especially important. In fact, nothing more important can be provided for under our school system. It is a small sum, and it is a sum that will be expended for a good and worthy purpose. We ought to provide for it instead of continuing, as we have done for years in this unjustifiable way, to compel the people of the District to support it more or less by voluntary contributions.

Mr. FESS. Mr. Chairman, would the gentleman from Georgia withhold his point of order?

Mr. HOWARD. Yes; with pleasure.

Mr. FESS. I think there is a feature in the vacation school that ought not to be lost sight of. Our exacting courses of study throughout all the school systems of the country, and especially here, require a certain standard in order to get into the high school, and then a certain standard is required in the freshman year to get into the sophomore year, and then in the junior year, and then in the senior year for graduation; and if because of some lapse, either in study or circumstances that can not be controlled a pupil falls out, there is danger that unless the pupil can make up on the work on which he fell short during the year he will not be able to go on and reach graduation.

I have realized that for years. A parent's chief desire is to keep his child in school rather than have him drop out in the early stage. If for any reason not under his control he drops out and finds no way to go on with his own class, he will almost certainly drop clear out. This common occurrence grows out of the exacting character of our courses of study, and none of us would change them, but frequently it is very hard upon the individual pupil. I do not refer to the indolent or constitutionally careless pupil, but to the delinquent, whose lapse may not be his fault. The vacation school would offer a splendid opportunity to cure that feature.

Then, it seems to me that every father and mother are up against the situation that for three months in the year the children have nothing to do, and those three months are the times of idleness—a situation bad enough for adults, but especially important to a child when considered in its possibilities, since somebody has said, "When one is idle there is work for the evil one"; and it seems to me that there ought to be some way by which those who are worthy and unable to remain in the school regularly ought to be able to find the time during vacation to do the work in which they are deficient. This is only one of the important items of the proposed amendment of the gentleman from Wyoming.

Mr. HOWARD. Mr. Chairman, will the gentleman yield right there?

Mr. FESS. Yes.

Mr. HOWARD. Of course, the gentleman is aware of the fact that the teachers of the District of Columbia are paid by the year and not by the term. Therefore, without the expenditure of any money, this situation could be met very easily by simply increasing the school term and requiring the teachers to remain here on their jobs and earn a year's pay by teaching the vacation schools. That would be one way to meet the situation, would it not?

Mr. FESS. That would be one way, but it would hardly be fair to the teacher to do that, and I would not favor putting the suggestion into operation.

Mr. HOWARD. It would be as fair for the teacher as for the child.

Mr. FESS. Of course, it is for the benefit of the child that we want to keep the school open at all.

Mr. HOWARD. It would be as much benefit to the child to continue at school during the vacation as it would be to let the child enjoy a vacation.

Mr. FESS. I believe that three months of idleness in any instance is not a desirable thing for the child. I hope that some time in our system of education we shall not have that waste of time.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. COX. The gentleman is a great educator, and I think he is the father of several children. I undertake to say that after the gentleman's children arrive at a reasonable age they do not know what a vacation is, and the gentleman finds some desirable employment for his children. Is not that true?

Mr. FESS. I will say to the gentleman that personally I know not what a vacation is. I have always been employed in some way during the summer season, and was never hurt by the necessity of such employment. As for children, the average family in our smaller as well as larger towns find it very hard to employ their children's time in the summer. It would be very much better could we have vacation schools. For myself I aim to see that my children are in the summer school. However, it is not so easy with the family not identified with educational work.

Mr. COX. Some people have told me that during vacations they have employed teachers to continue the instruction of their children.

Mr. FESS. That is the case in a very great number of instances.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DUPRÉ. Mr. Chairman, I would like to have the gentleman from Georgia [Mr. HOWARD] indicate in a word how many unauthorized items are appropriated in this bill?

Mr. HOWARD. I will refer the gentleman to the gentleman from North Carolina [Mr. PAGE] who is in charge of this bill.

Mr. DUPRÉ. Then I will ask the gentleman from North Carolina. Approximately how many unauthorized items are appropriated for in this bill?

Mr. PAGE of North Carolina. I could not answer that question offhand, but there are not a great many.

Mr. DUPRÉ. A hundred?

Mr. PAGE of North Carolina. I could not say.

Mr. DUPRÉ. Four or five hundred?

Mr. PAGE of North Carolina. I should say not more than a hundred.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. REILLY. Has there been any request from the educational authorities of the District for appropriations for vacational schools?

Mr. HOWARD. I do not recall. This was included in the estimates, but there was no insistence upon it on the part of the authorities when this provision was discussed in the hearing before the subcommittee.

Mr. REILLY. There are vacational schools now conducted in the city by means of contributions as outlined by the gentleman from Wyoming [Mr. MONDELL]?

Mr. HOWARD. Yes; and the teachers are being paid for those months out of public funds.

Mr. REILLY. The fact of the matter is the teachers everywhere have a certain school year, and you would not expect the teachers to give their time for the whole school year unless they were paid for it.

Mr. HOWARD. The uniform system is that the teachers are paid by the month, and when vacation comes they lose their salaries. I want to say this to the gentleman, that from my investigation of the schools in the District of Columbia the teachers in Washington are paid the best salaries in the specific grades of any teachers in the United States except in one city. The children in the District of Columbia are taught under the most favorable conditions that I know anything about. The cost

of constructing school buildings is $10,000 a room, and that is more, I know, than in any city in the country.

Mr. FESS. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. FESS. I think the whole country would commend the movement that made it possible here for teachers to be paid for the 12 months; there are not many places where that is done.

Mr. HOWARD. I have no objection to that. Now, in regard to the playgrounds proposition. I have some views about the playground situation here, and I think it is an opportune time to express them. I realize that children in the congested city centers should have some place to play, but I believe they have got more ground for play in the city of Washington to the square foot than any other city in the country. They have hundreds of acres in Rock Creek Park, the Mall, and all the squares for playgrounds. I believe the playground system costs the parents of these children $150,000 direct taxes, in doctors' bills, because if there ever was a source of spreading contagious diseases, like measles, scarlet fever, and diphtheria, and every other disease of childhood on earth, it is letting the children congregate around a little cement wash hole that has 10 gallons of water pouring into it a minute and 10 gallons running out, where they all jump into it and swim at one time. If one has the measles or scarlet fever they all get it.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. PAGE of North Carolina. Has the gentleman heard of the German invasion—that the German measles has actually broken out in the camp at Chevy Chase?

Mr. HOWARD. Yes; I heard it this afternoon, and that they were going to break up the sanitation camp. I could have broken it up long ago if I had had a peck of healthy mice and let them go out there about half past 7 in the evening. [Laughter.] But now, talking about these playgrounds. They are a magnificent depository for these gadabout mothers that associate with their children only when they are in bed. When they want to go off to spend the day, if they want to go to whist parties, they bundle up the kids and send them to the playgrounds, and there they find a stalwart matron, who will take care of them while their mammas go to the movies. [Laughter.] The result and the practical effect of it is that it is unwholesome.

Mr. CALDWELL. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. CALDWELL. Does not the gentleman think that the ladies have the hardest end of the game anyhow, no matter how you fix it up?

Mr. HOWARD. Well, I used to think so.

Mr. FESS. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. FESS. Does the gentleman think we had better stop the schools?

Mr. HOWARD. No; but I do think that the parental influence ought to be thrown around the children some time during the day. I make the point of order.

Mr. MONDELL. Mr. Chairman, I would like to be heard on the point of order. This committee is clearly authorized to appropriate for schools in the District. There is no law on the statute book fixing the hours or the terms of the school. The time of terms or sessions can be changed any time by the board of education. Under these items the board can provide that the school term shall begin earlier, or extend later, as they see fit. There is no law on the subject, and we are making no law on the subject. We are not changing existing law and not providing new law. If this appropriation is granted it would make it possible to continue the schools, some of them, for a month or so longer than they would otherwise be in session. It would also keep certain playgrounds open a few weeks longer than they are now kept open, and during that time they would make exhibits of the industrial work of the children.

This is an appropriation for a work in progress, a work under the supervision and jurisdiction of this committee. It is not a change of existing law, because there is no law on the subject as to the time when the schools shall be in session. It is not new legislation, because it does not definitely fix a time for session of the schools. Therefore it is in order.

Mr. PAGE of North Carolina. I was going to call attention to the fact that there is no authority of law for vacational schools, or schools of this character contemplated in the amendment.

The CHAIRMAN (Mr. FOSTER). The Chair is ready to rule. The Chair thinks there is no law now fixing what are called vacation schools. If that were the only provision it would be sufficient; but this also provides for playgrounds, and that, too, is subject to a point of order.

Mr. MONDELL. On what ground?

The CHAIRMAN. There is no law providing for playgrounds, as the Chair understands.

Mr. MONDELL. Oh, certainly; there is an appropriation for playgrounds in this very bill.

The CHAIRMAN. If there is any law, the Chair will be glad to have it shown to him.

Mr. MONDELL. The bill contains appropriations for playgrounds.

The CHAIRMAN. The Chair understands that, but there is no law, as the Chair understands it, providing for the establishment of playgrounds and the employment of these teachers.

Mr. JOHNSON of Kentucky. Mr. Chairman, I think I can throw a little light on this subject. For a great many years I made a point of order against the playgrounds, as I am sure my friend in the chair will remember. Finally a compromise was reached by which the playgrounds were to be paid for out of the District revenues, and during the past few years the matter has been allowed to drift along in that way, without any law whatever on the subject.

The CHAIRMAN. The Chair remembers that very distinctly, and for that reason he believes the amendment to be out of order. If there is any law authorizing it, the Chair will be glad to have it called to his attention.

Mr. MONDELL. Mr. Chairman, I offer an amendment in lieu of the amendment that I previously offered. I offer an amendment, "For maintenance of vacation schools, $7,000."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 47, in line 2, by adding the following:
"For maintenance of vacation schools, $7,000."

Mr. PAGE of North Carolina. I make a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For purchase of United States flags, $800.

Mr. MONDELL. Mr. Chairman, I desire to ask unanimous consent to offer at this point an item providing for the enforcement of the child-labor law.

The CHAIRMAN (Mr. FERRIS). What is the gentleman's request?

Mr. PAGE of North Carolina. The gentleman from Wyoming asks unanimous consent to offer the amendment at this place, and I do not object to his offering it.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Amend, on page 49, line 3, by inserting the following as a new paragraph:

"Child-labor law: For the enforcement of the provisions of the act 'To regulate the employment of child labor in the District of Columbia,' approved May 28, 1908, namely, for two inspectors, at $1,200 each, $2,400: *Provided*, That the existing provision of law requiring the detail of two privates of the Metropolitan police force for the enforcement of said act is repealed."

Mr. PAGE of North Carolina. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from North Carolina reserves a point of order.

Mr. MONDELL. Mr. Chairman, I do not think the item is subject to a point of order.

Mr. PAGE of North Carolina. I am sure that the gentleman, with his excellent knowledge of parliamentary law, knows that it is subject to a point of order.

Mr. MONDELL. What is the point of order, Mr. Chairman?

Mr. PAGE of North Carolina. The point of order is that the gentleman's amendment creates an employment that is not provided by law—two inspectors. The law now expressly provides that two police officers shall fill these positions.

Mr. MONDELL. Mr. Chairman, the act of May 28, 1908, to regulate the employment of child labor in the District of Columbia provides that no child under 14 years of age shall be employed or permitted to work in the District of Columbia in any factory, workshop, mercantile establishment, and so forth, and goes into considerable detail in regard to the employment of children in the District of Columbia. I do not understand what further legislation than that would be required to make it in order for the Appropriation Committee to appropriate to carry out the law by providing the proper officers.

Mr. COX. Does that act require the detailing of two policemen to enforce it?

Mr. MONDELL. No; that act does not require the detailing of two policemen. If the point of order is with respect to the detailing of two policemen, I will drop that part of my amendment.

Mr. PAGE of North Carolina. Not only the detailing of two policemen, but the gentleman's amendment carries a provision for new employments that are not authorized by law, because the law specifies these two policemen shall be detailed for this service.

Mr. MONDELL. Let me make this suggestion to my friend. I do not think the item is subject to the point of order, but I want to remind the gentleman that it was his impression that this item was in the bill.

Mr. PAGE of North Carolina. It was, and I was going to make that explanation.

Mr. MONDELL. He is in favor of it personally.

Mr. PAGE of North Carolina. I might be induced to be in favor of it. I want at this point to say what I said privately to the gentleman from Wyoming yesterday, when he offered this amendment. I assured him that the item was in the bill and that was my impression. The truth is, that a man's memory is a pretty good one that can lay a bill of this size, and with as many items, aside for two months before it is called up on the floor of the House after having been completed in subcommittee and trust his memory at all; but after having made that statement my attention was called to the fact and an examination showed that my memory was at fault. I hastened to say so to the gentleman from Wyoming. One of the things that made me think so was that at one time during the hearings I was personally favorably impressed, but the subcommittee did not include the item.

Mr. MONDELL. Mr. Chairman, the District Commissioners made a very strong plea for this item. They called attention to the fact that an ordinary policeman is not particularly qualified to perform this sort of duty. What they need is some one, preferably in civilian costume, to go about where children are or are likely to be employed, and keep track of matters of employment and enforce this statute.

As a matter of fact, the statute has not been properly enforced. These officers can not properly enforce the statute. The commissioners realize that. They need these two men on the force; they need them for other work; and, in addition to that, they need people to enforce this law who are specially trained for that sort of thing. Why agonize over a child-labor law, get all worked up with regard to the matter, take the time of the House to pass the bill, and have impassioned speeches made on both sides relative to the importance of legislation of this kind, call attention to the pitfalls and snares constantly before the youthful worker and to the infinite harm that is done physically and morally by the employment of young people, and then fail, decline, or refuse to provide reasonable means and forces for the enforcement of the law?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I request time in order that I may ask the gentleman from Wyoming if he has any evidence that the child-labor law in the District of Columbia is not being enforced?

Mr. MONDELL. I think the statement made before the committee is very excellent evidence. The men who have been detailed to enforce the law have done the best they could. Attention was called to the fact that it was difficult, well-nigh impossible, for these men to properly enforce the law.

Mr. PAGE of North Carolina. Mr. Chairman, I think that if the gentleman would read carefully the hearings on this item he would discover that the chief incentive behind those making the recommendation was that they wanted these two policemen released from this employment in order that they might be assigned somewhere else. There certainly was no evidence before the committee that the law was not being enforced.

Mr. MONDELL. Mr. Chairman, if I had the time—and I have not—to read this statement by Commissioner Brownlow, I would do so; but I shall put it in the RECORD. I think it will show that the commissioner does not believe it is possible to properly enforce the law and properly safeguard the children with the help that they now have. He suggests the importance of putting this law on the same plane as the eight-hour law with respect to females.

Mr. PAGE of North Carolina. Mr. Chairman, I would suggest to the gentleman from Wyoming that the commissioner whose testimony he has quoted, and for whom I have the highest regard and closest friendship, is the one who is in charge of the detailing of the Metropolitan police. Naturally enough, he wants his policemen somewhere else and engaged otherwise than in enforcing the child-labor law, and I must insist on my point of order.

Mr. MONDELL. Mr. Chairman, the statement of Commissioner Brownlow in regard to the child-labor law, to which I have referred, is as follows:

CHILD-LABOR LAW.

Mr. PAGE. Mr. Brownlow, if these inspectors under the eight-hour law were to observe a violation of the child-labor law under present conditions, would they take cognizance of it, or do they confine themselves entirely to their own work?

Mr. BROWNLOW. I think they are looking after the women very largely, and in most of the places where they are operating there are not any such violations. The inspection as to the child-labor law, of course, is very rigid on the part of these two men, in conjunction with the people with whom they work at the board of education, who give out the permits to children. In connection with the child-labor law the law says that so far as theatrical employments are concerned any one commissioner can issue a permit. So that that law has been honored more in the breach than in the observance—I mean, so far as the spirit of the law is concerned—although the exceptions were perfectly legal and people who wanted permits for a child to appear in a theatrical performance simply came to one of the commissioners and got a permit, and sometimes these applications were for children as young as 2 or 3 years. We turned them down in cases like that, but it is a common thing to have applications for children 4 or 5 years old.

As long as the children who were performing here as actors only came to the vaudeville theaters or with an occasional play like the Blue Bird, or something like that, it did not amount to much. But of late, in the last eight or nine months, there have sprung up in these 5 and 10 cent moving-picture houses all over the District and in the outlying eastern and southern parts, especially, Friday night amateur nights and Charlie Chaplin contests and any number of things in which these children were given tickets. Sometimes they were paid by being given so many tickets so they could come back every night for the rest of the week. I heard of several cases of little children who were hanging around where some man who was the ticket agent was getting them to take part, or some fellow playing the piano at one of these places would make the request, and I heard a great many complaints, and it got so that these requests for those children under age which came to the commissioners, instead of being two or three a month, as it used to be when they came to the regular theaters, began coming in at the rate, especially on Fridays, of sometimes as high as 10 a day and one day I believe I had nearly 20. The commissioners then passed a resolution of the board that after January 1, 1916, giving two months' notice, such permission would not be granted to any child under 14 years of age.

Mr. PAGE. In the general enforcement of the laws of the District by the members of the Metropolitan police force, is there any effort made by them when on duty to enforce this law?

Mr. BROWNLOW. The child-labor law?

Mr. PAGE. Yes.

Mr. BROWNLOW. The two officers who have this work have the cooperation of the police force, and Maj. Pullman has called the attention of the captains and lieutenants to it and urged them to aid in the work in every way. However, their work is outside. The policeman does not go inside of the establishments, as a rule, unless he is called in.

Mr. NEWMAN. That is, a policeman in uniform?

Mr. BROWNLOW. Yes; a policeman is an outside man. He is going along the streets and it is not his business to do that; in fact, if he goes into a place and stays very long we discipline him for it.

Mr. PAGE. In the event this item you are asking for here were granted and sufficient inspectors were appointed to enforce this law, would they have the active cooperation of the Metropolitan police force?

Mr. BROWNLOW. They would, indeed, just as we give these female-labor law inspectors cooperation in every way they ask for it, by assistance in watching, and so forth, at such times as they can.

Mr. SLEMP. Are there any so-called sweatshops at all around the city of Washington?

Mr. BROWNLOW. Not in the generally accepted sense, to amount to anything.

Mr. SLEMP. I mean are there a lot of factories making shirts and clothing, and so forth?

Mr. BROWNLOW. Not in the sense of clothes making or artificial flower making, which are the things we usually talk about when we talk about sweatshops. There are some paper-box factories where wages are far below what any minimum wage law would fix, I have understood. I have not looked into that very closely.

Mr. SLEMP. They come under the general system of inspection?

Mr. BROWNLOW. Yes; and of course the eight-hour law is enforced and they do not employ children. The effect of this child-labor law has been largely to eliminate that trouble here. Of course, the school authorities have been quite liberal in granting permits to newsboys, which they can do. I mean, they have done it where the requirements were lived up to and the child was in school. But we believe that with sufficient inspectors who can go in and stay and who will not have other duties, they would be better than policemen. Of course, those policemen have no duties connected with the police force. They do all the clerical work and they do nothing but this work.

Mr. PAGE. Do they wear the regular uniform?

Mr. BROWNLOW. They do not wear any uniform and they have an office and do the clerical work and also this inspection work. They have no connection with the police force whatsoever, except they are paid through it, and they are members who can not be dismissed except by the trial board and have all of the advantages of policemen, but perform none of the duties of policemen.

Mr. SLEMP. I doubt if you have enough force to take care of this situation.

Mr. BROWNLOW. You mean with two inspectors?

Mr. SLEMP. Yes.

Mr. BROWNLOW. I think in a town of this kind, where the industries are not so very many and where they are easily spotted, I think two would be enough. They are doing good work, but I would prefer to have civilians, and frankly, I would prefer to have somebody who had a little different social point of view from that of a man who has come up from the police force; a man who would not only enforce the law, but would have a sympathetic understanding of what we are trying to do and would enforce the law and at the same time would take into consideration the interests of the children.

Mr. PAGE. Mr. Brownlow, this is a change of existing law and is one of those items we have gone into very fully because of the interest we take in it, but it will be subject to a point of order.

Mr. BROWNLOW. Yes.

The CHAIRMAN. The Chair thinks very clearly it is subject to the point of order for two causes: First, it creates a new position and new legislation, and, secondly, it seems to repeal existing law. Therefore the Chair sustains the point of order.

The Clerk read as follows:

Buildings and grounds; For an eight-room addition, including an assembly hall, to the Elizabeth V. Brown School (Chevy Chase), $80,000.

Mr. TILSON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, after line 14, insert

"For an eight-room building on the site purchased for the purpose between Eighteenth and Twentieth Streets and Monroe and Newton Streets NE., said building to be so constructed as to make it easily possible to extend the same to a 16-room building, $90,000."

Mr. PAGE of North Carolina. Mr. Chairman, I reserve a point of order against the amendment.

Mr. TILSON. Mr. Chairman, as the father of a growing family, both in size and numbers, it is quite natural that I should feel a deep interest in the matter of sufficient school buildings. Every progressive city is careful to see that the growth of its school buildings keeps pace with the growth of the city or the number of children to be accommodated in its schools. Cities that have not done this have found themselves in the situation of not being able to take care of their children in the schools or of having to increase their indebtedness largely at one time in order to catch up with what they have lost by their failure to build as they went along.

Now, there has been some regular and systematic building in this city. Last year the amount appropriated for school buildings and grounds amounted to, as I remember, $766,000, and the estimates this year amount to almost that amount—$738,000, I believe—and yet only a little over $200,000 was brought in by this committee.

If we do not face the situation squarely and appropriate an adequate amount each year, we shall fail to keep up with the procession. We shall find ourselves a little later on in the position of having to authorize a great many school buildings at one time or be unable to take care of the children. It seems to me that we ought to build such a number of schoolhouses each year and acquire such a number of sites as will keep pace with the increasing needs of the city. I have proposed one additional building in the amendment I have offered. This particular building has been recommended by the commissioners and included in their estimate made to the Committee on Appropriations.

Mr. CHAIRMAN. Does the gentleman from North Carolina insist on his point of order?

Mr. PAGE of North Carolina. Mr. Chairman, since the gentleman has discussed this question in connection with this particular item, I will say that it was included in the estimate submitted by the school board, through the commissioners.

There is a question in my mind, and a very serious question in the minds of the subcommittee who visited this location, as they did every other proposed construction in the District of Columbia, so that at first hand we might have the information upon which to act intelligently. The site has been purchased on this location, and at some time, unquestionably, it will be necessary to construct a building somewhere in this suburb of the District of Columbia. At the present time your subcommittee did not think the need was sufficient, nor was there any danger of such a growth in the number of children in this locality as to make the committee do what my friend has suggested, get behind in the construction of these buildings. So far as I am personally concerned, rather than construct this building I would very much rather have made an appropriation for the construction of a new building, a wooden building, not very far removed from this, with about 100 pupils in it. I think that a very much more crying necessity than this. Your committee has tried, and I think that the bill for the current year and the bill for the preceding year, made up by practically this same subcommittee, will bear evidence of the fact that they have taken ample care of the expansion of the educational system in the construction of buildings in the District of Columbia.

It is not worth while, my friend, to spend the money to build a house to stand out in a section where—I can say to my friend not very far removed when this new school building shall be upon it; not so large as this—the population did not meet the expectation of those who appropriated for this building. This is in advance of the population of the section in which it is proposed to be built.

Mr. TILSON. The commissioners seem to think it was not in advance.

Mr. PAGE of North Carolina. I know the commissioners were particularly obsessed with this one particular building, because they have got a magnificent lot in area and they want to build on it; but the committee was not so impressed with the necessity at this time for the construction of this building.

Mr. TILSON. Will the gentleman yield to me a moment?

Mr. PAGE of North Carolina. I will.

Mr. TILSON. I have already introduced another amendment for the purchase of a site. I think we ought not to let that matter drop.

Mr. PAGE of North Carolina. We have a site.

Mr. TILSON. This was in the northwest, one that was recommended, between Tenth and Eleventh Streets; the purchase of a site somewhere in that locality.

Mr. PAGE of North Carolina. When we reach that I will take it up and discuss it with the gentleman.

Mr. TILSON. It is not in this bill. We can not take it up now.

Mr. PAGE of North Carolina. I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

The total cost of the sites and of the several and respective buildings herein provided for, when completed upon plans and specifications to be previously made and approved, shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

I desire to call attention to the fact that the committee has reduced the estimate of the commissioners for school buildings about $500,000. I shall not offer amendments covering the differences, or any part of it, because I am not altogether certain that all the buildings and grounds estimated for are needed. I am not thoroughly informed as to the relative necessity or urgency of the various projects. But this certainly can be said well within the truth, that the District Commissioners either fail to understand the District, over which they preside, and are woefully and criminally ignorant of its needs—they are criminally wasteful in their recommendations with reference to the people's money—or the District Committee has failed to do its duty in making appropriations.

I desire to say that I believe the commissioners do understand thoroughly the needs of the District. I believe they were careful and reasonable and conservative in their estimates. That being true, the District Committee certainly does not appear to have performed its duty to the District when it has reduced this item by about half a million dollars.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to the gentleman's criticism, I want to call his attention to the fact that one of the largest items submitted was in connection with the new Eastern High School that is authorized in this bill and the reappropriation made of the unexpended balance for the purchase of the site. They estimated an appropriation of $150,000. After consultation with the commissioners it was perfectly apparent if we appropriated the money that they could not expend it for the fiscal year for which it was appropriated, and we merely reappropriated the unexpended balance of the last year for the purchase of the site, which amounts somewhere to between $30,000 and $40,000, and which will enable them to begin the work on the building.

Mr. MONDELL. How about the $350,000?

Mr. PAGE of North Carolina. There is this school building, carrying somewhere in the neighborhood of $100,000 to-day, in this section, where the subcommittee did not believe the time had come to construct a building. I do not recall the item, but there were some others, not for a building, I think, but for the purchase of grounds. These items omitted were for the purchase of grounds in connection with the buildings already constructed in the district where in the estimation of the commissioners there was not sufficient room around the school buildings, and those items make up a considerable amount. The only school building I recall is the one for which the gentleman offered an amendment a moment ago. That was the only one we omitted. The other was for grounds adjacent to the building, and the other for $150,000 not appropriated, as an additional appropriation.

Mr. MONDELL. Was there not an estimate for an additional amount for the Powell School?

Mr. PAGE of North Carolina. It was not estimated for. That is my recollection. It has already been done. We have appropriated, and that building is going up now. There was a deficiency appropriation carried in one of the urgent deficiency bills.

Mr. MONDELL. Let me ask the gentleman a question. Does he think the commissioners were reckless in their estimates?

Mr. PAGE of North Carolina. Oh, no. I think they were mistaken, that is all, as to when they needed this money. They certainly did not need the $150,000 for the Eastern High School for the fiscal year to which this bill applied. Now, the only real question of difference between the estimates of the commissioners and this committee reporting the bill is the building out at Eighteenth and Monroe Streets in the northeast in the suburb covered by the amendment just offered by the gentleman from Connecticut, to which I made the point of order. The other is for ground and the items I have mentioned.

Mr. MONDELL. Of course, not subject to the point of order, but the gentleman made it.

Mr. PAGE of North Carolina. The gentleman has chided me, or rather complimented me, by referring to my knowledge of parliamentary law. I have always regarded the gentleman from Wyoming as being somewhat of a "parliamentary shark." I could cite the gentleman to numerous decisions of this House in which a building of any character is subject to a point of order unless it is authorized by law.

Mr. MONDELL. At any rate, the Chair ruled that way.

Mr. PAGE of North Carolina. He did, and he ruled properly.

The CHAIRMAN. The Clerk will read.

Mr. FESS. Mr. Chairman, I wish to inquire of the gentleman in charge of the bill, what is the status of the Central School building—the big high school?

Mr. PAGE of North Carolina. The final appropriation has been made, the building is practically completed, and it will be opened at the fall session in September.

Mr. FESS. Mr. Chairman, I would like to say a word of compliment for the manner in which the schools are cared for in this District.

Mr. PAGE of North Carolina. So far as it applies to me, I appreciate it.

Mr. FESS. It applies to this committee and those who are supporting the gentleman and his committee. I know that the schools of Washington are pointed to throughout all the country as of very high grade from every standpoint. So far as the rating of salaries is concerned, while I do not think it is as high as it ought to be, it is a very good rating in comparison with salaries in other places; and in regard to the manner of payment of those salaries, looking to an employment for a period of 12 months instead of 9 months, or, if preferred, the school period paid in 12 equal payments, it is an unusually wise and judicious arrangement.

Mr. PAGE of North Carolina. It is certainly liberal.

Mr. FESS. Yes; liberal, if you want to put it that way. However, the sum total for the year may not be much greater than if paid for the lesser period. In that respect it is not a case of liberality. It is wrong to have a system where any group of people are employed only nine months in a year, with three months of the year not occupied and subjecting the persons employed to an expense of such a character that it is usually greater when not employed than when employed. I want to compliment the committee on the schools, and particularly on that feature which eventually, I think, will be followed throughout the country. Then there are other features which do not seem to be popular here, but which, I think, are very valuable, such as the longevity method of paying the teachers. I think that is a well-recognized principle.

I wanted to say that much because it seems that much that has been said has been in opposition. I wanted to say this, the opposition that comes to many items which are at times strenuously contested may not be necessary, and at times seems unwarranted, but it is made because we want to get better results. Of the various buildings already erected and now building, many of them are such in character of architecture and equipment as befits this great Capital.

The organization of the school system is designed to secure the very best results. The entire divorcement of the system from party or municipal politics is the one crowning and commendable feature which distinguishes these schools from many in the country, and is a guaranty of a high degree of efficiency.

The hearty response of Congress to all the needs of the most modern features of the most modern school system, from the kindergarten to the normal school, including all the intermediary adjuncts, making provision for all the various demands of modern high-school education, properly places these schools on a high plane.

The provision for the night schools, which in a degree answers the call for the part-time vocational school, is another valuable step. The playground feature and the vacation school must be better cared for.

Mr. PAGE of North Carolina. I am very much obliged to the gentleman, and I hope the gentleman from Wyoming [Mr. MONDELL] will read those remarks in the RECORD, as the gentleman did not listen to them during their delivery.

Mr. FESS. If in the future the playgrounds are a little better cared for, I think the country will compliment those in authority who are responsible for them. I desire to repeat what I said earlier in the day, that this city must be so up-to-date in every line of achievement that the citizenry of the Nation, as it visits the Capital, can see here the best example of what ought to obtain in a city of any place in the world.

It is not the residents of the District that I have in mind, but the people of our Nation.

It ought to be so that any man or group of persons desiring to visit the most up-to-date modern school of the world would immediately think of Washington as the place to find it. This should be true in every phase of education.

It should be so in all expert work in every line of human endeavor, whether of architecture, of art, of science, of landscape gardening, of city beautifying, of administrative efficiency—here is the one place where the country has a right to turn for its model. This is why I am opposed most strenuously to the change this bill proposes. This is a national object and must be kept so and must not be saddled upon the District.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Appropriations in this act shall not be paid to any person employed under or in connection with the public schools of the District of Columbia who shall solicit or receive, or permit to be solicited or received, on any public-school premises, any subscription or donation of money or other thing of value from pupils enrolled in such public schools for presentation of testimonials or for any purposes other than for the promotion of school athletics, including school playgrounds, school gardens, school publications, and commencement exercises of high schools.

Mr. MONDELL. Mr. Chairman, I desire to amend, on line 23, after the word "playgrounds," by inserting the words "vacation schools."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amend, on page 51, line 23, by inserting after the word "playgrounds" the words "vacation schools."

Mr. PAGE of North Carolina. Mr. Chairman, I reserve a point of order. I do not know that I shall make it, however.

Mr. MONDELL. Mr. Chairman, I submit this amendment in order that the school-teachers of the District shall not be compelled to continue to break the law. They do ask contributions for these vacation schools, and so long as the committee does not see proper to appropriate for the vacation schools we ought not to make them lawbreakers every time they do solicit subscriptions.

Mr. PAGE of North Carolina. Mr. Chairman, I shall not insist on the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIRE DEPARTMENT.

Chief engineer, $3,500; deputy chief engineer, $2,500; 4 battalion chief engineers, at $2,000 each; fire marshal, $2,000; deputy fire marshal, $1,400; 2 inspectors, at $1,080 each; chief clerk, $1,800; clerk, $1,200; 38 captains, at $1,100 each; 40 lieutenants, at $1,200 each; superintendent of machinery, $2,000; assistant superintendent of machinery, $1,200; 27 engineers, at $1,200 each; 27 assistant engineers, at $1,100 each; 2 pilots, at $1,150 each; 2 marine engineers, at $1,200 each; 2 assistant marine engineers, at $1,100 each; 2 marine firemen, at $720 each; 40 drivers, at $1,150 each; 40 assistant drivers, at $1,100 each; 223 privates of class 2, at $1,080 each; 44 privates of class 1, at $960 each; hostler, $600; laborer, $600; in all, $571,080.

Mr. CALDWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. CALDWELL].

The Clerk read as follows:

Amendment by Mr. CALDWELL: On page 57, after line 16, insert as a new paragraph the following:

"*Provided*, That no member of the uniformed force of the fire department shall be required to remain on duty more than 14 hours in any one day, except in case of an emergency, and except upon one day in each two weeks when there shall be a shift of platoons."

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against that amendment.

Mr. CALDWELL. Will the gentleman withhold his point of order?

Mr. JOHNSON of Kentucky. I will say to the gentleman that there is a bill before the Committee on the District of

Columbia now that is likely to be reported out soon, covering this question.

Mr. CALDWELL. Will the gentleman withhold his point of order a moment?

Mr. JOHNSON of Kentucky. Yes; I will withhold it.

Mr. CALDWELL. Mr. Chairman, I have been looking into this question for some years. It is a very vital question in the city of New York, and we have had it under discussion many times. I do not care to take up the time of the committee at this time, but I would like to extend my remarks by putting in the RECORD an argument that I made upon this subject the last time it was presented in New York.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DILL. Mr. Chairman, I did not know that this amendment was to be proposed, and I recognize that the point of order made by the gentleman from Kentucky [Mr. JOHNSON] will be sustained. However, I desire to take this opportunity to declare myself in favor of the double-platoon fire system for the firemen of the District of Columbia. I understand this question is now pending before the committee, and I most earnestly hope a bill providing for the double-platoon system will be favorably reported to the House. [Applause.]

Some of our western cities have tried this double-platoon system and it has worked well. It has made it possible for firemen to live like other men. It has enabled him to be at home with his family sufficiently long for his children to become acquainted with him. He finds himself a man among men, and not merely a part of a fire machine which is kept in a fire station practically all of the time.

In my home town of Spokane I had a part in establishing the system, and it worked well for one year, but in a wave of taxation retrenchment the people voted it down by a small majority. The net result is, though, that our firemen have days off more frequently than formerly; and I feel certain when the question is again voted upon by the people they will decide in favor of the double platoon. I shall not take further time of the committee now, but will have more to say when the bill for the change of system comes before the House. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For repairs to apparatus and motor vehicles and other motor-driven apparatus, and for new apparatus, new motor vehicles, new appliances, employment of mechanics, helpers, and laborers in the fire-department repair shop, and for the purchase of necessary supplies, materials, equipment, and tools: *Provided*, That hereafter the commissioners are authorized, in their discretion, to build or construct, in whole or in part, fire-fighting apparatus in the fire-department repair shop, $15,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order on the paragraph, for the purpose of getting an explanation of it. I am apprehensive that that is the beginning of a factory.

Mr. PAGE of North Carolina. Mr. Chairman, the evidence before the subcommittee preparing this bill was to the effect that with the constant addition of motor-driven fire-fighting apparatus there were necessarily a number of men employed to keep this apparatus in repair; that if these men were to be kept employed it would be necessary that this authority be enlarged to the extent that they might put together some of these appliances and to reconstruct apparatus that has been worn; that would hardly be covered by the word "repair." There is no increase of employment, and it is merely an effort to keep employed these men who must be kept there. I hope the gentleman will not make his point of order.

Mr. JOHNSON of Kentucky. I should like to ask the gentleman from North Carolina if he will agree to take out the word "hereafter" at the bottom of page 57?

Mr. PAGE of North Carolina. Mr. Chairman, that was put in, as the gentleman knows, for the reason that we do not care to carry these paragraphs in the bill every year. I see the gentleman's point, that if this does not meet expectations it might go out more easily if the word "hereafter" is stricken out. I am sure it will not do any harm, and I will agree to the amendment if the gentleman will withdraw his point of order.

I move to amend by striking out the word "hereafter" in line 24, page 57.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the word "hereafter" in line 24, page 57.

The amendment was agreed to.

Mr. JOHNSON of Kentucky. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws his point of order, and the Clerk will read.

The Clerk read as follows:

Health officer, $4,000; assistant health officer, $2,500; chief clerk and deputy health officer, $2,500; clerks—1 $1,400, 5 at $1,200 each, 4 at $1,000 each, 1 $720; sanitary inspectors—chief, $1,800, 8 at $1,200 each, 2 at $1,000 each, 2 at $900 each; food inspectors—chief, $1,600, 5 at $1,200 each, 6 at $1,000 each, 5 at $900 each; chemist, $2,000; assistant chemist, $1,200; assistant bacteriologist, $1,200; skilled laborers—1 $720, 1 $600, messenger and janitor, $600; driver, $600; poundmaster, $1,400; laborers, at not exceeding $50 per month each, $2,400; in all, $65,140.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the increase of the salary for the poundmaster. He has a sinecure down there anyhow, and to pay him more than $1,200 is an imposition on the taxpayers of the District.

Mr. PAGE of North Carolina. Mr. Chairman, I concede that it is clearly subject to a point of order. We increased it because up to a few years ago the poundmaster was paid $1,500.

Mr. JOHNSON of Kentucky. In my judgment he ought not to be paid more than $600.

The CHAIRMAN. The point of order is sustained.

Mr. PAGE of North Carolina. Mr. Chairman, I offer an amendment to insert $1,200 in the place of the $1,400 stricken out.

The amendment was agreed to.

The Clerk read as follows:

Probation system: Probation officer, supreme court, $2,000; assistant probation officer, $1,200; stenographer and typewriter and assistant, $800; police court—probation officer, $1,500; assistant probation officer, $1,200; contingent expenses, $500; in all, $7,200.

Mr. COX. Mr. Chairman, I reserve a point of order on that paragraph. This is a new position, "assistant probation officer."

Mr. PAGE of North Carolina. There is one new one. It is an absolute necessity. The number of children that are turned loose on probation has reached a point where it needs an additional probation officer. If this is not agreed to, you might as well turn them loose without any supervision.

Mr. COX. How many probation officers are there?

Mr. PAGE of North Carolina. I understand there are about 50 children to one officer.

Mr. COX. How many probation officers are there?

Mr. PAGE of North Carolina. This is for the court, and not for the juvenile court. There is only one, and we give him an assistant.

Mr. JOHNSON of Kentucky. It developed in the juvenile-court bill that every child required about seven officers.

Mr. PAGE of North Carolina. That was in connection with the house of detention, and that statement would not bear examination.

Mr. JOHNSON of Kentucky. I think the statement was correct.

Mr. PAGE of North Carolina. I can produce evidence to the gentleman that it was not correct.

Mr. COX. Mr. Chairman, I think the gentleman from North Carolina has made out a good case, and I withdraw the point of order.

Mr. ABERCROMBIE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15774, the District of Columbia appropriation bill, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Thereupon, on motion of Mr. PAGE of North Carolina (at 5 o'clock and 59 minutes p. m.), the House adjourned until to-morrow, Friday, May 26, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the

Acting Secretary of the Navy, reporting that the Navy Department has considered, ascertained, adjusted, and determined that the sum of $5 is due Maximiliano Trompez, of Macoris, Dominican Republic, for damages for which a vessel of the United States Navy was responsible (H. Doc. No. 1166); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 15117) for the relief of John Steagall, reported the same with amendment, accompanied by a report (No. 766), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 1586) granting a pension to William L. Brown, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, resolutions were introduced and severally referred as follows:

By Mr. TAGUE: Resolution (H. Res. 247) authorizing the transportation of mails on naval vessels; to the Committee on Foreign Affairs.

By Mr. SHACKLEFORD: Resolution (H. Res. 248) providing for the consideration of H. R. 7617; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 15997) granting an increase of pension to Samuel M. Higgins; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 15998) granting an increase of pension to Friederika Serini; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15999) to correct the military record of Asbury Scrivener; to the Committee on Military Affairs.

By Mr. COADY: A bill (H. R. 16000) granting an increase of pension to Charles B. Reed; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 16001) granting a pension to Orin Marshall; to the Committee on Pensions.

Also, a bill (H. R. 16002) granting an increase of pension to Jacob Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16003) for the relief of the heirs of David H. Fish, deceased; to the Committee on Claims.

By Mr. EAGAN: A bill (H. R. 16004) granting an increase of pension to Maria Murphy; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 16005) granting an increase of pension to John T. Wallin; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16006) granting an increase of pension to Annie Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16007) granting an increase of pension to Catharine Bupp; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 16008) to enroll Robert Underwood; to the Committee on Indian Affairs.

By Mr. NEELY: A bill (H. R. 16009) for the relief of Dr. Charles Lee Baker; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 16010) for the relief of certain enlisted men of the United States Navy; to the Committee on Naval Affairs.

By Mr. PORTER: A bill (H. R. 16011) granting an increase of pension to Frank Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16012) granting an increase of pension to Eva E. Steele; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 16013) granting a pension to Louise Humphrey Thayer; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 16014) for the relief of Godfried Ziegler; to the Committee on War Claims.

By Mr. TAYLOR of Arkansas: A bill (H. R. 16015) granting a pension to Louisa Amanda Hays; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petitions of V. G. Fullman, Miller Saw-Trimmer Co., William F. Blars, Gem Manufacturing Co., and Keystone Printing Co., all of Pittsburgh, Pa.; James M. Rea, Harry Brant, Kingsley Brant, J. F. Smith, and William Herdon, all of Savannah, Mo.; Standard Sanitary Manufacturing Co., Pittsburgh, Pa.; Frances M. Kane, Philadelphia, Pa.; B. B. & B. Trunk Co., Pittsburgh, Pa.; Charles F. Dole, Jamaica Plain, Mass.; C. F. Holdship, Pittsburgh, Pa.; Albert E. Jenkins, New York City; Alfred J. Walker and James J. Lyons, New Jersey; J. S. Manning, Elizabeth, N. J.; Graham McAdam, John Hartner, and Edward Green, all of New York City; Samuel Archer, J. W. Jansen, J. M. McCrawner, C. E. Beveridge, and Charles C. Ebert, all of Seattle, Wash.; E. D. Frohman, Pannier Bro. Stamp Co., Namsamn Bros. Co. (Max Namsamn, president), F. M. Namsamn, and American Steel Band Co., all of Pittsburgh, Pa.; Robertraw Manufacturing Co., Youngwood, Pa.; Vinnie MacLean, E. Albert Mass, John Carey, E. B. Goodrich, and Lulu Machschlemer, all of Los Angeles, Cal.; Calvin Tompkins, New York City; Earl H. Wells, B. J. Clark, George Cartwright, and Fred Schulder, all of Cleveland, Ohio; Horace Sague, Poughkeepsie, N. Y.; P. Duff & Sons, Raridan & East Brady Co., and W. B. Skelly Coal Co., all of Pittsburgh, Pa.; H. J. Graham, New York City; and C. E. A. Winslow, Connecticut, asking for the speedy passage of House bill 13281, which provides for amending the tariff so as to admit free the products of any American country which will admit our products free; to the Committee on Ways and Means.

By Mr. CANNON (by request): Petition of citizens of Cissna Park, Ill., in re migratory-bird law; to the Committee on Agriculture.

Also (by request), petition of citizens of Momence, Ill., favoring the Hulbert bill to make the Star Spangled Banner the national anthem of the United States; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of Detroit Board of Commerce, opposing passage of the Tavenner bill; to the Committee on Labor.

By Mr. DALE of New York: Memorials of meeting of women of Cochise County and women voters of Greenlee County, Ariz.; the Uinta County Branch of the Congressional Union, at Evanston, Wyo.; the Massachusetts Branch of the Congressional Union for Woman Suffrage; and sundry citizens of New York, favoring the reporting out of the Susan B. Anthony suffrage amendment from the Judiciary Committee; to the Committee on the Judiciary.

Also, petition of William H. Morse, probation officer of Amsterdam, N. Y., and Arthur W. Tome, of Brooklyn, N. Y., indorsing the Owen-Hayden bill, Senate bill 1002 and House bill 42; to the Committee on the Judiciary.

By Mr. DILL: Petition of Mr. Conrad Bluhm and other residents of Spokane, Wash., urging the establishment of a Federal censorship of motion pictures in interstate commerce; to the Committee on Education.

Also, petition of Mr. Albert K. Arend and other residents of Spokane, Wash., urging passage of constitutional amendment forbidding all sectarian appropriations, also prohibition of same in Philippine and Porto Rico enabling acts; to the Committee on Insular Affairs.

By Mr. DYER: Memorial of 28 members of the United States House of Representatives, favoring action by the Committee on Foreign Affairs on House resolution 235; to the Committee on Foreign Affairs.

By Mr. EAGAN: Memorial of Board of Supervisors of Madera County, in re certain pending legislation; to the Committee on Military Affairs.

By Mr. FOCHT: Papers to accompany House bill 1463, for relief of David I. Hawk; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14551, for the relief of David H. Walker; to the Committee on Invalid Pensions.

By Mr. GARDNER: Petition of Pigeon Cove Woman's Club, of Pigeon Cove, Mass., favoring passage of a resolution by Congress designating the mountain laurel as the floral emblem of the United States; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 15408, for relief of John E. Opedyke; to the Committee on Invalid Pensions.

By Mr. HASTINGS: Petitions of Sunday School of Methodist Episcopal Church South, of Boynton, Okla., for passage of House joint resolutions 84 and 85, for national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Memorials of the Bricklayers' Union, No. 8, of Stamford, Conn., in favor of House bill 6915, for the retire-

ment of superannuated post-office employees; to the Committee on the Post Office and Post Roads.

Also, memorial of Common Council of the city of Stamford, Conn., in favor of House bill 6915, to retire superannuated postal employees; to the Committee on the Post Office and Post Roads.

By Mr. HUDDLESTON: Petition of W. B. Harrell and others, of Birmingham, Ala., in re House bill 652; to the Committee on the District of Columbia.

Also, petition of Frank Harwell and others in re House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petitions of sundry citizens of Lake Linden, Mich., opposing the Madden rider, limiting the weight of parcel-post packages to 50 pounds; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Memorial of Maryland State and District of Columbia Federation of Labor, indorsing House bill 652, providing for the Sunday closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LONDON: Petition of 175 citizens of Port Angeles, Wash., demanding that Congress vote against "military preparedness, conscription of men, and war of any kind"; to the Committee on Military Affairs.

By Mr. MATTHEWS: Papers to accompany House bill 15985, for relief of Charles Hoff; to the Committee on Invalid Pensions.

By Mr. OAKEY (by request): Petition of Young People's Society of Christian Endeavor, of Somers, Conn., for national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of executive committee of the Society of the Chagres, composed of American canal employees who completed six years' service prior to January 1, 1915, favoring the passage of Senate bill 3457 and House bill 8828, and protesting against the discrimination between civilian employees and Army, Navy, and Marine Hospital employees on the Canal Zone; to the Committee on Insular Affairs.

By Mr. O'SHAUNESSY: Memorial of the Providence Chamber of Commerce, favoring House bill 651; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *May 26, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

CONCENTRATION AND MANEUVER CAMP IN WASHINGTON.

Mr. JONES. Mr. President, I have a resolution here calling for information—for copies of documents in the War Department. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution will be read.

The Secretary read the resolution (S. Res. 203), as follows:

Resolved, That the Secretary of War be directed to transmit to the Senate as soon as possible copies of the following reports and memoranda with reference to the American lake concentration and maneuver camp in the State of Washington, to wit:

Report of Gen. Funston for the year 1903.
Report of Capt. S. A. Cloman in 1907.
Report of Col. Woodbury in 1907, about April 4.
Report of Lieut. A. M. Ferguson of August 1, 1907.
Reports from the Secretary of the Interior and the Acting Commissioner of Indian Affairs under date of May 27, 1907.
Report of board of Army officers composed of Gen. Murray, Gen. Maus, and Capt. Craig, March 4, 1912.
Memoranda submitted by Gen. Duvall May 10 June 8, and September 26, 1907.
Report of Gen. Randall.

The VICE PRESIDENT. Is there objection to the resolution? The Chair hears none, and it is agreed to.

Mr. HOLLIS. Mr. President, I think the resolution ought to go over under the rule, so that the facts——

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Johnson, S. Dak.	Nelson
Bankhead	Culberson	Jones	Oliver
Brandegee	Dillingham	Kenyon	Overman
Broussard	Fletcher	La Follette	Pomerene
Catron	Gallinger	Lane	Ransdell
Chamberlain	Hardwick	Lea, Tenn.	Reed
Chilton	Hitchcock	Martin, Va.	Shafroth
Clapp	Hollis	Martine, N. J.	Sheppard
Clark, Wyo.	Husting	Myers	Simmons
Smith, Ariz.	Sutherland	Tillman	Warren
Smoot	Taggart	Townsend	Williams
Sterling	Thomas	Vardaman	
Stone	Thompson	Walsh	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. There was unanimous consent given to the Senator from Washington [Mr. JONES] for the consideration of a resolution. The Senator from New Hampshire [Mr. HOLLIS] subsequently, after it had been read, objected to it.

Mr. SHAFROTH. What is the resolution? I should like to have it read.

The VICE PRESIDENT. It is a resolution calling on the Secretary of War for certain information in regard to the American lake concentration and maneuver camp in Washington.

Mr. SMOOT. Let the resolution be read.

The VICE PRESIDENT. It will be read again.

The Secretary again read the resolution.

The VICE PRESIDENT. There seems to be an objection on the part of the Senator from New Hampshire [Mr. HOLLIS]. He wanted to have the resolution go over for a day.

Mr. JONES. When will it come up again?

The VICE PRESIDENT. The Chair is trying to find out what the situation of the resolution is, if possible. The Chair understood that unanimous consent was given for the consideration of the resolution, and the Chair announced that it had been adopted. Then the Senator from New Hampshire asked that it should go over for a day. Is there objection to its going over?

Mr. JONES. I understood that the resolution was passed; but, of course, if the Senator from New Hampshire thinks it ought to go over, I would not insist on a different course.

The VICE PRESIDENT. The resolution, then, will go over for a day.

STEAMSHIP "REPUBLIC."

Mr. REED. Mr. President, out of order, I ask to be permitted to submit a report from the Committee on Commerce.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. REED, from the Committee on Commerce, to which was referred the bill (S. 5985) authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States, reported it without amendment and submitted a report (No. 482) thereon.

MEMORIAL TO FRANCIS ASBURY.

Mr. OVERMAN. I ask unanimous consent to introduce a joint resolution and that it be referred to the Committee on the Library.

The joint resolution (S. J. Res. 136) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury, was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

LIFE JACKETS AND LIFE BUOYS.

Mr. FLETCHER. I ask unanimous consent to submit a favorable report from the Committee on Commerce.

The VICE PRESIDENT. The Chair hears no objection and the report will be received.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (H. R. 13112) to amend section 14 of the seamen's act of March 4, 1915, reported it without amendment and submitted a report (No. 483) thereon.

CENSORSHIP OF AMERICAN MAILS.

Mr. MARTINE of New Jersey. Mr. President, I have received a number of letters from constituents complaining of interference with their mails by the British authorities. I received one yesterday from a prominent gentleman in Newark, N. J., a man of large interests and large business, wherein he says:

Within the past week I have received a number of letters from neutral countries. All of them had been opened by the English authorities and had been sealed by a label bearing the words "Passed by censor."

It seems to me that this is a manifest evil and injustice, and I am prompted to ask unanimous consent to submit the following resolution (S. Res. 204), which I will read with the permission of the Senate:

Whereas the authorities of Great Britain have persistently rifled and violated the United States mail during the present war in Europe; Therefore be it

Resolved, That the State Department of the United States be, and hereby is, requested to investigate this whole subject, with a view to putting a stop to this unlawful and outrageous practice.

I present the resolution and ask that it may be disposed of as the Senate may think proper.

Mr. STONE. What is the request?

Mr. MARTINE of New Jersey. My request is that the State Department be——

Mr. STONE. No; what is the request now in regard to the resolution?

Mr. MARTINE of New Jersey. I should like to have it acted on. I should like to take the sense of the Senate on it.

Mr. STONE. Mr. President——

Mr. MARTINE of New Jersey. I will be satisfied with any disposition the Chair may make of it.

Mr. STONE. Does the Senator wish to lay aside the unfinished business?

Mr. CLARKE of Arkansas. It has not been laid aside.

Mr. STONE. Then the resolution is not in order. Let it go over.

Mr. MARTINE of New Jersey. I am perfectly satisfied to have it referred.

Mr. STONE. Well, let it be referred to the committee.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

RIVER AND HARBOR APPROPRIATIONS.

Mr. NELSON. I ask unanimous consent to introduce the following resolution for reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLARKE of Arkansas. The regular order!

The VICE PRESIDENT. The regular order is demanded, which is House bill 12193.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Wisconsin [Mr. HUSTING] to refer the bill to the Committee on Commerce.

Mr. HUSTING. Mr. President, I understand there are two amendments to be offered, and I have been requested to withdraw the motion temporarily. I should like to accommodate Senators; and while I am anxious to have the motion brought to a speedy vote, I will ask leave to temporarily withdraw it until the amendments proposed by the Senator from Colorado [Mr. SHAFROTH] and the Senator from Connecticut [Mr. BRANDEGEE] have been presented and acted upon, and then I shall renew the motion.

Mr. SMITH of Arizona. Mr. President, I have also an amendment that I wish to have disposed of. It will take only 10 minutes at the outside, I think. I do not believe it is necessary to press the motion to recommit before the bill is perfected, if it can be perfected in the opinion of some.

Mr. SHAFROTH. I ask if my amendment will be in order now since the motion made by the Senator from Wisconsin is withdrawn?

The VICE PRESIDENT. The Chair does not know whether it is withdrawn.

Mr. SHAFROTH. I understand that it has been withdrawn so as to give an opportunity to vote on amendments to the text.

Mr. SMOOT. Mr. President——

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Has not the Senator from Wisconsin a right to withdraw his motion if he desires to withdraw it?

The VICE PRESIDENT. The Chair was uncertain as to whether the Senator from Wisconsin had withdrawn it.

Mr. HUSTING. I ask leave to withdraw the motion.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. The Senator from Connecticut.

Mr. BRANDEGEE. I have offered a proposed amendment——

Mr. CLARKE of Arkansas. Mr. President, we have not reached the order of business where new amendments offered by individual Senators can be considered. We are still working on the text of the bill, either for the purpose of amending it or striking it out.

Mr. BRANDEGEE. I understood that there were no more amendments to the text of the bill.

Mr. CLARKE of Arkansas. The Senator from Arizona has just stated that he has such an amendment to offer.

Mr. BRANDEGEE. If that is correct, then, of course, I withhold my amendment.

Mr. LA FOLLETTE. Mr. President, if the motion to recommit is to be withdrawn very likely it will not come before the Senate for a day or two, if, my colleague is going to wait for all the amendments to be disposed of that Senators have to offer. I suggest that we proceed to vote on the motion to recommit. If the bill is recommitted, Senators will have an opportunity to present to the committee the amendments which they would otherwise offer on the floor, and the time of the Senate can be saved by adopting the motion to recommit at once.

Mr. CLARKE of Arkansas. Mr. President, I quite agree with the senior Senator from Wisconsin that this would be a very appropriate time to dispose of any motion that goes to the life of the bill and that it is useless to consume any more time upon amendments before that motion is voted on.

Mr. BRANDEGEE. Mr. President, I should like to have the exclusive privilege of talking, if I have the floor.

The VICE PRESIDENT. The Senator from Connecticut has the floor.

Mr. BRANDEGEE. I asked the junior Senator from Wisconsin [Mr. HUSTING] if he would be kind enough to withdraw his motion to recommit so that I might offer an amendment before the motion to recommit is voted upon. He agreed to do it. If that course throws the bill open to all amendments to the text, which I supposed had been disposed of, as far as I am concerned I shall not ask the Senator from Wisconsin to withdraw the motion. Rather than go ahead and spend two or three days on the bill with new amendments, as the Senator from Wisconsin informs me that he desires to leave town shortly, I shall not ask him to delay his motion on my account.

Mr. SHAFROTH. Mr. President, it seems to me that the withdrawal of the motion by the Senator from Wisconsin ought to be adhered to, because if my amendment is adopted it is going to influence my vote as to whether I shall vote for the recommittal of the bill or not, and I think it will influence others, because if the communities that are to be benefited by these improvements are to pay 20 per cent of their cost, it is to my mind an indication that the measure is a meritorious one. For that reason it seems natural that this ought to be disposed of before the question is taken on the motion of the Senator from Wisconsin.

The VICE PRESIDENT. The Senator from Wisconsin has withdrawn his motion, and amendments with reference to the text of the bill as it came from the House of Representatives are in order.

Mr. SMITH of Arizona. Mr. President, if that be true, I desire to offer an amendment at this point. On page 38 I move to strike out the provision contained in lines 3, 4, and 5 and in lieu thereof to insert what I send to the desk.

The VICE PRESIDENT. The amendment of the Senator from Arizona will be stated.

The SECRETARY. On page 38 it is proposed to strike out all of lines 3, 4, and 5 and to insert in lieu thereof the following:

Colorado River, Ariz.: For improvement and maintenance by the repair, enlargement, and protection of the Government levee on the Gila River near its junction with the Colorado River at Yuma, $28,000.

Mr. SMITH of Arizona. Mr. President, this amendment embraces a subject which came before the Senate at the time that a flood devastated the section of country therein referred to. The Senate at that time passed a bill appropriating $50,000 for the relief of that condition. Since then a report has been received from the War Department showing the necessity for the appropriation of the additional amount which I have stated in my amendment, to wit, $28,000. On page 1508 of the CONGRESSIONAL RECORD of January 25 last appear the proceedings of that day, in which the legislation to which I have referred, appropriating $50,000, was passed. Since then investigation by the War Department has established that $28,000 is sufficient to accomplish the purpose of protecting the levees of that river at Yuma. I do not wish to detain the Senate about the matter, the legislation on the subject providing for $28,000 having already passed, but the bill as it came from the House provides for but $3,000. That sum would only be sufficient to stop a few gopher holes and small washouts, and that work has already been done by the citizens themselves. Without further argument on my part I ask for the adoption of the amendment.

Mr. WORKS. Mr. President, I understand that high water prevails in that section just now. Does the Senator from Arizona know what effect this last storm is having upon conditions at Yuma?

Mr. SMITH of Arizona. It has had no effect there, so far as I have ascertained. The people there apprehend great trouble, however, from about the 20th of June to the middle of July, when the vast snowsheds shall have emptied the melted snows into that river. Those snows are so heavy in the mountains this year that there is grave apprehension felt, not only for the irrigation system there, but for the banks of both the Gila and the Colorado Rivers.

Mr. WORKS. Has the Senator from Arizona noticed what has been reported in the newspapers about the present condition of high water there?

Mr. SMITH of Arizona. There is no trouble there yet, from anything that I have seen in the newspapers. If there is, I have had no report of it.

Mr. CLARKE of Arkansas. Mr. President, the proposition of the Senator from Arizona, as I understand, is to strike out "$3,000," and in lieu thereof to insert "$28,000," on page 38, beginning in line 3?

Mr. SMITH of Arizona. Yes, sir.

Mr. CLARKE of Arkansas. Well, Mr. President, I am not going to resist that amendment, although I must confess that there is but very slight foundation for it in the way of a formal recommendation in its favor. It probably possesses merit that will become more apparent upon the fuller examination that we expect to give the matter when we get into conference.

Mr. SMITH of Arizona. That is what I am perfectly willing to have the Senate do; to let the matter go into conference and ascertain all that is desired to be known about the proposition. This only carries out the recommendation of the War Department. I think there is an intimation that the work might possibly be done for $14,000; but that if they riprap it or protect it by stones, so as to prevent its washing away, it will require $28,000 to do the work. It is a question for the conferees.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Montana?

Mr. SMITH of Arizona. I do.

Mr. WALSH. I rose to inquire of the Senator from Arizona what relation this improvement bears to navigation?

Mr. SMITH of Arizona. This improvement bears no relation to navigation. This improvement was recommended by the Rivers and Harbors Committee of the other House many years ago when Yuma was threatened with destruction.

The Colorado River is considered a navigable stream; it has been so held by the War Department; and it was for that reason and to afford that protection that in the original instance probably the first dam was built. It was done on my motion years ago in the other House. That dam has stood until the last year, when it was washed away in part and flooded the whole city. The Senate passed a bill at that time appropriating $50,000 to save the city from destruction; and a permanent protected levee is now essential to its safety when the great flood comes again.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. SMITH of Arizona. I do.

Mr. WORKS. I should like to ask the Senator from Arizona what relation, if any, this improvement has to the reclamation project at that point?

Mr. SMITH of Arizona. It has no relation to the reclamation project at that point, except as to the fact of the uncertainty of the action of the Gila River.

Further, I will say to the Senator that the people there have been taxed, I think, something like a million dollars on that irrigation project to protect the banks of the Colorado River, which, as I have said, is a navigable stream, according to the findings of the War Department. That amount was all charged to this irrigation work, and it stands a charge against those people to-day. This seems a very slight remuneration for saving the city from absolute destruction, those people having bound themselves, or, rather, this Government having bound them, to the payment of something like a million dollars to prevent the Colorado River from leaving its banks. This is not a fair charge against the project, and I purpose, with congressional help, to relieve these farmers from that unjust burden.

Mr. WORKS. As I have understood it, the people who have taken up land under that project have been assessed to raise the levee in and about Yuma for the protection of their land. Is not that so?

Mr. SMITH of Arizona. As I say, that is what they have done. The people there have been charged with something like a million dollars to protect the banks of the Colorado River, which should be borne by the General Government.

Mr. CLARKE of Arkansas. Is there a military reservation at Yuma?

Mr. SMITH of Arizona. No.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arizona.

The amendment was agreed to.

Mr. BANKHEAD. I desire to offer an amendment on page 49, between lines 18 and 19. It simply provides for a survey.

Mr. CLARKE of Arkansas. We have not yet reached that order.

Mr. BANKHEAD. Very well, I withdraw the amendment for the present.

Mr. HARDWICK. Mr. President, I offer an amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, line 19, it is proposed to strike out "$53,000" and insert "$78,000," so as to read:

Altamaha, Oconee, and Ocmulgee Rivers, Ga.: Continuing improvement and for maintenance, $78,000.

Mr. HARDWICK. Mr. President, it will be seen that this is the Altamaha-Oconee-Ocmulgee improvement project. The three rivers—the Oconee, the Ocmulgee, and the Altamaha—have been linked together by the engineers. Those rivers aggregate a length of something over 600 miles below Macon to our coast cities in Georgia. They do not carry at present a great volume of commerce, although it amounts, I believe, to something like $5,000,000 a year.

The work contemplated under this improvement is a very modest one; and the project, as I expect to explain to the Senate, is a very meritorious one. It is not a question of digging out the rivers to make them navigable where they are not properly and naturally so, but a question of removing some sand bars and such obstructions as that in these rivers, which ought to be navigable and kept so; and which, if kept so, will be of the greatest benefit to more than a million people in Georgia.

The head of navigation of these rivers, Mr. President, is the city of Macon, in the very center of my State—a very prosperous city of about 50,000 population. The people at Macon are undertaking to operate steel barges down these rivers to Brunswick and to Savannah, the Georgia ports.

The amount estimated for by the engineers was $43,000, because there was considerable balance left over. The House Committee on Rivers and Harbors and the House of Representatives raised that amount to $53,000, and that is the amount carried in the bill. Since the bill passed the House of Representatives I have received a telegram to which I desire to invite the attention of the Senate. It is addressed to me, is dated Macon, Ga., May 18, 1916, and reads:

Fifty thousand dollars is hardly sufficient to remove snags and other obstacles from the channel of the three rivers. Our boat has lost five days on sand bars on lower Altamaha River. All Government data to us were that 3 feet was minimum low-water depth. We constructed the *Ocmulgee*—

That is the name of one of their barges—

to draw 30 inches to be safe. We find only 26 inches on some crossings. Our investment is greatly handicapped unless funds are provided for jetties in places that hold the sand. I urge you on behalf of the people of Georgia to struggle for special appropriation of $25,000 to be used for jettying on the Altamaha system. I suggest communication with Col. Langfitt at Savannah.

Col. Langfitt is the local district engineer. Of course I did not communicate with him, because the proprieties would require that such communications should go through the Board of Engineers and the Chief of Engineers here; and there was not time for that.

The name of the gentleman who sent the telegram to me is Mr. A. J. Long, president of the Macon & Atlantic Navigation Co. That company has already constructed two steel barges, one of which is in actual operation on this river system and the other is about to be put into commission. I visited Macon not many weeks ago and saw these boats. They have adequate wharves at Macon, and they are really doing a great work to give the city of Macon excellent freight rates. The surrounding country also will be benefited by bringing goods from the Georgia coast up these rivers and by sending their goods down these rivers to Georgia ports, and then up the east coast.

In my opinion, there is no small project—and this is not a tiny project, for there are 600 miles of river involved in this improvement—that is more meritorious. In the absence of a special report from the engineers on this subject, I tried to get them to say whether or not the suggestion was meritorious. They simply say they do not know; that this has been suggested since they investigated the project. I think there ought to be some investigation; and in urging this increase of appropriation I am perfectly willing to accept it with the understanding that the conferees will have that question investigated and ascertain as to the accuracy of this gentleman's statement that the boats constructed by his company, 6 inches less than the draft which the Government stated the channels would carry, can not get along at all without some additional appropriation to get the snags and sand bars out of the way. I shall not expect the conferees on the part of the Senate, if this amendment is included in the bill, or accepted by the Senator from Arkansas, to insist upon it in conference, unless it shall appear that the facts as set forth are substantially true. I believe, under these circumstances, the increase should be allowed, on the understanding I have indicated.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HARDWICK. Yes, sir.

Mr. NORRIS. I want to make an inquiry of the Senator regarding Col. Langfitt. Has he charge of this matter?

Mr. HARDWICK. He is district engineer; yes, sir.

Mr. NORRIS. How long has he been there?

Mr. HARDWICK. Not a great many years. Guessing, I should say three or four years; but I do not know with certainty.

Mr. NORRIS. Can the Senator give us any information as to any recommendation that Col. Langfitt has made in regard to these rivers as affecting this proposed increase?

Mr. HARDWICK. Yes. I understood that Col. Langfitt recommended the amount reported by the Board of Engineers.

Mr. NORRIS. What amount was that?

Mr. HARDWICK. That was $43,000, besides a balance standing over of some $50,000.

Mr. NORRIS. The amount contained in the bill would not interfere with the amount remaining unexpended, would it?

Mr. HARDWICK. Not at all.

Mr. NORRIS. That would be used anyway?

Mr. HARDWICK. Yes; I think so.

Mr. NORRIS. What I wanted to get at was, whether the amendment proposed either directly or indirectly had the approval of Col. Langfitt, and as to what he thought about it.

Mr. HARDWICK. I will say to the Senator, very frankly, that I can not say that it has. I did not think it was proper for me to communicate directly with the district engineer and ask him to send me a recommendation to be used here in Congress. There has not been time to get it through the ordinary departmental channels.

I hope that the Senator will put this amendment on the bill, because I believe it is as meritorious a proposition as ever was submitted to the consideration of this body, for I understand it will enable the people at Macon to operate the barges, which they have built at heavy cost, and possibly to add more of them. If so, I say to the Senate that it will be a great thing for freight rates as affecting the city of Macon and the business men of Macon. It is a very modest amount.

The gentleman whose telegram I have read says that the two boats they have constructed were constructed to draw 30 inches on the strength of the statement made in the Government report that there were 3 feet of water the year round in the river; but within the last few days—the telegram was sent to me on May 18—their boat was delayed for five days on account of snags and sand bars and other obstructions, and because there were only 26 inches of water in some parts of the channel. The company of which he is president tried to be very conservative and constructed their boats 6 inches less in draft than the Government said was the low-water mark; and yet it happens that in some places there are 4 inches less depth than their boats were constructed to draw. Mr. Long thinks that if Congress will give them this $25,000 extra these rivers will then bear the boats which they have already constructed for it, and that they will be able to continue this work.

Senators, the work in which Mr. Long and his associates are engaged is actually going on. The boats are there, but I am afraid that without some further improvement than is provided for they simply will not be able to operate. I do not think any of the objections of the character which have been urged as to other projects in this bill can possibly be made to apply to this item or to the amendment which I have proposed.

Mr. SMOOT. Mr. President, this is one of the items which I had intended at first to move to strike from the bill; but, after a more careful examination of the project, I have concluded that I would not ask that the amount provided for in the bill be stricken out, but let it go this year at $53,000. I really believe, however, the Senator from Georgia, when the facts as to the amount of commerce actually carried and what it cost per ton are taken into consideration, will agree with me that $53,000 is ample for the project.

Mr. HARDWICK. Mr. President, will the Senator allow me to interrupt him?

Mr. SMOOT. Certainly.

Mr. HARDWICK. I have some personal knowledge of the facts of this matter, and perhaps I can help the Senator to a better understanding of it. I am quite willing to agree to any statement he may make as to the years which have passed; but, as a matter of fact, right now and since any of these figures were obtained the Macon Navigation Co. is putting on new barges and new boats, and the Senator must not judge of the commerce on that river from the figures given in previous reports. I have been there within the past 30 days. I have seen their wharves and have actually seen with my own eyes the boats to which I have referred, one of which is launched and in operation and the other of which is on the ways waiting to be launched. So I ask the Senator not to pass too harsh judgment on this subject. Mr. Long, who sends to me the telegram which I have read to the Senate, is an upright, conscientious, progressive, forceful business man. He is not trying to take any advantage of the Government; he is not a politician, seeking an appropriation for political purposes; but he knows that these rivers, even with the appropriation carried by the bill, simply will not provide for the navigation of the boats which he has already bought. I appeal to the Senator to remember that this makes a little different condition from the one he has in mind.

Mr. SMOOT. Mr. President, I am perfectly willing that the Senate shall, without further discussion, vote upon this increase; but I will state to the Senate that deducting the blocks and the staves from the commerce upon the three rivers the $53,000 provided for in this appropriation means the Government paying on the commerce carried $1.50 a ton. There are other items which are so much worse than that that I concluded I should not ask that this be stricken from the bill; but now, to double it seems to me to be asking too much and out of all reason.

Mr. HARDWICK. It is not doubling it. It is adding 2[illegible] per cent to it.

Mr. SMOOT. I recognize what the Senator says in relation to the construction of boats, as the report calls attention to the fact that there was one boat being constructed. In the report I notice that the commerce on the Altamaha was 13,606 tons, and it was carried by one boat, making 65 trips. That is all the traffic upon the river; and of that, Mr. President, there was very little merchandise, as I have already stated, and the same is true not only upon this river but upon the other two.

I do not want to take the time of the Senate any more in discussing this item, Mr. President, but I really believe that the committees of both the House and the Senate, in granting the $53,000, have given all that should be given for those projects.

Mr. CLARKE of Arkansas. Mr. President, it is a practice easily abused to permit these amounts recommended by the committees to be increased upon the application of a Senator, which is usually based upon some communication from a source that he deems reliable. In this particular case, however, I do not see that any particular harm would come, for the reason that the District engineer has reported that the $50,000 coming over from the former appropriation and the amount provided for in the bill will be all the money that can be economically spent on the project during this year. So, if we should happen to appropriate a little more than the report called for, and he has made a report that he conscientiously believes to be proper, the money will not be spent, and therefore it will not be taken out of the Treasury.

I have concluded, as a policy, not to take up the time of the Senate in resisting those items where they are not to impose certainly a permanent and additional burden on the Treasury.

Mr. JOHNSON of South Dakota. Mr. President, if I voted upon the amendment under discussion, I admit that I would have to do so without knowledge of its real merits. I have no doubt the Senator from Georgia will give to this body his best efforts in the direction of meritorious measures of appropriation, and I admit that the same condition would exist with regard to many of the amendments to this bill, and the bill itself as various Members see it.

I had not intended to discuss the rivers and harbors bill pending before the Senate, and I shall only do so now in the briefest possible way.

It is with real regret that I can not see my way clear to vote with my friends and colleagues who have had this bill under consideration in the committee, and who, no doubt, have given it much thought and study. I find, however, that I am unable to do so for a number of reasons which I shall not attempt to go into in detail at this time, but shall merely confine myself to one or two thoughts that come to me.

In the first place, I am opposed to Federal appropriations upon matters of this kind unless the States, cities, or municipalities tributary to the rivers and harbors under consideration contribute their pro rata amount. In the building of docks, the improvement of harbors, and all other matters connected with water transportation, the tributary country receives largely the advantages derived from the project which do not accrue to the railroads and other transportation companies.

I have listened with much interest to the discussions of this measure by some of our very able Senators, who, I know, are sincere in their views and who have pointed out their various reasons for the passage of this bill; and yet the reasons given are not sufficient, as I look at it, to induce me to vote for the appropriations asked for.

Mr. President, there is another reason why I believe that this bill should not become a law. Our Government to-day is facing

serious problems. We are at this very time trying to devise ways and means for the collection of revenues to increase our income, so that we may be able to meet any possible demands that might be made upon us which are of the greatest importance to us as a people, demands that may insure the real safety of our country and the happiness of our homes, demands that are already incurred of an unusual kind. We should pause and take these things into consideration before we vote away millions of dollars more on what seem to me to be exceedingly extravagant measures and which may have a tendency to drain our Treasury at this time, when we should only look with favor upon those appropriations which we believe to be the most worthy and necessary, whether it be for the protection of our commerce, for the protection of our country, or for the protection of our homes.

Individually, in my own small way, there are times when investments in business matters would be favorably considered and, again, other times when the same investments, regardless of the probable profits, would not be considered and should not be.

This Government, Mr. President, is only a collective group of men, and Government business should be handled as nearly as possible along the lines on which an individual handles his own business, considering the great volume of business the Government carries on. I shall not to-day—and I hope I never shall while a Member of this body—cast my vote except in accordance with that idea, and in voting for any appropriation I shall first want to satisfy myself that it is able to stand on its own legs, subject to the closest scrutiny.

Mr. President, I want to read an editorial from one of our leading papers of the West, the Sioux City Tribune, of Sioux City, Iowa, under date of May 23, 1916, which was handed to me this morning, and which I desire to have embodied as a part of my remarks touching on river transportation:

After 20 years of "improving" the Missouri River, at a cost to the taxpayers of the Nation of many millions of dollars, it is announced in a dispatch from Omaha that the first cargo of general merchandise by river boat that has left that city in 35 years pulled out of there Sunday for Kansas City. For the same money the Federal Government has spent "improving" the Missouri River it could have paid the railroad freight on all the Omaha-Kansas City shipments during the past decade or it could have built a double-tracked railroad between the two cities and donated its use to merchants of those two cities.

I do not believe, Mr. President, that the subject of river transportation will ever be settled satisfactorily until our Interstate Commerce Commission more nearly adjusts rates for the benefit of the country as a whole than it has been able to do up to the present time. This will take a long time, but it is coming.

I have been told that the railroads are opposing this measure. I do not believe it and I do not believe the circumstances which I shall recite will warrant that belief by any Member of this body.

The Senator from Mississippi [Mr. WILLIAMS] the other day touched briefly upon this phase of the question and covered the question clearly for a reduction of long-haul rates and for an increase of short-haul rates.

Some time ago when the railroads petitioned for permission to reduce their coast-to-coast freight rates they did so, as I remember, upon the plea that water competition through the Panama Canal made it impossible to do business at the rates then in existence; and in order to reimburse themselves for the proposed reduction in coast-to-coast rates they later asked for an advance from either coast to points in the Mississippi Valley and the Mountain States, both of which requests were granted. This branch of the subject, however, has been dwelt upon, and I will not take any time upon it to-day further than to state what followed. Now, let us see what did really happen.

A recent report of the Interstate Commerce Commission shows that a large part of the water competition which the railroads complained of, and gave as their reason for lowering their rates on coast-to-coast freight traffic and raising their rates to interior points, was not competition at all, as most of the water freight lines were either owned or controlled by the railroads. They also own or control, Mr. President, most of the terminal shipping facilities and valuable water fronts at all of the important water terminals, making it very hard for private shippers to carry on business successfully and at competing prices, because they must necessarily seek locations for loading and unloading their freight at very disadvantageous localities.

Complaint has recently been filed, I understand, by the Baltimore & Carolina Steamship Co. with the Interstate Commerce Commission covering this question very fully in connection with the thought which I have given of private lines obtaining docking facilities for handling their traffic. This case, which I suppose is very familiar to all Senators here, refers to docks at Wilmington, N. C. Another case which I might touch upon in connection with this phase of the subject is the old case of the Fleur City Steamship Co. in regard to docking facilities at Buffalo, which, as I remember, was before the commission for some time and was finally decided in favor of the steamship company.

It is not necessary, Mr. President, to consider this branch of the subject further, because I believe it to be a generally recognized fact that such is the case. Then, it would seem that complete governmental regulation of all water and rail transportation is the only real solution of the problem, and the only real way in which the water and rail facilities of this country can ever be controlled so as to serve the people as a whole equally throughout the United States.

Mr. President, I would not, if I had the power, assist in the passage of legislation that would cripple the railroads, because I know them to be, if properly regulated, one of the great blessings of our country. Neither would I assist in legislation, if possible, that would be to the detriment of the farmers and people generally of our country, for I recognize fully that they are entitled to much more consideration than they ever get from these great combinations of control; and it has been my observation through life that legislation—real, honest legislation—with its object for the betterment of the great masses of the people and for fairness to the great transportation lines has always resulted in the general round-up so that the transportation companies have received, to say the least, all and more than they were entitled to.

With regard to the rivers and harbors bill now under discussion, I do not favor the passage of this measure, because I have always been in favor of a lump-sum appropraition for matters of this kind, which seems to me more fair. I believe, Mr. President and Senators, that that is the only policy that can ever be carried out and give to all parts of the country and to all communities what they are justly entitled to. In operating under that system any part of the country which needs and deserves appropriations along the waterways can make its wants known to the Secretary of War, who, in a businesslike way, can authorize his engineers to go and make a complete investigation of the real needs of that locality, and in that way get the real facts connected with it, after a thorough investigation. The engineers can then make a very full and complete report, together with their recommendations, to that department, which, in turn, can be submitted by the Secretary of War to the Congress of the United States for its consideration and final determination.

When we reach matters of that kind from this standpoint we will then more fully understand the requirements of each locality with regard to its needs in this direction, and we may then vote for all appropriations which we believe are entitled to consideration with a more full knowledge of conditions.

Mr. President, I believe sincerely that a large amount of our appropriations, under the system under which this rivers and harbors bill is drawn, is each year voted away by Congress, and the people are needlessly burdened by taxation, without real knowledge on the part of the individual Members of either House as to the needs of the case. And if I were to vote to-day for this bill I would certainly be one of that number.

I do not believe there is any business in the world so large that it can not be systematically managed for the real benefit of the enterprise; and I am unable to see why the Government of the United States, with all of its known facilities, can not and does not handle its business as any other successful business is handled. I believe you will fully agree with me that this has never been done, and that it is not done to-day, although I firmly believe that we are gradually getting a more perfect system through the wise and patriotic guidance of our great President. Our prosperity and happiness in the future demand that we handle our affairs on a more economical system.

I received, the other day, a letter from Hon. A. O. Ringsrud, a prominent citizen and merchant of Elk Point, Union County, S. Dak., in which he advises me that a specific appropriation to repair and protect Government work already in at that point, for the protection of nearly 3 miles of revetment in that vicinity, is greatly needed, and I personally know that such is a fact. We have other places in our State where the Missouri River is cutting away valuable lands belonging to the farmers in the community; and yet we are told that under this bill, which provides for Missouri River points north of Sioux City in the amount of $150,000, it will be impossible to apply any of this sum to the work at these points, or at least only such a small amount that it would not be of much real benefit.

We have had some little river transportation on the Missouri in South Dakota above the city of Yankton, where I live. Boats at various times have been running on this river in competition with the railroads in a small way. It was only a short

time until the railroads or some one else bought the owners of boats out, and the benefit to the people from that was then taken away.

We do not blame the individuals for selling the boats because they were in business for profit, and were entitled to handle their own affairs according to their own ideas, but we know that freight traffic can be handled much more easily and much more quickly for the ordinary shipper by rail than it can by water, and it then only becomes necessary on competitive lines for the railroads to make a reduction of rates and in a short time its competitive boat line is out of business. Then the railroads, by making proper showing that they are losing money along the territory covered, may reasonably make a request to have their rates raised, which looks reasonable to everybody, under conditions existing at the time of request.

Mr. President, this bill carries appropriations amounting to $43,000,000, which must be paid by taxation. The State of South Dakota, which I have the honor in part to represent, has its proportion of these taxes to pay. I do not believe that its citizens will want me to vote for this measure and I shall not do so. I have voted for two or three amendments to the bill, and I shall no doubt vote for others, but I did so with the expectation that the bill would become a law, as bills of this kind usually do, and as I looked at it, it might be somewhat improved by those amendments; but at no time has there been any consideration on my part for voting for the bill as a whole.

So, Mr. President, in closing, permit me to say that I can not see any real benefit that this rivers and harbors bill would give to the people. Besides, I believe it is full of appropriations that no good business organization in the world would spend 25 cents on the dollar for the individual improvements proportional to the amount asked for under this proposed law if the improvements asked for were a part of that business organization's assets, and I hope that the motion of the Senator from Wisconsin to recommit the bill to the committee may carry and that a better bill as I look at it may be presented to this body for its consideration.

Mr. STERLING. I offer the following amendment.

The VICE PRESIDENT. There is a pending amendment.

Mr. STERLING. I beg pardon.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. HARDWICK].

Mr. KENYON. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I have a pair with the Senator from Oklahoma [Mr. OWEN] and withhold my vote in his absence.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], who is absent, and I withhold my vote.

Mr. CUMMINS (when his name was called). I have a pair with the Senator from Mississippi [Mr. VARDAMAN]. I therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], who is absent, and I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. THOMPSON (when his name was called). I have a pair with the senior Senator from Illinois [Mr. SHERMAN], but on this question I am at liberty to vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Under the permission I have to vote on certain questions upon the bill I vote "yea."

The roll call was concluded.

Mr. DU PONT. I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. In his absence I will withhold my vote.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE], and therefore I withhold my vote.

Mr. SAULSBURY. I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH]; and

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 33, nays 21, as follows:

YEAS—33

Bankhead	Hardwick	Nelson	Shields
Brandegee	James	Newlands	Simmons
Broussard	Jones	Oliver	Smith, Ariz.
Chamberlain	Lee, Md.	Overman	Smith, Ga.
Chilton	Lewis	Poindexter	Sterling
Clarke, Ark.	Lippitt	Ransdell	Williams
Culberson	Lodge	Reed	
Curtis	Martin, Va.	Saulsbury	
Gallinger	Martine, N. J.	Sheppard	

NAYS—21.

Ashurst	Kenyon	Smoot	Warren
Borah	La Follette	Sutherland	Weeks
Fall	Lane	Taggart	Works
Gore	Phelan	Thompson	
Husting	Pomerene	Townsend	
Johnson, S. Dak.	Sherman	Walsh	

NOT VOTING—42.

Beckham	Fletcher	McLean	Smith, Mich.
Brady	Goff	Myers	Smith, S. C.
Bryan	Gronna	Norris	Stone
Burleigh	Harding	O'Gorman	Swanson
Catron	Hitchcock	Owen	Thomas
Clapp	Hollis	Page	Tillman
Clark, Wyo.	Hughes	Penrose	Underwood
Colt	Johnson, Me.	Pittman	Vardaman
Cummins	Kern	Robinson	Wadsworth
Dillingham	Lea, Tenn.	Sherman	
du Pont	McCumber	Smith, Md.	

So Mr. HARDWICK's amendment was agreed to.

Mr. LEE of Maryland. Mr. President, I offer the following amendment.

The SECRETARY. On page 11, line 13, after the word "Rivers," insert "up to the Bridge Street Bridge, Elkton," and in the same line, after the word "for," insert "continuing project and for," so as to read:

Elk and Little Elk Rivers up to the Bridge Street Bridge, Elkton, Md.: For continuing project and for maintenance, $8,500.

Mr. LEE of Maryland. Mr. President, this amendment does not enlarge the amount appropriated in any sense. It simply makes the application of it a little more elastic. On the 23d I received a letter from the general passenger agent of the Baltimore & Philadelphia Steamboat Co., in which he said:

We have a new steamer which we expect to run daily from Baltimore to Betterton and Elkton, Md., and return (also connecting with the Pennsylvania Railroad to points along their line), starting about the middle of June, but as the water is so shallow in the Elk Rivers up to the bridge at Elkton, Md., we have asked for an amendment to this bill.

In another place he says this project "will open up a new territory in Maryland for thousands of passengers during the summer months."

I hardly think I need add to that suggestion except to state that this amendment probably contemplates some contribution by the steamboat company or some other effort on their part to make the money go a little further. The amendment simply permits the project to be extended to the limits of the old original project or survey which took it to this bridge in Elkton, the place where most of the business is done, and it can certainly not be otherwise than in the public interest.

Mr. JONES. Let me ask the Senator what is there in the language of the bill now which limits it? It seems to me the amendment the Senator seeks to put in would make it restrictive.

Mr. LEE of Maryland. There is evidently some limitation that prevents the improvement up to the Bridge Street Bridge in Elkton.

Mr. JONES. What is there in the language of the bill which does that?

Mr. LEE of Maryland. I presume the limitation is in this bill or elsewhere.

Mr. JONES. Then does the Senator propose to make a new project?

Mr. LEE of Maryland. This makes the project slightly more elastic and it may make a larger project. I do not see that it lies in the mouth of any representative of the Government to object to it, if a large result can be obtained with the same money, by private contribution or otherwise.

Mr. JONES. Yes; but the Senator makes a new project now and then hereafter he will come for more money.

Mr. LEE of Maryland. This is really the old original project or survey to take this proposition up to the bridge.

Wilmington, N. C. Another case which I might touch upon in [illegible]tion with the railroads in a small way. It was only a short

Mr. JONES. It seems to me the language of the bill is broader than what the Senator has proposed, unless he desires to require the appropriation to be spent at some particular point.

Mr. LEE of Maryland. For some reason the language of the bill limits this improvement to a shorter distance than the old original survey, which I have here and which I will show the Senator if he would like to look at it.

Mr. JONES. What I object to is that we provide in this language that it is to be spent here.

Mr. SMOOT. This project is completed. The engineers so state in the report on page 110, under the heading "Present project":

Present project. This project was adopted by the river and harbor act of July 25, 1912, and aims to secure a channel 7 feet deep and 80 feet wide from deep water to a point about 1,200 feet above Cedar Point in the Elk River and 2,000 feet up the Little Elk River, at an estimated cost of $6,000. No estimate for maintenance. (H. Doc. No. 770, 62d Cong., 2d sess.) The mean range of tide in both streams is 2 feet.

Condition at the end of fiscal year: The project is completed.

So state the engineers. Mr. President, by adding this amendment to the bill it simply undertakes to enlarge a project without being reported upon by the engineers, and next year if it is adopted there will be an additional appropriation asked for the extension of this project claiming it was authorized by Congress this year. We are acting here without a report from the engineers on the extension of work provided for in the amendment offered by the Senator from Maryland.

As far as I am concerned, Mr. President, the Senate can vote upon this amendment now, but whether it goes in or whether it goes out I am going to offer an amendment to strike this item from the bill, and I shall give my reasons when I offer that amendment.

Mr. LEE of Maryland. Mr. President, this amendment is offered in perfect good faith at the instance of the navigation company that wants to run a steamer on this river; and it is perfectly obvious that the place to run the steamer is where it connects with the main stem of the Pennsylvania Railroad for the purpose of transferring passengers to the boat line which will carry them across the bay to Betterton on the other side of the Chesapeake.

Mr. President, as I read the report upon this subject, whereas this has been a completed project, nevertheless it is a project that requires dredging to keep it in existence.

It has in time filled up, and the navigation has been hampered, but it is entirely proper in the interests of general transportation that these rivers should be enlarged and dredged out for the purpose of helping transportation not only of freight but of passengers.

Mr. SMOOT. Mr. President, the Army engineers report that there was an unexpended balance on July 1, 1915, of $5,000, and then they recommend for the maintenance of the Elk and Little Elk Rivers an amount of $2,500. We find here in the bill an amount of $8,500; and now, if the amendment offered by the Senator from Maryland shall be adopted, we shall have entered upon a new project, and there is no telling what it will cost and no telling when it will be completed. Furthermore, there is no report from the engineers regarding it. If the Senate wants to do that in this bill, I want them to vote for it.

Mr. CLARKE of Arkansas. Mr. President, the amendment of the Senator from Maryland is a very much more interesting affair than the Senator from Utah thinks it is. It is simply a limitation of the locality within which the maintenance item of $8,500 is to be expended. It is a mere direction to limit what would otherwise be unlimited; that is to say, under the terms of the amendment the amount might be spent at any point within the limits of the river wherever the engineer might choose to spend it. The purpose of the amendment is to limit its expenditure to the point indicated in the amendment offered by the Senator from Maryland. There is not any possible foundation for the assumption that it is the introduction of a new problem, or that it commits the Government to anything except the expenditure of $8,500.

Mr. SMOOT. I should like to have the amendment again stated.

The SECRETARY. On page 11, line 13, the item reads:

Elk and Little Elk Rivers, Md.: For maintenance, $8,500.

It is proposed to add an amendment, so that it will read:

Elk and Little Elk Rivers up to Bridge Street Bridge, Elkton, Md.: For continuing project and for maintenance, $8,500.

Mr. SMOOT. If what the Senator from Arkansas has said is true, then there is no necessity for that amendment; but I understood the Senator from Maryland to say that this was to extend the project to the bridge, so that passengers and freight could be landed at a certain landing of the Pennsylvania Railroad. If that is so, it is an increase of the present project, which the engineers say is completed.

Mr. CLARKE of Arkansas. Mr. President, a project, in the sense of our legislation here, is a recommendation of the Board of Engineers setting out in detail what is to be done, how much it will cost, and all those things, but this is a mere maintenance item; it picks out a section of the river and directs that the money shall be expended there, whereas, if that limitation were not contained in the bill, the engineers would have the discretion to spend it anywhere within the limits of the river. It is a mere direction as to spending the money at a given point, and to that extent it limits the discretion of the engineers.

Mr. SMOOT. That is not what the Senator from Maryland says.

Mr. CLARKE of Arkansas. I do not know what the Senator thinks it will do, but that is exactly what it will do if the amendment is adopted.

Mr. SMOOT. Well, I will ask the Senator from Maryland to restate what he understands this amendment will give the engineers authority to do? Why does the Senator want this amendment? I should like to have him restate it.

Mr. LEE of Maryland. The survey, which I hold here in my hand, under date of January 17, 1912, brings this improvement up to this particular bridge, and it seems obvious that the improvement should go to the bridge. That is where the mills and the fertilizer works are and it is relatively near the station on the main stem of the Pennsylvania Railroad.

As I understand, this is not a project, but it is merely a maintenance item. It is certainly, from the standpoint of new work, not a project, but it is for the maintenance of old work.

Mr. SMOOT. Mr. President, then, why does the Senator put in his amendment the words "for continuing project and for maintenance"?

Mr. LEE of Maryland. I prefer to leave that to the engineer office, with whom I have consulted, and who considered that this is not an objectionable amendment. It merely extends the discretion of the experts.

Mr. SMOOT. It is not an objectionable amendment if we are going to continue the project; but the engineers say that the project is completed, and yet the item in the bill as reported to the Senate is "for maintenance, $8,500." There is no limitation.

Mr. LEE of Maryland. The whole project was completed years ago, but it has partially filled up and shoaled.

Mr. SMOOT. The item now in the bill is for maintenance and does not extend the project.

Mr. LEE of Maryland. I will be glad to show the Senator the map, which seems to have the original project in it, and which brings it to the very point mentioned.

Mr. CLARKE of Arkansas. Mr. President, if the Senator from Utah will modify the particular language so as to express the idea which I have stated, I think it will be all right.

Mr. SMOOT. I would not object at all to making the amendment read in this way:

Elk and Little Elk Rivers, Md., up to the Bridge Street Bridge, Elkton, Md.: For maintenance, $8,500.

The amendment proposed by the Senator from Maryland uses the words "for continuing project and for maintenance."

Mr. CLARKE of Arkansas. "Maintenance" will be sufficient, in my opinion.

Mr. LEE of Maryland. That is acceptable to me.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The Secretary will state the amendment as modified.

The SECRETARY. It is proposed to modify the amendment by striking out the portion which reads:

Continuing project and for.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. SMOOT. Mr. President, I now move to strike out lines 13 and 14 on page 11.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out lines 13 and 14 as amended, as follows:

Elk River and Little Elk River, up to the Bridge Street Bridge, Elkton, Md.: For maintenance, $8,500.

Mr. SMOOT. Mr. President, at the bottom of page 110 of the report of the engineers it will be found that the engineers estimate the amount required for the year 1917 to be $2,500. This project has cost $110,668. The commerce for the year 1914 was 44,111 tons, but included in that amount were pulp wood, 42,472 tons; fertilizer, 1,600 tons; and all other merchandise, 25 tons.

Mr. KENYON. To what river is the Senator referring, I should like to ask?

Mr. SMOOT. The Elk and the Little Elk Rivers. Mr. President, this improvement is to be made for the benefit of a pulpwood factory. That is the only establishment to use it to amount to anything; and it seems to me the Government of the United States ought to stop spending money the advantage of which accrues mostly to one business concern.

Mr. BORAH. Mr. President, where is this river situated?

Mr. SMOOT. In Maryland.

Mr. BORAH. How much does the Senator say the tonnage was besides wood pulp?

Mr. SMOOT. Merchandise, 25 tons.

Mr. BORAH. This is the Moose and the Little Moose River, is it?

Mr. SMOOT. Yes; although their official names are the Elk and the Little Elk Rivers. Col. W. T. Rossell says, in House Document 770, Sixty-second Congress, page 9:

Cost of maintenance is large, and river must be classed as unworthy of improvement.

And yet we are appropriating $8,500 in this bill—$6,000 more than the engineers could possibly see any use for—for the purpose of encouraging the commerce on a river which now amounts to 25 tons, outside of that carried for a wood-pulp factory, located upon the river, and a small amount of fertilizer. If it is good business for the Government of the United States to continue appropriating money for maintaining a waterway to be used almost exclusively by a pulp-wood factory, this is as good a time as any to vote for such continuance.

It is for that reason, Mr. President, that I have moved that this item be stricken from the bill, and upon that I ask for the yeas and nays.

Mr. LEE of Maryland. Mr. President, before the roll is called I should like to make a brief statement. The amendment which I have offered, and which has been adopted, was offered at the request of a steamboat company that actually wishes to go to that wharf and proposes to carry some thousands of passengers to another point farther down the Chesapeake Bay. It was a perfectly bona fide request at the instance of the traffic manager of this steamboat company.

Mr. SMOOT. Is it to take passengers to a summer resort?

Mr. LEE of Maryland. It is for the transportation of passengers, and it does not make any difference whether to a summer resort or not. They are passengers intending to go from one point to another.

Mr. SMOOT. Of course there is nothing in the report to show that, but I will take the Senator's word for it.

Mr. LEE of Maryland. I simply have it upon the statement of the traffic manager of the company. I think it is just as good as is any other information.

Mr. President, I hold here in my hand the report of the Secretary of War, made May 23, 1912, on this river. He states that the total ingoing tonnage was 158,000 tons and that the outgoing shipments were 23,000 tons. That statement is found on page 7 of House Document No. 770.

Mr. SMOOT. Then the traffic has decreased in two years about 60 per cent?

Mr. LEE of Maryland. It is quite natural for the traffic to decrease if the shoaling has been permitted to become so marked that the facilities for transportation may have been lessened. That is just exactly what we are complaining about; that is just exactly what we desire to have corrected. We desire to have the channel so improved that it can be used by commerce. It is a perfectly legitimate request, made in a very proper way, by the transportation company which proposes to use this river.

There has been a survey made since the original estimate was made, and upon this new survey and the recommendation of the Chief of Engineer's Office, the present item, $8,500, is based.

The VICE PRESIDENT. The Senator from Utah [Mr. SMOOT] calls for the yeas and nays on his amendment. Is the demand seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Observing that he is absent, I withhold my vote.

Mr. HARDWICK (when his name was called). I desire to transfer my pair with the junior Senator from Kansas [Mr. CURTIS] to the junior Senator from South Carolina [Mr. SMITH] and to vote. I vote "nay."

Mr. OVERMAN (when his name was called). I announce my pair with the junior Senator from Wyoming [Mr. WARREN] and withhold my vote.

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote. If at liberty to vote, I would vote "yea."

Mr. THOMPSON (when his name was called). I have a general pair with the Senator from Illinois [Mr. SHERMAN]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. CHAMBERLAIN. I transfer the pair which I have announced with the Senator from Pennsylvania [Mr. OLIVER] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. CUMMINS. I inquire, has the Senator from Mississippi [Mr. VARDAMAN] voted?

The VICE PRESIDENT. He has not.

Mr. CUMMINS. I have a pair with that Senator, and therefore withhold my vote.

Mr. SAULSBURY. Repeating the same announcement as to my pair and its transfer as before, I vote "nay."

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from West Virginia [Mr. GORE] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

The result was announced—yeas 22, nays 34, as follows:

YEAS—22.

Borah	Husting	Norris	Townsend
Clark, Wyo.	Kenyon	Pomerene	Warren
Curtis	La Follette	Smoot	Weeks
Fall	Lane	Sterling	Works
Gallinger	Lippitt	Sutherland	
Gore	Lodge	Taggart	

NAYS—34.

Ashurst	Hardwick	Myers	Smith, Ariz.
Bankhead	Hitchcock	Nelson	Smith, Ga.
Brandegee	James	Oliver	Smith, Mich.
Broussard	Jones	Poindexter	Stone
Chamberlain	Lea, Tenn.	Ransdell	Swanson
Chilton	Lee, Md.	Saulsbury	Walsh
Clarke, Ark.	Lewis	Sheppard	Williams
Culberson	Martin, Va.	Shields	
Fletcher	Martine, N. J.	Simmons	

NOT VOTING—40.

Beckham	Goff	Newlands	Shafroth
Brady	Gronna	O'Gorman	Sherman
Bryan	Harding	Overman	Smith, Md.
Burleigh	Hollis	Owen	Smith, S. C.
Catron	Hughes	Page	Thomas
Clapp	Johnson, Me.	Penrose	Thompson
Colt	Johnson, S. Dak.	Phelan	Tillman
Cummins	Kern	Pittman	Underwood
Dillingham	McCumber	Reed	Vardaman
du Pont	McLean	Robinson	Wadsworth

So Mr. SMOOT's amendment was rejected.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 37, at the end of line 15, in the item relating to the Missouri River, it is proposed to insert the following:

In view of the existing emergency and to prevent further loss and destruction of property, the sum of $100,000 for bank revetment work or other improvement at or near the city of Vermillion, Clay County, S. Dak.; *Provided, however*, That before any work is undertaken by the United States assurances satisfactory to the Secretary of War shall be given that the said city of Vermillion, or county of Clay, or other agencies, will provide and contribute in money, labor, or materials, an amount equal to 33⅓ per cent of the amount herein appropriated for such improvement.

Mr. CLARKE of Arkansas. Mr. President, that amendment adds a new item that was not estimated for by the department nor recommended by any standing committee, and I shall have to make a point of order against it.

The VICE PRESIDENT. Has it been referred to the committee?

Mr. CLARKE of Arkansas. It has not been recommended by any committee.

Mr. STERLING. Mr. President, I should like to be heard briefly in regard to this amendment.

Mr. CLARKE of Arkansas. I shall be glad to hear the Senator. I will withdraw the point of order for the present so that the Senator can be heard.

Mr. STERLING. I did not think for a moment that a point of order could be made against this amendment. I did not think it necessary that it should have been estimated for or that the identical resolution I offered should have been considered by the committee before it could be offered here as an amendment to this bill. It seems to me that the course of business during all the day up to this time has indicated otherwise, and amendments have been offered here adding to this bill items of appropriation that are altogether new and that, so far as I know and as I now believe, were never before the Committee on Commerce for consideration and were never estimated for.

I should like to say a few words in explanation of this amendment and the facts leading up to its introduction.

The amendment was first introduced as an emergency joint resolution because of the deplorable condition caused by the Missouri River at the town of Vermillion, S. Dak., my own home town. The resolution was referred to the Committee on Commerce. A subcommittee was appointed to consider it. That subcommittee made no report to the full committee. I appeared before the subcommittee and briefly discussed the resolution. The resolution as then introduced did not provide for any contribution by the county, the city, or any other agency toward this work. It was a resolution appropriating outright $100,000 for the improvement. In the discussion of the matter with the subcommittee, the question was raised as to whether the city of Vermillion or the county of Clay might not contribute something to the improvement. I had not been advised by the people of that locality as to whether or not they would feel able to contribute. I had some correspondence, however, in that regard. I suggested 50 per cent of the amount of the appropriation as an amount that they possibly might contribute to this improvement. I received in reply word to the effect that it would be almost impossible to have $50,000 contributed by the people there to that improvement. It is a small community, a town of 2,500 inhabitants. Its inhabitants are for the most part people of very moderate means, and so are the farmers in that vicinity, whose lands will be affected by this improvement if it is made, and whose farms are now being destroyed by the ravages of the Missouri River at that place and carried, one after another, into the Missouri River.

I did not correspond further, but I took the responsibility here of drawing an amendment to this bill, in which I provided that the city or the county or any other agency shall contribute 33⅓ per cent of the amount appropriated by the amendment. If they do not contribute or furnish satisfactory assurances to the Secretary of War that that amount, $33,333, will be contributed by the community in labor, in money, or in materials, then the Government is not out anything at all and this appropriation will not be available for use in that improvement.

Now, a word in regard to the exigencies of the case—and I should like to know in the outstart why this appropriation should be opposed, in view of what has been done in the improvement of the Missouri River at various points and places since 1879, and clear up to Fort Benton, the head of navigation, in the years past. I call attention to a brief summary of the expenditures for the various improvements.

At Fort Benton, the head of navigation, from 1900 to 1909, $8,750.

Judith, Mont., 1910, $8,000.

Williston, N. Dak., 1908–9, 1909–10, $22,122.

Expansion, N. Dak., 1910, $3,000.

Deapolis, N. Dak., 1910, $3,000.

Bismarck, N. Dak., from 1895 to 1908, a total of $116,464 spent in dike and revetment work at that one place; and in none of these instances, Mr. President, has there been a contribution upon the part of the locality of one dollar to the improvements I have mentioned here.

At Pierre, S. Dak., from 1896 to 1909, the sum of $86,712 has been expended. That is aside from repairs. Repairs on revetment work and dike work have been $14,800 at that place. Then, in addition to that, improvements to the extent of $20,000 were made by the Chicago & Northwestern Railway by the building of dikes in the river near its line at Pierre.

At Yankton, S. Dak., from 1897 to 1903, $42,041 has been expended. Not one cent has been contributed by the locality to the improvement. The city of Yankton is just 26 miles above Vermilion, my own home town, on the river. Elk Point is 15 miles below. I should like to call the attention of the Senate to some of the expenditures at Elk Point. They have ranged, as follows, for various years prior to 1911: $14,557, $18,556, $10,736, $11,169, making a total of $55,018. Then, in addition, $2,041 has been appropriated for repairs, making a total there of $57,059. But in addition to that is the appropriation in 1913 of $75,000 for improvement at this one place of Elk Point, 15 miles below my own home town, and the place for which I ask this appropriation. Seventy-five thousand dollars was spent there; and, Mr. President, the condition at Vermilion, as it has existed for the last three years, has been worse than at any place I have named here for which appropriations in large sums have been made. Never at Elk Point, where this grand total of $132,000 has been spent in revetment and in dike work, has there been a contribution of a single dollar. All of it has been done by the Government; and here, now, when I come asking for this, in comparison, modest appropriation of $100,000, with a contribution on the part of the people of my locality of one-third of that amount, I am met with the objection that there has been no estimate for it, and that it has not been considered by the committee.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. STERLING. I yield.

Mr. BRANDEGEE. I wanted to suggest to the Senator, right in connection with his reference to the point of order made by the Senator from Arkansas [Mr. CLARKE], that I do not think the point of order can be made to an item in the river and harbor bill on the ground stated, for the reason that clause 2 of Rule XVI, as will appear on page 18 of the Manual, after referring to general appropriation bills, provides:

> In like manner, amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Commerce.

Which contemplates a different method of procedure; and I do not think the rule as to estimates on general appropriation bills has any reference to a river and harbor bill. I think all that is necessary is that this amendment should have been referred to the committee, which, I understand, was done.

Mr. STERLING. I am much obliged to the Senator. That was the idea that I had myself, in view of the actual course of business here and the manner in which various amendments have been submitted to-day, rather than from any special knowledge of the rules. But I simply ask the question now, Mr. President, in view of what has transpired, and the relief that has been afforded to these other localities, whether I have not in this proposed amendment presented a just claim for the consideration of the Senate?

The Senator from Arkansas may ask the question why I ask for an appropriation of $100,000 with this additional amount to be contributed by the locality. A sentence from a letter written by the Secretary of War will show that. The resolution was referred to the Secretary of War. He reported adversely. I suppose after consultation with the Army engineers. This is what he says. I quote from his letter of March 25——

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Arkansas?

Mr. STERLING. I do.

Mr. CLARKE of Arkansas. I have expressed no opinion about the merits of the Senator's proposition, nor have I manifested any disposition to antagonize it. The rules of the Senate permit him to submit that matter in the form of a separate bill at any time he may see proper to do so. The rules for the preparation of appropriation bills contain certain limitations which are found to be necessary in order to keep the bills within any reasonable limits. In invoking them, we do not assume to pass upon the merits of the proposition; but, as the Senator suggests, they ought to be uniformly enforced if they are enforced at all, and that is always my habit. I made no exception in the case of the Georgia item, for the reason that it was a mere maintenance item, and there are no special limitations on items of that kind. The same thing is true of the Maryland item. But I am going to withdraw the point of order, and submit the matter to the Senate, so far as I am concerned; and if the Senate sees proper to add the item to the bill, it is entirely agreeable to me.

The committee had the matter under consideration and we thought the best disposition we could make of it would be to increase the lump-sum appropriation for that river and provide that an additional $25,000 might be expended for bank revetment. We did not overlook it, but we made the only disposition of it that we felt to be within our power.

I withdraw the point of order, Mr. President.

Mr. STERLING. As I had occasion to say the other day when discussing this committee amendment increasing the appropriation $25,000, it was a small favor to be thankfully received, but as I endeavored to point out there are at least three

other places within 50 miles of Sioux City where more than $75,000——

Mr. CLARKE of Arkansas. Because the committee has been liberal in appropriations at other points it does not follow that on every occasion when a Senator sees proper to make a request that it should be granted. We think we made ample provision for your locality.

Mr. STERLING. There has not been any ample provision made, as I will show by this quotation from the letter of the Secretary of War. They will need much of the amount of that increase at the town of Jefferson, about 25 miles southeast of Vermilion, and could use it now, or at the city of Elkpoint, 15 miles below Vermilion. There is $75,000 for revetment work for the whole stretch of the river from Sioux City to Fort Benton. That is a distance of 1,477 miles. But this is from the letter of the Secretary. Referring to the situation at Vermilion he says:

> The protection of the bank in question would be of little, if any, benefit to navigation on the river, or to any other interest for which the Federal Government usually appropriates funds. The principal benefit would accrue to the private lands protected. It is probable that the amount carried by the joint resolution would not be more than half enough to do the work necessary for permanent relief.

The amount carried in the joint resolution was $100,000. I have added thirty-three and one-third thousand dollars as a contribution by the locality. I believe that $133,000 will do the work and make the permanent improvement that will afford protection.

Now, just a word to show the need. In 1881 there occurred what was called the great flood along the Missouri River, caused by an ice gorge below the city of Yankton, which flooded the whole valley from there to Sioux City. It practically destroyed the city of Vermilion, which was then all on the bottom land. The flood wrecked a very fine fleet of 12 steamboats at the wharves up at Yankton, 26 miles away. After the flood Vermilion was rebuilt, but instead of being rebuilt on bottom land as before the new city of Vermilion was built, for the most part, on the high plateau above, beyond the reach of river floods. It is all on the plateau save elevators, warehouses, the depot, and a few other buildings. There are no stores, however, and there are very few town residences on the bottom land near the station.

After the flood of 1881 instead of the channel of the Missouri River coming in right at Vermilion where the boats had formerly tied up at the town of Vermilion, it was 2½ or 3 miles away over against the Nebraska hills. That is where the channel then was, but that channel is now by erosion working its way back and is to-day within 300 feet of the old channel. When it works its way across that narrow neck of land we can imagine the havoc that will be created at high-water time in the destruction of railroad property and in the destruction of warehouse and elevator property at the city of Vermilion.

All this is supported by the affidavits of residents of the city of Vermilion by affidavits of farmers whose farms have been washed one after another into the river there—rich, alluvial land worth but for menace of the river $150 to $200 an acre—the finest farm land in South Dakota.

These facts were shown by the affidavits of the mayor of the town, two bankers of the town, and three or four farmers, showing that the channel now has worked its way back, destroying all this valuable land in its course, and is within the distance I have named of the old channel. So I felt justified in introducing this emergency amendment, and it ought to have been considered by the Senate before this time and adopted in order that we might have this necessary relief.

Mr. President, I have not tried to disguise this amendment by saying in the formal way used often in items of this kind that the Board of Engineers will expend the money as the engineers may see fit "in the interest of navigation." I have not used any such disguise in this amendment. Primarily I admit it is not in the interest of navigation, but it is for protection against the ravages of a great river, a navigable river of the United States forming the boundary between two great States of the Union at that place. That is what we are asking for. Has it any relation to navigation farther down the river? It is estimated that over 780,000,000 tons of sediment are carried into the Mississippi River from its upper waters and its various tributaries. Four hundred million tons of that sediment are emptied into the Mississippi by the Missouri River alone. What does it do? It obstructs the commerce to benefit which you are asking appropriations. It aggravates floods for the prevention of which you are making appropriations, and it vastly increases, of course, the aggregate of those appropriations. That tremendous amount of sediment which is carried down into the lower Mississippi River from the upper Missouri River impedes commerce, helps to swell the flood, and so in that regard this proposed improvement is in the interest of navigation. Every piece of successful revetment work along the banks of the upper Missouri River is to that extent in the interest of navigation between Sioux City and Kansas City and between Kansas City and the mouth of the Missouri, and even down to the mouth of the Mississippi. It is not remote at all from the general interest of navigation on these great water highways.

Mr. President, I think, in view of the history of the past in regard to these appropriations, in view of our actual deplorable condition to-day there at my own home city, and in view, too, of the fact that it is really in the interest of navigation this amendment ought to prevail.

Mr. THOMAS. Mr. President, in view of the fact that we shall be obliged to take care of the Elk River and the Little Elk River, in view of the fact that the Trinity River enterprise needs a great deal of money to make it perfect, in view of the number of other very important streams, not excepting the Ocmulgee and Oconee Rivers, I do not think that the Government can afford very well now to take care of the farmers of South Dakota, and consequently I am reluctantly compelled to renew the point of order that was made by the chairman of the committee against the amendment.

Mr. STERLING. Mr. President, of course I have nothing to say, but that I regret it, and I regard as absolutely uncalled for the position of the Senator from Colorado in view of the facts that I have presented.

Mr. THOMAS. The facts appeal very strongly to me, but we can have too many things, certainly many of the meritorious things, in this measure. So I must insist on the point of order.

The VICE PRESIDENT. The Chair has no doubt about the duty of the Chair to sustain the point of order.

Mr. POINDEXTER. I submit the following amendment: At the end of the bill insert——

Mr. CLARKE of Arkansas. Are we through with amendments to the House text? I think when we reach that point it ought to be announced, so that we shall not be compelled to go back.

Mr. SMOOT. I have an amendment to offer to the House text of the bill.

The VICE PRESIDENT. The Chair will state to the Senator from Washington [Mr. POINDEXTER] that his amendment is not yet in order.

Mr. SMOOT. On page 11 I move to strike out lines 15, 16, 17, and 18, in the following words:

> Nanticoke River, Del. and Md.: For maintenance of improvement of Nanticoke River and Northwest Fork of Nanticoke River (Marshy Hope Creek), Md., $5,000.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Utah.

Mr. SMOOT. Mr. President, this project is 2 miles long. The Army engineers report that it is completed, and that the 2 miles have cost the Government of the United States $21,216 up to date. The total appropriations for the preceding five years on this project have been only $1,806.19, and now we are asked to appropriate $5,000 to be expended upon this project for the coming year of 1917. Three times the amount that has been appropriated for the project during the last five years is to be expended upon this project, which is reported as completed.

The Army engineers admit that the improvement has had no effect upon water rates. They admit that the railroad rates and the water rates are exactly the same. It has not helped commerce one particle, if one can call the amount that is carried on the river "commerce."

I wish to say to the Senate now that this is a project to assist a canning factory located upon the river. The commerce for 1914 amounted to 13,039 tons, of which 4,335 tons were empty cans, while 1,136 tons were cordwood, and 1,867 tons were lumber.

This project has been consolidated with 5¼ miles of Marshy Hope Creek. Both projects combined have cost the Government of the United States $48,343.

If Congress is to appropriate money for the improvement and maintenance of this river, mainly, I will say at least for a canning factory, it seems to me the canning factory ought to cooperate with the Government in maintaining the stream.

I can not see any harm that will come to the commerce or to the Government of the United States or anybody else outside of the canning factory if we strike out the appropriation, and it is for that reason that I have moved that this item be stricken from the bill.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The question is on agreeing to the amendment submitted by the Senator from Utah.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHEPPARD. Let the amendment be stated.

The SECRETARY. On page 11, strike out lines 15, 16, 17, and 18, in the following words:

Nanticoke River, Del. and Md.: For maintenance of improvement of Nanticoke River and Northwest Fork of Nanticoke River (Marshy Hope Creek), Md., $5,000.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Utah.

The Secretary proceeded to call the roll.

Mr. HARDWICK (when his name was called). I transfer my pair with the Senator from Kansas [Mr. CURTIS] to the Senator from South Carolina [Mr. SMITH] and vote. I vote "nay."

Mr. MYERS (when his name was called). Making the same announcement as heretofore of the transfer of my pair, I vote "nay."

Mr. SAULSBURY (when his name was called). I transfer my pair, as stated heretofore, to the junior Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "yea."

Mr. THOMPSON (when his name was called). I am paired with the Senator from Illinois [Mr. SHERMAN] and in his absence withhold my vote.

Mr. UNDERWOOD (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from California [Mr. PHELAN] and vote "nay."

The roll call was concluded.

Mr. TILLMAN. I have a pair with the Senator from West Virginia [Mr. GOFF], and in his absence I withhold my vote. I wish this announcement to stand for the day.

Mr. CATRON. I am paired with the Senator from Oklahoma [Mr. OWEN]. In his absence I withhold my vote.

Mr. LODGE (after having voted in the affirmative). I observe that the Senator from Georgia [Mr. SMITH] has not voted.

The PRESIDING OFFICER. He has not voted.

Mr. LODGE. I have a pair with that Senator. I therefore withdraw my vote.

The result was announced—yeas 19, nays 31, as follows:

YEAS—19.

Ashurst	Gallinger	Lippitt	Thomas
Borah	Gore	Norris	Townsend
Brandegee	Husting	Smoot	Warren
Clark, Wyo.	Kenyon	Sterling	Weeks
Fall	Lane	Sutherland	

NAYS—31.

Bankhead	Lee, Tenn.	Pittman	Simmons
Broussard	Lewis	Poindexter	Smith, Ariz.
Chilton	Martin, Va.	Pomerene	Smith, Mich.
Clarke, Ark.	Martine, N. J.	Ransdell	Swanson
Culberson	Myers	Reed	Underwood
Hardwick	Nelson	Saulsbury	Walsh
James	Oliver	Sheppard	Williams
Jones	Overman	Shields	

NOT VOTING—46.

Beckham	Fletcher	Lodge	Smith, Ga.
Brady	Goff	McCumber	Smith, Md.
Bryan	Gronna	McLean	Smith, S. C.
Burleigh	Harding	Newlands	Stone
Catron	Hitchcock	O'Gorman	Taggart
Chamberlain	Hollis	Owen	Thompson
Clapp	Hughes	Page	Tillman
Colt	Johnson, Me.	Penrose	Vardaman
Cummins	Johnson, S. Dak.	Phelan	Wadsworth
Curtis	Kern	Robinson	Works
Dillingham	La Follette	Shafroth	
du Pont	Lea, Md.	Sherman	

So Mr. SMOOT's amendment was rejected.

Mr. SMOOT. It is quite evident to me, Mr. President, that it is impossible to secure a favorable vote from the Senate upon striking from the bill any item. The items that I have moved to strike out should, in my judgment, never have been in the bill. I do not see how they can be justified.

There are about 50 other projects in the bill that I have proposed to move to strike out, but it would take a great deal of time to discuss them. I have not any doubt but that the result of the vote would be about the same as the votes that have already been taken. I am not going to take the time of the Senate to offer any more amendments and ask for a yea-and-nay vote upon them. It is perfectly useless.

I will, however, simply for the RECORD, with no explanation, name some of the items that I intended to speak upon. They are such projects as the Sarasota Bay, St. Petersburg Harbor, Hillsboro Bay, Apalachicola Bay, St. Johns, St. Johns—Palatka to Lake Harney—Virginia waterway, Meherrin River, Fishing Creek, Bay River, Swift Creek. It would be rather interesting to the Senate, I think, if I would stop and refer to that project. I can assure you they are "going some" when they ask for an appropriation for Swift Creek. Other projects are Cape Fear above Wilmington, Cape Fear below Wilmington, Flint River, James River, Rehoboth Bay waterway, and there are a great many others.

As far as I am concerned I shall offer no more amendments to the text of the House bill. I shall wait until some future time to continue this fight against appropriating Government money for so-called navigable creeks in this reckless way. The end of such appropriations is in sight. The American people will not stand it.

Mr. CLARKE of Arkansas. Unless some other Senator has an amendment of that character to offer that order of business is closed.

Mr. KENYON. It is not closed just yet.

Mr. CLARKE of Arkansas. I said if no other Senator had an amendment to offer. I did not undertake to close it.

Mr. KENYON. Mr. President, I have a number of amendments, on which I shall not ask for any more votes by a roll call, because it is quite apparent what the sentiment of the Senate is as to individual projects in various parts of the country. But in trying a lawsuit I have always discovered that when you have a packed jury the only thing to do is to make a record for some other court, and I feel as a distinguished Congressman from Missouri once said in the House, that he would appeal the case to another forum. I am perfectly willing that these amendments that I have offered shall just be declared defeated, without any further time being taken.

I move to strike out, on page 15, beginning in line 6 with the word "completing," the following:

Completing construction of the lock in Dam No. 4 and completing construction of Dam No. 5, in the State of Alabama, $30,000.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. On page 14, line 8, in the item for the Santee, Wateree, and Congaree Rivers, S. C., I move to strike out "$55,000" and insert "$15,000."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. On page 14, line 19, in the item for the Altamaha, Oconee, and Ocmulgee Rivers, Ga., I move to strike out "$53,000" and insert "$40,000," that being the amount the Army engineers allotted last year.

The PRESIDING OFFICER. The Chair is informed that that sum was increased to $78,000 by a vote of the Senate this morning.

Mr. KENYON. Only $78,000! I suppose my motion therefore is not in order——

Mr. CLARKE of Arkansas. No; it is not in order without a reconsideration of the former action of the Senate.

Mr. KENYON. Because instead of being reduced it has been increased.

Mr. SMOOT. I will state to the Senator that I moved to strike out the whole item, and I think the proposition to strike out received some twenty-odd votes.

Mr. KENYON. I withdraw that amendment.

The PRESIDING OFFICER. The Senator from Iowa withdraws the amendment.

Mr. KENYON. On page 28, I move to strike out the entire item providing $5,000,000 for the improvement of the Ohio River, which proposition has been discussed here. It is contained in lines 1, 2, and 3, on page 28.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. At the close of line 3, on page 28, I offer the amendment which I send to the desk and ask that the Secretary read it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 28, line 3, after the numerals "$5,000,000" and before the period, it is proposed to insert the following proviso:

Provided, That one-half of this appropriation shall be available whenever there shall be contributed by the State, county, cities, locality or localities interested, an amount equal to one-half of such appropriation, which amount when so raised shall be placed to the order of the Secretary of War, and shall be expended by him pursuant to the report of the United States engineers on such project: *Provided further*, That the remaining one-half of such appropriation shall be retained in the Treasury, subject to the order of the Secretary of War, and to be used by him whenever needed in the completion of the project for which such appropriation is made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. I am almost inclined to ask for the yeas and nays on the amendment, but I shall not do so. Now, on page 37, line 5, relating to the Missouri River, I move to strike out "$1,500,000" and to insert "$150,000."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. I offer an amendment to come in at the end of line 5, on page 37, which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 37, line 5, after the numerals "$1,500,000," and before the period, it is proposed to insert the following proviso:

Provided, That one-half of this appropriation shall be available whenever there shall be contributed by the State, county, cities, locality, or localities interested an amount equal to one-half of such appropriation, which amount, when so raised, shall be placed to the order of the Secretary of War and shall be expended by him pursuant to the report of the United States engineers on such project: *Provided further*, That the remaining one-half of such appropriation shall be retained in the Treasury, subject to the order of the Secretary of War, and to be used by him whenever needed in the completion of the project for which such appropriation is made.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. Mr. President, I desire to make a parliamentary inquiry. Will a substitute for the entire bill be in order after amendments proposed by individual Senators as to different provisions of the bill are disposed of, or must that substitute be offered at this time?

Mr. CLARKE of Arkansas. The substitute will be in order after the bill has been perfected as its friends desire that it shall be perfected.

The PRESIDING OFFICER. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. BRANDEGEE. Mr. President——

Mr. CLARKE of Arkansas. Mr. President, does that close all amendments to the House text that are proposed to be offered?

The PRESIDING OFFICER. The Chair so understands.

Mr. WEEKS obtained the floor.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. SMOOT. If the Senator will yield to me for a moment, in order to fulfill a promise I made when this stage of the bill was reached, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Martine, N. J.	Shields
Bankhead	Hitchcock	Myers	Simmons
Beckham	Hollis	Nelson	Smith, Ariz.
Borah	Hughes	Norris	Smoot
Brandegee	Husting	Overman	Taggart
Broussard	James	Phelan	Thomas
Chamberlain	Johnson, S. Dak.	Pittman	Thompson
Chilton	Jones	Poindexter	Underwood
Clapp	Kenyon	Pomerene	Walsh
Culberson	La Follette	Ransdell	Warren
Curtis	Lane	Saulsbury	Weeks
Fletcher	Lea, Tenn.	Shafroth	Williams
Gallinger	Lodge	Sheppard	

Mr. RANSDELL. I am requested to announce the unavoidable absence of the Senator from Mississippi [Mr. VARDAMAN] on departmental business.

The PRESIDING OFFICER. Fifty-one Senators have responded to the roll call. A quorum is present. The Senator from Massachusetts will proceed.

Mr. WEEKS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. After section 4 it is proposed to insert the following:

That the sum of $200,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be made immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the improvement of Weymouth Fore River, Mass., and the removal of the small shoal south of the west end of Peddocks Island, in accordance with the report submitted in Senate Committee Document No. 13, Sixty-third Congress, third session.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. WEEKS].

Mr. CLARKE of Arkansas. Mr. President, I want to say a word about that amendment. The amendment was submitted in regular course to the Committee on Commerce, and its merits were somewhat thoroughly investigated. The technical steps necessary to render it eligible to be added to this bill have been taken. There is no objection, therefore, of a technical character to the amendment; nor is there an objection as to the merits of the proposition. The committee were deterred from adding the item to the bill because the bill had already grown to such proportions that we felt that we had passed the limit, or, certainly, had reached the limit where we thought we could take the responsibility of suggesting any further increases. We believed it to be the better policy to submit the matter to the Senate, and I do so now.

The only objection that I see to the amendment is that the bill is already large enough; but if the Senate shall take a different view of it, it will be within its province when it shall do so.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts [Mr. WEEKS].

The amendment was agreed to.

Mr. BRANDEGEE and Mr. SHAFROTH addressed the Chair.

The PRESIDING OFFICER. The Chair will first recognize the Senator from Connecticut.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. On page 3, after line 16, it is proposed to insert the following:

For dredging an anchorage basin in the harbor of refuge at Duck Island, Conn., $71,000, in accordance with the provisions and recommendations contained in House Document No. 812, Sixty-fourth Congress, first session.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut.

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, in connection with that amendment, I should like to have printed in the RECORD a brief report of the Chief of Engineers explaining its merits. There are other reports in the document which I will send to the desk, but I only ask that the first report of the Chief of Engineers be printed.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The report referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 24, 1916.

From: The Chief of Engineers, United States Army.
To: The Secretary of War.
Subject: Preliminary examination and survey of Duck Island Harbor of Refuge, Conn.

1. There are submitted herewith, for transmission to Congress, reports dated May 17 and December 21, 1915, with map, by Maj. G. B. Pillsbury, Corps of Engineers, on preliminary examination and survey, respectively, authorized by the river and harbor act approved March 4, 1915, of harbor of refuge at Duck Island, Conn.

2. Duck Island Harbor is a small bay on the north side of Long Island Sound, nearly midway between New London and New Haven Harbors. The present project for the improvement of this locality, adopted in 1910, provides for the construction of three breakwaters, one extending northwardly from Duck Island 1,100 feet, one extending westwardly from Duck Island 2,697 feet, and one extending southwardly from Stone Island near Kelsey Point, 3,750 feet. The project has been completed. The total expenditure to June 30, 1915, amounts to $416,242.28. The original depth in the sheltered area behind Duck Island was 16 feet, but since the construction of the breakwaters this area has gradually shoaled, until the depth has been reduced to a minimum of 9 feet. The district officer submits estimates for restoring the original depth of 16 feet, amounting to $71,000, and also for providing a depth of 18 feet, amounting to $93,000. The harbor has been used extensively as a refuge, and at present about 1,000 vessels seek shelter there annually. The district officer is of opinion that the further improvement of the harbor is advisable to the extent of dredging and maintaining an anchorage basin 18 feet in depth, and the division engineer concurs in this opinion.

3. These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report herewith dated January 19, 1916. The board concurs in general with the views of the district officer and division engineer, but for reasons stated recommends the lesser project of 16 feet at mean low water, at an estimated cost of $71,000.

4. After due consideration of the above-mentioned reports, I concur in the views of the Board of Engineers for Rivers and Harbors, and therefore report that the further improvement of Duck Island Harbor, Conn., is deemed advisable to the extent of providing a depth of 16 feet at mean low water, approximately as indicated on the accompanying map, at an estimated cost of $71,000 for first construction and $25,000 every five years for maintenance. The entire first cost of the improvement should be provided in one appropriation.

DAN C. KINGMAN,
Chief of Engineers, United States Army.

Mr. SHAFROTH. Mr. President, I desire to present an amendment.

Mr. CLARKE of Arkansas. Will the Senator from Colorado allow me to offer a few formal amendments before he proceeds?

Mr. SHAFROTH. Very well; I will withhold my amendment.

Mr. CLARKE of Arkansas. On page 32, as an additional proviso to the Illinois River item, I offer the amendment which I send to the desk. I will state, in that connection, that it is offered at the instance of the Chief of Engineers. The matter has been submitted to both Senators from the State of Illinois, and in its present form it is acceptable to them.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Following the amendment heretofore agreed to, on page 32, line 2, it is proposed to insert the following proviso:

Provided, That the improvement may be made in general accordance with the plans heretofore submitted to the Chief of Engineers and the Secretary of War, and subject to their approval, or on such modified plans as may be approved by the Chief of Engineers and the Secretary of War: *Provided further*, That the waterway shall be completed and open for navigation before any of the water now being, or hereafter to be, diverted from Lake Michigan shall be used for the development of power: *Provided further*, That the navigation features of the waterway and its appurtenances shall be operated and maintained in a manner satisfactory to the Chief of Engineers and the Secretary of War, and any repairs or maintenance work that may be directed by the Secretary of War on the recommendation of the Chief of Engineers shall be made within the time specified by him: *Provided further*, That when, under the terms of the act of the State of Illinois, the waterway shall be transferred to the United States for navigation purposes, the United States shall be given a clear title to such land as may be occupied or used in connection with the locks and various appurtenances necessary for the operation of the waterway for navigation, together with all structures thereon: *Provided further*, That nothing herein contained shall be held to prejudice or affect any rights the United States may have in the Illinois and Michigan Canal, or lands appurtenant thereto, or in any claims against the State of Illinois arising out of any failure upon the part of the State to maintain said canal as a navigable waterway.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLARKE of Arkansas. I offer an additional amendment, which has passed through the regular stages to make it proper at this time, and when the Secretary reads it I shall make a very brief statement about it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add a new section, as follows:

SEC. — That the Secretary of War be, and he is hereby, authorized to accept for and on behalf of the United States, with thanks to the donors, funds raised or to be raised by the New York World by popular subscription for the construction of an electric lighting plant adequate for the illumination of the Statue of Liberty on Bedloes Island, New York Harbor, with the understanding that the funds will be applied to the purpose for which donated, and that the lighting plant, after construction, will be maintained at the expense of the United States.

Mr. CLARKE of Arkansas. Mr. President, some years ago the people of France generously gave to the people of the United States what is known as Bartholdi's Statue, which was erected at the entrance of New York Harbor. It has become one of the conspicuous testimonials of our national pride and of our gratitude to a people whose kindred sympathies prompted them, as the people and not as the nation, to make so substantial a contribution to our national pride and patriotic spirit. The lighting of the monument at night is easily a patriotic, national duty and a fair expression of our appreciation of the remembrance. The New York World has now raised an additional subscription sufficient to erect the necessary electric-lighting plant, and the purpose of this amendment is to accept this additional donation, and to assume the further responsibility of defraying the expenses of properly lighting the monument, after the plant has been completed and turned over to the United States. It provides for no additional appropriation at this time, but leaves that for further legislative treatment, accordingly, as its extent may hereafter be found necessary. I think the amendment ought to be adopted.

Mr. JONES. Mr. President, I am in hearty accord with the amendment. Personally, I would prefer to see the Government put up the money itself to provide for the lighting plant, which is something that ought to be done; but if we have not seen fit to do it, I am glad that somebody has donated the plant to us. We certainly ought to maintain it after it is given to us.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. SHAFROTH obtained the floor.

Mr. RANSDELL. Mr. President, I will ask the Senator from Colorado to yield to me to offer a formal amendment before submitting the amendment which he intends to offer.

Mr. SHAFROTH. Does it have the concurrence of the committee?

Mr. RANSDELL. Yes, sir.

Mr. SHAFROTH. Very well.

Mr. RANSDELL. In behalf of the Senator from Maryland [Mr. SMITH], I introduce an amendment providing for a survey of the Elk River in Maryland.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 46, after line 22, it is proposed to insert:

Elk River, Md.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Louisiana.

Mr. THOMAS. Mr. President, I should like some information about the amendment which has just been offered.

Mr. RANSDELL. It provides for a survey of the Elk River in Maryland. I offer the amendment, as I have stated, on behalf of the Senator from Maryland [Mr. SMITH].

Mr. THOMAS. It relates to an item which was opposed by the Senator from Utah [Mr. SMOOT], and I ask to have it go over until the Senator from Utah returns to the Chamber.

Mr. CLARKE of Arkansas. Let me request of the Senator from Colorado not to insist upon that. It is simply to reinvestigate the very situation which has been pointed out by the Senator from Utah. It will not cost the Government a cent. There is a regular corps of officers engaged in this kind of work.

Mr. THOMAS. I have no interest in it one way or the other, but I think it is only fair to the Senator from Utah that he should be present when the amendment is considered.

Mr. CLARKE of Arkansas. Let it go in the bill, with the reservation that if the Senator from Utah comes in and objects to it we will take it up again.

Mr. THOMAS. Very well. With that understanding, I shall not object to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Louisiana [Mr. RANSDELL].

The amendment was agreed to.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. SHAFROTH. I will yield to the Senator if what he desires to offer leads to no debate.

Mr. NELSON. I offer an amendment relating to a survey of the upper Mississippi River.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 54, after line 3, it is proposed to insert the following:

Mississippi River, near Deer River, Minn., with a view to the construction of a new channel, beginning in or near lot 1 of section 24, township 144 north, range 25 west of fifth principal meridian, thence southerly and terminating in or near section 22, township 55 north, range 27 west of the fourth principal meridian, the termini and course of said channel to be determined with greater particularity by the Chief of Engineers, United States Army, the purpose of said new channel being to improve navigation, to enable a more perfect control of waters by Pokegama Dam.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

Mr. CLAPP. Mr. President, will the Senator from Colorado yield to me to offer an amendment? It is a survey item.

Mr. SHAFROTH. I will yield to the Senator, if it leads to no discussion.

Mr. CLARKE of Arkansas. Mr. President, I will call the attention of the Senator from Washington [Mr. POINDEXTER] to the fact that the amendment, which I understand he intends to propose, might be offered as soon as the amendment which the Senator from Minnesota [Mr. CLAPP] desires to offer has been disposed of.

Mr. CLAPP. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 53, after line 26, it is proposed to insert:

St. Paul (Minn.) Harbor, with a view of determining whether the channel of the Mississippi River can be changed to or near the bluffs on the west side thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. SHAFROTH. I will yield if his amendment does not lead to debate.

Mr. STERLING. I merely want to suggest an amendment which, I think, will be agreeable to the chairman of the committee. It is an amendment to the committee amendment on page 54 under the head of "Surveys." On that page, in line 2,

after the word "to," I move to insert the words "flood control and to," so that it will read "with a view to flood control and to connecting and extending navigation."

Mr. CLARKE of Arkansas. There is no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. POINDEXTER. I desire to offer an amendment.

Mr. SHAFROTH. I will ask the Senator from Washington whether the amendment he intends to offer will lead to any debate?

Mr. POINDEXTER. I apprehend not. I will say to the Senator.

Mr. SHAFROTH. I will yield if it does not lead to debate, though I desire to get through with the amendment I wish to offer.

Mr. POINDEXTER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

There shall be appointed by the chairmen of the Committee on Rivers and Harbors of the House of Representatives and the Commerce Committee of the Senate an inspector of river and harbor works. He shall be a trained and experienced civil engineer, not connected in any way with the Army. It shall be the duty of said inspector to thoroughly examine the several river and harbor projects which have been adopted by Congress, with special regard to the question of whether the moneys appropriated by Congress for these works are being expended to the best advantage from a standpoint both of economy and efficiency. In making said examination said inspector shall inquire whether the best methods are being used in the prosecution of said works to accomplish the improvement contemplated thereby. Said inspector shall also examine into the question of the needs of commerce for said improvements, and the probable or prospective uses thereof in commerce, and the probable or prospective results thereof on freight rates on railroads through the competition of such waterways; and for that purpose said inspector may ascertain the effect upon such rates of waterways heretofore improved, and the uses that have been made of the same for purposes of transportation. Said inspector shall make, in writing, to Congress a full semiannual report of his observations and conclusions in the foregoing matters. He shall hold office at the pleasure of the committees above mentioned, and his successor shall be appointed as provided above. He shall be paid a salary of $10,000 a year and his necessary, actual expenses, and shall have such clerical and other assistance as may be necessary, to be approved by the chairmen of said committees.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CLARKE of Arkansas. Mr. President, I believe it to be a wise action for the Senate to let that amendment go into the bill, not necessarily because it will be adopted as the law, but because it is the germ of an idea that ought to be respected.

This debate for the past three weeks has brought out the fact that the public opinion of Congress is somewhat dissatisfied with the present method of making river and harbor appropriations; that there ought to be additional scrutiny provided; that it ought to extend to the method in which improvements heretofore ordered have been made; and that it ought to put Congress in possession of a fund of information that it does not now have, and that it ought to come from a source entirely dissociated from the Engineering Office, upon which we must now altogether rely for technical information.

Several projects covering the same general question will be offered. I think it policy to let them all go into the bill and be considered in conference, with a view to utilizing all that is good in them, to the end that we may evolve some supervisory tribunal or process by which better work can be done hereafter.

Mr. JONES. Mr. President——

Mr. THOMAS. Mr. President, may I ask the Senator in charge of the bill a question?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Washington? He rose first.

Mr. CLARKE of Arkansas. I yield to the Senator from Colorado just now.

Mr. THOMAS. Let me ask if any estimate has been made for this added appropriation to the bill?

Mr. POINDEXTER. Mr. President, if the Senator will yield, I will say that the amendment is not subject to that point of order, because it does not carry an appropriation.

Mr. CLARKE of Arkansas. It does not provide for the appropriation of any money.

Mr. POINDEXTER. It simply provides for a salary of $10,000.

Mr. CLARKE of Arkansas. In the event it becomes an act of Congress.

Mr. POINDEXTER. It provides for the salary, but does not appropriate any money.

Mr. THOMAS. Then, when I am entitled to the floor, I shall oppose this amendment on another principle.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. CLARKE of Arkansas. I do.

Mr. JONES. I was just going to say that I would not oppose this amendment if the salary is cut to $7,000, but I object to an employee of the Senate getting more salary than we get ourselves.

Mr. CLARKE of Arkansas. I see no objection to striking out the salary entirely and leaving that to future legislation.

Mr. JONES. He ought to have some compensation, and I would have no objection to $7,000.

Mr. SHAFROTH. Mr. President, it is evident that this amendment is going to lead to some discussion, and if the Senator from Washington will take it up after the amendment which I have been trying to get up for some time is disposed of I shall be much obliged.

Mr. POINDEXTER. Mr. President, I should like to inquire of the Senator from Colorado what his amendment is?

Mr. SHAFROTH. My amendment is to require 20 per cent of the cost of each of the projects in this bill to be paid into the Treasury by the locality as a part of the appropriation which is made in the bill. The amendment has various phases which I wish to discuss for a few minutes.

Mr. KENYON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. SHAFROTH. I yield.

Mr. KENYON. I desire to ask the Senator from Washington [Mr. POINDEXTER] a question.

Mr. SHAFROTH. I will state to the Senator that I do not think my amendment is going to take a long while; but evidently I was entitled to recognition, and received recognition, and I yielded to various Senators on the assumption that the matters presented by them would not take any time or lead to much discussion.

Mr. NORRIS. Mr. President, will the Senator from Colorado yield to me?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. Yes; I yield to the Senator from Nebraska.

Mr. NORRIS. I want to say, out of justice to the Senator from Colorado, that he yielded to let the Senator from Washington offer his amendment, on the theory that it would take no time. Now, I expect to discuss—not at length, but for a few moments—the amendment offered by the Senator from Washington, and I wanted to tell the Senator from Colorado that that was the case.

Mr. SHAFROTH. My colleague [Mr. THOMAS] has indicated that he wants to discuss it, and so, evidently, it is going to take considerable time. I will ask that the Senator from Washington take it up immediately after my amendment is disposed of.

Mr. POINDEXTER. I think that is entirely reasonable. I should like to answer the question the Senator from Iowa was going to ask me, however.

Mr. KENYON. I was going to ask the Senator what salary is provided for by this amendment. Do I understand that it is $10,000 per annum?

Mr. POINDEXTER. That is the amount named in the amendment. That is only a tentative suggestion.

Mr. KENYON. It is not the duty of this expert to discover water in all of these streams, is it?

Mr. POINDEXTER. It is his duty to report whether or not there is any water there. If the Congress of the United States is appropriating money for streams that have no water in them, and no way of getting any water, I think it would be an act of economy to appoint a reliable man to investigate that proposition and report to us.

Mr. KENYON. I agree with the Senator. He ought to have a good salary for doing that, too.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to his colleague?

Mr. SHAFROTH. I yield to my colleague.

Mr. THOMAS. I merely want to say that, in view of the explanation of this matter just given me by the chairman of the committee, I shall make no further opposition to the amendment of the Senator from Washington.

Mr. UNDERWOOD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SHAFROTH. I yield to the Senator from Alabama.

Mr. UNDERWOOD. I desire to offer an amendment on page 49, after line 17.

The PRESIDING OFFICER. There is an amendment pending.

Mr. SHAFROTH. It is a mere formal amendment, as I understand, which will elicit no discussion.

The PRESIDING OFFICER. There is now an amendment pending.

Mr. CLARKE of Arkansas. I ask unanimous consent that the amendment offered by the Senator from Alabama may be considered without prejudice to the pending amendment.

The PRESIDING OFFICER. Without objection, that may be done.

Mr. UNDERWOOD. I send the amendment to the desk and ask to have it read. It is to come in on page 49, after line 17.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 49, after line 17, it is proposed to insert:

Mulberry Fork of the Warrior River above Sanders Shoals.

Mr. UNDERWOOD. Mr. President, this is merely a survey for a fork of the Warrior River, where the navigation is already completed, and it is to see whether a further survey for that river would be of any avail.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama.

The amendment was agreed to.

Mr. SHAFROTH. I ask that the Secretary may state the amendment offered by me.

Mr. CLARKE of Arkansas. Let me suggest to the Senator from Washington that he temporarily withdraw his amendment and let the Senator from Colorado proceed with the consideration of his amendment.

Mr. POINDEXTER. I accept the suggestion of the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Washington asks that his amendment be laid aside.

Mr. POINDEXTER. I ask that it be temporarily laid aside, pending the disposition of the amendment offered by the Senator from Colorado.

Mr. SHAFROTH. No; it seems to me the Senator ought to reoffer it. I yielded simply for the purpose of letting it be considered if it led to no debate.

Mr. CLARKE of Arkansas. The courses are equivalent. Either one will answer.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to insert in the bill a new section, as follows:

SEC. —. That each of the appropriations herein made shall become available only in the event States, counties, cities, or individuals shall pay into the Treasury as part of the same 20 per cent of the amount thereof: *Provided, however*, That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. SHAFROTH. Mr. President, there are four good reasons why this amendment should be adopted by the Senate.

In the first place, the object and accomplishment of the amendment will be to eliminate from this bill all projects that are unworthy. We know that when it comes to attempting to get money for a project from individuals or counties or cities you have a local interest that is familiar with the enterprise, the appropriation for which is sought in the river and harbor bill. They know whether it is a wise measure, whether it is a good measure, and, consequently, their judgment is a check upon an unworthy project.

Mr. President, I have seen Senators of the highest integrity say in this Chamber that a certain project in the bill, specifying it, was unworthy of consideration; that it was something that never should be passed by Congress. On the other hand, I have seen men of equal integrity rise and say that the same appropriation was one of the best measures in the entire bill. So far as I am concerned, I have no light upon which to act. I can not read all the testimony that has been taken in relation to the project, and the result is that I am at a loss to know how to vote with respect to an appropriation so assailed and so defended. But, Mr. President, if the people of the community where that project is to be constructed say that they will contribute a fair percentage of the amount appropriated, it is a guaranty that it is a worthy project; they know what is best to be done; they know whether or not it is wise to have the improvement made; and consequently we can rely upon their judgment and thereby can vote for an appropriation of that kind with very little investigation and with very little taking of testimony.

Mr. President, that is the condition with relation to this bill. Probably 20 or 30 items have been assailed in that way, and probably 20 or 30 items have been defended in that way. I do not know how to vote upon them. But if the people will say, "We will contribute 20 per cent of the amount of this appropriation for this purpose," I can readily say that no matter what my opinion was I believe that their opinion is better than mine with relation to it.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I yield.

Mr. HARDWICK. There are many attractive features to the Senator's idea, particularly if it were applied to items that were not purely an exercise of the commerce power; but we will take a case that is clearly an exercise of the commerce power. Take the great port of Savannah, for instance. The business of 11 States, at least, goes through that port. Would the Senator expect the people who reside right at the city to contribute that 20 per cent, or how many people would do it?

Mr. SHAFROTH. Whoever is interested; and if the benefits go up as far as New York those people would contribute.

Mr. HARDWICK. But if the Senator will pardon me, in the case I have in mind they would not do it, except at Savannah, and then in that case, in order to maintain a great port—the third largest exporting port in the United States—you put the burden on 50,000 or 75,000 people who live right at that city.

Mr. SHAFROTH. I do not propose to do anything of the kind, because they can get their contributions from the people who are benefited. I want to say, however, that this is not a new system. I have here a statement made in the CONGRESSIONAL RECORD of some years ago. The port of Antwerp is a great port. As a matter of fact, it gets commerce from all over the world. It cost $30,000,000 to improve the harbor at that port; but the city of Antwerp contributed two-fifths and the Kingdom of Belgium contributed three-fifths. That is twice as much a contribution as we are asking here. The object is not to burden those communities that have legitimate enterprises but to cut out those projects where there is no real foundation for appealing to the Congress of the United States for an appropriation.

Mr. President, each Senator sometimes gets requests to propose appropriations that are perfectly ridiculous. The applicants justify their request by saying: "Why, somebody else is getting such an appropriation; and if it does no other good whatever, it will result in spending the money in our community, and therefore we had better get it." Why, Mr. President, if you are going to take in projects that Members on the floor of the Senate will say are outrageous, the only test I can see that is fair will be as to whether the people will go down into their pockets and contribute something for the purpose.

Therefore, Mr. President, when we find some eight or ten of the provisions in this bill making this very requirement of contribution—in almost every instance for a greater amount than one-fifth, or 20 per cent—it seems to me that there ought to be very little objection to this amendment. In order to weed this bill of the projects that are called "pork-barrel" appropriations, in order to weed it of the unworthy projects, some kind of evidence of good faith should be presented on the part of the people who are urging such appropriations.

Now, Mr. President, I want to call attention to the first one—the item in regard to the Galveston sea wall. It is found on page 22. What is the provision there?

Provided, That no part of the amount herein appropriated shall be expended * * * until the said county or city of Galveston shall have obtained a right of way and made provision in a manner satisfactory to the Secretary of War for paying the cost of constructing at least 3,300 feet of similar sea wall extension in addition to that herein appropriated for.

That requirement is a good deal more than any 20 per cent, and yet it is provided in this very bill. It is a good provision, because there is a local benefit to the city of Galveston by reason of that improvement and it ought to at least pay for a part of the benefit it receives.

I want to call attention to another one of these requirements claimed to be so unjust when applied to my amendment. On page 24 we find that there is, with relation to the Trinity River, a provision as follows:

Provided, That no part of the latter amount—

That is, the appropriation for that river of $250,000—

shall be expended until the city of Dallas or other local interests shall have contributed the sum of $50,000 toward the improvement.

In the case of the appropriation for the Illinois River, on page 31 of the bill, we find this provision:

Illinois River, Ill.: Continuing improvement and for maintenance below Copperas Creek, $55,000; and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act.

Why, Mr. President, there the State of Illinois has contributed two, three, four, or five times as much as ever was contributed by the Government of the United States to that project. Is it fair to require of some that they shall contribute large amounts, and of others that they shall contribute nothing whatever?

It seems to me that the provisions that I am citing in this bill are ample and good precedents for the requirement in this amendment of the payment by those benefited of 20 per cent of these appropriations before any of them shall become effective.

I turn to the item with relation to St. Joseph, Mo., on page 37 of the bill. There is a requirement which is very plain and clear. It says:

Provided, That the amount required to be paid by the city of St. Joseph or other agency shall not be in excess of two-fifths of the total amount expended and in no event to exceed $50,000.

There St. Joseph has undertaken to put up two-fifths of the amount of the appropriation provided in this bill, and voluntarily does it; and that of itself shows that it is a worthy project. I do not have to inquire as to whether or not that is worthy, because, when I find that the local interests there are willing to put up two-fifths, or even one-fifth, I know that it is a project that is worthy of the approval of the Congress of the United States.

Now, Mr. President, we will take another item as to Los Angeles. There are various conditions imposed, but they are all bearing upon the question; and I believe in every instance the contribution is fully as much as the one-fifth that is required by this general amendment which I have offered. This item is in relation to Los Angeles and Long Beach Harbors:

Provided, That before any work is undertaken by the United States assurances satisfactory to the Secretary of War shall be given that the city or county of Los Angeles or other agencies will provide the right of way, defray the cost of the necessary roads and bridges, adjust all damage claims, and maintain all improvements after its completion.

Now, we have another one, as to San Diego, on page 39.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. I do.

Mr. JONES. I just want to suggest to the Senator that according to the reports of the engineers the amount which would have to be contributed by Los Angeles would be over $900,000.

Mr. SHAFROTH. I am glad to know that. I knew it must be substantial. Here is an appropriation, then, that would make that community put up almost dollar for dollar, because the appropriation is $1,080,000, and if the expenditure which is to be made is $900,000 it makes Los Angeles put up practically as much as the appropriation before it becomes available.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. SHAFROTH. I yield to the Senator.

Mr. FLETCHER. I want to say to the Senator from Colorado that his argument shows very clearly what is the fact—that the engineers now have the power and authority to base their recommendations upon the condition of local contribution, and in instances where conditions warrant it that practice is being pursued to-day. There is no need of any legislation to effect that, because that is the course that is taken now. Wherever the engineers feel that it is more a matter of local interest than of general public interest, they require that the local interests shall contribute in the way which they find to be proper and just.

Mr. SHAFROTH. Yes; but that becomes a subject of favoritism. That is the trouble about it. You let some people get around the engineers and talk with them about the matter—that it is impossible to raise the money—and they may waive it; and it puts it practically in the hands of the engineers, as to whom we have no relation whatever, as to whether a contribution shall be made or not.

Mr. REED. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Missouri.

Mr. REED. If the Senator would not leave it to the Government engineers because they are subject to influence, just whom would he leave it to?

Mr. SHAFROTH. Why, I do not leave it to anybody. The fact of putting up 20 per cent is what I leave it to. When people are willing to contribute I know that they think it is a meritorious enterprise. That is the test, and it is a test that will in every instance, in my judgment, determine whether a measure is meritorious or not.

Mr. REED. That would not be any test at all. There might be a lot of men whose heads were filled up with some impractical ideas or notions, who were incompetent to pass upon a question, but who were perfectly willing to put up one dollar if the Government would put up five; and yet the whole project might be utterly impracticable.

It seems to me that the Senator goes a long distance when he impugns the intelligence and honesty of all the Government engineers we have.

Mr. SHAFROTH. I do not impugn the honesty of the engineers.

Mr. REED. I understood the Senator to say they were subject to influence.

Mr. SHAFROTH. Why, everybody is subject more or less to favors and to the way in which a matter is presented—why, certainly.

Mr. REED. Does the Senator know of a single instance in which a Government engineer has been the subject of favors?

Mr. SHAFROTH. Oh, no. I was speaking generally. People, of course, by reason of large communities or by reason of persons presenting and urging things, naturally will be influenced by that fact. Why, you see it in this body. You find that a person who presses something very strongly and persistently wears the other Senator out, and he says, "Oh, let it go." That is often the case.

Mr. REED. Mr. President, I wonder if that would account for some of the speeches we have been hearing on this bill.

Mr. SHAFROTH. I do not know whether it would or not. But, Mr. President, there is no question but that a case might possibly arise such as the Senator from Missouri indicates, namely, that some big company or some special interest might advocate an enterprise that was not meritorious in order that the Government might put up 4 to 1. It would be 4 to 1 and not 5 to 1. It is not likely, however, that that would occur; but even if it did occur, the enterprise would be subject to the examination of the Senate and subject to the examination of these same engineers; and if the engineers were to turn it down, you would not have any difficulty in having it rejected, if there were good, substantial reasons for it.

Mr. President, the real thing, both in road building and in every other enterprise that calls for money from the United States Treasury, the thing that determines the merits of the appropriation more than any other one factor, is the question as to whether the people who are interested, the people who are going to get more benefit out of the project than anyone else, are willing to share some of the burdens of the appropriation.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. SHAFROTH. I yield to the Senator.

Mr. VARDAMAN. Unfortunately for me, Mr. President, I was detained from the Chamber during the early part of the Senator's very interesting discussion of this question; but I want to ask the Senator how he would treat a case like this. The best way to illustrate is to take some fact as it exists, or some example.

The little city of Gulfport, on the Gulf coast of Mississippi, is a prosperous little city of about five or six thousand people. It is one of the largest lumber-exporting ports in the United States. Those people have gone to very great expense in building up the town and the wharf and the pier and all that, and a channel has been cut from the harbor into the city. Now the entire country enjoys the advantages of that port. What has been done by Gulfport is a contribution to the world. Freight is shipped through that port from as far north as Denver, Colo. Now, how are you going to levy tribute upon that?

Mr. SHAFROTH. You do not levy tribute. The people who are interested in the lumber business will come and say to your city: "Why, we want this; it is important, it is absolutely necessary, and therefore we will share the expense with you."

Mr. VARDAMAN. Why, in some instances the lumber is bought three or four hundred miles away, by people living in South America or in Europe.

Mr. SHAFROTH. That may be; but if it is necessary for that lumber to go through that port, the people who are interested in the lumber will be benefited by it, and consequently they will be the ones who will contribute.

Mr. VARDAMAN. It is a very easy matter to solve the road question, because the people living on lands contiguous to the road, whose lands are improved in value, bear the burden of the expense.

Mr. SHAFROTH. Not necessarily. Towns contribute in our part of the country more than any other.

Mr. VARDAMAN. Certainly they do, because the roads bring trade to the towns. It is a good investment for the towns.

Mr. SHAFROTH. Yes.

Mr. VARDAMAN. But in the case I have just mentioned to the Senator it is absolutely impossible to distribute the expense proportionately with the advantages that will be enjoyed.

Mr. SHAFROTH. How much is the appropriation for this port?

Mr. VARDAMAN. I think probably $85,000.

Mr. SHAFROTH. Twenty per cent of that would be about $16,000. Now, to say that the lumber concerns that are so great, and to which the port is necessary, can not put up $16,000 shows that the lumber interest is not so great as the Senator thinks.

Mr. VARDAMAN. The people interested in lumber, Mr. President, would not ship the lumber through that port, probably. They would ship it down the Mississippi River or some other way. Does the Senator propose in this amendment that the ports that are to be opened up to the world, to which we invite ships from every part of the earth, must bear 20 per cent of the cost, and force the ships that come to the ports to bear a portion of the burden? Is that the hospitable treatment we are to accord the people who desire commercial relations with us?

Mr. SHAFROTH. Why, certainly; and that seems to me the only fair way. Take the illustration which I gave before the Senator came in. The people of Antwerp, in Belgium, have constructed a thirty-million-dollar improvement of their harbor. The city of Antwerp paid two-fifths and the Belgian Government paid three-fifths of the cost of that improvement.

Mr. JONES and Mr. REED addressed the Chair.

Mr. SHAFROTH. That is double the amount which is asked here. I have shown a number of instances in this bill where they are already contributing as much as 50 per cent of the amount of the improvement. It is not fair that one person or one community should be required to pay a half and another community a third. Of course, if they voluntarily do it, that is another matter.

Mr. VARDAMAN. The Senator's amendment would work very well and satisfactorily to the people of the Mississippi Valley. We would be very glad to have the General Government contribute 80 per cent for Mississippi River improvement and only levy a tax of 20 per cent upon the States bordering on the river; but I think in the matter of ports it would not work well at all.

Mr. SHAFROTH. Well, Mr. President, it has worked in nearly every country in the world. Take England, for instance. She adopts the policy of letting the cities do it entirely and letting the city assess a dock tax upon the ships that come in there. Her policy goes upon the theory that the ships are benefited—that the commerce is benefited. A great canal called the Manchester Canal has been built and paid for entirely by the city of Manchester, and it derives a revenue therefrom by reason of having a dock charge to those who come in, on the theory that those who are benefited should pay at least a large part of the expense.

The PRESIDING OFFICER. Will the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. I yield to the Senator from Washington.

Mr. JONES. While I am not inclined to vote for the amendment suggested by the Senator, I wish to call his attention to another item in the bill which he probably has not observed, which I think will meet to a certain extent the suggestion of the Senator from Mississippi as to voluntary contributions. It is the appropriation for Willapa Harbor, in the State of Washington. While it is not specified in the item itself that the local people have to contribute, it is in the recommendation of the report of the engineers, which we make a part of the provision, and it is set out that the local people must contribute $143,000 and a little over.

I wish to call the attention of the Senator to the fact that the amount of money the Government will appropriate for the project is $247,950, and before we begin any expenditure it is made a condition that somebody must put up over $143,000. It is largely for the improvement of the harbor that is largely engaged in foreign commerce, sending out exports and bringing in imports. Those people will raise that money all right. They have already contributed $125,000 on a previous project.

Mr. VARDAMAN. I wish to say to the Senator that the little city of Gulfport, to which I referred a moment ago, and the Gulf & Ship Island Railroad have contributed a million and a half dollars, I understand, to that harbor, and the whole world is using it. They can not afford to keep it up, and it is not fair to require them to do it.

Mr. SHAFROTH. If it has contributed already $1,500,000, it would not be very much to contribute $16,000 more.

Mr. VARDAMAN. It would not be very much, but it would be 20 per cent, and it might work a very serious hardship.

Mr. SHAFROTH. It would be 20 per cent, and at the same time they get 100 per cent worth of improvement for the harbor.

Mr. REED. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Missouri.

Mr. REED. The Senator from Colorado just made a remark that I think throws a flood of light on all his argument. His proposition is that these various improvements shall be treated as local improvements for local benefit.

Mr. SHAFROTH. No; only one-fifth local.

Mr. REED. Very well one-fifth; and that, therefore, the community should contribute. And in support of that theory he carries us to Europe and tells us that the city of Manchester built works of enormous value at its own expense, but then proceeded to collect tolls from the commerce of Great Britain and the world to recompense itself, and that other European cities which he named have followed the same line of conduct.

Mr. SHAFROTH. I do not think Antwerp charges tolls. I think it is open and free.

Mr. REED. The Senator named a number, and he said that that was the general policy of England. These various localities will put up the money and then be permitted to charge tolls. In other words, the Senator wants to go back to the old toll-gate system.

Mr. SHAFROTH. No; I do not.

Mr. REED. The old tollgate system that has been condemned by modern intelligence for the last 50 years, and that was finally torn down by an indignant people. He would set up a tollgate system in the heart of a great country to collect tribute like Barbary pirates used to do before we taught them better—to collect tribute on the commerce of the world that comes here. At the same time we have inaugurated the policy of building at an expense of $400,000,000 a great canal, from which we never expect to get the money back, the tolls over which are purely nominal, and for the purpose of keeping up the expense of running it.

Mr. SHAFROTH. I am not advocating any tolls. I am expressly providing that there shall be contributed only one-fifth. Is it possible that the United States Treasury shall be drained and that money shall be taken for worthy and unworthy projects, and that for those unworthy projects not a dollar shall be paid by the locality?

Mr. REED. If it is an unworthy project, the Government ought not to put up $4 to $1 paid by the locality. No unworthy project should go into this bill. Whenever somebody stands here and demonstrates that a project is unworthy, I will vote to take it out.

Mr. SHAFROTH. We have seen the Senator from Iowa [Mr. KENYON] attempt to demonstrate, and he has made assertions and read testimony and authorities to show, that certain projects were not worthy. Yet have you voted to take them out?

Mr. REED. I have seen the Senator from Iowa and I have seen other Senators take this bill, and in every single instance where somebody who was posted on the subject matter rose to lay the real facts before the Senate, all those assertions vanished into nothing. The Senator from Wisconsin [Mr. HUSTING] the other day made an attack here that I did not see fit to reply to, but every single fact that he asserted was either a partial fact or it was something that had been utterly overthrown. The truth is he was talking about a subject he did not know anything of. He was honest in it, but he was only honest in his talk because he was utterly ignorant of the question he was discussing.

I have heard that sort of thing here on the floor of the Senate. I will not on the floor of the Senate vote $4 out of the Government Treasury if a dishonest man will put up a dishonest dollar for a dishonest proposition. No honest man ought to do it.

Mr. SHAFROTH. I have not any doubt the Senator would do just exactly what he says, but the difficulty is in determining the project that is unworthy. When we find one man saying it is unworthy and another man of equal integrity saying to the contrary how are you going to determine that matter? There is a test, however, that does determine it, and that is as to whether the community which will be benefited by the project will put up one-fifth of the amount and let the Government put up 80 per cent. It seems to me they ought to be glad to do it. There are very numerous instances, and I have cited them in this bill, showing that communities have been willing to put up more than one-fifth, to put up two-fifths and in some instances one-half, and that demonstrates, to my mind, that those enterprises, without even any inquiry, are worthy projects.

Mr. VARDAMAN. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Is it not a fact that most of the enterprises appropriated for in the bill have received local assistance, and in many instances a great deal more money than the Government has spent?

Mr. SHAFROTH. I do not know whether they have or not.

Mr. VARDAMAN. We have spent $1.50 where the Government has spent a dollar on the Mississippi River.

Mr. SHAFROTH. If that is the case, the amendment is in the interest of weeding out bad appropriations, that they shall pay 20 per cent rather than that they shall get them without contributing anything.

Mr. VARDAMAN. Is it not a fact that the universal rule such as is prescribed in your amendment will not fit all cases?

Mr. SHAFROTH. I think it will fit every case.

Mr. VARDAMAN. The trouble about it is, and it is no reflection upon the Senator's intelligence nor is it an argument particularly against any specific measure, that he makes that statement. It is the way he views it. It is just his humor.

Mr. SHAFROTH. No, Mr. President. When we find that in the instance which the Senator has cited that little port in Mississippi has put up a million dollars for harbor improvements in aid of the lumber interests, it would not be crippled and hurt when it got an appropriation of $80,000, if it put up $16,000 more. Any community that has put up a million dollars would have no difficulty in raising $16,000 more in order to get the improvement completed.

The Senator from Missouri had said that I am trying to get back to the old system of tollgates and collecting tolls for the purpose of getting revenue to pay for harbor improvements or river improvements. Mr. President, there is nothing in the amendment which I have offered that squints at that. My object is absolutely to prevent that, although I must say that England, the greatest maritime nation on earth, does impose charges of that kind and thinks it does not hamper her commerce. But I do not want that to be established here. However, it seems to me that, in order to weed out unmeritorious projects in the bill and in every other river and harbor bill, a provision of this kind will do it, and that consequently it is of great aid to the Treasury of the United States. Nothing is here said with respect to dock fees or with respect to any kind of toll, and they never will be collected under a provision of this kind.

Since the Senator from Washington has referred to the fact that certain contributions have been made in the State of Washington to harbors I wish to call attention to another one which I overlooked, and that is in regard to the Sacramento and Feather Rivers of California. There is the following provision contained in the bill, which I want to read:

Provided, That no part of this sum shall be expended until the State of California shall have deposited with the Treasurer of the United States to the credit of the Secretary of War a sum which, together with that heretofore furnished by said State, shall equal the total amount appropriated by the United States for said work.

Is there any intention manifested by these measures that are in this very bill to go to the imposition of tolls? It is absurd to think that such an argument could be fairly deduced, either from this amendment or from the provisions contained in the bill itself.

Mr. President, whether we believe it or not, there are thousands of people in the United States who look upon every river and harbor bill as containing unworthy projects. There is no doubt of that. Then why not eliminate them by a simple process without having to use favoritism in turning down or accepting provisions in the bill? I want to say to you that when that is done you will not have as many people apply to Senators for appropriations for projects unless they are worthy. Whenever they know that they will have to put up 20 per cent of the amount they will not come here with petitions for you to appropriate a million dollars or one hundred thousand dollars for the improvement. That very thing will have a tendency to make the bill a cleaner bill and a better bill, a bill not controlled by the urgent demands of some Senators with respect to their particular localities.

You can not make an absolute equality in regard to appropriations of this nature. You will find that some, by pressing their claims or by able presentation or by other means, will get an enlarged appropriation where such an enlarged appropriation is not made for just as meritorious a project by not having a clear presentation made to the committee or to the Senate.

Mr. President, I find that the second point in favor of the adoption of this amendment is the fact that it will save in this bill some eight to ten million dollars, and yet if every one of these measures is meritorious the communities will get them. That being the case, it seems to me, from the standpoint of economy and making the appropriation go further in the interest of the public, that this is a good amendment.

There is another great saving, and, in my judgment, it will be the greatest saving. It is the saving that will result from the fact that those representing unworthy projects will not come here and apply for appropriations when they have got to put up one-fourth of the same. There will be a saving of several million dollars in the bill from that cause.

So, Mr. President, we have a test of money, which makes an automatic test, that does not require any investigation hardly, except in the case suggested by the Senator from Missouri, where somebody might be willing to put up one-fifth in order to get an improvement which was even unworthy, which is not likely ever to occur, but which then is checked by the Senate itself and by the committee and by the engineers. It seems to me that this test would act automatically and that people would not be hounding Senators and Representatives to present measures unless there was great merit and great worth in them.

So, Mr. President, I want to say that there is no trouble in regard to the collection of the amount. The persons benefited will readily do that which is to their interest.

Senators assert that a certain community has raised large sums of money, but fears it can not pay one-fifth of the appropriation for it in this bill. Is it possible, when it has raised so many thousands and hundreds of thousands of dollars, that it can not pay one-fifth of the appropriation which is made for one year in this bill?

Mr. President, the requirement of contribution applies to every one of them. It will work a change in the river and harbor bills. They will not contain such large appropriations. The appropriations will not be so great, except for meritorious projects, and everyone is willing that meritorious projects should be approved.

Mr. President, unquestionably every community that gets an appropriation gets a benefit. They got a benefit in the case of Antwerp, of two-fifths, or 40 per cent, instead of one-fifth; it is fair and right that such communities should pay for a part of the benefit which they are to receive. That was true in the case of our road bill. Nobody suggested that the Government should construct a road at its own expense. It is done by cooperation with the States and counties and individuals, and in that way it will work out and eliminate the "pork-barrel" element which is bound to enter into every such bill under present conditions.

Mr. President, it seems to me from these facts that nothing but good can arise from the adoption of this amendment. It will not stop any improvement except that which is a bad improvement and which has been condemned. If it is a good improvement there is no question but that the money will be forthcoming, and then there will be satisfaction upon the part of all the people of the United States in the fact that the people are getting something for their money.

Mr. President, these are the reasons for the adoption of this amendment: First, that it will cut out the unworthy appropriations; second, that it will save the National Treasury $8,000,000 in this bill; third, that it will save the Government a large amount of money by reason of the promoters of the unworthy projects in this bill not coming to the front and offering to pay their proportion and consequently the appropriation will fail; and fourth and lastly, it will prevent the continual solicitation of Senators and Representatives, urging them to present doubtful measures and to get as much as they can whether the project is worthy or unworthy.

Mr. President, it seems to me for these reasons that the amendment which I have offered should be adopted.

Mr. NEWLANDS. Mr. President, I think the Senator from Colorado [Mr. SHAFROTH] has hit upon a very happy device for diminishing possible improvidence in waterway and harbor projects. We have three forms of commerce, the foreign commerce, the interstate commerce, and the State commerce. All the improvements in our rivers and our harbors are intended to promote in some degree each of these forms of commerce.

It is right that the National Government should attend to that part of the expenditure which relates to foreign and interstate commerce, and it is quite right that the States should contribute to that part which relates to purely State commerce. In addition, if we refuse to put the entire burden of these developments and improvements upon the National Government and insist upon the contribution of a part by the States and communities we diminish to that extent the possibility of improvident enterprises being urged and finally entered upon. If you subject each State and community to a part of the expense, that State and community will be much more careful in

to require them to do it.

these enterprises, without even any inquiry, are worthy projects.

looking over the plans, in considering possible economies, and in determining the feasibility of the project itself.

We all know that even though a project be unfeasible and improvident the project is often viewed with favor in the community where it is located if the entire cost of it is to come out of the Federal Treasury.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. In a moment. The assumption in many of those cases is that the expenditure of Federal money in a particular locality, whether improvident or not, will put money in circulation and benefit that community. I am glad to yield to the Senator from Ohio.

Mr. HARDING. I wish to ask the Senator from Nevada what would be a practical plan in the operation he suggests? For instance, how would he deal upon this plan with the Ohio River, which borders six States and traverses the territory of none save a short distance in Pennsylvania?

Mr. NEWLANDS. I imagine that if a project involving the entire Ohio River is of such merit as to arouse the public sentiment of those six States in its favor, a method of cooperation will be worked out between those six States and the National Government under which the project will be entered upon. All we have to do is to provide the machinery, and that is what I have been attempting to do for many years. I have been insisting for years that there should be greater cooperation than there has been in the past between the Nation and the States with a view of the exercise of the functions of each sovereignty for the general good. For a century almost we have been engaged in a contest between the States on the one hand and the Nation on the other with reference to their respective powers and jurisdictions, and we have furnished an abundant opportunity for able and distinguished lawyers during that time to develop their views regarding constitutional law and for a century or more the functions of both the National Government and the State governments have been without use simply because they have been engaged in this eternal contest as to what belongs to the jurisdiction of the States and what belongs to the jurisdiction of the Nation, a contention never to be determined until after years of debate and legal controversy.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. NEWLANDS. Certainly.

Mr. TOWNSEND. I have been wondering what effect the amendment of the Senator from Colorado would have upon the provisions, for instance, for "St. Marys River at the falls, Michigan: Continuing improvement by the construction of a fourth lock, $800,000." Would it be the thought of the Senator from Nevada that the State of Michigan should pay one-fourth of the cost of that lock and one-fourth of the cost of improving the Livingston Channel and the other channel connecting the Great Lakes in the course down to the St. Lawrence? Those locks are not constructed largely for Michigan's benefit. Michigan does not get any more out of them than all the Northwestern States, as far as that is concerned.

Mr. NEWLANDS. I assume under the theory of the Senator from Colorado there would be a movement upon the part of all the States benefited to raise the one-fourth that is required for the commencement of the project by the National Government.

Mr. SHAFROTH. If the Senator from Nevada will pardon me, my theory in regard to it is that when they find that one-fifth has got to be put up those who are in interest will naturally come together. It may be the lumber interest and the iron interest, but the various interests that find it necessary to use those locks will come together and be willing to put up their proportion, and perhaps not a dollar will be paid by the State. It may be that it will be done by the cooperation of the States. It is done continually by individuals. As I have shown in this bill there are 8 or 10 projects that require that there shall be not only 20 per cent but as high as 50 per cent contributed by the local authorities. The amendment says "States, counties, cities, or individuals." It is not limited.

Mr. TOWNSEND. What local authority in Michigan, for instance, would contribute to the construction of the two locks?

Mr. SHAFROTH. I should think very largely Chicago. The grain dealers of Chicago would say we must have that improvement, and consequently we will raise this money; we will combine with Minnesota Iron Co.——

Mr. TOWNSEND. The Senator's contention is that the people of the State will contribute.

Mr. SHAFROTH. States, counties, cities, or individuals—all four.

Mr. KENYON. Would the Senators exclude railroads owning the terminals?

Mr. SHAFROTH. No; anybody; the railroads, too. There would be no trouble about it. Whenever you want to have something done that is to the interest of everybody, and there is simply a condition put upon them that only one-fifth shall be contributed by them, you will find that they will get together very quickly by correspondence——

Mr. TOWNSEND. But ——

Mr. NEWLANDS. Mr. President, I think I shall have to resume the floor.

The PRESIDING OFFICER. The Senator from Nevada declines to yield further.

Mr. SHAFROTH. Very well.

Mr. NEWLANDS. I think it is quite apparent, as the Senator from Colorado suggests, that the self-interest of the communities and of the cities and corporations and individuals affected will prompt them to find some way under which this contribution can be made. I was speaking of the fact that we have been engaged for a century in contentions as to the rights and powers and functions of the respective sovereignties, and we have only recently hit upon the idea of teamwork between the sovereignties instead of contention between them as to which will do a needed thing. I must admit that the machinery that is suggested is perhaps somewhat clumsy, and yet I am going to vote for it, because it has a vital principle in it which will work for good, and it will be the commencement of legislation that will work out gradually a proper distribution of burdens between the National Government and the States and communities.

I would much prefer that the system which I have been urging for years of cooperation between the Nation and the States with reference to the development of our waterways should be immediately adopted. That system involves, first, the creation of a national commission, which will work out the great problem of investigation and the feasibility of projects and the ascertainment of the distribution of burdens, and then there will be the practical negotiation of that commission with boards or commissions organized by the States and communities with reference to teamwork and the distribution of the burdens and the benefits. If that were done, we would not be confined to a cast-iron rule in every instance of a contribution by the State or locality of simply 20 per cent of the total cost. The proportion would vary according to the conditions and according to the benefit to the particular community or State, and, according to the obligation, as to whether it was a National or State obligation. But surely in these great works, involving not only foreign commerce and interstate commerce but State commerce, the energies and the intelligence and the thought of all the sovereigns affected should be united in teamwork. So whilst I regard this amendment as not a scientific one and as one that would be adopted under the plan that I suggest, yet as it presents itself in this shape I intend to vote for it.

Mr. BRANDEGEE. Mr. President, I will be very brief about this. It seems to me to be an utterly impracticable scheme. Every river and harbor bill contains all sorts of projects—projects varying from the revetment of the bank of a river to the building of locks and dams in rivers, that in many instances are of no particular benefit whatever to general commerce or to general navigation. I can not conceive how an improvement that happens to be located in one waterway, either a river or a harbor, which is of general benefit to navigation, could ever be paid for by a contribution solicited from the various people who might be benefited by it.

Mr. CLARKE of Arkansas. May I ask the Senator from Connecticut how funds were provided to supply the shipping facilities at New London?

Mr. BRANDEGEE. Yes; I was going to touch upon that slightly before I got through.

Mr. CLARKE of Arkansas. The sooner the Senator gets to it, the better.

Mr. BRANDEGEE. I know the Senator delights to hear me, but he does not delight to hear me too long, unless I speak to the specific object that he outlines; and I think that is quite a general feeling.

Mr. CLARKE of Arkansas. The Senator from Connecticut misunderstood me. I said the sooner he got to that item the sooner he could illustrate the strength of the argument of the Senator from Colorado. We are always delighted to hear the Senator. I have never done anything to curtail his rights as a debater.

Mr. BRANDEGEE. I was so afraid that if I alluded to my own little items the Senator might move to reconsider them and strike them out of the bill I was going to glide gently and rapidly by them; but, inasmuch as the Senator has referred

to that particular case, I will call the Senate's attention to what would happen there.

The appropriation for the improvement at New London is $170,000 toward dredging through Long Island Sound and a couple of miles up the Thames River to a great pier owned by the State of Connecticut, and which the State of Connecticut paid a million dollars to build. I can readily perceive, if that $170,000 was conditioned upon the precedent agreement of some parties unnamed in the bill, and it was made the duty of the public at large or of either counties or cities or States to get together in some way, by a process which is benevolently and euphemistically described as coordination, that probably before they had agreed upon their proportionate amount the fiscal year would have rolled its course and the money would still be in the United States Treasury.

Mr. NEWLANDS. Let me correct the Senator and say that the term he should apply to that process is "cooperation" and not "coordination."

Mr. BRANDEGEE. Of course, the Senator from Nevada does not hesitate to confess that whenever a Senator uses either one of those words it is a personal reference to himself.

Mr. NEWLANDS. Or an infringement of my copyright. [Laughter.]

Mr. BRANDEGEE. That it is an infringement of his copyright; but take it in this particular instance where, as I said, the State has spent its million dollars and has made the improvement. It would immediately be claimed, of course, by the State that it had done its part of this program for a joint railway, a marine project, on condition that the Government would do its share, and that the Government was now fulfilling the implied condition which the War Department had agreed upon and estimated for. We would be in a hopeless contention between my home city and my home State, and, in my opinion, under this appropriation the harbor would not be dredged.

Take another case, referring to another amendment, that the Senate or the Presiding Officer was kind enough to add to the bill this morning at my suggestion—an improvement involving some $71,000 for a harbor of refuge on the north shore of Long Island Sound, on the south shore of Connecticut, to improve the harbor of refuge known as Duck Island Harbor; which is a very important harbor of refuge. There is a tremendous commerce on Long Island Sound. This is a harbor of refuge located half way between the city of New London and the city of New Haven. That is of benefit to any vessel that may happen to get into a storm; it is of no particular benefit to Connecticut any more than it is to Massachusetts or to New York or to the growers of southern pine in Georgia or to the dealers in ice in Maine, or to the coal barges of West Virginia.

Mr. SHAFROTH. Does not the Senator think——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. BRANDEGEE. I do. The Senator would take the floor any way; but I yield.

Mr. SHAFROTH. Does not the Senator from Connecticut think that when the Federal Government contributes 80 per cent toward an improvement, it is doing its full share, and even more?

Mr. BRANDEGEE. Mr. President, I am not expert at answering questions evolved from one's inner consciousness. I do not know what the full share of the Government is, but I do assume that, if the Government were justified under the commerce clause of the Constitution in deepening the channels of navigable rivers and of harbors, it would be justified on the ground that it was of benefit to the general commerce of the country, and not to develop particular little spots in particular rivers and bayous and remote places.

Mr. SHAFROTH. Taxes are levied over the entire United States, and some portions of the country are not in the slightest degree benefited by the improvement of a particular place.

Mr. BRANDEGEE. That is the very reason why the Government ought to pay the whole of it. The taxes are laid upon all the people, and ought, therefore, to be expended only for the general benefit, and not for local benefit.

Mr. SHAFROTH. But does not the Senator from Connecticut recognize that there are some appropriations in every river and harbor bill that are almost entirely and purely of a local nature?

Mr. BRANDEGEE. I do; and I think that is one of the worst vices in the river and harbor bill.

Mr. SHAFROTH. But for some reason we can not eliminate them.

Mr. BRANDEGEE. We can eliminate them whenever the Senate will return to the Constitution of the United States, and stop violating it. If we have any authority whatever to take the money collected from all the taxpayers of the country and to spend it on the bank of a particular river, not in order to promote commerce or to regulate commerce, but to save some land for some farmers who happen to live in that section—if we have any authority whatever constitutionally to do that, I have never been confronted with it.

I do not, however, want to get sidetracked into all these collateral questions, beneficial as that might be to Senators who have become so accustomed to straying from the Constitution that they do not know whether part of the time they are out of the cow pasture and many of them do not care.

What I say is that this prescribes no rule whatever, but leaves it to the judgment, quarrels, contentions, and rival schemes of a lot of conflicting localities and individuals—railroads, barge captains, and manufacturers—who in some way get together and flip a cent or get unanimous consent as to the exact proportion which each one shall pay. I say it will be utterly destructive of the whole bill, and I doubt if a penny could be spent——

Mr. SHAFROTH. Does not the Senator recognize that for years and years there was no such thing as an appropriation by the Federal Government for either a harbor or a river; that there were various persons who contended that there was no authority in the Constitution of the United States to appropriate a single dollar for such a purpose; that the first digression with relation to that was as to public highways; then it extended gradually, and, as one author states, not until 1883 were there substantial appropriations made for rivers and harbors?

How did the people improve the harbors at Boston, New York, Philadelphia, and other places during all of the century preceding that time? They raised the money by contributions, and they had good harbors.

Mr. BRANDEGEE. Mr. President, I can not yield further to the Senator from Colorado. I am willing he shall make a speech in his own time, if he so desires; but he has asked me several questions.

The PRESIDING OFFICER. The Senator from Connecticut declines to yield further.

Mr. BRANDEGEE. I simply say those States did it because they desired to do it. If it is so, that up to a certain period they thought it was not wise to stretch the Constitution, as it has since been stretched, that was their lookout. I am not saying that it is advisable to go any further.

The Senator from Colorado states that the people at one time built their own roads. I think they ought to have stuck to that business and not to have stuck it on to the National Government to do it. The Senator thinks otherwise; and he is one of the chief contributors in foisting the Government into the business of building rural roads, when, in my opinion, the Government has no constitutional authority whatever to do it; but the Senator can not bolster up one absurd and unworkable scheme by referring to a whole lot of unconstitutional activities or other fool schemes.

This proposition would absolutely prevent the expenditure of money on any project, except of the very simplest kind, that was absolutely limited to one locality, and not of benefit to others. If there is any such thing as that in the bill, it has no business to be there.

Mr. CLARKE of Arkansas. Mr. President, I can not permit this occasion to pass without saying a word about the idea involved in the amendment proposed by the Senator from Colorado [Mr. SHAFROTH]. It is one that has commended itself to me heretofore. It has much of force in it abstractly. The difficulty is in making a practical application of it. This will involve the invention of a system by which it can be made a rational limitation upon a wild demand for appropriations out of the National Treasury based on no other arguments than the fact that some similar appropriation has been made at some other locality at some other time. There comes to be a kind of rivalry between boards of trade in the local communities to have the same wasteful expenditure of public money made within the particular zone of their influence as takes place elsewhere.

In the beginning this demand for similar treatment, even where abuses are involved, manifested itself by a demand upon the individual Member of the Senate and of the other House of Congress, and this system of selection proceeded to a point of demoralization where the resulting bill that represented the aggregate of that sentiment was known as a "pork-barrel" bill. It thus grew into a positive abuse, measured by the then financial ability of the Government at that time. Its aggregate would be regarded now as a very moderate raid on the Treasury.

To protect the Treasury against that character of assault the method of submitting all projects to the scrutiny of a Board of Engineers was invented, and that has progressed until the pres-

ent day. It has eventuated in the approval of the projects involving an appropriation of the $43,000,000 contained in this bill plus about $150,000,000 more of approved projects ready to go into some other bill.

My experience in the last 12 years has satisfied me that that method has broken down just about as badly as the other, and that the time has now arrived when a move forward must be made and other safeguards invented and other plans of national defense of the Treasury supplied. In this respect another element of preparedness confronts us. I do not know of any test of sincerity and confidence to apply to an avaricious and aggressive people such as ours that is better than the financial test. Whenever you find an American citizen ready to invest his money in something you may be well assured he has some confidence in it and that he believes that in the end it will produce individual profits or advance national honor.

I believe that this idea of requiring a contribution where, in view of all the equities of the case, it is demanded ought in some fair way to be evolved and applied. This is the next step in the direction of properly safeguarding the Treasury. A blanket proposition such as my friend from Colorado has offered, now suddenly applied, will probably do more harm than good, because the communities have not been educated up to that standard nor been warned that existing projects were cast upon that basis.

Now, take the situation at New London. That, so far as the matter of financing it is concerned, is a composite proposition. The people of that community felt that they could enlarge its commerce there by diverting trade from other sections and converting their harbor into one of the workable ports of the Atlantic seacoast. The community had sufficient enterprise and foresight to agree to raise a million dollars for the purpose of building piers; but they built them into the shallow water, where they were of no value unless the National Government came to the rescue and provided a channel that would permit seagoing vessels to come up to that point and make an interchange of freight. Whether it was done by express stipulation or by common understanding, such an arrangement was made, it was mutually understood, and it is being enforced to-day.

We deal with the scope of the sentiment behind it when we come to a project. The zone of influence into which it reaches—everybody who expects to make money out of it—is included in its benefits, and financial matters have a way of adjusting their controversies. They can limit the zone of contribution to the zone of benefits whenever they want to do so. There is a way of doing it.

I do not intend to vote for this amendment, but I want to say that the thanks of the Senate are due to the Senator from Colorado for having presented it and enforced its plausibility and value by such a striking and forceful argument. The principle has come to stay, and, in my opinion, it is not going to be laughed out of court nor be otherwise flouted out of existence.

A few years ago we heard a good deal about the ingenuity of the lawmaker being matched against the ingenuity of the lawbreaker. We have reached a place in this river and harbor business, if the thing keeps up at the pace at which it is now going, when there will be a revulsion of sentiment in this country that will stop the whole business, and cut down and destroy the exercise of one of the most useful of the powers that this Government possesses.

I am not speaking of that in any selfish way, because down in the Mississippi Valley, where they make frequent demands upon the National Government—and I think they have peculiar reasons for doing so—the people have not stopped to discuss generalities or abstractions, but they have gone down into their pockets and put up every dollar they could raise and mortgaged the future for every dollar people were willing to trust them for. It is not a question of how much they will contribute, but what they have got to contribute out of. It exercises a very restraining influence, too, because it frequently occurs that much more extensive projects are projected than the community's funds will sustain, and that causes many projects to be recast and brought within more modest boundaries.

I merely wanted to put on record the fact that I think the suggestion of the Senator from Colorado is one worthy of further consideration, and to enter the domain of prophecy when I say that it will receive further attention from time to time as events like this occasion come about in the parliamentary history of the United States.

Mr. SUTHERLAND. Mr. President, the exercise of the power on the part of the General Government under the commerce clause of the Constitution to improve the rivers and harbors of the country in order to promote commerce among the States I think is one of the most beneficent powers which the General Government exercises; but I think all thoughtful observers of what has been going on during the last 20 years must agree that the appropriation of money for many of the projects is inexcusable and has become a great scandal and reproach. We are appropriating money ostensibly under this power to improve creeks and streams which when the improvement is made serves no useful purpose at all, much less a national purpose; but I fear that the amendment suggested by the Senator from Colorado would lead rather to an extension of the abuse than to a curtailment of it.

We all know how prone communities are to give a little money in order to invite a large expenditure. One example of that is in reference to the establishment of the so-called Carnegie libraries. Mr. Carnegie offers to give a certain sum of money to a municipality if the municipality will provide for maintaining the library throughout all time, or if the municipality will contribute a certain portion of the means to that end, or will do both. The result is that in some instances the community has taken upon itself a burden which it is now very often finding it difficult to meet. I think that that would be the result if this policy should be adopted. Here is a proposition that if the State or the community, or if individuals in the State or community, will contribute 20 per cent of the cost of a certain project the Government of the United States will pay 80 per cent.

Mr. BRANDEGEE. Mr. President, will the Senator permit a question there?

Mr. SUTHERLAND. Certainly.

Mr. BRANDEGEE. I do not think the Senator has stated the proposition. The proposition is that no money in this bill shall be expended unless the local authorities contribute 20 per cent of the total expenditure.

Mr. SUTHERLAND. Yes; I understand that the amendment is now confined to this bill; but, after all, it is the beginning of a policy. It is defended upon the ground that it is a good policy at any rate to inaugurate, and I am objecting to the policy.

Mr. BRANDEGEE. If the Senator will permit me again, as I understand the policy, it is not to bind the Government to a promise that whenever the local authorities will put up 20 per per cent the Government will put up the other 80.

Mr. SUTHERLAND. No; I quite understand that, but that is what it is going to result in in many instances if the policy is adopted in the future. Senators will be met and Representatives will be met with propositions to improve a river or a harbor or a creek in their particular localities upon the promise that the community will pay 20 per cent, and the Senate and the House will be beguiled into making the appropriation of 80 per cent upon that kind of a statement.

Mr. SHAFROTH. Mr. President, will the Senator yield for a question?

Mr. SUTHERLAND. Yes.

Mr. SHAFROTH. The Senator says that people will be prone to ask an appropriation when they have only a small amount, such as 20 per cent, to put up to the Government's 80 per cent. Are they not more prone to ask for appropriations when they do not have to put up anything themselves?

Mr. SUTHERLAND. They are prone to ask for but they are not so likely to get the appropriations. We have an illustration in our public-building system. A very bad practice has grown up of a town, through some committee which is appointed, coming to the appropriate committee of Congress, the Committee on Public Buildings and Grounds, and asking that a building be erected in that particular town, and they offer to contribute the site toward the cost of the building. Within my own experience—and I have been a member of that committee for some time—the committee has often yielded to suggestions of that sort and has provided for the erection of a building in a town because the community was contributing the site when very often it was a building that ought not to have been put up at all. So the tendency of a policy of this kind will be to encourage the same sort of thing with reference to appropriations for rivers and harbors.

As I look at it, the power to improve our rivers and harbors is a national power. The Constitution of the United States has very wisely conferred upon the Federal Government the power to regulate commerce. Notwithstanding the fact that in the earlier days there was considerable disagreement as to whether or not the improvement of rivers and harbors was an exercise of this power, it has come now to be universally recognized as a proper exercise of the power of the Federal Government to regulate commerce.

Mr. GALLINGER. Mr. President——

Mr. SUTHERLAND. Just a moment, if the Senator will allow me. That being a Federal power, it carries with it a Federal duty, that whenever an improvement of that kind is necessary the Federal Government ought to make it, and the

Federal Government ought to pay the entire expense of making it. If it is not a proper improvement from the national point of view, if it is purely a local improvement, then the National Government ought not to contribute 80 per cent or any per cent; it ought to contribute nothing to it; it ought not to embark on the enterprise at all. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I was about to ask the Senator from Utah if my recollection is correct that in 1853, or thereabouts, President Franklin Pierce, who was a Democratic President from my little State, vetoed every appropriation presented to him for internal improvements, and Congress promptly passed the bills over his veto? I think since then the question as to national control of internal improvements has hardly been questioned; but it was seriously questioned at that time.

Mr. SUTHERLAND. It was seriously questioned up to that time. The Democratic Party, as I recall the history of the matter, up to that time and perhaps later, took the position that it was beyond the power of the Federal Government to expend money for internal improvements, because they construed the Constitution strictly and said that you must be able to put your finger upon the precise clause or phrase of the Constitution which conferred the power, and they did not exercise their intelligence sufficiently to see in the commerce clause the subsidiary power to improve rivers and harbors as a means of regulating commerce.

Mr. President, for the reasons that I have thus very briefly stated I can not see my way clear to vote for this amendment.

Mr. PHELAN. Mr. President, I should like to ask the Senator from Colorado the significance of the proviso in his amendment which reads:

> That the provisions of this section shall not apply to those items requiring contributions from other sources.

What does the Senator mean by "other sources"?

Mr. SHAFROTH. From other sources than the Federal Treasury. There are various projects in this bill—I think 8 or 10—in connection with which it is provided that the appropriation shall become available in the event that the localities contribute a certain amount. One is the Sacramento River, and there are two projects in southern California, one at San Diego and one at Los Angeles, toward both of which contributions are made. Such items are excepted from the operation of the amendment, because in those instances the localities have put up more than one-fifth of the expenditure. That is the object and the meaning of that proviso, namely, to except from this rule of requiring a contribution of one-fifth before the appropriation shall be made available, all of those projects as to which by this bill contributions are required by specific provision.

Mr. PHELAN. I thought it might refer to some source other than the municipality, State, or county. It appeared to me that it might permit of that construction. I am aware that the California projects all contribute, and contribute a share larger than 20 per cent.

I desire to say, following the remarks of the Senator from Arkansas [Mr. CLARKE], that I am disposed to agree to the principle embodied in the amendment. I believe it is necessary to provide some check upon the demands of local communities upon the Federal Treasury. If the engineers have failed—which I do not admit, not knowing such to be a fact—this seems to be a very easy way to determine the merit of a proposition originating at the locality where the direct benefits probably will accrue. Therefore I am disposed to support the amendment.

Mr. RANSDELL. Mr. President, I hope Senators before voting on this amendment will consider carefully its practical workings. The Senator from California [Mr. PHELAN] has just said that he is disposed to vote for it. I should like that Senator and other Senators to tell me, as a practical proposition, how they would arrange for the local contribution of 20 per cent on the mighty Columbia River, which empties into the Pacific Ocean and which carries the commerce certainly of three States—Washington, Oregon, and Idaho. It is true there is a larger city in Oregon adjacent to the Columbia than in Washington, but the Columbia River and the improvement at its mouth provides for the commerce of that whole western country. Now, where would your 20 per cent come from out there, as a practical proposition? We are supposed to be practical business men. I cite that as one case.

Let us take the Ohio River. We are giving in this bill five and a half million dollars for the Ohio River. It starts in the State of Pennsylvania and flows down between West Virginia, Ohio, Indiana, Illinois, and Kentucky. It borders on six States. Much commerce, perhaps, from other States would use the Ohio; but suppose we eliminate all but those six States. Tell me, Senators, how you will provide for the 20 per cent contribution on the Ohio River.

Let us take the upper Mississippi. I will say nothing about the lower Mississippi. That has been treated by several Senators. The upper Mississippi between St. Louis and St. Paul borders several States—Missouri, Illinois, Iowa, Wisconsin, and Minnesota—five States, each one of the five getting very great benefit from the $1,500,000 which we are appropriating in this bill. You could not possibly arrange for the distribution of that 20 per cent among the five States.

Take the $2,100,000 this bill gives for the Delaware River from Philadelphia to Delaware Bay. That surely is not a Philadelphia project. That benefits a vast portion of this Republic. The river passes down between Pennsylvania, New Jersey, and Delaware. You would have three States there if you were trying to localize it; but you could not possibly do it, Senators. It is impractical. And so I might extend the argument.

Let me suggest this: I have not heard others do it. We have already expended in the neighborhood of $800,000,000 on improving the waterways of this Republic. For many years we have been improving them. No such plan as this proposed 20 per cent local contribution was adopted in the past. Are you going to change it now and force projects in the future to contribute, when many of them have already been completed without making any local contribution?

Let us take the noted instance of the Great Lakes, where we have expended about $100,000,000 and have developed the most marvelous commerce anywhere on the globe. Eighty million tons of commerce now pass through the Sault Ste. Marie and the Detroit River. All of that is beneficial to the Nation. How would you get local contribution there if you wanted to build some additional locks at the Sault Ste. Marie or to enlarge the channel of the Detroit? We probably shall have to build additional locks soon.

Mr. REED. What does that commerce benefit—the locality or the Nation?

Mr. RANSDELL. It benefits the entire Republic. As far west as the Rocky Mountains, through the Dakotas, through all that western region, they get the benefit of cheap freight rates through those rivers and lakes. But here is my point: We have already improved those lakes and connecting channels to the extent of $100,000,000. We can not get any local contribution on that; and it seems to me to be a little unfair to go on in the future and expect people to contribute when many of our waterways have already been finished.

Mr. SHAFROTH. Mr. President, does not the Senator recognize that with such great interests as the iron interests, and such great interests as Chicago, with its wheat market, all the traffic of which has to go through the locks of that canal, only a fraction of 1 per cent would be all that would be required of any of them? In fact, one of the appropriations here is $83,000; and in that case it would be $17,000. Is it possible that the steamship companies, the companies that send through the canal the iron ore, the wheat, and other products, would not contribute? Then, again, there are the railroad companies that have to meet at the termini this freight and ship it for certain distances. They are interested in it. Is it possible that there is no means of letting them contribute and that they would not contribute?

Mr. RANSDELL. Mr. President, the Senator's question is all right, but he could not enforce a rule of that kind. You could impose this contribution, but how would you enforce it? If you had it all in one State the legislature of a State might say: "We are going to improve the Tombigbee-Black Warrior system of rivers in the State of Alabama," for instance. "We want the National Government to contribute $15,000,000, and the State of Alabama shall put up $5,000,000." That might possibly be done where it all lies in one State; but where it is on the Great Lakes, like the locks and dams at Sault Ste. Marie, or like the Detroit—connecting links between the Lakes which border on six States and the Dominion of Canada; or where it is on the Ohio, also bordering on six States—how in the name of common sense, as a practical proposition, could we get the cooperation of all of these States? It would mean the stoppage of the work.

Now Senators, just one more thought and I am through.

The navigable waterways of this Nation, by act of Congress passed in 1796, were declared the property of the Republic. The States have nothing to do with them. No State or municipality could spend a dollar on a navigable waterway without getting authority from Congress; and after spending the money the waterway could not be used, except for navigation, without authority from Congress. Navigable waters belong to the Nation, and it is the duty of the Nation to improve them.

Mr. SHAFROTH. Mr. President, I should like to remind the Senator of the fact that the Supreme Court of the United States has decided time and time again that these waters, even of navigable streams, belong to the States through which they run, and that the only power which the National Government has is to prevent obstructions to navigation. You can not put an improvement in any river without the consent of the State, either. The National Government has simply a negative power—a power to prevent—but the Supreme Court has held, time and again, that the waters of those streams, both navigable and non-navigable, belong to the States.

Mr. RANSDELL. Mr. President, those decisions only go to the extent of saying that the States can use the waters provided they do not interfere with navigation. For all purposes of navigation the waters belong to the Nation, and the Nation can put any kind of improvement it wishes to put in the bed of a navigable stream; but no individual citizen dares to do it without rendering himself liable to civil and criminal action.

Just one other thought. I wish to say that, in connection with these improvements, the States and the communities are obliged to do a great deal. Let me state what my own city of New Orleans has done in the way of public docks and warehouses. It has spent in the last few years $7,500,000. It has spent that amount to make the improved Mississippi valuable for commerce. All over this country the local communities are building terminals. There is a great movement toward terminals. I would be perfectly willing, Mr. President and Senators, to see an amendment inserted in this bill to the effect that until provision is made for terminals, so that when the waterways have been improved they can be properly used, the appropriation should not be available. I have advocated that for several years, and I should be glad to see such a provision put in the bill.

But if we adopt the 20 per cent proviso advocated by the Senator from Colorado [Mr. SHAFROTH] we certainly can not enforce it, and it will kill many of the most meritorious projects in the measure.

Mr. REED. Mr. President, I do not intend to take more than a moment of the time. I should like to put a question to the author of the amendment and to Senators who intend voting for it.

I will say by way of preliminary that the amendment is very broad and sweeping. It provides that none of the money to be appropriated under this bill shall be expended until the local interests have raised 20 per cent and deposited it for the benefit of the Government. Of course if the amendment is adopted, then all the work in every harbor and in every river of the United States, without a single exception, save in the few instances where already there is contribution, absolutely stops until the contribution is made.

There are some appropriations in this bill for the fixing of harbors, the improvement to be made especially for the purpose of enabling our war vessels to get in and out of those harbors. I ask Senators who propose to vote for this remarkable amendment if they are willing to write into the statute law of the United States a provision that the Government can not improve a harbor and make it deep enough for one of her dreadnaughts to enter unless the local community will first raise 20 per cent of the cost? And yet that is the broad and sweeping condition of this very unusual amendment.

Mr. SHAFROTH. Mr. President, there is not a single one of the projects here but that is intended for commerce, as well, perhaps, in one or two instances, as deepening the harbor, so that ships of the United States can get in; but in nine cases out of ten it is simply a project in behalf of commerce. It seems to me that when commerce gets nine-tenths of the benefit it ought not to ask the Government of the United States to pay for it all.

Mr. REED. The Senator thinks that commerce is something that belongs to some certain individual men. He overlooks the fact that commerce is the lifeblood of the Nation, and that works for the benefit of every man, woman, and child in the Nation; that it is the one thing in which every human being is interested; that whatever benefits commerce benefits all; that whatever injures commerce injures all.

Mr. SHAFROTH. And that is true, Mr. President, in the case of roads; and yet in the case of roads nobody has suggested that the United States Government should pay all the expense.

Mr. REED. Oh, Mr. President, whenever you drive the Senator out of one hole he dodges into another. He goes from the river to the roads, and from the roads to the river, and you wear yourself out chasing him from the one to the other. Now, let us stick to the text for a minute, let us consider this one proposition by itself.

If this amendment goes through, we will have absolutely provided that we can not improve a harbor, even though it may be vitally essential that the improvement be made in order that the harbor may be entered by our battleships, unless and until the local community shall first raise and pay to the Government 20 per cent of the entire cost. I am talking about the practical application of this amendment. If it is adopted, and it is necessary to remove an obstruction in the Great Lakes—and for the moment I am tracking the argument of the distinguished Senator from Louisiana [Mr. RANSDELL]—and a Government engineer is about to remove the obstruction, when he reads this strange, remarkable amendment he must say, "I can not do this work until the local community has contributed." Very likely the obstruction that is to be removed is about 75 or 80 miles from any shore. What local community, pray, is to contribute? Whom is the Government engineer going to assess?

Mr. SHAFROTH. Why, Mr. President, there is no assessment here.

Mr. REED. Who is the abutting property owner who is to pay the 20 per cent?

Mr. SHAFROTH. He will not assess anybody; but the ships that navigate that channel are the ones that are interested in it.

Mr. REED. But ships are not a local interest. Taking the Senator's present view, however, where does it come out? A Government engineer finds it necessary to remove this particular obstruction in order that commerce may move properly. He is to pass the hat, is he, to the shipowners—to the men who sail vessels upon the Great Lakes? The Senator says, "Collect it from commerce." How is that to be done? Is the engineer to visit the boards of trade, the corn and cotton exchanges and take up a collection, or is he to charge tolls?

Mr. SHAFROTH. Oh, no, Mr. President.

Mr. REED. "He can get it from the shippers themselves," says the Senator. Now, let us see where that brings us out.

Suppose there are some means devised to get it from the shippers themselves. Who are the shippers upon the Great Lakes? Who are the people whose goods are hauled upon the Great Lakes? Are they simply the iron and steel concerns? Why, the Great Lakes haul the grains of Colorado. The Great Lakes haul goods that are loaded upon the railroads and shipped to the Senator's own beautiful mountain State. The Great Lakes haul people from his State. The Great Lakes haul goods and passengers that go into every State of this Union. The Great Lakes are the vast distributing inland seas over which the commerce to all the great interior of this country, and on to the West, is moved. Every man, woman, and child is interested in them. They reduce the rates of transportation to Chicago. They reduce the rates of transportation to St. Louis. They reduce the rates of transportation to Omaha. They reduce the rates of transportation to Denver, Colo. If you place a burden in the shape of a tax or toll or assessment or contribution on the commerce of the Great Lakes the producers and consumers of the country must pay it.

The "local interests" should pay, says the Senator. There is not a single item in this bill that has any business here if it is an item of purely local interest. Local items have no business in a bill that is national in its aspect. If such items are in the bill, they should be stricken out of the bill. If I were the chairman of this committee I would never stand before Congress saying that my committee had come to a point where it could not limit the expenditures to just and proper improvements, and that therefore it has become necessary to substitute for the discretion and restraining influence of the committee the restraint of a local assessment.

But, sir, how is it possible to determine the merits of a proposed improvement by requiring local contributions? There are great ports of this country that are vital to the life of the Nation, vital to her commerce, vital to every part of the land. If the mighty ships that plow the deep could not run into New York Harbor, into Boston Harbor, into other great eastern harbors, and load goods directly from the wharves, if they had to be loaded by lighters far out in the sea what would be the result? Every lighterage charge would be levied on the goods that were shipped. Every farmer who shipped horses or mules or cattle, every mine that shipped ore, would be compelled to pay that tribute of lighterage. Our commerce, to that extent, would be injured and millions of dollars would be expended that could be saved by the expenditure of a few thousand dollars.

Mr. SHAFROTH. Mr. President——

Mr. REED. Just a moment. It is for that reason—because the improvements of the harbors of our great eastern coast are not local, but are national; are not confined to any single community, but distribute their benefits through the entire country—that we have voted the money of the entire country for improvements of the harbors of the East.

Mr. SHAFROTH. Mr. President——

Mr. REED. Let me conclude this thought. In like manner, when we come to the improvements of the harbors upon the western shores of our country, we have no right to vote one single dollar of the revenues if they are local improvements. But I take it, sir, that when we send our ships from the eastern shores of this country through the Panama Canal and up the Pacific coast we want some place for those ships to land, and land in safety. We do not expend this money to benefit Los Angeles or any other western city. We do it because this being one mighty country and commerce being the lifeblood of civilization and progress and advancement we propose to set its currents circulating to every part of our great land.

Again, when it is proposed to improve the Mississippi, the Ohio, the Missouri—those vast arteries that reach into some 30 States of the Union, that gather the waters from the snows of the Sierras and carry them down to the Gulf, that reach out their giant arms and embrace the richest and most fertile parts of the land—when we speak of improving these rivers, we do not do so because Squedunk or Podunk or some other village along their banks has a local interest. We proceed upon the theory that we are giving an impetus to commerce. We know that we are bringing the producer and the consumer nearer together; we are saving money to the farmer, to the merchant, to the mechanic, and to every class of our citizens.

If any of those projects are impractical, if any of those projects can not be carried out, then of course they should not be put in this bill. But if they are practical no one ought to talk about making public improvement in this country depend upon the willingness of some certain individual to contribute and say that this Nation shall halt, shall stand still, shall not move, unless the local people in every instance shall be willing to contribute. We should not make national progress dependent upon individual enterprise or individual liberality. Each proposition should be settled upon its merits. If it will benefit the commerce of the Nation, then the Nation should undertake its accomplishment, regardless of what any local community may or may not do.

Mr. SHAFROTH. Mr. President, in connection with the Senator's reference to New York and other ports, I should like to call his attention to the fact that everyone of those ports has contributed to these improvements.

Mr. REED. Exactly; and here is the Senator's logic: If it shall be found that in order to get an improvement before the Federal Government was willing or able to make it, local interests have dug down into their own pockets and have contributed to that local improvement, it follows that the Government should provide that it shall never enter upon an improvement except where the local people have originally put up money.

Mr. SHAFROTH. Oh, no.

Mr. REED. Mr. President, that argues nothing except that our Government has in some instances probably been too slow, too derelict. Because the town of A, desiring to have water facilities, may have contributed from its treasury, that does not prove that the Government of the United States should declare that it will never undertake an improvement unless it can first induce the local interests to contribute.

I have taken very much more time than I dreamed of taking. I want to say to the Senator from Colorado that he is reversing history. He thinks the improvement of the Mississippi and Missouri Rivers, to say nothing of the great harbors of this country, is a local question.

Mr. SHAFROTH. No; I do not.

Mr. REED. He makes their improvement dependent upon local liberality and enterprise and says the Government shall not move until the localities move. He does not quite agree with Thomas Jefferson; he does not quite agree with the founders of this Republic, who believed that whoever controlled the Mississippi River would control the destiny of this Republic; who believed that when they had acquired that mighty stream they had made this country infinitely stronger than it was before; who did not think that a river 3,000 miles long was a local enterprise. Rather, they thought it a beneficence of God Almighty, which might be enjoyed by all the people of the land.

Why, Mr. President, when you ask the Senator, "What are your local interests?" his reply is subject to the objection often made in court that "it is vague, indefinite, and uncertain." According to the Senator, the work upon the Lakes is to stop until local interests put up the money. You ask the Senator where he is going to get his money, and he proposes a sort of "roving commission." He suggests that you might get it "from the shippers," you might get it from the "shipowners," you might get it from the "commerce." Yea, verily, you might get it from the Salvation Army; but you are not going to get it from any of them, but you will stop the enterprise of the Nation.

Mr. SHAFROTH. Does not the Senator recognize the fact that for more than 75 years of this Government's existence the National Government did not appropriate for rivers and harbors?

Mr. REED. Yes, sir; and I recognize the fact that——

Mr. SHAFROTH. And that improvements were made at all of the great ports of the United States and that they collected the necessary money and expended it themselves?

Now, it seems that when we offer this proposition they will be coming to us; we will not have to be going to them. If we do not do that, there is no end to the extent to which our appropriations are going to grow. If we are going to continue to take money from the Federal Treasury at the instance of every person who wants something done, you are going to find that we will have a depleted Treasury.

Mr. REED. Mr. President, of course the Senator did not rise to ask me a question. He rose to open the safety valve, which it is a very necessary thing occasionally to do. Of course our Government did not for many years expend much money on river and harbor improvements, and of course the progress of the country was thereby retarded. If the Government had been willingly expending money to improve our waterways and harbors from the first the probabilities are that the country would have realized thousands of dollars of advantage for every dollar expended.

What did the Government permit when it failed to give its aid to that which was to be of general and universal use? It permitted the single strong community that had the money to make an improvement in its harbor to improve that harbor and thus to gather to itself a concentration of the wealth and industry of perhaps an entire section of country; whereas other harbors and other places, if they had been opened by the Federal Government promptly, might have been of greater general benefit to the country.

Mr. President, I am getting a little bit weary of the constant cry of pork, this constant cry that this bill is an unjust bill. I say that if you ask me what the remedy is for any of these alleged wrongs, if there be wrongs, the remedy is in the Senate and in the House of Representatives. If the Senate and House of Representatives can not handle measures of this kind upon their merits, passing upon them fairly and justly, then both these bodies ought to be abolished by an amendment to the Constitution of the United States. All the great problems affecting the national life are confined to the care and keeping of these two bodies of Congress. If we have degenerated to such a point that unjust and iniquitous measures are allowed to go into a bill, if it be true that there is a bold looting of the Treasury, if it be true that we have come to so disgraceful a condition that men here will vote for a dozen corrupt propositions advanced by a dozen other corrupt men in order that some pet corruption of their own shall be worked out into the statutes, then it is time to either abolish the body or to change the membership of the body.

I understand, of course, that in a great bill of this kind there are some questions where there is an honest division of opinion. I assert, further than that, notwithstanding all that has been said, when you get down to the merits of all these propositions, you will find none of them so one-sided as they have been presented. An understanding of all the facts will alter views based upon a partial or prejudiced statement of the facts.

I question whether there are any of these propositions that will not yield a dollar of benefits for each dollar expended, although there may be some of them that will never absolutely establish a paying commerce. But if my view is incorrect, if we have filled the bill with bad and wicked schemes, if we are a lot of corrupt scoundrels, bartering with each other, each man voting for a dozen rotten enterprises in order that he may get one even more corrupt, then this is a body that has no right to exist, or at least its present membership has no right to be here, saving, of course, the few lonely saints who oppose the measure.

I will tell you what I think about some of these claims. It is very popular to be an economist. It is very popular to say "I have been trying to save your money; I contended against these evils; I fought against this repetition of loot; I was the one watchdog standing guard over the Government Treasury. My bark was the only honest sound that broke the stillness of the night of crime. My hand alone was lifted for virtue. My warning was uttered, but it fell upon the deaf ears of the Adar." That sounds well, but when it is not in good faith, when it is not backed up by facts, it is mere demagoguery and the cheapest kind of politics.

I make no question of any man's right to rise in the Senate and call attention to an item in the bill and produce his argu-

ment against that item and try to have it stricken out. It is the duty of a Senator to do that; it is his right, and it is his duty; but the amendment of the Senator from Colorado is based upon the idea, and his argument was plainly to the intendment, that Congress was so bad or so unjust or so wicked or so lazy that it would not find out the merits of a proposition, and hence the only test to apply was whether the local community would put up some money. He applies the dollar test to be paid by the local community. That will not work. The local community might be perfectly willing to pay out 20 cents on the dollar to get a stream improved where there never could be any commerce.

Mr. President, I have given this bill such examination as I could with all the other duties that press constantly upon us. I believe if we have not been careful enough in the past we ought to grow more careful in the future. If we have not been diligent enough, we ought to cultivate diligence, so that if there be any waste in this bill it may be avoided. But that is not the question involved in the amendment of the Senator from Colorado. He simply proposes that the Government shall initiate nothing and shall do nothing until the local interest moves and puts up 20 per cent of the cost of a project.

I stand here this afternoon to make an appeal for a broader policy of internal improvement. I stand here to say to the Senate and, as far as my voice will go, to the country that the United States Government ought at this time to be entering upon the greatest scheme of internal development ever undertaken by any nation at any period of the world's history. We ought to connect all parts of our country by our waterways. We ought to accomplish in part, at least, what has been so magnificently achieved in France and in Germany. We ought to be carrying upon the bosom of our canals and our rivers and our lakes a mighty commerce that will benefit every part of the land. We ought unhesitatingly to vote the money for the accomplishment of that purpose. We ought just as unhesitatingly to see to it that the money is expended in the wisest way that can be devised by the greatest engineers of the world. That ought to be our policy.

We have found time and again here in the last two years a congestion upon our railroads. We found it only in a recent month. We know the day is arriving when many of the great lines throughout the Central West must be double-tracked. Money must be invested in that way, and we know that the railroads hesitate about investing it. Why not take advantage of the great waters God has given us? Why not utilize them? Why not go to the expense of pulling up a few stumps and digging out a few bars? Why not restore commerce to the bosom of these mighty arteries? Why not do everything we can to make the State of Maine near to the State of California, Minnesota nearer New Orleans? Why not knit our vast land together?

While we are talking about preparedness and are getting ready for the evil day which may come, why not take into consideration that the thing to-day that helps Germany move her troops and move her munitions and armaments is her great system of river and canal transportation? Why not take a leaf out of the patriotic story of France? Even during this present war, with her sons draining their veins upon the battle field and her people impoverishing themselves to purchase the implements of warfare, France, even at this bloody time, has gone on completing her system of internal waterways, never halting for a moment. Why not learn the truth, that if we are to have a great country we must have men with vision, who are willing to employ the energies and agencies of Government to develop the resources of the land?

Mr. President, we have debated this bill for two weeks. There has been offered here amendment after amendment. With one exception, I think they have been voted down. The temper of the Senate has been tested. The record of Senators has been suficiently made. If there is any man to be turned out because he voted for this bill, he has written his record long enough and indelibly enough to satisfy all people. If there is any man who is to have a benefit because his voice has rung out like a clarion on behalf of the people, then surely, after he has spoken for 5 or 10 days in opposition to the bill, his virtues must have been sufficiently recorded. The dog days are coming after a while; there is other business to transact in the Senate; and I am just wondering whether these gentlemen can not offer their amendments and let us have viva voce votes, and finally get to a vote on the bill.

Mr. SHAFROTH. Mr. President, the Senator has just consumed one-half hour.

Mr. REED. That is just about one-tenth of the time the Senator from Colorado has taken to-day, and I am sure I could not consume it in a more aggravating manner than he did.

Mr. SHAFROTH. This is practically the only amendment I have offered and the only amendment that I have spoken to except in a statement I made in a colloquy with another Senator with respect to interstate commerce.

The Senator from Missouri says the railroads ought to be double-tracked. Does the Senator want the National Government to pay for the extra track? Is he trying to impose upon the National Government all the expenditures that may be made in the improvement? Does he want the Government to countenance for a minute that the National Government shall pay for all that track? Yet that would be in line with the position which he has taken.

Cooperation with States and with counties and with individuals is the wise thing in the enocomy of public improvement. I waut to call the attention of the Senate to the fact that there was appointed a commission entitled the National Waterways Commission consisting of 12 men—6 Senators and 6 Representatives—who made an exhaustive examination as to the manner in which harbors and rivers should be improved. I wish to read their conclusion because they expressly say that there should be cooperation; that there should be a division of expenditures between the States, and it is signed by everyone of the members of the National Waterways Commission. At the head of this commission were the chairman of the Committee on Rivers and Harbors of the House of Representatives, and the chairman of the Committee on Commerce of the Senate. After a thorough examination and an exhaustive review they concluded that it was not fair that the United States Government should contribute all the money for the purpose when there were people and when there were corporations and when there were cities and when there were States that were benefited by reason of the improvements. I want to read to the Senator the conclusion which they reached:

> In passing from this subject the commission would recommend:
> 1. That in the improvement of rivers and harbors similarly situated, where equitable division is possible, uniform rules be observed for a proper division of cost between the Federal Government and minor political divisions.

That does not mean a measly one-fifth; it means more. And yet these distinguished men, after a most thorough examination, concluded that that was the proper course to pursue.

> There is at present a lack of uniformity. One illustration of this is in the improvement of interior channels and harbors. In some cases the expense is borne exclusively by the Federal Government and in other cases by the municipalities interested—

That is not uniformity and it is not fair—

> 2. That participation in improvements by local communities be encouraged, always with due care to avoiding the adoption of projects which are unworthy of recognition by the Federal Government.
> 3. That improvements not essential to navigation should not be undertaken by the Federal Government.
> 4. That improvements in rivers and harbors be not made unless sufficient assurance is given that proper wharves, terminals, and other necessary adjuncts to navigation shall be furnished by municipal or private enterprise and that the charges for their use shall be reasonable.

Now, Mr. President, I want to call attention to the distinguished men who made that recommendation. They are the Hon. Theodore E. Burton, of Ohio, chairman of the National Waterways Commission; Hon. Jacob H. Gallinger, of New Hampshire, vice chairman of that commission; Senator Samuel H. Piles, of Washington; Senator William Alden Smith, of Michigan; Senator F. M. Simmons, of North Carolina; Senator James P. Clarke, of Arkansas; Senator William Lorimer, of Illinois; Representatives D. S. Alexander, Frederick C. Stevens, Irving P. Wanger, Stephen M. Sparkman, and John A. Moon, all distinguished men, men in the Senate and House of Representatives of the United States who have given study to this question, going into these matters, seeing the operations that have been proceeding in the way of appropriations, and coming to the conclusion that there should be a division. I ask for only 20 per cent, only one-fifth of the amount, the Government putting up 80 per cent, and that is drawing upon the Treasury a greater amount really than ought to be done.

Mr. SMOOT. Mr. President, this bill carries an appropriation of over $43,000,000. I state without hesitation that at least 33⅓ per cent of the appropriation ought to be eliminated from the bill. I have no desire to reduce appropriations for worthy projects, nor even the appropriations in the bill, if it must be done by adopting the amendment of the Senator from Colorado.

I take the position, Mr. President, if the project is a worthy one, if it is truly upon a navigable stream, if it is an actual harbor of a national character, the Government of the United States ought to appropriate money for the work and ought to pay all the expense, not 80 per cent of it.

On the other hand, Mr. President, there are projects in this bill that are indefensible, and I believe as much as I believe that I live that if we could have a full Senate to listen to the

facts as they exist respecting them, and have each proposition to vote separately upon, there could not be secured a majority vote in this body for them.

But I do not want, Mr. President, by a vote of mine to approve of the indefensible projects in any way, shape, or form. I would not want to vote for them if the people were to pay 80 per cent and the Government 20 per cent. If they are local projects, if they are of local interest only, 20 per cent is not enough for the local people to pay; they ought to pay it all.

In referring to the question of a navigable stream, Mr. President, I do not mean a little creek that is dry eight months in the year. I do not mean a little stream tributary to a so-called navigable river, a little stream that no ship or boat or skiff of any kind will ever be seen upon. I say this bill provides for taking care of just such streams, or perhaps I should have said creeks. It is such projects that we have been trying to eliminate from the bill, but we have failed in every case with the exception of one.

I am in full sympathy with the reductions requested by the opponents of the bill as reported, but I am fearful that the plan proposed in the amendment of the Senator from Colorado will not meet the object and purpose I have in view.

Therefore, Mr. President, I must vote against the amendment.

Mr. SHAFROTH. Does not the Senator think that if the people where the measures are totally void of merit have to put up 20 per cent they will not do it, and thereby the project will fail and the Treasury of the United States be saved that amount of money? To that extent is it not wise to adopt the amendment?

Mr. SMOOT. I think, Mr. President, that there might be a few of them—that the local people would not put up the 20 per cent; but I do not believe that many of them would fail because of a refusal to do so, for the people would feel that the money would be expended in the community; they would feel that it would be a local benefit; they, perhaps, would have some pride in being classed as a town upon a supposed navigable stream, and would improve the opportunity of advertising the town as such. Perhaps they would feel that the 20 per cent would be well spent as an advertisement scheme if for nothing else.

Mr. President, I do not want in any way, shape, or form to give the people of this country to understand that the Treasury of the United States has an open door for the demands of people for projects that have no merit whatever in them. I hope that before we conclude action upon the bill, the Senate will agree upon some plan whereby the indefensible projects in it may be stricken out. If we have not now the time nor the inclination to do it, or if we are not in a position to differentiate between the good and the bad, then I want to see the Chief of Engineers, under the direction of the Secretary of War, granted the power to say how this money shall be expended and how much shall be expended upon any one project; in other words, to leave it entirely in their judgment. That would be a thousand times better than to pass a bill such as is now before the body, including items that no Senator can justly defend, and for which the Government of the United States ought never to have appropriated one dollar. It seems to me that the very earliest time possible for the stopping of such appropriations is the best, and now is the time to do it by amending this bill.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I yield to the Senator from Missouri.

Mr. STONE. Mr. President, the Senator from Utah [Mr. SMOOT] expresses his approval of the notion that a lump sum of money should be appropriated for river and harbor improvements, and then leave it to the Chief of Engineers or to some Government board to distribute the appropriation according to his or their judgment. In other words, the Senator would leave the rivers and harbors of the States having rivers and harbors worth while entirely under the control, and, in a way, at the mercy of a Federal board.

I have heard the Senator from Utah on several occasions declaim with great emphasis against a policy of that kind when applied to the lands and forests of the intermountain and arid sections of the country. There has been a great protest here against that, and that protest has been voiced by no Senator with greater emphasis than by my distinguished friend from Utah.

I wonder just where the difference is, where the line of division comes in, as to turning over the improvements and the control of the rivers of Missouri, for example, to a Federal board, while the Senator from Utah protests against turning over the control of the lands and forests of Utah to a Federal board.

I am in sympathy, and have been in sympathy, with the Senator's views as to the interests of his State, but he would subject the interests of my State to the very same thing against which he protests, and wisely protests, in his own State.

Mr. SMOOT. Mr. President, there is all the difference in the world. There is no comparison between the two cases. I have not the time this afternoon to state to the Senator from Missouri all the reasons why the rivers and harbors bill——

Mr. STONE. It will take longer than this afternoon, I think, to do so.

Mr. SMOOT. Well, it would not take longer than that if it were not so late in the day. I wish, however, to assure the Senator from Missouri that there is no similarity between the two cases. In the first place, the rule of the Committee on Commerce is, as has been stated so many times on this floor, that the projects that are provided for in the river and harbor appropriation bills must have been passed upon by the Board of Engineers before their adoption. That being the case, Mr. President, it is entirely a different proposition to submit the question of the distribution of the appropriations to that board, a body of engineers that has already passed upon the projects.

I want to say to the Senator from Missouri that I do not believe in lump-sum appropriations. He has heard me say time and time again that there has been more wicked waste through the expenditure of lump-sum appropriations than in any other appropriations made by Congress; but the Government of the United States is to furnish the money for the improvement of navigable streams upon the recommendation of the Board of Engineers. The Government of the United States does not claim to own the waters within the States, even if they form navigable streams. The United States claims the right to keep navigable streams free from any obstruction to navigation, and it has that right under the Constitution. Up to the year 1883 no appropriations were made by Congress for the improvement of rivers and harbors, and many people believe that the Constitution of the United States has been and is being violated in appropriating money for such a purpose; but the time for such a claim has passed and gone, for Congress has settled that by making repeated appropriations for the last 30 years.

Mr. LODGE. Mr. President, may I ask the Senator from Utah a question?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. LODGE. Is it not true that the forests and other lands are sources of revenue, and that this bill proposes an expenditure of revenue?

Mr. SMOOT. I was just going to come to that side of the question, Mr. President. The question asked by the Senator from Massachusetts shows in a very few words one of the differences between the control of the navigable rivers and harbors of the country by the Government and the control of the waters and forest reserves within a State by the Government—waters that are owned by the State, waters that never cross the State line, waters that never reach a navigable river or a so-called navigable river, waters that are granted to the State in its enabling act. The forest lands within a State, it is acknowledged, are held in trust by the Government of the United States for the people of the United States; but the Government charges for the grazing of every head of live stock, for every sheep that is grazed upon those reserves, it charges for every stick of timber that is cut from the forest, and it undertakes to make those forests a source of revenue to the Government, while every river and harbor project for which we appropriate money costs the Government the amount appropriated. Therefore, Mr. President, there is a great difference between the Government exercising a power which it does not possess over waters within a State, over streams that are not navigable, and the control of the navigable streams over which the Constitution gives the Government of the United States control as far as navigation is concerned. I must not spend more time upon this subject.

As I was saying, I should like if it were possible to reduce the excessive appropriations in this bill.

Mr. REED. Mr. President, will the Senator allow me to ask him a question?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I yield to the Senator, although I will say to the Senator that I was about to conclude what I had to say on this pending amendment.

Mr. REED. I merely want to ask the Senator a question. Did the Senator vote for the river and harbor bill in 1912?

Mr. SMOOT. Mr. President, I do not know whether a yea-and-nay vote was taken on the river and harbor bill in 1912 or not, so I could not say positively, but I will say frankly to the

Senator that I have given more attention to river and harbor bills during the last three years than I did in all of my previous service in the Senate. I want frankly to say to the Senator that I always felt, and feel now, that there ought to be liberal appropriations for the improvement of our rivers and harbors, particularly our harbors, and I would have no objection at all to having the appropriations in this bill for some of the principal harbors in the country increased, particularly those where the great bulk of the commerce of the country enters. I would have no objection. I will say to the Senator from Missouri, to seeing some of the appropriations for navigable streams increased. Some of them ought to be increased, but what I object to is projects in the bill which I believe no one can justly defend. I want to say that much to the Senator, so that he may know my position. In 1912 I did not know there were projects in the river and harbor bill that could not be defended and justly defended. In the past I have left the consideration of river and harbor appropriations to others to examine into.

Mr. REED. Mr. President, I understand the Senator's position and I do not think anyone can quarrel with that statement; but I want to ask him if he did not vote for the river and harbor bill in 1912 and in 1910 and in the preceding years since he has been a Member of the Senate, and if it is not a fact that nearly all of the present bill relates to items which were approved by one or more of those previous Congresses and which are simply now being carried forward under this bill?

Mr. SMOOT. Mr. President, I would not say that I did not vote for the river and harbor bill in 1910 or in 1912. I may have voted for it in 1908; I may have voted for it in 1906; I may have voted for it in 1904; but I want to say now to the Senate that, as to every item of which I have complained in this bill and as to every item of which the Senator from Iowa [Mr. KENYON] has complained, I am quite sure the reports show a decrease of commerce upon the rivers now as compared with 1912 and 1910. All the money we have spent upon the rivers in the meantime has not increased their commerce, but, on the other hand, their commerce has decreased.

Mr. REED. Mr. President, my attention has been called to the fact by the Senator from Louisiana [Mr. RANSDELL], who, probably more than any other man in the Senate, has studied the question of rivers and harbors, that there are 280 items in the present bill, and that 210 of those items were in the bill of 1907 and have ever since been carried in the river and harbor appropriation bill, the work partially completed upon them; and since—and now I am not speaking by the authority of the Senator from Louisiana, but on my own responsibility—since 1907 and prior to the Congress of the year 1912 a number of other projects were duly approved by the Board of Engineers as permanent projects and carried in the bill. So that this bill, of which so much complaint is made, is nearly all devoted to carrying out projects which were approved when other Presidents than Mr. Wilson were in the White House and when the Senator's own party—the Republican Party—was in complete control of the situation, and even when we had the advice of Senator Burton. Indeed, I am informed that Senator Burton declared with reference to the bill of 1907, which carried 210 of the 280 items now in this bill and which appropriated, I believe, $85,000,000, that that bill was the most perfect river and harbor bill ever passed. Therefore it strikes me that if this bill is so wicked, and if the Democratic Party in submitting it have committed so great a crime, somebody other than the men who approved the projects which we now carry on ought to be heard clamoring against it.

Of course I concede to the Senator from Utah the right to change his mind. We all have that right, and we ought to change our minds if we are convinced; but it is a remarkable thing that since 1907, 210 of these projects have passed the muster of Congress, and that even prior to that many of them had been approved. It is somewhat remarkable that they have grown wicked and bad, villainous, damnable, execrable, infamous, and all the other things which have been said of them, just within the last few years, when the Democratic Party has been in power.

Mr. SMOOT. Mr. President, I wish to be perfectly frank in answering the statement of the Senator from Missouri. In the first place, I have never thought for a moment about politics or who was in power in considering this bill. Whoever the next President of the United States may be—and I expect him to be a Republican, as I expect also that there will be a Republican House and Republican Senate—I promise the Senator from Missouri now that he never will find me voting for items with which I have found fault in this appropriation bill.

Mr. REED. Mr. President——

Mr. SMOOT. If the Senator will allow me to finish, I will yield to any question he may ask. I never before looked into those items, I never gave any attention to them, until Senator Burton began to call the attention of the country to them; and I want to say to the Senate now, that while the opponents of these unjustifiable projects will not be successful this year, I know that they will ultimately be successful, and that such projects as have been complained of will not be approved in the future and appropriations will not be made for them. No matter who may be President, the people of the United States, their attention having been called to such unjustifiable items in the last two river and harbor bills, have become familiar, in part, with the question, and I believe that there is a feeling in the United States to-day that many of the projects found in this bill are indefensible, and that it is wrong for the Government's money to be wasted upon them. This is the last river and harbor bill made up in the form in which this bill is framed that will pass Congress. As long as the fight is kept up against the present wasteful system, I promise the Senate that each year the condemnation will be stronger, and it will not be longer than next year until the Senate of the United States and the Members of the House will vote to exclude such projects as have been objected to, in my opinion.

Mr. REED. Mr. President, if the Senator, on his latter statement, is as bad a prophet as he is on who is going to be President of the United States after the next election, I am afraid that the car of progress and reform will be eternally halted.

Mr. SMOOT. Mr. President, I only expressed my opinion, and I gave it as an opinion. It was not expressed as a prophecy.

Mr. POMERENE. Mr. President, as the Senator is indulging in prophecy, will he please tell the Senate who the President is going to be?

Mr. SMOOT. I do not know who he will be, but I believe with all my heart that he will be a Republican and whoever is nominated at Chicago next month.

Mr. THOMAS. Does the Senator think he is now in the Chamber?

Mr. SMOOT. Now, the Senator from Colorado is getting a little too personal. [Laughter.]

Mr. President, I simply rose to state the reasons why I could not vote for the amendment offered by the Senator from Colorado. I think I have done so, and I will say no more at present.

Mr. JONES. Mr. President, I am going to take just a minute or two—and I do so simply because of the situation in my State—to say why I can not vote for the amendment of the Senator from Colorado.

I believe in the proposition of contribution, and our State has done a great deal along that line in the development of river and harbor work. There is hardly an important project that has been undertaken in our State in the last 10 years toward which the locality has not made large contributions. The only item that we have put in this bill in the Senate for my State provides for a contribution of over 40 per cent.

I think this principle of contribution ought to be worked out to a greater extent than we work it out in the present bill. I do not believe, however, that the blanket proposition of the Senator from Colorado could be worked out very well; and this, in brief, is the reason why I propose to vote against it on this measure.

I hope the committee hereafter will give this proposition much more consideration than it has in the past. I think, however, we have more contribution projects in this bill than in almost any other bill in the past. I think we can well determine the contribution for each particular proposition upon the conditions surrounding it, and upon the importance of it, and upon the local benefits attached to it.

I am very glad, indeed, that this amendment has been presented, and that we have had the debate that we have had, so as to emphasize the importance of the principle, at any rate, that is involved. As I say, I hope it will be developed more in future bills than in this one.

Mr. FLETCHER. Mr. President, just one minute. Perhaps in reference to what the Senator from Utah has said, sounding somewhat, perhaps, a keynote, as it were, there ought to go in the RECORD at this point, by way of indicating the changed notions that have come over the spirit of the dreams of certain people, these figures:

The river and harbor bill of June 25, 1910, carried $51,945,843.

The river and harbor bill of February 27, 1911, carried $36,956,987.

The river and harbor bill of July 25, 1912, carried $33,259,370.

The river and harbor bill of March 4, 1913, carried $47,868,894.

The river and harbor bills of 1914 and 1915 carried, respectively, $20,000,000 and $25,000,000.

Mr. SMOOT. Mr. President, in that connection I simply want to say that when those appropriations were made in the

years named by the Senator from Florida the Republican Party were in power, and they had plenty of money in the Treasury of the United States to pay for those improvements. They were not going in debt to the extent of hundreds of millions of dollars, and they were not making extravagant appropriations, such as are being made to-day, which I shall at some time or other call to the Senate's attention.

That is all I care about saying.

Mr. RANSDELL. Mr. President, in connection with this discussion about waterways and rivers and harbors, I ask unanimous consent to have printed in the RECORD, without reading, a very able paper on "Rivers and railroads in the United States," by Mr. J. H. Bernhard, associate member of the American Society of Civil Engineers. This discussion was carried on between Mr. Bernhard and several other engineers, and is published in the March, 1915, proceedings of the American Society.

Mr. SMOOT. Mr. President, I will ask the Senator how long the article is. Is it very long?

Mr. RANSDELL. No, sir. I believe it is about 10 or 12 pages. I do not remember exactly how long. It is not very long.

Mr. SMOOT. The Senator does not mean 10 pages of the RECORD?

Mr. RANSDELL. No, sir; 10 or 12 pages of the document that I present.

Mr. SMOOT. I was simply going to say to the Senator that every page we print in the RECORD means an expenditure of about $41 by the Government, besides the postage upon it. I noticed here the other day that there was a little request made for printing in the RECORD something, the nature of which none of us knew, and I figured up the amount that it cost the Government, and it was over $400.

Mr. RANSDELL. I will say that this is a very able discussion of a very live subject, and one on which we want to get all the light that we possibly can. I hope there will be no objection to the request.

Mr. SMOOT. I will not object, if the Senator thinks it is necessary.

Mr. RANSDELL. I think it is.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

[American Society of Civil Engineers, instituted 1852.]

PAPERS AND DISCUSSIONS.

(This society is not responsible for any statement made or opinion expressed in its publications.)

RIVERS AND RAILROADS IN THE UNITED STATES.

(Discussion of the paper by William W. Harts, M. Am. Soc. C. E., continued from March, 1915, proceedings.)

[By J. H. Bernhard, Assoc. M. Am. Soc. C. E.]

"J. H. Bernhard (New York City), Assoc. M. Am. Soc. C. E. (by letter).—The author has given the typical viewpoint of the Army engineer on river improvements; and as Mr. Lavis has advanced the arguments generally given by the railroads, it may not be amiss to offer for consideration the observations of a water-transportation engineer on this subject.

"As the author claims that the river engineering of the United States is nowhere surpassed in its suitability for the work proposed, it may be justifiable to repeat a statement made by Charles S. Riché, M. Am. Soc. C. E., lieutenant colonel, Corps of Engineers, United States Army, who, in a little pamphlet published by him, and in an address delivered at the Intercoastal Canal League meeting in Orange, Tex., in 1912, pointed out that there are 43 different kinds of lock dimensions and 26 various channel dimensions in the United States. As stated by the writer, in an address before the River Terminal Conference in St. Louis, in April, 1914, 'God alone could build a boat that would meet economically such a variance in conditions.' The railroads, on the other hand, have a uniform track, and permit a uniform height, length, and width of car, so that a railroad car can go anywhere in the United States, Mexico, and Canada.

"The author, remarking that the traffic on the majority of our inland-water routes has decreased, states: 'It is apparent that the present condition of our water routes as to the depth and availability of their channels is in advance of the use being made of them.' Does this mean that in his estimation further improvement is not necessary? If this argument held true, the poorer the roadbed or the poorer the street, the less the reason for improvement. The author wishes us to believe such when he states in his next sentence:

"'Whenever streams do not show an increasing traffic which is at least approaching the increase in commerce in the region traversed, it shows that the usefulness of the stream in question is declining, and the necessity for continuing large expenditures is open to doubt.'

"The writer's contention is that the only result of such decline should be the immediate investigation of its cause.

"Although entirely in accord with Maj. Burgess, who places the cause of the decline on the railroad rate, the writer would like to add to this reason other equally important ones. Next to the rate anarchism, poor river terminals, obsolete boats, the absence of proper connecting links between existing routes, poor navigation laws and regulations, Government assistance, banking facilities, and insurance rates are equally important as causes for the decline of water transportation.

"The rate situation in the United States is a natural result of former railroad abuse. The rail rates form a most unnatural and impossible fabric, based on two faulty foundations: First, 'charge what the traffic will stand'; and second, 'any rate to meet water competition.'

"It is almost entirely correct to say that there is no rail rate in the United States based on cost plus profit, although the aggregate—the gross receipts of the railroad—is calculated in that way. In the preliminary report just published by the Interstate Commerce Commission for the fiscal year ending June 30, 1914, the average cost of operating for the railroads in the United States was given as 72.21 per cent of the gross receipts, and the average receipts were 0.733 cent per ton-mile. The rail distance between New Orleans and St. Louis is 700 miles, which would give, as the average charge, based on 0.733 cent per ton-mile, $5.13. With these facts at hand, examine some of the following rates in effect between New Orleans and St. Louis:

"The rate for bran is $2.10; beef, $5; beer, $4.20; bridge materials, $3.50; canned goods, $5.20; cement, $2.50; coffee, $4.60; condensed milk, $4.20; flour, $2.80; grain, $1.80; lumber, $4; molasses, $4.10; nails, $4.40; nitrate of soda, $3.40; paint, $4.60; rice, $4.80; salt, $4.30; soap, $4.60; sugar, $3.40; and vehicles, $5.

"As will be seen from the foregoing, all these charges are well below the average, but then there might be water service between New Orleans and St. Louis.

"Although rebates are forbidden by State or Federal statutes, railroads grant them quite as much to-day as at any time in the past, the only distinction being that formerly they were granted to individuals surreptitiously and now they are granted to cities and towns openly; the former became illegal, the latter is legalized. These rebates arise from the unjust practice of railroads in basing rates to river points on water competition.

"The railroads say they must be allowed to meet the competition of the boats, otherwise the boats will take their business between river points. The Interstate Commerce Commission admits this claim, and allows the railroads to haul freight to river points at a loss, and then recoup themselves for this loss by exorbitant charges to off-river points. From these facts, one of two things must be true; either the railroads lose money on all hauls to river points, or they get excessive returns on hauls to off-river points. It is plainly a rebate case—'robbing Peter to pay Paul.' The river towns are having their freight hauled at the expense of the off-river towns, and pay for this privilege with the loss of still lower rates by boats; and the public loses all around.

"Examples of actually existing rates will be illuminating: First-class freight is shipped from New Orleans to Memphis, 396 miles, for $9 per ton, or 22.8 mills per ton-mile. To ship the same commodities from New Orleans to Amite, La., 68 miles, the cost is $10.40 per ton, or 153 mills per ton-mile. The citizens of Amite pay more than six and one-half times as much per ton-mile for their freight charges as the more fortunately situated residents of Memphis. Suppose the Government should charge the Amite people 13 cents for postage on a letter, but those in Memphis only 2 cents!

"To ship a barrel of flour from New Orleans to Amite costs 34 cents, or 5 mills per barrel-mile; to ship one from New Orleans to Memphis costs 25 cents, or 0.63 mill per barrel-mile. For carrying a barrel of flour 1 mile, the cost to the consumer in Amite is eight times as much as to the consumer in Memphis. First-class freight from New Orleans to Memphis (396 miles) is 45 cents per 100 pounds; from New Orleans to Opelika, Ala. (386 miles), it is 99 cents per 100 pounds, more than twice as much, for a shorter distance, to the off-river point. These are rates from one place to another which can be reached by water, compared with rates from the same place to another which can only be reached by rail.

"Table 1 will illustrate the 'rate wall' that hinders the freight movement to the river.

"Although the distance from Birmingham to Tuscaloosa is about one-eighth of that from Birmingham to New Orleans, the average freight rate is about one-half of that to New Orleans; but Tuscaloosa is on a navigable water, by which New Orleans, Mobile, or other cities may be reached.

"As a third example, the variation in rates, over the same distance, and over the same road, will be shown. This is simply one example where hundreds could be given. Flour for domestic use moves from St. Paul to New Orleans for $5.50 per ton; from New Orleans to St. Paul (same routing), for $9.80 per ton; but one is downstream and the higher rates are upstream. 'No,' says the railroad, 'it is because the natural movement of flour is from St. Paul to New Orleans.' The latter is true, because the rates forbid any other movement, but great would be the tonnage of finer winter flour that would move upstream if the rates were not prohibitive. In any case, why should there be any difference in rates over the same distance and the same railroad? Did not Congress long ago rule that rates under the same conditions should be equal, regardless of the tonnage shipped by the individual shipper? Why is this not equally true for one community against another? Had this flour been moved by water, and had it been meant for export, it would have been more cheaply loaded from barge to ship than to warehouses in the cities, therefore the railroads have a third rate, which is the 'export rate.' On flour from St. Paul to New Orleans the rate is $3.90, or 2.6 mills, per ton-mile.

"TABLE 1.—*Comparison of freight rates from Birmingham to New Orleans and to Tuscaloosa.*

Commodity.	Rate from Birmingham—		Ratio 13½ per cent.
	To New Orleans (418 miles).	To Tuscaloosa (56 miles).	
Sugar	$3.40	$4.80	140
Coffee	7.00	3.00	43
Rice	5.00	3.90	78
Molasses	4.40	1.80	41
Dried fruit	11.00	1.60	15½
Peas and beans	11.00	1.50	13½
Hay	3.60	1.40	39
Grain	3.60	1.40	39
Flour	4.40	1.60	36½
Coal	1.25	.80	64
Coke	1.75	.80	46
Wire and nails	3.20	2.00	62½
Pig iron	3.00	1.00	33⅓
Steel rails	3.00	1.50	50
Cast-iron pipe	3.00	1.50	50
Machinery	5.40	3.90	72

"The foregoing cases could be multiplied indefinitely, as they are representative of thousands of others, all of which show the injustice suffered by land communities in the matter of freight rates.

"Though the paralleling railroads of our inland waterways are strained to their utmost to carry the freight offered at each crop-moving season, the waterways themselves are vast expanses of idleness.

"A mistake is made by the public in assuming that it is always the river channel that causes this idleness. Nothing could be further from the truth. To-day the Mississippi, from St. Louis to its mouth, affords a channel which is the best to be found on any stream in the world, unless one takes the Amazon or the Congo into account; and see its emptiness. An 8-foot channel is all that the most efficient service requires. The Government works unremittingly to develop waterways, only to see the water-borne traffic on inland rivers grow less as the years go by, not due chiefly to the inadequate depth of the channels but to this rate-making anarchism; and until the idea that the principal function of inland water channels is to regulate the rates for rail transportation has been untaught, or made unnecessary by just rates, we will not see great river traffic.

"Still the average 'riverman' will insist that the poor condition of the channels keeps our inland waters idle. This is preposterous; the Rhine could never compare with the Mississippi in its advantages for transportation; its channel is narrower and shallower, more changeable, the current is swifter, and ice is known in the winter over its entire navigable length to its very mouth, yet in 1913 more than 97,000 vessels passed the Dutch and German frontier on the Rhine, which means a vessel every 5 minutes for the entire year. In order to illustrate this point clearly, page 100 of the English translation of the Trade Report of the Rotterdam Chamber of Commerce for 1913 will be quoted:

"'We could almost suffice by referring to our review covering 1912, seeing the slight difference between 1913 and its predecessor.

"'Arrivals are plentiful till the autumn, and the water level was satisfactory during the whole year. During only nine days, from the 30th of October to the 7th of November, a short period of low water on the Rhine was witnessed when the water mark recorded a level of 1.20 meters (4 feet), and below that to 1.14 meters (3 feet 9 inches).

"'The not normalized lower part of the river was, as a channel, in a rather favorable condition, the occurring sand deposits were for the greater part removed by dredging operations, and by altering the fairway in the second half of the year a sufficient channel was maintained.

"'The normalized upper part was satisfactory as a fairway, although on several occasions dredging work had to be started near the entrance in order to maintain a sufficient channel from the regulated Maas to the upper Merwede.

"'The average Rhine freights were during the year 1913 for cargoes of 800 to 1,000 tons, including tonnage, or ores and other crude commodities to Ruhrort, Disburg, Hockfeld, Alsum, Walsum, or Rheinhausen, $0.26 per ton, or 1.2 mills per ton-mile. For ores (copper ore, phosphate, etc.) to the upper Rhine and Mainz stations, $0.56 per ton, or 1.1 mills per ton-mile.

"'On the whole the freights were rather satisfactory, as was also the water level, which only from the middle of October to the beginning of November was low. The total tonnage across the German-Netherland frontiers was:

Total tonnage—	1912	1913	Increase.
With Netherlands	25,619,771.0	27,941,378.0	2,321,607.0
With Belgium	8,523,172.0	9,073,140.5	549,968.5
Rhine sea traffic	485,117.5	514,634.5	29,517.0
Total	34,628,360.5	37,529,153.0	2,900,792.5

"Tables 2 and 3 give a comparison of the Rhine traffic during the last 10 years.

"TABLE 2.—*Rhine traffic.*

Year.	Rotterdam.	Amsterdam.	Belgium.
	Tons.	*Tons.*	*Tons.*
1904	10,681,261	428,580	4,104,306
1905	12,771,307	478,320	4,435,589
1906	13,357,575	538,945	4,821,220
1907	14,702,526	567,518	4,957,736
1908	12,938,868	716,035	5,013,999
1909	15,134,175	798,535	6,235,324
1910	17,603,521	960,927	7,727,210
1911	19,042,847	1,012,633	7,956,855
1912	20,818,901	1,360,280	8,523,472
1913	22,764,241	1,531,772	9,073,140

"TABLE 3.—*Number of vessels passing Lobith, to and from Germany.*

Year.	Vessels.	Number of these vessels under the Dutch flag.
1904	67,519	46,584
1905	72,029	48,941
1906	73,306	49,821
1907	79,640	52,508
1908	71,206	47,021
1909	77,909	50,692
1910	85,372	55,740
1911	90,129	56,122
1912	91,904	58,978
1913	96,768	62,249

"Compare the foregoing rates with the statement of Col. Harts to the effect that the average cost of moving a ton of freight a mile in the United States is 7.3 mills, and that some coal roads, having easy grades and flat curves, boast that their tonnage cost has been cut to 2.3 mills per ton-mile. Now, considering that the distance between Minneapolis and New Orleans by rail is 1,300 miles, this would mean that the average charge should be $9.50 per ton, and even when calculated at the lowest cost when moving coal, on the best roads, at 2.3 mills per ton-mile, it would be $3 per ton, though flour—which, as far as moving is concerned, is quite different from coal, being very susceptible to moisture and odors, and only handled in box cars—has a rate of $3.90 per ton from Minneapolis to New Orleans. That this rate is below cost will be clear. Somebody else pays for this loss; of course—the interior territories; but is it then just to say that the rivers have lost their usefulness? Would it not be more correct to state that, by reason of artificial barriers, transportation by water in the United States can not compete economically with the railroads? These artificial obstructions, however, devised by railroads and perpetuated by the Interstate Commerce Commission, do not mean economy to the country, but

the country at large, by excessive high inland rates, pays the penalty for the idleness of the water routes.

"Even railroad officials are ready now to admit that their rail rates are less than what they should be along the water routes; they also admit that their rates on bulk commodities are profitless.

"On April 3, Mr. W. M. Rhett, assistant freight traffic manager of the Illinois Central Railroad, testified at the Interstate Commerce Commission hearing on the 'Western Rate case' that his road was handling many commodities, such as potash, clay, glycerine, pig lead, linoleum, vegetable tallow, rice, sisal grass, earthenware, hemp, and manila at a profitless rate. He mentioned only a few commodities; the writer could have named many more, and far more important ones. Undoubtedly Mr. Rhett knows them but does not feel inclined to have the rate of these particular commodities increased because they would move quickly by water. He was asking for an increase ranging from 10 cents to $1 per ton. Only these proposed increases, according to him, would enable the roads to continue business in these commodities. Even to bulk-commodity rates, objections are raised. On the same day, April 3, Mr. B. J. Rowe, coal traffic manager of the Illinois Central Railroad, testified before the Interstate Commerce Commission, at the same hearing, that they would have to increase their rates at an average of 7.95 cents per ton in the western territories. All this came only shortly after the many 'convincing' arguments of the railroads as to why their rates should be reduced, which 'convincing' evidence moved the Interstate Commerce Commission to grant their request. (Intermountain case.) The railroads were permitted to decrease their rates to meet competition created by the Panama Canal, with the result that the rates from coast to coast were lowered; but the transcontinental schedule for interior points was maintained. It is a ridiculous argument, if carefully analyzed. Suppose a Standard Oil Trust came before the United States and asked permission to reduce its prices continually, even below the cost of production, merely to meet the competition of an independent firm. Why, it would be the clearest infringement of the antitrust law; yet the railroads, by permission of the Interstate Commerce Commission, are permitted to reduce their rates in order to offset canal competition, to create which the country has expended $400,000,000.

"Follow this argument to its rational conclusion. Suppose the railroads lowered their rates—which is clearly the aim—to such a point as would enable them to compete successfully with water transportation through the Panama Canal; then the freight would continue to move by rail from coast to coast, and the Panama Canal, so far as interior freight movement is concerned, would be idle. The railroads would either have made impossible profits before the opening of the Panama Canal—and their financial reports belie this—or they are now suffering heavy financial losses, on account of the lowering of these coast to coast rates. Therefore the natural and logical consequence of the ruling of the Interstate Commerce Commission is that the $400,000,000 for the Panama Canal is spent in vain, its only result being a heavy loss to our trunk lines. The writer goes a step farther and claims that, in consequence of the ruling of the Interstate Commerce Commission, a law should be made either forbidding the use of the Panama Canal to coastwise traffic or creating prohibitive tolls, thus permitting the railroads to do business on the old basis, as the United States can not afford to have railroad capital unprofitably invested.

"It is the opinion of the commission that, had the railroads been denied their request for permission to readjust rates to meet part way the lower charges via the canal, there was 'grave reason to think that the Atlantic seaboard is the future would have supplied by water the Pacific coast with the commodities in question, and that many industries in the neighborhood of Chicago would have either lost their Pacific coast customers or have been compelled to migrate nearer to the Atlantic seaboard'—or, the writer would add, be forced to use the Mississippi River.

"Under the original order of the Intermountain case, the carriers from the Missouri River westward were forbidden to charge more to an intermountain point than to a Pacific terminal. East of the Missouri River, the stringency of the rule was abated, so that from Chicago to intermountain points the excess charge permitted over the rate to the Pacific terminals was 7 per cent; from Pittsburgh, 15 per cent; and from the Atlantic seaboard, 25 per cent. The shrinkage of rates from New York to San Francisco by way of the canal put the transcontinental carriers in serious straits. On certain heavy commodities, moving largely by water, a serious loss in through earnings was inevitable, if the roads reduced their rates to the Pacific coast to compete with the lower water rates. In addition to this loss on through revenues, the commission points out, the carriers would have had to take a double loss in their revenues to intermountain points: First, because the intermountain rates would have to be lowered; and second, because the percentages over the terminal rates would have been calculated on a lower basis.

"Additional relief was sought by the carriers as to the rates on about 100-carload commodity items and about 50 less-than-carload items. These carload rates to the Pacific coast range from 55 to 95 cents per 100 pounds, and the less-than-carload commodity rates range from $1.10 to $1.75 per 100 pounds. These commodities are such as originate in large quantities at or near the Atlantic seaboard and are particularly adapted to water transportation, on which the rates are relatively low.

"On about 25 items which move in carloads from the Missouri River to the Pacific coast at rates of less than 75 cents per 100 pounds carriers are permitted to establish the rates proposed to the California terminals and to continue rates to intermediate points not higher than 75 cents per 100 pounds. On all other traffic rates from the Missouri River to the Pacific coast must be carried as maxima at intermediate points.

"From Chicago, Buffalo, and New York carriers are permitted to carry carload rates to intermediate points at 15, 25, and 35 cents, respectively, higher than from the Missouri River to the same destinations.

"Less than carload-commodity rates on articles classed as first or second class in western classification, which are less than $1.50 per 100 pounds from the Missouri River to the Pacific coast, may be exceeded at intermediate points, but the rates on such articles to such intermediate points must not exceed $1.50 per 100 pounds.

"Less than carload-commodity rates on articles classified as third class or lower in western classification, which are less than $1.25 per 100 pounds from the Missouri River to the Pacific coast, may be exceeded at intermediate points, but the rates on such articles to such intermediate points must not exceed $1.25 per 100 pounds.

"Less than carload-commodity rates from Chicago, Pittsburgh, and New York to intermediate points may exceed the rates from the Missouri River to the same destination by 25, 40, and 55 cents, respectively.

"Carload rates on coal and pig iron may be less to the Pacific coast than to intermediate points, but the rates on such articles to the higher rated intermediate points must not exceed 5 mills per ton-mile.

"A suggestion is made that rates to intermediate points near Pacific coast terminals may be made by adding to the rates to the terminals something less than the locals from terminals to destination or by making basing rates to the terminals less than the local rates to such points to be used in connection with the local rates from the terminals to destination in making through rates from eastern points to points intermediate to the terminals.

"The Pacific coast terminals to which these rates will apply are the points at which the Atlantic-Pacific steamships deliver their freight.

"In December, 1914, Commissioner Harlan, in his dissenting opinion on the railroad rate increase, said:

"'I can not but think that a general increase in the standard rates of this country, while the rate structures of these carriers remain full of inconsistencies, discriminations, and wrongful practices that deplete their revenues, is morally wrong; that the placing of additional burden on the interstate commerce that is not also placed upon the State is also wrong; and that the course approved in the supplemental report will ultimately be as disastrous to the carriers themselves as it will be harmful to the general interest.'

"Commissioner Clements, in his dissenting opinion on the same question, said:

"'I can not but regard the action now taken by the commission as out of harmony with the spirit and purpose of the law and as taking a step that leads away from the sound principles necessary to conserve the ends of justice. If the legislative authority of the commission is as broad and unrestricted as this, then I must confess that I have gravely misunderstood the limitations upon our statutory authority as well as the constitutional power of Congress to delegate its legislative power. If now, to strengthen and maintain the credit of the carriers, regardless of the causes of its exhaustion or impairment and with the application of the usual tests of reasonableness, these increases are justified, then it seems to me that we are only at the beginning of what I fear will be a train of demoralized results, disappointing and embarrassing to all concerned. It is by no means certain that it would not in the long run be cheaper to

the public to guarantee the bonds of the weak roads unable to meet their obligations rather than for all to try to take care of them by increasing their rates, which inure to the strong roads as well as to the weaker.'

"The New York Times (Feb. 13, 1915, after the decision of the Interstate Commerce Commission became known) gave the railroad point of view in the following editorial, which, when read by engineers trained as such, will appear to them to be surcharged with inconsistencies and improbabilities:

"'The Interstate Commerce Commission has allowed the railways doing transcontinental business to modify the established rates in a manner to meet the competition by the canal route. The spokesman for the railways most concerned is pleased, but only moderately so. The railways would have liked a free hand to meet competition, without regard to other rates, whereas the commission still insists upon preserving a relation between the through rates and the intermediate rates. Moreover, only some 25 commodities are concerned in the decision. Its effect regarding earnings, therefore, is not so great as might be imagined, but the decision is important for another reason.

"'In principle it is the adoption of the railway theory of rate making over the ideal or commission theory upon some of the most contentious points in the long controversy. After a quarter of a century of regulation the commission finds itself under the compulsion of submitting to a control stronger than the law's. The economic consequences of its methods were so intolerable that it has been found necessary to defer to the methods which it was resolved to abolish. Having begun, it is difficult to say where the process of reconsideration will stop. The first step was the most difficult to take and the second step in longer than the first, with others just ahead.

"'Congress decreed that the railways should not charge more for a short haul than for a long haul which included the short haul. A higher charge for a shorter distance is indeed illogical, if there is nothing more to be considered. Congress, to provide for other conditions, gave the commission discretion to grant exceptions when conditions were unlike. The commission made a decision, which it now modifies. The length of the haul is subordinated to the necessities of competition by water, and the charge to intermediate points is to be calculated by adding to the through or competitive rate a charge for the "back haul"—that is, the haul back from the coast to the point passed on the way to the coast. The railways are not allowed to have an entirely free hand. The commission itself names rates not to be exceeded as a precaution against the railways raising the intermediate rates unreasonably in order to compensate for the reduction enforced by water competition. The main thing is that the earlier decision under the perplexing long-and-short-haul clause is set aside and that the effect of competition is recognized. It will be easier to break the rule on another occasion, and the tyranny of a theoretical relation of rates established by the commission itself is shaken.'

"The second reason given by the writer for the decline of water transportation in the United States is the obsoleteness of the river craft. In order that it may be clear how obsolete the present river boat is, there are submitted some comparative data between a modern self-propelled steel barge which operated on the Mississippi River between New Orleans and St. Paul, and the prevailing type of Mississippi River boat, the like of which, in one instance, constitutes the entire fleet of one of the least inefficient companies on the Mississippi River. The 1,000-ton, self-propelled, twin-screw, shallow-draft, steel barge, operated by two gas-producer engines, has been described in a recent technical paper (Engineering News, Dec. 4, 1913). The barge had a crew of seven men and a speed of 8 miles per hour when loaded with only 1,000 tons of cargo. It consumed fuel at the rate of 30 cents per hour, proceeding quietly, with the total absence of wave, so that a rowboat would hardly rock in its wake.

"The cost of this 1,000-ton barge complete, with all equipment, was $32,000. The average cost of a Mississippi River boat of like capacity is from $60,000 to $70,000. Such Mississippi River craft has an average crew of 54. Insurance on the barge was 4 per cent for fire and marine; on the steamboat it is 12 to 15 per cent; fuel consumption on the barge was 30 cents per hour, on the Mississippi River craft it is $4 per hour, both boats traveling at a speed of 8 miles per hour.

"The total cost of operation of the barge, including 6 per cent interest and all other charges (wages, fuel, supplies, subsistence, repairs, insurance, depreciation, etc.), was $2,100 per month; on the Mississippi River steamboat it is $8,100 per month.

"That these barges can be constructed strongly might be proved by the fact that the Lloyds Co. classified one of this type recently as 'A-1' for ocean travel. Compare with this the remarkable weakness of the present steamboat, which might easily be described as a raft consisting of several thousand dollars worth of junk; in fact, the prevailing Mississippi River steamboats are built of wood, tin, shingles, canvas, and twine.

"In addition to their weakness, these boats are distinguished by the frivolity of their management. In the past, races have been of frequent occurrence, and descriptions would be comical were they not pathetic sketches of the lack of efficiency caused by trifling with serious navigation.

"'No,' the riverman objects, 'our boats are not obsolete; we have kept pace with the times, and our boats are to-day a great improvement on those of the fifties.' The other day a captain said to the writer:

"'You are not familiar with the improvements we have brought about on our river craft; our steamers are now almost fireproof; we have patent tapered floors, balanced rudders, steel and asphalt decks; we have the improved tandem-compound or cross-compound piston-valve engine, steam capstan and steering machine, a locomotive type of boiler, wire railings and tiller ropes, electric lights, combined breeching shield and furnace damper, insulated pipe coverings, and many more important improvements that substantiate the statement that our present side and stern wheel steamers are the best type of boats for river craft in the world.'

"This enthusiastic description of the important improvements of the present Mississippi River boat, from one of its ardent champions, illustrates, better than anything the writer can say, their total obsolescence and inefficiency. However, this is not the only difficulty under which inland navigation in the United States is laboring at the present time. Added difficulties are the navigation laws and regulations. With a traffic of 50,000,000 tons on the Rhine, and a proportionately heavy traffic on the other inland waters of Holland, Germany, Belgium, and France, it has never been found necessary to make it compulsory to employ Government licensed labor; yet, with the small tonnage transported on the waters of the United States, the Government enforces the employment of licensed captains, pilots, and engineers, and now even of able-bodied sailors; and the latter licensed persons are permitted to form unions, and thereby create what might be the most absolute monopoly one can dream of. To this must be added the fact that, to all intents and purposes, there is a surplus of demand over supply of available labor in the market, so that one might frequently have to pay heavy traveling expenses to get a desirable crew together.

"Another trouble on our alluvial streams is the so-called 'Aids to Navigation.' Great difficulties are caused by the tardy adjustment of the Government channel lights, which adjustment, as a rule, is so much behind the actual changing of the channel, that the Government marks do not show where the channel is, but where it was. To offset this the Government from time to time publishes reports, of which the following are cited as fair examples:

"'Magnolia: From Crooks Lower Light to White Sand Depot Warehouse, until from the first big tree showing just under the head of Turkey Island, to the upper side of the upper bald rock on the lower side of Magnolia Hollow. (Channel depth, 12 feet both.) This is taking you out square under an upper reef. Over this way, until from the corner of the Willows opposite Crooks Lower Light to Magnolia Light (16½ feet channel depth).

"'Crooks: From the head of the big cotton woods on Establishment Island to the head of the Rip Rap shore above Crooks Upper Light, until from the Illinois point opposite Snells Point to straw stack nearest the river, showing half way between the two Crooks Lights, until from Fort Chartres Landing to head of Turkey Island (12 feet both). Going to the head of the big cotton woods on Establishment Island to foot of the first bunch of timber, about 300 yards above Crooks Upper Light, until from the Illinois point opposite Snells Point, to straw stack nearest the river, showing halfway between the two Crook Lights, until from Fort Chartres Landing to head of Turkey Island (12 feet both). Going to the head of the big cotton woods on Establishment Island to the foot of first bunch of timber, about 300 yards above Crooks Upper Light, until from the Illinois point opposite Snells Light to the same straw stack halfway between the two Crook points.

"'Montesano: From the field on the hill above Fines Fluff Light to Jim Smiths Upper Light (12 feet) until from the middle of the middle bar abreast of Fines Fluff to Waters Points Light. Down this way, passing the rock pile about 150 yards off, until from what shows the head of timber on the Illinois side above Jim Smiths rock light, to the first white house below foot of Montesano Light (no less than 10½ feet in the above marks).'

"In discussing this matter with George R. Putnam, M. Am. Soc. C. E., commissioner of lighthouses, the writer did not receive any other argument against the installation of the proper system than financial considerations.

"Now, considering the fact that approximately $100,000 is spent yearly on the channel lights of the lower Mississippi River alone, mostly showing where the channel was and not where it is, the writer asks: Is a slight increase, say of 15 or 20 per cent of the above cost, objectionable if it will secure a light system which shows always where the channel is, so that navigators may navigate on these lights instead of avoiding them? Is it just to criticize the navigators for a decline in their business under such conditions? What railroad could exist to-day if, instead of sending track walkers daily over the roadbed, it employed a number of high-salaried officials to go over the entire track once or twice a year with a special train and on returning home issue a report, after which another train would be sent out with the necessary crew and high officials to make repairs, as suggested by this report? Yet this is the very method adopted for channel lights on the Mississippi. Is the author correct in stating that the dwindling in traffic is proof that the availability of the channels is in advance of the use being made of them?

"Another obstruction to economical navigation is caused by the total absence of banking accommodations. Bills of lading are frequently considered as bank securities unless they happen to be for freight on inland water craft, and then the bank refuses them. With a blind mule or an automobile as security, one can get at least a certain percentage of its value as a loan, but with the cheapest tool of transportation—a river boat—one might well have to sift the entire United States in order to find a single man or bank willing to furnish reasonable banking accommodations.

"Yet the combined ship-mortgage banks in Holland, including all their losses, have made an average profit of 18 per cent per year during the last five years. In Holland, with a boat as collateral, one may obtain almost invariably up to two-thirds of its estimated value as a loan, at a rate which would show a total expense of 6½ per cent.

"Another important obstacle is the insurance rates. A barge carried from New Orleans to St. Paul, 1,921 miles, 90 tons of coffee, on which a freight rate of $4.25 per ton was paid. The insurance rate was 90 cents per $100 value, or $2.70 per ton, and the terminal charges were 0.43 cent, leaving a net total of $1.12 for carrying the ton 1,921 miles.

"This rate of insurance is actually several times larger than insurance on the same commodity from Brazil to St. Paul, provided it is moved by rail from New Orleans to St. Paul; and why is this?

"There are three reasons for this flagrant injustice: (a) The small inland water-borne traffic makes it no fair average risk; the laws of average are hardly applicable for this limited movement. (b) The insurance companies, like most of the people in the United States, do not take water transportation seriously; they are not willing to accept the movement as a growing one, as one with a bright future, and therefore they do not care to foster it, because they only see possible losses and not even the promise of a future. (c) Most of the insurance companies have invested their securities in railroad bonds, which circumstance seems to strengthen their belief that water transportation should not be taken seriously; at least they have no burning desire to foster it. Some may feel inclined to add a fourth reason by speaking of the 'river pool,' but the writer prefers to ignore this factor, as he has been successful, in his business, in doing without it, and therefore knows little about the working of this combine.

"The greatest obstacle and handicap to inland navigation in the United States to-day, however, is the absence of terminals. This is especially true of the Mississippi River, which is cited because its conditions are typical of the entire United States. On the Mississippi we are still living in the ante bellum days where the drowsy negro roustabouts draw the preposterous wages of from $80 to $100 per month, barring modern loading and unloading apparatus. We on the Mississippi are still content with mud levees, slippery and cumbersome, and feel fully compensated for economical inefficiency by the great smokestacks of our steamers belching forth clouds of smoke, in their large whistles which can be heard for miles, and in the wheels that beat the water up in waves higher than a man—steamboats having daily expenses which surpass the weekly expenses of more modern craft of larger capacity. So important is the terminal question that it may be said that the problem of inland transportation is more a shore than a water problem. Almost invariably the shore expenses are higher than the actual cost of transportation from harbor to harbor.

"With the present river terminals, the height of inefficiency seems to have been reached. The shipper must carry his freight by wagon over poor roads, move it somehow down a poorly paved and usually very steep bank, laboriously unload it by hand, roll it to the edge of a muddy levee, watch it until the steamboat may arrive, when it is carried piece by piece and stowed away under the towering superstructure of an American steamboat, amid a forest of deck supports; and the process must be reversed at the other end of the voyage. The only exception to these conditions is the city of New Orleans, where covered sheds are provided and where mechanical loading and unloading devices are now tried. Economical navigation of the stream or efficiency of the carrier are greatly handicapped under such conditions.

"The elimination of the steamboat gangplank, as the highway of water traffic, and the abolition of the roustabouts are necessary for the restoration of commercial activity on the river; and modern river terminals, constructed by the combined initiative of State and municipality, with a municipally owned belt railroad, are to take their place. The passing of the gangplank is to be marked by the construction of concrete walls, against which the craft may be moored for convenient loading and unloading by huge cranes.

"Instead of the droll chants of the indolent negro roustabouts, as they toil with the freight, we should hear the creak of machinery and the rattle of chains as the loads are hoisted from boat to warehouse. The old conditions along the levee must give way to immense warehouses and the mechanical handling of freight, if river transportation is to be revived.

"The present excessive terminal cost often offsets the advantage of the lower river rate as compared with the higher rate by rail. Without an exception there is no port in the Mississippi Valley at which freight can be transferred directly from car to boat, or vice versa, except with a heavy switching arbitrary, or by an added labor cost equal to from 10 to 50 cents per ton.

"For shipments originating or consigned locally, the drayage cost and the inconvenience of the present landings are such that each alone is sufficient to divert to rail routings a large volume of freight which otherwise would move by water at a distinct saving to the shipper, even under the other adverse conditions.

"Not only in quays and facilities for freight exchange between rail and water, or in loading or unloading devices, do these river terminals fall short, but even the most commonplace and every-day necessities have been denied to them in the United States in general, and to those in the Mississippi Valley in particular.

"Decent streets or trolley-car connections, even the telephone and telegraph, are strange and are improvements on the river banks. New Orleans, which is the best river terminal in the United States, can at least show sheds and a municipal belt railway (even if the latter is often expensive by being frequently far from the water). This city has only four trolley-car lines to a 9-mile harbor front, with an hour's walk between each; but what about all the other cities in the United States?

"St. Louis has no trolley car within four blocks of the used river front, four blocks which are paved with large, irregular cobblestones, with a slope on which it is difficult to walk, impossible to climb with horses, and dangerous to descend. Land anywhere on the river front of St. Louis and attempt to telephone, telegraph, or buy anything except beer and whisky, and one will notice the total absence of necessities for the serious-minded man on business bent. It is the same in St. Paul and all other large cities, and what is true of them is certainly true of all the smaller ones.

"These high terminal expenses are a serious menace to water transportation with the old-fashioned stern or side-wheeler, and are even more unproportionate and out of all reason where modern craft are used. The 1,000-ton, self-propelled barge that went to St. Paul from New Orleans in August, 1914, brought this forcibly to light. The most serious handicaps this barge encountered were terminals; in almost every instance it cost more to load and unload the cargo than to carry it to the place of destination.

"The New Orleans freight was received, watched, and loaded, including the receiving clerk's time, for a total of 26¼ cents per ton. The time consumed for loading was 5 hours, or 46¼ tons per hour, during which time the barge expenses increased at the rate of $3.86 per hour, or a total of $19.30.

"At Jeffries, La., 554.6 tons of lumber were received, being loaded and unloaded by the shipper. The loading took from Thursday at 3 p. m. until Monday at 10 a. m., working night and day and Sunday, a total of 91 hours, or 6.1 tons per hour. The loading cost the shipper 27 cents per ton. Loading the

lumber on the barge cost, in time loss, 91 hours, or $351.26. The entire cost of loading and unloading, to the shipper, was $245.72, and this, together with the time loss to the barge, expressed in dollars and cents, makes a grand total of $807.35, as compared with the transportation of the entire lumber cargo of 554.6 tons for $968.37, or $1.80 per ton to carry the lumber 1,000 miles, and $1.46 to carry it to and from the barge.

"With any proper semblance of an opportunity this lumber should have been loaded on the barge in 12 hours, causing a saving in this item alone of 79 hours, or $305, and it is safe to say that what now cost $807.35 to load and unload should not have cost more than $210 under fair conditions, permitting an increase or decrease in rate of 60 per cent.

"At Hannibal, Mo., 200 tons of cement were loaded at a total cost to the shipper of $73, or 36.5 cents per ton. This was done in 7 hours, or at the rate of 28½ tons per hour. As the best 'terminal facilities' were found here, a short description follows, the writer's criticisms being such as are justified by usual and average conditions in Europe.

"Hannibal is on the Mississippi, has a population of about 14,000, and has a fairly flat and low bank. The city seems to be prosperous and its streets are well paved and clean. The railroad station is practically on the river. The main line and some switch tracks of the Burlington Railroad are near the 'river terminal,' being about 80 feet from the water's edge. This is partly due to the fact that the river bank does not run in a straight line, but is irregular. From the switch track nearest to the water the bank has an easy slope to the river. The bank is paved with irregular cobblestones on which it is very difficult to walk, so that there is little wonder that the laborers who loaded the cement and crossed this path every minute for seven hours were far from efficient.

"The bank is approximately 4 feet above the water level, the side having an inclination of about 15° from the vertical. This bank is made up of stone blocks, which apparently were meant to be thrown neatly on top of each other and thus form a bank, but the work had been poorly done, for some of the stones were lying in the river in front of the wharf, and one could see the rock blocks on the bottom close to the bank, so that any barge coming near the bank and being gradually loaded would settle down on these sharp blocks to the great detriment of the barge bottom and preventing a quick departure after the boat was loaded.

"Just at what would be called the head of this 'river terminal' is the wharf shed of the Streckfus Line. This projects into the river about 25 or 30 feet, and in the angle formed between this wharf house and the quay there are some piles which are now rotten. To the south of this bank, about 150 feet from the Streckfus wharf, there is another wooden shed, but on the bank, and at that point the river terminal practically stops. A number of small and very frail motor craft and rowboats are anchored near by, the outermost one about 30 feet from the river bank.

"The writer desires to state that he is not exaggerating, but is really describing what he believes was the best landing place on the Mississippi River at that date, August, 1914, with the exception of New Orleans, and equal to those at St. Paul or St. Louis.

"On this bank the barge was to receive 200 tons of cement, at a rate of 50 cents per ton less than that by rail, or at two-thirds of the rail rate. It might be stated here that, besides the loss in time to the barge, the shipper, who saved $100 on his 200 tons by freight-rate differences, paid $103 for loading and unloading, causing in the final transaction a loss to him of $3, notwithstanding the fact that the rail rate for a distance of 400 miles was reduced 33 per cent by the barge.

"Owing to the slope of the wall and the visible rock at the bottom of the river, the barge was lying about 3 feet out from the bank; luckily, her bow happened to be at just about the same height as the river bank. The Atlas Cement Co., which was to load the cement, had arranged everything to the best of its ability. The cement was in eight box cars on the sidetracks. To bridge the 3-foot gap between the barge and the shore, a temporary platform was constructed.

"The contract of transportation made with the Atlas Cement Co. stipulated that the barge would carry no terminal facilities or any facilities whatsoever for the handling of freight, not even a gangplank, and that the loading and unloading was to be at the expense of shipper and consignee. The only gangplank on the barge was a 2 by 10 inch board for the crew.

"The cement was taken from the cars and placed on horse-drawn dump carts, which were then drawn across the 80 feet of bank to the platform, where they were dumped; there the bags of cement were loaded on hand trucks and rolled on deck to the place provided. This method of loading—at the best terminal on the Mississippi River except New Orleans—was the cheapest and occupied the least time.

"While the barge was being loaded a deck hand was kept busy sounding for rocks in order to prevent the barge from sticking on one of them.

"A switching engine was kept in waiting to move the box cars up to the place where they could be unloaded. The loading was done at the rate of 28 tons per hour. The wages of the engine driver and fireman amounted to, say, 84 cents per hour; or, only on their account, the cost of loading increased 3 cents per ton; or, on the tonnage moved in this instance alone, their idle time would have paid interest for the entire year on $100 worth of terminal equipment.

"Of the overhead charges of the barge, the book charges, hull insurance, and liability insurance, are affected directly by the time of loading. Indirectly, the traveling expenses and administration charges are increased; to this is to be added the proper proportion of wages, and fuel for light, subsistence, supplies, and tarpaulin hire, which give the amount to be used in calculating the money loss during the loading and unloading. For 54 days and 8 hours this gives:

Overhead book charge	$819.18
Hull insurance	221.68
Liability insurance	25.13
Wages	2,244.13
Traveling and administration expenses	1,017.52
Light	29.16
Subsistence	400.00
Deck supplies	270.72
	5,027.52

or $3.86 per hour.

"The total cost of loading and unloading the barge on this trip was $1,733.12, or 63 per cent of the gross freight receipts.

"As a final word about the problem of inland navigation the quarantine regulations which have to be contended with are worthy of a few remarks. Should there be bubonic plague in New Orleans and should a vessel leave for foreign harbors with a health and inspection certificate from the Federal health officers, then such vessel will see such certificate honored wherever it goes; but should the authorities in the first harbor it touches desire to have it go through certain formalities, then at least all subsequent harbors will not further bother the vessel regarding its stay in New Orleans; but should a craft turn its prow upstream and dare to remain within the jurisdiction of the United States officials, then any city or State health officer, regardless of any reasons to the contrary, and indifferent as to the number of former inspections and fumigations, may, on the boat's arrival within his 'sphere of influence,' stop, inspect, and fumigate to his heart's content; and so it came about that this steel barge, which was in New Orleans only six hours during the daytime, while the loading was in progress, and had been officially declared 'absolutely rat proof,' was frequently detained by the various health officials along the route until the very end of its journey. At St. Paul, 1,921 miles from New Orleans, 35 days after its departure, it received its last health inspection, although it had lain 5 days off Jeffries, 3 days at St. Louis, and shorter periods at various other places, had been officially fumigated, and had had hundreds of visitors. The writer firmly believes that it escaped more serious delay because many officials were puzzled as to how to fumigate such an air-tight, steel structure, which had an open engine room and pilot house, carried its freight out in the open on deck, had its hold sealed with water-tight bulkheads, and had a deck without hatches. It is possible that some of these inspections were due more to curiosity about the construction of the barge than to sanitary reasons.

"The barge left on July 6 at 4 p. m. and returned on August 29 at 2 p. m., a total of 54 days and 8 hours, including loading and unloading, and during that time covered 3,843 miles, spending 240 hours and 45 minutes in loading and unloading 1,182 tons. She lost 8 hours and 4 minutes on account of engine trouble, was grounded for 174 hours and 10 minutes, or waiting for the pilots to ascertain the location of the channel, notwithstanding the fact that at no time was a less depth than 6 feet found.

"The barge carried coffee, rice, sugar, cement, molasses, lumber, flour, paper, and chemicals. Out of the total of 1,921,000 upstream ton-miles capacity, it delivered 1,066,986 ton-miles, and of the 1,921,000 downstream ton-miles, it carried 183,181 ton-miles, or a total for the round trip of 32 per cent of the barge's capacity. The total gross receipts were $2,762.57, or 2.21 mills per ton-mile; the same freight moved by rail would have cost $4,932.98; thus the water rate caused a saving of $2,170.41, or 45 per cent of the rail rate, which was an average of 5.98 mills per ton-mile as against 2.21 mills per ton-mile by water or 4 mills per ton-mile over the same mileage—the rail distance being shorter than the water distance.

"The total expenses of the barge were high, and some items were out of all proportion on account of the lack of organization and other consequences of this 'isolated' trip—guests, extra crew, etc. For instance, the extra pilots, needed because the crew was totally unfamiliar with the route, received for this single trip in wages $1,014.13, or $18.67 per day, an item entirely in addition to the usual pay roll.

"Heavy expenses incurred through slow loading, etc., to a large extent caused by the fact that this was an isolated trip, all made the expenses extraordinarily high. Under usual conditions, with a regular service and more boats than one to carry all the overhead and administration charges, the total expenses would have been less than $3,500, but the total expenses for this 3,842-mile journey were $5,740.42.

"The overhead charges, including 6 per cent interest on investment, 6 per cent depreciation, one-half per cent for repairs not covered by insurance, harbor dues, taxes, traveling expenses, and traffic manager—who, on account of this trip, was six weeks on the road—his wages, advertisements, photographs, travelling expenses of general manager, office and administration expenses, telegrams, telephone, soliciting expenses, salary of clerks, etc., gives a total of $2,011.66.

"The following are the details of the cost of the trip:

Fuel	$261.37
Deck supplies	270.72
Subsistence	400.00
Engine-room supplies	140.00
Wages of crew, including supercargo at $150 per month	1,230.00
Extra pilots	1,014.13
Hull, liability, workmen's compensation, cargo and freight insurance	412.34
Overhead charges	2,011.66
	5,740.22

or a total of 1.65 mills per ton-mile of carrying capacity.

"Had the barge been fully loaded both ways, the gross receipts would have been $8,491, at the rate of 2.21 mills per ton-mile (the average of her freight charges), yielding a profit of $2,750.78, even under these adverse conditions, on this single trip, and this, notwithstanding the fact, that, in mills per ton-mile, the freight rate of the barge was 37 per cent of the rail rate, so that on the lumber alone the barge saved the shipper $1,300.52, making a rate of $998.65 as compared with a rail rate of $2,300.17, or $2,750.78 profit on a single trip, or 8½ per cent on the investment.

"The author argues that the United States is now in the second stage of waterway development. The writer might agree with Col. Harts if he would agree that we are now on the eve of the third stage and, as a matter of fact, going through the transformation stages.

"Conferences are frequently held between the various interested parties, shippers, navigators, and officials. Only recently a conference held in St. Louis resulted in a permanent organization for the creation of modern terminals in the Mississippi Valley. Various organizations have been formed, one of the most active being the Upper Mississippi River Improvement Association.

"Minneapolis is constructing a modern river terminal, well equipped with loading and unloading machinery, including a belt railway. St. Paul has similar work under consideration. Davenport has completed the first portion of her river terminal, Quincy has plans prepared, and St. Louis is making decided progress.

"New Orleans is spending $3,000,000 on river cotton warehouses, and the State of Louisiana has recently passed a constitutional amendment commanding the dock board to dig or acquire a canal from the Mississippi River to Lake Ponchartrain within the city limits, the canal to be used for river boats and the shores to be dedicated to private ownership, with warehouses suitable for river traffic. The writer believes that this canal will cost not less than $3,000,000. The Panama Canal has brought the two coasts together so that the Middle West can no longer compete with the Atlantic coast at the Pacific coast or with the Pacific coast at the Atlantic coast. A clear illustration may be given by citing a paper published by the Corn Exchange National Bank of Philadelphia on January 5, 1915, in which it is pointed out that since the opening of the Panama Canal general cargoes are being received at the Atlantic coast from the Pacific coast and transhipped by rail throughout 15 different States, including Kentucky, Tennessee, Indiana, Missouri, Illinois, Michigan, and Wisconsin. This means that the Atlantic coast warehouses and wholesale jobbers can undersell the Middle West houses in their own territory, and the only recourse the Middle West houses have is to establish warehouses at the Atlantic coast (which means becoming Atlantic firms), or to secure cheaper transportation to and from tidewaters than their rail rate is at present to the Atlantic or Gulf coasts.

"The writer has another reason for being confident that we are now approaching what Col. Harts calls the 'third stage.' During the past six months the writer has received more than 300 letters from substantial firms urging river transportation as a solution of their problems. In one city alone 181 firms have signed a binding pledge to ship all their freight by water provided the rates are less than those by rail and the freight moves faster than the average by rail. Many cities and commercial organizations have made public pledges supporting water transportation. One instance may be given: Hannibal, Mo., on March 18, 1915, made the following pledge:

"'We, the Hannibal Commercial Club, fully realizing the great necessity and advantages of an economical and efficient navigation upon the Mississippi River, hereby pledge ourselves on behalf of our members to patronize a Mississippi Navigation Co. through our members to the extent of 10,000 tons of freight outbound and 10,000 tons of freight inbound to Hannibal to be offered during the open season for navigation.

"'These 10,000 tons of freight every year to be evenly distributed from April 15 to October 15, providing that such navigation company that wishes to avail itself of this pledge maintains, at least, two sailings a week to and from Hannibal and eventually not less than three sailings a week; makes a rate of not more than 75 per cent of the current rail rate, which rate is to cover transportation from warehouse at point of origin to warehouse at place of destination, or to the bottom of the ocean carrier, and to absorb all the switching and transferring charges, provided the place of origin and place of destination are on the rail track, in lack of which the rate is to apply only from the dock or to the dock, as the case might be; provided further that such a navigation company include in its rate a blanket insurance against all damages and losses of whatsoever nature during the time that the cargo is in the possession of the navigation company.

"'*Provided further*, That such navigation company will only be considered to act as agent for the shipper or consignee where the freight is moved on through bills of lading over other carriers; and provided further, that such navigation company guarantees that the average time of transportation of cargo will not be less than an average of 100 miles per 24 hours from warehouse to warehouse.'

"Now, the question is, Can water transportation be cheaper and faster than rail transportation? The last contention will be discussed first. It is not generally known, but nevertheless it is a fact, that, with the exception of some through freight, transportation by water is faster than by rail. Freight from New York to New Orleans by water is delivered in five days. What time would be required by rail? The many carloads shipped from New York to the writer in Alabama rarely took less than 10 days, and more frequently 20 days. A barge entirely inadaptable for Mississippi River service, having only 150 horsepower for 1,000 tons carrying capacity, and spending 18 days for loading and unloading and other delays along the river, on account of the poor terminals and channel lights, averaged on its round trip 3 miles per hour, inclusive of all delay, which, however, is more than 72 miles per day. What railroads to-day can show such a speed in their average shipments?

"The writer does not want to use in this argument the oft-repeated statistics from the Interstate Commerce Commission 'that the average movement of a freight car in the United States is only 25 miles per 24 hours,' because the commission in reaching this figure has taken into consideration also the days that a car stands empty in the yards; but he affirms that no railroad in the United States can show an average movement of all its freight of more than 75 miles per 24 hours, and yet with a proper system it is very feasible to maintain on any water route an average speed of freight of 150 miles per 24 hours.

"Water shipments—even with the present-day obsolete steamers on the Mississippi River and its branches—are everywhere faster than the average rail movement, which, after all, is natural, considering the yard delays of the railroads. Anyone in doubt about these statements is cordially invited to make a trip with freight trains.

"The writer refers now to carload shipments, and a considerably stronger story is told if shipment is made in less than carloads.

"Many water transportation companies with which the writer has been identified have promised faster delivery than the railroads, except, of course, where they had to compete against milk or fruit trains—so-called fast or through freight-train service.

"For the foregoing reasons the writer reaches opposite conclusions when the author states that 'the usefulness of interior rivers as lines of communication has become much less important.' The great importance of these lines of communication is

to the place provided. This method of loading—at the best

than the water distance

just about dawning on the public. This, of course, is of value only if it can be shown that water transportation can be made cheaper than railroad transportation. That this is the case is quickly proved.

"Beginning with ocean rates: From the Pacific coast through the Panama Canal to the Atlantic coast, inclusive of canal tolls, the average rate is $6 per ton and the time of transport is 15 days. The average rail rate from coast to coast, in a more direct line, not paying canal tolls, is $22 per ton.

"On the Lakes: Nowhere in the world are coal and ore moved more cheaply than on the Great Lakes, where the average charge is 0.4 mill per ton-mile. Compare this with the ideal rate held up by the author when he states that 'some of the coal roads having easy grades and flat curves boast that their tonnage cost has been cut to 2.3 mills per ton-mile,' or approximately six times higher than the Lake charges.

"As to general package freight on the Great Lakes, this would still be handled at a great advantage over the rail rate were it not for the fact that water competition has been throttled by the railroads. To prove this the following is quoted from the Chicago Daily News of June 13, 1914:

"'On several occasions the Daily News has called attention to the throttling of water traffic between the Atlantic seaboard and western Lake ports. The Chicago Association of Commerce has been active in trying to protect the interests of shippers by keeping open the water route between this city and the East. Through its traffic expert, Henry C. Barlow, the association of commerce has made vigorous protests before the Interstate Commerce Commission against any further advance in lake and rail rates as a part of the present rate-raising move of the railroads.

"'New York City merchants are now beginning to wake up to the importance of the issues involved, though they are not meeting the situation with as practical suggestions as are offered by Chicago. In a recent report the Merchants' Association of New York calls attention to the facts brought out by the Committee on Merchant Marine and Fisheries of the National House of Representatives in that rail and lake and canal and lake rates have been advancing in recent years, while the all-rail rates have remained constant, with the result that shippers have found the water route less attractive.' (This is shown in Table 4.)

"'The recommendation of the Merchants' Association of New York is that the Interstate Commerce Commission requires the railroads to surrender all their boat holdings and leave the ownership and operation of boat lines on the Great Lakes to concerns independent of this recommendation. It fears the principal effect of it would be to diminish service. The Daily News has heretofore questioned the wisdom of this recommendation.

TABLE 4.—*Freight rates from New York to Chicago.*

Year.	Rate.	Classes.					
		1	2	3	4	5	6
1887	All rail	75	65	50	35	30	25
1887	Rail and lake	54	47	37	27	23	20
	Difference	21	18	13	8	7	5
1914	All rail	75	65	50	35	30	25
1914	Rail and lake	62	54	41	30	25	21
	Difference	13	11	9	5	5	4
1892	All rail	75	65	50	35	30	25
1892	Canal and lake	30	25	20	18	16	14
1913	Canal and lake	42	36	29	23	21	18
1913	All rail	75	65	50	35	30	25
1914	No canal and lake rates.						

"'The railroads now own all the boats in regular service between Buffalo and western lake ports. Driving those boats out of commission would do the public no good unless assurance could be given that others would be operated in their places. Independent lines do not develop quickly. The important thing is cooperation with the railroads so as to give satisfactory and cheap through service. Without that cooperation, independent boat lines would not help the public much.

"'The Chicago Association of Commerce made a more practical recommendation when it asked the Interstate Commerce Commission not to permit further advances in lake-and-rail rates between western ports and the Atlantic seaboard. The important thing is to establish rail-and-water rates that should be substantially lower than the all-rail rates, and thus afford to points on the Great Lakes the advantages to which their location on the water naturally entitles them.'

"As to rates on canals: Take the old Erie Canal as an example—a canal completed in the first quarter of last century, with practically no improvements since its construction, and which held its own until the latter years of the seventies—and to-day, with the old canal fallen into disuse, the average rail rate between Buffalo and New York paralleling this canal is $1.96, or 4½ mills per ton-mile, while the average cost in the United States is 7½ mills per ton-mile. Seventy per cent of the population of New York State is within 2 miles of this canal; 90 per cent within 9 miles. This old canal is hardly a ditch, permissible only to boats with a beam not wider than 18 feet and a length of 100 feet, entirely thrown into discard and not maintained in the last years on account of the new canal, yet to-day freight is moving through it, with the same old methods of a century ago, at a charge of 3 mills per ton-mile. Iron ore is today moved from Port Henry, Lake Champlain, through the Champlain branch of the Barge Canal and the Hudson River, to Kill von Kull, a distance of 260 miles, at a total charge of 80 cents per ton. So well is this canal thought of that New York State is expending $130,000,000 for a new canal constructed for more modern requirements.

"Through Lake Borgne Canal—8 miles in length, widened to 100 feet and deepened to 9 feet by the writer—freight has been moved at a charge of 0.4 mill per ton-mile.

"The New York State Barge Canal will reduce the cost of water transportation between Buffalo and New York considerably more, and reference is made to an article (International Marine Engineering, August, 1914) by the writer in which in detailed figures it is shown that the cost of transportation between New York and Buffalo can be reduced to 26 cents per ton for the basic ton—that is, a ton of 2,000 pounds and occupying a space of 40 cubic feet. Plans are now being carried out as suggested in a report made two years ago by the writer to a well-known steel corporation, by which it is expected to move iron ore through the canal at a cost of one-half mill per ton-mile.

"Can boats be built that will give as low rates on the rivers? Most decidedly, yes. The writer knows of no more difficult route in the United States than that from Tuscaloosa, Ala., to New Orleans, La. A description of the barges used on this route, with details of costs, etc., may be found in a recent technical publication (Engineering News, Dec. 4, 1913), to which the reader is referred.

"To-day these barges are moving coal at a cost of three-fourths mill per ton-mile over this route and returning empty. Just such a barge, entirely unfit for the Mississippi service, was used by the writer in August, 1914, in the trip from New Orleans to St. Paul and back.

"To illustrate how cheap and profitable inland navigation in general, and Mississippi navigation in particular, can be, the writer gives some figures which he compiled recently for a group of financiers, who, on the strength of them, have agreed to furnish the needed capital of $5,000,000 for the Inland Navigation Co.

"This company, by May, 1917, will place on the lower Mississippi, between New Orleans and St. Louis, five barges (one reserve barge), each of 3,000 tons carrying capacity and an upstream speed of 15 miles per hour, so that a schedule may be maintained of a 3,000-ton barge leaving New Orleans and St. Louis every Tuesday, Thursday, and Saturday.

"These barges will have a maximum draft of 7 feet, will carry 1,800 tons at 5 feet, their minimum draft, and will be propelled by four propellers. The power will be furnished by four gas-producer engines, with a total of 2,400 horsepower. The barges, entirely of steel, 310 feet long, 56 feet beam, and 9 feet depth, will have a weather-proof cargo box.

"Each barge will be equipped with wireless apparatus, motor launch, 15 water-tight bulkheads, three 9,000-candlepower searchlights, distant anchor placer—new patent—and many important factors of economy. Each will be manned by a captain, 3 mate pilots, 1 chief engineer, 3 assistant engineers, 2 oilers, 2 quartermasters, 4 deck hands, 2 clerk wireless operators, 1 cook, and 2 stewards, or a total of 21 men, with a combined monthly pay roll of $1,970.

"The complete cost of each barge will be $312,000. The estimated cost of operation is based on an open season of 8½ months to St. Louis, 9 months to Cairo, 10 months to Memphis, and 12 months to Vicksburg. During the winter freight will be received as during the open season, but will be transferred to railroads where necessary, and in the winter it is anticipated that operations, at least for the first years, will take place at an actual loss.

"The cost of operation of the barge is roughly as follows: Four per cent for marine, fire, public (property and life), liability, and cargo insurance; 6 per cent interest on investment; 1 per cent for repairs not covered by insurance; and 7 per cent depreciation (12 years life); a total of 18 per cent of $312,000, or $56,160 per year. For an every-other-day schedule, all fixed

charges, wages, crew's insurance, and subsistence are to be increased by 25 per cent to cover the reserve barge. Thus the total fixed charges are $280,800 per year. The working capital may be computed at the rate of $48,000 per barge, or $240,000; this makes a total needed capital of $1,800,000 for five barges. To this should be added auxiliaries, such as fast and powerful inspection tugs, each costing approximately $45,000, three of which are needed; two fast inspection launches for the management, at a total cost of $15,000; and a number of smaller launches stationed so that any stretch in the river may be reached within nine hours by any of these tugs or launches. There will be wireless stations at Memphis, St. Louis, and New Orleans, each having sufficient power to send messages a distance of at least 300 miles, the total cost of these stations to be $40,000. This, with $10,000 for office equipment and extras, makes $200,000 for extra equipment and shore installation, or a total of $2,000,000; 20 per cent over this capital as profit must, at least as a conservative estimate, be assured to justify capital to invest with safety in such a new enterprise to such an extent, which is $400,000 per year, or $100,000 per working barge, or $170,200 including fixed charges.

"In theory the barge will make the trip from New Orleans to St. Louis in 80 hours running time, but in practice, when fog, wind, engine troubles, and grounding play an important part, an upstream trip of 4½ days—which gives 35 per cent extra time—should be estimated.

"As explained later, the loading and unloading at each terminal should not take more than 12 hours, so that the round trip may safely be based on 9 days, estimating a speed for the downstream trip at an average of 17½ miles per hour, with 22 miles in theory. On this basis the 5 barges will make 187 trips per year, so that the fixed charges with the profits amount to a total of $3,640.60 per trip.

"The crews' wages are estimated on a full year's pay of 5 crews for 4 barges, with 300 effective working days.

"The wages per month are:

Captain (also pilot)	$200
3 mates (also pilots) combined salary, $160, $140, and $120	420
2 quartermasters	120
4 deck hands	180
Chief engineer	200
3 assistant engineers, $160, $140, and $120	420
2 oilers	120
2 clerk wireless operators	200
1 cook	40
2 stewards	70
Total per month	1,970

"Thus the total wages are $1,970×12×5=$118,200. The workmen's compensation and employers' liability insurance amount to $1.10 per $100 of pay roll, or $1,300.20 per year. Thus, the yearly charge for labor is $119,500, or $639 per trip. The subsistence, at 50 cents per head per day, 21 men per crew, and 5 crews per 365 days, is $19,162.50 per year, or $102.47 per trip.

"The fuel, estimating a total of 200 running hours per round trip, burning breeze coal, with 2,400-horsepower engines, amounts to $840 per trip. For each trip the supplies for deck and engine, including lubricating oil, will cost $400, and the extras and contingencies $250, so that each trip will cost:

Fixed charges, including interest and profits	$3,640.60
Wages, including insurance	639.00
Subsistence	102.47
Fuel	840.00
Supplies	400.00
Extras, at 3 per cent	291.00
Total	5,913.07

or, in round numbers, $6,000.

"With the barge fully loaded on each trip, freight could be moved from New Orleans to St. Louis for $1 per ton, which would give a yearly dividend of 26 per cent and establish a 100 per cent sinking fund within 12 years. In this the following factors make various changes: The protection against the yearly loss through part-rail movement in winter, the loading and unloading charges, switching charges, administration, soliciting, advertising, and the fact that the barge might not always be loaded to full capacity.

"Each barge has a total yearly capacity of 224,400 tons each way. It seems safe to estimate that the barges will soon be loaded to 80 per cent of their capacity, or 4,800 tons per round trip, or $1.25 per ton from New Orleans to St. Louis.

"The barges will make 140 trips to St. Louis between April and December, 8 trips to Cairo during the late spring and late fall, 12 trips to Memphis in early spring and early winter, and 27 trips to Vicksburg in middle winter.

"To St. Paul, for which services 1,000-ton barges, with four propellers and with a maximum draft of 4½ feet, will be used, it is estimated that there will be an open season of seven and one-half months.

"During the winter freight will be transferred to railroads at Cairo, Memphis, and Vicksburg.

"The rail rates are such that during the winter—until these rates are adjusted by the Interstate Commerce Commission—the company should be prepared to stand an estimated loss of $180,000, because in many cases the rail rate from Vicksburg, Memphis, or Cairo to St. Louis is more than the water rate from New Orleans to St. Louis. This $180,000 merely represents the final figure after having for one month moved freight to Cairo, transferred it to the railroads, and paid the rail rate from there to destination, and done the same thing for one month at Memphis and two months at Vicksburg. This makes a total additional charge of 17½ cents per ton over the entire year. The administration, soliciting, and advertising is estimated to be $70,000 per year, or about 7½ cents per ton. Thus, outside of loading and unloading or switching charges, the total rate per ton from New Orleans to St. Louis should be $1.50 per ton, and commands an investment of $2,000,000.

"There will also be needed some small repair stations along the route, because of the total absence of efficient shipyards, a floating dry dock at St. Louis, and a small sectional dock at Memphis. This entire equipment may be secured for $300,000; to this may be added about $100,000 for cost of organizing expenses and $50,000 for various shore equipments, so that the total capital necessary for this company is $2,500,000, of which $500,000 should be incorporated as a separate company—a shipbuilding company. Detailed estimates have satisfied the writer that such a shipbuilding company will be sufficiently profitable through outside work to be self-sustaining, and that it will be proper not to put this $500,000 burden on the earning power of the barges.

"The foregoing gives a fairly good idea of the operating conditions of the new Mississippi River Transportation Co., as far as the water transport is concerned.

"Relative to the shore expenses, there remains the cost of loading and unloading and the switching charges. The cost of loading and unloading includes only the removal of freight to and from the barge. The problem is to do this as economically as possible, with the greatest safety to the cargo, and with the greatest dispatch to the boat. It should not be forgotten that the value of the barge is $32.22 per hour; thus every hour's delay is equal to a tax of 1.34 cents per ton, so that economical transport with the greatest dispatch is of the utmost importance, because 12 hours for loading and unloading purposes means 16 cents per ton of the freight expenses, and somebody pays the bill.

"To accomplish this quick dispatch, it is the intent to make stops only at cities where there are proper modern terminal facilities, or which, either as a community or through individual shippers, have signed for sufficient freight to and from to justify the company in establishing its own river terminals at such cities.

"The loading and unloading, and, in fact, all shore charges, are to be taken care of by a separate company, which will be known as the River Terminal Co. This company will look after the loading and unloading of barges, the receipt of freight from shippers, and delivery to consignees.

"In order to give municipal enterprise ample opportunity to build its own terminals without finding the River Terminal Co. in its way at any time, and in order to keep before the public the fact that this River Terminal Co. is only a makeshift necessitated by the very poor river terminal conditions, the company will be ready at any time, if so desired, to exchange local property for municipal terminal bonds.

"In order to remain independent it is proposed to build some of these terminals as floating terminals, so that they may be removed. The deck of such a terminal can always be at the same height as that of the barge deck, and the terminal is to be connected by tracks, running over the roof of the terminal barge cargo box, over a hinged apron, to the belt railway, if there is such, or otherwise, to the various railroad tracks.

"This floating terminal collects and disburses the freight, and care will be taken that it is ready for loading on the arrival of the barge, and also that preparations are made to have the loading and unloading proceed simultaneously.

"Such a terminal will always have a little more than twice the capacity of the barge which it serves; in other words, for St. Louis—not, of course, the smaller places—the transfer barge will have a capacity of 6,100 tons.

"These terminals will be equipped with wireless apparatus, two 10-ton traveling cranes with 40-foot booms, and also telphers, conveyors, and electric trucks.

"The main deck of the terminal barge will connect directly with the street by a roadway 40 feet wide running through the center of the barge from end to end. At each end of the roadway there will be an automatic track scale where the driver will

"As to rates on canals: take the old Erie Canal as an example—a canal completed in the first quarter of last century,

it is estimated that there will be an open season of seven and one-half months.

center of the barge from end to end. At each end of the roadway there will be an automatic track scale where the driver will

receive a scale ticket giving the total weight of wagon and freight. On leaving he will pass over another scale at the other end of the barge, and on the same ticket the weight of the wagon will be recorded and subtracted automatically from the first weight, thus showing the total weight of the freight left behind or received while on the transfer barge. The freight will be unloaded, assorted, inspected, rated, stacked, and the results concisely marked on the weight ticket after the driver has passed the last scale. He will turn his ticket in at the office at the end of the barge and receive his bills of lading in return.

"The height of the transfer or terminal barge will be regulated by ballast water, pumped out or let in as necessary, so that the transfer and transportation barges will be always at the same height during the loading and unloading. The transfer barge will also be equipped with electric light and a lunch counter, which will facilitate day and night loading. As a barge will come and go every other day, and freight will be received or delivered every day, the crew of the barge will find steady employment. By having regular employment, these longshoremen will become efficient in receiving, loading, and unloading freight from the barges or transferring it to and from the railroad cars. The company will load and unload cars for local distribution, so that freight can be delivered to and from the warehouses in river towns or to the railroads for delivery in the interior.

"Three belt conveyors for general bagged, boxed, or barreled materials—such as coffee, rice, sugar, flour, cement, and so forth—and four telpher trains (four cars in each train) for smaller freight, like canned goods, will enable 75 men to handle this general merchandise at the rate of 500 tons per hour, thus completely unloading a barge in six hours. The loading can commence practically within an hour after the unloading is started, so that the total time required for loading and unloading should not exceed 7 hours. If it really requires 10 hours to unload and load the entire cargo, the time is still well within the 12-hour limit set for this work.

"It is assumed that the total crew on shore will consist of 75 laborers, 5 mechanics and electricians, 2 weighmasters, 2 wireless operators, 8 clerks, 10 receiving clerks, 1 dock captain, 1 supply agent, 2 policemen, 2 watchmen, 1 carpenter, 2 engineers, 3 messengers, 3 cashiers, and 5 bookkeepers, all at a combined yearly pay roll of $125,000, plus insurance, or about 14 cents per ton received or delivered. The cost of power is estimated at 1½ cents per ton received or delivered.

"The transfer barge, complete with all its machinery and mechanical appliances, power, and so forth, will cost $300,000; and interest, depreciation, insurance, repairs not covered by insurance, and harbor dues will amount to 15 per cent per year, or 4½ cents per ton.

"Thus the total shore expenses, outside of switching charges or car hire at each end, will be 20 cents per ton; estimating the profits at 20 per cent of the cost of the terminal barge, the charge would be 25 cents per ton.

"The switching charges will be from $2 to $10 per car, or from 5 to 30 cents per ton. The company's charges to the shipper will always read about like this:

"'Switching charges from your warehouse in your town to river, plus loading charges in your city, plus river transportation, plus loading at consignee's town, plus switching charges in his town, gives a total of ———.'

"Thus the total charges from New Orleans to St. Louis are: Ten cents for switching charge and car rental, 25 cents for loading, $1.50 for transportation, 25 cents for unloading, and 20 cents for car hire and switching charges in St. Louis, or $2.30 per ton. This charge will be reduced to $1.92 as soon as the Interstate Commerce Commission has readjusted (or rather corrected) the present switching and rate arbitraries. This rate covers receiving in cars at warehouse and delivery at warehouse of consumer (during both winter and summer), within a guaranteed time of eight days, except where rail movement is necessary, when the customary indefinite and greater time must be allowed, under full insurance against all damages; or at a rate of $2 when received and delivered at the river terminals, which charge will be reduced to $1.82 per ton when the rates are corrected; and if it is guaranteed that the barge will be loaded to full capacity, the charge will be reduced to $1.45 per ton. The latter should be the ultimate and total charge, and it is the aim of the Inland Navigation Co. to be able to make a rate of 1.2 mills, water distance, or 2 mills per ton-mile, rail distance.

"The barge line will be classified as a common carrier and will be controlled by a bill of lading which is now being drawn up by expert lawyers. This bill of lading will contain some very novel clauses; for instance, it will have one clause protecting the cargo against all damage or loss and another guaranteeing the time of delivery. It will be a through bill of lading and the rate will be scientifically based, as shown below, so that anyone knowing the rules may know what the freight charges will be for each commodity, in his case, without ever looking at the tariff sheets.

"Thus far the general cost of carrying the freight per ton was estimated without taking into account the variation in the character of the freight carried, which, of course, is essential. The ton was considered as 40 cubic feet bulk capacity, and not more than 20 feet in length, width, or height; not fragile or too weak to have a load placed on top of it, 10 feet in height and weighing not more than 50 pounds per cubic foot; not subject to damage on account of weather conditions; to the contained in individual packages weighing not more than 3 tons; without offensive odor or susceptible to odors; deviation from any one of these conditions will alter the charge. Taking the freight rate of $1.50 (or 1.2 mills) per ton-mile as a basis: For each cubic foot that the freight occupies in excess of the 40 cubic feet per ton, one-fortieth of this charge shall be added; for each fraction that the individual package is in excess of the 20-foot length, width, and height, the freight increases proportionately. Commodities in individual packages, which, when dropped from a height of 10 feet are subject to breakage, will have their freight cost increased at the rate of 0.02 mill for each inch this fall is shortened, so that for a commodity which might break at a drop of 1 inch, 2.4 mills per ton-mile are added to the basic rate.

"In addition, the freight will be subject to extra insurance on values greater than $100 per ton, so that for each dollar of additional value 2 mills will be added, regardless of distance; thus, if the commodity is worth $300 per ton, the additional cost for moving it will be 40 cents.

"A material which is too light in construction to have any cargo safely placed on top of it will be charged as if it occupied a height of 10 feet (the height of the cargo box). If any material has an odor (such as fertilizer) so that it might affect other commodities or attack quickly the odor of other commodities (such as flour), it will be subject to an increase of 0.2 mill per ton-mile. This is to protect against the extra cost of placing such cargo in special compartment. Cargo which is affected by temperature will have to pay for refrigerating or heating, as the case may be.

"Cargo which is excessive in weight is charged with an increase of 0.003 mill per ton-mile for each pound more than 50 pounds per cubic foot. Individual packages which weigh more than 2 tons will be subject to a charge of 2½ mills per additional pound. Thus, a 10-ton package (transported from New Orleans to St. Louis) will cost $44.60.

"Of course, it would hardly pay for the barge to stop at each landing as was heretofore customary. This makes the following rule necessary: The barge will not stop at any landing for less than $50, regardless of the quantity of freight offered. However, one might keep loading the barge for an hour (the freight charges being at the usual rate), with this understanding: That after so much freight had been put on the barge that its cost of transport reached the $50 mark, any additional cargo put on board within the first hour would be free up to $50. The same method will be true for the second hour, etc.; further, the rate will be subject to an increase according to the decrease in distance, so that the rate might be considered as a sliding scale of 5 mills per ton-mile for distances less than 10 miles; 4 mills per ton-mile for distances less than 100 and more than 10 miles; 3 mills per ton-mile for distances less than 150 or more than 100 miles; 2 mills per ton-mile for distances less than 200 and more than 150 miles; 1½ mills per ton-mile for distances less than 500 or more than 200 miles; 1.4 mills per ton-mile for distances less than 1,000 or more than 500 miles; 1.2 mills per ton-mile for distances less than 1,500 or more than 1,000 miles; 1.1 mills per ton-mile for distances less than 2,000 or more than 1,500 miles; with the understanding that a lower rate for longer distances should never result from this, in such cases the higher rate would always apply.

"For freight consigned to interior points, the lowest rail rate from the river to the town will be added, provided such lowest rate is from a place where the company has terminal facilities, or where good facilities can be acquired.

"Such freight as will take advantage of the clause of the bill of lading guaranteeing delivery in a specified time will be charged at the rate of 0.1 mill extra per ton-mile.

"The foregoing rates are compared with railroad rates in Table 5.

"It will be seen that a rate of 2 mills per ton-mile, water distance, including all expenses (such as delivery during the closed winter season, insurance, absorbing of switch and belt railroad charges, and the warehouse delivery), is profitable.

"Water transportation in the United States has dwindled to nothing on account of artificial conditions, but there is no reason on earth why our rivers should not be teeming with traffic, and there is every reason to suppose that at a date not

far distant such traffic will start. The usefulness of our rivers is becoming more and more apparent to the public, and at the present time it is also a dire necessity that the steamers be used. Foreign competition demands an early adjustment of the methods of interior transportation.

"The writer is in hearty accord with Mr. Lavis when he states that our interior lines of communication must be developed to carry our products from one part of the country to another at the lowest possible cost per ton-mile. In our competition for foreign trade we should look on the whole United States as one large factory competing in these foreign markets with other factories (such as the English, German, and French), and it is essential for such competition that we reach a high stage of efficiency in our factory; that we put to use the potential value of our waterways. The nonuse of these rivers and water routes constitutes a voluntary penalty and handicap under which we are placing ourselves in favor of foreign competitors, and our cry in the new battle for foreign trade should be, 'Back to the waters.'

"TABLE 5.—*Comparison of freight rates between New Orleans and St. Louis.*

Commodity.	Rail rate, per ton, for carload lots.	Rail rate, per ton, for less than carload lots.	Water rate per ton.
Baking powder	$7.50		$3.20
Beef	5.00		4.10
Beer	4.20	$5.20	2.30
Bridge material	3.50	5.40	3.25
Butter	18.00		4.00
Canned goods	5.20	6.90	2.80
Cement	2.50	6.10	2.25
Chairs	19.50		6.00
Cocoa	13.50		5.40
Coffee	4.60	6.00	3.10
Condensed milk	4.20	8.70	3.15
Copper ingots	7.00	13.00	2.50
Copper castings	15.00		4.00
Dry goods	13.00	18.00	4.50
Flour	2.80	5.20	2.50
Furniture	8.50	11.50	5.80
Glassware (bottles)	10.30	13.50	3.70
Guano	61.00	73.20	8.00
Hardware	6.00		3.60
Liquors	8.00		3.10
Lumber	4.00		2.28
Molasses	4.10		3.00
Nails	4.40		2.80
Nitrate of soda	3.40	73.20	3.10
Paint	4.60		2.60
Paper	5.60	10.00	2.50
Plumbing material	6.00		3.40
Pickles	76.00		2.40
Refrigerators	10.00		2.90
Rice	4.80		2.40
Rubber	18.00		3.00
Salt	4.30		2.95
Shoes	18.00		6.00
Soap	4.60		2.40
Stoves	7.00		3.00
Sugar	3.40	4.80	2.70
Tin	10.00	15.00	3.80
Vehicles	5.00		4.00

"The writer does not believe that we need to look forward to smaller expenditures on our waterways, but believes that saner methods of spending money on them are required. Instead of making yearly haphazard appropriations, each project in itself should be approved or condemned, and, if approved, authority should be given to carry out the work, a lump sum—based on the estimate of competent engineers—being set aside for the purpose, instead of as it is now done, on the installment plan, with frequent intervals of idleness on account of some filibuster or change in politics. How frequently has it happened that important work has been stopped, costly equipment set idle, and splendid organizations dispersed, because Congress did not that year appropriate the necessary money to continue. What sane business man or contracter would attempt to carry out work on such a basis?

"The author states:

"'Work on these canals and highways requires many engineers. Up to 1824 the Military Academy at West Point was the only school in the country which trained men as engineers, and for many years thereafter it was the principal school of this kind.'

"For that very reason we are still employing as engineers for our waterways the Army engineers of the Government, trained as Army engineers and not as water or transportation engineers. It is a high tribute to the efficiency of these men that the work has been carried out in such a splendid way; but is it right?

"In reference to this the writer calls attention to the Kingdom of the Netherlands, where the Government employs in a separate department—called the 'State of Waterways' (literally translated)—a corps of engineers, only and solely trained as water and transportation engineers. These men have been sent the world over to construct waterways. The Suez Canal is to-day maintained by Hollanders; Galveston, Valparaiso, Rio de Janeiro, Buenos Aires, Bahia, Hongkong, Santiago, Macassar, Macao, Santander, Bilbao, Hamburg, and many other harbors and waterways prove their efficiency. Holland's dredges, floating equipment, levees, locks, and canals are world famous.

"The writer agrees with Mr. Lavis that our Army engineers have given ample proof of their efficiency, but this is rather a tribute to their brains than to their training. Long ago there should have been in the United States a separate department (with a Cabinet minister at its head) for waterways. The success of foreign waterways (as stated by Mr. Lavis) is largely due to the fact that the matter of deciding on the project for which public moneys shall be spent has been left generally to a comparatively small body of men of training and experience in the particular class of work or problem involved, whereas in the United States this is usually decided by popular vote.

"Notwithstanding what has been said about the splendid work performed by the Army engineers, the writer claims that it is a decided error in judgment to have them pass upon the commercial value of a project presented for their consideration, and, as stated by Mr. Lavis, it is no wonder that 'their advice is frequently ignored,' as their training and experience do not make them proper judges of the commercial value of such projects. How frequently have they stated that certain needed links between waterways were of no commercial value because there was at that date no actual freight moving over that route?

"The writer has in mind one particular case—the canal from Stillwater, Wis., to Lake Superior. What greater need of a link between waterways could have been thought of in that State? Yet the engineer in charge stated that such a link would have no commercial value.

"The author, in order to cite the importance of our waterways from a financial point of view, points with pride to the fact that the work now yearly requires $40,000,000, or more than eightfold what it required 40 years ago.

"Table 6 gives an interesting comparison of how rivers and harbors have shared in Federal appropriations during the last 40 years.

"TABLE 6.—*Federal appropriations for Army, Navy, pensions, and rivers and harbors since 1875.*

Year.	Army.	Navy.	Pensions.	Rivers and harbors.
1875	$27,788,500.00	$20,813,946.20	$29,980,000.00	$5,218,000.00
1876	27,933,890.00	17,001,006.40	30,000,000.00	6,643,517.50
1877	27,621,867.90	12,742,155.40	29,533,500.00	5,015,000.00
1878	25,812,500.00	13,541,024.40	28,533,000.00	.....
1879	25,593,488.01	14,152,606.70	29,371,574.00	8,301,701.00
1880	26,797,300.00	14,020,968.95	56,233,200.00	7,846,600.00
1881	26,425,800.00	14,405,797.70	41,644,000.00	8,951,500.00
1882	26,687,800.00	14,566,037.55	68,282,996.68	11,441,950.00
1883	27,258,000.00	14,819,970.80	116,000,000.00	18,738,875.00
1884	24,681,250.00	15,894,434.23	86,575,000.00	.....
1885	24,434,450.00	14,980,472.59	20,810,000.00	13,949,200.00
1886	24,014,052.50	15,070,837.95	60,000,000.00	.....
1887	23,753,057.21	16,489,907.20	82,075,200.00	14,673,900.00
1888	23,724,718.69	25,767,348.19	82,152,500.00	.....
1889	24,471,300.00	19,942,835.55	85,258,700.00	22,397,616.19
1890	24,316,015.73	21,692,510.27	89,758,700.00	.....
1891	21,206,471.79	24,136,035.53	123,779,998.35	25,136,296.00
1892	24,603,529.19	32,541,654.78	164,550,583.34	2,951,200.00
1893	24,300,499.82	23,544,385.00	154,411,682.00	21,968,218.00
1894	24,225,639.78	22,101,061.38	180,681,024.85	14,166,153.00
1895	23,592,881.68	25,327,126.72	151,581,520.00	20,013,180.00
1896	23,252,688.09	29,416,245.31	141,381,570.00	11,463,115.00
1897	24,278,402.73	30,562,660.95	141,328,980.00	16,244,147.00
1898	23,129,344.30	33,093,234.19	141,203,880.00	20,832,412.91
1899	23,193,592.00	56,998,783.68	149,200,700.46	14,627,439.56
1900	80,430,294.06	48,090,909.58	145,233,830.00	25,110,038.94
1901	114,220,066.55	65,140,916.67	145,245,240.00	16,285,995.75
1902	115,734,049.10	78,101,731.00	145,346,250.00	7,046,653.00
1903	91,730,136.41	78,826,963.13	139,812,240.00	32,540,199.50
1904	77,888,752.83	81,876,791.43	139,847,000.00	20,234,150.00
1905	77,070,400.88	97,505,140.91	141,360,500.00	10,872,200.00
1906	70,396,631.64	100,335,679.94	142,559,100.00	28,726,037.41
1907	71,817,165.08	102,060,670.27	143,745,500.00	17,254,050.01
1908	78,634,582.75	98,958,507.50	147,143,000.00	43,500,813.00
1909	95,382,247.61	122,663,885.47	173,053,000.00	18,002,945.00
1910	101,195,883.34	136,935,199.05	160,908,000.00	29,160,264.00
1911	95,440,567.55	131,350,854.38	155,758,000.00	49,380,541.50
1912	93,374,755.97	126,478,348.24	156,182,000.00	30,883,419.00
1913	90,958,712.98	147,077,507.76	165,146,145.84	33,279,370.50
1914	91,416,145.51	162,097,167.53	180,300,000.00	47,808,894.00
Total	1,973,825,531.68	2,120,214,833.29	4,568,201,057.52	660,532,901.01
Yearly average for 40 years	49,345,638.29	53,005,370.83	114,200,276.44	17,013,812.53

"The total amount, $680,552,501, spent on rivers and harbors is only 4 per cent of the total amount spent on railroads, and less by far than the total value of land grants alone made to the railroads, amounting to 160,000,000 acres, larger than all that part of the United States east of the Ohio and north of Maryland; the total freight carried on these railroads in 1914 was 288,320,000,000 ton-miles; yet on the Great Lakes alone in that year the writer estimates that the freight was 30,000,000,000 ton-miles.

"This grand total of money spent on our waterways is smaller than the grand total spent on the waterways of Holland, a country one-two hundred and fiftieth in area with one-seventeenth of the population.

"Here the writer desires to point to what is apparently a discrepancy in the author's statement where he cites that Prussia spent, between 1813 and 1906, $129,000,000 for her waterways, and later he uses this in his comparison with Germany, as though this $129,000,000 spent by Prussia was all that the German Empire spent.

"The United States has not spent enough by far for waterways, and much more will have to be expended.

"Finally, the writer wishes to point out that practically not a dollar has been expended on our waterways without the approval of the Army engineers. All work must first pass their close examination, as to feasibility and need, and no project stands much chance to pass both House and Senate if not approved by them. Some small works may have passed, but certainly not costing more in total than one-half of 1 per cent of the money spent.

"In comparing rail rates with water rates, one must also take into consideration the large land grants, franchises, rights of way, and bonuses given to the railroads, in many instances representing fabulous wealth, and certainly in their present-day value far in excess of the total sum spent by the United States up to date on its waterways and harbors.

"Railroads often advance the argument given by Mr. Lavis, that, to estimate the actual cost of water transportation, the true expenses of maintenance, interest, and operation should be charged against the water traffic; but, granting that this is correct, which the writer is not at all inclined to do, would it not be equally just to demand of the railroads interest on the land grants and royalties on the minerals granted to them? If such argument held true, we should charge tolls on our streets and country roads; our waterways are just like them—free and open to all; anyone, from a rowboat capitalist to a trust magnate, may use them, just like our streets and roads. Why only charge for the use of the streets? Why not also charge for underground use, for the rail tunnels in New York City, Baltimore, Washington, and so forth? Such faulty arguments lead to ridiculous conclusions. Suppose we did not improve our rivers and just permitted them absolutely to pass away as useful channels of trade, then, of course, there would not be any charge to collect, and we would save the interest, depreciation, and operating expenses of our waterways; and does Mr. Lavis think that this would be very constructive to our prosperity and national wealth? If he does, the writer may cite for him a few instances where the river channels became useless and where rail rates jumped in leaps and bounds. If this argument held true, streets should be torn up in the cities and everybody forced to move by trolley car; buses should be forbidden by law; country roads should be made impassable; and it should become a criminal offense to walk instead of patronizing the railroads.

"Often the argument is advanced that our railroads move freight at greatly less charges than those of Europe. Mr. Lavis says:

"'It is probably true that in the development of inland waterways some of the European nations have attained a greater measure of success than we have, but in economic progress in the general realm of transportation, including that by railways, it is undeniable that we have far outdistanced the rest of the world.'

"He also says:

"'In comparison with the rates of wages, the cost of freight transportation on the railroads of this country is only from one-third to one-quarter as much as in Germany.'

"Now, this general assertion is incorrect. It is granted that the official figures show a higher cost per ton-mile for the freight carried in Germany, England, or other European countries than in the United States, but here is where statistics lie, because they are misrepresented.

"The low-class commodity and bulk freight in Germany, France, Belgium, and Holland moves by water, and in England, where the inland water system is killed by private ownership of railroads, it is chiefly hauled coastwise. If all such low commodities as move by water in these European countries, with their low rates, are eliminated from the figures for the United States, the general average cost of transportation would be considerably higher. In those territories of the United States which have no large tonnage of low-class, bulky, freight commodities the average per ton-mile is from 2 to 3 cents per ton, or considerably higher than the average in European countries.

"To get at a fair comparison between rates in America, Germany, France, Belgium, Holland, and England there should be omitted from the American figures all those pertaining to the movement of coal, ore, lumber, grain, oil, and steel. There would also have to be taken into consideration the fact that European railroads had no land grants, but very expensive rights of way, together with a vast number of terminals per mile or per ton carried.

"Another phase which must be taken into consideration is that, on account of the density of population in Europe, the demand for smaller cars is strongly felt, so that carload shipments there average from 10 to 15 tons, resulting again in the fact that the rolling stock per ton-mile is far greater than in the United States. Intershipment of freight between small communities has reached a greater percentage of efficiency because of these small cars than in the United States, where many good-sized shippers find that their requirements of space still fall short of the prescribed carload shipment, which means a higher rate and greater reduction in the speed of movement, as a natural consequence of mixed shipping in part carloads.

"When all these facts are taken into consideration it will be clear that an empty comparison between the published European rail cost per ton-mile and the average cost in America is an unjust basis on which to assume that the rail cost of transportation is cheaper.

"The author states:

"'It is a wise policy, amply justified by experience, to have harbor facilities always a little in advance of the immediate necessities, and many of our seaports have responded admirably to efforts in this direction.'

"In reference to this statement it may be proper to remark that there are no efficient harbors in the United States; even the best and cheapest of them compare very unfavorably with European or South American ports, with the possible exception of England, more especially London, where the harbors are noted for their expensiveness. The second harbor in the United States, which is also the cheapest, namely, New Orleans, up to a recent date, could not show a single crane, and in general this harbor would be considered far from being a model of efficiency. Anyone who has visited large modern foreign ports will remember their floating, stationary, and movable cranes, and other mechanical appliances for loading and unloading.

"This being a discussion of rivers and railroads, the writer will restrict himself to these general statements, although a comparison of the cost of handling freight to and from steamers in the harbors of the world would be interesting. It would bring out many a fact of which we would feel ashamed, though the cheapest methods of loading and unloading coal and ore are on the Great Lakes, where (thanks to private enterprise) they are handled with remarkable dispatch at a cost per ton never heard of in Europe.

"The author says:

"'A practical test, almost infallible in its application, that will show whether a waterway project can be economically considered for further improvement is a progressively increasing commerce, and the measure of saving in cost of transportation will always be a guide as to the extent of work that is justified.'

"The writer can not agree with this. Such a test can not be the right one. Decrease of traffic on a water route (or on any other route, as far as that goes) does not necessarily indicate the need of the stopping and abandoning of all further improvements; it merely indicates that there are causes which handicap the use of such routes, and it becomes necessary to find out what these causes are before further improvements are made or abandoned. After such investigation it may be clear that the absence of these very improvements brought about the decline in traffic.

"Mr. Lavis gives two arguments that influenced the people of the State of New York to authorize by vote the construction of the new canal; first, that by providing competition the canal would compel the railroad lines to keep freight rates down; and second, that the actual cost of transportation would be less by the canal than by railroad.

"That the water routes have kept the railroads down in the past has been proved so often that this does not need to be thrashed out again. That such should not be the case the writer has frequently contended. He is convinced that waterways built with the sole idea of bringing down rail rates, not of using the routes, proves an error in judgment. A water route should be created only if wanted for its direct advantages, not because it becomes a club to beat down rail rates.

"Mr. Lavis agrees that the actual cost of transportation by canal is less than by rail, provided the interest on the investment and the cost of administration and maintenance of the canal are ignored. It is clear that his statement, that such overhead charges are about 8.6 mills per ton-mile, is only based on an estimated tonnage that would move through that canal; thus, with every ton in excess of Mr. Lavis's figures, this overhead charge of 8.6 mills per ton-mile decreases.

"The water distance between Buffalo and New York is approximately 500 miles, so that the overhead charge for this distance is 43 cents per ton. Now, it has been shown (International Marine Engineering, August, 1914) that the cost of transportation could be 26 cents per basic ton from New York to Buffalo, which makes a total of 69 cents per ton. Compare this with $1.96, the average railroad charge between Buffalo and New York, and $1.09, the lowest rate. It is clear that with an efficient service on this canal, and a rate which includes 22 per cent profit—is in fact 46 per cent of the rail rate—a very much larger tonnage would move through the canal than that on which Mr. Lavis has based his figures. This in turn would automatically decrease this 43 cents overhead charge.

"When Mr. Lavis states that the new canal cost considerably more per mile than the New York Central Railroad it must be remembered that the capacity of the canal is many times larger than that of the railroad.

"Mr. Lavis advances the argument that if the New York Central Railroad had been presented with, say, one-half the cost of the Barge Canal and one-half the estimated annual cost of administration and maintenance, it would have been glad to guarantee a freight rate of 2 mills per ton-mile on such items of bulk freight as may be expected to pass through the canal during the season when it is open. This sounds all right, theoretically, but it is very hard to agree as to what might move through the canal. In reports made by the writer to various individuals and corporations, and in his last report to one of the cities along the canal, he pointed out that undoubtedly a very large tonnage of general package freight and first and second class freight would move through this canal; and numerous are the instances that could be cited where water transportation companies handle first-class freight and package freight in preference to the railroads.

"Attention is invited to the Sacramento in California, the Trenton Transportation Co., of Trenton, N. J., or to the various transportation companies in Florida where, for instance, the Howard Transportation Co. handles fruit—especially citrus fruit—to the exclusion of the railroads, because it can forward it more rapidly and at a lower rate.

"Mr. Lavis contends that in the United States the railroad, as an efficient and cheap means of transport, has made possible the development of its principal industries where the soil, climate, and other conditions were best suited to them. Far greater credit is due to the waterways. Even to-day, at the ebb of water transportation in the United States, there is no city with a population of more than 250,000 which is not on a navigable waterway, and such States as lack the necessary water routes show, indeed, a very low stage of development when compared with those which are more favorably situated. The writer does not know of any city, in the entire history of the world, which has had more than 300,000 inhabitants, which was not situated on a navigable water route. Railroads alone have never been able to build a large city.

"Mr. Lavis also states that it is necessary for water transportation routes that business shall come to them, but why should not the railroads feed the water routes? Why should it not be said that water routes can reach the interior—through rail service—as it is now admitted that railroads reach the other side of the oceans—through water routes.

"The statement that some cargoes, notably coal and grain, deteriorate from wet and dampness when moved by water, and that there are other inherent difficulties in connection with inland water transportation—such as increased hazard and insurance rate—is contradicted by the statement of the Chamber of Commerce of Rotterdam that during 1913 more than 4,000,000 tons of grain and more than 6,000,000 tons of coal were moved on the Rhine to and from Germany.

"In connection with the experience of Mr. Lavis in Argentina, which is very hard to consider properly without all the facts in connection therewith, the writer wishes to mention Alberta and Saskatchewan, in Canada, where the rivers are developing the country and supporting the railroads. Only recently, in a report on the Peace River, running from British Columbia through Alberta to Great Slave Lake, and on the Athabaska, the writer claimed that these rivers alone could develop the country and that these water routes would never be fully supplanted by railroads.

"Because the Santa Fe, in Argentina, was accepted by Mr. Lavis as not able to solve the transportation problem of that country, it is just as little proved that all the waterways in the world are out of place, as the writer's opinion that the Peace River in Alberta will always remain a serious competitor of the railroads proves that all water routes of the world will supplant railroads.

"The great trouble with water transportation in the United States is its absence. Unknown makes unbeloved. There are very few people in the United States familiar with the problems of water transportation, and its almost total absence makes the number of its competent champions small. In lieu of these it has an army of politicians who fight for 'water improvement' for the sake of the spoils; a large number of well-meaning, poorly led, and frequently ill-advised citizens, and a considerable legion of highly trained and experienced transporters, who can only regard water transportation from their standpoint in life—that of railroad men.

"Inland water transportation is sadly needed, and the writer believes that it can be revived through the following measures:

"First. That waterways, harbors, bridges, and quarantine should be combined in a new department, with a Cabinet officer as head; this department should employ engineers specially educated for this at West Point. These engineers, though commissioned officers in the United States Army, should not be under direct charge of the Army officials during the time they are engaged in this waterways department.

"Second. That the decision which of the new waterways, if any, are a commercial necessity, should not be made by such engineers, but be considered by a group of transportation experts specially employed by the Government for such purpose.

"Third. That a definite, concise, uniform plan—a system of waterways improvement and development, etc.—should be prepared by this department for the entire United States, Congress to modify or improve this and appropriate a yearly lump sum to be spent in approaching this ideal of approved waterways.

"Fourth. That all States and communities are in duty bound to build inland water terminals, just as they now feel obligated to build sea terminals—harbors.

"Fifth. That an educational campaign in municipalities for the building of belt railroads, warehouses, and other facilities of communication to the harbor should be instituted.

"Sixth. That this measure shall provide for the public ownership of the river front. This, however, is not to be accepted as being antagonistic to private ownership, or at least to private leases ranging from periods not shorter than 20 years, unless so desired by the tenant.

"Seventh. That it is an absolute necessity that the abuse of the rail rate to meet water competition shall be stopped; that successful water transportation means rail rates tied down to fixed charges per ton-mile, plus terminal charges, and enforced exchange of freight between water and rail terminals.

"Eighth. That this measure is opposed to the licensing of pilots or to the compulsory employment of licensed officers.

"Ninth. That this measure provides for a uniform and Federal quarantine law.

"Tenth. That our waters and coasts should be open for navigation to any nationality or trade. It is necessary that the United States shall make use of all its waterways; this will bring work to our shipyards and supply houses, and employ, under the present laws, American labor. The stimulation of industries depending on water transportation brings life to it."

Mr. RANSDELL. I also ask permission to publish in the RECORD a very brief address delivered by Mr. Samuel A. Thompson, secretary and treasurer of the National Rivers and Harbors Congress, before the Third National Foreign Trade Convention at New Orleans, La., on January 29, 1916. It occupies 11 pages in this document, but it is printed in very narrow columns, as you see. The subject was the relation of improved waterways to foreign trade, and I hope every Senator will read it. It is a remarkably able discussion and a real contribution to the subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

THE RELATION OF IMPROVED WATERWAYS TO FOREIGN TRADE.

[An address by S. A. Thompson, secretary and treasurer of the National Rivers and Harbors Congress, before the Third National Foreign Trade Convention, New Orleans, La., Jan. 29, 1916.]

"Mr. Chairman and gentlemen, it may seem presumptuous for anyone, on this closing day of the convention, to attempt to add anything whatever to the able addresses and the interesting and enlightening discussions to which we have already listened. I crave your indulgence for a few minutes, however, while I

briefly discuss a factor which bears a fundamental relation to trade, both foreign and domestic, one which is of vital importance to commerce, both under the normal conditions of peace and in the emergencies produced by war. I refer to transportation.

"Transportation affects the price of everything bought or sold by any individual. It limits the territory tributary to the trade of any city. It determines the development of the resources of any State; and, far more than any other one thing, it fixes the share obtained by any nation in the commerce of the world.

"Unlike manufacture, which transforms crude materials into products adapted for human use, transportation changes the location of things without changing their character. The cost of transportation, therefore, is a tax, which must be paid either by the producer or the consumer, or, as is sometimes the case, divided between the two.

TRANSPORTATION AND OTHER TAXES.

"This transportation tax is by far the heaviest one we pay. Official figures for the year 1913 show that if to the total expenditures made by the National Government for all purposes we add all those made by the 48 States, by every county in all these States, and by every city, town, and incorporated village in the country with a population of 2,500 or over, the whole vast total sum could have been paid out of the gross earnings and income of our railways for the same year, and there would then have been left a surplus of $152,000,000.

"So, as you see, one form of transportation alone—the railway—collects from the average citizen of the United States more than he pays for the support of the Nation, the State, the county, and the city or village in which he lives. A little study of the cost of transportation by different methods may give us some light on the possibility of getting our transportation taxes reduced.

COMPARATIVE TRANSPORTATION COSTS.

"The experts of the Agricultural Department estimate the cost of transporting a ton of freight a distance of 1 mile by horse and wagon on the average road in the United States at 23 cents. In England, where the roads are much better than most of those in this country, and where much attention has been given to the development of what the English call a steam lorry and we would call a steam truck, it is said that goods can be carried for 5 cents per ton per mile.

"The average rate on all the railroads in the United States during the past few years has been about 7½ mills per ton per mile, but I can pick out a special group of roads upon which the average has been about 5 mills.

"On the Erie Canal in recent years the ton-mile rate has been about 3 mills, while on certain canals in Europe, which are deeper and wider and on which electric or other mechanical systems of haulage are used, the rate is 2 mills.

"The official records kept at the 'Soo' show that the average rate on the freight carried into and out of Lake Superior in 1913 was two-thirds of a mill per ton-mile; and while coal is habitually carried from Buffalo to Duluth, and I have the authority of the Pittsburgh Coal Exchange for the statement that it has often been carried from Pittsburgh to New Orleans, for one-third of a mill per ton per mile.

THE TON AND THE DOLLAR.

"These are microscopic figures. Let me translate them into something with which the average business man is more familiar. Here is something [holding up a dollar bill] with which I hope all of you are very much more familiar than I am. Suppose you have a ton of freight to ship and a dollar to spend in shipping it. How far will the dollar carry the ton by these different methods and at these different rates of transportation?

"By horse and wagon, a little over 4 miles; by English steam truck, 20 miles; by rail, at the average rate for United States railways, 133 miles; at the rate on the group of selected railways, 200 miles; on the Erie Canal, 333 miles; on the European canals, 500 miles; by lake, at the average rate through the 'Soo' Canal in 1912, 1,500 miles; while at the rate at which coal is carried both on the Great Lakes and on the Ohio and Mississippi Rivers, the ton of freight can be shipped 30 miles for a cent, 300 miles for a dime, 3,000 miles for a dollar.

"The difference in the rates of transportation by different methods seems to be sufficiently great to be worthy of serious consideration, but there is more in this matter than has yet been made apparent. Taking any point as a center—and naturally each one of you will think of your own city as a center—over how great a territory will a dollar carry a ton by these different methods and at these various rates of transportation?

"By horse and wagon, over a circle a little more than 8 miles in diameter; with the English steam truck on the English good road, the diameter of the circle becomes 40 miles; at the average railway rate in the United States, it expands to 266 miles; at the rate on the selected railways, to 400 miles; at the Erie Canal rate, to 666 miles; at the European canal rate, to 1,000 miles; at the 'Soo' Canal rate, to 3,000 miles; while at the coal rate which has been named, the dollar will carry the ton to the outer limits of a circle 6,000 miles in diameter.

A STRIKING ILLUSTRATION.

"Let me give you a concrete illustration of the difference in the cost of transportation by water and by rail. Through the 'Soo' Canal, at the outlet of Lake Superior, there were carried, in 1913, 79,718,344 tons of freight. This was carried an average distance of 820 miles at an average cost of two-thirds of 1 mill per ton per mile. If this same quantity of freight had been sent an equal distance by rail, at the average rate received by United States railways for that year, it would have cost $445,555,488—and 59 cents, if you want to be particular about it—more than was actually paid for its transportation by water.

"Let me hasten to add, however, that if Noah had prophesied a drought, instead of a flood, and had issued bonds to construct an irrigation system, instead of building an ark, he would have been a bright and shining example of business sagacity compared to a railway man who opposes the improvement of waterways. For, paradoxical as it may seem, the truth is that the best thing that can happen to a railway is to have a waterway paralleling every mile of its track. Indeed, I have never been able to find an instance where the improvement of an existing waterway, or the creation of a new one, has done anything else than to increase the business and the dividends of competing railways. Can any gentleman present tell me of a different result? [After a pause, no one replying.] I have been asking that question for 25 years, Mr. Chairman, and that is the same answer that I have always received.

CREATORS OF PROSPERITY.

"The reason that waterways benefit railways is also one of the fundamental reasons why improved waterways benefit foreign trade. It goes without saying that internal development must precede external commerce, and the more intensive the internal development the more extensive the external trade may be. Now, waterways have what may properly be termed a creative effect. If a whole mountain is full of valuable minerals only a small portion of the metal can be secured by a tunnel which enters the mountain near the top, but the lower the level at which a tunnel can be driven the greater the number of veins which can be tapped.

"A country may be full of natural resources, yet if none but a costly form of transportation is available few of them can be developed. Every decrease in cost of transportation, like the driving of a tunnel at a lower level, makes possible the utilization of additional resources.

"There are vast quantities of crude, raw materials which can only be profitably moved at a rate which is below the absolute cost of railway operation. But these crude materials, when moved by the cheap transportation which waterways can give, furnish the foundation for great industries, to the benefit both of the territory developed and of the railways by which it is served. Let me give you a concrete illustration.

WHAT HAPPENED TO FRANKFORT.

"The city of Frankfort, in Germany, is said to have been founded by the Romans about the year 150 A. D. Through the slow movement of the centuries Frankfort grew until, in 1881, it had a population of about 140,000. Something happened to change the rate of growth, for, in the 20 years following 1886, Frankfort grew more in industry, in commerce, in population, and in wealth than it had grown in all the previous seventeen hundred years. Just one thing was changed, and the conclusion is therefore irresistible that this one changed condition produced the results which have been stated.

"Frankfort is situated upon a little river, the original condition of which I have heard described as being 'too much dried up in summer, frozen up in winter, and flooded in the spring to be of any account for navigation.' However, a few small boats, drawn by horses, occasionally came up to the city. But in October, 1886, the river as far as Frankfort was given a dependable channel 8 feet 3 inches deep, and then things began to happen.

"The German Government, when it agrees to improve a waterway, compels the cities along that waterway to build harbors so that the channel can be used. Frankfort, from 1883 to 1886, spent $1,750,000 on a harbor, and one indication as to the effect of the improved river upon the city's growth is given by the fact that when the war broke out they were at work upon a new harbor, the estimated cost of which was nearly $18,000,000.

"Talking, some time ago, with a gentleman who was born on the banks of the Main, and who still has the accents of the Fatherland upon his tongue, he said to me, 'I make two visits, 12 years apart, one before, one after, the river was improved; und now my freudts think I lie ven I say dere are schmokestacks all der vay from Frankfort to der Rhine.' But he was telling the literal truth.

HOW THE RAILROADS FARED.

"There is a railroad running along each bank of the Main, all the way down to the Rhine. What happened to them? Did their business fall off? Did they go into the hands of receivers, or anything like that? On the contrary, their business began to grow by leaps and bounds, and at the time the war broke out they were handling almost four times as much tonnage as they hauled when they had a practical monopoly of the business of Frankfort.

"And that is not all; it is only the beginning. Formerly Frankfort had little to sell and much to buy. The cars, and such boats as came at all, came in loaded and went back empty. With the development of commerce and industry, Frankfort had also much to sell, and cars and boats went loaded in both directions. Thus the traffic was not only quadrupled in quantity but equalized in direction, and every traffic man present knows what an advantage that is.

"Nor is that all, or even the best of it. The traffic was not only increased in volume and equalized in direction, but it was raised in grade. It could afford to pay, and did pay, a very much higher rate, and, in addition to all else, with the growth of population and prosperity, there was a great increase in the passenger traffic. Following the improvement of the Main, the Prussian railway administration found it necessary to spend $11,000,000 for increased terminal facilities—in order to take care of the traffic which the river created and brought to the railway.

TRANSPORTATION VITALLY AFFECTS TRADE.

"A striking instance of the dominating influence which cost of transportation exercises over foreign trade is to be found in the report of the British Royal Commission on Waterways. The sworn testimony of a manufacturer in the Midland district of England, located only 85 miles from a first-class port and 105 miles from London by rail, declares that he has not only been beaten in the markets of the world, which he once dominated in his line, but actually driven from the capital of his own country by manufacturers in Frankfort and Mannheim in the heart of Germany, 500 miles farther away—but with water transportation available all the way.

A VALUABLE LESSON FROM MANCHESTER.

"Improved waterways tend to develop resources and industry widely throughout a country, while sole dependence upon a costlier form of transportation tends to concentrate manufacturing upon and near the seaboard. Manchester, England, in the early eighties was a dying city. Five thousand dwelling houses were tenantless; hundreds of warehouses were vacant, and factories by the score were closing their doors or moving to the coast. A dozen years later, a marvelous transformation had been wrought. The 5,000 dwelling houses had been reoccupied and 20,000 new ones had been built and were occupied; all the vacant warehouses and hundreds of new ones were teeming with business; and factories both old and new, some of the latter being among the largest in England, were humming with industry. The disease which was threatening to destroy the life of the city was costly transportation, and the remedy, which wrought the wonderful change that has been outlined, was the building of a ship canal.

"Liverpool and the railroads leading from that city to Manchester fought with the energy of despair against the building of this canal, thinking that their business would be destroyed, and it was eight years from the time the application was first made until the charter was granted. But what happened? Although Liverpool, in the effort to retain the business built up through generations of effort and the expenditure of vast sums of money, made repeated reductions in dock charges, the revenues of the Mersey Docks and Harbor Board increased five times as much during the 13 years following the opening of the canal as they had done during the same number of years before. The 7,000,000 tons of traffic developed at Manchester was not stolen from Liverpool, it was created anew. And incidentally every railroad leading to Manchester from Liverpool has had to increase its trackage and its terminals three and four times over in order to accommodate the enlarged traffic which the canal has produced.

IF FIFTY FAILED, CAN A THOUSAND WIN?

"If Manchester could not compete with Liverpool when it was only 50 miles from the sea, how in heaven's name can cities in the interior of the United States, a thousand miles or more from tide water, hope to develop a foreign trade or retain that which they may have now, in competition with cities on and near the coast? And if there be anyone here or elsewhere who thinks it might be well for the coast cities if manufacturers and population should move to them from the interior, let me ask him one question: Have New York, Boston, New Orleans, and the other cities on the coast grown rich and great in spite of the development of the interior, or because of it?

"It is my conviction that unless the waterways are improved and used the opening of the Panama Canal will be one of the greatest disasters that ever happened to the Mississippi Valley. And it is impossible that dry rot should disintegrate the industry and creeping paralysis destroy the commerce of the heart of the country, without working disaster to the port cities upon our seaboard.

COMPETITION TO BE INTENSIFIED.

"It is unsafe to go very far in prophesying how the present war will end or what its results will be. But one thing seems to me to be beyond all question, and that is that when peace comes again the competition for foreign trade will be far more intense than it has ever been before. It is true that many workers have been killed and disabled, but the warring countries have discovered that their women can do almost if not quite everything that their men have done. There will be, especially in Germany, a nationalization, perhaps even what might be called a militarization of industry. Possibly by the impulsion of patriotism, if necessary by the compulsion of governmental power, labor will accept the lowest living wage, the manufacturer the smallest possible profit, and in every way cost of production will be reduced to the lowest possible point, until the foreign markets, which are absolutely necessary to national rehabilitation, shall have been regained.

ALMOST UNBELIEVABLE, BUT ABSOLUTELY TRUE.

"In view of what is to come, it is important to consider what has already come to pass. In every one of the 20 years ending with 1913 the foreign commerce of Germany has exceeded that of the United States, and the excess has been steadily growing greater. Divide the 20 years into four periods of 5 years each. In the first 5 years the foreign commerce of Germany exceeded that of the United States by an average of $207,000,000 per year. In the second 5 the excess was $221,000,000. In the third it was $400,000,000. In the fourth, the average excess for each year was $712,000,000. For the single year 1912 it was $853,000,000. And for the whole 20 years it was $7,700,000,000.

"There is nothing in that record for the United States to be proud of, even if the two countries stood somewhere near on an equality. But we have an area more than seventeen times as great; we have 50 per cent more population; we have nearly three times the accumulated national wealth; and we have national resources greater by ten, possibly by twenty fold. If Mr. Farrell should ever find that a competing plant covering only 10 acres was doing far more business than one of the Steel Corporation which covered 175 acres, and that the difference was getting greater every year, I feel absolutely certain that he would not wait 20 years before he found out the reason or reasons for such an astounding discrepancy.

THE GERMAN TRANSPORTATION SYSTEM.

"Now, I frankly admit that I have 'water on the brain,' and I never expect to get over it, but I am not so completely a man of one idea that I attribute this startling difference solely to the transportation system of Germany, but I do attribute it mainly to that system. In 1905 Prussia passed a bill appropriating $80,500,000 for waterways. That German Kingdom had already spent $129,000,000 on waterways and had $2,225,000,000 invested in State-owned railways.

"These figures are not insignificant, even when standing alone, but their full significance must be shown by a comparison. And if the United States had already invested nearly $60,000,000,000 in State-owned railways and had spent $3,465,000,000 on waterways, and should then pass a single rivers and harbors bill appropriating $2,160,000,000 more, it would then occupy the same position in regard to transportation that Prussia had reached 11 years ago.

"What the Germans think of waterways, how absolutely vital they are regarded under all conditions, is shown by the fact that even in the midst of the greatest war in all history, when the Empire is fighting for its very life, they are not only maintaining and operating the waterways they already have but are actually building more. The great new waterway from the Oder to the Vistula, although not entirely finished, was opened to traffic in April of last year; the Rhine-Hanover Canal was finished in December; and Berlin, which had already spent $8,000,000 on a harbor in the eastern part of the city, has since the war began

started and almost completed a harbor on its western borders, at a cost of more than $9,000,000. And yet there are people in the United States who gravely tell us that all work upon waterways must be suspended in order that we may have money to make a needed increase in our Army and Navy.

OUR GREATEST ECONOMIC WASTE.

"The passage of time warns me that I must bring these remarks to a close. Improved waterways are of importance in connection with foreign trade, because they make possible the fullest development of natural resources; because they provide the cheapest form of transportation, both for the assemblage of raw materials and the shipment of finished products. I have given you an illustration of the tremendous difference in the cost of transportation by rail and by water, and it should be remembered that while money paid for a costly form of transportation when a cheaper form is available or can be made available undoubtedly benefits the transportation company to which it is paid, so far as the shipper is concerned it is just as much wasted as if it were burned up or thrown into the depths of the sea. On some of our largest rivers freight can be carried in fleets of barges at as low a cost as on the Great Lakes. It is interesting to note in passing that the greatest amount of cargo ever moved at one operation was not upon the Great Lakes, or even upon the high seas, but was on the Mississippi River when the towboat *Sprague* brought 56,000 tons of coal to New Orleans at one time.

"While the possible saving on smaller waterways is not as great as on the Lakes or our largest rivers, it is still vast in the aggregate. To my mind, the greatest economic waste in our country to-day and one of the greatest handicaps in the extension of our foreign trade, arises from the fact that we have failed to follow the example of Germany and develop and use our waterways. There is very little, if any, sentiment in trade; the buyer in South America, in China, or anywhere else, will always take the goods which are cheaper in price while equal in quality, and it matters little, or nothing at all, to him in what country they were made.

CUMULATIVE TRANSPORTATION COSTS.

"Sometimes figures are published to show how small a percentage of the selling price is due to transportation, but such figures as I have seen count only the freight on the finished product. This is a superficial view and leads to a false conclusion, for crude materials often go through many processes in different parts of the country. The finished product goes from factory to wholesaler, from wholesaler to jobber, and from jobber to retailer, before it reaches the consumer, and every time it moves from place to place it must bear a transportation cost. Besides, transportation affects the cost of the home in which the workman lives, of the food which he eats, and of the clothes which he wears; and what it costs the workman to live affects the wage which the manufacturer must pay, so the price of the finished product when it reaches the consumer's hands has been increased, not merely once but possibly a score of times, by the cost of transportation. It is evident, therefore, that the nation which has the lowest transportation cost has a tremendous advantage in the competition for foreign trade.

ENLIGHTENED PUBLIC OPINION NEEDED.

"As was well said by Mr. Vanderlip last evening, this body of men, and the business men of the country whom you represent, can control public opinion; and every consideration, from the loftiest patriotism to enlightened self-interest, demands that the business men of the United States should put their feet down hard on the senseless and slanderous charge of "pork barrel" and see to it that the Government of the United States immediately begins and continuously prosecutes the work of improving our rivers and harbors until we have a great, connected national system of waterways, working in complete harmony and cooperation with our splendid system of railways and the magnificent system of highways which is already begun.

NATIONAL PREPAREDNESS.

"Much is said in these days concerning national preparedness, and improved waterways promote national preparedness, either for peace or war, for sustained military efficiency and continued commercial supremacy are both founded upon industrial development; industrial development depends upon cheap transportation; and the cheapest of all transportation is water transportation."

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado [Mr. SHAFROTH].

Mr. CLARKE of Arkansas. Mr. President, it is perfectly evident that we shall not make much progress this afternoon, and I therefore ask that the bill be temporarily laid aside.

I move that when the Senate takes a recess this afternoon it be until 11 o'clock to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 13670. An act amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines;

H. R. 14864. An act to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; and

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. TILLMAN presented memorials of sundry citizens of South Carolina, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. OLIVER presented a petition of the Chamber of Commerce of Harrisburg, Pa., praying for Federal aid for vocational education, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Harrisburg, Pa., praying for an investigation by the Interstate Commerce Commission into the differences between the railroads and their employees, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Washington County, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, of San Francisco, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation be made for the construction of a road to the summit of Mount Whitney, which was referred to the Committee on Appropriations.

Mr. LIPPITT presented a petition of Local Lodge No. 850, Benevolent and Protective Order of Elks, of Woonsocket, R. I., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of the congregation of the Congregational Church of Royalston, Mass., and a petition of sundry citizens of Newton, Mass., praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BORAH, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 5014) to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes, reported it with amendments and submitted a report (No. 484) thereon.

Mr. THOMAS, from the Committee on Military Affairs, to which was referred the bill (S. 1584) for the relief of George M. Bryan, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 3479) for the relief of Sylvester Howe, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5175) to remove the charge of desertion from the military record of Albert Tousley, reported adversely thereon, and the bill was postponed indefinitely.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. LODGE. On March 22, 1916, I submitted amendments intended to be proposed by me to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, and they were referred to the Committee on Claims. I learn that the bill is before the Committee on the Judiciary. I ask that the Committee on Claims be discharged from the further consideration of the amendments and that they be referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 6179) granting an increase of pension to Commodore P. White (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6180) granting an increase of pension to Christopher C. Kelly (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6181) for the relief of Wilson Warford (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6182) granting an increase of pension to Dennis Willard;

A bill (S. 6183) granting a pension to Amanda M. Haner;

A bill (S. 6184) granting an increase of pension to Minerva Stevenson (with accompanying papers);

A bill (S. 6185) granting a pension to Sarah Smith (with accompanying papers);

A bill (S. 6186) granting an increase of pension to Martha E. Sims (with accompanying papers);

A bill (S. 6187) granting a pension to Julia Rumbley (with accompanying papers);

A bill (S. 6188) granting an increase of pension to Joseph H. Rowland (with accompanying papers);

A bill (S. 6189) granting an increase of pension to Sophronia A. McKenzie (with accompanying papers);

A bill (S. 6190) granting an increase of pension to John Mahafa (with accompanying papers);

A bill (S. 6191) granting an increase of pension to Henry D. Macomber (with accompanying papers);

A bill (S. 6192) granting an increase of pension to Stephen Lampman (with accompanying papers);

A bill (S. 6193) granting a pension to James F. Hargett (with accompanying papers);

A bill (S. 6194) granting an increase of pension to Robert P. Gailer (with accompanying papers);

A bill (S. 6195) granting a pension to Elizabeth Forsythe (with accompanying papers);

A bill (S. 6196) granting an increase of pension to Lemuel Evans (with accompanying papers);

A bill (S. 6197) granting an increase of pension to Thomas Edens (with accompanying papers);

A bill (S. 6198) granting an increase of pension to Arba Capron (with accompanying papers); and

A bill (S. 6199) granting an increase of pension to Mary S. Burnam (with accompanying papers); to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6200) granting an increase of pension to John McGuire; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6201) to restore to officers on the retired list of the Army the rank of which they were deprived by regimental promotion; to the Committee on Military Affairs.

By Mr. PHELAN:

A bill (S. 6202) for the relief of Augusta Reiter; to the Committee on Claims.

A bill (S. 6203) granting a pension to Martin Forrest (with accompanying papers); to the Committee on Pensions.

A bill (S. 6204) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States; to the Committee on Public Lands.

A bill (S. 6205) to provide for the establishment of a national Employment Bureau in the Department of Labor; to the Committee on Education and Labor.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 6206) granting a pension to Carl Reed (with accompanying papers); to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was ordered to lie on the table and be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. HUGHES submitted the following concurrent resolution (S. Con. Res. 23), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be authorized, in the enrollment of the bill (S. 4856) "granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors," to change the word "Hentry" to "Henry," where it occurs in line 21, page 7, and to change the word "him" to "her," where it occurs in line 1, page 18.

EMPLOYMENT OF ADDITIONAL MESSENGER.

Mr. NELSON submitted the following resolution (S. Res. 205), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate is hereby authorized and directed to place on the Senate rolls one additional messenger at the rate of $1,200 per annum, to be paid out of the contingent fund of the Senate until otherwise provided for by law.

NATIONAL DEFENSE (S. DOC. NO. 447).

Mr. CHAMBERLAIN. Mr. President, there has been a great deal of conflict of opinion as to what the Army reorganization act contains. I have submitted the bill to the Secretary of War, with the request that he analyze the law and transmit it to me, so that I might have it to lay before the Senate. I have received a communication from the Secretary of War, transmitting the analysis he makes of the bill, which I desire to ask to have printed as a public document.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

H. R. 13670. An act amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines, was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 14864. An act to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, was read twice by its title and referred to the Committee on Public Lands.

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916 was read twice by its title and referred to the Committee on Appropriations.

RECESS.

Mr. STONE. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m., Friday, May 26, 1916) the Senate took a recess until to-morrow, Saturday, May 27, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 26 (legislative day of May 18), 1916.

POSTMASTERS.

ALABAMA.

W. H. Ballenger to be postmaster at Dora, Ala., in place of Noah S. Daniel. Incumbent's commission expired February 19, 1916.

John M. Graham to be postmaster at Stevenson, Ala., in place of R. L. Wilson. Incumbent's commission expires May 28, 1916.

ARIZONA.

Don C. Babbitt to be postmaster at Mesa, Ariz., in place of W. M. Newell. Incumbent's commission expires June 14, 1916.

John D. James to be postmaster at Metcalf, Ariz., in place of Charles E. Dermont, resigned.

CALIFORNIA.

Samuel T. Moore to be postmaster at Gilroy, Cal., in place of Catherine T. Ryan. Incumbent's commission expired December 18, 1915.

COLORADO.

Taylor B. Geer to be postmaster at Delta, Colo., in place of Ella New. Incumbent's commission expires June 7, 1916.

CONNECTICUT.

James E. Cuff to be postmaster at Danbury, Conn., in place of E. B. Croffutt. Incumbent's commission expires June 7, 1916.

Charles W. Leet to be postmaster at Chester, Conn., in place of R. C. Tyler. Incumbent's commission expires June 12, 1916.

ILLINOIS.

W. C. F. Albrecht to be postmaster at Dundee, Ill., in place of William Hawley. Incumbent's commission expired May 17, 1916.

John H. Daley to be postmaster at Tampico, Ill., in place of George Isherwood. Incumbent's commission expired April 9, 1916.

Hugh A. Mason to be postmaster at Mound City, Ill., in place of Alfred Schuler. Incumbent's commission expired May 10, 1916.

William H. Meyer to be postmaster at Lombard, Ill., in place of D. H. Fleege. Incumbent's commission expired April 24, 1916.

Alta A. Rose to be postmaster at Atwood, Ill., in place of C. C. Hamilton. Incumbent's commission expired April 24, 1916.

INDIANA.

Daily C. Beverly to be postmaster at Lynn, Ind., in place of Frank Daly. Incumbent's commission expires June 12, 1916.

Earl K. Shalley to be postmaster at Berne, Ind., in place of Anna Egly. Incumbent's commission expires June 14, 1916.

IOWA.

O. S. Barber to be postmaster at Creston, Iowa, in place of W. H. Robb, resigned.

Paul Krueger to be postmaster at Jesup, Iowa, in place of Fred S. Stoddard, resigned.

W. F. L. Merrill to be postmaster at Hazleton, Iowa, in place of Jacob Kiefer. Incumbent's commission expired May 17, 1916.

LOUISIANA.

Mrs. George H. De Clouet to be postmaster at La Fayette, La., in place of J. R. Domengeaux. Incumbent's commission expired March 21, 1916.

Teresa M. Stewart to be postmaster at Welsh, La., in place of W. M. Terry. Incumbent's commission expires June 12, 1916.

Alvyn L. Woods to be postmaster at Lutcher, La., in place of M. P. T. Prescott. Incumbent's commission expires June 12, 1916.

MARYLAND.

Alcenus E. Cooper to be postmaster at Denton, Md., in place of John T. Carter. Incumbent's commission expired May 24, 1916.

Raymond L. Westerfield to be postmaster at Port Deposit, Md., in place of Albert N. Vannort, resigned.

MICHIGAN.

Clara R. Howell to be postmaster at Caro, Mich., in place of O. S. Pattison. Incumbent's commission expired April 5, 1916.

MINNESOTA.

Earl Q. Stanley to be postmaster at Alden, Minn., in place of F. L. Walker. Incumbent's commission expired May 20, 1916.

MISSISSIPPI.

John A. Collier to be postmaster at Leland, Miss., in place of John B. Collier, deceased.

NEBRASKA.

J. C. Chatelain to be postmaster at Peru, Nebr., in place of J. D. Bishop, resigned.

NEW YORK.

Manly A. Aiken to be postmaster at Kenwood, N. Y., in place of Manly A. Aiken. Incumbent's commission expired January 22, 1916.

C. J. Carey to be postmaster at Saranac Lake, N. Y., in place of W. E. Johnson. Incumbent's commission expired January 25, 1916.

John Lenney to be postmaster at Potsdam, N. Y., in place of J. J. Keenan. Incumbent's commission expired April 11, 1916.

NORTH DAKOTA.

Thomas Rowan to be postmaster at Sherwood, N. Dak., in place of Edward L. Dougherty, removed.

OKLAHOMA.

D. W. LeCrone to be postmaster at Forgan, Okla., in place of Earl E. LeCrone, resigned.

OREGON.

John P. Houston to be postmaster at Vale, Oreg., in place of V. B. Staples. Incumbent's commission expired March 8, 1916.

PENNSYLVANIA.

Bert B. Bowen to be postmaster at Sheffield, Pa., in place of M. H. Shick. Incumbent's commission expired March 1, 1916.

John C. Bradley to be postmaster at Birdsboro, Pa., in place of H. E. Brinley. Incumbent's commission expired May 10, 1916.

Milo G. Coulin to be postmaster at Duquesne, Pa., in place of J. S. Edmundson. Incumbent's commission expires June 7, 1916.

Sorado Miller to be postmaster at Coopersburg, Pa., in place of Thomas Stephens. Incumbent's commission expired May 20, 1916.

Joseph Smith to be postmaster at Elkland, Pa., in place of J. H. Buckbee. Incumbent's commission expires May 31, 1916.

SOUTH CAROLINA.

Lawrence O. Harper to be postmaster at Honea Path, S. C., in place of Lawrence O. Harper. Incumbent's commission expired May 17, 1916.

Achilles W. Knight to be postmaster at Bamberg, S. C., in place of A. W. Knight. Incumbent's commission expires June 12, 1916.

TENNESSEE.

W. S. Regenold to be postmaster at McKenzie, Tenn., in place of W. A. Hill. Incumbent's commission expires May 31, 1916.

WEST VIRGINIA.

James J. Dunn to be postmaster at Rowlesburg, W. Va., in place of C. V. Hooton. Incumbent's commission expired December 14, 1914.

WISCONSIN.

Gilbert C. Roberts to be postmaster at La Farge, Wis., in place of Gilbert C. Roberts. Office became presidential January 1, 1916.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 26, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

For the joy of life and the fullness thereof we bless Thee, O God. For this day and the glory of it we bless Thee, O our Father. Strengthen us, we pray Thee, for each newborn duty. Fill our hearts with zeal and enthusiasm that we may follow in the wake of the world's great Exemplar, and thus fulfill to the uttermost our mission upon the earth, to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4797) entitled "An act to amend an act entitled 'An act concerning foreign-built dredges,' approved May 28, 1906."

The message also announced that the President had approved and signed on May 25, 1916, bill of the following title:

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15774, the District of Columbia appropriation bill.

Mr. MADDEN. Mr. Speaker, pending the consideration of the motion just made by the gentleman from North Carolina, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. The Post Office Committee agreed to ask for a rereference of two bills from the Committee on Reform in the Civil Service back to the Post Office Committee, and it was the understanding that this would be brought up at this hour, this being the time at which, under the rules, the motion should be made. If that motion be not made at this time, when the District of Columbia appropriation bill is completed will the Chair give recognition for the making of that motion?

The SPEAKER. The rule provides that the motion shall be made immediately after the reading of the Journal. That, however, has not been the practice, and under the circumstances in this case if the gentlemen interested in the motion are willing to have it go over to accommodate the Committee on Appropriations the Chair will feel that he ought to recognize them when they make the motion later.

Mr. MADDEN. That will be satisfactory to the committee, I think.

Mr. COX. Mr. Speaker, in response to the inquiry of the gentleman from Illinois [Mr. MADDEN], I desire to state that no member of the Committee on the Post Office and Post Roads who will oppose the motion to be made will raise the point of order upon the word "immediately" in the rule, which requires that it shall be done immediately after the reading of the Journal. We expect to make a point of order against the motion, but we will not press that point as to time.

Mr. MADDEN. It will be understood, then, that regardless of the rule we can have the matter considered later?

Mr. COX. Yes; reserving to us who oppose the motion the right to a point of order on other grounds.

The SPEAKER. The Chair will hold it in order, so far as time is concerned, if given the opportunity.

The question is on the motion of the gentleman from North Carolina that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. FERRIS in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Juvenile court: Judge, $3,600; clerk, $2,000; deputy clerk, who is authorized to act as clerk in the absence of that officer, $1,350; financial clerk, who is authorized to act as clerk in the absence of that officer, $1,200; stenographer and typewriter, who is authorized to act as a deputy clerk, $900; stenographer and typewriter for judge's work, and to aid in keeping records in clerk's office, $900; probation officers—chief, $1,800, assistant chief, who shall also be investigating officer for children's cases, $1,500; 2 at $1,200 each; 4 at $1,000 each; clerk for probation office, $900; 2 bailiffs, at $900 each; telephone operator, $600; janitor, $600; charwoman, $240; in all, $23,790.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 64, after line 10, insert as a new paragraph the following:

"For the payment of two inspectors to carry out the purposes of the act approved May 28, 1908, entitled 'An act to regulate the employment of child labor in the District of Columbia,' as provided by section 10 of said act, $2,400."

Mr. PAGE of North Carolina. Mr. Chairman, I make the point of order against the amendment.

Mr. MONDELL. Mr. Chairman, I desire to be heard on the point of order. The child-labor act provides for the regulation of child labor in the District of Columbia, and section 10 of that act is as follows:

That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of this act, at a compensation not exceeding $1,200 each per annum.

The amendment which I have offered provides for the payment of those two inspectors.

The CHAIRMAN. Have these inspectors been appointed before?

Mr. MONDELL. The District Commissioners, acting under authority of this section, detailed two police officers to this work. It is not a matter of law; it is a matter of detail. If this amendment is adopted, that payment will either go to those two officers or the commissioners acting under their authority may detail other officers or appoint officers. At the present time they have simply detailed two police officers.

The CHAIRMAN. The Chair thinks the gentleman is right about that. Does the gentleman from North Carolina desire to be heard upon the point of order?

Mr. PAGE of North Carolina. Mr. Chairman, I have an impression that that provision of the child-labor law has been repealed or modified to the extent that would justify my point of order, and I will ask the gentleman from Wyoming if he will not permit this to be passed over for the present?

Mr. MONDELL. Certainly.

Mr. PAGE of North Carolina. And we will revert to it later.

The CHAIRMAN. Without objection, the Clerk will read, and unanimous consent is given to return to this point.

There was no objection.

The Clerk read as follows:

For rent of building at 203 I Street NW., $2,400.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 64, lines 12 and 13, strike out the words "of building at 203 I Street NW.," so that the paragraph will read:

"For rent, $2,400."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Municipal court: Five judges, at $3,000 each; clerk, $1,500; 3 assistant clerks, at $1,000 each; messenger, $600; janitor, $600; in all, $20,700.

Mr. MANN. Mr. Chairman, I reserve a point of order on this paragraph.

Mr. JOHNSON of Kentucky. Mr. Chairman, I was going to make the point myself, or at least reserve it.

Mr. PAGE of North Carolina. Mr. Chairman, I assume that the point of order is aimed at the increase in the salaries of the five judges. These judges are receiving $2,500 a year, and your committee has increased their compensation to $3,000. This matter has been presented to the subcommittee making up this bill since I have been a member of the Committee on Appropriations at each recurring session of Congress with very convincing reasons why the salaries for these judges should be increased to $3,000. In the paragraph just passed the judges of the police court are paid a salary of $3,600 a year, while the judges of this court have been paid $2,500 a year. This court has absolute and original jurisdiction in all civil cases where the amount involved does not exceed $500. It is the court of the great mass of litigants in the District of Columbia. I do not remember exactly, but to the best of my recollection from 75 to 80 per cent of the civil cases tried in the District of Columbia are tried before this court, and these judges have very much harder work than do the police court judges, if that is possible. Your committee believes that the compensation should be increased to that sum; and while, if the gentleman insists upon his point of order, of course, it will go out, I would like to call the attention of the committee to the fact that this is the only court in the District of Columbia whose receipts are $15,000 more than the cost of the entire court—the only court that turns into the Treasury more than is expended upon its maintenance. A special committee of the subcommittee framing this bill visited the court and are familiar with it; and I believe, Mr. Chairman, that the Committee of the Whole will make a mistake if it does not allow this increase of salary to the overworked judges upon this bench.

Mr. DAVIS of Minnesota. Mr. Chairman, I desire to say just a few words on this particular paragraph, especially upon the salary. It has been my occupation for quite a number of years—thirty-odd—to practice before the various courts of the United States—municipal, district, State, and others. I wish to say this: That if the judges of this court are qualified—and I must assume that they are, and they do a large amount of business—they must of necessity be good lawyers. They must of necessity be better lawyers than are required of any police judge. They must, and usually are, of greater ability than any juvenile court judge. The matters that come before them involve the whole gamut of law. They must be constitutional lawyers, because questions of that kind are submitted to them.

Mr. COX. Will the gentleman yield for a question?

Mr. DAVIS of Minnesota. Yes.

Mr. COX. Do they perform the duties now that formerly were performed by justices of the peace?

Mr. DAVIS of Minnesota. Yes; and all others except certain criminal jurisdiction in the District of Columbia which is apportioned to the police judges.

Mr. COX. And the District does not have any justices of the peace any more?

Mr. DAVIS of Minnesota. They do not.

Mr. COX. This court does all the work?

Mr. DAVIS of Minnesota. Yes; and in addition have jurisdiction up to the amount of $500 in civil cases.

Mr. COX. What criminal jurisdiction do they have?

Mr. DAVIS of Minnesota. They have none. I believe that is apportioned to the police court judges.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will permit an interruption, I think it is the intention in a bill now before the Committee on the Judiciary, in reference to the code of the District, to have the civil jurisdiction of these judges quite largely increased. I understand so.

Mr. DAVIS of Minnesota. I understand they are overworked now. They perform the work of practically all the civil cases in the District of Columbia.

Mr. JOHNSON of Kentucky. My attention was just called to that phase of it, and so far as I am concerned I am ready to withdraw my point of order.

Mr. DAVIS of Minnesota. A real lawyer, a real judge, who performs the duties of municipal judge, gets only $2,500, while a police judge gets $3,000 a year, and a juvenile court judge, who has to deal with greatly inferior matters from a legal standpoint, gets $3,000 a year. Two thousand five hundred dollars for a man capable of filling this position is an absurdity. I hope the gentleman will withdraw his point of order. It has been before the committee ever since I have had anything to do with it. I for one would put the salary slightly above any police judge or a juvenile court judge, whereas the difference is $1,100 in favor of the police and juvenile court judges. The receipts from the office more than balance all the expenses.

Mr. CARY. Is it not a fact there is $100,000 to the credit of this court now?

Mr. DAVIS of Minnesota. I think the gentleman is right.

Mr. MANN. Will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. MANN. How could they have a large sum to their credit?

Mr. DAVIS of Minnesota. The receipts have been $100,000 greater than the expenses.

Mr. MANN. Oh, I do not suppose they solicit business. They have nothing to do with that. You might as well apply that principle to our own salaries.

Mr. DAVIS of Minnesota. It shows—I have tried to show, at least—that their work is enormous, and it is of the best legal quality. They should receive a greater salary. The matter has been pending so long that it ought to receive favorable attention now.

Mr. JOHNSON of Kentucky. Mr. Chairman, one of the members of the Committee on the Judiciary has suggested that, if he remembers correctly, a bill is now pending before that committee relating to this subject, and in all probability it will be reported out, increasing the civil jurisdiction of this court to $1,000. In view of that, so far as I am concerned, I wish to withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Writs of lunacy: For expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of existing law, including the employment of an alienist at not exceeding $1,500 per annum, and a clerk who shall be a stenographer and typewriter, $840, $4,840.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the increase of salary there, $1,500; and also for the extra clerk at $840.

Mr. HOWARD. Mr. Chairman, if the gentleman from Kentucky will reserve that point of order, I would like to make a statement.

Mr. JOHNSON of Kentucky. I will reserve it.

Mr. HOWARD. I want to say, Mr. Chairman, that the subcommittee, looking into this question of the alienist, found that the alienist who passes upon the mental condition of the people in the District here was receiving $1,000 a year.

Personally I have very little confidence in the opinion of a good many alienists that I have run across in my day and generation, and I have seen some that had the reputation of being great expert alienists, who received enormous fees for making examinations, and I did not have very much confidence in their diagnoses when made or in their reports. But the proposition here resolves itself into this: That if there is going to be any expert examination of these people at all, the examination ought to be conducted by a man who at least has some "smattering" of knowledge of mental disease.

The committee thought that the remuneration of $1,000 a year would not attract a man who was capable of making a proper diagnosis, and for that reason, at the earnest request of the Commissioners of the District of Columbia, who thought this salary was inadequate, we fixed the salary at $1,500 a year.

The report here shows that under the observation of this particular alienist there were 1,611 cases last year. We thought that, in view of the recommendation of the commissioners, who looked into this matter very carefully and who always make recommendations from the conservative standpoint, so far as the economic operation of the District affairs is concerned, we ought to adhere to their recommendation and increase the salary to $1,500 a year.

Of course, we realize that this is subject to a point of order. But those are the facts, and I think the members of the subcommittee on the other side will agree that we looked into the matter very carefully before we recommended the increase of this salary to $1,500 a year. We think that any man who properly performs his duty during the year should receive that amount.

My attention has been called to the fact that the alienist had under his supervision in the Washington Asylum and the juvenile court and all other courts in the District of Columbia 1,611 cases during the year 1915, so at that rate, even at the increased salary, this alienist, who is supposed to have expert knowledge, would have received less than $1 per case during the year 1915. We feel that any person taking this position will earn the salary, and I hope the gentleman from Kentucky will withdraw his point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, an alienist for the lunatic asylum has already been employed and paid $4,500 a year. This, perhaps, seeks the employment of another man to relieve the alienist of his work while he is testifying as an expert in other courts and in other cases.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. HOWARD. Does the gentleman mean to convey the idea that this office has any connection, directly or indirectly, with St. Elizabeth's?

Mr. JOHNSON of Kentucky. That is exactly what I mean; yes; it is under that head. This man is supposed to hang around the local courts down here as an alienist, while the superintendent of the asylum, who is acknowledged to be one of the best alienists in the country, holds his job at $4,500 a year because of his reputation as an alienist. I am not now in favor of employing somebody to do his work while he is testifying in other courts as an expert alienist, and, Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The point of order is sustained.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment: In line 13, where the figures "$1,500" are stricken out, I offer "$1,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amend, page 56, line 13, by inserting "$1,000" in lieu of "$1,500."

Mr. JOHNSON of Kentucky. And with that, Mr. Chairman, also should go out the words "and a clerk, who shall be a stenographer and typewriter, $840."

Mr. PAGE of North Carolina. That went out on the point of order.

The CHAIRMAN. Yes; that went out on the point of order. The question is on agreeing to the amendment offered by the gentleman from North Carolina [Mr. PAGE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For interest and sinking fund on the funded debt, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto, $975,408.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: On page 66, strike out all of lines 18 and 19 and in lieu thereof insert the following: "payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Support of convicts: For support, maintenance, and transportation of convicts transferred from the District of Columbia; for expenses of shipping remains of deceased convicts to their homes in the United States, and for expenses of interment of unclaimed remains of deceased convicts; for expenses incurred in identifying and pursuing escaped convicts and for rewards for their recapture; to be expended under the direction of the Attorney General, $100,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, the estimate under this item, if I am correct, is $165,000, and the expenditures for the current year are $150,000.

Mr. PAGE of North Carolina. I will say to the gentleman that there was an appropriation of $60,000 in one of the deficiency bills at this session in addition to the appropriation in the last act of $90,000, making in all $150,000. The amount in this bill, $100,000, is $10,000 more than the current law. This is in consonance with the provision carried further over in the bill that covers the reformatory for the District of Columbia and under which, during the life of this bill, the prisoners will be assigned to an institution here. That will save a great deal of the expense of caring for these District prisoners in United States penitentiaries.

Mr. MONDELL. That is the new institution at Occoquan?

Mr. PAGE of North Carolina. Yes; at Occoquan; and this has been done after full consultation with the authorities as to the amount.

Mr. MONDELL. Is the gentleman quite certain that that new institution will be ready for these people during the coming fiscal year?

Mr. PAGE of North Carolina. We are assured by the authorities that if the provision contained further on in this bill is enacted into law, they will be in a position, during the life of this bill, to take care of 300 of those prisoners at Occoquan, that being half the number now in Federal penitentiaries.

Mr. MONDELL. The intention, I understand, is to bring them up here and to quarter some of them at least temporarily while they are putting up the new buildings.

Mr. PAGE of North Carolina. That is the proposition; and this also provides that the court may sentence prisoners to this institution rather than to the Federal penitentiary.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Columbia Hospital for Women and Lying-in Asylum: For maintenance and operation, $20,000. Upon the passage of this act the terms of the members of the present board of directors shall terminate, and thereafter the board shall consist of the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service, and one Senator and two Representatives in Congress, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, each for the term of a single Congress and be eligible for reappointment, and five members, who shall be residents of the District of Columbia, to be appointed by the commissioners. Of the number of directors appointed by the commissioners first after the passage of this act, one shall serve for one year, two for two years, and two for three years; all subsequent appointees of said commissioners shall serve for three years, except that appointments to fill vacancies occurring during a term shall be for the unexpired term. The said board shall have full power to appoint all officers and employees of said hospital, including the medical staff, subject to the approval of the commissioners. There shall always be at least three members of each sex upon said board. The said hospital shall continue to operate as a hospital (and dispensary) for the treatment of diseases peculiar to women and lying-in asylum, and shall continue to furnish board, lodging, medicine, and medical attendance gratuitously to those unable to pay therefor, when so duly certified by the Board of Charities of the District, and to be paid for by the said Board of Charities. It shall also receive patients who are willing to pay their expenses, and all money received from said patients shall be paid daily to the collector of taxes of the District, to be deposited by him to the credit and to constitute a part of the annual appropriation for support and maintenance of said hospital, which money, together with all appropriations made for said hospital, shall be expended under the direction of the board of directors of the hospital. The Commissioners of the District of Columbia shall have supervision of said hospital and the board of directors thereof shall account for all receipts and expenditures of them, in such manner as they, the said commissioners, may prescribe, and all estimates for appropriations to be made by the Congress for the operation and other expenses of the hospital shall be submitted by the board of directors to the District Commissioners, and by them submitted to Congress in the same manner as all other estimates for the operation of the District government are now submitted."

Mr. MANN. Mr. Chairman——

Mr. PAGE of North Carolina. Mr. Chairman, if the gentleman will allow me, I have several amendments that I would like to offer to this section and to have them read from the Clerk's desk and considered. After consultation with various gentlemen interested, I think these amendments will make this satisfactory to the gentleman.

Mr. MANN. I hope the gentleman is proposing some amendments which I would have proposed.

The Clerk read as follows:

Committee amendment: On page 74, line 15, after the word "District," strike out the period and insert a comma and the following words——

Mr. MANN. There is no such word in that line.

Mr. CARLIN. That should be in line 22.

The CHAIRMAN. Without objection, the amendment will be considered as ordered after the word "District," in line 22.

The Clerk read as follows:

Page 74, line 22, after the word "District," strike out the period and insert a comma and the following words: "And to be paid for by the said Board of Charities."

The amendment was agreed to.

The CHAIRMAN. The gentleman from North Carolina offers a second amendment, which will be read by the Clerk.

The Clerk read as follows:

Committee amendment No. 2: On page 74, line 16, strike out the words "of each sex."

Mr. MANN. That would make the paragraph ridiculous.

Mr. CARLIN. There is another amendment there which provides for an insertion.

Mr. MANN. I do not know what they propose to insert.

Mr. PAGE of North Carolina. I ask unanimous consent that this section as to Columbia Hospital may be passed over temporarily and the amendments withdrawn, so that they may be offered properly.

Mr. FOSTER. If the gentleman will permit, I have a copy of the section here with the amendments written into it, and I think that will cover it.

Mr. PAGE of North Carolina. Then, Mr. Chairman, I ask unanimous consent to withdraw the amendment just read and the other amendments sent to the desk, and to offer an amendment in the way of a substitute for the section.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to withdraw the amendment just read and the other amendments sent to the desk, and that in lieu thereof a substitute be offered. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the word "necessary," in line 20, page 73, down to and including line 7, page 75, and insert the following:

"Columbia Hospital for Women and Lying-in Asylum: For maintenance and operation, $20,000. Upon the passage of this act the terms of the members of the present board of directors shall terminate, and thereafter the board shall consist of the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service, and one Senator and two Representatives in Congress, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, each for the term of a single Congress and be eligible for reappointment, and five members, who shall be residents of the District of Columbia, to be appointed by the commissioners. Of the number of directors appointed by the commissioners first after the passage of this act, one shall serve for one year, two for two years, and two for three years; all subsequent appointees of said commissioners shall serve for three years, except that appointments to fill vacancies occurring during a term shall be for the unexpired term. The said board shall have full power to appoint all officers and employees of said hospital, including the medical staff. There shall always be two female members upon said board. The said hospital shall continue to operate as a hospital (and dispensary) for the treatment of diseases peculiar to women and lying-in asylum, and shall continue to furnish board, lodging, medicine, and medical attendance gratuitously to those unable to pay therefor, when so duly certified by the Board of Charities of the District, and to be paid for by the said Board of Charities. It shall also receive patients who are willing to pay their expenses, and all money received from said patients shall be paid daily to the collector of taxes of the District, to be deposited by him to the credit and to constitute a part of the annual appropriation for support and maintenance of said hospital, which money, together with all appropriations made for said hospital, shall be expended under the direction of the board of directors of the hospital. The Commissioners of the District of Columbia shall have supervision of said hospital and the board of directors thereof shall account for all receipts and expenditures of them, in such manner as they, the said commissioners, may prescribe, and all estimates for appropriations to be made by the Congress for the operation and other expenses of the hospital shall be submitted by the board of directors to the District Commissioners, and by them submitted to Congress in the same manner as all other estimates for the operation of the District government are now submitted."

The CHAIRMAN. The question is on agreeing to the substitute.

Mr. MANN. I should like to offer a verbal suggestion or two myself. I move to strike out of the substitute, in line 16, as it appears in the original bill, the word "always."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 16, page 74, strike out the word "always."

Mr. PAGE of North Carolina. We accept that amendment, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. I move to strike out, in line 24, page 74, the word "daily."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 74, by striking out, in line 24, the word "daily."

Mr. MANN. I do not suppose they receive very much money there, and to make a daily report will probably be more expensive than is worth while.

Mr. PAGE of North Carolina. The gentleman is mistaken. They receive quite a good deal of money there. They have an average of about 60 pay patients in the hospital, and the receipts are very considerable.

Mr. MANN. I doubt whether the daily receipts are very considerable. I move to strike out "daily" and leave it so that they will make the report. I have no doubt they will send in the money when they have it.

Mr. PAGE of North Carolina. Personally, I have no objection to that, but there is a good deal more money handled there than the gentleman from Illinois thinks.

Mr. MANN. I doubt if their daily receipts amount to much.

Mr. PAGE of North Carolina. Where there are $25,000 a year taken in, I imagine that every day the receipts are considerable.

Mr. FOSTER. I saw that in the amendment offered by the gentleman from North Carolina, and, as the gentleman from Illinois says, it seemed to me that for an institution which takes in probably on an average $4,000 or $5,000 a month when it is filled with patients, it would be considerable trouble to make the report daily, and what I wanted the gentleman from North Carolina to do was to permit them to report weekly or monthly.

Mr. PAGE of North Carolina. I will not in the slightest degree antagonize any amendment offered, but I can see no objection to reporting daily. If you strike out the word "daily" they might report but once a year.

Mr. MANN. They will have to turn it in before they can use it. The money goes into the Treasury and then comes back to them; they could not use it until after it was turned in.

Mr. PAGE of North Carolina. If the gentleman will strike out the word "daily" and substitute "monthly," I shall not object.

Mr. MANN. Very well, I will offer that amendment, Mr. Chairman.

The Clerk read as follows:

Page 74, line 24, strike out the word "daily" and insert the word "monthly."

The amendment was agreed to.

Mr. MANN. I would like to ask the gentleman from North Carolina how these estimates will be made—will they be made by the board?

Mr. PAGE of North Carolina. They will be made to the commissioners and transmitted by them in the regular way.

Mr. MANN. They have no authority to change them?

Mr. PAGE of North Carolina. No; except as they have the indirect control of certain appointees on the board. They have no more authority to change them than they have the estimates of the school board. They can change them as they can other estimates.

Mr. MANN. Most of the estimates they can change.

Mr. PAGE of North Carolina. The language is such that they could change them here, I will say to the gentleman.

Mr. MANN. I doubt it.

Mr. PAGE of North Carolina. If that is not so, they ought to have it.

The CHAIRMAN. The question is on agreeing to the substitute.

The question was taken, and the substitute was agreed to.

The Clerk read as follows:

For emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with Central Dispensary and Emergency Hospital by the Board of Charities, $17,000.

Mr. CARLIN. Mr. Chairman, I would like to ask the gentleman from North Carolina if there is not a deficiency in the Emergency Hospital not provided for in the bill.

Mr. PAGE of North Carolina. No; there was no estimate made in connection with Emergency Hospital.

Mr. CARLIN. If it should turn out that there should be a deficit, it could be taken care of in the deficiency bill.

Mr. PAGE of North Carolina. That is the proper place to take care of all deficiencies.

The Clerk read as follows:

In all, Tuberculosis Hospital, $57,960.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The current District appropriation bill carries a provision for the preparation of plans for the construction of a municipal hospital. These plans have been prepared, as I understand it, and the District Commissioners sent in an estimate of $150,000, with a limitation of $500,000, as I recall it, for the beginning of the construction of a municipal hospital. I am not clear whether an item of that sort would be subject to a point of order or not.

Mr. FITZGERALD. I am.

Mr. MONDELL. I shall not offer it, because I realize that this is not the time and place to determine as to the construction of that hospital. But I think the House would like to understand the views of the subcommittee that has given a great deal of attention to the matter concerning the building of a municipal hospital. The matter has been agitated for a long time, many people are interested in it, and believe the hospital should be built, and the plans have been prepared. What are the views of the subcommittee upon the matter?

Mr. PAGE of North Carolina. I have no doubt of two things, Mr. Chairman—one is that the gentleman from Wyoming is absolutely certain that an amendment offered to the bill at this place for a municipal hospital would be subject to a point of order and would be so held. The other thing, of which I am equally certain, is that he reads the Washington newspapers, and he knows that there has been a great deal of agitation among the citizens of the District of Columbia relative to the location of this hospital. He has asked a question as to the attitude of the subcommittee making up this appropriation bill.

I think I am warranted in saying to the gentleman that every member of the subcommittee believes very thoroughly that there should be constructed in the city of Washington a new municipal hospital for the care of the class of patients that are now in that institution on Reservation 13, an old dilapidated building much overcrowded, where they can not be properly cared for.

The proposition submitted to the subcommittee was for the construction of this building on a piece of ground of 14 acres, belonging to the District of Columbia, and bought for that purpose 16 years ago. It is between Georgia Avenue and Fourteenth Street at Upshur Street, and is the same plot of ground on which is located the Tuberculosis Hospital. Evidently a number of residents in that section of the city were fearful that this was the disposition of the subcommittee, and every citizens' association, I think, and the chamber of commerce and the board of trade and almost every organization in this city rose en masse, protesting against the location of this institution at this place.

Mr. MONDELL. Was not this ground purchased with the understanding and with the idea that it would be used eventually not only for the location of the Tuberculosis Hospital but for a municipal hospital as well?

Mr. PAGE of North Carolina. Yes; it was so understood, and the language of the legislation so designated it; it was purchased for the construction of a hospital.

Mr. MONDELL. What is there about a hospital of this kind that need be objectionable to residents of that district, located, as it would be, in the interior of that considerable tract?

Mr. PAGE of North Carolina. My reply to the gentleman is that there is none. I think these people are unduly alarmed about the effect the construction of this hospital in the center of a 14-acre tract of land would have upon the value of their property.

Mr. MONDELL. Is the gentleman prepared to say that the failure to begin or to provide for the construction of a municipal hospital at this time is due very largely, if not entirely, to the attitude of the people of the locality referred to, supported, as it has been, by the business organizations of the city?

Mr. PAGE of North Carolina. Not only the people in that locality, but when it was suggested that it might be constructed on the present site of the Washington Asylum Hospital the people in that section of the city raised just as great a hue and cry as did those in the other sections of the city. It has resolved itself into this situation: The residents of the District of Columbia in no section seem willing that this institution should be constructed in the particular section in which they live. My office has been visited by individuals, committees, and delegations for two months, and I have said to them that their attitude meant that instead of providing for the care of these sick and indigent people in the District of Columbia no alternative was left but to either dump them into the Potomac River or send them outside of the District of Columbia and impose them upon some one else. With that feeling in the community, with the Members of this House being approached by individual friends, I felt and the committee felt that it was absolutely useless to project the construction of this hospital at this time in this bill. Personally I want to say that I believe now not only as firmly as I have in the past, but even more so, that it is not merely a necessity for the proper care of the indigent sick in the District of Columbia, but it is a crying disgrace that it is not consummated.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Certainly.

Mr. DYER. I want to ask the gentleman a question, and that is whether he does not think that the responsibility for this condition—which is deplorable, as the gentleman says, and as so many of us know who have visited it—is with the House and with the District Committee instead of with the people who are objecting to the various locations?

Mr. PAGE of North Carolina. I think the gentleman is entirely right—that it is a matter of the House—but I want to

say to him that I know personally the temper of this House, and that I feel the point of order would undoubtedly be made to an amendment offered now; but I can say to the gentleman from Missouri that there is absolutely not a scintilla of hope that this item could pass this House, and I was convinced of that.

Mr. DAVIS of Minnesota. What does the gentleman think about the other body in respect to this situation?

Mr. PAGE of North Carolina. I have not canvassed the other body.

Mr. DAVIS of Minnesota. Has not the gentleman had a little experience in that direction?

Mr. PAGE of North Carolina. Yes; I have had some experience, and I know the opposition there is just about the same.

Mr. GARD. Mr. Chairman, I desire to ask the gentleman if he does not think it is the duty of the committee to arrange for a place where this necessary hospital could be constructed?

Mr. PAGE of North Carolina. No. I would say that I do not think it is the business of the subcommittee taking up an appropriation bill to settle differences between a lot of citizens of the District of Columbia who are quarreling as between this site and the other site; that our action must necessarily be arbitrary if we take any action at all.

Mr. GARD. The gentleman, however, agrees that this hospital is highly necessary?

Mr. PAGE of North Carolina. Unquestionably. I would say to the gentleman that this institution now maintained in the eastern end of Washington, on reservation 13, in buildings wholly inadequate for the purpose of taking care of the sick and indigent at best, with an ordinary capacity of 125 patients, has to-day nearly 200 patients crowded into the corridors, many of them in the basement of the building; and I repeat what I said a while ago—that it is a crying shame that there is not some provision made; and yet I come before the House and in the face of conditions as at present existing I have not been able as chairman of this committee to point out a solution. It remains for this House to do at some time what should be done.

Mr. MONDELL. Mr. Chairman, I occupied but little of the five minutes that I was entitled to, and I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, while we are upon this subject I should like to locate the responsibility for this situation. This is an important matter and has been agitated for a long time. I feel as earnestly about it as does the chairman of the subcommittee who has just expressed himself. We all know that this whole matter could have been settled by the committee having legislative jurisdiction. They could have taken the question up, had hearings, and determined whether or not the protests of the citizens of the locality were well founded, and they could have provided for the erection of the building at that point or they could have selected some other point. Does the gentleman know why the District Committee has taken no action?

Mr. PAGE of North Carolina. I would say to the gentleman that I am not a member of the District Legislative Committee, and that I have had my hands full of District matters relating to appropriations and have not made any investigations along that line.

Mr. MONDELL. I realize that the Committee on Appropriations is not responsible for the present situation. That committee, or at least the subcommittee, would, however, have been willing to take the responsibility in the matter had it not been for the attitude of some people in the District.

Mr. PAGE of North Carolina. And some gentlemen in the House.

Mr. MONDELL. And some gentlemen in the House, unnamed and not to be named; but the responsibility was not with the Committee on Appropriations, it was with the District Committee, and as far as I know the District Committee has passed the matter over as though they had never heard of it, as though it had never been agitated and never discussed. I have never heard that the District Committee has given the slightest attention to this important matter. What is the District Committee doing? The matter is within its duties and responsibilities. The District Committee occasionally spends time on some trifling bill that few are interested in, as for instance a bill relative to the rate of interest in the District proposing to give the pawnbrokers an opportunity to squeeze a little more in the way of interest out of some poor unfortunate, but here is a great and important District matter—the building of a municipal hospital in the Capital of the Nation, practically the only great city in the Union that has not such a hospital—about which it does nothing.

The people have been demanding it for years; the interests of humanity require it, most of us are in favor of it, everybody is working for it and giving attention to it except the District Committee that is, under the rules of the House, charged with the duty and responsibility in the premises. I have never been able to understand what the District Committee was doing that it never got around to attend to matters of great importance that are being agitated and constantly pressed upon its attention.

Mr. FOSTER. Mr. Chairman, I do not want to delay the committee but a moment. The gentleman from Wyoming [Mr. MONDELL] seems to be finding very much fault because certain work has not been done. I want to say this: I have observed somewhat the hospitals of the District of Columbia, and while a great municipal hospital would probably be a very good thing in the District of Columbia and would be nice to talk about and one to begin to talk about when the people of the District of Columbia, especially if we are to believe the newspapers, are in favor of a hospital, but no one knows just where they want it. They do not seem to want it in the District of Columbia.

Mr. JOHNSON of Kentucky. They did not want any jail.

Mr. FOSTER. They wanted to move the jail out of the District of Columbia.

Mr. JOHNSON of Kentucky. And the cemeteries.

Mr. FOSTER. The cemeteries and everything else that seemed to meet with their fancied disapproval. Now, the Washington Asylum is not a good place. There is no question about that; everybody agrees to it who has been there and examined it. I have been there and examined it and do not approve of it, but taking it as a whole in the District of Columbia the indigent poor are pretty well taken care of. They are taken care of in the hospitals of the District, and the city of Washington has as good hospitals as anywhere. We have lately completed the Columbia Lying-in Hospital in which the indigent poor are also taken care of, and there is no finer hospital in the United States than exists out there on Pennsylvania Avenue. You take the Children's Hospital and the Providence Hospital and the Garfield Hospital, the Georgetown Hospital, and the other hospitals of the city, all of them first-class hospitals, and they take care of them and the District pays the expenses, and I submit that if you ask the medical men throughout the United States they will tell you that the indigent poor are well taken care of in the city of Washington. This charge the gentleman makes in reference to hospitals here does not have any foundation except that they should do better out at the Washington Asylum. Let me tell you what probably the gentleman does not know.

When the workhouse was moved from where the Washington Asylum and Jail is now located down into Virginia they left two large brick buildings, and I understand that they cost—I do not know—three to five hundred thousand dollars. They are now used for the purpose of storing models from the Patent Office. Estimates at one time were made, I remember, a few years ago, to do something for the condition out there to make it better, and we found this, that the people of the District, or at least some of them here, were opposed to having these buildings used for a hospital. They could have fitted up those buildings—those two large brick buildings—for a hospital which would accommodate 300 patients and taken care of all that were necessary. But that was not done. They did not want it done. I remember Elliott Wood, an architect who has done splendid work here in this Capitol, and a man who has built the buildings he had anything to do with within the appropriations—he estimated, as I remember, at that time we could have taken $40,000 and made all the room that was necessary——

Mr. FITZGERALD. Is not the matter of opposition to that that it would prevent the expenditure of a half a million dollars in a new building?

Mr. FOSTER. Certainly; it would prevent the expenditure of a half a million dollars. That is what they did not want. Why should not the Government do these things——

Mr. MONDELL. Will the gentleman yield?

Mr. FOSTER. I will yield.

Mr. MONDELL. Now, there is a committee of this House charged with the duty and responsibility in regard to just such matters as that. That committee could have made provision for such changes as were necessary in these buildings, and if they were fit for a hospital they ought to have attended to it.

Mr. FOSTER. That is possibly so; but the committee has not thought best to do it, and I want to submit to the gentleman from Wyoming that there were some kind of influences that went on here to prevent it.

Mr. HOWARD. Mr. Chairman, I desire just a word or two about this situation because of my knowledge of it since I have been a member of the subcommittee of the District of Columbia. The whole trouble about this thing is that it is just a cat and

dog fight among certain interests of the District of Columbia. First, the privately owned hospitals are very active in this matter. They do not want a municipal hospital begun for several reasons. That is one source of dissension. The next source—and I happened to see an exhibition of this one day down in the District Commissioners' office; that is to say, the assembly room down there. I happened to be down there, and I think there were more than a hundred citizens from up in this Upshur Street neighborhood who were protesting against the location of the municipal hospital.

Mr. FOSTER. Some who lived a mile and a half away.

Mr. HOWARD. Yes; some of them lived a mile or a mile and a half away. Now, let us see why they were protesting, and in the meantime I want to let you gentlemen understand that these poor unfortunates that are chargeable to the District of Columbia for medical attention—there are a thousand dogs in the city of Washington this minute that are cared for better than those poor unfortunates out there in this bare, old, dilapidated hospital they have got on this low ground.

Now, 16 years ago the Government of the United States acquired this property for a dual purpose—first, for a tuberculosis hospital, which it has built. None of the privately owned hospitals want tuberculosis patients because they would keep other patients from coming in, so they raised no objection to the erection of the tuberculosis hospital, and it is out there and full of tuberculosis patients.

Mr. MONDELL. Will the gentleman yield?

Mr. HOWARD. Just one moment more. I want to state this case just as it is, and nobody is going to dispute it. After the tuberculosis hospital was there, and it was known by these real estate promoters that the municipal hospital was going to be located there, the property sold for about 50 per cent of its original value in the immediate neighborhood. People bought it and built houses on it, knowing that this hospital was going to be located there. Now, the shrewdness of these people is this: They are there now, after having bought the property at 50 per cent of its value, because it was adjacent to the hospital and obnoxious to some people. Now, they are trying to make 50 per cent on their deal by raising this protest to the Members of Congress and to the committee and to the District Commissioners. The truth is, they have been bombarding every Member of Congress to keep this hospital from going out on that street. For what reason? It will not be located somewhere else. They have made a valuable investment in going out there and locating their homes. The people who sold the property sold it at a low figure, because they knew the Government had acquired that property for a hospital, and since the purchasers bought it they have moved every influence on the face of the green earth to keep this particular institution from being located where it was intended.

Mr. MONDELL. The gentleman is simply emphasizing my inquiry. Why under those circumstances does not the committee charged with the responsibility act?

Mr. HOWARD. Why can you not climb a greased pole with an armful of eels? Tell me. [Laughter.]

Mr. MONDELL. I am attempting to do it, although I am not accomplishing it. But I would start. This committee has never started.

Mr. HOWARD. Well, you and I and probably a dozen other men in this House would start, but there are a hundred others opposed to starting.

The CHAIRMAN (Mr. SAUNDERS). The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HOWARD. Now it seems that ever since we have been trying to relieve this situation by the erection of this municipal hospital by going and occupying property that the Government of the United States bought for this specific purpose, every bit of the printer's ink that could be wielded against the Government going out there and building this hospital and relieving this congestion and this disgraceful situation down here at the municipal hospital has been used, and they have been bombarding Congress by saying it would be a disgrace to go out in a decent community and take a poor, sick man. Ah, the finger of greed is in this whole business. They do not look upon this as a humane and charitable act on the part of Congress.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. DYER. Does not the gentleman think it is the duty of Congress to act?

Mr. HOWARD. Of course, it is the duty of Congress to act, but now you try and get action. That is the trouble about this situation. Why not be plain about it? You are not going to have a municipal hospital erected in this town unless you erect it on its present site, and the commissioners and those who are directly interested in the matter, looking to the best interests of these poor unfortunates that will be placed in this hospital as the wards of the District of Columbia, have protested against the erection of this hospital on the present site. Why? It is not a healthful location. Now, what can we do?

Mr. MONDELL. Again I inquire, Why does not the District Committee act?

Mr. HOWARD. My friend does not impute to me that much wisdom that I can tell him why the District Committee does not act. As the gentleman says, it is not our business to go out and locate this municipal hospital.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. FITZGERALD. Mr. Chairman, there are some facts connected with the proposed municipal hospital of which I have knowledge and which may interest the House. The site that was purchased for the municipal hospital 16 years ago was not purchased because Congress desired at that time either to acquire a site or to build a municipal hospital. It was agreed to, after a great protest, as part of a compromise on a number of items in the District appropriation bill. At that time there was a plan to erect a municipal hospital, to cost $3,000,000, and to care for all of the indigent sick of the District of Columbia in a Government hospital and to care for none of them in the private hospitals in the city.

There are some in this House, and I am among them, who believe that the present system, quite prevalent in other cities of the United States, of taking advantage of private institutions for the care of public patients is the most humane and best system that can be devised. I am among those who have opposed the indefensible proposition to erect a $3,000,000 municipal hospital and to discard the opportunities that exist to take advantage of many of the facilities afforded by the privately owned institutions in the District.

It is not denied that the conditions at the Washington Asylum are not satisfactory, but there are two buildings there, or just adjacent, that, by a very moderate expenditure, can be fitted and made suitable for hospital purposes. The District officials have never, in my recollection, made any estimate of what it would cost to put those buildings in proper shape, nor suggested such a use, because during my experience in the House they have always been interested in a great municipal hospital, and the possible changes in these buildings would interfere with the scheme for a Government establishment. This site was not selected for the purpose of erecting a municipal hospital and tuberculosis hospital. Congress located the tuberculosis hospital on the site in the belief that it would end the agitation for a municipal hospital on the same site. The tuberculosis hospital was placed there because the private institutions could not set aside sufficient space to care for the large number of tubercular patients needing accommodations.

We have had experience in connection with the tubercular hospital managed by the municipal authorities. A committee of women, representing various organizations in the District, made an investigation of that hospital and found conditions there so scandalous and the patients treated so indecently that the indignation expressed in Congress resulted in a very marked change.

I believe in proper facilities for the care of the indigent sick in the District of Columbia, and in so far as it is necessary for the Government to erect institutions of its own, I am in favor of that being done; but I do not favor any plan which contemplates taking care of all the indigent sick in Government hospitals when there are facilities that can be availed of in privately owned and conducted institutions. The experience in cities like Chicago, New York, and other large municipalities is to the effect that better results are obtained by availing of the facilities of such institutions, to which a large number of disinterested persons give their time and efforts, than can be secured in purely Government institutions.

I hope that something may be done to relieve the conditions in the Washington Asylum. I do not believe that it can be done by the erection of the municipal institution originally planned and still in contemplation.

Mr. PAGE of North Carolina. Mr. Chairman, I would like to ask unanimous consent that all debate on this section be closed in five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this section close in five minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, at first I did not intend to pay any attention to the remarks made by the gentleman from Wyoming [Mr. MONDELL] in reflecting upon the Committee on the District of Columbia, but I am sure that if the gentleman had known the truth about the situation he would not have said what he has said. The truth is, as I was informed by the clerk of the District Committee over the telephone just a few moments ago, there is no such bill before the District of Columbia Committee.

The Board of Charities and the Commissioners of the District of Columbia, as I am informed by the gentleman from North Carolina [Mr. PAGE], have besieged the Appropriations Committee, of which the gentleman from Wyoming [Mr. MONDELL] is a member, asking that committee to take some action regarding this hospital matter. For some reason unknown to me that committee has not done so; but, speaking for myself, only 1 of the 21 members of the Committee on the District of Columbia, I can say that I am in favor of the erection of a municipal hospital. And then, speaking for the rest of the committee, I wish to say that I do not believe the gentleman from Wyoming should fall into the habit, long ago acquired by the newspapers of the city of Washington, of abusing the District Committee. I can say for them that I do not believe they should be censured and unwarrantedly criticized for not doing that which not even the gentleman from Wyoming himself, or the Board of Charities, or the Commissioners of the District of Columbia have asked them to do.

Mr. MONDELL. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman.

Mr. MONDELL. If the chairman of the committee having charge of these matters is favorable to this project, it will be a very simple matter for him to introduce a bill providing for this hospital. I have no responsibility in the matter. I am not on the committee.

Mr. JOHNSON of Kentucky. The gentleman seems to have assumed very great responsibility, and is so thoroughly familiar with the subject, and his interest is so intense, if we listen to him, that I can not understand why he himself has not introduced the bill.

Mr. MONDELL. I will do so immediately, if the gentleman will assure me that it will be considered.

Mr. JOHNSON of Kentucky. As chairman of the Committee on the District of Columbia, I can not only assure the gentleman from Wyoming, but all the House, that if it is possible for me to get the attention of the committee to the matter I shall be delighted to do so; but for the last few months it has been almost impossible to get the attention of that committee beyond the one question of pensioning the firemen and policemen. That subject arises at every meeting of the committee, to the detriment of all other business. And, even if a bill were before the committee and favorably reported, to provide for a new municipal hospital, the gentleman from Wyoming will bear testimony to the fact that there has been but one occasion during this session when District of Columbia legislation could be considered upon the floor of the House.

The CHAIRMAN (Mr. SAUNDERS). Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Hereafter the disbursing officer of the District of Columbia is authorized to advance to the agent of the Board of Children's Guardians, upon requisitions previously approved by the auditor of the District of Columbia and upon such security as may be required of said agent by the commissioners, sums of money not to exceed $200 at any one time, to be used for expenses in placing and visiting children, traveling on official business of the board, and for office and sundry expenses, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the word "hereafter" at the beginning of line 21, page 77.

Mr. PAGE of North Carolina. I concede the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. PAGE of North Carolina. I offer an amendment substituting a capital T——

Mr. MANN. That will be done by the enrolling clerk.

The CHAIRMAN. Without objection, that will be done.

Mr. CARLIN. Mr. Chairman, I do not understand exactly the effect of the sustaining of the point of order against the word "hereafter."

Mr. PAGE of North Carolina. The effect of that point of order is to make this the law for one year, during the life of this appropriation, instead of making it permanent law.

Mr. CARLIN. Were there any hearings had before the committee as to the work of this Board of Children's Guardians?

Mr. PAGE of North Carolina. Nothing in detail, nothing more than routine. The hearings disclosed merely their evidence touching the appropriations which they ask.

Mr. CARLIN. I want to say to the gentleman that recently I had some experience with the agent of this board and some of the members of it, which impressed me very much with the idea that there is perhaps great need for an investigation and hearing. I do not want to take up the time of the House with it just now, but a little later I may bring it to the attention of the House.

Mr. PAGE of North Carolina. Is that in connection with appropriations or with administration?

Mr. CARLIN. It was in connection with the use of an appropriation, and also in the administration of the matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TEMPORARY HOMES.

Municipal lodging house and wood yard: Superintendent, $1,200; foreman, $480; cook, $360; night watchman for six months, at $25 per month, $150; maintenance, $2,000; in all, $4,190.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I shall not offer an amendment providing for an appropriation of $40,000 for a new municipal lodging house, because I fear the chairman of the committee would make the point of order and that the Chair might sustain it, but I do want again to emphasize the importance of a new municipal lodging house.

We have a municipal lodging house in the city of Washington that is excellently conducted and kept reasonably clean and sanitary. The people in charge do their duty in caring for the unfortunates who come to them, but the building is small and the rooms are scandalously overcrowded on those occasions when there are an unusual number of unfortunates applying for temporary care. The city has, as I understand it, a piece of ground well located for a municipal lodging house, and it is estimated that a good, comfortable, up-to-date municipal lodging house could be erected for about $40,000. I do not know whether the members of the subcommittee on appropriations have ever visited our present municipal lodging house or not, but I have. There are rooms in that lodging house with double tiers of narrow bunks, with very little space between them, rooms in which men are crowded in a way that would not be tolerated under any law that I know of on any statute books regulating the amount of air space required for human beings.

It is remarkable how clean and sanitary the place is, considering its frequently crowded condition. The wood yard is a little narrow space, difficult to get at, not so located as to make it convenient or economical either to receive or deliver the wood which these men saw as a part payment for their keep. The building is about everything that it should not be. It is as clean as it well can be kept; it is as sanitary as it is possible to keep it; it is well cared for; and that is all you can say for it. It is entirely too small; it is not well located; it can not possibly be made to care for all those who may desire temporary shelter in inclement weather and in Democratic hard times. If there is anything that we need in this city above other things it is a new municipal lodging house. Yet the committee which has charge of these affairs and is responsible to the people of this District, charged by the Congress with the responsibility, has not, so far as I know, considered the matter of a new municipal lodging house. The chairman of the committee may say that there has been no bill introduced on the subject. If that is true, and the chairman will promise that the committee will do its duty, I will introduce a bill to-day and get this thing started.

Mr. PAGE of North Carolina. Mr. Chairman, I have not visited the present municipal lodging house. The truth is I might be put to sawing wood if I went down there. I am not looking for that sort of a job. I know something about it, however, because various people have appeared before the committee in connection with the plan of building a new municipal lodging house. The present building used for that purpose was a gift to the city. At certain times it has been somewhat crowded, and I will admit that there has not been a suite of rooms and a bath for each one of the people who have been forced to spend the night there.

Mr. MONDELL. The gentleman from North Carolina does not want to make an unfair statement. The gentleman knows that there are bunks for something like 16 or 18 people in rooms that are certainly not over 14 feet square.

Mr. PAGE of North Carolina. I know; but it is a very rare occasion when anything like all of those bunks are full.

Mr. MONDELL. Yes; but it is a far cry from that to a suite of rooms and a bath.

Mr. PAGE of North Carolina. If the rooms are not filled, it does not require so much air, and they are not all occupied.

Mr. MONDELL. They are frequently all occupied.

Mr. PAGE of North Carolina. You can not say that they are frequently all occupied when you consider the 365 days in the year. Some time or other when the Republicans come into power and we have a lot of tramps and bums to take care of, when there is not plenty of work for everybody to do, the subcommittee may bring in a bill for a new municipal lodging house because we will need it, but at present under these prosperous times we do not need one.

Mr. HOWARD. If the gentleman will pardon me, we do not need any municipal lodging house. There is nobody to lodge; everybody has work.

Mr. MONDELL. My understanding is that there have been more admissions or more applications for admission under this Democratic administration than ever before.

Mr. PAGE of North Carolina. The gentleman should produce his evidence and not a mere statement of understanding. My understanding is that the very contrary of that is true.

Mr. HOWARD. The rule of law is that the uncorroborated testimony of one witness in a case of this sort is insufficient.

The Clerk read as follows:

In all, $129,000, which sum shall be expended under the direction of the commissioners.

Mr. DOWELL. Mr. Chairman, I reserve a point of order against the paragraph. I desire to make an inquiry of the committee in reference to the prisoners and what character of prisoners are to be placed in this reformatory.

Mr. PAGE of North Carolina. First of all, I want to say to the gentleman that his point of order comes too late, because the Clerk has read past the paragraph he wishes to make a point of order to, and read the next paragraph. I will also say to the gentleman that this paragraph, which ordinarily would be subject to a point of order, is included in the rule adopted before the bill was taken up making it in order. So it is not subject to his point of order.

Mr. DOWELL. Then I desire to make an inquiry relative to an amendment that may be offered. I desire to inquire the intent of the committee with reference to the character of prisoners who are to be assigned to this reformatory.

Mr. PAGE of North Carolina. At the present time the District of Columbia maintains what is designated as a workhouse, located on a tract of land 25 miles down the Potomac River, and to that institution, under the law, prisoners can not be sentenced for more than one year. Consequently, the courts of the District of Columbia, under the present law, have been sentencing the prisoners whose terms are longer than one year to the Federal penitentiary at Atlanta or Fort Leavenworth, and also to State institutions. The purpose of this legislation is to create a reformatory where the prisoners sentenced in the courts of the District of Columbia for a term exceeding one year will be taken to serve that term.

Mr. DOWELL. The understanding of the gentleman is that this includes all criminals convicted in the District of Columbia?

Mr. PAGE of North Carolina. Yes; and sentenced for more than one year.

Mr. DOWELL. A life prisoner, then, is sent to this reformatory?

Mr. PAGE of North Carolina. Yes; it is called a reformatory, but it is what is known in the gentleman's State as a penitentiary.

Mr. DOWELL. The bill provides for the transfer of all prisoners heretofore placed in the penitentiaries to the reformatory.

Mr. PAGE of North Carolina. Yes; as rapidly as the institution is ready to receive them.

Mr. DOWELL. I would like to inquire why this is called a reformatory.

Mr. PAGE of North Carolina. Because Congress named it a reformatory. The institution is exactly what the penitentiary is in the gentleman's State and in my State.

Mr. DOWELL. Then the purpose is to establish a penitentiary and not a reformatory?

Mr. PAGE of North Carolina. As the gentleman understands the terms, yes. The name was designated by Congress.

Mr. DOWELL. Have we not been making additions to the penitentiaries at Fort Leavenworth and also at Atlanta for the purpose of providing for prisoners?

Mr. PAGE of North Carolina. Yes; but not for prisoners from the District of Columbia, but for United States prisoners who are sentenced there.

Mr. DOWELL. Have these improvements been completed?

Mr. PAGE of North Carolina. They are in process of completion, and I think practically completed.

Mr. DOWELL. When they are completed there will be sufficient room for all prisoners.

Mr. PAGE of North Carolina. No; the gentleman is mistaken. If the District of Columbia prisoners in the future are sentenced to these institutions there will have to be other additions.

Mr. DOWELL. How many will the new additions provide for?

Mr. PAGE of North Carolina. I do not know. The gentleman may be surprised to know that at present there are 674 prisoners in the penitentiaries outside of the District of Columbia. There is another reason why the District of Columbia ought to establish this institution. The gentleman will readily see that the character of prisoners sentenced from the courts of the District of Columbia to the Federal penitentiary for offenses are not similar to those who are sentenced to the penitentiary from his State and mine. Those prisoners are sentenced for the infraction of some Federal law.

In the District of Columbia they are sentenced for the violation of any law, where the punishment exceeds one year—perjury, for instance, and various other crimes for which prisoners are tried—and the traveling expenses from here to Fort Leavenworth, from here to Atlanta, the railroad fare, is an item of very considerable expense to the District of Columbia. The District of Columbia is charged by the National Government with the total cost of maintenance of these prisoners, whereas, of course, their labor amounts to something, and the idea of the committee is that the District of Columbia ought to have the advantage of saving the transportation charges, to begin with, and also of getting the benefit of the labor of these people that are sentenced from the District.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOWELL. I want to make a further inquiry. What is the estimated expense, so far as the officers are concerned, with reference to this new reformatory, per annum?

Mr. PAGE of North Carolina. I will say to the gentleman that at this time we have not reached a place where full estimates of cost can be made. This is to be located on a tract of land owned by the District, adjoining the now workhouse of the District, and the building will be constructed out of material produced in the District institution known as the workhouse, by the labor of the people who are assigned there, and it will be supervised, at least for the present, during this fiscal year by officials who now are in charge of the workhouse.

Mr. DOWELL. Is it the purpose of the committee to transfer all of the prisoners who are now in the penitentiaries from the District of Columbia to this institution?

Mr. PAGE of North Carolina. As soon as they can be cared for in this new institution; yes.

Mr. DOWELL. I withdraw the point of order.

Mr. CLINE. Mr. Chairman, I move to strike out the last word for the purpose of getting a little information from the chairman of the committee. I would like to ask whether a parole system is in effect with reference to prisoners that are now confined at Leavenworth and Atlanta?

Mr. PAGE of North Carolina. I think so; yes.

Mr. HOWARD. As the author of that measure, I will state that it applies to all United States prisoners.

Mr. CLINE. Does it apply to Occoquan?

Mr. PAGE of North Carolina. That is a workhouse, but I think they have a parole system there.

Mr. HOWARD. The Federal parole system applies only to Federal prisoners.

Mr. TILSON. May I ask the gentleman whether it applies to offenses against Federal laws only, or to offenses against such laws as in the States would be purely State laws?

Mr. HOWARD. So far as the District of Columbia is concerned, prisoners are sent from the District who commit any character of crime or such character of crime as in the States would be regarded as a State offense as distinguished from a Federal offense.

Mr. TILSON. In a State they would be purely State offenses?

Mr. HOWARD. Yes.

Mr. TILSON. Is it the intention here to segregate those who violate Federal laws, in the sense of laws enforced all over the United States, from those who violate laws which are purely District laws or which in the States would be State laws?

Mr. HOWARD. Let me explain. The object of this appropriation is this: The character of criminals that go from the District of Columbia to Leavenworth and Atlanta and other

Federal prisons are of a kind that are usually not found in Federal prisons.

Mr. TILSON. They are generally in the State prisons?

Mr. HOWARD. Yes. They would be sentenced under the State laws to the State prisons. Very few prisoners from the District commit a technical Federal offense, but if a Federal offense is committed the prisoner would go to the Federal prison.

Mr. TILSON. Such as an offense against the revenues or the post office?

Mr. HOWARD. Yes. Suppose a man committed forgery of a bank note, and he was tried in the District of Columbia and sentenced, my understanding is that he would still go to Atlanta or some other Federal prison. This is simply intended to take care of prisoners in the District of Columbia.

Mr. ANDERSON. Mr. Chairman, I move to strike out the two last words for the purpose of asking unanimous consent to extend my remarks in the RECORD by inserting an editorial which appeared in the Washington Post on Thursday, May 25, 1916, bearing upon the speech delivered by my colleague [Mr. SCHALL] on May 23, 1916, it being a leading editorial of that date.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD by inserting the article referred to. Is there objection?

There was no objection.

The editorial referred to is as follows:

A SPLENDID OPPORTUNITY FOR MEMBERS OF CONGRESS.

In a remarkable speech in the House this week Representative SCHALL, of Minnesota, likened Congress to the crew of the ship of state which carries 100,000,000 passengers. He held it to be the duty of the people's Representatives to "steer the ship from the dangerous maelstrom of nonpreparedness," no matter how many protests came from the passengers. "The people will approve when they understand the situation," he added. Therefore he urged the construction of "the best Navy we can get."

Now comes the House Committee on Naval Affairs with an apologetic and feeble pretense of response to the demand for preparedness on the sea. It reports a bill providing inadequately for the increase of the Navy, and couples with the appropriation a provision authorizing the President to suspend expenditures in case the nations of the world agree to establish an international peace tribunal and abandon competitive armaments.

Such is the lame and impotent conclusion of a majority of the committee, after months of consideration of a bill designed for the defense of the richest Nation on earth.

If the naval bill is not intended for national defense, what is its excuse? If it is intended to improve the naval defense, why is it whittled down and offered with apologies to the pacifics?

Few bills have ever been brought forth by a committee of Congress which exhibited slimier evidence of timidity and political cowardice. The bill is satisfactory neither to the advocates of adequate defense nor to pacifics, because it is neither one thing nor the other. It does not adequately build up the Navy, nor does it honestly abandon all pretense of preparing for defensive war.

The first, paramount, imperative duty of Members of Congress, without regard to party, is to rip to pieces the makeshift offered by the majority of the committee and prepare forthwith a measure that will make the United States safe.

The country will never be safe so long as the oceans are an unguarded highway of attack by a foreign enemy. If guarded, the oceans are a strong factor of defense. If unguarded, they open the United States to the enemy. The House Committee on Naval Affairs has always the first opportunity and the duty to prepare for naval defense. It has failed to rise to its opportunity and failed to perform its duty.

Now that the matter is out of the committee's hands and in the House, the House should do the work which the committee failed to do. Surely there is patriotism, breadth of vision, and courage enough in the American House of Representatives to build up the Navy at this critical time. A splendid opportunity awaits the Representatives who will rise above section and party to perform the work demanded by the Nation. The people will take note of such service and will amply reward it.

The Clerk read as follows:

ANACOSTIA RIVER FLATS.

For continuing the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line, to be expended for the purposes and under the conditions specified in the item for this improvement contained in the "District of Columbia appropriation act for the fiscal year 1915," $200,000, including the amount authorized to be contracted for in the District appropriation act for the fiscal year 1916.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The appropriation carried in this paragraph is $200,000. I think last year it was $100,000. Will the chairman of the committee kindly explain whether this improvement has anything to do with navigation?

Mr. PAGE of North Carolina. No; the improvement has absolutely nothing to do with navigation. I will not be quite so positive as to that, but I do not think it contemplates any navigable projects on the Anacostia River. It is the reclamation of certain lands lying along this stream.

Mr. MOORE of Pennsylvania. Dredging is being done?

Mr. PAGE of North Carolina. Yes; and the dirt that is being dredged is put out on this land to be reclaimed.

Mr. MANN. It is to build a wall.

Mr. PAGE of North Carolina. It is to build a wall. I will say to the gentleman, and eventually will build a parkway by this reclaimed land along the Anacostia River very much as has been done along the Potomac.

Mr. MOORE of Pennsylvania. Well, is it such an appropriation as should be taken care of in the river and harbor bill?

Mr. PAGE of North Carolina. I can not understand how it could possibly get into a river and harbor bill.

Mr. GOOD. Why not? Most everything got into the river and harbor bill this year.

Mr. PAGE of North Carolina. Almost anything can break into it, but there is no reason why this should.

Mr. MOORE of Pennsylvania. Everything but Cedar River, Iowa, got into the bill; but that may break in next year, if the Iowa delegation is alive to its importance.

Mr. PAGE of North Carolina. I do not believe this is a project which even the gentleman from Pennsylvania would consider as a navigation proposition.

Mr. MOORE of Pennsylvania. I would say that if they can ever get a favorable report from the engineers as to Cedar River, Iowa, it will be in the river and harbor bill, but the gentlemen from Iowa have not been able to get a favorable report yet.

Mr. PAGE of North Carolina. I understand there are a good many things in that bill that have not had a favorable report from the engineers. That is not requisite at all for getting into a river and harbor bill.

Mr. MOORE of Pennsylvania. Cedar Creek is not——

Mr. PAGE of North Carolina. It takes something else besides the report of the engineers.

Mr. MANN. No; it is necessary to have a report from the engineers ——

Mr. GOOD. It is not necessary to have a report to continue an appropriation after the engineers have made report to the effect that a stream is nonnavigable and can not be made navigable by any amount of appropriation, but we still keep on putting into river and harbor bills appropriations for those streams.

Mr. MOORE of Pennsylvania. Let me say to the gentleman from Iowa that if he does not get Cedar River in a river and harbor bill he has a chance to get it in a flood-control bill.

The work here is very largely the work of reclamation?

Mr. PAGE of North Carolina. Oh, entirely; there is no navigation.

Mr. MOORE of Pennsylvania. The dirt is being thrown up on the banks, and the ground is being improved. What about the benefits arising from the improvements?

Mr. PAGE of North Carolina. Assessments are made for benefits in a provision carried in the current appropriation bill for the District of Columbia.

Mr. MOORE of Pennsylvania. Under court proceedings?

Mr. PAGE of North Carolina. Under court proceedings.

Mr. MOORE of Pennsylvania. Have we had any return from the courts yet?

Mr. PAGE of North Carolina. We have not.

Mr. MOORE of Pennsylvania. The plan contemplates an assessment of benefits upon the abutting property owners?

Mr. PAGE of North Carolina. And must be done under the law.

Mr. MOORE of Pennsylvania. So there will be cooperation or mutual participation in the expenditure?

Mr. PAGE of North Carolina. Yes. I will say to the gentleman that while appropriations have been carried in the District bill for several years in connection with the reclamation of Anacostia Flats, until the current District appropriation bill there was no provision for the assessment of benefits, but a provision was inserted in that for an assessment against the abutting property owners.

Mr. MOORE of Pennsylvania. Two hundred thousand dollars is in this bill, $100,000 in the bill of a year ago, making a total of $300,000 for two years. How much was the appropriation before last year?

Mr. PAGE of North Carolina. I think $100,000 had been appropriated in a prior bill.

Mr. MOORE of Pennsylvania. A total of about $400,000——

Mr. PAGE of North Carolina. Yes; has been so far appropriated in connection with this item.

Mr. MOORE of Pennsylvania. That is up to date?

Mr. PAGE of North Carolina. Up to date.

Mr. MOORE of Pennsylvania. Some of that is to come back by way of benefits?

Mr. PAGE of North Carolina. Whatever amount is assessed as a benefit will be paid back.

Mr. MANN. Mr. Chairman, the two gentlemen may know all there is to know about this subject ——

Mr. PAGE of North Carolina. Mr. Chairman, I do not pretend to know it all.

Mr. MANN. I may be entirely mistaken, but I have not the same idea they have about the matter. What they are doing there is building a wall along toward the river side of the overflowed flats formerly overflowed by tide water, and having built that wall they are dredging with a pump dredge, excavating the channel of the stream and pumping it over onto the property which was before overflowed by the tide. I had supposed the Government owned that property.

Mr. PAGE of North Carolina. Not all of it.

Mr. MANN. They certainly claimed to own that overflowed land. It may be that there is some private property which will be benefited. If there is any private property that will be benefited it will be assessed. I think no assessment has been made yet, because the Government claims to own this land. They have already made a considerable amount of land right across in the direction in which I am pointing on the other side of the Anacostia River, which I had supposed would eventually be turned into a parkway. I do not know——

Mr. PAGE of North Carolina. I think that was the intention.

Mr. MANN. The Anacostia River, like the Potomac River, was overflowed by the tide. We have improved the Potomac River down here in Potomac Park largely by pumping out the river, not only improving the navigation, but there is not much navigation——

Mr. PAGE of North Carolina. There is a tidal flow.

Mr. MANN. Oh, yes; but there is not much navigation now in the Anacostia River. We are improving navigation and getting land the cheapest way it can be obtained; that is, by dredge pumping.

Mr. PAGE of North Carolina. In connection with the assessment for benefits, while the Government does own practically all of this land that is to be reclaimed, it does not own it all, because there is an item in the estimates for the purchase of some land and the assessment of benefits is intended to apply to the abutting land. Here is a lot of swamp land lying along the line of the Anacostia River. When it is reclaimed and made into a park the abutting property will be greatly benefited.

Mr. MANN. I doubt it.

Mr. PAGE of North Carolina. That is a matter for the jury to decide on when the assessment is made.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. TILSON. Does the gentleman claim that this land when reclaimed will be used for park purposes, or for commercial purposes or some purpose other than as a park?

Mr. MANN. I suppose that is a matter for the Government to determine. I should say there is just as little likelihood of that land being used for commercial purposes during the life of the gentleman and myself as there is of Potomac Park being utilized for commercial purposes. We have the power to do it, however.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to the question asked by the gentleman from Pennsylvania [Mr. MOORE] as to the amount that has been expended, I want to say that this $200,000 will make a total of some $700,000. The clerk of the committee reminds me that $500,000 has already been appropriated.

Mr. MOORE of Pennsylvania. Five hundred thousand dollars in addition to what is carried in this bill?

Mr. PAGE of North Carolina. Yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, has the gentleman's time expired?

The CHAIRMAN. It has not.

Mr. MOORE of Pennsylvania. I wish the gentleman from North Carolina to know that I was not criticizing this improvement on the Anacostia River—the clearing of those flats and the introduction of clear water. I think it is a good thing for everybody. In time it may be that that land will become one of the garden spots of this city, or it may be used for commercial purposes; but it certainly is an important improvement in the matter of sanitation for the benefit of the health of the people of this District. My inquiries were directed with respect to the jurisdiction of committees, and also as to the assessment of benefits, showing that the landowners will pay a proportion of the cost of the improvement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PARKS.

For the condemnation of small park areas to be acquired in accordance with the provisions relating to small parks in the District of Columbia contained in the sundry civil appropriation act, approved August 1, 1914, $25,000.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Mr. MONDELL offers the following amendment as a separate paragraph, following line 16, on page 88:

"For acquisition for a public park of the tract of land known as the Patterson tract, assessed on the records of the assessor of the District of Columbia as parcel 129/2, lying north of Florida Avenue NE., and bounded on the east by the grounds of the Columbia Institute for the Deaf, on the west by New York Avenue and the tracks of the Baltimore & Ohio Railroad Co., and on the north by Fairview Avenue, containing 84 acres, more or less, $500,000, or so much thereof as may be necessary."

Mr. PAGE of North Carolina. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman from North Carolina makes a point of order on the amendment. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Mr. MONDELL offers an amendment as a separate paragraph on page 88, after line 16, as follows:

"For acquisition for a public park of the tract of land known as the Dean tract, assessed on the records of the assessor of the District of Columbia as lots A, 818 and 819, in square 2535, containing 400 and 4,425 square feet, more or less, $625,000, or so much thereof as may be necessary."

Mr. PAGE of North Carolina. Mr. Chairman, I make a point of order on the gentleman's amendment.

Mr. MONDELL. Mr. Chairman, will the gentleman reserve his point of order for a moment?

Mr. PAGE of North Carolina. I will reserve it, but I ask unanimous consent that all debate on this amendment may be closed in five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this amendment may be closed in five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the two tracts proposed to be secured for park purposes under the two amendments that I have sent to the desk consist, first, of what is known as the Patterson tract, of about 85 acres in the northeast, which it is understood can be secured for about $7,000 per acre, and what is known as the Dean tract, cornering on Florida Avenue and Connecticut Avenue. I think the city should have both of these tracts. The Patterson tract will certainly be needed in the future, because there are no considerable parks in that section of the city and no tracts as available as this.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. FITZGERALD. Are there any other tracts of land in the District of Columbia whose owners are anxious to unload them on the Treasury that we might consider at the same time?

Mr. MONDELL. Well, I do not know as to that; but I will say, Mr. Chairman, that I do not know that the owners of these tracts are particularly anxious to sell them to the city. I have no information on that subject.

Mr. FITZGERALD. I understand that the owners of the tract mentioned in the amendment now pending are very anxious to get somebody to take it off their hands.

Mr. MANN. Where does the gentleman get his information?

Mr. FITZGERALD. I am not at liberty to disclose that, but I can give it to the gentleman privately.

Mr. MANN. I can give public information to the gentleman to the effect that it is not so.

Mr. FITZGERALD. I can give the information that they are anxious to unload it on the Government.

Mr. MANN. The heirs?

Mr. FITZGERALD. Yes; the heirs. It would be a good thing for them to unload it on the Government.

Mr. MONDELL. Mr. Chairman, considering the length of time that has been taken from me by the genial chairman of the Committee on Appropriations, I will ask for a moment or two in addition to what was allotted to me.

The gentleman now refers to the Dean tract. The Dean tract is the most beautiful tract of wooded land now remaining unimproved in the center of the city, or near the center of the city. It is a very beautiful tract of land. At one time it was suggested that that would be a good place to build a summer White House. I do not know but that we ought to purchase it and keep it with that object in view. At any rate it would be a public misfortune to have this tract cut up into building lots and built upon. It should be retained intact. It should be purchased, if its purchase is necessary, to prevent its being cut up into building lots and covered with apartment houses.

The price at which I understand it can be bought is certainly not excessive. I understand it is about $1.50 a foot. Those

who are at all acquainted with values in that section know that that is a low price for land in that vicinity. Within a block of the Dean tract lands have been sold, I am confident, for several times as much as that per square foot. Possibly it is not necessary to buy this year, but eventually this city should have the Dean tract; and the Dean tract can not, if this city is to grow, be cheaper in the years to come than it is now.

It will enhance in value every day, every week, every month, and every year.

The Patterson tract is offered now at a low price. It will enhance in value rapidly as the years pass. We need it, because it is in a section of the city in which there are no considerable park areas. It can be bought cheaply, and ought to be acquired at this time.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I do not expect to take the five minutes. I am quite sure the gentleman from New York [Mr. FITZGERALD] is incorrect in thinking that the people who own the Dean tract have been making any effort to dispose of it to the Government. For years there has been talk about the Government buying the Dean tract. Some time last fall I had a conversation with young Mr. Dean, who certainly displayed to me no anxiety to have the Government purchase the property. On the contrary, he stated that if the Government wanted to buy it they would have to determine to do so very quickly, because the owners of the property had carried it and they were going to dispose of it, and they thought they could get a great deal more for it than the Government would be willing to pay for it. I believe they have had, through the District Commissioners or through the superintendent of public buildings and grounds, or somebody, a proposition to sell it to the Government at the assessed valuation.

That, however, is not what I am specially interested in. I look over this property every morning. I have looked at it for many years, going by it. There is not a morning now that I do not stand at my window and look at that piece of property. It is the handsomest piece of property that I ever saw in a city. I never have seen any other piece of property in any city as handsome as this. I do not know what the Government would do with it if it purchased it. I do not think there is great necessity for an additional park in that locality. But there is one oak tree on the Dean property that ought to be owned by the Government and surrounded, so that the people could go under it. It is many times older than the city of New York. There is no tree anywhere near New York City that is as old or as large as this old oak tree on the Dean place, which has a wider spread than any tree in any other city in the United States. They have a tree out in the Hawaiian Islands, planted by a man still living, that has a spread larger than this room; but I know of no place where they have as handsome an old oak tree as there is right by the Dean house, directly in front of the windows of my apartment. If I had the money I would buy the ground myself for the privilege of living under the shadow of that old oak tree. Of course, I do not expect that the Government will ever take any such delight in trees or beauty.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I spoke somewhat advisedly in what I said about the owners of this property being anxious to dispose of it to the Government. The amendment now proposes a price of $625,000. A few years ago it was $1,250,000. The place has a very beautiful tree and it is a very beautiful tract of ground; but it seems to me that $625,000 is a great deal of money to pay to gratify the esthetic taste of the gentleman from Illinois and for one old tree. It would have to be a very old tree to justify paying so much money, and there is no need for a public park in that part of Washington.

Mr. MANN. If the gentleman will yield, some day I will invite him to come up and take dinner with me and see this piece of ground. He evidently does not know where it is.

Mr. FITZGERALD. Oh, I have walked past it very frequently and have walked through it once or twice without interference. I know that the gentlemen who have the privilege and opportunity of living where the gentleman from Illinois lives would regret very much to see this property built upon. It would spoil their view.

Mr. MANN. Oh, that is a mean little fling. I will be out of it long before that property is built upon.

Mr. FITZGERALD. But it is a pretty big price to pay to gratify those who wish to live in a particular part of Washington. The gentleman admits that there is no need for a park at that particular place, so the only purposes we would buy this ground for would be three: First, to accommodate those who own it and wish to sell it—the Government always is a desirable purchaser; second, to gratify those who live under the same roof with the distinguished gentleman from Illinois; and third, to buy the biggest, widest-spreading tree in any municipality in the United States. The price though is pretty large, even to accomplish those three ends.

Mr. MANN. Mr. Chairman, I ask for two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. MANN. I did not advise anybody to buy this ground for the Government. I am not supporting the amendment. I did not say the amendment ought to be agreed to; but it is impossible for any gentleman on the floor of the House on this side to make a remark, even about an abstruse question, without some gentleman on the other side of the House indulging in personal abuse. The gentleman stated that I was supporting the amendment because I wanted to keep the view in front of my windows. That is just about up to the average intelligence of that side of the House. [Laughter.]

The CHAIRMAN. The question is on the amendment.

Mr. PAGE of North Carolina. I made a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For distribution branch: Superintendent, $3,300; engineer, $2,400; assistant engineers—one $1,800, one $1,700; master mechanic, $2,000; foreman, $1,800; assistant foremen—one $1,275, one $1,200, one $1,125, one $900; steam engineers—chief $1,750; two at $1,100 each, three assistants at $1,000 each; chief inspector of valves, $1,600; leveler, $1,200; inspector, $1,200; draftsman, $1,505; clerks—one $1,800, one $1,500; four at $1,200 each, stores clerk $1,500, one $1,000, one $900; timekeeper, $900; two roilmen at $900 each; two chainmen at $675 each; four oilers at $610 each; three firemen at $875 each; janitor, $900; watchmen—one $875, one $700, one $610; drivers—one $700, one $630; two messengers, at $600 each; in all, $88,030.

Mr. COX. Mr. Chairman, I reserve a point of order on the figures "$1,800," in line 25, page 89. That is an increase of salary. There are two or three other increases of salary, but they are small, and I do not think I will make any point of order against them. But I make a point of order against that.

Mr. MANN. What is the point of order?

Mr. COX. That it is an increase of salary.

The CHAIRMAN. The gentleman from Indiana makes the point of order that this is an increase of salary.

Mr. PAGE of North Carolina. That salary is not fixed by statute; it is not subject to a point of order.

Mr. MANN. I think we are entitled to know what the point of order is.

Mr. COX. At the bottom of page 89, line 25, assistant engineer, one, $1,800. I make the point of order that that is an increase of salary.

Mr. MANN. But it is not an increase of salary.

Mr. COX. I thought so when I compared it with the bill of last year. What was his salary last year?

Mr. MANN. Eighteen hundred dollars.

Mr. PAGE of North Carolina. If that is the gentleman's point of order, the salary is the same as it is in the current law. There is no change.

Mr. COX. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

SEC. 9. That hereafter the half cost of the paving or repaving of a roadway between the side thereof and the center thereof with sheet asphalt, asphalt block, granite block, vitrified block, cement concrete, bituminous concrete, macadam, or other form of pavement shall be assessed against the property abutting the side of the street so improved, such assessments to be levied and collected as now provided as to alleys and sidewalks: *Provided*, That the advertisement by publication of the commissioners' intention to do such work and the formal hearing in respect thereto required by law as to alley and sidewalk improvements shall not be required as to roadway improvements.

Mr. MONDELL. Mr. Chairman, I will make a point of order against this paragraph unless it is included in the rule.

Mr. PAGE of North Carolina. It is included in the rule and is not subject to a point of order.

Mr. MONDELL. The only change made is that it includes macadam?

Mr. PAGE of North Carolina. Yes; the word "macadam" is added.

Mr. MONDELL. So that hereafter macadam pavements are charged up against the abutting property owner?

Mr. PAGE of North Carolina. Yes.

Mr. MONDELL. It has been the practice in the District, and particularly in the outlying sections of the District, to use what they term a water-bound macadam. This word "macadam" would include that also, I suppose?

Mr. PAGE of North Carolina. Yes; I think it would include that.

Mr. MONDELL. Let me make this suggestion: So far as roads in the suburbs are concerned, they are built not so much for the benefit of the abutting property owner as they are for the public convenience, to allow people to get from one part of the city to another part, or from one part of the city to the country. Does the gentleman think it is fair to charge up the building of these roads to the abutting property owners?

Mr. PAGE of North Carolina. I do. Take the part of the northwest in which the gentleman formerly lived, and in which I live at the present time, the paved macadam street is very much less expensive than the asphalt or other kind of pavement, but it is fully as beneficial in the degree of cost to the abutting property owners as the other pavement. I see no reason why a resident of the city should have a macadam roadway built in front of his property without being assessed for any part of the cost, while the man in the next street having a way built of asphalt and other material and costing more should be assessed. We put this in because we thought it equitable as between the various residents and the different kinds of pavement.

Mr. MONDELL. I think the gentleman's position is sound as applied to improved parts of the District, but when you come to the suburbs which are not so well built up as the section to which the gentleman has referred, there is not so much equity in it.

Mr. PAGE of North Carolina. The gentleman will admit that the building of a water-bound macadam road through a man's property which is not built up in the District of Columbia will greatly enhance the value of that property?

Mr. MONDELL. Yes; generally that is the case.

Mr. PAGE of North Carolina. Then there is in that class of property a very much larger area to assess.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. This provision, as I understand it, is that half the cost of paving each side of the street or roadway 25 feet in width——

Mr. PAGE of North Carolina. Not more than 40 feet, 20 feet from each side.

Mr. MANN. It says the cost of all such work beyond a line 20 feet from the side thereof. But that is not what I wanted to get at. It contemplates that the cost of the paving on each side of the street will be charged to the property owner on that side of the street. Suppose you are paving a street 40 feet in width with this imaginary line through the center; are you going to keep a separate account of how much it costs on each side?

Mr. PAGE of North Carolina. No; that was put in to meet a condition that arose under a provision carried in the last bill.

Mr. MANN. I do not care about that, but this will require the gentleman making a different assessment for each side of the street, to raise the money from the property owners on each side, to keep a separate account of the cost of each side of the street.

Mr. PAGE of North Carolina. The gentleman is wrong in assuming that the assessment is made and the money used to put down the pavement. The appropriation is made for laying the pavement, and afterwards the assessment is made to cover the cost.

Mr. MANN. But you have to keep a separate account of each side of the street in order to know how much you are going to assess.

Mr. PAGE of North Carolina. Each abutting piece of property is assessed, of course.

Mr. MANN. Here is a roadway with an imaginary line running through the center of the street, and you provide on one side of that imaginary line that the cost of the paving on that side shall be assessed to the property owner and on the other side the cost on that side shall be assessed to the property owner. You have to keep a separate account in order to know how much each side shall be charged, and if you do not that would be a good defense in court.

Mr. PAGE of North Carolina. Then they will have to keep a separate account.

Mr. MANN. It is impossible to keep a separate account of the cost on each side of an imaginary line in that way.

Mr. PAGE of North Carolina. Mr. Chairman, I will say to the gentleman that most of the pavement that is laid in Washington is laid under contract at so much per yard, and there is no difficulty in calculating the number of yards or the frontage of a lot, and so many feet out into the street.

Mr. MANN. Yes; but in nearly every case, excepting streets already paved, there is additional cost for excavation and grading.

Mr. PAGE of North Carolina. That is not charged at all. It is only for the paving. The excavating and the grading are not included in this amendment.

Mr. MANN. And they are not a part of the pavement?

Mr. PAGE of North Carolina. Not a part of it at all. It has been suggested to me that they should be, but they are not, and this applies to the paving alone.

The CHAIRMAN. Does the Chair understand that the gentleman from Wyoming withdraws his point of order?

Mr. MONDELL. Yes.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. PAGE of North Carolina. Mr. Chairman, before taking up the amendment offered by the gentleman from Wyoming, to which a point of order is pending, I ask unanimous consent to return to page 11 of the bill, line 12, for the purpose of offering an amendment, to insert $1,700 in place of $2,000, which was stricken out on a point of order.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to recur to page 11 of the bill for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I move to amend by inserting, in line 12, page 11, after the figures "$3,500," the words "examiner, $1,700."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 12, after the figures "$3,500," insert the words "examiner, $1,700."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PAGE of North Carolina. Mr. Chairman, as to the point of order which was pending to the amendment offered by the gentleman from Wyoming, on page 64, the gentleman from Georgia [Mr. HOWARD] desires to be heard.

Mr. HOWARD. Mr. Chairman, the point of order is directed against the particular item offered by the gentleman from Wyoming [Mr. MONDELL]. The gentleman cited the original law, the act approved May 28, 1908, section 10 of which provides that the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of the act, at a compensation not to exceed $1,200 each per annum. The District appropriation bill approved March 4, 1911, carries this provision:

The major and superintendent of police shall hereafter detail two privates of the Metropolitan force for the enforcement of the provisions of the act to regulate the employment of child labor in the District of Columbia, approved May 28, 1908.

Mr. MONDELL. What date is that?

Mr. HOWARD. May 2, 1911, was the date of the approval of the act. Section 10 of that act provides:

That all laws and parts of laws to the extent that they are inconsistent with this act are hereby repealed.

Therefore the existing law is in conformity with the provisions of the bill, and the point of order, therefore, would not lie against it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MANN. I did not hear all of the gentleman's statement. What was the item in that law? Was it merely for the current year?

Mr. HOWARD. No; it is "hereafter." It provided that hereafter the major and superintendent of the police force should designate two privates of the Metropolitan police force to perform the functions created by the act of 1908, and section 10 of that act repealed all laws in conflict with it.

Mr. MONDELL. Mr. Chairman, the amendment which I have offered provides for the pay of the inspectors required for the purpose of carrying out the provisions of the child-labor law. Admitting for the sake of argument that there is a provision of the law relative to the appointment of the inspectors, that has nothing to do with the amendment proposed which provides for pay for these inspectors. My amendment has no reference to the manner in which these people shall be appointed or detailed. It simply provides for their pay, and it is entirely in order to offer as an amendment to the District appropriation bill a provision for the payment of officers provided by law.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Wyoming offers as an amendment to the District of

Columbia appropriation bill, at page 64, as a special paragraph, immediately following the end of line 12, on that page, the following:

For the payment of two inspectors to carry out the purposes of the act approved May 28, 1908, entitled "An act to regulate the employment of child labor in the District of Columbia," as provided by section 10 of said act, $2,400.

An examination of the child-labor law shows that section 10 provides as follows:

That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of this act at a compensation not exceeding $1,200 each.

Undoubtedly that is sufficient authority for the amendment of the gentleman from Wyoming. The gentleman from Georgia [Mr. HOWARD] in response to that cites a later District of Columbia appropriation bill carrying the following language:

The major and superintendent of police shall hereafter detail two privates of the Metropolitan police force for the enforcement of the provisions of the act to regulate the employment of child labor in the District of Columbia, approved May 28, 1908.

And he further cites the fact that the bill carries the repealing clause which would repeal this if it was in any way inconsistent with the original text. The Chair does not think that the language referred to is at all inconsistent with the language carried in section 10 of the child-labor law, and therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, the Commissioners of the District of Columbia have called attention to the fact that it is impossible for these two officers from the Metropolitan police force to properly and adequately enforce the child-labor law. They call attention to the fact that in order to have that law properly enforced it is necessary to have officers peculiarly qualified and trained for that kind of work. Let me call the attention of the committee to what Commissioner Brownlow said as to the present situation, or to a part of what he said, particularly relative to children who have taken part in theatrical performances:

As long as the children who were performing here as actors only came to the vaudeville theaters or with an occasional play like the Blue Bird, or something like that, it did not amount to much. But of late, in the last eight or nine months, there have sprung up in these 5 and 10 cent moving-picture houses all over the District and in the outlying eastern and southern parts, especially Friday night amateur nights and Charlie Chaplin contests and any number of things in which these children were given tickets. Sometimes they were paid by being given so many tickets, so they could come back every night for the rest of the week. I heard of several cases of little children who were hanging around where some man who was the ticket agent was getting them to take part, or some fellow playing the piano at one of these places would make the request, and I heard a great many complaints, and it got so that these requests for these children under age which came to the commissioners, instead of being two or three a month, as it used to be when they came to the regular theaters, began coming in at the rate, especially on Fridays, of sometimes as high as 10 a day, and one day I believe I had nearly 20.

The commissioner further called attention to the impossibility of regulating these things without having officials trained to that kind of work and familiar with the conditions. He refers to the newsboys and to the patent violation of the law in regard to the sale of newspapers and notions. We see boys under age right here in the Capitol and adjacent to it in the House Office Building engaged in selling newspapers every day.

That may not be so bad, but if the law is a wise one it should be enforced. These boys are employed in several classes of work, so the commissioners say, under age, and they have not been able to enforce the law, not because the men who are detailed are not good officers but because they are not trained for that kind of work. They desire to pay some one for this work who is trained for that class of work and who will see that this child-labor law is enforced.

Now, again I appeal to the gentlemen of the House. Do you or do you not believe in the enforcement of the child-labor law? Were you or were you not entirely honest when you helped pass that law? Do you believe in its enforcement, or are you like some legislators whom I have heard of who were for a law but "agin" its enforcement? Now, here is a proposition to provide for the enforcement of this wise, just, useful, and necessary statute. Let us provide for it as the commissioners ask us to do.

Mr. PAGE of North Carolina. Mr. Chairman, at the present time there are two police officers detailed from the Metropolitan police force to the enforcement of the child-labor law in the District of Columbia. They have had this assignment since the enactment of the law some five or six years ago. Those two men have been trained for six years to enforce this law, and they are the only ones in the District of Columbia who are. Now, the gentleman from Wyoming comes with an amendment and says that we ought to dispense with those two men who have had six years' training in the enforcement of this child-labor law and select two entirely new people who know nothing about it, who will have to be trained in order that the law may be properly enforced. In other words, he would throw away the experience of these two men who have had six years of this employment, turn them back into the Metropolitan police force, where they are not particularly needed, and in their places employ two inspectors who would take six years, presumably, to become as efficient in the enforcement of this work as those who are now enforcing it. That is the argument of the gentleman.

Mr. MADDEN. Will the gentleman yield?

Mr. PAGE of North Carolina. I will.

Mr. MADDEN. Does the law refer to the territory embraced around the Capitol here?

Mr. PAGE of North Carolina. I can not say to the gentleman, but I think it applies everywhere in the District of Columbia.

Mr. MADDEN. It would enforce the law around the Capitol Building?

Mr. PAGE of North Carolina. The gentleman is referring to the boys selling newspapers? There is a provision in that law by which they can get a permit, and I assume most of those boys have permits.

Mr. MADDEN. Boys as young as 8 years of age——

Mr. PAGE of North Carolina. That is a matter of administration, and certainly if they have not a permit they are violating the law, but there is a provision by which they can receive permits in the law. Mr. Chairman, that is about all I care to say about it. It is the employment of two new officials to take the place of two old officials in the enforcement of this child-labor law. I should think the experience of these two men should be utilized, and it is certainly worth something.

Mr. MONDELL. The commissioners have said they needed these two men for other work.

Mr. PAGE of North Carolina. If we complied with all the requests of the commissioners, they not only would have those two men but they would have a hundred more. That does not amount to anything.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. MONDELL) there were—ayes 34, noes 55.

So the amendment was rejected.

Mr. PAGE of North Carolina. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15774, the District of Columbia appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PAGE of North Carolina. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. MANN. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations with directions to that committee to report the bill back forthwith with an amendment striking out all of the first section except the enacting clause.

The SPEAKER. The Clerk will report the instructions.

The Clerk read as follows:

Mr. MANN moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with an amendment striking out all after the enacting clause, beginning line 3, page 1, down to and including line 3, on page 2.

Mr. PAGE of North Carolina. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit with instructions.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Evidently there is no quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 111, nays 173, answered "present" 11, not voting 139, as follows:

YEAS—111.

Bacharach	Foss	Kinkaid	Roberts, Mass.
Barchfeld	Flood	Lazaro	Roberts, Nev.
Beakes	Focht	McArthur	Rogers
Blackmon	Fordney	McKenzie	Russell, Ohio
Bowers	Foss	McKinley	Schall
Britt	Garland	McLaughlin	Siegel
Britten	Gillett	Mager	Sloan
Browning	Glynn	Mann	Smith, Idaho
Campbell	Gould	Martin	Smith, Mich.
Cannon	Guernsey	Matthews	Smith, N. Y.
Carlin	Hadley	Mecker	Steenerson
Carter, Mass.	Hamilton, Mich.	Miller, Del.	Stephens, Cal.
Church	Haskell	Miller, Pa.	Sterling
Coleman	Hawley	Mondell	Stiness
Cooper, Ohio	Hay	Montague	Stone
Cooper, W. Va.	Hayes	Moore, Pa.	Sulloway
Curry	Hernandez	Moores, Ind.	Sweet
Dallinger	Hill	Morgan, Okla.	Swift
Danforth	Hinds	Mott	Tilson
Darrow	Holland	Mudd	Timberlake
Denison	Hollingsworth	Nichols, Mich.	Treadway
Dillon	Hopwood	North	Volstead
Dunn	Howell	Oakey	Watson, Va.
Dupré	Hull, Iowa	Parker, N. J.	Walsh
Elsworth	Johnson, Wash.	Platt	Wason
Esch	Kelley	Powers	Wheeler
Estopinal	Kennedy, Iowa	Pratt	Woods, Iowa
Farr	Kennedy, R. I.	Baker	

NAYS—173.

Aberncrombie	Eagle	Kettner	Rauch
Adamson	Elston	Key, Ohio	Rayburn
Aiken	Evans	Kincheloe	Reavis
Alexander	Farley	Kitchin	Reilly
Allen	Ferris	Konop	Ricketts
Almon	Fields	La Follette	Rubey
Anderson	Finley	Lee	Rucker
Ashbrook	Fitzgerald	Lenroot	Scott, Mich.
Aswell	Foster	Lesher	Shackleford
Bailey	Frear	Lever	Shallenberger
Barkley	Gandy	Lieb	Sherwood
Bell	Gard	Lloyd	Shouse
Booher	Garner	Lobeck	Sims
Burgess	Garrett	London	Slayden
Burnett	Glass	McAndrews	Stemp
Byrnes, S. C.	Good	McClintic	Smith, Tex.
Byrns, Tenn.	Goodwin, Ark.	McCracken	Stafford
Callaway	Gordon	McDermott	Steagall
Candler, Miss.	Gray, Ind.	McGillicuddy	Steele, Iowa
Caraway	Green, Iowa	McKellar	Stephens, Miss.
Carter, Okla.	Gregg	Mapes	Stephens, Nebr.
Cary	Griffin	Mays	Stephens, Tex.
Cline	Hardy	Moon	Stout
Connelly	Harrison	Morrison	Summers
Cooper, Wis.	Hastings	Moss, Ind.	Taggart
Cox	Haugen	Murray	Tague
Cramton	Hayden	Neely	Tavenner
Crisp	Helgesen	Nicholls, S. C.	Taylor, Ark.
Cullop	Helm	Nolan	Thompson
Davenport	Hensley	Norton	Tillman
Davis, Minn.	Hilliard	Oldfield	Towner
Davis, Tex.	Hood	Oliver	Tribble
Decker	Houston	Overmyer	Venable
Dent	Howard	Padgett	Vinson
Dickinson	Huddleston	Page, N. C.	Watkins
Dies	Hughes	Park	Webb
Dill	Hulbert	Phelan	Wilson, Fla.
Dixon	Hull, Tenn.	Porter	Wingo
Dooling	Humphrey, Wash.	Pou	Wise
Doolittle	Igoe	Quin	Young, N. Dak.
Doremus	Jacoway	Ragsdale	Young, Tex.
Doughton	James	Rainey	
Dowell	Johnson, Ky.	Ramseyer	
Eagan	Keating	Randall	

ANSWERED "PRESENT"—11.

Bennet	King	Sisson	Whaley
Butler	Longworth	Small	Wilson, Ill.
Dyer	Madden	Thomas	

NOT VOTING—139.

Adair	Collier	Gray, Ala.	Kreider
Anthony	Conry	Gray, N. J.	Lafean
Austin	Copley	Greene, Mass.	Langley
Ayres	Costello	Greene, Vt.	Lehlbach
Barnhart	Crago	Griest	Lewis
Beales	Crosser	Hamill	Liebel
Black	Dale, N. Y.	Hamilton, N. Y.	Lindbergh
Borland	Dale, Vt.	Hamlin	Linthicum
Browne	Dempsey	Hart	Littlepage
Bruckner	Dewalt	Heaton	Loft
Brumbaugh	Driscoll	Heflin	Loud
Buchanan, Ill.	Drukker	Helvering	McCulloch
Buchanan, Tex.	Edmonds	Henry	McFadden
Burke	Edwards	Hicks	McLemore
Caldwell	Emerson	Humphreys, Miss.	Maher
Cantrill	Fairchild	Husted	Miller, Minn.
Capstick	Flynn	Hutchinson	Mooney
Carew	Freeman	Johnson, S. Dak.	Morgan, La.
Casey	Fuller	Jones	Morin
Chandler, N. Y.	Gallagher	Kahn	Moss, W. Va.
Charles	Gallivan	Kearns	Nelson
Chipperfield	Gardner	Kelster	Oglesby
Clark, Fla.	Godwin, N. C.	Kent	Olney
Coady	Graham	Kiess, Pa.	O'Shaunessy
Paige, Mass.	Sabath	Snyder	Vare
Parker, N. Y.	Sanford	Sparkman	Walker
Patten	Saunders	Stedman	Ward
Peters	Scott, Pa.	Steele, Pa.	Watson, Pa.
Price	Scully	Sutherland	Williams, T. S.
Riordan	Sears	Switzer	Williams, W. E.
Rodenberg	Sells	Talbott	Williams, Ohio
Rouse	Sherley	Taylor, Colo.	Wilson, La.
Rowe	Sinnott	Temple	Winslow
Rowland	Smith, Minn.	Tinkham	Wood, Ind.
Russell, Mo.	Snell	Van Dyke	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. HEFLIN (against) with Mr. LINTHICUM (for).

Mr. SISSON (against) with Mr. WILSON of Illinois (for).

Mr. AUSTIN (for) with Mr. STEDMAN (against).

Mr. WHALEY (against) with Mr. CODY (for).

Mr. AYRES (against) with Mr. DYER (for).

For the session:

Mr. STEELE of Pennsylvania with Mr. GRAHAM.

Mr. DEWALT with Mr. MCFADDEN.

Mr. LIEBEL with Mr. ROWLAND.

Ending May 27:

Mr. WM. ELZA WILLIAMS with Mr. KING.

Mr. THOMAS with Mr. DEMPSEY.

Mr. GALLAGHER with Mr. WINSLOW.

Mr. TALBOTT with Mr. BUTLER.

Ending May 29:

Mr. SHERLEY with Mr. LONGWORTH.

Ending June 2:

Mr. BURKE with Mr. GREENE of Vermont.

Ending June 20:

Mr. BRUCKNER with Mr. BENNET.

Until further notice:

Mr. CLARK of Florida with Mr. FULLER.

Mr. ROUSE with Mr. MADDEN.

Mr. FLYNN with Mr. GRIEST.

Mr. PATTEN with Mr. SNELL.

Mr. HENRY with Mr. JOHNSON of South Dakota.

Mr. HUMPHREYS of Mississippi with Mr. WOOD of Indiana.

Mr. SEARS with Mr. KIESS of Pennsylvania.

Mr. WALKER with Mr. PETERS.

Mr. LITTLEPAGE with Mr. SUTHERLAND.

Mr. SABATH with Mr. LEHLBACH.

Mr. CANTRILL with Mr. LANGLEY.

Mr. JONES with Mr. KEARNS.

Mr. DALE of New York with Mr. EMERSON.

Mr. LEWIS with Mr. MCCULLOCH.

Mr. WILSON of Louisiana with Mr. SNYDER.

Mr. PRICE with Mr. MILLER of Minnesota.

Mr. BARNHART with Mr. CHANDLER of New York.

Mr. GALLIVAN with Mr. COSTELLO.

Mr. BLACK with Mr. GRAY of New Jersey.

Mr. HAMLIN with Mr. DALE of Vermont.

Mr. VAN DYKE with Mr. MOONEY.

Mr. SPARKMAN with Mr. RODENBERG.

Mr. OGLESBY with Mr. MORIN.

Mr. SAUNDERS with Mr. WILLIAMS of Ohio.

Mr. CALDWELL with Mr. EDMONDS.

Mr. HART with Mr. KAHN.

Mr. TAYLOR of Colorado with Mr. WATSON of Pennsylvania.

Mr. O'SHAUNESSY with Mr. PAIGE of Massachusetts.

Mr. MCLEMORE with Mr. TEMPLE.

Mr. GRAY of Alabama with Mr. HUTCHINSON.

Mr. COLLIER with Mr. HEATON.

Mr. EDWARDS with Mr. CAPSTICK.

Mr. GODWIN of North Carolina with Mr. ANTHONY.

Mr. BORLAND with Mr. FAIRCHILD.

Mr. CROSSER with Mr. DRUKKER.

Mr. BRUMBAUGH with Mr. CHARLES.

Mr. BUCHANAN of Illinois with Mr. HICKS.

Mr. RUSSELL of Missouri with Mr. TINKHAM.

Mr. OLNEY with Mr. ROWE.

Mr. MAHER with Mr. SWITZER.

Mr. LOFT with Mr. THOMAS S. WILLIAMS.

Mr. HELVERING with Mr. CHIPPERFIELD.

Mr. BUCHANAN of Texas with Mr. HUSTED.

Mr. CAREW with Mr. CRAGO.

Mr. CASEY with Mr. GREENE of Massachusetts.

Mr. CONRY with Mr. SMITH of Minnesota.

Mr. MORGAN with Mr. SUTHERLAND.

Mr. HAMILL with Mr. SANFORD.

Mr. RIORDAN with Mr. WARD.

Mr. ADAIR with Mr. SCOTT of Pennsylvania.

Mr. LOUD with Mr. SCULLY.

Mr. DRISCOLL with Mr. LAFEAN.

Mr. MADDEN. Mr. Speaker, I voted "aye." I am paired with the gentleman from Kentucky, Mr. ROUSE. I wish to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MADDEN, and he answered "Present."

Mr. BUTLER. Mr. Speaker, I find I am paired with the gentleman from Maryland, Mr. TALBOTT. Therefore I will have to withdraw my vote. I want to vote "present." I voted "aye."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BUTLER, and he answered "Present."

Mr. SISSON. Mr. Speaker, I am recorded in the negative. I am paired with the gentleman from Illinois, Mr. WILSON, but he thinks I am out of the city. I had better withdraw my "nay" vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. SISSON, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. PAGE of North Carolina, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF REFERENCE.

Mr. BEAKES. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads, claiming jurisdiction of House bill 6915 and House bill 10130, I move to discharge the Committee on Reform in the Civil Service from the consideration of House bill 6915 and House bill 10130, and that the same be referred to the Committee on the Post Office and Post Roads.

Mr. GARRETT rose.

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. There are two reports on order of procedure from the Committee on Rules pending, under the rule which provides that it shall be in order at any time for the Committee on Rules to report on the order of procedure. I desire to submit the inquiry as to whether these motions would take precedence over the motion of the gentleman from Michigan [Mr. BEAKES]?

The SPEAKER. The rule that the gentleman from Tennessee cites is correct and well known, but the rule about this business is that immediately after the reading of the Journal motions of this kind are made, and one of them is just as binding as the other, the Chair thinks. But the Speaker is in this fix about it anyway: The gentleman rose this morning, or somebody for him, when he had the undoubted right to proceed, and the gentleman from North Carolina [Mr. PAGE] came to the Speaker and said that the Committee on Appropriations wanted to proceed with the District of Columbia appropriation bill, and the Chair recognized him. Then the gentleman from Illinois [Mr. MADDEN] propounded the inquiry whether that would cut out this motion of the Post Office Committee, and the Chair stated in the presence of the House that it could not cut it out; and under the circumstances I hope the gentlemen will defer their matter, because I do not think this will take very long.

Mr. FITZGERALD. There was an understanding about that.

Mr. PAGE of North Carolina. Certainly, Mr. Speaker, we defer to the suggestion of the Chair.

The SPEAKER. The Clerk will report this document.

The Clerk read as follows:

By direction of the Committee on the Post Office and Post Roads, claiming jurisdiction of H. R. 6915 and H. R. 10130, Mr. BEAKES moves to discharge the Committee on Reform in the Civil Service from consideration of H. R. 6915 and H. R. 10130, and that the same be referred to the Committee on the Post Office and Post Roads.

Mr. COX. Mr. Speaker, I make a point of order against the motion of the gentleman from Michigan.

The SPEAKER. What is the gentleman's point of order?

Mr. COX. The point of order is that the matter has been adjudicated by this House. On last Monday the House by motion referred these two bills to the Committee on Reform in the Civil Service, and having been determined and passed upon by the House, it is adjudicated and disposed of.

The SPEAKER. Does the gentleman from Illinois [Mr. MADDEN] want to be heard on the point of order?

Mr. MADDEN. Mr. Speaker, I maintain that the Committee on the Post Office and Post Roads is clearly within its rights when it comes before the House and asks for the reference of a bill which it believes has been erroneously referred; that it is strictly under the rules that it comes before the House with this motion, and that the Committee on the Post Office and Post Roads has jurisdiction over the legislation which is embodied within these bills.

The SPEAKER. What does the gentleman say to the point of order made by the gentleman from Indiana [Mr. COX] that this matter is res judicata?

Mr. MADDEN. I think I have said what I think about that. Anyway, Mr. Speaker, if I may be permitted to wander just a little, I believe that when the House acted on the motion of the gentleman from Indiana [Mr. COX] it was not advised of the facts in connection with the case upon which it acted, and that when the gentleman asked unanimous consent to transfer the bills, if the House had been advised it would not have taken the action that it did take. And because of the fact that the House did act without information and under a misapprehension of the facts in the case, I believe that now, when the House is advised, it ought to be given an opportunity to act with the information that will give it the opportunity of considering the question intelligently.

Besides that, Mr. Speaker, when this question was up for consideration on my motion to reconsider the vote by which the House did act, while the Speaker sustained the point of order as to the action the House did take, the Speaker himself said that the remedy was with the Committee on the Post Office and Post Roads, and advised the committee that the remedy was for that committee to meet, to act, and to come to the House with a recommendation from the committee as to what disposition should be made of these bills. Now, the committee has acted upon the advice of the Speaker, upon what we presumed in good faith to be a ruling by the Speaker, and we put the question now up to the Speaker as to whether or not we have acted in accordance with his very wise suggestion. [Laughter.] And we further wish to know from the Speaker whether he wants to put himself in the attitude of overruling himself? Of course it would be perfectly in order for him to do that, but we hope he will not so far forget himself as to disagree with himself and decide in favor of the point of order presented by the gentleman from Indiana [Mr. COX].

Mr. ADAMSON. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ADAMSON. I want to suggest to the gentleman that it requires the very biggest order of men to overrule themselves and to find that they have been mistaken. [Applause.]

Mr. MANN. Did the gentleman ever do that? [Laughter.]

Mr. MOON. Mr. Speaker, as chairman of the Committee on the Post Office and Post Roads, that is claiming jurisdiction of these bills, I would like to be heard for a few moments not only upon the point of order but upon the question itself. And yet I do not desire to do more than to state the facts upon which this motion on the part of the majority of the committee is predicated, as well as the views of the minority. The gentlemen of the Post Office Committee are divided on this question. A majority of the committee want to assume jurisdiction of these bills. The other part of the committee do not.

Mr. GRIFFIN. Will the gentleman yield?

Mr. MOON. Yes.

Mr. GRIFFIN. Will the gentleman state to the House what is the division in the committee?

Mr. MOON. Yes; I will state it to the House, if the gentleman thinks that will do any good. A large majority of the committee, two-thirds of it, want to take jurisdiction of these bills; but that is a matter of no consequence, as to how many men were for it or against it. This is a question of parliamentary law, to be determined under the rules of the House; and I want to say to gentlemen, before entering upon discussion of the point of order or a statement of the facts upon which the jurisdiction is claimed, that you are now proposing to determine a question the ultimate effect of which will give $200,000,000 annually within 25 years as civil pensions to the employees in the service of the United States. I will not now discuss the merits of the bills.

Mr. Speaker, in order that we may understand exactly the status of this question, it is proper that I state the facts. The bills to which this motion refers are for the purpose of giving pensions to superannuated employees of the Post Office Department. I need not read all of the provisions of the bills, because it is clear from a reading of some of them that a pension of $600 per annum is to be given to those who are adjudged to be superannuated under the provisions of the bills. Now, let us see where the jurisdiction lies under the rules of the House. The bills went to the Post Office Committee in the first place, not to the Committee on Reform in the Civil Service. They were being considered in that committee, when, on motion of the gentleman from Indiana [Mr. COX], by unanimous consent the jurisdiction of the Committee on the Post Office and Post

Roads was taken away, and that jurisdiction conferred on the Committee on Reform in the Civil Service. Was that correct? The rules of the House require that all legislation be referred to one of the committees mentioned in Rule X. The subsection of that rule provides that all matters pertaining to the Post Office, the appropriations therefor, shall go to the Post Office Committee. By construction it has been held that that includes postal banks, telegraph matters, and all matters essentially affecting the operations of the department. There is nothing in this bill that affects the operation or work of the departments, or either of them.

But there is another rule that provides that all questions of civil-service reform shall be referred to the Committee on Reform in the Civil Service. Its jurisdiction is over matters affecting the Civil Service Commission, violation of the civil-service law, and, mark the language, of all questions affecting the civil-service status of employees, clerks, and officers in the classified service.

Mr. GRIFFIN. Will the gentleman yield?

Mr. MOON. I will, if the gentleman will not interrupt me any more.

Mr. GRIFFIN. Did not the Post Office Committee report the bill for the classification act of 1907 affecting the status of carriers and clerks, and also the railway mail classification of 1912 changing the status of railway mail clerks?

Mr. MOON. Yes; but they did not involve pensions.

Mr. GRIFFIN. But it was a change of status.

Mr. MOON. The gentleman from New York begs the question. If a tariff law was referred to the Post Office Committee and the committee passed upon it without any question of jurisdiction, the action would be lawful, and there was no question of jurisdiction made.

The SPEAKER. What does the gentleman from Tennessee say as to the action of the House settling the question of jurisdiction?

Mr. MOON. I am coming to that question in a moment. Now, Mr. Speaker, this rule as to the classified civil service determines where bills affecting the status of these people shall go. These bills under consideration do not affect the postal status of these men, but their civil-service status, inasmuch as it puts them in a classified service by which pensions shall be paid and not in a class by which the work is to be performed under the law. Unquestionably the action of the House in changing the jurisdiction of the bill from the Post Office Committee to the Committee on Reform in the Civil Service was correct.

Now, what is the attitude of the House and what is the attitude of the bill? They are not before the Post Office Committee; they have by unanimous consent of this House been referred to the Committee on Reform in the Civil Service. That committee has jurisdiction of them. The Post Office Committee has come in with a resolution to take away the jurisdiction of that committee which was conferred upon it by the unanimous action of the House itself. How many motions can there be on this question?

Now, following in chronological order the history of the case, the gentleman from Illinois moved to reconsider the motion by which the House had unanimously taken jurisdiction from the Committee on the Post Office and Post Roads and conferred it on the Committee on Reform in the Civil Service, and the point of order was made against the motion to reconsider and the Chair sustained the point of order.

Now, what was the remedy then? My judgment is—and I will show in a few moments the reason for it—that the remedy was to pursue the course undertaken at that time under the motion—that is, to appeal from the judgment of the Chair to the judgment of the House—and then the question would have been conclusively settled. But they did not appeal, and therefore the action of the Chair itself became conclusive on the question. The remedy they had was not pursued and they have no other remedy.

Mr. MADDEN. Will the gentleman yield?

Mr. MOON. Not just now.

Mr. MADDEN. I want the gentleman to yield right at this point.

Mr. MOON. No; I will ask the gentleman to wait until I get to another point. The gentleman from Illinois begs the question. He says, "Why, Mr. Speaker, you intimated from the chair that we had another remedy, and that was to come here by a majority of the committee." He says that the Speaker decided it. The Speaker did not make any such decision. The Speaker simply said that he thought probably it might be so. But suppose the Speaker had said you have the right to have a majority of your committee bring a motion before the House, the Speaker would have been wrong, because the jurisdictional fact upon which he makes that decision was not existing; there was no motion from the committee upon which the Speaker could have predicated such action. There was only the question of unanimous consent and determining the jurisdiction under it. So, whatever the Speaker did say or did not say, if construed according to the gentleman's statement, would be simply obiter dictum. It would be an expression outside of the record.

Now, under the rules of the House of Representatives the question of jurisdiction under subsection 3, Rule XXII, is [reading from the rule]:

> And correction in case of error of reference may be made by the House, without debate, in accordance with Rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

On any day immediately after the reading of the Journal, by unanimous consent—that is one way—or on motion of a committee claiming jurisdiction, or under report of the committee to which the bill has been erroneously referred.

Now, if this section had said "and on motion and on report," then there might have still been some doubt whether the rule had provided that the test of jurisdiction could be made three times, if necessary. But it does not. The language is in the disjunctive. Whenever you invoke one method of determining a question of jurisdiction and have proceeded on that course to the end, the question of jurisdiction is finally and irrevocably settled.

There was some reason for this rule. Of course it would be idle to say that in a legislative body you could have three trials of the test of jurisdiction. Three methods might be provided by which it could be done; but if one is invoked and the jurisdictional question finally settled by that method, it is exclusive of the other two, under any judicial rulings ever made on any language on any rule. What was the sense of this rule? If you want to find out the meaning and purpose of anything you must test the reason for it. First, when a bill has been referred to a committee which seeks tenaciously to hold its jurisdiction, like this committee does, there ought to be some remedy somewhere for the Members of the House and the House itself to settle the question of jurisdiction, if the opinion is that it has been erroneously referred. Therefore it is provided that the Member, by unanimous consent, may move a change of reference. That is one method.

If the change of reference is made by unanimous consent and the motion to reconsider that is ruled out, and no appeal is taken, that is the end of the question, and the whole proposition of jurisdiction is settled upon that method. There is reason for the other method, too. It was intended to preserve the right of a committee whose jurisdiction had been invaded, that it might bring the question before the House. Therefore a majority of the committee whose jurisdiction has been ignored could bring the question before the House. Again, to preserve the rights of all committees, it was provided that the committee that had jurisdiction and that had exercised it up to a point of a report upon the bill might still be questioned as to its jurisdiction on the filing of that report, but it can not be held, it would be unwise to hold, that because the rule provided three methods of determining a question of jurisdiction it has to determine that question three times. Whenever once determined by either one of the tests applied under the rule, that is the end of the question. I insist, therefore, that one method having been adopted, it having been pursued to the point where the House could have obtained, if it desired, a vote upon it and did not do it, the question going out on a ruling of the Chair upon a point of order, that therefore the jurisdictional question was conclusively settled for all time, so far as that is concerned. I realize, we all know, that this House can at any time control its own action, but it must be according to the rules, and following that rule this question is res adjudicata. If you want to undo it, you have to bring in a special rule authorized by a vote of this body from the Committee on Rules to submit that question for further determination, otherwise it is a closed issue.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. MOON. Yes.

Mr. MADDEN. I wish to ask the gentleman from Tennessee what he has to say with reference to the ruling made by the Speaker of the House which included not only the question of sustaining the point of order made by the gentleman from Indiana, but the addition of the language embodied in the ruling that the remedy for the committee to apply was to meet and make a report to the House and present their case.

Mr. MOON. I have already said this upon that question, that the RECORD does not show that the Speaker advised any such thing. He said that it might be done, or he thought it might be done. I believe he said, "I think so" on the final question; but here is the point: The House was considering the question of

jurisdiction, according to the rule, and allowed it to be done by unanimous consent, and the motion to reconsider upon that question was disposed of. The Speaker decided but one question, and that was the one question before him. Any decision made on any other question would have been based on facts not there, and, therefore, obiter dicta. The Speaker held then and there that the motion to reconsider was not well taken. If the gentleman did not agree with the Speaker (and he was pursuing a fixed remedy under the law), all he had to do was to appeal; but he can not come here now and say that because the Speaker inadvertently made such a suggestion he ought, therefore, to give him another chance, in violation of the clear rule on the subject.

Mr. MANN. Mr. Speaker, we had before the House the other day a motion to reconsider the vote by which these bills were sent from one committee to the other, that change of reference having been made by unanimous consent. It was sharply contested whether a motion to reconsider could be made. The Speaker held in the end that the point of order against the motion to reconsider should be sustained, and this is what he said:

> The SPEAKER. The point of order made by the gentleman from Indiana [Mr. COX] is sustained. The gentleman from Illinois [Mr. MADDEN] has a remedy. If he does not like the decision of the Chair, he can get his committee to come in here and move to refer this bill to the Committee on the Post Office and Post Roads.
>
> Mr. MANN. A parliamentary inquiry.
>
> The SPEAKER. The gentleman will state it.
>
> Mr. MANN. Can he do that when the House itself has changed the reference once?
>
> The SPEAKER. The Chair thinks he could.

The question was before the Speaker whether the House had any remedy at all. My colleague from Illinois [Mr. MADDEN] made a motion to reconsider the vote and the Speaker held that the motion to reconsider was not in order because there was another remedy. While I thought then and I think now that the decision of the Speaker was erroneous in both particulars, they balanced each other, and it was a decision based upon a reason which preserved the rights of the House. After all, that is what good rulings endeavor to do.

There is, however, a remedy, I will say to the gentleman, that is very easily invoked. The introduction of a bill by one Member of this House does not prevent the introduction of a bill very similar in language and form by another Member of the House, and although the Speaker doubtless under the decision the other day, if a new bill be introduced, would refer it to the Committee on Reform in the Civil Service, where it does not properly belong, yet the Committee on the Post Office and Post Roads the next day can move to make the change of reference, and no point of order will lie against that motion to take it away from that committee and send it to the Committee on the Post Office and Post Roads.

Mr. FITZGERALD. Mr. Speaker, the other day when this question was up I contended that the gentleman from Indiana [Mr. Cox] had moved a change of reference of these bills by unanimous consent. The Speaker held that he had made no motion whatever, that he had suggested, and the suggestion was adopted by unanimous consent. The rule is well established, and I will read the parliamentary statement of it to the Chair:

> A question once carried can not be questioned again at the same session, but must stand as the judgment of the House.

That is section 507 of the Manual, a quotation from Jefferson's Manual, and a note explains that that situation is guarded against in the House of Representatives by a motion to reconsider. But a motion to reconsider applies to a motion that has been made, and it is only when the question has been carried or lost—the converse is also true—that it can not be questioned.

Now, as to the question before the House. The Speaker has held that no motion was made; therefore no question was put and none was adopted or rejected. But there must be some time under the rule, because the rule so provides, when the House itself can determine to what particular committee these bills shall go. Now, I believe there is not any inconsistency in the entertainment of this motion by the Speaker now. His ruling the other day that no motion had been made necessarily implied that the statement he made to the gentleman from Illinois must be accurate, that there was a remedy in the House by which the House itself could pass upon the question. It seems to me that the very question raised the other day that a motion had been made and that denied by the gentlemen who now insist that the motion had been made, and the gentleman from Indiana and those siding with him, who insist there had been no motion, but that there had been a motion by unanimous consent.

Mr. COX. Mr. Speaker, I hope the gentleman will quote me correctly. I did not make that statement at all. I said treated by unanimous consent as being tantamount to a motion. I do not care whether treated by unanimous consent or considered as a motion.

Mr. FITZGERALD. Mr. Speaker, I think there is not anyone who will cogitate long about it who will not agree that this House does not and can not do anything unless somebody moves that the House act. It is a simple fundamental of parliamentary law that the House can not act unless somebody prefers a motion. A motion may be submitted by unanimous consent or it may be submitted in order under the rules, but it must be by motion. The Chair has held in this particular instance that there was no motion or that there was no motion at that time, and that is binding on the House, the House not appealing from the decision of the Speaker; the House acquiesced in the ruling of the Speaker that no motion has yet been made and determined regarding the reference of these bills; a motion must be in order at this time.

The SPEAKER. The Chair desires to ask the gentleman a question before he sits down. Does the gentleman regard a unanimous-consent change of bills from one committee to another, with a half a dozen Members present, or any small number, without any explanation or argument, as binding on the Speaker as it is if the House—now, for instance—expresses its opinion?

Mr. FITZGERALD. I think it is because of the assumption that a quorum is always present. The Speaker assumes a quorum is present, because the minute that question is raised and a quorum is ascertained not to be present one must be brought here.

The SPEAKER. Does the gentleman think that getting unanimous consent under circumstances similar to these, the way this was done, is of equal dignity with this motion which the gentleman from Michigan offers here now?

Mr. FITZGERALD. I am not criticizing the gentleman from Indiana for getting unanimous consent under those conditions, because it is probably the only situation under which he could get it. [Laughter.]

The SPEAKER. The Chair is not criticizing the gentleman from Indiana; he is putting to the gentleman from New York, who is an expert parliamentarian [applause], this question: Is the decision of the House, so called, under circumstances like that, that arise here at times, of equal dignity with the decision of the House now, for instance, if it is submitted to it?

Mr. FITZGERALD. I think it is, Mr. Speaker. We can not determine the relative attendance in the House, because if only 300 Members vote on a question some one might suggest that it was not as important as if every Member voted; but a remedy for that was provided in the rules by a motion to reconsider. Now, the Speaker having determined that this change of reference was not by motion, then under the rule that motion is some time in order. It was not by unanimous consent. If unanimous consent is refused to any Member, then the Chair must notice this distinction of the rule. These changes of reference can be made by unanimous consent. Anyone can make that motion by unanimous consent. If unanimous consent be denied, then there are two other opportunities to test the sense of the House. First, upon a motion of the committee which claims jurisdiction, but which does not have the bill, and the other is upon the motion of the committee which has the bill, but wishes to be relieved of it. In my experience a motion by a committee to be relieved of a bill in order to send it to some other committee has been defeated by a record vote in this House. But there are three opportunities. One is the opportunity afforded any Member of the House to move by unanimous consent. Another is the opportunity afforded to the committee possessing the bill to relieve itself of it. The other, the committee which claims it should have jurisdiction to obtain possession of the bill. Now, no motion has been made so far except the motion by the committee which now claims jurisdiction and believes that the bill should be sent to it. It seems to me, in view of what has happened, that the only thing that can be done is to submit this motion to the House and let the House determine the question.

The SPEAKER. The other day when this question came up the Chair held that the motion to reconsider was not in order. The gentleman from New York devoted a good deal of his remarks to that, but that question is not here now.

After the Chair decided that point he added the obiter dictum that if the gentleman from Illinois [Mr. MADDEN] was not satisfied he had a remedy, and suggested exactly what the gentleman from Michigan [Mr. BEAKES] is doing now.

Mr. MADDEN. Will the Speaker give me the privilege of a word there?

The SPEAKER. Yes.

Mr. MADDEN. Of course, when the Speaker made that statement he left a feeling of satisfaction in my heart that prevented me from taking the remedy which the gentleman from

Tennessee set out to apply, namely, appealing from the decision of the Chair.

The SPEAKER. That is neither here nor there. The gentleman did not pursue his remedy. The Chair does not know whether the RECORD shows it or not, but the gentleman from Illinois [Mr. MANN] said, sotto voce—so that the Chair could hear it, at least—that the Chair had made two erroneous decisions at one time. [Laughter.] The Chair does not know whether that statement is correct or not. It may be.

If the Chair thought that he was wrong the other day in saying what he did to the gentleman from Illinois [Mr. MADDEN], the Chair would not have a particle of hesitancy in changing his mind and in frankly saying so.

Some of the Speakers, notably Speaker Carlisle, on several occasions—and they were fresher in the mind of the Chair four or five years ago than they are now—made erroneous rulings when matters sprang up suddenly, and within two or three days afterwards, or something like that, he would write out an opinion, stating that he was wrong on the day before and that he did not want the ruling on the occasion he was naming to be taken as having any force or effect. Other Speakers have done it. The present occupant of the chair has done it once or twice himself. A man who is not willing to change his mind when the argument is sufficient or on new and sufficient information is not fit to be the Speaker of the House or a Member of it. [Applause.]

The Chair does not believe that the Chair was wrong when he made that suggestion to the gentleman from Illinois [Mr. MADDEN]. Whether he is wrong on the question of reconsideration, the Chair does not know. The Chair is going to study that out some time when he has leisure to see if he can get any information on it. The Chair does not believe that securing unanimous consent without Members understanding what they are doing is of equal dignity with the two other remedies which were read by the gentleman from Tennessee [Mr. MOON]. It seems to me that the more rational view is that really the rule provides in effect two methods of re-referring bills—one by unanimous consent, where no two committees are fighting for jurisdiction, the other where such contest is being waged and attracts the attention of the House, and that two variations of this more solemn and elaborate process are provided in the rule. Wrong references are frequently made in the rush of business, which are generally cured by unanimous consent. The contested references are treated more solemnly and elaborately.

If Members vote here to-day upon this proposition, after the lucid statement of the gentleman from Tennessee [Mr. MOON], they vote with their eyes wide open, and, of course, the Chair—this Speaker or any other—would follow the solemn decision of this House in preference to his own opinion or in preference to the opinion of any Speaker that ever sat in the chair, or all the Speakers put together, because the House is the court of last resort on parliamentary questions. As the gentleman from Illinois [Mr. MANN] suggested, in the event of the Chair sustaining the point of order the proponents of this motion can bring the matter before the House by introducing bills almost identical with these and when the new bills are referred beginning all over again.

The Chair overrules the point of order against this proposition of the report of the committee. The question is on the motion to change the reference of these bills from the Committee on Reform in the Civil Service back to the Committee on the Post Office and Post Roads. Those in favor of that motion will say "aye"; those opposed will say "no."

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BEAKES and Mr. MADDEN demanded a division.

The SPEAKER. A division is demanded.

Mr. BEAKES and Mr. MADDEN demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of taking these bills from the Committee on Reform in the Civil Service and referring them to the Committee on the Post Office and Post Roads will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 177, nays 112, answered "present" 9, not voting 136, as follows:

YEAS—177.

Allen	Britten	Cooper, Ohio	Davis, Minn.
Anderson	Browning	Cooper, W. Va.	Davis, Tex.
Ashbrook	Brumbaugh	Cooper, Wis.	Decker
Bacharach	Buchanan, Ill.	Crampton	Denison
Barchfeld	Carter, Mass.	Curry	Dill
Beakes	Cary	Dallinger	Dillon
Bennet	Charles	Danforth	Dooling
Bowers	Church	Darrow	Doolittle
Britt	Coleman	Davenport	Doremus
Dowell	Hilliard	Mays	Siegel
Dunn	Hinds	Meeker	Sinnott
Dupré	Holland	Miller, Del.	Slemp
Dyer	Hollingsworth	Miller, Pa.	Sloan
Eagan	Hopwood	Mondell	Smith, Idaho
Ellsworth	Howell	Moore, Pa.	Smith, Mich.
Elston	Huddleston	Moores, Ind.	Smith, N. Y.
Esch	Hulbert	Morgan, Okla.	Stafford
Estopinal	Hull, Iowa	Mott	Steele, Iowa
Evans	Humphrey, Wash.	Mudd	Steenerson
Farley	Igoe	Neely	Stephens, Cal.
Farr	Johnson, Wash.	Nichols, Mich.	Sterling
Ferris	Keating	Nolan	Stiness
Fess	Kelley	North	Stone
Fitzgerald	Kennedy, Iowa	Oakey	Sulloway
Focht	Kennedy, R. I.	Olney	Sweet
Fordney	Kiess, Pa.	Overmyer	Swift
Foss	Kinkaid	Parker, N. J.	Taggart
Frear	Konop	Parker, N. Y.	Tague
Gandy	La Follette	Phelan	Tavenner
Gard	Lenroot	Platt	Taylor, Colo.
Garland	Lobeck	Porter	Thompson
Glynn	London	Pratt	Tilson
Good	McAndrews	Raker	Timberlake
Gould	McArthur	Randall	Towner
Green, Iowa	McCracken	Reavis	Treadway
Griffin	McDermott	Reilly	Van Dyke
Guernsey	McGillicuddy	Ricketts	Volstead
Hadley	McKenzie	Roberts, Mass.	Walsh
Hamilton, Mich.	McKinley	Roberts, Nev.	Wason
Hamilton, N. Y.	McLaughlin	Rogers	Wheeler
Haskell	Magee	Russell, Ohio	Wilson, Ill.
Hawley	Mann	Schall	Woods, Iowa
Hayes	Mapes	Scott, Mich.	
Hernandez	Martin	Shallenberger	
Hill	Matthews	Shouse	

NAYS—112.

Aberncrombie	Dickinson	Johnson, Ky.	Rauch
Adamson	Dies	Key, Ohio	Rayburn
Aiken	Dixon	Kincheloe	Rainey
Alexander	Eagle	Kitchin	Rucker
Almon	Fields	Langley	Saunders
Aswell	Finley	Lee	Shackleford
Bailey	Flood	Lesher	Sims
Barkley	Garner	Lever	Sisson
Bell	Garrett	Lloyd	Small
Black	Gillett	McClintic	Smith, Tex.
Blackmon	Glass	McKellar	Steagall
Booher	Goodwin, Ark.	Montague	Stephens, Miss.
Burgess	Gordon	Moon	Stephens, Nebr.
Burnett	Gray, Ind.	Morrison	Stephens, Tex.
Byrnes, S. C.	Gregg	Moss, Ind.	Sumners
Byrns, Tenn.	Hamlin	Murray	Taylor, Ark.
Callaway	Hardy	Nicholls, S. C.	Tillman
Campbell	Harrison	Norton	Tribble
Candler, Miss.	Hastings	Oldfield	Venable
Cannon	Hayden	Oliver	Vinson
Caraway	Helgesen	Padgett	Watkins
Carter, Okla.	Heflin	Page, N. C.	Watson, Va.
Cline	Hensley	Park	Webb
Connelly	Houston	Pou	Whaley
Cox	Hughes	Powers	Whigo
Crisp	Hull, Tenn.	Quin	Wise
Cullop	Jacoway	Rainey	Young, N. Dak.
Dent	James	Ransseyer	Young, Tex.

ANSWERED "PRESENT"—9.

Butler	King	Longworth	Ragsdale
Foster	Lazaro	Madden	Thomas
Heflin			

NOT VOTING—136.

Adair	Edmonds	Keister	Rowland
Anthony	Edwards	Kent	Russell, Mo.
Austin	Emerson	Kettner	Sabath
Ayres	Fairchild	Kreider	Sanford
Barnhart	Flynn	Lafean	Scott, Pa.
Beales	Freeman	Lehlbach	Scully
Borland	Fuller	Lewis	Sears
Browne	Gallagher	Lieb	Sells
Bruckner	Gallivan	Liebel	Sherley
Buchanan, Tex.	Gardner	Lindbergh	Sherwood
Burke	Godwin, N. C.	Linthicum	Slayden
Caldwell	Graham	Littlepage	Smith, Minn.
Cantrill	Gray, Ala.	Loft	Snell
Capstick	Gray, N. J.	Lond	Snyder
Carew	Greene, Mass.	McCulloch	Sparkman
Carlin	Greene, Vt.	McFadden	Stedman
Casey	Griest	McLemore	Steele, Pa.
Chandler, N. Y.	Hamill	Maher	Stout
Chipperfield	Hart	Miller, Minn.	Sutherland
Clark, Fla.	Haugen	Mooney	Switzer
Coady	Hay	Morgan, La.	Talbott
Collier	Heaton	Morin	Temple
Conry	Heivering	Moss, W. Va.	Tinkham
Copley	Henry	Nelson	Vare
Costello	Hicks	Oglesby	Walker
Crago	Hood	O'Shaunessy	Ward
Crosser	Howard	Paige, Mass.	Watson, Pa.
Dale, N. Y.	Humphreys, Miss.	Patten	Williams, T. S.
Dale, Vt.	Husted	Peters	Williams, W. E.
Dempsey	Hutchinson	Price	Williams, Ohio
Dewalt	Johnson, S. Dak.	Riordan	Wilson, Fla.
Doughton	Jones	Rodenberg	Wilson, La.
Driscoll	Kahn	Rouse	Winslow
Drukker	Kearns	Rowe	Wood, Ind.

So the motion of Mr. BEAKES was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SLAYDEN with Mr. THOMAS S. WILLIAMS.

Mr. AYRES with Mr. MOONEY.

Mr. STOUT with Mr. WATSON of Pennsylvania.

Mr. SHERWOOD with Mr. ROWE.

Mr. LIEB with Mr. DALE of Vermont.

Mr. KETTNER with Mr. GRAY of New Jersey.

Mr. HOWARD with Mr. COPLEY.

Mr. HOOD with Mr. SNYDER.

Mr. HAY with Mr. EMERSON.

Mr. HAMILL with Mr. SMITH of Minnesota.

Mr. LINTHICUM with Mr. CRAGO.

Mr. WILSON of Florida with Mr. BEALES.

Mr. DOUGHTON with Mr. KREIDER.

Mr. CARLIN with Mr. GARDNER.

On this vote:

Mr. CAREW (for changing reference) with Mr. HEFLIN (against changing reference).

Mr. CONRY (for changing reference) with Mr. FOSTER (against changing reference).

Mr. DALE of New York (for changing reference) with Mr. RAGSDALE (against changing reference).

Mr. HICKS (for changing reference) with Mr. WILSON of Louisiana (against changing reference).

Mr. RAGSDALE. Mr. Speaker, I am recorded as voting "no." As I am paired with the gentleman from New York, Mr. DALE, I wish to withdraw that vote and to be recorded "present."

Mr. BENNET. I am paired with my colleague Mr. BRUCKNER, but I know that if he were present he would vote the same way as I have voted. Therefore I will let my vote stand.

Mr. MADDEN. I am paired with the gentleman from Kentucky, Mr. ROUSE. I voted "yea." I wish to withdraw my vote and vote "present." I do not know how the gentleman from Kentucky would vote if he were present.

Mr. LANGLEY. Mr. Speaker, did my colleague Mr. CANTRILL vote?

The SPEAKER. He did not.

Mr. LANGLEY. I voted "no," but I am paired with him. I do not know how he would vote if he were present, but I withdraw my vote and answer "present."

Mr. BUTLER. I voted "yea," but because of my pair with the gentleman from Maryland, Mr. TALBOTT, I desire to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The motion of the gentleman from Michigan [Mr. BEAKES] is agreed to, and the bills to which his motion refers will go back to the Committee on the Post Office and Post Roads.

GOOD ROADS.

Mr. HARRISON. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 248 (H. Rept. No. 774.)

Resolved, That upon the adoption of this resolution H. R. 7617, a bill "to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, and postal matter," with the Senate amendments thereto, be taken from the calendar, the Senate amendments disagreed to by the House, and a conference asked of the Senate on the disagreeing votes of the two Houses on said bill; and the Speaker shall immediately appoint the managers on the part of the House without intervening motion, except one motion to recommit.

Mr. HARRISON. I will ask gentlemen on the other side if they desire any time on this?

Mr. CAMPBELL. I should like about 10 minutes.

Mr. HARRISON. I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL.].

Mr. CAMPBELL. I yield two minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, the House passed this bill originally by a vote of substantially 7 to 1. There are some reasons which could be given against this rule, but in contrast to what the Committee on Rules and the House have been doing in the recent past this is so mild that a discussion of it would be practically an anticlimax. I just want to mention the fact that we think it could be improved upon, and very possibly it could be gotten along without; but after all, as I say, in contrast to what the House has done, it really would be like soda water after brandy to say anything against this rule.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BENNET. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Is this the bill that raises the good-roads appropriation from $25,000,000 to $75,000,000?

Mr. BENNET. This is a little bit of an $80,000,000 appropriation!.

Mr. MOORE of Pennsylvania. And nobody had anything to say about it!

Mr. BENNET. I mentioned it

Mr. HARRISON. I move the previous question

The question was taken, and the Speaker announced that the ayes appeared to have it.

A MEMBER. Division!

The SPEAKER. Gentlemen must rise in their places when they demand a division. Who demanded the division? No gentleman rises to demand a division. The ayes have it, and the previous question is ordered. The question is on the adoption of the resolution.

The resolution was agreed to, and the Speaker appointed as conferees on the part of the House Mr. SHACKLEFORD, Mr. SAUNDERS, and Mr. DUNN.

NAVAL APPROPRIATIONS.

Mr. GARRETT. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 249.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 15947; that the first reading of the bill shall be dispensed with; that general debate shall continue on the bill until not later than Monday next, at 1.30 p. m., the time to be controlled, one-half by the gentleman from Tennessee [Mr. PADGETT] and one-half by the gentleman from Pennsylvania [Mr. BUTLER]; that all debate shall be confined to the subject matter of the bill; that while the bill is under consideration the House shall meet at 11 o'clock a. m.; that the bill shall be the order for all legislative days except Calendar Wednesday; that at the expiration of general debate the bill shall be read in full by the Clerk without interruption; that upon conclusion of the reading of the bill amendments may be offered to any paragraph of the bill and considered and disposed of under the five-minute rule until Friday next, at 2 p. m., when all pending amendments and amendments thereafter offered shall, without further debate, be voted on; that no matter or provision contained in the bill shall be subject to a point of order, any rule or rules of the House to the contrary notwithstanding; that it shall be in order to offer and consider as an amendment to the bill the provisions of S. 1417, to erect or purchase, or both, a factory for the manufacture of armor, now on the Union Calendar, No. 145, any rule or rules of the House to the contrary notwithstanding.

After all pending amendments shall be disposed of the committee shall rise and report to the House the bill and all amendments that shall have been recommended by the Committee of the Whole House on the state of the Union, whereupon the previous question shall be considered as ordered upon the bill and amendments to its final passage, and the House shall immediately proceed to vote on amendments, on engrossment, third reading, and final passage of the bill, without intervening motions, except one motion to recommit.

Mr. GARRETT. Mr. Speaker——

Mr. MANN. Will the gentleman yield to allow me to make a request for unanimous consent?

Mr. GARRETT. Certainly.

Mr. MANN. I ask unanimous consent that if the naval appropriation bill is under consideration next Tuesday, and its consideration is not then concluded, the order of business for Wednesday be dispensed with, and that the naval appropriation bill be in order on Wednesday, and that the House meet on that day at 11 o'clock.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the naval appropriation bill shall be in order on next Wednesday if the consideration of it extends that long, and that Calendar Wednesday business on next Wednesday be dispensed with if it is necessary to consider the naval bill, and that the House meet that day at 11 o'clock.

Mr. KITCHIN. Reserving the right to object, I should like to say that I hope there will be no objection to this request. I hope the House will give unanimous consent.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Will the gentleman from Tennessee yield for a question?

Mr. GARRETT. Yes.

Mr. ROBERTS of Massachusetts. The rule proposed provides that the so-called armor-plate factory bill shall be in order on the naval appropriation bill.

Mr. GARRETT. It provides that the provisions of the Senate bill dealing with the matter shall be in order, to be offered as an amendment and considered as such.

Mr. ROBERTS of Massachusetts. I want to see if we have the same understanding as the gentleman from Tennessee. If the armor-plate bill is incorporated in the naval bill, when we get into the House with the armor-plate factory bill included, can we call for a separate vote on that as an amendment to the naval bill?

Mr. GARRETT. Undoubtedly.

Mr. GARNER. And in case the committee decline to include the armor-plate bill in the naval bill can we get a separate vote in the House?

Mr. GARRETT. By a motion to recommit.

Mr. GARNER. Does not that give an advantage to the opponents of the armor-plate proposition?

Mr. MANN. If the gentleman will yield, that is an easy parliamentary proposition to get a separate vote on it.

Mr. GARNER. That is what I am trying to get from the gentleman from Tennessee. In answer to the gentleman from Massachusetts he stated that if the committee did put in the amendment of the armor-plate factory the opposition could get a separate vote. But if it failed to put it into the bill then those who advocate it could not get a separate vote, which is a little unfair to those who advocate the proposition. It occurs to me there ought to be an opportunity for those who advocate it to get a separate vote.

Mr. GARRETT. After the bill shall have passed from the Committee of the Whole House it will be considered under the general rules of the House, and therefore there can not be a demand for a separate vote on an amendment unless the amendment shall have been adopted in Committee of the Whole.

Mr. GARNER. Does your rule include the armor-plate factory in the naval bill?

Mr. GARRETT. It provides that it shall be in order to offer and consider it as an amendment to the bill.

Mr. ROBERTS of Massachusetts. Will the gentleman yield further?

Mr. GARRETT. Yes.

Mr. ROBERTS of Massachusetts. As the gentleman from Tennessee knows, the main question of contention in the naval bill comes in the concluding pages, in the last three or four pages, under the increase in the Navy. The rule that is proposed makes no provision whatever for any five-minute debate on that most important part of the bill unless in the ordinary course of affairs we reach that portion before 2 o'clock on Friday.

Mr. LENROOT. The bill is read through first.

Mr. ROBERTS of Massachusetts. You do not debate the amendment unless you reach that place in the bill.

Mr. MANN. A motion to amend the last line of the bill is in order.

Mr. GARRETT. Immediately after the reading of the bill.

Mr. ROBERTS of Massachusetts. Then an amendment may be offered no matter to what part of the bill, and the amendments will be considered in their order as offered?

Mr. GARRETT. My construction of the rule is that amendments will be considered and disposed of in the order in which they are offered without reference to the number of the section to which they are offered.

Mr. TILSON. If a man offers an amendment to the last paragraph of the bill immediately on the consideration being begun, it would be in order, and as soon as the 10 minutes expired, unless extended, a vote could be had on the last paragraph of the bill.

Mr. GARRETT. That is correct; but debate could not be extended beyond the hour of 2 p. m. on Friday.

Mr. ROBERTS of Massachusetts. One word further. I want to have a clear understanding of the purport of this rule in order that there may be no confusion when we reach the five-minute debate, and insure an opportunity for immediate action before 2 o'clock on Friday on the most important features of the bill which are in contention between the majority and the minority of the committee.

Mr. GARRETT. It does if the Chairman of the Committee of the Whole House on the state of the Union recognizes individuals to offer the amendments. It will depend upon recognition by the Chair.

Mr. GARNER. May I suggest in that connection to the gentleman from Massachusetts that undoubtedly under the custom prevailing in Committee of the Whole members of the committee will be given the first opportunity to offer these propositions in the form of amendments.

Mr. KITCHIN. I think that ought to be understood.

Mr. ROBERTS of Massachusetts. I simply wanted to have a clear understanding of the purport of the rule and have the House understand it.

Mr. STAFFORD. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. STAFFORD. So that the committee may have a clear understanding of the procedure under the rule, assuming that a member of the committee offers an amendment on Monday afternoon after 1.30 to the last paragraph of the bill, and it is discussed and pending, is it in order thereafter on Tuesday or Wednesday, before we finish the consideration of the bill, to take up other amendments on the same proposition involved in the amendment and have that nice medley going on until Friday?

Mr. GARRETT. If it were an amendment that involved the same principle as an amendment that had previously been voted upon, if I were in the chair I would hold it was not in order. If it involved a different principle I would hold it in order.

Mr. STAFFORD. Under this rule it is going to be a haphazard proceeding, depending on the order in which the amendments are offered.

Mr. GARRETT. The rule speaks for itself.

Mr. MANN. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. MANN. I do not see any difficulty about that part of the rule. Here is a case where practically the two sides of the House are contesting, represented upon the committee. If this side of the House wanted to fool away the time between now and Friday by offering foolish amendments and repeating them it would have the privilege, but I take it that we have too much sense to do that.

Mr. STAFFORD. It is not for the purpose of offering foolish amendments, but I can readily see and every Member can see that later in the consideration of this bill germane amendments that may not have been considered will be offered to that same section, after the section has been considered and virtually voted upon and the sense of the committee taken.

Mr. GARRETT. Mr. Speaker, I can only repeat what I said a moment ago, that if an amendment is offered and is voted upon before 2 o'clock next Friday, and then an amendment is offered subsequent to that time which involves the same principle, it will not, in my opinion, be in order; that if an amendment is offered that involves a different principle it will be in order. I yield now to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. Mr. Speaker, I would like to ask the gentleman a question. The rule, I believe, provides for making in order on this bill an amendment to provide for the construction of an armor-plate factory?

Mr. GARRETT. It does.

Mr. BUCHANAN of Illinois. Would it be in order to offer an amendment to establish a factory for the manufacture of aeroplanes or any other equipment for the Army?

Mr. GARRETT. That is a question upon which the Chairman of the Committee of the Whole House on the state of the Union will have to pass. If the gentleman desires my individual view—well, I will not give it. [Laughter.]

Mr. BUCHANAN of Illinois. Mr. Speaker, if the gentleman will yield further, in my opinion the rule ought to make in order just such amendments. The Democratic caucus, for example, made known its position in regard to the matter of considering amendments providing for factories to manufacture supplies and materials for the Navy and the Army. If the Committee on Rules has not brought out a rule that makes such amendments in order, then it has not acted in accordance with the action of the Democratic caucus. I shall certainly oppose any rule that does not make that in order. I think the rule ought to be defeated if it is not in order to offer other amendments, not that I care to offer any, but if any rule does not provide for making in order amendments providing for plants to manufacture or providing for equipping yards to manufacture material for the Navy it ought to be defeated.

Mr. GARRETT. Mr. Speaker, no request came to the Committee on Rules from any source for a provision that would make in order such a proposition as the gentleman suggests. I am not certain but that it may be in order anyway. That remains to be determined.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. BUTLER. It was not the purpose of the Committee on Rules to destroy the book of rules of the House of Representatives, was it? The rules of the House will be in existence while we are discussing this bill?

Mr. GARRETT. To be sure.

Mr. BUTLER. And if an amendment is in order, it will be held to be in order and voted on?

Mr. GARRETT. Undoubtedly.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. KEATING. The gentleman suggests that no request was presented to the committee to liberalize this rule so as to make in order the amendment suggested by the gentleman from Illinois [Mr. BUCHANAN]. It is a fact, however, that the caucus of the Democratic Members of the House suggested that the rule should be liberalized in that fashion.

Mr. GARRETT. Against which the gentleman voted.

Mr. KEATING. I beg the gentleman's pardon; I did not vote against it. On the contrary, I voted for it; and the gentleman himself, if I do not forget, is among those who voted against it. I am speaking of the action of the Democratic caucus.

Mr. GARRETT. Oh, I beg the gentleman's pardon.

Mr. KEATING. Making in order upon the Navy bill, the Army bill and the fortification bill amendments to provide for the Government ownership of munition plants; and I am asking if the committee acted upon that suggestion?

Mr. GARRETT. The gentleman from Colorado has an incorrect recollection of the resolution which was passed at the caucus. The resolution passed at the caucus did not provide for the specific matters the gentleman suggests. Whether it would be in order to offer an amendment for the development of aeroplanes, I do not now care to discuss. That is a question upon which the Chairman of the Committee of the Whole House on the state of Union will have to pass.

Mr. KEATING. I ask the gentleman to give a little more definite decision on that point, if he will. Does the gentleman hold the action of the Democratic caucus did not instruct the Committee on Rules to give an opportunity to vote on Government ownership of munition plants?

Mr. PADGETT. Mr. Speaker, the bill carries a proposition for a projectile factory, and this rule provides for making in order the bill for an armor-plate factory. Those are all the munition factories that are provided or were before Congress. The aeroplane question is not a munition question at all; it is outside of munitions and is not a munition question.

Mr. KEATING. Does the chairman of the committee hold that an amendment having to do with the manufacture of other forms of munitions would be in order?

Mr. PADGETT. I think that the rule meets everything that the caucus authorized and that is before the Congress.

Mr. KEATING. The chairman of the committee has no doubt about the intent of the caucus.

Mr. PADGETT. I think we are meeting everything the caucus intended.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. Do I understand we are now hearing the proceedings in the Democratic caucus?

The SPEAKER. That is not a parliamentary inquiry.

Mr. JOHNSON of Washington. Mr. Speaker, if they are giving us the proceedings of the Democratic caucus, I ask for order so that we can hear it.

Mr. GARRETT. Mr. Speaker, if I should move the previous question at this time——

Mr. MANN. Well, move it.

Mr. GARRETT (continuing). It would cut off all debate, and I have understood there are gentlemen on the Republican side who desire a few minutes, so I would like to agree on time, if I can. Does the gentleman from Kansas desire time?

Mr. CAMPBELL. No.

Mr. GARRETT. Then, Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. BUCHANAN of Illinois. Mr. Speaker, I demand a division.

The SPEAKER. Well, really it is too late, but, nevertheless—the gentleman from Illinois demands a division.

The House again divided; and there were—ayes 93, noes 37.

Mr. BUCHANAN of Illinois. Mr. Speaker, I make the point of order there is no quorum present.

Mr. GARRETT. Mr. Speaker, will the gentleman withhold that point for a moment? I would like to ask the gentleman from North Carolina [Mr. KITCHIN] was there an agreement that we should not vote upon this by roll call this afternoon?

Mr. KITCHIN. I think that was the understanding; yes; that we were not to have a vote on a roll call, because there are many gentlemen——

Mr. MANN. We are willing to have a vote.

Mr. KITCHIN. If the gentleman is willing to have a roll-call vote, that is all right.

The SPEAKER. The Chair will count. [After counting.] Two hundred and fifteen gentlemen are present—not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 158, nays 21, answered "present" 110, not voting 145, as follows:

YEAS—158.

Abercrombie	Dooling	Igoe	Ragsdale
Adamson	Doolittle	Jacoway	Rainey
Aiken	Doremus	James	Raker
Alexander	Doughton	Johnson, Ky.	Randall
Allen	Dupré	Kettner	Rauch
Almon	Eagan	Key, Ohio	Rayburn
Ashbrook	Eagle	Kinkaide	Reilly
Aswell	Edwards	Kitchin	Riley
Ayres	Evans	Konop	Rucker
Bailey	Farley	Lazaro	Shackleford
Barkley	Ferris	Lee	Shallenberger
Beakes	Fields	Lesher	Shouse
Bell	Finley	Lever	Sims
Black	Flood	Lieb	Sisson
Blackmon	Foster	Lloyd	Smith, N. Y.
Bowers	Gandy	Lobeck	Smith, Tex.
Brockner	Gard	McAndrews	Stengall
Burgess	Garner	McClintic	Steele, Iowa
Burnett	Garrett	McDermott	Stephens, Miss.
Byrnes, S. C.	Glass	McGillicuddy	Stephens, Nebr.
Byrns, Tenn.	Gordon	McKellar	Stone
Callaway	Gray, Ind.	Martin	Sumners
Candler, Miss.	Gregg	Mays	Taggart
Caraway	Griffin	Miller, Pa.	Tague
Carter, Okla.	Hamlin	Montague	Taylor, Ark.
Church	Hardy	Moon	Taylor, Colo.
Cline	Harrison	Moss, Ind.	Thompson
Connelly	Hastings	Murray	Tillman
Cox	Hayden	Neely	Tribble
Crisp	Heflin	Nicholls, S. C.	Van Dyke
Cullop	Helm	Oldfield	Venable
Curry	Helvering	Oliver	Vinson
Davenport	Hensley	Olney	Watkins
Davis, Tex.	Hilliard	Overmyer	Watson, Va.
Decker	Holland	Padgett	Webb
Dent	Hood	Page, N. C.	Whaley
Dickinson	Houston	Park	Wise
Dies	Huddleston	Phelan	Young, Tex.
Dill	Hughes	Pou	
Dixon	Hull, Tenn.	Quin	

NAYS—21.

Buchanan, Ill.	Hollingsworth	McCracken	Tavenner
Carter, Mass.	Humphrey, Wash.	Moores, Ind.	Wason
Cary	Johnson, Wash.	Morgan, Okla.	Wilson, Ill.
Dallinger	Keating	Nolan	
Hadley	La Follette	Powers	
Hamilton, Mich.	London	Pratt	

ANSWERED "PRESENT"—110.

Anderson	Esch	Kennedy, Iowa	Roberts, Nev.
Bacharach	Farr	Kennedy, R. I.	Rogers
Burchfeld	Fess	King	Russell, Ohio
Bennet	Focht	Kinkaid	Schall
Booher	Fordney	Langley	Siegel
Britt	Foss	Lenroot	Sinnott
Britten	Frear	McArthur	Sloan
Browne	Freeman	McKenzie	Smith, Idaho
Browning	Garland	McKinley	Smith, Mich.
Butler	Gillett	McLaughlin	Stafford
Campbell	Glynn	Madden	Stevenson
Cannon	Good	Magee	Stephens, Cal.
Charles	Gould	Mann	Sterling
Coleman	Green, Iowa	Mapes	Stiness
Cooper, Ohio	Guernsey	Matthews	Sulloway
Cooper, W. Va.	Hamilton, N. Y.	Meeker	Sweet
Cooper, Wis.	Haskell	Miller, Del.	Swift
Cramton	Haugen	Mondell	Thomas
Danforth	Hawley	Moore, Pa.	Tilson
Darrow	Hayes	Mott	Timberlake
Davis, Minn.	Helgesen	Nichols, Mich.	Towner
Denison	Hernandez	North	Volstead
Dillon	Hill	Oakey	Walsh
Dowell	Hopwood	Parker, N. Y.	Wheeler
Dunn	Howell	Platt	Woods, Iowa
Dyer	Hulbert	Ramseyer	Young, N. Dak.
Elsworth	Hull, Iowa	Ricketts	
Elston	Kelley	Roberts, Mass.	

NOT VOTING—145.

Adair	Dewalt	Howard	Morgan, La.
Anthony	Driscoll	Humphreys, Miss.	Morin
Austin	Drukker	Husted	Morrison
Barnhart	Edmonds	Hutchinson	Moss, W. Va.
Beales	Emerson	Johnson, S. Dak.	Mudd
Borland	Estopinal	Jones	Nelson
Brumbaugh	Fairchild	Kahn	Norton
Buchanan, Tex.	Fitzgerald	Kearns	Oglesby
Burke	Flynn	Kelster	O'Shaunessy
Caldwell	Fuller	Kent	Paige, Mass.
Cantrill	Gallagher	Kess, Pa.	Parker, N. J.
Capstick	Gallivan	Kreider	Patten
Carew	Gardner	Lafean	Peters
Carlin	Godwin, N. C.	Lehlbach	Porter
Casey	Goodwin, Ark.	Lewis	Price
Chandler, N. Y.	Graham	Liebel	Reavis
Chiperfield	Gray, Ala.	Lindbergh	Riordan
Clark, Fla.	Gray, N. J.	Linthicum	Rodenberg
Condy	Greene, Mass.	Littlepage	Rouse
Collier	Greene, Vt.	Loft	Rowe
Conry	Griest	Longworth	Rowland
Copley	Hamill	Loud	Russell, Mo.
Costello	Hart	McCulloch	Sabath
Crago	Hay	McFadden	Sanford
Crosser	Heaton	McLemore	Saunders
Dale, N. Y.	Henry	Maher	Scott, Mich.
Dale, Vt.	Hicks	Miller, Minn.	Scott, Pa.
Dempsey	Hinds	Mooney	Scully

Sears	Snyder	Temple	Williams, Ohio
Sells	Sparkman	Tinkham	Wilson, Fla.
Shelley	Stedman	Treadway	Wilson, La.
Sherwood	Steele, Pa.	Vare	Wingo
Sisson	Stephens, Tex.	Walker	Winslow
Slemp	Stout	Ward	Wood, Ind.
Small	Sutherland	Watson, Pa.	
Smith, Minn.	Switzer	Williams, T. S.	
Snell	Talbott	Williams, W. E.	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. COADY with Mr. MUDD.

Mr. COLLIER with Mr. FORDNEY.

Mr. BARNHART with Mr. SNELL.

Mr. HART with Mr. SANFORD.

Mr. SCULLY with Mr. GREENE of Massachusetts.

Mr. HAMILL with Mr. TINKHAM.

Mr. TILSON with Mr. WILSON of Louisiana.

Until further notice:

Mr. DRISCOLL with Mr. HICKS.

Mr. WINGO with Mr. SNYDER.

Mr. WILSON of Florida with Mr. SCOTT of Michigan.

Mr. STEPHENS of Texas with Mr. LAFEAN.

Mr. SMALL with Mr. KENNEDY of Rhode Island.

Mr. CASEY with Mr. KAHN.

Mr. ADAIR with Mr. CHANDLER of New York.

Mr. BRUMBAUGH with Mr. HEATON.

Mr. CAREW with Mr. SNYDER.

Mr. DALE of New York with Mr. SMITH of Minnesota.

Mr. CARLIN with Mr. LOUD.

Mr. CONRY with Mr. GRAY of New Jersey.

Mr. ESTOPINAL with Mr. DALE of Vermont.

Mr. FITZGERALD with Mr. MOONEY.

Mr. GOODWIN of Arkansas with Mr. BEALES.

Mr. MORRISON with Mr. GARDNER.

Mr. SAUNDERS with Mr. HINDS.

Until Wednesday, May 31, inclusive:

Mr. BOOHER with Mr. TREADWAY.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, the House goes into committee automatically for the consideration of the naval bill.

The SPEAKER. Yes; the House resolves itself into Committee of the Whole House on the state of the Union for the consideration of the naval bill. The Chair has made arrangements with the gentleman from New York [Mr. FITZGERALD] to preside over this committee, but he is not here, and the Chair will ask the gentleman from Georgia [Mr. ADAMSON] to act temporarily.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, with Mr. ADAMSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the naval bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes.

Mr. PADGETT. Mr. Chairman, it is not desired to enter into a discussion of this bill at length this afternoon, so I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be authorized in the enrollment of the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, to change the word "Hentry" to "Henry," where it occurs in line 21, page 7, and to change the word "him" to "her," where it occurs in line 1, page 18.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, this being the regular pension day, I call up the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. This bill is on the Union Calendar. The gentleman from Ohio [Mr. KEY] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. KEY of Ohio. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Frank O'Brien, late of Company E, One hundred and sixty-first Regiment Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Alice P. Knapp, dependent mother of Steth B. Knapp, alias Seth B. Knapp, late of Troop B, Fifth Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Charles E. Shermer, late of Company K, Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Daniel Grubb, late of Company C, Thirty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of James J. McHale, late of Company M, Forty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Isaiah H. Hunnewell, late of Troop M, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Charles H. Lederer, late of Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Ca. Spraitling, late of Company I, Fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Frank J. Carper, late of Company E, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Harry E. Brooks, late of Company F, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George E. Grubbs, late of Company B, and Musician Band, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Elbin A. Irvin, late of Company G, Second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of William Andrews, late of Company L, Eleventh United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George W. Pinion, late of Company L, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Andrew Tanner, late of Company L, Second Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Albert L. Daniels, late of the One hundred and sixth Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Joseph Mitchell, late of Company H, Twenty-fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James F. Adams, late of Company H, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Tennessee A. Blackburn, widow of Gideon H. Blackburn, late of Company K, Third Regiment Tennessee Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Patrick McCarthy, late of Company H, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Walter J. Frink, late of the United States Marine Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Tina Quinn, widow of John Quinn, late of Troop G, Eighth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 additional per month on account of each of the two minor children of the said John Quinn until they reach the age of 16 years.

The name of Mary Jane Ragan, widow of David C. Ragan, late of Company A, Fourth Regiment Tennessee Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lucy W. Powell, widow of Owen C. Powell, late of Company A, First Regiment Texas Mounted Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Margaret English, widow of John E. English, late of Capt. Hardley's company, First Regiment, Texas Mounted Volunteers, War with Mexico and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward S. Banister, late of Company L, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Margaret E. Canty, widow of Florence J. Canty, late of the U. S. S. *Wabash*, United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Oscar G. Rottman, late of Troop D, Twelfth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Morris E. Miller, late of Company H, Fifteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William C. Wittfelt, late of Company K, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Frank Klingler, late of Troop L, Second Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of August Gruenwald, late of Company F, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Alexander A. Leishman, late of Company E, Thirty-second Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Clark E. Semark, late of Company C, Thirty-first Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William W. Merriss, late of Troop L, Nineteenth Regiment Kansas Volunteer Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Frank A. Perry, late of Company G, Thirteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Howard G. Cleaveland, late of Company G, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William C. Johnson, late of Company D, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Willard L. Anthony, late of Company M, Fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John Binford, late of Troop B, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Floyd T. Patterson, late of Batteries H and M, Sixth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary McAllister, dependent mother of Francis J. McAllister, late of Company D, First Regiment California Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of John W. Lattimore, late of Company C, Ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Bruce, late of Company K, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Henry Ostman, late of Company B, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Daniel M. Moser, late of Company L, Sixteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary P. Byram, widow of Quincy Adams Byram, late of Capt. Keener's company, Alabama Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William McClaskey, late of U. S. S. *Dixie*, United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John J. Harrington, dependent father of Lawrence J. Harrington, late of Company H, Forty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Minnie F. Zimmerman, widow of Henry Zimmerman, late of Company A, Fifteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the four minor children of said Henry Zimmerman until they reach the age of 16 years.

The name of Clarence E. Glenson, late of Company F, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George L. Hollis, late of Troop F, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Darling L. Peeples, late major and surgeon of the Second Texas Volunteer Infantry, War with Spain, and pay him a pension of $30 per month in lieu of that he is now receiving.

The name of Joseph Daley, late of Company L, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Robert McLemore, late of Company H, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Andrew Conley, late of U. S. S. *Baltimore*, United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Jacob Amberg, late of Troop D, United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Hill, late of Company M, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William C. Winslow, late of Company I, Second United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James F. Cornman, late of Company D, First Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Adelphus J. Waeaster, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Carl W. Trott, late of Company L, Fiftieth Regiment Iowa Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Joshua Marland, late of Company I, First Regiment Rhode Island Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Patrick A. Galvin, late of Company C, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John Shannon, late of Troop B, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Gus Born, late of Company H, First Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of James G. Dunn, late of Company G, Fourth Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Thomas H. Ivers, late of Company B, Sixty-ninth Regiment, New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William Alden, late of Company A, Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph L. Hall, late of Battery M, Third Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David W. Graves, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Wilfred Murray, late of Company L, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Fred Opperman, late of Company K, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Robert Trexler, late of Company K, Third Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Leverett O. Wilsey, late of Company C, Forty-first Regiment, United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Robert H. Roberts, late of Company L, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Lilly, late of Company L, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Isaac N. Walker (insane), late of Eighty-eighth Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $60 per month. Pay to the duly appointed guardian.

The name of Andrew Manuel, late of Company K, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Rebecca Thatcher, widow of John P. Thatcher, late second lieutenant Company K, Third Kentucky Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lona B. Porter, late of the Coast Artillery School detachment, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Edward M. Riley, late of Company M, Second Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Simeon D. Morrison, late of Company E, Seventh Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Roger G. Wearne, late of Company K, First South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Milford Lady, late of Company C, Fifth United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Charles F. Coe, late of Company A, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Harvey J. Ruggles, late of Company K, Thirty-third Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Richard Thrash, late of Troop A, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of William A. Buckley, late of Company M, Seventy-first Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Arthur Magoon, late of Company L, Eighth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of George F. Quinlan, late of Company B, Eighth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Mary C. Parsons, widow of Martin Parsons, late of Troop C, Fifth United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Charles H. Yeagle, late acting hospital steward, Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frederick A. Greening, late of Company C, Thirty-third Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Effa M. Rule, widow of William H. Rule, formerly of Company I, Fifth Regiment Illinois Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Susan R. Freeman, widow of Thomas Freeman, late of Conner's Battalion of Texas Mounted Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles O. Hopping, late of Troop F, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James W. Reville, late of Company M, First Regiment Florida Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William P. Rowland, late of Company H, Second Regiment South Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Pierce L. Trible, late of Company H, Second Regiment South Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben Solomon (insane), late of Company F, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month. Pay to duly appointed guardian.

The name of Daniel H. Gerald, late of Company L, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Medicus F. Day, late of Company K, Second Regiment South Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles W. Reeves, late of Company I, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sue E. Madden, widow of John W. Madden, late of Company G, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of Thomas Madden, minor child of the said John W. Madden, until he shall reach the age of 16 years.

The name of John Buckelew, late of Company F, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charlotte M. Beckham, widow of Robert H. Beckham, deceased, late captain and commissary of subsistence, United States Volunteers, War with Spain, and pay her a pension at the rate of $20 per month and $2 per month additional on account of the minor child of the said Robert H. Beckham until she reaches the age of 16 years.

The name of Carrie A. Stillions, widow of Robert E. Stillions, late of Troop E, Sixth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the two minor children of the said Robert E. Stillions until they reach the age of 16 years.

The name of Margaret A. Osborn, widow of Charles E. Osborn, late of Company A, First Regiment Kentucky Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry C. Brant, late of Company M, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas P. Pope, late of Company M, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Frank C. Andrews, late of the United States Marine Corps, United States Navy, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Corcoran, late of Company A, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Louisa Fleming (incompetent), widow of James Fleming, alias James Hay, late of Company G, First Regiment United States Artillery, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving. Pay to duly appointed guardian.

The name of Emily Jane Hilton, widow of William F. Hilton, late of Troop B, First Regiment Kentucky Cavalry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julia A. Ueltschy, widow of Albert Ueltschy, late of Company I, Eleventh Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles Harris, late of Company B, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Melvina J. Jarvis, widow of William H. Jarvis, late of U. S. S. *Independence*, United States Navy, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lorenzo J. McEvoy, late of Company G, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Lily D. Murphy, widow of Frank T. Murphy, late of Battery K, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Clarence Matchett, alias Harry J. Reed, late of United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Cordelia Mulford, widow of Capt. Jacob Mulford, late of Lindsley's company, New Jersey Militia, War of 1812, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Andy R. Fetter, late of Battery G, Fifth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John T. Densmore, late of Company M, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Donald E. Graham, late of Company G, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Narcissus New, widow of Jesse New, late of Company C, United States Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Scott, widow of Jeptha Scott, late of Capt. Grant's company, Georgia Volunteer Mounted Infantry, Florida Indian War, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 1321. Frank O'Brien.
H. R. 1394. Alice P. Knapp.
H. R. 1658. Charles E. Shermer.
H. R. 1820. Daniel Grubb.
H. R. 1926. James J. McHale.
H. R. 2230. Isaiah H. Hunnewell.
H. R. 2624. Charles H. Lederer.
H. R. 2823. Co. Spradling.
H. R. 2961. Frank J. Carper.
H. R. 2967. Harry E. Brooks.
H. R. 2993. George E. Grubbs.
H. R. 3001. Ebbin A. Irvin.
H. R. 3160. William Andrews.
H. R. 3304. George W. Pinion.
H. R. 3329. Andrew Tanner.
H. R. 3740. Albert L. Daniels.
H. R. 3909. Joseph Mitchell.
H. R. 3963. James P. Adams.
H. R. 4442. Tennessee A. Blackburn.
H. R. 4524. Patrick McCarthy.
H. R. 4867. Walter J. Frink.
H. R. 4892. Tina Quinn.
H. R. 5055. Mary Jane Ragan.
H. R. 5077. Lucy W. Powell.
H. R. 5078. Margaret English.
H. R. 5197. Edward S. Banister.
H. R. 5596. Margaret E. Canty.
H. R. 5545. Oscar G. Rottman.
H. R. 5736. Morris E. Miller.
H. R. 5809. William C. Wittfelt.
H. R. 5841. Frank Klingler.
H. R. 5901. August Grunewald.
H. R. 5925. Alexander A. Leishman.
H. R. 5981. Clark E. Semark.
H. R. 6171. William W. Merriss.
H. R. 6562. Frank A. Perry.
H. R. 6644. Howard G. Cleaveland.
H. R. 6938. William C. Johnson.
H. R. 7102. Willard L. Anthony.
H. R. 7160. John Bluford.
H. R. 7180. Floyd T. Patterson.
H. R. 7298. Mary McAlister.
H. R. 7339. John W. Lattimore.
H. R. 7472. John W. Bruce.
H. R. 7936. Henry Ostman.
H. R. 7948. Daniel M. Moser.
H. R. 8014. Mary P. Bynum.
H. R. 8282. William McCluskey.
H. R. 8615. John J. Harrington.
H. R. 8738. Minnie F. Zimmerman.
H. R. 8747. Clarence E. Gleason.
H. R. 8873. George L. Hollis.
H. R. 8965. Darling L. Peoples.
H. R. 9096. Joseph Daley.
H. R. 9111. Robert McLemore.
H. R. 9158. Andrew Conley.
H. R. 9204. Jacob Amberg.
H. R. 9516. Joseph W. Hill.
H. R. 9759. William C. Winslow.
H. R. 10001. James F. Cornman.
H. R. 10010. Adolphus J. Wacaster.
H. R. 10538. Carl W. Trott.
H. R. 10638. Joshua Marland.
H. R. 10881. Patrick A. Galvin.
H. R. 10902. John Shannon.
H. R. 10958. Gus Born.
H. R. 11347. James G. Dunn.
H. R. 11350. Thomas H. Ivers.
H. R. 11406. William Alden.
H. R. 11452. Joseph L. Hall.
H. R. 11461. David W. Graves.
H. R. 11569. Wilfred Murray.
H. R. 11571. Fred Opperman.
H. R. 11653. Robert Trexler.
H. R. 12087. Leverett O. Wilsey.
H. R. 12125. Robert H. Roberts.
H. R. 12172. William H. Lilly.
H. R. 12209. Isaac N. Walker.
H. R. 12307. Andrew Manuel.
H. R. 12385. Rebecca Thatcher.
H. R. 12671. Lona B. Porter.
H. R. 12709. Edward M. Riley.
H. R. 12744. Simeon D. Morrison.
H. R. 12763. Roger G. Wearne.
H. R. 12808. Milford Lady.
H. R. 12971. Charles F. Coe.
H. R. 13010. Harry J. Ruggles.
H. R. 13143. Richard Thrash.
H. R. 13170. William A. Buckley.
H. R. 13271. Arthur Magoon.
H. R. 13434. George F. Quinlan.
H. R. 13445. Mary C. Parsons.
H. R. 13643. Charles H. Yeagle.
H. R. 13702. Frederick A. Greening.
H. R. 13750. Effa M. Rule.
H. R. 13793. Susan R. Freeman.
H. R. 13806. Charles O. Hopping.
H. R. 13872. James W. Reville.
H. R. 13927. William P. Rowland.
H. R. 13928. Pierce L. Trible.
H. R. 13996. Reuben Solomon.
H. R. 14057. Daniel H. Gerald.
H. R. 14134. Medicus F. Day.
H. R. 14291. Charles W. Reeves.
H. R. 14313. Sue E. Madden.
H. R. 14404. John Buckelew.
H. R. 14438. Charlotte W. Beckham.
H. R. 14466. Carrie A. Stillions.
H. R. 14497. Margaret A. Osborn.
H. R. 14594. Henry C. Brant.
H. R. 14608. Thomas P. Pope.
H. R. 14643. Frank C. Andrews.
H. R. 14657. Daniel Corcoran.
H. R. 14662. Louisa Fleming.
H. R. 14930. Emily Jane Hilton.
H. R. 14942. Julia A. Ueltschy.
H. R. 15052. Charles Harris.
H. R. 15083. Melvina J. Jarvis.
H. R. 15144. Lorenzo J. McEvoy.
H. R. 15169. Lily D. Murphy.
H. R. 15224. Clarence Matchett.
H. R. 15248. Cordelia Mulford.
H. R. 15334. Andy R. Fetter.
H. R. 15412. John T. Densmore.
H. R. 15499. Donald E. Graham.
H. R. 15765. Narcissus New.
H. R. 15825. Mary A. Scott.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJOURNMENT.

Mr. KEY of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Saturday, May 27, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 15617) to establish fish-hatching and fish-cultural stations in the States of Alabama, Louisiana, Florida, Georgia, South Carolina or North Carolina, Maryland or Virginia, Oregon or Washington, Texas, Oklahoma, Illinois, Washington, Arizona, New Mexico, Michigan, Idaho, Missouri, Pennsylvania, Delaware or New Jersey, and Minnesota, reported the same without amendment, accompanied by a report (No. 767), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15950) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, reported the same without amendment, accompanied by a report (No. 768), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MURRAY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10230) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States, reported the same without amendment, accompanied by a report (No. 769), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CANDLER of Mississippi, from the Committee on Agriculture, to which was referred the bill (H. R. 12885) to authorize the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of certain national forests, reported the same without amendment, accompanied by a report (No. 772), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MURRAY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11685) for the relief of Ivy L. Merrill, reported the same with amendment, accompanied by a report (No. 770), which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15949) to prevent the nullification of State antigambling laws by international or interstate transmission of race-gambling bets or of racing odds, reported the same without amendment, accompanied by a report (No. 773), which said bill and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

By Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 13786) for the relief of Jennie Davidson, reported the same adversely, accompanied by a report (No. 771), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6002) granting an increase of pension to Ernest J. Patton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14916) granting an increase of pension to Benjamin R. Hubbell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 16016) allowing entries by former homesteaders within national forests; to the Committee on the Public Lands.

By Mr. SMITH of Idaho: A bill (H. R. 16017) to provide for the purchase of an addition to the site, and for the extension and enlargement of the Federal Building at Boise, Idaho; to the Committee on Appropriations.

By Mr. CHURCH: A bill (H. R. 16018) granting consent to the county of Madera, Cal., and its successors and assigns, the right to construct a dam across the San Joaquin, Fresno, and Chowchilla Rivers; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD: A bill (H. R. 16019) to authorize the Commissioners of the District of Columbia to collect an annual rental for vault privileges granted in public space; to the Committee on the District of Columbia.

By Mr. MADDEN: Joint resolution (H. J. Res. 220) to create a commission to investigate the standardization of time in the United States and its territorial possessions; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16020) granting an increase of pension to De Witt C. Carpenter; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 16021) granting an increase of pension to Samuel Shoup; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 16022) granting an increase of pension to William H. Cullins; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 16023) granting an increase of pension to Calvin Curler; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 16024) for the relief of Lawrence Fagan; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 16025) granting an increase of pension to Norris C. Richmond; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 16026) granting an increase of pension to Charles E. Knox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16027) granting an increase of pension to Charles L. Bigelow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16028) granting a pension to Mrs. William Teal; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 16029) granting an increase of pension to Clara L. Presley; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 16030) granting an increase of pension to Adolphus B. Capron; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 16031) granting an increase of pension to Ellen H. Cochran; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 16032) for the relief of Alfred Hardy; to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 16033) granting an increase of pension to William A. Ruth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16034) granting an increase of pension to Elmira Ann La Motte; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16035) granting an increase of pension to Margaret G. Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16036) granting an increase of pension to Catharine Witmyer; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 16037) granting an increase of pension to James A. Strange; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16038) granting an increase of pension to Robert P. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16039) granting an increase of pension to Sanford L. Holstine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16040) granting a pension to Schuyler A. McGinnis; to the Committee on Pensions.

Also, a bill (H. R. 16041) granting an increase of pension to Pleasant Foster; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 16042) granting a pension to John W. Howell; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 16043) granting an increase of pension to David Goodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16044) granting an increase of pension to Adam Rearick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16045) granting an increase of pension to Winfield S. Port; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16046) granting an increase of pension to Rachel Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16047) granting an increase of pension to Jonas J. Bond; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 16048) granting a pension to Amanda Martin; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 16049) granting an increase of pension to John S. Grosvenor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16050) granting an increase of pension to E. M. B. Scott; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 16051) granting an increase of pension to Richard C. James; to the Committee on Pensions.

Also, a bill (H. R. 16052) granting an increase of pension to Michael Brannan; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 16053) granting an increase of pension to Permelia Jane Isenhart; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 16054) for the relief of the owners of the steam lighter *J. W. Wanson*; to the Committee on Claims.

Also, a bill (H. R. 16055) for the relief of the owners of the New York Sanitary Utilization Co., scow *No. 14*; to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 16056) granting a pension to Annie S. Blanchard; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 16057) granting an increase of pension to Andrew Kerr; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 16058) granting an increase of pension to Rosina E. Gallup; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 16059) granting an increase of pension to Belle P. Wolfe; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of C. R. Jones & Co., Joseph Schmier, Albert P. Wyland, Walter J. Bearer, and L. Klafter, all of Spangler, Pa.; E. H. & B. Claar, Shaefer & King, H. C. Bruger, and J. E. Gousman, all of East Freedom, Pa., in favor of a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Chamber of Commerce of the State of New York, in re pneumatic-tube mail service in New York City; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of National Probation Association, of Albany, N. Y.; B. J. Shove, justice, of Syracuse, N. Y.; the New York State Probation Commission and the city court, of Buffalo, N. Y., favoring the Owen-Hayden bill, Senate bill 1092 and House bill 42, to establish a probation system in the United States courts; to the Committee on the Judiciary.

Also, memorial of National Automobile Chamber of Commerce, of New York, favoring extending the usefulness of the Bureau of Mines; to the Committee on Mines and Mining.

Also, memorial of the Board of Supervisors of Madera County, Cal., in re legislation affecting an irrigation project in California; to the Committee on Military Affairs.

Also, petitions of sundry citizens and organizations favoring the adoption of the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, memorial of the board of directors of the Washington Chamber of Commerce, opposing repeal of the fiscal provision of the organic act of June 11, 1878; to the Committee on the District of Columbia.

By Mr. EAGAN: Memorial of board of directors of the Washington Chamber of Commerce, in re half-and-half plan; to the Committee on the District of Columbia.

Also, memorial of National Automobile Chamber of Commerce of New York, in re petroleum products; to the Committee on Mines and Mining.

By Mr. FLYNN: Memorial of National Automobile Chamber of Commerce of New York, in re petroleum; to the Committee on Mines and Mining.

By Mr. HASTINGS: Petition of Methodist Sunday School of Hanna, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KELLEY: Petition of 30 citizens of Walled Lake, Mich., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of Amalgamated Lace Operatives of America, opposing House bill 14666; to the Committee on Patents.

Also, memorial of Rhode Island Antituberculosis Association, opposing Senate joint resolution 120; to the Committee on Agriculture.

Also, petition of citizens of Providence and vicinity, favoring national prohibition; to the Committee on the Judiciary.

Also, memoral of Woonsocket Lodge, No. 850, Benevolent and Protective Order of Elks, against embroiling the United States with friendly European powers; to the Committee on Foreign Affairs.

By Mr. LINTHICUM: Memorial of National Association of Letter Carriers of the United States of America, Oriole Branch, No. 176, of Baltimore, Md., indorsing House bill 8665 and the Nolan bill; to the Committee on Reform in the Civil Service.

Also, petition of John A. F. Medcalf, of Baltimore, Md., indorsing House bill 6915 and Senate bill 3081; to the Committee on Reform in the Civil Service.

By Mr. MOORE of Pennsylvania: Memorial of the Philadelphia (Pa.) Board of Trade, opposing a Government-owned armor-plate plant; to the Committee on Military Affairs.

By Mr. MORGAN of Oklahoma: Memorial of the First Methodist Episcopal Church of Laverne, Okla., on the 20th of April, 1916, in favor of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. NOLAN: Resolutions of the County Clare Association of California, petitioning the Congress and the President of the United States that a demand be made on England to halt the inhuman murder of Irish patriots, and that England be required to accord the Irish soldiers the same privileges as the soldiers of Germany or other warring nations; to the Committee on Foreign Affairs.

Also, telegram from the Iroquois Club, composed of 400 men and women voters of San Francisco, Cal., unanimously indorsing the Nolan minimum-wage bill; to the Committee on Labor.

By Mr. NORTH: Memorial of mass meeting of citizens of Saltsburg, Pa., favoring the adoption of a constitutional amendment forbidding the practice of polygamy; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Arthur B. Emmons, of Newport, R. I., favoring the Kern-McGillicuddy workmen's compensation bill; to the Committee on Labor.

Also, petition of Edgar J. Hadley, of Providence, R. I., favoring House bill 9216; to the Committee on Interstate and Foreign Commerce.

By Mr. SANFORD: Papers to accompany House bill 15604, for the relief of Peter T. Coons; to the Committee on Military Affairs.

By Mr. SWEET: Petitions of citizens of Dubuque, Iowa, in re migratory-bird law; to the Committee on Agriculture.

By Mr. WALSH: Petition of George W. Stetson and 64 other citizens of Middleborough, Mass., asking for speedy passage of Webb-Smith national prohibition resolutions (H. J. Res. 84 and 85); to the Committee on the Judiciary.

SENATE.

SATURDAY, *May 27, 1916.*

(*Legislative day of Thursday, May 18, 1916.*)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Pittman	Sutherland
Bankhead	Husting	Poindexter	Taggart
Brady	James	Ransdell	Thomas
Brandegee	Jones	Saulsbury	Thompson
Catron	Kenyon	Shafroth	Tillman
Chamberlain	La Follette	Sheppard	Townsend
Clark, Wyo.	Lane	Simmons	Underwood
Clarke, Ark.	Lodge	Smith, Ariz.	Vardaman
Culberson	Martine, N. J.	Smith, Ga.	Wadsworth
Dillingham	Myers	Smith, Mich.	Walsh
Fletcher	Newlands	Smoot	Weeks
Gallinger	Norris	Sterling	Williams
Hardwick	Overman	Stone	

Mr. JAMES. I desire to announce that my colleague [Mr. BECKHAM] is absent on important business. He is paired with the senior Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The Senate resumes the consideration of the river and harbor bill, and the

pending question is on the amendment of the Senator from Colorado [Mr. SHAFROTH].

Mr. MYERS. I ask leave to present several reports from the Committee on Public Lands.

The VICE PRESIDENT. Without objection, the reports will be received.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1740. A bill to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby (Rept. No. 486); and

S. 5496. A bill to amend section 5 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908 (Rept. No. 485).

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 1061. A bill to allow additional entries under the enlarged homestead act (Rept. No. 487); and

S. 2383. A bill to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States, relating to homesteads" (Rept. No. 488).

REGULATION OF IMMIGRATION.

Mr. HARDWICK. For the junior Senator from South Carolina [Mr. SMITH], who is detained from the Senate, I ask for a reprint of the report (No. 352) to accompany the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

The VICE PRESIDENT. Without objection, it is so ordered.

OIL AND GAS LANDS.

Mr. PITTMAN. From the Committee on Public Lands I report additional amendments to the bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and I ask that the bill be reprinted showing the amendments I have just reported.

The VICE PRESIDENT. Without objection, it is so ordered.

CONCENTRATION AND MANEUVER CAMP IN WASHINGTON.

Mr. JONES. I should like to ask just what is the status of the resolution (S. Res. 203) which I had passed yesterday?

The VICE PRESIDENT. It went over under the rule. The Chair will state that yesterday is still to-day.

Mr. JONES. But I do not find in the RECORD a reconsideration of the action of the Senate in passing the resolution.

The VICE PRESIDENT. No; the Senator from Washington said he would not object to its going over.

Mr. JONES. I did not object to what was done at the time; that is, as to what was then before the Senate. There was not any question of a reconsideration before the Senate.

The VICE PRESIDENT. All that was done by the Chair was improperly done yesterday, but the Chair will ask the Senator from Washington to speak to the Senator from New Hampshire [Mr. HOLLIS] on the subject.

Mr. JONES. I do not think the Chair did anything improper. I think the Chair acted correctly.

COMMITTEE OF CIVIL SERVICE AND RETRENCHMENT.

Mr. POMERENE. I ask unanimous consent to call up Senate resolution 199, authorizing the Committee on Civil Service and Retrenchment to employ a stenographer. At the time the report was presented from the Committee to Audit and Control the Contingent Expenses of the Senate the Senator from Michigan [Mr. SMITH] interposed an objection. He has advised me since that he has no objection to the consideration of the resolution, and as we have already taken a part of the testimony, and expect to take more, I hope the Senate will consent to the adoption of the resolution.

Mr. CLARK of Wyoming. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK of Wyoming. If this is taken up, does it displace the pending business?

Mr. CLARKE of Arkansas. That shall not be done.

Mr. POMERENE. I certainly ask that it shall not be done.

Mr. CLARKE of Arkansas. I hope the request of the Senator from Ohio will be granted, in view of the fact that the investigation in which the stenographer is to be used is partially completed and the committee can proceed no further without this aid. I think thereby it is a case where we should render the assistance and that we can make the exception.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, in line 3, after the word "Congress," to strike out the words "to send for persons, books, and papers," so as to make the resolution read:

Resolved, That the Committee on Civil Service and Retrenchment, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress, to administer oaths and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

RIVER AND HARBOR BILL.

Mr. CLARKE of Arkansas. Regular order!

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. SHAFROTH to insert the following as an additional section:

SEC. —. That each of the appropriations herein made shall become available only in the event States, counties, cities, or individuals shall pay into the Treasury as part of the same 20 per cent of the amount thereof: *Provided, however*, That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. SMITH of Michigan. Mr. President, the suggestion of the Senator from Colorado [Mr. SHAFROTH] yesterday that the National Waterways Commission practically approved the proposition he now advocates prompts me to say that, as a member of that commission, I joined in the report and I believed in it thoroughly. I am in perfect accord with the report to which he has alluded now. It says:

In passing from this subject the commission would recommend:

1. That in the improvement of rivers and harbors similarly situated, where equitable division is possible, uniform rules be observed for a proper division of cost between the Federal Government and minor political divisions.

That there is a lack of uniformity, of course everybody admits, but a large part of the appropriations carried in this bill are old projects adopted at least 10 years ago, and to which the Government is committed. They are partially completed, and this spasm of virtue that seems to rise so high at this particular time should have been asserted here years ago when, under the leadership of the distinguished gentleman from Ohio, Mr. Burton, these projects were authorized.

Now, who is to say that they were improperly conceived, that they were not meritorious? They bear the approval of the Army Engineer Board, and we created in 1902 an intermediate board to which we might appeal for review in the event the district engineer failed to meet public expectations.

I do not mean to say that the Senator from Iowa [Mr. KENYON] is not animated by a high purpose, because I know he is; but those who were instrumental in starting the projects years ago, when they bore the stamp of public approval, can not say, as a matter of justice and fairness, that they should be stopped and the work arrested just because there is a lack of funds in the Treasury unless extraordinary taxation is imposed. That is due to a change in the political policy of the Government, not to the fact that these rivers are now running upstream where they formerly ran down.

The former Senator from Ohio, Mr. Burton, gave his approval to most of the projects in this bill when he was chairman of the House committee, and he is an honest man, an able man, and a conscientious man; and because there happened to be here and there in the bill a few items that did not meet with his approval is no reason why they should all be abandoned.

Mr. SIMMONS. Mr. President——

Mr. SMITH of Michigan. I simply want to say to the Senator from Colorado what the Senator from Arkansas has said, that he is on the right track, but unfortunately you can not apportion the expense of these projects equitably on cities or villages which will profit by them, regardless of the fact that they were in a sense local when begun and might have been assessed for a fair proportion of the cost at that time. The Government has initiated the work; in many instances it is nearly complete and can not now be abandoned without serious loss to the Government and to the territory to be benefited.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Michigan—

Mr. SMITH of Michigan. The Senator from North Carolina just made a request, and if the Senator will permit me I will yield to him.

Mr. SIMMONS. I wish to call the attention of the Senator to the fact that as the bill came to us from the House every item in it except one item had been appropriated for heretofore.

Mr. SMITH of Michigan. Yes; I know that is true.

Mr. SIMMONS. When I say heretofore, I mean before the beginning of the present administration, because there has been no general river and harbor bill passed since the present administration came into power.

I wish to call the attention of the Senator further to the fact that in referring to the last river and harbor bill enacted while the ex-Senator from Ohio, Mr. Burton, was chairman of the House committee, in 1907, I think, the Senator made a slight mistake. There are 280 projects asked in this bill, and 210 of those projects were in the 1907 bill, carrying $75,000,000, which Senator Burton declared in the Senate on more than one occasion was the most perfect bill that had ever been enacted.

Mr. SMITH of Michigan. I voted for it under his persuasive influence.

Mr. SIMMONS. If the Senator will permit me, I wish to read——

Mr. SMITH of Michigan. So did the Senator from Utah and most of the other Senators.

Mr. SIMMONS. If the Senator will permit me, I wish to read briefly what former Senator Burton said about this bill—at least, I assume he was speaking about this bill—in an address delivered to the National Rivers and Harbors Congress in 1909. That was two years after the 1907 river and harbor bill was enacted, which carried 210 of the 280 projects in this bill.

Mr. SMITH of Michigan. I heard that speech, and I thought it was a very masterful review of the work of Congress.

Mr. SIMMONS. It is a very illuminating speech in view of the criticisms that are now being made with respect to the 210 items in the pending bill——

Mr. SMITH of Michigan. I should like to hear that speech read.

Mr. SIMMONS. Items which are in this bill, but which were also in the bill to which Senator Burton was addressing himself.

Mr. SMITH of Michigan. I hope the Senator from North Carolina may have the undivided attention of the Senate while he reads this encomium.

Mr. SIMMONS. I read from the address of Senator Theodore E. Burton——

Mr. SMITH of Michigan. The Senator can not be heard.

Mr. SIMMONS. I will speak a little louder when I get to the address.

Mr. GALLINGER. Mr. President, this seems to be a mutual admiration society.

Mr. SIMMONS. I have known the Senator from New Hampshire to indulge in many of these admiration societies in this Chamber.

Mr. SMITH of Michigan. Oh, the Senator must be mistaken.

Mr. SIMMONS. This is an address delivered to the National Rivers and Harbors Congress, which was in session December 8, 9, and 10, in 1909. I do not know on what date Senator Burton spoke. He said in part:

> We have made large and liberal provisions for the harbor of Boston—

That is not the part of the speech which I desired to read. [A pause.]

Mr. SMITH of Michigan. While the Senator is finding the speech of Mr. Burton which I desire read——

Mr. SIMMONS. I want to find the right speech.

Mr. SUTHERLAND. Mr. President——

Mr. SMITH of Michigan. I will yield to the Senator from Utah for a moment.

Mr. SIMMONS. I shall find what I desire to read in a moment.

Mr. SMITH of Michigan. I will yield to the Senator from Utah until the Senator from North Carolina finds it. I think we shall make more progress in that way.

Mr. SIMMONS. I have it now, Mr. President.

Mr. SUTHERLAND. The Senator from North Carolina is having as much trouble in finding the speech which he desires to read as he will have in finding justification for some of the items in this bill.

Mr. SIMMONS. Mr. President, I have a speech here which was delivered by ex-President William Howard Taft, also marked, and I was about to read first from that. I will, however, now read from Mr. Burton's speech.

Mr. SMITH of Michigan. The Senator from Utah can learn something from that.

Mr. SIMMONS. Mr. President, former Senator Burton spoke as follows:

> I have found many observant and intelligent men who have an idea that a very large share of our appropriations go for insignificant creeks and streams. Now, perhaps I might point out the benefit of improving many of these minor streams, a benefit which proportionately is often greater than even in the case of large rivers; but I think there has never been a bill in which the amount appropriated for these objects aggregated one-sixtieth part of the whole.
>
> You have had to meet the idea that there is "pork barrel" somewhere.

I call the attention of the Senator from Iowa [Mr. KENYON] especially to this.

Mr. KENYON. Is the Senator from North Carolina reading from the three-day speech which Senator Burton delivered in the Senate?

Mr. SIMMONS. No; I am reading from a speech made some time during those three days when this congress was in session.

Mr. SMITH of Michigan. Will the Senator from North Carolina read that last sentence again?

Mr. SIMMONS. It is as follows:

> You have had to meet the idea that there is a "pork barrel" somewhere. Whenever there is a man of superficial information on this subject, or one who has had some project that has been turned down, and turned down hard because it had to be turned down, that man begins to talk about the "pork barrel." [Applause.]

Mr. SMOOT. Can the Senator tell us of any project that was ever turned down?

Mr. SIMMONS. Yes; I think I could if I were to stop and consume as much time on this bill as the Senator from Utah has consumed. I think in that case I might point out a great many.

Mr. SMOOT. I never heard of one.

Mr. SIMMONS. Particularly I want to call attention to this part of Senator Burton's speech:

> There has been no line of appropriations made by this Government more carefully guarded than appropriations for rivers and harbors. In the first place, before anything is undertaken, there is a preliminary examination which is ordered by legislation; there must be a preliminary examination. Then, if that is favorable, a more detailed examination. Before the project is presented to Congress it must pass before a so-called board of review. By the time it gets to Congress it has had to pass through a pretty long gantlet. Then, when it reaches the Rivers and Harbors Committee it has a still more severe experience—perhaps some of you think so, anyhow. Thus when it passes in Congress it has been thoroughly and carefully considered. There may be a little bit of logrolling, but I challenge anyone to cite an instance where that bill—

Referring to the river and harbor bill—

> has ever been made up to gratify certain localities or to advance the interests of some Member of Congress in the House or Senate.

Mr. SMITH of Michigan. I hope the Senator will mark that page.

Mr. SIMMONS. I am going to turn that page down, so that I shall not lose it the next time I speak on the subject.

Mr. LA FOLLETTE. Will the Senator from North Carolina give us the date of that speech, though I think perhaps he previously stated it?

Mr. SIMMONS. I stated that the speech was delivered to the National Rivers and Harbors Congress, which held its sessions in Washington City on December 8, 9, and 10.

Mr. LA FOLLETTE. In what year?

Mr. SIMMONS. Nineteen hundred and nine. That was two years after the passage of the 1907 river and harbor bill, which carried an appropriation of $85,000,000, made up largely in the other House, and which Senator Burton had characterized as the best river and harbor bill that had ever been passed in this country.

Mr. LA FOLLETTE. And it was two years before Senator Burton on the floor of the Senate ever denounced the whole scheme of appropriations for rivers and harbors.

Mr. SIMMONS. Exactly.

Mr. SMITH of Michigan. It was two years before.

Mr. SIMMONS. I do not know that it is quite correct to say that Senator Burton denounced the whole system of river and harbor appropriations; but he did denounce many of the items.

Mr. SMITH of Michigan. I now yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, this mutual and desperate attempt on the part of the Senator from North Carolina [Mr. SIMMONS] and the Senator from Michigan [Mr. SMITH] to find some justification for many of the items in the pending bill which are without justification has led us some distance from the point at which I desired to interrupt the Senator from Michigan and to interrogate him. I understood the Senator to say just before he was interrupted that there were many items in this bill that were distinctly local in character, and as to those items the Senator thought that the locality should contribute. Now, I ask the Senator from Michigan upon what theory he can justify a contribution of a single dollar on the part of the Federal Government for a project which is distinctly local in character?

Mr. SMITH of Michigan. On only one theory, and that is the horribly demoralized condition of the Federal Treasury.

Mr. SUTHERLAND. Of course, then, the Senator ought to agree with me that those items in the bill which are distinctly local in character, and which the Senator from Michigan admits to be so, should be stricken from the bill entirely.

Mr. SMITH of Michigan. Mr. President, those projects are in a partial stage of completion.

Mr. SUTHERLAND. Well, let the Senator from Michigan join with us and we will make the attempt.

Mr. SMITH of Michigan. If we join in that, we simply waste all that has been previously expended by the Government, which is about seven-tenths of this bill; we arrest projects of absolute merit while we impugn the character of the Engineer Boards who recommended these improvements. I am not going to set my judgment up against a court of final review such as the Engineer Corps of the Army, who have no motive but the public good.

Mr. SUTHERLAND. The Senator from Michigan speaks about the action of the Engineer Board. The Senator from Michigan certainly does not contend that it is within the competency of the Engineer Board to determine that Congress has power to appropriate money for these local projects, does he?

Mr. SMITH of Michigan. Oh, no; I will say that I have no quarrel with the view of the Senator from Utah regarding the duty and obligation of the Government itself to make these improvements, without any regard whatever to the local community, if it is to exercise the jurisdiction over these highways which the Constitution has conferred upon it.

Mr. SUTHERLAND. But my position about it is, if the Senator will bear with me for a moment, that the Federal Government ought to pay the entire expense——

Mr. SMITH of Michigan. I understand the Senator.

Mr. SUTHERLAND. So far as these projects are national in character; but to the extent that they are only local in character the Federal Government ought not to pay a cent.

Mr. SMITH of Michigan. Very well——

Mr. SUTHERLAND. And to my mind, if the Senator will permit me further, the fact, if it be a fact, that we have already expended some money upon a purely local project, and thereby departed from the power which is vested in us by the Constitution, is no excuse for continuing that unlawful appropriation.

Mr. SMITH of Michigan. Well, let us test the Senator's suggestion.

Mr. NELSON. Mr. President, will the Senator from Michigan allow me to interrupt him?

Mr. SMITH of Michigan. Certainly.

Mr. NELSON. I think there is a misapprehension as to the application of the term "local improvement." Take an improvement like that of the Mississippi River. It relates to the whole reaches of the river on both sides; it is a general improvement, and affects different localities. We use the term "local improvement" in the river and harbor bill as applied to a single harbor on the seacoast or the lakes. We call that a local improvement, because it is an improvement that pertains to just that one harbor, while the improvement of a river affects the whole country along the river.

In reference to the improvement of what I term a "local harbor," the circumstance sometimes arises that in dredging out a harbor either on the lakes or on the seacoast it is oftentimes desirable to dredge it far enough to reach some steamboat landing or some dock, a little beyond where the Government improvement has extended. Where such extension is needed in the harbor to reach a railroad dock or a steamboat dock and it will be of some advantage to the railroad company or to the steamboat company or to the city, in such peculiar cases—and we have some in the pending bill—we think it proper that local interests should contribute; but that only refers to isolated cases. We can not lay down any hard and fixed rule to govern the matter.

Mr. SUTHERLAND. Mr. President, will the Senator from Michigan permit me further?

Mr. SMITH of Michigan. Certainly.

Mr. SUTHERLAND. That is not what I mean by "local improvement." Of course, an improvement upon the Mississippi River, which is a great interstate stream, is not a local improvement; it is the improvement of a national highway, which permits boats to ply between and among several States. That is an interstate matter; that is a regulation of interstate commerce; but I am speaking of some of the creeks which in one season of the year are filled with water and in another season of the year are filled with dust; where the benefit is confined to localities within a State, if there be any benefit at all. Those are the things that I am complaining about. I do not complain about the improvement of one of the great harbors, because incidentally it operates to give a benefit to the locality where the harbor is situated or to the improvement of the great rivers. These are not the things that I am speaking of as wrong.

Mr. SMITH of Michigan. Let me test out the Senator's view. Take the little harbor of Arcadia, which has been, I hope, indelibly impressed upon this bill. That is a little harbor on the east shore of Lake Michigan, which serves a country community. The products of that community are taken across the lake to Milwaukee and to Chicago. Is that a purely local affair, or does that harbor so relate itself to interstate commerce that it becomes an object of governmental solicitude?

Mr. SUTHERLAND. Mr. President, as the Senator from Michigan describes it, I would say that that is not a purely local matter.

Mr. SMITH of Michigan. No; I do not think it is; and yet there are people who say that it is. The community there has spent $80,000 in building that little harbor, while the Government has only spent $60,000; yet that is one of the things that is criticized in this bill, vital as it is to the farmers of that vicinity.

Mr. SUTHERLAND. Mr. President, if the Senator will permit me further—if it be true that the harbor at Arcadia is calculated to promote the transportation facilities between Michigan and Illinois or between Michigan and any other State, then it legitimately comes within the power of Congress to deal with it. That is aside from the question as to whether or not it is wise to make the appropriation for that purpose. I am speaking now simply of the power of Congress to deal with it.

Mr. SMITH of Michigan. We had in mind when we made this report to Congress that we would put this Government in the same relation to navigable waters of the country as are the navigable waters of the Old World related to their Governments. They have in most countries a system of contribution. Take the barge canal in New York, a tremendous enterprise, second only to the Panama Canal. The State of New York originally authorized an expenditure of $101,000,000 on it.

Mr. POINDEXTER. It has spent much more than that.

Mr. SMITH of Michigan. They were authorized by the State of New York, in the first instance, to spend $101,000,000.

Mr. POINDEXTER. That was for the enlargement of the canal. In addition to that, they spent the cost of the original construction.

Mr. SMITH of Michigan. I think they have; and if that work had been going on at any other time than in the year when the Panama Canal was being completed, it would have been regarded as a tremendous engineering achievement.

Illinois has voted $20,000,000 for a waterway from the Lakes to the Gulf. In the initiation of great enterprises of that character the expense might appropriately be distributed. I think the language of our report was very carefully chosen:

> That in the improvement of rivers and harbors similarly situated, where equitable division is possible, uniform rules be observed for a proper division of cost between the Federal Government and minor political divisions. There is at present a lack of uniformity. One illustration of this is in the improvement of interior channels and harbors. In some cases the expense is borne exclusively by the Federal Government, and in other cases by the municipalities interested.

Then, on the question of terminal facilities, wharves, and so forth, I think the commission were essentially and in fact wholly right, and I have not changed my view. Neither do I find especial fault with the purpose of the Senator from Colorado. But these projects now partially completed, numbering more than three-quarters of the projects in the bill, can not be based upon the proposition urged by the Senator from Colorado in equity or fairness or justice. Then, there are such projects as the one I illustrated the other day—the St. Clair River—which is related to the tremendous commerce that goes from the Northwest to the Atlantic seaboard and passes through this little river—the St. Clair River. Eight hundred and eighty-seven million dollars worth of commerce last year passed down that one little channel, which runs along the Canadian side, and which is wholly inadequate; and if there should be an accident to any of the great ships that navigate that river and the Lakes while in the river, much of the whole commerce of the Lakes would be tied up and unable to adjust itself until the damage was repaired.

Take the St. Marys River, with those locks and dams at the Soo. Certainly the Senator from Colorado has no thought of apportioning that expense, national in character, upon the abutting landowner or upon those ships that use the locks. That is a national affair; and the Government, in the interest of all the people who are benefited by it, must bear the cost of that improvement.

If the Senator's proposition were to the effect that hereafter in the authorization of improvements the Congress would set its face sternly against a local improvement until the locality should pay at least one-fifth of the cost, I would not have the slightest hesitation in voting for it. In fact, I think it would be a wholesome rule in the future in dealing with new projects.

Mr. SHAFROTH. Mr. President, is the appropriation in regard to the locks in this bill?

Mr. SMITH of Michigan. At the Soo?

Mr. SHAFROTH. Yes.

Mr. SMITH of Michigan. Yes; Lock No. 4 has $800,000 in this bill; other contracts will be provided for in the sundry civil bill.

Mr. SHAFROTH. And the appropriations for that purpose are here?

Mr. SMITH of Michigan. Yes; the one referred to.

Mr. SHAFROTH. It is in this bill?

Mr. SMITH of Michigan. Yes; and the St. Clair River is in this bill.

Mr. SHAFROTH. Yes; to the extent of $83,000.

Mr. SMITH of Michigan. And the East River is in this bill.

Mr. SHAFROTH. There is $83,000 in this bill for the St. Clair River; and all that you would have to put up would be $17,000.

Mr. SMITH of Michigan. But who would pay it?

Mr. SHAFROTH. Why, the Senator said the other day that 85,000,000 tons went through that canal. Is it possible that people who have such enormous interests can not raise $17,000, when they are delayed by reason of not having the improvement and they lose twenty times as much as that unless they do put up that amount?

Mr. SMITH of Michigan. Now, wait just a moment. All of that tonnage is as distinctly related to the consumer as it is to the producer. Are you going to put your $17,000 on the producer and the consumer? Are you going to put it upon the wheat fields of the West or are you going to put it upon the consumers at the seaboard? The truth is that you can not apportion that cost. You can not make it a charge against the city of Port Huron, and you certainly can not make it a charge against the Dominion of Canada; and yet both Canada and the United States use this waterway very freely.

Mr. SHAFROTH. Why, certainly you can not do it unless the persons are interested and want to have the improvement so badly that they will put it up, and then they will do it. This is a mere bagatelle that would not delay the matter 10 days, because they are great big ship companies and great big interests.

Mr. SMITH of Michigan. I am sorry that the Senator from Colorado persists in the idea that because he has a very sensible and fair proposition in the abstract he must make unwise and inexpedient and impracticable the application of his plan.

Mr. REED. Mr. President——

Mr. SMITH of Michigan. I yield to the Senator from Missouri.

Mr. REED. I agree with a good deal that the Senator has said. I disagree with some things he has said. The Senator speaks of local improvements. I want to ask the Senator if he thinks we have a right to take 80 per cent of the cost of what is a local improvement out of the Government Treasury at all?

Mr. SMITH of Michigan. No; I do not. I think it has been done.

Mr. REED. I find myself, therefore, in complete agreement with the Senator. It therefore follows that no local improvement should ever be made by the Government.

Mr. SMITH of Michigan. All right. I agree with that.

Mr. REED. Now, there may be cases—there are isolated cases—where the improvement is in aid of interstate commerce, and is therefore a perfectly proper point at which to expend the Government money; but there may also be a special and peculiar local benefit. In that case, treated by itself, the equities may be very justly taken into consideration, and that which is equitable and fair may be arrived at. But every case must be decided by itself and upon its merits.

Mr. SMITH of Michigan. Certainly. Let me say to the Senator that he is in perfect accord with our report, and the Senator from Colorado is out of accord with the second provision of our report:

> That participation in improvements by local communities be encouraged, always with due care to avoiding the adoption of projects which are unworthy of recognition by the Federal Government.

The plan proposed by the Senator from Colorado would encourage every project by a 20 per cent contribution. That would be the test of its virtue. But the Senator is upon good, substantial foundation in his desire to curtail the number of improvements, to which the Government shall commit itself. I think the Government has undertaken too much; there should be fewer projects and they should be completed, and I think we can appropriately circumscribe the work to be undertaken, but it is unfair to leave meritorious projects in a demoralized and uncompleted state.

Mr. REED. Mr. President, if the Senator will pardon a further interruption, because it is upon this particular theme, I think I can illustrate the whole question by two pointed instances.

Let us take the improvement of the Missouri River in general. The river is 3,000 miles long. At one time it carried commerce as far as Fort Benton. The railroads came along and put the boats out of business, and did it by cutting rates. It is now undertaken to restore that river, so that transportation can be had upon it on the stretch from Kansas City to St. Louis, which is approximately 400 miles by river. If that is carried out, the commerce from Kansas City will not only go to St. Louis, but, if the Mississippi River improvements are carried on, it will go to the Gulf, to New Orleans. Now, that is interstate commerce. That improvement is for the benefit of that entire stretch of country. Moreover, as that commerce increases, and as docking facilities are furnished, there is not a doubt in the minds of experts who have examined the question but that the commerce will become a vast and a mighty commerce.

The general improvement of the Missouri River, therefore, is a matter national in its importance, and should be paid for by the Government, and can be paid for in no other way, because there is nobody to assess. But come now to an improvement that is in this bill at St. Joseph, Mo. Here is the situation: The river is threatening to cut a short channel which will, if it is cut, destroy a large amount of valuable property. The engineers report that they do not think it will take the short channel, that it is unlikely, and yet there is a danger; but that if it does take the short channel it does not necessarily follow that there will be a tremendous injury to the stream from the standpoint of navigation. The Army Engineers said in that case that if the local people would contribute approximately two-fifths—they originally said one-half—of the cost, the Government could afford to put in the necessary revetment at St. Joseph and stop the river from making that cut-off, and that it would be equitable for the Government to pay half of that expense and equitable for the people to pay one-half.

There was a special and peculiar benefit. There was a reason for doing the work, because it would benefit property and at the same time benefit navigation; and there was the additional idea that if the Government did not enter upon this work navigation would not be injured more than at least one-half of this expense. Accordingly, that assessment was made. I do not think the Government engineers were right in their conclusion that if the river went through it would not greatly injure the river—that is, if the river made the cut-off. Nevertheless, that was their opinion, and the people accepted it. In cases of that kind, segregated and taken out by themselves, it is perfectly proper to require a local contribution.

Mr. SMITH of Michigan. I think so.

Mr. REED. But I affirm that no river should ever be improved for a purely local reason; no creek should ever be improved for a purely local reason; no harbor should ever be improved for a purely local reason; that always it must relate to interstate commerce; and that the only place where contribution ought to be applied is where there is a peculiar and special local benefit, separate and distinct from the general benefit; and that every one of those cases must be settled, not by a general rule but by the equities of the particular case.

If the Senator's amendment were to the effect that where there were special and distinct local benefits the amount of the benefits should be fairly ascertained and the contribution required, I would have no quarrel with it. Indeed, that is already the policy of the department. But since the Senator has been so kind, let me offer one further observation, and I beg his pardon for taking his time.

If this bill is passed in the present form, it means that not a single dollar can be expended on any of these improvements until the local interests have raised one-fifth of the cost. That means that every one of these improvements will stop right where it is, and some of them will not ever be resumed, and some of them will not be resumed for many years. I call the attention of the Senator from Colorado to the fact that in that half-completed condition, if the improvements are stopped, or not carried on from year to year, the work already done will be, to a very large extent, washed out and destroyed. There could scarcely be a greater disaster conceivable than to pass this amendment, halt this work, let all this revetment that is in and is only half protected at the present time be swept away, let all these

dikes that are in and that have not yet been properly protected be swept away, and the internal improvements of this country brought to a standstill, and worse than a standstill—brought to a position of definite and certain loss. Whatever there is of virtue in this idea ought to be worked out in a proper way.

Mr. SHAFROTH. Certainly; it ought to be made upon every improvement. If an improvement is large, its benefit must be large, and consequently the benefit to commerce must be large. Those people are not going to wait when they can get the improvement by the payment of one-fifth. The only improvements that will suffer, in my judgment, will be those improvements that are unworthy and that have been pointed out by the distinguished Senator from Iowa [Mr. KENYON]. Those are the ones, it seems to me, which will fail by reason of this provision. In the others the money will be put up by those who are specially interested in them, not necessarily the locality but the great interests that use them.

Mr. REED. It is easy enough for the Senator to say that in his opinion there will be no work destroyed except unworthy work. That is a mere assertion. What is his opinion based on? I can say to the Senator that there are millions of dollars' worth of work on these rivers that have been put in, and well put in, but in order to protect it it must be completed. Now, who is going to assess it?

Mr. SHAFROTH. We are going to assess nobody.

Mr. REED. Where are you going to get the money?

Mr. SHAFROTH. The people interested will come to the front.

Mr. REED. Who is interested? Every man, woman, and child in the United States is interested in interstate commerce. On these great rivers nobody has any special or particular interest. It is idle talk. Whom would you assess, for instance, on the Missouri River? Would you assess the farmers along the banks and collect this money from them? Would you get it from the city of St. Louis or from Kansas City? The business men of Kansas City have already raised a million and a quarter dollars to put boats on the river. After the Government had approved a permanent plan and had agreed as far as the Government can agree that it would carry out that plan, the citizens subscribed a million and a quarter dollars to put boats on the river. They taxed themselves to the utmost, to the last dollar, to have boats there, and they have more building, and the work is only one-half or one-third completed on the river; it is standing there in an exposed condition. Who is to put up the money? The Senator from Colorado might be justly asked to contribute, because the rates to Kansas City affects the rates to Denver.

Mr. SHAFROTH. Any organization or any set of people who are benefited are going to take advantage of the Government putting up 80 per cent, they putting up only one-fifth.

Mr. REED. That is mere assertion again. The Senator says any organization will do it. I say there is no organization in my State that will do it. I put my assertion, having some knowledge of the facts, against the assertion of the Senator who has no knowledge of the facts in that locality.

Mr. SHAFROTH. That assertion is just as good as the assertion saying all these things will stop.

Mr. REED. They must stop.

Mr. SHAFROTH. My judgment is that they will not stop. What is this Missouri River improvement? Two hundred thousand dollars. Forty thousand dollars will be all they will have to put up. If one company alone has put up $1,250,000, they will never stop their enterprise when they can get four-fifths more work done by the payment of $40,000.

Mr. REED. Let me correct the Senator. He is just as accurate in that statement as he has been in all of them. It is $2,000,000 instead of $200,000.

Mr. SHAFROTH. The amount that is carried here is $200,000.

Mr. REED. Two million dollars.

Mr. SHAFROTH. On the Missouri River.

Mr. REED. A million and a half dollars this year.

Mr. SHAFROTH. Then it is that much larger and they are getting that much more benefit.

Mr. President, I want to say, if the Senator from Michigan will pardon me, with relation to the Missouri River, I have lived along the Missouri; I was born there, and I know something of the conditions there. After the enterprise has started there of a permanent nature there are, I believe, hundreds of people willing to dig down into their own pockets and to put up substantially the amount which is imposed on them, and, so far as I am concerned, I am willing that they should have it under those circumstances.

Mr. REED. Does not the Senator think raising a million and a quarter dollars in Kansas City is some evidence of the good faith of those people?

Mr. SHAFROTH. Yes; but it is good faith in the boats which they make use of. If the navigation did not exist there they could put them somewhere else.

Mr. REED. They could not put them anywhere else. That would be an absolute impossibility.

Mr. SHAFROTH. They could put them on the Mississippi if they could not be used on the Missouri.

Mr. REED. They have to make special boats. They sent men clear to Germany to find out what kind of boats to use in shoaly water. They experimented and they spent hundreds of thousands of dollars, and they finally developed boats which are admitted by Government experts to-day to be the best possible boats to employ on rivers where there are rapid currents and frequent shallows.

Mr. SHAFROTH. That is not the only river in the United States where they have shallows.

Mr. REED. It is for the benefit of the commerce of the whole country.

Mr. TAGGART. May I ask the Senator a question?

Mr. SHAFROTH. The Senator has referred to the Missouri River.

Mr. SMITH of Michigan. Mr. President——

Mr. SHAFROTH. Very well.

Mr. SMITH of Michigan. Now, I am going to yield to the Senator, if I may under the rule.

Mr. TAGGART. I simply wish to ask a question.

Mr. SMITH of Michigan. I am going to yield to the Senator, because I want to hear his last speech on this amendment.

Mr. SHAFROTH. I will reserve making any further statement.

Mr. TAGGART. I wish to ask the Senator in regard to the 20 per cent assessment. How it is to be assessed? Against abutting property?

Mr. SHAFROTH. No; anybody who wants to contribute, any person who is interested, will come in just like in these other projects. There are eight projects included in this bill where they are required to put up—not 20 per cent, but a good deal more than that—and if those people can do it, other people can.

Mr. TAGGART. If no individual will benefit, what provision is made for raising the money?

Mr. SHAFROTH. But there are individual benefits; otherwise the projects would not be in this bill at all. The steamship companies and the railroad companies are to be benefited. The people are generally benefited in lowering the rates. All those who are interested would come to the front and pay one-fifth in order to get the 80 per cent that the Government puts into the enterprise.

Mr. WORKS. Mr. President, the only doubt in my mind about the wisdom and justice of this sort of a provision is as to whether a fixed and determined amount should be named that shall be paid in all these improvements. There may be cases where it is entirely proper that even a larger sum than 20 per cent should be charged. In fact, out in our part of the country they usually compel us to pay one-half. It has been so in almost every instance. Also there are other cases where it would be unjust to charge even as much as 20 per cent.

So far as these improvements made by the Government are concerned, where they affect navigation it is the duty of Congress to make them; it rests in the Government, not upon private individuals. There has always been a question in my mind whether it is proper to compel private individuals or cities to contribute toward what the Government should provide, but that rule has been established in the department and it is generally required.

I think it is very doubtful, however, whether any fixed sum should be named in the statute.

Mr. SMITH of Michigan. Mr. President, I hope that the debate has finally been exhausted on this amendment, and with that idea I do not want to delay the Senate any longer.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. President, I want the yeas and nays on the amendment, and I wish to say just one word in answer to the Senator from Michigan with relation to these continuing projects. I want to say that those very provisions are in this bill, most of them requiring contributions for continuing appropriations on projects that have been existing. If it is wise to do it there, it seems to me it ought to be wise to do it in other instances. Is it possible because an enterprise had the benefit of the entire contribution from the Government for 10 years that therefore it should be exempted in the future? The fact that they have gotten the benefit for 10 years ought to make them that much more willing to contribute, and consequently it would be that much more of an equitable requirement in the bill.

I ask that my amendment may be read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. That each of the appropriations herein made shall become available only in the event States, counties, cities, or individuals shall pay into the Treasury as part of the same 20 per cent of the amount thereof: *Provided, however*, That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. SHAFROTH. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], which I transfer to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. THOMPSON (when his name was called). I have a pair with the Senator from Illinois [Mr. SHERMAN], and in his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. In his absence I withhold my vote.

Mr. UNDERWOOD (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. WADSWORTH (when his name was called). Has the junior Senator from New Hampshire [Mr. HOLLIS] voted?

The VICE PRESIDENT. He has not.

Mr. WADSWORTH. I withhold my vote, having a pair with that Senator.

Mr. WALSH (when his name was called). I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I am paired with that Senator and withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating the announcement I made concerning my pair and vote upon yesterday and asking that it stand for the balance of the day, I vote "nay."

The roll call was concluded.

Mr. TAGGART. I wish to announce that the senior Senator from Indiana [Mr. KERN] is unavoidably absent and that if present he would vote "nay."

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. CHILTON. Has the Senator from New Mexico [Mr. FALL] voted?

The VICE PRESIDENT. He has not.

Mr. CHILTON. I have a pair with that Senator. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. CATRON. Has the Senator from Oklahoma [Mr. OWEN] voted?

The VICE PRESIDENT. He has not.

Mr. CATRON. I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Idaho [Mr. BRADY] and vote "nay."

Mr. LODGE. I have a pair with the senior Senator from Georgia [Mr. SMITH]. I understand that he would vote as I intend to vote on this question, and therefore I will vote. I vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I observe the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, is absent from the Chamber. I will therefore transfer my pair to my colleague [Mr. PAGE] and allow my vote to stand.

Mr. TOWNSEND. I am paired with the junior Senator from Florida [Mr. BRYAN], but I feel at liberty to vote on this question. I vote "nay."

Mr. OVERMAN (after having voted in the negative). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Maryland [Mr. LEE] and let my vote stand.

Mr. CHILTON. I wish to announce for the day the unavoidable absence of my colleague [Mr. GOFF].

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON]; and

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM].

The result was announced—yeas 11, nays 50, as follows:

YEAS—11.

Ashurst	Johnson, S. Dak.	Myers	Shafroth
Gore	Kenyon	Newlands	Thomas
Hitchcock	Martine, N. J.	Norris	

NAYS—50.

Bankhead	Fletcher	Overman	Sterling
Borah	Gallinger	Pittman	Stone
Bronssard	Hardwick	Poindexter	Sutherland
Catron	Husting	Pomerene	Swanson
Chamberlain	James	Ransdell	Taggart
Chilton	Jones	Reed	Townsend
Clapp	La Follette	Saulsbury	Underwood
Clark, Wyo.	Lane	Sheppard	Vardaman
Clarke, Ark.	Lea, Tenn.	Shields	Weeks
Culberson	Lodge	Simmons	Williams
Cummins	Martin, Va.	Smith, Ariz.	Works
Curtis	Nelson	Smith, Mich.	
Dillingham	Oliver	Smoot	

NOT VOTING—35.

Beckham	Gronna	McCumber	Smith, Ga.
Brady	Harding	McLean	Smith, Md.
Brandegee	Hollis	O'Gorman	Smith, S. C.
Bryan	Hughes	Owen	Thompson
Burleigh	Johnson, Me.	Page	Tillman
Colt	Kern	Penrose	Wadsworth
du Pont	Lee, Md.	Phelan	Walsh
Fall	Lewis	Robinson	Warren
Goff	Lippitt	Sherman	

So Mr. SHAFROTH's amendment was rejected.

Mr. HUSTING, Mr. SHAFROTH, and Mr. NEWLANDS addressed the Chair.

The VICE PRESIDENT. The Senator from Wisconsin.

Mr. SHAFROTH. Mr. President, I desire to offer an amendment striking out the words "twenty per cent" and inserting the words "ten per cent." On that I ask for the yeas and nays.

The VICE PRESIDENT. But the Chair has recognized the Senator from Wisconsin.

Mr. HUSTING. Mr. President——

Mr. NEWLANDS. Mr. President, will the Senator from Wisconsin yield to me for a moment?

Mr. HUSTING. I shall do so if I do not thereby lose the floor.

The VICE PRESIDENT. The Chair makes no guarantee as to that.

Mr. NEWLANDS. I wish to offer the same amendment that was offered and put into the river and harbor bill some three years ago, regarding the creation of a river-regulation commission, with powers of coordination and cooperation.

Mr. HUSTING. Mr. President——

Mr. NEWLANDS. Mr. President, I wish to say to the Senator from Wisconsin that the chairman of the committee is willing that this amendment shall go into the bill; and I judge from its history, as it has already been acted upon by the President, that there will be no debate upon it. I should like this amendment to go into the bill now before the Senator from Wisconsin makes his motion to recommit.

Mr. HUSTING. Mr. President, I shall be very glad to accommodate the Senator from Nevada if I can do so without losing the floor.

Mr. CLARKE of Arkansas. Mr. President, let me make a suggestion to the Senator from Wisconsin. Of course, I would not want to deprive the Senator of the floor; but I trust he will permit the Senator from Nevada [Mr. NEWLANDS] to offer his amendment, and I trust that the Senate will permit the amendment to be adopted without comment. It relates to a subject that will be considered in conference, and its adoption by the Senate does not indicate with any degree of certainty that it will receive one treatment or the other; but it relates to a very important subject that will come up before the conference committee. I trust the Senator from Wisconsin will permit the consideration of the amendment at this time. I do not think it will provoke any debate.

Mr. LODGE. Mr. President, the amendment must be read, of course.

The VICE PRESIDENT. The Senator from Wisconsin has been recognized.

Mr. HUSTING. If the amendment will cause no discussion, I am willing to yield for the present.

The VICE PRESIDENT. Unfortunately, the Chair is not in position to give guaranties to Senators as to what will or what will not come about. Does the Senator from Wisconsin yield, or does he not?

Mr. NEWLANDS. If the amendment arouses debate, I shall withdraw it; I will leave it pending.

Mr. LODGE. Leave it pending now. The amendment must be read if it is going to be acted upon.

Mr. NEWLANDS. I ask that the amendment may be read.

The VICE PRESIDENT. The Chair understands that the Senator from Wisconsin has yielded the floor, and the Senator from Nevada offers an amendment, which will now be read.

Mr. HUSTING. I wish to qualify the statement of the Chair by saying that I should like to have the Senator from Nevada withdraw the amendment in case it provokes discussion. I shall ask the floor after the Senator concludes.

Mr. NEWLANDS. Mr. President, I ask to have the amendment read.

The VICE PRESIDENT. The amendment submitted by the Senator from Nevada will be read.

The SECRETARY. It is proposed to add the following to the bill:

SEC. —. That a commission, to be known as the River Regulation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the chairman of the Commerce Committee of the Senate, the chairman of the Interstate Commerce Committee of the Senate, the chairman of the Rivers and Harbors Committee of the House of Representatives, and the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, is hereby created and authorized to bring into coordination and cooperation the Corps of Engineers of the Army and other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and resources of the United States; and such river regulation commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development and utilization, and constructors of eminence as it may deem advisable to employ in connection with such plans. And for the expenses of such organization, investigation, and plans the sum of $500,000 is hereby appropriated.

Mr. GALLINGER. Mr. President, I make the point of order against the amendment that it is general legislation on an appropriation bill.

Mr. NEWLANDS. Well, Mr. President, as I presume that will bring about discussion I withdraw the amendment.

The VICE PRESIDENT. The amendment is withdrawn. The Senator from Wisconsin is recognized.

Mr. HUSTING. Mr. President, I want to say just a word about my reasons for having voted against the amendment of the Senator from Colorado [Mr. SHAFROTH]. I think there is a very good idea contained in the amendment, but under the broad terms of the amendment it would have prevented the United States in the case of the East River, to take one instance, doing something that is an absolute matter of naval necessity, as I understand. Furthermore, it assumes that this bill is going to pass with the consent of the Senator from Colorado in case those directly concerned pay one-fifth of the cost of a proposed improvement. I am against the bill with or without that amendment, and consequently I voted against the amendment.

Before I resume my seat I am going to move for a recommitment of this bill to the committee.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. HUSTING. Yes.

Mr. STERLING. Will not the Senator from Wisconsin withhold his motion to recommit until other amendments are offered? I wish to offer an amendment, and I think it was the understanding yesterday that the motion to recommit would come after other amendments to the bill had been submitted.

Mr. HUSTING. I should like to accommodate the Senator, but I feel as though I ought to offer this motion at this time and let the Senate dispose of it as it may see fit to do. I must decline to defer the motion any longer.

Mr. STERLING. I will simply say to the Senator from Wisconsin that I was acting upon the assumption that while the motion would be made it would be withheld for other amendments. I think that was the statement made on yesterday.

Mr. HUSTING. I will state, for the Senator's information, that yesterday when I proposed this motion I said I would defer it until the amendment of the Senator from Colorado [Mr. SHAFROTH] and the amendment of the Senator from Connecticut [Mr. BRANDEGEE] were disposed of, and that I should then renew the motion. I repeat, I should like to accommodate the Senator from South Dakota, but I do not feel at this time that I can do as he suggests. So I shall, before resuming my seat, offer the motion that the pending bill be recommitted to the Committee on Commerce with instructions to report a substitute therefor, appropriating an amount not in excess of $20,000,000 for the maintenance of river and harbor projects adopted by Congress and now under improvement, and for the further prosecution of work on rivers and harbors heretofore adopted by Congress, provided that the amount of said maintenance and prosecution shall be apportioned by the Chief of Engineers under the direction of the Secretary of War.

I have modified my motion by adding the last proviso. I did not expect to again speak upon this bill or upon this motion, as I addressed the Senate at length a few days ago, but some things have been said here in connection with this debate which, in justice to myself and to the Senate, I feel make it necessary for me to submit a few additional observations.

The Senator from Missouri [Mr. REED] was kind enough to honor me with his attention during the remarks I made two days ago, and to acquit me of any intent to deceive. He was gracious enough only to accuse me of gross ignorance of the subject which I was discussing. I feel complimented that he did not ascribe my position to any other motive than ignorance. I should dislike very much to have been accused of a willful attempt to deceive the Senate or of being dishonest in my remarks, and consequently I say that I am under obligations to the Senator for charging me only with honest ignorance.

I want to say that I have never felt that it was profitable to discuss questions of importance by ignoring the real issues and indulging in personalities. I have always felt that the strength of an argument ought to depend on the argument itself. I do know that there are people who think otherwise. I know, for instance, there are some men who believe that an argument may be based upon facts fixated from the atmosphere and supported by statements of an atmospheric nature. Such arguments are sometimes accompanied with a good deal of thunder and a considerable agitation of the atmosphere, sometimes approaching, although not quite reaching, the violence of a tornado, resulting sometimes in taking a few shingles off the roof, blowing down a few trees, and disturbing the scenery to a certain extent, but in nowise impairing or destroying the permanent or substantial structure. I say that that is one way to debate a question.

Another way to debate a question—and that is the way I feel questions ought to be debated—is to turn to the facts in the case, then to draw inferences from those facts, and then rest your case upon them. Sometimes one may be ignorant of some things and yet perfectly accurate as to others. So, as I have said, I am grateful to the Senator from Missouri, for, after all, I really feel as though the facts in this matter ought to be debated, and let them stand for themselves and be taken for what they are worth. That is the way that I propose to proceed, if the Senate will permit me, for a little while, and see whether or not the facts as presented by me in connection with this matter are in accordance with the facts as proven. It will not do to apply epithets or to make assertions and expect to convince anybody unless the argument rests upon premises that are taken from the facts, as I have said, and not from the atmosphere.

The Senator from Missouri stated here before the Senate that a certain report which discredited this Missouri River project signed by Col. Deakyne was so grossly inaccurate and so manifestly unfair that the Senator felt the utmost sympathy for the degradation and humiliation of the colonel when he appeared before the board, and that the report of Col. Deakyne was utterly discredited. Inasmuch as the argument that I made rests for its foundation upon this report, it is important to determine in the consideration of this proposition whether or not the facts as adduced by Col. Deakyne are correct.

What was Col. Deakyne's report? Col. Deakyne's report was in a general sense to the effect that something like $6,250,000 had been expended, or, in order to be absolutely sure that I do not in any way misstate or color his report, that $20,000,000 was to be expended on the project. This project, in his judgment, was impracticable and profitless because only a certain

number of tons per year of actual commerce had been carried upon this river and that there were no prospects of greatly increased river traffic; and, according to his computations, the saving to the people on actual transportation charges was $10,000 a year. He said that, figuring the interest on the investment and figuring the charges of maintenance, it would cost the United States $1,100,000 a year in order to save somebody $10,000. I say—and I approve of what Col. Deakyne has said—that if that is true, and if that is all that appears to have been accomplished in the way of commerce on the Missouri River after the expenditure of about $6,000,000, and it has resulted in only a saving to the people of $10,000 a year, while it will cost the Government $1,100,000 a year to maintain it, including interest charges, that it is impracticable and should be abandoned, or at least not carried forward any further. It was that statement that brought from the Senator from Missouri the remark that Col. Deakyne's report was absolutely discredited.

I do not mention these matters because I think they will interest the Senate as bearing upon the personal opinion or judgment of Senators, but as the facts in the case. The Senator from Missouri denied these facts, or in effect denied them, but did not put the proof in the RECORD of the other reports to which he referred, notwithstanding his claim that the Kingman report and the Black report discredited the Deakyne report.

I am going to ask to have printed at this point in my remarks the following in full: The letter signed by Dan C. Kingman, Chief of Engineers, United States Army, dated Washington, December 17, 1915; also the report of the Board of Engineers for Rivers and Harbors, signed by W. M. Black, colonel Corps of Engineers, dated December 8, 1915; and in connection with that, in order to make it easy for purposes of comparison, I want to add the reexamination of the Missouri River from Kansas City, Mo., to the mouth by Lieut. Col. Deakyne, dated April 22, 1915, and the report of Col. C. McD. Townsend, colonel, Corps of Engineers, St. Louis, Mo., May 22, 1915.

The VICE PRESIDENT. In the absence of objection the matter referred to by the Senator from Wisconsin will be printed in the RECORD.

The matter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 17, 1915.

From: The Chief of Engineers, United States Army.
To: The Secretary of War.
Subject: Reexamination of the Missouri River, Kansas City to mouth.

1. There is submitted herewith for transmission to Congress report dated April 22, 1915, by Lieut. Col. Herbert Deakyne, Corps of Engineers, on reexamination of the project for improvement of Missouri River, Mo., mouth to Kansas City, directed by the river and harbor act approved March 4, 1915.

2. The existing project was formally adopted by the act of July 25, 1912, although the first appropriation was made by the act of June 25, 1910. The project provides for securing a permanent channel 6 feet deep between Kansas City and the mouth, at an estimated cost of $20,000,000, to be completed, except for maintenance, in 10 years. The work includes the removal of snags and the regulation and contraction of the channel by means of bank revetment and dikes. The estimated cost of the maintenance of the completed project is $500,000 per year.

3. There has been appropriated or allotted for this work a total of $6,250,000 in 6 years, or at the rate of a little more than $1,000,000 a year, while the project calls for $2,000,000 a year. The expenditures to March 4, 1915, were $2,577,290.85, of which sum $291,208.29 were applied to maintenance and about $597,000 were used in procuring suitable plant. Experience leads the district officer to believe that the project can be completed at the estimated cost, if appropriations are made at the rate of $2,000,000 a year for construction with sufficient amounts for maintenance, but that at the present rate it will require over 20 years to finish the work.

4. The commerce for 1913 is reported as amounting to 347,235 tons, of which 309,684 tons consisted of sand, gravel, and logs, reported as not being benefited by improvement, leaving 37,537 tons of waterborne commerce affected by the project.

5. The district officer analyzes the project on the basis of cost and benefit, and expresses the opinion that present and reasonably prospective commerce is not sufficient to warrant its continuance. He repeats what has been stated in former reports, that any attempt at partial improvement will be futile, and if the river is improved at all, the work should be complete as to the protection of banks and control of channel. He believes that snagging should be continued, and recommends that the present project be modified so as to provide for snagging alone, at an estimated cost of $40,000 per year, and that all other work be stopped.

6. The division engineer is in accord with the district officer as to the discontinuance of the present project for permanent work, but believes that the work already done should not be completely abandoned. He recommends an annual appropriation of $150,000 for snagging and the maintenance of existing works.

7. Interested parties were informed of the district officer's unfavorable report and were given an opportunity of submitting their views to the board. A number of communications were received, and request was made for a hearing, which was given by the board at Kansas City, on October 19 and 20, after personal examination of the river from Kansas City to Washington, a distance of about 320 miles. This hearing was attended by a large number of deeply interested persons, including representatives from Nebraska, Kansas, Missouri, Minnesota, Illinois, and Louisiana. A record of the hearing is appended hereto.

8. The method of improvement under the present project is the result of many years of experimental work at considerable cost. The simplest and most inexpensive structures were first tried and gradually through experience these were modified and strengthened, resulting finally in a standard form that with slight changes has been followed in recent years with a reasonable measure of success. It is believed that the systematic application, under adequate appropriations, of the general principles and methods followed under the existing project, with such modifications of detail as further experience may develop, will result in a continuous and permanent channel 6 feet or more in depth. It may be desirable from time to time not only to modify details of construction, but also possibly to supplement the permanent work while under construction by the temporary use of a shallow-draft dredge to cut through a few of the most obstructive crossing in order to facilitate low-water navigation. It is understood that the existing project is sufficiently elastic to permit such minor modifications with the approval of the Chief of Engineers. It has often been reported, and the board desires to repeat here, that any project of less scope would be inadequate to secure a permanent 6-foot channel, and if any improvement is undertaken, aside from snagging, it should be under the present plan of complete improvement, at a probable total cost of not less than $20,000,000.

9. A matter considered of great importance in connection with the present investigation is the existence of the recently organized Kansas City (Mo.) River Navigation Co. This company was incorporated in 1909 with a capital stock of $1,202,000, of which more than a million has been collected in cash. It is claimed by those interested that the incorporation and operations of this navigation company were undertaken as the result of an understanding with the River and Harbor Committee of the House of Representatives that the project for the improvement of the Missouri River from Kansas City to the mouth would be adopted and vigorously prosecuted under adequate appropriations, provided the locality first show its faith in the importance and necessity for the improvement by the expenditure of its own funds in the actual establishment of commerce on the river. Navigation was commenced in 1911, with certain plant secured by purchase, and at the same time it was decided to investigate the types of boats best suited to successful and economical use on the Missouri River. The services of experts were secured and careful study of navigation on shallow-draft rivers was made, resulting in the adoption of the towboat and barge method of navigation with improved steel vessels of fireproof construction and suitable size, draft, and motive power for the Missouri River. These investigations have been carried on at considerable expense and have far more than local value, as they contribute very substantially to the solution of the important problems of economical transportation on this and other inland waters of the United States. The company is satisfied with the progress made, and it proposes to continue the investigations and study, with its increasing activities, and to utilize the results in the construction of additional plant from time to time. The results of these investigations are furnished without charge to other cities contemplating the establishment of transportation lines.

10. The company has taken steps to remedy certain conditions that have contributed largely to the decline of river transportation. It has secured the establishment of terminal facilities at Kansas City and at East St. Louis, having rail connection at both places and mechanical devices for the transfer of freight. It has entered into joint traffic arrangements for the interchange of freight with connecting carriers, both rail and water, and is now handling commerce on through bills of lading. It receives and delivers goods in cars on shippers' sidings, paying switching charges within certain limits, transferring to and from the boat, assuming carriers' risk in lieu of marine insurance, and transporting between terminals, all at a rate of 80 per cent of the corresponding rail rate. The present floating plant consists of 1 steel packet boat, 2 steel towboats, and 12 steel barges. These barges are of varying sizes, the larger ones, provided with steel fireproof, weatherproof, and locked deckhouses, being used for through commerce, and the smaller for either through or local business, in the latter case the barges being left at way landings for loading, and being picked up by the next boat up or down, depending upon the destination of the cargo. So far the traffic receipts of the company have not fully covered operating costs, but the company has been operating on an unimproved river and building up a traffic in face of considerable difficulties. It claims to have demonstrated that the traffic will be eminently successful on an improved river. This year, 1915, up to October 1, freights collected would have more than covered operating costs had not a barge been accidentally sunk at its East St. Louis wharf.

11. This company is making the most thorough attempt within the knowledge of the board to revive a river traffic that had disappeared under railway competition. It appears to be sparing no expense or effort that will contribute to the solution of this problem, and it claims as a result of its experience that success is attainable if a permanent 6-foot channel is provided. A continuance of the project can be expected under favorable river conditions as can be secured is worth much to the United States, and should go far toward showing what are the real possibilities in this important field of the transportation problem in this country.

12. The commerce handled by this company is still comparatively small, but has been increasing rapidly since its organization. During the current year, up to October 1, it amounted to 27,306 tons, and it is expected that by the end of the navigation season it will be somewhat in excess of 35,000 tons, or about two and one-half times the amount in 1914. This does not include the traffic carried by local boat lines operating at different points along the river, independently of the Kansas City (Mo.) River Navigation Co., which amounted to about 27,000 tons in 1913.

13. It is difficult to determine what may be the future waterborne commerce of this river, and neither the past nor the present volume should in fairness be used as a measure of what to expect in the future. The improvement so far effected in the channel is sufficient to show what can be done by the engineering methods adopted, but, excepting in the removal of snags, it has not progressed far enough to afford a very material betterment of channel depths, excepting in disconnected improved sections. The boats can not be loaded to their full capacity, and even light find difficulty at many shoal crossings. Schedule time can not be made, and delays in delivery have tended to discourage shippers. Notwithstanding this, there is apparent an enthusiastic determination on the part of the navigation company and of the shippers to push their present endeavors to a successful conclusion, provided the United States continue the work of improvement under the existing project. Many individual shippers at Kansas City have given evidence that they intend to patronize the boat line as far as practicable, and that the extent of water-borne traffic will be in proportion to the amount of work done by the United States in the betterment of channel facilities. It is claimed that benefit has already been felt from the work done, and that each bend revetted adds to the safety and reliability of navigation. A number of individual shippers appearing at the hearing stated the amount of commerce that they would offer the boat line under improved river and transportation conditions. These were selected as representing different industries and lines of business, in which there are many other prospective shippers. Several of these shippers emphasized the fact that high grade freight has been carried by the navigation company with less damage in transportation and handling and less loss from pilfering than they have experienced with rail shipments. The navigation company attributes these conditions to its fireproof and locked freight houses on the barges. It is claimed that with the improved methods of interchange of freight between rail and water, commerce originating west of Kansas City and destined for St. Louis or points still farther east, as well as that originating east of St. Louis and destined for Kansas City or points beyond, can be handled advantageously by the navigation company. Some business of this character has already been done, and the evidence points to its increase. The amount that may be handled in this way is purely conjectural, as the method is as yet experimental and in its infancy, but it is known that the total tonnage moving through this territory is very large.

14. There have been presented to the board statistics of production and consumption of the territory tributary to the commercial center formed by Kansas City to show that the existing means of rail transportation are already fully utilized and that in the near future they will be unable to meet traffic requirements, if such be not the case to-day. It is claimed that soon additional highways of commerce will be a necessity. The report submitted in Appendix A (see p. 147) shows that the cost of construction and maintenance of one additional single-track road is quite comparable with the estimated amount required to complete the present project and to maintain the improved channel, while manifestly the carrying capacity of the improved waterway is vastly greater.

15. It has been estimated that, with the channel held by revetted banks, there would be available for agricultural purposes in the bottom land along the river between Kansas City and St. Louis 500,000 acres, the greater part of which would be less than a mile distant from the river, and a considerable portion of which is now necessarily nonproducing. It is claimed that this area would contribute very substantially to the river traffic.

16. Interested parties invite attention to the readjustment of transcontinental railway rates that is being made as a result of traffic through the Panama Canal. The effect of these changes is to give pronounced advantage to Eastern seaboard industries for the Pacific coast trade, and thus to handicap the interior manufacturers, and it is claimed that their only hope of retaining a competitive position is in having the benefit of cheap water routes to the sea. An improved channel in the Missouri would connect with the effective channel already provided in the Mississippi and give such a route from Kansas City to the Gulf of Mexico.

17. Among the indirect benefits to be anticipated from the improvement of the Missouri River are: (1) The revetment of the caving banks will give security to adjacent lands, which can then be protected from overflow by the construction of levees, thus adding materially to the value of land and to the area of production, with a corresponding increase of commerce. Already in some of the protected territory local levee districts have been organized and are in successful operation. It has been stated that the general formation of levee districts is awaiting only the assurance that the improvement of the river will be continued. There is now a decided feeling of unrest and anxiety as a result of the present investigation. (2) The confinement of the river to a fixed channel as contemplated by the project results in the reclamation and upbuilding of new lands that within a few years will become available for agricultural purposes. This will further increase the amount and value of property adjacent to the river as well as the amount of prospective commerce. (3) It is well known that the Missouri River carries large quantities of silt into the Mississippi River, resulting in injury to the navigation of that stream. The silt comes largely from the caving banks. The revetment of these banks and the fixation of the channel will reduce the amount of this material.

18. The board agrees with the district officer that up to this time experience in the United States on some other improved rivers, and particularly on the Mississippi, has not been such as to encourage the expectation that a river traffic will develop commensurate with the large cost of improvement. It would be difficult indeed to find economic justification of the cost of the improvement of the Missouri River from past experience on other waterways in this country having similar conditions. There is now, however, a renewed interest in river transportation, and steps are being taken at a number of places on the Mississippi and its tributaries to provide terminal facilities and establish boat lines. The Government itself has undertaken an extensive program of improvement on the Ohio and Mississippi and on this section of the Missouri to develop the possibilities of such inland water transportation. The board believes that the commercial interests at stake and the benefits to be secured are sufficient to warrant the continuance of such work on those main streams as will afford a thorough opportunity to test their usefulness as transportation routes.

19. The United States embraces within its limits widely varying conditions of soil and climate, with farm, mine, and forest products of all kinds. Each section has some special advantage in the production of at least one of the articles required in civilized life. To attain the maximum benefit from these conditions it is essential that the means of intercommunication and distribution shall be fully developed, so that producers and consumers may be served at a minimum of cost. Both railways and waterways are needed. Each class of transportation has a sphere of its own. Destructive competition between them is uneconomical and wrong. In the more thickly settled parts of the country both now flourish even on parallel lines. It is uncertain whether this condition is as yet possible in the Missouri Valley. Its inhabitants claim that it is. This waterway lies in a direct path of traffic, and a well-organized freight-carrying line operates on it. When equally efficacious and up-to-date water transportation lines shall have been established on the Mississippi River it seems beyond reasonable doubt that the commercial possibilities of these streams will be utilized to advantage. The testimony given to the board and appearing in the record of the public hearing shows potent causes for the decline of river traffic entirely apart from the true relative costs of transportation by rail and water. Changes of law have eliminated some of these causes, and it is claimed that the operations of the Kansas City Missouri River Transportation Co. give promise that the remainder will disappear and that through such agencies the much-to-be-desired problem of minimum cost of transportation by water and rail will receive a definite solution.

20. A review of the entire situation indicates that the present grounds for continuance of this project are stronger than those which led to its adoption. The board therefore concludes that it is advisable for the United States to continue the improvement of the Missouri River between Kansas City and the mounth in accordance with the existing project.

For the board.

W. M. BLACK,
Colonel Corps of Engineers,
Senior Member of the Board.

REEXAMINATION OF MISSOURI RIVER FROM KANSAS CITY, MO., TO THE MOUTH.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Kansas City, Mo., April 22, 1915.

From: The District Engineer Officer.
To: The Chief of Engineers, United States Army
(Through the Division Engineer).
Subject: Reexamination of project, Missouri River, Kansas City to mouth.

1. In compliance with instructions contained in department letter dated March 18, 1915, I submit the following report, giving my general views on the question of the modification or abandonment of the project for the improvement of the Missouri River from Kansas City to

the mouth. This report is called for by section 14 of the river and harbor act approved March 4, 1915.

2. The project for this improvement was adopted by Congress July 25, 1912, in the following language:

"Improving Missouri River, with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, in accordance with the report submitted in House Document No. 1287, Sixty-first Congress, third session, and with a view to the completion of such improvement within a period of 10 years, $800,000: *Provided*, That cooperation from the localities benefited may be required in the prosecution of the said project in case any comprehensive plan is hereafter adopted by Congress for an apportionment of expense generally applicable to river and other projects in which any improvement now or hereafter adopted confers special or exceptional benefit upon the localities affected: *Provided further*, That nothing herein contained shall postpone the expenditure of the amount hereby appropriated or any further appropriation for said project without action by Congress."

However, the first appropriation for the work was made June 25, 1910, in the following language:

"Improving Missouri River, with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $1,000,000: *Provided*, That the Secretary of War shall appoint a board of three officers to further consider and report upon the most economical and desirable plan of securing such channel, in which report consideration will be given to the subject of cooperation on the part of local interests in the work of said improvement: *Provided further*, That the report hereby authorized shall be submitted to Congress on or before the opening of its next regular session."

3. The appropriations and allotments made for this project are as follows:

June 25, 1910	$1,000,000
February 27, 1911, authorized / Aug. 24, 1912, appropriated	600,000
July 25, 1912	800,000
Mar. 4, 1913	2,000,000
Oct. 2, 1914	850,000
Mar. 4, 1915	1,000,000
Total of six appropriations	6,250,000

It will be noted that the appropriations have been made at about half the rate mentioned in the act adopting the project.

4. The expenditures to March 4, 1915, were $3,577,290.85, consisting of $3,286,082.59 for improvement and $291,208.26 for maintenance. It is estimated that the project is about 9 per cent completed. There have been large expenditures for plant since the inception of the project, and for that reason and on account of the lack of appropriations at the proper rate, the amount expended and the percentage completed appear out of proportion. But it has been demonstrated that the work can be done within the estimated unit cost, and it is my opinion that with appropriations at the rate of $2,000,000 per year for improvement and sufficient funds for maintenance the project could be completed within the total estimated cost.

5. The cost of maintenance after completion of the project is estimated at $500,000 per year. The maintenance work, including snagging, is now costing about $100,000 per year. It will gradually increase as the work progresses. If appropriations are continued at the rate of about $1,000,000 per year, and the maintenance increases from $100,000 to $500,000 per year, averaging $300,000 per year during the execution of the work, it is plain that over 20 years from this time will be required to complete the project.

6. I consider that the question of modifying or abandoning the project is one to be decided by a comparison of the cost involved with the benefits derived. Assuming the money of the Government to be worth 3 per cent interest, the total estimated cost of the project represents $600,000 per year interest. Adding the maintenance cost of $500,000 per year gives $1,100,000 per year as the permanent charge to the Government resulting from the execution and maintenance of this project.

7. The benefits derived are represented by the increased facilities for navigation. There are other incidental benefits, such as the protection of lands from erosion and the amelioration of flood conditions, but these have not been recognized as proper objects of Government expenditure on the Missouri River and are therefore not considered in the analysis.

8. The commerce to be considered is present and prospective, and the advantages that commerce will obtain from the improvement are the actual saving in freight charges by the use of the river and the effect on railroad freight rates produced by the possibility of water transportation.

9. The commerce for the calendar year 1914 is not yet fully tabulated. For 1913 it was as follows:

Articles.	Amount. Customary units.	Amount. Short tons.	Valuation.	Average haul.	Rate per ton mile.
				Miles.	
Grain	253,940 bushels	6,701	$105,303.38	123	$0.0091
Hay		114	2,049.66	106	.0156
Feed and flour		334	9,538.88	8	.0670
Oil	46 barrels	12	345.00	8	.0483
Manufactured iron and steel		1,655	897,796.50	291	.0089
Livestock	4,800 head	945	137,039.20	31	.0403
Silt	148 barrels	22	259.00	9	.0510
Sand and gravel	1,735 cubic yards	2,513	1,646.00	9	.0357
Brick	4,800	16	56.00	9	.0349
Cement	534 barrels	107	1,152.00	26	.0346
Lumber	75,360 feet b. m	183	2,976.60	13	.0333
Other building material		15	1,088.00	10	.0415
Railroad ties	128,908	10,312	62,697.50	14	.0085
Produce		196	22,370.40	125	.0114
Wood	591 cords	847	2,135.60	9	.1002
Miscellaneous		13,579	2,520,734.80	237	.0093
Logs and lumber rafted	43,000 feet b. m	107	473.00	150	(1)
Sand and gravel barged	218,136 cubic yards	309,577	71,535.00	1	(1)
Total		347,235	3,929,212.32		

[1] Owner.

10. The items that are not benefited by improvement of the river are the sand and gravel barged and the logs and lumber rafted. They amount to 309,684 tons. Ferry traffic is not counted in reporting the commerce on the Missouri River.

11. Eliminating the logs and the sand and gravel barged, the remaining traffic is 37,551 tons, divided into classes which are carried over average distances of from 8 to 291 miles. The total freight charge on this traffic was about $41,000. The Kansas City-Missouri River Navigattion Co., the only through line on the river, operating between Kansas City and St. Louis, charges 80 per cent of the railroad freight rates. Assuming this to be the relation between the rail and water rates for the entire traffic, the saving to shippers by the use of the river in 1913 was about $10,000. It is evident that this saving is entirely inadequate to warrant the serious consideration of an expenditure by the Government of $1,100,000 per year in interest and maintenance.

12. The reduction in rail rates resulting from the possibility of water transportation is not a simple subject. There is no question that towns having water transportation are for that reason favored with lower rates than other places having no water transportation and requiring equal rail haul. It is my understanding that this condition is recognized by the Interstate Commerce Commission. It is frequently argued that if the improvement of a river gives lower rail rates such improvement is justified even if the river never carries a ton of freight. This might be true if there were no other method of controlling rail rates, but in these days, when the railroads claim that they are being regulated too much, there appears to be no lack of governmental machinery for controlling them, and it does not seem necessary to spend $20,000,000 to bring about a proper rail rate between Kansas City and St. Louis.

13. In some cases the improvement of a stream is justified, even at high expense, where the absence of rail transportation leaves the territory along the stream entirely dependent on water transportation. This is not the case with the Missouri River between Kansas City and the mouth. Over a great part of the distance the river is paralleled with railroads on both banks, and there are few localities that have no railroad within easy reach.

14. There remains to be considered the question of prospective commerce, and in my opinion the improvement must stand or fall by this criterion. In the survey report upon which the present project is based, the prospective commerce was given by the president of the Missouri Valley River Improvement Association as 1,000,000 tons. (See H. Doc. No. 1120, 60th Congr., 2d sess., p. 45.) That estimate was based upon a 16-foot channel, with six or seven boats especially adapted to the navigation of the Missouri River, handling cargoes of 2,000 tons each, and making one round trip per week during a navigation season of 10 months. The fact is that anyone can make almost any estimate he sees fit as to the prospective commerce. I think a better way to approach the subject is by inquiry concerning a river that has been improved. An example is the Mississippi between the mouth of the Ohio and the mouth of the Missouri. In the annual reports of the Chief of Engineers this stretch of river is reported as having a navigable depth of 6 feet or more during the entire navigation season of recent years. The commerce for the calendar year 1913 was 258,709 short tons, not including sand and gravel or ferry traffic. It should be noted that this stretch of river is so situated as to draw commerce from the improved stretches of the Mississippi above and below it as well as from the Ohio and the Missouri. If the Mississippi under these conditions and with a 6-foot channel carries 258,000 tons, it seems to me doubtful whether the Missouri with the same depth will carry any more. The Missouri River traffic would have to increase sevenfold to equal that on the above section of the Mississippi, and would have to increase a hundredfold to reach a figure commensurate with the cost of the work.

15. From the foregoing considerations I am of the opinion that the present and reasonably prospective commerce on the Missouri River between Kansas City and the mouth is not sufficient to warrant the continuance of the present project. I think the snagging should be continued, so that commerce may have the advantage of the natural depth of the river and the river shall not be allowed to become entirely obstructed. Any attempt at partial improvement seems futile, because the draft of boats, and therefore their cargoes, will be determined by the least existing depth. If the river is improved at all, the work should be complete as to protection of banks and control of channel. For the same reason it seems to me injudicious to spend any money in keeping up the works already built. If in another generation the improvement of the river becomes advisable, the present works will be of little value, and in the meantime the channel depth in the portions that have been improved are not likely to be less than in the portions wholly unimproved.

16. It is to be noted that these views agree in many respects with the previous attitude of the Engineer Department, as expressed by the Board of Engineers for Rivers and Harbors June 8, 1908, and by the Chief of Engineers December 2, 1908, in action on survey report published in House Document No. 1120, Sixtieth Congress, second session. The views of the board as to the futility of partial improvement and the wastefulness of inadequate and irregular appropriations are of particular interest. The Missouri River Commission in its final report also expressed the opinion that there was no middle course between mere snagging and thorough systematic improvement.

17. I recommend that the present project be modified so as to provide for snagging alone at an estimated cost of $40,000 per year, and that all other work be stopped.

HERBERT DEAKYNE,
Lieutenant Colonel, Corps of Engineers.

[First indorsement.]

OFFICE DIVISION ENGINEER, WESTERN DIVISION,
St. Louis, Mo., May 22, 1915.

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. Forwarded, concurring in the opinion of the district officer that the existing river commerce is not sufficient to justify the permanent improvement of the Missouri River from Kansas City to its mouth, but not approving the recommendation that the work should be entirely abandoned.

2. It is believed that there is still opportunity for the revival of western river commerce, but that it should first be sought not in the tributaries but in the main river. There is neither the density of population nor of material seeking shipment on the tributaries of the Mississippi, with the exception of the Ohio, to cause such a revival which will be in the nature of a revolution of the existing methods of transportation and will naturally originate at large centers of population, such as Chicago, Pittsburgh, St. Louis, and New Orleans, where large amounts of manufactured products are seeking shipment.

The agricultural products originating on a river bank are not sufficient to justify a large expenditure for the improvement of the river channel. With a revival of commerce on the main stream its extension to the tributaries will gradually follow.

3. The fact, however, that there has been a failure to properly utilize the improved channel that has been maintained during the past 10 years from St. Louis to New Orleans should cause Congress to hesitate before continuing the large appropriations it is making for the western rivers.

4. In the opinion of the division engineer, the problem of developing our western rivers should be treated as a single one. Instead of scattering appropriations over the entire western territory a channel of 8 or 9 feet depth should first be provided from Chicago to New Orleans and the offer of assistance in the construction of a canal along the Des Plaines River from the State of Illinois accepted. An opportunity should then be afforded the American people to determine whether they want waterways not by rhetorical efforts in river conventions, but by a practical utilization of the channel thus afforded. Until such revival occurs appropriations on the tributaries should be confined to maintaining the existing status. The existing works should not be allowed to deteriorate. At present an annual appropriation of $150,000 for snagging and the maintenance of existing works is therefore recommended.

C. McD. TOWNSEND,
Colonel, Corps of Engineers.

Mr. HUSTING. I want to read and comment on these reports as I go along. I want to show, and I think I can, from these reports, from the admitted facts, that the statements made by Col. Deakyne are substantially correct and his conclusions and recommendations sound. I further want to show that in all respects incident to this controversy the reports of Gens. Black and Deakyne are in accord. They only differ as regards the conclusions drawn and recommendations made, and in this respect I believe all fair men will agree that the report of Col. Deakyne is correct and convincing and in accord with sound public policy. I want to submit his reasons and the reasons of the other colonels and generals in the premises, so that the Senate may decide which of the two findings is the sounder and more in consonance with the facts.

In order to know whom we are dealing with here, I have received the information from the War Department, in substance, as follows:

Lieut. Col. Deakyne spent three and a half years in charge of the work on the Missouri River. He went to Kansas City in the summer of 1912. His term of four years would have expired in the summer of 1916. March 15, 1915, he applied for a place in the War College. This was granted in April, 1915; and after he had taken a preparatory course it was expected that he would return to the Missouri River. In the meantime he made his adverse report on the Missouri River project, and then another man was sent who came home from the Philippines. This man, Col. Mackindoo, was put in his place upon the Missouri River project.

Col. Townsend, who indorsed Col. Deakyne's report, is the chief engineer in charge of the entire western division, which includes the Mississippi and all of its western tributaries. Col. Townsend first reported as chief engineer at St. Louis on October 1, 1912. He has been in charge of all of the works carried on on the rivers in the western division since that time, and he is still in charge. He has been in charge nearly four years.

Now come the two officers who had no experience on the Missouri River:

Gen. Kingman never worked on the Missouri River. His work on western rivers consisted of four or five years spent on the extreme lower Mississippi away back in the eighties. At that time he was stationed at New Orleans.

Gen. Black never worked on either the Mississippi or the Missouri River. All he ever had to do with this system was an instruction tour which he took down the Ohio River in 1881 immediately after his graduation. This was a tour principally to be instructed in engineering conditions given young engineers after completion of their college course. Gen. Black has done most of his work in the East, and his headquarters most of the time have been on the Atlantic seaboard.

So we find that the only two officers who have been upon the ground and know this river are Col. Deakyne and Col. Townsend, and Col. Townsend is still there, in charge of that division. Col. Deakyne has been removed from the scene of his activity, notwithstanding his three and a half years' experience on the Missouri River, and has given way to a man who came from the Philippines.

Gen. Kingman, who was Chief of Engineers before Gen. Black, has never worked on any of these rivers in that part of the country except on the Mississippi away back in the eighties, 30 years ago, and Gen. Black has never worked either on the Mississippi or on the Missouri. So, as to the condition of the river, I do not think anyone will dispute for a moment that Col. Deakyne and Col. Townsend know that project better than these other gentlemen who presume to overrule them.

It is true they did have a hearing. It is contained in this book, House Document No. 463, Sixty-fourth Congress, first session; but the hearing they had there was principally the hearing of members of societies, business men, and in particular the hearing of a certain transportation company that seems to be quite interested in this project. I guess there was some examination of the river made, but it must have been a purely superficial one, because there is no pretense that I know of that they spent any number of months or years in making this investigation which resulted in the turning down of Col. Deakyne's report.

What do these reports show? I will take up the principal one. That is the one signed by W. M. Black. That was approved by Dan C. Kingman, Chief of Engineers. Gen. Black was the man at the head of the Engineer Corps at this time. It is all printed. I may not read all of it, but I wish to read all that has any particular bearing on this proposition.

After stating that this was with a view to modifying or improving the project or abandoning it, the report goes on:

The existing project was formally adopted by the act of July 25, 1912, although the first appropriation was made by the act of June 25, 1910, as explained by the district officer. The project provides for securing a permanent channel 6 feet deep between Kansas City and the mouth, at an estimated cost of $20,000,000, to be completed, except for maintenance, in 10 years. The work includes the removal of snags and the regulation and contraction of the channel by means of bank revetment and dikes. The estimated cost of the maintenance of the completed project is $500,000 per year.

Five hundred thousand dollars at 3 per cent would be $15,000 more than the amount of saving on the commerce, as found by Col. Deakyne, and this is only for the cost of maintenance. This does not take into consideration the 3 per cent on the $20,000,000 that is going into this project.

I continue reading:

There has been appropriated or allotted for this work a total of $6,250,000 in six years, or at the rate of a little more than $1,000,000 a year, while the project calls for $2,000,000 a year. The expenditures to March 4, 1915, were $2,577,290.85, of which sum $291,208.26 were applied to maintenance and about $537,000 were used in procuring suitable plant. Experience leads the district officer to believe that the project can be completed at the estimated cost, if appropriations are made at the rate of $2,000,000 a year for construction with sufficient amounts for maintenance, but that at the present rate it will require over 20 years to finish the work.

Now, here come some facts, found in this report, which are the foundation of the report of Col. Deakyne; and I am going to read them to show that they are absolutely identical, although there is a mistake here in subtraction of a fraction of a thousand tons. This is what is said by Gen. Black, who was eulogized here by the Senator from Missouri [Mr. REED]:

The commerce for 1913 is reported as amounting to 347,235 tons, of which 309,684 tons consisted of sand, gravel, and logs, reported as not being benefited by improvement, leaving 37,537 tons of water-borne commerce affected by the project.

In this connection Lieut. Col. Deakyne said:

The items that are not benefited by the improvement of the river are the sand and gravel barged and the logs and lumber rafted. They amount to 309,684 tons. * * * Eliminating the logs and the sand and gravel barged, the remaining traffic is 37,551 tons.

Where is the discrepancy between those two reports on the facts? There is not only no discrepancy, but they both agree on the amount that should be deducted, and both agree that the balance is 37,537 tons of water-borne commerce affected by the project—exactly the figures arrived at by the much-abused Col. Deakyne and Col. Townsend—except that Col. Deakyne put it 14 tons more, so that instead of overstating it he understated it. That is to say, he gives them credit for more tons of commercial tonnage, by 14 tons, than Gen. Black did; but his figures are correct, because a mistake in subtraction was made by Gen Black, or at least that appears from the report.

Now we have that established. We have established that in 1913 there were only 37,551 tons of water-borne commerce affected by the project. We have the statement by Gen. Black that it is going to cost $20,000,000 to finally complete that project. We have the statement by Gen. Black that it is going to cost $500,000 a year to maintain it. Take 3 per cent interest on $20,000,000, and you have $600,000, to which you add the $500,000 which is the estimated annual cost of maintenance, and you have a project that is going to cost the United States $1,100,000 a year to save somebody $10,000 a year. That is all I asserted that the Deakyne report said or claimed; and here it is absolutely verified and substantiated by the Black report.

The district officer analyzes the project on the basis of cost and benefit, and expresses the opinion that present and reasonably prospective commerce is not sufficient to warrant its continuance. He repeats what has been stated in former reports, that any attempt at partial improvement will be futile, and if the river is improved at all, the work should be complete as to the protection of banks and control of channel. He believes that snagging should be continued, and recommends that the present project be modified so as to provide for snagging alone, at an estimated cost of $40,000 per year, and that all other work be stopped.

Gen. Black continues and says:

The division engineer—

That is, Col. Townsend—

is in accord with the district officer as to the discontinuance of the present project for permanent work, but believes that the work already done should not be completely abandoned. He recommends an annual appropriation of $150,000 for snagging and the maintenance of existing works.

After stating that a number of communications were received, requests for hearings made, and a personal examination made from Kansas City to Washington, a distance of about 320 miles, and after stating that the hearing was attended by a large number of deeply interested persons, and that a record of the hearing is appended to the report, he goes on to say:

The method of improvement under the present project is the result of many years of experimental work at considerable cost. The simplest and most inexpensive structures were first tried and gradually, through experience, these were modified and strengthened, resulting finally in a standard form that with slight changes has been followed in recent years with a reasonable measure of success.

He states there that they started in wrong, and that they have finally gotten into something now which promises some success.

It is believed that the systematic application, under adequate appropriations, of the general principles and methods followed under the existing project, with such modifications of detail as further experience may develop will result in a continuous and permanent channel 6 feet or more in depth.

Well, Col. Deakyne never denied that they could dig that channel 6 feet deep all the way up. Of course, it can be done if they want to expend the money. Why not?

The report then goes on to say how a shallow-draft dredge may be used and that the existing project is sufficiently elastic to permit such minor modifications with the approval of the Chief of Engineers.

It has often been reported—and the board desires to repeat here—that any project of less scope would be inadequate to secure a permanent 6-foot channel, and if any improvement is undertaken, aside from snagging, it should be under the present plan of complete improvement, at a probable total cost of not less than $20,000,000.

Here it seems that they are not sure that that is all that it is going to cost. The report says that it will be completed at a cost of not less than twenty million. Where is the limit? That is only the minimum cost. For all that appears in this report the deep blue sky may be the limit in the game of improving this river.

Now, going on further, paragraph 9 says:

A matter considered of great importance in connection with the present investigation is the existence of the recently organized Kansas City (Mo.) River Navigation Co.

The representatives of this navigation company, as was perfectly natural, appeared before the Board of Engineers and were quite active in producing the facts as they saw them to the Board of Engineers. Now, I want to call the attention of the Senate to one peculiarity of this report, and that is that in stating the facts I do not believe you will find anywhere a statement of the facts on the part of the makers of these reports. Where they make any statements as to facts they quote somebody else or say "it is claimed" or "it is said." In reading this report I want to call attention to this proposition, to show that the Board of Engineers are not responsible even for some of the facts which they lend some color to by saying "it is claimed" or "it was said."

Here we start in:

It is claimed by those interested that the incorporation and operations of this navigation company were undertaken as the result of an understanding with the Rivers and Harbors Committee of the House of Representatives, that the project for the improvement of the Missouri River from Kansas City to the mouth would be adopted and vigorously prosecuted under adequate appropriations, provided the locality first show its faith in the importance and necessity for the improvement by the expenditure of its own funds in the actual establishment of commerce on the river. Navigation was commenced in 1911, with certain plant secured by purchase, and at the same time it was decided to investigate the types of boats best suited to successful and economical use on the Missouri River. The services of experts were secured and careful study of navigation on shallow-draft rivers was made, resulting in the adoption of the towboat and barge method of navigation with improved steel vessels of fireproof construction and suitable size, draft, and motive power for the Missouri River. These investigations have been carried on at considerable expense and have far more than local value, as they contribute very substantially to the solution of the important problems of economical transportation on this and other inland waters of the United States. The company is satisfied with the progress made, and it proposes to continue the investigations and study, with its increasing activities, and to utilize the results in the construction of additional plant from time to time. The results of these investigations are furnished without charge to other cities contemplating the establishment of transportation lines.

The company has taken steps to remedy certain conditions that have contributed largely to the decline of river transportation. It has secured the establishment of terminal facilities at Kansas City and at East St. Louis, having rail connection at both places and mechanical devices for the transfer of freight. It has entered into joint traffic arrangements for the interchange of freight with connecting carriers, both rail and water, and is now handling commerce on through bills of lading. It receives and delivers goods in cars on shippers sidings, paying switching charges within certain limits, transferring to and from the boat, assuming carriers' risk in lieu of marine insurance, and transporting between terminals, all at a rate of 80 per cent of the corresponding rail rate.

It is a saving, as was shown by the Deakyne report, of 20 per cent.

The present floating plant consists of 1 steel packet boat, 2 steel towboats, and 12 steel barges. These barges are of varying sizes, the larger ones, provided with steel fireproof, weatherproof, and locked deckhouses, being used for through commerce, and the smaller for either through or local business, in the latter case the barges being left at way landings for loading, and being picked up by the next boat up or down, depending upon the destination of the cargo. So far the traffic receipts of the company have not fully covered operating costs, but the company has been operating on an unimproved river and building up a traffic in face of considerable difficulties. It claims to have demonstrated that the traffic will be eminently successful on an improved river.

I think that is pretty nearly all the evidence there is in this case showing that we are going to have improved commerce—that this transportation company claims to have demonstrated that the traffic will be eminently successful.

Gen. Black does not say, as was subsequently said, that it was shown to this board that commerce would be increased. He only claimed it to have been demonstrated, not to the satisfaction of a committee, but to the satisfaction of the transportation company itself, that the traffic is going to increase.

This year, 1915, up to October 1, freights collected would have more than covered operating costs had not a barge been accidently sunk at its East St. Louis wharf.

They would have done a successful business if they had not lost a barge. Certainly the profits of a great transportation company would not depend upon the loss of one barge. We do not know how big it was, we do not know how much it cost, but one barge went down, and they came out financially on the wrong side of the ledger because one of the barges went down.

This company is making the most thorough attempt within the knowledge of the board to revive a river traffic that had disappeared under railway competition. It appears to be sparing no expense or effort that will contribute to the solution of this problem, and it claims as a result of its experience that success is attainable if a permanent 6-foot channel is provided. A continuance of the experiment under as favorable river conditions as can be secured is worth much to the United States, and should go far toward showing what are the real possibilities in this important field of the transportation problem in this country.

Now listen to the commerce this great transportation company has done at the end, I think, of its third year's experience:

The commerce handled by this company is still comparatively small, but has been increasing rapidly since its organization. During the current year, up to October 1, it amounted to 27,306 tons, and it is expected that by the end of the navigation season it will be somewhat in excess of 33,000 tons, or about two and one-half times the amount in 1914.

If 33,000 tons is two and a half times the amount it was in 1915, then the amount in 1913 must have been about 12,000 tons—hardly enough to run a respectable train a week.

This does not include the traffic carried by local boat lines operating at different points along the river, independently of the Kansas City (Mo.) River Navigation Co., which amounted to about 27,000 tons in 1913.

I do not know what is the carrying capacity of a full train. I should say on a rough estimate, with the capacity per car at 40 tons, an average trainload is about 3,000 tons. So, for the whole traffic on the Missouri River, even with the aid and assistance of the Kansas City (Mo.) Transportation Co., the traffic would not, under their own figures, keep one train a day running for seven days in the year. In other words, it would not keep a railroad busy half a day to transport the entire commerce they have had down the river in an entire year.

Now, what effect can that have on railroad transportation when they can not consume a day on any railroad of respectable importance in the way of carrying their load? Now, it goes on:

It is difficult to determine what may be the future water-borne commerce of this river, and neither the past nor the present volume should in fairness be used as a measure of what to expect in the future. The improvement so far effected in the channel is sufficient to show what can be done by the engineering methods adopted, but, excepting in the removal of snags, it has not progressed far enough to afford a very material betterment of channel depths, excepting in disconnected improved sections.

We spent, I do not know how much—the Senator from Missouri said something like $6,000,000—and here they say, at the expense of some millions of money, it has only gone far enough to remove snags, and snags, I understand, are logs or something that projects above the waterline of the channel that may interfere with the passage of a boat.

But, excepting in the removal of snags, it has not progressed far enough to afford a very material betterment of channel depths, excepting in disconnected improved sections. The boats can not be loaded to their full capacity, and even light find difficulty at many shoal crossings. Schedule time can not be made and delays in delivery have tended to discourage shippers. Notwithstanding this, there is apparent an enthusiastic determination on the part of the navigation company and

of the shippers to push their present endeavors to a successful conclusion, provided the United States continue the work of improvement under the existing project. Many individual shippers at Kansas City have given evidence that they intend to patronize the boat line as far as practicable and that the extent of water-borne traffic will be in proportion to the amount of work done by the United States in the betterment of channel facilities.

What great assurance is that when they state that individual shippers say that they intend to patronize a boat line as far as practicable? That is what they are doing now; they are patronizing it as far as practicable now, and they promise to do no more and no less. In other words, if it can be shown to them later that they can move their material over that river better than they can on the railroads it is then practicable for them to give them some tonnage, but if not they will continue to use the railroads.

It is claimed that benefit has already been felt from the work done, and that each bend revetted adds to the safety and reliability of navigation.

A little while ago the report said that there was not enough done to show any substantial benefit. Here it is claimed that benefit has already accrued.

I was just calling attention to the words "it is claimed," because this Board of Engineers was assigned the duty of gathering facts, not words; not claims, but facts. Why do they come here and say it is claimed without assuming any responsibility for the truth of the statement?

A number of individual shippers appearing at the hearing stated the amount of commerce that they would offer the boat line under improved river and transportation conditions. These were selected as representing different industries and lines of business, in which there are many other prospective shippers. Several of these shippers emphasized the fact that high-grade freight has been carried by the navigation company with less damage in transportation and handling and less loss from pilfering than they have experienced with rail shipments. The navigation company attributes these conditions to its fireproof and locked freight houses on the barges. It is claimed that with the improved methods of interchange of freight between rail and water, commerce originating west of Kansas City and destined for St. Louis or points still farther east, as well as that originating east of St. Louis and destined for Kansas City or points beyond, can be handled advantageously by the navigation company. Some business of this character has already been done, and the evidence points to its increase. The amount that may be handled in this way is purely conjectural, as the method is as yet experimental and in its infancy.

After expending the sum of seven hundred and fifty or eight hundred million dollars in this country for river and harbor improvements the engineer says this "method is as yet experimental and in its infancy."

He says of the freight traffic between Kansas City and St. Louis:

But it is known that the total tonnage moving through this territory is very large.

I believe somewhere there appears in the record the amount of tonnage that passes between Kansas City and St. Louis on railroads that could not have cost anywhere near for that distance what has been already expended on and about the Mississippi and Missouri to help the river business along.

There have been presented to the board statistics of production and consumption of the territory tributary to the commercial center formed by Kansas City to show that the existing means of rail transportation are already fully utilized and that in the near future they will be unable to meet traffic requirements, if such be not the case to-day. It is claimed that soon additional highways of commerce will be a necessity. The report submitted * * * shows that the cost of construction and maintenance of one additional single-track road is quite comparable with the estimated amount required to complete the present project and to maintain the improved channel, while manifestly the carrying capacity of the improved waterway is vastly greater.

Now, let us consider this statement of Gen. Black. That report shows that a single track, as I understand it, from Kansas City and the maintenance of it will not cost any more than the improvement of the Missouri River. Their only argument is that they can carry more on the water than they can on this one track. It is not shown that they can carry it as cheap; they do not show that they can afford to do business as cheaply as the railroads.

Here is something that it seems to me is entirely aside from the main question:

It has been estimated that, with the channel held by revetted banks, there would be available for agricultural purposes in the bottom land along the river between Kansas City and St. Louis, 500,000 acres, the greater part of which would be less than a mile distant from the river, and a considerable portion of which is now necessarily nonproducing. It is claimed that this area would contribute very substantially to the river traffic.

Now, here is the milk in the coconut. About all that Gen. Black can see in this improvement that is going to cost us this $20,000,000 is that it is going to reclaim 500,000 acres of land. Here is the theory. There are 500,000 acres of land that are not producing. In fact some of the reports a little later on show that the river washes the ground away and destroys the land. There are 500,000 acres lying on the banks of the river not fit for anything. We have a river that we need for navigation.

In order to do that we are going to spend most of this money in revetting. It is to build revetment work along the bank to hold this land from washing away. Then, when we get the revetting done, we have confined the land so as to prevent it from floating away. It is going to turn it into farm lands, it is going to raise crops, and that is the material that is going to be shipped down the river. That is the reason why you want to spend $20,000,000. Of course incidentally the project will reclaim rich land—500,000 acres—for some thrifty souls living along the shores, for some persons interested in these lands financially.

Mr. President, this proposition has not any place in a river and harbor bill. This is not a reclamation bill. It is supposed to be a river bill for the benefit of navigation, not for the benefit of land, not for the purpose of increasing the value of land. That is another story and another proposition.

Interested parties invite attention to the readjustment of transcontinental railway rates that is being made as a result of traffic through the Panama Canal.

Is that to put us on our guard? Is it to show that the Board of Engineers had no faith in their statements that they did not adopt it as their own? They say:

Interested parties invite attention to the readjustment of transcontinental railway rates that is being made as a result of traffic through the Panama Canal. The effect of these changes is to give pronounced advantage to eastern seaboard industries for the Pacific coast trade, and thus to handicap the interior manufacturers, and it is claimed that their only hope of retaining a competitive position is in having the benefit of cheap water routes to the sea. An improved channel in the Missouri would connect with the effective channel already provided in the Mississippi and give such a route from Kansas City to the Gulf of Mexico.

That involves a fallacy, as I understand it. The Interstate Commerce Commission has not adopted the theory that railroads can charge as much for a longer haul as for a shorter haul just because it is going to compete with water transportation. We have an Interstate Commerce Commission that exists for the purpose of fixing rates. Here are people living in the Mississippi Valley who want to ship goods to the western seaboard. I do not think, if this Interstate Commerce Commission is the commission that it purports to be, that it is going to permit a carload to be shipped from New York City or Philadelphia or Boston or any of those places to San Francisco, and where the material goes through Kansas City and St. Louis, and permit a charge less per ton for that haul than it provides for the people of St. Louis and Kansas City, through whose cities the tonnage goes. I should think that they have an advantage over the eastern shipper when they are half way across the continent, or a third of the distance, at any rate, and they have the chance to ship their goods to the seaboard cheaper, if the Interstate Commerce Commission does its duty, than the men in the East.

Now we come to the supposed benefits stated by Gen Black:

Among the indirect benefits to be anticipated from the improvement of the Missouri River are: (1)—

Now, what do they place first as the first benefit?

The revetment of the caving banks will give security to adjacent lands, which can then be protected from overflow by the construction of levees, thus adding materially to the value of land and to the area of production with a corresponding increase of commerce.

The first benefit that we are going to get from this is the reclamation of some land, by revetting the banks and preventing them from washing away. Why do we want to save this land? Why do we want to reclaim this land? Why, to furnish commerce for the boats that are going to run on there after the land is saved; and for this revetment we are to expend $20,000,000. The first benefit we are getting is the reclamation of the land. Why is that the first, when we are talking about navigation?

So it appears from this report that this is a reclamation scheme, not a river and harbor bill. It appears that the first material benefit is to save these 500,000 acres of land.

Now, going further:

Already in some of the protected territory local levee districts have been organized and are in successful operation. It has been stated that the general formation of levee districts is awaiting only the assurance that the improvement of the river will be continued. There is now a decided feeling of unrest and anxiety as a result of the present investigation.

The people are growing restless there because they are afraid their lands are not to be reclaimed. He says:

Already in some of the protected territory local levee districts have been organized and are in successful operation.

Levee districts for what? Levee districts for the reclamation of lands. And the people are getting restless and uneasy because they are afraid that the appropriation is going to be cut off. They are not restless or anxious because they are afraid the navigation is going to be halted. They are not anxious and restless because they are afraid that they can not ship their

goods down the stream. No; they are anxious and restless because they are afraid their swamp lands are not going to be reclaimed and that their lands will not increase in price, lands the owners of which, if they are reclaimed, will go to some railroad station two miles from the banks of the river and ship their goods by railroad instead of shipping down the stream.

Have any bonds been given whereby the owners of these 500,000 acres of land are going to take their products down the stream after they get their lands improved? That is the first benefit to be derived, says Gen. Black.

Now, what is the next?

(2) The confinement of the river to a fixed channel as contemplated by the project results in the reclamation and upbuilding of new lands that, within a few years, will become available for agricultural purposes. This will further increase the amount and value of property adjacent to the river, as well as the amount of prospective commerce.

They first want to save the land. That is the first consideration. Now, the second consideration, having saved the land, is to make it produce, and the additional tonnage they get from the producing land is a mere incident to the second consideration. So the first consideration is the land proposition. The second consideration is an agricultural proposition. Now, what is the third and last?

(3) It is well known that the Missouri River carries large quantities of silt—

The Missouri does not appear to be famous for anything else except carrying silt down the stream; silt that pays no tonnage, silt that is not commerce in the real sense. That is what the Missouri River is noted for, the carrying of silt. Where? Down—

into the Mississippi River, resulting in injury to the navigation of that stream. The silt comes largely from the caving banks.

The banks of this river cave in all the time. Why has it not become an ocean or a lake?

Coming back to revetment again, now—

The revetment of these banks and the fixation of the channel will reduce the amount of this material.

Why is it that in spring or in times of great freshets with the silt coming down there 600 miles above Kansas City, Mo., in the same inevitable movement that is going on all the time, that silt will not wash into the Mississippi? By constructing a project up to Kansas City they are going to cut off even the carrying of the silt and they are going to harness the banks on the western shore so that the State does not float away.

Now, let us go a little further and come to the close of this report:

The board agrees with the district officer that up to this time experience in the United States on some other improved rivers, and particularly on the Mississippi, has not been such as to encourage the expectation that a river traffic will develop commensurate with the large cost of improvement.

Col. Deakyne said that just in those words, and yet Mr. Deakyne is the man who stood embarrassed and humiliated and discredited before this august board that overruled him and turned him down and moved even the Senator from Missouri to sympathy in thinking of the pitiable sight of Col. Deakyne standing before this Board of River and Harbor Engineers. This board says what? It says:

The board agrees with the district officer that up to this time experience in the United States on some other improved rivers, and particularly on the Mississippi, has not been such as to encourage the expectation that a river traffic will develop commensurate with the large cost of improvement—

Now just note—

as to encourage the expectation that a river traffic will develop commensurate with the large cost of improvement.

They said here a little while ago, in the report as I read it, that the experience on the Missouri River did not warrant any expectation in development, or, in other words, that experience had not shown any increase in water traffic on that river. Now, let us go on a little further. This same Col. Black says:

It would be difficult, indeed, to find economic justification of the cost of the improvement of the Missouri River from past experience on other waterways in this country having similar conditions.

Then, in Heaven's name, how will we justify it if there is no economic justification for it? Is it for the health of anybody living in that section of the country? Is it for the health of the owners of those 500,000 acres? Is it for the health of the transportation company? Those words are plain. Gen. Black says—and his is the opinion of the board—that it would be difficult, indeed, to find an economic justification of the cost of the improvement of the Missouri River from past experience on other waterways in this country having similar conditions.

In other words, we have had other rivers in this country having similar conditions as the Missouri and we have improved them; we know what they have cost, and from the experience that we have had this work is not justified. Now, this is not guessing; this is not just riding up into the empyreal blue and talking about the blessings of liberty, and everything of that kind, but, judging from our experience on other rivers of a similar class as the Missouri, there is nothing found to warrant or justify us in believing that the money we are expending on the Missouri River, or will expend, is justified.

The words I have quoted are not the words of Col. Deakyne, but they are the words of Gen. Black, and they are indorsed by the men who are supposed to have humiliated Col. Deakyne and showed his ignorance on this subject; and here they are taking not only the word but the spirit of his report.

It is perhaps possible that Gen. Black and others wanted to make it as plain as it could be done, reading between the lines, that they thought Col. Deakyne's report ought to be adopted, but they lacked the courage of the Colonel to come out and say so. Of course it is hard to be brave at times. It is hard to be brave in the presence sometimes of men who have the faculty of scaring people, bulldozing them, driving them into a position that they do not think they ought to take. I do not know whether that is the case here; but how can this matter be explained—that this very Board of River and Harbor Engineers that indorses this project makes two statements that our experience on other rivers has not been such as to encourage the expectations that a river traffic will develop commensurate with the large cost of the improvement? In other words, there is no reason to expect that we are going to have increased commerce; second, we can not justify on economic grounds the proposition to expend $14,100,000 more, judging by our experience on other rivers of a similar nature.

Are we to spend $20,000,000 when those who tell us we ought to spend it accompany their recommendation with the statement that they do not believe the expenditure would be justified on economic grounds? I do not know why they did not stop right there. Rather they went right ahead and at least tried to get away from the obvious facts.

These are the reasons why they claim that notwithstanding the fact that we can not expect an increase of commerce to justify the expenditure, that notwithstanding that we are not encouraged to believe from the experience we have had on other rivers of the same kind that there is any economic justification for this expenditure, that we should proceed with this adventure. They go on to say this—and it is the gist of their report, in so far as it differs from Col. Deakyne's.

The reasons that they are giving from now on—and they are very short—are the only things that could have humiliated and abashed Col. Deakyne. I want to leave it to the Senate and to the people of the country whether they think that Col. Deakyne had the right idea and made the right recommendation or whether they find that this board, at the head of which Gen. Black was sitting, was correct. Here is the statement of Gen. Black explaining his reasons for recommending the continuation of the project:

There is now, however, a renewed interest in river transportation, and steps are being taken at a number of places on the Mississippi and its tributaries to provide terminal facilities and establish boat lines. The Government itself—

This refers to us, the country at large—

has undertaken an expensive program of improvement on the Ohio and Mississippi and on this section of the Missouri to develop the possibilities of such inland water transportation. The board believes that the commercial interests at stake and the benefits to be secured are sufficient to warrant the continuance of such work on those main streams as will afford a thorough opportunity to test their usefulness as transportation routes.

What does this mean? I can not make anything out of it except that it means that we are spending money on the Ohio and Mississippi anyway; that we are going to spend $100,000,000, all told, on the Ohio; that we are going to spend on the Mississippi many hundreds of millions; and that we should spend $20,000,000 more or less to test the usefulness of transportation routes as an experiment. That is what we are told—to invest this money on an experiment, pure and simple. If this test were going to cost several thousand dollars or perhaps several hundred thousand dollars as an experiment, we might be justified; but here this board is asking the country and Congress to experiment by putting another $14,000,000 into the Missouri River because they are also putting money into the Ohio and the Mississippi Rivers.

Why do they not wait and see whether some of this money which they have already expended—several hundred millions or so—is going to bring results commensurate with the cost? But they say this about the test in the face of what they have just stated in the same paragraph; and that is, that it would be difficult to justify this expenditure upon economic grounds. Then, upon what grounds can they justify it, even as a test, as an experiment, when they themselves say that nothing in the past, neither money expended nor work done upon other streams

of like nature, indicates or gives out the expectation or even hope of being useful or good to us. They go and overturn Col. Deakyne's report, and say you ought to experiment on the Missouri River.

But there is another string to that. It was not within Gen. Black's province, as I understand, nor within the jurisdiction of the War Department, to say whether experiments ought to be made; that is a matter, it seems to me, for the judgment of the Senate and of the House of Representatives. If we want to vote money for experiments we do not need any suggestions from Gen. Black, I take it. When he tells us over his own signature that our experience has been such as not to encourage the expectation that river traffic will develop commensurate with the expense, and that it will be difficult and impossible to justify the cost upon economic grounds, I should like to know why does he then suggest an experiment? Why suggest or intimate to the Congress of the United States, "We know it is not going to work out; we know it is not any good; but we will just expend about $21,000,000 as an experiment"? If we had money only for experimental purposes on a new project that we knew nothing about, that would be one thing.

Here, however, is the conclusion:

The United States embraces within its limits widely varying conditions of soil and climate, with farm, mine, and forest products of all kinds. Each section has some special advantage in the production of at least one of the articles required in civilized life. To attain the maximum benefit from these conditions it is essential that the means of intercommunication and distribution shall be fully developed, so that producers and consumers may be served at a minimum of cost. Both railways and waterways are needed. Each class of transportation has a sphere of its own. Destructive competition between them is uneconomical and wrong. In the more thickly settled parts of the country both now flourish even on parallel lines. It is uncertain whether this condition is as yet possible in the Missouri Valley. Its inhabitants claim that it is. This waterway lies in a direct path of traffic, and a well-organized freight carrying line operates on it. When equally efficacious and up to date water transportation lines shall have been established on the Mississippi River, it seems beyond reasonable doubt that the commercial possibilities of these streams will be utilized to advantage.

Taking this all into consideration, as we have it here, the report does not sound like the report of a practical man sent out to ascertain the facts; it sounds more like a lecture of a professor on political economy, or like the utterance of an advocate or of an attorney, who is trying to win a bad case for a client. One that holds the opinions as expressed in the preceding paragraph, that he is unable to justify the expense and then tries to furnish some sort of a bridge, no matter how frail it is, for him to walk over and claim that the expenditure of $14,100,000 more on the Missouri would be wise. Such a man is not a man whose opinion, I think at least on that phase of the proposition, is very well worth considering. I think that Congress can very well consider the advisability of matters of policy. That is not in the province of the Board of Engineers, as I understand. Their duty is to find out whether a system is practicable and feasible. They should give us the facts concerning it, and let us draw the proper conclusions and inferences from those facts, instead of trying to direct Congress by an argument, not by facts and not by a report such as we have a right to expect, I take it, from a man in an engineering position. This report continues:

The testimony given to the board and appearing in the record of the public hearing shows potent causes for the decline of river traffic entirely apart from the true relative costs of transportation by rail and water. Changes of law have eliminated some of those causes, and it is claimed that the operations of the Kansas City-Missouri River Transportation Co. give promise—

Now, listen to this—

it is claimed that the operations of the Kansas City-Missouri River Transportation Co. give promise that the remainder will disappear, and that through such agencies the much-to-be-desired problem of minimum cost of transporation by water and rail will receive a definite solution.

That means that it is claimed by the Kansas City Co. that the operations of this company "give promise that the remainder will disappear, and that through such agencies, the much-desired problem of minimum cost of transporation by water and rail will receive a definite solution." So we tie our whole case on this proposition; and that gets us right down to the conclusion that it is claimed that "the Kansas City-Missouri River Transportation Co. gives promise that the remainder will disappear."

What remainder? The remainder of the causes for the decline of river traffic, as I understand; at least, something is going to disappear and solve this proposition. So we are going to hang a fourteen-million-dollar appropriation on a claim of a promise by the Kansas City-Missouri River Transportation Co., the party in interest on that stream. And on that promise it seems that Gen. Black affixed his signature and made this report, notwithstanding he had said "We can not find any economic justification for the expenditure," and the further statement that he did not believe that transportation could increase enough and in such quantity as would be commensurate with the amount expended. So the transportation company says, "We think this is going to happen," but we know and you know that it has not happened, and we do not believe that we can reasonably look forward to any increase in commerce that is going to make this expenditure justifiable. We know that we can not justify it on economic grounds; but with a transportation company telling us "we think, if you do this, we are going to have business enough, so that, even if one of our barges goes down, we are going to have a profit on our side of the ledger."

That is the report of Gen. Black. I have read it almost in full. It was approved by Gen. Kingman, humiliating or overturning, as the Senator from Missouri says, the report of Col. Deakyne.

I am willing to rest this whole argument on the Missouri River problem on those two statements—on the admission and declarations and statements made by these men themselves. I do not want to be considered a factor in the determination of it. They speak for themselves.

Col. Deakyne was the man there on the job for three and a half years; he had devoted his time and must have been interested in the improvement of the Missouri. He must have had a pride in obtaining success, must have wished that the enterprise would be successful. There was no reason in the world why he should cut from under his own feet a project which he was directing unless he thought as a patriotic officer it was his duty to do so. Can anybody figure it out on any other theory? He was there three and a half years; he was on the job; he was doing the work; he knew what it was costing; he knew about those floating bogs and these banks that were being cut off; he knew about the carriage of silt; he knew about the carriage of commerce. The officer who backed him up, Col. Townsend, is on the job to-day, and has been there about four years in active charge of that district.

Neither Gen. Kingman nor Gen. Black has ever been on the Missouri River doing any work. All of the records show that all Gen. Black ever saw of the Missouri River was on a trip of 300 miles on the Missouri River, when his Board of Engineers made this report—a trip up the river. He never did any work on the Missouri River; he never was near the Missouri River in his official capacity at any other time. Kingman, I believe, was on the Mississippi in the eighties, with headquarters at New Orleans, and the other officer, Gen. Black, has been in the East all his life, so far as this sort of activity is concerned.

I say that Col. Deakyne and Col. Townsend were both on the ground; both of them must have been interested in the work and would have been only too glad to help that project along, for of course their own handiwork was involved in it; and yet, notwithstanding their experience and the fact that they were on the ground and their honesty and integrity were unquestioned, the Board of Engineers turned down their reports. Gen. Black and Gen. Kingman, without any personal knowledge of the subject at all, and on the grounds that they have stated in their report, to which I have referred, admitting, as they have admitted, that the expenditure was without economic justification and without any reasonable expectation or hope of expectation of increased commerce warranting the outlay, reversed the findings made by the other officers.

Now, I wish to state what Col. Deakyne says, contrary to what was said against his findings and against the inferences drawn, and the recommendations made by these two generals, and see which is sound and which is unsound. I am going to read from paragraph 14 of Col. Deakyne's report:

There remains to be considered the question of prospective commerce, and in my opinion the improvement must stand or fall by this criterion. In the survey report upon which the present project is based the prospective commerce was given by the president of the Missouri Valley River Improvement Association as 1,000,000 tons. See page 45 of House Document No. 1120, Sixtieth Congress, second session. That estimate was based upon a 10-foot channel, with six or seven boats especially adapted to the navigation of the Missouri River, handling cargoes of 2,000 tons each and making one round trip per week during a navigation season of 10 months.

That was on a 10-foot depth and based upon a hypothetical case. Col. Deakyne continues:

The fact is that anyone can make almost any estimate he sees fit as to the prospective commerce.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. HUSTING. Certainly.

Mr. KENYON. I should like to ask the Senator what became of Col. Deakyne after he reported against this project?

Mr. HUSTING. Col. Deakyne asked to be sent temporarily to the War College for a few weeks' course, expecting to return and resume his work, but in the meantime his report had been filed, another engineer was appointed in his place, and Col. Deakyne never got back. I think he is at the War College yet, but I am not sure. I do not say that he was not sent back because of the report which he had filed, but the facts are there, and anybody can draw whatever inference he pleases from them. It is the same as where Col. Deakyne says:

Anyone can make almost any estimate he sees fit as to the prospective commerce.

That is a trite statement, and yet a very true one. It is a fact. Any Senator can get up on this floor and make any kind of a guess he wants to. I remember when this debate was going on there was something said about a young lady going out to swim, and I find in a speech made by the Senator from Missouri at Kansas City before Gen. Black's engineering board that he used the same illustration. Probably that helped to overcome the opposition of the other officers; but the Senator from Missouri used it to illustrate in this way, saying that we were basing our ideas on present conditions, whereas he was advocating that we do something, and then conditions would be vastly different. That is only a guess; it is worse than a guess, because it is an opinion given that is not based upon the facts; it is an opinion based upon everything except the facts. The facts are that this project does not pay, and can not pay, and that we have no reason to believe that it is going to pay. Therefore, when they tell us in advance, even men who, it is claimed, are favorable now to the project and men who reversed Col. Deakyne's report, that it can not be made to pay, then you have nothing left to base an opinion on. Your opinion, then, is a mere guess; it is a mere conjecture.

Should we spend money on a mere promise of that kind, a mere guess of a transportation company, that when this improvement is made they will increase their commerce and they will do a large amount of business and they will get us returns for a $20,000,000 investment? Is there any man in the Senate or in Congress or in any official capacity which brings him in a thousand dollars or more a year who would invest $20,000,000 on that kind of a layout? Would any man want to invest $20,000,000 to pull somebody's chestnuts out of the fire and take that company's word for what they think is going to happen? They only claim it is going to happen; they do not come here with contracts and say, "If you will dig us a 6-foot channel, we have got the contracts to show that certain manufacturers will ship their goods down the river." They do not come with bonds to show that they are going to do that; they do not even claim that they are sure it is going to be done. The shippers do not even claim that they are going to ship their material down the river. I ask is there any man in the world who would spend $20,000,000 on such a showing as that? I do not think so. At least I would not, and I do not claim to be very much of a business man either; but I do not believe that I would want to go into a $20,000,000 project and invest $20,000,000 hard, cold cash on a miserable showing of this kind. In fact, if I ever had an idea, if I ever approached the verge of lunacy even in considering such a proposition, after reading the affirmative report overturning the report of Col. Deakyne, I would change my mind and quit, and would not go into it. I challenge the Senator from Missouri to say that he would invest $20,000,000 in a proposition of that kind. I think he would be at least as prudent and as wise as the Senator whom he charged with such crass and gross ignorance on this proposition.

I have merely made this statement to show the facts. I did not start here originally to attack the Missouri River proposition. I have said here that I think the Missouri and the Ohio and the Mississippi are the streams in the United States where we would be justified in putting money, if we put it anywhere under the present system. I included the Missouri in that. What I have said is not aimed at the Missouri River or the Mississippi River or the Ohio or any other river in particular.

I only started to make an argument on the premises that if we select the best three river propositions which we can find and take the amount of money that we have already expended upon those rivers and figure out how much the people have saved by reason of the improvement—in other words, try to arrive to some extent at the value of the benefits in the way of returns that the people are getting out of these expenditures—it will be clearly apparent that even the three best propositions are unsound from an economic point of view, as Gen. Black says, from a business point of view, or from any other point of view. Then, I thought we had better not go any further with this kind of scheme, with this kind of a system, because if the best are not good enough, the Lord help us with the worst.

There is nobody making anything out of the improvement, not even the transportation company. If it could be shown that they were making something like a million dollars or so out of this improvement, one could find some reason for it, at least; but even the transportation companies are not making anything, because they are losing ground all the time. Such being the case, I think this bill ought to be recommitted. I think when we find out and come face to face with a situation that shows that we are going in the wrong direction, we at least ought to halt and come to the conclusion that we will not follow such a system any further than we have already gone, but will take the opportunity to look about and find out where we are and whether we are justified in putting any more millions of dollars or hundreds of millions of dollars into a proposition of this kind.

It seems to me that when this matter confronts us in this way, when there can not be any two sides to the proposition, when economically we have been shown that we have wasted our money, it ought not to require any great amount of argument to convince us that we had better get a new way of doing this kind of business.

There must be a good way to do this business which will bring us returns. Some way could be figured out not based upon the demands or clamors of a particular section or a particular river or a particular harbor, but based upon the needs of the country at large—an intelligent system, a system that means something, a system that we can respect, and that will make the people respect it and make them willing to put money into it. I do not believe there is a question in the mind of anybody but that the people look upon this whole proposition as but a division of the spoils.

It has been stated in jest—and perhaps there is some truth in the jest—that a man's usefulness in Congress depends upon his ability to get the biggest chunks of "pork." I have not used the word "pork" or "hog barrel" or anything of that kind in this debate, but it has been used by the Senator from Missouri and by those on the other side. I say that that is what many a man has been sent to Congress for—to get his share of the "pork." We like our "pork" in Wisconsin just as well as anybody else. I have found, providing we do not have to take it away from somebody else who is entitled to it. We do not want in Wisconsin anything to which we are not justly entitled; but if we are going to trade, if that is the game, I do not want to trade, and I would not feel justified in trading, under the conditions put down in this or any other river and harbor bill which has been placed on the statute books of the United States.

The water shipments in Wisconsin, including the Superior-Duluth Harbor and other Wisconsin ports on the Great Lakes, are the second largest of all the States in the United States. Upon some of the creeks, the ports of which do not appear upon the records or maps anywhere, millions of dollars are spent, when harbors, the finest in the world, are either being neglected or an insufficient amount of money is appropriated for them.

If there are any ports that ought to be developed in this broad land, they are the Lake ports. This great arm of the sea, which reaches a thousand miles into the interior and makes us on neighborly terms with the ocean itself, would give a possibility of ocean-going traffic with the expenditure of an amount, which would not be very much, that would connect us with all the ports of the world. Those are the kind of things that lead to the development of this country; and every dollar that goes into a port of Wisconsin on the Great Lakes is materially reflecting its benefits upon every community in the West and Northwest, and, for that matter, the entire country. But I would not come here and ask for any appropriation unless I was able to defend it, unless I was able to defend it without trading it and reflecting upon others who might differ from me in their opinion. I would not consider it a personal matter if somebody thought different than I thought as to something immediately affecting my State, because I admit that I could not be impartial in that matter. Claims for appropriations for harbors, in my opinion at least, ought to be based not upon what I want or upon what some other representative of Wisconsin wants, but upon what showing can be made for it. The correct principle should be: "You have got to show us before we appropriate any money for your State." Such appropriations ought to be on the basis of the good of the country at large, and it seems to me that, as a matter of enlightened self-interest, those who happen to live in States having meritorious projects, or, I should say, having rivers and harbors that are of vital necessity to the country, should recognize and act upon the fact that they would long ago have been improved and developed to their extremity if the surplus funds, or the funds

needed for these vital improvements, had not been dissipated and thrown away on a hundred or more unworthy schemes.

I did not get up here to attack the project of anybody in particular. I say again that it was my object, in selecting what I consider the best three of the projects, to show that the system was an unworthy one, and should be abolished, because if the best are not worthy then the worst certainly are still less worthy.

Therefore, when all is said and done, I feel that this matter ought to be referred back to the committee with instructions to report out a substitute for $20,000,000. I should like to have the Secretary read the substitute.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Senator from Wisconsin offers a motion, which will be read by the Secretary.

The Secretary read as follows:

That the pending bill, H. R. 12193, be recommitted to the Committee on Commerce with instructions to report a substitute therefor appropriating an amount not in excess of $20,000,000 for the maintenance of the river and harbor projects adopted by Congress and now under improvement, and for the further prosecution of work on rivers and harbors heretofore adopted by Congress: *Provided*, That the amounts for such maintenance and prosecution shall be apportioned by the Chief of Engineers, under the direction of the Secretary of War.

Mr. POMERENE. Mr. President, I am not going to detain the Senate very long.

I am very much impressed with the merit of the motion offered by the Senator from Wisconsin [Mr. HUSTING]. I realize the dissatisfaction which exists throughout the country, as well as in the Senate Chamber, with this river and harbor bill. I am not here to contend that it is as bad as has been claimed by certain Senators, nor am I willing to admit, on the other hand, that it is as good as some Senators would have us believe.

I have been very much impressed, during my term in the Senate, with speeches which have been made against this and similar bills. My former distinguished colleague, Senator Burton, perhaps gave as much attention to this subject as any other Member of this body, and I think it is fair to him to say that his views on river improvements during his term in the Senate and his several terms in the House underwent a very radical change. Many of the projects at one time favored by him later met his disfavor.

The junior Senator from Iowa [Mr. KENYON], the senior Senator from Utah [Mr. SMOOT], and the junior Senator from Wisconsin [Mr. HUSTING] have each given very special attention to a number of items in this bill. If I had not been almost persuaded by the force of their logic and their statement of the facts as to the demerits of many of the provisions of this bill, I certainly would be convinced that there were many things in it which were not meritorious by the occasional admissions which have been made by those who represent the majority of this committee.

Let us see what this situation is. I am advised that the general policy of providing for the improvement of rivers and harbors by the National Government was first adopted in the year 1883. It is true, I think, that prior to that time there was legislation with respect to one project here and another project there; but the general policy of using national funds for the promotion of enterprises of this kind had its inception in 1883. Since that time the National Government has expended more than $850,000,000; and for what?

I realize that our harbors on our coasts, as well as upon the Great Lakes, have been vastly improved. I realize that many valuable improvements have been made on some of the great rivers, the internal waterways, and I think they were commendable. I am not willing now to say that the National Government can not appropriately take up this subject and deal with it. I think it should. But let us bear in mind the fact that under the policies which have prevailed heretofore we have expended $850,000,000, and then let us remember that Senators who have given to this subject very great study—and none of them, I dare say, greater or more intelligent study than the distinguished chairman of this committee—are not altogether in favor of a continuation of the present methods. The Senator from Arkansas, with that frankness of utterance which always characterizes him on the floor of the Senate, in substance says that he is not at all satisfied with the plans which have been adopted heretofore in legislation of this character. For fear I may perhaps not properly state his position—although I do not think it can be misunderstood—I recall that when the amendment which was offered by the Senator from Washington [Mr. POINDEXTER] was before the Senate, providing for the employment of a civil engineer as an inspector who was to report upon the character, the efficiency, and the general policy of the work, the distinguished Senator from Arkansas said that he was not willing to allow this matter to pass by without an observation, and this is what he said:

This debate for the past three weeks has brought out the fact that the public opinion of Congress is somewhat dissatisfied with the present methods of making river and harbor appropriations, that there ought to be additional scrutiny provided.

And so forth.

Again, when the amendment which was offered by the distinguished Senator from Colorado [Mr. SHAFROTH] was occupying the attention of the Senate, the distinguished chairman observed, with regard to that proposition—which, in substance, provided that 20 per cent of the fund to be expended upon any of the projects provided for in the bill should be raised by the local authorities or those more immediately interested in it:

It is one that has commended itself to me heretofore. It has much of force in it abstractly. The difficulty is in making a practical application of it.

And I agree with the Senator.

Now, what is the situation? With this vast sum expended, with the chairman of the committee himself impressed with the thought that the methods which we have heretofore adopted have not met with the approval either of himself or of the country at large, what is the duty of Congress? Are we to continue to appropriate in this bill, as we do, in round numbers, nearly $43,000,000 to continue a method of operation which does not appeal to his good judgment?

Mr. President, I realize, when I speak as I do, that there are perhaps many worthy projects in this bill. Those that I esteem the most worthy are perhaps first that with reference to the East River, because it is of peculiarly national importance; second in point of importance, in my judgment, is the harbor work along the Great Lakes; third, the Mississippi River, because it is the Father of Waters; and fourth, perhaps, the great Ohio River, which affects directly the industries of six great States, and indirectly the people of many other States. The Missouri River, I think, has much of merit in it, but with that project I am not so familiar.

Now, let us see what the situation is as applied to the Ohio River.

The report of the committee which was presented by the able chairman shows that the improvement of the Ohio River at public expense began in 1827. The plan then adopted was what is known as open-channel work. Up to date there has been expended in this open-channel work $7,919,117.20, for new work and for maintenance; but the plan which was adopted in 1827 was changed, and I think for the better, in 1910. Then the engineers devised a plan of constructing dams along the river—54 in number—at an estimated cost of $63,731,488. Later the number of dams was reduced to 53. The expense of maintenance is estimated at $810,000. Up to date, according to this report, there has been expended on the improvements provided for in the plans which were formed under the act of June 25, 1910, $17,220,690.88—a little less, perhaps, than one-third of the total estimated cost.

Under the plan adopted it was not contemplated that these improvements should be completed for a period of 12 years; so that if there should be an equal amount appropriated each year, it would require probably six or seven years yet before this improvement would be completed.

Mr. President, I am intensely interested in this proposition. I have repeatedly said that I hoped the day would soon be here when that project would be completed as originally contemplated, for two reasons: First, because many of the prominent men engaged in business along the Ohio River are very much interested from a personal standpoint; secondly, because if the plan of improving our rivers is to be continued in the future as it has been in the past, we will be able to demonstrate on the Ohio River whether or not this method of transportation is to be a success and to what extent.

Mr. President, we have expended upon this project something over $17,000,000. Congress has made its record with regard to river and harbor bills in the last two years. In 1914, when the river and harbor bill was before the Senate, after it had been most thoroughly discussed, the Senate adopted a motion in language almost identical with that of the motion which is presented now by the Senator from Wisconsin, and that motion was made by the senior Senator from Alabama [Mr. BANKHEAD]. The motion carried at that time; and the Congress of the United States, instead of enacting into law the bill which had been presented by the Commerce Committee, placed a limit upon the appropriations for that year amounting to $20,000,000.

A little over a year ago, in the second session of the last Congress, when there was before the Senate another river and harbor bill of the same kind, from the same committee, providing

for an expenditure of probably forty or fifty million dollars, again there was a compromise. After there had been a long, tedious debate, and after Senators had satisfied themselves that the original bill ought not to become a law, they reduced the appropriations to $25,000,000. Under the action of two years ago, with the appropriations limited to $20,000,000, the Board of Engineers, with the approval of the Secretary of War, applied toward the Ohio River project $19,000 for maintenance and $1,750,000 for the improvements under the plans made under the legislation of 1910. Last year, when the appropriations were limited to $25,000,000, again there was applied to this great improvement $310,000 for open-channel work and $3,605,000 for locks and dams.

Mr. President, I assume that if the Senate should sustain the motion made by the Senator from Wisconsin, and it should become the law as passed by Congress, there would be approximately two millions or perhaps three millions of this sum applied to this work in this great river. I understand that under the bill as it has already been approved by the Senate $509,000 are appropriated for the purpose of maintenance of this river and $5,000,000 for constructive work. If the motion of the Senator from Wisconsin prevails, it is going to cut down this appropriation for the Ohio River; but I want to submit this thought to the good judgment of the Senate:

No man, no matter what his importance may be to any community, has the right, in asking for legislation, to demand that the Congress of the United States shall look at the matter from his standpoint alone. We are here not to legislate for one locality in preference to another, but to do what is going to be for the common good of the whole people. Now, when there is so much dissatisfaction with the plans which are now adopted in doing this work, are we still to continue to throw away millions and millions of money on plans which do not have the approval of the Congress of the United States?

Mr. President, there is another thought which I wish to present to the Senate. Two years ago the river and harbor bill was taken up and finally disposed of just after the outbreak of the European war. It was, I believe, in September of that year; and one of the reasons which appealed much to Senators was that because of this great world conflict the industrial and commercial relations between the great countries of the world had been for the time being disturbed. None of us thought at that time that this war was going to last for nearly two years. We thought it would spend its force in a few months. We have been sadly disappointed. The revenues from customs duties fell off probably from eight to ten million dollars a month in 1914, and because our revenues then were being interfered with the Senate of the United States thought that it was but a matter of common sense that we should cut our garment according to the cloth; and instead of increasing expenditures, to be met by increased revenues, we decided to cut down the river and harbor appropriation to $20,000,000. Last year, while the war was still in progress, with no prospect of an end, with customs revenues continuing to drop off because of this world condition, Congress, in its wisdom, saw fit to reduce the appropriations for rivers and harbors to $25,000,000.

Now, Senators, if we were right in having regard to our revenues in 1914, when providing for expenditures, if we were right in having regard for our revenues in 1915 when providing for expenditures, we certainly ought not to be wrong now in attempting to limit expenditures wherever we can in view of the condition of the Treasury. If these reasons in 1914 and 1915 appealed to the Senate of the United States, they ought to appeal now in the year of our Lord 1916, because the same world-wide conditions prevail now that affected the commercial and industrial nations of the globe.

Mr. President, I have spoken of the world-wide conditions as affecting our revenues. There is another thought that we ought to bear in mind. Senators and Members of the House no doubt have varied views as to the extent to which we should go in so-called national preparedness. I have no quarrel with any man who may differ from me upon that subject; but I think even at this period in our congressional deliberations we all agree that when the end of the session appears there will be increased expenditures both for the Army and for the Navy. I hope so. I believe there is national necessity for it; and I am willing to strain a point so that we may become reasonably prepared, having a due regard to prevailing conditions. I believe that while we are considering the bill before us we can take it as an accepted fact that the appropriations for this year, due to the program of preparedness, will be in excess of what they were last year or the year before. But revenues are not going to increase materially, except as we have additional legislation along that line. In what position are Senators going to be before the country when we provide for these increased expenditures and yet continue what I believe to be extravagance along the line of the river and harbor bill?

If Senators were agreed, if the Congress generally were agreed, if the engineers were agreed, as to what were suitable projects to be the subjects of national expenditure, we might be able to take a different position. But now, with all the dissatisfaction which prevails almost everywhere, in almost every community, in every State, with the present plans, shall we continue to pour out our money at the same rate of expenditure as heretofore?

Mr. President, imagine, for the sake of argument, that we have a property owner, an architect, and a contractor who were putting up some vast structure of some kind, and a large sum had been expended upon it, covering a period of years, and finally the owner, the architect, and contractor decide that the plan which had theretofore been adopted was not the right kind of a plan; that the method of work should be changed; that perhaps different materials should be provided; what would they do under the circumstances? Would they say, "Oh, no; we will go on for another year or two. We will continue this proposition until our new plans are entirely materialized"? Or would they stop and change their plans, be sure of what they wanted to do, and then proceed with the increased expenditure?

Senators, the illustration I have used is not very far afield from the proposition which is now occupying the attention of the Senate. If we are not satisfied with present methods, now is the time to change them before we go on headlong with these great appropriations.

Mr. President, I am not unmindful of the fact that there is, and always will be, a necessity for great expenditures of money in our harbor improvements and our river improvements; and I believe national aid is here to stay in those projects. But with the vastness of the subject before us I feel that we are going just as far as Congress is justified in going if we expend this year $20,000,000 on the projects which are already provided for. This does not mean stopping of improvements. It only means that we shall have proper regard for our revenues and make our appropriations accordingly. I hope the motion of the Senator from Wisconsin will prevail.

Mr. THOMAS. Mr. President, I took occasion last Wednesday to interrupt the Senator from Texas [Mr. SHEPPARD] for the purpose of asking a question, and while stating the substance of my inquiry I overheard a side remark to the effect that I was one of the filibusterers against this measure. I want to assure the Senate that upon the assumption that the remark had any justification beyond the fact that I had spoken once before upon the bill, I am not to blame, because the opportunity exists for carrying on that method against any measure that may come before the Senate.

During the short time that I have been a Member of this body I have had occasion to express myself upon the nature and the defects of the Senate rules of procedure under which unlimited discussion or debate—if the latter be a more desirable term—can be had upon any and every subject whether important or unimportant in its nature.

I have taken the position, Mr. President, after some consideration of the subject, that this is the only deliberative assembly in the world, with the possible exception of the House of Commons of the Dominion of Canada, which is unable to reach a vote except by unanimous consent; that fact tends to encourage and prolong discussion, covering all fields of human knowledge, and that as the activities of Congress are multiplying with every session through the extension of Federal jurisdiction over matters which hitherto have been deemed entirely beyond and outside of it, we should change our rules by adopting some method of modified cloture.

My opinions upon that subject are not the opinions, however, of a majority of this body, although I indulge the hope that as time passes, and consequently becomes more valuable with the increasing pressure of public affairs upon the Senate, the common sense of the situation will prevail and some method of limiting debate will be adopted.

Hence, upon the assumption that the opinion entertained by the Senator making the remark that my purpose in speaking upon this bill was merely one of obstruction, the opportunity for continuing debate or discussion along obstructive lines is one for which I am not at all responsible and to correct which I would yield the floor on any occasion, however important, were the Senate to intimate such a purpose, to take up and change its rules with regard to debate.

But, Mr. President, I entertained then and entertain now no thought or intention of entering into a needless discussion of this measure. It may be that because this is not the first time I have availed myself to consider the measure, and that because the opposition to the bill has not yet resulted in any material advantage to those opposing it, further discussion is idle, and therefore useless.

But, Mr. President, I am so thoroughly convinced of the wisdom and utility of the motion of the junior Senator from Wisconsin, I am so thoroughly of opinion that the majority party in this body owes it to the organization which it represents, to its declared platform obligation, and to the financial condition of the country to minimize appropriations as much as possible that I feel entirely justified in giving as concisely and briefly as possible my reasons for supporting it.

I stated some days ago that I had no desire to institute invidious comparisons between some items of this bill and other items, nor to make any specific charge of their inutility, their needlessness, or their questionable character, if such there be.

But I think, Mr. President, in view of the fact that nothing which during the debate has been urged concerning a large number of the items by the Senator from Iowa [Mr. KENYON], who has given so much thought and so much investigation to them, and that nothing which he has read from the records has been seriously challenged, I am entirely justified in assuming their correctness. Upon that assumption I do not hesitate to affirm that there are millions involved in this aggregate appropriation of $33,000,000 the need for which, to put it mildly, is not exigent at this hour.

I might go further and say that they were unnecessary, either now or at any other time; but I content myself for the present by affirming that they are not demanded by that iron rule of necessity at this critical period in the history of the Nation when the drains upon the Treasury are becoming more excessive than ever before. Therefore, they should go out of the bill entirely.

Mr. President, let me refer for a moment to the principle involved in the amendment which my colleague [Mr. SHAFROTH] offered yesterday and which the Senate rejected this morning. That principle assumes, and I was delighted to hear its cordial acceptance by the chairman of the committee, that the test of the need, or the benefit, or both, of any given project should be the willingness of those locally and directly benefited to contribute to the expense of that project.

No test so far as my experience goes is so accurate with regard to the merits of any given proposition as the assumption of its financial responsibility by individuals, corporations, or communities, and if in these questionable schemes—and I use the expression in a perfectly legitimate and respectful sense—that test were invariably resorted to the Government would be justified by its result either in proceeding or in refusing to proceed with the enterprise.

I was struck this morning in running over the committee report with the confirmation given to that idea by a recital upon page 365 of the improvement of St. Joseph Harbor, Mo. I will read it, as it is very short:

ST. JOSEPH HARBOR, MO.

[Eng. Rept., 1915, pp. 1062–1069.]

The river and harbor act of June 25, 1910, adopted a project providing for the expenditure of $75,000 by the United States and an equal amount by the city of St. Joseph or other agency in the construction of 16,000 linear feet of standard revetment near Lake Contrary. As the parties concerned did not cooperate, the amount was transferred to other work in accordance with the act of March 4, 1915.

Who doubts, Mr. President, but that the failure of the people interested in that project to make the required contribution supplied an accurate and infallible test of its usefulness, its value, its desirability, or all these things? No doubt but without that condition not only would the sum of $75,000 appropriated in that particular bill for that particular purpose have been expended, but in all probability every successive bill would have contained appropriations for equal or similar amounts, the aggregate of which would perhaps be by this time four or five times the original appropriation.

I do not believe in the application of that principle to improvements of harbors, whether upon the coast or upon the Lakes, or with regard to those rivers whose navigability and whose commerce combined justify continued improvements; but when the harbor appropriations and appropriations for great streams like the Mississippi and Columbia Rivers are taken from this bill there remain many other items of appropriation for different parts of the country, not one-third of which would have ever found a place in this or in any other river and harbor bill had this been made the test of their efficacy.

Some days ago I learned that the State of Oregon recently enacted a law authorizing the residents along the Pacific coast whose water facilities justified the view that they could be improved and made valuable harbors, under which harbor districts, as they are called, were created, and upon the strength of the valuations of the district a proportionate amount of bonds could be issued, the proceeds to be devoted to the improvement of their respective localities.

Upon investigation I learned that under this law half a dozen, I think that was the number, districts had been formed, their bonds had been issued and sold, and the proceeds had been devoted to the development and improvement of their respective localities followed by an increase in business and in population.

There, Mr. President, was an actual practical test of the value of the project, finding proper and adequate response, and, in my judgment, justifying future national legislation under which the maintenance of these harbors shall at some time be taken over by the General Government.

There is a case of the people helping themselves, and if the States of the Union receiving the benefits of appropriations like this will follow the example of Oregon, as they have in other valuable particulars, the general benefit to their people as well as to the Federal Treasury would not only soon be apparent but the practice itself would be sanctioned by the benefits flowing from its operation.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington.

Mr. THOMAS. I yield.

Mr. JONES. I merely wish to suggest in connection with what the Senator has just said that in our State we have formed quite a number of districts. They are called port commissions and they contribute money raised by taxation for carrying on these projects.

Mr. THOMAS. I presume the Washington statutes upon the subject are similar to those of the neighboring States.

Mr. JONES. I think very similar.

Mr. THOMAS. Mr. President, such regulation as that is a welcome evidence of the continued existence in the great Northwest of that spirit of indomitable energy and self-resource which a few years ago characterized the people everywhere in this country, but which, I am sorry to say, in some sections is giving away to a continually enlarging dependence upon the local and upon the National Government to rectify all their ills, to repair all their misfortunes, and to undertake all their enterprises.

Mr. President, I want to say here that the one thing in the so-called Trinity River project which commends itself to my approbation is the contribution made to it by the great city of Dallas. The city has demonstrated its faith in the scheme. It may be of a speculative nature, it may be because of its benefits, it may simply be based upon the hope that springs eternal in the human breast, but the fact remains that so far as that project is concerned Dallas has demonstrated her faith by her works.

My objection to the scheme is, among others, that the demonstrated inutility of the project justifies for the present the suspension of appropriations, either private or national, for its completion until our financial affairs are in a different condition and the great burden of expenditures with which we are now confronted shall have been borne and methods of raising revenue to enable us to do so shall have been determined and disposed of.

Mr. President, I now come to some of the reasons which are sincerely believed in and relied upon by some of the advocates of this measure and are the controlling reasons why our so-called system—because it is not a system in anything but the name—of harbor and watercourse development should for the time being at least be suspended.

The junior Senator from Texas in his very eloquent and persuasive defense of the Brazos and Trinity River projects has given us statistics regarding the vast expanse of territory drained by and therefore somewhat dependent upon these waterways, to the enormous and rapidly increasing and enterprising population in those sections of that mighty Commonwealth, and to the consequent need from the viewpoint of the development of these waterways, of the benefit to these populations, and a benefit not limited to them entirely but spreading in ever-decreasing proportions, like waves from a common center, all over the country. One not entirely familiar with the subject would conclude from the argument of the Senator from Texas that this mighty population and growth were due to previous expenditures under previous river and harbor bills; that they must either stagnate or decrease if the largess of the Government should for a single year be withdrawn.

If that were so, Mr. President, I would gladly vote for this measure, because the welfare of a great population so dependent, such as cluster in the valley of the Trinity and the valley of the Brazos, is far above and beyond any money valuation and is entitled under our scheme of government, independent of natural conditions, to the sustaining hand of Federal protection.

But, Mr. President, this unfortunately is not a case of cause and effect. I believe that the State of Texas is just as great

to-day from every standpoint as it would have been had there never been such a thing as river and harbor improvements by contributions from the national revenue. I believe that it would be as great to-day were these rivers blotted out of existence or transformed into mere waterways for the draining of the surface of the country, because the indomitable spirit of that mighty people, the resources of the soil, the splendor of the climate, and the beckoning call of nature from every quarter in that favored country are there as they are elsewhere, although not perhaps in so great a proportion, the prime and only causes of the industrial, commercial, and political development of that country and of its enormous and rapidly growing population.

In referring to those subjects, Mr. President, I pass by the discussion concerning artesian wells, because, after all, the existence of such methods or the resort to such methods of securing water for navigation, while amusing and at times humorous, might be suggested as aids to many others of these projects with as much as, if not more, propriety than this particular one.

But, Mr. President, the question with me, in view of the very large amount of money hitherto devoted to such projects, which are far from completion, in view of the fact that the amounts of money which this bill calls for for these projects are confessedly insufficient for their completion, in view of the fact that we are facing the mightiest appropriations ever demanded by a National Congress, in view of the fact that every dollar appropriated must be supplied by taxation, in view of the fact that legislation regarding supplies coupled with added taxation will necessarily be resisted and resented, in view of the added fact that the party in power must be responsible for such legislation and bear the burden of whatever public censure may be visited upon the Congress, is it wise, is it proper, is it desirable, at this juncture that we should continue, as we have in the past, to make these appropriations any larger than those of recent years, instead of cutting them off altogether, until a more appropriate time when, with more money in the Treasury, with no exigency, political or otherwise, confronting our immediate future, we can give due consideration to them and make the required expenditures accordingly. Under this bill, Mr. President, if my calculation is correct, the State of Texas will receive $2,763,000 of this money, much of it desirable I concede; much of it unnecessary at this time.

Mr. President, I would, if it were not for circumstances to which I will advert later, be justified in expressing some surprise that the junior Senator from Texas [Mr. SHEPPARD], of all men in this body, should advocate and announce his intention to vote for this bill and, of course, to vote against the pending motion. On the 11th day of January, 1916, at a time when the Senate was burdened with the forbidding prospect of increasing appropriations, when the whole country was apparently clamoring for preparation upon an enormous scale, and when our sources of revenue were not returning that constant and increasing stream of money necessary to run this Government; being at that time impressed with the spirit of genuine economy, the Senator from Texas introduced a bill in the Senate containing some preambles which have been already referred to, and which, at the risk of tedium, I will repeat:

Whereas the war in Europe has caused a serious decrease in importations and a serious decline in the revenue ordinarily derived from importations; and

Whereas these conditions are imposing an enormous strain on the Federal Treasury and have made it necessary to levy additional taxes on the people; and

Whereas the present emergency calls for every legitimate measure tending—

I will read that again—

Whereas the present emergency calls for every legitimate measure tending to relieve the Treasury and the people as far as possible: Therefore

Be it enacted—

That certain percentages be deducted from salaries paid by the Government to all persons, I think, in excess of $1,200. So impressed was the Senator with the necessity of economy at that time that he provided by section 3 of the bill:

That the reduction herein provided shall be effective for a term of one year from November 1, 1914.

In other words, the Senator proposed to go back to the commencement of the European war and to make this item of economy effective ex post facto. The next morning, doubtless after spending an anxious and troubled and sleepless night, the Senator offered an amendment to his bill—that is, to section 3—providing:

That the reduction herein provided shall be effective for a term of two years from June 30, 1916, and the Secretary of the Treasury is hereby authorized and directed to make the deductions herein provided in making the payments of salaries for the period of one year from date hereof.

Mr. President, I do not know what amount of saving would be or could be effected by that bill if it should become a law. I do know that any man who is attempting to support a family upon $1,200 a year anywhere in this country, and particularly in the city of Washington, must be having a terrible hard time to make both ends meet in this era of high prices. I do know that things seem to be so formed here, either intuitively, fortuitously, or purposely, in the District of Columbia, that no man who receives salary from Uncle Sam's Treasury is allowed to get out of the District with any of it in his pocket. Consequently, while economy is essential, I, for one, have not felt that it should begin by such a system of cheeseparing, although, of course, I recognize and appreciate the motive which prompted the introduction of the measure.

Now, however, Mr. President, the Senator, the author of this economic scheme, proposes to vote for a bill taking $43,000,000 out of the Treasury, a very great proportion of which is to be devoted to projects not essential to improvement at this time, and a very large amount of which is to be expended in the State which he in part so ably represents in this body. Why? No man who knows the Senator will dispute the assertion that he is one of the most conscientious, faithful, capable, industrious, and valuable Members of this body. The answer is plain. He is yielding to local pressure; his people demand it.

That brings me, only for a brief moment, to a subject which I discussed the other day. It is that the population of every district and of every State in the Union are becoming more and more prone to rely upon the National Treasury either for subsistence, for support, or for benefit. While they are all in favor of economy, they want to "try it on the other dog," and they consequently insist that their Senators and their Representatives shall, in so far as the needs of the people they represent are concerned, exempt those needs from the general scheme of reduction and enforce rigidly every principle of frugality in other directions in the administration of public affairs; and since the Treasury is the common aim from every direction, and since this sentiment is identical as to the local needs, these omnibus bills were born and "pork" has become an epithet, coined and adopted by the people, as applicable to them, meaning, of course, that the Treasury is being utilized for schemes of local, and sometimes, it is insinuated, of personal benefit, contrary to law and good morals.

So the Senator from Texas, straining at the gnat of smaller salaries, will swallow the camel of larger rivers and harbors appropriations. This is pathetic but true. Indeed, the Senator's position reminds me very much of a story I heard some time ago, of a graduate from Harvard who had had a pretty hard time in the world. He finally landed in Chicago. Passing a window, the curtain of which was up, in the residence part of the town, when cold and tired and hungry, he saw in the room an old classmate, evidently wealthy and enjoying the luxury of a good fire and a comfortable dwelling. So he rang the bell and was admitted. At first he was welcomed. Thereupon he made an appeal for aid. He described his hardships and his misfortune; his loss of position here and his loss of position there; his failing health, his illness, the impossibility of keeping up in any direction, and, finally, his necessary relapse into the army of tramps. About this time the owner of the house, with his eyes filled with tears, rang the bell, and when the butler appeared he said, with a sob, "Kick this man out; he is breaking my heart." [Laughter.]

Mr. President, I asked the Senator from Texas for an instance of traffic growth as the result of appropriations for river improvement, and he referred me to the Great Lakes—a reference which I have noticed to be constant as an answer to that question when propounded to different advocates of this bill. I then said, Mr. President—and it is true, I think—that that is the only instance, the only conspicuous instance, at least, where water traffic increases in proportion to appropriations for improvements, the reasons for which are so obvious that a discussion of them seems to be almost unnecessary. One of them was given by Gen. Bixby, and can be found on page 27 of the pamphlet which was laid upon our desks the other morning. Gen. Bixby says:

Not in any part of the United States, nor in any part of the world, can water transportation be made profitable unless it is possible to have at one end of the route natural products which can be bought cheaply, and at the other end of the route markets for their consumption where goods can be sold at a high enough rate to pay for the cost of transportation between the two terminals.

It is mainly due to this latter condition, rather than to the depth of the waterway, that we have seen such an enormous development of commerce of the Great Lakes. On the borders of Lake Superior are enormous volumes of iron ore which are needed in the East; and around Ohio and Pennsylvania are enormous beds of coal which are needed in the West, so that boats plying between these two places can carry full loads each way during the entire length of the navigation season.

I do not agree, Mr. President, that that is the main reason, although it is unquestionably one of the principal reasons for the growth of traffic upon the Great Lakes. Other reasons equally apparent occur to any thoughtful man. Those Lakes are great inland seas. They lie in one of the most fruitful and productive regions in the world; they serve an enormous, teeming, wealthy, and growing population. The city of Duluth is or will soon become the head of ocean navigation and ocean steamship traffic. Enormous cities have grown up on the borders of those Lakes and on the navigable rivers to which they are tributary. They are an arm of the sea in every respect, except in the character of the waters which they contain. They are a part of the great scheme of international commerce; they contribute enormously to that commerce. More traffic passes through the Sault Ste. Marie Canal at any given period, except when closed by ice, than passes through the Suez Canal and the Panama Canal combined. And it is remarkable, Mr. President, that gentlemen do not see that this exception proves the rule, and that they are forced to refer to that system of Lakes and the commerce upon them as the only instance when these millions upon millions of expenditures have brought any kind of return to the Government or to the people.

The other day, I think it was the Senator from Texas [Mr. SHEPPARD] or perhaps the Senator from Louisiana [Mr. RANSDELL], read an article showing the amount of commerce upon the Trinity River forty-odd years ago, and it was very considerable. I asked what had become of that commerce. His reply—and it was a truthful one—was that it had been swept from the river by the competition of the railways; it had gone, but by expending millions upon the river, by canalizing it and securing a certain average depth of water at all times, the commerce would return. I wish it were so, Mr. President, but I am unable to perceive how, if the cause of the disappearance of the early commerce is not removed, it can possible be revived.

Such is the history of those mighty streams of this Nation about whose navigation there can be no question and upon whose bosoms at one time the great bulk of our inland commerce was carried. It has gone. There is not a river in the country, with the single exception, perhaps, of the Hudson and some shorter routes upon the large New England and eastern rivers, not one, to my recollection, that has not suffered similarly. "Ichabod" is written over them all. We may take all of the money raised by taxation every year, and, without deducting a cent for any purpose, dump it into these watercourses and projects and make every one available for craft of all sizes, and they will do no more business than they do to-day; they will not be permitted to do it, because the transportation of the country everywhere, naturally contributary to a water-carriage system, will be withheld from it by the combined power, with the millions upon millions of capital of the country behind them, represented in our system of land transportation.

Mr. President, the Senator from Louisiana [Mr. RANSDELL], in a speech made on the 23d of the present month, gave a series of statistics concerning freight rates, the object of which, I presume, was to demonstrate the benefit to the country of river and harbor improvements by forcing freight reductions. Every item which he mentioned only served, in my judgment, to demonstrate the value and confirm the argument of the opposition to this bill. I turn to the RECORD, at page 9621, so that I will not misquote the Senator, and read in part what he then said:

There was much said here yesterday about the freight charges on the river as compared with those by rail. I hold in my hand a compilation made by me some months ago giving the actual rates on sugar in carload lots by rail between New Orleans and certain points. For instance, from New Orleans to Bayou Sara, La., on the river, the freight on the Yazoo & Mississippi Valley Railroad is 7½ cents on sugar in carload lots for 125 miles.

That is between river points—

To Lindsay, La., on the same railroad, for 113 miles, the rate is 17 cents. Now, this is a very striking case, as the distance to Lindsay is 12 miles less than to Bayou Sara, La., although the rate per hundred pounds in carload lots is two and two-tenths times greater than to Bayou Sara.

To Memphis, Tenn., the distance is 455 miles, and the rate in carload lots is 12½ cents, while to Darling, Miss., a distance of 400 miles the rate is 34 cents. Memphis, of course, is on the river, but Darling is in the interior. Twelve and one-half cents to go 455 miles to a river point, 34 cents to go 400 miles to an interior point!

In the next column the Senator says:

Let me call your attention to one of the most striking of these discriminations. Situated on the Illinois Central Railroad, Ponchatoula, La., is 48 miles from the city of New Orleans, and the rate on sugar in carload lots is 17 cents. That same railroad, the Illinois Central Railroad, which had spies checking up Mr. Bernhard's freight when he was putting it on the boats at St. Louis—

A most significant statement—"spies checking up" the river traffic. For what purpose, if not to acquire information essential to crush it out of existence?—

charges exactly 17 cents to carry sugar 554 miles to the city of Cairo, Ill. Think of that, Senators! The Illinois Central Railroad charges 17 cents to Ponchatoula, 48 miles, for 100 pounds of sugar, in carload lots, and 17 cents to Cairo, 554 miles, for 100 pounds of sugar in carload lots! Where does the distinction come in? What is the difference? Why, Ponchatoula is in the interior, where there is no possible water competition, and Cairo is on the river, both on the Ohio and on the Mississippi, where there is some actual and unlimited potential competition.

Mr. President, the Senator might have duplicated that statement wherever any contrast was sought to be drawn between railway competition and water competition on river points and inland points.

I concede that there is some benefit, as I did the other day, to points upon the rivers, potential water competition thus being possible, which forces railway rates between those points down to a very small percentage and keeps them there until the competition, if actual, disappears or, if potential, is discredited; but how is it compensated for? The Senator shows upon his own statement that the railroads compensate themselves for these diminutions of rates on river points by robbing his own constituents only 20 or 30 miles from the line of the river. They do it everywhere.

The junior Senator from Missouri [Mr. REED] said the other day that these river and harbor improvements benefited the entire country, their effect in lowering rates reaching out as far as the Rocky Mountains and benefiting, among others, the city in which I reside. I want to say, Mr. President, that no man in this body, in my judgment, outside of some common points where there are no rivers, can cite a single instance in which the railroad rate for local traffic has been benefited by river or lake competition, either actual or potential. On the contrary, it is used—and the Interstate Commerce Commission of the country has permitted the railroads to use those circumstances and conditions—as a justification for actually raising their rates where this competition does not exist. There is not a little crossroads community in the Union, whether within 5 miles of the Mississippi River or 500 miles from it, where the railroad does not, because of that so-called competition, increase its rates to an extortionate degree, and the people of these crossroads communities are made to pay, not the difference, but quadruple that difference, making it all that the traffic will bear.

When the Senator talks about the improvement in rates to my section of the country because of these appropriations, it becomes apparent that he has not familiarized himself with our conditions. The freight rates from New York to San Francisco are very much less than the rates upon the same goods from New York to the city of Denver or to the city of Salt Lake; and the reason why this outrage is permitted is the ability of the railroads to show that potential ocean competition makes these favored rates necessary.

The Senator from Mississippi [Mr. WILLIAMS] a few days ago declared that the abolition of the long and short haul clause would cure the difficulty. I hope he is right. My impression, Mr. President, is that it is merely one step toward its rectification. There is, in my judgment, but one cure for it, and that is the absolute control, to the extent of ownership if necessary, of every mile of railroad in the United States.

Mr. STONE. Including the water power?

Mr. THOMAS. Yes; include the water power, if you please, if the water power is to be developed on the theory that the Government owns the water because it controls navigation. I am discussing a subject which I think involves public franchises and public utilities, of which water power and hydroelectric power are undoubtedly parts; and if the Senator heard the first speech I had the honor to make upon the floor of the Senate, in the Connecticut River dam case, he will recall that the solution which I suggested then, and suggest now, for the water-power difficulty is the turning over of all the water-power sites and water powers to the States, with the understanding and condition that they shall make them public utilities and develop them at the public expense for the public needs.

If the railroads could be turned over to the States and thus solve this difficulty, I would not make the assertion I did with regard to national public control, but the difficulty is that no railroads that I know of—certainly no railroads of any consequence—are entirely confined to the boundaries of a single Commonwealth, and, of course, a vastly disproportionate percentage of their business is interstate.

There is another reason, Mr. President, why these things are so, why the grip of the railroads, yielding only at this point or that point to actual or potential water competition, becomes the more fixed upon the throats of shippers everywhere else. It is that, foreseeing these attempts at competition they have either purchased or they control an enormous disproportionate percentage of the wharves and the river fronts and shore fronts

of the harbors, bottling up river and harbor transportation to the extent of such ownership and control.

I read some time ago that the great State of Washington. I think in the late nineties, in obedience to the seductive and insidious influences of the Northern Pacific Railway, conveyed to that great corporation the State's title to the land below tide-water mark at Seattle and other important points, thus surrendering not only an ownership that was fiduciary in its character but enabling a great monopoly to tighten its grip of monopoly forever upon the throats of the people.

There is, and I think always will be, Mr. President, potential competition by sea which will affect transcontinental rates, and I am glad of it. But actual competition has been a pretense very largely. I referred the other day to the fact that the Pacific Mail Steamship Co., after the interest in them of the old Central and Southern Pacific Cos. became considerable, accepted a contract whereby, in consideration of their carrying no freight at all to the Isthmus, they were to receive more money from the railway than they possibly could make if their ships carried full cargoes each way. But of course there is a possibility of the creation of other companies, and that possibility tends to affect those rates.

What I object to is the assumption, if you please, that the expenditure of money on little watercourses and creeks throughout the country, of some possible local benefit, affects transportation everywhere and reduces rates in those sections which have not the benefit of this condition, while the truth is that it has not only a directly contrary effect, but an aggravating contrary effect.

It was said, and I have no doubt it is true, that the establishment of a line of boats between Kansas City and St. Louis had the effect of an 80 per cent reduction upon freights between those two points. Yes, between points where the boats touch; but I will wager the assertion that there is no town 15 miles from the line of that river upon the railroads whose rates are not entirely disproportionate, and very much higher than those which prevail on the river.

Mr. RANSDELL. Good roads and automobiles will settle that.

Mr. THOMAS. The Senator from Louisiana suggests that good roads and automobiles will settle that. If that is the case, then why improve the rivers at all, because good roads and automobiles reach the rivers as well as these other sections of country.

That may be the solution. I hope it is. We have just voted $75,000,000 of the people's money for that purpose. I earnestly pray that it may produce some such result. I am afraid not, however. I am very much afraid that by the time the roads become a system of inland transportation of freight, the same insidious influences now controlling our transportation will be found extremely effective in the establishment of huge overland concerns to transport freight at a rate which will make competition practically impossible when the scheme will be abandoned, and then we will go back to the good old way.

I spoke just now of the control of terminals and river fronts. I was very much struck by a recital in the report of the committee regarding this Kansas City and St. Louis route, in that the eastern terminal of the route is in East St. Louis, Ill., and not on the Missouri shore at all, where that great city lies. Now, that may be merely a coincidence; it may be a matter of convenience; but it is a singular fact that after the freight destined for the city of St. Louis reaches its point of termination, the wharf to receive it is across the river, from which it must still be transported either on boats or across bridges controlled by the railway companies centering at that place. So much for this wholly imaginary general benefit.

Now, Mr. President, let me refer for a moment to the speech of my friend the Senator from Mississippi [Mr. VARDAMAN] in support of this bill a few days ago, and read an extract from page 9717 of the RECORD. I think the eloquence of the Senator, which no man can hear unmoved, found apt expression in clothing with his usual ornate phrase a very stubborn fact that seems to me to be the chief if not the fundamental objection to this bill. He said, as I read from page 9717:

> Now, let us see how this bill was created, the multiplicity of interests it is intended to serve, and the various sections of our common country where these interests are located. From the East to the West, the North to the South, contributions are made to this proposed piece of legislation. It is intended to take care of the waterways of New England, down our eastern coast to Florida, from Florida around the continent to San Francisco, and from San Francisco to Alaska, and from Alaska back to the Northeast. It also serves the Middle and Western States and the Northern, Southern, and Eastern States. There is scarcely a place an inch square on a map of America of ordinary size that does not mark the location of some interest treated by the bill. It was constructed by Representatives in Congress of the American people from every section of the Republic—men who are here for the purpose not of promoting personal interests, but rather of serving the interests of all the men and women who pay the taxes and bear the burdens of government. The bill is altruistic in its purposes, boldly patriotic in its design, and intended solely for the public good.

Such a tribute, Mr. President, to such a method of legislation deserves at least our commendation for its elegant English and its ornateness of style. But, Mr. President, that is just the great crowning and obvious fault of the bill. That is the reason why the bill is here. That is the reason why other bills of equally questionable merit with regard to some of their items are here. I need only refer to the public-buildings bill, one of which was enacted since my entry into this body. It is constructed in just that way, and the general purpose of it is to get votes whereby the bill will become a law. John Smith will vote for John Jones's amendment to this bill, although he does not at all approve of the purpose of the appropriation, because he has one of his own that is equally bad in the opinion of John Jones. It is a combination and community of interest which necessarily results to the injury of the people, sooner or later, since it becomes a precedent for schemes of legislation that standing alone can not bear the light of day.

I do not mean to assert this of the bill before the Senate or of the men who are behind it; but I do say that the people of the United States are justified in the prevalent opinion of legislation of this character because of the many things which it may conceal and because such methods of legislation are inherently vicious and indefensible.

The Senator also denounced the Newlands scheme as visionary. I think it is, Mr. President, in some respects; but I do not know of a great measure of legislation having for its purpose general benefit through the adoption of a wise, extensive, and systematic policy that in its beginnings is not visionary. I do not know of a great step forward in the progress of this Republic—and certainly no great step through the processes of legislation—which has not appeared, dimly, perhaps, at first, then more consciously and more definitely, in the vision of men who live not for themselves, but for the people whom they serve, in the dreams of statesmen quickened by the sense of a great need and inspired by the necessity of obtaining it. I am in some degree appalled by the magnitude of this vision of the Nevada Senator; but it comprehends the entire subject of water conservation, beginning where it should commence, away up at the headwaters of those mighty streams, where they are easily controlled, and following down their stupendous courses, taking advantage of every natural reservoir site which nature may afford for the purpose, storing the waters at flood time for use in dry seasons, combining water conservation with navigation and flood prevention, thus relieving the devoted people of the lower part of the Mississippi Valley from those mighty and terrible inundations which, regardless of our enormous expenditures, are occurring with greater and more alarming frequency.

Yes, it is visionary, and the Senator may not live to see even its faint beginning; but in the time to come, when a wise statesmanship shall consider this as a national problem, one which requires science and experience and wisdom both for its conception and for its execution, the Senator from Nevada, perhaps in the spirit world—if there be one—will be comforted by the knowledge that the vision which he clearly outlined and which seemed unreal and preposterous to some of his contemporaries has crystallized into an accomplished scheme of national development the magnitude of whose blessings and whose benefits no man, however vivid his imagination, can fully conceive.

I am not for it at the present time, Mr. President, for the identical reasons which prompt me to support this amendment. We have too much to do in the shape of other needed appropriations now to consider matters of this sort except in the most tentative way. The commission which the Senator has suggested is a good beginning. And let me say, Mr. President, that if the Senator's scheme is visionary, it certainly is no more visionary than our rivers and harbors scheme. That, however, is a vision which has a very practical side in the shape of huge local expenditures. But if demonstrated impossibilities are the test of practical things in this world, then I am here to say that our methods of river protection and of river and harbor development are the most fantastically visionary schemes of legislation that we have placed upon the statute books during the last 25 years. We have to renew our expenditures practically every year, and they increase as the seasons succeed each other.

Mr. President, just a word now in regard to the river traffic—that traffic which is to come back to us and bless mankind with its benefactions when it shall be reestablished by these improvements. It is the unfortunate fact that our river traffic decreases, and has decreased, in inverse proportion to our expenditures. The more money we spend to build up commerce upon the watercourses, the less commerce there is for them; and I have no

doubt that if we should double the amount of this appropriation and pour it into these various improvements, the result would be that we would have no river traffic left at all. That is not surprising, because, as we attempt to re-create it, the efforts of the system opposed to it are doubled for its prevention. As we attempt to establish certain depths of water—as we inaugurate this, that, and the other local scheme of river traffic, the purchasing of boats, their launching upon the waters, and their reception of cargo—the land system of transportation, with spies everywhere, as the Senator stated in a little town in his State, is alert to overcome, and you may be sure it has the means to overcome, the faintest vestige of competition. That the Great Lakes of the country have not succumbed to this mighty influence is due to natural conditions which not even a railroad monopoly in a country as large as this can control. That they would have controlled it, and do control it very largely through their ownership of the lake marine, is painfully apparent.

Mr. President, laudations of the German system of watercourse improvement and of the commerce upon those watercourses have been made upon this floor in connection with this bill, and they are well founded. There can be no question that every dollar which Germany has spent in the improvement of her water highways and of her ports and of her canals; there can be no question that the millions poured out by France in the building of canals and river improvements are bearing a rich and abundant harvest to those peoples. But, Mr. President, we must not be so dazzled by the results in those countries that we overlook the manner in which that traffic has been builded, the method by which traffic has been forced upon these streams and in these canals—a method which we must to some degree adopt, no matter what improvements we make, or how vivid the prospect, if we are to have any traffic whatever beyond nominal amounts here and there upon our rivers after they are improved.

Why, Mr. President, it is known to everyone—and Germany is taken as the examplar, so I will refer to it—that the Empire has developed along all lines for a common purpose, chiefly a military purpose; that one of the first great undertakings of Bismarck after the consolidation of the Empire consequent upon the victory over France was the nationalization of the system of railways. The Government seized possession of these lines of land transportation, made due compensation for them, and then operated them as a part of the general scheme of development. Lines were builded sometimes for purposes of commerce, sometimes for military purposes, but in each and every instance they were so builded that they could cooperate with the lines of water running throughout the land and interconnected with perhaps the greatest system of canals in the world.

Not only so, but Germany, by a system of traffic charges formulated by the German legislature, fixed rates that prohibited the transportation by rail of those bulky products whose delivery does not require any great amount of haste or speed, and which naturally seek cheaper lines of travel. By forcing the coarser articles of commerce upon the waters and by denying to the railroads permission, because of these prohibitory rates, to compete at all, that tremendous commerce has been created. And I am here to say that, in my judgment, if the strong hand of the empire were lifted from its transportation system, if private corporations were permitted again to control it, this mighty traffic upon the Rhine and other German rivers would disappear within a twelvemonth. It would be subject to the same sinister influences that here prevail and the great work which to-day is the admiration of every supporter of this bill would disappear entirely. If, therefore, we expect to acquire and to accomplish what Germany has acquired and accomplished, we must make the railroads correlate with our system of water transportation instead of operating as a competitive system.

Why, Mr. President, when I think of the manner in which these railroad rates have been heaped upon the people of my State, when I consider that to compensate themselves for these forced water-competition reductions they have practically driven the jobbers from the city in which I reside; that our system of manufactures has been reduced to insignificant dimensions, and that, notwithstanding we are the center of a mighty range of country extending for thousands of miles in every direction, peopled by hundreds of thousands of American citizens, they are forced to trade with Missouri River points instead of at home; and when I consider that these are, in part, the consequence of these tremendous expenditures for the unquestionably sincere purpose of increasing the traffic upon the rivers, I confess that I want to see the day of Government ownership come, and come quickly.

I am not an advocate of it, Mr. President, except as the last resort of a suffering people. We have to pay more upon freight downhill from Denver to Galveston than we pay upon freight uphill from Galveston to Denver. We are so situated that freight comes from San Francisco to Denver for less than we can ship freight from Denver to San Francisco, another downgrade route. Why, Mr. President, the rate upon California products to New York and other seacoast towns is the same as the rate to common points in my section of the country. That is bad enough; but when in addition to it there is added to the necessities of life, as a transportation tariff, the difference between the rates of freight from West to East and from East to West, which the consumer has to pay, what wonder that we who represent these people should be opposed to this sort of legislation!

The Senator from Utah [Mr. SMOOT] was questioned yesterday with regard to his attitude upon previous river and harbor bills. I think he said that he supported them. I shall not reproach him. For my part, Mr. President, I am content to know that the Senator is now doing what he can to rectify this situation. I am surely rejoiced that in this instance, at least, he is participating with some of us toward making the economy plank of our Baltimore platform a realization and not a dream. But let me say, Mr. President, that no man and no party—and with that I conclude—is responsible for this sort of legislation. No Senator, no Representative, is responsible for it. It is the outgrowth of inevitable conditions, forming through a series of years and crystallizing in omnibus bills, which, like charity, cover a multitude of sins.

One of the most remarkable books in modern times, Mr. President, is Lecky's "Democracy and Liberty." I do not agree with all his conclusions, but he calls attention to some things and to some evils in republican government which we must all recognize. He says, on page 333:

> There is, in the first place, what may be called the argument of momentum, which Herbert Spencer has elaborated with consummate skill and force. It is absolutely certain that, when this system is largely adopted, it will not remain within the limits which those who adopted it intended. It will advance with an accelerated rapidity; every concession becomes a precedent or basis for another step, till the habit is fully formed of looking on all occasions for State assistance or restriction, and till a weight of taxation and debt has been accumulated from which the first advocates of the movement would have shrunk with horror. There is the weakening of private enterprise and philanthropy; a lowered sense of individual responsibility; diminished love of freedom; the creation of an increasing army of officials, regulating in all its departments the affairs of life; the formation of a state of society in which vast multitudes depend for their subsistence on the bounty of the State. All this can not take place without impairing the springs of self-reliance, independence, and resolution, without gradually enfeebling both the judgment and the character. It produces also a weight of taxation which, as the past experience of the world abundantly shows, may easily reach a point that means national ruin. An undue proportion of the means of the individual is forcibly taken from him by the State, and much of it is taken from the most industrious and saving, for the benefit of those who have been idle or improvident. Capital and industry leave a country where they are extravagantly burdened and have ceased to be profitable, and even the land itself has often been thrown out of cultivation on account of the weight of an excessive taxation.

We have been gradually multiplying—with increasing frequency, however—the activities of the National Government; and each new extension into outlying fields not only decreases and diminishes the rights and powers of the States, but adds to the swelling appropriations from the National Treasury. These things grow by what they feed upon, until we have reached the point where—due very largely and originally, if you please, to the pressure of communities upon their Representatives—millions are voted away by methods of this character, which in our heart of hearts we can not fully approve.

I believe the people stand for economy. I do not think they make their views and their convictions effective because of the pressure upon them in their individual communities and because of the desire for money from the Federal Treasury. This spirit has transformed Members in both branches of the Congress into a congregation of agents for districts and Commonwealths. We represent in some degree conflicting interests; and long ago it was said—and it is true now, as it was true then—that no man can serve two masters. We can not well do our duty as Senators of the United States if at the same time we attempt to serve the necessarily conflicting interests of the States themselves. One or the other must predominate, and since it is the States which send us here and to which we look for return and to which we must make our reports, it is the interests of the States which predominate over those of the Nation, until we are becoming, indeed, what a Senator was once fond of saying in this Chamber—the ambassadors of the Commonwealths, here to get what we can, and conscious of the fact that we will be rewarded at home in proportion to the amount which we may obtain. This makes entirely old-fashioned and quaint the boast of Senator Robert Toombs, who, shortly before his death, declared that he had never asked for nor received a cent from the

Treasury of the United States for the State of Georgia during his term of public service.

Mr. President, I hope this motion will prevail. This is no time to expend this vast sum of money upon these various measures. We must call a halt somewhere in our expenditures. In God's name, when will it be? We must do it upon some bill. Why not this? Let us make the commencement; and, once begun, our future course of frugality in public expenditure, I feel sure, will be found far more easy of accomplishment.

Mr. SMOOT. Mr. President, it is quite evident that at so late an hour Saturday afternoon it would be impossible to secure a quorum to vote upon the pending motion. Therefore I ask unanimous consent that at the convening of the Senate on Monday, May 29, 1916, the Senate will proceed to vote without further debate upon the pending motion of the Senator from Wisconsin [Mr. HUSTING] to recommit the bill with instructions.

Mr. CLARKE of Arkansas. There is no objection to that on this side of the Chamber.

The VICE PRESIDENT. Is there objection?

Mr. STONE. Could we not extend it so as to vote on the bill during the day?

Mr. SMOOT. We can not do that.

Mr. CLARKE of Arkansas. We had better deal with one proposition at a time.

Mr. POINDEXTER. Mr. President, I may want to occupy about five minutes on the motion.

Mr. SMOOT. Would the Senator like to speak now?

Mr. CLARKE of Arkansas. Under the unanimous consent the Senator can proceed now.

Mr. POINDEXTER. If the Senator will withdraw the request I can say all I want to say in five minutes.

Mr. CLARKE of Arkansas. We can enter into the agreement now and then the Senator from Washington can proceed. I shall not make a motion for a recess until after the Senator gets through.

Mr. POINDEXTER. With that understanding I have no objection.

Mr. CLARKE of Arkansas. Let the Chair put the request.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. STONE. Mr. President, I am not going to object, but I should like to make a single observation. We have been a long time on this bill. There are a great many other matters awaiting the conclusion of the bill. I think on Monday when we have disposed of this motion, unless we can come to some understanding as to when the bill is to be concluded, we ought to take more drastic means to bring it to a conclusion.

Mr. SMOOT. I wish to say to the Senator that there has been very little disposition on the part of any Senator it seems to me to prolong the debate.

Mr. STONE. But it has been prolonged for weeks.

Mr. SMOOT. There has been no evidence of a filibuster in any way.

Mr. STONE. As to that I do not know. That is a useless discussion. I simply mean to say if this sort of thing goes along from day to day we ought to come here and sit the thing through until it is completed. That is all I care to say.

Mr. SMOOT. I felt that the bill would be passed to-day, and I believe it would have been passed if there had not been speeches of considerable length made.

Mr. CLARKE of Arkansas. The consideration of the bill has been progressing about as well, under all the circumstances, as it could be proceeded with. There has been an unnecessary consumption of time, principally on this side of the Chamber, with commonplace harangues on threadbare subjects connected with transportation, and some of it by members of the Committee on Commerce. I do not think anybody is to be blamed about what has happened without sharing it pretty generally on both sides of the Chamber, but the preponderance has been on this side.

I hope the suggestion of the Senator from Utah will be adopted for the present, and let Monday take care of itself.

The VICE PRESIDENT. Is there objection to the unanimous-consent agreement?

Mr. LANE. Before it is agreed to I should like to have an opportunity this afternoon to speak about five minutes.

Mr. CLARKE of Arkansas. There will be an opportunity now.

Mr. SMOOT. Then I will withdraw the proposed agreement.

Mr. CLARKE of Arkansas. No; the order can be made and we will stay here.

Mr. LANE. Very well.

Mr. POINDEXTER. I think the Senator from Utah had better withdraw it for the present.

Mr. CLARKE of Arkansas. The Senator can address the Senate after the agreement is entered into. I will promise him not to move a recess as long as there is a Senator here who desires to be heard.

Mr. SMOOT. That is right.

Mr. LA FOLLETTE. That is fair.

Mr. POINDEXTER. That is satisfactory, if that is the understanding.

The VICE PRESIDENT. Is there objection to the agreement. The Chair hears none, and it is adopted.

Mr. POINDEXTER. Mr. President, in answer to the suggestion made by the Senator from Colorado [Mr. THOMAS] that the benefits of water transportation are confined to communities located immediately on the waterways, I wish to read into the RECORD a statement which, it seems to me, is exceedingly significant and entitled to a great deal of consideration. It is a statement made by Mr. Alfred P. Thom, the general counsel of the great Southern Railway system, at the hearing before a committee of this body which was appointed to investigate the question of the rates of transportation on coal from the Allegheny regions, where the the coal mines are located, to tidewater at various points which the Southern Railway reaches, the contention being that there was a discrimination against the southern ports in favor of the terminals of the northern roads.

I read a brief extract from the hearings entitled "Transportation of Coal," held in 1914 by a subcommittee of the Senate Committee on Naval Affairs appointed to investigate the natural and strategic advantages of Charleston, S. C., as compared with Norfolk and other Chesapeake Bay ports, as a permanent point for coal distribution, and so forth. On page 851 Mr. Thom, counsel for the Southern Railroad Co., said:

> I am coming to the question of rates now. It is easy to make an impression superficially in regard to rates. I do not suppose that any man when he starts in knows anything about it, and I doubt that any man when he comes out knows much about it; so it is very easy to make an erroneous impression. There are some scientific facts that bear upon the question of rates which are quite interesting, and I wish to refer to some of them.
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> Of course, one of the fundamental ideas underlying rates is that they are largely controlled by the quantity of traffic. The more traffic there is the less you can carry it for. Another thing that bears upon the establishment of rates in the United States is that the yardstick by which all rates are measured is the rate from Chicago to New York on the trunk lines. That goes through a part of the country where the densest traffic is. It goes through the largest cities. It goes through the most productive country. It goes on the best and most economically handled railroads. The rates on those lines are controlled by water rates from Chicago to New York through the Erie Canal. Now, when we get down into the roads running east and west in Virginia we find the influence of the rates that I have just mentioned reflected there, because, coming from a common point in the West to the seaboard, they can not be higher than the rate from Chicago to New York plus the water rate to the Virginia ports. The result of that is that the rates through the Great Lakes and the Erie Canal control all the rates down to the northern North Carolina line, east and west. There has been no fact that has created more difficulty for the carriers in the South than that one, because when you get south of the Virginia line the influence of that condition to which I have alluded is no longer reflected, and the people can not understand the difference, and they make great controversies over it.

It is not necessary to comment on the significance of that statement. Whatever authority and credit the witness has attached to his assertion that this one waterway, the Erie Canal—which, by the way, had no water in it before this improvement was made—and so it may be said of almost any one of the great canals of the world—controls rates in all the great region described.

All the great canals might have been subject to the criticism which has been so often made by those who are opposed to certain items of this bill—that there was no water in them. The purpose of the improvement was to put water in the Erie Canal, that the tens of millions of people between the Canadian line and the North Carolina boundary and between the great West and the Atlantic coast might receive reduced freight rates because of a little waterway—as this was until the very recent enlargement of it—up through the Mohawk Valley, connecting the upper waters of the Hudson River with the Great Lake system.

In addition to that, Mr. President—and this is all I desire to say—I send to the desk and ask the Secretary to read a statement—an item of news of undoubted reliability—indicating the value which one of the most intelligent nations of the world attaches to waterways and the sacrifices which it is willing to make to secure them.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

GREAT CANAL IN FRANCE IS OPEN—MOUNTAIN BARRIER BETWEEN MARSEILLE AND RIVER RHONE PIERCED.

MARSEILLE, *May 7.*

The canal under the mountain between Marseille and the river Rhone, constituting one of the most notable engineering achievements of modern times, was officially opened to-day in the presence of a distinguished gathering, including Marcel Sembat, minister of public works; Etienne Clementel, minister of commerce, and Joseph Thierry, under secretary of war.

GIVES WATER CONNECTION.

Hitherto Marseille, although a great port of entry for the Mediterranean, has been walled in from central France by a mountainous ridge that sweeps entirely around the northern side of the city. The canal pierces this mountainous barrier, the waterway running for 5 miles in a tunnel under a mountain. It thus has the effect of linking Marseille with inland cities and will give Marseille a direct water connection with Havre and the North Sea.

That an engineering work of such magnitude should have been carried to completion when France is in the throes of war is considered a tribute to her perseverance and the stability of her public enterprises.

The canal and its tunnel have been under discussion for nearly 100 years, but the actual work on them was not begun until 1904. The total length of the canal is 60 miles, and the 5-mile section under the mountain is 75 feet wide and 70 feet high, constituting what is declared to be the largest tunnel interior in the world.

COST $20,000,000.

Vessels up to 600 tons can navigate the tunnel and the canal, which it is believed will have strategic value in permitting the movement of small warcraft between the Mediterranean and the North Sea. The cost has been about 100,000,000 francs.

Mr. FLETCHER. What is the date of that. I will ask the Senator?

Mr. POINDEXTER. It bears date the 7th of May of the present year. I think the newspaper clipping has not the year on it, but it is 1916.

Mr. LANE. Mr. President, I wish merely to remark that there are no doubt in the bill many items which deserve condemnation and I have no fault to find with such treatment of them. I would be willing to go as far as anyone to help clear the bill of such projects. Without full information concerning the facts, however, I do not feel that we are justified in condemning the entire bill. There are many good projects which are involved, and I think, as a matter of justice to the Senate at this time before we vote on the bill, some plan should be devised whereby Congress should have full information concerning all items in future bills.

It is unfair to condemn the whole bill for the reason that some projects in it are unwise. It is not fair to Congress, to the Senate, or to the people, whose interests are involved in the worthy items.

I do not concur in the sweeping denunciations which have been made against the bill as a whole, and while I do not question the motives of those who indulge in them I do know the people in the section from which I come in many cases are putting up dollar for dollar with the Government in order to get the improvements and in order that they may get an outlet to market for their products. They should not be swept aside, because there are other items in the bill which are unfair and unjust.

In the future consideration of this bill a committee ought to be appointed to prepare some plan by which Congress could get rid of the deadwood which attaches to this measure. I want more particularly to say that perhaps not half of this bill is bad, it may be not a third of it, but we are all under condemnation all over the country from the press to an extent that a man's honor is questioned if he votes for any item in it or for the measure as a whole. It is not just to the Senate itself to allow such a condition to continue to exist.

I notice that some of the Members from States that have no seaports or water, not enough to drink in some portions of their State, are the most indignant and virtuous in their protest against the passage of the bill. Others who represent States which are willing to put up dollar for dollar with the Government for projects naturally do not feel hostility to the measure as a whole.

That the entire measure should meet year after year with the continued denunciation because some items are wrong is not entirely fair.

Without any care whatever, so far as I am personally concerned, I would vote to kill the bill, if by killing it we could remedy conditions in the future. It would be of benefit to us in my State for thereby we would secure our appropriations without question or reflection upon our honor.

The people of our part of the country have been willing to pay their proportionate share of the cost of improvements, and for years they have been doing so. They have been bonding their little homes, their farms, their property, everything they have in the world to help carry on such improvements, and do not deserve condemnation.

As I said before, I think there has been a bit of unfairness, too much sweeping denunciation of this measure for the reason that I believe there are many projects in the bill that are worthy of the aid of the Government.

Mr. CLARKE of Arkansas. I ask that the river and harbor bill be informally laid aside until the assembling of the Senate on Monday next, so that Senators being present who have any current business to dispose of may have that opportunity.

Mr. LA FOLLETTE. And we are to agree to a recess.

Mr. CLARKE of Arkansas. We are to take a recess until 11 o'clock on Monday.

The PRESIDING OFFICER [Mr. ASHURST in the Chair]. The Senator from Arkansas asks unanimous consent that the river and harbor bill be temporarily laid aside, the consideration of it to be resumed when the Senate assembles on Monday next. Is there objection? The Chair hears none.

Mr. CLARKE of Arkansas. There may be Senators here who have current matters they would like to dispose of, and I desire to afford them an opportunity of doing it.

OIL AND GAS LANDS.

Mr. PITTMAN. Mr. President, on behalf of the Senator from California [Mr. PHELAN], who is unavoidably absent, I desire to give a notice so that it may appear on the calendar.

The Senator from California gives notice that immediately upon the disposition of the pending river and harbor bill and the Philippine bill, which follows the river and harbor bill, he will call up the bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate No. 23, authorizing the Secretary of the Senate, in the enrollment of the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, to make certain changes.

The message further returned to the Senate, in compliance with its request, the bill (S. 4797) to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHACKLEFORD, Mr. SAUNDERS, and Mr. DUNN managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present resolutions of the Enid Local, of the American Society of Equity, of Enid, Mont., favoring the enactment of legislation for the relief of homesteaders on the Fort Peck Indian Reservation of Montana. I ask that thy resolutions, together with the signatures, be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

ENID, MONT., *May 15, 1916.*

Hon. HENRY L. MYERS,
United States Senate, Washington, D. C.

DEAR SIR: The following resolutions were adopted by Enid Local:

"Whereas the cooperative farmers of Montana, known as the American Society of Equity realize that our country now stands in the midst of difficulties, deem it necessary that all farmers should be induced to raise all food possible; and

"Whereas we find a vast area of fertile land on the Fort Peck Reservation practically uninhabited on account of the present law requiring all homesteaders to pay from $2.50 to $7 per acre for said land, one-fifth to be paid at time of entry, the other four-fifths to be made in five annual payments, that said law is keeping actual settlers from this land; Therefore be it

"*Resolved*, That we ask our Senators and Congressmen to introduce a law asking a reduction of one-half of the appraised value of said land and that 10 years extension of time be granted on all payments after the first one has been made, that being one-fifth down at time of entry.

"We also ask that said law be made to cover all payments that have been made, with the exception of commutements, so that the actual settler who is on the land at the present time may receive the same benefits from time of their entry as those who are yet to homestead.

"Whereas we consider this one of the first steps toward preparedness, we ask our Senators and Congressmen to act as soon as possible, as the planting time is near at hand, and through this law not only our State but our Government would be greatly benefited as this is one of our greatest wheat belts."

JAMES R. O'CONNELL, *President.*
[SEAL.] GUS F. KAUN, *Secretary.*
Enid Local, American Society of Equity.

Mr. MYERS. I present a petition of the Black Coulie Local, American Society of Equity, of Rudyard, Mont., in favor of the enactment of certain legislation for the benefit of homesteaders on the Fort Peck Indian Reservation, Mont. I ask that the petition may be printed in the RECORD together with the signatures.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas the cooperative farmers of Montana, known as the American Society of Equity, realize that our country now stands in the midst of difficulties, deem it necessary that all farmers should be induced to raise all food possible; and

Whereas we find a vast area of fertile land on the Fort Peck Reservation practically uninhabited on account of the present law requiring all homesteaders to pay from $2.50 to $7 per acre for said land, one-fifth to be paid at time of entry, the other four-fifths to be made in five annual payments, that said law is keeping actual settlers from said land: Therefore be it

Resolved, That we ask our Senators and Congressmen to introduce a law asking a reduction of one-half of the appraised value of said land and that 10 years extension of time be granted on all payments after the first one has been made, that being one-fifth down at time of entry.

We also ask that said law be made to cover all payments that have been made, with the exception of commutements, so that actual settlers who are on the land at the present time may receive the same benefits from time of their entry as those who are yet to homestead.

Whereas we consider this one of the first steps toward preparedness, we ask our Senators and Congressmen to act as soon as possible as the planting time is near at hand, and through this law not only our State but our Government would be greatly benefited, as this is one of our greatest wheat belts.

LOUIS HANSON, *President.*
C. E. KLEMETSON, *Secretary.*
Black Coulie Local, American Society of Equity.

RUDYARD, MONT., *May 16, 1916.*

Mr. PITTMAN. I present a resolution adopted by the State convention of Nevada Women's Civic League, held at Reno, in that State, favoring the passage of the Susan B. Anthony amendment regarding woman suffrage. The resolution is very short, and I ask that it be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions adopted by State convention of Nevada Women's Civic League at Reno, Nev., April 27, 1916.

Whereas we women voters of Nevada and members of the Nevada Women's Civic League truly believe in the principle of woman suffrage and are working for its establishment for the women of the Nation by means of an amendment to the United States Constitution; and

Whereas the women of the country have been unfairly dealt with by the Judiciary Committee of the House of Representatives in the treatment accorded the Susan B. Anthony amendment: Therefore be it

Resolved, That we, in convention assembled, protest as enfranchised women against the action of the Judiciary Committee in indefinitely postponing a report of the suffrage measure, and thus depriving the representatives of the people of the opportunity of voting upon this question of vital importance to the Nation; and be it further

Resolved, That we call upon the committee for an immediate and favorable report, that the House may pass the measure at the present session of Congress, and that we earnestly urge the Senate to take immediate favorable action upon the Anthony amendment, which is now upon the Senate calendar; be it also

Resolved, That a copy of this resolution be sent to President Wilson, Majority Leader KERN of the Senate, Minority Leader GALLINGER, Speaker CHAMP CLARK, Majority Leader KITCHIN, Minority Leader MANN of the House, all the members of the Judiciary Committee, and the congressional delegation from Nevada.

ANNE H. MARTIN,
President.
Mrs. S. W. BELFORD,
Recording Secretary.

Mr. SMITH of Arizona presented a petition of sundry citizens of Tucson, Ariz., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. WILLIAMS presented a petition of the Columbus (Miss.) Chapter of the Southern Association of College Women, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Los Angeles, Cal., remonstrating against the enactment of legislation to provide for the leasing of oil lands, etc., which was ordered to lie on the table.

Mr. JOHNSON of South Dakota. I present a petition signed by certain residents of Sioux Falls and Flandreau, S. Dak.; of Helena, Mont.; and Meadville, Pa., favoring a scientific experiment in creative economics by the Government, together with a statement of Rev. W. H. Talmage, of Flandreau, S. Dak., in support of the proposition. I ask that the petition and accompanying statement be referred to the Committee on Education and Labor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ASHURST. I have received a telegram from the governor of my State, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ., *May 26, 1916.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Answering your wire of May 24, I am at a loss to account for the absurd reports relative to Arizona's National Guard which have recently found their way into press dispatches. The adjutant general received an order to call the guardsmen into Federal service about 10 o'clock on the morning of May 9, and at 10 o'clock on the morning of May 12 the train left Phoenix for Douglas, with all the militia property, including wagon train. Col. Tuthill, commanding National Guard, reported 46 officers and 613 men on his arrival at the camp. At time when regiment was ordered out one company had been refused recognition by division militia affairs and another company was being reorganized. The peace strength for 10 companies and sanitary corps was 50 officers and 685 men. Many of the guardsmen at the time of the call were long distances from their home stations but have since been reporting daily. This State now has in camp her full quota of 816 men, this being the size of the guard at peace strength. Taking 400,000 as the total strength of the National Guard in this country, Arizona's quota in proportion to population would be 890 men. Many additional recruits are being received daily at recruiting stations established in several different parts of the State. It should be remembered that the guardsmen and many of the recruits are leaving families without adequate means of support, and are giving up positions yielding from $3 to $6 per day in wages. Almost without exception they appear eager to serve their country if actually needed for defense, but some of them naturally do not look with favor upon being incorporated in the Regular Army in time of peace. In my judgment, Arizona has made a showing in the recent emergency which will compare favorably with that which would be made by any of the other States if they were subject to a similar call.

GEO. Q. P. HUNT, *Governor.*

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 1024) for the relief of Allen M. Hiller, reported it without amendment and submitted a report (No. 492) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 1579) to correct the military record of Jacob Nice, reported it with an amendment and submitted a report (No. 490) thereon.

Mr. SMITH of Arizona, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (H. R. 11156) to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes, reported it without amendment and submitted a report (No. 489) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 6116) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska, reported it without amendment and submitted a report (No. 491) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 1161) authorizing the promotion of an officer on the retired list of the Army who served in the Civil War, reported it without amendment and submitted a report (No. 493) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Arizona:

A bill (S. 6207) granting an increase of pension to Mary Jane Bowman; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 6208) for the retirement of certain employees of the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. STERLING:

A bill (S. 6209) granting an increase of pension to Ann M. Green (with accompanying papers);

A bill (S. 6210) granting an increase of pension to Ludvig N. Anderson (with accompanying papers); and

A bill (S. 6211) granting an increase of pension to George W. Bolster (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL BILL.

Mr. JONES submitted an amendment proposing to appropriate $20,000 for botanical exploration of Central and South America, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

INDIAN PATENTS.

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, which was ordered to lie on the table and be printed.

PREPAREDNESS FOR WAR (S. DOC. NO. 448).

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed as a public document a paper prepared by William Hoynes, dean of the law faculty of Notre Dame University, South Bend, Ind., on the subject of preparedness.

William Hoynes was the youngest member of the Twentieth Wisconsin Volunteer Infantry, in which he enlisted in Company A in 1862. He was severely wounded in the Battle of Prairie Grove in December of that year, but continued in the active Infantry service until late in the year 1863. He was then discharged from the service on account of his wounds, but reenlisted and joined Company D, Second Wisconsin Cavalry, continuing until the close of the war. He graduated from the University of Michigan in 1872, and from that time, with the exception of brief intervals when he engaged in editorial work during his young manhood, he has engaged in the practice of law in Chicago. He has been dean of the law faculty of the University of Notre Dame since 1883. He was a Republican candidate for Congress in his district in 1888. I ask that the paper be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

GOOD ROADS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BANKHEAD. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. BANKHEAD, Mr. SWANSON, and Mr. TOWNSEND conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 15957. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until Monday next at 11 o'clock a. m.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m., Saturday, May 27, 1916) the Senate took a recess until Monday, May 29, 1916, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 27, 1916.*

The House met at 11 o'clock a. m.

Rev. John W. Beard, of Hoquiam, Wash., offered the following prayer:

Almighty God, our heavenly Father, supreme Lawgiver to men and Ruler over the nations, we this day invoke Thy presence with and Thy blessing upon this body assembled. Let Thy power direct and Thy spirit lead the deliberations of these Representatives, who so largely hold the destiny of this great people in their hands. May everything here planned and all things here accomplished be to Thy glory, the honor of the Nation, and the advancement of truth and justice everywhere.

And O our Father, may the way of this our loved land be as the dawning light which shineth more and more unto the perfect day. And adown that path as a giant in strength prepared, yet robed in glorious light, with the breastplate of utter righteousness, the sword of exact justice, and sandals of lovely peace, may it move serenely, majestically on to usher in the thousand years of peace.

All these things we ask, with forgiveness of national sins, in the name of our Lord and Savior Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

W. H. CLEERE.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to withdraw the adverse report on the bill (H. R. 12433) for the relief of W. H. Cleere.

The SPEAKER. The gentleman from Illinois asks unanimous consent to withdraw an adverse report on the bill (H. R. 12433) for the relief of W. H. Cleere. Is there objection.

There was no objection.

PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate concurrent resolution 23, and agree to the same.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be authorized in the enrollment of the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, to change the word "Hentry" to "Henry," where it occurs in line 21, page 7, and to change the word "him" to "her," where it occurs in line 1, page 18.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

FOREIGN-BUILT DREDGES.

The SPEAKER laid before the House the following resolution:

IN THE SENATE OF THE UNITED STATES,
May 18 (calendar day May 25), 1916.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4797) entitled "An act to amend an act entitled 'An act concerning foreign-built dredges,' approved May 28, 1906."

Attest:

JAMES M. BAKER, *Secretary.*

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. BLACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the river and harbor appropriation bill.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the river and harbor appropriation bill. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. PADGETT rose.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. GARNER. Mr. Speaker, I wish the gentleman would withdraw his point of order for the present.

Mr. MANN. I will withdraw the point of order.

Mr. PADGETT. Mr. Speaker, before the House goes into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill, I desire to ask unanimous consent that all persons who speak upon the naval appropriation bill shall have the privilege of extending their remarks in the RECORD. At the suggestion of Members about me I will make that that all Members of the House have that privilege.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that all Members who speak on the naval appropriation bill——

Mr. PADGETT. All Members of the House, Mr. Speaker.

Mr. MANN. Mr. Speaker, I shall object for the present in any event.

Mr. GARNER. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. PADGETT. Certainly.

Mr. GARNER. It has been suggested by some gentlemen that if there could be some kind of an agreement at this time, when the amendment for the armor-plate plant would be offered in the Committee of the Whole, and when it would be voted upon, it would facilitate matters and give Members an opportunity to be all here when the vote was taken. If the chairman of the committee or some gentleman who expects to offer that amendment could indicate about when the vote will be taken I think it would accommodate a great many Members.

Mr. FOSTER. They ought to be here at all times.

Mr. PADGETT. I can not say definitely now, but I should think about Tuesday morning.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Am I correct in the understanding of the rule that there will not be any amendments offered until after 1 o'clock on Monday?

Mr. MANN. There will not be any amendments offered until the bill is read through, and that will take until about 3 or 4 o'clock on Monday afternoon.

Mr. WINGO. We are supposed to complete the general debate by 1 o'clock Monday afternoon?

Mr. MANN. One thirty; and the bill has then to be read through after that, so that it will probably be 3 o'clock before there will be any action taken on any amendment.

Mr. PADGETT. Something about that time.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. Following out the suggestion made by the gentleman from Texas [Mr. GARNER], of course the chairman of the committee will have the privilege of offering the armor-plate amendment at any time. Could we have some understanding as to whether a vote in the committee would come on Monday afternoon or Tuesday morning—for the convenience of Members?

Mr. PADGETT. I shall not offer it before Tuesday morning.

Mr. MANN. Will the gentleman offer it at that time?

Mr. PADGETT. I shall, if the way is open. I expect to offer it that morning when opportunity affords.

Mr. GARNER. And that would enable the committee very likely to vote, say, about 2 o'clock.

Mr. STAFFORD. Oh, we want to have liberal debate on that proposition.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Under the rule that has been adopted there will be nothing but general debate to-day?

The SPEAKER. That is correct.

Mr. GARNER. Then the only point to be gained in making a point of no quorum would be to get people here to listen to Members talk in general debate?

The SPEAKER. No one has made the point of no quorum. The gentleman from Illinois [Mr. MANN] withdrew the point. Under the rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15947, naval appropriation bill; and the gentleman from New York [Mr. FITZGERALD] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, with Mr. FITZGERALD in the chair.

Mr. PADGETT. Mr. Chairman and gentlemen, there are four views that present themselves with reference to the naval appropriation bill. There is one element in the country so opposed to any increase of the Navy that it occurs to me that in order to carry out their views they unduly magnify the Navy that we have. There are others who are so intense in their desire for a very large increase in the Navy that they belittle and unduly minimize the Navy that we have. Another element, unhampered by the exactions of information and unrestrained by the limitations of knowledge upon the subject, have a wide play for the fluency of their imaginations and the eloquence of their tongues, and they speak without restraint concerning the Navy. [Applause.] Still another class, I think, are illustrated very well by an incident that is said to have happened on the Mississippi River. A steamboat blew up opposite the city of Memphis, and the passengers were struggling in the water. A man came running down the hill very much agitated and excited, hallooing at the top of his voice, "Save that red-headed man, save that red-headed man!" A bystander said to him, "Is that your father?" "No, sir; save that red-headed man!" "Is he your brother?" "No, sir." "What kin is he?" "He is not any kin, but he owes me $2." [Laughter.]

Now, all four of those views have to be taken into consideration when we come to make up a just and well-proportioned naval appropriation bill.

I think I can say to the House this morning that the bill which the committee has submitted for consideration contains more helpful, more needed, and more beneficial legislation than was ever contained in an appropriation bill heretofore submitted. The bill is not only larger in its appropriations than any bill heretofore submitted to the Congress but I believe that upon a careful analysis and understanding of the provisions of the bill you will find that the recommendations of the committee are well considered and are supported by the best interests of the Navy, the welfare of the country, and that they rest upon wise considerations. [Applause.]

Upon the greater number of the provisions of the bill there was a unanimous opinion among the members of the committee. The minority members of the committee have submitted a minority report antagonistic to certain provisions of the bill. If time permitted I would be glad to take up the many provisions of legislation in the bill and other matters, but I shall not attempt to do so, because I do not wish personally to consume too much of the time, and I wish to reserve for other Members of the House an opportunity for debate upon the bill.

The bill last year appropriated in round numbers $149,000,000. This bill carries $241,500,000—an increase of more than $91,000,000 in appropriations. The building program submitted this year involves a cost to the Government of more than $160,000,000, as against, if I remember the bill of last year, less than $60,000,000. In other words, there is an increased authorization of about $100,000,000 of the new building program. The committee this year did not see proper to authorize the construction of battleships—dreadnaughts—but in lieu thereof we have recommended the building of five battle cruisers.

The estimated cost of a battleship is about $17,250,000. The estimated cost of a battle cruiser is about $20,423,000, if I remember correctly; so that the cost of a battle cruiser is a little more than $3,000,000 more than the cost of a battleship.

The minority have seen fit to criticize the action of the majority of the committee in refusing or declining to report an authorization for battleships at this session of Congress. I wish to say at the outset that the action of the committee was not intended and is not to be construed or understood as in any way reflecting upon or discrediting or minimizing the importance or the value of battleships.

Mr. MADDEN. Will the gentleman yield?

Mr. PADGETT. No; I must ask to be allowed to proceed until I reach a certain point, and then I will yield to questions.

Mr. MADDEN. I thought this would be a good point to ask the gentleman a question.

Mr. PADGETT. I prefer not to be interrupted now. I think if the gentleman will allow me to proceed I will give the information that the question would call for.

In my opinion, and in the opinion of every naval officer who appeared before the committee, without exception, the battleship always has been, is now, and ever shall be the principal fighting ship of the Navy. It is the ship that is fitted to give and take hard blows in a fight; but the conditions of our Navy are such as in the opinion of the committee justify, yea, demand, that at this time the policy heretofore emphasized by Congress of putting forward the construction of battleships to the exclusion of cruisers should be reversed, and that at this time we should pursue the policy of building battle cruisers instead of battleships.

The minority have filed a report in which they use this language, and I am willing to accept the challenge of the minority and to meet the statements in their report:

The building program submitted by the committee for the increase of the Navy is inadequate for the defense of the country. It is not the product, in any degree, of expert naval opinion and disregards every plan suggested by naval authorities for the development of the Navy.

I want you to notice this language:

It ignores the recommendations of the Secretary of the Navy and sets aside expert opinion, as expressed by the General Board of the Navy, the Chief of Operations of the Navy, the admirals in command of the fleets, and every other naval officer appearing before the Committee on Naval Affairs. Apparently the only explanation that can be given for the program suggested is that it is a compromise between those who wanted nothing in the way of additional naval protection and those who wanted but little.

[Applause on the Republican side.]

Now, gentlemen, I ask your careful attention to the matter. First, I want to submit to this House the proposition that $160,000,000 for the increase of the Navy at one session of Congress is a sufficient amount in the aggregate to be devoted to the building up of the Navy at one session. Two hundred and forty-one million dollars, nearly a quarter of a billion, is enough to be carried in the naval appropriation bill at one session of Congress.

The question arises as to the proper distribution and apportionment of that expenditure. You will notice that this minority report says that we ignored the recommendations of the commanders in chief of the fleets and of all the naval officers who appeared before the committee. Now, let us see. Admiral Fletcher is the commander in chief of the Atlantic Fleet. I

have here the printed testimony, and let us see what he says. On page 2291, Admiral Fletcher says:

The CHAIRMAN. Taking into consideration our fleet, with our predreadnaughts and dreadnaughts, the number of battleships, and the absence of any battle cruisers, and the conditions in other fleets having battle cruisers, as a matter of illustration, in order to get the benefit of your opinion, if the committee should recommend four capital ships would you advise that two of them be dreadnaughts and two of them battle cruisers, or that all four of them should be battle cruisers? I am asking for your personal opinion. We have had the opinions of others, and I want to get the benefit of your personal opinion on that phase of the question.

Admiral FLETCHER. I have not given that particular question much study, such as is given to questions of that kind by the General Board, and I would be inclined, therefore, to be guided by the result of the General Board's studies; but without having given it serious thought I would say that I prefer to have four battle cruisers.

Mr. STEPHENS. Admiral Fletcher, if Congress authorizes four or six battle cruisers in this bill, would you build them all alike, from one set of plans, or would you change the plans and specifications for each of the battle cruisers?

Admiral FLETCHER. I would build them all alike.

Mr. BRITTEN. Will the gentleman permit a question?

Mr. PADGETT. No; not at this point. And then on page 2385 he says:

Mr. CALLAWAY. If I understand you aright now, you recommend that we build cruisers, and as between battleships and battle cruisers your preference is a certain number of battle cruisers?

Admiral FLETCHER. I should add battle cruisers at this time and also scout cruisers, in order to reenforce the battleships and in order to enable them to utilize their greater power effectively.

Mr. CALLAWAY. If I understand your recommendation at this time it is that if we were going to build two capital ships that we build battle cruisers and if we were going to build four capital ships that we build battle cruisers, and if we were going to build more capital ships than that that we add some dreadnaughts. Am I right about that?

Admiral FLETCHER. Yes, sir; that would be my conception, but I stated that I had not given this particular subject any study such as is given to it by the General Board, and I would prefer to accept their conclusions.

That is the personal opinion of Admiral Fletcher, who is the commander in chief of the Atlantic Fleet.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. I decline to yield now, but I will yield a little later. Now, take the testimony of Admiral Winslow, who is commander in chief of the Pacific Fleet. On page 1423 of the hearings he says:

Mr. BROWNING. How many battle cruisers would you build this coming year?

Admiral WINSLOW. I would build all the country can build.

Page 1424 Mr. BROWNING further asked him:

What I want to know is what is your opinion; whether we should do both, or whether, if we are going to build four, we should build two of each?

Admiral WINSLOW. I think you will find that there is opinion that we should build battleships; that there is other opinion that we should build battle cruisers; but I think that you will find the majority of opinion is that we should build both.

Mr. BROWNING. Both?

Admiral WINSLOW. Both battle cruisers and battleships. I think you will find that that would be the majority of opinion. I myself am very strongly in favor of battle cruisers. We have no battle cruisers.

That is his personal opinion. Now, I call your attention to the testimony of Admiral Knight, the president of the Naval War College. On page 2013 he says:

I asked him a question about his opinion and this is his answer:

As regards the battle cruiser, I will say that I never agreed with that statement as to battle cruisers and I do not agree with it now. You will understand, of course, that there are differences of opinion in the General Board, just as there are difference of opinion elsewhere, and I thought on the 9th day of November, and I think now, that the battle cruiser has shown itself to be very much more important than it was believed to be in the beginning of the war.

The CHAIRMAN. Your recommendation with reference to postponing the construction of battleships at the present time and emphasizing the importance of the immediate construction of battle cruisers, is made in view of our particular situation, having the number of battleships we have and having no battle cruisers?

Admiral KNIGHT. That is one part of my reason, and there is another part, which I tried to bring out when I made my statement. It is that I believe the design of battleships to be now in a condition of flux. I believe that within the next year changes will be made, not in the essential nature of the battleship, but in its detailed nature, which will enable us a year from this time to design a battleship which will meet measurably some of the dangers which have developed during this war.

And then on page 2014:

The CHAIRMAN. With those limitations?

Admiral KNIGHT. Yes. But I think I ought, before closing, to bring in this point which I have not made fully; that is to say, that the experience of the War College, repeated day after day and month after month and year after year, emphasizes the absolutely vital necessity for scouts and battle cruisers. Of course, if we could make them all battle cruisers, as was said in that report, that would be fine, because then the moment contact is made with the enemy, the battle cruiser breaks through their scouting line and finds out what is behind it. When he comes closer to the enemy, he finds the enemy's main fleet, surrounded by what we will call a defensive screen, and he is able to make touch with that, and perhaps to break through it and find out what lies beyond it. In other words, he has all the powers of the scout and a great many more, as stated in the General Board's report; but if we can not have every one of our scouts a battle cruiser—and it seems a little too much to ask—then we should have our line of scouts backed up by battle cruisers, so that when the scout sees something that looks a little dangerous, he calls for the battle cruisers to deal with the situation.

This is the experience of every officer who comes to the War College. Officers come there not very friendly to the battle cruiser; they do not know just what it really is. But I venture to say there is not one of them there now, and there are 36 there, who to-day would not say, "Give us battle cruisers first of all." Before I left there to come down here, a number of officers urged me to speak out strongly for this type.

And then, on page 2066, Admiral Knight says:

In other words, I wish you to accept what I say about the needs of battle cruisers and scouts as coming not from me individually, as Rear Admiral Knight, but as coming from the president of the War College and from the War College; and I really think that that entitles me to ask you to attach more importance to it than you attach on that one point, about types of ships, to the statement of almost any other officer who can come before you. We try these things out there week after week and month after month and year after year, and we have been driven irresistibly to the conclusion that a considerable number of battle cruisers and a large number of scouts are an absolute necessity. So that I say I claim to speak on that subject with an authority quite different from that of officers who have only the general experience of service behind them.

About the number of battle cruisers: During the course of my remarks yesterday I think I made it clear—I hope I made it clear—that the number for which I was standing was the largest number that could be built, and it was represented yesterday that more than I had suggested could be built. I have made some inquiries since, and have satisfied myself that more could be built and I should therefore like to be understood as standing not for six but nine battle cruisers. I think that was implied all through my testimony yesterday, but I did not make it as definite as I wish to make it now.

Mr. KELLEY. You changed your recommendation there from six ships to nine?

Admiral KNIGHT. Yes.

Here is the testimony of Capt. Sims, a very distinguished officer and a very able one. He appeared before the committee, and, on page 2688 of the hearings, he says:

Mr. OLIVER. My idea was to develop what you thought would be necessary at this time to add to the fleet we now have, to make that fleet fairly efficient?

Capt. SIMS. I would like to see eight or nine battle cruisers built at the earliest possible date. That would enable us to put up a good stand against anybody who might come on us.

Then, on page 2745, Admiral Sims has a very interesting statement, as follows:

Mr. CALLAWAY. We have authorized—and you know the condition of our fleet—two dreadnaughts, the keels of which have not yet been laid, one to be built in the New York Navy Yard and the other to be built at Mare Island.

Capt. SIMS. *Nos.* 43 and 44?

Mr. CALLAWAY. If battle cruisers are as necessary to our fleet as you say they are, ought those two dreadnaughts to be changed to battle cruisers?

Capt. SIMS. I should say so, if it could be done, if the plans have not gone too far and there would not be too much delay in changing them. Whether our plans are completed for the battle cruisers or not, I do not know. I do not know whether the plans are completed for the new battle cruisers or not. It takes a long time to make the full plans of a ship of a new type, but if the battle cruiser plans are ready without delay I think they ought to be laid down as battle cruisers.

Mr. CALLAWAY. Battle cruisers?

Capt. SIMS. And I would prefer to see them built as battle cruisers.

Mr. CALLAWAY. So far as you can see under our present conditions, there would be no comparison or argument? You would be absolutely in favor of changing those battleships for battle cruisers, considering our whole equipment and necessity?

Capt. SIMS. Our great necessity now is for the battle cruisers, and if I remember, Admiral Knight said in his statement that we ought to build them as fast as the resources of this country will permit; so that if battleships *Nos.* 43 and 44 have not been laid down and there would not be undue delay in changing them to battle cruisers, I would say change them to battle cruisers.

Mr. CALLAWAY. The department asks for two battle cruisers and two battleships this Congress—this session. In your judgment there is no question at all, if we build four, that they ought all four to be battle cruisers?

Capt. SIMS. Absolutely; there is no question at all.

Mr. CALLAWAY. As I understand you, there is no question in your judgment that the two battleships which have been authorized, and the keels of which have not been laid, should also be changed to battle cruisers?

Capt. SIMS. Absolutely.

Mr. CALLAWAY. Considering the condition of our fleet at the present time, and our necessities?

Capt. SIMS. That is my opinion.

Mr. COOPER of Wisconsin. What is the exact difference between a battleship and a battle cruiser?

Mr. PADGETT. A battleship is a ship that carries heavy armor and big guns and has a speed of from 20 to 21 or 22 knots. A battle cruiser is lighter armored, but has a much higher speed and also carries big guns. The battle cruiser has a speed provided by this bill of 35 knots as against 21 knots for our battleships, but they both carry large guns.

Now, then, pursuing the question that these gentlemen said we were ignoring——

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. PADGETT. I will yield later.

Mr. ROBERTS of Massachusetts. But the gentleman desires to have his statement accurate?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. The gentleman says this bill provides for a 35-knot speed for the battle cruisers.

Mr. PADGETT. No; I said the battle cruisers provided for are to have a speed of 35 knots.

Mr. ROBERTS of Massachusetts. The gentleman said the bill provided for a speed of 35 knots and that is what I wanted to call attention to.

Mr. PADGETT. The plans for these we authorized are for 35 knots or more.

Mr. ROBERTS of Massachusetts. Contemplate 35 knots?

Mr. PADGETT. Actually provide for that.

Mr. ROBERTS of Massachusetts. They do not provide for that speed, that is the difference.

Mr. PADGETT. The bill does not designate the speed.

Mr. ROBERTS of Massachusetts. That is what I say.

Mr. PADGETT. The plans provide for and the testimony shows that is what is contemplated. To show the difference, the battleships we have been building with a speed of 20 to 21 knots have an engine power of 29,000 horsepower. The battle cruisers contemplated by this bill have 180,000 horsepower engines.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. PADGETT. I can not at this time.

Mr. HUMPHREY of Washington. I would like to ask the gentleman——

Mr. PADGETT. I can not yield at this time; I will yield later. Now, Admiral Grant appeared before the committee and on page 1603 this occurred:

The CHAIRMAN. What is the ship that will command the sea and must be used for the most effective offense and defense in war on the sea?

Admiral GRANT. I should say briefly that the most effective vessel is the one of which we have not any in our service—the battle cruiser.

Then on page 1604 Admiral Grant continues:

Mr BRITTEN (interposing). I asked if you would send a division of battle cruisers out to fight a division of dreadnaughts, and you said that you would not?

Admiral GRANT. I repeat no.

Mr. BRITTEN. Then I asked you upon what you based your conclusion that the battle cruiser was the most efficient fighting ship?

Admiral GRANT. Because the battle cruiser is a vessel that we have none of yet, and it is the one we must depend on to bring us information and to destroy the scouts and torpedo flotilla of the enemy operating against us.

Mr. BRITTEN. What about destroying the big ships of the enemy?

Admiral GRANT. I would take the battleship.

Mr. BRITTEN. You would not do that with the battle cruisers?

Admiral GRANT. I would attack him in some way.

Mr. BRITTEN. With your lighter armament?

Admiral GRANT. I would not attack him, probably, with that alone.

Mr. BRITTEN. If we were going to authorize one or two divisions of big ships, first-line ships, this year, which would you prefer authorizing battle cruisers or dreadnaughts?

Admiral GRANT. Battle cruisers.

Mr. BRITTEN. Was that based on four ships?

Mr. PADGETT. Yes; he said he would ask four or more if he could get them.

Mr. SLAYDEN. They would ask 40.

Mr. PADGETT. He would ask any he could get. He was speaking of the type that was needed. Now, I will take the statement of Capt. McKean, who is the aid for matériel, a very distinguished and learned officer. On page 1752 the question was asked him:

Captain, I want you to write clearly into the record your views as to the importance of adding to our fleet fast battle cruisers. Do I understand you to give it as your opinion that the most urgent and impending need of our fleet at present is the addition of at least four fast battle cruisers?

Capt. McKEAN. At least four, sir.

Mr. OLIVER. Do you think that this number of fast battle cruisers is now needed in order to give us a well-balanced and efficient fleet?

Capt. McKEAN. We need them as a part of the fleet now on the sea.

Mr. OLIVER. And in order to properly balance this fleet, as you expressed it?

Capt. McKEAN. Yes, sir; the fleet already built.

Mr. OLIVER. Already built?

Capt. McKEAN. Yes; as judged from the problems that we have solved.

Mr. ROBERTS. You consider 4 fast battle cruisers are necessary where you have as many as 12 dreadnaughts?

Capt. McKEAN. That is about the proportion that I would consider a fleet to be well balanced in—12 dreadnaughts to 4 battle cruisers.

We have 19 dreadnaughts, counting the *South Carolina* and *Michigan*, and not one battle cruiser.

Mr. BUTLER. Excuse me, but did the gentleman count the two ships the keels of which will not be laid for a year?

Mr. PADGETT. Yes.

Mr. BUTLER. Does the gentleman call them ships?

Mr. PADGETT. Yes, sir; I call them ships as far as Congress is called upon to act. We have authorized them and they are gathering the materials and assembling them and getting ready to construct them.

Mr. BUTLER. Does the gentleman prefer not to be interrupted?

Mr. PADGETT. Yes, sir.

Mr. BUTLER. I have a few questions I would like to ask the gentleman.

Mr. PADGETT. On page 1754 Capt. McKean again says:

Mr. OLIVER. Are your conclusions as to the urgent need of this type based, in part, upon a careful study and observation of the present war?

Capt. McKEAN. In part on the game-board studies at the War College, in part on active fleet maneuvers at sea with our own fleet, and this conclusion confirmed by the operations of the present war.

Now, then, I have the testimony here of Admiral Taylor, the Chief Constructor of the Navy, on page 855, where he says:

Mr. BUTLER. I heard what you said about the battle cruisers. Have you always entertained that opinion of battle cruisers?

Admiral TAYLOR. I have been quite consistent in that opinion, thinking at first we needed battleships most, and now that we have a reasonable number of battleships completed I think it is time to have some battle cruisers.

On page 857 he continues:

Mr. CALLAWAY. You said that, in your judgment, the battle cruiser is of more importance at this time to our Navy than the battleship?

Admiral TAYLOR. I stated that if you had to make a choice at the present moment I believe I would build two battle cruisers this year instead of two battleships.

Now, then, I have one other authority, and in view of what has been said by some Members who signed the minority report I believe it will be considered good authority, and it will be accepted as good authority whether we signed the minority report or did not sign it, because I say he is good authority. I ask your attention to the testimony of Rear Admiral Bradley A. Fiske, on page 2962:

Mr. CALLAWAY. The war, according to our reasonable expectations, will not last more than a year longer, and whatever developments come out of that will come probably before we will lay the keel of another battleship. Don't you think it would be well for us to put whatever money we have into cruisers and await the development of the battleship situation, rather than to go ahead and build this thing that, according to the testimony before this committee, looks a good deal like junk to me?

Admiral FISKE. That question is a little bit vague and a little hard to answer. That is the reason why I like the game board, because it is helpful in determining just such questions. Before I can answer your question I have first to make up my mind exactly what you mean. Of course no people use words exactly the same. I will have to answer your question again very much the way the other officers have, or most of them, that if you are going to appropriate for a comparatively limited number of ships, I would prefer battle cruisers; but if you are going to vote 20 capital ships, I would not have them all battle cruisers.

Mr. CALLAWAY. I am not going to vote for that many.

Admiral FISKE. If you are going to vote only four, then I think, and most of us think, they should be battle cruisers.

Mr. BROWNING. But suppose we were going to vote six, what would you say?

Admiral FISKE. I would say battle cruisers.

Mr. BROWNING. All of them.

Admiral FISKE. Yes, sir.

[Applause.]

Mr. BRITTEN. Why did not the committee advise six battle cruisers?

Mr. PADGETT. Because the committee decided that they would cost more than they wanted to authorize in one session of Congress. We have nothing to conceal or nothing to hide. We have tried to deal with this question in an intelligent, sane, and safe way and in a legitimate and proper manner to reach a proper solution of this question.

Mr. BRITTEN. Is it not a fact, Mr. Chairman, that the logrolling that occurred in the committee caused the reduction in numbers—the logrolling between the pacifists and near pacifists?

Mr. PADGETT. I have nothing to say about that, except that there was a lot of logrolling going on among those who signed the minority report before that meeting to which you refer.

Mr. BRITTEN. We were educated by your committee.

Mr. PADGETT. Well, I simply want to illustrate that by a little incident that occurs to me at the present time. Down in our country there was an old darky named Uncle Ephraim. Uncle Ephraim started across an old field one day, and there was a bad ram in there that had the habit of attacking people. The ram spied old Uncle Ephraim, and humped himself and started for him. Uncle Ephraim saw an old stump out in the field and he started for it. They got to chasing each other around the stump and Uncle Ephraim gained on the ram and closed on him and reached down between his legs and caught the ram by the tail and began to pull, squeeze, and twist, and then the ram rolled his head back and walled his eyes back at

him and cried, "Baa, baa." Uncle Ephraim said, "You baa and be damned. Who fotched on this difficulty?" [Laughter.]

Mr. BRITTEN. Do you mean to say that that was an old ram?

Mr. MADDEN. Did not the gentleman get the story a little balled up? [Laughter.]

Mr. PADGETT. I wish to call your attention to what Admiral Fiske said as reported on page 2956 of the hearings, as follows:

Admiral FISKE. I testified on Friday, in answer to a question here, that I would follow the recommendations of the General Board of July 30, which would mean if you are going to build eight capital ships, you should build four and four.

The CHAIRMAN. How would you get away from the six?

Admiral FISKE. There you are again. If you are only going to build six, I would make them all battle cruisers.

Mr. CALLAWAY. You had better answer according to your own judgment rather than to take the judgment of the board.

Mr. BROWNING. If you are going to build eight ships, what would you do?

Admiral FISKE. In that case, four battleships and four battle cruisers.

Mr. BROWNING. You would?

Admiral FISKE. Yes, sir; if you are going to build eight capital ships.

The CHAIRMAN. If you are going to build six ships, you would build six battle cruisers, and not four battle cruisers and two battleships?

Now then, gentlemen, I submit to the membership of this House in all seriousness if the statement of the minority in their report that we ignored all naval authority is borne out by the facts? There were two other officers who appeared before the committee and spoke on the subject. Admiral Benson, who is the Chief of Naval Operations, said that he would follow the program mapped out for the five years and build two and two—stood for both. And then Admiral Badger stood for both. And I have read the testimony of these others. And I submit to you as frank, candid men, that with our conditions, having 19 battleships and no battle cruisers, that the proper thing for the committee to do was to pursue the policy we have pursued and start upon the supplying of the needs of the Navy along this line and meet this urgent necessity as we have heretofore done by emphasizing the building of battleships to the exclusion of battle cruisers. [Applause.]

Now, then, gentlemen, there is another question that I want to talk about. That is the question of personnel, and I am not going to take so much time on that. They find fault with the action of the committee in recommending an increase of 13,500 men. We recommend 13,850 men, because of adding 350 enlisted men under the provision for the flying corps. Now, then, the department recommended 10,000. We have recommended 13,850. But these gentlemen complain of that. Now, let me say we have here the recommendation of the General Board of the Navy, of date July 30, 1915, as follows:

Personnel: Eleven thousand men. This number will provide for the needs of the present ships of the Navy, including those nearing completion, but it must be borne in mind that the personnel—commission, warrant, and enlisted—will have to be further increased as the new construction progresses.

Now, that was on the 10th day of last July. The General Board of the Navy carefully, deliberately, and considerately recommended 11,000 men increase. But we have recommended 13,850. But they said that would care for all the present ships of the Navy, including those nearing completion.

Mr. ROBERTS of Massachusetts. Will the gentleman yield right at that point? The number of men that you recommended was 13,850?

Mr. PADGETT. Thirteen thousand five hundred, and three hundred and fifty under the provision of the flying corps.

Mr. ROBERTS of Massachusetts. I supposed that you were referring to the men for the Navy proper.

Mr. PADGETT. They are in the Navy, because if they did not come in under that provision they have got to be supplied from the other provision. So that the aggregate is 13,850.

Now, I want to call your attention to the fact that the General Board in November, 1915, submitted another report to the Secretary of the Navy recommending with reference to an increase in personnel, and they say that the Navy is the first line of defense of the country. They said for the fiscal year 1917 the General Board regarded as inadequate any smaller force than 67,000 men in the regular Navy. Now, then, we have at the present time 54,000 enlisted men. We are authorizing 13,850. So that we are authorizing in this bill 850 more men than the General Board in its report in November, 1915, said were required for the Navy in the next year, 1917, on a peace basis. But not only that, Admiral Badger was before the committee and testified. He is a member of the General Board. He is chairman of the executive committee of that board.

He is chairman of the executive committee of the general board. He has retired from the position of commander in chief of the Atlantic Fleet. We had before him the question of the number of men required for the Navy in time of peace, and he stated the number at 67,865. In other words, he said 67,865, and our recommendation makes 67,850. So it has got down with the minority report to a 15-cent proposition. [Applause.]

Now, then, there is one other matter, and I will not take much time on it. They criticize us on the question of aviation. Last year the Congress appropriated $1,000,000 for aviation. In this bill we are appropriating $2,000,000. It must be borne in mind that the sphere of operations of aviation in the Navy is limited to the operations of our ships. It is not for land aviation, but it is for the purposes that are consistent with and in keeping with the ships. Our development in aviation with reference to motors has not reached a satisfactory condition. While we are making motors, and all the motor manufacturers in this country, all of the factories that are engaged in the manufacture of automobiles, are experimenting with and working and trying to develop a motor—and there never was such energy and effort being put forth as there is at the present time to develop a satisfactory motor, yet we have not thus far secured a motor that is entirely satisfactory. Now, then, the committee take the position, and it is supported by the testimony of Admiral Benson, Chief of Naval Operations, that $2,000,000 will answer all the purposes of the department this year in the development of aviation.

Now, there are other things I would like to mention, but I see I have taken up more time than I intended. I will yield to the gentleman from Connecticut [Mr. HILL] for a question.

Mr. HILL. I desire to ask the gentleman a question for information. The gentleman has quoted very extensively, and to me very satisfactorily, from the reports of these officers of the Navy. I want to ask him now whether these are the same men under whose advice the present Navy has come to its present unbalanced condition, or is it the fault of Congress that the condition which now obtains exists? Where is the blame, if there is blame, to be located? Upon these men whom the gentleman has now quoted, or upon the refusal of Congress to follow their advice in the past?

Mr. PADGETT. I will say to the gentleman that the naval officers heretofore and the General Board heretofore have emphasized the importance and the necessity of the building of battleships above every other ship in the Navy. The General Board has never, except in one year, heretofore recommended the building of battle cruisers. That was in 1912, and at that time they did recommend the building of two; but the Navy Department did not submit any estimate through the Treasury to include those two battle cruisers.

Mr. HILL. Then, do I understand that the present recommendations are to correct past mistakes?

Mr. PADGETT. Yes, sir.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FESS. What rank will our Navy have when this program is completed? What rank will the American Navy take when this program is completed, assuming that the other countries will continue their building programs?

Mr. PADGETT. That is a proposition where I hardly know what to assume. We have no information that is reliable and definite as to what the other naval powers have done since the outbreak of the war in Europe. I was talking only yesterday and the day before with Capt. Oliver, the head of the Naval Intelligence Office, and he says that they have no information that is reliable and definite. They have gotten fragmentary evidence, they have gotten reports here and there as to what has been done and what has not been done. And that reminds me to say here that last September we received from a source which is confidential, which I can not disclose, but which is supposed to be the most reliable that we have, to the effect that England and Germany both were building battle cruisers instead of battleships.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Not now. And only in the last few days that same report has been confirmed from a similar source.

Mr. FESS. Now where are we as to rank?

Mr. PADGETT. As to rank, there are so many elements that enter into it that it is hard to say; but I will give you the facts. Our Navy, prior to the time of the dreadnaught—that marked a dividing line in the navies of the world—our Navy, prior to the development of the dreadnaught class, was far superior to the German Navy, which is supposed to be the second power.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Not yet. Now, the German Navy in the dreadnaught is superior to ours. That is, we have 19 dreadnaughts, and she has 20 that we know of and one that it is sup-

posed she took over at the beginning of this war that was building in her yards for another nation; and then we have reports that she has built two others. The General Board sent down to us a statement that there were two others that were built, but the Naval Intelligence Office people say they will not state that as a fact. All they can say is that they have fragmentary reports and fragmentary evidence; that is probably true, but they do not state it as a fact.

Now, Germany had at the beginning of the war eight battle cruisers. We have none. The five that we are authorizing in this bill, we believe, are superior to her eight. I may add that one of those eight, the *Goeben*, was sold ostensibly to Turkey. We are informed she is still officered by German officers and manned by a German crew. Whether that is true or not I do not know, but that is the report that we receive. But these cruisers that we are authorizing are of such superior quality and superior character that they would more than offset the eight of the German cruisers that were built of an inferior character. But, according to that same evidence that I was telling you about a while ago, we are informed that the Germans have laid down three battle cruisers since the beginning of the war. Whether that is true or not I do not know. The Naval Intelligence Office say that they can not state whether it is true or not, but that they have fragmentary reports and evidence concerning it.

Now, I will yield to gentlemen.

Mr. SMITH of Michigan. I am interested in knowing what determines the status of a nation in relation to its navy; whether it is the number of battle cruisers, the number of dreadnaughts, the number of battleships, the number of men employed in the navy, the size of the guns, or the displacement of the ships.

Mr. PADGETT. All those things enter into it.

Mr. COOPER of Wisconsin. What is the earliest date at which the program provided in this bill can be completed?

Mr. PADGETT. It has been taking about 34 months to build battleships. The department think that they can build a battle cruiser in about the same time.

Mr. COOPER of Wisconsin. If this bill should pass within the next six weeks or two months, when does the gentleman think the five battle cruisers will be completed?

Mr. PADGETT. About 1919.

Mr. COOPER of Wisconsin. In about three years?

Mr. PADGETT. In from 30 to 36 months; I could not say exactly.

Mr. BRITTEN. Referring to the personnel of the Navy, the gentleman gave the House the recommendation of the Navy General Board of last July and also of last November. Does the gentleman care to advise the House that in December, more than a year ago, the Navy General Board advised 19,600 men additional for the enlisted service?

Mr. PADGETT. I do not remember about that definitely, but if more than a year ago they did that they have revised their figures twice since then, and when Admiral Badger appeared before the committee and was asked to give us a careful estimate and a detailed statement he submitted 67,863 as the number of men required for the fiscal year 1917, in time of peace, and we have given it.

Mr. BRITTEN. Is it not a fact that the report the gentleman refers to was based on specific conditions?

Mr. PADGETT. On peace conditions.

Mr. BRITTEN. Is it not a fact that it was based on skeleton crews for the majority of the ships of the Navy?

Mr. PADGETT. No. Admiral Badger based it on a 50 per cent skeleton for the reserve ships. And I may state to the gentleman that Secretary Meyer established the reserve ships on a 30 per cent basis, and the present Secretary put it at 40 per cent, and the General Board has recommended 50 per cent, and the figures of Admiral Badger are upon the basis of 50 per cent crews for the reserve ships in time of peace, which it occurs to me are ample.

Mr. ROBERTS of Massachusetts. I understood the chairman of the committee to say a moment ago that the strength of the Navy to-day is substantially 54,000 men.

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. Will the gentleman kindly inform me how he arrives at those figures?

Mr. PADGETT. The Secretary states that number, and in your minority report you accept those figures.

Mr. ROBERTS of Massachusetts. Not men.

Mr. PADGETT. The gentleman wants to make a distinction——

Mr. ROBERTS of Massachusetts. Between a boy under instruction and a man. How many of the 54,000 are boys under instruction?

Mr. PADGETT. There are 3,500 of them that are apprenticed seamen.

Mr. ROBERTS of Massachusetts. Of the 54,000?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. That is what I wanted to know.

Mr. PADGETT. That is correct, and those 3,500 apprenticed seamen are young men between the ages of 18 and 21, and they are just as good material, and I sometimes think a little better, than some who are older. [Applause.]

Mr. BUTLER. Those boys are not put on battleships?

Mr. PADGETT. Oh, yes; they sprinkle them around.

Mr. BUTLER. They are put on the smaller ships?

Mr. PADGETT. You take a boy 18 years old and up to 21, a vigorous, well-trained young fellow who goes through the schools down here in our training stations, and he is fit, he is good. [Applause.]

Mr. BUTLER. The chairman of the committee does not pretend to be a military man?

Mr. PADGETT. No.

Mr. BUTLER. He would not place a boy where a military man would not place him, would he?

Mr. PADGETT. No.

Mr. BUTLER. Military men do not place these boys on battleships.

Mr. PADGETT. They do distribute them around to the ships with the others.

Mr. BUTLER. They can stand around, of course.

Mr. FARR. I desire to ask the chairman of the Committee on Naval Affairs if any naval authority has placed our Navy in a better position than fourth?

Mr. PADGETT. Yes; a number of men who testified before the committee. Admiral Fletcher gave it as his opinion that we were third, and some of the others said third.

Mr. FARR. Did not the President in his recent speech say we were fourth? Was not that the statement of the President in his address to the country, that we were not better than fourth, and that he wanted us to be first?

Mr. PADGETT. He said he wanted us to be first, and I believe he stated that we were fourth; but I thought the President was mistaken in his opinion as to our Navy. We have got a far better Navy than that, and I want to make it still better. [Applause.]

Mr. FARR. The gentleman stated that we did not possess a well-balanced fleet.

Mr. PADGETT. I said that.

Mr. FARR. And that in order to strengthen our fleet we ought to have battle cruisers?

Mr. PADGETT. Yes.

Mr. FARR. I agree with him; but will these five battle cruisers add 1 pound of fighting strength to our Navy, other than to utilize the power that our dreadnaughts now have?

Mr. PADGETT. Oh, yes. A ship with ten 14-inch guns does not depend on the other ship altogether. [Laughter and applause.]

Mr. FARR. Our fleet is inefficient and we want the battle cruisers to bring it up.

Mr. PADGETT. We need them to help the dreadnaughts.

Mr. LINTHICUM. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. LINTHICUM. The gentleman from Connecticut asked the gentleman from Tennessee whether these officers had not made a mistake in the past, and whether they were not now trying to correct the mistake by building cruisers.

Mr. PADGETT. I did not say it was a mistake. I said that they emphasized the importance of the ships that then appeared to be paramount, and now they are emphasizing the other one to coordinate and supplement and balance the fleet that we have.

Mr. LINTHICUM. What I want to suggest is that perhaps their views may have been modified by the results of the European war.

Mr. PADGETT. They said that the present war has brought out the supreme importance of battle cruisers.

Mr. HOWARD. Will the gentleman yield?

Mr. PADGETT. I will yield to the gentleman.

Mr. HOWARD. The program as reported by the committee somewhat modifies what the country was expecting; that is to say, the extremists for preparedness. I want to ask whether this bill as reported by the Committee on Naval Affairs has the stamp of approval upon it of the Navy Department, the Secretary of the Navy, and the administration?

Mr. PADGETT. I can not say, for I have not talked with them. I have heard that the Navy was tickled to death and laughing all over. [Laughter and applause.]

Mr. BUTLER. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUTLER. Who is the tickler?

Mr. PADGETT. The bill that we reported. [Laughter.]

Mr. BUTLER. Has it tickled the Secretary of the Navy or the President?

Mr. PADGETT. I said I had not talked with them. I received a note from the Secretary of the Navy in which he congratulated me on the magnificent work we have done. [Applause.] I have the note in my office and I can show it to the gentleman.

Mr. BUTLER. I would be delighted to see it. I would like to know how many times the Secretary and the President can change their minds.

Mr. PADGETT. I think we can show that some of the men that signed the minority report have changed their minds. [Laughter and applause.]

Mr. BUTLER. I have not changed mine. Did the chairman of the committee ever know me to vote for only one battleship?

Mr. PADGETT. Not that I know of.

Mr. BUTLER. And yet the chairman has done that.

Mr. PADGETT. Yes. I have spoken for one battleship and I have spoken for two battleships. And now I am speaking for five battle cruisers, and to try to adapt myself and my speeches to the needs of the country, the wise thing to do. [Applause.]

Mr. BUTLER. I do not question the gentleman's sincerity, but he has changed his views. Mr. Chairman, how much time did the chairman of the committee use?

The CHAIRMAN. One hour and 16 minutes.

Mr. BUTLER. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY. Mr. Chairman, I think the House and the country approach the question of making appropriations for the Navy in a little different frame of mind than for a good many years past. As the appropriation bills have been before the House in former years there have always been objections of various kinds to their passage. Generally somebody has insisted that we had Navy enough already and did not need any more. I noticed in going back through the CONGRESSIONAL RECORD to find out something of what had been said in days past that away back in 1892 Mr. Bryan said that he was in favor of a sufficient Navy, but he thought we had a sufficient Navy at that time. As I recollect it, we had two battleships in commission.

Discussions in the past have shown that a great many men have thought in relation to building up the Navy that the time was about ripe for the nations of the world to get together and establish some sort of a tribunal to which the disputes of the world might be taken and settled in somewhat the same manner as individuals take their differences to courts of law. Many expressed the fear that if we added to the Navy such action might in some way impede the progress of arbitration in the world, and they stated in their speeches that they wanted our country to be in a position when that happy time came to take the initiative in leading the nations of the world from the battle fields into paths of peace. And so men holding these views opposed additions to the Navy.

Others thought that we did not have any enemies anywhere in the world and there was no danger of being attacked by anybody. They said that as long as we were fair and just in our dealings with the world the world, on the other hand, would be fair and equitable in its dealings with us. And so they opposed the building up of the Navy.

But we come into a different time now; and men who thought that wars were over and that the great Christian nations of the world would never be engaged in war any more now come face to face with the fact that we are in the midst of the greatest war in all the history of the world. And whereas they believed that so long as we were fair and just in our treatment of other nations of the world we had no reason to expect that other nations would encroach upon our rights, we now face a situation where our great commercial interests on the seas are invaded from almost every direction, and where innocent American lives have been taken on the high seas where they had a perfect right to be. And so we come to the consideration of this bill in a somewhat different frame of mind, because we know we are living in a period of great danger and much uncertainty.

The President said in his speeches to the country—and he said it sincerely, I think—that these are dangerous days; and he advised, as he went from city to city, that we should prepare to meet this possible danger. We take up the question of the Navy to-day with the situation in the world as it is, and not as we have often approached it in other years, from an abstract or theoretical point of view. Considering our geographical situation, whatever defense we need is very largely a matter of naval defense. If we were located as some of the countries of Europe, with only a line on the map between us and powerful enemies, it would be necessary, perhaps, to do as they have done, and build up powerful standing armies to protect ourselves. But when the Lord gave us this choice spot in the world he placed us 3,000 miles away from powerful neighbors on the one hand and 5,000 miles away from powerful neighbors on the other. So the Navy is the natural and normal and logical protection of the people of this country to whatever extent we may think we need protection.

What of the Navy? Just a word leading up to it. We did not have any Navy to speak of when the Civil War commenced, but when the war was over our Navy was comparable to that of Great Britain. But the necessity soon passed and the ships fell into decline. Our wooden ships passed out of use, and in 1883 we started to build then what we called the steel navy, practically the first steel ships, under the administration of President Arthur. We went along under the administrations of President Cleveland and President Harrison and built a few battleships. I think the *Oregon*, the *Massachusetts*, and the *Indiana* were built or at least authorized under the administration of President Harrison. Then we came on down to the Spanish-American War and we had that little nucleus of a navy. It was sufficient, however, for the needs of that particular time. Dewey, away over there 10,000 miles away from home, without coal enough to bring him a quarter of the way back, destroyed what there was of the Spanish fleet in Manila and placed his name in a single morning alongside of the names of Jones and Farragut and Nelson in the history of the world. [Applause.] Then a little later down here off Santiago we destroyed what there was left of the Spanish fleet. Two Spanish fleets were destroyed without the loss of a single ship or a single American seaman. If we ever have another war in our history, I hope that we will get into just such a fight as that at Manila and Santiago. A good many thoughtful people, however, immediately upon the close of the Spanish-American War began to consider what our situation would have been had we been engaged in a war with some first-class power. And so, following the war, under President McKinley's administration, we started in to build up the American Navy.

Under President McKinley we authorized in the two Congresses of his first term the *Maine*, the *Missouri*, the *Ohio*, the *Georgia*, the *Nebraska*, the *Virginia*, the *New Jersey*, and the *Rhode Island*, a total of eight ships in three years, or an average of nearly three battleships a year. Then, under the McKinley-Roosevelt administration, Mr. Roosevelt succeeding to the Presidency upon the assassination of President McKinley, in the Fifty-second Congress we added the *Connecticut* and the *Louisiana* in the first session. In the second session we authorized the *Idaho*, the *Kansas*, the *Minnesota*, the *Mississippi*, and the *Vermont*. In the Fifty-eighth Congress we authorized the *New Jersey*, the *Michigan*, and the *South Carolina*, or a total of 10 battleships in four years, under President Roosevelt's first administration. During the four years of President Roosevelt's second term we authorized the *Delaware*, the *South Dakota*, the *Florida*, the *Utah*, the *Arkansas*, and the *Wyoming*, a total of 6 ships. During the first two years of President Taft's administration—the Sixty-first Congress—we authorized the *New York*, the *Texas*, the *Nevada*, and the *Oklahoma*. This made a total of 28 battleships in 14 years under McKinley, Roosevelt, and Taft, or an average of 2 a year. In the Sixty-second Congress the House was Democratic, and that Congress authorized but 2 battleships instead of 4. Where were we heading in those days? What building policy controlled our addition of battleships? Why were we authorizing just two battleships a year? A consistent program of this kind, carried forward for 14 years, could not well be a matter of chance. From the close of the Spanish-American War until 1912 the Navy Department and the naval committees of the House and Senate were working upon a well-defined policy. I think Mr. Foss, the gentleman from Illinois, who was chairman of the House Committee on Naval Affairs during most of that time, will bear me out in this statement. President McKinley, President Roosevelt, President Taft, and those charged with naval matters generally were committed to the policy that the United States ought to maintain a navy second only to the navy of Great Britain. Why should such a policy be followed? Why should we be at least the second naval power in the world? Because there is no other country in the world, save Great Britain alone, so situated as to need more naval protection than the United States.

Great Britain is so situated that her empire is dependent upon the navy, scattered as it is all over the world. Not only that, but she is a manufacturing nation at home, with little or no

raw material. This she must get from the outside world. Then, too, she is dependent for her food supply upon the outside world. She must keep open the avenues of commerce in order to get her raw material, in order to keep in touch with her possessions, and in order to feed her people. Not only the empire, but also the very life of the people of England itself is dependent upon her navy. Her naval necessities are probably greater than ours; but there is no nation in the world with so much coast line, so many great cities, and so much property located within gunfire from the sea as the United States. There is no other nation in the world that has more international obligations to perform requiring the need of a navy than the United States. So, back there under McKinley and followed out under Roosevelt and Taft we had in the United States a navy second only to the navy of Great Britain. When you have a policy founded on sense you know what you are doing. You do not simply add a ship here and a ship there, but you can tell definitely how many ships of a particular type to add each year when you have a fixed policy. It is for Congress to lay down the policy, and then, so far as I am concerned, as to the particular type of ship, I am content to leave it to the experts of the Navy, whom we have educated at such great cost.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. Yes.

Mr. McKELLAR. Does the gentleman think that battle cruisers are a necessary part of our Navy?

Mr. KELLEY. I am going to show you exactly how necessary they are and how many are necessary.

Mr. McKELLAR. Then if you had the program under the Republican administrations of which the gentleman speaks, why did you not include battle cruisers?

Mr. KELLEY. That is very fine, indeed, and I am glad the gentleman mentioned it. It is because in those days there were no battle cruisers. [Laughter.] I suppose that would be a simple answer enough, but there were ships which took the place of battle cruisers. There were armored cruisers in those days, and we in making a program provided for the armored cruisers. In the Fifty-fifth Congress, third session, we put in the *Santiago*, the *Pittsburgh*, and the *West Virginia*.

In the Fifty-sixth Congress, first session, we added the *Colorado*, the *Maryland*, the *South Dakota*, the *Milwaukee*, the *St. Louis*, and the *Charleston*.

Mr. COOPER of Wisconsin. In whose administration?

Mr. KELLEY. Those were the administrations of Presidents McKinley and Roosevelt. In the Fifty-seventh Congress we added the *Tennessee*, the *Washington*, the *Montana*, and the *North Carolina*. These are armored cruisers.

Mr. OLIVER rose.

Mr. KELLEY. Let me finish with this gentleman here. These armored cruisers were as large as the battleships of that day and they cost practically the same amount of money as the battleships of that day, and in the 14 years that we were in power in this country we put in 28 battleships and 10 armored cruisers—a total of 38. [Applause on the Republican side.] So we did not neglect this very useful and necessary adjunct to the Navy, the armored cruiser. I now yield to the gentleman from Alabama.

Mr. OLIVER. Is the gentleman aware that in 1906 Great Britain laid down a battle cruiser and in 1908 Germany laid down a battle cruiser, and that during those years and the years following these countries were building battle cruisers; is not that true? [Applause on the Democratic side.]

Mr. KELLEY. I do not remember exactly when England——

Mr. BUTLER. Our armored cruiser—we always had an eye on that.

Mr. KELLEY. Just a moment; let me answer the gentleman. I know that 1910 was the first year that Germany added a battle cruiser to her navy.

Mr. OLIVER. That was during a Republican administration.

Mr. KELLEY. Yes; but the battle cruiser was not a demonstrated quantity when they built the first one. Sensible, reasonable, and rational, we did not go off halfcocked, following after a foreign Government, simply because it built one of these great big ships. We waited a little——

Mr. OLIVER. Will the gentleman yield for one question?

Mr. TALBOTT. Do not blame this administration.

Mr. KELLEY. Oh, I will get to that, and I will put the blame where it belongs.

Mr. OLIVER. Does the gentleman mean to assert to this House that in the number of battle cruisers now possessed by Germany and by Great Britain he is only including the battle cruisers built since 1910? Is it not a fact that in the authenticated lists showing the number of battle cruisers now owned by England and Germany are included battle cruisers laid down by Great Britain as early as 1906 and by Germany as early as 1908?

Mr. KELLEY. That is not true. Germany did not put any battle cruisers in her navy until 1910.

Mr. OLIVER. Did she not lay them down earlier?

Mr. KELLEY. Just one moment. Now, in the Sixty-second Congress——

Mr. COOPER of Wisconsin. Will the gentleman permit just one interruption?

Mr. MILLER of Pennsylvania. The gentleman has only got seven minutes. Why do not you let him alone? [Laughter.]

The CHAIRMAN. Gentlemen must not interrupt without the permission of the speaker, and gentlemen must not inject remarks from their seats.

Mr. BUTLER. Will the gentleman yield to me for a minute?

Mr. KELLEY. I will.

Mr. BUTLER. The rule gives me the disposition of the time, and I will assure the gentleman he will have as much time as he pleases. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman yield for one question?

Mr. KELLEY. I will.

Mr. COOPER of Wisconsin. The gentleman from Alabama [Mr. OLIVER] said that England laid down a battle cruiser in 1906 or 1908 and Germany in some other year. They might lay them down, but it would take two or three years to complete them, would it not?

Mr. KELLEY. I do not remember the year——

Mr. COOPER of Wisconsin. But he said "laid down." If they were laid down in those years, when would they be completed? May I ask the chairman how long it would take England or Germany to build a battle cruiser laid down in 1906 or 1908?

Mr. KELLEY. Well, I do not know—probably three years.

Mr. OLIVER. Will the gentleman permit an interruption just for information?

Mr. KELLEY. Not just now.

The CHAIRMAN. The gentleman declines to yield.

Mr. KELLEY. Now, Mr. Chairman, so much for the matter of armored cruisers, which was the predecessor of the battle cruiser. I want to say further to the gentleman from Alabama that the first time that the General Board of the Navy recommended battle cruisers was in the Sixty-second Congress, 1912, and it recommended two at that time, and two battleships, and the Sixty-second Congress, as far as the House was concerned, built neither. [Applause on the Republican side.] I just want to call attention to the situation in the Sixty-second Congress, first session. The Democratic caucus, as the records show, passed a resolution against the authorization of battleships [applause on the Republican side] absolutely. The House committee then brought in a bill without any battleships in it at all, and an appropriation for a building program of a little more than $5,000,000 was included in that bill. The other end of the Capitol had not gone Democratic at that time——

Mr. LOUD. Would not stand for it.

Mr. KELLEY. And they put in two battleships, and in the course of the conference, juggling back and forth, finally one was authorized. In the second session of the Sixty-second Congress the Committee on Naval Affairs of the House brought in two battleships and the Democratic House voted for one only; the Senate put in two and finally accepted one, thereupon the Navy of the United States receded from its position of second place which it had enjoyed for four years previous thereto. [Applause on the Republican side.] Now, just a minute.

Mr. DECKER. Will the gentleman yield?

Mr. KELLEY. What does the gentleman want to know?

Mr. DECKER. I would like to know if the failure to build that one battleship is what put us from second place to fourth in the navies of the world?

Mr. KELLEY. I am going to explain——

Mr. DECKER. I would like to have that question answered. We have built two every year since.

Mr. KELLEY. There have not been very many years since.

Mr. DECKER. I would like the gentleman to answer that question.

Mr. KELLEY. I generally speak so that people can understand me. We dropped behind two battleships by this action in the Sixty-second Congress.

Now, then, it has been stated somewhere that the position which we were maintaining all those years prior to 1912 did not require a two-battleship program, and that President Roosevelt in a message to Congress, I think about 1905, said that he thought one battleship was enough. That is true. He did say that. And why? Because in 1898 Germany, which was

the second naval power, adopted a certain naval program. In 1900 they changed it somewhat. In 1906 they changed it again. But particularly in 1908 their program was changed in an important particular. Compared with the German program in force in 1905 we were easily in second place when President Roosevelt sent that message to Congress. But in 1908 Germany changed its program providing for the same number of ships for 1917—32—but put a limit of 20 years instead of 25 upon the age, and also provided that ships over 20 years of age would be replaced. And during the next two or three years that change in the German law added four or five—I have forgotten which—battleships to the German Navy.

In 1912 Germany changed its building program again, and at that time provided for 41 battleships under 20 years old by 1917. Now, we did not take cognizance of that fact, but went on with the one battleship idea during the Sixty-second Congress. The question of restoring our Navy to second place and establishing again a definite policy is before the House. If we want a definite, positive program, if we desire a certain place among the nations of the world, not because of any fear that we may become involved in war with any particular nation, but because our necessities as a Nation on both oceans are so great. Now is the time to so provide for it.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. KELLEY. I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. KELLEY. The report of the General Board shows that Germany, the second power, has 20 dreadnaughts built and two under construction. We have 17 dreadnaughts. Counting the *Michigan* and *South Carolina*, which I think should be counted, we have 19. So there is a discrepancy, in building and authorized, between the two countries to-day, of three dreadnaughts. We have recommended in this bill that the two which should have been built in 1912 be built now.

Now, as to the battle cruisers, the chairman has gone on to say that most of the naval officers have recommended battle cruisers. Absolutely true. Nobody has recommended five battle cruisers and the discontinuance of battleships.

Mr. CALLAWAY. You said that the discrepancy between us and Germany to-day was three battle cruisers.

Mr. KELLEY. I said battleships.

Mr. CALLAWAY. There is no danger of Germany losing any of her battleships in this war, is there?

Mr. KELLEY. Of course, I can not tell what they may lose.

Mr. CALLAWAY. There is nothing that would indicate that Germany would lose any of her battleships in this war?

Mr. KELLEY. I know nothing about it.

Mr. CALLAWAY. Is there any probability that she will lose any?

Mr. KELLEY. How do I know? I can not look into the future. I would be glad if the gentleman from Texas could look into the future a little bit, because if he could guarantee——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BUTLER. Mr. Chairman, I yield to the gentleman another half hour.

Mr. KELLEY. I desire only five minutes more.

Mr. BUTLER. Then I yield five minutes more to the gentleman.

Mr. LONGWORTH. Will the gentleman yield? Will the gentleman please state the difference between battle cruisers and armored cruisers? Some of the gentlemen do not seem to understand.

Mr. KELLEY. The armored cruiser bears exactly the same relation to the old battleship type as the battle cruiser now bears to the dreadnaught. In the old days the armored cruiser was the ship that went out ahead, scoured the seas, and located the enemy, and then got back under the protection of the heavily armored ships—the battleships. And that is exactly the use of a battle cruiser in its relation to the dreadnaught to-day.

Mr. LONGWORTH. And the battle cruisers carry as heavy guns as the big ships?

Mr. KELLEY. Yes.

Mr. BENNET of New York. What were those vessels such as the *Lion* and the *Blücher* of both the English and German fleets that were sunk in the south seas?

Mr. KELLEY. The *Blücher* was an armored cruiser. We have 10 like her, and the *Lion* is one of the latest and most powerful battle cruisers of the English Government.

Mr. FESS. Can the gentleman permit one interruption? The gentleman knows I agree with him in his position. I am wondering whether we get the wrong idea when we speak of our becoming equal to Germany and not necessarily being equal to Great Britain. It is on no assumption that we shall never have any trouble with Great Britain, but simply that Great Britain can never concentrate all her fighting force at one place?

Mr. KELLEY. That is quite likely. Now, just a word as to the number of battle cruisers. Germany has six battle cruisers built. One of them, the *Goeben*, is at the present time flying the flag of Turkey, but she has German officers and German men on board of her, and probably when the war is over she will be found back in the German Navy if she is still afloat. Now, there are six battle cruisers in the German Navy, and we recommend six battle cruisers in this bill. Five battle cruisers, or four, or three, will help, of course; but if we are going to restore the second-place policy we had better, in my judgment, authorize in this Congress the ships that will actually put us in second place. My father used to say that it was a pretty poor proposition to invest in a race horse that was just a little bit slower than the winner. [Applause.]

Now, then, I sincerely hope that none of these ships will ever have to be used for war purposes at all. But we are in troublous times, and if we are going to have them at all we ought to have them within a reasonable time. The minority insists that an amendment should be put on the bill which would limit the time within which these ships must be constructed, so that the American people may get the benefit of the protection provided. [Applause on the Republican side.]

Our experience in getting ships for the last four or five years is not such as to encourage Congress in the belief that ships provided in this bill will be constructed more quickly. I wish to say, by way of conclusion, that I trust that these great warships that may be authorized in this bill will never be called to fire a shot except in target practice or as a salute, but in times like these, when the world is inflamed, when the passions of men are aroused, and when prejudices are being engendered in the hearts of men which will flow through the channels of the world's life for years to come, we should not be content with any halfway measures of defense, but we ought to make adequate provisions at this time to fully protect the American people. [Prolonged applause on the Republican side.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] is recognized.

Mr. BUTLER. Mr. Chairman, can the chairman of the committee accommodate us with a very short speech on this side? I wish to yield to the gentleman from Illinois [Mr. FOSS].

Mr. PADGETT. Mr. Chairman, I will yield to the gentleman from Missouri [Mr. HENSLEY] and such others as he may designate an hour and twenty minutes out of my time, and he will use part of his time now.

The CHAIRMAN. The gentleman from Missouri will be recognized for an hour and twenty minutes.

Mr. HENSLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. CONNELLY].

The CHAIRMAN. The gentleman from Kansas [Mr. CONNELLY] is recognized for 15 minutes.

Mr. CONNELLY. Mr. Chairman, I want to say in the beginning of the few remarks that I shall make on this bill that, as a new member of the Committee on Naval Affairs, I shall not assume that in the one session of Congress I have become a naval expert or that I have learned any great amount concerning the needs of that great organization. I think I should say that I have found members of that committee very agreeable gentlemen, who have worked faithfully during this session. I am sure that Chairman PADGETT deserves great credit for his untiring courtesy, patience, and gentlemanly forbearance. I do not agree with the conclusions of some of these members, but in this I have no advantage of them, for they are just as much out of agreement with me as I am with them.

I will not assume that the man who has attended the meetings of the committee quite faithfully and given attention to the work of that committee has come to definite and absolute conclusions, because I find that there are very few rules that anyone applies to their reasonings that can be followed with any safety. When men who have spent many, many years—practically all of their lives—in the Navy and who at the end of a long time of close study of its needs find that they can not agree with other men with the same ability, the same application, and the same experience, I do not take it that it is any crime for one who confesses to have but a superficial knowledge at best to have opinions that do not coincide with either of them.

Let me say, in passing, Mr. Chairman, that I am not much impressed with the arguments of any man who bases his reasoning upon the theory that all men who enjoy the blessings of liberty in a great Republic like this are not patriots and are not

seeking to find the best solution of these great questions that are and should be primarily patriotic questions. I have no sympathy or patience with the egotist who persuades himself that because he would build a dozen battleships each year he has a superior grade of patriotism to the fellow who is satisfied that the needs of the country would be very well served with the building of a very much smaller number. I have learned to look with an eye of suspicion upon the fellow who assumes that he has cornered the supply of patriotism of the country and who explains the droop in his shoulders by saying that he has been lugging around such a load of love for his country. This country has in every time of need found patriots in sufficient number who were willing to enlist under her colors and fight and march and die for their country, and if the time ever comes when that sacrifice is called for again, there will be no dearth of volunteers, there will be no failing to meet the test. But when we are trying to rationally and sensibly meet the requirements for the proper defense of the country every man should be allowed to form and express such an opinion as may be honestly formed without having some demagogue question his motives or his patriotism.

Now, I say to you that the only way that the average layman has to secure information along the line of defense of the country is to go to the fellow who knows; that is, to the men who have made a life study of the Army and Navy and the country's defenses. If they can not tell him what should be done, he is in a bad plight so far as getting information that is of any value. But here he is not without some trouble and some misgivings. He finds the average naval officer an agreeable, courtly, and polished gentleman. He is just as unselfish as other people would be when placed in his position, but he has not had the experience nor the training to show him but one side of the matter of national defense, and he can not be blamed for not knowing the things that he has no right to know. The average naval officer has usually gone into the Naval Academy at an early age; he has never learned the real value of a dollar; and the fellow who has not learned that it requires some effort to get money to pay taxes is not fully qualified to see both sides of the question of national defense. In fact, there are a few things that the average fellow raised up in the marts of trade and in the business and commercial lines of the Nation knows just as well as any Navy and Army officer can know, and the knowledge that he has of these things does not reassure him when he sees what these naval officers do in the lines that the average layman is qualified to judge. In the Book of Estimates placed before the members of the committee, on page 34, is an inventory of some wagons, buggies, and sleighs that are used in the various navy yards of the country. I find that, while my training and qualifications in my past life would not justify me in expressing an opinion as to the relative value of much of the fighting equipment, I have had such experience as would qualify me in placing a very fair estimate on the cost of wagons and buggies and sleighs. Here is the list, or a part of it, that we have published in that Book of Estimates:

One light wagon, navy yard, Mare Island	$2,000
One depot wagon, Portsmouth Navy Yard	1,600
One sleigh, Portsmouth Navy Yard	1,200

Now, when I see this evidence of extravagance in the things that I do know about, I am not easily persuaded that the system all through, from beginning to end, is not one of waste and extravagance; that if the people of the country who pay the taxes could once fully understand they would require more than the vociferous proclaims of patriotism in the way of explanation.

Mr. Chairman, I hear a great deal about efficiency in the Navy. I presume there is a good deal of efficiency, but I do not think that that efficiency is any matter to excite wonder and admiration. The Congress last session found it necessary to provide for a naval reserve, made up of men who had served in the Navy and who had had experience. They found that the Navy had for years failed even to keep a card index of those who had come in and served and gone out of the Navy. Such methods in any ordinary business, where it might be necessary to keep in touch with customers, would not be tolerated. Even ordinary caution would have suggested to them the necessity of keeping in touch with men who might be needed and men who had had experience and would be very valuable in emergency. The effort this Congress will make and the effort made in the last Congress to secure a reserve could have been largely obviated with the application of some very well-established business principles in the Navy.

I have been interested in the viewpoint of many of the naval officers of the country as to the obligation the country is under to them. Some of the officers who have been retired through the agency of the retirement board have complained bitterly to the committee, and I doubt not that they feel that they have been very much abused. I will take one of these officers as an example, not because his case is exceptional, but rather because it is not and is to a great extent representative of the class. This officer went into the Naval Academy when but a little more than 15 years of age; he was educated by the Government at an expense variously estimated at from fifteen to twenty thousand dollars; he was placed on the pay rolls of the Government at a good salary from the time that he was graduated and has spent his life at what would appear to most men as a very good wage; and when he was "plucked" or retired at the age of fifty-two or three he was retired on a pay of some $3,700 per year for the remainder of his life. He wants to be reinstated in the Navy so that, instead of retiring at the rate of $3,700 per year, he will in a few years be retired at the rate of $8,000 per year.

It is estimated that it requires more than $3,000,000 per annum to pay the salaries of these retired Army and naval officers who have been educated at the expense of the Government and who have received a handsome salary all of their lives from the time they were mere boys. I am not complaining; I am only saying that the fellow who goes out in the morning of life and labors in the mines and mills, the fields and the factories, through all the months and years of a life devoted to the civil and productive avocations, and who in the finality pays the taxes to support the Government, is the one that should complain, if complaints there must be.

However, Mr. Chairman, I am well aware that the mistakes of the past are not of avail to us for the present or for the future. I am not citing these things particularly to find fault; I am only referring to them to show how difficult it is to take advice from naval officers on certain matters of which they are, and of right should be, well informed, and not take it upon those matters in which they are more deficient than is the average business man. It is the common mistake that the fellow who knows a good deal about one thing is often thought to be informed about other things, when he may be of all men the most ignorant. I will not tire you with a recital of the various examples of extravagance that was brought out in the hearings this year for fear I will be accused of seeing only the little things that were developed and have missed the real issue.

I take it that no man in this country worthy of the citizenship of this great and good Republic would want this country unprepared for any emergency that is reasonable to expect shall confront it. I am willing to concede patriotic motives in each Member of this House, and I hope the same charity will be exercised by those who feel that they would go to the extreme of military preparedness as to the position of those of my colleagues who have seen their duty to stand for a more moderate program.

The question that comes up to the average fellow out in the precincts, those men and women who are intensely interested in the matter of national preparedness, is, How well is this Nation prepared now to meet and cope with the situation that may come up at any time in these troublous times in the lives of nations? I want to say that, in all of the four months of hearings this committee held this session, covering nearly 4,000 pages in the printed book, there was little developed that could be used as a basis for estimating the real strength or the comparative strength of the Navy of the United States. Just along toward the last of the hearings a question from my colleague, Mr. CALLAWAY, of Texas, who, all will agree I hope, devoted an honest effort to the cause of securing information and with that shrewdness, born of a mind fully trained as a lawyer, even he was enabled to develop but little that could be used as a basis for an honest computation of relative strength; but just the last few days, after wandering in the wilderness of many words and little information, he asked the Secretary of the Navy to place a table in the hearings giving the relative strength of the various fighting ships of our Navy, and that table you will find on pages 3789 and 3790 of the hearings; that tells the story to all who want to know of the real strength and also of the wonderful increases in the fighting force of the Navy in the last few years. From that table there is one thing that appears to be very conclusively proven: That whether we have a Navy as strong as other navies of the world or not we have a wonderful fighting machine, and we have spent money enough on it to make it a great machine.

In that table furnished by the experts, and therefore I think it can be counted as a reasonably accurate estimate, I find some figures that are to me very interesting, and I hope they will be to an extent illuminating.

In 1908 Mr. Roosevelt, who was then the President of the United States, sent the fleet of 16 battleships around the world. He did it not for the reason that he wanted to show the other nations of the world our utter unpreparedness to take care of

ourselves, but rather that he wanted to show that the Navy could make the trip and that it would be a silent reminder that this country was a very considerable factor among the navies of the world. In this table you will find that the department has taken the battleship *Delaware* as a basis for estimating and places that at 100 per cent. With that as a basis, here is what the table shows: First, that all the ships of that fleet that went around the world has a little less than 600 per cent. It shows that the total fighting strength of the Navy as it floats in the water to-day is practically six times what it was eight years ago. It shows that, if this building program that this House is now considering and which has been reported by this committee becomes a law, when these ships are finished, as they will be, perhaps, in 1919, our fleet has then in little more than 10 years increased in fighting force practically tenfold. In other words, we have averaged practically an increase each year for 10 years equal to the original 16 ships that went around the Horn in 1908.

If there has been no depreciation because of age of ships, we will have in 1919 or 1920 a fleet equal to at least nine fleets like we sent around the world in 1908, and the fleet then was a matter of no little pride, and went around the world in order to show that we were by no means a small nation among the fighting nations of the world. If that fleet was a very satisfactory fleet at that time, I submit to you that a fleet at least six times as strong in fighting strength now and ten times as great in 1919 or 1920 is by no means a small fleet, and it is not notice to the world that we are a big, lazy nation, not making any proper provisions for our national defense. This administration that will be accused by our Republican friends as being careless of the question of national defense will have authorized during the four years that it has been in power the building of units to add to our fleet that equal to at least three times the strength of the fleet that President Roosevelt sent around the world in 1908. The jingoes will be found on every stump during the coming campaign proclaiming that this administration has not gone far enough and that it has been careless of the country's defenses. Those of us who have refused to be swept off our feet by the frenzied and furious proclaims of those who feel that the time is propitious for a concerted raid on the Treasury will not permit the statement to go forth unchallenged that this country is a helpless country in the way of national defenses.

Mr. Chairman, I believe that a great majority of the Members who will vote for this bill will do so with the sincere belief that it is providing for more building program than is necessary. I personally believe that there is need for some strengthening of the Navy, and I can not vote for any unless I vote for what this bill provides. I would rather have too much and never have need for it than to have too little under any circumstances. The past two years there have been few newspapers published that have not filled their columns day after day with the sickening details of the war in Europe. The people in many sections of the country are nervous. I have, since the war began, found over 30 columns of war news in one issue of a newspaper published in this city, and I think it safe to say that 30 columns were for many months an average daily output for many of the daily papers of the United States. People have read about war, thought about war, talked about war, until the psychological time has come to strike for a big raid on the National Treasury that we may prepare, some say for war and some say to avoid war, but the fellows who will profit by the big appropriations are willing for you to differ on the details as to what the preparation is for, so long as the raid is made and the money spent. If the mistake of providing a five-year building program can be obviated, the people will be able to get out from under this scare before another year rolls around, and then they can halt the mad frenzy if they want to, and, on the other hand, if there appears to be need for further preparations, they can provide for it.

With this program every shipbuilding yard in the country will be taxed to its limit for the next year, and if we provided for 20 battleships they could not be built before Congress convenes again. If the nations of the earth that are bleeding at every pore and are now prostrated by the conflict that is devastating all of Europe learn that this country has started to build the greatest Navy in the world, they will take that as a challenge, and the interests that profit in war materials over there will be using newspaper space to scare those poor people, already laboring under a load that will stagger them for a generation or more, as they are using space here to put and keep our people into a state of frenzy. I want this Congress to go on record as being against war. I want them at this session and in this bill to take the initial steps to establish an international court for the settling of international differences. I want this country, great and rich and powerful, standing a giant among the nations of the earth, to say that it has the wealth and the men and the loyalty and the patriotism to sacrifice all that need be to keep the country right and free, but that it stands ready to enter an agreement for the limitation of armaments and for establishing a court for arbitration of disputed questions that have heretofore been settled with the sword. [Applause.]

I hear the idea of international arbitration spoken of in certain quarters as visionary and with a degree of contempt. I do not believe it is visionary, and I shall not believe that this Nation has lived up to the highest ideals of its national life until it takes the initial step to lead all the nations of the earth to submit practically all questions to a court of arbitration.

What does it mean to be prepared? One answers one thing, another answers another, and each is sure that he is right. The country has had some very indefinite information given to it through the agencies of the scare associations that have cornered the supply of patriotism and are clamoring hard for the center of the platform. I read the other day a newspaper article that proposed to tell the people that we could not at this time arm and equip a hundred thousand soldiers and that if we could find the arms for them there was no ammunition, and then it figuratively struck a pose and asked what is the use of guns and cruisers and battleships when we have no ammunition? The answer to the question was supposed to be incorporated in the great wisdom required to ask it.

Now, what are the ammunition conditions? These fellows who make these assertions do so with the full knowledge that the Government is not giving out as public information some of the data that it would require to prove their assertions wrong, but it is known by every nation in the world that the country has the immediate potentiality of manufacturing in a few months enough powder to supply 5,000,000 soldiers, and there will be enough to keep any army in the field that will be called there, and the truth is that this can be learned by men of ordinary intelligence, which makes it almost border on the criminal to attempt to mislead the country on such matters.

Then, again, they say that we are short of war equipments; we have no howitzers, and who could expect to win a war without howitzers? That would be a joke; no matter how many guns that you have that are equal to howitzers, no matter if they are just as effective, you are lost unless "Howitzer" is printed right on the gun barrel. That is the stuff that the preparedness advocates are putting before the country in the thousands of newspapers that are helping them at so much per help to spread the great tidings of preparedness gospel. Let us see what one of the great business men of the country said while giving real information before the Naval Affairs Committee. Mr. GRACE, who is at the head of the Bethlehem Steel Co., which, if not the biggest concern of its kind in the country is big enough to make its managers and superintendents of enough importance to command some respect, in response to a question put to him by Mr. BUTLER, the ranking Republican Member on the Naval Affairs Committee, as to his ability to produce war equipment, gave the following reply, which is significant.

Mr. GRACE. Mr. BUTLER, do not worry about being able to get war equipments in this country if the Government will treat the manufacturing industries right. The thing you want to worry about is manning these equipments. I presume that we can turn out at the Bethlehem to-day in one month more field equipment than the United States has in its entire equipment. Just cooperate with the invested capital of the country and it will be up to you people to get men and get them trained and that is all.

What does that tell you? It says to you that if any nation would start to bring an army to this country over an expanse of 3,000 miles of water, and we would scuttle every fighting ship we have and go out and help them land, this company could manufacture more equipment than we now have in the way of field equipment before these soldiers from the other country could land.

Mr. Barba, who is at the head of the Midvale Steel Co., another great industrial organization, was before the committee, and what does he say regarding the ability of his company to furnish war materials in case they were needed? He says that he is now turning out rifles at a rate that is prodigious and that his institution is capable of indefinite expansion. That is, he can expand to meet almost any emergency in a very short time. From the evidence that was brought before that committee by men who are to be given credit for knowing what they are talking about, I am convinced that this country to-day is equipped to make modern rifles at such a rate that it could arm five armies the size that Jackson led to victory at New Orleans with modern rifles each day in the year, and in a very short time it could double its capacity to produce this output of death-dealing instruments. I want to know if any Member of this House has seen a statement in any of these great preparedness journals telling the people this very important fact.

The committee did not feel that it should interfere with the estimates of the department as to the number of men required to man the ships of the Navy. They asked for upward of 13,000 additional men, and this bill provides that number. In the matter of the selection of the type of ships to be built, the committee again followed the consensus of opinion of the naval men who came before the committee. The bill carries five battle cruisers and no battleships. It must be understood that the choice of battle cruisers was not made on the ground that it saved money; it was provided for the very good reason that the great majority of the men best qualified to know said they were the kind of ships that would best serve the present needs of the Navy. The battle cruiser is a little more expensive than the battleship or dreadnaught, but if we are to believe these men who have spent their whole life in the Navy we conclude that they are much more effective and meet the modern ideas of what a battleship should be than do the heavier armored slow-speed dreadnaughts such as the Government has been building for some years past. Those who came before the committee who expressed their opinions as to the best type of ships for the Navy to build this year were as follows:

Secretary Daniels recommended that there should be five battle cruisers between now and 1921.

Admiral Fiske recommends that if Congress provided for only four capital ships they shall all be battle cruisers; if the Government builds six capital ships this year they shall all be battle cruisers.

Admiral Winslow recommends the building of all the battle cruisers that the country can afford and favors the battle cruisers to the battleships.

Capt. McKean recommended the building of at least four battle cruisers.

Admiral Grant said that the fleet would be best strengthened by battle cruisers rather than dreadnaughts.

Admiral Knight would build nine battle cruisers and not build battleships until a specific number of cruisers were furnished.

Admiral Fletcher recommended that should Congress authorize four capital ships they should all be battle cruisers.

Capt. Sims recommends the building of eight or nine battle cruisers.

Admiral Badger says that the battle cruiser should have preference over the dreadnaught.

I believe that in the face of these almost unanimous recommendations of the men who are trained men in the Navy the committee was justified in building battle cruisers exclusively as capital ships the coming year.

Finally, Mr. Chairman, I know how easy it is to float with the clamor for great appropriations for preparedness. I know how pleasant it is to be spoken of by the daily papers as a real statesman and a real patriot when you go with the tide and advocate the course that has been mapped out by certain forces that have had and are having to-day much to say about the extent preparedness shall go and the enormous appropriations that must be made. I know that it is sometimes unpleasant to incur the displeasure of these forces and these newspapers that bemean public men with all kinds of false accusations when they refuse to travel the road thus mapped out, but I do not care to succeed at the expense of forsaking the honest convictions that I hold on these questions. I believe that this bill goes far enough to satisfy any reasonable expectation of the country's need. I believe that it goes even further than what that need is, but I shall vote for it if it is not increased by amendments, because I appreciate that where there are many men each holding opinions that are at variance some must go further than they believe necessary and others must place some limit upon the length that they will go. I am convinced that any man who will study the strength of the American Navy will agree that if our Navy is weak, it is not in material, it is not in guns and ships and munitions, it is not because the personnel of the Navy is not efficient; it may be because there is some deficiency in the number of men available to handle the fleet on a war basis; and this committee has provided for several thousand men to remedy this weakness. This bill provides for all the ships, all the guns, all the munitions, and all the men that should be provided for at this time. It should not be increased in any particular; the bill as it stands should be passed. [Applause.]

The CHAIRMAN (Mr. GARNER). The time of the gentleman from Kansas has expired.

Mr. CONNELLY. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BUTLER. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. FOSS].

The CHAIRMAN. The gentleman from Illinois [Mr. FOSS] is recognized for 30 minutes.

Mr. FOSS. Mr. Chairman, I am very much interested in the American Navy and in its further upbuilding. When I first entered Congress, in the Fifty-fourth Congress, I was asked by Speaker Reed upon what committee I preferred to become a member. I said my first preference was Foreign Affairs. "Well," he said to me, "there is a very distinguished gentleman from your State"—Mr. Robert R. Hitt, who afterwards became chairman of that committee—"who is upon that committee, and I have tried to make it a rule not to appoint more than one man from a State on the same committee." At that time, of course, the membership of the House was a great deal smaller than it is now. Then the Speaker asked, "What is your second choice?" And I said, "Naval Affairs." He asked me why, and I told him that Naval Affairs was next door to Foreign Affairs; that we must have a Navy to back up our foreign policy. If you will read the history of this country, I think that you will find this to be true, that whenever we have had a strong Navy we have had a strong foreign policy, and when we have had a weak Navy we have had a weak foreign policy. I served upon the Committee on Naval Affairs for a good many years, 18 in all. In the Fifty-sixth Congress I was appointed chairman of the committee by Speaker Henderson and served in that capacity until I was succeeded by the able gentleman from Tennessee [Mr. PADGETT], who this morning has made a very excellent speech upon the bill from his standpoint.

Now, Mr. Chairman, during all the time I served on the Committee on Naval Affairs we tried to keep the Navy out of politics and politics out of the Navy; but a little introduction of politics came along in the Sixty-second Congress, and has been referred to here by the gentleman from Michigan [Mr. KELLEY]. It is proper for us, in looking over the development of the American Navy, to see what has been done and who has done it. The Republican Party was in control in this House from the Fifty-fourth Congress down to the Sixty-second, covering 16 years, and during that time the American Navy increased in tonnage until it became the second navy in the world.

Now, looking over the naval program for those 16 years we find that Congress authorized on an average about two battleships a year and one cruiser; that is, a big cruiser or an armored cruiser. There were 32 battleships authorized in those years. I believe the minority report states that during that period there were something like 13 or 14 cruisers authorized while the Republican Party was in control upon this side of the House. We made our annual program, on the average, three big ships; and, as I said a moment ago, we made our Navy the second navy in the world.

The last report which I had the honor of making to this House as chairman of the Naval Committee was submitted on January 28, 1911. In that report I set out the relative position of our Navy as compared with foreign navies. I speak of tonnage built. The tonnage and personnel of the four leading nations at that time were:

TABLE I.—*Tonnage (completed) and personnel.*

	Tons.	Officers and men.
Great Britain	1,859,168	120,572
United States	717,792	60,169
Germany	666,035	57,885
France	556,205	56,388

In the Sixty-second Congress the Democratic Party came into power on that side of the House. Now, in the first report made by the honorable gentleman from Tennessee [Mr. PADGETT] in the Sixty-second Congress, second session, it is shown that we are still rated as second in tonnage but third in personnel.

TABLE II. *Tonnage (completed) and personnel.*

	Tons.	Officers and men.
Great Britain	1,899,149	133,665
United States	757,711	60,217
Germany	749,669	60,974
France	630,705	58,755

In the next report made by the gentleman from Tennessee [Mr. PADGETT] in the third session of the Sixty-second Congress, I find that the United States has dropped to third in tonnage and fourth in personnel, as shown by the following table No. 3.

TABLE III.—*Tonnage (completed) and personnel.*

	Tons.	Officers and men.
Great Britain	1,978,212	137,222
Germany	837,982	68,122
United States	773,107	59,567
France	630,769	60,188

Mr. PADGETT. Will the gentleman yield?

Mr. FOSS. I yield to the gentleman from Tennessee.

Mr. PADGETT. In the report which you read just preceding you read the tonnage built, but not building and authorized.

Mr. FOSS. No; it is based on tonnage built.

Mr. PADGETT. If you had read in the former report the tonnage, building and authorized, we would not have held second position.

Mr. FOSS. We would have stood third; but I am talking of navies as they were built at that time. Of course, when we authorize ships we do not know when they will be built.

Mr. MADDEN. If we were called upon to fight we would have to fight with the ships that were built, not the ships that were contracted for.

Mr. FOSS. That is exactly the point.

Mr. MADDEN. So that the strength of the Navy is in its fighting force, is it not?

Mr. FOSS. If our Navy is called into action, of course we can use only the ships that are built and ready for commission. Sometimes we authorize ships, but it takes a long time to get them under process of construction; as we find, for instance, in the bill of over a year ago two battleships were authorized to be built in navy yards, and their keels have not been laid yet, and it is now nearly a year and three months since the bill passed; and it will be six months more, possibly, before their keels can be laid.

Mr. MADDEN. Will my colleague yield to me for a question?

Mr. FOSS. Yes.

Mr. MADDEN. Do I understand my colleague to say that in 1911, when he made his last report as chairman of the Naval Committee, the United States was second in tonnage and second in personnel?

Mr. FOSS. Yes.

Mr. MADDEN. And that when the present chairman of the committee made his report, in the third session of the Sixty-second Congress, we had fallen to third place in tonnage and fourth place in personnel?

Mr. FOSS. Yes; exactly.

Mr. MADDEN. What have we got to now?

Mr. FOSS. Well, we are still falling, I guess. The flag has drooped under Democratic administration.

Now, what was the cause of all this, and when did it begin? Congress a caucus was called in January and the question of building battleships was brought before that caucus. Never before in the history of the building of the American Navy had we ever made the naval program the subject of a party caucus. We have always treated it upon a broad, nonpartisan plane; and when I read in the speech of the President of the United States not long ago that we should treat the subject of national defense upon a nonpartisan basis, I could not help recalling the action of the Democratic Party in January, 1912, when, in party caucus, you passed a resolution that there should be no battleships authorized that year, and in obedience to your caucus action the distinguished chairman of the committee brought into this House the weakest, most insipid, most uninspiring naval program ever brought here that I can recall. Let me read it to you:

After careful consideration—

States the gentleman from Tennessee in his report (p. 14, Rept. 710, 62d Cong., 2d sess.)—

the committee recommends the following program: Two fuel ships, six torpedo-boat destroyers, one tender to destroyers, and four submarines, costing, in all, $12,713,440.

That was brought in here in response to the caucus action of the Democratic Party. What was the result? The bill passed here without any battleships, without any cruisers, without anything upon it except these fuel ships, torpedo boats, and so forth. It went to a Republican Senate, and there two battleships were added to the bill. Then for a long time the bill was hung up in conference, waiting for another Democratic caucus. Finally, after a long time the caucus was called, and that Democratic caucus passed this resolution:

Resolved, That the former action of the Democratic caucus in regard to battleships be, and is hereby, modified so as to permit any and all Democratic Members who desire to do so to vote in the House for one battleship only, and to permit the Democratic members of the conference committee on the naval appropriation bill to agree to one battleship. No Member is bound by this resolution to vote for one battleship should he not desire to do so.

That was the policy of the Democratic Party in the Sixty-third Congress.

Mr. HENSLEY. Will the gentleman yield?

Mr. FOSS. Yes.

Mr. HENSLEY. Is it not a fact that your colleague from Illinois [Mr. MANN] voted with the Democrats on the proposition of one battleship in the Sixty-second and Sixty-third Congresses and many other Republicans on that side of the House with him?

Mr. FOSS. I have not followed the course of my colleague on the naval programs. But what if he did. I am speaking about the action of the Democratic Party, as a party, on the question of building up the American Navy, and you have always been deficient, you have always been behind, and you have done it by caucus action. [Applause on the Republican side.] You have taken the great question of national defense and subordinated it to party politics and party advantage. [Applause on the Republican side.]

Mr. OLIVER. Will the gentleman yield?

Mr. FOSS. Yes.

Mr. OLIVER. Did not President Roosevelt, in December, 1905, in his message to Congress and also in his message to Congress in 1906, advise the building of only one battleship?

Mr. FOSS. I think he did in one message, but he changed his mind, because in the next Congress he recommended four battleships. He found he had made a mistake.

Now, first, in 1912 one battleship was authorized under Democratic control here. Then in 1913 one more battleship. In 1914 three battleships, but why? Because we were about to sell two of them, the *Idaho* and the *Mississippi*, to Greece, which we did. So that in reality Congress authorized one more battleship that year. Then the last year, after the pressure from the great outside, from the people of this country who were demanding a stronger Navy and a greater national defense, the Democratic Party finally got up to two battleships. So that in four years since the Republican Party was in control we have had authorized five battleships, or one battleship and a quarter each year. And yet there stands the record of the Republican accomplishment of over 16 years when we authorized on the average 2 battleships a year and an armored cruiser or some other kind of a big cruiser—three great big ships.

So long as the gentleman from Alabama has introduced the subject to party politics, I thought it was wise enough to call his attention to what has been done in recent years by the Democratic Party.

In 1912 our General Board of the Navy Department, of which Admiral Dewey is at the head, recommended for the first time the building of the battle cruiser. What that side of the House ought to have done was to have built battle cruisers right along since 1912. [Applause on the Republican side.] If you had kept up with the Republican program you would have built two battleships and one battle cruiser each year. If you had done that, the American Navy would have held its position where the Republican Party put it in 1911. [Applause on the Republican side.]

But you did not do it. Now, you are bringing in this proposition of 5 battle cruisers, and it hardly covers the deficiency of these four years; because if you had followed the policy set by this side of the House you would have built 3 ships a year, which in four years would have made 12 ships. What did you do? You authorized only 5, taking out the 2 that were built in place of the *Idaho* and *Mississippi*, leaving a deficiency of 7. So if you pass this bill with 5 battle cruisers in it you will still be short of the Republican record made in the American Congress. [Applause on the Republican side.]

Now, my friends, this program appeals to me in some respects. I believe in battle cruisers. I believe in scout cruisers and in torpedo boats; and if you would put the battleships at the head of the program, then you would have a well-rounded and complete program. You have recommended here 5 battle cruisers—not a very large program. I can recall that in 1899 we authorized 3 battleships and 3 armored cruisers; and an armored cruiser of that day was equivalent to a battle cruiser in this day and occupied relatively the same position. I can further recall that in 1900 we authorized 5 ships—2 battleships and 3 armored cruisers. In 1903 we authorized a program of 5 battleships. So that in numbers you are not exceeding anything that has been done in the past.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. FOSS. Yes.

Mr. BRUMBAUGH. I understood the gentleman to say that he believed in battle cruisers.

Mr. FOSS. Yes; I believe in all types of ships.

Mr. BRUMBAUGH. I understand that Germany and Great Britain were building battle cruisers at the time the gentleman was chairman of the committee. Did he believe in battle cruisers then?

Mr. FOSS. As I recall it, Germany and England built battle cruisers in 1908 and 1909, but they were not recommended by our naval experts or by the General Board of the Navy until 1912.

Mr. BRUMBAUGH. The gentleman believed in waiting until the emergency arose.

Mr. FOSS. They were a new experiment and our General Board did not feel justified in recommending them as early as they were built in other countries. But in 1912 the gentleman's party was in control, and in control of the Naval Committee when the General Board first made the recommendation on this subject, they had the matter before them, and they ought to have been building battle cruisers for the last four years.

Mr. OLIVER. Will the gentleman yield?

Mr. FOSS. Yes.

Mr. OLIVER. Did the Republican Senate indorse the recommendation of the General Board or the Secretary of the Navy in building battle cruisers that year?

Mr. FOSS. The Republican Senate added 2 battleships, as I recall it, but no battle cruisers. I believe in all kinds of ships, but the cruiser can not take the place of a battleship or a dreadnaught, as it is now called.

The people to-day are demanding stronger protection and stronger defense upon the seas. It was only a week or so ago that there was a great parade in the city of New York of 142,000 people marching up Fifth Avenue. To-day there is another great preparedness parade in the city of Boston, and, perchance, 100,000 people may march through the streets of that great city, and upon their banners will be these words, "Prepare, prepare, prepare." One week from to-day 150,000 citizens in my home city, the city of Chicago, will be marching up and down Michigan Avenue demanding and calling upon the American Congress to prepare, to prepare, to prepare. [Applause on the Republican side.] If you gentlemen think that the American people are not in earnest on this question, then you better take a vacation and go back home and consult your constituents.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. FOSS. Not now. When they read this program, this program of scouts, this program of battle cruisers, this program of auxiliaries, because they are all auxiliaries, they are all aids, they are the ministering angels or the ministering devils, as you may choose to term them, to the great ship, the battleship, which is the greatest product of American ingenuity and engineering, the greatest ship in offensive power and the greatest ship in defensive power, the ship that stands out above all other ships as the ship of preparedness and of national defense, when they read this program and find no battleship or dreadnaught there, how will they feel toward you?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUTLER. Mr. Chairman, does the gentleman desire any more time?

Mr. FOSS. Oh, I think the gentleman must have many demands upon his time.

Mr. BUTLER. Mr. Chairman, appreciating the long service upon this committee of the gentleman from Illinois, if he would like to have a little more time I will be glad to yield him 10 minutes.

Mr. FOSS. I thank the gentleman from Pennsylvania. Let us take the question of battle cruisers. I have spoken of the battleship, and that is the ship of all ships. It is the battleship and the battleship fleet that controls to-day in the North Sea, that controls the Seven Seas, so far as England's adversaries are concerned.

Mr. BENNET rose.

The CHAIRMAN. Will the gentleman yield?

Mr. FOSS. I would rather not be interrupted now. This battle cruiser is a big scout for the battleship. It is sent out to acquire information of the enemy. It has the power to break through the protecting screen of the enemy's fleet and obtain information and bring it back to the battleship fleet. That is one of the purposes of the battle cruiser. A battle cruiser can not stand up against a battleship, because its armor is thin. The battle cruiser can never control the sea; the scout cruiser can never control the sea. The submarine or the torpedo-boat destroyer can never control the sea. The battleship will control the sea, and if you are going to build up the American Navy and continue its onward construction, do not leave out the battleship, the greatest bulwark of our fleet. That is the unqualified testimony of every naval officer to-day.

I know that my distinguished friend from Tennessee [Mr. PADGETT] has read the recommendations of the naval officers that were called before the committee; but the report of the Navy General Board, of which Admiral Dewey is the head, what did it recommend? Four dreadnaughts and four battle cruisers. That also was the proportion which the Secretary of the Navy, Mr. Daniels, recommended in his report, which I have here, and also in his testimony before the committee.

Mr. Chairman, this war has not given us any great lessons in the matter of naval tactics or in the matter of the different types of ships. The General Board states that fact in the report which it has made. They say here in section 13 that so far as relates to the battleship and the types of ships "the conclusion to be drawn so far from the history of the great war is that the battleship is still the principal reliance of the Navy, as it has been in the past." There have been comparatively few naval engagements—nothing definite or decisive. We have had no great fleet action. The British fleet has controlled the sea and has bottled up the German fleet, and the German fleet has not seen fit to come out, because they are only one-half in strength of the British fleet. Of course the submarine has also taken some offensive action; but, nevertheless, the General Board said that it has not been sufficient to entitle it to be considered as a ship that would put out of action any of the greater ships. "The submarine," states the General Board, "is a most useful auxiliary, and its importance will no doubt increase, but at present there is no evidence that it will become supreme." And while I recommend that we should go on building up our Navy and building all kinds of ships, yet the naval program that stands for preparedness, or is supposed to stand for it, can not consistently leave out of it the battleship, the greatest ship of all.

Mr. Chairman, national defense is the supreme question before the American Congress. It is above all other issues. Questions of good roads, rivers and harbors, and public buildings pale into insignificance before this greatest of all questions—the national defense of our country. We have great interests upon this hemisphere to protect. We have a great coast line. We have recently completed the building of the great Panama Canal, and under treaty we have guaranteed to protect it. We have also the great Monroe doctrine in which we believe, and that doctrine is not one whit bigger than our ability to maintain it. We have also the protection of our commerce upon the seas, and the protection of the lives of American citizens upon the seas. In the development of the Philippines we necessarily must have a fleet. I remember that Admiral Dewey some years ago said in the Naval Committee room that we could not hold the Philippines six weeks without the Navy; and so, too, in the backing up of our foreign policies, we must have a strong and splendid Navy so that when our President sends a note to the remote quarters of the world it will have in it some force, some energy, some punch, if you please, and if we have a strong Navy to back up our foreign policies and to back up our words, we will find that we will be treated with respect. I believe in giving to our country such a national defense upon the sea that in every hour of international difficulty we may possess that poise which becometh a great nation and a great people—ready to maintain our national honor. [Applause.]

International peace will come only when international justice is recognized, but international justice must be founded upon international public opinion, for which we can all work and strive. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I congratulate myself on the privilege of listening to the former chairman of the Committee on Naval Affairs, who speaks from authority and an accurate mind. His statement should put to rest further question as to responsibility for the present position of our Navy. I wanted the time simply to express my view upon what we ought to do in the way of national defense.

I never have believed in a large military establishment in the form of a regular army. When the military bill was before us I expressed my position on our duty. I always have believed, however, in the provision of a great reserve for the Army; that is, I wished to meet an emergency rather than to build up a great establishment. I voted for every measure to increase the officering of the Army, for in time of trouble there is no doubt there would be a hearty response to the call for the citizen soldiery of the country, citizens though they are, but to call for the soldiery without the officers to discipline and train them would be simply asking men to commit suicide, and for that reason I have felt that we ought not to limit ourselves in our preparation for officers, but ought to provide for a great reserve and a reasonable increase in the Regular Establishment. I wanted to see the State organizations placed in condition to become a real arm of the National Government in time of danger.

But when it comes to the first line of defense, which is the Navy, or the second line of defense, which is the coast defense, I will go as far as anyone on this floor to insure a defense that will compel respect for our rights, for if the first line of defense breaks and the second is not equipped to make resistance there is not much that we are to hope for in a struggle with any first-rate power. This is why the first line of defense, aided by the second line, must be our main dependence in time of international crisis. It is also my reason for supporting the recommendations of those who know the possibilities.

I have listened with more than the usual interest in the discussion of the question before us from both sides of the House, and I have not yet convinced myself that although we are striving to be placed in the position of second rank, where we belong, and where we were when the party in power took control of this House, that that means that we never need to fear any trouble with a nation in the first rank. In other words, such a position does not mean our danger is limited to the second-rate naval power. But I agree with my friend from Michigan [Mr. KELLEY] that we need not prepare with the view of meeting the combined force of any country with which we might have a contest, as for example, Great Britain. While Great Britain is on the sea as the undisputed mistress, and while we might have a contest in the future, yet her navy is necessarily so scattered, her possessions are so attenuated, that there is no possibility, it seems to me, of her in any reasonable time concentrating all of her fighting forces against any one country, thereby withdrawing the arm of defense from her distant and valuable colonies, and therefore I do not feel that we are running any risk in not building a Navy as large as the English Navy. Our Navy, less in size and skill, need not necessarily suffer in a possible contest, but I do think that we must not lose sight of the fact that the same elements that have put the Old World in war might put us to a test some time in the future, and with the country which will be able to dictate terms in this contest. I am not one of those who believe that our safety is in our inability to defend ourselves. This debate has touched the extreme poles of difference among men on this subject. I do not rest in the belief that we will always be protected, that some kind, overruling power will exempt us from trouble, but I have some fear that there may arise a dispute to test our ability to defend ourselves. Fellow Members of this House, there is scarcely a right that a neutral power ought to enjoy on the sea that has not been infringed upon since the war has spread the world over. I detailed these facts before the House on the 11th day of last January. There is scarcely a fundamental principle that is recognized in international law that has not been violated, and violated with impunity, and all that we can do or have done would be to protest in the hope that we may lay plans in the future to make a settlement. This settlement will be sought in diplomacy. If that fails, what next? Its failure may depend upon our situation upon the sea.

If we go back into the cause of the war that has put three-fourths of the world's population in arms—for only the nations composing one-fourth of the world's population are now at peace—if we go back and find out what is the cause of the trouble, we will find it not so much in a struggle between militarism on the one hand and navalism on the other hand, but a struggle that has its explanation in a contest of commerce, and every feature in that contest is an element in our own relation with the same countries that are now in contest. No Member of this House will overlook the elements of contest growing out of the rapid strides of Germany in the commerce of the world which pointed to the day when England's supremacy might be questioned.

Fellow Members, this Nation is not going to continue to be insular. It will not confine its activities to domestic matters. This Nation is not only going to be a world power and a power on the seas, but it is bound to dispute in the future the primacy of the seas. This Nation will go beyond the continental borders of the land and domestic industrialism to a world commerce and a world industrialism, and the very moment that we begin to extend the commerce of America on the seas that moment we will run counter to some wishes of the other countries that have controlled the seas, and any Member who feels that we are exempt from any conflict in the future on questions of commerce has failed to look into the history of the past and refuses to be taught by what has gone before. [Applause.] For that reason I can see an element that has put Europe in arms figuring with a good deal of meaning in the future of our own country. Not only that, the commercial side is not the only item of concern to this Nation, but we are in a quarrel at this moment with the two dominant belligerents, and the quarrel is not yet adjusted. With one the difficulty grows out of submarine warfare. It has been a delicate question. The situation involves vast possibilities, and while we hope the end is in sight, yet nobody can be assured that it is.

We have been careful, so far as our own country has been concerned, in our negotiations not to tie our hands in the legal and rightful use of the submarine as generally recognized, but at the same time whichever way this war ends, no matter in whose favor, this Nation of ours will not have many friends in Europe, and that is not necessarily our fault. Germany will feel ugly toward us simply because we have not done certain things we could not do. Germany had hoped that the Nation by an edict of the Government would stop our citizens from supplying any munitions of war. We had not the right to do it. The provision of the seventh article of The Hague is specific, and we helped to write it, that a belligerent in time of war has the right to buy of a neutral country. The moment we would have forbidden it by act of Congress we would have violated a well-recognized principle of international law which has been universally recognized and practiced by all nations, and we could not afford to do it. However, Germany—not the German Government so much as the German people—both in Europe and in a sense here feel bitter against us. Germany says the bullets bear the mark of America, the shells indicate that they are made in the great neutral Republic, and if we are unable to meet the successful end of the war we have to give much credit to the American neutral country. That makes them feel ugly toward us. Whatever may be the individual wish of our citizens, we as a Government can not afford to violate one principle of international practice in order to win favor from any nation now in war. If we at once repudiate any such principles we have surrendered all with all countries.

The war will end with Germany inevitably feeling bitter toward this Nation, and, as I said, it is not our fault. If, on the other hand, it ends favorably to either country or ends as a drawn battle, it will not win the friendship of any belligerent. If it ends in favor of the country which has been able to secure munitions from us, Great Britain will say to us, "We did it, with you lining your pockets on the profits that have been wrought out of the blood-ridden, sanguinary fields of Europe, and it was not because you had any special interest in us, but it was the basis of the profits that you won in so doing." England will add, "We did it in spite of you," and she will not feel very kindly toward us. Mexico——

Mr. BENNET. Will the gentleman yield?

Mr. FESS. I yield to my friend from New York.

Mr. BENNET. Right in line with his thought, does the gentleman think that the very proper and wholly admirable note of Secretary Lansing in this morning's paper will incline Great Britain to feel very friendly toward us?

Mr. FESS. Oh, no. It will drive her way beyond what she is now. She has proceeded upon the basis, it appears, that her struggle is ours. When she learns differently, as she must soon learn, she will be driven further. This note made public to-day, conceding it a strong statement of our rights in the controversy, is not strong enough. Time will prove she will treat it as our former notes have been treated, I fear.

Mr. FOCHT. Will the gentleman state if he knows of any time when England was friendly to the United States?

Mr. FESS. I thought I could say this without offending anybody, because in all of England's contests since the Civil War here in America my sympathies have been on her side. Even in the Boer War, when it appeared that 95 per cent of our people were against England, I felt that England was on the right side of that issue. I am of opinion, from the attitude of the Boers to-day, that I was justified in my beliefs. I say that much, so that you may not think I am prejudiced when I speak frankly upon the present situation.

Now, this is what I want to say in answer to my friend from Pennsylvania, that in a contest with our mother country over items of commercial rights she has never conceded except as she had to. Never! That is our history. I challenge any Member on this floor to show that she has conceded anything except as we have commanded it. The most recent incident was over the Venezuela episode, back in 1887, and again in 1895. And I want to say another thing—that that great country, the mistress of the sea, a naval power both commercial and defensive, the inevitable result of a system growing out of a consistent policy for 150 years, that has reached the most magnificent, majestic proportions as a sea power of any nation in all history, has so conducted the contest in Europe that while she was burdened with but $3,000,000,000 of indebtedness when the war came, but which has reached $13,000,000,000 now, yet she

has so proceeded that it has been, aside from loss of life, a distinct commercial profit on the sea for that great nation. There is no doubt about that. Churchill's leading question as to the whereabouts of the 5,000,000 soldiers was legitimate. The entire course of Britain in this war proves her determination to maintain her position unclipped. Britain could not be found anywhere on the civilized sea with a great merchant vessel, with her bunkers filled with coal, that that same vessel would not be at its own coaling station before the coal would be exhausted. Her 14 miles of vessels when placed side by side indicate but one feature of this policy of navalism. She controls the cables of the world and can by simple decree put the world into outer darkness in less than a minute. She has coaling stations so numerous and convenient that almost anywhere a vessel may be found it can be supplied. She has an open port in almost if not every part of the world.

I have had wonderful admiration for the country whose white flag of commerce carries with it the English language, the English law, the English system of government, the English institutions and customs of which I have thought so much. But that does not mean that I must blind myself to the possibility of a struggle of my country with that country on the sea in due time. That is the thing I am afraid of. England's present attitude toward our rights is ominous. To our protests, without a single exception but one, reply has come she can not concede. And anybody who thinks that we are exempt from any contest with a country that treats our demands for respect of our rights as a neutral country, as I said a moment ago, refuses to look into what has taken place in the last 100 years. True, England's offense does not go to destruction of life; that is not necessary. But there is scarcely a possibility that this Nation will submit to the high-handed interferences in vogue.

I was about to say, when my friend asked me a question, that Mexico offers an occasion for our most thoughtful contemplation. In unhappy Mexico there is property belonging to German citizens, who were invited to invest; there is French property there; there is English property there. In the past four years general destruction of the property of these citizens has taken place. The time will come when the war in Europe will end and these countries will demand an adjustment in some satisfactory way. Most certainly an indemnity will be demanded on the part of these countries against Mexico for this loss. What will we do? What will be our attitude? When the indemnity is demanded and Mexico finds herself unable to pay, we will face the problem as it is. Doubtless they will demand indemnity. Can she pay it? No; she can not, no matter how small, which it will not be. The situation of Mexico now indicates the condition of her securities at the present time. I had in my possession recently a dollar bill, sent to me by a resident on the border, that circulates for 5 cents. It would be a good thing to show here, but I do not happen to have it with me. It is Carranza money. In other words, inability to pay any indemnity is the most apparent fact that you can face in Mexico to-day. And when these countries will demand indemnity, which she can not pay, a coaling station may be demanded, in lieu thereof, or a slice of territory may be demanded. This is inevitable unless thwarted by some power with more command than Mexico. What will we do when that is demanded? Will we say that the Monroe doctrine is a dead letter? The Monroe doctrine, as my good friend, the former chairman of the committee, said, is no stronger than we are willing to make it. This, in my deliberate judgment, is what we will do: We will either get ready to defend the Monroe doctrine or we will surrender it—one or the other. The alternative is clear and the choice is ours to make. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BUTLER. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. FESS. I am very much obliged to my friend.

I have just time enough to say this: I have never allowed myself to be caught up with any propaganda that would give a just ground for anyone to say: "You are going into a spirit of hysteria; that you are losing your anchorage. There is a demand for preparedness, and you are losing the usual equilibrium that ought to possess a Member." I have studiously avoided linking myself with any propaganda of whatever sort. I have kept an open mind on the question of our defense, and have refused to be influenced for or against. I am firm in the opinion that no one is losing his anchorage if he decides that he will vote to place this Nation in a condition to meet what may come. Too many complicated conditions are confronting us to be totally demure. The unfortunate race question is on our western border, and it is not of our own choosing. It is a conflict between what some say is our treaty obligations on the one hand and State rights on the other. Many contend that the right of the States to control that which pertains to each State, such as the school system and the title to lands, must not be interfered with by the Nation. There is your problem on the western coast. I have never been one of our people who hold that we are bound to have trouble with Japan. Yet I am not blind to the strong contention of those on the ground. There are Members in this House for whose judgment we all have high regard who say to me that it is written in the future; that it has got to come. I have never felt that. But I do know that in our double sovereignty—the sovereignty of the Nation that makes treaties and the sovereignty of the States that make laws—there is not only room for conflict but there is conflict. It was the source of our fiercest contests in the forum in the past and was the real cause of the Civil War. That question is now on the coast, and while the remedy sought in 1860–1865 will never again be resorted to between the States and the Government, yet it ought to make us see what we may be required to meet in our dispute with a foreign country. It is not likely that we shall ever interpret our treaty-making power to extend to our denial to any State its right to regulate matters of land tenure or title or to the right to exercise plenary power over the education of her citizens. On the other hand, it is scarcely reasonable that a proud nation, claiming under treaty stipulations certain rights denied by States which the nation knows not in law, will willingly submit to such treatment. It is a situation demanding the attention of the House when we contemplate the question of preparedness against war.

This is what I want to say, to sum up: The commercial interests which lie at the very door of this world war in Europe will inevitably make a difference between us and the nation with which we will come in contact in competition on the sea. This situation is all but as prominent with us as with Europe in 1914. That is one item. The Monroe doctrine, which expresses a peculiar Americanism on this continent, is another. As is well known, it has never been looked upon with favor in commercial Europe. The specific reference is to Mexico and promises to be the earliest incident to test us. The question on the Pacific coast is another item which ought to cause us to see the danger. Here are at least three sources of danger, to say nothing of the victor in Europe, to seek a way to recoup the awful burden of debt inevitable from the war.

Fellow Members, I do not know that we are going to have war. Nobody knows it. We hope that we will not have war. But if it does not come it will not be because we were unable to defend ourselves. Our safety does not lie in our defenseless condition. The day before Christmas of this past year the boys' hall of Antioch College burned. Fortunately, it was well insured, and the companies rebuilt it. When we insured it we did not know it was going to burn, but we insured it because we were afraid it might burn. [Applause.]

My folks at home, many of them—and among them the very best people in the world, intelligent and sincere—think that my position on the Navy, in demanding a great equipment on the first line of defense is unnecessary. I say to them, "I am ready, with the situation confronting us as a world power, with the complicated questions which are yet unsolved becoming more complicated, to vote for national insurance." And I will vote for any reasonable increase of the Navy that you may bring in. I will do so in the full belief that if we do not build a strong defense because it costs too much, we will be risking millions to save hundreds. I am not satisfied with the majority report. I want what you propose, but there are items omitted that should be provided. I would like to have a greater flotilla of submarines. Our extensive coast line demands a mobile coast defense. I want an increase of the eyes of the Army in the aviation corps. This arm of the service has proved its vast importance. I want the battle cruisers you have provided in this bill, but I want some dreadnaughts in addition to the fast cruisers. Let us make the first line of defense capable. It is the best national insurance I know anything about. [Prolonged applause.]

Mr. BUTLER. Mr. Chairman, I yield 30 minutes to the gentleman from California [Mr. STEPHENS], a member of the committee. He has given the subject a great deal of attention.

The CHAIRMAN. The gentleman from California [Mr. STEPHENS] is recognized for 30 minutes.

Mr. STEPHENS of California. Mr. Chairman, all good citizens, men and women alike, pray that this, our beloved country, may never again be forced into war. No man with a heart for others, no man with family or friends, wants war. All of us want peace, now and during the years to come. We seek the peace that will make us self-respecting and keep us busy and happy at home. We must have the peace that will make us

respected and honored in all other lands, whether they be to the south of us or beyond either great ocean.

There is at this time no way of guaranteeing peace; there is nothing now possible for us to do that will make peace constant, continuing, and everlasting between nations any more than between individuals. All that we can do is to try to prevent war, to keep it off if we can, and to prepare to defend and care for our own if war should come.

Fire engines and firemen do not prevent fires, though we pay out $50,000,000 annually to men who are prepared to fight fire, and we would laugh at him who would suggest that fires were caused by firemen. In 1914 fire insurance premiums in the United States amounted to $396,549,677. If we spend that much or more annually to guard against possible losses by fire, why should we not spend millions on millions to guard against war's greater material loss and its awful sacrifice of hundreds of thousands of human lives?

Sheriffs, constables, and police do not make crime impossible. They only lessen it and apprehend the wrongdoers. Yet we spend hundreds of millions each year for them. As we seek to protect our cities and towns against crime, why should we hesitate to prepare against war?

The American people in 1914 paid out $745,794,982 in life insurance premiums—not to prevent death, but to protect those left behind. Thousands of millions more would be cheerfully expended if death could be prevented or life prolonged through life insurance. Preparedness is national life insurance of the very highest type and character. It is the only insurance that prolongs life and insures against death, not only of the Nation as a whole, but more particularly of its individual members. It prevents disease and keeps away sickness by teaching and preparing the men of the country to care for themselves. The young men of the Nation will be better fathers and better citizens, too, after physical training, such as is given our Army and Navy boys.

Adequate preparedness makes war less probable—may prevent it—for the weak rarely attack the strong. If I believed that preparedness would hasten war, I could not be for it; but believing as I do that preparedness will delay, perhaps prevent war, I am for it with every word and all the strength I have.

From the cradle to the grave, life is one continual round of preparedness measures. The care we get at home, the education given us by our schools, the drilling in trade or business or profession, are only the preparedness measures of to-day for the life we shall lead to-morrow. Every man and woman has an umbrella ready for the rainy day, and carries it, too, as a preparedness measure. When we buy a home we get a notary to draw the deed because he has prepared himself to do it right. When we are in trouble we hire a lawyer because he is prepared to advise or defend us, and when we are ill the doctor is called, because he is prepared to relieve or cure us. In fact, we employ only those whom we believe best prepared, and we strive to meet every situation in life by being well prepared for it.

In my judgment, the thing most likely to keep this country at peace with all other nations beyond the seas is an adequate Navy. The cost should not be counted, for cost what it may, it can not cost more than a mere bagatelle as compared with the money expense of war.

Mr. Chairman, the United States should be and must be the second naval power among nations. I wish it could be first, but that is so impossible for so many years to come as to make it idle to consider now. Second place, however, we should have; and so undoubtedly second as to make us able to withstand an attack on either the Atlantic or Pacific coast, or on both coasts at the same time should a double attack be made. And to be attacked simultaneously on the east coast and on the west coast is far, far from the impossible within the next decade. When the great war now raging is over there will be thousands, yes, hundreds of thousands of men, veteran soldiers inured to privations and to hardships of every kind, who with home ties loosened, with no work or business or profession to return to, restless and necessarily dissatisfied, will seek new fields of adventure, and their respective governments will be obliged, willingly or unwillingly, to back them up in much they do. Asia and Africa have been apportioned, so where is there a more likely field than in Mexico, Central or South America? If restless nations, fresh from war, seek lands and dominion in either, what will the United States do? Will she sit quietly by and permit the Old World to begin again to absorb the New World? Will the United States permit England or Germany or France or Austria or Italy to take over any part of any country south of us? Will the Monroe doctrine mean nothing?

During the next 10 years the United States will be more severely pressed from without than for 50 years past, and she should have, must have, the voice of confident power and adequate preparedness with which to ask and require that laws of humanity be lived up to, that international obligations be kept, and that this Western Hemisphere remain the new and advancing world.

The Atlantic and Gulf coasts of this great country are not adequately defended. They should be. I favor fortifications and a larger Atlantic Fleet that proper defense may be furnished them. But as compared with the Pacific coast the Atlantic is surfeited with defense. One of our immortals, Gen. John A. Logan, when asked how he felt after defeat for a presidential nomination, said: "I am too big to cry and it hurts too bad to laugh." Paraphrasing that, the Pacific coast is too patriotic to cry and the situation is too serious for laughter. No; I am not unduly concerned. Neither am I understating, nor underestimating, the value of what we have there with which to defend ourselves, when I say that our coast defenses are very limited, our Army very small in numbers, and our Navy there not sufficient to withstand one enemy battleship.

Mr. Chairman, I desire now to submit for the particular attention of the Members of the House certain excerpts from the testimony given to the House Naval Committee since January 1 by some of the foremost authorities in our Navy:

COMMITTEE ON NAVAL AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, February 24, 1916.

The committee met at 2 o'clock p. m., Hon. LEMUEL P. PADGETT (chairman) presiding.

At the expiration of the recess the committee resumed its session.

STATEMENT OF REAR ADMIRAL C. M'R. WINSLOW, COMMANDER IN CHIEF OF THE PACIFIC FLEET.

Mr. STEPHENS. Admiral, you are commander in chief of the Pacific Fleet, I believe?

Admiral WINSLOW. Yes.

Mr. STEPHENS. Will you tell the committee, please, how much of the Pacific Ocean your fleet is supposed to cover?

Admiral WINSLOW. I do not know exactly where we run against the Asiatic Fleet, but in latitude I think we go from the North Pole to the South Pole.

Mr. STEPHENS. Then, your fleet is supposed to cover the Pacific coast from and including Alaska to the Panama Canal?

Admiral WINSLOW. Oh, yes; and South America, too.

Mr. STEPHENS. And you go beyond the Hawaiian Islands.

Admiral WINSLOW. Yes.

Mr. STEPHENS. Then, Admiral, the Pacific Fleet covers, or is meant to cover, as much territory, anyway, as the Atlantic Fleet does?

Admiral WINSLOW. As much coast line?

Mr. STEPHENS. As much coast line and as much general surface of the earth?

Admiral WINSLOW. Yes; about the same thing.

Mr. STEPHENS. You are stationed generally at San Diego?

Admiral WINSLOW. No, sir; not necessarily. I have been three months down on the coast of Mexico.

Mr. STEPHENS. You have to look after the Mexican coast and the South American coast?

Admiral WINSLOW. Yes; most of the vessels of my fleet are down there now.

Mr. STEPHENS. The *San Diego* is your flagship?

Admiral WINSLOW. Yes.

Mr. STEPHENS. Does she go out to practice at times?

Admiral WINSLOW. Yes.

Mr. STEPHENS. Has she lately been at practice?

Admiral WINSLOW. Yes; she has been firing at a target this last week.

Mr. STEPHENS. How long was she absent from San Diego?

Admiral WINSLOW. This last time she has been out, I suppose, about a week or 10 days. She comes in for a day and goes out again—a day or two.

Mr. STEPHENS. Do you go out with her generally?

Admiral WINSLOW. Generally, yes.

Mr. STEPHENS. Sometimes you do not?

Admiral WINSLOW. Only once I have not been out with her.

Mr. STEPHENS. What did you use as a staff headquarters and flagship while she was out there?

Admiral WINSLOW. The *Iris*.

Mr. STEPHENS. What is the *Iris*?

Admiral WINSLOW. The *Iris* is a tender for destroyers.

Mr. STEPHENS. She is a mother ship to the destroyers?

Admiral WINSLOW. A mother ship to the destroyers.

Mr. STEPHENS. Has she any guns aboard for defensive purposes?

Admiral WINSLOW. She may have; none that I have ever seen; they are of no great military value if she has any.

Mr. STEPHENS. How old a ship is the *Iris*, Admiral?

Admiral WINSLOW. She is old enough to be of little use. I do not know how old she is.

Mr. STEPHENS. I have seen somewhere in a newspaper that the *Iris* was built about a hundred years ago on the Tyne in England. Is that true, do you think, Admiral?

Admiral WINSLOW. I do not know how long ago, but she shows wear and tear.

Mr. STEPHENS. She is of no value whatever, except as a mother ship?

Admiral WINSLOW. She is of no value whatever, except to lie at San Diego at anchor. She really is not seaworthy. I had her down in the Gulf of California with me, and I conveyed her back. Her boilers are giving out, and if she got caught on a lee shore she would not have power to get off.

Mr. STEPHENS. Why did you use the *Iris*?

Admiral WINSLOW. You mean why did I use her for myself?

Mr. STEPHENS. Yes.

Admiral WINSLOW. Because she was the only thing I had there to use, except the destroyer, and the *Iris* was more convenient.

Mr. STEPHENS. Then, the commander in chief of the Pacific Fleet, when his flagship was away, had nothing else to use except a vessel obsolete in every possible way, and carrying no guns whatever?

Admiral WINSLOW. I could have used a destroyer. I had some destroyers there.

Mr. STEPHENS. Even the commander of the destroyer fleet does not use the destroyer as a flagship, does he?

Admiral WINSLOW. He lives aboard the *Iris*, normally, but when the destroyers are working, he goes aboard one of them, because the *Iris* will not keep up with them, and he would get left behind.

Mr. STEPHENS. You have one armored cruiser in your active fleet; how many are there in the reserve fleet?

Admiral WINSLOW. They have four in the same class as the *San Diego*, and then there is the *Charleston*, the *Milwaukee*, and the *St. Louis*, which are smaller ships.

Mr. STEPHENS. They are cruisers, though, are they not?

Admiral WINSLOW. They are cruisers; they have some armor; they are large cruisers, but have no turret guns.

Mr. STEPHENS. You have one armored cruiser in commission and five armored cruisers in reserve; is that right?

Admiral WINSLOW. Yes.

Mr. STEPHENS. How many cruisers have you in active commission?

Admiral WINSLOW. Six; that is, including gunboats.

Mr. STEPHENS. But the gunboat is not a cruiser, is it?

Admiral WINSLOW. She is doing the work on the Mexican coast.

Mr. STEPHENS. You are making a gunboat do the work of a cruiser?

Admiral WINSLOW. No; but she is doing the work better than a cruiser could do it. She is in a harbor where there is shoal water, and a larger cruiser could not get in there.

Mr. STEPHENS. Have you one gunboat or two?

Admiral WINSLOW. One is in the navy yard, and one is doing the work down there.

Mr. STEPHENS. One gunboat that is really serviceable?

Admiral WINSLOW. They take turns down there.

Mr. STEPHENS. How many cruisers have you in reserve, Admiral?

Admiral WINSLOW. Armored cruisers?

Mr. STEPHENS. Five, you said, of armored cruisers?

Admiral WINSLOW. Yes; five armored cruisers, and three protected cruisers.

Mr. STEPHENS. How many destroyers have you in your fleet?

Admiral WINSLOW. Five.

Mr. STEPHENS. And how many in the reserve fleet?

Admiral WINSLOW. Four.

Mr. STEPHENS. How many submarines in the active fleet?

Admiral WINSLOW. Seven; three *H* boats and four *K* boats.

Mr. STEPHENS. How many in the reserve fleet?

Admiral WINSLOW. I think three *F* boats.

Mr. STEPHENS. And battleships?

Admiral WINSLOW. I have not any.

Mr. STEPHENS. You have not any at all in active commission?

Admiral WINSLOW. No.

Mr. STEPHENS. Nor are there any in reserve?

Admiral WINSLOW. The *Oregon* is out there, but she does not belong to me.

Mr. STEPHENS. Is she in reserve?

Admiral WINSLOW. She is assigned to the Naval Militia.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield there?

Mr. STEPHENS of California. Yes.

Mr. COOPER of Wisconsin. That testimony about the conditions existing out there refers to the present year?

Mr. STEPHENS of California. Yes; in February, 1916.

Mr. COOPER of Wisconsin. There is no battleship out there under Admiral Winslow?

Mr. STEPHENS of California. There has been no battleship there under Admiral Winslow or any other admiral, except when the big fleet went around the world.

Mr. COOPER of Wisconsin. So that if it were necessary to relieve or strengthen the fleet on the Pacific coast you would have to send battleships from the Atlantic clear around the Horn or through the Panama Canal?

Mr. STEPHENS of California. Yes; and it would take a battle fleet almost three weeks to go from the Atlantic through the canal to San Francisco. I read further:

Mr. STEPHENS. Of the seven submarines in active service, where are they located?

Admiral WINSLOW. There are three of them at San Pedro, or were there when I left there, and the *K* boats are at Honolulu.

Mr. STEPHENS. Honolulu is how far from the Pacific coast proper?

Admiral WINSLOW. I have forgotten the exact distance. I think it is about 2,000 miles, is it not?

Mr. STEPHENS. Between twenty-one and twenty-two hundred miles.

Admiral WINSLOW. Something like that.

Mr. STEPHENS. Admiral, with this fleet which you have named, you are supposed to take general care of the territory you have outlined, are you not?

Admiral WINSLOW. Just now I am taking care of the west coast of Mexico. I do not understand that there is anything else out there that needs taking care of.

Mr. STEPHENS. But if there were anything, or if anything developed anywhere on the Pacific coast, it would be your duty to look out for it, would it not, with your vessels?

Admiral WINSLOW. Yes.

Mr. STEPHENS. Admiral, with the fleet that you have named to this committee, do you think the Pacific coast proper is adequately prepared for defense?

Admiral WINSLOW. No; certainly not. I do not think that there is any pretense that it is, with that fleet.

Mr. STEPHENS. Admiral, is the American Navy prepared to-day to fight an enemy that would be at all likely to attack this country on the Pacific Ocean.

Admiral WINSLOW. You mean the whole Navy?

Mr. STEPHENS. Yes, sir; in its present condition and position.

Admiral WINSLOW. When you come to talk about the present position and all that, you are going into strategy, and if you want me to talk about that you had better talk behind closed doors, because I do not think it ought to be given out.

Mr. STEPHENS. If I ask any questions to which you think you should not give an answer, I hope you will withhold your information until later.

Admiral WINSLOW. No. If you want me to say whether we have sufficient fleet out on the Pacific, we have not any fleet on the Pacific; we do not pretend to have; nothing but that one armored cruiser, but if we had more men, I suppose we would commission the other armored cruisers, but so far as we have, our force is all in the Atlantic. That is known as a matter of statistics. Anybody can get the names of the ships we have out there, and what we have here, but what we would do in the event of war in the Pacific, or war in the Atlantic, involves strategy, which should not be given out.

Mr. STEPHENS. Admiral, tell us the condition, if you can, of the cruisers and armored cruisers that are in reserve to-day; how long it would take to put them in condition to go to sea, fit to fight.

Admiral WINSLOW. I do not know the condition of all of them. I think some of them could be commissioned just as soon as you could put the men and stores upon them.

Mr. STEPHENS. How many of them?

Admiral WINSLOW. I do not know. The *Maryland* was put out of commission very lately, and I do not know what they are doing with her in the navy yard; but as she was then, she could have gone right back into commission. The *South Dakota* has gone up to the Mare Island yard to be docked; I do not think they are going to do much more on her than to dock her. The *Milwaukee* is at San Diego now. She could be commissioned right away, I think. I have asked for her to be a parent ship for destroyers. I do not know the condition of the *Charleston* or the *St. Louis*. You see, they pass out of my control when they are not in my command.

Mr. STEPHENS. Admiral, how long has it been since the *Milwaukee* was in active commission?

Admiral WINSLOW. I do not think she has been in active commission for a long time.

Mr. STEPHENS. Seven, or 8, or 10 years?

Admiral WINSLOW. I should think several years.

Mr. STEPHENS. Has she fired any guns at all in that time, that you know of?

Admiral WINSLOW. I doubt it very much.

Mr. STEPHENS. Are there not a number of the cruisers and armored cruisers now in reserve that have not fired their guns for a good many years?

Admiral WINSLOW. I dare say—the protected cruisers. The *Maryland* was about to have target practice, and she was put out of commission just about a week before the time for firing, so she did not fire. She was put in reserve. I do not know when she had fired before that.

Mr. STEPHENS. Would you like to send such vessels to sea, without having experimented with their guns first? Would you feel it a safe thing to do?

Admiral WINSLOW. Their guns are not different from any other mechanism. You lay a ship up for a long time, and when you start her out you will find about everything wrong; you will find her piping leaking, joints leaking, and unless you work things up to approximately their maximum capacity from time to time, they will not work up to their maximum capacity when you want them.

Mr. STEPHENS. Then ships do deteriorate and very rapidly when they are in reserve?

Admiral WINSLOW. Oh, they undoubtedly deteriorate when in reserve.

Mr. STEPHENS. And they become inoperative?

Admiral WINSLOW. Undoubtedly, unless they can be taken out frequently and driven at full speed and their turrets and gun mechanism and everything else worked just as it would in action.

Mr. STEPHENS. Admiral, what would you think the difference would be in the value of a ship as a fighting ship before going into reserve, and five years after, when she would come out?

Admiral WINSLOW. You are going to keep her in reserve five years on a stretch?

Mr. STEPHENS. Yes; that has been done with some of the boats on the Pacific, as I understand—cruisers and armored cruisers now in reserve.

Admiral WINSLOW. She would not be fit to go into action until she had had considerable tuning up, and very likely she would have to go back to a navy yard; and then it would require considerable time to develop her personnel. That has been our experience with the Atlantic Fleet. I have seen ship after ship come out that way and join the fleet, and in a short time they had to go back to the navy yard.

Mr. STEPHENS. What would you consider her percentage of value when she went out, compared with when she went in?

Admiral WINSLOW. As to when she went into reserve?

Mr. STEPHENS. Yes.

Admiral WINSLOW. If she had to go back to the navy yard, she would not have any percentage of value. She would not be of any use to the fleet at all; but she might have a value for driving at low speed, but it would be very unlikely that she could go up to her speed, and her men would be untrained.

Mr. STEPHENS. Supposing, Admiral, the armored cruisers now in reserve in Pacific waters had been there for five years, what would you estimate their percentage of value to be as compared with their value when they went into reserve? How much do they deteriorate, ordinarily?

Admiral WINSLOW. I do not know that it could be expressed mathematically. You would find them all different; you would find some that would have more to be done to them than others. You would not be justified in running them at full speed, because you would take too much chance of killing men. You would have to work them up to their efficiency gradually, and train the men.

Mr. STEPHENS. You would not equip a vessel that had been in reserve for some years with men and supplies, and send her out to fight unless you had to, would you?

Admiral WINSLOW. I would, if I had to, of course.

Mr. STEPHENS. I say, unless you had to.

Admiral WINSLOW. But the chances are she would not get very far. She might, if she had been very well cared for, but the chances are that some of her steam piping or water pipes would go to pieces if you put them under pressure; the gaskets and all those things dry out. She might not have seriously deteriorated, understand; but those little things mean as much as anything else when you come to use them. Aboard our ships we always work our turrets and our gun mechanisms at very frequent intervals, and that is the only way that we can know they will work.

The CHAIRMAN. That is what you keep the crew on them for, is it not?

Admiral WINSLOW. Yes; but still they can not take her to sea and run her. There is a great difference between 50 pounds of steam and 250 pounds.

The CHAIRMAN. But ships in reserve are occasionally taken out for trial practice on short trips, are they not?

Admiral WINSLOW. Not very much, and not under very high pressure.

Mr. STEPHENS. What is the condition of the destroyers on the Pacific coast?

Admiral WINSLOW. I think they are all being overhauled now for the time being. They are about to go up for their annual overhauling. They are not in bad condition. They are old boats, and their speed is cut down, but they are in good seaworthy condition; I mean, with this temporary overhauling.

Mr. STEPHENS. Admiral, you have no vessels that are new, have you?

Admiral WINSLOW. No; we have nothing new.

Mr. STEPHENS. On the Pacific coast now?

Admiral WINSLOW. No.

Mr. STEPHENS. Everything that you have there is practically obsolete, is it not?

Admiral WINSLOW. You would not call those destroyers entirely obsolete. They have a military value.

Mr. STEPHENS. I did not say "entirely obsolete." I said "practically obsolete."

Admiral WINSLOW. The ships were not good ships originally, but they could still do approximately any fighting that they have ever done before, if we put them in order. They have low-powered guns and are not very fast ships.

Mr. STEPHENS. What are the largest guns you have aboard?

Admiral WINSLOW. Eight-inch guns.

Mr. STEPHENS. If you were to approach an enemy with the fleet that you have, how many enemy battleships do you think it would take to conquer the fleet that you have, supposing the personnel of both fleets fighting as best they knew how?

Admiral WINSLOW. Bar luck, one good battleship ought to be stronger than all we have got.

Mr. OLIVER. Mr. Chairman, will the gentleman permit a question there?

Mr. STEPHENS of California. Yes.

Mr. OLIVER. Did not the hearings disclose that it was the continuous policy of the General Board to keep the fleet together on the Atlantic?

Mr. STEPHENS of California. Yes; and I will say to my colleague that I do not expect a division of the Atlantic Fleet as at present constituted, but I do want battleships and submarines and destroyers and air craft added to this program, in order that we may have some to send to the Pacific coast. [Applause on the Republican side.]

Mr. BUTLER. Mr. Chairman, will it annoy the gentleman for me to ask him a question?

Mr. STEPHENS of California. No.

Mr. BUTLER. With but few or no exceptions have not the admirals recommended battleships, and have they not said that if we could build but two or three ships they should be cruisers, but every man among them has demanded battleships?

Mr. STEPHENS of California. Yes.

Mr. BUTLER. I will call attention to specific statements of those officers before the discussion closes.

Mr. STEPHENS of California. It is my recollection that every man who came before us testified to the necessity of battleships. They recommended that battleships be authorized, though some of the officers thought that if we were to have but two or three ships constructed it would perhaps be better to construct cruisers; but none of them, according to my recollection, recommended cruisers without battleships if we had a fairly large program.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of California. Yes.

Mr. CALLAWAY. I want to ask the gentleman if it is not a fact that no man appearing before the committee recommended battleships unless we were going to build more than four capital ships except Admiral Badger, and Admiral Badger was asked to put a table in the record showing what was necessary to balance the ships, and——

Mr. STEPHENS of California. If the gentleman will shorten his question I will be glad to give him the time, but I can not give him time for a speech.

Mr. CALLAWAY. Admiral Badger put a table in the record showing that it would take six cruisers to balance the battleships that we have.

Mr. STEPHENS of California. I am willing, for argument's sake, to admit the gentleman's statement concerning construction of more than four capital ships, but the majority of the committee has not followed the recommendations of the officers he speaks of. You are proposing to build more than four capital ships, and not one dreadnaught is provided for in the program.

Mr. CALLAWAY. The question I asked was——

Mr. STEPHENS of California. I can not yield further, Mr. Chairman. I have only a few minutes, and I must get through.

The CHAIRMAN. The gentleman declines to yield.

Mr. STEPHENS of California. The testimony of Admiral Fiske, in reply to questions from me, I will now read.

Mr. MEEKER. Mr. Chairman, will the gentleman yield there for a question?

Mr. STEPHENS of California. Yes.

Mr. MEEKER. Will the gentleman please explain to the House why the committee has refrained from placing any dreadnaughts on the Pacific coast?

Mr. STEPHENS of California. Well, the majority of the officers of the Navy candidly say that that fleet should not be divided when it is no larger than we have now.

Mr. MEEKER. I beg the gentleman's pardon. I mean for the building of new dreadnaughts for the Pacific.

Mr. STEPHENS of California. I believe the day is not far distant when dreadnaughts and battle cruisers will be built for the Pacific coast. I am not sure but that it will follow the 4th day of next March, because I am sure the complexion of this House will be changed at that time. [Applause on the Republican side.]

Now I read further:

Mr. STEPHENS. Do the men on the reserve fleet get any sea practice or gunnery practice?

Admiral WINSLOW. Yes, sir; they get sea practice sometimes. For instance, the *Milwaukee* is now the flagship of the commander in chief of the Pacific. She was not long ago up to San Francisco and then she went down to San Diego.

Mr. STEPHENS. Then the men on the *Milwaukee* have had some sea practice?

Admiral WINSLOW. Yes; and other ships go to sea once in a while for short distances, and there is an effort to drill them as much as they can, but they do not have gunnery practice, because you can not have gunnery practice with a reduced crew like that.

Mr. STEPHENS. The men in the reserve fleet, while in reserve, really never get any gunnery practice?

Admiral WINSLOW. I do not think they ever do, except on the destroyers. The reserve destroyers have practice. They are not required to have the same gunnery practice that the other ships have, but one of them did have practice this year with their small guns and they have their torpedo practice, but the larger ships do not.

Mr. STEPHENS. What do you think is necessary in submarines for the adequate defense of the Pacific coast?

Admiral WINSLOW. If I answered that question I would merely give you figures. I noticed the figures that Admiral Grant gave you, but to answer that question intelligently it ought to be put on the game board at the War College under different conditions.

Mr. STEPHENS. Do you think the number, 48, given by Admiral Grant adequate?

Admiral WINSLOW. I should not say that was excessive. I think probably they would work it out to use more, because you can not use submarines all the time anywhere. You have to rest them up. They can not stand the life. Therefore you can not say if you had 48 submarines you could keep them moving all the time; very likely you would not have more than 60 per cent or 70 per cent, if you had any above 50 per cent, actively after the enemy.

COMMITTEE ON NAVAL AFFAIRS,
HOUSE OF REPRESENTATIVES,
Monday, February 14, 1916.

STATEMENT OF CAPT. J. S. M'KEAN, UNITED STATES NAVY.

Capt. MCKEAN. I am assistant for matériel in the Office of Naval Operations. I have general charge of the material of the whole service. It is the old office of aid for matériel under another name, with some limitations and some additions.

Mr. STEPHENS. In your opinion, how many submarines should we have on the Pacific coast?

Capt. MCKEAN. On the coast itself?

Mr. STEPHENS. Yes, sir; on the main coast.

Capt. MCKEAN. I would work that question as Admiral Grant did, in squadrons of 18, divisions of 6, and sections of 3, and I should say 9 to operate from each of four bases. That would be 36 altogether as a minimum.

Mr. STEPHENS. You said the minimum was 36. Would that be adequate, do you think?

Capt. MCKEAN. I think if they were good boats; yes. That is a question. That is difficult water to mine and is excellent water for torpedo boat work. Then the fleet submarines would be 12 more, which would make 48 for the coast.

Mr. STEPHENS. Then you agree with Admiral Grant in the total number of submarines?

Capt. MCKEAN. I do not recall what he put at the coast stations, but that is my idea.

Mr. STEPHENS. Forty-eight was his number.

Capt. MCKEAN. Forty-eight would be the minimum.

Mr. STEPHENS. In the Army and Navy Journal, in the issue previous to the last one, there was given as along the Pacific coast one armored cruiser and five cruisers in active service.

Capt. MCKEAN. That is, in the active fleet with Admiral Winslow. The flagship is the only armored cruiser in the outfit.

Mr. STEPHENS. It stated that those five cruisers were of the third class. Does that mean that they are the poorest of the cruisers?

Capt. MCKEAN. They are just about one remove from a gunboat. We have cruisers of the first, second, and third classes. That includes the *Cleveland*, *Yorktown*, and that class, some of them entitled to be called "cruisers."

Mr. STEPHENS. In reserve there were at that time five armored cruisers and three cruisers.

Capt. MCKEAN. Yes, sir; five of the same class as the *South Dakota*, the *San Diego*, *West Virginia*, *Colorado*, *Maryland*. Then there are the three—the *Charlestown*, *St. Louis*, and *Milwaukee*.

Mr. STEPHENS. In torpedo boats, it stated there were six in active service and four in reserve.

Capt. MCKEAN. Five in active service and four in reserve—nine oil burners—on the west coast. I do not see where they got the sixth. They may be counting a torpedo boat as in reserve. There are nine oil-burning torpedo-boat destroyers on the west coast.

Mr. STEPHENS. Are those in active service in pretty good fighting condition?

Capt. McKEAN. They are all in about the same condition. The whole nine of them were just declassed the other day to coastal torpedo craft. They are neither fast enough nor long-endurance enough to rate as destroyers which must keep up with the fleet. The fleet has gotten faster and they have gotten slower and dropped back, and we classified them the other day as coastal torpedo craft.

Mr. STEPHENS. What about the submarines?

Capt. McKEAN. We have three H's operating and three F's under repair.

Mr. STEPHENS. I have named everything on the Pacific coast proper that we have, except two gunboats.

Capt. McKEAN. Two gunboats and the battleship *Oregon*.

Mr. STEPHENS. The *Oregon* is not a first-line battleship at this time, is she?

Capt. McKEAN. She is legitimately in the third line, coast defense.

Mr. STEPHENS. She is now more than 23 years old, is she not?

Capt. McKEAN. Yes, sir.

Mr. STEPHENS. And would not be sent out to fight if we could help it?

Capt. McKEAN. Oh, she would be sent out to fight, but would not be sent out far. She would not be sent out with the fleet to fight, because her slow speed would detain the fleet.

COMMITTEE ON NAVAL AFFAIRS,
HOUSE OF REPRESENTATIVES,
Tuesday, February 22, 1916.

The committee this day met, Hon. LEMUEL P. PADGETT (chairman) presiding.

STATEMENT OF REAR ADMIRAL CHARLES J. BADGER (RETIRED), MEMBER GENERAL BOARD.

Mr. STEPHENS. With one obsolete battleship, proud of her as we are, a dozen cruisers, nearly all of them third class, three submarines in fighting condition to-day, with three more under repair, and nine or ten torpedo-boat destroyers on the Pacific coast, do you consider that coast very well defended?

Admiral BADGER. Mr. Stephens, the assignment of ships to stations is a matter of policy in the Navy Department, and I will have to beg that you will not require me to answer a question which would be possibly a criticism of the Navy Department's policy.

Mr. STEPHENS. You would like to be excused from answering that question?

Admiral BADGER. The assignment of ships by the Navy Department is not a subject which I think any officer in the Navy should criticize publicly.

Mr. STEPHENS. I am not so anxious to criticize the department as I am to have the Pacific coast well defended. * * * * * * *

Mr. STEPHENS. Was the board's program of July intended to defend the Atlantic coast only?

Admiral BADGER. It was intended to increase the power of the Navy.

Mr. STEPHENS. Did the board forget that there are two coasts in this country?

Admiral BADGER. No; we think of it all the time.

Mr. STEPHENS. I thought you had, but I can not understand why the board does not make some recommendation for adequately defending the Pacific coast.

Admiral BADGER. That care will come when we get the necessary number of ships.

THE COMMITTEE ON NAVAL AFFAIRS,
HOUSE OF REPRESENTATIVES,
Friday, March 24, 1916.

The committee this day met, Hon. LEMUEL P. PADGETT (chairman) presiding.

STATEMENT OF REAR ADMIRAL BRADLEY A. FISKE.

Mr. STEPHENS. Admiral Fiske, until a short time ago you were Chief of Operations, were you not?

Admiral FISKE. They called it aid for operations.

Mr. STEPHENS. When did you resign?

Admiral FISKE. The 1st of April, 1915.

Mr. STEPHENS. Previous to that time you were acquainted with the general duties of the fleets of the United States?

Admiral FISKE. Yes, sir.

Mr. STEPHENS. What are the duties of the fleets?

Admiral FISKE. To enforce the policies of the country.

Mr. STEPHENS. Can you be a little more specific?

Admiral FISKE. Every Government has certain ideas which it wishes carried out, and certain defense which it thinks necessary. The Navy is to defend the policies of the country. It may be by actual battle, and it may be forced actually to defend the country upon invasion, or it may be compelled to go somewhere else to prevent somebody from doing something he ought not to do. If we were attacked, for instance, in Porto Rico by a foreign fleet, we might have to send the fleet there. If our Panama Canal should be assailed, we might have to send the fleet there. Do I answer your question?

Mr. STEPHENS. Is it the purpose of the Navy to have the fleet to patrol and in a measure take care of the ocean in which it is?

Admiral FISKE. I think it is for our country, because our coasts are so far apart. They are joined only by the canal. That canal is not a ditch through the sand, but it is a whole organized machine, and, like all machines, it is apt to get out of order. If it should get out of order at any time, we might not be able to send our fleet through. If half of our fleet got through, the canal might be put out of order, by intention, by some hostile act, or by some accident. There we would have our fleet divided; and it might take a long while to get that repair made.

Mr. STEPHENS. The fact that the Panama Canal is uncertain as to operation, in addition to trouble that might come to it from an enemy, makes it almost impracticable to have one fleet protect both coasts, does it not?

Admiral FISKE. Absolutely impracticable, because we might be attacked on both coasts. If we are attacked on the Atlantic coast, it is thoroughly possible for us to be attacked on the Pacific coast at the same time.

Mr. STEPHENS. Are you acquainted with the size of the fleet on the Pacific coast?

Admiral FISKE. Yes, sir.

Mr. STEPHENS. Can you give its component parts?

Admiral FISKE. No, sir; I might get them.

Mr. STEPHENS. Let me recite them: One battleship, 23 years old, now used as a training ship; one armored cruiser in active commission and five in reserve; five cruisers in active commission and three in reserve; five torpedo boat destroyers in commission and four in reserve; three submarines active on the coast; four submarines active at Honolulu; and three in repair at Mare Island Navy Yard; and two gunboats. So far as you know, is not that the Pacific Fleet complete?

Admiral FISKE. That is about correct, sir; yes.

Mr. STEPHENS. What part of it is stationed at Honolulu?

Admiral FISKE. I do not remember now.

Mr. STEPHENS. There are four submarines at Honolulu, are there not?

Admiral FISKE. Yes; I know that.

Mr. STEPHENS. With that exception, all the rest of the fleet is along the Pacific coast proper?

Admiral FISKE. Yes, sir.

Mr. STEPHENS. Do you know how much of the Pacific coast and the Pacific Ocean that fleet is taking care of?

Admiral FISKE. All of it.

Mr. STEPHENS. In other words, it takes care of the Pacific coast from the Aleutian Islands off Alaska to the Straits of Magellan below South America, and the ocean farther west than the Hawaiian Islands?

Admiral FISKE. Yes, sir.

Mr. STEPHENS. That is a much larger territory than the Atlantic Fleet has to take care of, is it not?

Admiral FISKE. Yes, sir.

Mr. STEPHENS. Do you know what proportion the Pacific Fleet bears to the Atlantic Fleet?

Admiral FISKE. Hardly any proportion; it is so small. You would have to work it out by mathematics.

Mr. STEPHENS. In fighting strength, what would your opinion be as to comparison?

Admiral FISKE. One to one hundred or less.

Mr. STEPHENS. About 1 per cent?

Admiral FISKE. Yes, sir.

Mr. STEPHENS. In your estimation, how much of an enemy fleet would it take to conquer the Pacific Fleet, supposing the Pacific Fleet to be fully prepared for battle?

Admiral FISKE. Just a fleet a little larger; that is all.

Mr. STEPHENS. How many enemy battleships do you think it would take to conquer the Pacific Fleet if fully prepared?

Admiral FISKE. One battleship would be plenty, provided it had colliers and could get coal and supplies.

Mr. COOPER of Wisconsin. As I understand, that exactly corroborates the testimony of Admiral Taylor.

Mr. STEPHENS of California. It corroborates everybody who has spoken about the Pacific Fleet and its size and condition.

Mr. COOPER of Wisconsin. One enemy battleship could destroy our Pacific Fleet.

Mr. STEPHENS of California. The testimony before the committee shows that one enemy battleship could destroy our whole Pacific Fleet, even though our fleet was prepared and in the pink of condition.

Mr. FESS. Have we no battleships there at all?

Mr. STEPHENS of California. We never have had a battleship there, except the *Oregon* at the time of its construction, and she is there now, being used as a Naval Militia ship; but she is more than 23 years old and is only considered to-day a third-line battleship.

Mr. FESS. Why is that coast so defenseless?

Mr. BUTLER. I hope the gentleman will tell him right out.

Mr. STEPHENS of California. Because this country has not built enough battleships and battle cruisers, destroyers, and submarines to send some of them over there. Because this Congress and the last has not got awakened to our defenselessness.

Mr. FESS. It is time we are doing it.

Mr. BUTLER. Is it not a fact that we can not divide our fleet until we have more ships?

Mr. STEPHENS of California. We must have a larger number of all kinds of ships, battleships as well as smaller ships and auxiliary vessels, in order to have some to send over there.

Mr. TRIBBLE. Will the gentleman yield for a question?

Mr. STEPHENS of California. Yes.

Mr. TRIBBLE. The gentleman has a good deal to say about what is going to occur after the 4th of next March. Is it not a fact that this bill carries more than $100,000,000 in money more than any bill that ever passed a Republican Congress?

Mr. STEPHENS of California. That does not matter at this time. In my judgment the bill ought to carry $300,000,000 more instead of $100,000,000 more; or $500,000,000 more, if that be necessary for the construction of a fleet that will adequately defend this country, both on the Atlantic and Pacific.

Mr. TRIBBLE. That is all right; but the gentleman has not answered my question.

Mr. STEPHENS of California. I thought I had answered it. Please repeat it.

Mr. TRIBBLE. I will ask the gentleman another question. He criticizes this bill and what the Democratic Party has done for the Navy. I will ask the gentleman if year after year the Democratic Party has not done more for the Navy and appropriated more money for it than was ever appropriated by Republican Congresses?

Mr. STEPHENS of California. The records of recent Democratic and Republican Congresses speak for themselves. The United States Navy had second place previous to 1911. The

conditions in this country have been different in the last few years, though, than they were previous to 1911, and the Democratic Party has not risen to the occasion.

Mr. TRIBBLE. How have conditions been different in the last few years, until this war came on?

Mr. STEPHENS of California. I will ask, Mr. Chairman, that I be allowed to use my own time.

The CHAIRMAN. The gentleman from California is entitled to the floor.

Mr. FOCHT. The gentleman made an alarming statement a moment ago.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BUTLER. I yield to the gentleman five minutes more.

Mr. FOCHT. The gentleman said that any foreign battleship could destroy the entire Navy we might have on the Pacific coast.

Mr. STEPHENS of California. That we have now.

Mr. FOCHT. Do you undertake to say that the submarines would offer no resistance whatever to an enemy battleship?

Mr. STEPHENS of California. We have but three submarines there in active service.

Mr. FOCHT. Supposing we had one good one, would not that destroy a battleship?

Mr. STEPHENS of California. Not if the battleship was awake.

Mr. FOCHT. A battleship will have to get pretty close to land before it can destroy anything, will it not?

Mr. STEPHENS of California. No; it can stand off almost 20 miles and do very serious damage.

Mr. FOCHT. I should like to ask some gentleman, and I will ask the gentleman from California, since he is on the floor, and since he is so persistent about battleships, to say something about the efficiency of the submarine. I can not understand why some one does not bring forward the merits of the submarine, since it has been effective in European waters. When it costs but $500,000 and a battleship costs $20,000,000, why do we want to spend all the money on battleships instead of on submarines?

Mr. STEPHENS of California. The gentleman must not take all my time.

Mr. FOCHT. Please answer my question.

Mr. STEPHENS of California. I will.

Mr. FOCHT. Please answer my question instead of reading so much essay there. [Laughter.]

Mr. STEPHENS of California. I would like to say to the gentleman that this is my essay, or my speech, whatever the gentleman pleases to consider it, and I propose to make it in the way that I desire. [Applause.] However, I am quite willing to answer the gentleman's question. Ever since I came here I have been fighting for more submarines. In committee my motion was that 80 submarines be put in this program; when that was refused I moved that 50 be built. Every year I have moved that 50 submarines be added to our fleet. [Applause.]

Mr. TRIBBLE. If the gentleman will permit me, I will testify that he has advocated more submarines than anyone else.

Mr. STEPHENS of California. Thank you. I must go on.

Mr. Chairman, the few pages of naval hearings just read prove beyond question the utter lack of adequate naval preparation for even halfway defense of the Pacific coast. For the naval defense of Alaska and all that part of the United States west of the Rocky Mountains; for the naval defense of Seattle, Tacoma, Portland, San Francisco, Santa Cruz, Santa Barbara, Ventura, Los Angeles, and San Diego this great country of ours has but one armored cruiser, five cruisers, five torpedo-boat destroyers, three submarines, and two gunboats ready for service, and five armored cruisers, three cruisers, four torpedo-boat destroyers, three submarines, and one battleship of the third line in reserve. Does any man think that is adequate defense?

Admiral Winslow, commander of the Pacific Fleet, told us that even though every active ship and every reserve ship there had its full complement of guns, men, and ammunition, prepared to fight for its very life, that one enemy battleship could defeat them all. Admiral Fiske said that in fighting strength the Pacific Fleet is to the Atlantic Fleet as "1 to 100 or less" and that "one battleship could conquer the Pacific Fleet."

Is it any wonder, Mr. Chairman, that ever since I came to Congress I have labored for a larger share of the Navy's fighting craft for the Pacific coast? Is it any wonder that in season and out of season I talked for more ships on the Pacific? There is not one Member of this House without relatives or intimate friends on the Pacific coast, and there is not a community in the United States without many of its former citizens in Washington, Oregon, or California. We here to-day are engaged in building up the defenses of our country, in order to preserve our children, our wives, our mothers, and our fathers. Your children or your parents live now with us on the Pacific coast. Adequate protection for every part of the United States is demanded. The money is a secondary consideration. I am sure you will soon heed our call and give us what we ask. I know the Atlantic Fleet will not be divided, perhaps it should not be, and so I want more ships of every kind, to the end that the Pacific coast and the Atlantic coast may both be adequately defended.

Our Navy should be the second navy in the world, and it is my personal opinion that it should be made so at the earliest day possible. The General Board of the Navy knows what this country needs to put us in second place, and in the early part of this month it made the statement published herewith.

Additional ships, personnel, and munitions necessary to place the United States second in naval strength.

[This report was made by the General Board of the Navy May 2, 1916.]

The table includes United States ships built, building, and authorized to date. For the second naval power the data are for ships built, building, and authorized July 1, 1914, corrected for known additions and losses since that date.

Comparison of United States with present second power.							Additional required to make United States second in naval strength. Ships and cost to build.		
Classes of ships.	Present second power.			United States.			Number.	Unit cost. (A)	Total cost. (D)
	Built.	Building.	Total.	Built.	Building.	Total.			
Dreadnaughts	20	2	22	9	8	17	6	$17,213,431	$103,280,586
Predreadnaughts	20	0	20	22	0	22	0		
Coast defense	0	0	0	4	0	4	0		
Battle cruisers	6	3	9	0	0	0	10	20,433,531	204,335,310
Armored cruisers	3	0	3	10	0	10	0		
Cruisers (scouts)	32	2	34	14	0	14	21	5,571,900	117,009,900
Destroyers	145	0	145	53	17	70	80	1,325,314	106,025,120
Torpedo boats	0	0	0	2	0	2	0		
Submarines, fleet		?	?	0	3	3	9	1,685,523	15,169,707
Submarines, coast	32	?	?	39	33	72	78	656,302	51,191,556
Aircraft									7,000,000
Required for ships to be authorized for United States to become second in naval strength									601,012,179
Required for ships now building and not to be completed in 1917									48,518,127
Present shortage in personnel and munitions of all naval ships completed in 1917, inclusive (war basis)									
Total additional required for United States to become second in naval strength (war basis)									652,530,305
Personnel authorized at present									
Total personnel when United States becomes second in naval strength									

Additional ships, personnel, and munitions necessary to place the United States second in naval strength—Continued.

Comparison of United States with present second power.	Additional required to make United States second in naval strength								Grand total.		
	Personnel and cost for 1 year (includes food and clothing for men and recruiting expenses).						Munitions (includes ammunition, general stores for 1 year, and 1 fill of bunkers).				
	Unit complement.		Cost per ship. (B)	Total personnel.			Cost per ship. (C)	Total cost. (F)	Number of ships.	Total unit cost (columns A, B, and C).	Total cost (columns D, E, and F).
	Officers.	Enlisted men.		Officers.	Enlisted men.	Total cost. (E)					
Dreadnaughts	Staff 6; 52	20; 951	$891,741	318	5,746	$5,170,446	$2,491,575	$14,949,450	6	$20,566,747	$123,400,482
Predreadnaughts											
Coast defense											
Battle cruisers	Staff 9; 50	20; 1,000	800,968	509	10,060	8,909,680	1,919,555	19,197,550	10	23,244,452	232,442,540
Armored cruisers											
Cruiser (scouts)	32	600	536,298	672	12,600	11,202,258	337,550	7,088,350	21	6,445,748	135,360,708
Destroyers	Staff 15; 5	90	81,602	415	7,200	6,528,160	70,900	5,672,000	80	1,477,816	118,225,280
Torpedo boats	5	50	51,662	45	450	464,958	17,600	161,100	9	1,755,085	15,795,765
Submarines, fleet	3	30	30,997	234	2,340	2,417,796	7,600	592,800	78	604,899	54,292,122
Submarines, coast				200	600	1,038,190					8,038,190
Aircraft											
Required for ships to be authorized for United States to become second in naval strength				2,393	38,996	35,791,458		47,661,450			687,465,087
Required for ships now building and not to be completed in 1917				361	6,035	5,511,177		13,129,475			67,158,779
Present shortage in personnel and munitions of all naval ships completed to 1917 inclusive (war basis)				1,960	31,282	28,817,341		8,000,000			36,817,341
Total additional required for United States to become second in naval strength (war basis)				4,714	76,293	70,129,976		68,790,925			791,441,207
Personnel authorized at present				3,551	51,500						
Total personnel when United States becomes second in naval strength				8,265	127,793						

The personnel enumerated above does not include chaplains; professors of mathematics; naval constructors; civil engineers; midshipmen; officers and men required to man merchant ships taken for use in war; Marine Corps—the enlisted strength of Marine Corps should be 20 per cent of enlisted strength of the Navy; commissioned strength of Marine Corps should be 4 per cent of its enlisted strength.

I am willing to be guided by that statement as to numbers of ships and men, munitions and aircraft. Personally I think we should at this time and in this bill authorize all the ships mentioned and build them as fast as three shifts per day can construct. If the committee had done as my motions made in executive session would have had them do, the naval appropriation bill now before us would authorize the construction of 6 dreadnaughts, 10 battle cruisers, 21 scouts, 80 destroyers, 9 fleet submarines, and 78 coast submarines. The day following that committee meeting the newspapers gave detailed statements of the motions made and lost, but the information did not come from me, hence I am revealing nothing when I say that in turn as each type of vessel was reached my motion was to authorize of that type the number recommended for second place by the General Board of the Navy. In my judgment that would be the wisest plan to follow. It costs a quarter of a million dollars and a year's time to make the plans for a battleship. Authorization in one bill of all we need would save time and money through the standardization of the different types. I see no reason why a number of battleships, or battle cruisers, or destroyers, or submarines could not be built from copies of the one set of plans selected.

Mr. Chairman, I come now to aeronautics, the latest development in the naval service. Aircraft though comparatively new are most important. They are the eyes of the Navy, and a fast developing means of defensive attack. When Capt. Mark L. Bristol, United States Navy, in charge of aeronautics, appeared before the committee he gave us much valuable information, and from his testimony I now quote:

Aircraft for the fleet are required for three general purposes, namely, the mobile fleet, the coast defense, and the advance bases.

Aircraft have passed the experimental stage in development to a great extent. The general principles of design and construction are fairly well established. It is now a question of deciding upon the mission they have to perform in war and providing the necessary types of aircraft and the officers to man and maintain them in order to carry out that mission. It is not a question of developing this service gradually, but of getting it as soon as possible, so that our fleet will conform to existing requirements. The mission of our air service, though it may be changed in the future, is for scouting, for patrolling, for fighting an enemy's aircraft, for attacking submarines and unarmed vessels and naval auxiliaries, for controlling gunfire of battleships, battle cruisers, and coast fortifications, and for carrying dispatches. Aeroplanes and dirigibles are required for all these duties. Kite balloons are required for controlling gunfire from ships and advance bases, as well as elevated points of lookout from aircraft stations.

There are several secondary duties that aircraft may be required to perform, according to the special character of the operations of the fleet.

* * * * * * *

The one thing that has kept us back more than anything else in the development of our aeroplanes has been the motor question. I would like to state right now and here, rather than in answer to some questions I have heard asked here by members of the committee, that I believe absolutely, if you will pay our manufacturers, they can produce and manufacture anything that can be produced or manufactured anywhere else in the world, and just as good, if not a little better. The reason the motor has not developed in this country is because there has not been a demand for it. The development would have been more rapid if the appropriations for aeronautics had been larger.

Aeronautical appropriations should now and hereafter be ample. The one now recommended by the board is not too large and can be used to great advantage. Until battleships and battle cruisers can be built and commissioned the Pacific coast must look to submarines and aircraft for its defense, and I register a hurry call for all we can get.

More of our Government yards could be fitted for larger construction, and with a big building program assured the private shipbuilding and aircraft yards of America would quickly prepare to build rapidly. Thus again would we be ready in private plants and Government yards for any emergency.

We should issue bonds to pay the bills. For adequate defense of the United States concerns those who are growing up even more than those already grown, and all who reap should pay.

Social, industrial, and financial preparedness is so absolutely necessary and our duty is so plain that when once attention is called no further argument seems necessary.

We should have all the ships and men and aircraft necessary to make the United States the second naval power of the world. We can, if we will, get it done quickly. If we need a great Navy at all, we will need it most in the next few years. As it was impossible to secure consent to authorize all of the second-place program in this bill, I have joined with my Republican colleagues in recommending the authorization of the larger part in this bill and the remainder in the bill of next winter.

It is my earnest, sincere belief that a greatly increased Navy will keep us out of war. If regardless of all our preparation war should be forced upon us, then can we better defend ourselves and better preserve to the women and children of the Nation their sons, husbands, and fathers.

Mr. Chairman, when this world war is over and world peace conferences are called, the United States must participate. Our delegates will be respected or neglected according to the world's estimate of our power as a Nation. If adequately armed, our offer to disarm will mean something and be listened to. If we have only a diminutive Army and a little Navy, our delegates will receive little attention and less consideration. We can well afford to throw away a thousand million dollars' worth of ships if continuing peace would result.

Mr. Chairman, I have not urged that any sum be appropriated in this bill for any naval development in the district I represent.

I want nothing established there unless it is for the general good. I would not vote to build a navy yard there or anywhere else until after competent authority had determined that to be the best place to locate it. I did ask the committee to insert a clause in the bill authorizing a board of naval experts to examine the Pacific coast, including Los Angeles Harbor, and report upon the advisability of establishing a third navy yard, and if found advisable to recommend a location for it. The committee placed such authorization in the bill, and I hope there will be a unanimous vote in its favor. [Applause.]

Mr. EMERSON. As the gentleman has studied the question very carefully, I should like to ask him what has happened, either in connection with this European war or otherwise, to justify the building of so many battle cruisers at this time?

Mr. STEPHENS of California. The theory of those who know concerning ships and fleets and conditions all over the world is that we should have battle cruisers in addition to battleships. England, Germany, Japan, and Russia have them, and we need them, too. What they have we must have also. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HENSLEY. I yield 10 minutes to the gentleman from Texas [Mr. CALLAWAY].

Mr. CALLAWAY. Mr. Chairman, as the gentleman from the Pacific coast [Mr. STEPHENS of California] makes so much fuss about not having any fleet on the Pacific, I have asked for 10 minutes at this time to answer that. It might appear to people who do not know anything at all about naval strategy and the way fleets are operated, after hearing the gentleman's statement, that the Pacific coast is badly treated, and that it ought to have a fleet. The truth about it is that the naval officers who testified before our committee all stated that it was not the policy of the naval officials to scatter the fleet. It was the policy of all navies to keep the fleet together. The question was asked if England, the greatest naval power in the world, scattered her fleet, and all answered that she did not. Of course, the naval officers want battleships enough to have the Pacific full of battleships and enough to have the Atlantic full of battleships.

The only reason why anybody would ever suggest that we should scatter our fleet and have a part in the Pacific and a part in the Atlantic would be that you had so many that you could not use them all and scattered them around for the benefit of the localities where they feed them and rehabilitate the ships.

Mr. EMERSON. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. EMERSON. What does the gentleman say as to the statement that if we had some trouble in the Pacific we should be without battleships.

Mr. CALLAWAY. Every man that came before the committee said that if a foreign power should attack us the first thing it would do would be to meet our fleet, and no foreign navy would think of attempting to make a landing until our fleet was swept from the ocean.

Mr. EMERSON. But suppose they came from the west.

Mr. CALLAWAY. If they came from the west, they would have to come 7,000 miles, and we could get around to take care of them by the time they got there.

Mr. KAHN. Will the gentleman yield?

Mr. CALLAWAY. Yes; but you people over there seem to have plenty of time, and if you will give me time I will stay here and answer your questions until midnight.

Mr. BUTLER. Would the gentleman be willing to stay and answer at midnight?

Mr. KAHN. The gentleman refers to the fact that on the Pacific local feeling is responsible for the desire to have a battleship fleet over there. Is it the local feeling in Texas that objected to taking away our Army from the frontier for months?

Mr. CALLAWAY. Oh, we are talking about battleships. Don't get the Army down in Mexico mixed in it.

Mr. KAHN. It is a parallel case.

Mr. CALLAWAY. Oh, parallel case nothing. [Laughter.] I want to read you something from a naval officer to give you an idea of what the naval officers want. This is in accordance with the ideas of people who live about navy yards and in the territory controlled by the steel and ordnance concerns. The naval officer does not consider what it costs. He only considers that he wants everything that he can get. I am going to read from the testimony of the president of the War College and a distinguished naval officer, Admiral Knight.

Mr. BUTLER. Admiral Knight, do you think that the number of ships you have recommended here at this time would enable us to catch up with the other fleets if they would continue to build as they have done?

Admiral KNIGHT. I do not. May I enlarge?

Mr. BUTLER. You may. It will be a pleasure to have you do it.

Admiral KNIGHT. I took some care this morning to make it clear that the program which I suggested to you was the program which I believed could be laid down at once. I also urged that a committee be appointed to investigate, organize, and mobilize the shipbuilding reserve of this country, so that next year we might be ready to do a tremendously greater amount than we can do now. If Mr. Browning is right in believing that the establishments of this country can this year lay down a larger number of capital ships than I have recommended, please understand me as recommending them with all possible emphasis. In general terms, I think that this year's program should provide for every ship that can possibly be laid down this year.

Mr. BUTLER. When would you have it in your own mind that it would be advisable for us to have on hand, ready for operation, the largest fleet in the world?

Admiral KNIGHT. To-morrow.

Mr. BUTLER. Would you advise calling upon all the industrial facilities of the United States to assist us in constructing a great fleet?

Admiral KNIGHT. I should. That is what I have already advised.

Mr. BUTLER. Let me ask you—I want to ease my own mind. If the committee will permit me—why should we prepare any defense if it is not one that will succeed? Anything short of actual defense means defeat, does not not?

Admiral KNIGHT. Yes. The General Board, in studying this subject, had before it two sides to the shield. First, what do we want and when do we want it? We want a Navy equal to the largest maintained by any nation in the world, and we want it now. That is one side of the shield. The other side of the shield is, When can we get it? We questioned them as to the present facilities of the shipbuilding yards of this country, including the navy yards, the facilities of the armor plants, etc. We then said in substance this: We are limited this year with regard to the amount of work that can be done, apparently. Let us provide for the doing of that amount of work this year. Let us at the same time encourage Congress and the Navy Department to get very busy to see if they are by any happy chance larger than we think they are, getting the shipbuilders together. Let us try to get everybody working together, in the hope that very soon we may be able to develop facilities which will enable us to enter upon an accelerated program.

* * * * * * *

We can go on from year to year, each year taking advantage of the best that we know at that time. Build all we can this year with what we know now. Build all we can next year with what we know next year.

Mr. MEEKER. Does the gentleman object to that coming from the head of the War College; is that unpatriotic?

Mr. CALLAWAY. I am trying to show that naval officers consider only their desires and their fancies and not the real necessities of the Government.

Mr. MEEKER. Do you object to that policy?

Mr. CALLAWAY. Yes; I object to the policy based solely on what they can get. Admiral Knight says further:

Mr. KELLEY. And in view of the uncertainty of our needs, and the long time it would take to reach the point where you say we ought to be, don't you think this would be a good time to stick to the original plan we have followed for 20 years and just try to get into second place as quickly as we can?

Admiral KNIGHT. I do not think we ought to stop there. I think the situation is such that we ought to try to get everything that can possibly be built this year. I think it ought to be provided for. We will not make any mistake. It will not carry us too far.

Mr. KELLEY. Do you think the plan for building, for five years, a certain number, such as the General Board worked out, at the request of the department, is a better arrangement than the second-place plan which we have held to for so long?

Admiral KNIGHT. I think the plan which the General Board had in mind, of building every ship that it is possible to build this year and every ship that it is possible to build next year, and to keep on building as fast as possible, is the most rational plan.

I could go through this testimony from end to end, showing the only consideration to be, "How much can we get?" It is the same with people who come from navy yards and the territory where the controlling interest is steel and ordnance manufacturing or shipbuilding.

Mr. HENSLEY. Where would that lead us, according to Admiral Fletcher?

Mr. CALLAWAY. According to Admirals Fiske, Badger, and Fletcher, it would lead us into bankruptcy or war.

Mr. EMERSON. We have these men to advise us on this subject.

Mr. CALLAWAY. We have them to advise us on the technicalities of the Navy, but not on the general policies. We should fix the governmental policies ourselves. What we want the Navy for and how much money we can afford to spend on it—I decline to follow them when they tell me that their advice leads this country to bankruptcy or war. They say that is a certainty. I prefer to take some risks to accepting such a safe certainty.

Mr. EMERSON. How would you know how much or how many if the experts did not advise you?

Mr. CALLAWAY. Look through the whole hearings and the advice from these experts does not show when you work it out like a lawyer works out a case that we need a single thing to enable us to defend ourselves against an attack reasonably to be expected from any power. There is 3,000 miles of ocean between us and every country we need to consider in determining the size of our Navy.

Mr. EMERSON. You differ from a great many people.

Mr. CALLAWAY. I am taking their testimony. Who is going to attack us? England? She has got her hands full.

Germany? She can not get aniline dyes to us or milk to her shores for the babies. Japan? France? Oh, they say after the war is over those nations are going to come across the ocean and eat us. Germany, with a navy in weight of a broadside from her guns, according to Admiral Badger, weaker than we are, going to come across 4,000 miles of ocean, crippled, a bankrupt, horrified by the war through which she has just passed, crape on every door for lost son, husband, or brother, with an enemy at her back, and sweep from the seas a navy greater than her own in weight of a broadside from her guns, pass our forts, which Gen. Weaver says are the best in the world, and levy tribute on New York, Boston, and Philadelphia.

Mr. KELLEY. Mr. Chairman, will the gentleman state to the House why the Germans can not get the analine dyes to this country or milk in to the babies?

Mr. CALLAWAY. Because she is surrounded by the allies' surface fleet, which is more than three times as large as her surface fleet, and dyes and milk are transported in craft that travel on the surface of the sea.

Mr. KELLEY. The gentleman has said that we could defend ourselves against even Great Britain.

Mr. CALLAWAY. That is what I said, because England is 3,000 miles across the ocean from us, and the history of this war and of the world shows that it is impossible to wage war successfully against a nation anything like equal across a great expanse of water.

Mr. KELLEY. The gentleman means now while this war is going on?

Mr. CALLAWAY. I mean always. It always has been so, and the development of torpedoes and submarines have infinitely increased the perils of the deep.

I am not going to fool with you gentlemen any more unless you give me some time. I have got to talk a little about submarines.

Mr. FOCHT. One question while the gentleman is answering about submarines. I wish he would explain what the President said when he said that war was at arm's length and might come in the morning. Was that buncombe or was he sincere; and if so, what did he mean?

Mr. CALLAWAY. Answer that question for yourself.

Mr. FOCHT. But I am asking it.

Mr. CALLAWAY. Let me read to you something about submarines. Right in the beginning of this war three English scout cruisers, the *Abowkir*, *Hogue*, and *Cressy*, off the English coast were submarined by one little old-type submarine and sent to the bottom in less than an hour. You talk about your big fighting craft. These ocean monsters never sighted the instrument that did the work.

Mr. HOPWOOD. How many battleships of Great Britain have the submarines sunk?

Mr. CALLAWAY. Nine.

Mr. HOPWOOD. Where were they?

Mr. CALLAWAY. Three of them were in the Dardanelles. Oh, they say that if you have the surface of the water patroled with scouts and destroyers the submarines can not do the work. The English got down there and made the landing on April 25, 1915. This is what an English correspondent who was on the ground says:

> The Dardanelles expedition, if it served no other purpose, is an object lesson on the difficulties encountered by a hostile fleet operating many hundreds of miles from its base in the face of submarine attack.
>
> Up to May 20 an immense fleet of predreadnaught battleships was able to lie off the coast and render the expeditionary army immense moral support by protecting its flanks and encouraging the troops who love to hear the great shells whistling over their heads. On May 13 the *Goliath* was sunk in the Straits during the night by torpedo attack. On May 20 the first submarine was sighted. The entire fleet had to weigh anchor and steer about to avoid giving a sitting shot.

And now we come to these superdreadnaughts that my friend from Illinois [Mr. FOSS] told you were the fighting strength of the Navy. Dreadnaught! The dread nothing. Watch what they did at the Dardanelles:

> The more valuable battleships, like the *Queen Elizabeth*, the *Agamemnon*, and the *Lord Nelson* (they are among the finest ships afloat) faded away toward the west and were not seen again. On May 25 the *Vengeance* was narrowly missed by a torpedo, and the battleship *Triumph* was sunk. On May 27 the battleship *Majestic* was also sunk. On the following day there was not a single battleship off the Gallipoli coast. All had been obliged to fly to protected harbors for safety.

Where have they been ever since? They went home into the ports, and not only into their own home ports, but they ran nets across the mouth of the harbors so the submarines could not get in.

Where have the German battleships been all the while? In the Kiel Canal with both ends of it stopped up.

Mr. KELLEY. How many submarines is the gentleman for?

Mr. CALLAWAY. I am for enough, and I think we have enough of the kind that we have tried out. We should have, according to the testimony before our committee, some 800-ton submarines, but that type has not yet been tried by us, and we should make a test of them before authorizing any considerable number.

Mr. HENSLEY. I yield the gentleman two minutes more.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. CALLAWAY. If the gentleman from Pennsylvania will give me some more time.

Mr. BUTLER. I will yield the gentleman one minute.

Mr. MADDEN. Does the gentleman believe in a navy at all?

Mr. CALLAWAY. Yes; I believe in a navy big enough to protect us.

Mr. MADDEN. What does the gentleman think would be a big enough navy to protect us?

Mr. CALLAWAY. We can figure that out if you will get politics, promotions, and profits out of the question. [Applause on the Democratic side.] We are across the ocean 3,000 miles from an enemy that has any navy. Talk about battleships and battle cruisers. Every nation except us equipped with a navy has been engaged in the most gigantic struggle in the history of mankind for two years, and these floating palaces that they say do the fighting have not fired a shot, and no man dare say they will during this war.

Mr. MADDEN. It does not follow that they would not if they had the opportunity.

Mr. CALLAWAY. Every nation in the world that has a navy, except this one, has been engaged in a gigantic struggle for two years, and battleships and battle cruisers have not been worth a continental. What makes you think now that they will be? Foolishness, rot! There are millions of dollars in it, and they have splendid decks for officers to prance up and down and hold receptions on, always cleared for social action. Magnificent quarters, more than a thousand men aboard, the daily news printed on ship, an ice plant, every thing done right there—the pride of the ocean.

Mr. MADDEN. Does the gentleman intend to vote for the bill?

Mr. CALLAWAY. Yes; in preference to a bigger one. Let me tell you what men said about these battleships when I asked them, every one of them, "What will a battleship do in the face of a submarine?" They said, "Run, run." "What will they do if the screen is destroyed?" "Run." The protecting screen is the scouts and the destroyers that surround it. "What will they do when the protecting screen is gone?" The reply was, "It is helpless." Did not they say that. Answer out of your heart of hearts when you come to discuss it.

Mr. HOPWOOD. Will the gentleman yield?

Mr. CALLAWAY. Give me a minute or two more.

Mr. BUTLER. Mr. Chairman, I like my friend well enough to give him one minute.

Mr. HOPWOOD. What nation has control of the seas, and why does it have control of them?

Mr. CALLAWAY. England has control of the surface of the seas because it has more of the small surface craft, three to one, than the central powers.

Mr. HOPWOOD. Battleships.

Mr. CALLAWAY. The kind of craft that actually controls the surface—scouts, torpedo-boat destroyers, submarines, and that class of craft.

Mr. HOPWOOD. Have they got more submarines than Germany?

Mr. CALLAWAY. Well, I do not know and you do not know and nobody else knows how many any of them have. We know the battleships have not done anything.

Mr. HOPWOOD. They have kept Germany off the seas.

Mr. CALLAWAY. Well, that is a bald statement, with not a scintilla of evidence to base it on. Tom, Dick, and Harry with grave mien and dignified air have stated that, and yet you can search nearly 4,000 pages of record where we sought day after day to get all the facts, and no one gave testimony to show that except by a mere personal statement, while looking as wise as an owl and grave and sure as an oracle. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. Can the gentleman give me another minute?

Mr. BUTLER. I will yield another minute to the gentleman.

Mr. CALLAWAY. This English correspondent further says:

> The facts are plain; dreadnaught fleets are useless for offensive purposes provided you are dealing with an enemy supplied with submarines. They are a poor defense, as well because they can only deal with the enemy's fleet as a whole, provided it chooses to come out and fight.

> Local defense must be left to the submarines destined to remain in home waters.

Come across the ocean! There is about as much danger of England coming across the ocean and whipping us, or Germany, or any other country, in the face of submarines and torpedoes, developed as they are, as there is of a crippled hound pup getting by a bunch of alligators in a Florida swamp. They can not do it. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON. Mr. Chairman, preparedness to increase the efficiency of the Military and Naval Establishments of the United States is a nonpartisan question, and is not, should not, and has not, up to this hour of debate, on either side of this aisle been circumscribed by the narrow limits of party. I am a Democrat, a believer in the creed of Jefferson and Jackson, but my country and its safety comes ahead of any party.

The military and naval preparedness undertaken by Congress and provided for in the bills that have heretofore passed the House and the naval bill now under consideration has but one object and purpose in view—that is, the adequate defense of this country.

In this day of almost world war I have at heart no sectional nor political interests, but only the Republic's safety. I am intent solely upon lending my aid and support, and giving my vote to those preparedness measures which will increase the efficiency of the military and naval establishments of this Government to guarantee proper protection to the Nation's safety.

Nations learn from the experience of other nations, and the war now devastating all Europe from the Garden of Eden to the Thames has aroused the American people and called their attention to their utter unpreparedness to defend the Nation and to preserve this the greatest Republic on earth.

I abhor war and detest that spirit which would make military despotism the chief object and purpose of a nation's thought. I defend the validity of the doctrine that would make of the civilian a paw of a military caste, and assert that a free civil life should be at all times the chief aim of national existence. Neither now nor never can the specter of militarism of the control of our national life rear its dragon head in this democratic land. Firm in the belief am I that however numerous are to be the glistening bayonets and dull-colored warships which we must now create to guarantee the efficiency of our Military and Naval Establishments to protect our shores from the threatening influence of devastating war, that these bayonets and ships ever shall remain as a bulwark of personal liberty, and never become the wall of a barracks in which its creators might bring the populace to the wheel of the chariot of aggression to be driven in other lands.

The policy of preparedness undertaken by the House as set forth in the military and naval bill, is not open to the criticism hurled against it by some, that it seeks to saddle on the people of this Republic a form of military despotism. If for a single moment I thought that this policy of preparedness for defense in any of its numerous forms provided for in the various bills in this House would give birth to a spirit of militarism in this free land, I would oppose it to the utmost of my ability.

The American citizen devoutly wishes to be left at peace with all the nations of the earth, and he trusts and prays that "the grass will continue to grow green for his docks and herds unstained by blood and uncrushed by the hoof of war." Let not the gates of the temple of Janus be opened. "For blessed are the peacemakers for they shall be called the children of God." The peace which the American people so devoutly hope will continue to be their heritage of to-day and their legacy to all generations yet to be born in this Republic, must be insured and guaranteed by adequate preparation for defensive purposes. I am fearful that some of us, and many of the pacifists throughout the country, misjudge the measure by which peace may be maintained and accomplished and thereby permit our very love for peace to impair the preservation of it. I am a hater of war and a devoted lover of peace, but, sir, Mr. Chairman, in my hour of seclusion and study I have to the best of my humble capacity held up the lamp of the past to the face of the future, and I call God to witness that I would be recreant and faithless to my conscience and to the people who have honored me with their suffrage, and the hundred million American citizens of this Republic, which you and I and my other colleagues represent in this the greatest law-making body on earth, if I did not proclaim as far as my voice will reach that I am fully convinced and realize that peace to be had must sometimes be battled for. That to be preserved it must be guarded and protected, and that to be protected it must be surrounded by impregnable barriers.

Believing as I do, it becomes my duty to my country and to my God to advocate and support the establishment of those barriers by increasing the military and naval efficiency of this Republic, which I trust will insure peace to America until principalities and powers have gone away forever, and the everlasting Republic is established where the brotherhood of man and the Fatherhood of God are sung to the music of the spheres.

This Nation finds itself face to face with imperative duty. The dreams of the pacifists have been shattered, the hopes of a world-wide disarmament deferred, and the formation of a compulsory arbitration league among the nations of the earth, bequeathed to the wisdom and the will of future generations. However much we may desire to aid in the establishment of a world-wide peace and to make war a crime against the law of the nations, we can not disregard the ambitions of other peoples and the policies and purposes of other States, and by a premature disarmament and failure to maintain our means of defense leave our Republic an inviting and helpless field for conquest. No Government which fails to provide for its own preservation against the assaults of every probable foe is entitled to the support of its people. A primary duty of government is self preservation, and no sophistry of logic can justify it in stripping itself of its means of defense and relying for its preservation upon the mercy, the pity, or the love of other nations. As in the relations of private life, the power of our municipal law must at times be invoked to prevent wrongs or to redress them, so in our International relations times come when the armed forces, the Executive of the Nation, must be called upon to prevent or redress national wrongs, and that one in authority who would deprive our Republic of its means of defense or make them less effective than the necessities of the Nation demands is little less than a traitor to his people, and deserves public contumely and disgrace.

While the military and naval preparedness for the defense and the preservation of the Republic is a fundamental duty, no right-thinking American would wish that, under the guise of preparation for the defense of our State, its institutions, and its instrumentalities of trade, there should be built up armies and navies purposed to wage wars for the conquest of territory, the oppression of the people of weaker nations, or to limit the exercise by them of the rights of our sister nations.

The naval preparation undertaken by us ought to be bounded by the needs of the Nation, having regard for our position among the States of the world, the location of our possessions, the extent and the routes of our trade, the policies we may adopt in our international relationships, and the dangers which threaten us.

I remind you, sir, of the purposes which we ought to have in view in whatever measures of naval preparation we may adopt. Primarily, the protection from conquest and invasion of the home land should have the chief place in our plans. Without this protection entirely adequate, then all other preparation is valueless and without avail. Even though the Canal Zone be converted into a veritable Gibraltar, or Hawaii be made impregnable, if continental United States is inadequately defended against invasion all these defenses are less than useless, for Panama, Hawaii, and the Philippines may be as successfully attacked in Washington or New York as in Central America or the Pacific.

Preparation to defend our insular possessions, to maintain for our commerce the freedom of the seas, to defend the greatest engineering enterprise and commerce carrier of the century, the Panama Canal, to maintain America's open-door policy in the Orient, to enforce our policy of noninterference by monarchical governments in the affairs of Central and South American Republics, to defend our Nation's honor and protect and redress American citizens wherever wronged is the least that duty will permit us to provide.

Whatever may have been our opinion of the adequateness of our military and naval preparation to accomplish our proper defense and protection in the past, the European war has called attention to many defects in our plans and system and has furnished us with new reasons for an increase in our military and naval forces and equipment.

This war has fused the male population between the ages of 15 and 55 years in Europe into fighting machines such as the world has never seen. The millions of men who compose these armies are now hardened and seasoned veterans, inured to the hardships of war; they have been tested and proven in battle; their officers have proven their military theories on hundreds of battle fields and in many campaigns; unfit and imperfect equipment has been discarded; new and more terrible engines

of war have been devised; skill in handling and moving troops increased; methods of maintaining, equipping, and provisioning improved; every department of military activity tested in the ordeals of an active campaign has been improved and made more effective. The fighting instinct has been aroused, and when the war is over each of the nations involved will have an army against which no equal number of men in the world unused to war can stand.

Besides converting the men of Europe into seasoned veterans, and testing all of the instrumentalities of war, this conflict has disclosed the ambition of some of the nations involved, and these, I am apprehensive, threaten the peace of America. The rules of war have been disregarded; international law has been trampled under foot; the rights of neutral nations denied; the seas well-nigh closed to neutral commerce; new hatreds have been engendered; old animosities aroused, new jealousies kindled, and America, careful as she has been in her dealings with the belligerent nations, has not escaped the envy and the hate of many of them.

This war will leave the victorious nations with large armies of seasoned troops, with all of its departments working perfect adjustment—a fit time and fit circumstance to pursue the national ambition, and no man, or set of men, can prophesy the possibilities involved in such a situation. Then, too, both victor and vanquished will bear a weight of debt heretofore undreamed of; will face distress, trade losses, inadequate revenue, increased expenses, the charge of crippled soldiers and their widows and orphans—a situation likely to incline the victors to undertake new conquests of territory and trade, and to the imposing of limitations on commerce, in order to recoup their fallen fortunes.

American territory and trade, and the territory and trade of those South American Republics under her protection, offer most promising and inviting fields for conquest and exploitation.

Recognizing that no man, nor set of men, can foretell the future effect that the European war will have upon this Nation, and being confronted with the duty of giving to the country a more efficient Military and Naval Establishment, Congress, not in a state of hysteria, but in a conservative frame of mind, after much deliberation and painstaking care, did on the 20th of May pass a military bill giving to the Nation a better military defense than it has heretofore had in the history of this Government.

Mr. Chairman, owing to the European war it is impossible to obtain any definite information as to the relative strength and increase that has been made since the beginning of the war in the navies of the belligerents of Europe, and from reliable information it seems now as if all of the nations engaged in war will come out of the same with larger navies than at the beginning. Therefore it is imperative that this Government should provide for additional increase to our Navy.

I shall in a brief manner endeavor to call the House's attention to the necessary increases provided for in this bill so as to place our Navy in a better state of efficiency.

The Naval Committee deserves the thanks of the House for the exhaustive and careful study they have given to this subject. For months and months they have devoted almost their entire time to investigating how the Navy should be strengthened and to place it in a greater condition of preparedness.

There has been much inaccurate and unjust criticism and many varied opinions and statements from irresponsible sources in regard to our Navy, but I want to call the House's attention to the fact that there is no body of officers in the navies of the world that are better educated, and there are none more skilled in their profession and none required to maintain a higher standard of efficiency than those of the United States Navy.

The enlisted men who man our ships are the best the country can produce. They come from good homes and from every State in the Union. They are picked from the high mental and physical standard for their work. They are well cared for, well clothed, well fed, and well paid. The Government, however, is amply repaid for this by their efficiency.

In a statement before the Naval Committee Admiral Fletcher, the commander in chief of the Atlantic Fleet, stated, in substance, that, as far as he could ascertain, there is no fleet on the Atlantic, or any fleet, of which more exacting requirements are demanded.

This fact is borne out by the results shown in the maneuvers, war games, and target practice, and the criticism of the United States Navy that has been heralded through the country by the jingo press has been neither well founded nor justified.

The bill under consideration provides the largest building program ever undertaken by any Government at one time in the history of the world for strengthening a navy. It provides:

Five battle cruisers, to cost $20,433,531 each.
Four scout cruisers, costing $5,571,900 each.
Ten destroyers, costing $1,325,314 each.
Three submarines of a surface displacement of about 800 tons, costing $1,205,302 each.
Seventeen smaller submarines, costing $731,302 each.
One fuel ship, costing $1,363,272.
One ammunition ship, costing $2,714,650.
One hospital ship, costing $2,250,000.

In addition to the construction of the various war vessels above enumerated, the bill provides that $2,000,000 be appropriated for the development of aviation for naval purposes.

The bill also seeks to remedy the shortage of the enlisted personnel of the Navy and recommends an increase of 13,500 enlisted men for the Navy and an increase of 3,079 enlisted men in the Marine Corps, making a total increase in the enlisted personnel of the Navy Department of 16,579.

We have passed previous bills at this session of Congress authorizing an increased number of midshipmen at the Naval Academy to provide line officers for the Navy, and the bill under consideration recommends that officers be taken from civil life for engineering and aviation duty.

By these provisos in the bill the commission personnel should be fully met, and it is the belief of the naval board and also of the committee reporting this bill to the House that it is possible for the Naval and Marine Corps to be recruited to their strength within the next fiscal year.

A new and wise precaution for future preparedness is provided for in the ammunition for new ships and those now under construction. The bill provides that in the interest of real preparedness a new practice, whereby appropriations are made in the bill simultaneously with the authorization of the ships, for all powder and shells that are necessary, so that the powder and shells, active and reserve, will be on hand when the vessels herein authorized and now under construction are placed in commission. In other words, the bill recommends an appropriation of $13,720,000 to fully supply with all ammunition all ships heretofore authorized, and $11,245,925 for ammunition for all ships herein authorized, making a total for ammunition of $24,965,925.

This provision of the bill is made in the interest of real preparedness in view of the experience of the belligerent nations of Europe in the failure to obtain munitions of war with as great rapidity as was expected. The total of the bill recommended, exclusive of the increase of the Navy, is $142,389,773.99. The amount necessary to carry on the construction of new ships heretofore authorized and herein authorized amount to $98,859,378, making, together with the $200,000 for the peace commission authorized, a grand total of the bill of $241,449,151.99. The naval appropriation act of last year amounted to $149,661,864.88, making an increase of $91,787,287.11 recommended over last year's bill, and all of which is found to be necessary to place the Navy, the first line of defense of the country, in a better state of preparedness.

Under previous acts of Congress and in addition to the building program provided for in this bill now under consideration there is now being constructed in the navy yards and shipyards in this country 8 battleships, 9 destroyers, 2 fuel ships, 2 miscellaneous transports, and 38 submarines.

According to the table prepared by the Office of Naval Intelligence, taking the *Delaware* value as 100, the comparative value of battleships of the Navy is as follows:

Ship.	Comparative value when completed.	Comparative value corrected for age in 1914.
Indiana	20.64	7.4
Massachusetts	20.64	7.4
Oregon	20.64	7.4
Iowa	28.95	10.09
*Kearsarge	23.55	15.07
*Kentucky	23.55	15.07
Alabama	21.41	14.72
*Illinois	21.41	14.72
*Wisconsin	21.41	14.72
Maine	28.84	22.20
*Missouri	28.84	22.20
*Ohio	28.84	22.20
*Georgia	39.40	31.54
*Nebraska	39.40	31.54
*Virginia	39.40	31.54
*New Jersey	39.40	33.10
*Rhode Island	39.40	33.10
*Connecticut	51.46	46.19
*Louisiana	49.98	46.06
*Kansas	49.98	46.06
*Minnesota	49.98	46.06

Ship.	Comparative value when completed.	Comparative value corrected for age in 1914.
*Vermont	49.98	46.06
New Hampshire	49.98	47.10
Michigan	78.51	75.37
South Carolina	78.51	75.37
Delaware	100.00	97.44
North Dakota	100.00	98.56
Florida	100.28	99.64
Utah	100.28	99.64
Arkansas	135.64	135.42
Wyoming	135.64	135.42
New York	169.38	169.38
Texas	169.38	169.38
Nevada	190.31	190.31
Oklahoma	190.31	190.31
Pennsylvania	230.84	230.84
Arizona	230.84	230.84
New Mexico	267.83	267.83
Mississippi	267.83	267.83
Idaho	267.83	267.83
*40, Tennessee	273.00	273.00
*41, California	273.00	273.00

The 16 ships marked with a star made the cruise around the world in 1907–1909, and their comparative value, as shown by the above table, was 597.48. The comparative value of battleships added to the fleet by completion or authorization since the around-the-world cruise is 3,409.39. It must be understood, however, that the comparative value of battleships of other nations has increased in the same proportion.

Summary of vessels in the United States Navy July 1, 1915, by types

Type	Fit for service, including those under repair.		Under construction		Authorized.		Total.	
	Number.	Displacement.	Number.	Displacement.	Number.	Approximate displacement	Number.	Displacement.
Battleships:		*Tons.*		*Tons.*		*Tons.*		*Tons.*
First line	8	189,650	7	213,800	2	64,000	17	467,450
Second line	25	340,146					25	340,146
Cruisers:								
Armored	10	140,080					10	140,080
First class	5	46,465					5	46,465
Second class	4	25,065					4	25,065
Third class	15	48,748					15	48,748
Monitors	9	32,944					9	32,944
Destroyers	53	37,167	15	16,442	6	6,750	74	60,359
Torpedo boats	19	3,365					19	3,365
Submarines	36	12,338	22	11,839	1	(1)	76	[2] 24,177
Tenders for torpedo vessels	7	20,892	2	10,730			9	31,622
Gunboats	30	27,890					30	27,890
Transports	5	26,595	1	10,000			6	36,595
Supply ships	4	25,400	1	8,500			5	33,900
Hospital ships	2	9,000					2	9,000
Fuel ships	23	251,581	2	29,000			25	280,581
Converted yachts	16	9,476					16	9,476
Tugs	45	18,024					45	18,024
Special type	8	43,333					8	43,333
Unserviceable for war purposes	19	43,976					19	43,976
Total	343	1,352,135	50	300,311	26	70,750	419	1,723,196

[1] Undetermined. [2] Except 15 new submarines.

It is true, Mr. Chairman, that the minority members on the Naval Committee denounce the naval program as set forth in this bill and contend that the appropriation of $241,000,000 is wholly inadequate and urge more liberal appropriation to place the Navy in a great state of preparedness.

It is contended that the bill as reported from the committee ignores the opinion of the naval experts and the recommendation of the Secretary of the Navy, and is based on a compromise with interests which wanted no additional preparation and those who wanted only a slight increase.

The minority report contends that there should be 2 additional dreadnaughts, 8 battle cruisers instead of 5; 50 coast defense submarines instead of 20; $3,500,000 for additional aircrafts instead of $2,000,000; a larger increase in the personnel; the creation of a national defense council, and a means for rushing the building program by using more than one shift of workmen daily.

But after a careful examination and study of the bill under discussion, I am confident that in the opinion of the country the naval bill will sufficiently increase the Navy to meet any present or future emergency, and that it has brought it up to the highest point of efficiency.

When this bill now under debate has become the law of this Nation we will have fully met the demands of the American people, and have given to them adequate preparation for defensive purposes.

To carry out the provisions of the military bill heretofore passed, it is estimated that it will cost approximately $150,000,000, or, in other words, an increase of over $49,000,000 over last year's bill.

I have just called your attention to the estimated cost for increase of the Navy to carry out the provisions of the naval bill. It is of the utmost importance to the people of this country to be informed from what source this enormous expense will be derived, for it naturally follows that the national budget, on account of the increase to the Military and Naval Establishment of the country, will surpass any in the history of this Republic.

Mr. Chairman, I want to go on record as saying that I am unalterably opposed to the issuing of bonds to provide the revenue to meet the provisions set forth in these bills, and I shall oppose any effort to saddle upon the people of this Nation a bonded indebtedness for this purpose.

I am thoroughly of the opinion that the method by which this increased expenditure should be met is:

First. By increasing the rate of the present income tax.

Second. By the establishment of a Federal inheritance tax.

Third. By the establishment of an excise tax on the profits of munitions of war, such as rifles, cannon, explosives, shells, and such like.

As I interpret the system of taxation, it should consist in pulling the most feathers with the least squawking, and this is certainly what will be accomplished if the revenue to defray the expenses provided for in the naval and military bill be raised in the methods I have above pointed out.

By adopting this taxation it will raise a sufficient amount of revenue to defray the necessary expenses of the naval and military bills and will also permit Congress to repeal the emergency act of 1914, which I trust will be speedily done.

I shall not consume your time in discussing the income tax, as it is the most equitable of all taxation, but in passing I desire to say that during the last fiscal year, ending June 30, 1915, the present income tax produced over $80,000,000 in revenue, and the increased rate now contended for, and which will be provided for by the Ways and Means Committee to meet the urgent demands for our Army and Navy, it is estimated that it will bring into our Treasury an additional hundred million dollars.

The other method by which we should provide for the raising of the additional revenue required to meet this expenditure should be, as I have stated, by the enactment of a Federal inheritance tax.

This is no new form of tax, and by the adoption of such a tax we will not be sailing out upon unknown seas.

An inheritance tax was enforced in Egypt, so historians inform us, 117 years before the birth of Christ. On the luminous pages of Gibbon's History of the Decline and Fall of the Roman Empire the historian tells us that—

> When Augustus resolved to establish a permanent military force for the defense of his government against foreign and domestic enemies he instituted a peculiar treasury for the pay of the soldiers, the rewards of the veterans, and the extraordinary expenses of war. The ample revenue of the excise, though peculiarly appropriated to those uses, was found inadequate. To supply the deficiency the emperor suggested a new tax of 5 per cent on all legacies and inheritances.

There is no truer statement than "history repeats itself." It became necessary six years after the birth of Christ for Emperor Augustus, in the establishment of a "permanent military" force, to inaugurate an inheritance tax. We to-day are confronted with increasing our Army and Navy; and if the views of Members on this side of the House are carried out, we will adopt the same principle of taxation that the Roman emperor enforced when he was confronted with a similar duty.

There is no principle of taxation which has such a long and honorable history supporting it, and none which has the indorsement of such leading economists of ancient and modern times. It has been adopted in almost all the countries of Europe and is to-day enforced in every State of this Union but six.

I know of no theory of taxation which has more to commend it, and I know of no formation of taxation easier to defend. It is wise, simple, and effective.

"Wise, because it does not touch the private property during the life of the owner and therefore levies no burden upon business activity; simple, because it is easily ascertained and collected while estates are being administered in the probate court; effective, for the reason that by the application of progressive rates it places no burden on the poor, but permits those who have much to contribute to the Government somewhat in proportion to their ability to pay."

An inheritance tax does not invade any right. It trespasses on no principle or maxim of law. It does not overstep any constitutional barriers. It can not be said by the opponents of this form of taxation that it is revolutionary, socialistic, or paternalistic, but it is, on the contrary, a measure of practical wisdom and social justice and has been truly styled an "institution of democracy."

The right of inheritance is not a natural but a civil right, and on this point I respectfully invite the House's attention to Blackstone's Commentaries, wherein he says:

The right of inheritance or descent to children and relations of the deceased seems to have been allowed much earlier than the right of devising by testament. We are apt to conceive at first view that it has nature on its side, yet we often mistake for nature what we find established by long and inveterate custom. It is certainly a wise and effectual but clearly a political establishment, since the permanent right of property vested in the ancestor himself was not natural but merely a civil right.

There can be no doubt that the right to take property by devise and descent is a creature of law and secured and protected by its authority.

The Federal Government has heretofore imposed an inheritance tax at different periods of its history. The first act imposing a tax of this character provided for a light graduated tax on inheritance other than those received by wives, children, and grandchildren. The act took effect in July, 1798, and remained in force four years.

This system of taxation was recommended in Congress in 1815, but the recommendation was not adopted. In 1862, during the Civil War, an inheritance tax was imposed as a war revenue measure. The law was repealed by the act of July 14, 1870.

During the Spanish-American War the revenue bill at that time contained a provision for taxation of legacies and distributing shares and was repealed in 1902.

During the fiscal year prior to the European war England received $131,000,000 in inheritance taxes. It is estimated, taking into consideration the wealth of this country, that this form of taxation will bring into the coffers of the United States over $50,000,000 during the first year.

The last and other method by which we should provide revenue to meet the provisions of the military and naval bill should be by the establishment of an excise tax on the profits of war-munition plants. Based on a calculation of the profits reported as being made by munition plants, it can be conservatively estimated that by the establishment of such a tax we will raise a revenue of approximately $35,000,000 during the next fiscal year.

The burden of taxation should fall upon those most able to bear it, and the methods which I have pointed out to the House by which this revenue should be derived will not place an additional burden and hardship upon the backs of the masses of the people of this Nation.

Since we will by legislation increase the Military and Naval Establishments of this country by passing conservative laws, with that object and purpose in view, I devoutly hope that the casting of every gun and the building of every ship will be done with a prayer for the peace of America. Let dreams of conquest be forgotten; let ambition for world's supremacy have no place in our hearts; let us pursue our worthy national ambition in deference to the rights of others, and then, if war is ever forced upon us, let us conquer a lasting peace without staining our arms or sullying our victory by a single dishonorable or ignoble act. Let us pray for the peace of America. "Let peace be within our walls, and prosperity within our palaces." "Let truth flourish out of the earth and righteousness look down from heaven."

The CHAIRMAN. The time of the gentleman has expired.

Mr. VINSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The CHAIRMAN. The gentleman from Missouri [Mr. HENSLEY]. [Applause.]

Mr. HENSLEY. Mr. Chairman, I have been somewhat amused at certain gentlemen on the Republican side of the House who, having gotten recognition, at once began to explain that they deeply regretted that anyone would discuss matters pertaining to politics when an important measure of this kind is pending. Every time you have made that statement I at once realized to a certainty that you were preparing to commit the greatest political assault of which you were capable. This ought not to be a political question. We ought to rise above political views and ideas in the discussion of this question. In criticizing our Navy and characterizing it as being lamentably weak you talk as though the Democrats have been in uninterrupted control of this Government for 20 or 30 years when, in fact, we have only been in control of the affairs of government a little over 3 years, and you were in absolute control for 16 years immediately preceding us. If conditions in our Navy were as bad as you charge, you should be held accountable. Here I desire to read from the hearing of Admiral Blue when before our committee this year:

Mr. HENSLEY. As a fighting machine, it has never been in better shape than it is today; is not that true, Admiral?

Admiral BLUE. Never in better shape than it is today, in my opinion.

Mr. HENSLEY. And in your opinion, its improvement is constant?

Admiral BLUE. Yes; all the time.

Mr. HENSLEY. And has been for the last three or four years more rapid than it was preceding that time?

Admiral BLUE. I think so; yes.

The Secretary of the Navy, Mr. Daniels, stated when before our committee also that the efficiency all along the line has been greatly increased within the last three years.

And during the three years of President Wilson's tenure in office we have spent for new naval construction $181,945,535. But the total for new naval construction during the first three years under Mr. Taft's administration was only $79,345,266. The total for the same purposes was $80,805,302 during the first three years of the first Roosevelt administration, and the total for the same purposes was $87,497,706 during the first three years of the second Roosevelt administration.

Continually since the Sixty-second Congress I have insisted that in order to properly balance our Navy and make it more efficient and of the greatest value as a fighting force we needed, more than anything else, additional submarines, aircraft, and other auxiliaries, including battle cruisers, instead of additional battleships. This bill does not provide for battleships. It provides for five battle cruisers which are more powerful and more expensive than battleships. It also provides for additional submarines and aircraft, and it is therefore in effect in that respect an indorsement of the position I have taken all along in my efforts to promote the efficiency of our Navy. All of the testimony of the experts before our committee is in support of that position. Admiral Dewey stated before the Committee on Naval Affairs about 15 years ago, after he had witnessed the first demonstration of the Holland type of submarine off the Potomac, "That if the Spaniards had had one of those boats over at Manila he never could have won the victory that he did." He said more than that. He said that "I could take two of these things and defend the port of Galveston against the combined navies of the world." [Applause on the Democratic side.]

What attention did the Republican Party, which was in power for many years after that, give to the subject of submarines with a view of promoting the efficiency of our Navy, about which they pretend to be so much concerned now? [Applause on the Democratic side.] I have said heretofore, and I say it now, that I have been inclined to believe that one reason why more submarines and craft of that kind were not provided was because receptions could not be held on them as could be held on dreadnaughts, and furthermore, there were no such profits in the manufacture of submarines. These are the reasons why you did not build submarines and thereby really promote the efficiency of our Navy. You absolutely ignored them, as I have previously stated. In support of my statement, let me call your attention to some of the testimony before our committee. It shows what has been done under a Democratic administration. Here is what Admiral Griffin, Chief Engineer of the Navy Department, said:

Until Admiral Grant was appointed to command the submarine flotilla the Navy Department itself apparently did not take submarines very seriously, and that is best evidenced by the fact that the officers who were ordered to command them were the most junior and inexperienced officers in the service. They were ensigns and lieutenants—

And, mind you, Admiral Grant was detailed to command the submarine flotilla by Secretary Daniels, under this administration.

Admiral Griffin further advised our committee that at the outbreak of the European war Germany had fewer submarines than we had.

Mr. MEEKER. Will the gentleman yield for a question?

Mr. HENSLEY. Certainly.

Mr. MEEKER. In the light of what you have said here of defending Galveston with two of those submarines, why is it that the submarine operators are fearful of an armed merchantman? They say that a merchant vessel carrying goods with two small guns can put a submarine out of business if they get a shot at it.

Mr. DECKER. He means that they get alongside.

Mr. HENSLEY. That is an entirely different question. The estimate placed upon the value of submarines by Admiral Dewey was based on the unrestricted use of the same. That means, of course, that the submarine will remain submerged. There is no occasion for a submarine to come to the surface in attacking an enemy ship. It is constructed for fighting submerged. It is simply not constructed for surface fighting, and would be at a decided disadvantage on account of lack of armor and in many other ways.

Mr. KELLEY. The Secretary of the Navy recommended 25 submarines, but this bill contains only 20.

Mr. HENSLEY. I think that is as many as we can get ready. The gentleman is familiar with the difference of opinions of the experts with respect to the types of submarines which we should build. Our coast submarines are of the 400-ton type, and we have authorized three 1,200-ton type. The experts tell us that the smaller type has not sufficient radius of action or habitability for the men. They also tell us that the large 1,200-ton type can not submerge quickly enough. For these reasons they desire an intermediate type, which they have not as yet perfected.

The Democrats have authorized two battleships per year each year except one, just as the Republicans did for years. I opposed the construction of battleships for reasons heretofore stated, and aided in striking out the one ship to which I refer. However, the Democrats each year, except in this one instance, followed the policy of building two battleships per year. And now you try to make it appear that because of our failure to provide that one additional battleship, and notwithstanding the further fact that we have really appropriated more money each year for other construction than you did, we have fallen behind to such an extent that it will take from $500,000,000 to $800,000,000 to put us into second place, which is not correct. We have the second strongest navy afloat now and have had all along.

Mr. KELLEY. Could not the gentleman say that we sold two of those ships?

Mr. HENSLEY. Well, they said they were old ships that were sold—antiquated—as the gentleman knows.

Mr. Chairman, I shall give this bill my support, not because it meets with my approval in every respect, for it does not, but because it represents the best collective thought of the committee. I did not think during the preparation of the bill nor do I think now that it is necessary, on account of any real or imaginary emergency, to authorize five battle cruisers, not one of which can be completed within less than three to four years. Personally I feel that a less number of ships of this kind at this time would constitute ample provision for our national defense; and, of course, the cost would be much less. We can not always have our way about these things. I do not understand how any Member can afford to vote against this bill, rounded out as it is, and in favor of the Republican minority report, which carries such tremendous increases—six battle cruisers and two battleships and many other increases all along the line—though I find no fault with those who do not agree with me. Several of the Democrats on the committee favored larger increases than this bill carries, and the minority report indicates how the Republican members of the committee stood. I realize, as President Wilson has so well said, that men may honestly differ upon this great question. President Wilson said in his speech in the city of Pittsburgh:

No man ought to draw this thing into controversy in order to make party or personal profit out of it. I am ready to acknowledge that men on the other side politically are just as deeply and just as intelligently interested in this question as I am, of course, and I shall be ashamed of any friends of mine who may take any different view of it.

President Wilson in his speech in New York said:

It is a surprising circumstance, also, that men should allow partisan feeling or personal ambition to creep into the discussion of this fundamental thing.

The hearings of all the experts who appeared before our committee show that they are unanimous in their recommendations of battle cruisers, asserting that they are necessary in order to make our battleships effective fighting units. The experts say that battle cruisers constitute the eyes of the Navy. I suspected heretofore, as I suspect now, that the attitude of the Armor Plate Trust had something to do with the demand heretofore for the construction of those large dreadnaughts.

It was stated in the debate on this bill last year, and I subscribed to that view, that our ships were not constructed for speed—to run—but were constructed to fight. In view of what we have witnessed in the present war, the use to which the submarines have been put, rendering the larger slow craft almost helpless, I am inclined to the opinion now that greater speed is necessary so that the big boats may be able to outrun the submarines. Dreadnaughts have played a very little part, if any, so far as fighting is concerned in the European war. Then, too, we have no fast battle cruisers at present, while all other great powers have them. They will, therefore, tend to round out our Navy with the necessary defensive auxiliary craft, and will make our Navy stronger and more efficient from every angle.

I was strongly opposed to the five-year program, for, in the first place, this Congress should not undertake to bind future Congresses by a continuing contract. As each Congress comes fresh from the people it should have an opportunity from year to year to reflect their views. And, in the second place, we would create the wrong impression among other nations by such a course. Up to date Great Britain and her allies have lost scores of boats representing an enormous tonnage. Germany and her allies have also lost an enormous tonnage. Who is wise enough to foresee what will happen before that war has ended? We may have by that time a Navy stronger than the combined navies of Europe.

Secretary Daniels and Admiral Badger both stated when before our committee that no man can tell what the relative strength will be at the conclusion of the war; that the lesson of this war could not be learned until the war is over, and the lessons of this war might completely change the relative fighting value of the craft we now have or make it practically obsolete. The experts who appeared before our committee have within one year changed their demands for dreadnaughts to the very strongest demands for battle cruisers. Other changes may be necessary before the war is over. We can take care of the situation from year to year more intelligently. The adoption of this program would have the tendency of destroying the hope in the breasts of millions of people for a saner and a more humane way of settling disputes between nations, because there is no humanity whatsoever in war. If we adopted a five-year program it would appear as though this great Nation was trying to bolster up an institution, European militarism, which is crumbling and falling under its own weight. I do not believe in supporting any such institution, except in so far as is necessary in order to safeguard our national rights.

I am pleased to say that I am one of 30 Members who, realizing several months ago that this Congress would likely make large increases in the appropriations for military purposes, turned our faces squarely against putting a stamp tax upon gasoline, telegrams, telephone messages, checks, notes, and so forth, and thus directly place the burden upon the poor of the land. We wrote letters to the Committee on Ways and Means and used every influence we could with the committee against reporting a revenue bill of that kind, declaring that we would not vote for it. We insisted that the burden should be placed upon the wealth of the country for these military increases by further increasing the income tax and by the enactment of an inheritance-tax law and by placing a tax on munitions of war, and we are advised that such a tax measure will be presented to this Congress.

If this legislation is carried out properly, in a large measure those responsible for the agitation for increases, especially the ammunition people, will have to bear their just portion of the burden; and why should they not have to bear their share of the burden? It is enough that the masses of our land must be depended upon for the fighting in time of war, and they should not be put in the attitude of promoting their own destruction, which, in my opinion, contributing to preparedness to a large extent means. The big ammunition concerns have placed the dollar above every other consideration. They, in my opinion, would involve this Nation in war rather than give up their profits from the traffic in their death-dealing wares. Public meetings have been held, speeches have been made, demanding that this Nation join the allies in this war. Many people do not realize to what extent they are willing to involve our country.

We have heretofore reported to this House from the Committee on Naval Affairs a bill providing for Government manufacture of armor plate, which has been added to this bill by an amendment. It will go a long way toward taking the profits out of the manufacture of war materials and stop the unwarranted agitation now going on and which has been going on for years. There should be no profit in war. I am advised that before the European war began British citizens owned stocks in German and French ammunition concerns; that German citizens owned stocks in British and French ammunition concerns; and that perhaps this situation exists now. War traffickers are no respecters of nations. They had just as soon hold stock in the ammunition concerns of one country as another, provided only that the profits are the same. They have been playing one country against the other. Each country has made increases each year. At the end of the year their positions, relatively speaking, remained the same, for rarely ever did one country to any great extent outbuild the other. But there was a change; and what was it? The profits of these traffickers had increased; the burdens upon the people, who frequently had been misled by pleas of patriotism, had increased. Yea, and there was still another change. The probabilities of war had increased also. The instruments of war and the sentiment for war created by

the war gods make them more willing to depend upon their state of preparedness and resort to war than they otherwise would.

Mr. Grace, president of the Bethlehem Steel Co., stated before our committee that at the beginning of the war in Europe the stock of his company was selling on the market for $30 per share; that at the time he was testifying it was selling on the market at $530 per share. I have no doubt that he is true enough to his stockholders to put forth every effort in behalf of his company so that it may continue making big money after the war in Europe is over. What is more natural than that he and his people desire this country to buy their wares when they no longer need them over there? Should our people be so silly as to do it? Many other ammunition plants in this country have enjoyed about the same experience. Lloyd George in a speech in the Parliament of England recently referred to J. P. Morgan as their munition agent in America. Morgan, the head of the banking interests of this country, if not of the world, a British munition agent, is making millions on the sales of munitions to the allies. He also has been selling bonds to our people. Is he and the great institutions with which he is connected neutral as between the warring nations? I am calling attention to these things to indicate to what extent these ammunition traffickers go. Indeed are they true Americans? Should their counsel be adhered to in piloting our ship of state? The Good Book says, "That where your treasure is there your heart is also." The Congress of the United States is made to feel the influence of these people in various ways, by the use of the metropolitan press and by their representatives and in some instances by magnificent banquets. I sometimes fear that too many Members of Congress forget that great silent body of people who are not permitted to come in person and make an appeal in their own behalf. And while the saintly ammunition traffickers are busy pushing their present foreign trade by every means possible they are scheming and planning ahead so that their business may not cease when the war comes to an end.

They want the people of these United States so wrought up that this Government will at once become a market place for their wares when the European war is ended, and they are investing millions in a propaganda to make this country an object of prey and plunder for them. They are not praying and working for the relief of the millions of mortals in the war of Europe who are suffering all the agonies of hell itself. Millions of our people have contributed of their money to help the destitute people of Europe and those cursed by this awful war, but the same ships bearing gifts going from the very hearts of our people to those sufferers have borne ammunition for the slaughter of others. These same traffickers are largely responsible for the hysteria in this country, and are urging in every way possible that we go away beyond what this bill provides for. No good citizen wants this country to be in a defenseless state, but this is not the spirit that is prompting these ammunition traffickers. It is the spirit of greed and avarice. It is the riches and not the safety of our country about which they are mostly concerned. They are capitalizing patriotism and by playing upon those finer emotions are making millions of money almost overnight. Mr. Maxim, the inventor, the writer of Defenseless America, the author of the Battle Cry of Peace, and whose brother is a knighted British citizen and ammunition manufacturer in England, recently urged the organization of a defense league in St. Louis, and when the people responded and the league was organized there at once appeared in the papers of that city an advertisement offering stock in his ammunition concerns for sale. This did not set well with the members of the league in St. Louis and some of the most prominent citizens of the city withdrew from the organization, asserting that the whole propaganda was too apparent and that they would not be duped in any such manner. The Battle Cry of Peace, his play, is being put by means of picture shows into every district of the country possible to excite and stir up the people and make it appear as though this country is entirely defenseless nothwithstanding we have in the last 10 years spent hundreds of millions of dollars more upon the defenses of our country than Germany has spent.

We have spent millions more in the last 10 years upon our defenses than Germany and Japan combined, including this bill, and many times more than Japan has spent upon her Navy. Mr. Maxim in his book, "Defenseless America," says—

> that Great Britain should come over here and whip us in order to teach us a lesson.

She tried that and failed on two distinct occasions over 100 years ago, when we were only three or four millions strong and scattered over a vast territory, with little wealth to speak of, and now, by the grace of God and 100,000,000 of freemen, and with billions of wealth, she can not start to do it. He further says:

> The unpleasant truth should be realized that invading armies must, with other luxuries, have women. As a result, they leave a large progeny—wrens in the nests of the doves of peace. Hence, inasmuch as soldiers are the pick of the manhood of their country, they are likely to do about as much toward securing the survival of the fit in America as they would in any country.

And further on, in arguing in favor of war, he says:

> That war is a great mixer of races and that usually mixed types benefit enormously from their compound blood.

How do the Christian mothers and daughters of this country feel upon this subject? How do the God-fearing and patriotic fathers, who produce the wealth of our country in time of peace and who constitute the only hope for the security of our country in time of war, feel upon the suggestion that Mr. Maxim makes of the survival of the fit by debauching the homes of the country? Yet this man, the real leader of this propaganda and who has done more than any other dozen men in stirring up public sentiment and in creating fear in the land, is permitted to run up and down and through the land teaching his blasphemous doctrine in order to excite the people so that he and his kind can better rob and plunder them.

Only a few days ago in my office, in the presence of Mr. CALLAWAY and several others, a gentleman recited the part that he had been taking in this propaganda to stampede the people to where they would demand enormous appropriations for preparedness. He was first employed by the Navy League, that bunch of simon-pure patriots to which attention has been called by myself and others for several years, at so much per week and expenses. He went to the country making speeches, pretending to give the people information concerning our "unfortunate" state of unpreparedness. Later on he was employed by the National Security League at $150 per week and his expenses, with a definite territory of the country to cover. He told us that he met Col. R. M. Thompson, Herbert Satterlee, brother-in-law of the present J. P. Morgan, and several other gentlemen at 103½ Wall Street and stated that in a few minutes time $30,000 was raised with which to begin the preliminary movement to bring about a $500,000,000 appropriation by this Congress for the Navy alone. He named several other gentlemen who were also employed by these men closely allied with the ammunition traffickers to stir up sentiment to stampede the country. Now, this gentleman confessed that he did not know anything on earth about our state of preparedness or what the other nations have. Preparedness is a relative term, and in determining our state of preparedness we must know how our Nation compares with the state of preparedness of other nations, because a man is strong or he is weak according to the strength of his adversary. This gentleman did not know the number of dreadnaughts we have, whether or not we have any battle cruisers, the character of our submarines, the nature of our coast defenses, or anything of that kind, yet he was employed to go over the country to enlighten the people upon the subject. Thus you see how false impressions have been made upon our people concerning our state of preparedness.

What is our present state of preparedness arrived at by men who are competent to judge? Gen. Weaver's testimony concerning our coast defenses is as follows:

> I have been a close student of the whole subject, naturally, for a number of years, and I know of no fortifications in the world, so far as my reading, observation, or knowledge goes, that compare favorably in efficiency with ours.

In speaking particularly of the guns, he said:

> The guns now mounted and those contemplated will give us an entirely satisfactory defense.

And when inquired of concerning the range of the guns carried upon foreign battleships with ours, and whether they had a greater carrying range than our guns, he answered in the negative. And when this question was put to Gen. Weaver by Mr. MCKELLAR—

> In your judgment, is it not unfair and misleading to the American people to have a public man make a statement that would lead you to believe that the coast cities of our country are wholly at the mercy of some invading enemy?

Gen. Weaver replied:

> I do not know that there is any officer who is acquainted with the facts that would make such a statement.

I desire to quote from Gen. Nelson A. Miles, who has had about as much experience, I presume, along military lines as any man in our Government. He said:

> Having had much to do with placing and the construction of our fortifications, and inspecting every one along the Atlantic, Pacific, and Gulf coasts, as well as having had an opportunity of seeing all of the great armies of the world and many of their fortifications, including the Dardanelles, I am prepared to say that our coasts are as well defended as the coasts of any country, with the same class of high-powered guns and heavy projectiles, and I have no sympathy for the misrepresentations that have been made in an attempt to mislead the public.

And further on in his testimony he declares:

> These over-seas expeditions spring from the minds of men writing about preparedness who know less about preparedness than anything else.

And on the 31st of January of this year Gen. Miles, before the Senate committee, declared further:

> The placing of an army on American soil is the last thing any European Government would attempt; it could never be reembarked. It would dissolve like snow beneath the midday sun. Whenever it has been attempted it has resulted in disaster.

But in spite of the testimony of such men as Gen. Weaver and Gen. Miles and our information gotten from history, we are continually hearing or seeing put upon canvas the frightful scenes of how an invading force will without any difficulty whatsoever, and without the loss of any men, land a large army upon American soil. And some pretend to believe that at the conclusion of the present European war the armies of Europe will be consolidated and united for the purpose of invading this country. Impoverished as those nations will be, with $58,000,000,000 of indebtedness already and bleeding from every pore, they will certainly have their fill of war and will not desire to take on any new engagements with a country separated by many thousands of miles of water. It is said that including interest, sinking fund, and pensions, the annual expenditure of Great Britain will soon reach $3,000,000,000, an amount nearly equal to 25 per cent of her total income. This is about twice the amount of our total expenses of government, which are enormous. You can not believe that those nations will even attempt that unless you believe that the people of those nations, together with their rulers, are nothing more nor less than highwaymen, robbers, brigands, ready to go out and pillage any nation or country without the slightest provocation.

The naval expenditures of this country as well as the naval expenditures of all other countries have been increasing from year to year at a most alarming rate. I said in the Sixty-third Congress that in 10 to 15 years we would be appropriating $500,000,000 or more for the Naval Establishment of this country alone. Only a few years ago a Missourian upon this floor startled the whole country by declaring that Congress to be a billion-dollar Congress, and yet to-day we are appropriating nearly $3,000,000,000 for each Congress and have been appropriating nearly that sum for several Congresses past. These are stupendous figures. On the basis of 100,000,000 people, it represents $30 for every man, woman, and child of our country, and for each family of five the sum of $150 for two years, or $75 each year.

We find this bill now carries $269,479,255.24, $120,000,000 more than has been carried by any naval bill heretofore. The naval bill carried in 1896 the sum of $30,000,000. So you see that in 20 years, a short period in a nation's history, the cost for running this establishment alone has increased over $239,000,000, or an increase of from 700 to 800 per cent, including the amount carried in this bill. In the face of these figures we have people in our country talking as though we have totally neglected our Navy. Now, while I realize, as you all must realize, that in the final analysis these ponderous burdens fall upon the backs of the producers of our land, yet no citizen, I undertake to say, complains or will complain of the burden of these expenditures if they are necessary and for the public good. We all desire our country to be protected, and adequately protected, against any foreign foe. With these facts known, I can not believe that on the part of thinking men and women in this country there can be the slightest apprehension with reference to our safety when we are as well prepared as we are and with our preparations going on as steadily as they are. But, Mr. Speaker, the thing I most fear is that this Nation will give too much thought to the preparation for war, as though that is the most important thing to be obtained, until we are swept from our standards to that of a military State. We all know that many of our people to-day are obsessed upon the question. In many sections of our country the good women and girls are being trained by military men and are wearing uniforms and making preparations as though war was right upon us, and some of our people go so far as to advise military training in all the public schools of our country. We have now under existing law 100 schools and colleges over the country supplied with officers from West Point Military Academy who teach military tactics.

The Hay bill which passed Congress a few days ago provides for 786 more such teachers in our schools and colleges. I was in hopes that the awful war would teach another lesson to the people of the world and that we would not become so steeped in this thought of military preparedness as some appear to be. Many people seem to deplore Prussian autocracy, and yet by their actions they would have us approach that same militarism just as nearly as possible. The fact of the business is the difference between the European countries engaged in war, in respect to militarism, is only in a degree. Great Britain has expended more money upon her navy than Germany has expended upon her land forces, and militarism upon the water is the handmaiden of militarism upon the land. Are we going to permit this European situation to change all of our ideals? Within the last 50 years at least one-third of the habitable globe has changed from monarchical forms of government to republican forms of government. These are serious questions, and should be dealt with seriously, for we all know that the bent of mind of the people of a nation affects the attitude of that nation. As the people think, so are they. If we wish to cultivate a military spirit, the thing to do is to talk upon military subjects and to teach those subjects to the rising generation. If we wish to stand for peace, that peace which many gentlemen insist is brought about only by militarism, as though you could cure militarism with militarism, the nation and the nation's people should be engaged in thinking and teaching the doctrine of peace.

There can not be two true standards—one for the government of individuals and another for the government of nations.

If the people are not honest and candid, it follows that the nation is not honest and candid. The nation can not be above its source. Governments have been instituted in order that the greatest happiness may inure to mankind, in order that the weak may be protected from the aggression of the strong, in order to insure the peace of society. For the violation of any of the rules of law set up by society within a nation an unprejudiced and unbiased jurisdiction passes upon the case, and when the guilt is established punishment of some character is administered. Why should not this be the case between nations? And that brings me to the last consideration. There is appended to this bill a resolution which should and, in my judgment, will give more hope to humanity, if carried out in the right spirit, than all the balance of the bill put together. The resolution is as follows:

> Upon the conclusion of the war in Europe, or as soon thereafter as it may be done, the President of the United States is authorized to invite all great Governments of the world to send representatives to a conference, which shall be charged with the duty of suggesting an organization, court of arbitration, or other body, to which disputed questions between nations shall be referred for adjudication and peaceful settlement, and to consider the question of disarmament and submit their recommendations to their respective Governments for approval; that the President is hereby authorized to appoint nine citizens of the United States, who shall be qualified for the mission by eminence in the law and by devotion to the cause of peace, to be representatives of the United States in such conference; that the President shall fix the compensation of the said representatives and such secretaries and other employees as may be needed. Two hundred thousand dollars, or so much thereof as may be needed, is hereby appropriated and set aside and placed at the disposal of the President to carry into effect the provisions of this paragraph.

Mr. Chairman, so far as I know, if this provision remains in the bill, it is the first instance where a great legislative body has taken a definite certain step of this kind. Can you imagine a more propitious time for a move of this kind on the part of this Nation than when the European war is concluded, and I pray God that the end may not be far distant? Each nation will have suffered irreparable losses in men and in property, millions of men and boys will have been mutilated and slaughtered and millions will have been laid beneath the sod, fighting for something they knew not what. Other millions will have been maimed and made dependents for the remainder of their lives, many of whom, as the medical fraternity tell us, will be steeped in disease, which condition will be passed on to even the third and fourth generations; and when the survivors of all the nations return to their respective homes and there face the vacant seats about the hearthstones, when they look into the faces of the mothers, and in many instances widowed by the war, and into the faces of the other loved ones and see the misery depicted there; yea, more than that, when they see, as many of them will see, that the sanctity of the homes has been destroyed and all because of the beauty and the superb glory of militarism, men of Congress, what will the state of militarism be at that time? Can you imagine that it was ever more prostrate than it will be then? What is our duty? Shall we be recreant to all the impulses of our being and false to the duty that we owe humanity by undertaking to resuscitate militarism and breathe the breath of life into the hydroheaded monster and transplant it from the war-torn fields of Europe to our own blessed land? I can never believe that to be the spirit of America. Or shall we Americans discharge our full duty to our God and perform our true mission by saying to those nations and to those people, and with the spirit that it should be said, "You have drunk to the very dregs of the cup of militarism while we have conserved our men in our fair land? We could have taken advantage of your struggle and made

every preparation for war and for conquest, but we did not. We appeal to you and to all the nations of the world to join us in providing and setting up a proper mechanism, a court of arbitration, wherein international disputes may be settled peacefully without the resort to war."

Is not that the true spirit of America, Mr. Speaker? It can be done, and this Nation can enjoy the glory of having taken the initiative in a great cause that means more to humanity than nearly any other. It is not a new thought. International disputes have been settled by negotiation and arbitration on many an occasion. Justice Brewer, in a great speech on this subject, called attention to the fact that—

In South America, Chile and the Argentine Republic disputed for years over their boundary. They were gathering for a desperate and fearful struggle, when in the hour of impending conflict the song of the angels of peace touched the hearts of both nations. They settled their dispute, said or converted into merchant ships some of their war vessels, and thus took a foremost position in the way of national disarmament. In commemoration of this, on the summit of the Andes, nearly 3 miles above the level of the sea, on the border line fixed between these nations, has been uplifted a colossal statue of Christ, cast from the bronze of the old cannon left there by the Spaniards at the time of the struggle for Argentina's independence, and on it is this inscription: "Sooner shall these mountains crumble into dust than Chileans and Argentines shall break this peace which at the feet of Christ, the Redeemer, they have sworn to maintain."

Mr. EMERSON. Mr. Chairman, will the gentleman yield there?

What question was there in dispute that a court of arbitration could have passed upon, so that it could have brought about a conclusion?

Mr. HENSLEY. The same questions to which the gentleman refers will be argued out between the statesmen of those countries after millions have been slaughtered in that awful war. Why could they not at least have attempted to settle those same questions in advance of that awful carnage? I hope that the war will be brought to a conclusion by arbitration, and I am sure that whatever means are taken to bring about the termination of the war, in that way could have been utilized to prevent the war and the nations concerned would not have suffered as they have. [Applause on the Democratic side.]

I have said on other occasions, and I say it now, that I would not give an ounce of the clear-thinking brain matter that has enabled the President to steer the great ship of state clear of all entangling alliances while this European situation has been so horrible for millions of pounds of armor plate and other excessive military preparations. Only a few days ago my attention was called to the statement made by Lord Bryce, former ambassador from Great Britain here at Washington, one of the greatest thinkers of the age, and certainly no man upon this floor would refer to him as being a dreamer, in which he outlined the things for which England stood, and he concluded his statement with an appeal for a league of peace, using this language:

The obstacles in the way of creating such a league are many and obvious, but, whatever else may come out of the war, we in England hope that one result of it will be the creation of some machinery calculated to avert the recurrence of so awful a calamity as that from which mankind is now suffering.

The statesmen of Germany are also anxious for this to be done, and I say, Mr. Speaker, that if it does not result in the nations of the world setting up some machinery for the settlement of international differences, then, indeed, the war will have been fruitless and the suffering, the agonies of millions of men, women, and children reduced to a wanton, heathenish crime.

It remains for us to make good. Let us not spread the deadly germ that fructifies every few generations with a slaughter of the flower of the land. If we do, if there is no escape from it, and this fair land must follow in the path of the monarchies of Europe, then civilization is a farce and the doctrine of the "tooth and the claw" becomes potential in our Nation as well as in those older nations. No longer should we in a national way, or individually, for that matter, pretend to stand for and be actuated by the life-giving spirit of our Maker, for the spirit of Christ can not exist and live in the poisonous, deadly atmosphere of militarism any more than can a lily, which must for its beauty bask in the sunlight, be nourished by the gentle breezes, and moistened by the rain and dew from heaven, exist and live and flourish in the poisonous gases and fumes of the bottomless pit of hell. My friends, the Bible is true or it is not true. We believe in it or we do not. I, for one, though my efforts may be weak and impotent, shall stand by the old story which constitutes the only hope of man for this life and for eternity. Yes; I shall stand by the country and its institutions as established by our fathers, though in some respects their teaching may have been provincial, and I appeal to Congress, and through Congress to the hundred millions of freemen of our land, to set their faces against the present horrible situation. And I bespeak for the people of the Nation, without regard to where they were born or where their parents came from, absolute loyalty and fidelity to the flag of our country both in time of peace and in time of trouble. If war comes, if all else fails and we can not escape, we stand ready, if needs be, to fight and to die to perpetuate our liberty, a democracy, if you please, which is the only hope of a constitutional form of government. Men do not have to wear uniforms or shoulder straps to be patriots. We can be true to our convictions and do our whole duty in the world and serve a nobler purpose in time of peace than we possibly can by fighting and killing our fellow man in war. So, in conclusion, Mr. Speaker, I say may the God of the universe, who rules the destinies of men and nations, guide us and give us wisdom to see the right and courage and manhood to do the right even though by so doing we may suffer from the taunts and ridicule of those who do not agree with us.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BUTLER. Mr. Chairman, may I ask the Chair how much time has been consumed on either side?

The CHAIRMAN (Mr. LLOYD). One hour and twenty-five minutes has been consumed by the gentleman from Tennessee [Mr. PADGETT], and two hours and nineteen minutes has been consumed on the side of the gentleman from Pennsylvania.

Mr. BUTLER. Does the gentleman from Tennessee wish to consume some time on that side?

Mr. STEPHENS of California. Just a moment. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SLEMP. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Virginia [Mr. SLEMP] makes the same request. Is there objection?

There was no objection.

Mr. HELVERING. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Kansas makes the same request. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts makes the same request. Is there objection?

There was no objection.

Mr. MEEKER. Mr. Chairman, was not that privilege granted to everyone?

Mr. BUTLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. Can general consent to extend be given by Committee of the Whole?

The CHAIRMAN. Consent can be given to each individual, but not general consent.

Mr. BUTLER. I had hoped that the chairman of the committee [Mr. PADGETT] would make a general request when opportunity offered.

Mr. PADGETT. I did make a request this morning, but the gentleman from Illinois [Mr. MANN] stated that at that time he would object; but I hope at a later time to renew that request.

Mr. BUTLER. It is desirable that everyone should have that opportunity. The gentleman from Tennessee has used how much time, Mr. Chairman?

The CHAIRMAN. One hour and 25 minutes.

Mr. BUTLER. How much time has the gentleman from Missouri [Mr. HENSLEY] consumed?

Mr. PADGETT. That time has been charged to me.

The CHAIRMAN. The Chair at first misunderstood the gentleman's inquiry. Two hours and 41 minutes have been yielded to the gentleman from Tennessee. Two hours and 19 minutes have been yielded to the gentleman from Pennsylvania.

Mr. BUTLER. Now, Mr. Chairman, I yield to the gentleman from Connecticut [Mr. TILSON] 20 minutes. He has brought his arsenal with him, and I yield him time in order that he may shoot it away. [Laughter.]

The CHAIRMAN. The gentleman from Connecticut [Mr. TILSON] is recognized for 20 minutes.

Mr. TILSON. Mr. Chairman, I am in favor of a strong, adequate Navy, because I believe it is best for the country to have such a Navy. I intend to vote for not only the battle cruisers reported by the majority of the committee, but also for the battleships that will be proposed by the minority and offered by way of an amendment.

I have wondered, however, whether with all our battleships, with all our cruisers and other craft, with all the guns they carry, there is the possibility of our being found, in case of war, inadequately prepared in the very vital item of ammunition. I have wondered because this is precisely the situation confronting us in the Army. We need not only a reserve supply of ammunition, but also the potential possibility of manufacturing ammunition in vast quantities upon short notice in case of war.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes; I yield to the gentleman from Texas.

Mr. CALLAWAY. Mr. Grace, of the Bethlehem Steel Co., was before our committee, and I asked him what their capacity for manufacturing munitions was, and he answered it was unlimited.

Mr. TILSON. That is undoubtedly true, as I shall show a little later, provided we have or the private manufacturer has certain special appliances. These special appliances are the things I am going to talk about in the few minutes during which I shall address the House.

Mr. CALLAWAY. This is a manufacturer of munitions, the only manufacturer that is turning over this stuff ready to be used, and he answered the question, when I asked him about it, "How much can you turn out?" And he said, "You need have no uneasiness about it; any-amount you want."

Mr. TILSON. I think that is true, provided we have or somebody has the necessary special tools and fixtures which are absolutely necessary for the manufacture of anything of that kind by mass production.

Mr. CALLAWAY. May I just read that he never put that qualification in at all. He said that he could turn out any amount desired without any "ifs" to it.

Mr. TILSON. I shall take the gentleman's word for it, and am very glad to hear that such is the case. To my mind that would indicate that the manufacturer in question is already equipped with these things, for they are surely necessary. It is my intention to address myself to the subject of preliminary preparation for the manufacture of arms and ammunition, so far as it applies to the land forces, because I have given considerable thought to this particular phase of the subject. Since I addressed the House on February 29, upon a bill I had previously introduced covering the subject, the Committee on Military Affairs has approved the subject matter of that bill, which in the form of an amendment I offered on the floor of the House and which is now the law, authorizing the purchase or manufacture of the special tools and fixtures of which I am speaking.

Napoleon is credited with saying that an army travels on its stomach. The bleaching bones of thousands of his veterans on the snowy steppes of Russia after the retreat from Moscow testify to the truth of that proposition. An army must still travel in the same way. An army can not travel or fight unless it is fed; but after an army has marched, after it is in a position to fight, it can not be effective unless it has an adequate supply of arms and ammunition. A modern army fights in the workshops back of the base of supplies. For each man at the front there must be one in the shop. If there is not, the man at the front will soon find himself at the mercy of his more fortunate opponent. As I have said, I am in favor of a larger Navy. I believe in a stronger Army than we now have, though I do not believe we should ever have a large standing Army in this country. I believe in a well-trained citizen soldiery. The truth is, however, and it ought to be more generally understood that all these are futile unless we have the arms and ammunition in sufficient quantities. If we had a million men already trained, a reserve twice as large as that, and as many more volunteers in the training camps back of them, nevertheless, if we have not meanwhile adequately prepared ourselves to manufacture the arms and ammunition that they must have, those men can not be effective. In order to manufacture the arms and ammunition needed, you must have these things of which I speak, and of which I have brought here an exhibit of a few very simple ones for ocular demonstration.

Let me repeat and emphasize the fact that without these simple looking things—I have a number of them here which any Member can look at, if he so desires—without these things it is impossible for us to produce the matériel necessary for a real conflict. Without them it is impossible to produce it at all in quantities. Listen to this statement: It will require more than a year to produce the necessary gauges, dies, templets, fixtures, special tools, and other appliances necessary to manufacture small arms, small-arms ammunition, and field-gun ammunition in sufficient quantities to carry on a real war.

I wish that statement could be emblazoned across the sky until every person in this country who thinks or talks preparedness or refuses to think about it might read it by day and meditate upon it by night, for the statement is as true as it is startling.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I will yield to my friend for a question.

Mr. CALLAWAY. Do you suggest that the Government supply itself with all this necessary equipment to turn out arms?

Mr. TILSON. That and nothing more. I think the Government should supply itself with these things, instead of proceeding to build large factories at great expense, which would have to be equipped with these things even then before they would be of any use.

Mr. CALLAWAY. You do not consider the arms in the hands of private manufacturers throughout the country?

Mr. TILSON. They have not got them. That is just the trouble. Great Britain came here asking for rifles, any amount of rifles that she could get.

Mr. CALLAWAY. You do not believe what the president of the Bethlehem Steel Co. said about turning out these orders, then?

Mr. TILSON. I am not attempting to answer the gentleman or Mr. Grace in regard to ammunition for the Navy. I have not yet qualified as an expert in regard to the Navy, but I know whereof I speak concerning the Army. I know it to be a fact that Great Britain, having come to this country seeking all the rifles she could get, and offering good prices for them, was unable to get them at all for over a year. I have the statement right here of a well-known and responsible Englishman, made to an American audience, and if the gentleman will excuse me, I will read it into my remarks at this time. He says:

We were unable to put into the field a tithe of the men we recruited because we were without rifles, and contracts were immediately placed in America, but it takes time to make the patterns, equip the factories, and build the necessary machinery—

What it took the time to make was these simple-looking things, the gauges and other special appliances.

and it was only last February—

February, 1916, and remember these hurry-up contracts were made in the autumn of 1914—

that rifles were beginning to go out in quantities. An army is as strong as its infantry, and the weapon of the infantryman is his rifle. The wastage of rifles is enormous, and it has been calculated by military experts that for every man in the ranks there must be a reserve of from three to five rifles to repair loss and damage if the army is to be kept up to its maximum efficiency. Germany is said to have had this reserve at the outbreak of the war. Incidentally I may remark, the United States had several hundred thousand rifles in its armories which the British Government would have bought at almost any price, but your Government, mindful of its strict obligations of neutrality, refused to sell us a single rifle, which, of course, was perfectly proper.

Yes, we had 700,000 new Springfield service rifles all told, and almost half as many Krags, and, of course, we acted properly in not parting with them.

The same statement informs us that in December, 1915, Mr. Lloyd-George told the House of Commons that in May, 1915, after the war had been in progress 10 months, England was turning out only 2,500 high explosive shells daily against Germany's 250,000—a hundred times as many. We know the reason now—Germany had the gauges, Great Britain had to get them after the war started.

Here is a little story carrying its own comment. It is said to be a true story, but whether literally exact as to hours and minutes is not important, as we know the substance and point of the story to be true. It well illustrates the meaning of real preparedness:

It is the afternoon of July 28, 1914, in a quiet little German valley. To the right, over there behind that growth of trees where you see the smoke arising, is a huge manufacturing plant, the home of a world-famous ignition system. The noonday sun is shining down on the peasants at work in the field, and the atmosphere of peaceful industry is everywhere apparent.

But now it is 2 o'clock p. m. The telegraph key in the office of that manufacturing plant clicks furiously. War has been declared, and the nation needs arms and men and needs them quickly!

Now what do you suppose is happening over there in that factory? Is there the fussing and fuming and delay that we witnessed last month down by the Rio Grande? There is not. Is the machinery stopped and the plant shut down? No. The lathes and milling machines hardly hesitate in their whirring, but instead of turning out magnetos, rifle parts begin to clatter into the shipping room.

At 2.10 o'clock the employees formed in line and marched by the pay window, where each received a little slip of paper bearing exact instructions as to what each individual should do. One third of them reported immediately at the recruiting station to receive arms and equipment for the front. Another third, according to instructions, reported for duty as expert repairmen on automobile and aeroplane ignition systems, and one-third returned to their lathes and devoted themselves to the manufacture of rifle parts. In short, each man had a preordained duty that fitted cog for cog with the needs of the moment.

How long do you suppose it would take you to change your plant from its present product to the production of rifle parts? Would not a year be a minimum estimate of the time required? Yet over there in that little German valley, one hour's time saw the last magneto rushed from the shop and the appearance of the first rifle lock; one hour's time turned the huge factory from magnetos to war equipment. That illustrates what we mean by real preparedness. Of course the fixtures and

jigs were ready, and doubtless had been ready for months or years. Of course the drawings, the plans, the gauges, and the tools were there ready—prepared.

Unfortunately our Congressmen are not versed in things mechanical. Therefore to them the change from the production of magnetos to rifle parts within a single hour's time seems like nothing more than a pretty and spectacular bit of hurry-up work. It would be a great service to the Nation if some one would tell them that a change of this nature requires months of preliminary thought and labor; that jigs and fixtures and dies are not the product of a moment; that designs, blue prints, and gauges do not grow on trees and that interchangeability of parts and intelligent inspection are the result of training and not of inspiration.

England was 10 months raising her capacity to produce high-explosive shells to 2,500 daily, and other equally necessary things quite as slowly. The interesting part of England's lesson to us as neutrals is that within 20 months after the war began the British ministry of munitions was said to be in control of more than 3,000 munition factories employing 1,500,000 men and 250,000 women. What England has done we can do; but do we wish to do it under such conditions? It is well known that our own situation as to matériel is much the same as that which Great Britain had to face at the outbreak of the war. Certainly we are no better off. The consoling fact in regard to our own situation is that we have many more than 3,000 factories that could be transformed readily into munition factories capable of producing all the arms and ammunition we should ever need in case of war. If we have ready the things for which I am contending, we may approximate the occurrence in the little German valley in case war should come. If we have them not, I think we may be able to get them within 20 months—if the war has not sooner ended.

Mr. SLAYDEN. Will the gentleman yield?

Mr. TILSON. I yield to my friend.

Mr. SLAYDEN. These factories in this country that have been supplying the belligerents are now thoroughly well equipped, I presume, with all this material?

Mr. TILSON. Not to manufacture the United States Army service rifle. Their rifle is different from ours and their artillery is entirely different. They would be forced to have made every one of these gauges, and it would take perhaps 800 different gauges to make this one rifle. Let me show my friend. It takes 120 different gauges to make one piece, the receiver, and probably not many of the gauges these private manufacturers now have would be of any use in the manufacture of our rifle. We must have a new, complete, exclusive outfit for everything that is different in the slightest degree.

Mr. SLAYDEN. The gentleman believes that our Government should buy these things and store them?

Mr. TILSON. Yes; should have them made and ready.

Mr. SLAYDEN. Suppose in the meantime some man invents a different and vastly improved rifle, of what value will these things be?

Mr. TILSON. They will be of no value when the rifle is discarded and new ones will have to be made for the improved rifle; but that is far better than either of the other two alternatives left us, one of which is that we have an inadequate supply of rifles and no preparation to make more, which is unthinkable, and the other that we manufacture a vast reserve supply of rifles, which would cost multiplied millions and which would all have to go to the scrap heap when they become obsolete. Can not the gentleman see the great advantage of my plan?

Mr. BUTLER. Will the gentleman yield for one question? Does not the gentleman think it quite advisable to consider the proposition of some of these ammunition makers, that for small sums of money they will keep their factories ready to make immediately thousands and thousands of rounds of ammunition, so that the Government may not be put to the expense of making it at this time?

Mr. SLAYDEN. If the gentleman asks me that question, I will say that I think we should.

Mr. BUTLER. I was asking the gentleman from Connecticut.

Mr. TILSON. I believe that the Government itself should manufacture for the most part the small arms and small-arms ammunition that it uses in time of peace; because the facilities for doing it are already in existence, so that it would be an economic loss not to utilize them. For war, however, all the Government could possibly manufacture would be but a drop in the bucket. Therefore, we should have private manufacturers, and as many of them as possible, make a portion of the peace-time requirements, so that they may keep their machinery, their special appliances, and their organization in readiness to produce when needed. That was our policy until about five years ago in regard to small-arms ammunition.

Mr. BUTLER. I will give the gentleman another minute or two. Does the gentleman recall the question asked him by the gentleman from Texas [Mr. CALLAWAY]? Does the gentleman remember the statement that the gentleman from Texas [Mr. CALLAWAY] made, that Mr. Grace, president of the Bethlehem Steel Co. said that immediately, within 90 days, they can make more ammunition than the Government can hire men to shoot away?

Mr. CALLAWAY. Will the gentleman let me read that?

Mr. TILSON. I have not set myself up as an expert on the Navy or naval matters, and yet I have a notion that in the manufacture of ammunition in quantities for the Navy some of these things I am talking about will be necessary.

Mr. CALLAWAY. This is a question of naval ordnance. This is what he said:

Mr. CALLAWAY. In this country, should demand come for any amount of arsenal matériel, could not that be distributed to different people in the component parts and assembled in almost unlimited quantities?

Mr. GRACE. If you will keep in existence, Mr. CALLAWAY, the facilities which have been built up during this war, the United States need never have a fear and you people in Washington need never have a fear or worry about where you will get your matériel.

Mr. TILSON. I think that is substantially correct. Our main dependence should be, must be, upon our private industrial resources; and that is just what my plan seeks to do—to organize and prepare to utilize what we have, instead of discouraging and trying to destroy private industries. In my judgment, we shall act with extreme folly if, shutting our eyes to the facts, we blindly proceed to waste the public money in building an uncalled-for armor-plate factory, a lot of expensive ammunition factories, and all that sort of thing. On the other hand, I do believe in the Government manufacturing the special appliances which can be of no use to anyone except the manufacturers of war materials. They do not amount to a great deal in the aggregate. The whole cost of the essentials necessary to equip enough private establishments to produce all the small arms, small-arms ammunition and field artillery ammunition that we should probably need in case of war would not be as much as the cost of one battle cruiser.

Mr. CALLAWAY. It is said here that $60,000 would keep these things in existence.

Mr. TILSON. I do not know just what the gentleman, from whom the gentleman from Texas is reading, is talking about. Evidently it does not cover what I am talking about, because I have here the testimony of Gen. Crozier and other experts who go fully into the matter, from which it appears beyond all question that it would require at least $200,000 to procure enough of these special appliances to manufacture 1,000 rifles a day.

Mr. CALLAWAY. I do not think the gentleman understood my statement. Mr. Grace said they could keep in existence the equipment they have at the present time, which could turn out all the materials that would be needed. I asked him if in any quantity, and he said "Yes; any quantity whatever."

Mr. TILSON. He may possibly mean the expense of keeping what he has already. He can not mean the initial expense of procuring an adequate stock of these necessary articles. I know that he can not be talking about the things that I am talking about, for $60,000 would not go very far.

Mr. FESS. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. FESS. What would be the entire amount in expenditure to keep and preserve what Mr. Grace was talking about?

Mr. TILSON. I do not know, because I have no idea as to just what he was talking about. I could tell the gentleman something about the cost of the things I am talking about.

Mr. EMERSON. The gentleman has brought a lot of material and ammunition in here that I would like to have him explain.

Mr. TILSON. I should like to do so, and I would if I had more time. If I do, I must ask that I be not interrupted further.

Mr. BUTLER. I will yield the gentleman two minutes more time.

Mr. TILSON. This shell [illustrating] is a 6-inch armor-piercing shell for one type of coast-defense gun. The projectile alone weighs 108 pounds and is supposed to pierce 6 inches of Krupp cemented armor plate at 5,000 yards. This [illustrating] is a dummy detonating fuse, the actual fuse being a confidential matter, so that I could not secure one of them. This [illustrating] is a shrapnel complete and ready for firing from a 3-inch gun. This [illustrating] is a shrapnel projectile sectionalized so that you can see the inside. It is loaded with 252 large bullets incased in rosin, having a time fuse which explodes it at the right time in its flight. A gentleman on the munitions board of Canada who called at my office a short time ago told me it cost that Government $100,000 to get the gauges for manufacturing the time fuse alone. He said further that at that particular time he had all the concerns in this country East and West able to make gauges that he could secure obligated to make them.

The black powder at the base of the shell is exploded by a time fuse which is set and lighted as it is discharged from the gun. Smokeless powder is used as a propelling force. The time fuse is set so that at the proper distance in front of the target the shell explodes and releases the bullets. These are embedded in rosin, which catches fire as the bullets spread going on their mission of death.

Mr. BUTLER. It does not burst; it shoots out of the end like a gun.

Mr. TILSON. The charge of black powder at the base is just enough to burst the container so as to release the bullets and spread them, but does not add to the force or velocity.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. BUTLER. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. TILSON. This is one of the gauges [illustrating] I am speaking of which determines the size of the opening in the shrapnel that receives the time fuse. One end of this gauge must go into the opening, and the other end must not. Yet, there is only one one-thousandth of an inch difference. The difference between the two is what is called "the tolerance." The same principle applies to these gauges and a number of others. All are made of costly tool steel and must be carefully made by skilled mechanics after the most careful designing. It requires time to make them and they are expensive. However, they are absolutely necessary before you can proceed to manufacture rapidly and in large quantities. It is not a new principle. It is used in every great industry where mass production is required. My object is to have the Government apply the same principle in the most vital of all things, our national defense.

My desire is to save this country from the folly of rushing madly into making huge appropriations for costly factories to manufacture what we should need in case of war when we have the factories in nearly all parts of the country, located not only in New York, Pennsylvania, and New England, but all over the country, equipped with the necessary machinery—with lathes, turret lathes, milling machines, all sorts of machines, and many of the tools and appliances such as are used as well for the industries of peace. In fact, we have thousands of factories with everything that is necessary except the special appliances that I speak of.

When we provide ourselves with these, that is all that we need do. We shall then be ready on short notice to turn out all the arms and ammunition that we may need. I hope that we may never need any of it. I hope that not a single tool we provide will be used except to make arms and ammunition in comparatively small quantities for training purposes. I hope they will all go out of date without being needed; but whether used or unused, they will be the cheapest and most effective insurance that we can have. If we prepare ourselves by adequately providing these appliances, we need not carry a reserve so large as to be burdensome, and yet we shall be ready to make quickly what we need in case of war.

Mr. HELGESEN. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. HELGESEN. Has the gentleman an amendment in the military bill for this purpose?

Mr. TILSON. Yes; the Army organization bill carried the so-called Tilson amendment authorizing appropriations for these things. The fortifications bill carries a million dollars for the purpose, and the Army appropriation bill will carry something more. I feel greatly encouraged with the progress that is being made, and personally feel very much gratified that two such able, well-informed men as the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Virginia [Mr. HAY] have so readily and handsomely recognized the importance of my amendment in their respective bills.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Indiana [Mr. LIEB].

Mr. LIEB. Mr. Chairman, I have a letter directed to me from A. R. Hawley, president of the Aero Club of America, and I send it to the desk and ask that it be read in my time.

The Clerk read as follows:

THE AERO CLUB OF AMERICA,
297 *Madison Avenue, New York, May 25, 1916.*

Hon. CHARLES LIEB,
Congress Hall, Washington, D. C.

MY DEAR MR. LIEB: Under separate cover there is being sent to you a copy of the special edition of the New York World, which was delivered to Washington by aeroplane.

Being the first metropolitan newspaper to be delivered by air route to the National Capitol, this copy of the World will have historical value, and you may wish to keep it.

You will notice in this number an appeal to Congress to train 2,000 militiamen, coast guardsmen, and mail carriers so as to form a reserve of trained aviators, who, while being employed daily for peaceful purposes, will be available to meet any emergency.

While the special edition of the World was being printed a cablegram was received by the 15 Canadian aviation students being trained at Newport News, Va., from Earl Kitchener, the British war minister, declaring that "one aviator is worth an army corps."

This proves that we were modest in our estimate that a trained aviator is worth 1,000 soldiers in the Mexican campaign. Had we 100 aviators at the Mexican border, the history of the Mexican trouble would undoubtedly read quite differently.

We are glad to say that the aeroplane which carried these copies of the New York World to Washington was the Curtiss battleplane bought by the Aero Club of America with funds subscribed to the national aeroplane fund. From Washington it will be sent now to the New Mexico National Guard for service on the Mexican border.

Page 3 of this letterhead gives a brief résumé of some of the results obtained by the national aeroplane fund. Since this was printed a number of other States have taken up aviation, making close to 40 States that have taken steps to organize an aviation section in the militia. A dozen States are appealing to the Aero Club of America for aeroplanes and for means with which to pay for the training of militia officers in aviation. Assistance is given them as fast as the funds received permit.

There is a limited number of the first "aeroplane edition" of the New York World on hand, and if you or any of your friends would like an extra copy for historical interest, we would be very glad to send one.

Thanking you for your cooperation and support of this important movement, I remain,

Very sincerely, yours, ALAN R. HAWLEY,
President Aero Club of America.

Mr. LIEB. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I have sat here and been interested in listening to the discussion that went on between my friend and colleague, Mr. CALLAWAY, and my friend from Connecticut, Mr. TILSON. They seem to be unable to reach a common understanding as to what they were talking about; and, of course, when technically instructed people, as they are about these military and naval matters, fail to understand each other, it is confusing to the rest of us, who are mere untrained laymen. I wanted to learn from the gentleman from Connecticut [Mr. TILSON] whether those parts that he regards so important that we should have a reserve supply on hand, so that factories that are engaged in the manufacture of industrial products can quickly convert their plants into the making of implements, or enlarge the output of a factory engaged in the production of implements of war, are confined to shoulder arms, or do they extend to the manufacture of parts for these 6-inch and 3-inch shells?

Mr. TILSON. Mr. Chairman, if my friend will permit me, I will state that it will apply to anything that is produced in large quantities which you wish to manufacture by what is called mass production. It happens that the small-arms ammunition is used in enormous quantities. Rifles are used in enormous numbers and the field-artillery ammunition is used in such great quantities as no one had any conception of prior to the beginning of this war. In order to manufacture these articles by the repetitive process all these various jigs, gauges, and special appliances must be had, and I say what I absolutely know that it costs about $100,000 to make enough of those special appliances to produce by mass production the particular time fuse which I have in my hand.

Mr. SLAYDEN. Do the same factories that will have all these parts you speak of make the 3-inch shells and the shoulder arms?

Mr. TILSON. The same kind of machinery would be used. For instance, the Baldwin Locomotive Works and the American Locomotive Co. are manufacturing that particular time fuse for Canada and they are manufacturing it in large quantities.

Mr. SLAYDEN. My friend from Texas [Mr. CALLAWAY] was evidently speaking about the projectiles required for the Navy, and except for the few rifles in the hands of the marines they want only the larger caliber ammunition.

Mr. TILSON. Those large articles that are specially made one at a time—machine made—perhaps can not be manufactured in the repetitive way. It is like comparing the Swiss watch to the Ingersoll watch. What we desire in regard to these things is that we should have the appliances such as we make an Ingersoll watch with so that we can make them fast. That is what we want.

Mr. SLAYDEN. Mr. Chairman, I am very much obliged to the gentleman for his elucidation of this interesting question. He made a statement with which I have a good deal of sympathy. I have always believed that it would be most unwise from the point of view of military defense to put the private makers of munitions of war out of business.

Mr. TILSON. I think it would be suicidal.

Mr. SLAYDEN. I am talking heresy, perhaps, but I frequently do.

Mr. TILSON. The gentleman is talking good sense.

Mr. SLAYDEN. I have never had sympathy with that project. I was never in a powder factory in my life, and the Lord being my helper I never will go into one. But I never believed that it was wise by legislation to rely entirely for the manufacture of our gunpowder upon the output of a Government factory, because we all know the difficulty of getting appropriations necessary. I have the honor of having been frequently denounced as one of those contemptible pacifists, and I really regard it an honor to be so spoken of.

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. In one moment. But I want to see conditions of such a nature existing that if the emergency does come we can meet any danger, however unexpected.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, I have listened with a great deal of interest to the progress of this debate. The trouble with many of the gentlemen who favor the majority report of the committee is that they look for unattainable Utopias. I am afraid that so long as the world goes around we will have wars. I have often stated on this floor that nations are only aggregations of individuals. Solemn treaties will be broken in the future just as they have been broken ever since the dawn of recorded history—just as civil contracts are broken by individuals day after day despite the teachings of preachers and moralists. The gentleman from Missouri [Mr. HENSLEY] spoke of courts of arbitration. Civil and criminal cases are tried in courts, and most Americans abide by the decisions of judges and juries. But there are exceptions of the rule. Why, I remember within the last five or six years a case occurred almost within a stone's throw of this Capitol, in which a litigant before a court in the State of Virginia became dissatisfied with the decision of the judge. The litigant pulled out his pistol, killed the judge, the clerk of the court, and the sheriff, and undertook to shoot up everybody in sight. True, that is an unusual case. And, Mr. Chairman, wars come through unusual conditions.

Mr. CALLAWAY. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. CALLAWAY. On account of that one occurrence would the gentleman advise the people in all the United States to arm themselves?

Mr. KAHN. Oh, I did not say that. I say that it is the unusual that brings about war. In my opinion it is necessary to prepare in order to guard against the happening of the unusual. The gentleman referred sarcastically to the people on the Pacific coast as being mightily afraid because they did not have a battleship fleet over there, and intimated that their solicitude for the battleship fleet was not so much a matter of defense as it was a mercenary desire to reap material advantages for themselves. That seemed to be his frame of mind as I listened to his statement.

Well, now, down on the Texas border the Army of the United States has been encamped for something like four years. I understand that there was a movement here in Washington a year or two ago to withdraw some of the troops from the Texas border and return them to other stations throughout the country. When that program of the War Department became known the whole State of Texas demanded that the soldiers be kept down there near the Mexican border. Was that on account of some material benefit to the people of Texas? The gentleman probably takes that as an expression of the interest of his people in the United States Army, and thinks that all the people of the United States are like the people of Texas in that regard. Now, I want to assure my friend from Texas [Mr. CALLAWAY] that the people of the Pacific coast——

Mr. CALLAWAY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. Certainly.

Mr. CALLAWAY. I think they are just exactly like the people everywhere else, and wherever they are benefited by the soldiers down there they want them kept, and would like to have the benefit of one kind or another.

Mr. KAHN. Mr. Chairman, I would rather believe they want them kept there because they feel that in case of trouble with Mexico they would have the military arm of the Government ready to defend the citizens of the gentleman's State as well as their property. Personally I am very glad that they were there. I am exceedingly sorry that there were not more of them there, that is all. There should have been more there. I firmly believe that if we had had more there probably there would not have been any raid into the State of Texas.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. SLAYDEN. Does not the gentleman know that at Columbus there were plenty of troops to have driven back or repelled or defeated the little band that Villa brought in there?

Mr. KAHN. Oh, there undoubtedly were. But there was somebody's carelessness there, and some day we will find out whose carelessness it was. [Applause.] I believe it was indefensible carelessness. Somebody was evidently "asleep at the switch." The soldiers were there. If they had been watching as they should have been watching, that incident could never have occurred. I for one am determined to find out somehow or other what were the facts and conditions that enabled that band of cutthroats and bandits to make their successful raid into Texas.

Mr. FARR. Will the gentleman yield?

Mr. KAHN. I do.

Mr. FARR. Was the machine gun in readiness for operation?

Mr. KAHN. It was in readiness for operation. But it got clogged because, in my judgment, the men had not had enough drill with the machine guns. I believe that if they had been drilled much more frequently the clogging would not have occurred.

Mr. HARDY rose.

Mr. KAHN. I can not yield.

Mr. HARDY. Just one question.

Mr. KAHN. Well, I yield.

Mr. HARDY. I desire to ask the gentleman if that was not the Regular Army, and if they had not been down there quite a while so as to have enabled them to be trained?

Mr. KAHN. Oh, yes; there is no question about that, and I do not attempt to excuse it at all. I think it was criminal carelessness, if you want to know my opinion about it.

Mr. HARDY. By the Regular Army?

Mr. KAHN. By the Regular Army in Columbus, N. Mex., at that time; yes. I do not defend it. I do not attempt to palliate it or excuse it. But if the Regular Army had been drilled in the use of the machine guns as they should have been, if the sentinels had been at their posts as they should have been, if the proper number of guards had been posted, the chances are that incident never would have occurred, and the chances are that gun never would have become clogged.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. KAHN. I only have 10 minutes, and I want to utter a few words in regard to some statements made here on the floor during this debate.

The CHAIRMAN. The gentleman declines to yield.

Mr. KAHN. The chairman of the Committee on Naval Affairs, Mr. PADGETT, in response to a question that was put to him as to a statement of the President of the United States that we were the fourth nation in naval strength, and that in his—the President's—judgment we ought to be first, replied that the President of the United States was evidently mistaken when the latter made the assertion. Mr. Chairman, the President of the United States is Commander in Chief of the Navy of the United States. I believe he would not make such a statement to the country except upon such authority that there can be no mistake about it. When he said that we were fourth and that we ought to be first I believe he was right, and I do not think, with the chairman of the Committee on Naval Affairs, that he was mistaken about it when he made the statement. [Applause on the Republican side.] The distinguished chairman of the committee, the gentleman from Tennessee, also stated that we were building as many ships this year as, in his judgment, the country could stand. That may be so in the gentleman's opinion, but let me call the attention of the gentleman to this fact: That if the country had constantly followed a program of the building of two or more battleships every year it would not have become necessary at any time in our history suddenly to expend over $100,000,000 additional for the necessary vessels. It would not be necessary to do that. True preparedness is achieved when the Nation embarks on a policy of building a certain number of ships every year in order that we may continue in first or second place. To allow the country to slide into fourth place and then in a single year to appropriate a hundred million dollars or more in an effort to recover lost ground falls far short of that character of statesmanship the American people expect from their Representatives. It seems we now are compelled to spend such a large sum in a single year in order to amend the blunders of the past. I believe the program submitted by the minority will amend those blunders more effectively than will the program of the majority of the Committee on Naval Affairs.

If we were to follow a program to build up the Navy as it should be built up, we would not have to make these unusual expenditures that the gentlemen on the other side complain of at this time.

Mr. CALLAWAY. Will the gentleman yield?

Mr. KAHN. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. KAHN. I regret I can not yield. I just want to refer to one other matter. Reference has been made here by the gentleman from Ohio [Mr. FESS] to our obligations under the Monroe doctrine. I believe that when this war is over our obligations will materially increase under the Monroe doctrine. Four years ago, on the 24th of May, 1912, the lamented Admiral Mahan, one of the great international authorities on navy matters, published an article in the New York Times in which he pointed out that he had but recently seen two British sources in which there had been statements made that the time had come when the European powers ought to serve notice upon the people of the United States that Europe would no longer recognize the Monroe doctrine. That was over two years ago—yes; it was nearly two years and a half before this European war broke out. That statement came from that great naval authority. If European nations were chafing under the Monroe doctrine then, how much more restive will they be when this war is over? Mr. Chairman, I venture the assertion that when this war is over, when the warring nations send their plenipotentiaries to sit at the council table to determine the conditions of peace, we will have much more to be afraid of than any of the gentlemen who have spoken for a small Navy have any idea of. We have made no friends among the nations during this conflict. On the contrary, we have incurred the hatred of nearly all the belligerents. Our weakness on the seas has compelled us to engage in a diplomatic fight for every right that we are entitled to as neutrals under the law of nations. If we had had a proper Navy undoubtedly our rights would have been respected from the very first. Surely the lessons of this war will not be lost entirely, even upon the "small Navy" advocates of this House.

Mr. TILSON. Mr. Chairman, I did not have time to complete what I was saying, and I would like to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. Mr. Chairman, I have only two or three minutes' time, although I should like to have an hour or two, because I have many things I would like to say on the subject of preparation for either peace or war. We are theorizing about what is to become of us in the future. What will happen when the present war is done I do not know, and therefore I do not propose to make a prophecy or express an opinion. By this paper [indicating] you will see whether we are prepared if the invader should appear. A copy of this paper has been sent to every gentleman in this House. I do not criticize him for not having read or examined it. Perhaps if he knew of the importance of the paper he would consult it. It does not lie, neither does it guess. It contains, as far as it is possible to ascertain, information telling us of every battleship that has been built by all the armed nations to the beginning of the present war. It contains the name and size of every cruiser and every sort of warcraft. It was carefully prepared by the General Board. You can make your own comparison and draw your own conclusions.

Mr. CALLAWAY. You mean all over the world?

Mr. BUTLER. Yes.

Mr. CALLAWAY. Is it not a fact that Admiral Badger and Admiral Fletcher both stated before our committee that a battleship was helpless in the face of a submarine or if the screen fleet was destroyed? If that be a fact, I want to know the value of a battleship.

Mr. BUTLER. Mr. Chairman, let me answer the gentleman now. I will ask every one of you if any of you heard me make a statement about the value of a battleship? I always like to answer my friend's questions. I do not know whether they have any value or not. It is not for me to say. I am simply a civilian, sent here charged with a duty which I desire intelligently to perform, and in that performance I depend upon those whom I assume know better than I do. Perhaps I am wrong. [Applause.] I do not know which end of the gun needs the most attention. Why should I know? It is my business to provide a gun. It is also my business to assist in providing the number of guns that are recommended and the character of gun that is required.

I will try, however, before this debate concludes next Friday to answer the gentleman's question. I opposed the submarine for many years. Why? Because I was suspicious of its usefulness. I opposed the submarine until the military men said it was the best weapon known to disturb and affect the morale of the crew of a battleship. I voted for them only when the Navy experts agreed it was wise to buy them. I believe when a man's nerve is shattered his effectiveness is in a large part destroyed. It was here that my high opinion of the submarine began. I will not cease to recommend the construction of battleships, although the seas are filled with submarines. Their real military value is described by the experts. Their military accomplishments are yet to be told. I will endeavor to answer my friend's question. And it is the opinion of military men that battleships will not venture into places where submarines are. Their close relationship is not desirable. I do not know whether 100 submarines or 200 submarines or 500 submarines would protect us from our public enemies, but I have come to this conclusion—and upon it I propose to elaborate if the time can be found—that it is for us as men of sense to say, as men who do not invite war, men who have not raised our sons for slaughter pens, as present belligerents seem to have raised their sons as cattle are raised for the shambles, to say whether or not we will spend our money to save the flesh that we have produced and the product we have stored to resist the invader if he comes. I do not know whether he will come, but I believe that we should prepare to drive him away if he does come. Otherwise we should avoid these vast expenditures, store our tribute, and have it ready to hand to him when he appears. Why waste our sons and expend our treasure unless we prepare for a successful resistance?

My mind is easy to-day, because I have joined with my colleagues in recommending a plan of defense that is definite. If there is anything that I wish to do here, it is to be definite and have some fixed purpose in view. I have joined the minority of the committee in its recommendation for a Navy sufficient in numbers of ships and numbers of men to put the American Navy in the second place upon the seas within a period of three years, and from this I shall not retreat. In the necessary increase I have been guided solely by the judgment of the General Board, the highest and most reliable authority among military men. I have not guessed; I have adopted its opinion. What safer guide can be found?

It may be wrong to recommend that this Nation should go to second place, but that is definite, to say the least. It is time for definite action and my colleagues accept the responsibility——

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. BUTLER. Yes.

Mr. CALLAWAY. Did not all of the naval authorities that appeared before our committee state that nobody could tell what the relative sizes of their navies would be at the close of this war? How, then, can we be definite in taking second place if that is true?

Mr. BUTLER. Well, Mr. Chairman, in one hour we may be No. 1. I did not think it worth while during our hearings to ask any military man who appeared what our relative position would be after this war is over. If those fleets clash, I presume without the expenditure of a dollar on our part we will have a No. 1 fleet, but I do not know whether those fleets will come together or not. [Laughter.]

Mr. FARR. Mr. Chairman, will my colleague yield?

Mr. BUTLER. Yes.

Mr. FARR. Did not all the authorities agree that every belligerent nation is stronger to-day than it was before the war began?

Mr. BUTLER. I presume they are. All we can safely do here is to make our comparisons upon naval strength at the beginning of the war.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. HARDY. Why should Germany build more battleships when she knows that under present conditions she must remain in the Kiel Canal?

Mr. BUTLER. Oh, I suppose, Mr. Chairman, they have built these ships with the idea that they will use them.

Mr. HARDY. For fun?

Mr. BUTLER. No; not for fun. They have built them because——

Mr. HARDY. They are not going to use them.

Mr. BUTLER. But it is consistent with their military operations. They build them because they are in war, and they deem it necessary to have them, perhaps. They had better have them on hand than be without them.

Now, I want to answer a question that was asked here to-day. I do not believe we can whip our enemies by congressional legislation alone. I do not believe that anyone can be overcome with a statute. [Laughter.] All the preparation we can make here will not defend us. If we can not construct our battleships there is no reason under the sun why we should provide for them. Hence the minority demands immediate construction.

Mr. HARDY. I do not believe anybody thinks we can whip anybody with a statute book, but is it not the gentleman's observation that these pacifists are about as ready to fight as anybody you ever saw? [Laughter.]

Mr. BUTLER. No. Personally I come from a class of people who do not believe in war, at least many of them have said so, and I credit their sincerity.

Mr. HARDY. Oh, I believe you are as bad as anybody. [Laughter.]

Mr. BUTLER. I admit my wickedness. It is a pleasure to be able to tell my friend from Texas that I live in a county where you saw many Quaker meetinghouses in 1861; a county that had, perhaps, at that time 50,000 men, women, and children in it, and more than 7,200 men marched to battle during the four years of our Civil War. Their patriotism stirs me deeply. I do not know whether they should be called pacifists or not. [Laughter.]

Mr. FESS. They are fighting Quakers! [Renewed laughter.]

Mr. BUTLER. Oh, no. There is no such a thing. I think I ought to explain to you who do not know any more about these honorable people than the gentleman does that Quakers believe in settling differences peaceably. It is remarkable on account of the gentleman's admitted intelligence that he should know so little of what George Fox contended for. They may be "pacifists"; a good many of them are. Some people want others, perhaps, to do their fighting for them. [Laughter.] That does not apply to the real Quaker. On this line permit me to say that I have responded to many letters on the subject of great preparation, and oftentimes I have said in the letter, "Tell me the name of your son who is anxious to go on a battleship's deck." I have been waiting for the reply, and I am waiting for the recruit. [Laughter.] I do not know whether parents are ready to make the sacrifice. American sons are ready when the drum beats, and their names will be found among the willing.

Now, I wish gentlemen would examine this paper. It is a late production. On it you will see the size of the French fleet. You can make a comparison between it and the American fleet. Each one has the same number of ships. On some of their ships the guns are longer than they are on our ships and on others the guns are shorter. Some of the ships have a larger displacement than ours and some have less. Some have more men, and I think some have more guns, and there is a difference as to the cost of the ships, but the number is the same. Then, there are the ships of the German Navy. Germany has 5 battleships more than we have, and England has to-day more than 90 battleships. Can we hope to equal her? What should we do?

Gentlemen will have to determine. I do not care what others do. I am for a definite program; and I think it is advisable, if we propose to make a defense, that it should be one that is creditable to our Nation and a certain security to our one hundred millions of people. I will say to my good friend from Texas [Mr. HARDY] that the people of his State will quickly contribute to our defense. The gentleman comes from a State that has been made famous by the Texas Rangers. The State I come from furnished 400,000 men in 1861–1865. [Applause.]

Now, Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SWIFT].

The CHAIRMAN. The gentleman from New York [Mr. SWIFT] is recognized for five minutes.

Mr. SWIFT. Mr. Chairman, this Congress, chosen to exercise the paramount legislative powers under the Constitution of the United States during one of the most notable and critical epochs of the history of mankind, when the integrity and perpetuity of republics and empires is menaced by force of arms on land and sea, is now summoned to consider a naval policy which, though conceived in the mist of good intentions, is feeble in character, ignores the sound judgment of our naval experts, and fills the minds and hearts of our countrymen with disappointment and dismay, and this afternoon, as a Representative of the great city of New York, I want to voice my protest against this very inadequate proposal.

Mr. CALLAWAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Texas?

Mr. SWIFT. I decline to yield. I want to say to my colleagues that the blood of a southern woman flows in my veins, that I spent 11 years of my early manhood in the West, and I perhaps am not fettered with the prejudices that some of my colleagues from distant regions imagine may dwell in the breasts of the men who reside in our metropolis. I am not a politician. I have never had any legislative experience until I came to this House. I want to state in further introduction that when the President entered this Chamber and delivered his message to this Congress, convened in joint session, I was profoundly impressed with the high import of that act in the life of the Nation. It was a scene of great significance, and presented another illustration of the justification of our constitutional form of government. In this historic forum, dedicated to the free expression of the thoughts of men, there were then and there assembled the Representatives vested by the people with the supreme authority to enact legislation for the promotion of the national welfare, and as a Member of this honorable body I thought of the great responsibility imposed upon each Representative in the exercise of his constitutional powers.

It has been my pleasure to make the acquaintance of perhaps one-fourth of the membership of this House. I want to say that when I came down here I entertained some of the popular delusion that perhaps the Members of this House were not fully qualified to discharge the legislative functions of the supreme lawmaking body of the land. Since coming here I have found out that that popular opinion, if it does exist, is entirely unjustified. I am convinced that every Member is conscientious in the discharge of his duty, and I deprecate the vicious attacks of the press in certain quarters upon the integrity and fidelity of Congress, because it is obvious that such outbursts tend to create disrespect for the supreme lawmaking power, the dignity of which should be maintained and guarded as inviolate as the judiciary which is empowered to construe and interpret its legislative enactments. Yet on some occasions evidence of narrow sectionalism has appeared, manifested by the expression of strong prejudice against the city of New York, New England, and the Atlantic seaboard.

Because I found Members here well informed on many subjects, for that reason I have been the more amazed that a program of this inadequate character has been presented to this House for serious discussion.

I want to say just a word about the interest of New York in this naval program. There is undoubtedly abroad some sectional prejudice against the city of New York, which is absolutely unjustified. While the city of New York needs no defense against attacks which are conceived in imagination and not founded on fact, yet it is proper to observe that the basic element of the greatness of the metropolis is the character of the people who dwell within its borders. The blood of many races flows in the veins of its inhabitants, who are inspired by patriotism and sublime confidence in the great mission of the American Commonwealth. [Applause.]

New York is not a sectional entity, but a component part of our great Republic. It is a national institution, and its history and present greatness should dispel jealousy and promote emulation.

When any portion of our population on the coast or in a distant region have been overwhelmed by the calamity of flood, earthquake, tornado, or conflagration the succor of the metropolis has been rendered with liberality to the stricken inhabitants. Disaster in any area, resulting in the extinction of life or the destruction of property, impairs, temporarily at least, national progress and efficiency.

If an attack by an alien foe upon the city of New York, unprotected by an adequate Navy, should force capitulation, such a catastrophe would menace the very existence of the Republic.

It is generally believed and universally hoped that our Nation will not be involved in the European conflict, but common prudence requires sufficient preparedness to meet the lust of a conqueror or the exponent of commercial greed.

Every Member of this body has assumed the constitutional obligation to provide for the common defense, and the metropolis, through its Representatives, now demands the fulfillment of that obligation by the prompt adoption of a comprehensive plan for naval enlargement through new construction commensurate with the recommendations of the General Board and the wisdom of our naval experts.

The supine indifference of a portion of Congress to possible national danger is analogous to the spirit of the Asiatic in the Alexandrian conquest as portrayed by Matthew Arnold:

> The brooding East with awe beheld
> Her impious younger world.
> The Roman tempest swelled and swelled,
> And on her head was hurled.
> The East bowed low before the blast,
> In patient, deep disdain;
> She let the legions thunder past
> And plunged in thought again.

Mr. Chairman, I do not believe that such is the spirit of the people of our country, but that they are actuated by the loftiest ideals of citizenship to properly discharge their duties in the hour of pending peril. We therefore do not come as suppliants, but as equals, prompted by the truth that the former position of this Republic in naval strength must be reestablished to protect our coasts, insure the unmolested transportation of our mails and commerce, and maintain the national honor on the seas in every clime. [Applause.]

Mr. BUTLER. Mr. Chairman, I presume we have consumed more time on this side than has been consumed on that side.

Mr. PADGETT. Yes.

Mr. BUTLER. Will it be understood that on next Monday we will have an equal division of time? Three members of the committee, Mr. BRITTEN, Mr. FARR, and Mr. ROBERTS, desire to speak on that day. The gentleman from Massachusetts [Mr. ROBERTS] will close the debate on this side, and I have anticipated that we would have an hour and a quarter on our side on Monday.

Mr. PADGETT. There will not be quite that much time.

Mr. BUTLER. Will the chairman of the committee have an understanding with me that the time will be equally divided on Monday?

Mr. PADGETT. I will be very willing to do that.

Mr. BUTLER. I am very much obliged to the gentleman for his courtesy.

Mr. ROBERTS of Massachusetts. We have two others on our side who wish to speak, and who must speak to-day, unless gentlemen on that side desire to occupy the time.

Mr. PADGETT. I have no one on this side who wishes to speak, except the gentleman from Indiana [Mr. COX], who wanted five minutes.

Mr. ROBERTS of Massachusetts. Then the chairman of the committee will have no objection to our utilizing more time to-day than is used by his side, not to interfere with an equal division on Monday?

Mr. PADGETT. That will be all right. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, briefly I want to submit a few observations hardly germane to the pending bill. I do not belong to that class of people in this country carried away with the idea of tremendous preparedness. I believe in a reasonable amount; and from my point of view this committee has gone the limit. I intend to support the measure as presented by the majority members of the committee.

But what I desire to say, briefly, is this—and I do not want it to be understood that I am offering any particular criticism upon the Navy Department or upon anybody connected with it, and especially nothing against any member of the Naval Committee or any Member of this House.

The gentleman from Pennsylvania [Mr. BUTLER], in quoting some other Member a moment ago, struck a keynote. We can not prepare the country by statutes. We can not prepare this country by declarations made on the floor of Congress; we can only furnish the means of preparing the country, to put the means in the hands of men competent to work out the details of it. The foreign war has demonstrated many things. From my viewpoint—and it is extremely limited, because I am far from being a military man—from my viewpoint it has demonstrated the absolute necessity of torpedoes. The torpedo has practically bottled up every battleship in Europe to-day, and it will do it in the future. If I am correctly informed, the average range of a torpedo is somewhere between six and eight thousand yards.

There is a man living in New York State, born and raised in my county, by the name of Simmons—no better and no worse for that—who claims to have invented a torpedo which will carry full weight and full strength 23,000 yards. I recall last summer that the newspapers were filled with stories that the Navy Department had called to its aid many scientific inventors in the United States, which, in my judgment, was a splendid idea. This young man Simmons, as I am informed by him, and I believe it to be true, time and time again has sought an interview with the Navy Department solely for the purpose of getting them to scrutinize and investigate his torpedo. For some reason or other he has never been able to get within gunshot distance of them.

Two weeks ago he forwarded to me the photographs and drawings of his torpedo. I inclosed them and wrote a letter, addressing it personally to the Secretary of the Navy, inclosing Mr. Simmons's personal letter that he wanted an interview with him or some one in authority, with a view of seeing whether or not he had a matter that would be of value to the Government.

The Secretary of the Navy informed me by letter that the device of Mr. Simmons had been submitted to the Navy Department and gone over and found to be unworkable; but the Secretary's letter said it was the Hudson Maxim torpedo, which could not be true, impossible to be true, because the Patent Office will not patent the same invention to two different men.

Mr. Chairman, we all remember very well—for some men in this House are old enough to remember—that when the *Merrimac*, covered with railroad iron, was literally sweeping everything off the seas as fast as she came to it, when she steamed into Hampton Roads on the night previous to the engagement between the *Monitor* and the *Merrimac*, Ericsson had traveled from New York to the city of Washington time and time again from the time the war broke out down to that time trying to get the Navy Department interested in his invention, but they turned him down.

Since I came to Congress Mr. Sperry, from Connecticut, who served on the committee with me, showed me a promissory note where he and five other men had given their own obligations to the amount of $360,000 to build the *Monitor*. It was turned down by the Navy Department until that time. The *Monitor* completely revolutionized naval warfare from that time to this.

I do not know whether there is anything in Mr. Simmons's invention or not, but I do insist that because he is not well educated and a poor boy is no reason to refuse him an audience, and he ought not to be ignored, for he is a wizard when it comes to mechanical ideas and inventions.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. PADGETT. I yield to the gentleman two minutes more.

Mr. COX. Having thought out this torpedo, and the Navy Department having called to its aid these great scientific inventors in this country, it seems that this man Simmons should be given an audience with the Navy Department, with a view of seeing whether he has anything worthy of consideration.

Men like Prof. Nicholas Murray Butler, one of the greatest scientific men in this country, have gone over his invention and say it will revolutionize modern naval warfare. Papers like the Scientific American have devoted page after page to this man's invention, and yet for some reason or other, I know not why, he has never been able to get his invention before your Naval Board or before those in authority down there, with a view of determining whether or not he has an invention that will prove of value. The time might come, it may be knocking at our doors right now, and it may knock at our doors next year, when the Simmons torpedo would do for our country exactly what the Ericsson invention did for modern warfare during the Civil War. I am not offering any criticism, but when a man has gotten up an invention he ought to be given a chance. I am told by him, and I think I am correctly told, that foreign Governments right now are competing for his invention. He has never asked a dollar for it of his Government.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. COX. For a question.

Mr. EMERSON. How does the gentleman account for that, then?

Mr. COX. I am unable to account for it.

Mr. EMERSON. Why does not the gentleman take it to the President?

Mr. COX. It is not my place to take it to the President. We have a Secretary of the Navy who is supposed to do these things, and I am not criticizing the Secretary of the Navy. I am distinctly saying that I know nothing about patents, but I am saying that this young man has never had a square deal at the hands of the Navy, and I repeat and affirm that if a man like Edison had worked out this invention he would have gotten an audience with the Navy Department. Ericsson and his Yankee cheese box sitting on a plank was denied an audience at the hands of the Navy, yet his little *Monitor* saved Washington City from bombardment if not from capture, and today there is a bill pending on the calendar of the House proposing to erect a monument to the memory of Ericsson at a cost of $100,000. The time may be near when the Simmons torpedo would be worth billions of dollars to us and save countless thousands of human lives. When everybody is crying preparedness, I say give him a chance. Simmons is not a highbrow; poor, with but little education, but a wonder in in-

vention. He lives with machinery; he dreams about inventions. Right now some of the European Governments are dickering with him concerning his torpedo. I have known him all of his life. Strictly sober, absolutely honest. After leaving the farm he served 12 years in the Regular Army. In my judgment he would make many men who now claim to know something of the Navy realize that he, too, knew something about it if they would meet him in the open field and discuss it with him.

Mr. PADGETT. Mr. Chairman, I simply wish to state that Mr. Simmons asked for a hearing before our committee and the committee gave him a hearing, and I do not wish to comment upon what he said. I now yield 15 minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Chairman, I confess that I approach the consideration of this bill making appropriations for the naval service with some degree of doubt and apprehension. The majority report states that the bill recommends an appropriation of $142,389,773.99, exclusive of the increase of the Navy, and for the increase to the Navy it recommends an appropriation of $98,859,378, and then states, and not in irony, that for the expenses of a peace commission it advises and provides for an appropriation of $200,000, making a grand total of $241,449,151.99, which is, as stated, an increase over the grand total of appropriations carried in last year's naval appropriation bill of some $91,787,287.11, which increase is justified by the very pertinent and appealing assertion that it was "found to be necessary to place the Navy, the first line of defense of the country, in a better state of preparedness."

The ranking minority member of the committee, Mr. BUTLER, of Pennsylvania, a day or two ago made the assertion on the floor of the House that this bill in reality calls for appropriations that will eventually aggregate more than $361,000,000, or some $120,000,000 more than is appropriated by the bill.

I have read the minority report carefully, and while it disapproves the bill I find that the disapprobation is not because of the appropriation of too much money, nor is it because a hundred and twenty millions of dollars more appropriation is demanded by the bill than shows on its face. The criticism really goes to the other direction and objects to the bill because it has not provided additional authorization for battleships, destroyers, submarines, auxiliaries, and aeronautics, and, in addition to that, criticizes the majority of the committee for not providing for some 11,183 more men than the bill under consideration provides for, to take care of and man the ships already in commission and those soon to go into commission.

It is pretty safe to say that if the present bill in reality calls for appropriations aggregating $361,000,000, none of which the minority Members would eliminate, and the additional authorizations were made to take care of and sanction all of those items they claim should have been provided for by this bill, its total authorizations would have approximated a half a billion dollars or more.

The minority report indicates that its recommendation is "not urged on account of any threatened danger from any particular quarter," but "on the contrary it is based on the natural and normal requirements for the defense of the country."

Mr. Chairman, I am constrained to remark that the American people would hardly hold this Congress blameless if we should authorize appropriations, directly or indirectly, under this bill aggregating $500,000,000.

Mr. MEEKER. Does the gentleman think that in the minds of the American people it is a question of how many hundred millions or the adequacy of defense? Is it money or defense?

Mr. LA FOLLETTE. I think that if we were in no danger the millions would cut a great figure in their consideration of the matter.

If we in reality feel that the country is not threatened with danger from any quarter and are making provision only as a matter of precaution, would we be justified in the authorization? That is the question.

It was only a Congress or two ago when some of those who are now most insistent for the immediate authorization for large increases in both Army and Navy were standing for small Army and Navy appropriations. The sudden change of heart must either come through fear of invasion and a well-grounded belief that we are in danger from some direction or they are trying to square themselves with their consciences for their past stand on the question and thus contributing to their country's unprepared condition. The question now is, Are we justified in making extraordinarily large appropriations so that we may speedily be on a war footing—both Army and Navy—if we are in no danger from any source? Why not go more slowly and not place a large indebtedness and excessive taxation on our people?

Let us be honest with ourselves and the country.

Mr. Chairman, I am and always have been for reasonable preparedness—I might say for reasonably adequate preparedness—for national defense and offense.

Unlike our honored leader of the minority, Mr. MANN, since I have been a Member of this House I have not been associated with the small Army and Navy forces and have never voted with them. I have voted for the two-battleships program and for the largest additions to our Army and Navy defenses that have been recommended by the majority members of the Army and Navy Committees of the House, and I have never been reproached by my constituency nor by my conscience for so voting. I believe that it is the part of wisdom for the United States to be reasonably prepared for defense and for offense—if justice and right demands and justifies the latter—at all times. I had that opinion before the present deplorable conflict in Europe, I still have that opinion, and I believe I will still have the same mind, if I am alive, when and after that conflict is ended.

But, Mr. Chairman, I am not one of those—and I have no desire to be so classed—who believe that the signs of the times are portentous of calamities that will steal upon us like a thief in the night; that we are liable, like Belgium, to be assailed without warning and, like her, to be ravished and laid waste to satisfy the ambition, the greed, or the hate of any nation or group of nations of the earth.

We are now some 130 years of age as a Nation, and we have never yet been assailed. We have initiated every war in which we have been engaged. Why, then, this sudden fear, this hysteria and apprehension? Have we conducted ourselves in such a way or so unjustly as to incur the enmity of one or more of the nations of the earth? On what grounds and for what purpose will we be assailed all at once and after 130 years of immunity from attack?

I have heard assertions galore "for revenge," "for greed and tribute," "to down the idea of freedom as exemplified in republican forms of government," but I have not heard a tenable argument in favor of any of these contentions.

The very reasonable argument has been made against danger of invasion from Europe in "that after the present conflict is ended the countries engaged in war there would be so impoverished and depleted of money, supplies of all kinds, and men that they would not be in any condition to assail the United States even though they felt an incentive to do so." The reply is made that history shows that nations that have been engaged in great wars have large numbers of seasoned troops, all trained and eager for further carnage when their wars end, and for this reason we must prepare.

Our fitness at the close of our great Civil War is pointed out; it is said that all we had to do was to tell France to get out of Mexico and she got. To be sure she did. That does not in any way go to prove that we were in any financial or physical condition to invade France or carry war into Europe. We could easily have driven her from Mexico and could have given a good account of ourselves had France attempted to assail us in the United States.

We were in no condition to make war on her abroad, and I do not think I misstate the facts when I say that we never contemplated such action.

Mr. Chairman, would-be experts can figure to a nicety just how many men some nation in Europe could land on our shores in a given time. Oh, yes; it is dead easy! I have seen some recent newspaper articles purporting to report the testimony of certain Army and Navy officials before committees of the House and Senate. In the Washington Herald of January 28 Gen. Leonard Wood is quoted as having told the House Committee on Military Affairs that it would be possible for an enemy to land 400,000 troops on American soil in 30 days. I wonder that the committee did not faint from fright! He told the committee further that if attacked under present conditions by a first-class power our Navy in less than 60 days would be at the bottom of the sea.

Why so long a period as that? He could as easily have said 30 days as 60, and with just as much reason and knowledge. He further said that in his opinion the American Navy now stands fourth in the list. The Secretary of the Navy, with all the naval data that it is possible for our Navy to procure, boldly states that we are third. There is a great discrepancy here. Which of these two men is more worthy of credence?

Gen. Wood says that the transportation of our Army—and we suppose he means to imply therewith all necessary supplies, food, ammunition, and guns—is dead easy by sea, and he points to the landing at Gallipoli as proof. I suppose he sees no difference between a landing but a few hundred miles from French ports at a point in close proximity to British supply depots, such

as Gibraltar, and at Egyptian points and making the same kind of an attempt 3,000 miles away.

It is true that in the case of one of the belligerents Canada would be at our door; but it is very questionable whether Canada would not a liability instead of an asset in case of war between that country and ours. Gen. Wood is reported as having said that the "Government experts know for a certainty that it would be entirely feasible for an enemy to lie at Far Rockaway Beach and throw shells into Fourteenth Street, New York City." "Government experts," God bless them! A few years ago these same experts attempted to induce the United States to abandon many of its Army posts, which had been bought and built at great expense to the Government at points where previous "experts" had said they were imperatively needed, and to reduce our entire number to eight posts, their expert knowledge plainly indicating that to be the proper number. Since they gave that expert advice to the country and to Congress it has been found expedient to erect 10 new Army posts along the Mexican border, 2 more than our experts advised in all.

I fear that the most of our expert advice is theory pure and simple; and while I believe in giving due consideration to it all, I fear we would be "up against it for fair" should we attempt to put all their expert, theoretical advice into practice.

Mr. Chairman, I have no doubt but that an enemy fleet could lie off Rockaway Beach and throw shells into Fourteenth Street, New York, if such a fleet had the latest and most modern guns. We have no need to go into any hysteria over that. We would not be compelled to install even a new or larger size gun at Sandy Hook to make that impossible. All that is needed is to remount our 12-inch guns already there, giving them a different and more elevated arc to play in, and this fearful condition would no longer exist. And this improvement can be made at a relatively slight expense, but as a further precaution a battery of 16-inch guns is to be installed there.

Mr. Chairman, I think that the alarmists and agitators, as well as those whom they are, I believe, unduly exciting, are like the old man who said "I am an old man and my life has been full of troubles most of which have never happened."

Mr. Chairman, can it be possible that the United States is in this deplorable condition as to ability to offer defense in case of invasion and offense in case of necessity? Is it possible that after expenditures by this Government of three and one-half billions of dollars on our Army and Navy since 1901, that this country is in the deplorable condition pointed out to us by the press, by the Navy League, by the Aero Club, by Gen. Wood, by Col. Glenn, by the great flood of literature that is being circulated throughout the country, instigated, no doubt, by a feeling of pure philanthropy and by the most exalted patriotism and love for home and country? Perish the thought that any of this is done through sordid greed or for fear that millions of dollars, in many cases entirely too easily obtained, might be wrenched from the grasp of the holders by foreign greed or by internal discord and revolution. As all government is primarily inaugurated for the safeguarding of life and property, with the emphasis on the latter word, in the final analysis that is probably one of the prime incentives to the present preparedness propaganda.

Mr. Chairman, as I have already suggested, is it possible that after the expenditure of billions of dollars we as a Nation are likely to see our land overrun by a foreign foe and New York City laid waste by a foreign fleet? Is our coast defense at that point totally inadequate to protect the city?

I take some comfort from the statement of Gen. E. M. Weaver, of the United States Army, and Chief of the United States Coast Artillery, made to the National Geographic Society in this city recently. Gen. Weaver said that the coast defense of this country is prepared to give an efficient account of itself in case of emergency. He further stated that the organization and system of the mine-laying branch of the service is so well developed that any harbor in the country can be mined completely within 48 hours; and further, that the fortifications along the coasts, before points of great commercial wealth—I presume he included New York—with protecting waters and of high strategic value, are well built and that the system of range fire is accurate, and that one shot could be fired every 52 seconds from our 12-inch guns.

The same authority stated before the Military Committee in the Sixty-third Congress:

> I know of no fortifications in the world, as far as my reading, observation, and knowledge go, that compare favorably in efficiency with ours; and Gen. Crozier, Chief of Ordnance, speaking of our coast-defense guns, says: "In my opinion these guns, with other advantages, which our land-defense fortifications have, will be adequate for maintaining a successful combat with vessels of war armed with any gun which is now under construction anywhere in the world, to my knowledge."

It is refreshing to know that we have some splendid coast fortifications and some efficient guns mounted therein. And it is also a fine thing for this country that we have some men who are not overcome with fear and who have not been influenced to the point of making utterances that are a disgrace to the uniforms they wear, who refuse to decry the guns and appliances that they have been furnished by the Government with which to conduct our defense. We owe a debt of gratitude at this time for the cool-headed utterances of such men as Gen. Weaver and Gen. Miles, who refuse to decry their country and add to the wave of hysteria being forced upon it systematically for educational purposes.

Mr. Chairman, Gen. Wood, a very high authority, thinks it very likely that this country will be in war with a first-class power, or with first-class powers, in the near future. There are other men of American birth who do not share in that opinion and who do not think it would be an easy or a feasible proposition to invade America from Europe.

Sir Hiram Stevens Maxim, the inventor of the Maxim rapid-fire gun, an American born in the State of Maine, and who became a naturalized British subject, stated, as published in Everybody's Magazine for January:

> The great wealth and population of the United States and its distance from the warlike nations of Europe make it practically impossible for any European nation to invade the country.

He does not think it such a simple matter as does Gen. Wood. Sir Hiram Maxim is an older brother of Mr. Hudson Maxim, who has probably done more to excite the fears of our citizens as to our unprepared condition than has any other man in the United States.

One brother says we are in no danger, the other is almost hysterical and overcome with his solicitude for our defenseless condition, and he is staged in most of the moving-picture shows of our country addressing large audiences of his fellow citizens, imploring them to wake up and importune Congress to make immediate preparation for national defense. Like his brother Hiram, who was knighted by Queen Victoria, Mr. Hudson Maxim is an inventor of powder and other appliances for destroying human life in warfare, and he built a town in New Jersey named Maxim and conducted there a powder and dynamite factory of immense capacity. He later sold smokeless-powder inventions to the Du Pont-de Nemours Co., of Wilmington, Del., and is now one of its consulting engineers and development experts. He sold the United States Government a formula called "Maximite," the first high explosive capable of sending a projectile through heavy "armor plate." He has since invented a superior smokeless powder, called "stabilite," and a detonating fuse for armor-piercing projectiles; also "motorite," for driving automobile torpedoes, and various other inventions. He is also an author and has written a work on the science of poetry and the philosophy of languages, and as a chemist and scholar he takes high rank among the notables of the earth. His principal fame and fortune come though from the invention and manufacturing of war products. War is his principal asset in trade, and if the United States Government would embark on the sea of war preparedness and of militarism, as advocated by the gentleman, it would no doubt buy millions of dollars worth of the products invented, manufactured, and sold by this gentleman and his associates.

It is easy for us to be biased in favor of those conditions that naturally contribute to our business, and this bias is apt to grow on us through our environment. Sir Hiram Maxim, with nothing to gain by this country's action, sees no danger to us from abroad—the brother thinks we are in dire peril and cries "Prepare! Prepare!" Which is more worthy of attention?

Mr. Chairman, I am inclined to agree with those citizens of our country who are of the opinion that we will be in but little danger from any of the warring nations of Europe if the present war there is fought to a finish; yet I do not think it wise to hammer our cannon into plowshares and our swords into pruning hooks. The world has not advanced as yet to that beatific state where we could safely do that. I think that we should continue calmly and dispassionately to build up our Navy, to increase our coast defenses, and to strengthen to some extent our standing army, but not in such a hasty and precipitate manner as to work a hardship on the Nation and increase inordinately the burden of taxation.

Mr. Chairman, I am not one of those who in the past advocated to any great extent Government ownership of utilities, nor have I been enthusiastic in regard to Government paternalism; but, Mr. Chairman and gentlemen, since I have been a Member of this House I have received enough newspaper clippings, briefs, and personal letters from citizens and corporations in favor of private citizens or corporations exploiting the Government to make me at times question the wisdom of aught

but Government ownership and control of everything with which the Government is directly interested and which is necessary for Government use. I am fully convinced that the wise and sane thing to do in respect to our Army and Navy supplies is for the Government to manufacture them.

Immediately when an idea of this kind is advanced a large part of the press and all those interested in furnishing the Government with supplies or hope to be able to furnish them in the future begin to flood Congress with clippings and letters explaining what an unwise and inexpedient thing it would be for the Government to manufacture them. A few months ago when the Navy Department refused to award contracts to private yards for the building of two battleships because of the exorbitant price bid and made the award to two Government-owned yards, Members of Congress were flooded with letters and briefs defending the bids of the private yards and boldly proclaiming the falsity of the Government's estimates of cost, and so forth, and claiming that the Government made no allowance for overhead charges, which the private yards had to take into account.

Government estimates were based on actual knowledge of cost of material, workmanship, overhead charges, and every contingent factor. The Government will not only make a substantial saving on first cost but will, no doubt, save thousands of dollars in the upkeep of the vessels after they go into commission. It has been found that the vessels built in the Government yards, where there is no incentive to slight the work in order to make an unholy profit, have invariably stood the test of time and stress much better than those vessels that have been constructed in private yards.

Mr. Chairman, I have been receiving, as no doubt have all other Members of Congress, almost daily printed letters from the Bethlehem Steel Co., protesting against the Government erecting factories for manufacturing its own armor plate. In its letter No. 10 it says:

> The Secretary of the Navy, in his annual report, estimates that the Government can make armor plate at $262.79 per ton in a plant of 10,000 tons capacity, running at full speed. The prevailing price is $425 a ton. He estimates the difference as the advantage of Government over private manufacture. The estimate is absolutely fallacious.

The company then goes on, exactly as did the champions of the private shipbuilding yards, when the Government let the contract to its own yards, to say that—

> The Secretary's estimate covers mere shopwork; it omits many important items which must enter into actual cost.
> For administration and general expense.
> For insurance, taxes, and depreciation of plant.
> For interest on investment and working capital.

Is it likely that the engineers who compiled the cost estimates for the Secretary of the Navy were not competent? I should judge their estimates to be conservatively high instead of the reverse. The best steel rails for railroad use have been manufactured and sold for $25 per ton. Armor plate manufactured from iron or steel costs $425 per ton, or seventeen times the cost of steel rail for a ton or armor plate. I know nothing about the manufacturing of armor plate, but I would hazard a guess that the Secretary's estimate is high enough to cover all overhead charges, interest, administration, depreciation, and so forth.

Buying armor plate at $425 a ton would, I should judge, be equivalent to making millionaires over night.

Mr. Chairman, I have no doubt but that the Members of Congress who have received copies of the numerous letters of the Bethlehem Steel Co. likewise received a circular reading as follows:

WE ALSO ASK A HEARING BEFORE CONGRESS ACTS.

To the Members of Congress:

> The Bethlehem Steel Co. is issuing a series of statements giving reasons why, in their judgment, the United States Government should not erect an armor plant.
> Up to this date their statements have contained few points which were not disclosed before various congressional committees and thrashed out over and over again.
> But in their statement published in the newspapers of April 13, they did make one new statement to which we call your attention.
> They say, "Armor plate for our battleships is a vital factor in national defense. It is supremely important that its durability be the highest obtainable."
> We ask Congress to remember one of the gentlemen who signed this statement, calling attention to the fact that the quality of armor plate should be the "highest obtainable," was superintendent of the Carnegie Steel Co. when "pipes or shrinking cavities, erroneously called blowholes, in the plates were plugged by the contractors and the defect concealed from the Government inspector." (CONGRESSIONAL RECORD, Aug. 23, 1894, p. 8638.)
> The Government imposed a fine of $140,484.94 for this deception.
> Now, the Bethlehem Steel Co. asks, "Is Government manufacture of armor for battleships wise?"
> The people hope Congress will answer "Yes."

Mr. Chairman, I imagine the fine mentioned in this circular was based on a percentage of the agreed price; otherwise, I presume it would not have carried 94 cents as a part of the penalty; but, be that as it may, the certainty remains that had the Government been manufacturing its own armor plate there would have been no incentive for the sake of making a profit and preventing a loss to use defective armor plate nor would there have been any attempt made to use it.

The procuring of good material and workmanship would be much better assured, I think, in a Government-owned plant. The Government is manufacturing powder at two-fifths the price it used to pay for it and 50 per cent cheaper than it has paid for part of its needs right along. Is it wise or expedient to tax all our people to pay these enormous profits to private individuals?

The plea that other Governments are paying as much or more to private companies for supplies is no justification for the American Congress submitting to the payment of enormous and unreasonable profits to any company or individual. The simple fact that other Governments submit to such exploitation is no excuse for a progressive and enlightened country such as is ours to submit to that character of treatment. The taxes of our citizens will be high enough if we carry out the various programs for preparedness advocated on both sides of this aisle, if we get armor plate and all other naval and military supplies at their true value.

Mr. Chairman, I feel a much greater inclination to vote for large appropriations for our Navy and for our coast defenses than for other branches of our Military Establishment. I believe it the part of wisdom to make as efficient as possible those units of defense most essential for our protection from foreign invasion. While our Navy is well named our first line of defense, I personally feel that it is really second in importance. Our coast and harbor defenses should in reality be our first consideration and our Navy second in moment, but I consider them very nearly of a parity.

If, unfortunately, some country should conclude to attack us, the more damage we can do to such country's vessels carrying its forces to our shores the better it will be for us—loss of life in decisive battles on the sea are comparatively nil compared with loss of life in decisive battles on land. As already stated, I consider our Navy and coast defenses our most important protection, and think we should make reasonable appropriations for their improvement and upkeep as an insurance against trouble at all times; but I do not think it wise to unnecessarily crowd matters and place a grievous burden on our people.

Mr. BUTLER. Mr. Chairman, I yield 20 minutes to my colleague from Pennsylvania [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman and Members of the House, you have listened this afternoon to a discussion of battleships and cruisers and submarines and shells, and I now ask your attention for a little while to the amendment to this bill provided for in the special rule brought into the House yesterday, appropriating $11,000,000 for the erection or purchase of a Government armor plant. Personally I do not believe the Government under existing conditions can erect a plant of 20,000 tons capacity for $11,000,000. I doubt if it can be done within a cost of $15,000,000, and am of the opinion that it will approximate a cost of $20,000,000. But whether $11,000,000 or $15,000,000 or $20,000,000, it is in my judgment an unwise and unjustifiable and inexcusable expenditure of public funds. I wish to call the attention of the House to the words of a former President of the United States as follows:

> It is the duty of those serving the people in public places closely to limit public expenditures to the actual needs of the Government economically administered, because this bounds the right of the Government to exact tribute from the earnings of labor or the property of the citizen, and because public extravagance begets extravagance among the people.

I especially commend to the majority Members of this House these words of a former Democratic President, and distinguished American citizen, Mr. Grover Cleveland. While we should carefully consider the item of cost with reference to the proposed plant, the principle involved is of vastly more importance.

Now, I live in the vicinity of Pittsburgh, near by, though not within the district where the Carnegie armor plant is located; but, if I properly understand myself, my attitude on this question does not in any manner depend upon this fact. And just here I wish to state that my experience in politics teaches me that in these modern days it is of no particular advantage to have the active support in an election of those successful people whom a short time since we so greatly honored as our captains of industry. The modern mind seems to have assumed an attitude of antagonism to successful people, and we are acting as though we believed in the theory of Proudhon that "property is theft," especially when in the possession of other people.

Though not one of those persons who have succeeded in accumulating wealth, I yet can not bring myself to the point of believing that the man whose genius has permitted him to attain pronounced success along this line is to be looked upon and classed as a thief and a robber. And I am of the opinion that the rare individual who in the field of industrial and commercial enterprise does accomplish great things, and as a result accumulates wealth, performs at the same time a great service to his country, and that his deserved personal accumulation is insignificant in comparison to the greater benefit accruing to the public. And, further, I am so pronounced a believer in the superiority of private over Government ownership that I believe the wealth of such men, derived as it is from the profits of the business, does not equal the waste of Government operation under its necessarily more cumbersome system.

The real question, then, before us is not so much one of cost as it is a question of principle. Is it the right or wrong thing to do? This is the problem with which we are now confronted. And just here I wish to give expression to a thought that is impressed upon me more and more as the days of this session pass by, and that is that men seem to have lost all reverence for things which a short time since they blindly worshiped.

In view of this fact it would be well for us to pause and take stock of our political resources and examine those principles of government hitherto considered of prime importance before in our mad desire for change we destroy the whole splendid structure that has cost us so much of effort and sacrifice to erect.

At the time of the formation of our Government our people were believers in a sturdy individualism, and the members of the constitutional convention were firm adherents of the doctrine of natural rights. A great change has come over us, and we have been and still are moving away from the individualism that characterized our ancestors and are steadily advancing in the direction of paternalism. So strong has been this trend that it is now a serious question as to whether we have not reached a point at which we should hesitate before traveling further in the direction of—let us give it its true name—socialism.

How striking the contrast in the movement of this country to-day with that of ancient Greece, where, as they moved away from the system of tribal control in their progressive advance, the radical was advocating freedom of the individual and the right to do what one would with his own; and here, where these privileges have heretofore been considered as vested rights, the movement is in the opposite direction, which causes us to wonder at the strange workings of the human mind.

Now, whatever your thought may be of the doctrine of natural rights the fact remains that at the time of the formation of our Government they were recognized as rights fundamental. The constitutional guaranties of life, liberty, and property with which we are so familiar had their origin in this doctrine and were provisions inserted in the Constitution to protect these established and well-understood rights. The judges in our early history when construing the Constitution rendered their decisions on the theory that these rights were fundamental and should be protected from legislative enactment. Justice Patterson, who was himself a member of the Constitutional Convention, in the case of Van Horne's lessee against Dorrance, in 1795, said:

> The right of acquiring and possessing property and having it protected is one of the natural inherent and inalienable rights of man.

And whether we read the words of Patterson or Marshall or Wilson or Story or Kent or other great jurists, it is the same story of this doctrine of natural, inalienable, or absolute rights. And as a result of this deep-rooted conviction, these early judges established, under the power of judicial review, more firmly than they otherwise would have been established, these supposed natural rights.

Now, you will agree with me that these rights are not as firmly founded in our laws as they were formerly. This is certainly true with respect to the right of property. True, the judicial department still protects property rights from violent legislative action. But even judges, and it can be more truly said of the general mass, are more and more inclined to interpret our constitutions as having conferred almost plenary power on the legislative department, and under these conditions it is the more important that Congress act independently of executive and other interference and conservatively with due regard to the well-grounded principles of protection to life, liberty, and property that lie embedded in our institutions.

The sense of property—

Says Kent—

> is inherent in the human breast and is graciously bestowed on mankind for the purpose of rousing them from sloth and stimulating them to action. And so long as the right of acquisition is exercised in conformity to the social relations and the moral obligations which spring from them, it ought to be sacredly protected.

In the case before us we will by the passage of this bill destroy the property of the individuals owning the armor-plate concerns, and in two of these instances you will destroy property created at the request of this Government through its representative, the Secretary of the Navy (Secretary Whitney in the case of the Bethlehem Steel Co. and Secretary Tracey with respect to the Carnegie Co.). How can such action be justified? How can this Congress seriously consider such punishment of the people who at the request of the Government has endeavored to render the service required of them? And especially so in consideration of our traditions in so far as property rights and their protection are concerned.

The right of property in this country has hitherto been considered a vested right—that is, the right and privilege of enjoying that which was legally acquired. In the cases mentioned it was not only legally acquired but at the solicitation of the Government that now threatens its destruction, and in one instance, that of the Carnegie Co., entered into most reluctantly and only in an effort and with the desire of serving the Government.

Under our laws the State has no authority even under modern rulings to take the property of the individual without just compensation. And denying to private individuals a fair return on the capital invested is a taking of property without compensation. Business is property just as much as real estate, and the Government has no greater moral right to destroy the property of business men without compensation than it has to take the real estate of individuals. In our country every step in the world of business and social life has been taken upon the faith that the law will protect the investor in his vested rights. For the legislature to overthrow these rights if persisted in to any great extent will work ruin to private industry.

But these abstract notions of justice and right do not seem to sway us in our dealings with corporations, trusts, and monopolies. We feel that these large combinations of capital have acquired more than their due share from the new and rapidly developing system of industry. Perhaps this is true. I am inclined to think that it is, and am ready to join with others in the passage of such wholesome legislation as will transfer the benefits of this industrial system to the general mass. For I believe in the more equitable distribution of the earth's surplus, but at the same time maintain that property rights that have been legally vested should be protected under our laws, and that last of all should they be interfered with by the Government, whose duty it is to render protection.

We hear much of the Armor Trust, and whether or not there is any justification for the charges that have been made I submit to you we should not pass legislation based on the spirit of reprisal. We must not allow any antagonism toward trusts to prompt us in passing unjust and harmful legislation. And, after all, the trusts are not an unmixed evil. For certain it is that conditions of labor have improved under their direction, and that the safety of employees is given more consideration and that old-age pensions have been adopted as a policy. Our remedy against their evils is control.

But while regulating by law and forcing improved conditions of labor and restriction of prices let us not assault the property, the very citadel of the creature thus under our control, for there is danger that we destroy in our wild denunciation and antagonism their great power for good. We must still have room for the growth and development of the individual. We must not put limitations upon his capacity. This development of individuality has brought the trust, which is just as well adapted to modern business needs as was the workman proprietor of early days or the small factory manager of later times. With all their evils they contain a vast amount of good, and, in my judgment, the problem will work out its own solution to the general advantage.

Now, it may be true, as the Good Book says, that:

> The rich are full of violence and treasures of wickedness.

And, yet, I believe that there is much of justice in the words of Story, delivered in the Massachusetts convention of 1820, when he said:

> The poor man ought to be protected in his rights, not merely of life and liberty, but of his scanty and hard earnings. I do not deny that the poor man may possess as much patriotism as the rich, but it is unjust to suppose that he necessarily possesses more. Patriotism and poverty do not necessarily march hand in hand; nor is wealth that monster which some imaginations have depicted, with a heart of adamant and a scepter of iron, surrounded with scorpions stinging everyone within its reach, and planting its feet of oppression upon the needy and the dependent. Such a representation is not just to our country. There is no class of very rich men in this happy land, whose wealth is fenced in by hereditary titles, by entails, and by permanent elevation to the highest offices. Here there is a graduation of

property from the highest to the lowest, and all feel an equal interest in its preservation. * * * In our country the highest man is not above the people; the humblest is not below the people. * * * The richest man among us may be brought down to the humblest level; and the child with scarcely clothes to cover his nakedness may rise to the highest office in our Government. And the poor man while he rocks his infant upon his knees, may justly indulge the consolation that if he possesses talents and virtue there is no office beyond the reach of his honorable ambitions.

And by way of emphasizing the words of Story, let me quote from that great man who is the ideal of what Story had in mind and whose wonderful ability is only now dawning upon the world, the friend of the poor and the oppressed, the great emancipator, Abraham Lincoln:

Property is the fruit of labor; property is desirable; is a positive good in the world. That some should become rich, shows that others may become rich, and hence is just encouragement to industry and enterprise. Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring that his own shall be safe when built.

With such notions of property as are thus embedded in our institutions shall this Government of ours destroy the investment of these people who risked their money in a new venture at the urgent request of the Government. Surely not with any regard to the idea of right in the abstract.

Mr. SLOAN. We have, as I understand, a Government navy yard to build ships of war in competition with private navy yards and private shipbuilding establishments, and also a plant to manufacture the powder which is needed by the Government.

Mr. COLEMAN. Yes, sir; and in the navy yards there have been two large battleships constructed—the *Florida* and *New York*—and the sister ships of each of those battleships have been constructed in private yards. In one case, according to the figures of Admiral Watt it cost $2,269,000 more to construct a ship of the same kind in a navy yard than it cost in a private yard. In the other instance, it cost $1,463,000 more for the Government to construct a ship than it did the private company. And therefore the waste and extravagance in the public yard is evidently greater than the profits of the privately-owned concerns.

Mr. RAKER. Will the gentleman yield?

Mr. COLEMAN. I will.

Mr. RAKER. The *Oregon* was constructed at the Mare Island Navy Yard by the Government. Now, as to her sister ship, what was the difference in cost?

Mr. COLEMAN. I do not remember anything about that. That was 23 years ago.

Mr. RAKER. The sister ship—and I forget her name now—was constructed by a private yard.

Mr. COLEMAN. I was speaking of the *New York* as against the *Texas* and the *Florida* as against the *Utah*.

Mr. RAKER. Take from the way we stand now, does not the gentleman believe that we would get cheaper material if the Government had a plant of its own?

Mr. COLEMAN. I do not believe so, because you are paying $425 a ton for armor. The average cost has been about $450 per ton, and that is less than England, Germany, France, or any of the other nations are paying. England is now paying $503 a ton. Germany is paying $490 per ton, and France $460 a ton, and we are paying $425 a ton.

And, setting aside the question of property rights and taking into consideration the facts that confront us, I say that you can purchase armor more cheaply at $425 than the Government can manufacture it. But the Bethlehem Steel Co. has gone further and said to you that they would manufacture armor, in view of the larger five-year contract that is to be made, for $395 per ton; and the Midvale Steel Co. have offered to manufacture armor for $402.50 per ton, and they have gone further and have said that they would allow the Federal Trade Commission or any chartered public accountant to inventory their plant with a view to obtaining a fair price. And I ask you men, in view of our traditions and our belief in the principle of individual liberty if there is any excuse under these conditions for the Government entering into the field of industrial enterprise? [Applause.]

Mr. TAGUE. I would like to ask the gentleman if the Government did not pay more for the plates on the ships made than Germany and France were paying at the time?

Mr. COLEMAN. According to the Navy Yearbook, which is the best authority I have, the amount paid by England is $503 per ton.

Mr. TAGUE. I mean at the time the ships were built?

Mr. COLEMAN. I do not think at any time within 20 years.

Mr. TAGUE. Is it not a fact that the United States Government was paying 15 per cent more at the time?

Mr. COLEMAN. I can not answer that. But I say if it is true, it is no reason why you should take away this business from private concerns, because the difference in cost of wages in this country and abroad is so much greater than 15 per cent that the wonder is that we do purchase armor at all for a less price than the Governments abroad pay.

Mr. TAGUE. I would like to ask the gentleman if it is not a fact that the two supply ships that are now being built are being built by the United States Government at more than $250,000 less than private concerns bid on them?

Mr. COLEMAN. You can not tell under the present existing method of bookkeeping in the Navy Department how much they cost, because they are not charging indirect expenses. Therefore some expenses are not added to the costs that are charged up by the private concerns.

Mr. RAKER. I understand that Japan has a Government plant. What are they paying now?

Mr. COLEMAN. They have a plant, and they are paying, according to my recollection something about the same that we are paying now.

Mr. RAKER. Does not the gentleman believe that the Bethlehem Steel Co. and the other company named by him are reducing their prices because they realize that the public sentiment in this country is such that we are going to have a Government plant, and they have reduced it on that account?

Mr. COLEMAN. Not on account of public sentiment, but on account of the larger amount to be furnished.

Mr. RAKER. And they would really have raised it if it had not been for the determination of the people to have their own plant?

Mr. COLEMAN. I do not agree with the gentleman, for this reason:

Now, it must be perfectly apparent to the gentleman that these armor-making concerns that have been manufacturing armor plate at about one-third or two-thirds of the capacity of their plants must necessarily charge more for the output of their plants than they could afford to do under a larger contract that would enable them to run their plants at their full capacity; and it is on the basis of running their plants at full capacity that they are willing to give a lower price. Does that answer the gentleman's question?

Mr. RAKER. Yes.

Mr. COLEMAN. According to the Yearbook, Japan pays $490 a ton as against $425 a ton, which we pay.

Mr. CALLAWAY. Mr. Chairman, does not the gentleman know that the public at this time demands an armor plant in order to cut off the pressure that is brought to bear upon Congress and the country generally by the stockholders of the private concerns to keep up the value of their stocks on the market?

Mr. COLEMAN. Personally I do not believe that the manufacturers of munitions and of armor plate are any more concerned about building up a great Navy than are the average people of this country. I do not believe that patriotism is confined to any one class of people in this country, and I think you will find just as much of it among the manufacturers of these things and the owners of the plants as you will find among the men who work in the factories. They are all patriotic.

Mr. CALLAWAY. Does the gentleman know that the Bethlehem Steel stock has gone up from $30 a share to $530 a share, and they hope to keep up the value of their stock after the war is over by furnishing munitions to this country and other countries?

Mr. COLEMAN. The gentleman knows that, whatever the profits have been in the past few years, it has not been due to any armor concern; and, of course, the war in Europe, calling for these immense amounts of ammunition at the prices named by the manufacturers, where the manufacturers can get almost any price they ask for, necessarily means large profits; but these profits have no bearing on the Government armor plant and no relation to conditions that will exist in this country after the war is over.

Mr. CALLAWAY. Does not that explain the enormous pressure that is coming from the Atlantic seaboard at this time in behalf of what is known as "preparedness"?

Mr. COLEMAN. No; it has little, if any, connection with that pressure.

Mr. CALLAWAY. If I had any stock in that company and $500 of value was about to be squeezed out of every $530 worth of the stock I would want the war to continue.

Mr. COLEMAN. Now, I will say to the gentleman that there is nothing of that kind under consideration here at the present time.

Mr. CALLAWAY. That pressure is responsible for the people's effort to get away at this time from the exactions of the armor plants.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. COLEMAN. Mr. Chairman, I ask permission to proceed for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. COLEMAN] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. Yes.

Mr. MEEKER. I want only to say that the gentleman from Texas [Mr. CALLAWAY] has left the impression that if he were a stockholder he would be for preparedness.

Mr. CALLAWAY. Does the gentleman from Missouri say he would not be for preparedness if he owned a lot of that stock?

Mr. MEEKER. I will say I am for preparedness, and I have no stock. [Applause.]

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. Yes.

Mr. RAKER. It has been suggested by the gentleman from Texas [Mr. CALLAWAY] that this stock has increased up to $500.

Mr. COLEMAN. I do not know what it is.

Mr. RAKER. Well, assuming that that is the case——

Mr. CALLAWAY. It is now worth $530 a share, and if it is true that they were selling only at a fair profit to the Government when it was $490 a ton, what are they charging foreign countries now?

Mr. COLEMAN. I do not think they are manufacturing armor plate now for foreign governments.

Mr. CALLAWAY. Then how does the gentleman explain his statement that they are becoming enormously wealthy selling to foreign countries?

Mr. COLEMAN. That is shells that they have been selling.

Mr. CALLAWAY. They have not been selling armor plate?

Mr. COLEMAN. No. Now, I can not yield further, Mr. Chairman. I want to get down to some of the people who are in favor of this. Senator TILLMAN says it would be better if we should have the manufacturers supply the Government at a reasonable price. Under the Butler amendment which is proposed in this bill, providing that the Federal Trade Commission shall make an inventory of these plants and recommend what would be a fair price on the cost of manufacture, with a reasonable profit, I say to you that there is nothing left upon which you can base an argument in favor of a Government armor plant. Rear Admiral Strauss, in a statement before the Naval Committee on January 25, says: "If the private firms will furnish armor plate at a fair profit, and will continue to do so under all conditions, I can see no special advantage in the Government going into the business." Do you see any advantage? If not, why should we, on the part of the Government, strike down the property of individuals and enter into the business, costing us more to manufacture armor than we paid for it before?

Mr. KEATING. Mr. Chairman, will the gentleman yield for a question, just for information?

Mr. COLEMAN. Yes.

Mr. KEATING. Is this Bethlehem Steel Co., that the gentleman mentions so frequently, the same company that sold a lot of armor to the Government with blowholes in it?

Mr. COLEMAN. It is not. The armor plate with the so-called blowholes in it was manufactured by the Carnegie Steel Co., and after an investigation was made by the Government the Carnegie Steel Co. was fined, and the company offered to take any one of those plates off the vessel and have it tested ballistically at Indianhead at their own expense, asking only that the Government should pay the charges if it did not meet the test, and their offer was not accepted by the Government, showing that it was merely a case of a so-called mountain that turned out to be a mole hill.

Mr. KEATING. But they were found guilty, were they not?

Mr. COLEMAN. They were found guilty and fined.

Mr. KEATING. And now you are acquitting them.

Mr. COLEMAN. But after a further investigation the Government remitted the fine, and it never was collected from the company. Now, on the other hand, let me say to the gentleman that that investigation showing up the blowholes in the Carnegie armor plate is nothing in comparison with the frauds developed in the investigation of the Krupp concern in Germany, where the Berlin superintendent of the Krupp armor-plate plant was fined and imprisoned, and other directors also fined, which shows the danger of the connection of the Government with private business concerns.

Let me say further in that connection, if the Government manufactured its own plate, interested as it would be in holding down the cost of the product, would it not be more likely to accept questionable armor for the purpose of making a low cost record than it would in the case of a private company whose product it could reject instantly through its inspectors if it were found in the least degree defective?

But Secretary Daniels insists that the Government should manufacture its own armor, and says:

It is my intention to eventually secure armor for the United States Navy at the actual cost of manufacture. This, it is my firm belief, can be achieved by the erection of a Government armor plant, and it is my intention to lose no opportunity to urge upon Congress the advantages of its construction.

Certainly under such circumstances we can obtain armor at cost. But what will that cost be? Doubtless greater than is now being paid for armor and unquestionably greater than armor can be purchased under the provisions of the Butler amendment.

While there remains no good reason under the conditions that have been referred to for the Government building an armor plant, there are many reasons why it should not do so. All experience teaches us of the waste and extravagance of Government ownership and operation. Under the conditions recited it would be a violation of the spirit of the fourteenth amendment respecting the rights of property. It would be the most pronounced step yet taken by our Government in the direction of Government ownership, against the dangers of which the whole modern world admonishes us. It is contrary to the spirit of our institutions, under which we have enjoyed an orderly and uninterrupted progress, to which nothing has contributed more than the protection of property rights and the encouragement of individual enterprise.

I might cite many authorities to sustain this contention, but will content myself with referring to the wisdom of Woodrow Wilson, whose words I especially commend to the consideration of those on the majority side:

The limit of State functions is the limit of necessary cooperation on the part of society as a whole, the limit beyond which such combination ceases to be imperative for the public good and becomes merely convenient for industrial and social enterprise.

And, again, from the same authority:

Whatever is merely convenient is optional, and therefore not an affair of the State. Churches are spiritually convenient; joint-stock companies are capitalistically convenient; but when the State constitutes itself a church or a mere business association it institutes a monopoly no better than others. It should do nothing which is not in any case both indispensable to social or industrial life and necessarily monopolistic.

Mr. DAVIS of Texas. Will the gentleman yield for one question?

Mr. COLEMAN. I want to finish my statement, and I hope the gentleman will be brief.

Mr. DAVIS of Texas. If the gentleman thinks the Government representatives would accept questionable material on these contracts, would they not be just as likely to accept questionable guns made by the Government?

Mr. COLEMAN. My friend, human nature is the same wherever you go.

Mr. DAVIS of Texas. Amen!

Mr. COLEMAN. And the people who have control of production are interested in getting the best possible results at the least possible cost, and naturally there would be a tendency to accept things when made in a Government plant that the Government inspectors would reject if coming from a private concern.

Now, in conclusion, I want to give you Democrats particularly something more, that I think will be good for you to hear.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLEMAN. I would like two minutes more.

Mr. ROBERTS of Massachusetts. I suggest to the gentleman that on Tuesday next there will be quite a good deal of debate.

Mr. COLEMAN. I have got mountains of this yet.

Mr. ROBERTS of Massachusetts. We have used a good deal more time than the other side already to-day, and we do not want to ride a free horse to death.

Mr. COLEMAN. Give me one minute.

Mr. ROBERTS of Massachusetts. I will give the gentleman one minute.

Mr. COLEMAN. I want to read to you the words of Woodrow Wilson, which may be found in the Atlantic Monthly of November, 1907:

The country is still full of men who retain a deep enthusiasm for the old ideals of individual liberty, sobered and kept within bounds by the equally old definition of personal responsibility, the ancient safeguards against license; and those men are right in believing that those older principles can be so used as to control modern business and keep government outside the pale of industrial enterprise.

I commend those words to you, gentlemen of the Democratic Party——

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. COLEMAN. No; I can not yield. I quote further from the same distinguished authority:

Our very political ideals are now to be decided. We are to keep or lose our place of distinction among the nations, by keeping or losing our faith in the practicability of individual liberty.

I do not know what Democrats may say in answer to this plea; but I, for one, take my stand boldly with those whose faith is still firm in the efficacy of individual enterprise. [Applause on the Republican side.]

Mr. PADGETT. I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I am deeply touched by the solicitude of the distinguished gentleman who has just taken his seat [Mr. COLEMAN], who fears that establishments of the kind proposed will not pay the Government. I am not an advocate of governmental ownership or operation of any of the instrumentalities of business in which private capital can and will engage on honest and fair principles.

In the case of the proposed establishment of munition plants, however, it appears not only that it would pay the Government in three respects, but it is absolutely necessary for three reasons. The first is, the Government by having a plant of its own, managed and conducted by itself at its own expenses, can make certain of having what it wants and needs at the proper time. In the second place, it can make what it needs or wants as good as it pleases without any dispute or altercation with private parties who try to mulct the Government on their contracts. In the third place, we could assuredly prevent our armor plate and other supplies from costing the Government 50 per cent more for our own use than our patriotic manufacturers sell the same things to Russia, 10,000 miles away. I think that answers the gentleman's speech. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Chairman, I rise to say a few words with respect to the American naval officer, inasmuch as several things have been said about him in this Chamber this afternoon which I think need an answer. The naval officers need no defense. Their work and service speak out better than I am able to do. They are not so considered, judging by the applause which met the remarks of certain gentlemen on the Democratic side. At the inception of the Government our forefathers decreed that the Army and the Navy should be kept out of politics. That was a very wise move. But they did not fix it so that politics could be kept out of the Army and the Navy. I agree in part with what the gentleman from Texas [Mr. CALLAWAY] said, that if you remove politics from this Army and Navy question the country might get what it wants in the right kind of preparedness. I agree in part with what the gentleman from Missouri [Mr. HENSLEY] said along the same line. But, gentlemen of the House, I do not agree with what I think was an unwarranted assault by them on the integrity of the American naval officer, and incidentally on the men that serve under him. My friend from Texas [Mr. CALLAWAY] intimated that it was due to the desire and greed of these officers for more "business"; that they desired more ships which would give us a real line of defense. If I have not stated it verbatim, I think I have given his idea. He has no more basis to accuse them of ulterior motives in doing their duty and advising the country what we need in ships than we have to accuse the gentleman who made the statement with ulterior motives for making what I consider, as far as he was concerned, a sincere statement on the floor of the House, mistaken and erroneous as it may be.

I heard the gentleman from Missouri [Mr. HENSLEY] remark in discussing the question as to why more submarines had not been built that it was due to the fact that the American naval officers did not like to have a class of vessel upon which receptions of a social nature could not be held. I do not like to bring it up when he is absent from the floor, but I have waited patiently for my time, and I think the Members of the House will agree with me that that was the inference which he desired to be drawn from what he said.

Now, the first American submarine of the A class was authorized in 1900.

Mr. CALLAWAY. Will the gentleman yield?

Mr. MILLER of Delaware. I do not mean to be discourteous to the gentleman from Texas, but I have only a few minutes, and I can not yield. I did not interrupt him in his remarks. At the conclusion of what I have to say, if I have any time I will be glad to yield. If the particular remark of the gentleman from Missouri was made facetiously, all right, but I do not think it was, because when he made it he was discussing the question of international peace, and he approached the gentleman from Ohio [Mr. EMERSON] in a bellicose fashion and was serious. [Laughter.] Therefore I take it that he was in part serious when he drew the inference that the American naval officers did not like the submarines because they could not hold receptions of a social nature on the quarter-deck.

I will relate an incident to answer facetiously the gentleman from Missouri as to the "social" possibilities of submarines.

The gentleman seems to have forgotten that during the administration of one of our ex-Presidents, his daughter wanted to go down in a submarine; she went down to the navy yard and got into the submarine, and the young lieutenant pulled down the hatch and started the engines, and after a time when she thought she had had a nice ride under the water she was let out, but as a matter of fact the boat was moored to the wharf all the time. [Laughter.]

To be serious, the American naval officer and men under him are the highest type of American citizens. They are really serving the country and for an amount of money which none of us would serve if we had to render the amount of service that they do. Do gentlemen know that when ships or the fleet visit ports for silver-service ceremonies or other events that the officers foot the bills out of their own pockets and the Government does not put up the cost, but they have to do so themselves? This quarter-deck entertaining has another side.

Mr. CALLAWAY. Will the gentleman yield?

Mr. MILLER of Delaware. I prefer not to yield. The officers are the hired experts of our Navy. The Navy is one of the insurance policies of the Government, and the premium we pay on it every year is represented by the annual naval appropriations. We hire these officers as experts to run the Navy as an individual or corporation hires its trained experts.

When these experts in their line of business are called upon for their suggestions and ideas they ought not to be met with sarcastic rebuffs, but they should be given due consideration. Nobody hires experts in business and then ignores their advice in the manner in which Congress treats the advice of our naval experts. We often hear the remark that the mere fact of a naval board of officers advising something is a good reason why it should be turned down.

The General Board of the Navy represents the expert administrators that this Government has to run the Navy, and while I am not carried away by naval or military hysteria, I do believe that those men in the Navy, who give their lives, because it is a life work, to the Government, should not be held up to scorn and sarcasm. They have no vote and they can not reach the people who make these accusations in the way that the voters in their districts can; and in the few minutes I have I think I can utilize it to the best advantage in bringing out a few points on their side. If the gentleman from Texas [Mr. CALLAWAY] now has something to suggest, I would be very glad to yield to him briefly.

Mr. CALLAWAY. I wanted to ask the gentleman if he had read the hearings, in which Capt. Sims said there was nothing like a Navy officer's place in the whole world for a snap, except it be a Supreme Court appointment?

Mr. MILLER of Delaware. I will say to the gentleman that I have not read all the hearings, but I was aware of that verbiage before he refreshed my memory with it. But be that as it may, we all of us heard the distinguished gentleman from Texas [Mr. CALLAWAY] and the equally distinguished gentleman from Missouri [Mr. HENSLEY] cast aspersions upon the character and patriotism of the naval officer, leaving us to believe——

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Delaware. No; I will not yield. Leaving us to believe they brought in their recommendations and announced their advice for ulterior motives, namely, more "business." Mr. Chairman, the gentlemen who are here may wonder why I am so interested in the American naval officer. When I was 10 years old I made up my mind that I was going to go through the Naval Academy and endeavor to serve my country in the Navy, and one of the reasons I did not have the opportunity was because I had defective eyesight. I have seen the naval officer all over the country, and I have seen him in all sorts of predicaments except in actual warfare. They are a credit to the Nation and they are real, unselfish public servants. The same applies to the American Army officer, whom we hear accused of "prancing around in gold lace."

One question the gentleman from Missouri [Mr. HENSLEY] brought up to which I wish to call attention. He was discussing in all sincerity the question of world peace. Gentlemen of the House, as long as this globe is inhabited by the kind of people that make up the human race to-day, human nature is not going to change, and the people that go to make up the various nations of the globe are going to be the controlling factors in the nations of the globe, and you know very well that the time has not arrived when human beings will cease fighting each

other, either physically, mentally, or in a legal way. Therefore, why should the nations that are composed of these various peoples of the globe be any different in the future from what human nature has taught us to know they have been in the past. I could not let that remark of the gentleman from Missouri go by without saying a few words on the other side of the question. I listened with intense interest to the remarks of the gentleman and was very much impressed by his sincerity. I disagree with him as to his deductions.

We have heard to-day a discussion as to the reserve fleets, and I just want to bring one thing to the attention of the House, a situation that arose in connection with the calling out of one of the vessels of our reserve fleets at the League Island Navy Yard last year, when the *Alabama* was ordered to the Virginia Capes for neutrality duty in connection with the interned German auxiliary cruisers. I purposely consulted a friend of mine in the department about this matter to-day. The *Alabama* was ordered out at 5 p. m. on the 27th of March, 1915. That was a Saturday, and she got away in the prescribed time of 48 hours, on Monday afternoon, for the Virginia Capes, but every other battleship in the Atlantic reserve fleet at League Island Navy Yard, Philadelphia, had to be stripped of officers and men to make up the complement of the *Alabama* when she sailed forth, even on a peaceful mission of neutrality. I think it well to bring this to the attention of the House, because we understand that all over the country we have what is known as the reserve fleets, manned with a 40 per cent complement crew, ready to leave on 48 hours' notice for any duty, whether on peace, frolic, or fight. Yet here last year we had a concrete example of what it took to send one of those boats, the *Alabama*, from the League Island Navy Yard on a peaceful mission to the Virginia Capes. It stripped every other one of those vessels in the reserve fleet of officers and men in order to prepare that boat to go forth. I do not need to draw any conclusions as to what would have to have been done in order to send forth the whole reserve fleet, and that is an argument in favor of increasing the enlisted force of the Navy as it is increased in this bill, and of increasing it even to the extent asked for by the General Board. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT]. [Applause.]

Mr. FOCHT. Mr. Chairman, I have listened with much profit to the illuminating discussion of this question of whether the country shall be protected by dreadnaughts or submarines. The afternoon's debate seems to have resolved itself into a question as to which would be most potent and effective in resisting an invading foe or one that attempted to invade us. Now I want to congratulate both sides of this House, those who are for the submarines and those who are for the dreadnaughts, upon the manner in which they have endeavored to reach a proper conclusion, for, after all, my friends, we must realize that we are to meet conditions as they are to-day, and the quicker the better, and by such means as are at our command; and the deductions to be made from the rather contradictory evidence presented before this committee is a task of some proportions confronting us.

Now as to the submarine and the dreadnaught, from what the gentleman from Texas has said, notwithstanding the arguments of Mr. Foss and several other friends on this side, it is evident to my mind that with the continued development of aircraft and of the efficiency and potency of the submarine, by the time you could complete a dreadnaught, I give it as my opinion that the dreadnaught in the presence of a submarine would be no more potent and efficient than an empty collar box floating on the bosom of the Potomac River. [Applause.] Notwithstanding it is the judgment of the experts that we should have dreadnaughts, and I shall vote for any reasonable number that may be provided for in the bill, it is my opinion that with the further development of the efficiency of submarines naval warfare and all kinds of warfare must end, because it will mean annihilation.

Mr. CALLAWAY. Will the gentleman yield?

Mr. FOCHT. If you will give me time. I want to say to my friend, with respect to standing under that Cross down on the Andes Mountains, and what it typifies and symbolizes, I regret indeed the difference between men and nations can not be thus settled, but the world seems to have gone war crazy. The big imperial bosses of Europe, even though they are intermarried and of the same blood, are determined to war to annihilation, as some have declared, and therefore, my friends, in the presence of this insanity and the fact that there is no longer the restraint of the Christian religion attached to their actions, we as American patriots must see to it that this Government is amply prepared to defend the integrity of this one free country the world has ever seen, or, as Lincoln said, we are the only kind of people it is worth while having a country like this for, the plain people. The gentleman from New York a moment ago said that he was deeply moved—"impressed," I believe, was the word—when the President of the United States appeared on the floor of this House and delivered a speech. I myself can not say that I was so greatly impressed; instead, it rather reminded me of some of the pomp and circumstance that attended the coronation of a Cæsar, quite out of keeping with the democracy of this country, and assuredly from the attitude of my friends on this side to-day, as I have heard their deliverances and their utterances, it made no impression on them if his purpose was to come here and stir up any war feeling and spirit for preparedness. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15947 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHERWOOD, for five days, on account of memorial services and private business.

To Mr. BARNHART, indefinitely, on account of sickness in his family.

To Mr. HOLLINGSWORTH, to attend Memorial Day exercises on May 30, at Canton, Ohio, and deliver an address to the Canton Grand Army of the Republic Post and citizens.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4856. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1288. An act for the relief of Simon M. Preston; to the Committee on Claims.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned to meet on Monday, May 29, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimates of urgent deficiencies in appropriations required by the War Department for the service of the fiscal year ending June 30, 1916 (H. Doc. No. 1167); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of north shore of Long Island, N. Y., between Huntington Harbor and Plum Gut, with a view to the construction of a harbor of refuge (H. Doc. No. 1168); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk and referred to the several calendars therein named, as follows:

Mr. VENABLE, from the Committee on Indian Affairs, to which was referred the bill (H. R. 489) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims, reported the same with amendment, accompanied by a report (No. 775), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton, to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce, to prevent deception therein, and for other purposes, reported the same without amendment, accompanied by a report (No. 777), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CANDY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 14944) authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 47, Moody County, S. Dak., to the city of Flandreau, to be used as a public playground, reported the same with amendment, accompanied by a report (No. 778), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM, from the Committee on the Judiciary, to which was referred the bill (H. R. 14299) to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 776), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15066) granting a pension to George W. Johnston, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. LOBECK: A bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

By Mr. McANDREWS: A bill (H. R. 16061) to extend the present leaves of absence of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. GRIFFIN: A bill (H. R. 16062) granting leaves of absence to employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: A bill (H. R. 16063) granting leaves of absence to employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. MORRISON: A bill (H. R. 16064) to incorporate the Federal Council of the Churches of Christ in America; to the Committee on the Library.

By Mr. HILLIARD: A bill (H. R. 16065) to fix standard sizes for baskets or other open containers for small fruits, berries, vegetables and other dry commodities, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. DAVENPORT: A bill (H. R. 16066) repealing all laws giving authority to the chief or governor of the Creek Tribe of Indians to enter into a contract for employment of a national attorney for the Creek Tribe of Indians, subject to the approval of the President of the United States; to the Committee on Indian Affairs.

By Mr. ELLSWORTH: A bill (H. R. 16067) for the tuition, board, books, paper, and traveling expenses to and from their respective homes of six Chippewa boys to either academies or colleges for the school year ending June, 1916; to the Committee on Indian Affairs.

By Mr. CARAWAY: A bill (H. R. 16068) to authorize the construction, maintenance, and operation of a wagon bridge across the Black River at or near Bennetts Ferry, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDDLESTON: A bill (H. R. 16069) to provide for public education upon political questions and for the dissemination of information upon political issues and matters of a political nature of public interest; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16070) to dispose of unclaimed bank deposits in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DAVENPORT: Resolution (H. Res. 250) calling for copies of the report of Linnen & Cook and S. M. Brosius on the charges filed against R. C. Allen, national attorney for the Creek Tribe of Indians; to the Committee on Indian Affairs.

By Mr. MAPES: Joint resolution (H. J. Res. 230) authorizing the National Society United States Daughters of 1812 to file its historical material in the Smithsonian Institution and to make annual reports to the secretary thereof; to the Committee on the Library.

By Mr. GARDNER: Joint resolution (H. J. Res. 231) relating to the European war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BEAKES: A bill (H. R. 16071) granting a pension to Marcilla Dusseau; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 16072) granting an increase of pension to John W. Paulus; to the Committee on Pensions.

By Mr. COLEMAN: A bill (H. R. 16073) for the relief of the McClintic-Marshall Construction Co.; to the Committee on Claims.

By Mr. ELLSWORTH: A bill (H. R. 16074) granting an increase of pension to William Mitchell; to the Committee on Pensions.

By Mr. FARR: A bill (H. R. 16075) granting an increase of pension to Elizabeth Davis; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 16076) granting an increase of pension to Sarah A. Polen; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 16077) granting an increase of pension to William M. Ferris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16078) granting an increase of pension to Sadie C. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16079) granting an increase of pension to Thomas G. Willstead; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16080) granting an increase of pension to Alcesta F. Holahan; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 16081) granting an increase of pension to William H. G. Murray, alias Henry Gordon; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 16082) granting an increase of pension to David M. Crow; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 16083) granting an increase of pension to William S. Jackson; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16084) granting an increase of pension to L. E. Benton; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 16085) granting a pension to Bertha E. Jones; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 16086) granting an increase of pension to John W. Dewrose; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 16087) granting a pension to James H. Schneider; to the Committee on Pensions.

By Mr. TREADWAY: A bill (H. R. 16088) granting a pension to Caroline Koch; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16089) granting a pension to Mary H. Bisbey; to the Committee on Invalid Pensions.

By Mr. WICKERSHAM: A bill (H. R. 16090) for the relief of the officers and crew of the lighthouse tender *Armeria*; to the Committee on Claims.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 16091) granting a pension to Thomas E. Pendergrass; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 16092) granting a pension to Inger Nass; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of General Conference of the Methodist Episcopal Church at Saratoga, N. Y., in re Sunday rest law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. BAILEY: Petition of National Automobile Chamber of Commerce, New York City, relative to extending further the usefulness of the Bureau of Mines; to the Committee on Mines and Mining.

By Mr. CANDLER of Mississippi: Petition of sundry business men of Columbus and Starkville, Ohio, favoring bills to tax mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Philadelphia Wholesale Lumber Dealers' Association, favoring passage of House bill 651, relative to duty of carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Memorial of Wyoming State Democratic convention, relative to woman suffrage; to the Committee on the Judiciary.

Also, petition of Madeleine G. Hooton, of Binghamton, N. Y., favoring passage of bill to establish a probation system in United States courts; to the Committee on the Judiciary.

Also, memorial of National Society for the Promotion of Industrial Education, New York City, favoring passage of the Smith-Hughes vocational education bill; to the Committee on Education.

By Mr. DOOLING: Memorial of Gadsden (Ala.) Chamber of Commerce, favoring passage of the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Petition of Automatic Printing Co., of Bridgeport, Conn., against passage of House bill 6458, relative to type-casting machines; to the Committee on Patents.

By Mr. GOOD: Petition of sundry citizens of the State of Iowa, against passage of the Sunday-observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens of the State of Iowa, against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Petition of Paul E. Birkmeyer, of Baltimore, Md., favoring passage of Nolan bill; to the Committee on Reform in the Civil Service.

Mr. O'SHAUNESSY: Petition of Bakery and Confectionery Workers of America, favoring passage of House bill 10318, employers' liability act; to the Committee on the District of Columbia.

Also, petitions of American Association for Labor Legislation and Cooperative Employment Bureau, favoring passage of House bill 15316, workmen's compensation bill; to the Committee on the Judiciary.

Also, memorial of Newport Humane Club, relative to State inspection of food-producing animals; to the Committee on Agriculture.

Also, memorial of New Britain (Conn.) Chamber of Commerce, favoring passage of the Pomerene bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rhode Island Antituberculosis Association against Senate joint resolution 120, relative to Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fred Mitchell, Alton, R. I., against House bill 14666, providing for registration of design; to the Committee on Patents.

By Mr. PAIGE of Massachusetts: Memorial of nine voters and Congregational Church of Royalston, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLOAN: Petition of Mrs. R. J. Fricke and 37 others, favoring public hearing provided for in the Emerson resolution looking toward securing a guaranty covering proposed shipment of milk; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Memorial of Knights of Luther and Ladies Auxiliary of Denver, Colo., against bills to amend the postal laws pertaining to religion; to the Committee on the Post Office and Post Roads.

By Mr. WILLIAMS: Petition of 48 citizens of Edwards County, Ill., favoring a Christian amendment to the Constitution; to the Committee on the Judiciary.

SENATE.

MONDAY, *May 29, 1916.*

(*Legislative day of Thursday, May 18, 1916.*)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Oliver	Sterling
Bankhead	Husting	Overman	Stone
Brady	James	Owen	Sutherland
Brandegee	Jones	Page	Swanson
Chamberlain	Kenyon	Pittman	Taggart
Chilton	La Follette	Poindexter	Thomas
Clark, Wyo.	Lane	Pomerene	Thompson
Clarke, Ark.	Lea, Tenn.	Ransdell	Tillman
Culberson	Lippitt	Reed	Vardaman
Cummins	Lodge	Saulsbury	Wadsworth
Curtis	McLean	Sheppard	Walsh
Dillingham	Martin, Va.	Sherman	Warren
Fletcher	Martine, N. J.	Shields	Weeks
Gallinger	Myers	Simmons	Williams
Gore	Nelson	Smith, Ariz.	Works
Harding	Newlands	Smith, Mich.	
Hardwick	Norris	Smoot	

Mr. TAGGART. I desire to state that the senior Senator from Indiana [Mr. KERN] is unavoidably absent.

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present. In accordance with the unanimous-consent agreement, at this time the Senate will proceed to vote without further debate upon the pending motion of the Senator from Wisconsin [Mr. HUSTING], which is a motion to recommit the bill with instructions.

Mr. CLARKE of Arkansas. I ask for the yeas and nays on that vote.

The yeas and nays were ordered.

Mr. LODGE. I ask that the motion may be read.

The VICE PRESIDENT. The Secretary will read the motion.

The SECRETARY. The Senator from Wisconsin [Mr. HUSTING] moves that the pending bill (H. R. 12193) be recommitted to the Committee on Commerce with instructions to report a substitute therefor appropriating an amount not in excess of $20,000,000 for the maintenance of river and harbor projects adopted by Congress and now under improvement and for the further prosecution of work on rivers and harbors adopted by Congress: *Provided*, That the amounts for such maintenance and prosecution shall be apportioned by the Chief of Engineers under the direction of the Secretary of War.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the motion of the Senator from Wisconsin [Mr. HUSTING].

The Secretary proceeded to call the roll.

Mr. JAMES (when Mr. BECKHAM's name was called). My colleague [Mr. BECKHAM] is unavoidably absent. He is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent. I am informed that if he were present he would vote "nay," and as I desire to do the same I feel relieved from my pair. Therefore I vote "nay."

Mr. CHILTON (when Mr. GOFF's name was called). I wish to announce for the day that my colleague [Mr. GOFF] is absent on account of illness.

Mr. HARDING (when his name was called). I have a pair with the junior Senator from Alabama [Mr. UNDERWOOD]. On account of his absence I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Maryland [Mr. SMITH] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], which I transfer to the senior Senator from Indiana [Mr. KERN] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the explanation made by me on Saturday, and asking that the announcement may stand as long as the river and harbor bill is before the Senate, I vote "nay."

The roll call was concluded.

Mr. TAGGART. I wish to announce that the Senator from Indiana [Mr. KERN] is unavoidably absent, and that if he were present he would vote "yea." As announced, he stands paired on this vote with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent from the Chamber. He is paired with the junior Senator from Florida [Mr. BRYAN].

Mr. SIMMONS (after having voted in the negative). I transfer my pair with the Senator from Minnesota [Mr. CLAPP] to the Senator from California [Mr. PHELAN] and let my vote stand.

Mr. TILLMAN. I wish to announce that I am paired with the Senator from West Virginia [Mr. GOFF]. I would vote "yea" if I could get a transfer of my pair.

Mr. GALLINGER. I wish to announce the unavoidable absence of the Senator from Maine [Mr. BURLEIGH] on account of illness. He is paired with the Senator from Arkansas [Mr. ROBINSON].

Mr. TILLMAN. I am informed by the Senator from Colorado [Mr. THOMAS] that I can transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from South Dakota [Mr. JOHNSON]. I do that and vote "yea."

Mr. THOMAS. I will state to the Senator from South Carolina that I am informed the Senator from South Dakota [Mr. JOHNSON] was paired on Saturday with the Senator from Illinois [Mr. LEWIS].

Mr. TILLMAN. I withdraw my vote under that statement.

Mr. OWEN. I wish to ask if the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I withhold my vote. I understand that the Senator from New Mexico [Mr. CATRON], if here, would vote "nay." I would vote "yea" if I were not paired with that Senator.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN];

The Senator from South Dakota [Mr. JOHNSON] with the Senator from Illinois [Mr. LEWIS]; and

The Senator from Nebraska [Mr. HITCHCOCK] with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 27, nays 41, as follows:

YEAS—27.

Ashurst	Gallinger	Lodge	Sutherland
Borah	Gore	Norris	Taggart
Brady	Hollis	Page	Thomas
Clark, Wyo.	Husting	Pomerene	Thompson
Cummins	Kenyon	Shafroth	Wadsworth
Curtis	La Follette	Sherman	Warren
Fall	Lane	Smoot	

NAYS—41.

Bankhead	Jones	Pittman	Sterling
Brandegee	Lea, Tenn.	Poindexter	Stone
Broussard	Lippitt	Ransdell	Swanson
Chamberlain	McLean	Reed	Vardaman
Chilton	Martin, Va.	Saulsbury	Walsh
Clarke, Ark.	Martine, N. J.	Sheppard	Weeks
Culberson	Myers	Shields	Williams
Dillingham	Nelson	Simmons	Works
Fletcher	Newlands	Smith, Ariz.	
Hardwick	Oliver	Smith, Ga.	
James	Overman	Smith, Mich.	

NOT VOTING—28.

Beckham	Goff	Kern	Phelan
Bryan	Gronna	Lee, Md.	Robinson
Burleigh	Harding	Lewis	Smith, Md.
Catron	Hitchcock	McCumber	Smith, S. C.
Clapp	Hughes	O'Gorman	Tillman
Colt	Johnson, Me.	Owen	Townsend
du Pont	Johnson, S. Dak.	Penrose	Underwood

So Mr. HUSTING'S motion was rejected.

Mr. NEWLANDS. Mr. President, I renew the amendment I offered the other day, an amendment which was inserted in the river and harbor bill some two years ago by the Senate. I understand that the Senator from New Hampshire [Mr. GALLINGER] will not press his point of order against it.

Mr. CLARKE of Arkansas. Mr. President, the amendment has been read heretofore. The purport of it is quite well understood. I have no objection to its going into the bill, with the reservation that the whole subject to which it relates—and which is a broad one—will receive consideration commensurate with its importance when the matter reaches conference. I do not think it is well to take up any time at this stage of the consideration of the pending bill to go into the matter more elaborately; but I feel satisfied that that particular amendment, taken in connection with one offered by the Senator from Washington [Mr. POINDEXTER] and another by the Senator from Iowa [Mr. KENYON], will constitute a fund of information and suggestion that will be valuable to the conference, and it may be that we can evolve some plan by which river and harbor items may be robbed somewhat of the criticism that is now directed against them.

Mr. GALLINGER. Mr. President, when this amendment was offered two or three days ago I made a point of order against it. I think that instead of being placed in this bill it ought to be considered as a separate measure; but in view of the statement made by the chairman of the committee, I shall not renew the point of order as far as I am concerned.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada.

Mr. REED. Mr. President, before the amendment is accepted I want, if I can, to get a copy of it. There have been two or three amendments, and I am in doubt which one is before the Senate.

Mr. CLARKE of Arkansas. If the Senator from Missouri desires to debate the amendment, I am willing to have it go out on a point of order.

Mr. REED (after examining the amendment). I have nothing to say, Mr. President.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nevada [Mr. NEWLANDS].

The amendment was agreed to, as follows:

SEC. 8. That a commission, to be known as the river regulation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the chairman of the Commerce Committee of the Senate, the chairman of the Interstate Commerce Committee of the Senate, the chairman of the Rivers and Harbors Committee of the House of Representatives, and the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, is hereby created and authorized to bring into coordination and cooperation the Corps of Engineers of the Army and other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belong to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and resources of the United States; and such river regulation commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development and utilization, and constructors of eminence as it may deem advisable to employ in connection with such plans. And for the expenses of such organization, investigation, and plans the sum of $500,000 is hereby appropriated.

Mr. HARDWICK. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. On page 14, at the end of line 17, it is proposed to insert:

Improving Savannah River at Augusta, Ga.: Completing improvement in accordance with the report of the Board of Engineers for Rivers and Harbors submitted in Rivers and Harbors Committee Document No. 4, Sixty-fourth Congress, first session, $33,000.

Mr. HARDWICK. Mr. President, I think, when I explain this amendment to the Senate and to the Senator in charge of the bill [Mr. CLARKE of Arkansas], there will be no opposition to it.

The amendment I propose is to complete the project at Augusta, Ga. The appropriation was not included in the river and harbor bill because the Board of Engineers had not reported on it at the time the House of Representatives considered the proposition, nor had they reported on the project at the time the Senate committee considered it. Since then the Chief of Engineers has submitted a report urging this appropriation. In a letter addressed to Hon. F. M. SPARKMAN, chairman of the Committee on Rivers and Harbors of the House of Representatives, the Chief of Engineers says:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 28, 1916.

Hon. S. M. SPARKMAN,
Chairman Committee on Rivers and Harbors,
House of Representatives.

SIR: 1. Referring to your letter of February 7, 1916, inclosing a copy of a resolution by the Committee on Rivers and Harbors of the same date, requesting the Board of Engineers for Rivers and Harbors to review its report on the survey of Savannah River at Augusta, Ga., printed in House Document No. 615, Sixty-fourth Congress, first session, with a view to determining whether, in its opinion, any further improvement of the locality is necessary or advisable in the way of additional revetment or otherwise for the protection of the work already done by the Government, as well as the probable cost of the same, I have the honor to inclose herewith a report of the board, dated April 12, 1916, in response thereto, together with a report by the district officer, Col. W. C. Langfitt, Corps of Engineers, dated March 17, 1916.

2. As a result of its further investigation of this subject, the board finds that there has been some erosion of the bank at King Mill tailrace, which, in its opinion, should be checked by revetting the bank for a short distance, at an estimated cost of $35,000, this revetment being considered advisable for the protection of the work already done by the Government.

3. After due consideration of the subject, I concur in the views of the board. The full amount of the estimated cost of the improvement should be provided in one appropriation.

Very respectfully,
W. M. BLACK,
Chief of Engineers, United States Army.

Mr. President, the situation is just this: We have spent a large amount of money on this project at Augusta, Ga. We thought we had completed it; but since this bill passed the House and since it was reported by the Committee on Commerce of the Senate, the Board of Engineers find that it is necessary to expend $33,000 in addition for revetment work, to preserve the work which has already been done and to save the money which we have already spent. I will only say that I ask that this amendment be put into the bill on the same terms that I asked for the insertion of the other amendment. I am sure that the conferees on the part of the other House will readily agree to it, and that the conferees on the part of both Houses will, in conference, conclude that it is an absolutely necessary item. Otherwise, I shall not expect the Senate conferees to insist upon its adoption.

The VICE PRESIDENT. The question is on the adoption of the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. TAGGART. Mr. President, in view of the discussion which has prevailed here on the river and harbor bill for some days past on the various motions which have been submitted for the reduction of the appropriations for some of the projects therein contained and the motions to reduce the appropriations having been defeated, it is evident to my mind from the votes of those who are opposed to the reduction of such appropriations that they consider all of the projects embraced in this bill as meritorious. I therefore offer the amendment which I send to the desk, which I ask may be read and adopted.

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following as a new section:

SEC. —. That none of the appropriations herein made, except for maintenance and for projects partially completed, shall become available until the Secretary of War shall first determine that the improvement will promote or that it is essential to the interests of interstate or foreign commerce.

Mr. CLARKE of Arkansas. Mr. President, that evidently revolutionizes the policy of framing river and harbor bills, as prescribed by act of Congress, and is therefore new legislation. I make the point of order against the amendment.

The VICE PRESIDENT. To what act of Congress does the Senator from Arkansas refer?

Mr. CLARKE of Arkansas. To the act of Congress referring these projects to the Board of Engineers and their formal adoption by act of Congress. The provision of law is that when they are reported by the Board of Engineers and an appropriation has been made for the beginning of actual work, they are then in the sense of Congress adopted projects, and they are continued under that system until a different one is provided. You could add conditions to the expenditure of public money in an appropriation bill, but this amendment is not directed to any particular project; it undertakes to deal with all of them. It would require additional surveys, and it delegates to an executive officer the legislative function of discriminating between these particular projects which Congress heretofore has by formal action adopted. I, of course, could get together the different acts of Congress covering these subjects, if it be deemed necessary to do so.

The VICE PRESIDENT. But, as the Chair reads the amendment, it is simply a limitation on the expenditure of these appropriations.

Mr. CLARKE of Arkansas. It could not be a limitation on them so as to change the course of the appropriation without——

The VICE PRESIDENT. The Chair is inclined to think that the point of order is not well taken.

Mr. CLARKE of Arkansas. I will submit, if the Chair is going to rule in that way.

The VICE PRESIDENT. It is a limitation of the appropriation. The question is on the amendment.

Mr. KENYON. On that question I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARDING (when his name was called). Repeating the announcement of my pair with the Senator from Alabama [Mr. UNDERWOOD], I withhold my vote.

Mr. SAULSBURY (when his name was called). Repeating the announcement of my pair and its transfer as on the last roll call, I vote "nay."

Mr. SIMMONS (when his name was called). Making the same transfer of my pair as announced on the former vote, I vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair and transfer as before, I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "yea."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from North Carolina [Mr. OVERMAN]. I do not see him in the Chamber, and I therefore withhold my vote.

The roll call was concluded.

Mr. TOWNSEND. I have a pair with the junior Senator from Florida [Mr. BRYAN], and therefore withhold my vote.

Mr. HARDWICK (after having voted in the negative). I transfer my pair with the Senator from Kansas [Mr. CURTIS] to the Senator from New Jersey [Mr. HUGHES] and allow my vote to stand.

Mr. GALLINGER. I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from South Dakota [Mr. JOHNSON] with the Senator from Illinois [Mr. LEWIS]; and

The Senator from Nebraska [Mr. HITCHCOCK] with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 21, nays 37, as follows:

YEAS—21.

Ashurst	Jones	Oliver	Thomas
Brady	Kenyon	Page	Thompson
Fall	La Follette	Pomerene	Tillman
Gallinger	Lane	Sherman	
Gore	Lippitt	Smoot	
Husting	Norris	Taggart	

NAYS—37.

Bankhead	Lea, Tenn.	Ransdell	Stone
Brandegee	Lodge	Reed	Swanson
Broussard	McLean	Saulsbury	Vardaman
Chamberlain	Martin, Va.	Sheppard	Wadsworth
Chilton	Martine, N. J.	Shields	Walsh
Clarke, Ark.	Myers	Simmons	Weeks
Culberson	Nelson	Smith, Ariz.	Williams
Fletcher	Overman	Smith, Ga.	
Hardwick	Pittman	Smith, Mich.	
James	Poindexter	Sterling	

NOT VOTING—38.

Beckham	Dillingham	Kern	Shafroth
Borah	du Pont	Lee, Md.	Smith, Md.
Bryan	Goff	Lewis	Smith, S. C.
Burleigh	Gronna	McCumber	Sutherland
Catron	Harding	Newlands	Townsend
Clapp	Hitchcock	O'Gorman	Underwood
Clark, Wyo.	Hollis	Owen	Warren
Colt	Hughes	Penrose	Works
Cummins	Johnson, Me.	Phelan	
Curtis	Johnson, S. Dak.	Robinson	

So Mr. TAGGART'S amendment was rejected.

Mr. KENYON. I offer an amendment to come in as a new section to the bill.

Mr. STERLING. Mr. President, I ask the Senator from Iowa if he will not, since that amendment proposes a new section, withhold it in order that I may offer an amendment which simply proposes an addition to one provision, leaving the bill otherwise as it now stands?

Mr. KENYON. I am perfectly willing to do that, but I do not see how it makes any difference. However, if the amendment of the Senator from South Dakota is urgent, I am perfectly willing to withhold the amendment which I desire to offer.

The VICE PRESIDENT. The Chair will suggest that it will not make any difference as to which amendment is first offered.

Mr. CLARKE of Arkansas. Mr. President, the amendment offered by the Senator from Iowa [Mr. KENYON] is of the same general nature as that offered by the Senator from Nevada [Mr. NEWLANDS], and, for the same reason, I hope that it will be included in the bill, so that it may be considered in connection with the general subject. I inquire which amendment is pending?

The VICE PRESIDENT. As the Chair understands, the amendment offered by the Senator from Iowa [Mr. KENYON] is pending.

Mr. CLARKE of Arkansas. That is what I supposed.

Mr. LODGE. It has not been read.

Mr. CLARKE of Arkansas. That is the amendment to which my remarks applied. The Senator from South Dakota may possess himself in patience. He will get an opportunity to present the amendment he desires to offer.

Mr. STERLING. Very well.

Mr. REED. Let the amendment proposed by the Senator from Iowa be stated.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The Secretary proceeded to read the amendment proposed by Mr. KENYON, which in full is as follows:

Add at the end of the bill as a new section the following:

"That a commission is hereby created and established, to be known as the national waterway commission, hereafter referred to as the commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

"That each commissioner shall receive an annual salary of $6,000, payable in the same manner as the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $4,000, payable in like manner. The commission shall have the authority to employ and fix the compensation of civil engineers, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated by Congress, and in making appointments for continuous service the commission, so far as practicable, shall select its employees from the classified service.

"All property of the United States in the hands or under the control of Army engineers or other officials or of private individuals or public contractors, including dredges, steamboats, barges, yards, and other property used in the improvement of public waterways, shall be placed under the jurisdiction and authority of the commission.

"That the Secretary of War may, if practicable, detail such Army engineers as are requested by the commission to assist in organizing and establishing a comprehensive system of waterway improvement, providing that such details of engineers shall not be made to the detriment of their military duties.

"That the commission shall have the authority and it shall be its duty to make an investigation of all waterway projects now constructed in whole or in part by Federal aid. The commission shall prepare a complete and succinct statement, by years, of the amount heretofore appropriated for each project, the estimated amount required to complete such project, a report of the commerce now served and to be served, the character of such commerce given by separate items so far as can be furnished, the source of information, the interests to be served, the kind of water craft used, and such other information as may be useful in determining the public use and value of the project. The commission shall also furnish Congress, at the earliest practicable date, information concerning all harbors and waterways now improved or being improved in whole or in part by Government aid, showing the amount of commerce, character of terminals or landings, ownership thereof, and, so far as practicable, ownership of regular lines of craft used thereon; and the commission shall also report its recommendations for the finishing of the projects now being constructed or modification of existing plans or abandonment of work on any project, together with findings upon which such recommendations are based.

"The commission shall further ascertain and report what projects are now being improved for purposes other than navigation, and if for power development, a full statement of interests concerned, officers and stockholders, public use to be served, if any, private or public contribution toward expense of construction, and the commission's recommendations thereon. Said commission shall further ascertain and report what projects are now being carried on in whole or in part for land-reclamation purposes, the character of such project, amount of lands to be recovered, estimated value of such lands, ownership thereof, and contributions now being made by beneficiaries toward such expenditures, together with the commission's recommendations.

"The commission shall make a full investigation into all work now being performed by the Mississippi River Commission, the amount of money heretofore expended on such river, character and permanency of work performed, and reclamation interests now being served, if there be any, a full statement of contributions by public or private interests toward said work, together with a comprehensive and intelligible report of the probable cost of the present plans of levee construction or other river improvement now being undertaken, the percentage of project completed, and this commission's recommendation thereon. Such Mississippi River report shall be separate and distinct from reports on other projects now under improvement by the Federal Government.

"All of such data and all other available information of a pertinent character affecting particular projects or entire waterway improvements now being conducted by the Federal Government shall be collected in convenient form and presented to Congress in installments at the earliest practicable date.

"When the commission shall have reason to believe at any time that the proposed project is not for general use of the public or will not warrant further expenditures, or if contributions shall be required to be furnished before further appropriations are made or further expenditures authorized, such commission shall immediately report to Congress, with a preliminary recommendation thereon, and shall furnish a copy thereof to the United States Treasurer. That thereupon, when so recommended, the Treasurer shall withhold all funds theretofore appropriated not specifically obligated under existing contracts and shall refuse further payments until subsequent and specific action shall be had thereon by Congress.

"That prior to the presentation of any new waterway project appropriations the commission shall cause a careful survey of the proposed improvement, and if it shall appear such project is to serve a public use and is feasible, the commission shall thereupon collate data showing the estimated cost thereof, commerce to be served, water craft to be used, public terminals furnished, and contributions recommended to be made by public or private interests, together with such additional data as has heretofore been specifically required to be furnished on existing projects. The commission shall thereupon transmit to the Committee on Appropriations of the House of Representatives a full report concerning such new project or projects, its recommendations thereon, and, if requested so to do, all other and further information that may be required by the Committee on Appropriations.

"Whenever the commission shall determine that any waterway project is primarily for power or land-reclamation purposes or to serve special interests, the commission may recommend Government aid for such project, notwithstanding the special interests to be served, and shall prepare data showing the proportionate amount of Federal aid recommended, together with suitable restrictions as to audit and payment of funds from the Public Treasury. Such recommendation shall be presented as a proposed separate bill to the Committee on Appropriations of the House and shall not be embodied in any general waterway appropriation bill by such committee.

"Whenever any new survey shall be proposed for any waterway project the commission, prior to such survey, may require data to be furnished showing the public use and prospective commerce to be served and such other information as may be desired, and a brief synopsis of such information shall be furnished to Congress by the commission to accompany any recommendations made for new surveys.

"All existing waterways, new projects, and new surveys shall be classified, so far as practicable, prior to each regular session of Congress, together with estimates of appropriations required for maintenance and improvement for the ensuing two-year period, and a brief report as to each project considered shall be separately prepared and, with the commission's recommendation thereon, shall be placed in the hands of the Committee on Appropriations of the House at the beginning of each session.

"Whenever the Appropriations Committee so requires the commission shall furnish additional data concerning any project, and shall further aid the Committee on Appropriations when requested so to do in the preparation of the regular river and harbor bill, which shall be prepared and presented by the Committee on Appropriations of the House.

"The commission shall further compile and cause to be published at the earliest practicable date for the use of Congress an intelligent, concise statement of past waterway expenditures by the Government and of amounts needed to complete all continuing projects, and shall further give estimates of future obligations to be incurred by new projects recommended for construction. The commission shall give preference in its recommendations to Congress of appropriations needed to complete the more important projects, and, so far as practicable, shall enter upon a program looking toward the early completion of such projects.

"The commission shall make a thorough investigation of reasons for loss of river traffic and shall make recommendations for the reestablishment of such traffic. It shall ascertain and determine the most available craft for river use, and, as soon as practicable, shall prepare plans and build experimental craft for such purpose.

"Whenever reason therefor shall appear the commission may fix reasonable freight rates on all interstate water-borne traffic by common carrier and upon all such traffic on navigable waters wholly within the State, subject, however, to the jurisdiction now conferred by law on the Interstate Commerce Commission to fix maximum joint rates between and over rail and water lines.

"The commission shall determine the reasonableness of wharfage or water terminal charges, whether such terminals are owned by private persons or municipalities, and all river and harbor improvements, including terminal facilities, shall be under the supervision and control of the commission.

"Whenever the commission shall determine that unprofitable railway freight tariffs are maintained in any given case in order to prevent waterway competition, it shall be the duty of the commission to make a report thereon in duplicate to the Interstate Commerce Commission and to Congress, with recommendations that Congress give power, if need be, to the Interstate Commerce Commission for fixing minimum railway rates.

"The commission shall at the earliest practicable date adopt an intelligent system of natural waterway improvement and shall perform such other and further duties as may present themselves from time to time.

"Whenever it shall be desirable to secure sworn testimony from any witness or witnesses relating to any project or to navigation generally, or whenever the commission shall have reason to believe that private interests are secretly or improperly seeking to influence the commission or to force the passage of any private or public waterway measure through Congress, the commission may cause a hearing or summary investigation to be held, and for that purpose may issue summons, subpoenas, or other writs in the same manner and under the same procedure as is more specifically set forth in the act to regulate commerce approved February 4, 1887, and the amendments thereto, which portions of such act relating to procedure, so far as applicable, are made a part of this act, and may bring before such commission all parties believed to be informed concerning the facts or interested in the passage of such measure. A complete record shall be preserved of the testimony taken at such hearing and a certified transcript thereof shall be transmitted immediately to the Committee on Appropriations.

"That all unexpended balances to the credit of any project not specifically obligated under existing contracts shall from the date of the passage of this act be transferred by the Treasurer to the general fund, and all vouchers thereafter paid by the Treasurer shall be upon order of the National Waterway Commission.

"That the sum of $200,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury, to carry out the provisions of this act.

During the reading.

Mr. STONE. Mr. President, it is not worth while to take further time with the reading of this amendment. I shall make, and I make now, a point of order against it.

Mr. GALLINGER. Mr. President, if the point of order is made against this amendment, I will reserve the right, when the bill reaches the Senate, to make points of order against all similar amendments in the bill.

Mr. CLARKE of Arkansas. I was going to say, Mr. President, that I supposed the amendment offered by the Senator from Nevada went in with an implied understanding that if that went in others of similar character would go in.

Mr. GALLINGER. That is right.

Mr. CLARKE of Arkansas. I do not see any objection to the course indicated by the Senator from New Hampshire.

The VICE PRESIDENT. If the Senator from Missouri insists on the point of order, the Chair will be obliged to sustain it.

Mr. SMOOT. Mr. President, was the amendment read in full, or just part of it?

The VICE PRESIDENT. Only part of it.

Mr. STONE. Mr. President, I am not willing that a proposition to which I am so absolutely opposed in principle as this shall go even to a conference committee, to be reported back here without an opportunity on the part of the Senate to discuss it. I shall insist upon the point of order.

Mr. SMOOT. Yes. I was not objecting to that, but I rose simply to ask the Senator if he had any objection to the balance of the amendment being put in the RECORD, so that it will be complete?

Mr. STONE. I have no objection.

The VICE PRESIDENT. It will be printed in the RECORD, and the point of order noted at the conclusion of it. The point of order is sustained, upon the ground that it is general legislation upon an appropriation bill.

Mr. POINDEXTER. Mr. President, I renew the offer of the amendment which I offered the other day, and which I believe the Secretary has. I send another copy of it to the desk, however. In deference to the suggestions of my colleague [Mr. JONES] and some other Senators, I have changed the amount of the salary of the inspector named in the amendment from $10,000 to $7,000. The whole matter is altogether tentative, and is submitted with the understanding that it will be dealt with very freely by the committee of conference. I myself think that if we are going to have an inspector at all to investigate great expenditures, such as are provided for by this bill, we ought not to higgle over his salary; but I will leave the amount at $7,000.

Mr. THOMAS. Mr. President, will not the Senator also change his amendment so as to provide that the officer shall be appointed by the President instead of by the chairmen of the committees of the Senate and the House?

Mr. POINDEXTER. I can not accept that suggestion, Mr. President. It is entirely inconsistent with the purpose of the amendment. The central idea of the amendment was that Congress, acting through its committees which deal with this subject, should have some special source of information. The entire conduct of the work as it is at present carried on is in charge of men subject to the orders of the President. The work is now operated under one of the executive departments of the Government. This proposition is that the legislative branch of the Government, which appropriates the money, shall have some check upon the manner in which the executive department expends it.

Mr. THOMAS obtained the floor.

Mr. GALLINGER. Let the amendment be stated, Mr. President.

The VICE PRESIDENT. The Secretary will restate the amendment.

The SECRETARY. It is proposed to add at the end of the bill the following:

There shall be appointed by the chairmen of the Committee on Rivers and Harbors of the House of Representatives and the Commerce Committee of the Senate an inspector of river and harbor works. He shall be a trained and experienced civil engineer, not connected in any way with the Army. It shall be the duty of said inspector to thoroughly examine the several river and harbor projects which have been adopted by Congress, with special regard to the question of whether the moneys appropriated by Congress for these works are being expended to the best advantage from a standpoint both of economy and efficiency. In making said examination said inspector shall inquire whether the best methods are being used in the prosecution of said works to accomplish the improvement contemplated thereby. Said inspector shall also examine into the question of the needs of commerce for said improvements and the probable or prospective results thereof on freight rates on railroads through the competition of such waterways; and for that purpose said inspector may ascertain the effect upon such rates of waterways heretofore improved and the uses that have been made of the same for purposes of transportation. Said inspector shall make in writing to Congress a full semiannual report of his observations and conclusions in the foregoing matters. He shall hold office at the pleasure of the committees above mentioned, and his successor shall be appointed as provided above. He shall be paid a salary of $7,000 a year and his necessary actual expenses, and shall have such clerical and other assistance as may be necessary, to be approved by the chairmen of said committees.

Mr. GALLINGER. Mr. President, I make a point of order against that amendment. It is general legislation; it creates a new office, and it appropriates money not estimated for.

Mr. THOMAS. Mr. President, I thought I had the floor.

The VICE PRESIDENT. The Senator from Colorado is entitled to the floor.

Mr. LODGE. He does not have the floor against the point of order.

Mr. GALLINGER. Not against the point of order, I judge.

Mr. THOMAS. If the point of order is made, I have nothing to say.

Mr. POINDEXTER. On the point of order, I should like to suggest that it seems to me a principle is involved here similar to that involved in the amendment offered by the Senator from Indiana, in that it is a proviso for the inspection of the expenditure of the appropriations made in this bill. In that respect it is a limitation upon the appropriation. It provides a means by which Congress can be informed of the expenditures for which the bill appropriates, and in that respect, it seems to me, it is a condition attached to the appropriation, and, consequently, not subject to the point of order. I will say to the Senator from New Hampshire that it is an entirely different amendment from the others of which the Senator spoke a moment ago. It does not provide for any comprehensive examination.

Mr. GALLINGER. It is different in this respect, that one point could have been made against the others, but there are three points which can be made against this as being obnoxious to the rule. That is the only difference.

The VICE PRESIDENT. The point of order must be sustained.

Mr. STERLING. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, after line 15, on page 37, the following paragraph:

In the interest of navigation and in view of the existing emergency, and to prevent further loss and destruction of property, the sum of $100,000, or so much thereof as may be necessary, for bank revetment work or other improvement at or near the city of Vermillion, Clay County, S. Dak.: *Provided, however*, That before this appropriation shall become available or any work is undertaken by the United States thereunder assurances satisfactory to the Secretary of War shall be given that the said city of Vermillion, or county of Clay, or other agencies, will provide and contribute in money, labor, or materials an amount equal to 33⅓ per cent of the amount herein appropriated for such improvement.

Mr. KENYON. Mr. President, I should like to inquire, if it is not out of order, how much that increases the appropriation.

Mr. STERLING. It increases the appropriation $100,000, or so much thereof as may be necessary for the purpose indicated. I will simply say that I think all of it will be necessary, under a statement made by the Secretary of War under date of March 25. He seemed to think that the $100,000 provided for in the joint resolution which I offered would not do more than half the work of improvement; but I think that statement was made without due and careful investigation, and I believe $133,000 will do the work of making this improvement.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENYON. Mr. President, a few days ago an amendment was adopted with relation to the Brazos River—a provision that the money should not be expended if the Army engineers reported against the river. That amendment was proposed in the absence of the Senator from Texas [Mr. SHEPPARD]. In conversation with me, he rather feels that it was taking an advantage of him, which was not intended, I am certain, and I know he feels it was not intended. But as he feels that way about it, I move the reconsideration of that amendment.

Mr. STONE. Which amendment is that?

Mr. KENYON. The one with regard to the Brazos River in Texas.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa to reconsider the vote whereby the amendment was adopted.

The motion to reconsider was agreed to.

Mr. KENYON. We had a yea-and-nay vote on the amendment before, and I think we should have it again. I ask for the yeas and nays.

Mr. GALLINGER. Let the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 23, at the end of line 25, it is proposed to insert:

Provided, That no part of the said appropriation of $200,000 shall be expended until the report of the Army engineers upon the reexamination of said project, as provided for by the last Congress, shall have been reported to Congress; and if said report shall be unfavorable to the further progress of said project, then no part of said $200,000 shall be expended thereon.

Mr. SHEPPARD obtained the floor.

Mr. LIPPITT. Mr. President, a parliamentary inquiry. Do I understand that the motion to reconsider prevailed?

The VICE PRESIDENT. It did.

Mr. STONE. Does this amendment relate to the Brazos River or to the Trinity?

Mr. KENYON. The Brazos.

Mr. SHEPPARD. Mr. President, I wish to express my appreciation of the action taken by the Senator from Iowa. I am sure that he intended to take no advantage of the fact that I was not in the Senate Chamber when he moved the adoption of his second Brazos River amendment a few days ago. I reached the Chamber a few minutes after the Senate met, and found the roll call in progress.

I now wish to appeal to the Senate, in the interest of fair play, to reverse its action in regard to the Brazos River. Certainly the presumption is in favor of a project already under way, a project which the engineers and Congress have indorsed. Appropriations for two of the rivers for which reexaminations were ordered by the last Congress have been continued in this bill, although the reexaminations resulted in unfavorable reports. This amendment makes the continuance of the Brazos River appropriation dependent absolutely upon the forthcoming report of the engineers. The report, whether favorable or unfavorable, might be based on insufficient reasons, on frivolous reasons, on reasons that might not appeal to the Senate. In view of the fact that the same rule has not been applied to the other rivers, reexamination of which were ordered, I ask the Senate to change its action.

Mr. KENYON. Mr. President, the only point with reference to this matter, concisely stated, is this: The Army engineers, under the provisions of an act of Congress, are now making a resurvey of the Brazos River. This amendment provides that the money appropriated by this bill for the Brazos River shall not be spent if the report of the engineers is against the project of the Brazos River.

Mr. SHEPPARD. Let me ask the Senator a question right there. The Senator has denounced the engineers when their reports were favorable to projects. Now he proposes to leave this river absolutely to their judgment. Where is the consistency of the Senator's position?

Mr. KENYON. I think my position is much more consistent than the position of the Senator from Texas, who, in all these matters, is following the Army engineers when they are in his favor, and when they are against him he does not seem willing to follow them.

Mr. SHEPPARD. Not necessarily. Let me say to the Senator that I do not take that position. I say, let this resurvey stand or fall on its own merits. Let the Senate reserve the right to pass on it when it is brought into the Senate.

Mr. KENYON. But if the Army engineers report against this project, no more public money ought to go into it; and this money ought not to go into it until the Army engineers do make their report. That is the position I take.

Mr. SHEPPARD. Congress has adopted this project, and the presumption is in its favor.

Mr. KENYON. And Congress has ordered a reexamination of this project. Now, what is the hurry? Why not wait until that report is made to Congress?

Of course it is true, as the Senator says about other projects, that resurveys and reexaminations are being made, and yet the money is going to be spent; and there is not any reason why the amendment should apply to the Brazos any more than to any of these other projects; but I do wish that we might save the money in the case of one of them if the report is against it.

Mr. SHEPPARD. Mr. President, the Senator knows that the reexaminations of the engineers as to two rivers have been made and have resulted in unfavorable reports by the engineers, and yet the Senate declined to follow those reports. I say, let the result of the resurvey be known before it shall be approved. The Senate ought not to abdicate its proper powers.

Mr. KENYON. Mr. President, I only know that where the Army engineers report in favor of a project they are wise and powerful men, and when they report against a project we overturn their report and go ahead just the same as if it did not exist. That is what we are doing in this case.

Mr. SHEPPARD. The Senator takes the same attitude with a reverse viewpoint as to the engineers. If the engineers are for a river, he is against them; if they are against a river, he is with them.

Mr. KENYON. I ask for the yeas and nays on this amendment.

The VICE PRESIDENT. The yeas and nays were ordered on this amendment heretofore, and the Chair rules that the motion to reconsider keeps in force the original order of the yeas and nays. The Secretary will call the roll.

Mr. SHEPPARD. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Hardwick	Norris	Smoot
Brady	Hasting	Oliver	Sterling
Broussard	James	Page	Stone
Chamberlain	Jones	Poindexter	Sutherland
Clark, Wyo.	Kenyon	Pomerene	Swanson
Clarke, Ark.	La Follette	Ransdell	Taggart
Culberson	Lane	Reed	Thomas
Cummins	Lea, Tenn.	Saulsbury	Townsend
Curtis	Lippitt	Shafroth	Underwood
Dillingham	Lodge	Sheppard	Vardaman
Fall	Martin, Va.	Shields	Wadsworth
Fletcher	Martine, N. J.	Simmons	Warren
Gallinger	Myers	Smith, Ariz.	Williams
Gore	Nelson	Smith, Md.	
Harding	Newlands	Smith, Mich.	

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

Mr. THOMAS. Mr. President, let the Secretary please state the amendment again.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. The House text reads:

Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000.

Following the figures "$200,000," the reconsidered amendment reads:

Provided, That no part of the said appropriation of $200,000 shall be expended until the report of the Army engineers upon the reexamination of said project, as provided for by the last Congress, shall have been reported to Congress, and if said report shall be unfavorable to the further progress of said project, then no part of said $200,000 shall be expended thereon.

The VICE PRESIDENT. The yeas and nays were ordered upon the amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I transfer my pair to the junior Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. SIMMONS (when his name was called). Transferring my pair with the Senator from Minnesota [Mr. CLAPP] to the Senator from California [Mr. PHELAN], I vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair and its transfer, I vote "yea."

Mr. THOMPSON (when his name was called). I am paired with the Senator from Illinois [Mr. SHERMAN]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN]. As I stated the other day when this amendment was up, I am permitted to vote upon it. I vote "yea."

Mr. WILLIAMS (when his name was called). Upon this particular item I do not feel released from my pair. I therefore transfer my pair to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

The result was announced—yeas 28, nays 32, as follows:

YEAS—28.

Borah	Gallinger	Lane	Smoot
Brady	Gore	Lippitt	Sterling
Clark, Wyo.	Harding	Lodge	Sutherland
Cummins	Hasting	Norris	Taggart
Curtis	Jones	Oliver	Thomas
Dillingham	Kenyon	Page	Townsend
Fall	La Follette	Shafroth	Wadsworth

NAYS—32.

Bankhead	James	Ransdell	Smith, Mich.
Broussard	Lea, Tenn.	Reed	Stone
Chamberlain	Martin, Va.	Saulsbury	Swanson
Chilton	Martine, N. J.	Sheppard	Underwood
Clarke, Ark.	Myers	Shields	Vardaman
Culberson	Nelson	Simmons	Walsh
Fletcher	Pittman	Smith, Ariz.	Warren
Hardwick	Poindexter	Smith, Md.	Williams

NOT VOTING—36.

Ashurst	Bryan	Clapp	Goff
Beckham	Burleigh	Colt	Gronna
Brandegee	Catron	du Pont	Hitchcock

Hollis	Lewis	Owen	Smith, Ga.
Hughes	McCumber	Penrose	Smith, S. C.
Johnson, Me.	McLean	Phelan	Thompson
Johnson, S. Dak.	Newlands	Pomerene	Tillman
Kern	O'Gorman	Robinson	Weeks
Lee, Md.	Overman	Sherman	Works

So the amendment was rejected.

Mr. KENYON. I move to strike out all after the enacting clause of the bill and to substitute the following.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

There is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, for the maintenance and improvement of rivers and harbors, $25,000,000, to be expended under the direction of the Secretary of War. In the allotment of such funds provision shall first be made for maintenance and urgent commercial and military needs of harbors and waterways. Not exceeding $50,000 shall be used for new surveys and no allotment other than for necessary maintenance shall be made for any project heretofore recommended by Army engineers for abandonment or for modified improvement. And the engineers shall present to the next Congress, at the beginning thereof, a complete report of all expenditures with such further recommendations for abandonment of projects or modification as by them may be determined for the public good.

Mr. KENYON. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). Transferring my pair as last stated, I vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. THOMAS (when his name was called). I announce my pair and its transfer as before and vote "yea."

Mr. TILLMAN (when his name was called). I announce the same transfer of my pair as before and vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. WARREN. Has the senior Senator from North Carolina [Mr. OVERMAN] voted?

The VICE PRESIDENT. He has not.

Mr. WARREN. I announce my pair with that Senator and withhold my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from South Dakota [Mr. JOHNSON] with the Senator from Illinois [Mr. LEWIS]; and

The Senator from Nebraska [Mr. HITCHCOCK] with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 23, nays 34, as follows:

YEAS—23.

Ashurst	Gore	Lodge	Taggart
Brady	Harding	Norris	Thomas
Clark, Wyo.	Hasting	Pomerene	Thompson
Curtis	Kenyon	Shafroth	Tillman
Fall	La Follette	Smoot	Wadsworth
Gallinger	Lane	Sutherland	

NAYS—34.

Bankhead	James	Poindexter	Smith, Mich.
Brandegee	Jones	Ransdell	Sterling
Broussard	Lea, Tenn.	Reed	Stone
Chamberlain	Lippitt	Saulsbury	Swanson
Clarke, Ark.	Martin, Va.	Sheppard	Underwood
Culberson	Nelson	Shields	Vardaman
Dillingham	Oliver	Simmons	Williams
Fletcher	Page	Smith, Ariz.	
Hardwick	Pittman	Smith, Md.	

NOT VOTING—39.

Beckham	Goff	McCumber	Robinson
Borah	Gronna	McLean	Sherman
Bryan	Hitchcock	Martine, N. J.	Smith, Ga.
Burleigh	Hollis	Myers	Smith, S. C.
Catron	Hughes	Newlands	Townsend
Chilton	Johnson, Me.	O'Gorman	Walsh
Clapp	Johnson, S. Dak.	Overman	Warren
Colt	Kern	Owen	Weeks
Cummins	Lee, Md.	Penrose	Works
du Pont	Lewis	Phelan	

So Mr. KENYON's amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the Clerk's desk.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 27, after line 12, insert a new paragraph, as follows:

That the Secretary of War is directed to investigate the character and drafts of vessels which would be accommodated by the Welland Canal when enlarged by the Dominion of Canada and what improvements would be necessary upon the Great Lakes and harbors thereof to secure the benefit of such ocean commerce as may pass through such Welland Canal.

Mr. LA FOLLETTE. Mr. President, I do not wish to detain the Senate, but I feel the adoption of an amendment of this character would greatly improve the standards of this bill. It is a proposition national in its proportions. It has not the smell of "pork" upon it anywhere.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I do.

Mr. GORE. Did the Senator from Wisconsin say this amendment did not have the "smell of pork" about it?

Mr. LA FOLLETTE. I did.

Mr. GORE. Then I should like to suggest that it is subject to a point of order. [Laughter.]

The VICE PRESIDENT. The Chair refers the point of order to the Senate to decide.

Mr. LA FOLLETTE. Well, Mr. President, the Senate would not sustain the point of order.

The Welland Canal was constructed in 1833. It connects Lake Ontario with Lake Erie. It is, as everyone knows, wholly upon Canadian territory. It was enlarged in 1871; and again enlarged in 1900. It is now being reconstructed or enlarged, and will be completed in 1918 to a depth and width to admit of ocean going vessels passing through it.

Mr. President, if all of the harbors upon the Great Lakes are to share in the benefits of the enlargement of this canal, if we are to be able to load and unload ocean going vessels in the harbors of the Great Lakes, it is absolutely necessary for us to investigate existing conditions and to determine what changes and improvements must be made in order that ocean going vessels may dock at the ports of the Great Lakes.

Mr. President, Great Britain—which country, as I understand, has succeeded to the control of the Welland Canal, considers the enlargement of the Welland Canal so as to carry ocean-going vessels to be a good business investment. Surely the United States should improve the harbors which will be accessible to vessels passing through the Welland Canal, to a depth sufficient to accommodate such vessels. This canal is being enlarged so that it will have a depth of 25 feet. However, the improvements are to be so constructed that the sills of the locks will have a depth of 30 feet. The locks are to be 800 feet in usable length by 80 feet in width in the clear. The canal on the bottom will be 200 feet wide.

The present available depth in the various harbors of the Great Lakes, as I understand, is from 20 to 22 feet, and we shall be shut out from the benefits that will come from the enlargement of the Welland Canal unless we begin to make provision for changing the depth of water in our Great Lakes harbors. Ultimately, I have no doubt this work will require a very considerable expenditure of money. It means, ultimately, the deepening of the entrance to the harbors, of those harbors, and of the basins necessary to the best use of those harbors to a depth that will accommodate ocean-going traffic.

But, Mr. President, if all that has been done and all that has been expended, upwards of $800,000,000 in the improvement of the harbors and waterways of this country, is to be given anything like a meaning that shall be a benefit to the people of the country, then we should not stop at the expenditure of whatever is necessary to bring ocean-going vessels to the harbors of this great chain of lakes, this great inland sea that reaches out almost half-way across the continent.

Mr. LODGE. Mr. President, may I ask the Senator from Wisconsin a question?

Mr. LA FOLLETTE. Certainly.

Mr. LODGE. I am entirely in sympathy with this amendment; I think it is a most important one; but, merely for my own information, I desire to ask a question. Of course this deepening of the Welland Canal will admit very large vessels. What has been done about getting them up by the Lachine Rapids? Are they likewise enlarging those canals?

Mr. LA FOLLETTE. I am not advised about that, Mr. President.

Mr. LODGE. I suppose that will follow.

Mr. LA FOLLETTE. I suppose that would naturally follow in order to secure the benefit of the deepening of the Welland Canal.

Mr. LODGE. I do not make that suggestion in opposition to the amendment at all. I think it is very important that we should have just this thing.

Mr. GALLINGER. Mr. President, will the Senator from Wisconsin permit me to make a suggestion?

Mr. LA FOLLETTE. Very cheerfully.

Mr. GALLINGER. I chance to be very familiar with that part of the country, and I wish to say that I do not see how these great vessels could get through either the Lachine Canal or the Cornwall Canal, which are comparatively small waterways. Possibly the Dominion of Canada has great projects in mind of enlarging those canals in the same way that she is going to enlarge the Welland Canal, but I can not, for the life of me, see how ocean-going vessels, drawing the depth suggested, could possibly get up or down to the Lakes.

Mr. LA FOLLETTE. As I understand, with the present watercourses, I do not believe they could.

Mr. GALLINGER. No.

Mr. LA FOLLETTE. But I apprehend, of course, that, in order to get the largest possible results from the development now going on at the Welland Canal, the British Government must contemplate enlarging these other canals; and I think it follows very logically that we ought to make this investigation, in order that the people of this country may avail themselves of the great benefit that will result from the enlargement of this canal.

I do not wish to take the time of the Senate another moment, Mr. President. I believe the amendment I have offered is meritorious and will commend itself to the judgment of the conference committee.

Mr. BRANDEGEE. Mr. President, before the Senator from Wisconsin takes his seat, I wish to make a suggestion. I have the amendment before me, and I see that it provides—

> That the Secretary of War is directed to investigate * * * what improvements would be necessary upon the Great Lakes and harbors thereof, etc.

I am not sufficiently familiar with the geography of that section of the country to be sure about it, but I have wondered whether that language would take in the connecting and adjacent waters—if there are any rivers between the lakes connecting them—or other adjacent waters or canals. I think it would do no harm to insert some words that would broaden the amendment, so that the investigation would not be confined to the lakes themselves.

Mr. LA FOLLETTE. I think the amendment covers the situation; but if the Senator from Connecticut has anything to suggest in that connection, I should be very glad to accept it, because I think the investigation should be as broad as possible in its character.

Mr. BRANDEGEE. I am willing to leave the matter to those who are more familiar than am I with the geography of that section, but I was simply going to suggest that after the words "the Great Lakes and harbors thereof," there be inserted "and tributaries thereto and connecting or adjacent waters," or some such language as that. I do not insist upon it at all, for I have no doubt the conference committee would work out the proper language anyway.

Mr. LA FOLLETTE. Mr. President, it is not my information that there are any such tributaries which it would be important to have investigated; but I see no objection to accepting the suggestion of the Senator from Connecticut. There may exist conditions of which I was not advised when I prepared this amendment.

Mr. BRANDEGEE. Having called attention to it, I am perfectly content to leave it to the conference committee to work out the proper language.

Mr. LA FOLLETTE. They will doubtless have full information on the subject.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. With the further indulgence of the Senate for just a moment, I wish to offer another amendment, which I send to the Secretary's desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 34, after line 24, it is proposed to insert:

> Improving the Duluth-Superior Harbor, Minn. and Wis., by enlarging the Superior Harbor basin in accordance with House Document No. 651, Sixty-fourth Congress, first session, $180,000; and the Secretary of War is hereby authorized to enter into a contract for such material and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $180,000, exclusive of the amount herein appropriated.

Mr. LA FOLLETTE. Mr. President, I think I can say all that I care to say upon this amendment in five minutes, and perhaps it might be as well to put into the RECORD some facts which might obviate the necessity of my appearing before the conference committee upon this subject.

This amendment, of course, is in no sense local in its character. The Superior-Duluth Harbor is one of the great harbors of the world. The tonnage received and shipped at the Duluth-Superior Harbor is greater than that at any other inland harbor of this country or of the world. It is simply astounding. Thirty-three million tons is the measure of commerce received at that great inland port, the farthermost point to the west of this great chain of lakes that is, I believe, to be connected in the near future with the ocean transportation of the world.

Mr. HARDWICK. Mr. President, if the Senator will yield for just a moment, I will ask if he knows the reason for the remarkable decrease, as great as are the figures he has suggested, compared with the commerce of that port the year before?

Mr. LA FOLLETTE. I am not able to account for that. I was going to call attention to it.

Mr. HARDWICK. I hope the Senator will, and I am sorry that I have troubled him.

Mr. LA FOLLETTE. The tonnage in 1914 was 33,000,000 tons. In 1913 it was 46,000,000 tons. I apprehend, Mr. President, that it will be found that the tonnage of other great world harbors fell off at about that time. I apprehend that there may have been an influence which was national, or perhaps world-wide, in its character affecting commerce everywhere.

Mr. HARDWICK. If the Senator will pardon me just a moment, that same argument would apply to every project in this bill against which continual assaults of that character have been made on this floor, would it not?

Mr. LA FOLLETTE. Yes; if the comparisons are made only within that short period of time.

Mr. HARDWICK. Within those two years.

Mr. LA FOLLETTE. Mr. President, the most accurate information which I have been able to obtain upon the subject—and I have been somewhat amazed to find that there is not a department of this Government which can tell you what is the tonnage of the commerce of the great harbors or ports of the world, excepting as it has relation to customs duties—but from the best information that I could obtain in 1913 the tonnage in and out of London by water was only 41,000,000 tons; at Liverpool but 35,000,000 tons in 1913; at Chicago but 14,000,000 tons; while this great inland harbor, Duluth-Superior, located on Lake Superior, at the tip of the chain of lakes, at a point that is like an index finger reaching out toward the West, had a commerce in 1914, as I have said, of 33,000,000 tons.

Mr. President, there has been expended on that harbor a very large sum of money, but it has been justified by the national character of the commerce. It is a distributing point for a vast territory to the west; it is the assembling point for a vast territory that ships to the East and to the great ports of the world.

The total number of vessels arriving and departing at this port in 1914 was 9,712, with a net tonnage of 28,000,000. They have immense ore docks there; iron-ore docks, with a capacity of 797,000 tons; coal docks, with a capacity of 10,908,000 tons; grain elevators, with a capacity of 31,625,000 bushels. In 1895 there were received and shipped at this port only 6,000,000 tons of commerce; but it had grown by 1914, in less than 10 years, to be 33,000,000 tons.

Maj. E. D. Peck, the engineer officer in charge of the work at this harbor, in a report upon this project, gives some interesting and important data with respect to the business of this harbor. He says:

> Through the existence and development of the large iron fields and the extensive grain-producing areas which are economically tributary to this port, and as the distributing and forwarding center for coal, lumber, and other commodities, Duluth-Superior Harbor ranks as of the first importance. The natural advantages of the harbor have been developed by the Government under various projects at a total cost of $7,418,002.25, as of June 30, 1914. The estimated value of commerce as of December 31, 1914, was $4,845,914,693.
>
> The total number of tons received and shipped for the calendar year 1914, was 33,535,704 with a total valuation of $287,002,960. Total number of vessels arriving and departing 9,712; net registered tonnage of all vessels arriving and departing 28,216,139. The average number of tons of cargo received per day during the season of navigation for 1914 was 45,176; the average number of tons shipped per day for same period was 97,528. Interlake traffic covered a period of 235 days. The harbor has iron-ore docks with a total storage capacity of 797,592 gross tons, coal docks with total capacity of 10,908,000 short tons, and grain elevators with total capacity of 31,625,000 bushels, and these freight-handling facilities are being increased annually. From a total of 6,325,351 tons of freight shipped and received in 1895, the commerce has increased to 33,535,704 tons shipped and received in 1914. From the curve of increase shown in the harbor commerce, and with a knowledge of the sources of supply which create this traffic it is believed that the prospective commercial importance of this harbor is very great, and that any reasonable necessary aid to insure the safety of vessels using it would be fully justified.

Representative SPARKMAN, in the discussion upon this bill in the other House, speaking of this project and this harbor, said:

> Now, the gentleman [Mr. LENROOT] has a project that is a very important one. I have been there and I know what his harbor is. There is not a more important inland harbor in the whole country than his, and I think it not only worthy but urgent, and as soon as we have a bill with new projects in it I think that will be taken care of.

The Superior-Duluth Harbor, Mr. President, is not only the greatest inland harbor in the United States, but it is the second greatest harbor of our country, and I think, from such evidence as I have been able to gather somewhat hastily, that it ranks second amongst the harbors of the world. Because of its great commerce and because of the pressing need of this improvement I offer this amendment, with great confidence that it will not only commend itself to the Senate but to the conference committee.

This amendment proposes merely that, in accordance with the recommendation of the engineers, who have investigated this subject thoroughly, there shall be deepened a basin of 160.2 acres, sufficient to enable the vessels that come into that great port, either by the Superior entrance or the Duluth entrance, to make their turn and anchor safely. The engineers, who have experience in this business, recommend precisely the amendment which I have offered.

Maj. Peck, the engineer officer in charge, speaking of the general difficulties attending navigation at this harbor, has this to say:

> These exist mainly in the opposing action between waves and outflowing currents at the Duluth entrance during the prevalence of northeast storms, which create a very turbulent condition of the water at the entrance, and at such times during high wind vessels entering are in danger of losing steerage way and being carried ashore or against the piers. The occurrence of logs and snow are also temporary deterrents to navigation.
>
> At Superior entry during storms the entrance is accomplished by vessels with much less difficulty and risk than at the Duluth entrance. This is probably due to the wider entrance between breakwaters and canal piers, the protection afforded by the breakwaters and reduction of wave height through the stilling basin; but after entering the harbor from the canal the basin from east to west is only 1,500 feet wide, and the four ore docks of the Great Northern Railway Co. are situated opposite the harbor entrance. This limited distance is too short for the larger class of vessels to be manipulated with safety in approaching their docks during northeast storms, and it is of common occurrence for such vessels to go on the ground in the vicinity of the mouth of the Nemadji River in preference to going up against the docks without proper control. No accidents have occurred in the new entrance that are attributable to the existence of conditions resulting from the improvement. On June 27, 1914, during a severe storm, the steamer *Matanja*, through an accident to its anchor equipment, let go her anchor and swung off on a long chain; unable to recover the anchor, its stern beat along the north canal revetment for several hours before rescued by harbor tugs and inflicted very considerable damage to the vessel as well as damage of a minor character to the revetment.

Gen. Black, in a report upon this improvement, said:

> It will be seen from an examination of the map that there is practically no space available in the vicinity of Superior Entry for the anchorage of large vessels. Superior Harbor Basin and Superior Front Channel are used for through traffic and for turning purposes, and experience has shown that the area now available is not sufficient for the latter purpose. It is believed that the magnitude of the commerce to be affected is sufficient to justify the estimated cost of the work. The board therefore concurs in the opinion of the district officer and the division engineer that it is advisable for the United States to undertake the improvement as outlined by the district officer, at an estimated cost of $360,000 and $3,000 per annum for maintenance. The sum of $180,000 should be made available in one appropriation with authority for continuing contract for completion of the work.

Gen. Dan C. Kingman, Chief of Engineers, in his report to the Secretary of War concurring in and approving the reports upon this project, said:

> The basin is designed for turning and does not afford facilities for anchorage. Its width is too small for the larger class of vessels to be handled with safety in approaching their docks during northeast storms, and it is a common occurrence for such vessels to go aground.

I will not take another moment of the time of the Senate upon this subject. It is a worthy amendment; it is an amendment of importance to all the people who live between the Atlantic and the Pacific in the great northern belt of States. It is in no sense local in its character. I have been voting, Mr. President, against amendments that were local and which seemed to me not properly a part of any national scheme of commerce and not properly a subject of appropriation.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. I do.

Mr. VARDAMAN. I want to ask the Senator what amount of appropriation this amendment asks for.

Mr. LA FOLLETTE. The total amount necessary to make this improvement is $360,000, of which it is proposed by the engineers—and I follow their recommendations—that $180,000 shall be appropriated for this year. They also estimate that it will cost, as I remember now, $15,000 a year to keep the improvement intact.

Mr. VARDAMAN. Is it for continuing an improvement?

Mr. LA FOLLETTE. Oh, no; this amendment provides for a completed project. All that will be required hereafter will be the expenditure of a small appropriation of about $15,000 to take out the silt and sand and deposits that may drift or be washed in there naturally by river currents or lake waves. But this appropriation will be sufficient to remove every permanent obstruction, and hereafter there will be required only a small annual appropriation for maintenance.

Mr. VARDAMAN. The engineers have made an estimate for it, I understand?

Mr. LA FOLLETTE. My amendment is based upon the estimate of the department and the recommendations of the engineers.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LA FOLLETTE. I do.

Mr. OLIVER. I rise to express the hope that the Senate will agree to the amendment proposed by the Senator from Wisconsin. The harbor of Duluth is just as important to the industrial interests of western Pennsylvania as it is to the people of Minnesota and Wisconsin. Too much attention can not be paid, too much money can not be spent, in improving the harbors upon the shores of Lake Superior, from which we draw all of the supplies of ore with which to run our furnaces, and to which we send a large part of the coal produced in the great State which I, in part, represent.

Mr. SMITH of Michigan. Mr. President, this item proposed by the Senator from Wisconsin undoubtedly has merit; and I want to call the attention of Senators to the fact that if the amendment proposing a lump sum of $25,000,000 had prevailed, just this kind of an amendment would have been entirely cut off. The new item proposed in the bill for the extra channel in the St. Clair River would have been cut off. The fourth lock at the Soo would have been cut off. Every new and meritorious item proposed in this bill, including the East River, the Los Angeles and San Diego Harbors, would have been cut off by a $25,000,000 lump-sum appropriation.

Mr. SUTHERLAND. Including Arcadia?

Mr. SMITH of Michigan. No, Mr. President; I think not. Every item in this bill to which criticism has been directed, without a single exception, is included in the items to which allotments were made by the Secretary of War from the lump sum that was last placed at his disposal. We of the committee feel that unless Congress is to abandon entirely the improvement of our rivers and harbors, special allotments made by the Engineer officers to going projects must be arrested. No project can be completed on such a plan. The Brazos River, the Trinity River, all of these items which have been criticized as undesirable, and yet they are favored with special allotments by the Secretary of War out of the lump sum voted last year and which Senators upon both sides of the Chamber vote for as though they were attempting to purge their consciences of some great sin.

Mr. CLARKE of Arkansas. Mr. President, there is nothing objectionable about this item except the fact that the bill has already attained very large proportions.

Mr. SMITH of Michigan. I am not opposed to this item.

Mr. CLARKE of Arkansas. The amendment comes to the Senate authenticated, as all items in the bill were at one time authenticated, by the approval of the Board of Engineers; and, so far as I have anything to say about it, I hope the amendment will be adopted.

Mr. SMITH of Michigan. I am not opposed to this item and shall vote for it.

Mr. CLARKE of Arkansas. Let us get at it, then.

Mr. SMITH of Michigan. Nevertheless, I can not resist the temptation to say that if this whole river and harbor legislation should eventuate in the passage of a lump-sum appropriation—and I understand, now that $20,000,000 has been voted down and $25,000,000 has been voted down, that we are soon to have an opportunity to vote for $30,000,000—a lump sum of $30,000,000 placed to the credit of the War Department for river and harbor work would be allotted in part to the very items in this bill against which Senators have fought with such feeling, while items like this proposed by the Senator from Wisconsin, the East River item, and the one which was put into the bill at my instance for the building of a new channel in the St. Clair River, like the one for the building of the fourth lock at the Soo, which is absolutely demanded, would fall by the wayside. Not one of them would get an allotment under the twenty, twenty-five, or thirty million dollar lump sum which Senators upon both sides of the Chamber are urging should be appropri-

ated, instead of this carefully worked out plan proposed by the engineers of the Government.

I did not want this matter to come to a vote without calling attention to that very marvelous inconsistency that can hide its offenses in a lump sum and appear in most virtuous garments when the vote is taken for specific improvements throughout the country, national in character. This bill has been carefully prepared under the immediate eye of the War Department and its Corps of Engineers, nine-tenths of it inherited by us from past Congresses, which had the approval of distinguished men whose character and reputation should make them safe from unfair and unjust criticism. I do not want it understood that any Senator can salve his conscience with a $25,000,000 lump sum which will go to old projects that have been criticized over and over again on this floor, and that he is committing a great offense when he votes for the specific items that bear the approval of the War Department and of the Engineer Corps of the Army, nonpartisan in character, now in the bill.

If Senators who live in the interior, and have no waterways to improve, could go down before the Engineer Board of the Army and undertake to get them to review projects that have received the disapproval of the local engineer, they would soon find the difficulties in their pathway. The members of that board owe no obligation to anyone, political or otherwise.

I think this amendment proposed by the Senator from Wisconsin is a very meritorious one. I do not know just why it did not get into the bill in the first place; probably because the report may not have reached here in time, just as some of the reports for projects that have been approved, affecting my own State, have not reached here yet. This is probably a belated report; but it has my very warm approval, and I hope it will be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. NORRIS. Mr. President, on page 8 of the bill, I move to strike out line 3.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8 of the bill it is proposed to strike out line 3, in the following words:

Toms River, N. J.: For maintenance, $2,000.

Mr. NORRIS. Mr. President, I shall not detain the Senate longer than a few moments.

Mr. GALLINGER. Mr. President——

Mr. NORRIS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. In view of the excoriation we received from the Senator from Michigan [Mr. SMITH] does not the Senator think he is rather rash to make this motion?

Mr. NORRIS. I will say to the Senator that one of the reasons I have for making it is to use this as an opportunity to reply somewhat briefly to what the Senator has said.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. I was going to ask if this amendment had any relation to Arcadia.

Mr. SMITH of Michigan. It is in the same Temperate Zone.

Mr. NORRIS. Yes; it is of the same general character.

Mr. President, I do not expect even to ask for a roll call upon this motion. This amendment is one of 19 somewhat similar to this one that I had prepared and expected to offer if occasion should demand it—some of a little more importance, and involving a little more money. We have been discussing this bill for quite a considerable length of time, however; it has been very fully debated, and amendments similar to the one I have offered have been voted down over and over again. So it is quite apparent that it is not possible to make any motion to strike out any appropriation in this bill and succeed; and that having been determined by a fair and honest discussion extending over several days, I have no desire further to prolong it.

I do not believe, Mr. President, as I have said before, that the bill under consideration is constructed along proper lines and on the proper fundamental ideas. This particular amendment that I have offered applies to Toms River in New Jersey. It is a completed project. In this bill $2,000 is appropriated for the maintenance of the project. During the year 1914 there was commerce on this river of 92 tons. It can not be said, as it has been said with reference to other similar motions to strike out appropriations from this bill, that it is not a completed project, and therefore that it is not fair to say that when it is completed there will not be a very large commerce. This is a completed proposition. It is not a very expensive one. It has not cost the Government very much, but the Government is paying somewhere in the neighborhood of a dollar a ton for all the commerce on that river even for maintenance, without regard to interest on any of the money that it has invested in the improvement. It is interesting to know—we have been working on it for a great many years—that the official record, the report of the Army engineers, shows, in Document 346, Sixtieth Congress, on page 4, why it was desirable to develop this river. I quote now from Col. Taylor, of the Engineer Corps, in the document referred to:

Toms River is located on one of the three principal automobile lines of travel and has a large and increasing business from this source. Suitable depth in the river would increase this traffic, owing to the ease with which owners could communicate with their yachts at this point.

So we have developed this river for several years, and one of the principal and official reasons given for its development is that men who have yachts out on the ocean along the New Jersey shore, and who go from their yachts to their homes, riding from the harbor in automobiles, are able, since this improvement has been developed, to come nearer with their automobiles to their yachts. So we have expended several thousand dollars a year for quite a number of years in order that the owners of yachts may bring those yachts up closer to a connection with their automobiles.

In my judgment, this is no worse than a good many items contained in the bill upon which we have had roll calls, debate, and consideration. For that reason this amendment or any other amendment that I had intended to offer would not have any effect upon the legislation, and it would only tend to add cumulative evidence, I think, to the illustrations that are already in the RECORD.

It seems to me that the Senator from Iowa [Mr. KENYON], although criticized and his motives sometimes impugned, has made a record in this case that is very commendable. In the face of that record, even though all of his amendments have been voted down, I doubt whether Congress or the Committee on Commerce will ever undertake to build another bill along the same lines as those on which this bill and past bills have been built. I say that without any criticism of the members of the committee. I am not criticizing them even for the form of this bill, because they are only following the precedents of the past. As we progress in government and in legislation it is not to be considered an offense, in my judgment, to criticize the methods that have been used in the past and to which attention has been directed by pointing out their defects.

It was said by the Senator from Michigan [Mr. SMITH], who favored the Duluth Harbor appropriation, as I presume all of us did, that if we had passed a lump-sum amendment such harbors would have been stricken out. But the lump-sum amendment was not offered, the motion to recommit with instructions was not offered until the Senate time and time again had voted down motions to strike out of the bill the very items the Senator from Michigan said would get in under a lump-sum amendment. In other words, those who are opposed to this system of legislation did the best they could to strike out of the bill the items that we have criticized and believed were wrong, and in all those motions I think we always found the Senator from Michigan was opposed to striking them out. So, if it is continued, your river and harbor bill really will come down to this, that you can not get a good harbor improved unless the bill that provides for the improvement of the good harbor can be included with a whole lot of rivers and harbors and creeks and mudholes and bayous that, if they stood on their merits alone, would not get any support.

Those who have opposed the methods of thus legislating have not been and are not enemies of river and harbor development where the improvement of the harbors and of rivers is of national importance. The illustration of the vote for the Duluth Harbor is an instance of it, the New York Harbor is another instance where those Senators who have been criticized because they criticized the little creeks and rivers contained in the bill were doing the best they could to make liberal appropriations for such harbors.

If a lump-sum appropriation would cut out some good harbors, it is true that the lump-sum appropriation, if the amendment offered by the Senator from Iowa had been adopted, would have saved nearly $28,000,000 to the taxpayers of the country. If those who are opposed to lump-sum appropriations for rivers and harbors would unite with those who have offered that kind of a remedy—to take out of the river and harbor bill these little creeks and rivers of no consequence—then lump-sum appropriations would be unnecessary.

Mr. SMITH of Michigan. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. SMITH of Michigan. The Senator knows that we have passed no river and harbor bill for several years, and we have had lump-sum appropriations of $20,000,000 placed to the credit of the War Department to be expended on these identical projects. If you place another lump sum of $20,000,000 or $25,000,000 to-day you exceed by both appropriations the amount carried in this bill, and your improvements relate only to old projects that have been condemned by the Senator and others on both sides of the Chamber.

Mr. NORRIS. They have not all of them been condemned by the Senator from Michigan.

Mr. SMITH of Michigan. No; because the projects are old and have been approved. I have read the reports, and they are exhaustive and favorable. We can not play fast and loose with such matters in justice to the communities served.

Mr. NORRIS. The speeches which have been made against these condemned harbors and streams have consisted mostly in reading the official reports into the RECORD.

Mr. SMITH of Michigan. I have read the reports, and I have heard the engineers. If you are going to stop river and harbor improvement, if you are going to say that the Engineer Corps can not govern or be trusted, if you are going to limit these expenditures to $25,000,000, they should be apportioned according to merit by the Engineer Department. If the Trinity River and the Brazos are included, well and good. Both improvements have been condemned by Senators but approved by the War Department.

Mr. KENYON. I should like to ask the Senator from Michigan if he did not vote for Trinity and Brazos River improvements?

Mr. SMITH of Michigan. I did, on the recommendation of the Government engineers.

Mr. KENYON. Why does the Senator complain about them?

Mr. SMITH of Michigan. I am not complaining.

Mr. KENYON. The Senator also voted for propositions condemned by the Army engineers.

Mr. SMITH of Michigan. No, sir.

Mr. KENYON. Arcadia and the Arkansas River.

Mr. SMITH of Michigan. Arcadia was approved by Congress and by the President. The Senator speaks of Trinity River. When Trinity River has been improved as the Board of Engineers recommended it it may be a very useful improvement. The Texas Senators think so and the War Department says so. Take almost any waterway improvement. Even the Panama Canal must be completed before it is useful. In a partial state of completion it amounts to nothing. Take the New York Canal; in a partially completed state it is nothing. Yet over $100,000,000 has been appropriated by the State of New York for it. You have got to complete it before you can fairly get an accurate judgment as to whether it is a good project or not.

I am not going to condemn the Trinity River improvement, which was projected years ago—the first appropriations for it came from a Republican Congress and from distinguished Senators upon this side as well as the other—I am not going to condemn it now. The Engineer officers said it was feasible and Congress, appropriating the money, said it was practicable. If it costs $100,000 to complete a $3,000,000 improvement and the Government has spent the money, how puerile and idle it is to withhold the small sum necessary to its completion.

Mr. KENYON. Does the Senator claim that the Trinity improvement will be completed for $100,000, carrying 37 locks and dams?

Mr. SMITH of Michigan. No; I think the improvement of the entire stream is more expensive. If the Government makes it navigable as far as Dallas, perhaps it may be useful. Congress said so years ago, and spent the money on the plan.

Mr. NORRIS. I hope the Senator will make his question short. I should like to proceed.

Mr. SMITH of Michigan. If I do not make my question short, the Senator's speech will be very limited, I am afraid, and I apologize to him for the interruption.

Mr. NORRIS. The Senator from Michigan is not justified in saying that. I have not given any indication of weariness yet. I may be able to talk until sundown, but I do not believe I will. It will at least be too long for anybody to read.

Now, Mr. President, I said at the beginning——

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I yield.

Mr. GORE. Mr. President, I should like to occupy just a moment in connection with what the Senator from Michigan said of the Trinity River. Will the Senator from Nebraska yield?

Mr. NORRIS. Yes.

Mr. GORE. I desire to say that it was my privilege to live in the State of Texas for some five or six years, and I feel a deep concern in anything affecting the welfare or the prosperity of that great Commonwealth. I happened to live in the county of Navarro. Trinity River forms the eastern boundary of that county for some 50 or 60 miles as the crow flies, perhaps a hundred miles as the river flows. I have fished in that stream and without difficulty have stepped across it time and time again. I remember that I attended a meeting once called for the purpose of promoting the navigation of Trinity River, and that Maj. Miller in the course of his remarks opposing the enterprise declared that a raccoon could wade the stream from Dallas to the Gulf without getting his breastplate wet. Yet, I repeat, I feel an interest in the welfare of the State of Texas, and I regard the scheme to render the Trinity navigable as one of the most deserving projects in the pending rivers and harbors bill.

Mr. NORRIS. Mr. President, there is not any doubt but that if you dig a well out on the plains near a stream of water that is not half an inch in depth you could get out of that well water, and then if you dig a canal and you fix it so that it could not seep away and put a cover over it so that it could not evaporate, in time you could get enough water in that manner to navigate a battleship. That is what we are trying to do down on the Trinity. They have to build a dam every few feet, in order to hold the water back, to get it deep enough, so that a raccoon can not walk across it and so that it will hold a gasoline boat or something of that kind. That is the method of legislation that those who are opposed to this bill are opposed to. This bill is full of such things. You can get water enough if you have any kind of a supply, if you can keep the supply running and prevent its waste. So, when they canalize that river, the little stream that would not get over your ankles if you walked through it can be dammed and held back until it has a depth of 20 feet.

And when that is all done, Mr. President, it is done for the accommodation of just one city. If you canalize that river, instead of requiring one hundred thousands to complete it, it will require several hundred thousand dollars to maintain it after its completion. It will be like some other items that I remember calling attention to last year in the river and harbor bill, where the Government could have bought all the commerce, all the freight, that passed over it and paid for it at what it was worth for what it cost to maintain locks and dams on the stream.

Mr. President, that is not business. That is not what we ought to use public funds for. There is no reason why a man should not be able to say when he sees a little stream like the Trinity, as has been so well described by the Senator from Oklahoma, we can dam it up and hold the water back, and get water enough to float a ship, but it is not a practicable proposition to do. We can raise bananas up here on a farm if we will put in a heating plant and build glass houses over the farm. We can raise as good bananas here as they raise in Costa Rica, but it would cost about $5 for each banana perhaps. It is not a practical proposition. That is the trouble with very many things in this bill and other bills like it that we have passed in the past. It is the system, Mr. President, that is wrong.

Again, let me call the attention of the Senator from Michigan to the fact that the amendment now pending is not subject to the argument the Senator makes about the Trinity. Here is the Trinity, on which we spend several million dollars, and it will take several million dollars yet to complete it. The Senator said you must not criticize this river, because we do not know what is going to happen when it is completed; it may be a good thing. But the amendment before the Senate relates to one that is completed; it has a commerce of 92 tons on it; and we are paying $2,000 for maintenance to keep it up next year.

Mr. KENYON. How many tons?

Mr. NORRIS. Ninety-two.

Mr. KENYON. Is the Senator correct in his figures?

Mr. NORRIS. I was not there, but I read that from the record. It is in the committee's report, taken from the engineers' report. In 1914 it had a tonnage of 92 tons.

Mr. KENYON. The item, I suppose, received consideration by the committee?

Mr. NORRIS. Yes. This is one of the items which they so carefully prepared, as the Senator from Michigan said, under the eyes of the engineers; and the argument that it may be a great place for commerce when it is completed will not apply, because it is completed. It is finished, and the result is that millionaires who have private yachts on the ocean can bring their yachts up closer to where they can get into their automobiles from their yachts.

Now, the Senator from Michigan is just as much opposed to striking this out of the bill as he is opposed to striking the Trinity River item from the bill. In the one case he says it is not completed, and therefore we ought not to strike it out, because it may develop into something great, and in the other case he

says it is completed, we have put all that money into it, and therefore we must not give it up.

It does not make any difference which dilemma you may take or which way you go, those who favor that kind of legislation are opposed to striking anything out of the bill. We could not strike them out, as we have been trying to do for several weeks here. Then we made a motion to appropriate a lump sum as a last resort, the motion offered by the Senator from Iowa, and we are criticized for supporting that motion, because as the Senator from Michigan says, if that goes through some of these worthless projects like Trinity River will get some of the money. It was not our fault that Trinity River and such places were left in the bill. So those who favor that kind of legislation profit by their own sins. It seems to me that they are opposed to taking those streams out, and after they have prevailed and they have been left in then they are opposed to a lump-sum appropriation because these streams might get some more money under that kind of a procedure.

Mr. President, it does seem to me that as to our river and harbor bills the details ought not to be left to Congress. I believe that a lump-sum appropriation is the best way to do it. It ought not to be confined to old items. I will admit that as far as I am concerned if there is a new item that is worthy it ought to be put in, but we surely ought not to go on forever appropriating for what, in effect, I think is conceded to be wrong, simply because it has been done in the past and, as the Senator says, because it was advocated by Senators and officials who were great and who were honorable. It does not mean that we are censuring the statesmen of long ago because we find fault with the methods that they pursued. They, in their day, criticized the methods of their fathers, and, in fact, unless that had been done we would have been in a state of barbarism yet. We would not have this country with its boasted civilization if it had not been that men had the courage to criticize things that had been done honestly by honest and great men who lived before them and who lived with them.

While this bill, of course, is going through as it has been reported and as it has been slightly amended, I believe that the great Committee on Commerce, presided over by one of the very fairest men I have ever known, will profit by the fight which has been made here by the Senator from Iowa, and that through him and those who will labor with him we shall have a reform in the system by which we will get better legislation and better improvements and have at the same time more economy.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. NORRIS].

Mr. CLARKE of Arkansas. Does the Senator insist on a vote on the amendment?

Mr. NORRIS. I will not ask for the yeas and nays.

The PRESIDING OFFICER (Mr. WALSH in the chair). The question is on agreeing to the amendment. [Putting the question.] The Chair is unable to decide.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Myers	Simmons
Borah	Gore	Nelson	Smith, Ariz.
Brady	Harding	Newlands	Smith, Mich.
Broussard	Husting	Norris	Smoot
Chamberlain	James	Oliver	Sterling
Chilton	Jones	Overman	Sutherland
Clark, Wyo.	Kenyon	Page	Taggart
Clarke, Ark.	La Follette	Poindexter	Thompson
Culberson	Lane	Ransdell	Underwood
Cummins	Lea, Tenn.	Reed	Vardaman
Curtis	Lee, Md.	Shafroth	Walsh
Fall	Lodge	Sheppard	Warren
Fletcher	Martin, Va.	Shields	Williams

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

The amendment was rejected.

Mr. GORE. I offered an amendment a few days ago, which is now on the table. I ask to have it read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 32, after line 2, insert:

Illinois River, Ill.: Improving the Illinois River from Utica to its mouth in accordance with House Document No. 762, Sixty-third Congress, second session, $1,050,000.

Mr. GORE. Mr. President, I desire to say that I voted to recommit the pending bill. I shall not vote for its passage, whether the amendment which I have offered be adopted or rejected. I have never voted for a river and harbor bill during my service in the Senate; perhaps I never shall.

During my brief service in this body I have seen some $200,000,000 or $250,000,000 appropriated for the improvement of rivers and harbors. Of course, I share the pride other Senators entertain in the splendid merchant navy which burdens the waters of these inland highways. I rejoice in that magnificent, that golden stream of commerce which makes use of these highways. But, Mr. President, in my judgment, perhaps the major portion of the money carried in this bill and carried in preceding river and harbor bills has been wasted. If river and harbor bills can be judged by their fruit, by their returns, by the benefit which they render to the taxpayers, which they render to the public, which they render to the Republic, then we must condemn this measure as we must condemn other river and harbor bills.

There is no seasonable time to waste the people's money. We are the trustees of the public revenue and we ought to husband it even with greater scruples than if it were our private property.

Mr. President, I will vote for almost any project to improve a river if the Senator proposing the project will stand up in his place in this body and assert upon his responsibility as a Senator that if he owned the river and owned the money he would make the improvement as a private investment. Upon that standard I will commit myself to river and harbor improvements.

Mr. President, the situation of the Federal Treasury is unsatisfactory. The Treasury is depleted. It is a grim condition that stares us in the face. Before this Congress adjourns we must find ways and means to add $150,000,00, perhaps to add $200,000,000, to our annual revenues.

These revenues must come out of the people's earnings; the Government's income must come out of the people's income.

Mr. President, the European war has caused a falling off in our imports; has caused a falling off in our revenues. We have already passed one war-revenue measure. That emergency measure was designed to raise some $80,000,000 a year. We now have in contemplation another revenue measure which is intended to raise approximately $200,000,000 more. As I have already observed, our revenues have been falling off and we are threatened with increasing taxes in order to supply the deficiency. In disregard of that unfortunate situation, we are expending money—I had almost said recklessly—in the $43,000,000 carried in this river and harbor bill. As a result of the war abroad and the war mania at home, we are increasing our appropriations for the Army many millions of dollars. The naval appropriation bill this year will carry an additional $100,000,000 over the $150,000,000 of last year. It will aggregate a quarter of a billion this year. This is a result of the European war, or rather a result of the imaginary terrors, of the hysteria which has grown out of the war. Preparedness at any price is not a cheap blessing. Militarism is not an inexpensive curse.

This ought to warn us, Mr. President, to practice the most scrupulous economy, not only because we are under a solemn obligation to the taxpayers of this country to conserve their revenues, but there is an additional obligation resting upon the party in power. We came here upon the pledge of economy. We reprobated Republican extravagance. In its stead we promised Democratic economy. I am anxious to see that bond redeemed to the uttermost letter—not only the letter, but the spirit of the bond should be redeemed.

Senators on the other side will vote for these vast appropriations; they will vote to compel us to lay ourselves liable to the charge of extravagance. They will not share the responsibility during the coming contest; they will not defend the pending river and harbor bill; but they will array and arouse public sentiment against the Democracy on the ground that, instead of being economical, it has been extravagant; and, sir, what sufficient answer shall we find to that indictment?

Mr. President, I was amused and delighted with the unsophisticated amendment offered by the new Senator from Indiana [Mr. TAGGART]. I say "new" because "thereby hangs a tale." The Senator from Indiana has a keen sense of humor as a rule; he has an Irish sense of humor; but his service in this body has been brief. He takes the river and harbor bill seriously. He presumed to offer an amendment providing that the Secretary of War must find that any project in this bill must be either essential to and, if not essential, at least promotive of interstate commerce or of foreign commerce.

Think of it, Mr. President! Nobody but a neophyte in this body would have offered such an amendment as that. The Senator assumed that there was some relationship between the river and harbor bill and interstate and foreign commerce. He was misled by an association of ideas which might very well characterize a practical man or a private citizen, but which could not be pardoned on the part of a Senator who had seen any considerable service in this body.

Now, I am afraid that Senators on the other side, while professing to support this bill in good earnest, are really voting for this bill because they think that it will render Salt Creek navigable—that is certainly the only stream it will render navigable—and they think that stream will be thrown open to navigation on the 7th day of next November on behalf of Democratic Senators and other Democratic candidates. Of course, I know the great honor and the glory which it brings to a Member of Congress to return to his constituency and to point to a lavish appropriation obtained for some spring branch in his district. He may point to it as a monument, Mr. President; but I fear that it may serve as a different sort of a monument, and may bear a real epitaph, not only of Senators and Representatives but of the Democracy itself, if we persist in this policy of overrigorous economy and overscrupulous redemption of our solemn pledges to the American electorate.

As I suggested before, I should be willing to vote for almost any project if the Senator promoting the project should assert upon his responsibility as a Senator that if he owned the stream and owned the money he would make the improvement as a private investment. Perhaps that is true now. Perhaps Senators have investigated these projects; perhaps their official conduct here is but typical of what they would do in case they occupied the situation which I have described. Perhaps they fondly believe that the faith which will remove mountains will also canalize rivers and even rivulets. Indeed, I have no right to assume the contrary, but I indulge that—I will not say "presumption"—I will take it for a fact in their favor.

Mr. President, there are a few projects which, in my judgment, deserve favorable consideration. The amendment which I have proposed involves one of those projects. It involves a great inland waterway, stretching from the Gulf of Mexico, by way of the Mississippi River, the Great Lakes, the St. Lawrence River, to the Gulf of St. Lawrence; from the Gulf of Mexico, by way of the Mississippi and the Great Lakes, to the Erie Canal, to the Hudson River, to New York Bay. It would be an inland sea of 2,980 miles—the greatest inland waterway upon the face of the globe.

Mr. President, the Hudson River would constitute 212 miles of this majestic waterway. It can and will be completed in 1917 with a depth of 12 feet. This bill carries all of the appropriation necessary for its completion, save about $600,000. The Erie Canal would constitute some 365 miles of the proposed highway. It will be completed in 1918, at a depth of 12 feet, and at the expense of the State of New York.

I might add that in addition to the principal line from Lake Erie to the Hudson River, the Erie Canal has a branch up to Lake Champlain, and another to Lake Ontario at Oswego, N. Y.

Of the proposed waterway the Great Lakes would constitute 890 miles, already completed, with a depth of more than 20 feet, and already available for navigation.

In addition, the Illinois Drainage Canal is already completed to a length of some 30 miles, with a depth of 21 feet, extending from Chicago, on Lake Michigan, to Lockport. The State of Illinois has appropriated $5,000,000 to construct a canal from Lockport, the terminus of the canal just mentioned, to Utica, on the Illinois River, a distance of 65 miles. This canal is to have a depth of 8 feet. From Utica to the mouth of the Illinois River at Grafton, on the Mississippi, is a distance of 230 miles. The engineers have passed favorably on this as a feasible project at a depth of 8 feet. It would cost only $1,050,000 to complete this intervening link, which is the link involved in the pending amendment.

From the mouth of the Illinois River to St. Louis is a distance of 40 miles. To complete that link would cost $3,700,000. There is already available for navigation a channel from St. Louis to the mouth of the Ohio at a depth of 8 feet. The channel of the Mississippi is already available at a depth of 9 feet for a distance of 833 miles to what are known as the Passes of the Mississippi River. From the Passes to the Gulf, a distance of 240 miles, the channel is already available at a depth of 30 feet.

Mr. President, by the expenditure of $600,000 more on the Hudson River, by the expenditure of $1,050,000 on the Illinois River, and by the expenditure of $3,700,000 on the Mississippi from Grafton to St. Louis this mighty inland waterway could be completed, could be rendered available to navigation, and could be finished within the next two or three years.

Of course, there are two other things, in addition to mere water, which are essential to the successful navigation of our rivers. I waive, of course, the theory that you can navigate without water; I take no share in constructive navigation as a basis for the revision or reduction of railway rates. We ought to have the courage to make reasonable revision and reduction of railway rates without having recourse to this miserable fiction of artificial navigation.

In addition to that, however, terminals, docks, and wharves are essential to inland navigation. These do not exist on the Mississippi River. The same difficulty will be found to characterize many of the splendid thoroughfares provided for in this bill. In addition to that, we must safeguard the companies which embark upon inland navigation by legislation that will protect them against destructive competition on the part of railroads. I assume that that competition, if not destructive in the past, has at least been disastrous, but we have already commenced a policy of restraint to safeguard and to guarantee life to companies that undertake the navigation of our streams. What we have commenced we can and we ought to perfect.

With those two essentials the waterway which I have described would be the greatest inland waterway in the whole world. It would be many times longer than the Rhine. It traverses the most populous and the most productive region of the United States. Its entire cost of completion would aggregate only $7,000,000, less than half the cost of a battleship and only about one-third the cost of a fast battle cruiser. It would contribute, Mr. President, to the internal improvement—to the internal development of this country. It might be the cause or the instrumentality of preserving the prosperity of the great industrial centers in the Mississippi basin. I doubt if those industrial centers can maintain their standards of progress and of prosperity with the Panama Canal open to service, unless they obtain deep water to the sea. It is vital to their progress; it is vital to their prosperity.

I say, this inland waterway traverses the most populous, the most fruitful, the most productive region of the United States—the great Mississippi basin and through the entire State of New York from Lake Erie to the Hudson. It would contribute not only to the prosperity of these sections, but it would evidence the fact that in our rush to prepare for war we do not mean entirely to neglect preparation for peace.

Mr. President, the amendment which I have tendered relates only to the Illinois River from Utica to the Mississippi. That project carries only $50,000 in the pending bill. The engineers estimate that $1,050,000 will complete the work. Illinois has testified to her faith in the project by her action in authorizing the issuance of $5,000,000 of bonds for the completion of this project, and that expenditure will be of but slight service unless the United States shall join hands with the State and render the Illinois River navigable to the Mississippi.

In addition to this, we are improving the Mississippi from St. Louis to Minneapolis. The Hennepin Canal is already available from Hennepin, on the Illinois, to the mouth of Rock Creek on the Mississippi River and, if in real earnest we desire to promote inland navigation, there is no project in America more deserving of support than the one covered by the amendment which I have offered.

I believe that if you will select a few feasible projects and complete them and demonstrate their feasibility and their value to commerce, there will then be no complaint, there will then be no opposition to any real plan in the future for actual navigation; and if, upon completing the most promising projects, we are disappointed in our hopes, if they shall prove to be not feasible, if the coils of the railways have crushed them beyond all relief, let us ascertain that fact, let us arrive at a definite and a practical policy on which we can base our action intelligently for the future; abandoning a project if it be hopeless, and pursuing it vigorously to success if it be a practical project or if it renders a real return upon the investment. I am willing to vote reasonable appropriations to prepare for peace while others are voting such fabulous appropriations to prepare for war. Our permanent interest, our enduring glory must be found rather in the paths of peace than in the ways of war. I favor internal improvements; I favor real rational improvements. I desire the assurance that the people's money will be judiciously expended, that it will not be wasted, that it will be expended to promote the general welfare and will lay deep and broad the foundations of a more general and enduring prosperity.

Mr. President, I ask unanimous consent to put in the RECORD, following my remarks, a letter from Gov. Dunne, of Illinois, upon this project.

The PRESIDING OFFICER. Without objection, permission is granted.

The letter referred to is as follows:

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
Springfield, February 21, 1916.

DEAR SENATOR GORE: I beg to acknowledge receipt of yours of the 13th instant, containing Senate Document No. 230, being a response on the part of the Secretary of War to a resolution introduced by you in the Senate.

I have just read the document with much satisfaction. It discloses the important fact that if the State of Illinois be granted a permit to construct a waterway between Lockport and Utica at a depth of 8 feet, as provided for in the bill passed by the last legislature of our State, authorizing the issuance of $5,000,000 worth of bonds for that purpose, that there will be a navigable waterway from New York to New Orleans via the Erie Canal, the Great Lakes, the Illinois waterway, the Illinois and Mississippi Rivers, of at least 8 feet in depth, leaving only the section from Utica, Ill., to St. Louis, Mo., with a depth less than 8 feet. I note that the estimate for deepening this waterway from Utica to St. Louis is $4,760,000, and that this work can be completed within three years. It inevitably follows from this that the Secretary of War should grant a permit to the State of Illinois to build a waterway between Lockport and Utica at its own cost. If this be done and Congress appropriates $4,760,000 for the deepening of the Illinois and Mississippi Rivers between Utica and St. Louis, we will have a waterway from the Atlantic seaboard to the Gulf of at least 8 feet in depth over the whole of its course.

Senators LEWIS and SHERMAN of our State are enthusiastic for the granting of this permit, and I would respectfully suggest that you and other broad-minded Senators having this splendid proposition in view would unite in endeavoring to get the Secretary of War to grant this State the permit for which she has been asking since last July.

I congratulate you upon your interest in this great project. I think the completion of a waterway between New York and the Gulf, at this reasonable cost to the United States and the State of Illinois, one of the greatest projects for the development of this country that has been launched in many years.

Very truly, yours,

E. F. DUNNE.

Hon. T. P. GORE,
United States Senate, Washington, D. C.

Mr. CLARKE of Arkansas. Mr. President, I assume that the Senator from Oklahoma submitted this amendment for the purpose of having an opportunity to make a very excellent speech, such a one as he always makes; but the amendment can not be considered in the face of objection, and I feel constrained to make the objection. It has never been referred to the Committee on Commerce. It was presented on the 9th of May and ordered to lie on the table and be printed. In addition to that, it has not been included in any estimate which has ever been made.

Mr. GORE. I will say to the Senator that there is an estimate in House Document 230.

Mr. CLARKE of Arkansas. There is a plan provided for, probably, but the improvement never has been estimated for by the department.

Mr. GORE. I think the document contains an estimate.

Mr. CLARKE of Arkansas. But the estimate is not contained in the Book of Estimates to which I have had access.

The PRESIDING OFFICER. The point of order is sustained.

Mr. CLARKE of Arkansas. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] has an amendment to offer to strike out an amendment already inserted in the bill; and as it is the policy of the committee to have the bill completed as in Committee of the Whole, I move to reconsider the vote by which the item was adopted in order that the Senator from Wisconsin may make any motion in connection with it that he may see proper to make.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. GALLINGER. Mr. President, let us understand what the amendment is.

Mr. CLARKE of Arkansas. I was going to make a statement about that. It is an amendment inserted in the bill at the instance of the senior Senator from Illinois [Mr. SHERMAN], and is contained on page 31, lines 24 and 25 and several lines at the top of page 32. I notified the Senator at whose instance the amendment was adopted that it was the purpose of the Senator from Wisconsin to make a motion to strike it out. That notification was given to him this morning. I have made some inquiry as to his whereabouts since that time, but I understand he is not to be found readily. I do not know what that means, and I simply make the motion I do in order that the matter may receive such attention as the Senate sees proper to give it.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was incorporated in the bill will be reconsidered. The question now recurs on the adoption of the amendment, which the Secretary will state.

The SECRETARY. On page 31, line 23, after the numerals "$55,000," the following amendment was inserted:

And the improvement of navigation of the Illinois River authorized by an act of the Illinois General Assembly, approved June 18, 1915, providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act. The Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation.

Mr. REED. Mr. President, I desire to ask what Senator it was who submitted the amendment?

Mr. CLARKE of Arkansas. The amendment was offered in the Committee on Commerce by the senior Senator from Illinois [Mr. SHERMAN].

Mr. LA FOLLETTE. Mr. President, I move to strike out the entire amendment offered by the Senator from Illinois [Mr. SHERMAN] and just read by the Secretary. It includes the committee amendment as well as the additional amendment regarding the control of tolls by the Interstate Commerce Commission.

I am constrained to believe, Mr. President, that if the Senate had understood the full import of this amendment proposed by the committee it would not have adopted it. I understand it was accepted by the committee without any discussion whatever, and without the presentation to the committee of the reports of the special board created by previous acts of Congress for the investigation of this important subject. It seems to have been offered in committee and adopted, as admitted by the senior Senator from Illinois when this subject was up earlier in the consideration of the bill, without any special consideration. When this subject was under discussion in the Senate the senior Senator from Illinois made certain statements which, without any intention upon his part, nevertheless, I am bound to say, were quite misleading.

It will be remembered by the Senate that the Senator from Michigan [Mr. SMITH] proposed to strike out this amendment to the pending bill and submitted some reasons in support of his motion. He was unable to prevail upon the Senate to strike it out. In the course of the debate the senior Senator from Illinois said, among other things, the following:

Mr. President, before the Senator from Michigan concludes I will ask him if he knows that the War Department, acting through its engineers, has made no objection on the question of lowering the Lake levels; that their objection, speaking through the Chief of Engineers, was entirely on the question of the possibility of the State imposing an excessive freight charge, or toll, and on the ownership of the hydro-electric power to be developed by the waterfall? The objection was based on those considerations and not on the question of Lake levels. They have not raised that question.

Mr. President, there can be no fair understanding of the import of this important amendment in the pending bill without some statement of the history of the whole proceeding. The amendment provides:

And the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly, approved June 18, 1915, providing for an expenditure of $5,000,000 therefor by the State of Illinois be, and is hereby, authorized in accordance with said act.

That is the amendment which, with the provision as to the control of tolls added on motion of the Senator from Illinois at the time of the debate a few days ago, is the proposition which I propose should be stricken from the bill.

It is quite misleading to the Senate, Mr. President, to say that the proposed amendment does not involve the taking of any more water from the Great Lakes. Perhaps, as limited to the terms of the amendment adopted by the committee, that would be true, but as being the basis for further application to Congress as flowing directly from the consequences inevitable from the adoption of this amendment, it falls very far from covering the case.

In so far as the improvement of navigation of the Illinois River is concerned, the withdrawal of 1,000 cubic feet of water per second would be sufficient to provide all the water necessary for navigation purposes resulting from the improvement in question.

But, Mr. President, this proposition involves much more than that. It involves the withdrawing of the water from the Great Lakes for what are called sanitary purposes in connection with the Chicago Drainage Canal, and it involves the withdrawing of larger amounts of water from the Great Lakes for water-power purposes, which are also wrapped up in the legislative act which would be approved by the adoption of this amendment. If Congress approves the scheme for which the act of the Illinois General Assembly provides, and to the approval of which, by its terms, this amendment commits Congress, it will involve the withdrawal from Lake Michigan of a vast amount of water, far beyond the navigation requirements of the proposed waterway, and far beyond the requirements for flushing of the river for sanitary purposes. It will involve the withdrawal of the water from the Great Lakes for water-power purposes in the interests of this particular State. It is a very innocent-appearing amendment, but its adoption will commit Congress to a scheme that ultimately and logically will be made the basis of the withdrawal of vast quantities of water from the Great Lakes, which will so interfere with the commerce of those lakes that it will entail upon the Federal Government the expenditure of enormous sums of money to erect compensating

works and to dredge the harbors and the entrances to the harbors over the entire Great Lakes region so as to meet the needs of commerce by restoring a proper depth of water. It will involve this Government in serious complications with Great Britain, because of treaty provisions which exist with Great Britain respecting the use of the waters of the Great Lakes.

If Congress sanctions any scheme of withdrawal of waters from the lakes for water-power purposes, it will at once violate the provisions of the treaty which has been entered into with Great Britain regarding the use of the boundary waters of the lakes common to the two Governments.

In 1899 the city of Chicago, having planned for a canal that would flush the Illinois River and carry off the sewage of that city, applied to the War Department for authority to withdraw from the Great Lakes at that particular point some 5,000 cubic feet of water per second. As I remember now, Mr. Alger was Secretary of War at the time. He granted permission for the withdrawal of 5,000 cubic feet of water per second for the purpose of flushing this canal to take care of the sewage of Chicago through the Illinois River. Subsequently it was found that the withdrawal of that amount of water seriously interfered with navigation, seriously interfered with the tonnage which the boats plying on the Great Lakes could carry and make the harbors of the Lakes, and Secretary Root, I believe, if I remember correctly, reduced to 250,000 cubic feet per minute the amount of water which the State of Illinois was permitted to use through this canal.

In order to set before the Senate the difficulties and the controversies which have arisen between the State of Illinois and the Federal Government, I think I can not do better than to read a memorandum recently made by Gen. Black, Chief of Engineers, to the present Secretary of War upon this subject. It is dated May 13, 1916. I will ask the indulgence of the Senate while I read the entire memorandum, because it bears so directly and so pertinently upon my pending amendment and for the further reason that there can be no proper understanding of this proposition without a knowledge of the history of the efforts of Chicago and Illinois to divert the waters of Lake Michigan.

Gen. Black, in his memorandum, gives a brief history of the matter involved in the pending amendment. He said:

The Chicago Drainage Canal was built under authority of the State of Illinois for sanitary purposes, and has never had the sanction of Congress. When completed in 1899, application was made to the War Department for permission to connect the canal with the south branch of the Chicago River, thereby reversing the flow of the stream which originally flowed into Lake Michigan, and diverting the waters thereof into the drainage canal. A conditional permit was granted May 8, 1899, in which the diversion was limited to 5,000 cubic feet per second. Subsequently on complaint of navigation interests the permit was modified, and on December 5, 1901, the Secretary of War fixed the amount of water allowed to be diverted at 250,000 cubic feet per minute, or 4,167 second-feet, which is now the legal limit.

From the beginning the operations of the sanitary district of Chicago have been looked upon with disfavor by navigation interests, and questions connected therewith have been constantly before the department. The reversal of the flow of Chicago River and the drawing of water into the drainage canal affects navigation seriously on account of the tendency to lower levels of the Great Lakes, and also for the reason that current velocities in the river and its branches are materially increased. These injurious effects were clearly foreseen by the department, and hence the diversion has been restricted to the amount stated, and the Secretary of War has not only declined to increase the amount, but has consistently adhered to the position that the permit granted was to be considered of a temporary character, and that any permanent diversion of the waters of Lake Michigan into another watershed required congressional authorization.

Notwithstanding this well-understood attitude, the sanitary district has persistently sought to secure from the department permission to abstract larger and additional amounts of water. In 1907 application was made for permission to take an additional 4,000 second-feet through the Calumet River, and after careful and thorough consideration the Secretary of War denied the application, referring again to the desirability of submitting the matter to Congress.

In 1912 the matter came before the department again on an application for permission to divert from Lake Michigan into the drainage canal 10,000 cubic feet of water per second. A public hearing was held by the Secretary of War for consideration and discussion of the questions connected with this proposition. At this hearing opposition to the application was made by representatives of 23 cities and 6 States interested in the commerce of the Great Lakes and the harbors thereon; by navigation interests on Chicago River, and by representatives of the Dominion Government and of the cities of Kingston and Montreal, as well as private navigation interests. The subject was most exhaustively considered, and on January 8, 1913, the Secretary of War rendered a decision adverse to the applicants, in which he held:

1. That the diversion of 10,000 cubic feet per second from Lake Michigan would substantially interfere with the navigable capacity of the navigable waters in the Great Lakes and their connecting rivers.

2. That it would not be appropriate for the department to permit such a diversion without express congressional sanction.

3. That the provisions of the existing boundary waters treaty between Great Britain and the United States offer a further reason why no administrative officer should authorize a further diversion, manifestly so injurious to the interests of Canada.

Although the Secretary of War has fixed the limit of permitted diversion of 4,167 second-feet, and has repeatedly refused to grant any increase, it is known that the sanitary district has for many years been withdrawing a much larger amount of water. In fact, while this State organization has been prayerful as well as persistent in its application to the department, it has shown little regard for the decisions of the Secretary of War when rendered. Soon after the application of 1907 was denied the trustees of the sanitary district passed an order declaring the intention of reversing the flow of the Calumet River and withdrawing through it an additional 4,000 cubic feet of water, without the authority of the Secretary of War, unless prevented by injunction from so doing. Accordingly, in March, 1908, the Attorney General, at the instance of this department, sued out a bill of injunction restraining the sanitary district from reversing the flow of the river and from withdrawing water from Lake Michigan in a different way and in larger amount than was authorized by the Secretary of War. Again, in 1913, when the Secretary of War decided adversely to the application for permission to take 10,000 cubic feet of water, the sanitary district refused to conform to the decision, and another bill of injunction was filed by the Attorney General in October, 1913. These two suits were consolidated, voluminous testimony was taken, and the case, which has been ably argued, is now awaiting decision in the United States District Court for the Northern District of Illinois.

It has been shown that since 1910 the average daily flow through the Chicago River into this canal has been in excess of 7,000 cubic feet per second, and measurements taken by the United States Lake Survey indicate discharges in excess of 8,000 cubic feet per second, or practically double the amount allowable under the permit of the Secretary of War. This represents a daily average withdrawal from Lake Michigan of more than 690,000,000 cubic feet, which is about equal to the entire low-water flow of the Mississippi River at St. Paul; and, by way of further comparison, it may be added that the low-water flow of the Mississippi River at Keokuk, where the large power plant of the Mississippi River Power Co. is located and operated, is only about twice as great as that now abstracted from Lake Michigan into this drainage canal. The continuous withdrawal of this volume of water will result in the permanent lowering of the surface of Lakes Michigan and Huron to the extent of 5 inches or more and of Lake Erie to nearly the same extent. That the State authorities contemplate a still greater diversion, 10,000 second-feet or more, hardly admits of doubt. The calculations of the United States Lake Survey, based upon observations covering a period of 40 years, indicate that the withdrawal of 10,000 second-feet would lower Lakes Michigan and Huron 6.9 inches, Lake Erie 5.4 inches, and Lake Ontario 4.5 inches at mean lake levels, the reduction being much greater at low-water periods.

To lower the water surface 6 inches would reduce the permissible load of one of the large modern vessels by from 300 to 550 tons, and the International Waterways Commission has estimated that the loss to navigation interests would amount to $1,500,000 per annum. Moreover, there are more than 100 works of river and harbor improvement on the Great Lakes and their connecting waters, for which appropriations aggregating more than $90,000,000 have been made. The application of this vast sum has resulted in securing specified widths and depths of channel, and to diminish these depths, even to a slight extent, will not only prove a serious injury to traffic but will undo the work that has been accomplished and necessitate the expenditure of further large sums of money for restoration. It would seem that any project that tends to reverse or annul the orders of Congress as expressed in the various acts appropriating funds for improving the harbors and channels connecting with the Great Lakes should meet the disfavor of the War Department, unless it has been sanctioned and authorized by that body.

W. M. BLACK,
Chief of Engineers, United States Army.

Mr. President, I am constrained to comment here upon the fact stated by the senior Senator from Illinois [Mr. SHERMAN] that the amendment which he proposed to this bill in committee was made without any discussion and without the presentation of any of these facts before the committee. It is but an indication, Mr. President, of how loosely river and harbor bills are prepared. The small attendance in the Senate Chamber at this particular time is a further indication of the lack of interest on the part of a majority of the Members of this body in a proposition which, as shown by all the authority upon which we act in regard to river and harbor improvements, menaces the interests of commerce in the interest of a State, not for the purposes of navigation but for the purposes of building up a water-power proposition which shall be made profitable to that State and to interests that can secure the benefit of this improvement because of their location within the State.

The act of the Illinois Legislature which this amendment would approve reads in its title:

An act to provide for the construction of a deep waterway or canal, to be known as the Illinois Waterway, from the water-power plant of the sanitary district of Chicago, at or near Lockport, in Will County, Ill., to a point in the Illinois River at or near Utica, in La Salle County, Ill., to provide for the issuance of bonds to pay for said deep waterway, to provide for the development and utilization of water power that may be generated from the water flowing through said waterway, to create a commission to be known as the Illinois Waterway Commission, and to make an appropriation to carry out the provisions of this act.

And in the first section of this law, after again describing the location of this waterway, the act contains this language:

And that there shall be erected, equipped, and maintained by the State of Illinois power plants, locks, bridges, dams, and appliances sufficient and suitable for the development and utilization of the water power of said waterway or canal.

Paragraph 9 of section 3 of the act of the Illinois Legislature contains the following:

The State of Illinois shall be liable for all damages to real estate or other property which shall be damaged by overflow or otherwise damaged by reason of the construction, enlargement, use of any channel, ditch, drain, outlet, embankment, wall, dam, crib, or other improvement or structure of that kind made under the provisions of this act.

But nowhere in the act is there any provision for the payments of damages which may be caused by the diversion of water from Lake Michigan. The act provides that the Illinois Waterway Commission shall collect tolls for the use of the said waterway, but is generous in that it provides for the free use of said waterway for the goods of and persons employed by the United States Government.

When the waterway is paid for and all the bonds which have been issued to pay for it have been paid, either out of earnings of the waterway or by the State of Illinois, then the channel which the act authorizes is to be turned over to the Government of the United States for navigation uses—

conditioned upon the proposition or agreement of said Government to maintain the channel as a waterway free from tolls for navigation and to operate and maintain the locks free of cost to the State of Illinois for all uses other than navigation, the channel and its appurtenances shall be and forever remain the property of the State of Illinois.

The mere quotation of these clauses from the Illinois statute is sufficient to demonstrate that the principal object of the State of Illinois in undertaking this improvement is not to create a navigable waterway, but is to create a great water power upon a navigable stream.

The public interest involved in this waterway is not alone that of the people of the State of Illinois or of those who reside along the banks of this river or who may be engaged in manufacturing upon the river.

It is so peculiarly situated that this waterway has an influence upon and may affect the well-being and the business of peoples situated along the whole chain of Great Lakes.

For a great number of years there has been public discussion as to the effect of the diversion of the water of the Lakes through the Chicago Drainage Canal. The water coming from Lake Michigan passes through the Chicago River, down through the canal, and finally finds its way into the Illinois River, and will be a part of the waterway which it is proposed to build under the act of the Illinois Legislature and which is authorized by the pending amendment.

When the diversion of water from Lake Michigan was first suggested it was for the purpose of cleansing the Chicago River. That river emptied into Lake Michigan and was an open sewer for the city of Chicago. By the creation of the drainage canal the course and the character of the river was changed, and instead of the river emptying into Lake Michigan it was made to empty into the waters of the Des Plaines River.

I fear, Mr. President, and there is good ground for such fear, that the sanction which this amendment gives to the development of the Illinois River will be made the ground for future action by Congress or by the War Department, which will authorize the diversion of the waters of Lake Michigan to this waterway to an extent greater than is now permitted and greater than the necessities of navigation would justify.

The Senate should appreciate the probable effects of this amendment. The report accompanying the bill discusses the improvement by the United States of the Illinois River from La Salle to its mouth at Grafton, but is silent with respect to the purposes and possible effects of the improvement to be made by the State of Illinois and to which improvement this amendment commits the Federal Government.

In 1909 there was introduced in the General Assembly of Illinois a bill to authorize the construction of a waterway from Lockport to Utica, Ill., and in the title of this bill, among other things, it is stated that its purpose is the—

development and utilization of the water power that may be created from the water flowing through said waterway.

That bill proposed that the State of Illinois should expend $20,000,000 in the creation of this waterway.

The river and harbor act approved June 25, 1910, authorized the Secretary of War to appoint a board of five members, and prescribed that such board shall report, among other things, upon the feasibility of the Illinois waterway, and also upon—

such measures as may be required to properly preserve the levels of the Great Lakes and to compensate, so far as practical, for the diminished levels in said lakes and of connecting waters thereof by reason of any diversion of water from Lake Michigan for the maintenance of the proposed waterway herein described, or diversion for any other purpose.

It further proposed—

that the report shall state the extent and character of the cooperation recommended and of the conditions considered necessary in connection therewith to fully protect the interests of the United States.

The board which made this investigation was composed of W. H. Bixby, brigadier general, Chief of Engineers, United States Army; C. MacD. Townsend, colonel, Corps of Engineers; C. Kelly, major, Corps of Engineers; J. B. Kavenaugh, major, Corps of Engineers; and John Boger, civil engineer.

This board filed its preliminary report November 1, 1910.

Under date of January 23, 1911, this board made another report and upon the subject of the conditions necessary in connection with cooperation between the United States and the State of Illinois to fully protect the interests of the United States, the report has to say:

A primary condition of that cooperation between the United States and the State of Illinois should be the acceptance in perpetuity of full responsibility for the State of Illinois or its agents for all damages by changes in lake levels, including cost of compensating works and for all damages to riparian owners, and the State should transfer to the United States the locks and the control of the waterway thus created so far as needed by navigation.

From this same report I also quote another paragraph as throwing light upon the real purposes behind the pending amendment.

This report further says:

By virtue of the act of Congress of March 30, 1822, dedicating to the State of Illinois the land necessary for a canal connecting the Illinois River with Lake Michigan, and the act of March 2, 1827, granting to the State certain public lands for the purpose of aiding in its construction, and the acceptance by the State of the conditions imposed therein, the State of Illinois obligated itself to construct a suitable waterway from Lake Michigan to the navigable waters of the Illinois River. In accordance with this agreement the State constructed the Illinois and Michigan Canal, from Bridgeport to La Salle, and improved the Illinois River by the construction of locks and dams at Henry and Copperas Creek.

For many years this waterway was a valuable route, but in recent years the State has neglected it and failed to maintain it abreast of the needs of commerce. The work now proposed by the State in connection with the canal of the Chicago sanitary district contemplates a waterway from Lake Michigan to Utica, which, although departing from the line of the old canal, substitutes a waterway more than sufficient for any probable navigation. This will, in effect, fulfill the original agreement between the State and General Government for this section and incidentally develop a water power which the State considers a profitable business investment. State or local agencies are better adapted than the General Government for conserving water power for their citizens.

The board believes that the State is more generous in its provisions for navigations than necessity requires, that the locks it proposes are larger than will be utilized, and that its original agreement would be amply fulfilled if it constructed locks 600 by 80 by 11 feet, and required at each lock ground sufficient for an additional lock should it ever be required, but it is also of the opinion that the State should be permitted to expend its own funds in such manner as it deems proper. With locks of the dimensions suggested by the board the $20,000,000 authorized to be appropriated by the State should complete this part of the waterway, and unless large expenditures are required for power rights even the larger locks could be constructed for that amount.

The report of this special board was submitted to the Board of Engineers for Rivers and Harbors, and on January 30, 1911, the Board of Engineers for Rivers and Harbors indorsed upon this report its views. It did not concur with the special board that the United States should assume any of the cost of this waterway in excess of the $20,000,000 which the State of Illinois proposed to spend, and added these significant words:

Moreover, it suggests that the amount of diversion to be permitted from Lake Michigan should be determined, if practicable, before the project is undertaken. Not only may this affect the attitude of the State toward the work, but also when the approximate minimum flow is known, it may be found advisable to substitute open-channel work for the four existing locks and dams that are retained in the plan of the special board.

It is understood that the sanitary district of Chicago and the State expect to develop considerable water power on that portion of the waterway between Chicago and Utica. As it is proposed that the navigable channel between these points shall be built without cost to the United States, it is believed that the General Government should relinquish to those local agencies any right that they may have in the power to be thus developed.

So the Board of Engineers recognized the danger to the Lake levels by the diversion of water, and counsels that before this waterway shall be permitted to be built that the amount of water to be diverted from Lake Michigan shall be determined.

The amount of water to be diverted from Lake Michigan has not been determined. Congress has not acted with respect to that subject. The War Department in 1901 did act. It acted under authority contained in the river and harbor act of March 3, 1899. The Secretary of War granted a temporary permit, under which there was authorized a diversion of 250,000 cubic feet of water per minute, or about 4,167 cubic feet of water per second. The Secretary of War at that time felt so uncertain as to the effect which this diversion would have upon the levels of the Lakes and the commerce of the Lakes that he did not give a permanent permit.

The permit was temporary in character. It is still a temporary permit. Its terms have been violated by the sanitary district of Chicago, and instead of confining the diversion to the amount therein authorized, according to the Board of Engineers, there has been diverted water to the amount of more than 7,000 cubic feet per second.

The Illinois bill of 1909 proposed a 24-foot waterway. In the final report of the board that investigated it is stated that if the waterway was to be used by vessels capable of navigating

the ocean and the Great Lakes it should have a depth of not less than 24 feet, and if it was to be used for river traffic—

navigation does not require its depth to exceed 9 feet. A depth of 14 feet, which has been frequently urged for this waterway, is greater than is necessary for river navigation and entirely insufficient for either lake or ocean vessels.

The final report of the special board of engineers on the waterway from Lockport to Utica, Ill., was made under date of August 15, 1913. That report contains some interesting data with respect to the effect of the Illinois waterway upon lake levels.

The report is contained in House Document No. 762, Sixty-third Congress, second session. I quote the following:

It is therefore evident that when the Lakes stand at mean lake level a diversion of 10,000 cubic feet per second from Lake Michigan through the Chicago drainage canal will ultimately produce a lowering of the water surface of Lakes Michigan and Huron and its connecting harbors and channels of 0.465 feet (5.58 inches), of Lake Erie of 0.448 feet (5.58 inches), and of Lake Ontario of 0.431 feet (5.16 inches); at lower stages the effect will be greater, due to the relatively smaller area of the cross section of the outlets.

The largest lake freighters recently built carry over 80 short tons of freight for each inch of loaded craft, and an uncompensated Chicago diversion of 10,000 second-feet would cause a loss to each vessel of at least 446 tons in carrying capacity for each down trip through the channels connecting with Lakes Michigan and Huron. This, based upon 25 trips per season, with vessels returning light, means a loss of at least 11,150 tons per year, and at a freight rate of 55 cents per ton represents a monetary loss of at least $6,000 per large vessel per year. During the season of 1912 there passed through the locks at Sault Ste. Marie over 72,000,000 tons of freight, the greater part of which was carried in vessels of such size as to be affected by any loss of depth caused by a Chicago diversion. The tonnage of 1913 bids fair to exceed the tonnage of 1912. The lowest estimate of the loss to American vessels alone that has been brought to the attention of the board is over $1,000,000 per annum, and the loss will increase with the increase in the number and size of vessels.

It is evident therefore that any diversion with consequent lowering of lake levels will cause a direct financial loss to vessel owners, and such a loss can be prevented only by the adoption of remedial measures.

The Board of Engineers for Rivers and Harbors considered this final report of the special board and submitted its report thereon under date of December 16, 1913, and the Board of Engineers in 1913 reiterated and emphasized the recommendations made in 1911. It says:

The special board states that a primary condition of any cooperation between the United States and the State of Illinois should be the acceptance in perpetuity of full responsibility by the State of Illinois or its agencies for all damages by changes in lake levels, including cost of compensating works, and for all damages to riparian owners; and the State should transfer to the United States the locks and the control of the new waterway thus created, so far as needed by navigation, and the locks and dams at Henry and Copperas Creek, on the Illinois River.

Again evidently impressed with the need of preserving the lake levels, the Board of Engineers say:

The investigations and studies of the special board show that the diversion of water from the lakes lowers the levels progressively in proportion to the amount so diverted, the full effect not being observable for some time, and that for the 10,000 second-feet diverted through the Chicago Drainage Canal at mean lake level the water surface will be lowered to Lakes Huron and Michigan 0.465 foot; in Lake Erie, 0.448 foot; in Lake Ontario, 0.431 foot. Such lowering would materially affect the carrying capacity of the large freight vessels, estimated at 88 tons per inch of draft, and would cause a loss on American vessels alone, at the lowest estimate, of $1,000,000 per annum.

Three methods for compensating such diversion have been considered by the special board: (1) By the construction of submerged weirs with arbitrarily controllable sluices at the lower ends of the Lakes; (2) by reducing the area of the natural outlets by the construction of fixed contraction works therein; (3) by dredging harbors and connecting channels. The investigations of the board show with certainty the result of diversion of water through a new outlet is a lowering of Lake levels. The effect of the great storage capacity of the Lakes and of the natural fluctuations of level due to natural causes, such as the varying amount of rainfall and the varying amount and direction of wind pressures, is such that the absolute level at a given time at any given place can not be predicted, and human wisdom is inadequate to regulate a variation of discharge through the outlet in such a manner as to produce a definite desired result. Method No. 1 therefore must be classed as impracticable. Compensation by dredging is practicable, but on account of the extensive areas involved this method would be unduly costly. Of the three methods, the second only is therefore favorably considered. The special board proposes to hold up the level of Lake Erie by the construction of three submerged weirs in Niagara River, at an estimated cost of $150,000, and that of Lakes Michigan and Huron by submerged weirs in St. Clair River, at an estimated cost of $325,000, the total for compensating works being $475,000, with $15,000 annually for maintenance.

After reviewing the finding of the special board, the Board of Engineers, evidently fearful that the United States by cooperation with the State of Illinois, unless such cooperation was thoroughly safeguarded, would lose its right of control of this waterway, uses this significant language:

It is the distinct recommendation of the Board of Engineers for Rivers and Harbors that the term "control of the new waterway thus created, so far as needed for navigation," shall be interpreted to include such control of the use of water for power purposes as shall be necessary to insure the conditions of flow required for navigation. Further, the board believes that the total volume of water to be diverted from the natural discharge channels of the lakes should be definitely fixed by Congress; that a project, with estimate of cost, for works necessary to compensate for such diversion should be prepared to the satisfaction of the Chief of Engineers and the Secretary of War; that before any diversion is made beyond that at present existing, the State of Illinois shall transfer to the Secretary of War the funds necessary for such works as given by the approved estimate of cost; that the works shall be built by the United States with the funds so provided; and that the control and the maintenance of such works shall be in and at the cost of the United States.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I do.

Mr. GALLINGER. I have heretofore taken some little interest in this proposition, but do not claim to be familiar with its details. I will ask the Senator if the amount of water diverted from the lakes up to the present time has sensibly reduced the level of the lakes?

Mr. LA FOLLETTE. It has, Mr. President; and as is disclosed by Gen. Black's memorandum to the Secretary of War is the subject of litigation between the Government and the State of Illinois. The Federal Government started the proceeding for the protection of the commerce of the Great Lakes.

Mr. GALLINGER. I was further intending to ask the Senator—and I ask these questions merely for information—whether or not the Canadian Government has ever raised an objection to the diversion of the water?

Mr. LA FOLLETTE. It has, Mr. President; and there are great, big questions—questions involving commerce of millions upon millions in value, questions involving international relations—back of a proposition placed in this bill in committee, without discussion, and approved by the Senate with very little discussion of its real merits.

Mr. GALLINGER. One further question, if the Senator pleases: We have an International Boundary Commission. Had the commission jurisdiction at all over this matter? Has it ever taken the question under consideration?

Mr. LA FOLLETTE. I am not able to answer that question.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. LA FOLLETTE. I shall be glad to have the Senator do so.

Mr. NELSON. We have a Waterway Commission, created under the treaty between our country, England, and Canada, of which Mr. Tawney, of our State, is a member. They have jurisdiction over these international waters.

Mr. GALLINGER. Over all matters affecting boundary disputes?

Mr. NELSON. Over all matters affecting the boundary waters of the country. They have jurisdiction over them. There is no doubt about that.

Mr. LA FOLLETTE. Now, Mr. President——

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LA FOLLETTE. I do.

Mr. CLARKE of Arkansas. I do not believe the Senator from Wisconsin wants to be understood as broadly as his naked statement would indicate. The Committee on Commerce have not included in this bill any item that has not received very considerable attention, nor have we overlooked the War Department in recommending the item as it now appears. In support of that suggestion I want the Secretary to read the letter that has been received from the Secretary of War in which he says that congressional action on this subject is desirable.

Mr. LA FOLLETTE. Yes; but, Mr. President——

Mr. CLARKE of Arkansas. Let the Secretary read the letter, please.

Mr. LA FOLLETTE. I think I have a copy of that letter in my hand; and when the letter is read it will be observed that the Secretary of War proposes that if any such provision as is found in this bill should be adopted, there should be added provisions qualifying the indorsement by the Federal Government of this legislation on the part of the State of Illinois.

Mr. CLARKE of Arkansas. Let the Secretary read the letter, and that will be the committee's statement in support of its action.

Mr. LA FOLLETTE. If my proposition to strike out this provision should be voted down, then I propose to offer the recommendations of the Secretary of War contained in what I am led to believe is the letter which the Senator from Arkansas has sent to the desk.

Mr. CLARKE of Arkansas. All of it has now been incorporated in the amendment except one proviso.

Mr. LA FOLLETTE. I shall have an amendment to offer to the pending committee proposition if my motion to strike it out should fail.

Mr. BORAH. Mr. President, I desire to ask the Senator from Wisconsin a question.

Mr. CLARKE of Arkansas. May I ask the Senator from Idaho to suspend until the letter can be read? It is only a page or two.

Mr. BORAH. Certainly.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as suggested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, May 23, 1916.

Hon. JAMES P. CLARKE,
Chairman Committee on Commerce, United States Senate.

SIR: Referring to the action of the Senate of May 22 regarding the improvement of the Illinois River, as given in the CONGRESSIONAL RECORD, I beg to state that while I think congressional action in this matter is highly desirable it is very important in the general interests of navigation, especially of those depending on the maintenance of the levels of the Great Lakes, that in addition to the proviso which was discussed yesterday, namely:

"The Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation"——

certain additional provisos be added to the item, as follows:

"*Provided*, That the improvement may be made in general accordance with the plans heretofore submitted to the Chief of Engineers and the Secretary of War, and subject to their approval, or on such modified plans as may be approved by the Chief of Engineers and the Secretary of War; *Provided further*, That the waterway shall be completed and open for navigation before any of the water now being, or hereafter to be, diverted from Lake Michigan shall be used for the development of power; *Provided further*, That the navigation features of the waterway and its appurtenances shall be operated and maintained in a manner satisfactory to the Chief of Engineers and the Secretary of War, and any repairs or maintenance work that may be directed by the Secretary of War on the recommendation of the Chief of Engineers shall be made within the time specified by him; *Provided further*, That when, under the terms of the act of the State of Illinois, the waterway shall be transferred to the United States for navigation purposes, the United States shall be given a clear title to such land as may be occupied by or used in connection with the locks and various appurtenances necessary for the operation of the waterway for navigation, together with all structures thereon; *Provided further*, That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute; *And provided further*, That nothing herein contained shall be held to prejudice or affect any rights the United States may have in the Illinois and Michigan Canal, or lands appurtenant thereto, or in any claims against the State of Illinois arising out of any failure upon the part of the State to maintain said canal as a navigable waterway."

It is true that consideration is being had by this department on an application by the State of Illinois for a War Department permit for this project. Decision in the matter has been delayed awaiting the receipt of certain papers relating to the case which had been promised to me, only part of which have as yet been received. At a hearing given to the governor of Illinois and other interested parties on the 15th instant all of these additional provisos recommended above for insertion were read to the applicants, who stated that so far as the interests of the waterway itself were concerned they were unobjectionable.

I would recommend that the item relating to the Illinois River improvement be amended by the insertion of these provisos.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

Mr. CLARKE of Arkansas. Mr. President, every one of the provisos indicated in that communication has been added to the pending amendment except the one which limits to 250,000 cubic feet per minute the amount of water which may be diverted. That has not been included.

Mr. LA FOLLETTE. Mr. President, as the committee amendment reads at present I do not find that any of the proposals of the Secretary of War has been added, aside from the one which suggests that the rates on interstate traffic through this canal shall be controlled by the Interstate Commerce Commission; and that provision would have become operative under the law without its enactment here.

Mr. CLARKE of Arkansas. That is an inadvertence, or else the Senator did not call for the reading of the amendment as it was amended here from the floor. These provisos did not appear in the amendment reported out of the committee. They were added on the floor, after the bill had been reported back; and they are part of the amendment now, except the one with reference to the limitation to 250,000 cubic feet.

The PRESIDING OFFICER. The Chair will say that he has before him the official copy, from which it appears that the amendments now stand as mentioned by the Senator from Arkansas. The amendments recommended in the letter appear to have been adopted, with the exception of the following:

That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute.

Mr. LA FOLLETTE. Mr. President, that is the most important proposition which the Secretary of War makes, as appears from the memorandum of Gen. Black, which I read. The fact remains, Mr. President, that this committee adopted the suggestion of a member of the committee, the senior Senator from Illinois [Mr. SHERMAN], as he had stated on the floor of the Senate, without having before it the suggestions of the Secretary of War contained in the letter just read from the desk. These suggestions were transmitted under date of May 23, and this bill was reported from the committee May 5. So the senior Senator from Illinois, as a member of this committee, put upon this bill a proposition giving authority to the State of Illinois to undertake this improvement without consideration of any of the provisions which the investigations, conducted at tremendous expense by the Federal Government, beginning away back in 1910, and bearing upon this whole proposition, had shown to be necessary, and many of which were embodied in the letter of the Secretary of War written to the chairman of the committee. It was on the 22d day of May that the Senator from Michigan [Mr. SMITH] rose in his place on this floor and attacked this amendment. It appears now that the letter of the Secretary of War came as a result of the attack made on this amendment upon the floor and resulted in the adoption of a portion of the suggestions made by the Secretary of War. But the recommendation of the Secretary which is of most vital importance was not adopted. That recommendation is that the amount of water which shall be diverted through this system of waterways shall never exceed 250,000 cubic feet per minute.

Now, I should like to have the Senate keep in mind these three propositions: So far as navigation is concerned, 1,000 cubic feet per second is all that this improvement ever will require, according to the judgment of the engineers who have investigated it from time to time; 10,000 cubic feet is desired by the city of Chicago for the purpose of taking care of its sewage. How much more will be necessary in order to make this waterway a commercial proposition as a water-power scheme remains to be developed. But I want the Senate to remember that by the very terms of the act of the Illinois Legislature which it is proposed here to ratify, it provides for the development of a water power. If we blindly commit this Government to an approval of the legislation adopted by the Illinois General Assembly, we shall be called upon in the future to furnish a quantity of water sufficient to insure a return upon the millions that the State of Illinois proposes to invest under that act for water-power purposes.

But what I protest against, Mr. President, is that this innocent-looking proposition in this bill in a few lines commits Congress to an indorsement of an act of the legislature, the provisions of which not one member of this body, I venture to say, outside of the Senators from Illinois know, and it will commit Congress to furnishing water to supply the great scheme of development which it is proposed that we shall authorize and indorse in this legislation.

Mr. STERLING. I should like to ask the Senator from Wisconsin if the act of the Legislature of Illinois referred to in this proposed amendment covers the other projects, such as sanitation and water power?

Mr. LA FOLLETTE. No, Mr. President; it does not deal with sanitation at all, except by referring to the fact that there is an improvement there for sanitary purposes; but it is, first and last, a water-power proposition. That is what it is. Of course, it throws over all of it the usual suggestion that it is in the interest of navigation, but, mark you, and I should like to have Senators keep this in mind, the boards that have investigated this from time to time in the last six years say that only a thousand cubic feet per second are necessary for the purpose of navigation.

There has been a constant struggle between the War Department and the State of Illinois to prevent the taking of water through the drainage canal in excess of the amount that navigation requires for the purpose of flushing the Illinois River for the sewage of Chicago.

Mr. President, it may be that it will afford the city of Chicago a cheaper means of disposing of its sewage to drain the Great Lakes to flush the Chicago River, but we can not do that except at the expense of commerce, and at the expense of the commerce of this country. Is it right that we should impose, as the reports of the engineers say it will impose, a loss of at least a million dollars a year upon the carrying capacity of the vessels that ply the Great Lakes if we permit the increase in the flowage from the Lakes which is demanded by the city of Chicago for what they call sanitary purposes?

The other cities on the Great Lakes are not calling upon the General Government to aid in the solution of their sewage-disposal problems. The city of Milwaukee at a very large expense, running to something like $15,000,000, is providing a great intercepting sewage system and a sewage-disposal plant. The city of Cleveland is solving this problem in a similar way.

Mr. SMITH of Michigan. Will the Senator from Wisconsin permit me?

Mr. LA FOLLETTE. Certainly.

Mr. SMITH of Michigan. The Senator from New Hampshire, I think, asked the Senator from Wisconsin if the International

Boundary Commission did not have jurisdiction over this subject matter. My recollection was at the time the question was asked, and is now confirmed by the treaty itself, that except so far as the waters of Lake Michigan pass into international boundary waters the commission has no jurisdiction because Lake Michigan is not an international water. In so far as the waters from Lake Michigan pass into the international channel or boundary waters the commission has jurisdiction and not otherwise. So, it becomes all the more important that Congress itself should take jurisdiction of a question so threatening as is the question raised by the Senator from Illinois by his amendment.

Mr. LA FOLLETTE. I quite agree with the Senator from Michigan. It is, I understand, true that the treaty with Great Britain provides that water may be used from these Lakes for sanitary purposes, and it therefore becomes a question of domestic policy on the part of the Government as to whether we will undertake to draw from these Lakes water for the purpose of taking care of the sewage of the cities bordering upon the Lakes to the extent of seriously interfering with the commerce of the Lakes.

I am not aware that there is any other great plan which does so interfere as does this Chicago plan, but I am certain from all of the investigation that has been made that the taking of more than 250,000 cubic feet of water per minute from the Lakes will result in such a lowering of the lake levels as will cost those who are operating vessels upon the Lakes something like a million five hundred thousand dollars a year through compelling them to load lighter in order to get into the harbors and alongside the piers and docks.

Mr. CLARKE of Arkansas. It might serve to limit the disputed questions in the proposition offered by the Senator from Wisconsin for me to say that I shall offer to include in the amendment the proviso that was omitted, including the limitation suggested by the War Department. So the Senator may discuss it as if that proviso was in the amendment.

Mr. LA FOLLETTE. For 250,000 feet?

Mr. CLARKE of Arkansas. Whatever it says, 250,000 cubic feet per minute. The Senator has the letter before him?

Mr. LA FOLLETTE. I have.

Mr. CLARKE of Arkansas. We will put that proviso in the amendment.

Mr. LA FOLLETTE. Mr. President, I think it will serve to shorten this discussion considerably, and with that assurance from the chairman of the committee I will simply offer that as an amendment to the bill as amended and will discontinue discussing this matter any further.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add to the proviso already agreed to the following:

Provided further, That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute.

Mr. LA FOLLETTE. With that amendment added to the amendment already adopted, which, as I understand, fully complies with the suggestion that comes from the War Department, I am disposed to withhold any further suggestion which I had intended to make.

The PRESIDING OFFICER. The Chair will state that the amendment is not in order at this time.

Mr. CLARKE of Arkansas. Why not?

The PRESIDING OFFICER. The question before the Senate is to adopt the amendment.

Mr. CLARKE of Arkansas. The vote was reconsidered, and it is now open.

Mr. LA FOLLETTE. Then I may offer that as an amendment to the pending committee amendment, may I not?

Mr. CLARKE of Arkansas. The amendment is open to further amendment. The proposition is to adopt it.

The PRESIDING OFFICER. The Chair would rule that the Senator may offer his amendment as an amendment to the committee amendment.

Mr. CLARKE of Arkansas. That is right.

Mr. LA FOLLETTE. I so offer it.

The PRESIDING OFFICER. The Chair desires to state that it will be quite inappropriate there. Its proper place is in the part of the amendment which was subsequently adopted and which is not embraced in the motion to reconsider.

Mr. CLARKE of Arkansas. I move to reconsider the vote by which the amendment was adopted. We can get at it that way.

Mr. LA FOLLETTE. That would open the whole matter.

Mr. CLARKE of Arkansas. That is all right.

The PRESIDING OFFICER. The Senator from Arkansas moves to reconsider the vote by which the amendment was adopted appearing in the bill at page 32, after line 2, and after the amendment offered by the Senator from Illinois.

The motion to reconsider was agreed to.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

Mr. CLARKE of Arkansas. The amendment offered by the Senator which includes the omitted proviso has not yet been adopted.

Mr. LA FOLLETTE. I offer the entire proposition that the War Department sent down.

Mr. CLARKE of Arkansas. That is all right. I withdraw, then, that part of the amendment offered by myself heretofore. As the Senator from Wisconsin says he has included all the amendments recommended by the Secretary of War——

Mr. LA FOLLETTE. I have.

Mr. CLARKE of Arkansas. So it appears as an entire amendment. I withdraw the amendment, the vote upon which has just been reconsidered.

The PRESIDING OFFICER. The Secretary will read the amendment offered by the Senator from Wisconsin in lieu of the Senate amendment, the amendment offered by the Senator from Illinois, and the amendment the vote on which has just been reconsidered.

Mr. LA FOLLETTE. Pending the adoption of this amendment, I ask leave to add to what I have said the remaining portion of this communication addressed by Gen. Black to the Secretary of War, also a letter which I have received from the Merchants and Manufacturers' Association of Milwaukee, and in addition to that I will ask leave to incorporate in my remarks certain extracts from reports made upon this subject heretofore. It will save the time of the Senate not to read these, and the facts there stated will be of value to the committee of conference.

The PRESIDING OFFICER. Without objection, permission is granted.

The letter of the Merchants and Manufacturers' Association of Milwaukee is as follows:

MERCHANTS AND MANUFACTURERS' ASSOCIATION,
Milwaukee, May 26, 1916.

Hon. ROBERT M. LA FOLLETTE,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: Your telegram regarding the amendment to the rivers and harbors bill was duly received. We thank you for the interest manifested.

The colossal diversion of lake waters into the Chicago Drainage Canal is becoming a serious menace to the commerce of the Great Lakes. You no doubt have access to all the reports, hearings, etc., etc., on the subject. Having made a study of the subject for the past 10 years, I may be permitted to present to you a historic outline of this controversy, and, at the same time, submit to you some of the views we entertain and the conclusions to which we hold.

Historic outline: In 1899 Secretary of War Russell A. Alger granted a permission to the sanitary district of Chicago to divert 300,000 cubic feet per minute of Lake water into the drainage canal, conditional, however, upon any evil effects that such diversion would have on the levels of the Great Lakes. In 1901 Hon. Elihu Root, then Secretary of War, reduced the grant to 250,000 cubic feet per minute.

Thereafter petitions made by the drainage canal authorities for an increased flow of water into the canal were denied by Secretaries William H. Taft and Henry L. Stimson. A petition filed early this year by the State of Illinois, permitting the extension of the canal, was denied by Secretary Garrison, ostensibly on legal grounds, but also because it involved a greater diversion of the lake waters.

Almost since the opening of the drainage canal more than 600,000 cubic feet, or more than double the amount originally granted, have been taken out.

Two years ago the United States Government brought an action against the drainage board seeking to enjoin them from taking the excess of 250,000 cubic feet per minute. The case is still pending in the Federal court at Chicago.

Lake levels and Lake commerce: The real issue hinges upon the question whether the illegal diversion of Lake waters really reduces the levels of the Lakes and whether the commerce of the Lakes is injured thereby. The answer to these questions is most decidedly in the affirmative.

The report of the International Waterways Commission, the reports made by Gen. Bixby, former Chief of the United States Corps of Engineers, Secretary Henry L. Stimson, the evidence brought out at the hearing called by Secretary of War Baker on May 15, 1916, the charts of the Lake levels kept on file by the Government engineers, all prove that the levels have been reduced from 6 to 10 inches and that such reduction has already caused a loss of millions of dollars to the navigation interests.

The drainage canal: The people of Chicago, in defending the illegal diversion of lake waters, hold that the physical welfare of 3,000,000 people is involved, and that therefore the loss to the lake commerce is of secondary importance. This would ordinarily be true if it were not for the fact that better means for the disposal of sewage are at the command of Chicago, just as they are to all other American cities.

The city of Milwaukee this spring voted the sum of $2,500,000 for a modern sewage-disposal system, which, when completed, will cost between $10,000,000 and $12,000,000. If each lake port city resorted to a wholesale diversion of water for sanitary purposes the harbors and navigable rivers on the Great Lakes, with the exception of those entering Lake Superior, would be destroyed.

The Chicago Drainage Canal will in future require more water, rather than less, if the growth of the city continues, in order to carry its sewage into the Illinois River and thence to the Mississippi River.

Navigation waterway: The project of utilizing the drainage canal, which now extends for a distance of over 30 miles from Chicago to Lockport, Ill., for navigation purposes has been entertained for some years. In this connection a movement was begun some years ago which exploited the Lakes-to-the-Gulf deep waterway, and which provided for a continuous channel at a depth of from 18 to 24 feet from Lake Michigan to the Mississippi River, utilizing the drainage canal on the east and the Desplaines and Illinois Rivers on the west to complete the navigation highway.

The engineers who studied the project soon discovered that such a waterway would not be feasible unless the Mississippi River could be developed into a deep and dependable channel. The Illinois authorities, therefore, after years of controversy, concluded to reduce the proposed waterway to an 8-foot barge canal. The present State administration of Illinois is committed to this project.

Creating water powers. Eight years ago the people of Illinois voted a bond issue of $20,000,000 for the purpose of constructing the deep waterway from Lockport, the present terminus of the Chicago Drainage Canal, to the Mississippi River, and equip the same with locks and dams and large power plants.

The campaign literature which was circulated throughout the State, and upon which the bond issue was carried, guaranteed to the people that the water powers so created would net the State, by the sale of power, the sum of $2,500,000 annually.

When the controversy as to the depth of the waterway led to the reduction of from 24 to 8 feet, with a proportionate reduction in the cost, the present administration agreed upon an expenditure of $5,000,000 instead of $20,000,000, and at the same time providing the retention of the proportionate water-power benefits.

In fact it soon developed that the Chicago Drainage Canal, which had originally been built for sanitary purposes, was rendering a larger service in the power that it provided, which power is now utilized for lighting a portion of the city of Chicago and in providing both light and power to a number of manufacturing concerns located along the canal region between Chicago and Lockport, than in any service it rendered as a navigation highway.

The Illinois State authorities therefore concluded that an extension of the canal with its alluring prospects for additional water powers would prove a most profitable investment. The vote of the people authorizing the bond issue had laid greater stress upon the earnings derived from the sale of power than upon the prospects of constructing a militarian waterway and upon the tolls that might be exacted.

The consent of the United States was deemed necessary, and a petition was accordingly presented to the Secretary of War, accompanied with the arguments made by Gov. Dunne that the petition by a sovereign State to dig an intrastate canal could not be denied, and with the further argument made by the attorney representing the State of Illinois that the Secretary of War enjoyed no discretionary powers in determining upon the merits of the project in hand.

Inasmuch as the project, however, includes the Illinois River, which is a navigable highway, and therefore under the jurisdiction of the United States, in that it contemplates the exaction of a toll and must employ the waters of the Great Lakes for its operation, the petition was adversely recommended by Gen. Kingman, Chief of the United States Corps of Engineers, and denied by Secretary Garrison.

The present Secretary of War, Newton D. Baker, will in all probability deny the same petition, which is now before him. Hence the Illinois authorities will try to attain their object through Congress.

Argument and conclusions: The situation may be summed up as follows:

The disposal of sewage at Chicago can well be effected with the original grant of water, namely, 250,000 cubic feet per minute, and that the excess, illegally taken and constituting 350,000 cubic feet per minute, is used to operate the water powers at Lockport, Ill.

The ship-canal project is fostered more largely for the purpose of insuring the continued illegal diversion of water, or, rather, to secure a legal sanction of the same, than to provide a commercial utility. In other words, the real purpose behind the cry of sanitation and ship canal is the continued steal of a colossal flow of lake waters for power purposes.

We hold that the Great Lakes are a God-given blessing conferred upon a nation, that their use is dedicated to the cause of navigation, and that their waters can not be used for domestic or sanitation purposes in any unreasonable degree, and that there is no warrant in law or morals that could sanction their use for power purposes.

No section or locality has the right to use the gifts of nature at the expense and to the detriment of the larger unit. The State of Illinois can not consistently create a local advantage at the cost and to the menace of the commerce of the Great Lakes.

We therefore enter a most earnest protest against any action on the part of the Secretary of War or on the part of Congress that will sanction or legalize the present unwarranted diversion of lake waters into the Chicago drainage canal.

We address this communication to you not so much for the purpose of bringing any new facts or information to the subject, but to inform you just what our thinking and reasoning on the subject is.

Trusting that you will give it the attention that it may deserve, we remain,

Respectfully, yours, WM. GEO. BRUCE, *Secretary.*

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. The entire amendment as amended will read:

Beginning on page 31, line 23, after "$55,000" in line 23, insert: "and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly, approved June 18, 1915, providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act. The Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation: *Provided*, That the improvement may be made in general accordance with the plans heretofore submitted to the Chief of Engineers and the Secretary of War, and subject to their approval, or on such modified plans as may be approved by the Chief of Engineers and the Secretary of War: *Provided further*, That the waterway shall be completed and open for navigation before any of the water now being, or hereafter to be, diverted from Lake Michigan shall be used for the development of power: *Provided further*, That the navigation features of the waterway and its appurtenances shall be operated and maintained in a manner satisfactory to the Chief of Engineers and the Secretary of War, and any repairs or maintenance work that may be directed by the Secretary of War on the recommendation of the Chief of Engineers shall be made within the time specified by him: *Provided further*, That when, under the terms of the act of the State of Illinois, the waterway shall be transferred to the United States for navigation purposes, the United States shall be given a clear title to such land as may be occupied by or used in connection with the locks and various appurtenances necessary for the operation of the waterway for navigation, together with all structures thereon: *Provided further*, That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute: *And provided further*, That nothing herein contained shall be held to prejudice or affect any rights the United States may have in the Illinois and Michigan Canal, or lands appurtenant thereto, or in any claims against the State of Illinois arising out of any failure upon the part of the State to maintain said canal as a navigable waterway."

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and——

Mr. CLARKE of Arkansas. The amendment as amended has never been adopted.

The PRESIDING OFFICER. It was all treated as one amendment.

Mr. CLARKE of Arkansas. Just so the record shows that the amendment as amended has been adopted, it is immaterial whether there is one vote or two.

The PRESIDING OFFICER. The Chair understands that the amendment was offered by the Senator from Wisconsin in lieu of the entire amendment.

Mr. CLARKE of Arkansas. No; it must include the committee amendment. It would be unintelligible without the committee amendment. I think the amendment as amended should be adopted.

The PRESIDING OFFICER. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. GALLINGER. I wish to reserve the amendment submitted by the Senator from Nevada [Mr. NEWLANDS] for a separate vote.

The VICE PRESIDENT. That reservation will be made.

The bill was reported to the Senate as amended.

Mr. GALLINGER. Against the amendment submitted by the Senator from Nevada [Mr. NEWLANDS], which has been reserved, I make a point of order that it is general legislation and that it provides an appropriation not estimated for.

I will state that when I withdrew the point of order on that amendment—and the point of order had been sustained—I withdrew it with the understanding that certain other amendments, and particularly one to be offered by the Senator from Iowa [Mr. KENYON], would likewise be permitted to go on the bill, notwithstanding they were subject to a point of order. A point of order was made against the amendment submitted by the Senator from Iowa, and for that reason, in part, I make the point of order now against the amendment submitted by the Senator from Nevada.

The PRESIDING OFFICER. The Chair is disposed to believe that the point of order is well taken. The point of order is sustained.

Mr. CLARKE of Arkansas. The question now is on concurring in the amendments made as in Committee of the Whole.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. Shall the amendments be ordered to be engrossed and the bill be read a third time?

Mr. SMOOT. Mr. President, I offer the following motion.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

That the pending bill, H. R. 12193, be recommitted to the Committee on Commerce with instruction to report a substitute therefor appropriating an amount not in excess of $50,000,000 for the maintenance needs and for the further prosecution of work on rivers and harbors heretofore adopted by Congress: *Provided*, That the amount for such maintenance and prosecution shall be appropriated by the Chief of Engineers under the direction of the Secretary of War.

Mr. CLARKE of Arkansas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Curtis	Gore
Bankhead	Chamberlain	Dillingham	Harding
Borah	Clark, Wyo.	Fall	Hardwick
Brady	Clarke, Ark.	Fletcher	Hollis
Brandegee	Culberson	Gallinger	Husting

James	Nelson	Simmons	Townsend
Jones	Norris	Smith, Ariz.	Underwood
Kenyon	Overman	Smith, Ga.	Vardaman
La Follette	Page	Smith, Md.	Wadsworth
Lane	Pittman	Smith, Mich.	Walsh
Lea, Tenn.	Poindexter	Smoot	Warren
Lee, Md.	Ransdell	Sterling	Weeks
Lippitt	Reed	Swanson	Williams
Martin, Va.	Sheppard	Thomas	Works
Myers	Shields	Tillman	

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The pending question is on the motion made by the Senator from Utah [Mr. SMOOT].

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. OVERMAN. Please have the motion stated.

The PRESIDING OFFICER. The Secretary will read the motion.

The Secretary again read Mr. SMOOT's motion.

Mr. SMOOT. Mr. President, I intended to occupy a few moments this afternoon in calling the attention of the Senate to my motion to recommit the bill, but I know it is the desire of Senators that the vote shall be taken at once upon the motion and to immediately follow it with a vote upon the bill. I am informed that there are a number of Senators who wish to leave shortly, and they also have expressed a desire to vote upon my motion to recommit and upon the bill before they leave. I shall therefore content myself by simply saying, in my opinion, there is no question but that the $30,000,000 provided for in my motion will cover all the legitimate projects and that none such will suffer if my motion prevails.

Mr. President, I shall say no more at this time, except to ask for the yeas and nays.

The VICE PRESIDENT. They have been ordered.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the motion of the Senator from Utah [Mr. SMOOT].

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. HUGHES] and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. COLT] to the senior Senator from New Jersey [Mr. MARTINE] and vote "nay."

Mr. SIMMONS (when his name was called). Making the same announcement to my pair and its transfer as heretofore made, I vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair and transfer as heretofore, I vote "yea."

Mr. THOMPSON (when his name was called). I am paired with the senior Senator from Illinois [Mr. SHERMAN], but on this vote I understand, if present, the Senator from Illinois would vote as I am about to vote. I therefore vote. I vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Florida [Mr. BRYAN], but I feel at liberty to vote on this question, and I do vote. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I transfer my pair with the junior Senator from New Jersey [Mr. HUGHES] to the senior Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. TILLMAN. I am paired with the Senator from West Virginia [Mr. GOFF] and therefore withhold my vote. If at liberty to vote, I should vote "yea." I wish this announcement of my pair to stand for the day.

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Minnesota [Mr. CLAPP] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Nebraska [Mr. HITCHCOCK] with the Senator from New York [Mr. O'GORMAN]; and

The Senator from Illinois [Mr. LEWIS] with the Senator from South Dakota [Mr. JOHNSON].

The result was announced—yeas 34, nays 35, as follows:

YEAS—34.

Ashurst	Brandegee	Curtis	Gallinger
Borah	Clark, Wyo.	Dillingham	Gore
Brady	Cummins	Fall	Harding
Hollis	Lodge	Smoot	Wadsworth
Husting	Newlands	Sutherland	Warren
Kenyon	Norris	Taggart	Weeks
La Follette	Page	Thomas	Works
Lane	Pittman	Thompson	
Lippitt	Pomerene	Townsend	

NAYS—35.

Bankhead	Jones	Ransdell	Smith, Mich.
Broussard	Lea, Tenn.	Reed	Sterling
Chamberlain	Lee, Md.	Saulsbury	Stone
Chilton	Martin, Va.	Sheppard	Swanson
Clarke, Ark.	Myers	Shields	Underwood
Culberson	Nelson	Simmons	Vardaman
Fletcher	Oliver	Smith, Ariz.	Walsh
Hardwick	Overman	Smith, Ga.	Williams
James	Poindexter	Smith, Md.	

NOT VOTING—27.

Beckham	Goff	Lewis	Phelan
Bryan	Gronna	McCumber	Robinson
Burleigh	Hitchcock	McLean	Shafroth
Catron	Hughes	Martine, N. J.	Sherman
Clapp	Johnson, Me.	O'Gorman	Smith, S. C.
Colt	Johnson, S. Dak.	Owen	Tillman
du Pont	Kern	Penrose	

So Mr. SMOOT's motion was rejected.

Mr. LA FOLLETTE. Mr. President, I wish to add to the amendment which I heretofore offered, and which was adopted, to the provision regarding the improvement of the Illinois River, an amendment which I send to the Secretary's desk.

Mr. CLARKE of Arkansas. That amendment has been submitted to the chairman of the Committee on Commerce and he finds no objection to it. It takes the form of an additional proviso to the amendment heretofore adopted.

The VICE PRESIDENT. A peculiar parliamentary situation has arisen, the Chair should say.

Mr. CLARKE of Arkansas. Mr. President, it is proposed to add this amendment as a new provision. As I understand, a new amendment may be added.

Mr. LA FOLLETTE. I offer the amendment as a new provision, to follow the amendment heretofore adopted.

The VICE PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. At the end of the amendment heretofore adopted relative to the Illinois River, on page 32, it is proposed to add the following:

Provided further, That the water power developed through said waterway shall be subject to the limitations and regulations which may at any time be generally imposed by acts of Congress upon water powers located upon navigable streams.

The VICE PRESIDENT. The Chair will assume that this is a new amendment; and, without objection, it is agreed to.

The bill is before the Senate and open to further amendment. If there be no further amendments, the amendments will be ordered to be engrossed and the bill to be read a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. An amendment can now only be offered to the bill by unanimous consent. Is there unanimous consent to the submission of the amendment?

Mr. GALLINGER. I object.

Mr. CLARKE of Arkansas. Let us hear what it is.

Mr. LODGE. The bill has been read the third time, Mr. President.

Mr. POINDEXTER. I should like to have the amendment printed in the RECORD, Mr. President.

The VICE PRESIDENT. If there be no objection, that order will be made. The Chair hears none.

The amendment referred to was to add to the bill the following:

The expenditure of the appropriations herein made shall be supervised by Congress as follows:

"There shall be appointed by the chairmen of the Committee on Rivers and Harbors of the House of Representatives and the Commerce Committee of the Senate, an inspector of river and harbor work. He shall be a trained and experienced civil engineer, not connected in any way with the Army. It shall be the duty of said inspector to thoroughly examine the several river and harbor projects which have been adopted by Congress, with special regard to the question of whether the moneys appropriated by Congress for these works are being expended to the best advantage from a standpoint both of economy and efficiency. In making said examination said inspector shall inquire whether the best methods are being used in the prosecution of said works to accomplish the improvement contemplated thereby. Said inspector shall also examine into the question of the needs of commerce for said improvements, and the probable or prospective uses thereof in commerce, and the probable or prospective results thereof on freight rates on railroads through the competition of such waterways; and for that purpose said inspector may ascertain the effect upon such rates of waterways heretofore improved, and the uses that have been made of the same for purposes of transportation. Said inspector shall make, in

writing to Congress a full semiannual report of his observations and conclusions in the foregoing matters. He shall hold office at the pleasure of the committees above mentioned, and his successor shall be appointed as provided above. He shall be paid a salary of $12,000 a year, and his necessary, actual expenses, and shall have such clerical and other assistance as may be necessary, to be approved by the chairmen of said committees.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. KENYON. Mr. President, I want to take just about three minutes, and then I shall desire to have the yeas and nays on the passage of the bill.

This Senate is about to pass a bill that few Senators have had the temerity to defend.

This Senate is appropriating hundreds of thousands of dollars for streams where Congress has ordered a reexamination and no report has as yet been filed by the engineers.

You are so anxious to get rid of public money that you will not even wait for the Army engineers to report. You are dumping hundreds of thousands of dollars into streams where commerce is constantly growing less and in some cases is practically nothing. You are making appropriations for streams, some of them not over 1 foot in depth, and others where we are solemnly told by witnesses that they could navigate the streams if they could get the river in shape so that the stern would follow the bow of the boat.

You are appropriating for others where the testimony before the House committee was to the effect that you could not tell when you crossed the river.

You are appropriating hundreds of thousands of dollars on projects which the Army engineers have condemned. You have appropriated money running into hundreds of thousands for ridiculous propositions, for which no man conducting his own business would permit the money to be used.

You are about to vote from the Treasury, in a time of great national stress and strain, at least $20,000,000 in unjustifiable projects.

You have had an opportunity to correct them. You would not even correct the worst of them. This bill is to go through. Your motto is "Let the people squeal."

A few days ago the leader upon the Democratic side announced that the appropriations in this Congress would be $200,000,000 more than in the last Congress. Other leaders said, "We must practice economy." We are always willing to practice economy on those things which do not concern us.

We have tried to fight this bill in no partisan way. There is enthusiasm for it on this side of the Chamber. It could not pass without votes from this side of the Chamber.

The fight against this method of appropriating public money is going on. The rising tide of sentiment; the awakened public conscience is against it. Gentlemen may stand here and send out word to the country to talk more about progress and less about "pork," but the country will keep on talking about "pork" as long as bills of this character are passed by Congress. Cloakroom sneers or floor jeers will not stop the fight. The men who are voting for these extravagances will find out that the people do not intend to do all of the squealing, and that they have some notions as to the duty of Representatives in Congress toward the Public Treasury.

Some constituents take a different view. I have received many letters from the people along the Mississippi and the Missouri Rivers, one of which flows the entire length of my State, and the other along a portion thereof, condemning my attitude on this river and harbor bill, and telling what will be done to me at the next election.

Mr. President, if the price of holding my seat in this body is to vote for bills of this kind, the seat may go. If getting appropriations for my State is considered the essential thing by my people, then my usefulness to them in this body is ended.

I am not the seventh son of a seventh son, but I risk a prophecy, and that is that this is the last river and harbor bill, framed along the lines of the present bill, that will ever pass this Congress. New faces will be in the next Congress, fresh from the people, and they will pay some attention to the question of expenditures.

Some day a Congress will be here that will not consider those the greatest statesmen who can get the most out of the National Treasury. Some day a Congress will think along national lines and not State and district lines. And that day is coming just as certain as that to-morrow's sun will rise.

It is a pity that the whole Democratic Party must be held responsible for these expenditures, for this bill could not be passed by Democratic votes alone. There are men on this side of the Chamber who have and will give enthusiastic support to the bill and defend every item in it, and make possible its passage. There are men on the other side of the Chamber who have fought hard for economy.

The Senator from Colorado [Mr. THOMAS] has been one of the most consistent advocates of economy in this body. He is a credit to his State and an honor to the Nation. The Senator from Wisconsin [Mr. HUSTING] has fought hard to eliminate useless expenditures. Likewise the Senator from Ohio [Mr. POMERENE] and others who might be named, all of whom are entitled to the thanks of their constituents. The clarion voice of the Senator from South Carolina [Mr. TILLMAN] has rung out in warning, and the courageous stand of the junior Senator from Indiana [Mr. TAGGART] has been inspiring.

The people may be a little slow in getting at what is going on in Congress, but they are awakening to the fact that votes are cast for certain appropriations in order that reciprocity may follow fawning.

Mr. President, we are beaten perhaps in this preliminary fight, but this is not the end of the fight. We appeal our case from a Congress drunk with extravagance to a people sober, meditative, and very discriminating.

Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I transfer my pair with the junior Senator from New Jersey [Mr. HUGHES] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. OWEN (when his name was called). I ask if the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I am paired with that Senator, and therefore withhold my vote.

Mr. SAULSBURY (when his name was called). Making the same transfer of my pair as heretofore, I vote "yea."

Mr. SIMMONS (when his name was called). Making the same transfer of my pair as heretofore to-day, I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If at liberty to vote I should vote "nay."

Mr. THOMPSON (when his name was called). Making the same announcement as before as to being at liberty to vote, I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I have been requested to announce that the Senator from Illinois [Mr. LEWIS] is paired with the Senator from South Dakota [Mr. JOHNSON]. The Senator from Illinois would vote "yea" and the Senator from South Dakota "nay" if present and not paired.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 35, nays 32, as follows:

YEAS—35.

Bankhead	Lane	Poindexter	Smith, Md.
Branigee	Lea, Tenn.	Ransdell	Smith, Mich.
Broussard	Lee, Md.	Reed	Sterling
Chamberlain	McLean	Saulsbury	Stone
Clarke, Ark.	Martin, Va.	Sheppard	Swanson
Culberson	Myers	Shields	Underwood
Fletcher	Nelson	Simmons	Vardaman
Hardwick	Oliver	Smith, Ariz.	Walsh
James	Overman	Smith, Ga.	

NAYS—32.

Ashurst	Gallinger	Lippitt	Sutherland
Borah	Gore	Lodge	Taggart
Brady	Harding	Newlands	Thompson
Clark, Wyo.	Hollis	Norris	Townsend
Cummins	Husting	Page	Wadsworth
Curtis	Jones	Pomerene	Warren
Dillingham	Kenyon	Shafroth	Weeks
Fall	La Follette	Smoot	Works

NOT VOTING—29.

Beckham	Goff	McCumber	Sherman
Bryan	Gronna	Martine, N. J.	Smith, S. C.
Burleigh	Hitchcock	O'Gorman	Thomas
Catron	Hughes	Owen	Tillman
Chilton	Johnson, Me.	Penrose	Williams
Clapp	Johnson, S. Dak.	Phelan	
Colt	Kern	Pittman	
du Pont	Lewis	Robinson	

So the bill was passed.

Mr. CLARKE of Arkansas. I move that the Senate request a conference with the House on the bill and the amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

The VICE PRESIDENT. The Chair will later announce the conferees on the part of the Senate.

ADJOURNMENT OVER MEMORIAL DAY.

Mr. MARTIN of Virginia. Mr. President, to-morrow will be Decoration or Memorial Day, and there will be, as usual, some ceremonies at the Arlington National Cemetery. In order that there may be the fullest opportunity for all to attend and participate in the ceremonies, and that the Senate itself may pay proper tribute to the occasion, I move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock on Wednesday next.

The motion was agreed to.

NATIONAL CONVENTIONS.

Mr. MARTIN of Virginia. I ask unanimous consent for the adoption of the order which I send to the desk. I will say that I believe it is agreeable to Senators on both sides of the Chamber, and it is intended to enable Senators to attend the two national conventions.

The VICE PRESIDENT. The Secretary will read the proposed unanimous-consent agreement.

The SECRETARY. The Senator from Virginia submits the following unanimous-consent agreement:

It is agreed, by unanimous consent that on the 3d day of June, 1916, at not later than 6 o'clock p. m., the Senate shall adjourn until the following Thursday, on which day there shall be an adjournment until the following Saturday, and that adjournments every third day shall follow until Monday, the 19th day of June, 1916.

That between the said dates of June 3 and June 19 there shall be no action of the Senate on any pending measure, nor shall business of any kind be transacted other than the introduction of bills and resolutions, the presentation of petitions, and the reception of communications from the President and House of Representatives.

Mr. SUTHERLAND. Mr. President, let me ask the Senator does he mean by that to include the 19th of June as well?

Mr. MARTIN of Virginia. Until the 19th; it does not include that date.

Mr. SUTHERLAND. It excludes the 19th?

Mr. MARTIN of Virginia. It does; that is my understanding of the unanimous-consent order, and that is the purpose of it.

Mr. CHAMBERLAIN. Mr. President, I should be very reluctant to object to that request for unanimous consent, but I am peculiarly situated with respect to a bill affecting my own State. It is local in its nature, but it has some features which are national in their importance. I refer to the measure known as the Oregon and California land-grant bill. The decision of the Supreme Court of the United States, which was rendered on the 21st day of June last, and which was entered of record in the lower court in my State December 9, 1915, practically requires the Congress of the United States to legislate on the subject of this grant within six months from the entry of the decree. That six months expires on the 9th day of June, and if Congress does not act it throws the matter into great confusion and probably might open it up to further litigation. If we can dispose of that bill the day after to-morrow, and I think we can do so easily in an afternoon, I shall be very glad to have the unanimous-consent agreement entered into.

Mr. GALLINGER. We would have Wednesday, Thursday, Friday, and Saturday on which to legislate—four days. The proposed unanimous-consent agreement will not become operative until Saturday.

Mr. MARTIN of Virginia. The proposed unanimous-consent agreement will not commence until the 3d day of June.

Mr. CHAMBERLAIN. Mr. President, may I have an implied understanding with the Senate that they will permit me to take up the bill to which I have referred Wednesday or Thursday? The Senate can see the importance of it, because, unless it is disposed of by the 9th of June, the whole subject may be again opened up.

Mr. MARTIN of Virginia. Mr. President, I will say to the Senator from Oregon that there will be ample time for the legislation to which he refers to be considered by the Senate. I am sure that the importance of the matter to which he now refers is such that, when presented fully to the Senate, it will meet with such reception as he desires.

Mr. BRANDEGEE. Mr. President, I should like to inquire whether the bill to which the Senator from Oregon refers has passed the House of Representatives?

Mr. CHAMBERLAIN. The bill has passed the House of Representatives, and I am ready to report on it this afternoon, with some amendments, from the Committee on Public Lands.

Mr. MARTIN of Virginia. There will be no trouble whatever in regard to it. There will be ample time for the Senator to have his bill considered.

Mr. CHAMBERLAIN. I may later ask that it be taken up and made the unfinished business for day after to-morrow.

Mr. MARTIN of Virginia. I have no objection to that, but I really do not think the Senator ought to ask for what amounts to putting the Senate on terms about this matter of his. I think the proposed unanimous-consent agreement is necessary for the convenience of the entire Senate, and I do not believe it will interfere with the matter which the Senator has in mind.

The VICE PRESIDENT. The Senate can not make a bill the unfinished business by agreement.

Mr. CHAMBERLAIN. The Senate can do almost anything it wants to do, if the President please.

The VICE PRESIDENT. That is one thing it can not do, unless all the rules are abolished.

Mr. CHAMBERLAIN. I can ask that it be done, whether the President agrees with me or not. I am not going to attempt to impose any conditions upon the Senate; I would not do that, even if I could, but I do want to let the Senate know that I shall ask for the disposition of this bill before we adjourn on June 3, and I shall trust the Senate to help me have it done.

Mr. MARTIN of Virginia. I will be glad to aid the Senator, so far as I am concerned.

The VICE PRESIDENT. Is there objection to the request for unanimous consent made by the Senator from Virginia [Mr. MARTIN]? The Chair hears none, and the order is made.

MEMORIAL ADDRESSES ON THE LATE SENATOR BRADLEY.

Mr. SHAFROTH. I move that the Senate proceed to the consideration of the amendments of the House to what is known as the Philippine bill.

Mr. JAMES. I ask the Senator from Colorado if he will yield to me to give a notice?

Mr. SHAFROTH. Let us take up the Philippine bill for consideration, and then I will yield.

Mr. JAMES. I merely desire to give a notice, to which I am sure the Senator will not object.

Mr. SHAFROTH. Very well.

Mr. JAMES. I desire to give the following notice, which I send to the desk and ask to have read.

The VICE PRESIDENT. The Secretary will read the notice.

The SECRETARY. The Senator from Kentucky gives the following notice:

That on Saturday, June 24, 1916, immediately upon the conclusion of the routine morning business, he will ask that the business of the Senate may be suspended that fitting tribute may be paid to the life and character of the Hon. WILLIAM O. BRADLEY, late a Senator from the State of Kentucky.

ADDRESS BY PRESIDENT WILSON.

Mr. THOMPSON. Mr. President, I have here the very able address delivered by the President of the United States last Saturday evening, May 27, 1916, at the banquet given by the League to Enforce Peace, and ask that it be printed in the RECORD and also that it be made a public document. This is one of the ablest addresses yet delivered by President Wilson, and is of very great interest to the public at this particular time.

Mr. SMOOT. Mr. President, I could not hear a word the Senator said.

The VICE PRESIDENT. Nor could anybody else.

Mr. SMOOT. I should like the Senator to repeat his request, as I did not hear a word of it.

Mr. THOMPSON. It was simply a request to have printed in the RECORD the speech of the President of the United States, delivered before the League to Enforce Peace, and also to have it printed as a public document.

Mr. SMOOT. The Senator can either have it printed as a public document or he can have it printed in the RECORD, I do not care which.

Mr. THOMPSON. I should like to have it printed in the RECORD and also made a public document.

Mr. SMOOT. No; I do not want it made a public document if it is printed in the RECORD.

Mr. THOMPSON. I hope the Senator from Utah will withdraw his objection, owing to the importance of this address and the fact that it was made by the President of the United States.

Mr. SMOOT. I do object. I have no objection to it being printed in the RECORD, nor have I any objection to it being printed as a public document; but the rule is not to print anything in both forms. The Senator can take his choice of one or the other.

Mr. THOMPSON. Then, Mr. President, I will be satisfied to have it printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

THE PRESIDENT'S ADDRESS.

"When the invitation to be here to-night came to me I was glad to accept it—not because it offered me an opportunity to discuss the program of the league—that you will, I am sure, not expect of me—but because the desire of the whole world now turns eagerly, more and more eagerly, toward the hope of peace; and there is just reason why we should take our part in counsel upon this great theme. It is right that I, as spokesman of our Government, should attempt to give expression to what I believe to be the thought and purpose of the people of the United States in this vital matter.

"This great war that broke so suddenly upon the world two years ago, and which has swept within its flame so great a part of the civilized world, has affected us very profoundly, and we are not only at liberty, it is perhaps our duty, to speak very frankly of it and of the great interests of civilization which it affects.

RIGHTS OF NATION AFFECTED.

"With its causes and its objects we are not concerned. The obscure fountains from which its stupendous flood has burst forth we are not interested to search for or explore. But so great a flood, spread far and wide to every quarter of the globe, has of necessity engulfed many a fair province of right that lies very near to us.

"Our own rights as a nation, the liberties, the privileges, and the property of our people have been profoundly affected. We are not mere disconnected lookers-on.

"The longer the war lasts the more deeply do we become concerned that it should be brought to an end and the world be permitted to resume its normal life and course again. And when it does come to an end we shall be as much concerned as the nations at war to see peace assume an aspect of permanence, give promise of days from which the anxiety of uncertainty shall be lifted, bring some assurance that peace and war shall always hereafter be reckoned part of the common interest of mankind.

"We are participants, whether we would or not, in the life of the world. The interests of all nations are our own also. We are partners with the rest. What affects mankind is inevitably our affair as well as the affair of the nations of Europe and of Asia.

"One observation on the causes of the present war we are at liberty to make, and to make it may throw some light forward upon the future as well as backward upon the past. It is plain that this war could have come only as it did, suddenly and out of secret counsels, without warning to the world, without discussion, without any of the deliberate movements of counsel with which it would seem natural to approach so stupendous a contest.

"It is probable that if it had been foreseen just what would happen, just what alliances would be formed, just what forces arrayed against one another, those who brought the great contest on would have been glad to substitute conference for force.

"If we ourselves had been afforded some opportunity to apprise the belligerents of the attitude which it would be our duty to take, of the policies and practices against which we would feel bound to use all our moral and economic strength, and in certain circumstances even our physical strength also, our own contribution to the counsel which might have averted the struggle would have been considered worth weighing and regarding.

"And the lesson which the shock of being taken by surprise in a matter so deeply vital to all the nations of the world has made poignantly clear is, that the peace of the world must henceforth depend upon a new and more wholesome diplomacy.

"Only when the great nations of the world have reached some sort of agreement as to what they hold to be fundamental to their common interest, and as to some feasible method of acting in concert when any nation or group of nations seeks to disturb those fundamental things, can we feel that civilization is at last in a way of justifying its existence and claiming to be finally established.

"It is clear that nations must in the future be governed by the same high code of honor that we demand of individuals.

"We must, indeed, in the very same breath with which we avow this conviction admit that we have ourselves upon occasion in the past been offenders against the law of diplomacy which we thus forecast; but our conviction is not the less clear, but rather the more clear on that account.

"If this war has accomplished nothing else for the benefit of the world, it has at least disclosed a great moral necessity and set forward the thinking of the statesmen of the world by a whole age.

"Repeated utterances of the leading statesmen of most of the great nations now engaged in war have made it plain that their thought has come to this, that the principle of public right must henceforth take precedence over the individual interests of particular nations, and that the nations of the world must in some way band themselves together to see that that right prevails as against any sort of selfish aggression; that henceforth alliance must not be set up against alliance, understanding against understanding, but that there must be a common agreement for a common object, and that at the heart of that common object must lie the inviolable rights of peoples and of mankind.

"The nations of the world have become each other's neighbors. It is to their interest that they should understand each other. In order that they may understand each other, it is imperative that they should agree to cooperate in a common cause, and that they should so act that the guiding principle of that common cause shall be even-handed and impartial justice.

"This is undoubtedly the thought of America. This is what we ourselves will say when there comes proper occasion to say it. In the dealings of nations with one another arbitrary force must be rejected, and we must move forward to the thought of the modern world, the thought of which peace is the very atmosphere. That thought constitutes a chief part of the passionate conviction of America.

"We believe these fundamental things: First, that every people has a right to choose the sovereignty under which they shall live. Like other nations, we have ourselves no doubt once and again offended against that principle when for a little while controlled by selfish passion, as our franker historians have been honorable enough to admit; but it has become more and more our rule of life and action. Second, that the small States of the world have a right to enjoy the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon. And, third, that the world has a right to be free from every disturbance of its peace that has its origin in aggression and disregard of the rights of peoples and nations.

"So sincerely do we believe in these things that I am sure that I speak the mind and wish of the people of America when I say that the United States is willing to become a partner in any feasible association of nations formed in order to realize these objects and make them secure against violation.

"There is nothing that the United States wants for itself that any other nation has. We are willing, on the contrary, to limit ourselves along with them to a prescribed course of duty and respect for the rights of others which will check any selfish passion of our own, as it will check any aggressive impulse of theirs.

"If it should ever be our privilege to suggest or initiate a movement for peace among the nations now at war, I am sure that the people of the United States would wish their Government to move along these lines:

"First, such a settlement with regard to their own immediate interests as the belligerents may agree upon. We have nothing material of any kind to ask for ourselves, and are quite aware that we are in no sense or degree parties to the present quarrel. Our interest is only in peace and its future guarantees.

"Second, an universal association of the nations to maintain the inviolate security of the highway of the seas for the common and unhindered use of all the nations of the world, and to prevent any war begun either contrary to treaty covenants or without warning and full submission of the causes to the opinion of the world—a virtual guarantee of territorial integrity and political independence.

"But I did not come here, let me repeat, to discuss a program. I came only to avow a creed and give expression to the confidence I feel that the world is even now upon the eve of a great consummation, when some common force will be brought into existence which shall safeguard right as the first and most fundamental interest of all peoples and all Governments, when coercion shall be summoned not to the service of political ambition or selfish hostility, but to the service of a common order, a common justice, and a common peace.

"God grant that the dawn of that day of frank dealing and of settled peace, concord, and cooperation may be near at hand!"

Mr. CHAMBERLAIN, from the Committee on Public Lands I report back with amendments the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, and I submit a report (No. 494) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

GOVERNMENT OF THE PHILIPPINES.

Mr. SHAFROTH. Mr. President, my motion is that the Senate proceed to the consideration of the amendment of the House to Senate bill 381, known as the Philippine bill.

Mr. BANKHEAD. Mr. President, this is the conference report, is it?

Mr. SHAFROTH. No; it is a motion for concurrence in the amendment of the House of Representatives.

Mr. BANKHEAD. I should like to ask the Senator from Colorado how much time he expects will be consumed in the consideration of his motion?

Mr. SHAFROTH. I will state that so far as I am concerned I shall not speak five minutes. In fact, I am perfectly willing to have a vote taken at this time. It is simply a motion for concurrence in the House amendment, and it seems to me it ought to be disposed of very soon.

Mr. LODGE. Mr. President, it will take some time to dispose of the House amendment to the Philippines bill. It is not the Senate bill. It is a new bill. I can assure the Senator from Colorado that it will lead to a good deal of debate, and it ought to have a good deal of debate.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I suggest to the Senator from Colorado that he accompany his motion with a statement to the Senate that he will agree temporarily to withhold consideration of his bill while the bill that has just formed the basis of a unanimous consent of the Senate, in which the Senator from Oregon is interested, shall be considered and passed upon.

Mr. SHAFROTH. I will, if it does not lead to considerable debate.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Is this motion debatable?

The VICE PRESIDENT. It is after 2 o'clock.

Mr. LODGE. There can be no unanimous consent, Mr. President.

Mr. WILLIAMS. Then I suggest to the Senator from Colorado that he make the same request as the Senator from Alabama has made. If the Philippine bill is going to lead to a great deal of debate—and it seems that it will—then the time of the Senate will not be as much consumed by temporarily laying it aside, first, for the consideration of the bill in which the Senator from Oregon [Mr. CHAMBERLAIN] is interested, and secondly, for the consideration of the bill in which the Senator from Alabama [Mr. BANKHEAD] is interested.

Mr. SHAFROTH. I will do so if the bill does not lead to enormous debate.

Mr. LODGE. Mr. President——

Mr. BANKHEAD. Mr. President, I want to suggest again to the Senator from Colorado that these appropriation bills are entitled to consideration, and ought to be considered as speedily as possible. The Post Office appropriation bill is perhaps the largest that will be presented during this session of Congress and is perhaps of more importance to the whole country than any other bill that will be presented. I suggest to the Senator from Colorado that if he will consent to take up this bill I will then move to lay it aside temporarily in order that my friend the Senator from Oregon may temporarily take up his bill, if it does not promise to consume too much time in debate.

Mr. SHAFROTH. Mr. President, I will make exactly the same proposition to the Senator that he presents here.

Mr. BANKHEAD. Then, Mr. President, let the Senate decide it.

Mr. SHAFROTH. Mr. President, this question of the Philippines has been discussed here for four or five weeks. All phases of the question have been presented, and all phases of the bill as it is now have been presented, because these bills were almost word for word the same when they were introduced. Therefore it seems to me that no unnecessarily long debate can take place on the Philippine bill, unless a filibuster is undertaken.

Mr. LODGE. Mr. President, the bill now presented to the Senate from the House has not been before the Senate for weeks. It is the old House bill, which was set aside by our committee. I consider it of very great importance. I do not mean to delay it unnecessarily, but there will be more or less debate upon that bill—a good deal of debate, I think; and there ought to be debate. I do not think it ought to be allowed to stand in the way of one of the great appropriation bills which is now ready for consideration.

Mr. SHAFROTH. Mr. President, does not the Senator from Massachusetts recognize that these bills were practically the same as introduced, and that the discussion on them was principally with relation to the Clarke amendment, as contrasted with the preamble that is contained in the House bill?

Mr. LODGE. I realize that they are very different. This is the old House bill, and the bill that came before us was a Senate bill.

Mr. SHAFROTH. It was practically the same bill as the House bill.

Mr. LODGE. The Senate committee did not amend the House bill. The Senate committee brought in a bill of their own, and this bill as a whole has never been before the Senate.

Mr. SHAFROTH. The bills contained practically the same provisions.

Mr. VARDAMAN. Mr. President, if they were the same, and if they had been discussed, that would be no guaranty that they would not be talked about to an illimitable extent.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Utah will state his inquiry.

Mr. SMOOT. I ask whether the bill referred to by the Senator from Colorado has ever been laid before the Senate?

The VICE PRESIDENT. There is no such bill before the Senate.

Mr. SMOOT. Then I make the point of order that the motion of the Senator from Colorado is out of order.

Mr. SHAFROTH. On what ground?

Mr. SMOOT. Upon the ground that there is no such bill before the Senate. It has not been laid before the Senate as yet, and the Senator can not make that motion.

Mr. SHAFROTH. It has been laid before the Senate. The motion of the Senator from Nebraska [Mr. HITCHCOCK] was to concur in the House amendment. That was the proceeding of about a month ago, and discussion was started on it.

Mr. SMOOT. The Senator from Nebraska, however, had no power to lay the message of the House before the Senate. The President of the Senate has not yet laid it before the Senate, and therefore the motion made by the Senator from Colorado is not in order. I make that point of order.

Mr. SHAFROTH. Well, Mr. President——

The VICE PRESIDENT. We shall have to see what the RECORD shows about that matter. The Chair recalls that when the message came over from the House of Representatives the Chair was requested to hold the message until the return of the Senator from Nebraska. Subsequently the Chair was requested to hold the message until both the Senator from Nebraska and the Senator from Colorado were in the Chamber at the same time, and whether or not it was ever handed down the Chair does not know. The RECORD must be examined. But it has been on the Presiding Officer's desk all the while.

Mr. SHAFROTH. Mr. President, on the 8th day of May the Senator from Nebraska [Mr. HITCHCOCK] rose and moved to concur in the House amendment. That motion was discussed to a limited extent, and it was laid aside on a proposition from the Senator from Rhode Island.

The VICE PRESIDENT. There is not any doubt about that having taken place, but whether or not the message was ever formally laid before the Senate the RECORD will have to show. The Chair has no recollection on the subject. The Chair will request the Secretary to look up the RECORD of the 8th of May and see.

Mr. SHAFROTH. If it was not laid before the Senate, I ask that it be laid before the Senate now.

The VICE PRESIDENT. It will be.

Mr. STONE. Let us first find out whether or not it has been laid before the Senate.

Mr. SHAFROTH. I will. The Secretary is looking that up right now.

Mr. LIPPITT. Mr. President, while the Secretary is looking up the RECORD in regard to that question, I think it is only reasonable for me to state to the Senate that I think the Senator from Colorado is in error in saying that this bill, or anything like it, has ever been reported to the Senate by any committee, or discussed by the Senate. As a matter of fact, the Philippine bill which was laid before the Senate, and was discussed and passed by the Senate and sent to the House, contained something like 20 amendments. There were something like 20 points in which that bill was very different from the bill that has now been returned here by the House. Many of those points go to the vital interests of the management of the Philippine Islands. They refer to provisions that have been

condemned by many of the responsible witnesses before the committee, and condemned in such a manner that the members of the Philippine Committee of the Senate unanimously agreed that there should be changes made in them.

Under these circumstances I think it is manifestly proper and, in fact, inevitable that the bill as now presented will lead to a very considerable discussion. Of course, it is within the power of the majority side of the Senate to decide which subject they wish to consider first. That is not the duty nor the privilege of this side of the Chamber. But inasmuch as the statement has been made here that this bill is something that has already been discussed and that it will take but a very short time to consider it, I think it is proper that I should state the conditions in the way I see them.

Mr. HARDWICK. Mr. President——

The VICE PRESIDENT. The Chair will state, for the information of the Senator from Colorado, that the Senator's recollection is correct. The message was laid down on the 8th of May—legislative day of the 5th.

Mr. HARDWICK. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. HARDWICK. Under Rule IX, first in order and first to be entertained by the Senate is a motion to proceed to the consideration of an appropriation or revenue bill. Outside of the consideration of conference reports, that is a preferential motion in the Senate; and under that rule the Senator from Alabama was entitled to priority of recognition.

The VICE PRESIDENT. The Chair does not so believe. That rule is as follows:

Immediately after the consideration of cases not objected to upon the calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the calendar next after the last subject disposed of in proceeding with the calendar, and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the calendar.

Fourth. A motion to place such subject at the foot of the calendar.

Each of the foregoing motions shall be decided without debate and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

Does the Senator from Georgia contend that that rule has anything to do with the procedure after 2 o'clock?

Mr. HARDWICK. Undoubtedly. That is the way I construe it. I do not want to add to the confusion, though, by arguing it. I believe that at any time after 2 o'clock this procedure applies as I have suggested, just the same as before 2 o'clock.

The VICE PRESIDENT. The Chair does not read it that way. This is an off-hand guess, and the Chair does not know whether he is right or wrong; but the Chair does not so read it. That rule is applicable to procedure before 2 o'clock.

Mr. BANKHEAD. Mr. President, has the Philippine bill now been laid before the Senate?

The VICE PRESIDENT. It was before the Senate. There was an error about it. It has been before the Senate since the 8th day of May; and the motion of the Senator from Colorado, as the Chair understands, is to take it up and to agree to the House amendments. The Chair supposes the first question is whether the Senate will or will not consent to take it up.

Mr. BANKHEAD. Mr. President, I understand that under the rule the motion made by the Senator from Colorado can not be amended. In other words, I could not substitute another motion for it. Therefore my only remedy, in order to get the Post Office appropriation bill before the Senate, is to ask the Senate to vote down the motion of the Senator from Colorado; and if that motion is voted down then I shall ask the Senate to proceed to the consideration of the Post Office appropriation bill. When I get the bill before the Senate as the unfinished business I will be willing to have it laid aside temporarily for certain emergencies. That includes the understanding with the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. SHAFROTH. Mr. President, the notice of motion of the Senator from Nebraska [Mr. HITCHCOCK] has been on the calendar for days and days to the effect that the Philippine bill be taken up. We thought that an agreement of some kind was reached as to this bill when the river and harbor bill came up, but it was not. It seems to me that this bill, which has passed practically both Houses, ought to be taken up and considered now. I am willing to yield temporarily to the Senator from Oregon, and also for the Post Office bill, if it is taken up.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado that the Senate proceed to the consideration of the House amendments to what is known as the Philippine bill.

The motion was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. POINDEXTER presented the memorial of Mrs. S. J. Pettit and sundry other citizens of Vancouver, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the establishment of the Mount McKinley National Park in Alaska, which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the enactment of legislation to provide for the development of the Alaska oil lands, which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Seattle, Wash., praying for an appropriation for the establishment of a radio station at Seward, Alaska, which was referred to the Committee on Appropriations.

Mr. McLEAN presented a petition of the Pattern Makers' Association of Hartford, Conn., praying for the granting of an additional 15 days' leave of absence to employees of navy yards and arsenals, which was referred to the Committee on Naval Affairs.

He also presented a petition of Lodge Framat, No. 51, International Order of Good Templars, of Ansonia, Conn, and a petition of sundry citizens of Waterbury, Conn., praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Common Council of Stamford, Conn., praying for the enactment of legislation to grant pensions to certain employees of the postal service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Somers, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Mothers' Club of Bridgeport, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. HUSTING presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to grant pensions to certain employees of the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to make the Star-Spangled Banner the national anthem, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which were ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MYERS presented memorials of sundry citizens of Sanders County, Mont., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. LIPPITT. I present a petition of the National Association of Woolen and Worsted Overseers, urging industrial preparedness for an early increase of tariff duties on imports. I ask that the petition be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the petition was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

INDUSTRIAL PREPAREDNESS.

PROVIDENCE, R. I., *May 20, 1916.*

The National Association of Woolen and Worsted Overseers is an industrial organization engaged in textile manufacturing and is nonpartisan in their attitude but thoroughly American in their patriotism and devotion to the best interests of these United States, and being desirous of expressing their opinions upon the great public questions of to-day, the most important of which, from their point of view, being the need of "industrial preparedness" against the evils resulting from the war in Europe and sure to follow its termination, appointed this committee of five members at their last annual meeting at Boston, Mass., in November, 1915, to prepare such resolutions for action at the next semiannual meeting at Providence, R. I., May 20, 1916, and we beg leave to submit the following as our report:

"Whereas the results of this great war in Europe as an industrial factor from an economic and competitive point of view, as applied to this country in a business way, is an unknown quantity, baffling the efforts of our keenest statisticians and ablest business men to form some safe conception of our national ability under present abnormal labor and wage conditions, with enormously increased overhead costs for everything entering into the manufacturing of goods of all kinds for sale here or abroad after the war ceases, when all the belligerent nations will of necessity have to immediately return to the pursuits of peace and industry, in order to provide for the payment in future of principal and interest upon their tremendously increased national debts; and

"Whereas the best interests of the 100,000,000 people living in these United States must be safeguarded without any further delay by our National Government at Washington, through the legislative functions of the Congress of the United States (our direct representatives), by the passage of such laws, or by changes in existing laws when found inadequate to provide us with proper protection, so as to prevent a threatened industrial or national disaster, through lack of industrial preparedness, which is as paramount as the strengthening of our Army and Navy for our common welfare, with which idea we are also in hearty accord; and

"Whereas we must collect many more millions of dollars to meet the greatly increased cost of a larger Army and Navy in some way not yet provided for, and our past experience has proved that the best way and the least expensive method for us is by the increase of duties on imports through our customhouses on goods entering into keen and close competition with the products of home industry and labor, as well as to reimpose duties again upon a larger percentage of goods imported than is now the rule (as 68 per cent of all the goods now imported are duty free), and the American people are not favorably disposed to a direct and unjust taxation as a means of collecting national revenues for our Government: Therefore be it

"*Resolved*, That we respectfully direct the attention of Congress to these patriotic recommendations, based upon past practical experience, and we urge an early increase of the tariff duties sufficient in its advance to insure us from an industrial invasion of the products of foreign countries, making this market their dumping ground for the sale of cheaper goods than we can possibly produce under present abnormal conditions here, which conditions may remain for some time to come, owing to high costs of living here and to other economic reasons, which threaten us with disaster unless the present tariff duties are raised beyond the danger line to prevent our exploitation by foreign manufacturers, and the recovery by their nations of the gold sent here during the past 21 months for war munitions and supplies, and we appeal to the Congress to substitute patriotism and true Americanism for partisanship, and not to apply theory against practical business experience, in order that our Government of the people and for the people may still endure and continue to prosper."

M. J. STAUGHNESSY, *Worcester, Mass.*
J. G. BURNES, *Providence, R. I.*
F. W. PHELPS, *Oldtown, Me.*
WM. F. SCOTT, *Madison, Me.*
JOHN F. BOLGER, *Chairman,*
Germantown, Philadelphia.

Mr. THOMPSON. I present a petition of the Colonial Dames of America, praying for the immediate adoption of such measures for national defense as shall enable the country to defend itself from invasion and attack. I ask that the petition be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

THE COLONIAL DAMES OF AMERICA,
157 East Thirty-fifth Street, New York City.

Whereas the Society of The Colonial Dames of America was created for the twofold purpose of holding in reverent remembrance those wise and valiant men who first established our free institutions and of helping to maintain and to perpetuate their ideals of liberty and justice; and

Whereas those ideals can flourish only under the conditions of honorable peace; and

Whereas to enjoy that peace we must be able to defend our liberties; and

Whereas it has lately become increasingly evident that we are not in any way prepared for such defense: Now, therefore, be it

Resolved, That this society advocates the immediate adoption, by the Government of the United States, of such measures for national defense as shall enable us, if need be, to resist aggression, and shall insure the security and independence of our country, and thereby make it possible for us to maintain our ideals and to fulfill those obligations and responsibilities which, as a Nation, we have assumed: And be it further

Resolved, That copies of these resolutions be sent to the President and Congress of the United States.

CLARA L. CHEESMAN, *President.*
E. B. BARROWE, *Secretary.*

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 4550) granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash., reported it with amendments and submitted a report (No. 496) thereon.

He also, from the same committee, to which was referred the bill (S. 708) to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State, reported it without amendment and submitted a report (No. 497) thereon.

He also, from the same committee, to which was referred the bill (S. 5441) for the relief of the heirs of Albert Sidney Johnston, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

He also, from the Committee on Commerce, to which was referred the bill (S. 21) to authorize aids to navigation, and other works in the Lighthouse Service, and for other purposes, reported it with amendments and submitted a report (No. 495) thereon.

Mr. WARREN, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5751) authorizing the addition of certain lands to the Wyoming National Forest, Wyo., reported it with an amendment.

Mr. THOMPSON, from the Committee on Privileges and Elections, to which was referred the bill (S. 5437) to further amend the act of Congress entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, to extend the same to elections for United States Senators and for presidential electors, and to regulate, control, and limit campaign and other contributions and expenditures in connection with such elections, and to define corrupt practices in connection therewith, and for other purposes, reported it with amendments and submitted a report (No. 498) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WEEKS:

A bill (S. 6212) authorizing the Secretary of War to sell certain magazine rifles; to the Committee on Military Affairs.

By Mr. McLEAN:

A bill (S. 6213) granting a pension to Esteller Barrows (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 6214) granting a pension to Duncan F. Edwards (with accompanying papers);

A bill (S. 6215) granting an increase of pension to John Goldsmith (with accompanying papers); and

A bill (S. 6216) granting an increase of pension to John W. Bash; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 6217) to adequately compensate commissioned officers of the United States Navy for length of service, and to grant to warrant officers allowances and privileges allowed other

officers of the United States Navy; to the Committee on Naval Affairs.

By Mr. OVERMAN:

A bill (S. 6218) increasing the limit of cost for the purchase of a site for the erection of a public building at Rockingham, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. LODGE:

A bill (S. 6219) providing for the appointment of civilian clerks in the Quartermaster Corps of the Army as pay clerks; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 6220) granting an increase of pension to Tillie E. Reeves (with accompanying paper); to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 6221) amending section 140 of the act approved March 4, 1909 entitled "An act to codify, revise, and amend the penal laws of the United States"; to the Committee on the Judiciary.

By Mr. SMITH of Maryland:

A bill (S. 6222) to provide for admissions to the Government Hospital for the Insane, and for other purposes; to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLETCHER submitted an amendment proposing to appropriate $10,000 for pursuing such experiments and investigations to determine the most practical means of extending the operations of the parcel post in the direction of promoting the marketing of farm products and furthering direct transaction between producers and consumers, intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was ordered to lie on the table and be printed.

Mr. VARDAMAN submitted an amendment proposing to appropriate $5,000 for a national library for the blind in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment providing that no officer shall be promoted to a higher grade on the active list of the Navy and Marine Corps except in the case provided in the next section until he has been examined by a board of naval surgeons and pronounced physically qualified to perform all his duties at sea, intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $12,500 for the purchase of a site and the commencement of a post-office building at Rockingham, N. C., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

THE JUDICIAL CODE.

Mr. SMITH of Maryland submitted an amendment intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

TREATMENT OF TUBERCULOSIS.

Mr. OVERMAN submitted the following resolution (S. Res. 260), which was referred to the Committee on Printing:

Resolved, That the manuscript submitted by the Senator from North Carolina [Mr. OVERMAN] entitled, "Animal Experiments upon the Acquirement of Active Immunity by Treatment with Von Ruck's Vaccine against Tuberculosis," by Frank J. Clemenger, M. D., Asheville, N. C., and Dr. F. C. Martley, M. A., M. D., Cambridge, England, be printed as a Senate document.

HOUSE BILL REFERRED.

H. R. 15774. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

POST OFFICE APPROPRIATIONS.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 10484, making appropriations for the Post Office Department.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. BANKHEAD. Mr. President, I ask unanimous consent that the bill may be temporarily laid aside.

The VICE PRESIDENT. Is there objection?

Mr. CHAMBERLAIN. I am not going to object to that, of course. So far as I am personally concerned, I would be ready to take up the Oregon-California bill; but I hardly think it would be fair to the Senate, because the report has not been printed. It will be printed, though, by to-morrow morning, and I should like to take it up on Wednesday morning, when the Senate next convenes.

The VICE PRESIDENT. Is there any objection to laying aside temporarily the Post Office bill?

Mr. LIPPITT. I object, Mr. President.

The VICE PRESIDENT. There is an objection to laying it aside temporarily.

Mr. BANKHEAD. Mr. President, as the Senator from Oregon is not ready to proceed with the Oregon land-grant bill, I shall ask the Senate to proceed with the consideration of the Post Office bill. I ask that the formal reading of the bill be dispensed with and that the Senate proceed to the consideration of Senate committee amendments.

The VICE PRESIDENT. The Senator from Alabama asks that the bill be read first for Senate committee amendments, and that the formal reading of the bill be dispensed with. Is there any objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Postmaster General," at the top of page 2, to insert:

The Postmaster General is hereby authorized to have prepared the necessary plans and specifications and to enter into a contract or contracts for the construction of a reinforced concrete and all-glass, factory-type, fireproof building for the use of the Post Office Department equipment shops, such building to contain approximately 70,000 square feet of floor space; and sufficient land in the city of Washington, D. C., may be acquired, if necessary, by the Postmaster General, by purchase or condemnation, upon which to erect such building; and for the purpose of the purchase of said land and the construction of said building $200,000 is hereby appropriated and made available, out of any money in the Treasury of the United States not otherwise appropriated.

Mr. BANKHEAD. Mr. President, if any Senator desires information with reference to this amendment, I shall be glad to give it.

Mr. SMOOT. I should like to have whatever information the Senator has in regard to it.

Mr. BANKHEAD. I will ask the Secretary to read a letter from the Postmaster General in relation to this amendment. It gives the information in more precise form than I could.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
March 24, 1916.

I wish to call your attention to the inclosed House Document No. 103, containing copy of a letter addressed to the Secretary of the Treasury in regard to an estimate for $200,000 for the construction of an equipment-shop building for the Post Office Department, which estimate was transmitted to the Speaker of the House of Representatives. Your attention is also called to bill H. R. 6827, introduced by the chairman of the Committee on Public Buildings and Grounds, which would authorize the Postmaster General to construct such building.

I understand that the Committee on Public Buildings and Grounds will make a favorable report on the bill, but that as yet the committee is undecided as to whether or not there will be a public buildings bill at this session of Congress. The need of the enactment of such legislation at this session is very urgent, and I do not want the possibility of there being no public buildings bill to interfere with the construction of a shop building by the department. I therefore have to request that you insert bill H. R. 6827 as a proviso in the Post Office appropriation bill, on page 1, after line 10, as introduced into the Senate, so that the paragraph as amended will read as follows, beginning at line 8:

"For rent of suitable buildings for the use of the Post Office Department, including the mail-bag repair shop, lock repair shop, and the division of Equipment, $32,000: *Provided*, That the Postmaster General is authorized to have prepared the necessary plans and specifications and to enter into a contract or contracts for the construction of a reinforced-concrete and all-glass factory-type fireproof building for the use of the Post Office Department equipment shops, such building to contain approximately 70,000 square feet of floor space; and sufficient land in the city of Washington, D. C., may be acquired, if necessary, by the Postmaster General, by purchase or condemnation, upon which to erect such building; and for the purposes of the purchase of said land and the construction of said building $200,000 is hereby appropriated and made available, out of any money in the Treasury of the United States not otherwise appropriated."

Inasmuch as the office of the Supervising Architect will be unable to prepare plans and specifications for such building, the Secretary of the Treasury has suggested that this department request legislation in the above form, so as to authorize the construction by the Postmaster General.

Hearings were held by the Committee on Public Buildings and Grounds, at which time the chief clerk for the Post Office Department appeared in behalf of the bill. A copy of the hearings is inclosed.

A. S. BURLESON,
Postmaster General.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 5, line 11, after the words "civil-service employee in," to strike out "the Postal Service" and insert "post offices of the first and second classes," so as to make the clause read:

That hereafter the Postmaster General shall have authority to employ acting employees in place of all employees or substitutes hereinafter mentioned who are injured while on duty, who shall be granted leave of absence with full pay during the period of disability, but not exceeding 1 year, then at the rate of 50 per cent of the employee's salary for the period of disability exceeding 1 year, but not exceeding 12 months additional, and the Postmaster General is authorized to pay the sum of $2,000, which shall be exempt from payment of debts of the deceased, to the legal representatives, for the benefit of wife, children, or dependent relatives, of any railway postal clerk, substitute railway postal clerk, supervisory official of the Railway Mail Service, post-office inspector, letter carrier in the City Delivery Service, rural letter carrier, post-office clerk, special-delivery messenger, post-office laborer, or any classified civil-service employee in post offices of the first and second classes who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury: *Provided*, That no compensation shall be paid any such employee for any injury occasioned by his own negligence. To enable the Postmaster General to carry out the provisions of the above, $234,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

For compensation of a special assistant to the Attorney General to assist in the defense of cases against the United States arising out of the transportation of the mails, and in other cases and matters affecting the postal revenues, $6,000.

Mr. SMOOT. Mr. President, in the first place, I do not think this amendment ought to be in this bill. In the second place, I notice that it carries a compensation of $6,000 for a special assistant to the Attorney General. The Solicitor for the Interior Department, under the Department of Justice, receives a salary of $5,000. The Solicitor for the Post Office Department receives only $5,000. The Solicitor of Internal Revenue receives $5,000. The Solicitor for the Department of State receives $5,000. This provision authorizes the appointment of a special assistant to the Attorney General at a salary of $6,000, $1,000 more than the solicitors for any of the departments receive. The item should rightfully come in an appropriation bill where all the salaries of all the other employees in the departments are provided for.

I will ask the Senator if he will not allow the amendment to be disagreed to and let the provision come in a regular appropriation bill. Not only that; whoever may be selected certainly should not receive a greater salary than the Solicitor General of the State Department or of any of the other departments of the Government.

I want to say to the Senator and to the Senate that just as sure as this item becomes a part of the bill for this particular position carrying $6,000 there will be a demand upon the Committee on Appropriations next year to increase the salary of every solicitor of every department of the Government, and what excuse can be given for denying it? How can we say that the Solicitor of the State Department should have only $5,000 and then provide for paying $6,000 to a man acting virtually as an assistant?

Mr. BANKHEAD. Mr. President, I should like to have the Secretary read a letter from the Postmaster General, which furnishes perhaps the best explanation that can be given as to why this position should be filled at this salary. It is not a new position; it is not a new salary provided. The Assistant Attorney General now has a salary of $6,000 a year. The only purpose of this amendment is to transfer this Assistant Attorney General at $6,000 to the service of the Post Office Department to act especially in the Court of Claims and Supreme Court. The only purpose of the amendment is to provide that the salary shall be paid from the Post Office appropriations instead of being paid out of the appropriations for the Department of Justice.

I should like to have the letter from the Postmaster General read, if the Senator from Utah will yield long enough for that purpose.

Mr. SMOOT. I will wait until the letter has been read.

The VICE PRESIDENT. The letter will be read.

The Secretary read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 11, 1916.

Hon. J. H. BANKHEAD,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR BANKHEAD: The large number of important suits filed against the United States by railroad companies and other engaged in the transportation of the mails made advisable the appointment of a special assistant to the Attorney General, who should be specially qualified, by reason of administrative knowledge of the service of the Post Office Department, as well as otherwise, to assist in the defense of the United States in such cases. Accordingly, on the 1st of September, 1915, such an appointment was made by the Attorney General at a salary of $6,000 per annum, payable out of the appropriation for "Pay of special assistant attorneys" under the Department of Justice.

Inasmuch as the work of this officer of the Department of Justice is concerned with suits arising out of the Postal Service, and as his duties make him an adviser of the Postmaster General in regard to the questions involved in these actions, it would seem appropriate that his compensation be provided for in the bill for the service of the Post Office Department. I therefore have the honor to suggest that the following provision be inserted in H. R. 10484, after line 6, on page 22, of the first Senate committee print, namely:

"For compensation of a special assistant to the Attorney General to assist in the defense of cases against the United States arising out of transportation of the mails, and in other cases affecting the postal revenues, $6,000."

Sincerely, yours,

A. S. BURLESON,
Postmaster General.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Alabama having the bill in charge that we might just as well appropriate money for the payment of the salary of the Solicitor for the State Department, the salary of the Solicitor for the Department of the Interior, the salary of the Solicitor for the Internal Revenue Bureau out of the funds of the departments named as to have this particular employee paid from the funds of the Post Office Department. It has always been the practice of the Government to pay the solicitors out of the funds appropriated for the Department of Justice. They have always been under the charge of the Attorney General and all appropriations that have been made have been paid from appropriations made to the Department of Justice.

It seems to me, if the letter of the Postmaster General is correct, we are making a duplicate appropriation. If the position has been appropriated for it must have been in the legislative, executive, and judicial appropriation bill, which has already become a law.

Mr. BANKHEAD. There never has been any specific appropriation for this purpose. It is simply paid out of a lump sum.

Mr. SMOOT. That is one of the evils of the lump-sum appropriations that I have spoken of so often.

Mr. BANKHEAD. I am just trying to keep the record straight.

Mr. SMOOT. I am quite sure the Senator does not believe that this position ought to carry a higher salary than the position of Solicitor for the State Department.

Mr. HARDWICK. I think we can give good reasons why.

Mr. SMOOT. I should like to hear the reasons.

Mr. HARDWICK. If the Senator will permit me, I will state them now.

Mr. SMOOT. I will yield to the Senator. I would prefer that he should state now what the reasons are.

Mr. HARDWICK. I think there is a reasonable explanation for this proposition. Let us get the facts plainly before us. In the first place this office is now held by the former Second Assistant Postmaster General, Mr. Stewart. He is paid, as the Postmaster General says, out of an appropriation for the pay of special assistant attorneys in the Department of Justice and is assigned by that department to the Post Office Department for certain work described by the Postmaster General in his letter.

The facts are these: Mr. Stewart is the greatest expert in the employ of the Government in that particular kind of cases. He is a very great expert about this class of cases, in which he has dealt for so many years.

The business of the Post Office Department, of the character described in the letter referred to, is very heavy, and it is especially heavy now, and has been especially heavy recently, in view of pending questions connected with the adjustment of railway mail pay. The railroad companies of this country have had the most brilliant talent that unlimited funds could employ, and we feel that probably a salary of $6,000 should be allowed Mr. Stewart in this case. We believe that the talent and industry with which this gentleman has served the Government fully warrant and justify it.

I think it required that sort of an explanation to let the Senator understand why we insist on it, or why we agreed to the departmental recommendation with respect to it. We believe that it is real economy to allow the department to employ the very best expert within the reach of the Government and within its means. For that reason and because of the especial service rendered necessary at this time we thought the recommendation of the department should be granted.

Mr. SMOOT. I still state that this is a duplicate appropriation.

Mr. HARDWICK. Will the Senator yield to me just there? Probably I did not cover all the ground. Undoubtedly if this amendment is retained in the Post Office appropriation bill that much more money will be available for the Department of Justice and they may employ another man. But the Post Office Department contends, and I think correctly, and I believe the Senator will agree with me that this man has devoted himself to this particular kind of work exclusively in the employment of that department and it is proper his salary should be paid out of the postal funds. If on that account $5,000 or $6,000 per annum is left unexpended in the Department of Justice, of

course, there will be no duplication in the expenditure. Whether or not the Department of Justice will try to appoint another man I do not know; the committee can not deal with that. It seems that the committee that handles the sundry civil appropriation bill or the legislative, executive, and judicial appropriation bill ought to look after that.

Mr. SMOOT. I will assure the Senator right now that every cent of the lump appropriation provided for in the legislative, executive, and judicial appropriation bill will be spent before June 30, 1917.

Mr. HARDWICK. Of course, the Senator understands——

Mr. SMOOT. I say that, Mr. President, from the past experience I have had in the appropriation of money for any of the departments of the Government in lump sums.

Mr. HARDWICK. I quite agree with the Senator on that general proposition, but owing to the fact that this great expert is devoting himself to the Postal Service, in this particular kind of work, where there is a special need for his services now, he ought to be paid out of this appropriation and in connection with this bill I do not believe can very well be denied by the Senator.

Mr. SMOOT. I think that in the past he has been paid out of the lump-sum appropriation for doing exactly the same work and I see no reason why he can not continue to be paid in that way. I say frankly to the Senator that when the Committee on Appropriations were considering the legislative appropriation bill they knew nothing of this special position. I know Gen. Stewart very well. I know his ability as an attorney and his familiarity with these questions.

There is no question but that we have in the department men of the highest attainment, not only in the law but in the business affairs of the land that draw salaries not exceeding $5,000 per annum. No doubt the Senator remembers of my referring to some of them at different times. I called attention to such men as the Commissioner of Indian Affairs receiving a salary of only $5,000. The result of a direct appropriation of this kind for this particular work will be that when the next appropriation bill comes before the Appropriations Committee the heads of the departments will insist upon an increase in the salaries of the solicitors for their departments. They will insist that they receive $6,000 a year and will point to this very case as a justification.

Mr. GALLINGER. Mr. President, I will ask the Senator if he knows an exception to the rule that when a larger salary is given to a person who occupies a position similar to that of several others the others immediately ask that they shall have their salaries increased to the maximum, giving as a reason that they are entitled to it quite as much as the man who receives it.

Mr. SMOOT. I can not remember of a case in any of the departments where that has not happened; and to be frank, Mr. President, I have always felt like there was justice in their demands.

Mr. GALLINGER. That is true.

Mr. THOMAS. That is human nature.

Mr. SMOOT. There have been a few cases where a position has been held at a salary larger than perhaps would be ordinarily paid, but it was specifically stated in the bill that it should only apply as long as the present incumbent lived. That only happens where a man has been faithful in a certain position of great responsibility for 20 or 30 years. At present I do not know of a case that is thus provided for in our appropriation bills. I think the late financial clerk of the Senate was the last one who was so mentioned.

I really believe, Mr. President, that this is a bad precedent to establish. By all odds I would prefer to allow it to go on the way it is going and pay Gen. Stewart $6,000 from the lump sum. We have already appropriated the money for the position and it has been paid from a lump-sum appropriation in the past. It would not make any difference to the department if continued, but it will make a great difference to the Committee on Appropriations when they are called upon to consider the next legislative, executive, and judicial appropriation bill.

I appeal to the Senator having the bill in charge to allow this amendment to be disagreed to. I would not ask it if it was going to affect Gen. Stewart. I can testify as to his ability and recognize his faithful services as any Senator in the Chamber. I know what work he has been doing, and I know he will continue to do it; but this amendment will come back to plague us in the future, and I ask that it be disagreed to.

Mr. HARDWICK. Mr. President, I want to say only a word or two more in justice to the committee. I think I ought to reiterate the committee's position that this is an exceptional case. We are not always readjusting a great system of pay for the railroads of the country for hauling the mails. When the pay is once readjusted, it will stay readjusted. We do not expect this thing to recur. We do think that just at this time, when the railroad companies are represented by the most brilliant legal talent that limitless funds can hire, and they are urging with skill and force and tremendous ability their contention on questions relating to railway mail pay, there is a special and exceptional reason why this exceptional thing, if it is exceptional, ought to be done now, during the pendency of that controversy and only during its pendency. It seems to me it ought to cease immediately with the settlement of this question.

Mr. SMOOT. Does the Senator claim that it will in any way interfere with the work of Gen. Stewart if this amendment is stricken from the bill?

Mr. HARDWICK. I will answer the Senator in this way about it. The Post Office Department, I think, has had the services of Gen. Stewart in his present capacity for only a few months, since the resignation of Mr. Otto Praeger. It is not an old thing; it is a very recent thing. The Department of Justice agreed to let them have one of these special attorneys, although they had already an Assistant Attorney General for the Post Office Department. The Department of Justice is under no obligations to continue this. For some reason the Postmaster General seems to think that he could not provide for Gen. Stewart otherwise except by the adoption of this amendment, and we really felt that it would be a calamity to the Government and to the department not to keep him, and unless this amendment is agreed to we were afraid it could not be done.

Mr. SMOOT. I will say to the Senator the appropriation has been made in a lump sum to take care of every one who is in the employ of the Department of Justice, and we gave the Department of Justice every cent that they asked. The Committee on Appropriations did not restrict that department in any way. If the Senator will look up the bill he will find we gave an increase in numbers of employees and appropriations.

Mr. HARDWICK. If the Senator will pardon me, I will suggest this possibility about it. If the Attorney General and the Postmaster General have an understanding that the Postmaster General will take care of this salary for Gen. Stewart and it is not included in this bill and we cut this amendment out, then we may lose the services of this man, and we can not afford to do it.

Mr. SMOOT. We can not afford to do it, and I would not do it.

Mr. HARDWICK. That is the reason why we urge it.

Mr. SMOOT. But I assure the Senator with all the assurance I can give, and it would almost go to a promise, that if the Government of the United States did not pay him I would. If this amendment is disagreed to Gen. Stewart will be employed just as he is employed to-day, and he will be paid out of the lump-sum appropriation

Mr. HARDWICK. I merely wish to suggest to the Senator that Gen. Stewart is now trying a case for the department in the Court of Claims which involves $40,000,000. We can not afford to run any risk on that. If the Senator could be absolutely positive from his knowledge of the other bill that came from his committee that Gen. Stewart is already provided for and we were going to retain his services whether the amendment was adopted or rejected, I would not care whether he was paid out of this fund or not, but we think otherwise; at least we fear it.

Mr. SMOOT. That will never happen.

Mr. HARDWICK. We would have no assurance of it, and we do not want to run any risk. I do not think the Senator ought to insist upon his opposition to the amendment, because we can not afford to run any risk just at the present time of losing the invaluable services of Gen. Stewart in connection with these cases and with the particular work upon which he is engaged, as set out in the letter of the Postmaster General.

Mr. VARDAMAN. If the Senator will pardon the suggestion, if the facts stated by the Senator from Utah can be established before the conference committee——

Mr. HARDWICK. We will strike it out.

Mr. VARDAMAN. There will be no trouble in striking it out.

Mr. HARDWICK. I think that is a very good solution.

Mr. VARDAMAN. This is an office created for the man, not a man for the office. This man's services are especially needed, and it was agreed by the committee that he ought to be retained in the service, and that this was the most direct and satisfactory way of doing it. If the Members of the other House are in possession of the facts, which the Senator has just suggested may exist, there will be no trouble about eliminating the provision.

Mr. SMOOT. Mr. President, I will say to the Senator that this is not an exceptional case in the sense that we have already admitted that it was, for there are hundreds of appropriations which have been made, just as this is made, to fit a certain condition.

Mr. VARDAMAN. If that certain man is to perform a certain duty or a certain function, the Government makes a very good investment by taking that man.

Mr. SMOOT. Yes; but in this case the Government is already employing him, and the Government will continue that employment. He will do the exact work under the law as it now stands.

Mr. VARDAMAN. If the Senator from Utah were absolutely sure about that, I should agree with the Senator that the provision ought not to remain in the bill, but the Senator is not absolutely certain about it.

Mr. SMOOT. Mr. President, I can not say any more than I have said, but I am positive of it; there is no question of it in my mind.

Mr. HARDWICK. Mr. President, I do not think I need take up the time of the Senate any longer. Permit us to have the amendment agreed to, and if we find that the Senator from Utah is right we will strike it out in conference.

Mr. REED. Mr. President, I am willing to leave the form that this matter shall take to the Post Office Committee, but I can not refrain from saying just a word.

I do not believe in jobs that only one man can perform. I heard an Irishman say one time with reference to a situation of that sort, when it was urged that only one man could fill a position, that, if that were the case, we must immediately abolish the job, because some day that man would die and the country would be in a terrible condition.

I am not impressed with the wonderful ability of the so-called Gen. Stewart, a title that he gets by courtesy because he was for a long time Fourth Assistant Postmaster General.

Mr. HARDWICK. Second Assistant Postmaster General.

Mr. REED. I believe he has gravitated from Fourth Assistant Postmaster General to Second Assistant Postmaster General, and then perhaps to some other position. I believe that this gentleman has been kept in the Government service through some extraordinary favoritism. He used to practice law in my town, just across the hall from me; and if he possessed any remarkable ability or any latent germs that might bud and blossom and bring forth the fruitage of extraordinary talent, then the fact was entirely concealed from the members of the profession to to which he belonged.

Mr. HARDWICK. Will the Senator from Missouri pardon me for just a moment?

Mr. REED. Yes.

Mr. HARDWICK. What I meant to say was—I may have been extravagant in the compliments I have paid to Mr. Stewart—that Mr. Stewart had great familiarity with these questions, in which the Government is obliged to have an expert. There is no doubt about that, I will say to the Senator, whatever may be the fact as to his natural ability.

Mr. REED. I think Mr. Stewart has had a good deal to do with a good many things. I remember one of the first tasks I had to perform after arriving here in Washington was to listen to the complaints of the editors of certain great agricultural newspapers who had been summoned or who had had issued against them orders to show cause why their papers should not be denied the privileges of the second-class mail. I am sorry that both the chairman of the committee and his able assistant have vanished from the Chamber. When I got through hearing the evidence which these gentlemen had to produce I made up my mind that the solitary offense of which these editors of agricultural papers had been guilty was not a violation of the postal laws, but the fact that they had printed a Democratic article in their papers shortly before the election. I remember that a large number of Representatives and several Senators went down to attempt to right that wrong, and found that it was based upon a construction of the law which was so arbitrary and so unjust that after some discussion it was hastily abandoned.

It may be that this indispensable gentleman, this man who manages to hold through all administrations and in all positions, is so essential to the Government that we can not get along without him. If it is necessary to appropriate this $6,000, I am willing to have it appropriated; but not upon the theory that Mr. Stewart is the only man in the United States who can do this work, for I undertake to say that any good lawyer can master every question that has to be presented and can put forward the Government's side in a forceful and complete manner, and that none of these alleged great experts employed by the railroads will have any advantage over a lawyer who is devoting his entire time to the preparation of these particular questions.

Mr. HARDWICK. Mr. President, if the Senator from Missouri will yield for just a moment—I do not want to disturb him, because I surely do not want to prolong the debate—I will say that I think the Senator would be right, probably, if the man had anything like the preparation and training that Mr. Stewart has had; but I will say to the Senator that the particular work upon which Mr. Stewart is engaged is of such a character that, after some little examination of the questions myself—questions so intricate and so involved, with so many angles to them—I am of the opinion that a first-class lawyer could not do this work without a good many years of preparation.

Mr. REED. Of course, I do not want to prolong the discussion. Indeed, I should have been through before now if I had been allowed to drift along in my own mild way. The railroad lawyers who will be here to argue this proposition are lawyers in active practice, having hundreds of different propositions to handle. The man who represents the Government, if he be employed on this business alone, can speedily place himself in a position to meet whatever demands the railroads bring.

It may be that Gen. Stewart has great familiarity with the subject; but I have seen many men possessing great familiarity with a subject who could not handle it half so well as some man of superior talents who had been on the ground only a few hours. So I am not in favor of this proposition because it is going to take care of Gen. Stewart. If it is necessary to have the money, well and good; but I hope that the Senate of the United States will not commit itself to the doctrine that Gen. Stewart is indispensable to the welfare of the American Republic.

Mr. OVERMAN. I have just come in, and I desire to ask, Is the proposition to pay Mr. Stewart $6,000?

Mr. BANKHEAD. Yes.

Mr. OVERMAN. I doubt whether, if we pay him at all, we should pay him more than we are paying the Solicitor of the Post Office Department, the Solicitor of the Treasury Department, or the Solicitor of the Agricultural Department.

Mr. HARDWICK. He is getting that salary already, because he is doing the work of a special attorney.

Mr. OVERMAN. I understand he is being paid out of a lump-sum appropriation, and I am opposed to lump-sum appropriations. It is now proposed to fix his salary; but we ought not to fix it at an amount greater than is paid Assistant Attorneys General.

Mr. HARDWICK. I am sorry the Senator was not here when I tried to give the reasons for the amendment.

Mr. THOMAS. Did I understand the Senator to say that Gen. Stewart received pay in addition to the $6,000?

Mr. HARDWICK. No; the Senator did not understand me to say that. He is being paid by the Department of Justice from a lump sum, $6,000.

Mr. THOMAS. The same amount which he will get under this provision?

Mr. HARDWICK. Yes; but he will be paid through the Post Office Department.

For the benefit of the Senator from North Carolina, I am glad to state for the committee that Mr. Stewart is in charge of all the Government's contentions with respect to important questions that are now acute relating to railway mail pay. He has in charge one case before the Court of Claims growing out of that matter, and involving, I think, $40,000,000, in connection with what is called the divisor question. Just at present that question is before Congress, and it involves immense sums to the Government, to the railroads, and to the public; and so, as to this man, with years of experience and years of training in connection with this question, there are reasons why the compensation is not at all too great.

Mr. OVERMAN. What salary did he get as Second Assistant Postmaster General?

Mr. HARDWICK. I think the Senator probably knows as much concerning the salaries of Government officials as I do. I presume he got $5,000.

Mr. OVERMAN. He got the same salary as the other Assistant Postmasters General of the department got. He did every particle of the work which it is said he is doing now for $5,000 and had a more responsible position; and it is proposed to pay him now more than is paid the First Assistant Postmaster General, the Second Assistant Postmaster General, or the Third Assistant Postmaster General.

Mr. HARDWICK. If the Senator will pardon me, during the time when Gen. Stewart was Second Assistant Postmaster General, this question was not acute in the form it is now.

Mr. OVERMAN. I understand the reason why Gen. Stewart was retained in office was because he knew more about this matter than anybody else.

Mr. HARDWICK. I understand that there are other things of moment which the Second Assistant Postmaster General attends to besides the question of railway-mail pay.

Mr. OVERMAN. If we increase his salary, does not the Senator think we ought to increase the salary of the Assistant Postmasters General?

Mr. HARDWICK. No, sir. In the first place, we do not increase his salary at all.

is once readjusted, it will stay readjusted. We do not expect this thing to recur. We do think that just at this time, when

tain duty of a certain function, the Government makes a very good investment by taking that man.

Mr. OVERMAN. Yes; it is proposed to promote him to $6,000 instead of $5,000.

Mr. HARDWICK. If we should strike this amendment from the bill, he would get $6,000 anyhow.

Mr. OVERMAN. How?

Mr. HARDWICK. From the Department of Justice.

Mr. OVERMAN. He can only get it because he is paid from a lump-sum appropriation.

Mr. HARDWICK. That is how he does get it.

Mr. OVERMAN. Then, he is on an annual basis. Such appropriations are made from the 1st of July of one year to the 1st of July of the next year.

Mr. HARDWICK. That is all the time this appropriation continues in force.

Mr. OVERMAN. The departments can pay salaries of $10,000 out of lump-sum appropriations. They sometimes take lump sums and pay an employee $3,000 whose salary has been fixed at $2,000. I am opposed to paying the salaries of men out of lump-sum appropriations.

Mr. HARDWICK. Six thousand dollars is the amount of salary Congress has provided for in this particular case, and it is now being paid from a lump-sum appropriation by the Department of Justice.

Mr. OVERMAN. When it comes to fixing salaries, I will say to the Senator, if he will pardon me, that we ought not to fix them greater in this bill than we do in the legislative appropriation bill.

Mr. VARDAMAN. That is just what this does. It is not a lump sum and the salary is fixed.

Mr. OVERMAN. That is what I am protesting against.

Mr. VARDAMAN. It fixes his salary at just what he is receiving now.

Mr. OVERMAN. That is what I am protesting against. We have a legislative bill to fix the salaries of all the officers of departments, but in this case they had a lump-sum appropriation, and from the lump-sum appropriation they employ this man and pay him more money than he was getting before for doing the same work; and here comes in another appropriation bill proposing to fix his salary at $6,000.

Mr. HARDWICK. If the Senator will pardon me, I do not want to go over the ground again.

Mr. OVERMAN. I am sorry I was not here, and I beg the Senator's pardon.

Mr. HARDWICK. I am willing, however, to do it for the Senator's benefit. The situation is different from what the Senator imagines. Gen. Stewart is not doing the same work. The question of railway mail pay has become acute. Congress is about to enact legislation one way or another concerning this matter in this bill. Before we get through the committee will submit a proposition looking to a thorough investigation of that question by the Interstate Commerce Commission. The railroads will be represented by lawyers of skill and ability and experience in these questions. They have unlimited funds, or practically so, I presume, with which to pay those attorneys. Mr. Stewart has had years of experience, and he seems to have, so far as the committee can judge, exceptional ability and knowledge of this question, and we thought that for the present it was well to make this provision. I will say to the Senator frankly that as soon as we can get through with this question of railway mail pay, and that matter has been adjusted, I will agree with him thoroughly. I agree with every sentiment that he has uttered in regard to general rules of this kind; but it does seem to me, as it seemed to all the members of the committee, that this was an exceptional case because of the conditions surrounding the question of railway mail pay and railway mail transportation, at this particular time, and the great controversy that is now raging about them.

Mr. OVERMAN. I will ask the Senator if the question of space has been passed upon by the committee?

Mr. HARDWICK. The committee has recommended that the whole matter be investigated by the Interstate Commerce Commission——

Mr. OVERMAN. That is under consideration now?

Mr. HARDWICK. And that the department and the railroads go there to argue the question out. Of course, we will come to that later.

Mr. OVERMAN. I am not going to take any time on this question now, because there are very few Senators present, and I want this bill to proceed; but I did want to protest against this kind of legislation, for if you provide for a man in one bill and for another man in the same department in another bill, what is the use of having a legislative appropriation bill?

Mr. HARDWICK. Abstractly I quite agree with the Senator. He is absolutely right—unequivocally right—and yet I say to him, after a careful study of this question, that I think this is such an exceptional case and the circumstances are so exceptional that the interests of the Government require that the action recommended by the committee be taken in this instance. That is all.

Mr. BANKHEAD. Mr. President, I think perhaps the Senator from North Carolina does not quite understand this particular case. Gen. Stewart was Second Assistant Postmaster General and during that time for 15 years he dealt largely with railway mail pay questions. In his present position, however, he has nothing to do with the Second Assistant Postmaster General's office, but represents the Post Office Department in the Court of Claims and other courts, and recently he appeared in the Supreme Court of the United States.

Mr. OVERMAN. You do not need an Assistant Attorney General, then, for that purpose?

Mr. BANKHEAD. I do not care what you may call him.

Mr. OVERMAN. We have an Assistant Attorney General, as the Senator knows, who does all that.

Mr. BANKHEAD. But he does not do it as to this particular question. He, like many other great lawyers, does not understand all questions, and it seemed to the committee that it would be well to make this provision. This is an annual appropriation, it is true, but whether it stays in this bill or goes out, the salary of the office will be the same and the amount of money received will be the same. The committee thought—and it seems to me that that is a reasonable conclusion—that if he was under the control and jurisdiction of the Post Office Department representing alone the Post Office Department in the courts of the United States, including the Court of Claims and the Supreme Court of the United States, his salary ought to be paid from the Post Office appropriation bill. That is the only purpose of this item, and it seems to me there should be no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge if he will not consent to adjourn at this time. We have been meeting at 11 o'clock every day; this is the eve of Decoration Day, and there are very few Senators present.

Mr. BANKHEAD. I am very glad, indeed, to agree to the suggestion of the Senator from Utah, and I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 38 minutes p. m., Monday, May 29, 1916) the Senate, under the previous order, adjourned until Wednesday, May 31, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 29, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, for the sublime faith which enables us to see back of all that we perceive with our physical senses a supreme Intelligence, a moral order, a spiritual realm, the kingdom of heaven. Help us to enter in and possess that realm that we may live in Thee, through Thee, to the larger life and render to our fellow men a truer, nobler service, after the manner of the Christ. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, May 27, was read and approved.

JEFFERSON DAVIS.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent that on next Saturday, June 3, I be permitted to address the House for 15 minutes, the occasion being the anniversary of the birthday of Mr. Jefferson Davis.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] asks unanimous consent that on next Saturday, after the reading of the Journal and the clearing up of the business on the Speaker's table, he be allowed to address the House to not exceed 15 minutes, it being the anniversary of the birthday of Jefferson Davis. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I ask unanimous consent to modify the order under which we are operating, to the extent of allowing general debate to proceed so that the gentleman from Tennessee [Mr. PADGETT] shall have 1 hour and 20 minutes and the

gentleman from Pennsylvania [Mr. BUTLER] 1 hour and 20 minutes to-day, and that general debate shall close at the end of that time.

The SPEAKER. Does that mean at the end of this general debate or at the end of the whole thing?

Mr. MANN. It means now. It will extend it a little time beyond the time fixed by the rule.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the order heretofore agreed to shall be modified to such an extent as to allow the gentleman from Tennessee [Mr. PADGETT] 1 hour and 20 minutes and the gentleman from Pennsylvania [Mr. BUTLER] 1 hour and 20 minutes. Is there objection? [After a pause.] The Chair hears none.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3606. An act for the relief of contributors of the Ellen M. Stone ransom fund; to the Committee on Claims.

JEFFERSON DAVIS.

Mr. KINCHELOE. Mr. Speaker, next Saturday, as we know, is the anniversary of the birth of Jefferson Davis, who was born in my district. I ask unanimous consent that immediately after the reading of the Journal and immediately after the address of the gentleman from Louisiana [Mr. ASWELL] I be permitted to address the House on the life and character of Jefferson Davis and make some observations as to the Southern Confederacy.

The SPEAKER. How much time does the gentleman desire?

Mr. KINCHELOE. It will not take long; 20 minutes.

The SPEAKER. The gentleman from Kentucky [Mr. KINCHELOE] asks unanimous consent that on next Saturday, after the conclusion of the remarks of the gentleman from Louisiana [Mr ASWELL], he be allowed to address the House for 20 minutes on the life and character of Jefferson Davis, who was born in his district. Is there objection? [After a pause.] The Chair hears none.

ADDRESS OF PRESIDENT WILSON.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech of the President delivered Saturday night at the peace meeting in Washington.

The SPEAKER. The gentleman from Indiana [Mr. COX] asks unanimous consent to extend his remarks in the RECORD by printing a speech by the President of the United States delivered last Saturday evening at the peace meeting. Is there objection?

Mr. STAFFORD. Reserving the right to object, would the gentleman have any objection to adding to his request that there be printed as a document all the speeches delivered at the recent peace conference?

Mr. COX. None whatever. I would like very much to get hold of President Taft's speech also. The papers did not carry it.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that they be printed as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. COX]. [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that there be printed as a House document the proceedings of the recent meeting of the League for the Enforcement of Peace, held in this city last week.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the proceedings of the Peace League, held here last week, be published as a House document. Is there objection?

Mr. DIES. Reserving the right to object, how much of this stuff is there? Will the gentleman tell me?

Mr. STAFFORD. It will not be a very large document. Under the rules of the House, as the gentleman knows, there can be only so many documents printed within the certain amount allowed by law. They would amount to about 500. We are all interested in having all those very noteworthy speeches delivered at that league last week, among others the speech of ex-President Taft, and President Lowell, of Harvard, and other distinguished publicists. The public expense will not be great.

Mr. DIES. It occurs to me that if you print the speech of ex-President Taft and a few others in the RECORD it would be better than to print the whole flabdab——

Mr. STAFFORD. The gentleman refers to it as "flabdab." The gentleman does not know the character of the speeches.

Mr. DIES. I am not talking about the speeches. I am talking about the proceedings of the meeting.

Mr. STAFFORD. The proceedings virtually consisted of the addresses.

Mr. DIES. I mean to insert the addresses and leave the proceedings out.

Mr. MANN. Mr. Speaker, a wholesale matter of this sort should come through the Committee on Printing. Why not introduce a resolution?

Mr. STAFFORD. There have been many times when such things have been done without a committee resolution.

The SPEAKER. The gentleman from Illinois objects.

NAVAL APPROPRIATION BILL.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15947) making appropriations for the Naval Service for the fiscal year ending June 30, 1917, and for other purposes. And the Chair will ask the gentleman from Indiana [Mr. COX] to preside temporarily until the gentleman from New York [Mr. FITZGERALD] arrives.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15947, the naval appropriation bill, with Mr. COX in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15947, the naval appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CLINE].

The CHAIRMAN. The gentleman from Indiana [Mr. CLINE] is recognized.

Mr. CLINE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill.

The CHAIRMAN. The gentleman from Indiana [Mr. CLINE] asks unanimous consent to extend his remarks in the RECORD on the bill H. R. 15947, the naval appropriation bill. Is there objection?

There was no objection.

Mr. BAILEY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. ESTOPINAL].

The CHAIRMAN. The gentleman from Louisiana [Mr. ESTOPINAL] is recognized for 10 minutes.

Mr. ESTOPINAL. Mr. Chairman, we recall that only two or three years ago the opponents of armed preparedness—or readiness, which is probably a better designation—were voicing, in the pulpit, on the stump, in lectures, in the press, and in the halls of Congress, the theory that the nations of Europe were heading toward bankruptcy on account of their military expenditures, and it was applied to our country in combatting the comparatively small annual increases which our Naval Affairs and Military Committees were wresting, so to speak, from the "watchdogs" of the Treasury and in contest with a strong opposition sentiment in the committees, in the House, and in the country.

In advocating the passage of one of our annual appropriation bills for the Navy I discussed this phase of the question, and showed by reliable statistics the comparatively small effect of these military expenditures even in Europe on the progressive development of commerce, trade, and industry in those countries, and as to the United States that the effect of our expenditures for these purposes was almost negligible in the march of our rapid progress in wealth production, industry, and commerce.

But, Mr. Chairman, were we to concede that even this showing—these comparisons of relatively small military expenditure with the financial, commercial, and industrial expansion of these European countries of the first class—may have left some slight grounds for difference of opinion as to the effect of this burden of "militarism" on their financial status, the unprecedented costs of the great upheaval which has been going on for the last 22 months with no sign of financial collapse make these claims absurd for these first-class powers are spending more, probably, in two weeks of warfare than their total annual military and naval expenditures prior to the opening of hostilities. These nations certainly must have already expended in this war almost as much as the total amounts spent on their

army and navy for the past half century, including the cost of their wars. And it is equally absurd, Mr. Chairman, to claim that the state of military preparedness of these countries was the cause of the war, for the belief rests on rather conclusive evidence that if Great Britain had been as well prepared with her army as she was with her navy, there would have been no war.

And it is well to note that that country on the Continent which was best prepared has been able to keep its own soil almost free from invasion and to confine the hostilities to that of its enemies.

Now, the lesson in this for us, Mr. Chairman, is that preparation, with the expenditure of hundreds of millions annually, is far cheaper than war with the resultant costs in billions of dollars, in the red riot of death and permanent disability to perhaps millions of our bravest and best, and in widows and orphans and dependent mothers left to mourn in tears and suffer in poverty. For it is one of the surest of things that, with our national spirit and our growing world status, we shall be embroiled in warfare unless our state of readiness makes attack upon us too great a hazard to be ventured.

Mr. Chairman, the Navy Department has submitted a five-year building program and has recommended an appropriation for the next fiscal year for the construction of a certain number of vessels included in this program.

The General Board of the Navy, in its reports to the Secretary of the Navy as published by him, has recommended larger programs, especially in the number of ships to be authorized now. And many individual officers, the president of the War College, the commander-in-chief of the Pacific Fleet, and others, have recommended more extensive programs.

These differences do not indicate a divergence of opinion between the Secretary of the Navy and the General Board and these officers of experience in regard to the number of vessels which may be needed to insure an efficient first-class line of defense for the country. This can be clearly seen by reference to the statements of the Secretary of the Navy to our committee, that, if he thought the money was available, he would recommend accelerating the program. This, of course, meant appropriating for a larger number of ships in the present bill. We have in some ways enlarged the recommendation for the fiscal year, but the balance of the five-year program we have left in abeyance. In this situation the House is, after all, the court of last resort so far as action at this end of the Capitol is concerned.

This question of funds available is a matter which is definitely up to Congress, and in view of the recommendation of the General Board and of the Secretary's statement that he would favor an accelerated program if money were available, we can not evade the responsibility of making the adjustment between the defensive needs of the country and the financial resources at the present time; and to enlarge our resources, or otherwise supplement them, to fit these needs.

The defensive needs of the country can not be based upon any absolute standard. The minimum number of ships required must be arrived at by a comparison with the fleets of the other great naval powers. All authorities agree that in the middle of the year 1914 Great Britain occupied first place and Germany second. The official records of our own Navy Department place the United States third, with a narrow margin over France in the fourth place. This margin, however, is so narrow that some authorities place France in the third place.

If none of the belligerents in the present war has laid down up to the present time, and does not lay down in the future, any additional ships, the five-year program recommended by the department would, in 1925, place the United States in second position in naval strength.

There is as yet nothing in the progress of this war to indicate that it will not end without a great naval battle. Indeed, it appears entirely possible, and many commentators believe probable, that no such battle will be fought; that peace will find all belligerents with their battle fleets as they existed at the beginning of the war, practically intact, and with great additions to their strength, due to the construction work which has been undertaken since the beginning of the war and pushed to completion with the utmost dispatch under the pressure of emergency conditions. For this year at least this would appear to be the only safe hypothesis for this country to proceed on in determining its naval program. If, at the next session, it is found that one or more of the European fleets have actually suffered great losses, the naval program for those years can be reduced. This would result in no greater expenditure over the next three years than would be involved by the authorization of the same total number of ships, but authorized piecemeal; that is, one-third each year. It seems to me that no one can question that this would be the safest course to pursue, in view of the extremely uncertain and unsettled international outlook.

Mr. Chairman, we have not been permitted to peer behind the curtain to see the extent of naval building of the belligerent nations. Therefore very little is known definitely of the amount of construction laid down by the various belligerents since the beginning of the war. Some facts are available, however, upon which a shrewd estimate may be based. It is known that the shipbuilding capacity, both of Great Britain and Germany, is far in excess of that of the United States. As an illustration of the shipbuilding capacity of Great Britain we may cite the statement of the First Lord of the Admiralty before Parliament, in November, 1914, in which he stated that between August, 1914, and December, 1915, there would be added to the British Fleet 15 dreadnaughts and battle cruisers. This number represented only vessels which had been laid down prior to the war in accordance with their ordinary peace-time program, and the construction of which had been carried along with the usual huge output of merchant tonnage.

One naval writer has estimated that the German yards are capable of carrying along the construction of about 25 capital ships at one time; and that there are enough smaller yards, not able to construct capital ships, to supply the needed auxiliaries without interfering with the construction of these capital ships. It is further known that men in the shipbuilding trades have been exempted from military services as they are being utilized to better national purposes in their usual pursuits. It is also known that every effort is being made to increase the output of shipbuilding establishments by resorting to overtime work, work in shifts, and a close supervision of all men to insure good timekeeping; and by Germany, the utilization of establishments in captured territory and the employment of alien civilian workers and prisoners. These facts lead to the inevitable conclusion that a huge amount of naval-construction work is being done in these countries. As supporting this presumption, there can be cited the recent speech, in the British Parliament, of Mr. Winston Churchill, formerly First Lord of the Admiralty, in which he warned the Government of the probability that Germany was adding a large number of capital ships to her fleet, with the consequence that it was of the highest importance that Great Britain should press, with the utmost speed, the construction of similar vessels; this despite the almost 2 to 1 margin of strength which she possessed at the outbreak of the war.

Summarizing the foregoing, it is believed that the statement of the Secretary of the Navy, that his recommendations for new construction were limited only by the question of funds available; the recommendations of the General Board of the Navy, and of individual officers of experience; the present uncertain position of the United States Navy in comparison with great foreign navies; the almost inevitable conclusion that at least some of the belligerents in the present war are adding to their fleets at an unprecedented rate; the probability that these navies will emerge from the present conflict far stronger, both as regards numbers and more experience, than they were at the beginning of hostilities, all place upon Congress the heavy responsibility of determining the extent of the program which should be laid down this year, taking into account the international, political, financial, and military factors of the present situation, some of which are ominous in the extreme, with but small room for any clarity of vision for us.

Mr. Chairman, in my remarks on at least two former naval appropriation bills I expressed the belief that science would finally dispose of warfare by making it impossible on account of wholesale destruction. The present conflict in the war zone of Europe seems to point to a realization of that prediction, with this amendment: That in addition to making it destructive in intensity and duration, science is making warfare futile, as well. When nations realize that, notwithstanding the cost of millions of lives and billions of treasure, a deadlock in operations is inevitable, the glamour of war will depart and self-preservation will dictate international agreement. But until international agreement shall give us security from attack we must be prepared spiritually and economically, as well as with armaments, for the preliminaries of larger military preparation, the passing of laws to increase the strength of our arms of service—especially to only the extent which we are preparing to go—is not sufficient to give us immunity from attack from any nation or nations of the first class which may seek that kind of an adventure with us. Behind these moderate military preparations we must come to a state of industrial manhood and spiritual completeness, with the labor forces of the country forming an integral part. Without these underlying conditions, it matters not to what conservative extent we finally plan our defense laws, we shall have but a shell inclosing a molluscous mass of weakness.

Patriotism, Mr. Chairman, is a soul quality, a habit of thought, the spirit of communion, the joy of living, which can not force itself up through the dead lava and ashes of ignorance, poverty, weakness, class divisions, religious prejudice, racial animosities, and grow and bloom in full perfection even in the free atmosphere of America. This country should lead the world in a new spiritual advance that will make these qualities predominant in its life.

Mr. Chairman, it is wholly compatible with the genius of our institutions for us to take the lead in this social evolution, notwithstanding that we are now far from first in organized action, for we have all the components, though yet uncoordinated, to produce the powers we need.

It has been said that it is difficult to mold the character of a people. But in this age of progress in inventions and discoveries of such astonishing character which contribute to the convenience of mankind we may see a sequel in an astonishing progress in social matters for the rapid advancement of mankind. We have only to find the way. We are leaping forward now in decades far more than the world first crept along in millennials.

Mr. Chairman, this is almost ultra vires so far as Government action is concerned, if we may thus distort that legal phrase. It is not a problem which government can solve, though wise laws may aid. It is one for the ingenuity of the educational forces and developing powers of this country to solve. Why should not these forces and these powers integrate America for a glorious consummation of the social ideal?

Mr. Chairman, there is provision in this bill authorizing the President of the United States to invite, after peace is concluded, all the great Governments of the world to a conference in the interest of an agreement for permanent peace. It seemed to us that such an invitation would be generally accepted and that some permanent plan may be the outcome, for this most heartless holocaust of war is shocking the civilized world, and its terms seem too hard, in suffering and desolation and death, for humanity to ever contemplate another. The world may be ready and eager to abolish the savagery of such wholesale wantonness and destruction. I shall not take up the time of the committee to read the clause, but will incorporate it in my remarks, if there is no objection. It is thus:

Upon the conclusion of the war in Europe, or as soon thereafter as it may be done, the President of the United States is authorized to invite all the great Governments of the world to send representatives to a conference which shall be charged with the duty of suggesting an organization, court of arbitration, or other body, to which disputed questions between nations shall be referred for adjudication and peaceful settlement, and to consider the question of disarmament and submit their recommendation to their respective Governments for approval. The President is hereby authorized to appoint nine citizens of the United States, who shall be qualified for the mission by eminence in the law and by devotion to the cause of peace, to be representatives of the United States in such a conference. The President shall fix the compensation of said representatives, and such secretaries and other employees as may be needed. Two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside and placed at the disposal of the President to carry into effect the provisions of this paragraph.

[Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ESTOPINAL. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana? Without objection, it is so ordered.

There was no objection.

Mr. BUTLER. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. FARR], a member of the Committee on Naval Affairs.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FARR] is recognized for 15 minutes.

Mr. FARR. Mr Chairman, I do not like to be in the position of belittling our Navy or of minimizing its power, but candor compels me to say, in view of what I have learned as a member of the Committee on Naval Affairs, that while our Navy is the best Navy this country ever had, relatively it is the weakest, and we are not in any position to defend ourselves against the attack of any formidable nation.

The President in his speeches to the country some little while ago spoke about the world, or half the world, being on fire, and said that a spark might ignite the flames that would include us in that great conflagration, and that a navy, not second in size but the greatest navy in the world, ought to be under our flag. The President in his addresses said we were fourth in naval strength.

Now, what caused the President to change from the position that the General Board occupied some time ago as to second place for this country? The information that he was getting through secret sources from foreign countries. The General Board had that information. Our committee had that information that the danger was not from an attack of one nation but from a combination of nations, and that two nations now actually in belligerency, one against the other, were competing with a view to getting a stronger position in the future. I can not harmonize the statement of the President with the program that was presented to the committee for its consideration, namely, 16 battleships in five years.

The President declared himself in favor of our having the greatest Navy on earth, and the Secretary of the Navy presented to our committee a program asking for 16 ships, which would not make any change in our position at its consummation. In other words, we are fourth to-day, and we are a poor fourth—that was demonstrated fully and conclusively to the committee when, under the authority of the Secretary of the Navy, Lieut. McCandless appeared before us and presented in miniature the strength of the different navies of the world. First, Great Britain, with a navy twice as large as that of Germany; next, Germany, twice as great in strength as the American Navy; next, France, 15 to 25 per cent stronger than the American Navy; and I will venture this statement, that France is nearer 50 per cent than 15 or 25 per cent stronger.

Experts admitted that if we carried out the program of 16 ships in five years it would not change our position relatively. France would still be third and we fourth, and that it would not advance our position materially as a Navy.

Not only that, my friends, but I contend that if we carried out the 5-year program of 16 ships, which was given such publicity all over the country, with the claim of making our Navy wonderfully strong, Japan with her present shipbuilding operations at the end of five years would be fourth, and we would be fifth. That would be the result if those countries carried out their programs as in times of peace.

Now, what have those countries done? Great Britain has put a fleet on the ocean since the beginning of the war as great as our entire tonnage and so has Germany. Germany has 25 yards, in which it can build simultaneously 25 dreadnaughts, and other facilities for the construction of hundreds of the smaller craft. Great Britain can build that many dreadnaughts, and those two countries have been utilizing their yards to their full capacity in building ships.

One very comforting thing to me from the information that I have learned from these experts is that we can, by the utilization of the Government yards and encouraging the private interests to enlarge their yards, build at one and the same time 25 dreadnaughts, but we are not doing it. We are not spending the money that is needful to get these yards equipped. We have spent a little additional at the New York yard and some for the yard on the Pacific coast, and yet what have we on the Pacific coast?

Admiral Winslow makes the statement to us that one good dreadnaught would be able to destroy the entire Pacific Fleet. That is the statement of an expert who appeared before us. Another one told us that we are not equipped to protect and maintain control of the Panama Canal, in which we have put $400,000,000; that as against a nation the size of Germany we could not retain control of that canal; and, despite all our means of defense—our land fortifications, our submarines, and so forth—Capt. Sims told us that there are 116 places on our coast that the enemy could invade without coming in contact with those parts of the coast that are fortified.

The pacifists talk about furnishing submarines and providing mines. Admiral Grant, who is in charge of submarines, asked that we authorize appropriations for 111 submarines within one year. Only 20 are provided in this bill. All we have now are 27 efficient submarines. Others are contending for aerial fleets. Some Members say all we want is submarines, mines, fortifications, and airships. We have no airships worth mentioning. We need thousands of them in order to patrol our great coasts and to give us warning as to the oncoming of the enemy. According to the evidence presented to our committee, we are not now one bit stronger or more efficient in our ability to tell when the enemy is approaching us than we were in the War of 1812; and we who sit here within these walls are as vulnerable and defenseless as we were during that war when the British invaded Washington and burned the Capitol. Boston is defenseless and New York is defenseless against such attacks as could be waged against them. Those cities and many others could be destroyed with comparative ease.

Mr. CALLAWAY. Will the gentleman yield?

Mr. FARR. I yield to the gentleman from Texas.

Mr. CALLAWAY. Do you remember that Admiral Fletcher stated that they could not attack New York?

Mr. FARR. No, I do not; and all the other gentlemen who appeared before our committee said that they could attack New York, and it is simply a matter of common sense to determine that they could. We have some fortifications there, but the guns are short ranged and the enemy ships could strike it, also land its forces at points near New York, and could enter there without any difficulty. The information before us is that they could easily shut off the water supply of that great city.

Mr. CALLAWAY. Will the gentleman let me read what Admiral Fletcher says?

Mr. FARR. I am not going to yield any further. The gentleman may do it in his own time.

My friends, the matter of cost ought not to disturb us when it concerns the question of safety. If we have a war, we will spend $25,000,000 a day, just as Great Britain is spending it to-day in that great war, and it is for us now to meet the wishes of our constituents and give them the adequate protection that our tremendous interests demand, the interests of a hundred million people, and all the great purposes of this Government. We ought to protect our liberties, which will be endangered in any great conflict with one of those big, formidable nations across the ocean.

They say we are not going to have any difficulty with Japan. I trust we shall have no difficulty; but the people of Japan must change their nature before ever they forgive us for the discrimination that California has shown against their people; and from what I have seen of the representatives from the Pacific coast on this floor, they will also have to change their natures before they recede from the position they have taken. We have this great question of the Monroe doctrine. My friends, we are not going to permit any foreign nation to establish itself in Central America or South America; but in the days to come, with the great rivalry for commerce, and for the reason that some of these nations must burst their boundaries, they are going to take possession in Central and South America, and we are going to have to fight to put them out. We are not ready to do it.

Mr. HARDY. Will the gentleman yield?

Mr. FARR. I yield to the gentleman from Texas.

Mr. HARDY. Do I understand the gentleman to be in favor of our building in this fiscal year 25 battleships?

Mr. FARR. I would vote for 16 ships this minute. I would vote for 25 ships, because I believe that the country needs 25 ships for proper and adequate defense.

Mr. HARDY. I did not finish my question.

Mr. FARR. I believe in having an adequate Navy; and to my mind an adequate Navy is one that will defeat any navy that comes to invade our shores. [Applause.]

Mr. HARDY. Does the gentleman also favor the 111 submarines?

Mr. FARR. I am in favor of 250 submarines, just as Admiral Grant advocated. He said we needed that number and more if we had trouble. I am in favor of thousands of airships, just as every one who appeared before us advocated.

Mr. HARDY. Does the gentleman realize that his battleship and submarine program alone for this year would cost $625,000,000?

Mr. FARR. If we want to give this country adequate protection, we ought to spend this year $500,000,000.

Mr. HARDY. With that program for new construction just now urged by him and the program for maintenance, what size does the gentleman think our naval bill would be at this session?

Mr. FARR. I am willing to vote for $500,000,000 for naval appropriations at this session, because I believe that would be the means of giving us peace. If we have war, as I said before, we will spend $25,000,000 a day. Now, take 60 days of that war or 30 days of that war and see how much that will total. I want to spend that money now to prevent war. I do not want to wait until one of these nations attacks us, and invades our shores and destroys our liberties. [Applause.]

Mr. HARDY. Will the gentleman yield for just one suggestion?

Mr. FARR. Yes.

Mr. HARDY. The gentleman has already stated that he is in favor of a building program of $625,000,000 for dreadnaughts and submarines, and then the maintenance has got to be added to that.

Mr. FARR. All right. I am for adequate protection.

Mr. HARDY. But the gentleman says he is only willing to vote $500,000,000 all told, after demanding a program in excess of that sum for new building alone.

Mr. FARR. I am willing to vote $500,000,000. I am willing to vote for what the experts tell us we ought to have for the adequate protection of our great country. I want to protect that flag in all its glory. [Applause.] I want to perpetuate what it stands for. I am in a sense what might be termed a hyphenated American. My father was born across the ocean, and I have so deep an appreciation of what that flag meant to my father, and of the opportunities it gave to him and to me, that I want to see it protected in every star and every stripe, so that the millions to come may enjoy its blessings. I want it to float free in the breezes of heaven. I do not want it to come down in dishonor. [Applause.] And when I recall the things our country has gone through in my brief experience in this Congress, our visits to Mexico, the unpreparedness in which we found ourselves in Columbus, the killing of our poor people there, with no machine gun in readiness; when I recall the defiance by Huerta, whom we could not even compel to salute our flag——

Mr. DAVIS of Texas. Does the gentleman recall that at Columbus we are supposed to have about 19,000 men around there?

Mr. FARR. We did not have them.

Mr. DAVIS of Texas. If we had had a million there, we would have been in bad shape.

Mr. FARR. If we had had the soldiers there, those invaders never would have dared to come.

Mr. DAVIS of Texas. Does the gentleman recollect that the machine gun was about a mile and a half from headquarters?

Mr. FARR. That is unpreparedness. [Applause.]

Mr. DAVIS of Texas. And that the newspapers tell us that the Mexicans picketed the colonel's tent while he was asleep.

Mr. FARR. And I know they stole our horses. I want to ask if that is not pretty serious evidence to the gentleman from Texas that this country ought to wake up, and that Congress ought to be willing to do something to protect our border and our people.

Mr. CANNON. Who is the Commander in Chief of the Army and Navy?

Mr. FARR. The President; and he asked for the largest navy on earth, and yet he approves of a program that will leave us fourth five years from to-day. That is the program. It does not advance us one whit; as the chairman of the committee frankly admitted on Saturday, it is a filler-in, to balance our fleet, to help utilize the strength of the present Navy, to make what we have effective. Five battle cruisers do not add such strength that they will be able to go out and destroy the enemy; they will get information and kill off the little scouts. The five battle cruisers will be helpful to our present state of efficiency, but do not take the place of dreadnaughts. We ask you to vote for 6 battle cruisers and 2 dreadnaughts. We ask you to give us 50 submarines; we ask you to enlarge the program of scout cruisers and destroyers; and ask a number of things that will give our people some chance to defend their lives and protect that flag. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. OLDFIELD having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

H. R. 8068. An act for the relief of E. C. Hornor;

H. R. 10490. An act to prevent fraudulent advertising in the District of Columbia;

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 14771. An act granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. PADGETT. Mr. Chairman, I yield 22 minutes to the gentleman from Texas [Mr. CALLAWAY].

Mr. CALLAWAY. Mr. Chairman, the peace of mind that the gentleman from Pennsylvania [Mr. FARR] wants is the peace of mind that the steel concerns of Pennsylvania would like to have. [Applause on the Democratic side.] The Navy General Board recommended that we authorize all the facilities of the country in building. That would give peace of mind to the ordnance and ship manufacturers, and nothing short of that will. When the steel, shipbuilding, and ordnance manufacturers have peace of mind, when they are satisfied, the gentleman from Pennsylvania will have peace of mind. That is the peace of mind that will satisfy New York, New Jersey, Delaware, and Massachusetts, and the coast country where the steel concerns do business,

where the stocks are held, where the navy yards are, and where admirals parade. That is the peace of mind they want—an assured market for all the product they can turn out.

PREPAREDNESS.

If we could rid this preparedness question of promotions, profits, and politics it would not be difficult to reach a sane and sound conclusion as to what we ought to have, nor as to what the danger of invasion is. I know better than to argue with the man who has a personal interest or the man who takes orders.

I do not expect to give peace of mind to either, nor convince those who have a different idea of the relation of the masses to the Government, nor to convince those who want a military establishment to change the traditional policies and purposes of this Republic. Many do not agree with my confidence in the willingness and readiness of the masses to defend their country in time of danger. They look at the military establishment as our sole defense should the unforeseen happen. I look to the American citizen in such case who has always been our defense and will necessarily always constitute our Army in times of war. They think a regular soldier, paid to fight, can alone be depended on. We are not going to maintain a sufficient number in times of peace to constitute the needed force in times of war; besides, I had rather depend upon a citizen defending his country and his home in time of supreme test than paid soldiers fighting for pay or fear.

If the Government were an entity which called the citizens when it felt the need instead of the machinery of the citizens through which they call themselves when they think there is need, the entity might call them many times to defend its imaginary ills and have no response. When the masses no longer regard this Government as their institution serving their interests and refuse to defend it, the Government will not be worth defending. When it has to maintain a military force subject to its call, which can be ordered to do its bidding irrespective of what the masses think of the cause, it will have ceased to be a truly representative Republic.

We want sufficient military establishments to protect us against every danger of invasion to be reasonably expected. We do not consider all the dangers possible to conceive of. Many dangers might be imagined. What are the probable dangers? That is the question. That is tangible. We can discuss the dangers reasonably to be apprehended. I have too much confidence in the sober judgment and sound common sense of the people to believe they are willing to spend real money to maintain a military establishment to protect us against imaginary dangers.

YOU CAN NOT BY FALSE GUISE MAKE A CAT'S-PAW OF PEOPLE.

I deny the right of profit seekers to disguise their real purpose and march under the banner of patriotism. If each of their leaders will disclose his exact connection with the concerns expecting profit, a great light will fall on their patriotism. If they will state definitely what they want as preparedness, what they want it for, and how they want and ultimately expect to obtain it, they will be entitled to more confidence.

We do not want a military establishment for conquest nor aggrandizement. We do not want to grind the faces of the masses to build up an army and navy to protect one class against another. We should not build up an army and navy at the expense of the whole people for the benefit of a preferred few.

Some contend that we should extend our trade by force. Bismarck said:

Commerce obtained and maintained by force always costs the Government more than it is worth.

He said:

A nation which can not obtain and maintain commerce with the price mark and diplomacy should strengthen its diplomacy and work on its price mark instead of attempting to force it with a military establishment.

He said that—

Commerce obtained by the price mark and diplomacy was the only commerce worth while.

THE NEED MUST BE REAL.

I can not agree with those who desire a military establishment to "protect and further some imaginary destiny of this Republic not to be seen with the physical eye; some intangible and visionary thing written in the lines of poets." When we vote money for an army and navy, when we vote to put citizens on the battle line, when we call on women to surrender their husbands, sons, and brothers, it should not be for some intangible, visionary destiny that you can not see; it should be real, practical, substantial danger. When we vote to send the taxgatherer to every home to support a military establishment on land and sea, it should not be to carry out some visionary destiny of America which lies written in the lines of poets; it should be for some real purpose that is tangible.

Mr. Chairman, with the people who want a military force to protect us from invasion, to protect our country, to protect our homes from every real danger to be reasonably apprehended, to protect our institutions, I join hands, and so do the earnest, honest citizens of the land from sea to sea. We are willing and ready to protect our homes and to protect our Government, but we are not willing to support a military establishment for conquest, nor to fight our own people, nor to force commerce, nor to further some intangible and visionary destiny of America which lies written in the lines of poets.

WE HAVE AN ADEQUATE MILITARY FORCE.

We have a military force at the present time ample to protect us against every danger which may be reasonably expected. Our ships, ship for ship, and our guns, gun for gun, at the time they were made are as good as any in the world. We excel in the weight of a broadside from our major guns every nation except England. The weight of a broadside from our major guns is, according to Admiral Badger (hearings, p. 1962), 289,430 pounds. The weight of a broadside from the German guns, same class, is 284,610 pounds. We exceed the Germans by 4,820 pounds.

"Our Navy is in good condition," said all the experts before the committee. Some thought it could be improved by this and others by that, but all were agreed that it was in good shape. All of them wanted more navy; they wanted all they could get. They do not consider the cost of it. They said the expense of it was a matter of policy for Congress and the taxpayers to consider and not for them to take cognizance of.

We have 42 battleships, 75 submarines, 74 torpedo boats, 22 gunboats, and "more auxiliary craft," says Admiral Blue, "than any other nation maintains in time of peace."

We have—

Says Gen. Weaver, Chief of Coast Artillery—

the best coast defenses in the world. The guns now mounted and those contemplated will give us an entirely satisfactory defense.

Gen. Miles said:

During the last 30 years the Government has spent approximately $200,000,000 for our coast defense. I am prepared to say that our coasts are as well defended as the coasts of any country and with the same class of high-power guns and heavy projectiles. They are better in some respects than the guns that are mounted at the Dardanelles, which have resisted the most powerful ships of war of the British and French Navies.

We have back of that—

Says Gen. Miles—

10,000,000 men capable of doing effective military service should the demand come; more than a million men, considering those of military age who were in the Spanish-American War, those who have passed through the Army and the National Guard, who have received military instruction; 136,000 graduates from our agricultural colleges, drilled and instructed under Regular Army officers.

If we have in our Navy, in our fortifications, in our Army, and in 10,000,000 men capable of doing effective military service sufficient force, as it is to-day, to protect us, why further grind the faces of the people to maintain a more expensive organization and one that is a menace to our institutions?

THE DIFFICULTIES OF WAGING WAR ACROSS SEAS.

It is next to impossible to wage war across a great expanse of water. It has never in the history of mankind been successfully done against a Nation of anything like equal size.

Admiral Knight, president of the War College and member of the Navy General Board, said:

It would take me a very long time to go into that subject at all satisfactorily, Mr. CALLAWAY, and show you the difficulties under which a fleet 7,000 miles from its home ports would labor. Ships break down. Out of a large number of ships a certain number are bound to be crippled in one way or another. The supplies needed to maintain the fleet would be very extensive. Five or six hundred thousand tons of coal would be needed as a minimum for a very short campaign there. That coal must be delivered and transferred from colliers to ships. It can not be done at sea except under the most favorable possible conditions. It must be done in sheltered waters. The bottoms of the ships would gradually get foul. They ought to have docks where the bottoms can be cleaned. They are subject in their progress over that 7,000 miles, throughout a large part of the time, to the possibilities of attack from the enemy's torpedo craft and other craft of that kind. Their lines of communication, after they get to the point 7,000 miles away, are constantly liable to interruption and would inevitably be interrupted; and yet they depend on those long lines, stretching away back to the home ports, for the very vital things necessary to their life—for coal and supplies and reinforcements, if reinforcements become necessary, and all sorts of things. A fleet going out there would be accompanied, necessarily, by a tremendous attendant fleet, a train, as we call it, of auxiliary ammunition ships, hospital ships, and so forth. The problem of conducting such a train as that in going thousands of miles through hostile waters is probably the most serious problem that could possibly be put up to a commander in chief.

The personnel, the officers and men, of a fleet moving under those conditions would be subject to conditions which are so trying that it is very difficult to picture them without some little experience. Constantly on the watch, constantly threatened, constantly on the alert to guard against some danger which may come out of the darkness or out of the

fog at any moment upon them after moving that distance they would be broken down, they would be tired, they would need rest. They would have no secure place to rest. Your fleet would get out there with its material in very bad condition, its personnel in perhaps worse condition, and when it got there it would have no place to go for refitting or for any purpose whatever. It would be not unlike the proposition which confronted Admiral Rojestvensky when he went out to the east and met the Japanese fleet, and you know what happened to him. He had a larger fleet than the enemy had, distinctly.

I would not like to be considered as attempting anything like a complete answer to your question, nor could I give such an answer without talking here all day.

If it is well-nigh impossible for this country to wage war against Japan because of the ocean, why fear Japan?

NO DANGER FROM GERMANY.

The German Imperial Chancellor, Von Bethman-Holweg, and Von Jagow, head of the German Navy, say the idea of Germany having any thought of war against the United States is preposterous. Germany can not even get milk from outside for her babies; we can not get analine dyes from her to color our Easter eggs. No danger from that quarter now. After the war is over, is she going to brave 4,000 miles of the deep, the perils of which have been infinitely multiplied by submarine and torpedo, in an effort to levy tribute on us? Germany, bankrupt and a cripple, with a navy, measured by the weight of a broadside from her guns, smaller than ours?

She has lost in this war in killed, wounded, and imprisoned more than 2,000,000 of her sons. There is crêpe on every door. There is a cripple in every home. She is bankrupt. Her mothers, sisters, daughters, and fathers are horrified by the grim specter of war. Is she going to cross 4,000 miles of ocean, with an enemy at her back, and attack the United States?

All the nations engaged in this war have incidentally injured us during its progress. We have been patient. We have sent them supplies, from bread and meat to Christmas presents. We have done what we could to alleviate their sufferings. Are they for that and in their condition at the close of the war going to arrange their differences, bury their hatreds, grudges, and suspicions and combine against us? Will the others of them forget their jealousies and allow one, if one of them could, to attack us for the purpose of recouping its bankrupt treasury? No; and no sane man thinks they are.

I will tell you the danger. It is not from any foreign power. It is that powder stocks, ordnance stocks, steel stocks, shipbuilding stocks, General Electric stocks, and International Nickel stocks will slump at the close of this war unless a new market is developed for their products. The stockholders, knowing full well the value of advertising, are working up a new customer. When the market abroad ceases they hope to have one developed here that will buy "all they can construct."

Admiral Knight said:

The dangers of transporting a fleet across a great expanse of water and maintaining it are almost insuperable. (Hearings, p. 2084.)

Admiral Fletcher said:

It has been recently forcibly demonstrated that ship attack on forts are futile. This war has conclusively demonstrated what every military strategist knew before—that it is impossible for sea craft to successfully attack land fortifications.

Gen. Miles said:

The results at Alexandria, Port Arthur, and at the Dardanelles furnish sufficient evidence that guns on board ship are no match for coast fortifications and submarine guns.

Germany would have 4,000 miles of ocean to cross, a navy, in weight of shells greater than her own, to put out of the way, the perils of the deep, which Admiral Knight says are almost insuperable, to brave, and then the forts to pass, which Admiral Fletcher and Gen. Miles say this war has demonstrated can not be done, before they could invade this country.

But that is not all. If a foreign country, bankrupt and on crutches, should leave homes that have crêpe on every door, horrified by the grim specter of war, brave the perils of the deep, and with an enemy at her back, sweep our fleet from the ocean, and pass our fort guns and mines, have they any chance still to imperil this country? We can live indefinitely and build almost without limit whatever we need for defense or offense without having access to the seas. When some country has braved the perils of the deep, annihilated or bottled up our Navy, and passed our land fortifications, they have still, said Gen. Miles—

to meet the physical strength of this Nation—10,000,000 men capable of doing effective military service, 1,000,000 who have received military instructions under Regular Army officers, and 136,000 graduates from our agricultural colleges to officer them.

Gen. Miles has a right to know what the American citizen is when called to arms. He had service with the Volunteers fighting by his side against volunteers during the Civil War. They were Americans meeting Americans. He went through four years of it. He is able to speak with authority on the citizen soldiers of the United States:

Mr. KAHN. You think the German conscript is a pretty good soldier, do you not?

Gen. MILES. Yes, sir. However, I would match a volunteer American, defending his liberties and his Government, against any German soldier.

Again, he says about landing troops on our shores:

I will suppose an unsupposable case. Suppose they could put an army on a fleet of 500 ships and move it across the Atlantic without being disturbed by any naval power and they could land. They certainly could not go into any port. They could not go into our ports any more than they could go through the Dardanelles. That has been demonstrated. Our forts are equipped and fortified as well as the Dardanelles. Suppose they got that far—as to land at some remote point—if we could not gather enough men in the Army and militia and by other means to destroy that army before they could send their ships back and get another load, I would want to move to some other country.

APPLY SOME COMMON SENSE.

Preparedness advocates contend that nothing but the experts should be heard. We have heard the experts. A civilian ought to be able to reason. If he has munitions to sell or stocks affected by "preparedness," I do not expect him to reason, and I hope the American people know better than to expect him to reason or to be just. He can talk, he can advertise, he can shout, he can villify, he can complain, he can march in a parade and write a book, but never delude yourself into the belief that he can reason. The matter hits him at the pocket, below the reasoning faculty. It strikes him at the place to make him active, but not logical.

One of the ridiculous phases of this preparedness agitation is the attitude of the New Yorkers, Bostonians, and Philadelphians. They are all for preparedness; and what they mean by preparedness is what the Army and Navy bluntly ask, "all they can get." The money is poured out along the Atlantic seaboard. It goes straight into the pockets of the Bostonians, New Yorkers, and Philadelphians, and other places along the Atlantic coast. Of course, they are for preparedness. It is money to their locality. They have had books written, moving-picture shows staged showing New York, Boston, and Philadelphia taken without the firing of a gun or the loss of a life; but when the question of turning loose the Philippine Islands—the most dangerous military liability the United States Government has—came up every mother's son of them voted against it. They are not only a liability from a military and naval standpoint—they cost this Government a hundred million dollars a year—but there is some trade to New York, Boston, and Philadelphia in them, and some citizens of those places have investments there. It has cost us since we have had them more than a billion dollars, yet these scared ones from Massachusetts, New York, New Jersey, and Pennsylvania fought desperately against turning this scarecrow loose. Are they scared? Their wail to me has the sound of self-interest and hypocrisy.

REASON FOR NAVAL BOARD'S REPORT.

I think the public generally ought to know what led the Navy General Board to prepare the report which changed the program they had been following since 1903. They did not voluntarily change the policy and present a new program. They did not do it because of an emergency. They did not do it because of any apparent danger. They did it in obedience to an order.

Admiral Badger said:

Yes; the July program was only for one year, and the order by which that program was drawn up was stated as follows [reading]: "In July last the General Board was called upon to express its opinion to the department 'as to what the Navy must be in the future in order to stand upon an equality with the most efficient and practically serviceable,' and to submit 'a program * * * formulated in the most definite terms.'"

It was on that order that the July program was drawn up, based on utilizing all the facilities for building that could be obtained.

THE FIVE-YEAR PROGRAM.

Admiral Badger says, page 1967, hearings, that recommendation was not approved, and—

The board was instructed to get up a five-year program, to cost for new construction $500,000,000, or about a hundred million dollars a year, and the October recommendation was made in view of that instruction and to comply with it.

Mr. CALLAWAY. Then the board submitted, in accordance with that request, a five-year plan?

Admiral BADGER. Yes, sir.

Mr. CALLAWAY. And submitted it in accordance with that request to submit a five-year plan that would cost so much?

Admiral BADGER. Yes, sir.

Mr. CALLAWAY. This five-year program did not have in contemplation any emergency, did it, Admiral?

Admiral BADGER. No, sir. That program was made according to order.

Now let us review this program and the reason for it. The Navy General Board was called on in July by the Secretary of the Navy "to express its opinion to the department as to what

the Navy must be in the future in order to stand upon an equality with the most efficient and practically serviceable." The board, encouraged by that request, submitted a plan which would "utilize all the facilities for building until our Navy reached the first place." What was the reason for the change from a normal and regular growth in 1914 to "the most adequate in the world" in 1915? Had any new dangers suddenly loomed up? Had there been any sudden change in our national or international policies? Had there been any sudden change in the relative size of the navies of the world?

The President in his annual message, December 7, 1915, said:

I have had in mind no thought of any immediate or particular danger arising out of our relations with other nations. We are at peace with all the nations of the world. I am sorry to say that the gravest threats against our national peace and safety have been uttered within our own borders.

No witness pointed out any emergency, nor any new danger, nor any new-developed reason for changing the policy of normal, regular growth. The President said there was none. Then why the call for a change?

The Secretary himself was before the committee. He did not give a reason. He sent the first order. The July program was furnished, based on what could be built by all the shipyards and ordnance factories working to the limit. Then a specific five-year program, costing $500,000,000, was called for. It was furnished in October. What reason for the first call? What reason for the second call? No danger is pointed out. The only reason I have heard was given in the News and Observer, Secretary Daniels's paper at Raleigh, N. C., under a Washington date line of October 20, as follows:

The plan of Secretary Daniels to increase the Navy for five years, until it is able to compete with that of any other nation, with one exception, has taken the wind out of the sails of the critics who say that the Wilson administration is neglecting national defense.

The President approves Mr. Daniels's plan and will urge Congress to adopt it. President Wilson and Secretaries Daniels and Garrison have virtually destroyed the "issue" of "preparedness" thrust upon the United States by the European war and seized by certain desperate Republicans for the political capital they could make out of it. Leading Republicans must now work and vote for the Daniels program or eat their words.

Five hundred million dollars to take the wind out of the sails of the critics! I can not agree to such a scheme to take the wind out of their sails. It is too expensive.

NAVAL BOARD AND MUNITION MEN IN HARMONY.

Mr. Chairman, what the Navy General Board wants is all the building facilities of the country can accommodate. They bluntly state it. I am going to read from the testimony of the president of the War College and a distinguished naval officer, Admiral Knight:

Mr. BUTLER. Admiral Knight, do you think that the number of ships you have recommended here at this time would enable us to catch up with the other fleets if they would continue to build as they have done?

Admiral KNIGHT. I do not. May I enlarge?

Mr. BUTLER. You may. It will be a pleasure to have you do it.

Admiral KNIGHT. I took some care this morning to make it clear that the program which I suggested to you was the program which I believed could be laid down at once. I also urged that a committee be appointed to investigate, organize, and mobilize the shipbuilding reserve of this country, so that next year we might be ready to do a tremendously greater amount than we can do now. If Mr. Browning is right in believing that the establishments of this country can this year lay down a larger number of capital ships than I have recommended, please understand me as recommending them with all possible emphasis. In general terms, I think that this year's program should provide for every ship that can possibly be laid down this year.

Mr. BUTLER. When would you have it in your own mind that it would be advisable for us to have on hand, ready for operation, the largest fleet in the world?

Admiral KNIGHT. To-morrow.

Mr. BUTLER. Would you advise calling upon all the industrial facilities of the United States to assist us in constructing a great fleet?

Admiral KNIGHT. I should. That is what I have already advised.

Mr. BUTLER. Let me ask you—I want to ease my own mind, if the committee will permit me—why should we prepare any defense if it is not one that will succeed? Anything short of actual defense means defeat, does it not?

Admiral KNIGHT. Yes. The General Board, in studying this subject, had before it two sides to the shield. First, what do we want and when do we want it? We want a Navy equal to the largest maintained by any nation in the world, and we want it now. That is one side of the shield. The other side of the shield is, When can we get it? We questioned them as to the present facilities of the shipbuilding yards of this country, including the navy yards, the facilities of the armor plants, etc. We then said in substance this: We are limited this year with regard to the amount of work that can be done, apparently. Let us provide for the doing of that amount of work this year. Let us at the same time encourage Congress and the Navy Department to get very busy to see if they are by any happy chance larger than we think they are, getting the shipbuilders together. Let us try to get everybody working together, in the hope that very soon we may be able to develop facilities which will enable us to enter upon an accelerated program.

* * * * * * *

We can go on from year to year, each year taking advantage of the best that we know at that time. Build all we can this year with what we know now. Build all we can next year with what we know next year.

Mr. KELLEY. And in view of the uncertainty of our needs, and the long time it would take to reach the point where you say we ought to be, don't you think this would be a good time to stick to the original plan we have followed for 20 years and just try to get into second place as quickly as we can?

Admiral KNIGHT. I do not think we ought to stop there. I think the situation is such that we ought to try to get everything that can possibly be built this year. I think it ought to be provided for. We will not make any mistake. It will not carry us too far.

Mr. KELLEY. Do you think the plan for building, for five years, a certain number, such as the General Board worked out, at the request of the department, is a better arrangement than the second-place plan which we have held to for so long?

Admiral KNIGHT. I think the plan which the General Board had in mind, of building every ship that it is possible to build this year and every ship that it is possible to build next year, and to keep on building as fast as possible, is the most rational plan.

I will also quote Admiral Blue, head of the personal bureau:

Mr. HENSLEY. Do you mean to tell me that you shape your views, your views as expressed here before the committee with reference to the needs of the Navy, upon what you glean to be the sentiment of the people of the country?

Admiral BLUE. To some extent; yes, sir. It has always been an axiom that we have to cut the cloth according to what we are likely to get. That is the principle upon which the Navy has been run ever since I have known it.

That is all the steel and ordnance manufacturers and ship yards want. They do not ask for more orders than they can take care of. The munition manufacturers seem to be in perfect accord. The Raleigh News and Observer said the five-year program would "take the wind out of the sails of the defense."

IT COSTS NOTHING.

That five-year program did not "take the wind out of the sails of the critics." The critics continued to demand a market for all the war materials the munition manufacturers could turn out, all they could furnish, and the naval officers are with them and argue that it costs nothing. That is the consolation they give the public. That is the sugar coating over the pill.

The Army and Navy News, published at San Francisco, Cal., December, 1915, in the discussion of the same subject, says:

The second alleged reason is utterly without foundation. Military preparedness costs us nothing. The few hundred dollars we spend for imported drugs for the medical departments of the Army and Navy is an entirely negligible item. Everything else we get right in the United States, and the money is kept right at home. We construct our own ships and guns in our own yards and factories from materials that come from our own mines. The wool and cotton for clothing come from our own fields; the provisions come from our own farms and ranches. No money leaves the country. It stays right at home, making our shipyards and factories hum with activity, and providing employment for thousands of good Americans. Instead of being hoarded, the money is kept in circulation and everybody is benefited.

But for fear somebody would say these were not up to the standard, I want to quote from an admiral who is regarded as one of the biggest in the Navy, Admiral Grant. I quote from his testimony before the Committee on Naval Affairs:

Mr. CALLAWAY. If one has to have his bigger than the other, and the other has got to have his bigger than the one, then what?

Admiral GRANT. You may not know, Mr. CALLAWAY, but I do not see that we are running ourselves to death by building a battleship. Some people consider that money thrown away. I do not, because of every cent that goes into a battleship half of it goes into the labor product and the other half for material goes originally for the labor and material to produce that material. It is not money wasted, in my opinion. You will find it universally stated—that is, a great many men state it—that this $18,000,000 for this battleship is money wasted and thrown away. I do not consider it so. That is my opinion only.

Mr. CALLAWAY. Your opinion is that the money is still among us?

Admiral GRANT. Yes, sir.

Mr. CALLAWAY. And that the $18,000,000 put into labor and put into material is still with us, and that money is laid out here and there has been no waste at all?

Admiral GRANT. That is my opinion. That is the way I look at it.

Mr. HENSLEY. On the same theory, why should we not tear down these magnificent buildings and reconstruct them again?

Admiral GRANT. I do not think that is on the same line at all.

Mr. BRITTEN. We are using the buildings.

Admiral GRANT. I have known in the West, in the early days, of men who furnished money to laboring men to move sand from one side of a lot to the other to give them employment.

Mr. HENSLEY. Do you regard that as a necessity?

Admiral GRANT. Very philanthropic.

Mr. HENSLEY. A good investment?

Admiral GRANT. Good charity.

Hudson Maxim, in his book, Defenseless America, either an economic fool himself or taking the public for such, says:

The result is that the Nation as a whole is not impoverished in the least by the burden of armaments, but is rather benefited by their support. * * *

The money spent by the Government in building fighting ships could not be esteemed so much money lost, even if the ships were useless. The Government taxes the people for the money to build the ships, and then pays the money back to the people again for the ships. The people get their money all back, and the Government gets the ships. The people lose nothing, and the Government is the gainer to the value of the ships. The result is that the fighting ships have cost nothing. On the contrary, their production has benefited all. Everybody is made better and richer through the building of them. When we have looked upon our Navy, remembering what the pacifists have told us about its enormous cost, we are strongly impressed with the colossal expenditure, not realizing that the Navy has actually cost nothing. Its production has been a source of profit and benefit to the people.

If Maxim, Grant, and the Army and Navy News be correct, then why not stimulate all the industries of the country by feeding them from the Treasury. When all industries are fed from the Treasury, then pension all individuals and we will all live fat and easy.

The President said in his message of December 7, 1915, "These are the essential first steps." Was he at St. Louis indicating a second step when he said, "I want incomparably the most adequate navy in the world"?

Secretary Daniels said, according to newspaper reports on the naval appropriation bill, that his five-year program was considered by him the minimum that should be provided, not the maximum. The Secretary made a speech at Philadelphia on April 28 before the American Academy of Social and Political Science. He said:

My prediction is that Congress will authorize as many battleships, submarines, and destroyers as public and private yards can construct. We are beginning to take an inventory of every factory in America to see what it can do for preparedness. We must spend billions for munitions.

Take that statement with the President's statement at St. Louis February 3, "The American Navy ought, in my judgment, to be incomparably the most adequate navy in the world," and that ought to "take the wind out of the sails of the critics." Munition manufacturers and naval officers have not asked for more than that. They do not want any building to go abroad. They want it all done in this country and by themselves.

The paid and interested critics do not disturb me. I can not follow the President nor the Secretary nor the naval officers; neither do I have any sympathy nor tolerance for the munition manufacturers' demands that we furnish them a market for their wares when the foreign war closes. What the American people want and all they ought to have of militarism is enough to protect their country. More than that is more than the faces of the people should be ground to maintain; more than that is more power than should be concentrated in the Commander in Chief; more than that is more tax on the resources of the country in money and men than is justified; more than that is an unnecessary development of militarism, the thing that has destroyed every free government that has gone down; more than that is an unnecessary menace to our democratic institutions.

We buried the five-year program. The only reason I have ever heard for it was given in the Raleigh News and Observer:

The plan of Secretary Daniels to increase the Navy for five years has taken the wind out of the sails of the critics who say the Wilson administration is neglecting national defense.

"The experts who testified before our committee state that the size of a navy is a relative matter and that no man can tell what the relative size of the navies of the world will be when this war is over. They said that in all human probability the war would close within a year. Secretary Daniels said the conclusion of the war would likely be the best time in the history of the world to bring about a general agreement for disarmament. All were agreed" that was a consummation devoutly to be wished." Admiral Badger said:

No man could tell how soon this war abroad would end; no man could tell what the relative size of our Navy and the other navies of the world would be at the conclusion of it.

That is the statement of Admiral Badger, ex-commander in chief of the Atlantic Fleet and member of the board, and regarded as one of the ablest men in the Navy. He says the five-year program was made up on an order.

Mr. CALLAWAY. This five-year program did not have in contemplation any emergency, did it, Admiral?

Admiral BADGER. No, sir. That program was made according to order, without the General Board having under consideration anything outside, but being a direct order to produce such a program with those limitations.

There is no testimony in the hearings showing any reason whatever for a five-year program. On the contrary, the hearings are replete with testimony like Admiral Badger's, which shows that no man can tell what the navies of the world will be at the conclusion of the foreign war; that at its conclusion will be the best time to bring about a general agreement for disarmament; that none of the building authorized by the five-year program can, in all human probability, be completed for use either during or immediately on the conclusion of the war; and that the relative fighting value of ships now built may be shown by the lessons of this war to be obsolete altogether; that all building material is 50 to 100 per cent higher now than ever before. Then, why a five-year program? The only reason is that given in the Raleigh News and Observer, that it would "take the wind out of the sails of the critics." It did not even do that. The Secretary said on April 29:

Congress will authorize, in my judgment, all public and private yards can construct.

The President said at St. Louis, February 3:

I want, incomparably, the most adequate Navy in the world.

Secretary Daniels said, Washington Post, May 19:

The program I presented to Congress represented a minimum and not a maximum of each type.

The war was going on December 10, 1914. At that time the Secretary of the Navy recommended two battleships and said:

I think the war in Europe is going to exhaust the resources of the countries engaged in it, and I think there is less likelihood—I do not think there was much likelihood before—of our country in the future having trouble with these nations.

A YEAR AGO AND NOW.

With our policies and our American ideas, I think the policy recommended in my report and adopted by the last session of Congress is the steady development that is needed.

Two capital ships the year before and two capital ships that year. What has wrought the change?

The President said on December 8, 1914, speaking of our military needs:

There is no new need to discuss it. We shall not alter our attitude toward it because some amongst us are nervous and excited. The question has not changed its aspects, because the times are not normal. Our policy will not be for an occasion.

What is the difference in conditions now and then that made a two-battleship program sufficient and proper then and wholly inadequate at this time? The President has spoken; the Secretary of the Navy has spoken; the sea captains have spoken. What is the difference in conditions now and then? None of them have pointed it out. I have looked, listened, and asked for reasons for the change, but no reason has come from any source except the Raleigh News and Observer and that does not appeal to me.

Last year the R. M. Thompsons and S. Stanwood Menkens, the Gardners, and the Roosevelts, with their Navy League and their American Defense League, the officers of the Army and Navy, always "prepared" for promotions, were clamoring to Congress for additions to the Military Establishment, but they had not attempted to arouse the electorate, to frighten the people. It was not election year. The only place they could work then was on Congress. The arguments of the R. M. Thompsons, the S. Stanwood Menkens, the Gardners, the Roosevelts, the Navy Leagues, the American Defense Leagues disturbed it not. But, oh, what a difference on election year, when those same forces, with the same motives, have gone to the country with J. Bernard Walker's book, America Fallen, Hudson Maxim's book, Defenseless America, and the powder manufacturers' moving-picture show, The Battle Cry of Peace, shouting patriotism! It is not patriotism; it is promotions, profits, and politics.

The President said on his western trip that the peace which followed this war would be a prolonged peace; that the world would not endure another war like this. Secretary Daniels said before the Naval Affairs Committee:

The conclusion of this war would be the best time in the world's history to bring about a general agreement for disarmament.

Admiral Fletcher said before the committee that the conclusion of this war would be the best time in the world's history to bring about an agreement for disarmament. All the sea captains said that the lessons as to the fighting value of the different types of vessels, learned from this war, are not yet to be obtained and will not be until war is over. All are agreed that the developments of this war may make obsolete our fighting ships. No man can tell what the relative strength of the world's navies will be at the conclusion of this war. All are agreed that in all human probability it will close within a year. None of the ships we are now authorizing will be ready for service within that time. Then why lay out a program and make authorizations for continuing contracts for five years in the future?

FEAR OF STOCK SLUMP AFTER WAR.

Mr. Grace, president of the Bethlehem Steel Co., and Mr. Barba, vice president of the Midvale Steel Co., stated that the question with the steel, shipbuilding, ordnance, and powder concerns was how they would utilize their extra forces, their extra equipment, and their extra men that had been added to meet the war's demands when the war stopped. Mr. Grace testified that Bethlehem Steel stock had gone from $30 a share to $530 a share, and like conditions prevailed throughout the entire steel, shipbuilding, ordnance, and powder industries. The board's program would utilize the entire building facilities of the steel concerns, the shipbuilding concerns, the ordnance concerns, and the powder concerns. The Secretary's prediction of what Congress would do and the board's program would solve the question for the munition manufacturers. Will you solve the problem for them? Then to them you are a patriot. I refuse to rake their chestnuts out of the fire at the expense

of those who produce and at the expense of our representative Government.

"Billions for munitions!" Of course, to the ordinary mind, billions is meaningless. Analyze it. See how many thousand dollar homes billions of dollars would buy. "We must spend billions for munitions!" says Secretary Daniels. When I think of the underfed, the poorly clad, the badly housed, and the overworked producers that must in the end pay that bill I balk—I can not stand for it. I will not stand for it. The paid newspapers may criticize, abuse, ridicule, and malign me. The representatives of the steel, shipbuilding, ordnance, and powder concerns belittle and belie me; the coat-tail riding politicians may denounce me, but I will not, if I can help it, permit such a bill to be presented to those who commissioned me to represent them.

BUILD FOR POLITICS.

You tell me that it is politics, and we must do it to carry New York, Massachusetts, New Jersey, and Delaware? I am not playing politics. I am representing 250,000 citizens who want their Government to do even-handed justice and not play politics.

A billion dollars—just one billion—would buy a million thousand-dollar homes. There are 219,575 tenant farmers in Texas. It would buy a thousand-dollar home for every tenant farmer in Texas and leave $780,425,000, or more than three times as much, unspent. There are 2,354,676 tenant farmers in the United States. Three billion, the amount Admiral Fletcher said it would take to build the largest navy in the world and maintain it for two years, would buy every farm tenant in the United States a thousand-dollar home and stock it.

Do you get any idea of what these munition makers are trying to obtain? More than the annual cotton crop for the Navy alone. Unselfish patriots! These patriots held a meeting in New York on the night of June 10, 1915, and at this one meeting raised thirty-odd thousand dollars in less time than it takes to tell it to push this propaganda.

BANKRUPTCY OR WAR.

The biggest Navy in the world? Admiral Fletcher says it will cost a billion and a half dollars to build it and $750,000,000 a year to maintain it, provided other nations do not go on building. If they go on building there is no telling what it will cost. Will they go on building? Admiral Fiske said in the North American Review of February:

It is vital to Great Britain, whose major policy is that she must be mistress of the seas, that she should be.

Admiral Badger said (hearings, p. 1974) that—

England's very existence depends on her supremacy on the seas.

Lord Roseberry said:

I know nothing more disheartening than the announcement made that the United States, the only great country left in the world free from the hideous, bloody burden of war, is about to embark upon the building of a huge armada. It means that the burden will continue upon the other nations and be increased exactly in proportion to the fleets of the United States.

Will the other nations go on building? If "England's very existence depends on her supremacy on the seas," if "it is vital that she be mistress of the seas," if "it means that the burden will continue in proportion to the fleet of the United States," and we must have "incomparably the most adequate Navy in the world," Admiral Fletcher's estimate is no guide.

Where does such a policy lead to? Admirals Fletcher and Badger testified:

Mr. CALLAWAY. If we start to build against them and they build against us, where will the end be?

Admiral FLETCHER. That is simply repeating the history of the world.

Mr. CALLAWAY. You stated the other day that it meant bankruptcy for the weaker nation, and since we were the most wealthy we would be able to bankrupt all of them.

Admiral FLETCHER. That is one phase it might take.

Mr. CALLAWAY. What is the other phase it might take?

Admiral FLETCHER. That one side would force the issue.

Mr. CALLAWAY. Is it your only hope that we are wealthier than any other nation in the world?

Admiral FLETCHER. That is the only hope of any nation.

Mr. CALLAWAY. Admiral Fiske states in the North American Review for this month that military and naval men have seen for years that these competing nations—that is, England and Germany, competing in naval strength and for commerce—would have to go to war some day in self defense. Do you agree with that statement?

Admiral FLETCHER. Yes, sir. That has been regarded by many experts as the inevitable outcome of conflicting interests and the expansion of Germany upon the sea.

Mr. CALLAWAY. And as soon as they began to build against each other that became apparent to military and naval men, did it not?

Admiral FLETCHER. Yes, sir.

Mr. CALLAWAY. If they entertain the same general views that you entertain with reference to it, would it be possible for us to ever equal their navy, with the start they have?

Admiral BADGER. I think that the financing burden of greater expansion would hamper them, and that if we adopted such a policy we certainly have the money in this country to carry it out. When we come near equality there might be some racing.

Tolstoi, in his open letter to the world, said:

No enlightened man can help knowing that the universal competition in the armament of States must inevitably lead them to endless wars or to a general bankruptcy, or else to both the one and the other.

Here you have the experts and a philosopher. Building for what? Take it from them, "bankruptcy or war."

They ask us to follow them. We ask where they are leading us. They answer, "Bankruptcy or war." "This is repeating the history of the world," says Admiral Fletcher. God of our fathers, is that what their system promises? That is not only what it promises; that is what it insures. Is the sweat of the masses to be coined into dollars for munitions manufacturers, shipbuilders, ordnance producers, powder makers, and officers bedecked with gold braid, that they may finally lead those whose faces they have ground to the trenches with pick and shovel, to bloody mines, to insanity, to slaughter? Tell me I must vote for it?

Go to, thou wretched babbler, and put thy gall in pickle; pour thy tale into the dull ears of ancient "toadeaters," and with it rob confiding partisans of their sense; but tempt not the righteous indignation of reasoning men.

Tell me I must be a party to it? No; I will not do it. If I must feed into the hopper depicted by Admirals Fletcher, Badger, and Fiske the masses that I represent or be the victim of the newspapers, the steel, the shipbuilding, the ordnance makers, the R. M. Thompsons, the S. Stanwood Menkens, and the Hudson Maxims, then victim let it be. And those who, cringing before the shining teeth of these vicious profit takers, surrender those they were elected to represent, have my pity and contempt.

THE REAL PREPAREDNESS LEADER.

Who is the real leader of this grand galaxy of self-styled patriots? Hudson Maxim. He wrote Defenseless America. He got up the picture show, The Battle Cry of Peace. He put it on in every town in the country, showing foreign soldiers in your bedchambers. Let us look at him. He says in his book he is a patriot. He is the crown prince of this band of preparedness patriots. I want to read a few extracts from his book. You all got one—

This country must first be whipped in order to prepare sufficiently to prevent being whipped. Therefore, our business at the present time is to pick our conqueror. I choose England. She would be satisfied with a good big indemnity which we could well afford to pay for the benefit that we should gain from the war.

He was born in Maine, married an English woman, invented smokeless powder, sold his patents to the Du Pont Powder Co., became stockholder and chief mechanical engineer in the Du Pont Powder Co. He has a brother in England, Sir Hiram Maxim, who is an inventor of ordnance and a partner in the Vickers Limited Ordnance Co., of England. He is the inventor of the Maxim rapid-fire gun, and was knighted because of his inventions. Of course, Hudson Maxim wants England to be the one to whip us. Sir Hiram would want us to be the one to whip England. Hudson and Hiram would furnish the ordnance at both ends of the line.

That is not all the interest that this Maxim bunch has in war materials. A Maxim munition company was incorporated on August 24, 1915, in Delaware, with a capital of $10,000,000. (Standard Corporation Service, Vol. IV, p. 939.)

Hudson Maxim, president (Standard Corporation Service, Vol. V, p. 1306), stated:

We have already acquired the services of a very efficient scientific mechanical staff. Hiram Percy Maxim, the inventor of the Maxim silencer, and the son of Sir Hiram Maxim, and his business partner, M. H. Hazlet, are among our different technical advisers and supervisors. Edwin R. Hotchkiss, who has had charge of large munition works both here and abroad, and J. S. Conradi, who was for some time superintendent of the Vickers Gun Works at Dartford and Erith, England, is under contract to do similar work for us. We have sold to a very strong financial syndicate in this city (New York) 200,000 shares of our treasury stock.

Maxim Munitions Co. states:

Hudson Maxim has taken the old Maxim gun and made many very important improvements in it, transforming it practically into a new gun. We have a provisional contract with the Russian Government, which is only awaiting confirmation, to manufacture 15,000 of these guns. The price of them I am not at liberty to state, but a regiment of men would be mowed down if in range of one of them. (Nov. 10, 1915, Standard Corporation Service, Vol. V, p. 1248.)

Says Hudson Maxim—

We could well afford to pay a big indemnity for the benefit we should gain from the war.

Can you imagine what benefit we common-sense common people would get from the war?

Here are the beauties he sees:

The unpleasant truth should be realized that invading armies must, with other luxuries, have women. As a result they leave a large progeny, wrens in the nests of the doves of peace. Hence, inasmuch as soldiers are the pick of the manhood of their country, they are likely to do about as much toward securing the survival of the fit in an enemy's country as they would have in their own country.

There is another very important consideration, which is that war is a great mixer of races, and that usually mixed types benefit enormously from their compound blood.

Furthermore, the mingling of races and peoples serves greatly to spread knowledge of one another, and they have always profited largely from the mingled knowledge.

He should have told us what benefits he expects for himself. He should let us know if he will be satisfied with a bunch of illegitimates. He is the real preparedness leader. He has done more with his moving-picture show to frighten the timid and make the public believe we were defenseless than any other dozen men in America.

We only have to read his book to find the benefits that interest him personally. On page 73 he says:

We have between forty and fifty million pounds of smokeless powder at the present time, whereas we ought to have 500,000,000 pounds.

He is chief mechanical engineer of the Du Pont Powder Co. Five hundred million pounds of smokeless powder, at 53 cents a pound, would amount to something like $250,000,000. Powder stock has gone, in some instances, from $8 a share to $1,100 a share since the foreign war started. The stockholders, of course, fear an invasion of their stock prices at the close of the war. The Book of Books says that where a man's treasure is, there will his heart be also.

Maxim says:

Every Congressman goes to Washington in the interest of his constituents. He goes there to dicker for them, to swap votes with other Congressman in exchanging congressional concession for congressional concession.

On page 18 Mr. Maxim gives his conception of the temperament and intelligence of the American people. He says:

In a small paragraph in an obscure place on the back page of a leading Boston paper I once saw the announcement that Herbert Spencer, the great philosopher, was very ill and not expected to live. On the front page of the same paper, under bold headlines, was a three-column article on the physical condition of John L. Sullivan. John L. Sullivan was a fighter, while Herbert Spencer was only a philosopher; hence the difference in public interest.

He and those who are like interested with him are trying to organize, crystallize, and capitalize the fighting public interest he saw manifested in that Boston newspaper and frighten the cowardly Congressmen by causing sentiment in their districts.

CONGRESS OBEYS PUBLIC SENTIMENT.

Nine Michigan Representatives voted for a standing army of 250,000 when the Army bill was on its first passage through the House. When it came back from the Senate, after the Ford vote in Michigan, only two voted for 250,000.

Congress is a barometer of public sentiment, if it can determine what the public sentiment is. In this instance these Michigan Representatives got scared too quick. The Ford vote gave them a different idea from the newspapers of what the public sentiment was.

THE FEAR THAT DISTURBS NEW YORK'S PEACE OF MIND.

Mr. Grace, president of the Bethlehem Steel Co., stated before our committee that under conditions existing throughout the entire steel, ordnance, and shipbuilding industries, the question with the directors of those industries was what they would do at the close of the foreign war to avoid a slump.

If we should follow the prophecy of Secretary Daniels, or the advice of the Navy General Board, and authorize all the building that shipbuilding, ordnance, and steel concerns in the country could take care of, the problem that confronts them would be solved, and the Congress of the United States, in their eyes, would be a galaxy of patriots for relieving them of the most serious problem that now confronts them.

The fear of a slump in stock values is the thing that is making New York, Boston, Philadelphia, Trenton, Paterson, and other Atlantic coast cities lie awake at night. Think of the concern of an individual who has 100 shares of Bethlehem stock, worth $3,000 before the war, to-day worth $33,000. Let him contemplate during his sleepless hours the sudden proclamation of peace abroad and $50,000 knocked out of his 100 shares of stock. Do not you know he is willing to parade and wants other people to parade? He is willing to encourage newspapers, and wants other people to encourage newspapers; he is willing to be taxed, and wants to encourage other people to be taxed to maintain that stock.

Fear of invasion? I have heretofore referred you to the statement of Admiral Knight, president of the War College, on the difficulties of transporting a fleet across a great expanse of water.

I want also to quote from Capt. McKean, a graduate of the War College, on the manner in which transports would be convoyed across a great expanse of water:

Mr. CALLAWAY. How much area would a fleet of 100 transports cover, with their accompanying fleet? That would carry about 100,000 troops?

Capt. MCKEAN. With the average transport; yes. They might, with bigger ships, actually accommodate more troops, but the transports you would not dare put in columns closer than a thousand yards apart, and 100 of them in a single column would be 100,000 yards long, or, if you put them in four columns a thousand yards between columns, that would be 25,000 yards long, or 5 miles one way and 4 miles the other way, and they would cover 20 square miles of the ocean.

Mr. CALLAWAY. Twenty-five thousand yards is lots more than 5 miles, is it not?

Capt. MCKEAN. It is 12½ miles; yes.

Mr. CALLAWAY. It would be 12½ miles long and how wide?

Capt. MCKEAN. In four columns it would be 3,000 yards wide; but you would probably put them closer together than that and shorten it up. You would probably put five columns.

Mr. CALLAWAY. You would have to have a screen fleet around them?

Capt. MCKEAN. You would have to have an escort that would screen them; yes.

Mr. CALLAWAY. To protect that troop of transports you would have to have a fleet one and one-half times greater than the opposing man's fleet to afford any character of protection, wouldn't you?

Capt. MCKEAN. To be reasonably safe; yes.

You will get from the above the difficulties that confront a commander in chief in an effort to carry troops across an ocean. You will get from Capt. McKean the immense area covered by the transports, surrounded, as they necessarily have to be, by a screen fleet. I now want to quote Capt. Sims, in my judgment one of the most capable men who appeared before our committee, certainly the most direct and straightforward, showing the impossibilities of protecting a fleet from night attack from torpedoes, scouts, and submarines. He said, in a letter of April 2, 1915, specifically describing the operations of a fleet attacked by torpedoes:

From the experience to date I think it may fairly be concluded that there is no solution to the problem of protecting a fleet against torpedo attack in the open sea. It seems equally clear that under similar conditions fatal damage could be inflicted by floating mines alone, and this without material risk to the attacking destroyers. As for sea-going submarines of high speed, it would be quite useless to try to keep them out at night by any form of screen at present known.

He stated to the committee:

It is true if you drive the scouts back on the fleet and your scouts are reporting to you every half hour the course and speed of that fleet, it enables you to wait until the sun goes down and launch an attack of destroyers through that screen, and we do not know of any means by which that attack can be resisted.

I also want to quote Admiral Fletcher, commander in chief of the Atlantic Fleet, and Admiral Badger, ex-commander in chief of the Atlantic Fleet, and at present a member of the Navy General Board:

Mr. CALLAWAY. You stated a moment ago that a fleet of battleships in the face of the auxiliaries would be in a most precarious condition. Now, analyzing that if the screen of the enemy is superior to your screen and drives it in, your battleships are unprotected in the face of the screen of the enemy?

Admiral FLETCHER. If the screen is annihilated our battleships rely on their speed and the power of their secondary batteries. Under these conditions our battleships would probably withdraw from the scene of operations.

Mr. CALLAWAY. I understood you yesterday that, when we had driven the screen fleet in and the battleships stood bare in the face of destroyers, swift cruisers, and submarines, that it was in a most precarious condition?

Admiral FLETCHER. If all our auxiliaries are destroyed and the enemy's auxiliaries and destroyers are still intact, our fleet would be at a serious disadvantage.

Mr. CALLAWAY. I understood you to say, when I asked you what they would do under conditions of that kind, that they would retire?

Admiral FLETCHER. They probably would; yes, sir; if they could not bring on a day action with the enemy's fleet of battleships.

Mr. CALLAWAY. My attention was called to a statement by Beresford in the Betrayal, in which he said that battleships are worthless against a night attack by cruisers and destroyers. I take it that statement was made prior to the development of the submarine, and to add to that submarines would make it much more forcible, would it not?

Admiral FLETCHER. That is true for unscreened battleships.

The CHAIRMAN. Do you accept that statement as true?

Admiral FLETCHER. He is assuming, and I am willing to agree with the conclusions.

Mr. CALLAWAY. I will follow that out. Do you consider Beresford as an A1 authority?

Admiral FLETCHER. He states that a battleship alone at night is helpless in the presence of destroyers, and I quite agree with that statement.

Mr. CALLAWAY. That is true?

Admiral FLETCHER. Yes, sir.

Mr. CALLAWAY. How about a battleship fighting a submarine?

Admiral BADGER. She will get out of the way just as quickly as she can. There is nothing for her to do but to charge or run, using her guns, of course, when possible; but the best thing is to run, if conditions permit.

Mr. CALLAWAY. How about a battle cruiser fighting a submarine?

Admiral BADGER. The same thing; there is only one way, as far as I know. The submarine, being submerged, can not be hit by gun fire. The only thing to do is to charge it; go for it end on, with the hope that you will ram it, or to run.

If a fleet of battleships in the open sea can not protect themselves against night attack, and no screen fleet has as yet been devised capable of protecting them against night attack by torpedo and submarine, if speed and changing course continuously is their only protection, I can not understand how any sane mortal can get anxious for fear some foreign power will come across either the Atlantic or the Pacific and land on our shores until our entire fleet of destroyers, scouts, and submarines have been cleaned from the ocean. No man who knows the facts has any fears of any foreign power reaching our shores and making a successful landing.

THE INABILITY OF BATTLESHIPS TO STAY IN SUBMARINE TERRITORY.

It has been conclusively demonstrated that battleships can not stay in submarine territory. The statement is often made that when you control the surface of the sea you can destroy the effectiveness of submarines. A look at the operations of the British fleet at the Dardanelles will convince the most obstinate that submarines can drive a battleship fleet, however well protected by small craft, from any place from which submarines are not shut out by means other than the mere control of the surface by destroyers and scouts.

The British made the landing at the Dardanelles April 25, 1915. There were no submarines there. Ashmead-Bartlett, famous English war correspondent, says:

The Dardanelles expedition, if it served no other purpose, is an object lesson on the difficulties encountered by a hostile fleet operating many hundreds of miles from its base in the face of submarine attack.

Up to May 20 an immense fleet of predreadnaught battleships was able to lie off the coast and render the expeditionary army immense moral support by protecting its flanks and encouraging the troops who love to hear the great shells whistling over their heads. On May 13 the *Goliath* was sunk in the Straits during the night by torpedo attack. On May 20 the first submarine was sighted. The entire fleet had to weigh anchor and steer about to avoid giving a sitting shot.

And now we come to these superdreadnaughts that my friend from Illinois [Mr. FOSS] told you were the fighting strength of the Navy. Dreadnaught! The dread nothing. Watch what they did at the Dardanelles:

The more valuable battleships, like the *Queen Elizabeth*, the *Agamemnon*, and the *Lord Nelson* (they are among the finest ships afloat) faded away toward the west and were not seen again. On May 25 the *Vengeance* was narrowly missed by a torpedo, and the battleship *Triumph* was sunk. On May 27 the battleship *Majestic* was also sunk. On the following day there was not a single battleship off the Gallipoli coast. All had been obliged to fly to protected harbors for safety.

The facts are plain; dreadnaught fleets are useless for offensive purposes provided you are dealing with an enemy supplied with submarines. They are a poor defense, as well because they can only deal with the enemy's fleet as a whole, provided it chooses to come out and fight. Local defense must be left to the submarines destined to remain in home waters.

Now for the submarine in attack. Supposing the United States were engaged in war against a European power or an oriental. If there is to be a naval war at all, it necessitates one of the belligerents crossing either the Atlantic or the Pacific. It would be utterly useless for either a European power or an oriental to dispatch a fleet to the Atlantic seaboard or the Pacific unless they were already in possession of a prepared base where that fleet could lie at anchor in security against submarine attack. * * * To send a great fleet of modern dreadnaughts to an indefinite objective, namely, to cruise up and down the enemy's seaboard on the off-chance of the enemy coming out to risk an engagement would be merely courting disaster. Such a fleet would be in the nerve-racking position of being exposed to submarine attack from the moment it left its own shores to the moment the survivors regained the shelter of home waters. * * * Even supposing there was a base available within short distance of its objective, the attacking force would be little better off, and you would merely have a repetition of the stalemate which exists in the North Sea at the present time.

Col. Isaac Newton Lewis, United States Army, retired, whose machine gun has practically revolutionized certain phases of operations in the European war, and who has just returned from the scene of hostilities, said:

The effectiveness of the submarine as a weapon can never again be disputed. It has now come to the point where it must be considered as the controlling element in sea power.

Admiral Knight, testifying before the Naval Affairs Committee of the House, was asked:

What show has a battleship against a submarine? What can it do in submarine territory?

Admiral KNIGHT. Of course, it is in danger; and that is all you can say of it. The battleship running at high speed and changing course frequently is not in much danger from a submarine.

Capt. Sims, reporting on the practice of our fleet trying out the different craft, said:

As for seagoing submarines of high speed, it would be quite useless to try to keep them out at night by any form of screen at present known.

If the only thing a fleet of battleships can do in submarine territory is run, what value would battleships be in protecting a fleet of transports when they can do nothing in the presence of submarines but run? If submarines are the controlling element in sea power, if it is useless to try to keep them out at night by every form of screen known, and if they are destined to remain in home waters because they must have a base from which to operate, what reason have we to fear attack from across either the Atlantic or Pacific Ocean?

THE VICIOUSNESS AND INTOLERANCE OF THE PREPAREDNESS PATRIOTS.

Col. R. M. Thompson, proprietor and operator of the Navy League, spoke at Poli's Theater May 28, 1916, in behalf of preparedness. He claims to be a man of very high character, inspired in his work by purely patriotic motives. He was discussing the Army bill just passed and the contemptible inadequacy of it, and said sneeringly that Virginia was a great State, once the mother of Presidents, but now she was satisfied with JIM HAY—just HAY. HAY is the chairman of the Military Affairs Committee of the House, one of the purest and best men in the House of Representatives. Parade, pomp, street shows, and make-believe do not appeal to him. He does not suit the chairman of the board of directors of the International Nickel Co., Col. R. M. Thompson.

He does not suit the New York and Chicago papers either. Referring to the bill they make the following observations about the measure and those responsible for it:

The New York Globe (Ind.) declares that "it will not provide for an adequate system of military defense" and "in the event of trouble it would be necessary to scrap it." The Chicago Herald makes the calm, scientific observation that "a chemist could run the brains of HAY and his little Army pals through a Pasteur filter without getting a trace of an intellectual process above the mental grade of the *Pithecanthropus erectus*."

The preparedness patriots want universal military service. They know a larger force than we now have can not be kept up by voluntary enlistment. That has been clearly shown within the last few months. Expirations and desertions from the Army have been as many as new enlistments. The only way to have a larger force is to force them in by law.

It has become proverbial that the daily press of the country follows its financial interest, but this is the first time it has been so nearly a unit on any question.

It not only puffs everything favoring enormous additions to our Military Establishment, but taboos everything coming from the other side.

Members of Congress in private conversation freely state that there is no danger from without and the danger is from within, but they say the country is wild, and they fly before what they think is popular opinion. They get their conception of public opinion from the daily press.

A few independent papers have stood out against it. May their tribe increase.

TAX FOR INCREASE IN ARMY AND NAVY.

The President suggested in his December message that the stamp tax on notes, deeds, telephone calls, telegrams, medicines, etc., be continued, and that the tax be extended to bank checks, gasoline, and power engines to get money for Army and Navy increase. I protested against that, and, with 31 other Democrats, notified Mr. KITCHIN, chairman of Ways and Means Committee, that we could and would defeat the measure should that committee report it. We notified him that tax for increase of Army and Navy would have to be placed on war munitions, inheritances, and incomes. He and members of the committee, realizing the potency of that statement from 32 Democrats, placed or agreed to place such tax on munitions, inheritances, and incomes. I am proud of this accomplishment.

GENERAL AGREEMENT FOR DISARMAMENT OF ALL NATIONS.

We have secured a provision in this bill that, I think, may be of inestimable value to the nations of the world in the future. When war abroad ceases, when they are exhausted, sick, and horrified by the grim slaughter, and have stopped long enough to coolly survey the fruitless wreckage, I think they will be ready to consider the question of abandoning the competition in armament.

We have provided in this bill for a commission from this country to intercede for such purpose, and we further provide, should such agreement be reached, that all building authorized by this bill shall cease.

Nations at peace have already begun to recognize the efficiency and farsightedness of this provision and wires are coming from across the ocean showing their appreciation.

Think not that helm and harness are signs of valor true,
Peace hath higher tests of manhood than battles never knew.

SUMMARY.

Our Navy, coast defenses, and Army, equipped as they are, backed by the citizens of the land, are amply adequate to defend this country against any and every assault.

No great nation wants to attack us. They want our friendship. It is necessary to them.

We are divided by great oceans, which the development of torpedoes and submarines makes it impossible to transport great bodies of troops across.

It is necessary before this country can be conquered that great bodies of troops be conveyed across broad oceans.

If you want a Navy or Army to force our trade around the world, or for aggrandizement and conquest, you may elevate your sights—a billion and a half for the Navy and a billion for the Army will not give it to you; and a billion per year will not maintain it.

If you want a military establishment to obtain or defend "something intangible and visionary, some vision of the mind never seen by the physical eye," I can not tell, you can not tell, and no mortal man can tell, where we are going nor what will be necessary.

I can not follow the army and naval officers who state that they do not consider the amount of money it costs, nor where it is to come from, and that their plan leads in the end to bankruptcy or war.

Mr. BUTLER. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Chairman, as my time is limited, I desire not to be interrupted until I have finished my statement. Mr. Chairman, I listened with considerable interest to the remarks of the gentleman who just preceded me, and particularly so when he criticized my good friend from Pennsylvania [Mr. BUTLER] for desiring a tranquil peace of mind among the people of Pennsylvania, New York, Massachusetts, and other Eastern States. Does it ever occur to the gentleman from Texas that a satisfactory peace of mind is just as desirable for the border of Texas and the coast line of that great State as it is at other places in the United States? I believe the gentleman forgets that.

While the hearings on this bill have apparently been of a most exhaustive character, it was evident throughout that the muzzling of officers as well as the General Board itself by the Secretary had the effect of curbing free personal discussion in which the committee desired advice.

The bill as drawn is not a measure of real preparedness because it is unscientific, unbalanced, and a patchwork of log-rolling between pacifists and conservatives after the White House had radioed an S. O. S. to the Democratic members of the committee, when the little Navy men had their day.

This is probably the first time in the history of the country that the little Navy men on the committee actually framed the construction program of the Navy. [Applause on the Democratic side.]

Oh, I know you gentlemen of the South are pleased that this bill is framed by the little Navy fellows, but you probably forget—before I go to my other subject—you probably forget that the President went West recently to crystallize public sentiment in favor of a great Navy. He did not go into the South, where most of you gentlemen come from, in order to crystallize a sentiment that does not prevail there. Oh, no; he has got all you fellows and does not need any votes in the South, but he went into Illinois, into Iowa, into Wisconsin, and Ohio to crystallize public sentiment for a big Navy, and you gentlemen watch the votes on this floor on this bill next Friday afternoon and see how valuable his crystallization has been. Count the votes in favor of the bill after it has been properly amended, which will come from men of the East, North, and West, and not from the South, and that is where they always come from. Why does the President insist upon the Republicans in the House carrying the naval bill to a successful completion, as in the past, instead of going into the South where the crystallization of sentiment has evidently not yet occurred? Do you know that out of nine Southern States, including the great State of Texas, from which my distinguished friend [Mr. CALLAWAY] comes, that you only got eight votes two years ago for the one-battleship program? My friend CALLAWAY—and he is a very good friend of mine—was one of those who voted against authorizing even one ship, but after the White House radio S. O. S. he is out for five battle cruisers, at $20,000,000 apiece. That shows the effectiveness of wireless messages on the Navy. [Laughter on the Republican side.]

Mr. MADDEN. Will my colleague yield for a question?

Mr. BRITTEN. I do not desire to be discourteous to my friend, but I said that I did not want to yield to anybody until I have made my point.

In his opening address on the bill the chairman of the committee referred to Admirals Fletcher, Winslow, Knight, Grant, Taylor, Fiske, and others whose testimony indicated a desire for battle cruisers. In this the minority members of the committee fully agree, but the chairman carefully avoided making clear that the advice of these experts was based upon a limited number of first-line ships, principally four, and not upon an unlimited number of battle cruisers as against dreadnaughts, the real fighting ships of the Navy.

The Chairman never once referred to the recommendation of the Navy General Board for first-line ships and evidently forgot that this great body of experts less than 30 days ago recommended 16 first-line battleships—10 battle cruisers and 6 dreadnaughts.

In his opening address to the present Congress the President requested 16 first-line ships, basing the increase on a five-year program at that time, which was entirely ignored by the committee. The Secretary of the Navy in his annual recommendation requested 16 first-line ships. Now gentlemen on the floor of this House and my distinguished friend, the chairman of the committee, when he referred to various programs that have been submitted to Congress and to the Secretary, entirely forgot that the Naval General Board made a recommendation within the last 30 days in which it stated that it would require 16 first-line ships to put our Navy into second place among the navies of the world. Now, I assume when the President was speaking for 16 ships and when the Secretary of the Navy was requesting 16 first-line ships they had done so after conferring with the General Board, the highest naval expert authority in this country. There is no question about it. Now it is up to this Congress—a Democratic Congress—to put our Navy in the second place among the navies of the world or to retain us in fourth place, where the President says we are to-day, and your vote on next Friday afternoon will determine whether or not we are going into second place, because the minority will offer amendments for the construction of eight ships this year. Now, we do not want anything unreasonable of the other side of the House. Your President is for 16 ships, your Secretary of the Navy is for 16 ships, and the Naval Board is for 16 ships. Why not use the Sixty-fourth Congress as a vehicle with which to put our Navy in the second place among the navies of the world, where it belongs? [Applause on the Republican side.]

Surely the President and the Secretary of the Navy can not have forgotten the letter of November 9, 1915, when the General Board advised the Secretary that "our present Navy is not sufficient to give weight to the diplomatic remonstrances of the United States in peace nor to enforce its policies in war."

If Members of the House will carefully read the testimony of the commanders in chief of the Atlantic and Pacific Fleets, as well as that of Admiral Fiske, the foremost strategist in the Navy, they can not fail to be convinced that an efficient, well-balanced Navy is impossible under the present administration, while the figures which I will quote as coming direct from the Chief of the Bureau of Construction and Repair must further accentuate lack of ability to quickly provide a proper national defense in an emergency. With more than one-half of our fighting ships in reserve or repair and with diplomatic complications of a most serious character staring us in the face in Europe, Asia, and Mexico it is impossible for me to understand why the administration so ruthlessly ignores expert military advice.

The Secretary knows that 60 per cent of the crews of the various fighting ships now in reserve would have to be made up of green, untried men in the event of war—men who ordinarily should have had from six months to two years of actual training aboard ship in order to acquaint them with the many duties harried upon them in the event of actual battle. He knows that our Navy has never been mobilized on account of lack of personnel and also knows of the acute diplomatic situation which brought forth from Germany a short, sharp reply to our note which was equally precise and undiplomatic. He must know that Japan very recently caused our administration to change its policy regarding the restriction of Asiatics as prescribed by the House immigration bill and so changed the phraseology of the measure as to make it look like a gerrymander of a political district to protect a favorite son rather than a piece of legislation covering a class of people. He surely knows that when Japan made this request she was prepared to back it up by force of arms and that her Navy is fully manned, fully equipped, and highly efficient.

It is a simple matter to bluff Germany, whose fleet is vastly superior to ours, when the British Navy stands between us, but

does the administration think that this condition will always exist and that we can look upon the British Navy as our protectors; and if so, is this really a desirable state of affairs? The bluffing of Japan is entirely a different matter, and her polite requests are granted, because we understand the Japanese spirit, while the equally polite request of China applying to our immigration bill is summarily rejected, because China is peaceful and has ignored military and industrial preparations while all other great powers were increasing in wealth and population and at the same time preparing to uphold their honor and dignity. [Applause.]

Let a Democratic Congress remedy the wrong that was made by a Democratic Congress, the Sixty-second, when they permitted the Navy to get out of second place, as they did in 1912, when they denied the recommendation of the Navy General Board and the Secretary of the Navy at that time for three battleships and two battle cruisers. We want to make it clear to you gentlemen. We are merely expediting the building of the 16 ships desired by the President of the United States. Instead of a five-year program, it is going to be a two-year program. Instead of stringing the appropriations over into the next Republican administration, we are giving the Democrats a chance to remedy a great wrong. The Democratic Congress allowed our Navy to get out of second place, and it should be a Democratic Congress that should restore the Navy to the second place among the navies of the world. That is all there is to this argument. I am firm in the belief that our Navy will never be efficient and adequate and will never be the second Navy in point of power among the navies of the world under the present administration, because they have not the ability nor have they the desire to put the Navy in second place excepting for political purposes, and I will prove it to you.

The President has been traveling around the country indicating to the public that the world was on fire, that a great emergency existed. It is perfectly natural that we will adopt or employ emergency measures if an emergency exists. Let us see what his lieutenant, the Secretary of the Navy, the honorable Josephus, has done with the 64 ships now being built for the Navy. Let us see how very ably he has conducted this emergency program and brought these ships to a successful completion in the shortest possible time.

Have any of you on the floor of this House ever heard of an emergency measure coming before Congress? Have any of you on the Committee on Naval Affairs heard the honorable Josephus say that the 64 ships now being constructed in different parts of the country should be rushed to completion? No. That is the best evidence that there is no emergency existing. Let me show you how we are getting along with our construction. And before I do this, I want to call your attention to a certain fact, and let my good friend from Texas, Mr. CALLAWAY, give me his ear. I would like to have his attention, because I hope to convert him to eight first-line ships before we get through. These figures which I have here, and dated May 10, this month, come from the Chief of the Bureau of Construction and Repair, Admiral Taylor. They show the percentage of completion of our ships being constructed in various parts of the country today when an emergency exists, and let me say to you right here on this side of the House that not even one auxiliary ship authorized under the present administration will be built during the four years of this administration. Think of it. During a great administration—the world on fire—the President telling us to keep cool, our diplomatic relations strained almost to the breaking point, with a most undiplomatic note to Germany and a most undiplomatic reply from Germany staring us in the face, and yet notwithstanding that 64 ships are being built by our Government, not one, not even an auxiliary ship authorized under President Wilson's administration will be completed before he goes out of office on the 4th of next March.

Now, of course, there is no need of playing politics with this country and saying that we on the other side expected you and your administration to authorize and build a battleship in the four years of your incumbency. We did not expect that. But when other countries are coming to this country and having ships built in four and five months, as they are doing with submarines, we certainly expect you to build a little submarine or a little destroyer in four years. But you can not do it, according to these figures.

Of battleships there are now seven dreadnaughts under construction. On June 30, 1914, the House authorized three dreadnaughts—the *New Mexico*, being built by the Government in the New York Navy Yard, under absolute control of the Government; the men, the materials, the time, the conditions, the money, and the place all under the control of the Government; and let us see how she compares in point of percentage completed with her two sister ships, the *Mississippi* and *Idaho*. Our good ship, the *New Mexico*, is 192 per cent completed two years after being authorized. Her sister ships are 100 and 200 per cent nearer completion—that is, 100 and 200 per cent ahead of the *New Mexico*—and, of course, you gentlemen on that side of the House will say, "Well, that is because our honorable Josephus had nothing to do with the sister ships; he could not curtail their completion." But he certainly has water-logged the *New Mexico* in the New York Navy Yard.

Let us take the destroyers. We authorized six on June 30, 1914, two years ago. They are little ships, with no heavy armor or armament. We are constructing the *Shaw*, one of those six, in the Mare Island Navy Yard under the direction and supervision of the honorable Josephus. Let us see how that one has progressed. On May 10 of this year, two years after authorization, it is 31 per cent completed, so that two years from now it will probably be 60 per cent completed if the honorable Josephus lives and the present administration still stays in Washington. Let us see about the sister ships being constructed in private yards, over which the honorable Josephus has no control. The next nearest to the 31 per cent is the *Wilkes*, which is 62 per cent completed, and from that they go up to 87 per cent completed, all in private yards. Of course you understand the Government has nothing to do with the construction after it lets the contract. They can go ahead as fast as they please. Shipbuilders realize that an emergency exists to-day, the same as the General Board realizes it. That is the reason I claim there is an insincerity on the part of the administration in dragging these 64 ships to completion.

We have authorized $24,000,000 for the construction of submarines during past Congresses, and in March of this year we were informed that but six of these destructive water dogs were prepared to defend our thousands of miles of coast line on March 1 of this year.

England had 20 submarines completed in the United States last year in five months. Ten of them were built and reached England under their own power in that time, and 10 are still tied up in this country. Now, certainly if our manufacturers can build submarines for England, 20 of them in five months, surely the ones we authorized in 1914, two years ago, should be nearing completion. Let us see their condition.

Some of those ships are 5 per cent completed. They are 2 years old—5 per cent completed! Why, just imagine how many times this administration would have to be reelected in order to complete one of those ships. [Laughter on the Republican side.] We have heard much about being "too proud to fight," but the record of the Government construction of ships must surely be characterized as "too proud to work."

Mr. MEEKER. Amen! [Laughter.]

Mr. BRITTEN. Oh, I requested that I be not interrupted, and my regular "amen" friend is not annoying me. [Laughter.]

The bill provides for an addition of 300 civilians to the Engineer Corps, to immediately become line officers in the Navy.

This paragraph was written before the House increased by 50 per cent the number of appointees at the Naval Academy and was purely an emergency measure for more officers. Since the House has acted in the matter, this paragraph is most offensive to the service and is sure to provoke an unsatisfactory condition aboard ship, which will militate against the highest efficiency and which, it is agreed by naval experts, is now entirely unnecessary.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, can I get 10 minutes from the chairman of the committee, inasmuch as I am discussing the merits of the bill?

Mr. PADGETT. I would like to give the gentleman 10 minutes, but I have not any time at all.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I will give the gentleman some of my time.

Mr. BRITTEN. I thank you very much. I thought I might get a little time from the chairman of the committee, inasmuch as I am discussing the merits of the bill and the Navy building program proper.

A year ago, Mr. Chairman, we authorized 16 little submarines, the kind that England had built in five months. Let us see their condition. The first 8 or 9 of them have a zero mark after their names, meaning that absolutely nothing has been done on them during this period of emergency. What do you know about that? Would not that make you cross if you were a "big Navy" fellow? [Laughter.] One of those with the zero mark after it is to be built in a Government yard, under the absolute control of the Hon. Josephus and his department. I do not like to say it in a feeling of sarcasm or of criticism. I like the Secretary of the Navy. He is a very estimable gentleman, but he has not the ability to run the Navy Department. There is no use mincing

words about it. He is not big enough for his job, and you gentlemen on that side of the House know it. [Laughter.]

Now, let us take aviation. The General Board has recommended that $7,000,000 be expended on aviation. With a total of 16 aeroplanes at Pensacola, the only aeronautic station of the Navy, 7 of which are being rebuilt or overhauled, and which are therefore not now serviceable, surely the most economical Member of Congress will admit that this most important branch of the service has been shamefully neglected in the past and should now receive the whole-hearted support recommended by the Navy General Board.

Recalling the statement of Secretary Daniels before your committee on March 30, this year, that every first-class aviator in Europe who is making frequent flights is furnished three machines, we are now splendidly equipped to keep three first-class aviators busy scouting along 5,000 miles of seacoast, maneuvering with the Atlantic and Pacific Fleets, training recruits for the aviation service, experimenting with launching devices not yet constructed on the decks of battleships, assisting in target practice and "spotting," bomb throwing, torpedo launching, submarine chasing, and a few other duties of such importance that thousands of lives may be sacrificed or gained through their failure or nonexistence.

In view of the advance that has been made in aeronautics during the past year and the demonstrations now being made of the vital importance of a proper air service to both land and sea warfare, our present situation can be described as nothing less than deplorable. In our present condition of unpreparedness, in contact with any foe possessing a proper air service our scouting would be blind. We would be without the means of detecting his plans and unable to attack him from the air, while our own movements would be an open book to him.

Considering that an appropriation of $10,000,000 for aeronautics alone would still leave us behind England, Germany, France, Russia, Austria, Italy, Japan, Spain, and the Netherlands, and that Capt. Bristol, who was ordered to take charge of the development of aeronautics by the Secretary of the Navy more than two years ago, on February 21 of this year told your committee that $7,076,000 was the very least amount which should be appropriated this year, the minority members feel that in recommending an appropriation of three and one-half million dollars they are subjecting themselves to criticism for not properly supplying the Navy with this most efficient weapon of war, which both protects and destroys, and without which the battle fleet of to-day is blind.

The minority have concluded that the $7,000,000 recommended for aviation construction by the Navy General Board on May 2 of this year could wisely be expended during the Sixty-fourth Congress—one-half in each session—and to appropriate less will be but a pretense of giving the people of our country what they really want and what they are prepared and willing to pay for.

The construction of large sea planes, of which our Navy has none, to be used for launching torpedoes, is a matter for serious consideration during the coming months.

And you gentlemen on the other side of the House who framed this bill have provided only $2,000,000 for aviation. Why, do not you know that the people of this country, who have lots of money and are willing to spend it in military defense, will simply characterize that appropriation as shameful, as scandalous? That is what your two millions for aviation is. There is no question about that. Last month our exports were $411,000,000 and our imports were practically $200,000,000. That indicates that we are going ahead, that we are getting richer at the rate of $200,000,000 a month. Is there any reason why we can not provide adequate national defense? Are we too poor? [Applause on the Republican side.]

THE CREATION OF A COUNCIL OF NATIONAL DEFENSE.

The profound weakness of this unscientific, unbalanced, patchwork of logrolling between pacifists and conservatives is the more accentuated by its failure to provide for a council of national defense, so urgently demanded by every student of real preparedness irrespective of his political faith.

If political rivals will unite even now in enabling Congress to establish a council of national defense, they will render a service which heretofore they have failed to recognize as of the first necessity. They will remove a vital national question from the dangers and uncertainties of politics to which it is especially exposed during the year of a presidential election.

The prattle about "preparedness" on the part of politicians already appealing for votes in view of the approaching presidential election would not have the sound of insincerity had they been willing that Congress should possess the machinery necessary for a continuing, complete, and comprehensive program.

Neither the legislative branch nor any official of the executive department, however high placed, has, under the present system, or could have, a complete and comprehensive plan for the national defense. Congress has before it the suggestions of the Chief Executive, the recommendations of the Secretary of War, and the Secretary of the Navy. There are legislative proposals from important leaders in the Senate and House. There are also the various recommendations of the General Board of the Navy and of the General Staff of the Army.

The Secretary of the Navy appears to be the one stumbling-block against this important legislation, requiring practically no appropriation but of the utmost importance to the country.

In the year 1912 the Senate and House Committees on Naval Affairs each unanimously reported favorably to their respective branches of Congress bills for the creation of a council of national defense and at which time President Taft urged upon a Democratic Congress the desirability of establishing this council in order to provide machinery by which the readiness of the Army and Navy might be improved and the programs of military and naval requirements could be coordinated and properly scrutinized with a view to the necessities of the whole Nation rather than of separate departments.

When the chairman of the committee referred to the increase of 13,500 to the enlisted personnel of the Navy, he called attention to the recommendation of the Navy General Board of November 9, 1915, for approximately a like number of men, but failed to state that that recommendation was made upon a building program of $100,000,000 a year, covering a period of five years, which the committee entirely ignored.

A most substantial recommendation of the General Board applying to personnel increase was made in December, 1914, more than one year ago, when 19,600 additional men were recommended, and this report was completely smothered by the Secretary of the Navy, who had his own opinion about the requirements of the service, and since which time the General Board has shown a decided disposition to recommend nothing which might be displeasing to the Secretary, because of the fear that Mr. Daniels might some day wipe the board, which has no legal status, entirely out of existence.

Has it occurred to you that notwithstanding the advice of Admiral Dewey and the Navy General Board, dated August 3, 1914, nearly two years ago, of the necessity of getting the Navy into a state of preparedness, and notwithstanding the letter of Rear Admiral Fiske, dated November 9, 1914, the senior adviser to the Secretary, warning the Navy Department of the Navy's unpreparedness, that no personal increase has been made since then, and that the naval reserve of which he expected so much has developed into a startling fizzle of a little more than 300 men.

Not to be outdone by the then President, the wise men in control of the Democratic national convention in Baltimore inserted in the national platform the following language:

> We approve the measure reported by the Democratic leaders in the House of Representatives for the creation of a council of national defense, which will determine a definite naval program, with a view to increased efficiency and economy.

As the presidential election occurs in November, this will be the last opportunity of the present administration to live up to an agreement solemnly entered into with the American people.

Had the council of national defense been formed at the outset of the administration, in accordance with the platform resolution, we would have long since had a naval and military program and a financial plan to carry it into effect.

It would not be a commission to do the work of Congress, but it would place before Congress a working plan.

The minority proposed to include in this bill, H. R. 9906, which provided for a council of national defense composed of 16 members, 12 of which were civilians and 4 representing the Army and Navy.

The council would help to coordinate the plans of the Army and Navy and furnish a means of reconciling the military and financial interests before submitting to the President and the Congress recommendation for measures of national defense, and would furnish the President and the Congress a ready means of ascertaining at any time the condition of the Nation for defense.

The council would report to the President for transmission to Congress a general policy of the national defense and such recommendations or measures relating thereto as it has deemed necessary and expedient.

Great Britain, France, Germany, Russia, Italy, and Japan all have their national defense boards. The necessity of having a definite policy worked out in advance of war has become of greater and greater importance, and it is not overdrawing the fact to say that Germany's complete success in the terrible war now devastating Europe is chiefly due to the policy and preparations resulting from the cooperation of the civil and military, embodied in Bismarck, the statesman, and Von Moltke, the soldier.

Our own Civil War has brought out the staggering price in blood and treasure a nation may pay for having no definite policy of defense, while Von der Goltz, one of the greatest authorities on the art of war, has said, "Without a good policy, a successful war is not probable."

The great weakness of our Nation, from the standpoint of national defense, has been the want of a definite policy and the lack of cooperation between the various agencies involved.

Thank God, we Americans are not yet so low and mean that we will not gladly pay any price to keep our land from being ravaged, to keep our homes and our women and children safe from rapine, to keep our flag flying in bright honor, to keep our dear country so armed that we can meet any foes that may storm against her, and smash them to pieces with our victorious and terrible weapons of defense.

You gentlemen who are opposing increases to this bill do not believe that war can come upon us as it has come upon every other nation. I wish I could have had you all with me on yesterday when I motored through Arlington Cemetery, just a few miles across the river. In that spot, so sacred and so holy that it is hard to tread its paths without tears, sleep many thousands of our fathers, our brothers who died, not in vain, to save this country from partition and destruction. Those dead did their duty to their country simply, bravely, heroically to the death, and your country expects every man of you to do his duty in the House this week.

Let us not deceive ourselves that these blood-stained powers of Europe and Asia, emerging from their conflict terribly strong in war preparation and desperately bankrupt in wealth, will leave us in peace and in possession of their gold and their trade unless they appreciate our patriotism, our nerve, our wealth, and, above all, our preparedness for defense against any foe or combination of foes.

The President has repeatedly said that he desires inalterably the strongest Navy in the world. Every Member in this House can do his full duty in making the Sixty-fourth Congress the vehicle by which our Navy again assumes second place among the navies of the world.

Remember that the day may come when, because we were not only "too proud to fight" over matters really trivial but also too dull to prepare to face the realities of this world as the last year has proved them to be, our situation will be what is to-day that of France, if not of Belgium and Serbia, and when we shall be in the peril that Britain is.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. PADGETT. Mr. Chairman, I would like to ask the gentleman from Pennsylvania [Mr. BUTLER] how many speeches he has on that side?

Mr. BUTLER. Only one, and I will ask the gentleman from Tennessee to consume all his time except the closing speech.

Mr. PADGETT. Very well. Then I will put in all I have except one. I will yield 10 minutes to the gentleman from Indiana [Mr. GRAY].

The CHAIRMAN. The gentleman from Indiana [Mr. GRAY] is recognized for 10 minutes.

Mr. GRAY of Indiana. Mr. Chairman, the same impassioned appeal made here to-day for arms and armament has been the prelude to war and bloodshed for a thousand years.

But I wish to speak to that paragraph of the bill providing for a conference of the great nations of the world when the European war is over.

The Biblical injunction, "For all that take the sword shall perish by the sword," has been vindicated by the history of all the warring nations of the world from ancient to modern times. I do not want this Nation to take the sword. Alexander the Great took the sword, and Greece perished by the sword. Darius and Cambyses took the sword, and Persia perished by the sword. Cæsar took the sword, and Rome perished by the sword. Napoleon took the sword, and France was humiliated and crushed by the sword. The charred ruins of mighty cities, the hoary columns of antiquity, the overgrown walls of fallen capitals, the crumbling remains of great architecture and ancient art all attest the criminal folly of military rivalry and war.

This is the hour of temptation in our Nation's history. If we abandon our ideals of peace for the standards of war, if we surrender moral force and the power of example to rely upon might, if we enter the contest for world power and control of the seas, if we yield to the alluring calls of rivalry in arms and armament, we will create distrust, engender antagonism, and arouse the world to enmity and the nations to unite against us. If we ignore the admonitions of Scripture and disregard the warnings of the past, posterity will read our history in a new chapter of the tragedy of nations. If we take the sword we will perish by the sword.

But, Mr. Chairman, there is even a higher reason why we as a Nation should now preserve the even tenor of our way in Navy building, why we should now maintain our traditional policy of peace and an Army and a Navy only for defense, why we should now renounce and disclaim a policy of military rivalry looking to world power and the control of the seas.

When the great European war is over and the smoke has lifted from the battle fields, when the echo of artillery has died away, when the censor's curtain screening the horrors of war has been rolled aside, and the world looks in upon the wounded, the mangled, and the dead; looks in upon the ghastly scenes of carnage and human slaughter; upon a continent littered with human skulls and the bleaching bones of the dead; looks in upon the havoc, the destruction, the devastation, upon the ruins, the débris, the desolation; when the world looks in upon the widows, the orphan children, the starving babes upon the breasts of frantic mothers, and the great multitude of cripples all left helpless and dependent upon the earth; upon the woe, the want, the destitution following in the wake of war; when the world looks in upon the bereaved and disconsolate survivors groping their way through the charred ruins, once their homes and abiding places, staggering under the crushing burden of a war debt, to weigh upon them and their children and their children's children for generations to come; when the great European conflict is over—I believe the world will realize the horrors and atrocities of war more than ever before; I believe the world will realize the awful crimes of war more than ever before; I believe the world will realize the awful costs of war, costs in life and limb and treasure, more than ever before; I believe the world will realize the supreme folly of war more than ever before; I believe humanity will be appalled; I believe the world conscience will be shocked and horrified; I believe civilization will stand aghast at the awful spectacle of blood and death and desolation; I believe mankind will revolt; I believe the inhabitants of the earth will appeal to us, as the last great Nation remaining neutral to rescue them from the horrors of human strife and combat; I believe the world will be ready to consider the end of war.

I believe that a great and glorious opportunity awaits this Nation, the opportunity of the centuries, the opportunity of the ages, the opportunity of all time in history, the opportunity to lead the way from cruel, devastating warfare in the settlement of international disputes to courts and commissions and to the planes of a higher and more exalted civilization. [Applause.] This opportunity coming to us is a rare opportunity coming to a nation or to a people; coming only once in a lifetime, only once in a century, only once in an age, only once in a long lapse of time.

I believe this opportunity is ours if we will only avail ourselves of it, if we will only hold ourselves neutral before the world, if we will only hold ourselves impartial before the world, if we will only hold ourselves blameless before the world, if we will only hold ourselves acceptable to the nations and to the peoples of the world. [Applause.]

I believe the opportunity is ours if we will only renounce and disclaim a policy of military rivalry, if we will only turn a deaf ear to the alluring calls for world power and control of the seas, arousing distrust and apprehension against us, arousing animosity and antagonism against us, arousing the enmity of the nations against us.

I believe the opportunity is ours if we will only resist the temptation to take advantage of the misfortunes of others and to gain power for ourselves while others are in war among each other, if we will only remain true to our traditional policies of peace and an army and navy only for defense, if we will only hold ourselves ready, acceptable, and qualified before the world for this great forward movement of civilization.

In the ordinary course of life men are naturally and necessarily more exclusively engrossed with their own, immediate and surrounding affairs; they are more concerned in their own home land where they live and move and have their being; they are more intensely interested in their own day and generation and the ever-engrossing present.

But there is a time when men should rise above their own immediate and surrounding interests for a broad consideration of the welfare of humanity at large. There is a time when men should look beyond their own home land to the world as their country. There is a time when men should extend their vision beyond their own day and generation to contemplate posterity, the future, and the generations to come. There is a time when men should realize their individual responsibilities in life and assume the obligations resting upon them separately as free moral agents among men. These are such times and these are questions upon which I do not surrender my convictions to any man, body of men, or to any party. [Applause.]

This is a duty which we owe not only to the people of our own country but to the people of all countries. This is a duty which we owe not only to our own Nation but to all nations. This is a duty which we owe not only to humanity here but to mankind everywhere; a duty we owe not only to our own civilization but to the civilization of the world, not only to our own day and generation but to posterity, the future, and the generations to come.

If we will only hold ourselves ready, acceptable, and qualified before the world for this great opportunity, our gain and material reward will be great by it. But let us forget the gain and reward of it. Our fame in history will be great by it. But let us forget the fame in history of it. Our glory in the world before men will be great by it. But let us forget the glory of it; let us forget all but the cause of humanity and the civilization of the world. [Applause.]

[By unanimous consent, Mr. BRITTEN was given leave to extend his remarks in the RECORD.]

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to insert in the RECORD as an extension of my remarks some figures and explanations relative to the construction program.

The CHAIRMAN. Without objection, it will be so ordered.

The memorandum referred to is as follows:

MEMORANDUM.

MAY 26, 1916.

1. The naval appropriation act approved March 3, 1915, authorized the construction of 2 battleships, 6 torpedo-boat destroyers, 2 seagoing submarines, and 16 coast-defense submarines; also 1 oil-fuel ship.

2. The battleships *Nos. 43* and *44*, now named the *California* and *Tennessee*, are now under construction, the former at the navy yard, Mare Island, Cal., the latter at the navy yard, New York, N. Y. The usual time required between the authorization of a battleship and the placing of the contract therefor is from three months up. The lowest time possible is about three months, and in the past this has been accomplished only in several isolated cases where the vessel has been a duplicate of vessels authorized a year previously. Sixty days is the minimum time which has been allowed bidders to prepare their estimates. After the bids have been opened several weeks are required for a careful consideration of the bids submitted and the necessary legal formalities in connection with the signing of the contract. The following gives the length of time which has elapsed between the date of authorization and the date of contract for all battleships authorized subsequent to 1898:

Virginia, 23½ months.
Nebraska, 24 months.
Georgia, 23½ months.
New Jersey, 8 months.
Rhode Island, 8 months.
Louisiana, 3½ months.
Connecticut (navy yard).
Kansas, 3½ months.
Minnesota, 3½ months.
Vermont, 3½ months.
New Hampshire, 8 months.
South Carolina, 10½ months.
Michigan, 10½ months.
Delaware, 13 months.
North Dakota, 5 months.
Florida (navy yard).
Utah, 6½ months.
Wyoming, 7 months.
Arkansas, 6½ months.
New York (navy yard).
Texas, 5½ months.
Nevada, 10½ months.
Oklahoma, 10½ months.
Pennsylvania, 6 months.
Arizona (navy yard).
New Mexico (navy yard).
Mississippi, 5 months.
Idaho, 4½ months.
Tennessee (navy yard).
California (navy yard).

It will be noted from the above that in a number of cases a year or more elapsed between the authorization and placing of contracts. In each of these cases the delay was primarily due to the desirability of giving the most careful consideration to the major features of the design of the vessels in question, these features being based on the current developments in naval science. At the date of authorization of the *California* and *Tennessee* the great European war was in progress. The experience during the first months of the war, when a number of vessels of war were sunk by torpedo attack, had impressed upon the department the necessity of improving the methods of defense against underwater attack for capital ships. For some months before the authorization of battleships *43* and *44* an experimental investigation in this connection had been in progress, and this had already developed the great desirability of improving this particular feature. Upon the urgent recommendation of the chief constructor it was determined to hold back the designs in order to introduce such improvements as the experiments might indicate. By July, 1915, the experiments had shown the possibility of very great improvement and indicated the general features of the construction to be desired. It was necessary, however, to make numerous detailed experiments before the best arrangements could be settled on. This work was being pushed all the time to the limit of the facilities available.

3. As soon as there was a preliminary determination of the torpedo protection, which was radical departure in details from former practice, these vessels were advertised for on September 20 and the bids opened November 17, 1915. It was realized at the time of the advertisement that the final information would not be available until early in 1916, and one proviso under which the vessels were advertised required the contractor within three months of the date of contract to make the necessary improvements in this feature, being reimbursed if the changes from the plans as advertised involved any additional expense. All of the bids received refused to accept this condition except on condition of delay in construction.

4. By undertaking the construction of these ships in navy yards the department was enabled to adopt for them the indirect electric-drive method of propulsion, a method which hitherto the private bidders have been loth to adopt or bid upon, presumably in view of the fact that it requires them to purchase machinery instead of building it at their works. This method of propulsion enabled the department to rearrange the machinery in a manner which added very much to the protection of this vital feature against torpedo attack. Incidentally it enabled the speed characteristic to be made 21 knots instead of 20½ knots, as provided in the original design bid upon by outside contractors. By very prompt action in contracting for the structural material for these vessels in December the department was able to obtain it before the enormous rise of the last few months had made much progress. At present market prices the structural material contracted for in December would have cost about $1,450,000 more than the prices actually being paid.

5. The navy yards were instructed to prepare for the construction of these vessels and to proceed with the ordering of material about December 1, 1915, and the plans were entirely revised and completed before the end of February, 1916. It will thus be seen that the order for the construction of these vessels was placed within 9 months of the date of authorization, which compares favorably with the intervals given in the above table in the case of previous battleships. The three months required for the revision of plans was necessary whether these vessels were built in navy yards or by private contractors, as the revision was necessary to incorporate new features of the most vital importance, and the Navy Department would have been liable to the most serious criticism if it had proceeded with the construction of these ships without making provision for these features.

6. The destroyers authorized by this appropriation bill are *Nos. 69* to *74*. Their designs were completed and issued to prospective bidders on August 2, 1915, five months after their authorization. Bids were opened after the usual estimated period of 60 days, on October 6, 1915, and the notice of awards of contracts were issued to private bidders and to navy yards on October 20, 1915, about 7½ months after the date of authorization. The contracts were placed for delivery in 20 months after the date of contract which is the shortest contract period for building of destroyers which has ever been allowed by the Navy Department. This shortening of contract period for destroyers has been obtained despite the fact that American shipbuilders are busier on merchant work at the present time than ever before in their history.

7. The act provided for two seagoing submarines to have a surface speed of 25 knots or more, if possible, but not less than 20 knots. This required a design involving an unprecedented speed, not only as compared to previous United States submarines, but also as compared to any foreign submarines of which the Navy Department has any knowledge. The design for these vessels was completed in December, 1915, which is considered to have been an exceptionally short period for the preparation of a design involving now problems of such magnitude. Bids were opened after the usual 60-day period on February 16, 1916. Only one bid was received within the limit set by the appropriation, and this bid was made contingent on the acceptance of the vessels, even though they might attain a speed as low as between 19 and 20 knots. Under the wording of the act the department could not legally place a contract under these conditions and circumstances were accordingly reported to Congress under date of March 3, 1916. It will therefore be seen that the responsibility for not proceeding with the construction of these vessels rests upon Congress which made mandatory in the law a speed characteristic which no contractor in this country was prepared to accept.

8. The 16 coast-defense submarines authorized by the act were advertised May 29, 1915, less than three months after the passage of the act. The original date set for the opening of bids was August 2, 1915. The date of opening, however, was postponed to September 30, 1915, pursuant to a request of one of the shipbuilding companies which had not previously entered the field of submarine construction. This delay was justified in that it was for the purpose not only of obtaining a wider field of competition, but also for incouraging additional builders to enter this field, thereby increasing the country's resources for constructing this type of vessel. Notices of award of contract for these vessels were issued on October 20, 1915, only 7½ months after the date of authorization, which is a much shorter period than has generally been attained in the case of previous vessels of this class. In spite of the large amount of merchant shipbuilding on hand, and the great difficulties experienced in obtaining material of all kinds, the contracts for these vessels called for completion within periods ranging from 21 to 25 months, which is a shorter average contract period than has heretofore been provided for any class of submarines.

9. The oil-fuel ship authorized in the act of May 3, 1915, was assigned to the Mare Island Navy Yard. On April 19, 1915, the department authorized the construction at the Mare Island Yard, directed material to be assembled, etc. The keel was laid on December 15, 1915. The date for launching has been now fixed for June 17, 1916, having been accelerated beyond the date originally contemplated in order to clear the ways for the battleship *California*. The present estimates are that this vessel will be completed in March or April, 1917, or about two years from the date of its authorization.

Mr. BUTLER. Mr. Chairman, how much time have we left on this side?

The CHAIRMAN. Forty-seven minutes.

Mr. PADGETT. I yield 15 minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Chairman, the necessity for self-defense is not debatable. When that is lacking, there is nothing to defend and nothing to debate; but no informed man will or can truthfully assert that our country is in any sense defenseless. On the contrary, he must admit that it is immeasurably better defended than ever before in its history. While making no claim that our Navy is as large or as strong as it should be, yet to those really seeking information as to its present strength and needs, I cordially commend to their reading the very informing and full statement by Admiral Fletcher, the commander of the Atlantic Fleet, and also the comprehensive statement of Rear Admiral Benson, chief of naval operations, made before the House committee at this session. They will there find a full

answer to many of the misrepresentations so persistently uttered and circulated against our Navy and its present efficient head.

I briefly quote from Admiral Fletcher's hearing as to the efficiency of the men and ships:

The personnel now with the fleet meets every requirement. There is no body of officers in any navy of the world that are better educated. There are none more skilled in their profession and none required to maintain a higher standard of efficiency than those in our Navy. * * * The enlisted men who man our battleships are the best the country could produce. * * * As far as can be ascertained, there is no fleet that is more constantly drilled or exercised than our fleet on the Atlantic coast, or any fleet where more exacting requirements are demanded. This is borne out by the results shown in our maneuvers, our war games, our tactical problems, and our target practice. * * * In my annual report there I pointed out some defects in the matériel of the fleet and its needs and requirements to make it a more effective fighting force. These are of long standing, and are only now emphasized by events abroad. The Navy Department has done everything that lies within its power to remedy the shortcomings and carry out the recommendations from the fleet, but most of these requirements are beyond the control of the department and require the legislation of Congress.

The program now proposed in the majority report is the most noteworthy in the history of the American Navy, carrying not only for new construction by far the largest appropriation ever recommended to any Congress, but at the same time offering more far-reaching and constructive legislation than has ever been recommended before. In the type of ships, both capital and lesser craft, which the report recommends we have followed the best and highest expert advice of naval officers, and, if this report is adopted, it will not only add a large number of very effective and badly needed units to our fleet, but will mark a long forward step in the full development of a well-balanced and thoroughly efficient Navy.

With these additions we may still be short in numbers, as compared with some, but not in quality and high military efficiency.

Mr. Chairman, I now desire to address myself to the remarkable report filed by the minority members of the committee. It is to be regretted that in this report they have injected politics into the discussion of this important subject; partisanship should always stop at the water's edge, but nothing seems to deter the minority from considering every question from the standpoint of partisanship. In this report, remarkable for the great number of its gross inaccuracies and misleading statements, a comparison is made between the building program of capital ships under the present administration of President Wilson and that under the four preceding Republican administrations commencing with that of President McKinley, in the Fifty-fifth Congress, 1898.

A list of the capital ships authorized under each of these administrations is set forth on page 2 of the minority report, and the very surprising statement is made that following the Spanish-American War the United States, under Republican administration, entered upon a policy of building and maintaining a Navy superior to that of any great military country of the world, and that so long as we adhered to that policy our Navy was second only to that of Great Britain. It asserts that the decline of our Navy from second place began with the Sixty-second Congress, and would have you believe that during the 16 years of Republican administration the American Navy was elevated from a lowly position to that of the second naval power of the world, and held there just so long, and only so long, as the administration remained Republican.

While again condemning the injection of politics into this discussion by the minority, I gladly accept the challenge they offer in order that the truth may be made known. [Applause on the Democratic side.]

It is surprising, in the light of the real facts disclosed by the information given the minority at their request by the General Board, and on which they have based their report, that they would have the temerity to assert that it was decided upon by Republican administrations to build a Navy second only to that of Great Britain. It is true that a Navy superior to that of Germany was the desire of the General Board, which submitted its first report in 1903. The German laws of 1898 and 1900, with subsequent amendments, laid down a definite program of building ships and providing personnel. This was public law, of which every administration was fully informed. It was with full knowledge of these laws and the ships they proposed to build that the General Board was influenced in submitting the programs it recommended year by year, including 1903 and thereafter. The recommendations of the General Board, however, were never accepted, nor even were they considered deserving of transmission to Congress or of publication for the information of the people by the Republican administrations referred to in the minority report. [Applause on the Democratic side.] Not until the present Secretary of the Navy came into office in March, 1913, were the reports of the General Board made public

No Republican Congress provided ships in any measure equal to the number recommended by the board. Any program providing fewer ships than were recommended by the General Board, it is admitted, could not have retained second place for us; and since no Republican Congress or Secretary ever recommended or provided ships to the number required by the program, how can the minority now assert that it was the policy of the Government under Republican administration to build and maintain a Navy superior to that of any great military country in the world? [Applause on the Democratic side.]

Do you know that during the six years of President Roosevelt's administration a Republican Congress built just one-half of the capital ships recommended by the General Board, although the amount recommended by the General Board was necessary, if the policy was to be adhered to of placing our Navy in second place? [Applause on Democratic side.]

What is more, in December, 1905, President Roosevelt sent a message to Congress in which he stated that our Navy was large enough and that he did not wish to increase its strength, but only desired in future to provide a building program to take the place of ships that might become obsolete or worthless from time to time, and in this message recommended that the naval strength could be maintained by providing only for the addition of one battleship each year. The General Board recommended three for that year; a Republican Congress and a Republican President only provided one. [Applause on Democratic side.]

Again, in December, 1906, President Roosevelt, emphasizing the same statement, said:

I still feel that it should not be our policy to increase the strength of the Navy. We have only to maintain it at its present strength.

This, he again said in his message, could be accomplished by the building of one battleship a year. The General Board that year recommended the building of three, yet a Republican President and a Republican Congress again only authorized one. [Applause on Democratic side.]

Do these facts prove the assertion made in the minority report as to the policy of maintaining our Navy as the second great naval power of the world?

But this is not all. In 1903, when the General Board first submitted its recommendations to the Republican Secretary for current and future building, the United States enjoyed a superiority in tonnage of about 100,000 tons over the German Navy. France was at this time the second naval power and the United States was third. The Navy of to-morrow can be measured only by the Navy of to-day plus the new construction on the stocks. We might have to-day a superior Navy, and yet a few years hence an inferior one, if, while a competitor builds, we remain idle. How was it that our superiority over the German Navy, which was about 100,000 tons in 1903, had been reduced to about 60,000 tons in 1907 and 50,000 tons in 1908, and that in 1909, long before the Democrats came into control of the House, it surpassed us? [Applause on Democratic side.]

The action of a Republican Congress, following the recommendation of President Roosevelt, and the absolute disregard of the recommendations of the General Board by Republican Secretaries, clearly account for this rapid decline. Facts in the possession of the minority leader, and on which the minority report is based, show that according to the General Board the United States fell behind Germany in 1909, if you gauge the naval strength by the ships built and building. This was at least two years before the Democratic Congress in December, 1911, assembled. Yet in the light of these undisputed facts, the assertion is brazenly made in the minority report that the decline of the Navy from second to third place began with the Sixty-second Congress. [Applause on the Democratic side.]

There is another comparison that this list set out on page 2 of the minority report suggests. The minority have very wisely omitted to set out the sums appropriated at each session of Congress under Republican administration during the 16 years which they have called attention to. Now, I want to supply this omission. Under the first McKinley administration you appropriated $48,000,000 in four years for capital ships. The greatest amount at any session of Congress during this four years was $20,000,000, and the amount carried in the bill now brought in by a majority of the committee at this one session of Congress represents for capital ships a sum five times what you appropriated at any single session under the McKinley administration and represents more than twice what you appropriated for this purpose during the first four years of the McKinley administration. [Applause on the Democratic side.]

The amount appropriated in three years under President Wilson's administration, including the amount now recommended

in this bill, is more than was appropriated in 12 years under the McKinley, McKinley-Roosevelt, and Roosevelt administrations, and when the next session of this Congress shall have ended the facts will show that in four years under President Wilson's administration more money has been appropriated for capital ships than under the entire 16 years of Republican administration, to which the minority refers. Yet, in the light of these facts, this minority report undertakes to insist that more should now be appropriated than is recommended in the majority report. [Applause on the Democratic side.]

If you will take the trouble to estimate the military efficiency of the capital ships authorized and yet to be authorized under the Wilson administration, according to recognized military formula, you will find that, stated in percentage, the military efficiency of such capital vessels is greater than that of all of the capital ships authorized in the 16 years of the Republican administrations to which the minority report refers. [Applause on the Democratic side.]

Now, if our friends on the minority side of the House can get any comfort out of the comparison which their report invites, they are welcome to it. [Applause on the Democratic side.]

When it is remembered that this bill carries an appropriation for capital ships alone from three to five times greater than any ever carried by any bill offered or passed at any single session of any Republican Congress, it may be interesting to inquire for some explanation of this seemingly enthusiastic desire on the part of the minority Members to add to this already ambitious building program. Perhaps I may be able to suggest such explanation by recalling an interesting incident which occurred during a recriminating discussion between two well-known Republicans.

Back in the Fifty-fourth Congress there was a distinguished Republican on the Naval Committee from the State of Indiana, Mr. Hanly, afterward governor of that State. Mr. Boutelle, of Maine, was the chairman of the Naval Committee at this time, and it so happened that in a Democratic Congress, just a short time preceding this date, Mr. Boutelle had spoken with great earnestness for 10 battleships. In the year now when he, shortly afterwards, became chairman of the Committee on Naval Affairs, in a Republican Congress, and when the war clouds were hovering around, to which frequent allusions were then made, as now, in fervid speeches urging an increase in the naval building program, which Mr. Boutelle had just reported and which carried an appropriation for only four ships, to cost not exceeding $20,000,000 in all; Mr. Hanly, speaking in favor of an increase of the number from four to six ships, made this very significant observation—I quote from Mr. Hanly, on page 3141 of the CONGRESSIONAL RECORD of the Fifty-fourth Congress:

> It has been dinned into my ears constantly in the committee room and out of it, Mr. Chairman, on every hand, that we ought not to make this appropriation because our Democratic friends would not make one when they were in power. Looking back over the debates I find the Democratic Party as a rule has been enthusiastically in favor of appropriations for the Navy when they were out of power and not responsible, and I find the Republican Party has pursued the same policy. Why, sir, the chairman of this committee, speaking in a Democratic Congress urged an appropriation for 10 warships. Why not now? Why not now when clothed with power and authority? Let him answer it. I do not for myself favor that kind of politics. I am heartily sick of it all, and so are the people of these United States.

It seems [continued Mr. Hanly]—

> The age of virtuous politics is past,
> And we are deep in that of solid pretense.
> Patriots have become too shrewd to be sincere—

And we need not be surprised if the people are too wise to trust us.

[Applause on the Democratic side.]

I wonder how many Hanly-pictured Boutelles there are among the signers of the minority report? [Loud applause on the Democratic side.]

Now, in conclusion, let me say that in the preparation of this bill the committee have not been unmindful that Congress, in providing for our Navy, should consider any potential dangers from without that address themselves to the calm judgment of reason; yet we have not undertaken, and I hope we never will, to prepare for national aggression, and so long as our preparedness is impressed with the character of self-defense, as opposed to aggression, there can be no merit in the argument that we are drifting into militarism. All recognize that an adequate Navy is the best bulwark of our safety, if the time should ever come when necessity and might become the supreme law. Yet our people have never, and I hope will never, give assent to that declaration attributed to Lord Nelson in the years gone by, to the effect that "a line-of-battle ship is the best negotiator in Europe."

Our country looks with confident hope to the time when peaceful argument can be relied upon in the settlement of national differences, and it was significant that only last week representative citizens from every section of our country gathered at the Capital of the Nation and discussed in serious and hopeful vein the probability, after the close of that almost indescribable struggle across the ocean, that the nations of the world might, by common consent, establish, along practical lines, some tribunal to which differences could be referred for advice and determination, subject to the final approval of the nations involved. This bill carries an appropriation of $200,000, which may be expended at the discretion of the President, in calling an international conference looking to this end.

It is but a recognition of that human truth that to strike a blow in wrath is simply the operation of passion, but to manfully restrain national passion, even under provocation, is the result of human reasoning. If civilization means anything besides the mere technical achievement, it is self-restraint, and the degree to which it is practiced is the measure of our real culture. It should be practiced by nations as well as by individuals.

And in the building program of the future, while it must be always sufficient for adequate defense, may we always remember that a Navy more powerful than is necessary for defensive purposes might invite its abuse and might prove, instead of a protection, a menace to the peace of the world and to our own liberty. Surely none of us will ever want to see our country in the rôle of an international bully. Let us hold to those traditions we have always been taught, and which enjoin on us to always set the world an example in the love of liberty and peace and in the ways of justice and fair dealing in all our relations with others.

What a nation does exclusively for themselves passes away; what they have done for the world remains. For a nation to place all people of all lands under a debt of conscious obligation, because of her real service to humanity, for that nation to send forth light from her high places to illumine the earth, to realize within herself that real righteousness which exalteth a nation, to champion the cause of justice, and to sacrifice the glory of conquest for the right of universal peace—this is indeed to conquer the world, and happy are they who can play a part in it. [Prolonged applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER. I ask unanimous consent, Mr. Chairman, for leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? The Chair hears none, and the leave is granted.

Mr. OLIVER. Under leave granted me to extend my remarks, I wish to say that it is evident from the discussion that the bill will pass substantially as reported, and I now desire to write into the RECORD some conclusions as to what the evidence, offered before the Naval Committee at its recent hearings, shows has been accomplished under the present administration by the Navy Department, and I am especially induced to do this by reason of the many incorrect statements set out in the minority report, and some of which have been reiterated on the floor of the House in the discussion of the pending bill.

It is my opinion that the Navy is to-day better organized, better balanced—though not well balanced—better officered, better manned, better armed, and better supplied with ammunition, and is more efficiently and economically administered than ever before in its history. Every branch of the service has been improved and the organization of both the Navy Department and the Atlantic and other fleets developed to a high state of efficiency.

Quoting from Capt. J. O. McKean's hearing before the Naval Committee:

> We have made more real progress in the last two years than any previous five-year period in my experience in the Navy. I do not think I have ever known a time when everybody in the service, from top to bottom, was working as hard with their heads and hands to prepare the fleet for active service.

Admiral Benson, the Chief of Naval Operations, asserts that—

> Cooperation between the various bureaus and offices of the department with the office of the Chief of Naval Operations has been most cordial and complete, and the practical result has been all that could be desired.

And he adds:

> A thoughtful consideration of the work that has been accomplished will show that all is being done now that could reasonably be expected from a so-called General Staff. In my opinion the organization that exists in the department, and that is now in successful operation, is accomplishing in a purely American and businesslike manner all that could possibly be expected from the creation of a general staff, and is, I believe, doing this in a much more satisfactory way.

Says Admiral Dewey:

> Our own General board is, I think, the best General Navy Staff in the world.

Rear Admiral Knight, president of the War College, where high officers of the Navy are instructed in strategy and tactics, testified that—

> Secretary Daniels has done more for the War College than any of his predecessors.

In his testimony, Admiral Winslow, a recent member of the War College faculty, after testifying to the great value of the institution, testified that it had nearly been done away with under several Secretaries, but had received better backing from Secretary Daniels than it has ever had.

The door of opportunity and of advancement has been opened to the enlisted man. He has been assigned hours for study that he may avail himself of the new opportunities for promotion. In the four years under President Taft only 3 enlisted men were commissioned ensigns from the ranks. In three years under Wilson 17 have been so promoted; commissions in the Pay Corps have been opened to enlisted men, and 15, who succeeded in passing the examinations, have been commissioned assistant paymasters. The positions of pay clerk and chief pay clerk, formerly held by civilians, have been reserved for enlisted men, and 187 have been appointed to these grades; a law has been passed allowing the Secretary of the Navy to appoint 15 enlisted men to Annapolis each year, and in its first two years 13 entered the Naval Academy. This year more than the number allowed have qualified.

The ironclad enlistment has been modified so that a man, under certain circumstances, may obtain his discharge before the expiration of his enlistment, if his presence at home is essential to the welfare of his family. In the last year over 2,000 men have been granted this privilege. Desertions, which were formerly so prevalent that in the four years of Taft they aggregated 10,360, have been so greatly reduced that they now number less than 90 a month and are steadily decreasing. In three years the number of prisoners, owing to the substitution of more enlightened, though stricter regulations, have decreased from 1,800 to 700.

The result is that the Navy has been increased in three years by 6,331 men, which is nearly double the increase made in Taft's four years. In his four years Secretary Meyer recommended an increase of only 5,000 men and left the Navy over 5,000 short of the number authorized. With this shortage overcome and the ranks now recruited to the maximum allowed by law, we are now proposing an increase allowance of 16,550 men. This number will be recruited probably during the year, making a total increase under Wilson of about 20,000 men, to less than 4,000 men under Taft.

The reenlistment of men discharged in good standing has increased from 52 per cent to 85 per cent, and the efficiency of the Navy greatly enhanced by the retention of these valuable seamen.

For 16 years the Republicans talked about a naval reserve. In their second year the Democrats authorized one. The provisions of this bill will be modified by this Congress in a manner regarded by naval authorities as the most certain to give us the best reserve possible, mustering into the Navy the ex-service men, seafaring people, yachtsmen, and mechanics whose services would be required in time of war. Anticipating the enactment of this legislation, the Navy Department has arranged a summer cruise for civilians, which will immediately add about 4,000 to the reserve of men with naval training.

The number of midshipmen at Annapolis has been increased by about 830 to overcome deficiencies in officers inherited by the Wilson administration, and to provide for the large program which this Congress is authorizing.

The appointment of civilian aviators, civilian engineers, and civilian instructors at the Naval Academy is provided for, that an immediate increase in the number of officers available for military duty may be effected without waiting for the graduation of the increased number of midshipmen appointed to Annapolis.

The Bureau of Ordnance has designed and ordered for new vessels a 14-inch gun, which will shoot farther, shoot straighter, and hit harder than any gun now in use in any foreign navy. It has designed and tested a 16-inch gun, which will be ready for use any time the experts of the Navy regard it as advisable to substitute 16-inch for 14-inch guns on our new ships. We had no antiaircraft guns, but have designed, manufactured, and tested a superior weapon of this type, and are now mounting them on board the ships of the fleet.

The amount of ammunition has been increased to an unprecedented extent, shortages which have existed for years being in the process of correction. For every 100 torpedoes on hand when the Democrats took hold there are now 158 more, making our stock on hand and in process of manufacture two and one-half times as great as it was three years ago. The capacity of our torpedo works has been increased 593 per cent. We have already increased the number of mines 244 per cent, and over $3,300,000 is being provided for the acquisition of more mines, this amount being sufficient to meet our requirements as estimated by the General Board.

The capacity of the Navy's powder factory has been increased from about 3,000,000 to 6,000,000 pounds per annum.

A system of providing for the supervision of the industrial departments of the navy yards by industrial officers instead of seagoing officers has been introduced, placing this most important work in the hands of officers who make it their speciality.

The Government's enormous investments in navy yards are being utilized to the fullest extent. Prior to 1913 these stations, costing millions, were considered mere repair shops and the enormous quantity of construction work went, without competition with the Government yards, to private concerns. Only two yards could construct ships, and only four ships were under construction. To-day seven yards are equipped for construction and are building, all told, four battleships, three destroyers, three submarines, three auxiliaries, and other small craft. Construction work at many yards renders more permanent the employment of skilled artisans, the pay of whom has been increased in every navy yard during the last three years.

By installing electric propulsion aboard the battleships *New Mexico*, *California*, and *Tennessee*, authorized by this administration, we have set the pace for the world.

Radio equipment has been successfully installed on submarines. A system of high-powered radio stations, extending over half the earth, is being pushed to completion, and antiquated radio equipment has been displaced by the most improved material available on over 100 ships.

From 4 unsatisfactory flying machines and 4 aviators our air fleet has grown to 17 machines and 30 aviators. The idle navy yard at Pensacola, Fla., representing an investment of nearly $8,000,000, has been utilized as a training station for aeronauts, and 13 officers and 120 enlisted men are now receiving instruction there. With a view to the development and acquisition of satisfactory motors, the cooperation of the great automobile manufacturers has been obtained and officers of the navy sent to their plants for study and investigation.

Since the United States has spent more money on its modern Navy than Germany, some contend that the American Navy should be that much superior to the German Navy. Since in Germany the pay of officers and enlisted men is infinitely less than the pay in the American Navy, and as the cost in wages in their Government dock yards, of living expenses, and of materials, is proportionately smaller, a dollar went further in Germany than it did in the United States; but the Navy Department, under this administration has shown that its affairs could be administered far more economically than they had been in the past.

Insistence upon competition among the armor-plate manufacturers in this country by Secretary Daniels has obtained reductions in the prices of armor under those paid by Secretary Meyer, which has already saved the Government $1,110,084. The establishment of a Government armor-plate plant will end the era of extortionate prices, and if we should accept the maximum price now offered by the armor-plate factories, it would mean a saving of about $500,000 on every battleship hereafter constructed.

Insistence upon competition among the projectile manufacturers saved the American people $1,077,210 on one contract, by manufacturing powder at a gross cost of 34.1 cents per pound, including all overhead charges, or in reality a net cost of 24.9 cents a pound, the difference between the cost and 53 cents was saved on every pound produced at the Navy's great powder factory, which will shortly produce about 6,000,000 pounds a year.

The cost of manufacturing torpedoes has been reduced from $4,202 to $3,245 each. This reduction has already saved over $300,000. By manufacturing our torpedoes instead of purchasing them, we save $1,000 on each torpedo. Thus it is that with $20,000 we could, buy only four torpedoes, while we can, with the same amount of money, manufacture five.

We do not buy mines, we manufacture them; and every mine we manufacture costs the Government $145 less than the mine would cost if purchased.

These are some of the savings which have been effected among the big items that make up the Navy's enormous budget. Many other savings, small in amount but so numerous as to aggregate a very large sum, have been saved to the people each year. Only a year ago, out of savings effected in this manner, Congress was able to authorize an expenditure of $1,000,000 for aeronautics and $800,000 more toward the construction of submarines.

In the fleet, the out-of-date organization, inherited by this administration, has given way to the best the fleet has ever had.

The grades of admiral and vice admiral have been restored, so that when our fleet is obliged to cooperate with that of any other nation in handling a foreign situation the American representative will have all the prestige of his rank and not find himself subordinate to the representative of another nation at the head of an insignificant command.

The commander in chief of the Atlantic Fleet has been relieved of many administrative duties so that he may have more time for the big problems of his position. The battleships of the fleet are now under a vice admiral instead of constituting, as formerly, four separate groups, each responsible to the commander in chief. A rear admiral has displaced a captain in command of our destroyers. The submarines, which were so poorly regarded by preceding administrations that they were attached as an appendix to the destroyer flotilla, have been organized into an independent command under a rear admiral, and officers of experience have been assigned to submarine duty in an effort to develop its efficiency to the very maximum. Formerly no officers, except the youngest and most inexperienced from the Naval Academy, had been assigned to this most important duty. A cruiser squadron, under the command of a rear admiral, has been organized of vessels which formerly could not be commissioned because of lack of personnel. This squadron has been assigned to foreign patrol duty, relieving the battleship fleet, so that the fleet might give undivided attention to gunnery practices and fleet exercises. The auxiliaries of the fleet have been organized into a division, under a rear admiral.

We had no mine service in the American Navy up to three years ago. The last division of the fleet to be organized was a mine-laying and mine-sweeping division, and a division of armored cruisers is now being equipped for handling aeroplanes and will shortly join the fleet, and enable aeroplanes to cooperate in all its exercises.

Speaking of the organization of these divisions, Admiral Fletcher recently said: "During the past year the number of units assigned to the fleet has increased 15 per cent," and that "the addition of these vessels has provided a fleet better adapted for carrying on the various operations of war."

To back up the fleet, all merchant vessels, from trans-Atlantic liners to harbor tugs, which could be utilized in time of war have been surveyed and assigned a specific duty. This work was left undone for 16 years by Republicans, whose unfortunate experience in obtaining auxiliaries during the Spanish War should have prompted immediate action.

Every mile of the coast has been organized into naval districts for defensive operations, independent of the fleet, in time of war. This summer Naval Militia will be assigned to battleships of the reserve fleet, and for the first time in our history a general mobilization in time of peace will be effected.

When a fleet finally puts to sea its success depends upon its tactics and its marksmanship. Tactics and strategy are taught at the War College, where in 1913 there were 5 students under 6 instructors, and to-day 34 officers are receiving instruction in person, and 400 more by mail. As for gunnery and the execution of tactical problems, the fleet has devoted to them more time than ever before, and excellent results have been achieved. Marksmanship was at its lowest ebb in years when this administration entered office. "Our target practice," said Capt. Sims, "was all right until 1909, when it began to decline." By 1914, this administration had the problem well in hand, and Admiral Fletcher, commander in chief of the Atlantic Fleet, recently reported that—

> The scores recorded are higher than ever before made in the open sea, and show not only an increase in accuracy of pointing but in rapidity of fire as well.

It would be simple for the gunners, who last winter fired at 18,000 yards with such accuracy that from 10 to 20 per cent of the shots fired could have been landed on a battleship, to duplicate the best records ever made before.

The sufficiency of the Navy depends alone upon Congress. Its efficiency upon the Navy Department. The proof before our committee is convincing that it has been the effort of the present administration to make the Navy 100 per cent efficient, and more progress in elevating its standards has really been achieved in the last three years than in any other similar period, and the goal has been more nearly attained than ever before.

Statements have also been made during the discussion of this bill reflecting upon the rapidity with which work has been pushed upon ships authorized in this administration, one favorite allegation being that no ship authorized in President Wilson's administration will be completed before his present term expires. In this form this statement, I think, is incorrect, as a number of the vessels authorized in this administration will be completed before the 4th of March, 1917.

As regards capital ships, not only for this administration but for all other administrations, this statement is correct, and for a very simple reason. Each administration begins on the 4th of March. The first Congress of the administration assembles in the following December. The first naval bill of an administration is passed sometime in the following summer, or some 15 months after the administration begins. The result is that from the first authorization of a capital ship to the expiration of an administration is about 2 years and 9 months only, and this time is inadequate to prepare plans, advertise, award contracts, and complete the construction of a capital ship.

As a matter of fact, progress that has been made on ships authorized in this administration and the prospective progress between now and March 4, 1917, compare very favorably with that of preceding administrations.

The table below shows the number of vessels authorized during the first two years of the present and the three preceding administrations, and their average percentage of completion at the end of the administration, the percentages being estimated as regards the work under the present administration between now and March 4 next.

Progress of work on naval vessels authorized during first two years of present and three preceding administrations.

	Administrations.			
	1901-1905	1905-1909	1909-1913	1913-1917
Battleships authorized first two years	7	2	4	5
Average percentage of completion at end of administration	49	75	52	58
Destroyers authorized first two years	.....	5	14	12
Average percentage of completion at end of administration	.....	64	57	93
Submarines authorized first two years	.....	2	8	29
Average percentage o. completion at end of administration	.....	19	65	88

Percentages for March 4, 1917, estimated from present and prospective progress.

The table below gives a list of all the vessels, both authorized and completed, during one administration since the administration beginning March 4, 1901. As before, the completion estimated during this administration is estimated, but there is no reason at the present time to doubt the accuracy of the estimates:

All vessels of the Navy authorized and completed during the same administration.

1901-1905	1905-1909	1909-1913	1913-1917
2 tugs	None	2 tugs 1 collier 6 destroyers	6 destroyers. 1 submarine. 1 fuel ship.

Particular stress has been laid in some statements upon the fact that vessels being built directly by the Government are much behind sister vessels being built by contract, it being stated, for instance, that the *Mississippi* and *Idaho*, being built by contract, are 100 and 200 per cent ahead of the sister vessel *New Mexico* being built at the New York Navy Yard. This is another case of figure juggling. When these three vessels were authorized by Congress, it was directed by the law that one of them should be built in a navy yard. The navy yard, New York, was the only yard fitted at that time to build battleships, and the single ways at that yard were already occupied by an earlier battleship—the *Arizona*. It was necessary to get this battleship launched and out of the way before the construction of the *New Mexico* could be undertaken. Hence the *New Mexico* was started some six months later than the sister vessels being built by contract. At the time she was started her sister vessels—using the methods of the critics—were some thousands per cent ahead of her, instead of a puny one or two hundred. On May 1, when the *New Mexico's* keel had been laid some six and one-half months, and that of the most advanced sister vessel over 15 months, the total percentage of completion was 59 in the case of the latter and 26 in the case of the former. The other sister vessel—the *Mississippi*—which had been under construction only a little over a year, was 44 per cent advanced.

As a matter of fact, at the present time work on the *New Mexico* is being pushed to the limit. This limit is fixed at present by the number of men available in the shipfitting trades. Many more men could and would be worked if the prevailing scarcity of skilled labor did not prevent them from being obtained. Though it has not been possible to obtain sufficient men to work shifts upon this vessel, certain shops are being worked night and day, and upon the ship itself the single shift available

is being worked overtime at materially increased expense wherever it will facilitate speed.

The truth is that the backward status of the *New Mexico*, as compared with the *Mississippi* and *Idaho*, is due primarily to the requirement of the law that she should be built in a navy yard when the ways were already occupied. Since laying the keel, her progress compares favorably with the progress of sister vessels for the same period, and she is now gaining on the latter.

The *Shaw*, building at the Mare Island Navy Yard—the first destroyer to be constructed in a Government Navy Yard—is progressing thoroughly satisfactorily, and there is no reason to doubt that she will meet her estimated date of completion, which is January 1, 1917, or only a month or two behind the date for completion of sister vessels building by contract. This is not a bad showing for the first Government-built destroyer where material had to be shipped to the Pacific coast, 3,000 miles away.

The critics are still repeating the story that England had 20 submarines completed in the United States last year in five months. They do not give the facts, which are that 10 submarines were assembled for England in Canada, and 10 built in the United States. The time was not 5 months but 10 months, and these submarines were duplicates of an old class of small submarines built for the United States, which the critics now allege are worthless.

The submarines being built for the United States are very different boats, and much superior. The submarines authorized two years ago vary from 56 to 63 per cent in their completion, with the exception of the *Schley*. The fact that on May 1 the *Schley* was only 12½ per cent completed is the foundation for the allegation that, as regards the submarines authorized in 1914, "some of these ships are 5 per cent completed." The *Schley* was contracted for a good deal more than a year ago, the contract date of completion being March 19, 1918, and the contractors express confidence in completing her by their contract date.

Quite as rapid progress has been made by the Wilson administration as under any former administration. This, too, in the face of the fact that to-day every shipbuilding yard is overcrowded with work; it is difficult to secure material, and it is impossible to obtain enough skilled labor to carry the three shifts which the Secretary of the Navy has been endeavoring to put at work to hasten construction. Under former administrations it was easier to obtain material quickly, there was a surplus of labor looking for work, and it was much easier to rush work than under present conditions. Democratic prosperity has done many good things, but the demand for skilled labor has made it impossible to secure enough labor to enable that quick construction which the Navy Department is doing everything possible to secure.

It may be interesting to here state that Mr. Foss in 1907, while chairman of the Naval Committee, stated on the floor of this House, as will appear from the CONGRESSIONAL RECORD, that the battleship *Nebraska* had been building more than six years and was only then nearing completion, and that many of the other ships building were then more than two years over contract time.

An examination of the records will further disclose that when the *Kentucky* and *Kearsarge* were first authorized under Republican administration they carried only an appropriation for $100,000 to cover the estimated cost of preparing the designs for these ships, and it was more than seven months from the date of authorization before any appropriation was even recommended to Congress for the building of these vessels.

A battleship requires time for its construction. The shortest time in which one has been built is three years and one month—the *North Dakota*, which was completed April 11, 1910, but its engines have never been satisfactory, and in order to make that ship fit for the fleet this Congress must appropriate $400,000. The time of building our other battleships has varied from eight years and three months to three years and four months, as the following table, giving the date of authorization, date of signing the contract, and the date of completion shows:

Vessel.	Builder.	Date authorized.	Date contract signed.	Date completed.	Time to complete from authorization Yrs.	mos.
Virginia	Newport News	Mar. 3, 1899	Feb. 15, 1901	May 5, 1906	7	2
Nebraska	Moran Bros., Seattle	.....do	Mar. 7, 1901	May 31, 1907	8	3
Georgia	Bath	.....do	Feb. 18, 1901	Sept. 21, 1906	7	7
New Jersey	Fore River	June 7, 1900	Feb. 15, 1901	May 12, 1906	6	9
Rhode Island	.....do	.....do	.....do	Feb. 12, 1906	5	8
Louisiana	Newport News	July 1, 1902	Oct. 15, 1902	May 21, 1906	3	11
Connecticut	Navy yard, New York	.....do	Navy yd. N. Y	Sept. 29, 1906	4	3
Kansas	New York Shipbuilding Co	Mar. 3, 1903	June 18, 1903	Apr. 5, 1907	4	1
Minnesota	Newport News	.....do	June 20, 1903	Mar. 4, 1907	4	0
Vermont	Fore River	.....do	.....do	Feb. 11, 1907	4	0
New Hampshire	New York Shipbuilding Co	Apr. 27, 1904	Dec. 27, 1904	Mar. 14, 1908	3	11
South Carolina	Cramps	Mar. 3, 1905	July 21, 1906	Nov. 5, 1909	4	8
Michigan	New York Shipbuilding Co	.....do	July 20, 1906	Aug. 31, 1909	4	6
Delaware	Newport News	June 29, 1906	Aug. 6, 1907	Feb. 15, 1910	3	7
North Dakota	Fore River	Mar. 2, 1907	.....do	Apr. 11, 1910	3	1
Florida	Navy yard, New York	May 13, 1908	Navy yd. N. Y	Sept. 15, 1911	3	4
Utah	New York Shipbuilding Co	.....do	Nov. 24, 1908	Aug. 30, 1911	3	4
Wyoming	Cramps	Mar. 3, 1909	Oct. 14, 1909	Sept. 23, 1912	3	7
Arkansas	New York Shipbuilding Co	.....do	Sept. 25, 1909	Sept. 14, 1912	3	6
New York	Navy yard, New York	June 24, 1910	Navy yd. N. Y	Apr. 15, 1914	3	10
Texas	Newport News	.....do	Dec. 17, 1910	Mar. 12, 1914	3	9

Mr. PADGETT. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman and gentlemen of the committee, I have listened very attentively all during this day and also Saturday to the many speeches on both sides of this question, and I confess that the longer I have listened to the debate the more I am impressed with the importance of a bigger Navy. [Applause.] I come from a city wherein lies one of the navy yards of our Government, and during my life I have come in contact with the men who have made up the personnel of that Navy. I compliment the committee on the work that it has done, but I wish that it had gone further. [Applause.] I have listened to the speeches of the eloquent gentlemen from the South, who sit here and tell us of this war hysteria that is growing all over the country, and I realize that in a few days they will return to their pleasant homes in Texas, where they can smoke the pipe of peace and look over their lands in peace and comfort, while we who live along the shores of the Atlantic can look out upon the ocean and see before our eyes, as we have seen in the past two years, the smoke curling from the smokestacks of the British men-of-war as they parade up and down our seas. That is the condition that prevails in our part of the country to-day. I want to call the attention of gentlemen who wish us to believe there is no need of a Navy to the fact that the best insurance that this Nation has or ever will have is a Navy adequate to protect the shipping industries of the Nation. As I look about the harbor of the city that I have the honor in part to represent and see there the ships of foreign nations, and never see the flag of my own country flying from a ship carrying the commerce of the nations to these shores and our commerce abroad, I wonder what the reasons are, and the answer comes back, "No merchant marine and a Navy too small to protect the little we have." The House has been presented with this great document for preparedness and increase and upbuilding of the Navy, and as I sat in my seat I wondered where all of these ships were to be built. I wondered, as did the gentleman from Texas [Mr. CALLAWAY], whether or not these were to be built by the large shipbuilding companies now already overtaxed with orders for merchant marine, and think that the time has come when we should fit up our own navy yards so that we can build our ships for the Navy. I want a Navy large enough to protect our people in case of war, a Navy large and powerful enough to protect our merchant marine, and a Navy large and powerful enough so that no country would dare to molest it, and the lives of our people on the high seas would be protected. I want a Navy so large that when the mails of our merchants and our people

are on the seas that the English man-of-war will not dare to interfere with it.

Mr. BUTLER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. COPLEY].

Mr. COPLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. I now yield to the gentleman from California [Mr. CURRY].

Mr. CURRY. Mr. Chairman, the United States will not become involved in the European war so long as we can honorably and morally keep out of it. We are a peace-loving people, and if we do become involved it will not be on account of our violation of international law and the rights of neutrals nor caused by any overt act that has been or will be committed on this side of the Atlantic. Our country has never yet resorted to war except as a last recourse and never primarily for the acquisition of territory, exploitation, or for commercial expansion, and it never will; but we are a courageous and a patriotic people and, when necessary, always have and always will fight to defend our rights and to protect our liberty.

One of the duties of Congress is "to provide for the common defense." We can only do that by providing an adequate and efficient Navy at sea and an Army trained to fight on land, and supplying the Army and Navy with munitions and equipment. Of course, the Regular Army should be supplemented with a trained reserve, but this is not the time to discuss that feature of military preparedness. It has been said time and time again in the course of this debate that nations are like men—disarm them and they will not commit murder. We have been reminded that in Texas all but peace officers are disarmed. That law, however, is enforced by an armed constabulary. If the law of Texas disarmed law-abiding citizens, but allowed desperadoes to carry concealed weapons, it would not have stopped murder in that Commonwealth. I have no patience with the "peace-at-any-price" maudlin sentimentality that would sacrifice on the altar of the idea of universal peace this free Government of ours.

Under existing world conditions it would be little short of treason for Congress to refuse to make adequate appropriations for the enlargement, development, and maintenance of our Navy and our Army.

There are worse things than war. Loss of liberty, the sacrifice of the Nation's honor, peacefully submitting to vassalage is worse than death on the battle field, worse than devastating war. No people ever yet obtained liberty except by wielding the conquering sword, and no nation ever retained liberty longer than the people had the moral and physical courage and ability to defend it in battle on land and sea.

Our country was born of blood, was baptized with blood, and was saved and cemented by the shedding of blood. While the desire for liberty is as old as the aspiration of the human heart for higher and better conditions, the liberty we enjoy is a new thing in government and dates practically from the Revolutionary War. It is the result of the best thoughts and the best efforts of the best minds that have inhabited and benefited the earth by right living and exalted thinking. It cost unnumbered precious lives and untold treasure. It was, under Divine Providence, wrested from tyrants by the power of the sword. It is our obligation to transmit it to posterity as pure as we received it from the founders and preservers of the Republic who courageously fought the battles of liberty and who "pledged their lives, their fortunes, and their sacred honor" that they and we might be free. We can only so transmit it by being prepared to defend our country and our liberty with force of arms whenever the occasion may require.

The CHAIRMAN. Forty-seven minutes.

Mr. BUTLER. Mr. Chairman, I yield the remainder of my time to the gentleman from Massachusetts [Mr. ROBERTS]. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I do not wish to appear discourteous to any Member of the House, but I do wish to continue my remarks without interruption until I have concluded, and if when I have concluded the things that I have in mind there is time remaining, I shall be very glad indeed to devote it in answering any questions that gentlemen may desire to ask.

The naval bill reported out this year, as stated by the chairman of the committee, contains a great many splendid features, things that are sadly needed in our Navy. On nearly every feature in that bill the minority does not quarrel with the majority. We are in accord, except respecting matters that have been pointed out in the views filed by the minority, which relate chiefly to the amount of money provided by the majority for aviation, to the number of men to be added to the enlisted personnel, for the so-called increase of the Navy as contained in the building program to be authorized, to provisions for speedy construction of ships to be authorized, and to the inclusion in the bill of provisions for a council for national defense.

I am going to take up first the matter of aviation. Last year Capt. Bristol, who is in charge of aviation in the Navy Department, asked that he be given $1,187,000 for new construction, together with $500,000 for maintenance of the aeronautical service, a total of $1,600,000, in round numbers. The committee, against the protest and influence of the Secretary of the Navy, granted $1,000,000 for aeronautics. This year Capt. Bristol recommended to the Secretary of the Navy an appropriation in this year's bill of $13,000,000 for aeronautics.

Of that amount $6,000,000 was for aircraft ships costing $3,000,000 each. Upon the suggestion of the General Board he agreed to eliminate this $6,000,000 from the estimate and said that the remaining $7,000,000—and I speak in round numbers—was the least amount that the Navy should have for aeronautics in this bill. The General Board, under date of May 3 of this year, have said that to place our Navy in second place there should be appropriated $7,000,000 for aeronautics, and the minority of the committee, having in mind the deplorable condition of England to-day because of her failure to recognize in season the great importance of aeronautics, believed that the amount we suggest, one-half of that named by Capt. Bristol, one-half the amount recommended by the General Board, namely, $3,500,000, is the least amount this Government should provide this year for this great and important service.

Capt. Bristol says that on the basis of the so-called five-year program recommended by the Secretary of the Navy for our battleships and other subsidiary and auxiliary ship construction we should have in 1921, 330 aeroplanes, 32 dirigibles, 70 kite balloons, which would cost $20,850,000, and that number of aircraft will require 638 officers and 1,160 enlisted men. I submit that if we are in any reasonable degree to meet the requirements of our service for aircraft we should increase this miserable, pitiful sum of $2,000,000 for the purpose to at least $3,500,000. What is the condition of England in aircraft service? For months the administration controlling the affairs of that country have been apologizing as best they could to the people of the country because of the lack of preparation to meet the German air attacks that are occurring almost daily and nightly. Mr. A. G. Balfour, First Lord of the Admiralty, said on the floor of the House of Commons:

> With regard to Zeppelins, looking back on events, I am sorry we did not develop that type of vessel, not so much for aggression and defense as for maritime and other scouting. We are doing what we can to remedy this state of things, but I do not pretend that when we begun the race 10 years behind the enemy there is any reasonable probability of catching up. However, something must be done, and what can is being done.

Is not that statement most significant when our little Navy and our pacifist friends tell us that if the emergency comes we can supply quickly all the aircraft needed?

The First Lord of the Admiralty of England says that England started 10 years behind and can not now catch up. Are we to place this country in the deplorable position, that some time in the future, which may be months—and pray God may be years and many of them—we will need this most important weapon of offense and defense, that the country will look back to us and say, "Why did you not make provision when you could? Why did you not make preparation in this most important means of defense?"

Mr. Bonar Law, Secretary for the Colonies, stated:

> I make no pretense that the Government is satisfied with this branch of the service [the air service], but I assure the House that we are trying to effect remedies for all defenses.

Mr. Tennant, Under Secretary of War, stated:

> While we have made strides in providing proper equipment and defense for the arsenals and vulnerable points of the country, the safety of every part of the United Kingdom from attack by long-range aircraft never can be complete.

Why? Because they were 10 years behind in the race for preparation. Now, what are conditions in this country? Bear in mind that the Army of the United States was the first army in the world to have an aeroplane—in 1909—and that our Navy was the first to have a seaplane—in 1911. Where do we stand to-day in comparison with other nations? Why, the little, insignificant country of Bulgaria, which is hardly larger than the State of Maine, has 300 aeroplanes, and we in our Army and Navy combined have less than 100. France, which started behind us in the development of aeroplanes, has to-day in its air service more officers and men than are in the entire Army of the United States, and England has more officers and men in her air service than we have in our entire Navy, while Germany has not less than 9,000 aeroplanes.

Lord Montague, in the House of Lords, on the 9th of March of this year, said:

> At the present time the air service is merely auxiliary to the fighting forces of the army and navy. I can see a time coming when the air service will be more important than the army and navy. We must get into the habit of looking at the air service not as an auxiliary to the army and navy but as a great service which is an establishment of itself and to which we shall have to look in future years for the defense of this country.

Lord Beresford, in the House of Commons, said:

> The new air warfare is going to be of so tremendous a character that it may supersede the army and navy. Anyway, we should be ahead in the air, the same as we are on the water.

Another British statesman, in debate on the floor of the House of Commons, said:

> The supremacy of the air lies ready to any Government which has sufficient initiative to see to it.

With such testimony by men familiar with air craft and their uses abroad, who with farseeing wisdom look into the future and foresee the effect of future conflicts between nations, I say again it is the part of blindness, of foolhardiness, for this country, which invented the aeroplane, to lag behind all the other countries of the world in its development and utilization, and that the minority of the committee are well justified in differing from the majority in the insignificant sum provided for aeronautics.

Now, Mr. Chairman, with regard to the enlisted personnel: The enlisted personnel of the Navy is of equal importance, to say the least, with its matériel. By matériel I mean vessels of war, capital ships, subsidiary fighting ships, and auxiliaries necessary to make them effective. Without the men to man your ships they are so much expensive and useless junk. The General Board, other than which there is no greater naval authority in this country, have stated, on November 9, 1915, in their report to the Secretary of the Navy, that we should have in our Navy in the year 1917, to man the ships already built and that will be commissioned in that year, not less than 67,000 men.

A substantial addition of 17,000 men required on a peace basis.

The majority of this committee, in their endeavor to have the House believe they had complied with the request of the General Board in the number of men, say in their report:

> The committee recommends that the enlisted personnel of the Navy be increased by 13,500 men and the Marine Corps by 3,079 men, a total increase of the enlisted men in active service under the Naval Establishment of 16,579.

Now, mark these words:

> Which in effect carries out the recommendations of the General Board regarding the increase of the enlisted personnel of the Navy and Marine Corps.

The impression sought to be conveyed is that the committee have met the requirements of the General Board for 17,000 men. To do so, however, the majority of the committee are including as the strength of the Navy to-day 1,500 men in excess of the authorized strength, plus 3,500 apprentices, boys under instruction, and 3,079 marines.

Now, the chairman of the committee and the majority members of the committee well know that the General Board in its estimates of men required exclude the 3,500 boys under instruction and exclude whatever increase of the Marine Corps may be made. The minority believe that we should at least furnish our Navy with the men required to man it in time of peace. And a little later I shall give you some reasons why that should be done.

In considering this number of authorized strength of the Navy, bear in mind the further fact that the bill now under consideration takes out of the effective fighting men of the Navy 3½ per cent of the combined authorized strength of the Navy and Marine Corps and puts them into a hospital corps, which would mean that, whatever the authorized strength of men in the Navy, 3½ per cent of that number plus 3½ per cent of the marines, were not fighting men. Their duties aboard ship and ashore are merely to care for the sick and the wounded. They take no part whatever in the battle or in the maneuvering of the ship. Their duties are purely the duties of the doctor and the nurse, and they can not and should not ever be classed as fighting men in any military organization.

Now, why should we have at least 17,000 additional men for our Navy in time of peace? Admiral Fletcher, before our committee, stated that the fleet he took into southern waters for drill last winter was short 5,000 men. He stated in answer to another question that of the 35 or 36 battleships, which include the dreadnaughts we now have, if he were called on to-morrow to put to sea and to meet an enemy he could man but 18 of those battleships. The other 18 would have to remain at the dock. Why? Because we have not men enough in the Navy to man all our battleships, and he further said, which was extremely significant on this question of men, that to man his 18 battleships it would be necessary to reduce the crews of the battle cruisers and the destroyers and all other subsidiary fighting ships, which would materially affect the efficiency of his 18 battleships.

Do you realize that since October 1, 1914, there have been placed in the reserve, with what is called a skeleton crew aboard, not exceeding 40 per cent of the usual complement, the battleships *Louisiana*, *North Carolina*, *Virginia*, *Georgia*, *Nebraska*, *New Jersey*, *Rhode Island*, and *Connecticut*, all ships less than 10 years of age, and that those ships were placed in reserve in order that we might find crews for three of our modern dreadnaughts, namely, the *Oklahoma*, the *Nevada*, and the *Pennsylvania?*

That is why the minority of the committee find their differences with the majority so great and so radical as to be irreconcilable, and come before this committee and ask that our Navy be provided with the minimum number of men, that the greatest authority that we have in naval matters says is necessary, in 1917.

We further believe that there should be provision of law whereby the President of the United States, in his judgment, knowing better and quicker than any other person can know the exigencies of our foreign relations, should have authority to enlist additional men from time to time and in such numbers as he may deem prudent and the necessities of the Navy require, up to and including the number recommended on a war basis.

Now, the number recommended in order to commission all our battleships with full crews, all our subsidiary craft and auxiliary ships, is 82,000, and some 700 or 800. We believe that the safety of the country demands that there be authority of law reposed in the President to quietly, without having to call Congress together and tell the world that we are getting ready for a fight, enlist the men that will be needed to put our ships on a war footing when he sees the danger coming. And to that end we make recommendation that the President be given the authority to enlist from time to time the number of men in excess of those provided for in this bill that will be necessary to put our vessels in full commission on a war complement.

That brings me down, Mr. Chairman, to the greatest point of difference between the majority and the minority of the committee. There have been before the committee during its sessions of these last four or five months, in one form or another, four different plans for the upbuilding of the Navy, based on four distinct and separate fundamental ideas. The first plan—and it should be borne in mind in considering the testimony of all the officers quoted by the chairman of this committee and all of the members of the majority that those officers testified when the committee had officially before it plan No. 1, to wit, the so-called five-year program—providing for the first year two battle cruisers and two battleships. That was the basis of the testimony of every officer who appeared before our committee—a plan covering five years—that for this year called for two battleships and two battle cruisers. I might say in passing that this five-year program, inadequate, as the minority believes, to meet the exigencies of the situation, the Democratic majority threw to the winds, although it had the indorsement of their Secretary of the Navy and of the President of the United States.

The next plan we had before us, and that was one, as you recall, which came out of the administration——

Mr. LINTHICUM. Will the gentleman yield?

Mr. ROBERTS of Massachusetts. I asked not to be interrupted, and I must decline.

It came out very reluctantly from the administration. It was only secured by the application of the senatorial corkscrew in the form of a resolution, and that was the General Board's program of July 30, 1915. That program, as stated by the General Board, was gotten up in compliance with the oral order of the Secretary of the Navy to express its opinion at the earliest practical date as to a policy which should govern the development of the Navy and a building program.

The General Board reported:

> The Navy of the United States should ultimately be equal to the most powerful maintained by any other nation of the world.

That, you remember, is the attitude of the President to-day, that our Navy should at least be equal to the most powerful maintained by any other power of the world. Now, that program called for the building of four battle cruisers and four dreadnaughts this year. That I call the program No. 2. Then we had program No. 3, which was furnished to the committee in answer to a request that I made of Capt. McKean, which was that he inform us what would be necessary in the way of building program, munitions, and additional facilities to round out and balance the existing fleet we have. That came in and called, among

other things, for 12 battle cruisers and 12 large scout cruisers, 48 destroyers, 48 colliers, 48 tank ships, 100 trawlers. Those were some of the things recommended as necessary to make effective the battleships we already have built, building, and authorized. The fourth program before the committee was sent in by the General Board under date of May 3 of this year, and that program was to inform the committee what would be needed to place the American Navy in second place in three years. Among other things they recommended 6 additional dreadnaughts, 10 battle cruisers, 21 scout cruisers, 80 destroyers, and 78 additional submarines. Now, with four distinct programs before the committee, I ask any man on this floor to read those programs, then read the recommendations of the majority, and say if the strictures of the minority are not justified when we say they have ignored all competent naval authority and have gone contrary to the opinion of all naval experts who appeared before the committee.

The chairman of the committee, in his opening remarks, took perhaps half an hour or more in reading extracts from the testimony of various officers who had appeared before the committee. Well, now, let me say in the beginning, the minority does not differ with the majority as to the usefulness and the necessity of battle cruisers; not at all. Yet the quotations of testimony made by the chairman of the committee, if they mean anything, mean that they are strong arguments in favor of this, to our Navy, new type of capital ship. Where, in the testimony of any man who appeared before the committee do you find a recommendation of five battle cruisers this year? The only odd number recommended by any officer was nine, by Admiral Knight, and the same by Capt. Sims. Is it not a fair charge to say that when the majority comes in with only five, when their authority calls for nine, they have disregarded it and paid no attention to their recommendation, except in authorizing a particular type of ship?

Mr. Chairman, there is one feature of these extracts read by the chairman which I think is an injustice to the officers quoted. A great deal of testimony was taken, covering thousands and thousands of pages. By raking this testimony with a fine-tooth comb, they were able to extract such an answer as they wanted only when the officer was pushed into a corner, and asked to say, "If you must choose in the building of four ships, will you have them two and two or all of one type?" Some of them said, "All battle cruisers."

Admiral Fiske, who has been cited as an authority, says he would build two, four, or six battle cruisers this year, if we are to build only that number of capital ships, but when asked if we were to build eight capital ships replied, "I would have four and four."

[Page 2907.]

Admiral FISKE. I testified on Friday, in answer to a question here, that I would follow the recommendations of the General Board of July 30, which would mean if you are going to build eight capital ships, you should build four and four.

The CHAIRMAN. How would you get away from the six?

Admiral FISKE. There you are again. If you are only going to build six, I would make them all battle cruisers.

Mr. CALLAWAY. You had better answer according to your own judgment rather than to take the judgment of the board.

Mr. BROWNING. If you are going to build eight ships, what would you do?

Admiral FISKE. In that case, four battleships and four battle cruisers.

Mr. BROWNING. You would?

Admiral FISKE. Yes, sir; if you are going to build eight capital ships.

The CHAIRMAN. If you are going to build six ships, you would build six battle cruisers, and not four battle cruisers and two battleships?

Admiral FISKE. I do not contend that this is logical, and you must understand that in my judgment anything like this ought to be played out on the game board and worked out very carefully. But to answer and give a good "horseback" opinion here like this difference between six and eight is impossible, in any logical way I know of. It is impossible to say what you should do, but I do think we need the battle cruisers now much more than we need the battleships. If you are going to build a great many battleships, I would be in favor of some battleships and some battle cruisers; but if you are only going to build a limited number—four or six—I would be in favor of all battle cruisers.

[Page 2926.]

Admiral FISKE. The Secretary and I had a number of conferences on that matter.

Mr. BRITTEN. Have you seen the Navy General Board's recommendation of July 30, 1915, wherein they recommend the construction of four battle cruisers, four dreadnaughts, six scouts, etc.?

Admiral FISKE. Yes, sir.

Mr. BRITTEN. Do you agree with that recommendation?

Admiral FISKE. Would you mind letting me see that?

Mr. BRITTEN. I will hand it to you. The lead-pencil figures inside the General Board's figures are the number of ships of various kinds carried in this year's appropriation bill, and the printed figures, of course, are those from the General Board.

Admiral FISKE. I think that this comes from the best authority in the Navy in regard to its requirements, and from that point of view I agree with it. Personally I might differ as to some small particulars, but I think the General Board is the best thing you have now for telling what we need.

Mr. BRITTEN. And if Congress were to authorize four first-line ships this year, what, in your opinion, should they be—battle cruisers, or what?

Admiral FISKE. If they are only going to recommend four?

Mr. BRITTEN. Yes.

Admiral FISKE. Battle cruisers.

Now, Admiral Taylor, Chief Constructor of the Navy, when asked by Mr. CALLAWAY, "Why build two battleships and two battle cruisers if the cruisers, in your judgment, have an advantage over the battleships?" replied:

I think I have stated it is a very small advantage, and we need them both badly.

Mr. KELLEY. Do you mean why not build four battle cruisers?

Mr. CALLAWAY. If they are the thing to build; yes.

Admiral TAYLOR. The question put to me was, "If we had to sacrifice one or the other, which would I sacrifice first."

Mr. FARR. You do not believe in sacrificing any of them, do you?

Admiral TAYLOR. No, sir.

I think Admiral Grant was quoted as being for all cruisers, the inference being that he was against battleships as well. I read:

Mr. KELLEY. You did not mean that it was a better fighting ship than the battleship?

Admiral GRANT. I do not think it is.

Mr. KELLEY. We need them more because we have not any?

Admiral GRANT. Yes, sir.

The CHAIRMAN. Would you build all battle cruisers or would you build part battle cruisers and part dreadnaughts?

Admiral GRANT. If I had an unlimited amount of money, I think I would build both; having only a limited amount, I would probably build battle cruisers alone.

There comes in what I stated before, that we were only considering a program of four battleships. I read further:

Mr. CALLAWAY. Admiral, you were stating what we need in vessels besides the 183 submarines, the 4 battle cruisers, and the scouting vessels. You stated, I believe, the number of scouting vessels, but you did not state the number of destroyers and vessels of other character which we would need. I wish you would follow that out.

Admiral GRANT. I think I told you, Mr. CALLAWAY, that I am a poor person to give you much information on that subject, because I have not made it a study. It is work for the General Board and the War College. I can tell you briefly what I think right now, but I would not give it much credit.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. No; I must decline. I stated at the outset that I must refuse to yield. The gentleman, if he was not here, must understand it now. I decline to yield. I do not mean to be discourteous to him.

Mr. LINTHICUM. I did not want to interrupt the gentleman.

Mr. ROBERTS of Massachusetts. Now, Admiral Grant is one of the witnesses they bring here in support of the five battle cruisers and the exclusion of battleships. Capt. McKean, another able and efficient officer, in answer to Mr. FARR's question:

Do you favor the recommendation of the General Board as presented?

And bear in mind the General Board's program was a five-year program, two and two—

Capt. McKean says:

I do not know any body of officers or any officer whose opinions about the necessities and preparation I would take against the General Board. Each officer that appears here, as you must have noticed, will give his point of view, but the best, complete, studied opinion that there is in the Navy to-day is represented by the official opinion of the General Board. There is not a set of officers better trained to give it. They have the information from the Office of Naval Intelligence; they have the assistance of the War College, trained people; they are officers of splendid judgment, splendid training, and they think over this thing in cold blood, and they do not get excited by events on the game board.

Mr. FARR. Following that up, I should like to ask whether you favor the recommendation of the General Board as presented now?

Mind you, two and two. Capt. McKean replied:

I would feel that I would be most egotistical if I attempted to oppose it.

And yet he is brought in here by the majority as a witness in opposition to the board which he says is of the highest authority in the Navy.

Again, on page 1709:

Mr. CALLAWAY. Since we have 17 battleships of the first line, it is your opinion that we should have 1 more battleship and 6 battle cruisers, and then keep that ratio running along?

Capt. MCKEAN. That would give you about the right ratio; yes, sir; the right number of divisions and the right proportion between the ships, according to my personal opinion.

Mr. CALLAWAY. In your judgment, we should not build any more battleships until we get the right proportion of battle cruisers?

Capt. MCKEAN. I did not say that.

Mr. CALLAWAY. I am asking you.

Capt. MCKEAN. I think we should build so that when the program is completed it will be in about that ratio, and then I would build in about the proportion of three to one.

Admiral Winslow has been quoted as being for all battle cruisers. On page 1424 he says:

Admiral WINSLOW. I think you will find that there is opinion that we should build battleships; that there is other opinion that we should build battle cruisers, but I think that you will find the majority of opinion is that we should build both.

Mr. BROWNING. Both?

Admiral WINSLOW. Both battle cruisers and battleships. I think you will find that that would be the majority of opinion. I myself

am very strongly in favor of battle cruisers. We have no battle cruisers.

Mr. BROWNING. How many would you build this coming year of each?

Admiral WINSLOW. I would build all that the country can build.

Mr. BROWNING. Would you build four of each? I think that was the recommendation of the General Board.

Of each, bear in mind. Is he a witness to uphold the claim that we should build only battle cruisers? Mr. BROWNING asked him:

Would you build four of each. I think that was the recommendation of the General Board.

Admiral Winslow answered:

No; I would build more than that.

So it goes right through the testimony offered. Take Admiral Knight. He says, on page 2013:

Admiral KNIGHT. I am sorry to say that I can not answer that definitely. I have talked of that matter with many officers. It has not come up officially before the General Board at any time when I have been present. You understand, perhaps, that I only attend the monthly meetings on the last Tuesday of each month. I am not usually present at the other meetings of the General Board. I should hesitate to speak for the other members. I am quite sure some of them would agree with me. You must all understand me as insisting that we must keep on building battleships.

[Page 2072.]

Mr. OLIVER. How many capital ships do you calculate you will have to build in order to have a navy of that strength? I will ask you how many additional capital ships you will have to build?

Admiral KNIGHT. I should like to go over that carefully and count these up.

Mr. OLIVER. I do not care for that. Just approximately, without making it too lengthy; just in numbers?

Admiral KNIGHT. Approximately 20 dreadnaughts.

Mr. OLIVER. Twenty more dreadnaughts?

Admiral KNIGHT. Twenty more dreadnaughts.

[Page 2073.]

Admiral KNIGHT. When I said what Great Britain had at the beginning of the war, I meant built and building.

Mr. OLIVER. Now, give me the number of capital ships that we should have.

Admiral KNIGHT. I think it should be approximately 20 more dreadnaughts.

Mr. OLIVER. And of battle cruisers, how many?

Admiral KNIGHT. It would be 20 capital ships in all.

Mr. OLIVER. Twenty capital ships in all, in addition to what Great Britain has.

Admiral KNIGHT. In addition to what she has built and is building and what we have built and are building.

Mr. OLIVER. Fifteen cruisers. That makes 35. I believe you gave us 20 dreadnaughts and 15 battle cruisers; 35 capital ships in all?

Admiral KNIGHT. Yes.

Mr. OLIVER. How many scouts would you say?

Mr. BUTLER. Do you mean additional?

Mr. OLIVER. Yes; in addition to what we have now.

Admiral KNIGHT. We have none now. I would say 24.

That is Admiral Knight, president of the War College, whose statement is the strongest authority for including only battle cruisers in the bill this year.

Admiral Fletcher, on page 2385, says:

Mr. CALLAWAY. If I understand your recommendation at this time, it is that if we were going to build two capital ships that we build battle cruisers and if we were going to build four capital ships that we build battle cruisers, and if we were going to build more capital ships than that that we add some dreadnaughts. Am I right about that?

Admiral FLETCHER. Yes, sir; that would be my conception, but I stated that I had not given this particular subject any study such as is given to it by the General Board, and I would prefer to accept their conclusions.

[Page 2392.]

The CHAIRMAN. During the whole of the war of 18 months battleships have been the controlling factor on the sea?

Admiral FLETCHER. The battleships are controlling the situation to-day, as they have ever since the war opened. It is the power of the battleships that has kept the German fleet and the German commerce off the sea.

The CHAIRMAN. Kept the German fleet locked up and her commerce destroyed.

And so I might go on, filling the RECORD with quotations.

Showing that the authorities cited by the majority of the committee, instead of sustaining the contention that we should build only battle cruisers, are battleship men as well, and want to see both types added to the Navy.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. ROBERTS of Massachusetts. I am going to say just a few words on the submarine feature of the majority program.

Mr. REILLY. Will the gentleman yield just at that point?

Mr. ROBERTS of Massachusetts. I can not yield. I have asked not to be interrupted. The General Board stated that to place us in second position we need 78 coast submarines in addition to those we now have built and building. The General Board say we need in all about 150 submarines, which means that we should have added to those now built and building in the neighborhood of 80.

Admiral Grant, who was before the committee on the matter of submarines, having been detailed to take charge of that very important branch of the naval defense, said to the committee that we could use 250 to 300 submarines. And yet, having in mind the extraordinary and wonderful performance of the submarine in the European war, its great effectiveness against even the battleship itself, its utility in coast defense and as a commerce destroyer, considering that we have only 72 built, building, and authorized, with our thousands of miles of coast to defend; considering the statement of Admiral Fletcher, the commander in chief of the fleet, that in no way can we as well defend our coasts in a limited time and with so small an amount of money as by submarines, the minority of the committee say that we should increase the number of submarines to be authorized in this bill to at least 47 of the coast-defense type. There is no difference between majority and minority on the three 800-ton experimental fleet submarines that are authorized. But we do say again that the United States, the home and birthplace of the submarine, is lagging far behind all other great powers in utilizing that device; and considering its great value to us in the defense of our seacoast alone, not to consider its usefulness in connection with fleet operations, this Congress will be derelict in its duty if it does not make adequate and liberal provision in this year's bill to make up a sufficient number of submarines for our coast and fleet needs.

As to destroyers: I must confess with a degree of shame that in the years past I have not been sufficiently impressed with the necessity of destroyers in our fleet and have been voting in years past against an adequate number of destroyers. I never yet, however, have voted against reporting any. We are 80 short in that most efficient subsidiary fighting ship. The majority, "to partly balance the Navy," recommend 10 to make up that great deficiency of 80. And mind you, that deficiency increases every time you increase the number of capital ships, for the plans of the General Board estimate 4 destroyers to each battleship. And if you do not provide for the additional destroyers at the rate of 4 to each battleship, every time you authorize a battleship, you make the discrepancy in destroyers that much greater. The minority of the committee believe there should be put into this bill at least 28 of these vessels and the others within the life of this Congress, so as to put our fleet where it belongs and where, until 1911, it was, in second place.

It must have struck many of those who heard the chairman's opening remarks, and those who have taken the trouble to read the report of the majority, that the majority of this committee have acted not on any definite, well-considered naval program to do anything particularly for our fleet, but with one eye, and I am not sure but both eyes, on the Treasury. Mr. Chairman, this is not a time when we should unduly consider the Treasury. If we are to believe the highest authorities, we know there is a critical time in the affairs of the world, there is a possibility of more critical times for this country by reason of the disturbances abroad, and we ought to do what we can and as quickly as we can without regard to a few million dollars more or less out of the Treasury in meeting the needs of the country to-day. If the gentleman from Alabama [Mr. OLIVER] will give me his ear just a moment, I do not want to say anything behind his back—the gentleman from Alabama by a very skillful juggling of what he alleged to be facts, of words and dates, would have it appear that this administration has been doing wonderful things for the Navy, because of the large total amount of appropriations. When my friend has been on the committee a little longer, and when he has read past naval history a little more thoroughly he will know that the total amount appropriated in any one bill or by any one administration by no means measures the increased strength of the Navy by reason of that greater expenditure. Battleships of to-day are two or three times larger than those of 10 or more years ago and cost about twice as much. It follows logically and conclusively that we must look to numbers rather than to the amounts expended if we are to form a correct idea of the relative strength of our fleet at different periods of its development.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I yield 20 minutes to the gentleman from North Carolina [Mr. KITCHIN]. [Applause.]

[Mr. KITCHIN addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. PADGETT. I have no further time.

The CHAIRMAN. Under special order all time has expired and the Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. BORLAND (interrupting the reading). I move to strike out the last word.

The CHAIRMAN. Under the rule the bill must be read without interruption.

The Clerk began the reading of the bill.

Mr. BENNET. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. BENNET. I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. PADGETT. That can not be done, Mr. Chairman, under the rule which directs it must be read.

Mr. BENNET. It can be done by unanimous consent.

Mr. PADGETT. No; I do not think so. The first reading of the bill has already been dispensed with and the bill ought to be read once.

Mr. BENNET. Under the rule general debate was to stop at 1.30, but it did not.

Mr. PADGETT. There was a unanimous-consent agreement. There are two readings of the bill and the first reading was dispensed with and under the rule this ought to be read.

Mr. BENNET. Of course, the gentleman can object. A Member has a perfect right to ask unanimous consent.

The CHAIRMAN. Will the gentleman allow the Chair to put the request? The gentleman from New York [Mr. BENNET] asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. PADGETT. Mr. Chairman, I object.

The Clerk resumed and concluded the reading of the bill.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment embracing several items to correct misprints in the bill just before we take up the offering of other amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Page 3, line 18, strike out the word "sixteen" and insert in lieu thereof the word "seventeen."

Mr. ROBERTS of Massachusetts. What is the amendment?

Mr. PADGETT. To correct the fiscal year, which was a misprint.

Mr. ROBERTS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS of Massachusetts. Under the rule adopted by the House on Friday last providing for the offering of amendments to any paragraph or any portion of the bill after the reading of the bill to-day, which has just been concluded, if an amendment is offered, for example, to paragraph 2 of the bill, adopted or rejected, and the committee then consider an amendment to paragraph 12, will it be in order at any time before 2 o'clock on Friday to offer another amendment to paragraph 2?

Mr. PADGETT. If it is a germane amendment, it would.

Mr. ROBERTS of Massachusetts. In other words, when a paragraph of the bill is under consideration for amendment by one motion, must all motions to amend the paragraph be made before action is had on that particular paragraph?

The CHAIRMAN. The rule does not provide for that.

Mr. ROBERTS of Massachusetts. I wanted to understand. Then we can go back and forth in the bill ad libitum until 2 o'clock on Friday and amend paragraphs as the committee sees fit?

Mr. WILSON of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON of Florida. I did not quite understand the gentleman.

The CHAIRMAN. The gentleman from Massachusetts inquired whether if an amendment was offered to any particular paragraph all amendments to that paragraph must be proposed before that paragraph is left, and the Chair stated the rule did not require it.

Mr. WILSON of Florida. I have an amendment to offer to page 6. May I offer that after we pass page 6 before the vote on Friday?

Mr. PADGETT. Yes.

The CHAIRMAN. It may be offered at any time before the time fixed——

Mr. WILSON of Florida. And debated?

Mr. PADGETT. When the gentleman gets recognition he can offer his amendment.

Mr. BENNET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET. Under the rule as finally adopted an amendment may be offered even after 2 o'clock on Friday.

Mr. PADGETT. No, sir; I think not.

The CHAIRMAN. It may be offered under the rule after 2 o'clock.

Mr. PADGETT. But not debated.

Mr. BENNET. An amendment may be offered and debated up to 2 o'clock on Friday.

The CHAIRMAN. Yes.

Mr. BENNET. At 2 o'clock on Friday a vote will be taken on the then pending amendments, and after that any number of amendments could be offered and voted on without debate.

Mr. PADGETT. Certainly.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 12, line 18, strike out the word "sixteen" and in lieu thereof insert the word "seventeen."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 13, line 14, strike out the word "sixteen" and in lieu thereof insert the word "seventeen."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 16, line 17, strike out the word "sixteen" and insert in lieu thereof the word "seventeen."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 20, line 7, strike out the word "sixteen" and in lieu thereof insert the word "seventeen."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 69, line 7, strike out the word "sixteen" and in lieu thereof insert the word "seventeen."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 70, at the end of line 15, strike out the colon and insert a period.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 73, line 4, strike out the word "sixteen" and in lieu thereof insert the word "seventeen."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I will ask the Chairman now to recognize Mr. BUTLER or Mr. ROBERTS of Massachusetts who has an amendment in reference——

Mr. ROBERTS of Massachusetts. The gentleman from Pennsylvania yields to me for this amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 87, after line 17, insert the following:

"The provisions of sections 1493 and 1494 of the Revised Statutes of the United States shall apply to the Marine Corps."

Mr. ROBERTS of Massachusetts. Now, Mr. Chairman, I would ask unanimous consent that this motion be disposed of at the present time and either adopted or rejected. It will not need any discussion. I think two or three moments of explanation will convince every member of the committee of the absolute justice of making these provisions of law apply to the Marine Corps, the same now applying only to the regular officers of the Navy. The conditions are these:

Under section 1493 no officer of the Navy can be promoted to a higher rank unless the board of examining surgeons certify that he is physically capable of performing all the duties of that higher grade. Section 1494, however, provides that any officer who has been wounded in battle can be promoted to a higher grade if the board of surgeons certify he is capable of performing any of the duties of that higher grade. Under that provision of law many officers of the Navy who have received wounds in battle have gone up to high rank, because they could perform some of the duties of each grade to which they were promoted. Perhaps the most conspicuous instance is that of Admiral Winterhalter, who lost the sight of an eye under such circumstances, and has gone up by various degrees of promotion to the rank of admiral. Had section 1493 only been enforced, he would have been retired the next time he came up for promotion because the loss of one eye would have prevented him from performing all the duties of an officer of higher grade. It is supposed that all these provisions were service provisions—that is, they applied to officers of the Marine Corps as well as to officers in the Navy, and under those two provisions Maj. Leonard, who, I believe, was second lieutenant of marines in the Boxer rebellion, and lost an arm in that campaign, was promoted from second lieutenant to the grade of major, because he could perform some of the duties of the office.

Now, a case comes up, which was decided last Wednesday by the Judge Advocate of the Navy, too late to be brought up in the Naval Committee, under the following conditions: A young Marine Corps officer, a second lieutenant, was shot in a battle in Nicaragua during the early occupation of that country by our marines. He was shot in both feet. As a result of the wounds a portion of one or both feet was amputated, and when the wound healed the cords attached themselves in such a way as to make it impossible for him to get out and march with the

troops without great physical suffering; in fact, he could not do it. He came up for promotion, under the commonly accepted interpretation of sections 1493 and 1494, from second to first lieutenant and passed all his mental and professional examinations. He is a fine specimen of physical manhood. It was then discovered by somebody that these sections were not service provisions and did not apply. The Judge Advocate General has rendered a decision that these two sections, while applying to the officers of the Navy wounded in battle, do not apply to officers of the Marine Corps under similar conditions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent for a minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. And the purpose of this act is to extend those provisions to all the officers of the Navy.

Mr. PADGETT. And to the Marine Corps on the same terms.

Mr. ROBERTS of Massachusetts. On the same terms. It seems to me there could be no objection in the mind of any man to that.

Mr. STAFFORD. Will the gentleman yield? Has the term "active list of the Navy" heretofore received any construction to exclude members of the Marine Corps?

Mr. ROBERTS of Massachusetts. This is the first instance I find on inquiry among officers of the Marine Corps where there has been any exclusion of any officers of the Marine Corps in at least 30 years, and the memory of the officer I consulted did not run back beyond that.

Mr. STAFFORD. In the pending bill there is phraseology of like language to include not only the Navy but the Marine Corps. As a matter of fact, there should be some change made to incorporate some members of the Marine Corps.

Mr. PADGETT. This legislation is proper in order to put the Marine Corps on the same basis as the Navy.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the amendment was agreed to.

Mr. BUTLER. Mr. Chairman, I will ask the gentleman from Tennessee if I shall offer this amendment now?

Mr. PADGETT. I shall be glad to have the gentleman do so.

Mr. BUTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 97, line 20, strike out the word "five" and insert in lieu thereof the word "six."

Mr. BUTLER. Mr. Chairman——

Mr. PADGETT. Mr. Chairman, if you will permit me just a moment, I wish to call attention to the suggestion that has been made——

The CHAIRMAN. Will the gentleman suspend a moment?

Mr. PADGETT. Does the gentleman intend to offer this entire thing as one amendment?

Mr. BUTLER. I have a statement to make as soon as the gentleman from Tennessee has finished.

Mr. PADGETT. I wish to explain the agreement that has been made between us.

Mr. BUTLER. I wish you would explain it, please.

Mr. PADGETT. The suggestion was made that the gentleman from Pennsylvania would offer this amendment as a whole.

Mr. BUTLER. It includes the whole building program.

Mr. PADGETT. It includes the whole proposition in reference to the increased building program, with the understanding that we will vote on the different items separately. For instance, it would be offered as one amendment and be debated and considered until 11.30 o'clock to-morrow morning, and then we would take a vote upon the first proposal and follow that later with a vote upon the other several items, voting upon the items separately.

Mr. ROBERTS of Massachusetts. Let me see if I understand it.

Mr. BUTLER. Let me first make a statement.

The CHAIRMAN. Let the gentleman first report what is proposed in the amendment.

Mr. BUTLER. There are several amendments there, Mr. Chairman—23 in all. Let me add this to the request made by the chairman of the Committee on Naval Affairs: To-morrow morning at 11.30 o'clock we will vote on the first amendment, which is on page 97, line 20, without debate; that then we proceed to the next amendment, and so on, voting separately upon all these amendments.

Mr. COX. There will be no debate to-morrow at all on those amendments?

Mr. BUTLER. Yes. It has been suggested by my colleagues that if any gentleman desires under the five-minute rule to debate any of the other amendments he will have the opportunity.

Mr. PADGETT. That is, under the rules of the House there will be five minutes' debate for and five minutes against?

Mr. BUTLER. Yes; there will be five minutes for and five minutes against.

Mr. PADGETT. Not general debate.

Mr. BUTLER. No; not general debate; but debate under the five-minute rule on all the items excepting the first one, which we will vote on to-morrow, providing for the increase of one battle cruiser.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield there?

Mr. BUTLER. Yes.

Mr. STAFFORD. Does this agreement supersede the tacit understanding that on to-morrow morning the gentleman from Tennessee [Mr. PADGETT] was going to offer the armor-plate proposition, and that we were to vote on it at not later than 2 o'clock?

Mr. PADGETT. I did not agree to that—to vote on it not later than 2 o'clock. I said I would call it up to-morrow morning as soon as opportunity was offered, and these proposals would be voted upon; but we could get rid of those under this understanding not later than 1 o'clock. Then we would take up the armor-plate amendment and debate that and vote upon that to-morrow.

Mr. STAFFORD. Then the understanding of the gentlemen of the committee on both sides, as I understand it, is that after the disposal of the various propositions involved in the amendment of the gentleman from Pennsylvania [Mr. BUTLER], then the gentleman from Tennessee is to offer the armor-plate proposition and have it considered, and have a vote on the armor-plate proposition to-morrow afternoon not later than at what hour?

Mr. PADGETT. Well, I do not know what debate there will be.

Mr. EMERSON. Has any debate been agreed upon?

Mr. PADGETT. No; no debate has been agreed upon. That is an important question. We will allow a fair and proper debate.

Mr. STAFFORD. The understanding is that a vote will be had to-morrow afternoon on the armor-plate proposition?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. Mr. Chairman, let me ask the chairman of the committee if he does not think the increase of the Navy, including the proper number of cruisers, battleships, and other craft, is an important matter that ought not to be choked off by a five-minute speech on each side?

Mr. PADGETT. Oh, it has been so much discussed, and, as people have said to me, everybody has his mind made up, so that if necessary we should go ahead and vote on it without any debate at all.

Mr. ROBERTS of Massachusetts. And would not that be true as to armor plate, too?

Mr. PADGETT. I am willing to do that as to armor plate. I am willing that debate should be had for those who want to talk on it.

Mr. ROBERTS of Massachusetts. The gentleman says he is willing to debate the armor-plate proposition, but he is not willing to give full debate on battleships and cruisers.

Mr. PADGETT. That has been debated fully in this Congress and in other Congresses. It has been fully covered in the general debate on this bill.

Mr. BUTLER. Mr. Chairman, I will offer one amendment and see where we come out. That is the one on the battle cruisers. It is the one that was read at the Clerk's desk.

Mr. OGLESBY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. BUTLER. Yes.

Mr. OGLESBY. Does this amendment which the gentleman offered include all of the propositions of the minority as amendments to this bill in substance?

Mr. BUTLER. On the building program; yes, sir.

Mr. OGLESBY. Now, I understand the gentleman proposes to introduce one, instead of the whole series contained in the resolution.

Mr. BUTLER. Yes. I find that over on this side I had not consulted with all my colleagues, and therefore I will offer only what the rules permit me to offer; that is, one amendment, on page 97, line 20, to strike out the word "five" and insert in lieu thereof the word "six," and with that I will stop. There can be no objection taken to that.

Mr. PADGETT. Let me ask the gentleman from Pennsylvania a question.

Mr. BUTLER. Yes.

Mr. PADGETT. The gentleman has made an agreement with me to offer this whole resolution as an amendment, and to let it be pending, with the understanding that we would vote upon the different items when they are reached to-morrow morning at 11.30?

Mr. BUTLER. I did. I know.

Mr. PADGETT. Now, then, upon that agreement Members on both sides of the House, Democrats and Republicans alike, came to me and asked me about the arrangement, and I told them what it was, and they have gone away from here.

Mr. BUTLER. And it would not be fair toward them to change it.

Mr. PADGETT. No; it would not be fair toward them for the gentleman to withdraw that agreement.

Mr. BUTLER. Yes, Mr. Chairman; let me make a promise to my friend: Never again will I make an agreement of any kind, even to stay home at night. [Laughter.]

Mr. PADGETT. I think if you carry out your agreement it will not militate against anything.

Mr. BUTLER. I can not carry it out. If the gentleman will give me time for a minute, I will gather myself together. [Laughter.] I am not going to break my word, and——

Mr. PADGETT. Let me say this to the gentleman: I know he is not going to break his word. Let me say to him, Go ahead and offer it as one amendment, with our understanding that it will be debated until 11.30 to-morrow morning, and then the other items will be considered under the five-minute rule of the House.

Mr. BUTLER. Yes.

Mr. PADGETT. But then, if occasion presents itself, where it appears proper that there should be an extension of the five-minute rule to more than one to a side, I am not going to take advantage of technicalities, but I am not going to allow just ad libitum debate.

Mr. BUTLER. I discover that if we consume to-morrow upon the discussion of this proposed building program it may result in postponing the consideration of the proposed amendment for the construction of an armor-plate factory until another day, and that that postponement will disappoint some of my colleagues. I had not thought of that when I agreed with the gentleman that I would offer this blanket amendment. Now, I will make my offer, because I agreed with the gentleman that I would do it, but I promise my colleagues right now to make no further agreements.

Mr. PADGETT. This is not going to displace the other. We will dispose of both the others to-morrow.

Mr. BUTLER. I am not sure about that. If I were sure about that, then I would feel more cheerful.

Mr. PADGETT. I do not think there is any trouble about disposing of it, because nearly all of those amendments are to correct the amounts.

Mr. BUTLER. They involve the important features of the bill, in our judgment.

Mr. PADGETT. I know; but you have there simply the question of battleships increase, the battle cruisers increase, the submarine increase, the destroyers——

Mr. BUTLER. Scouts.

Mr. PADGETT. Scouts and certain other ships.

Mr. ROBERTS of Massachusetts. There are four or five auxiliary craft.

Mr. PADGETT. Now, when they are voted on, if they are voted down the amounts in the bill stay as they are. If the House votes to increase the number, all you have got to do is to add the appropriate amount of money corresponding to what is now in the bill, applying to that increased number of ships.

Mr. LENROOT. Will the gentleman yield to me?

Mr. ROBERTS of Massachusetts. Will the gentleman yield to me for a moment? Who has the floor?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] is supposed to have the floor, but gentlemen are evidently trying to reach some understanding.

Mr. BUTLER. Then there is the question of proposing to limit the time for construction of these battleships and other warships, which, to my mind, is more important than any other feature of the bill.

Mr. PADGETT. When one vote is taken upon that it will determine the feeling of the House on that question of policy.

Mr. BENNET. I ask unanimous consent that the request be put.

Mr. ROBERTS of Massachusetts. I desire to offer this suggestion as a compromise and a way out of what is to me a difficulty. Under the agreement made between the chairman of the committee and the minority leader we provide for a vote on all features of the increase of the program by 11.30 to-morrow.

Mr. PADGETT. No; we commence voting at that time.

Mr. ROBERTS of Massachusetts. With practically no speeches, or limited to five minutes on a side.

Mr. BENNET. No.

Mr. ROBERTS of Massachusetts. Now, I have never known the building program of the naval bill to be jammed through with only one five-minute speech on each side on this great and important part of our naval bill. In addition to that there are two other features involved in this so-called motion to recommit amendments that are of very great importance, and I want to be sure that there will be an opportunity for a separate vote before we come to 2 o'clock on Friday. My suggestion is that the minority leader offer all of the amendments that will be embodied in the minority motion to recommit, and that it be understood that at 1 o'clock to-morrow we begin voting on all those amendments, as stated by the chairman of the committee. Many of those amendments will take no discussion and no time in voting, because they will be immaterial if the main motion on which they are predicated is defeated. If the main motion is carried, then many of those subsidiary motions will necessarily have to be put.

Mr. PADGETT. I think it would be too long to extend it until 1 o'clock. I am willing to make it 12 o'clock. The minority leader [Mr. MANN], the gentleman from Pennsylvania [Mr. BUTLER], and others had all agreed on the idea of commencing voting at 11.30, and they thought that would be sufficient. This debate is not going to change anybody's opinion.

Mr. ROBERTS of Massachusetts. Would 1 o'clock be acceptable to the minority leader?

Mr. PADGETT. I will agree to make it 12 o'clock instead of 11.30. Then we will commence voting, and go on down.

Mr. ROBERTS of Massachusetts. And all the amendments be embodied in one motion.

Mr. BUTLER. And have one hour's debate to-morrow?

Mr. VARE. I would like to ask the chairman of the committee whether this rule would preclude the offering of additional amendments.

Mr. PADGETT. Oh, no.

Mr. VARE. Has there been any time fixed for voting on the armor-plate proposition?

Mr. PADGETT. No. I was trying to expedite this thing so as to make some provision for that.

Mr. BUTLER. It is impossible, Mr. Chairman, for me to join in any agreement to fix any specific minute in the day. I believe it is our business to do what we ought to do and sit here until it is done. [Applause.] I will agree that to-morrow, after one hour's debate, we shall vote on the different amendments, and vote them up or down and dispose of them.

Mr. PADGETT. I have no objection to that. Let the gentleman offer his amendments as one amendment, and then I ask that to-morrow morning we have one hour's debate, and at the conclusion of the hour's debate we proceed to vote on the various amendments.

Mr. STAFFORD. That we shall vote on the first amendment and then proceed to vote on the other amendments under the five-minute rule.

Mr. ROBERTS of Massachusetts. I understand that all the amendments are to be offered at one time, and after having one hour's debate on it, then we take them up and begin to vote on them under the five-minute rule.

Mr. PADGETT. With the understanding that the five-minute rule shall be adhered to, I agree to that.

Mr. ROBERTS of Massachusetts. I presume that we might take up some of them immediately after the amendments are read and dispose of them.

Mr. PADGETT. No; I have notified Members that we would not take a vote to-night—that there would be no vote this afternoon—under the agreement I had made with the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, I am going to endeavor to state a request for unanimous consent. I ask unanimous consent to present this amendment, as a whole. It comprises a number of separate amendments. I ask that debate shall proceed upon all of these amendments this afternoon and to-morrow morning for one hour. At the expiration of that time we shall vote on the first amendment. That then we shall proceed to the discussion and consideration and disposition of these other amendments under the five-minute rule.

Mr. PADGETT. I have no objection to that.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to offer at this time a series of amendments; that debate on these amendments shall take the remainder of the session this afternoon and for one hour after the committee convenes to-morrow morning; that at the end of the hour a vote shall be taken on the first amendment; and that thereafter the other amendments shall be taken up in order under the five minute rule, considered, and disposed of. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

Page 97, line 20: Strike out the word "five" and insert in lieu thereof the word "six."

Page 97, line 25: After the word "each" insert "said battle cruisers to be constructed within 24 months from the date of signing contract."

Page 98: At the top of said page and before the words "Four scout cruisers, etc.," insert a new paragraph as follows:

"Two first-class battleships to be of identical design in all respects as the battleships *Tennessee* and *California* authorized to be constructed in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, to cost, exclusive of armor and armament, not to exceed $10,500,000 each; said battleships to be constructed within 24 months from the date of signing contract."

Page 98, line 1: Strike out the word "four" insert in lieu thereof the word "six."

Page 98, line 5: After the word "each" insert "said scout cruisers to be constructed within 15 months from the date of signing contract."

Page 98, line 6: Strike out the word "ten" and insert in lieu thereof the word "twenty-eight."

Page 98, line 9: After the word "each" insert "said destroyers to be constructed within 15 months from the date of signing contract."

Page 98, line 14: Strike out the word "twenty" and insert in lieu thereof the word "fifty."

Page 98, line 17: After the word "each" insert "said submarines to be constructed within 15 months from the date of signing contract."

Page 98, line 17: Strike out the word "seventeen" and insert in lieu thereof the word "forty-seven."

Page 98, line 20: After the word "each" insert "said submarines to be constructed within 12 months from the date of signing contract."

Page 98, line 21: Strike out the figures "$4,257,000" and insert in lieu thereof the figures "$9,387,000."

Page 99, line 3: Strike out the word "one" and insert in lieu thereof the word "two."

Page 99, line 4: Insert after the figures "$1,265,000" "said fuel ship to be constructed within 15 months from the date of signing contract."

Page 99, line 6: After the figures "$2,600,000," insert "said ammunition ship to be constructed within 15 months from the date of signing contract."

Page 99, line 7: After the figures "$2,250,000" insert "said hospital ship to be constructed within 15 months from the date of signing contract."

Page 99, after line 7, insert:

"One transport, to cost not to exceed $2,450,000; said transport to be constructed within 15 months from the date of signing contract.

"One supply ship, to cost not to exceed $2,230,000; said supply ship to be constructed within 15 months from the date of signing contract.

"One destroyer tender, to cost not to exceed $1,950,000; said destroyer tender to be constructed within 15 months from the date of signing contract.

"One repair ship, to cost not to exceed $2,600,000; said repair ship to be constructed within 15 months from the date of signing contract."

Page 99, line 22: Strike out the figures "$47,366,860" and insert in lieu thereof the figures "$75,132,852."

Page 100, line 4: Strike out the figures "$30,707,000" and insert in lieu thereof the figures "$44,196,689."

Page 100, line 7: Strike out the figures "$11,245,925" and insert in lieu thereof the figures "$20,296,850."

Page 100, line 9: Strike out the figures "$98,859,378" and insert in lieu thereof the figures "$152,296,984."

Page 100, after line 9, insert the following paragraph:

"To secure the speedy completion of all ships authorized in this act and to cover the additional expense incidental to the employment of more than one shift of men a day the Secretary of the Navy is authorized to increase the limit of cost of each of said ships not to exceed 10 per cent."

Mr. BUTLER. Mr. Chairman, I do not propose to speak to this amendment at this time. I have no control over the time, but I ask unanimous consent that my colleague, Mr. CANNON, from Illinois, may now speak on the amendment.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the time for debate on this amendment be divided, and that one half of the time may be controlled by the gentleman from Pennsylvania and the other half by myself.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time for debate on these amendments be divided, one-half to be controlled by himself and one-half by the gentleman from Pennsylvania [Mr. BUTLER]. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS of Massachusetts. Under the unanimous-consent agreement recently made are all motions to amend to be held out of order from now until the motions made by the gentleman from Pennsylvania have been voted on to-morrow?

The CHAIRMAN. Unless they are amendments to the pending amendments.

Mr. ROBERTS of Massachusetts. And no amendments can be offered to any other section of the bill from now on until some time to-morrow afternoon?

The CHAIRMAN. No other amendment will be recognized by the Chair.

Mr. ROBERTS of Massachusetts. That was not my understanding of the agreement.

Mr. PADGETT. That was the agreement. I understood the gentleman wanted to put in the RECORD some amendments that he desires to offer with reference to the personnel, aviation, and so forth, and if he does, I will ask unanimous consent that he may print them in the RECORD for information so that they can be made familiar to the Members when they are offered later.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent to have printed in the RECORD for information several amendments that appear on pages 1 and 2 of the printed list, down to and including the motion offered by the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to print in the RECORD certain proposed amendments to be offered by him later in the consideration of the bill. Is there objection?

There was no objection.

The amendments to be offered by Mr. ROBERTS of Massachusetts are as follows:

AVIATION.

Page 6, line 2: Strike out the figures "$2,000,000" and insert in lieu thereof the figures "$3,500,000."

TRANSPORTATION.

Page 8, line 19: Strike out the figures "$862,000" and insert in lieu thereof the figures "$904,000."

RECRUITING.

Page 8, line 24: Strike out the figures "$174,670" and insert in lieu thereof the figures "$194,340."

OUTFITS—FIRST ENLISTMENT.

Page 9, line 25: Strike out the figures "$1,428,000" and insert in lieu thereof the figures "$1,638,000."

THREE THOUSAND FIVE HUNDRED ADDITIONAL MEN.

Page 36, line 21: Strike out the words "sixty-one thousand five hundred" and insert in lieu thereof the words "sixty-five thousand."

FULL COMPLEMENTS FOR SHIPS.

Page 36, line 22: After the first word, "men," insert the following: "and the President is hereby authorized to enlist, in his discretion, and from time to time, such additional men as the needs of the Navy may require, not to exceed a total authorized strength of 82,762 men."

PAY OF MEN.

Page 36, line 23: Strike out the figures "$27,563,988.50" and insert in lieu thereof the figures "$28,436,488.50."

CHANGE OF TOTAL.

Page 37, line 8: Strike out the figures "$46,876,246.86" and insert in lieu thereof the figures "$47,748,746."

PROVISIONS.

Page 67, line 9: Strike out the figures "$8,848,933.85" and insert in lieu thereof the figures "$9,088,508.85."

PAY CLERKS, MARINE CORPS.

Page 82, line 4: Strike out the word "seven" and insert in lieu thereof the word "eight."

PAY OF ADDITIONAL OFFICERS, MARINE CORPS.

Page 82, line 6: Strike out the figures "$1,328,749" and insert in lieu thereof the figures "$1,377,849."

SERGEANT MAJOR—QUARTERMASTER SERGEANTS.

Page 88, line 4: Strike out the word "seventeen" and insert in lieu thereof the word "eighteen"; also strike out the word "seventy-two" and insert in lieu thereof the word "eighty."

FIRST SERGEANTS—GUNNERY SERGEANTS.

Page 88, line 5: Strike out the word "sixty-five" and insert in lieu thereof the word "seventy-four"; also strike out the second word "sixty-five" in said line and insert in lieu thereof the word "seventy-three."

SERGEANTS—CORPORALS.

Page 88, line 6: Strike out the words "three hundred" and insert in lieu thereof the words "three hundred and forty-two"; also in said line strike out the words "five hundred" and insert in lieu thereof the words "five hundred and seventy-eight."

DRUMMERS—INCREASE OF MEN.

Page 88, line 7: Strike out the first word "thirty" and insert in lieu thereof the word "thirty-seven"; also in said line strike out the words "two thousand" and insert in lieu thereof the words "two thousand five hundred and forty."

PAY OF MARINES.

Page 88, line 20: Strike out the figures "$3,434,582.52" and insert in lieu thereof the figures "$3,509,850.52."

COMMUTATION OF QUARTERS.

Page 90, line 2: Strike out the figures "$56,000" and insert in lieu thereof the figures "$59,000."

TOTALS.

Page 90, line 25: Strike out the figures "$5,331,406.30" and insert in lieu thereof the figures "$5,458,774.30."

PROVISIONS—MARINE CORPS.

Page 91, line 15: Strike out the figures "$1,150,068.90" and insert in lieu thereof the figures "$1,195,068.90."

CLOTHING—MARINES.

Page 92, line 5: Strike out the figures "$926,423.50" and insert in lieu thereof the figures "$996,073.50."

FUEL.

Page 92, line 11: Strike out the figures "$217,092.66" and insert in lieu thereof the figures "$220,692.66."

MILITARY STORES.

Page 93, line 13: Strike out the figures "$713,648.78" and insert in lieu thereof the figures "$810,002.78."

TRANSPORTATION AND RECRUITING.

Page 94, line 13: Strike out the figures "$459,711.65" and insert in lieu thereof the figures "$492,156.65.

FORAGE.

Page 95, line 3: Strike out the figures "$39,246" and insert in lieu thereof the figures "$42,246."

COMMUTATION OF QUARTERS.

Page 95, line 15: Strike out the figures "$107,512" and insert in lieu thereof the figures "$121,048."

CONTINGENT.

Page 97, line 7: Strike out the figures "$651,345" and insert in lieu thereof the figures "$692,845."

TOTALS—QUARTERMASTER'S DEPARTMENT, MARINE CORPS.

Page 97, line 9: Strike out the figures "$4,469,048.49" and insert in lieu thereof the figures "$4,771,133.49."

TOTAL—MARINE CORPS.

Page 97, line 16: Strike out the figures "$9,800,454.79" and insert in lieu thereof the figures "$10,229,907.79."

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I have not sufficient technical knowledge touching the Navy or the provisions of this bill to enable me to offer much from a technical standpoint for the consideration of the Committee of the Whole House. I have, however, generally, very decided notions about what the Navy ought to be. Of course, if I had to draw the designs to construct the ships and aeroplanes, there would not be any constructed. I believe in an efficient Navy. If I believed as some gentlemen do who have addressed this House, particularly upon the other side, and especially the gentleman from Texas [Mr. CALLAWAY], I would not vote for a single ship and I would destroy those that we now have, because we are all going to be good, and if we are not all going to be good, we are so far away from the balance of the world that they could not cross the ocean and get at us. I understand that to be the position of the gentleman. He was greeted with great applause, though not universal, upon the other side of the House, and by a goodly number of "Amens."

I am not very uneasy about the Army of the United States. I believe that we must rely principally for the national defense against the world upon the Navy, the first line of defense. It is free from any complications that we get with the Army. Why, you can not now fully utilize the National Guard, for there is a large number of people in the United States organized, who say, "You are members of our organization, and if you enter into the service of the National Guard or the militia, you lose your job." There are a good many people that most of us are afraid of who hold that notion. So we just want enough of an Army, say, 150,000 to 200,000. I would like to have 2,000 men for every million of inhabitants, and I think that would be sufficient to take care of Mexico and Central America and the Monroe doctrine, as far as the Army is concerned, as well as to take care of us at home if it is necessary for us to be taken care of.

Gentlemen say that the world can not get across the ocean to attack us. They do not have to. Take, for instance, Great Britain. She has Vancouver, Victoria, near by, right at the very entrance of the Sound upon which one of our principal navy yards is located. Then there are the Bahamas and the Bermudas, the British West Indies, and the French West Indies—not so difficult for Great Britain and France to get over with their navies, after all is said and done. Gentlemen of the minority as well as of the majority have commended this bill as far as it goes, and the only difference as I gather from the debate and the amendments offered is as to whether you have gone far enough—oh, I will say not the only difference, but practically the only difference upon each side of the House.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUTLER. Mr. Chairman, would the gentleman like me to yield him more time?

Mr. CANNON. If the gentleman desires to yield it to me, I would like to have a little more.

Mr. BUTLER. It would be a great pleasure to all of us. I yield five minutes more to the gentleman.

Mr. CANNON. I thank the gentleman and members of the committee. I believe this bill is short in making sufficient provision at this time. I do not believe it provides for a sufficient personnel of the Navy. I am told and I gather from what gentlemen say that probably one-half of the ships of our Navy have not sufficient men to man them in the event that we did have trouble. What is the use of having ships unless you have men to man them? I am told we are short of ammunition, short on this and that and the other, and I presume that is true and I assume it to be true; and it is a mistake equivalent to a crime not to be ready to fight the ships that we have. [Applause.] And they should be manned as rapidly as possible. It can not be done in a minute. Oh, too expensive, too expensive, it is claimed. One gentleman who addressed the House to-day harked back to old Isaiah:

And they shall beat their swords into plowshares and their spears into pruning hooks.

I have heard it preached a hundred times; and we are as far off from that time as they were in old Isaiah's time. [Applause.] You have got to reconstruct the human animal before we will all be good. Nations in all the history of the race went with the strong hand to despoil the enemy who had the goods that they wanted. Why, God's chosen people marched out of Egypt and wandered 40 years in the wilderness; and they went in with, "Thus saith the Lord, according to his prophet," and seized the promised land and killed all the men, women, and children who were in possession of the land. They did it—all except one tribe, you know, that came in with moldy bread and tattered clothes and agreed to be slaves. So it has been and so it will be until the human race is, in my judgment, largely reconstructed.

Mr. MADDEN. Regenerated.

Mr. CANNON. Oh, you talk about the millennium, and pray for the millennium. But the millennium has not arrived, and until it does arrive we must protect our own against all nations who covet our possessions. Now, I am not afraid of any nation, not at all, but as I read the history of our country in the earlier part of the late century during the Napoleonic wars, because we would not take sides either with Napoleon or with Great Britain, we got into trouble and they seized our ships and declared them good prizes, each one of the contestants, and they will do it again if they have the power to do it. But it is said the world is afraid of us. It may be so. But nations will not be afraid of us unless we have the disposition to care for our own and are prepared to care for our own. If you take the hand off China, she would conquer the world from the frozen ocean to the Equator by her patient labor. We can not compete with her and therefore we shut her out, and yet she is dominated by Japan. Nobody has much respect for China. We can not take care of the Philippines; we can not take care of the Monroe doctrine; we can not take care of Porto Rico; we can not take care of the United States proper unless we have what is equivalent to an insurance policy. [Applause on the Republican side.]

That insurance policy is a Navy sufficient to be efficient against all comers. I am for peace, but the only way to have peace is to be ready to fight for peace if necessary.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BUTLER. Mr. Chairman, I yield five minutes to my colleague on the committee [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, one amendment offered by my colleague from Pennsylvania [Mr. BUTLER], on page 98, at the top of said page, and before the words "four scout cruisers, etc.," reads: Insert a new paragraph, as follows:

Two first-class battleships, to be of identical design in all respects as the battleships *Tennessee* and *California*, authorized to be constructed in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, to cost, exclusive of armor and armament, not to exceed $10,500,000 each; said battleships to be constructed within 24 months from the date of signing contract.

Mr. Chairman, I for one think that the amendment is one of the most important amendments to the bill.

Mr. Chairman, naval preparedness is either entirely unnecessary or it is of paramount necessity. The question for this Congress to decide is whether we need a real and effective Navy or whether no such necessity exists, and if the decision is in the affirmative, then in all reason let us bring forth a law that will achieve its object.

The bill we have before us takes a middle ground; it does not frankly admit that the majority side of the Naval Affairs Committee believe there exists no necessity for an increase in America's first line of defense, nor does it meet the very conservative recommendations of the Secretary of the Navy and the General Board of the Navy. It is neither fish nor flesh.

Mr. Chairman, the stand for a large and effective Navy is not a new one for me, as my votes in committee and in the House have shown, but after four weary months of the closest

study in continuous daily sessions of the Naval Affairs Committee, where we heard at length from our greatest naval experts, from scientists, from pronavy and from antinavy advocates, I am more than unwilling to even appear to approve of the bill before us, the provisions of which fall so far short of what I conceive to be the dire need of the Nation.

Rear Admiral Knight, president of the Naval War College, sounded a timely warning when he said that the ocean, unless its waters be blocked by a fleet strong enough to command them, is a highway, broad, spacious, and convenient beyond any military road the Romans ever built. Let us realize in time that the ocean instead of affording the protection of a blockade is in reality exactly the reverse unless adequately policed.

The battleship, the fighting instrument of the Navy, is conspicuous by its absence from this bill. The General Board on July 30, 1915, recommended the construction of four dreadnaughts for this year's program. The Secretary of the Navy, in his five-year program, recommended two dreadnaughts for this year. All of the admirals who appeared before our committee voiced the opinion that battleships are essential. The concensus of opinion of those to whom we must look for expert and valuable advice is undoubtedly in favor of augmenting the number of our fighting dreadnaughts, the big fellows that give and take the hard knocks, and I believe we should authorize at least two at this time. Personally, I would go further and authorize four, as recommended by the General Board. Our thousands of miles of coast line are mutely appealing to us for a degree of protection that will render them safe from attack. Our people from ocean to ocean are looking to us to keep them out of war and to defend them against any possible invading foe. Let us take the action that will best promote the safety of our country and the welfare of our people by building a Navy that will place us second in the navies of the world.

Mr. Chairman, I trust this important amendment will prevail. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWNING. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I shall, in the main, support the bill as reported by the committee, but shall vote, if the opportunity is offered, to reduce the number of battle cruisers provided for by one. I shall vote to increase the number of submarines and provide the necessary men to fully man the fleet.

Mr. Chairman, during the 12 years immediately preceding the outbreak of the European war, to wit, 1901 to 1912, inclusive, the leading naval nations of the earth expended, according to the best figures I am able to secure, the following sums for all naval purposes:

Great Britain	$1,999,209,088
United States	1,331,721,206
Germany	854,055,078
France	791,244,187

There is always some difference of opinion as to the relative strength of two navies which in tonnage, number, and character of ships are anywhere near equal, and while at the time practically all of those who were demanding a large naval program in 1912 insisted that our Navy was then inferior to that of Germany, it is now, I think, generally recognized that at that time we had from the standpoint of efficiency and effectiveness the second navy in the world. The same class of people who in 1912 were insisting that our Navy was third or even fourth among the navies of the world are now insisting that our Navy occupies the fourth place among the navies of the world. The best expert opinion of the day, however, accords us the third place, though, except for our lack of battle cruisers, of which we have none, and from the standpoint of the main battle line of dreadnaughts, our Navy is equal, if not superior, to that of Germany, barring some mythical ships which some imagine Germany may have built during the progress of the present war.

Since the year 1912 our naval expenditures have been as follows:

1913	$141,050,643
1914	145,503,968
1915	149,763,503

The bill before us carries appropriations amounting to $241,449,151, an increase of $91,787,287 over the bill of last year. The building program proposed in the bill is as follows:

Five battle cruisers, to cost $20,433,531 each.
Four scout cruisers, to cost $5,571,900 each.
Ten destroyers, to cost $1,325,314 each.
Three 800-ton submarines, to cost $1,206,302 each.
Seventeen smaller submarines, to cost $731,302 each.
One fuel ship, to cost $1,363,272.
One ammunition ship, to cost $2,714,650.
One hospital ship, to cost $2,250,000.

The total cost of these ships is estimated at $160,087,357, and of this total cost the amount carried in the bill is $59,244,326, leaving in round numbers $101,000,000 to be paid for in future bills. The bill also carries appropriations of upwards of $11,000,000 for ammunition for these new ships.

If we are to assume that as large a building program is to be carried next year as the one proposed in this bill, and that next year's bill will carry as much for that program as the present bill for this year's program in addition to paying for one-half the remainder of this year's program, and the increased expenditures resulting from the bringing into commission of new ships which will be completed during the year, next year's naval bill will exceed the present bill by at least $75,000,000, and the continuation of such a program for five years would give us a naval bill at the end of that period in the neighborhood of half a billion dollars annually.

It is devoutly to be hoped that no condition shall arise or exist that will necessitate any such outlay. Short of the absolute certainty that such an outlay is essential for the preservation of the country, the American people will not approve such a program.

In addition to the sums carried in the bill amendments will be offered by the minority of the Naval Committee increasing the building program by adding 2 first-class battleships, 1 battle cruiser, 2 scout cruisers, 18 destroyers, 30 large and 30 small submarines, and 1 fuel-oil ship; 1 transport, to cost $2,450,000; 1 supply ship, to cost $2,230,000; 1 destroyer tender, to cost $1,950,000; 1 repair ship, to cost $2,600,000.

The minority also proposes an increase of $52,000,000, in round numbers, in the appropriation for construction, and a very considerable number of other increases.

I shall support in part the amendments offered by the minority for increase of submarines and auxiliary ships. I shall also vote for their amendment for the enlistment of sufficient men to man the ships and for speeding up the building program. On the other hand, while supporting in the main the bill as reported by the committee, I shall, if an opportunity is offered, vote to decrease the number of battle cruisers by one.

I believe the amount carried in the bill is all and even more than can be justified at this time for naval expenditures, and while I believe we should increase the number of submarines provided for, I would pay for that increased number by saving the cost of a battle cruiser. Thirty defense submarines could be provided for the cost of one battle cruiser and in less than a third of the time.

In a speech which I made in the House on the 17th of December, I expressed myself in favor of proper and reasonable preparedness, but against extravagant and unnecessary expenditures for great and permanent Military and Naval Establishments. At that time I expressed the opinion that a proper program of preparedness would not include, at this time, any dreadnaughts in addition to the 9 of the first line and the 25 of the second line already in commission, the 6 superdreadnaughts under construction, 2 of which are now practically completed, and the 2—the *Tennessee* and the *California*—authorized a year ago and not yet laid down.

I did not express that opinion as an expert, for I do not claim to be one, but from the impression which I in common with most of our people had received as to the lessons of the European war as indicating that the type and character of the future dreadnaught was in question and that of big ships the battle cruiser had proved its value as an essential factor of a naval establishment.

The almost unanimous opinion of the men in active command, as expressed before the Naval Committee, was in favor of the battle cruiser as the first essential to round out our Navy and fit it to cope with the navies of other powers having these big, fast ships, and I think the action of the committee in providing for battle cruisers rather than battleships was fully justified. Of course, if we were to build more than the number of capital ships proposed, it might be well to include some dreadnaughts, but I do not believe that is justified at this time. In fact, as I have stated, I believe the program proposed by the committee of capital ships is, if anything, too large. It would be better to spend more for submarines, destroyers, and auxiliaries. If there were no other reason for opposition to so large or a larger number of capital ships, the fact that they can not be laid down and their construction started within a year, is quite sufficient reason for not authorizing them. The fact is that the program proposed in the bill would tax the capacity of the shipyards of

the country capable of handling big ships beyond their resources and facilities. On the other hand, there are numerous yards in which submarines could be built.

Mr. Chairman, amid present conditions of world-wide war, the natural tendency is to emphasize the necessity or advisability for great military establishments and to minimize the strength and effectiveness of the defenses which we possess. Men who believe in the military idea, who would establish on our shores the military establishments, the existence of which have brought on and are perpetuating the horrors of the European war, take advantage of the situation to preach and argue for the military systems they approve. Such people, some of them, I regret to say, are in our military establishments; some of them familiar with things military through their interest in warlike invention and munition manufacture, have not scrupled to indulge in the most fantastic flights of imagination, to baldly misstate facts, and to attempt to incite terror through literature and utterances, treasonable in their exaggeration, their misstatement, and their adroit and unprincipled appeals to fear, cupidity, and prejudice. The most unprincipled, untruthful, and selfishlessly interested of this class of people have the most persistently and continuously veiled their true purposes under the guise and pretense of patriotism.

The fact is, that in all human probability we are less likely to attack by a powerful opponent now or any time in the near future than we have been for years. It is true that several of the belligerent powers have ruthlessly disregarded the rights of our people, and in a manner and to an extent that would have justified greater vigor than our administration has exhibited in its diplomatic correspondence. But it is also true that these powers will not be effected in their attitude by any authorization at this time of battleships and battle cruisers for completion three or four years hence. As to certain of these powers, we have an infinitely more effective weapon against their encroachment on the rights of our citizens in our power to curtail needed supplies than we would have with the most powerful Naval Establishment.

Nevertheless, we should be reasonably and properly prepared. We now have, according to the testimony of the best experts, harbor defenses superior to those of any other nation. Our Navy, while far from the largest, is ship for ship, according to the best expert testimony equal to that of any navy afloat, and in officers and men we do not believe it is equaled anywhere. Our mine material for harbor defense is first class in quality and will soon be abundantly sufficient in quantity. This bill and the fortifications bill soon to be passed will largely strengthen our defenses in quantity and extent, certainly all that can be justified.

My hope is that before all of the expenditures proposed by this bill are made, the return of peace in Europe, possibly the limitation of armaments there, may justify the curtailment of some of these expenditures, the abandonment of some of the program. In any event, I have an enduring hope that the world's condition will in the near future warrant the checking of the program of expansion, at the rate of approximately a hundred million dollars a year, contemplated by this bill, and that we may see our way clear to save for the people of the Union, or to provide for its expenditure in ways of peace and improvement and development, a portion, at least, of the vast sums which are now proposed to be expended for the engines and the agencies of destruction.

I can not close without again reverting to a thought that is ever present in my mind—that as our standing as a nation and our usefulness to the world as a people has in the past resulted from our devotion to peace, our adherence to the principles of liberty and justice, so in the future our contributions to the uplift and welfare and inspiration of mankind shall be based on our devotion to these principles. Even in the unhappy event of international misunderstanding, threatening to a breach of peaceful relations, our ability to enforce our just demands does and will depend infinitely more on our potential strength as a nation and the justice of our cause than on our armed power. In the event of threatened or actual war the outcome will depend infinitely more on our reserves of millions of virile patriotic citizens and our limitless resources for arming and equipping them than on any permanent war establishments we may maintain.

I do not agree with the gentleman who spoke a moment ago that the world is no better than it was 3,000 years ago. If men have not grown better, they have at least grown wiser, and the mighty struggle going on in Europe now is the best object lesson the world has ever had in all of the tides of time of the futility of great military and naval establishments in enabling any people to dominate the world. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, this subject is so vast that I can touch only upon one or two points. I congratulate the National Security League upon its success. I extend congratulations to the Steel Trust and to the manufacturers of munitions; a plentiful harvest awaits them. They have triumphed. They have aroused a state of hysteria which has proven irresistible. Congress has yielded, and my voice of protest is a voice in the wilderness. When you analyze the present campaign, you will find it is preparedness, profit, and politics. The Democrats were afraid of the Republicans. They were afraid if they would not give five battle cruisers at $20,000,000 apiece that the Republicans might succeed in getting 10 battle cruisers at $20,000,000 apiece. It is purely a question of politics on the part of the Democrats. Were I in their place, I would have courageously defied the imperialist, the munition maker, the Steel Trust, the war contractor. I would have squarely raised the issue of genuine democracy against imperialism. I would have trusted to the verdict of the American people. Instead of doing the brave thing, the Democrats have surrendered. I am sorry for them. When people are scared you can not expect them to be wise. When men get up on the floor of this House and repeat, parrotlike, the phrase that war is a part of human nature I lose patience. War is no more a part of human nature than religious war was human nature. Catholics murdered Protestants and Protestants slaughtered Catholics because both were stupid and barbarous. Increased knowledge and increased intelligence have made religious wars impossible. If people will but understand the cause of modern wars, war will be made impossible. Wars that we have to-day are economic wars, wars for economic advantages, for aggrandizement, for acquisition of territory, for increase of imperial domain. Are you out to increase your imperial domain? Do you want additional colonies? Do you want an additional fleet to obtain additional markets? Or is there anybody fool enough to believe that some European power or combination of powers would attempt to conquer the United States in order to acquire a new colony?

I was never so firmly convinced of the insincerity of the preparedness agitation as when I saw the vote on the Philippine question. The Philippine Islands are the weakest part of the political organism of the United States. Thousands of miles away, you can not keep those islands unless you have near them a fleet stronger than the fleet of Japan. But you voted to keep the Philippine Islands. Just as a designing lawyer for self-aggrandizement advises his client to litigate instead of settling a case. The imperialist and the munition maker and the politician have advised you to retain the Philippine Islands so that they may come out and argue that you want more battleships, more cruisers, a greater fleet on the Pacific Ocean, because the present fleet on the Pacific can be destroyed by one warship.

There is another thing that I will touch upon if you will permit me. You talk about the need of a first-class navy, of a navy as big as the biggest. I heard the leader of the Democratic Party speaking with pride of having a navy second in rank. He is again a victim of phrases. What does a first-class navy mean, or a second-class navy, or a third-class navy?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. I would like to have just one minute more.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman one minute.

The CHAIRMAN. The gentleman from New York is recognized for one minute more.

Mr. LONDON. A first-class navy is a navy that is best adapted for the purposes of the country which owns that navy. It is entirely immaterial whether it consists of half a dozen ships, of two ships, or of one. The question is, Is it suitable for the purposes of the country? The true criterion should be, To what extent can that navy help in carrying out the policy of the country? If your policy is to maintain and defend this Republic against attack, your present fleet is strong enough. This country is invulnerable against attack, and it is sheer madness to fear invasion. If it is a policy of aggression, a policy of imperialism, a policy of competing with European powers in acquiring new markets, new colonies, and domains, and in extending your commerce by the sword, then your fleet is surely not big enough, and you had better vote with the Republicans to treble and quadruple your present fleet.

Mr. PADGETT. Mr. Chairman, I will ask the gentleman of the minority if he has anyone who desires to speak now?

Mr. BUTLER. Yes. I will ask the gentleman from Tennessee if he would generously agree that the time to-morrow be equally divided, and then we will entertain him with some good speeches now.

Mr. PADGETT. I was willing to do that before, but I want half the time to-morrow morning.

Mr. STAFFORD. If the gentleman accedes to the gentleman's request he will still have time to-morrow.

Mr. BUTLER. I will ask the gentleman from Tennessee to consume four minutes more, and then we will have another speech of five minutes on this side.

Mr. PADGETT. The gentleman can use such time as he may desire.

Mr. BUTLER. I know; but that will be charged against us to-morrow. I am tender about that. The gentleman who has just spoken [Mr. LONDON] might be willing to speak again.

Mr. PADGETT. Have you any speakers there?

Mr. BUTLER. Yes: we have them here. I want to be perfectly candid. Two or three of my colleagues have something they want to say. I say to the gentleman, be generous, and to-morrow we will go in with the speechmaking and save you much embarrassment. Will you divide with us to-morrow equally?

Mr. PADGETT. Yes; I will divide with you half and half in the morning, and we will go on this afternoon.

Mr. BRITTEN. Mr. Chairman, will the gentleman from Pennsylvania yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BUTLER. Yes.

Mr. BRITTEN. Is there any desire to have this bill passed quickly?

Mr. BUTLER. I do not know.

Mr. BRITTEN. I see this Alphease and Gaston act has been passing on here for five minutes. I wanted to know if it was the desire to pass this bill soon, or to dally along as we have been doing in committee for the last six months?

Mr. BUTLER. Oh, no. We were just conferring about the distribution of time.

Now, Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. LENROOT] five minutes.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes.

Mr. LENROOT. Mr. Chairman, I have in the past been classed, I suppose, with those who have been termed "small Navy men." I have sometimes voted for one battleship. I have sometimes voted for two battleships. I have no apologies to make for the position that I have taken, nor shall I have any apology at any time in the future for the position that I propose to take now.

Some say that we ought to have a Navy equal to that of any other country in the world. More say that our Navy ought to be the second in the world. Now, Mr. Chairman, whether our Navy should be first or whether our Navy should be second, it seems to me, has depended, depends now, and will depend in the future to a very large degree on the balance of power in Europe.

Now, I lay no claim to having any technical knowledge of this subject. As to how the Navy should be balanced, I shall be glad to follow the Navy experts and the Committee on Naval Affairs; but as to the source from which we may expect trouble in the future, a Member of Congress ought to be just as competent to decide that question as any naval expert in the world.

Now, in the past I have been for a small Navy, because up to the beginning of this European war neither the power that had the first nor the power that had the second navy was in such a position that there was any possibility of our expecting trouble from them. It was not even a remote possibility so long as each was watching the other and had to reckon upon the other's aggression upon it if there was trouble with us. This European war has changed that situation. We can not now tell what the condition will be with reference to the balance of power in Europe when this war is over. If either side crushes the other and absolutely dominates the situation, then we may need a Navy that is equal to the best in the world. [Applause.]

Mr. CALLAWAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Texas?

Mr. LENROOT. I can not yield now. So long as that possibility exists I believe it is our duty to make the utmost preparation possible at this time, not as a naval policy for the future, for we are not in any position to fix our future naval policy now until we know what conditions are abroad, but we should take every precaution possible to prepare for the conditions that may flow from this European war, and that is to build such dreadnaughts and battle cruisers as it is possible to build with our present yards and facilities, and to build them just as quickly as possible. [Applause on the Republican side.]

For that reason I am for this amendment. I am willing to vote now for six battle cruisers. I am willing to vote now for two dreadnaughts. [Applause.] I would rather vote for eight capital ships now than to vote for four now and four next year, because if we need to use them at all, we will need them at the earliest moment that we can secure them. I would rather vote for eight now and none next year than four now and four next year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I yield to the gentleman two minutes more.

Mr. LENROOT. I want to make it plain that voting for this very large increase now does not mean that I am committed to any increase next year or when this European war shall be over. I may vote against any increase at that time. That will depend entirely upon conditions which then prevail. I believe it is the duty of every Member of Congress to meet this situation as it now exists, not to frame a definite policy for the future, but to take care to the utmost extent possible of the conditions that now confront us. [Applause.]

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. TAGUE] five minutes.

Mr. TAGUE. Mr. Chairman, during all the discussion on this bill one of the main and most important amendments presented has been that of the speeding-up policy, the haste with which these ships shall be built. Yet in this bill now before us there is not one single item that provides for the equipping of the navy yards of the United States for the building of these battleships, cruisers, and torpedo boats. I believe there is one thing that we owe to ourselves in this Congress, and one thing that we owe to the people of the country, and that is to see that the property now owned by the Government—the navy yards of the United States—shall be equipped, and once for all to put down the story that we are trying to build battleships in order to enable the rich shipbuilding and armor-plate manufacturers to procure more of the money of the Nation. The place for us to do this work of building our ships is in the navy yards of the United States, and the navy yards to-day are unable and unfit to accommodate even two or three of the ships now specified in this bill. There are only two navy yards in the country equipped to build dreadnaughts. There are only two navy yards in the country equipped to build a battle cruiser. Yet we ask for speed, when every shipyard in the Nation is going at top speed and running three shifts at the present time. Why, Mr. Chairman, the deplorable condition of the navy yard in Boston is a lesson for any man who will sit and reason for himself as to what the conditions are. Just imagine, when we need ships so badly and there is such a pressing need for equipping the navy yards of the United States, on Saturday night last the ship fitters and riveters in the Boston Navy Yard were notified that their services for the present were no longer required in the service of the Government, because the Boston Navy Yard was not equipped, because there was no work for them to do, because there was no money appropriated for it.

Mr. Chairman, we hear so much to-day about what has been accomplished in the past. I think it is a disgrace to the former Secretary of the Navy that the navy yards of this country are in the deplorable condition that they are at the present time. With millions of dollars of United States property tied up, with enough millions of dollars' worth of property to equal the amount in this bill rotting away in the navy yards of the Nation, it is a disgrace to former administrations. Mr. Chairman, I was surprised to-day to pick up a Boston paper and read an interview with a former Secretary of the Navy who is now attempting to make presidential nominations, former Secretary of the Navy George von L. Meyer, of my State:

[From the Boston American, Sunday, May 28, 1916.]

NAVY USELESS IN EMERGENCY, SAYS MEYER—FLEET UNBALANCED AND SHIPS UNDERMANNED, DECLARES FORMER SECRETARY—PERIL TO MONROE DOCTRINE.

Former Secretary of the Navy George von L. Meyer calls attention to the "unpreparedness" of the United States Navy in the following article:

[By George von L. Meyer, Secretary of the Navy during the Taft administration.]

"The United States Navy at the present time is inadequate. Either we must have an adequate Navy or we must give up the Monroe doctrine, which is no stronger than the Navy.

"A navy is of little service unless it is prepared for sudden emergency.

"England's navy was of incalculable value because it was prepared. Had it not been prepared its vast expenditures would have been of little service.

"Our enormous expenditures for the past 15 years are of little service to the country because our fleet is unbalanced, our personnel is deficient, and our ships consequently undermanned.

BLAMES CONGRESS.

"Our fleet is unbalanced because Congress has failed to listen to the counsel of naval experts, and our money has, in addition, been frittered away on useless navy yards that have no strategic value.

"To make our Navy efficient we must, in the first place, have an up-to-date organization to run the Navy with a continuity of policy taking military necessities into consideration.

"To meet these exigencies, we should have a general staff and a national council of defense.

"Business men thoroughly realize that a great combination that has not an up-to-date organization can not compete with another organization especially well equipped in that direction.

"So also our Navy, not equipped with a military organization, can not compete with a navy of another country that has an efficient military organization for the conduct of naval affairs.

"Furthermore, after increasing the Navy personnel to the extent of 20,000 men, we should have a naval reserve of 50,000 men, and in order to meet the present military requirements we should reduce the age limit of our captains and our admirals.

CRITICIZES WILSON.

"The Wilson administration has particularly failed during the past 18 months to make the necessary effort to strengthen the strong right arm of the Government, which is the Navy, and in which direction public sentiment has been thoroughly aroused and prepared to support the President as never before.

"Had the President arisen to the occasion, much might have been accomplished immediately after the breaking out of war by mobilizing the fleet and demanding of Congress necessary preparations in order that the Navy should be put on an adequate basis of defense and preparedness.

"It is not necessary that our Navy should be the first in the world, but it is necessary and possible to be the second."

He was Secretary of the Navy, and what did he do for the navy yards of Massachusetts or the other yards in this country. Yet he comes out in the face of preparedness and says to the people of the country that the Navy of the United States is useless in an emergency. That is from a former Secretary of the Navy, who is as much responsible as any other man in the country for the present condition of the Navy of the United States.

Why, Mr. Chairman, a few weeks ago in an address before an audience in Boston this same distinguished gentleman, this gentleman who to-day is all preparedness, told the people of the country that if France lost in this war inside of six years the United States of America would be a monarchy.

What is the condition all over the country? Every shipyard is running day and night. In our State shipbuilding companies run with three shifts a day, and working on the battleships of the United States which we should be building in our own navy yards.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PADGETT. I yield the gentleman five minutes more.

Mr. GALLAGHER. I would like to ask the gentleman if there is any provision in the bill to equip navy yards with larger dry docks.

Mr. TAGUE. No; there is not; there is not a dollar appropriated in this bill, so far as I know, for the building or extension of ways or the equipping of the yards.

Mr. ROBERTS of Massachusetts. If the gentleman will pardon me, there is a provision in the bill for a large dry dock in Norfolk and one at League Island, Philadelphia.

Mr. GALLAGHER. That would not apply to other great navy yards where they are just as essential.

Mr. TAGUE. Our State has taken time by the forelock. They are building to-day, and it will be completed soon, the largest dry dock in the United States, at an expense of $3,000,000, and the provision is that the ships of the United States Government shall have preference over any other ship in the use of it. Our State had in mind that at some time the Government of the United States would see to it that our navy yard lying almost idle would be equipped sufficiently to take care of the wants of the Navy.

Mr. CAMPBELL. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. CAMPBELL. Will the gentleman tell the committee why the Boston Navy Yard is idle?

Mr. TAGUE. Yes; I will tell the committee, because it has never been equipped to do the work. The provision for equipping it was given in the last Congress under the present Secretary of the Navy, when he got Congress to appropriate $148,000 for the building of ways that are only large enough to accommodate a small supply ship. We have asked of this committee an appropriation large enough to equip the navy yard for building a battleship. We have the finest harbor, with one or two exceptions, that there is in the United States. We have 35 feet of water at low tide. The Government property there is valued at about $20,000,000, and all that is being done there is to manufacture rope for the Government and chains used on the battleships, with the exception of minor repairs that are being done on ships for the Government.

Mr. FESS. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. FESS. I want to ask, for information purely, is it not a fact that the change of patterns for dreadnaughts is the thing that puts a yard out of commission to do the work—that you do not keep up with the changes of the patterns?

Mr. TAGUE. No; the navy yard, in order to build dreadnaughts, has to be equipped with ways that are large enough. You must have ways, you must have machine shops, you must have chain shops. We have the machine shops, we have the chain shops, and we have the water in the harbor, and we have the protection of the forts at the mouth of the harbor, but we have not the ways for the building of the ships.

Mr. FESS. There are only two navy yards, are there, equipped for building battleships?

Mr. TAGUE. There are but two.

Mr. ROBERTS of Massachusetts. New York and Mare Island.

Mr. TAGUE. With that condition, I think it is the duty of this Congress to appropriate for these navy yards, so that they can do their own work and build our own battleships. We are building better battleships than any private concern in the country, notwithstanding to-day that we are being told that we are unable to build a ship except by an enormous expenditure over and above other private shipyards.

The gentleman forgot to state that the men employed by the Government are taken from work on the battleship in order to perform the work necessary for the repairs of ships when lying and waiting to go into the service of the Government.

Mr. BRITTEN. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. BRITTEN. The gentleman understands that the Secretary of the Navy has the power to build submarines at the Boston Navy Yard, does he not?

Mr. TAGUE. If we give him the money.

Mr. BRITTEN. The money was authorized last year and the year before.

Mr. TAGUE. I do not know that the Secretary is authorized to do it.

Mr. BRITTEN. The Secretary has the money authorized in the last Congress, and he has taken no steps to build submarines there, notwithstanding the fact that right in your own bay you built 20 for England last year in 12 months.

Mr. TAGUE. I believe that there are over 20 to-day tied up there, the property of the British Government, built by the Fore River Co.

Mr. BRITTEN. That is merely another evidence of the inefficiency of the present Navy Department.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PADGETT. Mr. Chairman, I yield one minute more to the gentleman.

Mr. TAGUE. I will take issue with the gentleman upon the efficiency of the present Secretary of the Navy. [Applause on the Democratic side.] I said this morning that I had been around the navy yard in my district during my life, and I have seen the work they do. We have had three Secretaries of the Navy from Massachusetts. We have had Moody, we have had Long, and we have had Von L. Meyer, and Meyer recommended that we close the Boston Navy Yard and other navy yards of the country and build at a tremendous expense a navy yard at Narragansett, R. I.—to satisfy selfish land speculators, and during his réglme the navy yard at Boston was practically closed, and the other navy yards were closed, and for that reason the repairs which were so important on the ships that should have been done was neglected.

Mr. STAFFORD. The gentleman does not mean to say that Secretary Meyer advocated the closing of all navy yards. He was for the efficient management of navy yards, by concentrating the work in those best suited for the benefit of the Navy.

Mr. TAGUE. It is a question whether he was right or wrong, and we take issue with him and say that he was wrong.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PADGETT. Mr. Chairman, he advocated the closing of all on the Atlantic except one, and to establish another one at Narragansett.

Mr. STAFFORD. Did he ever advocate the closing of the League Island Navy Yard?

Mr. PADGETT. I said on the Atlantic.

Mr. GALLAGHER. He has not dared to—it is in Pennsylvania. [Laughter.]

Mr. PADGETT. All along the Atlantic coast, except the Norfolk yard.

Mr. STAFFORD. The League Island?

Mr. PADGETT. No.

Mr. STAFFORD. If my memory serves me right, he never advocated the closing of League Island.

Mr. PADGETT. He did, and he wanted to establish one at Narragansett, and even close the New York yard.

Mr. BUTLER. Mr. Chairman, I wish to congratulate my friend from Illinois [Mr. GALLAGHER] upon his knowledge of geography.

Mr. GALLAGHER. But the gentleman from Illinois can not congratulate the gentleman from Pennsylvania that the Mare Island Navy Yard is the only one provided for in this bill.

Mr. BUTLER. Does the gentleman mean with building slips?

Mr. GALLAGHER. Yes.

Mr. ROBERTS of Massachusetts. It is not equipped with building slips in this bill.

Mr. GALLAGHER. Dry docks.

Mr. PADGETT. We have not any building slips in this bill for any yard.

Mr. GALLAGHER. A dry dock will be a slip when it is done.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I have never permitted myself to say that we have no Navy. Ship for ship, man for man, gun for gun, I have always believed the American Navy was the equal of any other navy. I do, however, sincerely believe that we need some more ships. I do not agree with the gentleman who said that these new battle cruisers will not add any strength to the Navy. It seems to me very obvious that a ship that costs $20,000,000 and carries 14-inch guns will add strength to the Navy. Of course it will.

For a moment or two I want to address myself to what I consider really a basic matter here, and that is the question as to whether we are discharging the responsibility that lies upon us as men. My colleague from the twelfth New York district [Mr. LONDON] said that there was no such thing inherent in the race as a fighting spirit. I absolutely disagree with him. From time immemorial it has been the burden of the man to discharge the responsibility of protecting and defending the clan, the tribe, or the country, and if he will look at his own Hebrew psalms, in the eighty-ninth, he will find that when the psalmist desired to describe a man whom the Lord had deserted he described a man the edge of whose sword had been turned, and who could no longer stand in battle; and that has been history always. The duty and responsibility of defense has been upon man. The woman has had her place and, in the main, has discharged her duty better than the man has discharged his.

It is not my purpose now to discuss the duty of woman, but I do rise to discuss the duty of man, and ask whether after these centuries, because of education, because of luxury, because of trade, because of commerce, because of business, we have forgotten that the responsibility is upon us to provide the measure of sure defense? Why, gentlemen talk about cost. It is expensive. As I have figured roughly, it will lay a tax on the people of the United States amounting to something like $4 per capita per year; but in the old times the tax that was laid upon the clan or the tribe or the people was everything they possessed over the amount of the bare means of subsistence. We have progressed unquestionably. We devote the greater part now of our earnings, of our surplus over the bare means of existence to progress; but have we reached the time when we, who have been distinguished by our districts each as a preeminent man, scruple to spend that portion of the money that is necessary for the national defense? That raises the question whether we are not only false to our country but to humanity and to our manhood, for the duty has always been discharged faithfully by the man to provide the sure defense; and here and to-day, upon our consciences and responsibilities, we are to decide whether in this twentieth century, because of the fact we have had ease and opportunity, we have ceased to be virile and become epicene. [Applause.]

For one, I propose to do a man's duty and to vote to give my country a sure defense. I shall vote for all the new construction in this bill, for two battleships, for additional submarines, and aeroplanes, and, generally, for the Naval Board's program.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Chairman, I thank the gentleman from Pennsylvania for the time, and although I did not expect it, however, I am willing to speak extemporaneously if the committee will bear with me.

One of the questions before the committee to-day is whether we are going to add two battleships to the naval bill, and an additional battle cruiser. I, for one, am very glad the committee saw fit to bring out five battle cruisers, and I am going to support the amendment of the gentleman from Pennsylvania to make it six battle cruisers.

A few moments ago the gentleman from Wisconsin [Mr. LENROOT] stated that the time when we would need these boats would be within the next few years and not within the next decade, if we were going to need them at all. I trust that the time will never be when we will have to use them in actual combat; but in the face of the situation that has been forced on other nations of the world we should provide these ships now. Throughout all the world the brunt of combat has been borne by the battleship. If it was the battleship of the War of 1812, like the *Constitution*, the brunt of combat fell on it. If it was in the Civil War with the heavy line ship, that was the battleship of that day. In the Spanish War we all know very well it was the battleship at Santiago that won the day. To be sure, they were only fighting so-called armor cruisers; but at that time Spain possessed the highest type of armored cruisers represented in the four ships at Santiago. And in the war between Japan and Russia it was the Japanese battleships that won the battle of the Tsu Shima Straits, where the Russian fleet came all the way from the Baltic and were annihilated off the coast of Japan. And so on down. It is the English battleship fleet to-day that causes her to hold the seas, and although she lost a few at the Dardanelles, no one can deny that if it were not for her home battle fleet the German ships of battle would not have remained so securely in the Kiel Canal, but would have ventured forth more often. To-day we are told that it is the battle cruisers that have been doing the fighting on the other side; but the battle cruiser is in reality a battleship except that it has not the armor of a battleship, although it has practically the same gun power. It sacrifices armor for speed. Therefore we should have ample capital ships, be they battleships or additional battle cruisers.

I heard the gentleman from Alabama [Mr. OLIVER] say to-day that he was going to answer the accusation made by certain men on the Republican side whom he accused of bringing politics into the discussion on this bill, and he quoted figures from this bill to show it was a larger bill in money appropriated for capital ships than any heretofore passed under Republican administrations. Certainly it is, because battleships and capital ships cost more now than they did in former administrations. That is no criterion to go by, because the cost of these ships is increasing annually as they get larger. The old *Oregon* cost one-fourth as much as a dreadnaught of to-day. He did not call attention to the fact that the average number of battleships provided per year under the Republican administrations was two ships a year, nor did he call attention to the fact that since the Sixty-second Congress in 1911, when this country first elected a Democratic House, there was provided an average of only one battleship a year until last year, when two were authorized. I will qualify that by saying that the year before last—1914—we had three battleships, because we sold the old *Idaho* and *Mississippi* to Greece, and in place thereof substituted one dreadnaught——

Mr. BUTLER. Two.

Mr. MILLER of Delaware. Two dreadnaughts. I do not like to refer to a gentleman's statement when he is not present on the floor, and I did not interrupt him this morning, because I knew he had only a limited time, and I thought I might have a chance a little later on to put in the RECORD an answer to his statement. I expect to vote for two battle ships, and I expect to follow the minority members of the Committee on Naval Affairs in their recommendation, not because I happen to be on their side, but because I agree with what the gentleman from Michigan [Mr. KELLEY] said, that the Navy is the first line of defense that will have to meet the enemy when it comes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Delaware. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD in connection with the few remarks I have made.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Mr. Chairman, I can not at this time attempt to describe the ships of all of the great navies, but I wish to make some comparisons that may be useful in voting upon the amendments before the House. For this purpose I shall speak first of the navy of Germany, which now is generally

considered to occupy the second place in rank among the navies of the world. The English Navy is so much superior to ours that I shall not now consider it.

Taking the Naval Yearbook that has been issued by the Senate and considering the first five battleships which are listed in the German Navy, we find what are called the *Kaiser Friedrich* class. Of these ships Mr. Archibald Hurd, the English naval expert, says:

> In their original form each ship carried eighteen 5.9-inch guns, but all, excepting the *Kaiser Karl der Grosse*, underwent complete reconstruction six or seven years ago, when four 5.9-inch guns and much of the clumsy top hamper were removed. This reduction in weight brought the lower edge of the armor belt dangerously near the surface, with the result that when the ships are rolling the belt comes out of the water, and the lower hull is thus exposed to the smallest projectile.
>
> Owing to this grave defect the ships were withdrawn from active service and have been in reserve ever since they were reconstructed.

So we find some other nations have some ships in reserve as well as our own. These vessels in fact are very much inferior to the *Indiana* and *Massachusetts*, which we no longer include in our list, but which carried very much heavier armor and four 13-inch guns 35 caliber, while the German ships carried 9.4-inch guns 35 caliber as the very largest.

Then we pass to the next five battleships, completed in 1902 and 1903, called the *Wittelsbach* class. Of these ships, Mr. Hurd says:

> In service they have been found defective in sea keeping qualities, and the high freeboard and lofty superstructure offer an inviting target to hostile guns.
>
> Normally these ships form part of the reserve fleet. Proposals to reconstruct and modernize them (two years ago were rejected on the ground of their insignificant fighting value.

These ships also carried no big guns, the armament being practically the same as the first five mentioned, while we continued to build ships in which the main battery was 13-inch guns 35 caliber, and with much larger guns in the secondary batteries than the German ships.

In planning the next five ships the Germans corrected the error of making the main battery only 9.4-inch guns, and the five ships of the *Braunschweig* class were provided with 11-inch guns. They are much smaller, however, than our vessels built at the same time which carry four 12-inch guns with a heavier secondary battery and heavier armor. The Germans had also increased the range of their guns by making them 40 caliber in the main battery, but we had done better in our *New Jersey* class by not only making the main battery 40 caliber, but the secondary battery 45 and 50 caliber, with heavier projectiles.

The next five battleships of the German Navy, being the *Deutschland* class, completed in 1906 and 1908, are the last of their predreadnaughts. They are a little larger than the *Braunschweig* class and have a little heavier armor belt, but their size, 13,000 tons, is small compared to those battleships of the *Connecticut* class in our own Navy, built at the same time, which have 16,000 tons, and the German ships have four 11-inch guns in the main battery as against four 12-inch guns on our ships, which also carry a heavy secondary battery and heavy armor.

Coming now to the dreadnaughts of the German Navy, the first four belong to what is called the *Nassau* class, completed in 1909 and 1910. Of these ships, Mr. Hurd says:

> For their size they have an extremely powerful armament, but too much was obviously attempted on the displacement, and they are admittedly failures.
>
> It is held by experts that these ships would be quickly put out of action if subjected to heavy fire, and it is considered doubtful whether they would be able to stand for long the concussion of their own numerous heavy guns.

I would not, myself, class these ships as failures. They are extremely steady boats and some of the best shooting in the German Navy has been done from them. Their armament comprises twelve 11-inch 45-caliber guns, but owing to the fact that four of the turrets are placed on the broadside, only eight of the big guns can be used on one broadside—the same number as on the first dreadnaught of the English Navy. This has an important bearing on their fighting value. The horizontal deviation in long-range gunfire is much less than the vertical deviation. All naval experts agree that future naval fleet actions will be fought at long range and in broadside, as in this way the ships are less likely to be hit. Inability to use guns in broadside fire has thus become a very serious defect. Our *Michigan* and *South Carolina* are not classed as dreadnaughts in the Naval Yearbook, although as the gentleman from Michigan [Mr. KELLEY] said yesterday, they should be.

Mr. KELLEY. I think the *Michigan* ought to be so considered. [Laughter.]

Mr. GREEN of Iowa. Both, as the gentleman said yesterday, and quite properly. They are better fighting ships than the first four German dreadnaughts, which in broadside fighting could only oppose eight 11-inch guns to eight 12-inch guns of the *Michigan* or *South Carolina*, while the latter carry about as heavy armor. I know these two ships are a little slower than the *Nassau*, but the difference is not great enough to affect their fighting value. They roll heavily, but with modern appliances fine records for shooting have been made from them.

The next four dreadnaughts of the German Navy, the *Helgoland* class, were completed in 1911 and 1912. They carry twelve 12-inch guns, but the same mistake was made in their plans by which four of the turrets were placed on the broadside and only two on the center line fore and aft, a disposition which allows only eight guns to be trained on either beam. In other words, only 66 per cent of the heavy armament is available on the broadside. This error has been avoided in all of our construction. Our constructors started out with the principle that the proper place for the big-gun turrets was on the median line; that none should be placed where their broadside fire would be cut off or restricted by the superstructure of the ship, and all other nations now follow this plan.

The next five dreadnaughts of the German Navy are of the *Kaiser* class, completed in 1912–13. Smaller than our *Arkansas* and *Wyoming*, completed in 1912, our ships being of 26,000 tons and the German ships of 24,300 tons, they carry only ten 12-inch guns against the twelve of the same kind carried by our ships, but have a very strong armor belt of 13¾ inches. This is heavier than our ships last named carry, notwithstanding they are larger. There is, however, in the German ships the same defect, only to a lesser extent, in the arrangement of the big-gun turrets, the broadside fire of which is somewhat restricted. These vessels are excellent sea boats, are fitted with turbine engines, and are undoubtedly very powerful fighting ships.

The five German dreadnaughts of the *König* class, completed in 1914–15, are considered by German experts to be very successful ships. The main armament has ten 12-inch 50-caliber guns, so mounted that all ten can be fired on their broadside and four ahead or astern. They are heavily armored, having a belt 13¾ inches thick amidships, but their armament of ten 12-inch guns is much lighter than that of our *Texas* and *New York*, which carry ten 14-inch guns. Our ships are larger, being of 27,000 tons against the 25,500 tons of this class of German vessels. Our *Nevada* and *Oklahoma*, recently built, and sometimes called superdreadnaughts, are a little larger still, being of 27,500 tons. They also carry ten 14-inch guns, with very heavy armor—13½ inches on the belt. In the *Idaho*, *Mississippi*, and *California*—superdreadnaughts—the thickness in the armor belt is expected to be raised to 14 inches amidships, but as the last two are not started, the details of the plans are uncertain. No details are known concerning the latest class of the German dreadnaughts, except that it is understood that they will carry 15-inch guns. If so, the number of guns must be reduced, and experts differ as to whether our new ships should carry larger guns.

In the latest fighting machines—the dreadnaught and battle cruiser—we are outnumbered by the Germans. The most powerful armored cruiser ever built lacks the speed to escape from the battle cruiser and the guns and armor to fight it.

The German battle cruisers, which up to the time of the war were four in number, including the *Goeben*, which was subsequently sold to Turkey, are fine fast ships of high speed, carrying heavy guns, but with comparatively light armor. Four other battle cruisers of the *Derfflinger* class were then building, of 28,000 tons, to carry eight 12-inch guns and have a speed of 27 knots. Some and possibly all of these vessels have now been completed. We have never built anything in this class and in their line have nothing to oppose them. If, however, we carry out the plans of this bill, it is understood that the battle cruisers provided for therein will be larger, faster, and carry a heavier battery. We will be late, but we will have better designed and more powerful vessels.

My study of these matters leads me to conclude that, ship for ship, the American Navy is superior to any in the world. Our early ships, of course, are defective in many respects, but the defects are not so serious in comparison. We have built later than the other powers, and thus have been able to take advantage of their mistakes. Our plan has been to build larger vessels, with heavier batteries and heavier armor than those which could oppose them. In fast vessels we are deficient, but that will be remedied by the provisions of this bill. The battle cruiser, of course, can not stand in the fighting line as against the dreadnaught, but its value for other purposes is very apparent. It has made the armored cruiser, which is a vessel inferior in speed, armor, and armament, a thing of the past. No naval power will build any more of them, and we are fortunate in that we have not very many. Our Navy is often compared to that of France, and it is said that it is inferior in tonnage. It may be, but when we consider that in 1914 over 200,000 tons in the French Navy, out of 665,000 tons, consisted of armored

cruisers whose day has passed, while we have only 140,000 tons of these almost obsolete vessels, it will be seen that such a comparison is very unfair to our Navy.

I do not have time to compare our ships with those of France. Notwithstanding the frequent statements to the contrary, I consider that a comparison, not only of the ships but of the actual fighting strength, would be greatly in our favor. At the outbreak of the war France only had four dreadnaughts completed, while we had eight. It is true that she then had eight under construction or authorized, and may since have taken over one that was being constructed for another power. I do not believe, however, that she has been able as yet to complete the construction of all of these vessels, and consider the present rank of the American Navy is third; but I hope to see it raised to second place among the navies of the world as fast as can reasonably be done.

Mr. BUTLER. Mr. Chairman, I will yield to the gentleman from Nebraska [Mr. SLOAN] five minutes, which he will occupy to-morrow, so that I will not stand in the way of the committee rising now.

Mr. PADGETT. The gentleman has nothing further now?

Mr. BUTLER. No.

Mr. PADGETT. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. ROUSE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by Gov. A. O. Stanley, of Kentucky, at the Democratic State convention last Wednesday; also a speech by Senator OLLIE M. JAMES on the same occasion.

The SPEAKER. The gentleman from Kentucky [Mr. ROUSE] asks unanimous consent to extend his remarks by printing in the CONGRESSIONAL RECORD a speech delivered by Gov. Stanley, of Kentucky, at the Democratic State convention recently, and a speech delivered by Senator JAMES on the same occasion. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROUSE. The speech of Gov. Stanley will appear elsewhere in the RECORD of to-day's proceedings, and the speech of Senator JAMES will appear later.

The SPEAKER. What was the request of the gentleman from Illinois?

Mr. MANN. To extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. FITZGERALD. Reserving the right to object, Mr. Speaker, I want to ask the gentleman if we can have some understanding about printing the speeches to be made in the two national conventions?

Mr. MANN. I suppose we have started in to print all the speeches made at all the State, county, and village conventions, and that the others will follow.

Mr. FITZGERALD. Well the gentleman has not said anything lately, and I will not object. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HICKS. Mr. Speaker, I make the same request.

Mr. FOSS. And I make the same request, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. HICKS] and to the request of the gentleman from Illinois [Mr. FOSS]?

There was no objection.

Mr. AUSTIN. And I make the same request, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, disagreed to by the House of Representatives, had agreed to the conference asked by the House and had appointed Mr. BANKHEAD, Mr. SWANSON, and Mr. TOWNSEND as the conferees on the part of the Senate.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION.

The SPEAKER. The Chair lays before the House the report of the Rock Creek and Potomac Parkway Commission, with a request from the Committee on Appropriations that the order to print be so modified as to include three illustrative maps. Without objection, it will be so ordered.

Mr. MANN. Mr. Speaker, let us know about it. Does this come from the Committee on Appropriations?

The SPEAKER. Yes.

Mr. MANN. Has there been an order to print?

The SPEAKER. There has been an order to print the words, but not the maps.

Mr. MANN. Does this print all the maps?

Mr. FITZGERALD. Only the maps, not all the illustrations; the maps that are necessary to make the document intelligible.

Mr. MANN. I want to print all the maps that are there.

Mr. FITZGERALD. There are only three maps.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. FAIRCHILD, by unanimous consent, was granted leave of absence, indefinitely, on account of sickness.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 30, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting with a letter from the Chief of Engineers report on preliminary examination of White Oak River, N. C., from its mouth to the head of navigation at or near Maysville (H. Doc. No. 1169), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 15096) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States, reported the same with amendment, accompanied by a report (No. 779), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (H. R. 9856) granting to the St. Louis, Iron Mountain & Southern Railway Co. and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Busch Brewing Association, respectively, reported the same without amendment, accompanied by a report (No. 780), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. MURRAY: A bill (H. R. 16093) to amend an act entitled "An act to provide for the payment of drainage assessments on Indian lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. BRUMBAUGH: A bill (H. R. 16094) for purchasing a site for the erection of a public building at Columbus, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. McKENZIE: A bill (H. R. 16095) authorizing the Secretary of War to donate to the city of Freeport, Stephenson County, Ill., two bronze or brass cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. OLNEY: A bill (H. R. 16096) authorizing the Secretary of War to sell certain magazine rifles; to the Committee on Military Affairs.

By Mr. BORLAND: A bill (H. R. 16097) to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914; to the Committee on Interstate and Foreign Commerce.

By Mr. McLAUGHLIN: A bill (H. R. 16098) providing for a site and public building for a post office at Ludington, Mich.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BEAKES: A bill (H. R. 16099) granting a pension to Margaret Wallace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16100) granting a pension to Martha Hynes; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 16101) to authorize the reinstatement of entry and issuance of patent to certain lands in Alabama to William J. Whitworth; to the Committee on the Public Lands.

By Mr. CHIPERFIELD: A bill (H. R. 16102) granting an increase of pension to Richard Burge; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 16103) granting an increase of pension to Dick Ransom; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 16104) granting a pension to Missouri L. Black; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 16105) granting a pension to Maria Schmidt; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 16106) granting an increase of pension to Fred W. Porter; to the Committee on Pensions.

By Mr. GANDY: A bill (H. R. 16107) for the relief of Oscar Smith; to the Committee on the Post Office and Post Roads.

By Mr. HASKELL: A bill (H. R. 16108) granting an increase of pension to Zachariah Camp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16109) granting an increase of pension to Mary E. English; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16110) granting a pension to James O. Singleton; to the Committee on Pensions.

By Mr. HINDS: A bill (H. R. 16111) granting a pension to Bryant Libby; to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 16112) granting an increase of pension to Mrs. Mamie M. Carter; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 16113) granting an increase of pension to John Robinson Davis; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 16114) granting a pension to Charles F. Updegraff; to the Committee on Pensions.

By Mr. OGLESBY (by request): A bill (H. R. 16115) for the relief of the Union Trust Co., of the District of Columbia, trustee for Bessie J. Kibbey, owner of lot 75, square 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station. District of Columbia; to the Committee on Claims.

By Mr. PATTEN: A bill (H. R. 16116) for the relief of the widow of Robert M. Gibbs; to the Committee on Claims.

By Mr. ROUSE: A bill (H. R. 16117) granting an increase of pension to Margaret Catherine Shotwell; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 16118) granting an increase of pension to Alfred E. Neal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16119) granting an increase of pension to Christopher C. Watkins; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 16120) granting an increase of pension to Harriet N. Saunders; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 16121) granting an increase of pension to James W. Smith; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 16122) to amend the acts of July 1, 1862, and July 2, 1864, and June 24, 1912, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, the legalizing of certain conveyances heretofore made by the Union Pacific Railroad Co., and more perfectly disposing of the excess portions of the company's right of way; to the Committee on the Public Lands.

By Mr. TAYLOR of Arkansas: A bill (H. R. 16123) granting a pension to Mrs. Julia McFarland; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 16124) for the relief of John Curtis; to the Committee on Military Affairs.

Also, a bill (H. R. 16125) granting an increase of pension to Ahi S. Loudermilk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16126) granting an increase of pension to James A. Duncanson; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: A bill (H. R. 16127) granting a pension to David S. Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16128) granting a pension to Arthur Culbertson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Federal Watchman's Union, Local No. 14964, American Federation of Labor, favoring passage of the Nolan bill, House bill 11876; to the Committee on Labor.

Also (by request), petition of Grand Army of the Republic of the State of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. BAILEY: Petition of Thomas Kerr, James W. Stephenson, H. A. Morris, Richard Scollon, John R. Musser, William McPherson, Louis Luxenberg, E. M. Binder, Hart Commons, Max Lipman, McMillen & Killins, J. J. Barnes, Sam Ratonsky, F. J. Pandracki, Robert Taylor, Max Freidman, H. A. Shruller, and Frank McAnulty, all of Barnesboro, Pa., favoring a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Bakery and Confectionery Workers' International Union of America, favoring House bill 10318—employers' liability act; to the Committee on the District of Columbia.

By Mr. COLEMAN: Petition of sundry organizations and citizens of Wilkinsburg and Turtle Creek, Pa., favoring amendment relative to polygamy; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Young Men's Christian Association, of Concord, N. H., and Katharine H. Shaw, of Ithaca, N. Y., favoring passage of Owen-Hayden bill relative to probation system in United States courts; to the Committee on the Judiciary.

Also, memorial of the Colonial Dames of America of New York City, favoring national defense; to the Committee on Military Affairs.

Also, memorial of Pennsylvania Branch of the Congregational Union for Woman Suffrage and Women of the West, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. DARROW: Memorial of the Colonial Dames of America, favoring national defense; to the Committee on Military Affairs.

By Mr. DAVIS of Texas: Petition of John McCellan, of Houston, Tex., favoring the passage of Rainey bill, House bill 10585, for a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, petition of Glenn W. Smith and commissioners of Mason County and Mason Business Men's Club, of Mason Tex., favoring passage of the Bankhead good-roads bill; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Memorial of the Dakota Conference of the Evangelical Association, favoring prohibition in the District of Columbia and national prohibition; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of the Colonial Dames of America, favoring preparedness; to the Committee on Military Affairs.

By Mr. EAGAN: Memorial of the Colonial Dames of America, favoring preparedness; to the Committee on Military Affairs.

By Mr. EDMONDS: Petitions of sundry citizens of Philadelphia, Pa., and National Security League, favoring national defense; to the Committee on Military Affairs.

By Mr. ELSTON: Petition of Woman's Home Missionary Society of Methodist Episcopal Church of Oakland, Cal., favoring bill to prohibit exportation of liquors to Africa; to the Committee on Alcoholic Liquor Traffic.

Also, petition of Woman's Home Missionary Society of Methodist Episcopal Church of Oakland, Cal., favoring bill to prohibit sale of liquors in Philippine Islands and Porto Rico; to the Committee on Insular Affairs.

By Mr. FLYNN: Memorial of the Colonial Dames of America, favoring preparedness; to the Committee on Military Affairs.

By Mr. GRAY of Indiana: Petition of Samuel E. Vertreez, of Richmond, Ind., favoring legislation to prevent slaughter of young calves; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: Petition of citizens of Salem, Oreg., favoring national prohibition; to the Committee on the Judiciary.

By Mr. JAMES: Petitions of sundry citizens of Lake Linden, Mich., against any change in the parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Memorial of Diamond Machine Co., of Providence, R. I.; Libermore & Knight Co., of Providence, R. I.; and the Master Printers' Association of Rhode Island, opposing passage of the Tavenner bill; to the Committee on Labor.

Also, memorial of Mixer & Co., of Buffalo, N. Y., favoring House bill 651; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Rhode Island Chiropodists' Society, indorsing House bill 13717; to the Committee on the District of Columbia.

By Mr. RAINEY: Petition of 533 citizens of Illinois, favoring woman suffrage amendment; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of 220 citizens of National City, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Memorial of Gadsden (Ala.) Chamber of Commerce in re water-power legislation; to the Committee on Military Affairs.

Also, memorial of Mental Hygiene Societies of the United States, favoring establishing a division of mental hygiene in the United States Public Health Service; to the Committee on Appropriations.

Also, petition of J. B. Komdorfer, of Bensonhurst, N. Y., in favor of House bill 11539; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of Mrs. S. H. Hough and 117 others, of Comstock, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also papers to accompany House bill 15910, for relief of George M. Woodard; to the Committee on Pensions.

By Mr. STINESS: Petition of Branch No. 5, Amalgamated Lace Operatives of America against the bill providing for the registration of designs; to the Committee on Patents.

Also, petition of Rhode Island Antituberculosis Association against Senate joint resolution 120; to the Committee on Appropriations.

By Mr. TILSON: Petition of H. G. Ford and 54 others, of Highwood, Conn., against passage of House bill 13048, relative to juvenile courts; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of citizens of Worcester, Mass., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 30, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O God, our Father, we come to Thee with gratitude in our hearts and praise upon our lips for the spirit of patriotism which lives in the hearts of our people and will manifest itself to-day in memory of our sacred dead. Floral tributes will cover their graves and the emblem of liberty float over their ashes. We thank Thee that time not only assuages grief, but sweeps away the unhallowed passions of men, for to-day we would honor the Blue and the Gray, in memory of their valor, since each fought for the right as it was given him to see the right. We thank Thee that the sons of those who followed the Stars and Stripes and the sons of those who followed the Stars and Bars would rally round the old flag and bear it to the breeze in defense of the honor and integrity of our beloved country. Thus we would hallow this day and consecrate it to the soldiers living and the soldiers dead and teach in song and story the value of patriotism in peace no less than in war; that our Nation may continue to live and grow in all that makes it sacred to our hearts; and pæans of praise we will give to Thee, in the name of Him who taught us liberty, justice, mercy, love, peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. BROWNING. Mr. Speaker, on Friday, May 26, my colleague [Mr. SCULLY] was paired with the gentleman from Michigan [Mr. LOUD] on some of the measures that were being voted on at that time. There seems to have been an error in the way in which he was paired, and I ask unanimous consent to print in the RECORD a statement made by Mr. SCULLY on that subject.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to print in the RECORD a statement by his colleague [Mr. SCULLY] as to a certain vote. Is there objection?

There was no objection.

The statement is as follows:

"On the afternoon of Friday, May 26, 1916, Mr. SCULLY, by force of circumstances, was absent from the House during the consideration of the transfer of H. R. 6915 and H. R. 10130 from the Committee on Reform in the Civil Service to the Committee on the Post Office and Post Roads.

"Mr. SCULLY was paired with Mr. LOUD, of Michigan, on this vote, with Mr. SCULLY for the transfer and Mr. LOUD against. Through an error on the part of some one, the pair appears under the vote on the District of Columbia appropriation bill and not on the vote on the transfer of the Tague and Griffin bills.

"I talked with Mr. LOUD about asking for a correction of the RECORD, and after I explained what the transfer meant, he said he did not care to bother about it; that it made very little difference; and that if he had known about the bills and voted on them he would have probably voted as Mr. SCULLY did."

FOURTH-CLASS POST OFFICES.

Mr. MOON. Mr. Speaker, I desire a few moments to correct a statement made by a Member of the House in the RECORD yesterday.

The SPEAKER. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, when the bill in relation to the postal savings bank was before the House it was discussed by the gentleman from Minnesota [Mr. STEENERSON], myself, and others, and finally passed. I find in the RECORD yesterday an extension of remarks of Hon. HALVOR STEENERSON, in which he refers to the fact that he opposed the provision of the bill known as the nonaccounting office provision, by which the department would have been enabled to cover into the civil service some 56,000 postmasters of the United States. Mr. STEENERSON takes entire credit to himself in this matter—I think inadvertently, because he is a very correct and estimable gentleman, and I do not believe he would do a thing intentionally that reflected upon the other members of the Post Office Committee or the conferees. After referring to his remarks in the House on the 17th of March he quotes from some communications, newspaper clippings, which he had received and publishes them as a part of the extension of his remarks, headed:

STEENERSON saves the postmasters—Minnesotan defeats proposition to abolish all except 3,000 post offices.

And also—

STEENERSON SAVES POSTMASTERS' JOBS IN 56,000 TOWNS—MINNESOTA CONGRESSMAN DEFEATS PLAN TO ABOLISH FOURTH-CLASS OFFICES—REPRESENTATIVE COMMENTS UPON TENDENCY TO INCREASE DEPARTMENT POWERS.

WASHINGTON, *May 15.*

Representative HALVOR STEENERSON won his fight to prevent the abolishment of fourth-class postmasterships throughout the country. At the instance of the Post Office Department the Senate placed in the bill to increase the limit of postal savings to $1,000 a provision authorizing the establishment of a central office in each county in the country, with the other post offices as branch stations.

Although the same provision had been submitted to the House Post Office Committee and rejected, the House Members generally were not informed upon it, and the Minnesota Member had to make his fight practically alone for a time, when he won over the Democratic House conferees.

When the conference report was before the House Thursday Representative STEENERSON made a short speech telling what the department was seeking to accomplish.

Now, Mr. Speaker, the statement that he won over the Democratic conferees on that proposition is clearly incorrect. There never was a time during the pendency of the bill when the two Democratic conferees favored the proposition which Mr. STEEN-

NESON says he opposed and won them over against. In his speech of March 17, to which he refers, he quotes from the hearings before the Post Office Committee, and in the very beginning of those hearings the question was raised as to the meaning and effect of that section. The chairman of the committee called upon Mr. Roper to explain it. He asked a number of questions which showed opposition to it. So did Mr. FINLEY, the other Democratic member of the conference committee, and so did Mr. STEENERSON. I do not want to take any credit from Mr. STEENERSON, but he has not saved any 56,000 postmasters of the United States. He has not won over to his way of thinking the other two House conferees, and he ought not to leave the impression that they had been in favor of this section, and that by his superior ability and intelligence he had won them over to his way of thinking. The hearings before the committee, the speech of the chairman of the committee and others in this House, as well as of Mr. STEENERSON, the conference report, and the conference itself with the Senators shows that that is incorrect.

Now, this is a civil-service proposition. I had opposed the covering into the civil service, by Mr. Taft's order, of 45,000 fourth-class postmasters, and attempted to have it in part revoked in the House. Mr. STEENERSON did not vote with me on that question, but against it. Upon the same reasoning that I opposed 45,000 Republicans being held in service by an Executive order under the civil service, I opposed 56,000 Democrats being held in office under an order of this House that would place them practically under the civil service. It is not right for any man, in my judgment, to oppose a proposition that would inure to the benefit of the Republican Party and favor the same proposition because it inured to the benefit of the Democratic Party. A man ought to be consistent upon these questions. I have always opposed the civil service and any attempt to extend it. The gentleman from Minnesota can not say as much. In his anxiety to obtain credit in this matter he has put these letters or clippings into the RECORD in the extension of his remarks. I do not think he ought to have done it. I believe he is a clean enough man to correct it and not put his fellow conferees in a false position, as he has done in this matter, and it is for that reason that I call attention to it. I have never favored any law that by Executive order or by the order of this House would put Democrats in office for life or Republicans either. I have felt that it was proper to call attention to that fact. He has not won over anybody. He simply agreed with the balance of us. All three of the House conferees were united on this question; and I want to say, so far as the Senate was concerned, that when we explained our position the Senate conferees readily receded. There has been no contest upon that matter, and while I would not take away any credit from Mr. STEENERSON, I am not willing that he shall take all of the credit as against all of the Post Office Committee on the subject, if, in fact, there is any credit to anyone due in this matter. Personally I care nothing about it except that the record be made correct.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MOON. Yes; I yield to the gentleman.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. MOORE of Pennsylvania. I did not know that he had any specified time, Mr. Speaker.

The SPEAKER. He had five minutes.

Mr. MOORE of Pennsylvania. I ask unanimous consent that the gentleman may have two minutes more.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Tennessee may have two minutes more. Is there objection?

Mr. MOORE of Pennsylvania. I have read the extension of remarks to which the gentleman refers, attributed to the gentleman from Minnesota [Mr. STEENERSON], and I think it is fair to Mr. STEENERSON, who is not present, to say that the references to which the gentleman from Tennessee has called attention are clippings from newspapers.

Mr. MOON. I said that.

Mr. MOORE of Pennsylvania. Mr. STEENERSON's own statement was not quoted by the gentleman.

Mr. MOON. Mr. STEENERSON's own statement is printed in the RECORD, and I said that he quoted from these clippings in newspapers and he makes them a part of his speech, and gives faith and credit to them by putting them in the RECORD as confirmatory of his position.

Mr. MOORE of Pennsylvania. The gentleman will concede, I am sure, that other Members of the House are in the habit of extending remarks in which they do not hesitate to speak of the things they have done in the interest of their constituents.

Mr. MOON. I am very sure of that, and I have no objection to that; only I say this, that a gentleman in extending his remarks ought not to put other gentlemen in a bad attitude in reference to anything that has been done, and that is one of the dangers in this House. I do not believe we ought to allow a man to extend his remarks and say anything that reflects directly or indirectly upon any other member of the committee whether named or unnamed, and I would be glad to see a prohibition of extension of remarks at all. No man ought to be permitted to say anything in the RECORD that he does not say on the floor of the House.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would be glad to join the gentleman in stopping the extension of remarks if it could be done fairly to all Members, but I suggest to the gentleman from Tennessee, who has labored hard and earnestly in the Committee on the Post Office and Post Roads, that this now appears to be a matter of credit as between the gentleman from Minnesota [Mr. STEENERSON] and the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Oh, no; oh, no.

Mr. MOORE of Pennsylvania. To this extent, that the gentleman from Tennessee, as indicated in his criticism of the extension of remarks by the gentleman from Minnesota, in certain proceedings heretofore had, did certain things for which he thinks he is entitled to credit, whereas the gentleman from Minnesota may have been entitled to some of the credit.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. ADAMSON. Mr. Speaker, I would like to ask the gentleman a question that will take perhaps one minute.

The SPEAKER. What does the gentleman from Georgia ask for now?

Mr. ADAMSON. I ask that the gentleman's time be extended for one minute.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOON. Mr. Speaker, it looks to me as though the gentleman from Pennsylvania [Mr. MOORE] has taken up all of the time in asking questions, so that I could not answer him.

Mr. MOORE of Pennsylvania. That is true—merely to put the gentleman from Minnesota right, so long as he is not here.

Mr. MOON. I do not want to put the gentleman from Minnesota in a bad position, but I do not want him to say in the RECORD that he has brought over to his way of thinking two Democratic conferees when they were never of any other way of thinking.

Mr. MOORE of Pennsylvania. Probably the newspaper clippings may be responsible for that.

Mr. MOON. The gentleman must not put such things in the RECORD.

The SPEAKER. What did the gentleman from Georgia wish to ask?

Mr. ADAMSON. I wish to ask one minute's extension for the gentleman from Tennessee.

The SPEAKER. The gentleman has already obtained that.

Mr. ADAMSON. I want to ask the gentleman if he does not think that blessed beatitude, "Blessed is he who bloweth his own horn, lest it be not blown," extends to permitting a blast against anyone else?

Mr. MOON. Maybe so; but I do not think that is a legislative or a parliamentary proposition.

PROBATION SYSTEM IN UNITED STATES DISTRICT COURTS.

Mr. OGLESBY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the Hon. Homer Folks, president of the New York State Probation Commission, on the subject of the establishment of a probation system in the United States district courts.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

The SPEAKER. Under the rule, the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15947, the naval appropriation bill, and the gentleman from New York [Mr. FITZGERALD] will take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. FITZGERALD in the chair.

The CHAIRMAN. There is one hour of debate left upon the amendment of the gentleman from Pennsylvania [Mr. BUTLER] under the agreement reached yesterday.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WM. ELZA WILLIAMS], and I

understand that the gentleman from Pennsylvania yields him five minutes also.

Mr. BUTLER. Mr. Chairman, I also yield the gentleman five minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, before proceeding I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WM. ELZA WILLIAMS. Mr. Chairman and gentlemen of the House, I have not the time that I would like to discuss this bill. To say that I am wholly satisfied with the bill would not be correct, but in the main I feel that the bill which has been presented by the majority of the committee is a good bill and will go a long way toward establishing a Navy such as we need.

I am a poor hand at finding fault, and particularly dislike to find fault with my old colleagues on the Committee on Naval Affairs. I served with that committee two years and during that time I never knew politics to creep into the action of the committee or its members to be influenced by political considerations.

I notice that the minority report is signed by eight members of the committee, all Republicans. I notice the majority report, while not signed, is authorized by all the Democratic members of the committee. In this minority report I see a very plain attempt to introduce politics into the consideration of this bill. We find here a reference to a Democratic Congress and to a Republican Congress, and a reference to a Democratic administration and to a Republican administration, with a comparison or contrast of what was done under one that was not done under the other. I mistrust that was thrown in with a view of introducing politics into the bill—a bill of all bills which ought to be free from considerations of that kind.

While doubting the sincerity of the minority, I concede some merit in their recommendations. I believe the lessons of the European war have demonstrated that submarines are a very efficient means of sea warfare, and, situated as we are, we ought to have a larger number than provided in this bill.

I believe that we ought to have the battle cruiser, and I congratulate the committee that it has reported here in favor of five battle cruisers, a very essential part of our Naval Establishment. If I had been in control and made that report, I perhaps would have added to the report the usual quota of battleships. [Applause.] It was my belief when a member of the committee that the battleship is essentially our first line of defense, and that we ought to continue the construction of the battleships at the rate of two a year; but the committee in its wisdom has seen fit to report in lieu of two battleships five battle cruisers, and I am not disposed to question their judgment. The committee knows better than I what is necessary to constitute a well-balanced Navy.

We are entering on an era of preparedness. We have passed an Army bill providing for an Army of 211,000 men, besides nearly half a million militia. It must be apparent to anyone who has studied the lesson of the European war that our natural defense is the high seas. That being so, that being our natural defense, it is our duty to prepare to defend ourselves upon the high seas. We must not overlook the fact that we are approached or liable to attack from the east and from the west on two widely separated oceans.

Mr. Chairman, I am one of those who believe that we ought eventually to have a Navy equal to any navy in the world. I believe that we should take an advance step, as this bill does take, in the direction of a great Navy, not only a Navy second among the navies of the world, but ultimately equal to any. With such a Navy we will be able to protect our shores against a hostile foe and avoid the necessity of having to maintain a great standing army.

Mr. BRITTEN. Will the gentleman yield?

Mr. WM. ELZA WILLIAMS. I will.

Mr. BRITTEN. Is the gentleman in favor of obtaining a second place for the Navy as quickly as possible?

Mr. WM. ELZA WILLIAMS. I will not say as quickly as possible, but in a reasonable time. I believe that we ought to enter upon a program of construction that will speedily give us second place and, continued, will give us a Navy equal to any in the course of time.

There is room for men to differ as to the character and size of our standing Army, but there is little room for doubt as to what our Navy should be. Members of the House and Senate ranged in their opinions from 140,000 to 250,000 men for the Regular Army, and finally compromised on 211,000 maximum in time of peace. The compromise provided in the conference report between the two Houses, for which all Democrats voted, seems to me to be sufficient, and, judging from the favor with which it has been received throughout the country, I must believe that the best judgment of the land accepts an Army of 211,000 as amply sufficient for all possible contingencies. This total is a large number of men to be quartered on the country in time of peace merely that they may be in readiness in time of war. Aside from those stationed in the Philippines, the Hawaiian Islands, and Panama, we have provided more than a hundred thousand men to be held in reserve and in readiness in case of sudden or threatened hostilities, besides a half million more in the National Guard. We can not maintain in time of peace a Regular Army of the size and number that would be required in case of actual war. We must in such case rely on the National Guard and the volunteer. Many have contended that we need no standing Army beyond the number requisite for local or internal disturbances, outside the number necessary to garrison the Philippines, the Hawaiian Islands, and Panama, and that inasmuch as we must rely almost entirely upon the militia and volunteers in case of hostilities, it is useless to maintain any standing Army in excess of that required for domestic purposes in ordinary times. To this doctrine I can not subscribe. However well trained a National Guard may be, and however zealous and devoted the volunteer, an army of 200,000 well-trained, well-equipped Regulars, ready to be summoned in a moment to constitute the first line of defense, is to my mind a wise provision against possible contingencies, and it was with pleasure that I supported the bill providing for the Army of 211,000 men.

When we consider our geographical location in the light of the world's experience, as well as common sense, we must all agree on one proposition, and that is that our Navy is our reliance, and that no scheme of preparedness is complete that does not provide for a great naval establishment. We have one neighbor on the south, Mexico, and Canada on the north, neither of whom for centuries need be regarded as a menace to our national safety. All the rest of the world must approach us from across the seas. The two oceans constitute a barrier which, if sufficiently fortified and guarded, will be our defense. The example of England, which has not felt the tread of the invader for a thousand years, with but 26 miles of water intervening between her shores and the continent of Europe, is a sufficient argument to convince me that the United States, with 3,000 miles intervening between us and warlike Europe on one side and 7,000 miles between our western shores and Japan and the continent of Asia, with the sea guarded by a strong Navy and modern fortifications, we need have no fear of the landing of a hostile force on our shores. But without a Navy sufficient to intercept the enemy at sea and prevent them from gaining a foothold on American soil, we are subject to attack at any time, and if attacked, powerless to defend ourselves against the trained soldiers and modern guns and other instruments of warfare which could be brought against us from across either ocean unless we maintain a great standing Army, have universal military training, man our forts and fortifications with great engines of destruction, and maintain in readiness and reserve enormous stores of arms and ammunition.

I have spoken of the defense of continental United States, the safety of which is our first thought. But we have outlying possessions, which we are under as much obligation to defend as continental America, and which can only be defended by means of the Navy. It is manifestly impossible to maintain an army in the Philippines sufficient to defend those possessions against a foe having unobstructed approach and access. It is burden enough to maintain an army there sufficient to suppress insurrection and maintain domestic order. In case of war the only means by which we could defend the Philippine Islands would be by a superior Navy.

The same is true of the Hawaiian Islands and essentially and particularly true of the Panama Canal, which is subject to attack from both oceans, from Europe and from Asia. Then there is Alaska in the Pacific and Porto Rico in the Atlantic, to say nothing of our wards, Cuba and Haiti, which we are under obligation to defend, none of which can be safeguarded except by means of the Navy. Men may differ as to the size of the Army, but I can not conceive how men can find room for disagreement on the subject of our Navy. Second place is all that is asked by the advocates of a great Navy, and perhaps that is as far as we ought to go for the present. But if we continue to gather in the wealth of the world and hope to retain our place in the sun, we must be prepared to defend ourselves against a combination of the great powers of the world. Greed and avarice dictate the policies of nations as well as individuals. Trade rivalry and commercial supremacy have involved the world in the

present struggle, the most gigantic in history. Territorial acquisition, conquest, and subjugation for glory and for power have engulfed the world for ages in seas of blood. Those who but a short time ago dreamed of the millennium and the disarmament of nations now realize that the brotherhood of man and the federation of the world is but a dream.

The increase authorized in this bill, together with the sum necessary for the continuation of work on vessels heretofore authorized, for ammunition, and expenses of the Naval Establishment, carries a total appropriation of over $241,000,000, nearly a hundred million dollars in excess of that heretofore authorized in any one year. I have the highest confidence in the judgment and wisdom of the Committee on Naval Affairs, with whom I had the honor to be associated in the last Congress, and in the main entirely agree with their conclusions and the wisdom of the pending bill. It is evidently a compromise measure, and the result of a getting together of the advocates of a big Navy and of a little Navy among the majority members of the committee. I have heretofore advocated a continuous building program, two battleships a year, not less, and have supported a material increase in that new, novel, and effective instrument of sea warfare, the submarine. This bill authorizes 5 battle cruisers, in lieu of the 2 battleships heretofore authorized, and 20 submarines, 17 for coast defense and 3 of the seagoing type.

I am satisfied with the number of battle cruisers authorized, but would prefer not to abandon our program of enlarging from year to year the dreadnaught fleet, which necessarily must constitute our first line of defense. Some one has said that the dreadnaught has played no part in this war. To my mind that is the strongest argument in its favor. The mere fact of its existence, the known fact that England has in reserve a dreadnaught fleet equal to any two nations of the world, is the very reason why there have been so few naval engagements. The superiority of the English Navy has deterred attack and safeguarded English commerce and the safety of the seas to all the world, except to the extent that it has been infringed by the submarine in violation of International law. Now that Germany has yielded to the President's contention and consented to refrain from the indiscriminate destruction of merchant vessels engaged in the world's trade and commerce, it is to be hoped that, although the war continues to rage on land, the highways of the seas will remain open for the interchange of the world's commodities.

Let the navies of Europe contend in battle on equal terms and the theater of war be removed from the land to the sea, the commerce of the world would be destroyed, the seas run red with blood, and piracy resume its sway. The war is confined to Continental Europe by reason of the existence of a superior naval power, otherwise it would extend from sea to sea and from land to land and involve the whole world. I use the case of England as an illustration of how impregnable the sea is when sufficiently guarded, and to demonstrate the fact that 3,000 miles of water constitutes our natural defense against the world. What we need to do is to avail ourselves of natural conditions and fortify and guard the seas against the approach of the enemy. So convinced am I of the importance and necessity of a great Navy that I would gladly vote for even a larger naval program than that provided in this bill. I deprecate the talk indulged in by men who know better to the effect that we have not a good Navy, that with all the money that has been expended we have been relegated to fourth or fifth place. We have a good Navy, and until preparations for the present war commenced and Germany facilitated naval construction, we were a close contender for second place among the navies of the world. We can easily regain second place, and I feel that it is a duty that we owe ourselves and our country to take an advance step in that direction at this very time.

Mr. KINKAID. Will the gentleman yield?

Mr. WM. ELZA WILLIAMS. Yes; I yield.

Mr. KINKAID. While bringing the Navy of the United States up to second place and then proceeding farther to bring it up to first place, what would the gentleman advise if these other countries, one standing at the head and the other second, should compete in the meanwhile in the increase of their navies? Suppose the other countries now ahead of us, having superior navies to the United States, should go on increasing their navies at the same time we are increasing our Navy? What would the gentleman advise as to keeping pace with them? Would the gentleman say that we should keep pace with them and outrun them, or what would the gentleman advise?

Mr. WM. ELZA WILLIAMS. What else could we do? If the world has entered upon a mad race of naval construction, with the greatest resources and the greatest wealth to protect and defend we ought not to lag behind, but should augment our construction.

Mr. KINKAID. I admit our country is the greatest country and we have the greatest people, but I wish to bring out the question what would be proper to do in such a case as I have suggested of the other nations increasing their navies while we are doing so. How are we going to get ahead? When and where the end? To me this is a problem.

Mr. WM. ELZA WILLIAMS. I assume we can facilitate our construction, and our resources are such that we can easily approach second place, and I have no doubt within a few years can approach first place and equal any navy, with a basic and substantial building program.

This is a good bill; it is a step in the right direction; it is an advance step, with $100,000,000 more appropriated for naval construction than by any preceding Congress. There are men who believe we ought to go further; there are some who believe we ought not to go so far; but in any view we are headed in the right direction and from year to year should facilitate our program until we have acquired a place that will render us immune from foreign attack. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield seven minutes to the gentleman from Michigan, a member of the committee [Mr. KELLEY].

Mr. KELLEY. Mr. Chairman, there never was so much uncertainty in the world's history as at this hour. No man can forecast the needs of this Nation when the warring countries of Europe emerge from the great struggle now going on there. I believe at a time like this it is a mistake not to take a longer step than we are taking in this bill toward the national defense. If it turns out that these guns and ships are not needed, so much the better. On the other hand, if we fail to provide them now, and later on the need should arise, he who votes against them to-day will never forgive himself for not making his country safe in a time of storm and stress.

We should add to the program in this bill two great fighting ships of the dreadnaught type. [Applause.] These five cruisers are all right. We need the five and more. In the event of war they would be used to scour the seas to locate the enemy. So far, so good; but while we are building ships with which to find the enemy we should not neglect to provide also for ships powerful enough to destroy the enemy after he has been found. [Applause.]

Into the hands of the Navy the Nation largely commits its defense. Let us give our defenders out on the seas the ships and the guns, and we can trust them to defend the country as they have ever defended it from the days of John Paul Jones down. [Applause.]

A few months ago I took my 14-year-old boy over to Annapolis. I wanted him to see something over there which I hope none of you will miss when you go that way. Preserved in cases along the sides of the auditorium in Bancroft Hall and festooned under glass on the ceiling are 176 trophy flags of the American Navy—priceless symbols of heroic victories on the high seas. There is the flag that Capt. Isaac Hull, in command of *Old Ironsides*, snatched from the masthead of the British frigate *Guerriere*. There is the faded battle flag of Commodore Perry, with the words of Capt. Lawrence inscribed upon it—"Don't give up the ship." There are six battle flags taken by Perry on Lake Erie. There are flags taken by the *Constitution*, the *Hornet*, and the *Wasp*. There on the ceiling is a great British royal standard, the only British royal standard ever captured in the history of the British Empire—we took it away from her. [Applause.] There is the flag of the Algerian pirates taken by Commodore Stephen Decatur in the far-off waters of the Mediterranean, whither he had been sent by this young Republic to teach the world that we have millions for defense but not one cent for tribute. [Applause.] And, looking at all those captured flags of other lands, I was filled with a new and a deeper appreciation of our Navy, as I recalled that in all the battles in which our country has ever been engaged on the seas the Stars and Stripes have never yet once been hauled down in surrender. Let us give the boys on the seas the ships and the guns, and if need comes we will be safe. [Applause.]

On what day could we more appropriately vote for the Nation's defense than on this, the Nation's Memorial Day, when everywhere throughout the country our people are paying tribute to brave men living and dead, and when the North and South alike are sending up thanks to the throne of God that way back in the sixties the Union of these States was saved from the wreck of war. Let us all from the North and from the South unite on this Memorial Day in a vote to build up the American Navy for the defense of our common country, reunited and happy. [Applause.]

Just a word more in conclusion. It would seem when this great conflict in Europe is over that the common sense and sanity of the world would return and control the actions of men. It would seem, when the nations of Europe count the terrible cost of the war, when they count the dead, when they count the widows and the orphans, when they count the young manhood maimed and crippled for life, when they come to realize the burden of debt which will be placed on the shoulders of generations of their people yet unborn, it would seem that the statesmanship of the world would unite in putting an end to war for all time to come. It would seem so to me. And in any great movement of that kind this mighty Republic will be the first to offer its support.

In the meantime, however, we must not take too many chances. We have too much at stake here for ourselves and for our children and for all mankind. This is a good time to let the world know that America is here to stay and that our people, without regard to race or fatherland, are united for its defense. The crisis through which the world is passing only emphasizes the blessings of American civilization. We must protect it at all cost. This should be a great revival time for America and for Americans. This is a good time to proclaim anew the faith of the fathers of the Republic. This is a good time to dedicate ourselves anew to all the high and holy purposes symbolized by the flag of the Republic itself, and to provide for its defense. But what does the flag of the Republic stand for? First of all, it stands for liberty regulated by law; there can be no such thing as liberty except it be through the orderly processes of the law. It stands for the rights of persons and the rights of property. It stands for the universal enlightenment of the people; for every wise person knows that free schools and free government go up and down in the scale together and that we can not long continue to have one without the other. It stands for popular rule and in this it is our destiny to lead the way. It stands for the protection of American citizens at home and abroad, when they are where they have a right to be and when they are behaving themselves; for the nation that does not protect its citizens under such circumstances will wake up sooner or later to find that it has lost the protection of its citizens. It stands for a Christian civilization, the cleanest and best on the globe. And finally it stands for the home and for all the virtues which thrive and cluster around the hearthstone. Standing for all these things, may the God of our fathers protect it and defend it, and may it ever continue to be the emblem of liberty and the bow of promise for all mankind. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Chairman, this is a good bill. That is to say, it is good as far as it goes; but the trouble is that, in my belief, it does not go far enough. For that reason I intend to support amendments offered from either side of the Chamber to make the bill a better one. [Applause.] It is immaterial to me from what source these amendments are offered, as I do not regard, nor have I ever regarded, the question of adequate naval defense as a partisan one. Ever since I came to Congress in the Sixty-first, I have been voting for increases of the Navy, even when a majority of my own party associates took a different position.

I especially favor an increase in the item of aeronautics. It is an incredible thing that the home of Langley and of the Wrights should be among the last of the great nations to recognize the military value of the aviator. I shall also support an increase in the item of submarines. If there is one thing this war has shown it is the importance of this instrument as an adjunct to twentieth century warfare, whether from an offensive or a defensive standpoint. [Applause.]

I, of course, commend the committee for recognizing the demonstrated necessity for including in our scheme of naval preparation a sufficient number of battle cruisers and scout cruisers, but provision for them is no justification for omitting any authorization of additional battleships or dreadnaughts, which even the Committee on Naval Affairs in the majority report says are "the backbone of the fighting efficiency of any proper naval defense of a country." [Applause.]

In this attitude toward the pending measure, my own judgment and inclination are in accord with the views of my constituency and with the convictions of the Democracy of the State of Louisiana, as shown by the following extract from the platform unanimously adopted at the convention of that party held in Baton Rouge, on Tuesday, May 23, 1915, to select delegates to the national Democratic convention at St. Louis, which reads as follows:

That we call to the attention of this national Democratic administration that of all the great nations of the earth we have the most extensive and vulnerable seaboard, while all possible enemies are separated from us by the seas, and that the horrors of war can never be brought to our shores until after the American Navy is destroyed; that as a powerful Navy is the first line of defense and if made sufficiently strong guarantees us peace, we therefore urge that our Navy be increased and enlarged until it is demonstrably stronger than any possible enemy, or any two of them combined.

[Applause.]

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Chairman, I do not think anyone can truthfully say that I have not always given the Navy my honest and sincere support. I represent a district that gets no benefit from the Navy in the way of yards and manufactures or anything of that kind. It is an interior district. But, mark you, Mr. Chairman, that does not prevent me from supporting the defense of this country upon the sea. I have raised many objections to the naval bill since my service upon the Naval Committee, and many times I have seen my objections vindicated and the committee and this House come around to the positions I have taken.

Mr. Chairman, I shall continue to advocate a good Navy and fight extravagance. The position I have always taken—and the members of this committee will bear me out in it—is that this country should have a sea Navy, and not a land Navy. I have favored the construction of battle cruisers when the members of the Naval Committee and Navy Department opposed it. Mr. Chairman, I am opposed to the proposition of the gentleman from Pennsylvania to add to this bill battleships at this time for the simple reason that the battleship has not sent to the bottom of the sea a single vessel of the enemy in the European war, while the battle cruiser has shown itself to be effective. Why? On account of its speed, on account of its large guns, on account of its ability to get upon the scene of battle quickly and to fight with the enormous guns it carries aboard when it does get there, and also its ability to clear the sea of destroyers and torpedo boats, thereby preventing night attacks on the fleet. You remember the battle in the North Sea, when one of the greatest of the German vessels went to the bottom of the sea—the *Blücher*—fired upon by a cruiser and went down, and yet with all of her heavy armor she could not turn upon the battle cruiser and save herself from destruction.

Mr. BRITTEN. The *Blücher* was not one of the great naval vessels of Germany. It was one of the vessels that had not speed enough to get away.

Mr. TRIBBLE. The gentleman is as mistaken in that proposition as he is in many others. And I will show him where he is mistaken.

I think it ill becomes the membership to bring politics on the floor of this House on this question. I would not have mentioned it, but the gentleman interrupted me. The gentleman has precipitated politics in this House time and time again and in this debate, and so have other gentlemen on the Republican side. I will state to the gentleman that when he charges upon the floor of this House that the Democratic Party has not supported the Navy, as he frequently does, he does not know the facts or just refuses to give the facts.

Now, I am going to show you that misstatements have been made by the gentleman and his party by the facts as found in books that lie here before me and can not be contradicted. I take the last four years of the Republican administration—I skip two years when there was a Republican President in the White House, and the Senate and the House of Representatives were Democratic—and then I take up the last four years, when the Democratic Party has had complete control, and I find that the Democratic Party has appropriated $192,000,000 more than the Republicans in the four years that preceded.

Mr. BRITTEN. Will the gentleman yield?

Mr. TRIBBLE. Yes, sir.

Mr. BRITTEN. Why does the gentleman eliminate the Sixty-second Congress, which was Democratic?

Mr. TRIBBLE. You can include that Congress if you want to do so, and you will find that in the last five years of Democratic administration there was appropriated for naval purposes $216,000,000 more than the Republicans appropriated during the last five years of the Republican administration preceding.

Mr. BRITTEN. What did that Congress do with the recommendations of the General Board and of the Secretary of the Navy at that time?

Mr. TRIBBLE. The Democratic Congress ignored the recommendation of the General Board just as the Republican Congress does. [Applause on the Democratic side.]

Mr. BRITTEN. Oh, the gentleman does not——

Mr. TRIBBLE. I will tell you another thing. I am not through with the gentleman yet. He interjected this question here. I carry you back to the record of the Democratic Party when it was in power in this House the last time, under Cleve-

land's administration, and I am here to say to you, sir, that the Democratic Party when it was in control here the last time, under the Cleveland administration, built and equipped an adequate Navy.

Mr. BRITTEN. Oh, that was 20 years ago.

Mr. TRIBBLE. That is all right. You called the record of the Democratic Party in question, and you did not specify the time; and I will say that that Democratic House appropriated for the Navy $29,000,000 more than your House did in the four years that preceded Cleveland's administration. And I am here to say to you again, sir, that the Democratic Party under the Cleveland administration prepared, equipped, and made ready the Navy that sent the Spanish vessels to the bottom of the sea. [Applause on the Democratic side.] That was a Democratic House that did that. The Democratic Party turned over to you just before the Spanish-American War a Navy that was equipped with vessels, ammunition, and men of the highest type. The officers and men were trained and they used the ships and guns prepared by a Democratic administration and vanquished the enemy in the Bay of Manila and at Santiago. The enemy ships were sent to the bottom of the sea with Democratic material, and not Republican. [Applause on the Democratic side.]

Mr. BRITTEN. Mr. Chairman, will the gentleman yield for another question?

Mr. TRIBBLE. Yes.

Mr. BRITTEN. Is the Democratic Congress going to put the Navy back again to second place?

Mr. TRIBBLE. Yes. The Democratic Congress is going to do more than your party would do if you were in power. If we had reported six battle cruisers instead of five, you would have tried to amend the bill with seven; if we had brought in four, you would have brought in five. You want to get a little ahead of us in this period of excitement. But we have to account to the people for the condition of the Treasury as well as a Navy, and you are trying to account to the people by misrepresenting this bill and the condition of the Navy at the present time. As a matter of truth, this bill carries $119,252,000 more than any Republican naval bill ever brought into this House, and I am tired of hearing these misstatements. [Applause on the Democratic side.] Furthermore, this bill appropriates $241,499,151, while the largest Republican bill was $122,247,365, and still you keep telling the people that the Democrats refuse to provide a Navy in these perilous times.

Mr. BRITTEN. No, Mr. Chairman——

Mr. TRIBBLE. I do not care to yield further at this time.

Mr. BYRNES of South Carolina. Yield to him!

Mr. HUGHES and Mr. HOWARD. Yield to him!

Mr. TRIBBLE. All right. Gentlemen want me to yield. Go ahead.

Mr. BRITTEN. Do I understand from the gentleman's reply that the Democratic Congress is going to do everything in its power to put the Navy back in its place as second during the Sixty-fourth Congress?

Mr. TRIBBLE. Yes. That is what we are going to do.

Mr. BRITTEN. We will watch your vote on Friday afternoon and see what you will do.

Mr. TRIBBLE. The Democratic Party is going to pass a program of nearly $120,000,000 more than the Republican Party has ever brought into this House, and it will continue a program that will put the Navy of this country in the second place in the world, if our party stays in power; and for one I do not propose to sit silently by and permit you to succeed at the ballot box next fall by making the people believe the Democratic Party is not responsive to the demands of the people for an adequate Navy. [Applause on the Democratic side.]

Mr. BRITTEN. Let me say to the gentleman——

Mr. TRIBBLE. Oh, you asked me a question, and I yielded, but I did not give you time to make a speech. However, go ahead.

Mr. BRITTEN. I want to say to the gentleman that his conscience must be bothering him. Now the gentleman is talking about——

Mr. TRIBBLE. I have no navy yard in my district and I have no factory in my district to be interested in. I have nothing in my district but patriotism. [Applause on the Democratic side.]

Mr. BRITTEN. I congratulate the eighth Georgia district in being so well represented in Congress. [Applause.]

Mr. TRIBBLE. I am opposed to a large standing Army in times of peace, requiring compulsory service, but the Army should be ready and adequate for an emergency. The military bill has provided for considerable increase and pay for State militia. I am in favor of a Navy large enough to drive away a foreign foe and prevent the shedding of blood on American soil at the hands of an invading army.

Mr. Chairman, there are many unreasonable, extravagant practices in the Navy administration, but these evils have grown up under laws enacted many years ago. The committee knows that I have never lost an opportunity to expose them and repeal the laws if possible. I have said so much in this House and in the committee on this subject that I shall refrain from going into these extravagant questions at this time.

Mr. Chairman, I want to applaud the sentiment expressed by Hon. Francis D. Winston in a recent speech in Atlanta, Ga. Commending the work of the Hon. Josephus Daniels, one of the greatest Secretaries this Nation has ever had, Mr. Winston said, in part:

> Wherever the Stars and Stripes float from the masthead, at home or in foreign port, it proclaims to North Carolina the integrity, the character, and the high purposes of Josephus Daniels, the typical North Carolinian. * * * Eminent as have been his predecessors in that great office, the State of North Carolina recognizes his great merit there and places him primus inter pares. Criticism of him we hatle. Calumny of him we resent. * * * Doubtless the armor-plate manufacturers consider him a failure. In this their judgment is as much in error as when they undertook to browbeat the Government with the threat to add enormously to the price of armor plate if the Congress concurred in the Secretary's recommendation for an armor-plate factory owned by the Government. Joe Daniels "don't scare." Possibly he may not know where to locate the "mizzen royal braces," but he has that high character which braces him when a thing of dubious import is proposed.
>
> He may not know whether the American sailor sleeps "in the spanker boom lapping loft" or not, but he is convinced that the American sailor is entitled to the best bed and most wholesome surroundings, no matter where he sleeps, and in the name of the American people he is determined to give them to him.
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> One part of his ship he does know especially well, and that is the rudder; and to hold the rudder fast and the ship true to its course is the necessary result of his birth and training in North Carolina, where he never betrayed a trust or a friend; where he ever stands for all good causes and decries the base; where neither frowns nor threats have ever deterred him, and where he is esteemed by all men of whatever party or creed as an honest man.
>
> He may not have his "sea legs" on when storms toss one of our leviathans of the deep, on which he is in highest command for the voyage, but I declare to you, having known him child, boy, and man, that along that straight, narrow, and difficult path that leads to eternal life he walks with firm and steady tread. Special interests and those who speak for them may malign him; those in whose way he stands for place, patronage, or unwarranted favor and privileges may speak of him in derision, but the fair-minded American people, whose pocket he protects and whose honor he upholds, will hold him in high esteem when his maligners and deriders are forgotten.

Mr. Chairman, the country feels perfectly safe with such a distinguished citizen directing naval operations, and he is fast making the Navy what it should be.

Mr. Chairman, answering further the question of the gentleman from Illinois, who desired to know if we had followed the recommendations of the Secretary of the Navy, I will say for his information that the Secretary is delighted with the building program in this bill, and the bill now before the House represents the wishes of the administration and meets the approval of the Secretary of the Navy.

Mr. Chairman, God knows I wish we could have peace, forever peace, but from the foundation of the world there has been war. The horrors of the European war can not be described in words. Judging by the experience of all history, wars are not over, and our country looks to us to prepare for a proper defense of our homes should war come.

When I travel upon the oceans and land in our insular possessions and I see the flag of my country floating there; when I go to the Panama Canal and see the flag of our country floating there; when I travel to the various State capitals and see the flag of our country floating there, in my love for this great country I would wrap the flag around the cluster of States and possessions and say, as a Representative of this the greatest country on earth, the Navy should be able to protect them all.

Mr. Chairman, my friend, Hon. D. G. Bickers, scholar and editor, beautifully describes a real nation in a poem sent me to-day, and I desire to add his valuable contribution to my remarks:

> There was a time when nations came to be
> Because they were locked in from sea to sea;
> Because they lay between great mountain ranges high;
> Because a people spoke one language commonly;
> Because they claimed one common worship creed;
> Because they were of but one race, one breed;
> Because some institution held them true—
> The church, the army, or the union through
> Peculiar mode of living, government—but none
> Of these things counts, when all is said and done,
> For perpetuity in any nation's life there needs must be
> A greater element, a purpose grounded in real unity;
> There must be underneath and over all that strong,
> True, vital principle, unselfishness, which lives
> For service to the race; which grows because it gives.

Mr. PADGETT. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. TALBOTT].

The CHAIRMAN. The gentleman from Maryland is recognized for two minutes.

Mr. TALBOTT. Mr. Chairman and gentlemen of the committee, I did not intend to take any part in this debate. My mind is made up, and the minds of the members of the committee generally are made up. But following the line of the argument by my friend from Georgia [Mr. TRIBBLE], a member of the committee, I want to say that we have no higher authority than that of Col. Roosevelt himself. He sent for the minority members on the Naval Committee to come up to the White House. I went up there, and with me were the gentleman from Texas, Mr. GREGG, with Mr. Lamar, of Missouri, and Capt. Hobson. Mr. Roosevelt took us in a room and appealed to us to vote for four battleships. I was for the four battleships personally, and I voted for the four. He stated that it was not a political question, that it was a question of national honor and national defense, and he said, "I am frank enough to admit that we could not have carried on the war with Spain successfully except for the Navy that was furnished to the country during Cleveland's two administrations." [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. BORLAND. Mr. Chairman, I am thoroughly in accord with my friend from Georgia [Mr. TRIBBLE]. I am going to vote for this bill and I am going to vote against these amendments, because I want to vote for a navy and not for buncombe. [Applause on the Democratic side.]

I make no pretense of being a naval expert, and for the details of a naval program I must rely upon the opinions of those who have made a professional study of the subject. I feel, however, that it is our duty to provide this country with an adequate Navy for the following reasons: First, The Navy is the first line of defense of the Nation. The standing army may be called the second line of defense. If the Navy be adequate to guard against the approach of a hostile fleet or an invading force, it will not be necessary to rely upon the Army or the coast defenses, and thus a smaller standing army will be sufficient for safety. It is better to fight our battles on sea, if possible, than on land. England to-day might be in the position of Belgium if it were not for the British Navy. At least the battles which are now raging on the soil of France might be fought on English soil instead.

Second. The objections made to a large standing army, and the fears of militarism which are expressed, do not apply to a navy. A navy can be used only to a very limited extent for the purposes of aggression upon other countries. It can never be used for the purposes of oppression, or for destroying the liberties of the people of the country which supports the Navy.

Third. This country needs a navy because of the enormous extent of coast line that we must defend. The Atlantic seaboard, the Gulf coast, Porto Rico and Cuba, the Panama Canal, the Pacific coast, and Alaska constitute a coast line far greater than that of any other country. Our boasted isolation by water is disappearing before the advance of modern science. The ocean is a highway—the best highway in the world. Coast defenses are all right in their way, but floating coast defenses that can go where they are needed are better, and cost very little more.

Fourth. We need a navy because the time has come when we must build up a foreign trade, and to do so we must restore the American merchant marine to the seas. A merchant marine needs the protection of a navy—one able to command and, if necessary, enforce respect to American rights in every part of the world. A navy and a merchant marine work hand in hand in furnishing trained men, each for the support of the other. We have never known a nation to have a merchant marine that did not also have a navy.

Fifth. Our international relations which, with our present dominating position in the world, are growing more important, require that we possess a navy of respectable size, well balanced, and efficient. We want to make our word good, our views respected, and our neutrality secure. The Monroe doctrine that no European country shall attempt to colonize or to acquire further territory in North or South America is deeply imbedded in the hearts of our people, and is regarded as vital to our national safety. Our neutral rights, also, must be protected and neutral commerce must be made secure. Our President, who is required to defend the dignity and honor of this Nation, must also represent its power.

In conclusion, as to the cost. This is the richest Nation on the globe and one of the largest. It can afford to protect itself against any nation on earth without undue burden upon its people. We spend an undue amount in the administration of our Government. We conduct the most expensive Government in the world, because we have not the political courage to follow the plain path of retrenchment and efficiency. If the people want defense, if they want peace, prosperity, and the enlargement of our foreign commerce, they can have it at a cost very little more than our present expenditure. [Applause on the Democratic side.]

Mr. PADGETT. Mr. Chairman, did the gentleman from Pennsylvania use all of his time?

The CHAIRMAN. The gentleman from Pennsylvania has used 15 minutes.

Mr. PADGETT. I will ask the gentleman to use all of his time. I shall have only one other speech.

Mr. BUTLER. Mr. Chairman, I yield seven minutes to the gentleman from Nebraska [Mr. SLOAN].

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized.

[Mr. SLOAN addressed the committee. See Appendix.]

Mr. BUTLER. Mr. Chairman, I yield four minutes to my colleague from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Chairman, according to Secretary Daniels's own estimates the House naval bill is an inadequate preparedness measure. It is inadequate, according to the Secretary's own standards, because it does not provide for any dreadnaughts. He recommended two dreadnaughts and this bill provides none at all. The first line of warships has already been depleted by the relegation of seven of our battleships to the reserve, and this Nation is headed inevitably toward a place below Japan in the list of naval powers.

The experts of the Navy have been consistently ignored. If the advice of the General Board of the Navy is not to be taken, what is the General Board for? Why not abolish it altogether? Why have advisers whose advice is continuously rejected? The General Board of the Navy, back in 1903, worked out a program designed to provide safety for the United States. That program contemplated two battleships each year. It was expected that by this regular addition of two battleships there would be 48 battleships by 1919. That program was evolved before the European war began; before it became apparent that preparedness on a much larger scale would be required; yet we have already lapsed behind even in that program. There have been a number of years since then when only one battleship was authorized, and this year, when there is greater need than ever before, there is to be none at all. The present Congress, if it votes for this bill, will vote in favor of giving the United States a place among the naval powers below that occupied by Japan. Our naval officers have admitted that Japan has a secret program for naval expansion; that she replaces all her old ships that go into reserve with new dreadnaughts of the costliest type, without making any announcement whatsoever. It is a fair presumption that Japan will pass us in a few years, if she has not done so already.

The Secretary of the Navy himself said that there should be no less than two dreadnaughts a year for the next five years. This, he said, would give us 27 battleships in the first line by 1921, and with the addition of the number of battle cruisers which he recommended we would have 6 of that type in addition and 25 battleships of the second line. But recently there have been 7 ships taken out of the first line. There is no assurance now that we will have 48 battleships by 1919. In fact, there is every assurance that we will not have. We can not get them by dropping out of the dreadnaught race altogether. And yet the 48-battleship program was designed to satisfy the needs of this Nation before the European war.

Secretary Daniels also recommended an appropriation for extending the shipways at the Philadelphia Navy Yard so that battleships might be constructed there. When bids for the battleships authorized by the last Congress were advertised, the Philadelphia Navy Yard's estimates, as usual, were the lowest received. Either one of the two battleships could have been built there with a saving of hundreds of thousands of dollars. The Secretary, however, pointed out that unfortunately the shipways were not large enough to accommodate battleship construction. The contract would have to go to Mare Island, Cal. But later we find that Mare Island is not equipped either, since an appropriation has to be made for new equipment there also. And even though Mare Island had been equipped, there would have been a saving in constructing the battleship at the

Philadelphia Navy Yard, even including the cost of increasing the slips there, because the labor market, materials, and transportation facilities are exceptional.

The Secretary said that the shipways could not be extended in time to accommodate the construction of a battleship then, but that he would recommend enlargement at this session. He did so, and the Democratic Naval Affairs Committee turned him down. If the committee denied the appropriation for an extension of the shipways on the ground of economy, it was false economy. The committee need not rely on my statement for proof of this. The facts prove it. I said in a speech on the floor of the House more than a year ago, when the estimates of the officers of the Philadelphia Navy Yard for the construction of a Government transport were challenged, that the workmen would do the work within the estimates. Another Member of this House said that nithough the Philadelphia Navy Yard estimated that the work could be done for $200,000 less than the lowest bidder among the private yards had figured, the Philadelphia Navy Yard had merely made an estimate, which was not binding upon it, while the private yard had made a bid, for which it would be held financially and legally responsible. I said at that time that if it were possible I would be glad to give my own bond that the Philadelphia Navy Yard would keep within its estimate; that the officers and workmen there were responsible, honorable, and capable men upon whom the Government could depend for performances in keeping with promises. The Philadelphia Navy Yard got the contract, based on its estimates. And what do we find? Has the yard kept within the estimate? It has. It has, in fact, done better than its estimates. There has been a saving of not merely $200,000 but of at least $400,000 and possibly one-half million in the amount that the transport would have cost if built by the lowest private bidder. If there has been this saving with the transport, there would be a greater saving in the construction of dreadnaughts. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield such time as I have remaining, which I believe to be four minutes, to the gentleman from Maine [Mr. GUERNSEY].

Mr. GUERNSEY. Mr. Chairman, last Saturday I listened with intense interest to the statement of the distinguished chairman of the Naval Affairs Committee [Mr. PADGETT], and particularly to that part of his statement in which he said that, in his opinion, $100,000,000 was sufficient in the way of an increased appropriation for the building up of the Navy at one session of Congress. I admit that is a large sum, and perhaps it is sufficient, but these are critical times and may turn out to be the most critical times in the history of this country. Was the limit set for the increased building plan of the Navy measured by the necessities of the Nation in this crisis, or was the amount arbitrarily arrived at? I wondered how that sum was arrived at. I hardly believed it was fixed by the distinguished chairman himself. Of course, it was not set by the minority of the Committee on Naval Affairs. I doubt if it was named by the committee as a whole. Was the limit placed by the Democratic caucus or by Woodrow Wilson at the White House? I am forced to the conclusion at least that the limit on the amount for the upbuilding of the American Navy was made prior to the preparation of the bill.

When it came to the question of the allotment of this sum of $100,000,000 it was found necessary, if I can judge anything by the statements that have been made here, to apply the entire amount to the building of battle cruisers in order to balance up the Navy of the United States properly; that is, establish proper proportions in its fighting equipment.

Battle cruisers are undoubtedly necessary, and I do not question the judgment of the gentlemen of the majority for providing for their construction; but it seems to me that it is a sad mistake that in fixing the limit at $100,000,000 it left nothing with which to build battleships.

The cities along our coast, from Eastport and Portland in Maine to Galveston in Texas, are inadequately defended at the present time. Battleships are floating forts, and in time of war those cities along the seaboard, with the billions of property in them, would almost wholly be dependent on battleships for their defense. Who is there that is ready to advocate here the abandonment of the construction of battleships? They are the great fighting units of the Navy and will continue to fill an important place. The chairman of this committee does not question their efficiency or importance. The British Isles are surrounded by water. There has been within easy reach of the British Isles during the present great European war for now nearly two years a hostile navy, the second navy in the world, and yet not a particle of territory of the British Isles has been touched by the German Navy for the very reason, I believe, that their coasts are guarded by the great battleships of the English Navy ready to defend her ports. The very knowledge that these great ships are on duty has been sufficient to protect the interests of the English people. I believe it would be a great mistake to disregard the recommendation of this minority and not provide for two battleships at this time, because if we fail to do so our battleship line will go down, as we are not providing in this measure to keep it up to its present strength. [Applause.]

The CHAIRMAN. The time of the gentleman from Maine has expired, and the gentleman from Tennessee has eight minutes remaining.

Mr. PADGETT. Mr. Chairman, I think it might help us to arrive at a correct solution of the question before us to take stock of the situation. The building program in the bill would cost one hundred and sixty million and several hundred thousand dollars. The program submitted by the minority would cost $283,183,945, and the additional powder would make it $303,480,795.

Mr. OGLESBY. Does that include the 10 per cent?

Mr. PADGETT. No; it does not. It just includes the cost of construction and the cost of the powder or ammunition. Now, I believe that I can submit to this House, as an intelligent body, that that amount is wholly and absolutely unnecessary, and that an appropriation and authorization in one Congress for $100,000,000 is amply sufficient when we have another Congress to convene in less than eight months, when we will have another bill.

Now, I want to make another statement. It has been stated here by those who are criticizing the bill as submitted by the committee, and the question has been repeatedly asked, if it is the purpose of the Sixty-fourth Congress to put the Navy in second place. I want to say that this program in this bill will put our Navy in a broadside gunfire superior to the German Navy [applause], not in the aggregate of ships but in the character of the ships, in the construction and arrangement, and in the gunfire of the ships. Under this program that we are submitting in this bill the broadside gunfire of the American Navy will be superior to the broadside gunfire of the German Navy.

The gentleman from Iowa [Mr. GREEN] yesterday afternoon in a hurried way called our attention to the construction and defects in the construction of the German ships. We are not confronted with those.

Now, in the next Congress, I want to say, we will duplicate this bill, except that in the next bill there will be some dreadnaughts and not so many battle cruisers, because I say the five battle cruisers we are authorizing now in this bill are superior to the eight which the Germans had on the last authority that we had any account of, and not counting the one which they sold to Turkey, which reduced their number to seven. Our five battle cruisers will be superior to the German eight.

In the next bill it will be the pleasure and privilege on the part of this Congress to present and to pass a bill for the construction and upbuild of the American Navy which, in my judgment, will, beyond all question, put the American Navy in the second place.

Now, that answers the criticism that the gentlemen have been making on that subject. We do not have to do this all at one time. We are proceeding to submit to the people an intelligent, safe, and sane proposition.

I want to call your attention to another matter. The program suggested by the minority in the amendments that they have offered, of which they have given notice that they will offer, would increase the appropriation in this bill fifty-six million seven hundred and fifty thousand and some odd dollars. There is no necessity at this time of this increase of appropriation and burdening the American taxpayer, when we are offering a program that will meet all the necessities and will meet the requirements. The gentleman from Maine [Mr. GUERNSEY] wanted to know something about the formation of this program. I will say to him very frankly that the chairman does not disclaim and does not seek to free himself from the responsibility of this building program. Every item in it was agreed to heartily by the chairman and was suggested by the chairman originally except one provision. The chairman had indicated that he stood for four battle cruisers, and there is a little interesting history right there. The chairman had made that known generally. The chairman is informed that the minority members of the committee who have signed the minority report had a conference among themselves in which they agreed to offer in the committee five battle cruisers. When the chairman offered five battle cruisers in the committee every one of the minority members voted against five, although they had agreed to it in their conference or caucus before. [Laughter and applause on the Democratic side.]

Mr. BUTLER rose.

The CHAIRMAN. All time has expired, and the question is on the pending amendment. [Laughter.]

The Clerk read as follows:

Amendment by Mr. BUTLER: Page 97, line 20, after the word "construct," strike out "five" and insert "six."

The question was taken; and on a division (demanded by Mr. BUTLER) there were 83 ayes and 100 noes.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Page 97, line 25, after the word "each" insert "said battle cruisers to be constructed within 24 months from the date of signing contract."

Mr. POWERS. Mr. Chairman, I want to address the House for a short time upon that delightful theme, "Woodrow Meets Wilson Coming Back," or to be more exact, "The President Changes His Mind." President Wilson has performed that feat so often and with such lightning-like celerity, even upon the gravest and most weighty problems of state, that it has become a subject of almost universal discussion among the average American voters. For the purpose of gathering these changes together, so to speak, I want to call attention to a few of the things upon which the President has changed his mind; and I need no other witness to prove this than Woodrow Wilson himself.

He was in favor of the Garrison continental army plan. He is now opposed to it.

He was opposed to increasing the Navy. He now demands that our Navy be so increased in size that it will be the largest in the world.

Before his election he was for labor unions. He was their outspoken advocate. He is now opposed to them.

He was in favor of his party's platform pledge of protection to American lives and American property in Mexico and other foreign countries. After he was elected, he said in his Columbus, Ohio, speech this in regard to Mexico:

The Mexicans may not know what to do with their government; but that is none of our business, and so long as I have the power to prevent it nobody shall "butt in" to alterate it for them.

He later did "butt in" and has been butting in ever since.

The President was opposed to young men spending any time in military training. He now demands that 400,000 of them have such training.

A good long time before he was elected President he wanted to "knock Bryan into a cocked hat." He later made him the premier of his Cabinet. Since Bryan has left him he would, no doubt, like to "knock him into a cocked hat" again.

President Wilson was strenuously opposed to preparedness but a short while ago. He is now preaching preparedness most eloquently and fervently.

President Wilson started out to oppose the initiative and referendum; then, when later everybody seemed to want to smash the Constitution, the President joined the throng and declared himself in favor of the initiative and referendum. The world has gotten back to sanity again on that subject, and the President has forgotten all about the initiative and referendum or is now opposed to it. You can not lose Woodrow.

President Wilson was only a short time ago opposed to the creation of a tariff commission, and helped to kill the one that President Taft created. He has changed his mind on that subject and now demands the creation of a tariff commission.

President Wilson has been an out-and-out free trader all of his life. Now that the country has had a dose of it in the form of the Underwood-Simmons Tariff Act and the voters are anxious to put it upon the scrap heap forever, Woodrow says that he does not care anything about free-trade theories, anyway. You can not lose Woodrow.

President Wilson was against intervention in Mexico. Then he decided he would intervene and declared war on old Huerta, the individual, in order to make him salute the American flag. But old Huerta never saluted it and the President changed his mind about making him do it.

President Wilson demanded that all the claimants in Mexico get together and establish at least a de facto government. He threatened nonrecognition to all who refused. Carranza refused. President Wilson then recognized Carranza.

President Wilson was in favor of Panama Canal tolls. He is now against them.

President Wilson has declared himself as opposed to woman suffrage, yet he voted for it in New Jersey.

The President is accustomed to dictate dogmatically and command arrogantly, first on one side and then on the other of the same question. He is swayed around by the pressure of events. He is like the boy who replied, "I am for anything to get the coon."

The President was in favor of presidential primaries. He is surely not in favor of them now, because out of the 22 primary States in the Union the South has but 1, and that is the State of Alabama. In the face of this record, what becomes of that Democratic slogan, "Let the people rule"?

The President came into office declaring that he was going to have "pitiless publicity" concerning the doing of things in and about Washington and elsewhere. Secrecy and King Caucus now rule the roost.

Before election President Wilson was in favor of Government economy in expenditures. He must be now opposed to it because the Democratic administration has been the most extravagant of any in the entire history of the country, and yet no word in any of his public utterances has ever come from the President's lips to check or call a halt on these extravagant expenditures.

Before he was elected the President was in favor of civil-service reform. Aye, he was the vice president of the league to enforce it. Judging from his own and the acts of his administration he is now opposed to civil-service reform, for he and his party have debauched civil service openly and flagrantly.

President Wilson was in favor of free sugar, but since the cane-growing States of the South and the beet-growing States of the West and Northwest all threaten to go Republican, the President has changed his mind on the sugar question, and is now opposed to putting it on the free list.

The President said he was in favor of keeping business out of politics, and spurned its advice in the framing of the Underwood tariff law. He now courts its opinions and seeks its support.

President Wilson was in favor of a single presidential term and was elected on a platform declaring for it. He is now unalterably opposed to it.

When half the world went to war, President Wilson delivered a curtain lecture to Americans and bade them be neutral—neutral in thought, neutral in deed. He himself soon became one of the most active of partisans in his desire to injure Germany and her allies and to help England and hers.

When the *Lusitania* sank—blown up without warning, with the loss of more than 100 American lives—President Wilson extolled the virtues and merits of the man and the nation "too proud to fight." In the next breath we hear of him manifesting his purpose by words to hold Germany to a "strict accountability."

President Wilson condemned in his writings undesirable immigration. He said it was a "coarse crew" that was landing on our shores from southern Italy. But when he had an opportunity to do so he vetoed the bill which would have prevented it.

About a year ago President Wilson said he had an adequate Army. He now says, "I have not enough men to keep bandits from raiding into the United States territory."

President Wilson told Congress that he hoped it would "sanction and put into effect Mr. Garrison's continental army scheme." President Wilson then abandoned the continental army scheme without telling Garrison anything about it, and when Mr. Garrison found out that President Wilson had changed his mind he abandoned him.

The Underwood tariff law designed to produce enough revenues for the running expenses of the Government, having failed to do so, and President Wilson having failed to get enough money for that purpose, even after the enactment of the income-tax law and the war-tax law, he then advocated placing a tax on naphtha, gasoline, automobiles, bank checks, pig iron, and other things, but he has changed his mind on this subject and no additional tax will be placed on any of them. The people would not stand for it. He now proposes to tax, instead of these, munitions, inheritances, and to increase the income-tax law.

At any rate, it may be said that the President has been right at least about half of the time, for he has been on both sides of most all questions before the American people.

You know it takes a mighty lively man to reverse himself more quickly than does President Wilson. On January 18, 1916, in a note addressed to all the warring powers, President Wilson said, through his Secretary of State:

While I am fully alive to the appalling loss of life among noncombatants, I do not feel that a belligerent should be deprived of the proper use of submarines in the invasion of commerce, since these instruments of war have proved their effectiveness in this practical branch of warfare on the high seas.

And in his last ultimatum to Germany so far, issued April 18, 1916, the President completely reversed himself when he said:

It has become painfully evident to it [the United States Government] that the position which it took at the very outset is inevitable, namely, the use of submarines for the destruction of an enemy's commerce, is, of necessity, because of the very character of the vessels employed and the very methods of attack which their employment of course involves, utterly incompatible with the principles of humanity, the long established and incontrovertible rights of neutrals, and the sacred immunities of noncombatants.

It will be observed that on January 18, 1916, President Wilson conceded the right to destroy enemy merchantmen by submarine attack. On April 19, 1916, he denied the right and said it was a violation of the laws of nations and humanity.

In his note of January 18 the President said:

That merchant vessels of belligerent nationality should be prohibited from carrying any arms whatsoever.

But in his ultimatum to Germany, delivered on April 19, the President said:

The law of nations has long recognized the right of merchantmen to carry arms for protection and to use them to repel attack.

So in as weighty a matter as the controversy with Germany, the President changes his mind from day to day.

President Wilson further said in his note to Germany on January 18:

My Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort * * * should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent.

Of course if merchant vessels carrying armament of any sort should be held to be auxiliary cruisers, they are then a part of the fighting force of the country who owns them and subject to attack without warning, but when the McLemore resolution was before Congress, warning American citizens not to travel on such vessels, the President changed his mind on this subject and demanded that the resolution be defeated.

Senator SHERMAN, of Illinois, said:

The Democratic administration is the greatest aggregation of political acrobats who ever performed in the field of American politics.

Before the President was elected he and his Democratic cohorts declared that J. Pierpont Morgan was the evil spirit of the money power. Now, President Wilson invites him to confer with him at the White House.

Before election, President Wilson and those acting with him denounced the Aldrich bill as a product of Wall Street and characterized the Vreeland provision as the height of stupidity. The President changed his mind about all this, however, and the editor of the Wall Street Journal was procured to write and did write the Democratic banking and currency law; and the law, as finally passed, incorporates most of the Aldrich bill. That Vreeland measure, which was described by the Democrats as the height of stupidity, was later resorted to by them to avert a financial panic. President Wilson first denounces and then embraces the Republican financial policy.

President Wilson declared before his election and since, that the high cost of living was due to the high protective tariff law of the Republicans. He put sugar on the free list. The price of sugar still went up along with other articles. The President changed his mind on sugar. May we not look now for other changes?

President Wilson and the Democrats declared that they were in favor of the rule of the people, yet they have brought in more than 52 gag rules, forcing their measures through the House of Representatives and shutting off debate.

President Wilson declared, before his inauguration as President, that he proposed to do away with big business that was bad; that he was going to have enacted radical and comprehensive trust legislation. That is about the last that has been heard on the subject.

President Wilson denounced the appropriations of the last Republican Congress, which amounted to $1,019,000,000, as profligate waste of the people's money. He promised economy and reform; nevertheless the first annual appropriation made by a complete Democratic Congress was $100,000,000 in excess of the appropriations that the President had been denouncing.

President Wilson pledged that legislation under his administration should not be controlled by special rules, and denounced the Republicans for the use of them. For the 16 years the Republicans were in control of the House they averaged bringing in less than seven special rules a year. In the first three and one-half years the Democrats were in, they averaged more than 15 a year. The President may still be possessed of a single-track mind, as he once described himself, but no one can deny that it is provided with excellent switching facilities.

A number of Republican newspapers have been challenging for some time any Democrat or any Democratic newspaper to give a list of important questions now before the American people upon which the President has not changed his mind since his election. So far, no one has been rash enough to attempt to furnish the list. There is none that can be furnished.

It is unfortunate that the President has not the foresight of mind to see the right side of great public questions as they arise and stability of purpose enough to maintain them. It is hard upon the Democracy of the Nation that he is so constituted. No Democrat can tell when he goes to bed at night what his political beliefs are going to be the next morning. The morning papers may announce that the President has changed his mind, and, being "the captain of the team," the team of necessity must change its mind, too, and obey orders. This is true of the thick-and-thin partisan, but I am glad to say that it is not true of an increasing number of Democrats throughout the country who have sense enough to have convictions and courage to maintain them.

In his History of the American People, third volume, President Wilson maintains the doctrine of Republican protection in these words:

Peace changed the face of trade. English merchants poured their goods once again into the American ports, so long shut against them by embargoes of war.

Manufactories had sprung up while the ports were closed. In the year 1815 close upon $50,000,000 had been invested in the manufacture of textile fabrics alone. The new movement did not stop with the establishment of cotton fabrics. The manufacture of wool and flax and hemp and even silk was added. Iron manufacturers, long ago set up but tentative and feeble hitherto, increased from hundreds of thousands to millions in value under the stimulation of foreign trade cut off. Almost everything in general use in the country was sooner or later added to the growing list.

Industry, although begun upon a small scale, took heart to grow, and those which Americans had hitherto not dreamed of attempting were heartily embarked upon. Distinct manufacturing regions began sensibly to develop in the Middle States and in the East, with interests and characteristics which statesmen could not afford to overlook. It was manifestly injurious to every young industry that a flood of English imports should continue to pour into the country at the open ports. The remedy was a protective tariff, such as Mr. Hamilton had wished to see at first, and the young Republican leaders of Congress did not hesitate to advocate and establish it.

In what way could there be written a stronger argument upholding the Republican doctrine of protection than this? It is protection to the core. As a historian President Wilson is a protectionist, as a teacher he is a free trader, as a Democratic candidate he holds that it is unconstitutional to levy tariff duties for the purposes of protection. He lacks the vision to discern the right and the stability to maintain it. It is not safe to have a President in the White House who is wrong four-fifths of the time on four-fifths of the important questions before the country.

Mr. MANN. Mr. Chairman, I do not wish to speak to the amendment, but to call attention to the fact that this is Memorial Day. I do not intend to make a speech upon that subject, but I desire to say that I suppose this is the only body in the United States that is working to-day where work can possibly be avoided. I really think that it is not only due to the memory of the dead, the heroic dead, but also due to our own self-respect that we quit earlier to-day than usual, out of respect to the memory of those dead. [Applause.]

Mr. PADGETT. Mr. Chairman, I wish to say to the gentleman that I full appreciate the force of what he says, and will cordially cooperate with him. I should be glad later on in the day, when we reach an appropriate time, to agree with the gentleman that the House, as a mark of respect, shall adjourn earlier than usual.

Mr. MANN. If we adjourn early, many gentlemen here will be desirous of knowing what they are going to do the balance of the day and make arrangements accordingly.

Mr. KITCHIN. What hour would the gentleman suggest?

Mr. MANN. I suggest that we could probably rise and adjourn at 3 o'clock.

Mr. PADGETT. I think that will be agreeable.

Mr. KITCHIN. Is that agreeable to the gentleman from Pennsylvania [Mr. BUTLER]?

Mr. BUTLER. Perfectly so. If I had had my way about it, I would have held no session to-day at all. I will be very glad to agree to adjourn at 3 o'clock.

Mr. MANN. We will have that understanding?

Mr. PADGETT. The chairman is very willing to do that.

Mr. SMITH of Michigan. Mr. Chairman, I ask the indulgence of the House for a brief moment to digress from the strict letter of the rule to speak briefly not upon the pending measure, but to call to the mind of the membership of this great law-making body that this is a legal holiday in some States, and in all others it is a day set apart to commemorate the sacrifices and deeds of valor of the gallant defenders of our country and to pay tribute to the living and to the dead of the brave men who fought our battles in war.

Mr. Chairman, there will be gathered in every hamlet in this grand Republic of ours and from every hillside and every valley the citizenry of a united, patriotic, and peace-loving Nation to pay tribute to the sacred memory of those who in the flower of their young manhood offered and gave their lives for their country. And for what? That the greatest, the grandest, and most beneficent of all the nations of the earth should remain in perpetuity with its priceless heritages for us the living of to-day, our children, and their children. To-day from thousands of

tongues will be proclaimed the daring deeds of valor of a thousand battle fields. Again and again will the martial renown of those who fought for the establishment of our free institutions or to defend and preserve them be related. Many will live over again in remembrance the days and times when the fate of our Nation was trembling in the scales and rested in their hands.

To me it has always been a source of sorrow that those who lost their lives in the conflicts could not have lived to enjoy the fruits of their victories. "Don't give up the ship," said the great Lawrence. "I have not commenced to fight yet," said the intrepid Paul Jones. "Millions for defense, but not one cent for tribute," declared Pinkney to France. "I only regret that I have one life to give to my country," said the martyred Hale. These and many others are words left to warn and inspire us of the cost of liberty. Horror follows in the wake of war. Of all things that make for dissolution and destruction, war holds a place. But from the beginning of recorded time there has been war.

I was one of those who thought that war would be averted by education, enlightenment, civilization, and Christianity, but my predictions and hopes have been entirely destroyed. To-day the great cultured, Christian nations have entirely eclipsed the slaughter of the barbarians and the pagans. The siege of Troy, the encounter of Grecian and Roman mythology, Pharaoh and his hosts, Alexander, Cæsar, Hannibal, Napoleon, and the struggles of the great chieftains of all ages, added to those of Holy Writ, do not record such destruction of life as the war of to-day. Nations are wiped out and the map of the world changed.

When I was a boy I read Butler's book of the Civil War. I read the statement that there would be a war in every generation of our race, and that the art of war could not be ignored. For many years after the rebellion we had peace and prosperity. I then wondered if that was a true prophecy. Then came the Franco-Prussian War, the Spanish War, the Russo-Japanese War, and now the greatest of all the allied wars of Europe, and a serious disturbance in Mexico. I am now commencing to think that Butler knew much about war.

Mr. Chairman, it has been 140 years since our forefathers dedicated their lives, their fortunes, and their sacred honor to the birth of our Nation. Since then we have engaged in the War of the Revolution, the War of 1812, the War with Mexico, the Civil War, and the Spanish War; four of those with foreign foes, one between ourselves, besides innumerable Indian wars. We have to a certain degree been a fighting nation. When our first war was had with our mother country we were a nation of only 4,000,000 people. When we fought the War of the Rebellion we were a nation of 31,000,000. Now we are a nation of over 100,000,000. We now have an aggregate wealth of $188,000,000,000. We are the richest Nation on earth. We doubled in population three times in the last 50 years. We double our wealth every 10 years. At first our armies fought with flintlocks; now they are armed with automatic repeating rifles. Then every soldier was a marksman. Now the training camp is a necessary experience preceding military service. Now liquid fire and the curtain of fire supplants the ancient Greek fire. Now war is conducted with the greatest engines of destruction the mind can conceive. The Old World to-day is fighting as predicted in Holy Writ—in the "heavens above, the earth beneath, and the waters under the earth."

There is a revolution even in modern warfare. The most modern devices are the aeroplanes and submarines. Any military program, to my mind, is weak which does not provide amply for them. I have every faith in the great American soldiery. He is the greatest fighting man of all the nations. He has earned that distinction in battle and has proven his prowess under fires of steel.

But the sacrifices in war, great as they are, are not all borne by the soldier. The faithful wife and mother are no less patriotic. She keeps the silent vigil at home, praying for victory and the return of the victors. President Lincoln immortalized the sacrifice of one, among many, in a letter to a mother, in which he stated:

LETTER TO MRS. BIXBY, OF MASSACHUSETTS.

NOVEMBER 21, 1864.

DEAR MADAM: I have been shown in the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I can not refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and lost and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

Very respectfully, yours,

ABRAHAM LINCOLN.

I am impressed by the great civic parades for preparedness, but I am likewise obvious of the fact that enlistments are few. I am for preparedness and efficiency, and in the language of Commodore Decatur: "My country, may it always be right; but right or wrong, my country." These are no peaceful times. We should mobilize our resources and enroll our military strength. We should put out sufficient literature explaining the latest arts and discoveries in the manual of arms; civilian camps should be opened and some useful practice given as first aids. Attention should be paid to the detail and routine of preparatory army life as well as to the dreadnaught and the cannon. The individual counts for everything in war as he does in every other walk of life, else there would be no one to operate the great fighting ships, the submarines, aeroplanes, or man the guns.

And so to-day, dedicated to the great American soldier, will tribute be paid by a grateful Republic to the luster of his military achievements. To the private in the ranks as well as to the leaders; to the known and to the unknown; to all the glorious dead and the valorous living we pledge anew our lives, our fortunes, and our sacred honor, that liberty, independence, and the happiness of our people, and the customs and institutions of our Nation, shall remain ours forever.

What constitutes a State?
Not high raised battlements or labored mound,
Thick wall or moated gate,
Nor cities proud with spires and turrets crowned;
Not bays and broad, armed ports,
Where, laughing at the storm, rich navies ride;
Not starred and spangled courts,
Where low-browed baseness wafts perfume to pride.
No! Men, high-minded men,
With powers as far above dull brutes endued,
In forest, brake, or den,
As beasts excel cold rocks and brambles rude,
Men who their duties know,
But know their rights, and knowing dare maintain,
Prevent the long-aimed blow
And crush the tyrant while they rend the chain;
These constitute a State.

Mr. PADGETT. Mr. Chairman, with reference to this amendment, providing that the battle cruisers shall be built within 24 months, I beg to say that none of the officers who appeared before the committee could give us any assurance that the ships could be constructed within that time. The department is doing all that it can. Delays have been occasioned by the shipbuilders themselves refusing to sign contracts. The Secretary has tried and tried to get contracts for Nos. 43 and 44 to be constructed within three months, and they will not even do that.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. MADDEN. The gentleman states that the delay is due to the busy conditions of the private shipbuilding yards.

Mr. PADGETT. They will not bid on that time.

Mr. MADDEN. What about the navy yards that we own and control? We are not making any more progress in them than in the private yards.

Mr. PADGETT. We are doing the best we can.

Mr. MADDEN. Then we are not able to do very much.

Mr. PADGETT. The gentleman must remember that the great difficulty is in getting the steel and the materials. The steel mills of the country will not furnish the material nor agree to furnish it within that time.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. COX. Will this further proposed amendment offered by the gentleman from Pennsylvania [Mr. BUTLER] help that condition, wherein it is provided that the Secretary of the Navy may increase the cost 10 per cent, if the trouble now is due to the inability of the department to get steel?

Mr. PADGETT. I think that would not help. This provision would simply hinder in the long run the construction of the ships. I shall ask the House to vote it down. The department is doing all it can to expedite matters.

Mr. GARLAND. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. GARLAND. The gentleman stated that it was impossible to get steel. Does the gentleman mean now to infer that it is impossible to get armor plate?

Mr. PADGETT. No; I refer to structural steel. The armor plate can be furnished within about the time of two years or two years and six months.

Mr. GARLAND. Does the gentleman know that there are three armor-plate mills now idle in this country?

Mr. PADGETT. Yes; I know that.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FARR. Was not the information before the committee that the Government could get all of the steel and iron that it wanted?

Mr. PADGETT. Not in the time, because the mills have been refusing to furnish it under existing contracts.

Mr. FARR. Did not the representative of the Bethlehem Steel Co., representing the Fore River Shipbuilding Co., say to us that they would guarantee to construct ships within two years?

Mr. PADGETT. I do not remember any such statement.

Mr. FARR. Mr. Grace made that statement.

Mr. BUTLER. Yes.

Mr. FARR. We ought to be able to do as well as Japan has done.

Mr. PADGETT. Japan is not building any.

Mr. FARR. Japan has built two in two years. I will read from the statement of Admiral Benson to that effect.

Mr. PADGETT. Oh, you get all sorts of reports. For instance, take England. The reports published about England as to when the ships are constructed, when you come to analyze them, are found to be inaccurate, because they have simply partially constructed the ships and the rest of it goes over under another name.

Mr. FARR. This is information that Admiral Benson put in his statement, and I will read it:

In December, 1913, each yard received a contract for a large battle cruiser. The *Kirishima* having been completed in 1915 by the Mitsubishi yard and the *Haruna* in 1915 by the Kawasaki yard. Both of these were present at the fleet review in honor of the Emperor's coronation in December, 1915.

The contract was made in 1913, and at this affair in honor of the Emperor's coronation they were completed in December, 1915.

Mr. PADGETT. That does not show they were fully completed. They may have been held there, just as we have had ships for months——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I demand a vote on the question.

Mr. BUTLER. Mr. Chairman, I hope the chairman of the committee will not do that.

Mr. FARR. Mr. Chairman, I move to strike out the last word.

Mr. BUTLER. Mr. Chairman, this is my amendment, and I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. BUTLER. Mr. Chairman, I will ask the committee to give me its attention. There has been too much "round-the-table" talk. Gentlemen make a statement upon one side and some gentleman upon the other denies it. Let them go to the record for accuracy. The gentleman from Tennessee has said that no officer said these ships could be built within two years. In answer to a question put to him by Mr. OLIVER the Chief Constructor of the Navy said that under stress orders these ships can be built within two years, or about two years.

Mr. PADGETT. Under stress orders, working three shifts a day.

Mr. ROBERTS of Massachusetts. We are providing in the bill——

Mr. PADGETT. It is not necessary, as I said, and if you do that it will cost 25 per cent more to build the ships and you would have to add $5,000,000 to the cost of a $20,000,000 ship to do it.

Mr. BUTLER. Mr. Chairman, I do not want our esteemed chairman to hedge. We were talking about stress orders. We are endeavoring to have these ships launched and put in commission, and those we provided 15 months ago have not had their keels laid yet. I do not believe that *No. 43*, if that is the number of the battleship, will have its keel laid in the New York shipyard before Christmas, or that *No. 44* will have its keel laid in the shipyard in San Francisco before Christmas. Let the committee understand what we are doing. It is absolutely purposeless to vote these appropriations and not fix the time in which these ships shall be built. The Chief Constructor of the Navy, answering further, said—I am unable at this moment to put my finger upon his answer, but I will later, I am sure of it—that he can build these battleships in 20 months, and if gentlemen see fit to determine whether or not I speak accurately I suggest they examine the record. I repeat what I have already said, that the Chief Constructor of the Navy said that these ships can be built within two years, and then our esteemed chairman says it is not necessary to build them within that time. Let the country pass on the necessity of expedition in construction.

Mr. GORDON. Will the gentleman yield?

Mr. BUTLER. I yield to the gentleman.

Mr. GORDON. Was the statement of the chairman correct, that it would cost $5,000,000 more to build one in two years?

Mr. BUTLER. No.

Mr. GORDON. How much more would it cost?

Mr. BUTLER. Mr. Chairman, I want to answer the gentleman accurately. It is my impression it would be about 10 or 15 per cent more to build a great dreadnaught——

Mr. PADGETT. Will the gentleman yield?

Mr. BUTLER. I yield.

Mr. PADGETT. I have just received information that the General Board state that to build under stress orders the three ships would cost 40 per cent more. I said 25 per cent more a while ago, but I have received information that it would cost 40 per cent.

Mr. BUTLER. Mr. Chairman, our esteemed chairman turns at the last minute to some evidence none of us has had a chance to examine.

Mr. SHERLEY rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. SHERLEY. Mr. Chairman, I did not want to interrupt the gentleman, but I desire to be recognized when the gentleman has finished, in order to oppose his motion.

Mr. BUTLER. Mr. Chairman, has my time expired?

The CHAIRMAN. No; it has not.

Mr. BUTLER. I had handed to the chairman in advance the evidence that I had obtained from the General Board concerning the completion of these ships within three years. It was not furnished within a day or two, but it was last month. Since then everybody has had a chance to examine it. Let us play this game openly and above the table, so all can see what the others may have discarded. Now, let me repeat that a dreadnaught—listen—that a dreadnaught can be built within three years, and this Navy contended for by us can be completed within three years, each battleship costing $17,215,431.

Mr. PADGETT. Three years; that is a vast difference between two years.

Mr. BUTLER. Well, for the completion of these 16 ships within three years.

Mr. PADGETT. No; the gentleman said build a ship in three years. That is the statement he made.

Mr. BUTLER. If it is necessary to build some of these ships by increasing the cost, why, let us do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I ask for one minute.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. The country is not satisfied with the delay——

Mr. GORDON. Yes; they are.

Mr. BUTLER. You will discover your mistake. The country is not satisfied when we appropriate for ships to have their keels laid two years from the date of the appropriation. You consult your constituents and see whether they are satisfied, and you will discover they are not. We are going on record. It is proposed we shall duplicate these two battleships and build them upon the same plan of the last type—*Nos. 43* and *44*.

Mr. SHERLEY. Mr. Chairman——

Mr. BUCHANAN of Illinois. Mr. Chairman——

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. BUCHANAN of Illinois. I am in accord with the Chairman's position that he give the floor to some one else than a member of the committee, but——

The CHAIRMAN. The gentleman will be in order and take his seat. The Chair under this rule will protect everybody's rights. The gentleman from Kentucky [Mr. SHERLEY] indicated that he intended to ask for recognition.

Mr. BUCHANAN of Illinois. I will say to the Chairman that I did it before the gentleman from Kentucky [Mr. SHERLEY] had the floor.

The CHAIRMAN. The Chair did not see the gentleman rise.

Mr. BUCHANAN of Illinois. I am not complaining. But I think it is a good plan to give some others the same chance as members of the committee. I am in complete accord with the Chair in that respect.

Mr. SHERLEY. Mr. Chairman and gentlemen of the committee, I believe that the overwhelming desire of every member of the committee is to speed up the building of battleships. But none of us likes to do a thing that may be unwise. It occurs to me, if it be not now the custom in the Navy, that it could well be made the custom with good results to offer bonuses for early

completion, as is done by private concerns. Now, an amendment of that kind would receive my support. I am not in a position to-day to determine whether these ships can be built in 24 months or not, and I do not want to tie up the department in its contracts, and perhaps, with the desire to hasten, actually delay the building of ships.

Now, the gentleman from Pennsylvania [Mr. BUTLER] sincerely believes it can be done. The gentleman from Tennessee [Mr. PADGETT] equally believes it can not. Some of us who are not able to follow the details of the hearings—and I have had enough experience in appropriation bills to know that only the few men on the committee can be accurately informed of the details—are properly in doubt. What I would like would be to have some one on the committee propose a proper amendment undertaking to pay bonuses, in the discretion of the department, for early completion—just as business men do—and without undertaking to tie hard and fast with a time limit or the amount of the bonus; but make it one in reason and leave it to the discretion of the administrative officers. The mistake that legislative bodies constantly make is undertaking to usurp the functions of administrative officers, and we have not the information and the knowledge to enable us to wisely legislate this way, but we have the opinion, which ought to be expressed, that we think there should be a speeding up in the building of these ships, and that we are willing to pay, as any other customer pays, for getting a thing done earlier than it would be done otherwise. Now, I suggest that in all good faith, as a common-sense business proposition, and I hope that some member of the committee will be prepared to offer an amendment to that effect, which I will gladly support. [Applause.]

Mr. BUCHANAN of Illinois. Mr. Chairman, if I may be permitted to digress for a moment on account of the Chairman apparently misunderstanding what I said before, I happen to be a member of the Committee on Naval Affairs, and it has been a practice of the Chairman to recognize members of the committee in preference to others. I have never been in accord with that practice. I believe that any Member of the House has equal rights with those of the members of the committee. But as it happened, I was on the floor when the gentleman from Pennsylvania [Mr. BUTLER] asked for the floor, and I sat down in favor of him, and therefore I thought I had at least an equal chance with my good friend from Kentucky [Mr. SHERLEY]. But in my statement that I was in accord with the Chairman in regard to the recognition of the gentleman from Kentucky, I was sincere.

When the Chairman talks about impudence, I want to say to the Members of the House and to the Chairman that it is not my purpose to practice anything of that sort. But let no one deceive himself, so far as I am concerned, in thinking that I am coerced or in any way frightened or bluffed on account of a fraudulent indictment by a crooked Federal officer in the city of New York, nor do not be deceived by the libelous statements in the mouthpieces of the munition traffickers, the big daily war-trust newspapers, that my rights have been impaired as a Member of this House.

I rose for the purpose of saying something in regard to this bill. If there was any great emergency that made it necessary to expedite the construction of these ships I do not believe that it would cost any great amount extra to work two or three shifts. I do not believe it would necessarily increase the costs of the ships to double up the shifts. It does not make it necessary to pay any more money to the workmen. But I do not see any emergency necessary for that. In fact, when I support this bill, as I may with the view of preventing a greater expenditure and waste of the people's money, I will feel that I am acquiescing in one of the greatest crimes that was ever perpetrated on the people of America, because there is absolutely no use for this increased expenditure for the Navy. There is less use for the increase than there has ever been in the history of the country, because any possible foe lies exhausted and bleeding, so to speak, and there has been proven beyond any question of doubt that battleships and craft of that sort are obsolete and inoperative, due to submarines, aircraft, and other destructive weapons. And still, due to the fact that the military hydrophobia seems to be prevalent in high places, we are acquiescing in what the representatives of the Steel Trust and other profit-seeking corporations of the country wanted when their propaganda was started more than a year ago. I will ask any Member of this House if he thought that when Judge Gary, the head of the Steel Trust, a year or more ago, proposed that this country spend $500,000,000 in preparedness the Congress of the United States would ever acquiesce in such a proposition as that. But that is the result of a propaganda that has been brought forth by the extravagant expenditures of money and by the purchase of newspapers that have diluted and poisoned the minds of the people both in legislative bodies and elsewhere to that extent that it seems to me that the problem begins to confront the people of this country, so that if they would listen to the wild-eyed expressions of the militarists and the jingoists the problem next to consider would be to criticize the Creator for not making the seas bigger, so that they will be able to hold the number of ships that will satisfy some of our militarists of to-day. I say to you that the people of this country are opposed——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN of Illinois (continuing). To this proposition, and I want to say to my good friends from the city of Chicago and the State of Illinois that when the people realize and feel the burden of these unnecessary appropriations under the name of preparedness those who are responsible for it will be relegated to the political scrap heap.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Chair desires to make a statement. The House is proceeding under a somewhat unusual rule. The Chair desires to protect every Member of the House in his rights. Under the practice of the House the gentleman in charge of the bill has a preferential right to recognition. Recognition alternates from one side of the House to the other, and so far as possible the members of the Committee on Naval Affairs will be given preferential recognition. But the members of the Committee on Naval Affairs can not expect the Chair to permit them to monopolize all of the debate upon all of the amendments to be preferred to the bill. [Applause.]

The Chair intends, as in the case that has just happened, when some Member not a member of the committee upon the side of the House that is entitled to the next recognition indicates a desire to be recognized—unless the chairman of the committee in charge of the bill or the senior Member on the minority side claims recognition—to give recognition to such gentleman in order that all the Members of the House may be treated fairly. The Chair is not infallible, and is likely to make errors both in recognition and in rulings; and the Chair can only ask the indulgence of the members of the committee to be somewhat lenient when from one cause or another mistakes are made. It is the honest intention of the Chair to protect the interests of all the Members entitled to participate in the proceedings.

Mr. GILLETT. Mr. Chairman, I agree entirely with much of what the gentleman from Kentucky [Mr. SHERLEY] says. I think an admirable plan would be to grant to the department power to give a bonus for speeding up, but the gentlemen in charge of this bill have not offered anything of this kind.

Mr. PADGETT. Mr. Chairman, will the gentleman permit an interruption at this point?

Mr. GILLETT. Certainly.

Mr. PADGETT. I will state to the gentleman and to the House that it is my expectation to offer an amendment at the conclusion of the building program to give to the Secretary of the Navy at discretion an opportunity to offer a bonus for speeding up.

Mr. GILLETT. Mr. Chairman, I am exceedingly glad to hear that, and if it is offered, I shall certainly vote for it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. No; I can not. I want to continue what I was saying. That proposition from the gentleman from Tennessee is an excellent one. I am glad it is going to be offered. But on the other hand, you can hardly expect this side of the House to accept the proposition which the gentleman from Kentucky [Mr. SHERLEY] suggested, that it is not well to tie the hands of the department or hamper Executive discretion when for the last 15 months they have had authority to construct two ships and not a keel has been laid. We certainly ought to try to do something unless some plan is suggested by the majority side to speed up.

Now, as the gentleman from Tennessee says, to use three shifts does not do the work three times as quickly as to use one shift. Actually it only does it two and one-half times as quickly, and it costs three times as much money.

The gentleman from Tennessee says it should only be done in time of stress. Does he not call this a time of stress? It seems to me it is a wrong theory upon which that side of the House has been acting. To me this is a time of stress, and to me expense is of little account compared with speed. I was surprised to hear the gentleman from Virginia [Mr. HAY] the other day telling us that the Army reorganization bill was not an emergency measure, but that it was only an ordinary measure. I

had supposed it was to meet a condition of emergency. The President had told us that firebrands were dropping all over the country, and I had supposed that was enough to impress this House that we were in a state of emergency. Always before, until last year, I had been on the side called the little Navy. I had been against an increase in the number of battleships. But I changed my mind because I supposed there was a great emergency confronting the country, and I supposed you thought we were in a time of stress, and that the one thing needed more than anything else was speed. Why, if this is not a time of stress, have you gentlemen on that side brought in this bill, so very different from the attitude you have always taken before? The reason why I changed my mind is because I thought an emergency faced us, a time of stress. I thought the old protection which made a large Navy unnecessary had gone, the balance of power in Europe had been upset, and the rule of reason and international opinion had been supplanted by the rule of force. We do not know what the conditions are going to be when this war in Europe is over, and I supposed it was for that reason that the gentlemen on that side of the House, abandoning their own theories, had brought in this bill.

If it is not a time of stress, why are you bringing it in? If it is a time of stress, then the emergency is pressing and time is the most important condition, and the one thing we want to accomplish more than anything else is to hasten whatever program is brought in; and I shall vote for any measure which does that. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BUTLER. Mr. Chairman, inasmuch as this is the first amendment proposed on the speeding-up program, I demand tellers; not with the purpose of delaying the consideration of the bill.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered, and the Chairman appointed Mr. PADGETT and Mr. BUTLER to act as tellers.

The committee again divided; and the tellers reported—ayes 96, noes 108.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 98: At the top of said page and before the words "Four scout cruisers, etc.," insert a new paragraph, as follows:

"Two first-class battleships to be of identical design in all respects as the battleships *Tennessee* and *California* authorized to be constructed in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, to cost, exclusive of armor and armament, not to exceed $10,500,000 each, said battleships to be constructed within 24 months from the date of signing contract."

Mr. PADGETT. Mr. Chairman, I will ask the gentleman from Pennsylvania if he wants debate on this; and if so, can we agree upon time?

Mr. BUTLER. Mr. Chairman, in answer to the gentleman from Tennessee, I presume that the disposition of this amendment will largely dispose of the other amendments, because it will indicate the temper of the House, except on the subject of submarines. Therefore I ask that we may have a little debate. Some colleagues suggest 30 minutes on each side and then take a vote.

Mr. PADGETT. What would the gentleman say to 20 minutes on a side? We want to get through with this.

Mr. BUTLER. I want to facilitate the passage of this bill through this committee, but I think this will largely dispose of the dispute, except on the submarines, and I hope we can finish it this afternoon.

Mr. PADGETT. Then, Mr. Chairman, I ask unanimous consent that there be one hour debate on this, the gentleman from Pennsylvania to control one half the time and I to control the other half.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on the pending amendment and all amendments thereto be limited to one hour, one-half to be controlled by himself and one-half by the gentleman from Pennsylvania [Mr. BUTLER]. Is there objection?

There was no objection.

Mr. BUTLER. I yield to the gentleman from Washington [Mr. HUMPHREY] five minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, last summer I made a visit to the three forts at the entrance of Puget Sound. When I was there I went out to Fort Worden, which is the greatest of the three forts. The commander took me out to the heaviest battery, and I asked him what was the range of the guns in that battery. His reply was that the range was about 11,000 yards. Then I asked him what was the range of the largest guns upon a modern battleship, and his reply was about 21,000 yards. Or, in other words, a battleship could anchor in the Straits of Juan de Fuca, and without coming within 5 miles of the reach of our largest guns batter those forts to pieces.

So far as I know, there is not a single fort upon the Pacific coast that is so constructed as to defend itself from land attack. So, if we are going to have defense upon the Pacific coast at all, it must be by naval vessels. And I want to call the attention of the committee to the fact that there has never been a battleship squadron upon the Pacific Ocean but once, bearing the flag of our country, and that was on a brief holiday trip, when they went around the world. There is only one battleship upon the Pacific Ocean to-day, and that is the old, antiquated *Oregon*, and she is the only battleship that has been upon the Pacific Ocean for years. A single modern battleship could entirely sweep every vessel that we have off the Pacific Ocean, and lay tribute upon every city upon the Pacific coast.

We are often told that since the Panama Canal was constructed they can send a battleship squadron from this side through to the Pacific; but I ask you who think that is true to take down your map and look at it for a moment. You will discover that it is 1,500 miles farther from New York through the Panama Canal to Puget Sound than it is from Japan to Puget Sound; or, to put it in another way, if a battleship squadron started from New York and one started from Yokohama at the same time, both traveling at the same rate of speed, the one from New York going through the Panama Canal, their destinations being Puget Sound, the one from Yokohama would be in Puget Sound from 10 days to two weeks ahead of the one from New York. And if San Francisco was the objective point the difference would be from five to seven days in favor of Japan. So that if we are to have protection upon the Pacific Ocean it must come through a squadron permanently upon the Pacific. And what we upon the Pacific coast are asking for to-day, not for aggression but as a matter of defense and protection, is that Congress proceed to construct a battleship squadron and keep a navy upon the Pacific equal to that kept upon the Pacific by any other nation. [Applause.]

If I have any time, I yield it back.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. BUTLER. Shall I yield again?

Mr. PADGETT. If you please.

Mr. BUTLER. I yield to the gentleman from Illinois [Mr. GALLAGHER] five minutes.

Mr. GALLAGHER. Mr. Chairman, I am in favor of two additional battleships and will vote for the amendment. [Applause.] I have voted for additional battleships every time I have had a chance to do so in this House. I voted for Capt. Hobson's program when it was looked upon as a joke in this body. I believe that a majority of the Members to-day realize the necessity of additional battleships, and I further believe I represent a majority of the Democratic Members from Chicago in this House who, with me, will support the amendment for the two additional battleships.

There is a great deal of talk here about our assuming second place. I am for a Navy that will take first place. I do not care whether it is a greater Navy than Germany has or a greater Navy than England has. I want it big enough to command respect no matter what kind of alliance is made against us. If we have a Navy that does not care for that of any other nation, then I am satisfied we are doing business in the right kind of a way. [Applause.]

We read in the papers that the mails are being interfered with by the British Government, mails coming to and going from this country. I do not believe that Great Britain has any right to interfere with the mails coming to this country, and I hope there will be a protest against it that will make them stop their interference not only with the mails, but with the commercial and business interests of this country that are trying to do business with other neutral countries.

Now, so far as this naval program is concerned, I do not come from a section of country that is going to make any profit by the building of additional battleships. We have no navy yards to look after out my way, but I am in favor of battleships as a necessity. Not only am I in favor of the battleships, but also additional submarines. I believe we ought to appropriate a sufficient amount of funds to put every navy yard in this country in proper shape to handle the business that we are going to make for the navy yards by this Navy program that we are adopting. The talk that we ought to assume second place among

the nations does not appeal to me in any way, shape, or manner. I believe that the United States is big enough, strong enough, and rich enough to assume first place as a naval power; that we have the money to do it with; and that we should not be niggardly about spending it for a good cause. [Applause.] We can secure plenty of funds for defense, and the country does not object to our spending the money in the right way.

The only objections I have ever heard to the spending of money as ordered by a legislative body was when the people believed that it was not spent rightly. If we convince the people that we are spending the money honestly, economically, and for the best interests of the people, I do not believe there is going to be any objection to it anywhere, and I do believe that the country is in favor of this naval program that we are going to try to put through, and I hope we will be successful in getting the two additional battleships. [Applause.] With the countries of the whole world forming alliances and the bringing together of the naval powers of four and five different nations as at present for offensive and defensive purposes, what is the use of our talking of assuming second place as against any other nation?

With the immense coast line we have to look after and our different possessions in the Atlantic and Pacific Oceans that will need protection, and with the Monroe doctrine to maintain, why should we be content to assume second place among the navies of the world? Because the navies of the powers now at war in Europe have cut little or no figure in that disturbance up to the present time, that is no reason or excuse for our not going ahead with our naval program. The very fact that England is the greatest naval power to-day gives her an advantage over her adversaries in that she can bring supplies for herself and allies from all sections of the world to the detriment of the countries with which she is at war.

We are not building a Navy for war purposes. Defenselessness invites insult. So far as we are concerned, we are building a Navy to maintain peace.

We are looking for no advantage over any other nation, but I do believe that we should build a Navy and assume a position that will maintain and secure to our people all that this republican form of government stands for. I am in favor of a greater number of men for the Navy than this bill provides for, and we should arrange for them. The great parades that are taking place in all the centers of population plainly indicates that public sentiment is in favor of preparedness, and the money to furnish all that is needed to make our country secure will be forthcoming.

This Congress will make a grave mistake if it allows other countries to proceed with their naval programs of building ship after ship, which will give them the advantage which they are after and at the same time the liberty to do as they please on the high seas, without we here and now make an effort while this bill is before us to help our country to continue to assume its proper place among the nations of the world. The safest way to preserve peace is to be in a position to maintain it. [Applause.]

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. Mr. Chairman, this amendment provides for the 24 months' proposition. The reason that the construction of battleships and submarines has been obstructed or arrested is because the industries of the country have been turned over to the disposal of the belligerent nations. Of course, if the administration that acquiesces in belligerent nations utilizing the industries of our country to manufacture machines of death really believed that there was an emergency confronting the people at this time it would not permit the allies to utilize the industries of the United States, but would bring pressure to bear on the manufacturers of the country to manufacture ships for the American Navy instead of the foreign nations.

It has been stated here that it is impossible to secure steel for the manufacture of these ships, which is true. That also applies to other industries of our country. Not only has the price of steel doubled and trebled as a penalty on the American people for their acquiescence in the despicable business of manufacturing machines of death to shoot down those who are our friends and to widow their wives and orphan their children to satisfy the greed of the financial and commercial pirates of Wall Street, who are the beneficiaries of the extortionate profits in munitions of war; but furthermore, one of the most important industries of our country, the building industry and construction work, is being arrested and obstructed by the abnormal high prices of steel and the inability to secure same as well as other building materials. Those responsible are giving the war as an excuse, but it is really the criminal trusts operating in violation of the law without regard for justice or equity.

Not only is the price of steel and building materials abnormally high, but the prices of all the necessities of the common people have increased by leaps and bounds due to the power of monopoly. This so-called Democratic administration is making no effort to protect the people against this infamous and outrageous plunder, and the silence of the "patriots" who are clamoring for these large and unnecessary expenditures of the people's money under the name of preparedness is quite significant when it comes to protecting the people against this high-handed robbery in the abnormally high prices on the necessaries of life being collected from the people by the invisible government, the house of Morgan, and their Wall Street allies.

I wonder what has become of the real representatives of the people, the men who stood steadfast in upholding the principles of real, genuine democracy. Has that brand of statesmen become extinct? Have they disappeared entirely from our legislative halls? We hear our legislators clamor loud and long in support of propositions that will not only rob the present generation of our people, but will prove disastrous and detrimental to the best interests and welfare of our posterity and the future of our country, but little is said by our patriotic legislators to protect the people from the arrogant plunder of the trusts and monopolies of our country.

So far as the battleships are concerned, if there has been any doubt about the obsoleteness and inoperativeness of a battleship, there is no doubt at this time after 20 months of the war in Europe, because Great Britain, with the greatest fleet, allied with France, Japan, Russia, and Italy, which leaves a surplus of battleships, with a battle ground within a few miles of their base of supplies, has not made a successful move. Ah, they say they have control of the seas; but they could have the same control with modern submarines and other vessels that are much cheaper to manufacture and maintain. But that would not satisfy the Munitions Trust and armor-plate ring, so we must build more battleships, that their greedy appetities for extortionate war profits may continue to be satisfied at the expense of the already overburdened wealth producers of our country.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MAGEE. Mr. Chairman, I want to say a word in behalf of the American Navy, always our first line of defense, probably our main defense in case of foreign attack. If we are to protect and defend the Panama Canal, the construction of which has cost many millions of dollars, and the maintenance of which is so vital to the security of the country; if we are to uphold and promulgate the Monroe doctrine, as we must; if we are to continue to be the dominant power upon the Western Hemisphere, we must have a strong, modern Navy. If a foreign power should contemplate attack, it is quite likely that the first blow might be struck in Mexico or in Central America, or more indirectly in a threatened landing in South America. In such event substantially our sole reliance would be the Navy.

Why, then, should we haggle about increasing the Navy in accordance with the recommendations of our naval officers and experts? You sit here and in the most nonchalant manner vote millions of dollars from the Public Treasury in appropriations for good roads, rivers and harbors, rural credits, flood control, and for a governmental ship experiment, projects commendable or otherwise, but which are not so pressing but that they would keep a while. When, however, it comes to making provision for the defense of the country, the gentlemen across the aisle say that an increase of $100,000,000 for naval purposes at this time is sufficient. What we say is that the needs of the Navy now should not be measured by cost; that the cost is immaterial. If the Navy needs two more battleships, costing some $35,000,000, it is our duty to authorize their construction. [Applause.] I believe, as the distinguished gentleman from Illinois [Mr. FOSS] said, that the battleship must be the dependence of the fleet, and that all other naval craft must be auxiliary thereto. The submarine is all right for purposes of defense and as the sniper of the sea, but the battleship is supreme.

Give the Navy the battleships. You need not worry about the cost. It will take a long time to build the ships. Create the obligation and some future Congress will gladly pay the bill, and perhaps, by indirect means, to the material relief of the taxpayers. It is unfair to tax the State of New York heavily for every kind of experiment and then refuse needed appropriations for the national defense.

The American Navy should be our pride. [Applause.] We should be proud of its personnel, proud of its achievements, proud of its traditions. In all the history of the Republic I

do not recall that the American Navy has ever been whipped upon any lake or upon any sea. [Applause.] Whenever the Navy has been called upon for action it has performed its work with marked efficiency and success. It has defended and upheld the honor of the country at all times, at all places, and at all hazards. No one has ever questioned the fighting spirit of the Navy, its absolute devotion to the country, and the remarkable daring of its officers and men. It must be a great pleasure for a real American citizen to honor and salute the American Navy—our greatest safeguard and our best guaranty of peace. [Applause.]

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, my observation is that there are three classes of American citizens when it comes to the consideration of the bill now pending. All of these classes are represented upon this floor. There is one class represented by some of the gentlemen who have spoken here to-day which thinks that no naval program that the mind of man can conceive is too great. They would go to the utmost limit of the most hysterical advocate of a big navy, and they tell us, as has just been said, that when it comes to battleships the question of dollars and cents ought not to be considered. There is another class, a somewhat larger class, which believes that we need no preparation for defensive purposes at all. That class has some representation here, but not much. There are those in the country, loyal and patriotic citizens, who believe that this whole alarm, this whole theory of national "preparedness," is not well founded; that no hidden danger lurks anywhere and that we can go on in the peaceful ways we have been pursuing with absolute safety, without taxing the people one dollar for additional battleships. There is another class, and a much larger class, which believes in preparedness along reasonable lines, not because they are alarmed by the apprehension that some nation may cross the waters and assail us, but because they realize that some nation might do so, and therefore in order to protect the integrity of this great Government from encroachments from any power or from all powers on earth they favor a reasonable preparedness. For the first time since I have had the honor to serve on this floor I find myself in the frame of mind to support a great naval program.

I can support most heartily the pending measure. I support it, not because I believe there is danger but I support it because there might be danger; but, feeling as I do about it, I am not going to cast my vote to impose a burden of taxation upon the American people, already heavily burdened, which no circumstances in the present and no reasonable apprehension of the future justifies. When I have voted for a measure like the one now pending I feel that I have discharged every patriotic duty that I owe, and I feel at the same time that I am keeping in mind my obligations as a Representative not to overtax and unnecessarily burden the taxpayers of this Republic. If our country was in imminent danger, I would join those who think the amount of appropriation should not be considered.

Mr. Chairman, much is being said here about the necessity of speeding up—hastening the construction of battleships. My notion is that even in the slow processes employed at the present time every war vessel authorized in this bill will be constructed long before it will become necessary for this Nation to fire a single shot in defense of our national honor or in the preservation of the safety of our people.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

By unanimous consent, Mr. RUCKER was granted leave to extend his remarks in the RECORD.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, the bill reported by the committee is lame and lacking in naval preparedness. How any committee can justify in this critical time a bill that does not provide for any first line of battleships is hard for me to understand. True, they bring in a bill providing for five battle cruisers, but they acknowledge in apology for that lame policy that they are merely auxiliary to the fleet to be used as scout cruisers, not in any wise to be utilized in time of real action on the firing line. The apologists say that during the present European war the dreadnaughts have not shown their efficiency. They have not been called upon so far in any battle to determine whether they are more efficient than any other arm of defense. England has by her superior number of dreadnaughts controlled the sea and has prevented up to the present time any conflict with the navy of the central powers. In these times not to provide for one or two battleships seems to me to be deserting the naval program entirely. Let it go out abroad to the foreign countries that the bill to be passed by this House provides for no real battleships, and it will be reasonably understood that this Government is deserting its policy of providing adequate fighting ships. I hold in my hand a report of the naval board as late as May 3 last, in which they recommend not two dreadnaughts, but six dreadnaughts, to place this Government second in naval power in the world. No one can claim that but two are unreasonable.

Mr. MONDELL rose.

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. In a moment. Heretofore I have in my votes in times past voted for one as opposed to two battleships; but I believe that in those times we should prepare as a matter of insurance to adequately equip our Navy. With the equilibrium in world affairs completely destroyed, it is safe and sane, at least until normal times are restored, to continue to maintain our fighting force. I yield to the gentleman.

Mr. MONDELL. Mr. Chairman, I was about to ask the gentleman if I was correct in my recollection of a year or two ago that the gentleman voted for only one capital ship of any kind?

Mr. STAFFORD. I just stated that heretofore in times past I did.

Mr. MONDELL. This bill provides for five.

Mr. STAFFORD. The bill provides for five auxiliary cruisers, and the chairman of the committee in all his talk could not explain away the fact of not providing for some battleships that would be used in the first line of attack, and here we have the General Board advocating six dreadnaughts, and the amendment under consideration is for but two, a very reasonable proposal. There are many Members on our side who have voted heretofore for but one battleship; but our vision has changed, the times have changed, and we recognize the crucial and critical condition that may beset this Government at any minute, and, if for no other reason than that of insurance, I believe that we should provide for two battleships in this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The gentleman from Alabama.

Mr. OLIVER. Mr. Chairman, I assume that the gentleman from Wisconsin [Mr. STAFFORD] who has just spoken makes no claim as a naval expert, nor is this claim made by any member of the Committee on Naval Affairs. The gentleman seems to be greatly surprised and shocked that the bill as proposed by the majority of the committee recommends the building of battle cruisers and fails to include in the building program any battleships. This report of the majority is in strict accord with the views and advice of the best recognized experts of our Navy, and in our Navy can be found the brightest and most accomplished scientists and the greatest naval experts of the world. The admiral in charge of the Atlantic Fleet, Admiral Fletcher; the admiral in charge of the Pacific Fleet, Admiral Winslow; the head of the War College, Admiral Knight; and the commander of the *Nevada*, Capt. Sims, than whom there is no more distinguished or capable officer in our Navy; and other distinguished officers have urged and strongly advised the committee to exclude battleships from the building program and to include only battle cruisers, provided the building program adopted for capital ships by Congress at this session is to be a limited one. On page 2637 of the hearings Capt. Sims states as follows:

Capt. SIMS. If you built 10 battleships right now and you had no battle cruisers, you would be up against it if you got into a war with a country that had them. Such an enemy could take his fleet practically where he pleased, as he did in the gas game last May, and you would know nothing about it until he got his 40-centimeter guns planted on the shore to keep your fleet off.

The CHAIRMAN. Just for purposes of assumption, and to illustrate your opinion: Suppose that the committee should report in favor of four capital ships, would you recommend, under all the existing conditions in our Navy, that there should be four battle cruisers and no dreadnaughts, or two battle cruisers and two dreadnaughts?

Capt. SIMS. Without the slightest hesitation I would recommend the four battle cruisers, and if the following year you should decide on four more capital ships, I should recommend that you build four more battle cruisers, until we had eight or nine battle cruisers before we built any more battleships, because you are up against it if you have not got them.

Mr. ROBERTS. If we should recommend eight capital ships this year, you would recommend that they be eight battle cruisers?

Capt. SIMS. Absolutely. I do not want you to take this solely as a personal opinion from me, but what I base it on is this: I have talked it over, of course, with a good many other people. In fact, away back in 1912, I was required as a student at the War College to write a paper on the tactics of the whole fleet. My analysis brought out very strongly then the necessity of the battle cruisers. However, what impressed me much more than my own opinion—and it is something to be able to say that, sometimes—was that the War College itself, represented by a man who came down here to talk to you about it, recommended six, and finally changed his mind to nine, battle cruisers. That was not solely Admiral Knight's personal opinion, I believe. That was an opinion he has doubtless formed by association with 40 officers at the college, who are fighting battle after battle against each other, where they see the necessity of the battle cruisers; and if I did not know anything about it, and had not made any study of the subject at all, I would unhesitatingly, as I would in a good many other cases, bend my own opinion to that of a man who comes here to represent the War College, because if the War College is wrong in those matters there is only one thing for you to

do, and that is to abolish it as soon as possible, because that is the institution of practical fleet officers that is telling us how we should handle our fleet when we come to war; and God knows if it is wrong it wants to be suppressed right away. The Navy has been run long enough on individual opinions, and it is time to make use of all the accumulated brains and experience we can get together for thorough continuous discussion.

On page 2692 of the hearings appears the further statement:

Capt. SIMS. I would like to see eight or nine battle cruisers built at the earliest possible date. That would enable us to put up a good stand against anybody who might come on us.

Mr. BUTLER. Would you discontinue building dreadnaughts?

Capt. SIMS. Until I had those cruisers, yes, sir, absolutely, because if you build 10 more dreadnaughts of the most powerful character in the world, you have not anything to screen them, and the enemy can come after you in the night with his torpedo-boat destroyers, submarines, etc.

I also strongly commend to the gentleman the very graphic description given by Capt. Sims of a final attack on the fleet recently planned, and played out in the Caribbean Sea, and which demonstrates the use and value of battle cruisers and the absolute helplessness of battleships against night torpedo attack. This will be found on page 2694 of the hearings.

The gentleman should also carefully consider the very interesting and informing statement by Admiral Knight on page 2013 of the hearings, as follows:

Admiral KNIGHT. As regards the battle cruiser, I will say that I never agreed with that statement as to battle cruisers, and I do not agree with it now. You will understand, of course, that there are differences of opinion in the General Board, just as there are differences of opinion elsewhere, and I thought on the 9th day of November, and I think now, that the battle cruiser has shown itself to be very much more important than it was believed to be in the beginning of the war.

The CHAIRMAN. Your recommendation with reference to postponing the construction of battleships at the present time and emphasizing the importance of the immediate construction of battle cruisers is made in view of our particular situation, having the number of battleships we have and having no battle cruisers?

Admiral KNIGHT. That is one part of my reason, and there is another part, which I tried to bring out when I made my statement. It is that I believe the design of battleships to be now in a condition of flux. I believe that within the next year changes will be made, not in the essential nature of the battleship, but in its detailed nature, which will enable us a year from this time to design a battleship which will meet measurably some of the dangers which have developed during this war.

And then on page 2014:

The CHAIRMAN. With those limitations?

Admiral KNIGHT. Yes. But I think I ought, before closing, to bring in this point which I have not made fully; that is to say, that the experience of the War College, repeated day after day and month after month and year after year, emphasizes the absolutely vital necessity for scouts and battle cruisers. Of course, if we could make them all battle cruisers, as was said in that report, that would be fine, because then the moment contact is made with the enemy, the battle cruiser breaks through their scouting line and finds out what is behind it. When he comes closer to the enemy, he finds the enemy's main fleet, surrounded by what we will call a defensive screen, and he is able to make touch with that, and perhaps to break through it and find out what lies beyond it. In other words, he has all the powers of the scout and a great many more, as stated in the General Board's report; but if we can not have every one of our scouts a battle cruiser—and it seems a little too much to ask—then we should have our line of scouts backed up by battle cruisers, so that when the scout sees something that looks a little dangerous, he calls for the battle cruisers to deal with the situation.

This is the experience of every officer who comes to the War College. Officers come there not very friendly to the battle cruiser; they do not know just what it really is. But I venture to say there is not one of them there now, and there are 36 there, who to-day would not say, "Give us battle cruisers first of all." Before I left there to come down here, a number of officers urged me to speak out strongly for this type.

And then, on page 2066, Admiral Knight says:

In other words, I wish you to accept what I say about the needs of battle cruisers and scouts as coming not from me individually, as Rear Admiral Knight, but as coming from the president of the War College and from the War College; and I really think that that entitles me to ask you to attach more importance to it than you attach on that one point, about types of ships, to the statement of almost any other officer who can come before you. We try these things out there week after week and month after month and year after year, and we have been driven irresistibly to the conclusion that a considerable number of battle cruisers and a large number of scouts are an absolute necessity. So that I say I claim to speak on that subject with an authority quite different from that of officers who have only the general experience of service behind them.

About the number of battle cruisers: During the course of my remarks yesterday I think I made it clear—I hope I made it clear—that the number for which I was standing was the largest number that could be built, and it was represented yesterday that more than I had suggested could be built. I have made some inquiries since, and have satisfied myself that more could be built, and I should therefore like to be understood as standing not for six but nine battle cruisers. I think that was implied all through my testimony yesterday, but I did not make it as definite as I wish to make it now.

From these statements and many others set out in the hearings made by naval officers before the committee it will be seen that they now recognize we have emphasized too much in the past the building of battleships and have neglected to build that valuable, indispensable type of capital ship called the battle cruiser. It was forcefully pointed out that in order to make efficient the fleet we now have it was of supreme importance to devote our attention to the building of battle cruisers until we construct at least six or eight of this type. Admiral Knight called attention to the further fact that it was wise to postpone the further building of battleships, not only because we now find an urgent need for battle cruisers but because many lessons of great value will be later learned from the present war, and we can wisely appropriate the information thus obtained if the now unnecessary construction of battleships be postponed.

Mr. STAFFORD. Is not the entire testimony which the gentleman refers to merely in justification of the need of battle cruisers and not as against the need of dreadnaughts?

Mr. OLIVER. None of the officers appearing before us discredited in the slightest the value of the battleship.

Mr. STAFFORD. That is my point. I am not speaking against the battle cruisers; I say they are needed.

Mr. OLIVER. The gentleman has fallen into this error, however, that he fails to recognize that according to the high expert opinion from which I have heretofore quoted we now have a fleet that is unbalanced, because we have a number of battleships and absolutely no battle cruisers. The military value of the battle cruiser is so great as to cause all of the naval officers to now advise the immediate construction of these cruisers, and many of the officers, as I have already shown, urge with great emphasis that no more battleships be constructed until we shall have added at least six or eight battle cruisers to our fleet.

There must be some rational limit set on the amount to be appropriated at this session of Congress for the building of capital ships, and the committee feels that the large sum of $100,000,000, which this bill carries for this purpose, represents the rational, nay the extreme limit. This sum is more than three times what any Congress in the history of this country, prior to the Sixty-third Congress, ever appropriated for the building of capital ships, and surely no one will insist that three times the amount heretofore appropriated by a single Congress at one session is not a reasonable limit upon the appropriation to be made at this time. The committee has endeavored in planning the building program to follow the advice of the well-recognized experts.

Mr. MEEKER. Would the gentleman suggest that the recommendation of the General Board is irrational?

Mr. OLIVER. I will say to the gentleman that Admiral Knight, who is in charge of the War College, is a member of the General Board. He stated to the committee that at the time the General Board made its recommendations differences of opinion were then entertained as to the importance of emphasizing the building of battle cruisers to the exclusion of battleships. He further said that his study of the use made of battle cruisers in the foreign war and their very great importance, as shown in the games played at the War College, now clearly demonstrated to him and the other officers of the War College the urgent and impelling necessity of adding a large number of this type to the fleet.

As early as 1905 England began the building of battle cruisers and Germany laid down the same type of ships in 1907. Our officers all frankly admit that until recently they had not become thoroughly convinced of the great importance of adding this type of ship to our fleet. They now find that to send our fleet of battleships to sea without battle cruisers would be like depriving it of its real eyes. The battle cruiser which this bill proposes to build will have a speed of not less than 35 knots and will carry either ten 14 or eight 16-inch guns, and will be a vessel of wonderful destructive power and of great informing power, powerful enough to drive in or destroy the cruiser screen of any attacking fleet and discover readily the whereabouts of such attacking fleet, and communicate that information to its own fleet, thereby opening the way for torpedo attack at night on the battleships of such attacking fleet. I feel that this House, in the light of this overwhelming expert advice, will fully concur with the majority report recommending the building of five battle cruisers to the exclusion of battleships. The importance of this type of capital ship in the developing and balancing of our present fleet can not be overestimated. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, may I make an inquiry? How do we stand as to time?

The CHAIRMAN (Mr. SAUNDERS). The gentleman has 12 minutes remaining and the gentleman from Tennessee [Mr. PADGETT] has 5.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. RICKETTS].

Mr RICKETTS. Mr. Chairman and gentlemen of the House, the question of preparedness has been the chief topic of public discussion of the American people for the past year. Congress, from the very beginning of this session, has had this question under consideration at various times. The debate in the House has been heated at times between Members favoring the proposition and those who are opposed to it. The result of these debates has developed that the membership of this House is divided into three separate and distinct classes with reference to the question of preparedness. First, the class known as favoring a small navy; second, the class known as favoring a large navy; and third, the class favoring a slight addition to the present Navy. There is another class of individuals known as the pacifists who do not believe in the maintenance of a navy. This latter class is small and has not made great headway in support of its claims.

I have listened to the various discussions on this floor with reference to this great problem. I have read all the literature that I could get hold of on the subject. Since last Saturday I very carefully have read the bill through two or three times. I have read the report of the Committee on Naval Affairs of the House, and I have also read the minority report of that committee; and I have listened to the debate since last Saturday morning, and, after having this matter under consideration for some considerable time, and after having sifted the arguments pro and con, I have reached the conclusion that this country should have at least the second best navy in the world. No other country has so much coast line to protect as we have, and the coasts of our country can be protected only in one way, and that is by a good, strong, and efficient navy. We do not need as large a navy as England, because England has possessions scattered all over the world. She is required to use the seas in order to acquire raw material for her manufacturers and certain foodstuffs for her citizens. She is a dependent nation, while ours is an independent Nation to a very large extent. We can live within our own resources. England survives by the resources that she obtains from other countries.

I have never been in favor of a large standing army. Our present emergency military strength is about 635,000, officers and men. Our normal military strength in time of peace is about 200,000 men, and, to my mind, this is even a greater army than is necessary in time of peace. I opposed the continental army scheme, because I thought it tended too much toward national militarism. It has always been my belief that in order to stimulate the Army of this country the National Guard should be federalized, and the President should be empowered with the authority to require military service on the part of the guard in the event of an emergency. Under the Hay bill, that passed during this session, these provisions have been provided for, and the Hay bill is now a law.

There is a great diversity of opinion with reference to the size of the Navy that should be maintained on the part of this Nation, as I said in the beginning.

Even the naval experts can not agree as to what the size of our Navy should be, and that makes the problem much more difficult to the ordinary man.

OUR PRESENT NAVY.

I shall here give a summary of the vessels of the United States, as shown by the report of the Secretary of the Navy, up to and including July 1, 1915. We have in the Navy—

First-line battleships	8
Second-line battleships	25
Armored cruisers	10
First-class cruisers	5
Second-class cruisers	4
Third-class cruisers	15
Monitors	9
Destroyers	53
Torpedo boats	19
Submarines	36
Tenders for torpedo vessels	7
Gunboats	30
Transports	5
Supply ships	4
Hospital ships	2
Fuel ships	23
Converted yachts	16
Tugs	45
Special type	8
Unserviceable for war purposes	19
Total	343

This Government has under process of construction—

First-line battleships	7
Destroyers	15
Submarines	22
Tenders for torpedo boats	2
Gunboat	1
Transport	1
Supply ship	1
Fuel ships	2
Total	50

We have authorized the construction of the following:

First-line battleships	2
Destroyers	6
Submarines	18
Total	26

INCREASE OF NAVY.

It is proposed by the present House bill 15947, known as the Padgett bill, to increase the Navy as follows:

Battle cruisers	5
Scout cruisers	4
Destroyers	10
Submarines of a surface displacement of about 800 tons	3
Small submarines	17
Fuel ship	1
Ammunition ship	1
Hospital ship	1
Total additional ships	42

This addition is recommended by the Committee on Naval Affairs on the theory that it will better balance our fleet and increase its fighting efficiency. The majority report of the committee states that this bill recommends an appropriation of $142,389,773.99, exclusive of the increase of the Navy, and for the increase to the Navy it recommends an appropriation of $98,859,378, and then states that for the expenses of the peace commission, it advises and provides for the appropriation of $200,000, making a grand total of $241,449,151.99, which is an increase over the total appropriation for this purpose of last year of $91,781,278.11.

This bill does not provide for the building of any dreadnaughts. Some of the gentlemen upon the floor of this House have insisted that such a provision should be made in order to make our Navy more stable. It will require about five years to make the additions proposed in this bill.

The question of increasing the Navy is not a political question. It is one that interests the people of the Nation as a whole, and our action in connection with this bill should be moved by a spirit of patriotism, and any attempt to inject politics into it should pale into insignificance.

During the administration of President McKinley, in the two Congresses of his first term, we authorized the building of the *Maine*, the *Missouri*, the *Ohio*, the *Georgia*, the *Nebraska*, the *Virginia*, the *New Jersey*, and the *Rhode Island*—a total of 8 ships in three years. Then, under the McKinley-Roosevelt administration, in the Fifty-seventh Congress, we authorized the building of the *Connecticut* and the *Louisiana*. During the first session and the second session we authorized the *Idaho*, the *Kansas*, the *Minnesota*, the *Mississippi*, and the *Vermont*. In the Fifty-eighth Congress we authorized the *New Jersey*, the *Michigan*, and the *South Carolina*—a total of 10 battleships in four years under Roosevelt's administration. During the four years of Roosevelt's second administration we authorized the *Delaware*, the *South Dakota*, the *Florida*, the *Utah*, the *Arkansas*, and the *Wyoming*—a total of 6 ships. In the Sixty-first Congress, during the first two years of President Taft's administration, we authorized the building of the *New York*, the *Texas*, the *Nevada*, and the *Oklahoma*. So it is plain that during the 14 years under McKinley, Roosevelt, and Taft we authorized the building of 28 battleships. The Sixty-second Congress was Democratic, and that Congress authorized but 2 battleships. In 1910 our Navy ranked second among the navies of the world; to-day it ranks fourth. It is therefore evident that our Navy since 1910 has been on the decline, and in my judgment this should not have happened. Had it not been for the great, cruel, crushing war that broke out in Europe it is possible that the people of this Nation would have been lulled into an unenviable position with reference to its Navy. There is but one way by which the coasts of this country can be defended, and that is in and through the Navy. The Navy is the first line of defense to our country, and I am one Member in this House who believes in building and maintaining a Navy second only to that of England. If we could look into the future and determine what a day, a week, a month, or a year might bring forth, then in all probability we would not need to spend this vast amount of money in strengthening the Navy, but we can not determine what the future holds in store for this or any other nation. There is no way by which peace may be guaranteed to the people of this Nation. There is but one way by which the interests of the people of this Nation may be protected from invasion by any foreign foe.

At present we are at peace with the world; and let us hope that we may continue at peace for all time to come. While I am in favor of a large Navy, at least one large enough to defend us against attack of any nation, yet it is my sincere hope that the time will never come when we will need our Navy except for the sole and only purpose of delivering a salute to the Stars and Stripes. We all want peace now and forever. I believe the lesson that American citizens are getting from the great, brutal war that is raging across the seas will incline our people to the pursuit of peace, and let us hope and pray that our people may continue to be a peace-loving Nation. Washington said, "War is to be abhorred," and everybody knows what Sherman said about it.

I am going to support this bill, although it is not what I had hoped it would be; but, after having studied the matter carefully, I am inclined to believe it to be my duty to support it, and I shall be governed in this matter by the dictates of my conscience after mature and earnest deliberation. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RICKETTS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GALLAGHER. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Illinois [Mr. GALLAGHER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, how many minutes have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. BUTLER. I yield seven minutes to the gentleman from Missouri [Mr. MEEKER].

The CHAIRMAN. The gentleman from Missouri [Mr. MEEKER] is recognized for seven minutes.

Mr. MEEKER. Mr. Chairman, there is just one question before this Congress, and that is, Are we satisfied in our own minds that the provisions of this bill provide ample defense for our coast line? If it does not do that, the bill is not what it should be. Anything short of ample defense is only a little better than none.

The chief discussion here seems to be between the value of a cruiser and a battleship. I have listened patiently and carefully to all the addresses while I was here on the floor, and I have read those that were made when I was not here. As I understand it, to use the parlance of a landsman, a battleship is a floating fortification. On the Pacific coast to-day we have on the sea, if I am correctly informed, no gun greater than an 8-inch gun on any ship. Japan is equipped with 14 and 15 inch guns, and if any man on the floor of this House will take the time to go out here to the navy yard and see that tiny little 8-inch gun alongside of a 14-inch or a 16-inch gun and look the people of this country in the eye and say he believes that those 8-inch guns can keep off a 16-inch gun, he will declare that we can do the impossible thing.

Why is it that you refuse consistently and constantly to put at least two floating forts on the Pacific coast, equipped with guns of sufficient range to outreach any gun from any quarter whatever? I can not understand it.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Washington?

Mr. MEEKER. Yes.

Mr. HUMPHREY of Washington. I want to suggest to the gentleman that according to naval authorities—and I am not one—all the vessels we have on the Pacific Ocean would be able to make no resistance whatever to a modern battleship.

Mr. MEEKER. Am I correct in saying that they have only 8-inch guns there?

Mr. HUMPHREY of Washington. That is my information.

Mr. MEEKER. Now, Mr. Chairman, it is not a question of patriotism. I am getting weary of men getting up on each side of this aisle and assuring the country of their patriotism before making their arguments. It is a question of practical sense. Does anybody believe that an 8-inch gun will take care of a 16-inch gun, and that patriotism will add 8 inches to the deficiency of the gun? [Laughter.] There are some men who would like to substitute their speeches and their "hot air" for guns, but it will not do in war. Why is it that men who on this floor and before this committee plead that you extend the range of the guns so that they will make up the difference in the range between our guns and those of other nations? We do not know who our enemy will be, but the question is, Will we be able to overreach the guns of other nations? Why is it that we men here are charged with being in the hands of the trust, or scared to death, one or the other?

I do not suppose the gentleman from Texas would start out to meet a Texas Ranger and himself be armed with a .22 gallery target pistol. When you start out on land to meet a man who carries a .45 you do not go armed with a set of resolutions. You try to be equipped with something a little better than what he has. Yet because men here are pleading for the arming of the Pacific coast with guns of sufficient range to match the range of any that may come against that coast we are charged with being sold out to the trusts, charged with being scared to death. You on the Texas border would be mighty glad to know that on this side of the line there were soldiers enough with guns enough to reach a little farther than the greasers could shoot. But when men come from the Pacific coast and ask you for adequate protection you say they are frightened to death. Men in the harbors of Boston and New York have the same right to protection as have you.

I am from St. Louis myself, and it would take an enemy a long time to reach us; but I say that the man from the safe interior of the country who is not as much concerned in the protection of our coasts and our seaports and in the protection of every American as is the man who lives at the water's edge is not to my mind a real, thoroughbred, all-around sportsman. [Applause.] The man who thinks only of the safety of his own hide is not, as I understand it, a true American. [Applause.] Of course I know plenty of you gentlemen here do not take much stock in what your President says. You might as well admit it. [Laughter.] He has told you to jump through on this bill, and you will jump through. Almost all of you men here have said that your Secretary of the Navy and your General Board are advising a big naval-construction program. You gentlemen are going to turn down their recommendations for the construction of additional battleships. [Applause on the Republican side.]

[Mr. LANGLEY addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, in the outset I simply want to say, in answer to a good deal of what the gentleman from Missouri [Mr MEEKER] has said, that there is not a ship provided for in this bill that carries an 8-inch gun, or is intended to do so. So all of his dissertation about 8-inch guns is beside the question. The battle cruisers are to carry either 14-inch guns or 16-inch guns, it has not been decided which.

Mr. MEEKER. Does the gentleman wish the House to understand that he considers a battle cruiser as competent to meet a battleship?

Mr. PADGETT. Not in a pitched battle; no. They are not intended for that; but with the 42 battleships that we have and no battle cruisers, as I said the other day, every naval officer who appeared before our committee said that the effective ships that are needed now above all others are battle cruisers, to make effective and efficient the battleships that we now have, to round out the battle fleet that we have.

Another thing. The gentleman said that we did not follow the recommendation of the Secretary of the Navy, who recommended a big program. I want to say that we have reported a bigger program than he recommended, so that falls to the ground.

Mr. MEEKER. Will the gentleman yield?

Mr. PADGETT. I have only five minutes.

Mr. MEEKER. Did not the Secretary recommend the building of battleships?

Mr. PADGETT. We put in five battle cruisers, and that is better than he recommended. We have a better program. Now, the simple proposition is this: I dare say that if the committee had recommended three battle cruisers and two battleships, there would have been no fight here between battleships and battle cruisers. But the committee took the advice of the naval authorities and recommended five battle cruisers, because they would be better and more efficient, and meet the naval conditions far better than two battleships and three battle cruisers. Because we have left out the battleships, you take up the words, and you are making a shibboleth out of the names "dreadnaught" and "battleship." The thing I want to emphasize is that five battle cruisers are better than two battleships and three battle cruisers; yet, as I have said, if we had divided the five ships, and had reported two battleships and three battle cruisers, I dare say there would have been no controversy in this House.

Now, this amendment imposes a limit of 24 months on construction. If that goes in, there is not a shipbuilding yard in this country that will bid on these ships. You can not get it, and you might just as well understand it. I am opposed to it, because I do not want to hamper the construction of our program.

Now, I submit again, as I submitted before, that the program we have submitted to the House, carrying $160,000,000 for new construction, as against $50,000,000, the biggest amount ever reported in any bill heretofore in the history of the Congress of the United States, an increase of about $110,000,000 in one year.

meets the legitimate and proper demands of the country. In the next session, which meets in about eight months from now, we will have another bill, in which this Congress will meet the necessities and requirements of that time, and we will have a Navy that will be, as the American Navy always has been, the pride of the American people. [Applause.]

I want to say that I have got no patience with those who are going around libeling the Navy that we have. [Applause.] Ship for ship, gun for gun, man for man, it is the best Navy in the world. [Applause.] Take it and compare the ships, compare the qualifications of our officers, compare our guns, and there is no navy in the world that will equal it. And this program which we are now about to adopt will put it forward by leaps and bounds.

Mr. Chairman, I ask for a vote. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. BUTLER].

The question being taken, on a division (demanded by Mr. BUTLER) there were—ayes 104, noes 116.

Mr. BUTLER. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. BUTLER and Mr. PADGETT.

The committee again divided; and the tellers reported—ayes 114, noes 130.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 98, line 1, strike out the word "four" and insert in lieu thereof the word "six."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 98, line 5, after the word "each," insert "said scout cruisers to be constructed within 15 months from the date of signing contract."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I suggest that amendment be not voted on, inasmuch as it was dependent on the previous one, which was rejected.

The CHAIRMAN. The committee must dispose of the amendments.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Page 98, line 6, strike out the word "ten" and insert in lieu thereof the word "twenty-eight."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Page 98, line 9, after the word "each," insert "said destroyers to be constructed within 15 months from the date of signing contracts."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Page 98, line 14, strike out the word "twenty," and insert in lieu thereof the word "fifty."

Mr. BUTLER. Mr. Chairman, I will ask the gentleman from Tennessee whether or not it will be agreeable to have some debate on this submarine amendment.

Mr. PADGETT. I am willing.

Mr. BUTLER. I do not wish to interfere with the adjournment at 3 o'clock, but would 20 minutes on a side be agreeable to the gentleman?

Mr. PADGETT. That would run us beyond 3 o'clock.

Mr. BUTLER. Could we not finish it to-morrow? If we should agree to that time to be consumed on this amendment it would not interfere with adjournment although we might not finish it.

Mr. PADGETT. But I want to finish these amendments this afternoon.

Mr. BUTLER. If the gentleman will give us 20 minutes on the submarine——

Mr. PADGETT. I will agree to give the gentleman 20 minutes on that side, and I will take 10, and then we will vote on this amendment before we adjourn. That would run us to five minutes past 3.

Mr. MOORE of Pennsylvania. May I ask the gentleman from Tennessee if that will make it absolutely sure that the armor-plate amendment will not come up this afternoon?

Mr. PADGETT. Yes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the rest of the amendments be submitted in bulk except the amendment that has just been read.

Mr. PADGETT. I have no objection to that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all pending amendments, except the one just read, shall be voted on at one time. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Now, Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 30 minutes—20 minutes to be controlled by the gentleman from Pennsylvania [Mr. BUTLER], 10 minutes by myself, and then the vote be taken on the amendment before we adjourn.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on the pending amendment be limited to 30 minutes—10 minutes to be controlled by himself and 20 minutes by the gentleman from Pennsylvania [Mr. BUTLER]. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, will the gentleman from Tennessee indicate at this time whether he proposes to bring in the armor-plate proposition to-morrow?

Mr. PADGETT. I do, just as soon as these amendments are disposed of, before we take up other amendments.

Mr. MOORE of Pennsylvania. The present arrangement includes only the submarine amendment?

Mr. PADGETT. And a vote in bulk on the others.

Mr. MOORE of Pennsylvania. Individual Members will have a right to bring in their amendments in the morning?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. About what time will the armor-plate proposition be brought in?

Mr. PADGETT. About 11.15.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS of Massachusetts. Mr. Chairman, whatever our individual views may be as to the needs of the Navy, whether it shall be the greatest in the world or second place or a well-balanced Navy, I think we all agree that we want the shores of this country safe from invasion. [Applause.]

Now, what can we do quickly with a comparatively small expenditure of money to insure our safety from invasion? We do not need experts to form an opinion for us as to the value of the submarine. The daily press is telling us and has been telling us for 20 months past of the value of the submarine as a weapon of war. I have read through a list of warships that have been sunk by submarines in the course of the European war, and I find 6 battleships, 5 armored cruisers, 3 protected cruisers, 1 light cruiser, 2 auxiliary cruisers, 4 cruisers, 3 submarines, 4 torpedo boats, 1 mine layer, 2 gunboats, 5 transports, 5 destroyers, 1 scout, 2 armor-board vessels—all fighting ships of the enemy that have been sunk by submarines.

What is it that keeps the German fleet shut up in the Kiel Canal, that prevents it from operating in the North or the Baltic Seas? One thing, and one thing alone; not the great English fleet, but the English submarine. What is it that keeps the British fleet, the greatest in the world, in hiding behind a cloud of destroyers? Is it the German Navy? Not at all; it is the German submarine. What was it that drove the English fleet out of the Dardanelles waters? Was it the gunfire of the Turks? Was it the German Navy? No, indeed; two or three German submarines compelled the retirement of the British fleet from those waters.

I do not need an expert to inform me that the weapon that will drive a battle fleet out of these waters and keep it out will keep that same battle fleet from returning to those waters. And so I say that if we are to make our shores safe from invasion or attack by hostile fleets, give us plenty of submarines and I will guarantee that the submarine will keep any enemy fleet out of gunshot of the American coast. [Applause.]

And it will not only keep them out, but it will keep them from coming within gunshot of the American shores.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. If the gentleman will wait until I finish a few things I have to say. Mr. Chairman, we have had testimony before the committee as to the necessity of submarines and the necessity for them in great numbers. I am not going to read much, but I just want to read one statement from Admiral Benson, Chief of Operations in the Navy Department. He says, at page 3197, as to submarines:

As to submarines, I think we should build a large number of what we call the coast submarines, for coast defense—the smaller type. I am advocating the building of a great number of those, fully as many as we have recommended, and possibly more. I would rather see that appropriation for five fleet submarines, exclusive of the three 800-ton submarines—or possibly altogether—used for coast submarines. I believe in building a large number of coast submarines as quickly as possible.

Again, Admiral Fletcher, when before the committee, in answer to the question of Mr. OLIVER, testified as follows:

Mr. OLIVER. If it were possible to build a sufficient number of submarines and torpedo-boat destroyers, and to have on hand a sufficient supply of mines and means for laying those mines rapidly, and likewise good coastal defenses, that would furnish, in connection with the fleet that we now have, pretty adequate defense against an attack from a foreign power to our naval yards and coasts, would it not?

Admiral FLETCHER. That would furnish the best means that you could get within the next two or three years.

And I submit to this committee that that is what the country is demanding to-day—the best defense that can be furnished in the quickest time to guard us from invasion. [Applause.] The question of a greater Navy is one that can be considered after our people feel that we are safe from invasion.

Mr. Chairman, had the majority of the committee, instead of putting into their bill five battle cruisers, put in place of it four battle cruisers, and taken the cost of one, that extra one, the fifth, $20,000,000, it could have added 32 coast-defense submarines to the number that is now in the bill.

Mr. SLAYDEN. Did the gentleman favor that?

Mr. ROBERTS of Massachusetts. I do favor that, and I want to call the attention of this committee also to the fact that the majority of the Naval Committee ignored the recommendation of the Secretary of the Navy in the matter of the number of submarines we should put in the bill. The Secretary recommended 25, which the committee voted down, and inserted instead 20. I say, and I repeat it, that the best and most efficient and quickest means of assured defense for the least expenditure of money, and requiring the smallest number of officers and men to man efficiently, is the submarine, and we are disregardful of the desires and the demands of this country and of our duties as legislators if we refuse to largely increase the number of submarines provided for in this year's bill.

Does the gentleman from Iowa wish to ask me a question?

Mr. GREEN of Iowa. Just a suggestion in the line of what the gentleman was already saying, as to what it was that stopped the British fleet in the North Sea battle. It was the submarine, according to reports.

Mr. ROBERTS of Massachusetts. Oh, there is no question whatever as to what the submarine is doing in this war abroad. There is no doubt that it is shutting up most of the British and most of the German fleets behind their safe shore defenses, because of their fear of the submarine if they take the open sea.

Mr. REILLY. Then, from the gentleman's knowledge and experience as a member of the Naval Committee, submarines will absolutely protect our coast from foreign invasion?

Mr. ROBERTS of Massachusetts. With the suitable mines and coast defenses I believe as firmly as I believe anything in this world that with a sufficient number—mind you, a sufficient number—of these coast submarines no enemy, even the most powerful naval nation on earth, can ever make a landing upon our shores. [Applause.]

Mr. EMERSON. How much do these submarines cost, and how long does it take to build one?

Mr. ROBERTS of Massachusetts. The gentleman asks what they cost. We are providing a cost of $625,000 each in this bill. The minority are attempting to insert a provision that they shall be built within 12 months. As to the speed with which they can be constructed, England had 20 built in this country and delivered in less than six months, and I believe and feel confident that if this Congress were to authorize 100 of this type they could all be built within 18 months, every one of them—built and delivered.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. MOORE of Pennsylvania. This bill provides for 20 submarines, most of which are not to cost more than $625,000. The total cost of the 20 approximates $14,000,000. The bill appropriates $4,257,000 for that purpose.

Mr. ROBERTS of Massachusetts. That is for the first year's expenditure, and the balance will come along in succeeding appropriation bills.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BUTLER. Does the gentleman desire more time?

Mr. ROBERTS of Massachusetts. Merely to answer questions.

Mr. BUTLER. I yield the gentleman two minutes more.

Mr. MOORE of Pennsylvania. Will the gentleman tell us how many submarines we would be likely to get under this appropriation during the next five years?

Mr. ROBERTS of Massachusetts. Oh, if you authorized 20 we should have those 20, in the ordinary course of things, in the neighborhood of 30 months.

Mr. MOORE of Pennsylvania. How many would we get in one year? That is an easier question.

Mr. ROBERTS of Massachusetts. Unless we provide for speeding up, you will get none in one year.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. SMITH of Michigan. Can the gentleman tell us how many German submarines the English Navy has destroyed up to date?

Mr. ROBERTS of Massachusetts. I can not tell, and I do not think anybody outside of the navy authorities in England can tell; but I have seen it stated that England up to the present has captured or destroyed between 130 and 140 German submarines, and I want to say right here that if Germany at the outbreak of this war had had on hand the number of submarines she now has, I predict the pinch of hunger would have been felt in England long ago, as it is now being felt in Germany.

Mr. BRITTEN. Does the present administration show any signs of being able to build a little submarine now inside of three years from the date of authorization?

Mr. ROBERTS of Massachusetts. In answer to my colleague I will say I have not seen any such signs. They have not yet been shown.

Mr. MANN. What difference does it make what the present administration will do in three years; it will not be here then.

Mr. ROBERTS of Massachusetts. It makes no difference to me; but as a Member of this House and as a patriotic American citizen I think we should provide and compel by law a provision for a suitable defense for this country and make it certain that this or any other administration shall build quickly what this Congress authorizes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, the gentleman from Massachusetts [Mr. ROBERTS] made an exceedingly interesting 10-minute speech in which he made some important admissions and at least one valuable suggestion. He said that if we would only cut off the cost of one of these cruisers, which he estimates at $20,000,000, and substitute for it the number of submarines that $20,000,000 would procure, that it would be a wise thing, and I asked if he would support an amendment of that kind, and he gratified and surprised me by saying that he would. Now, a year ago——

Mr. ROBERTS of Massachusetts. I did not understand the gentleman. Did the gentleman say "report"?

Mr. SLAYDEN. "Support."

Mr. ROBERTS of Massachusetts. That is all right; I will.

Mr. SLAYDEN. Mr. Chairman, a year ago——

Mr. PADGETT. May I ask the gentleman a question in that connection?

Mr. SLAYDEN. I have only two minutes.

Mr. PADGETT. I will yield the gentleman one.

Mr. SLAYDEN. Very well; thank you.

Mr. PADGETT. Did the gentleman explain how it was then that he brought in a minority report for six battle cruisers instead of five; and now he wants to cut off one——

Mr. ROBERTS of Massachusetts. Will the gentleman give me some time? If so, I would be very glad to explain fully.

Mr. HOWARD. It shows the gentleman's consistency.

Mr. SLAYDEN. Mr. Chairman, I suggested a year ago, or a little more than a year ago, when this bill was under consideration, that it would be wise to reduce the large-ship program provided and substitute for it submarines. I have been subjected to epithets and anathema and the denunciation of being a small-navy man, and I am compared with some of my wild friends over here, but I have been an advocate of an increase of submarines for this country because the efficiency of those weapons was established. [Applause.] Fifteen years ago I was invited to go on board one of these vessels, and I went down under the water on it, and I came away with the impression then that the newest and most efficient weapon that had ever been devised by the wit of man was provided. And when the gentleman from Massachusetts admitted that we could give our country complete protection by the employment of these smaller and cheaper vessels, vessels which can be more rapidly constructed, which our mechanics, who have no superiors anywhere in the world, and that our workshops, which now perhaps parallel the efficiency of the best in the world, can more quickly provide us than thus far they have been able to do, I realized, and I believe the House will realize, we have it in our power to give the country complete protection at a much less cost than that proposed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. The second yielding?

The CHAIRMAN. Yes.

Mr. BUTLER. Mr. Chairman, will the Chairman be kind enough to inform me how much time we have on this side?

The CHAIRMAN. Six minutes.

Mr. BUTLER. Mr. Chairman, I yield two minutes to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Chairman, I have just voted against an addition of two battleships because I believe that the battleship is an obsolete weapon of defense or offense. It is demonstrated, as was stated here not only by the gentleman from Massachusetts but the gentleman from Texas, that the greatest defensive weapon the world has ever known is the submarine. I have a man in my district who will pay $1,000 for any brick that has been knocked off another brick on the soil of the German Empire by any navy in this war that has lasted nearly two years, and he says he is not a curio hunter, but a speculator, because he could sell that brick for $5,000. Now, what has the battleship done in this great war? It has carried the crew with it down to the bottom of the sea. It has demonstrated that it is more dangerous to the crew than it is to the enemy. What is a battle cruiser? It is a battleship that travels faster than the ordinary ship. The idea is to break the outer defense of a great invading fleet with it and run amuck among the transports that may be carrying an invading army, regardless of what may happen to it by submarines or what a dozen submarines might do that would accompany the transports. The submarine today has absolutely nullified the greatest navy in the world. [Applause.] I shall vote for the amendment. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Will the gentleman from Tennessee consume some of his time?

Mr. PADGETT. I have only one on this side.

Mr. BUTLER. Mr. Chairman, I do not find anyone here who desires to speak further—— [Cries of "Vote!"]

Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, I simply want to take two minutes to say that while I intend to vote for this amendment I do not quite subscribe to everything the gentleman from Massachusetts [Mr. ROBERTS] and others have said about the submarine. I do not think for a minute that the English submarine is what has kept the German fleet in the Kiel Canal. The fleet is in that canal because that is where it is of the greatest service to Germany. By remaining there it keeps open the Baltic for trade between German ports and the ports of Sweden, Norway, and Denmark—a very vital matter to Germany. If England had been able to blockade completely the German Baltic ports, the war would have been ended long ago.

In order to get into the Baltic Sea England has got to use twice as many ships as the Germans have there, for the German ships can go out at either end. My personal opinion is that the submarine has been more or less a failure in this war. They use it more against merchant ships than against battleships, and it appears to be entirely possible to protect battleships against it; but it is a very effective weapon of defense, and we should have many more of them. Therefore I am for the amendment.

Mr. PADGETT. Mr. Chairman, I shall detain the House but a few moments. I want to ask the committee in all seriousness not to be swept off of its feet by the sentimentality for submarines. Every naval officer who appeared before the committee stated that the submarine could not of itself under any circumstances be a defense of our shores unless it was under the protection of big guns, either on the shores, in our fortifications, or on our ships; that they could not under any condition afford protection to our shores alone. Every officer, without exception, so testified, and the Naval General Board in their report said that nothing in the war has occurred to justify the exaggerated public opinion with reference to submarines. We have authorized 20 submarines. There is not one that has a satisfactory motor. They are not working satisfactorily. They are not doing so abroad. There they do not publish, as we do here, their shortcomings. They publish only their successes.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. PADGETT. If the gentleman is right quick about it.

Mr. COOPER of Wisconsin. Did not one German submarine sink three British cruisers the *Aboukir*, the *Cressy*, and the *La Hogue* in 20 minutes?

Mr. PADGETT. They were old ships. The first one was sunk, and the other two very foolishly, as every naval officer said, went to their rescue to try to save the crew and allowed themselves to be sunk, without taking any precautions.

Mr. COOPER of Wisconsin. How many of the first-class battleships did they sink in the Dardanelles after that?

Mr. PADGETT. I think there was only one ship sunk there.

Mr. COOPER of Wisconsin. Three.

Mr. PADGETT. Not of the big ones.

Mr. COOPER of Wisconsin. Well, of fair size. They went down with their crews.

Mr. PADGETT. We have authorized 20 submarines.

Mr. ROBERTS of Massachusetts. The gentleman does not challenge my statement that six battleships have been sunk by submarines in the war?

Mr. PADGETT. Not altogether. I think some of them were sunk by mines—either by submarines or mines. But the increase of 30 submarines would increase the appropriation $21,929,000. This is not advised by any naval authority that appeared before the committee. We have a number building. We have 70 and odd submarines now, and 20 more would run us up to between 90 and 100. And in the meantime all the energy in the country, the different manufacturers of engines, and the Government, all are working to develop a motor that will answer the purpose and be satisfactory. Why do we want to build up an excessive number of submarines that could be built in a shorter time, and have defective submarines, instead of waiting and have efficient and effective ones?

Mr. HENSLEY. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. HENSLEY. Is it not a fact that at the beginning of the European war this country had more submarines than Germany?

Mr. PADGETT. Oh, yes; much more, and, as far as we know, more now.

Mr. WHEELER. If we should build 50 additional submarines, together with what we already have, would it not be much in excess of what they have in either Germany or England to-day?

Mr. PADGETT. I think so; yes. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BUTLER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 112, noes 105.

Mr. PADGETT. Mr. Chairman, I ask for tellers.

Tellers were ordered; and Mr. PADGETT and Mr. BUTLER took their places as tellers.

The committee again divided; and the tellers reported—ayes 114, noes 104.

So the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I want to ask unanimous consent that the figures showing the change in the amount of appropriation be passed over until morning, necessitated by the change in this number of submarines.

Mr. KITCHIN. How much of an increase in appropriation will this probably make?

Mr. PADGETT. I can not give it to you at this minute. It increases it about $20,900,000.

The CHAIRMAN. The question is upon agreeing to the other amendments that are now pending.

The question was taken, and the amendments were rejected.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GREGG, indefinitely, on account of wife's illness.

To Mr. DAVENPORT, for two weeks, on account of important business.

To Mr. MILLER of Pennsylvania, from June 1 to June 20, on account of the sickness of a near relative in the family.

EXTENSION OF REMARKS.

Mr. RUSSELL of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by the Hon. FRANK E. DOREMUS, chairman of the Michigan Democratic State convention.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing

a speech delivered by the Hon. FRANK E. DOREMUS, chairman of the Michigan Democratic State convention. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3329. An act validating certain applications for and entries of public lands; to the Committee on the Public Lands.

ARMY REORGANIZATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent that when the Army reorganization bill becomes a law there shall be printed for the use of the House 15,000 copies.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that when the Army reorganization bill is signed by the President 15,000 copies shall be printed to be distributed through the folding room. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to suggest to the gentleman that if we are to print a large number of copies of the bill a considerable number should be placed in the document room. Many people write for copies to the Clerk of the House, and while they ought to write to the Members of Congress there still ought to be several thousand copies in the document room.

Mr. HAY. Then I ask that 20,000 copies be printed, and that 15,000 copies be distributed through the folding room and 5,000 through the document room.

The SPEAKER. The gentleman from Virginia modifies his request, and asks that 20,000 copies be printed, of which 15,000 shall be distributed through the folding room and 5,000 through the document room. Is there objection?

There was no objection.

ADJOURNMENT—DECORATION DAY.

Mr. PADGETT. Mr. Speaker, to-day is a national holiday, the National Decoration Day. I move as a mark of respect that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that out of respect for Decoration Day the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 31, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edward D. Alexander, son and sole heir of Dixon Alexander, deceased, v. The United States (H. Doc. No. 1170); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Laura McGowan and Lizzie Ishmael, daughters of Joseph M. Hukel, deceased, v. The United States (H. Doc. No. 1171); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Anton Phillipson v. The United States (H. Doc. No. 1172); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George S. Smith v. The United States (H. Doc. No. 1173); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John B. Todd, brother of Orrin D. Todd, deceased, v. The United States (H. Doc. No. 1174); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Louis W. Williams v. The United States (H. Doc. No. 1175); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Rosalvo B. Brazelton v. The United States (H. Doc. No. 1176); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Rebecca Eversole, widow of Henderson Eversole, deceased, v. The United States (H. Doc. No. 1177); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William B. Gehr v. The United States (H. Doc. No. 1178); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frank A. Kelly, son of John H. Kelly, deceased, v. The United States (H. Doc. No. 1179); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Caroline O. Meglemry, widow of William H. Meglemry, deceased, v. The United States (H. Doc. No. 1180); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John McNaughton v. The United States (H. Doc. No. 1181); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of S. Agnes Young, widow of Thomas L. Young, deceased, v. The United States (H. Doc. No. 1182); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Marguerite E. Fontaine, widow of Juste Fontaine, deceased, v. The United States (H. Doc. No. 1183); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Richard B. Fulke v. The United States (H. Doc. No. 1184); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OGLESBY, from the Committee on the Territories, to which was referred the bill (H. R. 15777) to authorize and provide for the manufacture, maintenance, distribution, and supply of gas in the district of South Hilo, county of Hawaii, Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 781), which said bill and report were referred to the House Calendar.

Mr. ALLEN, from the Committee on Ways and Means, to which was referred the bill (H. R. 10749) amending section 3285 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 782), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KITCHIN, from the Committee on Ways and Means, to which was referred the bill (H. R. 15347) to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning, reported the same without amendment, accompanied by a report (No. 783), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. BUCHANAN of Texas introduced a bill (H. R. 16129) to standardize the barrel of lime, which was referred to the Committee on Coinage, Weights, and Measures.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. HARDY: A bill (H. R. 16130) granting a pension to William J. McDonald; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 16131) granting an increase of pension to Neppie Downing; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16132) granting an increase of pension to Ellen Krone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16133) granting an increase of pension to Sarah Zimmerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16134) granting an increase of pension to Joanna Small; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16135) granting an increase of pension to Rebecca Hess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16136) granting an increase of pension to Maria A. Beitzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16137) granting an increase of pension to Rebecca Kraft; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 16138) for the relief of Francis G. French, alias Frank Jones; to the Committee on Naval Affairs.

By Mr. MATTHEWS: A bill (H. R. 16139) for the relief of John S. Conkright; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: A bill (H. R. 16140) granting an increase of pension to William H. G. Murray, alias Henry Gordon; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 16141) for the relief of John Rooney; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of Motion Picture League of the Chamber of Commerce, favoring Federal regulation of motion pictures; to the Committee on Education.

Also, memorial of Cincinnati Chamber of Commerce, with reference to cable rates to the Philippine Islands; to the Committee on Insular Affairs.

By Mr. BAILEY: Memorial of Congressional Union for Woman Suffrage, favoring reporting the Susan B. Anthony suffrage amendment to the House from the Judiciary Committee; to the Committee on the Judiciary.

By Mr. CAREW: Petition of National Automobile Chamber of Commerce, to provide for collection of reliable data regarding production of petroleum and manufacture of petroleum products; to the Committee on Agriculture.

By Mr. CHARLES: Communication from the Trades Assembly of Schenectady, N. Y., favoring the enactment of House bill 10318, relative to workmen's compensation in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALE of New York: Petition of Mrs. Verne L. Capron, deputy clerk juvenile court, Denver, Colo., urging adoption of the Susan B. Anthony suffrage amendment; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of board of directors of the Washington Chamber of Commerce, in re half-and-half plan of taxation; to the Committee on the District of Columbia.

By Mr. DILL: Petition of Mr. Chris Foss and other residents of Mica, Freeman, and Rockford, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of George B. Hurd and other residents of Rockford, Freeman, and Mica, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of W. R. Miliken and other residents of Greenacres, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of W. R. Milliken and other residents of Greenacres, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mrs. A. Anderson and other residents of Spokane, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of W. E. Reed and other residents of Spokane, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of citizens of Warren, Wis., opposing all bills detrimental to free press; to the Committee on the Post Office and Post Roads.

Also, petition of Thomas G. Johnston, of North Freedom, Wis., and 40 others, protesting against House bills 6468 and 491, authorizing the Postmaster General to exclude certain publications from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. C. C. Dryhle, of North Freedom, Wis., and 24 others, protesting against House bill 13048, to establish a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Thomas G. Johnston, of North Freedom, Wis., and 41 others, protesting against appropriations for sectarian purposes; to the Committee on Indian Affairs.

By Mr. ELSTON: Memorial of Forty-ninth Encampment of the Grand Army of the Republic, at Bakersfield, Cal., May 12, 1916, favoring the placing of the remaining Volunteer officers of the Civil War on the retired list with pay of officers of like grade in the Regular Army; to the Committee on Military Affairs.

By Mr. GARDNER: Petitions of 16 citizens of Haverhill and Christian Endeavor Society of Haverhill, Mass., for passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of Howard M. S. Immler, of Baltimore, Md., opposing Senate bill 5677; to the Committee on the District of Columbia.

Also, petition of Howard M. S. Immler, of Baltimore, Md., opposing House bill 13778; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Memorial of Pennsylvania Branch of Congressional Union for Woman Suffrage, protesting against delay on woman-suffrage amendment by Judiciary Committee; to the Committee on the Judiciary.

Also, memorial of Philadelphia Board of Trade, of Philadelphia, Pa., suggesting an amendment to Senate bill 19, relating to bills of lading, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. NEELY: Petition of 53 citizens of Brooks County, W. Va., asking that prohibition be established in the District of Columbia; to the Committee on the Judiciary.

By Mr. NOLAN: Resolutions of the Grand Army of the Republic, Departments of California and Nevada, passed at the Forty-ninth Annual Encampment, favoring the passage of legislation to place Volunteer officers on the retired list; to the Committee on Military Affairs.

By Mr. OAKEY (by request): Memorial of executive committee of the Society of the Chagres, in favor of Senate bill 3457 and House bill 8828, relative to civilian employees on the Canal Zone; to the Committee on Insular Affairs.

By Mr. STEPHENS of California: Petition of Calistoga Grape Growers' Association, protesting against the Kent bill; to the Committee on Ways and Means.

Also, petition of Trinity Lutheran Congregation, of Los Angeles, Cal., opposing war with Germany; to the Committee on Foreign Affairs.

Also, petition of Oscar Kerner and 10 other citizens of Los Angeles, Cal., protesting against sale of munitions of war to Europe; to the Committee on Foreign Affairs.

Also, petitions of Friends' Monthly Meeting and others, of Pasadena; and from M. Chamberlain and 46 others, of Los Angeles; also the Woman's Christian Temperance Union of Los Angeles, all in the State of California, opposing parts of the Chamberlain bill; to the Committee on Military Affairs.

Also, petition of S. E. Williams and 27 other citizens of Los Angeles, Cal., favoring the Warren bill; to the Committee on Military Affairs.

Also, petition of the Grand Army of the Republic of California, favoring the Volunteer officers' retirement bill; to the Committee on Military Affairs.

Also, petition of Wilshire Presbyterian Church, of Los Angeles, Cal., favoring prohibition in Porto Rico; to the Committee on Insular Affairs.

Also, petition of C. P. English and 9 other citizens of Los Angeles, Cal., favoring House bill 9162; to the Committee on Interstate and Foreign Commerce.

Also, communications from Whiting-Mead Commercial Co., of Los Angeles, Cal., opposing stamp taxes on checks; to the Committee on Ways and Means.

Also, petition from Warren A. Scott and 24 others, protesting against delivery of mail by automobile; to the Committee on the Post Office and Post Roads.

Also, resolutions of Bakery and Confectionery Workers of Los Angeles, Cal., favoring Crosser employers' liability bill; to the Committee on the District of Columbia.

Also, petition of Merchants, Manufacturers, and Employers' Association, of Stockton, Cal., protesting against legislation to stifle efficiency; to the Committee on Labor.

Also, petition of L. D. Biddle and 23 other citizens of Los Angeles, Cal., favoring House bill 8665, prohibiting stop watch or other time study; to the Committee on Labor.

Also, petition of Chamber of Commerce, Venice, Cal., favoring naval base on Santa Monica Bay; to the Committee on Naval Affairs.

By Mr. STINESS: Petition of Master Printers' Association of Rhode Island, protesting against the passage of the Tavenner bill to discontinue the Taylor system in Government establishments; to the Committee on Labor.

Also, papers to accompany House bill 16120, for relief of Harriet N. Sanders; to the Committee on Invalid Pensions.

By Mr. TILLMAN: Petition of citizens of Springdale, Ark., opposing passage of House bill 13778; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of May Frederick, C. P.; Mary Russell, S. V.; Virginia E. Belding, I. V.; Olive Parker, secretary; Laoma Kurtz, treasurer; and other members of Llewellen Relief Corps, No. 104, praying for the passage of the Ashbrook bill to increase widows' pensions; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *May 31, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee still abiding under the inspiration of our National Memorial Day. We come with memories following us from the place of death into the place of life and power. We come chastened by the memories of conflicts past, we trust inspired with the vision that opens before us in the call of the new day and of the larger life. We bless Thee that Thou hast always given us men whose names will always be cherished, whose memories we will never let die. Thou hast taken many of the noble and great from us, but Thou hast not taken from us their memory nor the inspiration of their deeds of heroism.

We pray to-day, as we are called into the larger service of our time, that we may have among us leaders whose names will never die and whose devotion to duty and the high cause of patriotism and consecration to the Father's will may help on the cause of human liberty and the establishment of right and justice among men. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, May 18, 1916, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

AUTOMATIC TRAIN-CONTROL SYSTEM.

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting a report of the Chief of the Division of Safety concerning a test of the automatic train-control system of the Gollos Railway Signal Co. of America, Chicago, Ill., which, with the accompanying papers, was referred to the Committee on Interstate Commerce.

CONFEREES ON RIVER AND HARBOR BILL.

The VICE PRESIDENT. The Chair appoints the Senator from Arkansas [Mr. CLARKE], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Minnesota [Mr. NELSON] conferees on the part of the Senate on the river and harbor bill.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Indiana District of the Evangelical Synod of North America, praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Supervisors of the City and County of Honolulu, Hawaii, praying for the construction of a military road around the Island of Oahu, Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the American Supply & Manufacturers' Association, of New York City, N. Y., praying for the creation of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented the petition of John M. Coulter, of the Botanical Gazette of the University of Chicago, Ill., relative to an appropriation of $20,000 for the botanical exploration of Central and South America, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Bath, N. Y., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the Fourteenth Street Business Men's Association, of Washington, D. C., praying for the retention of the half-and-half system of taxation in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented a petition of the General Conference of the Methodist Episcopal Church, of Washington, D. C., praying for the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented the petition of Rafael Arthur Capo, of Ponce, P. R., praying for the redistricting of the Territory of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. LANE presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Oregon, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. LODGE presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented the memorial of Robert L. Lamb and sundry other citizens of Pittsfield, Mass., remonstrating against appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Lynn, Mass., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of Local Grange No. 1511, Patrons of Husbandry, of Richland, and Pomona Grange, No. 82, Patrons of Husbandry, of Kalamazoo County, in the State of Michigan, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Detroit, Mich., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. BRADY presented a memorial of Local Grange No. 85, Patrons of Husbandry, of Wendell, Idaho, remonstrating against any change in the parcel-post law, which was ordered to lie on the table.

Mr. SAULSBURY presented petitions of sundry citizens of Delaware, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. McLEAN presented a petition of Local Lodge No. 899, Benevolent and Protective Order of Elks, of Stamford, Conn., praying for the enactment of legislation to grant pensions to certain postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Waterbury, Conn., remonstrating against the persecution of Syrians by the Turkish Government, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Connecticut Merchants' Association, remonstrating against the enactment of legislation to fix standard prices for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

Mr. RANSDELL. I present a resolution adopted by the Senate of the Legislature of the State of Louisiana, signed by the lieutenant governor and president of the senate, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate resolution No. 10. (By Mr. Haas.)

To Hon. JOSEPH E. RANSDELL:

Whereas under the leadership of the President of the United States, Woodrow Wilson, and of other patriotic citizens, the people all over our country are being awakened to the necessity for adequate national preparedness, in order that we may continue to enjoy the blessings of peace in full security, and that there may be no possible question of the maintenance of the dignity and honor of this great Nation; and

Whereas with this end in view parades and demonstrations are being planned and held in every section of the country, and that in our own city of New Orleans such a parade is to be held June 3: Therefore be it

Resolved, That this senate go on record as approving the policy of adequate national preparedness, and as being in entire sympathy with the movement and sentiments which prompt the patriotic thousands of men and women who participate in these parades. Be it further

Resolved, That the secretary of the senate be instructed to forward a copy of this resolution to the President of the United States, to each Senator and Representative from Louisiana in the National Congress, and to the mayor of the city of New Orleans.

FERNAND MOUTON,
Lieutenant Governor and President of the Senate.

Attest:

O. H. SIMPSON,
Secretary of the Senate.

REPORTS OF COMMITTEES.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 4058) making an appropriation for the construction of a bridge at Nogales, Ariz., reported it without amendment and submitted a report (No. 500) thereon.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 5899. A bill to punish persons who make false representations to settlers and others pertaining to the public lands of the United States (Rept. No. 501);

H. R. 10668. An act to repeal section 4 of the act of Congress, approved June 11, 1906, known as the forest homestead act, and for other purposes (Rept. No. 503); and

H. R. 10791. An act for the relief of the occupants of the Tuttle town site (Rept. No. 502).

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 5504) for the relief of Louis Blanchette, alias Lewis Blanchard, alias Louis White, reported it with an amendment and submitted a report (No. 504) thereon.

He also, from the same committee, to which was referred the bill (S. 698) to correct the military record of John L. O'Mara, and grant him an honorable discharge, reported it with amendments and submitted a report (No. 505) thereon.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which was referred the bill (S. 545) to correct the military record of Charles Bowen, submitted an adverse report (No. 499) thereon, which was agreed to, and the bill was postponed indefinitely.

OIL AND GAS LANDS.

Mr. HUSTING. Mr. President, I desire to submit the views of the minority (Rept. No. 319, pt. 2) of the Committee on Public Lands, signed by the Senator from Kansas [Mr. THOMPSON] and myself on the bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

STANDARD LIME BARRELS.

Mr. JONES. Mr. President, a few days ago the Senator from Minnesota [Mr. CLAPP] reported from the Committee on Standards, Weights, and Measures the bill (S. 5425) to standardize lime barrels, and I objected to its consideration. The bill was recommitted to the committee. The Senator from Minnesota had to go away, and he asked me to report the bill this morning and request its present consideration.

Mr. SMITH of Michigan. It is a unanimous report.

Mr. JONES. With some amendments that are suggested. The committee think the bill ought to be passed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 2, to strike out "words 'large barrel, 280 pounds,' or 'small barrel, 180 pounds,'" and insert "figures '180 lbs.' for the small barrel and '280 lbs.' for the large barrel"; on page 1, line 13, after the word "sold," to insert "and if imported the name of the country from which it is imported"; on page 2, line 20, after the word "any," to insert "more or"; on page 3, line 2, after the word "in," to insert "the discretion of"; on page 3, line 8, after the word "measures," to insert "*Provided*, That the penal provisions of this act shall not take effect until January 1, 1917"; and in line 10, after the word "after," to strike out "the 1st day of July, nineteen hundred and," and insert "its passage," so as to make the bill read:

Be it enacted, etc., That there is hereby established a large and a small barrel of lime, the large barrel to consist of 280 pounds and the small barrel to consist of 180 pounds, net weight.

SEC. 2. That when lime is sold in barrels the figures "180 lbs." for the small barrel and "280 lbs." for the large barrel shall be stenciled or otherwise clearly and permanently marked upon one or both heads, and in addition the name of the manufacturer of the lime and the name of the brand, if any, under which it is sold, and if imported the name of the country from which it is imported: *Provided, however*, That when a jobber or local dealer in lime sells lime in quantities of more than one barrel and delivers it in barrels which are not headed and are used merely as containers then nothing in this act shall be deemed to require that the barrels be marked as provided in this section or that each individual barrel contain either of the standard weights established in section 1, but he shall nevertheless deliver a total weight equivalent to the total weight of the number of large or small barrels represented, sold, or charged for by him, or purported to be delivered by him pursuant to an order.

SEC. 3. That rules and regulations for the enforcement of this act, not inconsistent with the provisions of the act, shall be made by the Director of the Bureau of Standards and approved by the Secretary of Commerce, and that such rules and regulations shall include reasonable variations or tolerances which may be allowed.

SEC. 4. That it shall be unlawful to pack or to sell, offer, or expose for sale any other barrels of lime than those established in section 1; or to pack or to sell, offer, or expose for sale any barrels of lime which are not marked as provided in section 2; or to represent, sell, charge for, or purport to deliver as a large or small barrel of lime any more or less weight of lime than is established in section 1 for a large or a small barrel, respectively; and any person guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine not to exceed $500, or imprisonment not to exceed six months, in the discretion of the court of the United States having jurisdiction.

SEC. 5. That prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the several States or Territories, respectively, relating to weights and measures: *Provided*, That the penal provisions of this act shall not take effect until January 1, 1917.

SEC. 6. That this act shall be in force and effect from and after its passage.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN COLORADO.

Mr. WALSH. From the Committee on the Judiciary I report back favorably with an amendment the bill (H. R. 13765) to amend section 73 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes, and I submit a report (No. 509) thereon. I call the attention of the Senator from Colorado [Mr. THOMAS] to the report.

Mr. THOMAS. I ask unanimous consent for the immediate consideration of the bill.

Mr. CLARKE of Arkansas. What is the bill about?

Mr. THOMAS. The purpose is to provide for the establishment of a term of the United States district court at Durango and Grand Junction and the urgency due to the fact that one of the buildings is now in process of construction and provisions for the court will have to be made at once.

Mr. CLARKE of Arkansas. I assume that there is no objection to the bill, but the title is somewhat misleading.

Mr. THOMAS. The title needs explanation. There would be no hurry except for the building operations at Grand Junction.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, after the word "April," in line 7, page 1, to strike out the remainder of the bill and insert:

At Grand Junction on the second Tuesday in September; at Montrose on the third Tuesday in September; and at Durango on the fourth Tuesday in September.

That the Secretary of the Treasury, in constructing the public buildings heretofore authorized to be constructed at the cities of Grand Junction and Durango, be, and he is hereby, authorized and empowered to provide accommodations in each of said buildings for post office, United States court, and other governmental offices, and the existing authorization for said buildings be, and the same are hereby, respectively amended accordingly; and the unexpended balance of all appropriations heretofore made for the construction of said buildings and all appropriations which may be provided in any pending legislation, or that hereafter may be made for the construction of said buildings, are hereby made available for the purpose stated in this paragraph: *Provided*, That if at the time the holding of the terms of said court in any year in either of said cities of Grand Junction and Durango there is no business to be transacted by said court the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colo.; *And provided further*, That the marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the four said places where said court is to be held by the terms of this act.

So as to make the bill read:

Be it enacted, etc., That section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 73. That the State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesday in May and November; at Pueblo on the first Tuesday in April; at Grand Junction on the second Tuesday in September; at Montrose on the third Tuesday in September; and at Durango on the fourth Tuesday in September.

"That the Secretary of the Treasury, in constructing the public buildings heretofore authorized to be constructed at the cities of Grand Junction and Durango, be, and he is hereby, authorized and empowered to provide accommodations in each of said buildings for post office, United States court, and other governmental offices, and the existing authorization for said buildings be, and the same are hereby, respectively amended accordingly; and the unexpended balance of all appropriations heretofore made for the construction of said buildings and all appropriations which may be provided in any pending legislation, or that hereafter may be made for the construction of said buildings, are hereby made available for the purpose stated in this paragraph: *Provided*, That if at the time the holding of the terms of said court in any year in either of said cities of Grand Junction and Durango there is no business to be transacted by said court the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colo.: *And provided further*, That the marshal and the clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the four said places where said court is to be held by the terms of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend section 73 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and for other purposes."

NATURALIZATION CASES IN MONTANA.

Mr. WALSH. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 4594) to validate certain declarations of intention to become citizens of the United States, and I submit a report (No. 508) thereon. I call the attention of my colleague to the bill.

Mr. MYERS. I ask unanimous consent for the immediate consideration of the bill. It covers an emergency that exists in Montana and will lead to no debate.

There being no objection, the bill was considered as in Committee of the Whole. It provides that declarations of intention to become citizens of the United States filed prior to the passage of this act in the counties of Cascade, Chouteau, Teton, Hill, Blaine, and Valley, State of Montana, under the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," as amended by the acts of March 4, 1909, June 25, 1910, and March 4, 1913, are hereby declared to be as legal and valid as if such declarations of intention had been filed in the judicial district in which the declarants resided, as required by section 4 of said act of June 29, 1906: *Provided*, That such declarations of intention shall not be by this act further validated or legalized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOY SCOUTS OF AMERICA.

Mr. SHIELDS. From the Committee on the Judiciary I report back favorably with amendments the bill (H. R. 755) to incorporate the Boy Scouts of America, and for other purposes, and I submit a report (No. 506) thereon.

A bill similar to this passed the Senate at the last session, but failed on account of the late hour when it reached the other House. This bill has been passed by the House and is now favorably recommended by the Committee on the Judiciary, with some slight formal amendments. I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 9, to strike out the words following the semicolon down to but not including the word "Jeremiah;" and insert in lieu thereof the words "Franklin C. Hoyt"; in line 11, strike out the words following the word "Schiff" down to but not including the word "and," in the same line; on page 2, line 1, after the semicolon, insert the words "John H. Nicholson, of Pittsburgh, Pa."; and, in line 24, after the word "organization," insert a comma, so as to make the bill read:

Be it enacted, etc., That Colin H. Livingstone and Ernest P. Bicknell, of Washington, D. C.; Benjamin L. Dulaney, of Bristol, Tenn.; Milton A. McRae, of Detroit, Mich.; David Starr Jordan, of Berkeley, Cal.; F. L. Seely, of Asheville, N. C.; A. Stamford White, of Chicago, Ill.; Daniel Carter Beard, of Flushing, N. Y.; George D. Pratt, of Brooklyn, N. Y.; Franklin C. Hoyt, Jeremiah W. Jenks, Charles P. Neill, Frank Presbrey, Edgar M. Robinson, Mortimer L. Schiff, and James E. West, of New York, N. Y.; G. Barrett Rich, jr., of Buffalo, N. Y.; Robert Garrett, of Baltimore, Md.; John Sherman Hoyt, of Norwalk, Conn.; Charles C. Jackson, of Boston, Mass.; John H. Nicholson, of Pittsburgh, Pa.; William D. Murray, of Plainfield, N. J.; and George D. Porter, of Philadelphia, Pa., their associates and successors, are hereby created a body corporate and politic of the District of Columbia, where its domicile shall be.

SEC. 2. That the name of this corporation shall be "Boy Scouts of America," and that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for corporate purposes, and to receive real and personal property by gift, devise, or bequest; to adopt a seal, and the same to alter and destroy at pleasure; to have offices and conduct its business and affairs within and without the District of Columbia and in the several States and Territories of the United States; to make and adopt by-laws, rules, and regulations not inconsistent with the laws of the United States of America or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this act and promote the purposes of said corporation.

SEC. 3. That the purpose of this corporation shall be to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods which are now in common use by boy scouts.

SEC. 4. That said corporation may acquire, by way of gift, all the assets of the existing national organization of Boy Scouts, a corporation under the laws of the District of Columbia, and defray and provide for any debts or liabilities to the discharge of which said assets shall be applicable; but said corporation shall have no power to issue certificates of stock or to declare or pay dividends, its object and purposes being solely of a benevolent character and not for pecuniary profit to its members.

SEC. 5. That the governing body of the said Boy Scouts of America shall consist of an executive board composed of citizens of the United States. The number, qualifications, and terms of office of members of the executive board shall be prescribed by the by-laws. The persons mentioned in the first section of this act shall constitute the first executive board and shall serve until their successors are elected and have qualified. Vacancies in the executive board shall be filled by a majority vote of the remaining members thereof. The by-laws may prescribe the number of members of the executive board necessary to constitute a quorum of the board, which number may be less than a majority of the whole number of the board. The executive board shall have power to make and to amend the by-laws, and, by a two-thirds vote of the whole board at a meeting called for this purpose, may authorize and cause to be executed mortgages and liens upon the property of the corporation. The executive board may, by resolution passed by a majority of the whole board, designate three or more of their number to constitute an executive or governing committee, of which a majority shall constitute a quorum, which committee, to the extent provided in said resolution or in the by-laws of the corporation, shall have and exercise the powers of the executive board in the management of the business affairs of the corporation, and may have power to authorize the seal of the corporation to be affixed to all papers which may require it. The executive board, by the affirmative vote of a majority of the whole board, may appoint any other standing committees, and such standing committees shall have and may exercise such powers as shall be conferred or authorized by the by-laws. With the consent in writing and pursuant to an affirmative vote of a majority of the members of said corporation, the executive board shall have authority to dispose in any manner of the whole property of the corporation.

SEC. 6. That an annual meeting of the incorporators, their associates and successors, shall be held once in every year after the year of incorporation, at such time and place as shall be prescribed in the by-laws, when the annual reports of the officers and executive board shall be presented and members of the executive board elected for the ensuing year. Special meetings of the corporation may be called upon such notice as may be prescribed in the by-laws. The number of members which shall constitute a quorum at any annual or special meeting shall be prescribed in the by-laws. The members and executive board shall have power to hold their meetings and keep the seal, books, documents, and papers of the corporation within or without the District of Columbia.

SEC. 7. That said corporation shall have the sole and exclusive right to have and to use, in carrying out its purposes, all emblems and badges, descriptive or designating marks, and words or phrases now or heretofore used by the Boy Scouts of America in carrying out its program, it being distinctly and definitely understood, however, that nothing in this act shall interfere or conflict with established or vested rights.

SEC. 8. That on or before the 1st day of April of each year the said Boy Scouts of America shall make and transmit to Congress a report of its proceedings for the year ending December 31, preceding, including a full, complete, and itemized report of receipts and expenditures of whatever kind.

SEC. 9. That Congress shall have the right to repeal, alter, or amend this act at any time.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FOX RIVER BRIDGE, ILLINOIS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 6073) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River, and submit a report (No. 507) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH RIVER BRIDGE, VIRGINIA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with an amendment the bill (S. 5851) granting the consent of Congress to the Norfolk-Berkley Bridge Corporation, of Virginia, to construct a bridge across the Eastern Branch of the Elizabeth River in Virginia, and I submit a report (No. 511) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the committee was to strike out section 1 of the bill and insert:

That the time for commencing and completing the bridge authorized by act of Congress approved January 2, 1915, to be built across the Eastern Branch of the Elizabeth River, in the city of Norfolk, Va., by the Norfolk-Berkley Bridge Corporation, of Virginia, is hereby extended one year and three years, respectively, from date of approval hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River in Virginia."

YELLOWSTONE RIVER BRIDGE, MONTANA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 5805) permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana, and I submit a report (No. 510) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. STONE. From the Committee on Foreign Relations I report back favorably without amendment the joint resolution (S. J. Res. 133) to authorize the President of the United States to convey the acknowledgments of the Government and people of the United States to various foreign Governments of the world who have participated in the Panama-Pacific International Exposition, to celebrate the completion and opening of the Panama Canal and also the four hundredth anniversary of the discovery of the Pacific Ocean, and I submit a report (No. 512) thereon.

The joint resolution is brief, and it is important that it should be acted upon at this time if it is to be acted upon at all. I ask for its immediate consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that it is the sense of the Congress that the acknowledgments of the Government and people of the United States be tendered to the various foreign Governments of the world who have so generously and effectively cooperated in the Panama-Pacific International Exposition held in San Francisco, Cal., during the year A. D. 1915, to celebrate the completion and opening of the Panama Canal and also the four hundredth anniversary of the discovery of the Pacific Ocean.

SEC. 2. That the President of the United States be requested to communicate to each foreign Government participating in the said exposition the appreciative acknowledgment of the Government of the United States for its contribution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUREAU OF ENGRAVING AND PRINTING.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 214) increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916, and I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that the limitation in the sundry civil appropriation act for the fiscal year 1916 as to the number of delivered sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing is increased from 239,000 and 1,600,500 to 289,000 and 2,101,000, respectively.

The joint resolution was reported to the Senate without amendment, ordered to a third reading read the third time, and passed.

NATIONAL GUARD OF GEORGIA.

Mr. SMITH of Georgia. On Monday the chairman of the Committee on Military Affairs reported back favorably the bill (S. 708) to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State.

It is a purely local bill, connected with a matter in Georgia and it grows out of this state of facts.

In 1914 the department urged the adjutant general of the State to get as large a number of troops as possible, sending letters to all the inhabitants. They brought out a very much larger number than was expected and they exceeded their expenses $14,000. Thereupon they set apart that sum from the appropriation of 1915–16 and drew on it, but the Comptroller of the Treasury held that it could not be so used. The money is still set apart. The bill is simply to authorize the payment of the liability for 1914 out of the appropriation already made for 1915 and 1916. It involves no additional expenditure and no additional appropriation. I ask unanimous consent for the present consideration of the bill.

Mr. CUMMINS. I was unable to hear the number of the bill. What is the bill?

Mr. SMITH of Georgia. It is a local bill relating to the National Guard of the State of Georgia.

Mr. CUMMINS. I have no objection to its consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It provides that of the sum appropriated by section 1661, Revised Statutes, for arming and equipping the whole body of the militia, the sum of $14,409.98, proportioned to the State of Georgia for the years 1915 and 1916, be made immediately available for the purpose of paying the expenses incurred by said State over and above the allotments made by the Secretary of War to the State of Georgia from all appropriations therefor in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914; and the Secretary of the Treasury is hereby authorized and instructed to pay over the amount to the governor of the State of Georgia for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SAULSBURY:

A bill (S. 6223) granting an increase of pension to Mary E. Conwell (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 6224) to increase the utility of the postal savings bank, to encourage savings among the people, to secure the largest returns for such savings consistent with adequate security, to provide for the loans of such savings for the promotion of agriculture and other useful, productive industries, and for the promotion of home building and home improvement in the rural districts and elsewhere; to the Committee on Post Offices and Post Roads.

By Mr. PITTMAN:

A bill (S. 6225) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce; to the Committee on Interstate Commerce.

By Mr. HUGHES:

A bill (S. 6226) to amend section 18 of the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

By Mr. GALLINGER:

A bill (S. 6227) to increase the area of the United States Botanic Garden in the city of Washington, D. C. (with accompanying papers); to the Committee on the Library.

By Mr. HARDING:

A bill (S. 6228) for the relief of the Industrial Savings and Loan Association, of Bellevue, Ohio; and

A bill (S. 6229) for the relief of the People's Building and Savings Association, of Troy, Ohio; to the Committee on Claims.

Mr. CHAMBERLAIN. At the request of the Secretary of War I introduce a bill and ask that it be referred to the Committee on Military Affairs:

The bill (S. 6230) to provide for the creation of a Council of Executive Information for the Coordination of Industries and Resources for the National Security and Welfare, and for other purposes, was referred to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 6231) for the erection of a public building at Ponca City, Okla.; to the Committee on Public Buildings and Grounds.

A bill (S. 6232) to provide for public education upon political questions and for the dissemination of information upon political issues and matters of a political nature of public interest; to the Committee on Privileges and Elections.

By Mr. BRADY:

A bill (S. 6233) granting an increase of pension to D. L. Badley (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 6234) granting an increase of pension to Sylvanus Moore;

A bill (S. 6235) granting an increase of pension to Alma E. Nichols;

A bill (S. 6236) granting a pension to Ruth Wilson (with accompanying papers); and

A bill (S. 6237) granting an increase of pension to Joseph N. Clements (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 6238) granting a pension to John Walker (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6239) authorizing the Commissioner of Navigation to document as vessels of the United States two dredges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States; to the Committee on Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 6240) granting a pension to Richard Trombley (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN (by request):

A bill (S. 6241) to carry out the provisions of an act approved July 1, 1902, known as "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided; to the Committee on Indian Affairs.

TRANSMISSION OF SECOND-CLASS MAIL MATTER.

Mr. ASHURST. I submit an amendment intended to be proposed by me to the Post Office appropriation bill (H. R. 10484), which I ask may be read.

The amendment was read and ordered to lie on the table, as follows:

On page 38 strike out all of section 7 of the Post Office appropriation bill, as follows:

SEC. 7. That so much of section 1 of the "Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, which provides that the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, is hereby repealed.

LOUISVILLE & NASHVILLE RAILROAD CO.

Mr. LEA of Tennessee submitted the following resolution (S. Res. 207), which was referred to the Committee on Printing:

Resolved That the manuscript submitted by the Senator from Tennessee [Mr. LEA] entitled "Hearings before Interstate Commerce Commission relative to financial relations, rates, and practices of the Louisville & Nashville Railroad Co., the Nashville, Chattanooga & St. Louis Railway, and other carriers" be printed as a Senate document.

NATIONAL GUARD OF ARIZONA.

Mr. ASHURST. Mr. President, there have been some statements made to the effect that the National Guard of Arizona was called into the service and did not respond with alacrity. I wish to say that the showing that was made was most creditable. I ask unanimous consent to have read at the desk a letter from the governor of the State of Arizona.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

PHOENIX, ARIZ., *May 26, 1916.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Answering your wire of May 24, I am at a loss to account for the absurd reports relative to Arizona's National Guard which have recently found their way into press dispatches. The adjutant general received an order to call the guardsmen into Federal service about 10 o'clock on the morning of May 9, and at 10 o'clock on the morning of May 12 the train left Phoenix for Douglas, with all the militia property, including wagon train. Col. Tuthill, commanding National Guard, reported 46 officers and 613 men on his arrival at the camp. At time when regiment was ordered out one company had been refused recognition by division militia affairs and another company was being reorganized. The peace strength for 10 companies and sanitary corps was 50 officers and 685 men. Many of the guardsmen at the time of the call were long distances from their home stations but have since been reporting daily. The State now has in camp her full quota of 816 men, this being the size of the guard at peace strength. Taking 400,000 as the total strength of the National Guard in this country, Arizona's quota in proportion to population would be 890 men. Many additional recruits are being received daily at recruiting stations established in several different parts of the State. It should be remembered that the guardsmen and many of the recruits are leaving families without adequate means of support, and are giving up positions yielding from $3 to $6 per day in wages. Almost without exception they appear eager to serve their country if actually needed for defense, but some of them naturally do not look with favor upon being incorporated in the Regular Army in time of peace. In my judgment, Arizona has made a showing in the recent emergency which will compare favorably with that which would be made by any of the other States if they were subject to a similar call.

GEO. W. P. HUNT, *Governor.*

ARTICLE BY WALTER CLARK (S. DOC. NO. 449).

Mr. OWEN. I ask to have printed as a public document an article by Walter Clark, chief justice of the Supreme Court of the State of North Carolina, taken from the Michigan Law Review of November, 1914, on some myths of the law.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

FRENCH SPOLIATION CLAIMS (S. DOC. NO. 451).

Mr. LODGE. I ask to have printed as a Senate document a statement by George A. King relating to the French spoliation claims, containing a few additions that bring the claims down to date. There is quite a demand for the full statement.

The VICE PRESIDENT. Without objection, it is so ordered.

ARTICLE BY KEMP P. BATTLE.

Mr. OVERMAN. I ask to have printed in the RECORD a short article by Kemp P. Battle, former president of the University of North Carolina, on the power of the Supreme Court to declare an act of Congress unconstitutional.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

SUPREME COURT AND CONSTITUTION—POWER OF THE COURT TO DECLARE AN ACT OF CONGRESS UNCONSTITUTIONAL.

[By Kemp P. Battle.]

A friend sent me a copy of a speech by Mr. Hinebaugh, a Representative from Illinois, in which he affirms that "nowhere in the Constitution of the United States is the Supreme Court expressly authorized to declare an act of Congress unconstitutional." He accuses the court of being guilty of usurpation.

This is strange doctrine. If true, we live under a Government which may become a lawless despotism. Let us see where it leads.

If this new and startling doctrine be true, a majority of Congress, with the President, or two-thirds majority with the President opposed, can pass any act in violation of the Constitution, which will bind the Nation at least for two years. They can take property without paying for it, authorize arrests without law, abolish trial by jury—in fact, be more despotic than the Czar of Russia or the Sultan of Turkey. Their acts can not be annulled except after another election, but in the meantime what mischief may be done? Many of our ablest southern lawyers thought the two-thirds majority in reconstruction days exercised unlawful authority on the plea that post arma, as well as inter arma, silent leges.

But it is said that the English Parliament can not be checked by the court, and Congress ought to have the same superiority. There is no analogy between the two. In the first place, it is altogether unlikely that the framers of our Constitution imitated a body which had waged a long war against their people. And secondly, their task was to make a Government, not for the British Isles, or a country like them, but for a large number of sovereign States, proud of their independence. They gave to the General Government powers of a general nature, leaving to the States the management of their local affairs. This could not possibly be done without a written Constitution, or compact, specifying the legislative, executive, and judicial powers, duties, and limitations. Great Britain has no written constitution. Ours is the fundamental law, the people's law.

This great code prescribes what the lawmaking body, or Congress, may do and what they may not do, and special provision is made to check them if they exceed their powers. Notwithstanding what Mr. Hinebaugh and other critics may say, these provisions are in the Constitution perfectly plain.

In the first place, a Supreme Court is established. What is a court? The definition of Judge Coley is satisfactory: "The business of courts is to apply the law of the land in such controversies as may be brought before them. Their authority is coordinate with that of the legislative and executive, neither superior nor inferior, but each with equal dignity must move in its appointed sphere."

Now, what is the "law of the land?" The Constitution, Article VI, paragraph 2, is explicit: "The Constitution and the laws, which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land." That is, first of all, the Constitution; secondly, the acts of Congress passed "in pursuance of the Constitution." Acts not in pursuance of the Constitution are not laws. An unconstitutional act is no law at all.

The Constitution provides that the judicial power shall vest in a Supreme Court and in such inferior courts as Congress may establish. The classes of cases are enumerated. The Supreme Court shall have original jurisdiction affecting ambassadors, etc., and where a State is a party. In all other cases it shall have appellate jurisdiction.

Now, suppose a case goes up to the Supreme Court, wherein plaintiff claims under an act of Congress, and defendant claims that Congress had no right to pass the act, that it is not "in pursuance of the Constitution." How can the court avoid deciding it? It is their "business to apply the law of the land." Suppose the court is of opinion that the defendant is right, that the act is not "in pursuance of the Constitution." They are confronted by the supreme law, the people's law, the Constitution, on the one hand, and a pretended act of Congress, which is no law. It is too plain for argument. They are sworn to support the Constitution. They are sworn to support acts of Congress in pursuance of the Constitution. The act is not in pursuance of the Constitution. They are sworn to declare it null and void.

The case of Marbury *v.* Madison seems to be misunderstood. There were two decisions, first, that Madison, Jefferson's Secretary of State, ought to have delivered to Marbury his commission as justice of the peace; that he was entitled to it; but, second, that the act of Congress allowing Marbury to bring suit was unconstitutional. He was put out of court. The first decision was resented by Jefferson and Madison as a needless slap in the face. The second decision, as Dana, in his work on the Constitution, says, has been generally acquiesced in. Great judges, eminent statesmen, in the General Government and in the States; Presidents, governors, lawyers, and writers agree that the Supreme Court, as a matter of course, when there is a conflict between the Constitution and an act of Congress, must stand by the Constitution. The great commentators Story, Chancellor Kent, Wharton, Duer, Coley, De Tocqueville, and Bryce all accept the doctrine as not only a power but a necessity.

Yes; and the people have indorsed it. When it was decided that a State could be sued an amendment to the Constitution was speedily adopted prohibiting such suits. Other amendments—in all, 15—have been made. But none prohibiting the courts from nullifying unconstitutional acts of Congress has been made or even authoritatively proposed. This is equivalent to indorsement by the people.

President Jackson's reputed unofficial remark, "John Marshall has made his decision (in Worcester *v.* Georgia); now let him enforce it," is quoted as evidence that he was opposed to the power of the court over unconstitutional acts. He was talking of enforcing the decision after it was made, not of the decision itself. Congress was maturing a plan to remove the Cherokees to the Indian Territory, a measure of vital interest to Georgia, necessary to her development. Jackson meant that he would not use the Executive power against that State when a peaceable settlement was in sight. Indeed, it seems to be an open question of extreme importance whether the court has power to coerce a State. Is not a decision against a State only advisory, of a moral nature?

I add that the courts of all the States have never, out of respect for the legislative body, refrained from declaring their acts unconstitutional when clearly so. The excellent book of Connor and Cheshire on the constitution of North Carolina shows numerous cases of this purport decided by the courts presided over by Chief Justices Taylor, Henderson, Ruffin, Nash, Pearson, Smith, Merrimon, Faircloth, and Clark. Were all these guilty of usurpation in protecting the people's constitution, the supreme law of our State?

The critics of the Supreme Court go on to say that the tremendous power of annulling acts of Congress is dangerous to our Government; elevates them above the law. This is not true. By the process of amendment to the Constitution their decisions may be nullified. In McAdoo's case the right of appeal was taken away from him by Congress. In President Grant's time the decision that Congress has no power to make greenback legal tender was nullified by reducing the number of judges until two of the old number died, then increasing the number to nine and elevating to the bench two greenback judges. The decision of the court as to taxation of incomes was nullified by constitutional amendment. After the present judges give way the salaries may be reduced so that the able lawyers will not accept the office.

On the whole, the Supreme Court has the highest position in the esteem of good men everywhere. The judges are appointed by the people's President, on whom the eyes of the Nation are fixed. They then undergo the scrutiny of the people's Senate, composed of the best men from every State in the Union. Their salaries can not be reduced. They hold during good behavior. They have an exceedingly able bar. They have been and are one of the most august tribunals in the world.

CHAPEL HILL, N. C.

NATIONAL BANKS (S. DOC. NO. 450).

Mr. OWEN. Mr. President, I present a statement from the Comptroller of the Currency with reference to the national banks and the results under the Federal reserve act. I ask that it be printed in the RECORD, without reading, and also printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

COMPTROLLER OF THE CURRENCY,
Washington, May 26, 1916.

MY DEAR SENATOR: Thinking that they may be of interest to you, I inclose with this copy of a statement just prepared in this office showing the number of new national banks organized and national banks increasing their capital as compared with national banks liquidating and reducing their capital for the following periods: First, November 14, 1914 (date of the inauguration of the Federal Reserve System), to December 31, 1915; second, January 1, 1915, to May 22, 1916.

You will note a very gratifying increase both in the number of national banks and increase in capital for both periods.

I also inclose a memorandum marked "E" showing how the increase in circulation in this country from January 1, 1915, to April 1, 1916, is explained, due wholly to the increase in gold, paper money showing an actual reduction of $100,000,000.

I also hand you herewith an article from the current issue of the Outlook and call your special attention to the answers to questions 6 and 7, showing the universal approval which is being given to the Federal reserve act by business men throughout the country.

The preface to this article, by Theodore H. Price, explains how these questions and answers were gotten together.

It certainly is significant when out of 1,401 replies, 1,244 of the leading business men in every State in the Union declare that "business men are satisfied with the operation of the Federal reserve law."

Sincerely, yours,

JOHN SKELTON WILLIAMS.

Hon. ROBERT L. OWEN,
United States Senate.

The Comptroller of the Currency reports the following increases and reductions in the number of national banks and the capital of national banks during the period from November 16, 1914, to December 31, 1915:

New charters issued to 155 banks with capital of	$9,974,500
Increase of capital approved for 104 banks with new capital of	14,797,700
Aggregate number of new charters and banks increasing capital, 259, with aggregate of new capital authorized	24,772,200
Number of banks liquidating (other than those consolidating with other national banks), 36; capital of same banks	5,125,000
Number of banks reducing capital, 20; reduction of capital	2,070,000
Total number of banks going into liquidation or reducing capital (other than those consolidating with other national banks), 76; aggregate capital reduction	7,195,000
The foregoing statement shows the aggregate of increased capital for the period was	24,772,200
Against a reduction of capital owing to liquidations (other than for consolidation with other national banks) and reductions of capital of	7,195,000

During this period there were 21 national banks, with an aggregate capital of $2,210,000, placed in the hands of receivers, and 6 national banks, with an aggregate capital of $450,000, were restored to solvency and reopened.

The Comptroller of the Currency reports the following increases and reductions in the number of national banks and the capital of national banks during the period from January 1, 1916, to May 22, 1916:

New charters issued to 47 banks with capital of	$2,480,000
Increase of capital approved for 49 banks with new capital of	3,647,500
Aggregate number of new charters and banks increasing capital, 96, with aggregate of new capital authorized	6,127,500
Number of banks liquidating (other than those consolidating with other national banks), 43; capital of same banks	3,773,000
Number of banks reducing capital, 7; reduction of capital	262,500
Total number of banks going into liquidation or reducing capital (other than those consolidating with other national banks), 50; aggregate capital reduction	4,035,500
The foregoing statement shows the aggregate of increased capital for the period was	$6,127,500
Against a reduction of capital owing to liquidations (other than for consolidation with other national banks) and reductions of capital of	4,035,500

During this period there were five national banks, with an aggregate capital of $400,000, placed in the hands of receivers, and two national banks, with an aggregate capital of $80,000, were restored to solvency and reopened.

E.

MEMORANDUM SHOWING THAT THE INCREASE IN OUR PRESENT MONEY SUPPLY ARISES WHOLLY FROM THE GAIN IN GOLD, ACCOMPANIED BY AN ACTUAL REDUCTION OF PAPER CURRENCY.

In answer to the statement, which has been frequently repeated of late, that the operations of the Federal reserve banks have brought about inflation in our paper currency and an increase in the outstanding amount of Federal reserve notes and national-bank notes, permit me to submit the following official figures:

The official Treasury statements show that the total stock of money in the United States on Apr. 1, 1916, was	$4,373,000,000
On Jan. 1, 1915, the amount was reported at	3,972,000,000
Being an increase in our stock of money of	401,000,000
But this increase was more than accounted for by an increase in the amount of gold and gold certificates, as the following figures will show:	
Gold coin, including bullion and gold certificates, Apr. 1, 1916	$2,317,000,000
Gold coin, including bullion and gold certificates, Jan. 1, 1915	1,816,000,000
Actual increase in general stock of gold coin, bullion, and gold certificates in the United States since Jan. 1, 1915	501,000,000
On Jan. 1, 1915, the amount of national-bank notes and Federal reserve notes outstanding was (there were no Federal reserve bank notes outstanding as of that date)	1,057,000,000
On Apr. 1, 1916, the amount of national-bank notes, Federal reserve notes, and Federal reserve bank notes outstanding was	952,000,000
So that there was an actual reduction between Jan. 1, 1915, and Apr. 1, 1916, in national-bank notes and Federal reserve notes and Federal reserve bank notes of	105,000,000

The amount of silver and silver certificates in circulation on January 1, 1915, was $750,000,000, and on April 1, 1916, the amount was reported as having increased approximately $5,000,000, the difference being inconsiderable.

United States notes outstanding January 1, 1915, $346,000,000, were reported on April 1, 1916, as also unchanged.

The increase in our stock or money on April 1, 1916, of $401,000,000, is thus shown to be accounted for by—

An increase in our gold supply of	$501,000,000
An increase in our stock of silver of	5,000,000
Total increase	506,000,000
And a reduction in our paper currency (national-bank notes and Federal reserve notes) of	105,000,000
Making the net increase in the money supply	401,000,000

From all information obtainable, this country's supply of gold at this time exceeds by many hundreds of millions of dollars the gold stock of any other nation.

The above statement shows that the increase in our money supply since January 1, 1915, is wholly accounted for by the increase in gold, and the increase in the gold supply is explained by more than $500,000,000 of foreign gold sent to this country in exchange for American products since the outbreak of the European war.

AMERICAN BUSINESS AS AFFECTED BY PEACE AND PREPAREDNESS.

THE COMPOSITE OPINION OF 1,629 AMERICAN BUSINESS MEN.

[By Theodore H. Price.]

Instead of writing an original article for this issue of the Outlook, I have asked the editors to allow me to publish something that seems to me far more important and informing than anything that I could say.

It is the composite opinion of 1,629 American business men in regard to American business as affected by the political and economic conditions by which we are now, or may shortly be, confronted at home and abroad.

It is derived from an elaborate investigation made for their own and their clients' guidance by Harris, Winthrop & Co., a well-known firm of investment bankers having offices in both New York and Chicago.

The complete report and the letters which accompany it comprise a pamphlet of some 60 pages, advance proofs of which I have been permitted to read and which will probably be published about the same time as this issue of the Outlook.

As such documents do not generally circulate outside the comparatively limited circle of those to whom they are sent for financial reasons, and as this one seems to have exceptional public interest just now, I feel that I am doing a real service to the readers of the Outlook in putting it at their disposal. As it is difficult, if not impossible, to improve upon the bankers' summary of their own report and the conclusions to which it points, I quote it in full. I hope those who read it will agree with me as to its practical value to business men in the present somewhat perplexing situation. This is the report:

In January, 1915, we made an investigation into business conditions in the United States, the result of which we published in a pamphlet dealing with the Present and Future of American Business.

This pamphlet came to have a wide circulation, and many of our friends have been good enough to say that it was at the time an important influence in reestablishing the confidence of the people of this country in themselves and the commercial future of the Nation.

Our previous inquiry was addressed to about 2,000 men of affairs throughout the United States, and was sent out January 21, 1915. At

that time many were in doubt whether this country could prosper while Europe was involved in a war which had then been in progress only five months.

The replies which we received and the letters that we were permitted to publish indicated the general individuality of confidence in the future of each respondent's business that has since been fused in the widespread commercial prosperity that we are now enjoying.

Such service as we may have rendered was in making faith infectious and encouraging a justifiable optimism which most people felt but hesitated to express.

We are now again confronted by a situation that engenders doubt. There are many who fear that we shall have a business recession in the United States with the advent of peace in Europe.

This fear is due to the belief that our present prosperity is artificial and abnormal in that it is the result of the war-induced demand for our products and the protection to our industry which the present military preoccupation of Europe provides.

With the object of ascertaining whether this apprehension was justified by the intrinsic facts, we submitted some 17 questions to about 4,500 men of affairs throughout the United States, including all those who had answered our previous inquiry. Our investigation included every State, the number of business men addressed in each State being proportioned to its population.

(The questions referred to will be found on the accompanying double-page table.)

Those replying were asked to cross out the answers least accurately describing the conditions inquired about, and to amplify their views by writing us at greater length if convenient.

In the selection of those whose opinions we have thus sought to obtain we have included but few bankers and have omitted altogether the business men of Greater New York.

We are particular to explain our action in this respect lest it be regarded as invidious. Our purpose has been to obtain a reading of the business mind of the United States at first hand rather than through the eyes of bankers who must view events in the light of their financial trusteeship, or men of large affairs who live in New York and are precluded by the very isolation of their metropolitan residence from anything more than a vicarious knowledge of conditions outside this great city.

It is only proper to say that we approached this investigation with the feeling that the dependence of the country upon the foreign demand for our goods had been exaggerated, and in submitting the questionnaire to our correspondents we so informed them, closing our letter of transmittal with the following statement:

"The aggregate of our foreign trade, including both imports and exports, is about five and one-half billions. Our domestic commerce is competently estimated at about one hundred billions. The purchasing power of our population is greater than that of any other people in the world. Economically, we are self-contained. If the balance between domestic production and consumption is fairly well preserved, and we do not unnecessarily alarm ourselves over conditions that affect us but remotely, our progress ought to be undisturbed."

We have received in all some 1,629 replies, which we have summarized in tabular form, according to geographical districts.

(This summary will be found on pages 226 and 227 of the Outlook.)

The summary speaks for itself and requires but little explanatory comment. Of those answering the first question, about one-half feel that their business will be directly affected by peace in Europe, while the other half look for undiminished activity.

It is only proper to explain that those who feel apprehensive as to the effect of peace in Europe upon American business activity are engaged, for the most part, in the metal or munition industries or in the manufacture of articles that were imported before the war. Thus, a Connecticut manufacturer of clocks says that he fears that he will not be able to compete with German-made clocks when the war is over; and those who are interested in the manufacture and production of sugar in Louisiana, Utah, and Colorado express a reasonable apprehension of lower prices once the European supply of beet sugar is again available. Many who anticipate a slackening in the war-stimulated demand for specialties are undisturbed thereby and admit that they are gradually and successfully preparing themselves for such a contingency.

We can not, therefore, regard the evenly balanced opinion as to the effect of peace upon American business as indicative of a lack of confidence in the country's ability to readjust itself promptly to the conditions which shall develop with the ending of the war.

The answers to question 2, in regard to the effect of higher prices upon the consumption of goods, are most reassuring. Nearly everyone agrees that the purchasing power of the country has been greatly increased, that people are able to buy more and better goods, and there is but little, if any, complaint as to the effect of high prices upon consumption. In fact, one New England manufacturer goes so far as to say that instead of buying a poorer quality of goods at the same prices the demand is running constantly in the direction of better goods even at higher prices.

The answers to question 3, with regard to the unemployment of labor, are most reassuring. The unemployment reported is, for the most part, localized either on the Pacific coast or in the Southern States, where, as many of our correspondents state, the higher wages paid have really had the effect of diminishing the industry of the Negro.

The answers to question 4 indicate a somewhat widespread desire for higher wages, but most of our correspondents express themselves philosophically with regard to the situation, and realize that it is entirely natural that the wage earner should desire to share in the widespread prosperity of which he hears so much.

The response to question 5 is a corollary of that made to question 4, and is, if anything, more reassuring. The labor unrest is apparently confined to a few classes, including the railroad men and the workers in some highly specialized staple industries.

The unanimity of opinion with regard to the operation of the Federal reserve law is remarkable, and about the only dissatisfaction expressed comes from the Rocky Mountain States and the Pacific Northwest, in which sections loans running for longer periods than the Federal reserve law permits are required to satisfy the financial needs of most of the population. Doubtless the Federal reserve law will pass into history as the most beneficent piece of economic legislation that has ever been enacted in this country.

The response to question 7 negatives much of the newspaper talk with regard to the inflation of currency and credit in the United States. If there is any inflation, but few business men are conscious of it, and it is, we think, reasonable to assume that until there is an inflation of which people are conscious there will be no attempt at contraction.

The answers to question 8, in regard to the constructive activity of the country, reveal the basis upon which the present prosperity rests. Constructive activity means the creation of productive wealth, and it is encouragingly significant that about 80 per cent of our replies indicate that the people are building new houses, enlarging their plants, and making permanent improvements that bespeak their confidence in the future.

The answers to question 9 report an almost unanimous willingness that the tariff question shall be taken out of politics by the creation of a tariff commission. In view of the fact that a very large proportion of our replies come from manufacturers and States which on account of their industrial activities are generally reckoned as "protectionist," this unanimity of opinion may be said to make something of a revolution in American political feeling with regard to the tariff. We commend it to the special attention of the platform committees of both the Democratic and Republican Parties, and are delighted to feel that we are nearing the time when the political energies of each successive Congress may be employed more profitably than in the revision of tariff schedules. One correspondent qualifies his acceptance of the tariff commission plan with the proviso that it shall be made operative "before the end of time." With this we are in hearty agreement.

The answers to question 10, in regard to the market for real estate, drive another rivet in the structure of prosperity that is visualized by this investigation. If the rural credits bill which the Senate has already passed shall become a law, the effect will probably be to increase greatly the availability of farm lands as a basis for loans, thus stabilizing their value and a prosperity that is buttressed by higher wages, increased consumption, and stable values for land would seem to be, for a time at least, immune from any serious reaction.

We regard the answers to question 11, in regard to the abatement of the antagonism toward the railroads, as providing what is, in a financial sense, the most important information in our report. That over 80 per cent of our correspondents should report that the disposition to harass the railroads is vanishing is extremely encouraging. The railroads of the United States employ more labor and disburse a larger sum in wages than any other single industry. Their purchases constitute a very large proportion of our total commerce; and if their development in the future shall be unrestricted by the unwise legislation and regulation of which they have hitherto been the victims, it will be well for the future prosperity of the country.

The negative answers to question 12, with regard to a possible advance of 5 per cent in railway freight rates, are, for the most part, qualified by statements of which the following from a southern correspondent is typical:

"We have already accepted one advance of 5 per cent in railway rates without complaint, and would not be willing to submit to a further advance unless it is equitably distributed throughout the entire country."

The answers to question 13, in regard to the saving and extravagance, are also qualified. Most of our correspondents admit that the savings banks, insurance companies, and other repositories of thrift show increased resources which bespeak a reasonable provision for the future. One informant says that he "sees no increase in extravagance except in the matter of automobiles." His allusion to the automobile expenditure of the Nation is the only comment made upon it, from which we infer that there is a noteworthy change in the attitude of thinking men toward the American investment in this form of transportation.

The answers to questions 14, 15, and 16, which deal with preparedness, the sense of civic responsibility, American nationalism, and the protection of American citizens resident or having property interests outside of the United States, will, we think, be a surprise to the pacifists. If they could read the remarks and letters with which our replies to these questions have been accompanied, they would abandon the theory that the United States has become a spineless Nation. There is naturally a widespread disagreement as to the degree of preparedness to which we should commit ourselves. Some of our correspondents in the rural communities say that "the feeling in favor of preparedness is cooled by the fear that it is inspired by the Wall Street hope of large profits," but a willingness is generally expressed to support Congress and the administration in any reasonable measure that shall be adopted for the defense of the Nation, and it is apparent that the war in Europe has quickened the spirit of nationalism and increased the individual consciousness of civic responsibility throughout the country.

In regard to the protection to be afforded by our Government to American citizens resident or having property interests outside the United States there is a somewhat wide divergence of opinion. One correspondent, in regard to whose Americanism there can be no doubt, writes that "we ought to protect our trade in foreign countries, but there is no reason why we should follow and protect the people who leave the United States to live and invest in foreign lands." He adds: "I believe that this country is good enough for anyone and its guardianship should not follow expatriates. They should know what they are doing and assume the consequences."

Not a few feel that the Nation should avoid taking a position that would plunge 100,000,000 people into war for the protection of those who take unnecessary risks in belligerent countries or on belligerent vessels. For the most part, however, our replies indicate that the people of this country are jealous of the honor of our flag and the rights of our Nation and entirely willing to support any measures that may be necessary for their protection.

Upon the question of military intervention in Mexico there is a great division of opinion, and the correspondence that we have received provides a symposium that would greatly interest many Congressmen. A Baltimore friend says that "weeping prevents a reply to this question," meaning presumably that he is ashamed of the policy which the Government has thus far pursued. Another correspondent writes us that "while the young men of the country may be in favor of Mexican intervention, the older people, who know the horrors of war, will continue to oppose it to the end."

We are somewhat surprised by the number of answers that advocate the solution of the Mexican problem by the purchase of the northern half of Mexico, and there are a good many who seem to favor the forcible annexation of sufficient Mexican territory to indemnify us for the damages inflicted upon American life and property in that Republic. The division of public opinion in regard to the Mexican problem seems to be greater than that disclosed in regard to any other question submitted. It is evident that the issue is one in regard to which there is not as yet any great unanimity of feeling.

Speaking generally, we may say that a careful examination of the replies received leads us to feel great satisfaction in the economic condition of the country and increased confidence in the political common

sense of the people. If we were mapping American prosperity, we should paint New England, Pennsylvania, and Michigan in the most roseate colors. In fact, one correspondent in Detroit says that "the boom is dangerous." The Pacific States of the Northwest and northern California are the only sections in which the use of even a light shade of blue would be justifiable.

In the southern portion of California the absence of war induced prosperity has been to some extent offset by the winter influx of tourists from the East and the demand for the petroleum production of that locality. The clouds have almost disappeared from the cotton States as a result of the higher price of cotton and cotton seed and the increase in cattle production.

In the Middle West the remunerative figures obtained for the grain crops for the past two years have made the people contented and happy, although there is some complaint that the high ocean freight rates are interfering with the export movement.

Dealing with what we may describe as the politico-economic situation disclosed by our report, it may be said that there is evidenced a much keener appreciation of the essential relation between good government and good times, and, while there is but little disposition to disparage the constructive achievements of the present administration, there is a widespread dissatisfaction with the selfish political individualism of the present Congress and a disposition to hold the one that shall succeed it to a rigid accountability.

Our confidence in the permanent prosperity of the country and our optimism in regard to the benefits and sanity of representative government have been increased and to some extent rehabilitated by this investigation.

Geographical summary of replies.

Questions.	Answer.	Total.	New England States.[1]	Middle Atlantic States.[2]	Central States.[3]	Southern States.[4]	South-western States.[5]	North-western States.[6]	Rocky Mountain States.[7]	Pacific States.[8]
1. Will your business be directly affected by peace in Europe	Yes	728	50	161	155	98	65	48	31	78
	No	750	51	189	237	69	15	62	50	71
2. Is the consumption of the goods you distribute or manufacture appreciably reduced by the relatively higher prices now prevailing.	Yes	299	46	61	83	45	31	19	12	32
	No	1,088	99	280	308	106	70	81	43	101
3. Is there any unemployment of labor in your section	Yes	225	11	30	38	42	27	9	13	55
	No	1,142	115	245	385	136	77	108	49	101
4. Is labor in your neighborhood contented with the wages that are now being paid?	Yes	887	51	146	236	178	82	73	47	114
	No	508	71	205	167	35	21	43	16	38
5. If to the former question you answer "No," do you think there is any serious probability of important strikes during the coming summer?	Yes	300	35	118	102	9	4	16	7	18
	No	400	68	183	240	120	82	71	40	96
6. Are the business men with whom you come in contact satisfied with the operation of the Federal reserve law?	Yes	1,244	102	271	348	143	102	104	51	123
	No	157	12	43	50	17	7	5	3	20
7. Do the business men with whom you come in contact feel that there is any inflation of currency or credit in this country?	Yes	307	37	87	87	34	14	16	11	19
	No	1,140	81	216	314	134	102	91	47	131
8. Are the people in your section constructively active? That is, are they building new houses, enlarging their plants, or making permanent improvements that bespeak their confidence in the future?	Yes	1,228	105	298	357	129	80	105	55	60
	No	301	29	70	68	45	32	12	7	47
9. Are the business men in your section content that the tariff question shall be taken out of politics by the creation of a tariff commission?	Yes	1,416	117	315	407	160	103	111	56	147
	No	65	8	29	9	8	2	1	1	4
10. It is said and generally believed that the market for real estate is the last thing to reflect prosperity. Is it becoming more active in your section?	Yes	985	66	220	315	100	72	86	48	78
	No	500	48	129	89	71	46	24	16	77
11. Is the feeling of antagonism toward the railroads in your section abating or persistent?	Abating	1,380	120	331	380	145	98	105	52	149
	Persistent	123	4	23	28	34	7	10	11	6
12. Would and advance of, say, 5 per cent in railway freight rates be generally paid without serious protest by the shippers or consignees in your community?	Yes	912	97	251	245	87	63	66	24	79
	No	501	24	95	167	81	44	47	36	67
13. Are the wage earners in your section disposed to save or is greater extravagance the result of better times?	They are saving	761	68	174	196	83	54	60	31	95
	Increased earnings have led to greater extravagance.	520	34	137	153	60	39	30	25	42
14. Is public sentiment in your section opposed to or in favor of liberal provision and expenditure for "preparedness" by the National Government?	Opposed to	78	2	11	29	9	6	12	4	5
	In favor of	1,396	123	341	365	162	103	99	56	147
15. Has the war in Europe increased the sense of civic responsibility and American nationalism among the people of your section?	Yes	1,410	113	312	355	141	100	96	55	138
	No	185	9	36	70	26	11	13	4	13
16. Assuming that you believe in an extension of our foreign trade, is such extension, in your opinion, possible unless adequate protection is afforded by our Government to American citizens resident or having property interests outside of the United States?	Yes	181	13	41	51	23	18	12	6	17
	No	1,155	104	294	346	143	89	96	53	130
17. Are the people in your section generally in favor of military intervention by the United States in Mexico?	Yes	696	47	165	189	74	61	41	37	82
	No	653	60	162	173	77	47	58	19	37
Number of replies[9]		1,629	137	389	453	187	118	119	61	162

[1] Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
[2] Delaware, District of Columbia, Maryland, New Jersey, New York, and Pennsylvania.
[3] Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, and Ohio.
[4] Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.
[5] Arkansas, Louisiana, Oklahoma, and Texas.
[6] Minnesota, North Dakota, South Dakota, and Wisconsin.
[7] Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming.
[8] California, Nevada, Oregon, and Washington.
[9] This is the total number of persons replying to one or more questions. Few of those answering made replies to all questions, which explains the discrepancy between the totals of the answers to each question and the number of persons answering at least one question.

TABLE OF IMPORTS.

Mr. GALLINGER. Mr. President, on the 1st day of May I presented tables showing the increase of imports under the Underwood-Simmons tariff law in war times as compared with the imports under the Payne-Aldrich tariff law in times of peace. The last table in that compilation shows the imports for January, 1915, and January, 1916, under the Underwood law as compared with January, 1913, under the Payne law, and I now beg to present similar tables for the month of February of those years.

Import comparison for the month of February, 1916 and 1915, under the Underwood law with 1913 under the Payne law, covering 39 strong competitive products, makes a remarkable showing, which should be of great interest to manufacturers and farmers, who have reason to be alarmed at the rapidly increasing imports, indicating what will probably happen at the close of the war.

It will be observed that 20 products, namely, aluminum scrap, automobiles and parts, breadstuffs, cotton cloths, films and plates, fish, fruits and nuts, handkerchiefs, laths, lace and lace articles, leather and tanned skins, meat and dairy products, nets and netting, paper and manufactures, perfumery, seeds, silk manufactures, vegetables, wool and linen yarns, show an increase from $20,750,958 in 1915 to $43,429,609 in February, 1916; and it is a most notable fact that the increase in imports between these two years is more than $3,000,000 larger than the total imports of the same products in February, 1913, under the Payne law. Note, also, the increase of over 100 per cent in the value of imports between February, 1913, under the Payne law, and February, 1916, under the Underwood law.

It also seems important to call attention to another comparison, which is that in February, 1915, but six of these same products showed an increase; and, furthermore, at no time since

the foreign war began, or, in fact, since the Underwood law became operative, have more than half of the number of these products shown an increase over the previous year.

Nineteen products, to wit, aluminum manufactures, clocks, cutlery, eggs, embroideries, enameled ware, glassware, plate glass, leather gloves, hides and skins, cotton knit goods, linoleum and oilcloth, shingles, artificial silk, cotton stockings, tinplate, watches, wood pulp, wool manufactures, reveal a small decrease of $2,193,716 from $17,461,862 in February, 1915, to $15,268,146 in February, 1916; the imports of the last-named products in February, 1916, being practically the same as they were in February, 1913, under the Payne law.

The total imports of the entire 39 products were in February, 1916, valued at $58,697,755; in February, 1915, $38,212,820; and in February, 1913, $34,977,736, the increase between February, 1915, and February, 1916, being $20,484,935, and the increase in February, 1916, over February, 1913, under the Payne law, being $23,720,019.

The fact can not be denied that, beginning with October, 1915, imports of the above-named products have nearly doubled as compared with the imports of similar products in months previous to the beginning of the foreign war, and if such a volume of merchandise can be sent to this country during the war, American producers are not to be blamed for demanding some form of legislation which will protect home industry now as well as after the close of the war. The figures are as follows, which I ask to have inserted without reading.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The table referred to is as follows:

Imports of merchandise and agricultural products in February, 1916–1915, under the Underwood law, and February, 1913, under the Payne law, using for comparison products having the most severe foreign competition.

Product.	1916 value.	1915 value.	Difference.	1913 Payne law.
			Increase.	
Aluminum scrap	$134,412	$96,016	$38,396	$291,776
Automobiles and parts	76,289	39,019	37,270	99,602
Breadstuffs	1,458,507	1,111,720	346,787	1,141,588
Cotton cloths	909,657	619,771	289,886	727,121
Films and plates	98,921	67,075	31,846	126,963
Fish	1,349,184	1,296,739	52,445	1,155,691
Fruits and nuts	3,338,100	2,233,639	1,104,461	2,523,651
Handkerchiefs (linen)	144,136	106,872	37,264	102,415
Laths	89,365	48,969	40,396	71,939
Lace and lace articles	1,170,615	874,642	295,973	1,501,418
Leather and tanned skins	1,388,814	775,529	613,285	755,549
Meat and dairy products	2,328,570	2,104,431	224,139	933,065
Nets, or nettings	181,530	56,511	125,019	78,671
Paper and manufactures	2,136,035	1,948,217	187,818	1,381,723
Perfumery, etc	236,207	160,284	75,923	112,565
Seeds	3,590,999	2,011,966	1,579,033	1,599,228
Silk manufactures	3,334,284	1,657,688	1,676,596	2,009,108
Vegetables	1,069,533	757,556	311,977	848,255
Wool and Angora hair	20,265,826	4,724,549	15,539,277	3,651,821
Yarns (linen)	130,625	59,765	70,860	62,287
Total (20 products)	43,429,609	20,750,958	22,678,651	19,403,935
			Decrease.	
Aluminum manufactures	7,787	15,887	8,100	58,373
Clocks	7,399	57,020	49,621	50,369
Cutlery	44,711	172,411	127,700	77,541
Eggs	15,433	55,944	40,511	396,069
Embroideries	599,651	684,025	84,371	880,604
Enameled ware	19,491	44,060	24,569	63,353
Glassware	192,227	296,709	104,482	444,344
Plate glass	1,545	2,115	570	19,603
Gloves (leather)	342,867	525,192	182,325	382,973
Hides and skins	10,315,625	11,042,255	726,631	8,924,537
Knit goods (cotton)	28,913	226,266	197,353	43,825
Linoleum and oilcloth	67,161	103,143	35,979	158,531
Shingles	125,130	169,578	44,448	51,157
Silk (artificial)	757,726	509,844	52,518	248,153
Stockings (cotton)	10,193	164,583	154,389	265,169
Tin plate	19,447	20,922	1,475	27,979
Watches	248,162	263,065	14,903	182,237
Wood pulp	1,441,952	1,651,607	209,655	1,623,362
Wool manufactures	1,520,115	1,654,197	134,079	1,352,542
Total (19 products)	15,268,146	17,461,862	2,193,716	15,573,899
From increase list	43,429,609	20,750,958	22,678,651	19,403,935
Total (39 products)	58,697,755	38,212,820	20,484,935	34,977,734

FEDERAL RESERVE ACT.

Mr. OWEN. Mr. President, I desire to give notice that tomorrow, after the morning business, I shall ask to call up for consideration the bill (H. R. 13391) to amend an act approved December 23, 1913, known as the Federal reserve act, by adding a new section.

FLOOD CONTROL.

Mr. CLARKE of Arkansas. Mr. President, I have a matter to present that I think comes under the head of morning business; that is, the reference of a House bill, which was laid upon the table to await the convenience of the Senator from Nevada [Mr. NEWLANDS]. We are now ready to take up that matter, and I move that House bill 14777, known as the flood-control bill, be laid before the Senate, and that it be referred to the Committee on Commerce.

The VICE PRESIDENT. The Chair lays before the Senate the bill referred to by the Senator from Arkansas.

H. R. 14777. An act to provide for the control of floods in the Mississippi and Sacramento Rivers was read twice by its title.

Mr. CLARKE of Arkansas. I move that the bill be referred to the Committee on Commerce.

Mr. NEWLANDS. Mr. President, as a substitute for that motion, I move that the bill be referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. Is this matter to be discussed by unanimous consent?

Mr. CLARKE of Arkansas. I ask unanimous consent that the Senator from Nevada may be allowed to occupy a reasonable time in the discussion of the motion. I am sure he will not take a great while on the issue involved in the motion.

The VICE PRESIDENT. The Chair is of opinion that this is one of the questions that should not be debated during the morning hour. Otherwise the morning hour, of course, could be entirely consumed with a discussion of a question of reference.

Mr. CLARKE of Arkansas. I am satisfied with that; but I ask that the Senator from Nevada be allowed to occupy a few moments.

Mr. JONES. I should not have any objection if the matter might be considered after morning business has been finished. There is morning business to be presented, and if we begin a discussion of this matter before that business has been presented, the discussion will probably run until 2 o'clock.

Mr. VARDAMAN. I object, Mr. President.

The VICE PRESIDENT. Objection is made. The motion of the Senator from Arkansas [Mr. CLARKE] is to refer the bill to the Committee on Commerce, and that is——

Mr. NEWLANDS. Do I understand that that motion is not debatable, Mr. President?

The VICE PRESIDENT. It is not debatable before 2 o'clock.

Mr. NEWLANDS. Then I ask the Senator from Arkansas to allow it to be postponed until 2 o'clock.

Mr. CLARKE of Arkansas. The Post Office appropriation bill being the unfinished business, we shall gain nothing by that.

Mr. NEWLANDS. All I wish is to occupy 25 or 30 minutes in order to present this matter. Indeed, I shall take a shorter time.

Mr. CLARKE of Arkansas. I ask unanimous consent that the Senator from Nevada be allowed 15 minutes in which to discuss the motion. I trust that certainly no friend of the Mississippi River will object to that.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the Senator from Nevada is allowed 15 minutes.

Mr. NEWLANDS. Mr. President, as a matter of precedent, it, of course, must be admitted that it has been the custom to refer bills of this kind to the Commerce Committee. I submit, however, that the Interstate Commerce Committee was organized for an object, and that was to promote and to regulate interstate commerce; that included in that is interstate transportation; and that that regulation extends not only over the question of freights and fares, but the jurisdiction extends to the instrumentalities themselves through which transportation is conducted.

I assume that it will also be admitted that a river is an instrumentality of commerce, just as is a railway; that a river must be in a measure artificialized in order to make it a perfect instrumentality of commerce; and that the committee which has jurisdiction over interstate railways should also have jurisdiction over interstate rivers.

Mr. BRANDEGEE. Mr. President——

Mr. NEWLANDS. I will state to the Senator from Connecticut that I have only 15 minutes.

Mr. BRANDEGEE. I do not ask to take half a minute. I wish to ask the Senator only one question.

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. I do.

Mr. BRANDEGEE. The Senator from Nevada is aware that Rule XVI of the Senate specifically provides that river and harbor bills shall be referred to the Committee on Commerce, is he not? The amendment to that rule was passed in 1899. So that when the Senator says that by the creation of the Com-

mittee on Interstate Commerce the Senate intended that river and harbor appropriations should be referred to the Interstate Commerce Committee. I do not think he can be correct, because the rule specifically provides otherwise.

Mr. NEWLANDS. Well Mr. President, when the rule refers to river and harbor bills, I assume that it refers to the customary appropriation bill, known as the river and harbor bill, and that it does not refer to general legislation with a view to perfecting the rivers as instrumentalities of commerce.

Mr. President, why is it that our rivers have not been perfected as instrumentalities of commerce? Why is it that for a hundred years or more we have been engaged in the so-called work of improving our rivers, and that as yet we have hardly a single perfected waterway? Certainly the task is not an impossible one, because other countries have demonstrated its possibilities. They have perfected waterways in Germany, in France, in Austria, and in Russia, artificialized to the highest degree, with a view to maintaining, as far as practicable, a standard flow, so that vessels of standard draft can navigate them at all seasons of the year, with perfected terminals, with perfected transfer facilities, with perfected coordination between rail carriers and water carriers. Not only are these waterways themselves artificialized, but they are so connected by artificial canals as to create a network of waterways resembling the network of railways and almost as extensive, and they work in cooperation with railways in the transportation of bulky and cheap products in such a way as to diminish the cost of transportation, and, above all, to diminish the capital expense of building railways in order to meet the demands of cheap and bulky commodities.

Why is it, then, that we have not as yet entered upon the threshold of river development? My answer is that we have connected them in the same bill with harbor development thus far, and that harbor improvement is a matter upon which not only the people have been united but railroads have operated in cooperation with the people, for every harbor is a railway terminal, and this development is absolutely essential in order to promote railway business; while the river has thus far been regarded not as the terminal of the railway, but a rival of the railway, and thus all legislation tending to its perfection and development has been discouraged by the railways.

This influence has worked secretly. There has been no manifestation of it except upon occasions; but we know that it exists; we know that wherever river transportation has been started it has been waylaid and sandbagged by the rail carriers, and that they have been absolutely unfriendly thus far to any policy which would enable the water carrier to work in cooperation with the rail carrier. I do not mean to say that that feeling is as strong and pronounced now as it was some years ago, for then railways, built in advance of the requirements of commerce, were so eager to get business that they were desirous of monopolizing the cheap and bulky transportation as well as the valuable transportation. They needed volume, and the only way to get volume was to invade the domain of the water carrier; but, with the increase of population and the increase of commerce, we have found that gradually the valuable transportation is meeting all the capacity of our railroads, and that the railroads are becoming congested, and in many cases are absolutely unable to carry the bulky products, heavy in weight and large in size, which require cheap rates. So the railroads' opposition has gradually diminished; but it remains as a tradition that in some way water transportation means injury to rail transportation; and we know how difficult it is to fight against a tradition; how it will hold men in its grasp, even though reason should say it is an entire absurdity, and we have not as yet gotten away from the traditions of the past.

It is my hope that the railroad men of this country, the big men in transportation, will realize that water transportation can be so conducted as to aid railway transportation and to save them the enormous expenditure that will otherwise be necessary in the future in the capitalization of railways in order to meet the demands of the country for the transportation of cheap and bulky commodities.

Mr. President, tradition has also held in its grasp the Commerce Committee of the Senate. It has been so accustomed to treating our rivers in almost a contemptuous fashion that it is hard for it to get out of the habit. Look over our legislation regarding rivers and harbors and you will find that almost all of the appropriations have gone to the harbors—and I have no doubt that for the most part the money has been very wisely expended there—that there has been with reference to our harbors a fixed and continuous policy which has resulted in their highest development; but with reference to rivers we find that our legislation has been halting, spasmodic, and changeable.

We had an illustration only the other day, when a new engineer officer upon the Missouri River proposed the entire abandonment of the scheme of development of that river, and his action was only beaten by an appeal to the Board of Review. That action would have simply duplicated the action of 5 or 10 or 15 years previous when, after conducting the development of that river, the revetment of its banks for a considerable period, the United States abandoned that development upon the ground of economy. I have no doubt that Congress was conscientious in that view, but I have no doubt that the four railways, two on each side of the Missouri River, had a great deal to do with creating the public sentiment that called attention to the so-called extravagance of that expenditure.

What did that work involve? It involved revetting those banks with willow tapestry, or mats, in such a way as to prevent the banks from dissolving, the soil being almost like sugar and dissolving against the impact of the water; and we have to-day 30 or 40 miles of that revetment, constructed many years ago, which is as perfect to-day as when it was made, whereas the rest of the banks is subject to its caprice, the river making its way according to its whim, destroying whole farms and plantations to-day, and so shifting their position that the farm that is on the right bank to-day is on the left bank to-morrow.

The Interstate Commerce Committee is interested in the development of interstate transportation. Gradually the Senate has enlarged the area of its operations. Its name indicates its jurisdiction, but that jurisdiction has only been gradually assumed. In the first instance, that committee took charge of only the question of the regulation of rates, but it has now assumed jurisdiction over telegraph companies, over express companies, over oil carriers, and thus its assumption is approaching the full boundaries of its jurisdiction. It seems to me that this bill relating to the control of floods, presumably in the interest of interstate commerce and with a view of developing a stable stream, ought to go to that committee by reason of its jurisdiction. Such action would leave the Commerce Committee, the jurisdiction over all other commerce outside of interstate commerce. Foreign commerce would remain as the subject belonging to the jurisdiction of the Commerce Committee and the harbors as instrumentalities of foreign commerce would belong to its jurisdiction.

Mr. President, I assume that this power is being exercised under the interstate commerce power. I assume, though it is not stated in the bill, that the purpose is to promote commerce between the States, and I assume that it is not a mere scheme to reclaim private lands. If it is a scheme to reclaim private lands, then the jurisdiction belongs to the Conservation Committee, which was organized for the purpose of conserving the national resources of the country—a committee which has far has not assumed much jurisdiction, but which was organized as a live committee, with a view to protecting and saving the national resources of the country. If the Senate should come to the conclusion that this jurisdiction does not belong to the Interstate Commerce Committee because it is a mere reclamation scheme for private lands, then I contend that the jurisdiction belongs to the Conservation Committee.

The VICE PRESIDENT. The motion of the Senator from Arkansas is in order.

Mr. WALSH. Mr. President, a parliamentary inquiry. I understood the Chair to intimate that the motion before us is not debatable, and I rose to inquire of the Chair whether that is correct? I invite his attention to subdivision 3 of Rule XIV, as follows:

> No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day. If not objected to, for reference, but shall not be considered on that day as in Committee of the Whole, nor debated, except for reference, unless by unanimous consent.

Accordingly it would appear from the plain reading of this rule that the question of reference may be debated, but that the bill itself can not be debated except by unanimous consent; and I notice that that was the construction given to the rule by the Presiding Officer on March 28, 1914. I refer to a precedent found in the last volume of Giffry, at page 134, as follows:

> The VICE PRESIDENT. In this connection the Chair desires to make a statement. The Chair was in error in ruling that the question of the reference of a bill to a committee is not debatable. The Chair was under the impression that the question was one of those questions which, under Rule XXII, are not debatable; but the Chair finds that the question is debatable. Therefore the ruling of the Chair heretofore made in reference to the matter will not stand as a precedent.

The VICE PRESIDENT. On what page is that?

Mr. WALSH. On page 134.

I recall very distinctly, Mr. President, that this matter was the subject of some extensive consideration by the Senate in

connection with the question as to whether a motion to refer a petition was debatable. The occasion was the presentation of a vast number of petitions dealing with the subject of an embargo upon the export of munitions of war.

The VICE PRESIDENT. Was that during the morning hour?

Mr. WALSH. It was during the morning hour. On that occasion I recall that the Chair held that the rule of the Senate is that everything is debatable, and that when the contention is made that a particular matter is not debatable reference must be made to a specific rule so holding; and my recollection is that the Chair on that occasion ruled that the subject of the reference of petitions to the Foreign Relations Committee, or to some other committee to which reference was made, was a proper subject for debate.

It does seem to me, Mr. President, that if the rule were otherwise as to a bill which has passed the House of Representatives and has come here for consideration by the Senate, it ought not to apply to a measure in that parliamentary stage; and it seems to me that the language of the rule clearly implies that the question of reference is debatable. If it is so, I should like to say just a few words upon the matter of the reference of this bill.

The VICE PRESIDENT. The Senator may proceed while the Chair gets the Record of that time. The Chair was under the impression that until the morning business was concluded, at least, these motions were not debatable, as otherwise they would deprive the Senate of the morning hour; but the Senator from Montana may proceed. The Chair would like to verify the time in the proceedings when the ruling was made.

Mr. WALSH. I desire to say, in the nature of a suggestion in the inquiry the Chair is prosecuting, that the handing down of communications from the House of Representatives, and particularly of bills coming from the House of Representatives, is not one of the things contemplated to be done during the morning hour.

The VICE PRESIDENT. The general rule is that they are always in order.

Mr. WALSH. They are always in order. What I mean to say is that it is not a part of the business of the morning hour; and it would seem to me, accordingly, that that part of the business of the Senate would not be governed by the rules relating to the transaction of morning business. It seems to me quite obvious that if a bill happens to be handed down by the Chair after 2 o'clock, it should have exactly the same status as if it were handed down by the Chair before the hour of 2 o'clock. In other words, it ought not to be, and I think the rules did not intend to put it, in the power of the Chair to make a reference debatable or not debatable as the communication was handed down before or after the hour of 2 o'clock.

The VICE PRESIDENT. The rules do put it in the power of the Chair, because the Chair is not under any compulsion to hand down a bill at any particular time; and this particular bill has been held up by the Chair on the request of the chairmen of the Committee on Commerce and of the Committee on Interstate Commerce upon the theory that they would agree as to where it should go. The Chair would not have interrupted the morning business and handed it down at this time if the Chair had believed it was going to cut out the morning business and lead to this discussion. But the bill is now before the Senate for its consideration as to reference.

Mr. WALSH. Then, I desire to say that in my judgment this bill ought to go to the Committee on Interstate Commerce. The reasons which have been presented to the Senate by the distinguished Senator from Nevada, it seems to me, are entirely unanswerable. The only jurisdiction that Congress has to deal with this subject at all, as a matter of course, rests upon the provision of the Constitution which gives to Congress the power to regulate commerce between the several States. Power is also granted to the Congress to regulate commerce with foreign countries, and that is something that is an entirely separate and distinct grant of power. But obviously, Mr. President, the right to control floods in our rivers beyond question is referable to the power to regulate commerce between the several States; and in that view of the matter it seems to me that it is eminently proper that a measure of this kind should go to the committee that deals with that particular subject.

But quite separate and apart from that, Mr. President, there is a reason which it seems to me ought to appeal to the Members of the Senate—a reason that the distinguished Senator from Nevada quite obviously felt some delicacy in advancing. That is that, as we know, he has for years advanced the idea, which appeals to the imagination and to the larger vision of every representative upon this floor, that the only proper way, or at least the advisable way, of taking care of this situation is to take care of floods at their source, and that in addition to the construction of levees and other works of like character, in order to confine the floods within the banks of the rivers and prevent the inundation of the adjacent country and the destruction of property of illimitable value some effort ought to be made to capture the excess waters at their source and utilize them there for some valuable purpose contributing to the development of industry and to the general advancement of the public interest, rather than to allow them to come down where they do their work of destruction.

I hope that some day or other—and now is the accepted time, in my humble judgment—that idea will have consideration by a friendly committee. The Interstate Commerce Committee, it seems to me, is by all means the proper committee for the consideration of this measure, in view of the foundation of the only jurisdiction which we have in the premises. I hope very sincerely, indeed, that the Senate will take that view of it, and allow the bill to go to the committee of which the distinguished Senator from the State of Nevada is the chairman, in order that the ideas that he has so often and so forcibly and, as it seems to me, so persuasively urged upon this body may be developed and presented in some proper form to the Senate.

Mr. CLARKE of Arkansas. Mr. President, may I have unanimous consent to occupy five minutes?

The VICE PRESIDENT. The Chair finds it will be compelled to reverse its ruling that this matter is not debatable, in order to maintain consistency.

Mr. CLARKE of Arkansas. While I should not care to be diverted on to a discussion of that point, I think the Chair's original ruling was right. I do not think the incident which occurred in connection with the reference of a petition has any application here.

The VICE PRESIDENT. By the argument heretofore made, the Chair finds it was once before compelled to back down on that proposition.

Mr. CLARKE of Arkansas. The rule expressly says that motions made before 2 o'clock to proceed to the consideration of anything shall not be debatable.

Mr. GALLINGER. Mr. President, I simply call attention to the second paragraph of Rule VIII. I will not argue that it directly applies to this matter, but it seems to me it does:

> All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

The VICE PRESIDENT. That was the rule upon which the Chair based the ruling this morning; but the Chair ruled that way once before, and then, on a pretty full discussion, the Chair was compelled to take it back. This is not a motion to proceed to the consideration of a bill or a resolution. It is a question of reference of a House bill the Chair has handed down during the morning hour, and for reasons already stated.

Mr. CLARKE of Arkansas. No; that was a motion to refer a wagonload of petitions on the preparedness question, that had taken a different turn, and came under a different provision. But if I may be permitted to occupy the floor for five minutes, I can say all I have to say about this matter in that time.

It is an embarrassing thing for me to be insisting that a committee with which I am connected should be selected in preference to any other committee to consider any matter that must ultimately be disposed of here; but I do not see any reason why the committee should be deprived of its traditional jurisdiction simply because some one can say that in tracing the matter back to its origin the commerce clause of the Constitution is the foundation for its consideration at all. If that were true, the whole river and harbor bill would go to that committee. The fact of the business is that the Committee on Interstate Commerce is a law committee. It prepares laws. It is a kind of a judiciary committee for the preparation of the laws and regulations regulating interstate commerce.

The bill that is now under consideration—and that is all I intend to say—is an improvement bill. It is a river and harbor bill, and what is done is to be done under the direction of the Mississippi River Commission. I do not know how to distinguish it from the same matter appearing in the text of the river and harbor bill; and there is nothing in the way of an idea in this bill that is not repeatedly contained in the river and harbor bill. It simply isolates two particular projects and adopts them and directs their continuous development and improvement. If there is any argument in the fact that the interstate-commerce provision of the Constitution is the foundation for jurisdiction, then there is not any reason why the Commerce Committee should exist at all. Besides that——

Mr. WALSH. Mr. President, if the Senator will pardon me, I intended to make the distinction. Of course, we have rivers and harbors. Every harbor on the coast is developed in view of the foreign commerce and that gives the jurisdiction to the Commerce Committee; and inasmuch as the work is of the same character, it all goes to that committee. But here is a case that

refers to the improvement of rivers alone, and has not any reference to foreign commerce at all.

Mr. CLARKE of Arkansas. This bill relates to the improvement of two specific rivers. It has not got the word "transportation" in it.

I believe I will submit the matter.

Mr. NEWLANDS. I ask for the yeas and nays.

Mr. RANSDELL. Mr. President, I should like to say just a word, if there is no objection. For many, many years all questions relating to the Mississippi River and to the Sacramento River, and all questions relating to floods, have been referred to the Committee on Commerce. There has been no deviation from that rule. This is a question of the control of Mississippi River floods; and not a single measure relating in any way, shape, or form to the floods of the Mississippi River has been referred to any other committee than to the Committee on Commerce.

A number of petitions, memorials, and other matters relating to the Sacramento River were referred to the Committee on Commerce in the Sixty-first Congress. The Committee on Commerce reported in favor of the passage of laws requiring an examination, survey, and report of the Sacramento River. Those reports were made and they are now being acted on in the pending bill.

Everything that the Mississippi River Commission has had to do with since its creation in 1879 has been referred to the Committee on Commerce. This is simply an extension of the powers of that commission. It would be a most unusual proceeding to take out of the hands of the Committee on Commerce the jurisdiction which it has had for certainly more than a third of a century, for everything, let me repeat, in connection with the Mississippi River Commisson has been handled by that committee for more than a third of a century.

I can see no reason in the world for differentiating this from the ordinary river and harbor matters. As the chairman of the committee has so well said, if we are going to differentiate it because of commerce, then you must take away from the Commerce Committee all river matters, for surely they are purely commercial matters. They relate to commerce and to nothing else but commerce.

I sincerely hope that the Senate will not, by its vote, take away from a committee a jurisdiction which it has enjoyed for more than a third of a century.

Mr. NEWLANDS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	Overman	Sutherland
Borah	Hughes	Owen	Taggart
Brandegee	Husting	Page	Thomas
Chamberlain	Jones	Pittman	Thompson
Chilton	La Follette	Poindexter	Tillman
Clark, Wyo.	Lane	Ransdell	Townsend
Clarke, Ark.	Lea, Tenn.	Reed	Underwood
Culberson	Lodge	Saulsbury	Vardaman
Cummins	McLean	Sheppard	Wadsworth
Curtis	Martin, Va.	Simmons	Walsh
du Pont	Myers	Smith, Ariz.	Warren
Fall	Nelson	Smith, Ga.	Williams
Gallinger	Newlands	Smith, Md.	
Harding	Norris	Sterling	

Mr. SUTHERLAND. I desire to announce that my colleague [Mr. SMOOT] is unavoidably absent from the Senate. I will let this announcement stand for all subsequent roll calls during the day.

Mr. GALLINGER. I rise to announce the enforced absence of the Senator from Maine [Mr. BURLEIGH] on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-four Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Arkansas to refer the bill to the Committee on Commerce.

Mr. NEWLANDS. Is not the question on my substitute?

The VICE PRESIDENT. There can be no substitute for a motion of this kind.

Mr. WILLIAMS. Mr. President, before the Senate votes on this matter I want to read a part of Rule XVI, on page 17, in which it undertakes to tell specifically to what committees bills shall be referred. After saying that appropriation bills shall be referred to the Committee on Appropriations, it says:

> Except the following bills, which shall be severally referred as herein indicated, namely: The bill making appropriations for rivers and harbors, to the Committee on Commerce.

You can not refer any bill making an appropriation for any river or harbor to any committee except the Committee on Commerce without first changing that rule. All sorts of general arguments founded upon general ideas reaching conclusions by inference are as nothing compared with the specific designation in the rule of the jurisdiction of a committee. When the rule states that appropriation bills shall be referred to the Committee on Appropriations, except certain measures, and then says river and harbor appropriation bills shall be referred to the Committee on Commerce, and then goes on afterwards and says the Agricultural appropriation bill to the Committee on Agriculture, the Indian appropriation bill to the Committee on Indian Affairs, and so on, that settles it. It is like a man getting up and arguing an important point from some principle of common law and then finding himself faced with a statute.

Mr. NEWLANDS. Mr. President, I insist that it is perfectly clear from this rule that the bill does not go to the Committee on Commerce by a reason of the rule. What does the rule refer to?

> All general appropriation bills shall be referred to the Committee on Appropriations, except the following bills, which shall be severally referred as herein indicated, namely: The bill making appropriations for rivers and harbors, to the Committee on Commerce; the Agricultural bill, to the Committee on Agriculture and Forestry.

Reference is made to one of those particular bills.

Mr. WILLIAMS. Will the Senator pardon an interruption there?

Mr. NEWLANDS. Certainly.

Mr. WILLIAMS. Does the Senator contend that if the Senate chose to bring in three bills covering the general subject matter of appropriations for rivers and harbors instead of bringing in one, each one of them would not be a bill making appropriations for rivers and harbors? Does the Senator contend that this particular bill is not a bill making appropriations for rivers and harbors?

Mr. NEWLANDS. I do contend that it is not a bill making appropriations. It is a bill authorizing appropriations to be made. It is a bill laying the foundation for appropriations hereafter to be made in the river and harbor bill.

Mr. WALSH. Will the Senator from Nevada allow me?

Mr. NEWLANDS. Yes.

Mr. WALSH. I will answer that in that event it will not be a general appropriation bill. This is not a general appropriation bill at all, neither is the bill making appropriations for rivers or harbors. There are no harbors in it.

Mr. NEWLANDS. Mr. President, it is perfectly clear that the rule refers only to all general appropriation bills and provides that they shall all be referred to the Committee on Appropriations except certain general appropriation bills, and what are they? First, the bill making appropriations for rivers and harbors.

Mr. TOWNSEND. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. TOWNSEND. I understand we have granted 15 minutes for the discussion of this question by the Senator from Nevada, and everybody has been discussing it. If it is in order, I wish to make the point of order that further debate is out of order, and that we proceed to vote on the question. There are a lot of things we want to take up, and we do not want to spend all the morning out of order in discussing a question of this kind.

Mr. NEWLANDS. I understood that the Chair declared debate to be in order.

The VICE PRESIDENT. The Chair stated that the motion is debatable, and the Chair also stated that he would not have handed the bill down had the Chair known that the entire morning was to be taken up in the discussion as to what is a general appropriation bill.

Mr. NEWLANDS. I will bring my remarks to a conclusion within two minutes because I understand, of course, that the Senate is eager to get to other business.

The rule has been invoked, but I say that rule has no application whatever to this bill, first, because it refers only to a general appropriation bill and distinguishes that bill as the bill, the bill making appropriations for rivers and harbors, the nature and character of which we all understood, and, second, because this is not an appropriation bill, but simply a bill authorizing work to be done for which appropriations can hereafter be made. I pause there.

Mr. BRANDEGEE. Mr. President, I wish to state briefly why I shall vote as I feel compelled to vote on the Senator's motion. In the first place, I think the motion to refer the bill is debatable under Rule XIV, that portion of it which says that motions when a bill is introduced shall not be debated except a motion to refer. I think that clearly——

The VICE PRESIDENT. The Chair has already regretfully conceded that point.

Mr. BRANDEGEE. Irrespective of the regret of the Chair I wanted to express that opinion.

As to the other claim of the Senator from Nevada, that this matter of river control and the regulation of commerce upon

rivers should be referred to the Committee on Interstate Commerce because it deals with the commerce clause of the Constitution or is authorized by it, I do not think that that argument is well taken. If it is, it would result in all the bills which refer to the development of any river that ran from one State into another being taken away from the Committee on Commerce and sent to the Committee on Interstate Commerce. If they have jurisdiction over all questions that affect interstate commerce, even to the bridging of rivers, and so forth, it is entirely, I think, in direct contradiction to the universal practice of the Senate.

I am not debating whether the Senate ought to change its rule or its custom in that respect, but if the contention of the Senator from Nevada is correct it seems to me it would leave the jurisdiction of the Committee on Commerce confined solely to harbors and to such rivers as are not interstate.

Mr. NEWLANDS. I will ask the Senator whether he does not think that ought to be the case. Does not the Senator realize that almost all the Senators on that committee come from the seacoast, where they have harbors, and that the interior of the country has very little representation upon the committee?

Mr. BRANDEGEE. I think the subject is a very large one. If the mere creation of the Interstate Commerce Committee by the Senate, without any definition of its jurisdiction, ipso facto gives it jurisdiction over every subject in relation to interstate and foreign commerce, it would also include harbors if they were used for foreign commerce, and you would have the Committee on Commerce with no jurisdiction at all.

Mr. NEWLANDS. But the Senator must bear in mind that the committee——

Mr. BRANDEGEE. The Senator never asked me to yield and he never addresses the Chair when he interjects a speech into mine. I will yield if the Senator will ask me to yield.

Mr. NEWLANDS. The Senator will recall that this is not a Committee on Interstate and Foreign Commerce, but it is simply confined to interstate commerce.

Mr. BRANDEGEE. It is interstate commerce, but the harbors along both the Atlantic coast and the Pacific coast are used in the coastwise trade, of course, from State to State. The Interstate Commerce Committee is a pretty busy committee. It has now, by the custom of the Senate, if for no other reason, jurisdiction over all matters relating to interstate railways, safety appliances, and all such matters as that, and legislation concerning interstate commerce. It is a pretty busy committee, and it has a tremendously important jurisdiction now. If it is the desire of the Senate to confer the jurisdiction of the Committee on Commerce upon the Committee on Interstate Commerce, in addition to what it now has, it is a large subject, and I would not want, on what debate has now been had, to reverse the policy of the Senate and change the custom of the Senate. Therefore I shall vote for the motion of the Senator from Arkansas to send the bill to the Committee on Commerce.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas to refer the bill to the Committee on Commerce.

Mr. NEWLANDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES. I wish to suggest that there are seven members of the Commerce Committee who can be strictly said to be river members.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the motion of the Senator from Arkansas.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. DU PONT (when his name was called). I inquire whether or not the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The VICE PRESIDENT. He has not.

Mr. DU PONT. As I have a general pair with that Senator, I withhold my vote.

Mr. HARDWICK (when his name was called). I transfer my pair with the Senator from Kansas [Mr. CURTIS] to the Senator from Indiana [Mr. KERN] and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. Not seeing him in his seat, I withhold my vote.

Mr. THOMPSON (when Mr. SAULSBURY's name was called). I desire to announce that the junior Senator from Delaware [Mr. SAULSBURY] is absent from the Chamber and that he is paired with the junior Senator from Rhode Island [Mr. COLT].

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. SMITH of Maryland (when his name was called). I am paired with the Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. THOMPSON (when his name was called). I am paired with the Senator from Illinois [Mr. SHERMAN]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). Transferring my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina], I vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Florida [Mr. BRYAN], but under the terms of that pair I feel at liberty to vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from New York [Mr. O'GORMAN] and vote "yea."

The roll call was concluded.

Mr. LODGE. Mr. President, my colleague [Mr. WEEKS] is absent from the city. He has a general pair with the Senator from Kentucky [Mr. JAMES].

Mr. GALLINGER. Mr. President, I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS].

Mr. THOMPSON. I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. LODGE (after having voted in the affirmative). Mr. President, I have learned that the Senator from Georgia [Mr. SMITH], with whom I am paired, has not voted. I transfer that pair to the Senator from Utah [Mr. SMOOT] and will allow my vote to stand.

The result was announced—yeas 41, nays 16, as follows:

YEAS—41.

Bankhead	Hollis	Reed	Taggart
Brandegee	Hughes	Shafroth	Tillman
Broussard	Jones	Sheppard	Townsend
Chilton	Lippitt	Shields	Underwood
Clarke, Ark.	Lodge	Simmons	Vardaman
Culberson	McLean	Smith, Ariz.	Wadsworth
Fall	Martin, Va	Smith, Md.	Williams
Fletcher	Nelson	Smith, Mich.	Works
Gallinger	Owen	Sterling	
Harding	Page	Sutherland	
Hardwick	Ransdell	Swanson	

NAYS—16.

Borah	Husting	Myers	Poindexter
Clark, Wyo.	La Follette	Newlands	Stone
Cummins	Lane	Norris	Thompson
Gore	Lea, Tenn.	Pittman	Walsh

NOT VOTING—39.

Ashurst	Dillingham	Lee, Md.	Robinson
Beckham	du Pont	Lewis	Saulsbury
Brady	Goff	McCumber	Sherman
Bryan	Gronna	Martine, N. J.	Smith, Ga.
Burleigh	Hitchcock	O'Gorman	Smith, S. C.
Catron	James	Oliver	Smoot
Chamberlain	Johnson, Me.	Overman	Thomas
Clapp	Johnson, S. Dak.	Penrose	Warren
Colt	Kenyon	Phelan	Weeks
Curtis	Kern	Pomerene	

So the motion of Mr. CLARKE of Arkansas was agreed to; and the bill was referred to the Committee on Commerce.

Mr. NEWLANDS. Mr. President, I ask that the bill (S. 5736) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies, and for other purposes, on the same subject be taken from the table and referred to the Committee on Commerce.

The VICE PRESIDENT. The bill will be referred to the Committee on Commerce.

CONCENTRATION AND MANEUVER CAMP, WASHINGTON.

Mr. JONES. Mr. President, there is a resolution on the table which went over the other day at the request of the Senator from New Hampshire [Mr. HOLLIS]. I have talked with that Senator, and he has stated to me that he has no objection to the resolution. I ask, therefore, that it may be considered at this time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

guments founded upon general ideas reaching conclusions by

matter of river control and the regulation of commerce upon

junior Senator from California [Mr. PHELAN] and vote "yea."

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

There being no objection, the resolution (S. Res. 203) submitted by Mr. JONES on May 18 (calendar day May 26), 1916, was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of War be directed to transmit to the Senate, as soon as possible, copies of the following reports and memoranda with reference to the American Lake concentration and maneuver camp in the State of Washington, to wit:

Report of Gen. Funston for the year 1905.
Report of Capt. S. A. Cloman in 1907.
Report of Col. Woodbury in 1907, about April 4.
Report of Lieut. A. M. Ferguson of August 1, 1907.
Reports from the Secretary of the Interior and the Acting Commissioner of Indian Affairs under date of May 27, 1907.
Report of the board of Army officers composed of Gen. Murray, Gen. Maus, and Capt. Craig, March 4, 1912.
Memoranda submitted by Gen. Duvall May 10, June 8, and September 26, 1907.
Report of Gen. Randall.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

The VICE PRESIDENT. If there be no further resolutions, morning business is closed.

Mr. CHAMBERLAIN. Mr. President, I move that the Senate proceed to the consideration of House bill 14864, relative to the land grants to the Central Pacific Railroad.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, which had been reported from the Committee on Public Lands with amendments.

Mr. CHAMBERLAIN. Mr. President, I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection?

Mr. BORAH. Mr. President, just a moment, before that is agreed to. I desire to ask the Senator from Oregon if this is the bill which has to do with the disposition of the lands which were in litigation and which were known as the railroad lands of Oregon?

Mr. CHAMBERLAIN. This is the bill. I will say to the Senator.

Mr. BORAH. The Senator does not expect to dispose of this bill by 2 o'clock, does he?

Mr. CHAMBERLAIN. I understand that when the Post Office appropriation bill, which is the unfinished business, comes up the chairman of the Post Office Committee will ask to have it laid aside for the continuation of the discussion of this bill.

Mr. BORAH. Well, Mr. President, I do not desire to delay this bill; but there are some features of it which have been brought to my attention within the last day or two that I should like to know more about before I vote on the bill.

Mr. CHAMBERLAIN rose.

Mr. BORAH. Is the Senator from Oregon going to discuss the bill?

Mr. CHAMBERLAIN. Yes.

Mr. BORAH. Very well. I may learn from the Senator what I desire to know.

Mr. CHAMBERLAIN. I may defeat the bill by discussion, as is sometimes done.

Mr. BORAH. That is not ordinarily the effect of the Senator's speeches.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon that the formal reading of the bill be dispensed with and that the bill be read first for committee amendments? The Chair hears none.

Mr. CHAMBERLAIN. Mr. President, possibly before the bill is read for committee amendments, I had better make a general statement in reference to the legislation and the condition of the land grant which is involved in the legislation.

Mr. President, as preliminary to the discussion of the measure, I ask permission to have printed in the RECORD a letter from the Attorney General to me under date of March 7, 1916, and an inclosure which that letter brought to me, being a report to the Attorney General by Mr. S. W. Williams, who was appointed as the agent of the Department of Justice to visit Oregon some time last September to examine into the condition of the lands included within this grant and to make a report thereon to the Department of Justice.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. CHAMBERLAIN. I do.

Mr. NORRIS. I have no desire to delay the bill more than would be involved by a legitimate discussion; but I notice that the Senator has asked that the matter to which he refers be printed in the RECORD. If he expects to dispose of the bill to-day, it seems to me it ought to be read.

Mr. CHAMBERLAIN. I should be very glad, indeed, to have the letter and the report read, and if the Senator so requests I will ask that they be read.

Mr. NORRIS. So far as I am concerned, I should like to hear read the letter and the report to which the Senator refers, because it seems to me that there are some very important matters in this bill to which the Senate ought to give its attention, and Senators would get no benefit from the information contained in the letter and report if they could not read them in the RECORD until after the bill had been passed.

Mr. CHAMBERLAIN. I will say to the Senator that I intended to cover in what I had to say about the bill practically what is contained in the letters and report; but I agree with the Senator that, in view of the importance of this legislation, it might be well to read the communications to the Senate, and thus save very much that I might have to say in the discussion of the measure. The report is full and complete and is by quite a distinguished lawyer in the Department of Justice, a man who is entirely disinterested, who himself went over the ground, and from actual contact with individuals in the State, commercial associations, and other bodies, and from an inspection of the lands reported to his chief on this whole subject.

Mr. NORRIS. May I ask the Senator, further, does it refer to or does it have a bearing upon the bill which passed the House, or has it particular reference to the Senate committee amendments which have been proposed?

Mr. CHAMBERLAIN. It is a general report on the condition of the Oregon railroad grant before any bill was prepared or introduced in either the House or the Senate.

Mr. NORRIS. I hope the Senator will have it read, then.

Mr. CHAMBERLAIN. I will be glad to have it read. Mr. President, because, as I have said, it is a full report on the whole subject.

Mr. BORAH. Mr. President, before the reading commences, may I ask the Senator from Oregon if that feature of this bill in which the port districts in Oregon are interested have been taken care of satisfactorily to them?

Mr. CHAMBERLAIN. They have, I will state to the Senator. That is a Senate committee amendment.

Mr. BORAH. And it is satisfactory to those who represent the port districts?

Mr. CHAMBERLAIN. We had a hearing, Mr. President, at which a representative of the port districts was heard, and it is satisfactory to him, I believe.

Mr. BORAH. Do the amendments which the committee have reported to the bill cover the situation satisfactorily?

Mr. CHAMBERLAIN. Yes, sir. I will say that the Senate has made very few amendments, and that that is one of the principal amendments.

Mr. President, I ask that the letter from the Attorney General and the report of Mr. S. W. Williams be read to the Senate.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., March 7, 1916.

HON. GEORGE E. CHAMBERLAIN,
United States Senate.

MY DEAR SENATOR: In accordance with the request contained in your letter of the 4th, I am inclosing herewith a copy of the report of Mr. S. W. Williams on the Oregon & California Railroad land grant.

Mr. Williams was sent to Oregon for the purpose of securing all available information in regard to the matter for the use of this department in such action as it might be called upon to take in the litigation which, as you know, is still pending, or in regard to any legislation that might be considered looking to a disposition of the case. His report, therefore, contains not only such facts as he could ascertain in regard to the character of the lands, the views of the people living in that section of the country, etc., but also his recommendations as to the manner of settling the litigation and the disposition which should be made of the lands involved. I must, therefore, ask you to regard this report as the work of Mr. Williams and not as expressive of the views of the department, because, as stated in my report to Senator MYERS on Senate bill No. 30 in regard to this matter, I do not consider it within the province of this department to express views as to the policy to be pursued by Congress in regard to the disposition of the public lands.

Should you have occasion to refer to the report, or publish any part of it, I rely upon you to make it very plain that the views expressed are the views of Mr. Williams and not necessarily the views of this department.

Faithfully, yours,

T. W. GREGORY,
Attorney General.

REPORT OF S. W. WILLIAMS, ATTORNEY, DEPARTMENT OF JUSTICE, ON THE OREGON & CALIFORNIA RAILROAD LAND GRANT.

NOVEMBER 30, 1915.

THE ATTORNEY GENERAL.

SIR: I have the honor to submit herewith the report of my investigation of the situation resulting from the Government's litigation involving the Oregon & California Railroad land grant.

HISTORY OF THE LAND GRANT AND THE LITIGATION ARISING THEREFROM.

For convenience I shall, as an introduction to this report, summarize very briefly the history of the land grant and the litigation growing out of it.

By the act of July 25, 1866 (14 Stat., 239), Congress authorized such company organized under the laws of Oregon as the legislature of that State might designate, to construct and maintain a railroad and telegraph line beginning at the city of Portland, in Oregon, and running southerly through Willamette, Umpqua, and Rogue River Valleys to the southern boundary of Oregon; and to aid in the construction of the railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the line of road, the act granted every odd-numbered section of public land, not mineral, lying within 20 miles on each side of the railroad line—there being a provision for securing indemnity within an additional belt of 10 miles on each side, for such odd-numbered sections, within the 20 miles or granted limits, as had been previously disposed of, reserved, or occupied by settlers.

The act of Congress further provided that the company seeking to avail itself of the grant should file its assent to the terms of the act in the Department of the Interior within one year from the date of the act, and should complete the first section—or 20 miles of road—within two years, and upon failure to do either, the grant should be void. For reasons not necessary to state here, no properly organized and designated company accepted the terms imposed by Congress within the time allowed, and by the act of April 10, 1869 (16 Stat., 47), Congress renewed the grant, but in so doing provided that the lands granted should "be sold to actual settlers only, in quantities not greater than 1 quarter section to each purchaser and at prices not to exceed $2.50 per acre."

The grant as thus amended was accepted by the Oregon & California Railroad Co., and in the course of time the railroad was constructed from Portland to the California line.

By the act of May 4, 1870 (16 Stat., 94), Congress made a like grant to the Oregon Central Railroad Co. (a predecessor of the Oregon & California Railroad Co.) for the construction of a railroad and telegraph line from Portland to Astoria and from a point near Forest Grove to the Yamhill River, near McMinnville. It is sufficient to say that the terms of this grant were also accepted by the railroad company, and 47 miles of road were constructed; and that under both grants the total quantity of land accruing to the Oregon & California Railroad Co. was approximately 3,300,000 acres.

At first and for a number of years there were substantially no demands for the granted lands except for the purpose of settlement by persons of limited means able to purchase only in small quantities, and until about the year 1894 nearly all of the sales made by the company were of that character. However, when the value of timber lands became known, the demand rapidly increased and the railroad company in making sales did not observe the conditions imposed by the granting acts, but, on the contrary, sold to whom it saw fit, in such quantities as the purchasers would buy and at the highest prices obtainable until about the year 1903, when the company practically refused to make any further sales whatever. At that time the company had sold more than 740,000 acres and had contracted for the sale of more than 80,000 acres in addition.

While there seems to have been no concealment of its action by the railroad company in disposing of the lands contrary to the terms of the grant, so far as I have been able to ascertain the matter was first called to public notice by Mr. W. B. Sherman, of Grants Pass, Oreg., when, on September 11, 1906, he made a public address at a State fair at Salem before a meeting of the Oregon Development League. In this address he referred to the contract between the Government and the railroad company and commented upon the conditions under which the lands were granted. This address was given wide publicity by the Oregon newspapers. I am also informed that even prior to that time the matter was discussed more or less in litigation in the State courts, involving certain of the granted lands.

In February, 1907, the Legislature of Oregon, responding to repeated demands of the people, adopted and communicated to the Federal Government a memorial pointing out the violations of the granting acts, and on April 20, 1908 (35 Stat., 571), Congress adopted a joint resolution authorizing and directing the Attorney General of the United States to institute and prosecute such suits in equity and actions at law as he might deem adequate and appropriate to inforce all the rights and remedies in any manner arising or growing out of the matter.

Pursuant to that authority and direction the Attorney General caused a bill in equity to be filed in the United States district court for the district of Oregon to have it judicially determined whether the railroad company had not forfeited its unsold lands (approximately 2,300,000 acres) by reason of having violated the terms under which it had received them from Congress. In the bill thus filed the Government contended that the terms of saie imposed by the granting acts constituted a condition subsequent, breach of which on the part of the grantee operated to forfeit the grant; and the bill accordingly contained a prayer that the lands described therein (all the unsold lands, whether patented or unpatented) be declared forfeited to the United States. The bill also contained in the alternative prayers to the effect that a receiver be appointed to sell the lands and account for the proceeds as the court should direct; or that a mandatory injunction be issued directing the railroad company to sell the lands in conformity with the terms by which they were granted.

The railroad company demurred to the bill of complaint. The case was exhaustively argued and briefed, and in a lengthy opinion District Judge Wolverton overruled the demurrer on April 24, 1911. (188 Fed. Rep., 861.) Upon this the railroad company filed an answer and a vast deal of testimony was taken, most of which, however, consisted of conflicting testimony regarding the character, adaptability, and value of the lands. The case was then heard on the merits and a decree entered July 1, 1913, declaring the lands forfeited to the United States.

The railroad company appealed to the circuit court of appeals, and that court, after argument, certified certain questions to the Supreme Court. Upon motion of the Government, in which all parties concurred, the Supreme Court ordered up the entire record and, therefore, had the whole case before it when its decision was rendered on June 21, 1915. (238 U. S., 393.)

The Supreme Court held that the provisions of the acts of 1869 and 1870 declaring that the granted lands should be sold to actual settlers only in limited quantities and at a price not exceeding $2.50 per acre, did not constitute a condition subsequent and that a violation thereof did not work a forfeiture of the grant, but that they were enforceable covenants. The Supreme Court therefore reversed the action of the district court and remanded the case for the entry of a decree enjoining the railroad company from making further sales in violation of the law. The Supreme Court further decided that, in view of the present value of the lands for their timber, any attempt to sell them now in accordance with the terms of the granting acts would invite more to speculation than to settlement, and for that reason the court ordered a further injunction against any sale or disposition whatever either of the lands or the timber for a period of not less than six months from the entry of the decree "until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances and at the same time secure to the defendants all the value the granting acts conferred upon the railroads."

It should be stated here that from the time it received patents for the lands the railroad company paid taxes thereon to the State and counties—at first on the basis of a low valuation, but later on a greater value—in most instances far above $2.50 per acre; and when the decree of forfeiture was entered the company had paid taxes to the amount of nearly $2,000,000. Upon the entry of the forfeiture decree by the district court in 1913 the railroad company paid no further taxes on the lands, by reason of which the counties affected suffered material loss in revenue. The situation became so acute during the past summer that the governor of the State called a conference to be held at Salem on September 16 for the purpose of considering the matter and formulating a definite policy regarding the lands and the manner in which they should be disposed of. This conference was attended by public men of the State, by delegates appointed by the county courts, and others who appeared in an advisory capacity, among them the Commissioner of the General Land Office of the United States and Mr. F. P. Dunne, attorney for the Southern Pacific Railway Co., which corporation now controls the Oregon & California Railroad Co.

After a session of two days the conference adopted the following resolution:

"Whereas the people of the State of Oregon by their representatives, duly assembled at Salem, Oreg., September 16 and 17, 1915, have been brought together by a common inspiration to consider the material welfare of Oregon, made imperative by the rendition of the opinion of the Supreme Court of the United States in the case of the Oregon-California Railroad Co. et al. v. The United States, popularly known as the land-grant case; and

"Whereas in said case the Supreme Court has construed the acts of Congress of the United States, approved July 25, 1866, as amended by the act approved June 25, 1868, and April 10, 1869, and the act of May 4, 1870, to be not only laws but enforceable and continuing covenants; and

"Whereas said acts contain conditions for the sale of the lands granted thereunder, requiring the said lands to be sold to actual settlers in quantities not greater than 160 acres and for sums not exceeding $2.50 per acre; and

"Whereas the said conditions plainly imply an obligation upon the grantee in said grant to sell said lands to actual settlers who comply with the conditions of said grant, and bring themselves within the conditions of said grant as actual settlers; and

"Whereas it is apparent that the grantees in said grant, by the acceptance of said grant, plainly agreed to convey the said lands according to the terms of said grant to such settlers upon the payment of the amount specified in said grant, and to make such conveyance upon the full performance of the terms of said grant by said actual settlers; and

"Whereas the Supreme Court in its opinion of June 25 [21], 1915, held that Congress should have a reasonable opportunity to provide by legislation for the disposition of said lands in accordance with such policy as it might deem fitting under the circumstances, and at the same time to secure to the defendants in said cause all the value the granting acts conferred upon the said defendants, at all times keeping in view the policy which will insure actual settlement of the lands rather than speculation; and

"Whereas the United States Government has heretofore created national forests within the State of Oregon, occupying approximately one-third of the area of the State of Oregon, and thereby militating greatly against the growth and development of the State of Oregon: Therefore be it

"*Resolved*, That it is the sense of this conference that the Congress of the United States should enact laws defining and settling who shall be considered an actual settler under the terms of said acts, and what shall be considered an actual settlement, and requiring the grantees under said act to perform the terms and conditions of said act, and sell and dispose of said lands according to the true intent and purpose of said acts to such actual settlers; and be it further

"*Resolved*, That we are unalterably opposed to any further increase of forest reserves in the State of Oregon; and lastly, be it

"*Resolved*, That we urge upon Congress the enactment of legislation which shall provide for the immediate sale of said grant lands in quantities of not greater than 160 acres to any one person, and to actual settlers, at a price not in excess of $2.50 per acre, and to provide against all fraud in the settlement and disposition of said lands."

Such was the situation when I was ordered by the department, on September 21, 1915, to proceed to Oregon and investigate the matter as fully as might be.

CHARACTER AND EXTENT OF THE INVESTIGATION AND FACTS ASCERTAINED.

Leaving Washington on September 24 I proceeded directly to Portland, where I remained several days conferring with the United States attorney, Chief of Field Division of the General Land Office located there, United States Senator CHAMBERLAIN, ex-Governor West, of Oregon, and others. Mr. Louis L. Sharp, Chief of Field Diclsion of the General Land Office, furnished me valuable information respecting the character of the lands, etc., and to enable me to make all possible use of the limited time at my disposal he detailed Special Agent Leonard Underwood to accompany me on the various trips I proposed to make over the land grant. Owing to Mr. Underwood's general information in regard to the lands, his acquaintance with the country and the people, I succeeded in seeing more of the lands and in interviewing more people having personal, intimate knowledge of the situation than I could have otherwise done under the circumstances.

From Portland I went to Oregon City where I met and interviewed a number of the county officials of Clackamas County, and where later a meeting of the Commercial Club was called to discuss the matter. I should state here that in these towns of Oregon that I visited, the Commercial Club is an important factor. It is an organization combining the functions of a social club with those of a business men's association. Usually most of the prominent or well-known men in the town belong to it, and frequent meetings are held for the purpose of considering public matters and all questions of local interest.

The people of Oregon City seemed to be of the opinion that the grant lands should be sold for their actual value and that the railroad company should receive not more than $2.50 per acre, while the difference between that sum and the selling price should be given to the State. They made it plain beyond all question that they desired that none of the lands be included in a forest or other reservation for national purposes.

From Oregon City I drove out into the grant lands in Tps. 5 and 6 S., R. 2 E., in the eastern slope of the Cascade Mountains. The land here in places was found to be rough and steep in most places. The soil seemed to be excellent, and I saw land similar in topography that was cleared and in use as pasture. I also inspected portions of the grant lands in the vicinity of Wilhoit Springs in secs. 5 and 15, T. 6 S., R. 2 E. Here I had a conversation with the postmaster, W. F. McLaren, who said that he thought the Government should insist upon the railroad company selling the land in accordance with the terms of the grant, but that if Congress should act and dispose of the lands they should be sold for their actual value; that he would be glad to see the land adjoining his place at $40 per acre, as it was worth that much for its timber alone.

After spending two days at Oregon City and on the grant lands in that vicinity on the east side of the Willamette River, I went to Willamette, on the other side of the river, and from there drove out to the grant lands in T. 4 S., R. 1 W., using an automobile as far as it could conveniently proceed up the mountains. Mr. Underwood and I then walked several miles higher up the mountains. The land here had burned over some 50 years before and practically all the timber had been destroyed, there being only small second growth in places, with a few scattering large trees. The land for the greater part is steep but not so much so as to be unfit for use. Substantially all of it is good for grazing and a large part can be cultivated. This is shown by the fact that practically on the very top of one of the mountains I found an extensive field. Mr. Underwood took several photographs of the lands here and elsewhere, which I shall submit with this report.

While I saw only a small part of the grant lands in this vicinity, I was informed by Mr. Underwood, who had been over most of the lands there, that what I had seen was a fair sample of all.

From Willamina I went to Salem, the State capital, where I had long interviews both county and State officials, and where I also had an opportunity of meeting members of the Commercial Club. I had the pleasure of a conference with the governor, who freely expressed his views on the situation. He said that the principal consideration was the early settlement of the lands, and to that end he thought it best to first classify them and dispose of the nontimbered lands at $2.50 per acre to actual settlers in tracts not exceeding 160 acres; while the timber should be sold for its market value; that the timber was largely inaccessible and until railroads or roads were built it could not be used. He seemed to think that the railroad company should received $2.50 per acre for the land and possibly a portion of the surplus derived from the sale of timber, the other part to go to the State and to be placed in some irrevocable fund to be available to men who might enter the land at a low rate of interest on long terms. In conclusion, the governor expressed himself as unalterably opposed to the lands going into any sort of a reserve.

From Salem with R. B. Herrick, jr., county surveyor, I visited the grant lands in Tps. 7 and 8 S., R. 1 E., where I interviewed an old settler, Samuel T. Arnold, who had been living there for 28 years. He stated that most of the railroad land in that vicinity was rough, containing little timber; that nearly all of it was good for grazing and some, perhaps, for cultivation, while portions were too steep for any use whatever. For example he said that less than 10 per cent of section 11 in that township had any value at all except, possibly, for power purposes, as the Silver Creek here falls abruptly over a bluff 150 feet to a pool below. I found people residing on the very tops of some of the mountains in T. 8 S., R. 1 E., among them H. J. Winter, who has been living on a homestead there for 24 years, the land having been entered by his father. The soil here seemed to be fertile and produced the fruit trees and vegetables. Winter informed me that most of the land could be used, and in that vicinity all of it was worth $2.50 an acre, much of it a great deal more.

While in Salem, I had an interview with a timber cruiser for the Hammond Lumber Co., which company is now operating timber in that part of the country. This man informed me that much of the timber was so overripe as to be worthless, and he estimated that in places the loss was as great as 50 per cent. Those attending the meeting at the Commercial Club, in Salem, were unanimous only on one question, namely, that they did not desire the lands to be included in a forest reserve. There was a variety of opinion expressed as to the disposition that should be made of the lands, some suggesting that the lands be sold for the highest prices obtainable and the railroad company paid $2.50 per acre, while the balance should go to the State. The chief concern of the people here as elsewhere, is that the lands remain on the tax rolls, so as to return their due proportion of revenue to the State and counties in which they are located.

Among those interviewed at the State capital and who furnished me much valuable information was Mr. F. A. Elliott the State forester, who at one time was employed by the Southern Pacific Railroad Co., and who has been practically over all of the grant lands. In his opinion there are some 100,000 acres of these lands that are hardly worth the taxes at the present time, and the balance is valuable chiefly for the timber. Mr. Elliott exhibited to me statistics showing that of the owners of timberlands in the State less than 25 per cent live upon the lands so owned, and he said that while the railroad lands would be taken up by alleged settlers if they were afforded the opportunity, in his judgment, less than 5 per cent would remain after making proof. Mr. Elliott also corroborated what was told me by the cruiser for the Hammond Lumber Co., that a large part of the timber was past maturity and should have been cut long ago, much of it being now worth little or nothing. At Salem I saw several men of more or less prominence who did not hesitate to say that the railroad company had earned the grant by constructing the road, and that it would not be inequitable for Congress to grant the land to the company outright. Such men, however, constitute a small minority of those whom I saw.

From Salem I went to Albany, the county seat of Linn County, where I talked with a number of attorneys, business men, and several of the county officials, including the sheriff, county commissioner, justices of the peace, county clerk, county attorney, and circuit judge. The majority of these I saw were opposed to the railroad company's receiving more than $2.50 per acre for the lands. They seemed to be willing, however, to waive the requirement of actual settlement and have the lands sold for their value, the proceeds in excess of $2.50 an acre to be given to the State. Here, as elsewhere, the people were particularly anxious to see the lands opened to settlement and be made subject to taxation.

I arrived at Eugene, the county seat of Lane County, on October 11, and remained there and in the vicinity for three days. A meeting was held at the Commercial Club, where I had an opportunity of conferring with a number of prominent men of the town in all walks of life. Here, too, I found strong sentiment favorable to the disposition of the lands at their actual value; also, a disposition to be just to the railroad company, and here, also, I found unanimous opposition to the inclusion of any of the lands in a forest reservation.

From Eugene I visited the grant lands in T. 16 S., R. 2 W., on the western slope of the Cascade Mountains and found them rough and steep, with a fair growth of timber. While these lands are rough, they could be devoted to agricultural purposes, chiefly for grazing, when cleared. I saw where two homestead entries had been made on intervening even-numbered sections and gladdened at the proof. I saw no reason why that the ownership of the Oregon & California Railroad Co., of the alternate odd-numbered sections and the refusal of the company to dispose of such lands seriously interferes with the operation of adjacent lands owned by other parties, rendering it necessary for those owning the even-numbered sections to make long detours in order to operate their farms.

From Eugene I also inspected the grant lands on the west side of the Willamette Valley and on the east slope of the Coast Range Mountains, in township 19 south, range 6 west, walking through sections 2, 3, 9, 10 and 15 of the township. Here I found some excellent timber; and while generally speaking the land is rough and steep, there are comparatively level areas which can be cultivated to advantage when the timber is removed. I saw improved places in section 10 which had been acquired under the homestead laws. I was informed by men who had lived in the neighborhood for years that a large part of the land is suitable for settlement and cultivation.

Leaving Eugene I crossed entirely over the Coast Range Mountains, going even to the coast, stopping for a day at Nott, a small station on a new line of road which is being constructed from Eugene across the Coast Range Mountains, thence down the coast to Marshfield. At Nott I personally inspected the settlement claims of five men who are actually residing upon the grant lands and received definite information as to some six or eight others in that vicinity but whose places I did not have time to inspect personally. Some of these men have several years in cultivation, and additional lands are now being cleared. They have resided there for periods of from five years to five months. The greater part of the land here is rough and well timbered, though the settlers whom I saw insisted that it is suitable for cultivation. These men are actually residing on the lands with their families, hoping to perfect title in some way and anxiously awaiting a definite decision of the matter by the proper authority, believing that in the end they will be protected.

I made somewhat copious notes of the improvements I found on these claims and the circumstances of the people, but do not set them herein because to do so would add to the length of this report, which I fear will be too long even without the recital of such matter.

I reached the coast at Florence, a small town at the mouth of Siuslaw River, and from there was taken by boat and stage line to Marshfield, the largest town on Coos Bay. While Marshfield is within the limits of the Oregon & California land grant, it is isolated from the terminus of the old Coos Bay wagon road, running from Roseburg to Coos Bay; and inasmuch as I was instructed to ascertain all I could concerning that grant, which is also in litigation, I considered it advisable to visit Marshfield.

At this place is located the mill of the C. A. Smith Lumber Co., which has a capacity of 450,000 feet daily. The company also has another mill of 250,000 capacity, which was not running at the time of my visit on account of the depressed lumber market. I was shown through the mill by officials of the company, who advised me that while several years ago the average lumber was selling for $17 per thousand, it is now worth only $9, there not being a great demand even at that price. I was informed that this company has $33,000,000 invested in mills, logging equipment, lands, etc., a large part of the land having been purchased from the Oregon & California Railroad Co. I was further informed by officials of the company that there are a number of isolated tracts belonging to the Oregon & California Railroad Co. interspersed with private holdings which are now being operated, and that if the timber on those tracts is not cut at the present time, while the companies are operating in that vicinity, it will be practically lost, as there is not sufficient timber to justify a separate operation.

From Marshfield I reached Coquille, the county seat of Coos County, by rail. Here I called at the courthouse and met a number of county officials, and later in the day interviewed others having an interest in the matter. Most of those whom I saw had no well-defined plan to offer as to the disposition of the land, except ex-County Judge John H. Hall, who said that the railroad company should be paid the price of $2.50 per acre and a reasonable sum for the taxes it had paid to the State and counties; that the agricultural lands should be given to the settlers and the Federal Government to sell the timber on the remaining portion of the lands for its full value. Here I learned that for a number of years after the grant was made the lands could not be sold for as much as $2.50 per acre, as they were chiefly timberlands, and nobody seemed to want timber. The people here were chiefly interested in seeing that the county should receive the taxes that it had been accustomed to receive from the railroad company before the decree of forfeiture was entered. In the early days the lands were taxed on a low assessment—$1 per acre—but afterwards this was greatly increased. In 1905 some sections were assessed at from $4 to $6 per acre, while in 1914 the same lands were assessed as high as $40 an acre. As stated earlier in this report, the railroad company has not paid taxes for the past three years. The taxes due Coos County amount to considerably more than $100,000, and the county has found it necessary to draw warrants to meet its expenses.

From Coquille I traveled by automobile to Roseburg, most of the distance being over the old Coos Bay wagon road where it crosses the Coast Range Mountains in Coos and Douglas Counties. I found very

few settlements along this line of road. The land is exceedingly rough and steep, though very heavily timbered in places.

From my talks with those I met I concluded that, while many alleged settlers seem anxious to establish homes on the land, their chief object is to secure the lands for their timber value. It is not unusual to find quarter sections in this vicinity that contain more than 10,000,000 feet of timber, which, at a dollar a thousand, is worth $10,000.

I spent two days at Roseburg, the county seat of Douglas County, and the location of the local land office for that district. Here I met the register and receiver, who gave me valuable information concerning the character of the grant lands in that district and the views of the people in regard to their disposition. I also interviewed a number of the county officials and attended a meeting held at the Commercial Club, where the matter was discussed at length. There are some 650,000 acres of grant lands in this county, having the assessed valuation of nearly $6,000,000, or an average of more than $9 an acre. In the year 1902 the railroad company paid taxes amounting to a little more than $19,000 on its holdings in this county. In 1904 it paid a little less than $23,000, while in 1913 the company's taxes amounted to more than $97,000. For the three past years the county has received no taxes on the unsold grant lands, and its present claim against the company is therefore approximately $300,000.

At the meeting held in the Commercial Club most bitter opposition was voiced to the inclusion of any of the unsold grant lands in a forest reserve, and it was because of the latent fear that if the Government should take over the lands it would place them in a forest reserve that many of those present urged that the railroad company be forced to comply with the conditions of the grant; and they did not hesitate to say that they preferred a repeal of the proviso which restricts the railroad company in its disposition of the lands to any action that might result in the inclusion of the lands in a national forest.

Roseburg is the home of Mr. Binger Hermann, former Commissioner of the General Land Office and at one time a Representative in Congress from that district. I called upon him and had a pleasant interview, but while he seemed greatly interested in the matter and possessed a clear understanding of the question he was not disposed to commit himself definitely to any of the several plans that were suggested for the solution of the situation. He did admit, however, that he belonged to the old school of men who believed that upon the construction of the railroad the company acquired complete title to the lands granted, and that no suit would ever be brought to forfeit the grant or to enforce the provisions of the act. By this I do not desire to convey the impression that since the decision of the Supreme Court construing the grant Mr. Hermann still feels that the railroad company should be granted the lands free of restraint as to sale, because, as indicated above, he did not definitely commit himself.

From Roseburg I returned to Portland October 22 and remained several days, having conferences with men interested in the disposition of the lands, including Mr. Glenn E. Husted, formerly a special assistant to the Attorney General engaged in the litigation, United States Senator LANE, the officials of the local land office, the United States attorney, and others.

On October 25 I visited the logging operations of the Nehalem Timber & Logging Co. in T. 4 N., Rs. 2 and 3 W. That company was then engaged in cutting and removing timber that it had purchased by order of the court on certain of the lands involved in the suit. Here are situated the improvements of certain alleged settlers represented by former Representative A. W. Lafferty. I inspected the improvements on four of the claims but found none of the parties residing there, and I was reliably informed by the men engaged in the logging operations that none of the alleged settlers in that immediate vicinity were then residing upon their claims. At only one place did I see any evidence of cultivation, and the area was quite small. Most of the houses, however, were well constructed and entirely habitable. To convey an idea as to the value of the timber on some of these lands it might be well to state that the timber on one quarter section claimed as a settlement claim was purchased by the Nehalem Timber & Logging Co. under the order of the court mentioned for the sum of $17,000 or thereabouts. The land here is very steep and rough in places. There are few settlers on the prairies outside of the nonadjacent sections, and along the logging road running out to the lance from Scappoose I saw very little being done in the way of clearing the cut-over land. I was told that such land was sold by the logging companies after they had removed the timber for about $7 per acre to real estate men, who were charging their purchasers a great deal more, in some instances as high as $75 per acre.

On the occasion of this trip I was accompanied by Mr. John Pearson, of Portland, a director of the Nehalem Timber & Logging Co., and Supt. James Roley, who extended me every possible courtesy, and thus enabled me to see a great deal in a very short time.

On returning to Portland from my visit to the grant lands near Scappoose, in Columbia County, I had further interviews with men interested in the situation, including ex-Gov. West, former United States Attorney John M. Court and the local officials of the Forest Service and General Land Office, after which I proceeded to Grants Pass, the county seat of Josephine County, in the southern part of the grant.

I found the people of Grants Pass greatly concerned over the situation. Only a little more than 25 per cent of the land in this county is subject to taxation, and until the railroad company ceased paying taxes in 1913 the taxes paid by it constituted about 13 per cent of the county's revenues.

As soon as my purpose was made known, some of the gentlemen whom I met, including county officials, secured automobiles and we drove through the grant lands in T. 36 S., R. 6 W.; T. 37 S., Rs. 7 and 8 W.; and T.s. 38, 39, and 40 S., R. 8 W., proceeding as far as the so-called Logan Gold Mine, located on an old donation claim in sec. 27, T. 40 S., R. 8 W. The lands through which I passed are only fairly well timbered. The soil is not so fertile as that in the northern part of the grant, and I saw few settlements except in the valleys, much of the land being steep, rocky, and barren. I learned that there were a number of squatters or settlers residing on the grant lands in this vicinity, but the improvements that I saw were not extensive. I also ascertained that considerable interest is being manifested in copper and gold mining in that section. It was told that the Logan mine produced $50,000 in gold the year before. All industry here, however, is seriously hampered for want of transportation facilities.

In the evening a public meeting was held at the courthouse, attended by some 30 or 40 men. The subject was discussed at length, and at the conclusion a resolution adopted indorsing the resolution adopted by the land grant conference at Salem in September. I was convinced, however, from the remarks made by a number of those present that what the people really desire is to see the lands opened to settlement and development in the most expeditious manner possible, and they will be satisfied if the lands are sold by the Government, reasonable compensation given the railroad company, and the surplus used to develop the counties in which the lands are situated.

From Grants Pass I went to Medford, the largest town in Jackson County, and also visited Jacksonville, a very old town and the present county seat. At Medford I had an interview with Mr. W. I. Vawter, who was president of the conference held at Salem in September. He confirmed the impression which I had received soon after reaching Oregon and which had been growing stronger from day to day, that the people in that section of the State were chiefly concerned in seeing that the lands yield their due proportion of revenue to the State and counties; that they be developed as rapidly as possible; that they be disposed of for something like their real value, and that in the settlement of the matter the railroad company be treated justly and equitably.

At Jacksonville, the county seat, I met several of the county officials and procured statistics as to the grant lands, the taxes due, and unpaid thereon. Jackson County is on the southern border of the State, and this completed my examination of the lands.

STATISTICS.

Before making such recommendations as the circumstances seem to warrant, I desire to invite attention to the following statistics, a presentation of which I feel is necessary to make this report readily intelligible or in anywise complete.

The unsold grant lands are situated in 18 counties in the State of Oregon, apportioned among the different counties, as shown by the following table, which also shows the assessed valuation of the lands reported by the Oregon State Tax Commission for the year 1915. In addition to the lands shown by the table there are some 200 acres in the State of Washington:

Acreage and assessed valuation, by counties, for 1915 taxes.

County.	Acres.	Valuation.	Average per acre.
Benton	54,110.05	$815,725	$15.08
Clackamas	94,601.29	1,101,520	11.64
Columbia	18,037.90	726,040	40.25
Coos	121,033.00	1,442,445	11.92
Curry	11,885.00	128,600	10.82
Douglas	640,560.00	5,916,600	9.24
Jackson	446,399.91	4,297,620	9.63
Josephine	187,080.00	1,754,770	9.38
Klamath	42,984.00	423,490	9.85
Lane	301,997.03	3,356,955	11.12
Lincoln	15,946.00	103,120	6.47
Linn	63,032.48	752,185	11.94
Marion	32,031.00	390,775	12.19
Multnomah	9,287.00	205,050	22.08
Polk	37,458.00	621,190	16.58
Tillamook	20,781.00	164,045	5.51
Washington	19,212.18	160,500	8.84
Yamhill	29,974.42	194,280	6.48
Total	2,155,149.26	22,561,270	10.47

The foregoing table shows that the lowest valuation per acre is in Tillamook County, where the lands have an average value of $5.51 per acre, while the highest is in Columbia, where the assessed value exceeds $40 per acre. It will be observed that the total number of acres shown in the table, together with the area in the State of Washington, will not equal 2,300,000 acres. This is due to the fact that a considerable area of land has not been patented by the United States—possibly two or three hundred thousand acres, some of which is in dispute. I am informed that the grant has not been finally adjusted in the General Land Office, and for that reason no exact statement can be now made on this feature of the case. The figures given, however, are approximately correct.

The following table will show the taxes levied against the unsold land of the several counties for the years 1913, 1914, and 1915, the figures for the first two years being taken from a letter written to the State tax commission on August 7 of the present year by William M. Colvig, tax and right-of-way agent for the Southern Pacific Co., while the figures for the year 1915 are taken from the Oregon Voter of September 11, 1915, furnished, as I understand, by the State tax commission.

County.	1913 tax.	1914 tax.	1915 tax.
Benton	$19,986.12	$21,080.21	$21,133.08
Clackamas	29,513.40	29,396.62	29,133.08
Columbia	15,042.62	16,815.96	16,815.96
Coos	40,957.24	39,341.44	39,560.95
Curry	2,240.15	2,314.38	2,023.05
Douglas	96,240.35	(1)	96,230.35
Jackson	71,095.95	65,760.27	65,784.27
Josephine	34,477.80	37,540.40	37,540.40
Klamath	10,359.50	10,606.78	10,608.78
Lane	80,413.07	73,060.78	72,925.97
Lincoln	2,146.82	2,440.41	2,440.41
Linn	13,851.09	11,550.56	11,550.56
Marion	7,825.77	7,552.79	7,552.79
Multnomah	2,270.52	3,194.38	3,207.34
Polk	15,528.44	15,103.39	15,099.77
Tillamook	3,441.95	3,064.52	3,064.52
Washington	4,370.53	3,861.72	3,861.72
Yamhill	4,363.25	4,128.95	4,128.95
Total	459,733.65	546,885.56	442,731.93

(1) Not assessed.

At the time of filing its answer to the Government's bill, the railroad company had sold, in round numbers, 820,000 acres of land and had received from sales of land and other sources the sum of $5,506,870.97, as follows:

From sales of land	$4,398,822.53
From sales of timber on lands	18,850.25
From forfeited contracts	88,205.06

From lease of lands	$5,532.07
From timber used by railroad company	18,850.25
From timber depredations	10,687.92
From interest on contracts	1,025,922.80
Total	5,506,870.97

The company also claimed to have made disbursements as follows:

To advertising	$34,784.85
To law expenses	218,415.25
To grading lands	142,051.40
To United States surveys	145,977.29
To salaries and office expenses	624,344.19
To stationery and printing	18,369.80
To taxes on lands	1,827,776.94
	3,011,776.94
Total receipts	5,506,870.97
Total disbursements	3,011,776.94
Credit balance	2,495,094.03

The figures given above are taken from the railroad company's answer and exhibits filed therewith, as shown by the record in the case in the Supreme Court at the following pages: 6836, 1583, and 915. In its answer the railroad company also claimed that it was entitled to a credit of $1,000,000 in consideration of the free use of the railroad by the Government in the transportation of troops and munitions of war (R. 935). If we deduct this sum of $1,000,000 from the credit balance shown above, it will leave a net surplus of $1,495,094.03, received from the sale of lands, etc. I am informed that since the Supreme Court's decision was rendered, the railroad company has made a further estimate of the value of the transportation afforded to the Government for troops, munitions, etc., fixing the same in excess of $2,000,000, or a million dollars greater than was estimated at the time its answer was filed, and that it also claims to have paid taxes aggregating $2,757,617.84.

From the information contained in reports submitted by a timber cruiser of the General Land Office, based upon a fair, if not low, estimate, the unsold grant lands contain more than 4,000,000,000 feet of timber, which at an average price of 50 cents per thousand, which is also low, would amount to more than $22,000,000. Judging from the prices at which cut-over lands in that part of Oregon are now being held, I feel safe in saying that such portions of the lands as are now chiefly valuable for the timber—and by that I mean having more than 1,000,000 feet to the quarter section—can be sold after the timber is cut and removed for at least $5 per acre. There are probably more than a million acres of such lands.

VARIOUS PLANS SUGGESTED FOR THE SOLUTION OF THE SITUATION.

I shall not attempt to discuss or even present all the plans suggested but shall content myself with a brief discussion of the resolution adopted by the land-grant conference, after which I shall propose a line of action which I feel will best meet the situation and which, if adopted, will, in my judgment, be eventually approved by a majority of those most vitally concerned.

I do not hesitate to say that little or no weight should be given to the resolution adopted by the land-grant conference at Salem last September. In the first place, from what I could ascertain, the conference was not a representative body. By this I mean that if the delegates had been elected by all the people interested the conference would probably have been controlled by other men; in saying which I intend no reflection whatever either upon the men who attended the conference as delegates or upon those who appointed them. I am also informed that the resolution adopted was opposed by some who voted for it simply because they realized that the conference would not agree upon anything else, and they felt that any action was better than no action.

In the next place, a very large portion of the lands involved are at the present time so greatly valuable for their timber that it would be mere folly to dispose of them at $2.50 per acre. While I know that such lands would be promptly entered by alleged settlers for the avowed purpose of settlement and cultivation, I also know that such persons would be moved by the present timber value of the lands rather than by their future possibilities for agricultural purposes. Many men would willingly live a few years in almost any part of the country merely for the sake of acquiring title to timber worth from five to ten thousand dollars and while such men might make a pretense of compliance with the requirements of the homestead law their chief object would be the acquisition of the timber.

Then, again, these lands are worth a great deal more now than they were when the grant was made or even 15 or 20 years after the grant was made. This enhancement of the value is due to the development of the country, and, in my judgment, rightfully belongs to those responsible for that development. Should the lands be opened to entry at the nominal sum of $2.50 per acre under any of the methods heretofore adopted for the opening of lands, there is no assurance that the men directly responsible for the present value of these lands would be able to reap any direct benefit. On the contrary, it is not unlikely that strangers or those residing in other parts of the country would be the fortunate ones, and thus be given something which has been produced by others.

Moreover, in a sense this land grant is in debt. For a period of years it has been contributing its share of the revenue received by the State and counties in which it is situated. For the past three years it has contributed nothing to the support of the State or counties. The accumulated taxes amount approximately to $1,000,000 for that period of time. It may be that the State and counties can compel the payment of these taxes, though based on a valuation far in excess of $2.50 per acre. Upon that question I do not venture any opinion further than to say that whatever may be the legal rights of the parties, it does not seem entirely equitable to demand the payment of a tax which in two or three years at most will amount to the owner's entire interest in the subject matter. Should these lands be disposed of at $2.50 per acre, as suggested by the land-grant conference, it will be impossible for the railroad company to receive an average of $2.50 per acre for the entire quantity of unsold lands, because a large part of the lands, probably three or four hundred thousand acres, is not worth anything like that sum, and it may be years before they could be sold for any price at all. Having this in mind and realizing that it has for years paid a tax based on a value far in excess of $2.50 per acre, the railroad company might refuse to pay the taxes which have accumulated for the past three years and thus bring on extensive and expensive litigation, which would defeat the object most desired, namely, a prompt and early settlement of the entire matter.

Finally, I am convinced that a majority of the people concerned do not desire that these valuable timberlands be disposed of at a nominal sum. This plan is favored either by those who desire to get something for nothing or those who by reason of their supposed familiarity with the subject matter hope to reap a profit from locating others upon the lands. I have little sympathy with either class, and, as already indicated, I do not believe that a majority of the people in that part of the country want this plan adopted. We know from the decision of the Supreme Court in this case that the so-called actual settler, much less the mere paper applicant, has no legal rights whatever, while the previous operations of locating agents in connection with this land grant are to be condemned rather than rewarded, for they merely induced men to incur unnecessary and useless expense. Others of them have "located" numbers of different people on the same tract of land and have received fees for services that were worth absolutely nothing. Of such it would be difficult to say too much in the way of condemnation.

RECOMMENDATIONS.

The litigation over these lands has been pending since May, 1908, or more than seven years; and for several years before that the lands were withdrawn from sale. Inasmuch as these lands constitute a great part of certain of the counties, it will be seen at once that their withdrawal from the market necessarily retarded the development of the counties affected. The failure of the lands to return any revenue whatever for the past three years has seriously added to the embarrassment of the situation. In certain of the counties the taxpayers say that the burden has become so great that they can not bear it much longer.

The people, therefore, are more interested in securing a prompt and definite settlement of the situation than they are in any particular plan or method. Because of the lack of revenues, for which they hold the litigation entirely responsible, many of them feel that their condition would have been better if the Federal Government had never interfered in the matter.

Whether Congress may now, without consulting the railroad company, provide for a disposition of the lands contrary to the terms of the granting acts I am not prepared to say. It would seem, however, from what was said by the Supreme Court in its decision that such legislation might be upheld, provided only it secured to the railroad company all the rights conferred by the granting acts, apparently $2.50 per acre for the lands granted. Be that as it may, I feel that the Government and the railroad company should reach terms of settlement by which the former should be vested with title to the lands and the latter paid such a sum of money as may be agreed upon. I can conceive of no legal objection to such a plan if authorized or ratified by Congress.

In my opinion, the railroad company should be paid a sum equal to $2.50 per acre for the unsold lands, irrespective of their present market value. This is more than it can receive if forced to sell the land in accordance with the terms of the granting acts. Still, it is only a small part of the present value of such lands. Under such an arrangement the railroad company would receive something like $5,750,000, while the lands and timber together are worth five times that sum.

Such an agreement as I have suggested should, of course, provide for the settlement of all matters involved or equities claimed by the railroad company for payment of taxes, the furnishing of transportation to the Government, and the expenses of administration, on the one hand, and those claimed by the Government, on the other, consisting chiefly of the money received by the railroad company under sales made for a greater price than that authorized by the statute. For a portion of the taxes paid by the railroad company it is entitled to no credit whatever, because it was but just and proper that it should pay taxes at least on a valuation of $2.50 per acre. Neither is the company entitled to any consideration for the transportation it afforded the Government, because it agreed to do that when it accepted the lands on that condition. However, the settlement of a question so large and important as this should not be endangered by minor considerations, and I think, therefore, that the claim of the Government, on the one hand, and that of the railroad company, on the other, on account of past transactions should be set off against and balance each other without considering whether the one is greater or less than the other. Provision should also be made for the early payment of the taxes which have been allowed to accumulate for the past three years, and, inasmuch as the railroad company has for years paid taxes on a valuation greatly in excess of $2.50 per acre, it would seem to be only fair that the taxes now due should be paid from proceeds derived from the sale of the lands.

Such a plan should at once appeal to the railroad company, because it would enable the company to secure considerably more than it could receive from a sale made under the provisions of the granting acts, and at the same time would relieve the company of any further costs on account of the administration and sale of the lands. It would also put at rest for all time the question of the payment of the accumulated taxes.

Assuming, therefore, that such settlement as that suggested can be effected with the railroad company, I think that Congress should approve it, and at the same time provide for the disposition of the lands and timber substantially as follows:

Under a division of the lands into three classes, namely, mineral, timber, and agricultural lands, they will practically classify themselves, and the prolonged delay and great expense (probably $500,000) incident to classification will thus be avoided.

Mineral lands should include all lands chiefly valuable for minerals. Timberlands should include all nonmineral lands which contain 1,000,000 feet board measure of timber to the quarter section, or 160 acres. Agricultural lands should include all lands not within either of the two other classes.

Under such an arrangement close inspection of the land will be necessary only where the quarter section contains a little more or a little less than 1,000,000 feet of timber because where land is well timbered, or where it contains little or no timber, the class to which it belongs can be determined upon the most casual observation.

The mineral lands should be disposed of under the existing mineral-land laws.

Timberlands should not be disposed of until after the timber has been removed, when they should ipso facto become agricultural lands, and be disposed of as such. Timber on these lands should be sold at public auction or under sealed bids to the highest bidder for cash, any person or corporation being allowed to purchase as many acres as it may see fit. Purchasers should have an indefinite time in which to cut and remove the timber at their pleasure, and in the meantime the land upon which the timber is standing should be subject to the possession and control of the person purchasing the timber. By this means I

believe that the timber alone can be sold for a sum as great as could be secured under a sale of the land and timber, especially if the sale of land and timber together is made in limited quantities. A measure such as this should, of course, be safeguarded by provisions authorizing the officers making the sales to reject bids where the prices offered are grossly inadequate. It will be years before much of this timber is cut, but when it is cut the land will still belong to the Government and will afford homes for thousands of people.

I have limited timberlands to such as contain more than a million feet of timber to the quarter section, for the reason that a quarter section of land in that part of the country that does not contain more than that quantity of timber is not regarded as good timberland. At the present price of timber it is worth about $500, which it will be seen is but $100 more than the payment which the entryman is required to make in paying $2.50 per acre for the land. In such a case a man will not enter the land for its timber value alone, because even under favorable circumstances he can only receive a small increase over the money he pays for the land, and, in addition thereto, he must reside upon it for five or six years, as the law may require.

The agricultural lands should be disposed of to actual settlers under laws somewhat similar to the present homestead laws, but persons entering such lands should be required to pay $2.50 per acre therefor. The term of residence and cultivation should not be shortened, but if any change is made, it should be lengthened and entrymen should not be required to cultivate any given area of the land entered, but the area to be cultivated should be determined by the circumstances of each particular case.

Some protection should be afforded those who are actually residing upon the lands. By this I mean such as are now living there with their families, which is not intended to include persons who may have at one time constructed some sort of habitation upon the land and thereafter abandoned it. Actual residents, however, should be required to pay $2.50 per acre for the lands entered, and they should not be allowed to acquire lands that are highly valuable for their timber. Where the lands occupied are timberlands within the definition given above the settlers should be confined to the smallest legal subdivision upon which their improvements are located, or it may be that they should also be allowed to purchase the timber in excess of a million feet to the quarter section at its appraised price. The chief objection to this, however, is that most of the settlers will not be able to secure the money necessary to pay for any considerable quantity of timber. A provision that will protect the settler in the possession of the 40 acre tract that he is actually occupying is all that he can equitably claim and more than he has any legal right to demand.

I realize that the method suggested herein for the disposal of the timber will meet with criticism upon the ground that it will enable individuals and corporations to acquire large holdings of timber. The answer to that is that it is wholly impossible to operate to advantage a small body of timber in country as rough as this. The timber, consisting chiefly of fir, is heavy, some of it measuring as much as 10 feet in diameter and growing 200 to 300 feet in height. It stands upon steep mountain sides and in the bottom of deep canyons. It can be handled only by expensive machinery, and transported only by specially constructed logging roads. A small quantity can be handled by no one with a profit, even though the stumpage should cost nothing, and it is only the well-equipped individual or corporation that can afford to undertake operations on a large scale.

Therefore it is immaterial whether the timber be sold originally in large or small quantities, because it must inevitably be owned or controlled in large quantities before it can be successfully operated. Again, it is altogether impracticable to operate in any given section of the country unless the operator owns or controls practically all the timber in the area involved; the growth is such that it is impossible to cut only the matured trees of a certain size and leave the younger timber standing, because the greater part of it would be destroyed by the cutting and logging operations.

True, the timberlands may be sold, more or less advantageously, under the timber-and-stone laws now in force; but if that should be done, the purchaser from the Government will be limited to 160 acres, and in almost every instance, the land will be entered for speculative purposes, because, as stated, a small area can not be profitably operated, and the person buying only 160 acres from the Government will necessarily hope to dispose of the land to a lumber company at an advanced price—otherwise, he would not make the purchase.

Feeling that these lands should be sold for their real value, as nearly as may be, in the first instance, and intermediate profits thus avoided, I can not recommend that they be disposed of under the timber and stone act.

DISPOSITION OF THE PROCEEDS.

The money derived from the sale of the lands and timber should be used first to pay the railroad company the sum agreed upon. This, at $2.50 per acre, will amount to something like $5,750,000.

The taxes due the State and counties for the past three years should next be paid. These accumulated taxes amount to approximately $1,000,000, which, when added to the sum to be paid the railroad company, will make nearly $7,000,000.

The greater part of the proceeds arising after making payments as above should be divided between the State and the several counties in which the lands are situated, to be used for public purposes, such as schools, construction of roads (of which most of the counties involved are badly in need). I would suggest that 35 per cent be given to the State and 40 per cent to the respective counties. This leaves a balance of 25 per cent, which should be retained by the United States to cover expenses of administration, etc.

By the adoption of the plan I have suggested, the lands and timber will bring something like their real value. Alleged settlers will not be permitted to acquire valuable timber tracts under the pretense of seeking homes; the proceeds will go where they rightfully belong—to those whose efforts have developed the country in which these lands are situated and have thus given the lands their present high value—and the railroad company will receive more than it could possibly receive if compelled to comply with the terms of the granting acts.

I fully realize that the course outlined by me will not meet with the approval of all concerned, but that will be true of any plan within the range of human ingenuity. Objections will come from various sources; from the railroad company, which pretends to believe that it is entitled to the full value of the timber; from applicants, would-be applicants, and adroit settlers who desire much, giving little or nothing in return; from speculators and beators, who will be denied the opportunity of enriching themselves at the expense of others less well informed; and finally from those who, in the utmost good faith, feel that some other method of disposing of the lands and proceeds would better serve the public interests. All these, save the last, should be dismissed with a word, while as to those who differ from proper motives, it may be said that very few of them can be found who will agree among themselves upon any well-defined plan.

My conclusions have been reached after an earnest and unprejudiced inquiry, the sole purpose of which was to ascertain the best possible solution of the situation. In going through the country and talking with the people in all walks of life, I was brought face to face with conditions, and the deep interest manifested by practically every man I met impressed me greatly. I was made to realize how much a wise and just settlement of the matter means to the people of western Oregon, who have suffered from the improper administration of this land grant and the litigation resulting therefrom; and, in my judgment, theirs is the interest most deserving of consideration. My recommendations are intended chiefly to serve that interest, and I firmly believe that an early settlement along the lines indicated will not only relieve the present business depression for which this litigation is in a large measure responsible, but it will restore the confidence of the people and go far toward inducing a lasting prosperity.

Respectfully submitted.

S. W. WILLIAMS.

During the reading of the foregoing report,

The PRESIDING OFFICER (Mr. WORKS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

Mr. BANKHEAD. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHAMBERLAIN. I ask that the Senate may resume consideration of House bill 14864.

The PRESIDING OFFICER. The Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The PRESIDING OFFICER. The Secretary will resume the reading of the report.

After the reading had been concluded,

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. CHAMBERLAIN. I yield.

Mr. NORRIS. I realize that this matter ought to be disposed of without delay, but I am impressed with the importance of it. The report of Mr. Williams read by the Secretary indicates that the measure ought to have very careful consideration.

I wish to ask the Senator from Oregon if he is willing to let the bill go over until to-morrow until Senators have had an opportunity to look into it somewhat? During the reading of the report there were very few Senators in the Chamber, and those of us who were here and listened to it I think feel as though we ought to look into it even beyond what the report would indicate. There are many million dollars involved and the rights of a great many people are involved. While I know the bill ought to be disposed of without delay, I do not believe that we ought to be precipitate about it. I do not believe that Senators as a rule are posted on the details of the transaction. I am a member of the committee that reported this bill, and I have never heard of it being considered in the committee. I suppose it may have been considered at some time when I was not present. I have, however, talked with a great many Senators, and none of them seem to be ready now to express an opinion as to the merits of the proposition involved.

Mr. CHAMBERLAIN. I will ask the Senator from Nebraska, in all frankness, if he thinks the Senators who are absent will look into the bill between now and to-morrow morning?

Mr. NORRIS. I think some of them will. I have talked with some Senators who have mentioned the matter to me who are not now in the Chamber who have expressed an interest in the bill and a desire to examine it.

Mr. CHAMBERLAIN. Mr. President, I will say to the Senator from Nebraska that I am never disposed to rush anything through the Senate; but the bill which formed the basis of this legislation was introduced in the Senate by me in December last. It was Senate bill No. 30. There were a number of bills

on the same subject introduced in the other House at about the same time, but none of them seemed to appeal to the House Committee on the Public Lands. The result was that, at the request of the committee, the chairman of the committee in the House introduced a bill which I had introduced here with certain amendments recommended by the Department of Justice, and that was the basis of the bill now before the Senate.

The House hearings covered a period of weeks. The committee, I am informed, sat in consultation with officers of the Government in the preparation of the bill. The Senator will find that all of the departments had practically agreed upon this bill as it now is. The report will show not only that they have agreed in writing about it but that they sat in consultation with the members of the subcommittee when the bill was finally prepared.

Mr. NORRIS. The Senator means, does he not, that the representatives of the Government and of the various departments agreed with the provisions of the bill as it passed the other House? There are, however, some very important amendments which have been reported by the committee, which will change the bill very materially. That is the reason, or it is one of the principal reasons, why I should like to have the bill go over until we can get a little more information regarding it.

Mr. CHAMBERLAIN. Of course, I do not want to appear insistent about this; but this matter has been agitated for years. It is a matter about which people are pretty generally advised; and the decision of the Supreme Court leaves in doubt how soon Congress must act in the matter. It is contended by some who have read that decision with a great deal of care that this Congress must act on that bill before the 9th of June.

Mr. NELSON. Mr. President, will the Senator from Oregon yield to me a moment?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. NELSON. The decision of the Supreme Court of the United States in this case was rendered on June 21, 1915, and the concluding part of the opinion reads as follows:

> If Congress does not make such provision, the defendants may apply to the district court within a reasonable time, not less than six months, from the entry of the decree herein, for a modification of so much of the injunction herein ordered as enjoins any disposition of the lands and timber until Congress shall act, and the court, in its discretion, may modify the decree accordingly.

To my mind, that makes it clear that we ought promptly to act in this case if we intend to do anything.

Mr. CHAMBERLAIN. I will say to the Senator that the decision of the Supreme Court was not entered of record in the lower court until the 9th of December, in order that this very question might be avoided. Having been entered on the 9th of December, in the view of many—I am not prepared to say that I am in entire accord with that view—Congress must act before the 9th of June. We are going to adjourn here——

Mr. NORRIS. I do not want the Senator to get the idea that I am trying to delay action on this matter, but the very position of the Senator is one of the reasons why I now ask delay. The Senator is going to contend, I presume, for these amendments. I may be wrong, but, as I understand, the Senator himself has said that the representatives of the Government, perhaps from the Department of Justice and the Department of the Interior, sat with the House committee and helped to frame the bill, and I presume approved the bill as it passed the House. If the Senator from Oregon wanted to have the bill passed through the Senate as it passed the other House, without these amendments, I would be willing to take the judgment of the House, of the House committee, and of the representatives of the Government—they all having agreed on the House bill; but the Senator from Oregon is not going to do that, as I understand.

Mr. CHAMBERLAIN. Mr. President, there are very few amendments proposed by the Senate committee, and I think a discussion of them will develop just what the Senate committee had in view when those amendments were proposed. If the Senate feels, after a discussion of the amendments, that they ought not to be embodied in the bill, there will be time enough to vote them down.

Mr. NORRIS. Oh, yes.

Mr. CHAMBERLAIN. I am frank to say to the Senator that this is a most complicated proposition. Not only has it puzzled the Public Lands Committee of the other House, but it has puzzled lawyers for and against this legislation.

Mr. NORRIS. That is one reason why I should like to put it over one day.

Mr. CHAMBERLAIN. I know that, Mr. President, but the matter will not be any better understood after delay than it will be after a discussion here.

Mr. NORRIS. Let me say to the Senator from Oregon that several Senators have expressed to me a wish that the bill go over in order that they may look into it. I feel that way myself. I do not want anybody to charge—I do not think anybody will charge—that there is any attempt on the part of anyone to delay the bill; but here we have a proposition which the Senator from Oregon himself says is very complicated, one in which representatives of the Government, perhaps of the Agricultural Department, of the Interior Department, and of the Department of Justice, sat for days and weeks with the members of the House committee in framing a bill. They framed a bill and passed it through the House. Now, the bill comes to the Senate; some very material amendments are put on; and the bill is brought up here to-day, without, I presume, more than one or two Senators in the body having read the bill as proposed to be amended.

Mr. CHAMBERLAIN. Well, I call the Senator's attention to this fact, Mr. President: The Senator stated awhile ago that, if the matter came here in exactly the same shape as it passed the other House, he would not object to it. Practically the only material change in the bill is the change of the section of the House bill which requires a sale on time, to one which we propose shall be made for cash. That is practically the serious change in the bill. That can be discussed without——

Mr. NORRIS. Will the Senator from Oregon be in favor of rejecting all other amendments except that one?

Mr. CHAMBERLAIN. No, Mr. President, I am not going to agree to that.

Mr. NORRIS. Well, I do not ask the Senator to do that; but he says that is the only material change which has been made.

Mr. CHAMBERLAIN. If the Senator from Nebraska will just be patient and content himself for one moment I will try to explain what the other proposition is.

Mr. NORRIS. Oh, well, I was afraid I was going to delay the bill by being too impatient, so I will content myself and listen to the Senator.

Mr. CHAMBERLAIN. Mr. President, as I have said to the Senator from Nebraska, the only material and essential change is the one requiring the sale of these lands for cash. That is the essential change. On that proposition the Secretary of the Interior at first advised that that was the best way to make the sale, but later acceded to the terms contained in the House bill.

The only further change that amounts to anything is the one changing the way in which these funds shall be divided. Those are the two essential changes.

I am insisting that because of the fact that so much of the public land in Oregon has been withdrawn from settlement and sale and included in the reserves for so many years, she ought to be very liberally treated in regard to this, and particularly in view of the fact that the railroad company has not complied with the terms of any of these granting acts and has withheld this land from settlement and sale. The only question on that amendment is whether the Senate is willing to be liberal to the State of Oregon or not. It does not involve any essential changes, and the committee made just as few changes in the bill as it was possible to make.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield further to the Senator from Nebraska?

Mr. CHAMBERLAIN. I yield.

Mr. NORRIS. I did not want to ask the Senator a question. I understood the Senator was through. If he is not, I shall wait until he has concluded.

Mr. CHAMBERLAIN. I thought the Senator only desired to ask a question. If the Senator wants to go on with the discussion, I am prepared to discuss it.

Mr. NORRIS. I am not anxious to go on with it; but the Senator and myself have been discussing the proposition of putting the bill over until to-morrow. I want to call attention to what I believe to be some very material changes that have been made by some of these amendments, but I have not had time even to satisfy myself that in all respects I am ready to do so now.

Mr. CHAMBERLAIN. I am not usually unreasonable, Mr. President, but I do think it is hardly fair for the Senator from Nebraska to ask that the bill go over, in view of the discussions which have been had in reference to the matter. The Senator knows how this bill was taken up through the courtesy of the Committee on Post Offices and Post Roads; that the Post Office appropriation bill was laid aside in order that action might be hastened on this bill and the bill passed within the time required by a decree of the Supreme Court.

Mr. NORRIS. Mr. President, that brings me to the proposition that, because the Post Office bill was laid aside, probably

it is going to be contended that we ought to pass this bill without any discussion, and that we should adopt these amendments without giving them any consideration, because otherwise we would have to take some time, and we would be trespassing, it would be said, upon the courtesy of those Senators who have charge of the Post Office appropriation bill.

Mr. President, I now assert, again, that I am just as anxious to give speedy consideration to this bill as is any other Senator; but I am not going to be compelled to subside and to say nothing simply because the Post Office Committee has courteously extended to the Senate the right to consider this bill for a few moments. As to such a bill as this, involving several million acres of land, the interest of a great many citizens in Oregon, and several million dollars in money, it does not seem to me that it is an unreasonable request that a proposition involving all these things should at least lie over one day so as to give Senators an opportunity to investigate it. I do not believe I am unreasonable in asking that the bill be now postponed. I have only asked, as a matter of fact, a courtesy; and it seems to me it ought to be granted.

I am not going to be offended if the Senator insists on going ahead; I do not imagine that my request is necessarily law, but as I caught the purport of the bill from its reading, the House bill disposes of the proceeds in a different manner from what the Senate bill does. After the railroad company has been paid $2.50 an acre, after Oregon has been paid the taxes which are still unpaid against portions of this land, and all the other necessary expenses, the net proceeds will be divided, if the House bill should prevail, by giving to the State of Oregon 20 per cent for its schools; then giving 30 per cent to the counties in which the land is located for roads and bridges; then giving 40 per cent to the Reclamation Service and 10 per cent to the Government of the United States. If I am not wrong, that is what would happen if the House bill were enacted into law; but if the amendment of the Senate committee is adopted, Uncle Sam will get 10 per cent, the Reclamation Service will get 10 per cent, and the remainder will go either to the State of Oregon or to the counties where the land is located. It strikes me that is a very important proposition. Perhaps it is right to do as the Senate committee amendment provides, but it ought not to be done hastily; it ought not to be done without the Senate knowing just what it is doing.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield to the Senator.

Mr. WALSH. I rise to inquire of the Senator from Nebraska, who is a member of the Public Lands Committee, if the different distribution proposed by the amendment was the subject of special discussion and consideration by that committee?

Mr. NORRIS. As I stated awhile ago, I never heard the bill discussed in the committee. I presume it was taken up at some time when I was not present. However, I am informed by the Senator from South Dakota [Mr. STERLING]—and since he reminds me of it, I think I was present when that was done—that the bill was referred to a subcommittee. I do not remember anything about it since then. If anything happened except that in the committee when I was present, I do not know what it was.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. NORRIS. I yield the floor.

Mr. CHAMBERLAIN. Mr. President, I do not feel, under the circumstances, that the bill ought to be laid aside. Of course, the Senator can consume the time if he wants to do so, but I feel it is my duty, as representing in part the State of Oregon, to insist, so far as I can, that the Senate proceed with this matter.

Mr. President, the reading of the report of Mr. Williams, who was the representative of the Department of Justice, avoids the necessity of any lengthy address to the Senate as to the conditions in Oregon, and I shall attempt to be as brief as it is possible to be in giving those Senators who may care to listen to me my views of the subject.

The essential thing in these land grants was the condition imposed upon the railroad company to sell the land to actual settlers at a price not to exceed $2.50 an acre and in amounts not in excess of 160 acres. As has been stated in the report of Mr. Williams, that condition was contained in all the granting acts, except the first. The conditions of the first act, the act of 1866, were not complied with, and in the act of 1868, when an extension of time was asked, this provision was first inserted in the granting act by way of addition to it. The same provision was inserted in the act of 1869 and also in the act of 1870.

So, Mr. President, it was the purpose of Congress that these lands should be granted to the railroad company on condition that the company would utilize them for the purpose of the development of the State while, at the same time assisting the company in the performance of a great quasi public work.

The terms and conditions of this grant on the part of the railroad company were practically observed until 1894. Very few, if any, sales were made from 1868 until 1894, which violated the terms of the grant. The lands were sold to actual settlers at $2.50 an acre, in amounts not in excess of 160 acres.

About that time timberlands commenced to go up in price, and then opportunities offered to the railroad companies to sell in larger amounts and for higher prices, and they began to sell without any regard to the conditions of the grant. They violated all the terms thereof, not only as to the price of $2.50 an acre, but as to the limit of the number of acres that might be sold to one purchaser. Furthermore, the lands were not sold to actual settlers, because most of the purchasers were men who did not even live in the State. Those practices were continued up until about 1903.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Montana?

Mr. CHAMBERLAIN. I yield.

Mr. WALSH. I should like to ask the Senator from Oregon whether the amount which would otherwise be due to the railroads on new sales is to be withheld until the equilibrium is restored, which was disturbed by the extra prices for which they sold the land which they did dispose of?

Mr. CHAMBERLAIN. The Senator will find that section 7 provides for the institution of suits to bring about an accounting for the extra amount the railroad company had received where they have made illegal sales. That is a matter to be accounted for between the Government and the railroad company under the terms of the bill itself.

In 1903, while Mr. Harriman was in control of the Southern Pacific system, he absolutely withheld these lands from sale and settlement and positively refused to make any disposition of them under the terms of the grant. The people of Oregon became indignant at the treatment they were receiving at the hands of the railroad company after the Government of the United States had been so generous to it in aiding in the construction of the railroad. It retarded the development of the State.

It must be remembered, Mr. President, that the railroad company was granted every alternate odd section for 20 miles on each side of the line of railway under the terms of the granting act. I call the attention of the Senate to the map on the wall. The line of the railroad company runs down the center of the white part of the map between the two green sections. The lands which were granted to the railroad company, and which are the lands involved in this matter—not all of the lands of the original grant, but the lands that are undisposed of—are checked in red on that map. Not only was the railroad company granted the odd sections within the limits of 40 miles along the line of the railroad, but if any of those lands had been taken up by homesteaders, or if they had been lost to the railroad company for any reason at all, the company had a right to select alternate odd sections 10 miles farther along the exterior limits of the primary grant. The result was, Mr. President, that the company finally had the cream of the land within the primary grant of 20 miles on each side of the railroad track and also the right of indemnity selection for 10 miles on the outside of the primary grant and on each side thereof.

It was my good fortune to be governor of my State from 1902 until 1908, during the time this agitation commenced. I had something to do with the agitation, Mr. President—a good deal to do with it. I did not hesitate to talk about it before chambers of commerce and before audiences of our people, endeavoring to show that the railroad company because of the violation of the terms of the grant ought to be brought to task in some way or other, and that the power either rested with Congress itself or with the courts.

Mr. Williams in his report—which has been read at the desk—calls attention to the fact that when the matter first began to be discussed in the papers of Oregon some time in 1907 the question became a very serious one. The withdrawal of these lands from taxation in the State threatened the county governments. They did not have area enough on which to levy taxes to support the county governments.

In 1907 I happened to be president of the National Irrigation Congress which met in Sacramento. I took occasion to address an immense audience on the subject of the grant of lands in California and Oregon and talked of the manner in which the railroad was ignoring its duty to the public. I suggested

then that the lands ought either to be forfeited by an act of Congress or by some proceeding in the courts, but advised the people of California and Oregon at that meeting that if that could not be done, if the Congress was unwilling to do its duty, and the courts were not appealed to to do their duty, the people of Oregon and California ought to get together in assemblies and mass meetings and formulate some sort of an amendment to their constitutions, under the terms of which the New Zealand system of taxation might be put in vogue in the States, and lands assessed in an ascending ratio; that is, the more land a man owned the more taxes he would have to pay; so that when it came to holding one or two or five million acres of land as did the railroad company, no corporation and no individual could afford to hold it. The suggestion was thought of enough importance by the railroad company to induce it to bring Mr. Harriman to Sacramento to reply to the suggestions which I had made. He came and was invited to address the Irrigation Congress on that subject, and in his usual philanthropic way—de mortuis nil nisi bonum—I shall be as mild as I can—he served notice on the convention that he did not intend to sell any of that land. It did not make any difference to him what the terms of the grant were. He was holding the land in reserve for philanthropic purposes, for the benefit of future generations; and he said he was going to buy timber while it was cheap on lands which were in the hands of private owners and utilize it for railway construction and other public purposes, and was going to sell the lands within this grant when he got ready to sell them.

Then what happened? The people of Oregon were determined that something should be done, and ought to be done, to compel the observance on the part of this great railway corporation of the terms and conditions under which they held the grant. The Legislature of Oregon soon after memorialized Congress on the subject, and a joint resolution was adopted by Congress in 1908 authorizing the Department of Justice to institute proceedings in the courts for the purpose of forfeiting the grant because of the continued violation of its terms. Pursuant to the authority granted by that joint resolution, which is set out in the report of both the House and the Senate Committee on Public Lands in connection with the pending bill, a suit was instituted by the Attorney General of the United States against the Southern Pacific Railroad Co. and others for the purpose of forfeiting the grant because of the violation of its terms. It was tried in the District Court of the United States for Oregon, and the reports of that trial, Mr. President, cover 20 bound volumes, copies of which are accessible to Senators. Every phase of the subject, from the time the grant was first made up to the time the suit was instituted, was gone into. There is absolutely nothing that was not discussed, not only from the individual viewpoint of the citizens of the State and of the officials of Government, but from the viewpoint of the railroad company as well; and the distinguished judge who heard the case and saw the witnesses face to face determined that the railroad company had violated the terms of the grant, and that the conditions contained in it were conditions subsequent, the violation of which entitled the Government to a forfeiture of these lands. While I do not propose to criticize the Supreme Court of the United States, I say that there is more reason and more sense and more logic in the decision of the distinguished judge of the lower court than there is in the decision of the Supreme Court of the United States.

The case went to the court of appeals, and, without any trial before that court, was certified up to the Supreme Court of the United States. That court reversed the decision of the distinguished judge of the District Court of Oregon, and held that these conditions in the grant were not conditions subsequent, that entitled the Government to a forfeiture upon the violation thereof, but they were enforceable covenants. But realizing the injustice that had been perpetrated on the people of the State of Oregon by the continued violation of the terms of this grant, Mr. President, the Supreme Court held in effect that in view of the fact that this violation of the terms of the grant had been persisted in for 40 years, Congress had the jurisdiction and power to deal with the subject as it pleased, saving to the company, however, the value of the undisposed portion of the grant. In other words, while holding in effect that the terms of the grant were violated, the railroad company, nevertheless, was entitled to $2.50 an acre.

This bill has been formulated along the lines of the decision of the Supreme Court of the United States. I will say to the Senator from Nebraska that I am not entirely satisfied with this bill. If I had the sole say in penning a statute on the subject, the railroad company would get very much less out of these lands than it will get under the terms of this bill. But the bill is here after a thorough hearing and discussion by the distinguished members of the Public Lands Committee of the House as the best thing that can be done with a complicated subject, and with some slight amendments I think it ought to be enacted by Congress.

Mr. President, I am not going to call attention to the terms of the decision of the court. It is set out at length in the report of the committee and I hope the Senators have all read it. I say that I am not satisfied with the bill as it passed the House, for it is not generous enough to the State of Oregon. The bill introduced by me—S. 30—provided for a distribution of the fund on the basis of 40 per cent to the school fund of the State, 40 per cent to the counties for roads and highways, and 20 per cent to the United States. The House changed that distribution. I think that all of the proceeds except the expense of administration ought to go to the State of Oregon, and I am going to give my reasons for this opinion.

The green area on that map [referring to a map on the wall] represents the lands of Oregon that are held in reserve and absolutely withdrawn from taxation. Those are within forest reserves in the Cascade range of mountains and along the Pacific coast. Those are the only reserves I have had extended on the map, because they are in close proximity to the railroad lands, in order to show the Senate at a glance the small amount of land left to the people of Oregon for the purpose of taxation in the western part of the State. Off to the right, Mr. President, is another map—I will say that it is an official map, too—which shows other reserves in Oregon which are withdrawn from settlement as well as from taxation.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. Do I understand that the green on that map represents the lands withdrawn from taxation, aside from any lands which are involved in controversy under this bill?

Mr. CHAMBERLAIN. Those green portions are simply lands in the Federal reserve.

Mr. BORAH. They have nothing to do with the lands involved in this bill?

Mr. CHAMBERLAIN. Nothing at all.

Mr. BORAH. How much acreage does that green portion cover?

Mr. CHAMBERLAIN. I have not made any estimate of it.

Mr. BORAH. It is a very large tract?

Mr. CHAMBERLAIN. A very large tract. It is practically the whole Cascade range of mountains, from the northern boundary of the State to the California line.

Mr. BORAH. Are those all timber lands?

Mr. CHAMBERLAIN. Most of it, I will say, is timber.

Mr. President, there [pointing to the map] is a county in the southwest part of the State, the very southwestern county in the State. The Senators will notice a little white strip along the Pacific coast. There is a county that carries on its municipal functions on a strip of land 6 miles wide and about 100 miles long.

Mr. BORAH. Where is the rest of it?

Mr. CHAMBERLAIN. In the Federal reserve. I am not kicking about that, Mr. President.

Mr. BORAH. I should like to kick for the Senator.

Mr. CHAMBERLAIN. I am just calling attention to facts which, in my opinion, entitle Oregon to a little more consideration than the House gave her.

Mr. BORAH. What county is that?

Mr. CHAMBERLAIN. That is Curry County.

Mr. BORAH. Is that green land in Curry County land which could be reduced to cultivation?

Mr. CHAMBERLAIN. I think much of it could. It probably could not be reduced to cultivation under some of the rules that the Forestry Service has adopted, saying that land which had a slope of 26 per cent was not fit for agricultural land. Why, Mr. President, I know of lands in Oregon that slope 45°, and have splendid orchards on them, and the land is worth $250 an acre; and yet, if you should apply that rule to some of those lands, they would not be agricultural lands.

Mr. BORAH. If the rules of the department had been in effect in the days of the "fathers," the original thirteen Colonies could not have been settled.

Mr. CHAMBERLAIN. I doubt if they could have been.

Mr. BRANDEGEE. What is the red color on the map?

Mr. CHAMBERLAIN. The red color is the land involved in this bill. Was the Senator here when I began my remarks?

Mr. BRANDEGEE. No; I was not.

Mr. CHAMBERLAIN. The original granting act gave to the railroad company every alternate odd section of 640 acres for 20 miles on each side of the railroad from the California line to the Washington line; and then the grant provided that if

there was any loss in these lands, if some unfortunate settler had happened to go in there and had taken up a piece of the land under the homestead law, or if there was a loss through any other cause whatsoever, the railroad company could go 10 miles farther on each side of the primary limits of the grant and select indemnity lands for those lost. So the Senator will see that it was possible for the railroads to go a distance of 30 miles on each side of the track and acquire lands through the heart of the richest country under the sun. The road runs through the Rogue and Willamette River Valleys from the California line to Portland, Oreg., the richest part of the State.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield for a question?

Mr. CHAMBERLAIN. Certainly.

Mr. CLARK of Wyoming. What is the Senator's idea of the value of these lands at the present time?

Mr. CHAMBERLAIN. These grant lands?

Mr. CLARK of Wyoming. Yes; that is, those that are proposed to be restored by this bill.

Mr. CHAMBERLAIN. Of course, there is a great diversity of opinion about that. There is some of it that is not worth a cent, but the timberlands are very valuable, and it was stipulated at the trial that these lands and the timber on them were worth approximately $35,000,000.

Mr. CLARK of Wyoming. I have read the bill only hastily. In the case of the timberlands, the timber is to be taken off by the Government, as I understand, and sold?

Mr. CHAMBERLAIN. Yes, sir; to be sold by the Government.

Mr. CLARK of Wyoming. Does the State secure anything from the sale of that timber, or does the State receive the amount which the Senator has spoken of by the sale of the land after it is denuded of timber and made agricultural in quality?

Mr. CHAMBERLAIN. The bill provides for the distribution of the funds arising from the sale of the timber, and it is proposed that the State shall share in the distribution. After the timber has been cut, the land is subject to entry by homesteaders.

Mr. CLARK of Wyoming. They do not have to pay the $2.50 an acre?

Mr. CHAMBERLAIN. No, sir; but the Senator will notice that the last section of the bill provides how this fund is to be divided. The State does get something under that, and I will call the Senator's attention to it in a little while.

Mr. President, there is one county, to which I have called your attention, in the southwestern portion of the State which, by reason of these forest reserves, finds it almost impossible to carry on its government, and yet the people there are industrious and enterprising. They are developing the country, and they only want an opportunity to do better for the State and for the country.

Going farther north, Mr. President, you will see some counties on the map still farther up, along the coast, that have a very small area subject to taxation. Taking the reserves and the railroad lands together, it is almost impossible for the county governments to exist. In addition to the usual taxes the people have, under legislative authority, formed themselves into port districts and annually impose taxes upon the properties in the districts for the purposes of river and harbor improvement. They have contributed dollar for dollar with the Government for these purposes in order to assist in the development of the State. There was no provision made in the House bill for those port districts, although under its terms much of the area within these districts is to be withdrawn from the taxable area.

Mr. SMITH of Michigan. In developing what—the ports?

Mr. CHAMBERLAIN. In developing the rivers and harbors. I will call the Senator's attention to the port of Coos Bay. The people within it have taxed themselves $600,000 for the purpose of deepening the harbor so that seagoing vessels might come in and take away their lumber and other products. The Government of the United States has appropriated a like sum. I simply call attention to the fact that the people there are entitled to some consideration in this legislation, for the reason that a part of the taxable area is to be withdrawn.

Mr. BORAH. Mr. President, am I correct in assuming that this bill withdraws all this Government land from taxation? It does not restore it to taxation, does it?

Mr. CHAMBERLAIN. That brings up the question that I will discuss in a few moments. That is one of the changes the committee has made in the House bill. Under the House bill all of the timber which is to be sold on a 10-year credit might be withdrawn from taxation for a period of 10 years; and the change that the Senate committee has made in the House bill is to bring the timber when sold under the taxation laws of the State by requiring the sales to be made for cash.

Mr. SMITH of Michigan. If those lands are withdrawn in accordance with the terms of the House bill, then all the expense and the bonded debt that has been incurred by these municipalities in the improvement of their harbors is lost, is it not?

Mr. CHAMBERLAIN. Yes, sir.

Mr. SMITH of Michigan. How does the Senator propose to care for those communities?

Mr. CHAMBERLAIN. I will say to the Senator that in the amendment that we propose here, on page 16, the percentages are specified, and I will ask the Senator kindly to look at that.

Mr. BORAH. The bill provides that—

> Of the remainder, 10 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act, to be expended on approved projects within the State of Oregon; 10 per cent of such remainder shall become a part of the general fund in the Treasury of the United States.

What was the necessity of turning over 10 per cent to the United States?

Mr. CHAMBERLAIN. I do not think they ought to have anything.

Mr. BORAH. As I understand, the Nation recovers about a million dollars, anyway.

Mr. SMITH of Michigan. It is possible that the condition of the Federal Treasury might justify some contribution of that kind.

Mr. BORAH. Whatever may be the justification with reference to the condition of the Treasury, I do not think that was the moving animus of retaining this 10 per cent. It was for another reason, I presume.

Mr. CHAMBERLAIN. Oh, it was for administrative expenses, Mr. President.

Mr. BORAH. I do not want to take the Senator out of the line of his discussion; but, with reference to this taxation, why was it though, necessary to restore the old five-year law with reference to homesteads?

Mr. CHAMBERLAIN. It is because of the difficulties of living on that land.

Mr. BORAH. Is it because they could not make sufficient cultivation to satisfy the three-year homestead law?

Mr. CHAMBERLAIN. This bill not only extends the time but it relieves them of the amount of work that they have to do.

Mr. BORAH. But what I do not understand is why, at this advanced age and rapid rate of living, you should require men to remain upon a homestead for a term of five years before giving them a title. We have passed beyond that, and have passed a law which permitted them to have title in three years.

Mr. CHAMBERLAIN. The Senator remembers that the three-year homestead law requires quite an extended cultivation.

Mr. BORAH. I know it does; but——

Mr. CHAMBERLAIN. There is not any of this land in the case of which the settlers could comply with that provision of the law.

Mr. BORAH. Exactly; but there has been a bill pending before Congress, passed by the Senate, and lodged somewhere else for the last three years, providing that in lieu of this cultivation a certain amount of improvement could be done, and should be estimated at so much per acre; and I do not see why that kind of a proposition should not have been placed in the bill, and the residence period limited to three years. Five years is a long time for a man who is trying to make a home to be without title. So long as he is without his title he is practically without standing in the credit world, and he must pay high interest if he gets credit at all. These long terms of penal servitude to show good faith are all wrong.

Mr. CHAMBERLAIN. I am not at variance with the Senator on that proposition. We thought we had relieved the homesteader of the serious part of the settlement of these lands when we said that he would not have to cultivate as much. It is just left to the discretion of the Secretary of the Interior.

Mr. NELSON. Mr. President, I want to call the Senator's attention to the fact that these homestead lands are to be paid for at the rate of $2.50 an acre. They only pay 50 cents an acre down, and the other $2 are paid when they make the final proof, and there is no interest to be paid on it; so that they have a benefit from that.

Mr. BORAH. Mr. President, as a practical proposition I do not think that is very much of a benefit. You put a man out upon a homestead and compel him to go along in life without the title to his land upon which to base his security and his credit to do business, and at the end of five years he will not have any $2 an acre with which to pay. It is impossible. You might just as well ask a business man down here in Wash-

ington to enter upon a business course without title to his goods or title to his property, and expect him to maintain and sustain his credit for five years and then get out, as to ask a man to go on one of these homesteads and remain there for five years and have any credit at the end of the five years.

Mr. CHAMBERLAIN. I am inclined to agree largely with the Senator about that; but I will say to the Senator that whenever he has attempted to reform the homestead law so as to relieve the condition of the settlers I have usually favored it with him.

Mr. BORAH. I was not criticizing the Senator's position at all. I understand that this provision with reference to the five-year homestead law came from another source entirely; but I should be glad to join in an effort, if it would not jeopardize the Senator's bill, to reform that particular feature.

Mr. JONES. Mr. President, in that same connection I want to ask the Senator if this provision does not do away, so far as these settlers are concerned; with the provision in the three-year homestead law under which they have five months' leave of absence each year?

Mr. CHAMBERLAIN. I think not.

Mr. JONES. The Senator thinks that right is preserved?

Mr. CHAMBERLAIN. I think so. I think it is preserved to them. I think it is placed more largely in the discretion of the Secretary of the Interior. If the Senator has any doubt about that, after reading it carefully, I should like him to suggest an amendment.

Mr. JONES. Yes; because I think it very important that in the case of these lands, especially, they should not be required to stay on the land continually, because they will have to get out somewhere where they can work and make something with which to maintain themselves.

Mr. CHAMBERLAIN. I think that is true.

Mr. JONES. My recollection is that that provision is in the three-year homestead law, and is not contained in the general homestead law except as it is contained in the three-year homestead law; but I will look that up.

Mr. CHAMBERLAIN. I wish the Senator would.

Mr. President, we have digressed a little bit from the proposition I was undertaking to establish, and that was that justice demands the greatest liberality to the State. If the Senators will turn to the bill as it passed the House they will find that the timber on lands of class 2 is to be sold on a credit of 10 years, payable in installments. Everybody who buys the timber under these conditions would probably buy on credit instead of for cash and take a chance on the market advancing so as to realize a greater profit. The bill as it was originally prepared by me and introduced in the Senate provided for the cash sale of this timber, with the provision that as soon as the timber was sold a patent was to be issued for the timber apart from the land and the timber made subject to assessment. The report of Mr. Williams shows that the people of Oregon are insisting that this property shall be subject to taxation. Some of the counties can not stand having these lands withdrawn even for a period of 10 years, and the period of practical withdrawal of three years by the railroad companies which have refused to pay the taxes for that length of time has almost bankrupted some of those counties. Now, the department says that if you sell the timber on credit you will get more for it than if you sell for cash. That may be true; but in the meantime no taxes are being collected by either the counties or the State.

Mr. BORAH. Mr. President, I do not believe I understand the Senator with reference to this question of taxation. Is the provision with reference to taxation to which he refers the provision which appears on page 16?

Mr. CHAMBERLAIN. Oh, no. On pages 6 and 7 is the House provision, which provides for the sale of the timber on credit. The amendment proposed by the Senate committee is found on page 8. It provides for a cash sale, and subjects the timber, when sold for cash, to the jurisdiction of the taxing power.

Mr. BORAH. I see the point of the Senator.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Oregon yield to the Senator from Washington?

Mr. CHAMBERLAIN. I yield.

Mr. POINDEXTER. I should like the Senator, before he leaves that particular point, to explain why lands sold on the plan provided for in the House bill, to be paid for in 10 annual installments, can not be made subject to taxation. If they are sold under those conditions, and if the bill should provide that the lands shall be subject to taxation, they will be subject to taxation until they are forfeited and taken back by the Government.

Mr. CHAMBERLAIN. I will say to the Senator that the title to the land is in the Government of the United States.

Mr. POINDEXTER. It need not be, Mr. President. In the first place, we are speaking of the sale of timber, not land. The title to the land is in the Government of the United States according to the bill, but that is a matter which can be regulated by the bill. What I am trying to ascertain is whether the Senator contends that it is impossible for Congress in this bill, if this timber is sold on time, to provide also for its taxation?

Mr. CHAMBERLAIN. Let me have the Secretary of the Interior answer that for the Senator, because the bill as I originally introduced it provided for the cash sale, just as this amendment of the Senate committee provides. That bill was referred by the Public Lands Committee to the Secretary of the Interior, and here is what he said about that very proposition:

> The Secretary of Agriculture will recommend that the timber be disposed of at such times, in such quantities, and under such terms as the Secretary of the Interior may prescribe. If it were not for the fact that such a provision would, in effect, prevent the State and local authorities from taxing such timber, I would be inclined to favor the plan.

That is what the House did.

Mr. POINDEXTER rose.

Mr. CHAMBERLAIN. I will ask the Senator to let me conclude without interruption, because it is a continued story with reference to that.

Under it—

Says the Secretary of the Interior—

> the Government will receive larger prices for the timber than is possible where full cash payments are required and where the timber after such sale will be subject to local and State taxation. Extended consideration has been given and an attempt made to work out a plan whereby the lands could be sold in the manner provided for in the bill—

That was the original bill for cash sale—

> upon deferred payments, but so many obstacles have presented themselves that I have concluded it is better to sell the timber for cash, as is proposed in the bill, and issue a patent for the timber than it would be to make such sales on time.

I hope the Senator will listen to this, because it answers him completely:

> Unless it is otherwise provided, the lands would not be subject to taxation as long as the interest of the Government remains unsatisfied. Moreover, if sold upon time payments the Government would lose control over the timber, but in order to protect its interests it must stand ready to protect the timber against loss by fire, etc. If provision was made for taxing the timber prior to the time it was fully paid for, the Government would inevitably be drawn into controversies concerning local and State tax rates and other kindred questions, and might be compelled to satisfy tax liens to protect its interests. The plan proposed by the Secretary of Agriculture is workable, but it will deprive the States and counties of taxing privileges. I therefore follow the general plan for disposing of the timber proposed by the bill under consideration.

The Secretary of the Interior finally, while not surrendering his opinion on that subject as to the merits of the two propositions, in his report on the bill before the House committee, says this in reference to the sale of timber:

> In my report on Senate bill No. 30 I commented at considerable length on the relative advantages to the United States and the State in the sale of the timber for cash or on deferred payments, it being concluded therein that to avoid expensive administrative duties on the part of the one and enable the other to tax the timber after its sale, without any subsequent complications resulting from the unsatisfied claims of the United States, the sale of the timber for cash, followed by a patent to the purchaser, afforded the only remedy, though it was admitted that better prices for the timber would probably be secured on deferred payments.

Now, here is what the Secretary says:

> The scheme now proposed in this bill—

That is the House bill, and the one sought to be amended by the committee of the Senate—

> The scheme now proposed in this bill, by which patents will issue from time to time on the payment of the full purchase price of any legal subdivision, and the postponement of the right of the State to tax the timber until after the issuance of the patent, seems to meet in substantial form the objection that I entertained at that time to the sale of the timber on deferred payments. The measure as now presented therefore meets with my approval.

In other words, the Secretary of the Interior says that, while he favored a cash-basis proposition for timber sales, he was willing to assent to the proposition contained in the House bill because, as a purchaser of timber paid for a subdivision at a time, he could get a patent for the part paid for, and this could be taxed by the authorities. The result of such a plan must inevitably be that all this railroad land will be withheld from taxation for at least 10 years. Some one suggested to me that a good, shrewd timber purchaser could escape taxation entirely in the following way: He is not allowed to cut timber until he pays for a small subdivision—we will say 40 acres. He buys timber on a thousand acres and he proceeds to pay for and to cut the timber on 40 or 80 acres between the 1st of April and the 1st of the following March.

Mr. SMITH of Michigan. He pays for the 40 acres.

Mr. CHAMBERLAIN. Yes. Let me show you how he can dodge taxation. The assessment roll is returned on the 1st of March. He will pay for it the 1st of April. He is entitled to a patent to the timber if he asks for it. Instead of doing that he cuts 40 acres of timber before the 1st day of the next March, and there is nothing left to tax. He has cut off the timber between the taxing period, has sold it, and there is nothing to tax.

There is only one criticism I have to make of the amendment proposed by the Senate committee, and I did not see how to avoid it, and that is that it leaves it optional with the purchaser of timber when he will take it off. I insist that under this provision for a cash sale the purchaser must sell in the first normal market, otherwise the taxes will consume his investment. Taxes come pretty high. Some of that timbered land has been taxed as high as $40 an acre.

Mr. CLARK of Wyoming. There are thousands of acres in patent now.

Mr. CHAMBERLAIN. Yes; and it was taxed very high in the hands of the railroad company.

Mr. CLARK of Wyoming. Timberland?

Mr. CHAMBERLAIN. Timberland; and the authorities assess the timberland at what it is actually worth. So if a purchaser bought 100,000 acres of timberland and determined to hold it for an indefinite time, it would eventually destroy his investment. In other words, he is bound to take advantage of the normal market in order to save himself.

So, Mr. President, I do not believe that any purchaser would hold this timber indefinitely. He would sell it in order to protect himself against taxation. It does seem to me that what people out there want most are two things. They want that country developed; they want settlers on the land; they want mills on it; they want the country to thrive; and while it is being developed, Mr. President, they want to have the money with which to carry on the governmental affairs.

This bill provides that the timber shall be sold on a cash basis, and the only serious question in it is as to whether you want to adopt a policy of reservation and conservation, applied to these grant lands, or whether you want to place them in a position where they will assist in the payment of the expenses of the State.

Mr. CUMMINS. Mr. President, there is one point I do not quite understand. That is the difficulty about uniting the two plans—to sell for cash and to sell on time?

Mr. CHAMBERLAIN. That is what the House bill tries to do.

Mr. CUMMINS. There is no difficulty about bringing it within the taxing power of the States even if sold on time?

Mr. CHAMBERLAIN. Bringing the timber itself.

Mr. CUMMINS. Bringing the timber itself. The very moment you sever the two interests, timber becomes personal property; it is no longer real estate; and if the title passes it at once becomes subject to taxation in the hands of whoever buys it, even though it is sold on time. All the Government would have to do would be to take such security for the payment of the purchase price as to make it reasonably certain that it will ultimately get its money.

Mr. CHAMBERLAIN. Let me ask the Senator: Suppose 160 acres of timber are sold on credit; it is taxed; and after the first year failure is made by the purchaser to make any payment; where does the tax come in?

Mr. CUMMINS. You tax the timber just as you collect any other tax.

Mr. CHAMBERLAIN. The Government owns the timber.

Mr. CUMMINS. No; the Government does not own the timber. This is not an ordinary transaction. The Government proposes to separate it from the soil and sell the timber. If the Government wants to sell the timber on time it can part with its title at the same moment, and it can take from the purchaser such security as in its judgment is necessary to insure final payment of the price, whatever it may be.

Mr. CHAMBERLAIN. So you have the security aside from the timber itself.

Mr. CUMMINS. Certainly. No one is going to buy this timber who is not able to give security of some kind.

Mr. CHAMBERLAIN. There is no suggestion of that kind in the House provision.

Mr. CUMMINS. None.

Mr. CHAMBERLAIN. It may be the Senator can work out some provision that would test that, but those who worked out this House provision say that there would be none.

Mr. NORRIS. Mr. President, does the Senator see anything in the House bill in regard to the taxation of timber after it is sold.

Mr. CHAMBERLAIN. I did not put quite that construction on it, I will say, but it provides for taxation after patent issues.

Mr. NORRIS. It provides that patent shall issue when the sale is made and the money paid.

Mr. CHAMBERLAIN. Yes; when the money is paid.

Mr. CUMMINS. I was suggesting that the title could pass before the money is paid if the Government takes security for it; that is, if it wants to do so. If it does not, let it take its chances like any other seller of property.

Mr. NORRIS. There is this provision in the bill as passed by the House:

> All timber sold under this act shall be subject to the taxing power of the States apart from the land as soon as patents are issued as provided for herein.

Mr. CHAMBERLAIN. That is right.

Mr. NORRIS. Provided that when anyone buys any of the timber the Secretary of the Interior shall give patent for the timber that he buys.

Mr. CUMMINS. In my opinion Congress has nothing to do with the taxing power of the States, and can neither enlarge it nor diminish it. Whenever the property becomes the property of a private owner, then it is subject to taxation. I can not believe that Congress could relieve it from taxation. But the status must be changed. It must become the property of the purchaser, and I assume that under the House bill it does not become the property of the purchaser until the patent issues, and therefore until that time comes it is by operation of fundamental law relieved from State taxation.

I think one of the great necessities of that part of the country is to see to it that no property that has hitherto been subject to taxation shall be removed from taxation. It has a hard enough time now, and I would think it a very bad policy to remove any part of this property from taxation.

Mr. CHAMBERLAIN. I am glad the Senator feels that way because he describes the situation exactly.

Mr. CUMMINS. That is perfectly obvious to anyone who looks at the situation. It is true of the whole western country. So large a part of the property has been taken away from the power of taxation and taken away from the power of anybody to acquire it that the burden of maintaining those governments out there is becoming very severe. Congress ought to take notice of that situation if it wants that country developed.

Mr. FALL. The people of Oregon, under the provisions of this bill, would be relieved from the situation in which the people of the other States find themselves in reference to taxation, even if they could not tax these lands for this timber, because they get a portion of the proceeds from the sale of the timber. In other portions of the West we can not tax the Government lands taken up under the homestead or any other act of Congress nor do we get any part of the proceeds of the sales.

Mr. CHAMBERLAIN. Yes; you do.

Mr. FALL. We get for United States purposes, supposed to be returned; we get for school purposes.

Mr. BORAH. It seems to me that one of the virtues in this bill is the precedent which it will establish.

Mr. FALL. Precisely; and I am in favor of it. I wanted to emphasize the fact that this is a departure in the right direction. I am thoroughly in favor of the measure.

Mr. CLARK of Wyoming. I suppose the Senator from Oregon is thoroughly in favor of a bill of the character we have here?

Mr. CHAMBERLAIN. I am.

Mr. FALL. I am glad the Senator from Oregon is in accord with me on this proposition. I remember that four years ago we were not in accord at all. He was thoroughly imbued with the idea of the department in the administration of the forest reserves, and I took the opposite view. I am glad to find he has worked around to my view.

Mr. CHAMBERLAIN. Please understand——

Mr. FALL. I do not want to commit the Senator.

Mr. CHAMBERLAIN. We have an entirely new proposition here. Here is land that has been in private ownership and has been subject to taxation for a number of years and then it comes back and the title is vested in the Government. But I will say to the Senator I have a little more sympathy for his views than I used to have because of some recent experience.

Mr. FALL. I am glad to know that experience, if not my argument, has brought the Senator to a realization of the case. If my argument had no effect on him, I am glad that experience has modified his views to some extent. But I want to make this suggestion, that in consideration of the fact that Oregon does get a portion of the proceeds of the sales——

Mr. NORRIS. Getting all of it, practically.

Mr. FALL. Practically all of it.

Mr. CHAMBERLAIN. It ought to have it.

Mr. NORRIS. It gets practically everything.

Mr. FALL. I agree with the Senator there, it ought to it all; but in view of the fact that it does get a portion of it, and a large portion of it, does not the Senator really think if the land or the timber were sold on time and the State was not able to tax the timber it would get by virtue of an increased price by selling the land on time more than enough to make up the amount of the taxation which it would lose?

Mr. CHAMBERLAIN. That is the theory of the Forestry Service. I do not agree with that.

Mr. FALL. I want to suggest another thought to the Senator. A cash sale of timber of any amount will preclude the small purchaser or the poor man from buying timber.

Mr. CHAMBERLAIN. Oh, no.

Mr. FALL. Unless sold on time.

Mr. CHAMBERLAIN. If the Senator will examine the bill, he will see that it provides for preference being given to the small purchaser or the small subdivision.

Mr. FALL. The small purchaser for cash?

Mr. CHAMBERLAIN. Yes.

Mr. FALL. I do not know but the Senator may have small purchasers at hand who have the cash. I imagine that under the provisions of the bill there will not be very many small purchasers. However, I am in thorough agreement with the idea of getting the land into private ownership and getting revenue from it and getting all that can be gotten out of it.

Mr. CHAMBERLAIN. I want to say to the Senator that this matter has been receiving my attention for 9 or 10 years. I am frank to say I have never reached a solution of any part of it that was entirely satisfactory to me. One of the questions that has haunted me sometimes is as to just what the result would be; but I will say to the Senator that while there is a provision for bringing this land under the taxing power of the State it is only after payment has been made at the end of a year, say, if a man pays for a small subdivision, as I tried to explain awhile ago, the man who wants to avoid taxation will come pretty near doing so.

Mr. President, I do not think I want to take any more of the time of the Senate except to call attention to the distribution of the fund.

Mr. BORAH. Before the Senator goes into that, he knows something of the difficulty surrounding the formation of this bill and I do not because I am not a member of the Public Lands Committee. I am in favor of the bill and I do not want to be a part of any effort to imperil the bill, but unless the Senator believes that it would imperil the bill I should like to help reform this homestead proposition. The homestead law was supposed to be a poor man's law, but no man can take homesteads in this day under this law unless he has a bank account to start with. It is a rich man's law to begin with.

In view of the scarcity of land and the number of poor people who ought to have homes and who would go and get homes it seems to me every homestead law should be made truly and emphatically a poor man's law—that is to say, under which a man with the most limited means could go and acquire a home by his physical effort, his labor, and so forth. But if a man is to go on this land and stay for five years and then at the end of the time pay $2 an acre he must have a competency when he goes on the land in the first place. He can never work it out to a fruition in title.

I think that the homestead residence ought to be reduced to three years and leave of absence ought to be provided for. I only hesitate to do it because, as I said, the Senator knows something of the different conflicting interests which it is necessary to reconcile, and if those favoring these provisions are insistent it might be dangerous to insist upon a change. But I feel the change should be made, and unless I become satisfied it would imperil the bill I shall offer some amendments. It would not only be better for the settler but it would be better for the State—it brings the lands under taxation sooner.

Mr. CHAMBERLAIN. I am not sure that it would. I have had no conferences with the Members of the House committee, although I have read the bearings. So far as I am individually concerned, I would have no objection to having an amendment of that kind added to the bill, and then, if the conferees outvote us, it would not be our fault.

I am in thorough accord with the Senator in his efforts made in the past and being made now to protect the homesteaders, because conditions are not as they were 25 years ago. When I first went out West in 1876 one could get a homestead almost anywhere and could make a living on it without much trouble, but you can not do it any more. A man who takes up a homestead now, whether it is in the arid region or not, has a pretty hard time to work out a living.

I want to say that the House committee worked industriously on the bill, and all of them gave it their undivided and conscientious attention and faithfully endeavored to reach a proper solution of the questions involved. The fact is they had extensive hearings, and every time I went over there I found that the full committee nearly was present, each and every one of them taking an active interest in the bill. When the Senate committee took it up they wanted to make just as few changes in it as possible, because the committee knew the painstaking care that had been exercised in the preparation of the bill, and the only changes made are practically the few to which I have called attention. We did not think the House committee had been quite generous enough to Oregon because of the conditions which I have undertaken to describe. Let me call attention to one thing.

The bill as passed by the House required that 40 per cent of the money that comes from the sale of this timber should go into the reclamation fund. Under ordinary circumstances I would not object to that very seriously, but let us see what Oregon has suffered under the proposition. Oregon ranks second in the list of 16 States that have contributed to the reclamation fund. There is no other State in the West that has contributed as much to the reclamation fund except North Dakota. Up to the end of last year North Dakota had contributed $12,080,995.97 to the reclamation fund. Oregon contributed $10,717,809.39—second on the list. When it comes to investing the proceeds of public lands that are in the reclamation fund to the development of irrigation projects in the States, Oregon ranks eleventh.

Mr. BORAH. Oregon has a great deal of rainfall.

Mr. CHAMBERLAIN. East of the Cascade Mountains conditions are like those in the Senator's State. There is a lot of arid land and very many reclamation projects that ought to be developed. The State itself has undertaken to develop one project and sought here a year or two ago, just as we have always sought in river and harbor improvements, to get cooperation between the Government and the State. The Senator will remember that the distinguished Senator from Utah said he would never consent to have cooperation between the State and the Federal Government in irrigation. Oregon puts up dollar for dollar for river and harbor improvement and is willing to put up dollar for dollar for reclamation.

Mr. FALL. Is it not a fact that the very showing the Senator has made proves that while, for instance, New Mexico and Arizona have contributed comparatively nothing, in view of what the great State of Oregon has contributed to the reclamation fund, they have had no means to dispose of their lands under the present law?

Mr. CHAMBERLAIN. I am not complaining of that——

Mr. FALL. The State of Oregon is so blessed that her people could acquire land and make homes in the State, and through the acquisition of the land Oregon has contributed a large amount to the reclamation fund. As the Senator is modifying his views I want to impress on him now the difference that exists due to the rainfall in the different States of the Union. We have had quite a large amount of money expended in New Mexico from the reclamation fund. We have availed ourselves very liberally of it, or at least the Government allowed us to use what was contributed by Oregon. New Mexico has thirty-odd million acres of land which, under the present law, can not be sold for the reclamation fund or any other fund.

Mr. CHAMBERLAIN. I am not complaining of the generosity of the Government to the Senator's State. I am glad that it has been generous. Arizona, for instance, has contributed $1,318,630.05 to the reclamation fund and the Government has expended there for reclamation projects $16,000,000. I am not complaining of that. What I am suggesting is that in view of the fact that Oregon has been the second largest contributor and stands eleventh as receiver of money for reclamation, when a condition arises in the State that is sui generis and there is an opportunity to expend the money within the boundaries of the State where the Reclamation Service holds a million acres that are susceptible of irrigation, she ought to have the benefit of it.

Mr. FALL. Mr. President——

Mr. CHAMBERLAIN. Pardon me just a moment. The House bill provides that 40 per cent of the proceeds shall go into the reclamation fund, and possibly all of it may go to New Mexico.

Mr. FALL. The fact, however, remains that while the entire area of New Mexico and the entire area of Arizona susceptible of cultivation, if cultivated at all, must be cultivated by irrigation, a large portion of the State of Oregon is so situated that it can be cultivated by virtue of rainfall without irrigation.

Mr. CHAMBERLAIN. The Senator misapprehends the conditions up there. Nearly the whole eastern part of the State is

in the semiarid region. In some of the counties they have only 8 inches of rainfall and in some of them from 8 to 13 inches.

Mr. FALL. What proportion is that of the entire State?

Mr. CHAMBERLAIN. It is practically a line running through the center of the State east and west from the Cascade Mountains to the eastern boundary of the State. It is practically half of the State.

Mr. FALL. I want to say to the Senator, under the theory which he has been advocating, every tree in New Mexico is taken away from the people of New Mexico and we have not anything left to sell.

Mr. NORRIS. Mr. President, as the Senator is aware, of course, the old reclamation law itself provides that officials shall, I think, at every 10-year period, as near as they can, equalize the expenditures for reclamation projects in various States. He realizes that it would be an impossibility by the use of the reclamation fund to make an accurate division between the States, and where one State gets more money during the first 10-year period the probabilities are that another State will get more in another period. When they start in with projects they necessarily have to finish them, and they can not begin more projects than they are going to complete.

Mr. CHAMBERLAIN. There is some force in that, too, but the Senator will remember that under the law as it was the major portion of the reclamation fund from any State had to be expended on feasible projects in the State. That law was subsequently changed. I was willing to have that change made, leaving it to the Reclamation Service.

Mr. NORRIS. I think the Senator was right in that. I think it is not difficult to see that that is really the only practical way to administer this fund.

It can not be divided equally, but I think they should do it as nearly as they can. If Oregon was not getting as much as she did get out of the fund within a certain period it was because projects had been commenced and money expended in other States, and when they are completed the probabilities are that in the next period Oregon will perhaps get more than her proportionate share. In other words, we can not keep an equal division of that fund between the States all the time, and the law never contemplated that it should be done.

Mr. CHAMBERLAIN. The old law has been changed, the Senator will remember. I was saying that I favored that repeal for the simple reason that if the major portion of the fund had to be expended in a State it resulted in the constant harassing by the Senators and Representatives from that State of the Reclamation Service to get them to spend the money on projects that were not feasible. So I favored the change in the law, leaving the discretion somewhere else. Yet every time I have been up for office in Oregon since then I have had to meet the charge that I had been "sleeping at the switch" and let the change be made. It was the honest thing to do, even if it did affect my State a little injuriously. It had the same effect on other States.

Mr. SMITH of Arizona. Mr. President, inasmuch as Arizona has been drawn into this debate, I feel that I ought to say a single word. I am glad to see the very generous spirit that is expressed in the Senate to-day. I have been trying ever since I have been here to get the kind of land that Oregon has been selling and contributing so generously to the Reclamation Service in an attitude where we could sell it at all or use it at all.

The result is that the State of Oregon had land that it could sell. The State of Arizona has never had any land that it could sell for the Government saw fit to take it and keep it. So it was not possible for us to contribute to the Reclamation Service when the Government had taken it either as forest reserves or for an unnecessarily large Indian reservation. What is left is lying there, not semiarid but actual arid waste and barren mountain, and the contribution that we could make the fund would amount to nothing. I am glad to see that the sentiment is growing in this body that justice shall be done the Western States. It is impossible that they can live with the Government holding all the valuable lands within them. Conservation for what? We can not use the timber. I am buying what timber I need at home from Oregon, while within sight of me is as fine timber as ever grew in the world. I can not touch it. That is the condition there, and it is that condition against which I have been complaining. I will gladly welcome the day when every man upon the other side of the Rocky Mountains may see the necessity of being at least fair, of giving those people a chance to live; and not conserve everything in their State for the other States which have disposed of all the lands that they ever had.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Oregon a question.

Mr. NEWLANDS. Mr. President——

Mr. SMITH of Michigan. Does the Senator from Nevada desire to take the floor in his own right?

Mr. NEWLANDS. No; I wish to ask the Senator from Oregon a question.

Mr. SMITH of Michigan. Then, I will wait until the Senator does so.

Mr. NEWLANDS. I wish to ask the Senator from Oregon what is the estimated value of the lands that are to be sold?

Mr. CHAMBERLAIN. It was stipulated at the trial of the case that they were worth about $35,000,000; but, of course, that is an estimate. It is impossible to tell exactly what they are worth.

Mr. NEWLANDS. Does the Senator from Oregon think that is above or below their value?

Mr. CHAMBERLAIN. I am inclined to think it is a little above their value.

Mr. NEWLANDS. Is it much above their value?

Mr. CHAMBERLAIN. Not a great deal. The land is assessed for $22,000,000; and they have sought to assess the properties there at something like their value.

Mr. NEWLANDS. Now, then, assuming that the lands are worth, say, $30,000,000, what proportion of that would go to the State of Oregon for reclamation purposes?

Mr. CHAMBERLAIN. I think the bill provides for only 10 per cent

Mr. NEWLANDS. For reclamation?

Mr. CHAMBERLAIN. Yes.

Mr NEWLANDS. Does the Senator mean 10 per cent goes to the reclamation fund or to the State of Oregon?

Mr. CHAMBERLAIN. It goes into the reclamation fund to be expended in Oregon.

Mr. NEWLANDS. But all of it has to be expended in the State of Oregon?

Mr. CHAMBERLAIN. Yes; it goes into the general reclamation fund of the Government, to be expended by it in Oregon.

Mr. NEWLANDS. About what per cent of that?

Mr. CHAMBERLAIN. Ten per cent.

Mr. NEWLANDS. Is that under the Senate amendment?

Mr. CHAMBERLAIN. That is under the Senate amendment, found on page 16 of the bill.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. CHAMBERLAIN. I do.

Mr. LA FOLLETTE. Would the Senator from Oregon, just on that point, permit me to call his attention to the fact that the House hearings show that the State forester of Oregon has estimated the timber upon this land at 40,000,000,000 feet?

Mr. CHAMBERLAIN. It is estimated by him at 44,000,000,000 feet, is it not—somewhere near that amount?

Mr. LA FOLLETTE. In round numbers, 40,000,000,000 feet. That timber is estimated at approximately worth a dollar a thousand, which would make the timber alone worth $40,000,000.

Mr. CHAMBERLAIN. That is right. I will say to the Senator that they have estimates that would run it up as high as $45,000,000.

Mr. LA FOLLETTE. Then, the estimate that the total value of the land is $35,000,000 must be very low, indeed?

Mr. CHAMBERLAIN. But the Senator will understand that there is a great deal of that land that is not worth anything, and so the value of the entire property is problematical. All these estimates are more or less guesswork.

Mr. LA FOLLETTE. This timber estimate must be pretty accurate. A good estimator can practically get at the value of timber fairly well.

Mr. CHAMBERLAIN. Possibly. I think one of the agents out there estimated the timber at 50 cents a thousand stumpage, while the Senator from Wisconsin puts it at a dollar.

Mr. LA FOLLETTE. The testimony, I think, puts it at a dollar.

Mr. CHAMBERLAIN. It is a varying factor between 50 cents and a dollar, as to what the timber will bring. It is safe to say, however, that the land is worth between $28,000,000 and $40,000,000—somewhere along there.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. CHAMBERLAIN. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, this bill is very evidently in the interest of the State of Oregon, appropriately so, in my opinion. Of course the citizens of that State should be the principal beneficiaries of this legislation.

The Senator from Oregon has called attention to the diligent work performed by the House committee, but I am impressed

very strongly with the equitable character of the Senate amendments, especially that part which provides a way in which the harbor districts may be partially compensated for loss of taxable property.

I do not want the Senator, and, of course, the Senator will not overlook this aspect of the situation. It is very evident that the work that has been done in the harbors will add to the value of this timber very greatly. They have bonded themselves and improved their ports, and are to improve their highways under this bill. Every dollar expended by those municipalities or political subdivisions will very largely increase the value of this timber, will it not?

Mr. CHAMBERLAIN. There is no question about that.

Mr. SMITH of Michigan. In other words, if these investments had not been made by the various port districts there would be no way to get these logs to market. Now the way is open, and the Senator's amendment proposes to take care of the municipalities that have obligated themselves far into the future in order that there may be ample harbor facilities. I want to commend that aspect of this bill. There is in it a sense of equity and justice which appeals strongly to me. I hope that when this bill gets into conference, if it should reach that stage, the Senate committee will insist with all their vigor that this equitable recognition shall become a part of the law.

Mr. CHAMBERLAIN. Mr. President, I am not going to take the time of the Senate any further. To save making a lengthy statement—I have imposed on the kindness of the Senate too long already—I am going to ask to have inserted in the RECORD, as a part of my remarks, a statement of Mr. Louis E. Bean with reference to these port districts. Mr. Bean appeared as a witness before the subcommittee and testified on the subject.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The matter referred to is as follows:

The pending legislation involving the Oregon and California land-grant lands is of most vital importance to Oregon as a whole, and more particularly to the counties and port districts in which these lands are situated. The organization which I represent is made up of the Oregon coast ports, which are quasi municipal corporations organized under the statute of our State, giving to local communities the authority and power to form port districts for the improvement and development of the rivers and harbors along the Oregon coast. Ten or eleven such port districts have been organized within recent years under this statute. These organizations met together, formed a federation for their own mutual benefit and advancement, and I am here to-day to try and point out to you gentlemen the justice of their cause.

The act under which these ports were formed was passed in 1909, immediately following which the several local communities along the Oregon coast, embracing undeveloped harbors of more or less importance, took advantage of the law and proceeded to organize their respective port districts. At that time very little harbor improvement had been made in Oregon, aside from that at the mouth of the Columbia River. Federal aid was denied to us because of the lack of present commerce, although we were, by nature, most richly endowed with vast undeveloped resources awaiting only the opening and development of our magnificent waterways leading to the Pacific. Our people are pioneers and recognize no obstacle or barrier. Consequently, being unable to obtain Federal assistance, took the question of harbor improvement into their own hands and by their own indomitable spirit, energy, and courage went to work to do that that had been done in other States by the Federal Government, a task that might be little expected of a less progressive people—to make harbors for themselves that the abundant undeveloped resources might be turned into present commerce and thereby enrich not only the local community but the Nation as well.

We have a number of these very important harbors along the Oregon coast south of the Columbia River, with a vast area of virgin forest, coal fields, and other undeveloped resources at their very doors, awaiting only the necessary improvement of these harbors to unlock to the markets of the world these resources.

Among these harbors are the Nehalem, the Tillamook, the Siuslaw, the Umpqua, the Coos Bay, and the Coquille. At all of these (and others) port districts have been organized for the purpose of constructing harbor improvements, so as to confine the currents of the waters to a fixed and definite channel and thereby to cut away the bar that separates the inner harbor or bay from the ocean itself, in order that the ships of all countries may enter our harbors, rest in peace while thereon, load with our lumber and other products, and depart in safety.

The statute under which these ports were formed limit the amount of bonded debt that may be incurred for these improvements to 10 per cent of the total assessed value of all property within the port district. At the time of the formation of these ports, and on account of the undeveloped condition of our harbors, the assessed value of the taxable property was necessarily very low, in consequence of which, and the large sums of money that would be required to make these improvements, a bonded debt near, if not quite, the full limit allowed by law, was inevitable. The ports met this condition, however, sold their bonds, commenced and carried on their improvements to an extent sufficient to convince the Federal Government that these harbors were worthy projects and would develop sufficient commerce to warrant their full development and improvement. The first among these port districts to bond itself and undertake this harbor improvement unaided by Federal appropriation was the port of Siuslaw. In 1909 this port sold its first issue of $100,000 of bonds and with the proceeds constructed several thousand feet of well-rocked jetty into the sea without Government aid.

At the commencement of this work the surveys on the bar showed but 8 feet of water at mean tide, and not permanent at that. At the completion of the expenditure of this sum by the port the depth of water had been materially increased. At this point the engineers of the War Department recommended to Congress that aid be given to the port, based upon which Congress appropriated $215,500, with the provision, however, that to become available, the port should appropriate a like sum, the port to have credit for the work already completed by it. The port accepted the terms, sold an additional issue of bonds to the amount of $115,500, and paid the same over to the War Department. This sum was expended by the Secretary of War in further improvement on the bar, resulting in greatly increased depth of water, but yet the project was uncompleted.

Based upon the further recommendation of the department engineers, further appropriation was made by Congress in the sum of $112,500, with the same provision that the port should appropriate a like amount. Again the local community acquiesced, sold a further issue of bonds, and paid over to the War Department the sum of $112,500. This last appropriation has not been fully expended, but it is predicted that upon completion of the present contract, some time this year, a depth of water above 20 feet will be permanently obtained upon the bar.

Senator THOMAS. How far is that south of the Columbia River?

Mr. BEAN. About 150 miles, I should say, possibly a little farther. The port of Siuslaw, as I have enumerated, has contributed directly to this harbor improvement $328,000, aside from the interest payments on its bonds and its current expenses. The total assessed value of the port of Siuslaw, as shown by the assessment roll, at the time of its organization, was in round numbers, $3,000,000. Ten per cent was the limit of bonded indebtedness fixed by law. Consequently, without the increased value, by reason of the improvements made, the port would have reached its full limit so provided, but fortunately, by reason of the improvement of the harbor, the taxable area has increased to $4,500,000.

Senator THOMAS. The area, or value?

Mr. BEAN. The taxable value, Senator Thomas. The increase in the value of the property within the port district has been brought about by the improvement of the harbor; not only that, but the improvement of this harbor and the harbor at Coos Bay, which has been improved in like condition, but to a much greater extent, has been the means of bringing a first-class railroad from Eugene, by way of Siuslaw, to Coos Bay.

The total taxable valuation, as assessed of all property, real and personal, within the port Siuslaw district is $4,500,000. Within the boundaries of this port district is a large area of these Oregon and California grant lands, approximating 126,000 acres, the assessed value of which upon the assessment roll is $1,408,000.

Senator THOMAS. Is that in addition to the $4,500,000?

Mr. BEAN. No, sir. The $1,408,000 assessed against the grant lands is included in the total assessed value of $4,500,000, and if deducted would leave upon the assessment roll as the full taxable value of the port district $3,092,000, upon which to levy a tax annually sufficient to pay the interest and principal of the bonds now outstanding, amounting to over $300,000. In other words, a levy of 6 mills on each dollar of property annually will be required to pay interest alone, to say nothing of the payment of the principal, which will soon commence to fall due. The other ports are in similar condition to the port of Siuslaw. The port of Coos Bay furnishes perhaps the best harbor on the Pacific coast between the Columbia River in Oregon and San Francisco, Cal. More than $1,200,000 has been expended on the Coos Bay Harbor, the port of Coos Bay paying dollar for dollar with the Federal Government. The cities of Marshfield and North Bend are the principal cities on the bay. Regular steamship transportation is maintained between Coos Bay and Portland on the north and San Francisco on the south, and many cargoes of lumber are sent foreign annually. The country surrounding Coos Bay is rich in its coal fields, its forests, and its agriculture. The new Southern Pacific Railroad from Eugene by Siuslaw makes its terminus on the bay. Its harbor improvement is attracting new industries, and not in the far distant future Coos Bay is to be reckoned among the first-class harbors of the Pacific. The local community, the port of Coos Bay, has bonded itself for $500,000 to make possible these conditions; 35,393 acres of these grant lands are within the boundaries of the port of Coos Bay, the present assessed value of which amounts to $540,097.

The port of Umpqua, situate midway between the port Siuslaw and the port Coos Bay, is a most magnificent harbor. The Umpqua River, from which the port derives its name, is a large fresh-water stream extending to the summit of the Cascade Range of mountains, and is navigable for all purposes for a distance of 29 miles from its mouth. The taxable area of the port of Umpqua is over 700 square miles, or about 450,000 acres, 20 per cent of which can be converted into tillable agricultural land. The principal industries are lumber, agriculture, and fishing. It is estimated that the port district contains 15,000,000,000 feet of merchantable timber. The total assessed value of the port district is $4,330,000, within which is 108,583 acres of these grant lands, assessed at $1,117,520, or approximately one-fourth of the entire value of the port district. This port is now preparing for the improvement of its harbor, and to that end is now selling, or has sold, an issue of $200,000 of bonds, expecting to join hands with the Federal Government in making the improvements on their harbor.

The port of Coquille has within its boundaries 65,078 acres of these grant lands, the assessed value of which amounts to approximately $1,000,000.

The port of Bandon, at the mouth of the Coquille River, is an old and important harbor. This port has sold a large amount of bonds and expended the money derived therefrom in joint partnership with the Federal Government in the improvement of its harbor. Of these grant lands 7,854 acres are within the boundaries of this port district, the assessed value of which amounts to $120,000.

The port of Bay City has only about 4,000 acres of these grant lands within its boundaries, the assessed value of which is $21,000.

The several ports along the Oregon coast south of the Columbia River have issued and sold in the aggregate over $2,000,000 of bonds and used the proceeds in joint partnership with the Federal Government, paying dollar for dollar in the improvement of these harbors.

The CHAIRMAN. $2,000,000?

Mr. BEAN. Yes, sir; more than $2,000,000. The money was paid over to the War Department and has been expended for harbor improvement under its direction. The improvement of these harbors by means of self-help by the local communities has tended greatly to the development of the commerce of the State and Nation and has directly made the value of these grant lands. If I am advised correctly, Oregon stands alone as the only State in the Union where deep-sea harbors have been made largely by the local community self-help.

The CHAIRMAN. In other words, you contribute a dollar for every dollar the Government contributes?

Mr. BEAN. Yes, sir; exactly; **$4,000,000 and more has been expended** by the local communities and the Federal Government in the improvement of these harbors, but the improvement is not yet completed. Further large sums will be **required in the future for** the maintenance of these **improvements and their further development.** These port districts **at the time of entering into this partnership, as it were, relied upon the taxable area within their respective boundaries as a fixed and immovable resource that would grow in** value as the improvement **of these harbors progressed. Also, the** people who bought our bonds relied upon the value of these resources as a security behind the bonds.

Mr. NEWLANDS. Mr. President, if I may now pursue the inquiry I was making, I wish to say that, as I understand, certainly $30,000,000 will be realized, and the House bill provided that of that $30,000,000, 30 per cent should go for roads in the State of Oregon and that 20 per cent should go to schools in the State of Oregon, making 50 per cent, and that 40 per cent should go to the general reclamation fund. May I ask the Senator from Oregon, Is that the entire disposition that is made of the fund by the bill as it passed the House—30 per cent for roads, 20 per cent for schools, and 40 per cent for the reclamation fund?

Mr. CHAMBERLAIN. That is all by percentages. Of course, the balance under that bill goes into the Treasury of the United States.

Mr. NEWLANDS. Ten per cent goes into the Treasury of the United States?

Mr. CHAMBERLAIN. No; the balance. But there is a percentage—the Senator read it, I think—and the percentages are fixed for everything but as to the United States Government, which gets the balance.

Mr. NEWLANDS. Yes. Now, as I understand, by the amendment offered in the Senate, 10 per cent of this fund of $30,000,000 will go for reclamation projects in Oregon; 10 per cent will go to the United States; 30 per cent will go to certain counties; and 20 per cent to certain other counties, so that, under this amendment, of this $30,000,000 Oregon, in one form or another, will get about 90 per cent, the United States will get about 10 per cent, and the general reclamation fund will get nothing.

Mr. CHAMBERLAIN. Oh, no. I will have to call the Senator's attention to the act of 1912.

The Government of the United States commenced a great many suits against men who had bought land from the railroad company in excess of 160 acres and in excess of $2.50 an acre. By the act of 1912, which was passed by Congress, those suits were authorized to be compromised by the Attorney General upon the payment to the Government of $2.50 per acre for all of this illegally sold land. So the Government has already gotten a large sum of money out of the railroad company.

Further than that——

Mr. NEWLANDS. Can the Senator from Oregon tell me how much the Government has gotten?

Mr. CHAMBERLAIN. I have not the statement at hand just now, but shall be very glad to furnish it to the Senator. I can easily get it from the Secretary of the Interior.

Mr. NEWLANDS. I shall be glad to get it.

Mr. President, I am sure that I shall be very glad to see Oregon benefited by this transaction; but the question arises in my mind as to whether or not the House plan did not present a more equitable distribution of this fund of $30,000,000 than does the Senate committee plan. Under the House plan 40 per cent at least went into the general reclamation fund, which is applicable to irrigation enterprises in some 16 States, whereas under the Senate committee plan nothing whatever goes into the general reclamation fund. Ninety per cent of all of these moneys goes in one form or another to the State of Oregon.

It is true that Oregon has contributed very handsomely to the reclamation fund. It has contributed about $10,000,000, I believe, or something in excess of that, while it has received for reclamation projects only about $5,000,000. I assume that the reason that more than $5,000,000 has not been expended in reclamation projects in Oregon is that it has been somewhat difficult to find feasible projects upon which that amount of money can be expended, and that arises from the fact that Oregon is regarded as a humid State. On the Pacific coast it is called the "Web Foot" State.

Mr. CHAMBERLAIN. Mr. President, let me put the Senator right.

Mr. NEWLANDS. It is true that, so far as the eastern part of it is concerned—I am going to refer to that—about a fourth of the State is exceedingly arid.

Mr. CHAMBERLAIN. A fourth of it is exactly like the State of Nevada.

Mr. NEWLANDS. A fourth of it is just as arid as is my State; and I assume that in that portion they have not been able to find the water that would enable them to establish a feasible project, and therefore the Reclamation Service has not constructed such works. I do not know, of course, as to that with certainty, and yield to the superior information of the Senator from Oregon.

Mr. CHAMBERLAIN. Let me say to the Senator that he misunderstands the situation there. The Reclamation Service says that there are now a million acres of land in Oregon which can be irrigated from waters they now have; but Oregon has been limited in the fund they have available. Nevada has received $5,000,000, or in excess of $5,000,000, for expenditure on reclamation work; while Oregon has not received in excess of $3,000,000.

Mr. NEWLANDS. Yes; and Oregon ought to have more expended—there is no question about that—if there are feasible projects there. Can the Senator explain why it is that the Reclamation Service, having received $10,000,000 from the sale of lands in Oregon, has not found it advisable to expend thus far more than $3,500,000 on irrigation projects there?

Mr. CHAMBERLAIN. I want to say to the Senator, that I sometimes think, under the old law, that possibly it is the fellow with the longest pole who gets the persimmons. There were some distinguished Representatives here who, under the old practice, used to get appropriations whenever they asked for them, and others would not. The Reclamation Service seemed to be partial to some States, and did not treat the others so liberally; but, as I have said, the Reclamation Service states that there are a million acres of land in Oregon which can be irrigated now.

Mr. NEWLANDS. Do they say that they have the water to irrigate that acreage?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of Arizona. Mr. President, I want to suggest, in that connection, that very probably, especially in the earlier days of the Irrigation Service, they were attempting to demonstrate the feasibility and profit of irrigating lands where crops different from the crops of the temperate zone could be raised. I imagine that, if Oregon has been neglected, it has been due to the fact that they were attempting to irrigate land where high-priced crops, such as oranges and other semitropical fruits, could be grown rather than land which would grow crops that would come in direct competition with products which were already being exported in large amounts from the country. I think that is probably the motive which animated the Irrigation Service.

Mr. NEWLANDS. If Oregon has been unfairly dealt with, all I can say is that I want to see her fairly dealt with; and if there are feasible projects in that State, which would justify an expenditure of $10,000,000, I hope that ultimately Oregon will receive that amount from the fund to which she has contributed $10,000,000; but it will be recollected that the purpose of the reclamation act was to regard the entire public domain as a unit; and it is a unit, regardless of State boundaries, and the purpose of that act was to sell lands that were salable and to devote the proceeds to the reclamation of the lands that were unsalable without water, wherever they might be in the arid regions.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Mexico?

Mr. NEWLANDS. Yes.

Mr. FALL. I would have very much more at heart the question of the disposition of these lands if the statement which the Senator has just made correctly settled, to my mind, the proposition with reference to the disposition of the proceeds of the sale of the public lands. According to the Senator's statement, it would appear that 95 per cent of the proceeds of the sales of public lands in Oregon would go to the building up of irrigation enterprises in other States. That is not correct. Ninety-five per cent of the proceeds of the sales of such land is loaned, to be returned. It is purely an advance, and not a gift to the other States at all, or, rather, it is not a gift to the users under the reclamation projects.

Mr. NEWLANDS. That provision was repealed, as I understand. The Senator from Oregon, I think, so stated.

Mr. FALL. Oh, no.

Mr. NEWLANDS. I refer to the provision which compels the application of a majority of the proceeds of the sales of public lands in an individual State to reclamation projects within that State.

Mr. FALL. Every water user under every irrigation project is taxed for the cost of that project. Where does it go?

Mr. NEWLANDS. It goes into the general fund.

Mr. FALL. Then, I would rather have it go into the State fund of Oregon than into the general fund of the United States Government.

Mr. NEWLANDS. Not the general fund of the United States, but the general reclamation fund.

Mr. FALL. What is to become of that general reclamation fund?

Mr. NEWLANDS. It is to be spent on new projects wherever necessity for them arises, regardless of State boundaries.

Mr. FALL. And the users pay every dollar of it?

Mr. NEWLANDS. Yes.

Mr. FALL. Then it is only a loan in so far as the water users are concerned.

Mr. NEWLANDS. That is true.

Mr. FALL. That is the point I am making.

Mr. NEWLANDS. It constitutes a revolving fund, to be used over and over again on new enterprises.

Mr. FALL. It is simply reimbursable; that is, eventually, after it revolves until it has done all of this work—and the people are taxed under these projects to pay the money back so that the fund can continue to revolve—it settles finally, I presume, somewhere in the United States Treasury.

Mr. NEWLANDS. It can be used, of course, for other public enterprises or can go into the United States Treasury when the entire field of reclamation is covered.

Mr. FALL. The difference in this case is that under the peculiar condition of affairs in Oregon the greater portion of this fund, instead of going back to the United States Treasury at some time, will remain in the treasury of the State of Oregon, in which the lands are situated. That is the only difference so far as any benefit to the users under the irrigation enterprise is concerned.

Mr. NEWLANDS. Upon that theory, Mr. President, the entire reclamation fund would disappear, because the Senator contends——

Mr. FALL. Oh, no; it would not.

Mr. NEWLANDS. That the moneys in that fund should go to the State from which the moneys were received from the sale of lands, and hence they would absolutely disappear and the fund would be at an end.

Mr. FALL. If the Senator will allow me, I will call his attention to the distinction, as I see it. A very peculiar condition exists in the State of Oregon. It was one not contemplated under the general reclamation act. Under the general reclamation act, under the land-sales act, under the policy of the United States Government in disposing of its lands, 95 per cent of the proceeds of land sales goes to the reclamation fund. What does that amount to for 160 acres under the homestead act? For 160 acres, 95 per cent of $21 at the outside, and only 95 per cent of $14 in some instances, is all that goes into the reclamation fund. Now, under this proposition the 10 per cent of the proceeds which would be used in Oregon—and I think the Senator from Oregon has rather shown that the State is entitled to have it used there—would amount to something like $32, from $32 to $40, for 160 acres, instead of the $20 or $21 under the ordinary land sales which would flow into the reclamation fund as contemplated under the reclamation act. The condition existing in Oregon is a peculiar one, and I am simply calling the Senator's attention to it.

Mr. NEWLANDS. Mr. President, I can not see any peculiarity in the conditions. All I see is that public lands are about to be sold for the sum of $30,000,000; that under the law as it stands all of that $30,000,000 would go into the general reclamation fund, to be applied to feasible projects in the entire arid region, regardless of State boundaries, the purpose of the Government being to use the money derived from the sale of salable land in making other public lands cultivable and homes for the people, and compelling those people whose lands are thus reclaimed to pay back in a period of 20 years the money paid for their reclamation into this fund, so that it can be used over and over again in the creation of new irrigation projects.

Mr. FALL. Mr. President, I do not think that the Senator understands the point made by me. He intimates that he does not understand that there is any distinction. Suppose that this bill simply proposed to return—as it does in one of its sections—these lands in Oregon to the United States; then they would become public lands of the United States, subject to the public-land laws of the United States. That means they would be subject to the homestead law and to the desert-land act; but, as a majority of these lands would not come under the desert-land act, we will say that they will be subject to the homestead law, under which for 160 acres the total sale price would be $21, at the outside, of which the reclamation fund would get 95 per cent. The peculiarity of this condition is that, instead of being turned over to the United States and coming under the disposition of the general land laws of the United States, we are now enacting a special law under which the land shall be disposed of.

Mr. NEWLANDS. But these lands are to be sold, and the policy of the United States is to put all the proceeds from the sales of public lands into the reclamation fund. I understand the Senator says that more is to be realized from the method of sale proposed than would be realized by opening the land to homestead and desert-land entry. That is probably so; but, as I understand, a very large portion of these lands are timberlands, and certainly the Government is not allowing timberlands to be entered under the homestead law.

Mr. FALL. It is not?

Mr. NEWLANDS. No; it is not.

Mr. FALL. Well, it should; and it is everywhere, except in the forest reserves, under the theory of which the lands are held in the United States Government.

Mr. NEWLANDS. Under the present policy of the Government all lands that are better for forestry than they are for cultivation are in forest reserves; and a good many lands that are not are also in forest reserves.

Mr. FALL. But Congress has by legislation prohibited the creation of further forest reserves. This land in Oregon, if it became public land, would be subject to entry under the public-land laws and would not be in a forest reserve. If it were in a forest reserve, it would be, as is the case with other forest reserves, of benefit to no one to any extent at all; but not being in a forest reserve, it would be subject to homestead entry. So the figures which I mentioned a little while ago would be applicable, and the reclamation fund would derive 95 per cent of $21.

Mr. NEWLANDS. The lands would be subject to homestead entry if the United States Government were foolish enough to permit lands worth a very large sum for timber to be entered under the homestead law. The fact is, that the policy of the reclamation act is that the proceeds of the sales of all public land shall go into the general reclamation fund, to be devoted to projects throughout the entire arid region; and the effect of this bill is to take the 90 per cent of $30,000,000, that would go into the general reclamation fund, and apply that sum to the wants of Oregon alone. I say that that is not within the spirit of the reclamation act and is not fair nor just.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. NELSON. I want to call the Senator's attention to the fact that the reclamation act, under which the proceeds from the sale of Government lands go into the reclamation fund, contemplated the disposal of the public lands in the ordinary way. These lands in Oregon are not ordinary public lands. If they were simply public lands, I know of no general law under which the public could go on them and sell the timber separately, and afterwards the lands be subject to homestead entry, as provided for in this bill.

If these were public lands to-day, I do not see how, under the general land laws, anything could inure to the reclamation fund. They would be open to homestead settlers, and unless they commuted their interest and paid for the land the Government would be getting nothing, and nothing would go to the reclamation fund. There might be special cases—for instance, if there was a mining claim inside of this—where something more would inure.

In this case, however, here is a grant of lands made by the Government years ago, with the conditions of which the railroad company have failed to comply. The grant was given to the company on the basis that they were to realize $2.50 an acre out of it. That was the condition on which they got the grant—that they were to dispose of it to actual settlers at $2.50 an acre. They violated those conditions. They violated them entirely. On account of that violation and on account of the decision of the Supreme Court that we have had in respect to this matter, we propose now to cure that entire matter. The Government proposes to assume a sort of a trust in respect to these lands, resume the possession of them, and classify them into three classes of lands—lands with water-power sites on them, lands that are valuable chiefly for the timber, and agricultural lands. Then the bill provides what we have not provided in any other law except in the case of certain Indian reservations—for the sale of the timber separately from the land; and then, after the timber has been sold and cut off, it leaves the denuded timberland open to homestead settlers.

In respect of the agricultural lands, the homestead settlers, unlike the condition under the general homestead law, are required to pay $2.50 an acre, and out of the timber we sell we expect to get a good deal more. They have put an estimate of thirty millions on this. We do not know what it will amount to, because the timber has to be sold. We can estimate what the agricultural lands that may be entered amount to. That would be $2.50 an acre; but out of the fund that we get from resuming

possession of these lands we contemplate paying to the railroad company $2.50 an acre for the entire grant. That comes out, and a large quantity of taxes comes out of it. Then, in addition to that, the Government has had a most expensive litigation from first to last in connection with this matter. It has had a great expense. The Government ought to be reimbursed for that. Then the balance of this money goes mainly to the State of Oregon; and why should it not? The Reclamation Service will get more out of this fund than it could possibly get if it were simply Government land without any conditions imposed upon it.

Oregon has suffered in this case for years. This land has not been taxed. We propose to remedy that. The Government retains a small percentage of this fund. Ten per cent is turned over to the reclamation fund; but most of the balance goes to the people of Oregon, and why should it not? This land grant, in the first instance, was made for the purpose of giving the people of Oregon railroad facilities. Now, why should we apply the rule that the Senator from Nevada insists upon in a case of this kind, sui generis—of its own kind, nothing like it—a case in which the Government simply acts as a species of trustee to dispose of this land and adjust it for the benefit of all parties in interest?

We do not propose to rob the railroad company. We give them here what the law contemplated they were to have in the first instance; and the balance of it, after paying the taxes and the costs and expenses, we devote to the State of Oregon, to the Reclamation Service, and a little bit of it to the Government. Why is not that just in this case?

Mr. NEWLANDS. I will explain to the Senator why I think it is not just. The fact is that the United States is to receive by these sales over $30,000,000 for public lands, and the United States has in the reclamation act declared a policy regarding the sales of public lands; and under that policy those moneys would go into that fund, to be expended in sixteen States instead of only one.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. Certainly.

Mr. NORRIS. The Senator from Minnesota [Mr. NELSON] said that if nothing had happened out there the reclamation fund would have gotten nothing out of this, because there would not have been any $2.50 to-day. I want to suggest to the Senator from Nevada, in consideration of that statement, that these lands, if no attempt had been made to give them to these railroads, would not be subject to entry under the homestead laws, but would be subject to entry under the timber and stone act, and that under the timber and stone act they would have been appraised and sold by the Government of the United States at their appraised value. So that the reclamation fund, as a matter of fact, would have received the entire benefit for the full value of all these lands.

Mr. NEWLANDS. Mr. President, whilst I wish to be entirely fair and liberal to the State of Oregon, and am entirely willing that she shall receive a considerable portion of this $30,000,000, I contend that it should not all be diverted from the reclamation fund, and that whilst a part of it may be properly dedicated to reclamation projects in Oregon alone, yet that a large proportion of it ought to go to the general fund.

So far as the public domain is concerned, I do not think we should recognize State lines. It is a unit. The Congress of the United States has declared a policy regarding it. It proposes to devote the proceeds of all public lands to the preparation of other lands for sale, with compensation to the fund in the sale of water rights, and the application of the moneys thus received to new projects.

Mr. FALL. Mr. President, will the Senator yield for a moment?

Mr. NEWLANDS. I will yield, although I prefer to go on.

Mr. FALL. The Senator is making a broad statement again. That only applies to the public lands in certain States.

Mr. NEWLANDS. That is right.

Mr. FALL. It is not applicable to the public lands in all the States.

Mr. NEWLANDS. That is true; but those happen to be about the only States in which there are public lands, for the great public domain now consists mainly of reserved timberlands and of arid lands that are worthless without water.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. I do.

Mr. CUMMINS. I ask for information: When the United States sells timber from a forest reserve, do the proceeds of the timber go into the reclamation fund?

Mr. NEWLANDS. My recollection is that they do. I do not remember whether the whole proceeds go in, or only one-half. Can the Senator from Nebraska inform me as to that?

Mr. NORRIS. Will the Senator repeat his question?

Mr. CUMMINS. I have just asked the Senator from Nevada whether, when the United States sells timber from a forest reserve, the proceeds of the timber go into the reclamation fund.

Mr. NORRIS. No; my understanding is that they do not.

Mr. FALL. No.

Mr. NEWLANDS. My recollection is that a large proportion of them do.

Mr. FALL. Oh, no. Twenty-five per cent of the proceeds from the sale of timber goes back into making roads, and so forth, in the States in which the timber is sold, and the other 75 per cent goes to pay a lot of clerks.

Mr. SHAFROTH. And only 10 per cent of it goes to the construction of roads in the forest reserves?

Mr. FALL. Yes.

Mr. SHAFROTH. So that it makes 35 per cent.

Mr. NEWLANDS. I will ask whether any portion of the proceeds of the sale of timber goes into the reclamation fund?

Mr. SHAFROTH. All of it goes into the reclamation fund, and then there is paid out, by check given by the Treasurer to the governor of the State, 25 per cent of all the receipts from forest reserves, and then, in addition to that, 10 per cent for the construction of roads, and that goes to the governor of the State.

Mr. CUMMINS. Then the expense of the service itself comes out?

Mr. SHAFROTH. Oh, no; the expense of the service itself is paid by the United States Government, in an appropriation made in the general Agricultural appropriation bill.

Mr. FALL. But does the Senator from Colorado maintain that the balance, over and above the 25 and the 10 per cent, goes into the reclamation fund?

Mr. SHAFROTH. I think it does.

Mr. WALSH. Mr. President, I think the Senator will recall that he is in error about that. The appropriation bill regularly appropriates all the avails of the use of the forests to the service itself, so that 25 per cent goes to the States, 10 per cent to use for the construction of roads, and all the rest of the returns go to meeting the expenditures of the service.

Mr. FALL. The Senator is entirely correct. Not a cent of it goes into the reclamation fund.

Mr. CUMMINS. That was my understanding. Now, I desire to ask another question, having ascertained the status of the money received for the sale of timber in forest reserves.

The Senator from Nevada knows that a very large part of the land grant that has been taken from the railway company and resumed by the United States is, or was, timberland?

Mr. NEWLANDS. Yes.

Mr. CUMMINS. The purpose of a reclamation act is to bring more land into profitable use, of course?

Mr. NEWLANDS. Yes.

Mr. CUMMINS. A great deal of this land is heavily timbered yet, and before it can be devoted to agricultural purposes it must be cleared; and in the case of the greater part of it it will cost from $100 to $200 an acre to clear it. Now, is it not just as much the duty of the Government to help clear that land, in order that it can be used, as it is the duty of the Government to put water upon arid land? And why, in some fashion or other, should not the people of Oregon have the benefit of all the proceeds that arise from the disposition of the timber?

I can not, for the life of me, see why you should put a struggling homesteader upon land from which the timber has been cut and expect him to spend from $100 to $200 an acre in order to bring it into use without any help from the Government, and square it with the policy of the Government trying to put water upon arid land in order that it may be brought into use.

Mr. NEWLANDS. But this bill does not propose to turn over any part of this $30,000,000 to the struggling homesteader.

Mr. CUMMINS. If I had my way about it, having in view just one object—namely, the bringing of land into profitable productive use—I would a great deal rather see the Government help the homesteader to clear this land than to turn over to any other purpose the money derived from the sale of the property. We have to get under use in this country all the land possible, and I have no more sympathy with the arid land than I have with the cultivable land that is covered with stumps. In the one case you must put water on the land in order to raise a crop. In the other case you must get rid of the stumps, and ordinarily

it costs more to get rid of the stumps than it does to put on the water.

Mr. NEWLANDS. Mr. President, it might be a more beneficial use of this $30,000,000 to apply it in pulling out the stumps from this forest land in order to prepare it for cultivation than to use it in developing water storage for the reclamation of arid lands, but we have not that question before us.

Mr. CUMMINS. Mr. President, we can bring it before us.

Mr. NEWLANDS. Ah! That is another thing. The question now presented before us is this: What is to be done with this $30,000,000 that the Government is to receive for public lands? Shall it go into the General Treasury of the United States, or shall it go into the treasury of the State of Oregon for the good of that State, or shall it go into the general reclamation fund, or shall it be divided between the three, a part going to the General Treasury of the United States, a part going to the reclamation fund, and a part going to the State of Oregon? The House bill makes the latter segregation, and I think it is the fairest.

Mr. SHAFROTH. Mr. President, I should like to call the attention of the Senator to the fact that the reclamation law, concerning which we were speaking a little while ago, reads as follows:

Be it enacted, etc., That all moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning with the fiscal year ending June 30, 1901, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the 5 per cent of the proceeds of the sales of public lands in the above States set aside by law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the "reclamation fund," to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures provided for in this act.

Mr. NEWLANDS. Mr. President, it is perfectly clear. These lands are public lands. There is no question about that. By the reclamation act they are absolutely dedicated to this work of reclamation of arid lands, and the effect of this bill is to repeal the reclamation act so far as the proceeds of these particular lands are concerned.

Mr. CUMMINS. No, Mr. President. The statute quoted by the Senator from Colorado does not touch the question that I asked. I asked whether the sale of timber, which is not the sale of public land at all, was within the reclamation act; that is to say, whether the proceeds of timber were turned into the general reclamation fund. The statute quoted by the Senator from Colorado does not answer that question in any other way than it has already been answered, and this bill provides for the sale of the timber.

Mr. NEWLANDS. It provides also for the sale of the land, does it not?

Mr. CUMMINS. At a very small sum of money. Of course, its principal value is in the timber.

Mr. SHAFROTH. Mr. President, this act provides that the proceeds of the lands shall become a part of the fund subject to expenditure. Of course, I can see that this money goes into some expenditures, perhaps; but, at the same time, just like the proceeds of the sale of public lands, it becomes a part of the reclamation fund. Inasmuch as the timber is a part of the land, and would go by virtue of a deed of the land, I do not see why it would not be a part of the reclamation fund.

Mr. CUMMINS. Of course, the timber would go under a deed of the land; but I asked whether the proceeds of the timber that is sold by the Forest Service—and it is selling timber all the time—were devoted to reclamation. I do not know certainly, but I would be very much surprised to discover that any part of the money that the Forestry Service received from the sale of timber goes to the reclamation of land. I have heard it asserted many, many times—I do not know upon what authority—that the entire proceeds of all the property sold by the Forestry Service were very much less than the expense of maintaining that service, and that we needed and were compelled to make from year to year an appropriation in order to sustain the Forestry Service, after giving it credit for all of the money that it had received by way of sale.

Mr. FALL. Mr. President, if the Senator will yield just one moment, this is an entire departure from any policy that has ever been pursued heretofore by the United States in the distribution of either its timber or its real estate. The bill provides—and it appears from the letter which the Senator from Oregon read to have been worked out by the Secretary of the Interior—a patent for standing timber on land. The land remains the property of the United States Government. That standing timber is to be sold, and a patent issued for the standing timber containing no title whatsoever to the land. Then the timber is to be cut off, and then the land is reclassified, or automatically goes into the other classification provided for in this bill.

The use of the word "patent," of course, is a misnomer in so far as the ordinary legal interpretation of the word is concerned. The title to timber is simply a license to go upon the land to cut timber upon it, and it becomes your property when you cut it and sever it from the real estate. The wording of this bill, however, is that the patent shall be granted for the timber itself, immediately upon its being paid for, and before it is cut. The title to the land remains in the Government, and under the terms of the bill becomes reclassified and salable under the homestead provisions of the bill at $2.50 an acre on five years' time.

The Senator from Iowa is entirely correct. There is no question in the world about the legal proposition that under no conception of the law applicable to the reclamation of arid lands as it stands now, without additional legislation, would the proceeds of this timberland go to the reclamation fund. You would have to amend the reclamation act.

Mr. NEWLANDS. Mr. President, so far as the Forest Service is concerned, it is true that the receipts from the sales of timber do not yet equal the expenses of administration, so that there is no surplus either to go into the Federal Treasury or to go into the reclamation fund. It is also true that under this bill the timber has been separated from the land, with a view, I presume, to a larger realization and with a view to holding the land for homestead proprietorship. But the fact remains that the public domain has been dedicated practically to the reclamation work, and that $30,000,000 is about to be secured from the sale of what we know as timberlands. I do not care whether you separate the timber from the land or not. The fact is that we have so many acres of the public domain, that are worth $30,000,000 or more, and from which $30,000,000 are to be realized.

Now, what public policy has the Congress of the United States declared with reference to that $30,000,000, the proceeds of public lands? It has provided that those moneys shall go into a reclamation fund, to be used for the benefit of all of the States in the arid region and not for one. No State can claim that it owns any part of the public domain within its borders. It is true that the State of Oregon is suffering, so far as its taxing power is concerned, from large timber reserves, and from the fact that there are large areas there of arid lands that are worthless without water and are in Government ownership. But the State of Nevada and the State of Arizona and the State of New Mexico have all suffered to a greater degree. In the State of Arizona, under the policy of this law, the Government has been able to realize only $1,318,000 from the lands within its boundaries, and that money has gone into the fund, and the Reclamation Service has expended in Arizona $16,000,000, coming, for the most part, from the sales of lands in other States. The State of North Dakota has contributed enormously to this fund—$12,000,000—and they have expended in that State only about $2,000,000 for reclamation projects. The State of Oklahoma has contributed over $5,000,000. They have only found one feasible project in that State, upon which they have expended $78,000. Both Oklahoma and North Dakota are favored in having for the most part of their domain sufficient rains; and, unfortunately, with reference to their arid portions or semiarid portions, they have not as yet been able to find water sufficiently accessible at a reasonable expenditure.

Mr. CUMMINS. Mr. President, the Senate passed the other day a bill granting to the State of Nevada 7,000,000 acres of land for its school fund. Was that in violation of the reclamation policy?

Mr. NEWLANDS. Yes, to that extent. It took 7,000,000 acres out of the public domain, but it was land that is not reclaimed. Probably a very small proportion of it is possible of reclamation. The most arid States in the Union are the States of Nevada, New Mexico, and Arizona. No one of those States has been able to contribute much to the reclamation fund. Each one of them has received from it sums largely in excess of the sums contributed to the reclamation fund from the sales of public lands in those States. On the other hand, there are States that have contributed enormously to the fund, and yet they have been so blessed by nature with rains that it is either unnecessary to reclaim their lands or where they have semiarid lands water was not available, and so none of this money has been expended upon it.

So far as the State of Oregon is concerned, it has contributed liberally to this fund—not the State itself, but the proceeds of the sale of lands in that State. Oregon is fortunate in having lands that can be sold. Ten million dollars have been received

from the sales, and they have been able to expend only about $5,000,000 thus far in that State. I hope to see the whole $10,000,000 expended in that State at some time. But what does Oregon get under this measure? Very nearly 90 per cent of $30,000,000. I say when you come to the question of apportionment the House apportionment is very much fairer than the Senate committee apportionment, because the House apportionment gives to the State of Oregon only 40 per cent of this $30,000,000, or $12,000,000, which is a very handsome sum.

I do not wish, Mr. President, to do Oregon any injustice. I am glad she is so favored by nature. I am glad that she is not subjected to the necessity, as the States of Arizona, New Mexico, and Nevada, of resorting to artificial means in order to water the lands. I am perfectly willing that she shall have a very large proportion of the moneys that are derived from the sales of public land in that State, but I say that 40 per cent, under the bill as passed by the House, is sufficient. The general reclamation fund ought to have at least 40 per cent.

Now, what is the status of New Mexico and Arizona and Nevada? They are about in the same condition. Nevada is in perhaps the most deplorable condition of all. Ninety per cent of the land of Nevada is in public ownership, and she is obliged to rely upon the other 10 per cent to maintain the burdens of municipal and State government. She was persuaded into the Union before she was able to assume the burdens of Statehood with a view to carrying constitutional amendments that were necessary and essential after the Civil War, and she has been struggling ever since.

If there is a public domain and if there is money to be derived from the sale of that public domain and if it is the public policy to see that those moneys are applied to develop arid land so as to make homes for men, what State is entitled to those moneys? The State, of course, that has contributed least to the fund, because that very fact demonstrates that in that State there is a greater necessity.

Mr. SHAFROTH. Mr. President, I should like to call the attention of the Senator from Nevada and the Senator from Iowa to the fact, as I take it, that the reclamation act prescribed that the money received from the sale of the public lands should go into the reclamation fund. The only exception that exists, I think, with relation to the matter is where the Government undertakes to sell timber on a forest reserve. That timber on a forest reserve goes as far as it will go for the purpose of paying the expenses of administering the Forestry Service. But there is no law on the statute books that separates the land from the timber in any other phase, except in reclamation in a forest reserve, and therefore, in the absence of any other law, the proceeds of the sale of these lands with the timber on them would unquestionably go to the reclamation fund.

I can see that the statement which the Senator makes is correct in that respect, and yet I think he loses sight of one thing. The State of Oregon was not able to collect a dollar of taxes on this land from 1866 to 1886, and the tax upon the land with reasonable interest each year upon the payment in 20 or 30 years in the Western States is equal to the value of the land.

Mr. NEWLANDS. Let me remind the Senator, however, that the State of Nevada has not been able to get taxes upon 90 per cent of its land.

Mr. SHAFROTH. That is true, but it is all wrong that the National Government should exempt these lands from taxation forever or for any great period of time. However, it has made Oregon pay for these lands practically in making assessments upon the persons owning private lands and private property in that State. I think the proposition here would be a good policy to start as to Oregon and to extend to every other Western State.

Mr. FALL. Will the Senator from Nevada yield to me for just a moment?

Mr. NEWLANDS. Yes, sir.

Mr. FALL. If the argument of the Senator from Colorado with which the Senator from Nevada seems to be in accord—for that which the Senator himself just made it seems to me is in accord with what the Senator from Colorado has stated—I do not understand by what process of reasoning the Senator can arrive at the conclusion that in the disposition of public lands State lines should be ignored. He has just stated that Nevada can not build up her own irrigation enterprises by the sale of the land within her own borders, but that under his reclamation project she should receive a benefit, because of her peculiar condition, from the sale of lands in other States.

It seems to me that every argument the Senator can make simply fortifies the argument that was made here in this Chamber 70 years ago, when our general policy of handling our lands was settled definitely for the future by the result of the debate between Hayne and Daniel Webster, where one insisted that the public lands should belong absolutely to the States within which they were situated, to be handled entirely as they pleased, and the other that they were a great national heritage to be administered by the people of the entire Union, but admitting that he had always contended and would continue to contend that the administration of those lands within the States should be for the benefit of the State in which they were situated. The Senator seems to have adopted an entirely different theory, and I am sorry that I can not go with him.

Mr. NEWLANDS. The Senator alludes to the position of Nevada. Let me say that the position of the State of New Mexico is about the same. The State of New Mexico has paid into this fund $4,323,000.

Mr. FALL. I recognize that fact, and that it will never be able to pay under the present laws of the United States to the reclamation fund what it should pay to it. The laws will have to be changed, and the laws that will enable you to do anything with the land in your State of Nevada must be different from the laws applicable to the State of South Dakota, and therefore you must in legislation for the disposition of the lands recognize State lines and not blot them out, as the Senator suggested.

Mr. NEWLANDS. Very well. If State lines had been recognized, the State of New Mexico would not have received as much money as she has for irrigation enterprises.

Mr. FALL. The people of New Mexico under the reclamation project are now being taxed twice. The land it was agreed should be taxed by the Reclamation Service, and if they are financially able to carry out their contract not one dollar of benefit will they ever receive from the old law which the Senator is so fond of discussing upon every occasion.

Mr. NEWLANDS. I am very sorry that the experience of New Mexico has been so bad. That has not been the experience of other States. So far as Arizona is concerned, she has paid into the fund $1,318,000 and has received in works $16,000,000. Of course, that money is to be paid back. It is a mere loan, it is true. Can any one doubt that that has been of great benefit to the State of Arizona?

Mr. FALL. But how much benefit will it be to them after they will have paid it back? They will have paid for their own development.

Mr. NEWLANDS. Mr. President, I have shown that in these three States the contributions to the funds from the sales of public lands is a very small one as compared with the amount contributed to the project, or the loan, if you prefer that term, to the projects in those States. The only way the very arid States can be reclaimed is through the proceeds of the sales of lands in more fortunate States. The Congress of the United States has declared the public policy regarding the sales of those lands. The Government of the United States has suddenly been favored with a windfall in its annulment of the railroad grant through which it is to receive $30,000,000 for public lands in Oregon, and the question is how that $30,000,000 shall be equitably apportioned, how much of it shall go to Oregon for local purposes, how much of it shall go to the general reclamation fund for the benefit of the entire arid region, how much of it shall go into the general fund of the Treasury of the United States?

I say the House apportionment was a fair apportionment. They gave Oregon only 40 per cent of this fund instead of nearly all of it, as the Senate committee amendment does, and gave the general reclamation fund 40 per cent to be distributed among 16 arid States in feasible projects, or rather loans of the moneys to be ultimately paid back. Recollect this is a trust fund. You divert $30,000,000 from this trust fund and turn it almost entirely over for the benefit of a single State. Of course, the same thing may be said regarding the grant of 7,000,000 acres to the State of Nevada. The proceeds of those lands are necessarily taken out of this fund if they can ever be sold. But what did we show? We showed that we have been 60 years in selling a 3,000,000-acre grant for school purposes, and we showed further that the 7,000,000 acres would only equalize the grants made to other States, not, perhaps, in number of acres but in essential value.

Mr. CUMMINS. Mr. President, I hope the Senator from Nevada will not infer that I have any criticism of the grant to the State of Nevada. I think it was a very wise one, for I think it was much more important to the schools of the State of Nevada to be supported and maintained properly than to build reclamation projects, just as I think it is a great deal more important to the State of Oregon that she shall be permitted to use this fund in the way suggested than to turn the fund into the reclamation treasury. I should like to know from the Senator from Nevada how many of the reclamation projects carried on by the United States have been paid up? How many farmers have been able to make their payments, so that the fund as to that project has been restored?

policy of the United States is to put all the proceeds from the

be $2.50 an acre; but out of the fund that we get from resulting

mains the property of the United States Government. That standing timber is to be sold, and a patent issued for the stand-

the sale of lands in that State. Oregon is fortunate in having lands that can be sold. Ten million dollars have been received

between Hayne and Daniel Webster, where one insisted that the public lands should belong absolutely to the States within

that project has been restored?

Mr. NEWLANDS. I do not think that any have been paid up in full.

Mr. CUMMINS. Why not?

Mr. NEWLANDS. Because 10 years' time was given for payment, and that was subsequently extended 10 years more—20 years in all. The moneys are paid in yearly installments and are not yet due. Then also the difficulties of the situation have been very great. In the first place, the reclamation estimates were low. They were made upon a low labor and supply material market in 1902. The Senator knows how greatly the wages of labor and the cost of supplies have increased since that time. The Senator knows that as to the Panama Canal, where an estimate was made of $150,000,000, they have expended $400,000,000. So the Reclamation Service is not to be criticized.

Mr. CUMMINS. I am not criticizing it at all. I only say——

Mr. NEWLANDS. That, of course, imposes an obligation upon the settler that he did not contemplate in the first instance when he entered upon the land. Then, in the second place, they have had all kinds of questions to solve regarding the chemical character of the soil, the alkali in the soil, questions regarding the drainage of lands after they had been reclaimed. In many regions the waters soaking into the soil brought up to the surface alkali that was concealed.

Mr. CUMMINS. Why, the land is not worth what it cost. A farmer can not go upon the land and make a living and make a profit upon the basis of what it has cost him. That is the real trouble, is it not?

Mr. NEWLANDS. I think all these enterprises are now upon a substantial basis, but, of course, there were conditions with reference to which Congress had to legislate, and among other things it did so to the extent of the time of the payments. They have not been released from the payments, but the time has been extended from 10 to 20 years, and very large sums are now being received from many of the reclamation projects. The fund is being turned over and over again. Under this law the settlers on reclaimed lands in Arizona will be compelled to pay back into the fund the $16,000,000 which was expended on Arizona projects, and it will go to projects elsewhere either in that State or in other States, and then if the fund remains intact we will one of these days have an enormous fund aggregating several hundred million dollars to apply to some other public use, such as the construction of railways, good roads, and so forth.

POSTAL SAVINGS BANK.

Mr. SHEPPARD. Mr. President, before the Senate adjourns I wish to give a brief description of a bill I introduced to-day during the morning hour. It is the bill (S. 6224) to increase the utility of the postal savings bank, to encourage savings among the people, to secure the largest returns for such savings consistent with adequate security, to provide for the loans of such savings for the promotion of agriculture and other useful productive industries, and for the promotion of home building and home improvement in the rural districts and elsewhere.

The bill to increase the utility of the postal savings bank is intended to mobilize the money in the country outside the banks, to facilitate and encourage the saving and banking habit among the people, and serve as an automatic regulator of interest rates. Nearly $2,000,000,000 of so-called real money remain outside of existing banks. The addition of this amount, or a large portion of it, to the banking capital of the country will be of immense benefit.

The bill removes the limit from deposits in postal savings banks and requires the employees of the Postal System to serve the people in their dealings with these banks as they now serve them in the matter of letters, money orders, parcels, and so forth; that is, without limit as to amount of deposits, as letters and parcels are without limit.

It requires that such interest be paid the depositors as their deposits will earn on adequate security. At present the Government takes the people's money at 2 per cent, turns it over to the banks at 2½ per cent, and the banks lend it at anywhere from 6 to 10 and 12 per cent, and upward. Why should banks alone be allowed to use the money of the postal bank when other institutions and private citizens would offer security equally as good, and would pay more interest? The security must be of equal quality with that approved by New York and Massachusetts for investments of savings banks, or such as is considered equally as good by the board of national trustees, composed of certain Cabinet officers, including cotton, wheat, and other nonperishable products adequately insured and warehoused. The deposits may also be loaned on real estate or to persons without collateral, if guaranteed by a bank, trust company, or similar corporation of accepted standing. The guarantor is allowed a small commission. At present savings banks and building and loan associations earn from 4 to 7 per cent on deposits. Why should depositors with the Government be restricted to 2 per cent?

To encourage the saving and banking habit among the people the bill provides for negotiable certificates of deposit, of the same size and form as ordinary currency, in sums from 5 cents to $1, $2, $5, $10, $100, $1,000, or more. These are payable to bearer or order, as depositors desire. Certificates of $10 or more bear interest after three months from date compounded semiannually. These certificates, while not having the function of legal tender, will pass from hand to hand by common consent in place of money and drive money into the banks, where it should be. Interest and principal of certificates of deposit are payable on surrender. Thus individual bookkeeping and the machinery of check books and the present exchange system will be avoided. These certificates, like gold certificates, will be good anywhere. Existing savings banks in good standing may become agents of the Postal Savings System under this bill, receiving a commission on deposits they secure and maintain. Existing commercial banks of acceptable character may become agents for the loan of postal bank deposits on real estate or otherwise, each bank guaranteeing the loan and receiving a small commission on interest collections.

The bill makes the Postal Savings System a single institution, with branches and subbranches at every post office, an ally of existing commercial and savings banks, a vast reservoir in which they may deposit and from which they may withdraw deposits as their needs determine.

The bill permits these negotiable certificates to be counted as a part of the legal reserve of commercial banks, thus releasing enormous resources now tied up.

It is calculated that the enlarged Postal Savings System provided by this bill will mobilize between $35,000,000,000 and $40,000,000,000 of credits, taking the New York City savings deposits of nearly $2,000,000,000 as an example.

On the basis of the experience of the Government savings banks of Australia, where three-sevenths of the people are depositors, the enlarged system of the present bill should mobilize an army of 40,000,000 depositors instead of less than 600,000 as at present.

The present gold basis will be in no way affected. Of course actual gold will be called for only as limited commercial exigencies compel its use, because gold in possession earns no interest, while certificates of deposit in possession earn compound interest.

Unshackle the postal savings bank. Let the people's bank serve the people. Criticisms and suggestions are cordially invited.

Let me quote here a resolution adopted by the fortieth annual convention of the Cattle Raisers' Association of Texas, assembled at Houston, Tex., March 21, 22, and 23, 1916:

We further demand that the postal savings banks be "unshackled" and be made in fact the postal savings banks of the people of these United States, to the end that the savings of the people can be utilized so as to bring them the largest returns consistent with safety, and so that these savings may be mobilized and used where they will be of the greatest value to the whole Nation.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m. Wednesday, May 31, 1916) the Senate took a recess until to-morrow, Thursday, June 1, 1916, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 31, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art infinitely wise and good, we believe in Thee, that Thou art a God hearing and a God answering prayer. Teach us, we beseech Thee, how to be noble, how to be grand in the common duties of daily life, how to unfold and develop all the powers of mind and soul with which Thou hast endowed us unto the perfect man, as we know it in the Lord Jesus Christ, our Example and our spiritual Guide. Amen.

The Journal of the proceedings of yesterday was read and approved.

NAVAL APPROPRIATION BILL.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, and

the gentleman from New York [Mr. FITZGERALD] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, with Mr. FITZGERALD in the chair.

Mr. PADGETT. Mr. Chairman, on account of the amendment adopted yesterday afternoon increasing the number of submarines, it is proper to increase certain appropriations, and I offer an amendment for that purpose.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 98, line 21, strike out "$4,257,600" and insert in lieu thereof "$9,387,000."

The amendment was agreed to.

Also, the following:

Committee amendment: Page 100, line 7, strike out "$11,245,925" and in lieu thereof insert "$11,329,925."

Mr. ROBERTS of Massachusetts. Mr. Chairman, is not that an error?

Mr. PADGETT. No, I think not. It adds $2,800 for ammunition for each submarine.

The amendment was agreed to.

Also the following:

Committee amendment: Page 100, line 9, strike out "$98,859,378" and insert in lieu thereof "$104,073,378."

Mr. PADGETT. That is the aggregate.

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment of which I gave notice yesterday.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

Mr. BUTLER. Is this the printed Senate bill?

Mr. PADGETT. No; this is not the armor-plate amendment. This is the provision for speeding up.

Mr. BUTLER. The bounty provision?

Mr. PADGETT. The bonus provision.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 100, after line 9, insert:

"To provide for the speedy construction of the vessels herein authorized and for the additional cost incident thereto, including the employment of more than one shift of labor per day, overtime work, and the speedy delivery of material, the Secretary of the Navy in his discretion is hereby authorized to increase the total cost of each of said vessels, including the armor and armament, not to exceed 20 per cent thereof if any of said vessels be constructed in Government navy yards; and if any of said vessels or the armor or armament for same be constructed by private contract, the Secretary of the Navy in his discretion is hereby authorized to prescribe in the contracts for same provisions for the payment of premiums over and above the contract price, not to exceed 20 per cent thereof, for the most expeditious delivery of same, and further provisions for penalties for delays and failure to complete within the contract time.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question. As I caught the reading of the amendment, that puts the navy yards and outside contractors on a parity?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. This provision is a bounty to contractors in the construction of ships?

Mr. PADGETT. For expeditious delivery.

Mr. MOORE of Pennsylvania. And the purpose of it is to speed up?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. How does that harmonize with the proviso on page 102, which prevents speeding up so far as the workmen are concerned? The gentleman will observe that in his bill on page 102 there is a proviso which incorporates the so-called stop-watch provision or time-measuring device and prevents the payment of premiums or bonuses or cash rewards to employees in addition to their regular wages, and that this is to apply generally to those who have contracts with the Government as well as those who are employed by the Government.

Mr. PADGETT. That relates to the eight-hour law and what is known as the Taylor system, and has nothing to do with the question of different shifts and overtime work.

Mr. MOORE of Pennsylvania. I wonder whether the gentleman does not present a paradox in the amendment he now offers——

Mr. PADGETT. No.

Mr. MOORE of Pennsylvania. When he proposes to speed up in one direction and to speed down in another.

Mr. PADGETT. No; I think not.

Mr. MOORE of Pennsylvania. May I ask the gentleman how far this proviso on page 102 is intended to go with respect to those who have materials to sell to the Government which enter into the construction of ships and those who have contracts with the Government for the construction of ships?

Mr. PADGETT. It has nothing to do with it. It is the present law. The provision on page 102 is the present law, and has been for some time.

Mr. MOORE of Pennsylvania. Has this identical provision been in the naval bill heretofore?

Mr. PADGETT. Yes; that identical language is the law under which the department is now operating.

Mr. MOORE of Pennsylvania. It was in the law last year?

Mr. PADGETT. Yes. It is the identical provision of the existing law.

Mr. MOORE of Pennsylvania. I submit to the gentleman that while he may be speeding up in one direction, even though it is the existing law, he may not be speeding up in the other direction.

Mr. PADGETT. This one is to speed up, and the other is with reference to time-measuring devices.

Mr. MOORE of Pennsylvania. The amendment here offered proposes a bonus, a cash premium, an extra reward to a contractor for getting certain work done, whereas the proviso on page 102 prevents a workman from getting any cash bonus or premium or extra reward for speeding up or doing any extra work at all.

Mr. PADGETT. No; it prevents the others from using what is known as the stop-watch system.

Mr. MOORE of Pennsylvania. It goes further than that, if the gentleman will permit, in that it prevents the payment of any premium or bonus or cash reward to any employee in addition to his regular wages, so that there is no encouragement for the man who wants to speed up to do so.

Mr. PADGETT. This amendment allows the employment of different shifts during the day and night.

Mr. ROBERTS of Massachusetts. It is an added compensation to the employers, but not to the employees. It means a profit to the employers, but the employees will not be able to get in by reason of the provision unless all are given the same thing.

Mr. KEATING. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KEATING. As the chairman has stated, there is absolutely no connection between the two provisions. The provision in the bill provides that you shall not speed up the workmen, and the other provision merely authorizes or encourages the employers to employ an extra force in order to turn out the work in a given time.

Mr. MOORE of Pennsylvania. Will the gentleman, who is an expert in this matter——

Mr. KEATING. I am not an expert.

Mr. MOORE of Pennsylvania. The spokesman, at least——

Mr. KEATING. I am not the spokesman.

Mr. MOORE of Pennsylvania. I think the gentleman is both an expert and a spokesman. This stop-watch provision says it shall not apply "to the movements of the employees" while engaged in such work——

Mr. KEATING. That is the technical language required in regard to the use of the stop watch in Government arsenals.

Mr. MOORE of Pennsylvania. Does it mean that the employee may do exactly as he pleases, without regard to the time employed?

Mr. KEATING. Not at all.

Mr. MOORE of Pennsylvania. Or that the Government shall have no control over him?

Mr. KEATING. There is absolute control over him; there is control over him which secures absolute efficiency, and the only thing that is barred is the stop watch and the speeding-up system over individual workmen.

Mr. MOORE of Pennsylvania. If a man is more efficient than the rest, he can not get additional pay.

Mr. KEATING. Oh, not at all; he can be paid any salary that the foreman or employer sees fit to pay him.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

On page 17, after line 14, insert as a new paragraph the following:

"The Secretary of the Navy is hereby authorized and directed to provide, either by the erection of a factory or by the purchase of a factory, or both, for the manufacture of armor for the vessels of the Navy; said factory or factories to have an annual capacity of not less than 20,000 tons of armor; to be located at a place or places approved by the General Board of the Navy, with especial reference to considerations of safety in time of war; and the sum of $11,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the purposes of this act. The expendi-

tures for drafting, technical, expert, and clerical assistance necessary shall be paid from the appropriation herein made.

"The Secretary of the Navy shall keep accurate and itemized account of the cost per ton of the product of such factory or factories and report the same to Congress in his annual report."

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Pennsylvania for the purpose of offering an amendment to the amendment.

Mr. BUTLER. Mr. Chairman, I offer the following amendment to the amendment.

The Clerk read as follows:

After line 3, on page 2, of the Padgett amendment insert the following:

"The Federal Trade Commission is hereby directed, immediately after the passage of this act, and annually thereafter, upon the request of the Secretary of the Navy, to investigate and inventory the armor-plate plants of the United States, examine their books, and estimate and determine the average full cost of producing armor plate at said plants under the four following conditions, to wit:

"(a) Plants running at full capacity.

"(b) Plants running at two-thirds capacity.

"(c) Plants running at half capacity.

"(d) Plants running at one-third capacity.

"If the manufacturers of armor plate shall refuse the Federal Trade Commission full opportunity for examination and investigation as above mentioned, the said appropriation for the erection of an armor-plate factory or factories shall be immediately available for that purpose; but if such opportunity shall be afforded the said commission, it shall at once determine the full cost of producing armor plate at said plants, and shall immediately report to the Secretary of the Navy a fair and reasonable price the Government shall pay for its armor plate.

"Upon the receipt of such report the Secretary of the Navy is hereby authorized to enter into a contract or contracts for armor plate to meet the needs of the Government, now or hereafter, at or below the price per ton so reported as the fair price for the proportion which the tonnage awarded bears to the aggregate capacity of the plants, and the appropriation hereby made for the erection or purchase of an armor-plate plant shall not be used for that purpose until the said report has been made to the Secretary of the Navy, and the manufacturers of armor plate have failed, within 30 days after notice of such report, to accept the same and to enter into a contract or contracts for the manufacture of said armor plate to provide for the then requirements of the Government, as specified by the Secretary of the Navy, at or below the price per ton so reported by said commission."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BUTLER. Mr. Chairman, I will ask the gentleman from Tennessee if it would not be possible for us to agree on some time for debate upon the amendment of the gentleman from Tennessee and on the amendment to the amendment which I have offered?

Mr. PADGETT. I think so, on all amendments thereto. What time would the gentleman suggest?

Mr. BUTLER. Requests from gentlemen surrounding me for time would indicate that an hour and a half is desired on this side. I assume that after we have disposed of this proposition, the most troublesome part of our bill will have been disposed of, and that we may then move forward quickly. I would be very grateful to the gentleman if he would consent to let us have on this side an hour and 15 minutes.

Mr. PADGETT. I was hoping that we could agree on an hour on a side.

Mr. BUTLER. Just now a gentleman made a request to me for five minutes. I do not expect to take any of the time myself.

Mr. PADGETT. An hour and 15 minutes on a side?

Mr. BUTLER. Yes.

Mr. PADGETT. This is a new proposition, and it will be agreeable to me to take an hour and 15 minutes on a side.

Mr. BUTLER. Two hours and a half altogether.

Mr. PADGETT. That will be agreeable.

Mr. BUTLER. Will the gentleman include in that all of the amendments that may be offered?

Mr. PADGETT. Yes; an hour and a half on a side for debate upon the amendment which I offer and all amendments thereto.

Mr. VARE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VARE. I want at the proper time, if it is decided to construct a Government armor-plate plant, to reserve the right to offer an amendment that it be located in accordance with the report of the Padgett-Tillman-Strauss committee, namely, the Philadelphia Navy Yard.

Mr. MANN. Mr. Chairman, I hope the gentleman from Pennsylvania will be willing to refrain from offering that amendment so that we can agree on a time for voting.

Mr. VARE. Do I understand that my colleague desires me to give up my rights to offer an amendment?

Mr. MANN. I hope the gentleman will, so that we can agree on a time for voting.

Mr. VARE. I am not going to object to the time, but I certainly want to reserve the right to offer this amendment at some stage of these proceedings.

Mr. MANN. The gentleman would have the right to offer his amendment after the amendment of the gentleman from Pennsylvania [Mr. BUTLER] is disposed of, but there would be no debate upon it under this proposed agreement.

Mr. SHERLEY. Why can we not do this: Have a time fixed with the understanding that amendments may be offered during that period of time? There is one amendment which needs to be offered from this side if we are to adopt the affirmative proposition of the gentleman from Tennessee; an amendment which, I think, everybody will agree to.

Mr. MANN. The amendment could be offered after the amendment of the gentleman from Pennsylvania [Mr. BUTLER] is voted on.

Mr. SHERLEY. I have no objection to that; but what I want is to have the amendment pending before the House while debate is going on and not to have a debate of two or three hours, and then at the end of that time have, perhaps, a new proposition presented.

Mr. MANN. Having a lot of amendments pending is always confusing.

Mr. SHERLEY. There are only two amendments that I know of. I understand from his statement that the gentleman from Pennsylvania [Mr. VARE] desires to offer an amendment to locate the plant at a particular point. Incidentally I am very much opposed to that, but I think there should be an authorization for the selection of a site so that when we appropriate this money we can use it.

Mr. PADGETT. I have noticed that the bill in specific terms does not provide for the purchase of a site, and I was going to offer that amendment to the amendment myself.

Mr. MANN. Of course the gentleman or anyone else would have the right to offer an amendment after the amendment of the gentleman from Pennsylvania [Mr. BUTLER] is disposed of.

Mr. PADGETT. Certainly.

Mr. MANN. And in the debate notice can be given of it.

Mr. PADGETT. Yes. Mr. Chairman, I make the request that two hours and a half be devoted to debate on this amendment and all amendments thereto, one half of that time to be controlled by the gentleman from Pennsylvania [Mr. BUTLER] and the other half by myself.

Mr. HOPWOOD. Mr. Chairman, reserving the right to object, this matter is of such vital importance to not only the whole country but particularly to the State of Pennsylvania—and we are very modest people in Pennsylvania and have not had much to say on the floor of this House; 36 Members coming from that State—that it seems to me that an hour and 15 minutes on each side to discuss this amendment is entirely too limited a time in which to dispose of plants worth $25,000,000 and put them in the scrap heap and to spend $11,000,000 initial money of the Government to build a Government plant with probably twenty or twenty-five million dollars of Government money to come afterward before the plant will be in any way efficient. There are 36 Members from the State of Pennsylvania, and probably half of them would like to talk on this matter, and that hour and a half of time if given to the Members from that State alone would yield us less than five minutes each. It strikes me that this is too important a matter to rush through in this limited time, and I ask for more time.

Mr. SHERLEY. The gentleman realizes that what we are doing is to liberalize the time very much. Under the rule under which we are operating it would be in the power of the committee to cut off debate in 10 minutes.

Mr. MOORE of Pennsylvania. Gentlemen will give us credit for voting against the rule.

Mr. SHERLEY. I understand that 11 on that side did.

Mr. MOORE of Pennsylvania. A gag rule, under which we have no rights.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. HOPWOOD. Mr. Chairman, a great many of the Members from Pennsylvania are new Members, and we have been used to talking in forums where we have had an opportunity to talk until the argument is completed. For a new man to come in here and talk five or ten minutes on a question of this kind and undertake in that time to present an argument worth listening to is simply impossible. Now, it strikes me that while the rule heretofore may be as the gentleman stated, he knows better. I have indicated before that I do not, and a great many others who are new do not; but, whatever the rule may be, I ask that in view of the importance of the measure under discussion that we be given additional time.

The CHAIRMAN. The gentleman must submit some specific request. The Chair can not submit an indefinite request of this kind.

Mr. HOPWOOD. I ask that two hours be given to either side.

The CHAIRMAN. The gentleman from Tennessee asked two hours and a half——

Mr. HOPWOOD. But that was two hours and a half on both sides.

Mr. PADGETT. I could not agree to that; but I will agree on an hour and a half on a side, making it three hours in all; and, Mr. Chairman, I will ask to modify my request to that extent.

Mr. HILL. Mr. Chairman, reserving the right to object, I would like to ask a question. This is a business proposition. I want to offer an amendment looking to the real exigency of the present situation before this bill reaches a final vote. I am honestly and earnestly of the belief that an exigency exists. Now, are we to be shut off from offering amendments because we do not happen to be members of the committee? That is the question I want to ask; and I ask the chairman of the committee whether the privilege will be given to gentlemen who are not members of the committee to offer amendments which they earnestly and honestly believe ought to be adopted?

Mr. PADGETT. I think so.

Mr. HILL. Must they be offered to-day?

Mr. PADGETT. We have got three more days.

Mr. HILL. No, we have not; for one of those days is to be consumed on this business proposition.

Mr. PADGETT. We are not proposing to take up the whole day; three hours does not take up the whole day by a long ways.

Mr. HILL. I think less than three hours would be better, but I withdraw my objection.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon the amendment and all amendments thereto be limited to three hours, one-half to be controlled by the gentleman from Pennsylvania [Mr. BUTLER] and one-half by himself. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PADGETT. Mr. Chairman, I will ask the gentleman from Pennsylvania to use some of his time.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to my colleague from Pennsylvania [Mr. STEELE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. STEELE of Pennsylvania. Mr. Chairman, the pending amendment proposes to appropriate $11,000,000 for the construction of a Government plant for the manufacture of armor. In order that we may have some intelligent understanding of the purposes of this amendment it is necessary briefly to refer to the history of armor manufacture in this country. Prior to the early eighties armor plate was not manufactured in the United States. The first armor was brought over from England under a contract by the Government of the United States and delivered here at a cost of something in excess of $500 per ton. After that time the Secretary of the Navy estimated he would need in the construction of vessels then authorized something in excess of 6,000 tons of armor plate, and in order to meet that need he sent a circular letter to the different manufacturers of steel throughout the country asking them to bid upon the then needs of the Government and to erect armor-plate factories for the purpose of meeting that construction.

In pursuance of this circular letter which the Secretary of the Navy forwarded a contract was awarded to the Bethlehem Steel Co. for the manufacture of those 6,000 tons of armor plate, and that was the first contract made in the United States for the furnishing of armor plate for war vessels.

Mr. EMERSON. What date was that?

Mr. STEELE of Pennsylvania. About 1887.

Mr. MOORE of Pennsylvania. The Secretary of the Navy then was whom?

Mr. STEELE. I have forgotten the name of the Secretary of the Navy then, but my impression is it was during the second Cleveland administration.

Mr. MOORE of Pennsylvania. Mr. Whitney?

Mr. FESS. Hilary A. Herbert was Secretary under the second administration.

Mr. STEELE of Pennsylvania. This contract was made, and the Bethlehem Steel Co. proceeded in the construction of this plant. Subsequently, about 1890 or 1891, at the solicitation of the Secretary of the Navy, in order to secure some kind of competition in the manufacture of armor, the Carnegie Co. also constructed an armor-plate plant, and those two companies supplied the Government with armor plate down to about 1903 when the Midvale Steel Co. entered the field, and from 1903 down to this time those three companies have occupied the field and furnished armor plate for the Government.

Now, at the present time those three plants, being the sole ones in the manufacture of armor, are all three located in the State of Pennsylvania. The aggregate value of their plants is estimated to be about $20,000,000 and the aggregate capacity of the three plants is estimated to be about 32,000 tons per annum. The average amount of armor consumed down to the present time by the Government has been less than 10,000 tons per annum; therefore the capacity of the plants has been three times the needs of the Government down to this time.

Under the five-year program which was suggested by the Secretary of the Navy this year, it was estimated that the requirements of the Navy under the five-year program would be about 24,000 tons per annum, but under the changed program, as recommended by the House Committee on Naval Affairs, that quantity has been reduced practically to one-half. As I understand, the quantity of armor necessary for a battleship is about 8,000 tons and that for a battle cruiser about 2,500 tons, depending upon the thickness of the plate, so that what will be required at this time will be from 12,000 to 15,000 tons per annum under the present naval bill, which will at least be about one-half the capacity of those three armor-plate plants.

Now, the experience in the manufacture of armor plate in this country has shown certain facts beyond dispute and which are admitted in the various reports submitted by the Secretaries of the Navy. They show the following to be conceded facts:

First. The Government has from time to time increased the severity of its specifications for armor and the armor makers have honestly striven to produce the best possible armor.

Second. At present American armor is superior in quality to any in the world.

Third. Deliveries of armor within the times specified have been satisfactory.

Fourth. Notwithstanding the increased price paid for labor in this country, the price paid by the Government for armor has been lower than that paid by any foreign great naval power.

So that the quality of the armor is beyond dispute, the deliveries are beyond question, and the only point of controversy so far between the Government and the manufacturers of armor has been the question of price.

When Admiral Strauss was on the stand testifying before the Committee on Naval Affairs the question was asked him distinctly whether that was not the only question in controversy, and his answer was in the affirmative.

Now, what is proposed by this bill? In order to meet the question of price, this bill proposes to do a variety of things. It proposes to erect a factory, or purchase a factory, or both, for the manufacture of armor for the vessels of the Navy; said factory or factories to have an annual capacity of not less than 20,000 tons of armor, so that a number of factories can be gotten by the Government under the provisions of this bill. It can purchase a factory, or it can erect a factory, but the combined capacity must be 20,000 tons per annum.

Now, it is impossible to buy a factory, because the armor-plate departments of the different steel plants that manufacture armor can not be segregated from the remaining portions of the plants, and therefore the question of purchase is an impossibility without the purchase of the entire plant; which means the purchase of an entire plant, and the capacity must be 20,000 tons.

Now, as I have stated, the proposed capacity of the Government plant being 20,000 tons, and the needs of the Government under the most efficient plan that has been presented under the bill now under consideration being less than 15,000 tons, it is obvious that the Government plant, if it is to be used at all, will afford sufficient capacity for the Government to manufacture all the armor plate it will need for years to come, and there will be no use for the private plants.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. STEELE of Pennsylvania. Yes.

Mr. EMERSON. What do these other plants do with their surplus armor? Do they not manufacture surplus armor?

Mr. STEELE of Pennsylvania. No; they do not manufacture any surplus armor at all, sir. In the past the plants have been operated at about one-third of the time. Two-thirds of the time they have been idle.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. STEELE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. BUTLER. Mr. Chairman, after a careful allotment of the time, I find I have three minutes left, and I will yield those three minutes to my colleague from Pennsylvania.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for three minutes more.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman will permit, since the gentleman from Pennsylvania is covering the ground thoroughly and well, I will gladly yield to him my five minutes.

Mr. BUTLER. That makes eight minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. STEELE] is recognized for eight minutes more.

Mr. STEELE of Pennsylvania. I thank you, gentlemen.

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, will the gentleman yield to me for a question?

Mr. STEELE of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. The owners of the Bethlehem Steel plant have indicated that their armor-plate investment there is about $7,000,000. Is that correct?

Mr. STEELE of Pennsylvania. That is correct.

Mr. MOORE of Pennsylvania. This bill proposes to appropriate $11,000,000 to begin a plant anew?

Mr. STEELE of Pennsylvania. Yes, sir.

Mr. MOORE of Pennsylvania. The Bethlehem plant, with $7,000,000 invested, would be sufficient to manufacture all the armor plate that the Government could possibly need?

Mr. STEELE of Pennsylvania. Possibly so. Its capacity now is 12,000 tons, and that would be the needs under the bill as the bill is now written.

Mr. MOORE of Pennsylvania. And the owners have indicated that they would transfer their plant to the Government, or they would accept the Government's price for the armor plate manufactured?

Mr. STEELE of Pennsylvania. They could not transfer their armor plant without transferring their entire plant, but they have indicated their willingness to agree that the price of armor plate should be fixed by a governmental agency—the Federal Trade Commission

Mr. MOORE of Pennsylvania. Then the effect would be that instead of taking an existing plant ready for action the investment in which is $7,000,000, this bill proposes to take $11,000,000 out of the Treasury and go into the experiment of building a new factory and putting all these private plants out of business?

Mr. STEELE of Pennsylvania. Absolutely so. The effect of the building of this plant by the Government will be either one of two things: Either the investment of the Government must go to absolute waste or else the private plants must go out of business, and their capital of $20,000,000 must be lost entirely to the stockholders of these various companies. Either one or the other result must necessarily follow.

Mr. MOORE of Pennsylvania. Will the gentleman pardon me for just one other question?

Mr. STEELE of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. Does not a moral obligation exist on the part of the Government to encourage these plants that were induced to go into the armor-plate business for the Government's sake?

Mr. STEELE of Pennsylvania. Yes. Almost every report of the Secretaries of the Navy that I have read has admitted that these three plants were constructed at the instigation or suggestion of the Government.

Mr. MOORE of Pennsylvania. And this bill would mean practical confiscation?

Mr. STEELE of Pennsylvania. Yes.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield there?

Mr. STEELE of Pennsylvania. Yes.

Mr. SHERLEY. Would not that depend upon the profits on their investment after a series of years?

Mr. CANNON. Mr. Chairman, I think the gentleman had better go ahead without interruption. I think he can tell us better without interruption than with it.

Mr. STEELE of Pennsylvania. I will reach that point at the proper time. The proposition in this amendment is the ordinary proposition that has frequently been resorted to by this Government in settling differences as to prices. The only question of difference here, as I have stated, is the matter of price between the Government and the manufacturers. Now, when the question as to the prices for transportation charged by the railroads was raised, the Government did not undertake to buy railroads or build separate railroads, but the Government instituted an Interstate Commerce Commission to regulate the prices paid for that service, and the result has been entirely satisfactory to the country.

Now, the purpose of this amendment is evidently regulation, not confiscation. The purpose is to utilize a governmental agency, the Federal Trade Commission, which has been established purposely for occasions of this kind—that this governmental agency, the members of which are appointed by the President and confirmed by the Senate, shall go over the books of these various companies and report a fair and reasonable price to be paid for this product, and if the armor-plate manufacturers refuse to accept this fair and reasonable price which has been fixed by this Federal Trade Commission, then this appropriation shall be immediately available for the purposes mentioned in the act.

That, as a reasonable business proposition, means that the Government as the sole purchaser of armor plate practically fixes its own price for its product, and then it will not be necessary to confiscate any property and to waste $11,000,000 of the taxpayers' money. [Applause.]

Much has been said concerning the question of price that has been paid and the profits in the past. There to my mind is one of the mistakes which the manufacturers of armor plate have made in the past. They have permitted that calumny to go forth year after year without paying any attention to it, allowing it to go by in dignified silence. Under Secretary Herbert a report was filed by an inspector who went to Harrisburg and examined the annual tax returns of these various companies, in order to ascertain the profits which they had made out of the manufacture of armor plate. Those tax returns afforded him practically no information on the subject, because armor-plate manufacture was not distinguished from the gross general business of all these various companies. Basing an inference upon an inference and a deduction upon a deduction, he made the inference, as he frankly admitted in his report, that the Bethlehem Co. had made enough money out of these contracts to pay for its plant and 22 per cent in addition. Why, gentlemen, if the Bethlehem Co. had not paid a dollar for its materials or a dollar for its labor, the aggregate amount that it had received from the Government down to that time would not have been sufficient to do that. The aggregate number of tons contracted for down to 1896, when that report was made, was but 12,000 tons of armor plate, and the aggregate amount received, according to the price paid, was but $6,600,000. The Government estimated the value of the plant in 1896 to be $5,000,000; and 5 per cent upon that investment would have made a total of $7,500,000; so that the amount received from the Government would have been entirely inadequate to pay back to the company the cost of its investment, if it had not paid a dollar for its material or a dollar for its labor. [Applause.] The whole charge is utterly absurd and ridiculous, and this corroborates the testimony of Mr. Grace, the president of the Bethlehem Steel Co., before the Naval Committee, that the entire average profit made during the entire period of time was but 1¾ per cent upon the capital invested, and that if they had invested the same amount of capital in the general steel business they could have made at least 10 per cent upon it. [Applause.]

One thing seems to be assured from the present phraseology of the bill, and it is that the great State of Pennsylvania, which now contains the three plants manufacturing this product, will be excluded from any consideration in the location of a Government plant. I know that the chairman of the Senate Naval Committee has stated that he believed the League Island Navy Yard at Philadelphia would be an advantageous location; but an amendment made to the bill in the Senate provides that such plant shall be located by the General Board of the Navy with special reference to considerations of safety in time of war, and we know the General Board has recommended that munition plants shall be located west of the Appalachian Range. It is, therefore, quite clear that if this plant is to be built, its location will be either in the West or the South. The State which answered the call of the Government for the erection of these plants, and furnished the capital to do so, can then scrap these plants and pocket their $20,000,000 loss. I have no interest in any of the financial affairs of these companies, but I am interested in securing fair play for the 23,000 employees of the Bethlehem Steel Co., resident in the district I represent.

Mr. BUTLER. I yield seven minutes to my colleague on the committee [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, I wish to quote a paragraph from an address delivered in New York City, on April 12, 1916, by a distinguished ex-Secretary of the Treasury, Hon. Leslie M. Shaw:

> From the close of the Civil War until very recently the Government cooperated with business, encouraged development, and fostered industry. The result is inspiring. Our wealth is unequaled; our standards of living unapproached; our scale of wages 100 per cent higher than the highest. Our mines yield gold annually by the train load, silver more abundantly still; and we unload from coastwise ships and railroads upon the shores of Ohio alone more iron ore than any other country in the world produces. We cut from our forests 100,000,000 feet of lumber for every day of the calendar year; our domestic trade is three times the aggregate international trade of all creation; our shops and factories, even in normal times, produce more finished products than all the shops and all the factories of Great Britain and Germany and France combined, plus 5,000,000,000 every 12 months; and we pay out as much in wages as all the rest of the world.

Now, Mr. Chairman, in these critical times of great uncertainty and grave danger when effort is being made to mobilize the industries of our country to be used in her defense

and for her sustenance in time of possible stress it is not the part of fairness or wisdom for the Government to embark in the armor-plate business or any other business. It is a blow below the belt.

In the armor-plate industry we find three plants engaged, representing investment amounting to about $20,000,000, and in two of the three instances the investment was made at the solicitation of the Government, the third concern having entered without solicitation, but with the Government the only purchaser of the commodity. I, for one, do not believe we have ever been overcharged for armor plate. If the figures presented to the Committee on Naval Affairs are correct, the United States is buying armor plate at a less cost than is any other country in the world. We are paying $425 per ton.

England has five privately owned plants, and is paying $503 per ton.

Germany has two privately owned plants and is paying $490 per ton.

Austria is paying $511 per ton.

France is paying $460 per ton.

Japan's armor plate—and she owns her plant, and Japanese labor is the cheapest in the world—is said to cost $490 per ton.

It is alleged that these figures are not accurate. I know of no reason why they should not be accurate in every instance, unless it be that of Japan, as the other nations purchase in the open market just as we do. Japan's secretive methods in all matters of war preparations may render the figures in her case uncertain.

But, Mr. Chairman, for the sake of argument, suppose we have been overcharged for this commodity, we now have the assurance of procuring the best possible finished product at a price to be agreed upon by the Navy Department after due investigation and computations to be made by the Federal Trade Board.

Now, Mr. Chairman, the adoption of the Butler amendment will accomplish all that could possibly be accomplished by a Government owned and controlled armor-plate factory, and vastly more. It is estimated that a plant would cost the Government $11,000,000, but it will doubtless be realized later that a plant of the capacity of 20,000 tons will cost nearer $16,000,000. I believe that $16,000,000 had better be spent in building a battleship. To use the words of the minority report of our committee, it seems to me that we are much more in need at the present time of a "fighting Navy" than a "manufacturing Navy." Certainly there is no excuse for wasting from eleven to sixteen million dollars to drive out of business plants in perfect readiness to supply our needs to our entire satisfaction in every respect.

Mr. PADGETT. I yield 10 minutes to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Chairman, I have indeed been interested in this whole question. I believe in a thorough and adequate defense, but from my viewpoint I believe that preparation should be permanent and for the future, because I see absolutely nothing to terrify or endanger us in present times or in the near future. It seems to me perfect sophistry to talk about imminent dangers confronting us, when God Almighty laid oceans on either side, 6,000 miles, and when a fleet to invade us must mobilize for several months in its own country, come at least 5 miles abreast, and spend nearly a month to get here; and modern inventive genius makes it possible to submarine and mine the ocean front at a nominal cost in a few weeks' time, and hence blast them into atoms before they got even in sight of our ports. This Government needs this armor-plate plant as a part of its necessary defensive program, for we should protect ourselves against enemies within as well as without. This Navy bill is inadequate without it, although it carries an appropriation of over $200,000,000.

Mr. FARR. Will the gentleman yield?

Mr. DAVIS of Texas. After a while. I have not made a speech on this question, and the gentleman has made several. I will yield later on, but I want to get off this thought, thank you.

The CHAIRMAN. The gentleman declines to yield for the present.

Mr. DAVIS of Texas. The whole proposition is resolved into a defensive measure; for I am not willing to believe that we are preparing to wade the oceans of the earth for conquest and invasion and aggression. I am ready to vote millions for defense but not a dollar for aggression. I am not one of those Americans who believe such a thing as that ought to come, or will come until we have lost all our American ideals and all hope of liberty and justice.

Our measure must be defensive. Otherwise it is un-American and unnecessary.

Another question that has interested me in this whole matter has been the fact that in the multifarious speeches that have been delivered, the very eloquent dissertations and expansive arguments that have been made, I have never yet heard one man discuss the question from the theory and standpoint of the taxpayer. The whole burthen has been upon the theory, How much money can be spent, how fast can we spend it, and how shall we spend it? The question of where we will get the money has never been discussed. Why, if you would listen to the men, largely on the Republican side of the House, they discuss it upon the theory that all you have to do is to rub a kind of Aladdin's lamp and the next morning you get millions, which come in answer to the magic wand that you lift.

I stand in your presence and tell you that when I hear you talk about our great, massive wealth, our magnificent resources, and the overwhelming riches in our country I say "yes"; but I remember when I was a boy there was an old negro, Hamp Magee, who used to talk about how wealthy he and Marse Joe were. He would say, "We got the finest horses in the country; got more of everything in the country; we are the best folks and got the finest house and everything in the country." But Hamp did not represent much of the wealth; he was an ordinary negro: his master owned the wealth. So when you talk about the great wealth of this country I say "Amen." But listen: Of the 100,000,000 people in this country 60,000,000 of them to-day can repeat the declaration made by Jesus Christ when he said:

> The foxes have holes and the birds of the air have nests, but the Son of Man hath not where to lay his head.

Thirty millions of people to-day must beg for the privilege to earn the bread they eat. Our tenant farm list, our mechanics and journeymen workmen list, and our industrial labor list, with mechanics and artisans, in this country represent about 60,000,000 of our people. Twenty millions more represent the great common business class. The remainder represent the overgrown, exorbitant, and swollen fortunes in this country—the malevolent rich. If you pile up these millions, the income-tax list shows that this class have been dodging their taxes and defrauding the Government out of $150,000,000 to $250,000,000 of the honest collections on incomes that should have been made in the last two years. And so the great burden of taxes must fall on the great common masses of the people. And when you pile out millions I want it for defense only. I want the necessary defense. Give us some aeronautic stations from which we can rise and scout the ocean and spy a fleet three days before it gets to our shores. Give us the submarine equipment and the necessary adjuncts and string the ocean with mines, and some armor-plated cruisers and a few stalwart battleships, and there is no nation on earth that can invade or terrify us.

I am amused at the logic of the discussion that has been brought here. They tell us that we are in impending imminent danger now. I have heard those very words repeated time and again—"in impending danger now." With all due respect to gentlemen who make that statement, I answer no—ten thousand times no. These people on the other side of the ocean are famished, wrecked, impoverished, slaughtered, slaying, killing, crucifying, burning up, and destroying the accumulation of centuries, and are now prostrate, bleeding, wounded, torn, desolate, dead and dying by the million; and yet you tell us that they will get up, lock hands, organize a fleet, and swim over here and whip us. Please hush slandering our country with such twaddle. My God, we are feeding and clothing them now and sending them money to fight each other with. How can they fight us under such circumstances? [Applause.]

I am ready to meet the logic of facts that kings and crowns can get together mighty quick if they want to crush a republic which stands for liberty and justice and the rule of the people, and I am willing to prepare for all necessary measures of defense; hence I am for the amendment for the Government armor-plate proposition upon the theory that we will be free from the clutches of any criminal combine of the corporations that prepare the armor in this country. I do not know that it is necessary to manufacture a great deal of it ourselves. The fact that we are able to do it and ready to do it makes us safe. [Applause.]

When I hear the clamoring call for more big battleships and tremendous dreadnaughts I can not resist the feeling that it must be the call of an uninformed mind or the plaintive plea of an advocate of patronage for the Steel Trust and its allied monopolies. I am not an expert in matters of war and Navy equipment and do not claim to be, but I do assume to have

common sense and some knowledge of the world's affairs, and one thing above all else that the present war has demonstrated is that the efficient instrument of warfare is not the great massive battleship. England, with the biggest navy of any country on earth, and France and Italy's navies to draw from, found Turkey without a respectable fighting ship, and yet was never able to land on her shores; and after having several of her massive ships blown to atoms by submarines, mines, and invisible enemies in the water, took her big, fine $20,000,000 ships and sailed back and vacated all effort to land an army or batter down Turkish forts. Heigoland, a German island occupied by less than half a million people, stands more or less isolated within a few hours' travel from the English shores, and yet with all her naval power England has never undertaken to bombard that little island. During all these two years' warfare her great fleet has never been able to effect a landing on Germany's coast line. Therefore, it is useless to argue with me that we ought to feed into the greedy maw of the Steel Trust two or three hundred millions of money to fit us up with great massive dreadnaughts. They would be nice ponderous palaces to float around in naval parade and banquet feast to officers but comparatively useless except a few for defensive purposes. I would like to see America have a thoroughly equipped and ample merchant marine for purposes of trade and see our coast line supplied with aeronautic stations and airships for scouting military purposes. I am one of those that believe the scouting for the future will largely be done in mid-air. Several good armored cruisers for rapid transit and effective fighting with a few good standard dreadnaughts to stay close to home for defensive purposes, with coast defense forts, submarines, and mine equipments we would be amply prepared to repel any and all of the nations of the earth if they sought to invade us. I would divide this general equipment into two parts, have a Pacific defense and an Atlantic defense. But all this can be done at what a few great dreadnaughts would cost and be far more efficient and effective.

It has always been a policy of the Democratic Party to stand for an adequate and efficient Navy, and I think this measure is an elaborate and extensive measure in that way. It goes much further in general expense than I would have had it go. I should have preferred a far less expensive armament in big ships and a more elaborate development of submarine, mine, aeronautic, and coast defenses, and this process should have made ample provisions for both the Atlantic and Pacific defenses, as well as for the Gulf coast lines. I am not one of those that believe that it would be convenient to swing our fleets back and forth from the Atlantic to the Pacific through the Panama Canal. The risk would be entirely too great to expect to transfer a fleet from the Atlantic to the Pacific in case danger threatened us on that shore. The distance from New York around to Seattle and Puget Sound is farther than from Japan or China to those points.

But speaking for myself, I believe in the Government taking the profits out of war by the manufacture of its own munitions and implements of warfare, or, at least, be able to do so at any time, and thereby be able to protect itself against the aggressions and inordinate greed of the great criminal combines and corporations that are now feasting on the world's agony and distress in war. For, Mr. Chairman, it is a well-known fact and has been clearly demonstrated for years that there is an international war trust which controls the armaments of nations and dictates the prices of the world's equipment for war. And not only that, but by control of the sources of information, education, and intelligence it spends part of its ill-gotten, fraudulent millions in bringing on and provoking wars. These things being true, I am with all my heart anxious to see this great Republic make the start to liberate itself from these infamous and heartless combinations.

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. HENSLEY].

Mr. HENSLEY. Mr. Chairman and gentlemen of the committee, I desire to say something concerning the pending amendment. I am in favor of the amendment for several reasons, which I shall endeavor to give. We have heard a great deal said with reference to the price at which the Bethlehem Steel Co. is willing to contract with the Government for the sale of armor plate for naval purposes. The company insists that it only enjoyed a dividend representing 1¾ per cent upon its capital for the last several years. If that be true—and I do not know whether it is true or not—it does occur to me that the company would not be making the tremendous effort it is making and has made to retain this business, and you gentlemen on the other side would not complain so tremendously if the Government should build an armor-plate factory, and thus deprive the Bethlehem Steel Co. of this business. That argument does not appeal to me as a business proposition. There have been several moves made by the Government heretofore to engage in the manufacture of armor plate. Some of these moves have not gotten very far. None of them have succeeded in accomplishing any definite purpose; but now, at this juncture, when it looks like that not only are the people in earnest but that Congress is in dead earnest, and proposes to appropriate the necessary money to build an armor-plate factory in order to have something to do with the fixing of prices, this steel company comes forward and submits a proposition which upon its face appears very fair and just. Why has it not submitted a proposition of this character to the Government heretofore? Why has it waited until now to submit a proposition which indicates that it is willing to charge a reasonable price for armor plate? I have not the means of knowing, except this, Mr. Chairman: According to the hearings had before our committee, this same company, the Bethlehem Steel Co., has on several occasions sold armor plate to other countries at a much lower price than it was at the time selling armor plate to this Government. For instance, as I recall the testimony, it was selling armor plate to Russia for $249 per ton when it was selling the same grade of armor to this country for $616 per ton.

Mr. STEELE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HENSLEY. Certainly.

Mr. STEELE of Pennsylvania. Was not that a sample of armor plate sold them and not for general use?

Mr. HENSLEY. That is the statement made by Mr. Grace, the president of the Bethlehem Steel Co.; but the gentleman from Pennsylvania will not undertake to say that it was not selling to Russia and Italy armor plate according to the samples it was furnishing those countries at a much lower figure than it was selling armor plate to this country for, though there may be a question as to whether the difference was as great as that.

Mr. STEELE of Pennsylvania. According to Mr. Grace, they sold it in excess of what it sold for here.

Mr. HENSLEY. That is not according to the testimony, for Mr. Grace said when before our committee that "the price was not $616 that his company received from Russia, but, instead, was $520 per ton." That was in the year 1894, and Mr. OLIVER, of Alabama, asked Mr. Grace this question:

> That $616 is made up of elements added to it?
>
> Mr. GRACE. I should say that $616 would be some small particular class, but if we start dealing with those things we are going to get out of all comparison.
>
> The CHAIRMAN. On that, does the $520 per ton include the royalty, or did the Government have to pay the royalty in addition to the $520?

And Mr. Grace answered:

> I could not answer that, because it has been both ways, and I do not just know the years that took effect. At some times the company has paid it and at other times the Government assumed it.

Mr. Grace was before our committee for something like two days, and made a very exhaustive statement, and he in every particular acquitted himself as a very high-class business man. According to the testimony before our committee, there has been no competition between these armor-plate companies for several years, and the Secretary of the Navy, Mr. Daniels, has succeeded in his businesslike negotiations in reducing the price of armor plate over former years sufficiently to represent about $200,000 to each battleship.

But the reason that I more particularly insist upon the Government going into the manufacture of armor plate is because I desire that these private concerns be taken out of the traffic of war munitions. I do not charge that these particular concerns are responsible in any degree for the present propaganda for preparedness that is being carried on and which has been going on for some time, but I do know this, that Mr. Grace told us that the stock in his company before the present European war began was selling for $30 per share and that at the time he was giving his testimony the same stock was selling on the market at $530 per share. It may be true and it may not be true that men are actuated by selfish interest, that men will advocate the course that will best serve their individual interests, and that these big concerns are desirous of making profits for their stockholders. I say, whether that be true or not, I do not want the people of this country to believe that these concerns engaged in this character of traffic favor a condition which is war as against peace in order that they may be able to make these enormous profits.

Mr. BUTLER. Will the gentleman yield?

Mr. HENSLEY. Certainly.

Mr. BUTLER. Does the gentleman recall the amount of armor plate made by the Bethlehem Steel Co. as compared with all other business; what per cent?

Mr. HENSLEY. No; I do not recall exactly the per cent, but the difference is considerable.

Mr. BUTLER. The armor plate is about 2 or 3 per cent.

Mr. HENSLEY. It is only a small per cent, as I remember.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. HENSLEY. No; I have not the time. But here is the point I desire to make, that profits should be taken out of war. It ought to be a question of patriotism. No man who reveres the flag will hesitate to respond to a call to go out and fight for the liberties of his country and sustain the flag. [Applause.] I do not want any man to be put in a position where the people may point to him and say, "He stands for war simply because it means profits to him and his associates, and only pretends to stand for the flag."

When war comes and the people are called upon to serve and sacrifice for their country, even unto death, I maintain that no element or class of our people should be making a profit out of a situation of that kind. This Government, whether it ever uses an armor-plate concern or not, can afford to make this authorization for the effect it will have in further reducing the price of armor plate. We may or may not make a ton of armor plate. I want to say here and now that the Secretary of the Navy has rendered a great service to the country, for he has reduced the price of armor plate and has saved hundreds of thousands of dollars in the armor plate that will go into the battle cruisers that this bill carries. [Applause.]

The same argument was made by some against the Government manufacturing powder when it was first proposed a few years ago, but now we are making our powder for the Navy much cheaper than we were ever able to purchase it from the private concerns.

Mr. MEEKER. Mr. Chairman, will the gentleman yield for a question—just one?

Mr. HENSLEY. Yes.

Mr. MEEKER. Does the gentleman think that there is also an increased profit to the people who sell horses and mules and cattle and butter and eggs?

Mr. HENSLEY. Mr. Chairman, I will not take the time of this House to discuss that. These products may have increased, but I am sure it represents so little to the farmers that no person would for one minute believe them influenced by it.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HENSLEY. Yes; I will yield now to the gentleman from Michigan.

Mr. SMITH of Michigan. Is it not true that a short time ago aniline sold for 40 cents a pound and is now worth $20 a pound?

Mr. HENSLEY. That may be, and chemicals of different kinds may be selling now for advanced prices; the Government has nothing to do with those articles; but these are the things that the Government has to do with, and the Government by the establishing of an armor-plate factory can protect itself against such increases. The Government certainly does not want to be placed in the attitude of promoting the things and the institutions that make these profits out of war.

Mr. HENSLEY was granted leave to extend his remarks in the RECORD.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Chairman, I am for this amendment offered by the gentleman from Tennessee [Mr. PADGETT] for the Government to establish an armor-plate factory. The cry of men now, particularly of men who own these armor-plate factories, is that of a dying man who has been a sinner all of his life and is now promising to be good providing he may be permitted to live, but they have sinned too often and too long, their arrogant ways will no longer be tolerated. The Bethlehem Steel Co. has sent out circulars, I do not know how many, but quite a number up to the present time, stating how good they are going to be to the Government if it will just withhold the building of an armor-plate factory for the use of the Government. That may be all right and all good, but we remember the past and what has occurred in buying armor plate for the battleships of the country. There have been charges on this floor, and I do not know that it has been denied by them, that the Carnegie Steel Co. has sold armor plate to the Government full of blowholes, and that to cover up these defects they were filled in some way to prevent detection.

Mr. HOPWOOD. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. No; I can not yield as I have only five minutes. The charge was made against the Carnegie people, and I think they admitted it at the time, that they had sold to the Government this armor plate full of blowholes. It was reported by workmen in the factory and the company was fined for doing so. Afterwards a part of the fine was remitted by the Government. We remember not a great while ago that the Secretary of the Navy asked for bids for armor plate from the three companies that manufacture armor plate in this country, and when the bids were opened they were exactly the same. There was a wonderful mental telepathy, as you might call it, existing between the heads of these concerns by which they were able to tell precisely what armor plate was worth and the lowest price at which they could sell it to the Government, and all agree on exactly the same figures that the Government must pay to these concerns.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. FOSTER. I have only five minutes, but I will yield for a question.

Mr. MADDEN. I was just wondering whether the physicians of the country in different communities had any understanding about whether they shall all charge the same fee for like services?

Mr. FOSTER. I think not. I do not think there is any understanding among them, and everybody knows they are poorly paid, anyway, so that the poor doctor would not be compared to these great corporations. But we remember, and I think the statement has been made a good many times, that these armor-plate factories years ago charged the Government a high price, and such a high price that their profits were enormous, and if they should go out of business now, which I do not believe they will do, I expect that these companies will not have lost any money, for they certainly have not lost any while they have been in the business, and I suspect that their capital has been paid for many times over through the profits they have made during all these years they have been selling armor plate to the Government at such a high price. I am not one of those who gets scared because the Government talks about going into business for itself. I believe that the Government ought to have a right to manufacture those things necessary to use in time of war. We have seen the same fight made against the Government manufacturing powder, and I am sure that under the able leadership of the gentleman from Kentucky [Mr. SHERLEY], who has had the management of the fortification appropriation bill for several years in this House, the price of powder has been materially reduced as a result of the Government's manufacturing a part of the powder for its own use. I hope this amendment will be adopted.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY. Mr. Chairman, in arriving at a conclusion for myself upon this question, I have considered only what would, in my judgment, be best for the Government of the United States. I have approached the matter entirely from the public side and the public interest. There are three considerations entering into the question. In the first place, there is the quality of the armor; in the second place, there is the matter of price; in the third place, there are the military considerations involved in the question.

As to the quality of armor, I think there is absolutely no question. The gentleman from Illinois [Mr. FOSTER] has had something to say about armor plate having been furnished some 20 years ago of inferior quality. That may be true, and I think it is, but I have here a report made by the Bureau of Ordnance in July, 1913, in which this language is used as to the present-day armor plate furnished by these companies:

> The bureau believes that the superior excellence of American armor is due to the fact that the Bureau of Ordnance has consistently and persistently demanded from armor makers the best armor they could produce, and has from time to time increased the severity of its specifications, particularly as to ballistic tests, and also to the fact that the armor makers have honestly and conscientiously striven to produce the best possible armor.

That is a report made in July, 1913.

Mr. McLAUGHLIN. By whom?

Mr. KELLEY. By the Bureau of Ordnance of the United States. I think Admiral Strauss was at the head of the bureau at that time.

Mr. BUTLER. That is correct.

Mr. KELLEY. As to the price, I have not been able to convince myself that these companies, during the last 15 years, since 1900, whatever may have been the case prior to that time, have charged an exorbitant price.

Now I will give you the reasons why I think so, and in this connection I want to remind the committee that under the proposition submitted by Mr. BUTLER, whatever the fact may be as to that price of armor, for the future the Government can fix the price absolutely itself. But as to the past, have these companies been making an excessive profit on their investment? All the reports made by the Navy Department and special commissions appointed to investigate the cost of building an armor-plate factory for the Government have placed the cost of plants similar to those now in existence, approximately of 10,000 tons

capacity, at substantially the same figure which these companies claim to have invested in the business, upward of $7,000,000 each. This late report which I have quoted from as to the quality of the armor reports that to build a plant of 10,000 tons capacity would require an investment by the Government of $8,466,000. The report made by the Tillman Commission, of which Mr. PADGETT was a member, estimated the cost at $6,300,000 for a 10,000-ton plant, which is approximately the size of two of the three existing plants and a little larger than the third. So that I think it is fair to assume that the sworn statement made by an officer of one of these companies to the effect that the value of his company's plant is upward of $7,000,000, can be accepted as true.

Now, according to figures furnished me by the Navy Department, we have purchased during the last 10 years from the Bethlehem Steel Co., the oldest company making armor plate, 41,610 tons and have paid that company $17,740,305 for it. That is an average of 4,161 tons a year, less than half the capacity, and the average price paid was $426.35 per ton. These figures were furnished me by the Bureau of Ordnance of the Navy Department only two or three weeks ago. The average annual gross receipts of the Bethlehem Steel Co. from the Government during the last 10 years was $1,774,030.50. Now this sum represents the entire average annual receipts of that company for armor sold to the Government during the past 10 years—a sum less than 25 per cent of the capital invested in the business. Now out of these gross receipts the company, of course, had to buy its raw material and pay the men in its employ. It does not occur to me that if a company's annual gross receipts were only 25 per cent of its investment that it was possible for that company to make exorbitant profits out of its business. [Applause.] I can not understand how it can be done.

Mr. GORDON rose.

Mr. KELLEY. There are many manufacturing companies, I assume, in the country making 20 per cent profit upon their investment, while the gross receipts of these armor companies annually is only between 20 and 25 per cent on their investment.

Mr. GORDON. Is the Government the only patron that the Bethlehem Steel Co. has?

Mr. KELLEY. The Government is the only purchaser of armor.

Mr. GORDON. The United States Government?

Mr. KELLEY. The United States Government.

Mr. GORDON. I thought they sold abroad.

Mr. KELLEY. Oh, they have sold a few orders abroad 20 years ago and, I think, one order in 1911, as Mr. HENSLEY has said. It is their claim that they tried to get into the outside markets 20 or 25 years ago, but without success. These foreign transactions amounted to only about 5,000 tons, all told. Practically speaking, these companies have never had any foreign business and are not now selling abroad.

Mr. GORDON. Why not?

Mr. KELLEY. Other countries have armor plants of their own. In many countries abroad it is claimed that, while the plants are under private management, the Government has some financial interest.

Mr. GORDON. How does Mr. BUTLER propose to give the Government authority to fix the prices for the Bethlehem Steel Co. on armor?

Mr. KELLEY. Through the Federal Trade Commission.

Mr. STAFFORD. Read the amendment.

Mr. GORDON. But it requires the company's consent, does it not?

Mr. KELLEY. If the armor people should refuse to accept the price fixed by the Government of the United States, the Secretary of the Navy is then clothed with power under the Butler amendment to go ahead and build the factory.

Mr. OLIVER. Will the gentleman yield?

Mr. KELLEY. I have not the time—yes; I will yield to the gentleman.

Mr. OLIVER. The gentleman stated that these companies were not now selling abroad. Is the gentleman aware that in the report made by the Secretary of the Navy in 1906——

Mr. KELLEY. Be quick; my time is passing.

Mr. OLIVER. The report shows a combination between the foreign armor plants and the home armor plants that the armor-plate plants in this country would stay out of the foreign markets.

Mr. KELLEY. I have not time to discuss that particular phase of the question. What the gentleman says may be true. I only know that the records show that practically no armor plate made in this country has been sold abroad. The officers of the company testify that they have tried to get into foreign markets, but without success. If the gentleman has any authority showing that they have sold abroad, except in the limited way stated, why, I should be glad to get the information in his own time.

Mr. OLIVER. The gentleman did not answer me.

Mr. KELLEY. I have not the time to go into that. My time is nearly up, and I want to pursue the question of price which I was discussing when I yielded to the gentleman from Ohio [Mr. GORDON].

Mr. OLIVER. I will answer.

Mr. KELLEY. Another reason why——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY. Bearing further upon the question of the profits in the armor-plate business, I should like to state that during the 29 years since the Bethlehem Co. began making armor plate the Government has purchased from that company 95,007 tons, at an aggregate price of $42,344,937. It will be seen from these figures that the average annual sales of this company to the Government was 3,280 tons, for which the Government paid the company $1,465,896 annually. On a $7,000,000 investment we find, then, that the total average sales have been but a trifle over 20 per cent of the capital invested. If this company had been able to manufacture armor for nothing, it is apparent from these figures that it could not have made more than 20 per cent on its investment at the prices paid by the Government. Of course, out of its annual gross receipts all manufacturing costs had to be paid, an allowance had to be made for depreciation of plant, besides insurance, taxes, and administration charges. Under these facts I hardly see how the profits in the armor business could be as great as has been frequently stated. The great difficulty, it seems to me, in the way of reducing the price of armor plate has been the fact that the average requirements of the Government have been less than one-third of the capacity of existing armor plants. There is three times as much capital invested in the business now as is necessary to supply the needs of the Government. For the past 10 years the three existing plants have been idle two-thirds of the time. It is necessary to take this fact into account in arriving at a reasonable price which the Government should pay. On page 3723 of Secretary Daniel's hearings before the Committee on Naval Affairs is a table prepared by the Bureau of Ordnance on June 28, 1913, estimating the cost of armor plate in a 10,000-ton plant running at full capacity and also at one-half capacity. The table referred to follows:

FULL COST.

[Reckoned on a capacity of 10,000 tons a year.]

Production cost	$202.83
Administration: One-seventh of officials' salaries and office expenses, which is the proportion allotted to armor manufacture (one-seventh of $1,050,000)	15.00
Depreciation: 6¾ per cent of value of plant, estimated to be $7,125,000 (life of plant taken to be 15 years)	47.52
Taxes and insurance	4.00
Total	269.35

Estimated cost of production of armor of a 10,000-ton plant, producing carying amounts.

	10,000 tons.	5,000 tons.
Production cost	$202.83	$220.00
Administration	15.00	30.00
Depreciation	47.52	95.04
Taxes	4.00	8.00
Total	269.35	353.04

The cost of armor plate, as estimated by the Bureau of Ordnance, in a 10,000-ton plant running at full capacity is $269.35 per ton, and running at half capacity $353.04 per ton. These costs include every proper charge except interest on the investment. If the existing factories were given business enough to run at half capacity, the cost of manufacture of armor plate would therefore be $353.04, allowing nothing for profits or interest on investment, according to this estimate of the Bureau of Ordnance. Five per cent interest on a $7,000,000 investment would amount to $350,000 per year. If the annual output of the factory was 5,000 tons (half capacity), the interest charge would therefore be $70 per ton. Adding $70 per ton interest charge to the $353.04 production charge makes a total of $423.04 per ton, which represents full cost of manufacture and a 5 per

cent profit to the company on its investment. The price paid by the Government for armor plate during the last 15 years is shown by the following table:

1900 (plus $21.85 royalty)	$420
1901 (plus $21.85 royalty)	420
1902 (plus $21.85 royalty)	420
1905 (plus $21.85 royalty)	420
1906	346
1907	420
1908	420
1909	420
1910	420
1911	420
1912	420
1913 (8-hour law in effect)	454
1913 (8-hour law in effect)	440
1914 (8-hour law in effect)	425
1915 (8-hour law in effect)	425

If the estimate of armor cost made by the Bureau of Ordnance is correct, I hardly see how the profits in the armor business during the last 15 years has been excessive. But whatever the truth may be as to this, under the amendment proposed by the gentleman from Pennsylvania [Mr. BUTLER], it will be impossible for these companies to overreach the Government in the future, for the reason that the Government itself fixes the price. The appropriation for the armor plant under the Butler amendment is simply held in abeyance and is available at any time when the armor-plate companies refuse to provide the Government with such armor as it may require at a price designated by the Secretary of the Navy.

Besides the question of quality of armor and price of armor there is the further question of the military value of the existing armor plants to the Government. They are connected with great steel mills and could be expanded quickly to almost any extent should occasion require. The business has been divided among them for many years in order that all of them might be kept in existence and ready for an emergency. If the Government puts up a 20,000-ton plant one of two courses will be pursued. It will either manufacture all the armor that the Government needs or it will divide the business between the Government plant and the three private plants. If it pursues the former course the three existing private plants will pass out of existence, and in case of an emergency we will not have this great reserve of armor-making ability to fall back upon. If it pursues the policy of dividing the business between the Government plant and the three existing plants, the share of the business given to each will be so small that all the plants will be idle a greater portion of the time than even now, and the cost of production, not only in the Government plant but in the private plants, will be correspondingly increased.

In conclusion, it seems to me that the proper way to handle this matter is to adopt the amendment offered by Mr. BUTLER, under the terms of which the Government can fix the price of armor plate. This will protect the Government against exorbitant prices and at the same time keep in existence for the use of the Government and for its protection in time of need all of the present armor-making facilities of the country.

Mr. BUTLER. Mr. Chairman, I regret I have not more time to yield the gentleman, but I have not got it. I yield 10 minutes to the gentleman from Pennsylvania [Mr. HOPWOOD].

Mr. HOPWOOD. Mr. Chairman, the gentlemen of the Southland seem to think that Pennsylvanians and New Yorkers and men from Massachusetts ought all to be put in jail, and particularly the gentleman from Texas [Mr. DAVIS] seems to think that. I have heard all of them talk about on that line here in the last three days, and they do not seem to have any use for people who manufacture anything. They seem to be willing to send cars east to advertise semiarid lands and sell them to people in the North for ten times what they are worth, and, by the way, there was a car went through my town selling them, and one of those gentlemen got into jail before he left town, so some people besides Pennsylvanians do get in jail occasionally.

Now, the Carnegie Steel Co. has been painted here in very dark colors, and I am not presenting a defense for them, but they have, however, done some good things; they have established a $12,000,000 fund for pensioning their old, aged employees, and the Government, upon the whole, has yet to take up a bill for the pensioning of a few people in Government employ. Such a bill was presented in this House for pensioning postal employees, but you gentlemen on the Democratic side have tried to smother it by referring it to the wrong committee. So this wicked corporation has done a thing for its employees that you do not want to do for Government employees.

They have also appropriated some millions for people who have been hurt in the mines. They take care of them for a year if necessary, if temporarily disabled, and if they are permanently disabled they take care of them for life. They have done many other things in that line that I would like to call your attention to if I had the time, but that is not the question at issue here, and I will not take up further time in referring to it.

Mr. GORDON. No; talk about blowholes. [Laughter on the Democratic side.]

Mr. HOPWOOD. Oh, that was away back in 1894, nearly 20 years ago, and you have been blowing about it ever since. [Laughter on the Republican side.]

Mr. GORDON. Then that is covered by the statute of limitations.

Mr. HOPWOOD. The only things you people remember seem to be things that occurred 20 and 25 years ago. Now, as to that Russian sale that you talk so much about, when did that occur? That occurred back in 1894, and I will tell you that in 1894 and 1895 the Bethlehem Steel Co. did not have a contract with the United States, could not sell a pound of their material to the United States Government, and they tried to secure some business elsewhere. From 1887, when they established their plant, down to 1893 they sold only 6,000 tons, an average of only 1,000 tons a year, to the United States Government.

In 1893 they got a contract for 3,500 tons. In 1894 and 1895 they got nothing, so in 1894 and 1895 they attempted to get business abroad, and then they sold armor to Russia. In December, 1894, they sold 1,115 tons to Russia at $249 per ton for nickel steel or harveyized steel, and in May, 1895, they sold 224 tons at the same price. On November 27 to December 9, 1895, they got some real business from Russia by selling them 1,137 tons at £107 per ton, or approximately $524 per ton.

You gentlemen forgot to mention that sale. You mentioned the 1894 sale, but you forgot to mention the 1895 sale. It is in the testimony. Gentlemen, try and be fair in this matter, and when you call attention to things away back there that were not right and that were not defended on the floor here, give credit for selling good armor and give credit for selling it at a fair price now.

Gentlemen, in recent years you have been getting armor cheaper than any other country in the world. The testimony shows that, and you gentlemen, if you will look it over, will find it out. You will find that we are getting the armor at $425 a ton, while all other nations except one are paying more; and Japan, with her own plant, estimates that it costs her $496 to make her armor plate.

Now, gentlemen, in view of the fact that we are buying our armor at $425 a ton, and in view of the fact that we have established these plants, or, rather, had them established at our own request, and the fact that they have served us well, with one or two exceptions that have been mentioned here and which have been made much of, it can not be denied that we are producing the goods at a fair price to-day, and yet you gentlemen here, who were elected because of the extravagance of our side of the House, want to throw $11,000,000 away and establish a plant that will be nothing but scrap when it is done.

I think if I had the time I could demonstrate to you that you can never make armor anyway. You can not employ people like Charlie Schwab to make it. They are not in the market at Government prices. A salary of $100,000 a year would be nothing to him, for the valuable information that he has acquired since he was a boy employed in steel mills, a business in which he has amassed a fortune of $100,000,000, perhaps. But, gentlemen, you do not like a man worth $100,000,000. You like a man worth—well, say, 30 cents. [Laughter on the Republican side.] I like the 30-cent man pretty well, too, but I also like the man who can make his way in the world in whatever line of endeavor he starts. [Applause on the Republican side.]

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. HOPWOOD. Yes.

Mr. PADGETT. Denying the proposition that we are prejudiced against a man of wealth, I want to confess very freely that on this side of the House we do have a regard for the poor man that can not take care of himself. [Applause on the Democratic side.]

Mr. HOPWOOD. Well, we take care of the poor men in Pennsylvania, as I have indicated, much better than any man over there in any one of your States ever took care of a poor man. [Applause on the Republican side.] I will give you a talk on that question some time when I get the opportunity, and I will tell you how we take care of the poor man in Pennsylvania. But that would be a digression now.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Kentucky?

of the company testify that they have tried to get into foreign per ton, which represents full cost of manufacture and a 5 per

Mr. HOPWOOD. No; I can not yield. I have only 10 minutes. You propose to put $11,000,000 into an armor-plate plant. What will you have then? You will have a naked plant, with no expert knowledge to run it. You will have to go out and get people to run it. You can not get them from the steel mills. They have their experts, and they will keep them. They will not sell them to you nor hire them to you. It has taken 20 or 30 years to educate these men as specialists. You will have a plant without any experts to make the goods. Neither will you have any raw material. These plants are not only steel plants; they have back of them all the raw material necessary for the production of finished goods. The coal, the coke, the iron ore, the furnaces, and everything necessary is back of these plants.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

Mr. HOPWOOD. Yes.

Mr. CARAWAY. If it is impossible for the Government to run its plant after it builds it, why do you object to the Government building it?

Mr. HOPWOOD. Simply because you Democrats will throw the money away. We have to help pay the taxes. [Applause on the Republican side.] I notice every time anything comes up about taxes you say, "We will make these fellows up in Pennsylvania and New York pay for it." You talk about preparedness, but you are not willing yourselves to pay for it. We are willing to pay our share.

Mr. CARAWAY. The Government will have to buy the steel to build the plant, will it not?

Mr. HOPWOOD. Yes; but you can not do it.

Mr. CARAWAY. Then what are you kicking about? [Laughter on the Democratic side.]

Mr. HOPWOOD. You have to practically make all the stuff in the plant before you can get a plant.

Mr. CARAWAY. Then why do you take up the time of the House to cry about it, if you are not going to be hurt? [Laughter on the Democratic side.]

Mr. HOPWOOD. Oh, you are doing the crying over there. You will be weeping if this bill goes into effect, because if your armor plant is built, you will find that you have nothing when it is done.

As I was saying, you have not got the raw material back of it. You will invest $11,000,000 in a naked plant. You would have to put $25,000,000 more into it in order to have an efficient plant, to have the things that are necessary to go into that plant to make it effective. No steel mill has ever succeeded in my country about Pittsburgh unless it had those things. Every steel company in Pittsburgh to-day has gone out into the coke fields and bought thousands of acres of coking coal. They have built their own furnaces; they have their own ore beds. The Government does not propose to acquire these things, and it would be very foolish if it did. I say that the building of this plant, to begin with, is one of the most foolish things that that party over there has ever proposed, in view of the fact that you are now getting good goods. You can not deny that. You are getting them at a proper price, better than other people are paying for similar goods in other countries, even where they have their own plants. Then if the cost is right, if the goods are right, if the plants are there, and if those plants have been induced to make this material because of the fact that the Government asked them to do it, and if those plants have no value for any other purpose—that is, those parts of the plants devoted to the making of armor plate—still you want to put those people out of business, confiscate the armor-plate plant entirely, throw it into the scrap heap, lose our people $20,000,000, lose the $11,000,000 you are going to put in of your own money, besides a good deal more that you will put in later, and all because you want a Government armor plant, and you can not run it after you get it. [Applause on the Republican side.]

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Chairman, while I am not an accountant, neither do I pretend to be a bookkeeper. It has been necessary for me for a part of my life to know the cost of making steel and iron in order to meet the employers and argue for the wages for the men whom I represented in the big labor organization of the country, the Amalgamated Association of Iron and Steel Workers.

I have gone carefully over the report of this committee. I presume that the chairman did not bring in a report of the majority of his committee unless they knew something about the cost of making armor plate as well as the building of the plant. I have hunted carefully for some evidence of what the cost would be. I have gone back and found that in 1906 the naval board of officers made a report on the cost of making armor plate, and they went right down through it in detail, and among other things they provided a discard item of 37 per cent, and then added 5 per cent for imperfect ingots not forged and 5 per cent for ingots forged into condemned plate and 3 per cent for oxidation in forging, making a loss of 50 per cent. The report adds that "the above items are turned back to the furnace and their value is only that of the cost of cutting and conveying to the furnace." The report further shows the value of the ingot at forge to be about $71 per ton, or about 23 cents per pound, and this point is where the discard takes place.

In the making of armor plate the practice is that more than 50 per cent—running from 50 per cent to 58 per cent—of the ingots that are made for the purpose of making the armor plate is scrap, or, in other words, rejected. The practice of armor-plate companies is to take these big ingots that are scrap, cut them into shape, and make them into something else, like axles, something in high grade of steel that can be used; they do not lose them. If the Government is making armor plate and 50 per cent of the ingots are rejected, when they come to the forging point it is worth then about 23 cents a pound. The value has been put in it by labor and by metals and ingredients. What is the Government going to do with these rejected ingots, cut them up and make them into some other article? Oh, no; the committee refused a rule to let anything of that kind in, although the gentleman from Illinois, Mr. BUCHANAN, proposed to do it. What will they do? Melt it over? Then it becomes scrap, and, in the words of the report referred to, of value only of cutting and returning to the furnace.

Mr. SHERLEY. Will the gentleman yield?

Mr. GARLAND. No; I can not yield.

The CHAIRMAN. The gentleman is not obliged to yield.

Mr. GARLAND. At the least calculation 20 cents a pound of the 50 per cent of your steel is lost. In other words, you make 20,000 tons a year of armor plate and you require 40,000 tons of ingots necessarily to make that much plate. Then you cut off half of it and put it back into scrap; 20,000 tons is 40,000,000 pounds, at 20 cents worth $8,000,000, and the Government has lost that amount. The making of armor plate by the Government will be a failure. It is an attempt to make a campaign document, but it will be the biggest monument of foolishness and inability that the Democratic Party ever put into existence. [Laughter and applause on the Republican side.] Spend the people's money if you will, but remember the working people of this country will not agree to a wanton extravagance even though you do it to catch their votes.

I want the chairman of this committee or some one on the committee to explain to this Congress before they go any further in this matter as to the absolute justice of these figures and show where the credit is given.

I heard something on that side of the House said about blowholes. It is evident on that side that there was a thought that this side might be desirous of escaping that thought. Not at all; I willingly welcome it. I know something about it, and if you think you are going to make armor plate without blowholes, you have another guess yourselves. They may not be as big as they were when they first started to make armor plate, but steel is porous, and there are holes in it—smaller holes now it is true—but the defects are there, no matter where you make it or who makes it.

Reverting to these blowholes, that was another time in our history when the Democracy was in full bloom, as it is now. You had both the Houses and the President, and I remember well who discovered the blowholes. Not the administration down here but the men who worked in the mills—the Republican boys of Pennsylvania. [Applause on the Republican side.] The boys that go as sailors and soldiers and who have worked alongside of the men whose brothers and sons go out as sailors and who did not want to see them go down into the sea with any chance of losing their lives by defective work; they were the men that brought the evidence here. What was done? An investigation and a fine and then an exoneration. I do not forget the words, for I was working in the rolling mill at the time, and they keep coming back to me. I think it was Secretary Herbert who said in the exoneration that—

> While the highest point of efficiency required by the specifications for armor plate was not reached in this instance, yet the minimum specifications of efficiency that were required in making the armor plate were exceeded and therefore you are excused.

[Laughter and applause on the Republican side.]

That was during a Democratic administration, and the dishonesty, if you please to call it so—and whether it was or not is a question when you go into the making of armor plate—was routed out by the Republican boys in the mills of Pennsylvania. As I said, it was a Democratic administration, in full

bloom, from one House to the other, and up there in the White House, that excused it all and refused to continue the fine.

The report of the committee provides against a time study of "any job of any employee between the starting and completion thereof of the movement of any such employee while engaged upon such work," and so forth. Mr. Chairman, if the Government ever makes armor plate and tries to operate under the proposed rule as above, it will have to establish a morgue along with the plant. The pouring pits of the steel mills have been the scene of the most horrible accidents and most of it because some one faltered in the quick, efficient, and timed moment when a great molten mass of steel weighing up to as much as 350,000 pounds was poured and handled. I have had the experience of not alone carrying my fellow workmen out of the mill dead, but have lain many days between life and death just for the reason that a half dozen men faltered in their duty for one moment before the terrific heat of an open-furnace door.

As to the necessity of an armor-plate plant from the standpoint of use, there is no doubt but that the use of armor plate in large quantities is problematical. Modern war has reduced the effectiveness of high explosives. It is now a war of the best shells instead of the best armor, the problem is to get the shell to the place most needed to destroy. Whether it is carried to the spot by an aeroplane or a whirligig hung on its tail and it is spouted from the depth of the ocean or it is shot from the mouth of a cannon makes no difference when it strikes the strongest armored battleship, the result is the same. The present European war has shown wonderful progress in the two former plans of carrying and putting the shell where it does the greatest harm, and I believe both these means of destruction will improve and make less desirable in war in the future of heavy armor plate.

The recommendation of the committee on the ratio of six battle cruisers to two heavy armored vessels is an indorsement of this thought; as the cruiser has less than one-half the thickness of armor, but has greater speed, it is less resistant but more offensive.

Mr. BUTLER. Mr. Chairman, will the gentleman from Tennessee use some of his time?

Mr. PADGETT. I yield five minutes to the gentleman from Washington [Mr. DILL].

Mr. DILL. Mr. Chairman and gentlemen of the committee, I rise to support the amendment for a Government armor-plate factory. I am strongly in favor of it, because it is another step toward taking the profit out of preparedness. If I had my way the Government would, as soon as facilities could be provided, build every ship for its Navy and make all of its own munitions. I am in favor of the Government manufacture of all the necessary equipment for national defense, first, because it will remove the sinister influence of the war trust in the determination of our policy of national defense; and, second, it will enable us to secure a dollar's worth of preparedness for a dollar, instead of 60 or 70 cents' worth of preparedness for a dollar.

NEED NOT SUBMIT TO HORRORS OF WAR IN PEACE TIMES.

When a nation is fighting for its existence it may be compelled to yield to the greed of steel barons, Army contractors, munition makers, and even politicians who gamble for leadership. These are a part of the horrors of war. But this country is under no such compulsion. We are at peace and should protect the people from added burdens in the form of profits to those who make munitions and build ships in preparation for war.

PEOPLE'S VIEWS ON PREPAREDNESS.

Mr. Chairman, I am a new Member of this House. I come from the far Northwest. Owing to the great distance, I can not go home for a few days at a time to mingle with my constituents, as many Members who live near the Capital can. This question of national defense having become a burning issue since I was elected, I have been anxious to know what the people of the district I represent think about preparedness. I have wanted at all times to consider these great questions, so far as possible, from the standpoint of the individual citizens rather than from the standpoint of officials here in Washington.

Of all the places I have ever lived I have never known any place where it is so difficult to learn what the sentiments of the people really are as right here in Washington. I shall not take the time at this point to explain why this is so, but simply desire to call attention to the fact.

HOW MORE THAN 12,000 VOTED.

Because I could not go home, and because it was so difficult here to know what the people are thinking, I decided to write the voters of my district for their views. I sent a list of questions to every man and woman who voted in the fifth congressional district of Washington in 1914, and I received literally thousands of replies. These replies came from every class of people in every part of the district, both city and country. The first question I asked was whether or not they favored increasing the appropriations from $250,000,000 to $500,000,000 for preparedness. In reply I received a majority of 300 in favor of the big preparedness program.

CITY PEOPLE FAVOR AND COUNTRY PEOPLE OPPOSE.

Mr. EMERSON. What was the total vote?

Mr. DILL. The total vote was 12,517. Those in favor were 6,412 and those opposed 6,105. And the striking thing about it was that in Spokane, a city of 140,000 people, my home town, the vote was nearly 3 to 2 in favor of this program, while in the country districts surrounding Spokane, in the outlying counties, it was nearly 3 to 2 against the program. I have segregated the vote by counties in order that the RECORD may show exactly what the results are.

SUPPORTING THE PRESIDENT.

Now, I happen to live in a district that is normally overwhelmingly Republican, and I asked two questions, the results of which are interesting from a political standpoint. I asked whether or not they were in favor of supporting the President's policy as to Mexico and as to the European war, and the answers show that by a vote of more than 3 to 1 they support the President's policy in Mexico and by a vote of more than 2 to 1 they support him in his European policy. [Applause.]

OPPOSE COMPULSORY SERVICE.

Another question to which the replies may be of interest was whether or not they favored compulsory military service. Now, it happens that in Spokane one of the leading newspapers is continually trying to educate the people in favor of compulsory military service; yet out of the more than 12,000 replies on that question I found that 4,560 were in favor of it and 6,544 were opposed to it, or a vote of 3 to 2 against it. They were strongest against it in the country districts, but every county in my district was opposed to it, the majority against it being 2,000, although I counted all votes registered in favor of the Swiss system on the side of compulsory service.

FAVOR FEDERALIZATION OF NATIONAL GUARD.

The answers show an overwhelming preference for federalization of the National Guard and an opposition vote to the proposition of an embargo by a ratio of 7 to 5. They indorse the tariff board by more than 3 to 1 and the Government ship-purchase bill by nearly 4 to 1. On the question of withdrawing from the Philippines the vote is 3 to 2 in favor of withdrawal. Most of those who answered the questions understood "withdrawal" as meaning immediate withdrawal. Not more than 1 in 10 favored retaining them permanently. The questions and replies were as follows:

Do you favor increasing appropriations for the Army and Navy from $250,000,000 to $500,000,000?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	3,616	434	525	347	521	471	128	145	225	6,412
No	2,108	650	866	446	861	570	170	246	188	6,105
	5,724	1,084	1,491	793	1,382	1,041	298	391	413	12,517

Do you believe President Wilson's policy toward Mexico should be supported?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	4,440	772	950	544	.....	797	238	274	308	8,216
No	1,230	308	231	252	.....	342	61	125	81	2,633
	5,670	1,080	1,181	796	.....	1,032	299	399	389	10,849

Do you believe President Wilson's policy in regard to the European war should be supported?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	4,054	642	872	460	.....	658	206	230	276	7,408
No	1,654	440	512	333	.....	373	91	167	111	3,671
	5,708	1,082	1,384	793	.....	1,031	297	397	387	11,079

Do you favor compulsory military service?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	2,798	340	455	263	.....	328	94	120	162	4,560
No	2,938	732	932	534	.....	705	204	275	224	6,544
	5,736	1,072	1,387	797	.....	1,033	298	395	386	11,104

Are you in favor of federalizing the National Guard?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	4,330	776	888	545	.....	615	177	279	238	7,848
No	1,294	310	501	250	.....	421	120	130	153	3,179
	5,624	1,086	1,389	795	.....	1,036	297	409	391	11,027

Do you favor an embargo on the shipment of war munitions and other contraband of war, including foodstuffs?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	1,825	593	661	354	711	409	149	285	163	5,141
No	3,819	606	520	448	555	637	150	210	222	7,167
	5,644	1,199	1,181	802	1,266	1,037	299	495	385	12,308

Do you favor a tariff board?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	4,576	781	940	621	909	742	199	270	267	9,295
No	1,097	385	438	167	345	290	107	125	121	3,075
	5,673	1,166	1,378	788	1,254	1,032	297	395	388	12,371

Are you in favor of the Government ship-purchase bill for the purpose of building up our merchant marine?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	4,378	859	1,113	605	.....	611	227	303	300	8,396
No	1,265	204	276	181	.....	395	73	96	87	2,577
	5,643	1,063	1,389	786	.....	1,006	300	399	387	10,973

Do you favor withdrawal from the Philippines?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	3,107	662	988	489	.....	623	200	270	233	6,572
No	2,545	410	393	305	.....	309	94	129	157	4,342
	5,652	1,072	1,381	794	.....	932	294	399	390	10,914

NOTE.—The reason for blanks under Lincoln County is that I sent the questions to the people there a few weeks earlier and did not include all of the questions sent to the remainder of the voters of the district.

Now, these figures are interesting as coming from the people, and the most striking thing to me as I read these thousands and thousands of letters—and I read every one of them myself—was the continual repetition of the expression, "We do not care how much money is spent if you will take the graft out of it." "Spend the money, but take the profit out of it." "Cut out the pork, that is what we object to." And I believe that much of this "graft" and "profit" to which they refer is to be found in the contracts to manufacturing establishments which manufacture armor plate and other munitions of war. [Applause.]

TWO KINDS OF NATIONAL DEFENSE.

There are two kinds of national defense, Mr. Chairman. One is defense against the foes from without; the other is against the foes from within. I have no fear but that eventually the American people would successfully defend themselves against any and all foreign foes, but I have grave fears that this Nation may some time be destroyed by foes beneath our own flag. It can always appeal to the magnificent patriotism of the people to prepare and, if need be, to fight against a foreign foe. But the foes from within sometimes wrap the flag about themselves to arouse patriotic enthusiasm and then try to use that enthusiasm to induce the people to establish certain systems and institutions and to adopt certain policies which would ultimately destroy the Republic.

PEOPLE FAVOR PREPAREDNESS.

I believe that the American people are in favor of national defense. Because Members on this floor believe that this Congress will appropriate the most stupendous sums of money for preparation for war in time of peace ever appropriated for a similar purpose by any Government in the known history of the world. This Congress has already passed an Army bill to double the standing Army and to provide military training for the young men on a greater scale than ever before attempted in this country. Congress will pass this naval bill, which will carry the greatest increases in the Navy ever provided by any Congress. As the representatives of the people we do this because of the agitation for a greater national defense. In other words, we are already preparing ourselves for defense against the foes from without. This armor-plate bill will provide not only an addition to our facilities for preparation for defense against foreign foes, but at the same time will be a blow to those domestic foes which now confront us, namely, those who profit by war and preparation for war. As I have said before, I am ready and anxious to vote for measures which will make it impossible for anybody to make any profit whatsoever out of preparation for war.

At this point I shall insert in the RECORD a table showing the appropriations for military and naval purposes made by this Government during the past 15 years.

Naval and military appropriations of United States, 1900 to 1915, inclusive.

Fiscal year.	Appropriations for Navy.	Appropriations for Army.	Appropriations for coast defenses.
1900-1901	$61,721,695	$117,841,998	$8,740,001
1901-2	68,438,301	116,912,716	7,232,646
1902-3	82,977,641	95,930,488	7,181,139
1903-4	104,126,192	73,815,653	7,333,748
1904-5	116,655,826	76,704,343	6,821,426
1905-6	109,725,059	70,509,011	172,826
1906-7	98,392,144	76,930,157	11,788,697
1907-8	117,353,474	82,053,390	9,264,273
1908-9	120,421,579	98,665,550	8,301,573
1909-10	122,247,365	102,830,774	114,341
1910-11	111,791,980	98,811,477	5,653,378
1911-12	133,559,071	91,671,087	5,534,191
1912-13	129,787,233	95,167,711	9,301,325
1913-14	136,858,301	99,008,845	109,680
1914-15	141,872,786	98,704,814	11,804,072
1915-16	149,661,864	96,639,267	6,060,216
Total	1,805,590,511	1,490,197,281	105,403,532

Grand total of appropriations, 1900 to 1916, inclusive, $3,401,191,324.

This year we shall appropriate between $400,000,000 and $500,000,000 for preparation for war, and if we get a dollar's worth of preparedness for a dollar, this should, indeed, be a substantial increase in our national defense.

WHO WILL PAY THE BILLS?

But we should not be forgetful of the fact that somebody must pay the bills for the increases which we are making. If I have my way, those bills will be paid by those who can best afford it, namely, those who possess great wealth and those who are growing richer because of profits from the world war, particularly the munition makers. If I have my way, every dollar necessary to pay the added expenditures for the increases in the Army and Navy will be raised by an increased tax on large incomes, a Federal inheritance tax, and a tax on all munitions of war manufactured in this country.

PROFITS BY MUNITION MAKERS.

The profits American munition makers have made during this European war are so great as to be almost beyond belief. The Standard Financial Digest for January 12, 1916, gives the following figures:

Contracts for war materials said to be held by 25 leading companies.

Corporation name.	War orders, contract value.	Total outstanding stock.	Estimated earnings on war orders.[1]	Quotations on common stock—			Annual rate of dividend common stock.
				July, 1914.	High, 1915.	Dec. 20, 1915.	
							P. ct.
Aetna Explosives	$40,000,000	$7,600,000	$10,000,000	[2] 37	171	140	.....
Allis-Chalmers	8,000,000	42,500,000	2,000,000	10¼	49½	31½	.....
American Can	80,000,000	82,466,600	20,000,000	26¼	68½	59	.....
American Car & Foundry	[3] 7,361,000	60,000,000	1,750,000	50⅞	98	77¼	2
American Locomotive	35,500,000	50,000,000	8,875,000	30¼	74¼	68½	.....
Baldwin Locomotive	100,000,000	40,000,000	25,000,000	45½	154½	116¼	.....
Bethlehem Steel	150,000,000	29,779,000	37,500,000	41¼	600	474	.....
Bliss, E. W	75,000,000	1,250,000	18,750,000	85	450	380	10
Canadian Car & Foundry	[3] 150,000,000	11,475,000	37,500,000	60	124	92	.....
Carbon Steel	[3] 12,663,965	5,000,000	3,230,000	20	135	70	.....
Colt Firearms	30,000,000	2,500,000	7,500,000	120	950	870	[4] 12
Crucible Steel	[3] 17,000,000	49,578,400	4,250,000	15¼	109¾	73½	.....
du Pont Powder	147,500,000	45,542,515	36,875,000	[5] 122	[5] 1,000	[5] 385	[4] 10
Electric boat	30,000,000	7,667,100	7,500,000	15	560	(7)	.....
General Electric	105,000,000	101,485,700	21,250,000	147¼	185½	174	8
Hercules Powder	20,000,000	12,350,000	5,000,000	120	450	382	6
Hopkins-Allen	10,800,000	2,600,000	2,700,000	(8)	75	57	.....
Lackawana Steel	6,290,000	35,000,000	1,572,500	33	94¼	81	.....
New York Airbrake	[3] 20,242,600	10,000,000	4,145,375	62	164¼	138¾	6
Pressed Steel Car	23,000,000	25,000,000	5,750,000	43¾	78½	64½	.....
Savage Arms	38,610,000	1,000,000	9,652,500	120	490	490	6
Studebaker Corporation	17,000,000	41,026,600	4,250,000	28¼	105	168½	5
Tennessee Copper	10,000,000	5,000,000	2,500,000	33	70	57½	12
Westinghouse Airbrake	20,000,000	19,638,467	5,000,000	130	143	143	18
Westinghouse Electric and Manufacturing	100,000,000	40,963,787	25,000,000	73¼	141½	68½	6
Total	1,253,407,565	734,414,169	297,050,375	.....	.....	.....	.....

[1] At arbitrary rate of 25 per cent profit.
[2] Company incorporated in November, 1914.
[3] Officially confirmed.
[4] Not including extra dividend.
[5] Old stock.
[6] New stock.
[7] Company reorganized.
[8] Submarine boat closed at 45½.

Those are the figures for the first 15 months of the war. They do not include the orders and profits since December 15, 1916, which have been enormous. It is estimated by the Wall Street

Journal that these profits now amount to more than $2,000,000,000. Now, when the war in Europe shows signs of burning out, they look to this Government for a new market. They agitate for a preparedness which will bring more profits rather than a preparedness which will give us all the possible protection which can be secured for the money appropriated.

GOVERNMENT MANUFACTURE A SUCCESS.

That Government manufacture of munitions will give us more preparedness for the same amount of money is not a mere theory. It is based on facts and experience. Hon. Josephus Daniels, Secretary of the Navy, says:

Experience has demonstrated that it has been sound public policy for the Government to be able to manufacture smokeless powder. A few years ago the Government paid 80 cents a pound to the private company from which it purchased its supply. [The du Pont Powder Trust.] At the first session of the Sixty-third Congress I recommended an appropriation to add to the plant at the naval proving ground, the appropriation to be large enough to enable the Navy to manufacture all the powder for its ordinary needs. This year the product was nearly 4,000,000 pounds.

Congress made the appropriation and the Navy will soon be manufacturing in its own plant at Indianhead all the powder it needs at a cost of 25 cents per pound, instead of 53 cents it had been paying to private manufacturers. The cost of manufacturing in our own plant has steadily decreased. If the 3,984,978 pounds manufactured had been purchased it would have cost, at 53 cents per pound, $2,112,038.34. Inasmuch as the actual cost to the Navy was 25 cents, the cost was $996,244.50, or $1,115,793.84 less than the price charged by the private manufacturers. This saving is for one year only.

The Secretary then renews his recommendation of last year for a Government armor-plate factory to eliminate the private-profit graft from armor contracts.

It has been demonstrated beyond controversy—

Says Mr. Daniels—

that the prices charged by the armor-plate plants have no reference to competition and little reference to the cost of production. It is estimated that if our Government should establish a plant with the capacity of 10,000 tons, armor plate could be manufactured at $262.79 per ton, or a factory with 20,000 tons capacity at $230 per ton. The price charged the Government for the last armor plate purchased was $425 per ton, and the price in 1913 was $454 on contract let March 3, 1913, and $440 per ton on contract let November 17, 1913, and in 1912, $420 per ton. This shows that a very large saving can be effected if the Congress makes an appropriation in accordance with my recommendation for the erection of an armor-plate plant.

What is true of powder and armor plate is true of guns and aeroplanes and mines and submarines and ships.

WHY NOT SECURE ALL THE PREPAREDNESS POSSIBLE?

As one who believes in preparedness, I can not see why we should not get just as much preparedness for the money we spend as possible. I can not understand why anyone who wants preparedness for the protection of the country instead of for the enrichment of private manufacturers of munitions, should be opposed to this policy.

ATTITUDE OF NEWSPAPERS.

Yet, what do we find? We find that those great newspapers which print most about preparedness print least about the Government making its own munitions and building its own ships. Most of what they do print is designed to show it would be a mistake for the Government to attempt such work except in a limited way as it is now doing. But I am not interested in what these great newspapers want except as their attitude gives an explanation of their policies.

SPOKANE NEWSPAPERS ATTACK ME.

I have tried at all times to consider this question from the standpoint of the millions and millions of everyday men and women who make up the rank and file of our people. I desire always to consider their needs, their desires, and their welfare, remembering that they produce the wealth with which in the end the bills must be paid. I have tried all through this session of Congress to keep my mind open, remembering always that those who will profit by war preparations are preaching preparedness for a purpose, and that that purpose primarily is the filling of their own pocketbooks. Because I have taken this position, an opposition press in my home town of Spokane has branded me a pacifist. They have declared me a traitor to the interests of my country, and particularly to the interests of the great Northwest.

HAVE DONE WHAT I BELIEVED TO BE RIGHT.

But, Mr. Chairman, I have never changed my purpose nor have I taken time to reply to their unfounded attacks. I have been too busy with my daily work here looking after the interests of my constituents and the district I represent, as well as studying the larger national questions. I have preferred to do my duty as I saw it, and at the proper time go home to the thousands of fair-minded men and women who sent me here and let them know the truth as to my position on these great questions. I have stood at all times for a preparedness in the interests of the country as a whole, rather than in the interests of those who while covering themselves with the cloak of patriotism and talking much about the national honor, proceed with plans for operating on the pocketbook of Uncle Sam. I have disregarded the ridicule and the attacks of this powerful Spokane daily, because I feel certain that the great mass of those who read these news articles and editorials will understand the political animus which inspired them. In my judgment, a Member of Congress who changes his position because he is criticized either lacks the courage of his convictions and is therefore a coward, or has no convictions at all and changes from one position to another with every shifting change in the surface indications of public opinion.

HOPE WORLD WAR WILL END TRAFFIC IN WAR MATERIALS.

I have not the time to discuss the details of a national-defense program, but before I close I want to express the hope that this war will put an end to private trading in the implements of war. I hope one of its results will be to close down the business of the great world-wide war trust forever, because just as long as men can make enormous profits by furnishing armaments, it will be impossible to put a stop to great wars or even to limit armaments. The close connection of the Kaiser and the Krupps explains much of the German militarism. When Philip Snowden two years ago published a list of British public men who owned stock in armament firms, he explained the chiefest cause of England's continually increasing burdens of preparedness, and the conditions in France are said to have been equally bad.

WE WANT AMERICAN PLAN OF PREPAREDNESS.

I want this Government armor-plate factory built as an announcement to those who profit by preparedness and to the world that as this Nation increases its national defense it will decrease the opportunity for private individuals to make money out of those preparations. We all know that public opinion on the subject of national defense is still in a state of change. We are just forming our preparedness policy, and there are all sorts of conflicting opinions. Some of our people are so horrified by the bloodshed and suffering of this world war that they are for peace at any price. They are honestly patriotic in their views and entitled to consideration. Others are so filled with fear of attack by some of the warring nations when this struggle ends that they want to turn this Nation into an armed camp. They are honestly patriotic in their views and entitled to consideration. Still others are making so much money out of war orders and war stocks that they care for nothing except a preparedness policy which will enable them to continue their joy riding with the "war brides." They are patriotic for profit, and whatever defense policy we eventually adopt should be so framed that it will be impossible for them to make a dollar.

PREPAREDNESS POLICY SHOULD NOT CHINAFY NOR PRUSSIANIZE OUR PEOPLE.

The easiest way to determine upon a preparedness policy would be to imitate some European or oriental country, but it would also be the most dangerous. It would be a misfit, and has always led to war. I believe we should work out a national-defense policy for ourselves, remembering that ours is a democratic form of government. But if we are to do this, we must take our minds off of profits and pocketbooks and fix them firmly upon the principles that underlie our Government and our free institutions. Our people should not be Chinafied nor Prussianized by a preparedness policy. They should be Americanized. [Applause.]

Mr. DAVIS of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, my interest in the question now discussed is confined almost entirely to a tendency of this House and of the country. The paternalism that is so apparent in the last two Congresses, expressed in the phraseology, the language of the socialist, is to me a very significant fact. I take the position that the Government should not do anything that private enterprise can do as well, and certainly it should not undertake anything that private enterprise can do better; and when the announcement is made here that the Government must go into this business because the country has been held up in price I reply the course to pursue is to correct the wrong that has been done. Correction does not demand destruction. If it is true that the Government has been held up—the figures quoted by the gentleman from Pennsylvania [Mr. STEELE] and others quoting from the hearings before the committee, throw a doubt upon the accuracy of that statement—then that wrong ought to be corrected; but it will not be corrected by the method now suggested by the majority of the House. It will be corrected by the Butler amendment which offers to let the Government itself, the only customer of these manufacturers, fix the price it is to pay. That is certainly as much as anyone could ask. It gives the Government the complete control of a contract to be made by it. You who say that the Government can manufacture more cheaply than private enterprise are saying it upon the basis that the Government must not suffer the outlay that the private enterprise must suffer. Private enterprise must suffer the cost of insurance. You say the Government does not need to suffer that cost, because if the property is destroyed we can resort to the Treasury of the United States to rebuild it. Private enterprise must suffer the cost of interest upon the money required to build, and you say that the Government need not do that, because it will take the money out of the Treasury which will preclude the necessity to issue bonds and therefore there will be no interest charge. You say that the private enterprise must pay the taxes to the Government, but that the Government need not pay the taxes, because if it wants to run the affairs of the Government all it has to do is to start the printing press to work, because we have the ink and the paper and the printing establishment down here on the Mall—start it to work and make the money.

There are a lot of Members on the Democratic side of the House who do not believe in that wild-eyed theory, but the soft-money, fiat-currency craze, which insists that you can easily account for the money necessary without cost to the people, is most prevalent on the majority side of the House. You can not vote one single dollar out of the Treasury of the United States which you do not take out of the pockets of the American people—money that came to the Treasury in the form of taxation upon the labor of the people. You can not vote money out to take the place of taxes, the place of insurance, the place of interest without laying a tribute on the people, who ultimately must pay the bill. [Applause on the Republican side.]

Private enterprise must estimate the depreciation of its establishment, to supply new machinery and other repairs; the Government need not do this, since all this needed equipment will come as an additional appropriation from year to year. Private enterprise must consider the necessary additions to its plants in the way of new requirements. The Government does not consider this, since this will be forthcoming for the asking. The overhead charges must be estimated in every industry, and in such large establishments this element is large. But the Government is exempt from this charge.

Here are numerous items that cost extensively, but are all ignored in Government estimates, upon the theory that all these losses which are made up by direct appropriations are not losses, but deficiencies, which do not cost the people anything, simply because it comes out of the Treasury and can be supplied by a deficiency appropriation bill. The fundamental fallacy of such reasoning lies in the assumption that since the Government does not take these items of cost into consideration in making up the estimates of construction it saves to the people that amount in the program. These items must be paid some time and somehow, and the mere fact that they are omitted in the original estimate does not mean, except to the theorist perhaps, that they are permanently excluded.

The proponents of this measure press it on the basis that the Government has been held up in price. Concede the accuracy of this statement. It does not prove that the Government will save in the end. There is no better-established fact than a well-regulated private enterprise will produce the finished article in shorter time, at less cost and greater efficiency, than the Government will. This is established in a hundred ways before our eyes.

Secretary Meyer, knowing the facts, urged the dismantling of several of our navy yards as an actual saving in time, efficiency, and expense.

Here is a reason for great caution against launching the Government into such enterprises. When once inaugurated it will be impossible to discontinue, no matter at what loss the continuing of the enterprise entails. The campaign already in motion to secure the location of the proposed armor plant is but a suggestion of the local interest which, when once established, will continue, no matter what loss may be entailed on the Government. The navy-yard situation is but a suggestion. The Army post is another striking illustration. This feature of local influence should not be overlooked in the character of control exerted over legislators whose duty is to guard the public weal. It is difficult to stop the leaks when to do so means to discontinue some local interest. The individual excuses his opposition on the ground that it comes out of the Government Treasury, which will not feel it because it is negligible. If it is argued that the Government can save the overhead charges because the proposed plant will require but one organization, while the private plants now existent require three separate organizations, the answer is that three could be made into one provided the Sherman law would permit private business to do what the Government proposes to do.

Mr. Chairman, "that government is best which governs least." This dictum of Democracy has been a rallying cry to the hosts ever since it was first announced by its author, Thomas Jefferson, in the early promulgation of his political theory. Expressed most frequently by leaders of Democracy in a negative form, we have it "that system of government is best where the largest individual freedom of opportunity and effort is respected." The fundamental contention expressed throughout all the years by leaders on the stump and in platform was against any governmental interference with individual initiative of the citizen. True, here and there, and now and then, fugitive spurts were made by inconsequential members of the Democracy to commit the party to paternalistic doctrines. Many of these efforts at various times assumed the proportions of propaganda, but usually of short duration. Since the war the socialistic tendency of Democracy expressed itself in various campaigns against a sound-money basis of our currency, in which the inevitable attempt was made to array one group of our citizenry against another. The man without money owes his situation to the man with money. They assumed the rôle of the monitor of the mass as against the class. The remedy proposed, of course, is to reorganize society. The Greenback craze back in the seventies was one instance of the headliner type. The free and unlimited coinage of silver in 1896 was the most historic instance. The public mind has never been totally free of the nostrums. The propagation of the Populist movement is another historic chapter. There always has been and quite probably always will be this element in our electorate. It feeds upon the misfortunes of men from whatever cause. The enthusiastic contention for populistic doctrines was never so apparent as to-day as disclosed in the discussion of the Federal Reserve System of two years ago, the bitter assaults upon the amendment I offered and which, adopted, to preserve the parity of the two metals, declared by Democrats of the unlimited-coinage belief to be an "insult to three-fourths of the Democracy in this country; the wild proposals in the Sixty-third Congress to take over by Federal authority the cotton crop, to hold until a certain price could be secured; the equally wild proposals on the rural-credit legislation, just passed through the House; all these perennial spasms demonstrate the strength of this element in the Democratic Party.

This paternalistic trend is not confined to a particular line of legislation. While the money issue is a favorite field for its advocates, it reveals itself in almost every statute written by this Congress. It is easy to explain. The human race is made up of various types. Some love to work, other do not; some will succeed, others hesitate to pay the price. Vast distinctions exist. Then, modern life is of modern social as well as industrial organization. So much of the utilization of discovery and invention in modern science has depended upon the union of effort under the law in the form of corporations. This means organization—leaders and followers, employers and employees. The railroad system could not have been developed by isolated individual action. It demanded collective energy and creative power, both directive and administrative. Men whose genius enabled them to do either should be commended. The world is reminded of this by the yesterday's papers announcing the death of the empire builder, James J. Hill. His was the mission of the organization and direction of the energies of others. Our country honors herself by respecting his achievements. The modern world, in whatever direction observed, demanded some sort of organization. Many of these utilities serve a public function and are consequently subject to public scrutiny. It is perfectly proper that, since owned by individuals who are subject to all risk, they should operate them; but, since they must affect the public, the public should have some say in the exercise of the functions for which organized—that is, some control not inconsistent with ownership. Hence public regulation of public utilities is justified; hence the regulation of transportation by an Interstate Commerce Commission; the regulation of our currency by the Federal Reserve Board; the regulation of methods of trade by the Federal Trade Commission; the regulation of rural credit by the farm-loan board; the regulation of water transportation by the shipping board. These boards, which have under their control most of the great industries, with billions of privately owned wealth, conducted in the main for profit, find justification of their creation in the conceded right of the public to secure at reasonable rates the benefits made possible by genius of invention, organization, and management. But when these commissions were created their function was strictly such regulation as will concede a reasonable profit; limited to regulation, not operation. However, the

Total	1,805,560,511	1,490,197,281	105,403,552

do not include the orders and profits since December 15, 1916, which have been enormous. It is estimated by the Wall Street

trend is rapidly toward operation in this Congress. The Socialist element of the country insistently urge it. Their cause is not infrequently aided by the unwisdom of various industrial organizations in refusing to meet reasonable demands from the public. It often induces the populace to become militant. The express companies, for example, ignoring the public call, gave ground for the parcel-post law. The law was justified by the attitude of the companies. In this way the Government exercised a regulatory influence by becoming a competitor, in a sense. To this degree the public was justified, but not in the degree of the propagandist who desires the Government to take steps to monopolize this transportation activity by driving out of existence under an unfair competition all private enterprise engaged in this line because of his desire to make the Government chief employer.

The contention of Bryan and his many followers for Government ownership of the telegraph and telephone business of the country, which will doubtless take place in time, is but a step to the ownership and operation of the railroads of the Nation, to which he publicly committed himself some years ago upon his arrival from Europe, and to which the party as now led is approaching with no uncertain purpose. Every official act, including the recent legislation on railway mail pay, points to but one result. The constant heckling of the railroads of the past few years can have but one explanation, as it will have but one result if it continues, that is it will force the giving up of private ownership for Government ownership and operation. When that stage is reached the political activity of the lobbyist of to-day will be mild as compared with the new régime. Those now in power are influenced not by their party's former philosophy but by modern paternalism, and they are committing the country rapidly to universal Government ownership and operation of all public utilities; in a word, to socialism.

Mr. Chairman, every piece of legislation which has admitted of it reveals this trend. The party now in power in the various appropriation measures proceeds upon the theory that the Government is a reservoir of wealth to be drawn upon for various needs. There is no hesitation to make demands and to answer them. Note the Agricultural appropriation bill, with the thousand and one demands upon the Treasury of the Nation. Note the $43,000,000 for rivers and harbors, with many projects indefensible. I believe in internal improvements, but not such as here proposed, which passed the Senate on Monday of this week. Note the proposal to spend $85,000,000 out of the Treasury for building the roads of State and county. If money is to be taken from the Treasury, I admit this is justified since it is specifically for the public and will be accomplished under contract, not in competition with private enterprise. Note the $45,000,000 voted into the mouth of the Mississippi River under the scheme of flood control. This, in my judgment, was not justified and can not be defended. Note the $20,000,000 to build a Government nitrate plant over an obsolete method, proved out of date by the demonstration of more modern methods now in operation in Germany in full blast. This I denounce as an assault upon the Treasury that is shameful. Note the $50,000,000 to put the Government into the shipping business which passed the House last week. Professed to be an emergency, it will become the custom. Now comes the armor-plate factory, after a campaign of months by a Democrat of well-known paternalistic philosophy; a companion piece to the Government ownership of all munition plants as directed by the Democratic caucus.

Mr. Chairman, the real significance of any movement is not in the length of the step so much as in its direction. But this country has reached the stage where most legislation is in one direction and the chief concern is the extent to which it will carry us. The most alarming feature in it to me is the ease with which men embrace a policy, even men who until recently had been stalwart in their opposition to it. Twenty years ago State or national socialism was fugitive; a European doctrine born out of European conditions not yet heard in America. Ten years ago the forum resounded against its tenets as promulgated by the imported leaders. In the last Congress, when we authorized the building of the Alaskan Railroad, I being among those who preferred the Government to do it rather than to make the necessary concessions to private capital in the light of our concessions to the transcontinental roads, loud protests were heard from most of us against our vote committing us to the policy of Government ownership, as the construction of the Panama Canal did not commit its supporters to Government ownership of transportation.

The advocates of modern paternalism embrace every opportunity to remind the Congress and the country of these votes as evidence of their growth, and there is no doubt that many who at that time withheld support view the progress with small concern. That vote will continue to be quoted in support of many measures to come.

In the last two Congresses paternalism has been the dominant note. But nothing in all the past is equal to this present Congress. Members in this House who call themselves Democrats never lose a chance to further their chief theory, paternalism, the inevitable end of which is socialism. The most outspoken paternalist of the present House save one is able upon his record to enter the Democratic primaries of his State and win the race for Senator. When he speaks to his colleagues and when his paternalistic philosophy scintillates in every paragraph, he always has the attention and interest of his hearers. This indicates the response this House gives to it. Democratic candidates for governor enter the lists upon paternalistic platforms. This is done this very year of 1916. Men who but two years ago soundly inveighed against socialistic legislation, then proposed demurely, support the same thing this year; and when questioned why the change, some answer the "Government-ownership element is negligible," while others excuse it by saying, "Well the people seem to want it." Both answers indicate how complete is the surrender. This progression reminds us forcibly of the familiar words of the poet:

> Vice is a monster of so frightful mien,
> As to be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

Mr. Chairman, the Democratic passion for Government ownership, once so denounced by the leaders, is best shown in this determination to provide the Government armor-plate factory. The claim that the Government has been held up by these factory owners will not now explain. If that were now the case, the issue would be different. Whatever has been done in the past, the proposition of these owners now before us, and the proposal we are now considering in the Butler amendment, nullifies such statement. It is not a question of the past. It is a question of the present and the future. What is the necessity of a Government-owned plant as here proposed in the light of the offer of the armor companies to furnish the needed armor for an indefinite period at the price fixed by our Government agent, the Federal Trade Commission. Mr. BUTLER offered the following amendment in committee, which was rejected:

> The Federal Trade Commission is hereby directed, immediately after the passage of this act, and annually thereafter, upon the request of the Secretary of the Navy, to investigate and inventory the armor-plate plants of the United States, and to estimate and determine the average full cost of producing armor plate at said plants under the four following conditions, to wit:
> (a) Plants running at full capacity.
> (b) Plants running at two-thirds capacity.
> (c) Plants running at half capacity.
> (d) Plants running at one third capacity.
> After so determining the full cost of producing armor plate at said plants the said Federal Trade Commission shall, at once, report to the Secretary of the Navy a fair and reasonable price the Government should pay for its armor plate. Upon receipt of such report the Secretary of the Navy is hereby authorized to enter into a contract or contracts for armor plate to meet the needs of the Government, now or hereafter, at or below the price per ton so reported as the fair price for the proportion which the tonnage awarded bears to the aggregate capacity of the plants, and the appropriation hereby made for the erection or purchase of an armor-plate plant shall not be used for that purpose until the said report has been made to the Secretary of the Navy and the manufacturers of armor plate have failed, within 30 days after notice of such report, to accept the same and to enter into a contract for the manufacture of said armor plate at or below the price per ton so reported by said commission.

There can be no more desirable proposal than this. It will be acceptable to all the country, except that portion of it that has a passion for Government ownership and operation of all utilities and wish to add this one more triumph over private ownership.

What is the real armor-plate situation to-day? There are now three factories in the United States that manufacture armor plate—Bethlehem Co., Carnegie Co., and the Midvale Co. These companies built the armor factories upon the recommendation of the Government, as it is the only real customer. These companies have a capacity of 32,000 tons annually. The estimated needs of the Government are not over 24,000 tons. This means these factories will be employed to three-fourths of their capacity if allowed the contract.

The Government-owned plant is not necessary to supply our wants, for the plants already exist and are capable of such needed extension as emergency may demand. What are the facts in regard to cost? Figures officially compiled for the Senate Committee on Naval Affairs from the Naval Yearbook show that under conditions prevailing just before the present European war the chief naval powers were paying these prices for armor: England, $503 per ton; France, $460; Germany, $490; Japan, $490; United States, $425.

What has been the price paid in the past? The Bethlehem Steel Co., according to its statement to the committee, has since 1887 supplied to the United States 95,072 tons of armor, at an

average price of $432.62 per ton. During the same period its aggregate sales to foreign countries amounted to 5,331 tons, about 6 per cent of the total, and out of that amount 3,967 tons were sold at a higher price than was charged in the United States. The fact is that for 20 years the United States has obtained a higher grade of armor and paid less for it than any other great naval power, and that in the face of the fact that wages paid in the United States are very much higher and costs here would naturally be greater. The fact is that the price charged is much lower.

But, Mr. Chairman, I am not so much concerned about what we did in the past. We must not allow the remedy to be worse than the disease. I am therefore concerned about this proposal now before us to erect an armor-plate plant, at an initial cost of $11,000,000, with no suggestion of how much more. To do this of course means to destroy the three plants now in existence. According to the proposed naval program now before us, a Government armor plant of 20,000 tons capacity will more than supply the armor for the program in the proposed bill. When the Government plant is built, the private facilities will therefore become valueless. They are of no use for any other purpose. Not only will a private industry then have been crippled, but an important reserve factor in national defense will have been destroyed. The dismantling of these plants would be a national misfortune in case of emergency.

The Secretary of the Navy in his annual report estimates that the Government can make armor at $262.79 per ton in a plant of 10,000 tons running at full capacity. The prevailing price is $425 a ton. He estimates the difference as the advantage of Government over private manufacture. Here we have the erroneous contention of the paternalist. The estimate is absolutely fallacious. The Secretary's estimate covers mere shop work; it omits many important items which must enter into actual cost. His estimate makes no provision for administration and general expense, for insurance, taxes, and depreciation of plant, for interest on investment, and working capital. The omission of these items enabled the Government to underbid the private yards in the construction of *No. 43* and *No. 44* dreadnaughts and they must be paid in one way or another by either Government or private manufacturer. Secretary Daniels's estimate assumes that the Government plant will be run at full capacity. The award of a contract large enough to keep any plant running full would make possible equally great, if not greater, economies in a private plant.

Mr. Chairman, I hold no brief for any individual or group of individuals. I simply desire to impress the country with the meaning of this propaganda. It is not and will not be confined in this debate to the armor-plate item. The manufacture by the Government of aviation equipment will be pressed, in face of the immature and undeveloped stage of the art of air transportation, which now, under individual initiative, is rapidly approaching the stage of absolute reliance. If any Member had a doubt of the advantage of private as against Government ownership and operation, in economy, efficiency, and speed, let him view the miserable fiasco of a building program under the Government of our present Navy Department, as disclosed Tuesday by Mr. BRITTEN, of Illinois. Let him interpret the significance of the majority vote on the same day against a speeding-up program.

Did the armor-plate situation demand the Government operation, I would not protest. But the Bethlehem Steel Co. made the following statement of its position with reference to armor contracts with the United States Government. When I oppose this proposed armor-plate factory, I am not concerned, save my desire to see the Government pursue the policy to leave individual effort free in all cases where it is possible to do so.

The statement follows:

> First. We are urging no plan of preparedness. We have advocated no policy involving increased expenditures by the Government for any purpose. We are attempting to show, in the frankest and most open manner, that it would be unnecessary and unwise for the Nation to spend $11,000,000 to build a Government armor plant, because existing facilities can supply every need, and the Government can buy armor at least as cheaply as it can manufacture it for itself.
> Second. If the United States should become involved in war or threatened war, the Government of this country can have any product we manufacture—armor plate or anything else—at any price it chooses to pay; and under such circumstances, and regardless of price, our entire plant will run 24 hours a day with every pound of energy behind it.
> Third. It has been stated that this company has realized enormous profits from the manufacture of armor plate. The fact is that armor is the least profitable article we manufacture. In our armor plant, which is useless for any other purpose, we have invested $7,100,000. That same amount of money invested in a steel rolling mill would have earned profits of $1,400,000 a year. Yet that investment in armor plant has produced only average annual gross receipts of $1,418,993. In other words, the same amount invested in a commercial plant would have produced as much profit as the total receipts (covering expenses and profit) for armor supplied to the Government.
> Fourth. The profits realized by this company in 1915 were not from armor plate. Our total sales in 1915 were about $200,000,000, of which the gross amount received for armor plate amounted to but $3,000,000—not 2 per cent of our total business.
> At the present time we can obtain in Europe almost any price we choose to ask for our products; but we have not since the war began raised the price of any ordnance products to the American Government.
> We now offer to reduce the price of armor plate for the United States from $425 to $395 a ton.
> The price paid now—$425 a ton—is less than that paid by any great naval power.
> It is said that if our offer is accepted, and the Government plant not built, the price of armor will soon begin "soaring." That there is no danger of any such contingency, and as an earnest of our policy—
> We will agree to make armor at the reduced price named for at least five years; or
> We will agree for an indefinite period to make armor at any price which the Federal Trade Commission may name as fair.
> The fact is that armor manufacture is and has been the least profitable branch of steel making.
> Japan has a Government plant. She pays wages very much lower than are paid in this country. Her people are known for efficiency, yet the actual cost of her armor plate (according to official data) is $490 per ton. Is there any reason to suppose the American Government could do any better?
> We have offered to reduce our price, not because the present price is too high.
> The shop cost of producing armor was found by Senator TILLMAN'S committee to be about $262 a ton. Those figures represent our own experience, if our plant ran at full capacity.
> The report in 1906 of the committee of naval officers, headed by Capt. Kossuth Niles, estimated that the manufacture of armor costs 10 per cent more for a plant running at only two-thirds capacity, and 30 per cent more when running only one-third capacity.
> Senator TILLMAN'S production cost of $262 a ton, running at full capacity, did not include administrative expenses; it did not allow any interest on the value of plant or working capital; it did not provide for insurance, taxes, or depreciation. Such items would in one way or another have to be met by the Government, just as much as by a private manufacturer.
> The naval estimates call for 24,000 tons of armor per year for the next five years. If we receive orders for 8,000 tons per year, we can run our plant at two-thirds capacity and reduce our price.
> In the past our plant has run at an average of one-third capacity. That is why $425 has been a low price. If we could have run at two-thirds capacity, as is now possible, we could have made a reduction then.
> To provide for all items of cost with our plant running at two-thirds capacity, would make the total cost about $399 a ton. This covers merely shop cost plus the carrying charge on the plant; it covers no allowance for profit.
> We offer the reduced price named or we agree to accept the findings of the Federal Trade Commission as to what a fair charge would be.
> Is it likely that we would suggest, as we have done, an investigation by the Federal Trade Commission if we feared their findings would show extortion in the past?
> Our situation is easily set forth:
> We have a plant now built which cost us $7,000,000. If a Government plant is built, ours is rendered useless and valueless. The whole of our investment will then be sacrificed.
> Any return, however small, on the cost of our plant, any payment toward taxes, insurance, and depreciation, any contribution toward the administrative expenses, is better than the loss of the whole plant.

The passion of this Congress for Government ownership as represented by the majority in both wings is simply alarming. In the light of what this and the last Congress has actually done, and what it attempted and failed to do, I am justified in my statement that the Democratic Party will not only be dominated but will be owned and controlled by the socialistic element within the next score of years. Here is a show-down of your much boasted Jeffersonian individualism. It is a proposal to follow your policy on the nitrate proposition and the shipping bill to place the Government in competition with private enterprise to build an armor-plate plant at an initial cost of $11,000,000 when not needed, thereby dismantling by force of superior power in the Government three plants with a capacity of 32,000 tons, the very plants erected at great cost and at the suggestion of the Government. This proposal is made by this Democratic Congress with the company's counter proposal submitted in writing to supply the Government the needed armor for an indefinite time at a price to be fixed by the Trade Commission, our Government's own agent.

This counter proposition will be rejected, if at all, in the interest of a principle that dominates this Congress, a principle that has become a passion.

In the light of this probability it is pertinent to ask, What will be the next step? It will not suffice these paternalists to make armor plate. The iron ore must be secured and blasted and the steel must be manufactured. Is it easy to understand why already agitation is heard for Government ownership of the ore mines, of freighters, and furnaces to procure the material for armor. The same hatred aroused against the armor manufacturer because he sold at a profit will be aroused at other producers, who can not operate without some profit. It will be said the Government must not be subject to pay the owner's price of the raw material and be compelled to make the armor at a price greater than we can now purchase. Hence Government ownership of the raw material is necessary.

This is the trend to-day. Already we hear of the Government's duty to take over the oil production, own the pipe lines,

and manufacture gasoline. That is but one demand of many. The same is heard about the price-fixing function of the Government. There is a persistent propaganda now at work to stifle competition by governmental decree that an article must not be sold except at such a price. How far this will extend no one knows. It most probably will extend to the price of meat in due time. Do we propose to purchase cattle ranches, erect packing houses, and own transportation lines—in a word, to raise cattle, slaughter them, pack them, and retail the meat by Government decree? What will be the function of the small farmer in time? This is, of course, the paternalist idea, and judged from the Democratic drift of this Congress it is a Democratic idea. The old Democratic doctrine that the individual should be encouraged by the Government's security of his freedom to initiate and compete has given way to the idea that the Government should assume control of the productive forces and citizens should be its pensioners. In spite of the powerful influence of Mr. Gompers, the great labor movements are rapidly being committed to this propaganda, which is but another straw to indicate the subtlety of the movement. The next step, which is exceedingly popular in certain quarters, is the nationalization of the lands, where all will be tenants in Uncle Sam's domain. Already many Government employees look to the Government to take care of them in old age out the General Treasury as its wards. Members of Congress are flooded with letters and petitions. While a retirement system should and must be devised, it should not be allowed to feed upon the General Treasury, but from a fund created by reasonable contribution of those to become its beneficiaries. When we reach the stage to which the policy of this administration is rapidly tending the Government will be everything and the individual will be nothing save a pensioner. Under such condition we may understand how a German soldier serves his country for 9 cents per day.

This is the party of Thomas Jefferson, whose political philosophy was best expressed in his famous dictum "that government is best which governs least," and who never failed to denounce governmental interference with individual enterprise as pernicious intermeddling. This is the party of James Monroe, who vetoed an act of national aid to internal improvement. It is the party of Andrew Jackson, who by the aid of Calhoun, successfully inveighed against a Government-aided national bank to its destruction. It is the party of Thomas H. Benton, popularly known by his nom de plume as "Old Bullion," because of his hard money views. It is the party of Horatio Seymour and Samuel J. Tilden, both widely known for their sound positions upon governmental questions. This is the party of Allen G. Thurman, John G. Carlisle, Grover Cleveland, and CHAMP CLARK, all known to the world for their rugged common sense. But the party of these leaders has given way to a new school of political thinkers. I can not better express the real significance than was done by our colleague, Mr. SAUNDERS, of Virginia, two years ago, when he delivered himself on the then pending shipping bill:

> This shipping bill has been hailed with delight by Debs, Berger, and other leading Socialists in the United States, and why not? It is a concession that their main contention is fundamentally sound. Enact this bill and the Socialists, not the Democrats, will have occasion to rejoice. Its passage may be a victory for the forces behind this measure, but the fruits of that victory will attach to an opposing organization, since our indorsement of their main contention will give an impetus to the development of their propaganda that nothing else would afford to the same degree.

No one will doubt the accuracy of the distinguished Member's utterance. In the following statement he allows the wish to be father to the thought; in less than two years later he voted for a measure which involved the same principle:

> The Socialist contention that Government ownership and Government operation should replace private ownership and private operation has not found favor in the Democratic Party, at least not up to the present time. For one I am opposed to it. I believe in individual initiative ownership. Hence my opposition to the pending bill which provides for Government-owned and Government-operated ships in the field of foreign trade. The Democratic Party has always favored the development of a privately owned merchant marine. Our last platform calls for such a marine, and the legislation of August, 1914, was intended to lay the foundation on which private capital could build. The amount carried in this bill, great as it is, and capable of being applied to very great advantage in many directions of domestic utility, would buy a comparatively small fleet of merchant ships. Still they would be sufficient to chill the spirit of private initiative, and discourage and deter private capital from the effort to establish such a merchant marine as our platform contemplates.

This trend is not confined to the legislative branch of the Government. It is extremely pronounced in the Executive orders. So far as the public knowledge extends, all of this legislation is heartily approved by President Wilson. His appointments display this warmth of conviction toward Government ownership and operation of the paternalistic coloring. His head of the Industrial Commission will be answer to all such queries. His recent selection of the distinguished Ohioan, Single Taxer Tom Johnson's first lieutenant, as the head of an important executive department at a critical moment indicates his sympathy with the Henry George theories. His recent appointment to the highest tribunal of the country of another brilliant figure well known for his views on economic questions reaffirms the current opinion. His earlier attitude toward business men and business organizations is quite in keeping with his appointments referred to. While it will be asserted that all these appointments and many others were made in the interest of political strategy, the most significant fact is the undoubted and complete control of a refined socialism of the present-day Democracy. The Federal Reserve Board and Federal Trade Commission appointments give this administration the most partisan character since the days of Jackson's spoils régime.

Mr. Chairman, this armor-plate proposition of itself may not be important. I am not deeply concerned about it, except as an indication. Its proof of an incontestable fact is the enormity to me. I am willing to be looked upon as an out-of-date thinker. I am inviting the charge that I refuse to look forward. But I shall accept the chastisement most willingly and will continue my contention that this land is yet the place of opportunity. I desire to hold to the old doctrine that every man is the architect of his own destiny. I will use what influence I may exert against this which I call vicious teaching that we must look to the Government for the satisfaction of our wants. I hate with all my being that poisonous doctrine which declares that if a boy succeeds it was mere accident and if he fails the fault is due to the Government or even, if you please, to society. What we need in America is a revival of the common-sense view that if anyone is willing to pay the price of industry, frugality, devotion to the duty at hand, he will as surely as the night follows the day be rewarded by a reasonable success. On the contrary, success will no longer be a term in the language of our people if self-reliance is eliminated and governmental reliance substituted. This growing doctrine, that has already become a habit of mind with many, that we must milk the Government for every purpose, individual and collective, is not only unwise, but it is un-American, and will sooner or later disclose its real results in the loss of individual initiative, of personal ambition, all lost in the common dependence upon your Uncle Sam, who, we are told, is rich enough to give us all a farm.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had asked a conference with the House on the bill and amendments, and had appointed Mr. CLARKE of Arkansas, Mr. RANSDELL, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BUTLER. Mr. Chairman, I yield to the gentleman from New York [Mr. HASKELL].

Mr. HASKELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, I now yield 10 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I know no man who is interested in the manufacture of armor plate, and I have but a slight speaking acquaintance with any person who is interested in the manufacture of steel. I have no interest in this question except the public interest, and I want to call to the attention of the House for a moment the extravagant waste of public money indulged in by the Democrats of this House. We have just passed a river and harbor bill appropriating more than $20,000,000 which is a plain waste of money.

Mr. GORDON. Mr. Chairman, will the gentleman yield at this time?

Mr. MADDEN. No; I will not yield at all. Within the past two years the Democratic Party has levied a so-called war tax amounting to $200,000,000 upon the people of the country, and it has done so because of the extravagance of the Democratic Party. Within the last week or two we have proposed an appropriation of $3,000,000 more to be added to the $50,000,000

for the extension of the Alaskan Railway. We have just appropriated $50,000,000 for flood control, and the Flood Control Committee has just made a trip to Texas to see if it could discover another river upon which to make further appropriations. We have appropriated $20,000,000 for a nitrate plant in the name of war, when there is no necessity for it. We have appropriated $15,000,000 to be loaned to the rural-credit banks without interest. There is a bill pending, just come from the Senate, appropriating $75,000,000 from the Public Treasury for road building—an activity that belongs to the States; and now we propose, after having just appropriated $100,000,000 for the purchase of ships, to appropriate $11,000,000 more to construct an armor-plate plant. This amounts in all to $524,000,000 charged against the Public Treasury, at a time when there is not a dollar in the Treasury, at a time when not one dollar of it is needed for the proper conduct of the Government, and when every dollar of it could be saved. We are in a period when the people of the Nation are looking to us to prepare for the protection of our institutions, and instead of conserving the finances of the country for the purpose of enabling us to meet the demands of the people, we squander their money on useless nothings, in order to employ additional men upon a Democratic pay roll. Thirty thousand new places have been created within the last four years, at a cost of $44,000,000 a year to the taxpayers of America. I do not know whether we have been paying more money for armor plate than we ought to pay, but if we have a remedy is proposed, and that remedy will be found in the amendment of the gentleman from Pennsylvania, Mr. Butler, which authorizes the Trade Commission, every man of whom has been appointed by the President of the United States, to examine the books of the armor-plate companies to ascertain what it costs to make armor plate, and to furnish that information to the Secretary of the Navy, with the right upon his part to propose the payment of a price to be ascertained by the Trade Commission, and in the event of the refusal of the armor-plate companies to accept that price, then authorizing the Government of the United States to enter upon the manufacture of armor plate. Can anything be more fair? Do you want the Government to drive every business out of existence? You want the people of the United States to pay the taxes and yet every day propose measures here to put the men of the United States out of business in order that you may enter into competition with them at the expense of the taxpayers.

The time has come when the people of the Nation will call a halt to your extravagant waste of public money. The time has come when the people of the Nation will demand that they as the Government shall be permitted to pursue their activities in peace, willing to pay the taxes to maintain the Government, to defend its rights; they will demand their right to pursue their legitimate calling without interference from you or anyone else. The Congress of the United States and the President of the United States combined are not the Government of the United States. The people are the Government of the United States. They have rights that you as their servants are bound to respect and the day is not far distant when they as your masters will call upon you for an accounting of your stewardship and demand to know the reason why in season and out of season you have persisted in embarrassing them in their legitimate pursuits. The time is here now, and on the 6th or 7th day of November the people will speak through the ballot box, and they will speak in no uncertain terms, and when they have spoken you will discover once more that all of this Government ownership embarrassment to the business activities of the American people will be repudiated. I am not in sympathy with any monopoly. I believe that all persons engaged in business under the protection of the American flag ought to engage in that business along legitimate lines, and I believe that they are entitled to the protection of those they elect and those who are supposed to speak for them and not to be embarrassed in every way within the power of those who are but their servants by taking their business away from them and taxing them in time of peace in the name of war, so that you may continue in your extravagant, reckless waste of public funds. You will answer; they will call you to account, and this purpose to enter upon the manufacture of armor plate at the expense of the Treasury in the name of economy will disclose the fact, if you are given the power, that instead of paying $395 a ton for armor plate the Treasury, when you have control of its manufacture, will be charged with double that amount. There will be no way to discover what it costs when the Government makes it. There will be no bookkeeping that will disclose the facts, because the power of taxation is in your keeping and you will cover up the facts in order that you may be able to levy new taxes and have a continuation of your iniquities, your extravagance and lack of wise business judgment. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. COX].

[Mr. COX addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen of the committee, I listened to the distinguished gentleman from Chicago, State of Illinois [Mr. MADDEN], when he spoke about economy, and I want to say to the gentleman I have been in this House ever since the 4th of March, 1913, and every time there is a proposition for the American people to save money I have found the gentleman from Chicago and his Republican cohorts voted against it. [Applause on the Democratic side.]

He is opposing the Government establishing an armor-plate factory at a cost of $11,000,000, which would yearly save many millions of dollars to the American people.

He opposed the establishment by the Government of a nitrate plant to make powder and fertilizer.

The gentleman from Illinois [Mr. MADDEN] offered the amendment to reduce parcel-post packages to 50 pounds. He rails at the Democrats for passing the rural-roads bill. Everything the people need the gentleman opposes.

Every time there has been an amendment offered to add more appropriations on, to bear down on the taxpayers of this country, I have seen the gentleman from Chicago march through the lines to bear down on the people and put additional burdens on them. [Laughter.] Every time the American people have had a proposition pending in this Congress to save money the gentleman from Chicago goes against it. He stands with the great organized capitalists of this country to bear down upon the man who labors.

Here you have a provision offered in this naval bill to give to the American taxpayer dollar for dollar for what goes into armor plate. There is not a man on the floor of this House, there is not 1 per cent of the reading people of this Republic, who do not know that the American people have been robbed by the manufacturers of armor plate ever since we have been building battleships. There is not a reading man in the American Republic who does not know that all these manufacturers of war material, the manufacturers of guns and cartridges, have been robbing the American public; and here, the first time the committee has ever brought out a provision to protect the taxpayers from a further robbery, in so far as armor plate is concerned, the gentleman from Chicago raises his eloquent and able voice against the people for the thieves who have been all these years robbing the people. [Applause.]

Of all the disgraceful scandals that have ever been tried before the American public on the floor of this Congress and through the Department of Justice, the worst resulted in the prosecution or attempted prosecution of the Armor-Plate Trust when they bored holes in the armor and put defective material in the battleships, upon which rested the safety of the commerce and the lives and liberties of the American people; and for that trust this gentleman rises up to-day and says we must not establish a plant to manufacture armor plate. Who is it that opposes the Government manufacture of armor plate for our battleships and battle cruisers? The great steel corporations and the trusts engaged in the manufacture of armor plate. The proof shows that they charged three prices to the American Government; and now is it because our Government proposes to go into this little branch of manufacturing armor plate that our friend opposes it or is it for the benefit of the great trust that manufactures that material? It is plain to me that the people who oppose the Government manufacturing this war material want to continue in the same old rut of allowing the American people to be exploited and plundered.

I want to say to the gentleman from Chicago, in reply to his argument, that the rifles that the Government manufactures cost $16 and those that they have been buying from private factories cost $27—identically the same gun. This machine gun which you have read about, that weighs 32 pounds, cost $1,200, purchased from private factories. As to the little tripod and the harness or braces that go on the mule's back, to carry the gun and ammunition, great statesmen on that committee inquiring about it discovered that a tripod that Sears & Roebuck, of the gentleman's own town, would supply for about 30 cents, is supplied by this gun manufacturer at $300, and that the little carry harness that goes on the mule's back costs the Government $500 at the hands of a private factory. Any man who ever used a shotgun and who is a judge of arms knows that the machine gun, weighing 32 pounds, and a little tripod or pair of tongs to hold it up, is worth about $75, but, manufactured by these people and sold to Uncle Sam, it costs the taxpayers of this

Republic $1,200! Mr. Chairman, the failure to pass this provision in the bill would be a reflection on the integrity of this House. We must take the profit out of war—guns, ammunition, and armor plate. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BUTLER. Mr. Chairman, I will say to my friend from Tennessee that I wish he would consume a little of his time. He is away ahead of us.

Mr. PADGETT. Mr. Chairman, I will yield 20 minutes to the gentleman from Colorado [Mr. KEATING].

The CHAIRMAN. The gentleman from Colorado [Mr. KEATING] is recognized for 20 minutes.

Mr. KEATING. Mr. Chairman, this has been a very interesting debate. I never thought I would live to see the day when a Republican from Pennsylvania in the American House of Representatives would insist that the so-called "high-priced" labor of the United States could undersell the so-called "pauper" labor of European and Asiatic countries. And yet one of the gentlemen from Pennsylvania assured us to-day that the Bethlehem Steel Co. and the Carnegie Steel Co. and various other companies were selling armor plate to the United States Government for less than the Governments of Asia and Europe were paying for the same kind of armor plate, and the gentleman did not deny that those concerns made money out of the transaction.

Now, my friends, unfortunately the facts do not entirely bear out the contention of the gentlemen. The fact is, we do not know what foreign governments are paying for armor plate. If you will turn to the hearings before the Committee on Naval Affairs, you will find that Mr. BROWNING, one of the gentlemen who spoke this morning, examined Secretary Daniels on this very point. I read from page 3683 of the hearings:

Mr. BROWNING. Mr. Secretary, you are just speaking of exorbitant prices which have been charged the United States for armament. Are we not buying it here cheaper than the countries abroad?

Secretary DANIELS. Nobody knows what the countries abroad are paying.

Mr. BROWNING. It was testified here what they were paying. Even Japan, with her own armor-plate plant, and cheap labor—it costs them more than we have ever been charged.

Secretary DANIELS. That information does not come from any reliable source.

You noticed, when my friend from Michigan [Mr. KELLEY] was addressing the House and the distinguished gentleman from Alabama [Mr. OLIVER] attempted to interrupt him, that Mr. KELLEY did what is very unusual for him—he fled from the attack.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

Mr. KEATING. But there was good reason for it, and if the gentleman will bear with me I will tell the House why he ran away.

Mr. KELLEY. That is what I would like to know.

The CHAIRMAN. Does the gentleman yield?

Mr. KEATING. He ran away, because he felt that the gentleman from Alabama was about to fire the same shot at him that he had fired at one of the witnesses before the Naval Committee, and that he would tell this House why it was that these steel manufacturers were not selling their surplus products in foreign lands. The reason is, as testified to by the distinguished Secretary of the Navy, that an international agreement exists between these armor-plate manufacturers, and that the American manufacturers can not sell in a foreign country without provoking the foreign manufacturers to cross the ocean and sell in America. Our friend from Alabama [Mr. OLIVER] made that quite clear in the hearing. On page 3690 Mr. OLIVER said, questioning Secretary Daniels:

Is it not a significant fact and in support of the report of Secretary Herbert—

And the report of Secretary Herbert, Secretary of the Navy in the second Cleveland administration, was that there was an international agreement, an international trust, of which the American manufacturers were a part—

that at this time the armor-plate men inform us that this Government, even at the price they were charging for armor plate, to wit, $454, was paying much less than foreign Governments had been paying—I repeat, is it not rather significant that though other Governments were paying and were willing to pay prices greatly in excess of what this Government was paying, still we find no soliciting of sales abroad at high prices; and does not such fact support the finding of Secretary Herbert that there was an agreement between home and foreign armor-plate manufacturers not to interfere with one another?

Secretary Daniels replied:

I think that is true.

Mr. OLIVER. May I ask the gentleman, Is it not a further significant fact that at the time Secretary Herbert made that finding suddenly those home companies all withdrew from the foreign market, although they claimed at that time—in 1895—that they were securing a higher price for armor abroad?

Mr. KEATING. Oh, I will say to the gentleman that the evidence is overwhelming to show that there was an international combination among the makers of armor plate.

Another of our friends from Pennsylvania [Mr. GARLAND] had much to say about the "patriotic Republican boys" working in the steel mills of Pennsylvania who furnished the Government with information which led to the exposé of the blowholes in the armor plate furnished the American Government by the Carnegie Steel Co. Mr. GARLAND told you that he was a representative of organized labor, and I believe he has won the unique distinction of being the only representative of organized labor who ever attempted to defend the Steel Trust on the floor of the American Congress. [Applause on the Democratic side.] The gentleman told you that the information was furnished by the "Republican boys." He did not tell you that those "boys" furnished the information to a Democratic committee of this House and that that committee prosecuted an investigation which resulted in the imposition of a fine of $600,000 on the Carnegie Steel Co. He tried to leave the impression with you that none of that fine was paid. According to the figures of the Navy Department, the fine was reduced by President Cleveland to $140,000, of which $35,000 was paid to those "patriotic Republican boys" in the mills in Pennsylvania and $105,000 to the Government.

Mr. KELLEY. Will the gentleman yield?

Mr. KEATING. I have not much time, but I will yield to the gentleman, because he is always courteous.

Mr. KELLEY. Referring to the question of selling armor abroad, I should like to call the attention of the gentleman to the fact that on page 3751 of the hearings there is a reason given why they do not sell abroad. Secretary Daniels, in reply to a question by myself, said:

You ought to recollect that in most countries the Government is a partner or controller.

Then I asked the question that if that be the case, that if the Governments are partners or controllers, how he could expect the armor makers of the United States to go into foreign countries to sell their products?

Mr. KEATING. I trust the gentleman will not contend that it is impossible for the armor-plate manufacturers of the United States to sell abroad. You may search the hearings from one end to the other and they will sustain the contention that there is absolutely nothing to show that there is a condition abroad which prevents our manufacturers selling there.

Mr. KELLEY. If, as the Secretary of the Navy says, the Governments abroad are interested in the factories, how would the gentleman expect our armor-plate makers to get the opportunity to sell to the Governments abroad?

Mr. KEATING. The Governments abroad are not interested in all the factories.

Mr. KELLEY. The Secretary so stated in his testimony.

Mr. KEATING. I think the gentleman is putting a rather broad interpretation on the remarks of the Secretary.

Mr. KELLEY. I have quoted his statement exactly.

Mr. KEATING. I have no doubt of that. I would not for a moment imagine that the gentleman would not quote it exactly if he quoted it at all, but the gentleman knows that according to the quotation which he has just read that Secretary Daniels does not say that all the European Governments are interested in the domestic armor plants. What the Secretary said was that "most of the countries" were so interested. The Secretary all through these hearings has contended that there was an international armor-plate combine, and time after time, in response to questions propounded by the gentleman from Michigan, made it perfectly clear that, in his judgment and in the judgment of Secretary Herbert, there was an understanding between American and foreign manufacturers, and that it was that understanding which prevented American manufacturers selling abroad. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Is there any further time to be used? If not, the Chair will put the question.

Mr. BUTLER. Mr. Chairman, will the chairman of the committee permit me to have a little colloquy with him? The demand on this side for time to express views upon the subject now before the committee is very great. Would it be agreeable to the gentleman that we extend the time for general debate 15 or 20 minutes on each side so as to accommodate gentlemen who wish to speak. I will admit that the gentleman has been generous, but I can not refuse to submit the request, because there is great pressure on me for more time.

Mr. PADGETT. I am willing that the gentleman should submit the request to the House. I will not offer any objection to an extension of 15 minutes on a side, if the House is willing.

Mr. BUTLER. Will the gentleman object to a request for 20 minutes on a side?

Mr. PADGETT. Say 15 minutes on each side.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the time for general debate be extended half an hour—one half to be controlled by the gentleman from Tennessee [Mr. PADGETT] and the other half by myself.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that debate on this amendment and all amendments thereto may be extended 30 minutes—one-half to be controlled by himself and one-half by the gentleman from Tennessee [Mr. PADGETT]. Is there objection?

There was no objection.

Mr. BUTLER. I yield four minutes to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, President Wilson has again changed that changeable "single-track mind" of his. He now favors, at least for election purposes, a tariff commission. Formerly he was opposed to it. Formerly he was in accord with the views of his party and the well-known Democratic doctrine on this question. It was the Democrats who opposed the organization of a tariff commission in 1882; also in 1883, as well as in 1910. All three of the commissions to which I have referred did good work, but in each case Congress paid little heed to their labors and reports and all of them passed quietly out of existence. It was the Senate Democrats who opposed and voted against the creation of a permanent tariff board in 1909 and the House Democrats who filibustered it to death during the closing hours of the Sixty-first Congress, 1911; and but for a provision in the Payne tariff law of 1909 authorizing the President to employ such persons as might be required "to secure information to assist the President" in knowing whether or not any trade discriminations were being made by foreign countries against our exports, President Taft never could have appointed his tariff board.

The Democratic Party has fought the creation of such a board all along the line. Pressing political necessity has forced President Wilson to change his position on this vital question. He now asks the Democratic Party to change its position. He had his son-in-law, Secretary McAdoo, to draw up an administration tariff commission bill. The majority leader, CLAUDE KITCHIN, I understand, refused to stand sponsor for it; so that job has been undertaken by Representative RAINEY of Illinois, one of the Democratic heavyweights of the House. He has introduced the McAdoo bill, which is now known as the Rainey tariff commission bill. It is the administration measure and the one which the President will try to force through this Congress.

It provides that the tariff commission "shall be composed of six members, who shall be appointed by the President," and that each commissioner shall receive a salary of $10,000 per year.

Section 3 of the bill makes it the duty of the commission—

To investigate the administration and fiscal effects of customs laws of this country now in force, or which may be hereafter enacted, the relation between the rates of duty on raw materials and finished or partly finished products, the effects of ad valorem and specific duties, * * * and it shall investigate the operation of the customs-tariff laws, including their relation to the Federal revenues.

Section 5 provides:

That the commission shall have power to investigate the tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, the effect of export bounties and preferential transportation rates, the volume of importations compared with domestic production, and conditions, causes, and effects relating to competition of foreign industries with those of the United States, including cost of production and dumping.

These sections set out the powers and duties of the proposed tariff commission, except it is to make its reports to Congress, to the Ways and Means Committee of the House, the Finance Committee of the Senate, and the President. It is to investigate the "effects" of customs duties. Why the "effects" and not the facts? Why investigate the "effects" at all? Did not the Baltimore platform tell us all about the effects? Was not the effects the high cost of living, the existence of trusts, unwarranted extravagance, and were not the many robbed to enrich the few? The people do not need any tariff board to tell them about the "effect." They understand the nightmare of hard times that swept over this country following the enactment of the Underwood tariff law. They know about the idle factories, the closed workshops, the suspended traffic, the 5,000,000 jobless men, the closed mines, the bread lines and soup houses that sprang up overnight and remained to plague the authors and advocates of the free-trade measure. This commission is to investigate the "relations" between "the rates of duty on raw materials and finished or partly finished products." Why? It shall investigate the operation and effects of the customs laws. What is the purpose of that? "It shall have power to investigate commercial treaties." Why investigate them? It shall have power to investigate preferential provisions. And what is that for?

Why not abolish them at once, in so far as lies in the power of the commission and a Democratic Congress? The commission shall have power to investigate the volume of importations compared with domestic production. And what do the Democrats want that done for?

The commission shall have power to investigate all conditions, causes, and effects relating to unfair competition of foreign industries with those of the United States, including dumping. And what can be the purpose of all that from a Democratic viewpoint? Why are they concerned about conditions, causes, and effects of unfair competition of foreign industries with those of the United States? What has that got to do with the manner in which they are to levy tariff duties and collect revenues? Has not it always been the theory of the Democratic Party that their only purpose in imposing tariff duties upon goods shipped into this country is to raise enough money to run the affairs of the Government when economically administered? They do not care how tariff duties affect American industry and American wage. All they want to know is whether it will produce revenue. Has not it always been their theory that they levy tariff duties not for the purposes of protection but for the purposes of revenue and for no other purpose? Did not Senator SIMMONS, joint author of the Underwood-Simmons tariff law, say in the Senate?—

We are not trying to give protection in the duties we impose here.

And yet the only purpose of a tariff commission is to ascertain facts upon which a protective tariff can be based. There can be no other reason assigned for its existence. Has not it been the Democratic position all along that tariff duties levied for the purposes of protection were unconstitutional? Did not they say this in the platform upon which President Wilson was elected? It reads as follows:

We declare it to be a fundamental principle of the Democratic Party that the Federal Government, under the Constitution, has no right or power to impose or collect tariff duties except for the purpose of revenue.

The Supreme Court of the United States has decided in the case of Champion *v.* Ames (181 U. S., 321) and in the case of McCray *v.* The United States, reported in One hundred and ninety-fifth United States, page 27, and in other cases, that Congress does have the power to legislate to protect American industries and that such legislation is not unconstitutional; but that does not fenze the Democratic Party or interfere with their ridiculous platform declarations.

If it be true, as claimed by the Democrats, that to levy tariff duties for the purpose of protection is unconstitutional, how can they consistently advocate the creation of a tariff commission to investigate the "effects" of customs duties or even the facts in regard to them? Why are the Democrats now concerned about the "effects"? What have the "effects" got to do with it if it is unconstitutional to levy duties for the purposes of protection? If it is unconstitutional to levy tariff duties for the purposes of protection, what does the Democratic Party want with a tariff commission "to investigate all conditions, causes, and effects relating to unfair competition of foreign producers with those of the United States, including dumping"? If tariff duties can be constitutionally levied only for the purposes of revenue, why create a permanent tariff commission at a cost of $300,000 annually to investigate conditions and wrongs, which could not be constitutionally righted, even though they should be found to exist? What use, pray tell me, has the Democratic Party for a tariff commission since tariff duties, according to its theory, can be levied only for the purposes of revenue?

If the Democrats are right in their contention, the creation of a tariff commission empowered to investigate the various things provided for in this bill, at an annual expense of $300,000, is unwise and foolishly extravagant. If the Democratic theory of levying tariff duties merely and only for the purposes of revenue is the correct one, all the data and information they need for that purpose is easily accessible now in the proper departments here in Washington. All they need is a few statistics from the Treasury Department as to imports and exports, especially imports, and a little expert advice as to how these would be affected by the raising or lowering of the duties and an estimate as to the amount of money needed to defray the expenses of the Government and the tariff bill is ready. That is partly the reason why the Democrats paid no attention to the arguments used by the business world in shaping the Underwood tariff law.

It was partly on the theory that they did not need the data furnished by a tariff board, and partly on the theory that the Taft Board's reports were partisan, that the Democrats refused to either use its reports or to appropriate money for its maintenance.

The Democrats said that the unanimous reports of this board were partisan and declined to consider them in drafting the Underwood tariff law. The reasons why the Democrats refused to use or be in any way guided by the reports of the board, were that the facts found in them failed to support their theory of "a tariff for revenue only." The three Republicans and the two Democrats on the board made able reports on print paper, crops, and farm animals, wool and cotton. Each of the reports were agreed to by all the Democratic as well as all the Republican members of the board, nevertheless they were rudely repudiated by the Democrats of the House in shaping their tariff legislation.

They said that the report of a tariff board was useless; that all the data needed was easily accessible; that it was the duty of Congress to frame tariff legislation independent of the advice of other bodies or boards; that the maintenance of the tariff board was a useless expense. So they put it out of existence June 30, 1912. And besides did not President Wilson, both in his letter to ex-Gov. Cox, of Ohio, and in his Indianapolis speech, say that a tariff commission was unnecessary and that the Federal Trade Commission was already clothed with all the functions of a tariff commission? And if these things be true it is nonsensical—it is worse than that, it is positively criminal—to tax the people of this country the enormous sum of $300,000 each year to obtain data not needed by Congress, or, if needed by it, easily accessible in the Treasury Department. No, gentlemen; your thinly disguised purpose and feverish haste to create a tariff commission at this particular time will fool nobody. Do not be deceived about that. President Wilson hopes to capitalize for himself, and you hope to capitalize for your party, a sentiment that exists in the country for a tariff commission. Your motive is to turn that sentiment to your own political ends. You hope to give us the name, but not the substance. How could you give us the substance without overturning your Democratic teachings and beliefs of a lifetime?

The President knows that the Underwood tariff law is anathema in all parts of the United States, and that the voters are more than anxious to pay their respects to its real author, the President himself. He now attempts to becloud and confuse the situation and the issue by his belated advocacy of, and conversion to, a tariff commission. He hopes to raise a fog and make the voters believe that through such a commission the tariff blunders of the Democratic Party can be rectified and the sufferings of the people relieved. President Wilson knows that the Underwood tariff law is an utter failure; that it has neither protected American industry nor raised the requisite revenues to pay the running expenses of the Government.

He says he has changed his mind about the necessity for a tariff commission, but adds in his letter to the Democratic majority leader, Mr. KITCHIN:

> I have had in this change of mind no thought whatever of a change of attitude toward the so-called protective question.

It is plain to be seen that the President is a free trader still. He says he has not changed his mind about "the so-called protective question." He is as much of a free trader now as he has always been. He is the same bitter opponent to the American doctrine of protection that he has been in the past, and neither by act nor word will he give encouragement to it. It is the duty of the President to recommend such legislation as will fulfill the platform pledges of his party. He will want a tariff board that can be relied upon—a board in full accord with his own and his party's views. This Rainey tariff commission bill provides that the President shall appoint the six members of the tariff commission for terms of 2, 4, 6, 8, 10, and 12 years, respectively. The Democrats, of course, will be appointed to the long terms.

When Representative BARNHART, of Indiana, went down to the White House and proposed to President Wilson that Congress name five members of the commission and the President one, no doubt Mr. Wilson felt like showing him the door. The President emphatically disapproved the idea. He wanted to appoint them all. The bill provides, as I have said, that he shall do so. He will appoint a tariff commission that believes as he does.

He will put upon that board no man who is a protectionist, no man who believes in giving assistance to American capital or American labor. From such a body there will come neither sympathy nor assistance to any American manufacturer or American wage earner. No effort will be made by it to equalize conditions here and abroad. The voice of the business world will not be heard. Such a body would start its investigations with the predetermined belief of a lifetime that protection is a form of robbery and that only in free trade can the masses get a square deal. All their collection of data, all their investigations, all their conclusions would be directed to that end.

In the very nature of things any tariff board appointed by President Wilson would be a partisan free-trade body, notwithstanding the bill provides that not more than three of the members of the board "shall be members of the same political party." Upon more than one occasion President Wilson has made known to the world what his notions of a nonpartisan board is. He seems incapable of appointing a nonpartisan board of any kind. And, too, it should be remembered that the Rainey bill provides that the President may remove any member of the commission for inefficiency or neglect of duty. It will be the purpose of the President to appoint pencil-marked instead of engraved Republicans, should he appoint a Republican at all; but if in this he should make a mistake and appoint a real Republican, who would undoubtedly balk at Mr. Wilson's instructions, he would be relieved of his job on the charges of "inefficiency and neglect of duty."

The law provided that the Federal Reserve Board should be nonpartisan, but when President Wilson got through making his appointments the board stood six Democrats to one Republican, with his son-in-law, McAdoo, and John Skelton Williams, another violent partisan, ex officio members of it.

The law provides that the Federal Trade Commission should be nonpartisan. After President Wilson made his appointments it was found that there was not a Republican on it. A tariff commission appointed by the President will be equally partisan. The Democrats accused the tariff commission appointed by President Taft of being partisan and refused to use its findings of facts.

Would not the Republicans be able to use the same argument against the findings of facts of the board appointed by President Wilson, if such a board there should be?

It should be noted, however, that it is not the purpose of the Wilson tariff board to report findings of facts; it will be empowered merely to express opinions, to investigate the "effects" of customs laws, not to find the facts concerning them, and report them to Congress.

Congress is the body that will finally have to pass upon the rates of tariff duties, whether there is one tariff commission, a hundred, or none. The Constitution provides that Congress shall do this. What Congress wants are the facts and not the expressions of opinion of any board or body.

A tariff commission's report on the "effects" would be merely an expression of opinion by the members of the board in conformity with their respective party beliefs—nothing more. And, mind you, the tariff board originally proposed by the President was neither required nor empowered to report to him or to Congress its findings of facts or even its opinions. It was merely to report its opinions to the two tariff-making committees of Congress—the Ways and Means Committee of the House and the Finance Committee of the Senate.

Representative GEORGE W. FAIRCHILD, of New York, a member of the Ways and Means Committee, said concerning this feature of it:

> Each of these committees is absolutely partisan, appointed for the purpose of reporting tariff measures that reflect the tariff policy of the party in power. Republican members of the committee were not permitted to share with the Democratic members in drafting the Underwood bill, and this is the custom usually followed.

The new tariff commission bill approved by the President and introduced by Mr. RAINEY on March 27, 1916, differs from the first bill in some respects. Among other things, it provides that the commission shall report to the President and to Congress, as well as to the two committees heretofore mentioned; but it will, in effect, be the same as reporting to these two committees, since the reports of the commission will be referred to them.

In practice the majority of neither of these committees permits the minority to share in drafting a tariff bill. A majority of these committees would obtain from a majority of the tariff commission a report in favor of the policy favored by their party. The minority on these committees would obtain a report from the minority of the commission equally partisan. The result would be that instead of the tariff board taking the tariff out of politics, it would, in a way at least, be dragging it further in. The intention and purpose of the reports of the majority and minority of the board, respectively, would be either to foster and fortify the Republican position of protection or the Democratic theory of free trade. Free traders do not need a tariff board at all; protectionists do. Protectionists need it to report the facts showing the difference in the cost of production and wage here and elsewhere, to the end that such tariff duties may be levied as will adequately protect both from

the low-priced labor and cheaply produced products of other countries, and yield a fair and reasonable profit to the American producer.

When another tariff commission is created it needs to be created and its work outlined by the party that gave the idea birth and not by the party that saw no virtue in it and that consistently opposed it, until they saw an opportunity to turn their advocacy of it to political account.

The President is playing a gigantic game of politics in his quick conversion to the tariff-commission plan. He saw condemnation and defeat staring him in the face. It caused him to turn turtle. The public was demanding the repeal of the Underwood tariff law, which gave the President so much pleasure to sign. Something must be done by the President to check adverse sentiment. Create a tariff commission and take the tariff out of politics was the plan devised, but it will fail to work. The people want the tariff revised, but they want it done by its friends, not its foes. If a revision of it depended upon the creation and investigation of a tariff commission, it would be at least five years before it could be done. The Democrats are satisfied with the Underwood law. They do not want revision. They want delay. They want to lull the American people, and especially the protectionist voters, into a sense of safety until the November election is over.

Unless a protective tariff is put on the statute books of our country restoring protection to our home markets, home products, home industries, home capital, and home wage earners before the war in Europe is ended, industrial death and want await us.

God pity the bleeding, death-strewn countries of Europe until this fearful war is over, and God pity us afterwards unless protection is restored.

Mr. PADGETT. Mr. Chairman, I yield eight minutes to the gentleman from Wisconsin [Mr. REILLY].

[Mr. REILLY addressed the committee. See Appendix.]

Mr. BUTLER. Mr. Chairman, I yield as much of five minutes as he may desire to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER of Pennsylvania. Mr. Chairman, the bill under consideration appropriates the gross sum of $241,449,151. It is the largest naval appropriation bill ever presented to Congress. It is an increase of $91,787,000 over the appropriation for the year 1916.

If the amendment offered by the chairman of the Naval Committee [Mr. PADGETT] authorizing the building or purchase of a plant to manufacture armor plate prevails, it will increase the appropriation $11,000,000, making a total of $252,449,000.

The building program of the bill provides for an expenditure of $160,000,000, but this bill only provides for $59,000,000 to be expended during the year 1917. The other $101,000,000 is to be appropriated for in the next session of the Sixty-fourth or a succeeding Congress.

The bill provides, among other expenditures, for the building of the following:

5 battle cruisers, at a cost not to exceed	$75,000,000
4 scout cruisers, at a cost not to exceed	18,000,000
10 torpedo boats, at a cost not to exceed	10,000,000
20 submarines, at a cost not to exceed	34,000,000
1 fuel ship, at a cost not to exceed	1,265,000
1 ammunition ship, at a cost not to exceed	2,600,000
1 hospital ship, at a cost not to exceed	2,250,000

Although the bill provides for a large amount of money, I will support it, but I hope the amendment of the chairman of the Naval Committee [Mr. PADGETT] to appropriate $11,000,000 to build or purchase a plant to manufacture armor plate by the Government will be modified by the amendment of the gentleman from Pennsylvania [Mr. BUTLER] authorizing the Federal Trade Commission, after a full investigation as to the cost of armor plate, to make a report to the Secretary of the Treasury as to what would be a reasonable price per ton, and in the event that the owners of the existing armor plants refuse to accept such price, then the proposed appropriation of $11,000,000 shall be available to enable the Government to build an armor plant or factory.

Mr. Chairman, so far as my district is concerned, although it is an iron and steel manufacturing district, it does not mean a button to any citizen residing in it whether the Government builds an armor-plate factory or whether it does not. Nor do I regard this as a political question. It is purely a business one. This country needs armor plate, and some one must make it. If we were buying it abroad, or if there were no manufacturing establishments in the country that produced it, and we had the bill before us that we now have appropriating $160,000,000 in the next two or three years for a naval-building program, I would say, let the Government build an armor-plate factory. What have we got? We have three armor-plate factories in the United States with an annual capacity of 32,000 tons. In the last 28 years the Government has never but once exceeded that amount in contracts—not that much was built in any one year, but in one year—1909—there were contracts made for a little more than 37,000 tons, which were made in that and subsequent years. In the year 1912 contracts were made for 15,343 tons; in 1913, for 15,876 tons; in 1914, for 24,384 tons; and in 1915, for 16,021 tons, but the average annual amount in the last 28 years has been a little over 8,000 tons. What do we propose? We have three factories in this country with an annual capacity of 32,000 tons, and this bill proposes to use about 24,000 tons annually, every ton of which can be made by the three establishments. Somebody says that it costs too much, but the amendment of the gentleman from Pennsylvania [Mr. BUTLER] proposes that the Federal Trade Commission appointed by President Wilson, composed of fair men, a majority of them Democrats, shall fix the price at which it shall be made. Is not that fair? Can the Government do better than that?

But there is another matter. The program that is provided for in this bill, if followed out, will provide for more armor plate annually than the Government can build with this proposed plant, which is to have a capacity of not exceeding 20,000 tons a year. Where are they going to get the other 4,000 tons? Does any man of sense presume for one moment that the three armor-plate factories, that have a capacity for 32,000 tons, will keep their plants ready for operation to make 4,000 tons annually? That is absurd. The factories are of no use for any other purpose; they can not utilize them for any other purpose, and the result will be, if this bill is passed, that they will be dismantled, and then what? Does any man know what it will cost to make armor plate if the Government makes it? Not a man in this House, not a man in the United States, knows what it will cost the Government to make it. It is admitted that the Government of the United States to-day is getting armor plate cheaper than any other country in the world. It is conceded that it is getting the best armor plate manufactured in the world, and it is conceded that it is getting it always and all of the time when it is wanted. Why build a factory? Why make an experiment when you can not make it any cheaper than you can get it under the amendment offered by the gentleman from Pennsylvania? [Applause on the Republican side.]

By unanimous consent Mr. MILLER of Pennsylvania was granted leave to extend his remarks in the RECORD.

Mr. BUTLER. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, I think we should approach this question in the same manner that we would approach a business proposition of our own. I want to submit whether or not any gentleman in his own enterprise who thought of making an investment of $11,000,000 in a business when another institution stated to him that it would manufacture the product for him and let him name the price at which it would be manufactured? I would like to know whether or not he would be warranted in going into that business? I want to say that as a general proposition it is the history of the manufacturing institutions of this country that the Government can not successfully compete with private enterprise in the cost of manufacture of any product it undertakes to make. You are simply throwing away the $11,000,000 you are putting into this enterprise in order to manufacture armor plate. Private enterprise and individual effort has made this the greatest manufacturing country on the globe. I am not afraid that we will not be prepared for any conditions that are going to confront us. This country will never suffer from any attack of any foreign power. We are perfectly safe with Canada on the north, for the day that England would strike out for this country she would lose that great colony, and what little there is left to us of the Panama Canal, after what we gave to England, both countries can defend. If this country and England can not, then let Germany come over and take it for a little while until we set our house in order and we will go down and blow her out of the sea.

Why, we are perfectly safe. You can put Belgium, Holland, and ancient Greece down in the State of Arkansas, and you can put Japan over in California——

Mr. STEPHENS of California. No; you can not.

Mr. SMITH of Michigan. Well, the World's Almanac gives the area of California at 158,297 square miles and of Japan at 147,000 square miles. You can almost put Italy into Florida, and they look a good deal alike. But I base this preparedness not upon a fright that we are in danger of being wiped out, but I put it upon the proposition that it is our duty and only a good business proposition for us to keep up with the prosperity of our country. [Applause].

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, will the gentleman from Tennessee use a portion of his time?

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Chairman, this debate seems to have proceeded on the idea that the only purpose to be accomplished by the building of a Government armor-plate plant is to secure a cheaper price than has heretofore been paid. While the extravagant prices charged may have first suggested the inquiry that finally led to this proposed legislation, yet economy is only one of the many good reasons that can be assigned to show the necessity and importance of making this appropriation for a Government armor-plate plant.

I will briefly state some of these other reasons and later discuss more at length the question of price. Many believe that the item of profit should be removed and thereby lessen the incentive that some think has existed on the part of armor-plate manufacturers to unwisely insist on the type of ships that should, from time to time, be added to our Navy. The amount of armor plate necessary for a battleship is about 8,000 tons and the amount necessary for that other important class of capital ship, known as the battle cruiser, is only about 3,000 tons. It is rather significant that our Navy to-day is admittedly unbalanced, because we have emphasized heretofore the building of battleships and have failed to build any battle cruisers. England laid down her first battle cruisers in 1905 and Germany laid down her first in 1907, and now all of the naval officers who have appeared before our committee point out the imperative necessity of adding at once a number of battle cruisers to our fleet in order to make it efficient. A further reason has been assigned by the Manufacturers' Record and other publications of recognized force and authority that an armor-plate plant owned by the Government should be established at some point in the interior, and that for strategic reasons it is a great mistake to concentrate all these factories in a narrow area.

Naval officers have further called the attention of the committee to the fact that it would be wise to maintain as secret those processes that may be adopted for the making of the best and highest type of armor plate, and in this connection I will say that we have not yet reached the limit in improving the quality of armor plate. Reference has been made in this discussion to the fact that the quality demands of our naval officers are wisely made more exacting from time to time. Now, to advert to the question of price and to answer the claims made by the gentleman from Pennsylvania that an injustice would be done the private plants located in that State if the Government should now establish an armor-plate plant, for the reason that some, at least, of the present plants, back in the year 1887, were requested by some Secretary of the Navy to go into the business. Taking up this last claim first, it is probably sufficient to say that the committee appointed by Secretary Herbert to investigate the cost of armor plate reported in 1896 that the profits realized by the Carnegie and Bethlehem companies up to that date had repaid practically the entire amount invested by said companies in their plants.

Much complaint was heard at that time as to the high price charged by these two companies, and in 1898 Congress passed a bill limiting the price to be paid for armor plate to $300 per ton; later, in the year 1899, a limit of $400 was fixed as the maximum price to be paid, and a few months later a bill was passed by Congress appropriating $4,000 for the purpose of beginning the construction of an armor-plate plant for the Government, provided the Secretary of the Navy could not secure a satisfactory price for armor plate. Now, in the face of this adverse legislation and the probability of the Government establishing a plant of its own, we find that both the Carnegie and Bethlehem companies made valuable additions to their plant about the year 1902, and that in 1903 a new company, known as the Midvale Co., evidently aware that the Government was demanding cheaper armor plate, and recognizing the large profit, no doubt, that the two companies then engaged in this business had been making, undertook to construct an armor-plate plant in competition with these two that had secured up to that time all Government contracts for armor. The Midvale Co., before the final completion of their plant, offered to submit bids on armor and to furnish approved security that if any part of the contract was awarded them they would be prepared to comply with the terms within the time fixed. This offer was rejected; and not until after the Midvale Co. had completed its plant do we find that there were any real competitive prices submitted for our armor needs.

The Midvale Co., however, submitted a bid of $398, as opposed to a bid by the Bethlehem and Carnegie companies of $420, in the latter part of the year 1903, and, while a small part of the armor order was awarded to the Midvale Co. at its low bid, yet more than two-thirds of the award was made to the Carnegie and Bethlehem companies at the advanced price of $420. In 1905, the Midvale Co. submitted a bid of $346 and the other two companies a bid at the same price that had been formerly awarded them. Only a part of the armor was awarded to the Midvale Co., notwithstanding its low bid, the rest being awarded to the other two companies; so in 1907 we find that all competition disappeared and that the armor requirements of the Government, from that year until March, 1913, when the present Secretary of the Navy came into office, were divided equally among the three armor-plate plants, to wit, the Carnegie, the Bethlehem, and the Midvale companies. The price to each was fixed at the same basic sum of $420, and afterwards, when the eight-hour law was passed, this basic price was raised to $454, and yet these three companies insist that there was no understanding or agreement that they would submit the same bids.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. PADGETT. Mr. Chairman, I will yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes more.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield now?

Mr. OLIVER. Let me first finish. The present Secretary of Navy, Mr. Daniels, when bids were submitted for armor plate for the *Arizona*, called the attention of these companies to the singular similarity in their bids and refused to accept the same, demanding a resubmission. On the contract for armor for that one vessel he saved, by demanding competitive bids, more than $100,000, and later, on the armor purchased for other battleships since he became Secretary, he has saved a million dollars or more. I will add, if we should now accept the maximum price that the Midvale and Bethlehem companies offer to sell armor plate in any quantity to the Government for, to wit, $395, we would save, in round figures, on every battleship hereafter built, in the cost of its armor plate alone, about one half million dollars. Yet, in the face of these facts, the Midvale and Bethlehem companies still insist that they have not in the past charged this Government an excessive price for armor plate.

We have had three reports made by committees, appointed under different Secretaries of the Navy, as to the cost of manufacturing armor plate. One of these reports was made about the year 1896, one about 1906, and one to the last Congress. In the main, all three of these reports agree as to the cost of manufacturing armor plate; and the amount, shown by these reports as a reasonable price for manufacture, is about $262, some placing it as low as $230.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Michigan?

Mr. OLIVER. Not just now.

Mr. KELLEY. I yielded pretty generously to the gentleman.

Mr. OLIVER. I will gladly yield to the gentleman a little later.

We find a remarkable statement made by the manager of the Bethlehem Co. to the effect that during the 29 years, since that company began making armor plate, they have only realized a profit of 1¾ per cent on their investment. It is a little surprising that, notwithstanding this small profit, they were willing in 1902 to make valuable additions to their plant and that another company—the Midvale Co.—should have come into the market. Attention is called to the further fact that notwithstanding the claim of the Bethlehem Co. that they have only received 1¾ per cent on their investment, yet we find no complaint offered by them to the price of $420, which they submitted and readily accepted contracts for. Is it not passing strange that with a large business, paying only 1¾ per cent, some complaint was not offered against the price of $420, which was the price down to the time, when it was increased to $454, simply to meet, as they insisted, the actual additional expense entailed by reason of the eight-hour law? It is very evident to anyone who will carefully read the facts submitted to the committees and who will analyze the report of these committees that the Government has been paying large and excessive prices for its armor in the past and that the only way to now determine what is a fair and just price for armor plate is for the Government to build a plant of its own and undertake to supply partially, at least, its needs.

Attention should also be called to the fact that in the report of 1906, submitted to Secretary Herbert, the committee found that the Bethlehem and Carnegie Cos. had united with foreign armor-plate factories and had withdrawn, as a result thereof, from the foreign field. It is a singular fact, in this connection, that about two years before this report was filed,

one of the armor-plate factories in this country had been soliciting foreign business and had secured it, according to their statement, at a satisfactory price, higher even, so they claim, than they were receiving from this Government. Yet, when the committee appointed by Secretary Herbert went abroad to make investigation as to the cost of armor plate and reported that an international agreement had been formed, whereby foreign companies withdrew from this market and the companies in this country no longer solicited business in foreign lands, we find in support of such report that no effort has been made by either the Bethlehem or the Carnegie Cos. to sell or solicit orders from abroad since such date, nor any by foreign companies to solicit business here.

These companies, in recent hearings before the committee, made bold to assert that the prices paid by foreign Governments for many years past had been in excess of what this Government was paying for armor, and yet these same companies, now complaining of lack of business and pointing out that during many years their plants have been shut down for want of business, have made no efforts to secure contracts abroad. Does this not show that the report made in 1897, to the effect that a combination had been formed, whereby these companies would not compete longer for foreign orders was true?

If the companies had only been making 1¾ per cent on their investment, it is very strange that after the bill providing for an armor-plate plant passed the Senate, they now express an entire willingness to supply the needs of the Government in any quantities that they may decide at not exceeding $395. This reduction of $59 is offered at a time when these companies state that it now costs more to make armor plate than at any time in the history of their business. The question arises, What will become of even the 1¾ per cent after this reduction is made?

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OLIVER. Yes.

Mr. SMITH of Michigan. Will the gentleman kindly tell us whether or not he or the committee made any figures, and figured out just what it was worth and what it would cost the Government to make that armor plate?

Mr. OLIVER. We found that had been done so thoroughly and satisfactorily on three different occasions by nonpartisan boards, appointed under Democratic as well as Republican administrations, that we accepted their findings. These reports fixed the maximum cost of manufacturing armor plate at about $262, as I now recall. The accuracy of these reports was not questioned by the Bethlehem and Midvale Cos., and representatives of these companies, on the recent hearings before the Naval Committee, admitted that the reports were substantially correct at the times made. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, I hope the House will indulge me a moment while I digress for the purpose of correcting an erroneous statement that I made while the so-called nitrate-plant amendment was being considered. During the running debate when the nitrate-plant amendment was up in the House I used this language in reply to a speech made by the gentleman from Wisconsin [Mr. LENROOT]:

> I am getting letters—so are you—from the Du Pont Co. and other munition people, urging us not to adopt a Government-owned plant. As the gentleman from Wisconsin says, the power people are here. So they are, and they have been here for two or three years; but, on the other side, so are the Du Pont and munition people here, too, by letter, if not in person.

That was my statement. I have a letter here from the Du Pont Powder Co. calling attention to my statement made in debate, in which they say that they never authorized anyone to write a letter for them about this business, and that they did not write any letters themselves to me on the subject. I have caused my files to be looked up and find that I received only two letters from the Du Pont people, and they were about other matters independent of this nitrate plant. They were about water power, but were simply requests for copies of the bills and hearings before my committee, which were in all things proper. So to the extent that I stated that I had received letters from the Du Pont Powder Co. urging us not to adopt a Government-owned plant that statement was erroneous, and I am glad to make hasty correction of it. What was in my mind at the time was that I had been receiving communications almost daily from the Bethlehem Steel Co. and other munition concerns presenting their views and their claims and their rights as they appeared to them, and I had confused in my mind the letters from the Bethlehem Co. and others with the two letters that I had received from the Du Pont Co. asking me for copies of bills, hearings, and so forth. I do not desire to take more time, and I am glad to make this correction, because I do not want to misquote anyone or do anyone an injustice.

Mr. MOORE of Pennsylvania. The gentleman refers to having received letters from the Bethlehem Steel Co. Does he mean the circulars that have been coming to all Members?

Mr. FERRIS. Yes; numerous communications.

Mr. MOORE of Pennsylvania. Not private letters?

Mr. FERRIS. These circular letters stating their claims. I do not mean to insinuate anything wrong about the Bethlehem Co.

Mr. MOORE of Pennsylvania. They have been coming to all Members.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. PADGETT. I yield five minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I shall support this amendment, and hope it will be adopted. In the movement for preparedness now going on in this country, it seems that some of the most enthusiastic advocates of the preparedness policy are opposed to any economies for carrying it out. If the policy is to be adopted, those who are most enthusiastic for it should be the first who would be willing to incorporate an economic policy into the preparation. Under the proposition contained in this amendment there would be a great saving. The armor plate necessary for the construction of a great battleship is 8,000 tons, which, at $425 a ton, cost $3,400,000. For one of the battle cruisers it would require 4,000 tons of armor plate; at $425 a ton, it would cost $1,700,000. Five battle cruisers, the number required by this bill, would cost $8,500,000.

The investigations that have taken place concerning the manufacture of armor plate by the Government show that if this amendment is adopted there will be a saving of more than 40 per cent on each one of these battleships and battle cruisers. Therefore for the program as provided for in this bill there would be a saving on this one item of $3,400,000. Yet gentlemen so enthusiastic for preparedness are unwilling to protect the taxpayers of this country who have the bills to pay in order to enable a few engaged in making armor plate to realize unreasonably large profits.

Fearing Government ownership competing with private business, they in their enthusiastic movement for great preparedness are unwilling to give the people the benefit of economy in the policy proposed by this amendment. If this amendment is adopted and the Government does not manufacture a ton of armor plate, the authorization for construction of this plant will convince them there is danger of real competition and that will bring down the price, and the people will be benefited. The investigation of this matter by a disinterested committee showed clearly that the armor plate could be manufactured at from $230 to $260 a ton by the Government. Yet these patriots in their zeal and enthusiasm for preparedness are unwilling to give to the people of the country who have the bills to pay the advantage of this economy in constructing these great ships for the purpose of preparedness.

In the expenditure of public money due regard should always be had for the welfare of the people, who must bear the cost, and if that regard is not kept in view, necessarily complaint will be heard when the bills are to be paid. If this Government can manufacture armor plate for the construction of battle cruisers for about one-half of what it has to pay for it to the great steel companies, then is it not a wise policy for it to manufacture it and save the people the great difference in cost, even though the Government does go into a business which competes with private business in this country?

A few great steel plants have a monopoly of this business and it is about time to bring them to time or strike this monopoly down.

This step would not have become necessary if this monopoly had not elected to oppress the people by charging enormous prices for its product. It has by its unreasonable policy provoked this issue and made necessary this measure in order to relieve the people from its exorbitant demands.

Monopoly is blind to reason, and by its arbitrary course enlists opposition which sooner or later works its undoing.

Through an ostensible spirit of patriotism it has agitated the building of a larger Navy, advocated the construction of dreadnaughts and other great ships to defend our country against foreign nations, which are now powerless to assail or attempt to invade it, with the real object in view of selling the material with which to build these great sea monsters. It has never displayed sufficient patriotism to reduce the price of the materials used for their construction. It would have been commendable patriotism on its part, if it was really sincere in its fears ex-

armor order was awarded to the Midvale Co. at its low bid, | connection, that about two years before this report was filed,

pressed for our national safety, to have offered to reduce the price of manufacture to a reasonable-profit basis on all materials it manufactured for the construction of our defense.

This magnanimity on its part has been withheld and the price of such materials has soared higher and higher as each authorization was made by the National Congress. Knowing as it does the monopoly it has, it is here heroically working with all its forces to defeat this amendment. It denounces Government ownership; it criticizes every man who stands here between it and the raid it proposes to make on the Public Treasury; it pleads in eloquent words for the continuance of its monopoly in order that it may realize enormous profits from expenditures made for patriotic purposes.

Its attitude is the more open to criticism because of the arrogance it displays in its indefensible position. If it was sincere in asking that these preparedness measures be adopted for patriotic purposes; if it was unselfish in its course and believed it really necessary for the safety of the country, then, Mr. Chairman, it would not oppose the adoption of this amendment, but would gladly support it or any other measure which would reduce the cost of these great instruments of national defense. Such a position would demonstrate its sincerity, its real patriotism.

In this respect its patriotism is of the dollar brand. The possibilities of enormous profits stimulates its selfish ardor. Eliminate this feature from its vision and it would oppose the entire preparedness program. Lured by the hope of great profits, its patriotic zeal has reached a lofty pitch and its vision of dangers magnified.

By adopting this amendment the cost it entails will approximately be saved in this one program. Let us then do it and save this great cost to the people of this country. Eliminate the monopolistic features from the program and then we will see whether it dampens the patriotic ardor of certain interests which have this year and on previous occasions manifested so much zeal in our national defense.

Read the hearings on this bill, consult the experts who have devoted the best years of their lives to this subject, who have nothing but the best welfare of our country at heart, who believe in "safety first," a safety that will protect us, protect our country from the invasion of any foreign foe, come from where it may, and they all tell us we are invincible and this program is ample in every respect. These opinions come from the men who would have in charge our defense in the event we should be attacked.

The responsibility for our defense would be upon them. They well know this fact and how it affected them when they stated its condition and the extent of our ability. They have no material to sell to build battleships, no munitions of war to unload on the people, the visions of great profits do not warp their judgment or cloud their view of the situation, but their lives would be imperilled if an attack was made and hence they are not partisans but bear witness against their own interests when they tell us our means of defense is sufficient. This being true, how much more reliable is their statements for us to base our course upon.

It is asserted by the large-navy advocates that in order for us to preserve peace we must be fully prepared for war. Such a doctrine is most dangerous and is more likely to precipitate war than to preserve peace. I challenge those who make this statement to point to a single example to sustain their charge.

Peace thus secured is done so either by force or from fear and can never be either permanent or harmonious. Examples in support of this doctrine are numerous. Every example for a thousand years refutes the contention of those who assert such a doctrine. England has the greatest navy in the world, and yet she has written her history in blood. She is now with her boasted navy, the pride of that great kingdom, engaged in the bloodiest war that ever darkened the pages of history. Germany has boasted for years of her imperial standing army, the largest, the best equipped, the finest disciplined in the world, and yet Germany is engaged in the awful war now raging in Europe in which 11 of the great nations of the world are involved, nations containing one-half of all the population of the earth. Of France and Russia the same can be said. These standing examples do not sustain, but, on the contrary, refute the doctrine of these apostles of a big army and navy.

They can not point to a single example in the world to support their theory. A peace predicated upon either fear or force will not endure. The coerced will retaliate and from muffled tongues mutterings will be heard that will arouse the impatient and they will rise, harass, and vex the power that restrains and stifles them. Prepare for war to preserve peace is a dangerous doctrine. Let no one think if we furnish the sinews of war they will not be used as sure as night and day follow each other. Some one will desire to test these implements of warfare, and will find it much easier to provoke combat with them than without them. It is a dangerous thing to do. Some ambitions will take advantage of the opportunity and bring down upon us such a calamity as is now visited upon the well-prepared for war European nations, and then there will be needlessly sacrificed the best manhood of our country to pay the penalty of an unwise policy.

History will repeat itself. If we sow the wind we will reap the whirlwind. Widows and orphans, desolation and distress, will bear witness to such an improvident course. Think of the type of civilization that will follow in the wake of such a cataclysm. It is amusing to hear our Republican friends speak so disparagingly of our preparedness. Who commissioned them to condemn their own administration? For 16 years, prior to March 4, 1913, they were in control of all branches of the Government. What did they do with the large appropriations made for the Army and Navy? Did they waste it? If we are not prepared it is their fault, not ours, because they had both the power and opportunity. They are in no position to criticize conditions in this respect. If they do they condemn their own administration. Were they unable or incapable to prepare for the national defense? They are asking a return to power. It would seem this fact which they openly confess stigmatizes them as incapable to handle the situation while passing through this great crisis. By their own admissions they are incapable and unworthy for the great responsibility. Look at the situation as the record discloses it; in the first two years of the present administration of President Wilson there were authorized $70,000,000 to be spent on the chief fighting force of the Navy, as against $26,000,000 authorized during the last two years of the Taft administration. In that time the Wilson administration ordered five dreadnaughts as against two in the Taft administration, which in effectiveness will mount 36 more 14-inch guns than the two authorized under Mr. Taft. The guns are better in every respect. The Democratic Party has mapped out a program of national defense which will be ample to protect our Nation from the attacks of all foreign foes, able to raise the means to pay the expense, and willing to furnish every requirement essential to carry out the great responsibility and preserve the honor and dignity of our great Nation, and promote the welfare of our people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I yield four minutes to the gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Chairman, I am one of those who believe that every facility should be placed in the hands of the Government for the purpose of ascertaining what is the reasonable price for the Government to pay for armor plate; and it seems to me that the Butler amendment furnishes the Government every protection and every opportunity for ascertaining what is the reasonable price for the Government to pay.

But, gentlemen, I want to confine myself particularly to an amendment which I propose to offer in the event that the Butler amendment failed. The committee sought to make inquiry into the different plants of Pennsylvania, and a commission consisting of Mr. PADGETT, Mr. TILLMAN, and Admiral Strauss reported that the best place in the country to construct an armor plant, if one was to be constructed, was at the Philadelphia Navy Yard. There are 900 acres of land; and, if a Government plant is to be constructed, it seems to me that the House ought to avail themselves of the opportunity to obtain a place that the Government already owns. It was said by the gentleman from Kentucky that he proposed to perfect a bill by making provision for the purchase of a site. Why purchase a site when the Government owns 900 acres of land where there are skilled mechanics, where the experts live, where they can work at least 11 months in the year, where the heat would not preclude an efficient naval plant? It seems to me that if I was in favor of entertaining this proposition from the Democratic standpoint I would insist that we should build a plant somewhere where it could be effective. As the matter stands now, my vote will be in favor of the Butler amendment, because, first, it furnishes every means of ascertaining the legitimate cost of armor plate, and, second, it insures the protection of the workmen of Pennsylvania. [Applause.]

The purpose of my amendment is to carry out a suggestion made by the congressional committee, composed of Senator TILLMAN, chairman of the Senate Committee on Naval Affairs; Chairman PADGETT, of the House Committee on Naval Affairs; and Rear Admiral Strauss, of the United States Navy, who after an exhaustive investigation of the private armor-plate plants,

and the question of finding a suitable location for a Government plant, said in their report to Congress:

> The price of the land necessary for the plant and certain other items are so indefinite as to be only the roughest approximation. The location and local conditions will bear largely on the cost of the various buildings and the installation of the machinery therein. The committee calls attention to the fact that the Government now owns, at the Philadelphia Navy Yard, ample land for the erection of an armor factory and therefore no land would have to be bought. Philadelphia is an ideal place for the erection of such a plant, as it is accessible both by deep-water transportation and railroad facilities, is near coal and iron, and has a fine labor market. However, the Navy Department itself will select the location and construct the plant if Congress orders one, and the committee only mentions that no expense for land will be necessary. Besides the navy yard has facilities for assisting in the construction of this plant, which will largely reduce the expense of erecting it.

This report was made before there was any pressure for the selection of a site in any special locality. There was nothing sectional in the report. Senator TILLMAN is one of South Carolina's most illustrious sons. The distinguished chairman of the House Naval Affairs Committee is a son of Tennessee. Rear Admiral Strauss was born at Mount Morris, N. Y., and to my knowledge has never served at the Philadelphia Navy Yard. Yet these three men, after a careful investigation, mentioned but one logical site, and that was the Philadelphia Navy Yard.

There is no need for further investigation. It was not chance or accident that caused the three existing armor-plate plants to locate in Pennsylvania. They located there because it was good business for them to be there, near the iron ore and coal supply; in the midst of the best labor market; where ample raw materials are available, and the water and rail transportation is the best available.

The question that is raised by this amendment is whether we are going to make certain that the Government's venture into the armor-plate business is to be a success, or whether we are going to leave it to chance.

We do not need naval officers to tell us that the success of this venture will depend upon the kind of employees the Government is able to engage, the economy with which raw materials can be purchased, and the facilities of transportation. The considerations that led all the private plants to locate in Pennsylvania can not be ignored. One company might have gone there and another to some equally advantageous locality, but the fact is that there was no equally advantageous locality.

As the joint congressional committee pointed out, the Philadelphia Navy Yard is near coal and iron and has a fine labor market. It is accessible both by deep-water transportation and railroad facilities. If we are going to be businesslike about this new venture of the Government's, we will specify the site, so that there will be no chance of failure.

The congressional committee has estimated that it will cost $11,000,000 to erect the kind of a plant we have in mind. That estimate was based upon the cost of operating the three existing plants in Pennsylvania. It was based upon the wages that are paid in the Pennsylvania labor market. It was based upon the cost of materials in Pennsylvania.

If this Government plant were to be located anywhere else, an entirely new estimate of the cost of construction and operation would have to be made. There would have to be a revision of the estimates with reference to getting building materials for the new plant, for hiring the necessary employees to run the plant, for buying coal and iron and all the raw materials.

Not long ago I went to the Navy Department to bring about a readjustment of the wages paid to mechanics in the Philadelphia Navy Yard. I learned there that our mechanics were getting lower wages than those employed in the Brooklyn yard. I asked why. I was told that it was because wages at the different yards were adjusted in harmony with the wages paid in private plants; that the labor market in Pennsylvania was so excellent that it was unnecessary for the Government to pay as much there as in the Brooklyn yard.

Since all these estimates of the joint committee—the estimate, for instance, that we can build a Government plant for $11,000,000—were based upon Pennsylvania conditions, I say that unless we build the Government factory there we will not be able to be certain that the plant will not cost $13,000,000 or $15,000,000.

We know now that the cost of manufacturing is different in different localities. In Pennsylvania there are men who are working in the armor-plate business whose fathers worked there before them. They will not leave their homes to follow a Government armor-plate plant; nor will the raw materials follow the Government. It is true that the Government can get the raw materials, probably, wherever it goes, but at greatly increased prices.

If the Government is to go into this business the right sort of start must be made, or the entire venture will prove a failure. If we disregard the experience of the private factories, if we disregard the natural conditions which caused the plants to locate in Pennsylvania we will find ourselves with a very expensive proposition on our hands.

Unless the Government locates its plant where it can get raw materials, labor, and transportation as cheaply as the private plants it will find itself in an absurd position, compelled to admit that it was cheaper to buy from the private plants at their own rates. Unless we are going to make certain that the Government plant will be a real competitor in the same field as that occupied by the private plants, it would have been better to accept the Butler compromise. And entirely aside from the cost of operating the plant in some locality outside of Pennsylvania, where the calculations of expense were made, what assurance have we that the plant itself will not cost one-third as much more than the $11,000,000 estimated if constructed elsewhere, where materials and the cost of transporting them, and the labor charges will be higher?

The amendment which I have offered to this bill is simply in line with the suggestion of the joint congressional committee. It is simply designed to prevent the whole structure on which the bill lies from going to pieces. The estimate that an adequate plant can be built for $11,000,000 was based upon the cost of construction and operation in Pennsylvania. If the Government plant is to be built elsewhere, there will need to be an entirely new investigation to determine what such a plant will cost, what it cost to operate it, and transport the raw materials to it. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield four minutes to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. Mr. Chairman, the statements made on the floor would indicate that armor plate made by the Bethlehem Steel Co. comprises nearly all of their products. As a matter of fact, it comprises 2 per cent of their output. Ninety-eight per cent of that great industry's product goes into other lines, and yet men on this floor—I hope not deliberately, but very kin to it—endeavor to mislead the House in that direction.

I am surprised at the statement of the gentleman from Alabama [Mr. OLIVER] in talking about the profits which come from armor plate enlarging the capacity of that great mill, when only 2 per cent of the products are armor plate. The armor-plate part was established at the urgent instance of this Government, and has been kept going but one-third of the time since its establishment, making less than 2 per cent of the Bethlehem Steel Co.'s products. There has been no question about the fact that the Government got its orders delivered to them when they wanted them. How important that is. And, again, the quality was the best in the world. That is another very important fact. The only question is as to the price of armor plate. The Butler amendment will settle that by authorizing this Government through the Federal Trade Commission to fix the cost that the armor plate companies shall charge the Government for armor plate.

The armor plate companies, all of which are located in Pennsylvania, have $20,000,000 invested—money of their stockholders. A Government plant means the closing of those industries. Naturally they are greatly concerned about this large investment. They do not want their industries destroyed. They say to the Government, "You asked us to establish this for the benefit of the country; we have given you the best we could, and we want to save that industry to-day for our stockholders, and we will get down on our knees to this great country in order to protect our stockholders."

The gentleman from Alabama would do the same. If he had $7,000,000 invested in an industry he would scrape the ground to prevent this great Government from destroying his plant and putting it out of existence.

You are going to deprive 3,000 men in Pennsylvania of the opportunity to earn a living. Brushing aside all the arguments for and against this proposition, is this the time to destroy industries which we shall need in case of war? Would this be preparation for possible war—let us say possible war? With the tremendous equipment we have to-day of turning out munitions as a result of the demand on this country from England and other countries, all that we have sent into England is 10 per cent of what that country has used, and not one American shell, the Committee on Naval Affairs was informed several weeks ago, had been fired by France. The English people have been working two years to mobilize their industries and get them into shape to supply the necessary munitions. The cry there is more munitions, more munitions. British authorities say they were 10 years behind Germany in industrial effectiveness. We are 20 years behind Germany in the industrial organization and mobilization of forces that we will need if we are unfortunate enough to have war.

The administration wisely has invited the aid of leading engineers, scientists, and men skilled in large affairs to formulate plans for the mobilization of our industries and getting them into effective shape in preparation for possible trouble. "Danger is at arm's length from us" the President says, and we must be prepared. And yet with one fell blow we are going to destroy great industries, that provide the defensive armament for the splendid ships upon which we must depend to prevent invasion and our possible destruction. Are we not to heed the warning of the great tragedy of the war in Europe? Do we fail to see the colossal task of preparation involved in that fearful cataclysm? A thousand things would have to be done to equip ourselves for any such conflict. Germany, with her energy, skill, and effective organization, has demonstrated what a nation can do. Yet with all her wonderful preparation her soldiers have used more than four times the ammunition she expected to. More munitions have been expended at Verdun than were used in all the modern wars, including our own Civil War. Is this not warning enough? Are we at this dangerous period, with the world afire, going to destroy industries we may need or build them up and organize in preparation for the defense of the lives, liberties, and interests of our 100,000,000 people?

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman and gentlemen, as a purely business proposition, as well as one that has its political bearings, I wish briefly to discuss the Butler amendment. That amendment seemed so fair and favorable to the Government that I took it and read it over very carefully. It was being presented as an offer by the private armor plants to furnish armor plate at a price to be fixed by the Government. I read it carefully so that I need not be mistaken in its purport. All the evidence taken by the committee shows that the armor-plate manufactories in the United States work in perfect harmony. As I understand, also, the threat of a Government armor-plate factory has reduced their proposed prices of armor plate in no small amount. They have now offered to furnish armor much cheaper than before it was proposed to build a Government armor plant. The committee amendment appropriates money to build that plant. The Butler amendment to the committee amendment provides that before this appropriation goes into effect a Government board may ask the right to examine the books of the private armor-plate plants and determine from that examination what the actual cost of making the armor plate is. It gives the companies the right to grant or refuse to permit such examination, as they see proper. If the companies do refuse it, then this appropriation will go into effect; but if the companies agree to have their books examined, and they do examine them, then the board make their estimate as to the cost, and the Secretary of the Navy shall offer to buy the armor plate from the companies at a fair price, as shown by the investigations. He makes the offer at a price fixed by him. The point I am making is this: That then these companies are not required and can not be required to take the price offered, but that they then may say they will or will not furnish the plate at the price fixed by the Secretary of the Navy.

Mr. KELLEY. Does the gentleman think that the appropriation lapses?

Mr. HARDY. No; on the contrary. If the companies refuse to let the board examine their books or refuse to accept the offer made by the Secretary of the Navy, the provision of the committee amendment making the appropriation comes in; but in the meantime what may happen? This: This Government, having taken no steps to establish its plant, comes right up to the precipice where it must have battleships built, and then this estimate is made and the fair price fixed by the Secretary, and the attempt made to secure armor plate from the private plants at the fair price fixed by the Secretary, and the united and combined armor-plate manufacturers, knowing they have the Government in a close place, say no, they will not sell at the price fixed; and then they have the Government where they want it. In other words, the Butler amendment provides, first, delay and then the opportunity for the same companies that, according to the evidence, have held up the Government in times past to hold it up once more.

Mr. KELLEY. Suppose we pass this bill, this armor plant will not be ready for some three years, and what would prevent the armor-plate companies from holding up the Government at this period instead of the other?

Mr. HARDY. I am aware that the armor-plate companies, whether we build or not, may hold us up, and if we were forced to build and build at once, and at any cost, and if public odium and condemnation of the American people did not hold them down, there is nothing to prevent them from holding up the Government, but if the people knew that the armor plate cost $250 to $290 to build, as they would know, after they built their own plant, and that the American manufacturers were attempting to hold the Government up to $450 as they have in the past, odium would be their portion, as odium has been their portion in the past.

One more suggestion: The amendment of the committee authorizing a Government armor-plate factory is deserving of support for one reason, if for no other. It places in the keeping of the Government alone the secrets of the manufacture that properly belong to the Navy Department. We have had illustrations in the past of how these great private makers of battleships and munitions peddle the information they should hold sacred for this Government all over the world. I believe the secrets of the manufacture of the weapons of defense of this Government ought to be in the keeping of the Government alone, and a Government armor-plate plant will help put them there. [Applause on the Democratic side.]

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, this is not a political question. It is purely a business proposition that we are considering. Personally I do not believe in Government ownership. I believe that in the production of all articles of commerce and trade the people of the United States and not the Government should be the manufacturers. Where, however, the Government is the only user of a commodity or an article, the Government ought to be the only manufacturer. [Applause on the Democratic side.] The gentleman from Wyoming [Mr. MONDELL] on the 29th placed in the RECORD some comparative figures of the cost of the various navies of the world. The average annual cost in Great Britain for a 12-years' period has been $166,000,000; in the United States, $110,000,000; in France, $66,000,000; in Germany, less than $30,000,000; and yet gentlemen in this House say that Germany, spending less than $30,000,000 a year for 12 years, has a navy superior to ours, while we have been expending during the same time more than $110,000,000 a year. This condition requires our candid and deliberate consideration. If our Navy is inferior to that of Germany, the fault is not with Congress. The fault is with those who have had charge of the expenditures of the appropriations of Congress.

Gen. Crozier, Chief of Ordnance of the Army, appeared before the Subcommittee on Fortifications and placed in the hearings some comparative costs in the matter of procuring material, field artillery, ammunition, and other war supplies. This comparison gives the cost to the Government under contract with private concerns and the cost of production at the arsenals of the United States; and let me say here that the same contracts were made with the very concerns that have been making armor plate, that are claiming that they are making but 1¾ per cent on Government contracts for armor plate. Gen. Crozier placed in the record this comparative statement:

Machining and sand, 3-inch common and 3-inch H. E. shrapnel case forgings, contract per unit, $1.49.

It will be seen that under that contract, made with the very concerns from which we have been buying armor plate, the cost was $1.49 each. The cost at the arsenal, after allowing for depreciation, for repairs, for overhead charges, and 3 per cent interest on the cost, was only 45 cents each. [Applause on the Democratic side.] But that is not all. There are several pages of this comparison. Let us take limbers, for instance. We have been buying them from the Bethlehem Steel Co. and have never paid less than $1,608.30 each, and at the same time it has never cost the Government of the United States more than $722 to manufacture them in the arsenals, and yet gentlemen say that we should continue to buy the material from these large concerns.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PADGETT. Mr. Chairman, I yield the gentleman five minutes more.

Mr. GOOD. Mr. Chairman, I am in favor of preparedness. This side of the House is in favor of preparedness, but if we want real preparedness, let us have it without quite so much profit. [Applause on the Democratic side.] Three hundred per cent, I repeat, is too much, and while I was inclined to support this death-bed repentence of these steel corporations and vote for the Butler amendment, I would have done so had the concerns permitted an answer to be made as to what it was costing them to make armor and armor plate. They absolutely refused, and yet the gentleman from Pennsylvania, coming from that State where these concerns operate, says that the Government of the United States is the only purchaser of armor plate. If the Government is the only purchaser, in heaven's name what harm could come from a full and frank disclosure to Congress as to what it was costing these concerns to make armor and armor plate? [Applause on the Democratic side.]

Mr. Chairman, the same argument was made when we established the powder plant for the Government. I saw some figures the other day that led me to believe that the Du Ponts to-day are making powder for about 25 cents per pound and then selling it for a dollar and a quarter a pound to European powers. The same argument is made every time there has been an attempt on the part of Congress to enlarge our arsenals and thereby retain all of the secrets that we ought to retain in the manufacture of our ammunition, and of all of the weapons of defense.

In view of these facts, and in view of the record that we must face, I for one can not vote to continue to give to these concerns the exclusive privilege of supplying all our armor plate on its statement that it is only making 1¾ per cent and then refuses to state what it is costing them to manufacture armor and armor plate, when the record shows that these same concerns are charging the Government for other war supplies about 300 per cent more than it is costing the Government to produce the same equipment in Government arsenals. I shall vote for the amendment. [Applause.] I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. PADGETT. Mr. Chairman, how much time have I now?

The CHAIRMAN. The gentleman has 16 minutes and the gentleman from Pennsylvania has 19 minutes.

Mr. BUTLER. Mr. Chairman, I yield six minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the gentleman from Tennessee [Mr. PADGETT] has offered an amendment making an appropriation of $11,000,000 for the construction of an armor-plate factory or factories, or purchase, or both. There are now three armor-plate plants in the United States. The gentleman from Pennsylvania [Mr. BUTLER] has offered as an amendment to the other amendment this proposition: That the Federal Trade Commission shall make an investigation of the cost of making armor and recommend a reasonable price to be paid by the Government, with the provision that if armor-plate factories refuse to permit the Federal Trade Commission to examine their books and their plants and everything necessary under their control, then the Government shall proceed with the construction of its factory or factories. If the armor-plate plants permit an examination by the Federal Trade Commission, then we will have ascertained by competent authority what is the actual cost of producing armor plate. When that is done the Secretary of the Navy is authorized to enter into a contract with these plants for the armor plate necessary for Government use at a price not above the price fixed by the Federal Trade Commission, the price to be fixed by the Secretary of the Navy. He can fix the price below the price fixed as a fair price by the Federal Trade Commission. The Secretary of the Navy then, having fixed the price which he is willing to have the Government pay for the armor plate, tenders contracts to the armor-plate plants. If they decline to enter upon the contracts, then the Government proceeds with the erection of Government plants.

It is conceded, I believe, that it will not be practicable for the Government to construct a plant inside of three years. Probably a longer time will be required. I think it may well be assumed that the Federal Trade Commission can make its examination and report inside of three months. That provision of the bill if enacted will become the law as soon as the bill becomes a law and takes effect. The Federal Trade Commission will be able to make a report this summer or in the early fall as to the cost of producing armor plate, and the Secretary of the Navy under this amendment will be enabled to tender contracts this summer or fall at which the armor-plate factories shall furnish armor plate to the United States. There will be no great delay. As a matter of fact the Secretary of the Navy could proceed with the drawings and the investigation for the actual construction of a plant if he desires to in the meanwhile.

Now, what would we accomplish by this amendment? In the first place we will get armor plate for the next three years with a very large building program at our price if it goes through. If we do not, we will pay the price of the armor-plate manufacturers for the next three years in spite of high water. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWNING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. BUTLER. Mr. Chairman, I have but one speech.

Mr. PADGETT. We have two over here. Mr. Chairman, I shall consume 6 minutes myself and will reserve 10 minutes for Mr. SHERLEY. I have 16 minutes, I believe.

The CHAIRMAN. The gentleman from Tennessee.

Mr. PADGETT. Mr. Chairman, I only wish to call the attention of the committee to one or two matters. Some years ago when bids were asked for armor plate the Midvale Co. came in and submitted bids very largely and materially below the bids submitted by the other two companies. The department said that they were not prepared to build. The Midvale Co. answered that they would give a bond, that they would at once construct their factory, and that they would carry out the contract and be ready within the stipulated contract time. Notwithstanding those assurances they were not awarded any part of the contract, and it was given to the other two at a much higher figure than was offered by the Midvale Co. In the meanwhile the Midvale Co. proceeded to erect their factory; and the succeeding year bids were advertised for and the Midvale Co. again submitted bids very largely below the price of the other two companies. Thereupon the department said, "We will not give you all of it, but we will give you a little less than one-third and give the other two-thirds to the other two companies at your bid." Ever since then those companies have said there was no use in fighting against each other, and since that time they have submitted identical bids. There has been no competition; there has been no claim of competition; and the same thing happened a year ago, when all three of those companies submitted identical bids to the dollar and a cent—and yet they say there was no conference, understanding, or agreement between them. [Laughter.] Now, an investigation was made by a commission appointed by the Congress consisting of Senator TILLMAN, myself, and Admiral Strauss. We submitted a long list of questions to the officers of all of those companies, and they very respectfully but firmly declined to answer them or to give any information. We reported that fact. We administered to them oaths, put them upon the stand, and again asked them questions. They answered such as they saw fit to answer, without giving any material information, and declined to give answers to any questions that would elicit information. However, we made investigation as best we could from all other available sources and reported that a factory with a capacity of 20,000 tons could manufacture at $230 a ton at full capacity and a factory of 10,000 tons capacity running at full capacity could manufacture at $262.79 per ton. These figures include:

Repairs and maintenance of 20,000-ton plant.

(a)	Coal, 100,000 tons, at $2.80	$280,000.00
	Tools, lubricants	210,000.00
	Ingot molds and materials for repairs other than below	174,500.00
	Repairs to equipment press house, machine shop, cementing shop, materials only	100,000.00
	Yard, laboratory, offices, materials	50,000.00
	20,000 tons	814,500.00
	Per ton	40.72
(b)	Upkeep of plant and buildings, and extensive overhaul repairs of furnaces and machinery, 2 per cent of installation cost, $10,331,907	206,638.00
	20,000 tons, per ton	10.33
	Total annual cost of maintenance and repairs, 20,000-ton plant	1,021,138.00

Repairs and maintenance of 10,000-ton plant.

(a)	Coal, 70,000 tons, at $2.80	$196,000.00
	Tools, lubricants	140,000.00
	Ingot molds and materials for repairs other than below	116,000.00
	Repairs to equipment press house, machine shop, cementing shop, materials only	65,000.00
	Yard, laboratory, offices, materials	35,000.00
	10,000 tons	552,000.00
	Per ton	55.00
(b)	Upkeep of plant and buildings, and extensive overhaul repairs of furnaces and machinery, 2 per cent of installation cost, $6,635,107	132,702.00
	10,000 tons, per ton	13.27
	Total annual cost of maintenance and repairs, 10,000-ton plant	684,702.00

The CHAIRMAN. The gentleman has consumed six minutes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. Mr. Chairman, I yield the balance of the time remaining on this side to my colleague [Mr. GRAHAM].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAHAM] is recognized for 13 minutes.

Mr. GRAHAM. Mr. Chairman and gentlemen, my attention was called a few minutes since to a bill pending in this House, the bill H. R. 14303, reported from one of its committees, by my learned friend from Kentucky [Mr. SHERLEY] wherein, on page 11, provision is made for an appropriation "For plans and

for the installation of such material in private plants in the United States under such contract and agreement as may be made by the Secretary of War, $1,000,000: *Provided*, That not exceeding 25 per cent of said sum may be used in obtaining from plants so equipped such war material as may be desired: *Provided further*, That not exceeding $50,000 worth of such material may be purchased from any one person or company, and in making such expenditures the laws prescribing competition in the procurement of supplies by purchase shall not govern."

The committee, upon its own initiative, has recommended an appropriation of $1,000,000 for equipping private plants with the machinery and fixtures requisite to enable them to supply various kinds of war material. It seems to me, "Consistency, thou art a jewel." On the one hand, a committee of this House is reporting a measure under which they provide for putting money into private plants in order to develop the manufacture of munitions of war for the benefit of the Government, and authorizing the purchase of products without competition from these private plants, and, on the other hand, a committee of this House is now recommending an amendment to this bill which is intended to destroy and extirpate the industries that are now in existence for the supply of armor plate in the building of warships. What a contrast and what a commentary this is.

I have listened to-day to many arguments that seem to be largely aside from what a discussion such as this ought to be. Here we ought to meet as patriots, banishing from our minds every idea of tactical or party advantage, which, while producing party victory to-day, would tend to impede or sink the interest of our country only because of an opportunity, seemingly, to seize some party advantage. We ought to consider this question purely as a question of business. What should our action be, viewed from our standpoint as patriotic business men, with reference to this question of having an armor-plate plant built and owned by the Government?

One man rises in his place and speaks about Christ and His saying concerning Himself that He had no place where to lay His head, and utters the strangely exaggerated statement that 60,000,000 of our 100,000,000 people are homeless, and he likens them to the homeless condition of the Christ. What place has such a statement in the consideration of this question? Another man rises here, who usually speaks with power and influence upon questions, and he simply says, "I heard that there were holes blown in this armor which these men manufactured and attempted to sell to the Government." An answer most complete and thorough was given to this statement by my colleague from Pennsylvania. All steel is porous. This was investigated under a Democratic administration. Justice, we must presume, was meted out and the corrections made. But when the argument was advanced without a word of explanation it appealed to prejudice and not to reason. It was calculated to stir up antagonism and not make men think as to what is best to be done under existing conditions.

What have you before you to-day? A proposition to amend this Navy bill by adding an appropriation of $11,000,000 for the building of an armor plant. My colleague from Pennsylvania has presented an amendment to this amendment, providing a method by which the price shall be fixed by the Government and regulated by the Government in all our future relations with these armor plants now in existence. By this amendment, if adopted, we are relieved from discussing many of the things that have been interpolated in this debate. When we consider this amendment of the chairman of the committee, Mr. PADGETT, adopted but perfected and graced by the amendment of the gentleman from Pennsylvania [Mr. BUTLER], the evils of combinations, excessive prices, and trusts that you complain of are removed and the power of this Government is placed over the existing plate-armor plants of this country without the expenditure of a single dollar.

Think of it! The gentleman from Texas said, "Oh, we are spending the poor man's money, we are giving the people dollar for dollar, and these gentlemen upon the Republican side think of nothing but of questioning the expenditures and voting for them." What? "They talk for saving the taxpayers' money, but do not vote as they talk." Why, this amendment is intended to spend and not to save. While you gentlemen on the Democratic side are hunting for ways and means out of which to meet the additional expenditures by the vast sums you have authorized, and put upon us war and other taxes, why do you put your hands into the Treasury and take $11,000,000 out of it to use for building an armor plant when you can, by this amendment, without the expenditure of a dollar, take the existing armor plants and make them the willing subjects and servants of your Government? [Applause on the Republican side.] By this amendment you preserve the great capacity of these plants as a reserve against all emergencies.

What patriotism is there in such a movement? What protection to the taxpayers?

It is, as I gathered from reading all these reports and examinations and investigations, a conceded state of facts that the Government of the United States gets to-day the best armor plate manufactured in the world; that the Government of the United States gets that armor plate at a price to-day which, according to these statistics, is lower than the price paid in Europe for armor plate by any of the Governments of Europe.

One gentleman attempted to show that it was impossible to get figures upon this subject, and he quoted the Secretary of the Navy. I prefer to take the statement of Admiral Niles. In the report of his investigation of this subject, he said:

> It is true there is no public bidding invited in those countries, and it is difficult to get at the exact figures; but we have arrived at figures that we believe to be substantially correct, and in every instance, even in Japan, with their Government-owned plants, the figures compare favorably to the United States.

In other words, you are getting armor plate made to-day at a price that is less than that paid by the Governments of Europe, and in addition to that you have three great plants.

Remember also, my friends, that the first one of these plants to enter this business entered it upon the invitation of your Government. They put their money in on a venture and exposed to the peril of an experiment at the invitation of your Government, and the second did likewise. The third came in under competitive conditions, desiring to "butt in" and get some of the business.

The chairman of the committee [Mr. PADGETT] referred to the Midvale Steel incident, which amounts simply to this: They were endeavoring to get some business, and while they had not any plant at all, they made a bid; and the vice president of that company, in this report, in his testimony under oath, shows that what was done was done at a sacrifice to themselves, because they wanted to break in upon this business.

No plant, but only a naked bid, and that is the testimony of the vice president of the Midvale Steel Works in the examination before the committee, illustrating that in that one instance the change in price from a higher to a lower was due to a competitive condition and not due to the existence of extravagant prices charged to and being paid by the Government.

What has this incident to do with this question now? What has the charge that at one time Secretary Herbert is alleged to have found that there was a collusion or combination between the foreign manufacturers and those in the United States to do with it? I ask most earnestly the attention of every thoughtful man in this Chamber, and especially of my friends upon the Democratic side of this House, to the language and force and purpose of the amendment that is offered. If that is adopted, what care you for combinations or trusts here or elsewhere? The price is fixed by the Government, and the price so fixed, or a lower one, will be the one at which the armor plate must be furnished. Get the great benefit of these established plants. You do not have to wait three years to build one. Do all this, and retain the right to build the Government plant as a rod to compel obedience.

Mr. HARDY. Will the gentleman yield for a question?

Mr. GRAHAM. When I am through; not now. If I have any time left, I shall be glad to answer all questions until my time is exhausted.

I happen to know from personal contact with the subject how this operated in another department of our Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. I ask unanimous consent simply for time to finish this sentence.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. GRAHAM. I only want to say that this question of fixing prices was determined as to smokeless powder, in the case of the International Smokeless Powder Co., one of the companies that furnished powder to the Government. The cost was ascertained at Indianhead by the Government, and the head of the bureau fixed the price and apportioned the quantity to be furnished among the companies that were in existence, a share to be furnished by each at that price. The policy was to keep this enormous reserve of munition-making power in existence for use in case of emergency, and have it as a national reserve sustained by private capital, just as you must keep this enormous armor-plate-making capacity as a national preparedness reserve. Keep it in existence, and do not destroy it by defeating this amendment of the gentleman from Pennsylvania [Mr. BUTLER]. [Applause on the Republican side.]

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman and gentlemen, my friend, the gentleman from Pennsylvania [Mr. GRAHAM] who has just preceded me, undertook to criticize what he thought to be a conflict of policy as reflected by the views in the report of the Committee on Appropriations in reporting the fortifications bill, and that which seems to be the policy as represented by the Committee on Naval Affairs. I think if he had thought a little bit longer about the matter—for he says that it had but recently been called to his attention—he would have found that there was no conflict, but an absolute harmony. It is true that my committee recommended an appropriation of a million dollars to equip private plants so as to enable them to manufacture war matériel, and a mighty good provision it is. There is also provision in the sundry civil bill from my committee for increasing the capacity of Government arsenals for manufacturing such matériel. There is nothing inconsistent in this, as I shall show.

There are three views touching this subject. There are those like many of the gentlemen from Pennsylvania—except when the Frankford Arsenal is concerned—who are opposed to the Government manufacturing anything. There are those, some of them on my side of the House, who believe that the Government should manufacture everything that it uses in the way of war matériel.

For myself I have always believed that the true policy lies between these two extremes. I believe that the Government should make some portion of everything of which it is the sole user, and I submit that proposition to this House as representing common sense, both from the standpoint of economy and of efficiency of the Army and of the Navy. And it is this view that is carried out in the fortification and sundry civil bills, and is, I hope, to be carried out in this naval bill. I repeat, the Government should make something of everything of which it is the sole user, and it should do that in order to guarantee the very highest character of matériel. By familiarity with manufacturing processes it will be able the better to inspect and to guarantee obtaining that degree of high-grade material that is so important in armor and in all of the things that go into the making of war matériel.

The second great advantage will be that it will be able to determine by actual experience what is the legitimate cost of making it, and thereby to regulate, in the only effective way that it can regulate, the price which it shall pay to private manufacturers for purchases.

The gentleman from Pennsylvania [Mr. GRAHAM] has been pleased to refer to powder. I can speak with a little more detailed knowledge of that than I can of armor, because I have conducted some hearings touching the cost of powder. Some time back we were paying 67 cents a pound for powder other than small-arms powder, and when I brought in a provision on the floor reducing the price to 64 cents, the RECORD will show that the debates followed very much the line taken to-day, with the charge that I was destroying the powder companies, that the Government would be unable to get powder at that price, and would be without powder in its hour of need. Notwithstanding that the House fixed the price at 64 cents. I wanted to be conservative. I believed I could have gone much lower, but I put the price at 64 cents. We conducted hearings subsequently, as a result of which we reduced the price again. To-day we are buying powder for 53 cents, and we are making powder for something over 13 cents a pound, and that is the history of the legislation touching the cost of powder within the knowledge of men serving in this House. [Applause.]

Now, what is the situation in regard to armor plate? I am not going to indulge in abuse of the Bethlehem people. I have never yet undertaken to win a case by abuse of any party or of any section. I believe I am cosmopolitan enough to have no prejudices against Pennsylvania, notwithstanding one gentleman from Pennsylvania seems to think that only he was broad enough to look at the matter from a national standpoint. But the fact remains that we have not had competition in the making of armor plate, and I believe that we have paid excessive prices. I know that is true as to other war material furnished by the Bethlehem Co., as was well shown by the gentleman from Iowa [Mr. GOOD].

The fact remains that you now have the Bethlehem Steel Co. making extreme and heretofore unheard-of offers to the Government. Let me say in passing that I would rather accept their offer than the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER], because it is a better offer. The Bethlehem people are outbidding you. They say without legislation that they will let you come in and make a contract and fix the price after an investigation, and your proposal is unnecessary, even if you are not going to have an armor-plate plant. There is no use of passing your proposal, because you have the Bethlehem proposal publicly made, which is in terms more favorable than yours. But the fact remains that the Bethlehem people never did make offers anything like this, or comparable to it, until there came the imminence of competition by the Government. I would have more respect for that company, more respect for their disinterested patriotism that they are so emphasizing now, if they had showed some disposition to tell the committee that undertook to investigate the cost of armor plate what it was costing them to make it. [Applause.] What did they do? They denied any look into the books. They denied any sort of information.

Now they are coming in at the last moment and saying if you will not build we will do all the things that we ought to have done in the past and so strenuously refrained from doing. I want to have the Government make its armor plate. I do not believe that you are going to have any tremendous saving. At first you may have a loss—I am going to be perfectly frank, for the making of armor plate is not an easy proposition. Blunders may be made, but successes also will be made. I believe that the Government by going into the manufacture of armor plate will help to guarantee the highest quality of that armor plate. I believe it will teach us, and that is the only way we can learn the real cost. You can not learn it by the examination of books, and if you could it would not necessarily remain true the year after you had the examination, as any man who has been in the manufacturing business knows. You will learn by actual doing of the thing, and you can give your officers the experience that will be of value. You will have added to the capacity of the country to make armor plate. Do not be scared about the Bethlehem people; they are not going out of business whether we build this plant or not. There are a good many concerns in my legislative experience that were going out of business at the threat of competition, but I find them still in business at the same old stand.

You will have added to the capacity of the country in making armor plate. I repeat that the only policy that is wise is to make some of everything of which the Government is the only user, because it is the only way it can protect itself. [Applause.] All other relief will be temporary and illusory.

I think it is of value in another way. I am one who believes in the need of this country for a great Navy and an efficient Army. I am tired of hearing all of the arguments and the pleadings in this direction discounted by men simply charging that the propaganda is the propaganda of a limited number of people who are making unusual profits out of it. I do not believe that is true, but the way to prevent the charge being made is to know what it will cost you to make the various articles necessary in building up the Army and the Navy, and then you will know what to pay when you buy from private manufacturers, and you will have taken, in a legitimate sense, the profits out of munition making. [Applause.]

So, to promote this broad policy, the policy of having an efficient Army and an efficient Navy, it is important that the amendment offered by the gentleman from Tennessee should be agreed to. If it was a total failure as a manufacturing plant, I would still think that in the long run the investment would be worth while. [Applause.] Now I am making no foolish statement. I realize that $11,000,000 is a great deal of money, but I also realize that we not only have spent in the past, but in the future will spend, many millions in armor plate. Men who think that building battleships has gone by are mistaken; we have just begun, and it is well to prepare ourselves. This plant will reduce cost of purchase price from private manufacture more than we spend on it, aside from the advantages I have named. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment of the gentleman from Pennsylvania [Mr. BUTLER] to the amendment of the gentleman from Tennessee [Mr. PADGETT].

The question was taken; and on a division (demanded by Mr. BUTLER) there were 120 ayes and 155 noes.

Mr. BUTLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appoint as tellers the gentleman from Tennessee [Mr. PADGETT] and the gentleman from Pennsylvania [Mr. BUTLER].

The committee again divided, and the tellers reported that there were 125 ayes and 180 noes.

So the amendment to the amendment was rejected.

Mr. PADGETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> After the word "act," in line 1, page 2, of the printed amendment, insert "and if the United States owns no suitable site or sites authority is hereby given to acquire by purchase, condemnation, or gift, such site or sites as may be necessary."

armor plants and make them the willing subjects and servants [LER]. [Applause on the Republican side.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

Mr. VARE. Mr. Chairman, I have the following amendment.

The Clerk read as follows:

Strike out the words "in places approved by the General Board of the Navy with special reference to consideration of safety in time of war" and insert in lieu thereof "the Philadelphia Navy Yard, the particular site therein to be selected by the Secretary of the Navy."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. VARE].

The question was taken, and the amendment to the amendment was rejected.

Mr. FOSTER. Mr. Chairman, I ask for a division.

The CHAIRMAN. The Chair thinks the demand comes too late. The question is on the amendment offered by the gentleman from Tennessee as amended.

Mr. BUTLER. Mr. Chairman, I have an amendment that I would like to offer.

Mr. PADGETT. That is an amendment to the amendment?

Mr. BUTLER. Yes.

Mr. PADGETT. First, I have a formal amendment to offer.

Mr. FOSTER. What became of the request for a division?

The CHAIRMAN. The Chair announced that the gentleman was too late. By unanimous consent the gentleman can obtain a division.

Mr. CULLOP. Mr. Chairman, I demand the regular order.

Mr. MANN. Mr. Chairman, I think the gentleman from Illinois asked for a division at once.

The CHAIRMAN. The Chair had announced its decision.

Mr. MANN. The Chair possibly did not hear the gentleman in the confusion.

The CHAIRMAN. The Chair has no desire to take advantage of the gentleman. Without objection, the Chair will permit a division.

There was no objection.

The committee divided: and there were—ayes 14, noes 255.

So the amendment to the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer a substitute for the amendment so that the farce may go on. I move to substitute the words "Rock Island, Ill.," as the place at which this armor-plate factory is to be constructed. That apparently is the plan.

Mr. FOSTER. The House has just decided that it will not put it at Philadelphia.

Mr. MOORE of Pennsylvania. I move that as a substitute Rock Island, Ill., be designated. Then you will have your way.

Mr. FOSTER. They could not find a better place.

The CHAIRMAN. The committee will be in order. All gentlemen will take their seats.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to amend the amendment by inserting "Rock Island, Ill.," at the proper point.

The CHAIRMAN. The gentleman will be in order. If the gentleman has any amendment to submit, he will reduce it to writing and send it to the desk.

Mr. MOORE of Pennsylvania. If that is necessary, Mr. Chairman, I will withdraw Rock Island.

Mr. PADGETT. Mr. Chairman, I offer to amend, on page 2 of the printed amendment, line 1, by striking out the word "act" and substituting in lieu thereof the word "paragraph."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Tennessee.

The amendment to the amendment was agreed to.

Mr. BUTLER. Mr. Chairman, I offer the following amendment to the amendment of the gentleman from Tennessee.

The Clerk read as follows:

That expert chartered public accountants shall be employed to open a set of books, which shall exhibit every item of expense, direct and collateral, which may properly be charged against the preparation of the plans, the selection and purchase of a site, the construction and equipment of the proposed plant, and the cost per ton of the output for each month of the operation of the plant.

The CHAIRMAN. At what point is this amendment to be offered?

Mr. PADGETT. Mr. Chairman, I make the point of order that it is not germane.

Mr. BUTLER. It is at the end of the second paragraph.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Tennessee as amended.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 165, noes 91.

So the amendment as amended was agreed to.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I move to amend, on page 98, line 17, by striking out the word "seventeen" and inserting in lieu thereof the word "forty-seven."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 98, in line 17, by striking out the word "seventeen" and inserting in lieu thereof the word "forty-seven."

Mr. PADGETT. That is correct.

Mr. ROBERTS of Massachusetts. Mr. Chairman, that motion is made to fill in an omission that the chairman neglected to put in this morning to carry out the action of the committee yesterday.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I have another amendment.

Mr. BORLAND. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. MANN. Mr. Chairman, I submit that until the minority is through the gentleman from Massachusetts ought to be recognized.

Mr. ROBERTS of Massachusetts. The understanding was, Mr. Chairman, that the list of amendments which I sent to the desk would be dealt with first.

The CHAIRMAN. The Chair thinks not. The gentleman is not the leading member of the committee, and he can not be recognized indefinitely.

Mr. MANN. But he is taking the place of the gentleman from Pennsylvania [Mr. BUTLER] in offering the amendments of the minority. I think they will be through very soon, and it will expedite matters.

The CHAIRMAN. If these are the amendments of the minority, the Chair will recognize the gentleman.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 6, line 2, strike out "$2,000,000" and insert in lieu thereof the figures "$3,500,000."

Mr. ROBERTS of Massachusetts. Mr. Chairman, this amendment is designed to increase the amount of money available for aviation for the fiscal year 1917. In some way, without pronounced authority behind it, the statement crept into the hearings of the committee that the life of the engine of an airship was only 80 hours, the impression carried by that statement being that at the end of 80 hours the engine was useless. Since that statement was made I have been looking for information along that line, and I find that to a limited extent, and to a limited extent only, the statement is correct. The life of the engine is from 80 to 100 hours, and then it must be taken out of the flying machine, taken apart, the bearings readjusted, the carbon scraped out, and the engine reassembled; and then that same engine is good for another 80 to 100 hours, and so on for many, many periods of overhauling. That is why it has been found necessary in the European armies to have from three to five engines with each airship or flying machine, in order that as soon as one was taken out to be overhauled and cleaned the machine could be used by substituting another, and in that way the flying machine that has three to five or more engines would be in continuous use. I have only to-day received information from an expert aviator, who has been flying for 8 or 9 and possibly 10 years, that he is using and has been using an engine that was constructed in the latter part of 1909. It must be overhauled after about 80 to 100 hours of service. There are many engines in use to-day built in 1910 and 1911, but they must be taken care of just as the engine of your automobile must be taken care of and overhauled and carbon eliminated.

Mr. KEATING. Will the gentleman yield?

Mr. ROBERTS of Massachusetts. I have only 10 minutes, if the gentleman will excuse me. That has been, I think, one of the potent factors in determining the action of the committee against putting money into aircraft to-day, because they say we have not a reliable engine. I admit we have not a perfectly reliable engine any more than we have a perfectly reliable automobile engine. There may be something better developed later on, but that is true of every piece of machinery in operation, whatever it may be, whether in commercial life or in war use;

we have not attained perfection, and we never will attain perfection as long as there is a working brain in the head of a human being; there will always be something a little better developed later on than the thing we now have, but if we do not start on aviation we never will have anything. As I stated to this committee the other day, it is a shame and a disgrace to this Nation that we, having the first seaplane in our Navy, ahead of all other countries in the world, are now lagging behind even the smallest European nation in the development of aircraft, and $2,000,000 is too trifling an amount to be expended for that purpose. If we do not add a single flying machine, if we expend every cent of the increased appropriation, it would be the best investment of a million and a half of money that this Government could possibly make. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, the committee, as I explained the first day we had this appropriation bill up, recommends an appropriation of $2,000,000 for aviation for this year. This amendment is to increase it to $3,500,000. It does not occur to me it is necessary that there should be a prolonged discussion of the matter, and I would like to have a vote upon it. The committee thought $2,000,000 was an abundance as an appropriation for the coming year.

Mr. WILSON of Florida. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. WILSON of Florida. This aviation school of the Navy is at my home town. What does the Secretary of the Navy recommend in reference to it?

Mr. PADGETT. He has not made any specific recommendation.

Mr. WILSON of Florida. He made the statement that $2,000,000 was the minimum, did he not?

Mr. PADGETT. I do not know of any minimum.

Mr. WILSON of Florida. Yes; he made the statement before the gentleman's committee.

Mr. PADGETT. It may be; but $2,000,000 is all we thought necessary for the appropriation.

Mr. STAFFORD. Will the gentleman yield?

Mr. PADGETT. I do.

Mr. STAFFORD. Can the gentleman furnish the committee with the number of seaplanes now in the Navy and how many this $2,000,000 authorization will buy?

Mr. PADGETT. The $2,000,000 will provide about 75. That is what Admiral Benson said in his tabulated statement.

Mr. STAFFORD. How many have we at the present time, or how many have we altogether at this time, with this authorization for seaplanes?

Mr. PADGETT. I think we have 16.

Mr. GARDNER. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. GARDNER. How many aeroplanes in the Navy of all sorts have we actually finished at the present time?

Mr. PADGETT. I think 16.

Mr. GARDNER. Finished?

Mr. PADGETT. I think so; that is my recollection.

Mr. GARDNER. How many have we in operation; how many have we that we could operate?

Mr. PADGETT. I do not know; that changes from time to time.

Mr. GARDNER. I am told it is 9; is that correct?

Mr. PADGETT. I do not know.

Mr. GARDNER. Can the gentleman state approximately?

Mr. PADGETT. I understand we have 16, but they might not all be operating to-day; there may be something done on them in the way of repairs.

Mr. GARDNER. Was not the testimony before the gentleman's committee 9?

Mr. PADGETT. I do not recall at that particular date.

Mr. GARDNER. The gentleman from Massachusetts [Mr. ROBERTS] says 9.

Mr. PADGETT. Mr. Chairman, I move that all debate upon this amendment do now close. I will change that, and ask unanimous consent that debate close in five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, I hope that this amendment for the larger amount will prevail. Of the two new instruments of naval warfare discovered recently, the submarine and the aeroplane, the aeroplane has developed by far the greatest possibilities. The submarine is limited in its efficiency by its lack of speed and its lack of armor. The aeroplane is protected against the attacks of all other agencies by its speed and the fact that it rises to immense heights. I will tell you what an aeroplane can do to a battleship under a recent invention, an invention by Admiral Fiske, of our own Navy, and improved upon by an Italian. An aeroplane can drop a torpedo so as to strike a quarter of a mile or more from a battleship, aimed when it drops, and proceeding toward the target at the rate of 90 miles an hour.

Now, imagine what would happen to a fleet of battleships if four or five hundred aeroplanes—Germany has 9,000—if four or five hundred aeroplanes came out in one of these naval engagements, each equipped with two or three torpedoes, and made the battleships the target of their torpedoes. My own impression is that the development of the airship, which has reached the point where the airship has a capacity of 21 tons—and those now being built in our own country can cross the ocean in 30 hours with a crew of five men and armament—imagine, with the development that will come, what is going to be the future of naval warfare.

We ought to have these aeroplanes. They can do one thing even more hellish to the battleships than the thing I have described about a torpedo, but that particular description that I have given has been printed and published, and therefore I am not assuming any new responsibility in giving it to the world. I have been told by experts of something even worse or more deadly that they can do, but that has not been published, and no Member of the American Congress ought to assume the responsibility of making it public.

Mr. WILSON of Florida. Mr. Chairman, will the gentleman yield there?

Mr. BENNET. Yes.

Mr. WILSON of Florida. I wish to hand to the gentleman a statement contained in the hearings.

Mr. BENNET. Yes. The gentleman from Florida merely reinforces what I said when he calls my attention to Secretary Daniels's statement as to the extreme importance of this aeroplane proposition. I will not read it all. We ought to have that extra million and a half dollars to experiment with. What is a million and a half dollars alongside of what we are voting for these other craft, submarines, and craft of other sorts for this developing branch of naval warfare? I hope that our friends on the majority side will join with us in putting this American invention—that is what it is—again where it ought to be in connection with the American Navy, not in first place but alongside of what we ought to do.

Do you know how many raids have been made on Great Britain by air craft in this war? There have been over 200, and one of them destroyed $15,000,000 of property, including three of the guns of the *Queen Elizabeth* that were being relined in the Woolwich Arsenal, and in connection with that raid 150 people were killed. That was done by one single raid by an aircraft.

This is the startling point to that thing: The only effective thing against aircraft is aircraft. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. ROBERTS of Massachusetts. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 114, noes 106.

Mr. PADGETT. I demand tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee demands tellers.

Tellers were ordered, and the Chairman appointed Mr. PADGETT and Mr. ROBERTS of Massachusetts to act as tellers.

The committee again divided; and the tellers reported—ayes 129, noes 103.

So the amendment was agreed to.

Mr. ROBERTS of Massachusetts. Mr. Chairman, on page 36, line 21, I move to strike out the words "sixty-one thousand five hundred," and insert in lieu thereof the words "sixty-five thousand."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 36, line 21, by striking out "sixty-one thousand five hundred" and inserting "sixty-five thousand."

Mr. ROBERTS of Massachusetts. Mr. Chairman, the purpose of this amendment is to provide during the fiscal year 1917 the number of enlisted men which the General Board tell us will be required in 1917 to keep in full commission the Atlantic Fleet of 21 battleships, with a reserve crew of 50 per cent upon the other 14 or 15 battleships that will then be and are now in reserve, together with the minimum number of enlisted men required for duty in the Navy at shore stations.

Now, if this committee is to consider any degree or measure of preparedness, the least and smallest they can consider is to provide enough men to keep the present Atlantic Fleet of 21 battleships in full commission, with a reserve complement of 50 per cent on our reserve ships.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Georgia?

Mr. ROBERTS of Massachusetts. No; I must decline. I have only five minutes under the rule. We will be derelict in our duty if we provide any smaller number of men than that minimum number recommended by the General Board for the year 1917.

I want the members of this committee to have in mind a few figures that I propose to give them. The enlisted strength of the Navy to-day is 48,000 men plus 3,500 apprentices, or boys under instruction. The majority of the committee have recommended an addition of 13,500 men. If that were the law, we would then have 48,000 plus 13,500 men, or 61,500 men, in the Navy.

But, mark you, under the provisions of this bill you are going to take out of that 61,500 men, and remove them from what we consider the fighting strength, 3½ per cent of the combined authorized strength of the Navy and Marine Corps. Now, the strength of the Marine Corps would be 13,000 men plus the authorized strength of the Navy, including apprentices, or 65,000, and that is 78,000. Three and one-half per cent of that will give you in the neighborhood of 3,000 men, who must be taken out of your efficient fighting Navy in order to provide this Hospital Corps. These men are necessary aboard ship; they are necessary in our hospitals; but they are in no sense fighting men in the Navy; and if you conform to the majority report of the committee, taking those 3,000 men out of the 61,500 effective fighting men would leave you only 58,000 effective fighting men in the Navy, when the General Board says we want 67,000.

And so I say this amendment is the least and the shortest and the most halting step that we could take toward preparedness, and I believe it is one that if we omit to take will bring this Congress under the unmeasured condemnation and censure of the country for failing in this emergency which confronts us, in the unsettled world conditions, to provide the men needed on a peace basis. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PADGETT. Mr. Chairman, I hope that this amendment will not be agreed to, for the reasons that I shall state, and I want to state at the beginning that it is my purpose to offer an amendment on page 33, under the Hospital Corps, providing that the Hospital Corps shall be in addition to the enlisted strength, which would add 2,730 men to the Navy, and would make the Hospital Corps an addition to the enlisted strength and be 3½ per cent of the authorized strength of the Navy and the Hospital Corps.

Mr. BRITTEN. Mr. Chairman, does the chairman of the committee indicate that the enlisted personnel now provided in the bill will be increased an additional 2,700 by some amendment he is going to offer?

Mr. PADGETT. Yes; it will increase the enlisted strength 2,730 men. If this amendment is voted down, the amendment that I am going to offer will be to strike out, on page 33, lines 2, 3, and 4, as follows: "Hereafter the Hospital Corps of the Navy shall constitute 3½ per cent of the authorized enlisted strength of the Navy and Marine Corps," and substitute "Hereafter the authorized strength of the Hospital Corps of the Navy shall equal 3½ per cent of the enlisted strength of the Navy and Marine Corps and shall be in addition thereto," which would increase the enlisted force of the Navy 2,730 men.

Now, as I said in the outset, on the 30th day of July the General Board said that the number of men required for the next year was 11,000; that this number would provide for the needs of the present ships of the Navy, including those nearing completion. On November 9 they submitted a report saying that for peace requirements in the fiscal year 1917 the General Board regard as inadequate any smaller force than 67,000 men for the Regular Navy. When Admiral Badger appeared before the committee he was asked to give an exact statement, and he said 67,865.

Now, with the amendment that we have here, that I propose to offer, the number will be 67,850 plus 2,730, which will make 70,580.

I have concluded to offer this amendment for the reason that on careful estimates we wanted to make the number of the enlisted men upon the reserve ships 50 per cent instead of 40 per cent. The increase heretofore provided in the bill of 13,500 would not quite do that, but the 2,730 will take care of that amply.

If the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS] is agreed to, the next provision would be to necessitate an increase of the Marine Corps of 700 men, whom we do not need in the Marine Corps; but to keep it on a proportion of 20 per cent of the Navy would mean an increase of the Marine Corps of 700. But if the amendment that I am proposing to offer is agreed to, it will not be necessary to increase the Marine Corps under this provision, because they will be in addition to and separate from the authorized strength upon which the strength of the Marine Corps is based. For that reason I hope that this amendment will be disagreed to, and then I will offer the amendment that I have suggested.

Mr. TRIBBLE. The gentleman's amendment will furnish all the men that the Secretary of the Navy desires?

Mr. PADGETT. Yes; and in pursuance of a recommendation from the Secretary of the Navy as per a letter which I have received from him.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER. May I ask the gentleman a question before he sits down? I ask unanimous consent——

The CHAIRMAN. The gentleman asks unanimous consent that the time of the gentleman from Tennessee be extended one minute. Is there objection?

There was no objection.

Mr. GARDNER. Is it not true that a year ago in the hearings the Secretary of the Navy and Admiral Blue said that we did not need any more men to fully man the ships in the existing current year?

Mr. PADGETT. At that time he said that according to the proportion of the allotments that were made, and upon the basis that at that time prevailed with reference to the reserve ships.

Mr. GARDNER. That he did not ask for any more, and that is why the House voted down the amendment to increase the personnel last year.

Mr. PADGETT. I think there was an amendment offered last year for an increase of 5,000.

Mr. GARDNER. I think Mr. Hobson offered an amendment for 10,000.

Mr. PADGETT. I thought it was 5,000.

Mr. GARDNER. Were the Secretary of the Navy and Admiral Blue anywhere nearly correct as the facts turned out? Did not Admiral Fletcher report within a month that the Atlantic Fleet alone was 5,000 men short?

Mr. PADGETT. I am reminded that Admiral Blue stated that there was a shortage of 4,000, but that it was not necessary to make an increase at that time for the ships that were not then completed, and that this year they would make a recommendation for an increase.

Mr. GARDNER. But, as it turned out, within two months there was a deficit of 5,000 men, according to the report of the commander of the Atlantic Fleet.

Mr. PADGETT. Admiral Fletcher has reported——

Mr. GARDNER. Not his later report. I am speaking of his report in January, 1915.

Mr. PADGETT. Yes; he reported a shortage of 5,000, but that was based on a very large increase over the allotment made to ships that had always prevailed theretofore.

Mr. GARDNER. Was it not based on an absolute necessity for manning the ships?

Mr. PADGETT. That depends upon the basis that is taken——

Mr. GARDNER. That is what Admiral Fletcher stated, that they were needed to man his ships.

Mr. PADGETT. No; he said that was what was recommended.

Mr. BRITTEN. Mr. Chairman, replying very briefly to the suggestion of my good friend from Massachusetts [Mr. GARDNER], I would like to call the attention of the House to the fact that a little more than a year ago, in December, 1914, directly before our distinguished Secretary of the Navy came before the Committee on Naval Affairs, the General Board recommended an increase in the enlisted personnel of 19,600 men. That was in December, 1914. Now, this matter of personnel for the Navy can certainly be treated on a nonpartisan basis, if anything can. We may have our disagreements regarding battleships, or destroyers, or battle cruisers, or submarines, but certainly there can be no difference of opinion as to the desirability of keeping our ships in the Navy fully manned and prepared. It is all right enough for the chairman of the committee to say that ship for ship and man for man we have the greatest Navy in the world. That is mighty fine to send to the folks at home, especially if he will just add a little of Old Glory, but you are not giving them the facts. Experts who came before the committee said that man for man——

Mr. CALLAWAY. Mr. Chairman——

Mr. BRITTEN. I can not consent to be interrupted. I have only five minutes. Experts who came before the committee said that man for man and ship for ship our Navy was not as efficient as the German Navy or the Japanese Navy. And is it not perfectly natural that that should be so? Those navies are in constant practice. They have mobilizations every year, not of a section of the navy but of their entire navy. Do you gentlemen know that we have not had a mobilization of our Navy since the Spanish War purely because we have not the personnel to put on our ships?

When Admiral Fletcher came before the committee this year, he told us that the battleships that comprised the Atlantic Fleet were 15 ships. You and I know that three or four destroyers should accompany each battleship for maneuvering purposes and war-play purposes and in actual war. Accompanying the 15 or 16 battleships he had 18 destroyers. I asked the admiral why he did not have more. He said, "Well, there are 19 of them tied up at various docks available and in good condition, but you could not take them out to sea because we have not the men." There can be no disagreement as to the desirability of having men; we all agree to that. Our Navy could not go into war play if the 10,000 men and 3,500 boys under 21 years of age, recommended in this bill, were enlisted to-day. We can not have a mobilization of the Navy. There is no question about that, and yet they say man for man and ship for ship we have the greatest Navy in the world. Ship for ship, the *Pennsylvania* and the *Oklahoma* are probably superior to anything that floats, but they can not go out without seasoned men. Men must be trained. You can not take a crew of green men and put them on a battleship with all of the complications, the aviation, the wireless, and the intricate engineering system and multitudinous duties and expect them to go out to fight. Man for man and officer for officer we have the finest type of men in the world, but it is just like taking the all-star football team selected each year by my friend Walter Eckersall from Harvard and Cornell and Yale and other college teams as the star players of the season, and call them the greatest team in the country. Do not you gentlemen realize that a scrub team could beat the all-star team unless they had daily practice?

Now, as I say, we have not had a mobilization of our Navy since the Spanish War.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. I want to call the attention of the House to the fact that the enlisted personnel of the Navy has not been increased one man since August 22, 1912. It is four years ago, and the increase at that time was 4,000. I want to call attention to the number of dreadnaughts commissioned since that small increase was made in the second session of the Sixty-second Congress. We have commissioned six dreadnaughts—the *Arkansas*, the *Nevada*, the *New York*, *Oklahoma*, *Texas*, and *Wyoming*—requiring more than 5,300 men on those ships. And when I say 5,300 men, I mean enlisted men, irrespective of petty officers and warrant officers, and so forth, and exclusive of marines.

We have commissioned 22 destroyers, 13 submarines of the G, H, and K type, 3 torpedo tenders, 1 gunboat—the *Sacramento*—and 5 fuel ships.

In addition to the ships commissioned and in service, we have 7 dreadnaughts building, and the *Pennsylvania* is 99.3 per cent complete, and will be completed in the next 30 days; 13 destroyers in the course of construction and 2 fuel ships, 1 supply ship, 1 transport, and 37 submarines. All of that is exclusive of the tremendous building program that we have to-day.

Man for man and ship for ship we have a wonderful aggregation, but as a compact fighting mass they could not deliver the goods, and experts will tell you so.

With the exception of three experts who came before the committee, every one of them, including the commander in chief of the Atlantic Fleet and the commander in chief of the Pacific Fleet, said that we ought to have from 20,000 to 25,000 men added this year. The three who said that we should have less than 20,000 are directly under the daily glance of the Secretary of the Navy in the department. Every one, with the exception of the three from the department, said 20,000 or 25,000. Now, 25,000 additional men is not a serious matter, particularly when you consider that 3,500 authorized in the bill are boys under 21 years of age.

Mr. PADGETT. Oh, no; they are all men.

Mr. BRITTEN. I am talking about the apprenticed seaman.

Mr. PADGETT. We do not authorize any apprenticed seamen.

Mr. BRITTEN. Thirty-five hundred.

Mr. PADGETT. No; they were all authorized years and years ago.

Mr. BRITTEN. Then if they were authorized years and years ago, they are now men, and they are in the fighting force and we need more of them. The situation is right here. Our Navy can not carry on a war game. We carried on one war game last October—the Atlantic Fleet; a portion of our Navy, with skeleton crews, and it was a farce—not an aeroplane. They called themselves the blues and the reds, or something like that, and I have it from expert authority that the play was a farce. We can not maneuver, we can not mobilize, we can not carry along our destroyers. We have millions and millions of dollars tied up in ships in reserve at the various navy yards. The commander of the fleet will tell you that we can not take those ships out because we have not the men, and that is all there is to it. The chairman says we are going to increase this number now by 2,700 in the Hospital Corps. I should say that we need them in the Hospital Corps, and besides that number we want some more fighting men on the fighting ships so that we can go out and maneuver and mobilize. [Applause on the Republican side.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. PADGETT. Mr. Chairman, before the gentleman begins, I ask unanimous consent that debate upon this amendment and all amendments thereto close in 10 minutes, the gentleman from Massachusetts to have 5 minutes and I to have 5 minutes in reply.

Mr. MANN. I may want five minutes.

Mr. ROBERTS of Massachusetts. The gentleman means 10 minutes after the 5 minutes for which I have already been recognized?

Mr. PADGETT. No; I was including that.

Mr. ROBERTS of Massachusetts. I have already obtained 5 minutes, and I will agree to the proposition for 10 minutes after my 5 minutes have been used up.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this amendment and all amendments thereto close in 10 minutes. Is there objection?

Mr. BUTLER. Mr. Chairman, my colleague, Mr. FARR, would like two or three minutes, and I would be obliged to the gentleman if he would add five minutes.

Mr. MOORE of Pennsylvania. I would like to offer an amendment to the paragraph, and I presume this arrangement will not interfere with that?

Mr. PADGETT. I ask that all debate on this amendment and all amendments thereto close in 15 minutes.

Mr. ROBERTS of Massachusetts. After my five minutes expire?

Mr. PADGETT. No; 10 minutes after the gentleman's 5 minutes expire, 5 minutes to the gentleman and 5 minutes to the gentleman from Pennsylvania [Mr. FARR]; and do I understand that the gentleman from Illinois desires 5 minutes?

Mr. MANN. I did, but if the gentleman is so anxious I will let it go.

Mr. PADGETT. Very well, and five minutes for myself.

Mr. BROWNING. Make it 20 minutes.

Mr. ROBERTS of Massachusetts. Mr. Chairman, this will virtually close the minority amendments and it will enable us

to dispose of them to-night if we get 20 minutes after I am through. That will let us finish our program at 5 o'clock or a few minutes after.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes after the expiration of the gentleman's time, 10 minutes to be controlled by myself and 10 minutes by the gentleman from Pennsylvania [Mr. BUTLER].

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment and all amendments thereto close in 25 minutes, 5 minutes to be occupied by the gentleman from Massachusetts, and 10 minutes to be controlled by the gentleman from Pennsylvania [Mr. BUTLER], and 10 minutes by the gentleman from Tennessee [Mr. PADGETT]. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I am very glad indeed to hear the chairman of the committee state that he will later offer an amendment that will take the 3½ per cent of the authorized strength of the Navy and Marine Corps out of the effective authorized strength of the Navy and put them on a separate status.

Mr. PADGETT. I said that I was going to offer that in the event that this was voted down.

Mr. ROBERTS of Massachusetts. Oh, the gentleman has not fully come over then?

Mr. PADGETT. No; I said in lieu.

Mr. ROBERTS of Massachusetts. The gentleman has not come over to the opinion that the nonfighting men should not be included among the authorized fighting strength. We thrashed that out in committee.

Mr. PADGETT. Take them out of the 54,000 that we have, and that will leave that many——

Mr. ROBERTS of Massachusetts. If the gentleman is going to offer his amendment on condition that we do not increase the authorized strength under that motion made by myself, I want to point out wherein his amendment, if adopted, would still leave the Navy 3,500 men short of the requirements on a peace basis. The trouble is the chairman of our committee loses sight of the fact that the authorized strength of the Navy to-day in men is but 48,000. He tells us about the strength of the Navy authorized by law—51,500. That is true, but 3,500 are boys—apprentices. If you called for a plumber to go to your house, and he brought his helper along with him, you would not say that you had two plumbers in the house; you would have a plumber and a boy under instructions. So when you figure 51,500 as the authorized strength of the Navy to-day it means 48,000 men, because the law says that explicitly, and 3,500 more are to be trained as seamen; and the General Board is not asking now at this time for additional apprentices. They do not figure in the 67,000 needed in the Navy a single apprentice. They do not want them. So far as the General Board is concerned, the provision of law providing 3,500 apprentices to-day is ample to meet all the requirements of the Navy. They are asking for men. Now, you take the basis of 48,000 men, which is the law, add to that the 3,500 recommended, plus 2,700, which the chairman says is the strength of the Hospital Corps, and you will have an addition this year of 16,200 men. Add that to the 48,000 and you will have 64,200 men in the Navy, and the General Board says 67,000 is the minimum number needed.

I have some information here I wish I had had the other day. Here is a document I have in my hand, prepared in the Navy Department, in the Bureau of Navigation, for their own information, never intended to come to Congress or be read by the committee or on the floor of this House. I have the permission of the Secretary of the Navy to keep this copy, and I have been reading it through. This gives in great detail just where all our men are who are now in the Navy, on what ships, beginning with the *Wyoming* and running down, how many allowed, how many on board, how many vacancies. It goes right straight on down through every battleship down to the most insignificant of our ships, and the most illuminating thing to me is that today we have but 13 battleships in full commission in the Atlantic Fleet. I stated on the floor the other day that the Atlantic Fleet since September, 1914, had shrunken from 21 capital ships down to 16 because they had not men enough to put on them; but I find we have only 13, for the same reason—lack of men.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting in the RECORD this document. I do so for the reason that many Members say there is no other means of getting information as to the personnel and where located.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The matter referred to above is as follows:

EMPLOYMENT OF ENLISTED PERSONNEL.

(Quarter ended Mar. 1, 1916.)

Bureau of Navigation quarterly statement of vacancies, Apr. 5, 1916.

ATLANTIC BATTLESHIPS—ACTIVE STATUS—13 SHIPS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Wyoming, flagship	978	971	7	
Yankton	75	80	5	Over.
Arkansas	957	949	8	
Delaware	820	819	11	
New York	902	904	2	Do.
Texas	902	897	5	
Florida	851	843	8	
Michigan	707	749	42	Do.
Kansas	844	835	9	
South Carolina	707	715	8	Do.
Utah	828	796	32	
New Jersey	819	798	21	
Rhode Island	798	793	5	
Louisiana	862	885	23	Do.
Nebraska	798	766	32	
Total	11,858	11,800	58	

ATLANTIC BATTLESHIPS—RESERVE STATUS—15 SHIPS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Connecticut	338	312	26	
Minnesota	338	283	55	
New Hampshire	338	306	32	
Virginia	319	142	123	Over.
Vermont	338	350	12	Do.
Georgia	319	351	32	Do.
North Dakota	790	807	17	
Maine	280	191	89	
Missouri	280	253	27	
Ohio	280	249	31	
Wisconsin	245	240	5	
Alabama	245	158	87	
Illinois	245	129	116	
Kearsarge	256	224	32	
Washington	326	370	44	Do.
Total	4,467	4,165	392	

ATLANTIC CRUISER SQUADRON—ACTIVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Dolphin, flag	144	135	9	
Kentucky (Sp)	399	392	7	
Montana (Sp)	446	473	27	Over.
North Carolina (Sp)	336	324	12	
Tennessee	814	809	5	Do.
Des Moines	274	264	10	
Castine	122	150	32	Do.
Machias	123	121	2	
Nashville	172	170	2	
Wheeling	123	134	11	Do.
Sacramento	134	131	3	Do.
Marietta	122	152	30	Do.
Total	3,176	3,245	69	Do.

ATLANTIC DESTROYER SQUADRON—ACTIVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Birmingham	286	304	32	
Melville	315	301	14	
Fifth division:				
O'Brien	84	81	3	
Fanning	74	75	1	Over.
Jenkins	75	76	1	Do.
Jarvis	74	76	2	Do.
Patterson	74	77	3	Do.
Warrington	73	74	1	Do.
Sixth division:				
Wadsworth	87	82	5	
Cassin	84	79	5	
Cummings	84	76	8	
McDougal	84	77	7	
Winslow	84	82	2	
Ericsson	84	79	5	
Seventh division:				
Balch	84	78	6	
Drayton	76	77	1	Do.
Parker	84	81	3	
Aylwin	84	84	0	
Nicholson	84	79	5	
Cushing	84	82	2	
Total	2,168	2,080	38	

Bureau of Navigation quarterly statement of vacancies, etc.—Continued.

ATLANTIC DESTROYER SQUADRON—RESERVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Dixie	136	152	16	Over.
Fourth Division:				
Ammen	74	70	4	
Burrows	74	67	7	
Beale	45	43	2	
Jouett	44	48	4	Do.
Third Division:				
Paulding	44	49	5	Do.
McCall	74	63	11	
Henley	74	62	12	
Benham	77	69	8	
Panther	153	163	10	Do.
Second Division:				
Walke	44	51	7	Do.
Monaghan	44	51	7	Do.
Perkins	45	44	1	
Roe	44	51	7	Do.
Sterett	44	42	2	
Terry	44	49	5	Do.
First division:				
Smith	51	53	2	Do.
Flusser	50	55	5	Do.
Lamson	51	55	4	Do.
Preston	50	51	1	Do.
Reid	50	54	4	Do.
In ordinary:				
Tripp	10	13	3	Do.
Downes	10	13	3	Do.
Total	1,332	1,368	36	Do.

ATLANTIC SUBMARINE FORCE—ACTIVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Columbia	363	303	60	
Macdonough	47	46	1	
Worden	47	49	2	Over.
Tallahassee	162	168	6	Do.
Severn	66	81	15	Do.
Potomac	37	38	1	Do.
Tonopah	85	46	39	
Ozark	157	151	6	
Fulton	129	114	15	
C boats 1, 2, 3, 4, 5	90	81	9	
D boats 1, 2, 3	60	57	3	
E boats 1	19	19	.....	
G boats, 1, 2, 3, 4	90	92	2	Do.
K boats, 1, 2, 5, 6	92	117	25	Do.
Total	1,444	1,362	82	

ATLANTIC MINING DIVISION—ACTIVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
San Francisco	299	309	10	Over.
Baltimore	387	398	11	Do.
Dubuque	142	147	5	Do.
Lebanon	57	56	1	
Ontario	43	43	.....	
Sonoma	43	44	1	Do.
Patapsco	39	43	4	Do.
Patuxent	39	42	3	Do.
Total	949	982	33	Do.

ATLANTIC AUXILIARY DIVISION—ACTIVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Vestal	277	296	19	Over.
Celtic	140	137	3	
Culgoa	131	140	9	Do.
Jupiter	170	163	7	
Solace	59	55	4	
Total	777	791	14	Do.

ATLANTIC, SPECIAL SERVICE—ACTIVE AND RESERVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Chester	352	340	12	
Dolphin	144	135	9	
Eagle	65	72	7	Over.
Fish Hawk	42	44	2	Do.
Hancock (reserve)	215	219	4	Do.
Hannibal	143	143	0	
Leonidas	147	145	2	
Prometheus	160	191	31	Do.
Mayflower	172	170	2	
Neptune	152	156	4	Do.
Paducah	161	225	64	Do.
Osceola	27	30	3	Do.
Peoria	36	37	1	Do.
Prairie	188	208	20	Do.
Salem (reserve)	147	134	13	
Scorpion	80	81	1	Do.
Sylph	28	28	0	

Bureau of Navigation quarterly statement of vacancies, etc.—Continued.

ATLANTIC, SPECIAL SERVICE—ACTIVE AND RESERVE STATUS—continued.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Petrel (reserve)	54	97	43	Over.
Tacoma (reserve)	30	55	25	Do.
Uncas	29	29	0	
Bailey (reserve)				
Barney (reserve)	49	46	3	
Biddle (reserve)				
Bagley				
Dahlgren				
De Long	15	12	3	
Shubrick				
Thornton				
Tingey				
Total	2,436	2,597	161	Do.

FITTING OUT AND UNASSIGNED.

(Fitting-out allowance, 400.)

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Arizona	400	21	.....	
California	.....	5	.....	
Pennsylvania	851	85	.....	
Nevada	920	975	.....	
Oklahoma	920	414	.....	
Conyngham	84	83	.....	
Jacob Jones	84	82	.....	
Porter	84	21	.....	
Duncan	84	79	.....	
Tucker	84	20	.....	
Wainwright	84	26	.....	
Maumee	.....	14	.....	
Bushnell	145	153	.....	
I, 1, 2, 3, 4, 6, 9, 10, 11, M-1	.....	90	.....	
Total	3,840	2,068	1,772	

PACIFIC FLEET—ACTIVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
San Diego	816	798	18	
Chattanooga	274	276	2	Over.
Cleveland	274	275	1	Do.
Denver	271	290	19	Do.
Raleigh	256	261	5	Do.
Yorktown	162	172	10	Do.
Annapolis	136	139	3	Do.
Total	2,189	2,211	22	Do.

PACIFIC FLEET—RESERVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Oregon	235	226	9	
South Dakota	313	277	36	
Maryland	340	397	57	Over.
Colorado	313	207	106	
West Virginia	313	214	99	
Charleston	260	190	70	
Pittsburgh	314	303	11	
St. Louis	260	196	64	
Saratoga	185	152	33	
Albany	120	97	23	
New Orleans	120	185	65	Do.
Total	2,773	2,444	329	

PACIFIC TORPEDO DIVISION—ACTIVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Milwaukee	260	216	44	
Stewart	73	79	6	Over.
Paul Jones	73	78	5	Do.
Perry	73	79	6	Do.
Whipple	73	80	7	Do.
Preble	73	77	4	Do.
Total	625	609	16	

PACIFIC TORPEDO DIVISION—RESERVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Hull	38	46	8	Over.
Hopkins	38	43	5	Do.
Lawrence	38	42	4	Do.
Truxton	38	40	2	Do.
Total	152	171	19	Do.

PACIFIC SUBMARINES—ACTIVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Alert	127	123	4	
Cheyenne	160	156	4	
F boats, 1, 2, 3	57	55	2	
H boats, 1, 2, 3	57	57	.....	
K boats, 3, 4, 7, 8	88	105	17	Over.
Total	489	496	7	Do.

Bureau of Navigation quarterly statement of vacancies, etc.—Continued.

PACIFIC—SPECIAL SERVICE AND AUXILIARIES.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Iris	129	124	5	
Glacier	136	142	6	Over.
Buffalo	185	196	11	Do.
Rainbow	86	59	27	
Fortune	42	45	3	Do.
Nanshan	26	24	2	
Iroquois	33	29	4	
Supply	148	140	8	
Alliance	72	66	7	
Total	858	825	33	

ASIATIC FLEET—ACTIVE STATUS.

Brooklyn	539	524	15	
Cincinnati	226	243	23	
Galveston	274	260	14	
Raleigh	93	83	10	
Helena	159	163	4	Over.
Monocacy	45	48	3	Do.
Paducah	45	47	2	Do.
Quiros	54	53	1	
Samar	29	32	3	Do.
Villalobos	54	55	1	Do.
Pampanga				
Wilmington	159	148	11	
Monterey	66	133	67	Do.
Total	1,773	1,779	6	Do.

ASIATIC TORPEDO DIVISION—ACTIVE STATUS.

Dale	77	71	6	
Dambitsabe	76	72	4	
Perry	75	76	1	Over.
Chauncey	76	75	1	Do.
Decatur	74	68	6	
Total	376	362	14	

ASIATIC SUBMARINE DIVISION—ACTIVE STATUS.

Monadnock	161	131	30	
Mohican	93	102	9	Over.
A boats 2, 3, 4, 5, 6, 7	62	58	4	
H boats 1, 2, 3	38	35	3	
Total	354	326	28	

ASIATIC AUXILIARIES—ACTIVE STATUS.

Wompatuck	25	26	1	Over.
Piscataqua	36	37	1	Do.
Total	61	63	2	Do.

SUMMARY.

	Allowed.	On board.	Difference.
Atlantic, battleships, active status	11,858	11,800	− 58
Atlantic, battleships, reserve status	4,467	4,165	− 302
Atlantic, cruiser squadron, active status	3,146	3,215	+ 69
Atlantic, destroyer squadron, active status	2,168	2,080	− 88
Atlantic, destroyer squadron, reserve status	1,332	1,368	+ 36
Atlantic, submarine force, active status	1,441	1,362	− 82
Atlantic, mining division, active status	949	982	+ 33
Atlantic, auxiliary division, active status	777	791	+ 14
Atlantic, special service, active status	2,436	2,597	+ 161
Fitting out and unassigned	3,840	2,068	−1,772
Pacific, active status	2,189	2,211	+ 22
Pacific, reserve status	2,773	2,444	− 329
Pacific, torpedo division, active status	625	609	− 16
Pacific, torpedo division, reserve status	152	171	+ 19
Pacific, submarines, active status	489	496	+ 7
Pacific, special service and auxiliaries	858	825	− 33
Asiatic, active status	1,773	1,779	+ 6
Asiatic, torpedo division, active status	376	362	− 14
Asiatic, submarines, active status	354	326	− 28
Asiatic, auxiliaries	61	63	+ 2
For March, 1916	42,067	39,714	−2,353
For December, 1915	40,752	39,072	−1,680
For October, 1915	42,671	39,580	−3,091
For July, 1915	40,919	38,001	−1,918

The totals for the last four quarters of the column headed "Allowed" in summary of this report, when compared with the corresponding vacancies existing, indicate the impracticability of employment of more than 40,000 men in the organizations given herein. This report indicates that action will be necessary very shortly to again relieve the personnel situation in order that ships listed in the "fitting out" and "unassigned" classes may be properly manned.

SOLUTION OF PROBLEM.

Statement of personnel

13 battleships, Atlantic Fleet	11,300		
Atlantic cruiser squadron	3,150		
Atlantic destroyer flotilla, 24 boats	3,600		
Atlantic submarine flotilla	1,580		
Atlantic mining division	950		
Atlantic auxiliary division	780		
Atlantic special service and miscellaneous	2,230		
Total active service		23,650	
Atlantic Reserve Fleet	5,770		
Atlantic reserve torpedo flotilla	1,590		
Total in reserve		7,360	
Atlantic, for ships fitting out		400	
Total for all sea service—Atlantic			31,410
Pacific Fleet	2,190		
Pacific torpedo flotilla	630		
Pacific submarine flotilla	490		
Pacific special service and auxiliaries	860		
Total active service		4,170	
Pacific Reserve Fleet	2,780		
Pacific torpedo flotilla (reserve)	160		
Total in reserve		2,940	
Total for all sea service—Pacific			7,110
Asiatic Fleet		1,775	
Asiatic torpedo flotilla		375	
Asiatic submarine flotilla		355	
Asiatic auxiliaries		60	
Total, Asiatic station			2,565
Grand total, all fleets			41,085
For general detail to meet casualties, sickness, etc			1,000
Total number required			42,085
Total number now available		39,715	
Extra men released from training stations		2,100	
			41,815
Deficit			270

Miscellaneous duty afloat and ashore.

(Correct for Mar. 3, 1916.)

Atlantic, receiving-ship complements	455		
Atlantic, yard craft complements	268		
Atlantic, training station craft complements	374		
		1,097	
Pacific, receiving ship complements	66		
Pacific, yard craft complements	101		
Pacific, training-station craft complements	25		
		192	
Asiatic, receiving-ship complements	46		
Asiatic, yard craft complements	14		
		60	
Miscellaneous, available for general detail afloat	460		
Miscellaneous, Naval Militia ship keepers	454		
Miscellaneous, insular force	458		
Miscellaneous, patients in hospitals	1,179		
		2,491	
Ashore, navy-yard details	847		
Ashore, training-station complements	703		
Ashore, training-station apprentices	5,950		
Ashore, service trade schools	1,651		
Ashore, special duty	129		
Ashore, recruiting	407		
Ashore, radio duty	316		
Ashore, hospitals, attendants	398		
Ashore, unavailable, prisoners, insane, traveling, etc	1,696		
		10,088	
			13,928
			39,714
			53,642

Mr. PADGETT. I will ask the gentleman from Pennsylvania to use some time. I want to close.

Mr. BUTLER. Mr. Chairman, not hearing but very little that is said, I do not suppose it is a matter of great importance whether I should or not, but it is important that I should know whether or not the gentleman from Tennessee has put the distribution of time in my hands.

Mr. PADGETT. Yes, sir; the gentleman had 10 minutes and I had 10.

Mr. BUTLER. I have not heard it until this moment. I am very glad to yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing from the hearings a comparative statement of our naval expenditures with those of other countries, covering a period of 10 years back.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, the ships we add to the Navy will not be floating to-morrow. It takes time to construct these ships. They may be necessary several years from now.

I think it is advisable to provide for them and have them then, but in this emergency in the world, in this time when all the world nearly is war mad, and even those in favor of peace want to fight about it, when no one knows what may happen six months or a year from now, it looks like good sense to sharpen our tools, take the rust off them, and teach the people how to use them.

Why, those gentlemen here who are opposed to providing a sufficient number of enlisted men in the Navy to man the ships we now have are like a farmer who lets his farm implements lie out in the weather, rust, and become dull, and gives no care to them until fair weather comes and they ought to be used at once. We can at least provide the men and train them so they can man and fight the ships we now have. That is common sense. It does not require statesmanship, it only requires a little common sense, and it does not require much common sense. We either ought to have no addition to the Navy at all or else just now we ought to provide men enough to completely man the ships we have.

What is the use? You can not take a green hand and put him on board one of these electrical plants—a naval vessel, filled from top to bottom with machinery, operated no longer by human muscle but operated by trained brains. You can not put green men there and expect them to do any good. You must have trained men. Many people believe you can make a soldier over night, but no man believes that you can make a sailor over night. Much less can you make a mechanic or an electrician over night; much less you can train men to fire guns in the Navy over night. We ought to have all the men that the Navy can use and have them trained, ready for trouble if it comes, praying that it does not come. [Applause on the Republican side.]

Mr. BUTLER. Mr. Chairman, I yield the remaining five minutes given to me to distribute to my colleague from Pennsylvania [Mr. FARR].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FARR] is recognized for five minutes.

Mr. FARR. Mr. Chairman, it takes years to prepare a seaman to perform his duties properly. There is no use in having ships unless you are going to man them with men competent to run them. It would be a waste of money.

Great Britain on July 1, 1914, had in her navy 150,000 officers and sailors. To-day she has 417,000 active men on her ships. Take Japan. People say Japan has a smaller navy than we have, but I am somewhat suspicious about the size of Japan's Navy. I am frank to say that. The Japanese Navy has 56,000 on the active list and some 30,500 on the reserve list, making 86,500 in all. Now, as I understand it, we have an active list of 54,500 men and a reserve of 11,000, making 65,500, as against 86,500, the active and reserve personnel in Japan.

We are building hundreds of ships, small and large, but we are not providing men to man them. To repeat, what is the use in building ships unless we provide efficient men with which to man them? It is nonsensical to try to mislead our people by saying, "Ship for ship and man for man, we have the best Navy in the world." We might say that if we had but one ship. It would be like a candidate for Congress saying, "I have 1,000 votes; man for man and vote for vote, they are the best in the world." If his opponent had 2,000 votes, where would he be?

I think, my friends, we have made two good steps in increasing the number of submarines and increasing the appropriation for airships. Now let us fill the Navy with men. Let us give our Navy an abundance of men, so that in case we have war we will be able to utilize every ship we have. Let us be influenced by what has happened in Great Britain. She had 150,000 active personnel in her navy on July 1, 1914, and has 417,000 to-day. What could England have done to protect herself but for the great power she has on the sea? Our dependence for protection must be the Navy. Nothing but the highest efficiency should satisfy us, and we should provide a full complement of men to make this possible.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER. Mr. Chairman, have I any time remaining?

The CHAIRMAN. The gentleman has one minute and a half remaining.

Mr. BUTLER. I yield a minute and a half to the gentleman from California [Mr. STEPHENS].

The CHAIRMAN. The gentleman from California [Mr. STEPHENS] is recognized for one minute and a half.

Mr. STEPHENS of California. Mr. Chairman, I understood the chairman of the Naval Committee to say that he proposed to offer his amendment because he wants to increase the personnel of the ships in reserve to 50 per cent instead of 40 per cent, as he thinks it is.

In his testimony before our committee Admiral Winslow gave the personnel now aboard the cruisers in the reserve fleet on the Pacific coast as 2,009 men. The Navy Yearbook for 1915 shows that the complement of those ships is 7,217 men. Therefore the personnel of the reserve ships on the Pacific coast is only 28 per cent instead of 40 per cent, as the chairman thinks it is, and his amendment will not bring the total of the enlisted force for the whole reserve fleet up to 50 per cent.

Mr. PADGETT. Mr. Chairman, you can not determine the reserve force in the fleet by picking out a few vessels here and there. That is determined by the aggregate of our Navy.

The General Board adopted a general policy with reference to our fleet, and they say this, that legislation be asked for, providing for an active personnel, officers and enlisted force, keeping in full commission all battleships under 15 years of age from date of authorization, all destroyers and submarines under 12 years of age from date of authorization, half of the cruisers and all gunboats, and all necessary auxiliaries that go with the active fleet and furnish the nucleus of the gross fleet, all the ships of the Navy that would be used in time of war and necessary for training and other shore stations.

Now, that is the policy outlined for the whole fleet. You take any part of the cruisers on the Pacific coast, and the complement may not be full. For instance, you will find that the cruiser service in the Atlantic, down in the South Atlantic, has been extraordinary, and we have been taking men from those other fleets and putting more than half of the cruisers in full commission, instead of half of the cruisers in full commission and half on reserve commission, as recommended by the General Board, to meet the particular exigencies that have arisen at this time.

Now, the gentleman from Pennsylvania [Mr. FARR] referred to England and the United States. England, of course, is in a state of war, and her fleet complement is upon a war basis and not on a normal basis as in time of peace. But what were the conditions in time of peace? On the basis of the number of men per thousand tons, England had 65.34 per thousand tons on her fleet. The United States has 79.04 per thousand tons on our fleet.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. GARDNER. Is it not true that Great Britain also had a reserve navy which we do not have?

Mr. PADGETT. That is true; but I am talking about what is in the active fleet. They have 65 per cent and we have 79.

Mr. GARDNER. But we have not the men.

Mr. PADGETT. Now, then, we have in the Naval Militia, in the Coast Guard, and in the reserve something more than 11,000 men in our reserve, available for the fleet in case of war or emergency.

Mr. GARDNER. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Massachusetts?

Mr. PADGETT. Yes.

Mr. GARDNER. How many actual men have we in the United States Navy Reserve?

Mr. PADGETT. Four hundred and something.

Mr. GARDNER. And the Secretary of the Navy testified that the legislation proposed would bring us 6,500 the first year.

Mr. PADGETT. I do not remember as to that.

Mr. GARDNER. I put his testimony in the RECORD.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. PADGETT. No; I can not yield.

Mr. MOORE of Pennsylvania. Very well.

Mr. PADGETT. Now, then, at the present time we have an actual enlistment of 54,000. We have provided in the bill for 13,500 additional men. The amendment which I have proposed to offer would increase it 2,730, which would make 70,230, and that does not include 13,000 marines, which, if added, would make 83,230 for the manning of our ships—70,230 in the Navy and 13,000 marines that serve on the ships.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman state what is the pay of the enlisted men in the Navy?

Mr. PADGETT. Oh, I can not take up time to do that. I am talking about the number of the men now. In July the General Board said that an increase of 11,000 men would meet our requirements for the year 1917. This amendment that I am proposing will give us 16,230. The General Board stated in their November report that 67,000 men in the service would be sufficient. Take the figures that I have given you, 54,000, 13,500,

and 2,730, would make a total of 70,230, or 3,230 more than the General Board in November said would be needed for the service in the next fiscal year.

Now, Admiral Badger, a member of the General Board, when he came before our committee in February, was asked to give the matter careful attention, and he stated that we would need 67,865. The provision that I propose would give about 2,500 more than he stated.

Mr. BUTLER. I do not want to interrupt the gentleman, but I will ask to have his time extended, because we would like to hear his statement. But why now let us immediately break the compact which we have made, that the Marine Corps shall be 20 per cent of the size of the enlisted force of the Navy?

Mr. PADGETT. Of the authorized force.

Mr. BUTLER. Why should we make an agreement here one minute simply for the purpose of violating it the next?

Mr. PADGETT. I am not doing that.

Mr. BUTLER. As I said to the gentleman the other day, I have made my last agreement.

Mr. PADGETT. I am not violating the agreement. If the provision stays as it is, 13,500, the authorized strength of the Navy would be 65,000 men and the Marine Corps would be 13,000 men, or one-fifth, which we have provided. The provision that I am putting in takes the Hospital Corps out of the authorized strength and puts it as an independent corps, which would give that many more men in the authorized strength, available to take the place of the 2,730 that go into the separate corps.

Mr. ROBERTS of Massachusetts. Does not that 65,000 authorized strength include 3,500 apprentices?

Mr. PADGETT. Yes; and these apprentices are young men from 18 to 21 years of age, just as valuable young men as you could get in the service, and they are just as good material as you could hope for; and it does not do any good to come here and say that boys from 18 to 21 years of age are not valuable and can not perform the service.

Mr. BUTLER. We have got somewhat mixed upon the figures here, and the chairman of the committee will be able to put it straight. The gentleman from Massachusetts [Mr. ROBERTS] insists upon having an amendment adopted here which will increase the fighting force of the Navy by 3,500 men.

Mr. PADGETT. And I am proposing to increase the number by 2,730.

Mr. ROBERTS of Massachusetts. That is not the difference. I am proposing to increase the fighting force by 3,500 men—not apprentices.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment of the gentleman from Massachusetts [Mr. ROBERTS].

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The clock in front of the Chair seems to have stopped. Is the Chair going by the clock in front of him or the clock behind him?

The CHAIRMAN. The Chair does not go by any clock that has stopped.

Mr. MANN. That is the official clock for the Chair to go by.

The CHAIRMAN. All time has expired.

Mr. BUTLER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BUTLER. To ask unanimous consent of this committee that I may have one minute for myself. When I get time gentlemen take it away from me.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] asks unanimous consent that he may proceed for one minute. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object——

Mr. ROBERTS of Massachusetts. Mr. Chairman——

Mr. PADGETT. If they are going to propose to consume the time, I object.

The CHAIRMAN. Objection is made.

Mr. MOORE of Pennsylvania. The gentleman from Tennessee is entirely mistaken. There is no desire to consume time. We would like to get information.

The CHAIRMAN. Objection is made. All time has expired. The question is on agreeing to the amendment of the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS of Massachusetts. Did not the gentleman from Pennsylvania [Mr. BUTLER] have one minute yielded to him by unanimous consent?

The CHAIRMAN. He did not. The question is upon agreeing to the amendment of the gentleman from Massachusetts [Mr. ROBERTS].

The question being taken, on a division (demanded by Mr. ROBERTS of Massachusetts) there were—ayes 80, noes 87.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers reported that there were 83 ayes and 99 noes.

So the amendment was rejected.

Mr. PADGETT. Mr. Chairman, on page 33, lines 2, 3, and 4, I move to strike out the following words: "Hereafter the Hospital Corps of the Navy shall constitute 3½ per cent of the authorized enlisted strength of the Navy and Marine Corps, and as soon as the" and substitute therefor the following: "Hereafter the authorized strength of the Hospital Corps of the Navy shall equal 3½ per cent of the authorized enlisted strength of the Navy and Marine Corps, and shall be in addition thereto."

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 33, lines 2, 3, and 4, strike out the following words: "Hereafter the Hospital Corps of the Navy shall constitute 3½ per cent of the authorized enlisted strength of the Navy and Marine Corps," and substitute therefor the following: "Hereafter the authorized strength of the Hospital Corps of the Navy shall equal 3½ per cent of the authorized enlisted strength of the Navy and Marine Corps, and shall be in addition thereto."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, this will necessitate the changing of the totals in one or two places, and I ask permission to bring in in the morning the corrected figures.

The CHAIRMAN. The gentleman can offer the amendment at a subsequent time.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 36, line 22, after the first word, "men," insert the following: "And the President is hereby authorized to enlist, in his discretion, and from time to time, such additional men as the needs of the Navy may require not to exceed a total authorized strength of 82,762 men."

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to share my time with the gentleman from Illinois [Mr. BRITTEN]. I only need a half a minute to read something into the RECORD.

The CHAIRMAN. The gentleman from Illinois can get recognition in his own right.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate upon this matter close in 10 minutes, 5 to be controlled by the gentleman from Illinois [Mr. BRITTEN] and 5 by myself.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment close in 10 minutes, 5 to be controlled by himself and 5 by the gentleman from Illinois [Mr. BRITTEN]. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, it is not probable that I will take four and a half minutes, but if I do I desire to be notified at the end of that time. I hope that this amendment will be agreed to. It does not provide for any expenditure, it merely authorizes the President to enlist more men if he so desires in order to provide a full complement for the various ships in the service.

Mr. GORDON. How can he enlist men without it costing anything?

Mr. BRITTEN. This does not provide any expenditure, but authorizes the President to use his own judgment. Do not get nervous. I will say to my friend from Ohio. Now, I want to call the attention of the House to the fact that notwithstanding our tremendous shortage in the enlisted personnel we have no reserve force. France has a naval reserve of something like 93,000 men and the United States has a naval reserve of 320 men.

Mr. PADGETT. A reserve of over 11,000 men made up of the Coast Guard——

Mr. BRITTEN. Oh, I am not talking about the Coast Guard or the State militia. I am talking about the Naval Reserve as enlisted under the Naval Reserve act of the last Congress. Now, there is no question about that, and that on the 1st of March of this year we had 303 men in that reserve.

Mr. GARDNER. Will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. GARDNER. Did not I ask the gentleman from Tennessee a few minutes ago how many men there were in the reserve, and the gentleman from Tennessee said there were only 400 men.

Mr. PADGETT. That was under the Naval Reserve act proper, but under the militia act there are eight thousand and something and they are Naval Reserves.

Mr. GARDNER. The gentleman means the State militia?

Mr. PADGETT. No; the Naval Militia, organized and acting under the acts of Congress.

Mr. GARDNER. Are they not the State militia that the gentleman is speaking about?

Mr. PADGETT. They are organized and subject to the call of the President.

Mr. GARDNER. Is not the gentleman talking about the State militia?

Mr. PADGETT. Not the land militia.

Mr. GARDNER. The State Naval Militia?

Mr. PADGETT. Yes; they are a part of our Naval Reserve under the act of Congress.

Mr. BRITTEN. Mr. Chairman, I am not talking about the Coast Guard nor the State Naval Militia. I am talking about the Naval Reserve of former enlisted men; and on the 1st of March we had 303 men. If the gentleman is correct—and I assume he is—when he replied to the gentleman from Massachusetts he said we had something less than 400 now. They are coming in faster in the last month than they have at any time in the previous year. France, England, Germany, and Japan all have tremendous naval reserves, so that when it becomes necessary to have mobilization of their navies they call on the trained reserves, and they have mobilization, and they carry on war games, and that is the reason their navies are an efficient fighting force and in trim all of the time. We have 303 men in the Naval Reserve, and they would not man all the rowboats we would need around the Potomac River in time of war.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. MOORE of Pennsylvania. Have we not provided in this bill for five separate and distinct kinds of reserves?

Mr. BRITTEN. Yes; if you will call them reserves.

Mr. MOORE of Pennsylvania. Has the gentleman time to tell us what those five different branches of volunteers are going to be?

Mr. BRITTEN. No; but the chairman will be glad to enlighten the gentleman on that.

Mr. MOORE of Pennsylvania. I have asked him several questions, but he does not answer.

Mr. BRITTEN. Perhaps he is ashamed to say that the Naval Reserve act created in the last Congress was such a howling farce that he does not dare to talk about it—303 men enlisted in two years is surely a great Naval Reserve. The Secretary came before the committee and said that we would enlist 10,000 men under that act before you gentlemen voted for it.

The CHAIRMAN. The gentleman from Illinois has used four and a half minutes of his time.

Mr. BRITTEN. Mr. Chairman, I yield one-half minute to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, in the colloquy a few minutes ago the gentleman from Tennessee said that there were 400 men in the Naval Reserve. There are 8,000 amateurs, admirals mostly, in our Naval Militia. We have a few Coast Guard men and life-savers that we call the Coast Guard Service, and of past Navy men we have about 400. When you passed the Navy Reserve legislation last year, what did you tell us we were going to have? I hold in my hand a letter from the Secretary of the Navy, in which he describes this Naval Reserve which is going to be built up by the legislation which he proposed and which we passed. On page 1235 of the hearings he said that 6,500 men would be enlisted in that Naval Reserve during the first year; 6,500 men, and all we have is about 400.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PADGETT. Mr. Chairman, the folly of the provision offered by way of amendment is apparent from the statement of the gentleman from Illinois [Mr. BRITTEN]. He said that it would not cost anything. In other words, it gives the President of the United States authority to enlist ten or twelve thousand men and makes no provision for their payment. How could he enlist them unless he had the money appropriated to bear the cost of enlistment and to pay for the services of the men when they have enlisted?

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. No; I have not the time.

Mr. BRITTEN. I would like to call the attention of the gentleman to the amendment.

Mr. PADGETT. The amendment simply gives authority without making any appropriation.

Mr. BRITTEN. In his discretion.

Mr. PADGETT. Yes; and there is no occasion for exercising that discretion, and there is no need for it as the House has just recently voted. The gentleman from Massachusetts [Mr. GARDNER] said that we had something over 8,000 amateur militia, mostly admirals. Out of eight thousand and something there are about 606 officers and 7,706 enlisted men. It shows the accuracy of his statement, and, in addition, I want to say that every naval officer who appeared before the committee and testified this year and last year with reference to the Naval Militia, testified to its availability and good character, and on it Congress has appropriated several hundred thousand dollars a year to train and develop these men.

Mr. GARDNER. Will the gentleman allow me to correct my remark and say they are men most competent to be admirals?

Mr. PADGETT. I will accept so far as the competency of these men is concerned for the duties which they expect to perform. They are good men. I hope this amendment will be voted down. Now, the gentleman said we had 403 in the Naval Reserve. We have three sources of Naval Reserves by three acts of Congress. A year ago we passed an act for a Naval Reserve of ex-enlisted men. Under that we had 403, the last notice I had. Now, as to the Naval Militia, another act of Congress makes the Naval Militia subject to the call of the President in national emergency or in case of war as a reserve. There are 8,300 there. Then, there is another law of Congress, creating the Coast Guard, with 255 commissioned officers and 3,886 warrant officers, petty officers, and enlisted men, most valuable men, making between 11,000 and 12,000, and under those three laws they are available as a Naval Reserve, and yet gentlemen, when they come to talk about it, want to talk about the last law we passed, that applies to ex-enlisted men and leave out 11,000 of the others.

Mr. MANN. Will the gentleman yield for a question?

Mr. PADGETT. Yes.

Mr. MANN. How many in the Coast Guard would be enlisted?

Mr. PADGETT. A little over 4,000.

Mr. MANN. Does that include the Life-Saving Service?

Mr. PADGETT. Yes, sir; the Life-Saving and Revenue-Cutter Services by an act of Congress which we passed at the last session, which was reported from the Committee on Interstate and Foreign Commerce——

Mr. MANN. I know what the law is.

Mr. PADGETT. Which in time of war were turned over to the Navy Department. They are not under the Treasury, but are under the Navy Department and are a part of the naval service.

Mr. MANN. Does the gentleman contemplate that these men would take the place of enlisted men of the Navy on board naval vessels?

Mr. PADGETT. They would take the place of enlisted men and perform duties in the Navy which if we did not have them we would have to get other men to perform.

Mr. MANN. Oh, no; the Life-Saving Service will guard the coast as they are doing now and as they did during the Spanish War. They will not add a single man on board a vessel, but the men on the vessels of the Coast Guard Service will remain on those vessels. The vessels will be turned over to the Navy.

Mr. PADGETT. And do naval duty.

Mr. MANN. But they will not add a man on board a vessel of the Navy.

Mr. PADGETT. But they will take the place of men they would have to have in the service to perform that necessary function.

Mr. MANN. But the Coast Guard Service or the Revenue-Cutter Service in time of war has always helped the Navy, but they do not add any number of men to the vessels of the Navy.

Mr. PADGETT. Not to the warships, but we have an immense number of auxiliary vessels, and it would take in two or three hundred auxiliary vessels in the Navy in time of war.

Mr. MANN. But the Coast Guard will not add anything——

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chair announced that the noes appeared to have it.

On a division (demanded by Mr. ROBERTS of Massachusetts) there were—ayes 62, noes 82.

So the amendment was rejected.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R.

15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. HUSTED, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the cases of Bridget M. Cleary, Sixty-second Congress, H. R. 28032, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIS of Minnesota, indefinitely, on account of important business.

To Mr. KEY of Ohio, for 10 days, on account of urgent business.

EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the achievements of the Democratic administration.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the subject of the achievements of the Democratic Party.

Mr. BORLAND. I will say that I will not state them all.

Mr. MANN. It will not be long, then. [Laughter.]

Mr. ADAMSON. Replying, Mr. Speaker, to the suggestion of the gentleman from Illinois [Mr. MANN], I want to suggest that if it can not all be put in one issue it can be run along in serial form from day to day. [Laughter.]

The SPEAKER. It is not debatable. Is there objection?

There was no objection.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of aeroplanes.

The SPEAKER. The gentleman from New York [Mr. BENNET] asks unanimous consent to extend his remarks in the RECORD on the subject of aeroplanes. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SIEGEL. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TAGUE. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. SLOAN. Mr. Speaker, I make the same request.

The SPEAKER. On what subject?

Mr. SLOAN. On the naval bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Speaker, I have a little emergency matter here——

Mr. MANN. Not to-night.

Mr. FERRIS. The gentleman shakes his head; so I will not press the matter.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 214. Joint resolution increasing the number of sheets of custom stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Thursday, June 1, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting draft of proposed amendment to section 22 of the act to regulate commerce, to make reduced rates for transportation of the military forces of the United States when the travel is performed on transportation requests and paid for by the United States or State Governments (H. Doc. No. 1185), was taken from the Speaker's table, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (H. R. 15807) to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside, reported the same without amendment, accompanied by a report (No. 788), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 1975) for the relief of C. E. Anderson, reported the same without amendment, accompanied by a report (No. 784), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 11843) for the relief of Charles E. Knickerbocker, reported the same with amendment, accompanied by a report (No. 785), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 11661) for the relief of Patrick Burns, reported the same with amendment, accompanied by a report (No. 786), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 4626) to reimburse the Farmers Savings Bank, of Brandon, Iowa, for currency destroyed by fire, reported the same without amendment, accompanied by a report (No. 787), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 1288) for the relief of Simon M. Preston, reported the same without amendment, accompanied by a report (No. 789), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (H. R. 9335) for the relief of Mrs. W. E. Crawford, reported the same without amendment, accompanied by a report (No. 790), which said bill and report were referred to the Private Calendar.

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 10624) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana, reported the same with amendment, accompanied by a report (No. 791), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 16123) granting a pension to Mrs. Julia McFarland, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. MURRAY: A bill (H. R. 16142) to prohibit the operation of trains of more than one-half mile in length in interstate traffic and in the District of Columbia or any Territory of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN of Texas: A bill (H. R. 16143) to standardize the barrel of lime; to the Committee on Coinage, Weights, and Measures.

By Mr. MORRISON: A bill (H. R. 16144) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. RANDALL: A bill (H. R. 16145) to establish rates of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. ADAMSON: A bill (H. R. 16146) for adjustment of relative rank of officers of the Army Medical Corps; to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 16147) for the relief of mechanics employed at the proving ground at Indianhead, Md., during the fiscal years 1914 and 1915; to the Committee on Claims.

By Mr. HEATON: A bill (H. R. 16148) authorizing the President to appoint fourth-class postmasters and to pay them a salary of $800 per annum; to the Committee on the Post Office and Post Roads.

By Mr. ABERCROMBIE: A bill (H. R. 16149) to provide for the interchange of teachers of the District of Columbia with other school systems in the United States; to the Committee on the District of Columbia.

By Mr. LOBECK: A bill (H. R. 16150) to amend section 7 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes (vol. 37, Stat. L., p. 555); to the Committee on the Post Office and Post Roads.

By Mr. EMERSON: Joint resolution (H. J. Res. 232) granting consent to the Ralph T. Staniforth Airship Line to operate between Cleveland, Ohio, and Detroit, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. HEATON: Concurrent resolution (H. Con. Res. 41) that the people of the United States cooperate in the economical use of paper supplies of all kinds; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16151) granting an increase of pension to George W. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16152) granting an increase of pension to George Butterbaugh; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 16153) for the relief of Denny Costello; to the Committee on Claims.

By Mr. DEWALT: A bill (H. R. 16154) granting an increase of pension to Amelia Grosscup; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 16155) granting an increase of pension to Martha Ann Jones; to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 16156) for the relief of Miss C. R. Orricks; to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 16157) granting a pension to Edward K. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 16158) granting a pension to Hugh W. Garber; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 16159) granting an increase of pension to Mary Jane Thornbury; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 16160) granting a pension to James Prosek; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 16161) granting an increase of pension to David Rine; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 16162) granting an increase of pension to Minerva J. Gardner; to the Committee on Invalid Pensions.

By Mr. OLNEY: A bill (H. R. 16163) granting a pension to Lois F. Godwin; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 16164) granting a pension to Malissa Ann Lett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16165) to correct the military record of Benjamin Jadwin; to the Committee on Military Affairs.

By Mr. ROWE: A bill (H. R. 16166) granting a pension to Anna L. Lomelino; to the Committee on Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 16167) granting an increase of pension to John M. James; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 16168) granting a pension to Mrs. Ann E. Sterling; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 16169) for the relief of the widow and heirs at law of George H. White, deceased; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 16170) granting a pension to Sallie F. Oates; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petition of Mrs. Kate E. Mayer and others, of Leavenworth, Kans., against compulsory Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Katie E. Mayer and others, of Leavenworth, Kans., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: Petition of Rothert & Co., Leopold & Bigley, S. J. Lambour, S. Dembert, L. C. Lambour, Ammon M. Lauver, R. B. Replogle & Bro., John H. Luckett, and H. C. Stultz & Bro., all of Altoona, Pa., favoring the passage of an act placing a tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of D. M. Bare & Co., J. B. Miller, J. P. Martin, S. H. & W. J. Garber, George W. Snyder, I. G. Kagarise, the Snively Grocery, B. Dughi, R. A. Lambert, and Carper Bros., all of Roaring Spring, Pa., for a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of the Columbus (Ohio) Chamber of Commerce, favoring passage of Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLING: Petition of the Aero Club of America, relative to aeronautical needs of the Army; to the Committee on Military Affairs.

By Mr. FOCHT: Evidence in support of House bill 13403, for relief of Arthur V. B. Souders; to the Committee on Invalid Pensions.

By Mr. HEATON: Petitions of sundry citizens and organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 21 citizens of Wade, Pa., against House bill 652, compulsory Sunday-observance law; to the Committee on the District of Columbia.

By Mr. HILL: Memorial of Stamford Lodge, No. 899, Benevolent and Protective Order of Elks, of Stamford, Conn., in favor of House bill 6915, to retire superannuated postal employees; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of the State of Washington, against Sunday-observance bill in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LAFEAN: Memorial of Colonial Dames of America, favoring national defense; to the Committee on Military Affairs.

By Mr. MEEKER: Memorial of Colonial Dames of America, favoring national defense; to the Committee on Military Affairs.

By Mr. NOLAN: Petition of National Association of Civil Service Employees, favoring Nolan minimum-wage bill, House bill 11876; to the Committee on Labor.

By Mr. NORTON: Memorial of New England Business Men's Association and Mott (N. Dak.) Commercial Club, against a proposed strike by the Brotherhoods of Railway Engineers, Firemen, Conductors, and others; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL: Memorial of Epworth League, First Methodist Episcopal Church, Alhambra, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of National Automobile Chamber of Commerce, relative to collection of data regarding production of petroleum, etc.; to the Committee on Mines and Mining.

By Mr. SCULLY: Memorial of citizens of Metuchen, N. J., favoring amendment relative to polygamy; to the Committee on the Judiciary.

Also, petition of National Automobile Chamber of Commerce, relative to collection of reliable data in regard to petroleum, etc.; to the Committee on Mines and Mining.

By Mr. TIMBERLAKE: Memorial of Fort Collins (Colo.) Commercial Club, favoring readjustment of postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of 18 citizens of Fort Collins, Colo., against war with Europe; to the Committee on Foreign Affairs.

Also, memorial of Denver Trade and Labor Assembly, favoring woman-suffrage amendment; to the Committee on the Judiciary.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting draft of proposed amendment to section 176, extending the resolution of March 9, 1916, authorizing the Committee on the Census to employ an additional clerk.

The motion was agreed to.

Mr. LEA of Tennessee. I move the following substitute as an amendment, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The question is on the substitute proposed by the Senator from Tennessee.

The substitute amendment was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ an additional clerk, at the rate of $100 per month, to be paid out of the contingent fund of the Senate for a period lasting until the end of the present session of the Sixty-fourth Congress.

ADDRESS BY SECRETARY M'ADOO.

Mr. TAGGART. Mr. President, I have in my hand a copy of a speech delivered by Secretary McAdoo before the Chamber of Commerce of Raleigh, N. C., Wednesday night, May 31. Instead of reading it, I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The speech referred to is as follows:

"The United States is enjoying the greatest era of prosperity in its history, and the outlook for the future of the country was never so bright. Unlike all previous periods of great business activity, the present ascendancy in all lines of industrial endeavor possesses all the elements of permanence, provided we avail of the opportunities which are being literally thrust into our hands, with that intelligence, energy, and enterprise so characteristic of the spirit of the American people.

"Prosperity has permeated every corner of the country. Every line of business is pulsating with it. Every industry is driving at top speed of profitable activity. Labor is employed throughout the land at the highest wages ever known, and the demand for labor in all parts of the country seems to be in excess of the supply. Never in American history have conditions been so favorable to American business and American industry. We have not alone the full dinner pail, but the overflowing dinner pail.

"Agriculture, which is the basis of all prosperity, is experiencing a most wholesome growth. The farmers of the United States never in their history have enjoyed such splendid rewards for their toil, and never before have the economic conditions and the laws already enacted by a Democratic administration so justly favored them. The rural-credits bill, which will soon be passed and approved by the President, will emancipate the farmer from many of the most serious ills he has so long endured and provide the long-time credits, at low rates of interest, so essential to the remunerative and productive development of the farming industry.

"Money and credit are abundant; the ghost of panic has been securely laid. In the midst of a war-torn and war-worn world, with adversity crumbling the economic foundation of almost every other great power, the financial, commercial, and industrial conditions in the United States are phenomenally sound and exceptionally strong. This is due not to transitory war orders or ephemeral trade, but to the amazing economic strength of the United States.

"The Federal reserve act, which is now generally conceded to be the most constructive measure placed upon our statute books in a half century, is the greatest contributing factor in this happy condition. The Federal Reserve System has been in operation less than two years, during which time the Nation has passed through the greatest crisis and strain the world has ever seen. We have successfully withstood the shock of the European cataclysm, and have rebounded into the most unexampled prosperity any nation has ever known. The Federal Reserve System has provided the elastic and responsive credit resources required for the expansion and growth of the business and the development of our country.

"The straight-jacket in which the business and industry of the United States have been cramped and limited by the old financial laws of the Republican Party has been shattered and the country may grow without restriction to the full limit of healthful and legitimate expansion. Not only has the reserve system provided ample credit resources and strengthened the financial structure of the country immeasurably, but it has caused a more equitable diffusion of credits, has reduced rates of interest, and has mitigated already, and in great measure, the abuses of usury in those parts of the country where usury has been a serious handicap to business and enterprise. What this means to the business men and all classes of our people is too obvious to describe.

SENATE.

THURSDAY, *June 1, 1916.*

(*Legislative day of Wednesday, May 31, 1916.*)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

PUBLIC BUILDING AT TAYLOR, TEX.

Mr. CULBERSON. I ask leave, out of order, to submit a report from the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5447) providing for the erection of a public building at Taylor, Tex., reported it with amendments.

TREATMENT OF TUBERCULOSIS (S. DOC. NO. 453).

Mr. FLETCHER, from the Committee on Printing, to which was referred Senate resolution 206, submitted by Mr. OVERMAN on the 20th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from North Carolina [Mr. OVERMAN], entitled "Animal Experiments Upon the Acquirement of Active Immunity by Treatment with Von Ruck's Vaccine Against Tuberculosis," by Frank J. Clemenger, M. D., Asheville, N. C., and Dr. F. C. Martley, A. M., M. D., Cambridge, England, be printed as a Senate document.

LOUISVILLE & NASHVILLE RAILROAD CO. (S. DOC. NO. 461).

Mr. FLETCHER, from the Committee on Printing, to which was referred Senate resolution 207, submitted by Mr. LEA of Tennessee on the 31st ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Tennessee [Mr. LEA] entitled "Hearings Before Interstate Commerce Commission Relative to Financial Relations, Rates, and Practices of the Louisville & Nashville Railroad Co., the Nashville, Chattanooga & St. Louis Railway, and other carriers," be printed as a Senate document.

MILITARY TRAINING IN PUBLIC SCHOOLS (S. DOC. NO. 452).

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 208), and it was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from Washington [Mr. POINDEXTER] on May 17, 1916, entitled "Outline of Plan for Military Training in Public Schools of the United States," prepared by the War College Division, General Staff Corps, War Department, together with the Wyoming plan of military training, be printed as a Senate document.

COMMITTEE ON PUBLIC HEALTH AND NATIONAL QUARANTINE.

Mr. LEA of Tennessee. I ask unanimous consent for the present consideration of Senate resolution 114, authorizing the Committee on Public Health and National Quarantine to hold hearings.

Mr. CHAMBERLAIN. If it does not lead to discussion, I shall not object.

Mr. LEA of Tennessee. It is merely a formal resolution to allow the committee to hold hearings.

There being no objection, the resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Public Health and National Quarantine, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

COMMITTEE ON THE CENSUS.

Mr. LEA of Tennessee. I ask unanimous consent for the consideration of Senate resolution 176, to permit the Committee on the Census to employ an additional clerk.

The Senate, by unanimous consent, proceeded to consider the resolution, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment, in line 4, after the word "period," to strike out the words "of 90 days from and after May 10, 1916," and insert "lasting until the end of the present session of the Sixty-fourth Congress," so as to make the resolution read:

Resolved, That the provisions of the resolution of the Senate of March 9, 1916, authorizing the Committee of the Census to employ an additional clerk for 60 days, are hereby extended for a period lasting until the end of the present session of the Sixty-fourth Congress.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. LEA of Tennessee subsequently said: I move to reconsider the vote by which the Senate agreed to Senate resolution 176, extending the resolution of March 9, 1916, authorizing the Committee on the Census to employ an additional clerk.

The motion was agreed to.

Mr. LEA of Tennessee. I move the following substitute as an amendment, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The question is on the substitute proposed by the Senator from Tennessee.

The substitute amendment was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ an additional clerk, at the rate of $100 per month, to be paid out of the contingent fund of the Senate for a period lasting until the end of the present session of the Sixty-fourth Congress.

ADDRESS BY SECRETARY M'ADOO.

Mr. TAGGART. Mr. President, I have in my hand a copy of a speech delivered by Secretary McAdoo before the Chamber of Commerce of Raleigh, N. C., Wednesday night, May 31. Instead of reading it, I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The speech referred to is as follows:

"The United States is enjoying the greatest era of prosperity in its history, and the outlook for the future of the country was never so bright. Unlike all previous periods of great business activity, the present ascendancy in all lines of industrial endeavor possesses all the elements of permanence, provided we avail of the opportunities which are being literally thrust into our hands, with that intelligence, energy, and enterprise so characteristic of the spirit of the American people.

"Prosperity has permeated every corner of the country. Every line of business is pulsating with it. Every industry is driving at top speed of profitable activity. Labor is employed throughout the land at the highest wages ever known, and the demand for labor in all parts of the country seems to be in excess of the supply. Never in American history have conditions been so favorable to American business and American industry. We have not alone the full dinner pail, but the overflowing dinner pail.

"Agriculture, which is the basis of all prosperity, is experiencing a most wholesome growth. The farmers of the United States never in their history have enjoyed such splendid rewards for their toil, and never before have the economic conditions and the laws already enacted by a Democratic administration so justly favored them. The rural-credits bill, which will soon be passed and approved by the President, will emancipate the farmer from many of the most serious ills he has so long endured and provide the long-time credits, at low rates of interest, so essential to the remunerative and productive development of the farming industry.

"Money and credit are abundant; the ghost of panic has been securely laid. In the midst of a war-torn and war-worn world, with adversity crumbling the economic foundation of almost every other great power, the financial, commercial, and industrial conditions in the United States are phenomenally sound and exceptionally strong. This is due not to transitory war orders or ephemeral trade, but to the amazing economic strength of the United States.

"The Federal reserve act, which is now generally conceded to be the most constructive measure placed upon our statute books in a half century, is the greatest contributing factor in this happy condition. The Federal Reserve System has been in operation less than two years, during which time the Nation has passed through the greatest crisis and strain the world has ever seen. We have successfully withstood the shock of the European cataclysm, and have rebounded into the most unexampled prosperity any nation has ever known. The Federal Reserve System has provided the elastic and responsive credit resources required for the expansion and growth of the business and the development of our country.

"The straight-jacket in which the business and industry of the United States have been cramped and limited by the old financial laws of the Republican Party has been shattered and the country may grow without restriction to the full limit of healthful and legitimate expansion. Not only has the reserve system provided ample credit resources and strengthened the financial structure of the country immeasurably, but it has caused a more equitable diffusion of credits, has reduced rates of interest, and has mitigated already, and in great measure, the abuses of usury in those parts of the country where usury has been a serious handicap to business and enterprise. What this means to the business men and all classes of our people is too obvious to describe.

"It is a significant fact, and it is an achievement of which the administration may well boast, that when the country was on the verge of appalling panic at the outbreak of the European war in 1914, it was the decisive and adequate measures taken by the Government at Washington that prevented this panic and laid a secure foundation for the great prosperity we are now enjoying. It was the leadership and action of the Government at Washington that saved the country in this great crisis. This is said in no spirit of depreciation of the important cooperation the leading bankers and business men of the country gave to the Government in that critical time.

"What a contrast this is to the ineffectiveness of the Republican administration at Washington during the panic of 1907, which left the country prostrate for many years and brought immeasurable disaster upon the American people.

"Nothing is more indicative of the amazing growth of the country than the condition of the banks. The Comptroller of the Currency states that in March, 1916, the resources of the national banks amounted to $13,838,000,000, exceeding by $370,000,000 the greatest resources ever shown in the history of the national banking system. The resources of the national banks were $2,271,000,000 greater in March, 1916, than in March, 1915.

"This marvelous increase in one year exceeds, the comptroller states, the entire resources of the Reichsbank of Germany, as reported in February, 1916.

"The aggregate resources of the national banks of the United States now exceed by approximately $3,000,000,000 the combined resources of the Bank of England, the Bank of France, and the Bank of Russia, the Reichsbank of Germany, the Bank of the Netherlands, the Swiss National Bank, and the Bank of Japan. The total deposits of the National banks in March, 1916, amounted to $10,790,000,000, an increase in three months of $411,000,000 and an increase over March, 1915 (one year), of $2,498,000,000.

"These figures are so prodigious as to be almost unbelievable. They reflect infallibly the degree of prosperity as wide and deep as it is amazing and gratifying. One can not speak of this record without superlatives. Even the infallible and sanctified Republican Party could not have done better. Perhaps it is heresy to say this, but may the Democrats not reasonably claim that since the Republican Party has never done anything like so well for the country when for many years it had control of the Government it would not have done better than the Democratic Party has shown by these impressive figures and by the results which are visible to every man, woman, and child in America to-day? Has the Republican Party ever done even as well?

"Judge Gary, head of the United States Steel Trust and a leading Republican statesman, in a recent speech in New York had bewailed the fact that the high protective tariff, which is the sanctified doctrine and cure-all remedy of the Republican Party, has not been in force at this time, and he almost weeps as he appeals to the country to restore this Republican system of subsidies, conferring upon the great manufacturers of this country the right to tax the people for their own benefit. If this is a sample of Republican statesmanship, then it may well be asked whether or not the Republican Party could have handled the affairs of the country so well as the Democratic Party has during the past three years.

"In the face of the greatest prosperity ever known in the history of the iron and steel industry—the prosperity brought about under the Democratic tariff law enacted in 1913, and with the coffers of every iron and steel industry in the country overflowing with plenty, Judge Gary seriously asks the people of this country to restore the high protective policy and subsidy system of the Republican Party. What is there in the present conditions to justify such an appeal? How can the people be convinced that the iron and steel industry should be given new advantages and additional subsidies in the light of the huge profits they are now earning?

"The present tariff law—the Underwood-Simmons Act—made a reasonable reduction in the customs duties, transferring a part of the burdens of taxation from the backs of the masses of the people to the ample shoulders of wealth, which has never under the Republican system borne its just proportion of the burdens of government. The Democratic system is the just system. The Republican system is the privilege system. The people will not repudiate the former and deliberately readopt the latter in view of the demonstrated fallacy of the claim of protected industries that they need to tax the people for their own benefit in order to make a profit. Every reasonable man wants industry to thrive and prosper, and every reasonable American citizen is willing that enterprise shall have a just and fair opportunity, but while conceding this to enterprise and business, democracy claims that like treatment should be accorded to the masses of the American people.

"The prosperity of the country is strikingly reflected in the surplus reserves of the national banks. These reserves are now so great that they give the national banks a further loaning power of three to four billion dollars. If we add to this the loaning power of the State banks and trust companies of the country, we have an aggregate approximating the astounding total of $6,000,000,000.

"These great resources carry with them both opportunity and responsibility—opportunity to serve the Nation's needs in the highest degree and to extend assistance to our splendid neighbors of South and Central America, who are suffering severely for the resources needed for their own development; responsibility to so use these resources that they will be employed in legitimate and wholesome enterprise and development, and not for speculation or inflation.

"The duty devolves upon the bankers of the United States, because the responsibility rests primarily upon them to curb speculation and to restrain inflationary tendencies. The Federal Reserve Board, at Washington, will use its great power to assist in the wholesome use of the great credit resources of the country and to prevent unhealthful tendencies; but the banks themselves have the chief power and responsibility; the Federal Reserve Board can only contribute toward this result to the extent that the law gives it the necessary authority.

"When I speak this word of caution about speculation and inflation I must at the same time express my lack of sympathy with the views so strenuously put forward, and I think for selfish motives primarily, by some people and by many partisans for political purposes, that the United States must face a period of serious depression, if not possible disaster, upon the conclusion of peace in Europe. Some people are undoubtedly honestly impressed by these claims and are genuinely apprehensive about the future. Aside from the partisan purpose of this propaganda, unreasonable fear alone seems to me to be at the basis of all honest apprehension on this score.

"An analysis of the conditions in the United States and of the possible economic effects of the war in Europe does not, in my opinion, give the slightest justification for any fear for our prosperity. A Democratic Congress, however, out of deference to any honest apprehension that may exist in the minds of business men, will enact legislation against the dumping of cheap European goods in our markets, and will prohibit by law unfair competition by foreign competitors with American business men and manufacturers. While I do not believe these measures are essential, I favor them simply as a precaution and as an assurance to the timid and hesitating.

"When I contrast the enormous financial and economic strength of the United States, and the extraordinary skill and creative genius of its people, with the depleted resources and the weakened economic power of the great European nations, and the destruction of so much of their skilled labor and manhood, I feel somewhat ashamed of the fright and timidity manifested by some people of the United States whom we have been accustomed to regard as really strong.

"When peace is restored to Europe the belligerent nations will find themselves burdened with an almost insupportable load of debt. Taxation, both oppressive and excessive, must be borne to pay the interest on these debts. Taxation is an important factor in the cost of production and adds materially and will seriously affect the competitive capacity of Germany, France, England, and the other industrial nations of Europe. Many of their skilled workmen have been lost and new ones must be created; many of their industries have been destroyed and must be reconstructed. Their credit resources are seriously impaired. Other serious difficulties must be overcome if they are to regain their foreign markets. Against these formidable handicaps and terrible conditions is it believable that the American people, with their highly developed industries and skilled labor, matchless resources, exceptional creative genius and productive capacity, are unable to sustain themselves in a fair contest for their share of the world's markets? Can it truthfully be said that our economic safety and prosperity will have to face any real peril? It is almost discreditable to our intelligence to have to argue such a proposition.

"There are those who say that the loss of war orders after peace comes in Europe will seriously affect the industries of our country. This is absurd. The percentage of war orders, as contrasted with the entire domestic and foreign commerce of the United States, is insignificant. When war orders cease—and God grant that the necessity for them may cease soon—we shall receive orders, even from Europe, for the restorative pur-

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

By Mr. CHAMBERLAIN: A bill (H. R. 16167) granting a pension to Mary Ann Ferguson; to the Committee on Pensions.

By Mr. SCHALL: A bill (H. R. 16168) granting a pension to Mrs. Ann E. Sterling; to the Committee on Invalid Pensions.

Also, memorial of Denver Trade and Labor Assembly, favoring woman-suffrage amendment; to the Committee on the Judiciary.

sider the vote by which the Senate agreed to Senate resolution

too obvious to describe.

poses of peace, for the reconstruction of ruined industries and cities, and for the relief of the stricken markets of Germany and Austria, which have been closed to us for the full period of the war. Our trade to Austria and Germany alone for the last year prior to the outbreak of the war amounted to $367,500,000. All this trade will be regained, and in addition to that, if we are in the least intelligent and enterprising, the great markets of South and Central America, which have been clamorously seeking us for the past two years, will more than offset any possible loss of war trade. The total imports of South America alone, exclusive of those received from the United States during the last year of available statistics prior to the outbreak of the European war, were something like $700,000,000.

"Here is a great field for American enterprise and business; a field which we would already have securely occupied if it had not been for the disastrous action of the Republican Members of the Senate, aided, I regret to say, by a few Democrats, in filibustering to death the bill introduced by the administration in September, 1914, for the purchase of $40,000,000 of merchant ships to be used by the Government of the United States for the protection of our commerce with all the nations of the world. The failure to buy these ships was a fatal and irretrievable mistake. It is a striking example of narrow partisanism. If we had bought in the fall of 1914 or the early days of 1915 $40,000,000 worth of merchant vessels, which could have been had at that time at the low prices of from $40 to $60 per gross ton, those same vessels to-day could be sold by the Government for at least $80,000,000. In one year these same vessels could have earned fifty to one hundred million dollars of net revenue, while at the same time carrying American products for the farmer, the manufacturer, and the business man at one-third of the existing extortionate ocean freight rates.

"When the historian of the future studies this period he will say that the failure of the United States Government in the fall of 1914 to buy merchant vessels for the protection of American commerce was one of the monumental and inexplicable blunders of the time.

"The necessity for the creation of an American merchant marine, for the regulation of ocean freight rates, and for the establishment of a shipping board is just as imperative now as it was then. A Democratic House has passed such a bill, carrying with it an appropriation of $50,000,000 for the construction and purchase by the Government of a merchant marine to be utilized both as an essential naval auxiliary in time of war and for the uses of our commerce in time of peace. If we are going to have any genuine preparedness, about which there is so much talk on the part of our Republican friends, how can they be justified in voting against this measure, which is just as essential to a strong and effective navy as the guns on the decks of the battleships or the coal which must be put in the bunkers of our war vessels? And yet most of them have voted against this essential measure.

"I believe this bill will soon pass the Senate of the United States and receive the approval of the President. When this happens another great constructive measure for the prosperity and prestige of our great country, second only in importance to that of the Federal reserve act itself, will have been secured for the American people. The Stars and Stripes will again be seen upon the high seas. The safety of our commerce will no longer be jeopardized by reliance upon foreign flags. The lives of American citizens who must travel upon the high seas will no longer be endangered upon the ships of belligerent flags because there are no American ships to protect them; and the efficiency of our Navy will no longer be imperiled for want of the necessary naval auxiliary to supply our fighting units with the coal and provisions and ammunition which can not be supplied to them in case of war except through an efficient auxiliary merchant marine.

"The flag of our country, whether we wish it or not, has a meaning beyond our own territorial limits. By the decree of God and by destiny we have been thrust into a position of power, carrying with it world-wide responsibilities and forcing upon us in all probability a measure at least of world-wide dominance. That flag must never stand for a failure to meet any domestic or world-wide responsibility; that flag must forever continue to represent the true spirit and courage and genius and ideals of the American people, and above all, it must stand for truth and justice and fair dealing with all the world. It must stand for peace—peace which reflects the heaven-given light of truth and justice; a peace we shall never be willing to disturb except in a cause whose shield is truth and honor, emblazoned by a light of such radiance and purity that every American citizen will be eager for the glorious privilege of shedding his blood in defense of it."

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

Mr. NORRIS. Mr. President, I rise for the purpose of making some remarks on the pending bill. I will yield, however, if there is any other Senator who wishes to present routine business.

The VICE PRESIDENT. The morning business has closed.

Mr. NORRIS. Mr. President, the real contention in this bill is whether or not the Senate will pass the bill substantially as it passed the House, or whether it will approve the amendments proposed by the Committee on Public Lands. The effect of those amendments, if agreed to, will be to liberalize the bill, as far as any payments are concerned to the State of Oregon.

Yesterday the senior Senator from Oregon [Mr. CHAMBERLAIN], at considerable length, reviewed the situation, and I have no intention of repeating the history surrounding this proposed legislation. I think the Senator from Oregon stated it very fairly, and, although at the time, because I wanted the bill to go over until to-day in order that I might examine into it somewhat, a request that I made not only on my own behalf but for several other Senators, he was impressed with the idea that I was opposed to the legislation. I want to say, Mr. President, that, like the Senator from Oregon, there are some things in the bill, even as it passed the House, that I would like to have changed if I thought under the decision of the Supreme Court we could enact legislation along those lines that to my mind would give justice to all persons interested. But we are hedged about somewhat by the legal situation and by the construction placed upon the original act by the Supreme Court of the United States. It is conceded, as far as I know, by every person who has given the question any examination that the railroad company in this case failed to comply with the spirit and the letter of the law as passed by Congress by which the Government gave quite a number of years ago to this railroad company several million acres of public land in the State of Oregon.

I wish simply to note in passing that the district court, in the case on behalf of the Government seeking to have a forfeiture declared in regard to these lands, agreed with the position taken by the Attorney General, and rendered a decree forfeiting the lands to the United States because the railroad company had failed to comply with the law, and the circuit court of appeals affirmed this decision, but the Supreme Court of the United States reversed it, and this legislation has been necessary because of that reversal.

I can not help but notice, too, that notwithstanding the failure of the railroad company to comply with the law has caused all the difficulty and trouble, the immense amount of loss in a financial way to the Government of the United States, to the State of Oregon, and to a great many citizens of the State of Oregon; but in order to stay within the limits prescribed by the Supreme Court the bill as it passed the House, notwithstanding this fact, gives to the railroad company the payment of $2.50 an acre for all the land involved. I presume that is necessary on account of the legal situation in which we find ourselves.

So I am just as much in favor of legislating on this subject and bringing the delayed and needed settlement to a final determination as is the Senator from Oregon. The only difference between us is as to just how the State of Oregon should be treated in the legislation. It is perhaps natural and perhaps laudable that the Senators representing the State of Oregon should desire to obtain just as liberal treatment as possible; and yet it seems to me that the Senate of the United States, representing the Federal Government, and being as such representative in part the custodian of the public funds and the public land, ought not to go further than justice and liberal treatment would demand.

When this bill is enacted into law there will be several million acres of land now claimed by the railroad company that will become public land of the United States. The bill as passed by the House, after providing for the payment of all the expenses and the taxes that are unpaid on this land, all the taxes

going to the proper authorities in the various counties in the State of Oregon, divides up the remainder as follows: It gives 20 per cent of the remainder to the State of Oregon for school purposes. It gives 30 per cent to the counties in which the land is situated for roads and bridges. That makes 50 per cent of the net proceeds. But we must remember that even out of the gross proceeds, before this division is made, the State of Oregon gets $1,565,458 for taxes now standing against the land and unpaid.

Then, after that 50 per cent of the proceeds has been given, either directly to the State or to the counties in the State, 40 per cent is paid into the reclamation fund. It must be borne in mind in this connection that Oregon shares with the balance of the country in whatever benefits may be derived from the increasing in this way of the reclamation fund.

Mr. CLARK of Wyoming. Is the bill as passed by the House that the Senator is speaking of?

Mr. NORRIS. It is that bill that I am speaking of. That accounts for 90 per cent of the proceeds of these sales. The other 10 per cent is given to the United States. This other 10 per cent will not much more, if any more, than pay the expenses, directly and indirectly, to which the United States has been put on account of the difficulties of the situation. There have been several suits, and there perhaps will be several more that it will be necessary for the United States Government to prosecute. Special agents have been sent by the department, and they have made a careful investigation of the land and of all the other conditions surrounding it.

It seems to me, Mr. President, that this distribution of the fund is extremely liberal to the State of Oregon. Ordinarily the State would have no such claim. The public lands, or the proceeds from the sale of the public lands, are not divided up ordinarily under the general law in that way. So, Oregon is getting 50 per cent directly, and her interest in the reclamation fund of 40 per cent more, besides being paid, before any of these per cents are reckoned, a little over a million and a half dollars for taxes.

Mr. CLARK of Wyoming. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. CLARK of Wyoming. Has the Senator made any estimate as to the value of this land and the amount that will go to the State in bulk?

Mr. NORRIS. Yes; I am coming to that.

Mr. President, what claim can the State of Oregon have that would exceed that treatment? Under what possible construction of all the circumstances in the case could Oregon demand a more liberal treatment? No public land anywhere that I am aware of has been disposed of where the State has been treated as liberally as the House treated Oregon in this particular instance.

I can conceive of but one claim, and that is not a legal one. I can conceive of but one circumstance that would give to Oregon even any equitable right to claim any of this money, and that is that these lands that have been taxed by the State of Oregon, while they were claimed to be owned by this railroad company, will not be taxable after this bill becomes a law, because the lands become public lands again and will not be taxable until the lands are disposed of as provided for in the bill.

I can see how there will necessarily be on at least a portion of the land several years perhaps before the State would be able to tax some of the land. As soon as the bill becomes a law the provisions of it will be effective and the land will be disposed of, and as fast as disposed of it will be again taxable; but for all the years that Oregon has been taxing these lands the amount of tax will be nowhere near the amount of money that she would get under the terms of the bill as passed by the House.

Now, what do the amendments proposed by the committee do? There are one or two amendments having nothing to do with the amount of money that will be disposed of, and I am not speaking of those. I am speaking now of the Senate committee amendment which provides for a different distribution than the one I have outlined as being provided by the House. If the Senate committee amendments are agreed to on that subject, this will be the disposition of the fund.

Ten per cent will go to the United States Government. That is just the same as goes to the United States Government under the bill as passed by the House. Ten per cent will go to the reclamation fund, whereas the House bill gives 40 per cent to the reclamation fund. The Senate committee amendment, giving only 10 per cent to the reclamation fund, provides further that all of that 10 per cent must be spent in the State of Oregon. So that 10 per cent in reality goes to Oregon.

Then it provides that in counties having port districts 30 per cent shall go to those counties for the purpose of building roads and bridges and 20 per cent directly to the port districts in such counties; that in counties having no port districts 35 per cent shall be given for roads and bridges; and the balance of the fund shall be paid to the State of Oregon for school purposes.

Eliminating the 10 per cent that goes to the reclamation fund, the State of Oregon gets 80 per cent of the money, but inasmuch as the amendment provides that the 10 per cent which goes to the reclamation fund must be spent in Oregon, it follows that 90 per cent of the proceeds of these lands goes to the State of Oregon and 10 per cent to the United States. I say the State of Oregon, but perhaps I ought to modify that. It goes either to the State or to the counties in which the land is located and where the port districts are situated.

I want to say just a word about these port districts. It is said that these port districts have bonded themselves for the purpose of improving harbors within the port districts, and that therefore, they are sadly in need of assistance because some of this land will not be taxable while it remains Government land.

In the first place, when this bill is passed we shall pay one million and a little over five hundred thousand dollars in taxes, most of which will go into these counties. In the second place, under the House bill, 30 per cent of the entire amount will be paid to those counties for roads and bridges. That certainly will relieve from taxation those counties to the extent of the money that is paid there from this fund.

I might digress here to remark that in reading the record of the proceedings when this bill was under consideration in the other House, one of the members of the Committee on the Public Lands, in referring to these port districts, offered, if the Representatives from Oregon preferred it, to have this 30 per cent paid directly to the port districts instead of to the counties. They did not avail themselves of that offer. So far as I am concerned here, if the Senator from Oregon [Mr. CHAMBERLAIN] would say that he preferred under the provision of the House bill that this 30 per cent which it is provided shall go to the counties for bridges, should be paid to the counties or to the port districts, I should have no objection to that kind of an amendment, and I do not believe any other Senator would.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. NORRIS. Yes.

Mr. CHAMBERLAIN. On what page of the hearings is found the statement to which the Senator has referred?

Mr. NORRIS. That statement was made on the floor of the House of Representatives. I can give the Senator the page of the RECORD on which it appears.

Mr. CHAMBERLAIN. Then, I shall be glad to have the Senator refer to the page of the RECORD.

Mr. NORRIS. It is on page 8599 of the CONGRESSIONAL RECORD of May 24, 1916, in the right-hand column, near the top of the page.

Mr. SUTHERLAND. Mr. President, may I interrupt the Senator from Nebraska?

Mr. NORRIS. I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, unfortunately I was detained from the Senate yesterday while this bill was under consideration, but the analysis of its provisions in so far as the disposition of the fund arising from the sale of these lands is concerned to my mind is perfectly astounding. Does the Senator from Nebraska mean to say that this bill in substance donates to the State of Oregon 90 per cent of the proceeds of the sales of these lands?

Mr. NORRIS. It would do so if the Senate amendments are agreed to, with the exception, the Senator from Utah must remember, that of that 90 per cent 10 per cent goes to the reclamation fund, which, however, an amendment provides must be spent in Oregon.

Mr. SUTHERLAND. But it is equivalent to the complete donation to the State of Oregon of 90 per cent of these valuable public lands.

Mr. NORRIS. I think so. I call it a "donation." Of course the Senator from Oregon does not call it a donation; but that is what the bill provides.

Mr. CHAMBERLAIN. Mr. President——

Mr. NORRIS. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Let me say to the Senator from Utah that, based on the analysis of the matter as made by the Senator from Nebraska [Mr. NORRIS], it does look large; but I have not interrupted the Senator from Nebraska to correct the statement he has made. I shall be able to show, however, to the Senate that the United States has already received very large sums, and that under the House provision the Government of the United States, while on the face of the bill is advancing the taxes, yet an analysis of the bill will show that the Government of the United States does not pay the taxes at all.

Mr. NORRIS. Perhaps I had better review the bill just a little. The bill provides that this land shall be sold, and it provides how it shall be sold. That is in the House bill, and there is no amendment to it and no controversy over it. The bill divides the land up into classes and provides that out of the proceeds, after paying the expenses, consisting in part of $2.50 an acre for the land, which must be paid to the railroad company from whom the land is taken, the United States then pays the taxes that are now unpaid on the land which the railroad company has not paid.

Mr. SUTHERLAND. Let me understand, as the Senator from Nebraska proceeds. Out of the funds arising from the sale of the land the railroad companies are first to be paid $2.50 per acre?

Mr. NORRIS. Yes.

Mr. SUTHERLAND. Then, how is the remainder of the fund to be disposed of?

Mr. NORRIS. Then the taxes are paid; and I think that accounts for about all the expense there is. Then the balance is divided up, as I have stated.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, what better use does the Senator from Utah think could be made of this money than to donate it to the uses which are specified in this bill within the State where the land is situated. If we should put the money into the National Treasury, we would appropriate it for some other ports, or for an inaugural ball, or soldiers, or something of that kind. This is all proposed to be donated to purposes which will have to do with the welfare of the people of the State of Oregon. It is directed in its application in such a way that it must necessarily inure to the public welfare and to the public benefit within that State.

These lands are situated within the State of Oregon; they are, according to my contention, a part of the natural resources of the State of Oregon, which ought to be applied to the upbuilding of the State of Oregon. It seems to me that we could not make any better use of the money than to direct its use so that it will really reach the people. If it gets into the National Treasury, there is a grave doubt whether or not it ever will reach the people at all in any way which will be of benefit. As I have observed, the appropriations for the last few weeks, I conclude that our capacity to waste is only limited by our capacity to find the money with which to carry on the waste. I think this money is so appropriated that it will help the people of Oregon, and I am willing for them to have it, since it is derived from lands intended in the original grant for the benefit of Oregon.

Mr. NORRIS. Well, Mr. President, I have no doubt that if this money were given to the State of Oregon for the purpose of building roads and bridges it would be used for that purpose and would do the people lots of good. If, however, the argument of the Senator from Oregon is good, then we must repeal all our land laws, and we must begin with the repeal of the reclamation act, because the House bill provides that 10 per cent of this money only goes into the Public Treasury; 40 per cent of it goes into the reclamation fund, and under a general statute creating the reclamation fund and the Reclamation Bureau all the proceeds of the sales of public lands in the United States, with some little exceptions, are declared by law to be sacred funds for the purpose of keeping up the reclamation fund. That is where this money ought to go. It will be the proceeds of the sales of public lands; and under the general statute, if no other provision were made for it, that is where it would go.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. NORRIS. I shall yield in just a moment.

Mr. President, if this controversy had never arisen and this land were now put on the market and sold to actual settlers, as the law provided that the railroad company should sell it, the proceeds, under the general statute, would go into the reclamation fund. That is the principal difference between the House bill and the Senate amendments. The Senate amendments give practically all the money to the State of Oregon, while the House bill gives 50 per cent of it to Oregon and puts 10 per cent of the 40 per cent into the reclamation fund.

Mr. BORAH. I desire to say that if the National Government would release to the settlers, under such laws as the settlers could make settlement and live, the other lands which have been tied up for an indefinite period in the State of Oregon, the State of Oregon could well afford to turn all this money into the National Treasury in compensation for it; but there are counties in the State of Oregon, the same as there are in my State and in other States of the West, where they have been compelled to go down into their individual pockets to maintain their schools, to maintain their courts, and their other public institutions, because they have no property within those counties to tax. It is reserved and dedicated to eternal silence. For this reason it is absolutely necessary that the Western States have some method of raising money, and this is the only method it seems practicable under these conditions to work out to give them anything in compensation for this denial.

Mr. NORRIS. Mr. President, this is not a question of reserving these lands from settlement. The House bill itself provides—and there has been no attempt to amend that provision—that this land shall be disposed of, and it provides a method for its disposal.

Mr. BORAH. Exactly.

Mr. NORRIS. And that must be done. There is no way out of that, as I understand. We could not give this land away to settlers, unless the Government itself paid the lien which, under the decision of the Supreme Court, the railroad company has.

Mr. BORAH. I was speaking of the large acreages which have been and are withheld under forest reserves, so called.

Mr. NORRIS. That has not anything to do with this bill.

Mr. BORAH. It has this to do with it, that the withholding of those lands has prevented the development of a large area of country in the Western States, has prevented taxation, and has imposed upon the western people an extraordinary burden, and therefore there should be some compensation coming back to them, to enable them to take care of their bridges and their ports and their county expenses and their schools, and so forth, as this bill in the case of Oregon undertakes to do.

Mr. NORRIS. Mr. President, the House bill gives them 50 per cent for those purposes, and I do not believe the Senator can cite a single instance in the United States where the Congress, in the disposition of public lands, has been as liberal with the States where the land is located as the House bill is in this case to the State of Oregon.

Mr. SUTHERLAND. Mr. President——

Mr. NORRIS. I will yield first to the Senator from California, who wanted to interrupt me a while ago.

Mr. WORKS. Mr. President, I merely wanted to ask the Senator from Nebraska if he realized that a very large proportion of the reclamation fund, which he says is a sacred trust, is being used for the irrigation of private and not public lands?

Mr. NORRIS. I take it that under the law it is not illegal to use it for the irrigation of private land.

Mr. WORKS. I am not so sure about that, but does the Senator know that there are some of these projects which are devoted entirely to the irrigation of private lands?

Mr. NORRIS. I do not think that any of them are devoted entirely to the reclamation of private lands.

Mr. WORKS. In some instances there is not a foot of public land under the project.

Mr. NORRIS. That may be; but I know that in practically every project, at least every one of which I have personal knowledge, there is a large amount of land that is privately owned, and that will necessarily be so. We can not refuse to use the fund for the irrigation of private lands unless we confine the operation of the law entirely to localities where there are no private lands, which would be a practical impossibility; but the owners of the private land have to pay just the same as a man who takes up public lands under an irrigation project.

Mr. WORKS. Does the Senator think a project of this kind for the sole purpose of providing for the irrigation of private lands is legal?

Mr. NORRIS. Yes; but that question has not anything to do with this matter.

Mr. WORKS. It has a good deal to do with it, in view of the fact that the Senator is referring to the irrigation fund as "a sacred fund" in the remarks he is making to the Senate.

Mr. NORRIS. I do not think it has anything to do with it. The only possible thing that it can have to do with it, is that out of the proceeds of the sale of these public lands the House bill gives 40 per cent to the Reclamation Service, when, under the general law, 100 per cent would go there, less 5 per cent, I believe, for educational purposes, which goes to the State.

Mr. SUTHERLAND. Mr. President——

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. NORRIS. I yield first to the Senator from Utah.

Mr. SUTHERLAND. I simply want to say to the Senator that the position of the Senator from Idaho [Mr. BORAH] with reference to the disposition of public lands for the benefit of the States in which they are situated would have my hearty

concurrence if the observations were made with reference to a bill which proposed to treat all the public-land States alike; but I ask the Senator from Nebraska what justice there is in permitting Oregon to have 90 per cent of the proceeds of the sales of the public lands of that State for her especial benefit when no other public-land State is given the same privilege?

Mr. NORRIS. I see no justice in it whatever. I will say to the Senator.

Mr. CHAMBERLAIN. Mr. President——

Mr. SUTHERLAND. In other words, if the Senator will permit me to finish, my thought, the public lands in the State of Idaho are sold, and the proceeds are paid into a common fund for the benefit of all the arid-land States, while the proceeds of these public lands in Oregon are dedicated to the especial and sole benefit of the State of Oregon to the extent of 90 per cent.

Mr. CHAMBERLAIN. Mr. President——

Mr. NORRIS. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, on the statement of the Senator from Nebraska [Mr. NORRIS] there is much reason in the argument of the Senator from Utah [Mr. SUTHERLAND], but let me call attention to this fact: These lands occupy a different position from any public lands in the United States, as I undertook to show on yesterday. The United States gave them away once and then took them back, and received large sums of money before this bill was introduced, and is going to receive a large sum of money now.

Let me call attention to what I mean. The House bill provides that the United States shall pay the taxes. They have done that as a sort of an act of charity, because the suits have bankrupted the counties involved. It will be seen that, while the Government of the United States advances this $1,500,000, approximately, to pay the delinquent taxes yet when it comes to settle with the railroad company it deducts the taxes it has advanced and receives them back. That is one proposition.

Mr. NORRIS. Does the Senator see anything wrong in that?

Mr. CHAMBERLAIN. No; but the Senator is claiming that Oregon is getting the taxes.

Mr. NORRIS. Well, Oregon is getting them.

Mr. CHAMBERLAIN. I say that, while Oregon gets the taxes by direct appropriation out of the Government funds, the Government gets them back from the railroad company. The State does not get any benefit from them.

Mr. NORRIS. The State gets the taxes.

Mr. CHAMBERLAIN. The State would get the taxes anyhow.

Mr. NORRIS. What does the Government get out of that? Where does the Government make anything?

Mr. CHAMBERLAIN. It advances the taxes and collects them from the railroad company when it pays the company $2.50 an acre.

Mr. NORRIS. And the Government pays the amount so collected to the State or to the counties of the State.

Mr. CHAMBERLAIN. Let me call attention to another proposition. I want to show the Senator from Utah that the Government is not faring so badly. The Government of the United States has received $928,840.18 under the act passed by Congress in 1912, which authorized the Department of Justice to compromise with illegal purchasers at $2.50 per acre, so that the men who had bought in excess of 160 acres of land at a price in excess of $2.50 per acre got title from the Government of the United States on payment to the Government of $2.50 an acre. That realized to the Government $928,840.18, which it has already obtained. In addition to that, while this suit was pending, a receiver was appointed, and he sold lands to the extent of about $190,000, and the House bill appropriates that to the Government fund.

That is not all, Mr. President. I am trying to show, if the Senator will excuse me for a moment, that these lands occupy a different position from any public lands in the United States. When this grant was made, public land was selling at $1.25 an acre. Just as soon as the railroad company was permitted to charge the double minimum price of $2.50 an acre for the odd sections within the limits of the grant the Government of the United States raised the price of the even-numbered sections to the double minimum price and got $2.50 an acre for them.

Mr. NORRIS. Does the Senator object to that?

Mr. CHAMBERLAIN. I am not complaining; I am showing that by virtue of the terms of this grant the United States has already received more than it usually receives from the sale of public lands in any other State in the Union.

Mr. SUTHERLAND. Will the Senator from Nebraska permit me to ask the Senator from Oregon a question?

Mr. NORRIS. Yes.

Mr. SUTHERLAND. Let me ask the Senator from Oregon——

Mr. CHAMBERLAIN. Just one moment further. I want to show another amount the Government is going to get. Section 7 of the House bill, and of the Senate bill also, so far as that is concerned, authorizes an accounting between the Government of the United States and the railroad company for the excess price charged. For instance, the railroad company has received large sums from purchasers on illegal sales in excess of 160 acres to an individual, and for a price in excess of $2.50 per acre. The Government of the United States under the bill gets that excess payment.

Mr. SUTHERLAND. Mr. President, may I ask the Senator——

Mr. NORRIS. First, let me say something in regard to the question of excess payments which the Senator from Oregon has mentioned. It is still a question whether the Government will ever get anything because of the excess payments. In order that the Senator from Utah may get the clear right I will state that the law gives this land to the railroad company provided that the railroad company should sell it to actual settlers in amounts not exceeding 160 acres at a price not exceeding $2.50 an acre. As a matter of fact they sold the land in larger quantities than 160 acres, not to persons who were actual settlers on the land, but to timber companies, and got higher prices than $2.50 an acre. This bill provides that there shall be an accounting through the medium of litigation, which is provided for, to determine the excess amount for which the railroad company sold this land above $2.50 an acre, and the Government is to be given credit for that amount in computing the amount which the Government under this bill must pay to the railroad company at $2.50 an acre for the remaining land. So that the question will arise at once, and will undoubtedly go to the Supreme Court and finally be passed on—admitting those facts, and they are undisputed, that the railroad company did get sums in excess of $2.50 an acre for the land—whether the Government is entitled to that land or whether the people who purchased the land are entitled to that surplus. It is a question that will yet have to be determined—whether the Government will get a penny of that money or whether, if it is due to anybody, it will not be due to the men who bought the land and paid the railroad company more than $2.50 an acre for it.

Mr. SUTHERLAND. However that may be, all of this deprived the State of Oregon of nothing.

Mr. NORRIS. Oh, no; nothing whatever.

Mr. SUTHERLAND. If the land had never been forfeited to the Government at all, but had remained in the ownership of the railroad company, subject to its disposition, the State of Oregon would have gotten nothing out of it.

Mr. NORRIS. Nothing whatever.

Mr. SUTHERLAND. Except the taxes on the land.

Mr. NORRIS. Except the right to tax the land.

Mr. SUTHERLAND. The State of Oregon is deprived of nothing, because the Government of the United States takes over the land.

Mr. NORRIS. No. I do not see why the State of Oregon has any right to complain even though the Government made some money out of the transaction, if they did not take any of that from the State of Oregon or keep any money that ought to go to the State of Oregon.

Mr. SUTHERLAND. As I understand the situation, the only thing that the State of Oregon possibly has been deprived of is the right to tax the lands.

Mr. NORRIS. She has not been deprived of that yet. She will be if this bill becomes a law.

Mr. SUTHERLAND. At any rate, the State has not received the tax.

Mr. NORRIS. She has received a good many taxes, some two or three millions of taxes, but there is some that is unpaid.

Mr. SUTHERLAND. That is what I meant.

Mr. NORRIS. The railroad company has not paid any taxes.

Mr. SUTHERLAND. It is to that extent only that the State of Oregon can be said to be deprived of anything, and for that the United States proposes to reimburse her.

Mr. NORRIS. That the United States is going to pay her.

Mr. LANE. Why, Mr. President, the State of Oregon was deprived of every opportunity of opening the territory, the business that would result therefrom, and the prosperity and increased taxation owing to increased values of the land. The State of Oregon has been shut up like a corked bottle. The heart of the country west of the Cascade Range was held away from settlers, from people who would have lived there and builded homes and reared families to the third generation.

Mr. SUTHERLAND. So have we all, under the forest-reserve system.

Mr. LANE. Not by a contract whereby you agreed with another person that they would allow it to be opened up for settlement, and for the promise on their part and the pledge that they would open it up for this prosperity, and for this population which the country required you gave way and granted and agreed to part with your land.

Mr. NORRIS. The contract to which the Senator refers, I suppose, is the contract that in effect was made by the railroad company when it accepted the grant.

Mr. LANE. Yes.

Mr. NORRIS. And which provided that the railroad company must dispose of this land to actual settlers only, in quantities not exceeding 160 acres, and at a price not exceeding $2.50 an acre.

Mr. LANE. Yes.

Mr. NORRIS. And of course the railroad company did not do that.

Mr. LANE. No.

Mr. NORRIS. Now, the Government of the United States has been doing the best it could to compel the railroad company to do that, and this legislation is the result of that attempt.

Mr. LANE. Mr. President, the Government has done nothing. It slept on its rights for 40 years, when it should have been busy forcing the carrying out of the contract, compelling the railroad company to throw that land open for settlement. Instead of doing that, it slept on its rights, until it has become a question whether it has any rights at all or not.

Mr. NORRIS. Mr. President, there is a good deal in what the Senator says, I know. Perhaps the Government has not been as diligent as it ought to have been.

Mr. LANE. It has not been.

Mr. NORRIS. But at least this bill is an attempt on the part of the Government, and those who represent the Government, to do the right thing.

Mr. LANE. A tardy effort.

Mr. NORRIS. It is true that suits were commenced against the railroad company by individuals, a great many of them, attempting to compel the railroad company to give them this land at the price of $2.50 an acre. A great many people settled on the land under the law, and then went into court to compel the railroad company to give them a deed, and tendered the money at $2.50 an acre; but the courts held that that could not be done. I remember that several years ago a good many people in my State were interested in these lands. I think some of them invested money. There was a good deal of fraud perpetrated. There were a good many real estate agents who advertised that they could get this land, and they sold it around at various places, or at least got a commission or a fee, and they made application to the railroad company, and they had a suit pending. They perhaps intended and believed that they would win it, but they did not. They lost; and however much we may regret those conditions—I do as much as anyone—they can not be helped, so far as I can understand. The courts held with the railroad company, and we must obey the mandate of the courts.

Mr. BORAH. Mr. President, it would be more fair to say, would it not, that the courts interpreted the law?

Mr. NORRIS. Well, they did; yes. I am not saying that the court was corrupt, or anything of that kind. I presume that would be a better statement; they interpreted the law. There is not any doubt that when Congress passed the law they supposed that actual settlers would occupy these lands, or I presume they did. It was a good many years ago. I presume they supposed that actual settlers would occupy this land and pay the railroad company $2.50 an acre for it. While, as the Senator from Idaho said, the court was interpreting the law, I never believed that it interpreted it right; but what I thought about it does not make any difference.

Now, Mr. President, coming to the amount of money, of course that is an estimate only. The records show that this land was taxed in some instances as high as $40 an acre by the taxing authorities of Oregon. I believe the average was from $8 to $10 an acre. Here is another equity that the Senator from Oregon has not discussed, and that I want to call to the attention of the Senator from Utah, who has shown an interest in it.

The railroad company under that law never had an interest in that land in excess of $2.50 an acre. That has been the contention of the Government all the time. The original law provided that they could not sell it for more than $2.50 an acre; so that if you were going to tax the railroad company it seems to me that as a matter of law you could not tax it in excess of its real interest in the land, which was $2.50 an acre. The railroad company was interested in having the State tax it higher, because it was claiming that it had the land, and could sell it for any amount it saw fit. So that there were paid, while the railroad company was paying taxes to the State and counties of Oregon, taxes on a valuation of more than double what the railroad company owned in these lands; and under the House bill we are paying a little over a million and a half of taxes to the State of Oregon on that kind of a valuation. So that I think again we are extremely liberal with the State of Oregon. I do not believe, as a matter of law, that the State of Oregon ever had the right to tax the railroad company to a greater extent than the value of $2.50 an acre for the land; but that is all away, and the payment is based on the valuation that the taxing authorities put on the land.

Mr. LANE. Now, I should like to ask the Senator, with the railroad refusing to sell the land at $2.50 an acre or any other price, and surrounding land, adjoining sections, being worth $40 an acre, what was the State of Oregon to do? What could it do but tax it at the higher valuation?

Mr. NORRIS. I can answer that question by saying this: Suppose the adjoining land was worth $100 an acre——

Mr. LANE. It was, some of it.

Mr. NORRIS. And the Government of the United States owned this land. They could not tax it. They would not own any taxes in it.

Mr. LANE. No; but here was an agreement to sell it at a certain price.

Mr. NORRIS. Suppose the Government of the United States sold to the Senator a half interest in a certain quarter section of land, and the taxing authorities should come along and say, "Why, the adjoining land is worth $100 an acre, and as you have a half interest or a third or a tenth interest in that land, we will tax you on the full value of that land." I do not believe any court would sustain that.

Mr. LANE. Mr. President, I do not think that is a fair comparison. Here was land, the price of which was settled at $2.50 an acre under an agreement that the railroad company would sell it to people for $2.50 an acre, and let them make it worth the $100 or $1,000 an acre, as they did in the case of adjacent land, some of them—$1,000 an acre, if you please. I have seen it sell for more than that an acre. With a corporation sitting tight on other similar land, under a pledged agreement that it would sell it for $2.50 an acre, withholding it from sale, would you then still tax it at $2.50 an acre?

Mr. NORRIS. Yes. Now, the Senator's contention is——

Mr. LANE. It is not a contention; it is a fact.

Mr. NORRIS. The Government, under the House bill, is paying the taxes at the figures that the taxing authorities of Oregon put on it. I only mention that to show that, in my judgment, it is a liberal payment to the State of Oregon of these taxes. It seems to me that when the State of Oregon claims it had the right to tax this land at $40 an acre, and on the other hand is demanding of the railroad company that it sell it for $2.50 an acre, it is occupying a position that can not be sustained in any court of law; but that is all away. I only mention it in passing.

The value, of course, is a matter of speculation. I believe it was stipulated in the litigation that the value of these lands in dispute that are left was $35,000,000. I do not know that that is entitled to any particular weight, because it was not a material proposition in the litigation, so I suppose they were not careful about putting a value on it. But the valuations run up as high as $50,000,000; and I think, from what little examination I have made of the record—I have not had time to go into it fully—that the great preponderance of the estimates made by men who have made examinations of it put it away beyond $35,000,000. Assuming that it is $35,000,000, let us see what, in money, the State would get.

Under the Senate bill, after getting its taxes—now, they are not counted in that; we pay them as part of the expenses—if the Senate amendment were agreed to, the State of Oregon, either directly or through its counties, would get $26,325,000.

Mr. SUTHERLAND. On a valuation of what?

Mr. NORRIS. On a valuation of $35,000,000, and I think that is low. Taking the same valuation, under the House bill the State of Oregon would get $14,625,000. In each case the taxes are in addition to that amount which they get, because the taxes are paid before there is any distribution made of the fund.

Mr. President, I do not want to be unfair. I want to be liberal. I have always thought that we ought to be liberal with all the States in dealing with the public-land question; and it seems to me that the House bill is extremely liberal with the State of Oregon. We can not relieve a great many individuals who have suffered on account of this condition. If you gave to the State of Oregon all of the money, you would not relieve a great many individuals who have suffered and who honestly went upon the land and spent money in litigation trying to get title.

The House bill gives a preferential right to those who settled on the land. That is another thing that, it seems to me, is very just. It fixes the date at the time of the decree of the lower court when, as I remember, it declared a forfeiture of these lands; and all those who had settled up to that time, who had made applications for homesteads, are entitled to a preferential right over the ordinary person.

Mr. LANE. I should like to ask the Senator, before he goes further, if he does not consider, as an element in equitably disposing of this property or settling this case, the fact that the State of Oregon during all this time gave police protection to the property of the company? They helped them protect their holdings by fighting fires. They gave them protection to life and every protection that they gave to every other citizen; and yet at the same time the company were refusing to sell the land at the price which they had agreed upon, the price limited in the act of Congress.

Mr. NORRIS. I am not defending the company. I have always said that in my judgment the court erred in not compelling them to sell it. I think it erred again in not declaring a forfeiture. It seems to me the violation of the law was so plainly admitted that the railroad company was not entitled to any consideration. But the same thing is true everywhere in this country. The police authorities, if any protection is demanded, give it. They do that all over the United States. They do that regardless of the ownership of property, regardless of the payment of taxes, regardless of anything. Other western States having public lands that are disposed of, where the proceeds all go into the reclamation fund, do the same thing. They have the same police protection, and protect people and corporations the same as Oregon has done. Oregon in this case, under the House bill, gets 50 per cent of the proceeds of all this land.

It is said that in the case of some of the land that was sold a number of years ago Congress passed an act validating the sale, and that the Government got some money out of that. Why, that has not anything to do with those remaining lands. The Government has never received a single penny that I know of from the lands that are in issue in this bill—not a cent from any source. It has been a continual expenditure on the part of the Federal Government, as far as these lands are concerned.

There is another amendment that I want to mention briefly. It will save some time when the amendment comes up. There is another Senate amendment providing for the sale of these lands which changes the provisions of the House bill. The House bill provides that the timber on these lands may be sold on time. It is conceded, I think, by everybody that it will take large corporations, or men of large means, to handle economically the timber on these lands, the same as most other lands where they are taking off the timber. The House bill provides as nearly as it can, it seems to me, for giving the poor man a chance to buy the timber. It provides for the sale of the timber on 10 years' time, and the deferred payments are to draw not to exceed 6 per cent interest.

The Senate committee bill provides that this land shall be put up for sale and sold for cash. I do not believe it will bring as much, in the first place, as if it were sold on time and in payments with interest at not to exceed 6 per cent. If it is put upon the market and sold for cash, it means that no one except men of immense wealth will have any opportunity to buy any of the timber, and for the same reason, there being fewer bidders, necessarily the tendency would be to sell it for a less price. If we sell it on time and let the deferred payments draw interest at some rate that the Secretary of the Interior will fix—not exceeding 6 per cent—in the first place, we will get a larger bid for the timber, and, in the next place, that interest will bring in an income that will be profitable itself, because it will be higher than the State would have to pay if it were in the market and borrowing money directly.

Now, Mr. President, I do not care to proceed further.

Mr. SUTHERLAND. May I ask the Senator before he takes his seat——

Mr. NORRIS. I yield to the Senator.

Mr. SUTHERLAND. It is contemplated, I understand, that the timber shall be sold separately from the land; that it shall be taken off the land and the land shall be swept clear of the timber.

Mr. NORRIS. Yes.

Mr. BORAH. And after the timber is cut off, I understand, those lands will be subject to homestead entry.

Mr. SUTHERLAND. I merely wanted to understand the situation.

Mr. NORRIS. They sell the timber.

Mr. SUTHERLAND. The idea is to clear the land of timber and turn it over to agricultural uses?

Mr. NORRIS. Yes. The testimony shows, and, as far as I know, it is uncontradicted, that the timber on this land is already overripe and it is not worth now as much as it was a few years ago; it ought to have been cut before. There was read yesterday—and it appears in the RECORD to-day—a long report, made by Mr. Williams, of the Department of Justice, who went out and inspected the land and went all over it. He calls attention to the fact, and it appears at several other places in the reports, that the timber is overripe.

Mr. SUTHERLAND. The land, I take it, is far more valuable for agricultural uses than it possibly could be as a reservation to grow timber for the future.

Mr. NORRIS. Some of it is; but it is all kinds of land. There is land that is not worth anything and land, as the Senator from Oregon stated, that is probably worth $100 an acre. The bill as passed by the House provides—and there is no Senate committee amendment which changes it—that the lands and the water-power sites shall be classified by the Department of the Interior. There are some valuable water-power sites on some of this land, and I understand they will be classified, then the timberland and the agricultural land. Then it provides that the timber shall be sold. The bill as passed by the House provides that it shall be sold on bids, and that 10 years' time, as I remember the provision, shall be given for the payment of the money.

Mr. SUTHERLAND. There are to be 10 years within which the timber is to be removed.

Mr. NORRIS. I do not know that that is fixed. I am not sure as to whether that is in the proposed law, or whether the Secretary of the Interior in the contract will fix that.

Mr. POINDEXTER. It prohibits the removal of the timber until after patent is issued.

Mr. NORRIS. After patent is issued for the timber. Let me explain it to the Senator. The bill as passed by the House provides that the Secretary of the Interior shall sell it in quantities that in his judgment will bring the most money, and then the purchaser has 10 years' time. He has payments to make and interest to pay. He takes a 40-acre tract out of his entire purchase and pays for all that 40-acre tract, and he is then allowed to take all that timber, and he gets a patent when he pays that money for the timber, and when the timber is taken off, then the land becomes subject to entry.

Mr. SUTHERLAND. He can not remove any timber before he has paid for the land?

Mr. NORRIS. Not the land, the timber.

Mr. SUTHERLAND. The timber, I mean.

Mr. NORRIS. Yes. He must pay for the timber before he can remove it.

Mr. SUTHERLAND. So it may be that cases will arise where the timber is bought and none of it can be taken off for a period of 8 or 10 years, and none will be taken off.

Mr. NORRIS. I doubt whether the Secretary would make that kind of a contract. He would provide that they could take a certain portion of it off every year.

Mr. TOWNSEND. Mr. President——

Mr. NORRIS. I yield to the Senator from Michigan. He has the amendment before him.

Mr. TOWNSEND. The Senate committee amendment provides that the "timber thus purchased may be cut and removed at any time within the discretion of the purchaser."

Mr. NORRIS. That is the Senate committee amendment?

Mr. TOWNSEND. That is the Senate committee amendment.

Mr. NORRIS. Mr. President, I do not see that there is any disposition on anyone's part to do any injustice. I regret that I have felt compelled to take a view of the situation that is different from that of the Senator from Oregon. It does seem to me as I read the bill and the Senate committee amendments that the bill as passed by the House is liberal. I do not believe it is any defense here to say that because there is a large forest reservation in a State like there is in Oregon, and this land is not included, with no attempt to put it in a forest reservation, therefore we should deal with these public lands any different than though we were dealing with them if they were in some other State. In all other States practically all the money that is paid for public lands goes into the reclamation fund, and we ought to do that with Oregon, or at least we ought to do it to the extent of 40 per cent, as provided in the bill as it passed the House.

Mr. President, let me say if we commence now to prevent the money received from the public lands from going into the reclamation fund we might just as well repeal the law providing for the Reclamation Bureau. If we are going in this case to turn all the money over to the State of Oregon, and that is what the amendment of the committee practically means, keeping it all out of the reclamation fund, then we will have

established a precedent that in all cases in every other State where there are public lands demands will be made that they be treated as liberally as Oregon, and that means the end of the reclamation business in this country.

Mr. WALSH obtained the floor.

Mr. O'GORMAN. Mr. President, will the Senator yield to me for a moment?

Mr. WALSH. I yield to the Senator.

FOREIGN-BUILT DREDGES.

Mr. O'GORMAN. In behalf of the Senator from Louisiana [Mr. RANSDELL] I ask unanimous consent to submit a favorable report on a bill and to ask unanimous consent for its immediate consideration. It is substantially a bill which was passed here a week ago and a motion entered to reconsider it. At the suggestion of the Senator from Rhode Island [Mr. LIPPITT] a modified bill was introduced. We have made the modification so as to meet the view of that Senator.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Is there any objection? The Chair hears none, and the report will be received.

Mr. O'GORMAN. For the Senator from Louisiana [Mr. RANSDELL], from the Committee on Commerce, I report back favorably with an amendment the bill (S. 6239) authorizing the Commissioner of Navigation to document as vessels of the United States two dredges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States, and I submit a report (No. 514) thereon. I ask for its present consideration.

The PRESIDING OFFICER. Is there objection?

Mr. GALLINGER. I should like to know what the amendment is that has been agreed upon.

The SECRETARY. The amendment is, in line 6, to strike out the word "as" and insert "a," so as to read "James Stewart & Co. (Inc.), a citizen of the United States."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SUTHERLAND. Let us hear the bill read.

Mr. CHAMBERLAIN. If there is going to be any discussion upon it I must object, because the pending Oregon and California land-grant bill will have to be disposed of to-day or to-morrow.

Mr. LIPPITT. I do not believe there will be any discussion on the bill. It will not take more than a minute or two.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill as proposed to be amended, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause to be documented as vessels of the United States two dredges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

Mr. WALSH. Mr. President——

Mr. CLARK of Wyoming. Mr. President, a parliamentary inquiry. What is the business now before the Senate?

The PRESIDING OFFICER. The pending bill is House bill 14864.

Mr. CLARK of Wyoming. Another parliamentary inquiry. How does it happen that the bill is before the Senate at this time?

The PRESIDING OFFICER. It is before the Senate for the reason that the Senator from Alabama [Mr. BANKHEAD] permitted the Post Office appropriation bill to be temporarily laid aside for the purpose of considering this bill.

Mr. CLARK of Wyoming. But have we not considered another bill, which displaces the bill which was before the Senate?

The PRESIDING OFFICER. By unanimous consent that was done. The Senator from Montana will proceed.

Mr. WALSH. Mr. President, it is exceedingly unpleasant for me to find myself obliged to differ from my esteemed friend the Senator from Oregon, who has charge of this bill, and particularly so to find myself differing with him concerning the disposition of public lands in his own State. But the provision of the bill which has given rise to so much of the discussion as has thus far taken place is, in my humble judgment, wholly indefensible, and is so palpably unjust to my own State as well as to every other public-land State that I should not feel that I was discharging my duty here to my constituents if I did not register a protest against the distribution of this fund as it is provided in the bill.

I trust the bill will pass, and pass speedily. In its general aspects it is in every way, it seems to me, a commendable measure. But the reasons that condemn that distributive provision of the bill are so altogether persuasive and unanswerable, as it appears to me, that I find it a little strange that any Senator from the western country should feel that a provision of this kind ought to be asked from the United States Senate. I hope the Senators from Oregon will be prevailed upon to withdraw this amendment and allow the House provision at least to stand.

Mr. President, if we were considering here a question of general policy as to whether all the avails and proceeds of the sales of public lands, or the major portion of such proceeds, should go to the States, respectively, from which they come, I might not be heard to object. Indeed, I have no doubt that a measure of that kind would receive quite general concurrence from the western Senators. But, Mr. President, a rule is established by law quite contrary to that, namely, that all of the proceeds and avails of the sales of public land shall go to the general reclamation fund for the purpose of constructing works wherever it may seem desirable to construct them. Money derived from the sales of lands in the State of Montana are used for the purpose of constructing reclamation work down in the State of Arizona and in the State of New Mexico and in other States throughout the Union, and eventually such money will be used for the construction of reclamation works in the State of Oregon. So moneys derived from the sale of public lands in the State of Colorado are employed for the purpose of constructing works on reclamation in the State of Montana.

Now, it is proposed that Oregon, as to a considerable portion of her lands, and lands of very great value, running from $30,000,000 to $50,000,000, shall be exempted from the operation of that general rule, and that while the rest of us shall still be compelled to put all of the avails of the sales of public lands in our various States into the general pot, that the moneys derived from the sale of these lands in the State of Oregon shall be devoted practically in their entirety to the State of Oregon itself.

Mr. President, I might say in this connection that a more or less general misapprehension exists concerning the advantages which the State of Montana has derived from this act. The balance is still in our favor. We contributed upward of $10,000,000 to the general fund. We have had expended in our State something over $9,000,000. We have still a balance of $1,000,000 to our credit. So we have no particular fault to find. Now, the fact about the matter is that the State of Oregon up to the present time has contributed very much more to the reclamation fund than she has derived from it, the aggregate contributions being in the neighborhood of $12,000,000, while only somewhere between $2,000,000 and $3,000,000 have been expended in that State.

But, my friends, the law provides that every 10 years this thing shall be equalized, so that hereafter we shall not be able to get appropriations for further reclamation works in the State of Montana until Oregon balances us up. In other words, for the future our money is going to go to the construction of reclamation work in the State of Oregon. Let me call your attention to the provision of the law. I read from section 9 of the act of June 17, 1902, as follows:

SEC. 9. That it is hereby declared to be the duty of the Secretary of the Interior in carrying out the provisions of this act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State and Territory hereinbefore named for the benefit of arid and semiarid lands within the limits of such State or Territory: *Provided*, That the Secretary may temporarily

use such portion of said funds for the benefit of arid or semiarid lands in any particular State or Territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event within each 10-year period after the passage of this act, the expenditures for the benefit of the said States and Territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid.

Mr. WORKS and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Montana yield, and, if so, to whom?

Mr. WALSH. I yield to the Senator from California.

Mr. WORKS. I should like to know whether the Senator from Montana thinks it is practicable to carry out that provision of the statute? Suppose there are States where there is no project that can be practically carried out; there is no provision for dividing the funds in any way.

Mr. WALSH. I am simply anticipated by the question. I do not care to discuss the question as to what would happen with reference to the State in connection with which no feasible project can be found. The Senator from Oregon tells us that, and that is in accordance with the record, that Oregon does not stand in that situation. He tells us, and it is no doubt true, that there are a million acres of land in the State of Oregon that are capable of reclamation and that ought to be reclaimed through this fund. That means an expenditure of from $25 to $50 an acre, meaning that Oregon could justly claim eventually anywhere from $25,000,000 to $50,000,000 out of this fund for the reclamation of her lands.

Mr. WORKS. That may be true as to the State of Oregon; but this is a practical question and one that will have to be solved at some time. I am unable to see myself how that provision of the statute equalizing the amounts to be expended in that way can be carried out.

Mr. WALSH. Mr. President, I desire to say to the Senator that the question suggested by the Senator from California [Mr. WORKS] is, of course, an exceedingly important one and when it confronts us it will probably be more or less difficult of solution. For the present, however, it is purely academic. Oregon does not stand in that situation.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oregon?

Mr. WALSH. I do.

Mr. CHAMBERLAIN. The Senator from Montana read section 9 of the reclamation act of 1902 as it was originally passed. The Senator, however, will remember that that act has been repealed, and now the appropriations for irrigation purposes are made directly by Congress.

Mr. WALSH. Oh, no. The new act, Mr. President, as the Senator from Oregon will quite distinctly recall, does not affect this provision at all. All the change that has ensued with respect to the matter to which the Senator has referred is that under the old act as the funds came in they were assigned to the various reclamation projects without any action whatever on the part of Congress. Two years ago that was changed, and the reclamation extension act, which was passed two years ago, provided that hereafter no money should be assigned to any project except upon appropriations made by Congress. That is the only change, so far as I can recall.

But, Mr. President, that is the situation of affairs. The Senator has stated, however, as I have suggested, that there are a million acres of land in the State that ought to be reclaimed, and which undoubtedly will be reclaimed just as soon as there is money enough in the fund in order to carry on the work. When that time comes and we are desirous of having another project carried on in the State of Montana, and Oregon has an equally feasible and desirable project, and the two stand in other respects upon exactly the same footing, under this proposed law the Secretary of the Interior must take up the Oregon project until the expenditures in the State of Oregon reach the amounts that were contributed by that State, or at least until the proportion contributed by her is no greater than that contributed by any other State relative to the expenditure therein.

Take the State of Idaho, for instance. The State of Idaho has contributed about $5,000,000 to the reclamation fund and has had expended in that State $8,000,000. Every one of the men who have taken land under the Idaho project will be obliged to pay back the amount of the construction charge—$25 or $30 an acre, as the case may be—and Idaho, having already had more than she contributed, could not hope to compete against Oregon in the future in reference to projects. So the Idaho people will be contributing to the construction of this reclamation project in the State of Oregon every dollar that comes out of the sale of lands in that State. Under the provisions of this bill Oregon will be exempted from providing a fund as to this great extent of valuable land.

Mr. President, the State of Arizona is in the same situation. The State of Arizona has had on this reclamation fund something like $10,000,000; and, regardless of what anybody may say about the matter, I have not the slightest doubt in the world that the greater portion of these expenditures will eventually be returned to the fund and that the State of Arizona will be obliged to turn back into the fund that $10,000,000, and it will go to the construction of reclamation works in the State of Oregon; and yet Oregon is to be exempted under the provisions of this bill from any contribution for reclamation at all, except to the extent of 10 per cent, and that money must be expended for the construction of reclamation projects in the State of Oregon and nowhere else.

Mr. President, it is said that this case is sui generis, that these lands do not belong in the same category as do the general body of public lands open to general appropriation; but why do they not? In what respect are they different? Those lands belonged to the Government of the United States. The people of Oregon contended that the railroad company to whom they were granted had forfeited its title to them, and that the title had reverted to the people of the United States. A suit was instituted with that idea in mind. It was contended that by reason of the failure on the part of the railroad company to observe conditions subsequent, they had lost their title, and that those lands had reverted to the Government of the United States. A suit was instituted, and the lower court took that view of it; but the matter went to the Supreme Court of the United States, and that court held that that was true apparently only in part, that the railroad company was entitled to get $2.50 an acre out of the land. So this bill provides that the title to all these lands shall be revested in the United States, subject, however, to the right of the railroad company to have $2.50 an acre for each acre of these lands. It is then provided that the lands shall be classified into agricultural lands, timber lands, and mineral lands. The agricultural lands are to be open to homestead entry. With respect to timber lands, the timber is to be sold off, and then subsequently the lands are to be opened to homestead entry. The mineral lands are to be open to mineral entry. In what respect, then, do these lands differ from ordinary public lands?

Why, Mr. President, it is not an extraordinary thing at all that the Government shall have parted with its title to certain public lands, and, for some reason or other, that title is vacated and divested, and the lands again drop back into the general body of the public lands.

Some years ago a suit was started in my State to annul patents secured by the Northern Pacific Railway Co. to valuable coal lands in the State of Montana to which they had obtained patent; they had held them for nearly five years; the statute of limitations had almost run against them. A suit was instituted to annul the patent to those lands, and it was annulled. Those lands have since that time been valued; they have been classified, and estimated at anywhere from $30 to $105 an acre. They are coal lands which are open to appropriation now to anybody who comes along to buy them. Some of them have been appropriated at that price, and the money has gone into the general reclamation fund. What is the difference between that case and this? None that I can see. This situation, I repeat, is not extraordinary at all.

There is hardly a State in the West in which actions have not been begun to divest grantees of the title to lands which had passed to them, and judgments have been entered, and many of those lands have been resurveyed without the institution of a suit at all; they have gone back into the general body of the public lands for disposition just exactly the same as these lands in Oregon have gone back, for such disposition as Congress may see fit to make of them.

Likewise, it was suggested, and very properly so, that this situation is different in this respect, that under this proposed law the timber upon the lands is to be sold separately, and that there is no law providing for a separate disposition of timber upon the public lands in any of the other States, except in the case of timber within the forest reserves; and in the case of timber within the forest reserves the money does not go into the reclamation fund. All that is true; but, Mr. President, what difference does that make?

Let us take coal lands. The Government has executed leases of coal lands in Alaska, or is prepared to execute such leases, and more or less of the coal may be taken out of the land by virtue of those leases. Would it be asserted for a single moment that proceeds derived from that source would not and ought

not to go into the general reclamation fund, and that it would be possible that that should be diverted, with justice to the other States, allowing the denuded land to remain for distribution to swell the reclamation fund? I apprehend that that would not be asked for.

Now, Mr. President, these lands are not included within a forest reserve because the people of Oregon do not want them included within a forest reserve. God knows there is enough land within forest reserves now. All of us feel in that way about it. There is not anybody here who wants to suggest any such disposition as that; but when they are left outside of the forest reserves for disposition under the general laws, all the avails of them ought in justice to go into the reclamation fund, just the same as the avails of sales of lands in other States.

Why, Mr. President, there is in the State of Montana a large body of the most productive farm land, I undertake to say, that can be found anywhere in the West, which has upon it a very heavy growth of timber. I suppose that probably there are 50,000 acres in the Kootenai Valley of as productive land as there is anywhere in this country. There are a series of benches in a beautiful valley, which runs all the way down that river, covered with a very heavy growth of commercial timber; and yet, Mr. President, it is not an exaggeration at all to say that, if that timber were cut off and that land put under cultivation, as it would be if it were open to sale, the crops raised from that land annually would more than equal all the value of the timber there is on it. It is a matter easily susceptible of computation.

I undertake to say that on these 50,000 acres of land there would be probably 2,000,000 feet of timber upon a quarter section. At a very high estimate that is worth $2 a thousand; in other words, there are $4,000 worth of timber on a quarter section of land. If you cut that timber off, you could sow the land to alfalfa or wheat and get more than $4,000 worth of stuff off of it every year; and yet the Agricultural Department here proposes to hold that land in just exactly that condition until eventually they get ready to sell the $4,000 worth of timber off of it, and then allow it to be homesteaded.

Mr. President, there was much in what was said by the Senator from Iowa [Mr. CUMMINS] yesterday, that there is an obligation resting upon the Government of the United States to help the man who wants to clear a piece of woodland and put it under tillage and cultivation, just as much as there is to help a man who wants to go out upon the prairie and take a piece of arid land. Why should not a man who wants to do so take that 160 acres of land with $4,000 worth of timber on it? He could not clear it for any such price as that; and why should he not be offered that 160 acres of land by the Government of the United States, timber and all, of course safely guarded, so that the law would not be used simply for the purpose of fraudulently acquiring timberland? So, the people of Oregon very wisely insist that these valuable lands should not be put into a forest reserve, but that they should be held out as an inducement to settlers to come there and take them.

Why, Mr. President, we would be exceedingly glad to have an act passed providing for the opening of the lands to which I have referred in the Kootenai Valley, and we would not ask a dollar of the money that was derived from the sale of them. We would be only too glad to allow the money to go into the reclamation fund. If we could open them up in any way, the people of Montana would be only too happy to have these lands opened up to settlement.

So, Mr. President, there is no reason at all why the amount that is available should not go into the reclamation fund, so long as the avails from other lands go into that fund. I can not understand why there should be any distinction with reference to these lands. These lands have been held in private ownership for some years, and they have been subject to taxation; taxes have been assessed against these lands, and all of that money goes to the localities under the provisions of the House bill, which is perfectly proper; but when they get that, Mr. President, I can not see any good reason at all why every dollar of the remainder should not go into the reclamation fund. Certainly on any just consideration of this measure the Senators from Oregon are asking more than the Congress of the United States ought to concede to them.

Mr. BORAH. Mr. President, I agree with very much that the Senator from Montana [Mr. WALSH] has said, and especially the latter portion of his remarks find a hearty response in my mind; but these public lands in Oregon are treated as being in a different condition and situation from other public lands. The bill itself recognizes that all the way through. The legislation is based upon the theory that these lands are sui generis. We are not undertaking to deal with them in any particular as we deal with other public lands. If we were to deal with them as we deal with other public lands, we would simply put them back in a forest reserve or would reserve them, to be disposed of as the other public lands are disposed of. We start out, if we are in favor of the bill at all, on the theory that there is a distinct and marked difference in the situation with which we are dealing as compared to the situation which relates generally to the public lands. I have felt that the difference was such that I could very agreeably support this bill.

The distributive clause of the amendment reported to the bill provides as follows:

> Of the remainder 10 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act, to be expended on approved projects within the State of Oregon—

It is conceded that Oregon has put into the reclamation fund a very much larger sum than has yet been expended out of it for the benefit of the State. This would not equalize that. Of course, it is said—and the basis of the argument is a correct one—that the reclamation fund is held as a unit for the benefit of all the States, and equalizations are to take place every 10 years; but there is a sufficient difference and distinction in this situation to merit, it seems to me, consideration of the equity of this provision.

The amendment continues—

> 10 per cent of such remainder shall become a part of the general fund in the Treasury of the United States; 30 per cent of said remainder of the proceeds arising from the sales of land and timber in the counties of Coos, Douglas, Lane, Tillamook, and Multnomah, in the State of Oregon, shall be paid to the treasurers of the said respective counties for the construction of roads, highways, and bridges, and 20 per cent thereof shall be paid to the proper officer of the respective port districts within the counties named, for the purpose of reducing the bonded indebtedness of such districts and for general harbor improvement, and, where there is more than one port district in any county, the county court of such county shall determine what portion of the fund shall be credited to the several port districts therein; 35 per cent of said remainder of the proceeds arising from the sale of lands and timber within counties other than the counties of Coos, Douglas, Lane, Tillamook, and Multnomah shall be paid to the treasurers of the respective counties for the construction of roads, highways, and bridges; and the entire balance remaining in said Oregon and California land-grant fund, from whatever source derived, shall be paid to the State of Oregon for its irredeemable school fund for the support of the common schools of the State

The original grant of this land, Mr. President, had for its object and purpose the development, the special benefit, and the special advantage of the State of Oregon. It was designed especially and particularly to aid in the development of that particular region of country in which the land was situated. In the first place it contemplated the building of a railroad, which was for the purpose of development; and in the second place it contemplated the sale of the lands for a small sum per acre, so that the lands would pass into settlement and into the development of the State, become subject to taxation, and contribute to the upbuilding of the different institutions of the State. Had that grant been carried out as it was intended to be carried out by Congress this bill would not be here and the State of Oregon would have received long ago far more in the way of development and advantage from the carrying out of the grant than it will receive from these donations, as they are called, to the State of Oregon in the final disposition of the lands now.

If the railroad had complied with the terms of the grant, these lands would have been disposed of to settlers at the price named in the grant and the settlers during all these years would have been upon the land, paying taxes, and helping to build up the State. These bridge funds would not be starved, and the port funds would not be starved, and the other institutions in the State so essential to the upbuilding of the State would not be starved as they are now. But that grant was not carried out in good spirit and in good purpose. The development of the State was retarded. For a longer time than some of us have lived these lands have been lying there idle by reason of the failure to carry out the purpose of the grant.

What is the result? The United States takes hold of this matter and undertakes in a measure to do equity to the situation. It undertakes in a measure to put Oregon into the position which Oregon would have occupied if the grant had been faithfully carried out in the first instance.

Does it not appeal to the Senate that that is a distinction and a situation different from that of disposing of those lands, the title to which has always been in the United States, and which were never designed to be used for any particular purpose or for the advantage of any particular State?

It has seemed to me, Mr. President, that when you go back and take into consideration the original grant, the benefit which that grant would have been to the State had it been carried out, and the advantage which the State would have derived from the carrying out of that grant, it does place Oregon in a little different position than that which Idaho occupies with reference to her public land, or that which the great State of

Montana occupies with reference to her public land. For that reason it has seemed to me that if we turn over to the State of Oregon these proceeds, as we propose to do, we shall not have done more than equity to the State of Oregon or to the situation in which we find ourselves.

Now, Mr. President, further, let me call attention to the figures which have already been referred to.

Mr. STERLING. Before the Senator passes to that point, will he allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. Yes.

Mr. STERLING. Does the Senator think that conditions of this kind were ever in the contemplation of Congress when it passed the reclamation act?

Mr. BORAH. No. I was going to refer to that.

Mr. STERLING. Does not the Senator think that 90 per cent of the $2.50 per acre realized from the sale of the agricultural lands by the Government will be equal to the reclamation fund herein provided—10 per cent of these proceeds? Or perhaps it would be better to put it the other way—that 10 per cent of the proceeds of sales of these lands would equal the 90 per cent which would go to the reclamation fund under ordinary conditions, where the land was sold at $2.50 an acre.

Mr. BORAH. Yes; I think there is much in the suggestion of the Senator. But, as I said a moment ago, the entire bill is founded upon the proposition that this situation is different from that which obtains with reference generally to the disposition of the public lands. The bill would not be here if we did not recognize that proposition. We would not vote for the bill at all if we did not recognize that situation. If we were not disposing of public lands which do not stand in the same relation to the National Government and the people as other public lands, we would not support the bill at all.

Mr. President, reference has been made to the supposed equalization of the reclamation fund every 10 years. Indeed, it will be a most difficult problem when we come to administer that particular portion of the law—so difficult that I have no idea in the world that it ever will be administered with any degree of accuracy as to the letter or even the spirit of the law. But let us assume, if we may, that we can approach with some degree of accuracy the administration of this particular provision of the law. Nevertheless we have a situation here with which we are dealing now; and in view of the things which have transpired or failed to transpire in the last 50 years, and the peculiar relationship of this grant to the particular State of Oregon, and of Oregon being retarded by reason of the failure to carry out this grant in this way, we have a situation which is accentuated by the figures which I will give you.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield to the Senator.

Mr. WALSH. To get at the facts, I want to ask the Senator from Idaho if it is not a fact that there were millions of acres of land in the State of Oregon in exactly the same situation as these lands prior to the time the forest reserves were created; and does not the argument which the Senator makes find its application only in the last 10 years, and not the last 50 years? In other words, there were other lands that the homesteader could go and take under existing laws, as well as these, without paying even $2.50 an acre; and is it not because there were other lands open to the homesteader that these were left during all this period?

Mr. BORAH. I do not so understand it, but the Senator may be better informed as to that than myself. I do not, however, so understand.

Mr. LANE. Mr. President, if the Senator will allow me, that was not the case. These lands were in the heart of the richest and most fertile part of the State of Oregon; and when they were taken they took the most valuable resource in the way of lands that were at that time located in Oregon. They were the only accessible lands, and the man who went beyond them went over a trail through the country, if you please, where there was no road and where he could not get out to the market with his produce nor get into his place with his provisions to open his claim without carrying them upon his back or upon a packhorse.

Mr. WALSH. I want to ask the Senator from Oregon if this was the usual grant giving the odd-numbered sections to the railroad?

Mr. LANE. It was the original Oregon & Central Railroad grant, giving every other section to the railroad.

Mr. WALSH. So that the even-numbered sections remained in the Government?

Mr. LANE. The even-numbered sections did, but they have been settled up rapidly.

Mr. BORAH. I have always understood, living neighbor to Oregon, that this grant, lying there as it has for a great number of years, has been essentially and vitally and substantially retarding the development of the State. If it had been public land in the sense that other public lands were, undoubtedly it would have been settled up.

Mr. WALSH. Let me ask the Senator a question. Was not the retardation because you had to pay $2.50 an acre for this land, when you could go right alongside of it and secure land for nothing?

Mr. BORAH. I do not so understand, Mr. President.

Mr. LANE. If the Senator will allow me, you could not buy these lands at $2.50 or any other price per acre. The railroad refused to sell them; and there is where the Government were at fault, for the reason that they slept on their rights and helped perpetrate the wrong upon Oregon.

Mr. BORAH. As I understand, the railroad ceased to sell them at $2.50 an acre, and refused to sell them for any such figure at all.

Mr. WALSH. But in comparatively modern times.

Mr. BORAH. Well, comparatively, but for the last 20 years; and, as the Senator from Montana knows, 20 years in the life of one of our Western States is equivalent to about 150 years for one of the Eastern States. We grow out there even against the tremendous handicaps which these blanket withdrawals have been.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. MYERS in the chair). Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I do.

Mr. WORKS. I suppose one of the conditions of the grant was that this road was to be constructed?

Mr. BORAH. That was one of the conditions.

Mr. WORKS. That condition has been complied with. Does not the Senator think that has been of great advantage to the State of Oregon, and an immense aid in populating it?

Mr. BORAH. Certainly that has been an advantage; but that was only a portion of the advantage which was intended to inure to the State of Oregon under the grant. In my judgment, a great advantage to the State of Oregon was in having these lands turned over to settlers at a low figure, so that the State of Oregon could be settled up. For many, many years it was of more benefit to the people living in the East who wanted to go to the Pacific coast to have that railroad built than it was for the people of this particular portion of Oregon, which could not be inhabited.

Mr. WORKS. It might be in that immediate neighborhood; but it would not be so as to the whole State of Oregon, because the future of that State has been aided very materially, as we all know, by the construction of this railroad.

I only called attention to that because I thought, in taking account of the whole situation, the Senator was overlooking that very important feature of it.

Mr. BORAH. No.

Mr. CHAMBERLAIN. Mr. President, may I make a suggestion right there to the Senator?

Mr. BORAH. Yes.

Mr. CHAMBERLAIN. The railroad was not completed into Oregon until the seventies, so that it did not help very much up to that time. President Hayes, when he went out there in 1880, rode from Marysville, Cal., to Roseburg in a stage.

Mr. BORAH. Of course the building of the railroad did come as an advantage to the State; but that was only one of the elements of advantage which was contemplated by the grant.

Mr. WALSH. Mr. President——

Mr. BORAH. Just a moment. I do not think it is a vast amount of advantage for a State to have a transcontinental railroad running across it if that State is dedicated to the life of a desert. It is of magnificent advantage to those who want to ride from ocean to ocean and who will observe upon the western people as they pass along in their Pullman cars, and who will come back East and write the laws under which the western people are to develop their States.

I now yield to the Senator from Montana.

Mr. WALSH. I thank the Senator for giving me an opportunity to make this remark, suggested by the remark just now made by the Senator from Oregon. I think it seriously open to question whether the great grants to Pacific railroad companies expedited the construction of any of the roads by 10 years. The Northern Pacific was built through in 1882 with its great grant. It was less than 10 years thereafter—and I feel that it is proper to say it at this time—when the Great Northern Railroad, under

the superb management of Mr. Hill, whose regrettable death has just been announced, was constructed through practically the same territory without a dollar of subsidy from any source whatever.

Mr. BORAH. Yes; I agree with the Senator in that respect, too. I think if we had not made an acre of grant to this railroad it would have been built anyhow, likely within a reasonable length of time of the time when it was built.

But now let us look at the reclamation fund which this bill is designed to help in the State of Oregon; and in so far as it builds up the reclamation projects in the State of Oregon, it to a certain extent relieves the fund from a flow in that direction, so that it does aid the other States to a certain extent in that respect. In other words, if the reclamation projects in the State of Oregon are taken care of out of this fund it will not be necessary to draw upon the general fund to take care of them, and to that extent the State of Idaho and other States will have more to distribute.

Arizona has contributed $1,318,620, and there has been expended in that State $16,964,394. Now, no one regrets this expenditure. I presume no one feels envious or jealous of the fact that it has been thus expended; but it does create an equity so far as this particular grant is concerned, because, I maintain, it stands upon a different basis.

The State of Idaho has contributed $5,482,210, and has had expended in the State some $15,912,000. I do not feel that I can object to the State of Oregon having a very large portion of this fund set apart for the development of her arid lands, in view of the fact, as I say, that originally this grant was certainly intended for the special advantage of the State. I would not favor at this time, certainly, a general distribution of the public-land fund with reference to the amount which was required by each State; that is to say, confining the amount realized in the State to the amount which should be expended in the State. But if a peculiar situation should arise in any State by which some grant which had been intended specifically for the benefit of the State should revert to the National Government, I would feel that the National Government was not establishing a bad precedent to enable me to get the equity of the situation by an enlarged amount of the fund for the benefit of the State.

For that reason, Mr. President, I do not find it difficult to support the distribution which is provided for upon page 16 of the bill. I am not afraid of its becoming a precedent. I do not believe it will result in the repeal of the reclamation act, or in its practical emasculation. But there is another feature of this bill which concerns me quite as much as or more than the feature which we have been discussing, and that is found upon page 9, section 5. It provides there:

> That nonmineral lands of class 3 shall be subject to entry under the general provisions of the homestead laws of the United States, except as modified herein, and opened to entry in accordance with the provisions of the act of September 30, 1913. Fifty cents per acre shall be paid at the time the original entry is allowed and $2 per acre when final proof is made.

Of course, that is necessary by reason of the conditions which, as I say, make the disposition of these lands different from the disposition of other public lands, and all those things necessitate some change.

> The provisions of section 2301, Revised Statutes, shall not apply to any entry hereunder and no patent shall issue until the entryman has resided upon and cultivated the land for a period of five years.

I shall move at some time during the consideration of the bill, I think, to reduce that to three years. The supposition is, I presume, upon the part of those who urge five years that the parties will have longer in which to acquire the $2 per acre with which to pay for the land, which payment they must make when they come to make their final proof. But, Mr. President, that has not proved to be true with reference to other homesteaders. The longer a homesteader stays upon his homestead without his title as a basis for his security and standing in the credit world, the poorer he gets, nine times out of ten. He is generally better fitted to take care of any cash payment when he goes there than he is after he has been there some two or three years, and especially five years. It is practically impossible for a man, unless he has credit elsewhere, unless he has a standing in the credit world otherwise, to have any credit or standing unless he has title to the property upon which he is expending his labor or to which he is giving up his time.

If he does get credit, he must necessarily pay a higher rate of interest and must necessarily deal under conditions that make it more onerous upon him than the man who is beside him with his title in his possession. If you will make this three years, it will, I believe, bring it under taxation that much more quickly, and thereby benefit the State, but it will certainly, in my judgment, be much to the benefit of the settler. I should like to see that change made.

Again, the bill says:

> The area cultivated shall be such as to satisfy the Secretary of the Interior that the entry is made in good faith for the purpose of settlement and not for speculation.

I think perhaps that provision ought to have more consideration than we are in the habit of giving these provisions which provide for such unlimited discretion with reference to what constitutes good faith or what constitutes a sufficient act on the part of a settler to get title. I do not suppose there is a man in this Chamber who would go out and expend his time and his labor, if Senators should ever indulge anything of that kind, upon the theory that we must at last submit to the unlimited discretion of some one else as to whether we have done enough to earn our title or compensation for our effort. Yet we ask the settlers to go upon these lands without law providing what they shall do and having done it know they shall have their title, but leaving it to the discretion of some one to say whether or not they have acted in good faith and whether or not they have done sufficient to satisfy the law. Congress ought not to abdicate, it ought not to give over its solemn duty of prescribing what shall constitute a sufficient compliance with the law.

Mr. WALSH. Mr. President, the suggestion of the Senator opens a rather interesting inquiry. I quite agree with him that there is not any very good reason for extending the period from three years to five years. If the Senators from Oregon prefer to have a period of three years, I should be glad to join in a suggestion of that character. Upon the measure the Senator is addressing himself to now I should like to understand exactly what his attitude is. The old homestead law reposed an absolute discretion in the Secretary of the Interior to determine what amount of cultivation would satisfy the requirement of bona fides. The new law makes an absolute requirement that one-eighth shall be cultivated.

Mr. FALL. The Senator does not mean to say that the old homestead law required any amount of cultivation?

Mr. WALSH. The three years' homestead law requires one-eighth.

Mr. FALL. The three-years' law, but the old law did not require it.

Mr. WALSH. That is what I am saying.

Mr. FALL. It did not leave anything in the matter to the discretion of the Secretary.

Mr. WALSH. Exactly; the old law left the matter entirely in the discretion of the Secretary, exactly as this proposed law provides in express terms. What provision would the Senator like to see there?

Mr. BORAH. Mr. President, I am opposed to lodging such unlimited discretion in the departments here with reference to the enforcement of public-land laws. I understand to what the Senator refers when he says that the present law requires the cultivation of a certain area. I understand perfectly the hardship of that provision, and I have understood it for some time.

I introduced a bill here some two years ago providing that in lieu of the cultivation of a certain area a certain amount of development or improvement should be made, estimated at so much an acre, 75 cents or a dollar, or whatever it was. I have forgotten. That gives the entryman a reasonable rule by which he can conduct his efforts, a rule by which he can know with some degree of certainty that when he shall have complied with it patent must issue to him. I have not been successful in getting that bill enacted into law, but it has passed the Senate.

Mr. NORRIS. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. NORRIS. I wish to say to the Senator I agree with him, and if we can change this proposed law so as to avoid giving discretion we ought to do it; but it occurred to me that possibly there might be some reason in this case. I do not know that there is. The Senator from Oregon would probably know. As far as I am concerned I think we ought to consider in these homestead matters and in regard to this particular land the fact that the homesteader has to pay $2.50 an acre for his land, and therefore we ought to be more liberal as far as the requirement of improvements and cultivation are concerned than we would if he did not pay that amount.

Mr. BORAH. I agree with that.

Mr. NORRIS. I would be glad to have the Senator or the Senator from Oregon suggest an amendment that would obviate what I think myself is a difficulty.

Mr. BORAH. If I had my way, I would give every homesteader a patent just as soon as he had shown sufficient evidence of the fact that he was there to acquire a home, with such safeguards thrown around the transaction as to prevent fraud or to prevent the acquisition of title by those who desired it for the purpose of speculation. I would give the homesteader his

patent, as I say, as soon as his good faith could be evidenced. As the Senator from Nebraska says, the payment of $2.50 an acre ought to be taken into consideration as one of the items of good faith, although not sufficient, of course, because that would leave a certain class of men able to deal with the situation because of the fact that they had the money.

We have an illustration of this rule of discretion coming up in a day or two, or shortly after this bill is disposed of, in the Post Office appropriation bill. There they are proposing to lodge a certain amount of discretion in the Postmaster General with reference to the carrying of printed matter, magazines, and so forth. I am not in favor of that discretion, but I would infinitely rather see the Postmaster General given the discretion to deal with such a subject as that than to leave unlimited the discretion of the man who is going to pass upon the efforts of a settler who is trying to make a home. Nine times out of ten the public officer has no appreciation or no conception of the sacrifices suffered and the adversities to be endured by a man who has undertaken to make a home in the arid West or upon public lands as they now exist in the United States.

The time was when settlers could go out and acquire a home easily, comparatively speaking, when the lands were available, when it did not require very much effort; but the man who goes out now for the purpose of making a home upon any part of the public land knows when he goes there that it requires sacrifice; that it requires patience and labor, such as men will not make nor undertake to make who have not that indescribable yearning for a home which nine public officials out of ten have never experienced.

I should, therefore, like to see this provision eliminated or changed, and I shall offer an amendment to that effect.

Let me read, Mr. President, a paragraph from a letter which I received only this morning, especially for the benefit of some of our eastern friends who think we have made it easy for the settler to acquire a home, as all the western Senators have had it said to them. We are giving these people 160 acres of land for going out and sitting down upon it. Let me give you a glimpse of the sacrifice which is involved upon the part of such efforts as are now required to get a home. This letter is written by a gentleman who is well known to other Senators than myself and he is entirely familiar with western conditions. He says:

> Hundreds, if not thousands of original settlers are falling by the wayside because of reclamation conditions and reclamation uncertainties, and unless something is done very soon, thousands more are going to fail.

I do not want it to be understood that I am reading this as a reflection upon the particular administration of the law at this time. I am referring to the exacting conditions which surround the settler under the laws that we have passed, assuming that they are executed in the spirit and in the letter of the law.

> I have spent thousands of dollars in my endeavors to improve the relations between the settlers and the Government and think it has been well spent, but actual results are vitiated by red tape and delay purposely brought about to force the settlers into acquiescing in matters and charges they never agreed to and are contrary to reclamation law.

That last, Mr. President, might seem a reflection upon the officers; but the officers, of course, must execute the law as they find it. They are supposed to get back this money and must at times, of course, deal harshly in order to get it apparently; but do the best we may and exercise the best judgment possible, we know that hundreds and hundreds of men who go upon these lands and undertake to reclaim them from the desert spend one or two or three years and then, as this letter says, fall by the wayside not by reason of any fault of theirs but because of the fact that in these days, to carve out of the desert a home means a vast amount more sacrifice than characterized our forebears when they had all of Illinois and Michigan and Kansas and this great and wealthy land to draw from. In this day there ought not to be put into the law with reference to the acquisition of homesteads other than that which will test the good faith of the settler. The United States could well forbear the enforcement of the payments, which are being enforced at this time until such conditions should prevail upon these projects as to enable the settlers to do so without the suffering and the hazard and the loss which must necessarily characterize them under the present law.

Mr. THOMAS. Mr. President, as I was a member of the subcommittee of the Public Lands Committee of the Senate to which was referred this measure and joined with the chairman of that subcommittee in approving the amendments, it is perhaps only proper that I should confirm what the Senator from Oregon [Mr. CHAMBERLAIN] has said regarding them, and to give in brief the reasons for my approval of the bill as it stands. That, however, has been done so admirably and so much better than I could do it myself by the Senator from Idaho [Mr. BORAH], who has just taken his seat, that my task is now comparatively easy.

I know that there is abundant material for argument on both sides of this proposition, and very much that has been urged against the amendments and in favor of the House bill in regard to the distribution of funds realized from the sale of these lands is sustained by the general spirit, so to speak, of the reclamation law and the manner of its administration, and by the tendency to cover into that fund as many as possible of the sources of revenue derived from public lands. Personally I have great sympathy with that policy and naturally want to see that fund so large that its benefits may be as widely extended as possible.

But this is a very extraordinary situation, one with which we have never before been confronted, and one which may not require congressional action again. It involves a land grant which instead of being administered by the immediate beneficiaries of the grant as required by its condition was not administered at all. It involves the execution of a decree of the Supreme Court of the United States by congressional legislation, a task which is unusual and which in some respects has been made, I think, extremely difficult by the peculiar nature of the decisions of which it is the sequel. The bill was filed originally against the Oregon & California Railway Co. to enforce a forfeiture of its grant because of the disregard by the grantee of conditions subsequent, and upon a full hearing the court below sustained the position of the Government and issued a decree accordingly.

The Supreme Court of the United States by a process of reasoning which is entirely logical reached the conclusion that there had been no forfeiture because the recitals of the grant were not conditions subsequent but were covenants which could still be enforced. Had the decree been rendered in strict accordance with the logic of the decision I do not think Congress would have had anything to say upon the subject. But the decree, while denying a forfeiture, seems to me to have proceeded upon the theory that Congress would virtually assume one and then provide for the execution of the details of the decree in appropriate legislation.

That is the first difficulty with which we are confronted. It is true the bill declares that title shall revert to the Government of the United States. That is doubtless necessary in order that the decree can be profitably covered by legislation of this character; but it also provides, which would be impossible if the forfeiture had been declared, that the original sum of $2.50 per acre for which the grantee was required to sell this land to actual settlers, should be paid into the coffers of the railroad company. We are concerned with the distribution of the remainder.

That of itself is unusual in the sale of public lands. It is unprecedented. It would be impossible if these were public lands in the strict sense of the term. It is a recognition of the fact, and a necessary recognition to my mind, that we are required by the Supreme Court of the United States to substitute the Government for the railroad company and then execute the original terms of the grant as nearly as possible in accordance with it and dispose of the fund in a way which is made necessary because of the original failure. I do not regard, and I am unable to regard, this land as being public land. I sympathize fully, as I have stated, with the spirit and with the logic which assuming it to be public land would require a different distribution of this surplus fund.

Mr. President, the fact remains that if this grant had been administered as Congress required that it should be administered when 50 years ago it enacted it, if the railroad company had sold these lands or even attempted to sell them at the maximum price of $2.50 an acre to actual settlers, it unquestionably without regard to the abundance of public lands in other parts of the State would have disposed of a great many of them, and as a result the population of Oregon would have been proportionately increased, a benefit to any Commonwealth which can not be measured in terms of money, a benefit which has been until recently perhaps it has been the object of the Government to secure, the dissemination of title to public lands among citizens anchored to the soil, and thus taking an interest and the deepest of all interests in the welfare and the perpetuation of the Commonwealth.

If that had been done doubtless thousands upon thousands of men, women, and children would long ago have been established upon these lands. The lands would have been brought into taxation according to their value and the added distribution of the resources of the State by this added population would, to my mind, be very largely in excess of all the moneys

like to see that change made.

purpose of speculation. I would give the homesteader his

that we now realize from these lands to be paid as provided by the terms of the Senate committee amendment.

Consequently, the attitude taken by the Senator from Oregon, who has charge of the bill, it seemed to me, and now seems to me, to be precisely that which I would take and insist upon were this grant located in my State instead of his own. I think the interests and welfare of the State of Oregon with regard to this particular body of land ought to be the first consideration in the distribution of the fund that is to be realized in excess of the amount to be paid back to the railroad company, and this bill seeks to do it. While the rest of the country may have a legal right, I do not think it has what can be termed a moral right to the distribution of this fund as provided by the bill as it passed the House.

I say that as I before intimated with the most profound respect for the views of Senators who disagree with me and with whose logic I can not quarrel, but when we consider, as the Senator from Idaho has so forcibly and clearly stated, that we are dealing with a subject that is sui generis, one in which the Government is seeking at this belated day to perform a contract which it made with other people, and which those other people ignored, it ought to be performed, as far as we can do so, in such a manner as that its effect will bring reparation and compensation to those who, if the contract had been performed by those whose duty it was to do so, would have received it.

I hope, therefore, the bill will be enacted into law.

Mr. LANE obtained the floor.

NATIONAL CAPITAL PREPAREDNESS PARADE.

Mr. SMITH of Maryland. I ask permission to introduce a joint resolution, and I ask consent for its present consideration.

The PRESIDING OFFICER. The joint resolution will be read, and then the Chair will ask if there is objection.

Mr. CHAMBERLAIN. That was done awhile ago by unanimous consent, and quite a question was raised about it among Members. I do not want to lose the place this bill has before the Senate now.

Mr. SMITH of Maryland. I will say to the Senator that I have to attend the meeting of a subcommittee, of which I am chairman. Otherwise I would wait. It is important that this joint resolution should be passed. I hope the Senator will hear it read.

Mr. CHAMBERLAIN. I will not make any objection if it is understood that it will not displace the pending bill.

The PRESIDING OFFICER. Let it be read, and then the Chair will ask if there is objection to its consideration.

The joint resolution (S. J. Res. 137) authorizing the Commissioners of the District of Columbia to make special regulations for the occasion of the National Capital preparedness parade on the 14th day of June, 1916, and for other purposes incident to said parade, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to make all reasonable regulations necessary to secure preservation of public order and protection of life and property, and to fix fares to be charged by public conveyances, and to make special regulations respecting the standing, movements, and operation of vehicles of whatever character or kind, including street cars, on the occasion of the National Capital preparedness parade on the 14th day of June, 1916. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until three days after such publication. Any person violating any of such regulations shall, on conviction thereof in the police court of said District, be punished by a fine not exceeding $100, and in default of the payment thereof shall be imprisoned in the workhouse (or jail) of said District for a period not exceeding 60 days.

SEC. 2. That the Secretary of War is hereby authorized to grant permits to the citizens' executive committee in charge of said preparedness parade for the use of any reservation or other public space in the District of Columbia on the occasion of said parade which, in his opinion, will inflict no serious or permanent injury upon such reservations or public spaces or statuary therein; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said District of Columbia as they may deem proper and necessary: *Provided, however*, That all stands and platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the Commissioners of the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. THOMAS. Mr. President, it seems to me that the joint resolution would be complete if it also provided for the erection of recruiting stations along the line of the parade so that we could fill up the ranks of the Army to the extent, at least, of the 20,000 provided for by the special act passed a few weeks ago.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHAMBERLAIN. I will say now, Mr. President, that from this time until the pending bill is disposed of I must object to anything but the regular order.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

Mr. LANE. Mr. President, I should like to call to the attention of Senators a little of the history of this country and of this land grant which was made to what was then known as the Oregon & California Railroad. In the early days pioneers, trappers, principally the Hudson Bay Co. trappers, who were engaged in gathering furs for that great company, wandered over on the Pacific coast, and they found favorable winter quarters, where the grass grew and the trees were green all the year around; where there never was any deep snow nor any very cold weather. Thereafter they made their winter headquarters in that country.

That was the Willamette Valley. When their term of service with the Hudson Bay Co. expired many of them went up that valley, some 50 miles south of the city of Portland, in what is now called French Prairie, for the reason that these men were French Canadians. They married into the Indian tribes and settled. They were the first settlers in the State of Oregon. They sent out word to their friends and other trappers and hunters, and pioneers and adventurers came into that country. Word was sent back to St. Louis, to St. Joseph, Mo., and then on here, that there was a good country there, a rich country, a beautiful and fertile country, with a mild climate, and with the spirit of adventure which followed along after the discovery of gold in 1849 there came an exodus, a great immigration to the Pacific coast and into the State of Oregon. In 1848 my father tramped across that country over the Sante Fe trail. In 1852 my mother, a girl from Virginia, walked from Virginia behind an ox team to get into that country in order to make a home. She, with her father and mother, my father and his father and mother, made their homes there and lived and died there. They went there for the reason that it was a beautiful country with a mild and equable climate, but it was far removed from the centers of civilization and from a market for produce.

In 1865 we had but one steamer a month coming in through the mouth of the Columbia River to the city of Portland. When it came within 3 miles of the city it fired a cannon, and everybody suspended business; shops and stores were closed, and the people rushed to the lone wharf to see who had come in from the "States," as they called this eastern country.

Overland we went first on mules and horseback or on foot on the trail; then by stage through the Willamette Valley in Oregon down into California, and then worked our way east or took the steamer at San Francisco to the Isthmus of Panama, so as to get into the eastern country to buy the things that we needed. Others went around the Horn by ships.

The people who came there wanted to open up the country. There were but few settlers, and when a man came in representing a railroad company which proposed to build a railway, we were glad to see him and glad to give him large inducements to come in to help us open up the country with a ready means of transportation in order that we might build up a community and have settlers around us. Where the city of Portland now is, on the site where now is located one of the largest high schools in the country, when I was a boy I have heard the panther scream at night—scream and scream until you thought it was some one in distress, but when you went out to relieve him, or her, rather, and you got within a hundred feet of the beast and it then set up one of its yells, you found you were mistaken, and you went home promptly, and in something of a hurry. [Laughter.]

Right in the center of the city of Portland, which now has 250,000 inhabitants, I have seen bears come right up to the side of my father's house and drive the dogs under the house in an effort to capture what little live stock we had upon the place.

In the deep woods the trees were 6 feet through, and some of them were 8 feet. You gentlemen, who now want to take the proceeds from the sale of our timber and go out and open up your sagebrush country, will hardly believe that in many places the woods were so thick that the sun never shone through, and yet the timber itself had no value at all; it was a curse to the land. The trees were so big that it took you half a day to chop one down; then they were cut into lengths sufficient in size to roll into a pile and burned. Then the stumps had to be removed, and it took hard, laborious work for from five days to a week to get one of the largest out of the ground.

Another point that I want to impress upon you is that where the timber grows thickest, where it is of the greatest size, where the great firs, hemlocks, and other trees grow 6, 8, 10, and even 12 feet through, if you please, the land is the richest; while, where the timber is small or does not grow, in the country west of the Cascade Range the land is hardly fit for cultivation; it is poor land, lean land.

Those were the conditions. The railroad representatives came to us and made an offer. We concluded a bargain with them to the effect that if they would put a line of railway through the State, connecting us as soon as they could with a line then at Sacramento, Cal.—the old Central Pacific, I think, was its name—we would give them every other odd section of land remaining in the Willamette, the Rogue River, and the Umpqua Valleys, 20 miles on each side of the railway tracks. They were three consecutive valleys running right through the heart of the western portion of the State, that being the richest portion of the State, while the land which lay over in the eastern portion of the State was known as a desert. It was not supposed to be able to raise grain. Nobody would have believed it to be fit for agricultural purposes. Afterwards it proved to be among the richest of our lands and produced more grain than any other section. But it was not known at that time. It was a sagebrush country. At any rate, we made a fair bargain with the railroad company, that, if they would open up that country, we would give them every other section of land. The timber was not worth anything; it had no value at all; it did not enter into the transaction. Nobody considered it in connection with the bargain, except that it was a curse to the settlers of the country. They cut it; they labored; they got rid of it to the best advantage that they could. After putting in a hundred or two hundred dollars' worth of labor to the acre to get rid of it, to get at their land—and only by doing so could they use the land upon which to raise crops—they also set fire to it in the fall when the wind was right. After a long, dry spell, when the ferns and underbrush were dry and when the wind was right, they burned it over thousands of acres. I have seen them do it. This was done in order that sheep and cows and horses might graze upon it. To-day it is the principal source of value in a great portion of that country.

The bargain, then, was distinct and plain and simple. It was for the land. The Government land was selling at $1.25 an acre. We allowed the railroad company to charge $2.50 an acre, and they agreed to sell it for $2.50 to actual settlers. They did not keep their bargain. They may have parted with a little of it, but when the timber began to be valuable, when the adjoining lands had been opened up and had become valuable to the community and had correspondingly raised the value of the railroad land, then they refused to sell it; and the men who went and made application for the land, offering their money to pay for it, were refused title; they were refused by the company the right to pay their money and to receive a tract of land.

Right there the Government failed in its duty to the State of Oregon. If after the first refusal of the railroad company to keep the terms of its grant—its plain bargain—the administrative department of the Government had done its duty, it would have stepped right in at that time and compelled them to make the sale. If they had made the sale, this question would not be before Congress at this time; the country would have been settled; there would have been thousands, and probably hundreds of thousands, of people living there who to-day are denied the right to go upon that same property, and can not do so without committing a trespass.

That is the situation which confronts Oregon; that is why the situation differs from the public-land question generally, and the sale of lands for reclamation purposes in other States. It was a distinct grant for the benefit and for the sole purpose of opening up the Oregon country. The people consented to it with that distinct understanding, and entrusted to this body or to our predecessors, and to those in the other House and to the executive departments of the Government, the duty to see that the contract was kept by the railway company, which had secured the grant, which it failed to do. We did our duty. We builded up the country; we builded towns; we opened up our harbors; we builded roads and schools and churches; we builded up municipalities; we cleared the timber off our lands and made them tillable, and have made a good country of that region. The railroad company stalled and blocked the development, and the Government, or this body, as I have said, and other departments of the Government failed in their duty by not forcing the other party to the contract to do their duty. Those facts must be taken into consideration.

Now, when we come here and ask that the bargain be carried out to completion—under different circumstances, I will allow, under changed conditions; conditions in which the timber now has become more valuable—we expect the Government to stand on the original proposition, to carry out the original bargain—the plain, fair, honorable compact that it entered into with the people of that State.

Thirty-five million dollars for the timber and the land! The State of Oregon has lost $130,000,000 through the failure of the other party to the contract to carry out their agreement. We have lost in population. We have been marooned and have paid excessive rates for freights on account of the contract which we made with a corporation, which, if they had done their duty, would have been a blessing to us. They have kept their contract in no particular where it paid them to break it.

The State of Oregon, then, has this situation now confronting it. We have been for 50 years left in this condition. Now, we want the opportunity to use those resources for the benefit of Oregon, and Senators from other States come in and make us a counter proposition that if our timber is sold the proceeds of the sale shall go to the reclamation of the desert and barren lands of their State. They overlook the fact that where the timber grows heaviest the land is the most valuable for farming; that after the timber is removed there remain stumps upon the land, and before the land can be used for settlement, for homesteads, before it will be of value to the settler, it must have the stumps removed from it. In other words, it will cost the people of that country, the settlers, not less than a hundred dollars and from that on to $200 an acre to do that work of reclamation. The funds from the sale of this timber Senators now desire to place upon their lands, which no more need reclamation than do some of ours, and leave the lands from which the money has been derived to be reclaimed at the expense of the settlers of our State.

It is not a fair proposition. If it is a matter of reclaiming arid lands, we have such lands. These timbered lands, however, are not arid lands. If they were arid lands, they would not have this valuable timber upon them. Just east, however, just over the range, where they have an annual rainfall of but from 7 to 12 inches—and that is as little as they have in most of the arid States—we do need water. Those people need help just as much as do the people in any other State in the Union. To the west of this land-grant land the people have mortgaged themselves, they have bonded their little holdings in communities where they are completely isolated by forest reserves and by these land grants, and have opened harbors in order to reach the sea with such products as they can raise. They need encouragement. The people on the eastern slope of the mountains have in many cases put up dollar for dollar with the Government in the attempt to reclaim their arid lands. These things should be taken into consideration.

I do not want to do any injustice to this railroad company, and I do not think any will be done to it if it receives $2.50 an acre for this land; but it will be an injustice to Oregon if the money derived from the sale of these lands and from the sale of this timber, which will be needed to clear the lands and for other improvements which ought to have been made years and years ago, and which would have been made but for the loss which it has suffered because of failure to carry out the agreement on the part of the other party to the contract, is not allowed to go to the benefit of that State.

It is different from the ordinary reclamation scheme. It is different from the conditions that exist in Montana, in Idaho, in Arizona, and in New Mexico. This land would have needed no reclamation if allowed to take care of itself. It would have builded up upon its own merits; it has an abundance of water, and yet from the fact that it has been kept out of the hands of the people it has suffered to an enormous extent.

It is, then, as I have said, a question which should be viewed from a different angle; and, inasmuch as the grant was originally made for the benefit of that State, to open up that country, a country difficult in some parts to open, I see no difference between the condition which existed then and that which confronts the Senate or the Congress at this time.

I am not in favor of some of the provisions even of my colleague's amendments, and I want to have a full hearing on the amendment which the Senator from Idaho [Mr. BORAH] is

diate consideration of the joint resolution?

effort to capture what little live stock we had upon the place.

the grant, which it failed to do. We did our duty. We builded up the country; we builded towns; we opened up our harbors;

league's amendments, and I want to have a full hearing on the amendment which the Senator from Idaho [Mr. BORAH] is

going to offer to the bill. My main interest in the question is to get for the settler more than I think he is getting at this time. The value of the timber has become the object of the contest between the differing parties. There lies the value, and upon that I wish to be heard further when the amendments are discussed.

Mr. JONES. Mr. President, I want to ask the Senator from Oregon a question or two about some of the provisions of this bill. These lands are divided into three classes. Class 1 includes the power-site lands. Class 2 includes timber lands, and timber lands are such lands that have a growth of "not less than 300,000 feet board measure on each 40-acre subdivision," which would be 1,200,000 board feet to the quarter section. Class 3 includes agricultural lands. The lands of class 2—that is, the nonmineral lands of class 2—are not to be disposed of until the timber is cut off. Section 5 provides for the disposal of the lands of class 3. It provides for their disposal by homestead entry. The second proviso on page 10 reads:

Provided further, That during the period fixed by the Secretary of the Interior for the submission of applications to make entry under this section any person duly qualified to enter such lands who has resided thereon, to the same extent and in the same manner as is required under the homestead laws, since the 1st day of December, 1915—

Where is the provision in this bill authorizing the Secretary of the Interior to fix the time for submitting applications? Does the Senator from Oregon remember any such provision?

Mr. CHAMBERLAIN. I do not recall any provision fixing the time within which applications for entry shall be filed.

Mr. JONES. I want to suggest to the Senator that in the first part of section 5 it is provided that these lands—

shall be open to entry in accordance with the provisions of the act of September 30, 1913.

That is an act authorizing the President to restore lands which have been withdrawn and provide for their entry, and he fixes the time within which those who have settled on them may acquire preference rights. There is no reference in that act—and I take it that that is the act that is really referred to here under which the period for the submission of applications is fixed—to action by the Secretary of the Interior. So it seems to me, if that is the act to which this part of the bill refers, that we ought to put in the word "President" instead of the words "Secretary of the Interior," because——

Mr. CHAMBERLAIN. At what point and to what page does the Senator refer?

Mr. JONES. Page 10.

Mr. CHAMBERLAIN. Line 6?

Mr. JONES. Yes. Because the act cited in the first part of the section, under which the President restores these lands, only refers to action by the President, and not to action by the Secretary of the Interior at all.

Mr. CHAMBERLAIN. If the Senator offers that as an amendment, I have no objection at all to it.

Mr. JONES. I wanted to make that suggestion. Here is a more important matter, however, to which I want to call the attention of the Senator. As I understand, the provision of section 5 with reference to entry only refers to nonmineral lands of class 3; but there is a provision contained in section 5 that—

any person duly qualified to enter such lands who has resided thereon, to the same extent and in the same manner as is required under the homestead laws, since the 1st day of December, 1915, and who has improved the land and devoted some portion thereof to agricultural use, and who shall have maintained his residence to the date of such application, shall have the preferred right to enter the quarter section upon which he was so residing where such quarter section does not contain more than 1,200,000 feet board measure of timber.

None of the lands covered by section 5 can, under the previous provisions of the bill, contain that amount of timber.

Mr. CHAMBERLAIN. Because the timber has been cut off?

Mr. JONES. No; whether it has been cut off or not. None of the lands entered under section 5 can have more than twelve hundred thousand feet of timber to the quarter section, because if they do have more then they come under clause 2 and are excluded from the provisions of section 5.

Mr. CHAMBERLAIN. I will say to the Senator that the bill as originally prepared and introduced by me did not have that provision in it at all. It was put in by the House committee, and I really do not know the purpose of it.

Mr. JONES. I wanted to call that to the Senator's attention, because it might make it very uncertain as to what this provision really accomplishes.

Then it goes on to say that if the quarter section contains more than 1,200,000 feet board measure, the applicant can enter and secure title to 40 acres upon which his improvements are located.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. JONES. Certainly.

Mr. NELSON. I think this is an exception to the general rule laid down as to the lands embraced in class 2.

Mr. JONES. That is what I wanted to get at.

Mr. NELSON. And the exception is to give title to those who are already on the land and have made homes on it. They are made an exception to the rule laid down as to lands of class 2.

Mr. JONES. No.

Mr. NELSON. Yes; I think that is the effect of it.

Mr. JONES. I want to call the attention of the Senator to the fact that under section 2 all the lands that contain 1,200,000 feed board measure to the quarter section are classified as timberlands.

Mr. NELSON. I understand that.

Mr. JONES. And no exception is made with reference to settlement on those lands.

Mr. NELSON. No; but here an exception is made.

Mr. JONES. That is the question, whether or not it is intended to protect the settlers who are already on the lands of class 2.

Mr. NELSON. I think that is the intention.

Mr. JONES. That is what I want to ascertain.

Mr. NELSON. The exception is intended to protect those who are occupying lands of class 2, except where the timber exceeds the amount described in the provision.

Mr. JONES. No; if the lands contain timber less than twelve hundred thousand feet board measure they do not belong to class 2 at all.

Mr. NELSON. No; but here a rule is laid down which, it seems to me, is perfectly clear.

Mr. JONES. I want to call the Senator's attention to the fact that section 5 starts out as applying only to lands of class 3.

Mr. NELSON. I know; but here is a proviso, commencing in line 5, page 10, which reads:

Provided further, That during the period fixed by the Secretary of the Interior for the submission of applications to make entry——

Mr. JONES. "Under this section"——

Mr. NELSON. Yes; then it proceeds:

under this section any person duly qualified to enter such lands who has resided thereon, to the same extent and in the same manner as is required under the homestead laws, since the 1st day of December, 1915, and who has improved the land and devoted some portion thereof to agricultural use, and who shall have maintained his residence to the date of such application, shall have the preferred right to enter the quarter section upon which he was so residing, where such quarter section does not contain more than 1,200,000 feet board measure of timber.

I think that would apply to all classes of land except water-power land.

Mr. JONES. I want to call the Senator's attention to this point: This section starts out by providing for the disposal of nonmineral lands of class 3. Those are the agricultural lands. Those are the lands the timber on which amounts to less than 1,200,000 feet; and then there follows the proviso:

That * * * to make entry under this section—

That is, entry of lands of class 3—

any person duly qualified to enter such lands—

That is, lands of class 3; and those are the only lands referred to. I agree that it looks as if it is an effort to protect persons who may have settled upon lands of class 2, because those are the only lands that contain over 1,200,000 feet of board measure to the quarter section.

Mr. CHAMBERLAIN. Mr. President, if I may interrupt the Senator. I recall now that Mr. Williams in his report says that there are a number of settlers who went on the land between the date of the suit and the time when the decree was rendered, and this provision is intended to protect those people who went on in good faith and who are living there now as actual settlers. He said they have homes built there, and they have been cultivating the land in good faith.

Mr. JONES. That is, they went upon lands which probably would come under class two?

Mr. CHAMBERLAIN. Yes; on lands which might come under class 2.

Mr. JONES. Does not the Senator think we ought to put that exception in section 4, possibly, so as to make it clear that we intend to protect every settler who went upon lands of class 2?

Mr. CHAMBERLAIN. When the Senator comes to the question of the settler he gets on to pretty dangerous ground, for I think that if there was any part of the bill that was studied more carefully than any other part it was that which relates to the settler. It is unnecessary to discuss it, it seems to me, but it was discussed in the House. There are 16,000 or 18,000

people who claim to be settlers. The provisions of the bill were prepared in order to protect the men who were there and had been there; but they are very few in number.

Mr. JONES. But I want to call the Senator's attention to the fact—and this is what I am trying to get at—that section 5, under which this exception is placed, purports to relate only to lands of class 3 or nonmineral or agricultural lands. It relates only to what we have defined as agricultural lands. Then there is a provision which looks as if it were designed to protect settlers who went on lands of class 2. What I want to know is, whether or not we are trying to do that? If we are trying to do it, we ought to make it clear.

Mr. NELSON. When you come to figure it mathematically, there is no difference. Class 2 includes timberlands, "which shall include lands bearing a growth of timber not less than 300,000 feet on each 40-acre subdivision."

Mr. JONES. That is twelve hundred thousand feet on a quarter section.

Mr. NELSON. That is the same limitation as is provided in section 5, as applying to a quarter section, the limitation for a quarter section being 1,200,000 feet board measure.

Mr. JONES. I understand that.

Mr. NELSON. There is no difference in the amount.

Mr. JONES. I think the Senator is mistaken in his contention.

Mr. NELSON. Four times 300,000 would be twelve hundred thousand.

Mr. JONES. But the bill says that where the land does not contain twelve hundred thousand feet of timber, board measure, the settler shall have his preference right. Of course, where it does not contain 1,200,000 feet it is agricultural land, according to the terms of the bill. Then section 5 proceeds, and it looks as if it were designed to protect the man who has gone onto land of class 2, when all the preceding part of the section relates to lands of class 3. What I am trying to get at is, whether or not it is the intention of this bill to protect settlers who have gone onto lands of class 2. That is what I want to know.

Mr. CHAMBERLAIN. Mr. President, I think it is intended to protect those men who were on the land in good faith prior to 1915 and are living on it.

Mr. JONES. On lands of class 2?

Mr. CHAMBERLAIN. On lands of class 2 and on lands of class 3 as well.

Mr. JONES. Then we ought to put a provision in that section which refers to lands of class 2, because I doubt very much if the provisions of section 5 would protect anybody who has gone on lands of class 2. It does not purport to do so in express terms. It purports in express terms to protect only those who have entered upon lands of class 3, and then there is thrown in the provision that, if the land has more than twelve hundred thousand feet board measure, the settler can get 40 acres.

Mr. CHAMBERLAIN. That clearly indicates that the reference is to lands of class 2, because the bill provides what shall be included within lands of class 2; in other words, it protects those who have gone on lands of class 2 by allowing them to take a certain subdivision of a section.

Mr. JONES. So the Senator is satisfied that that is not only the intention of this provision but that it does protect those who have gone on lands which are previously classified as lands of class 2?

Mr. CHAMBERLAIN. I think so.

Mr. JONES. Now, I want to ask the Senator——

Mr. POINDEXTER. Mr. President, if my colleague will permit an interruption, I rather agree in my colleague's view of that matter. I will say in that connection that there are a number of people in our State who are interested in the matter in a general way on account of having made applications to purchase, and there are some who have settled upon portions of the land in our State. The report said the other day that there were only a few hundred acres. I got the impression from correspondence that it was more than that. But, however that may be, there is not any right of entry given in this bill to lands of class 2. On the contrary, the section of the bill expressly gives the right of entry upon lands in class 3. There can not be any right of entry except upon the lands in class 3, because that is what the section says.

Mr. JONES. We do not provide for the entry of any lands except those of class 3, and, although you apparently try to make an exception down here, I myself do not believe that you do it. I was just going to inquire about that, and I hope the Senator will examine into that carefully, because I know he wants to make it clear, before the bill finally passes.

I wanted to refer to what my colleague has just referred to. I have some letters from a gentleman at Vancouver, in my State, in which he states that several persons settled upon lands along the Columbia River in Clarke County, and he makes this statement:

The settlers I refer to and have previously written about were actual settlers over 30 years ago, who, by the fear of losing their homes——

And so forth, were compelled to pay large sums to the railroad. As I understand from his letter, they were persons who settled upon lands and then went to the railroad company and made contracts with the company to purchase these lands, in many cases contracting to pay the company more than $2.50 an acre. He says here they were required to enter into contracts of that kind; they have paid more than $2.50 an acre to the railroad company, and then they paid taxes for quite a while. The burden became so great that they could not pay the additional amount. The railroad insisted upon their paying not only their contract price but the taxes that had been levied upon the land, and they were unable to do it. He says that in one case there is one of these original parties who is still upon the land; that in the case of others their heirs or assigns are upon the land. He thinks these people ought to be protected. The railroad company has already gotten out of it more than the $2.50 an acre. These people have paid that, but they are afraid now that they are going to lose all this land. Now, is there anything in this bill that would protect persons in cases of that kind?

Mr. CHAMBERLAIN. Mr. President, I do not think there is, except in a case where the individual is an actual settler. I have received a great many letters of that kind myself, and there is such a conflict amongst individuals as to their rights, either by virtue of having paid the railroad company or by virtue of having made applications to the railroad company and having those applications turned down, that I have advised most of those who have written to me that the first thing to be accomplished was the adjustment of this grant, the larger question, and those who had valid equitable or legal claims would have no trouble about getting their rights adjusted by subsequent legislation. I still think that is the only way which can be followed.

Mr. POINDEXTER. Mr. President——

Mr. JONES. I yield to my colleague.

Mr. POINDEXTER. I wanted to ask the Senator from Oregon a question. He seems to recognize equitable claims arising from applications to purchase or actual purchase by individuals of land under the terms of the act of 1870. The Senator says he has had a good deal of correspondence about it and that he has advised his correspondents that the first thing to do is to settle the larger question, and that later on their claims can be adjusted. Now, I should like to ask the Senator from Oregon how the claims are going to be adjusted later on when the entire disposition of the land is provided for in this bill? If this bill becomes a law, all the rights to the land are settled. It will be too late then for these people whom the Senator recognizes as being entitled to consideration to be considered at all. The subject matter will have been disposed of.

Mr. CHAMBERLAIN. I do not think so, Mr. President. Personally I feel that I had rather see this legislation fail than for Congress in this bill to undertake to adjust the conflicting claims of and to protect settlers. In all cases of this kind where the settlers have some defect in the title, or have failed to secure the title for one reason or another, Congress has always intervened to protect them on the public domain; and I have not any doubt but that Congress could do it and would do it here. Then there would be an opportunity to test out each case and see just what a man's claims were.

Mr. JONES. Would the Senator have any objection to a provision in substance like this, that purchasers might perfect their titles by appearing at the local land office and tendering the statutory price per acre, or showing by the usual proofs its former payment to the railroad company?

Mr. CHAMBERLAIN. Mr. President, I am frank to say that I would be unwilling to accept such an amendment without the most careful scrutiny and examination. I think the Senator, by such an amendment, would open up a Pandora's box that would appear to haunt us for a long time to come.

Mr. JONES. If we had a provision of that kind, it would not haunt us so much as it would the land-office people.

Mr. CHAMBERLAIN. Well, it might work great detriment and harm to the Government.

Mr. JONES. If we do not get something of that kind, then we are likely to be haunted with it for a good while.

Mr. CHAMBERLAIN. I had rather appear in Congress with a bill for the relief of some particular individual, such as the

Mr. JONES. Certainly.

Senator seems to have in mind, or set or class of individuals, than to undertake to open the door with doubt as to who might enter.

Mr. JONES. I can see the difficulties, of course, that we could be laboring under.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. JONES. Certainly.

Mr. NELSON. I want to say to the Senator from Oregon and to the Senator from Washington that shortly after we passed the joint resolution of 1908, instructing the Attorney General to commence suit about this land grant, I was flooded with letters from my State recommending that certain land agents out there in Oregon wanted the writers to make homestead applications, asking them for a certain fee. I am satisfied from the correspondence I received that a great many people were foolish enough to send money to these agents. I have seen in a report the name of one of them of a rather unsavory memory—Mr. Pinter. I see his name in the RECORD. I must have had a hundred of those letters, and in every instance I wrote to the people who wrote to me, and told them: "This matter is in litigation and controversy, and do not you invest a dollar of money or make any effort about it."

There is no telling how many of these poor victims are lying loose and may try to get in under this cover if we extend it. Therfore I think we are wiser to take the course that the Senator from Oregon indicates; for there were a lot of those people that were brought in, in one way or another, by these oblicious land agents.

Mr. JONES. There is not any question about that. I received a good many letters along the same line that the Senator has referred to from people in my State, and I gave the same advice that he gave. But what I have in mind here particularly, and what this gentleman writes about, is the case of persons who actually bought the land from the railroad company. He refers to some who went on these lands thirty-odd years ago and made their contracts with the company and actually settled upon the land. They paid the company more than $2.50 an acre, but were unable then to complete their contracts, some of them.

Mr. CHAMBERLAIN. The Senator will remember that the Department of Justice recommended an amendment to the section in the bill I prepared that would protect some of these executory contracts, and notably one into which the former governor of Minnesota was drawn, Gov. Lind. That was in exactly the same situation as some of which the Senator speaks. That raised a storm of protest throughout the West, and yet, I think, no one questioned the integrity of Gov. Lind. It was claimed that it opened up a door that might have been disastrous to the Government, and the House committee, after a most thorough investigation, left out of their bill this very provision which affected one man, and which the Senator proposes to make general.

Mr. NELSON. Mr. President, I am informed by a gentleman who has investigated this matter thoroughly that there are homestead applications on file for the purchase of nearly all of this timber.

Mr. JONES. Of course I am not referring to, and do not have in mind, a provision that would take care of these people who came in through the agents the Senator referred to a few moments ago, after this litigation was started, or after it was brought up, who tried to acquire the rights to those lands then. I have not those people in mind at all. I would not want any provision that could be construed as taking care of them. I remember the provision in the House to which the Senator from Oregon refers, and I know that they did have very extensive hearings with reference to that matter, and, as I understood, they finally did leave it out. I just wanted to get the Senator's views with reference to a proposition of that kind, and as to whether or not the Senate committee considered that phase of the matter and decided that it was best not to try to incorporate in this bill a provision of that kind.

Mr. CHAMBERLAIN. We thought, in view of the investigation of the House committee, and what they had done, that we had better not undertake to adjust these matters any further than they did.

Mr. JONES. Mr. President, I will ask the Senator another question or two, while I have the floor, with reference to one of the amendments proposed by the committee. The committee provides for the sale of this timber, and in the amendment on page 8 it says:

> Timber thus purchased may be cut and removed at any time within the discretion of the purchaser, his heirs or assigns.

Does the Senator think that is a wise provision?

Mr. CHAMBERLAIN. Mr. President, I discussed that yesterday to some extent, and I am frank to say that I am not entirely satisfied with the solution of it. The House bill authorizes the sale on a credit of 10 years. Under it a man can cut the timber off as he pleases and pay for it as he has cut the timber, but the land in the meantime is not subject to taxation, nor the timber either. The Senate amendment provides for a cash sale of the timber, and immediately upon the sale of it it goes on the assessment roll. The timber is assessable, but it leaves the purchaser his own time to take it off. He may take 5 years, he may take 10 years, he may take 100 years if he wants to; but all the time this timber that he has purchased is on the assessment roll, and it is assessed up pretty well. No man can afford to hold it indefinitely, when the assessment runs up from ten to forty dollars an acre, without utilizing it in some way; and it can only be utilized by taking the timber off and selling it on a normal market.

That method was at first approved by the Secretary of the Interior. He thought that was the proper way to dispose of it, and approved of the Senate provision in the first instance. Then, after the House committee had prepared a bill that had a sort of a combination of option of cash sale or credit sale, he was satisfied with that provision. But I still think that the Senate amendment is better.

Mr. JONES. I think there is considerable force in the suggestion of the Senator. I did not hear the Senator's discussion of the matter yesterday, and I did not know it had been discussed; so I will not take any further time on it now.

Mr. CHAMBERLAIN. Mr. President, I ask for a vote on the committee amendments, if nobody desires to address the Senate at this time.

Mr. POINDEXTER. Which committee amendment is the Senator asking for a vote upon?

Mr. CHAMBERLAIN. The committee amendments to the House bill, in the order in which they appear.

Mr. POINDEXTER. All of them?

Mr. CHAMBERLAIN. Yes, sir.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The order has already been made that the Senate will first consider the committee amendments.

The SECRETARY. The first committee amendment is on page 4, line 20, where it is proposed to strike out the words "withdrawal and," so that, if amended, it will read:

> Class 1. Power-site lands, which shall include only such lands as are chiefly valuable for water power sites, which lands shall be subject to such use and disposition as has been or may be provided by law for other public lands of like character.

Mr. NORRIS. Mr. President, I shall take only a few minutes on this particular amendment.

Mr. CHAMBERLAIN. May I just suggest to the Senator the reason that was changed?

Mr. NORRIS. Yes.

Mr. CHAMBERLAIN. The reason the committee cut that out was that it was simply undertaking to add a power that I think the Government already had and place it in exactly the same category as other power sites are placed.

Mr. NORRIS. The reason why I am opposed to the amendment is for the same reason that the Senator has said that he is in favor of it. I am not sure, of course, but that he is right; but I want to leave those power sites in exactly the same condition in which every other power site on public land would be left. Under existing law, other power sites are subject to withdrawal, and I fear that if we strike out these words and make them subject to withdrawal, these particular power sites on this particular land would not be subject to the law applying to other power sites. They might be subject to homestead entry, however. Anyone could get them under any other law.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH. I think the apprehension of the Senator from Nebraska is without any foundation at all. It is true that we now have a special statute authorizing the withdrawal of power sites, but, of course, the Supreme Court of the United States has held that it is not necessary; that the power to make withdrawals exists without any statute at all.

Mr. NORRIS. If the words "withdrawal and" are stricken out it will read—

> Power-site lands, which shall include only such lands as are chiefly valuable for water-power sites, which lands shall be subject to such use and disposition as has been or may be provided by law for other public lands of like character.

I suppose that it was the idea of the Senator from Oregon, and he may be right in it, that they would be subject to withdrawal even with those words stricken out. They could not be any more than subject to withdrawal if the words were left

in; so, to avoid any difficulty, it seems to me they ought to be left in.

Mr. WALSH. Let me make another suggestion to the Senator. The act provides that they shall be classified in the first place, and every power site is set aside and put in class 1.

Mr. NORRIS. Yes.

Mr. WALSH. The act itself provides for the withdrawal.

Mr. NORRIS. These power sites are classified under this law.

Mr. WALSH. Yes.

Mr. NORRIS. Is that what the Senator had reference to?

Mr. WALSH. Yes. Every tract of land that is suitable for use as a power site is taken out of the general body of the lands and put into a class.

Mr. NORRIS. The Senator's contention, as I understand, is that these words that the amendment seeks to strike out have no effect whatever. Is that the Senator's contention?

Mr. WALSH. That seems to me perfectly clear upon two grounds. One is that the act itself is a withdrawal. The act itself puts into a separate class every power site.

Mr. NORRIS. Yes; but the act itself specifically says—

> Subject to such use and disposition as has been or may be provided by law for other public lands of like character.

Now, if one of these power sites should be a homestead, if it should be held that the striking out of these words would make it impossible to withdraw them, the entryman might get a valuable power site under the guise of taking a homestead.

Mr. WALSH. Why, he could not possibly do so. The lands classified as power sites are not open to homestead entry at all. He would not be permitted to file on them.

Mr. NORRIS. Yes; but he would take a homestead that had a power site on it. He would not take a power site.

Mr. WALSH. Mr. President, the lands are all classified. Every power site is put into a certain class, and no lands in that class are open to homestead entry at all; so he could not possibly have a homestead entry on it.

Mr. NORRIS. Even if the Senator's contention is right, what is the objection to providing in the law that these power sites shall be subject to withdrawal the same as all other power sites are subject to withdrawal?

Mr. WALSH. The plain answer is that the act itself withdraws them.

Mr. CHAMBERLAIN. I have the same purpose in mind as the Senator.

Mr. NORRIS. I think the Senator does. I am not questioning that at all, and I am not even saying that the Senator is wrong about it, but it seemed to me that there could not possibly be an objection to words that would specifically give authority that everybody concedes ought to exist if the same authority exists in regard to other power sites elsewhere.

Mr. STERLING. Mr. President, I remember very well the discussion of the amendment in the subcommittee. We simply considered that these words here were so much surplusage. The bill itself classifies these lands, and excludes power sites from homestead entry; and it is obviously unnecessary to have those words in the bill. That is the sole purpose of the amendment.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. WALSH. I ask which is the amendment now under consideration?

The SECRETARY. On page 4, line 20, the amendment striking out the words "withdrawal and."

The amendment was agreed to.

The SECRETARY. The next amendment of the committee begins on page 6, line 10, in section 4, where it is proposed to strike out, beginning with line 10, all of the bill down to and including line 3, page 8, and to insert in lieu thereof the following:

> As soon as may be after classification the timber on lands of class 2 shall be sold by the Secretary of the Interior for cash to citizens of the United States, associations of such citizens, and corporations organized under the laws of the United States or any State, Territory, or District thereof, in such quantities and under such plan of public competitive bidding as in the judgment of the Secretary of the Interior may produce the best results: *Provided*, That the Secretary shall have the right to reject any bid where he has reason to believe that the price offered is inadequate and he may reoffer the timber until a satisfactory bid is received.
>
> Persons purchasing under the provisions of this section shall be given patents conveying to them the timber and expressly reserving the land to the United States. Timber thus purchased may be cut and removed at any time within the discretion of the purchaser, his heirs or assigns, and until it shall be removed the land upon which it stands shall be subject to the possession and control of the owner of the timber: *Provided*, That the owner of the timber shall make no use of the land except for the purpose of protecting the timber or cutting and removing it.
>
> The sales of timber herein provided for shall be made according to the smallest legal subdivision of land upon which the timber is growing, and any bid may include one or more such tracts, but where more than one such tract is included in such bid the bid must contain a separate offer for each smallest legal subdivision included therein.
>
> All timber sold under this act shall be subject to the taxing power of the States apart from the land.

Mr. POINDEXTER. Mr. President, there are a great number of different propositions involved in that amendment, and I ask for a separate vote on each paragraph of the motion to strike from the House bill that has just been read by the Secretary. Each one of them embodies a different question.

The VICE PRESIDENT. The Chair does not see how that can be done. A motion to strike out and insert is not divisible.

Mr. POINDEXTER. I should like to call the Chair's attention to the rule.

The VICE PRESIDENT. There is not any doubt that when a proposition contains several questions any Senator is entitled to a division of the question and a separate vote upon each question; but the Chair understands this is an amendment offered by the committee to strike out a certain portion of the bill and to insert in lieu thereof another proposal. Under the same rule there is a proviso that the portion to be stricken out and the portion to be inserted are separate questions, each of which may be amended before being voted upon, and that the portion stricken out shall be first amendable.

The Chair thinks the Senator from Washington can not have separate votes upon this question; but he can tender amendments to either the motion to strike out or the motion to insert and reach the same result in accordance with the rule.

Mr. POINDEXTER. The Chair has quoted from memory a rule to which I was just going to call attention; and my understanding of the rule was, treating the motion to strike out as a separate question, that it would then be subject to division. I should like to submit that to the Chair. If the Chair does not sustain that view, I will undertake to reach the proposition by an amendment.

I should like to call the Chair's attention to the difficulty there is in voting upon this matter as a whole. For instance, the first paragraph on page 6, which has a line drawn through it—partly on page 6 and partly on page 7—involves a separate question, the very important question of the manner in which payments shall be made for timberlands, whether they shall be sold on time, as provided in the House bill, or whether they shall be sold for cash, without any restrictions as to when the timber shall be removed, as provided in the Senate amendment, and so on through. Each one of these paragraphs contains an important question of that kind. For instance, in the second paragraph, stricken out on page 7, there is the question as to whether or not any period shall be fixed for the removal of this timber or whether or not the Secretary, in making the contract for the sale, shall fix a period for its removal. The third paragraph in this part to be stricken out is an entirely different question, providing that the timber shall not be removed until after patents for it have been issued, and the fourth paragraph proposed to be stricken out deals with the question of the taxing power of the States.

It seems to me that to vote upon all of those different questions as one amendment would deprive the Senate of an opportunity of deciding, independently of each other, each one of these important questions.

The VICE PRESIDENT. The Chair can never be responsible for the way in which a committee proposes an amendment. The reasoning of the Senator from Washington is good from a logical standpoint, but it is not good from the standpoint of the rules of the Senate. Rule XVIII clearly covers this question:

> If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided.

This can not be anything else but a motion to strike out and insert, so it can not be divided. A subsequent clause gives the Senator from Washington ample protection for any views he may desire to present and any vote he may wish to have on this question.

Mr. POINDEXTER. I move to amend the amendment by excluding from the portion to be stricken out the first paragraph on pages 6 and 7, leaving the remainder, and in support of that I will say that that is the paragraph which authorizes the timber to be sold in 10 annual installments.

The only objection to that that was urged by the Senator from Oregon [Mr. CHAMBERLAIN] yesterday was that if it was sold in installments the State would be deprived of its taxing power. But that, Mr. President, is not a valid objection. This very bill itself in section 9, on page 13, provides for the payment of taxes to the State which were levied by the State upon this land while it was held by the railroad company. In the same manner that the bill undertakes to protect the State in the collection of its taxes under those circumstances it can protect

Mr. CHAMBERLAIN. Mr. President, I discussed that yesterday to some extent, and I am frank to say that I am not en-

drawal even with those words stricken out. They count for no any more than subject to withdrawal if the words were left

the State in the collection of taxes upon timber which is sold on the installment plan.

If it ever becomes necessary for the Government to take back the timber on account of the failure of the purchaser to pay the installments, the Government, as part of its action of recapturing the timber, can make provision for the collection by the State of Oregon of its taxes. So that objection, it seems to me, is not tenable.

On the other hand, there is an advantage to the Government and to the people to give them an opportunity to buy this timber on credit. This timber is not limited in the amount which may be sold in one sale and to one purchaser, and if cash payments are required one great lumber company can acquire it all practically at its own terms.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. POINDEXTER. Yes.

Mr. CHAMBERLAIN. I call attention to the fact that the small purchaser is protected by practically giving him a preference on the small subdivision. So whereas the rich timber company bids on the larger tract of land the man who bids for a smaller tract has the opportunity to take it.

Mr. POINDEXTER. How is the man bidding on the smaller tract given preference over the man bidding on the large tract?

Mr. CHAMBERLAIN. In the discretion of the Secretary.

Mr. POINDEXTER. Each one has the same privilege of bidding on any number of small tracts.

Mr. CHAMBERLAIN. I call the Senator's attention to this language in the amendment of the committee:

The sales of timber herein provided for——

Mr. POINDEXTER. On what page, Senator?

Mr. CHAMBERLAIN. On page 9.

The sales of timber herein provided for shall be made according to the smallest legal subdivision of land upon which the timber is growing, and any bid may include one or more such tracts, but where more than one such tract is included in such bid the bid must contain a separate offer for each smallest legal subdivision included therein.

Mr. POINDEXTER. That is true, but that does not put any limitation on the number of the small subdivisions which one man may purchase, and the consequence is that the company which can command any amount of cash would be the only one which would be in a position to bid upon them. It seems to me that the incentive to enterprise and the distribution of opportunities among men who want to assist at least in capitalizing a project for the cutting of this timber by putting their energies and their initiative into it along with their capital and make the business itself and the timber itself help to pay for the carrying through of their project ought to have it given them by the terms of the bill.

Mr. NELSON. Mr. President, I wish to say merely a word in connection with this matter. I think the provision of the Senate committee on this subject is a wise one. Some years ago I had occasion to look up the early history of our land laws and I found that in the early days shortly after we took possession of the Northwest Territory and at the time we adopted our present system of surveys they had a plan of selling public lands on credit. I do not remember the details, but our experience under that law proved an utter failure, so much so that in a very short time the Government felt compelled to abandon the scheme.

In reference to this timber, as the Senator from Washington well knows, living out there in that timber country, and as we all know who come from a timber country, such heavy forests are subject to destruction from wind storms and from great fires. If the timber is sold on time and a small payment is made and a forest fire goes in there and destroys it, the man will not wish to pay; he will abandon his tract, give it up and relinquish it, and the Government will be deprived of that money.

Where there is a cash sale the Government gets the money, it is sure of what it gets, and it is to the interest of the purchaser to protect that timber. If that timber is destroyed by fire or in any other way it is his loss and not the loss of the Government, whereas on time payments, as I said a moment ago, a man might make a partial payment under a 10-year contract and after he had made one or two payments and cut off a little of the timber a fire might go through it and ruin the forest, and then he would give up his contract. He would say, "There is no use for me to pay for this any more, the timber is destroyed," and he would abandon his contract; the Government would be the loser and nobody would get any benefit out of it at all.

For this reason, Mr. President, I am heartily in favor of this provision.

Mr. NORRIS. Mr. President, I wish to offer an amendment to the text, but before I do so I wish to say just a word on the Senate committee amendment. I think it is conceded here that we are all trying to do the same thing, and that is to provide a method of sale that will bring in the most money. To do that we want as many bidders as possible. In my judgment we will get more bidders and get a higher price if we sell it on time. If we sell it for cash, necessarily the bidders will be confined to people or corporations of very large means.

The State of Oregon, which is getting most of the money, will not be the loser if it is sold on time. I think it will be the gainer because, in the first place, I believe it will get a higher bid for the timber, and, in the next place, on the deferred payments it will be getting interest at a rate that will be profitable to the State; and what little goes to the Government or if the other amendment is defeated and 40 per cent goes to the reclamation fund, then the reclamation fund will be the gainer. We will undoubtedly get more money by selling it according to the House provision than by the Senate committee provision.

The Senator from Minnesota [Mr. NELSON] says, and it is, of course, very true, that there might be a forest fire which would destroy the timber, and he thinks that a man who has bought it on partial payment will not take as good care of the timber and prevent forest fires as the man who bought a large tract for cash. To my mind, the reverse is true. I believe the man or corporation that buys a large amount of timber for cash and gets it all at once will expect to get rid of that timber at the very quickest possible moment, and the tendency would be that danger from fire would not be spread over many years. He would not take the same precaution because he would expect to get the timber off. On the other hand, the man or the corporation who buys it on time, knowing that for their own protection they must protect it against forest fires, would take extraordinary precaution.

But let us assume that a man buys it for cash. He pays a large sum for a tract of timber, pays it all down, and the next day after he does it a forest fire comes along and burns it all up. What would happen? The very next thing that would happen would be a bill in Congress to reimburse that man, and the argument could be made and it would be made, and it is very plausible, too, that he had expended his money and had gotten nothing in return; that he had lost in addition to the money he had paid the expense of cutting the timber and sawing it and so forth, and the probabilities are that all of us would feel inclined to return that man's money. He was not to blame for the fire because he had paid his money and got nothing. The forest fire might destroy it in either case.

But, Mr. President, the senior Senator from Oregon [Mr. CHAMBERLAIN] made in his argument a statement which appealed to me, and I think we ought to guard against it if we can. He said that under the laws of Oregon the tax attaches the 1st of March; that the purchaser on time under the House provision would be able to buy a tract of timber, 40 acres at a time, the 1st of April, pay for it, and then being subject to the tax he would get it off before the 1st of March came around the next year. Hence there would be nothing left to tax. He could perform the same operation year after year and thus avoid taxation.

Of course, we all want to avoid anything of that kind. It is probably somewhat imaginary to think that that might occur, but I can see that it might happen as the Senator from Oregon said. I want to move to amend the text on page 8, lines 2 and 3, by striking out the following words, "patents are issued as provided for herein," and insert in lieu thereof "said timber is sold," so that it would read if amended:

All timber sold under this act shall be subject to the taxing power of the States apart from the land as soon as said timber is sold.

Mr. CHAMBERLAIN. I will state to the Senator that if that is an amendment to the House text——

Mr. NORRIS. Yes.

Mr. CHAMBERLAIN. I have no objection to it; but that does not carry with it my assent to abandon the Senate committee amendment.

Mr. NORRIS. Oh, no; I did not expect that.

Mr. CHAMBERLAIN. I think it ought to be added.

Mr. STERLING. Is not that very idea found in lines 7 and 8 on page 9 in the Senate committee amendment?

Mr. NORRIS. Yes.

Mr. STERLING (reading)—

All timber sold under this act shall be subject to the taxing power of the States apart from the land.

Mr. NORRIS. But the Senator understands the parliamentary situation is such that we can offer an amendment either to the committee amendment or to the House text, and

that before we vote on the committee amendment we can move to perfect the text.

Mr. STERLING. That is true.

Mr. NORRIS. The effect of this amendment is to put into the House text the same provision that is in the Senate committee amendment on that taxing proposition; in other words, the State authorities would have a right to tax as soon as the timber is sold, and not wait for patent to be issued on a particular part of it. I can not see any objection to it.

Mr. CHAMBERLAIN. So far as I can consent, I am willing to have that amendment made.

Mr. BORAH. Mr. President, has the amendment been disposed of?

Mr. CHAMBERLAIN. The question is on the amendment of the Senator from Nebraska.

The VICE PRESIDENT. There can be no doubt about a motion to amend the part to be stricken out having precedence, and the motion of the Senator from Nebraska to amend is in order.

Mr. CHAMBERLAIN. I have no objection to the amendment.

Mr. NORRIS. I do not understand that anyone objects to it.

The VICE PRESIDENT. The question is on agreeing to amendment proposed by the Senator from Nebraska [Mr. NORRIS].

The amendment was agreed to.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Washington [Mr. POINDEXTER].

Mr. CHAMBERLAIN. Mr. President, may I express the hope that we can finish this measure in some way before the Senate is compelled, under the unanimous-consent agreement, to go into executive session?

Mr. NORRIS. If the Senator will allow me, I should like to have a roll call on two amendments, or at least on one of them, and that will come last. The one on the distribution of the money I consider to be the most important, and I should like to have one on this question. However, I do not want the bill to go over.

Mr. CHAMBERLAIN. I may be mistaken, but I fear there may be some difficulty about getting a quorum; that is all. Otherwise I have no objection to a yea-and-nay vote.

Mr. NORRIS. There will have to be a quorum to-day after the Senate goes into executive session. There can not be any doubt about securing a quorum.

Mr. CHAMBERLAIN. I am not going to resist a demand for the yeas and nays. I am ready to follow the usual course.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington [Mr. POINDEXTER] to the amendment of the committee.

Mr. JONES. Let it be read.

The VICE PRESIDENT. It will be stated.

The SECRETARY. In the part proposed to be inserted by the committee, beginning on page 8, line 4, the Senator from Washington [Mr. POINDEXTER] proposes to strike out the first paragraph—all the matter embraced in lines 4, 5, and 6 down to and including line 14 on page 8.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington to the amendment.

The amendment to the amendment was rejected.

Mr. POINDEXTER. Mr. President, I move to strike out the portion proposed to be inserted by the committee on page 8, the second paragraph, beginning at line 15, down to the bottom of the page; and in support of that, without delaying the passage of the bill, which I do not want to do, I wish to point out that it involves the proposition as to whether or not the people who purchase this timber shall have to remove it in any definite time or whether they will have an indefinite period of time in which to remove it, thereby keeping it from taxation and keeping it from development, very much as many large tracts of timber are at the present time kept in my own State.

I will say to the Senator from Oregon that the power of taxation of the State, which he says he thinks would compel them, if properly exercised, to sell the timber within a reasonable time, does not operate that way. If you go across the northwest corner of that map there, where the mouth of the Columbia River is, into the State of Washington, you can find a duplication there—counties similar to the counties in the southwestern portion of the State of Oregon largely taken up by forest reserves—except that in the State of Washington they are taken up by private reserves. In the county of Pacific, in the State of Washington, a few years ago, when I had the matter examined three-quarters of the county was owned by one timber company, who refused to sell the land and used their political and financial influence in defeating the taxes levied upon the land by the State and county; and after delaying it for years they would come in and compromise. That can very readily exist under the provisions of this section if you give these people an unlimited time in which to remove their timber. I prefer the provision of the House in that regard, which authorizes the Secretary of the Interior to fix a certain reasonable, definite time in which the timber must be removed.

Mr. CHAMBERLAIN. I wish to call the Senator's attention to even a more dangerous proposition than that in the House provision. Under the Senate committee provision which the Senator is attacking they will have to pay the taxes or lose the timber. The House provision provides that the timberland may be sold at such time, in such quantities, and under such plans, and so forth, with the result that if the Secretary of the Interior, under this reserve system that they have out there, concludes that it would not be a good time to sell next year, or 5 years, or 10 years, or 20 years from now, he could postpone the sale and they would have an absolute right to withdraw this land from any sale at all.

Mr. POINDEXTER. There is no question of withdrawal involved in it. It is the question of requiring the private owner of the timber or the purchaser of the timber to sell it. It is not Government timber; it is timber which is to be sold to private parties. How can the Secretary of the Interior withdraw that? What motive would he have for withholding it from sale? It will have passed out of the hands of the Government.

Mr. CHAMBERLAIN. The Senator misunderstands me. That question is not involved in the Senate committee amendment; it is involved in the House provision, which authorizes the Secretary to sell it at such time or in such manner as he sees fit. So he may practically withdraw it by not offering it for sale on the ground that it is not the right time to sell.

Mr. POINDEXTER. That is an entirely different matter from the one which I was speaking about. That is simply whether or not the purchaser of the timber shall be required to remove it within a reasonable time. I am not speaking about the conditions which might exist if the timber is not sold. That has nothing to do with this amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. LANE. I wish to offer an amendment. In line 6, page 8, after the word "cash," I move to insert:

or payment in not exceeding 10 annual installments, with interest on such deferred payments as the Secretary of the Interior may prescribe, not to exceed 6 per cent per annum.

In relation to this I wish to say that if we demand cash for this land we will exclude nine-tenths of the people of the country from bidding upon it for the lack of cash with which to do it. If we protect the States by allowing them to tax the land in addition to this, men of limited means will be able to put in, say, small portable sawmills and attend to the wants of the small community in which they reside and we will open the timber up to the public more generally and get a better price and do our duty by all the people instead of a few of the minority class, who will be able to go in if they desire to do so and control the situation.

Mr. NORRIS. May I interrupt the Senator? From the reading of his amendment, it seems to me the effect of it would be really to make the Senate committee amendment conform——

Mr. LANE. To the House provision.

Mr. NORRIS. To the House provision.

Mr. LANE. Yes, sir.

Mr. NORRIS. The Senator could accomplish that same thing if the Senate committee amendment were voted down.

Mr. LANE. I should like in some way——

Mr. NORRIS. Is there anything else in the House text that ought to be stricken out?

Mr. LANE. There may be. My attention was attracted more particularly to this matter. Just lately we had an experience in the sale of the lands of the Osage Indians, with which I am fairly familiar. There was no competition, practically, and the Indians suffered a great and unnecessary loss.

Mr. NORRIS. I agree with the Senator. The reason why I opposed the Senate committee amendment was because it did not contain such a provision as the text of the bill does as passed by the House. If the text of the bill is satisfactory and means the same, and we did not amend this at all, it would go from the Senate to the President and would become a law a great deal more quickly than if we amended it. If the Senator's amendment is put on, as I gather from its reading it would really make the Senate committee amendment the same as if it was stricken out.

Mr. LANE. Practically that may be, but it is a Senate committee amendment, and I wish to make an amendment to the Senate committee amendment. I thought it might have more favorable consideration for that reason.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In the committee amendment, on page 8, line 6, after the words "for cash," insert:

Or payment in not exceeding 10 annual installments with interest on such deferred payments as the Secretary of the Interior may prescribe, not to exceed 6 per cent per annum.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon [Mr. LANE] to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. NORRIS. Upon that I ask for the yeas and nays.

Mr. ASHURST. I should like to have the amendment stated.

The VICE PRESIDENT. It is the committee amendment found on pages 8 and 9 as printed. The Senator from Nebraska requests the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES (when his name was called). I have a pair for the day with the junior Senator from Virginia [Mr. SWANSON]. I do not know how he would vote on this amendment. Therefore I withhold my vote, but I ask to be counted.

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN] and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. THOMAS. I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], which I transfer to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. THOMPSON (when his name was called). I have a pair with the senior Senator from Illinois [Mr. SHERMAN]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. WALSH (when his name was called). I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I have a pair with that Senator, which I transfer to the Senator from New Jersey [Mr. MARTINE] and vote "yea."

Mr. LODGE (when the name of Mr. WEEKS was called). My colleague [Mr. WEEKS] is absent from the city. He has a general pair with the Senator from Kentucky [Mr. JAMES].

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. From a conversation with his colleague [Mr. OLIVER], I think I am at liberty to vote upon this particular proposition. I therefore vote. I vote "yea."

The roll call was concluded.

Mr. JAMES. As has been stated, I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I have, however, just had a consultation with his colleague [Mr. LODGE], and I feel at liberty to vote on this question. I vote "yea."

Mr. SMITH of Maryland. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

Mr. SUTHERLAND (after having voted in the negative). Mr. President, I came into the Chamber hurriedly and voted without observing that the Senator from Arkansas [Mr. CLARKE], with whom I am paired, was absent. I now withdraw my vote for that reason.

The result was announced—yeas 44, nays 14, as follows:

YEAS—44.

Bankhead	Broussard	Fall	Harding
Borah	Chamberlain	Fletcher	Hardwick
Brady	Culberson	Gallinger	Hitchcock
Brandegee	Cummins	Gore	Hughes
James	Oliver	Simmons	Thomas
Kern	Overman	Smith, Ariz.	Tillman
Lea, Tenn.	Owen	Smith, Ga.	Underwood
Lewis	Phelan	Smith, Mich.	Vardaman
Lodge	Pittman	Smith, S. C.	Walsh
Myers	Ransdell	Sterling	Warren
Nelson	Reed	Stone	Williams

NAYS—14.

Ashurst	Husting	O'Gorman	Sheppard
Chilton	La Follette	Page	Townsend
Clark, Wyo.	Lane	Poindexter	
Curtis	Norris	Shafroth	

NOT VOTING—38.

Beckham	Gronna	Martin, Va.	Smoot
Bryan	Hollis	Martine, N. J.	Sutherland
Burleigh	Johnson, Me.	Newlands	Swanson
Catron	Johnson, S. Dak.	Penrose	Taggart
Clapp	Jones	Pomerene	Thompson
Clarke, Ark.	Kenyon	Robinson	Wadsworth
Colt	Lee, Md.	Saulsbury	Weeks
Dillingham	Lippitt	Sherman	Works
du Pont	McCumber	Shields	
Goff	McLean	Smith, Md.	

So the amendment was agreed to.

Mr. BORAH. Mr. President, will the Senator from Oregon for a moment waive the procedure which has been agreed upon in reference to the consideration of the pending bill and permit me to offer an amendment on page 9? It is not a committee amendment. I shall be compelled to leave the Chamber in a few moments.

Mr. CHAMBERLAIN. I have no objection.

The VICE PRESIDENT. Is there objection on the part of any Senator to the request of the Senator from Idaho? The Chair hears none.

Mr. BORAH. On page 9, line 21, before the word "years," I move to strike out "five" and to insert "three," so that it will read:

The entryman has resided upon and cultivated the land for a period of three years.

I move, also in line 22, before the word "years," to strike out "seven" and to insert "five."

The VICE PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 9, line 21, before the word "years," it is proposed to strike out "five" and to insert "three," and in line 22, before the word "years," to strike out "seven" and to insert "five," so as to read:

The provisions of section 2301, Revised Statutes, shall not apply to any entry hereunder, and no patent shall issue until the entryman has resided upon and cultivated the land for a period of three years, proof of which shall be made at any time within five years from date of entry.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Lands was, on page 10, line 11, after the words "nineteen hundred and," to strike out "thirteen" and to insert "fifteen," so that it will read:

Since the 1st day of December, 1915.

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the word "In," to insert "making this determination in" so as to read:

In making this determination in the aforementioned suit or suits the court shall also determine, on the application of the Attorney General, the amount of the taxes on said lands paid by the United States, as provided in this act, and which should in law have been paid by the said Oregon & California Railroad Co.

And so forth.

The amendment was agreed to.

The next amendment was, on page 15, line 9, after the name "United States," to insert the words: "after which all other moneys received from the sales of land and timber shall be distributed as follows," so as to read:

After the said railroad company, its successors or assigns, and the lien holders shall have been paid the amount to which they are entitled, as provided herein, an amount equal to that paid for accumulated taxes, as provided in section 9 hereof, shall be deposited in the Treasury to the credit of the United States, after which all other moneys received from the sale of land and timber shall be distributed as follows:

And so forth.

The amendment was agreed to.

The next amendment was, on page 15, line 18, after the word "act," to strike out to and including the name "United States," in line 5, page 16, as follows:

Thirty per cent of the remainder shall be paid to the treasurer of the county for the construction of roads, highways, and bridges; 20 per cent shall be paid to the State in which the county is located for the establishment and support of common schools; 40 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act; and the balance remaining in said Oregon and California land-

grant fund shall become a part of the general fund in the Treasury of the United States.

And in lieu thereof to insert:

Of the remainder 10 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act, to be expended on approved projects within the State of Oregon; 10 per cent of such remainder shall become a part of the general fund in the Treasury of the United States; 30 per cent of said remainder of the proceeds arising from the sales of land and timber in the counties of Coos, Douglas, Lane, Tillamook, and Multnomah, in the State of Oregon, shall be paid to the treasurers of the said respective counties for the construction of roads, highways, and bridges, and 20 per cent thereof shall be paid to the proper officer of the respective port districts within the counties named, for the purpose of reducing the bonded indebtedness of such districts and for general harbor improvement, and where there is more than one port district in any county the county court of such county shall determine what portion of the fund shall be credited to the several port districts therein; 35 per cent of said remainder of the proceeds arising from the sale of lands and timber within counties other than the counties of Coos, Douglas, Lane, Tillamook, and Multnomah shall be paid to the treasurers of the respective counties for the construction of roads, highways, and bridges; and the entire balance remaining in said Oregon and California land-grant fund, from whatever source derived, shall be paid to the State of Oregon for its irreducible school fund for the support of the common schools of the State.

Mr. WALSH. Mr. President, I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. CLARK of Wyoming. Mr. President, I am inclined to vote for this amendment, but solely on the ground that I believe it will serve as a precedent for future general legislation along the same lines, covering our whole public-land States. I say this simply to explain my vote.

The Secretary proceeded to call the roll.

Mr. JONES (when his name was called). I again announce my pair with the junior Senator from Virginia [Mr. SWANSON] and therefore withhold my vote. I will let this announcement stand for the day.

Mr. SIMMONS (when his name was called). Making the same transfer of my pair as on the former vote, I vote "yea."

Mr. SUTHERLAND (when his name was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have a pair with that Senator, which I transfer to my colleague [Mr. SMOOT], and vote "nay."

Mr. THOMAS (when his name was called). Announcing my pair and its transfer as on the previous roll call, I vote "yea."

Mr. TILLMAN (when his name was called). Announcing the same pair and its transfer as I did before, I vote "yea."

Mr. WALSH (when his name was called). Announcing the same pair and transfer as on the previous roll call, I vote "nay."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. THOMPSON. I have a pair with the senior Senator from Illinois [Mr. SHERMAN]. If permitted to vote, I should vote "nay," but as the Senator from Illinois is absent I withhold my vote.

Mr. BECKHAM. I have a pair with the Senator from Delaware [Mr. DU PONT]. As he is absent, I withhold my vote.

Mr. SUTHERLAND. I announce the unavoidable absence of my colleague [Mr. SMOOT]. This announcement may stand for the remainder of the day.

Mr. WILLIAMS. I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

The result was announced—yeas 37, nays 22, as follows:

YEAS—37

Bankhead	Fall	Oliver	Stone
Brady	Fletcher	Owen	Taggart
Brandegee	Gallinger	Page	Thomas
Chamberlain	Harding	Phelan	Tillman
Chilton	Hardwick	Simmons	Vardaman
Clark, Wyo.	Hughes	Smith, Ariz.	Warren
Culberson	Lane	Smith, Md.	Williams
Cummins	Lea, Tenn.	Smith, Mich.	
Curtis	Lodge	Smith, S. C.	
Dillingham	Nelson	Sterling	

NAYS—22

Ashurst	La Follette	Overman	Sutherland
Broussard	Lewis	Poindexter	Townsend
Gore	Myers	Ransdell	Underwood
Hitchcock	Newlands	Reed	Walsh
Husting	Norris	Shafroth	
James	O'Gorman	Sheppard	

NOT VOTING—37.

Beckham	Clarke, Ark.	Johnson, Me.	Lippitt
Borah	Colt	Johnson, S. Dak.	McCumber
Bryan	du Pont	Jones	McLean
Burleigh	Goff	Kenyon	Martin, Va.
Catron	Gronna	Kern	Martine, N. J.
Clapp	Hollis	Lee, Md.	Penrose
Pittman	Sherman	Swanson	Works
Pomerene	Shields	Thompson	
Robinson	Smith, Ga.	Wadsworth	
Saulsbury	Smoot	Weeks	

So the amendment was agreed to.

The next amendment was, on page 17, line 15, after the word "fund," to strike out "hereinbefore" and to insert "in this section," so as to make the proviso read:

Provided, That none of the payments to the States and counties and to the reclamation fund in this section provided for shall be made until the amount due the Oregon & California Railroad Co., its successors or assigns, has been fully paid, and the Treasury reimbursed for all taxes paid pursuant to the provisions of section 9 of this act.

The amendment was agreed to.

Mr. POINDEXTER. Mr. President, in this bill the Oregon & California Railroad Co., which violated every provision of the grant, is protected to the full extent of the value which it was to receive under that grant; but the applicants to purchase lands under the terms provided in the grant are not taken care of; in other words, the party who violated the grant is protected, while the parties who lived up to it are entirely neglected. I see no reason why people acting in good faith, who made application to purchase the amount of land that they were entitled to purchase at a price at which they were entitled to purchase under the granting act, should not be protected in this bill which we are now proposing to pass. For that purpose I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 11, after line 17, it is proposed to insert the following:

Any qualified homestead entryman who, prior to April 30, 1908, made application to purchase any of said land, not exceeding 160 acres, and made tender of the purchase price thereof as provided in the act of May 4, 1870, shall, during a period of six months next following the passage of this act, have a preference right to make homestead entry of the lands for which said application was made, whether the same shall be in class 2 or class 3, as defined in this act, and shall receive a patent therefor on complying with the provisions of the five-year homestead law and payment of $2.50 an acre therefor: *Provided*, That any residence or cultivation which said applicant has made upon said land shall be credited to him in making proof thereunder: *Provided further*, That all payments made to the Oregon & California Railroad Co. by such applicant shall be credited on the payments hereinbefore provided for.

Mr. CHAMBERLAIN. Mr. President, I do not care to discuss the subject of settlers on this land, because it would open up a field that might be extended over weeks of discussion. The Supreme Court of the United States in its decision held that these so-called settlers did not have any rights or equities in the matter. The very amendment which is now suggested here would open the door to 65 people of whom I know, who, it is claimed, were fraudulent settlers. I know the Senator from Washington does not intend to open a door for them; but it is a complicated proposition. All of these alleged settlers can have their rights adjudicated and adjusted later.

Not only are there these 65 claimants, but we might open the door to men embraced in a list of 16,000 or 18,000 so-called settlers. They claim, or some of them do at least, to be settlers, and they extend from Maine to the Gulf of California, and from Portland, Oreg., to Florida; they are not merely confined to this country, but are found in Canada as well. So that I hope the Senate will vote down the amendment and let these rights be adjusted in some other forum than in this bill.

Mr. POINDEXTER. Mr. President, I only have a word to say in regard to that. The amendment speaks for itself. The matter is more or less familiarly known in the country, and I have no way by which I can do more than to present the matter to protect these people. If there are 35 or 6,500 who complied with the terms of that grant, they are entitled to the benefits which the grant conferred.

So far as being "so-called settlers" or acting in bad faith, they would be compelled to comply with the homestead law and to make their proof at the land office, and if they are acting in bad faith they can not make such proof. Nobody but a settler in good faith can get the benefit of this amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington. [Putting the question.] By the sound the "noes" seem to have it.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. POINDEXTER. I ask for a division.

The VICE PRESIDENT. The Senator from Washington asks for a division on the amendment. Those in favor of the amendment will rise. [A pause.] Those opposed will rise. [A pause.] Clearly the decision of the Chair was correct, and the amendment is rejected.

The bill is in the Senate, as in Committee of the Whole, and open to amendment.

Mr. JONES. I desire to offer an amendment as a new section, and I simply want to say that the amendment is in line with that offered by my colleague [Mr. POINDEXTER] except that it is made to apply only to lands in the State of Washington. According to the report there are about 200 acres, but according to some letters I have received I think there are more. I will not take further time to discuss it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add as a new section of the bill the following:

SEC. 13. That any actual settler who contracted with the railroad company for the purchase of any of the lands in the State of Washington covered by this act, at a greater price than $2.50 per acre, and has been unable to secure title shall be entitled to a patent upon submitting satisfactory proof to the Interior Department that he has paid as much as $2.50 per acre for said lands and has otherwise complied with the homestead laws of the United States as to settlement and cultivation.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was rejected.

Mr. JONES. I desire to offer an amendment to section 4, page 6, after the word "class," in line 9.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 4, page 6, line 9, after the word "class," it is proposed to insert:

Provided, That any person duly qualified to enter such lands under the homestead laws who has resided thereon to the same extent and in the same manner as is required under the homestead laws since the 1st day of December, 1915, until the date of his application to make entry, such person may enter the 40-acre tract, or lot or lots containing approximately 40 acres, upon which his improvements, or the greater part thereof, are situated.

Mr. JONES. I want to say to the Senator in charge of the bill that I am trying to make plain the object which I understand was sought to be accomplished by the proviso in section 5 with reference to the classes of land. I do not believe that the provision in section 5 covers the point which I raised a while ago.

Mr. CHAMBERLAIN. Does the amendment of the Senator only cover applications since 1915?

Mr. JONES. It relates to the taking of land the timber upon which exceeds 1,200,000 feet board measure per quarter section, and only covers cases where the settlers have resided on the lands since 1915; and permits them to take only the 40 acres on which their improvements are placed.

Mr. CHAMBERLAIN. Personally I have no objection to the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The VICE PRESIDENT. Does the Senator from Oregon desire the preamble to stand?

Mr. CHAMBERLAIN. I have no objection to it standing, Mr. President. I think it would be an index to follow in tracing the statutes.

The VICE PRESIDENT. Without objection, the preamble is agreed to.

Mr. CHAMBERLAIN. I move that the Senate request a conference with the House on the bill and the amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. CHAMBERLAIN, Mr. THOMAS, and Mr. STERLING conferees on the part of the Senate.

REVOLT IN IRELAND.

Mr. STONE. Mr. President, in behalf of and at the direction of the Committee on Foreign Relations, I ask unanimous consent to report back favorably Senate resolution 196, submitted by the senior Senator from Indiana [Mr. KERN] and referred to the Committee on Foreign Relations. I should like to have the resolution read as proposed to be amended.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution.

The Secretary read as follows:

Whereas it is represented that at the time of the recent revolt in Ireland there were, and are yet, many American citizens in districts in which martial law was proclaimed and in which armed conflicts occurred, and whereas the relatives and friends in this country of such American citizens whose safety has been thus endangered are apprehensive lest their lives and property have been imperiled: Therefore be it

Resolved, That the Secretary of State be, and is hereby, requested to cause inquiry to be made as to the safety and well-being of American citizens in Ireland, and what steps, if any, may be necessary and proper, consistently with the recognized law of nations, for the safeguarding and protection of their lives and property.

Mr. KERN obtained the floor.

Mr. FALL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. FALL. I simply want to understand what the status of this report is. It is just a report that has been submitted, as I understand?

The VICE PRESIDENT. Yes.

Mr. FALL. Is it to be considered?

Mr. STONE. I have just submitted it.

Mr. FALL. I understand that the report has been received by unanimous consent. Is it to be considered?

Mr. STONE. It is not to be considered. The Senator can ask for its consideration.

Mr. FALL. I have no objection to the report being made at this time.

Mr. KERN. I ask unanimous consent for the present consideration of the resolution. It has been favorably reported, as I understand, by the unanimous vote of the committee.

Mr. FALL. Mr. President——

Mr. BRANDEGEE. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRANDEGEE. I simply want to know what is before the Senate. Has the Senator asked unanimous consent to make this report out of order?

Mr. STONE. I asked unanimous consent to make the report.

The VICE PRESIDENT. That was granted.

Mr. STONE. That was granted, and I made the report. The report has been read by the Secretary. The Senator from Indiana rises and asks unanimous consent for its present consideration.

The VICE PRESIDENT. Is there any objection?

Mr. FALL. Mr. President, I have no objection to the present consideration of the resolution, except that the Senate, under a unanimous-consent agreement, is to consider other matters at 5 o'clock, and I shall desire to discuss this resolution, and I think there will not be time to discuss it before the Senate proceeds to the consideration of other business. Therefore I think possibly the resolution had better go over. I do not desire to make any objection to the Senator's request to take it up. [A pause.] I shall object, however, to granting unanimous consent.

The VICE PRESIDENT. There is an objection. The resolution will have to go to the calendar.

Mr. FALL. I have no desire to have it go to the calendar.

Mr. STONE. I would rather it did not go to the calendar. If the Senator desires to discuss it and would like to have it either lie on the table or to be called up to-morrow morning, I will withdraw it and present it at that time.

Mr. FALL. That was my purpose in simply asking the question. I did not desire to enter a formal objection.

Mr. STONE. I ask, then, that the report may lie on the table.

The VICE PRESIDENT. It is a report. It will either have to go to the calendar or be withdrawn.

Mr. STONE. Then I will ask to withdraw it under the objection of the Senator from New Mexico.

Mr. FALL. I object to its withdrawal, Mr. President. I think the matter is one that is deserving of consideration by this body, and I shall not object to the passage of it. In fact, I shall vote for the adoption of the resolution. The report has been made. It is in the Senate, and I can not see why it should not simply lie over by unanimous consent on the table.

Mr. STONE. Mr. President, all I care for is that the resolution may be brought before the Senate to-morrow morning. It is immaterial whether it is brought before the Senate in one way or another. I will ask leave to withdraw the report, and I will present it again to-morrow morning.

Mr. LODGE. Mr. President, a report from a committee has to lie over one day for consideration, if objection is made.

Mr. STONE. Why, to be sure.

Mr. LODGE. It does not carry it to the calendar until it has had its second day.

Mr. STONE. But this is a committee report.

Mr. LODGE. Certainly; and it would go over under the rule, upon the objection of the Senator from New Mexico, for one day, and then it comes up to-morrow on call, and then goes to the calendar if the morning hour expires before it is disposed of.

Mr. STONE. I understood the Chair to state——

The VICE PRESIDENT. The Chair would like the Senator from Massachusetts to point to any such rule which states that the report of a committee lies over on the table and does not go to the calendar.

Mr. LODGE. Senate resolutions? I did not know they went to the calendar on the first day.

The VICE PRESIDENT. They have been going there ever since the present occupant of the Chair has been here.

Mr. LODGE. But a Senate resolution——

Mr. STONE. Mr. President, is there any objection to my withdrawing the report?

Mr. FALL. I have no objection whatsoever, under the Senator's statement.

Mr. STONE. Very well. I ask leave to withdraw the report.

Mr. FALL. I have no objection, under the statement made by the Senator that he will offer this report to-morrow morning.

Mr. STONE. I expect to present it to-morrow morning; and I am doing this in the economy of time, to prevent discussion on a parliamentary proceeding.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. LODGE. Mr. President, if the Chair will allow me, on page 16, Rule XIV, section 5, reads as follows:

All resolutions shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

The VICE PRESIDENT. Yes; that is an introduced resolution. It has not gone to the committee. That is always the rule.

Mr. LODGE. But this is a resolution—a Senate resolution—and it is reported back from the committee.

The VICE PRESIDENT. Certainly; and when reported back from the committee it has always gone to the calendar since the present occupant of the chair has been here, at least.

Mr. LODGE. The rule says all resolutions shall go over one day.

The VICE PRESIDENT. Oh, certainly; but we can not pick out a single rule and decide this question by one rule.

Mr. LODGE. Mr. President, the point is made that it comes from a committee. The rule is that reports of committees shall go over one day.

The VICE PRESIDENT. Certainly. Well, where does it go? Are all these things on the table here, or are they on the calendar?

Mr. LODGE. Those are the bills and joint resolutions. This is a Senate resolution.

The VICE PRESIDENT. The rule does not say so. It says "reports of committees."

Mr. LODGE. I think a Senate resolution occupies a different place from a joint resolution. It is not named with them, and I think it is covered by section 5.

SHIPMENT OF FOOD SUPPLIES TO POLAND.

Mr. HITCHCOCK. Mr. President, I submit a report from the Committee on Foreign Relations, and I will ask to have it read, and then I shall ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. HITCHCOCK. It is reported with certain amendments. I ask that the resolution be read as amended. That will be sufficient for the information of the Senate.

The resolution (S. Res. 148, Rept. 517) as proposed to be amended was read, as follows:

Resolved, That the President be, and he is hereby, requested to furnish to the Senate information as indicated below, if not incompatible with the public interest

First. What is the present attitude of the belligerent Governments concerning the shipment of food supplies and other necessaries of life to the suffering people of Poland? Do the belligerents permit such supplies to be sent without interruption or delay from the United States to Amsterdam or any other neutral port in Europe.

Second. If the belligerent Governments make limitations or conditions or require guarantee from each other, what are the conditions and restrictions, and what are the terms of the guarantee thus required.

Third. What action, if any, have said belligerents taken toward giving the guarantee that may have been required.

Fourth. To what committees or authority in Poland may supplies be forwarded and consigned.

Fifth. To what extent is the actual work of relief in Poland being carried on and under whose supervision and control.

Sixth. What are the facts at the present time as to the shipment, transportation, receipt, and distribution of supplies? Can these proceedings be taken or are they delayed by pending negotiations with the countries involved or either of them.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. WILLIAMS. Mr. President, when that resolution was reported from the Committee on Foreign Relations I thought it was to be amended by including Belgium and Servia and Armenia in the resolution. I finally consented to have it reported with that understanding in my own mind. I thought that was in the mind of the committee.

I do not see any reason why Poland should be singled out alone for this inquiry. The suffering in Armenia under Turkish tyranny and oppression has been infinitely worse. There has not only been starvation there, but there has been assassination; and the atrocities committed in Belgium were still worse, and the sufferings of the people of Servia have been equally as bad.

Since the resolution was reported to the Senate, however, I have seen the senior Senator from Massachusetts [Mr. LODGE], who assures me that I was wrong about the understanding that I thought the members of the Committee on Foreign Relations had with one another. I therefore shall not object to the immediate consideration of the resolution; but I do consider it a part of my duty to protest that while the condition of Poland is being examined the condition in Armenia and in Servia and in Belgium is being neglected. If the United States Senate or Congress or the United States Government is to inquire into either, it ought, in order to be absolutely impartial and neutral, to inquire into all.

With this explanation, conditioned upon my misunderstanding of what I thought was the understanding between the members of the Committee on Foreign Relations, I shall make no objection to the present consideration of the resolution.

Mr. LODGE. Mr. President, I desire to call the attention of the Chair to Rule XXVI, section 2:

All reports of committees and motions to discharge a committee from the consideration of the subject and all subjects from which a committee shall be discharged shall lie over one day for consideration—

Now, "lying over" means leaving the subject precisely in the same position in which it was when it was reported.

The VICE PRESIDENT. Then every bill and every report and every joint resolution and everything else is lying on the table now.

Mr. LODGE. Most assuredly, if objection is made.

The VICE PRESIDENT. And if objection is not made?

Mr. LODGE. It goes by unanimous consent to the calendar.

The VICE PRESIDENT. To the calendar?

Mr. LODGE. To the calendar. That is the ordinary course of a bill or joint resolution.

The VICE PRESIDENT. Where is the rule for that? This is all an academic discussion upon the rules.

Mr. LODGE. I call the Chair's attention to a precedent.

Mr. HITCHCOCK. Mr. President, can I get the consent of the Senator from Massachusetts for the consideration of this report?

Mr. LODGE. Mr. President, I will dispose of this first, if the Senator pleases. I thought I had the reference here, but I do not find what I thought I had. I think that has been the usual practice. In Jefferson's Manual, to which Rule XXVI refers, speaking of a bill, it says:

The chairman * * * then delivers it at the Clerk's table, where the amendments reported are read by the Clerk without the coherence; whereupon the papers lie upon the table until the House, at its convenience, shall take up the report.

Our rule says it "shall lie over one day" and then, under the other general rules, it goes to the calendar.

The VICE PRESIDENT. What general rule?

Mr. LODGE. The general rule applying to bills and joint resolutions. They go to the calendar.

The VICE PRESIDENT. Where is there any distinction in the rules between bills and joint resolutions and Senate resolutions?

Mr. LODGE. There is no need of any distinction, because this says "all reports from committees"——

Mr. STONE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. STONE. There is a matter pending before the Senate, to wit, a resolution reported from the Committee on Foreign Relations, and unanimous consent has been given for its present consideration.

The VICE PRESIDENT. Not yet. The Chair was about to inquire whether or not there was objection to its present consideration.

Mr. STONE. Then the question is, Shall unanimous consent be given?

The VICE PRESIDENT. Yes.

Mr. STONE. And, under the leadership of the distinguished Senator from Massachusetts, we are——

Mr. LODGE. I have no objection to its present consideration, but I can not be taken from the floor.

Mr. STONE. We are discussing a parliamentary question that has absolutely nothing to do with this resolution, but re-

lates to a subject that is already passed—a report I made, and which, with the consent of the Senate, I withdraw, and which is no longer before the Senate.

Mr. LODGE. The Senator from New Mexico [Mr. FALL] objected to its withdrawal.

Mr. STONE. Well, I have withdrawn it.

Mr. LODGE. Can the Senator withdraw it without unanimous consent?

Mr. STONE. No; but I will ask the Chair what the situation is in that respect.

The VICE PRESIDENT. The Senator withdrew his objection, and the report is entirely out of the way.

Mr. STONE. The report has been withdrawn. It is not before the Senate.

Mr. GALLINGER. I call for the regular order.

Mr. LODGE. It certainly is not before the Senate.

Mr. STONE. And I can not see that a discussion of a matter of that kind has anything to do with this. I ask the Chair to put the question. I ask for the regular order.

Mr. LODGE. Mr. President, speaking to the resolution, for the consideration of which unanimous consent has been given, I suppose——

Mr. STONE. The question of giving unanimous consent is not subject to discussion.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution? The Chair hears none, and the resolution is before the Senate.

Mr. LODGE. Now, Mr. President, addressing myself to the resolution, for the present consideration of which unanimous consent has been granted, I merely wish to say to the Senator from Missouri that I appreciate the force of his objection that no one in the Senate should ever speak upon a matter not before the Senate or a matter which has been disposed of by the Senate. That is a rule that the Senate always strictly observes. My purpose was to bring a parliamentary point to the consideration of the Chair; and, now that I have done so, perhaps at some future time he and I may come to an agreement upon it.

In the meantime I have said all that I desire to say, and I accept the point of order that we are talking, as the Senate never does, about something not before it.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the creation of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Berkeley, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of San Bernardino County, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. DU PONT presented petitions of sundry citizens of Newark, Del., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of sundry citizens of Gladwin County, Mich., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. PAGE presented petitions of the Woman's Christian Temperance Union of North Bennington and of the congregations of the Methodist Episcopal Church of Waterbury and of the First Congregational Church of Hinesburg, all in the State of Vermont, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HUGHES (for Mr. JOHNSON of Maine) presented petitions of sundry citizens of Maine, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which were ordered to lie on the table.

He also (for Mr. JOHNSON of Maine) presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. JOHNSON of Maine) presented a memorial of the Society of Friends of South Durham, Me., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also (for Mr. JOHNSON of Maine) presented a petition of Manila Camp, No. 1, United Spanish War Veterans, National Military Home, Kans., praying for the enactment of legislation to grant pensions to certain survivors of Indian wars, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 6007) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, reported it without amendment and submitted a report (No. 513) thereon.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the amendment submitted by Mr. BANKHEAD on the 22d ultimo proposing to appropriate $4,140 to pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 283 in the city of Washington, reported it without amendment and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

THE NAVY AND MARINE CORPS.

Mr. TILLMAN. On May 16 the Senator from Virginia [Mr. SWANSON] reported from the Committee on Naval Affairs the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes, and it was placed on the calendar. I move that the bill be taken from the calendar and referred to the Committee on Foreign Relations.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 6242) authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia; to the Committee on Commerce.

By Mr. MYERS:

A bill (S. 6243) to provide for the purchase of a site and the erection of a public building thereon at Anaconda, in the State of Montana; and

A bill (S. 6244) to provide for the purchase of a site and the erection of a public building thereon at Havre, in the State of Montana; to the Committee on Public Buildings and Grounds.

By Mr. PHELAN:

A bill (S. 6245) transferring to the active list of the United States Navy John Morris Ellicott, now a captain on the retired list of the Navy; to the Committee on Naval Affairs.

A bill (S. 6246) waiving the maximum age limit fixed by law for appointment of second lieutenants from civil life in the case of Harry B. Sepulveda; to the Committee on Military Affairs.

A bill (S. 6247) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911; to the Committee on Commerce.

A bill (S. 6248) granting a pension to Willis S. Harris, alias Charles E. Sanders;

A bill (S. 6249) granting a pension to Mary E. Dollard; and

A bill (S. 6250) granting a pension to Thomas G. Cockings; to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 6251) to remove the charge of desertion from the military record of Joan F. Kelly; to the Committee on Military Affairs.

By Mr. SHIELDS:

A bill (S. 6252) granting a pension to Alfred C. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6253) granting an increase of pension to William H. Bradley; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6254) for the relief of the Adams Express Co. (with accompanying papers); to the Committee on Finance.

By Mr. TAGGART:

A bill (S. 6255) granting an increase of pension to Isaac W. Hallock; and

A bill (S. 6256) granting an increase of pension to William Hart; to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 6257) granting a pension to Bertha Pratt;

A bill (S. 6258) granting an increase of pension to Elizabeth J. Pinckard; and

A bill (S. 6259) granting an increase of pension to John Luther Skinner; to the Committee on Pensions.

By Mr. HUGHES (for Mr. JOHNSON of Maine):

A bill (S. 6260) granting a pension to Josefa Stoneman (with accompanying papers);

A bill (S. 6261) granting a pension to Aravilla Strout (with accompanying papers);

A bill (S. 6262) granting an increase of pension to Horace G. Maloon (with accompanying papers);

A bill (S. 6263) granting a pension to Archibald S. McPheters (with accompanying papers);

A bill (S. 6264) granting an increase of pension to John H. Lowell (with accompanying papers);

A bill (S. 6265) granting an increase of pension to Leroy Harding (with accompanying papers);

A bill (S. 6266) granting an increase of pension to Elden B. Maddocks (with accompanying papers);

A bill (S. 6267) granting a pension to Alphonzo Penley (with accompanying papers);

A bill (S. 6268) granting an increase of pension to Charles R. Stuart (with accompanying papers);

A bill (S. 6269) granting an increase of pension to George H. Crowley (with accompanying papers);

A bill (S. 6270) granting an increase of pension to James H. Stinson (with accompanying papers);

A bill (S. 6271) granting an increase of pension to Eliakin Byard (with accompanying papers);

A bill (S. 6272) granting an increase of pension to Maria A. Leland (with accompanying papers);

A bill (S. 6273) granting a pension to Thomas Dagnan, alias Thomas Degnan (with accompanying papers);

A bill (S. 6274) granting a pension to Hannah M. Flaherty (with accompanying papers); and

A bill (S. 6275) granting an increase of pension to Helen F. Goodwin; to the Committee on Pensions.

By Mr. JONES (by request):

A joint resolution (S. J. Res. 138) directing the Commissioners of the District of Columbia to withdraw their petition in the Supreme Court of the District of Columbia concerning the condemnation of land for the extension of Central Avenue; to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CUMMINS. I submit an amendment in the nature of a substitute for the committee amendment intended to be proposed by me to the Post Office appropriation bill (H. R. 10484), which I ask may lie on the table and be printed.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. STONE submitted an amendment proposing to appropriate $196,641.43 for readjustment of National Zoological Park boundaries, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

ADDRESS BY PRESIDENT WILSON.

Mr. THOMPSON. Mr. President, I ask to have printed in the RECORD the eloquent and patriotic address of the President of the United States, delivered at Arlington on Memorial Day, May 30.

The VICE PRESIDENT. Without objection, it is so ordered. The address referred to is as follows:

THE PRESIDENT'S ADDRESS.

"Whenever I seek to interpret the spirit of an occasion like this I am led to reflect upon the seas of memory. We are here to-day to recall a period of our history which in one sense is so remote that we no longer seem to keep the vital threads of it in our consciousness, and yet is so near that men who played heroic parts in it are still living, are still about us, are still here to receive the homage of our respect and our honor. They belong to an age which is past, to a period the vital questions of which no longer vex the Nation, to a period of which it may be said that certain things which had been questionable in the affairs of the United States were once for all settled, disposed of, put behind us, and in the course of time have almost been forgotten.

"It was a singularly complete work that was performed by the processes of blood and iron at the time of the Civil War, and it is singular how the settlement has ruled our spirits since it was made. I see in this very audience men who fought in the Confederate ranks. I see them taking part in these exercises in the same spirit of sincere patriotism that moves those who fought on the side of the Union, and I reflect how singular and how handsome a thing it is that wounds such as then were opened should be so completely healed and that the spirit of America should so prevail over the spirit of division.

"It is the all-prevailing and triumphant spirit of America, where, by our common action and consent, Governments are set up and pulled down; where affairs are ruled by common counsel; and where, by the healing processes of peace, all men are united in a common enterprise of liberty and of peace.

"And yet, ladies and gentlemen, the very object for which we are met together is to renew in our hearts the spirit that made these things possible. The Union was saved by the processes of the Civil War. That was a crisis which could be handled, it seems, in no other way, but I need not tell you that the peculiarity of this singular and beloved country is that its task—its human task—is apparently never finished; that it is always making and to be made.

CRISIS WHICH THREATENS.

"And there is at present upon us a crisis which seems to threaten to be a new crisis of division. We know that the war which is to ensue will be a war of spirits and not of arms. We know that the spirit of America is invincible and that no man can abate its power, but we know that that spirit must upon occasion be asserted, and that this is one of the occasions.

"America is made up out of all the nations of the world. Look at the rosters of the Civil War. You will see names there drawn from almost every European stock. Not recently, but from the first, America has drawn her blood and her impulse from all the sources of energy that spring at the fountains of every race, and because she is thus compounded out of the peoples of the world her problem is largely a problem of union all the time, a problem of compounding out of many elements a single triumphal force.

"The war in Europe has done a very natural thing in America. It has stirred the memories of men drawn from many of the belligerent stocks. It has renewed in them a national feeling which had grown faint under the soothing influence of peace, but which now flares up when it looks as if nation had challenged nation to a final reckoning, and they remember the nations from which they were sprung and know that they are in this life-and-death grapple. It is not singular, my fellow citizens, that this should have occurred, and up to a certain point it is not just that we should criticize it. We have no criticism for men who love the places of their birth and the sources of their origin. We do not wish men to forget their mothers and their fathers, their forbears running back through long, laborious generations which have taken part in the building up of the strength and spirit of other nations. No man quarrels with that.

SOURCE OF INSPIRATION.

"From such springs of sentiment we all draw some of the handsomest inspirations of our lives. But all that we do criticize is that in some instances—they are not very numerous—but in some instances men have allowed this old ardor of another nationality to overthrow their ardor for the nationality to which they have given their new and voluntary allegiance. And so the United States has again to work out by spiritual process a new union, when men shall not think of what divides them but shall recall what unites them; when men shall not allow old loves to take the place of present allegiances; when men must, on the contrary, translate that very ardor of love of country of their birth into the ardor of love for the country of their adoption and the principles which it represents.

"I have no harshness in my heart even for the extremists in this thing which I have been trying in moderate words to describe; but I summon them, and I summon them very solemnly, not to set their purpose against the purpose of America. America must come first in every purpose we entertain, and every man must count upon being cast out of our confidence, cast out even of our tolerance, who does not submit to that great ruling principle.

PURPOSES OF AMERICA.

"But what are the purposes of America? Do you not see that there is another significance in the fact that we are made up out of all the peoples of the world? The significance of that fact is that we are not going to devote our nationality to the same mistaken aggressive purposes that some other nationalities have been devoted to; that because we are made up, and consciously made up, out of all the great family of mankind, we are champions of the rights of mankind.

"We are not only ready to cooperate, but we are ready to fight against any aggression, whether from without or from within. But we must guard ourselves against the sort of aggression which would be unworthy of America. We are ready to fight for our rights when those rights are coincident with the rights of man and humanity. It was to set those rights up, to vindicate them, to offer a home to every man who

believed in them, that America was created and her Government set up. We have kept our doors open because we did not think we in conscience could close them against men who wanted to join their force with ours in vindicating the claim of mankind to liberty and justice.

WANTS NO ADDITIONAL TERRITORY.

"America does not want any additional territory. She does not want any selfish advantage over any other nation in the world, but she does wish every nation in the world to understand what she stands for and to respect what she stands for; and I can not conceive of any men of any blood or origin failing to feel an enthusiasm for the things that America stands for, or failing to see that they are indefinitely elevated above any purpose of aggression or selfish advantage.

"I said the other evening in another place that one of the principles which America held dear was that small and weak States had as much right to their sovereignty and independence as large and strong States. She believes that because strength and weakness have nothing to do with her principles. Her principles are for the rights and liberties of mankind, and this is the haven which we have offered to those who believe that sublime and sacred creed of humanity.

"And I also said that I believed that the people of the United States were ready to become partners in any alliance of the nations that would guarantee public right above selfish aggression. Some of the public prints have reminded me, as if I needed to be reminded, of what Gen. Washington warned us against. He warned us against entangling alliances. I shall never myself consent to an entangling alliance, but I would gladly asset to a disentangling alliance—an alliance which would disentangle the peoples of the world from those combinations in which they seek their own separate and private interests and unite the people of the world to preserve the peace of the world upon a basis of common right and justice. There is liberty there, not limitation. There is freedom, not entanglement. There is the achievement of the highest things for which the United States has declared its principle.

TOUCHES UPON PREPAREDNESS.

"We have been engaged recently, my fellow citizens, in discussing the processes of preparedness. I have been trying to explain to you what we are getting prepared for, and I want to point out to you the only process of preparation which is possible for the United States. It is possible for the United States to get ready only if the men of suitable age and strength will volunteer to get ready.

"I heard the president of the United States Chamber of Commerce report the other evening on a referendum to 750 of the chambers of commerce of the United States upon the question of preparedness, and he reported that 99 per cent of them had voted in favor of preparedness. Very well, now, we are going to apply the acid test to these gentlemen, and the acid test is this: Will they give the young men in their employment freedom to volunteer for this thing? I wish the referendum had included that, because that is the essence of the matter.

"It is all very well to say that somebody else must prepare, but are the business men of this country ready themselves to lend a hand and sacrifice an interest in order that we may get ready? We shall have an answer to that question in the next few months. A bill is lying upon my table now, ready to be signed, which bristles all over with that interrogation point, and I want all the business men of the country to see that interrogation point staring them in the face. I have heard a great many people talk about universal training. Universal voluntary training, with all my heart, if you wish it, but America does not wish anything but the compulsion of the spirit of America.

COMPULSION OF PUBLIC OPINION.

"I, for my part, do not entertain any serious doubt of the answer to these questions, because I suppose there is no place in the world where the compulsion of public opinion is more imperative than it is in the United States. You know yourself how you behave when you think nobody is watching. And now all the people of the United States are watching each other. There never was such a blazing spotlight upon the conduct and principles of every American as each one of us now walks and blinks in.

"And as this spotlight sweeps its relentless rays across every square mile of the territory of the United States, I know a great many men, even when they do not want to, are going to stand up and say, 'Here.' Because America is roused, roused to a self-consciousness and a national self-consciousness such as she has not had in a generation.

"And this spirit is going out conquering and to conquer until, it may be, in the Providence of God, a new light is lifted up in America which shall throw the rays of liberty and justice far abroad upon every sea, and even upon the lands which now wallow in darkness and refuse to see the light."

POSTAL SAVINGS BANK.

Mr. SHEPPARD. Mr. President, on yesterday, at the conclusion of my remarks in reference to the bill (S. 6224) to increase the utility of the postal savings bank, to encourage savings among the people, to secure the largest returns for such savings consistent with adequate security, to provide for the loans of such savings for the promotion of agriculture and other useful, productive industries, and for the promotion of home building and home improvement in the rural districts and elsewhere, I intended to ask permission of the Senate to have the bill printed in full in the RECORD. I desire at this time to ask for such permission.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill introduced by Mr. SHEPPARD May 31, 1916, and referred to the Committee on Post Offices and Post Roads, is as follows:

Be it enacted, etc., That the short title of this act shall be the industrial savings act.

SEC. 2. That a board of trustees is hereby created for the administration of this act, consisting of the Secretary of the Treasury, the Postmaster General, the Secretary of the Interior, the Secretary of Agriculture, the Attorney General, the Secretary of Commerce, and the Secretary of Labor, all acting ex officio, to be known as the industrial savings board.

SEC. 3. That for the proper and efficient organization and conduct of the business of the industrial savings board, it shall appoint, under the rules of the Civil Service Commission a first chief, a second chief, and a third chief, having such powers and duties as the board may designate; also such other assistants, attorneys, and other employees as the board may consider necessary. The compensation of the persons so appointed shall be such as the industrial savings board may authorize, and shall be paid from the profits of the postal savings bank.

SEC. 4. That the industrial savings board shall, as soon as possible, take over the control of the existing postal savings bank, the details of its administration to continue in connection with the post offices throughout the country, under the direct supervision of the Postmaster General acting for the board.

SEC. 5. That as soon as arrangements can be made therefor, every post office, postmaster, and all letter carriers and other post-office employees shall hereafter be made to serve the people through the postal savings bank as they now serve them for letters, money orders, registered letters, and parcel post, without limitations as to amount of deposits, as letters and parcels are without limitation, the manner of such service being as in this act provided.

SEC. 6. That of the funds which are now or may hereafter be deposited in the postal savings bank, not to exceed 25 per cent of the balance in hand at any time, may be invested in the bonds of the United States, bought in the open market at the lowest obtainable price or bought at such price from the Treasury of the United States. Any portion of said bonds may, in the discretion of the industrial savings board, be sold in the open market at the highest obtainable price or sold to the United States Treasurer at such price.

SEC. 7. That no other investment of the funds deposited shall be made, with the exception of a working reserve, the amount of which shall be determined by the industrial savings board; the balance of the funds shall be loaned at the highest obtainable rate of interest on what, in the discretion of the industrial savings board, is considered as adequate security, in manner as follows and in this act provided:

(a) Loans to be made only for uses provided in the title of this bill.

(b) Demands for loans being in excess of loanable funds, preference shall be given—

(1) To small loans over large loans.

(2) To short time loans over long-time loans.

(3) Loans adequately secured by readily marketable collateral over loans on real estate or other less readily marketable security.

(c) In accordance with the above the board shall, from time to time, fix the rate of interest to be charged according to the supply of and demand for loanable funds, the profit and security of the depositors being the basis of decision.

SEC. 8. That the industrial savings board shall give clear and ample publicity to its rulings as to character of securities required for loans and the terms of such loans under the following limitations:

(a) Loans not to exceed 95 per cent of the market value of United States bonds or the bonds of States.

(b) Not to exceed 90 per cent of the market value of such other securities as are admissible investments under the existing laws of New York or Massachusetts for savings banks, or as are estimated by the industrial savings board as of equivalent good standing.

(c) Not to exceed 85 per cent of the market value of wheat, cotton, or other nonperishable products, so-called, in safe, adequately insured public storage.

(d) And other securities and terms in the discretion of the board deemed adequate.

SEC. 9. That not to exceed 50 per cent of the balance of deposits may be loaned to an amount not exceeding one-half appraised value on unincumbered real estate in States and Territories where laws for the protection of creditors are by the Industrial Savings Board deemed adequate and fair in manner as follows:

(a) Through any national bank or other incorporated bank or corporation whose business is dealing in or guaranteeing real-estate mortgages and which is subject to the examination and control of the United States Treasury or of the banking department of any State, in the estimation of the Industrial Savings Board adequately protecting depositors, loans may be made to an amount at one time outstanding not to exceed ten times the capital and surplus of the bank or corporation which shall be required to guarantee the prompt payment of the principal and interest of the loans made through said bank or corporation.

(b) The bank or corporation shall be entitled to a commission of 5 per cent of the interest paid on such loan by the borrower, who shall not be subject to any other charge except the necessary expense of examination of title and drawing papers, which charge may be fixed by rules of the Industrial Savings Board.

SEC. 10. That personal loans without requirement of collateral security may be made in manner as follows:

(a) The borrower to make written statement showing his assets and liabilities; the amount of loan not to exceed $1,000; the length of time, which shall not exceed one year; the purpose for which the loan is to be used, which shall be in accordance with the stated purpose of this act; which statement shall be attached to the borrower's negotiable note.

(b) The principal and interest of the loan to be guaranteed prompt payment by a bank or corporation, as in section 9, which shall be entitled to a commission of 5 per cent of the interest paid thereon, the borrower being subject to no other charge, and the total of such loans at one time outstanding not to exceed five times the capital and surplus of the guarantor.

(c) The limit of the loans specified in (a) of this section, if after two years' trial it is deemed too small for the best results, may be extended by the board from time to time to larger specified sums, the terms to be uniform throughout the United States.

SEC. 11. That to induce the largest possible savings and serve the greatest possible convenience, security, and economy of use to depositors and to the postal savings bank, the Industrial Savings Board shall cause to be prepared and issued certificates of deposit of the size and form, but different in color and appearance, of customary bank currency, the said certificates being of the following tenor and in manner indicated:

(a) "The United States Postal Savings Bank has received from (here the depositor will write his own signature and address in ink, thus identifying his signature on the back when he passes the same) $10 (or other specified sum), and will pay the same after three months from date of issue, together with interest earned hereon as estimated by the Industrial Savings Board, the interest compounded semiannually, on surrender hereof properly indorsed."

(b) This certificate to be duly executed, dated, and recorded where issued, as done in case of money orders.

(c) Certificates in this form shall be issued in denominations of $10, $50, $100, $1,000 and larger, as the Industrial Savings Board may order.

(d) Certificates similar, but payable to bearer and bearing no interest, shall be issued in denominations of $1, $2, and $5.

(e) To encourage the beginning of deposits, and also serve the convenience of those who desire them in preference to coin money, certificates payable to bearer, without interest, shall be provided in denominations of 5 cents, 10 cents, 25 cents, and 50 cents, of size and form similar to United States fractional currency issued in 1862 and later.

(f) Simple printed instructions for their use may appear on the front or back of each of the various certificates.

(g) These certificates shall not be legal tender nor in any way indicated as "money," but may pass from hand to hand by mutual agreement, as is done in the case of "certified" or other bank checks.

SEC. 12. That at the county seat of every county in the United States or similar civil divisions otherwise called, and in such larger cities as the Industrial Savings Board shall deem wise, one or more post offices shall be designated by the Industrial Savings Board as postal savings banks of issue and redemption, and shall be adequately equipped and placed in charge of competent persons qualified by sufficient bank experience.

(a) Such banks of issue and redemption shall issue and record as required by the Industrial Savings Board certificates of deposit as described in section 11 hereof in exchange for bankable funds as per regulations made by said board, and shall redeem the same whether issued by itself or by other similar banks of issue and redemption either in money or in new certificates of deposits, as the applicant may desire.

(b) Each depositor in said banks shall record his signature and address with the bank or a record provided, as is customary by commercial banks, so that indorsement of signatures on backs of certificates may be verified when desired.

SEC. 13. That the Industrial savings board shall designate 12 or more districts covering the United States, in a central city of each of which shall be organized a district bank, which shall act as clearing and reserve banks for all the banks of issue and redemption within the district, in accordance with rules and regulations of the Industrial savings board.

SEC. 14. That the industrial savings board shall further organize in the city of Washington, D. C., in the Post Office Department, a central postal savings bank, which shall act as clearing and reserve bank for the 12 district banks, and may have direct dealings with and oversight of all the county banks of issue and redemption as the industrial savings board shall order.

SEC. 15. That every smaller post office and every letter carrier may, in accordance with regulations made by the Industrial savings board, adequate bonds for safety being required as convenient, keep in hand limited amounts of certificates of deposit, secured from the local county banks of issue and redemption, to be given to local-known applicants in exchange for bankable funds to be forwarded to the county bank of issue and redemption, and may also redeem small certificates of deposit as they can conveniently. Such post offices and letter carriers shall also give proper receipts to any applicant for bankable funds or for certificates of deposit, to be sent to the county bank of issue and redemption in exchange for money or other certificates of deposit, and deliver the same to said applicant in exchange for their own receipt originally given to the applicant.

SEC. 16. That each county bank of issue and redemption and each district bank shall keep in hand such working balance as the industrial savings board shall direct the county bank forwarding any surplus to its district bank, and the district bank any surplus to the national central bank, and each of said banks shall make loans as authorized by the industrial savings board, the county bank also drawing on its district bank and the district bank drawing on the national central bank as the industrial savings board may direct.

SEC. 17. That existing savings banks of the United States, which desire and will submit to satisfactory examination and supervision of the industrial savings board and is found of standing satisfactory to the board, may be made agents of the postal savings bank, to receive deposits and pay certificates in accordance with regulations made by the board, and shall be allowed as compensation for such service a commission of 5 per cent of the net earnings of the deposits, as estimated by the industrial savings board, which said existing savings bank secures through its agency.

SEC. 18. That in lieu of the principal of amortization (which may be applied when the borrower desires) loans secured by real estate or other collateral may be made as follows:

The mortgage or other paper shall be drawn to secure any sum due from the borrower not exceeding the amount named therein for any time not longer than the longest time therein specified, the borrower thus being permitted to adjust the amount of his loan from time to time according to his needs and opportunities.

SEC. 19. That postmasters and other employees in service at the time of the transfer of the postal savings bank to the industrial savings board shall continue in office until the board finds from experience that any are inefficient, when such of them may be removed, according to rules and regulations which the board shall establish, with the approval of the Civil Service Commission, and their successors appointed under the rules of the Civil Service Commission.

SEC. 20. That the industrial savings board shall test the safety and practicability of making small and short time loans to farmers and other producers in manner as follows:

(a) After the total balance of deposits in the postal savings bank shall have reached the sum of not less than $1,000,000.

(b) The board shall select not to exceed 10 counties in various parts of the United States to make the trial for a period of not less than one year, after which time, if in the opinion of the board the plan is successful, the method may be extended to many or all other counties.

(c) All persons desiring to borrow, without collateral security, any sum not to exceed $500 for a time not to exceed one year, each shall make a statement showing the amount of his assets and liabilities, with their nature, in manner approved by the board, the amount of the loan desired, its length of time, and the purpose for which it is to be used, in accordance with this act, which statement shall be attached to the applicant's negotiable note.

(d) These applications shall be referred for approval or rejection to a committee of three persons elected by the applicants, and also to a committee of three persons elected by the depositors in the postal savings bank within the county, in manner provided here following: Loans to be allowed shall be approved by not less than two-thirds of the weight of vote of each committee, and also by one or more experts appointed by the board, which may be the postmaster of the county bank of issue and redemption, or other person or persons.

(e) The two committees to be elected in manner as follows: The postmaster to prepare printed ballots and send the same with return envelope to himself, and send to each applicant and to each depositor in the county bank of issue and redemption having then and three months previously outstanding deposits at the time of $50 or more. Each elector shall be entitled to three votes, which he may cast for three, two, or one person of his choice. The persons so chosen, each having weight of vote according to the number of votes by which he is chosen, shall, upon notice of the postmaster, meet and choose three of their number to act as the committee, the electors balloting repeatedly as may be necessary to reduce the number to three. The committee thus elected each shall have weight of vote according to the cumulative number of votes by which he is chosen.

(f) The members of the committee chosen shall have compensation for services in passing on loans at the rate of 20 cents an hour, the time to be approved by the postmaster.

(g) Applicants whose loans are accepted shall give the bank their negotiable notes for the amounts and time approved, the same to be discounted by the bank at double the rate of interest current in postal savings bank for loans secured by collateral, the applicant being given the proceeds less his pro rata expense of passing on the loans. After the end of one year, when all of the loans shall have matured, any profits to the bank on the total of the loans in excess of the current rate of interest for secured loans shall be paid in rebate to those whose loans were promptly and fully paid, so that the net cost of the loan to the borrower may be reduced to approximately the same as secured loans.

(h) If after ample test such method of loaning is found safe and profitable, the amount to be loaned to each applicant may be increased beyond $500, the increase to be uniform throughout the United States. If some counties prove to be habitually unprofitable while other counties prove habitually profitable, the board may withhold, temporarily or longer, permission to make such loans from the unprofitable counties.

SEC. 21. That commercial banks may make deposits in and draw upon county banks of issue and redemption to such extent as said county banks may be able conveniently to serve them, but may, without limitation, deal direct with the district banks and national central bank as per regulations of industrial savings board, and certificates of deposit in the postal savings bank may be counted as part of the legal reserve of all national banks.

SEC. 22. That the board shall cause to be prepared and printed for the general public simple tables showing the value of $10 or larger sums at compounded interest for days, months, and years at various rates of interest, such as will be useful to depositors.

SEC. 23. That needless and expensive records and statistics shall be avoided, but the board shall provide for such as may materially serve the interests of depositors and enable the board to annually report to Congress such information and recommendations as may be of service to Congress.

SEC. 24. That to the extent that the mails shall be used in facilitating the business of the postal savings bank, either by the bank itself or by its patrons, the board shall provide special stamps for free use of the mails, keeping records so that approximately the actual cost of the Postal Service shall be paid by the postal savings bank to the Post Office Department.

SEC. 25. That the sum of $1,000,000 is hereby appropriated for any necessary expense, in the discretion of the board, in the rapid development of the postal savings bank, the sum used to be considered only as an advance and to be repaid to the Treasury, with interest thereon, from the profits of the postal savings bank, which is to be made self-sustaining, without subsidy or other charge against taxpayers.

SEC. 26. That all provisions of an act to establish postal savings, etc., approved June 25, 1910, and of amendments thereto not inconsistent with this present act, shall continue in force, and all other provisions are accordingly modified or repealed, as are all other acts of Congress inconsistent herewith.

SEC. 27. That to the extent that certificates of deposit in postal savings banks crowd out of use forms of paper money now in use, causing the depreciation of the market price of bonds of the United States used to secure their circulation, below par, the Treasurer of the United States shall purchase or redeem such bonds at par issuing, so far as may be necessary to do so, other bonds of the United States bearing higher rate of interest and marketable at or above par.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

NOMINATION OF LOUIS D. BRANDEIS.

The injunction of secrecy was removed from the following proceedings in executive session:

UNANIMOUS CONSENT AGREEMENT, MAY 26, 1916.

That not later than Thursday, June 1, 1916, the majority members of the Committee on the Judiciary and the minority members thereof may file reports upon the nomination of Louis D. Brandeis to be an Associate Justice of the Supreme Court of the United States, which reports shall forthwith be printed in confidence for the use of the Senate; that, on the said day—Thursday, June 1, 1916—at not later than 4.55 o'clock p. m., the Senate shall proceed to the consideration of executive business, and that at 5 o'clock p. m., on the said day, the Senate shall proceed to vote, without debate, upon the said nomination to a final conclusion.

It is further ordered that, after the said vote, the said reports and the proceedings upon the vote shall be printed in the RECORD, and the injunction of secrecy removed from all matters in relation to said nomination.

Vote on the question of advising and consenting to the appointment of Mr. Brandeis. Yeas and nays asked by Mr. CHILTON.

YEAS—47.

Ashurst	Hughes	Overman	Smith, Ariz.
Burkhead	Husting	Owen	Smith, Ga.
Beckham	James	Phelan	Smith, Md.
Broussard	Kern	Pittman	Smith, S. C.
Chamberlain	La Follette	Poindexter	Stone
Chilton	Lane	Ransdell	Taggart
Culberson	Lea, Tenn.	Reed	Thomas
Fletcher	Lee, Md.	Saulsbury	Thompson
Gore	Lewis	Shafroth	Underwood
Hardwick	Myers	Sheppard	Vardaman
Hitchcock	Norris	Shields	Walsh
Hollis	O'Gorman	Simmons	

NAYS—22.

Brady	du Pont	Nelson	Sutherland
Brandegee	Fall	Newlands	Townsend
Clark, Wyo	Gallinger	Oliver	Warren
Cummins	Harding	Page	Works
Curtis	Lippitt	Smith, Mich.	
Dillingham	Lodge	Sterling	

NOT VOTING—27.

Borah	Goff	McLean	Smoot
Bryan	Gronna	Martin, Va.	Swanson
Burleigh	Johnson, Me	Martine, N. J.	Tillman
Catron	Johnson, S. Dak.	Penrose	Wadsworth
Clapp	Jones	Pomerene	Weeks
Clarke, Ark	Kenyon	Robinson	Williams
Colt	McCumber	Sherman	

Announcing the vote, the Vice President stated that the resolution of confirmation had been agreed to, and announced that the nomination had been confirmed.

Mr. FALL. I have a general pair with the Senator from New Jersey [Mr. MARTINE]. I transfer my pair to the Senator from Utah [Mr. SMOOT] and vote "nay." If the Senator from New Jersey [Mr. MARTINE] were present and not paired he would vote "yea."

Mr. HOLLIS. I have a pair with the junior Senator from New York [Mr. WADSWORTH]. I transfer that pair to the Senator from Maine [Mr. JOHNSON]. If the Senator from Maine were present he would vote "yea." If the Senator from New York [Mr. WADSWORTH] were present he would vote "nay." I vote "yea."

I also desire to state that if the Senator from Minnesota [Mr. CLAPP] were present he would vote "yea." He is paired with the Senator from Iowa [Mr. KENYON], who would vote "nay."

Mr. JONES. I have a pair with the junior Senator from Virginia [Mr. SWANSON] and therefore withhold my vote.

Mr. LA FOLLETTE. The Senator from Idaho [Mr. BORAH] is paired with the Senator from North Dakota [Mr. GRONNA]. If the Senator from Idaho were present he would vote "nay," and the Senator from North Dakota would vote "yea."

Mr. THOMAS. The Senator from Virginia [Mr. MARTIN] is necessarily absent. If he were present he would vote "yea."

Mr. HUGHES. My colleague [Mr. MARTINE] is necessarily absent from the Senate. If present he would vote "yea." He is paired with the Senator from New Mexico [Mr. FALL].

Mr. OWEN. I have a pair with the Senator from New Mexico [Mr. CATRON]. I transfer that pair to the Senator from Florida [Mr. BRYAN] and vote "yea."

Mr. JAMES. I desire to announce that the Senator from Ohio [Mr. POMERENE] is paired with the junior Senator from Massachusetts [Mr. WEEKS]. If present the Senator from Ohio would vote in favor of the confirmation of Mr. Brandeis and the Senator from Massachusetts would vote against the confirmation.

Mr. SAULSBURY. I am paired with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from South Dakota [Mr. JOHNSON] and vote "yea." If the Senator from South Dakota were present he would vote "yea."

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent, but I am at liberty to vote on this question and I vote "nay."

Mr. THOMAS. I have a general pair with the Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. LODGE. I desire to announce that my colleague [Mr. WEEKS] is paired with the senior Senator from Ohio [Mr. POMERENE]. If my colleague were present he would vote "nay."

Mr. WILLIAMS. I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If present he would vote "nay" and I would vote "yea," if I had the privilege; but I withhold my vote in consequence of my pair.

Mr. THOMPSON. I have a pair with the Senator from Illinois [Mr. SHERMAN], but under an arrangement with the Senator from Illinois, if his vote is not controlling, I am permitted to vote on this nomination. I therefore vote "yea." I am requested to announce that if he were present he would vote "nay."

Mr. TILLMAN. I have a pair with the junior Senator from West Virginia [Mr. GOFF]. If I were at liberty to vote I would vote "yea."

Mr. CURTIS. I have been requested to announce that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Arkansas [Mr. ROBINSON].

Mr. NEWLANDS (after the result of the vote had been announced). Regarding my vote, I should like to say that I have great admiration for Mr. Brandeis as a propagandist and publicist, but I do not regard him as a man of judicial temperament, and for that reason I voted against his confirmation.

On motion of Mr. CHILTON it was—

Ordered, That there be printed as part 2 of volume 2 of Senate Document No. 409 the additional evidence (part 22 of the hearings) taken before the subcommittee of the Committee on the Judiciary, and the report of the Committee on the Judiciary to the Senate, with the views of the minority, on the nomination of Louis D. Brandeis; that 1,000 extra copies thereof be printed for the use of the Senate, to be distributed through the folding room, and that 500 additional copies be printed for the use of the Committee on the Judiciary.

[Ex. Rept. No. 2, pt. 1, 64th Cong., 1st sess.]

NOMINATION OF LOUIS D. BRANDEIS.

Mr. CHILTON, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom was referred the nomination of Louis D. Brandeis, of Massachusetts, to be Associate Justice of the Supreme Court of the United States, vice Joseph Rucker Lamar, deceased, beg leave to report it back with the recommendation that it be confirmed.

The nomination was referred to the Committee on the Judiciary on January 28, 1916. On January 31 the committee referred it to the following as a subcommittee: Messrs. CHILTON (chairman), FLETCHER, WALSH, CLARK of Wyoming, and CUMMINS.

The subcommittee held hearings, made necessary by a protest against confirmation of the nomination, which began on February 9, 1916, and continued from time to time until March 15, 1916. On February 16 Mr. WORKS was appointed on the subcommittee in the place of Mr. CLARK of Wyoming.

On April 3 the subcommittee made a favorable report to the entire committee, recommending confirmation of the nomination. There was a minority report, however, against confirmation, made by Messrs. CUMMINS and WORKS. The majority views of the subcommittee are set out at length in the separate reports of the majority members of the subcommittee. Mr. CHILTON's views were concurred in by Mr. FLETCHER, and Mr. WALSH filed a separate report.

All of these views of the members of the subcommittee are printed in Senate Document No. 409, Sixty-fourth Congress, first session, and your committee herewith adopts the statements and views of Mr. CHILTON and of Mr. WALSH and makes the same a part of this report, as follows:

—

Mr. CHILTON, from the subcommittee of the Committee on the Judiciary, submitted the following views:

To the COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE:

As heretofore announced to the Committee on the Judiciary, your subcommittee decided to have open hearings, which were begun on February 9, 1916, and continued from time to time until March 15, 1916.

Very soon after your subcommittee was organized a protest against the confirmation was filed, signed by the following-named gentlemen:

Charles S. Rackemann, Harrison M. Davis, Joseph Sargent, A. Lawrence Lowell, John Noble, Charles F. Adams, I. Tucker Burr, C. Minot Weld, Nathaniel H. Stone, Felix Rackemann, Arthur Lyman, Henry S. Grew, George P. Gardner, Roger Walcott, Pierpont L. Stackpole, Francis Peabody, Edmund K. Arnold, William B. Luther, Charles A. Williams, Moses Williams, Reginald H. Johnson, Henry Ware, J. L. Thorndike, Julian Codman, Richard C. Storey, Fred C. Bowditch, W. L. Putnam, Prof. Edward H. Warren, Roger S. Warner, James M. Newell, William S. Hall, Clifton

L. Bremer, Lawrence Minot, Henry E. Edes, Hollis R. Bailey, Edward S. Dodge, F. Walker Johnson, George B. Dabney, Francis R. Boyd, J. A. Lowell Blake, Louis Bacon, Lawrence P. Dodge, George R. Harris, Eugene J. Fabens, Charles H. Fiske, jr., Harold Jefferson Coolidge, P. T. Jackson, jr., Augustus P. Loring, William W. Vaughn, Samuel D. Parker, Thomas N. Perkins, R. W. Boyden, Henry L. Shattuck, A. R. Graustein, James D. Colt, Edmund A. Whitman, William C. Indicott, Albert E. Pillsbury, William V. Kellen, and Frederic M. Stone.

Mr. Austen G. Fox, assisted by Mr. Kenneth M. Spence, appeared on behalf of those signing the petition, and the committee requested Mr. George W. Anderson to represent the committee in bringing out the facts. Quite a number of other protests and many letters of commendation of the nominee were filed before the committee in the shape of letters and telegrams, some to the committee and some to different members, all of which are made a part of the report.

As to every charge made against the nominee by the protesting committee or contained in rumor or which in any way came to the knowledge of your committee, we have sent for those alleged to have knowledge and have examined such witnesses. All the testimony of the 43 witnesses examined was taken down by a stenographer, was printed, and is contained in one volume of 1,316 pages, which is now before the committee. The evidence relates to various charges reflecting upon the professional conduct of the nominee, as well as his standing and general reputation.

On pages 881 to 887, 933 and 934, and 1225 and 1226 may be found a summary of the matters as to which the proof, outside of opinion evidence, relates. These charges will now be taken up, one at a time, and the proof relating thereto analyzed.

WARREN CASE.

It is charged that Mr. Brandeis consciously advised and assisted Samuel D. Warren in a breach of trust in fraud of his brother, Edward P. Warren. This charge is wholly unfounded, and was recognized to be by the leading counsel for Edward P. Warren in the suit concerning this trust (284, 860, 11641). The propriety of Mr. Brandeis's conduct in this case was also recognized by one of his leading opponents who was counsel for other beneficiaries of the trust (278). In May, 1888, Samuel D. Warren and Mr. Brandeis were partners in the practice of law and had been for about 10 years. In May, 1888, Mr. Warren's father, Samuel Warren the elder, died, leaving a widow and five children, entitled under his will to his property in their own right without the intervention of any trustees—the widow to five-fifteenths and each child to two-fifteenths.

Mr. Warren the elder owned paper mills in Maine, valued at nearly $2,000,000. These paper mills were conducted by the firm S. D. Warren & Co., composed of himself and Mortimer B. Mason, who had been with him for 18 years and a partner for 6 years. One son, Fiske Warren, was employed in the business and had been for about five years. Warren & Brandeis had been attorneys for S. D. Warren & Co. before the elder Warren's death, and were counsel for the executors of his will. They had no other connection or relation with Edward P. Warren, a son, then 20 years of age.

The Warren family was believed to be entirely harmonious at this time, and to desire to keep the mills intact as a family property. There was no member of the family fitted by temperament or desire to take the active headship of the business except Samuel D. Warren. They all lived in or near Boston except Edward P. Warren, who was in England. Mr. Mason was regarded by all as essential to the business because of his experience and ability. He was receiving one-sixth of the profits of operation of the mills, and believed that he should receive under the changed condition one-fourth of the profit. He had earned in the last two year $76,000 and $68,000, respectively, as his share of the profits. This is a larger amount than he averaged during the ensuing 20 years under the plan that was adopted. This plan was to have the real estate vested in trustees who should lease to an operating concern which should pay a fixed rental of 6 per cent and an additional amount equal to one-half the profits of the operating concern. The trustees selected were Samuel D. Warren and Mr. Mason and Mrs. Warren, the widow. The operating concern was a new partnership of Samuel D. Warren & Co., composed of Mr. Mason, with one-half interest; Samuel D. Warren, with one-third interest; and Fiske Warren, with one-sixth interest. The plan was elaborately discussed (842, 858) among the members of the family, all of whom were persons of intelligence, and was agreed to before the trust was created. The papers to give legal effect to the plan were drawn and executed the end of May, 1889, and sent to Edward P. Warren in a letter explaining these terms (844). He executed them, and the business was carried on in accordance with this arrangement for a period of over 20 years.

Full accounts were rendered annually, and they show the profits resulting to the partnership from operating the mills under this lease and the income resulting to the trust (858, 519–607).

Mr. Warren retired from the practice of law and from the firm of Warren & Brandeis in 1889. Mr. Brandeis and his firm continued to be the legal adviser of the firm of Samuel D. Warren & Co. and of the trustees throughout the ensuing 20 years. They also advised and acted for the various members of the family from time to time, and it was well known to all that they were so acting. No dissension arose until after the death of Mrs. Warren in 1904. This left a vacancy in the board of trustees. Henry Warren, next in age to Samuel D. Warren, had died. The declaration of trust provided for the appointment of a trustee, preferably from among the children of the older Warren, and not a member of the firm. This limited the preference to Edward P. Warren or his sister, Cornelia Warren. Mr. Mason and Mr. Samuel D. Warren believed that Edward P. Warren, on account of his temperament and the fact that he was living in England, was not a desirable trustee, and it was proposed immediately after the mother's death that Cornelia Warren be appointed a trustee, but Edward P. Warren opposed this. The next year it was proposed that Fiske Warren be appointed. This was also opposed by Edward P. Warren. Fiske Warren had retired to a considerable extent from active business, and his proportion of the profits had been reduced from 16⅔ per cent to 5 per cent, and soon thereafter to 2½ per cent.

In 1906 Edward P. Warren retained William S. Youngman, who has testified in the present hearing (461–518, 1286–1296, 1306–1397). He soon after began investigations, and in 1909 rendered an elaborate report to Edward P. Warren thereon (861), approving the details of the accounts, but claiming that the plan had worked too much to the advantage of Samuel D. Warren & Co., that too much of the income of the trust had been devoted to the improvement of the properties instead of to the payment of the beneficiaries, and commenting on the division between the repair account, which was a charge of operations, and the improvement account, which was a capital charge against the trust.

The trust instrument originally provided that the trustees might retain one-third of the net income for improvements. This was found to be inadequate, and by informal agreement reached in 1890 the amount was increased to one-half. All the beneficiaries had agreed to this. The fact was recited in the reports from year to year.

The profits which the partners had received from the operation of the mill had not exceeded on the average those to be expected from the condition of the business as it had been estimated in 1889 in the estimates submitted to the beneficiaries before the plan was agreed to (842).

The division between repairs and improvements had been fairly and honestly made (862).

After 1906 negotiations continued relative to the appointment of a new trustee, but no satisfactory agreement could be reached. Edward P. Warren, after having urged his own appointment, urged the appointment of Mr. Youngman. Outsiders also were suggested.

At the end of 1909 suit was brought by Edward P. Warren against Samuel D. Warren, seeking an accounting and the removal of Samuel D. Warren as a trustee (894–933). Cornelia Warren, whose interests were the same as Edward P. Warren's, and Fiske Warren, whose interests were nearly the same, opposed the suit, as did their counsel (915). Brandeis, Dunbar & Nutter acted for Samuel D. Warren, and one of the members of the firm tried the case up to the death of Samuel D. Warren, who was the first witness. Nothing developed to the discredit of Mr. Warren or Mr. Brandeis in any way, and any lack of good faith on their part was disclaimed in the suit itself by counsel for Edward P. Warren (277, 284, 860, 11641). Some months after the death of Mr. Warren the others in interest bought out the share of Edward P. Warren in the estate at what was believed by them to be no more than the share was worth, making no allowance for any claims made in the suit (278, 867).

Samuel D. Warren was a man of high character and intelligence. The drafts of the original papers for the formation of the trust and the lease were in his handwriting (841). Mr. Brandeis advised about the matter and took part in the conveyances which were made. The negotiations between the different members of the family were conducted directly between them. Apparently all communications with Edward P. Warren were from Samuel D. Warren or other members of the family. No occasion arose for the intervention of counsel between the different members of the family at the time the trust was created or at any time up to the time that Mr. Youngman was employed by Edward P. Warren. The original agreement was a fair one (277, 278) and worked out fairly and was justly and honestly administered, and the share of Edward P. Warren increased enormously under the administration of his brother and the other trustees (867, 915).

Mr. Brandeis exerted no improper influence in the matter (881).

When what was believed to be a wholly groundless and unwarranted attack was made upon Mr. Warren and his removal as trustee sought, it was certainly the province of counsel for the trustee, who had been such during the entire administration of the trust, to support him as counsel in defending the integrity of his administration of the trust (1259). Such knowledge as counsel for the trustee and his firm had came to them from the trustee and his firm in that employment, and the trustee and his firm were entitled to the full benefit of that knowledge. If they had employed new counsel, they could rightly ask that everything known to their existing counsel should be communicated to the new counsel. It would have been virtually a desertion if the counsel for the trustee and his firm had failed to act (1259).

Three out of the four beneficiaries opposed the litigation and desired the retention of Mr. Warren as a trustee.

No claim was ever made in the case but that the defense ought to be made by Brandeis, Dunbar & Nutter on Mr. Warren's behalf (1298).

As to the transactions which led up to the suit, the leading counsel for the plaintiff said that he did not claim that the arrangement was ever gotten up, either by Mr. Brandeis or Mr. Warren, for the purpose of violating a trust (1164).

In order to condemn Mr. Brandeis for anything done in this whole matter one must emphasize every suspicion and minimize the prominent facts shown by the weight of the evidence. I agree with Mr. Whipple, the leading trial lawyer for Edward P. Warren, the complaining heir, that if Mr. Brandeis thought that Edward had assented (and how could a reasonable man assume otherwise?), "there was no violation of trust; and there was no moral wrong" (128).

NEW YORK & NEW ENGLAND RAILROAD MATTER.

It is charged that Mr. Brandeis was engaged at the instance of the New York, New Haven & Hartford Railroad to wreck the New York & New England Railroad Co. The facts do not sustain this charge.

At about the beginning of 1892 Austin Corbin, of New York, was the president and director of the New York & New England Railroad (404). The railroad was in a very bad financial condition and already wrecked. Corbin took the presidency with a view to rehabilitating it. He also got friends to invest in stock of the company and he expected them to become directors (405). Several of the directors whom he thought were acting improperly declined to resign. These directors were represented in the later litigation by Mr. Storey (405). Accordingly, Mr. Corbin decided to resign, himself, as he refused to stay on the board of directors with them. He believed they were using their position to benefit themselves at the expense of the road (405). On resigning, Mr. Corbin consulted William J. Kelly, his attorney, who is now one of the judges of the Supreme Court of New York. Mr. Kelly employed Mr. Brandeis to institute suits to have the railroad put in the hands of a receiver in Massachusetts, Connecticut, and New York. These suits were never filed, because the action of the directors necessitated other proceedings. They declared they were about to pay unearned dividends, and the suits were immediately brought and injunctions were obtained to prevent this (405). They also attempted to issue bonds beyond the legal limit, and suits were brought to prevent this. These also prevailed (405). Suits also were brought to prevent leases made to the company by these directors of railroads claimed to be owned by these directors and leased at an improper rental (409). These suits were brought on behalf of all stockholders, of whom Mr. Corbin was one, and particular stockholders were selected as plaintiffs in order to give the Federal courts jurisdiction (411). Mr. Corbin's connection with the suits was well known. The hostile directors knew it well (411). He indemnified the plaintiffs (411).

All the suits were brought between April and August, 1892 (422). It was alleged in the suits that they were brought at the expense of persons other than the plaintiffs and to degrees the credit of the railroad, and this was held to be immaterial (427).

Subsequently, in an investigation before a committee of the Legislature of Massachusetts in May, 1893, it was claimed on behalf of the New York & New England Railroad Co., by Mr. Moorefield Storey, that these suits had been instigated by the New York, New Haven &

Hartford Railroad Co. or in its interests. Mr Brandeis then testified that he had no knowledge of any such connection. Mr. Josiah H. Benton, the attorney for the New York, New Haven & Hartford Railroad Co., stated that there was no such connection (439).

Judge Kelly now says that in the latter part of 1893 he learned from Mr. Corbin that he had concluded that the chance of reorganizing the road was gone, and that the first mortgage was inevitably going to be foreclosed, and that he was disposed to give up the litigation, and later he learned from Mr. Corbin that certain men interested in the New York, New Haven & Hartford Railroad Co., which was interested in the first mortgage bonds, had expressed a desire that litigation should not be given up and that they would reimburse Mr. Corbin for expenses thereafter (412).

Mr. Brandeis was not employed to wreck the New York & New England Railroad (406), and had no knowledge that the New York, New Haven & Hartford Railroad Co. was interested in the litigation when he testified in May, 1893. His last substantial work in the cases was done in June, 1893 (700). He was paid by Judge Kelly, who received the money therefor from Mr. Corbin (408).

It was said in the present hearing that the suits were begun at the instance of the New York, New Haven & Hartford Railroad Co. (267, 415), and that the United States, in the recent suit against the directors of the New York, New Haven & Hartford Railroad Co., had so contended. The fact is to the contrary. The Government's contention was in accordance with the foregoing statement from Judge Kelly, namely, that they were started by Mr. Corbin, and that subsequently the directors of the New York, New Haven & Hartford Railroad Co. took them over (415, 700).

There was nothing to indicate that the suits were not meritorious or brought for the purpose for which they purported to be brought. They were found to be well grounded as far as they progressed. Since it appears that the Massachusetts Legislature investigated this matter 23 years ago, and that now Judge Kelly, chief counsel, acquits him of any purpose to wreck the railroad, and that Josiah H. Benton, chief counsel of the New Haven & Hartford Railroad, testifies that that railroad had no connection with the suits brought by Mr. Brandeis, I can find neither reason nor excuse to justify anything but an unequivocal vindication of the nominee from this charge.

DINGLEY BILL WOOL DUTY.

No charge touching Mr. Brandeis appears to have been suggested in this matter.

In 1908 charges were made that William Whitman had, in 1897, secured an exorbitant duty on wool tops, to the detriment of other wooden manufacturers in the association which Mr. Whitman represented (962).

Mr Whitman did not know Mr. Brandeis in 1897 or have anything to do with him prior to 1905 (690), and Mr. Brandeis has never acted for Mr. Whitman in any tariff matters (973).

When the charges above stated were made against Mr. Whitman in 1908, he consulted with Mr. Brandeis with reference to making an answer to these charges. Mr. Whitman stated his case to Mr. Brandeis, and Mr. Brandeis assisted him in preparing a reply (961). In view of the testimony of Mr. Whitman in the lobby investigation of 1913, the committee, on its own motion, subpoenaed Mr. Whitman and Mr. Ingersoll in order to find out all the facts concerning Mr. Brandeis's appearance before the congressional committee having in charge the Stevens bill, and the true history of Mr. Whitman's defense to what are known as the "North charges."

I fail to find anything in either which reflects upon the nominee.

LEGISLATION CONCERNING INTOXICATING LIQUORS.

No charge has been made against Mr. Brandeis with respect to this matter. It appears that 25 years ago he appeared in opposition to certain legislation relative to the sale of intoxicating liquors, and in support of certain other legislation then under consideration before the Massachusetts Legislature, and that this appearance was in behalf of associations engaged in the sale of liquor (1655).

This was in a State that never has had a prohibitory law, but has long had laws regulating the liquor traffic. There is nothing to indicate that Mr. Brandeis's attitude was or is favorable or adverse to a prohibitory law in a community where public sentiment wants it.

There is nothing to indicate that his attitude 25 years ago was in any way favorable to the intemperate use of liquor (1657), or that the legislation which he sought was morally wrong from the viewpoints of that period.

Public sentiment upon the question of prohibition has undergone radical change in the last 10 years, not to say 25 years. The argument of an attorney 25 years ago is not even persuasive of his views now. Generally speaking, it is unfair to make one's views, within legitimate limits, the test of a vote on his confirmation as judge. The honest, capable judge only construes the law, and it should be assumed that the good lawyer, "wet" or "dry," when elevated to the bench, will not presume to legislate. Only a dishonest judge would distort a record or evade a reasonable conclusion, whether it suited him or not.

UNITED SHOE MACHINERY CO.

The United Shoe Machinery Co. has charged that Mr. Brandeis has been guilty of unprofessional conduct in acquiring information while connected with that company and using it at a later date in the interest of other clients. This charge involves a history of the company as well as the evolution of trusts and the laws applicable to them.

The tying-clause system, so called, of the United Shoe Machinery Co. was not created by Mr. Brandeis. He severed his relations with the company because of his disapproval of this system. Three and one-half years elapsed after his resignation from the company before he advised any other client on the subject. In this advice and in all subsequent action which he took he made no use of any confidential information; but, on the contrary, the facts seem to have been public property well known to the shoe manufacturers (703, 747).

The United Shoe Machinery Co. was organized early in 1899 and acquired the business and assets or a majority of the stock of Goodyear Shoe Machinery Co. (and other Goodyear companies), McKay Shoe Machinery Co., Eppler Welt Machine Co. (and another Eppler company), Consolidated & McKay Lasting Machine Co., and Davey Pegging Machine Co. (703).

About a year before the organization of the United Co negotiations had been undertaken to bring these companies together, and Mr. Brandeis had opposed this in the belief that on the terms then proposed it was better for the McKay Co. to remain as it was (703).

The negotiations for the consolidation, which went through in 1899, were conducted principally by Mr. Elmer Howe, Mr. James J. Storrow, and Mr. Winslow (703). Mr. Howe was an experienced lawyer and for all practical purposes in charge of the Goodyear Co. Mr. Storrow was of the firm of Fish, Richardson & Storrow, one of the leading firms of patent lawyers of the country. They were counsel for the Eppler Co., the Consolidated & McKay Co., and the McKay Co. Mr. Storrow had or represented a large interest in the McKay Co. (703).

The companies had for a long time put their machines out on leases containing restrictive conditions as to their uses, tying clauses, so called (174, 704, 734), similar in form to those afterwards continued by the new company.

A complete investigation indicates that Mr. Brandeis was not asked nor did he render an opinion as to the legality under the Sherman anti-trust law of these clauses of the leases or of the consolidation itself at any time prior to 1906 or 1910 (701, 733, 745, 744).

Before the consolidation the matter of working agreement between the companies was considered, but Mr. Howe thought that this might be contrary to the Sherman law and that there should be a new company which should acquire a full title to the property or stock of the old companies (704).

It should be noted that after the decision in the Knight case (156 U. S., 1) in 1895, and at least until the decision of the Northern Securities case (193 U. S., 197) in 1904, and of the Wall Paper case (212 U. S., 227) in 1909, many lawyers believed that the Sherman antitrust law did not prohibit the acquisition by one company within a single State of the assets of a competitor, even if the manufacturers of both were going into interstate commerce.

Mr. Brandeis joined with the eight other directors of the McKay Co. in signing the circular to the McKay stockholders recommending that they exchange their stock (255, 704).

Mr. Howe at once became the leading counsel (182, 178, 704, 733) for the United Co., and he became also a member of the executive committee. Mr. Brandeis became a director. He never became general counsel for the company or legal or business advisor on the general policies of the company (704). He was concerned with the general policies of the company only to such extent, if any, as Mr. Winslow or others talked with him about them as a director (184).

Mr. Brandeis and his firm were employed from time to time in specific matters for which specific charges were made (705). The last employment was in a matter begun in 1906, and the only matters which lasted after January 7, 1907, were two begun in 1904 or earlier.

In the winter and spring of 1906 legislation was proposed in Massachusetts to prohibit anyone from imposing in the lease or sale of a patented machine a condition that the lessee shall not use the machines of another, and from offering unreasonable discounts which would prohibit such use (218, 705, 713). This proposed legislation was believed to be aimed at the United Co., and to emanate from one or more machinery manufacturers (1153) and not from shoe manufacturers.

Mr. Brandeis believed on the information which he then had, or which he was given by Mr. Winslow, that the methods of the United Co. were beneficial particularly in that their leasing system and uniform terms to all worked to the advantage of the small shoe manufacturers (217, 705), and that the shoe manufacturers were content with the terms of the leases. At this time Mr. Coolidge, one of the counsel for the United Co., and who was experienced in legislative matters, was ill and Mr. Winslow requested Mr. Brandeis to act (221, 705). He did so, and in April, 1906, he appeared before a committee and argued (232) against the proposed legislation, adopting the facts furnished him by Mr. Winslow (1874). He stated that he was counsel for a large number of shoe manufacturers (228) and Mr. Winslow then knew of this fact (228, 179).

He, Mr. Winslow, denied it emphatically (181) on February 16, 1910, until confronted with the statement (228).

In May 1906, Mr. Brandeis undertook to secure the assistance of some of these shoe manufacturers, Mr. McElwain, Mr. Jones, and Mr. Bliss, to support the opposition to the proposed legislation (218, 714). He then learned that they objected to the tying clauses in the leases (218, 715). Nevertheless, it was arranged that they would join in the opposition, but upon the understanding that Mr. Winslow would take up the adjustment of the differences, by conference with them, without legislation (176, 717). Mr. McElwain asked Mr. Winslow to appoint a time for the conferences, and Mr. Winslow expressed the desire to postpone them until fall, as he was about sailing for Europe, and this was satisfactory to Mr. McElwain (218, 722). The bill in the legislature failed to pass.

In September, 1906, Mr. Brandeis wrote to Mr. Howe, counsel and member of the executive committee, calling his attention the great significance of the decision rendered August 22, 1906 by Judge Seaman in Indiana Manufacturing Co. v. J. T. Case Thrashing Machine Co. (148 Fed., 24), holding that there might be a monopolistic combination of patents contrary to the Sherman antitrust law (723).

Mr. Winslow says that Mr. Brandeis before his resignation and acceptance of other employment never gave any "intimation" that there was "any legal or moral" wrong in the company's organization or methods (240).

On October 5, 1906, Mr. Brandeis, in response to a letter of criticism from Mr. Erving Winslow, a stranger to the company, wrote him recalling what he had ascertained the preceding spring and defending the company's methods (1624).

On October 6, 1906, Mr. Erving Winslow replied, saying that even on the facts stated he thought that the company was open to criticism (724).

After Mr. Winslow's return from Europe, about October (181), some conferences (228) took place between Mr. Winslow and Mr. Jones and Mr. McElwain, in which they discussed more fully the objections to the exclusive use, full capacity, and tying clauses, but nothing was accomplished toward the removal of any of these clauses (221), and Mr. Winslow did not discuss the matter much (227, 725, 727).

Mr. Brandeis became convinced by these new disclosures that the company's policy was uncommercial, and also that nothing was going to be accomplished (221) and that he must either take the matter up in the board of directors and fight, probably unsuccessfully, with Mr. Winslow and his associates or retire from the company (221). On December 6, 1906, Mr. Brandeis resigned from the board of directors, without assigning this difference of opinion as a reason in his letter of resignation (1631), but Mr. Winslow understood perfectly that Mr. Brandeis's desire not to be a party to the existing policy of the company was the reason. Mr. Winslow telephoned him on December 11, before his resignation had been accepted, and said: "I am very sorry to have you go, and don't want you to feel that there need be any embarrassment on your part; but, of course, if you think, in view of what may be called up this winter, you would rather not be there, we do not want to insist upon it" (726). Mr. Brandeis replied that it might be embarrassing both to Mr. Winslow and to him, and that if they did not agree as to the course to be pursued he might, if he were a director, feel called upon to bring the matter up before the board (726). It had been announced already (179) that there would be an effort in the

coming winter to get legislation against the practices of the company (726).

Efforts to get the company to make some changes continued and Mr. Winslow had long conferences with Mr. Brandeis on January 2 and January 7, 1907 (726), at which Mr. Brandeis urged his objections at length to the tying and other clauses, but Mr. Winslow was unwilling to make any change (177, 178, 179, 180, 730). Mr. Brandeis told him that by making the changes they could avoid trouble (1824). Later (735), in a letter to Mr. Winslow referring to this interview, Mr. Brandeis speaks of the "radical differences between your opinion and mine when we last met" (237). Mr. Winslow replied the next day, saying, "We value your opinion in these matters very highly, even if we do not decide that we can follow same at this time" (735). Mr. Brandeis had become convinced by this time that, while the policy and methods of the company had on the whole operated beneficially up to that time, they must, if pursued, eventually prove injurious both to the community and the company's interest; and he urged most strenuously upon Mr. Winslow and the officials who participated in the conference with him that these methods be changed, that the policy of monopoly be abandoned, and particularly that the tying clauses be eliminated from the leases (2419).

Mr. Winslow testified on direct examination that he knew of no reason for Mr. Brandeis's resignation except that expressed in the letter (175), and that at the later conference of January 7, 1907, "he expressed a desire that the United Co. make changes in its leases, but he made no concrete suggestion, though asked to do so," and left the interview clear that his severance of relations with the company had nothing to do with this (163). In his widely published attack on Mr. Brandeis in the spring of 1912 he said that during the time that Mr. Brandeis was director and counsel "there entered his mind no doubt whatever of the propriety and legality" of the company's policies and methods. In his published letter of January 19, 1912, attacking Mr. Brandeis, to Senator CLAPP, as chairman of the Committee on Interstate Commerce, he says that up to the day that Mr. Brandeis accepted employment by clients having hostile interests he never gave any "intimation" of any legal or moral wrong in the company's organization or methods, and nowhere in the letter does he refer to the fact that Mr. Brandeis had suggested any changes of policy. In his published letter of February 29, 1912, to Senator CLAPP he refers to the fact that Mr. Brandeis's letter of resignation shows "no uneasiness in Mr. Brandeis's mind as to the soundness of the company's policy or the propriety of its methods."

At the time of testifying on direct examination and at the time of these publications Mr. Winslow had in his possession the letters of September 12 and 13, 1907, and Mr. Brandeis's narrative of the facts (221, 227). His answers on cross-examination showed his full consciousness of the stand which Mr. Brandeis had taken (177, 178, 179, 180, 182, 237).

After January 7, 1907, Mr. Brandeis never acted as counsel for the company and no new matters were taken to his firm. One of the members of the firm continued to act in one litigation which involved no question of tying clauses or monopoly (731). This litigation was begun to secure the return of certain machines claimed to be the property of the company. This was tried in December, 1906, was argued in November, 1907, and decided in January, 1908 (734). Other suits followed as a result of this decision, and the company retained other counsel for them. Incidental services were rendered in this connection until 1909.

In the legislative proceedings in 1907, and in all new matters, the company employed other counsel (183, 734).

Mr. Brandeis's termination of relations with the United Shoe Machinery Co. was due to his unwillingness to be identified longer with their policies, which he then expressly disapproved, because of the objections pointed out by the shoe manufacturers and others in the fall of 1906 (219) which came to him after he had expressed to Mr. Howe the possible significance of the decision of Judge Seamans in the legal situation (723). His severance of relations meant the loss of a client (727) and was without expectation of advantage to himself, financial or otherwise.

During the following three and one-half years he had nothing to do with shoe machinery matters (219), and in 1907 declined to act for Mr. Plant (735), a potential rival of the United Co. (222).

On April 29, 1907, the supreme judicial court gave to the legislature, in response to its request, an opinion that an act of the kind proposed aimed against certain of the clauses in use by the United Co. in its leases would be constitutional (220) (193 Mass., 605). Such an act was passed on June 1, 1907 (219-222). The company attempted to avoid the prohibition by adding to its leases a provision, in substance, that any provisions in the lease which were unlawful should not be deemed to be binding, and also a provision reserving to the company the right to cancel the lease on 30 days' notice (222). A use of new machines in contravention of the language of the tying clauses involved thereafter to the shoe manufacturers the double danger of a decision that the clauses were valid and of a 30-day termination at the will of the company (222, 737).

In June, 1910, Thomas G. Plant, the owners of two-thirds of the stock and the executive head of the Thomas G. Plant Co., a large shoe manufacturer, claimed to have perfected a complete line of shoe machinery which was installed in the shoe factory of the company. Other shoe manufacturers had this examined in their interest and received a favorable report. Mr. Charles H. Jones, of the Commonwealth Shoe & Leather Co., who had been a client of Mr. Brandeis and his firm for over 15 years, asked Brandeis, Dunbar & Nutter for an opinion as to whether he could legally take the new machines or whether the leases were enforceable to prevent them (223, 736).

They reached the conclusion that under the conditions which then existed and in the light of the decisions rendered, notably the Wall Paper Trust decision (212 U. S., 227), rendered February 1, 1909 (219), that the company was then a combination in restraint of trade and that the leases were unlawful as essential parts in perpetuating its monopoly, and were in themselves restraints of trade, and that the fact that the machines were patented did not relieve the leases of this objection, because designed to create a monopoly in excess of the patent. They so advised Mr. Jones (163, 736). Other manufacturers received the same advice from able counsel (223).

When this opinion was given the leases were public property, the opportunities, theoretic and practical, of getting shoe machinery from the United Co., or from any other source, and the practical possibilities of installing and using an entire new line of machinery at one time were known to the shoe manufacturers. The essential facts for forming the opinion rendered were not obtained from the United Co., confidentially or otherwise (744).

Mr. Winslow, on direct examination and in his published letters, used language and made omissions calculated to create a contrary impression (160, 1941); but he was unable to think of a single fact in support of the unfounded insinuation (185, 2431), and when the question showed that he perceived the truth, Mr. Winslow receded to the point that his real criticism of Mr. Brandeis was untruthfulness, not use of private information.

He said, "I do not criticise Mr. Brandeis's acting for anyone if he had at all times scrupulously, or I might say, fairly, confined himself to statements that were correct or true" (262).

When this opinion was rendered to Mr. Jones, Brandeis, Dunbar & Nutter were as free in right and propriety to render it as any lawyers at the bar, and it was rendered to one who had been their client from a time before the United Co. existed or was thought of. They received compensation for this opinion (1154).

It was given to Mr. Jones for his guidance and not as an advertising weapon. Mr. Jones has testified that he showed it to Mr. Plant and Mr. Plant published it. Neither Mr. Brandeis nor his firm had any part in any scheme of Mr. Plant's, if any there was, to force the United Co. to buy him out (253).

At about this time—summer of 1910—Mr. Brandeis, in response to a question in casual conversation from Mr. Barbour, a member of the executive committee of the United Co., told him that in his opinion it would be unlawful suppression of competition for them to buy out Plant or his patents (219, 223).

The company bought out Plant on September 23, 1910, and at a time when a group of large shoe manufacturers from St. Louis were considering the purchase.

Two of these manufacturers, Mr. Jackson Johnson and Mr. Milton S. Florsheim, then conferred with Mr. Winslow. He says that they proposed that they be permitted to acquire stock in the United Co. on unduly favorable terms, and be given better terms on their shoe machinery than was accorded to other manufacturers (196, 1941). They deny this (192, 1934).

During the following fall and winter (200) these and other manufacturers formed the Shoe Manufacturers' Alliance, designed to secure an opportunity to acquire shoe machinery, whether by purchase or lease, on terms that left the shoe manufacturers free to choose one or more machines at a unit price (1963); that is, without tying or exclusive-use clauses. Their object was to get the freedom which Mr. Brandeis had advised the United Co. four years before that they ought to give.

Apparently the information which started the proceedings of the United States against the United Co. came from sources disconnected with this alliance and before Mr. Brandeis acted for them (739).

On January 4, 1911, a resident of Fall River, Mass., wrote the Attorney General about the matter. In consequence, on January 11, 1911, the Department of Justice asked the United States attorney for Massachusetts for information on the subject, and by March the representatives of the Government were making investigations at the offices of the company (201).

On May 3, 1911, the Western Shoe Manufacturers related to the Senate Committee on Finance the alleged monopolistic position which the United Co. had attained (Senate Hearings on the Tariff, 1-5, 1911, p. 3, Cong. Lib. H. F. 1756-a3-1911).

On May 4, 1911, in debate on the farmers' free list, in the House, Mr. Thayer, of Massachusetts, quoted the act passed in Massachusetts in 1907 and severely attacked the United Co. as a trust (Cong. Rec., 62d Cong., 1st sess., vol. 47, pt. 1/2, 953-954). This was followed by his introducing a bill on June 8 (pt. 2, p. 1808).

On May 9, 1911, Senator GORE introduced a resolution for an investigation into the use of patents in the creation of monopolies (pt. 2, p. 1672) (740).

The subject matter of the proposed legislation was the betterment of conditions as they existed in 1911, and not an attack upon past acts. The same is true of the equity suit brought by the Government and the indictment was limited to offenses committed since 1909.

On May 22, 1911, for the first time, representatives of the Shoe Manufacturers' Alliance consulted Mr. Brandeis, and he said that he was willing to act if what they were after was not special terms but freedom in the acquisition of shoe machinery for themselves and their competitors. They were in accord with his views and showed no hostility to the United Co., but the reverse (224, 737).

One of the first steps taken by Mr. Brandeis was to endeavor to ascertain what sources for shoe machinery were in existence (738).

In response to the request of the shoe manufacturers, Mr. Winslow apparently for the first time submitted to them a scheme for separating the different departments so that they would be independent of each other (201-260).

About this time, the Standard Oil decision (221 U. S., 1), having been rendered in May, Mr. Matz, one of the directors of the United Co., requested Mr. Winslow to bring the relations of the Government before the directors and to have Mr. Brandeis and Mr. James A. Garfield, his friend and lately Secretary of the Interior, talk to the directors. It was known that Mr. Brandeis was acting for the Shoe Manufacturers' Alliance (200). On June 17, 1911, Mr. Matz had sought advice from Mr. Brandeis and he had advised him to resign, as he, Brandeis, had done in 1906 (227, 741). Mr. Garfield advised Mr. Matz to bring the matter before the directors, and this was done on July 12, 1911 (221). At this time Mr. Brandeis stated fully to the directors his own course in severing his connection with the company at the end of 1906, his reasons therefor and his belief as to the effect of the company's course as a suppression of competition (221, 227).

When Mr. Winslow attacked Mr. Brandeis in his published letter of January 19, 1912 (217), to Senator CLAPP, Mr. Matz gave Mr. Brandeis permission to write to Senator CLAPP what Mr. Brandeis had said at this meeting, concerning his own course, and Mr. Brandeis did so (217, 221), omitting any reference to the fact that he had attended at Mr. Matz's request. Mr. Winslow, well knowing this fact (201), described the meeting in his published letter of February 29, 1912, to Senator CLAPP as a "part of the same campaign," i. e., that for the Western Alliance of Shoe Manufacturers.

In the following December (14, 15, and 16), 1911, Mr. Brandeis in the course of a three-day discussion before the Senate Committee on Interstate Commerce as to trusts, made reference to the United Shoe Machinery Co. as an illustration of the ultimate effect of a monopoly however innocently created and prudently managed (741).

In these remarks Mr. Brandeis made no point of the advantage of his former connection with the company.

Mr. Winslow in his testimony says that Mr. Brandeis's words carried added weight because of his known former connection (165, 202). In his letter to Senator CLAPP, January 19, 1912, Mr. Winslow criticized

Mr. Brandeis for failing to disclose this former connection and promptly himself gave the added weight, if any.

On January 26, 1912, before the Judiciary Committee of the House, in the hearings on the Thayer bill, the Lenroot bill, and the Peters bill (743, p. 131), and on February 16, 1914, before the Judiciary Committee of the House, he spoke on the same subject.

The statements made in these hearings (1025-1050), which Mr. Winslow says are false (166-168), are statements of inferences fully warranted by the information furnished by shoe manufacturers and others familiar with the real situation, and by the fact that these manufacturers do not know where they can get sufficient equipment of the necessary machines, except from the United Co. (746).

Some of the leases of what are regarded as essential machines provide in substance that on failure to observe the conditions of the exclusive use, additional machinery, or tying clauses of that or any other similar lease from the company, the company may terminate not only the particular lease but all other leases from the company.

Mr. Brandeis's statements concerning the effect of the United Co. upon Mr. Plant's credit were clearly expressed to be his own inferences (167). The hostility of the United Co., with its great power, would tend to reduce and perhaps to destroy Plant's credit, even if the company did absolutely nothing. Mr. Plant, who did not testify in the suit of the United States against the United Co., had said, in August, 1910, that the company had cut off his credit in Boston, and that he must therefore try New York (746). He says there was a definite basis for this belief. In New York negotiations were taken up with Mr. Evans and Mr. Wallace, of New York, and in the course of them Mr. Wiggin, of Chase Bank, a director of the United Co., spoke to Mr. Evans about the matter. It appears that Mr. Wiggin brought one of the attorneys for the United Co. into communication with Mr. Evans and Mr. Wallace (747). He says that he did not discourage the financing, but Mr. Plant did not know that and did not learn that they were in communication.

It is not possible to try out in detail the accuracy of Mr. Brandeis's statements, but enough has been said to show that there is no warrant for any of Mr. Winslow's assertions that they were not scrupulously truthful.

These services have been without compensation to Mr. Brandeis (742).

The most significant fact in this case is that Mr. Brandeis voluntarily and with no prospect of profit to himself gave up his connection with a profitable client as soon as and because he became convinced that the policy which it was pursuing and would not change was wrong. Four years later, and again without desire for profit to himself, he gave his assistance to the effort to stop what he believed would be the future and increasing effect upon the community of that wrong policy. It may well be asked, How long does an employment mortgage the lawyer's conscience? After all, what "private information" was divulged? I can not see that there was any.

GILLETTE CASE.

It is urged that the action of Mr. Brandeis, taken for Mr. Gillette in the organization of the Gillette Securities Co., was unprofessional because of its effect upon Mr. Joyce. (Richardson, 355 to 371; Williams, 372 to 384.) This contention seems to me to be far-fetched, if there can be found, indeed, the slightest reason to urge it.

Mr. Brandeis and his firm acted as counsel for Mr. Gillette, beginning about 1901 (887). In 1906 suits were brought against Gillette, Joyce, Curran, Holloway, and Heilborn (888), claiming that they had conspired to obtain, and in consequence had obtained, stock of several stockholders of the Gillette Safety Razor Co. by false representations, and that the defendants had also, as directors of the company, paid Gillette, Joyce, and Holloway excessive salaries. The defendants made a joint defense, and Brandeis, Dunbar & Nutter acted for them in so doing.

During the pendency of the suits Mr. Gillette and Mr. Holloway became convinced that Mr. Joyce was cooperating with another stockholder in measures to oust Mr. Holloway and possibly Mr. Gillette from their official positions in the company (889). Mr. Joyce probably had other counsel (889). Mr. Gillette and Mr. Holloway obtained the cooperation of other stockholders to guard against the ousting of Holloway and Gillette. In order to obtain a majority of the stock it was necessary to secure the stock or the cooperation of Mr. Stewart and Mr. Flaccus, plaintiffs in the pending litigation (889) and believed to be the clients of Mr. Richardson, with whom Mr. Williams was supposed to be cooperating, because he had clients having a similar interest (888).

Mr. Brandeis acted for Mr. Gillette in some of the conferences with Mr. Richardson, which resulted in the purchase by Mr. Gillette of Mr. Flaccus's stock and an agreement between Mr. Gillette and Mr. Stewart whereby Mr. Stewart exchanged his stock for stock in a holding company which was formed to acquire a majority of the stock of the razor company (889).

There was nothing in the proceedings that bore any relation to the pending suits, except that the sale of Mr. Flaccus's stock involved his giving up the pending suit, and this was by so much to the advantage of Mr. Joyce (891).

The facts of this matter became known to Mr. Joyce about January, 1907. Brandeis, Dunbar & Nutter continued the defense of the pending cases for all of the defendants and obtained a decision wholly favorable to all the defendants except Mr. Heilborn. Before this decision had become final, other suits had been brought against Mr. Heilborn and Mr. Joyce, not including Mr. Gillette or Mr. Holloway. In these Mr. Joyce's counsel, Hurlbut, Jones & Cabot, appeared for Mr. Joyce. They also appeared in the Stewart case. Mr. Jones, of that firm, having stated that Mr. Joyce thought that his interests might differ from those of Mr. Holloway, so that he wanted to be separately represented (892).

In connection with negotiations with Mr. Stewart to have him join in exchanging his stock for stock in the holding company, Mr. Gillette agreed to cause him to be elected an officer of the company. Mr. Gillette subsequently did all that he could to carry out this agreement, through action by the board of directors in which he and those in sympathy with him did not have a majority of the votes. Before the next annual meeting, Mr. Gillette bought Mr. Stewart's stock and so terminated his obligation by agreement with Mr. Stewart (986).

At a later date, Mr. Joyce purchased Mr. Holloway's stock in the holding company and then brought a suit to dissolve the holding company or to convert his holding company stock into stock in the razor company, which would have given him a majority of the stock in the razor company (893). Subsequently, in December, 1911, Mr. Joyce bought Mr. Gillette's stock, or a substantial part of it, and thereby secured control and the suit was dismissed (893).

There was nothing to criticize in Mr. Brandeis's connection with the matter at any point (893).

ILLINOIS CENTRAL RAILROAD PROXIES.

It is charged that Mr. Brandeis misrepresented his relation to the procuring of the proxies for the meeting of the stockholders of the Illinois Central Railroad Co. in the fall of 1907. (Peabody, 754.)

On May 19, 1908, Mr. Joseph B. Warner, the chairman of the commission on commerce and industry, in committee of the Massachusetts Legislature, in supporting the position taken by the majority of that commission in favor of the New York, New Haven & Hartford Co. against the opposition of the minority (638, 639), referred to Mr. Brandeis, who opposed the position taken by the majority of the commission. In the course of his remarks Mr. Warner referred to Mr. Brandeis's activities in connection with the obtaining of proxies for the meeting of the stockholders of the Illinois Central Railroad Co. On the same day, May 19, 1908 (697), Mr. Brandeis wrote to the chairman of the committee a precise statement of the exact relation of himself and of his firm to these proxies (552).

In the fall of 1907 Mr. Brandeis's partner, Mr. Nutter, was requested by Mr. Catchings, of the firm of Sullivan & Cromwell, New York, to supervise the solicitation in and about Boston of proxies in the interest of the existing board of directors of the Illinois Central Railroad Co., of which Mr. Harrahan was the president and Mr. E. H. Harriman an important had member. The opponents in this contest were a faction headed by Mr. Fish. Mr. Nutter appealed to Mr. Brandeis before taking the matter up, to assure himself that there was nothing in it that would conflict in any way with the work Mr. Brandeis was doing in connection with the attempted so-called merger of the Boston & Maine Railroad with the New York, New Haven & Hartford Railroad. Mr. Brandeis made special inquiries to assure himself that there was no conflict and that the side which was advocated by Mr. Catchings, in the internal difficulties of the company, was one which appeared to be for the best interests of the stockholders (840). There was nothing to indicate, and there is nothing now to indicate, that either side in this controversy had any relation to the railroad situation in New England. Mr. Brandeis "was expected to do nothing, and he did do nothing," in this matter (342), and the evidence is consistent with the statement in the letter of Mr. Brandeis to the chairman of the House Committee on Railroads (352). It would seem that anyone looking at the evidence (353-354) and the letter signed by Alfred Jaretzki, and noting the failure to produce Mr. Jaretzki, could not fail to dismiss this charge as wholly unsupported.

LENNOX CASE.

The claim asserted in this matter is that Mr. Brandeis was guilty of unprofessional conduct in accepting employment as counsel for P. Lennox & Co., or James Lennox, and then acting against them.

P. Lennox & Co., a partnership consisting of Patrick Lennox and his son, James T. Lennox, and doing a large tanning business in Lynn, Salem, and Peabody, Mass., found themselves seriously crippled financially at the beginning of September, 1907. At this time the active partner was James T. Lennox. His father had been inactive in the business for about 10 years. This financial embarrassment led James T. Lennox to send for Mr. Stein of the Abe Stein Co., of New York (1104), who was a creditor (Whipple, 286). Mr. Stein and his counsel, Mr. Stroock, reached Boston on the night of September 3, 1907; and on the morning of September 4 they had a conference with James T. Lennox; Mr. Spaulding, of the Columbia Kid Co., conducting a selling agency (778) for P. Lennox & Co., and Mr. Coburn, treasurer of the Tracy Bros. Leather Co., in which James T. Lennox owned an interest (770; Stroock, 311). On learning of the financial situation, Mr. Stroock suggested that as he was counsel for Mr. Stein and not a Massachusetts lawyer, Mr. Lennox ought to have counsel (1072, 1114). He suggested Mr. Brandeis, and he being satisfactory to Mr. Lennox, Mr. Stroock called on Mr. Brandeis on the morning of September 4 (1074) to arrange an interview.

The subject under consideration at this time was the possibility that Mr. Stein might make Mr. Lennox a further loan, if the prospects were such that this was safe and likely to bring success. (Stroock, 315; Whipple, 286; Brandeis's letter, 289, 1099.) Mr. Stein was ready to make the loan (1105).

Mr. Stroock arranged (1076) with Mr. Brandeis for an interview, and soon after 10 in the morning of September 4 (Stroock, 310, 1014), Mr. Stein, Mr. Stroock, Mr. Lennox, Mr. Coburn, and Mr. Spaulding called together on Mr. Brandeis. He had never met Mr. Stroock or James T. Lennox (Stroock, 312), and never has met Patrick Lennox.

Shortly after the interview began (Stroock, 311), or in the afternoon, a stenographer was called in and took notes of the interview (1014; stenographer's report, 775). The first thing dictated was a form of letter which apparently Mr. Stroock desired to send to certain concerns holding leather received from P. Lennox & Co., to which Mr. Stein asserted title under the terms of certain trust receipts (Stroock, 315), under which he had originally supplied the skins to P. Lennox & Co. (788, 1014). This was dictated in the presence of all (1077, 1112).

The interview lasted into the afternoon, or, as Mr. Stroock put it, consisted of two interviews on that day, at both of which all the same persons were present (Stroock, 310). Mr. Stroock's recollection is that it was at the afternoon interview that the stenographer was present first (311) and that the morning conference lasted but a few moments (311). Mr. Stroock says that it was at the afternoon interview that Mr. Brandeis said, for the first time, that he could take the matter up (312), notwithstanding his firm's sometime relation to a creditor, Weil, Farrell & Co. The stenographer's report indicates convincingly that this remark did not occur until the following morning (788). She has no reference to such a statement on the afternoon of September 4 (775-787), and has one on the following morning inconsistent with the question's having been settled the day before (788). Other remarks which Mr. Stroock attributes to the afternoon of September 4 (312) do not appear in the stenographer's notes of that interview (775-786), but do in those for September 5 (790), notably Mr. Stroock's statement that—

"I said that I saw no reason why Mr. Brandeis could not go over the matter and work out *the whole situation* for the benefit of all the parties, because it seemed to me that this was a situation where the *interests of the debtor* and the *interests of the creditors* were alike" (312). [Italics not in original.]

Mr. Lennox says that the stenographer was present when Mr. Brandeis said he would take the case (1119), and that the first day, September 4, Mr. Brandeis said that he would not give his decision about undertaking his case until the following day (1131), and that on the following day he said that he would act as his counsel. This shows clearly that Mr. Lennox is testifying to the same things which

appear in detail and with precision in the stenographer's notes of September 5, hereafter referred to.

The conversation on September 4 was conducted openly in the presence of all and without any private communications between Mr. Lennox and Mr. Brandeis. Mr. Lennox was at no time alone with Mr. Brandeis. Mr. Stein was a creditor, Mr. Spalding a debtor. Mr. Coburn was a business associate and adviser (785). The conversation was long. The names of the principal creditors and the amounts of their claims were stated, and also the character and value of the assets (775-787). Mr. Lennox said that the partnership consisted of Patrick Lennox and himself (775), and it was not intimated, even remotely, that there was any question about it (Stroock, 312, 314). Mr. Lennox now says that the partnership consisted of his father and himself (1128). Mr. Lennox's statement of his assets and his liabilities showed clearly the insolvency of the partnership (775-786).

Mr. Brandeis then said:

"Well, now, I think it perfectly clear that you ought to discuss this matter with your father. He has unfortunately not had any information up to now, but he ought to have it now, and he ought to know fully the situation, and he ought to consider whom he would like to have represent him" (774, 786).

Mr. Lennox said that his father would leave it all to him, and that as notes were coming due every day it was imperative that he do something (786).

Mr. Brandeis said that the situation was much more serious than he had supposed from what Mr. Stroock had said in the morning, and that he had very little doubt that it would be necessary to make an assignment to trustees for the benefit of creditors (786). Mr. Lennox was a man of 30 years' experience in business and accustomed to business in a large way and understood what an assignment for the benefit of creditors was (1119, 1125).

The interview closed with Mr. Brandeis repeating that Mr. Lennox should talk the matter over with his father, who might have some preference in the matter of counsel, and asking Mr. Lennox to make up a more detailed statement of assets and liabilities, and suggesting another conference early the next morning (787).

On the following morning, September 5, Mr. Lennox and Mr. Stroock called on Mr. Brandeis. Mr. Stroock says that the others were present also (311). The stenographer's notes do not show this (791). Mr. Lennox began by reporting that he had talked with his father, and that he had no suggestion to offer (791, 1122). Then, after a short talk about assets and liabilities, Mr. Brandeis said:

"Well, now, Mr. Stroock, I should think that the question that we ought to decide now is whether I should act for Mr. Lennox in this matter or not. I of course understand you came to me after conference with Mr. Lennox to ask me whether I would act for Mr. Lennox."

To this Mr. Stroock replied:

"May I ask you this question, Mr. Brandeis: From all you know, do you believe that you could remain in the case in view of your firm's position with Weil, Farrell & Co.?"

To this Mr. Brandeis replied:

"Yes; I think I could. The position that I should take if I remained in the case for Mr. Lennox would be to give to everybody, to the best of my ability, a square deal" (792).

It seems clear that this conversation is the one which Mr. Stroock, testifying after eight years, has placed as occurring on the preceding day (312).

It is apparent that it was still being considered whether Mr. Brandeis should act in the matter as all. He followed this by saying that the only course for Mr. Lennox was absolute squareness and frankness to creditors, each to have whatever his legal rights might be. He said:

"I should, if I acted for Mr. Lennox, see that he got his legal rights—no more and no less" (793).

Now he repeated that he thought an assignment for the benefit of creditors would be advisable, Mr. Stroock suggested the possibility of bankruptcy if the assignment was made. Mr. Brandeis said it was a possibility, but he thought that the creditors would want to avoid bankruptcy (793). Then Mr. Stroock suggested Mr. Brandeis's acting for Stein rather than as "attorney for trustee of the Lennox family" (793). Mr. Brandeis favored the latter course and said:

"I should feel if I were acting for Mr. Lennox as trustee that it was the duty of the trustee to see that everybody got his legal rights as nearly as we could make it."

And in cases of doubt—

"I should feel that we ought to have a committee of the creditors with whom the trustee could confer; and if there are any questions of doubt in adjustment, that we get the advice of that committee and through them make the proper settlement" (793).

This is followed by repetitions of the same ideas in other words, with an explanation that an assignment would transfer all the property to the trustee for the purpose of liquidation and distribution to creditors (794); that the trustee could employ Mr. Lennox and that the trustee would have to determine with the creditors whether the business should be continued. This part of the discussion closed with Mr. Lennox's inquiry:

"You are speaking now of Mr. Brandeis acting as my counsel?"

To this Mr. Brandeis replied:

"Not altogether as your counsel, but as a trustee of your property" (795).

These are the conversations that determined the only understanding upon which Mr. Brandeis took this matter up; that is, as a trustee of this property for the benefit of the creditors and the debtors (1121). Mr. Lennox, Mr. Stroock, and Mr. Brandeis then agreed and now agree that the interests of the creditors and of the debtors were common and to realize as much as possible on their property, and not in conflict. (Stroock, 312; Whipple, 289; Lennox, 791, 1126.) Mr. Lennox asserted that his father also wanted to pay his creditors in full (791). They desired Mr. Brandeis's assistance to bring about this result.

All agreed, and now agree, that an assignment to a trustee for the benefit of creditors was the wisest course. (Stroock, 314, 795, 1088.) Indeed, there was no other course open except immediate bankruptcy proceedings.

Instead of Mr. Brandeis acting personally as trustee, it was agreed that Mr. Nutter should do so. (Stroock, 313.)

Up to the time that the assignment was made there had been no private communications between Mr. Brandeis and Mr. Lennox. They had never talked together alone. No papers had been shown or delivered to Mr. Brandeis. The attorney of the creditors was there all the time. There was no reason to suppose that the facts concerning the condition of the business could be longer concealed or that there was any desire or intention to conceal them.

Whatever may have been the occasion for coming to Mr. Brandeis in the first place, the only employment which he accepted was that of trustee for the benefit of creditors or as attorney for such trustee (827, 828). He was free to act. He was under no obligation to become or remain counsel for Mr. Lennox in opposition to this trust. He was not employed by any other client in this matter. He gave the only sound advice that could be given at that time, and everything which he did thereafter was consistent with, and required for, the performance of that trust (834).

The assignment was in the printed form (796) in use in the office. It described the assignors as Patrick Lennox and James T. Lennox, copartners as P. Lennox & Co., and the assignee as George R. Nutter. James T. Lennox signed it and gave Mr. Nutter a letter to his father, Patrick Lennox (314, 801). Mr. Nutter called on Patrick Lennox and told him that this was an assignment for the benefit of creditors, and told him what an assignment was (802). Patrick Lennox was in full (1122) possession of his faculties and in physical condition to be at his place of business the following day.

September 5, 1907, Mr. Nutter arranged with an audit company to begin work the next day to find out the exact financial condition.

On that day, pursuant to prior arrangement with Mr. Stroock and Mr. Lennox (795), Mr. Brandeis talked with numerous creditors, and told Mr. Lennox, Mr. Spaulding, Mr. Nutter, Mr. Stein, and Mr. Stroock that he had told those creditors that the assignment had been executed but that they would like to avoid recording it (803-804).

Then followed lengthy interviews for the information of the trustee as to the condition of the accounts, assets, and liabilities (804).

On September 6, 1907, Mr. Nutter went to the office of P. Lennox & Co. Before entering he met Patrick Lennox and he asked him how things were getting along, and Mr. Nutter said all right (804). This was the second and last time (805) that Mr. Nutter ever saw Patrick Lennox. Mr. Nutter learned that the books had not been balanced since 1902, and did not cover many outside business transactions and were meager (293, 804).

The employees of the audit company called to Mr. Nutter's attention two checks for $5,000 each, apparently drawn on September 3, to pay notes, and that no notes to be paid on that day could be found (804).

On September 7, 1907, Mr. Brandeis, Mr. Nutter, and Mr. Lennox had an interview, in which Mr. Nutter asked Mr. Lennox what had become of these two checks for $5,000 each, drawn on September 3 (804). Mr. Lennox said finally that he had the money in the safe of another man in Lynn (804). He then agreed to bring the money to the assignee, and did so on September 9. Nothing by way of lack of frankness to Mr. Brandeis and Mr. Nutter on Mr. Lennox's part had been noticed by them before this (805).

On September 9 it became apparent that an extension by the creditors was out of the question and the newspapers published a statement that the firm was financially embarrassed (314, 805, 1102). On that day Mr. Nutter told Mr. Lennox that hope of an extension was out of the question and that it was necessary to record the assignment. Mr. Lennox assented to this (805) before it was recorded (1169).

On September 10, 1907, Mr. Nutter recorded the assignment.

On September 10, 1907, Mr. J. P. Leahy called upon Mr. Nutter and said that he acted for Mr. Patrick Lennox, and from that time he continued to appear in that capacity in this matter for two or more years (805, 806). This showed a clear understanding that Mr. Brandeis was not counsel for Patrick Lennox, and there was nothing to distinguish between Patrick and James T. in that respect.

Patrick Lennox took a position of opposition immediately (291), and it was this opposition more than anything done by James T. Lennox that rendered bankruptcy proceedings inevitable (1130, 1133, 1134).

On September 11, 1907, Mr. Stroock and Mr. Stein called on Mr. Brandeis and asked him to act particularly for Mr. Stein. Mr. Brandeis told them that he could act for Mr. Stein only, as for all the creditors equally, and that he had no objection to their getting independent counsel to act for them specially (819, 820). They decided not to do so for the time being (820). This interview as a whole shows that there was a clear understanding that Mr. Brandeis was acting for the trustee for creditors only (815, 828, 1097).

From September 4, 1907, to September 18, 1907, the interviews between James T. Lennox and Mr. Brandeis and Mr. Nutter were almost daily. On September 18 Mr. Lennox declined to go on with the matter and help the assignee in discovering the assets and liabilities unless he received $500 per week (1131, 1127). Mr. Nutter said that this sum was unreasonable and would not be approved by the creditors, but that he would pay him $100 per week, and perhaps could get approval of something better. This was declined by Mr. Lennox, and he rendered little or no assistance thereafter (828, 1127, 290).

Mr. Brandeis took substantially no active part in the matter after this, and Mr. Lennox did not consult him in any way or ask him to do anything (290). He last saw him in the matter on September 19, 1907 (828).

On October 4, 1907, Mr. Nutter submitted to Mr. Leahy a draft of his proposed report to creditors, and at Mr. Leahy's request he inserted in it a statement that for some years Patrick Lennox had not been active in the business, and made some other changes until they agreed upon the form of the report (825). No objection was made to the part of the report which stated that P. Lennox & Co. was composed of Patrick Lennox and James T. Lennox.

On October 24, 1907, Mr. Nutter learned for the first time, and from Mr. Leahy, that it was claimed that Patrick Lennox was not a partner in P. Lennox & Co. (826). This put Mr. Nutter in a position where he was compelled by his duty as trustee to establish the fact of the partnership (831). Creditors to the amount of about $380,000 had assented to the assignment (829).

During September and October, 1907, the investigations into the business were continued by Mr. Nutter, and he had several interviews with Mr. Leahy about possible terms of composition.

Mr. Nutter was unable to get from Mr. Lennox adequate information concerning the property covered by the assignment (303, 314), and the creditors insisted that bankruptcy proceedings were necessary. Mr. Lennox was aware of this (822), and Mr. Nutter wrote him to this effect (1120). Mr. Lennox raised no objection to bankruptcy proceedings.

Mr. Nutter made repeated requests for information from Mr. Leahy as to the property of Patrick Lennox, but did not secure it (291, 1130). He became convinced that bankruptcy proceedings were necessary.

On October 31, 1907, Mr. Nutter, Mr. Herrick—representing Lee Higginson & Co., large creditors—and Mr. Leahy had a conversation, at which it was stated by Mr. Nutter that bankruptcy proceedings seemed inevitable (829). He reported this to James T. Lennox by letter on November 9, 1907 (1120), and informed him that, under the circumstances, if a composition was to be effected it would necessitate bankruptcy (1130).

On November 11, 1907, Mr. Nutter issued a report to the creditors, stating that the estate could be administered in bankruptcy better than under the assignment (830).

Under the Massachusetts law a voluntary assignee has no power to compel the assignor to submit to an examination as to the property covered by the assignment.

Between November 13, 1907, and January 4, 1908, several petitions in bankruptcy were filed on behalf of different creditors. The one on which Brandeis, Dunbar & Nutter appeared was brought first and by Allen Lane & Co. and other creditors (830). No compensation was paid by these (836 847) creditors.

Mr. Lennox says that Mr. Nutter told him that he was assignee for the benefit of his creditors and not his counsel. Mr. Nutter told Mr. Lennox that he had better get independent counsel (836, 1126). This was prior to October 21, as Mr. Nutter saw him last on October 21 (290, 836, 1132).

On November 18, 1907, Mr. Sherman L. Whipple began to act as counsel for James T. Lennox, and continued to do so for two years or more (290). He promptly saw Mr. Brandeis and told him that Mr. Lennox claimed that Mr. Brandeis had undertaken to act as his counsel. Mr Brandeis at once told him the facts (289).

In the bankruptcy proceedings an answer was filed alleging on behalf of Patrick Lennox that he was not a partner in P. Lennox & Co. and that the assignment had been obtained by fraud (834). The manifest duty of the trustees was to maintain the integrity of the assignment and the existence of the partnership which had made it.

No evidence was offered in support of the allegation that the execution of the assignment had been obtained by fraud.

Mr. Lennox said that his only criticism of Mr. Brandeis or of Mr. Nutter was that Mr. Nutter would not pay him at the rate of $500 per week (828, 1131).

The stenographer's transcript of the interview defining Mr. Brandeis's relation to the matter was offered in evidence in the hearings in bankruptcy (1164).

The case was heard before a referee in bankruptcy, who found that the partnership existed (847). This was followed by a trial before a jury, at which the court directed a verdict (1167), and then the case was taken by Patrick Lennox to the circuit court of appeals, without success (847).

Mr. Nutter, Mr. Herrick, and Mr. Hall became trustees in bankruptcy (830, 1170). The administration as assignee and trustee took four years (1144).

Counsel for Mr. Lennox and the trustees negotiated for a composition offer and finally one was made by which the firm creditors received 40 per cent and the individual creditors 100 per cent, and the bankruptcy was closed (839)

Neither Mr Brandeis nor Mr. Nutter ever deviated from the course which Mr. Brandeis outlined as the only one upon which he would act in the matter, that of trustee for the benefit of all the creditors alike, and of counsel for the trustee. Only the surplus, if any, was to go to the debtor. All the steps taken were necessary to protect the creditors and were taken in performance of the duty incurred. No compensation was received from any source, except out of the trust fund (847, 1145).

No retainer or other payment for services was ever made to Mr. Brandeis or his firm by Patrick Lennox or James T. Lennox, Weil, Farrell & Co., or any other creditors (315, 847, 1113, 1145).

When the assignment was made there was no reason to suppose that there was the slightest conflict of interests between the debtor and the creditor (289, 312). It was understood that Mr. Brandeis was to act as counsel for the trustee. In that sense he was to act for the creditors and for the debtors in common (289, 312) to the point where either had any interests adverse to those of the trustee. The trustee and his counsel and the debtors had the common moral and legal duty of discovering, disclosing, and getting into the possession of the trustee all the property. They must perform that duty. When the debtors unexpectedly failed (303, 1134) to perform this duty, their conduct necessitated legal proceedings. They, and not the trustee or his counsel, were the ones who acted adversely to the common understanding on which the matter had been undertaken (289). Only that adverse action made the bankruptcy proceedings necessary (289, 834, 1130). The trustee and his counsel were not relieved (290, 300) from performing their affirmative moral and legal duty by the fact that the debtors then took an adverse position, contrary to the understanding upon which the assignment was made. If the debtors withheld property, the assignee must take action to get it. If the debtors would not disclose their property, the assignee must take action to discover it. The examinations of James T Lennox were in pursuance of the duty of the trustees to ascertain about the property of the debtors (820, 822, 823, 1007, 1170). This was the only action taken. No unwarranted feeling of embarrassment or taste (296) could justify the assignee or his counsel in neglecting the performance of this duty (290, 834).

When criminal proceedings were instituted against Mr. Lennox, the assignee and his counsel were under no duty to prosecute. They were asked to do so and declined (297, 304, 305, 837, 1145, 1170).

Mr. Whipple, who was his adversary, saw clearly that Mr. Brandeis's conduct was upright throughout (299).

Neither Mr. Brandeis nor Mr. Nutter declined to act for Mr. Lennox so far as it was consistent with the duty of a trustee for creditors (1131), and Mr. Lennox makes no criticism of either, except that Mr. Nutter would not pay him a salary of $500 per week (1132).

The events in this case were due entirely to the fact that the debtors went back on the plan to which they agreed and under which the matter was taken up, namely, to devote their property fully and without hesitation to the payment of their debts. They were never deserted in any way. When they refused their assistance, and one of them denied a partnership which unquestionably existed and failed to turn over assets and charged fraud, of which there was no evidence whatever, they were deserting, and it would have been dishonorable in the trustee and his firm to assist in the attempt or to fail to take all necessary steps to secure the performance of the trust. Such a course would have been inexcusable, and the one pursued was the only possible one. The debtors were fully informed of everything and were never refused any assistance consistent with the trust. The course pursued by Mr. Brandeis and his firm was consistent and honorable throughout. No better one can be suggested (833). With Lennox's knowledge and consent, Mr. Nutter became assignee. It is inconceivable that Mr. Brandeis would thereafter desert his partner.

GLAVIS APPEARANCE.

It is charged that Mr. Brandeis was guilty of unprofessional conduct in appearing for Louis R. Glavis at the expense of Collier's Weekly, and concealing the source of his compensation from the select committee engaged in the investigation of the Department of the Interior and of the Bureau of Forestry. (Senate 719, 61st Cong., 3d sess., 1072.)

On August 18, 1909, Louis R. Glavis, then Chief of Field Division of the General Land Office, made a report to the President setting out facts which, if true, indicated that Secretary Ballinger was not a fit official for his high position. On September 13, 1909, the President rendered a decision exonerating Mr. Ballinger and authorizing the dismissal of Mr. Glavis, which immediately followed. On September 20, 1909, Mr. Glavis wrote the President of his intention to make public the charges leading to what he believed was his unwarranted dismissal. (Investigation 888.) On November 13, 1909, the charges were published in Collier's Weekly (330.) On January 19, 1910, the resolution was passed by Congress for the investigation. This resolution contained a provision that "Any official or ex-official of the Department of the Interior, or of the Bureau of Forestry in the Department of Agriculture, whose official conduct is in question, may appear and be heard before the said joint committee or any subcommittee thereof, in person or by counsel" (988).

Collier's Weekly having taken the legal and moral responsibility of presenting Mr. Glavis's charges to the country, felt it imperative to see that all proper steps were taken to have these charges verified before the committee (453–460; Sullivan, 323–335, 385). Collier's accordingly asked Mr. Brandeis to act for Glavis (4551 and undertook to pay him therefor, and subsequently did pay him. No pretense was made that Mr. Brandeis was acting as unpaid counsel or for the public, and it was probably assumed by the committee that he was to be paid (994) and that Glavis was not in a position to pay for five months of continuous work by a man of Mr. Brandeis's standing and ability. (Senator FLETCHER of that committee, 994.)

It was thought by Collier's Weekly that it was not seemly to attempt to get the credit of conducting the investigation (4551, but no attempt whatever was made by anyone to conceal the fact that Mr. Brandeis was to be paid by Collier's (330, 332, 455). It was freely talked about (332, 455). It was known to members of the Interior Department who were in opposition (455). When occasion arose, the fact that Collier's Weekly was paying Mr. Brandeis was referred to in the paper itself (706).

Mr. Brandeis's efforts in the case were directed toward establishing the truth of the Glavis charges. He made no effort to have his own position or any belief that he was acting merely as a friend give any added weight to these efforts; and no occasion arose on which there would have been any propriety in his parading the fact that some one other than Glavis was the source of his compensation. That fact was assumed generally. If it were improper to give or to take compensation for such services except from the party of record, no poor man could ever have competent counsel in any extensive proceedings. These investigations are not social functions, but serious affairs. The truth is the goal to be attained. The facts are the same no matter who may have paid the lawyers. The committee did not ask Mr. Brandeis who was paying his fee, because then it made no difference. The fact that during the tenure of Mr. Finney, of the Interior Department, knew that Mr. Brandeis was employed by Mr. Hapgood, of Collier's (455), seems to me to demonstrate that those interested knew the situation then as well as they do now. This incident has nothing in it detrimental to the nominee.

MR. THORNE'S OPPOSITION.

Mr. Brandeis was employed to represent the Interstate Commerce Commission in the Five Per Cent Advance Rate case of 1913, and worked in the matter for about a year. His letter of employment was as follows:

"We are of course aware of the fact that the carriers will not fail fully to present their side of the case, and the commission has felt that every effort should be made in the public interest adequately to present the other side. Would you care to undertake the burden? As you are already aware, in a number of cases of large importance and wide interest special counsel have been retained by the commission. As a matter of fact, that has not been their real relation in these controversies. They have been retained by the commission not as advocates or to support any special theory of the issues involved but as a means by which the commission might be advised of all the facts and not have to decide the issue upon a record made up largely in one interest. It is with this general thought in mind that the commission has reached the conclusion that in the Rate Advance case special counsel should be retained, and I have been asked to ascertain whether your engagements and inclinations are such as to permit you to undertake the task of seeing that all sides and angles of the case are presented of record, without advocating any particular theory for its disposition. In making this last observation you will of course understand that you will be expected to emphasize any aspect of the case which in your judgment, after an examination of the whole situation, may require emphasis. The commission, however, wishes to avoid a record based solely on a particular view or theory."

His duties were (1) to get before the commission those facts omitted by the carriers which might help the other side (2) to see that all sides and angles of the case were presented and (3) to emphasize any aspect of the case which in his "judgment" required it (8).

Mr. Thorne was employed by a number of railroad or public utilities commissions of several States and by organizations of shippers, some having general and some special and peculiar interests (7, 18, 53, 90).

Mr. Brandeis acted for the commission and not as a partisan (78, 87). He collected (76), formulated, and presented his evidence through the employees of the commission (54), and by the examination or cross examination of the railroad employees and their witnesses (79) and not in connection with Mr. Thorne or any other counsel for particular interests (82).

Mr. Thorne prepared and presented his evidence in his own way "independently," as the witness puts it (80, 82).

The other attorneys for the railroads and for the shippers did the same.

The hearings for the reception of evidence began in October or November, 1913 (80), and closed on April 7, 1914, and the case was then set for the filing of briefs and the beginning of arguments on April 27, 1914 (15).

Counsel separated and prepared their briefs and arguments without conference or communication with each other concerning them (17, 50, 61, 82).

On April 27, 1914, they gathered, the briefs were filed, and it was arranged that the shippers' counsel should close their arguments first, with Mr. Thorne as the last, then Mr. Brandeis, and then counsel for the railroads.

On April 27 or 28 (76) Mr. Thorne asked Mr. Carmalt, the examiner attached to Commissioner Harlan's office and now chief examiner for the commission, what Mr. Brandeis's position in argument would be,

and Mr. Carmalt told Mr. Thorne that Mr. Brandeis "would take the position that the net operating income of these carriers was not adequate, with especial stress on the lines in Central Freight Association territory, but that he would take the further position that the methods which the carriers had pursued to obtain greater revenues, namely, a horizontal increase of 5 per cent, was not the proper method of increasing their revenues" (19, 76, 81, 83, 84). Mr. Thorne also asked Mr. Brandeis on that day and received substantially the same information as to his position (19).

This brief was understood to take substantially the same position (20, 61).

It was two or three days later, on April 30, that Mr. Thorne began his argument.

He was followed by Mr. Brandeis, who opened by saying that he had reached the following conclusion:

"First, that on the whole the net income, the net operating revenues of the carriers in official classification territory are smaller than is consistent with their assured prosperity and the welfare of the community, and that this is notably true of the C. F. A. lines, and it is true practically as to other lines also, because of the C. F. A. scale.

"In view of this it is desirable that steps should be taken as promptly as reasonably may be to increase those net revenues.

"Secondly, that the method proposed by the carriers for increasing these net revenues is essentially unsound; that it is, except as to a small part of the tariffs that have been submitted, entirely too low, and would, if approved, involve the exceeding of the powers vested by Congress in this commission; and as to that small part of the tariffs as to which it would be legal to approve them, it would be extremely unwise, both for the carriers and for the commission, to grant that approval.

"Third, that there is nothing in the conditions of the carriers which should prevent the adoption of those methods of increasing their revenues which are conformable to and in accordance with their interests and that of the community, and that there exists, as has been indicated on this record, adequate means of increasing those revenues without resort to the unsound, largely illegal, and undesirable method of the horizontal increase (33)."

Mr. Brandeis had developed in evidence with great diligence and skill the facts (77) which might bear adversely (84) on the railroads. The evidence as a whole had convinced him of the soundness of the conclusions stated. He would have been derelict in his duty to the commission employing him if he had concealed this from his employers (62, 63, 64, 66, 68, 84, 92). His conclusions should be those which he could advise the commission to write into an opinion. They could accept or reject his advice, but were employing him for such help as he could give (63, 71).

On the merits of his conclusion, the difference between Mr. Thorne and him appears to be that Mr. Thorne grouped (22) the net revenues of a whole body of carriers and struck an average which was, of course, not available to the many carriers who were below that average and some of them below zero, whereas Mr. Brandeis stated these revenues in detail in his brief (p. 55) and classified them into four classes—(1) above 12 per cent, (2) 6 to 12 per cent, (3) 0 to 6 per cent, and (4) below 0 (988).

Rates fixed by the average of revenues derived from different and not comparable services, would not save the community (66) from receiverships over those roads performing a necessary service and having too small net revenues or none at all (988).

Counsel for shippers and their clients recognize the correctness of Mr. Brandeis's position (14, 88, 89).

Mr. Brandeis opposed the increase and filed an elaborate brief (11, 89), and argued in opposition, taking the position that even if the "net revenues" of some of the railroads were inadequate the rates sought to be raised did "yield an adequate return to the common carriers, the railroads operating in official classification territory" for the services rendered, so that the first question laid down by the commission (12–13) should be answered in the affirmative.

Mr. Brandeis's remark as to the surplus was elicited by Mr. Thorne's inquiry and was not a part of his argument (32). It is to be read in the light of his argument that rates were not to be fixed by reference to surplus earnings but that if the rates were fixed at such an amount that railroads properly managed had an adequate return and no more, any excess produced by extra skill and diligence should not be taken from them by adopting a fixed limit to allowable earnings. He desired to increase the incentive for greater efficiency (31).

The increase in rates sought by the carriers was denied on the grounds urged by Mr. Brandeis (36).

Later, in the light of the new conditions created by the European war, a part of the increase sought was granted, against his opposition (36).

Mr. Brandeis performed his duty fully and with due regard for all parties and counsel interested, and for the commission which retained him as their counsel.

No complaint has been made by the commission, nor by any member of it, that I am aware of. Suppose Mr. Brandeis had taken the opposite view and had "decided" every point according to the view of Mr. Thorne, would he then have considered such a course wrong? The fact that the commission adopted Mr. Brandeis's view forces the conclusion that if Mr. Brandeis was culpable so is the commission. If he, as their attorney, advised them to do wrong and they did it, we must conclude that they indorsed the wrong or are incompetent, a conclusion which would shock the judgment of the country. In my opinion this charge is without any merit whatever.

FREDERICK M. KERBY.

It is suggested, rather than charged, that it was improper for Mr. Brandeis to receive information from Mr. Kerby because he was in the employ of Mr. Ballinger (650). This refers to the Ballinger case.

Kerby was in the employ of the United States, was paid by the United States, and his duty of fidelity was as much to the United States as to his immediate superior. It is not necessary to go further on that point. He was a stenographer assigned to work under Mr. Ballinger when he was the Secretary of the Interior.

On August 18, 1909, Louis R. Glavis, then Chief of Field Division of the General Land Office, made a report to the President setting out facts which, if true, indicated that Secretary Ballinger was not a fit person for his high position. On September 13 1909, the President rendered a decision exonerating Mr. Ballinger and authorizing the dismissal of Mr. Glavis, which immediately followed.

On January 19, 1910, a joint resolution was passed for an investigation of the Department of the Interior and of the Bureau of Forestry.

In the investigation which followed, the main issue was whether Mr. Ballinger or Mr. Glavis was wrong. Upon this issue Glavis suffered from the inevitable presumption that the President's decision was right. It therefore became important to show the fact that the decision had been drafted, in substantial respects, in Mr. Ballinger's office after an ex parte presentment of the facts by Mr. Ballinger, and had been rendered in an unwarranted reliance upon him and his subordinates, and that Mr. Ballinger and his subordinates were disingenuous in their statements.

In September, 1909, Oscar Lawler, Assistant Attorney General, assigned to the Interior Department, drafted a letter of decision for the President to sign, condemning Glavis and exonerating Mr. Ballinger. He dictated this in part to Kerby.

Shortly after the publication of the President's letter exonerating Mr. Ballinger, Hugh A. Brown, a friend of Kerby's, asked him what he thought of the President's letter, and Kerby informed him that it was practically written in the Secretary's office (988; S. Doc. 719, 61st Cong., 3d sess., pp 4395–4489, 4398). In response to a similar inquiry, Kerby also told another acquaintance, Arnold, who represented the United Press (4398). These communications were supposed to be confidential (4398). At some time Brown told Mr. Garfield that the draft had been prepared in the Secretary's office, Brown had been private secretary to Mr. Garfield when he was Secretary of the Interior.

In February, 1910, Brown told Kerby that Mr. Garfield knew that the letter had been prepared in the Secretary's office, and that he might be called as a witness (665). Kerby, apparently recognizing the right of the investigating committee to have the truth and his own duty to disclose it, feared that he might be dismissed as Glavis had been, and he therefore sought an interview with Mr. Garfield to see if there was not some way in which the information could be brought out without his being called. (S. Doc. 719, 4397, 4441.) Brown undertook to arrange this meeting for a particular evening, between February 10 and 15, at the house of Mr. Gifford Pinchot, where Mr. Garfield was staying. Kerby, supposing Brown had made this appointment, called on Mr. Garfield (665) and told him of his desire to avoid being called if the fact could be brought out in some other way. Mr. Garfield asked him to talk with Mr. Brandeis, who was at the house at the time, and he did so. This was the first time that he had met Mr. Brandeis (666).

After this conference Mr. Brandeis made several calls for papers, evidently seeking production of the Lawler memorandum (6484).

On or about May 8, 1910, Arnold introduced Robert S. Wilson, of the Newspaper Enterprise Association, to Kerby (S. Doc. 4490) and Wilson sought to get a statement of the facts for publication and assured Kerby of a position if he was dismissed; but Kerby declined to give it, as he had a family dependent upon him (S. Doc., 4413). Later, on reading Mr. Ballinger's testimony (S. Doc., 4415, 4456), and seeing that the memorandum was not produced in response to the calls (S. Doc., 4419, 4443, 4449, 4460), and being sure that it was known that there was a copy of the letter in the department (S. Doc., 4419, 4429, 4448, 4452), and observing that a majority of the committee had declined (S. Doc., 4493) to call on the President for the production of the draft letter, he decided to publish the facts and so to force the production of the letter (649).

He had an interview with Mr. Brandeis at Wilson's office, in which Mr. Brandeis told him that he thought it was impossible for him to get the facts before the committee, but declined to advise him whether or not to publish the story (651).

This was the second and last time that Mr. Brandeis ever talked with him (S. Doc. 4448). In neither interview did Mr. Brandeis urge him to make the disclosure or offer him any inducement (S. Doc., 4431).

Kerby decided to publish the facts, and they appeared in the newspapers of May 14. On May 17, at the suggestion of the chairman of the committee, Kerby was called as a witness and examined by Mr. Ballinger's counsel and by Mr. Brandeis and testified in detail as to these facts (650, 667). There are no limits to suspicion, but there are rules of evidence, as well as just ways for determining the probatory effect of facts. Shall we ignore the proved facts and indulge a suspicion in order to condemn the nominee? I can not. The facts in this matter leave no stain upon Mr. Brandeis.

FAIR TRADE LEAGUE.

No charge has been suggested against Mr. Brandeis in connection with this league.

Mr. Brandeis has spoken in support of the price-maintenance principle and of the provisions therefor embodied in the Stevens bill. This has been without compensation and because of his belief in the principle underlying the bill (812, 976).

The evidence under this head was brought out at the instance of the committee for the same reason as stated under the heading "Dingley bill wool duty."

EQUITABLE POLICYHOLDERS' PROTECTIVE COMMITTEE.

It is charged that Mr. Brandeis, or his firm, was paid for his services as counsel for this protective committee, and subsequently accepted employment by the Equitable Life Assurance Society in a manner that was unprofessional (886).

From 1901 to the present time, Brandeis, Dunbar & Nutter have acted from time to time in different matters for the Equitable Life Assurance Society when that society had occasion to employ counsel in Boston (690).

In 1905 strife developed between the different officers of this society; and thereupon a number of large policyholders formed a protective committee to investigate and determine what, in their opinion, should be done for the best interests of the society, and Mr. Brandeis acted as unpaid counsel for this committee. He and the committee criticized the methods which had been pursued by the officers (669) and made many suggestions for improving the methods of this and other life insurance companies (686, 696). The committee continued as long as its services were of value (698). One of its members became a director (971). The committee was not designed to be antagonistic to the society, but for its protection and benefit (672). Mr. Brandeis rendered faithful, diligent, and satisfactory service to the committee (671). His employment by the company was that of attorney in specific cases, having nothing to do with the company's management. He had no retainer, but was paid for what he did. I can see nothing to criticize in his conduct.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. MERGER.

It is charged that Mr. Brandeis was in some way responsible for the destruction of the financial condition of the New York, New Haven & Hartford Railroad Co. (1223). This charge is without foundation (2711).

In 1907 and thereafter Mr. Brandeis did a large amount of public-spirited work in attempting to prevent the acquisition or retention by the New York, New Haven & Hartford Railroad Co. of the control of the Boston & Maine Railroad Co. and other transportation facilities in New England, tending, as he then claimed, to produce artificial transportation monopoly and suppression of normal railroad competition (809).

He investigated and made public the financial condition of this railroad (271), 618, 627). He was bitterly assailed for this (618, 620, 627, 642). The correctness of his position is now generally conceded (271, 628, 629, 645, 6410). This extensive work was done without compensation (901).

WILLIAM P. FITZGERALD.

It was insinuated that Mr. Brandeis counseled an improper method for obtaining additional finances for the Old Dominion Copper Mining & Smelting Co., improperly concealed a report from stockholders, and went over to interests adverse to those of the Old Dominion Copper Mining & Smelting Co. because of the money to be obtained thereby (1275).

These insinuations were so entirely unwarranted that the entire committee thought it unnecessary to hear the facts in reply (1251).

From January 9, 1902, to April 2, 1902, Mr. Brandeis acted for Mr. Fitzgerald, Mr. Smith, and others in obtaining sufficient proxies to elect a new board of directors for the Old Dominion Copper Mining & Smelting Co. in place of the board favorable to Albert S. Bigelow, then president of the company (1246) (1228). On April 2, 1902, the new board was elected and Charles Sumner Smith was by it elected president of the company, and has remained the president ever since. The board of directors selected Mr. Brandeis as the counsel for the company, and he never was counsel for Mr. Fitzgerald in this matter thereafter (1246) (1231). He instituted suits against Mr. Bigelow and Mr. Lewisohn to discover alleged promoters' profits taken by them in the organization of the company in 1895 (1247).

In the late summer of 1903 it became apparent that the company must have additional funds. A plan was formed to secure these funds by having the company issue bonds to the extent of $750,000 with a bonus of stock to a securities company, the stock of which should be subscribed for by all of the stockholders in the Old Dominion Copper Mining & Smelting Co. Mr. Fitzgerald testified that this plan failed because only about one-third of the stockholders availed themselves of the opportunity to subscribe (1248).

At this time, in October, 1903, negotiations were taken up between the company and men connected with Phelps, Dodge & Co., owners of the stock of the United Globe mines, a corporation owning mines adjacent to those of the Old Dominion Copper Mining & Smelting Co.

These negotiations finally resulted in a plan for the formation of a holding company, organized under the laws of the State of Maine, called the Old Dominion Co. This company was to acquire the stock of the United Globe mines and the stock of such of the stockholders of the Old Dominion Copper Mining & Smelting Co. as wished to exchange their shares for shares in the new company.

This plan involved the consideration of the advantages which would result from this connection with the United Globe mines, in the value of the mines and the known financial strength and mining ability of Phelps, Dodge & Co.

The entire board of directors of the Old Dominion Copper Mining & Smelting Co., including a partner of Mr. Fitzgerald, was favorable to the plan. Mr. Fitzgerald desired to have a receiver appointed for the company and Mr. Smith opposed this (1250, 1282).

Mr. Smith requested a mining engineer to examine the United Globe mines (1281). He made an examination involving only a few hours (1281) and made a report to the effect that the United Globe mines property did not have a value as high relatively to those of the Old Dominion Copper Mining & Smelting Co. as the proportion of stock which it was proposed should go to the stockholders of the United Globe mines had to the value of the stock which it was proposed should be received by the stockholders in the Old Dominion Copper Mining & Smelting Co. Mr. Smith did not feel that the report of this cursory examination was of any value and believed that the connection with the stockholders in the United Globe mines had a value greatly in excess of what was to be gained from the acquisition of the properties which they owned (1281). Mr. Smith announced that the engineer's report was at the company's office, and many stockholders did come in and see the report and were given an explanation of its value (1281). He believed that the report alone, if published, would be misleading rather than helpful to stockholders (1281, 1283). He accordingly did not publish this report. In this he acted on his own initiative, and Mr. Brandeis was not responsible for its not being published (1282). At the end of October Mr. Fitzgerald requested the publication of the report (1252). It was published on November 11, 1903 (1254).

The agreement under which the Maine company was formed was made after this, and the holders of a very large proportion of the stock in the Old Dominion Copper Mining & Smelting Co. exchanged their stock, and the enterprise has since been very successful and to the advantage of the stockholders who exchanged their stock and to those who did not (1284, 1256).

As a part of this new organization, it was provided that whatever the Maine company received in dividends from the New Jersey company, resulting from the suits against Bigelow and Lewisohn, and certain other assets amounting to about $94,000, should be paid over by the Maine company to trustees for the benefit of the existing stockholders in the Old Dominion Copper Mining & Smelting Co., who transferred their stock to the Maine company, or to those persons to whom they might transfer their rights, the trustees to receive as compensation an amount not exceeding 5 per cent of the funds handled (1280). The trustees selected were Mr. Smith and Mr. Hoar, who was then a partner in Brandeis, Dunbar & Nutter. The purpose of this arrangement was to have these proceeds go to the benefit of the existing stockholders in the New Jersey company, and not go to those stockholders in the Maine company who had become such by reason of having been stockholders in the United Globe mines (1272).

At this time the litigation against Mr. Bigelow had been going on for more than a year without any specific arrangement having been made as to the amount to be charged by Brandeis, Dunbar & Nutter as counsel. This situation continued for three years more, and until the suits had passed the stages of demurrers and the greater part of the evidence in support of them had been taken.

In the fall of 1906, four years after the suit was started, the board of directors desired to have some specific agreement made as to the liability which they were incurring for the services of counsel. This resulted in an arrangement that the payments on account of these should be not exceeding 6 per cent on the fund of $94,000 (1275)—that is, $5,500 a year (1279)—and that in addition there should be paid as a balance for these services an amount not exceeding 10 per cent of the judgment or settlement obtained in the cases (1276). This amount was suggested by Mr. Smith (1275) and approved by the board of directors, who believed that this would be a reasonable arrangement (1276). The company considered a settlement at one time of a hundred thousand dollars (1285), subsequently five hundred thousand dollars, and then a million dollars, but ultimately about two million dollars was obtained (1276). The litigation incident to this claim or growing out of it has been conducted during about 13 years in about 15 courts (1256). The payments which have been made have been based upon the agreements, and everything has apparently been entirely satisfactory to all parties (1274).

There is no evidence whatever that Mr. Brandeis did anything but what was entirely commendable. Mr. Fitzgerald, notwithstanding the questions urging to the contrary, said that he was not prepared to charge any irregularity in the matter (1245) and that he did not mean in any way, shape, or manner to suggest that Mr. Brandeis was working for the Phelps-Dodge interest or conspiring to do anything in that way, because he knew he was not (1246), and that to his mind Mr. Brandeis advised him that his best interests would be to go into the reorganization (1239).

EDWARD R. WARREN.

The charge, if any, to which Mr. Warren's testimony related was that Mr. Brandeis had misrepresented to a committee of the Massachusetts Legislature the attitude of the State board of trade concerning certain legislation as to the Boston Consolidated Gas Co.

This company, or the interests which were consolidated into it, were urging to be allowed a capitalization of $24,000,000 (808). The Public Franchise League opposed this (1369). Mr. Warren was the chairman of the executive committee of this league, which consisted of 12 or 14 men, and Mr. Brandeis acted as its counsel. The State board of trade cooperated in this opposition (1369).

At or shortly before the beginning of May, 1905, it became evident that the legislation which the Public Franchise League wanted, namely, a general law concerning the consolidation of gas companies, could not be passed (1315), and that the company could be persuaded to accept a capitalization of $15,124,000 (1315) (808). This was some what higher than the Public Franchise League desired.

Mr. Brandeis urged upon the league that they should support the bill for the capitalization of $15,124,000, and the executive committee voted unanimously, with the exception of Mr. Warren, to support this bill (1369). Mr. Sprague, representing the State board of trade, did not concur in this position (1399).

The charge made against Mr. Brandeis was that he represented to the committee of the legislature that the State board of trade did concur. No evidence in support of any such charge has been offered, and on the contrary, it appears that Mr. Brandeis informed the legislative committee that the State board of trade could not favor this compromise bill, and was opposed to it (1315). This fact was reported to Mr. Warren and to Mr. Sprague the same day (1315).

These are all the charges, and embrace every matter as to which the evidence related except the opinion evidence.

I yield to none in respect for that "greatest judicial tribunal," our Supreme Court. Its importance in our scheme of government is manifest; and that the appointing power has always looked upon the selection of the justices of that court as involving the sacred duty is proved by the great ability and probity of certainly a very large majority of its membership at all times in our history. Nevertheless, its membership must be recruited from the people, and anyone measuring up to the required standard in ability would be suspected at once of a lack of initiative and personal force if he had not made some enemies and had not encountered an opposition, which could, if it felt so inclined, make a plausible fight against his confirmation. The nominee whose name is before us now has been an active, forceful quantity in his city, State, and country. He has enjoyed a large, lucrative law practice almost ever since he was admitted to the bar. He has been for many years a member of the bar of the Supreme Court, a member of the American Bar Association, and of similar associations in his home State; a member of the board of visitors of Harvard Law School; a writer upon law as well as general subjects; a public speaker and lecturer at Harvard University and with exceptional powers for impressing those views upon the public; the unpaid counsel of labor organizations, protective associations, and other civic bodies; the paid counsel in many of the most important legal contests before the courts and other public tribunals; an arbitrator in strikes and labor disputes; and the special counsel of the Interstate Commerce Commission.

Such a man, so prominently active in public and private life and at the period when the construction of the Sherman law, the awakening of the States to their duty concerning industrial combinations, and the determination of the dividing line between State and National power, is bound to have been engaged in contests before the courts and before legislative bodies more or less bitter; and he would indeed be a human prodigy if he had not aroused some bitter antagonisms. It is in evidence that there was a systematic campaign of advertisement to injure him in the estimation of the public. I must therefore either decide that the active, earnest, fearless man who might, in the discharge of his duties in his own way, arouse such opposition, is forever debarred from judicial appointment, or else inquire into the grounds of the opposition and determine whether or not such opposition is based upon good and sufficient reasons or otherwise. Anyone who reads the protests made against Mr. Brandeis must come to the conclusion that the opinion expressed by those who undertake to give his reputation is based upon some one or the other of the charges heretofore discussed at length, and since I find that no fault can be attributed to the nominee as to any of those charges in the light of the facts brought before us, then I am bound to say that those who express the adverse opinion have been erroneously influenced by the advertising campaign carried on against him.

To give an idea of the character of the campaign which has been waged against Mr. Brandeis, I clip from the Wall Street Journal, of March 27, 1916, under the heading, "Sacredness in confidences," the following:

"No lawyer can faithfully serve a client without gaining knowledge of that client's peculiarities, strength in parts and weakness in parts, which would make him doubly valuable as a counsel to his opponent.

"When an attorney has accepted the confidence and compensation of one side and then gone over to the compensation and confidences of the other side, and the President and Senate of the United States place him upon the Supreme Bench of the land, a new era has dawned for the priest, the physician, and the advocate, or there is condemnation for both bench and bar, for a Senate of lawyers, for a President, and for a party and its politics.

"When James Lennox in the presence of several witnesses unbosomed himself to his attorney and later found his $10,000 credited against the $48,000 received from the other side with the denial that his attorney was ever his attorney, what can we think of honor at the bar?

"And when that attorney goes to the United States Supreme Bench, what can the world say of honor within the United States with both bench and bar?

"Brandeis at the bar may represent individual wrongs, but Brandeis on the bench puts the United States before the world below even the present standards of his Teutonic ancestors."

If the writer of the above will read the record of the evidence taken before the subcommittee I do not doubt that he will be ashamed of having penned it. It is absolutely false to say or intimate that Mr. Lennox ever paid Mr. Brandeis a cent, much less $10,000, for any services to be performed by the latter, or for any other purpose, and Mr. Lennox never made any such claim; and yet the average person would infer from the above editorial that Mr. Lennox had paid Mr. Brandeis as a retainer the sum of $10,000.

The testimony of Mr. Barron, to which I have already referred, shows that he fostered an advertising campaign against Mr. Brandeis, and yet when he was brought before the committee and asked for the facts upon which his campaign was based, and after the committee had examined every witness suggested by him, obtainable, we find that there is nothing in the conduct of Mr. Brandeis to warrant Mr. Barron's opinion, and absolutely nothing to reflect upon Mr. Brandeis's character as a man or a lawyer. It is suggested in the brief of counsel of the protestants that if a doubt shall be raised concerning the ethical conduct of the nominee, he should not be placed upon the Supreme Court. If that theory shall obtain, then it is possible, by a campaign of slander, to bar the best men and the best lawyers in the country from the judicial office. I am not willing to indorse a campaign of slander, whether it was intended to be slander or not, when promulgated.

If after full investigation I find, as I do, that Mr. Brandeis is not guilty of the things charged against him by his enemies, then it is my duty to say so and to give him the benefit of a pure life and his upright conduct, regardless of the slander.

Judicial temperament is a thing of which it is not for man to judge except by actual experience on the bench. No one can tell whether a great lawyer will be a great judge until he has been tried. It seems to me that there is more in the life of Mr. Brandeis as shown by this record to incline one to the belief that he has the qualities of a good judge than there is to the contrary. It is remarkable that friend and foe alike speak of his ability as a lawyer. The late Chief Justice Fuller advised one seeking a lawyer in the East, as follows: "Go to Boston and see Mr. Louis D. Brandeis, as I consider him the ablest man who has ever appeared before the Supreme Court of the United States. He is also absolutely fearless in the discharge of his duties."

It is impossible to give in detail the testimonials to Mr. Brandeis's fitness and his high character, and it is unfortunate that there are so many of them coming from every part of the United States, from lawyers, judges, college professors, business men, labor leaders, and people in all walks of life, that it would be almost impossible to print them. I do not doubt that if one takes the pains to look at the protests upon the one side and the indorsements upon the other, in the light of the evidence in this case upon both, my conclusions will be found by him to be reasonable and fair. I therefore voted with the majority of the subcommittee to recommend confirmation.

W. E. CHILTON.

I am authorized by Senator FLETCHER to say that he concurs in the above.

W. E. C.

APRIL 3, 1916.

Mr. WALSH, from the subcommittee of the Committee on the Judiciary, submitted the following views:

To the COMMITTEE ON THE JUDICIARY,
United States Senate:

The unusually grave character of the duty with which this committee has been charged quite fully justifies, if it does not require, from each member thereof an expression of the course of thought through which he has arrived at the conclusion in consequence of which he assumes the responsibility for the recommendation he makes.

The testimony taken by the committee is voluminous. In the infinite multiplicity of the duties devolving upon Senators it is quite vain to hope that any considerable number, except those upon whom the burden of investigation has been directly imposed, will read it all or read any of it.

Outside of the Senate opinion will be based in very small part upon anything more trustworthy than a résumé of the evidence collected by the committee. I assume the task of reviewing it with a just sense, as I hope, of the importance of the office to which it relates in our scheme of government. The interest in the nomination in respect to which we are called upon to act, manifested alike by the citizen in the humble walks of life and by those whose influence is nation wide, reveals the universality of the conviction that in large measure the liberties and the destiny of the American people have been intrusted to the great court to fill a vacancy in which the President has named Louis D. Brandeis.

It so happens that the nominee has awakened unrelenting enmities and fast friendships. He is the object of unrestrained admiration on the one hand and of fierce vindictiveness on the other. The qualities that evoke the just praises of those who believe in him need not engage our attention. It is conceded on all hands that in intellectual equipment and professional attainment he easily measures up to all requirements—indeed, in that respect his qualifications are superb.

His character is assailed, however, as too perverse to justify the Senate in advising or consenting to his appointment. His private life appears to be blameless. It is not charged that he is corrupt, at least by anyone not moved by reckless malevolence. The accusations, if they may be so called, relate entirely to alleged disregard of ethical standards in his professional relations. Singularly enough, there is very little opportunity for dispute in respect to the facts constituting the incidents which the committee deemed worthy of its notice.

There is wide divergence of view touching the significance of the facts disclosed. Interpreted by those bent on finding something to criticize or ready by prepossession to attribute discreditable motives to Mr. Brandeis, they assume a sinister aspect. Men of the highest character, frank admirers of that gentleman, who participated in the transactions in respect to which he is denounced, insist that his conduct was either irreproachable or altogether honorable. It is particularly important in this quite curious situation, in order to form a just estimate of the conduct and character of the nominee, to guard against the insidious influence of detraction and calumny.

Long before his name came to the Senate for the high office of associate justice of the Supreme Court efforts were made through the public press and by means of circulars widely distributed to bring him into disfavor and disrepute. Not unlikely some impression such as it was hoped might be conveyed may remain on the minds of some Senators who fell under the influence of these and like attacks. Moreover, it is scarcely to be expected that one unacquainted with local conditions, who has not followed with scrupulous care the inquiry as it proceeded, would be wholly unbiased by the fact that a considerable number of the members of the bar of Boston, the home of the nominee, have protested against the confirmation of his nomination and have organized to oppose it, and that some of them have testified that he is regarded in that community as untrustworthy. These conditions make it imperative, before attempting to survey the particular transactions to which reference is made as justifying the ill opinion thus expressed, to have in mind some incidents in the career of Mr. Brandeis which may have predisposed those by whom it is entertained.

It is clear that he has been a vigorous, aggressive, relentless antagonist in all his legal battles. Moreover, he has been successful. In illustration: One of the lawsuits in connection with which some misconduct was charged is referred to as the "Old Dominion case." The nature of the dereliction with which he was accused need not be adverted to. It was utterly puerile, the testimony drawing from a member of the committee [Senator CHAMBERLAIN] a public declaration that it was valueless. Mr. Brandeis had been employed to assist in securing stock or proxies sufficient to take the control of the Old Dominion Copper Mining Co. from the hands of one Bigelow and associates, who had promoted the company. The effort was successful and a new board elected, through which suits were brought in the name of the company by Brandeis as its attorney to recover of Bigelow the value of a large block of the stock of the company which it was averred they had fraudulently converted. The litigation was bitterly contested in the courts of Massachusetts, New York, and New Jersey, repeatedly reaching the reviewing courts and eventualy the Supreme Court of the United States. Judgment was finally rendered against Bigelow for two and a quarter million dollars, on which, after a contest lasting 14 years, payment of upward of $2,000,000 has been enforced. It may well be assumed that any man of whom a judgment in excess of $2,000,000 can be collected is one whose influence is felt even in a city the size of Boston, at least in the banking center and in financial circles. Those who know something of the development of the copper mining industry with which Boston has been long and creditably identified are aware of how commanding that influence was. It is quite reasonable to suppose that his social standing was in keeping with his great wealth and the magnitude of the enterprises with which he was associated. It was bad enough to be required to give up $2,000,000, but to be branded as having misappropriated so much of the property of the stockholders who had been induced to come into a corporation organized by him was a grievance that very naturally rankled. It is altogether probable that Mr. Bigelow would not express himself in complimentary terms concerning Mr. Brandeis if he were moved to speak of him.

No wretch e'er felt the halter draw
With good opinion of the law,

and few with good opinion of the lawyer. So it is likely that all Mr. Bigelow's friends, or most of them, share the ill opinion which he may be excused for holding of Mr. Brandeis, if he does cherish such.

The part that Brandeis had in exposing the malefactors of great wealth who, in insolent contempt of the law, monopolized the transportation facilities of New England, merging them in the New York, New Haven & Hartford system, and milking the properties in the process is more generally known. These were the very high priests in the temple of Mammon. Boston was the New England as New York was the western terminus of that system. The fight was waged before the Legislature of Massachusetts and the railroad commission of that State long before it engaged the attention of the National authorities. Among many public-spirited citizens who, singly and through local organizations, attempted to prevent the absorption of the Boston & Maine by the New Haven, Brandeis was conspicuous. Before legislative committees and officials of the State government, in public addresses, he declaimed against the consolidation. He not only attacked through pamphlet and the public press the design to impose a transportation monopoly on that highly industrial region, but he investigated and laid bare the financial condition of the company, in consequence of which its stock, a few years later, dropped spectacularly, and the system was brought to the verge of bankruptcy. He asserted that its securities were not a safe or proper investment for savings banks, by which they were held in great quantities. The timid deprecated his assaults and the guilty assailed him with unrestrained venom. He was placarded through paid advertisements in the press as a public enemy.

It will be remembered that the merger was accomplished; that afterwards suit was brought to dissolve under the Sherman Act, which was soon dismissed; that subsequently, pursuant to a resolution of the Senate, the affairs of the New York, New Haven & Hartford were investigated by the Interstate Commerce Commission; that the hearing revealed a state of affairs at which the country stood aghast; that a new dissolution suit was instituted, resulting in a "consent" decree; that the directors participating in the merger transactions were indicted and upon trial some were acquitted and as to others the jury disagreed. We need not concern ourselves as to whether Mr. Brandeis was right or was wrong in the warfare he thus waged. It may be that the absorption of the New England lines was a benevolent assimilation and not a criminal conspiracy. It may be that his elaborate figures touching the financial condition of the New Haven were not fully and altogether justified by the investigation conducted six or seven years afterwards by the Interstate Commerce Commission. I am endeavoring now merely to bring to mind some idea of the atmosphere breathed by those who speak in disparagement of him. To enforce this point I quote from testimony elicited on cross-examination of two of them—both very honorable gentlemen—Mr. Storey and Mr. Hutchins, of the Boston bar. In the testimony of the former will be found the following:

"Senator WALSH. Is it your opinion that the conduct on the part of Mr. Brandeis was calculated unjustly to injure the New Haven road?

"Mr. STOREY. I do not know that I can or ought to express any opinion on the subject. The feeling was that there were better ways of conducting that matter than were adopted. The undoubted result was

apparent. The truth, of course, is that the New Haven Railroad under that administration was spending money recklessly, incurring liabilities recklessly, and doing various things which were most unfortunate for the property. There is no question that Mr. Brandeis called the attention of the public to those facts; but for some reason or other I think they did not make the impression on the public that they would have made if they had come from another source.

"Senator WALSH. But his communications through the public press at that time did direct the public mind to what afterwards was disclosed to be a rather questionable system of operation in finance?

"Mr. STOREY. I have no doubt that is correct. (Hearings, 270–271.)

"Senator WALSH. I judge from what you say that people associated with that organization exercise a very powerful influence, socially, politically, and financially, in your community?

"Mr. STOREY. They did, certainly, at one time. (Hearings, 272.)"

Mr. Hutchins being on the stand, the following colloquy took place:

"Mr. ANDERSON. Mr Hutchins, I should like to ask you a few questions. Mr Joseph B. Warner was chairman of the commission of commerce and industry, if I have the name correctly, which wrote a report about 1908 which was quite a factor in the New Haven fight, was it not?

"Mr. HUTCHINS. I think so; yes.

"Mr. ANDERSON. And there was a pretty sharp controversy at that time relative to the statistics and figures which Mr. Warner and Mr. Charles F. Adams, jr.—I have forgotten the other members of the commission—had accepted and published as accurate, and what Mr. Brandeis alleged were the actual facts?

"Mr. HUTCHINS. Yes.

"Mr. ANDERSON. And the subsequent history of the New Haven tended, at least in the minds of a great many, to show that those gentlemen were led into grave error. Is not that so?

"Mr. HUTCHINS. I really can not speak of the merits of that controversy; that is, I mean as to the report of the commission, etc.

"Mr. ANDERSON. You did not go into that in any detail?

"Mr. HUTCHINS. I did not go into that.

"Mr. ANDERSON. But there was a good deal of bad blood engendered in and about Boston in that New Haven fight, was there not?

"Mr. HUTCHINS. Yes; a good deal.

"Mr. ANDERSON. A lot of people maintained for years that there was nothing but a wicked drive being made on the New Haven, and that everybody who criticized the New Haven was a destroyer of properties and values, and the facts as they later appeared did not justify that criticism, did they?

"Mr. HUTCHINS. I do not know about the justification of the criticisms, but there was certainly a great deal of sentiment of the kind that you express in your question.

"Mr. ANDERSON. Assuming that the Interstate Commerce Commission investigation developed something approaching the truth, the atmosphere against Mr. Brandeis in 1908 and 1909 was an atmosphere of harsh and unwarranted criticism, was it not?

"Mr. HUTCHINS. The criticism was harsh. Whether it was unwarranted or not I do not feel competent to judge."

It is quite proper to say here that no one save one Barron, a newspaper publisher, shown to have acted as publicity agent for the New Haven road in the course of the long struggle being outlined, ventured to question the purity of the motives which actuated Mr. Brandeis therein, however the soundness of his judgment as to the methods he pursued or the conclusions he drew might be questioned. No one has suggested that he had any private interest to subserve, and he received no compensation from any source.

One circumstance in this connection would not be mentioned but that it helps to a correct solution of his conduct in the Lennox case, hereafter to be noticed.

Those who think of him as grasping and avaricious, if there are any such, may find one hue in his acts in that case; those who believe him a man of high ideals or as not afflicted with an inordinate love of money may give them quite a different color. Not only was he paid nothing for the herculean labors he performed in the New Haven fight, involving him in a torrent of abuse and vilification, but he declined employment by parties holding Boston & Maine securities in a large amount who, like him, were opposing the merger, preferring, as the subject was one of public concern, to be untrammeled. And then, because he had deprived his firm of a lucrative engagement, he paid into it $25,000, a sacrifice that was not so great as it might seem to some in view of the volume of business the firm was doing and the fees it was accustomed to receive. (Hearings, 291, 295.)

Seven members participated in its earnings and it employed a house full of clerks, stenographers, accountants, and other like subordinates. The record discloses another instance in which he pursued, in substance, the same course.

Just how far the animosities engendered by the New Haven fight, considering the infinite ramifications of its interests and of those vitally concerned in effecting its purposes and in concealing the unstable character of its finances, may have influenced the minds of those about Boston who protest against this appointment is a matter of speculation. Doubtless most of the wealth and culture of the community were arrayed on its side.

While it stands out most prominently in the public mind, because of the vast interests involved and the standing in the financial world of the chief figures in it, the New Haven fight was not singular. Perhaps less is known yet much has been told of his warfare on the United Shoe Machinery Co., a corporation with a capital stock of $25,000,000, with headquarters at Boston. When, in 1910, four years after he ceased to be a director of that company, it was about to acquire control of the Thomas G. Plant Co., then threatening to become a formidable rival, he declared that the penitentiary would yawn for anyone concerned in the consolidation. Indictments were found against the officers of that company, the Department of Justice being satisfied that there was sufficient foundation for a prosecution, though the indictments were afterwards quashed. A deep-seated hatred was aroused against him on account of his criticisms of that company that is still virulent, and not the less so that Congress, by the agitation, was moved to insert provisions in the Clayton law and the trade-commission law which it is hoped may correct some of the evils most intimately associated in the public mind with the operations of that company.

The Consolidated Gas Co. of Boston, whose career is not as sweet smelling as might be wished, found Brandeis a serious obstacle in the way of getting everything it wanted from the Massachusetts Legislature. It was the central figure in another protracted fight which has vexed the Boston people. Indeed, the public-service corporations of that city exhibited such a disposition to lay hands on anything they could secure that the people organized themselves to resist their exactions and propensities. The Public Franchise League came into existence to protect the public. Brandeis was a prominent member of the organization, as was George W. Anderson, afterwards a member of the Massachusetts Utilities Commission and at present United States district attorney for the district comprising that State.

It is not without excuse, whatever reason they may have, that some Boston people do not like Mr. Brandeis. A number of the members of the bar of that city sent a protest against his confirmation, reciting that his reputation among the lawyers of that city is that he is untrustworthy. One of the signers wrote a letter setting out why in his opinion such a view was entertained and giving his own judgment of the merits and demerits of Mr. Brandeis's character. It is so judicial in spirit, so keenly analytic, that I venture here to insert it:

BOSTON, MASS., *February 24, 1916.*

GEORGE W. ANDERSON, Esq.,
85 Devonshire Street, Boston, Mass.

MY DEAR ANDERSON: You have asked me to write you a letter giving my views on Mr. Brandeis and on his appointment to the Supreme Court and on the way in which that appointment would be viewed by the Boston bar. I am not seeking to be involved in this controversy any further than necessary, but I do not feel that anyone asked for such an opinion has a right to refuse.

First, then, so far as ability goes, there can be no question as to Mr. Brandeis's professional standing. He is universally acknowledged to be one of the ablest men at our bar, both in point of legal learning and of effectiveness, and if the question was of intellectual ability alone, his appointment would be generally approved.

There is, however, equally little question that he is not generally popular with the bar, and that among a considerable proportion of the lawyers here he has the reputation of not being a man with whom it is pleasant to deal in business matters, and one who is unscrupulous in regard to his professional conduct. Just how far there is any solid foundation for such a reputation it is extremely difficult to say. So far as specific charges go, all of any consequence of which I have ever heard have been or will be brought to the attention of the committee at Washington, and of those it is unnecessary that I should speak, especially as I can add nothing of my personal knowledge.

The general reputation remains, and it is certainly one which is worthy of consideration, in estimating the fitness of an appointment to the bench. Indeed, I think in the existing state of the feeling here that no one can be fairly criticized for opposing the appointment. Many of his opponents are my personal friends and I understand and respect their point of view, though I believe they are mistaken. At the same time, I believe that the reputation to which I have referred is not founded so much on anything that Mr. Brandeis has done as it is on other causes. He is a radical and has spent a large part, not only of his public but of his professional career, in attacking established institutions, and this alone would, in my judgment, account for a very large part of his unpopularity. It would be difficult, if not impossible, for a radical to be generally popular with Boston lawyers, or to escape severe adverse criticism of his motives and conduct. Certainly I have never heard of anybody, from Joseph Story down, who has ever succeeded in doing so. The fact, too, that Mr. Brandeis has been the object of constant attack, and in particular of a very skillful and long-continued press campaign engineered on behalf of the New Haven management by Mr. C. W. Barron, has probably increased the feeling against him, for such advertising inevitably produces effect, by mere repetition, upon people who are not conscious of its influence. When you add to this that Mr. Brandeis is an outsider, successful, and a Jew, you have, I think, sufficiently explained most of the feeling against him.

Undoubtedly he is a merciless antagonist, fighting his cases up to the limit, and with great technicality, and taking every advantage which the law allows him, without perhaps always a keen regard for fair play. So far as I am aware, nothing more than this could be fairly considered as proved against him. On the other hand, there is, except among a comparatively small number of people, a general recognition that Mr. Brandeis has rendered public service to the community of extraordinary value, and that in doing so he has been actuated by disinterested motives. He lives with great simplicity, and has throughout his career devoted to unpaid public works a very large proportion of his time and energy. With the opportunities that have been open to him, he could, by following more conservative courses, have been a much richer man than he is to-day. I do not think it can fairly be doubted that he deliberately chose to serve the public rather than to devote himself entirely to making money, nor do I think it can be fairly questioned that in doing this he was actuated by high motives.

Throughout his career he has shown unusual interest in and sympathy for those classes in the community upon whom economic conditions bear hardly, and has devoted a large part of his time and energy to measures which he believed would help them. The work which he has done along these lines has been sanely planned and carefully worked out, and he has acquired in doing it an unusual grasp of those social and economic conditions which underlie many of the most important questions with which the Supreme Court will have to deal. I believe he will bring to the consideration of these problems not only great legal acumen and deep sympathetic insight, but a power of careful analysis and an ability to see facts and law in their larger relations, which will make him a great judge. Once on the bench the things which have injuriously affected his standing at the bar will cease to be important and his strong qualities, his great ability, his knowledge not only of law but of economics and social conditions, and his capacity for taking a broad judicial view of any questions to which he applies his mind, will be of inestimable value.

Of his fundamental honesty of purpose and his deep moral enthusiasm I feel absolutely sure. His qualifications for the position of Supreme Court judge far outweigh, in my judgment, anything which can fairly be urged against him. For these reasons I sincerely hope his nomination will be confirmed.

I ought, perhaps, to add that I have never had any legal or other business either with Mr. Brandeis or against him, and have no reason to expect that I ever will have such business. I have known him for many years, but never intimately, and I entirely disagree with his political opinions. My knowledge of him is simply that which I have gained in 20 years' practice at the same bar. I have no reason to desire his appointment except the interest which every citizen, and particularly every lawyer, has, to wish that the best possible man should be selected. It is only because I know no one in this community whom I consider so well fitted for the position that I hope he will be confirmed.

Yours sincerely,

ARTHUR D. HILL.

(Hearings, 619, 620.)

[N. B.—Mr. Hill was not one of the protestants, as erroneously stated above. He ardently supported Mr. Brandeis.—T. J. W.]

In the light afforded by what has been said, I proceed to consider the several matters in connection with which the nominee is said to have shown himself unworthy of the high honor with which the President desires to invest him. I pass directly to the two apparently deemed most grave—the Lennox case and the Warren case. Astonishing as it may seem, the leading counsel in both of these cases, representing the parties whose cause Brandeis is charged with abandoning, completely exonerates him from any misconduct worse than an error of judgment. In respect to the Lennox case, Mr. Sherman L. Whipple, who, as the attorney for James T. Lennox, developed in certain proceedings in bankruptcy the exact facts touching the relations which Mr. Brandeis had sustained to his client (the stenographic notes of the interviews out of which the alleged employment rose having been read), asserted that in his opinion Brandeis acted from most honorable motives and with a high ideal of the duty of a lawyer in the premises. Later his exact language will be quoted.

THE LENNOX CASE.

The business of the firm of Lennox & Co., tanners, had been developed by Patrick Lennox, who, at the time of the occurrences to be narrated, was nearly or quite 80 years of age. For 10 years his son James T. Lennox, the other member of the firm, had managed the business. Its transactions amounted to about $1,000,000 a year. The firm property and private assets of the partners exceeded that sum. In the panicky season of 1907 the firm became embarrassed, and a creditor, one Stein, was called to Boston from New York by James T. Lennox. With his lawyer, one Stroock, he met Lennox, who, in detailing his situation, disclosed that if not actually insolvent he was dangerously near being so. Stroock suggested that he, Lennox, ought to consult a lawyer, and, mentioning Brandeis, Lennox assented. The three waited on Brandeis, under whose questioning, which was exhaustive, going in detail into assets and liabilities, the condition referred to was more clearly exhibited. Stein was friendly. Another creditor participated to some extent in the conferences and it was determined that a general assignment without preferences should be made and that Brandeis should try to work out some general agreement among the creditors—for an extension or a composition, as the progress of negotiations might suggest. This was done, one of Brandeis's partners, George R. Nutter, being named as assignee. It was canvassed in the course of the conference whether Brandeis should become attorney for Stein or for Lennox, but it was agreed eventually that the plan could be worked out most effectively if Brandeis did not represent Stein or any other creditor and that he would represent Mr. Lennox in the manner stated. Stroock having asked Brandeis whether, in view of relations which his firm had sustained to a creditor, Weil, Farrel & Co., he could act for Lennox, the latter said:

"Yes; I think I could. The position I should take if I remained in the case for Lennox would be to give everybody, to the best of my ability, a square deal." (Hearings, 792.)

And he continued:

"I should, if I acted for Mr. Lennox, see that he got his legal rights; no more, no less." (Hearings 793.)

Again, he said:

"I should feel if I were acting for Mr. Lennox as trustee that it was the duty of the trustee to see that everybody got his legal rights as nearly as we could make it." (Id.)

And then Lennox, referring to some comment by Stroock, remarked:

"You are speaking now of Mr. Brandeis acting as my counsel?" (Id.)

Whereupon Brandeis interjected:

"Not as counsel, but as trustee of your property." (Hearings, 795.)

It is plain from the foregoing that Brandeis proposed (whatever may have been the understanding of Lennox) that the latter and his father should turn over to him, Brandeis, all their property, he to deal with the situation with justice to everybody and in the hope of making an adjustment that would be satisfactory to all concerned, or, in the event that such a solution could not be reached, to apply the assets to the liquidation of the indebtedness.

The assignment was made in pursuance of that plan, and Brandeis immediately got into communication with the other creditors with a view to carrying it out. When the assignee went to take possession under the assignment he learned, through accountants who had been directed to examine the books of the firm, that James T. Lennox had but recently cashed checks to the amount of $10,000, the avails of which did not appear. Inquiry revealed that he had the cash in his possession. On being questioned in the present hearing he stated that he needed the money. The assignee required him to surrender it, which he did, though reluctantly. A short time after a controversy arose between him and the assignee concerning the compensation he was to receive for assistance which he was rendering pursuant to request in attempting to straighten out the tangled affair—the books being fragmentary and the business having been run without much system. He demanded $500 a week; the assignee refused to allow him more than $100. Meanwhile, on September 10, the assignment having been made on the 5th and recorded on the 9th, one J. P. Leahy, of Lynn, where the Lennoxes lived, called upon Mr. Nutter, representing, as his counsel, Patrick Lennox. He conferred with Nutter and forwarded his work for some time, but toward the close of October Patrick Lennox, through Leahy, set up the claim that he was not a member of the firm of Lennox & Co. and that he had never signed the instrument making Nutter assignee or that his signature had been obtained fraudulently or without full understanding of its purport. When Nutter refused to hire James T. Lennox at $500 a week he ceased to assist actively in carrying out the trust, and much difficulty was encountered on account of his indifference or apathy and the claims of the elder Lennox referred to. Meanwhile the creditor, Weil, Farrel & Co., was threatening to proceed criminally against James T. Lennox on an alleged fraudulent statement of his financial condition and sought to employ the Brandeis firm to conduct the prosecution, but they declined. An indictment was afterwards returned. The execution of the trust with which Brandeis had charged himself through the assignment was proving impracticable, on account of the attitude of the Lennoxes, it was resolved to see it carried out through bankruptcy proceedings, to which various creditors had recourse. Several petitions were filed, one by the Brandeis firm. An adjudication went, the court holding that the assignment was duly made and constituted an act of bankruptcy. In the original conference it had been mentioned that it was such and would require an adjudication, if asked, but the hope was expressed that the creditors would assent to the assignment. (Hearings, 788.)

The thing worked out as was originally contemplated. A composition was effected under which the individual debts of the partners were paid in full and the firm creditors got 40 cents on the dollar. There is no doubt that the making of the assignment, though an act of bankruptcy, was the wise course to pursue under the circumstances. None of the parties involved are making any complaint. Mr. Leahy was not called to express any complaint on behalf of the elder Lennox, and it will be borne in mind that an organization of protestants was represented at the hearing by counsel who undertook to present to the committee the names of any witnesses his clients deemed it advisable to call. James T. Lennox came in response to a subpœna, but was excused on his request on saying that he could add nothing to what had been said by Mr. Stroock and Mr. Whipple. He was later called, at the instance of a member of the committee, but he showed no hostility to Mr. Brandeis. Whipple was employed to resist the bankruptcy proceedings. He is the head of a leading firm of Boston lawyers, said without dispute to be one of the ablest trial lawyers in New England, an enviable reputation which those who heard him testify will agree he doubtless fully merits. When the story was told him of how the Lennoxes employed Brandeis in their troubles only to find that his firm had filed a petition in bankruptcy against them, he did the manly and fraternal thing. He called on Mr. Brandeis. Let him tell the story of the interview. Introducing the subject which gave rise to his call he said:

"They say that you advised an assignment to your partner, Mr. Nutter, and took all of Mr. Lennox's property, and that you now claim that you are not and never have been his counsel, and I thought, Mr. Brandeis, it would be better for me to come right to you and talk over a situation which seemed to me to be serious, because if you did agree with the Lennoxes that you would act as their counsel, and now are acting in a position hostile to them, through this assignment, you will agree with me that a rather serious situation is presented." (P. 287.)

The witness continues:

"He said, 'Of course it would be,' or he said, in substance, 'Of course, that would be a serious situation, but it is not the situation at all; I did not agree to act for Mr. Lennox when he came to me. When a man is bankrupt and can not pay his debts, Mr. Whipple, he is a trustee for his creditors; he has no individual interest; he finds himself with a trust, imposed upon him by law, to see that all his property is distributed honestly and fairly and equitably among all his creditors, and he has no further interest in the matter. Such was Mr. Lennox's situation when he came to me, and he consulted me merely as the trustee for his creditors, as to how best to discharge that trust, and I advised him in that way. I did not intend to act personally for Mr. Lennox, nor did I agree to.' 'Yes,' I said, 'but you advised him to make the assignment. For whom were you counsel when you advised him to do that, if not for the Lennoxes?' He said, 'I should say that I was counsel for the situation,' I said, 'Yes, but you advised an assignment of all his property, so that your firm became possessed of it, because Mr. Nutter was your partner.' He said, 'Yes; and I knew no one better in the city of Boston than my partner, Mr. Nutter, to execute such a trust as that. He stands high; he has everybody's confidence, and that is why I advised it.' I said, 'I must say, Mr. Brandeis, it looks to me very much, according to your principles, as if when a man was bankrupt and went to a lawyer, and the lawyer advises him to make an assignment for the benefit of his creditors, he assigns his lawyer with it, very much in the way a covenant runs with land.' He said, 'Mr. Whipple, I think that is a very unkind and very ungenerous statement for you to make. It impugns my motives, and I can only assure you that I had no such motive in doing it. I was merely occupying myself with seeing that this property, which was brought into my office in this way, was equitably and fairly distributed among the creditors, and I was looking after the interests of everyone; I was looking after any interest that Mr. Lennox had, if any, if anything should be left after the settlement with his creditors, but, in the first place, looking after the interests of the creditors.'" (Hearings, pp. 287–288.)

The impressions Mr. Whipple took away are expressed by him as follows:

"Mr. WHIPPLE. You see, my belief was, at the time, that there was a misunderstanding. My belief was at the time, and is now, that Mr. Brandeis was misunderstood. That is, I preferred then, and prefer now, not on account of any personal friendship or feeling, but my view was that there was a misunderstanding. I think Mr. Brandeis was so much absorbed in the question of caring for the situation, and so much interested in the development of his ideas as to how this estate should be administered, that he unconsciously overlooked the more human aspect of it, which would perhaps have appeared to another, but here was a man confronted with perplexities and charges and troubles, who wanted his personal and individual care and attention. But I think Mr. Brandeis looked upon it as a problem of distribution.

"He did not view Mr. Lennox, with his difficulties and troubles and desires, in quite the human way that certainly some lawyers would. He took a broader view, as it seemed to me, that he was charged with the duty and responsibility, not merely of looking to Mr. Lennox, or to Mr. Lennox alone, but that he owed a larger and broader duty to all the interests involved. Now, I felt then, and I feel now, that that was a mistake, but it does not mean, to my mind, that Mr. Brandeis was culpable; that he deserted a client; that he neglected a duty to a client, because, as it seemed to me—and I will say it frankly—at first he was going with the property and had a more lucrative job. I was convinced from my talk with Mr. Brandeis and from my knowledge of his character that the mercenary motive did not exist; that the thought of deserting Mr. Lennox's case and interest did not enter his head. I thought then, and I think now, that he made a mistake in this, at least, that he did not make it clear, so that a layman would understand just what he was talking about. When a lawyer talks to a business man about being charged with the responsibility of an equitable division of the estate among all who may be interested, such talk, I think, goes right over the head of the ordinary business man, who does not understand clearly the fiduciary duties of a man in that position, and who does not understand the clear and fine definition of the fiduciary duty in its different aspects."

To this he added:

"I was convinced of his sincerity, his devotion to a thought and an idea with regard to the administration of this estate, which was credible—credible because it is true that a man when he is a bankrupt is the trustee for his creditors, and he has no right to try to keep money from his creditors or to prevent an equitable and fair distribution or

to prefer them. That is true. It is a high and proper ideal of practice. A lawyer who is charged with the duty of advising under those circumstances has a duty not only to the debtor who comes to him but to every creditor, and he must and ought to be scrupulous in his discharge of it. But, of course, his scrupulous discharge of that duty to all the others must not permit him to neglect his duty to the one who needs his help the most." (Hearings, 200-201.)

These observations prompt me to inquire what a man wants with an attorney anyway after he has made a general assignment for the benefit of his creditors? All his property is gone, and there is nothing an attorney can do except to see that the trust is managed to the best possible advantage, so that the property will go as far as may be to discharge the claims of creditors or possibly satisfy them in full, leaving a residue which becomes his again. The best thing a lawyer can do for him—the only thing he can do—is to become attorney for his assignee and aid him in administering the trust. There can be no diversity of interest so long as the assignor purposes and seeks to have the trust carried out. He needs no lawyer except the attorney for the assignee. It is the universal practice, accordingly, for the attorney who draws the deed of assignment to become counsel to the assignee. Lennox must have known—it was impossible that he could fail to know—that the Brandeis firm would become the attorneys for Nutter, the assignee. He could not by any possibility have imagined that in a contest of any character arising between him and the assignee Mr. Brandeis or the Brandeis firm was going to counsel him, except as both he and Nutter were counseled; or that if, perchance, any difference between him and the assignee found its way into court Brandeis or his firm was to represent him as against the assignee, Nutter. He never paid the Brandeis firm anything and no charge was ever made against him. When he put himself in an attitude of hostility to Nutter he knew that he could not count on Mr. Brandeis as his personal legal representative. It is an embarrassment to a lawyer who has drawn an assignment and become attorney for the assignee to make a choice should a disagreement unhappily arise between him and the assignor. He could, perhaps, not be blamed whichever way he determined lay his duty. But, as Mr. Brandeis's partner was the assignee there was no choice open to him. No, was there, apparently, any choice open to the assignee, when it became evident to creditors that the trust was not being carried out and could not be carried out in view of the hostile claims being made, but to resort to the bankruptcy court or watch the assets pass out of his control through proceedings in that court instituted by creditors who would not sit idly by while the assignors were perhaps getting away with the property. Mr. Brandeis apparently resolved that an obligation rested upon him to carry out the trust in the only way open to do so. Some may differ with him as to what ought to be done in a case so rare, but no one who does not view the proceedings with a jaundiced eye can doubt that he acted conscientiously in the course which was taken.

THE WARREN CASE.

On leaving college Brandeis formed a partnership with a classmate, one S. D. Warren, the son of a successful paper manufacturer, S. D. Warren, sr. After the youths had been in business in Boston under the firm name of Warren & Brandeis for about 10 years the elder Warren died, about 1888, leaving three other sons, Edward, Henry, and Fiske, a daughter, Cornelia, and a widow, their mother. The children, of whom S. D. was the eldest, had all reached their majority. The law firm had so successfully established itself by that time that Warren was drawing out of the business about $10,000 a year. The property which had enriched the family was left by the will of Warren, sr., to his widow and children. Warren & Brandeis became the attorneys for the executors. It was the desire of all that the business be kept in the family, and yet Edward was in Europe most of the time, devoted to antiquarian research and the collection of antiquities; Henry was a student in feeble health, who died not many years after; Fiske was a youth without much experience. The ladies were cultured, but their capabilities in a business way had not been put to the test. It was in mind that those who undertook to run the business should assume the risk and that the other members of the family should be relieved of personal responsibility. It was planned that the property should be conveyed to trustees, and these trustees should lease the property to those who undertook to manage it. One Mason, a relative, had long been associated with the elder Warren in the business. He, S. D. Warren, and Fiske Warren took it over, the old firm name continuing. The mill property was conveyed to trustees, Mrs. Warren, S. D. Warren, and Mr. Mason, the deed reciting the trusts and authorizing the trustees to lease to a firm of which any of the trustees might be members. It was then leased to the new firm, which agreed to pay to the trustees 6 per cent on the valuation placed upon it and one-half the profits. The movable property appurtenant to the mills was taken over by the firm and the value of the respective shares credited on its books to each beneficiary. Substantially, the firm bought this property and became indebted for it. S. D. Warren, who had given some attention to the business during the later years of his father's life, severed his relations with the law firm and thereafter devoted himself to the paper business, though the firm name of Warren & Brandeis was carried for a number of years thereafter.

The firm of which Mr. Brandeis was the head after the retirement of S. D. Warren became attorneys for the trustees and for the firm of S. D. Warren & Co., their fees being paid in part by each, respectively. Edward Warren was abroad when the instruments mentioned were prepared and the deeds had to be sent there to him for execution. With the letter went a list of the accompanying instruments, as follows:

"1. Deed of Cumberland mills and other property, from the residuary devisees under father's will to John E. Warren.

"2. Deed of Copsecook mill, same to same. The property covered by both these deeds will be conveyed by deed of even date to the trustees named in—

"3. Declaration of trust by Susan C. Warren, Samuel D. Warren, and Mortimer B. Mason, of which I send you a copy.

"4. Deed of Forest Paper Co. property to Louis D. Brandeis. This will be conveyed to him at once to the purchasers of the property, Mortimer B. Mason and Samuel D. Warren.

"5. Bill of sale, residuary legatees, to new firm of S. D. Warren & Co.

"6. Brief explanation of proposals, showing the reasons for the various transfers." (Hearings, 343.)

The letter, after giving directions concerning execution of the instruments, continued:

"I do not send you at the moment detailed figures of the condition of the estate, such as I have submitted to the other children, for two reasons—first, because I do not like to have them go out of my possession and run any chance of going astray, and, secondly, because I have found so much explanation necessary to their comprehension by the other children that I do not think you would understand them without explanation. All the others have been carefully into the matter and approve of the proposed arrangement; and I shall have to ask you to take my word for it so far as you do not understand it. When you return in the fall, I will go into all details to your satisfaction.

"The upshot of the whole matter is that the Forest Paper Co. is sold to Mortimer and myself at what I think is a fair price for the one-half interest of the estate (viz, $90,000), the other half being owned by George W. Hammond. The assets of the old firm of S. D. Warren & Co. are sold to the new firm at a fair valuation. The Cumberland and Copsecook mills and other real property in Maine are conveyed to the trustees for 33 years to be dealt with for the benefit of the residuary devisees in the proportions in which they are interested under the will. For the present the rental allowed to the firm of S. D. Warren & Co. for the use of these mills will be 6 per cent per annum on the value of the plants at any time plus 50 per cent of the net profits of these mills. This I think an extremely favorable arrangement for the devisees.

"I should add, lest you get an inflated idea of your income, that the profits of last year (in which you had a larger interest than those of this) were larger by a considerable sum than they will be this year, or than they ever were before; 1888 was the high-water mark in profits.

"Please execute these papers as soon as convenient and return them immediately on execution, care S. D. Warren & Co., 220 Devonshire Street, in a waterproof envelope clearly addressed.

"Your affectionate brother,

"SAMUEL D. WARREN."

(Hearings, 844.)

Edward did return in the fall, and came to this country at intervals thereafter. The liveliest affection had always, until differences unhappily afterwards arose, obtained among the various members of the family. Even on the eve of starting suit against his brother S. D., in the year 1909, Edward wrote him as follows:

"MY DEAR SAM: I have had to file the bill, because otherwise it would have been difficult to obtain a satisfactory before Monday next, but—

"First, I hope that you will make me contented to withdraw it; and

"Second, The phrases are such as in a legal document I have felt obliged to sign, but are very far from representing my feelings toward you aside from the business or my desire for unanimous fraternal procedure.

"Let us try to [illegible] it would be much pleasanter

"Your affectionate brother,

"E. P. WARREN."

"BELLEVUE HOTEL, BOSTON,
"*December 15, 1909.*"

(Hearings, p. 869.)

Annual statements were sent to all the beneficiaries and remittances or settlements made. In 1902, after the plan had worked without friction for 13 years, Edward exhibited some dissatisfaction. He employed a lawyer, one William Youngman, who several years thereafter brought a suit for Edward, asking that his brother S. D. be removed as trustee, for a decree annulling the lease, and for an accounting. Issue was joined. S. D. Warren was examined at length before a master, the examination being conducted by Sherman L. Whipple, heretofore referred to. S. D. Warren died before his examination was completed, and a settlement of the litigation was effected, under which the interest of Edward Warren was acquired. Mr. Moorfield Storey was employed by Fiske Warren and represented him in the litigation. Mr. Storey appeared before the committee as a protesting witness. He signed a remonstrance, as an ex-president of the American Bar Association, appearing in the record. He appeared to tell that Brandeis had been employed to wreck the New England Railroad, to be hereafter referred to, and that the reputation he bore at the bar of Boston was not good. Asked about the Warren case, he said:

"Mr. STOREY. The position is this: When Mr. Samuel D. Warren, sr., was alive he owned the mills and was the controlling partner in the firm. The firm sold the goods, and there was some arrangement between the firm and Mr. Mason, personally, for a division of the expenses and profits. When he died that situation existed, and something had to be done in order to carry on the business, and an arrangement was made whereby the property formerly held by Mr. Warren, personally, was vested in trustees, and Mr. Samuel Warren took his father's place in the firm, and Mr. Fiske Warren was also in the firm, but with a smaller interest. Mr. Edward Warren was in Europe engaged in the study of arts and curiosities and was not in active business.

"The arrangement which was made seemed to me, as I examined it, a perfectly fair arrangement. It probably, in view of what happened afterwards, would have been better if Mr. Edward Warren had independent advisers to counsel him. But the thing was submitted to him and agreed to by him, and I saw nothing in the arrangement as to which he could complain. I sat through the trial, which had begun, and Mr. Warren was on the stand, as I remember, about six weeks, and during that time was cross-examined by Mr. Whipple. There were about six weeks more, as I understand it. It looked as if the cross-examination might last longer, when Mr. Warren died. During the cross-examination nothing developed which reflected upon Mr. Samuel D. Warren in any way or upon Mr. Brandeis.

"As I say, I saw nothing in the case up to the time the case ended of which Mr. Warren could be in any way ashamed. It seemed to me he had treated his brother with great fairness. I should have done, perhaps, very much as Mr. Brandeis did if I had been in his place. It would have been a matter of caution, however, to have independent counsel, but apparently the family united——

"Mr. ANDERSON. Was there any more reason for suggesting independent counsel for Mr. Edward D. Warren than Mrs. Warren—I mean at the outset?

"Mr. STOREY. I do not know that there was.

"Mr. ANDERSON. Was there any more reason for suggesting separate counsel for Edward Warren than for Fiske Warren?

"Mr. STOREY. They were all of age, and Fiske Warren, up to that time, had not been very active as a business man, any more than Edward Warren, but he was on the ground and was in a position to employ counsel. Mr. Edward Warren was on the other side of the water. At the time, as I say, there was nothing in the relations between the different members of the family to suggest that there was any divergence of interests, or any reason why they should not act harmoniously, as they did." (Hearings, 277, 278, 279.)

Perhaps that is all that need be said about the Warren case.

If Mr. Storey, with his opportunity to know the facts, and he was obliged to investigate them in order properly to advise his client, found nothing to criticize, the quest is not likely to yield much.

Mr. Hollis Bailey was associated with Youngman in the litigation. He is likewise an adverse witness.

The following indicates his view of Brandeis's wrongdoing:

"Senator WALSH. So far as the Brandeis firm are concerned and Mr. Brandeis's connection with it, as I understand you, the complaint which you make against him is that this firm acted during this period at one and the same time for the lessors and for the lessees in these arrangements?

"Mr. BAILEY. Yes, and that should rightly have suggested to him, when there were conflicting interests, that independent counsel would have been quite proper to act.

"Senator WALSH. The point you make is that it was the duty of the Brandeis firm to have suggested to your client, as soon as differences arose, that he should get independent counsel?

"Mr. BAILEY. Independent advice. (Hearings, 149.)

"I think, further, that if Mr. Brandeis had properly considered the rights and interests of Mr. Edward Warren he would have said to him, 'Your brother, Samuel, while he is trustee, is getting these very large sums for carrying on the business under the lease.'

"Senator WALSH. That is to say, that when the lease was made originally you think Mr. Brandeis should have advised Edward that he ought not to consent to that lease or enter into it because his brother, Samuel, was getting a better bargain than he ought to get?

"Mr. BAILEY. Not to do it, in any event, without having the advice of independent counsel. Those are the main points." (Hearings, 150.)

But why should Brandeis advise Edward Warren that he ought to get independent counsel? Would not such a suggestion from him be an affront, and a perfectly gratuitous affront, to S. D. Warren, who might be presumed by anyone knowing him, and particularly by his law partner, to give his brother such information as the conditions might seem to require? Edward was at the time 30 years of age—a graduate of Oxford. If Brandeis ought to have advised him to employ an independent lawyer, contrary to what he owed the same duty to Mrs. Warren and to Cornelia and to Fiske and to Henry. It would be an absurdity as a business proposition to bring into a family settlement of that character a lawyer for every member or even one representing each diverse interest, and there were at least three.

As soon as Edward's interest differences arose to get another lawyer, he forthwith employed Youngman, and it was unnecessary to give him any advice on that point.

But it was suggested at the hearing, perhaps by a member of the committee, that when suit was begun against S. D. Warren, the Brandeis firm could not have acted for him, because it had been attorney for Edward Warren in the transactions under investigation in that it had been attorney for the trustees to whom he stood in the relation of cestui que trust. That is a startling doctrine. Certainly Edward Warren did disclose to the firm, confidential or otherwise, which could be used against him. The firm had learned nothing and could have learned nothing that each beneficiary was not entitled equally to know. Can it be that when the title of the trustee or his administration of the trust is attacked by one of the beneficiaries the attorney for the trustee can not represent him, because, forsooth, the former has been drawing pay out of funds which belong equitably in part to the suing cestui? Is an attorney for a corporation precluded from defending its directors when assailed in court for maladministration? Is the attorney for an executor or administrator? The suggestion must have been made unreflectingly.

The suit was founded upon the supposition that the lease fell within that class of contracts which equity avoids, not because of any fraudulent purpose, but because of a public policy springing from a desire to remove the temptation to defraud.

Here is what Mr. Whipple has to say of this affair:

"The question was then whether all parties who were involved—all the beneficiaries—knew it and assented to it, fully advised and with their eyes open, and it was contended in behalf of Mr. Edward Warren, who was at the time abroad and whose information all came by correspondence; that he intrusted the whole matter to Mr. Brandeis and was not fully informed, so that that was the ground of the position which we took in the litigation and with reference to which my cross-examination of Mr. Samuel D. Warren proceeded; but Mr. Bailey, as I noticed by the public press, stated, in response to a question by one member of the committee, that he believed that Mr. Brandeis intentionally framed this lease and other papers so as to give Mr. Warren the opportunity to make private profit. That is a brief I do not share with Mr. Bailey. I cross-examined Mr. Warren at length, and I was then impressed, and so expressed myself, that the idea of defrauding his brother or the other members of his family, or securing a personal advantage to which he was not entitled, did not enter his head; that the entire transaction was free from any taint of dishonest motives or intentional fraud.

"I had the feeling with regard to Mr. Brandeis somewhat like Mr. Storey has just expressed, that he was possibly careless in not making very, very clear to Mr. Edward Warren just the whole transaction and its possible effect upon his rights, but I felt at the time, and I feel now, that Mr. Brandeis, who has been the family counselor and been trusted for many years, thought that there was a perfect understanding and accord among all the members of the family; that Mr. Samuel D. Warren, who, by the death of his father, became the head of the family, should be charged with the responsibility of handling and operating this large property and should have what he could make out of it. Of course, if that was so, and all parties assented, there was no violation of trust, and there was no moral wrong. Therefore I reached the conclusion that there was a legal wrong; that there was a violation of that principle of law with regard to trusts which I have just pointed out, but that there was no reprehensible motive to secure a personal advantage secretly or in any way like that." (Hearings, 283-284.)

Mr. Youngman, referred to, overwhelms Mr. Brandeis with accusations in connection with this case, but it may be said in charity that his employment by Barron to gather up the material for a newspaper campaign against Brandeis probably warped his judgment touching the acts of that gentleman.

THE BALLINGER INQUIRY.

The essential facts in reference to this matter are well known. Glavis, a subordinate in the Interior Department, had laid before President Taft charges affecting the administration of that department under Secretary Ballinger and had been dismissed from the service. It was claimed, among other things, that by a laxity or disloyalty in the practice of the department the Secretary was permitting the coal lands of Alaska to be fraudulently appropriated. Complicity in the general purpose, or at least toleration of it, was understood by many to be implied. The incident intensified a suspicion of the Secretary entertained by the so-called "conservationists," headed by Gifford Pinchot, Chief Forester. Collier's Weekly, an advocate of the ideas of the "conservationists," printed the Glavis charges. A congressional investigation into the causes of the removal of Glavis was ordered. Collier's Weekly employed Brandeis to appear at the investigation. Upon consideration it was determined that he should appear for Glavis, their contributor, and not seek to introduce the paper as a party to the proceedings.

Glavis was presumably quite willing to have so able a lawyer as Mr. Brandeis. He announced to the committee that he appeared for Mr. Glavis, and as his attorney conducted the inquiry. Collier's paid him $25,000 for his services, which extended over a period of five months. He is accused of unprofessional conduct in not announcing to the committee that he was employed and paid by Collier's.

It is asserted and not denied that it was common knowledge at the time that he was employed by Collier's. He never was asked who hired him or by whom he was paid. The committee, perhaps, thought it quite immaterial. They could scarcely have believed that an impecunious Government clerk was feeing one of the first lawyers in the country.

Be that as it may, were it not for the views of some members of the committee, I should unhesitatingly declare the charge absurd. It presents the question of whether a lawyer may with propriety have his name entered in a cause as attorney for a party who pays him nothing under employment by another, but with the assent of the party he nominally represents. I assert that it is a practice of daily occurrence, not only tacitly approved but recognized by the courts. Can not a mother employ an attorney to defend her son charged with crime? Must he announce in entering his appearance who employed him and where he gets or expects to get his pay?

The stock association of my State frequently employs a lawyer to aid county attorneys in the prosecution of cattle-stealing cases. The local prosecutor is usually glad to have his assistance. Is he disqualified for judicial honors if he does not announce to the court that the State did not hire him and does not intend to pay him? I venture to assert that scarcely a term of the Supreme Court passes during which some lawyer does not have his appearance entered on the invitation, or by the assent of the counsel already of record, being employed by some one not a party to the suit, but who is interested in the principle involved. The court would stare at a lawyer who under such circumstances, in beginning his argument, took its time to announce that he was not hired and did not expect pay from the party for whom he spoke.

If this is professional misconduct the bar needs regeneration.

Another charge in this connection is answered by the undisputed evidence of the record.

THE NEW ENGLAND CASE.

Barron told the committee that Hon. Moorfield Storey could tell that Brandeis had been employed in 1902 to wreck the New England Railroad. It was the conclusion of that gentleman that he had been so employed. The facts were that Brandeis had been retained by one William Kelly, a reputable lawyer of New York City, now a supreme court justice, to bring suits against the directors of the New England road, charging misconduct on their part, to restrain the payment of dividends, alleged to be illegal because there were no profits from which to pay them, and to restrain the issuance of bonds because the bonding power of the corporation had been exhausted. A receivership was contemplated and a bill drafted. Separate suits were started in the States through which roads comprising the system ran. They represented a contest between Austin Corbin, Kelly's client, and the board in control of the road. He had been president, but had resigned, possibly under pressure. The suits were started in the name of Goldsmith, a liquor dealer of Boston, who was a stockholder. The season of financial depression was on. After carrying on the litigation with success, so far as it progressed, Corbin, in 1893, quit and directed Kelly to give no further attention to it on his account, advising him that the New Haven, which had meanwhile acquired the property in the pending proceedings, would take care of the litigation. He insists that Corbin was in no way associated with the New Haven at the time the suits were commenced, that Corbin indeed was fighting that system, running a rival road. Be that as it may, there is not a breath of testimony that Brandeis knew or had any reason to suspect that Corbin was acting for the New Haven. If he was, nor is it intimated that the suits were without foundation, so palpably baseless as to suggest to an ordinary lawyer that they were malicious.

In 1893 the Massachusetts Legislature inquired whether the New Haven had not forced the New England into insolvency with a view to the monopolization of transportation facilities. The examination was conducted by Mr. Storey. He called Mr. Brandeis and interrogated him concerning the suits and his employment. Brandeis quite deferentially declined, in the first place, to tell, claiming the privilege and the duty of counsel, but later told, as herein set out, about the matter. The litigation had evidently engendered bad blood between these two lawyers, as evidenced by the examination referred to. I should be loath to believe that Mr. Storey carried to this day the animosity thus aroused, but the opinion of a man often defies analysis.

Another protesting ex-president of the American Bar Association, Simeon E. Baldwin, was counsel in Connecticut in that litigation for the directors of the New England road, which Corbin charged with misdeeds of many kinds. This affair narrows down to the question of the offense of Brandeis in bringing the suit in the name of Goldsmith, who was fully indemnified by Corbin. Goldsmith afterwards sued the Corbin estate to recover on account of expenses incurred in the litigation. It was not asserted that the court held that his agreement with Corbin was contrary to public policy or good morals.

It is conceded that whatever right Corbin had to maintain the actions, Goldsmith had the same right. The question is akin to that presented in the Ballinger case.

The Supreme Court of the United States held, in Wheeler *v.* Denver (220 U. S., 342), that a taxpayer could maintain a suit in the Federal court, though it was brought by his permission by the attorneys for a corporation which could not sue therein, which had indemnified him against costs and damages, provided the attorneys, and borne all the expenses.

A fight was waged in my home city for years between the municipality and a water company. On a number of occasions when action was taken by the city which the company thought inimical to its rights or interests, and which in its opinion would justify a taxpayer's suit, it got some friend, possibly a director of the company, to bring suit; that is, started suit in the name of the taxpayer under an indemnity to him. The most high-minded lawyers at our bar have pursued this course, and it never occurred to me that they were subject to disbarment or open to censure for having appeared as they did. What harm is done? What evil is to be feared? Isn't it true that the law is no respector of persons? The "saloon keeper" Goldsmith looked to the court quite like the capitalist Corbin. It does not appear why Corbin preferred not to have the suit brought in his name, but, as in the Ballinger case, it was generally known that he

was back of them. They were referred to as "the Corbin suits." That is immaterial. It was of no consequence to the court in the determination of the suits whether Goldsmith proceeded on his own motion or at the instigation of some one else. Neither the facts nor the law could be affected.

THE ILLINOIS CENTRAL.

This complaint simmers down to a question of whether Mr. Brandeis dissimulated or prevaricated in a statement made in a letter in relation to his being or having been the attorney for E. H. Harriman. The letter having been read and the facts having been developed by testimony, Senator CUMMINS, a member of the committee, addressed the following question to Mr. Fox, who was conducting the case for the protestants:

"Senator CUMMINS. I would like to know, before we go further, your view of Mr. Brandeis's statement or letter to Mr. Walker. Wherein do you think it shows false? Wherein do you think that it departs in any degree from the truth?" (Hearings, 354.)

To this he got no answer; presumably because Mr. Fox was able to give none. Neither am I.

THE SHOE MACHINERY CO.

Mr. Winslow, president of the Shoe Machinery Co., heretofore referred to, made bitter complaint against Brandeis. Prior to 1899, when that company was organized, the latter had been the representative—business rather than legal, apparently—of the Henderson family, of Chicago, owning interests in one of the companies uniting to form the Shoe Machinery Co. Brandeis became one of 19 directors in view of the interest referred to and had much part in the work of the board as a director not immediately concerned with the management of the business ordinarily has, being 1 of 19.

Perhaps more, because his business capacity is perhaps not much less marked than his talent as a lawyer. His firm, though not the general counsel for the company, was frequently employed by it. In 1906 an attempt was made before the Massachusetts Legislature to have an act passed declaring void so-called "tying clauses" in leases under which the company let out its machinery. At the request of Mr. Winslow, the president, Mr. Brandeis appeared before a committee and made an argument against the bill. It will be noted that the bill proceeded upon the assumption that the tying clauses were perfectly legal. It proposed to outlaw them. Up to that time the legality of the clauses in question had not been the subject of any special comment, and nothing appears to show that the Brandeis firm had ever been called upon to express an opinion on the subject. In the effort to defeat this legislation the Shoe Machinery Co. had the cooperation of a number of the shoe manufacturers, clients of Brandeis, whose sympathy and help had been enlisted partly, at least, through his efforts.

The controversy directed attention in a special way to the specific provisions of the leases and the legislation failed, due to some extent at least to a promise secured by Brandeis from Winslow to confer with the shoe manufacturers concerning certain provisions of the leases to which, as the contest proceeded, they expressed a decided objection. These conferences took place in the fall. Brandeis insisting that the leases should be changed, but without convincing Winslow. Thereupon Brandeis resigned as a director of the company. Some lawsuits then pending, apparently of no great consequence, in which his firm represented the company, were afterwards tried, but save for that work all his relations with the company ceased.

In 1907 the Massachusetts Legislature passed an act outlawing tying contracts. The bright legal minds which then guided the affairs of the Shoe Machinery Co. found it easy to circumvent the law, as they thought, by inserting a provision in the lease authorizing the company to cancel it at will. A lease could be avoided, then, against any man who appealed to the new law.

In 1911 the Supreme Court affirmed the decisions in the Standard Oil and American Tobacco Co. cases. Other decisions were rendered shaking the faith of many people that a combination, the basis of which was patent rights, was immune under the Sherman law. Enlightened by these cases the Brandeis firm gave an opinion to the effect that the tying clauses were void under the Sherman Act, of course with respect to insterstate business.

Meanwhile the Thomas G. Plant Co. was acquired by the Shoe Machinery Co., as heretofore recited. Thereafter at hearings before congressional committees and in public addresses to illustrate some point he was making in connection with the trust problem, Brandeis frequently referred to the oppressive tying clauses of the Shoe Machinery Co.—which, by the way, were a growth dating from 1861—and to practices of that company, all of which he roundly denounced. It is not claimed that he ever disclosed any facts concerning its business not long public property, of which he might have learned either as director of the company or as casual attorney for it. Indeed, the things of which he complained had already been communicated to the Department of Justice, and had been the subject of comment by representatives of the shoe manufacturers before committees of Congress.

Mr. Winslow seems to be possessed with the idea that because Brandeis had taken fees from the Shoe Machinery Co. he bound himself forever not to criticize its policy or its practices—that in a way he had violated his fealty. It is not an uncommon view on the part of those who manage great industries and command many men that they may insure the support of lawyers on public questions by putting them on the pay roll or paying them from time to time for legal services. In the case of Brandeis the assumption seems not to have been well founded. In that he did something to dispel that notion, he deserves well of his profession.

It is claimed that in some respects his position in realtion to questions in which that company was concerned was inconsistent. Doubtless he finds it easy to reconcile whatever differences may appear or he may frankly admit that on at least one occasion he was in error. What if he was inconsistent? Is it forbidden to a man that he change his mind?

If in the impetuosity of attack or the ardor of advocacy he was led sometimes into giving too vivid a hue to the facts touching the methods of business of Mr. Winslow's company or drew unwarranted conclusions from them, there was no such obliquity of mind disclosed or faults of character revealed as would in anywise unfit him for judicial duties. It is impossible in reason to attribute his attitude toward the Shoe Machinery Co. after he parted company with it to any but the most creditable motives. There had been no quarrel, no heated interchanges, when the separation came that might have bred some deep-seated resentment to satisfy which the subsequent accusations were made by Brandeis. He was moved either by a sincere purpose to serve the public interest or he was playing the part of a demagogue. Few who plead the cause of the great public escape the imputation from those whose privilege they seek to curtail of pandering to popular prejudice.

In the Illinois Central matter he was getting proxies in New England for what may be called the Harriman interests as against the Fish interests while he was fighting the merger of the Boston & Maine. In these matters, too, it is said he occupied positions that were wanting in consistency. It would serve no useful purpose to inquire whether the local fight was an attempt to "Harrimanize" New England or whether the ousting of Fish was to be desired notwithstanding the influence of Mr. Harriman would be extended.

THE GILLETTE SAFETY RAZOR CASE.

I shall not enter into the details of this matter. Brandeis's firm was employed to defend the directors of that company in a maladministration suit, and to resist actions brought by various parties against the directors to rescind sales of stock sold them without disclosing the true value of it and the condition of the company.

While these actions were pending the defendants quarreled. Certain of them, including Gillette, the inventor of the device, fearing a plot on the part of others to oust them from the directory, went to Brandeis and employed him to help them to secure enough outstanding stock to give them control. He did so, and the firm continued to defend them all, in the actions in which they were employed, until they were finally disposed of. None of the parties are complaining, but the plaintiff in one of the annulment suits had some stock. Brandeis besought his attorney to induce his client to sell. He did so, and the stock was acquired. Now, the attorney for another claimant prosecuting a similar suit, but who owned no stock of record, had been associated on the record as counsel for the plaintiff. The original attorney asserts that Brandeis asked him in the course of the negotiations not to mention the matter to the attorney for the other claimant who had thus been associated. He bore no relation whatever to the directors to whose interests it is suggested Brandeis was not faithful. They are, as stated, not complaining, nor does it appear that they ever did complain.

THE ADVANCE RATE CASE.

Mr. Brandeis was employed by the Interstate Commerce Commission to resist the application of the railroads made in 1913 for a 5 per cent increase in freight rates. He had appeared for certain shippers in a similar application which had been made in 1910, and which had been denied.

Clifford Thorne, one of the railroad commissioners of the State of Iowa, appeared for various shippers and for the State authorities for a number of the Central Western States, who naturally resisted any raise.

The inquiry involved two questions; first, as to whether the net revenues of the railroads as a whole were adequate—that is, without any new economies or change of business methods; and, second, if they were not, how were the net revenues to be increased, and particularly whether they were to be increased by a general raise.

The shipper is not ordinarily concerned, or, at least, not so deeply concerned about what the rate is going to be on any commodity except his own. It may be that the rates as a whole do not produce the requisite revenues and that something additional ought to be raised by an increase on his particular line of goods.

An attorney to represent all interests, as one employed by the commission must, approaches the proposition from a slightly different angle from that from which the attorney for the shipper views it.

It was assumed, however, that the railroads would be represented by able counsel who might be relied upon to bring out all facts helpful to their side of the case.

Mr. Thorne, whose diligence and fidelity, not to speak of his talents, which are undoubted of high order, can not be too much commended, in his testimony and in his argument before the commission advanced that the net revenues on the whole were sufficient to pay the companies a reasonable return on their investment.

Mr. Brandeis, in closing the case, declared that in his opinion they were not on the whole sufficient. He then proceeded to tell how by making readjustments here and instituting economies there they could be made sufficient without any raise in general rates. The increase was denied. It is said that Brandeis should not have made the admission that he did. Naturally it was disappointing to Mr. Thorne, but no one suggests, not even Thorne, except from his manner, that Brandeis had not reached the conclusion he announced after a thorough and painstaking inquiry, bringing to bear on the subject his masterful faculty in the analysis of accounts. But it is asserted that he might have said, "If it be conceded, etc.," or "I shall assume for the purpose of the argument, etc."

Mr. Brandeis's critics are hard to please. In the Ballinger and Goldsmith cases it is said he should have been more frank with the court; in this case, that he should have been less so.

The remainder of the matters submitted to the committee do not seem to require notice. It would be useful, perhaps, if time permitted, to outline them in order to show the frivolous character of most of them—indicating a straining after results and a consciousness that the case made on the matters reviewed is a weak one.

The real crime of which this man is guilty is that he has exposed the iniquities of men in high places in our financial system. He has not stood in awe of the majesty of wealth. He has, indeed, often represented litigants, corporate and individual, whose commercial rating was high, but his clients have not been exclusively of that class. He seems to have been sought after in causes directed against the most shining marks in it. He has been an iconoclast. He has written about and expressed views on "social justice," to which vague term are referred movements and measures to obtain greater security, greater comfort, and better health for the industrial workers—signifying safety devices, factory inspection, sanitary provision, reasonable hours, the abolition of child labor, all of which threaten a reduction of dividends. They all contemplate that a man's a man and not a machine. A letter addressed to me by Hon. David I. Walsh, concerning his activities in a public way in the State of Massachusetts, affords some light on the opposition to this nomination. It is made an appendix hereto.

It is said that it is to be regretted that any such controversy as this in which we are involved should arise over a nomination of a justice of the Supreme Court. So it is. But when it is said further that one might better be chosen over which no such bitter contention would arise, I decline to follow. It is easy for a brilliant lawyer so to conduct himself as to escape calumny and vilification. All he needs to do is to drift with the tide. If he never assails the deer of evil who stands high in the market place, either in court or before the public, he will have no enemies or detracters or none that he need heed. The man who never represents the public or the impecunious citizen in any great forensic contest, but always the cause of corporate wealth,

never has these troubles. It is always the other fellow whose professional character is a little below par.

The bar is still the bulwark of the liberties of the people. To it they must look in the future as they have looked in all of our history for fearless champions. Discouragements enough beset the ambitious youth who resolutely sets out upon the path of devotion to duty and to the cause of justice, who strives to render some real public service. I do not care to warn him to abandon the hope of reaching the summit of his profession by that route.

My vote is for the confirmation of the nomination of Louis D. Brandeis for associate justice of the Supreme Court.

Respectfully submitted.

THOMAS J. WALSH.

APRIL 3, 1916.

APPENDIX.

WASHINGTON, D. C., *February 7, 1916.*

MY DEAR SENATOR WALSH: It seems to me a public duty to write to you in regard to the appointment of Mr. Louis D. Brandeis, of Massachusetts, as a justice of the Supreme Court of the United States. During the two years I was governor of Massachusetts, and in the years preceding them, I had repeated occasions to observe this man and his high ideals and common sense; his wide practical knowledge of the law; his extensive understanding of the business, economic, and social problems of our time; his sound judgment and ardent devotion to the public welfare. As you know, we are justly proud of the number and ability of our public-spirited men in Massachusetts, and it would be difficult to point out a better example of generous, unpaid, diligent constructive work upon the side of the public interests than that which has been done by Mr. Brandeis.

On numerous occasions, beginning at least as far back as 1896, whenever the creation and control of the Boston subways was before the legislature, he has been, as a private citizen, a tireless and successful leader against powerful opposition in support of the principle that the value of the subway franchises should be kept for the public, after giving to the operating company a reasonable return for services rendered. He declined to accept any compensation for his long-continued and very valuable constructive work during all these years in this cause.

When the gas situation in Boston appeared to be in a hopeless condition he urged again as a private citizen the plan by which the dividends of the gas company were made dependent upon the price charged for gas to the consumers. This has resulted in a reduction in the price of gas to the public and in a corresponding increase in dividends to stockholders of the company.

When the insurance investigations occurred he devised and successfully pressed for legislation in Massachusetts permitting, for the first time in this country, our savings banks to issue small-payment life insurance policies. This has resulted in an opportunity for our working people to insure themselves at much lower rates than were being charged by the industrial insurance companies, and has led these companies to make lower rates. To my personal knowledge, Mr. Brandeis has given annually thousands of dollars to further the work of bringing to the working people of our State this opportunity for less costly insurance. For more than 20 years prior to the Massachusetts law there had been no reduction in the cost of industrial insurance, but since the passage of the law so successfully advocated by Mr. Brandeis in Massachusetts, the premiums of the old line companies have been reduced on an average 20 per cent, thus saving to the people of this country insured in industrial companies from $15,000,000 to $20,000,000 annually and to the people of Massachusetts about $1,000,000.

The system of arbitration which he devised for the New York Garment Workers is an equally significant example of his judicial qualities and his public service in other fields.

In 1906 the people of New England began to awaken to the fact that the New Haven Railroad was apparently successfully seeking to create a New England transportation monopoly. The event which focused public opinion most sharply was the acquisition of the controlling interest in the Boston & Maine Railroad. Mr. Brandeis, again as a private citizen, commenced an exhaustive study of this railroad problem, and made public an analysis of the financial condition of the New Haven Railroad, pointing out for the first time to the people of New England the inevitable disaster sure to result from the course of mismanagement and waste then being pursued. His advice was unheeded, his warning derided, and his motives impugned. But time has shown that his conclusions were based upon carefully ascertained facts, to which he applied the clearest and most cogent reasoning power. Three years ago what he prophesied nine years ago became apparent to all and is now a matter of public knowledge and of record in Senate documents and elsewhere.

I instance these, among many public services covering a long period of years, as illustrative of the work done as a private citizen in the service of the public interest without compensation, at a large expenditure of his own time in the midst of a very active professional life.

Indeed, in extensive acquaintance with public men, I know of no one who, without emolument or honors of public office, has given so much of the valuable constructive service of a trained lawyer to the public weal as Mr. Brandeis.

I have written mainly of Mr. Brandeis's public work for the past 20 years, but I would not have you overlook that before he engaged in these public activities out of which have grown results for which he is entitled to the gratitude of the American people, he had achieved already a position at the Massachusetts bar which would well have warranted his appointment to the Supreme Court at the age of 40. He is a great lawyer and a great citizen. Is not this a combination for a great judge?

Were I not hastening on a far journey I would seek a personal interview with the committee, but failing such opportunity, I venture to emphasize and perhaps to repeat some of the things I said to you recently, and I hope that you will communicate them to your committee, together with my very best respects.

Very sincerely, yours,

DAVID I. WALSH, *Boston, Mass.*

Hon. THOMAS J. WALSH,
The Senate, Washington, D. C.

On May 10, 1916, the Committee on the Judiciary appointed the same subcommittee, with the exception that Senator BORAH took the place of Senator CUMMINS (absent), to take further evidence regarding the matter brought to the attention of the committee by a member of the committee concerning the relation of Mr. Brandeis with a drug merger.

This subcommittee met on May 12, 1916, and heard the testimony of Mr. Louis K. Liggett, Mr. Frederick E. Snow, and Mr. George W. Anderson, and also heard the testimony of Hon. James S. Harlan, member of the Interstate Commerce Commission, all of which evidence was printed as a part of the record.

It seems that there was a holding company formed to take over certain drug companies, and Mr. Brandeis was consulted as to the legality of the corporation and proposed combination.

There was nothing in the employment out of the ordinary, and since the evidence was taken no one has suggested that there was anything improper in the employment or anything to be criticized in what Mr. Brandeis said or did. It was a proper employment, and, unless this committee is to supervise the private practice of the law, there is nothing regarding the charges to discuss.

This supposed charge is one of many which come under the notice of an honorable member of the committee, and he in good faith brought it to the attention of the committee, which, regarding its source, felt called upon to take the evidence.

We venture to introduce further comment upon this nomination with the following from an address made by Mr. Brandeis on May 4, 1905, before the Harvard Ethical Society, as follows:

"It is true that at the present time the lawyer does not hold as high a position with the people as he held 75 or, indeed, 50 years ago; but the reason is not lack of opportunity. It is this: Instead of holding a position of independence, between the wealthy and the people, prepared to curb the excesses of either, able lawyers have to a large extent allowed themselves to become adjuncts of great corporations and have neglected the obligation to use their powers for the protection of the people.

"The leading lawyers of the United States have been engaged mainly in supporting the claims of the corporations; often in endeavoring to evade or nullify the extremely crude laws by which legislators sought to regulate the power or curb the excesses of corporations.

"For nearly a generation the leaders of the bar have, with few exceptions, not only failed to take part in constructive legislation designed to solve, in the public interest, our great social, economic, and industrial problems, but they have failed likewise to oppose legislation prompted by selfish interests.

No doubt the distinguished audience which heard this address, as well as the bar and public generally, approved it; that the distinguished author of it labored to put it into actual practice should go to his credit rather than to his prejudice.

The Five Per Cent Rate case was somewhat illuminated by the testimony of Hon. James S. Harlan, member of the Interstate Commerce Commission, found in part 22 of the hearings at page 157. This evidence makes it clear that the charges brought by Mr. Thorne against Mr. Brandeis are certainly not taken seriously by the Interstate Commerce Commission. Mr. Harlan reviews the whole circumstances concerning the employment and we quote from that part of his evidence, as follows:

"Senator WALSH. Mr. Harlan, I want to ask you a question or two. I should like to inquire of you whether it has ever occurred to you or to any of the members of the commission, so far as you are permitted to speak for them, that Mr. Brandeis had been faithless to the commission or to the public in the discharge of the duties which he undertook?

"Mr. HARLAN. Senator, I feel assured that I represent the views of my colleagues when I say that no such thought ever occurred to any of us. So far as I am concerned personally, if I may express a personal view, I can not associate such an idea with Mr. Brandeis. It is not consistent with my view of him or with the impressions that I have formed from a long acquaintance with him.

"Senator WALSH. Doubtless you know, Mr. Commissioner, the nature of the complaint made in this connection. It appears to be that, the questions involved being, first, whether the net revenues of the railroads as a whole, without any economies or change of business methods, were adequate; and, second, if they were not, by what means they should be made adequate. Mr. Brandeis, in opening the discussion before the commission, made the statement in effect that, in his opinion, the revenues of the railroad companies were not on the whole adequate, considering the needs of the railroads and the general welfare of the community. Do you recall the statement to which I allude?

"Mr. HARLAN. Yes; I do, Senator.

"Senator WALSH. In a general way, at least?

"Mr. HARLAN. Yes; I do.

"Senator WALSH. What was your view as to the propriety or the impropriety of Mr. Brandeis expressing any such opinion as that to you in the course of his discussion of the matter as he had investigated it?

"Mr. HARLAN. It never occurred to me that there was any impropriety in it. On the contrary, as I view the situation, it was precisely the sort of view that we looked to counsel to express as the result of his study of the case and the record as it lay before us. I do not mean, in saying that, that we had expected him to reach that conclusion on the record before us; I mean to say that it was that sort of judgment that we wanted from all the counsel discussing that case, and particularly from Mr. Brandeis. He had, of course, been in the case from the beginning. We wanted him to develop the facts—all the facts—that might bear upon the public interest, and I know of no more important fact in such a case than precisely that question. If the revenues of the carriers, the net incomes of the carriers, were not sufficient, that was something that we ought to know. It was one of the questions that the commission undertook to investigate. Having retained Mr. Brandeis to bring out all the facts of value, as I have explained, I do not see how he could have failed, when discussing the record, to advise us of any conclusion he had reached from his study of the testimony and evidence adduced, and to point out from the record, as he did, the reasons for that conclusion. We were entitled to have the views of those who had studied the record. As far as I know, the impropriety of the statement by him, to which you refer, has never occurred to any of my colleagues. But in saying that, and in what I have said or shall say, I speak only for myself.

"Senator WALSH. That is all.

"Senator WORKS. Mr. Harlan, that admission, if we call it an admission, practically covered the whole case, did it not?

"Mr. HARLAN. Why, no, Senator.

"Senator WORKS. The very question you had before you was whether these rates should be increased as asked for by the carriers, was it not?

"Mr. HARLAN. Well, whether the net revenues were adequate in the public interest was a very different question from the reasonableness of the rates which were then in existence, or the rates which were proposed by the carriers."

demagogue. Few who plead the cause of the great public escape the l in any great forensic contest, but always the cause of corporate wealth.

Of Mr. Brandeis, Mr. Harlan said further in his testimony:

"Mr. HARLAN. I do not believe that I am prepared to make any response to that question. I will say that, as far as my experience goes with Mr. Brandeis, he is a man who showed at all times great consideration for others. I do not believe that Mr. Brandeis would consciously have done an unfair thing. I am perfectly certain that in saying what he did he was moved by a sense of duty, upon the record, to the commission. No other thought about it has ever occurred to me, and I never have heard any of my colleagues indicate any criticism of it, or that they were surprised by it. Now, that may not be responsive to your question."

Again, in answer to a question by Senator FLETCHER, the following occurred:

"Senator FLETCHER. And no matter what Mr. Brandeis or any of the counsel may have stated in argument, the commission itself had the whole record before it and all the facts were collected, and there has been no claim that any shipper or any other interest was omitted in the collection of the facts?

"Mr. HARLAN. No; I have heard no criticism of that kind, and I do not think there is any basis for such criticism. I want to say also that I do not think the commission ever dealt with any case that engaged the personal attention of each commissioner more deeply and for a greater length of time than did the Five Per Cent case."

Again, in answer to a question by Senator WORKS, Mr. Harlan said:

"Senator WORKS. I believe it was testified at this hearing with respect to this particular case, by one of those attorneys that you had previously employed, that he never assumed to give any such advice or opinion respecting such a matter as this but simply developed the facts?

"Mr. HARLAN. I do not know who that was; but my own recollection is, and my understanding is, that we expect those who are retained by the commission for this purpose to be of aid to the commission not only in developing the facts but after weighing the record in pointing to the conclusions that the record seems to justify; and as I have said before, I say again, that I heard no comment or criticism in the commission of Mr. Brandeis's course upon the argument.

"Senator FLETCHER. I understand that there was in your mind in writing the letter that presenting the other side meant in the argument of this case and when the facts were collected?

"Mr. HARLAN. When the broad record was made.

"Senator FLETCHER. As you expressed it further down in the letter: 'And I have been asked to ascertain whether your engagements and inclinations are such as to permit you to undertake the task of seeing that all sides and angles of the case are presented of record,' etc. Was there any claim or suggestion that he failed or neglected to do that?

"Mr. HARLAN. I have heard none at all.

"Senator FLETCHER. Even Mr. Thorne, in complaining about the statement made by Mr. Brandeis, never contended that Mr. Brandeis had failed in the effort to collect all the facts in the case?

"Mr. HARLAN. I do not recall that he made that criticism, Senator.

"Senator FLETCHER. Then, when you announced one issue in the language mentioned 'Do the present rates of transportation yield an adequate return to common carriers?' is not that a different question than whether or not the net income of the railroads—the net operating revenues of the railroads—are sufficient?

"Mr. HARLAN. I regard it, of course, as a very different question.

"Senator FLETCHER. Yes.

"Mr. HARLAN. I mean there is a very distinct difference between the two questions.

"Senator FLETCHER. A very distinct difference?

"Mr. HARLAN. Yes.

"Senator FLETCHER. So that when an admission is made that the net operating revenues of a railroad company are insufficient, or the net income is insufficient as the road is being operated, it is not an admission that the rates are inadequate?

"Mr. HARLAN. No; by no means. The adequacy of net operating revenues brings up questions of credit, adequate facilities, efficient service, extension of tracks, and matters of that kind. Whether the rates are adequate brings into view their reasonableness and related questions. As I have before pointed out, the commission held in the first report in the Five Per Cent case that the net operating revenues of the carriers were inadequate in the public interest, but at the same time we denied the increased rates demanded by the carriers and permitted an increase in central freight association territory only in connection with a finding that those rates were unduly low when compared with rate structures elsewhere in the country.

"Senator CHILTON. It therefore follows that Mr. Brandeis's admission did not answer and conclude the first proposition that you presented?

"Mr. HARLAN. Well, it certainly did not conclude it with the commission."

At another place in the evidence Mr. Harlan says:

"But I do not understand that Mr. Brandeis was on either side. He was there in the public interest."

At another place, speaking for the commission, he said that the services of Mr. Brandeis were "eminently" satisfactory.

It seems to us that this evidence makes it perfectly clear that the charge of Mr. Thorne can not be sustained, but that on the contrary the conduct of Mr. Brandeis in this matter was honorable, in every way satisfactory to the commission, and showed fidelity to a most important trust.

In view of the fact that some citizens of great prominence have protested against this nomination, reference may properly be made to certain letters concerning Mr. Brandeis. One is a letter from the President of the United States in answer to a letter from Mr. Culberson, chairman of the Committee on the Judiciary, which letter and the reply thereto follow:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D. C., May 5, 1916.

DEAR MR. PRESIDENT: As you are aware, the Committee on the Judiciary of the Senate has under consideration the nomination of Mr. Louis D. Brandeis for Associate Justice of the Supreme Court of the United States.

In response to the formal and usual request of the committee made to the Attorney General for all papers in the possession of his department touching this nomination, he replied that there were no such documents in his department.

Inasmuch as this request usually results in the presentation to the Committee on the Judiciary of papers showing the reasons which actuated the President in making the nomination, I would be glad to have you state these reasons, for the benefit of the committee, in case you see no objection to so doing.

Very sincerely, yours,

C. A. CULBERSON.

To the PRESIDENT,
The White House.

THE WHITE HOUSE,
Washington, May 5, 1916.

MY DEAR SENATOR: I am very much obliged to you for giving me an opportunity to make clear to the Judiciary Committee my reasons for nominating Mr. Louis D. Brandeis to fill the vacancy in the Supreme Court of the United States created by the death of Mr. Justice Lamar. I am profoundly interested in the confirmation of the appointment by the Senate.

There is probably no more important duty imposed upon the President in connection with the general administration of the Government than that of naming members of the Supreme Court; and I need hardly tell you that I named Mr. Brandeis as a member of that great tribunal only because I knew him to be singularly qualified by learning, by gifts, and by character for the position.

Many charges have been made against Mr. Brandeis; the report of your subcommittee has already made it plain to you and to the country at large how unfounded those charges were. They threw a great deal more light upon the character and motives of those with whom they originated than upon the qualifications of Mr. Brandeis. I myself looked into them three years ago when I desired to make Mr. Brandeis a member of my Cabinet and found that they proceeded for the most part from those who hated Mr. Brandeis because he had refused to be serviceable to them in the promotion of their own selfish interests and from those whom they had prejudiced and misled. The propaganda in this matter has been very extraordinary and very distressing to those who love fairness and value the dignity of the great professions.

I perceived from the first that the charges were intrinsically incredible by anyone who had really known Mr. Brandeis. I have known him. I have tested him by seeking his advice upon some of the most difficult and perplexing public questions about which it was necessary for me to form a judgment. I have dealt with him in matters where nice questions of honor and fair play, as well as large questions of justice and the public benefit, were involved. In every matter in which I have made test of his judgment and point of view I have received from him counsel singularly enlightening, singularly clear-sighted and judicial, and, above all, full of moral stimulation. He is a friend of all just men and a lover of the right; and he knows more than how to talk about the right—he knows how to set it forward in the face of its enemies. I knew from direct personal knowledge of the man what I was doing when I named him for the highest and most responsible tribunal of the Nation.

Of his extraordinary ability as a lawyer no man who is competent to judge can speak with anything but the highest admiration. You will remember that in the opinion of the late Chief Justice Fuller he was the ablest man who ever appeared before the Supreme Court of the United States. "He is also," the Chief Justice added, "absolutely fearless in the discharge of his duties."

Those who have resorted to him for assistance in settling great industrial disputes can testify to his fairness and love of justice. In the troublesome controversies between the garment workers and manufacturers of New York City, for example, he gave a truly remarkable proof of his judicial temperament and had what must have been the great satisfaction of rendering decisions which both sides were willing to accept as disinterested and even-handed.

Mr. Brandeis has rendered many notable services to the city and State with which his professional life has been identified. He successfully directed the difficult campaign which resulted in obtaining cheaper gas for the city of Boston. It was chiefly under his guidance and through his efforts that legislation was secured in Massachusetts which authorized savings banks to issue insurance policies for small sums at much reduced rates. And some gentlemen who tried very hard to obtain control by the Boston Elevated Railway Co. of the subways of the city for a period of 99 years can probably testify as to his ability as the people's advocate when public interests call for an effective champion. He rendered these services without compensation and earned, whether he got it or not, the gratitude of every citizen of the State and city he served. These are but a few of the services of this kind he has freely rendered. It will hearten friends of community and public right throughout the country to see his quality signally recognized by his elevation to the Supreme Bench. For the whole country is aware of his quality and is interested in this appointment.

I did not, in making choice of Mr. Brandeis, ask for or depend upon "indorsements." I acted upon public knowledge and personal acquaintance with the man, and preferred to name a lawyer for this great office whose abilities and character were so widely recognized that he needed no indorsement. I did, however, personally consult many men in whose judgment I had great confidence, and am happy to say was supported in my selection by the voluntary recommendation of the Attorney General of the United States, who urged Mr. Brandeis upon my consideration independently of any suggestion from me.

Let me say, by way of summing up, my dear Senator, that I nominated Mr. Brandeis for the Supreme Court because it was, and is, my deliberate judgment that of all the men now at the bar whom it has been my privilege to observe, test, and know, he is exceptionally qualified. I can not speak too highly of his impartial, impersonal, orderly and constructive mind, his rare analytical powers, his deep human sympathy, his profound acquaintance with the historical roots of our institutions and insight into their spirit, or of the many evidences he has given of being imbued to the very heart with our American ideals of justice and equality of opportunity; of his knowledge of modern economic conditions and of the way they bear upon the masses of the people, or of his genius in getting persons to unite in common and harmonious action and look with frank and kindly eyes into each other's minds, who had before been heated antagonists. This friend of justice and of men will ornament the High court of which we are all so justly proud. I am glad to have had the opportunity to pay him this tribute of admiration and of confidence; and I beg that your committee will accept this nomination as coming from me quick with a sense of public obligation and responsibility.

With warmest regard, cordially and sincerely, yours,

WOODROW WILSON.

Hon. CHARLES A. CULBERSON,
United States Senate.

We submit also the following letter from Prof. Charles W. Eliot, emeritus president Harvard University:

CAMBRIDGE, MASS., *May 17, 1916.*

DEAR SIR: I have known Mr. Louis D. Brandeis for 40 years, and believe that I understand his capacities and his character. He was a distinguished student in the Harvard Law School in 1875–1878. He possessed by nature a keen intelligence, quick and generous sympathies, a remarkable capacity for labor, and a character in which gentleness, courage, and joy in combat were intimately blended. His professional career has exhibited all these qualities, and with them much practical altruism and public spirit. He has sometimes advocated measures or policies which did not commend themselves to me; but I have never questioned his honesty and sincerity or his desire for justice. He has become a learned jurist.

Under present circumstances, I believe that the rejection by the Senate of his nomination to the Supreme Court would be a grave misfortune for the whole legal profession, the court, all American business, and the country.

Sincerely, yours,

CHARLES W. ELIOT.

Hon. CHARLES A. CULBERSON

Also the following letter from Charles B. Greenough:

262 WASHINGTON STREET,
Boston, Mass., May 19, 1916.

Hon. CHARLES A. CULBERSON

DEAR SIR: In reading the report of the hearings before the subcommittee of your committee on the question of approval of the nomination of Mr. Brandeis it has seemed to me that the testimony of some of the lawyers here from this city as to the reputation of Mr. Brandeis did not do him justice.

I think I am able to speak with some authority, as I have been secretary of the bar association, treasurer, member of the council, vice president, and president from 1902–1905. These positions gave me an excellent opportunity of knowing the character and reputation of the members of the bar. I was also chairman of the grievance committee of the bar association for 15 years, and during those years there had not been to my knowledge any complaint against Mr. Brandeis's character or method of practice.

I know there is among a number of our leading attorneys a strong feeling of antagonism to Mr. Brandeis, which I attribute entirely to two causes: First, the vigorous and, I think, outrageous attacks upon him for his opposition to the United Shoe Machinery Co. in 1909. Thousands of pamphlets were sent to members of the bar. I myself received several, and I have no doubt many received their impressions from these public repeated attacks, which could not be as widely answered. The second reason was his attack on the New York, New Haven & Hartford Railroad Co. All holders of the stock resented his attacks, and he was called a liar, a railroad wrecker, and many other similar names. As every trustee in New England held the stock—I held a lot of it myself, and was for a time inclined to resent his action—I have no doubt the distrust of him was increased thereby. That he was right, and conclusively shown to be so, came too late to dissipate the impression already formed.

At all times, however, and now his firm has the very best of reputation, and is the one most sought by students from the Harvard Law School.

I think I am justified in saying that a large number of the members of the bar to-day have a great respect for his ability and for his remarkable devotion to the public good, and would retain him without hesitation and with entire confidence in any matter relating to their own interests.

Very truly, yours,

CHARLES B. GREENOUGH.

An impression has gone abroad that a great majority of the lawyers of Boston and vicinity are protesting against this nomination. That is a great mistake, as may be shown, and we, therefore, attach some letters from prominent lawyers and eminent citizens of that community as an appendix to this report. It will be noted that among that number are the following:

Roscoe Pound, new dean of Harvard Law School and eminent juridical scholar.

George B. Orr, friend of Samuel D. Warren.

Joseph B. Eastman, member of Public Service Commission, Massachusetts, formerly secretary Public Franchise League.

David I. Walsh, recently governor of Massachusetts.

A. S. Hall, lawyer, practicing in Boston during Brandeis's entire career.

W. T. A. Fitzgerald, register of deeds, Suffolk County, Mass.

Lionel Norman, lawyer, characterizing narrowness of opposition.

J. M. Head, lawyer, knowing Brandeis 40 years.

Richard H. Dana, lawyer, long prominent leader in Civil Service Association.

John W. Cummings, a leading lawyer, Bristol County, bar, supposed to have been offered and declined appointment to superior court.

Melvin C. Adams, former United States district attorney.

Joseph C. Pelletier, State district attorney.

John A. Coulthurst, member of the city council and candidate for mayor.

George U. Crocker, member finance commission.

Samuel K. Hamilton, president Middlesex Bar Association.

Roger Sherman Hoar, former Assistant Attorney General.

James P. Magenis, finance commission.

Frederick W. Mansfield, former State treasurer.

Robert W. Nason, former assistant district attorney.

W. R. Sears, of Whipple's firm.

John R. Thayer, of Worcester.

James H. Vahey, formerly candidate for governor.

George Wigglesworth.

Arthur D. Hill, professor in Harvard Law School.

Prof. William Z. Ripley, of Harvard.

Rev. Edward Cummings, successor of Edward Everett Hale.

Bernard J. Rothwell, former president, chamber of commerce.

Henry S. Dennison, vice president, chamber of commerce.

Robert A. Woods, license commissioner.

William Lloyd Garrison.

Mark de Wolfe Howe, editor Harvard Bulletin.

President Bumpus, of Tufts College.

Robert N. Washburn, brother of Representative Charles G. Washburn, of Worcester.

It has been urged that in view of the fact that these charges have been made, and, at best, there may be still a doubt in the minds of many as to the truth of some of them, this nomination should be rejected.

For the reasons stated in the report of the majority members of the subcommittee, we can not concur in this view, but there are many other considerations which make such a proposition unthinkable. First, the precedents of the Senate are against any such theory. The appointment of Chief Justice Marshall and Justice Story, Justice Taney, and Justice Matthews were viciously attacked.

There were no ex-presidents of the American Bar Association to give their testimony as to the first two, but they did not lack critics of such high position as to impair their reputation at the time, and the criticisms from those of a different political faith were in nowise confined to political opinion.

Of Marshall, Thomas Jefferson said:

"Never will chicanery have a more difficult task than has now been accomplished to warp the text of the law to the will of him who is to construe it.

"The judge's inveteracy is profound and his mind of that gloomy malignity which will never let him forego the opportunity of satiating it on a victim.

"An opinion is huddled up in conclave perhaps by a majority of one delivered as if unanimous, and with the silent acquiescence of lazy or timid associates by a crafty judge who sophisticates the law to his own mind by the turn of his own reason.

"It (Marshall's Life of Washington) is written, therefore, principally with a view to electioneering purposes. It will consequently be in time to aid you with information, as well as to point out the perversions of truth necessary to be rectified."

These opinions from this respectable source were of a man of whom William Wirt said, "Marshall was justly pronounced one of the greatest men of the country"; and William Pinckney said, "A man born to be the chief justice of any country into which Providence should have cast him"; and John Quincy Adams said, "He was one of the most eminent men that this country has ever produced."

Chief Justice Marshall was elevated from the bar and held no judicial position before becoming Chief Justice of the United States.

Of Mr. Justice Story, Josiah Quincy, jr., said:

"I remember my father's graphic account of the rage of the Federalists when 'Joe Story, that country pettifogger, aged 32,' was made a judge of our highest court."

On the other hand, John Quincy Adams says:

"The Associate Judges from the time of his (Marshall's) appointment have generally been taken from the Democratic or Jeffersonian Party. Not one of them excepting Story has been a man of great ability."

In his "Memoir of Joseph Story, LL. D.," 1868, George S. Hillard says:

"Mr. Story, when he went upon the bench, was only 32 years old, a very early and, with the exception of Mr. Justice Buller, an unprecedented age for a lawyer to be advanced to a seat upon the highest judicial tribunal of his country. When we call to mind his youth and remember how earnest and conspicuous he had been on the unpopular side in politics, it will not be a matter of surprise to learn that the news of his appointment fell with something like consternation upon the elder, the more apprehensive, and the more conservative portion of the people of New England. His merits as a lawyer could be scanned only by his professional brethren; his sweet and generous nature could be appreciated only by his friends. The public knew him as an enthusiastic partisan; and it is not too much to say that with many there was an apprehension that, in his hands, rights and property would hardly be safe. It is hardly necessary to add, that the existence of such fears was a striking proof of the truth of Mr. Jefferson's saying, 'How much we suffer from misfortunes that never happen.' From the moment he assumed his judicial office he shook the dust of politics from his feet, and he bore himself with such absolute impartiality that it is literally true that there was no act of his judicial life from which it could have been known to which of the two great parties which divided the country he had previously belonged."

Roger B. Taney was nominated by President Jackson in January, 1835, to be an Associate Justice.

Chief Justice Marshall interested himself in support of the confirmation.

History records the following:

"At the last moment of the session the nomination of Mr. Taney was brought up in the Senate, and was indefinitely postponed, which was equivalent to a rejection.

"It is sad to a reflecting man to witness in an august body like the Senate, composed at that time of men who, by their eminent abilities, would give the highest dignity to any legislative assembly in the world, the unreasoning domination of party spirit, making it do an act of which every Member was afterwards ashamed." (Memoirs of Roger Brooke Taney by Samuel Tyler, p. 242.)

Chief Justice Marshall died in the summer of 1835, and on December 28 President Jackson nominated Taney for Chief Justice. There was violent opposition, particularly by Clay and Webster. On March 15, 1836, the nomination was confirmed by a majority of 14 votes.

The contest over the confirmation of Mr. Justice Stanley Matthews shows how easily mistaken conceptions concerning the predisposition of a judge upon questions of law or policy may develop into an unwarranted attack upon his moral qualities.

He was nominated by President Hayes early in 1881 on the retirement of Mr. Justice Swayne.

Charles Theodore Greve in his Life of Matthews (Great American Lawyers, Vol. VII, pp. 418–420) says:

"That his confirmation was bitterly opposed particularly by many in the East is a matter of public history. He had taken a most active part in one of the bitterest conflicts of modern politics and had been most conspicuous among the members of the bar as a representative of corporations and capital. To the objections that might have been urged as the result of mere differences of judgment were added as always happens in such cases the calumnies of personal enemies. Even a most unfair version of the old Connelly case of a quarter of a century before was made to do service. The opposition was sufficient to prevent confirmation during the few remaining weeks of President Hayes's term, but promptly after the inauguration of Garfield he, at Hayes's request, sent the nomination once more to the Senate. The opposition continued for some time but this extraordinary proof of confidence, the selection by two Presidents, each from his own State and each familiar with his entire career, finally led to his confirmation on May 12, 1881. He took his seat upon the bench of the Supreme Court on May 17, and soon came to be recognized as one of its strongest members. Whatever opposition may have been manifested at the time of his nomination was soon shown to be without foundation and those that led that opposition

were glad to acknowledge their error. Principal among those was Senator Edmunds, who later bore testimony that "the grounds upon which many Senators (myself among others) thought it unfit that he should be called to this particular public service, turned out to be entirely mistaken, and in the public respect toward which our solicitudes were directed, his opinions delivered in this court and his assent to opinions upon that class of questions delivered by other judges, justified the President of the United States in insisting upon his appointment and convinced me and I think no doubt all the other Senators who were opposed to him at the time, that it was our mistake and not that of the President of the United States.' Senator McDonald, also a member of the Senate committee to which the nomination was sent, took occasion to brand as false any insinuations as to his conduct during the crisis of 1876-77, at which time he, McDonald, was one of the 'visiting statesmen' on behalf of the Democratic national committee.

The Connelly case, just referred to, gave ample opportunity for unjust criticism. In 1859, when Matthews was United States attorney for the southern district of Ohio, it became his duty to prosecute Connelly, the reporter of a local newspaper, who was indicted for aiding in the escape of fugitive slaves. Matthews was then believed to be sympathetic with the anti-slavery cause, and the prosecution was regarded as an unwarranted persecution by many influential citizens.

Another occasion on which Matthews found himself at the point where conflicting principles met was created by a resolution passed by the board of education of the city of Cincinnati, which provided:

"That religious instruction and the reading of religious books, including the Holy Bible, are prohibited in the common schools of Cincinnati, it being the true object and intent of this rule to allow the children of all sects and opinions, in matters of faith and worship, to enjoy alike the benefit of the common school fund."

Suit was brought to restrain the execution of this resolution. Matthews was at the time a prominent Catholistic Presbyterian. Nevertheless, he accepted employment to defend the board of education. His biographer says of him:

"Matthews's appearance for the defense in this case shows as no other act of his life can show more fully the liberal character of the man as well as his high conception of a lawyer's duty."

In arguing the case, Matthews said:

"It is easy to swim with the tide, to go with the current, to follow in the wake of the multitude. To do things that are popular is not hard. But to stand by a man's individual moral convictions, in opposition not to enemies but to friends, tries a man. If your honors please, it tries me."

The New York Sun had many violent editorials against Stanley Matthews from January to May, 1881, most of them by reason of his alleged connection with the Pacific railroads or Jay Gould. They appear on these dates: January 27, February 1, 2, 4, 7, 9, 11, 12, 16, 19, March 7, 19, 23, 24, 29, May 12 and 13.

Those of February 4 and 4 refer to the Anderson letters and indicate on their face that Matthews had been the custodian of papers that showed that Anderson had forged false return to get the necessary Hayes count in Louisiana, and show clearly that Matthews after he had this paper in his possession was active in endeavoring to get Anderson a Federal position. Matthews had stated in his testimony before the investigating committee that he understood that this paper was got up for blackmailing purposes, and that Anderson had not in fact been guilty of fraud in connection with the returns. These editorials refer to the committee as a "whitewashing" committee.

The February 7 editorial sets out the virtual trade that was alleged to have been made by Matthews on behalf of Hayes, not to interfere with the local State governments in control of the Democrats in certain States if the filibuster was stopped against the acceptance of the report of the Electoral Commission as to the presidential count. This editorial and some others refer to Mr. Justice Harlan's appointment on the Supreme Court bench as having been a reward for his help in the fraudulent counting in of Hayes.

Stanley Matthews was active in the Hayes-Tilden campaign of 1876 and visited Louisiana as an observer of the count. Subsequently one James E. Anderson made statements which led to an investigation by a select committee of the Senate: Allison, Inualls, Boar, Davis of Illinois, Whyte, and Jones of Florida, to determine what connection Matthews had had with real or pretended frauds in Louisiana and any promise of rewards that had been made to Anderson in connection therewith. Anderson was apparently a Republican election officer. They had heard and considered Anderson's testimony and Matthews's testimony and decided that Matthews's statement was correct; that is, that he had had nothing to do with inducing Anderson to suppress testimony or to give false testimony. But it did appear from Matthews's statement that he had exerted himself to get an appointment in the Federal service for Anderson, apparently merely because he was, in Matthews's view, a worthy and needy Republican. The committee, after absolving Matthews from guilt in any other respect, concludes its report:

"* * * We can not but regard his action with respect to James E Anderson's effort to obtain an appointment to office, under the circumstances, as wrong and injurious to the public interest." (Report, Mar. 1, 1879, vol. 2 of 1879, 45th Cong., 3d session., S. Rept. 885.)

Thus it may be seen that Mr. Brandeis will not be the first distinguished lawyer to serve upon the Supreme Court of the United States after having been criticized most severely.

It is easy to make charges, and there is too much proof in this case of a preconcerted effort to weaken the power of Mr. Brandeis before the public, to think of permitting insinuations and innuendoes to take the place of reasonable proof. We should be certain to have an honest, capable man upon the bench, but unless one be appointed who has not had the capacity and the courage to take part in the discussions of the last quarter of a century, which have been pregnant with constructive legislation and decisions, as well as undergoing a revolution in public sentiment regarding many questions, then it would be hard to find one, whom either malice or interest could not easily disqualify. For instance, take such an eminent man as Senator Root, now the president of the American Bar Association. We take it that practically everyone who has protested against Mr. Brandeis would gladly accept Mr. Root as the kind of a man and the kind of the qualified lawyer who would adorn the Supreme Bench. Yet it is the irony of the present situation that in a report published in 1902 entitled "Root's Record in Philippine Warfare," Mr. Moorfield Storey, who has been most prominent in fighting the nomination of Mr. Brandeis, joined in summing up conclusions, among others, as follows:

"That the statements of Mr. Root, whether as to the origin of the war, its progress, or the methods by which it has been prosecuted, have been untrue.

"That he has shown a desire not to investigate, and, on the other hand, to conceal the truth, touching the war and to shield the guilty, and by censorship and otherwise has largely succeeded."

Since that time Mr. Root has occupied many positions of trust and responsibility, among them the position of Secretary of State and United States Senator from New York and president of the American Bar Association. His preeminent position as a citizen is a guaranty that nothing which we quote now from Mr. Storey in 1902 can possibly do any injury, but if he had had less prominence and power, and disappointed railroads and other special interests had so desired, the above-quoted report would be certainly as substantial a foundation upon which to build a structure of doubt as formidable, in any view of the situation, as is the one which is now sought to be interposed against the nomination of Mr. Brandeis.

The active life of the people, the bitterness and intensity of political, legal, and civic controversies have made many prominent men the object of attack from large sections of the people or some particular communities. Instances of this could be multiplied, but we do not care to take liberties with others' names, preferring to let the illustration of one of the very distinguished members of the bar, which we have given, and who can not possibly be injured thereby, suffice.

Since 1907 Mr. Brandeis has been the object of bitter attack from those interested in defeating his opposition to the transportation monopoly sought by the New York, New Haven & Hartford Railroad Co. (620, 751, 615, 640, 499, 510). Before this time his efforts in behalf of what he believed to be the interests of the community had exposed him to the enmity of other public-service corporations, and the banking interests allied therewith (810, 613, 618).

But it was at the end of 1907 that the systematic efforts to discredit him began. This was done through inspired news articles and editorials, and finally through extensive advertising (620, 640, 664, 239). This was placed to some extent through Clarence W. Barron (1341, the editor of a financial paper called the Boston News Bureau, and Wall Street Journal, and some of the advertisements were approved by Mr. Charles F. Choate, jr., the son, acting for the railroad and a son of one of its directors (649, 643). This advertising was put out under such headings as "Brandeis the Railroad Wrecker." It was not the sporadic outburst of spite. It was a systematic policy of defamation to break down the power of his opposition, which was effective because of his high repute, and could be broken only by attacking his reputation. The method adopted was to spread the idea that he was not acting disinterestedly for the benefit of the community, but under pay and for hostile private interests (640, 660). This is of particular significance when considering the nature of the alleged bad reputation. It is not that he is unfaithful to his clients or false to the courts; it is that he is not entirely "trustworthy" (1530); is "ruthless" in the attainment of his objects, and not "scrupulous" in the methods he adopts (271); that he works "under cover" (653); that he is not "straightforward" (651), and not always truthful and sometimes under "false colors" (759). This was the very reputation which an extensive and skillful campaign was conducted to give him (620). The meaning of the witnesses is still further defined by their illustrations, namely, that of his being paid by Collier's for appearing for Glavis (614, 280), and the false charge that he was knowingly acting for the New York, New Haven & Hartford Railroad Co. in bringing the Corbin suit against the New York & New England Railroad Co. (415).

The coincidence of the beginning of this alleged evil reputation with a systematic campaign to create it is well shown by the testimony of Mr. Peabody, one of the hostile witnesses, who says that he has a wide acquaintance at the Boston bar, and for years has been a member of the same club with Mr. Brandeis, and yet the first that he heard by way of criticism of Mr. Brandeis's good faith was when he attacked the New Haven Railroad Co. in 1907 (753), and this was an attack to which Mr. Peabody was personally opposed (751).

This was an attack, as Mr. Storey says, upon people, many of whom exercised a very powerful influence, socially, politically, and financially, so that a man would not be in high favor with some of the best citizens of Boston who was engaged in exposing the shortcomings of these people (272).

Outside of this small circle and the influences of the hostile campaign, Mr. Brandeis's reputation is not only above reproach but is that of a man who is conspicuous for high standards of action, personally and in his profession.

With 38 years of practice in the Boston bar, Mr. Melvin O. Adams says of his reputation:

"If I may analyze it, as I observe it, there is a group of men of high standing, like Gen. Peabody, in the community, who are in the network of State Street, which is our financial street, who state and think that Mr. Brandeis is not straightforward in his practice. I think these opinions, when traced, run into some one of these pockets of more or less publicity, namely, the Lennox case, the United Shoe Machinery case, the wrecking of the New England—these allegations. That is a fair statement as to that group. On the other hand, there is a large body of the bar, who, coinciding with what I have said as to his being a very able lawyer, a man of profound learning, also believe that he is actuated by lofty purposes, is honest and trustworthy." (766.)

Mr. Thomas J. Boynton, lately attorney general of Massachusetts, says:

"That reputation, so far as I know it, is good. Down to the time this appointment was made I think the only thing that had ever come to my attention in any way reflecting upon Mr. Brandeis was certain printed matter circulated by the Union Shoe Machinery Co. With that exception, I do not think I ever heard anything reflecting in any way upon his character as a man or as a lawyer" (771).

The testimony of Mr. French and Mr. Walker are cumulative on this point.

Of his national reputation, Mr. Stephen S. Gregory, formerly president of the American Bar Association, says that "his reputation is excellent as a lawyer of ability and character" (711).

Hon. Newton D. Baker, Secretary of War, says that he knows Mr. Brandeis's reputation among social workers, and that among them he is regarded as not only the greatest lawyer of their group of aids but as a detached and spiritual and high-minded man (762).

This is emphasized by a memorial in Mr. Brandeis's favor signed by many well-known men (761).

Mr. Whipple, already quoted, says:

"As a lawyer, Mr. Brandeis is able and learned. As a man, he is conscientious and high minded. The feature of his career which is the most striking and remarkable has been his unselfish and unswerving devotion to the social, moral, and industrial uplift of the loyal and less fortunate of our people. I believe that on the Supreme bench

of the United States he will exert a strong influence in establishing the ideals to which he has devoted his recent years." (282.)

It is evident that the standing Mr. Brandeis's firm in the public esteem can not rise above his own. Mr. Whipple says that it is a reputable firm, generally so regarded, one of the leading firms of the city (285), one to which go men of superior excellence in their work in the Harvard Law School.

Mr. Hutchins says that the firm is one of the high-standing firms of the city to which for 20 or 30 years a good many of the high-class men from Harvard have gone, and that it has done a large and varied business, dealing on terms of good fellowship and general respect with the entire bar (621).

Without going further into details it may be said that the testimony of Mr. French, Mr. Walker, and others convinces your committee that the high standing of the law firm is not open to doubt.

The unreality of the strictures upon Mr. Brandeis's reputation is strikingly demonstrated by the treatment which has been accorded to him by some of the very men who now make these assertions. Among his critics are several of the overseers of Harvard College and members of that corporation. They are charged with the duty of maintaining the high moral standard of that institution, and of putting in places of prominence only those whose example will be elevating to the student body. Yet after your three men have appointed Mr. Brandeis a member of the visiting committee to the Harvard Law School—a committee made up of such men as Mr. Justice Hughes, of the Supreme Court of the United States; Mr. Justice Loring, of the Supreme Court of Massachusetts; Mr. Justice Swayze, of the Supreme Court of New Jersey; Hon. James T. Mitchell, some time chief justice of Pennsylvania; Hon. Robert Grant, judge of the probate court in Boston; Hon. Henry L. Stimpson, some time Secretary of War; James C. Carter, leader of the American bar; Charles C. Beaman, member of the distinguished firm of Evarts, Choate & Beaman, a partner of Joseph H. Choate, lately ambassador to Great Britain; Francis C. Lowell, United States judge for Massachusetts; Charles J. Bonaparte, lately Attorney General; Jeremiah Smith, formerly justice of the Supreme Court of New Hampshire and one of its most distinguished citizens and professor in the law school after 1891; Charles S. Fairchild, formerly Secretary of the Treasury under Mr. Cleveland; Charles P. Greenough, formerly president of the Boston Bar Association; Robert M. Morse, one of the leaders at the Boston bar for the last 40 years; John Noble, clerk of the Supreme Judicial Court of Massachusetts; James J. Storrow, Edmund Wetmore, Henry W. Putnam, William Rand, George Putnam, Langdon P. Marvin, and Chandler P. Anderson.

Some of the members of the board of overseers of Harvard College, which has appointed Mr. Brandeis a member of the visiting committee to the law school, are the following:

Henry Cabot Lodge, Senator from Massachusetts; George F. Hoar, formerly Senator from Massachusetts; Roger Wolcott, formerly governor of Massachusetts; Moorfield Storey, one of the protestants; Francis C. Lowell, United States circuit judge, cousin and former partner of A. Lawrence Lowell; John D. Long, formerly governor of Massachusetts and Secretary of the Navy; William C. Loring, justice Supreme Judicial Court of Massachusetts; Winslow Warren, collector of port under Mr. Cleveland, father of Charles Warren, Assistant Attorney General of the United States; Frederick P. Fish, a protestant; John Noble, clerk of Supreme Judicial Court of Massachusetts and father of a protestant; Robert Grant, judge of the probate court, Suffolk County, Mass.; Robert M. Morse, one of the leaders at the Boston bar for the last 40 years; Solomon Lincoln, formerly a leader of the Boston bar; Moses Williams, a protestant; George O. Shattuck, formerly a leader at the Boston bar; James J. Storrow, Charles E. Codman, Henry W. Putnam, Leverett Saltonstall, Edmund Wetmore, Louis A. Frothingham, and George Wigglesworth.

It will not do to oppose the nomination of a man like Mr. Brandeis and then, after a complete investigation, admitting that the charges are not supported, ask that the nomination be rejected because of the charges rather than of their truth. This would be an injustice to the nominee and to the court, and would be out of line with that sense of justice which pervades all classes of people. Having failed in the charges and admitting the eminent ability of the appointee, it would be the manly thing to concede the evident error in making the charges and ask for a confirmation.

APPENDIX

Hon. WILLIAM E. CHILTON,
United States Senator, Washington, D. C.

DEAR MR. CHILTON: I am venturing to write you the impressions of one who has come into this community from without and may perhaps have been able to judge Mr. Brandeis more fairly than it seems to me he is judged here. His friends, as it seems to me, make a great mistake in urging as his chief qualification his views upon social questions and the eminent services he has performed in the public interest. Important as these matters are, their importance does not lie immediately in the direction of qualification for the bench. What is not so generally known is that Mr. Brandeis is in very truth a very great lawyer. At the beginning of his career his article in the Harvard Law Review on the right of privacy did nothing less than add a chapter to our law. In spite of the reluctance of many courts to accept this, it has steadily made its way, until now it has a growing preponderance in its favor. All the cases upon this subject concur in attributing the origin of the doctrine to Mr. Brandeis's paper. The progress thus given has been amply fruitful. One might instance the new vision which his brief in Muller v. Oregon achieved in the matter of arguing cases involving the constitutionality of social legislation. The real point here is not so much his advocacy of these statutes as the breadth of perception and the remarkable legal insight which led him to perceive the proper mode of presenting such a question. Since I came to Cambridge, not quite six years ago, I have had many opportunities of observing Mr. Brandeis, and do not hesitate to say that he is one of the great lawyers of the country. So far as sheer legal ability is concerned, he will rank with the best who have sat upon the bench of the Supreme Court.

As to the charge that he is lacking in judicial temperament and would be a partisan upon the bench, it seems to me that those who urge this know very little about him and base their opinions upon newspaper accounts of the vigorous battles which he has fought as an advocate. Of course the newspapers are not interested in the purely legal side of his activities. Only those causes involving more or less sensational public interest attract general notice. In these causes he has appeared as a vigorous and sometimes radical advocate. But those who conceive him disqualified because of his advocacy of those cases make the same mistake as is made by others who have so often objected to putting sound and well-qualified lawyers upon the bench because they had often been engaged in advocating the cause of great corporate interests. Moreover it is well proved by experience that a great advocate may easily become a great judge also. A notable example is to be seen in the case of Sir Henry Hawkins the greatest advocate probably of his generation. When he was appointed to the bench fear was expressed that he would carry his habits of advocacy into the judicial station. On the other hand, when he retired it was universally acknowledged that he had been a fair and sound trial judge in the very class of cases in which he had so often been engaged in the forum. One might instance also the late Lord Russell, easily the greatest advocate of his time, who filled acceptably the post of Chief Justice of England. In the case of Mr. Brandeis the very qualities that have made his advocacy so effective would, I think make his study of a controversy as a judge equally effective in achieving a sound legal result.

As to the charges of unprofessional conduct which are so much in the air here, I have no first-hand information. But I may call your attention to one circumstance which seems to me conclusive. At least from 1910 (when I came here) to the present Mr. Brandeis has been one of the committee appointed by the board of overseers of Harvard University to visit the law school. That is, the board of overseers have appointed him as one of a committee to inspect the work of teachers and students, and to advise as to the conduct of the school. At different times between 1910 and the present he has been associated on this committee with Mr. Justice Hughes, of the Supreme Court of the United States; Mr. Justice Loring, of the Supreme Court of Massachusetts; Mr. Justice Swayze, of the Supreme Court of New Jersey; Hon. James T. Mitchell, sometime chief justice of Pennsylvania; Hon. Robert Grant, judge of the probate court in Boston, and Hon. Henry L. Stimson, sometime Secretary of War. During this period, in which Mr. Brandeis has been reappointed from time to time to serve with lawyers of the caliber of those just enumerated, the following lawyers have been members of the board of overseers by whom he has been so reappointed: Hon. Henry Cabot Lodge, United States Senator from Massachusetts; the late John D. Long; Mr. Justice Loring, of the Supreme Court of Massachusetts; Hon. James T. Mitchell, sometime chief justice of Pennsylvania; Mr. Justice Swayze, of the Supreme Court of New Jersey; William A. Gaston, Esq., of the Boston bar; Robert P. Herrick, Esq., of the Boston bar; Frederick P. Fish, Esq., of the Boston bar; Judge Robert Grant; and L. A. Frothingham, Esq., of the Boston bar. It can not be that these gentlemen would have appointed him along with such colleagues to a position of such importance had they then believed him deficient in professional honor or guilty of professional misconduct. Nor can it be asserted that the eminent members of the Boston bar who participated in the appointment and reappointment were ignorant of what is now charged, for these charges are not new. Conceding, as one must, the absolute sincerity of these gentlemen one is driven to the conclusion that the objections now urged against Mr Brandeis at the Boston bar by his colleagues are the unconscious product of fear of his political views and aversion to his social and public activities.

Yours very truly,

ROBERT PEABODY.

SOMERSET CLUB,
Boston, March 21, 1916.

To the CHAIRMAN of the SENATE JUDICIARY SUBCOMMITTEE,
Washington, D. C.

DEAR SIR: Having followed with interest the report of evidence submitted to your committee in regard to the President's nomination of Mr. Brandeis for the Supreme Court vacancy, I find myself impelled, as a personal friend of his early partner, Mr. Warren, and as one of a now older group of Boston and Harvard men who have watched Mr. Brandeis's legal career develop from its commencement, in usefulness and distinction—to say that while well acquainted with the views of those who now oppose his confirmation and giving weight in other matters to the opinion of some among them, I believe them to be prejudiced and wrong regarding this.

Mr. Brandeis is a man of keen intelligence, but high ideals, possessing also a rare creative quality of imagination that, combined with fearless courage of convictions, has brought him at times, to the public benefit, in conflict with vested interests and established points of view. We need such a man as this on that high bench to keep it open to the ever-changing thought and sentiment of the world and Nation, recognizing those in their changes and passing judgment on them through the decisions that it renders.

I trust accordingly, for the country's sake, that the Senate may confirm his nomination. And I remain, with respect,

Very faithfully, yours,

CHARLES H. PARKER.

THE COMMONWEALTH OF MASSACHUSETTS,
PUBLIC SERVICE COMMISSION,
February 28, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, on Brandeis appointment,
United States Senate, Washington, D. C.

DEAR SIR: I have followed the press accounts of the hearings before your subcommittee in the Brandeis matter with a great deal of interest. After it has probed his record to the bottom, as I hope it will, I feel very sure that the committee will favor his confirmation. My confidence does not rest upon what others have told me about him but upon personal knowledge.

Before I became a member of the Public Service Commission of Massachusetts I was, for some years, secretary of an organization in Boston known as the Municipal League. It was made up of a group of business and professional men of standing, who thought that they could be of service as citizens by making a disinterested study of some of the important questions that arise from time to time in regard to the public-service corporations of every community and by presenting the results of their study to the public bodies which have to deal with these questions. Mr. Brandeis was one of the members of this league and I saw a great deal of him and worked with him intimately.

If your committee would care to have it, I should be glad to furnish you with a statement, in some detail, of what this league did in connection with street railway, railroad, gas, and electric matters, for its work was, in my judgment, of great public importance and value. It would also help you, I think, to understand the attitude which Mr. Brandeis has taken upon such public questions and the antagonisms

which have been aroused. As you probably appreciate, it is impossible in a conservative community like New England for a man to speak plainly in the public interest upon such questions (especially if he also speaks forcefully) without creating enemies, some of whom are sincere but influenced by a prejudice which is often quite unconscious.

Louis D. Brandeis is a man of very unusual ability and power and a man of great moral courage. Furthermore, he is an indefatigable worker and student. The impression which some have that he is merely a brilliant advocate and addicted to reckless and extreme statements is not warranted. I have never known him, in any matter in which I was associated with him, to take a position before he was well grounded in the facts. This was particularly true in the New Haven Railroad matter. That he is honest and sincere I think no one who really knows him will doubt. I have no hesitation in expressing the opinion that he will make a very valuable addition to the Supreme Court, and I believe that you will feel the same after you have completed your investigation. My own feeling is illustrated by the fact that since I have been a member of this commission I have frequently conselted with him upon important matters.

It is, I think, hardly necessary to say that this letter is not an official communication, but the expression of my personal views.

Yours, very truly,

JOSEPH D. EASTMEN.

FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: It is my desire to record my indorsement of Louis D. Brandeis, who is nominated as Associate Justice of the Supreme Court of the United States.

I have been a lawyer in active practice in the city of Boston more than 21 years and have been district attorney for more than 6 years. Previous to that time I served as civil service commissioner for the Commonwealth for 4 years and have held other nonelective public positions.

I want to speak of Mr. Brandeis's reputation at the Suffolk bar. I note that, according to the press, a gentleman recently claimed to represent the bar association of the city of Boston, of which I have been a member for many years. While as an officer he may have certain rights, or some committee may have given him authority, I want to call your attention to the fact that no meeting of the bar association has been held and the matter of Mr. Brandeis's indorsement has never been considered by the body as a whole.

I believe that in my private practice and in my official capacity I have been in a position to know much about the bar and the standing of its members. Few men come in contact with more men in active practice, and, as you will appreciate, it is inevitable that the estimate of members of the bar, one toward the other, soon becomes known and a matter of current gossip, criticism, or praise. I have never heard the slightest criticism of Mr. Brandeis, but, on the contrary, he has always been admired and looked upon as one of our most brilliant trial lawyers and one of the best jurists at the bar, learned in the law, and skilled in its practice. I never have heard the slightest intimation that he was anything but honest and upright, as he is capable and energetic. He has never hesitated to take a strong public position on public matters and it is never difficult to place him.

He seems to have been a man who always had an ambition to do something to better the conditions of the people.

It is not unusual for a man of his large experience and long years of turmoil in the courts and out to have displeased many, and perhaps offended them very deeply, and this is true of any man of his years and of his activity.

I am confident that if a vote of the Boston Bar Association were to be taken, or if a vote of the members practicing at the Suffolk bar, many of whom are not members of the association, was to be had, Mr. Brandeis would receive almost a unanimous vote, and, regardless of individual feelings, the lawyers would indorse him as an honest man, well fitted by training and experience to hold a place on the bench of the Supreme Court of the United States.

I have seen in the press a protest against the appointment of Mr. Brandeis signed by some members of the Suffolk bar. These are all estimable men, but, almost without exception, men of one class and one kind. I see there few names of the active trial members of the bar. I see there few names of men who have had to struggle to attain success. I see there few names of men engaged in general practice. This is not to be taken as any reflection upon these men, but merely as calling your attention to the fact that the list of names which I saw published was far from representative of the Boston bar, where we have all races and creeds, whose opinion is worth while and whose standing is beyond question and who are perhaps much nearer to the people than those in the list I have mentioned.

I do not want to accuse anyone in particular, but I think I express the notion of the majority of the people of Boston when I say that there is a feeling that the underlying opposition to Mr. Brandeis is more because he is a Jew than that he is unfit by reason of anything he has ever done. I know that your committee will have this in mind and that such a thought and such a reason will have no harbor and no merit in your honest consideration of this case.

Very truly, yours,

JOSEPH C. PELLETIER.

WASHINGTON, D. C., *February 7, 1916.*

MY DEAR SENATOR WALSH: It seems to me a public duty to write to you in regard to the appointment of Mr. Louis D. Brandeis, of Massachusetts, as a Justice of the Supreme Court of the United States. During the two years I was governor of Massachusetts, and in the years preceding them, I had repeated occasions to observe this man and his high ideals and common sense; his wide practical knowledge of the law; his extensive understanding of the business, economic, and social problems of our time; his sound judgment and ardent devotion to the public welfare. As you know, we are justly proud of the number and ability of our public-spirited men in Massachusetts, and it would be difficult to point out a better example of generous, unpaid, diligent, constructive work upon the side of the public interests than that which has been done by Mr. Brandeis.

On numerous occasions, beginning at least as far back as 1896, whenever the creation and control of the Boston subways was before the legislature, he has been, as a private citizen, a tireless and successful leader against powerful opposition in support of the principle that the value of the subway franchises should be kept for the public after giving to the operating company a reasonable return for services rendered. He declined to accept any compensation for his long-continued and very valuable constructive work during all these years in this cause.

When the gas situation in Boston appeared to be in a hopeless condition he urged, again as a private citizen, the plan by which the dividends of the gas company were made dependent upon the price charged for gas to the consumers. This has resulted in a reduction of the price of gas to the public and in a corresponding increase in dividends to stockholders of the company

When the insurance investigations occurred he devised and successfully pressed for legislation in Massachusetts permitting, for the first time in this country, our savings banks to issue small-payment life insurance policies. This has resulted in an opportunity for our working people to insure themselves at much lower rates than were being charged by the industrial insurance companies, and has led these companies to make lower rates. To my personal knowledge Mr. Brandeis has given annually thousands of dollars to further the work of bringing to the working people of our State this opportunity for less costly insurance. For more than 20 years prior to the Massachusetts law there had been no reduction in the cost of industrial insurance, but since the passage of the law so successfully advocated by Mr. Brandeis in Massachusetts the premiums of the old-line companies have been reduced, on an average, 20 per cent, thus saving to the people of this country, insured in industrial companies, from $15,000,000 to $20,000,000 annually, and to the people of Massachusetts about $1,000,000.

The system of arbitration which he devised for the New York garment workers is an equally significant example of his judicial qualities and his public service in other fields.

In 1906 the people of New England began to awaken to the fact that the New Haven Railroad was apparently successfully seeking to create a New England transportation monopoly. The event which focused public opinion most sharply was the acquisition of the controlling interest in the Boston & Maine Railroad. Mr. Brandeis, again as a private citizen, commenced an exhaustive study of this railroad problem and made public an analysis of the financial condition of the New Haven Railroad, pointing out, for the first time, to the people of New England the inevitable disaster sure to result from the course of mismanagement and waste then being pursued. His advice was unheeded, his warning derided, and his motives impugned. But time has shown that his conclusions were based upon carefully ascertained facts, to which he applied the clearest and most cogent reasoning power. Three years ago what he prophesied nine years ago became apparent to all and is now a matter of public knowledge and of record in Senate documents and elsewhere.

I instance these among many public services covering a long period of years as illustrative of the work done as a private citizen in the service of the public interest without compensation, at a large expenditure of his own time in the midst of a very active professional life.

Indeed, in extensive acquaintance with public men, I know of no one who without emolument or honors of public office has given so much of the valuable constructive service of a trained lawyer to the public weal as Mr. Brandeis.

I have written mainly of Mr. Brandeis's public work for the past 20 years, but I would not have you overlook that, before he engaged in these public activities out of which have grown results for which he is entitled to the gratitude of the American people, he had achieved already a position at the Massachusetts bar which would well have warranted his appointment to the Supreme Court at the age of 40. He is a great lawyer and a great citizen. Is not this a combination for a great judge?

Were I not hastening on a far journey I would seek a personal interview with the committee, but failing such opportunity I venture to emphasize and perhaps to repeat some of the things I said to you orally; and I hope that you will communicate them to your committee, together with my very best respects.

Very sincerely, yours,

DAVID I. WALSH.

Hon. THOMAS J. WALSH,
The Senate, Washington, D. C.

FEBRUARY 1, 1916.

To the members of the Judiciary Committee of the United States Senate.

GENTLEMEN: I have practiced as a member of the Boston bar ever since the admission of Louis D. Brandeis. I have known him well and watched him with interest through all these years, though not connected with him in any way. If confirmed by the Senate, as I have no doubt he will be, I am satisfied he will be an acquisition of the highest value to the Supreme Court. His mind is clear, analytic, exact, incisive, and sound. There is in my acquaintance no surer, saner, more exact and reliable mental machinery than is found in him. I know of no lawyer anywhere who could better assist in the correct solution and conclusion of the involved legal propositions coming before our highest court than Mr. Brandeis. He is versed in nearly all departments of the law. He is acquainted with all sections of the country. He knows all human conditions and has regard for them. His purpose is noble and untrammeled. His spirit and habit are modest, considerate, and kind. He is never obtrusive, but he never hesitates to take the consequences of his convictions. He accomplishes an enormous amount of work in a day, and he is ripe in wisdom, sense, and courage.

Mr. Brandeis is thoroughly judicial in temperament and habit. He is never hasty or extreme, but is calm, mathematical, incisive, and careful in his ready reasoning. His judicial analysis and conclusion in the numerous public issues with which he has been connected are often taken as controversial, because he sees the wrong sooner than others do, and then lays it bare to the world's inspection in the succinct, clear, unanswerable terms which the courts employ. His words are few; he never reiterates. He enunciates propositions which the courts and laymen adopt.

I have never known Brandeis to be assailed, except for turning on the truth. For instance, in the conduct of the New York, New Haven & Hartford Railroad all the attorneys general, district attorneys, and administrators of governments in the three States traversed by the railroad knew for years that the corporation was proceeding ultra vires and regardless of law. By enormous expenditures it quieted agitation, and New England thought it well enough for that railroad to be superior to law. Finally Mr. Brandeis alone made plain that its unlawful monopoly and wasteful aggrandizement were bringing financial ruin as well as moral abasement; that from $100,000,000 to $250,000,000 had been lost in its unlawful courses; and that all would yet be lost unless the policy were changed. The stockholders of that corporation are to-day indebted to Mr. Brandeis alone for effectuating the halt and

turning about which have saved them whatever value they have left in the New Haven Railroad. For his stand against ruination, voluntary to be sure, some writers, like the editor of the Boston News Bureau, who received $104,000 from the railroad company to place among newspapers for advertising, have defamed Mr. Brandeis shamefully and recklessly, claiming he ruined the credit of the road, whereas he saved the remnants of its value for restoration by a law-abiding management.

The Supreme Court and the country, now that the opportunity is given, should have the benefit of this plain, sincere, and remarkable personality in the position for which he is most signally qualified. Massachusetts could not make a better contribution to any department of the Government.

Respectfully, yours,

A. S. HAL.

FEBRUARY 18, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

MY DEAR SENATOR: This letter is written to urge the confirmation of Louis D. Brandeis as associate justice of the Supreme Court of the United States.

To identify myself to your committee, in order that you may know what opportunity I have had to pass upon the qualifications of Mr. Brandeis, I would say that I have been a member of the bar, practicing in Boston, for the past 18 years. In politics I am a Democrat, and have served in the Boston City Council, Massachusetts House of Representatives, and the Massachusetts Senate, and have been register of deeds for Suffolk County since 1907. I was president of the Democratic city committee of Boston from 1902 to 1905, inclusive, and a vice president of the Democratic State committee for several years. I was a delegate to the national Democratic convention at St. Louis in 1904 and an alternate at the Democratic national convention in Baltimore in 1912.

I first met Mr. Brandeis 20 years ago, when I was a delegate to the Boston Municipal League, an organization composed of representatives from many improvement societies and other bodies who were interested in improving the civic welfare of the city and obtaining better laws for the benefit of the whole people and against any privileged class, political or otherwise.

I recall that Mr. Brandeis was counsel for the league and had done considerable work for the organization; and I remember distinctly that it was a great surprise to me as a law student at that time when Mr. Brandeis presented to the league a receipted bill for $500, with his compliments, and declined to receive any compensation whatever or to make any use of the appropriation that had been made for counsel fees.

On many occasions since that time I know that Mr. Brandeis has acted in behalf of the public, and has represented civic and charitable organizations without compensation. I have seen him in action before legislative committees and at great gatherings of citizens discussing public questions. I have seen him in court in the trial of cases, and I have never known a man that possessed a keener or more logical mind. I consider him the equal, if not the superior, of any man at the bar in this part of the country.

At a meeting of the Boston City Club about two years ago Mr. Brandeis made the ablest presentation of an antitrust argument that has ever been heard in this city, and it was the unanimous opinion of the members, of all shades of political opinion, that no more scholarly or logical address had been made at the club during its history, and our speakers have included Presidents Wilson and Taft, Hon. William J. Bryan, Hon. Champ Clark, many United States Senators and Congressmen, Cabinet officers, the governors of many States, college professors, eminent pulpit orators, and many leading lawyers of the United States, as well as members of the English Parliament.

At the dinner that preceded this address at the City Club brief speeches complimentary of Mr. Brandeis were made by representative citizens of Boston, and as a vice president of the club I was asked to speak. I said that I agreed with all the speakers, and with the entire community, in fact, that Mr. Brandeis was an exceedingly able lawyer and a good citizen, but that I had been trying for many years to make up my mind whether he was a deep-dyed schemer who had been carefully laying his plans to become mayor of Boston or governor of Massachusetts or whether he was simply an honest man.

I felt that the time had come to make a decision, and, inasmuch as he had stood the test for nearly 20 years and had not declared himself a candidate for office, I had come to the conclusion that he was simply an honest man, sincere in all his endeavors in behalf of the common people, and that he had absolutely no ulterior motive in devoting his magnificent talent on many occasions to the public without compensation. I still adhere to that opinion, and believe that his confirmation would add great strength to the Supreme Court.

Many a man is loved for the enemies he has made, and I believe that Mr. Brandeis is to be congratulated for some of the enemies he has made, although there may be a few of his opponents who sincerely believe his confirmation unwise, but I think they do it because they can not see outside of their own sphere of influence and because Mr. Brandeis has attacked their interests.

These men, however, do not represent the general opinion of this community, and I have no doubt that a poll of the citizens of Boston would be overwhelmingly in favor of the confirmation of Mr. Brandeis.

Respectfully, yours,

W. T. A. FITZGERALD.

[Lionel Norman, attorney and counselor at law, 200 Devonshire Street.]

BOSTON, *February 19, 1916.*

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I understand that you are chairman of the subcommittee having the matter of the confirmation of Louis D. Brandeis for the Supreme Court of the United States under consideration. While my law practice in the past has not been an extensive one, still I have had more or less trust matters, involving large sums of money, to attend to, and in this connection have had some contact with Mr. Brandeis's firm. One case involved a matter of $168,000, which was referred to Mr. Brandeis personally. The matter was dealt with in a manner showing great integrity and consideration, when it might easily have been dragged out for years and cost the estate a great deal of money. The fee charged to the estate and the whole attitude in the premises made a very deep and favorable impression upon me.

Outside of the few hereabouts in Boston who represent what we call "God's own anointed," but who do not always practice God's precepts, Mr. Brandeis is regarded as a man of very high principles as well as of very great ability and deep legal learning. Possibly, if there is any criticism of him which I might be inclined to make, it would be that instead of being overpractical as he has been accused of, he is too idealistic.

Yours, very truly,

LIONEL NORMAN.

BOSTON, *February 1, 1916.*

Senator W. E. CHILTON,
Washington, D. C.

DEAR SIR: I see from the daily papers that you are the chairman of the Senate committee which is to inquire and report as to the advisability of confirming the nomination of Mr. Brandeis to fill the vacancy in the Supreme Court.

Having known Mr. Brandeis as a student at the Harvard Law School in 1876, watched his career as a lawyer, and having lived in Boston for the past 12 years, I desire to urge your committee to recommend his confirmation.

Mr. Brandeis was certainly one of the leading men, if not the leading man, in his class at Harvard, and since his admission to the bar in Boston has gradually forged his way to the front until he is now, and for several years has been, recognized as one of the ablest lawyers in this city. His standing as a man and as a lawyer is the best, but like all leading men in his profession has necessarily made some enemies in attaining his present position. He is a lawyer who thinks for himself and is not afraid to express his convictions, and who realizes that the law must grow to fit existing conditions rather than undertake to apply precedents which have arisen out of conditions which no longer exist to present-day problems.

I hope you will find it consistent with your duty as a Senator to vote for and urge his confirmation as a member of the Supreme Court, as I confidently believe that the appointment of a man of his ability and character to the Supreme Court at this time is both wise and judicious.

Very truly, yours,

J. M. HEAD

FEBRUARY 23, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I address you as chairman of the subcommittee on the question of confirming the nomination of Louis D. Brandeis, Esq., to the United States Supreme Court. If it is proper at this time to make a statement of opinion, as many eminent persons have recently done pending the investigation, let me say that I was in the law school with Mr. Brandeis and knew him well, and have kept up a friendship with him ever since.

Of late years I have retired from active practice and wholly withdrawn the last four years. I have, however, followed his course with great interest, have the highest opinion of his intellectual and moral qualities, and would not hesitate to entrust my affairs in his hands, feeling sure that if I did so he would look after them with the greatest intelligence and loyalty, and I believe his large knowledge of sociological questions would be of distinct benefit to the Supreme Court. Believe me,

Respectfully, yours,

RICHARD H. DANA.

FEBRUARY 16, 1916

Hon. WILLIAM E. CHILTON,
United States Senate, Chairman Subcommittee,
Washington, D. C.

DEAR SIR: I am glad to support the nomination of Louis D. Brandeis. I believe that he is an accomplished, able lawyer; that he has been zealous and faithful in his office as attorney; that he is in every way trustworthy and reliable and eminently qualified for the office of justice of the Supreme Court of the United States.

Very truly, yours,

JOHN W. CUMMINS.

COPY OF RESOLUTIONS ADOPTED BY TAUNTON BAR ASSOCIATION.

[Prepared by Silas D. Reed and Louis Swig.]

Whereas the due consideration and formal expression of the Bar Association of the City of Taunton is proper and becoming upon such subjects as may specially and intimately concern the profession of the law, the said Bar Association of the City of Taunton at a special meeting and after due notice, in which was included reference to the subject of these resolutions—

Resolved, That it unqualifiedly and unreservedly indorses Louis D. Brandies, Esq., of Boston, for appointment to the Supreme Bench of the United States. We regard that Mr. Brandies's learning in the law, his training in its science, and his wide and reputable experience with men and affairs, eminently and becomingly qualify him for the honorable and learned service demanded of the justices of the Supreme Bench. We also voice the opinion that Mr. Brandeis eminently represents the spirit of the times and the democracy of the age. Popular government has a right to expect that such expression be represented in the judiciary as well as in the executive and legislative: Be it further

Resolved, That an attested copy of these resolutions be sent by the secretary of the association to the Senate of the United States, and that they be entered upon the records of the association.

FEBRUARY 16, 1916

Hon. WILLIAM E. CHILTON,
United States Senate, Chairman Subcommittee,
Washington, D. C.

DEAR SIR: I hope that the nomination of Mr. Louis Brandeis to the office of Justice of the Supreme Court of the United States will be confirmed. He is an able lawyer in good standing, and he has the confidence of the community.

Respectfully, yours,

CHARLES R. CUMMINGS.

FEBRUARY 26, 1916.

Senator WILLIAM E. CHILTON,
Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: Apropos of the appointment of Mr. Louis D. Brandeis, of Boston, for Associate Justice of the United States Supreme Court, I feel that I should be remiss in my duty as a citizen of this Commonwealth were I not to say at least a word of commendation and assist the good cause so well begun by His Excellency the President.

I have known Mr. Brandeis for 20 years and have had ample opportunity to study him at close range. Having been a public servant, in that I served in the governor's council several terms, and was lieutenant governor of the Commonwealth of Massachusetts, I feel qualified to judge of the pulse of the people with regard to public officers. Consequently, I feel safe in saying that the appointment is one of the greatest acts which the President has done yet, to show that he intends to have as servants of the great American public, men who really will serve the public. The general public feels that no wiser move for the advancement and behalf of the so-called common people has yet been made by His Excellency.

Again I beg to state that I heartily indorse the appointment, and trust that no petty opposition arising from the disgruntled opponents whom Mr. Brandeis has unmercifully beaten in litigation will stand in the path of so worthy an appointee.

Sincerely, yours,

E. P. BARRY.

FEBRUARY 10, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: This letter is intended as an indorsement of Louis D. Brandeis, who has been nominated as Associate Justice of the Supreme Court of the United States.

I may be identified as a lawyer in practice in Boston for 35 years and more, who is and has been a Republican, and who was United States attorney for this district in 1905–6, resigning then by choice and not by request while there was a Republican administration at Washington.

I have known Mr. Brandeis since he was called to the bar, and I love him and have remained through the continuing years his friend and admirer.

I have differed from him in many questions of politics and policy.

I do not recall that I have ever been associated with him in legal matters and causes, but I am sure he has many times represented interests which were adverse to those for which I appeared.

I have naturally known many men and many lawyers, but he to me stands supreme in so ordering his life that with his splendid mental equipment and his great acquisition of learning there were always time and energy to recognize and pay his obligation to the State and the people as he in his vision saw it.

Of course, one can not assert that he has high judicial qualities without a trial, but of such as he great judges have been made, and therefore I think he should be confirmed. I am,

Very respectfully, yours,

MELVIN O. ADAMS.

FEBRUARY 24, 1916.

WILLIAM E. CHILTON, Esq.,
Chairman of Subcommittee of the United States Senate, Washington, D. C.

DEAR SIR: I have read with dismay the press reports of the testimony given by Moorefield Storey and Hollis R. Bailey before the subcommittee of the Senate regarding Mr. Brandeis. In view of my knowledge of Mr. Brandeis it did not seem to me possible that these men and others would unite in an effort to prevent his appointment to the Supreme Court and to go to the limits they have gone in maligning him. I am thoroughly convinced that the ring behind this fierce and totally unwarranted opposition to Mr. Brandeis are the representatives of predatory wealth and vested interests, and those who are not directly the representatives of these interests have been influenced in their course by these interests.

My familiarity with conditions in Boston, where I have lived all my life and where I have actively practiced law for more than 15 years, convinces me that this chain of men and interests opposing Mr. Brandeis has been forged together from links which have been closely united for generations in this Commonwealth. These men think more or less alike and have a common purpose. Their thoughts and purposes have been in direct conflict with Mr. Brandeis's thoughts and in direct opposition to the purposes which Mr. Brandeis has made the precepts of his life. The present opposition to him is due entirely to the fact that he has been a vigorous opponent of their interests and that he has laid bare their business methods in a way which did not put them in any very enviable light. It is now their purpose "to get back" at him, and that weight should be given to their testimony (especially in so far as their testimony merely gives their opinions, and that is all the testimony seems to amount to) as would be given to anyone's testimony who has been injured and who has thereby become vindictive.

Their opinions of Mr. Brandeis are entirely unfounded and their testimony as to his standing and reputation is entirely conjured up as the result of their bitter feeling against him. The young men practicing law in Boston have held him up as the ideal of what a lawyer should be—courageous, honest, faithful, and zealous in representing his clients, and in the performance of his duties as a citizen most unusual and unselfish. The accusation that he does not think honestly is to me so absurd, so unwarranted, in view of his public acts and of his splendid accomplishments in the public's behalf, that it seems incredible that men of any type can even give utterance to, let alone think, such things about Mr. Brandeis.

The accusation that the majority of the bar, or of a very large number of the bar, in Boston have no faith in him is to me the most astounding charge, in view of the fact that his office is now, and has been for years, one of the most prominent law offices in this city, and that Mr. Brandeis's firm is constantly coming in contact with numbers of members of the bar. I have yet to hear any lawyer call the conduct of Mr. Brandeis or his associates to account, except in those instances which have already been made public and which have been known for years. As to these accusations, it should be borne in mind that every lawyer's conduct is capable of being misinterpreted. A lawyer is frequently placed in a position where it is difficult for him to know what to do and where his conscience is the sole test as to whether he has done his full duty to all concerned. This must necessarily be the situation in the cases in which Mr. Brandeis was called upon to represent the apparently harmonious but to some extent conflicting interests. Those who know Mr. Brandeis as I do feel that he has conscientiously fulfilled his duty as he saw it to all concerned. Unfriendly persons are likely to misinterpret his conduct in that regard. To my mind the lawyer who endeavors to reconcile the apparently conflicting interests, thus preventing wasteful and annoying litigation, serves all interests best and renders at the same time a great public service. There are many times when it is unwise for him to attempt such a course, but when all parties consent and the lawyer does his best for the time being, if all his foresight and sense of justice fail to accomplish this purpose, is he to be condemned for it?

The accusation that Mr. Brandeis is the sort of man who would betray his clients is not borne out by anything which I have ever heard of him from his numerous clients, many of whom I know intimately, who are substantial business men and have been his clients for years. They have to a man always spoken of him in the most praiseworthy way.

I feel certain that if any of the men who have testified before the committee had been present at any of the gatherings at which Mr. Brandeis was either a speaker or a guest and saw the wonderful receptions which he received from people of every walk in life, from the humblest to the most prominent, that not even their vindictiveness would have given them the courage to have given the testimony before the committee which they gave. I have never witnessed more genuine enthusiasm of a public man anywhere than I have witnessed at large gatherings at which Mr. Brandeis was either a speaker or a guest. I have heard men in every walk of life praise Mr. Brandeis in terms which, in his presence, I am sure frequently embarrassed him, and it is inconceivable that the man who has the "reputation" which has been testified to before the committee should be so lauded and praised.

I was attorney for one of the creditors in the Lennox case, and I was active in that matter. There was nothing in the Lennox case with which any creditor or any party interest could complain of as against Mr. Brandeis. If he purported to represent "the situation" (which is not uncommon practice), he and his associates did it in a masterful and an entirely proper way. This is attested by the fact that for months after Mr. Nutter was appointed common-law assignee, and months after the involuntary petition was filed, not a single creditor made a move to ask for the appointment of receivers to take the place of Mr. Nutter or to serve with him as receiver, which they had a right to do. It has been suggested that the filing of the involuntary petition by Mr. Brandeis's office was not proper. If an involuntary petition had not been filed by Mr. Brandeis's office I feel quite certain, from what I know, that others would have filed such a petition, and, as a matter of fact, the records will show that two other petitions were filed after the petition was filed by Mr. Brandeis's office.

It is my opinion that every attorney, including those who have testified against him, would trust Mr. Brandeis and his office to keep any agreement which he or any of his associates would make. I have heard judges of our courts speak of Mr. Brandeis and his associates in the very highest terms, and I have never heard any attorney outside of this small coterie say anything derogatory of Mr. Brandeis or speak of him in any terms except the highest. There is a feeling here in Boston that if you want to know what an attorney thinks of Mr. Brandeis you must first find out what his affiliations and associations are. If they are with the type of lawyers who testified against him the chances are that they will stand with Mr. Storey and Mr. Bailey. If, on the other hand, they are with the every-day lawyer who does not represent vested interests, large corporations, or predatory wealth or the so-called "Back Bay crowd," I am quite sure that to a man they will stand with Mr. Brandeis and urge his appointment. The latter class constitutes by far the great majority of the bar, and with them Mr. Brandeis's reputation is to be envied.

I have felt that the real issue before your committee is not Mr. Brandeis's character, his standing, his reputation, or his ability, but as to whether Mr. Brandeis's service to the people of the country shall be condemned and as to whether the powerful interests behind the opposition shall be condoned for their wrongful acts. Shall Mr. Brandeis, who has altruistically given his efforts for the welfare of the rank and file of the country, be crucified so that the opposition may say to men of his type, "There hangs the man who was broken on the wheel because he attacked us"? Shall the Senate of the United States say that dishonest business, those who violated trusts and who break laws, may continue in their course, and those who attempt to interfere with them are doomed to destruction?

Mr. Brandeis's works are milestones in the progress of the country. He has labored to make the law a living, vital force for the equitable benefit of all and he has tried to correct it as a force which serves only a few and makes the public subservient to their interests. His grasp of government, his understanding of the conflicting social and economic forces, his genuine sympathy for all mankind, his extraordinary experience, his prodigious capacity for work can not but help make him one of the greatest judges of all times. If the Senate rejects him, I am satisfied that the great majority of the bar and the public will feel that the Supreme Court will have lost the services of a great man, one of the greatest of our time.

Yours, very truly,

ARTHUR BERENSON

CRAIG HALL,
Atlantic City, N. J., March 13, 1916.

To United States Senator OSCAR W. UNDERWOOD,
Washington, D. C.

DEAR SIR: The day you left Atlantic City I called at the Dennis to say a few words on the matters about which I am now writing.

I wanted to say that I hoped Mr. Brandeis would be confirmed, for I have had a casual acquaintance with him dating back 35 years. I attended a part of the hearings in Washington and heard the evidence in the New England Railroad, the Warren Will, and the United Shoe Machinery cases. Judging the other allegations by these, I did not see any need to hear them. From what I heard in the above cases I rated the testimony as simply the whining of whipped dogs.

My brother, who has just retired from 40 years of law practice at Boston to our old plantation in Alabama, was in the Harvard Law School with Mr. Brandeis and knows his record in Boston. He has written an open letter strongly urging his confirmation.

The Boston & Maine and the New Haven Railroads were looted by a group of lawyers, bankers, and promoters in Boston with strong copartners in New York. It is these men who are the real opponents of Mr. Brandeis. I know personally a majority of the Boston lawyers who appeared before the Senate committee, and they were simply responding to their personal environment. The same may be said of President Lowell of Harvard, who, I have the strongest reasons for believing, did not represent the prevailing sentiment of Harvard alumni when he signed the protest of the Boston lawyers against the confirmation of Mr. Brandeis. The Harvard sentiment on that point is expressed in an editorial in the New Republic of February 26. A copy of this I have sent to the Senate committee.

If the Government shipping bill ever reaches the Senate, I hope that will pass. The shipping question I have studied for a number of years, because I had an interest as a shipper in that direction. I do not believe under world conditions of to-day that we can build up a merchant marine without the aid of the Government's credit. Our private capitalists are nearly all associated with the foreign ship monopoly that is fighting the bill. That makes any new private shipping concern almost an impossibility. The plan of aid provided in this bill seems to me much better than that of granting subsidies. My reasons for that position you will find stated in my remarks before the House Committee on Merchant Marine.

Yours, truly,

THOMAS P. IVY.

BOSTON, *February 23, 1916.*

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I write this letter to urge the confirmation of Louis D. Brandeis, who has been nominated as Associate Justice of the Supreme Court of the United States.

I feel it my duty to address you because I am a lawyer in practice in Boston for more than 30 years and am still in active practice here. I have known Mr. Brandeis during the entire period.

It may be proper for me to state that I was for some years connected with the district attorney's office in this county, and, after that, before entering into general practice, was for some years first assistant city solicitor of the city of Boston.

I have always considered and now regard Mr. Brandeis as a man of great intellectual attainment of the highest character, whose motives are pure and noble.

It would be impossible for a man who has taken such decided stands and expressed what in this conservative end of the world may be called "advanced views" not to be criticized by some large interests.

It is my belief that our people as a whole have confidence in him and wish to see his nomination followed by his confirmation.

Very respectfully, yours,

ROBERT W. NASON.

MARCH 1, 1916.

Hon. WILLIAM E. CHILTON,
Chairman of the Subcommittee on Judiciary Appointment, Washington, D. C.

DEAR SIR: From reports of the testimony already submitted to your committee appointed to consider the appointment of Louis D. Brandeis to the Supreme Court of the United States, I have learned that certain unfavorable opinions have been placed before your committee regarding the reputation in this community of the man you are considering. These opinions are, to my knowledge, not representative of the general opinions of the reputation of Mr. Brandeis.

During my experience as a practicing attorney in Boston I have had brought to my attention on numerous occasions the general reputation of Mr. Brandeis. On every occasion that I have heard mention made of Mr. Brandeis it has always been in commendation of Mr. Brandeis, praising him for his standards of honesty, trustworthiness, fidelity, and profound knowledge of the law. I know these opinions are shared by a substantial majority of the lawyers of this community.

I sincerely hope that Mr. Brandeis will be recommended by the committee for appointment to the Supreme Court of the United States, and I feel that the esteem in which the Supreme Court of the United States is held by the people will thereby be greatly increased.

Respectfully, yours,

LOUIS ABRAHAMS.

FEBRUARY 19, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, Washington, D. C.

MY DEAR SENATOR: The nomination by the President of Louis D. Brandeis, of the Boston bar, for the position of Associate Justice of the Supreme Court of the United States meets with my approval.

I have practiced law in Boston for 15 years. The senior member of our firm has practiced in Boston since 1872. Our firm has had frequent matters with Mr. Brandeis's firm. The senior member of our firm, who at present is ill and unable to address you, has many times been interested in matters in which Mr. Brandeis was interested, one side or the other.

Our relations have been cordial, and we have had great respect for Mr. Brandeis and his firm throughout all these years.

From what I hear of the talk of other lawyers, I wish to say to you that I do not believe that the recent protest by certain Boston lawyers in any way represents the feeling of the Boston bar in reference to this nomination.

Yours, truly,

JOSEPH W. BARTLETT.

[From the office of Maurice Bergman, attorney and counsellor at law, Old South Building, Boston, Mass.]

FEBRUARY 29, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, Washington, D. C.

MY DEAR SIR: I have been in practice in this State since August 31, 1901, and during this period have constantly had before me as an example of success in legal attainment the career of the illustrious Louis D. Brandeis, whom I believe to be a true champion of the people of these United States, and that he stands for honor and integrity and constantly strives to achieve equality for all and special privilege to none.

Having these sentiments in mind, I take the liberty of addressing this communication to you.

Very respectfully, yours,

BOSTON, MASS., *March 4, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee on the Judiciary, Washington, D. C.

DEAR SIR: In re Louis D. Brandeis. Permit me as a humble member of the Boston bar to add my bit to the many other which you must have received indorsing the appointment of Mr. Brandeis to the Supreme Court.

I have met Mr. Brandeis personally on several occasions and have found him a man of high ideals. His reputation among the members of the Boston bar, notwithstanding the report given by the self-constituted committee of "State Street lawyers," is most excellent, both as to his personal character and to his legal ability.

I wish I could say as much of several of the remonstrants.

Very truly, yours,

HARRY BERGSON.

MARCH 1, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: Permit me to add my indorsement to those of many others, which I am sure you have received in the matter of Mr. Louis D. Brandeis as Justice of the United States Supreme Court. I have had occasion to know Mr. Brandeis quite thoroughly, both as a lawyer and as a man, and though I could give many details of his worth and fitness for the high office to which he has been nominated, I will not encroach so unnecessarily upon your time.

Let me, then, merely summarize by saying that as a lawyer of almost 20 years' practice I would stake my reputation upon the prophecy that Mr. Brandeis will do honor and credit to his country as a Supreme Court Justice.

Respectfully, yours,

WM. M. BLATT.

BOSTON, MASS., *March 6, 1916.*

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: As a native and lifelong citizen of Boston and a practicing member of the Massachusetts bar for more than a dozen years, I can not too strongly urge the confirmation by your honorable committee of the nomination of Louis D. Brandeis, Esq., as Associate Justice of the Supreme Court, as I know him to be admirably equipped with the very qualities requisite for such office.

Respectfully, yours,

ABRAHAM BLUMENTHAL.

FEBRUARY 29, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

MY DEAR SENATOR: Permit me to express the hope that your committee will report favorably on the confirmation of Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

I have known Mr. Brandeis for a number of years. I first met him when he appeared before some of the committees on which I had the honor to serve as a member of the Massachusetts Legislature, and I know that even in those days he was considered one of the shining lights of the Massachusetts bar and a man whose integrity and honor was above suspicion. Since then I have known Mr. Brandeis more intimately both as a member of the bar and in philanthropic work and learned to admire and appreciate his many great qualities.

I have no doubt that as a member of the chief tribunal of our great country he will fill the place with honor.

Very truly, yours,

SAMUEL H. BOROFSKY.

[Massachusetts Catholic Order of Foresters, Joseph T. Brennan, high chief ranger.]

17 WORCESTER STREET,
Boston, February 25, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

SIR: As the executive head of the largest fraternal insurance organization in this State, having an active membership of 42,000 adults; as an attorney practicing in the Federal and State courts for 12 years; as a citizen who has endeavored to keep in close touch with industrial, social, and legal, and political conditions, I have had an extraordinary opportunity to observe the sentiment of the people of this community for and against the confirmation of Louis D. Brandeis as Justice of the Supreme Judicial Court. Outside of a few individuals, with personal or biased motives, and irrespective of class, creed, or race, the unanimous opinion is that the nomination should be confirmed.

I therefore beg to add my name to the long list of those who have already indorsed Mr. Brandeis, and trust that the honorable committee of which you are chairman will report favorably.

Respectfully,

JOSEPH T. BRENNAN.

FEBRUARY 23, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee of Senate Judiciary, United States Senate, Washington, D. C.

DEAR SIR: In view of the fact that several of my associates at the bar have seen fit to protest against the appointment of Louis D. Brandeis, I wish to go on record in favor of his appointment.

I believe that Mr. Brandeis's presence as a member of the United States Supreme Court will greatly strengthen that body.

Yours, very truly,

LAWRENCE G. BROOKS.

40 COURT STREET,
Boston, Mass., February 24, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee United States Senate, Washington, D. C.

DEAR SIR: This letter is intended as an indorsement of Louis D. Brandeis, who has been nominated as Associate Justice of the Supreme Court of the United States.

I have been practicing law in the city of Boston 12 years and have been a member of the city government of the city of Boston and of the Massachusetts Legislature, and I feel that the opposition that has been shown toward the confirmation of Mr. Brandeis comes from such a circle that opposes anything that tends toward democracy. I assure you that the different lawyers who signed the petition opposing his confirmation are not the men that rub elbows with the everyday lawyer who practices in our Massachusetts courts.

I think that the addition of Mr. Brandeis to the Supreme Court of the United States would be a great step toward the advancement of ideas that have long had a place in the history of our country.

Very truly, yours,

A. M. BURROUGHS.

FEBRUARY 19, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: Referring to the matter pending before the Judiciary Committee of the United States Senate on the confirmation of Hon. Louis D. Brandeis as Associate Justice of the Supreme Court of the United States, permit me to say, in view of the report of the evidence which I have seen in the local newspapers, that in my opinion Mr. Brandeis has the respect and confidence of this community.

I am writing as an attorney admitted to the bar of Massachusetts and practicing at Boston since July, 1894, and now occupying the position of a special justice of the municipal court of the city of Boston.

I know Mr. Brandeis and have met him professionally and in matters relating to civic and social welfare of this city.

I am in favor of the confirmation of the nomination.

Very respectfully, yours,

A. K. COHEN

FEBRUARY 29, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: As a member of the Massachusetts bar and practicing attorney for the past four years, I beg the liberty of registering my heartiest and sincere approval of Louis D. Brandeis, Esq., as Associate Justice of the Supreme Court of the United States, earnestly believing in his sterling qualities, judicial temperament, and national demonstrative ability. I believe I am expressing the sentiments of impartial and unbiased thinkers of this community to whom he has endeared himself through his sympathetic knowledge and wide experience in the needs of our present financial and business organization in its relation to social organization.

Respectfully, yours,

EMANUEL COHEN.

FEBRUARY 29, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

HONORABLE SIR: Having been born in Boston and educated in its public schools, and having received two degrees from Harvard University, I write you with a deep sense of my responsibility as an American citizen indorsing Mr. Louis D. Brandeis for the position he has been recently named to by our President.

I realize that a man requires not only exceptional ability but unquestioned integrity in order adequately to fill a position in the United States Supreme Court.

I have known Mr. Brandeis for several years, and have met him socially and in a business way. Though of the opposite political party, I indorse Mr. Brandeis most highly. I know him to be a man of absolute honesty, unquestioned integrity, and marked ability, and I am positive that he, if confirmed, will fill the position with dignity and to the entire satisfaction of all the people of the United States. I know that I reflect the consensus of opinion of the Boston bar in these statements.

In conclusion, I thank you for giving this letter your attention.

Respectfully, yours,

FRANKLIN M. COHEN.

MARCH 3, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

MY DEAR SIR: As a member of the Massachusetts bar and a member of the general court of this State for several years, I wish to attest as to the qualifications, ability, and character of Mr. Louis Brandeis, now under consideration by your committee, as the appointee of President Wilson to the Supreme Court of the United States.

While my professional associations with Mr. Brandeis have not been over an extended period of time, nevertheless whenever I have had occasion to transact business with him I have always found him to have been a man of the highest type, and, as a result of my observations of him, I take pleasure in saying that I have the utmost confidence in him and feel that he is thoroughly qualified in every particular to fill the high office to which he has been appointed by the President.

I am, sir, very truly, yours,

WILLIAM N. CRONIN.

SOMERSET CLUB,
Boston, March 21, 1916.

To WOODROW WILSON, *President,*
Washington, D. C.

Mr. PRESIDENT: In the thought that possibly an added word, not idly said, by one possessing personal knowledge in regard to a high nomination lately made by you may not prove superfluous, I write as an older Boston and Harvard man who has followed Mr. Brandeis's career with interest from its early stage, and who has known intimately his friends and those of greatest weight who now oppose him, to say that, with full knowledge of the aims of these, I know the best regard the nomination as a singularly happy one. Mr. Brandeis, if his appointment be confirmed, will bring to that high court strong human sympathies and a creative intelligence, as well as legal knowledge, courage of convictions, and clear, quick apprehension. And that he will be adequately conservative in the presence of that great responsibility I have no fear.

I trust, accordingly, for the country's sake, that this appointment may, in despite of opposition, be confirmed, and with an expression of high personal respect, I remain,

Yours, truly,

GEORGE B. DORR.

MARCH 4, 1916.

Senator CHILTON, *Chairman,*
Washington, D. C.

MY DEAR SENATOR: As an attorney practicing in Boston since 1912, and as a social worker of many years, I desire to take the opportunity of going on record in favor of the appointment of Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

Mr. Louis D. Brandeis is known in this community as a man of great ability and sterling character. His reputation for honesty and uprightness is a matter of common knowledge among all the members of the bar, who have had occasion, disinterestedly, to watch his conduct in the many important causes with which he has been connected. Words of reproach against the reputation of Louis D. Brandeis as a member of the bar can come only from those persons who represent the vested interests and have had occasion very frequently to feel the force of his attacks.

Our country will indeed be fortunate if this learned jurist is placed upon the highest legal tribunal of this land, and that august and majestic body will be increased in strength by his membership.

Very truly, yours,

HARRY E. DUBINSKY.

FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I take the liberty of writing the following letter in support of the nomination of Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

My practice has been in the State as well as the United States courts the last 16 years, and in 1914 and 1915 served as assistant attorney general of the Commonwealth of Massachusetts, and since have returned to private practice, and have been more or less active in public affairs and public questions.

Mr. Brandeis has been known to me personally and professionally during the last 16 years, and ever since I first met him he has appealed to me as the ideal lawyer and public man. I have been with him in many cases, and notably a large bankruptcy case in 1904, where his conduct with reference to fairness, wisdom, and integrity has ever remained with me as one of the pleasant memories of a lawyer whose practices were far higher than what one is wont to expect. I have differed from him in many questions of public policy, but even in those cases had a feeling that he represented more of the right attitude than I did.

His confirmation to the bench of the United States Supreme Court will be a distinct accession in dignity, force, and learning, and I prophesy that the time will come when his opinions and influence will be regarded as one of the influences of the early twentieth century in the decisions of that tribunal.

I have read of the opposition to his confirmation; I know it comes from a class in our community which, like the old Boston mob, so wonderfully described by Wendell Phillips, were the proponents of slavery, which mob was constituted of the best citizens, so-called, of Boston, because of their fear that some tradition of conservatism might be effected, and yet that very class, as you will remember, became the heroes in the war which followed. This class feels—and it is a very small minority of the community, both at the bar and out of it—that unless a man is of the bone and sinew of Massachusetts he should not have high place, however useful, sincere, and effective his career has been. Privately they will admit the almost incomparable attainments of Mr. Brandeis, but they fear the things he seeks to criticize; but they will be the first to realize 10 years later that his criticisms and work are the foundations of a new and better order. Their opposition, therefore, ought not be regarded too seriously. Their fears discolor their better judgment. The great voice of the country will: the confirmation to be made.

Very respectfully, yours,

L. R. EYGES.

MARCH 9, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: I have been an assistant corporation counsel of the city of Boston for the last 11 years, and during that time have had several cases with the office of Mr. Brandeis. He is, to my knowledge, well known at the bar as a lawyer of great learning who has given very largely of his time and abilities to public questions.

I have never heard anyone question his great ability and his capacity for public service. I am of opinion that the real sentiment of the community favors his confirmation as a member of the Supreme Court of the United States, and believe that Mr. Brandeis is a lawyer of great ability whose presence on the Supreme Bench would greatly strengthen it with the people as well as with members of the bar.

I am, very respectfully, yours,

GEO. FLYNN,
Assistant Corporation Counsel.

[Crigler & Frank, attorneys at law, suit 1117, Third National Bank Building, St. Louis.]

MARCH 16, 1916.

CHAIRMAN OF THE SENATE JUDICIARY SUBCOMMITTEE,
Washington, D. C.

DEAR SIR: I had occasion to notice yesterday in the press dispatches that a letter has been written to you by some of the leading men of this country, among whom were Elihu Root and William H. Taft, the letter in substance stating that it was their painful duty to say that they did not believe Mr. Louis D. Bradels a fit person for membership in the Supreme Court of the United States.

I wish to call your attention to the fact that during the Glavis-Ballinger investigation Mr. Brandeis was counsel for Glavis; that in the course of the investigation he made Attorney General Wickersham admit that certain papers submitted by the White House to the Senate, at their request, had been antedated by him; that the White House, after denying the antedating, admitted the truth of this fact; that the White House again admitted later certain misrepresentations that it had made with reference to Lawler, a subordinate of Ballinger, and Kerby, Lawler's stenographer.

These defeats plainly show that the White House in response to the Senate's request had sent to Congress an important paper not relied on by the White House, and omitted to send another important paper on which the White House's previous decision relied, but from which only portions were copied. I have as my authority for this a preface, by Ernest Poole, to the book Business a Profession, by Louis D. Brandeis, and published by Small, Maynard & Co., Boston, page xxxix et seq. In connection with Ballinger's grilling examination by Brandeis, Mr. Root intervened with certain questions, showing his interest in the affair.

I have no doubt but that the Senate records of this investigation will bear out these assertions. A President is primarily responsible for

the conduct of members of his administration, and perhaps this incident will throw a little light upon why Mr. Taft and Mr. Root are so "pained" to write the above letter to you.

If you doubt the truth of any of my statements above, I believe a little investigation on your part will reveal the fact that they are true. I am sending a copy of this letter to President Wilson.

Trusting that you will give the above due consideration, and that the real motive behind the letter written will be seen by you, I beg to remain,

Yours, very truly,

MALCOLM I. FRANK.

[Max M. Fritz, attorney and counselor at law, 40 Court Street.]

BOSTON, MASS, *March 1, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, Washington, D. C.

DEAR SIR: I have been a member of the Massachusetts bar for the past nine years, and have always looked upon Louis D. Brandeis as the ideal type of a lawyer. I have always heard none but the highest comment concerning his practice at the bar and his willingness to offer his services to the people at all times.

I respectfully urge you and your committee to submit a favorable report in the matter of the appointment by the President of Louis D. Brandeis as Associate Justice to the Supreme Court of the United States.

Very truly, yours,

———

MARCH 1, 1916.

Hon. WILLIAM E. CHILTON,
Chairman of Subcommittee, Washington, D. C.

DEAR SENATOR CHILTON: As a member of the Massachusetts bar practicing in Boston for nearly 16 years, and familiar with the reputation of all our big lawyers and the nature of their practice, I desire, in the interest of justice, to write to your committee strongly urging the confirmation of Louis D. Brandeis as a member of the Supreme Court of the United States.

The criticisms of Mr. Brandeis, of which I have read in the daily papers, all come from business men whose methods and interests have been attacked by Mr. Brandeis or from lawyers who represent the so-called "vested interests," whose methods have been so ably exposed by Mr. Brandeis in the public interest. I have looked in vain among the names of the men who are opposing Mr. Brandeis for a single one whose interest it has been to promote the public welfare, and in the last analysis it seems to me that the objection to Mr Brandeis on the part of his opponents is that he would not be very friendly to illegal combinations in restraint of trade. So far from being an objection this strikes me as being a splendid recommendation for an appointee to the Supreme Court of the United States.

Neither Mr. Bailey nor any of the attorneys representing the large corporations, who have appeared before your committee to oppose the confirmation of Mr. Brandeis, represents the opinion of the Massachusetts bar as to the reputation of Mr. Brandeis for "straightforwardness" and "fair dealing." The rank and file of the bar who know anything about Mr. Brandeis, either by reputation or from business relations with him, believe him to be a high-minded, conscientious, honorable lawyer, and I believe it would be for the best interests of the country that Mr. Brandeis should be confirmed.

Very truly, yours,

FRANCIS P. GARLAND.

18 TREMONT STREET,
Boston, March 1, 1916.

United States Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: As an active member of the Boston bar for the last 10 years, I have been in close touch with many matters in which Louis D. Brandeis, Esq., of Boston, has been interested. I feel it my duty, therefore, to call to the attention of your honorable committee and the Members of the United States Senate that it is my belief that there is no more honorable member of the Massachusetts bar. He has the highest respect of all those with whom I have come in contact, not only for his ability but for his honesty and integrity.

I most heartily approve that his nomination by President Wilson as a Justice of the United States Supreme Court be confirmed.

Respectfully, yours,

EDWARD E. GINSBURG.

[Nathaniel Golden, counselor at law, 40 Court Street, Boston.]

FEBRUARY 29, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: As a graduate of Harvard College, 1912, and of Harvard Law School, 1914, and as a member of the Suffolk bar of the Commonwealth of Massachusetts, I beg to add my hearty approval of the confirmation of the appointment of Louis D. Brandeis, Esq., as a Justice of the United States Supreme Court.

Though my personal acquaintance with Mr. Brandeis is but a recent thing, my knowledge of his unselfish and illy recompensed devotion and service to the cause of the mass of people extends back for many years. When I recall a conversation that I had with President Lowell some three years ago anent Mr. Brandeis, who had a few days previously delivered a lecture in Cambridge on one of the many humane things to which he has so long given of his time and money, I can not help but form the conclusion that the sincerity and purity of motives of the signers of the petition of protest, of whom President Lowell was one, must be impugned, and that it is predicated upon some ulterior purpose.

The general public has long recognized and admired Mr. Brandeis's profound mentality and his courageous love for the truth, and I am certain that the general sentiment is overwhelmingly in favor of his confirmation.

Yours, very truly,

———

FEBRUARY 28, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I am writing you this letter as an indorsement of Louis D. Brandeis, who has been nominated as Associate Justice of the Supreme Court of the United States.

I am a member of the bar; and although I am a former member of the Republican city committee of Chelsea, I would not permit politics to enter into my indorsement of Mr. Brandeis.

I have been personally acquainted with Mr. Brandeis for several years, and he has impressed me as a possessor of keen intellect. He engages both in public and private activities with sincerity of purpose, and I have always considered him a rare man.

I believe that the opposition to his confirmation comes from sources that may be classified under the category of special privilege, and it would indeed be lamentable for the progress of this Government if the moneyed interests should influence the appointment of any man to the greatest court in the world.

Permit me to assure you that I am heartily in favor of the confirmation of Mr. Brandeis. I am,

Very respectfully,

GEO. E. GORDON.

FEBRUARY 23, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

HONORABLE SIR: I take the liberty of indorsing the appointment of Louis D. Brandeis, Esq., as Associate Justice of the United States Supreme Court.

I have discussed this appointment with a large number of lawyers and people in this community and can unhesitatingly say that this appointment meets with the approval of a great majority of the legal profession in this city and the people of our community.

From my observation and study of this controversy I am led to the conclusion that no small part of the opposition is due to racial prejudice, and that the rest of the opposition can be attributed to hostile corporation or privileged interests.

I have been a member of the Massachusetts bar for over 10 years and have practiced in the United States courts for several years. I have served my community in our city government and the Massachusetts Legislature, and by reason of such service and in the course of my practice I have had occasion to meet Mr. Brandeis and consider his attitude on many important public questions.

I know Mr. Brandeis to be a man of sterling character, of excellent standing in the legal profession and our community, possessed of a profound knowledge of the law, and one of the leading lawyers of our State. By reason of his knowledge of the law, ability to regard weighty and vital problems with keen and sagacious discernment, his experience with and knowledge acquired in important labor controversies, and participation in so-called "people's conflict with railroads, gas companies, and monopolies," and other questions and matters vitally affecting the people of our country, he is as thoroughly equipped for that honorable body as any man in the public eye to-day, if not more so.

I feel that failure on the part of the United States Senate to confirm this appointment would almost amount to a public calamity, and I strongly urge your honorable committee to make a favorable report in his behalf.

You are at liberty to make as much use of this letter as you deem advisable or necessary.

Respectfully, yours,

ISAAC GORDON.

17 MILK STREET,
Boston, Mass., March 3, 1916.

Hon. WILLIAM CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: In view of the so-called "Boston petition," and the wholly unexpected quarter from which the voice of the people appears to have emanated, possibly the opinion of an inconspicuous member of the Boston bar, but one who has had many dealings with Mr. Brandeis, may be of some interest.

During the past 13 or 14 years I have been general counsel for the Boot and Shoe Workers' Union, an organization composed of 40,000 men and women shoe operatives throughout the United States and Canada. In many important matters affecting the shoe industry Mr. Brandeis represented the shoe manufacturers, and in conference serious difficulties were often averted by the sound judgment, the keen insight, and the absolute fairness of Mr. Brandeis. In several controversies affecting the union where the interests of Mr. Brandeis' clients were not involved I retained him as senior counsel, notwithstanding the fact that this gave him information which had he been unscrupulous or untrustworthy could have been used to our disadvantage. My selection of Mr. Brandeis as senior counsel in those matters was always approved by the general officers of the union, and our implicit confidence in his integrity remains unshaken.

I have known Mr. Brandeis for 20 years. Until the New York, New Haven & Hartford Railroad inquiry I never heard from professional or business men any expression but of the highest admiration. I know many of his clients, men of high standing in business, who have been advised and guided by him for years, and who, I am confident, would intrust their entire personal fortunes and their business honor in his keeping.

I believe Mr. Brandeis has the complete confidence of this community excepting only those whose enmity he has incurred in his efforts to correct abuses, and I trust the nomination of the President will be confirmed.

Respectfully, yours,

EDWARD S. GOULSTON.

MARCH 1, 1916.

Mr. WILLIAM E. CHILTON,
Chairman of Subcommittee, Washington, D. C.

DEAR SIR: As a member of the Massachusetts bar I feel it my duty to express my views relative to the confirmation of the appointment of Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

I have known Mr. Brandeis for the past 20 years, and I feel justified in saying that his reputation as to honesty and integrity is above reproach and that the attempts to stain his trustworthiness are the result of unfairness and undue prejudice.

I am fully convinced that Mr. Brandeis is especially qualified for the position, as I know him to be a man of high ideals, one who will exercise his own best judgment regardless of fear or favor, one who can not erroneously be influenced even for personal gain, but will, if necessary, sacrifice his own interests for those of the public.

I am fully confident that the confirmation of Mr. Brandeis's appointment will add an important link to the chain of the administration of justice of our judicial department. He will be a protection not only to the prestige and honor of the Supreme Court itself but a protection also to the people and the great masses of the country.

Very truly, yours,

ISAAC H. GREENBERG.

[Elisha Greenhood, attorney at law, 601-5 Pemberton Building.]

BOSTON, *March 4, 1916.*

Hon. W. E. CHILTON,
Chairman Subcommittee of Judiciary Committee, Washington, D. C.

DEAR SIR: Having been in very active practice at the Boston bar for the past 31 years, I feel I should furnish your committee with whatever light I may have respecting the confirmation matter now pending before it.

I do not suppose there is a practitioner at our bar who knows and has come in contact with a greater percentage of all possible subdivisions of our bar of 3,200 members than I, and I suppose it is obvious to every lawyer of any substantial experience—

First. That the individual constituents of no class of men are so thoroughly dissected within its own ranks as those of the legal profession.

Second. That, particularly if successful and originating in other than the prevailing nationality or creed, they are very likely to be the victims of jealousy, mistrust, and misunderstanding, with the usual concomitants of prejudice and enmity.

Having these two important facts in mind, along with my lengthy experience and unusually extensive professional acquaintance, I desire to say that, notwithstanding Mr. Brandeis's long and highly successful professional activities here, his prominence as a publicist in many necessarily friction-making movements, and his nationality, it is true that never before the nomination which you are considering did I hear, even in a whisper, a single word tending to indicate the slightest variation on his part from the highest standard of professional honor and ethics, and that the attacks now made upon him are to me as thunder out of a clear sky.

I must admit that my professional experiences with him have not been very many, but I do flatter myself with knowing the general reputation of the members of our bar; and I must express the opinion that the supposed general reputation which his opponents are presenting to your committee must be simply the prejudiced opinion of a comparatively small and very localized section of our bar, which honestly believes itself to be the bar, and that its sentiments—usually originating in and propagated by one of its small circle—are those of the entire community.

You will pardon me if, in closing, I add that some 30 years ago I was for over a year editor in chief of the Central Law Journal, and that about that time I wrote the treatise "Greenhood on Public Policy in the Law of Contracts," besides editing two columns of Federal decisions in constitutional law, and being a rather extensive contributor otherwise to legal literature in my early law days.

I have the honor to remain, yours, very truly,

FEBRUARY 18, 1916.

Senator WILLIAM E. CHILTON,
Chairman of Subcommittee, Washington, D. C.

DEAR SIR: In the interest of fair play, I do not think that the testimony of Hollis R. Bailey, Esq., and others as to Mr. Brandeis's reputation in Boston should remain uncontradicted. I have been practicing law here for 12 years or more and during that time I have never heard Mr. Brandeis's fair-mindedness or integrity attacked except by those representing "special interests" who were engaged in a controversy with him or by newspapers known to be controlled by those "special interests" or suspected to be under their influence.

He has here the reputation of being ever ready to see the right irrespective of the person it is attached to, and of being able to demonstrate that right in the face of overwhelming opposition, but most conspicuously I think he stands in our community as a man who, after his great ability has been proved, has continued to be willing to serve, and who has served with remarkable success, those who needed service, but who were not strong financially nor powerful otherwise.

Respectfully, yours,

LOUIS E. GUILLOW.

MARCH 2, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee on Judiciary, United States Senate, Washington, D. C.

DEAR SIR: I beg to register my name as being in favor of the confirmation of the appointment of Louis D. Brandeis to the Supreme Court of the United States.

From 1905 to September, 1908, I was secretary and assistant to the late Prof. Frank Parsons, who, as an eminent lawyer, law text writer, sociologist, and economist, is undoubtedly known to you and your committee. As an expert for the National Civic Federation and head of the National Municipal Ownership League, and in many other capacities, Prof. Parsons was very closely connected with Mr. Brandeis in his work. I learned from Prof. Parsons to regard Louis D. Brandeis as a lawyer of exceptional ability, as a man of the highest integrity, and as a public-spirited citizen of the finest type.

Since 1908 I have watched Mr. Brandeis's work, particularly his public work, and I desire to say that I know of no man who is more honest or public-spirited or who has greater ability as a lawyer. I believe that Mr. Brandeis as a member of the Supreme Court of the United States would be a great addition to that already great tribunal.

It is my opinion that there are two reasons for the strong opposition which has developed against Mr. Brandeis's confirmation.

First, the fact that he has always stood for the public against the vested interests, even when to do so meant great loss to himself.

Secondly, and I consider this to be the stronger reason for this opposition, that Mr. Brandeis is a Jew.

I desire most earnestly to urge upon your committee the recommendation that Mr Brandeis's appointment be confirmed.

Very respectfully, yours.

HARRY N. GUTERMAN.

[Hall & Hagerty, attorneys and counsellors at law, Taunton, Mass. Frederick S. Hall, Charles C. Hagerty.]

TAUNTON, MASS., *February 21, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, Washington, D. C.

MY DEAR SIR: I notice from the papers and from other sources that the nomination by the President of Louis D. Brandeis, of Boston, for a seat on the bench of the Supreme Court of the United States has created quite a widespread discussion.

Being interested in the man, having watched his movements, and having had a number of years' experience with his office in connection with large interests, I think I can truthfully say that personally I have never known him to do or say anything which was not in strict accordance with strict legal propriety, and until this nomination came up I have never heard him criticized. A man of such wide knowledge and legal attainments would naturally make enemies, but it seems to me, from what I have observed, that there is nothing which would in any way disqualify him from filling this most important position to which he has been nominated.

Respectfully, yours,

CHARLES C. HAGERTY.

FEBRUARY 21, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate Subcommittee of Judiciary, Washington, D. C.

DEAR SIR: It gives me great pleasure to write in regard to Louis D. Brandeis.

I understand that a number of prominent Boston lawyers have said that Mr. Brandeis is not respected by the Boston bar. I think you will find upon investigation that almost all of these men have been bitterly opposed to Mr. Brandeis on some financial or public question. He has naturally trod on the toes of a great many conservative men and men tied up in large interests, such as the New Haven Railroad. I think, therefore, that their statements must be taken with a grain of salt.

It seems to me that Mr. Brandeis's chief qualities for a position on the Supreme Court Bench are his broad point of view in regard to present-day economic questions and his very great knowledge of the facts and conditions of our modern economic industrial world.

There are many other lawyers in Boston who feel as I do about this matter, and I hope that you will not consider the opinions expressed by Mr. Moorfield Storey as binding upon the rest of us.

Very sincerely,

MATTHEW HALE.

BOSTON, *February 9, 1916.*

Hon. LEE S. OVERMAN,
Acting Chairman Judiciary Committee, Washington, D. C.

DEAR SIR: It has been my great privilege to have known Louis D. Brandeis intimately for 15 years, during which time he has been my personal and business counselor. I never knew his to advise or suggest anything that was not founded on the highest ethical grounds. I have no doubt of his confirmation, as it is inconceivable to me that any objection worthy to be seriously considered can be offered or that would weigh in the balance against the great addition he would be as an Associate Justice of the Supreme Court.

In my judgment there is no man living who is more the perfect embodiment of what he will be sworn to administer—justice.

Very truly, yours,

C. R. HALL.

WAUKESHA, WIS., *March 15, 1916.*

Senator GEORGE W. NORRIS.

DEAR GEORGE: Without intending or wishing in any way to influence your judgment, but only to give you a few facts as they have come to me, I will say that you, of course, remember that Lois's mother had something of an estate left her in Boston by her father.

This was, as I think I explained to you at the time, left in quite a complicated condition. I have never seen any of the firm, but I wrote to Brandeis, Dunbar & Nutter and asked them to look after Lois's interests, which they did. They got very good results, and they are still looking after this estate. Their charges were very modest, considering the work and the results they got, and in view of the attack on Mr. Brandeis I thought that in justice to him I would give you these facts.

Very truly, yours,

H. H. HARRINGTON.

MARCH 1, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: Believing the appointment of Louis D. Brandeis to the United States Supreme Court to be most fitting and proper, I respectfully request that you add my name to the multitude indorsing the appointment.

I assert resolutely, from my long acquaintanceship with Mr. Brandeis professionally and publicly, that there is no higher type of citizen or public servant in our country, notwithstanding the attacks his candidacy has evoked. I know of no man in our city who is held in higher esteem or regarded with greater reverence and respect than the appointee.

I am aware of the importance, influence, and standing of the United States Supreme Court, the highest court in the world, and I believe that Mr. Brandeis would adorn this venerably body.

Respectfully, yours,

ISAAC HARRIS.

JOSEPH M. HERMAN SHOE CO.,
159 Lincoln Street, Boston, Mass., February 25, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SENATOR: I have known Mr. Louis Brandeis since he entered upon the practice of law. I have come into close contact with him in his personal and social life, in his professional career, and in his public civic activities.

It is because of a long and intimate knowledge of the man that I, a member of an opposing political party, heartily indorse

President Wilson's selection of him to be an Associate Justice of the Supreme Court of the United States and earnestly urge the Senate to confirm his appointment.

Mr. Brandeis is one of the few lawyers of our time in this country who has willingly sacrificed lucrative pecuniary returns to an ideal conception of public service. His ability as a lawyer, his luminous and keenly trained intellect, his untiring industry and abnormal capacity for work, would have brought to him permanent retainers from all the great corporate interests in New England had he not voluntarily chosen to forego such retainers in the interest of his own independence of thought and action.

The Nation has always needed the services of men of the Brandeis type, and the confidence of the people in the Nation's highest tribunal can not help but be strengthened by the selection of such a man for a place on its bench.

Of Mr. Brandeis's private life I need not speak, for it has never needed commendation. In temperament he is dignified, calm, and dispassionate; and unless fearlessness in announcing the right as he sees the right can be said to deprive a man of what is called judicial temperament, then Mr. Brandeis possesses that temperament to the highest degree.

Yours, very respectfully,

JOSEPH M. HERMAN.

FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: May I add a word in favor of confirmation of the nomination of Louis D. Brandeis?

I am a Democrat, and have been president of the National Democratic League of College Clubs and vice chairman of the State committee of Massachusetts. In 1911 I was a member of the State senate, and declined renomination. In 1914 and 1915 I was second, and then first, assistant attorney general of the Commonwealth, retiring with the change of administration. I am now engaged in private practice. I am a director of the Massachusetts Farmland Bank and of several manufacturing corporations. I am a member of the National Council of the American Judicature Association.

For two years I served in the office of Brandeis, Dunbar & Nutter, and came into personal contact with Mr. Brandeis on legislative matters while in the senate. I do not believe that I am prejudiced in his favor, but I do know from personal experience that his office maintains an unusually high standard of legal ethics. Mr. Brandeis has not been content with being merely personally incorruptible, but he and his associates have insisted that the subordinates in their office adhere to the same high standard.

With the exception of a few lawyers in the certain restricted district, I believe the sentiment of the Boston bar to be distinctly in favor of the Brandeis appointment.

Yours, very truly,

ROGER SHERMAN HOAR.

BOSTON, *March 2, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman of the Subcommittee on Judiciary, Washington, D. C.

DEAR SIR: From reports of the testimony already submitted to your committee appointed to consider the appointment of Louis D. Brandeis to the Supreme Court of the United States, I have learned that certain unfavorable opinions have been placed before your committee regarding the reputation in this community of the man you are considering.

These opinions are to my knowledge not representative of the general opinion of the profession of Mr. Brandeis, and it is for that reason that I take time to write to you to inform you of my knowledge regarding the reputation of this candidate.

I am a practicing attorney, having offices in Boston and vicinity. I have had brought to my attention on many different occasions the general reputation of Mr. Louis D. Brandeis. On every occasion that I have heard mention of him it has always been a recommendation of Mr. Brandeis, praising him for the standard of honesty, trustworthiness, fidelity, and profound knowledge of the law to which he adheres. All these opinions have been expressed by lawyers, members of the same club to which I belong, and who I had reason to believe had personal knowledge and acquaintance with Mr. Brandeis.

I sincerely hope that Mr. Brandeis will be recommended by the committee for appointment to the Supreme Court of the United States.

Respectfully, yours,

M. H. HORBLITT.

FEBRUARY 25, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I take the liberty of addressing this communication to you for the purpose of indorsing Louis D. Brandeis, who has been nominated by President Wilson as Associate Justice of the Supreme Court of the United States.

I am a lawyer with offices in Boston, and I have been in active practice for eight years.

I am president of the Associated Young Men's Hebrew Associations of New England, an organization comprising 45 young men's Hebrew associations scattered throughout the New England States, with a total membership of over 15,000 men. In my capacity as president of this organization, for the past two years, I have had occasion to travel throughout the district, coming in contact with large numbers of our citizens, and I can say that everywhere I have heard only the highest words of praise and commendation of Mr. Brandeis.

At a number of large public meetings that I have been present, addressed by Mr. Brandeis, the reception accorded him far surpassed any that I have ever witnessed received by any private citizen.

Ever since his nomination I have talked to many members of the Massachusetts bar, and I have heard the appointment generally discussed. In no instance have I heard anything but approval, and in no instance have I heard anything unfavorable.

There is no question in my mind but that the opposition to his appointment comes from a very small and narrow circle, and that the opinions that they express are their own and not those of the general public or of the large majority of the members of the Massachusetts bar.

I heard of Mr. Brandeis even before I became a member of the bar, and for the past two years I have come in contact with him personally. He has always impressed me as being a man of high ideals and principles, possessing a keen and analytical mind and a close student of social and economic problems. He unquestionably possesses all of the qualifications that should go to make of him a great jurist.

I am, very respectfully, yours,

ALBERT HURWITZ.

FEBRUARY 24, 1916.

Hon. C. S. THOMAS.

MY DEAR SENATOR: I have known and contacted with Brandeis for over 25 years and have never known or heard of his being guilty of unprofessional conduct.

As his ability is conceded, it is merely a matter of judicial temperament, and that is another term for viewpoint and perspective. He possesses it as much as Milburn or Cromwell or men who would be named by them, and very much more than A. L. Lowell, president of Harvard University, who, having selected a Jewish holy day for examinations last summer, refused to allow Jewish students another day for taking the examinations and advised them to dictate the work to hired stenographers.

We need men on the bench who will not measure and limit rights and liberties of this century by precedents and opinions of the mediaeval ages.

Very respectfully,

H. J. JAQUITH, LL. B.

FEBRUARY 19, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Senate Subcommittee, Washington, D. C.

DEAR SIR: In view of the suggestion made to your committee—that an unfavorable opinion of Mr. Brandeis held by a portion of this community should in itself prevent his confirmation—I take the liberty of stating my dissent from this opinion of him and from the position so suggested. Mr. Brandeis's talents and legal learning are undisputed. These, with his wide experience, his study of public questions, and especially his readiness and resourcefulness in recognizing and meeting changing industrial conditions, enable him to make a contribution to public service as a Justice of the Supreme Court which possibly no other man in the country could make. I have been in the practice of law in Boston since 1898, have known Mr. Brandeis during most of that time, and have heard his character frequently discussed. While I have known of the unfavorable opinion of him entertained by a considerable number of lawyers, including men of character and standing, nevertheless I have not heard from lawyers any specific charges of unprofessional or dishonorable conduct made with personal knowledge, and I think I have not heard from lawyers specific reference to cases upon which an unfavorable opinion was based outside of those which have been mentioned before your committee. Considering the many heated controversies, private and public, in which Mr. Brandeis has been engaged, testimony as to his reputation can have little weight except so far as it is shown to rest upon facts. My own acquaintance with Mr. Brandeis for some 15 years leads me to believe him to be a man honorably and sincerely devoted to the public interest.

Respectfully, yours,

ELIOT N. JONES.

WORCESTER, MASS., *March 4, 1916.*

Senator WILLIAM CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: During the 12 years I have been in business it has been my good fortune to come in personal contact with the Hon. Louis D. Brandeis, whose appointment to the Supreme Court is being considered by your committee, and it gives me pleasure to state that I have always found him to be a man of the highest integrity and ideals. My contact with him and knowledge of him gives me every reason to believe him absolutely honest and straightforward in business dealings and in his public life.

Whatever opposition to his confirmation may develop must, it seems to me, come either from a very narrow circle of attorneys or else from the interests which Mr. Brandeis has necessarily (and not unworthily) antagonized during his public career.

Such opposition certainly does not represent the sound sentiment of the community, which, to the best of my belief, is strongly in favor of Mr. Brandeis's confirmation.

For all these reasons, and for the best interests of the common weal, I trust you may speedily report in favor of Mr. Brandeis's confirmation.

Very truly, yours,

MAURICE L. KATZ.

801-805 TREMONT BUILDING,
Boston, February 18, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, Washington, D. C.

DEAR SENATOR CHILTON: Respecting the appointment of Hon. Louis D. Brandeis to the Supreme Court of the United States, I want to say as a lawyer, 47 years old, as a member of the bar association of the city of Boston, and as a member of the American Bar Association, that I consider Mr. Brandeis not only an able attorney, but a man above reproach, who will add ability, integrity, grace, and dignity to the great bench to which he has been appointed. He is an honest man, conscientious to a m'ed degree, who has raised himself above the sordidness and show of mere wealth, and looks to the character and worth of the individual as the better elements of our citizenship aside from mere accumulation of cash. Louis D. Brandeis is a man with a vision of the American people and the Nation's possibilities. He will hew to the line for the future of the great Republic and the rights of all of its citizens.

Perhaps I should add as a means of identifying myself, that I served three years as a member of the Boston school committee, a board of five; and I am now a member of the Boston finance commission, a board of five, appointed by the governor of our Commonwealth to supervise the finances of the city of Boston.

I am, respectfully, yours,

JAMES P. MAGENIS.

FEBRUARY 18, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I venture to write to you on behalf of Louis D. Brandeis and express the hope that his appointment may be confirmed.

I have been a member of the Massachusetts bar since 1902 and am a member of the Boston Bar Association and the Massachusetts Bar As-

sociation. For the last 10 years I have been prominently identified with labor interests, and have represented labor unions and the American Federation of Labor officially as their attorney during practically all that time. In the course of my practice I have had occasion to meet Mr. Brandeis professionally many times, and from the standpoint of labor I do not hesitate to say that his conduct has been admirable. He has been fearless in his championship of the people's rights and has never hesitated to take up the cause of a labor union or even of unorganized workers when he thought that cause was just. He stands very high in the estimation of the labor men of New England, and I know of nothing which would afford them greater satisfaction than his confirmation as a judge of the United States Supreme Court.

I venture to say that most of his enemies have been made by his championship of the people's rights, and I know of no instance where a whisper has been raised against him by the "people" themselves. I am very sure that he will make a strong, able, fearless, and impartial judge, and that, high and august as the United States Supreme Bench is, Louis D. Brandeis would grace it.

Yours, very truly,

FREDERICK W. MANSFIELD.

MARCH 2, 1916.

Hon. W. E. CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: As a member of the Massachusetts bar of many years' standing, I consider it my duty to express my opinion regarding the appointment of Louis D. Brandeis to the Supreme Court of the United States. That I am not influenced by political motives or partisan considerations is evidenced by the fact that I am and always have been a Republican.

It is, however, a pleasure to advocate the confirmation of a lawyer who possesses not only legal ability of the highest order but also a judicial mind and foresight such as was possessed by the framers of the Constitution of our country. His untiring efforts in behalf of the rights of his fellow citizens and indomitable courage in opposing wrong has won him hosts of ardent friends, and, naturally, bitter enemies.

The general sentiment of the public in Massachusetts is unquestionably with Mr. Brandeis, and with the exception of the interests which have reason to fear his unflinching and unswerving fidelity to the public welfare, it is the desire of Massachusetts that he be confirmed. The confirmation of Mr. Brandeis as a justice of the United States Supreme Court would be a distinct addition in character, legal knowledge, and judicial ability, and will surely add to the respect and esteem in which this highest judicial body of the Nation is held by the great masses of its citizens.

Respectfully, yours,

HENRY I. MORRISON.

FEBRUARY 23, 1916.

Hon. WILLIAM E. CHILTON,
Chairman of Subcommittee on Judiciary, United States Senate, Washington, D. C.

DEAR SIR: I wish to record my earnest desire that the appointment of Mr. Brandeis as a judge of the Supreme Judicial Court be confirmed.

I am not and never have been a Democrat, but write because from some personal knowledge of what Mr. Brandeis has done I think he is inevitably qualified for the position.

Respectfully, yours,

FRANK H. NOYES,
73 Tremont Street, Boston, Mass.

MARCH 1, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: I am sending this letter as an indorsement of Louis D. Brandeis, who has been nominated as a Justice of the United States Supreme Court. I have practiced in Boston for about eight years and have always been identified as a member of the Republican Party.

The general opinion concerning Mr. Brandeis which has come to my attention and knowledge has been that he is one of the ablest attorneys practicing in this country. I have never heard his character assailed or integrity questioned by any except a few of the financial interests who may have suffered somewhat by Mr. Brandeis's activity as a friend and counsel of the general public.

I sincerely trust that Mr. Brandeis will receive the confirmation of the United States Senate which he justly deserves.

Yours, respectfully,

MAX L. LEVENSON.

MARCH 2, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: I wish to record my indorsement of Louis D. Brandeis, recently nominated as a Justice of the United States Supreme Court. As a member of the Massachusetts bar for about 14 years I have had some opportunity of judging Mr. Brandeis, both from a professional and personal standpoint, and I wish to say that I have nothing but the highest regard for his integrity, honesty, and ability. I feel sure that his many years of activity and practice before all courts and commissions of this country have given him a vast experience and unquestioned judicial temperament.

My residence is in Chelsea, Mass., the home city of Congressman Ernest W. Roberts. I have always been identified as a member of the Republican Party, having had the privilege of being a member of the Republican city committee and a member of the school board of the city of Chelsea for several years. I am now representing the fifth Suffolk district as a member of the Massachusetts Legislature.

I am sure that any opposition which may be brought to your attention against the confirmation of Mr. Brandeis comes from a small circle of people who are biased either because of narrowmindedness or because they may have suffered financially from Mr. Brandeis's activity in the public welfare.

Trusting that Mr. Brandeis will receive the confirmation of the United States Senate, I am,

Yours, very respectfully,

JOSEPH M. LEVENSON.
BOSTON, *March 3, 1916.*

Senator WILLIAM E. CHILTON,
Washington, D. C.

DEAR SIR: I graduated from Harvard College in 1903 and from the Harvard Law School in 1906. I passed the Massachusetts bar examination in 1905 and have been practicing at the Suffolk bar ever since, Esq., and from the time I left the law school to this date I have had considerable opportunity to watch Mr. Brandeis grow in reputation as a lawyer and as a man. I am happy to be able to say that his growth in both respects in the estimation of the community has simply been marvelous. He certainly has been one wonderful example and inspiration for all members of the bar and all other persons in the community. I have never heard any criticisms derogatory to his character or reputation. His wonderful and repeated successes in the most complicated cases and his untiring efforts in behalf of the people at the sacrifice of considerable time and expense to himself have endeared him to the country at large.

It is no wonder that our honorable President of these United States has seen fit to appoint him as the one man fit and able to occupy the exalted position of Associate Justice of the Supreme Court of the United States.

Can it be said that our beloved President has been influenced by anything outside of the highest motive for the welfare of all the people in his appointment of Mr. Brandeis? The whole record of Mr. Brandeis's career must certainly have been reviewed by the President before he exercised the privilege and right under the Constitution to fill the vacancy on the Supreme Bench.

It seems to me that the opposition to Mr. Brandeis's confirmation comes from persons who are envious or jealous of his remarkable rise in the world or to the fact that Mr. Brandeis has so often and so successfully championed the cause of the common people against encroachments by monopolists and monopolistic combinations.

I humbly join in the almost universal desire that our President's appointee be unanimously confirmed.

I have the honor to be, respectfully, yours,

ABRAHAM LEVENTALL.

MARCH 7, 1916.

Hon. WILLIAM CHILTON,
Chairman of the Senate Subcommittee, Washington, D. C.

DEAR SIR: As a member of the Women Lawyers' Association of the State of Massachusetts and as a practicing attorney before the bar of this State, I earnestly advocate the confirmation of the nomination of Louis D. Brandeis for the United States Supreme Judicial Court.

Trusting that you will recognize his entire fitness for that great and honorable position, I am,

Yours, truly,

ROSAMOND H. LEVY,

MARCH 1, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: Having made a specialty of the patent laws of this country and foreign countries, for the past five years our office has been doing a great deal of associate work on patent matters with the general-law practitioners in and about this city.

We are personally acquainted with Mr. Louis D. Brandeis, the President's nominee for the vacancy in the Supreme Court of the United States of America, and have, since the question of his confirmation has arisen, discussed his qualifications for that office with many of our clients, who are prominent members of the Massachusetts bar. We find their opinions to be absolutely in his favor and are satisfied that the opinions expressed before your honorable committee, as we understand them, by a few attorneys from Boston, to the end that the reputation of Mr. Brandeis is questioned throughout the Massachusetts bar, are positively without foundation.

We sincerely urge the confirmation of Mr. Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

Very respectfully,

DAVID LICHTENSTEIN.
BENJAMIN H. CHERTOK.

MARCH 8, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

MY DEAR SENATOR: May I express my sincere hope that your committee will report favorably on the confirmation of Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

As a member of the Massachusetts bar and as president of the Associated Young Women's Hebrew Associations of New England I have had occasion to meet Mr. Brandeis frequently and have found him to be a man of the highest integrity.

I am certain that as a member of the Supreme Bench of the United States Mr. Brandeis will fill the office honorably.

Yours, very truly,

S. M. LIPNER.

BOSTON, MASS., *March 3, 1916.*

JACOB J. KAPLAN, Esq.,
161 Devonshire Street, Boston, Mass.

DEAR MR. KAPLAN: Inclosed herewith find copies of letters in the Brandeis matter, which I received from Harry H. Guterman, Henry I. Morrison, David Lichtenstein, Benjamin H. Chertok, Harry Silverman, Joseph H. Samuel, Florence F. Sullivan, Israel Ruby, Isaac Harris, Elisha Greenhood, Max M. Fritz, A. E. Pinanski, Louis Abrahams, William E. Hiatt, Isaac H. Greenberg, Harry E. Dubinsky, Edward E. Ginsburg, Albert Burwitz, Eugene M. Schwarzenberg, Adolphus M. Burroughs, Samuel L. Silverman, George E. Gordon, Samuel H. Borofsky, Nathaniel Golden, Maurice Bergman, Emmanuel Cohen, Samuel L. Wolfson, Franklin M. Cohen.

Very truly, yours,

DAVID A. LOURIE.

FEBRUARY 18, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: As a member of the Massachusetts bar for 26 years, 23 of which have been spent in general practice and 3 years as assistant corporation counsel for the city of Boston, and having known and had professional dealings with the firm of Brandeis, Dunbar & Nutter, of which Louis D. Brandeis is the senior member, I indorse his appointment for confirmation as an Associate Justice of the Supreme Court of the United States. I believe that Mr. Brandeis will bring to the high office to which he has been nominated ability, learning, and that sense of unswerving

and impartial justice which has ever been the keystone in the arch of our Government.

Yours, respectfully,

JOSEPH P. LYONS,
Assistant Corporation Counsel.

BOSTON, MASS., *March 3, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Judiciary Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: By way of introducing myself, I have been in the general practice of law for about 10 years, and have been identified with the Democratic Party since 1896; have also been a delegate to the Democratic National Convention at Denver and an alternate delegate to the Baltimore convention. I am at present connected with the law department of the city of Boston, having charge of the "workmen's compensation" cases.

My practice and connections have brought me in contact with a very large majority of the practicing lawyers of Boston and Massachusetts, generally, and I am delighted to say that I find the reputation of Louis Brandeis to be excellent, as far as honesty and ability are concerned.

I most heartily approve of his confirmation as a member of the United States Supreme Court.

Respectfully, yours,

H. MURRAY PATSUKKI.

FEBRUARY 28, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I should like to add my indorsement to the nomination of Louis D. Brandeis, Esq., as Associate Justice of the Supreme Court of the United States.

I am a graduate of Harvard College, 1908, and Harvard Law School, 1910, and have been a member of the Massachusetts bar since January, 1910. For two years after leaving the law school I was in the legal department of the Boston Elevated Railway Co. and for the past three years have been assistant to the general attorney of that company and engaged in the general practice of the law. I have known Mr. Brandeis personally for the past seven or eight years, and I believe that I am familiar with at least his public career of the past 20 years. Although I have been intimately interested in the opposite side of many public, particularly franchise, questions in which Mr. Brandeis has taken an important part, I have always felt and do still feel that he is a man of absolute integrity, exceptional ability and mentality, and unusual fairness.

I believe that I voice the general sentiment of the younger members of the bar when I say that Mr. Brandeis is a shining example of the unselfish, public-spirited citizen, earnest advocate, and profound scholar.

Very truly, yours,

W. E. PINANSKI,
Assistant to the General Attorney.

FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I trust that there is no impropriety in the liberty I am taking in writing you this letter indorsing Louis D. Brandeis as an Associate Justice of the Supreme Court of the United States.

I am now and have been practicing law in Boston for 16 years. I was assistant district attorney in Suffolk County in 1909, and in 1909 was appointed a special justice of the Boston juvenile court, a life appointment.

I have known Mr. Brandeis, or of him, since I commenced the practice of the law. I have had matters connected with his office, although I have not dealt with him personally therein.

It is not unnatural that many should differ with Mr. Brandeis. His career has been exceedingly active and fruitful, and it would be impossible to expect that his acts should meet with the commendation of all. I can not believe, however, that the present opposition is viewed with favor by the great mass of our community. To them Mr. Brandeis towers as a man of great intellect and energy, who has unselfishly served the people, and who has accomplished large constructive good in their behalf.

I believe that Mr. Brandeis is preeminently fitted for the position, and, as far as one can foresee, will add genuine strength to the Supreme Court. The President has assumed the responsibility of making the appointment, and I believe he has exercised sound judgment. I hope the United States Senate will see fit to sustain the President in the matter.

Yours, very truly,

PHILIP RUBENSTEIN.

BOSTON, *March 2, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

MY DEAR SIR: Permit me to express my approval of the nomination of Louis D. Brandeis, Esq., as a member of the Supreme Court Bench of the United States. I sincerely trust that your committee will see fit to report favorably on the nomination to the honorable Senate.

I have been engaged in the practice of law for three years, and during that time I have had occasion to discuss the honesty, integrity, and ability of Louis D. Brandeis, Esq., at various times, and the sentiment of opinion always expressed was that he was a credit to our profession, and it is my sincere belief that his appointment to the Supreme Court Bench will add to the same a man who had not only himself at heart but his country and people.

Sincerely, yours,

ISRAEL RUBY.

BOSTON, *March 2, 1916.*

Senator WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: In reference to the confirmation of Louis D. Brandeis as a member of the Supreme Court of the United States, now pending before your committee for its consideration, I desire to be placed on record as follows:

I might say at the outset that I am in my fifth year at the bar, active in practice, and of the large number of lawyers with whom I have come in contact a very large majority are in favor of confirmation of the nominee.

I do not personally know him, but so far as I can ascertain—and I have discussed the matter with a number—his reputation at the bar for ability, efficiency, and integrity is good.

I desire to be recorded in favor of confirmation.

Very truly, yours,

JOSEPH H. SAMUEL.

[Law offices of Eugene M. Schwarzenberg and Edwin F. Schwarzenberg.]
BOSTON, MASS., *February 25, 1916.*

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: As a member of the bar of 12 years' standing and one who has participated somewhat in civic life, having been chairman of the good government association of the town in which I lived for several years, as well as a member of the Republican town committee and town council, I feel it my duty to write to express my position on the treatment being accorded to Mr. Louis D. Brandeis.

I have known Mr. Brandeis, both socially and professionally, for upward of 20 years, and have had a great many dealings with him personally and with his office, and have always found him conscientious, upright, and a man of highest integrity, high ideals, and fine ethics, besides which his ability can not in the least degree be impugned.

I wish to express my unqualified approval of his appointment as a member of the United States Supreme Court, believing that his appointment will add dignity and strength to that body. It is my belief, from what conversations I have had with other attorneys, that the only opposition to him in this section comes from a very narrow circle who are allowing selfish motives to warp their judgment.

With the sincere wish that the action of the committee will be favorable to Mr. Brandeis, I am,

Yours, respectfully,

MARCH 3, 1916.

Senator WILLIAM E. CHILTON,
Chairman of the Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: It is with a great deal of regret that I note the opposition against the confirmation of Louis D. Brandeis as Associate Justice of the Supreme Court of the United States. Personally, I think it is a misfortune to harass and malign a man who, to my judgment, in the words of Shakespeare, "is above suspicion."

I have practiced law since 1904, and have had more or less to do with the office of Brandeis, Dunbar & Nutter, and there never came a time that I could find any fault with the treatment I received from that office.

Mr. Brandeis has been generally regarded as a man of great legal ability. Not only is he recognized as a leader at the bar, but is known as a man who has given a great deal of his time to work for the public good, and is, in a sense, accepted as a leader of men.

His honesty, character, ability, and his general and judicial temperament has never, to my mind, been questioned. Personally, I believe that those who oppose him do so not because he lacks ability or honesty, but because they recognize the superior man.

I believe that this country needs the service of a man of this type, and I am sure that time will make those who now oppose him ashamed of their conduct.

I sincerely hope that the committee will report favorably upon his confirmation.

Respectfully, yours,

SAMUEL SELIGMAN.

MARCH 2, 1916.

Hon. WILLIAM E. CHILTON,
Washington, D. C.

SIR: I most respectfully urge the confirmation of Louis D. Brandeis, Esq., as an Associate Justice of the United States Supreme Court. His sterling character, unquestioned ability, fearlessness when fighting for a just cause, and sincerity of purpose in protecting the weak and oppressed are a few of his qualifications which make him eminently fit for this position which he will hold with credit to himself and honor to his country.

Respectfully, yours,

HARRY SILVERMAN.

[Samuel L. Silverman, 10 Court Street, Boston.]
FEBRUARY 25, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: The nomination of Louis D. Brandeis, Esq., of Boston, as Associate Justice of the Supreme Court of the United States is, in my opinion one of the best nominations that could be made.

I have been a member of the Massachusetts bar since 1899, and I have yet to hear any objection to Mr. Brandeis. It may be that I do not come in contact with that class of attorneys who object to him. The feeling among the everyday members of the bar is that the nomination is a good one and will be a great credit to the United States.

I have had some business with Mr. Brandeis's office, and have found them fair and square.

I have served as a member of the Republican State Committee of Massachusetts for two years, and I have in past years actively participated in politics.

If you know anything about conditions in Boston you will know that the attorneys who oppose Mr. Brandeis are of a certain class who oppose everybody unless they come within their circle.

Very truly, yours,

SAMUEL L. SILVERMAN.

BOSTON, *March 2, 1916.*

Senator WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I am interested in the confirmation of Louis D. Brandeis for the office of Associate Justice of the Supreme Court of the United States.

In the outset let me state that I am a practicing lawyer and have been in active practice for 22 years, and during that time have had daily business relations with a great many lawyers, business men, and a representative element of the general public of this community. From my experience and personal knowledge I find the bar of this city

has among its members several men that seem to possess very deep-seated prejudices along certain lines that are the result of views expressed between themselves and within a somewhat limited circle. For reasons satisfactory to themselves, Mr. Brandeis has incurred the active opposition and personal ill-will of these men.

The standard that seems to have been set by these men for the general bar is of their own creation, unwritten, and, to my mind, very artificial and wholly out of sympathy with the rank and file of the 3,000 lawyers that practice before the courts of this city.

I do not claim to know the candidate, but can state for the information of your committee that the reputation and common speech of other lawyers and business men of this city consider Mr. Brandeis as a man who has elevated his character by his lofty and upright principles, according to a standard of honesty and reasonable application, and who as a lawyer and practicing attorney has distinguished his profession by the result of his achievements.

I believe such a man to be fully capable of calmly weighing matters that might come before him for judicial interpretation, and a man that would do full credit to the high office to which he has been appointed.

Very truly, yours,

F. P. SULLIVAN.

—

FEBRUARY 24, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I want to indorse President Wilson's nomination of Louis D. Brandeis for Associate Justice of the Supreme Court of the United States. I was a member of the Massachusetts Senate in 1907 and 1908 and was the Democratic candidate for governor in 1908 and 1909 and was also a delegate to the Democratic national convention in 1904.

I have been practicing law for 23 years, have always been a Democrat, and have known Mr. Brandeis for 15 years. I have never been associated with him in legal matters or causes, but have frequently been opposed professionally to his firm. While in the senate I was actively interested with him in the establishment of savings-bank insurance and voted for the bill which finally became a law.

I think that he is peculiarly well fitted and qualified for the position of Associate Justice of the United States Supreme Court. His knowledge of law and his breadth and grasp of great public and social questions remarkably fit him for such a high place. I think he has been very much misunderstood by some members of the bar here.

I earnestly hope that his nomination will be confirmed.

Yours, very truly,

JAMES H. VAHEY.

—

BOSTON, MASS., *March 3, 1916.*

Hon. WILLIAM E. CHILTON
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: In the matter of the appointment of Louis D. Brandeis I wish, as a member of the bar of Massachusetts, to express my confidence and trust in Mr. Brandeis's high character and great ability.

In the city of Revere, where I have my residence, I mix in politics and belong to a number of social clubs and political organizations. Discussing Mr. Brandeis's appointment, the unanimous opinion seems to be that the gentlemen from Boston who are opposing him belong to a class who are known as "blue bloods." The people hark back to a time in Massachusetts, not so very long ago, when Catholics of Irish descent met with similar opposition from the same class who are now opposing Mr. Brandeis. They believe that Mr. Brandeis and men of his race and religion are now facing the same kind of prejudice in their fight for recognition, not of "blue blood" but red blood, courage, ability, and character.

The people, and especially the young lawyers of Boston, who are perhaps more familiar with Mr. Brandeis's career and attainments, are waiting with confidence for the confirmation of Mr. Brandeis as a demonstration that the test for high public office in Washington is the test applied by Mr. Wilson and is not influenced by class, race, or religion, but is determined entirely by character and ability for the office.

Very truly, yours,

P. A. WALSH.

—

FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: In view of the present discussion as to Mr. Louis D. Brandeis, will you permit me, as one who has known Mr. Brandeis ever since we were together in the Harvard Law School, to say in brief that, although I have not for many years been in active practice, I have had an opportunity to know something of Mr. Brandeis's work in public matters, and that he has shown, in my judgment, not only brilliant ability but public spirit, breadth of view, and generosity both in the matter of time and money in helping on the public work which he has undertaken. As to his integrity, I have entire confidence in it, and would intrust my own affairs to him without hesitation.

Respectfully, yours,

GEORGE WIGGLESWORTH.

—

MARCH 4, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: I desire as a practising attorney of this city, and in the interest of the community, to add my voice in commendation of the character and ability of Mr. Louis D. Brandeis, whose appointment as Justice to the Supreme Court is now awaiting the consideration of the Senate.

I sincerely trust he will be confirmed. I have followed Mr. Louis D. Brandeis's career with great interest, his professional and public activities are known by all men the country over, and I believe there is no one in point of ability or in character more fitted than he to strengthen the great court to which he has been appointed.

The reported sentiment of the Boston bar as unfavorable to Mr. Louis D. Brandeis is, I think, a great perversion of the truth, and it is limited almost wholly to those who have clients identified with vested interests and who are opposed to the measures advocated by Mr. Louis D. Brandeis. The disinterested members of the bar by an overwhelming majority respect him as a man of sterling worth and splendid ability.

Volumes might be written of his worth, but the main facts have already appeared in evidence, and I believe they should be conclusive to his remarkable worth and ability. It is certain that the great masses of the people, both lawyers and laity, will rejoice his confirmation, which is confidently expected.

I have the honor to remain,

Very respectfully, yours,

SAMUEL J. WITKIN.

—

[Law offices of Samuel L. Wolfson, 40 Court Street, Boston, Mass.]

FEBRUARY 29, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: I am an A. B., Harvard University, and LL. B., Boston University, and have been a member of the Massachusetts bar, Suffolk County, since 1913 and United States district court bar since 1915.

I have been for a great many years an ardent admirer of Mr. Louis D. Brandeis, because I believe him to be one of the foremost Americans of to-day and typical of American principles and democracy. I heartily approve his appointment to the United States Supreme Bench because I feel that he will stand up for what is equitable and just at all times and will make an excellent interpreter of the laws because of his vast legal experience.

I am of the opinion that the opposition to his confirmation is confined to a very small sphere, composed only of those who bear him a personal grudge and see a possible opportunity at hand to satisfy themselves, and it does not represent the voice of the people.

Respectfully, yours,

—

A few miscellaneous letters from lawyers outside of Boston or from nonlawyers:

MARCH 30, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I am taking the liberty of mailing you under another cover copy of an article concerning Louis D. Brandeis, whom I have had the honor of knowing a great many years.

As a citizen of Massachusetts and a former candidate for the nomination of governor and former chairman of the commission of efficiency and economy, I beg to say that in my opinion there is no living American who is more honest and more fearless, and no man that I know has better judgment or is more patriotic.

There are many people in Massachusetts and elsewhere throughout the country who believe that Brandeis resembles Abraham Lincoln in appearance and in character.

Yours, sincerely,

NORMAN H. WHITE.

—

FEBRUARY 9, 1916.

Hon. GEORGE E. CHAMBERLAIN,
Senate Chamber, Washington, D. C.:

Urge the confirmation of Brandeis because he is able, just, and progressive. One of the best appointments President could have made. No one opposing here but reactionaries, special-privilege beneficiaries, and big-business representatives. Opponents here include all who were applauding in advance nomination of Taft as the graceful thing to do.

WILLIAM U'REN.

—

FEBRUARY 19, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Senate Subcommittee.

DEAR SIR: The newspapers report that certain gentlemen from this vicinity have given your committee an unfavorable estimate of the character of Mr. Louis D. Brandeis and of his standing in the community.

I think it is fair to say that the hostile estimates attributed to these gentlemen are not unexpected and occasion little surprise in his locality. We are accustomed to having honorable men, of strong convictions and divergent interests, differ painfully in their estimates of one another. But I think it is also fair to say that these critics of Mr. Brandeis can not speak for the community at large.

I, for example, have known both Mr. Brandeis and some of his critics for many years. Part of this time I was a member of the faculty of Harvard University, as teacher of political economy and sociology; subsequently colleague and successor of the late Edward Everett Hale as minister of the South Congregational Society of Boston. The longer I have known Mr. Brandeis the more I have admired him, not only for his personal qualities but also for his knowledge of economic conditions; his insight and impartiality in regard to the relations of capital and labor; his public spirit and devotion to the general welfare.

I regard him as one of the most conscientious members of his great profession; as one of the sanest, wisest, and most trustworthy citizens of this Commonwealth.

I was glad when the President nominated him to the Supreme Court; first, because I, like many others, am persuaded that he measures up to the highest standards of moral character, of professional equipment, of judicial temper, of patriotic devotion; second, because I believe he will bring to his high office a statesmanlike grasp of the fundamental principles and problems of our social, political, and industrial life.

Sincerely, yours,

EDWARD CUMMINGS.

P. S.—I think I am not identified with Mr. Brandeis either in race, religion, or political party.

—

ANDOVER THEOLOGICAL SEMINARY,
Cambridge, Mass., February 17, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee of the Senate.

DEAR SIR: May I be allowed the privilege of expressing to you my appreciation of the character and service of Mr. L. D. Brandeis and my judgment of his eminent fitness for the great position for which our honored President has chosen him? I have known Mr. Brandeis for more than 20 years; I have heard him speak on many occasions on large questions, and have been brought into personal relations with him from our mutual interest in the welfare of workingmen. He has impressed me profoundly as a man of sterling character, absolutely devoted to the common welfare, thoroughly convinced that righteousness alone exalteth a nation, and so eager that good be accomplished that he willingly works in the background while others receive the commendation.

In view of the fact that great social problems are coming more and more to the Supreme Court, it seems to me that he is eminently fitted

for wise and humane judgment on these and other matters. From my contact with various classes of men in the community, I judge that his selection strikes others, with the exception of a small minority, as favorably as it does me.

Yours, respectfully,

DANIEL EVANS.

—

BOSTON, MASS., *February 25, 1916.*

SENATOR WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: I am writing you to throw what light I can upon the qualifications of Mr. Louis D. Brandeis for service in the Supreme Court. I have never had any business relations with Mr. Brandeis, but have been a close observer of his activities, both locally and nationally.

While I have no authority to speak for any organization with which I am connected, I think it fair to say that because I am connected with various public organizations in this vicinity I have come to know what kind of a man Mr. Brandeis is. As one of the organizers and president of the United Improvement Association, an affiliation of the various local associations throughout Boston, I have been associated with Mr. Brandeis and have seen his breadth of view and self-sacrificing contributions of time and money in the interests of the best civil development. As superintendent of the Wells Memorial Institute, I have become acquainted with his energetic and again self-sacrificing work in the upbuilding of our Massachusetts Savings Bank Life Insurance system. As director of the Boston Chamber of Commerce and an active member of various of its committees, I have had an opportunity to know of Mr. Brandeis's activities in connection with the New York, New Haven & Hartford Railroad. He has received much censure for his actions in this connection, and I believe that much of the opposition to him is based upon that. Let me assure you that such opposition is confined to a very small group of people, though the members of that group are wealthy men whose voices are heard afar. Because Mr. Brandeis discovered the evil financial and managerial situation of the New Haven Railroad and warned the public of it and of the need of an early and drastic remedy, he has been blamed as only the authors of the situation deserve. He is charged with the wrecking of the New Haven Railroad when what he really did was the very useful service of warning us that the railroad would be wrecked unless we took effective means to prevent such a catastrophe. One of our most prominent business men said to me very recently that he believed the opposition to Mr. Brandeis regarding the New Haven activities, which comes largely from the banking interest, is due to the fact that he discovered and made public the real situation of affairs before the bankers themselves had discovered it. It is my deliberate opinion that had Mr. Brandeis not made public the facts regarding the New Haven situation that debacle might have been even more serious than it is.

Finally, may I say that I believe the personal charges against Mr. Brandeis are due to the fact that he refuses to continue as counsel for a company after he becomes convinced that that company is working contrary to the public interest and demands his assistance in securing results which work against essential justice? Such a position is not in keeping with the general practice in the legal profession and is not required by legal ethics. In my opinion, however, it is a step in advance of what is absolutely required by the ethics of the profession; and I believe that in taking such a position he is standing for the higher morality rather than the lower ethics of the particular group. Not being a lawyer, I can not express any opinion of value as to Mr. Brandeis's purely legal contribution to the Supreme Court, but I do know that his intimate knowledge of the actual living conditions and problems of a great majority of the inhabitants of this country will be of inestimable value in giving a human and humanitarian balance to the views of the Supreme Court.

Respectfully, yours,

WILLIAM C. EWING.

—

60 STATE STREET, BOSTON, MASS.,
February 17, 1916.

Hon. WILLIAM E. CHILTON,
Chairman of Subcommittee, United States Senate,
Washington, D. C.

DEAR SENATOR: I write to urge the pending confirmation of Louis D. Brandeis. I am one of those citizens of Massachusetts who conceive Mr. Brandeis to be a great civic asset and potentially a distinct national asset. To many minds he stands as the embodiment of popular intelligence and courage striving for popular rights against selfish corporate aggression. He has a definite record of public achievement unequaled, I believe, by any other member of the bar in this State.

He is essentially a constructive and conservative element in the community, in that he believes in and assists orderly and evolutionary social progress. He is a man with a social vision, but never visionary; a useful servant of the public, but never servile; a profound and brilliant lawyer, who knows that historically the best law is ever expressive of the noblest social aspirations.

Faithfully,

WILLIAM LLOYD GARRISON, Jr.

—

FEBRUARY 17, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: Louis D. Brandeis is, in my opinion, absolutely devoid of all selfish interests. I do not intend to presume upon his dignity by defending his character, but wish to say that during the last 10 years in which he has served as our counsel we have found him to be both conservative and constructive in his advice.

There are embodied in Mr. Brandeis so many of the essential elements that fit him for the Associate Justice of the Supreme Court it is inconceivable that any testimony presented should influence your committee to the extent of robbing this country of the power and quality of justice that Mr. Brandeis will administer.

It is my belief that we voice the opinion of the conservative element of the country.

Yours, very truly,

E. G. HOWES.

—

FEBRUARY 15, 1916.

Hon. T. H. WALSH,

MY DEAR SIR: Inasmuch as so many allegations by petition or personal statement have been presented to the subcommittee to consider the fitness of Mr. Brandeis for the Supreme Court, many of which allege that he is temperamentally unfit to act in a judicial capacity, may I take the liberty of contributing an opinion on the other side. My professional work at Harvard has for many years required that I keep in close touch with transportation and labor matters, and quite aside from personal acquaintance with Mr. Brandeis, it has been in the true line of my work to follow every detail of his career. Two particular events, in my judgment, prove that Mr. Brandeis, far from lacking the judicial habit of mind, is preeminently fitted to exercise it. The first of these is his attitude on the rate-advance cases, wherein, as your committee has already been so fully informed, he was willing to so far do justice to both sides as to concede the need of revenue for the carriers while still fully comprehending the interest of the public, which he represented, in low transportation rates. As a warrant for this judgment, and merely in order to give it weight technically before your committee, I am taking the liberty of inclosing a few citations from reviews of certain books on railroads which I have published during the last few years.

The second instance of marked judicial capacity on the part of Mr. Brandeis is his record in the New York protocol, covering 50,000 or more garment workers, and substituting standardized and orderly conduct of a great business for chaos and incessant strife. The fact that Brandeis should have been chosen as the third member of the arbitration board, which was the capstone of the system, and should in that difficult position have continued to promote orderly intercourse between capital and labor, is no mean achievement. It could by no possibility have been performed by one who did not possess the qualities of fairness and nice discrimination as to human rights in the highest degree. On this subject also my warrant for expression of opinion is based upon a quarter of a century of instruction and writing on labor problems in connection with my work at Harvard.

You will pardon the length of this communication, but it is difficult more briefly to substantiate the claim which the friends of Mr. Brandeis bring forward in behalf of this candidacy.

Believe me, very truly, yours,

WILLIAM L. RIPLEY.

—

FEBRUARY 21, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Committee on Brandeis Nomination,
Washington, D. C.

DEAR SIR: I take the liberty of placing before you copy of telegram which I sent to President Wilson immediately after the announcement of his nomination of Mr. Louis D. Brandeis to vacancy on the bench of the Supreme Court of the United States:

"The PRESIDENT,
"*Washington, D. C.:*

"Your nomination of Louis D. Brandeis affords renewed evidence of your sagacity, is a fine tribute to his splendid qualifications, and a gratifying recognition of the confidence in which he is held by the masses of the American people."

I may add that for several years I have been in position to gauge with some accuracy the views of the people of Boston as a whole and to contrast them with those of a much more circumscribed local group mistakenly disposed to regard its own sentiments as those of the entire community.

Four men chanced to lunch together to-day at one table at one of our principal clubs. One is president of a prominent Boston savings bank, the second is a well-known lawyer occupying a high elective office, the third is one of the leading dry-goods merchants of Boston, the fourth (myself) is president of two flour milling companies. Among other matters the nomination of Mr. Brandeis was discussed. One suggested that those who favor his nomination hold up their hands and all four men held their hands aloft.

This is, I believe, much nearer a correct illustration of the views of the people of Boston—not to go farther from home—than was the petition recently signed here and forwarded for presentation to your committee.

If the matter were submitted to a vote of our citizens among whom Mr. Brandeis has lived and worked the greater part of his lifetime, I believe the majority in his favor would be overwhelming.

Very respectfully, yours,

BERNARD J. ROTHWELL.

—

[J. Russel Marble & Co., Worcester, Mass., also 77 Pearl Street, Boston, Mass. J. Russel Marble, Rufus S. Woodward, Charles E. Eager, Arthur E. Nye.]

WORCESTER, *February 23, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SIR: As a merchant of Boston and Worcester, Mass., and doing a very considerable business with the principal paper, woolen, cotton, and other manufacturers of New England, I want to state that I believe that a large proportion of the people of New England approve of the nomination of Louis D. Brandeis for Justice of the Supreme Court.

I have met Mr. Brandeis frequently in lines of work which are for the uplift and benefit of the people. His ability is recognized and I believe that he has a large degree of judiciary temperament. He is the only lawyer, so far as I know, of any particular prominence who has appeared before the Legislature of Massachusetts in the last 10 years in the interests of the people as a whole. The other lawyers have been there, chiefly representing the interests of corporations, whose interests are sometimes inimicable to those of the people. The Hon. Robert M. Washburn, a Republican, and more than five years a member of the Massachusetts House of Representatives, now a member of the Massachusetts Senate, himself a lawyer, has approved publicly of Mr. Brandeis's confirmation, as per inclosed interview in the Worcester Evening Gazette.

Knowing Mr. Brandeis as I do, and the sentiment of the New England people, I believe the court would be strengthened by his confirmation, and the respect for the court, if possible, increased among a large part of the community.

Very truly, yours,

J. RUSSELL MARBLE.

—

MARCH 3, 1916.

Mr. A. LAWRENCE LOWELL,
President Harvard University, Cambridge, Mass.

DEAR SIR: As a one-time member of the undergraduate body of the university, I feel that I owe it both to the traditions of that institution and to my own sense of duty to add my protest to that of the

undergraduates who have challenged your opinion as stated to the Senate committee of the fitness of Mr. Louis D. Brandeis for service on the Supreme Court of the United States.

I have some personal acquaintance with Mr. Brandeis. I have a good working knowledge of his activities in the public behalf during the past 10 years. There is no man of his time, in my opinion, who has rendered as valuable service to the cause of humanity and progress. He is of Supreme Court stature at all times. Under the conditions that prevail to-day in the United States, I believe him to be peculiarly fitted for services on that bench. President Wilson has made no appointment in his career that so honored him as that of Mr. Brandeis. In such a situation, it shocks me that the head of our most illustrious educational institution should join the chance of the privileged and predatory interests of the country in defaming the reputation of this great lawyer and citizen.

Again I protest for myself, for the old university ideals of truth seeking and service to humanity.

Truly, yours,

STILES P. JONES.
Class of '88.

HOT SPRINGS, ARK., *March 12, 1916.*

Hon. JOSEPH T. ROBINSON,
United States Senator from Arkansas, Washington, D. C.

MY DEAR SIR: Mr. Malheny, a brother attorney and old schoolmate of yours informed me that I might use his name as reference in writing to you relative to the confirmation of the Hon. Louis D. Brandeis for Supreme Court judge, who was indorsed by our local painters' union, No. 401, and a copy of the resolutions sent to you and Senator JAMES P. CLARKE on February 22 by special delivery. I wrote Senator CLARKE the second time, but have never received a reply to our resolutions nor my letters, and as I am originally from New England and also know ex-Secretary of the Interior Ballinger and many of the ring that attempted to hold up Uncle Sam in Alaska, and know Mr. Brandeis did his whole duty in that case and rendered invaluable services to the United States Government and the people of our country and in that and other cases, and that a large majority of the laboring men and law abiding citizens are in favor of your early action and confirming the President's appointment, I hereby again ask you and your colleagues to stay by us, and we will stay by you.

Kindly acknowledge the receipt of this and let me know if you duly received a copy of our resolutions, and oblige your humble friend and servant.

E. E. NEAL,
Box No. 78, Hot Springs, Ark.

JOHN P. HERRMANN, JR., REAL ESTATE CO.,
St. Louis, Mo., March 15, 1916.

To the MEMBERS SENATE JUDICIARY SUBCOMMITTEE,
Washington, D. C.

HONORABLE SIRS: The inclosed copy of my letter to Senator Elihu Root, a copy of which was mailed to Mr. Barnes, of New York City, explains itself.

With all due respect to the Hon. William Taft, the ex-President of the United States, I beg to call your attention to the fact that he was not above accepting the nomination at the hands of the 1912 so-called Republican convention, and that notwithstanding that the platform on which he was previously elected as President called for a revision of the tariff downward, that in place of that the people who had voted for him on that platform were given Canadian reciprocity instead of a revised tariff.

If the other gentlemen who are so strenuously opposing the confirmation of Mr. Louis D. Brandeis are in the same class, it might be well not to lay too much stress on their opinions as to his fitness for that high office. See inclosed editorial from Globe Democrat.

Trusting that you will receive this letter in the friendly spirit in which it is sent and will confirm Mr. Brandeis's appointment, I remain,

Very truly, yours,

A. F. HERRMANN, *904 Market Street,*
Delegate to the 1912 Progressive Party Convention,
And Chairman Twelfth Congressional District of Missouri.

ST. LOUIS, *February 18, 1916.*

Hon. ELIHU ROOT,
New York City, N. Y.

HONORABLE SIR: You will in all probability recognize the following matter as having been printed on postal cards which were received by various representative men of the so-called Republican National Convention held in Chicago in 1912:

"Rather than stain the nomination for the high office of President with fraud and theft, organize a Progressive Party with the Hon. Theodore Roosevelt as its head."

Now that your State, the Empire State, and your party, the Republican Party of your State, has spoken and given you to understand that they did not consider you fit timber to fill the position of President, the most honorable within the gift of the American people, I sincerely trust that the exalted opinion you had of yourself so dogmatically expressed and displayed while chairman of the national Republican Party convention held in Chicago in 1912 has somewhat diminished.

Might does not always make right, and in this case the lesson has been driven home to you by your own people in your own State.

While your nomination for the highest office was a possibility, your election to same is an absolute impossibility, as we, the Progressives in the western section of the United States, have always resented, nor will we ever forget and few of us ever forgive, the treatment you accorded to us while acting as chairman.

Trusting that your forced retirement to private life may be of a pleasant nature, I am,

Very respectfully, yours,

A. F. HERRMANN, *904 Market Street,*
Delegate to the 1912 Progressive Party Convention,
And Chairman Twelfth Congressional District of Missouri.

FEBRUARY 18, 1916.

Hon. WILLIAM E. CHILTON,
Chairman of Senate Subcommittee,
Washington, D. C.

DEAR SIR: Kindly allow me to express my approval of the nomination of Mr. Louis D. Brandeis to the Supreme Court.

It has been my privilege to have had somewhat of an intimate acquaintance with Mr. Brandeis for more than a dozen years, during which time I have observed his work at close range, both in public and private affairs. I have found him to be a man who is keenly active in getting after exact and fundamental facts before making a statement regarding any matter in hand, and subsequent events have usually proved that his judgment has been sound.

I feel sure that his activities have been misinterpreted sometimes as involving a radicalism which he did not feel or express, but, on the other hand, his utterances and actions have been of great value to the community in which he has lived.

Yours, very respectfully,

CHAS. M. COX.

FEBRUARY 3, 1916.

Hon. JOHN W. WEEKS,
Washington, D. C.

MY DEAR SENATOR WEEKS: Permit me to express the hope that you will not hinder the confirmation of Louis D. Brandeis even if you should find that you could not vote for him, which I sincerely hope will not be the case.

Yours, respectfully,

GEORGE W. COLEMAN.

FEBRUARY 3, 1916.

Hon. HENRY CABOT LODGE,
Washington, D. C.

DEAR SENATOR LODGE: With all my heart I hope you will not find it necessary to oppose the confirmation of the appointment of Louis D. Brandeis. Nothing would please me more than to see you voting for him.

Yours, sincerely,

GEORGE W. COLEMAN.

MARCH 10, 1916.

Mr. ELLERY SEDGWICK,
Editor Atlantic Monthly, 4 Park Street, Boston, Mass.

MY DEAR MR. SEDGWICK: The report in this morning's Herald of your suggestion to President Wilson of the social importance of Mr. Brandeis's appointment is most encouraging. With other Harvard men I was mortified by President Lowell's part in a stupid and unfair protest. Such action as yours is welcome, for it sets us right in the eyes of people throughout the country who have been criticizing Bostonians in general, rather unjustly, for the sad showing we made when one of our greatest citizens was given the recognition due him, and recognition is something Mr. Brandeis has never sought. Over the long-distance telephone some of the foremost social workers in New York told me of their indignation at the character of the protest emanating from this city. Fortunately we got every social worker in Boston to sign a petition showing how Mr. Brandeis really stands with the people and with those who are close to the people in this city. Those of us who regard the Atlantic Monthly as an expression of the best in democratic thinking find in your action a new satisfaction in our allegiance.

Sincerely, yours,

MEYER BLOOMFIELD.

CAMBRIDGE, MASS., *February 18, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee of Judiciary,
United States Senate, Washington, D. C.

DEAR SIR: The writer of this letter is a clergyman of the Congregational denomination of over 25 years' standing, most of it in actual service in the Commonwealth of Massachusetts; a graduate of Harvard College, and most of his ministry spent within the limits of the city of Boston. From the ministry he went to the professorship of applied Christianity at Tufts College, and for several years now has been engaged purely in private literary and educational activities. You will find his history in Who's Who for 1914–15, up to his resignation as professor at Tufts, since which I have engaged in writing educational books. I am personally known to Senator HOLLIS, Senator GALLINGER, and Senator WEEKS. Any of these gentlemen can give you light as to my standing. I think this is also true of Senator CLAPP, whom I knew early in my career.

In these many years in Massachusetts I have also been something of a publicist and have engaged in many public activities of the nature of social and political reform, the results of which are embodied in my book on "Christianity and the Social Race." My views on present movements, as they respect courts and judges, will be found in that volume very fully set forth in the chapter entitled "Social Justice on the Curbstone." I think this is sufficient for identification.

I am writing concerning Mr. Louis D. Brandeis. I have known Mr. Brandeis for nearly 16 years, being first attracted to him because of his activities as they related to sociological reforms in which I was interested. I became more closely acquainted with him in the campaign for savings-bank insurance for poor people in this Commonwealth and have kept more or less in touch with him and his activities during this entire period.

In the last 10 years I have lectured extensively in this State, and often speak in the course of a season to between 5,000 and 10,000 people of all kinds and types throughout the Commonwealth. I think I am in a position to know the public estimation of the man as well as almost any man in the State, and perhaps better than most, and I am writing to say that I am myself in favor of his confirmation as a Justice of the Supreme Court, and believe that the vast mass of the people of this Commonwealth, if they were permitted to express an opinion, would be found equally desirous of such action on the part of the Senate. I believe that more than any other man in the State Mr. Brandeis represents the feeling of liberal-conservative men as being a true and honorable embodiment of what has come to be known as "sociological jurisprudence." I believe that confidence in him is general, and perhaps even greater, because of some of the enemies which he has made, some of whom have appeared before your committee. The confirmation of Mr. Brandeis would reassure the people of this State and, as I believe, of the United States that a public man devoted to the popular interest—meaning thereby the public interest as against private and privileged interests—will not debar him from the highest service of the country. His rejection would be a distress signal which would, in my judgment, be damaging to the courts of the land already under fire in all parts of the land.

I think I am in position to understand and properly characterize the opposition to him from Boston and vicinity. It would not be fair to say that it was racial. It would be fair to say that if any man bearing an old New England name and practicing at the bar in Boston had everything which is alleged against Mr. Brandeis—alleged against

him—and were nominated for the Supreme Court, nobody would dream of raising these questions. Many of the interests represented by the protesting gentlemen are now, and have been ever since I have resided in this Commonwealth, against any emergence into public influence and power of anybody not of their number and clan. This is the simple truth.

Long and unchallenged control of everything in the Commonwealth has given many of these gentlemen the perfectly natural feeling that whoever is not approved by them is ipso facto a person who is either "dangerous" or lacking in "judicial temperament." I have met this in almost every form at public hearings of the legislature, of which I have attended a great many. It appears not merely in matters like this, but hardly less in philanthropies, the administration of public institutions, and many other forms of public activity. They simply can not realize, and do not, that a long New England ancestry is not prima facie a trusteeship for everything in New England. That is, in my judgment, the real spring of most of the opposition, though it must be recognized that it is entirely sincere, and the more sincere because never brought to the bar of critical review.

Doubtless your attention has been called to a recent editorial in the Boston Post entitled "A close petition," showing the comparatively narrow range of this opposition. I desire to affirm to your committee that if most of these people were brought into any public relation, as most of them have not, where a popular estimate of them could be registered, the verdict would be so overwhelmingly against them as to leave no doubt in the mind of any reasonable person of the restricted area in which they operate. I believe the real feeling of this community is one of high regard, amounting in some cases to idolized devotion to Mr. Brandeis as a type of man who will bring both honor and justice to the Supreme Court of the United States. They love him for the enemies he has made.

In my personal associations with Mr. Brandeis I have always been impressed with his sincerity, his uprightness of view, and his devotion to his cause. I believe that as a justice of the Supreme Court of the United States he would adorn the bench and add to the glory and renown of the greatest court in the world.

Respectfully yours,

A. A. BEELE.

To the SUBCOMMITTEE OF THE JUDICIARY COMMITTEE
OF THE UNITED STATES SENATE,
Washington, D. C.

GENTLEMEN: We, the undersigned ministers of Congregational churches in Greater Boston, as public-spirited citizens, hereby express to you the esteem in which we hold Mr. Louis D. Brandeis for his great service in behalf of the workers of the country and for the valiant fight which he has so successfully made for civic and corporate righteousness. We wish to bear witness that Mr. Brandeis was bitterly attacked several years ago for an address which he delivered before the Boston ministers' meeting. At that time, in the interests of fairness, we opened our platform to his opponents, that they might reply to his address and answer any questions which might be asked. This offer was declined. In view of the facts, we are glad that time has vindicated Mr. Brandeis in the position which he maintained before our body.

We sincerely trust that attacks from prejudiced quarters will not be allowed to defeat his confirmation as Associate Justice of the Supreme Court of the United States, and that unless evidence of unfitness not now known is produced, he will be so confirmed.

We, the undersigned social workers in Greater Boston, desire personally to go on record in favor of the appointment of Mr. Louis D. Brandeis to the United States Supreme Court.

In the field of social progress—wherein we have had an opportunity to observe and measure Mr. Brandeis's usefulness—we know that his interest and untiring service in connection with the adjustment of labor differences, his social insight, breadth of mind, and unselfish devotion have won him the confidence and respect of hosts of people in this community and elsewhere. To our thinking, he has given evidence of possessing a knowledge and point of view in regard to present-day social conditions which should make him a most useful member of the Supreme Court.

[The Pilgrim Congregational Church, Magazine Street.]

CAMBRIDGE, MASS., *February 22, 1916.*

Senator CHILTON,
Washington, D. C.

HONORED SIR: Pardon a few words on the Brandeis appointment now before you for hearing and report.

Many of us hereabout are delighted that the President has done the exceptionally good thing in his appointment of Mr. Brandeis, and we earnestly hope that your honorable committee will recommend that the Senate confirm the same.

At the time of the country-wide discussion of the New Haven Railroad matter, and when the public mind was agitated by it, our Boston ministers' meeting heard Mr. Brandeis, who presented the subject from his point of view with great fairness, abundant evidence, and brimful and overflowing thoroughness. His presentation was not answered openly, though his opponents were urgently invited to reply before our meeting. The only reply was a printed attack on the man, which was sent to all our ministers. Being cognizant of these facts, I fear that some of those now attacking Mr. Brandeis, were they and their methods under investigation, would hardly stand the light of day. Big business is surely more fully represented on the bench of the Supreme Court already; why should not the common people have on that bench such an eminent example of love for the public weal?

I have the honor to be, cordially and sincerely, yours,

RICHARD WRIGHT,
Pastor Pilgrim Church.

BRUNSWICK, ME., *March 6, 1916.*

Hon. CHARLES F. JOHNSON.

DEAR SIR: I concede that a Senator's conscience should, and in your case will, determine his official act.

I am aware that the sentiment of a single constituent may not be entitled to much consideration and I have hesitated to address you on the subject of this letter; but I have reflected that my sentiment may perhaps offset that of another.

I hope that you will vote for the confirmation of Mr. Brandeis. I think the definition of "a judicial mind" in our political dictionary should not be "one that stands between corporate rascality and the dispensation of justice."

I hope that in future years you may have the satisfaction to reflect that you have helped to make one of the greatest and purest judges of that great court.

Sincerely, yours,

HENRY F. THOMPSON.

[Ex. Rept. No. 2, pt. 2, 64th Cong., 1st sess.]

NOMINATION OF LOUIS D. BRANDEIS.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, submitted the following views of the minority.

The nomination was referred to a subcommittee for hearing and investigation. Full hearings were had in open session and every opportunity given to all to appear and be heard either for or against the nominee. The evidence and proceedings of the subcommittee, including separate reports of its members, have been printed and a favorable report on the nomination of the appointee, by the full committee, has been ordered by a vote of 10 to 8.

In view of the extreme importance of the appointment and the remarkable conditions disclosed at the hearings, the minority members of the committee feel it to be a duty resting upon them to state their views and their reasons for believing that the nomination should not be confirmed.

We concur in the views expressed and the conclusions reached in the separate reports of Senators CRUMMINS and WORKS of the subcommittee. Their reports are so full and ample that it is unnecessary now to enter into any extended review of the evidence. We make those reports a part of the views of the minority and annex them hereto and make them part of this minority report.

In addition to this we think it just and right to call the attention of the Senate to the important features of the evidence adduced before the subcommittee and to summarize in a brief way the vital things established by the evidence.

There were 12 separate and distinct charges made against the nominee affecting his conduct, standing, and reputation as a lawyer, and his fitness for the high office for which he had been nominated. Besides this, proof was offered of his bad reputation amongst the lawyers of the Boston bar, of which he was and had been a member for many years. In addition to this, numerous protests, signed by men of high character, including lawyers and others, based upon the claim that he is unreliable and untrustworthy, were submitted to the subcommittee. There were 77 of these protests signed by leading and well-known citizens.

Again, the subcommittee had before it a protest signed by William H. Taft, Simeon E. Baldwin, Francis Rawle, Joseph H. Choate, Elihu Root, and Moorfield Storey, as follows:

"The undersigned feel under the painful duty to say to you that, in their opinion, taking into view the reputation, character, and professional career of Mr. Louis D. Brandeis, he is not a fit person to be a member of the Supreme Court of the United States."

The signers of this protest are among the leading and most highly respected lawyers of the country and each of them had been president of the American Bar Association, of which Mr. Brandeis was, and had been for many years, a member.

To summarize the evidence given before the subcommittee, we submit that it establishes against the nominee—

1. That in a most important proceeding before the Interstate Commerce Commission he was appointed to represent the public side of a vital question, and without conferences with or warning to other counsel upon the same side he joined the railroad companies in asserting that the existing revenues were insufficient, thereby betraying the public interest and imposing upon the producers and consumers an unjust burden of millions of dollars every year.

2. That after serving a client and upholding and defending its manner of doing business and the form of its contracts with its customers, he, in the interest of its competitors in business, and, as he claimed, in the public interest attacked the former client and assailed the same contracts he had approved and defended, denounced them as in violation of law, and endeavored to secure legislation against them.

3. That he made believe that he was appearing and contesting these contracts in the public interests and without pay when he was acting directly for and in the interest of private individuals, and his firm, other than himself, accepted and received a large fee for the services rendered by him in this behalf.

4. That he took employment from a client, advised him to make an assignment for the benefit of his creditors, had his own partner appointed the assignee, and afterwards denied that he had ever been employed by the client. That at the time he took the employment and gave the advice he was the attorney of one of the largest creditors of the client, and for whose benefit the assignment was made, and in connection with the question whether the assignment should be made or not was advising another of the large creditors. That later he repudiated his employment by his client and prosecuted a petition in bankruptcy against him, alleging as an act of bankruptcy the making of the assignment that he himself had advised him to make. Out of this course of conduct he made for himself and his firm fees amounting to $43,852.

5. That in the Glavis-Ballinger case he appeared for Glavis, pretending to act without compensation and in the public interest, when he was acting for and in the interest of a private corporation and was paid for his services a fee of $25,000.

6. That he for a long time represented and collected fees from two clients whose interests were diametrically opposed to each other, and when they later went to law over those same conflicting interests he took employment for one of them against the other.

7. That he took employment in the fight for control of the Illinois Central Railroad to secure proxies for one of the parties, by which, in part, proxies sufficient to control the election of officers by his client were procured, and afterwards he denied having acted in the matter.

8. He took employment in the prosecution of actions against the New England Railroad Co., the object of which was to wreck the road and put it under the control of his client. The actions were not prosecuted in the name of his real client, but in the name of dummy plaintiffs, who were paid to bring the action by the real party in interest, whose identity was purposely concealed. The object intended was accomplished by this means and the New England road was absorbed and taken over by the New Haven.

9. That in the case of the Equitable Life Assurance Society he acted for and in the interest of some of the policyholders, without

pay, and in the public interest, and made charges against the society of misuse and misappropriation of funds and other wrongs. And at this very time he was the attorney for the society in a number of cases, and later, an action was brought against the society by one of the policyholders who alleged in his complaint the very wrongful acts that he had denounced in the public interest, to which he filed a sworn answer for the society denying that it had ever committed the wrongful acts with which he had charged it.

D. That in the merger case, while holding himself as acting as a disinterested representative of the public, he was really acting in the interest of a private individual and himself paid the other members of his firm a fee of $25,000 for the services rendered by him, thereby recognizing and treating the service as rendered for a client and not for the public.

11. That he was employed by certain liquor dealers as a paid lobbyist to prevent the passage by the legislature of his State of a bill detrimental to their interests.

12. That he has, on different occasions appeared before committees of Congress urging legislation against combinations and trusts, and among others has vigorously denounced the so-called chain-store combinations, but notwithstanding he accepted employment as counsel to convince the Department of Justice that the persons who promoted and brought about the merger of the Riker & Hegeman Co. chain of drug stores with the United Drug Co.'s chain of stores and upward of 3,500 agents of the National Cigar Stands Co. should not be prosecuted under the antitrust laws, a prosecution which the district attorney had already determined would be justified.

This last charge is not covered by the reports of the subcommittees, for the reason that the evidence was taken on a nreference to the subcommittee for that purpose after those reports were made. It will appear from this evidence that Mr. Brandeis for some time had actively assisted the so-called American Fair Trade League in an effort to bring about the adoption of the Stephens's price maintenance bill which the league had advocated as a means of defense to the small retailer against the chain stores.

At one of the hearings before the House Committee on Interstate Commerce Mr. Brandeis contended that price maintenance "preserves the small retailer as against the great chain stores." In an article which was submitted at these hearings, which Mr. Brandeis wrote for Harper's Weekly, entitled "Cutthroat competition," he said that without price maintenance manufacturers would "combine with existing chains of stores," or establish "new chains of retail stores." This he declared would be an unmitigated evil. He said, "The process of exterminating the small independent retailer already pressed by capitalistic combinations—the mail-order houses, existing chains of stores, and the large department stores—would be greatly accelerated by such a movement."

An examination of what Mr. Brandeis has written and said upon the subject will disclose that his attitude has been one of vigorous opposition to the chain store system.

In September of last year negotiations were set on foot looking to a merger of the United Drug Co. of Massachusetts, a $20,000,000 corporation, which also controlled a large number of stores. The Department of Justice, through District Attorney George W. Anderson (who, it may be said in passing, represented Mr. Brandeis before the subcommittee), entered upon an investigation to determine whether or not this merger would violate the antitrust laws. Mr. Anderson came to the conclusion that it would be in violation of those laws. Mr. Brandeis was employed to present the matter to Mr. Anderson in behalf of the merger and filed an elaborate brief with Mr. Anderson in an effort to convince him that the proposed merger was lawful.

We quote from the evidence taken before the subcommittee as follows:

"Mr. Louis K. Liggett testified in part as follows:

"Senator WORKS. Mr. Liggett, what is your business?

"Mr. LIGGETT. Manufacturer and retailer.

"Senator WORKS. Of what?

"Mr. LIGGETT. Drugs.

"Senator WORKS. With what companies are you connected?

"Mr. LIGGETT. The United Drug Co. as president, and chairman of the board of directors of the Liggett Co.

"Senator WORKS. What is the connection between these two companies?

"Mr. LIGGETT. That of parent and subsidiary company.

"Senator WORKS. What do you mean by that?

"Mr. LIGGETT. The Liggett Co. is a direct subsidiary of the United Drug Co., the United Drug Co. owning all the capital stock of the Liggett Co.

"Senator WORKS. What other companies are connected with the Liggett Co. or the United Drug Co.?

"Mr. LIGGETT. Several more subsidiary companies—the United Drug Co. (Ltd.) of Canada; the National Cigar Stands Co., of New York; the Guth Chocolate Co., of Baltimore; the Ballard Vale Springs Co., the United Candy Co., and the United Pharmaceutical Co. To the best of my recollection that is all.

"Senator BORAH. Does the parent company control all the stock of all these subsidiary companies?

"Mr. LIGGETT. It owns all the stock of all these companies, with the exception of a small amount of preferred stock in the United Drug Co. (Ltd.) of Canada, a small amount of preferred stock in the Guth Chocolate Co., and a small amount of the preferred stock of the Ballard Vale Springs Co. It owns all the common shares of all the companies.

"Senator WORKS. I have here a memorandum of some alleged facts relating to the connection between these companies, and I want to call your attention specifically to these statements, so that you may either verify them or correct any mistake in connection with them.

"It is said, first, that the merger of the Riker & Hegeman Co. chain of drug stores and the United Drug Co. brings under the same control nearly 200 retail drug stores and 3,500 agents of the National Cigar Stands Co. affiliated with the United Drug Co. Does that state the facts about correctly?

"Mr. LIGGETT. A little less number of retail stores; about 153 is correct.

"Senator WORKS. Instead of 200?

"Mr. LIGGETT. Instead of 200.

"Senator WORKS. How about the agencies—3,500 agents?

"Mr. LIGGETT. I could not give the exact number offhand, but it is approximately correct.

"Senator WORKS. Then, again, it is stated that the United Drug Co. of Massachusetts was a $20,000,000 corporation which controlled the United Drug Co. of New Jersey, the F. L. Daggett Co., the National Cigar Stands Co., the L. K. Liggett Co., the United Drug Co. (Ltd.) of Canada, and owned substantial holdings in the Hudson-Jenks Co. and Ballard Vale Co., and had working arrangements with approximately 7,000 other stores throughout the country, and through its cigar department, operated by the National Cigar Stands Co., had 3,500 agencies in various parts of the country. Does that state the facts correctly prior to the final merger that took place?

"Mr. LIGGETT. Approximately correctly.

"Senator WORKS. Then, again, it is stated that the Riker & Hegeman Co. is a $15,000,000 corporation organized in 1912 to take over the chain of stores of William B. Riker & Co., Hegeman & Co., and the Jaynes Co., and owned and operated over 100 stores in New York, Brooklyn, Boston, Hartford, Newark, Philadelphia, Pittsburgh, Washington, and other eastern cities. Does that state the facts correctly?

"Mr. LIGGETT. As far as I know.

"Senator WORKS. How far do you know?

"Mr. LIGGETT. I was not a member of their organization, and I can not state that in 1912 they did take over these businesses.

"Senator WORKS. You have become connected with some of those corporations since?

"Mr. LIGGETT. We have taken over what was the Riker-Hegeman Co. as it existed at the beginning of this year.

"Senator WORKS. We will come to that directly, I think.

"It is stated that in 1913 the control of the Riker & Hegeman Co. stock was acquired by the United Cigar Stores Co. interest, headed by George J. Whelen, and the stock of the company was put into the corporation for R. H. stock which Mr. Whelen and his associates controlled. Mr. Whelen took active charge of the Riker & Hegeman affairs and a number of Mr. Whelen's strongest associates in the United Cigar Stores Co. came over and took hold of the managements of the Riker & Hegeman Co. What is the fact as to that?

"Mr. LIGGETT. My information is to the effect that the United Cigar Stores Co. as an organization had nothing to do with that; that it was simply an individual promotion plan of Mr. Whelen's; that the stock of the Delaware corporation, known as the R. H. Corporation, was not largely held by stockholders of the United Cigar Stores Co. but rather by independent stockholders, and I believe that to be true, because in the purchase of the business I had to check their stock lists. By long odds a majority of the stock was held by investors.

"Senator WORKS. Then we will go to the next statement.

"In September of last year it was announced that the United Drug Co. interest was negotiating with Mr. Whelen, of the United Cigar Stores, and his associates for the control of the Riker & Hegeman chain. On October 17 it was announced that the transfer had been arranged and that a special meeting of the Riker & Hegeman stockholders would be called to ratify the merger. What is the fact about that?

"Mr. LIGGETT. That is about correct.

"Senator WORKS. Then again, soon after it became public that the Department of Justice was investigating the Riker & Hegeman chain of stores to determine whether prosecutions should be begun under the Sherman Antitrust Act on the complaints which had been coming into the Department of Justice from independent retail druggists of different parts of the country. Had you notice of any such investigation being made by the Department of Justice?

"Mr. LIGGETT. No; my only notice came through the action of Mr. Anderson, the district attorney in Boston, and I rather have assumed and believe it to be the fact that this was initiated by him, not on complaints but rather purely on his own initiative.

"Senator WORKS. When were you first made aware of the fact that Mr. Anderson was investigating the situation?

"Mr. LIGGETT. The 1st of October.

"Senator WORKS. What was the state of the negotiations which finally resulted in the ultimate merger, when you first learned of that fact?

"Mr. LIGGETT. As far as the principals controlling the majority of stock of the company was concerned the agreement has been made between them.

"Senator WORKS. Then, again, it was then claimed that the proposed merger of the Riker & Hegeman Co. with the United Drug Co. would combine retail interests estimated to be doing an annual business of $30,000,000, and that the matter was being investigated by the Attorney General. What was the fact about it, as to the interest that would be included if the merger took place?

"Mr. LIGGETT. The volume of retail business for the year 1915, when the business was conducted separately, would of course have made the combined business approximately $20,000,000, not $30,000,000.

"Senator WORKS. How many different stores would be included in the merger?

"Mr. LIGGETT. One hundred and fifty-three.

"Senator WORKS. Where? Located in how many different States?

"Mr. LIGGETT. Located, the largest number, in New York City in one group; the second largest in the New England States, including all States of New England, excepting Vermont, and having but one store in New Hampshire and three stores in Maine. The rest of the business was distributed in New York State, largely in the principal cities along the New York Central Railroad; a few in Pennsylvania, three being in Philadelphia and two in Pittsburgh, one in Scranton, one in Wilkes-Barre, and one in Lancaster; one in Washington, and three in Detroit.

"Senator BORAH. Washington, D. C.?

"Mr. LIGGETT. Washington, D. C. Three in Detroit, two in Columbus, Ohio, two in Toronto, Ontario, and five in Winnipeg.

"Senator WORKS. Since that time has the number of stores under your control been increased?

"Mr. LIGGETT. Decreased by four.

"Senator WORKS. Where?

"Mr. LIGGETT. One in Providence, one in Troy, N. Y., one in Paterson, N. J., and for the minute I can not think where the fourth place is.

* * * * * * *

"Senator WORKS. Next, it is stated that Louis D. Brandeis is understood to have been retained during this period for some of the parties in interest for the purpose of preparing an opinion and taking part in the negotiations with United States District Attorney Anderson and with the Department of Justice. What do you know about that?

"Mr. LIGGETT. In the latter part of October, I think somewhere about the 22d or possibly the 25th of October, one of the two dates, I went to Mr. Anderson's office with my counsel, Mr. Snow, at the request of Mr. Anderson, to make a full statement regarding the merger and the policies of the United Drug Co. previous to, and what they might be following, the merger; going, as we expressed it, to lay our cards on the table.

"Mr. Anderson's point of view at that time was, as I felt, very arbitrary; and as we left his office with Mr. Snow, in answer to some statement that I made regarding Mr. Anderson's position, said that he felt positive that Mr. Anderson was wrong in his view of the case,

and he said, as nearly as I can recall it, that he has always represented the corporate interests in matters of this kind.

"Senator BORAH. That is, Mr. Snow?

"Mr. LIGGETT. Mr. Snow had always represented corporate interests in matters of this kind, and that while he did believe that Mr. Anderson was wrong it was possible that some one else who had represented interests other than corporate interests might have a different viewpoint to give Mr. Snow, and that he thought he would like to consult with some one. I asked him whom he had in mind. His answer was that there was only one man that he cared to put the question up to, and that was Mr. Brandeis, and I replied, 'Why don't you get Mr. Brandeis, if that is the case?'

* * * * * * *

"Senator WORKS. Now, you may go on. You were telling us what occurred between you and Mr. Snow, and his determination to consult Mr. Brandeis. Had you concluded that?

"Mr. LIGGETT. I had concluded that.

"Senator WORKS. Was that all the connection you had with it?

"Mr. LIGGETT. That was all the connection I had with it.

"Senator WORKS. Did you come in contact with Mr. Brandeis after that?

"Mr. LIGGETT. I have never seen Mr. Brandeis that I know of.

"Senator WORKS. Did you ever see any paper in the form of an opinion or brief that was prepared by Mr. Brandeis?

"Mr. LIGGETT. Yes, sir; a joint letter signed by Mr. Brandeis and and Mr. Snow.

* * * * * * *

"Senator WORKS. Mr. Liggett, at the time this opinion was furnished by Brandeis, what was the condition of this merger or consolidation, or whatever it might be called? Were all these chains of stores, as we may call them, under your control at that time?

"Mr. LIGGETT. No, sir.

"Senator WORKS. This was before the merger took place—the final merger?

"Mr. LIGGETT. Before the final merger took place. The final merger took place on February 4 of this year.

"Senator WORKS. This is dated, I see, December 16, 1915.

"Mr. LIGGETT. Yes, sir.

"Senator WORKS. And the consolidation took place in February following?

"Mr. LIGGETT. The final merger; yes, sir.

* * * * * * *

"Senator WORKS. What was the amount of the capital stock of the merged company?

"Mr. LIGGETT. Authorized or issued?

"Senator WORKS. You may give us both.

"Mr. LIGGETT. Fifty-two millions authorized stock and approximately thirty-five millions of issued stock.

"Senator WORKS. Let me read this statement which I have here and see whether that is substantially correct:

"On February 5 the meeting of the Riker & Hegeman stockholders, which had been repeatedly postponed, was finally held and the merger was ratified, and two days later the United Drug Co. (Inc.) of New York was organized under the laws of New York with a capital of $52,100,000, which promptly took over all the Riker & Hegeman chains and all of the United Drug chains; and interests identified with the United Cigar Co. were conspicuous upon the board of the new United Drug Co.'

"Mr. LIGGETT. The last statement is incorrect.

"Senator WORKS. The statement respecting the——

"Mr. LIGGETT. The interests of the United Cigar Stores Co. were not represented then and are not represented now on the board of the United Drug Co. by anyone.

"Senator WORKS. And that concern is controlled by this merger?

"Mr. LIGGETT. Which concern?

"Senator WORKS. The United Cigar Co.

"Mr. LIGGETT. No; it is not—the United Cigar Co.

"Senator WORKS. They have no connection?

"Mr. LIGGETT. They have no connection with us whatever, either in stock ownership or representation or anything else.

"Senator WORKS. And that company is not represented on the board of directors?

"Mr. LIGGETT. No, sir.

"Senator WORKS. Except for that, is that statement correct?

"Mr. LIGGETT. Yes; so far as I can recollect.

* * * * * * *

"Senator BORAH. Do you control any articles or goods by reason of patents or copyrights or anything of that kind?

"Mr. LIGGETT. Only trade-marks.

"Senator BORAH. Trade-marks?

"Mr. LIGGETT. Yes; registered trade-marked goods; but we control no basic patent for manufacturing or control of production at all. We have none.

"Senator BORAH. As I understand you, there are 153 retail stores controlled by this merger?

"Mr. LIGGETT. Yes.

"Senator BORAH. Scattered in 8 or 10 States of the Union at least?

"Mr. LIGGETT. I should think that many or more.

"Senator BORAH. And your own parent company, the stockholding company, controls a sufficient amount of the stock of all the subsidiary companies to dominate those companies?

"Mr. LIGGETT. Exactly. They are subsidiary companies, practically.

"(Hearings, pp. 7, 8, 12, 56, 59.)"

Mr. Snow, mentioned by Mr. Liggett as his attorney, testified that he employed Mr. Brandeis, who joined him in a letter in the form of a brief to the district attorney defending the legality of the proposed merger; that he joined in the brief and was regularly employed as an attorney for that purpose.

The brief will be found in the record of the hearings (hearings, p. 13).

Also the report of the district attorney to the Attorney General (hearings, p. 39).

This combination of drug stores and cigar agencies was the largest in the country. Mr. Liggett testified on that subject as follows:

"Senator CHILTON. What other large retailers are there besides this of yours?

"Mr. LIGGETT. The Owl Drug Co., in California, is just on the Pacific coast.

"Senator CHILTON. What percentage of the business has the Owl Drug Co.?

"Mr. LIGGETT. Of the total business of the United States?

"Senator CHILTON. Yes.

"Mr. LIGGETT. I should not think it represented 1 per cent.

"Senator CHILTON. Is it as large as yours?

"Mr. LIGGETT. Oh, no. It is less than one-ninth the size of ours.

"Senator BORAH. Are there other companies aside from yours which represent a larger per cent than yours in the retail business?

"Mr. LIGGETT. No, sir. There are no other large retail drug businesses. By large I mean business running in excess of a million and a half of dollars. The nearest to it that I think of is the May Stores, of Pittsburgh, who are part of our 7,000 stores, however; we have their agency. Then there are the Marshall Stores, of Cleveland, the Public Drug Co., and the Bath & Raymer chain drug stores in Chicago. They all represent a substantial business running to about $1,000,000 each, or maybe a trifle more

* * * * * * *

"Senator WORKS. Do you control any stores on the Pacific coast at all?

"Mr. LIGGETT. No, sir.

"Senator WORKS. The field is covered by the Owl Co.?

"Mr. LIGGETT. By the Owl Drug Co.

"Senator WORKS. The Owl Drug Co.?

"Mr. LIGGETT. We have a small interest in the Owl Drug Co., but that was put in at the time following the earthquake in San Francisco to assist them financially, and it has been profitable, and we left a very small interest in their business.

"Senator WORKS. What territory do they cover?

"Mr. LIGGETT. They cover from San Diego to Spokane, all the principal cities; the large cities, not the smaller cities. They have 22 stores, located in San Diego, Los Angeles, San Francisco, Oakland, Portland, Seattle, Spokane, and one in Sacramento.

"Senator WORKS. They have no stores east of the Rocky Mountains, have they?

"Mr. LIGGETT. No, sir.

"Senator WORKS. You have not gone into their territory?

"Mr. LIGGETT. No; we have not extended our business west of the mountains.

"Senator WORKS. Nor they into yours?

"Mr. LIGGETT. I do not know whether they have or not. We have heard that they were making leases in New York and Chicago.

"Senator WORKS. They have no stores there?

"Mr. LIGGETT. They have no established stores that I know of; only rumor."

Mr. Brandeis's inconsistent position as a defender of the public interests and his practice as an attorney—in the one case denouncing such combinations as illegal and against the public interests and in the other upholding their validity and attempting to defend and protect them from suit by the Department of Justice, is sharply and clearly presented by this transaction.

The facts upon which our conclusions are based are undisputed. They present a condition that should make the confirmation of this man by the United States Senate impossible. Never before in the history of the country has a man been appointed a Justice of the Supreme Court of the United States whose honesty and integrity were seriously brought in question. It must be evident to any thinking and unbiased mind that this appointment has resulted from something other than the qualifications and fitness of the appointee for the office.

We regard it as a great misfortune and a distinct lowering of the standard heretofore maintained in making appointments to this high office that one should be selected for the place whose reputation for honesty and integrity amongst his associates at the bar has been proved to be bad, which reputation has been justified by his own course of conduct. We can not conscientiously give our consent to the confirmation of such an appointment.

C. D. CLARK.
KNUTE NELSON.
WM. P. DILLINGHAM.
GEO. SUTHERLAND.
FRANK B. BRANDEGEE.
WM. E. BORAH.
ALBERT B. CUMMINS.
JOHN D. WORKS.

Mr. CUMMINS, from the subcommittee of the Committee on the Judiciary, submitted the following views.

To the COMMITTEE ON THE JUDICIARY,
United States Senate:

As a member of the subcommittee, appointed to consider the nomination of Louis D. Brandeis as a Justice of the Supreme Court of the United States, I beg to submit the following report:

That Mr. Brandeis is a man of unusual intellectual power and of high legal learning is admitted by everybody. The opposition to his confirmation is not based upon any doubt respecting his general competency as a lawyer.

There have been laid before the committee many opinions, some favorable, some unfavorable, touching his fitness for the office to which he has been nominated, and with regard to his reputation at the Boston bar. It is most unfortunate that such questions should arise concerning one who has been selected by the President for a place upon the most exalted tribunal in the world, and I deplore that phase of the controversy. These adverse opinions are, in the main, founded directly or indirectly upon certain specific acts of alleged wrong-doing or impropriety which the subcommittee has examined, and we are therefore in a position to determine whether Mr. Brandeis has given reason for the distrust which has been expressed.

My conclusions rest chiefly upon the proof submitted to the committee concerning definite charges which have been made respecting the conduct and characteristics of the nominee. From this standpoint it is my purpose, as briefly as may be, to state the effect of the testimony adduced and the impressions it has made upon my mind.

CHARGE RELATING TO THE CONDUCT OF MR. BRANDEIS IN THE PROCEEDING KNOWN AS THE "FIVE PER CENT ADVANCE RATE CASE" OF 1910–1915, TRIED BEFORE THE INTERSTATE COMMERCE COMMISSION.

It is alleged against Mr. Brandeis that in this case he was guilty of unfair, unprofessional conduct, and betrayed the interests of the public.

In commenting upon this charge, as well as upon all others, I desire it to be understood that I will confine myself to the undisputed facts, for my conclusions are not dependent upon the comparative weight of the testimony with regard to any controverted issue. This course will relieve me from extensive quotations from the evidence and in part from references to the pages of the record.

In 1910 the railroads operating in what is known as official classification territory, acting in concert, filed with the Interstate Commerce Commission schedules showing a general increase in rates. Under the

act of Congress of 1910 these rates were suspended and a hearing ensued which resulted in a denial of the proposed increases. In this proceeding Mr. Brandeis appeared as an attorney for a Massachusetts commercial organization in opposition to the increases sought, basing his opposition mainly upon the proposition that if the railroads were efficiently managed they could enlarge their net revenues without advancing their rates. He did not, however, concede or suggest that the net revenues, taken as a whole, were inadequate.

In 1913 the same railroads again filed with the commission schedules of rates advancing them generally but not horizontally, and again the commission suspended the schedules and went forward to another hearing.

The proposed increases were so great that shippers everywhere were alarmed. The State railroad commissions became interested, and these State commissions, together with the business organizations, appeared in Washington for the purpose of preventing, if possible, the advance. In this situation there occurred an incident which had never happened before and which, it is profoundly hoped, will never occur again. The Interstate Commerce Commission, acting through one of its members, employed Mr. Brandeis, and inasmuch as the terms of the employment will become important I quote the material part of the letter. It was dated August 15, 1913 (record, p. 8):

"We are, of course, aware of the fact that the railroads will not fail fully to present their side of the case, and the commission has felt that every effort should be made, in the public interest, adequately to present the other side. Would you care to undertake that burden? As you are already aware, in a number of cases of large importance and wide interest, special counsel have been retained by the commission. As a matter of fact, that has not been their real relation in these controversies. They have been retained by the commission, not as advocates or to support any special theory of the issues involved, but as a means by which the commission might be advised of all the facts and not have to decide the issue upon a record made up largely in one interest. It is with this general thought in mind that the commission has reached the conclusion that in the rate advance case special counsel should be retained and I have been asked to ascertain whether your engagements and inclinations are such as to permit you to undertake the task of seeing that all sides and angles of the case are presented of record, without advocating any particular theory for its disposition. In making this last observation you will, of course, understand that you will be expected to emphasize any aspect of the case which in your judgment after an examination of the whole situation, may require emphasis. The commission, however, wishes to avoid a record based solely on a particular view or theory."

With reference to that part of the letter which states that the commission had theretofore retained special counsel it may be said that the lawyers so employed considered their employment to cover only the development of the facts and none of them, I believe, ever assumed that it was his function to become for the time being a member of the commission and decide the case, or make an argument for the carriers. (Record, pp. 87, 91, 92.)

It was claimed before the subcommittee that this letter made Mr. Brandeis substantially a member of the commission, and that it was his duty upon the hearing of the case not to make an argument but to render an opinion. If this is the true interpretation of the letter, the employment was not only without authority on the part of the commission but was most discreditable, and no reputable lawyer would have entered into such an undertaking or agreed to sustain such a relation to the commission. I desire, however, to do the commission the justice of saying that while the terms of the communication may be unfortunate, the real meaning can not be misunderstood by a fair-minded man.

Mr. Brandeis was employed to take the public side of the question; that is to say, he was to present the side opposed to the claims of the railroads. It was especially said to him that the railroads would be fully prepared to present their side of the case. What the commission wanted Mr. Brandeis to do was to develop all the facts, whether favorable or unfavorable to any theory, and his appointment was thought to be necessary because the commission has under the law opportunities to secure facts which are not accessible to a lawyer representing either State commissions or shippers. It was enjoined upon him that he was not to advocate any particular theory. Under such direction to Mr. Brandeis he entered upon his duties, and the next inquiry is, How did he perform them?

The hearing was both prolonged and exhaustive. Attorneys from all parts of the country representing shippers appeared with their evidence tending to show that the rates upon the particular commodities in which their clients were interested ought not to be advanced. Several State commissions, concerned not in any particular commodities but in the public welfare alone, took up the fight for the public and finally authorized Mr. Clifford Thorne, chairman of the Iowa Railroad Commission, to appear for them. His sole contention, on behalf of the State commission, was that the net revenues of the railroads in official classification territory, taken as a whole, were adequate; and to sustain it he introduced a very large volume of evidence.

If his position had been sustained, there would have been an end of the case, as in that event the Interstate Commerce Commission would have been compelled to have investigated the affairs of the individual railroads in order to ascertain whether, with respect to any one of them, the proposed increases were reasonable. In taking oral testimony before the commission Mr. Brandeis took his place upon the public side of the table and was in regular conference with the attorneys who represented the State commissions and the shippers. With others, he cross-examined the witnesses who were produced by the railroad companies. He extended to Mr. Thorne the most hearty congratulations upon the showing made intended to prove the adequacy of present revenues. Finally, the testimony being concluded, the time came for an arrangement concerning arguments, both printed and oral, and this is what happened before the commission on that occasion, April 7, 1914. (Record pp. 12, 13.)

The chairman of the commission after some preliminary statements said:

"There are, therefore, two proceedings which, however, the commission has consolidated upon the record. Growing out of the two proceedings were certain hearings respecting rates on certain commodities, and protests having been made by shippers interested in those particular rates, those hearings were conducted independently, but they are also a part of this proceeding now before us.

"The rest of the case has followed the two branches of inquiry propounded by the commission in its first order of investigation, namely:

"'Do the present rates of transportation yield an adequate return to common carriers, the railroads operating in official classification territory?

"'Second. If not, what general course may the carriers pursue to meet that situation?

"'Our investigations under this first question are to be considered as having come to a close to-day, subject to the statement just made about exhibits called for and other matters. With respect to that matter the commission desires an argument and briefs at an early date. The first available date is on the 20th of this month, and it has been the desire and hope of the commission that counsel on all sides might have their briefs in and be ready on that date to commence the oral arguments under the first question. I should like to inquire whether that will meet the convenience of counsel?'"

Counsel for the railroads made reply that it is immaterial to quote. Following him Mr. Brandeis addressed the commission as follows (record, p. 15):

"Mr. BRANDEIS. I have conferred with various counsel, and they suggest that the 27th will be a date that will be more agreeable to them than the 20th, as they will have to prepare the briefs as well as go through the record for the purpose."

It was accordingly arranged that briefs were to be filed on April 27, and that the oral argument upon the first question propounded by the commission should begin immediately thereafter. The time for oral argument was divided equally between the public and the railroads, and again Mr. Brandeis ranged himself on the public side, and his time was to be a part of the time allotted to the public. When the time arrived for argument, and after conference between Mr. Brandeis, Mr. Thorne, and other counsel, it was determined that attorneys representing particular shippers should speak first, then Mr. Thorne, and that Mr. Brandeis should close the case for the public. At this point it is important to understand just what occurred between Mr. Thorne and Mr. Brandeis at or about the time the argument began. I quote from Mr. Thorne's testimony (record, p. 17):

"I returned for the oral argument, met Mr. Brandeis in the offices of the commission. He was very cordial in his greeting. He called me into his room (where he worked occasionally, perhaps the bulk of his time, while he was over at the commission's offices) and he said, 'Mr. Thorne'—I am quoting him in substance; I can not remember his exact words, but this was the purport of his statement—'you and I have mastered, or tried to master, this case as a whole. The other representatives are chiefly interested in their specific commodities. I have talked it over with the commission,' or 'with Commissioner Harlan'—he said one or the other—'and it is the desire of the commission that you open the argument, and I will close on behalf of the public. In between will come the arguments of the representatives of special interests, whoever they may be. The railroads will open the case, they having the burden, and will close the case.' I said, 'Mr. Brandeis, it will be impossible for me to open this argument on behalf of the public at this time. I am physically unable to do so. I have been working day and night on the brief.'"

Mr. Thorne further says (record, p. 17):

"I was fearful that the men interested in a special commodity, with all the pressure that was being brought to bear upon the shippers everywhere, would be tempted to concede the main issue that was up for discussion at this time and say, 'But this should not apply to my commodity for the following reasons,' etc."

A little later and before the argument began there was further communication between Mr. Thorne and Mr. Brandeis, which I quote (record, p. 19):

"And I wrote a note to him stating as I understood he was giving special attention to the question as inches, inadequate revenues on particular commodities, as he had stated to me, and that when he came to the shippers they were giving their chief attention to the adequacy of revenues on their particular commodities, I was afraid I was going to be playing a lone hand on the issue that was specifically set down for argument at that time, and asked me if he could arrange for my following the shippers and preceding him. He misinterpreted the purport of my request. He thought I was desirous of displacing him in closing the argument.

"Senator WATSON. Have you that correspondence, Mr. Thorne?

"Mr. THORNE. No; it was just a note written in lead pencil on a sheet of paper at the time. And he said, 'You can make your opening statement and then make an additional argument after the shippers have concluded.' I said, 'No; I do not desire to make more than one argument.' And Mr. Brandeis, as I previously stated, misunderstood the purport of my request, evidently, because he then said, 'Well, I will leave to the commission whether you or I shall close for the public.' And I said, 'No; Mr. Brandeis, I do not desire to displace you in any sense of the word. I am not afraid of you a particle; but it is the person interested in the particular commodities who I fear will be tempted to make an unfortunate concession.' 'All right, then,' he said, 'that will be satisfactory. I think there will be no trouble about arranging that.'"

There is but one conflict in the evidence with regard to the entire subject, and it relates to the knowledge which Mr. Thorne had of the position which Mr. Brandeis was about to take. Mr. Thorne says—and it is not contradicted in any way—that Mr. Brandeis gave him no intimation of the extraordinary thing he was about to do. I quote again from Mr. Thorne's testimony (record, p. 19):

"Later in the day, or the following day—I can not state exactly—I received a copy of his (Brandeis's) brief. I looked through it to see the main positions he had taken. I did not find any statement there that the revenues, as a whole, were adequate or any discussion of such a proposition. I then became anxious to know the situation. Mr. Brandeis, I remember, was leaning forward or listening or talking to some other party—I do not know which. Mr. Carmalt was right between us. Mr. Carmalt was the assistant to Commissioner Harlan, chairman of the commission at that time, and was also assisting Mr. Brandeis. He is now chief examiner, I believe, of the Interstate Commerce Commission. I said to Mr. Carmalt, 'What position is Mr. Brandeis going to take in this case?' He said, 'You will have to ask Mr. Brandeis. I think that probably he is going to hold that some of the rates are inadequate on special articles and that there should be a general revision in the central freight association territory.'

"Of course, that did not concern me vitally, and that served to allay my alarm; but to make sure, I asked Mr. Brandeis his position. He said, 'Well, now, Mr. Thorne, I believe that some of the railroads are not earning enough money, and I think that the situation is bad in central freight association territory.' I said, 'Well, Mr. Brandeis, that is all right; I have no objection so far as that is concerned,' and I was entirely satisfied. In the brief he had taken the position, 'If the revenues are inadequate, how could they secure the additional money?' But he had taken substantially the same position in the 1910 case—'If the revenues are inadequate, they should secure additional money through the adoption of scientific management methods.'"

Mr. Carmalt says (record, p. 83) that a day or two before the oral arguments Mr. Brandeis said, in discussing the question with him (Carmalt), that he intended to take substantially the position which he afterwards did take, and that some time during the argument Mr. Thorne asked him (Carmalt) what position Mr. Brandeis was going to take on the sufficiency of the revenues, and that he (Carmalt) told him (Thorne) what Mr. Brandeis had previously stated.

This is absolutely the only dispute, in fact, as I am quite willing to accept either statement. To me Mr. Carmalt's recollection of the matter reflects much more severely upon Mr. Brandeis than does Mr. Thorne's statement.

Taking up the thread of the story again, I find this situation: After months of testimony the commission, with the concurrence of all who were interested in the subject, propounded, for argument to begin on April 27, one question, namely, "Do the present rates of transportation yield an adequate return to common carriers, the railroads, in official classification territory?" The other branch of the inquiry, namely, "If not, what general course may the carriers pursue to meet that situation?" was reserved for a later hearing.

Counsel representing commercial organizations, shippers, State railroad commissions, and Mr. Brandeis were on one side of the table, presumably to argue in the affirmative. And thus the trial proceeded. The carriers opened the argument. Then came the counsel for the commercial organizations and shippers, then Mr. Thorne, who presented the case he had made on behalf of the State commissions, attempting to show from the evidence which had been adduced that the net revenues of the railroads in official classification territory, taken as a whole, were adequate—sufficient. Then followed Mr. Brandeis. His opening sentences were (record, pp. 20-21):

"May it please your honors, it may be helpful if at the outset I state the conclusions to which a review of the record in these cases has brought me. They are these:

"First, that on the whole the net income, the net operating revenue of the carriers in official classification territory, are smaller than is consistent with their assured prosperity and the welfare of the community, and that this is notably true of the Central Freight Association lines, and it is true practically as to other lines also because of the Central Freight Association scale."

Later in his discussion he (Brandeis) declared (record, p. 21):

"I do not said, and I will say again, that, whatever may be true of the rates, the net operating revenues and the net income of these properties are not such as to give assured prosperity to the railroads such as the welfare of the community demands."

It is a most strange thing that Mr. Thorne, representing the public through the State commission, heard these admissions he was dumbfounded and felt that the labor of months had gone for naught, and that Mr. Brandeis had made an admission which destroyed any hope of defeating the claims of the carriers. Sitting as a judge rather than as an advocate he thus practically decided the suit in favor of the railroads. It must not be understood that Mr. Brandeis admitted that the rates ought to be advanced according to the schedules filed by the railroads. After having made the fatal admission to which I have referred he proceeded to insist that there were other ways of swelling revenues, such as increasing the passenger rates, charging for services rendered without compensation, and the like, but this did not retrieve the disaster. The commission accepted the admission made by Mr. Brandeis. It followed his suggestions with respect to the new method of obtaining additional revenues for the purposes of the case then pending; but shortly thereafter, in granting advanced rates substantially as prayed by the common carriers, and the people are now paying them.

It is not my purpose to enter upon the merits of the issues tried before the commission and I shall express no opinion of the decision under which the carriers are now operating. I have only to do with the quality of the work of Mr. Brandeis. To me it seems utterly indefensible. He was an attorney for the public. Mr. Thorne was an attorney for the public. The only issue between the public and the railroads up for argument at that time was whether the railroads were getting enough money from the public to compensate them for the service rendered to the public. Mr. Thorne had made this the vital point in the most remarkable array of evidence I have ever examined. It had been strengthened by cross-examination conducted by both Mr. Thorne and Mr. Brandeis. No matter how they were appointed, Brandeis and Thorne were associate counsel for the public on this issue. The railroads had argued earnestly and ingeniously for their side. Thorne, in a wonderful discussion, had argued for the public side insisting that the public was paying enough already. Then Mr. Brandeis, who had asserted his right to close the argument for the public, rose and the very first thing he said was that the railroad contention, on the issue then being tried, ought to be sustained. I have heard it said that if Mr. Brandeis honestly believed the railroads were right on this question it was his duty to say so. Any such view is a total misconception of the situation. If he could not honestly argue for the public he ought not to have argued the question at all. He should have left Mr. Thorne to maintain the public rights as best he could. Because he reached the conclusion that the railroads were right, on the issue, is no justification whatever for making an argument for them under the circumstances of the trial.

If it appeared in the case as a judge he should have heard all the testimony and arguments and rendered his opinion in the usual way. If he appeared to see that all the facts that were pertinent to the issues were developed, he ought to have left the argument to those who were advocating their respective claims. If his employment was to advise the commission upon the conclusions or questions of law his place was in the conference room and not at the bar.

I have endeavored in vain to conceive any excuse for the course Mr. Brandeis pursued. Its consequences are emphasized when it is remembered that the testimony adduced by Mr. Thorne had established beyond controversy that the net revenue of the carriers had, during the preceding year, been sufficient to meet all the expenses of maintenance and operation, all fixed charges, including taxes, all interest on the bonded indebtedness, and that there remained enough to pay 5½ per cent on all their outstanding capital stock. (Record, p. 32.)

The commission had decided in 1910 that 7½ per cent net was on common stock outstanding was adequate; that is to say, that such a return was sufficient to pay a reasonable dividend upon the stock and create a reasonable surplus. This was the very pith of the claim made by Mr. Thorne, and yet during the argument of Mr. Brandeis before the commission the following colloquy occurred (Record, p. 32):

"Mr. BRANDEIS. While I would much rather it were possible to remove a fact, this fact that Mr. Thorne suggests as being such a peril to the community, I myself rather look with hope to the ultimate working out of this problem by the Supreme Court of the United States, with the aid of the commission and other courts, instead of denying to the railroads to-day that which, in good business judgment, in looking to the immediate future with which we have to deal, is an essential to the health of the railroads.

"Mr. THORNE. Mr. Brandeis, did you understand me to deny any surplus?

"Mr. BRANDEIS. I thought you were rather niggardly as to surplus.

"Mr. THORNE. I allowed the same surplus that the commission did in 1910, and if your remark applies to my allowance it applies to the other."

If, under the circumstances of this proceeding, the most important from every point of view which has taken place in a quarter of a century, a lawyer who appears with other counsel in behalf of the public can, after his associates have made their arguments, arise and in open court admit that the carriers were wholly right and the public wholly wrong, upon the immediate question under consideration, without incurring the condemnation which follows betrayal, then I confess that I do not understand either common morality among men or the ethics of the profession to which Mr. Brandeis belongs.

THE UNITED SHOE MACHINERY CO. MATTER.

The facts relating to the charge which grows out of the connection of Mr. Brandeis with the United Shoe Machinery Co. are so fully stated in the separate views of my colleagues, Senators CHILTON and WORKS, that it is unnecessary for me to do more than, first, to state the charge; second, my conclusions respecting the facts; and, third, my opinion of the conduct of Mr. Brandeis.

The charge is that Mr. Brandeis, having been for years a director and counsel for the United Shoe Machinery Co., having approved the terms of its contracts and leases with its customers, and having defended them before a committee of the Massachusetts Legislature, after his relation as director and counsel had ceased, made war upon his former client, not only before committees of Congress, as a citizen, but as an attorney in behalf of certain shoe manufacturers; furthermore, that in his public campaign he did not adhere to the truth, and that in appearing for the manufacturers he attacked the very system he had helped build up.

That Mr. Brandeis was for some years a director and attorney for the United Shoe Machinery Co., frequently advised with respect to the leases and contracts which were afterwards assailed; that he did defend the system before a committee of the Massachusetts Legislature; that some three or four years after he had resigned as director and withdrawn as attorney for the Machinery Co. he did assail his former client in a public way and before committees of Congress as a vicious monopoly in restraint of commerce; that he did accept employment from an alliance of shoe manufacturers for the purpose of overturning the system, is not disputed.

I do not attempt to determine whether the statements made in the public assaults and in the campaign for the manufacturers were truthful or untruthful. It was manifestly impossible for the committee to try that question. Nor do I take into account the fact that in the litigation Mr. Brandeis personally returned to his clients the $2,500 collected by his firm as compensation. This fact seems to me to be immaterial, for if the attorney was not working for pay his clients were looking for pecuniary profit, and Mr. Brandeis had no more right to appear for them without compensation than with compensation. My opinion is that a due regard for professional propriety would have prevented Mr. Brandeis from accepting employment from anyone to attack his former client with respect to the very matters about which he had advised and defended it.

I do not apply the same rule to his efforts, as a citizen, to promote the legislation which he believed to be essential to the public welfare, for every man owes that duty to society; but I am not able to reconcile Brandeis, the attorney for the United Shoe Machinery Co., with Brandeis, the attorney for the Shoe Manufacturers' Alliance.

THE LENNOX MATTER.

In this matter the general charge against Mr. Brandeis is that in quick succession he accepted employment from three clients whose interests were necessarily in conflict and undertook the impossible task of advising all of them at the same time. The defense is that he became the attorney for a "situation," and that he could without offense represent all the interests, inasmuch as he was trying to do the square thing.

In many respects the history of Mr. Brandeis's connection with these several clients is the most remarkable I have ever heard. It was developed in a large volume of testimony, which is well worth reading, but for the purposes of the present report it may be condensed within narrow limits.

P. Lennox & Co., a copartnership composed of Patrick Lennox and his son, James T. Lennox, carrying on a large tanning business in Lynn, Salem, and Peabody, Mass., became financially embarrassed. The Abe Stein Co., of New York was a creditor to the extent of more than $200,000, and was represented by a New York lawyer named Stroock. The younger Lennox, who was acting for the firm, informed the Abe Stein Co. of the trouble early in September, 1907, and asked help of some kind. Thereupon Mr. Stein and his lawyer, Mr. Stroock, started to Boston, and on the way over decided that they would employ Mr. Brandeis on behalf of the Abe Stein Co. Immediately upon reaching Boston they visited Mr. Brandeis and did employ him. They then saw Mr. Lennox, and after some discussion advised P. Lennox & Co. to retain Mr. Brandeis. Mr. Stroock offered to see Brandeis to ascertain whether he would accept the employment, which he did during the same forenoon. Mr. Brandeis assented; whereupon Stein, Stroock, and two friends of Lennox went to the offices of Brandeis, Dunbar & Nutter to go over the affairs of P. Lennox & Co. Brandeis, Dunbar & Nutter already represented Weil, Farrell & Co., a creditor to the extent of something like $300,000. Such was the situation when Brandeis, Stroock, Stein, and Lennox, and the two other gentlemen, whose names are not material, came together in Mr. Brandeis's office for a conference. A stenographer was called in, and what was said upon that occasion was taken down, and a transcript of the stenographic notes is before the committee. An exhaustive inquiry into the affairs of the Lennox firm was made by Mr. Brandeis, unquestionably under his employment by Mr. Lennox. This is evident because the only purpose that Mr. Lennox had in going to Brandeis was to be advised with respect to the proper course to pursue. He wanted somebody to tell him what to do; and to that end laid before Mr. Brandeis a rather minute account of the assets and liabilities of the copartnership. The result of the conference was that Mr. Brandeis advised Mr. Lennox to make an assignment for the benefit of the creditors, and suggested that his partner, Mr. Nutter, should become the assignee. The assignment was immediately prepared, and after a little delay was executed and filed. Mr. Nutter took possession of the property, and the firm of Brandeis, Dunbar & Nutter became his

attorneys. Within a short time a disagreement arose between Lennox and the assignee; whereupon Brandeis, Dunbar & Nutter, as attorneys for certain creditors, filed a petition in bankruptcy against P. Lennox & Co., alleging the assignment for the benefit of creditors which Brandeis had advised and procured as an act of bankruptcy. Other petitions in bankruptcy were filed, alleging other causes, and finally the copartnership of P. Lennox & Co. and its individual members were adjudged bankrupts, and Mr. Nutter became one of the trustees, and Mr. Dunbar the attorneys for the trustees.

Four years later the bankruptcy proceedings ended in a composition through which the firm creditors received 40 per cent and the individual creditors 100 per cent. The report submitted by Senator Chilton gives copious references to the testimony, and the report presented by Senator Works contains extracts from the record so clearly arranged and so abundant that if I were to attempt the same work it would be a mere duplication. There is no real conflict in the record, although there are some serious differences respecting the conclusions which are to be drawn from the conversations of the various parties to this strange proceeding.

There is absolutely no doubt that Mr. Brandeis was at the very beginning the attorney for Weil, Farrell & Co., Abe Stein Co., and P. Lennox & Co. There is no question that under these circumstances he advised an assignment for the benefit of creditors. It is not controverted that he made the assignment the basis of bankruptcy proceedings, and thus became hostile to his former client. The explanation which his friends present is that what Mr. Brandeis really agreed to do was to take the estate and see that it was distributed lawfully among the creditors. To me it is an unseemly spectacle, and Mr. Brandeis is not the only actor in the scene who deserves censure. When I think of how Lennox, with Stein and Stroock on either side of him, went to Brandeis, the attorney for Weil, Farrell & Co., and the Abe Stein Co., to be advised and guided in the way that would lead to emancipation from the troubles that were harrassing them, I can not understand how reputable men could tolerate even that arrangement; but when I see Mr. Brandeis accepting the relation, acquiring all the information that Lennox had to give, advising an assignment, practically to himself, and then to see him turn on Lennox and charge the very thing that he had counseled and procured as an act of bankruptcy, I am bound to condemn the whole transaction, no matter how distinguished the offenders may be.

THE GLAVIS-BALLINGER INVESTIGATION.

The material facts in this case are not in dispute, and they can be very briefly stated.

Glavis was an employee of the Interior Department. He made a series of grave charges affecting the conduct of the department and the integrity of Mr. Ballinger, the Secretary of the Interior. These charges related to the disposition of the public domain and involved what is generally known as the conservation policy of the United States. They were published in Collier's Weekly, a magazine of wide circulation and great influence. Out of these charges grew an investigation carried on by a joint committee of the two Houses of Congress. The investigation finally took the form of a proceeding which may be described as Glavis v. Ballinger. The inquiry broadened until there was brought within its scope the attitude of many public officials, including the President and the Attorney General. Glavis was not only without means, but was somewhat obscure and in and of himself could not have given to the proceedings any considerable force. Collier's Weekly, knowing that it had published statements which, if not true, would subject it to damages in a libel suit, and having a real desire, I have no doubt, to further the public interest and expose what it believed to be corruption in the Interior Department, employed Mr. Brandeis to appear before the committee and sustain the charges. The view of the magazine with respect to its relation to the controversy is clearly and forcibly stated by Mr. Norman Hapgood, who was then its editor:

"Senator WORKS. In the discussion of the matter, was the question raised at any time as to the probable liability of Collier's for the publication it had made?

"Mr. HAPGOOD. It certainly was. There was an enormous liability of every kind—moral and financial. When we undertook to show that the Government was concealing such important facts, we were undertaking a good deal, but we did it with a very large sense of responsibility of every kind.

"Senator WORKS. You understood perfectly that Collier's had a personal interest in the matter, in view of the fact that it might be held responsible in an action for libel for publishing a document of that kind?

"Mr. HAPGOOD. We certainly did understand that. (Record, p. 459.)"

Mr. Mark Sullivan, now the editor of Collier's, then the associate editor, put it in this way:

"Senator WORKS. Then you understood, Mr. Sullivan, that Mr. Brandeis was employed by Collier's Weekly to represent its interests and protect it?

"Mr. SULLIVAN. Certainly. If, when the investigation began, Glavis had been discredited, if the investigation had shown nothing serious, Collier's Weekly was in a position to be very much discredited.

"Senator WORKS. Will you be good enough to answer the question?

"Mr. SULLIVAN. Yes; surely. I meant to.

"Senator WORKS. Read the question, Mr. Reporter.

"The reporter (reading):

"'Then, you understood, Mr. Sullivan, that Mr. Brandeis was employed by Collier's Weekly to represent its interests and protect it?'

"Mr. SULLIVAN. Largely I should say, though I ought to remind you again that the editor of the paper then was Mr. Hapgood. I was not even present.

"Senator WORKS. I was only asking for your understanding of it. That was your understanding?

"Mr. SULLIVAN. Largely to protect the paper's interests, and largely for public service. (Record, p. 327.)"

It is manifest that Collier's Weekly had as much right to appear before the committee as Glavis had, for they sustained exactly the same relation to the investigation; and as a matter of fact, Mr. Robert Collier was invited to so appear.

After Mr. Brandeis had been thus employed by Collier's Weekly the question came up, and naturally, for whom he should appear before the committee, and it is apparent that it was the subject of serious discussion. Mr. Hapgood says (record, p. 458):

"It seemed perfectly clear to us that if this was going to be kept a conservation movement against such big forces we must not try to get into the foreground; that Mr. Glavis, who was a Government official, as well as our contributor, should be the one person kept in the front in order not to cloud the issue."

Mr. C. E. Kelley was at that time counsel for Collier's Weekly in New York City and attended to its legal business there. He had conferences with Mr. Brandeis concerning the investigation and the substance of his evidence on that point is as follows (record, pp. 389, 392, 397, 398):

"Mr. KELLEY. Yes, sir; I was.

"Mr. FOX. Did you have any conversation with him on the subject of your appearance with him in the matter before the committee?

"Mr. KELLEY. I did.

"Mr. FOX. Will you please state what Mr. Brandeis said in that regard, what you said to him and what he said to you, giving, of course, the substance?

"Mr. KELLEY. I would not undertake to state more than the general substance, because the conversations extended over many days. The substance of the conversation on Mr. Brandeis's part was that he did not care to have me appear with him before the committee, and he also stated in those conversations the reasons for that request.

"Mr. FOX. Will you give the reasons, please, and what he said?

"Mr. KELLEY. He stated in substance that he was going to appear or was appearing—because our conversations extended over some time—before the committee as attorney for Mr. Glavis. (Record, p. 389.)"

Again:

"Senator CUMMINS. In your discussions with Mr. Brandeis with respect to appearance, was it understood that the relation of Mr. Brandeis to Collier's Weekly could not be made known?

"Mr. KELLEY. Really, sir; I doubt my ability to testify as to what was understood. I might venture what the understanding was between Mr. Brandeis and myself, but I would not care to go further than that.

"Senator CUMMINS. That is precisely what I asked you.

"Mr. KELLEY. As between Mr. Brandeis and myself, I think I would have to say that was the understanding.

"Senator CUMMINS. What reason did Mr. Brandeis give, if any, for desiring that course to be pursued?

"Mr. KELLEY. That was a subject of conversation between Mr. Brandeis and myself on many occasions with a view to deciding what was the best policy, in so far as the prosecution of the charges, if I may put it that way, was concerned. I do not think I could state at this date that there was any further reason than one of policy. (Record, p. 392.)"

Again:

"Senator WORKS. The question was considered between you and Mr. Brandeis as to whether Mr. Collier should take advantage of the invitation that had been extended to him to appear in his own name before the committee, or whether Mr. Brandeis should appear in the name of Mr. Glavis; and that was really the matter of discussion between you, was it not?

"Mr. KELLEY. I think so; yes.

"Senator WORKS. Did Mr. Brandeis give any reason why he thought Mr. Collier should not take that course?

"Mr. KELLEY. He gave a reason, later on, as to why he thought Mr. Collier should not appear before the committee personally, namely, that he did not think that Mr. Collier could add anything to what had already been brought out.

"Senator WORKS. I am not asking you about that. I am talking about the question in the first instance as to for whom Mr. Brandeis should appear. Was that matter discussed between you then, as to the propriety or policy of his appearing openly for Mr. Collier, or whether he should appear for Mr. Glavis, who was already openly a party to the proceeding?

"Mr. KELLEY. It was not a subject of any extended discussion, because I accepted Mr. Brandeis's conviction on the matter.

"Senator WORKS. In that immediate connection did Mr. Brandeis give you any reason why he thought Mr. Collier should not appear through him, and why he should appear for Mr. Glavis?

"Mr. KELLEY. I at the present time do not recollect any reasons except his statement, in substance, that he thought it was better that he should appear for Mr. Glavis, or his statement that he was going to appear for Mr. Glavis. (Record, pp. 397, 398.)"

These extracts from the testimony show beyond any question that the whole subject was considered, and that after the most careful reflection it was decided that Mr. Brandeis, who had been employed by Collier's Weekly, not by Glavis, should appear for Glavis, not for Collier's Weekly, because it was better that Glavis, a subordinate in the department, should be the prosecutor rather than Collier's Weekly, a strong, public-spirited magazine. The decision was carried into effect when Mr. Brandeis appeared before the committee, and I quote the record of the appearance (record, p. 1072):

"Mr. GLAVIS. Mr. Chairman, I was here yesterday ready to proceed. I have brought my attorneys here, and I think that if they will be allowed to examine me that the testimony would proceed more rapidly.

"The CHAIRMAN. Are you ready to proceed to testify?

"Mr. GLAVIS. Yes, sir.

"The CHAIRMAN. Very well. If the committee has no objection to that course, we will have your testimony taken, and your attorney can examine you in chief.

"Mr. MCCALL. I understand that Mr. Louis D. Brandeis is your counsel?

"Mr. BRANDEIS. I am counsel for Mr. Glavis, with Mr. J. P. Cotton, jr., of New York.

"The CHAIRMAN. Have you any statement that you desire to make before we proceed?

With the several parties occupying the relation toward each other shown in these quotations from the evidence, the hearing before the committee went forward, and for the service rendered by Mr. Brandeis he received from Collier's Weekly a fee of something like $25,000 and his expenses.

Upon these undisputed facts I am called upon, as a member of the subcommittee, to say whether Mr. Brandeis was guilty of impropriety. The suggestion of those who appeared before the committee in opposition to the confirmation is that when Mr. Brandeis appeared before the committee it was his professional duty to state that he had been employed by and appeared for Collier's Weekly and that Mr. Glavis was nothing more than a nominal client, if, indeed, he was a client in any sense. The reply of those who appeared before the committee favoring the confirmation is that there was no attempt to conceal the fact that Mr. Brandeis represented Collier's Weekly and that it was generally known by those who were interested in the investigation.

I have no doubt that both Mr. Hapgood and Mr. Sullivan told many persons that the magazine had employed Mr. Brandeis, nor have I any doubt that the circumstances themselves led many other persons

to believe that the magazine was really conducting the investigation. On the other hand, I am just as clear that the people of the country outside of Washington believed that Mr. Brandeis had undertaken to serve Mr. Glavis, who had no means to employ counsel, because he was interested in the public questions involved in the proceeding and that he was bringing his great abilities into the controversy in order to promote the general welfare.

I have no criticism for Collier's Weekly, for I am thoroughly convinced that its chief purpose was to expose what it sincerely believed to be gross malfeasance in office, and to protect the national resources against the unlawful designs of selfish men.

Mr. Brandeis, however, occupied a wholly different relation to the proceeding. I can not avoid the conclusion that it was his duty to state openly and frankly to the committee the fact that he had been employed by Collier's Weekly, not only to guard against the consequences of a suit for libel, but to carry on the campaign against the alleged wrongdoers in the Interior Department. Not only professional propriety in its technical sense, but the situation in a peculiar sense demanded the utmost candor. Mr. Brandeis failed to recognize his plain obligation; and the skill which he exhibited during the long and important proceeding in which the rights of the public were so vitally involved can not relieve him from just criticism.

THE WARREN ESTATE.

It required hundreds of pages of testimony for the development of this matter. Substantially all of it is immaterial, except for the purpose of informing us of the relation which existed between the several parties. I shall not even refer to the pages of the record for the comparatively few facts out of which the present charge against Mr. Brandeis arises will not be disputed by anybody.

Prior to May, 1888, S. D. Warren, sr., was a paper manufacturer in partnership with M. B. Mason, the latter having a very small interest in the property. Warren died on May 2, 1888, leaving an estate of more than $2,000,000. He left a will devising the estate to his widow and five children. To the former he gave five-fifteenths, to the latter two-fifteenths each. The property connected with the paper mills, which constituted the larger part of the estate, was, through a series of complicated instruments, finally vested in trustees, of whom Samuel D. Warren, jr., was one. The trustees held the property for the benefit of the heirs in the proportions already mentioned, and they acquired it with the understanding that they were to lease it to a copartnership composed of S. D. Warren, jr., and M. B. Mason, who, as lessees, were to continue the business. The trustees represented the widow and the widow and five children, namely, Susan C. Warren, the widow; S. D. Warren, jr.; Henry C. Warren; Cornelia Warren; Edward P. Warren; and Fiske Warren. M. B. Mason was also one of the trustees, so that the lease was in effect an agreement between S. D. Warren, jr., and M. B. Mason as trustee with themselves as lessees. I do not find it necessary to refer to the peculiar terms of the lease or to the controversies to which the conduct of the lessees finally gave rise. It is sufficient to say that the lease was enormously profitable for the lessees, and it may be doubted whether Edward P. Warren, one of the cestui que trustent, fully understood its provisions when he entered into the compact, for he was then living in England and continued to live there for many years.

S. D. Warren, jr., had been a law partner of Mr. Brandeis under the firm name of Warren & Brandeis, but upon the making of the lease ceased to practice law and devoted himself to the operation of the paper mills. This situation continued until about 1904, when Edward P. Warren complained of the action of the trustees and the way in which the lessees were keeping the books of the paper business, and employed counsel in Boston to look into the matter. Investigations and conferences followed without result, and on December 19, 1909, he filed a bill against the lessees for an accounting, challenging many things that had been done from the time of the making of the lease to the time of filing the bill. During the progress of the suit S. D. Warren, jr., died, and shortly thereafter there was a compromise, the details of which I think are irrelevant.

During the whole complicated transaction from the death of S. D. Warren, sr., to the time that Edward P. Warren employed independent counsel, about 1903 or 1904, Mr. Brandeis represented everybody connected with the matter; that is to say, the heirs, the trustees, and the lessees; and when the actual controversy arose between Edward P. Warren and the lessees, S. D. Warren, jr., and M. B. Mason, he continued to represent the lessees, and when the bill was filed for an accounting in 1909 his firm appeared as counsel for the defendants and so continued until the compromise was effected.

While there has been some suggestion that it was improper for Mr. Brandeis to represent the heirs, trustees, and lessees in the original arrangement, because there were or might be conflicting interests, I do not think the criticism is well founded. The members of the family sustained to each other the most cordial, friendly relations, and it is quite evident that the widow and the four children had the most implicit confidence in the oldest son, S. D. Warren, jr., who was a man of established integrity and great ability. I dismiss that part of the charge.

The thing which Mr. Brandeis did which, in my opinion, he ought not to have done, occurred when Edward P. Warren, as a cestui que trust, questioned the conduct of the trustees and the lessees. It was at that time the conflicting interests were made clear. Before that time Mr. Brandeis had represented Mr. Edward P. Warren just as he had represented all the cestui que trustent, and when the claim was made against the lessees it seems to me that Mr. Brandeis was not at liberty to defend the lessees against it. The lessees should have sought other counsel, and Mr. Brandeis should have occupied an impartial position between the litigants. I am satisfied that there was no corrupt motive on the part of Mr. Brandeis, but inasmuch as the question is squarely before the committee I can not withhold my judgment.

THE ILLINOIS CENTRAL RAILROAD MATTER.

The testimony with regard to the part which Mr. Brandeis assumed in this transaction fully appears in the record. I will not review it because, in my opinion, there is nothing whatever in it which reflects in the slightest degree upon anybody connected with it.

THE NEW YORK & NEW ENGLAND RAILROAD CASES.

It is difficult for me to disassociate my general information with respect to this matter from the testimony introduced before the subcommittee. Inasmuch, however, as there is nothing in my information, or the testimony, to connect Mr. Brandeis with the conspiracy which I believe was formed to wreck the New York & New England Railroad and turn it over to the New York & New Haven Railroad, the difficulty I have mentioned is not important.

The facts are that in 1892 Austin Corbin, then a well-known capitalist and promoter in New York, who had theretofore been connected with the New York & New England Railroad, but who had lost control, began an attack upon the credit of the company and the conduct of its management. Personally, I have no doubt that this attack was the beginning of a campaign, the end of which was to be the complete control of the New York & New Haven, but there is no direct evidence in the record of this unlawful purpose.

For obvious reasons Corbin did not want to bring the suits in his own name, and he sought small and obscure stockholders to effectuate his design. His attorney in New York was William J. Kelly, then a practicing lawyer now a judge of the superior court. Kelly employed Brandeis, and also found in Boston a wholesale liquor firm, composed of N. F. Goldsmith and Walter H. Keith, which owned a few shares of the common stock, of very little value. Goldsmith & Co. and one E. H. Knowlton, of New York, the owner of a few shares of the preferred stock, became the plaintiffs in something like 10 suits brought in Massachusetts, Connecticut, and one or two other States against the New York & New England Railroad Co., which had for their ultimate object the appointment of a receiver. The agreement between Corbin and Goldsmith & Co. by which the latter agreed to act as plaintiff was of the most discreditable character. Its terms became known because the New York & New Haven in the course of time assumed the burdens of the litigation. The suits had the desired effect. The New York & New England became hopelessly involved, and the New York & New Haven became its owner.

If Mr. Brandeis had known all that was going on he could not escape the severest condemnation, but there is no satisfactory testimony that he was informed of Mr. Corbin's object, or knew anything about the relation of the New York & New Haven to the conspiracy. So far as we are advised by the evidence, all that Mr. Brandeis knew was that Goldsmith & Co. and Knowlton were not his real clients. He was retained by Mr. Kelly, paid by Mr. Kelly, and while he was aware of the relation between Corbin and Kelly, there was nothing in the record to convict him of complicity in the very questionable undertaking. All that I can say is that it leaves in my mind a doubt concerning the extent of Mr. Brandeis's knowledge of this affair, and I am not disposed to hold him responsible.

I have not referred to the pages of the record, because the material parts are carefully quoted in the separate views of my colleague, Senator WORKS, and anyone who desires to read the testimony will there find the references necessary to a full examination.

THE BOSTON & MAINE MATTER.

When the New York & New Haven Railroad Co. sought to acquire the Boston & Maine there were certain stockholders, among them a Mr. Lawrence, who resisted the merger, and it is to be assumed that the resistance was in part at least to protect what they believed to be their pecuniary interests. There was also resistance from a great many people based solely upon public policy. Mr. Brandeis and his firm were retained by these stockholders, and in connection with the employment a most remarkable incident occurred. It is said Mr. Brandeis felt that he ought to render his service without compensation, but that his partners should not be deprived of the fees which would otherwise have accrued to the partnership. In this situation Mr. Brandeis paid to his partners $25,000 out of his own funds and rendered his service without pay. This payment was not solicited by his partners, but accepted by them rather under protest.

I have not been able to fathom the motive for this transaction. In so far as the stockholders represented by Mr. Brandeis were concerned no one could question the propriety of an appearance by Mr. Brandeis nor the acceptance of compensation. In so far as the public generally was concerned Mr. Brandeis ought not to have represented anybody as an attorney and there should have been no compensation for work done to promote the common good. The controversy was carried on mainly before the Massachusetts Legislature, but in part through the ordinary avenues of publicity.

Personally, I am of the opinion that a lawyer has no right to appear before a committee of Congress or a committee of a legislature as an attorney to urge questions of public policy. He has a right as a citizen to become a part of a movement and to be the spokesman of the movement but in so doing he is not an attorney or representative. He is speaking for the people of whom he is one. In such a situation there ought to be no clients whose pecuniary interests are to be served or protected.

All that I can say of the singular performance is that Mr. Brandeis furnished the opportunity for serious criticism and at the best indicated that his view of duties and responsibility was somewhat abnormal. It is not strange that those who looked at the incident from the outside were skeptical and suspicious. I pay no heed to the charge that in the course of the campaign Mr. Brandeis made untruthful statements, for I have thought it impossible to examine at this time the complicated facts which were then in dispute.

OTHER CHARGES.

The subcommittee heard a great deal of testimony concerning a variety of other charges, namely, the relation of Mr. Brandeis to the Equitable Assurance Society of New York, the solicitation of proxies to enable Mr. E. H. Harriman to control the Illinois Central Railroad, misconduct in regard to the Gillette Safety Razor Co., the connection with the Old Dominion Copper & Smelting Co., the appearance before the Massachusetts Legislature for the liquor interests, the Consolidated Gas transaction, and the activities for the bill in Congress authorizing manufacturers and producers in certain instances to fix retail prices.

I find nothing in any of these matters to warrant extended comment. There are some things in them which might be regarded as of doubtful propriety, but they admit of fair difference of opinion. All that I care to do is to commend the testimony to the full committee.

CONCLUSION.

In view of all the matters to which I have referred I have been constrained to reach the conclusion that the nomination of Mr. Brandeis as a Justice of the Supreme Court ought not to be confirmed. My conclusion is the result of much reflection, and it is with great regret that I announce it. I am acquainted with Mr. Brandeis, and for the strength of his mind and the scope of his knowledge I have the profoundest admiration. Moreover, I am in sympathy, for the most part, with his sociological and economic opinions, and for the work that he has done in these directions I have nothing but commendation. I can not, however, even seem to approve his course in many of the matters which have been brought to the attention of the subcommittee, through which he has lost the confidence of so large an element of the profession of which he is a member and of the country of which he is a citizen as to vitally impair his usefulness as a Justice of the Supreme Court.

ALBERT B. CUMMINS.

APRIL 3, 1916.

Mr. WORKS, from the subcommittee of the Committee on the Judiciary, submitted the following views:

To the COMMITTEE ON THE JUDICIARY,
United States Senate:

It has often been said that the Supreme Court of the United States is the greatest judicial tribunal in the world. This assertion may well be accepted when we consider the vast and controlling powers of the court—its jurisdiction over a hundred million of people whose lives, liberties, and independence are in its keeping; its control over the business of a great, rich, and powerful Nation and its protecting power to preserve our free institutions and the Federal Constitution even to the extent of nullifying laws enacted by Congress and the States. No such far-reaching powers are vested in any other court in the civilized world. The acts and proceedings of every department and every officer of the Government, from the President of the United States down, is subject to its decrees, and from its decisions there is no appeal. They are final and conclusive.

The appointment of a member of such a tribunal involves the gravest responsibility and should call for the exercise of the highest degree of disinterested patriotism, free from political, religious, or race interests or prejudices. To fit any American citizen to fill this exalted and responsible position his ability must be undoubted, his character above reproach, his integrity beyond suspicion, and his fairness and the judicial character of his mind fully established. It may be that this standard of fitness has not always been maintained in making such appointments, but it is the standard that should guide and influence the appointing power. The President has exercised this power, in the present instance, so far as it rests with him, by appointing Louis D. Brandeis to be a justice of the Supreme Court. The responsibility now rests with the Senate of the United States. Our responsibility, individually and collectively, as Members of the Senate, is just as great as was that of the President in making the nomination. Our duty and responsibility, it may also be observed, is to the country and not to the President.

It is most unfortunate that the nomination of Mr. Brandeis for the office should have given cause in the minds of anyone for an investigation or that any inquiry into his fitness should have become necessary. But the investigation has been called for and has been held. The fullest opportunity has been given to all who had any showing to make, for or against him, to present the facts in their possession and their views. It is my purpose to review here the charges made against him and the evidence given before the subcommittee to support and to refute them.

THE RAILROAD RATE ADVANCE CASE.

The charge is made that Mr. Brandeis betrayed his clients in this proceeding in the Advance Rate case and acted in bad faith toward his associate counsel, and evidence was submitted to support the charge. The position of Mr. Brandeis in the case was a peculiar and anomalous one. He was not employed as attorney for any of the litigant parties, and therefore he had no clients to whom he owed a duty resulting from an employment as such. He was called into the case by the Interstate Commerce Commission, the tribunal before which the case was to be tried, a proceeding not contemplated to bring about just such an unfortunate condition as the one that resulted in this case, and one that, in my judgment, should not be allowed in any case. Almost inevitably counsel coming into such a controversy in that way will be given greater consideration and his opinions and admissions given greater weight than those of the attorneys for the adversary parties. Mr. Brandeis's authority, so far as it was disclosed at the hearing, was contained in a letter from the commission to him. It was said in the letter:

"We are, of course, aware of the fact that the carriers will not fail fully to present their side of the case, and the commission has felt that every effort should be made, in the public interest, adequately to present the other side. Would you care to undertake that burden? * * * I have been asked to ascertain whether your engagements and inclinations are such as to permit you to undertake the task of seeing that all sides and angles of the case are presented of record without advocating any particular theory for its disposition."

This letter, which constituted the authority of Mr. Brandeis to act in the case, was about as ambiguous as it could well have been made. In the first clause of it he was, in plain and unambiguous terms, made the representative of the interests opposed to the railroads, "in the public interest." In the latter he was expected to "undertake the task of seeing that all sides and angles of the case are presented of record."

But, however that may be, Mr. Brandeis himself construed the letter as imposing the duty on him of representing the interests of the shippers and others opposed to the railroads and aiding them to support their defense against the raising of rates. He took place at the table occupied by the attorneys for the shippers, consulted and acted with them throughout, and in the division of time for argument took a part of their time. In the division of time Mr. Brandeis was given the closing argument on behalf of the shippers. The issues to be discussed were stated by the commission as follows:

First. Do the present rates of transportation yield adequate return to common carriers, the railroads operating in official classification territory?

Second. If not, what general course may the carriers pursue to meet that situation? (Hearings, p. 12.)

After this statement of the issues, 20 days were given all parties to prepare briefs, oral arguments to follow. Mr. Brandeis in the brief prepared by him directed his attention chiefly to the second issue and did not disclose his position on the first. At the oral argument, after the other attorneys for the shippers had made their arguments, and without previous notice to them, he made this broad admission:

"First. That, on the whole, the net income, the net operating revenues of the carriers in official classification territory, are smaller than is consistent with their assured prosperity and the welfare of the community, and that this is notably true of the central freight association lines, and it is true practically as to other lines also, because of the central freight association scale. (Hearings, p. 20.)"

This, as I construe it, was to admit away, as against the interests he was called upon to represent and protect, the first and chief issue in the case. Clifford Thorne, chairman of the State Board of Railroad Commissioners of Iowa, presented this charge against Mr. Brandeis and the evidence to support it. He prefaced his testimony on the merits with this statement:

"In the first place, the gentleman whom you have under consideration, I believe, was guilty of infidelity, breach of faith, and unprofessional conduct in connection with one of the greatest cases of this generation. (Record, p. 8.)"

And in stating the effect upon him of Mr. Brandeis's admission above mentioned he said:

"I was simply dumfounded by this statement. This was not an ordinary case. The railroad had been fighting for four years to get that fact established which I have just read to you before the Interstate Commerce Commission. They had maintained a propaganda, Nation wide in extent, in magazines and newspapers and had made speeches everywhere, and had brought pressure to bear in every conceivable manner. * * * And in the closing argument, after every other party on behalf of the public had concluded, the special counsel for the commission appointed to see that all phases of the case were developed, in the final closing argument on behalf of the public, without any notice or warning to other counsel taking part in the argument, he concedes the very point in issue and set down for argument. (Hearing, p. 21.)"

There can be no doubt of the sincerity of Mr. Thorne's views or his feeling that by the admission made by Mr. Brandeis, under the circumstances, the public interests were betrayed and that the course taken by him was unfair to other counsel and unprofessional.

On the other hand, John M. Eshleman, a very estimable and reliable gentleman, formerly chairman of the Railroad Commission of California, and later lieutenant governor of California, and who died suddenly soon after this testimony was given, and Joseph N. Teal, of Portland, Oregon, an attorney at law, who has had large experience in cases of this kind, gave it as their opinion that Mr. Thorne had no just reason to complain of the conduct of Mr. Brandeis. But both of these gentlemen agreed that his admission was not justified and that the rates were adequate and should not have been increased. And the following extracted from Gov. Eshleman's testimony shows that he differed from Mr. Thorne only because their construction of the letter under which Mr. Brandeis acted differed:

"Senator CUMMINS. Governor, it seems to me that there is not much difficulty about the controversy between you, if there is one, and Mr. Thorne?

"Mr. ESHLEMAN. We have no controversy, Senator.

"Senator CUMMINS. It all depends, I think, upon the relation which Mr. Brandeis bore to that case. You look upon his appointment as an adviser to the commission, and you look upon his argument before the commission as the delivery of a judicial opinion, whereas, I take it, Mr. Thorne supposed that he was counsel for the general public and was associated with him in the defense.

"Mr. ESHLEMAN. I think that is our main difference.

"Senator CUMMINS. That is the real difference?

"Mr. ESHLEMAN. Yes. (Hearings, p. 66.)"

So it is left to the committee and finally to the Senate to determine whether Mr. Brandeis's course in the matter calls for condemnation or not.

There is nothing in the evidence to show that in making the admission complained of Mr. Brandeis was moved by any ulterior or improper motives. Whether he was justified in making it as a result of the evidence could only be determined by a retrial by the committee of the rate case, which is manifestly out of the question. Mr. Thorne maintains stoutly that the evidence did not justify or support the admission. In this conclusion he is supported by both Gov. Eshleman and Mr. Teal. But his final justification must rest upon the decision of the commission, which was in accord with this admission. But, very naturally, Mr. Thorne and others interested with him maintain that the conclusion reached by the commissioners resulted from this very admission made by counsel specially appointed for them. Whether this is so no one can tell, but it is only fair to conclude that such an admission made under such circumstances must have been given weight in the final decision of the case.

As to Mr. Brandeis's duty in the matter, independently of the question whether or not the admission was justified by the evidence, it seems to me that any fair mind must conclude that the wise, the prudent, and the fair thing for Mr. Brandeis to have done when he concluded to make the admission would have been to inform the attorneys with whom he had been acting of his intention and give them an opportunity to meet and refute it if they could. His relations with Mr. Thorne throughout the trial had been intimate and confidential. He had commended Mr. Thorne for the able presentation he had made of the shippers' case. There was no intimation from him that he disagreed with Mr. Thorne as to what the decision should be. To make the admission he did and at the time and under the circumstances was to my mind exceedingly unfair to Mr. Thorne and to the interests he represented; besides, there is a serious question in my mind whether Mr. Brandeis was justified or warranted in making any such admission under any circumstances by virtue of his employment. He was employed "adequately to present the other side" as against the railroads, who "will not fail fully to present their side of the case" and to see "that all sides and angles of the case are presented of record." In short, he was employed to see that the case was fully and fairly presented to the commission for its decision and not to decide it himself.

THE UNITED SHOE MACHINERY CO.

It is charged that Mr. Brandeis was from 1899 to 1906 a director and the attorney of the company. That he represented on the board of directors the large interests of the Henderson family of Chicago. That he participated in and approved the organization of the company and the form of leases made by it and was familiar with all its business and affairs. That, as its counsel, he defended its leases when legislation was sought against them, and that afterwards he acted as counsel for certain shoe manufacturing companies which were opposing the leases and which had formed themselves into an alliance to defeat their conditions. That in that capacity he gave a written opinion assailing the leases that he had formerly approved and in addition appeared at the hearings before committees of Congress and assailed the business of the company of which he had been a director and its attorney, during which time it had conducted its business the same as when his attack was made. The charge and the evidence to support it will be found in the testimony of Sidney W. Winslow, president of the company, commencing on page 160 of the hearings. It consists very largely of quotations from Mr. Brandeis at the hearings while he was connected with the company and afterwards. I think a few extracts from his declarations will present with sufficient accuracy what is claimed to be his equivocal and contradictory positions for and against the company and its mode of doing business. But first let me quote the charges made by Mr. Winslow. He says:

"He acted as counsel for the company in many matters for nearly eight years. In 1906 he took practically entire charge of the company's opposition to a bill proposed in the Massachusetts Legislature designed to restrict the company's leases. He then expressed the firm conviction not only that the company's leases were legal and that the Legislature of Massachusetts could not constitutionally limit their scope but also that they were of great benefit to the shoe manufacturers. As late as October 5, 1906, he wrote Mr. Erving Winslow a personal letter expressing his moral approval of the Shoe Machinery Co.'s system of business.

"He resigned as director of the company in December, 1906, giving as a reason that he felt he ought not to continue an exception to his general rule of not holding the office of director in any corporation for which he acted as counsel.

"Never during his connection with the company did he express disapproval of any of their acts, methods, or policy. On the contrary, the company's method of conducting business met with his full approval.

"I believe that Mr. Brandeis, since he left our company, has been guilty of unprofessional conduct and of conduct not becoming an honorable man, in the following:

"First. Mr. Brandeis has, at the instance of new clients, attacked as illegal and criminal the very acts and system of business in which he participated, which he assisted to create, and which he advised were legal, and he has persistently sought to injure our business. In so doing his knowledge of our leases and business, acquired while acting as our director and counsel, has naturally been of value.

"Second. Owing to his long-extended connection with our company as director and counsel and his acquaintance with our affairs, Mr. Brandeis's statements as to our methods and business have naturally carried an authority which would not otherwise have been accorded them. An honorable man, when acting for other clients, would, in these circumstances, have been scrupulously careful that any statements made by him were truthful. Mr. Brandeis, however, has made false and misleading statements as to our acts and business, both to committees of Congress and elsewhere.

* * * * * * *

"He spoke before the joint judiciary committee of the Massachusetts Legislature in opposition to the bill. He filed a brief with the chairman of the committee, in which he contended that the proposed act was unconstitutional, and he drafted a letter for the United Co. to send to shoe manufacturers urging them to oppose the bill.

"In his remarks before the joint judiciary committee on April 18, 1906, he strenuously defended the lease system employed by the United Co., and explained how it benefited the shoe manufacturer. He stated that the system then employed was not materially different from the system employed by the predecessor companies which had been merged into the United Co. There has been no substantial change of any kind in the lease system since Mr. Brandeis appeared before this legislative committee."

Then he quotes Mr. Brandeis's own language in support of the leases, as follows:

"'If we do not have this clause in certain of the leases where we have it, we could not sell certain things we do sell. We could not lease certain things which we do lease at as low a price as we do. It is only on account of the volume of business that we are able to undersell other people.'

"Referring to the charge of monopoly brought against the company, he said:

"'It has been said that this is a monopoly. In part it is a legal monopoly absolutely granted, because all the machinery we sell—I mean all that we lease or sell, because some we lease, some we sell, and with some we do both—all of the improvements are patented on machines. The Federal law means that we shall have a monopoly of those, and nothing in the State can take it away or limit it. We have also a very large part of the business outside of the necessarily patented machines, and why we have it is because we are able to give to the people those machines cheaper than other people, and that is a complaint that is made against this company, that we are giving them cheaper. That is the main complaint.'

"With reference to the charges as to the character of the company's leases, he said:

"'The terms that these gentlemen say are in the leases are not in the leases, taken down as they say. It is not true that if you take one of our leases you can not use any other machine. That is not true. Take the manufacture of the Goodyear turn shoes, which Mr. Storrow spoke about, where he said there were 96 machines used, that we make, that we lease, or some of them that we sell. You would suppose from statements that have been made that if a man took any of those machines he had to take them all. That is absolutely untrue.'

"He pointed out the benefits conferred on manufacturers by the repair service furnished them by the United Co. He declared that nobody could possibly say that the company was selling things too dear or leasing things too dear 'when the cost in every branch of shoe manufacture has gone up from 33 to 50 per cent over every other department it has actually gone down in ours,' and he declared that the company was able to do this and still make a good profit 'because of the extraordinarily able management of this company and because of the fact that we are doing things wholesale.'

"He then declared that the company was entitled to commendation because 'it is the greatest promoter of competition that there is,' and there was not a manufacturing business in the United States in which there was the same freedom of competition that there was in the shoe-manufacturing business. He said:

"'That happy result is due largely to the method adopted by this shoe-machinery company, and the predecessor companies combined together to form this company. * * *. I deem it to be the fundamental or most important fact existing in business that the smallest man who makes 50 or 100 pairs of shoes a day has just as great advantage as the man who makes 20,000 pairs of shoes a day.'

* * * * * * *

"I say that it is the best thing that can happen to the shoe manufacturer because he is able to get on in business. He is able to engage in it without shaking his capital. The little man gets the new improvements just as the big man gets them, and some of the men who are doing a large business thought it was very unfair, because they can buy their leather cheaper, because their credit was better, because they could buy a million dollars' worth at a time, and the only thing in the whole business they can not buy cheaper was their shoe machinery or shoe-machinery material.

"In the letter which Mr. Brandeis drafted to be sent to the shoe manufacturers there occurred the following statements:

"'This bill, which is aimed confessedly only against the United Shoe Machinery Co., attacks a policy hitherto pursued by this company and its predecessors in the leasing of machines, and seeks to prohibit more particularly the practice of this company in supplying to our lessees auxiliary and general department machines on exceptionally advantageous terms.

"'We believe that the methods pursued by our company in the past have been greatly to the interest of shoe manufacturers, and that if this bill is enacted and becomes operative it will compel changes in our methods of dealing with Massachusetts shoe manufacturers which would increase the cost to them of machinery and deny to them facilities enjoyed by their competitors in other States.

"'We believe that the Massachusetts shoe manufacturers would be far more seriously affected than our own company by the enactment of such a bill, and that effort to defeat it should be made by you rather than by us.'"

Mr. Winslow refers to the hearings before the Interstate Commerce Committee of the Senate to show that Mr. Brandeis decided in September, 1910, that he ought, if called upon, to lend his aid in any effort to attack the company. He had then severed his connection with the company and was acting as counsel for the Shoe Manufacturers' Alliance. But prior to that time he had given an opinion to Charles H. Jones, president of the Commonwealth Shoe & Leather Co., in which he said:

"First. The United Shoe Machinery Co. is a combination in restraint of trade, and all contracts made by it, as essential parts of the combination or to carry out the purpose of monopolizing and perpetuating its monopoly of the shoe-machinery trade, are unlawful. The leases used are such contracts and are unlawful.

"Second. The leases are in themselves, aside from the unlawful combinations embodied in the United Shoe Machinery Co., restraints on interstate trade within the Sherman act.

"Third. The fact that the United Shoe Machinery Co. was formed to deal in patented articles does not prevent the illegality of the combination, nor does the fact that the leases are of patented machines render them legal, since the purpose of the combination and the provisions of the leases are designed to create a monopoly beyond that conferred by the patent laws.

"Fourth. The leases being invalid, you can not be held liable for failure to perform." (Hearings, p. 163.)

Of this opinion Mr. Winslow says:

"It is to be noted that Mr. Brandeis in this opinion not only attacks the form of leases which he had previously approved of, but also attacks the organization of the company, in which he participated, declaring the company to be a combination in restraint of trade.

"The above quoted portion of this opinion was printed presumably with Mr. Brandeis's consent as an advertisement on or about July 8, 1910, in the Boston newspapers, together with other opinions, as a part of Mr. Plant's campaign to force the United Co. to buy his patents.

"The Shoe Manufacturers' Alliance, which Mr. Brandeis represented from 1911 on, was an association of a few large shoe manufacturers, including Charles H. Jones, but most of whom were located in the West. Their platform, as quoted by Mr. Brandeis (see hearings before Committee on Interstate Commerce, United States Senate, 1912, p. 2618), declared:

"'We believe it to be essential that shoe machinery, whether it be leased or sold, be put on such terms as will leave the manufacturer free to take from the United Co. or from any other company one or more of the same or of different machines at a fixed unit price.'

"In other words, these manufacturers, according to their program as quoted by Mr. Brandeis, sought to compel the United Co. to give up the wholesale price which it granted where a series of different machines leased from it, all cooperating in the manufacture of a single pair of shoes, were used. The fact that we offered such a wholesale price instead of a unit price, Mr. Brandeis in 1906, before the joint judiciary committee of the Massachusetts Legislature, had spoken of as the reason why we could offer our machines at such reasonable rates and as of the greatest advantage to the shoe manufacturer.

"From this time on Mr. Brandeis has attacked our company in every way possible." (Hearings, p. 163.)

In addition to this, it is claimed by Mr. Winslow that Mr. Brandeis made many false and unwarranted statements against the company which are specifically pointed out by him in his testimony. (Hearings, 164–168.)

These facts, supported by quotations from Mr. Brandeis, stand undisputed. During the time he was attorney and director for the United Machinery Co., Mr. Brandeis was attorney for certain shoe manufacturing companies unknown to Mr. Winslow, but it does not appear that, up to the time he severed his connection with the United Machinery Co., there was any conflict of interest between them. The open conflict and attack on the machinery company came later.

Mr. Brandeis's statement and explanation of his apparently inconsistent positions in this matter will be found in a letter from him to Senator CLAPP, the chairman of the Interstate Commerce Committee. (Hearings, pp. 217–221.)

The letter is very long, but it is illuminating and should be read in full. I extract here some of its statements:

"First. It is entirely true that in April, 1906, I believed the policies and methods of the United Shoe Machinery Co. were legally and morally unobjectionable and that its activities were beneficial to the public, and as a director of the company I appeared before the Massachusetts Legislature to oppose a bill seeking to compel a change in these methods. I was then of the opinion that under some conditions monopoly in industry could operate beneficially to the public; or, in other words, that there was 'good trusts' as well as 'bad trusts.' I believed, not unnaturally, that this company which was managed by men in whose ability and judgment I then had confidence, and with which I was myself connected, was such a 'good trust.' The particular ground upon which I based my opinion that the shoe-machinery monopoly operated beneficially was that it appeared to help the small manufacturer and thus, while itself a monopoly, promoted competition in shoe manufacturing, as stated in my testimony before your committee on December 14, 1911, page 1160, as follows:

"The United Shoe Machinery Trust, with which Senator Crane is also familiar, presents another example. There is a business monopoly, which was started under conditions the most favorable to serving the public of probably any in the field of industry. In the first place the trust was managed by the men who had made the greatest success of any in the shoe-machinery business. It was practically an acquisition of the leading shoe-machinery businesses by the men who were the ablest, the hardest workers, and, in a certain sense, the furthest seeing of all those engaged in the business. They started out with certain perfectly admirable principles, which, I understand, have been adhered to. In the first place everybody, big and little, was to be treated alike; there were to be no discounts for quantity; so that the small manufacturer had the same chance as the large manufacturer, both in respect to service and to royalty. The company adopted a system of

leasing, which gave an opportunity to the small manufacturer with little capital to go into the business, and the company gave them as good service as the large manufacturer.

"Second. In May, 1906 (about a month after I had appeared before the committee of the Massachusetts Legislature), Mr. W. H. McElwain, president of the W. H. McElwain Co., and Charles H. Jones, president of the Commonwealth Shoe & Leather Co., both able and public-spirited shoe manufacturers, who agreed generally with my views as to the value of the United Shoe Machinery Co. to the community, called my attention to certain features in their leases—notably the so-called tying clauses—which seemed to them objectionable. I was not convinced that their objections were sound; but we were all of the opinion that the proper course to pursue was for the manufacturers to discuss any supposed objections with the officials of the company and not resort to the compulsory processes of legislation to correct defects, which should, if existing, be removed by amicable conference. And President Winslow expressed his readiness to give full consideration to such objections if the pending bill were defeated. Thereupon Mr. McElwain, Mr. Jones, and E. J. Bliss (treasurer of the Regal Shoe Co.), and other leading Massachusetts shoe manufacturers joined with the United Shoe Machinery Co. to secure a defeat of the then pending bill.

* * * * * * *

"Third. In consequence of the objections raised by these shoe manufacturers the subject was further investigated in the fall of 1906. I then ascertained facts in addition to those which had been previously furnished me by Mr. Winslow and other officials of the company, and to some extent inconsistent with statements made by them, and new considerations bearing upon the matter were brought to my attention. I was not yet, however, fully convinced that the shoe-machinery company's policy was unsound or its methods improper, but so serious a doubt had been raised in my mind of their methods that I was unwilling to assume responsibility for the company's action; and having reason to believe that Mr. Winslow was not likely to make any change in policy or methods, and having as one of the 19 directors no real control, I therefore concluded, without undertaking to decide definitely whether the criticisms made were sound or not, to quietly retire (without raising the question) from the board of directors, of which I had become a member to represent the large stock interests of the Henderson family in Chicago. I tendered my resignation on December 6, 1906, and it was immediately accepted.

"Fourth. Shortly afterwards, about the 1st of January, 1907, when it became apparent that a bill designed to compel the shoe machinery company to change its methods would be introduced at the coming session of the Massachusetts Legislature, Mr. Winslow resumed with Mr. McElwain and Mr. Jones the consideration of those features of the United Shoe Machinery Co.'s policy and leases deemed by them objectionable. At Mr. Winslow's request I participated as counsel in some of these conferences and discussed the whole subject fully also with him and other officials of the company. The facts then developed and the further consideration given the subject convinced me fully that while the policy and methods of the company had, on the whole, operated beneficially up to that time, they must if pursued eventually prove injurious both to the community and the company's interest, and I urged most strenuously upon Mr. Winslow and other officials who participated in the conferences with me that these methods be changed, that the policy of monopoly be abandoned, and particularly that the tying clauses be eliminated from the leases. Mr. Winslow and his associates gave patient consideration to the views which I expressed, but they were not convinced and refused to adopt my suggestion. Our conferences ended on January 7, 1907, and I then ceased to act as counsel of the company. (I had never been general counsel of the company, but had been requested to act frequently, as for other clients.)

"Fifth. On June 1, 1907, the Massachusetts Legislature enacted a bill to regulate the sales and leases of machinery in form similar to that introduced in the session of 1906. I took no part whatever in opposing or advocating that legislation, and, indeed, did not express publicly my opinion on it. For three and a half years I took no part whatever in the questions relating to the policy and methods of the shoe machinery company, and specifically refused to act professionally for those who had adverse interests.

"Sixth. By the summer of 1910 the situation had entirely changed from what it was in 1906. In the first place the United Shoe Machinery Co. had shown a determined purpose to ignore or evade the act prohibiting tying clauses in leases passed in 1907 by the Legislature of Massachusetts and declared by its supreme court to be constitutional. In the second place, the Federal Government had shown its purpose of enforcing the Sherman antitrust law as evidenced by the Standard Oil and Tobacco cases, and the Supreme Court of the United States, in 1909, laid down in the Continental Wall Paper Co. case a rule applicable to the United Shoe Machinery Co. business. But the trust's methods remained unchanged. In the third place, and most important of all, Mr. Thomas G. Plant had developed a complete system of shoe machinery, in which the United Shoe Machinery Co. had previously enjoyed a monopoly. The Plant system was declared by Mr. Jones and other leading manufacturers to be equal to that of the Shoe Machinery Trust, and in some respects superior to it. Mr. Plant was purposing to put it on the market at a cost to the manufacturer far below that charged by the Shoe Machinery Trust. When this purpose was announced the United Shoe Machinery Co. declared that the shoe manufacturers would be precluded from using the Plant system by the provisions of their leases with the shoe machinery company. This attitude seemed to me particularly oppressive in view of the fact that the fundamental patents of the Goodyear welt system, from which the Shoe Machinery Trust secured its largest royalties, had recently expired, and the trust had made no reduction in those royalties. The question was raised whether the trust's business could be used to suppress the Plant system.

"It was my opinion that under the rule laid down in the then recent decision of the Supreme Court of the United States in Continental Wall Paper Co. v. Louis Voight & Sons Co. (212 U. S., 227, decided Feb. 1, 1909), the leases which had before been believed to be valid would be held invalid under the Sherman law, and I so advised Mr. Charles H. Jones."

It will be seen that Mr. Brandeis, as he says, had received new light since he defended the validity and fairness of the company's leases, and a new statute had been enacted that affected the validity of the company's business methods. It seems, however, that the company's method of doing business had not changed, but that Mr. Brandeis had changed his mind as to the law affecting the validity of those methods. Since then the business methods of the company have been tested by a suit on the part of the Government, which has been decided by three Federal judges in favor of the company, and the case is now pending in the Supreme Court on appeal. (See opinions in that case; hearings, p. 1177 and on.)

In discussing the general subject of trusts and monopolies before committees of Congress, it will be seen that Mr. Brandeis persistently used his former client as an example of the evils of which he complained.

Thus, at the hearing before the Committee on Interstate Commerce, he said:

"Now, take, in the second place, the trusts that have been markedly successful, like the Standard Oil Trust, the Shoe Machinery Trust, the Tobacco Trust. They have succeeded through their monopolistic position. They dominated the trade and were able to fix the prices at which articles should be sold. To this monopolistic power, in the main, and not to the efficiency in management, are their great profits to be ascribed (p. 1148). (Hearings, p. 1025.)"

This was in direct and marked opposition to the contentions he made before the Massachusetts legislative committee, as its attorney and director, in behalf of the shoe-machinery company, which he here denounces as a trust and monopoly.

And it appears from his own statement before the House Judiciary Committee, in dealing with the same subject, that he was not acting in the public interest in the attacks he was making upon his former client. He said on that occasion:

"I represent primarily myself, Mr. Chairman, but I have also acted for a certain number of gentlemen known as the Shoe Manufacturers' Alliance, who had specifically objected to the methods and policies of the shoe-machinery corporation, who are therefore interested in this bill, which undertakes to provide not specifically in regard to that corporation, but generally in regard to trusts and combinations, the present amendments to the law."

So it appears from his own statement that he was representing the Shoe Manufacturers' Alliance, an organization of shoe manufacturers, combined to make this very contest against his former client and against its former course of conduct that he, in the capacity of its attorney and director, had expressly approved and defended.

Attention should also be given to a statement of Mr. Brandeis of the meeting of Mr. Winslow, Mr. Brandeis, and others, in which Mr. Brandeis says he endeavored to induce Mr. Winslow to change the form of the leases, but without success. It is too long to quote here. (Hearings, pp. 221–224.)

This was in 1906, and soon after this Mr. Brandeis severed his connection with the company and took up the affairs of the Shoe Manufacturers' Association. Of this Mr. Brandeis says in this same statement made in 1911:

"On the 24th, I think it was, of May, the shoe manufacturers, a few of the men who came on at that time to see Mr. Winslow, telephoned whether I could see them. I had never seen or heard of them except in a general way—I think Mr. Endicott once introduced me to George Brown, of the Brown Shoe Co.—They came up and wanted to know whether I would advise with them, and I told them: 'Gentlemen, this wholly depends on what you want to do.' I said if this is a matter with you merely of a number of dollars for the next five or more years, this does not interest me at all. I think you are being charged a great deal more than a fair remuneration for the machines, but I don't think it makes any difference, because I think you pass it on to the consumer, and I think it always was and still is the policy of this company, and one of its great virtues, to treat all men alike; the big man has no rights over the little man, and as long as this is true—and it has been Mr. Winslow's policy as long as I have known anything of the company—and as long as you are treated alike in service as well as in rates it seems to me that for a number of years you will not suffer anything if this goes on, but it will be the community which will suffer and not yourselves. It seems to me that you have an obligation, and it seems to me to be particularly up to you as shoe manufacturers not to allow a condition of things to continue which, in my opinion, is not consistent with business freedom, and it is not, in my opinion, consistent with the advancement of the art in which you men are engaged, and I believe nothing can be clearer than the fact, which has now been demonstrated, that the ownership and control of the shoe machinery company by one body of men, even if they have all the virtue and all the ability that Mr. Winslow and the others possess, can not do otherwise than to stifle invention and prevent progress. (Hearings, p. 223.)"

By this it appears that Mr. Brandeis had reached a point where he was willing to attack the company he had served for doing business in a way approved by him as its director and attorney, not in the interests of the shoe manufacturers but in cooperation with them as a public duty. It may therefore have been assumed if he had not stated to the contrary at the hearing that the attacks made by him upon the company's methods and practices were made out of a sense of duty to the public, not in the interest of business adversaries or for mercenary reasons.

One of the most singular features of this whole transaction was the fact that Mr. Brandeis made no charge for the services rendered by him to the shoe-manufacturing people, but that he paid his firm $2,500 out of his own pocket for such services on the theory that he had no right to deprive his partners of a fee for services rendered because he chose to make no charge for what he did. (Hearings, pp. 741, 742.)

But if he could not, neither could his partners who had been with him attorneys for the machinery company.

What construction should be placed upon this course in justice to Mr. Brandeis? It was certainly an act of generosity toward his partners, who seemed not to share his scruples. Manifestly, his purpose was to appear as working disinterestedly for the public good and without pay. This would have been commendable if true, if it did not conflict with his duty as the former attorney of the machinery company. It might well be said that, working as he was in cooperation with the business adversaries of his former clients and in their interests, which led him inevitably to attack the business methods of the company which he had, as its director and attorney, approved and defended, this refusal to accept a fee for his services was evidence that in his own mind such an employment was wrong. That it was an employment as an attorney and not services rendered wholly in the public interest is convincingly proved by the payment by him of the fee to his partners and his own declaration that he was appearing for them. That being so, the fact that he was serving them for nothing would not help the matter.

I am driven to the conclusion that the course of Mr. Brandeis in the whole transaction is far from commendable and shows a lack of appreciation on his part of the duty of an attorney to his client and a due sense of the proprieties so necessary to be observed by members of the profession.

THE LENNOX CASE.

The charge in the Lennox case is that Mr. Brandeis was employed by Mr. Lennox and was by him advised to make an assignment for the

benefit of his creditors. That, at the time he was the attorney for one of the large creditors of Lennox, he also by arrangement with the attorney for another large creditor was engaged to protect the interests of that creditor. That he had his partner made the assignee under the assignment. That subsequently Mr. Brandeis denied that he had ever been employed by or to represent Lennox and claimed he was employed to serve and protect all persons concerned in the settlement of the insolvent estate called by him the "institution." That, later, Mr. Brandeis's firm acting for creditors forced Lennox into involuntary bankruptcy alleging in the petition as an act of bankruptcy the making of the assignment for the benefit of creditors that he had advised him to make. That Mr. Brandeis and his firm collected fees for services rendered the assignee, one of the firm, also for services rendered the petitioners in the bankruptcy proceedings and for services rendered the trustees in bankruptcy, and the fee of the member who served as assignee for the creditors was also turned in to the firm.

To my mind the evidence that Mr. Brandeis was regularly retained and employed by Mr. Lennox to represent his interest is conclusive. It is an admitted fact that his firm was at the time the attorneys for one of the large creditors, of which he had full knowledge. It is shown clearly also that he afterwards denied that he was so employed, and his firm took sides against Lennox and proceeded to force him into bankruptcy. The employment took place under most remarkable circumstances. Mr. Lennox and his firm, P. Lennox & Co., were in financial difficulty. Abe Stein & Co., of New York, was one of the largest creditors. Lennox applied to Stein for the advancement of money to tide him over. Stein and his attorney, Mr. Stroock, went to Boston to look into the condition of Lennox's business. On the way over, on the train, Stein and Stroock concluded to employ Mr. Brandeis to represent Stein's interests in the matter. (Hearings, p. 1108; Stein's testimony, hearings, p. 1105.)

And in pursuance of this determination Mr. Stroock visited the office of Mr. Brandeis to consult him in the interest of Stein. (Testimony of Stroock, p. 1074, and of Stein, p. 1105.)

Later, and during the same forenoon, Stein and Stroock saw Lennox and after ascertaining his financial condition advised him to secure counsel and suggested that he employ Mr. Brandeis, to which he assented not knowing that Stroock had already seen him and retained him to protect Stein's interests. Stroock agreed to make an appointment with Mr. Brandeis, which he did, and Lennox, Stein, Stroock, and two other gentlemen proceeded to Mr. Brandeis's office.

Mr. Stein testifies that he saw Mr. Brandeis first in company with his attorney, Stroock, while Lennox and the others waited in the other room. Of this Stein testified as follows:

"Senator WORKS. Mr. Lennox was not present at the time?

"Mr. STEIN. At that moment he was not. Mr. Brandeis then sent for his stenographer and took down every word and all the explanations and all my claims that I had against P. Lennox & Co., and every part and parcel thereof. The stenographer sat there, I guess, for an hour or an hour and a half. During that time, I think, in order to rectify some statements—or not to rectify it, but to verify it—I said, 'Mr. Lennox is outside, and Mr. Spalding. May they come in here?' I said, 'They may give me some enlightenment.'

"Senator WORKS. Now, let us know, Mr. Stein, at what stage of this conversation Mr. Lennox came in.

"Mr. STEIN. I could not tell you.

"Senator WORKS. He was not there at the beginning?

"Mr. STEIN. No, sir; but he came in subsequently. I sent for him. I went out myself and told him to come in. Mr. Lennox was then present for the balance of the testimony which Mr. Brandeis took with the stenographer in the room.

"Senator WORKS. Do you mean to say that the conversation that occurred between you and Mr. Brandeis and your attorney was taken down, or did the stenographer commence when Mr. Lennox came in?

"Mr. STEIN. It was before Mr. Lennox came. That was all through. Mr. Brandeis said afterwards, 'All right, I will take your case.' He never stated, for one moment, any conditions why he should not do it. He never mentioned it to me. I was a party at interest, and and he would have told me—if he had told me there would be a conflicting interest or a bar to his employment he would not have given the case to him. I would not have it so that five minutes after I told a man something he could say, 'Get out of here. I know all you know.'

"Senator WORKS. I understand you were employing Mr. Brandeis at that time?

"Mr. STEIN. Yes, sir; and then subsequently to that Mr. Lennox gave his testimony, which was taken down by the stenographer." (Hearings, p. 1106.)

After the interview and alleged employment, Lennox, who knew nothing of this, was called in and with Stein and his attorney and Mr. Brandeis, whose firm represented another creditor, Mr. Lennox was examined and cross-examined as to his business and assets and property. But before that Stein had informed Mr. Brandeis that he claimed for himself some of the goods in the hands of Lennox & Co. by virtue of certain receipts which retained a lien on the property that entitled him to reclaim it as against other creditors, and Mr. Brandeis had dictated the form of a notice to be given by Stein, in his interest, to persons holding or claiming such goods. This had been done at the instance of Stroock for the protection of his client Stein. There is a disagreement as to the time when this notice was dictated. The stenographer in Mr. Brandeis's office says it was done when Stroock was there alone with Mr. Brandeis. (Hearings, pp. 1016, 1077.)

Stroock says it was in the presence of Lennox, Stein, and the other parties. (Hearings, pp. 1074, 1075, 1077, 1095.)

Stroock also testifies that he had an arrangement with Mr. Brandeis that he was to "protect Mr. Stein's interests so long as they did not conflict with some one else's interest" (Hearings, p. 1075.)

The interview that took place in Mr. Brandeis's office when Lennox and the others were present was taken down in shorthand and transcribed. So that we have at least a fair recital of what took place at that time. (Hearings, pp. 774–796.)

It will be seen that Lennox was examined in detail. This was being done by two attorneys, each of whom represented creditors claiming half a million dollars against him and his firm. Mr. Brandeis had stated that his firm represented Weil, Farrell & Co., who Lennox stated held claims against him amounting to $200,000, and Stein's claim was about $300,000. And Stein, whose special claims growing out of the receipts above mentioned, understood at that very time that Mr. Brandeis was representing him as his attorney, as I have pointed out. He testifies that afterward Stroock, his attorney, told him that Mr. Brandeis had concluded to represent Lennox. (Hearings, p. 1108.)

This is confirmed by the fact that Mr. Brandeis prepared for him the notice above mentioned, and on that day advised as to his right to retain a certain check for $25,000 or $30,000 he had received from Lennox. (Hearings, p. 1107.)

The interviews to which I have referred occurred September 4 and 5, 1907. On the 10th day of the same month Stein and Stroock had another interview, involving Stein's right under his trust receipts. (Hearings, p. 815.)

But at that time, while Stroock and Stein contended that Mr. Brandeis was, under their arrangement with him, to represent Stein specially, Mr. Brandeis then contended that he was representing all the creditors as attorney for the trustee. To that Stroock replied: "I understood that you were going to act for all, but with the understanding always that Mr. Stein's interests should be protected by you under all circumstances." (Hearings, p. 819.)

This was a very natural inference to draw, considering the peculiar circumstances under which Mr. Brandeis came into the case, as above detailed. On the other hand, Mr. Lennox understood that he had employed Mr. Brandeis to represent him. (Hearings, p. 1114.)

Part of the examination of Lennox shows quite clearly that a foundation was being laid for the protection of Stein under his trust receipts. I quote:

"Mr. B. Your indebtedness to Abe Stein is about $200,000?

"Mr. L. Yes, sir.

"Mr. B. And that is all for merchandise?

"Mr. L. And money.

"Mr. B. That is, a note came due, and he gave you a check to take it up?

"Mr. L. No; I sent him over a paper previous to it becoming due.

"Mr. B. How recent have been the most recent of your purchases from Mr. Stein?

"Mr. L. I have got a lot of skins down there now, and was wondering whether to send them back to Mr. Stein.

"Mr. B. Have they been delivered to you?

"Mr. L. They were not delivered yesterday. I think they were this morning.

"Mr. STROOCK. When they are received, where do you hold them?

"Mr. L. At Peabody.

"Mr. S. At your warehouse?

"Mr. L. Yes, sir.

"Mr. B. Well, if they have been delivered, nothing ought to be done with them in any way—don't open them up. Don't touch them. How large an invoice is it?

"Mr. L. About $15,000.

"Mr. B. What was the last one before that?

"Mr. L. The last one before that was within a month.

"Mr. B. How much was that?

"Mr. L. I should say $25,000.

"Mr. B. Did the goods go to Salem or Peabody?

"Mr. L. Both places.

"Mr. B. And what before that?

"Mr. L. $20,000, I should say.

"Mr. B. How long ago was that?

"Mr. L. Ninety days ago.

"Mr. B. Where did that go?

"Mr. L. Both places.

"Mr. B. Before that, what was the last lot?

"Mr. L. I remember quite a lot of chinas—$40,000 worth.

"Mr. B. How long ago?

"Mr. L. About four months

"Mr. B. Where did they go?

"Mr. L. To Salem; or, I think, they were split up—part to one factory and part to another.

"Mr. B. Do you recall the lot before the $40,000 china lot?

"Mr. L. I couldn't go back. I could remember four or five lots, but we would work in a good many skins in between—work in a few hundred dozen.

"Mr. B. What have you got in process now?

"Mr. L. I think a lot of sheepskins of Stein's.

"Mr. B. When were they put into the works?

"Mr. L. Five or six months ago.

"Mr. B. And how large a lot is that?

"Mr. L. I should say it was $10,000 or $12,000 worth.

"Q. What else is there besides the sheepskins?—A. There is a lot which I call 'chinas.'

"Q. Those are Stein's?—A. Yes, sir.

"Q. Are they the $40,000 lot?—A. No; they are $8,000 or $9,000.

"Q. Is that a separate lot?—A. Yes." (Hearings, p. 777.)

These questions certainly show that Stein's interests were being looked after. It may have been the foundation of the notice sent out for his protection dictated by Mr. Brandeis.

For Lennox's account under this examination of his indebtedness, see hearings, pages 1080 and 1081.

Another very significant conversation took place between Mr. Brandeis, Stroock, and Stein, in which Lennox was called in and again catechized in their presence. The conversation took place on September 11, 1907, and was taken down. (Hearings, p. 815.)

Stein and Stroock were still contending that Mr. Brandeis was employed to represent Stein's interests and Mr. Brandeis repudiated it and claimed that he was representing the trustee. But Stein's rights were fully discussed, Mr. Brandeis giving his opinion of them, and in that connection Lennox was called in and questioned at length about his transactions with Stein, and in the presence of Stein and Stroock was advised and directed what to do. (Hearings, pp. 815, 819.)

Amongst other things, Mr. Brandeis said to Mr. Lennox:

"I want to say to you, Mr. Lennox, in Mr. Stein's presence and in Mr. Stroock's, that you must under no circumstances do anything regarding any documents or take any action whatever in regard to merchandise or anything without my knowledge. If anything has been omitted to be done which ought to have been done in the past, it must rest just where it is at this moment. I mean that if you intended to pay a note and didn't pay it, or promised to deliver a deed and did not deliver it, you must not now in any way change the situation.

"(Mr. Stroock and Mr. Stein go out.)

"Mr. B. I said that to you, Mr. Lennox, in their presence; I told you in the first instance when you came in that I would not let you do anything which would prejudice your position.

"Mr. L. I understand that; I am very glad that you took occasion to remind me of it. What is their position?

"Mr. B. Well, they have certain papers; I want to ask you a little more about those trust receipts, etc. (Hearings, p. 821.)"

Then follows a thorough course of questioning Lennox about what he had done that would affect Stein's interests in which both Stein and Stroock participated.

That it was understood that Mr. Brandeis was to act for Mr. Lennox is made perfectly clear to my mind by the testimony. And he did act for and advised him as to the first important step to be taken by him. He advised him to make an assignment for the benefit of his creditors. This was of serious moment to him for two reasons. It put an end to his business; put his property and that of the firm and his father out of their hands, and gave it over to the creditors, and at the same time constituted an act of bankruptcy that Mr. Brandeis's firm and others afterwards used to force him into the bankruptcy court.

A few brief extracts from the testimony will verify what I have said.

Very naturally Mr. Stroock clung to the idea that Mr. Stein, his client, was to be protected. He said:

"Mr. STROOCK. The next suggestion is this: Mr. Lennox has agreed that if possible he wants Mr. Stein protected, and, of course, he will be protected. I think, so far as protection can go under these trust receipts, I think they are reasonably safe. Now, do you think that the interests of all would be better subserved by Mr. Brandeis appearing as attorney for trustee of the Lennox family or as attorney for the Stein Co., so that if need be some strong man will be in a position to assert that right, and then have some other person attorney for Lennox & Co.?"

To this Mr. Brandeis replied:

"I am inclined to think that if we all agree that what we want to do is to distribute this property according to the legal rights of creditors, I could be more useful to that end by acting for Mr. Lennox instead of for Mr. Stein; that is, your rights, whatever they are, are rights which would be developed by a proper investigation of the facts. So far as investigation leaves doubts, that is a matter for a just settlement; that is a compromise of doubts, so far as they exist. I should feel if I were acting for Mr. Lennox as trustee, that it was the duty of the trustee to see that everybody got his legal rights as nearly as we could make it, and if we could not determine actually the question of law and of fact, that ought to be determined by proper settlement, and I should feel that we ought to have a committee of the creditors with whom the trustee could confer, and if there are any questions of doubt in adjustment, that we get the advice of that committee and through them make the proper settlement."

Then followed, immediately, a discussion between the two attorneys as to Stein's rights. (Hearings, pp. 793, 794.)

Then Mr. Brandeis said:

"Now if Mr. Stein is content to stand upon that, I should feel that probably the best interests of all concerned would be subserved by my acting for Mr. Lennox and carrying out the plan of action which I have stated, and I feel that instead of our relation with Well, Farrell being a hindrance, it would be a special advantage, because they would at once say: 'Well, those people will see that creditors are properly protected.' Of course, in this matter we should not only act for Well, Farrell & Co., but we should act as trustees for Lennox, and all we could do would be to say, 'Gentlemen, we are acting for this man, and our friends—people who would otherwise be our clients—are interested all around. We can not act for them here, but we can assure them a good, square deal. That is all, and I feel very clearly that so far as Mr. Lennox is concerned, taking his standpoint alone, the only thing for him to do is to give the squarest deal that he can to his creditors. These statements put him in a position where, aside from his desires, his interests coincide with his desires. Now, I want you and Mr. Lennox to decide what you want me to do."

He also explained to Mr. Lennox what would be the effect of making the assignment after he had expressed his desire to escape notoriety such as would result from making the assignment. (Hearings, p. 794.)

If Mr. Brandeis was not acting for Mr. Lennox and advising him in his interest then we have two lawyers representing his creditors persuading the debtor, who was without disinterested counsel, to make an assignment for the benefit of their clients.

Mr. Brandeis gave this advice:

"The course that I should pursue if it were decided that I should act for you would be to at once prepare and complete an assignment, so that it could be used at a moment's notice, getting your father's signature as well as your own, and having it here so that it could be recorded at a moment's notice; then I should send for Mr. Farrell and somebody from Lee Higginson's, and tell them the situation, and perhaps get some one from the Lynn banks and tell them the situation, and say that we want to consider with them what we had better do. If you could get along without an assignment, that, of course, would be desirable; but if we can not, we could have the papers ready to go on record. It is not our wish, but it is the necessity. I haven't a doubt that if this be done, if an open act occurs, we will have quite a lot of failures right along the line." (Hearings, p. 794.)

Then this further colloquy took place:

"Mr. L. Well, what kind of a position does that leave my father and myself in in the meantime?

"Mr. B. The position you would be in would be this: You would have transferred your property; the trustee would be in a position where he could employ you to assist him and could make you a reasonable allowance.

"Mr. L. Would the business be continued?

"Mr. B. The trustee would have to consider with creditors how far it would be desirable to do that. That would have to be passed upon in his discretion; but the reason for doing this, if we made this trust, would be to prevent somebody else stepping in and doing it, keeping it as nearly as you could in the form in which you would get the better hold. My own feeling is that the best thing for you to do is not to be thinking too much of yourself, but thinking of the best interests of your creditors. If there is plenty there, you have got it safe; if there is not, you will be in the position of having a fair, open, and abovehoard compromise; but I feel that it is for your interests as it is in accordance with good morals that you and your father should be just as frank and fair in the present situation as it is possible to be, and not to do anything that would incite any of the people who have been misled by statements which have been made to take actions which might prove a very serious blow to you and would be a fearful blow to your father. That would be my feeling; Mr. Stroock, I don't know whether you agree with me.

"Mr. S. I do, absolutely; the situation is a very dangerous one to my way of thinking. This concern, as we appear to find it, had over a million dollars assets outside of their business and more than a half million dollars in their business.

"Mr. B. What I should say in regard to this situation would be to simply tell them how I came to be connected with it. I would say that I had never known Mr. Lennox—either of them—nor had anything to do with their business; they came to me with creditors, and we looked into the matter, and it seemed the only thing for all concerned to take this action. Whatever mistakes may have been made or sins committed are past, and the only thing to do now is to deal with absolute squareness and frankness, and we look to that as the best solution for all concerned.

"Mr. STROOCK. Mr. Lennox, we will sum this proposition up. The question is whether your best interests with everybody would be subserved, and I think that Mr. Brandeis's suggestion is the best.

"Mr. L. I think it is.

"Mr. S. Without in any way being a flatterer, I think Mr. Bandeis's reputation in the community would best work this out. We will start out substantially under Mr. Brandeis's reputation for giving a square deal, and in the second place he will virtually represent the large interest to start with.

"Mr. L. You are speaking now of Mr. Brandeis acting as my counsel?

"Mr. B. Not altogether as your counsel, but as a trustee of your property.

"Mr. L. I came to you, and I shall certainly do whatever you say—that is why I came to you. The only thing is, I should like to escape as much notoriety as possible."

"Thus, Mr. Lennox put himself completely in Mr. Brandeis's hands and declared his intention to follow his advice. I think there can be no reasonable doubt of the fact that this constituted between the two the relation of attorney and client. Mr. Lennox says, at the hearings:

"I referred everything to Mr. Brandeis. I acted entirely on his—under his direction. Mr. Stein and Mr. Stroock, and what I had heard of Mr. Brandeis, gave me unlimited confidence in Mr. Brandeis, and I acted upon it. (Hearings, p. 1115.)"

It should be said in this connection that Mr. Brandeis made no charge against either Lennox or Stein for services rendered.

The advice given was followed and Mr. Lennox made an assignment to Mr. Nutter. Mr. Brandeis's partner, for the benefit of his creditors. Mr. Lennox employed no other attorney, but relied upon Mr. Brandeis for advice until the firm of Mr. Brandeis commenced bankruptcy proceedings against him, or near that time, when Mr. Nutter informed him that Mr. Brandeis was not his attorney and never had been. Of this, Mr. Lennox says:

"I supposed Mr. Brandeis was representing me up to the time I met Mr. Nutter in the Columbia Kid Co.'s office. I asked him or said something about, 'I had not heard anything from Mr. Brandeis,' and he said 'Why should you hear from him?' I said, 'As my counsel. I suppose I ought to hear something from him.' He said, 'He is not your counsel and never was your counsel.' That was the first intimation I ever had that Mr. Brandeis was not looking after my interests. (Hearings, p. 1126.)"

This led him to employ Mr. Sherman L. Whipple, of Boston, to represent his interests. (Hearings, p. 285.)

When Mr. Whipple came into the matter, November 18, 1907, he was informed by Mr. Lennox and Mr. Stroock of the relations between Mr. Lennox and Mr. Brandeis. (Hearings, p. 285.)

Mr. Whipple then called upon Mr. Brandeis and recounted what Lennox and Stroock had told him, and then said to Mr. Brandeis:

"They say that you advised an assignment to your partner, Mr. Nutter, and took all of Mr. Lennox's property and that you now claim that you are not and never have been his counsel, and I thought, Mr. Brandeis, it would be better for me to come right to you and talk over a situation which seemed to me to be serious, because if you did agree with the Lennoxes that you would act as their counsel, and now are acting in a position hostile to them, through this assignment, you will agree with me that a rather serious situation is presented. (Hearings, pp. 286, 287.)"

After which this further was said between them:

"Of course, that would be a serious situation, but it is not the situation at all. I did not agree to act for Mr. Lennox when he came to me. When a man is bankrupt and can not pay his debts, Mr. Whipple, he is a trustee for his creditors; he has no individual interest; he finds himself with a trust, imposed upon him by law, to see that all his property is distributed honestly and fairly and equitably among all his creditors, and he has no further interest in the matter. Such was Mr. Lennox's situation when he came to me, and he consulted me merely as the trustee for his creditors as to how best to discharge that trust, and I advised him in that way. I did not intend to act personally for Mr. Lennox, nor did I agree to. 'Yes,' I said, 'but you advised him to make the assignment. For whom were you counsel when you advised him to do that, if not for the Lennoxes?' He said, 'I should say that I was counsel for the situation.' I said, 'Yes; but you advised an assignment of all his property, so that your firm became possessed of it, because Mr. Nutter was your partner.' He said, 'Yes; and I know no one better in the city of Boston than my partner, Mr. Nutter, to execute such a trust as that. He stands high; he has everybody's confidence, and that is why I advised it.' I said, 'I must say, Mr. Brandeis, it looks to me very much, according to your principles, as if when a man was bankrupt and went to a lawyer, and the lawyer advises him to make an assignment for the benefit of his creditors, he assigns his lawyer with it, very much in the way a covenant runs with land.' He said, 'Mr. Whipple, I think that is a very unkind and very ungenerous statement for you to make. It impugns my motives and I can only assure you that I had no such motive in doing it. I was merely occupying myself with seeing that this property which was brought into my office in this way, was equitably and fairly distributed among the creditors, and I was looking after the interests of everybody; I was looking after my interest that Mr. Lennox had, if any, if anything should be left after the settlement with his creditors, but, in the first place, looking after the interests of the creditors.'"

This discloses fully Mr. Brandeis's attitude in the premises.

Subsequently correspondence took place between Mr. Brandeis, Mr. Stroock, and Mr. Whipple, in which Stroock maintained that Mr. Brandeis was employed by Mr. Lennox, and Mr. Brandeis adhered to his position that he was never counsel for Lennox. In his letter Mr. Whipple said, among other things:

"While very likely it may promote no useful purpose further to refer to this unfortunate misunderstanding, yet in fairness I may properly add that both Mr. Coburn and Mr. Spaulding are in accord with Mr. Lennox in his memory of what was said. I am further informed that both Mr. Stroock and Mr. Stein also understood that you undertook to act for Mr. Lennox."

In his reply to this letter, Mr. Brandeis wrote:

"There should be no difficulty in removing the misapprehension from Mr. Lennox's mind. When I was originally consulted by Mr. Lennox, Mr. Stroock, and Mr. Stein, it was with regard to some proposed dealings between the Abe Stein Co. and P. Lennox & Co. When, however, I looked into the situation it was plainly evident that the firm of P. Lennox & Co. was financially embarrassed, and that no such arrangement could take place between the Abe Stein & Co. and P. Lennox & Co., as was suggested. I told Mr. Lennox and Mr. Stroock that in my opinion the situation was one in which the interests and rights of all Lennox creditors would have to be consulted, and that if they and Mr. Stein so desired, we would undertake to act for all the parties in interest, and it was on that understanding that the assignment was made to Mr. Nutter. It was certainly not made for the benefit of Mr. Lennox, but the parties and their respective rights to be served by us were exactly those stated in the assignment. In accordance with this understanding, my firm has acted for Mr. Nutter and thus for those whom he represented, namely, both the creditors and the assignors in accordance with their respective interests. Consistently with this position, we did not accept any retainer from Mr. Lennox or make any charge to him or to anybody except the assignee. (Hearings, p. 289.)"

It is only necessary to refer to the conversation between the parties at the time of the employment, as taken down by the stenographer, to see that Mr. Brandeis was utterly mistaken as to what was said there and the effect of it, to say nothing of the fact that every other person present, five in number, disagreed with his understanding of it.

That what occurred there made Mr. Brandeis the attorney of Mr. Lennox I think there can be no doubt. But he maintained his position to the last, and acted against Lennox in the bankruptcy proceedings, which, if he was employed by the latter, was clearly in violation of his duty as an attorney. In the bankruptcy proceedings Mr. Whipple after being employed by Mr. Lennox found occasion to question the right of the attorney appearing for Mr. Brandeis's firm to appear against Lennox in the bankruptcy proceedings because of his employment by Mr. Lennox.

Again, Mr. Whipple wrote:

"Since receiving your letter of the 21st Mr. Stroock, in a personal interview with me, confirms Mr. Lennox in his recollection that you stated you would act as Mr. Lennox's counsel.

"In view of the clear and consistent memory of these four gentlemen, Mr. Lennox insists that your own memory must be at fault, and that there is no misapprehension in his own mind.

"He says (and I think you also told me so) that a stenographer was present during all the conversations that you had with the respective parties. We ought to be able to get light on this question from her notes. Will you be good enough to inform me whether they altogether confirm your own memory as to what was said on that occasion of the first two interviews? I will await information on this point before writing further. If you could give it to me some time during the afternoon, before 4 o'clock, it would oblige me, as I shall be absent from the city to-morrow." (Hearings, p. 292.)

The copy of the stenographer's notes was not furnished, although Mr. Brandeis had them. Instead he replied:

"I am quite sure that if Mr. Stroock will go over the matter with me there can be no difference of recollection as to what actually occurred. If you will arrange with Mr. Stroock, I should be glad to see you and him either Wednesday or Friday of this week, if that will be convenient to you." (Hearings, p. 292.)

Mr. Brandeis wrote Stroock asking for a conference and inclosing a copy of his letter to Whipple defining his position. (Hearings, p. 294.)

To this Mr. Stroock replied as follows:

"DEAR MR. BRANDEIS: I acknowledge yours of the 30th ultimo, with which you inclose copy of letter which was sent by you to Mr. Whipple on the 25th instant, and a copy of Mr. Whipple's reply thereto. When I am next in Boston, I shall endeavor to meet you with Mr. Whipple, as suggested in your letter. In the meantime, I may remind you that I have met Mr. Whipple and repeated to him my recollection of the conversation which took place between yourself and the writer and Mr. Lennox, which summarized, amount to that which I have heretofore stated and written to you; that you were retained by and accepted the retainer of the firm of P. Lennox & Co. and of James T. Lennox." (Hearings, p. 294.)

To which Mr. Brandeis replied:

"DEAR MR. STROOCK: I have yours of the 5th. When I have the opportunity of meeting you and Mr. Whipple, I think you will find that there is an error in your recollection that I was 'retained by and accepted the retainer of the firm of P. Lennox & Co. and of James T. Lennox.' If that expression is used as meaning anything more than that at their instance I undertook to act in this matter, as I have stated, namely, as counsel for the trustee for creditors and debtor under the assignment.

"I think that you will find that my letter to Mr. Whipple of November 21, of which I inclose you a copy, states accurately the situation." (Hearings, p. 295.)

It is evident that Mr. Whipple was convinced of Mr. Brandeis's employment by Lennox, for he says:

"As the record shows, I afterwards made some pretty vigorous protests on the record as to Mr. Brandeis continuing to act for parties who were hostile to Mr. Lennox. (Hearings, pp. 295, 298.)"

See further on this subject some of the proceedings in the bankruptcy in which Mr. Studley, acting for Mr. Brandeis's firm, appeared against Mr. Lennox, and Mr. Whipple for him. (Hearings, pp. 1007, 1008, 1011.)

In this hearing this colloquy took place:

"Mr. WHIPPLE. If I thought you asked the question in good faith for the trustees, and not in bad faith as representing Well, Farrell & Co. and the execution of their threat at criminal proceedings, I would withdraw the objection, and it is on the latter ground explicitly that I direct him not to answer.

"Mr. STUDLEY. I should like to have a hearing on that question.

"Mr. WHIPPLE. You will have a lot of them before we get through with it. I propose to summon witnesses to establish the fact. When we have a hearing on that we will have a hearing that will take more than a few minutes to dispose of, because we will examine witnesses, and you know who they will be.

"Mr. STUDLEY. I don't know what you are talking about. Perhaps you do.

"Mr. WHIPPLE. You had better know. When you want a hearing on that, you will have to give more notice than this.

"Mr. STUDLEY. I don't understand you place the objection on the ground the testimony is likely to incriminate him?

"Mr. WHIPPLE. You may infer from what I have said that is the ground, because I have said you are asking that question in order to get your client into jail as further violation of your duty to him as an attorney.

"Mr. STUDLEY. I should suppose you would put it on some ground which the witness had a right to set up.

"Mr. WHIPPLE. That is a right which he has set up, to decline to be cross-examined for the purpose of carrying out a purpose of getting him criminally complained of—you, unfortunately, so far as it appears now, still being his own counsel.

"Mr. STUDLEY. If we are still his counsel, it is a matter of which I am ignorant. I had supposed for more than two years you have acted as his counsel.

"Mr. WHIPPLE. Not discharging your firm from his proper retainer and agreement. Because of your recreancy of your duty, he had to get additional counsel.

"Q. This letter, which I show you, refers to certain morocco factories. Will you tell what you referred to by those?

"Mr. WHIPPLE. That I object to on the same ground. I object to any question.

"Mr. PROCTOR. Would you object if Mr. Hall should ask the question?

"Mr. WHIPPLE. I do not believe Mr. Hall would do it, because he has no retainer to elect any such purpose as disclosed before the referee. He will ask only those questions which he desires to ask in good faith to get information, and not for purposes of criminal prosecution. If there are any questions which Judge Hall wants to ask on the subject matter of that letter or any others, I should like to hear them.

"Mr. STUDLEY. I would like to ask on that cue. That did not come from Well Farrell or through Well Farrell?

"Mr. WHIPPLE. Anything that is asked for real information, and not for sinister purposes."

It must be remembered, in reading this extract of the proceedings, that Well Farrell & Co. was the firm for which the firm of Mr. Brandeis was attorney at the time Mr. Lennox claims he retained Mr. Brandeis as his attorney.

Of the activity of Mr. Brandeis's firm in the interest of Well Farrell & Co., who were his clients when Lennox was advised to make the assignment, Mr. Whipple says:

"Senator WORKS. This same firm, which Mr. Brandeis was representing before the proceedings were commenced, was the active creditor that brought about these criminal proceedings?

"Mr. WHIPPLE. Yes; but let me say that while they were in close touch, as I found by correspondence, with Mr. Nutter, and the creditors whom Mr. Nutter controlled voted for Mr. Farrell for trustee, yet I do not understand that Mr. Brandeis's firm did any active work or took any active interest in connection with the criminal proceedings." (Hearings, p. 304.)

It only remains to inquire what profits accrued to Mr. Brandeis and his firm by his acting as attorney for the "situation" instead of Mr. Lennox. As I have said, he received no compensation from either Lennox or Stein.

The firm did receive the following fees for services in the matter of the Lennox assignment and bankruptcy, as testified to by Mr. McClennen, a member of the firm:

As counsel for the trustee in bankruptcy	$12,000.00
As counsel for the assignee for the benefit of creditors	9,500.00
Through Mr. Nutter, fees as assignee	14,500.00
As trustee	2,852.88
For services from time of commencing proceedings in bankruptcy to the adjudication	5,000.00
	43,852.88
To this was added for office expenses	4,105.00
Making a total of	47,957.88

There is no claim—at least there is no proof—that Mr. Brandeis acted corruptly in this matter. The claim is, and the evidence sustains it, that Mr. Brandeis was employed by Mr. Lennox to protect his interests and that he failed to do so, and finally acted directly against him and procured these large fees that came out of Mr. Lennox's property for such services. It is not shown that the advice given Mr. Lennox to make the assignment was not good advice. It is not questioned that his condition was such that either an assignment for the benefit of creditors or proceedings in bankruptcy was inevitable. It is quite evident that Mr. Brandeis's firm profited largely in fees by the making of the assignment and subsequent enforced bankruptcy. Their fees under the assignment before the bankruptcy proceedings, including the assignee's fees which went to the firm, amounted to $24,000. Such fees in prospect was a strong temptation to advise an assignment. Whether it influenced Mr. Brandeis to advise that course no one can tell.

Of the action of Mr. Brandeis having his partner appointed assignee Mr. Whipple says:

"That is a risk * * * that a lawyer always takes when he advises an assignment to one of his own partners or to himself. That has been a very fashionable and usual thing, but I think it is all wrong when he has clients to take his assignments to himself. If he has a client who wants to administer an estate that is a risk he assumes in having himself appointed as administrator. If there is some important thing to do, it is a risk for him to say, 'I will do it for you.' My idea is that the client or some competent friend of the client should be appointed to his responsible fiduciary position and the lawyer act as his counsel." (Hearings, p. 305.)

It should be said in this connection, in justice to Mr. Brandeis, that while Mr. Whipple was opposing counsel to Mr. Brandeis's firm in the bankruptcy case and in the Warren case, hereafter to be noticed, and declared Mr. Brandeis to have been in the wrong in both cases, he testifies that he believes there was no wrong motive on his part, but these wrongs resulted from mistakes and misunderstandings on the part of Mr. Brandeis. (Hearings, 284, 299.)

He sums up the Lennox case in this way:

"You see, my belief was, at the time, that there was a misunderstanding. My belief was at the time, and now is, that Mr. Brandeis was misunderstood. That is, I preferred then, and prefer now, not on account of any personal friendship or feeling, but my view was that there was a misunderstanding. I think Mr. Brandeis was so much absorbed in the question of caring for the situation, and so much interested in the development of his ideas as to how this estate should be administered, that he unconsciously overlooked the more human aspect of it, which would perhaps have appeared to another; but here was a man confronted with perplexities and charges and troubles, who wanted his personal and individual care and attention. But I think Mr. Brandeis looked upon it as a problem of distribution." (Hearings, p. 299.)

It should be said also in this connection that Mr. Whipple is a supporter of Mr. Brandeis and favors his confirmation. When his nomi-

nation was announced. Mr. Whipple gave out an interview in which he said:

"As a lawyer, Mr. Brandeis is able and learned. As a man, he is conscientious and high minded. The feature of his career which is the most striking and remarkable has been his unselfish and unswerving devotion to the social, moral, and industrial uplift of the lowly and less fortunate of our people. I believe that on the Supreme Bench of the United States he will exert a strong influence in establishing the ideals to which he has devoted his recent years." (Hearings, p. 282.)

The American Bar Association, of which, I believe, Mr. Brandeis is a member, promulgated certain canons of ethics, of which this is one:

ADVERSE INFLUENCES AND CONFLICTING INTERESTS.

"It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

"It is unprofessional to represent conflicting interests, except by express consent of all concerned, given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

"The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interests of the client with respect to which confidence has been reposed."

It is a canon well worthy of consideration in this connection.

THE GLAVIS-BALLINGER CASE.

The charge in this instance is that Mr. Brandeis professed and held himself out as the attorney for Glavis and in effect acting in the public interest when he was the paid attorney of Collier's Weekly. This is claimed to have been such an impropriety as should prevent his confirmation.

There is but little dispute about the facts. Glavis, a clerk in the Interior Department, had made grave charges against his superior, Mr. Ballinger, the then Secretary of the Interior. Collier's Weekly published these charges. They were such as to subject the paper to a successful prosecution for libel, if not proved to be true. Collier's, in this emergency, employed Mr. Brandeis to represent it and paid him a fee of $25,000 for his services. Admittedly he was employed to protect Collier's from liability on a libel charge, and to this end to establish the truth of the Glavis charges. But Mr. Brandeis did not appear for Collier's, but for Glavis, although Robert Collier was invited by the committee to appear and make any showing he might desire. This is the appearance of Mr. Brandeis in the hearings as shown by the record:

"Mr. GLAVIS. Mr. Chairman, I was here yesterday ready to proceed. I have brought my attorneys here, and I think that if they will be allowed to examine me that the testimony will proceed more rapidly.

"The CHAIRMAN. Are you ready to proceed to testify?

"Mr. GLAVIS. Yes, sir.

"The CHAIRMAN. Very well. If the committee has no objection to that course, we will have your testimony taken and your attorney can examine you in chief.

"Mr. MCCALL. I understand that Mr. Louis D. Brandeis is your counsel.

"Mr. BRANDEIS. I am counsel for Mr. Glavis with J. P. Cotton, jr., of New York.

"The CHAIRMAN. Have you any statement that you desire to make before we proceed? (Hearings, p. 1072.)"

J. P. Cotton, jr., as counsel with Mr. Brandeis for Mr. Glavis, was also employed by Collier's and represented it.

Mr. Mark Sullivan, now editor of Collier's and then associate editor, gave the committee the facts as he remembered them. (Hearings, p. 325.)

He states the object of Mr. Brandeis's employment by Collier's as follows:

"Senator WORKS. Then you understood, Mr. Sullivan, that Mr. Brandeis was employed by Collier's Weekly to represent its interests and protect it?

"Mr. SULLIVAN. Certainly. If, when the investigation began, Glavis had been discredited, if the investigation had shown nothing serious, Collier's Weekly was in position to be very much discredited.

"Senator WORKS. Will you be good enough to answer the question?

"Mr. SULLIVAN. Yes; surely. I meant to.

"Senator WORKS. Read the question, Mr. Reporter.

"The REPORTER (reading). 'Then, you understand, Mr. Sullivan, that Mr. Brandeis was employed by Collier's Weekly to represent its interests and protect it?'

"Mr. SULLIVAN. Largely, I should say, though I ought to remind you again that the editor of the paper then was Mr. Hapgood. I was not even present.

"Senator WORKS. I was only asking for your understanding of it. That was your understanding?

"Mr. SULLIVAN. Largely to protect the paper's interests and largely for public service." (Hearings, p. 327.)

Mr. Sullivan testified that it was well known that Mr. Brandeis appeared for Collier's. As he put it, "Everybody knew it" at the time and qualified it by saying that he knew it and discussed it freely, that he shared the knowledge, and that the "knowledge he had was general at the time." But he was quite unable to sustain this view by pointing out anyone to whom he had communicated that knowledge. (Hearings, pp. 326, 335.)

Subsequently he returned to the stand and named two persons to whom he had imparted his knowledge. (Hearings, p. 372.)

Mr. Norman Hapgood, then editor of Collier's, also gave his views of this transaction. He gives very clearly what induced Collier's to employ Mr. Brandeis and for what he was being paid. On that subject he testified:

"Senator WORKS. In the discussion of the matter was the question raised at any time as to the probable liability of Collier's for the publication it had made?

"Mr. HAPGOOD. It certainly was. There was an enormous liability of every kind—moral and financial. When we undertook to show that the Government was concealing such important facts we were undertaking a good deal, but we did it with a very large sense of responsibility of every kind.

"Senator WORKS. You understood perfectly that Collier's had a personal interest in the matter in view of the fact that it might be held responsible in an action for libel for publishing a document of that kind?

"Mr. HAPGOOD. We certainly did understand that." (Hearings, p. 459.)

Mr. Hapgood, like Mr. Sullivan, maintained that it was well known that Collier's Weekly was acting in the matter, but there is nothing to show that anybody, except maybe Collier's and their friends, had any knowledge that Mr. Brandeis was acting as the attorney of Collier's Weekly to protect its interests. Mr. Hapgood says there was a discussion as to "how the appearance was to be made" between him and Mr. Brandeis. He says:

"It seemed perfectly clear to us that if this was going to be kept a conservation movement against such big forces we must not try to get into the foreground; that Mr. Glavis, who was a Government official, as well as our contributor, should be the one person kept in front in order not to cloud the issue." (Hearings, p. 458.)

This discloses a deliberate attempt to deceive the committee and the country by keeping Collier's in the background and Glavis in front in order to make it appear to be a "conservation movement" in the public interest and not a defense of Collier's against a threatened libel suit, which was beyond doubt what Collier's were paying for.

That this deception was deliberately intended and carried out is made clear by the testmony of Charles E. Kelley. Mr. Kelley was at the time the regular attorney of Collier's. (Hearings, p. 388.)

He acted with and assisted Mr. Brandeis in the Glavis matter on the outside. He recounts what occurred between him and Mr. Brandeis as follows:

"Mr. FOX. Were you thereafter in Washington with Mr. Brandeis while he was acting in the matter of the Ballinger-Pinchot-Glavis investigation?

"Mr. KELLEY. Yes, sir; I was.

"Mr. FOX. Did you have any conversation with him on the subject of your appearing with him in the matter before the committee?

"Mr. KELLEY. I did.

"Mr. FOX. Will you please state what Mr. Brandeis said in that regard—what you said to him and what he said to you—giving, of course, the substance?

"Mr. KELLEY. I would not undertake to state more than the general substance, because the conversations extended over many days. The substance of the conversations on Mr. Brandeis's part was that he did not care to have me appear with him before the committee, and he also stated in those conversations the reasons for that request.

"Mr. FOX. Will you give the reasons, please, and what he said?

"Mr. KELLEY. He stated in substance that he was going to appear or was appearing—because the conversations extended over some time—before the committee as attorney for Mr. Glavis.

* * * * * * *

"Senator CUMMINS. In your discussion with Mr. Brandeis with respect to appearance was it understood that the relation of Mr. Brandeis to Collier's could not be made known?

"Mr. KELLEY. Really, sir, I doubt my ability to testify as to what was understood. I might venture what the understanding was between Mr. Brandeis and myself, but I would not care to go further than that.

"Senator CUMMINS. That is precisely what I asked you.

"Mr. KELLEY. As between Mr. Brandeis and myself, I think I would have to say that was the understanding.

"Senator CUMMINS. What reason did Mr. Brandeis give, if any, for desiring that course to be pursued?

"Mr. KELLEY. That was a subject of conversation between Mr. Brandeis and myself on many occasions with a view of deciding what was the best policy in so far as the prosecution of the charges, if I may put it that way, was concerned. I do not think I could state at this date that there was any further reason than one of policy." (Hearings, pp. 389, 392, 398.)

This shows the intent and purpose of Mr. Brandeis to conceal the fact that while he appeared of record as the attorney for a public official in the cause of conservation he was in fact appearing for and being paid for appearing for and in the interest of private individuals to protect them from personal liability.

Mr. Kelley also testified to the fact that prior to the commencement of the hearings, Collier's were invited to appear and present evidence. (Hearings, p. 399.)

I have examined with some care the proceedings before the Glavis-Ballinger committee and Mr. Brandeis's course in that hearing, and the manner of his treatment of the committee and the witnesses tends to show the nature of his employment. It does not seem to me to have been the course of a public-spirited citizen seeking to forward the "conservation movement" in the public interest.

I think it is very generally regarded by the profession as an impropriety for an attorney to appear as the attorney for one person when he is employed and paid by another person not a party to the action or proceeding to represent his interests. This seems to me to be an aggravated case of that kind involving the intention and the effort to conceal the true character of the employment. It is made worse, in my estimation, by the fact that the great question of conservation and the conduct of a public official in dealing with that subject was of record and supposed to be in fact the matter under investigation and in the public interest. The element of private interest and the effort to protect a private individual from personal liability was a false issue which was purposely concealed.

Mr. Hapgood, like Mr. Sullivan, declared that it was well known that Collier's Weekly was interested in the investigation. But there is no evidence to show that anyone knew that Mr. Brandeis was employed and paid by Collier's to protect their private interests. Not only so but it is shown that Mr. Brandeis himself concealed or tried to conceal that important fact.

As to the course of Collier's Weekly, Mr. Hapgood testified:

"Senator WORKS. Did Collier's Weekly publish the facts respecting this investigation as it passed along?

"Mr. HAPGOOD. Yes, sir.

"Senator WORKS. Was anything said in Collier's about Mr. Brandeis appearing for Collier's or being paid by Collier's during that time?

"Mr. HAPGOOD. At one time a newspaper which was actively supporting the administration attacked us along various lines, including the statement that we were paying Glavis's lawyer. I wrote a short and rather satirical editorial, merely saying that we certainly were, and we would support any other contributor who got into trouble of that kind through us.

"Senator WORKS. Can you give us a reference to that editorial so that it can be reached?

"Mr. HAPGOOD. I can to-morrow or this afternoon.

"Senator WORKS. I did not expect you to do it now, but if you will furnish us with a copy of it I shall be very glad." (Hearings, p. 458.)

The letter was subsequently produced. (Hearings, p. 706.)

It does not disclose the fact that Mr. Brandeis was appearing for or being paid by Collier's. It assumes that it is legally protecting its contributor, when, in fact, as the evidence of both Mr. Sullivan and Mr. Hapgood shows, that Mr. Brandeis was employed and paid to protect Collier's Weekly and not Mr. Glavis. How it was legally protecting its contributor is not disclosed. But this letter is important as showing the intolerant, uncompromising, not to say bitter and malignant spirit that was being represented and served by Mr. Brandeis in a hearing where he was ostensibly appearing with the commendable purpose of arriving at the truth concerning a matter of public interest and concern. That he and his clients should attempt to conceal the fact is not to be wondered at. The letter accentuates and makes clearer, if possible, the grave impropriety of the whole proceeding.

It must be taken as true, therefore, that Collier's Weekly as well as Mr. Brandeis was concealing the fact that Mr. Brandeis was appearing for or representing it.

The testimony of Mr. Sullivan shows that for his services for Collier's Weekly he was paid by it the sum of $25,000. (Hearings, p. 386.)

Mr. Storey very well said in his testimony:

"If Mr. Brandeis had come before the committee and said he was there in the interests of an illustrated newspaper that was engaged in pushing this case all the way through, he would have occupied a very different position from that which he apparently occupied when he appeared for a man without means to conduct a great public inquiry." (Hearings, p. 269.)

I call attention in this connection to this further canon of the American Bar Association:

PROFESSIONAL ADVOCACY OTHER THAN BEFORE COURTS.

"A lawyer openly, and in his true character, may render professional services before legislative or other bodies regarding proposed legislation and in advocacy of claims before departments of government, upon the same principles of government, upon the same principle of ethics, which justify his appearance before the courts; but it is unprofessional for a lawyer so engaged to conceal his attorneyship, or to employ secret personal solicitations, or to use means other than those addressed to the reason and understanding to influence action."

THE WARREN CASE.

S. D. Warren died May 2, 1888, leaving property consisting mainly of book-paper manufacturing mills of the value of something like $2,000,000. He disposed of the property by will, five-fifteenths to his widow and two-fifteenths to each of his five children. He had a partner, Mortimer B. Mason, in the paper business, whose interest was limited. He was, under the partnership, allowed to draw out of the firm only $15,000 a year, and his interest was terminated at the death of Warren.

"The year Mr. Warren died the property yielded a profit of $460,000, and the business had yielded the year prior over $400,000, and had been up considerably above a quarter of a million, and all the time, I think, above $300,000 for eight years preceding." (Testimony of Youngman, hearings, p. 463.)

Mr. Warren left a widow, Susan C. Warren, and five children—S. D. Warren, jr., Fiske Warren, Edward P. Warren, Henry Warren, and Cornelia I. Warren. The oldest child, S. D. Warren, jr., was a lawyer and the partner of Mr. Brandeis. All of the heirs joined in a bill of sale of the personal property connected with the mills to S. D. Warren, M. B. Mason, and Fiske Warren—one-third to S. D. Warren, one-half to Mason, and one-sixth to Fiske Warren as partners. (Hearings, p. 548.)

Then by conveyance, through John E. Warren, they conveyed the mill property to Susan C. Warren, S. D. Warren, and M. B. Mason in trust. The declaration of trust provides:

"Second. The trustees shall themselves manage and conduct the business of said mills and the other property at any time held in trust, with full powers to do all things needful or proper in the conduct thereof, or, in their discretion, they may lease said property or any part thereof; and they are hereby empowered to lease the same, or any part thereof, among others, to a partnership or organization in which they themselves, or some of them, are partners or members, or to some person or persons who shall sublease or assign the lease to such a partnership or organization, on such terms as may be proper for the interests of all the beneficiaries." (Hearings, pp. 549, 550.)

It was also provided that the trust should continue for 33 years, but that the trustees might terminate it at their sole discretion and put an end to the trust and reconvey the property. (Hearings, p. 551.)

No option to terminate the trust was given to the beneficiaries of the trust. So if the business under a lease that was undoubtedly then in contemplation should prove profitable the trust might continue to the end of the 33 years; if not, the property could be thrown back upon the heirs of the estate.

The declaration of trust was executed May 29, 1889, and was signed by the three trustees only.

On the following day the trustees executed a lease of the property to Louis D. Brandeis. (Hearings, p. 553.)

The lease provided:

"To have and to hold the said premises hereby leased unto the said Brandeis and his representatives at the will of the lessors, but subject to be determined by a one year's notice in writing, no shorter notice being allowed except for default of the said Brandeis on his covenants as hereinafter provided.

"Yielding and paying therefor (except only in case of fire and other casualties hereinafter mentioned) yearly as rent a sum equal to the interest at 6 per cent per annum on the value of the premises hereby leased, as they appear in the books of the said trustees at any time (the said part rental for any year or for any period to which the account is made up being the balance of the interest account kept with said properties hereby leased on the books of the trustees after all debits and credits are made), plus a sum equivalent to 50 per cent of the net profits made by the use of the property hereby leased, after allowing a reasonable per cent as commission and guaranty on sales (over and above the interest at 6 per cent hereinbefore provided for).

"It is hereby understood and agreed that the said Brandeis may assign this lease and the interest thereunder to a copartnership consisting of Samuel D. Warren, Mortimer B. Mason, and Fiske Warren, to conduct the business heretofore carried on under the name of S. D. Warren & Co. under the same name." (Hearings, p. 553.)

It is quite evident that these several instruments were executed in pursuance of a previous understanding that this lease should finally be made. Whether the exact terms of the trust and of the lease, neither of which was signed by the heirs of the estate, were understood and agreed upon, the evidence does not disclose.

In pursuance of the authority given in the lease to him, Mr. Brandeis assigned the same to S. D. Warren, M. B. Mason, and Fiske Warren, who took possession of the mills and operated them for many years under the lease.

Subsequently Edward P. Warren became dissatisfied with the transaction and the operation of the mills and brought his action December 19, 1909, against the lessees for an accounting. (Hearings, p. 594.)

The substance of the bill, so far as it affects the question before the committee, is that S. D. Warren and Mr. Brandeis, his partner, devised a scheme for placing the property in trust and for leasing the same to Mr. Warren and others; that Warren's interests under the lease, as he knew, would come in conflict with the other heirs; that in furtherance of the scheme Warren also procured from his brother Edward, plaintiff in the action, a general power of attorney to represent him; that the interests of the beneficiaries under the trust were not properly protected under the trust; that Warren violated his duty as such trustee and committed many breaches of trust, which are enumerated. Amongst other things, it is alleged:

"The plaintiff says that the said trustees, acting under the advice and direction of the said Samuel D. Warren, overlooked the fact that it was their duty to have the advice of an independent attorney owing no duty to any persons having interests adverse to those of the beneficiaries represented by the trustees and employ constantly the same attorney who was employed by the lessees, namely, the business associate and legal adviser of said Samuel D. Warren, Louis D. Brandeis, Esq., and the law firm of which he was the principal member. That said trustees have paid to the said Louis D. Brandeis and to his law firm during the period from 1889 down to the present time upward of $40,000 out of the assets of said trust, and during the said period the said lessees have paid a like amount for services rendered to the copartnership consisting of the same Samuel D. Warren and Mortimer B. Mason, trustees as aforesaid, the other copartner, Fiske Warren, having only a small interest."

And, again:

"In preparing said lease said trustees, under the guidance and direction of the defendant, Samuel D. Warren, having regard chiefly to the personal interests of the said Samuel D. Warren and his copartnership and disregarding the interests of the beneficiaries under said trust, provided that said copartnership should be entitled to receive out of the gross income of the business a commission which should be deducted before arriving at the net profits. Said commission and net profits received by the said Samuel D. Warren and the said Mortimer B. Mason as copartners as aforesaid during the first five years after the creation of the trust, to wit, from 1889 to 1894, amounted to upward of $900,000. The commission alone of said partnership during the period from 1889 down to the present time has amounted to upward of $1,200,000, being an amount entirely disproportionate to any services rendered by said copartnership, or by any member thereof in view of the other sums received by said copartnership and its members in the way of profits and otherwise from the gross income of the business." (Hearings, p. 896.)

And further:

"The plaintiff says that equity considers the substance of matters and not their form. That the scheme planned by the defendant, Samuel D. Warren, and adopted under his guidance, was in substance that the property should be managed and the business carried on by himself and in his cotrustee, Mortimer B. Mason, for the benefit of the widow and children of Samuel Dennis Warren. That under this arrangement it was not permissible that the said Samuel D. Warren and the said Mortimer B. Mason to take for their own services more than a reasonable compensation. That as a matter of fact they have taken as such compensation upward of $2,024,700, being $1,024,700 more than can be considered reasonable in any aspect of the case. That the taking of this excessive amount amounted to a very serious breach of trust. That the plaintiff is informed and believes that the said Samuel D. Warren, his copartner, Mortimer B. Mason, having been incapacitated by reason of his illness aforesaid, resulting in his death during the current year as aforesaid, has planned to take out of the business in the way of commissions and profits (in addition to his share as a beneficiary) upward of $100,000 for the year ending December 31, 1909, and will take said sum or a larger amount at the end of the year 1909 unless prevented from so doing by this court." (Hearings, p. 898.)

There were other allegations of breaches of the trust, but those set out will suffice to show what was the nature of the action.

The case went to trial but before the end of the trial it was compromised by the heirs of S. D. Warren, who had died in the meantime, and others, paying Edward P. Warren, the plaintiff, a large sum of money and taking over his interest in the property and the business.

During all the time after the death of S. D. Warren, sr., until Edward P. Warren brought his action or was preparing to bring it, Mr. Brandeis was the attorney for and representing all the interests concerned including the settlement of the Warren estate, the trustees under the trust, the lessors, and the lessees under the lease, and, as included in these, the interests of all the heirs of the estate and was paid for the services rendered by him for each and all of them and that his firm had received $40,000 for services to the trustees and a like amount from the lessees of said trustees as charged in the bill of complaint. It is not necessary to go into the details of the charges made in this respect. There is no evidence to show that there was any corrupt conspiracy between Mr. Brandeis and his partner, S. D. Warren, to defraud or take any undue advantage of the other heirs of the estate. It was agreed at the hearings, by all parties concerned, that Mr. Warren was a highly honorable and trustworthy man as well as an able lawyer. It does not seem reasonable that such a man would knowingly enter into any scheme to injure his brothers and sisters.

There is no doubt that the lease was very favorable to the lessees but it is only fair to presume, in the absence of evidence to the contrary, that both Mr. Warren and Mr. Brandeis, in good faith, believed the terms of the lease to be justifiable under the circumstances. This leaves the question of the right or the propriety of an attorney representing two wholly adverse and conflicting interests at the same time under retainer and pay of both.

This raises a question about which there may very reasonably be differences of opinion. Mr. Storey, who testified against Mr. Brandeis, did not think it was wrong, and said he might have done the same thing. (Hearings, p. 279.)

But when asked whether it was not the common practice for a lawyer who had the confidence of all the parties to undertake to represent all of them although, eventually, the interests may be disclosed to be in a sense conflicting, he said, "I think it is a common practice but I think a bad practice." (Hearings, p. 279.)

Afterwards Mr. Storey explained and limited this statement by letter.

Mr. Whipple took the position that Mr. Brandeis was "possibly careless in not making very, very clear to Mr. Edward Warren just the whole transaction and its possible effect upon his rights." (Hearings, p. 284.)

His full statement on the subject I have already given.

Mr. Bailey and Mr. Youngman, who represented Mr. Edward Warren in the litigation, both regarded the course taken by Mr. Brandeis as absolutely wrong. (Hearings, pp. 138, 141, 471, 474.)

And Mr. Youngman testified that Mr. Storey was not present except one day during the trial; was only nominally an attorney in the case for Fiske Warren, who was not actually contesting the case one way or the other.

All of these gentlemen are capable and honorable members of the profession. The one thing that appeals to me as the most serious question of not only propriety, but of legal right, is the fact that when a conflict did arise between the parties whom he had up to that time represented and a suit was brought by one of them against the other, Mr. Brandeis should accept employment for one of his former clients against the other. The detailed information that he must have acquired from his long connection with the whole matter from the beginning to the end gave him an immense advantage over opposing counsel. Besides this, his confidential relations with Edward Warren, evidenced by correspondence that had taken place between them as attorney and client, regarding the matters in litigation, should, it seems to me, have excluded him from any participation in the controversy. Up to the time of making the lease I see no serious ground of complaint of Mr. Brandeis's course. When the lease was made the interests of the parties became antagonistic, and they could not be properly and legitimately served by the same attorney. It was complained that he neglected his duty to Edward Warren by not keeping him fully informed of what was going on and of his rights.

It is not unusual for attorneys to advise a whole family respecting their business affairs when there is no disagreement between them. I think, as Mr. Storey said, it is a bad practice, that may bring an attorney, however conscientious he may be, into an unfortunate and awkward situation and arouse criticism. That was just what happened in this instance, and when it happened the only true course to take was to decline, as soon as the difference arose between his clients, to represent either of them. The failure of Mr. Brandeis to take this course was the gravest mistake he made.

It appears from the testimony of Mr. McClennen, Mr. Brandeis's partner, that for 21 years their firm drew an annual salary from the trustees under the trust, and the lessees from them whose interests were, of course, in direct conflict. The salary was $5,000 a year for part of the time, and then $4,000, amounting in the aggregate to something like $90,000, and was divided between the two. (Hearings, p. 1258.)

This continued up to the time when Edward P. Warren brought his suit, when the firm took the side of one of the interests, by which it had been employed and paid, against one of the beneficiaries under the other, by which it had also been employed and paid.

The real controversy was between one of the beneficiaries under the trust and heir to the estate, also represented by the firm, against the lessees, but if it had been between the beneficiary and the trustees the appearance by Mr. Brandeis would have been equally objectionable.

I can not see how this course of conduct can be justified or excused.

THE ILLINOIS CENTRAL RAILROAD CASE.

A contest was on between Stuyvesant Fish and E. W. Harriman involving the election of a board of directors for the Illinois Central Railroad and the control of the road. They were each making strenuous efforts to secure enough proxies from stockholders to control the situation. Waddill Catchings, representing the Harriman interests, employed the firm of Mr. Brandeis to aid him in securing such proxies. It seems to have been understood that Mr. Nutter, of the firm, should have charge of the work. But Mr. Brandeis was consulted with in the beginning and approved of the employment of the firm for that purpose, was fully advised in the matter, and consented that the firm act in that capacity. (Catchings's testimony, hearings, pp. 396, 342.)

The nature of the employment and the work done is fully explained by Mr. Catchings. (Hearings, p. 342.)

He testified that the sole connection of Mr. Brandeis was to give his approval to the employment of the firm. (Hearings, p. 343.)

But this appears to be a mistake.

Mr. Francis Peabody testified that a young lawyer came to him to get his proxy; that he told him he had already given it to Mr. Fish, and that he did not approve of the effort to remove Mr. Fish and that he replied:

"'Well, Mr. Brandeis says that he is a personal friend of yours,' which was true, 'and he asked me to say to you that he would like to have you give a proxy,' which would have the effect of revoking my former proxy, in the Harriman interests, and that if you are unwilling to do so he personally will come over and see you.' I said, 'My mind is quite made up about it. He said, 'Mr. Brandeis told me to say to you that he would like to come over and see you about it; and may I use your telephone?' I said 'Yes; you can use my telephone, but it is perfectly useless; nothing i am quite certain, that Mr. Brandeis could tell me in the way of argument would induce me to change my proxy, as I have implicit faith in Mr. Fish.'" (Hearings, p. 750.)

So it seems that Mr. Brandeis was taking part actively in the hunt for Harriman votes.

In another matter that will be taken up later Mr. Joseph B. Warner accused Mr. Brandeis of having represented Mr. Harriman as his attorney. In the so-called Merger case Mr. Warner said:

"That was the situation when this report was made. Since that they have done a good deal more. They have acquired the Illinois Central Railroad, the control of it, he has, and I suppose nobody could tell us more definitely about that than the attorney who is managing the anti-mortgage cause, for I understand that it was he who solicited for Mr. Harriman the proxies which enabled him to get the control of the Illinois Central Railroad, so far as Massachusetts stockholders were concerned. So we have the interesting spectacle of the same gentleman declaiming against monopoly in the afternoon and evening, and declaring for it in the morning, in both cases, I assume, without pay, but in each case addressing the people of Massachusetts." (Hearings, p. 635.)

From the manner in which the subject was treated by both Mr. Warner and Mr. Brandeis it must have been regarded as discreditable to have accepted such employment. At all events Mr. Brandeis wrote a letter denying the imputation, in which he said:

"Mr. Warner said, in effect, that I was acting and had acted as counsel for Mr. Harriman. That statement is absolutely untrue in every respect. I have never acted, directly or indirectly, for Mr. Harriman or communicated directly or indirectly with him, or with anyone who represented him directly or indirectly; nor have I acted, so far as I know, directly or indirectly for any company with which Mr. Harriman has ever been connected. No one connected with my firm has ever acted directly or indirectly for Mr. Harriman or for any company with which Mr. Harriman was connected, except as follows:

"On November 22, 1907, a representative of the firm of Sullivan & Cromwell, of New York, for whom we have acted from time to time for nearly 15 years, requested my partner, Mr. Nutter, to aid him in connection with obtaining proxies for the annual meeting of the Illinois Central. Mr. Nutter, in the presence of Sullivan & Cromwell's representative, asked me on that day whether there was anything in my merger fight which should prevent his acting in that matter, and I told him none whatever; that so far as I knew Mr. Harriman had no interest of any kind in the merger question.

"Mr. Nutter did act for Messrs. Sullivan & Cromwell, and either he or persons employed by him solicited in the most open manner during the course of several months proxies, applying, among others, to many gentlemen who were known to be most actively in favor of the merger.

"If the judgment of Mr. Warner and his associates were not entirely obscured by prejudice so as to quite overcrowd their reason, they would have found, in the fact that Mr. Nutter did act most publicly in the matter of soliciting proxies for the Illinois Central meeting, the strongest evidence that in this merger matter I could by no possibility be representing Mr. Harriman, rather than the reverse." (Hearings, p. 352.)

Disconnected with other matters to be considered later, this is the case made in this instance. There might be some question of the propriety of a firm of lawyers accepting employment of that kind, but it seems to me to be rather a question of taste. The other issue is one of veracity.

WRECKING THE NEW ENGLAND ROAD.

The charge is made that the New Haven road undertook to destroy the New England road as a competitor, and finally succeeded. That Mr. Brandeis was instrumental in bringing about that result, and brought a number of suits in different States in the effort to carry out that purpose. Mr. Brandeis's part in it, if that was the object of the suits, is thus stated by Mr. Moorfield Storey, who was then the attorney for the New England road:

"Mr. Brandeis, acting apparently or ostensibly for one N. F. Goldsmith and his partner, Mr. Keith, and one, Mr. Lotham, brought a series of bills, 10 in number, in Boston, in Rhode Island, and in Connecticut, aimed to paralyze the financial operations of the New England Railroad. One suit was brought for the purpose of preventing the payment of the dividends of the preferred stock, another was brought to prevent the issue of mortgage bonds. The New England Railroad had bonds which were paying 5 or 6 per cent and 6 or 7 per cent, and they desired to refund, and one of their purposes was to issue more bonds. Another suit was brought to attack their leases of certain branch lines, and in all 10 suits were brought.

"In the spring of 1893 the Legislature of Massachusetts, first at the instance of certain dealers in produce, and afterwards giving the investigation a broader scope, appointed a committee to consider what the relations between these two railroads were, and I conducted the hearing. Mr. Brandeis testified that he was the main counsel; that the other counsel had acted under his direction. He testified that Messrs. Arling, Webb, and Moorehouse, Connecticut lawyers, were acting under his direction, and that the bills they brought were drawn in his office, and that he was the counsel in charge. He said that scarcely a day passed for six months that he had not had something to do with those suits. The result of it was that the credit of the New England Railroad was destroyed; its financial operations were impaired, and its sources of revenue were cut off, except so far as they came from earnings; and, in the fall of 1893, the corporation went into the hands of a receiver, from which it emerged as a part of the New Haven Railroad. At the investigation I undertook to find out for whom Mr. Brandeis was acting, and he finally said that his client was Goldsmith. I asked who paid the bills, whereupon he declined to answer, saying that was a privileged question. I suggested that it perhaps was not, and he cited some authorities and stated he would consider it. That occurred on one day and the next day he was away from Massachusetts, as he testified—I think in New York—and the third day he came back and told us. He began by saying that 'While I am perfectly willing to give this information to the committee, I want it to be agreed by Mr. Storey that it shall not be given out in any other investigation.' Here was his statement:

"'We are willing to give the information to the public so far as the public needs it, or the legislature needs it, but we are not willing to be compelled before this tribunal to give testimony which will prejudice our case in court.

"He wanted me to sign a written agreement that the testimony he gave there should not be used in these cases. But after I pointed out that I could not very well see how any legitimate statement as to his clients would prejudice his case he decided on the whole that he would not insist upon it. Thereupon it turned out that Mr. Goldsmith was the owner of about 60 shares of stock, worth at that time about $3,000, and by no means in a position to incur the expense of six months' employment of counsel in Massachusetts, in Connecticut, and in Rhode Island in the briging of 10 suits. The bills which were brought forward were bills brought in the name of Goldsmith and such other stockholders as should see it to join. They stood before the court and were pressing their suits brought by the stockholders in their own interests to prevent transactions which were pending and threatening to injure the value of their stock. It was perfectly apparent. It turned out on examination that a man named Judge Kelly, from New York, had come on there and consulted Mr. Carling (?), who was president of the Magee Finance Co., and they had employed Brandeis. The question arose as to whose name the suit should be brought in, and Mr. Carling ran over the list of stockholders, and they finally applied to somebody, whose name was not disclosed, who refused to allow his name to be used. Then it was that Mr. Goldsmith, a liquor dealer of Boston, was applied to, and apparently they promised him a considerable sum of money for the use of his name. His name was accordingly used. When I asked Mr. Brandeis who was his client, he gave the name of Goldsmith and also gave the name Coburn. When I asked if he ever made any charge to those people on his books, he said no. I asked him to whom he did make his charges and he said he made them to Kelly, or they were paid through Kelly.

"Senator CULLOM. Who was Kelly?

"Mr. STOREY. The lawyer who came on from New York representing somebody.

"Mr. ANDERSON. Now one of the supreme court judges of New York.

"Mr. STOREY. Yes; at that time acting as counsel.

"Senator WALSH. Representing whom?

"Mr. STOREY. His name was William J. Kelly, I think.

"In the fall of 1892 apparently, as the correspondence which I have seen shows, Mr. Kelly seemed to lose his interest in the suit, and Messrs. Arling, Webb & Moorhouse, after writing to him, applied directly to the New Haven road for instructions, and from that time on the litigation was carried on by them. In the course of that litigation it became necessary that a bond should be given to indemnify the defendants where an injunction was to be issued to prevent the registration of certain bonds. The bond was in the sum of $25,000. The New Haven road furnished security, and Mr. Coburn gave the bond, and the security was signed by Messrs. Tuttle—afterwards president—Charles E. Clark, president, and Mr. J. Pierpont Morgan, and Mr. William Rockefeller. From that time on the suits were carried on, not resulting in any hearings, because the company went into the hands of a receiver before the cases came on for hearing." (Hearings, p. 264.)

He says further on this subject:

"It is apparent to me that it was clear to Mr. Brandeis that these ostensible parties were not his clients. He never regarded them as such. He never made any charge to them. He took his directions entirely from somebody representing an outside person. That outside person may have been Coburn or may have been the New Haven Railroad. In any event, it was not the somebody who was the ostensible party he was representing. That somebody was either interested in the New England road or he was not. If he was interested in the New England Railroad, there was no earthly reason why his name should not be used in these suits. If he was not interested in the New England Railroad, then it was clear that some outside influence, some outside person, for a reason unwilling to disclose himself or itself, was working to injure the New England Railroad and working effectively, industriously, persistently." (Hearings, p. 266.)

And again:

"It appeared afterwards and appeared at the trial of the New Haven directors that this agreement, of which I have spoken as made, and I have seen this week that the New Haven Railroad paid Moore, Webb & Arling something like $27,000 for services and expenses in the suit, and that after Mr. Corbin's death and Mr. Goldsmith's with the administrators of the Goldsmith estate brought suit against the Corbin estate, alleging that he had been promised a large and liberal compensation for the use of his name, and the New Haven Railroad settled that case by the payment of $10,000."

It was further shown that in the actions lately brought by the Government against the directors of the New Haven road one of the charges made was that the Goldsmith suits were brought in the interest of the New Haven road for the purpose of destroying its competitor, the New England Railroad. (Hearings, p. 267.)

Mr. Storey summed up his views on the subject as follows:

"In the New England case you have the facts that the suits were calculated to wreck the New England, that they had that effect, that they were paid for by the New Haven; that the ostensible parties were not the real parties, and that Mr. Brandeis was unwilling to disclose who the real parties were." (Hearings, p. 270.)

Extracts from the petition and other proceedings in the United States v. New Haven & Hartford Railroad Co. and the criminal action against William Rockefeller et al. were introduced in evidence at the hearings.

They show the prominence that was given to the charges above referred to, including the bringing of the Goldsmith suits as means of wrecking the New England road. (Hearings, pp. 435, 420.)

In the Rockefeller case Mr. Brandeis, one of the counsel, thus characterized the efforts of the New Haven to destroy its competitor:

"There is also no question that while that competitive condition existed, and by methods that are so very wrong, so entirely without the range of decency and legality, that under the improved morals brought about by the several acts passed by the Congress of the United States, they would not even be thought of at the present time by men engaged even in the railroad business. There is this, at least, to be said about the New England: If these methods had not been pursued, and the New England Railroad had been permitted to do the financing with these suits that Mr. Rockefeller and Mr. Morgan helped to maintain, and by that word 'maintain' I am now using it in a sense which indicates an illegal maintenance—if, I say, the New England road had not been subjected to these illegal, immoral influences, there is at least the possibility at this time that there would have been two active competitors, two efficient roads, serving the people of New York and the people of Boston in matters of passenger service and everything else."

Mr. Brandeis's testimony before the committee of the Massachusetts Legislature regarding this transaction will also be found in the record. (Hearings, p. 421 and on.)

The testimony is very long and can not be inserted here. It deserves the careful attention of the committee as giving fully Mr. Brandeis's account of his connection with the Goldsmith suits. That the New Haven finally took over these suits and became liable for all expenses in connection with them and gave a required bond of $25,000 is clearly shown. The suits, while brought in the name of Goldsmith and others, were in fact instigated and carried on at the expense of one Austin C. Corbin, who obligated himself to pay all of the expenses of the litigation, as I shall presently show. Who Corbin acted for in the beginning is not shown, but that the New Haven finally took his place and made itself responsible for the further prosecutions and management of the cases can not be doubted.

The following correspondence used as exhibits in the Government suits discloses this:

NEW YORK, *January 23, 1893.*

TO AUSTIN C. CORBIN,
New York:

We are informed that there is a proceeding or suit in Connecticut, wherein one H. L. Knowlton and N. F. Goldsmith & Co. are plaintiffs, in which it is sought to enjoin the comptroller from registering $2,000,000 of bonds of the New York & New England Railroad Co., and the court will enjoin the registry until the case is decided, on condition that a bond for $25,000 is given to cover any costs or damages that may be awarded to the defendants by reason of the granting of such injunction. We desire to have such bond given, and if you will procure it to be furnished, we agree to pay any costs or damages that may be awarded and will indemnify and save you harmless from all loss by reason of such litigation, we being consulted as to its management.

LUCIUS TUTTLE.
WILLIAM ROCKEFELLER.
J. PIERPONT MORGAN.
CHAS. P. CLARK.

(1630, 1631.)

APRIL 12, 1898.

J. PIERPONT MORGAN, Esq.,
Post-Office Box 3035, New York.

MY DEAR MR. MORGAN: Acknowledging your favor of the 11th instant, I beg to assure you that you need pay no attention to the Corbin suit, as we will assume all care and responsibility in that matter, and it is now in the hands of our counsel, who will give it all the attention the case demands. I am very glad to know of your safe return and good health.

Yours, sincerely,

JOHN M. HALL, *Vice President.*

JULY 8, 1898.

Hon. LYNDE HARRISON,
New Haven, Conn.

MY DEAR JUDGE: Referring to your favor of the 5th instant, I beg leave to say that I will endeavor to obtain from Mr. Kochersperger a statement of the dates and the amounts paid by our company on account of the Goldsmith matter, etc., very soon. * * *

JOHN M. HALL, *Vice President.*

NOVEMBER 29, 1898.

Hon. LYNDE HARRISON,
New Haven, Conn.

DEAR JUDGE: Answering yours 19th, regarding expenses in the Goldsmith litigation, I would say that Mr. Kochersperger has finally picked them out and the aggregate is $7,074.73.

Yours, truly,

JOHN M. HALL, *Vice President.*

AUGUST 4, 1898.

MR. WILLIAM ROCKEFELLER,
26 Broadway, New York.

MY DEAR MR. ROCKEFELLER: Your statement of purchases and sales of N. H. & N. E. stock was duly received. Please find check herewith to balance that account, and also accept the thanks of the company for the financial assistance rendered by you in bringing this important matter to a successful conclusion.

Time alone can determine the financial benefit accruing to our company by the acquisition of the New England road, which we all agree never should have been built. I am confident any benefits to be derived from its possession will be chiefly the prevention of competition rather than from its operation.

I am clear, however, that the greatest possible economies ought to be exercised in the management of that property in connection with our own and that such a policy will alone prevent the New England Railroad becoming a very serious burden to us. * * *

Yours, very truly,

JOHN M. HALL, *Vice President.*

(1633–1640.)

WILLIAM ROCKEFELLER, Esq.,
26 Broadway, New York.

DEAR SIR: * * * There is no reason whatever why Harrison should have troubled you with this matter, and if you will kindly refer him direct to me, I will endeavor to see that this matter is properly disposed of, when it can be done on a fair basis. The claim of those parties is simply a blackmailing scheme, got up after Mr. Corbin's death, to secure money from Mr. Corbin's estate, and incidentally from us, to such extent as we guaranteed Mr. Corbin for disbursements and services in the old suit of Goldsmith against the New England Railroad Co., which was proceeded with to stop the issuance of additional funds of the New England Railroad Co., and which resulted in preventing the New England Railroad Co. from issuing the large number of bonds which we, as purchasers of the New England Railroad Co., would have had to assume if they had succeeded in issuing them. Whatever we pay in settling this suit, even if it amounts to the whole demand, would be justified on account of the benefits secured by the suit in question. * * *

Yours, very truly,

JOHN M. HALL.

(1650–1653.)
(Hearings, pp. 449–452.)

The blackmailing scheme referred to by Mr. Hall evidently refers to an action brought by the estate of Goldsmith against the estate of Corbin to recover advances made by the former to carry on the suits, which will be further noticed presently.

We have then the testimony of Hon. William J. Kelly, then a practicing lawyer, now a judge of the Superior Court of New York. (Hearings, p. 403.)

Judge Kelly was employed by Corbin. For some reason Corbin did not want to bring the suits in his own name. So he, assisted by Judge Kelly, secured Goldsmith and others to bring them, Corbin obligating himself to pay all expenses and protect Goldsmith from liability. Corbin had been a member of the board of directors and president of the New England road. Judge Kelly says, after reciting the difficulties and dissensions between Corbin and other members of the board of directors:

"Mr. Corbin was a very positive man in his ways; he was very much provoked and annoyed; and when he got out of the New England Railroad he said there was only one thing he should do, in view of the condition of the road and in view of the fact that the directors in the road had used their position, and were using it, for the purpose of benefiting themselves at the expense of the road; that there was only one thing to do, and that was to bring proceedings to put the road into the hands of a receiver for the protection of the stockholders and the second-mortgage bondholders. That is when he came to me about these litigations. That is when I saw Mr. Brandeis first. I went to Boston and I saw Mr. Brandeis, and employed him to assist me in the matter. Bills of complaint were drawn in Massachusetts and Connecticut and New York to put this road in the hands of a receiver, in which the charges to which I refer were set forth in detail; the fact that the road was insolvent; that its operating expenses exceeded its earnings long before these suits were started." (Hearings, p. 405.)

So the avowed purpose for which Mr. Brandeis was employed was to put the road in the hands of a receiver, which, under the circumstances, was to wreck it. This being so, it was not surprising that Corbin, who was a man of wealth and influence, should want to conceal his part in it and hide behind a small stockholder.

Their first step was to prevent the company from paying dividends or issuing bonds. The litigation was kept on foot until, in 1894, a

mortgage was foreclosed, when, as Judge Kelly says, "the Goldsmith litigations and all these various Corbin litigations ceased." (Hearings, p. 405.)

Evidently they had served their purpose. Corbin had turned the cases over to the New Haven road, that road guaranteeing the payment of all expenses.

When asked whether, at the time, there was any scheme on foot on the part of the New Haven to wreck the New York & New England, Judge Kelly said:

"I do not know anything about it, sir. I had nothing to do with the New Haven Railroad at all at the time of the beginning of these litigations; absolutely nothing to do with it. Mr. Corbin's position was antagonistic to them at that time. He had expected to carry on the New England Railroad, sir. It was long after that that the New Haven road had anything to do with these litigations. The end of 1893 or 1894 was the first time they had any connection with these litigations, and that was when the foreclosure suit was pending or imminent, when these litigations were of no service to anybody." (Hearings, p. 406.)

He also says that Mr. Brandeis was not employed to wreck the New England Railroad and that "the reason he was employed was to show that the New England Railroad was wrecked at that time and to prevent the further distribution of the corporate assets among certain of the directors," which would amount to practically the same thing in the interest of the New Haven road and accomplished the desired result as above set out. The New England road was wrecked, and it was taken over by the New Haven. The preliminary proceedings involving temporary injunctions tying up the activities of the road were successful, and when this was accomplished the litigation was no longer pushed but waited until the mortgage was foreclosed against which the New England, tied up as it was by the pending litigation, was helpless to protect itself. Whether, if let alone, it could have survived there is no proof nor can anyone tell. But it is certain that it could not with this obstructing litigation pending. It became an easy victim of the New Haven road. And that this was just what was intended is evident from the events as they followed each other, culminating at last in the New Haven taking over the litigation of Corbin's dummy. (Hearings, p. 407.)

Judge Kelly also testifies that Goldsmith's estate sued the Corbin estate for his expenses, and those expenses were paid by the New Haven road. (Hearings, p. 408.)

The suits brought and the nature of them are also explained by him. (Hearings, p. 409.)

It is clearly shown that as soon as the road was reduced to a state of helplessness, Corbin lost interest in it and did not want to put any more money into the litigation. This is quite evident from Judge Kelly's testimony. (Hearings, p. 411.)

Corbin first indemnified Goldsmith to induce him to commence the litigation, and then the New Haven road guaranteed payment of all expenses to induce Corbin to keep it going, and the attorneys were serving them throughout. They were all playing into the hands of the New Haven road and wrecking the New England for the benefit of the New Haven.

That this was the intention of Corbin from the beginning I have no doubt. Everything points in that direction. Judge Kelly says he did not know it. It is only fair to say that Mr. Brandeis did not. But the effect of such litigation was so transparently for the purpose of wrecking the New England road that it should have made a prudent and careful attorney suspicious that his services were being used for an improper purpose. He should have been doubly cautious and on his guard when he knew that the nominal plaintiff was not his client, but that some one else, whose identity was concealed, had employed and was paying him for appearing.

It has been altogether too common, I am afraid, to bring suits in this way. It is a practice that should be condemned. It is a deception on the court and one means of encouraging and promoting litigation. If Mr. Corbin had been compelled to bring the suits in his own name, they probably would not have been brought at all. It would have been a commendable and highly proper thing for his attorney to have said to him, "I will bring these suits in your own name, if you desire it, but I will not accept a retainer from you to prosecute them in the name of another man who is only your dummy and would not prosecute them at his own expense."

THE EQUITABLE LIFE ASSURANCE SOCIETY CASE.

This case presents a remarkable state of affairs. Mr. Fox, one of the attorneys before the committee, thus stated the case:

"Mr. FOX. The situation is this: It develops the utterances by Mr. Brandeis in the speech before a certain organization in Boston, at the time he was acting as and published as being made by 'counsel' to a certain protective association, composed of persons who were policyholders in the Equitable Society, were incorporated in this court paper which he filed, in effect. Among these apparently was Mr. McSweeney, and we find Brandeis, Dunbar & Nutter paid by Mr. McSweeney, one of the policyholders, for services in connection with his policy, a certain amount. We shall, we suppose, through Mr. McClennen, with the aid of Mr. Anderson, prove a little more precisely the organization of this protective association. We then find later that the utterances or the acts which Mr. Brandeis charged in his speech as an individual as being iniquitous, he defends as counsel for the Equitable, taking a position at one time precisely contrary to the position taken later, not only as regards the legality, but the morality." (Hearings, p. 680).

Some of the stockholders of the company, being dissatisfied with the management, organized amongst themselves a protective association, so called. Mr. Brandeis espoused the cause of these complaining stockholders and acted as secretary and adviser of the association without compensation. (Testimony of Whitman, p. 972.)

Mr. Whitman says the action of the stockholders was friendly and for the benefit of the company. As evidence of the state of comity existing and the friendly nature of the movement I quote from a speech delivered by Mr. Brandeis before the Commercial Club of Boston, October 26, 1905:

"Mr. President and gentlemen, eight months ago dissension among guilty officers of the Equitable Life Assurance Society first directed public attention to the conduct of the life insurance business. Since then the disclosures of financial depravity have aroused widespread indignation; but even then the importance of the subject is not generally realized. * * *

"Such is the power which the American people have intrusted to the managers of these large companies. How has it been exercised? Substantially as all irresponsible power since the beginning of the world—selfishly, dishonestly, and in the long run, inefficiently. The breaches of trust committed or permitted by men of high financial reputation, the disclosure of the payment of exorbitant salaries and commissions, the illegal participation in syndicate profits, the persistent perversion of sacred trust funds to political purposes, the cooperation of the large New York companies to control the legislatures of the country—these disclosures are indeed distressing; but the practice of deliberate and persistent deception of the public which the testimony discloses, though less dramatic, is even more serious. * * *

"In the case of common criminals flight is accepted as confession of guilt. With financiers and business men falsification of books has hitherto been considered the strongest evidence of guilt. Yet the falsification of the books of these companies has been a persistent practice. Secret ledgers have been opened in which were entered questionable investments and more questionable expenditures. Hundreds of thousands spent "for legislative purposes" were charged up in real estate account. So elaborate has been the system of fraudulent entries that after months of investigation the particular form of rascality embodied in the Equitable's $685,000 Mercantile Trust Co. so-called "yellow dog" account has not yet been detected.

"The degree of guilt involved in such transactions will be appreciated only when one remembers that the life insurance business beyond all others in the world rests upon confidence—confidence that in the remote, indefinite future the present sacrifice of the policyholder will bring protection to widow and children." (Hearings, p. 668.)

This must have been regarded as a friendly and playful reference to the methods of the company, for Mr. Brandeis was at that time and has been ever since the attorney of the company.

Mr. McClennen, one of the firm, testifies that no complaint whatever was made by the company of Mr. Brandeis's attack upon it. (Hearings, p. 634.)

He testifies also to the continued relation of attorney and client between the company and the firm and names a number of cases in which they appeared for the company all through this trouble and down to this time. (Hearings, pp. 684, 685.)

In one of the cases, namely, Peters *v.* The Equitable Life Assurance Society, the complaint charged some of the very things against the company that Mr. Brandeis so dramatically denounced in his commercial club speech. (See the bill in equity in that case, hearings, p. 670.)

In that case Brandeis, Dunbar & Nutter appeared for the defendant corporation and filed an answer denying all the charges made against it in the bill. (Hearings, p. 676.)

The position of Mr. Brandeis in his public utterances strongly condemning the company and his appearance for the company and his defense of it against like charges seem so inconsistent as to need explanation. Mr. McClennen, a member of the firm, has given his version of it, which is nothing more than a history of the proceedings in the matter without any explanation of their apparently inconsistent positions. (Hearings, pp. 697, 698.)

It appears from his testimony that the case first came to the notice of their firm August 25, 1906, about 10 months after the commercial club speech. It was probably one of the results of that agitation against the company and by rights might well have been prosecuted by Mr. Brandeis to vindicate his charges against the company.

GILLETTE SAFETY RAZOR CO. CASE.

Mr. Brandeis was charged with unprofessional conduct in certain cases concerning the stock of the Gillette Safety Razor Co., and evidence was offered to sustain the charge. I have been unable to see any reasonable ground of complaint of Mr. Brandeis's course in that case, taken as a whole. It was another struggle to get control of a corporation of which so many seemed to fall to the lot of Mr. Brandeis. They generally engender much ill feeling and charges and countercharges of misconduct, as they did in this case.

THE OLD DOMINION COPPER MINING & SMELTING CO. CASE.

This is another case in which Mr. Brandeis incurred the violent displeasure of some of the parties concerned. It began by his employment to oust Mr. Bigelow and his friends from the management of the company on the ground that Bigelow had wrongfully converted to his own use a large and valuable block of the stock of the company. Mr. Brandeis represented the complaining stockholders and his clients were successful in getting control of the company. Mr. Brandeis was then made the general counsel of the reorganized company and Charles Sumner Smith, one of his stockholder clients, became its president. A consolidation or combination of the stock and operations of the Old Colony and the United Globe mines, owned by Phelps Dodge & Co., was proposed and the value of the stock of each of the companies became important. The directors of the Old Colony Co. caused an investigation of the properties of the two companies to be made by an engineer, and received a report from him showing that the stock of the Old Colony Co. was greatly more valuable than the other company. It was claimed that in the effort to induce the stockholders of the Old Dominion Co. to deposit and post their stock with that of the United Globe mines as of equal value this report was concealed for a time from them by the directors, and that this was done with the connivance and under the advice of Mr. Brandeis. There is no evidence to sustain this charge. It appears that Mr. Brandeis had nothing to do with the suppression of the report, and that if he had there was sufficient reason for not making it public at that time, which was done a little later. (See testimony of William F. Fitzgerald and Charles Sumner Smith, hearings, pp. 1227, 1269.)

But another peculiar condition was disclosed in this transaction. After Bigelow was ousted there remained a claim against him for the stock alleged to have been converted by him. In the bringing together of the two companies this claim was not included, but was left to be prosecuted by the Old Colony Copper Mining & Smelting Co. In making the deal a new Old Colony Co. was formed as a holding company with which the stock of the two companies was deposited. Some of the stockholders of the Old Colony Copper Mining & Smelting Co. refused to go into the deal and did not deposit their stock with the holding company. It was left to Mr. Brandeis to work out a scheme that would take care of all parties concerned. In doing so he provided for trustees to handle and pay over to the stockholders the money that might be collected from Bigelow. The president of the Old Colony Copper Mining & Smelting Co., who had been one of Mr. Brandeis's clients in the fight for control of the company, was made one of the two trustees. In the trust agreement it was provided that the trustees should receive for their services 5 per cent of the amount collected on the Bigelow claim. In turn the board of directors agreed with Mr. Brandeis to pay him 10 per cent of any amount collected for his services. The effort to collect from Bigelow was successful, and Mr. Brandeis, with his 10 per cent and some other fees paid him for services in the matter, had received $225,000 for his services and the trustees $45,000 each. Thus the company has paid out for the collection and distribution of this fund to the stockholders $315,000, besides large fees paid to other attorneys employed in New York. (Hearings, p. 1275.)

The trustees had nothing to do with the collection of the money. The suits were brought and prosecuted by the Old Dominion Copper Mining & Smelting Co. All the trustees did was to receive the money and pay it out to the stockholders. The fee received by Mr. Brandeis would seem large, at first blush, but I do not think it was an unreasonable charge. The amount recovered was something over $2,000,000, and the litigation involved the bringing of suits in different State and Federal courts and covered several years reaching the Supreme Court of the United States. But the amount paid the trustees was unconscionable. They had practically nothing to do that could not have been done by any competent clerk or accountant at an expense of a few hundred dollars.

The only reflection that can justly be cast upon Mr. Brandeis in the whole transaction, as I see it, is that he devised this scheme, including the creation of this trust, and himself fixed the compensation of the trustees that has proved to be exorbitant. (Hearings, p. 1274.)

But there is nothing to show and no claim that Mr. Brandeis profited in any way by reason of this fact. He received his own fee, that was, in my judgment, well earned and nothing more.

There is nothing in this charge worthy of serious consideration.

THE MERGER CASE.

The Merger case, so called, was an attempt on the part of the New Haven road to take over and absorb the Boston & Maine. One Mr. Lawrence was a very large stockholder in the Boston & Maine and was opposing the proposed merger and solicited Mr. Brandeis's assistance to prevent it. Mr. Brandeis's position in the matter is thus stated by his partner, Mr. McClennen:

"The desire of the Lawrence interests was to prevent this, I will say, merger, as a short term, to express it. Mr. Brandeis was entirely in sympathy with that, but states that it appeared to him that it was a question of public policy of New England that deeply affected generally New England interests, the interests of the community of New England; that it would involve his taking public positions on the matter, and that he should prefer not to be hampered by being in the state of contemplation. (Hearings, p. 991.)"

So Mr. Brandeis undertook the work as a public duty, but, at the same time, paid the other members of his firm $25,000 out of his own pocket as their fee for the services rendered by him. (Hearings, pp. 992, 995.)

In other words, Mr. Brandeis, by paying his partners a fee, recognized this as services rendered a private individual, but for himself personally he preferred to treat it as a public service that should be rendered without compensation. In this he took precisely the opposite course pursued by him in the Glavis case and one was quite as likely to create suspicion and criticism of his motives as the other. The fact that he was taking this course was concealed as his taking a fee in the Glavis case was concealed. (Hearings, p. 993.)

Naturally, as Mr. Anderson, who acted as Mr. Brandeis's counsel on the hearing though asked to act by the committee, says there "were insinuations in this record that he was appearing in the public interests and also privately." (Hearings, p. 992.)

That was precisely what he was doing. He took up the matter at the instance of Mr. Lawrence, represented his interests, and paid his partners for the services. So far as his appearance for Mr. Lawrence was concerned the situation would not have been in the least different as a matter of principle if Mr. Lawrence had paid the fee to all of the firm instead of his paying it to his partners. The only effect of this course, instead of the unsophisticated one of taking compensation from Mr. Lawrence, was that Mr. Lawrence escaped the payment of a fee that was justly due from him and Mr. Brandeis was placed in an equivocal and questionable situation. The natural result was that ostensibly he appeared in the public interests only, and was suspected of bad faith, in that he was believed to be appearing in that way and being paid by private interests. It was just that suspicion that brought the transaction before the committee. On the other hand, if the truth had been made known, as Mr. McClennen now discloses it, the public would have suspected that the money he paid his partners was made up to him in some other way.

It was a position that no attorney should allow himself to occupy, and one that, any way one can look at it, was bound to bring him under suspicion of his motives. Whether such a suspicion was justified or not, it put him in a false situation.

EMPLOYMENT BY LIQUOR DEALERS.

The governor of Massachusetts recommended to the legislature an amendment to the liquor law making it more certain as a means of promoting temperance in that State. Mr. Brandeis "was registered under the law as a" legislative counsel for the Protective Liquor Dealers' Association and the New England Brewers' Association to oppose the legislation. (Hearings p. 1056.)

This was a long time ago, February, 1891. Public sentiment and individual opinions have greatly changed since then and one can not justly be judged by the present standards in dealing with the sentiments expressed. But the question was not one of prohibition but regulation of the liquor traffic.

Mr. Brandeis offered two drafts of bills favorable to the liquor dealers. (Hearings, pp. 1057, 1058.)

He also delivered a somewhat extended address in favor of his clients. He conceded the great evils flowing from the liquor traffic and that it should be regulated, but contended against the kind of regulation urged by the friends of temperance. (Hearings, p. 1058.)

He said:

"The use of liquor is not a wrong. It is the abuse and not the use which is wrong, and, consequently, you must not allow yourself to be carried away by your emotions; you must not be misled by your indignation at the misery which liquor has produced."

He insisted that liquor must and would be sold and drunk, and the only question was, "How can the traffic be conducted with least injury to the inhabitants?" (Hearings, p. 1059.)

And the remedy he insisted upon was, "Make the liquor business respectable."

He said further:

"If you will but recognize facts instead of closing your eyes to them, as these gentlemen of the Law and Order League have done: If you will accept the fact that liquor is desired by a large majority of the voters of the Commonwealth, and consequently that people will sell it; if you will recognize that and will make laws which do not unnecessarily harrass those engaged in the business; if you will let them conduct it respectably—as a majority of these people desire to conduct their business—if you will permit them to earn, not merely money, but what is more important, the esteem of their fellow men, the whole race of liquor-dealer politicians will soon pass away. The liquor dealers will become as inconspicuous in public life as the butchers and bakers. They will devote their leisure and their means to such enjoyments as others do, instead of seeking to control officials and elections by fair means or by foul. You made the liquor dealers politicians as you made them criminals when you passed laws which were unreasonable and clashed against the habits of the great mass of the people when you made their business precarious; when you selected that class of the community for invidious distinction and persecution. Repeal the obnoxious laws, and, when once you have removed the real cause of this evil—the unhealthy conditions—nature will lend its ever-ready aid, and the body politic will recover." (Hearings, p. 1064.)

The views expressed in this address differ very materially from my own, but I have no doubt they were shared by a very large proportion of the community at that time.

Besides, a man should not be condemned for expressing his views sincerely entertained. The vice of it is that these were not the views of Mr. Brandeis, the citizen, expressed in the public interest. They were the paid-for sentiments of a lawyer advocating a change of the laws of his State in the interests of a business acknowledged by all thinking people to be injurious to the public welfare. It was a great moral question, up for legislation, and upon such no man should appear as the paid attorney of private interests.

PROTESTS.

Many protests against the confirmation of Mr. Brandeis have been received by the committee and recorded in the hearings. First was a list of 61. (Hearings, p. 319.)

Then came 16 others, on separate protests, stating their reasons for objecting to the confirmation. (Hearings, pp. 622, 623.)

They affirm a lack of judicial temperament and that "his reputation among a large number of the members of his own profession and of the people in general is such that he has not their confidence."

Another protest, signed by William H. Taft, Simeon E. Baldwin, Francis Rawle, Joseph H. Choate, Elihu Root, and Moorfield Storey, all of whom have been presidents of the American Bar Association, is in the following language:

"To the SENATE COMMITTEE ON THE JUDICIARY:

"The undersigned feel under the painful duty to say to you that, in their opinion, taking into view the reputation, character, and professional career of Mr. Louis D. Brandeis, he is not a fit person to be a member of the Supreme Court of the United States." (Hearings, p. 1226.)

These protests, coming from men of high standing, many of them lawyers of high rank, should receive consideration in determining our course.

REPUTATION.

The protests to which I have referred placed their opposition in part upon the fact that Mr. Brandeis's reputation among a large part of the members of his own bar and others is not good.

The subcommittee permitted evidence to be adduced bearing upon the question of reputation, but limited the number of witnesses to five on each side. As might be expected, the witnesses differ widely as to this, but all agree that amongst some of the members of the bar and others his reputation is not good. The witnesses for Mr. Brandeis claim that the reputation thus admitted is not general and not well founded. What they say on this subject—all of them admittedly men of standing and integrity, is worthy of attention.

Mr. Bailey gives it as:

"First. That he is a very able lawyer; that he is a man of keen intellect; that he is an able advocate; that he is not entirely trustworthy." (Hearings, p. 153.)

Mr. Storey:

"I think his reputation is that of a man who is an able lawyer, very energetic, ruthless in the attainment of his objects, not scrupulous in the methods he adopts, and not to be trusted." (Hearings, p. 271.)

Mr. Storey gives the names of a large number of lawyers and others who have expressed themselves unfavorably as to his reputation. (Hearings, p. 273.)

Mr. Whipple, in speaking of the Lennox case, said:

"He was sincere about it, and it illustrates, to my mind, why you have heard about Mr. Brandeis from the Boston bar some things that you have heard. I think they have misunderstood him. That is my personal opinion, and I think if Mr. Brandeis had been a different sort of man, not so aloof, not so isolated, with more of the comradery of the bar; gave his confidence to more men, and took their confidence; said to them, when he was charged with anything that was doubtful, 'Boys, what do you think about it?' and talked it over with them—you would not have heard the things you have heard in regard to him.

"But Mr. Brandeis is aloof; he is intensely centered in carrying out his own ideas and his own ideals, which I believe are pure, which I believe are high-minded; and he does not, so far as I know, consult with anybody or take them into his confidence, and he will do things of a startling character. Nothing could illustrate it better than this Lennox matter." (Hearings, p. 300.)

And, again:

"I think I have stated with sufficient clearness my belief that the opinion which has been expressed with regard to Mr. Brandeis in your hearings is founded upon a misconstruction of Mr. Brandeis's motives, because the thing that colors a man's acts usually is his motive." (Hearings, p. 305.)

And, in speaking of the men who have questioned Mr. Brandeis's reputation, he says:

"As I remember that list, I do not think the motives of one of them could be impugned. I think they misunderstand Mr. Brandeis. I do not think that they are very much in sympathy with a great deal that he does. But I can not think of anyone in the list that I have seen who does not conscientiously believe just the statement which he signed. They are, all of them, very high-minded men. I do not think they are all of them very liberal or progressive men. I think they are conservative, and I think that anything that threatens or menaces the traditions which they revere they think is worse than an iconoclast."

* * * * * * *

"I do not think one of them would sign that paper without the most deliberate and prayerful thought as to whether they were doing Mr. Brandeis an injustice, or whether by so doing they were discharging a public duty, and that they were required to do it. They are all of a class in that respect. Men that would not for the world do a wrong or a harm to anybody else consciously; but, on the other hand, they have their conception of a duty, and that is if anyone is propagating mischievous propaganda that upsets the traditions in the community

that we all revere it is a public duty to abate it." (Hearings, pp. 308–309.)

Mr. Pillsbury:

"His reputation as it has come to me is that of a very active, adroit, and successful business lawyer; a man of unbounded audacity; a man if you wish to go into questions touching integrity—a man, I should say, of duplicity; double-dealing; a man who works under cover so that nobody ever knows where he really is or what he is really about. I have not ever heard him accused of cheating in money transactions." (Hearings, p. 654.)

Mr. Hutchins:

"His general reputation at the bar is that he is a lawyer of great ability, but not straightforward." (Hearings, p. 611.)

Mr. Hall. Mr. Hall's estimate of Mr. Brandeis is in the form of a letter. He says:

"First, then, so far as ability goes, there can be no question as to Mr. Brandeis's professional standing. He is universally acknowledged to be one of the ablest men at our bar, both in point of legal learning and of effectiveness and if the question was of intellectual ability alone, his appointment would be generally approved.

"There is, however, equally little question that he is not generally popular with the bar, and that among a considerable proportion of the lawyers here he has the reputation of not being a man with whom it is pleasant to deal in business matters and one who is unscrupulous in regard to his professional conduct. Just how far there is any solid foundation for such a reputation it is extremely difficult to say. So far as specific charges go, all of any consequence of which I have ever heard have been or will be brought to the attention of the committee at Washington, and of those it is unnecessary that I should speak, especially as I can add nothing of my personal knowledge.

"The general reputation remains, and it is certainly one which is worthy of consideration in estimating the fitness of an appointment to the bench. Indeed, I think in the existing state of the feeling here that no one can be fairly criticized for opposing the appointment." (Hearings, pp. 619, 620.)

Mr. Hall expains how this reputation has grown up out of his idealism and the constant attacks that have been made upon him, and then says further:

"Undoubtedly, he is a merciless antagonist, fighting his cases up to the limit and with great technicality and taking every advantage which the law allows him without, perhaps, always a keen regard for fair play. So far as I am aware, nothing more than this could be fairly considered as proved against him. On the other hand, there is, except among a comparatively small number of people, a general recognition that Mr. Brandeis has rendered public service to the community of extraordinary value, and that in doing so he has been actuated by disinterested motives. He lives with great simplicity, and has throughout his career devoted to unpaid public work a very large proportion of his time and energy. With the opportunities that have been open to him he could, by following more conservative courses, have been a much richer man than he is to-day. I do not think it can fairly be doubted that he deliberately chose to serve the public rather than to devote himself entirely to making money, nor do I think it can be fairly questioned that in doing this he was actuated by high motives." (Hearings, p. 620.)

He recites the work that Mr. Brandeis has done in the public interest, and especially for the poor, and then says:

"Of his fundamental honesty of purpose and his deep moral enthusiasm I feel absolutely sure. His qualifications for the position of Supreme Court judge far outweigh, in my judgment, anything that can fairly be urged against him. For these reasons I sincerely hope his nomination will be confirmed."

This gives, I think, a fair understanding not only of his idea of Mr. Brandeis's reputation but what Mr. Hall himself thinks about him and his qualifications.

Mr. Gregory. Mr. Gregory lives in Chicago, and knows Mr. Brandeis in a general way and nothing of his reputation among the lawyers of Boston. He was for one year president of the American Bar Association. (Hearings, p. 710.)

He says of his reputation:

"I think it is excellent as a lawyer of ability and character." (Hearings, p. 711.)

Mr. Walker. After reciting at considerable length the "fights" Mr. Brandeis had been in with the financial interests of Boston, he says:

"I have never heard Mr. Brandeis criticized before these various matters that I have just referred to. His firm in Massachusetts certainly stood very high. I know Mr. Brandeis and know the members of his firm." (Hearings, p. 811.)

Mr. Adams had this to say:

"I think there is quite unanimous assent that Mr. Brandeis is a very able lawyer of profound learning, but that upon the question whether he is and has been wholly straightforward in his practice there is a divided opinion. If I may analyze it as I observe it, there is a group of men of high standing—like Gen. Peabody, in the community who are in the network of State Street, which is our financial street—who think that Mr. Brandeis is not straightforward in his practice. I think those opinions, when traced, run into some one of these pockets of more or less publicity, namely, the Lennox case, the United Shoe Machinery case, the wrecking of the New England—those allegations. That is a fair statement as to that group. On the other hand, there is a large body of the bar who, coinciding with what I have said as to his being a very able lawyer, a man of profound learning, also believe that he is actuated by lofty purposes, is honest and trustworthy. That is all I have to say." (Hearings, p. 766.)

Mr. Peabody:

"I think his reputation for ability is good. I think he is considered as a conspicuously able man; but, on the other hand, his reputation is that he is not always truthful, and that he is untrustworthy, and that he sails under false colors." (Hearings, p. 750.)

Mr. French:

"Among the rank and file of the Boston bar and the Massachusetts bar, so far as I know them, Mr. Brandeis has, in my experience, the reputation of being a man of integrity, a man of honor, a man who is conscientiously striving for what he believes to be right. There are, of course, differences of opinion as to his beliefs in that respect. But that, in general, has been my experience with reference to the Suffolk bar, of which I am a member, and the Massachusetts bar, regarding his professional reputation. He has made enemies, of course. A man can not be combative as he is, or aggressive as he is, fighting as he has been on the firing line during all his professional career, without making many enemies. (Hearings, p. 770.)"

Mr. Boynton:

"That reputation, so far as I know it, is good. Down to the time this appointment was made I think the only thing that had ever come to my attention in any way reflecting upon Mr. Brandeis was certain printed matter circulated by the United Shoe Machinery Co. With that exception, I do not think I ever heard anything reflecting in any way upon his character as a man or as a lawyer.

"I think I might say that the men of my acquaintance—two or three men who are my personal friends who have been very close to Mr. Brandeis—have spoken most warmly in his favor, and by that I mean before this investigation began. They would speak so now, I know." (Hearings, p. 771.)

I have tried to give as accurately as I can, from brief extracts, what was said by all the witnesses who testified on this subject. I hope none of them have been overlooked.

But this analysis of the evidence of what Mr. Brandeis's reputation is would not be complete without reference to what was said by some of the men who have worked with him in the effort to better social and economic conditions and help the poor.

Edmund A. Whittier testifies to his generous work, without compensation, for the American Fair Trade League, which is a business organization seeking legislation. (Hearings, p. 812.)

Newton D. Baker, since made Secretary of War, spoke very highly of his work for the poor and laboring classes and particularly the National Consumers' League, and submitted a memorial numerously signed in his behalf. (Hearings, pp. 759, 760.)

Henry Moskowitz spoke very earnestly in commendation of Mr. Brandeis's work for the board of arbitration of the garment-working industries of New York, of which Mr. Brandeis was chairman. (Hearings, p. 762.)

It is evident that while Mr. Brandeis has many enemies among business men and lawyers who do not believe in him, he has many friends among the poor and lowly and those who are working to better their condition.

CONCLUSIONS.

I have endeavored to make a fair and full statement and analysis of the evidence. I have done so largely to aid me to comprehend and apply it and thereby reach a just conclusion. It has led me irristibly to conclude that the nomination should be rejected. For many reasons I should be glad to find otherwise. I am greatly in sympathy with much of the work that Mr. Brandeis has been doing to better economic, industrial, and social conditions. Much of this I am convinced he has done generously, unselfishly, and for the common good. Much of it he has done in ways and by means that do not appeal to me at all. He has in many instances been intolerant and offensive in his methods, as the evidence shows. He has resorted to concealments and deception when a frank and open course would have been much better and have saved him and his profession from suspicion and criticism. He has defied the plain ethics of the profession and in some instances has violated the rights of his clients and abused their confidence. There is nothing in the evidence that leads me to think he has done these things corruptly or with the hope of reward. His course may have been the result of a desire to make large fees, but even this is not clear. He seems to like to do startling things and to work under cover. He has disregarded or defied the proprieties. It has been such courses as he has pursued that have given him the reputation that has been testified to, and it is not undeserved. It is just such a reputation as his course of dealing and conduct would establish in the minds of men. This reputation must stand as a strong barrier against his confirmation.

If it were Mr. Brandeis alone that is to be concerned, and it should be believed that this reputation is undeserved and unjust, it should have no weight; but the effect of such an appointment on the court is of much greater importance. To place a man on the Supreme Court Bench who rests under a cloud would be a grievous mistake. As I said in the beginning, a man to be appointed to the exalted and responsible position of Justice of the Supreme Court should be free from suspicion and above reproach. Whether suspicion rests upon him unjustly or not his confirmation would be a mistake. It is argued against him that he is not possessed of the judicial temperament. There is just ground for this objection. As some of his friends said, he is radical, and for that reason he has offended the conservatives. That may be no cause of reproach; but the temperament that has made him many enemies and brought him under condemnation in the minds of so many people would detract from his usefulness as a judge. He is of the material that makes good advocates, reformers, and crusaders, but not good or safe judges.

Taking all these things into consideration, I submit that the nomination should be rejected, and so report.

JOHN D. WORKS.

APRIL 3, 1916.

Mr. STONE. I move that the Senate adjourn until 11 o'clock to-morrow.

The motion was agreed to, and (at 5 o'clock and 20 minutes p. m. Thursday, June 1, 1916) the Senate adjourned until to-morrow, Friday, June 2, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 1 (legislative day of May 31), 1916.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. William P. Kendall, Medical Corps, to be colonel from May 26, 1916, vice Col. Louis Brechemin, retired from active service May 25, 1916.

Maj. Deane C. Howard, Medical Corps, to be lieutenant colonel from May 26, 1916, vice Lieut. Col. William P. Kendall, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from May 27, 1916.

Frederic Hagler, of Missouri.
Ingvald Martinius Josephson Hotvedt, of Michigan.
Hugo Francis Mehl, of Wisconsin.

Roy Herndon Cox, of Illinois.
Lawrence Howard Robles, of Illinois.
Magnus Jacob Myers, of New York.
Edward Percy Eglee, of New York.
Charles Mallory Williams, of New York.
Archie Ewing Gordin, of New York.
Arthur Ward Cutler, of New York.
Abram Schuyler Clark, of New York.
Charles H. Merrill, of Michigan.
James Edwin Dewey, of Missouri.
John Wesley Long, of North Carolina.
George Irvine McKelway, of Delaware.
Albert Sparr Rider, of South Dakota.
William Launcelot Brown, of Texas.
John Francis Ranken, of New York.
Clarence McClellan, of Illinois.
Perry C. Traver, of Indiana.
Austin Charles Wright, of Arizona.
Frank Farrow Simpson, of Pennsylvania.
Clarence Oscar Christian Max, of Missouri.
Charles Hubart Lovewell, of Illinois.
George James Haslam, of Nebraska.
Emil Sebastian Geist, of Minnesota.
George Clymer, of Massachusetts.
Joel Ernest Goldthwait, of Massachusetts.
John Morris Dodd, of Wisconsin.
James Le Roy Campbell, of Georgia.
Edward Bates Block, of Georgia.
Edward Campbell Davis, of Georgia.
William Lee Wilkinson, of Georgia.
Kendall Emerson, of Massachusetts.
Dennis Francis O'Connor, of Massachusetts.
Somers Fraser, of Massachusetts.
John Lewis Bremer, of Massachusetts.
George Cheever Shattuck, of Massachusetts.
Francis William Anderson, of Washington.
Edwin Bruce Rhea, of Washington.
Willard Samuel Howard, of Oregon.
Barzilla Milton Hutchinson, of Indiana.
Curtis Alban Evans, of Wisconsin.
Albert Martin Farrell, of Wisconsin.
Alford Edward Budde, of Illinois.
Charles Henry Lawrence, of Massachusetts.
George Sherwin Clarke Badger, of Massachusetts.
Walter Asbury Newman, of Virginia.
Lee Walton Verdery, of South Carolina.
Arthur Morris Zinkhan, of the District of Columbia.
Orville Titus Manley, of Ohio.
Augustus Ravogli, of Ohio.

REGISTERS OF THE LAND OFFICE.

Joseph Oker, of Helena, Mont., to be register of the land office at Helena, Mont., vice Joseph Binnard, resigned to take effect June 30, 1916.

Henry Alexander Porter, of Everett, Wash., to be register of the land office at Vancouver, Wash., vice Glenn N. Ranck, term expired.

APPRAISER OF MERCHANDISE.

James Houlahen, of Pittsburgh, Pa., to be appraiser of merchandise in customs collection district No. 12, with headquarters at Pittsburgh, Pa., in place of Bernard B. McGinnis, resigned.

POSTMASTER.

Edward F. Lonergan to be postmaster at Milburn, N. J., in place of George C. Kessler. Incumbent's commission expired January 11, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 1 (legislative day of May 31), 1916.

ASSOCIATE JUSTICE OF THE SUPREME COURT.

Louis D. Brandeis to be an Associate Justice of the Supreme Court of the United States.

APPRAISER OF MERCHANDISE.

James Houlahen to be appraiser of merchandise in customs collection district No. 12, with headquarters at Pittsburgh, Pa.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Henry S. T. Harris to be colonel.
Maj. James M. Kennedy to be lieutenant colonel.
Capt. William H. Moncrief to be major.

MEDICAL RESERVE CORPS.

First lieutenants.

William Frederick Rice.
Edward Allen Noyes.
Charles Woodward Riley.
Charles George Sinclair.
Charles George Hutter.
Frederick Hensel Petters.
Clarence Searle Ketcham.
Robert Parvin Williams.
Edwin Brooks Maynard.
Harvard Clayton Moore.
Arden Freer.
Paul Adolph Schule.
John Stuart Gaul.

CAVALRY ARM.

First Lieut. George A. F. Trumbo to be captain.
Second Lieut. George S. Patton, jr., to be first lieutenant.

COAST ARTILLERY CORPS.

First Lieut. Henry T. Burgin to be captain.
First Lieut. Nathan Horowitz to be captain.
Second Lieut. George W. Easterday to be first lieutenant.
Second Lieut. George B. Gorham to be first lieutenant.

INFANTRY ARM.

First Lieut. Robert G. Peck to be captain.
Second Lieut. Robert Coker to be first lieutenant.
Second Lieut. William F. Hoey, jr., to be first lieutenant.
Second Lieut. John H. Stutesman to be first lieutenant.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Hubert A. Royster to be an assistant surgeon in the Medical Reserve Corps.

Boatswain Gregory Cullen to be a chief boatswain.
Machinist Charles F. Beecher to be a chief machinist.
Pay Clerk Andrew J. McMullen to be a chief pay clerk.
Pay Clerk Alvah B. Canham to be a chief pay clerk.
Pay Clerk Noble R. Wade to be a chief pay clerk.
Pay Clerk Ross B. Deming to be a chief pay clerk.
Pay Clerk Ethinger E. Hartline to be a chief pay clerk.
Chaplain James D. MacNair, with rank of lieutenant (junior grade), to be a chaplain with rank of lieutenant.

POSTMASTERS.

ALABAMA.

John M. Graham, Stevenson.

INDIANA.

Walter J. Rierden, Montezuma.
George W. Roy, Wolcottville.
Edward H. Taylor, Knox.

IOWA.

Charles V. Dautremont, Riverside.
Charles E. Dawson, Rockford.
E. F. Main, Hopkinton.
Mary E. O'Connor, Rockwell.

LOUISIANA.

J. A. Melton, Coushatta.

MICHIGAN.

Joseph M. Dodge, Cass City.
C. C. Hopkins, Breckenridge.
William B. Howlett, Jonesville.
Sidney Reynolds, Howard City.

MISSISSIPPI.

George C. Gunn, Agricultural College.

NEW YORK.

Archie Goodfellow, Jamesville.
L. G. Quackenbush, Oneida.

PENNSYLVANIA.

E. R. Criss, New Kensington.
William H. Denlinger, Patton.
Daniel A. McGough, Ebensburg.
Patrick J. Mash, Nanty Glo.
Otis S. Quinby, Springboro.

WITHDRAWAL.

Executive nomination withdrawn June 1 (legislative day of May 31), 1916.

James Houlihan, of Pittsburgh, Pa., to be appraiser of merchandise in customs collection district No. 12, with headquarters at Pittsburgh, Pa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 1, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We seek Thee, our Father in heaven, for that inspiration which shall disclose to us the real values of life, that we may put our souls into our work and make every thought, every act count for the best interests of mankind, that we may be strengthened to bear the burdens of life and guided to a happy solution of all its difficult problems, and so honor ourselves by honoring Thee in the best use of the gifts Thou hast bestowed upon us; in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO PRINT.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to print in the RECORD an abstract of some remarks made by the Secretary of the Treasury last night at Raleigh, N. C.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing an abstract of remarks made by the Secretary of the Treasury at Raleigh, N. C., last night. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, does this address print a full résumé of the performances of the Democratic Party during the last few years?

Mr. ADAMSON. No, sir; that could not be done in a short space.

Mr. MANN. They could not get in all the foolish things that the Democratic Party has done. I will ask the gentleman from Georgia is this abstract furnished by the Secretary, so that it is correct?

Mr. ADAMSON. Yes. It is correct. The leading thoughts are Wisdom and Prosperity.

The SPEAKER. Is there objection?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE.

Mr. GARDNER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. In its issue of yesterday, May 31, 1916, The Fatherland, a newspaper published in New York, in commenting on my course in Congress, uses the following expression:

> The Hon. AUGUSTUS GARDNER, in other words, is interested in war contracts, and his loud-mouthed patriotism has a string to it.

On those words I base my question of personal privilege.

The article to which I refer is a somewhat long one, but I shall insert it in full in the RECORD. It relates entirely to certain former holdings of mine in the General Electric Co., a corporation which has received ammunition orders from the allies. The article charges that I was forced to admit at a certain hearing before the Committee on Rules that I owned stock in a munition company. It then misquotes the hearing, which took place on January 19, and, furthermore, it states that I did not sell the stock which I used to hold in the General Electric Co. until January 22, three days after the hearing.

The article in full is as follows:

> The Hon. AUGUSTUS P. GARDNER, Member of the House from Massachusetts and son-in-law of Senator LODGE, has strangely subsided since his memorable attack on the German-Americans and his frequent outbursts of righteous indignation at the policy of the Germans during the war. And the reason is not far to seek. GARDNER has been convicted out of his own mouth of being a patriot of the Col. Sellers stripe, who always shouted "for the old flag and a small appropriation." The Hon. AUGUSTUS GARDNER, in other words, is interested in war contracts, and his loud-mouthed patriotism has a string to it.
>
> The unpalatable truth came out in a committee hearing, the proceedings of which have since been printed, but in such small quantities that it is difficult to secure a copy. The revelations came out in the hearing of the Committee on Rules, charged with the consideration of House resolution No. 7, "to inquire into the organization, membership, expenditures, receipts, and sources thereof of the Navy League, Labor's National Peace Council, the National Security League, and the American Defense Society."
>
> The hearing took place on January 19. Representative TAVENNER, of Illinois, who has made two important speeches exposing the workings of the Navy League and other similar organizations, was one of the witnesses examined. Present also was Representative GARDNER, who was examined and made to admit that he owned stock in a munition company, and that his near relatives continue to be interested in the sale of munitions. On page 12 of the committee proceedings, known as "The Peace Propaganda Investigation," the facts are printed, as follows:
>
> "Mr. TAVENNER. I believe that an investigation would reveal that the Navy League originated at 23 Wall Street, in the office of J. P. Morgan & Co.
>
> "The CHAIRMAN. You mean to say that in your resolution you will charge that Members of Congress and Senators own stock in munition-trafficking concerns?
>
> "Mr. TAVENNER. There was an investigation in 1914–15 by a committee of the United States Senate into lobbies, and two Members of the Senate testified under oath that they owned stock in such concerns; others that their relatives owned stock.
>
> "The CHAIRMAN. You want to broaden this resolution?
>
> "Mr. TAVENNER. Yes, sir. I want to broaden this resolution to take in everything, because I realize that nothing would be gained by the public if we investigated only the unimportant part.
>
> "Mr. CHIPERFIELD. Are those Senators present Members of the Senate?
>
> "Mr. TAVENNER. Yes, sir; they are Senators now.
>
> "Mr. GARDNER. Did you ask what the stock was they owned?
>
> "Mr. TAVENNER. Yes, sir; the stock was that of the General Electric Co. and the United States Steel Corporation. The General Electric Co. had drawn down Rules held a hearing at which Mr. TAVENNER of Illinois, Mr. HENSLEY of Missouri, and I were each of us heard in behalf of our own resolutions for the investigation of the activity of certain organizations and individuals interested for and against the preparedness propaganda.
>
> Without being questioned at all I voluntarily stated that the General Electric Co. was situated in my county, but that I had sold out the stock which I formerly held. In answer to a question by Mr. TAVENNER, I stated the fact that one of the directors of the General Electric Co. is my first cousin, Mr. George Peabody Gardner. Furthermore, Mr. TAVENNER asserted that the General Electric Co. had received over two and one-half million dollars' worth of contracts from the Navy Department, a circumstance which was entirely new to me. I could not help fearing that the imputation was to the effect that I was secretly a beneficiary of these contracts.
>
> The matter having taken the turn which I have described, it occurred to me after the hearing that I had not mentioned the fact that I was a trustee of General Electric for the benefit of my married daughter. It also occurred to me that it was possible that my wife had an interest in the same corporation, either outright or as a beneficiary of some trust. I telegraphed to Boston and found that my wife was interested to the extent of 10 shares, as I have described. Thereupon, on January 22, when I corrected the official report of the hearing, I inserted a statement to the effect that I was trustee for some shares of General Electric of which my wife and my married daughter were beneficiaries. So that there could be no misunderstanding I wrote to Mr. TAVENNER, calling attention to my insertion.
>
> Since that time I have been pestered with misrepresentations of the whole transaction. Evidently the story was told to Mr. William Jennings Bryan in a distorted form, for he telegraphed to me about it. Furthermore, I remember noticing an allusion to the matter in a Bridgeport, Conn., newspaper. I have also heard some rumor that student debaters were prepared to make the accusation that I was interested in munition contracts. Now comes the Fatherland article. I am forced to the conclusion that some one has been systematically misrepresenting me with malicious intent.
>
> As to these General Electric contracts with the Navy Department, after hearing Mr. TAVENNER's statement I wrote to the Secretary of the Navy, and I found that in a period of eight years the Navy Department had paid out two and a half millions of dollars to the General Electric Co. for electrical apparatus, wiring, and so forth, on competitive bids in the ordinary course of business. Furthermore, about a half million dollars more is due, or about to become due, to the General Electric Co., of which some $400,000 is on the contract for the electric wiring apparatus, and so forth, of the battleship *California*.
>
> The letter of Secretary Daniels is as follows:
>
> NAVY DEPARTMENT,
> *Washington, January 29, 1916.*
>
> MY DEAR MR. GARDNER: Replying to your inquiry of January 24, 1916, relative to the total amount of money spent with the General Electric Co. by the Navy Department, payments have been made to that company during each of the fiscal years beginning with the fiscal year ending June 30, 1908, down to this date, as follows:

1908	$263,676.79
1909	421,218.58
1910	434,380.26
1911	452,107.44
1912	347,669.26
1913	165,912.41
1914	158,884.38
1915	182,008.23
1916 to date	85,946.48
	2,511,803.83

> The above amount represents machinery, material, and supplies in the electric line manufactured by the General Electric Co. and purchased for the Naval Service. In each case covered by this statement the article called for was duly advertised according to law and the award was made to this company as the lowest satisfactory bidder under the specifications. The statement includes all purchases under formal contract paid for through the Navy disbursing office. It does not include material purchased and paid for through Navy pay offices, but such amounts are comparatively small.
>
> The above amounts represent material already paid for. There are outstanding contracts and contract balances with the General Electric Co. amounting to $513,019.60 for which payment has not been made. Of this amount $409,450 is covered by the contract for the electrical apparatus for battleship *No. 40* the *California*.
>
> Respectfully,
>
> JOSEPHUS DANIELS,
> *Secretary of the Navy.*
>
> Hon. A. P. GARDNER, M. C.,
> *House of Representatives, Washington, D. C.*

> The existence of these 10 shares of General Electric Co. had escaped my memory until January 20, 1916, when, in response to my telegraphic inquiry, the day of the hearing, I was informed of the facts. I promptly secured consent from my cotrustee, and these 10 shares were sold. I have sent for my agent's accounts and have examined them carefully, and I find to the best of my knowledge and belief that none of the concerns in which I am interested financially are or have been engaged in the manufacture of munitions of war except as described above in the case of the General Electric.
>
> Now, a word as to the origin of this libel. On January 19 the Committee on Rules held a hearing at which Mr. TAVENNER of Illinois, Mr. HENSLEY of Missouri, and I were each of us heard in behalf of our own resolutions for the investigation of the activity of certain organizations and individuals interested for and against the preparedness propaganda.
>
> Without being questioned at all I voluntarily stated that the General Electric Co. was situated in my county, but that I had sold out the stock which I formerly held. In answer to a question by Mr. TAVENNER, I stated the fact that one of the directors of the General Electric Co. is my first cousin, Mr. George Peabody Gardner. Furthermore, Mr. TAVENNER asserted that the General Electric Co. had received over two and one-half million dollars' worth of contracts from the Navy Department, a circumstance which was entirely new to me. I could not help fearing that the imputation was to the effect that I was secretly a beneficiary of these contracts.
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> The matter having taken the turn which I have described, it occurred to me after the hearing that I had not mentioned the fact that I was a trustee of General Electric for the benefit of my married daughter. It also occurred to me that it was possible that my wife had an interest in the same corporation, either outright or as a beneficiary of some trust. I telegraphed to Boston and found that my wife was interested to the extent of 10 shares, as I have described. Thereupon, on January 22, when I corrected the official report of the hearing, I inserted a statement to the effect that I was trustee for some shares of General Electric of which my wife and my married daughter were beneficiaries. So that there could be no misunderstanding I wrote to Mr. TAVENNER, calling attention to my insertion.
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> Respectfully,
>
> JOSEPHUS DANIELS,
> *Secretary of the Navy.*
>
> Hon. A. P. GARDNER, M. C.,
> *House of Representatives, Washington, D. C.*

H. SNOWDEN MARSHALL.

Mr. MOON. Mr. Speaker, by direction of the select committee appointed to investigate the charge of an alleged breach of the privileges of the House by the district attorney for the southern district of New York, Mr. H. Snowden Marshall, I ask unanimous consent that the report of that matter be taken up for consideration after the reading of the Journal on June 20, and that the debate shall proceed during not exceeding four hours, one half of the time to be given to the chairman of the committee and the other half to the gentleman from Illinois [Mr. STERLING].

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the H. Snowden Marshall contempt case be taken up on June 20 immediately after the reading of the Journal and the disposition of necessary business on the Speaker's table, and that the debate be confined to four hours, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. STERLING]. Is there objection?

Mr. MANN. Reserving the right to object, I do not see my colleague [Mr. STERLING] on the floor at this time. Has the gentleman from Tennessee conferred with him in reference to this?

Mr. MOON. Yes. The committee met this morning. The gentleman from Illinois [Mr. STERLING] was present, and that was the agreement we came to. All of the members of the committee were present except the gentleman from Wisconsin [Mr. LENROOT], who I am sure will have no objection.

The SPEAKER. Is there objection?

Mr. BUCHANAN of Illinois. Reserving the right to object, Mr. Speaker, I would like to ask the chairman of the special committee why this delay about considering the report?

Mr. MOON. Well, there are two or three reasons for it. To be candid with the gentleman from Illinois, the committee have delayed up to this time because they thought it probably best that the Committee on the Judiciary, which had another matter affecting the same party, should report; but that has not been done, and we have not desired to delay any longer than was absolutely necessary. Gentlemen are going to the Republican convention and to the Democratic convention, and we would like to have the membership of the House present. We take it that until these two conventions are over we can not do very much business anyway, and we thought it best to fix this date.

Mr. PARKER of New Jersey. Reserving the right to object, I should like to ask the gentleman from Tennessee if he would be satisfied not to put a limitation of time on this matter? I do not think that we know yet what the issues are in that case, or what will be done. They will probably be quite simple, and can be disposed of briefly; but I really do not like a limit of time assigned on so important a matter.

Mr. GARNER. The gentleman understands that under the rules and practice of the House the committee could call it up to-day, and take an hour, and go on to a vote on the matter.

Mr. PARKER of New Jersey. I suppose you could; but I know you would do the fair thing, and I am only asking whether it would not be better to leave it as to time until the matter develops.

Mr. MOON. The report has been on file since April 14. Probably the matter ought to have been disposed of before; but for the reason stated it has been delayed. We think that four hours is ample time for the discussion.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MOON. Yes.

Mr. MANN. My recollection is that the report of the committee is a unanimous report.

Mr. MOON. A unanimous report.

Mr. MANN. Some gentlemen, I think, desire to be heard in opposition to the report.

Mr. MOON. I am sure that the gentleman from Illinois, as well as myself, will be glad to divide the time with anybody who wants to be heard in opposition.

Mr. MANN. I assume that anyone who wishes to be heard in opposition to the report, the gentleman from New Jersey or anyone else, would be entitled to a part of that time.

Mr. MOON. Surely. I think we can give you all you want.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. June 20 is the day fixed in the gentleman's request for unanimous consent?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. That is not one of the days on which the Democratic convention will be in session at St. Louis?

Mr. MOON. I think not.

Mr. MOORE of Pennsylvania. I am asking because some of us have been talking over the question of those days when the conventions are in session, the Senate having resolved to adjourn for three days at a time, and it having been suggested that the House may remain in session notwithstanding.

Mr. MOON. I understand it is regarded as certain that both conventions will be over by that date.

Mr. MANN. If the gentleman will permit me, it is but fair to say publicly, especially to this side of the House, that the gentleman from North Carolina [Mr. KITCHIN] and myself have reached an agreement, as far as we are concerned, which I think will be observed by the House, that during next week, the week of the Republican convention, business may proceed in the House, but practically by unanimous consent. What will be done during the week of the Democratic convention I can not say. There has been no agreement reached about that yet. Of course we will do whatever the other side of the House wants to do.

Mr. KITCHIN. That is correct. The gentleman from Illinois has made a correct statement about that.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. I think it is fair to say that some Members on this side who may not have spoken to the gentleman from Illinois have been suggesting the propriety of having a quorum present here during the period of the conventions if the House is to remain in session, the Senate having agreed to adjourn every three days.

Mr. MANN. I hope that no gentleman on this side will ask for that. Of course if gentlemen want to be obstreperous, I know of no way to prevent it.

Mr. MOORE of Pennsylvania. It is not necessarily a matter of being obstreperous, it is a question of individual right. The Chairman of the Committee of the Whole the other day refused to entertain a motion on the ground that he was a Member of the House and had a right to object.

Mr. MANN. Here is the situation. There probably will be a quorum in town next week, but it will be mostly on the Democratic side of the House.

Mr. MOORE of Pennsylvania. But that will be reversed during the Democratic convention.

Mr. MANN. This side of the House, in order that Republican Members may attend the convention who wish to go, wish to have some kind of an understanding. No one can prevent a Member over here from asking for a quorum, but probably it would prevent a good many Republicans going to the convention, as they desire, and would probably make it very unpleasant for those who did go. It is a concession from the other side of the House, and I think it is to our advantage to observe it.

Mr. MOORE of Pennsylvania. There has been no unanimous-consent request that the House shall remain in session?

Mr. MANN. There can be no unanimous request made as to that.

Mr. MOORE of Pennsylvania. Very well; I have made the statement as to what some Members on this side think.

Mr. BUCHANAN of Illinois. Mr. Speaker, in explanation of my reserving the right to object, and also my inquiry of the chairman of the committee, I will say that I do not understand that this has anything to do with the proceedings before the Judiciary Committee of which the gentleman from Tennessee speaks. I have been studying the rights and authority of investigating committees of the House of Representatives in impeachment cases, and I find that they are clothed with the same powers and prerogatives as a trial court; in fact, in such cases, where these powers were at all questioned, the House very authoritatively and properly upheld and maintained them. I do not believe a trial court would delay action where a contempt of its orders had been committed until after the termination of the proceedings in which it was sitting; on the other hand, I claim that it is the custom of our courts to immediately take steps against those guilty of contempt. Neither would any court, in my opinion, permit the Bar Association of New York, or other pernicious influences, to delay or obstruct its action against the party guilty of that contempt, as has been done in this case. I have read the proceedings before the special committee and the statement of the party held in contempt, and the whole statement on his part was an attack on the subcommittee and myself. There was nothing said as to why he was not in contempt in the House. In fact, he reiterated a statement which was a malicious, libelous, unjustifiable statement against the subcommittee. Therefore it seems a question whether the House wants to protect itself and its dignity and standing of Members, especially those authorized unanimously by the House to act as investigators, as Members of old did, or whether they are going to dillydally along with a crooked Federal official who has only reiterated his charges against it, that are libelous and contemptible. For my part, I have no patience with delay in matters of that sort. Of course, we know the power that is behind this fellow. I know that the administration is behind him and encourages him in it.

Mr. BORLAND. Mr. Speaker, the gentleman is not reserving his right to object. This is debate. I ask for the regular order.

Mr. BUCHANAN of Illinois. Well, Mr. Speaker, I shall object to the proposition of the gentleman from Tennessee, and will state to the House now that I expect to call up this matter myself in another way.

Mr. MOON. Mr. Speaker, I want to make a suggestion to the gentleman. The gentleman from Illinois is correct that courts sometimes take up contempt proceedings and dispose of them before the trial is over, but in the best-regulated courts that is not done, because they do not want it to affect the trial. This has nothing to do with the gentleman's impeachment matter. He may be guilty or not guilty, it does not affect the guilt of Mr. Marshall in this proceeding.

Mr. BUCHANAN of Illinois. That is exactly my position.

Mr. MOON. I will say that this delay has not been caused except for the reasons I have stated. Under the order made in the House the matter will come up on the motion of the chairman of the committee. I simply made the request to bring it up at the hour designated and divide the time. If the gentleman from Illinois objects, this being a question of the highest privilege, I will call it up on the 20th, and at the end of an hour I will move the previous question unless I want to withhold it for somebody to speak. I see no advantage to the gentleman in his objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, I will withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and it is so ordered, and the order is that on the 20th of June, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, the contempt case against H. Snowden Marshall will be taken up and debated for not more than four hours, one half of the time to be controlled by the gentleman from Tennessee [Mr. MOON] and the other half by the gentleman from Illinois [Mr. STERLING].

NAVAL APPROPRIATION BILL.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 15947, the naval appropriation bill, with Mr. FITZGERALD in the chair.

Mr. PADGETT. Mr. Chairman, I offer the following amendments to correct the amounts of the appropriations incident to the amendments that were agreed to yesterday, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 6, line 19, strike out "$862,000" and insert "$882,940."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 8, line 24, strike out "$174,600" and insert "$184,477."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 36, line 22, after the comma after the word "men" insert the following: "And enlisted men of the Hospital Corps, $857,405.75."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BUTLER. Mr. Chairman, that figure is changed by reason of the action of the committee yesterday?

Mr. PADGETT. Yes.

Mr. MANN. Let us have the amendment again reported.

The Clerk again reported the amendment.

Mr. MANN. That should be "pay for enlisted men," should it not?

Mr. PADGETT. Yes; insert the words "and pay of" before the words "enlisted men." The word "pay" is in the preceding part, but it would be better to insert it there.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 36, line 23, strike out "$27,563,988.50" and insert in lieu thereof "$28,421,394.25."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 67, line 9, strike out "$8,848,933.85" and insert "$9,087,-823.85."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 100, line 4, strike out "$30,707,000" and insert "$33,896,060."

Mr. PADGETT. Mr. Chairman, just at this point I wish to explain that that is on account of the increase of the 30 submarines in armor and armament. Yesterday we inserted for the hull and machinery, but overlooked the armor and armament.

Mr. ROBERTS of Massachusetts. I would like to ask the chairman how he arrived at that figure?

Mr. PADGETT. It is $106,000 for each submarine.

Mr. ROBERTS of Massachusetts. I had in mind other figures given by the clerk of the committee, which included the armor and armament of other vessels besides submarines.

Mr. PADGETT. Yes. This is the amount given by the department.

Mr. ROBERTS of Massachusetts. Submarines alone?

Mr. PADGETT. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 100, line 9, strike out "$104,073,378" and insert "$107,-262,438."

Mr. PADGETT. Mr. Chairman, yesterday morning the printed figures "$98,859,378" were changed to one hundred and four million and odd dollars, but on account of this addition of three million and odd dollars by the preceding amendment it is necessary to change that figure.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, on page 98 of the printed bill, authorizing 20 submarines, there is a provision that 8 of the submarines shall be constructed on the Pacific coast. The Committee of the Whole House increased the total number of submarines to 50. Should that stand, I think it would be equitable to increase the number for the Pacific coast; and I move, in line 23, on page 98, to strike out the word "eight" and to substitute the word "fifteen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 98, in line 23, by striking out the word "eight" and inserting the word "fifteen."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the bottom of page 8 add the following:

"*Provided*, That any person who may hereafter enlist in the Navy for the first time shall, if he so elects, receive discharge therefrom without cost to himself during the month of June or December, respectively, following the completion of one year's service at sea. An honorable discharge may be granted under this provision; but when so granted, shall not entitle the holder, in case of reenlistment, to the benefits of an honorable discharge granted upon completion of an enlistment."

Mr. PADGETT. Mr. Chairman, the gentleman from Connecticut [Mr. HILL] desired to offer an amendment, and I will yield to him to offer that amendment at this point, and let the amendment I have just offered be considered pending.

Mr. HILL. Mr. Chairman, I will offer it as an amendment to the amendment. I think that would be entirely proper, and do so.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by adding the following:

"And in addition thereto, and as an inducement to the prompt recruiting of men heretofore authorized by law and of such additional force as may be authorized by this act, the sum of $3,476,200, to be at the disposal of the Bureau of Navigation during the continuance of the war in Europe for use as bounties for enlistment at the rate of not to exceed $100 for each man enlisted during such period."

Mr. PADGETT. Mr. Chairman, on that I reserve the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

Mr. HILL. Mr. Chairman, I ask unanimous consent that I may be allowed to address the committee for 10 minutes.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to address the committee for 10 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman can not take another Member from the floor by a parliamentary inquiry.

Mr. MOORE of Pennsylvania. Mr. Chairman, I respectfully submit that I addressed the Chair and the Chair recognized me before he did the gentleman from Connecticut.

Mr. SHERLEY. Mr. Chairman, the gentleman has no right to recognition.

Mr. MOORE of Pennsylvania. To make a parliamentary inquiry?

Mr. SHERLEY. No. The gentleman from Pennsylvania can not take the gentleman from Connecticut off the floor by a parliamentary inquiry.

Mr. MOORE of Pennsylvania. Mr. Chairman, I submit I addressed the Chair and the Chair recognized me.

The CHAIRMAN. The Chair did not recognize the gentleman. Is there objection to the request of the gentleman from Connecticut that he may address the committee for 10 minutes? [After a pause.] The Chair hears none.

Mr. HILL. Mr. Chairman, I have full confidence in the ability of the Chair, with his parliamentary knowledge, to rule this amendment in order.

The CHAIRMAN. That is to be determined later.

Mr. HILL. I have full confidence, too, in the chairman of this committee—in his wisdom, in his knowledge, and his conservatism—and I shall vote for every good feature of this bill. I have an equal confidence in the ranking member of the minority, and I shall vote for every proposition that he submits; and, gentlemen, I shall vote, if I have the opportunity, for every increase to this bill as it comes from the Senate. I am in favor of the largest Navy in the world. I think the chairman of the committee was mistaken in the statement that he made a day or two ago that he was making this bill for peace. I think that there is an emergency which requires consideration at this time. I have a very distinct recollection of a few years ago when I went to a meeting of the insurgents over here in the rooms which were formerly occupied by the Congressional Library, and I carried a telegram from Marcellus Hartley, of Schuyler, Hartley & Graham, which he asked me to read in the insurgent meeting.

The insurgents consisted of a majority of the Democratic side and a minority of the Republican side, and they controlled the House of Representatives and were determined to force war with Spain. I went into that meeting and read that telegram stating that there was not one pound of smokeless powder in the United States, and that it was necessary to have it in order to load small-arms cartridges, and that there was a consignment of 25 tons on the ocean which should arrive in the port of New York within three days and asking that meeting of insurgents to defer their demand upon President McKinley for intervention until that powder could be landed safely in New York Harbor and escape Spanish cruisers. I am keeping that telegram now among my papers at home as an evidence of unpreparedness in the United States.

Now, a few days ago the gentleman from Illinois [Mr. CANNON] struck the weak spot of this bill, and that was the personnel. What is it—what are the present conditions? A few weeks ago I came from a bed of sickness to Washington to vote to sustain the President of the United States in his ultimatum to Germany, and when I got here I began to inquire about our condition and whether we were ready to back up the President of the United States by something more than votes. I found that of a boasted Navy of 250 or more ships that 70 of them were either on paper or on the stocks in process of construction. I found that in addition to that nearly 70 more were unmanned and unequipped, including craft of all kinds and character. I asked what was necessary in order to equip them and put them in commission ready for business if the President of the United States called upon us to do business, and I found that instead of 10,000 additional men being required to do it, 28,000 were necessary to put the ships that we have now, tied up to the docks, or anchored in midstream, back into working order ready for business.

Members, especially those authorized unanimously by the House

The amendment was agreed to.

And I made up my mind that when the time came I would try to do something to get this country prepared immediately, not three or four or five years from now, but to use what facilities we now have to maintain the honor and dignity of my country.

Now, what have we done? We passed an Army bill providing for an army of 175,000 men. We had a most eloquent speech from one gentleman opposing a Regular Army of 250,000 men, for which I voted, on the ground that it was buncombe, that the men could not be procured and that we were deceiving the American people. Well, I have been inquiring about that, gentlemen. Last winter we passed an authorization for 20,000 men to bring the Army up to the standard already provided by law and I found that the recruiting that we have had since has brought an increased army strength of 1,000 men, about, so that on the basis on which we are now recruiting it will take three years and four months to get the Army brought up to the old standard before one man is counted in the new Army bill, and if this new Army bill provides for a minimum of 200,000 men, on the basis of present recruiting it would take 41 years to get them. That is not preparation; that is criminal negligence. [Applause on the Republican side.]

Now, let me apply that thing to the Navy. According to the best authority I can get we are somewhere from 25,000 to 34,000 short of the men necessary to put our existing Navy in commission. You have a choice of leaving it where it is, wholly unprepared, or when the emergency arises of having 34,000 men, one-half of your force, wholly unprepared, undrilled, untrained.

Mr. CALLAWAY. Will the gentleman yield?

Mr. HILL. I will if you give me some time. I can not yield unless I have more time.

It will take, on the same basis of recruiting which is now occurring in the Army, four years and four months to recruit those men whom the chairman of the committee says are necessary for present purposes in time of peace; and when he says that he refers to the manning not of the Navy as such but only to the ships in actual active service.

Now, why should we not offer additional inducements? An amendment passed this House yesterday providing for a 20 per cent bonus to build ships within a record time. That applies to $180,000,000 worth of construction for the expediting of completion of the ships, guns, and so forth, authorized by this bill. That means $36,000,000 under the terms of this bill, possible as a bonus for building ships and making guns and equipping them. I want to give a bonus to the man behind the gun, for he is the man whom we rely on to protect this Nation. [Applause.]

Now, the expenditure under this amendment is not compulsory. I am willing to trust the administration to use it wisely and discreetly. I believe they are just as patriotic as I am or any other Member of either side of this House. I want to authorize this bonus so that the Government, should any necessity arise at any time during the continuance of this war, can get the men and put them upon the ships and drill and train them and keep those ships cruising.

"Oh," but says somebody, "we do not need it." We do. I will tell you what I would do, gentlemen. I would immediately establish a battleship mail-delivery line if I had my way. I am tired, everlastingly tired, of picking up the morning paper and finding that the letters of business men in the United States, sent from a neutral port to a neutral port, are taken into a belligerent port and held up for three, four, and five months. [Applause.] And I would put those battleships into that service, either as mail carriers or convoys to neutral ships carrying our mails under contract with our Government. Why, we took six out of commission week before last in order to get men enough to supply crews for two newer and larger ones. I would man them and start them carrying letters from New York to Norway, Sweden, Denmark, and Holland, and if any belligerent demanded a different delivery of that mail from what we saw fit to give, and attempted to enforce that demand, I would deliver those letters out of the mouth of a 12-inch gun. I do not believe it is consistent or dignified for this great Government of ours to deliberately sit down here and say we have no power in the matter. If, as I believe, absolutely uncontested, acknowledged, international law is being violated every day, it is high time for this Nation not only to assert its rights but to maintain them at any cost.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HILL. Mr. Chairman, I am sorry. I would be glad to make a few further appropriate comments on the article of Lord Cromer in the press of yesterday from which I quote as follows:

It is well that President Wilson should fully realize the fact that the meaningless and misleading phrase invented in Berlin about freedom of seas is generally regarded in this country as the destruction of naval supremacy of Great Britain.

If we emerge victoriously from the present contest, the victory will be mainly due to the British Navy. It is inconceivable that any responsible British Government would listen to or the nation be prepared to accept any proposals having for their object the diminution of the relative naval strength of this country.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Mr. Chairman, I would like to be heard just a moment on the point of order.

My understanding of the amendment of the chairman of the committee is that it adds certain discretionary provisions to the last paragraph on page 8. That paragraph reads:

Expenses of recruiting for the naval service; Rent of rendezvous and expenses of maintaining the same; advertising for obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $174,670.

My proposition is, Mr. Chairman, to increase the amount of that appropriation for the specific purposes named herein; in other words, instead of $174,670 with which to obtain seamen, to add a provision providing that it shall be discretionary with the Bureau of Navigation to pay a bonus for enlistments while the war continues. It seems to me that it is strictly in accord with the purpose, the intent, and the provisions of the bill, and that it is wise legislation at this time.

Mr. PADGETT. Mr. Chairman, I insist upon my point of order.

Mr. MANN. Mr. Chairman, may I ask the gentleman what the point of order is?

Mr. PADGETT. The point of order is that it is not germane to the provisions to offer a bounty. I do not think it is legislation germane to the bill.

Mr. MANN. It is germane to the bill; there is no question about that part of it. It may be subject to the point of order that it is not germane to the amendment. I would like to make this suggestion to the gentleman from Tennessee. There are a great many provisions in this bill which are subject to a point of order under the ordinary rules of the House. The majority has brought in a rule making all of those provisions in order. In reasonable fairness the gentleman ought to be willing to let some one on the minority side offer a proposition fully germane to the bill, even if it be subject to a point of order.

Having put so many provisions in, and made them in order under a special rule, the majority ought to be fair, notwithstanding that on a thing of this sort I do not know whether the House wants it or not. I think it ought to be submitted to a vote of the committee.

Mr. PADGETT. I do not want to take any technical advantage. I have been very liberal, I think, in dealing with these matters, but the question of offering a bounty would entirely destroy our enlistments, because no man would enlist after that unless you gave him the bounty. If in time of peace you provide for a bounty, immediately it will go abroad throughout the country that there is a bounty to be had if they will hold out, and nobody would ever enlist at all, and we are having good enlistments, and I see no occasion for it. And the point of order would——

Mr. MANN. The gentleman himself has just offered an amendment subject to a point, to which no point of order was made, but it is not to increase enlistments.

Mr. PADGETT. As we have been dealing liberally, I will withdraw the point of order and let the House determine the matter.

Mr. HILL. Will the gentleman pardon me for just a moment? I want to call the attention of the House to a mathematical proposition. After a careful calculation I think the proposition which the gentleman submits in shortening the enlistment from four years to three will cost the country more than if my amendment were adopted.

Mr. PADGETT. You will notice that this amendment does not give the $100 man the benefit.

Mr. HILL. I understand the ultimate effect of it would be to cost a good deal more.

Mr. PADGETT. It does not cost anything at all.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut [Mr. HILL].

Mr. PADGETT. I want to say, Mr. Chairman, that this bill has authorized something like a little over 19,000 men. The Navy to-day is fully enlisted and has a waiting list. It has not had any trouble to get enlistments so far.

Mr. HILL. Mr. Chairman, pardon me, does he not recognize the fact that the war conditions, where men are getting war wages, stops enlistments, and will during the continuance of the war in Europe?

Mr. PADGETT. It has not so far, and we find that for a year or more the enlistments have continued. We have a full

enlistment. In fact, day before yesterday the Secretary said to me that he was full up, and would have to stop the enlistments for a while unless this bill became a law, so that he would have an outlet for the enlistments.

And the proposition is plain that if we put on here a provision to give a bonus of $100 for enlistments, not another man will enlist unless he gets that $100. It would be a bad policy. It would destroy our enlistments, and all over the land the word would go, "Just wait and you will get $100 for your enlistment." I hope the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Connecticut [Mr. HILL] to the amendment of the gentleman from Tennessee [Mr. PADGETT].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

Mr. ROBERTS of Massachusetts. Mr. Chairman, I desire to be heard for a moment on the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

I do not know that I am opposed to it, but I would like to ask the chairman of the committee where this amendment came from? It has never been brought up in committee, and, so far as I know, it has never been heard of in committee. What is its real purpose?

Mr. PADGETT. I will say to the gentleman that several days ago the gentleman from Connecticut [Mr. HILL] talked to me about the amendment which he has just offered and which has been voted down. We discussed the matter of attempting to give some stimulus to enlistments. I told him that I would think over the matter very carefully and earnestly, with a view to trying to reach what I thought would be a correct solution of the matter.

The more I thought of it the more I was convinced that it would be improper to offer a bounty; and then I went up and talked with Admiral Blue and with the Secretary of the Navy. We three discussed the amendment submitted by the gentleman from Connecticut, and all of us agreed that it would in effect destroy our enlistments, and out of that suggestion Admiral Blue prepared the amendment which I have offered, giving a one-year enlistment and allowing the privilege to a man at the end of one year to be discharged honorably, but without any charge against him, and without getting any benefit. If he remains longer than a year, why he continues for the full period.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield? I desire information only on the proposition.

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. If a man enlists, he enlists for the full period of four years; but under this provision, if it becomes a law, the man who has enlisted for the first time, after one year's service may, in the following June or December—not between those periods, but in those specific months—be discharged on his own application without paying anything?

Mr. PADGETT. He may ask for a discharge at the expiration of one year from the time of his enlistment, to be discharged the following June or December. Those two months were selected for the reason that at that time it would cause less inconvenience. The fleets in those months are less active than in any other months in the year, and it would cause less inconvenience for the changes to take place in those two months.

Mr. ROBERTS of Massachusetts. Now, this is not intended in any way to take the place of the departmental regulation governing discharge by purchase?

Mr. PADGETT. No, sir; it is not; nor the furlough provision that we have included in this bill.

Mr. ROBERTS of Massachusetts. And under this provision the man enlisting for the first time will be given an outfit costing $60, and 12 months after he receives that outfit he can leave the service without reimbursing the Government a penny?

Mr. PADGETT. That is it.

Mr. ROBERTS of Massachusetts. Does he get transportation like other men who are discharged from the service?

Mr. PADGETT. No, sir; I understand not.

Mr. ROBERTS of Massachusetts. Why should he not? There is nothing here to prevent it, as I read the amendment of the gentleman. I think, Mr. Chairman, under the terms of this amendment, if he enlisted at Boston and lived in the eastern part of the country and was discharged at San Francisco, he would have the transportation back to the point of enlistment.

Mr. PADGETT. I suppose he would receive transportation. I do not see anything that would prevent his receiving his transportation back to the point of enlistment. The advantage of the amendment would be that he would get the benefit, but instead of tying himself for four years the young man would have the inducement of knowing that he would get out at the end of a year in an honorable way without any penalties; and then the department believes that if they enlist and get into the service and serve for one year, and become accustomed to it, a very large number of them will continue in the service, and that benefit is given to them in lieu of the proposal for the bounty.

Mr. ROBERTS of Massachusetts. Really, under the working of this amendment, if it becomes a law, would it not be possible for some men to be held 17 months before they can get their discharge under the terms of this act?

Mr. PADGETT. It would run from 1 year to 18 months.

Mr. ROBERTS of Massachusetts. That would depend, of course, upon the time a man enlisted?

Mr. PADGETT. Absolutely so.

Mr. ROBERTS of Massachusetts. So that if a man enlisted in June or the latter part of May, a year from that time he could ask to be discharged in the following month of June, and he would be in only 13 months, and the man who enlisted in January would have to serve practically 18 months before he could get out?

Mr. PADGETT. That would be the way.

Mr. ROBERTS of Massachusetts. That does not seem to me to be fair.

Mr. PADGETT. The law determines the time of his discharge, but not the time at which he shall enlist.

Mr. ROBERTS of Massachusetts. How are you to help your enlistments if you give him the notice that they may wait a certain number of months and get a more favorable time to enlist?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman's time be increased five minutes. We should have an understanding of this radical legislative proposition.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ROBERTS of Massachusetts. I will say that if there should be a change of law covering enlistments in the departmental regulation, I would be in favor of it.

Mr. PADGETT. Under this provision they can get out without buying their way out.

Mr. ROBERTS of Massachusetts. I understand.

Mr. PADGETT. Then there is another provision in the bill, going along with it, that allows a man to be furloughed and go out of active service into the reserve, and subject to be furloughed without pay in the reserve.

Mr. STAFFORD. Where is that in the bill? I remember reading it, but I can not find it at this minute.

Mr. ROBERTS of Massachusetts. I do not know that I will object to or oppose this provision, but I have grave misgivings about its results.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. McKENZIE. I simply desire to ask the chairman whether, under his amendment, a man would pass out into the reserve at the end of the year?

Mr. PADGETT. Not under this amendment. He would under another provision in the bill. If he did not choose to go out under this provision at the end of the year, later under the other provision he could go out into the reserve.

Mr. McKENZIE. Under your amendment we would lose the man's services.

Mr. PADGETT. At the end of 1 year, or 18 months; whatever that period was.

Mr. McKENZIE. One other question. Is it possible for a man to become an efficient seaman in one year's service?

Mr. PADGETT. For many, even most of the ratings, yes; for some of the higher ratings, no.

Mr. McKENZIE. Is it not possible that by the adoption of your amendment we will demoralize the personnel of the Navy rather than improve it?

Mr. PADGETT. I think not. I think if a young man, when he has been in the service a year, is dissatisfied with the service to the extent that he wants to get out of it, the service is not hurt by letting him get out. Many of them when they get in there and get accustomed to it and get into the drill will go right along and continue the four years, and reenlist later.

Mr. BUTLER. Mr. Chairman, the gentleman from Michigan [Mr. CRAMTON] called my attention to a feature of this amendment that had not at first impressed me. It is only intended for the man who enlists for one year. That is, at the completion of

one year he may, at the following June or the following December, resign.

Mr. PADGETT. No; that is not an accurate statement of it. At the end of the year he can ask for his discharge, and the discharge will take place in the following June or December after the completion of his year. But at the end of the year he must make known his desire to take advantage of the relief.

Mr. BUTLER. Does the gentleman think the amendment is broad enough to cover his view or interpretation of it?

Mr. PADGETT. Yes.

Mr. BUTLER. Suppose a sailor man serves two years. He can not take advantage of it then?

Mr. PADGETT. No. Then he comes under the other law.

Mr. BUTLER. I understand. Then, after he serves one year, he may, if this amendment is adopted, elect to retire from the service, but he will not receive his discharge——

Mr. PADGETT. He would get his discharge in the following June or the following December.

Mr. BUTLER. Very well. But then he will not have to serve 18 months.

Mr. PADGETT. It will depend on when he enlisted.

Mr. BUTLER. Very well. Now, there is where I am confused. If a sailor should enlist in the month of January, 1917, his term would expire in January, 1918.

Mr. PADGETT. At that time he would make known his wish to retire under this provision and would retire in the following June.

Mr. BUTLER. Yes; but he still would continue his service in the Navy?

Mr. PADGETT. Yes; until the following June.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PADGETT. I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee [Mr. PADGETT] is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object——

The CHAIRMAN. It is too late.

Mr. MOORE of Pennsylvania. Reserving the right to object——

The CHAIRMAN. The gentleman from Tennessee has been recognized.

Mr. MOORE of Pennsylvania. The Chair stated the question, and the Chair did not hear me.

The CHAIRMAN. That may be the Chair's misfortune.

Mr. MOORE of Pennsylvania. I reserved the right to object to the request.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. MOORE of Pennsylvania. Will the gentleman from Tennessee yield to me?

Mr. PADGETT. When I have yielded to my colleague on the committee [Mr. BUTLER].

Mr. MOORE of Pennsylvania. The committee is occupying the time. I would like to know when the committee does get through.

Mr. BUTLER. I will forego the privilege.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] has the floor.

Mr. BUTLER. My colleague [Mr. MOORE of Pennsylvania] may have the opportunity of asking the question. I only want information, and I do not want to be criticized for it.

The CHAIRMAN. The gentleman from Tennessee has the floor, not the gentleman from Pennsylvania.

Mr. PADGETT. I have offered to yield to the gentleman from Pennsylvania in every way that I could.

Mr. BUTLER. I am not criticizing the gentleman from Tennessee. I was endeavoring to get some information that I thought would be useful to me in voting upon this, but the question is raised whether the Naval Affairs Committee propose to occupy all the time; therefore I will forego my privilege.

Mr. HILL. Mr. Chairman——

Mr. PADGETT. I yield to the gentleman from Connecticut.

Mr. HILL. I would like to understand this amendment. If I understand it correctly it cuts out the bounty for the second enlistment, from these men who retire——

Mr. PADGETT. What we call continuous-service pay.

Mr. HILL. The three months' bonus that is given if a man reenlists?

Mr. PADGETT. That is correct.

Mr. HILL. I think the exigencies would require that the man be paid the bonus to begin with. Now, what I want to know is this: Does it cut out also the extra pay for the second enlistment?

Mr. PADGETT. He would not get that unless he served the four years.

Mr. HILL. Is there anything in the amendment that prevents his drawing $5 a month extra if he reenlists?

Mr. PADGETT. Yes; because he would not be counted as having enlisted for a full period. He does not get it. It says here—

But when so granted shall not entitle the holder in case of reenlistment to the benefit of an honorable discharge granted upon completion of enlistment.

Mr. HILL. Does that specifically cover anything more than the three months' extra pay for reenlistment?

Mr. PADGETT. Yes; it covers all the benefits of reenlistment.

Mr. STAFFORD. Mr. Chairman, this amendment is a departure from the policy persistently followed by the Military Affairs Committee in their method of enlistment for the Army. I wish to inquire whether the Secretary of the Navy and the Chief of the Bureau of Navigation and the gentleman from Tennessee considered the advisability of having these men who elect to be relieved of service within one year continue as reserves for the balance of their enlistment?

Mr. PADGETT. We have a provision in this bill taking care of that.

Mr. STAFFORD. That does not take care of this identical condition. That provision is found on page 40; that only secures a man's release at the option and discretion of the Secretary of the Navy. I can conceive of many men wishing to enlist in the Navy who will be guaranteed their release under a term of one year and be willing to be a member of the reserve force during the remaining three years. Why should we, under the provision that the gentleman submits, allow a man to be mandatorially discharged after service of one year, with full training, full equipment, transportation paid to his home, without having the Government control his activities in case of an emergency during the remainder of his original enlisted period?

Mr. PADGETT. This provision and the one in the bill takes care of both situations. This provision authorizes enlistment, and at the end of the first year of his first enlistment he may be discharged, and he is completely separated from the service if he does not want to remain in the service. Under the other provision he may during the first year, or after the first year, retire and go into the reserve and remain in the service, so that both situations are cared for.

Mr. STAFFORD. They are not cared for; why should not the Government have control of his activities after he has served one year?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. STAFFORD. I ask unanimous consent that the time of the gentleman from Tennessee be extended three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Tennessee be extended three minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the gentleman from Tennessee if this request is granted, how many more amendments the committee has to offer, five days having been used for the committee and only one day remaining for the rest of the Members of the House?

Mr. PADGETT. I have only two or three amendments to offer, and that is all. I do not know whether other members of the committee may have any.

Mr. MOORE of Pennsylvania. Still reserving the right to object, I would like to know how many amendments the minority of the committee has, since only the committee has offered any amendments?

Mr. ROBERTS of Massachusetts. The minority has no more amendments to offer.

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the chairman of the committee, the gentleman from Tennessee, whether the other 425 Members of the House, under the rule and the agreement and the peculiar conditions prevailing, will have an opportunity to present amendments at all?

Mr. PADGETT. Yes; I think so. I hope to get through in a very short time.

The CHAIRMAN. The Chair will state that hereafter gentlemen can not indulge in debate under the guise of reserving the right to object to unanimous-consent requests. The Chair will enforce the rule.

Mr. STAFFORD. Does the gentleman believe that it would be a deterrent to enlistment if the amendment proposed by him

had the further provision that he should become a portion of the reserve force in case he elect to be discharged?

Mr. PADGETT. I think it would destroy the purpose of the amendment. This is to afford an opportunity for a man to get out after one year. We have a provision that if he wants to stay in, or if he wants to go into the reserve, he can go in during the first year or after the first year. This is to take care of a man who does not want to go into the reserve. It is to get trained men, believing that after they are once familiar with the service they will continue during the full period.

Mr. STAFFORD. Are not discharges and going into the reserve under the furlough feature contingent on the exercise of the discretion of the Secretary of the Navy?

Mr. PADGETT. Certainly; and it ought to be. You would not want, if the emergency should arise, to have every one of them to say, "I want to go into the reserve."

Mr. STAFFORD. I think this should have a contingent provision that they should go into the reserves.

Mr. PADGETT. I think not.

Mr. ROBERTS of Massachusetts. Will the gentleman from Tennessee permit a question?

Mr. PADGETT. Certainly.

Mr. ROBERTS of Massachusetts. If I understand the purport of the gentleman's amendment, after one year a man can leave the Navy absolutely on the following June or December, irrespective of whether we are in a state of peace or war. Is that correct?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. As I read the amendment, he has an absolute right by giving notice to be released from the Navy with an honorable discharge in June or December following his year of service?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. He can be discharged whether we are at peace or at war?

Mr. PADGETT. I am going to modify my amendment by putting in "in time of peace."

Mr. ROBERTS of Massachusetts. That will correct it.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to modify my amendment, in the second line of the amendment, after the word "shall," and before the words "if he so elects," to insert the words "in time of peace," so that it will read:

Provided, That any person who shall hereafter enlist in the Navy for the first time shall, in time of peace, if he so elects

And so forth.

The CHAIRMAN. Is there objection to the modification as stated by the gentleman from Tennessee?

There was no objection.

Mr. CRAMTON. Will the gentleman from Tennessee yield?

Mr. PADGETT. Yes.

Mr. CRAMTON. As I understand it, if this amendment goes into law, a man who enlists for a four-year period can, at the end of the first year, make application for his discharge on the following June or December and get it without expense.

Mr. PADGETT. Yes.

Mr. CRAMTON. If he served his country two years or three years, he can not at the end of that two or three years get his discharge except by paying for it.

Mr. PADGETT. He can do that and go into the reserve.

Mr. CRAMTON. He will be penalized for his additional service.

Mr. PADGETT. Oh, no; it is not a penalty, but there must be some time fixed, and this is to give the young man that goes in without experience a period of a year to adjust and adapt himself to the service and if he does not like it to retire.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee, as modified.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 100, following the amendment inserted after line 9, insert the following:

"In the event the Secretary of the Navy is unable to secure from the shipbuilders contracts for the expeditious construction of the ships herein authorized at a fair and reasonable price, the sum of $6,000,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Navy to equip the navy yards at Puget Sound, Philadelphia, Norfolk, Boston, Portsmouth, Charleston, and New Orleans with suitable and necessary machinery, implements, buildings ways, and equipment for the construction of such of the ships herein authorized as may be assigned to such yard for construction."

Mr. PADGETT. Mr. Chairman, I wish to state to the committee that I have offered that amendment because I think it is proper, in view of the amendment which I offered yesterday morning and which was adopted by the Committee of the Whole. It will be recalled that yesterday morning the committee adopted an amendment providing that the Secretary should have authority to pay bonuses not exceeding 20 per cent of the limit of cost of the ships for expeditious construction and for expeditious delivery of material. It occurred to me in reflecting over that that the shipbuilders, with the enormous program that we are authorizing this year, already providing for more than $182,000,000 worth of new construction—yes, $190,000,000 of new construction——

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Not just now; I will in a moment—that it would be proper that we should put in the hands of the Secretary the opportunity and the means of preventing a combination among the shipbuilders. For instance, we are authorizing five battle cruisers. If the shipyards that are prepared to build battle cruisers should say, "We will take one apiece and we will make our bids for a long-time period of construction at a price and then ask a bonus to come down to the ordinary period of construction," the Government might be helpless; but if we have in the hands of the Government power to say to these gentlemen, "If you do not submit to us contracts for a proper time and charge reasonable and fair prices we will equip these yards and be ourselves able and ready and prepared to build these ships," we will have a balanced proposition in the bill. You have offered the bounty for the expeditious proceeding of the private yards if they will properly avail themselves of it. If they seek to hold up the Government, the Government will have the opportunity and the power to equip itself to relieve itself from that situation.

I want to state that I did not include the Mare Island Navy Yard and the New York yard for the reason that heretofore we have made an appropriation at a former day in this session equipping the navy yard at Mare Island and also putting in the amount that was necessary to add the additional machinery at the navy yard in New York. They have already been cared for by previous appropriations and those two yards were not included.

Mr. CALDWELL. Why not put them in anyway, for fear there is not enough?

Mr. PADGETT. Oh, they have enough.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HUMPHREY of Washington. I want to ask the gentleman this question: Suppose that the situation should so develop that on the Atlantic coast the Secretary could find private yards for the construction of these vessels, but that on the Pacific coast he could not. Would he be authorized then to equip a yard on the Pacific coast, or would he have to equip all of them if he equipped one?

Mr. PADGETT. I suppose that under this amendment, under a fair and proper interpretation of it, if the private builders in the country submitted bids for expeditious delivery at a fair and reasonable price, he would be justified in accepting those bids and not exercising this discretionary power.

Mr. HUMPHREY of Washington. Will the gentleman yield further? I do not think that the gentleman quite understood the import of my question. What I want to know is whether or not the Secretary could equip one or more or all of the yards if he thought it necessary? Would he have to equip all of them or could he equip as many as he thought necessary?

Mr. PADGETT. If he did not get proper bids and he had ships enough to assign to all of the yards he would equip all of the yards under the provisions of this amendment. It is stated that he shall equip a yard with machinery, implements, building ways and equipment to construct the ships assigned to that yard for construction.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. CALDWELL. Does the gentleman not think it would be advisable to include the New York yard for the reason that it may develop from an efficiency standpoint that the department may desire to expend a part of that money for the development of that yard. The gentleman must understand that the Brooklyn Navy Yard is one where they are doing some very very important work at this time.

Mr. PADGETT. Some very very important work, and we have spent some very very large sums to equip that yard, and it is equipped, and they are building and have been building large ships there, and last January we at their request passed an emergency measure taking care of the navy yard at New York. I do not think it is necessary to include it now.

Mr. CALDWELL. For the immediate necessities now.

Mr. PADGETT. Oh, for all that is needed.

Mr. CALDWELL. As I understand it, the purpose of the $6,000,000 appropriation proposed is to take care of something that may happen in the future.

Mr. PADGETT. To equip the yards that are not yet equipped. I think the gentleman ought not to try to gobble up what we are providing for these other yards.

Mr. CALDWELL. We do not want to gobble anything, but we want a square deal.

Mr. PADGETT. You have already had your deal, and these others have been waiting. You have been building ships in New York for years and years.

Mr. CALDWELL. We are trying to square out the points.

Mr. PADGETT. You are trying to take up something that these others get.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. NOLAN. Considering the fact that we are now entering upon the largest program that this country ever undertook, does the gentleman not think it advisable to give the opportunity to the two yards already equipped to build dreadnaughts, to build the largest ships that the Navy needs, and, therefore, to give them additional facilities in the way of additional ways, providing the Secretary is confronted with a situation which deprives him from getting satisfactory bids from private contractors, even though these other yards are equipped. I am thoroughly in sympathy with that idea, but does the gentleman not think we ought to give the Secretary of the Navy the right to further equip both the Brooklyn and the Mare Island Navy Yards?

Mr. PADGETT. Well, the Mare Island yard has a ship on the ways at the present time and has another one assigned there that will take it, when this one gets off the ways, a year before they could get that one off.

Mr. NOLAN. That is just what I want to bring out. What we want is to expedite the building program. The committee is considering the offering of a bonus to expedite the building program. We have at the Mare Island Navy Yard and at the New York Navy Yard a certain amount of facilities to build these large, first-class ships. Now, as you want to get this building program through, does not the gentleman think it would be in the interest of efficiency and economy if they should have the authorization to further equip those yards?

Mr. PADGETT. If the House sees fit to put in the New York and Mare Island yards with the idea of putting additional ways to carry on the building of two ships at each yard, if those names are inserted, there ought to be $1,000,000 added, and it ought to be $7,000,000 instead of $6,000,000.

Mr. NOLAN. I would like to see all the yards that have been enumerated here taken care of first——

Mr. GORDON. Especially San Francisco.

Mr. NOLAN. Let them be taken care of first, and in the event the Secretary, after equipping all of those yards, finds he needs additional facilities, then he ought to have the opportunity to enlarge the facilities at both the New York and Mare Island yards.

Mr. PADGETT. I think if that condition arises those two yards could be taken care of at the next Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I would ask for five additional minutes.

Mr. BUTLER. How about fixing the time?

Mr. PADGETT. Mr. Chairman, I withdraw that and submit another request that debate on this continue——

Mr. BUTLER. Mr. Chairman, there are nine gentlemen here who have made requests for time on this amendment. How about an hour on each side?

Mr. PADGETT. That is entirely too much, is it not?

Mr. BUTLER. It would be too much for me if I had to make the speech.

Mr. PADGETT. I do not think we need that much. Say an hour, all told; the gentleman to have half an hour and I to have a half an hour.

Mr. BENNET. We will require at least 45 minutes on this side.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that debate upon this matter may be limited to an hour and a half, 45 minutes to be controlled by the gentleman from Pennsylvania——

Mr. BUTLER. No; I will not control the time. I suggest the gentleman from Massachusetts [Mr. ROBERTS] control it. I have not been successful in dividing time and will not divide any more.

The CHAIRMAN. What is the request of the gentleman from Tennessee?

Mr. PADGETT. I am trying to secure——

Mr. ROBERTS of Massachusetts. Mr. Chairman, if the minority leader does not wish to control the time, I have no objection.

Mr. PADGETT. Mr. Chairman, I ask that one-half of the time be controlled by the gentleman from Massachusetts [Mr. ROBERTS] and one-half by myself.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon this amendment and all amendments thereto shall close in 1 hour and 30 minutes, one-half to be controlled by himself and one-half by the gentleman from Massachusetts [Mr. ROBERTS]. Is there objection?

Mr. BENNET. Mr. Chairman, reserving the right to object, what opportunity will be given for offering amendments to the amendment? Does this simply apply to this amendment?

The CHAIRMAN. To the amendment and all amendments thereto.

Mr. BENNET. Any gentleman who obtains the floor can offer an amendment?

The CHAIRMAN. With the understanding that any gentleman who has the floor may offer amendments.

Mr. PADGETT. Amendments to this amendment; yes, sir; to be voted upon at the expiration of that time.

The CHAIRMAN. Is there objection?

Mr. PADGETT. My request embraces the amendment and all amendments thereto. Amendments can be offered now or at the expiration of that time.

Mr. BUCHANAN of Illinois. I just desire to ask the gentleman from Tennessee one question. I want to ask the gentleman if he will not agree, instead of the words "a reasonable price," to substitute the words "at a price not to exceed the cost at Government navy yards"?

Mr. PADGETT. We could not tell what that was, and the bidder could not tell what it was when he submitted bids.

Mr. BUCHANAN of Illinois. They submit bids in the navy yards——

Mr. PADGETT. "Fair and reasonable" covers it.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Tennessee [Mr. PADGETT] is entitled to 45 minutes and the gentleman from Massachusetts [Mr. ROBERTS] is entitled to 45 minutes.

Mr. PADGETT. I will ask the gentleman from Massachusetts if he will not use a part of his time now?

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I had ready to offer an amendment to equip the Bremerton yard for battleship construction, but this morning the chairman of the committee [Mr. PADGETT] informed me that he would offer an amendment that he believed would care for that yard. I am certainly much obliged to the chairman for taking this attitude. The amendment that he has offered, I believe, will assure the equipment of the yard at Bremerton for battleship construction. I know the conditions on the Pacific. I know the desires of the Secretary of the Navy, and I have no doubt whatever that if the amendment that has been offered is adopted the Bremerton yard will be equipped for battleship construction. This will accomplish practically all that the amendment that I had proposed to offer would accomplish. For this reason I shall certainly support the amendment.

I appeared before the Naval Committee and urged an amendment for an appropriation sufficient to equip the Bremerton yard. At that hearing I was much surprised to find that, notwithstanding the recommendation of the Secretary of the Navy, practically all of my Democratic friends on the committee were opposed to such an amendment, and several of my Republican friends were also against it. In view of the attitude at that time, I am more than pleased at the change that has taken place, and that the chairman of the committee now offers an amendment that will give what I was asking for when I was before the committee.

For almost 14 years it has been my duty and my pleasure to work for the upbuilding of the Bremerton yard. I believe—in fact, I know—that, all things considered, it is the best yard in the country. Every session of Congress I have been before the committee asking for appropriations for the yard. It is true that the committee has given what they have always believed to be were liberal appropriations and against the action of the committee I have no complaint. But certainly their appropriations were never more than the yard merited. Outside of the legislation giving us the two dry docks, I believe that this amendment, if passed, as it certainly will be, is of greater benefit to the yard than anything that Congress has yet done for it.

Now, I want to call the attention of the committee to the condition as it exists upon the Pacific coast. It is not a question in this particular case of whether you are going to have Government construction or whether you are going to have private construction. It is a question of whether or not you are going to have any construction at all under the condition upon the Pacific coast, and it is largely the condition upon the Atlantic coast.

As I am informed, to-day upon the Pacific coast there is not a single shipyard but what has contracts for at least two years ahead. If the Government was ready at this hour to let a contract for the construction of a battleship there is not a private yard upon the Pacific coast that could commence its construction inside of two years.

What is the use of making appropriations for building battleships unless we are going to have some place to build them? If there is any necessity for a great Navy at all, it is necessary that we proceed to construct it at once, and we can not do that, at least so far as the Pacific Coast is concerned—I have not given so much attention to the situation upon the Atlantic—unless we equip the Government yards for that purpose. The Bremerton yard can be equipped to build battleships in a few months.

Now, another matter in regard to that yard upon the Pacific, the one at Mare Island has already been cared for. The one at Bremerton, as is known by everyone, is the one yard—to use the statement made by experts—is the one yard in the country that has deep water that can be approached and used at all times and under all conditions.

As to the character of the yard, I will take the time to read a few short statements from experts in regard to it.

Admiral Stanford says that the Bremerton yard is absolutely reliable and can be approached at all times and under all conditions by our largest ships without dredging or work on the channel.

The following are quotations from some of those who ought to know:

Admiral Stanford: "We have only one thoroughly reliable and excellent deep-water station, and that is Puget Sound."

Admiral Blue: "It is an ideal yard, and should be fully developed. Our largest dry dock is located there, and all buildings are new and modern."

Admiral Strauss: "An ideal yard and well protected."

Admiral Taylor: "It is a very satisfactory yard, well located, and should be developed to its fullest capacity."

Admiral Badger: "A very fine yard, and is the only yard that vessels can go into at any time of the day, excepting, of course, a dense fog."

Admiral Winslow: "If you are going to equip any of the yards for construction, this one should be so equipped. A large force of well-trained workmen there would be a great advantage in case of trouble in the Pacific. At this time it is the only place on the Pacific that our largest and deepest draft vessels could be taken into."

Surely it needs no further evidence to satisfy the Members of this House that if any yard is equipped for the construction of battleships it should be the Bremerton yard.

In addition to the authorities above quoted, as I have already stated, Secretary Daniels and Secretary Roosevelt have both said that the yard should be equipped. I feel certain, in the light of all the facts, that the Bremerton yard will be one of the first that the Secretary will proceed to equip.

Now, it does seem to me that the one yard that has every facility, the only yard upon the Pacific coast that has a dry dock that can take one of the modern vessels, ought to be equipped for construction if the Secretary of the Navy thinks it is necessary. And the Secretary, when I first came down to Washington, told me he was in doubt whether he would recommend that the Bremerton yard be equipped for battleship construction. Later on he told me that after making an examination, owing to the condition of the private yard, he thought it was necessary that the Bremerton yard be equipped at once.

And I want to take occasion now to extend to the chairman of the committee [Mr. PADGETT] my appreciation for the action he has taken in this matter. By so doing he has helped to relieve a situation that is really serious upon the Pacific, and I certainly appreciate that help.

I only want to say this much in conclusion: We hear gentlemen continually making arguments on this side and on that side about the cost. Well, I submit, that is one of the arguments that does not appeal to me very strongly when used against preparation for national defense. When it comes to this question of preparedness, I do not believe the people of this country are so much concerned as to the cost as they are to know whether or not it is for the protection of the Nation.

We have heard a great deal said about the tremendous sum of money that has been spent by England for her great navy. I wonder if there is any patriotic citizen in all that great Empire to-day who regrets the tremendous sum of money that England has expended to construct her navy. If it had not been for that great expense, the great British Empire to-day would be crumbling. We talk about the great cost of our Navy. We spend more money in this country by millions of dollars every year for automobile tires than we do for our Navy. Talk about the great cost of the construction of a navy. Why, the cost of a single modern battle would be more than the cost of a great battleship squadron. The cost of a single year of war would keep us prepared for a century. The cost of a single modern war would be greater than to be prepared for a thousand years. When you talk about the question of cost, I want to ask you who is going to stop and ask about the cost in the day of battle? Who is going to measure in money the value of the dead and the dying? Who is going to place a value in money upon the sufferings of the widow and the orphan? What is human blood worth, anyway, measured in money? What patriotic citizen is going to weigh the dollar against the safety of the Nation? It is not a question of cost in the construction of a navy, but the sole question is, Does a great navy tend to produce peace and to protect the country? It is an insult to the patriotism and the intelligence of the American people to prate about the question of cost when the safety of the Republic is being weighed in the balance. [Applause.]

Mr. PADGETT. Mr. Chairman, I want to submit an amendment to this amendment and incorporate it and let it be considered at the time. At the end of the line add:

The navy yards at Puget Sound, Philadelphia, Norfolk, and Boston to be fitted to be equipped for the construction of capital ships.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

Mr. ROBERTS of Massachusetts. That will be satisfactory, Mr. Chairman.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS of Massachusetts. I think, Mr. Chairman, with that amendment in we can obviate this debate. [Cries of "Vote!" "Vote!"]

Mr. SULLOWAY. May I be recognized to ask a question of the gentleman, the chairman of the committee?

The CHAIRMAN. Does the gentleman yield?

Mr. PADGETT. I do.

Mr. SULLOWAY. Why is the Portsmouth yard kept from that amendment? Has not the harbor the deepest water that there is?

Mr. PADGETT. Simply because the yard at Portsmouth is not equipped for battleship construction, but it would be equipped for the smaller ships, the cruisers, the torpedo boats, the submarines, and boats of that kind. The yard is not of that character. The ones that we take up are equipped for battleship construction. The conditions are such that this appropriation would make them so.

Mr. SLAYDEN. Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. PADGETT. Yes.

Mr. SLAYDEN. I wanted to ask the gentleman if this readiness to surrender the debate that we were so eager for a while ago is not due to an eagerness to take care of certain shipyards and not others? I should think that was so from the inquiry made by the gentleman from New Hampshire [Mr. SULLOWAY] as to the Portsmouth yard.

Mr. PADGETT. This is to equip yards in such a situation that they are suited and adapted for the construction of capital ships.

Mr. SLAYDEN. And also suited to the gentleman——

Mr. PADGETT. That may be true, but that has nothing to do with the question of the yards. Other yards can not be equipped for the construction of capital ships and for that reason they are not put in there.

Mr. WHALEY. I would like to ask the gentleman a question. Under this amendment would the other yards be permitted to build ships of smaller construction?

Mr. PADGETT. Certainly. That is what I stated. They could build the scout cruisers, the torpedo boats, and the auxiliary ships, and submarines. They can take care of those.

Mr. WHALEY. And the only two classes that would be taken out of them would be the battleships and the battle cruisers?

Mr. PADGETT. Yes, sir.

Mr. SLAYDEN. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee has control of the floor.

FUJI MICRO SAFETY

Mr. SLAYDEN. The gentleman yielded and sat down. I wanted to ask the gentleman if I might not have four or five minutes.

Mr. PADGETT. I yield to the gentleman five minutes.

Mr. SLAYDEN. Mr. Chairman, what has happened here in the last few minutes indicates the happy conclusion of a deal. I do not mean to say that it is a deal that is going to be of any particular personal profit to the gentlemen engaged in it. I would not insinuate that, and would not believe it of the gentlemen concerned. But it shows their zeal for the interests of their respective communities, and when they united in one of these combinations and trusts, I will say to my colleague over there, they reached a conclusion that induced them to abandon an opportunity for debate which they were so eager for a few minutes ago. Then comes the gentleman from Washington [Mr. HUMPHREY], with characteristic zeal, hurling his contempt at economy when it comes to the construction of ships of war in his district. He is frank, open, and unashamed in his disregard of economy if his district is to benefit by the extravagance. Always alert and diligent in the effort to line the pockets of his constituents, the gentleman is now smilingly content.

There is one man that is forgotten in all this thing. In the anxiety to build up a shipyard at Brooklyn, or at Mare Island, or at Portsmouth, or on Puget Sound, or some other place, the man who pays for it all has been forgotten, and, I submit, there ought to be some little consideration given to him. He digs in the ground and in the mine; he develops and creates the wealth that we have in this country, and it is his contributions to the Government that support and pay for the extravagant program that we are entering upon; and I say, sir, that in his interest this disgraceful contest between the Pacific coast and the Atlantic, between Mare Island and the eastern shipyards each year, ought to stop, and one line of conduct, and only one, should be adopted and followed, and that is to build these ships for the people who pay for them, at the least possible cost, with due regard to efficiency, and for the purposes for which they were designed. And I think, Mr. Chairman, that so far as the taxpayers are concerned they may well exclaim, and be entirely justified in it, "A plague on both your Houses." You care nothing for the man who supports the whole project. [Applause.]

I never have been able to understand the audacity of Members who year after year stand up here and ask that ships of the Navy be built at greater cost than is necessary to procure them. If they can be built at less cost and with equal skill on the Pacific than on the Atlantic, why, in heaven's name, build them there and send them to the Atlantic when finished. If they can be built more cheaply on the Atlantic, ordinary common sense and business judgment command their construction there. Then, sir, fairness and justice to the taxpayer demand it. But why talk about justice for the taxpayer when it does not exist in this Hall built for their Representatives.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Tennessee, the chairman of the committee.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BUCHANAN of Illinois: "After the word 'a' in line 3 of the Padgett amendment, strike out the words 'fair and reasonable price' and insert 'not to exceed cost of construction in Government navy yards.'"

The CHAIRMAN. How much time does the gentleman from Illinois desire?

Mr. PADGETT. I yield to the gentleman five minutes.

Mr. BUCHANAN of Illinois. Mr. Chairman, I believe the committee will understand the purpose of that amendment. The Navy Department has had some experience recently in regard to prices in the construction of battleships and the inability to secure the construction of them in private plants at a reasonable price, because the Government navy yards in their bids have bid sufficiently low to justify the Secretary of the Navy in recommending and this Congress in granting the privilege to spend $600,000. I believe it was, for the equipment of Mare Island Navy Yard, because a ship could be constructed cheaper in the Government yard than it could be in the private yard; and instead of putting in there "a fair and reasonable price," it seems to me like this has the same effect.

No one ought to object to this, because the private shipbuilders have been claiming all the time that they build cheaper than they do in the Government yards. Therefore those who are in favor of giving the private yards an opportunity to build should not object to a provision of this kind in the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN of Illinois. Yes.

Mr. MOORE of Pennsylvania. Would not the effect of the gentleman's amendment be to put private shipyards out of business, since four of the navy yards will now be equipped to build capital ships? Would there be any competition at all?

Mr. BUCHANAN of Illinois. There would be competition between private yards and Government yards, and the representatives of private yards before our committee have stated that they can build cheaper than the Government yards.

Mr. MOORE of Pennsylvania. Would not the effect be to say to the private yards, "Build the ship at our price, or not at all"?

Mr. BUCHANAN of Illinois. Build the ship at a not greater price, or a price not to exceed the cost of construction in a Government navy yard, which it is claimed is greater than that in the private yards.

Mr. MOORE of Pennsylvania. But there would be no competition in the private shipyards if this amendment passed.

Mr. BUCHANAN of Illinois. It makes competition between the Government and the private yards.

Mr. MOORE of Pennsylvania. I think the passage of the gentleman's amendment would mean that the ship should be built in a Government yard or nowhere.

Mr. BUCHANAN of Illinois. It would mean the ships would all be built in a Government yard. There would still be competition between Government yards, as you see in this House the efforts of Members of Congress to get work done in their yards in preference to the yards in another part of the country. That has also been proven beyond any doubt in the construction of the Panama Canal, where one part of the organization engaged in the work on that canal has endeavored to exceed the other part of the organization engaged in the work of construction of that canal; so that by having more than one yard for the construction of these capital ships, that in itself makes competition, and in any event we would have competition. But this amendment that I am offering makes competition between the Government navy yards and the private yards as well as competition between the different Government navy yards.

Mr. PADGETT. Mr. Chairman, I simply wanted to say about this amendment——

The CHAIRMAN. The amendment can be disposed of at the end of the debate.

Mr. PADGETT. All I wanted to say was that the amendment offered by the gentleman from Illinois [Mr. BUCHANAN] is wholly impracticable, to provide that a private yard should not have a contract for building a ship at a price greater than a navy yard would build it. That would make it impossible. We do not know at what figure a navy yard might build it.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUCHANAN of Illinois. I wanted to ask the gentleman if it is not a fact that the Secretary of the Navy, in recommending the equipment of the yard, did know what it would cost to build a ship in the yard, or he would not have recommended it?

Mr. PADGETT. He knew what they submitted estimates for, or what they thought they would build it for. They would get a contract for a certain amount and would be penalized if they did not do it for that. The other navy yard simply submits an estimate, and if it costs more, the Government pays more.

Mr. BUCHANAN of Illinois. Has not that been the usual practice in the Government navy yards? I ask the gentleman whether or not the cost has not been greater than estimated by the representatives of that navy yard?

Mr. PADGETT. In a great many cases it has been more.

Mr. BUCHANAN of Illinois. Can the gentleman name one?

Mr. PADGETT. Yes; in the case of the *Louisiana*.

Mr. BUCHANAN of Illinois. How much more, or about how much?

Mr. PADGETT. In the case of the *Florida* it was a million and a half more.

Mr. BUTLER. Yes; about a million and a half more.

Mr. BUCHANAN of Illinois. Was there any case where it was less?

Mr. PADGETT. Yes. There was a case at Mare Island where they built a smaller boat at something under the estimates—about $100,000 less.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. Would not the private shipyards start in handicapped by overhead charges and things of that kind, in excess of charges that would be borne by the Government?

Mr. PADGETT. They could not tell at what figure the Government would build on an estimate of so much. If it did not do it and it took $200,000 or $500,000 additional, it would simply mean that private yards could not do it at all.

Mr. MOORE of Pennsylvania. It is an unfair and impracticable condition.

Mr. PADGETT. That is all I have to say about this amendment.

Mr. BUCHANAN of Illinois. If the gentleman will yield, then if his position is correct, the Secretary of the Navy knew nothing about the facts when he represented to us that he could build these ships more cheaply in navy yards than he could by private construction.

Mr. PADGETT. He submitted to us the fact that the yards had represented to him that they could, but there was no guaranty——

Mr. BUCHANAN of Illinois. And, of course, they did not know anything about it.

Mr. PADGETT. There was no obligation to do it, except that they would try to meet their estimate.

Mr. BUCHANAN of Illinois. If the gentleman's position is correct, it means that after all these years of experience they know nothing about what they can do in Government navy yards in the way of the cost of construction.

Mr. PADGETT. It does not mean that at all.

Mr. BUCHANAN of Illinois. It does mean that the Government navy yards, after years of experience constructing ships, can estimate quite accurately what it will cost to construct a ship, and from information at hand the estimated cost of a Government navy yard would be a reasonable and fair price for the Government to pay a private corporation or firm.

Mr. NOLAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. NOLAN: Amend the amendment by incorporating the following proviso:

"*Provided*, That the Secretary of the Navy is authorized to provide additional facilities as provided for in the event it is found necessary at the New York and Mare Island Navy Yards."

Mr. NOLAN. Mr. Chairman, I do not represent the congressional district in which the Mare Island Navy Yard is located. It is not in my district and is a considerable distance away from it; but I recognize the fact that this naval bill carries appropriations running into hundreds of millions of dollars—the largest program the Government of the United States ever adopted—a great building program. I do not want to see the navy yards that have been enumerated here deprived of the opportunity to become shipbuilding plants. I think they ought to be taken care of first, before the New York and Mare Island Navy Yards get any additional facilities; but I do not think the Secretary of the Navy should be deprived of the opportunity of putting increased facilities into both Mare Island and New York if he finds it necessary. Now, it may be that before he gets very far he will find that it will take a considerable length of time to equip these four navy yards enumerated in the Padgett amendment, whereas he could for a slight expense in comparison to the other yards provide additional ways at Mare Island and New York, and put on those ways capital ships.

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. NOLAN. I will.

Mr. ROBERTS of Massachusetts. Does the gentleman think they can provide new ways quicker than they can extend existing ways? And does he not know that there are existing ways in Philadelphia and Boston that can be extended very readily?

Mr. NOLAN. I do know this, that if you want to provide the right kind of ways for the building of a dreadnaught you can not do it by extending the Philadelphia or Boston ways.

Mr. VARE. Oh, yes; you can.

Mr. NOLAN. Because they are not built strong enough to carry dreadnaughts or other capital ships.

Mr. VARE. The gentleman is mistaken.

Mr. NOLAN. I do not want to deprive Boston or Philadelphia of the opportunity of becoming first-class yards, but I want to give the authority to the Secretary of the Navy to extend the facilities at New York and Mare Island; and if you adopt the Padgett amendment as written, the Navy Department will be handicapped.

Mr. PADGETT. Mr. Chairman, I can simplify the matter, so far as I am concerned. I am willing to accept this proviso here, and add some more money to take care of it. If it is necessary to do it, and leave it in the discretion of the Secretary.

Mr. NOLAN. I do not want to deprive New York and Mare Island of any opportunities.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to see that amendment. I want to see how it is worded.

Mr. PADGETT. It provides that the Secretary of the Navy is authorized to provide additional facilities, as provided for, in the event that it is found necessary, at the New York and Mare Island Navy Yards.

Mr. ROBERTS of Massachusetts. If the amendment gives that authority after he has provided for the other yards named, I will accept it.

Mr. PADGETT. Just put that in.

Mr. NOLAN. I do not want to deprive him of the opportunity.

Mr. PADGETT. It leaves it with the Secretary. He is going to take care of the other yards. You need not have any anxiety about that.

Mr. ROBERTS of Massachusetts. I am not sure.

Mr. VARE. For the benefit of the gentleman from California, I should like to say that the plans for the existing shipways at the California navy yard were drawn by the department with the express purpose that they could be enlarged for the purpose of building capital ships.

Mr. ROBERTS of Massachusetts. We have the best of authority for that statement.

Mr. NOLAN. I would like to see your yard equipped immediately, and every yard that is capable of building first-class ships. I do not want to deprive you of that opportunity for the benefit of Mare Island or New York.

Mr. VARE. I want you to know that the existing ways are already planned for that purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I ask unanimous consent that the time be extended five minutes.

There was no objection.

Mr. PADGETT. I yield to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman, I can not see in the amendment by Mr. PADGETT where any of the yards provided for are going to get any expenditure unless the private shipyards of the country do not come up to the specifications required by the Secretary of the Navy. That is one thing that I, for one, representing the district wherein lies the Boston Navy Yard, have insisted upon—that we do become equipped under this appropriation in order that we may begin the building of battleships in the navy yard. That is what the navy yard was intended for. That is what the navy yards were built for. There is not a country in the world to-day that has so many of its navy yards lying idle and going to rot as this country. Mr. Chairman, under this amendment there is no benefit to be derived by any of the Government yards unless all of the private shipbuilding companies of the country fail to come up to the specifications. I contend that it does not use the people in the different parts of the country fairly. In the district that I represent we have just completed on the ways, appropriated for two years ago, a small supply ship. On the building of this ship alone we have saved the Government over $250,000. The building of the ways cost the Government less than $140,000, and we have saved the Government over $250,000 on one ship.

All we ask is that the ways in the Boston Navy Yard be extended so that we can do the work that ought to be done in large cities. Just think of it: Great cities like Boston and Philadelphia you are asking to build little boats, while in the shipyards not equipped as well as we are they are building big battleships. Our navy yards are lying practically idle. It is a shame and a disgrace to this country to see mechanics walking the streets wanting employment and being deprived of employment in the cities where the navy yards are because the yards are not properly equipped.

Mr. Chairman, I think the time has come while we are making appropriations when these yards should be equipped to build, as far as they are able, the ships of the Navy. We can build them more economically than can private enterprise. We have proven this in our yard and we want an opportunity to prove it further on larger ships. There is at least $20,000,000 in Government property at Boston Navy Yard practically worthless to the Government unless we can utilize it. That is the condition that prevails there. We have built nothing since 1840 until last year, when we took the contract for the building of a supply ship, and this supply ship is now in the water three months ahead of the specified time called for in the contract. [Applause.]

so far as I am concerned. I am willing to accept this proviso! [Applause.]

The supply ship is within 50 per cent of completion and we have spent less than half the money appropriated in the original bill. I contend that we are entitled under this appropriation to have our yard equipped, and we will then be in a position where, when the Government needs us to build a battleship or a cruiser or whatever they desire, it can be done.

Mr. Chairman, I have presented this amendment, asking that at least one of the battle cruisers now authorized in this bill shall be built at the navy yard in Boston, Mass.

In a great appropriation bill of the size of this one I feel that I am not asking too much for the people of my district when I ask that one of these ships be built in a navy yard which for more than a century has been recognized as one of the best yards we have. I believe, in fairness to my people, that we are entitled to this consideration.

This institution, the Boston Navy Yard, has for years been neglected in the matter of building ships, without any reason being advanced by those who have been responsible for this condition.

The time has come when it must be decided to what extent our country is to use its navy yards. No other country of the world has ever been known to neglect these institutions in the manner in which the yards of this country have been neglected, and no country to-day in the world would for a moment permit a navy yard situated as this one is to remain in its present condition.

A few months ago I presented a resolution, which was referred to the Committee on Naval Affairs, asking that an appropriation be made in this bill for the equipping of the Boston Navy Yard for the building of battleships. The Secretary of the Navy, for some reason which I can not understand, has written to that committee asking that this appropriation be not included; and I, as a representative of the people of Boston, object, with all the force that I can control, to my district being neglected now, as it has been in the past, in the improvements to which this yard and my State are entitled in the many appropriations that have been made to improve the other sections of the country and in which we have not been permitted to share our equal part.

The question that comes from the people of my district is why Boston shall be overlooked in this great appropriation for the upbuilding of the Navy of our country. All navy yards of the country were established for the building and repairing of ships of the Navy. That is what they were intended for, and it is only because they have been neglected and have not been kept up to the high standard for which they were intended that to-day we find ourselves at the mercy of and competing with private interests, who are telling us what we shall pay for the building of our ships and when they shall be built.

What other country of the world can you point to that is in the same position? In the past the only work that has been done at our yard has been the minor repairs upon the ships of the Navy. This, to my mind, has been more of a detriment to the workingmen of my district than it is of value, for they are deprived of the opportunity of steady employment, and it is a customary thing among them to expect at any time the message of a furlough, which comes when work has been completed.

We are told that we are unable to build our ships as cheaply as can private enterprises, and with this I take issue. In the small amount of work that we have had to do at our yard, namely, the building of a supply ship, which was launched a few days ago, we have proven that we are able, when permitted to do the work, to do our work in a manner that is not only satisfactory to our Government, but is economical to the highest degree.

This supply ship which we are now completing is being built at a figure 25 per cent less than the amounts bid by private shipbuilders, and she is now within 40 per cent of completion. She has been launched in less time than the contract required, and the splendid organization of officers and mechanics who have established such an efficient working force and have worked so earnestly and faithfully have nothing further to do, and the mechanics will be paid for their faithful service by a discharge.

Every yard in this country should be building ships at the present time, and with the building of new ships can be carried on the work of repairs, keeping intact an efficient force which will be able to do all our Government work in an economical and efficient manner.

We are entitled to this consideration and we ask it as a matter of fairness from this Congress that we be given an opportunity to develop the yard at Boston in the manner in which other yards of the country are being advanced. There can be no objection to our request, and to any objection we answer, "Give the mechanics of Boston an opportunity to show what they can do in the matter of shipbuilding, and this country will be able to boast that they have established another branch of their many great institutions that are a credit to the Nation." I contend that there is no better way for us to prepare the men of our country in the handling of the ships of our Navy than by giving them an opportunity to work upon them.

This appropriation is the largest appropriation for the upbuilding of our Navy that has ever been made, and I am proud to be one of those who will vote for it; and gladly would I vote for a larger sum if necessary and give to us a Navy that we can be proud of. We are asking but for a small portion of it, less than $300,000, of this great amount of $240,000,000 to do our share in this great upbuilding. We are told that the control of prices is a most important consideration. We are also told that we are making an appropriation in the interest of the great Steel Trusts. I am not one of those who believe this to be so, and I believe that no better answer to this statement can be given them than that we intend, as far as we are able, to build ships of our own Navy in our own navy yards.

In the last Congress they wisely appropriated the sum of $148,000 for the equipment of the Boston Navy Yard for small shipbuilding. How profitable this has been to our Government is shown when we realize that in the building of one ship it has saved the Government more money than it cost the Government to build these small ways. In the building of modern ships these ways are too small and should be enlarged, and if by the building of one small ship we can save for our Government almost 100 per cent more than the cost of the building of these ways, I believe I am safe in stating that in the extension of these ways the Government will be in a position to build their ships far more economically than ever before.

Mr. Chairman, the people of Massachusetts have always been liberal in their efforts to support improvements in any part of the country that would be for the welfare of the whole country. They have been unwilling to stint any appropriation, but have always been willing that all parts of the country should be developed. In the building up of our own section of the country they have always displayed this same liberality.

We have in Boston one of the best harbors in the country, made so by the liberal expenditure of the money of the people of the State of Massachusetts. From 1825 to 1915, a period of 90 years, the United States has expended $12,668,000, or a total of $143,000 per year, on the harbor of the State of Massachusetts, and in one-half of the time, from 1870 to 1915, 45 years, has expended the sum of $15,000,000. Receipts from the customs of the port of Boston are over $10,000,000 a year, and there was collected in the State of Massachusetts from corporation income taxes $1,853,157.41, and from individual income taxes $2,683,084.53, making up a total paid by the citizens of the State of Massachusetts of $4,536,141.94 last year.

In the past few years we have expended $9,000,000 in building docks, and to-day we are building the largest dry dock in this country. This dock will be built at an expense to the State of Massachusetts of over $3,000,000, and the State has already agreed with the National Government that they will have the privilege of the use of the dock as against any private or commercial business.

We have built, at a great expense out of our treasury, the largest pier on the Atlantic coast, large enough to accommodate six of the largest ships afloat, and at each of these docks they have deepened the water to 40 feet to enable them to accommodate any ships that are now being constructed.

I am quoting these figures to show that Massachusetts is ever ready to do her share in protecting the commercial interests of the Nation by the building up of her harbor, and I believe that every part of the country benefits by these improvements.

The foreign commerce with the port of Boston for the year 1915 was $290,516,893. New England manufactures one-seventh of the entire manufactured products of the Nation and the greater part of this goes out from this port to foreign countries.

I believe that the navy yard, which has not for a long time received any great improvements, should be improved in keeping with the rest of the harbor and it is the duty of the Government to do so. The Charlestown Navy Yard has been a repair yard rather than a yard for construction work, and the great amount of work that has been done in the yard has been repairs on ships sent there.

The property of the Government here is worth in the vicinity of $20,000,000, and the location of the yard is right at the head of Boston Harbor at a point where the Mystic and Charles Rivers meet and close in a water front of almost one-half mile in the most desirable place in the harbor, which for commercial and shipping use would be invaluable.

If we are to depend on repair work entirely, it is only a question of how soon this yard will have to be closed, because any

business man can verify my statement when I say that no enterprise of this kind can exist upon repair work alone and can only be as an investment where construction work will go hand in hand with repair work. If the yard is to be continued, and it is the sentiment of the business interests of my State that it shall be, it should be equipped immediately for shipbuilding, and with this large expenditure now being made, without an additional appropriation or without any further expense to the Government, this could easily be done.

Mr. Chairman, from the earliest days of American history the men of Massachusetts have always been interested in shipping and shipbuilding, and from that day unto this it has been one of the leading ports of the Nation.

Previous to the establishment of the Charlestown Navy Yard a number of vessels had been built in the vicinity of Boston, several of which subsequently became well known. In the very earliest days of the settlement the importance of ships was recognized, and as early as 1629 we find records of six shipwrights having been sent out from London. Gov. Winthrop, who reached Boston Bay in 1630, records in 1631 the launching of the *Blessing of the Bay*, the first ship of the infant colony, and on August 9 of that year states:

> The governor's bark, being of 30 tons, went to sea.

This small vessel was later converted into a cruiser against pirates and may, therefore, lay claim to the honor of having been the first American vessel of war.

The *Massachusetts* was built at Germantown, a promontory in the town of Quincy, in 1789. The frigate *Constitution*, launched in 1797, was built at Hartt's shipyard on the site now known as Constitution Wharf, and the frigate *Boston*—the second of that name—was launched from the same yard in 1799.

It was undoubtedly the work already accomplished in shipbuilding, as well as the importance of the settlement and the facilities offered by the harbor, that suggested Charlestown as a desirable location for a navy yard.

On January 25, 1797, a resolution was reported from the Naval Committee of the House recommending the establishment of a Government dockyard. There seems to have been no direct authority from Congress to purchase a site or build a dockyard; but, on February 25, 1799, an act was passed authorizing the building of six ships of war of not less than 74 guns each, and appropriating $1,000,000 for this purpose. Hon. Benjamin Stoddard, then Secretary of the Navy, recommended the purchase of the site, which was approved by the President. The earliest record of the transaction was a letter from the Secretary of the Navy, dated June 2, 1800, to Dr. Aaron Putnam, of Charlestown—who appears to be the agent selected for negotiating the purchase—stating:

> It is desirable, for the purpose of establishing a navy yard for building ships or vessels of war at or in the vicinity of Boston, to purchase, on account of the United States, from 10 to 50 acres of land, if it can be obtained on reasonable terms.

And inclosing a list of the property referred to amounting to about 47½ acres. A later letter from the Secretary to Dr. Putnam, dated August 13, 1800, states:

> The President having determined that the 37½ acres of ground at Charlestown described in the plat herewith sent should be purchased for a ship and dock yard, I have the honor to request, upon satisfying yourself of the goodness of the titles, you will make the purchase, taking deeds to the United States for same, which, after having recorded, you will be pleased to send to me. * * * I have already remitted you $10,000 on this account, and will remit the residue when I am informed you want it.

In accordance with the above letter the first site of the Charlestown Yard was purchased, the original purchase amounting to about 34½ acres and the purchase price being about $37,356. Further purchases were made, as follows: In 1817, from Isaac Hull, 5,186 square feet, for $3,889.50; in 1862, from Oakman & Eldridge, 115,210½ square feet, for $123,100; and in 1867, from A. Hull, 2¾ perches for $7,000. The amount purchased, with the filling in of the marshes and flats, made, in 1880, 87¼ acres, and with the extension of harbor line and further filling in since that time makes the present area of the yard proper about 111 acres, of which 80 acres are land and 31 acres water.

The first commandment of the yard was Capt. (afterwards Commodore) Samuel Nicholson, who remained in office until his death, December 29, 1811. The records show but very few improvements in the yard up to this time. The commandant's house, afterwards the old museum, was built prior to 1808, the exact date not being recorded. There were also erected a brick store, marine barracks, a hospital, a powder magazine, a wharf, and a few temporary sheds.

Commodore Bainbridge was the next commandant, and he took a very active interest in the affairs of the yard and vicinity, surveying the harbor and recommending improvements, but the appropriations were very meager, the expenditures for accommodations and improvements at the yard in 1811 and 1812 amounting to but $5,742.43, although during the year 1812 13 vessels received repairs amounting to $245,225.13. The first vessel launched at the yard was the sloop of war *Frolic*, on September 11, 1813, and the next was the *Independence*, on September 22, 1814, and from that time up to the commencement of the Civil War 21 vessels in all were launched at the yard.

Among these were several of historic fame—the *Cumberland*, which was sunk by the Confederate ironclad *Virginia—Merrimac*—in Hampton Roads in March, 1862; the *Merrimac*, the first steam frigate launched for our Navy was built at the yard in 1854–55. The history of this vessel need hardly be told to any American—how she was left at the navy yard, Norfolk, in 1861, and converted by the Confederates into an ironclad and created such havoc with our vessels until she was defeated by the little *Monitor* in 1862 and was afterwards destroyed by the Confederates.

On January 1, 1858, the keel of the historic ship *Hartford*, the flagship of Admiral Farragut, was laid, and she was launched in November of that year.

The cost of improvements at the yard up to 1859, including the cost of site and Dry Dock No. 1, which was built in 1827–1833, amounted to $3,671,521.

During the Civil War there was great activity at the yard, and between 1861 and 1866, 39 vessels of war were built and 43 purchased vessels were equipped; the number of vessels repaired, provisioned, and so forth, is up in the hundreds. At times there were as many as 5,000 men employed. The *Monadnock*, a double-turreted monitor, launched in 1864, was the first vessel of the kind to go from the Atlantic to the Pacific Ocean, arriving at Mare Island in 1866, and being afterwards rebuilt and converted into the vessel now of the same name.

In 1874 the iron torpedo boat *Intrepid* was launched at the yard, and was the first vessel of that kind added to our Navy.

From 1832 to 1880, inclusive, $10,618,716 was expended for general maintenance of the yard. This does not include the expenditures on ships built or repaired or pay of workmen employed on them. Only one vessel, a small training ship, the *Cumberland*, has been built at the yard since that time.

From 1880 until about 1900 very little was done to improve the buildings in the yard, but from 1900 on until the present time remodeling and building has been continuous.

The estimated value of the property is close to $20,000,000. This includes only the property, building, and plant in the yard proper, and not the value of the hospital and other outlying branches of the station.

During the Civil War as high as 5,000 men were employed, although the facilities were not half what they are to-day. We find at the present time that a force of about 2,000 men is employed, not half utilizing the increased industrial facilities. The effect of this variation in the working force is bad in every way—for the employees in having irregular employment, breeding dissatisfaction and frequently causing distress to honest, hard-working men; for the Government, loss of efficiency, due to deterioration of plant and force, owing to lack of work and the dissatisfaction of employees. The history of this yard calls for some consideration for its employees. One of the means of maintaining a steady working force is by having new construction work—shipbuilding—done at the yard, and it would be to the interest of the Government to place such work at the yard instead of doing it by outside contract, even if the price was higher. But when bids were opened in December, 1913, for a supply ship, the bid of the Charlestown Navy Yard was found to be below all others—navy yards or private establishments.

To build this vessel at the yard it will be necessary to extend the present ways.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I hope the amendment offered by the gentleman from California, Mr. NOLAN, will prevail. I want to say that the members from New York I am quite sure join with me in the spirit of his remarks. There is no reason why any of us should desire to keep another part of the country from being equipped. When I was in Congress before it gave me great personal pleasure to assist in equipping the immigrant stations at Charleston, New Orleans, and Galveston.

Mr. WHALEY. The immigrant station at Charleston has never yet been equipped.

Mr. BENNET. That was not our fault, we voted it and did our best. Now, I want to call the attention of the committee to what this amendment of the gentleman from Tennessee does, as I understand it, and what the amendment of the gentleman

from California proposes, which the gentleman from Tennessee says he is willing to accept.

As I understand it, this simply provides that if the Government is faced with the position that it can not do all of the building it desires in private yards it can go ahead and equip with additional facilities all of these yards. The gentleman from Tennessee says he will provide in the amendment an additional sum to take care of New York and Mare Island if it is necessary to equip the two yards.

This amendment, as I understand it, is not to benefit any particular yard—Mare Island, Philadelphia, Boston, New Orleans, or any other yard—but it is to serve the best purposes of the Government. Am I right?

Mr. PADGETT. I tried to state that as fully and as clearly as I could.

Mr. BENNET. I thought so, but there appeared to be a misapprehension that this was a contest between cities.

Mr. PADGETT. The situation is this: We put a provision in the bill yesterday authorizing the Secretary to make contracts and provide bonuses not to exceed 20 per cent for the expeditious delivery of material and construction. With the enormous program we are authorizing in this bill it would be possible, if it was so desired, for shipbuilders to conspire and apportion among themselves the work and submit their own terms. We did not want the Government to depend on them, and so, in the event that they do not submit bids for the expeditious delivery at a fair and reasonable price, this amount of money is appropriated to equip the yards for the Government to build ships themselves wherever there is this situation.

Mr. BENNET. It seems very clear that we over here, who have been voting for even larger naval programs than most on the other side, should join with those on the other side and vote for this amendment. Otherwise we would be in an inconsistent position. We would be voting for an increase in the Navy, but when the chairman offered additional facilities we would be in a position of voting against it. Therefore, I hope the amendment offered by the gentleman from Tennessee, with the amendment offered by the gentleman from California, will prevail.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, ours is not only a representative Government but its business is conducted through the agency of political parties.

Four years ago the Democratic Party of the Nation went before the people of this great country upon a platform pledging it to the carrying out of certain principles in the event of election. On account of the unfortunate dissension in our own ranks, the Democrats won; and for more than three years now they have had complete control of all the departments of the National Government. There has been nothing to prevent the Democratic Party from putting into operation Democratic policies and theories of government. They claim to have done so, and are now asking a return to power because they say they have "kept the faith" and have painstakingly carried out all of their promises and pledges to the people, and that the people have been abundantly benefited and greatly blessed thereby. That is their claim. They are asking an indorsement of their record. They say they have accomplished much for which we should indeed be thankful, and that they can and will accomplish more if given a new lease of life. They say that they have given the world a shining example of economy and efficiency in government. I concede that if these claims be true they ought to be returned to power. Let us calmly and dispassionately look into the facts. Democratic, not Republican, performances are on trial.

In order to find out just what pledges the Democratic Party of the Nation has made to the people, we must turn to authoritative sources of information, to wit, the Democratic national platforms. Their acts alone speak as to their performances. The last platform adopted by the Democratic Party was at Baltimore, Md., on July 2, 1912. That is the one upon which President Wilson and the present Democratic régime were elected. Let us turn to some of its planks. Let us see what they are and see whether or not they have been faithfully kept or shamefully broken. The people are entitled to know the truth.

One plank of the labor section of the Democratic platform adopted at Baltimore July 2, 1912, declares that the "organization of industry makes it essential that there should be no abridgment of the right of wage earners and producers to organize for the protection of wages and the improvement of labor conditions" and that such organizations "should not be regarded as illegal combinations in restraint of trade."

In his speech of acceptance, the presidential nominee of the Democratic Party, the Hon. Woodrow Wilson, took occasion to say regarding the working people of America:

> No law that safeguards their life; that improves the physical and moral conditions under which they live; that makes their hours of labor rational and tolerable; that gives them freedom to act in their own interest; and that protects them where they can not protect themselves, can properly be regarded as class legislation.

Believing in the assurances of the Democratic Party and its nominee for President, and accepting them at their spoken and written word, the labor leaders and labor organizations and laboring people generally throughout the country, including the American Federation of Labor, some 2,000,000 in number, went pell-mell into the Democratic camp and became among the most loyal and enthusiastic supporters of the candidacy of Mr. Wilson. They helped to elect him. But for them he would not have been elected. After his election and after the overwhelmingly Democratic House and Senate had settled down to business and undertaken the work, supposedly, at least, of carrying out the Democratic pledges to the country, labor expected the fruition of its dreams in the fulfillment of the Democratic pledges and promises to it. But it had a shock in June, 1913.

The sundry civil appropriation bill which passed both the House and Senate contained a provision setting apart and appropriating the sum of $300,000 for the enforcement of anti-trust laws but provided that no part of it should—

> be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Note the similarity in the language of this provision and President Wilson's speech accepting the Democratic nomination for President. Everybody believed that the President and the Democratic Party was irrevocably committed to the provisions of the bill to which I have just referred. But when the bill was presented to President Wilson for his signature that change of mind, for which the President has since become so widely noted, had come over him and he expressed, in no uncertain terms, his emphatic disapproval of the promised labor and farmer exemptions contained in the bill. He threatened to veto the entire bill on their account and would have done so had the exemptions in any way interfered with the Department of Justice prosecuting either laborers or farmers for attempting to secure, under the provisions of the bill, what they deemed to be their rights, and what was perfectly legal for them to do individually but not collectively.

I would have vetoed that item—

Said the President—

> because it places upon the expenditure a limitation which is, in my opinion, unjustifiable in character and principle. * * * I can assure the country that this item will neither limit nor in any way embarrass the actions of the Department of Justice—

In dealing with these farmers and labor fellows.

It will be remembered that the Supreme Court of the United States had held in the Danbury Hatters case, reported in Two hundred and eighth United States Reports, page 274, that the Sherman antitrust law did not exempt labor organizations from its operations; that such organizations were combinations in restraint of trade, and therefore unlawful and liable to triple punitive damages.

Both the farmers and the laborers wanted their organizations exempted from the operation of the Sherman law, on the ground that they were not a capitalistic trust organized for predatory profits; but the President said that such exemptions were "unjustifiable both in character and principle," although he had promised in his speech accepting the Democratic nomination for President that—

> no law that safeguards their life (the working people), that improves the * * * conditions under which they live, or that gives them freedom to act in their own interest * * * can properly be regarded as class legislation.

Wonderful how the President changed his mind, and the planks of the Democratic platform were broken.

THE PRESIDENT HAS CHANGED HIS MIND, TOO, ON THE SUBJECT OF IMMIGRATION AND CAUSED THE IMMIGRATION PLANK OF THE DEMOCRATIC PLATFORM TO BE BROKEN.

For a decade immigration to our shores has reached the rate of about 1,000,000 a year. A tremendous influx! There has not been so many since the European war began, but it is on the increase and will doubtless, with the return of peace, far exceed the previous number. The official statistics just given out by the Department of Labor show that in March 11 per cent more

came than in February and 48 per cent more than came one year ago in March. Immigrants of the right sort have always been welcomed among us. For years an attempt has been made to curtail the number, at least, of the undesirable elements that land upon our shores and come into ruinous competition with our own workmen and producers. As a private citizen, as a presidential candidate, as an author and writer of books, it seems that President Wilson was strongly in favor of rigid restriction. In his History of the American People, volume 5, page 212, in speaking of the character of immigrants that come to this country, he said:

> They come in numbers which increased from year to year, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population, the men whose standards of life and of work were such as American workingmen had never dreamed of hitherto.

He said that even the unwelcomed, and in some quarters the loathed and hated, Chinamen were more desirable citizens than this "coarse crew" (of immigrants) that come crowding in every year at our eastern ports.

Not only as an author, but as a candidate for the Presidency, on September 4, 1912, in New York City, when he addressed the Association of Foreign Language Newspaper Editors, so called, President Wilson said, among other things:

> If we can hit upon a standard which admits every voluntary immigrant and excludes those who have not come of their own motion, with their own purpose of making a home and a career here for themselves, but have been induced by steamship companies or others in order to pay the passage money, then we will have what we will all agree upon as Americans. I am speaking to you as also Americans with myself, and just as much American as myself, and if we all take the American point of view, namely, that we want American life kept to its standards, and that only the standards of American life shall be standards of restriction, then we are all upon a common ground, not of those who criticize immigration, but these who declare themselves Americans. I am not saying that I am wise enough out of hand to frame the legislation that will meet this idea. I am only saying that it is the ideal, and that is what we ought to hold ourselves to. * * * Of course, if the immigrants are allowed to come in uninstructed hosts and to stop at the ports where they enter and there to compete in an oversupplied labor market, there is going to be unhappiness, there is going to be deterioration, there is going to be everything that will be detrimental to the immigrant.

But notwithstanding his writings, notwithstanding his position as a presidential candidate, Mr. Wilson abandoned his position as a restrictionist when called upon to sign and vetoed the immigration bill.

It will be remembered that some few years ago Congress created an Immigration Commission to investigate the whole subject of immigration, particularly the feasibility of the literacy test as a restrictive method.

This commission of nine distinguished members was composed of both Democrats and Republicans, Members of this House and the Senate. It made an extensive investigation both in this country and in Europe. After investigating for a period of four years and spending $1,000,000 it made a voluminous report of 42 volumes and, among other things, said:

> A majority of the commission (eight out of the nine) favored the reading and writing test as the most feasible single method of restricting undesirable immigration.

The commission unanimously agreed and reported that there was "an oversupply of unskilled labor in the basic industries of this country."

On April 19, 1912, an immigration bill containing a literacy-test provision passed the Senate of the United States. A bill containing the same provisions was reported to the House by the House Committee on Immigration on June 7, 1912, and the Democratic leaders announced that the bill would be put through when Congress reconvened in December, a special rule having been agreed upon for that purpose.

Woodrow Wilson was nominated for President on July 2, 1912. The Senate immigration bill, with the literacy test therein, was pending before the House during the campaign and became an issue thereof. The Democratic leaders of the House had promised to pass that bill early in December. The Baltimore convention that nominated Mr. Wilson for the Presidency pointed in its platform with pride "to the record of accomplishment of the Democratic House of Representatives in the Sixty-second Congress." "We indorse its action," they said. The House had indorsed the literacy-test provision and the immigration bill. The Democratic platform, upon which President Wilson was elected, indorsed the literacy test as applied to immigrants in approving the House action. But after he was elected the President changed his mind and vetoed the immigration bill, in spite of his writings and his campaign speeches and the platform pledges of his party, although beseeched to sign it by labor leaders, farmers' organizations, and the public generally. The Boston Transcript in an editorial, speaking of the change of front of our President, said:

> The somersault of Mr. Woodrow Wilson on the immigration plank should surprise no one. It is only the latest illustration of the politician reversing the position of the historian. For 20 years, as teacher and writer of history, he wrote against the "alien invasion," and brought to bear the heaviest guns of his rhetoric against this "menace." But the President has changed his mind. He has reversed his own position and repudiated the platform upon which he was elected.

Whether the President has changed his position, if not his mind, because of the immense foreign vote in the United States, or for other reasons, I know not. The Democratic Party in its national platform, as far back as 1896, said:

> We hold that the most efficient way of protecting American labor is to prevent the importation of foreign pauper labor to compete with it in the home market.

That declaration of principle by the Democratic Party, and since reiterated, has at no time been recalled or reversed; but it does not take President Wilson long to recall and reverse "things" when he changes his mind and decides to break the solemn platform pledges of his party.

MORE BROKEN PLATFORM PLEDGES.

The Democratic platform upon which President Wilson was nominated and elected said:

> We favor national aid to State and local authorities in the construction and maintenance of post roads.

It has now been nearly four years since the making of that platform pledge, and still no national-aid road law has been enacted looking to its fulfillment. The prospects, however, seem good for a road law to pass, but the outlook is that when passed it will not go into practical effect for several years, and will benefit but slightly, if at all, people living in the rural districts, where roads are mostly needed, because many of them can be traveled with difficulty, while others can not be traveled at all. I voted for the Federal-aid road bill that passed the House in the hope that when the Republicans came into power it would be so amended as to make it workable and beneficial. For the House bill the Democratic Senate substituted an entirely different proposition. The Democrats are at sea on roads legislation. They feel, however, that they are compelled to pass some sort of a road law before Congress adjourns; otherwise they could not well face an outraged constituency. The road law passed at this late date in the Democratic administration and on the eve of a presidential election can not be tried out before November. The people generally when they vote this fall will not know whether they have been handed a gold brick or not. They will be asked to take the road law "on faith." The passage of some sort of a road law, however, is regarded as a political necessity, and will no doubt be done. The fact remains, however, that the same Democratic Congress, at the instance of the same Democratic President, passed a law two years ago whereby the United States Government is spending $40,000,000 building a railroad in Alaska.

The President tried to put through, and would have put through but for Republican opposition, another bill appropriating $50,000,000 with which to build ships and put the United States in the shipping business for the importers and exporters. It looks like they are going to put that bill through this Congress. They have money for these things, although the pledges of neither of them were contained in the Democratic platform, but so far they have failed to put one dollar into the construction and maintenance of post roads, pledged by the platform upon which the President was elected and which platform the President accepted in toto, saying the pledges were those of "honest men" and "intended to be kept when in office."

PANAMA CANAL TOLLS.

The President and the Democratic Party again broke their solemn promise to the American people on the question of Panama Canal tolls. They said in their Baltimore platform:

> We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

This is what Democracy declared for in its platform of 1912, and is what the President indorsed, stood for, and argued for in his campaign before he was elected President. President Wilson specifically indorsed this plank in that celebrated speech he made to 2,500 farmers at Washington Park, N. J., on August 15, 1912, in which he said:

> Now, at present there are no ships to do that; and one of the bills pending—passed, I believe, yesterday by the Senate, as it has already passed the House—provides for free toll for American ships through that canal.

But after the President was elected, for some unknown reason that the country has never understood, for some mysterious reason that the President has never explained, he came, hat in hand, up on Capitol Hill one day when the House and Senate was in session and practically said: "Boys, we've got to take her back. We've got to break our platform pledges to the country and the people that elected us. Acting under your oaths as legislators, you said that American ships engaged in coastwise trade passing through the Panama Canal should not pay

any toll; that such exemption would tend to keep down railroad rates [which he has since helped get increased]. The Democratic platform upon which I was nominated and elected declared for free tolls. I declared for the same thing in my speeches before election. I have not forgotten what I said to those New Jersey farmers and the country when I was seeking votes, but we have got to take it all back. I can not tell you why this is so, but I have reversed myself on the question of tolls of American ships passing through the canal, and you must reverse yourselves. You made speeches on the floor of the House and on the floor of the Senate until you were red in the face expounding the benefit to the American people, especially the American farmer, to be derived from such a course, and you embodied and passed a bill through both House and Senate declaring for free tolls, a thing specifically promised by our 1912 platform, but you must repeal that law, introduce a new bill charging tolls to American ships engaged in coastwise trade passing through the canal, and make some more speeches, repudiating what you have already said and done and repudiating your and my solemn platform pledges to the American people."

This was done. The repeal law was passed. So it has happened to free sugar and the promised cheapening of the "poor man's" breakfast table. The "crow" was eaten, but few, if any, of the legislators have ever known why it was necessary. The country knows nothing about it on account of the silence and secrecy of the President, although he declared when he came into office that his administration should be one of "pitiless publicity," and the White House doors would swing open to all "forward-looking" men. All the President has permitted the world to know is that he changed his mind and that another solemn contract in the Democratic platform with the people was broken.

RURAL CREDITS.

What I have said tells but a small part of the sad story. The Democratic platform upon which President Wilson was elected declared:

Of equal importance with the question of currency reform is the question of rural credits, or agricultural finance. We favor legislation permitting national banks to loan a reasonable portion of their funds on real estate security.

A rural-credits or farm-loan bill has been passed, or will be before Congress adjourns. I love the country. I was reared on a farm. I have always been interested in legislation looking to the farmers' good. I voted for the rural-credits or farm-loan bill when it was before the House, although I am confident it will prove to be of little benefit to the farmers, especially those in moderate circumstances—those that need help most. The law is a very defective one. It contains no genuine Federal aid. It is passed on the eve of an election, and the Democrats hope the passage of it will help them politically.

The gentleman from Pennsylvania, Representative MCFADDEN, who knows as much about this measure as any Member of the House, said in a speech here concerning it:

It will only benefit well-to-do farmers, but furnish no help for the worthy farmer who has no capital and desires to follow farming as an occupation. * * * This bill is an experiment and has no foundation. * * * The operation of the system as proposed might develop into a political machine.

Representative HENRY, of Texas, one of the Democratic leaders of the House, gave out the following statement when the bill was reported by the joint congressional committee:

In many respects the bill is admirable and has some very strong features.

However, direct Government aid is ignored and excluded. The measure does not provide for the Government guaranteeing or purchasing the farm-loan bonds based on farm mortgages. Without this aid the bill would be worthless to the farmers.

There is no use in mincing words. The fight is on. The real friends of Government aid must rally their forces and prepare for the contest in the House.

It is generally understood here that President Wilson has all along been opposed to putting the Government back of and making available the farmer's credit to the same extent that the Federal reserve act puts the Government back of the business man's and the bankers' credit. This bill as framed and passed by this House on the approval of the President is sufficient proof of that.

It is certain that this bill will not help the man without means. It merely authorizes the farmers to loan money to themselves.

It is not at all certain that the farmers with means will enter into and help form local farm-loan associations, in order to enable them to borrow money under this act, especially in view of the fact that they will be compelled to take stock in the Federal land bank in a sum equal to 5 per cent of their loan and then become liable for 5 per cent more to liquidate the debts of the farm-loan association.

It will be a makeshift law, to say the least of it; but the Democratic Party felt impelled to pass some sort of rural-credits legislation in order to appease the wrath and satisfy the demand of the 12,000,000 farmers in this country. The law can not be tried out before the November election. Its nonworkability can not be demonstrated before that time. Its futility to be of benefit to the farmer who needs it can not before then be made known to many. In the meantime the Democratic spellbinders can boast of the "wonderful blessings" of their rural-credits law.

TRANSPORTATION RATES.

The Democrats also said this in their Baltimore platform:

We favor legislation which will assure such reductions in transportation rates as conditions will permit.

At the time the Democrats made this platform declaration there was a Republican President in the White House and the country was enjoying the fruits of unbounded prosperity. The railroads were making lots of money. The Democratic Party had not been in office long until the country started to the "demnition bowwows." Receivers were appointed for one railroad system after another throughout the country, and the railroads applied to the Interstate Commerce Commission to have rates raised, business was so poor. All sorts of pressure was brought to bear upon the commission to grant increases in rates. Of course, the higher the rates the more the merchant and the farmer has to pay for shipping freight and traveling over the railroads. It is interesting to note whether the President was upon the side of the railroads or upon the side of the people. Just a while before the Interstate Commerce Commission was expected to hand down its decision in regard to this proposed raise of freight rates the President called a number of newspaper reporters about him and authorized the following interview, which was printed by the press of the country on the 1st day of June, 1915:

President Wilson indicated to-day that he would not be dissatisfied if the Interstate Commerce Commission allowed the railroads the 5 per cent freight-rate increase they are seeking. Mr. Wilson left no doubt in the minds of those who talked to him that he was in favor of the increase.

The Interstate Commerce Commission decided in accordance with the President's wishes and granted the increase. He soon reappointed the commissioner who cast the deciding vote. Apparently the habit of the President and the Democratic Party in breaking their platform pledges to the American people has become chronic.

REDUCTION OF OFFICES PLEDGE BROKEN.

The Democrats said in their Baltimore platform—

We demand a reduction in the number of useless offices, the salaries of which drain the substance of the people.

Yet in the face of that pledge the Democrats have created, in less than four years, 30,000 new offices and places at an annual cost of over $36,000,000.

They have increased the annual salaries of the old offices over $4,000,000 every year.

ANOTHER BROKEN PLANK.

I quote the following from the Democratic platform adopted at Baltimore:

The constitutional rights of American citizens should protect them on our borders and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government, both for himself and his property.

That platform pledge has been shamefully ignored and superseded by "watchful waiting." This administration has not had the merit to go to war nor the courage to stay out of it. Its hatred for Germany and partisanship for England and her allies belies its loud professions of neutrality.

The Democrats declared in their platform that—

American citizens residing or having property in any foreign country are entitled to and must be given the full protection of the United States Government.

Yet in the face of this solemn platform pledge the President of the United States, the Commander in Chief of the Army and Navy, has "watchfully waited," has backed and filled, has hesitated and halted, while Mexico and Mexicans have spat upon our flag, trampled it in the dust, and flung this truthful taunt in the face of red-blooded Americans: "We have outraged your women; we have murdered your children; we have burned your property; we have insulted the flag of your country. Tell us, is there anything we can do to you that will make you stand up and fight like men."

The President's policy in Mexico has not only broken the platform pledge of his party, but has brought a blush of shame and humiliation to every true American, be he native or foreign born.

THE CIVIL-SERVICE PLANK, TOO, HAS BEEN BROKEN.

The Democratic platform adopted at Baltimore, made famous by the number of its broken promises, contained this plank:

The law pertaining to the civil service should be honestly and rightly enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than service rendered to a political party.

Notwithstanding that party declaration and platform pledge, civil service, under this administration, has been utterly debauched in order to find places for "deserving Democrats." The civil-service laws were set aside in the passage of the Underwood Tariff Act, and there were exempted from the civil-service regulations more than 600 agents, deputy collectors, and other income-tax employees. Appointees under new laws like the proposed rural credits are not to be taken from civil service.

One thousand one hundred and forty-five deputy collectors of internal revenue and 176 deputy United States marshals were authorized to be appointed and removed without reference to the civil-service act in the very first general deficiency bill passed by the Wilson administration.

The civil-service laws were violated by the Democrats in the acts of December 17, 1914; December 26, 1914; July 16, 1914; January 28, 1915; March 4, 1913; August 1, 1915. Also in the Federal reserve banking law, the rural-credits law, and other laws passed by this administration.

The 45,000 fourth-class postmasters in this country have virtually been put under the spoils system. Thirty thousand new offices have been created for the faithful. The President by Executive order has waived the civil-service rules 253 times since he has been in office. The spoils system has run riot. Civil-service laws and their pledges to uphold them have been tossed to the winds by the Democrats.

DEMOCRATIC ECONOMY.

But there were two planks in the Democratic platform of 1912 that stood out preeminently above all the others in importance—the ones on which the Democrats most relied for success. One of these reads as follows:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations by recent Republican Congresses.

They said that the Republicans were just taxing the people to death; that they had run the annual appropriations up to a billion dollars; and that when they, the Democrats, were placed in power they proposed to have an economical administration, and one of retrenchment and reform. They said that the Republican appropriations were wastefully extravagant. They demanded economy, simplicity, retrenchment, and reform. They said they would abolish all the useless offices that were a drain upon the people's substance and would cut down the salaries of Government officials. They have, as I have said, created 30,000 new offices and have increased the salaries of offices by the millions of dollars. They said that merit and ability should be the standard of appointment to office; that the merit system should be impartially and rigidly upheld, but I have just shown how that pledge was violated. They said they would not spend as much money if they had charge of the Government's affairs as the Republicans had been spending. The first time, however, they got control of the affairs of the country they spent in one year $63,000,000 more of the people's money than had ever been expended by any Republican Congress that has ever been convened in the city of Washington or elsewhere. We turned over to them a total balance of $149,335,710 in the general fund of the Treasury on the 3d of March, 1913. They have spent that. They have spent every cent of money they could rake and scrape from every source of taxation. Notwithstanding this there was a deficiency of $17,575,216.85 on the 29th day of April, 1916. They have invented new ways of taxing the people.

They invented the income-tax system. They figured out that they would collect from the people about $80,000,000 annually from that source. They are now collecting many millions more than that. Then they turned around and invented some more new methods of wringing money from the people, whom they pledged themselves to save and to serve. They saddled on us a war tax, calculated to bring into the Treasury of the United States about $100,000,000 a year. They tax us at the telephone booth and the telegraph office. There never has been such a stamp-licking time in the history of the country. They figured out that there would be a good many notes and a good many mortgages and but very little money passing around under their administration, so they put a stamp tax on notes and mortgages, but did not put any on checks. They knew there would not be very many of them. And so, with all these various forms of taxations, new ones must still be invented. They are puzzling their brains over that now. The Democrats have broken their pledge of economy. This is admitted by all men, denied by nobody.

But the one plank in the Democratic platform of three years ago concerning which the Democrats had most to say was their tariff plank. While the Democrats lambasted the Republicans for the reckless expenditure of the people's money, and while they said many mean things along that line, the most of the abuse that they heaped upon us was concerning the tariff question. They told the people that they were being robbed through the instrumentality of a tariff law that the Republicans had put upon the statute books. They said that the poor man, the laboring man, was staggering under the weight of it and the burden of it. They said that poor men and women all over this land and country were being robbed of the fruits of their labor through the "robber tariff"; that they were pouring their money into the coffers of the rich, especially into the coffers of the rich "tariff barons." They said that the high cost of living was all due to this "robber tariff"; that the Republicans were wedded to and had foisted it upon the many for the benefit of the few. They said that the Republican Party was in bed with the great monopolies of this land and country and was in league with the flesh and the devil.

They said to the laboring man, "Look at this 25 cents you have to pay for a pound of bacon. It was all brought about by the robber protective tariff." They said, "Look at the high cost of the hat on your head and the shoes on your feet, due to this robber protective tariff, fostered and nurtured by the Republican Party." They said, "If you will just put us in power we will put an end to all this. We will revise these tariff laws. We will give you free trade or a tariff for revenue only. We will annihilate the trust and the monopoly. We will reduce the cost of living. We will put the poor man and the laboring man in possession of his rights. We will see to it that as long as we are in power he shall have plenty of work to do at big wages. He shall not have to pay half as much for the necessaries of life as he has been forced to pay under the Republican protective-tariff administration. We are not only going to revise these tariff laws but we are going to do it in such a way as will not injure any 'legitimate industry.' Prosperity will be increased, the trusts destroyed, the high cost of living removed from the backs of labor. The 'crown of thorns' shall be for the laboring man no more." That is what you Democrats said to us, gentlemen; and you now know that not a single one of your promises have been complied with. You said you would revise the tariff down to a revenue or free-trade basis without doing hurt or harm to any "legitimate industry." You did revise the tariff, but not without doing irreparable harm and injury to the legitimate industries of this land and country. You did revise the tariff, but instead of increasing the prosperity of the country, prosperity fled our realms, and is only now returning because of the war in Europe coupled with the immediate prospect of another Republican administration. You did revise the tariff, but instead of reducing the high cost of living it has been getting higher all the time. The average price of the necessaries of life are now 17 per cent more than when you took charge of the affairs of this Government. You enacted your Democratic tariff law in October, 1913. You did away with Republican protection. You were going to enact a tariff law, you said, for revenue only. You said that it was neither your purpose nor your desire to protect any American industry or any American workingman. You said that you had only one idea in view and that was to raise revenue, and a sufficient amount of it to run this Government when its affairs were economically administered; so you passed the Underwood tariff law with that avowed purpose, but it did not raise the needed revenue.

You said the consumer pays the tariff tax. You said take this tariff off of imported goods and they can and will be sold a good deal cheaper than we are getting them in this country. You have preached for years, for example, that free hides means cheaper shoes; free wool, cheaper clothes and cheaper hats. That looks pretty well in theory, but it fails to work out in practice. You said during the 1912 campaign that shoes were entirely too high, and they have been mighty high. You said, "We are going to put hides on the free list and reduce the cost of shoes to the consumer." So you put hides on the free list and the price of shoes have gone up from that day to this. We have lost the revenue. The importer of shoes has kept the price of his shoes at or near the price of shoes produced in this country.

The price of shoes has not been lowered to the consumer. The importer has pocketed the cash while we have lost the revenue.

You said the Republicans had placed a big tariff on sugar and that the tariff on it kept the price of sugar unreasonably high. You said that the poor man who sweetened his coffee with sugar had to pay a double price for the privilege on account of the Republican tariff laws. You said you would put it on the free list and that everybody would get cheap sugar. So in the Underwood law you reduced the tariff on sugar 25 per cent in October, 1913, when the Underwood law became effective and scheduled it to go altogether on the free list in May, 1916. But instead of bringing cheap sugar to the consumer the price of the sweet thing has been soaring toward heaven from that day down to this, or rather to the day when sugar was again put back on the dutiable list. You reversed yourselves and put it back on the dutiable list where the Republicans had placed it. While sugar was on the free list the consumer paid more for it than he had ever done before. The importer pocketed the money. We lost the revenue. We got $50,000,000 a year in revenue by reason of the tariff duty the Republicans laid on sugar. That $50,000,000 annually was used in helping to defray the expenses of the Government. When the Democrats put sugar on the free list we lost the $50,000,000 annually in revenue. It had to be supplied in some other way. It was supplied through the passage of an income-tax law and a war-tax law when this country was at peace with all the world. In the first 10 months of the operation of the Underwood tariff law and before the war in Europe began, 5,000,000 laboring men had been thrown out of employment by reason of it. The railroads alone laid off 120,000 men and cut down expenses $138,000,000 from July 1, 1914, to July 1, 1915. Uninterfered with by the European war, it had brought the country to the verge of ruin and to the homes of many want and starvation.

The Democrats say that the Underwood law is all right, and would be producing ample revenues to run the Government but for the European war. The value of importations coming monthly to our shores—the greatest in the history of the country—and the little revenue collected thereon, however, refutes this charge. We sold during the first year of the war $404,000,000 worth more of our products abroad than we sold the year before the war began. We bought $219,000,000 worth less. The Democrats propose to leave the Underwood tariff law on the statute books, which now admits free of duty about 70 per cent of the goods of foreign countries; and around the tariff issue this fall will be waged one of the fiercest political battles that this country has witnessed in many a day. The Republicans know or feel that they know that when the war in Europe is over and the men now engaged in it return to useful occupations and avenues of productiveness, anxious to retrieve their lost fortunes, this country will be flooded with such an immense quantity of cheaply produced goods as will close down our mines, mills, and factories, and turn millions of our laboring men out of employment, unless the Republicans come back into power and place upon the statute books an adequate protective-tariff law. The Democrats will, no doubt, make many fair promises to the American people; but how can they be trusted in face of the fact that they have violated all of the pledges contained in their last national platform? What will future pledges from such a party be worth? I can not see how fair-minded men can indorse the doings of the Democratic Party or put any faith in any promise its leaders may make.

I am through with my argument, but in order to show conclusively that the President has turned down the chief legislative demand of the 2,000,000 members of the American Federation of Labor, which so enthusiastically supported him four years ago under the apparently mistaken notion that he was their friend and sympathized with them in their efforts to better their conditions, I am appending clippings from recent issues of the official weekly publication of the American Federation of Labor, 100,000 of which go throughout the length and breadth of this land to its local officials and members.

In this as well as other demands of the workingmen, the working people, organized and unorganized, will have to look to the Republican Party for a realization of their expectations and just demands. The Republican Party has always stood for protection, while the Democratic Party has advocated through its present leaders the "open door" and free trade. The Republican Party is for protection against foreign invasion. It stands for true preparedness. It is for protection against foreign pauper-made goods and for protection against the foreign pauper cheap labor itself. It has so declared and will so stand.

The following articles are clipped from the American Federation of Labor Weekly News Letter, printed Saturday, April 8, 1916:

HOUSE PASSES BURNETT IMMIGRATION RESTRICTION BILL—307 TO 87.

WASHINGTON, *April 8.*

By a vote of 307 to 87 the House passed the Burnett immigration bill, with the literacy test, on Thursday, March 30. Prior to this vote, Congressman SABATH moved to recommit the bill "with instructions" to strike out the literacy test. This was defeated on a roll call vote, 284 to 107.

Opponents of the measure presented no new arguments, while the position of its advocates was strengthened by conditions in Europe because of the war. Congressman MANN, the minority leader—who voted for the Sabath amendment, but later voted for the bill—indorsed this position. He said: "And unless those countries (European) by their own legislation can prevent their citizens coming here, we are liable to have a flood of immigration such as no country in the world ever experienced before. I am not willing to take the chances on it."

Advocates of restriction referred to the increasing sentiment in favor of greater effectiveness in every field of activity. They insisted that democracy can not be developed to its highest possible point while we encourage the admission of illiterates who destroy living standards of American labor and who refuse to become a part of our national life.

The literacy test provides that immigrants over 16 years of age must read at least 30 words in some language or dialect, including Hebrew or Yiddish, chosen by the immigrant. Exceptions to this test are made in the case of an immigrant's father or grandfather over 55 years of age; his wife, his mother, his grandmother, or his unmarried or widowed daughter.

Exception to the literacy test is also made where an immigrant flees from religious or political persecution. The latter exception includes "persons convicted, or who admit the commission, or who teach and advocate the commission, of an offense purely political." Under this provision the old-world revolutionist who advocates force to overthrow his government, or who admits the use of force for that purpose, will be admitted to this country regardless of educational qualifications.

The question of immigration restriction by a literacy test has been favorably voted on by almost every Congress since 1896. On three occasions the proposal has been vetoed—by Presidents Cleveland, Taft, and Wilson. In 1897 the House passed the bill over President Cleveland's veto, 193 to 37. This was 37 votes more than the necessary two-thirds vote. The Senate failed to act, owing to a rush of business and Congress adjourning a few hours after the House vote.

In 1913 the Senate passed the bill over President Taft's veto, 72 to 18, but the veto was sustained in the House by a few votes. On February 4, 1915, the House sustained President Wilson's veto, 261 to 136. If any 4 of the 136 that voted to sustain the President had voted with the majority a two-thirds vote would have been secured and the bill passed.

The last vote in favor of immigration restriction—307 to 87, recorded March 30 last—indicates the increasing demand by the people for this legislation.

The bill is now in the Senate. Its passage by that body is conceded if its advocates can overcome the small minority that will take advantage of the rules of the Senate to keep the bill from being voted on.

Trade-unionists and other friends of this legislation are urged to write their two United States Senators and insist that the Burnett immigration bill be voted on at this session of Congress.

VOTE ON RESTRICTION IN HOUSE ANALYZED.

WASHINGTON, *April 8.*

An analysis of the House vote on immigration restriction, March 30, indicates an increasing demand for this legislation.

Out of a possible 434 votes in the House, only 87 were cast against the bill, 36 were recorded "not voting," and 3 "present." Of these 39 only 13 were paired against the passage of the bill. There was not a single vote against the bill from the following 26 States: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wyoming.

Eighteen States were divided in their vote, but in none of these was a majority of the Congressmen against the bill.

In only four States—Connecticut, Michigan, New York, and Rhode Island—did a majority of the delegations vote against the bill on final passage. In these cases the vote was: Connecticut, 4 out of 5 against or were paired against; Michigan, 7 out of 13; New York, 27 out of 43; Rhode Island 3 out of 3.

Rhode Island was the only State whose entire delegation either voted or was paired against the bill, 2 voting "nay" and 1 being paired to vote "nay."

But one-fifth of the total membership of the House voted against the bill, which passed by nearly a 4 to 1 vote by Congressmen fresh from the people, just a year and two months after the President's veto of the same bill, January 28, 1915, when the Chief Executive stated that he doubted whether there was a popular demand for this legislation.

HOUSE ROLL CALL VOTE ON BURNETT IMMIGRATION RESTRICTION BILL.

THE VOTE EXPLAINED.

Prior to the final vote on the immigration restriction bill Congressman SABATH moved to strike out the literacy test. This was defeated on a roll-call vote, 284 to 107.

The bill was then passed by the vote printed herein.

The names in the "aye" columns, with a star (*) at their left, indicate that these Members first voted to strike out the literacy test, and when the motion to strike out was defeated these Members voted for the bill on its final passage.

ALABAMA.

Aye: Abercrombie, Almon, Blackmon, Burnett, Gray, Heflin, Huddleston, Oliver, and Steagall.
Not voting: Dent.

ARIZONA.

Aye: Hayden.

ARKANSAS.

Aye: Caraway, Goodwin, Jacoway, Taylor, and Tillman.
Not voting: Oldfield and Wingo.
Wingo was paired in favor of the passage of the immigration bill with Cary, of Wisconsin, against.

CALIFORNIA.

Aye: Church, Curry, Elston, Hayes, Kent, Kettner, Nolan, Raker, Randall, and Stephens.
Nay: Kahn.

COLORADO.

Aye: *Keating, Taylor, and Timberlake.
Not voting: Hilliard.

Hilliard was paired in favor of the passage of the immigration bill with Lond, of Michigan, against.

CONNECTICUT.

Aye: Hill.
Nay: Freeman, Glynn, and Oakey.
Not voting: Tilson.
Tilson was paired against the passage of the immigration bill with Edwards, of Georgia, in favor of the passage of the immigration bill.

DELAWARE.

Aye: Miller.

FLORIDA.

Aye: Clark, Sears, Sparkman, and Wilson.

GEORGIA.

Aye: Adamson, Bell, Crisp, Howard, Hughes, Lee, Park, Tribble, Vinson, and Wise.
Not voting: Edwards and Walker.
Edwards was paired in favor of the passage of the immigration bill with Tilson, of Connecticut, against.

IDAHO.

Aye: McCracken and Smith.

ILLINOIS.

Aye: Buchanan, Chiperfield, Copley, Denison, Foss, Foster, Fuller, King, McKenzie, McKinley, *Mann, Rainey, *Rodenberg, Sterling, Tavenner, Wheeler, Williams, T. S., and Wilson.
Nay: Britten, Cannon, Gallagher, McAndrews, McDermott, Madden, Sabath, and Stone.
Not voting: Williams, W. E.

INDIANA.

Aye: Adair, Cline, Cox, *Cullop, Dixon, *Gray, Moores, Moss, *Rauch, and *Wood.
Nay: Barnhart and Lieb.
Not voting: Morrison.

IOWA.

Aye: Dowell, Good, Green, Haugen, Hull, Kennedy, Ramseyer, Steele, and Sweet.
Nay: Towner and Woods.

KANSAS.

Aye: Anthony, Ayres, Campbell, Connelly, Doolittle, Helvering, Shouse, and *Taggart.

KENTUCKY.

Aye: Barkley, Cantrill, Fields, Helm, Johnson, Kincheloe, Langley, Powers, Rouse, and Thomas.
Nay: Sherley.

LOUISIANA.

Aye: Aswell, Lazaro, Morgan, and Wilson.
Nay: Dupré, Estopinal, and Martin.
Not voting: Watkins.

MAINE.

Aye: Hinds and Peters.
Not voting: Guernsey and McGillicuddy.
McGillicuddy was paired against the passage of the immigration bill with Guernsey in favor.

MARYLAND.

Aye: Linthicum, *Mudd, Price, and Talbott.
Nay: Coady.
Not voting: Lewis.
Lewis was paired in favor of the passage of the immigration bill with Doremus, of Michigan, against.

MASSACHUSETTS.

Aye: Gardner, Gillett, Olney, *Rogers, and *Treadway.
Nay: Carter, Dallinger, Gallivan, Greene, Paige, Phelan, Roberts, Tague, Tinkham, Walsh, and Winslow.

MICHIGAN.

Aye: Hamilton, Kelley, McLaughlin, Mapes, Scott, and Smith.
Nay: Beakes, Cramton, Fordney, James, and Nichols.
Not voting: Doremus and Loud
Doremus was paired against the passage of the immigration bill with Lewis, of Maryland, in favor.
Loud was paired against the passage of the immigration bill with Hilliard, of Colorado, in favor.

MINNESOTA.

Aye: Anderson, Davis, Ellsworth, Lindbergh, Miller, Schall, *Smith, Steenerson, Van Dyke, and Volstead.

MISSISSIPPI.

Aye: Candler, Collier, Harrison, Humphreys, Quin, Sisson, Stephens, and Venable.

MISSOURI.

Aye: Alexander, *Borland, Decker, Dickinson, Hamlin, Hensley, Lloyd, Rubey, Rucker, and Russell.
Not voting: Booher, Dyer, Igoe, Meeker, and Shackleford.
Booher answered "present."
Igoe answered "present."
Dyer was paired in favor of the passage of the immigration bill with Igoe against.
Meeker was paired in favor of the passage of the immigration bill with Booher against.
Champ Clark—Speaker—not recorded.

MONTANA.

Aye: Evans.
Not voting: Stout.

NEBRASKA.

Aye: Kinkaid, Reavis, Shallenberger, *Sloan, and Stephens.
Nay: Lobeck.

NEVADA.

Aye: Roberts.

NEW HAMPSHIRE.

Aye: Sulloway and Wason.

NEW JERSEY.

Aye: Browning, Capstick, Drukker, Gray, Hutchinson, Lehlbach, and Parker.
Nay: Bacharach and Eagan.
Not voting: Hamill, Hart, and Scully.

Hamill was paired against the passage of the immigration bill with Young of Texas in favor.
Hart was paired in favor of the passage of the immigration bill with Graham, of Pennsylvania, against
Scully was paired against the passage of the immigration bill with Rowland, of Pennsylvania, in favor.

NEW MEXICO.

Aye: Hernandez.

NEW YORK.

Aye: Charles, Danforth, Dempsey, Dunn, Hamilton, Hicks, Husted, Magee, Mott, Parker, Pratt, Snell, Snyder, and Ward.
Nay: Bennet, Bruckner, Caldwell, Carew, Chandler, Conry, Dale, Dooling, Driscoll, Farley, Fitzgerald, Flynn, Gould, Griffin, Haskell, Hulbert, Loft, London, Maher, Oglesby, Patten, Riordan, Rowe, Sanford, Siegel, Smith, and Swift.
Not voting: Fairchild and Platt.

NORTH CAROLINA.

Aye: Britt, Doughton, Godwin, Hood, Kitchin, Page, Pou, Small, Stedman, and Webb.

NORTH DAKOTA.

Aye: Helgesen and Young.
Nay: Norton.

OHIO.

Aye: Allen, Ashbrook, Brumbaugh, Cooper, Emerson, Fess, Gard, Hollingsworth, Kearns, Key, Longworth, McCulloch, Matthews, Mooney, Overmeyer, Ricketts, Russell, Switzer, and Williams.
Nay: Crosser, Gordon, and Sherwood.

OKLAHOMA.

Aye: Carter, Davenport, Ferris, Hastings, McClintic, Morgan, Murray, and Thompson.

OREGON.

Aye: Hawley, McArthur, and Sinnott.

PENNSYLVANIA.

Aye: *Bailey, Beates, Butler, Coleman, Costello, Crago, Farr, Focht, Garland, Heaton, Hopwood, Keister, Kless, Kreider, Lafean, Lesher, Miller, North, Porter, Scott, Steele, Temple, and Watson.
Nay: Barchfeld, Casey, Liebel, Moore, Morin, and Vare.
Not voting: Darrow, Dewalt, Edmonds, Graham, Griest, McFadden, and Rowland.
Graham was paired against the passage of the immigration bill with Hart, of New Jersey, in favor.
Griest was paired in favor of the passage of the immigration bill with Edmonds against.
Rowland was paired in favor of the passage of the immigration bill with Scully, of New Jersey, against.

RHODE ISLAND.

Nay: Kennedy and O'Shaunessy.
Not voting: Stiness.
Stiness was paired against the passage of the immigration bill with Henry, of Texas, in favor.

SOUTH CAROLINA.

Aye: Aiken, Byrnes, Finley, Lever, Nicholls, Ragsdale, and Whaley.

SOUTH DAKOTA.

Aye: Dillon, Gandy, and Johnson.

TENNESSEE.

Aye: Austin, Byrns, Houston, Hull, McKellar, Moon, Padgett, Sells, and Sims.
Not voting: Garrett.

TEXAS.

Aye: Black, Callaway, Davis, Dies, Eagle, Garner, Gregg, McLemore, Rayburn, Slayden, Smith, Stephens, and Summers.
Nay: Burgess, Buchanan, and Hardy.
Not voting: Henry and Young.
Henry was paired in favor of the passage of the immigration bill with Stiness, of Rhode Island, against.
Young was paired in favor of the passage of the immigration bill with Hamill, of New Jersey, against.

UTAH.

Aye: Mays.
Nay: Howell.

VERMONT.

Aye: Dale and Greene.

VIRGINIA.

Aye: Carlin, Flood, Glass, Hay, Holland, Jones, Montague, Slemp, and Watson.
Not voting: Saunders.

WASHINGTON.

Aye: Dill, Hadley, Humphrey, Johnson, and La Follette.

WEST VIRGINIA.

Cooper, Littlepage, Moss, Neely, and *Sutherland.

WISCONSIN.

Aye: Browne, *Cooper, *Esch, Frear, Lenroot, and Nelson.
Nay: Burke, Konop, Reilly, and Stafford.
Not voting: Cary.
Cary was paired against the passage of the immigration bill with Wingo, of Arkansas, in favor.

WYOMING.

Aye: Mondell.

POLITICAL AND RELIGIOUS REFUGEES ARE NOT BARRED.

The Burnett immigration-restriction bill makes clear provision for the continued admission of political and religious refugees to this country.

Opponents of the bill evade discussing the main purpose of this legislation—to maintain American living standards of workers by debarring illiterates.

As it is unwise to combat this principle, the trusts and other cheap-labor advocates insist that the act would change America's traditions and policy toward those who are forced to leave the Old World because of political or religious beliefs.

The following sections of the bill, however, completely refute these claims:

"That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or by governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith.

"Nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political."

Congressman BURNETT, author of the bill, and chairman of the House Committee on Immigration, has repeatedly stated that the friends of immigration restriction would not support legislation that would debar these refugees.

Other advocates of restriction have taken a similar position, which is in line with the innumerable humanitarian declarations of the American Federation of Labor, and which was pointed out by Congressman MEEKER, of Missouri, who made this answer to the claim of anti-restrictionists:

"You speak of the political refugee. If the language is not distinct and plain on that one issue, then I can not understand how it is to be written. The revolutionist, your Kosciuszko, and all those men to whom reference has been made, could enter this country under this provision. This country will always remain the home of the religious and the political refugee, but we would just as well begin now to face that other problem of imported ignorance."

INSIST THAT THE IMMIGRATION BILL BE PASSED AT THIS SESSION—URGE YOUR TWO SENATORS AT WASHINGTON TO FAVOR IMMEDIATE ACTION ON THIS MEASURE—RESTRICTION WILL PROTECT AMERICAN WORKERS' LIVING STANDARDS—INSIST THAT THIS BILL BE PASSED BEFORE CONGRESS ADJOURNS—OPPONENTS OF IMMIGRATION BILL DID NOT DIVIDE ON PARTY LINES.

Opposition to the Burnett immigration bill, which passed the House March 30 by a vote of 307 to 87, was of a nonpartisan character.

On the Democratic side Congressmen SABATH, of Illinois, and GALLIVAN, of Massachusetts, were leaders in defending the cause of cheap labor advocates. In one of Mr. GALLIVAN'S fervent pleas he declared that "a literacy test will bar from our land its most vital necessity—strong, vigorous, simple, God-fearing peasants."

Mr. SABATH insisted that "reports which have been circulated declaring there is an imperative need for immigration legislation are unfounded and unjustifiable."

Congressman LONDON, Socialist, opposed the bill. Over one-half of the Friday, March 24, speech of this attorney was devoted to an arraignment of the trade-union movement. In a tone that sounded like a spokesman for the National Association of Manufacturers, he declared that

"The trouble with the average representative of organized labor is that he is incapable of that broader vision which sees above and beyond the narrow needs of the moment. That is the misfortune of the trade-union movement. What lack of intelligence! The politician is afraid to tell them that they are stupid."

In answer to a question Mr. LONDON said he assumed employees in Youngstown steel mills were unorganized, and then made this reference to the trade union movement:

"But if they were not organized, it was the fault of the narrowness of the trade-union movement that does not know how to reach the masses."

Mr. LONDON is evidently unacquainted with the spy systems of large corporations, with the constant agitation by the American Federation of Labor to organize the unskilled, and with the number of unionists who have been slugged by corporation thugs to prevent organization. He said:

"The union should greet the immigrant as a brother. The union man should teach him unionism. Instead of that, the labor leader looks upon every immigrant as an enemy."

Despite this attorney's claim that he represents the workers, he made it clear that he would be the sole judge of what was best fitted for them. In his second reference to the alleged stupidity of workers, he said:

"I have no faith in the friend of labor who encourages every stupid demand of the worker, checking at the same time every real aspiration of the working class for a greater share in life's joys."

On the Republican side, Congressmen JOSEPH CANNON of Illinois, BENNET of New York, and MOORE of Pennsylvania were among the leading opponents of restriction.

In referring to the literacy test, Mr. MOORE said:

"It casts down utterly the toiler who struggles patiently and laboriously under the burdens imposed upon him by the strong and the heartless."

Mr. CANNON is president of the National Liberal Immigration League, which was exposed last year by President Gompers, who showed that this league was financed by steamship companies, steel, mine, and coal companies, and other large employers of cheap labor. The documents made public by President Gompers proved that this alleged philanthropic organization was the vehicle by which cheap-labor advocates opposed immigration restriction. It was also shown that the league financed delegations of various nationalities to Washington, and that the delegates were not selected by the organizations they alleged to represent.

Congressman W. S. BENNET, another active exponent of restriction, is vice president of the National Liberal Immigration League. In the CONGRESSIONAL RECORD of February and March, this year, Mr. BENNET acknowledged he was attorney for steamship companies; that he defended contract labor violators; and that he opposed increasing, from $50,000 to $100,000, the appropriation for Secretary of Labor Wilson to enforce the contract labor law.

In the CONGRESSIONAL RECORD of February 25, 1916, Mr. BENNET is quoted:

"While I was out of the House, amongst my clients were some steamship companies, and I studied it (immigration restriction) some more."

Mr. BENNET was a member of the United States immigration commission that investigated this question for nearly four years. He was the only member of the commission that dissented from a literacy test and other restrictions favored by his colleagues on the commission.

As an attorney he is most versatile, acting not only as pleader for the steamship companies but for contract-labor-law violators. In the March 25 CONGRESSIONAL RECORD he is quoted:

"The Department of Justice collects thousands of dollars from violators of the contract-labor law. While I was out of Congress on a temporary vacation, I represented a gentleman who had to walk up to the capitalist's office and pay $6,000 in one of these cases."

TRUSTS ARE PROTECTED FROM FOREIGN PRODUCTS, BUT DEMAND AN UNLIMITED FLOW OF CHEAP LABOR, WHICH DESTROYS AMERICAN WAGES AND IDEALS.

[By Frank Morrison, Secretary of the American Federation of Labor.]

"A high tariff against European cheap-labor products is insisted upon by American trusts, but these trusts are the chief opponents of immigration restriction intended to protect American workers," said Frank Morrison, secretary of the American Federation of Labor, at a recent hearing on this legislation before the House Committee on Immigration. The American Federation of Labor official declared that American manhood can not compete with the living standards of eastern Europe and Asia, and that it "is unwise to expect them to resist the tidal waves of Slavs and oriental onslaught." He further said:

"The proposition to prohibit immigration to the United States of able-bodied men and women because they can not read has a sympathetic viewpoint, where individuals are considered; but, notwithstanding such a viewpoint, the American Federation of Labor, which represents the organized workers of the country, and which is the only method or organization or agency which can with any justification or reason represent the unorganized workers, has repeatedly declared by resolutions in conventions 'that the literacy test is the most practical means of restricting the present immigration of cheap labor whose competition is so ruinous to the workers already here, whether native or foreign.'

"A great deal has been said and published in an endeavor to create the impression that it is necessary to induce immigration to come to this country for the purpose of securing agricultural workers. There is no question in my mind but that such agitation has for its purpose the enticing of immigrants to our country to supply the United States Steel Corporation, the great manufacturing concerns, coal companies, packing houses, and railroads with men willing to work at a cheaper wage than those who are born here.

"The opponents to this test make the argument that common laborers would belong to the class that could not pass the literacy test, and that this country is very much in need of that particular kind of labor.

"The great industrial companies of this country have more men to-day than they can employ, but they want two men for every job. They know that unemployed men must work to live and their necessities will force them to accept any wage set by the companies. Hence the workers' wages are literally held below a living wage by the hunger, misery, and distress of the unemployed.

"The organized wageworkers have declared in favor of restriction of immigration to maintain unlowered the American standard of life. Those who oppose restriction are representatives of companies and associations composed of employers of labor whose dominant interest is the dollar, and associations that depend for their existence upon contributions from the employing class.

"They feel that a reduction of immigration will result in a higher wage for their workers which will disturb the profits and dividends from products manufactured by them, or perhaps they have been informed that if the steamship companies do not receive $60,000,000 a year for transporting aliens they will raise their freight rates.

"This reason will account in a great measure for the opposition of societies of various nationalities composed wholly or partly of businessmen and the attorneys of business men. Restrictions may interfere with their profits.

"We oppose any attempt to lower the standards of American life. We want to raise them, and we are opposed to the exploitation of millions of aliens with its attending evils to swell the profits of the steamship companies, even if it adds to the resources of those companies $60,000,000 a year, even if it enables the United States Steel Trust to pay dividends and interest on $400,000,000 of stocks and bonds, which never cost that company 1 cent.

"I wish to call your attention to the fact that industry is protected by a tariff, but labor is not; that the products of labor are protected, but we have a free flow of labor coming to our shores all the time; that manufacturers have protection against products manufactured by cheap labor in foreign countries, but labor has not protection against the importation of cheap labor.

"The opponents of this measure say that if the products of labor are protected, then labor itself must be benefited, because the manufacturer can sell the products at a much higher price than can be obtained in other countries and will be in a position to pay higher wages to his employes. The protected manufacturer does receive a higher price than the products can be sold for in other countries; and the second contention—that they are thus made able to pay higher wages to their employees—is also true, but the fact is they do not pay higher wages. They pay lower wages.

We find that the most highly protected industries, particularly the industries that are now controlled by trusts, such as the Steel Trust, Rubber Trust, Sugar Trust, packing houses, and textile industry, pay to their employees the lowest wage in the country, and some of them less than a living wage for a family. A high tariff has nothing to do with the wages in these industries.

We hold that limitation of immigration to our country will compel social and industrial reform in the countries from which the immigrants flow. The fact that these countries have an outlet for a great number of their people means that there is an outlet from the oppressive conditions in these countries. For that reason those countries delay social and industrial reforms. As a consequence industrial and social misery is perpetual in those countries, because their citizens are induced to come to this country.

The wage earners believe in an effective regulation of immigration, because they desire to retain the American standard of living. The standard of wages for both skilled and unskilled labor in this country is the result of many years' effort by organized labor. When an immigrant accepts work at less than the standard wage, he not only takes the place of a man working at a higher rate, but he assists in forcing downward the prevailing rate of wages in that industry, which result carries with it a corresponding reduction in the physical, moral, and intellectual standard of American life.

In support of my statement that the American worker can not compete with this induced immigration and support a family on the wages paid, I refer you to the investigation of the Bethlehem Steel Works made by a committee of the Federal Council of the Churches of Christ, representing over 16,000,000 people, and the investigation made by Commissioner Neill, of the Department of Labor, as to wages and conditions in the steel industry.

The committee of the Federal Council of the Churches of Christ, commenting on the wage scale at Bethlehem, said:

"This is a wage scale that leaves no option to the common laborers but the boarding-house method of living with many men to the room. When a man has a family with him, they take in lodgers, or often the

woman goes to work. It is reported that immigrant parents send their children back to the old country to be reared while the mother goes to work. On such a wage basis American standards are impossible."

The literacy test is an expedient which should be adopted now, and time and experience will demonstrate what further legislation will be necessary in the interest and for the safety of the American people, for the improvement of American citizenship and homes, and for the perpetuation of the American Republic.

The American Federation of Labor, at its convention held last November in San Francisco, by unanimous action reiterated the decisions of previous conventions urging the speedy enactment into law of the immigration bill containing the literacy test.

No other single proposed addition to our immigration laws has received the indorsement accorded to the literacy test.

WHY THE TRADE-UNION MOVEMENT URGES IMMIGRATION RESTRICTION.

[By President Gompers in American Federationist.]

As a people we have barely begun to appreciate the value of those qualities which make for real progress, the necessity to insist and persist in formulating sound policies to redound to the interests of the people of our Nation. Indeed for years we have delayed in even formulating a national policy that would protect us against such elements and conditions which tend to as a whole retard the development of American character and national unity. We have excused this delay on the ground that we were a young Nation; that we had vast public lands and national resources that must be developed, and that we could afford to open our doors to a practically unrestricted immigration in order to increase our population.

But conditions have changed. We are no longer a young Nation. We have wasted much of our national heritage and the frontier has practically disappeared. Recent events that have tested national institutions and men's faith to the uttermost, proved conclusively that we can not hope to be the ideal we think America represents, we can not maintain a place of influence in the affairs of the world if we do not plan to carry out those purposes. Haphazard development may do well enough for the ordinary activities from day to day, but will not endure the tests of a great crisis or the slower test of time.

To achieve the best that is possible for our Nation and for our citizens generally, we can not escape the duty devolving upon us of thinking out a national policy that will develop out of the many peoples within our boundaries a homogeneous Nation bound together by common ideals, common customs, common language, and a common culture.

America has not yet become a nation. It is still a conglomerated mass of various and diverse ethnic groups. Hordes of immigrants have crowded into our ports, and have, for the most part, settled in the nearest industrial center. In some cases they have in masses moved farther inland to industrial centers where the nature of the work required comparatively little skill. In many of these cases the coming of the immigrants was due to the activities of managers of industries, who arranged to secure the financial advantages by employing foreign workers who still retained the standards and prejudices of other countries. So many industrial centers sections that are known as "Little Hungary," "Little Italy," etc. The inhabitants of these little nations transplant to American soil the institutions and the standards of their fatherlands. They gain nothing by coming. These communities speak a foreign language, read foreign papers, dress in accord with foreign customs, and bring up their families in accord with foreign standards. There is practically no sustained effort on the part of society or the Nation to assimilate these foreign groups and to make of them Americans. Nor is this condition confined only to the poorer immigrants. There are foreign communities in the resident districts of the large cities. These remain even more exclusively foreign because their wealth enables them to have foreign schools and foreign instruction for their children. Thus the foreign group and alien influence become rooted in the life of the community.

The workers of America have felt most keenly the pernicious results of the establishment of standards of work, wages, and conduct in American industries and commerce. Foreign standards of wages do not permit American standards of life. Foreign labor has driven American workers out of many trades, callings, and communities, and the influence of these lower standards has permeated widely.

For years the organized labor movement has called attention to these vicious tendencies which affect not only the workers but the whole Nation, for national unity is weakened when the Nation is honeycombed with "foreign groups" living a foreign life.

The labor movement has urged the adoption of a national policy that would enable us to select as future citizens of our country those who can be assimilated and made truly American. The American Federation of Labor has urged a literacy test, which shall be applied to all immigrants. Our Nation has accepted as a fundamental principle that education enables the girl and boy to attain better development and to have better control over their own personal ability and powers. It has been our national purpose to eliminate from our country all illiteracy. It is therefore in accord with this general plan that we should establish the same requirements for foreign-born persons who desire to come and live in our country. It has been urged that this is not a perfect standard. Of course, no standard is perfect, but the literacy test is the most effective and practical. It has been claimed that our greatest criminals are often educated persons. These are, however, only conspicuous failures of education to achieve its desired ideal. Educated criminality is not the fault of education, but is the inherent fault or defect in the nature or the physical make-up of the individual. If it is urged that education tends to criminality it would seem the wisest course to remain in ignorance, a fallacy so patent that its mere statement carries with it its own repudiation. Education can not remedy all the inherent faults of human nature, but it is the greatest instrumentality for human development and betterment.

It has been urged against the literacy test that this standard would make many suffer because they had been denied opportunities. That may be true, but it is equally true that our Nation can not work out all of the problems of all other nations. We can not undertake to educate all of those to whom other countries deny educational opportunities. Each nation must undertake and solve its own educational problems. The adoption of the literacy test by our own country would have a tendency to force nations to establish more general educational opportunities for all their people. It is only a half truth to say that the literacy test would close the gates of opportunity to illiterate foreigners. As a matter of fact there is very little opportunity for these people in our industrial centers. Usually they have been brought over here either by steamship and railroad companies and other greedy corporations, by employers, or as a result of collusion between these groups. They have been brought over here for the purpose of exploitation, and until they develop powers of resistance and determination to secure things for themselves they have little opportunity here. These same qualities would secure for them within their own countries many of the advantages that later come to them here.

The section of the Burnett immigration bill which establishes the literacy test provides for no unfair requirements. It says:

"All aliens over 16 years of age physically capable of reading who can not read the English language or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not, and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect."

An attempt has been made to create the impression that the literacy test will close America as a haven of refuge to political refugees and those persecuted because of religious faith. That this is wholly unwarranted in fact is evident from the following portion of the proposed act:

"That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or by governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted or who admit the commission or who teach and advocate the commission of an offense purely political."

The proposed legislation does not represent a radical change in the policy of our Nation. It is an extention of our educational policy, and is in harmony with the conviction that has been growing recently that we, as a nation, must leave our haphazard methods of development behind and inaugurate a definite sustained national policy that shall promote our best development and shall coordinate and organize all of the resources of our country and plan for their best utilization.

Opposition to the literacy test and to any proposition to restrict immigration has come from steamship companies, steel corporations, coal operators, and other employers whose financial interests were associated with the maintenance of large numbers of workers forced by their helplessness to work for low wages. The activities of these interests have been given a cloak of respectability by many who, for sentimental reasons, were unwilling to indorse any form of restriction on immigration. But selfish interest or sentiment that is contrary to the fundamental principles of national welfare can not frustrate efforts to promote the best interests of our Nation.

The meaning of America lies in the ideal she represents. That ideal is liberty and opportunity. But beautiful as any ideal may be, it becomes of practical value when it has effectiveness in the daily lives of men and women.

Real liberty and opportunity mean a certain mental attitude toward life, certain standards of life and work, and possession of that which secures the enjoyment of opportunities.

America the ideal—the land of the free—exists only when her people are Americans in all things.

Ours has been a most perilous task—to weld together those from other lands who have sought our shores and to make of them homogeneous people—a Nation with common ideals, common standards of living, a national language, and an ideal national patriotism.

The building of a nation is not a thing of chance; it is the result of statesmanship, knowledge of tendencies, a discernment of cause and effect, ability to distinguish the good from the evil.

Too long our national policies have been determined by sentimental emotions, business profits, and political expediency. But there must come a change. These months of terrible warfare have compelled a testing of things that have passed over. "The world is afire"; and we must put our own house in order lest we, too, be caught unawares. We must search out each weakness and strengthen every danger point.

The workers of America make the demand that there shall be restriction of immigration to such as can be readily identified and assimilated with Americans and can become truly American.

RAILROAD EMPLOYEES AND FARMERS FAVOR IMMIGRATION RESTRICTION.

Railroad train service employees and the millions of organized farmers have repeatedly declared for immigration restriction, and their representatives are cooperating with the American Federation of Labor to secure the enactment into law of the Burnett immigration bill.

Last January, when the House Committee on Immigration held public hearings on this measure, the American Federation of Labor was represented by Secretary Frank Morrison; the railroad men by Val Fitzpatrick, vice president and national legislative representative of the Brotherhood of Railroad Trainmen, and the organized farmers by J. H. Kimble, national legislative representative of the Farmers' National Congress.

Val Fitzpatrick also spoke on behalf of these legislative colleagues: H. E. Wills, assistant grand chief engineer, Brotherhood of Locomotive Engineers; P. J. McNamara, vice president Brotherhood of Locomotive Firemen and Enginemen; W. M. Clark, Order of Railway Conductors.

The railway employees' spokesman referred to a resolution passed on November 20, 1915, at a meeting of the chief executives of the four railway brotherhoods, when it was "unanimously agreed that we indorse the bill on this subject (immigration restriction) approved by the American Federation of Labor." Mr. Fitzpatrick told the committee that "our members have no guaranty that they are going to remain as engineers, firemen, and brakemen," and that the railroads actually dismiss between 30,000 and 40,000 train service men, and these workers are forced to enter other industries, where wages are often reduced because of the large number of illiterates. The speaker read numerous resolutions passed by the various railroad brotherhoods in favor of immigration restriction and the literacy test.

Speaking for the organized farmers, J. H. Kimble denied that agriculturalists favor unlimited immigration. He said:

"The farmers' organizations—and I am an actual farmer and live on a farm and make a living out of a farm—are opposed to any attempt to distribute the present immigration until the laws are stiffened up. * * * There is no demand among the farmers of the country for aliens unable to speak our language or to read their own. A glance at the last annual report of the Bureau of Immigration, which, by the way, gives many reasons for adopting the Burnett bill, shows that very few 'farmers' are coming to this country. Out of a total immigration last year of 434,244 aliens only 9,215 were 'farmers,' and only 29,247 could be classed as 'farm laborers.' Very few 'farmers' or 'farm laborers' come to this country. That is one important reason why distribution of immigrants is a failure. Another reason is that the farmers do not want and can not use the bulk of the kind that comes."

"UN-AMERICAN" IS FAMILIAR PLEA OF REFORM LEGISLATION OPPONENTS.

[Editorial in the Unpopular Review, January, 1916.]

The assertion that the literacy test is un-American is one which has been urged against many measures of social progress, and which can be employed against any proposition which involves departing from traditional methods or policies—in other words, which recognizes that the world moves and conditions change. When policemen were first introduced into the cities of the United States, the innovation was bitterly opposed on the ground that it was un-American and interfered with the natural rights of the individual. The "penalty clause" by which the cooperative farmers' elevators of the Middle West maintain themselves has been attacked as un-American by those whom it affects unfavorably.

It would seem hardly necessary to consider arguments of this type were they not propounded with so much frequency and earnestness and accepted with so much sobriety. Especially it seems extraordinary that a measure which asks that the foreigner should have the same training for citizenship or residence that we require of our own children should be called un-American. When we spend over half a billion dollars annually on our public schools, and then compel children born in this country to take advantage of them, is it illogical—not to say un-American—to say to the adult foreigner that he should have so much of an education as is indicated by the ability to read?

But it is asserted that an educational test would be un-American, because it would exclude aliens on the basis of opportunity, not of character. Illiteracy, it is maintained, is not a test of ability but of early opportunity. But a test based on opportunity is not un-American. For our immigration law already contains a number of tests which rest, in part at least, on opportunity. Such are the tests excluding paupers, those likely to become public charges, persons with contagious diseases, etc. In fact, when the individual immigrant appears before the inspector little can be gained by trying to separate those of his characteristics which are due to native ability from those which are traceable to environment. The man must be judged as he is on the grounds of his fitness.

In pursuance of the "un-American" argument, however, it is further pointed out that illiteracy can not reasonably be considered a test of fitness for American life, because this Nation was founded by illiterates, and that it has nevertheless done pretty well. The trouble with this argument is that it is not true, and that if it were, it proves too much. It might be said with equal cogency that this Nation was founded by men who made their living by slave labor in the South and the slave and rum trade in the North, and that therefore these good old institutions should have been preserved. All such arguments ignore the fact that the world has progressed during the past three centuries and that illiteracy stands for very different things now from what it did in the days of the Pilgrim fathers or of the Revolutionary heroes.

Another argument which proves too much is that produced so triumphantly and with so great effect in some such words as these: "This measure would keep out a great many people who would be very useful citizens. If it had been in force in earlier years, it would have kept out the mother of Abraham Lincoln, who signed her name with a cross." Certainly the literacy test would keep out some who would be useful. So do many, if not most, of the tests now in force. The futility of such arguments may be illustrated by another reductio ad absurdum. "Booker T. Washington was one of the most useful citizens of the United States. His ancestors on one side were brought over as negro slaves. Therefore it was a mistake to abolish the slave trade."

Such are the arguments of the opponents of the literacy test. Aside from these, their efforts are devoted to countering the claims of the opposite side, which, as has been shown, can be done successfully only with respect to the strictly and temporarily economic aspects—the building up of quick fortunes by questionable and probably dangerous means. There are those who do not regard this as an argument against the literacy test, but for it.

The matter can be rightly understood only by taking the broadest possible view of the relations, not of this generation alone but of the generations to come. The natural destiny of the United States is to be the leader of the nations into the fullest development of the common people. Our duty is to set standards, not to distribute the natural advantages we possess. We can not render our highest service to mankind by hastily and inconsiderately yielding to the demands of a specious humanitarianism and dissipating to-day what should be the heritage of future generations.

ONLY PRACTICAL TEST OFFERED.

The Toledo Blade, in these few words sums up the agitation for and against the Burnett immigration-restriction bill:

"The literacy test for immigrants has never been advertised as perfect. In operation, it would turn back many aliens who might become worthy citizens. But no other test that promises to restrict immigration in a practical way has been suggested.

"The advocates of this measure are trying only to slow down the stream of foreigners who for so many years poured through our gates. The opponents of the test do not offer a substitute. And for a very good reason. They are not really troubled, as they profess to be, lest an occasional healthy and intelligent, though illiterate, alien be refused admittance. Their concern is lest the supply of cheap labor be restricted."

CHICAGO TRIBUNE STATES CASE.

The Chicago Tribune is one of the very few large newspapers in this country that is fearless enough to state the forces for and against the Burnett immigration bill. In an editorial, March 30, 1916, this paper said:

"The literacy test has just one purpose; that is, to reduce immigration into this country.

"Opposition to the literacy test has just one purpose—to prevent any limitation of immigration into this country.

"Proponents of the literacy test believe that the time has come when we must slow up the inrush of foreign blood in order to allow the Nation to assimilate the multitude of strange races now within its borders and in order to limit the competition of pauper labor, which is more and more bearing upon American-born workingmen.

"Opponents of the literacy test desire a broader labor market or they desire to open the benefits of America to foreigners, let the consequences to Americans be what they may.

"People favoring the literacy test wish to reduce immigration into America. People opposing it wish an unrestricted flow of foreigners, literate or illiterate."

In its issue of March 27, 1916, the Chicago Daily Tribune had the following as its first and leading editorial:

CLOSE THE GATES.

Peace may not bring a new influx of aliens to America. Emigration from Europe may be checked by laws of the countries in need of workers or by the employment of workers at home at high wages.

But even if this prove to be true and war taxes or bitter experience do not drive men and women from the Old World to our shores, the tide may set in from other regions, and these are precisely the sources from which the least assimilable elements are drawn.

The part of common sense and common caution for us is to close our gates for a time. All thinking Americans have become conscious in recent years that the process of Americanization is much slower and more superficial than we have flattered ourselves it was. The amount of foreign nationalism, of unassimilated immigration, is disquietingly if not alarmingly large. It is time to prevent our national composition from being further diluted. It is time to concentrate on an undisturbed process of American nationalism.

There are no signs that the civilized world is entering a period of internationalism. The probabilities are rather that we are to find in the form of new and perhaps larger alliances an intensive nationalism and a more formidable international competition. If this be true we can not afford to be full of domestic divisions and internal distractions, the only clay pot in the stream. We shall need a robust nationalism, a strong unity against the world.

And there is another reason for closing the gates. If we are to enter a period of prosperity, the fruit of our own energy, restraint, and pacific temper, we want that prosperity to be distributed among our own people, among those who have cast their lot with us and contributed to our welfare.

On the other hand, if we are to meet, as many believe, a serious reaction, we do not want to divide our means with millions of aliens. We want what we have for our own people.

The Tribune believes the absolute restriction of immigration would check the consequences of a reaction after the war and insure a widespread prosperity. It would protect our own wage earners from the competition of cheap labor, insure good wages and the American standard of living, and thereby stimulate the home market and bring about the broadest prosperity. If in addition to this measure of patriotism we enact a wise system of commercial laws and provide an adequate naval and military defense, the United States will be virtually invulnerable.

[American Federation of Labor Weekly News Letter, Washington, D. C., Apr. 15, 1916.]

CLERIC-ECONOMIST FAVORS IMMIGRATION BILL—SAYS OPPONENTS ARE SELFISH AND SENTIMENTAL.

WASHINGTON, *April 15.*

Rev. John A. Ryan D. D., formerly of Minnesota, but now professor of economics, Catholic University, this city, has declared in favor of the Burnett immigration bill. If this legislation is adopted by Congress, he says, "We shall have sufficient legislation to improve the quality, provide for assimilation, and protect the standard of life that is required for decent living."

Rev. Ryan's statement, which includes a history of immigration legislation, has been published by the weekly press service of the social service commission, American Federation of Catholic Societies, and is in part as follows:

"The lowered standard of living is the main justification for restriction, and it is probably the reason behind the greater part of the agitation. Between two-thirds and four-fifths of the adult males of the country receive less than $750 a year, and real wages have declined from 10 to 15 per cent since 1890. The great majority of the new immigrants go into the unskilled industries, thereby overstocking the market for that kind of labor and bringing down wages. They do not become farmers as so considerably occurred with the old immigration. The supply of unskilled labor should be reduced. The immigration commission was unanimous on this point.

"Among methods of restriction suggested are: The requirement of a contract enabling the immigrant to command living wages, the restriction of the arrivals from any country to a certain per cent of the average emigration from that country during the preceding period of 10 years, the division of the immigration countries in groups and the granting of the privilege of sending immigrants to only one group in one year, and the literacy test. The first three are difficult of administration, while the last was recommended by eight of the nine members of the Immigration Commission as the best single method of restriction. It would exclude about one-third.

"The opposition to restriction is sentimental or superficial or selfish. The sentimentalists want America to be kept a haven for the oppressed; low charity begins at home, and we want to keep it a genuine haven, instead of developing a proletariat, and we want to keep it an example of genuine democracy and of a better distribution of wealth than exists in Europe. Thus we can serve humanity better than by enabling a comparatively small proportion of the oppressed of Europe to better their condition very slightly.

"The superficial objectors find fault with the literacy test because it does not guarantee character, something that it was not meant to do. It is primarily a method of affecting quantity, not quality. Others denounce it as the outcome of bigotry, but this factor is relatively unimportant in the movement; besides, the device ought to be judged on its merits. It is regrettable that Catholics will not consider more the economic argument for restriction. Others object that the country needs to be developed. If that means that a large group will be worse off than before, the objection is baseless. All the rough work generally done by unskilled foreigners would be done by Americans if they were

paid sufficient wages. The immigration commission declared there is a constant oversupply of unskilled labor.

"The selfish persons are those who wish to increase production and profits through cheap labor at less than living wages. They would prefer Chinese and Japanese laborers if they could get them. They do not deserve serious consideration."

[American Federation of Labor Weekly News Letter, May 6, 1916.]

LITERACY OPPONENTS CONTINUE ALARM CRY.

TOLEDO, OHIO, *April 29.*

Under the caption "Still harping on the literacy test," the Evening Blade expresses these editorial views on the Burnett immigration bill now pending in the Senate:

"A number of persons in excellent vocal condition continue to be exercised over the literacy test of the immigration bill. The faults and flaws they find in it are simply amazing. If an earnest-minded citizen confined his reading to these criticisms he would become convinced that this test must be eliminated or the Republic will perish.

"The Immigration Commission, which first made a study of ways to restrict the human flood from Europe, voted 8 to 1 for the literacy test, because it was the only practical method suggested to it. One proposal was that the emigration from any one country should in a single year be confined to a certain percentage of the 10-year average emigration of the country. Another proposal was that immigration be controlled as to groups. In any one year, only a single group should have the privilege of entering the country. There was still another idea, that a contract be required guaranteeing the immigrant's ability to earn a living wage. Plainly, some of the restrictions could not be applied. The commission had to accept the literacy test as the one thing that could be administered day after day without doing grave injustice, conflicting with laws and treaties, and raising the business of examining immigrants to the dimensions of flourishing munitions plants.

"Once the immigration bill is passed and becomes operative, we will hear little more about the shortcomings and oppressions of the literacy test. The agitation has been conducted mostly by people who saw in this test a threatened shortage of cheap labor, an increase in living standards which would make a low standard of wages no longer possible."

[From the Cleveland Press, Cleveland, Ohio, May 16, 1916.]

IMMIGRATION.

This newspaper stands for the further restriction of immigration. Hence we favor the bill now in Congress providing for a literacy test. We have many and important reasons for including this policy in our declaration of principles. We favor restriction, in the first place, for the sake of the immigrant himself who is brought in most cases from a life of lowly simplicity in his native land to a life of deadly isolation, exploitation, and degradation in this country.

Millions of these people are herded to-day in smoke and soot-swept settlements and insanitary slums where, shunned, lonesome, and abused, they learn nothing whatever of the land of their so-called adoption—learn rather to hate it because of the miseries they are compelled to suffer by those who exploit them. It was once America's proud boast that this country was the haven of the poor and oppressed. The evidence is clear and conclusive that the peasant who is poor and oppressed in Europe is still further impoverished and oppressed when, having fled, he finds himself in this haven of his dreams.

We hold that this Nation has not assimilated the thirteen millions odd of immigrants who have landed on our shores since the opening of this century, and that it is high time now to call a halt upon further immigration until we shall have taken this great mass of humanity to our hearts, cheered them with our interest, educated them to our national ideals and made them Americans who will love, and die if need be, for the Nation which has really lifted them from poverty and freed them from oppression. We insist that this process of valid absorption is one of the prime necessities in the making of a new and united American Nation.

We, too, believe, with organized labor, that the practically unrestricted immigration of the past 15 years has been unfair to the working people of this country. The competition of a million new arrivals every year, in addition to the natural native increase of hands that work, was too great.

The entire advantage was with capital—often heartless, ruthless capital. The almost complete cessation of immigration since the beginning of the war has been a double-edged revelation to the American workingman and to those thoughtful citizens who have viewed with anxiety the increasingly serious labor problem in our land. Unemployment has passed. Wages have increased. Working people are more prosperous, their families more comfortable. And, mark this: Although immigration was suspended and the working population was decreased by the half million who returned to Europe to fight, production increased beyond all records, as shown by the official figures of our exports and domestic consumption. Does this not prove that well-paid, regularly employed labor, unhampered by competition flowing from abroad, is a greater producer of national wealth than dissatisfied labor, working half time and suffering from undue competition?

Have we not also the proof before us that a population of 100,000,000 can provide in the natural human increase all the labor needed for the work to be done?

Thus restriction of immigration promises better citizens of our foreign-born, more prosperous, and more contented citizens in our great working classes, better homes, a stronger people in body and mind, greater production of wealth, all of which will combine to cement us into a Nation strong for hearth and country and willing and quick to defend both when the occasion demands.

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I will state to the gentleman from Tennessee that I would prefer to speak a little later, after I have heard further debate, to get a better conception of the amendment.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield to the gentleman from New Hampshire [Mr. SULLOWAY].

Mr. SULLOWAY. Mr. Chairman, it seems to me there have been conversions here during this discussion more sudden than St. Paul's by far. I want to say to the Members of this House that there is but one navy yard in the United States that has 40 feet of water at all times, and that there has never been a penny expended for dredging at that yard and there never will need to be. I refer to the one at Portsmouth, N. H. The yards named here to be equipped for the purpose of building battleships are all subject to dredging, and this bill carries an appropriation of $327,000 for that purpose for the next fiscal year.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. SULLOWAY. Certainly.

Mr. HUMPHREY of Washington. My friend is mistaken in respect to the Bremerton yard. We have no dredging there. We have 60 feet of water.

Mr. SULLOWAY. That is the Puget Sound yard?

Mr. HUMPHREY of Washington. Yes.

Mr. SULLOWAY. If the gentleman will look at the bill, he will find that there is an appropriation of $15,000 or $25,000. I forget which, to continue dredging there.

Mr. HUMPHREY of Washington. That is the approach to the dock.

Mr. SULLOWAY. I do not know what it is or what excuse there is for it, but I am taking the bill as it is before us to-day. If the approaches to the dock have but 24 feet of water, as Admiral Stanford stated on page 23 of the hearings, that is the controlling depth, no matter what depth at the dock, but 17 feet less than at Portsmouth. That is true also of every navy yard except the Portsmouth yard, and the appropriations for dredging have mounted to millions upon millions. Admiral Stanford, constructor of yards and docks, has said it would be necessary to continue dredging at all these yards, as they have done in the past. Portsmouth is admitted to be the best yard under our flag and in the United States. There are 40 feet of water there at low tide. A captain can take his craft up that channel without tugging, without pilots, by night or by day. There is no other yard that has that depth of water. On page 27 of the hearings gentlemen will find the different depths of water in each of these yards, and I will put the data in the RECORD. There is not another one that comes within 5 feet of it in depth. There is to-day a dock there of precisely the same size as the one at Boston. They were twins. Gov. McCall and myself were sort of accoucling angels at their birth. They were born at the same time and in the same bill. In each of those docks was sufficient room at the time they were authorized to hold any ship constructed or contemplated. It is a remarkable yard. Above it a short distance, not half a mile, is what is known as Great Bay, and within that bay there are thousands and thousands of acres of water from 60 to 100 feet deep.

The navies of the world could swing at anchor and there would not be any such danger of collision as happens in most all of the other yards by ships coming from the sea or going out to it, because it would be at the end of navigation. It is above and beyond the docks. Take, for instance, a yard like Mare Island, with 22 or 23 feet of water, where they are dredging all of the time, with large appropriations for that purpose, and I am not talking against that yard with a view to undoing it. I am stating it as a matter of fact in order that gentlemen of the House may know what they are doing when they locate shipbuilding plants in yards like that, where they have to be dredged perpetually, and then refuse to give to a yard at Portsmouth the same privilege, where dredging will never be needed. The channel is worn and the dock is cut and chiseled out of the solid granite.

Why is the Portsmouth yard excluded from the list of yards on the Atlantic coast by the proposed amendment of the chairman of the Committee on Naval Affairs? Shot in here like a flash of lightning from a clear sky, authorizing the Secretary of the Navy in his discretion to equip certain yards to construct capital ships; never considered by the committee, and by means of the most vicious and infernal gag rule ever presented to a legislative body I am limited to a few minutes to oppose it or to urge that the Portsmouth yard be included in the list.

The answer is patent. No Secretary of the Navy—not even the Hon. George von L. Meyer—would dare refuse to put the Portsmouth yard first on the list, by reason of its superior natural advantages over all other yards. This gag-rule, snap-shot legislation will end on March 4, 1917, thank God. And the people will join with Dr. Watts in singing:

Believing, we rejoice to see the curse depart.

[Applause.]

We are in greater need of larger docks than of battleships. Early in this session I introduced a bill that went to the Committee on Naval Affairs, authorizing the construction of a dock at the Portsmouth yard, and I now have an amendment to this bill filed at the Clerk's desk that can never be reached under this gag rule, which prohibits in its working the consideration

of amendments other than those proposed by the 21 members of the Committee on Naval Affairs. More than 400 Members of the House are absolutely denied hearing on matters of great importance to their constituents and, but for this rule, would be able to have the right to be heard in their behalf.

My amendment reads as follows:

Gr. page 20, line 16, after the figures "$3,000," insert "dry dock—limit of cost not exceeding $3,500,000—in all, $3,503,000."

Permit me to quote Rear Admiral H. R. Stanford, Chief of the Bureau of Yards and Docks, in his testimony before the Committee on Naval Affairs, where he gives the depth of water at the several yards and the necessity for big docks—the man who for years has been at the head of said bureau.

The Mare Island yard furnishes a sample illustration of the expense of dredging and the results obtained in muddy-bottom straits, rivers, and channels. On page 48 Admiral Stanford said that yard was located in the early fifties, and at that time there was 40 or 50 feet of water in the straits. On page 30 it appears that $20,000,000 have been expended on that yard; that not one of the battleships built in the last eight years can get in. And on page 27 it appears that the controlling depth now is but 22 feet, with a continual expenditure of money to the amount of $20,000,000, and the loss of from 18 to 28 feet in depth of water in the straits. And this bill provides $50,000 for dikes and dredging for the next fiscal year at that yard.

The dock at Charleston, S. C., is still more fortunate. This bill provides $187,000 for dredging and opening a channel to that dock where the controlling depth of water is 22 feet.

On page 95 Admiral Stanford said:

At this stage of our naval development the construction of additional docks and battleship piers is as essential as the building of the ships. I think our need for large dry docks and deep-water piers equipment for hauling heavy weights is most urgent, both south and north of Hatteras.

Question by Mr. KELLEY:

Would not an expenditure of $15,000,000 in dry docks, piers, wall extension in our various naval stations do more in promoting the efficiency of the fleet than the addition of a single battleship?

The Admiral's answer was:

It's hardly a fair question to put to me.

Page 96:

I did say that my personal view is that the need for big dry docks is most urgent of the Navy ashore.

On page 90 the Admiral said:

During the past few years the appropriations for yards and docks improvements have been greatly reduced and curtailed, so that there is a very great need for more docks.

On page 90 Admiral Stanford said:

In 1913 there was expended, approximately, for yards and docks $9,000,000. During the past year something over $7,000,000.

On page 91:

It is safe to say that appropriations for yards and docks, for several years to come, will be from $7,500,000 to $10,000,000 to develop the additional dry docks that are needed.

On page 97:

I think for the last three or four years, ever since the construction of our superdreadnaughts, we have needed these additional docks.

On page 50:

We have but three dry docks that will admit the 13 ships built, building, or authorized, and the program if carried out will give us 29 of these capital ships and only four docks that will hold them. The department recognizes the need of more big docks to be built at other yards.

On page 41:

The General Board has recommended that we should have 40 feet of water at all the principal yards.

On pages 90 and 91:

Dredging will be required from time to time in every yard we have, excepting Portsmouth and Puget Sound.

On page 90:

There is dependable deep water at the Portsmouth yard, as I stated two or three days ago. The reason I did not refer to that yard particularly is because it is not fitted with a dock large enough to dock a superdreadnaught.

No harbor on the Atlantic coast possesses the depth of water, the natural advantages, the wonderful channel, that never requires dredging, that is so free from sand, silt, and mud, up which a battleship or a dreadnaught can wend its way in high tide and low tide, as the one at Portsmouth, N. H. Worn out of solid rock, with a width practically equal to any channel on the Atlantic coast, with a bottom as smooth as a floor, this great waterway has a controlling depth of 40 feet, sufficient to sail any vessel afloat or under construction, without waiting for favorable conditions or depending upon Omnipotence to provide sufficient waters through the instrumentality of the tides to get a great ship to its dock.

From the birth of this Republic to the present moment Portsmouth has been famous as a shipbuilding center. But it is not on the glorious past of this famous old seaboard city that I would dwell, but upon its great possibilities at this time, when we, as well as all of the people of the earth, are confronted with great questions of proper and adequate preparedness, and when we are called upon to take account of stock, to look over our advantages and our opportunities for national safety and national security. The protection of home and the protection of our liberties and our Government are solemn duties that we must meet, not with hysteria but with calmness, saneness, and judgment. Proper protection is the greatest element of national safety.

No navy yard in the country is so admirably situated as the one at Portsmouth, N. H. Not only does it have the deepest waterway, 40 feet at controlling depth, but is the most defensible harbor on the Atlantic coast. Situated 10 miles at sea from Portsmouth, absolutely commanding the harbor, are the Isles of Shoals, a series of islands which could be fortified and which not only would command Portsmouth Harbor, but also the coast for miles, both north and south. At Portsmouth the opportunity for development is greater than in any other yard in this country. Available land can be bought at prices per acre that in some of the great cities where navy yards are located would be sold by the foot at fabulous prices.

The opportunity for additional dry docks is unsurpassed anywhere for the reason that the natural advantages of the soil make it a natural location for these great resting places for our ships. The great dry dock constructed some years ago, which at that time would take the largest ship of our Navy, would have contained a ship before a single bit of masonry was placed in it. The great basin for this dock was cut out of the solid rock. There has never been a dump cart full of mud or sand washed into it or its approaches from the ocean since it was constructed. It never requires dredging to get ships in, and when a dock is once completed here, outside of the natural wear and tear, there would never be any artificial repairs necessary by the working of the elements that have to be met. Nature provided everything essential at Portsmouth for the greatest naval station in the world. Climatically it possesses advantages unexcelled by any place where a navy yard or a naval station is located in this country.

From a labor standpoint it means much to the thousands of men employed in the way of cheap rents and a desirable place to live. It has tremendous advantages in this respect over the yards in the great cities. There are opportunities there for men to own their homes at a modest price and within the reach of their pay envelope. This means contented workmen, the keeping of skilled labor, for whenever a workingman accumulates enough to build him a home he settles down there usually to spend his days. As a great economic proposition, both to the Government and to the employees, Portsmouth offers wonderful advantages, which any private business concern in the country would seize upon as a great asset.

While cities and places where other naval yards are clamoring year after year for appropriations for dredging to keep the channels of their harbors open so that present-day shipping may dock in safety Portsmouth has deep enough water to safely float our big ships at any hour of the night or day. Every navigation expert who appeared before the House Naval Committee admitted on questioning that Portsmouth had an abundance of water. It was freely stated that this was the only harbor on the Atlantic coast where water conditions are perfect, and, with the single exception of Puget Sound, the only place on either coast.

Much of the expert testimony before the Naval Committee favored new and additional docking facilities, and it was frankly admitted that there would be practically no dry-dock facilities for our big ships of the future when we get them constructed. It is not in line with wisdom or good judgment to construct great and expensive dreadnaughts with no place to repair and dock them, neither is it a wise business policy to expend money for great dry docks in places where the water is not of sufficient depth to get a great vessel of the future into it when it is constructed.

There is no question about Portsmouth, for the water is there now. It is not a gamble or an experiment, but a reality. The cold facts are there, and they are indisputable. Portsmouth has suffered in the past, I regret to say, because it lacked some of the social advantages of Boston, New York, and Norfolk. Unfair and untrue criticisms of the yard have been made by men who placed the pink tea above efficiency; but in spite of this the yard, which 20 years ago, when I came to Congress, was about ready to be abandoned, has been improved, developed, and brought to

a standard that now compels it to be recognized as one of the great yards of the country.

Sentiment, favoritism, and the popularity of its location have not entered into its present high standing. It has come to the front in spite of official handicapping and backbiting, and purely upon its merits and because of its unquestioned natural advantages. Notwithstanding talk of its abandonment from certain sources in times past, it has continued to grow and develop, and will continue to grow and develop until it ranks second to none in this country.

This yard has been designated as a submarine base by the present administration, which was the very least that could be done. The workmen at that yard are to-day constructing undersea craft, but that is only a small part of the work that should be done there. With land already owned by the Government, with much more that is available, the work of the yard must and will be enlarged to meet the natural requirements and the demands of the times. This Congress may not see fit to rise to the occasion and place in the greatest and deepest waterway on the Atlantic coast a great dry dock to meet all the requirements of the future but there are other Congresses coming which will not be so blind to the wonderful opportunities of Portsmouth, and circumstances and demands of the future will absolutely require the greater development of this natural naval base, making it sufficient to meet any emergency and to be properly equipped for any line of naval construction.

Another novel feature of the Portsmouth Harbor is Great Bay, a large body of water up the river from the navy yard, which is of sufficient size and depth, having 100 feet of water in many places, to anchor the navies of the world. This could be made available with a comparatively reasonable expense and at a cost not in excess of many recent river and harbor improvements in various sections of the country. With the development of Great Bay, a naval base and anchorage could be secured that would be far superior to the one at Hampton Roads and other places, because it would be away from the main channel of traffic and there would be absolutely no danger of collisions and accidents by vessels passing to and from the ocean.

Portsmouth has been the scene of the visits of many of the large ships of our Navy of the past, and there are no records of them going aground, as has often happened in the case of some of the other harbors where navy yards are located. Vessels have to come to anchorage at the yard after coming up the harbor under their own steam and without assistance of tugs. The removal of Hendersons Point some years ago took away the only difficulty to navigation that existed and made Portsmouth Harbor and the navy yard dry dock safe and easy of access, a harbor that never freezes in winter and which possesses at all times ample and abundant water to ship any vessel that floats.

Admiral Stanford, Chief of the Bureau of Yards and Docks, in the hearings before the Committee on Naval Affairs of the House said:

There is dependable deep water at the Portsmouth yard. There is difficulty of getting into the New York yard at times. At some times it will happen that you have to lay outside the San Francisco Harbor before entering on account of sea and fog. There is also difficulty in getting over the bar at times at San Francisco. The Philadelphia Navy Yard is 90 miles from the Capes, and there is a portion of the river between these two points which under certain tidal conditions would barely pass our largest vessels. At the Norfolk yard dredging is required in the river in front of the yard and also a widening of the channel is required. It is my impression that Charleston, S. C., can only be entered under favorable conditions. There is good water leading up to the Boston yard.

Speaking further on this same subject, Admiral Stanford said:

At the Portsmouth yard the controlling depth of the water is 40 feet, the controlling width 500 feet, and the range of the tide 7.8 feet. At Boston the controlling depth is 35 feet, the width of the channel 540 feet, and the tidal change is 9.6. At New York the controlling depth is 31 feet, the controlling width of channel is 450 feet, and the mean rise and fall of the tide is 4.2 feet. At Philadelphia the controlling depth is 20 feet, the controlling width from the yard to the sea is 600 feet, and the tidal change is 5.3 feet. At Norfolk the controlling depth is 35 feet, the controlling width is 450 feet, and the mean rise and fall of the tide is 2.8. At Charleston, S. C., the controlling depth is 22 feet, the width of channel is 300 feet, and the mean rise and fall of the tide is 5.2.

This goes to show that of all harbors on the Atlantic coast used for naval purposes Portsmouth has the greatest depth of water. Admiral Stanford also stated that periodical dredging was absolutely necessary at Boston, New York, and Norfolk. This is something that is never necessary at Portsmouth.

To give the country some idea of the cost of dredging in the approaches to the navy yards of this country, let me quote from the present bill. This measure we are now here considering carries $337,000 for the coming fiscal year. It is divided up as follows: Navy yard, Boston, dredging, $10,000; navy yard, New York, to continue dredging, $50,000; navy yard, Philadelphia, to continue dredging, $25,000; navy yard, Charleston, S. C., to continue dredging, $12,000; dredging Cooper River, approach to navy yard, Charleston, S. C., $175,000; navy yard, Mare Island, Cal., maintenance of dikes and dredging, $50,000; navy yard, Puget Sound, Wash., to continue dredging, $15,000. Continually sums aggregating millions have been appropriated during the past decade to keep these harbors of the navy yards of this country open to navigation, on account of the constant filling of the channels with mud, sand, and silt, and for the purpose of getting a deeper waterway. But at Portsmouth it has never been necessary to make these constant appropriations. The depth of the water has been there from time immemorial and will remain as long as the world exists.

Admiral Stanford, in the hearings before the Naval Affairs Committee, pointed out the great need for docks. He stated in his testimony that during the past few years there had been a great curtailment in the amount of appropriations for this purpose. He said:

My personal view is that more dry docks are most urgent. Ever since we began the construction of the superdreadnaughts we have needed these additional docks.

The Admiral was asked by Representative BUTLER of Pennsylvania, a member of the committee, this question: "Would we not be in a bad mess if we should have war now for lack of docking facilities?" "I think so; yes," replied the Admiral.

Admiral Stanford made the astounding admission before the Naval Committee that we have but three dry docks on both the Atlantic and the Pacific coasts that will admit the 13 ships constructed, under construction, or authorized; and if the present program is carried out, it will give us 29 of these capital ships and only three dry docks in the United States navy yards which will hold them. Two of these are located on the Atlantic coast—one at Norfolk, one at New York—the other being at Bremerton, on the Pacific coast. None of these docks are large enough to hold the fast cruisers that are contemplated under the provisions of this bill.

With these indisputable facts in view, with this country embarking upon a program to place its Navy on a footing that will guarantee us national security and national safety, with a view to developing a proper coast defense that will insure the peace and happiness of our people, I appeal to the good judgment and the common sense of this House to place some of these great improvements and means of national defense where nature has given us the greatest advantages and the deepest harbor anywhere on the coast of our great country. In this time of a crying demand for additional docks, the place to put them is where, when they are completed, ships can be brought to them in safety, where the Almighty has already constructed the channel, and where sufficient water exists to-day, without the use of a dredge, to float in safety the mightiest ship within the conception of man. This place is at Portsmouth, in the district which I have the honor to represent.

Let no one think in anything I have said I have thought to belittle any of our navy yards. Far from it; for I am in favor of developing all of them. But in future construction I believe it to be a patriotic duty to build and improve them where nature has ordained they should be. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, I dislike to voice a discordant note in this family arrangement of providing for all of the yards from Portsmouth on the Atlantic to New Orleans on the Gulf and from Puget Sound on the north down to the other extreme. I think we are going very fast, indeed, when we authorize, even in the discretion of the Secretary of the Navy, the equipment of yards confessedly unsuited for building programs, such as those at New Orleans, Charleston, and other places, under the guise of naval necessity. This bill is fast becoming a public-building bill rather than a naval bill. Yesterday you voted in favor of an ultimate $20,000,000 Government armor-plate project, when there are sufficient existing plants to furnish armor at cost, and with the completion of this 20,000-ton armor-plate plant the result will be that it will drive the private concerns out of business, because there will not be enough armor contracted for to warrant their continuing in existence. You also have in this bill a provision for the establishment of a plant for the manufacture of projectiles, and now under the guise of naval necessity, which, if carried out, will involve this Government to the extent of millions and millions of dollars—not six millions or seven millions, but hundreds of millions of dollars—it is proposed to equip these yards for shipbuilding purposes, this to be done at so-called navy yards which Secretaries of the Navy in times past have condemned as unfit for navy-yard purposes. Where is this trend, this wild rage of Democratic extravagance, going to end? The bill which was brought in here involving two hundred and

sixty-odd millions will leave us ultimately carrying millions beyond that.

But it takes something more than mere buildings to make a proper shipbuilding yard. The Government can order the buildings, but it will take time.

A shipyard that was constituted to repair ships has not the necessary foundries, has not the machine shops, and above all else has not the necessary organization of men that will be required to make it an efficient shipbuilding concern. There is no consideration in this family arrangement of the Government interests. There is no hope of defeating it when you bring in here an omnibus public building bill.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. For a short question.

Mr. CRAMTON. Does the gentleman mean to insinuate that there can be such a thing as "pork" in preparedness?

Mr. STAFFORD. Far be it for me to insinuate something that is so patent. So, Mr. Chairman, you are taking away from the Secretary of the Navy the right to determine where these ships in case of necessity can be properly built. Those who wish to get an advantage for yards in their districts by having them created into a large shipbuilding plant are objecting to an obvious business proposal offered by the gentleman from California to equip the New York Yard and the Mare Island Yard, which to-day are the only two yards in the country that have the necessary equipment and the necessary organization to build these capital ships. They are objecting to that because they fear that it will be trenching on their own private preserves, to get, what—not "pork" but "pie." Such a policy can not be too severely criticized when under the guise of naval preparation you are trying to take away from private shipbuilding yards the building of ships that can be more economically and more expeditiously built than in Government yards lacking the material for large shipbuilding purposes. If we are ever going to have a merchant marine, the private yards should be encouraged with construction of naval vessels so long as their prices are fair and right.

We are going wild in our haste to make a showing. Without any investigation as to the fitness of these yards you are directing their conversion into shipbuilding plants upon the ipse dixit of local representatives. When once navy yards are equipped, the hue and cry from local interests will demand their employment regardless of cost or need.

The proposed policy is Government ownership run wild with only combination of local interests to support it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. VARE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. I ask that the Clerk read the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read the amendment, as follows:

Page 100, following the amendment inserted after line 9, insert the following:

"In the event the Secretary of the Navy is unable to secure from the shipbuilders contracts for the expeditious construction of the ships herein authorized at a fair and reasonable price, the sum of $6,000,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Navy to equip the navy yards at Puget Sound, Philadelphia, Norfolk, Boston, Portsmouth, Charleston, and New Orleans, with suitable and necessary machinery, implements, building ways, and equipment for the construction of such of the ships herein authorized as may be assigned to such yard for construction."

Mr. VARE. Mr. Chairman, I would much prefer that the amendment of the gentleman from Tennessee [Mr. PADGETT] had provided $6,000,000 without any condition; but, however, I find as it is it is a step in the right direction, namely, to give the Secretary of the Navy the discretion to further equip the yards of the country which he regards as efficient.

During the discussion a few moments ago the question arose as to which were the superior, the governmental or private shipbuilding plants. That recalled to my mind an incident that occurred on the floor of this House two years ago. There had been bids invited by the Secretary of the Navy from the various private shipbuilding yards for a transport, since called the *Henderson*, which is being constructed at the Philadelphia Navy Yard. Bids were received from these private shipbuilding yards of the country, and the lowest private shipbuilding bid was from the Newport News Shipbuilding Co., which bid was $1,725,000.

The Secretary of the Navy thought that the bids were excessive. He then invited Government yards to send in estimates. The Philadelphia Navy Yard furnished the lowest estimate, and that estimate was $1,405,069, as against $1,725,000. It was said at the time by the gentleman from Virginia [Mr. JONES], who represents the district in which the Newport News Shipbuilding Co. is located, that that company's bid was backed up by a bond. On the other hand, I said that this was a business proposition, and I had such confidence in the ability of the estimating board of the Philadelphia Navy Yard that I would be willing to back up the estimate of the Philadelphia Navy Yard by my personal bond. There was a difference of $319,930 between those two propositions.

Mr. LOUD. Will the gentleman yield?

Mr. VARE. With pleasure.

Mr. LOUD. Did the Philadelphia bid include insurance, overhead charges, depreciation, and all other incidentals that attach to a private yard?

Mr. VARE. I will come to that in a moment. I report to this Congress to-day that this transport will be launched this month, and that instead of saving more than $200,000, which I then predicted, it will save $400,000 beyond all overhead charges and insurance. [Applause.]

And so it is that I welcome the proposition that the chairman of the committee makes, that the yards of the country be placed upon a competitive basis, and I am quite sure that the great mass of laboring people of Philadelphia will do likewise. I would prefer there be no conditions prescribed in the amendment. I want to say to the Members of the House that I am not one of those who believe in governmental ownership. I do, however, believe that these Government plants ought to be so well equipped as not only to be efficient in order to determine what is a reasonable price in battleship construction, but they ought to be well equipped at all times to meet all emergencies. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. CURRY].

Mr. CURRY. Mr. Chairman, if the ships provided for in this bill are to be constructed within the time limit, they will have to be constructed in the Government navy yards. You will not receive a bid from a private yard for the construction of one of these ships. At the present time every private yard in the United States has already contracts for the construction of all the ships they can build within the next three years. At the present time there are 368 ships being constructed and construction ordered at these private yards. More than 300 of them are large ships for use in the overseas trade. It will take at least three years to construct those ships, and under the circumstances the battle cruisers and the other ships provided for in this bill, and ships that will be provided for at the next session of Congress, will have to be constructed in the navy yards of the United States. But two of those navy yards at the present time are equipped to construct a battleship, the one at New York and the one at Mare Island. Now, I hope that the amendment of the gentleman from Tennessee, as amended by the gentleman from California, my colleague, Mr. NOLAN, will be adopted. That will provide $7,000,000 to be used in the discretion of the Secretary of the Navy for the equipment of all the navy yards in the United States. Mare Island and New York will need more equipment than they have if they are assigned other ships to build than are assigned to them to-day, and it is right and proper that part of this money should be used in the further equipment of those two yards. I am glad there is a disposition in this House to equip the navy yard at Bremerton. There ought to be two first-class yards on the Pacific coast, fully equipped to do the work of the Navy.

Our friend from Washington [Mr. HUMPHREY] has year after year and year after year tried to impress upon this House the absolute necessity for equipping the Bremerton Yard. All that has been done for that yard has been done by the Congress through his efforts. If Bremerton is equipped every Member of this House knows it will be due to the efforts of Mr. HUMPHREY, who has worked hard and persistently for the adequate equipment of that yard. He has appeared before the Committee on Naval Affairs and has told you on the floor of the House what ought to be done for Bremerton and for Mare Island, the two yards on the Pacific coast. I feel certain that the amendment of the gentleman from Tennessee as amended by my colleague will be accepted by the gentleman from Tennessee and adopted by the House, and that the $7,000,000 will be provided for the absolutely necessary equipment of the navy yards if this building program is put through.

I wish to call the attention of the committee to the fact that Mare Island has an organization that is unexcelled in efficiency. She always turns out first-class work within the estimate and

time limit and has never been compelled to ask for a deficiency on any job that has been assigned to her.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ROBERTS of Massachusetts. Mr. Chairman, did the gentleman consume all his time?

The CHAIRMAN. The gentleman consumed four minutes.

Mr. ROBERTS of Massachusetts. How much time has that side remaining?

The CHAIRMAN. Four minutes remaining.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield four minutes of that time to the gentleman from California [Mr. STEPHENS].

Mr. STEPHENS of California. Mr. Chairman, I want to call attention to the fact that construction in Government navy yards is sometimes cheaper than in private yards, and as an illustration of that, the bid of the Mare Island Navy Yard for the battleship *California* was $245,000 less than the bid of any private yard, and that bid, although $245,000 less than any private yard, included $500,000 with which to extend the building ways in Mare Island Navy Yard for the building of that and other capital ships. In addition to that it included the furnishing of a number of items for the *California* which private yards excluded from their bids. And the Mare Island Navy Yard, on the Pacific coast, has never yet exceeded its estimates nor the time in which it said it would construct a ship. The Mare Island Navy Yard has proven its character and capability.

Mr. Chairman, at least four of the Government navy yards on the Atlantic coast, as well as the Puget Sound and Mare Island Navy Yards, on the Pacific, should be equipped for largest construction, and especially so when the private yards are unable to meet the requirements of the Government. If ever this Nation engages in naval warfare on the Pacific Ocean we shall need both navy yards there for both repair and construction. Mare Island Yard is now being equipped for the construction of capital ships and the Puget Sound Yard should be similarly equipped at the earliest day possible. I think the amendment proposed is a perfectly proper one and should be adopted. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I suggest that the chairman of the committee occupy some of his time.

Mr. PADGETT. Mr. Chairman, I yield one minute to the gentleman from Virginia [Mr. HOLLAND].

Mr. HOLLAND. Mr. Chairman, I wish to say that I am heartily in favor of this amendment. Under present conditions I believe any scheme of preparedness is absolutely useless which does not, in addition to authorizing battleships, provide the several yards with the facilities necessary for building them.

I ask unanimous consent for permission to extend my remarks in the RECORD.

Mr. ROBERTS of Massachusetts. I yield to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I am well acquainted with the navy yard at Bremerton, know its highly favored location and the present state of its equipment. I know also of the comparative ease with which it can be further equipped for the complete construction of first-class ships. I hope that soon some of the vessels authorized last year, and others now being authorized for the Navy, may be constructed in that yard.

Under the provisions of the amendment about to be voted on, I believe that ships will soon be on the ways at Bremerton. The needs of this yard have been well presented to the committee during its hearings by my colleague Representative HUMPHREY, in whose district the yards lie, and by all of the Members of the delegation from the State of Washington. The people of Bremerton, too, have been active and alive to the matter. They are to be complimented on having sent to Washington my old friend and acquaintance, Mr. J. E. Barnes, with a mass of facts which are not to be controverted. The people of Bremerton do not ask for favors for their yard; they ask that its capacity be utilized. I believe the amendment proposed by the gentleman from Tennessee [Mr. PADGETT] will solve the situation. I shall not take the time of the committee further.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. NOLAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I have an amendment here which I wish to offer.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 24, strike out all of lines 14 to 25, inclusive, and, on page 25, strike out all of lines 1 to 7, inclusive. Insert in lieu of the matter stricken out the following:

"Beginning at a point marked by a concrete monument at the southeast corner of the land acquired by the United States from the John Li estate through condemnation proceedings, which point has the coordinates 230.1 feet south and 87.2 feet west from 'Ford No. 5' (Ford No. 5 being marked by a galvanized pipe in a concrete monument stamped 'U. S. 1911,' established by the United States district engineer office, and having coordinates 8,570.99 feet south and 10,087.64 feet west from the Ewa Territorial triangulation station); thence north 23° 12′ east 177 feet, more or less; thence north 16° 0′ east 66 feet, more or less, to a point on the shore line at high-water mark; thence southerly along high-water mark to a point marked by a concrete monument that is, with reference to the point of beginning, south 51° 0′ east 70 feet, more or less, the southwesterly boundary of the said tract being formed by the line joining said last-mentioned point on the high-water line with the point of beginning."

Mr. PADGETT. Mr. Chairman, this is to correct the description of a piece of land. The War Department first furnished the boundaries, and they were inaccurate. They have since notified the Secretary of the Navy of the correct boundaries, as set out in this amendment. It is to exchange the two tracts of land between the two departments. The Navy Department has a small tract of land that the War Department had use for, and the War Department had another small tract that the Navy Department had use for, and it is just authorizing the departments to exchange the use.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Tennessee offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. PADGETT: Page 76, after line 19, insert as a new paragraph:

"The sum of $340,000, or so much thereof as may be necessary, is hereby appropriated for a test of the Neff system of propulsion in such submarine as the Secretary of the Navy may designate for the purpose: *Provided*, That should the system prove unsuitable for use in submarines one-half the cost of the equipment shall be borne by the Government and one-half by the owners of the Neff system, and that if any part of the system is considered desirable for retention its value, previously agreed upon, shall be deducted from the cost of the equipment in determining the cost of the experiment to be borne by each party to the contract."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. PADGETT. Mr. Chairman, I simply want to make this statement. I have a letter from the Secretary of the Navy that is dated March 10 that I will ask the Clerk to read in a moment.

This matter was considered before the Committee on Naval Affairs, and a number of naval officers testified in regard to it; and I believe that every officer who testified stated that there were three military objections to the proposed engine, which, in their opinion, were almost insuperable. That is the way they expressed it. They expressed themselves very strongly against it.

The effort is to secure an oil internal-combustion engine to operate, submerged, by the use of compressed air. It would be very desirable indeed to secure that if possible. There are many objections and shortcomings to the battery system that we have in our submarines, both in the lead battery that is installed in our submarines and also to the Edison battery, from which we had an explosion, as you will remember, a short time ago in the New York yard, when five men, I believe, were killed, and eight or nine were injured. If it is possible to secure an engine that will operate by combustion of oil to propel the submarines when submerged, it would be a very desirable thing and a very great addition to the usefulness of the submarines. But the naval officers stated to the committee that when the engine was operating submerged, the air used in the combustion of the oil being discharged into the air would produce a wake of air bubbles that would disclose the presence and the trace of the submarine. They gave it as their opinion that that would be a very great objection, and if there was no way of overcoming that it would destroy the usefulness of the engine, because the wake, disclosing the track of the submarine, would destroy the utility of the submarine by making its whereabouts known. The owners of this system insist that the air is discharged in such a way and in such a position with reference to the propeller blades that it is churned up so in the water that it will not produce a wake. That, however, has never been demonstrated, and there is that conflict of claims.

Another claim is that in the discharge from the combustion, when submerged, there is more or less oil that goes out with the

was from the Newport News Shipbuilding Co., which bid was $1,725,000.

Mare Island has an organization that is unexcelled in efficiency. She always turns out first-class work within the estimate and

offered by the gentleman from Tennessee [Mr. PADGETT].

The question was taken, and the amendment was agreed to.

Another claim is that in the discharge from the combustion, when submerged, there is more or less oil that goes out with the

refuse into the water, which will rise to the surface and produce an oil wake, and that would disclose the track and the whereabouts of the submarine. That by the owners is disputed, and they stated it would not.

There is still a third military objection that the naval men submitted, and that was that the operation of the engine would produce so much noise when submerged that the under-water communications—the telephones—would pick up the noise at a distance of several miles and disclose the location or the whereabouts of the submarine.

Mr. COX. Mr. Chairman, will the gentleman permit one question?

Mr. PADGETT. Yes.

Mr. COX. That is very interesting. Does the gentleman know how Germany has overcome that, or any of those objections?

Mr. PADGETT. We have never heard that she has overcome it.

Mr. COX. Why, then, don't they discover the presence and whereabouts of German submarines that are all around England?

Mr. PADGETT. The German submarines are moving down and up, and they are operating in very small waters, and they come in and out of their bases. We know of no way that a submarine is operated except by storage batteries. We are trying to get a system of propulsion under water that will dispense with the batteries, and it would be a wonderful achievement if it could be accomplished.

Mr. LOUD. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. LOUD. Is it not a fact that the Government has already contracted for two or three installations of the Deisel internal combustion engine on some of our submarines, one of them being the very boat that had the accident some time ago?

Mr. PADGETT. I do not know as to that.

Mr. LOUD. I was informed by the representative of the electric company that sold them that they had placed an order for those boats.

Mr. PADGETT. They had them for surface operation. We use the internal combustion engine or the Deisel engine; we have them on all the boats.

Mr. LOUD. Exactly.

Mr. PADGETT. But they do not operate submerged. They operate on the surface, and while in operation on the surface they charge, when the boat either runs very slowly or stands still; with the oil engine, operating on the surface, they generate electricity that stores the batteries, but the moment that the boat submerges the engines stop. They do not operate under water, and all submerged operation is by electricity from the storage batteries.

Mr. LOUD. I gathered from what the gentleman said before that they had not used those engines. I was quite sure that they had.

Mr. PADGETT. Oh, no. All our submarines are operated on the surface by the Deisel combustion engine.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. WM. ELZA WILLIAMS. What is the engine operated with that operates on the surface?

Mr. PADGETT. Oil.

Mr. WM. ELZA WILLIAMS. That is the one that is proposed to be used when submerged?

Mr. PADGETT. Yes.

Mr. WM. ELZA WILLIAMS. Does not the gentleman believe, from the experience of the German submarines in this war, that they have a submarine far superior to anything that we have?

Mr. PADGETT. I do not know. Over there, from what we can get, it seems they advertise their successes. We over here advertise our failures. We do not know anything about their failures or shortcomings.

Mr. WM. ELZA WILLIAMS. But we do know that their successes almost involved the United States in trouble with Germany.

Mr. PADGETT. Well, I do not care to discuss that.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PADGETT. Mr. Chairman, I will ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PADGETT. When the matter was before the committee, in consideration of the testimony that was given by the naval officers, which I have stated to the committee here today, the Naval Committee concluded not to recommend this appropriation for experimental purposes upon one of the boats. Since then a number of Members of the House have spoken to me about it. They have heard about it. Mr. Neff has submitted to me a large amount of data on the subject from the department and naval officers which I thought I had here on the table, but it seems it has been removed; but on account of the great desirability and urgent need of some means of propulsion under water, different from storage batteries and which would be more efficient, I thought I would lay the matter before the House.

The complaint has been made sometimes that we do not experiment enough. I do not think there is any very substantial basis for the criticism, because there is a great deal of experimentation done, and we appropriate for experimentation; but I thought I would lay this matter before the House with a statement of the facts and let the House determine whether or not we would make this appropriation.

The statement is made that there are certain parts of this machinery embraced in this appropriation of $340,000 that could be used whether the experiments were successful or not. Allowing for this salvage, it is estimated that it would reduce the loss to something like $100,000 or $150,000 if the experiments in underwater combustion were a failure; and the proposal is that the company shall bear one-half of the loss and the Government one-half. That would involve the expenditure of somewhere from $50,000 to $75,000 on the part of the Government.

Now, with this statement I lay the matter before the House for its consideration and determination as to whether or not under the circumstances the House feels justified in making this appropriation, and in having this experiment made, to see whether or not it is possible to have this thing developed to a successful stage.

Mr. MADDEN. Will the gentleman yield?

Mr. PADGETT. I yield to the gentleman from Illinois.

Mr. MADDEN. Is not this a most extraordinary proposition to bring before the House?

Mr. PADGETT. It is out of the usual; yes.

Mr. MADDEN. Is there any justification for a man who pretends to have a machine that he is endeavoring to put upon the market asking to have the Government pay the cost of developing it?

Mr. PADGETT. I think there are cases where the Government has developed——

Mr. MADDEN. They do it in guns, but not in engines.

Mr. PADGETT. In certain things; and if the experiment promises success, the great desirability of the end to be attained would more than justify the expenditure. The question that I hesitated about was that all of the naval officers who testified before our committee were of the opinion that the military objections which were stated were insuperable, and in the committee I was at first averse to recommending it, and the committee left it out and did not recommend it.

Mr. MADDEN. What does the department say about it?

Mr. PADGETT. The Secretary of the Navy has recommended that the experiment be made. I will ask permission to have his letter read, so that we may have it before us and in the RECORD.

Mr. MADDEN. Just a moment, before the letter is read. What will it cost?

The CHAIRMAN. The gentleman's time has expired.

Mr. PADGETT. I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MADDEN. What does this man who controls the engine propose to charge the Government if the experiments are successful?

Mr. PADGETT. He proposes to charge the Government a profit not exceeding 25 per cent on the cost of manufacture.

Mr. MADDEN. What is the cost of manufacture?

Mr. PADGETT. I do not know. He said he would enter into an agreement with the Government that the profit should not exceed 25 per cent of the cost.

Mr. MADDEN. Then, we are buying a pig in a poke if we enter into this thing. Yesterday the House went on record against even buying armor plate from institutions that were already in existence, at a fixed price, or at a price to be fixed by the Secretary of the Navy. Yet, here we come to-day with a proposition that nobody knows anything about, and that a man who has a patent upon an engine is endeavoring to force upon the Government, without anybody knowing anything whatever

about it, and those who pretend to know—the officers of the Navy—talking against it.

Mr. PADGETT. I am not submitting any question with reference to a contract, or the purchase of anything. The only question involved here is the question of experiment as to whether or not the experiments were worth a trial, to see whether or not we can develop this engine. As far as I am personally concerned, I stated before the committee that I was unwilling to include it in the report or to recommend it, and the committee so acted. I am bringing it here and making this full statement without in any way involving the committee and without even my personal recommendation. I am simply laying it before the House, in order that they may have all the facts and determine for themselves whether or not they want to make this experiment.

Mr. TILSON. Will the gentleman yield?

Mr. PADGETT. I yield to the gentleman from Connecticut.

Mr. TILSON. In the opinion of the gentleman, would these experiments go on if the Government did not take hold of the project? Will this gentleman drop his experimenting and let it go by the board if the Government does not take it up?

Mr. PADGETT. I am not prepared to answer that. I have heard that it is owned by some individuals of very limited means. I will just state—it is a statement of private matters—that the other day I got a letter from some gentleman either in Iowa or Illinois. I am not sure which, stating that he had taken some stock in this matter, and that they were calling on him to advance some more money, and that he had hardly any money, and asking me for my opinion. I told him that I had no recommendations to make, that the committee had failed to recommend it, and that I did not know whether Congress was going to do anything or not, and that he must act on his own judgment, that I could not give him any advice.

Mr. KINKAID. Will the gentleman yield for a question?

Mr. PADGETT. I yield to the gentleman from Nebraska.

Mr. KINKAID. Can the gentleman inform the committee what is the estimated cost of making the experiments?

Mr. PADGETT. The amount asked for is $340,000. It was estimated, however, as the matter was stated to me, that certain parts of the machinery, the engines, and so forth, are common to all of the submarines, and that with that salvage taken out it would reduce the loss, if it was a failure, to about $100,000 or $150,000, which, if divided between the owners and the Government, would make the loss of the Government somewhere between $50,000 and $75,000.

Mr. GARDNER. Is the gentleman from Tennessee going to vote for his own amendment?

Mr. PADGETT. I am willing to vote for it.

Mr. GARDNER. Are the members of the committee generally going to vote for it?

Mr. PADGETT. I think not, no, sir; and I am not advocating it as a member of the committee. I am not submitting it as a member of the committee. I am simply laying it before the House with this statement of facts, so that the House may have the facts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I make a point of order against the amendment.

Mr. PADGETT. I ask that my time be extended long enough to have a letter from the Secretary of the Navy read.

Mr. MADDEN. I will withhold the point of order until that is done.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, March 10, 1916.

SIR: There is transmitted herewith a copy of a letter from Mr. Abner R. Neff regarding the Neff system of propulsion for submarines for which he submitted a proposal to the department September 30, 1915, for its installation in a submarine.

There has been considerable correspondence from time to time between the department and Mr. Neff and his predecessors, the L—A Submarine Boat Co., looking to the installation of such a system in a submarine, and more than a year ago the department offered to place a submarine at the disposal of this company for the purpose, the proposition then being substantially that the Neff Co. would install their system at their expense, and that if it proved satisfactory it would be purchased at a figure to be mutually agreed upon in advance of installation.

In the present case Mr. Neff has not submitted a definite proposition covering responsibility for the efficient operation of his system, although his proposal of September 30, 1915, was made under the same conditions as applied to bidders on submarines as a whole; that is, it covered the guaranties for surface and for submerged speed and for defects that might develop in any part of the system.

There are, however, features of the system which might render its use highly objectionable from a military standpoint and, therefore, make it unsuitable for use in a submarine. These features are not covered in the form of contract on which Mr. Neff bid, nor is any mention of them made in his later correspondence. They refer to the possibility of the presence of the submarine being disclosed by the air bubbles or the oil "slick" from the exhaust of her engines when submerged and also by the noise of her engines.

While the probability is that these conditions would exist, the problem is one which can be definitely determined only by experiment, and as it is extremely desirable to get rid of storage batteries, if a satisfactory substitute can be found, it is believed that there is sufficient merit in the scheme to justify a trial of it. While recognizing that there are objections to the system which may render it unsuitable, the Bureaus of Construction and Repair and Steam Engineering nevertheless recommend that it be tested in order definitely to determine its merits. It is, therefore, recommended that an appropriation be made for the purpose somewhat along the following lines:

"That $340,000, or so much thereof as may be necessary, is hereby appropriated for a test of the Neff system of propulsion in such submarine as the Secretary of the Navy may designate for the purpose: *Provided*, That, should the system prove unsuitable for use in submarines, one-half the cost of the equipment shall be borne by the Government and one-half by the owners of the Neff system, and that if any part of the system is considered desirable for retention its value, previously agreed upon, shall be deducted from the cost of the equipment in determining the cost of the experiment to be borne by each party to the contract."

Sincerely, yours, JOSEPHUS DANIELS.

Hon. L. P. PADGETT, Member of Congress,
Chairman Committee on Naval Affairs,
House of Representatives.

Mr. MANN. Mr. Chairman, may I ask the gentleman from Tennessee, or any other naval expert in the House, a question. I read in the morning paper a statement which, I think, said that a British submarine had been out 46 days without touching port. Of course, I do not believe everything I hear or read, but is that possible?

Mr. PADGETT. I do not know what is possible, but it is not common.

Mr. MANN. I know that it is not common, but I wanted to know whether it was possible.

Mr. ROBERTS of Massachusetts. I think it would be possible for a submarine to stay out that length of time without touching port, if she had supplies brought to her by other vessels, and that is being done.

Mr. MANN. This statement indicated that that was not done, and I wanted to know if it was possible for a submarine to stay out longer than 10 days without touching port or receiving supplies.

Mr. PADGETT. I think 7 or 8 days is about the limit of what we call our coast-defense submarine.

Mr. MANN. What is the power in these submarines?

Mr. PADGETT. It is an oil-burning engine running on the surface and storage batteries, electric batteries, when submerged.

Mr. MANN. How long can they run submerged?

Mr. PADGETT. About 70 miles, if they run at a very slow speed. They can stay under about 14 or 15 hours when running 4 or 5 knots an hour. But if they run 14 or 15 knots an hour they can stay under only an hour or two.

Mr. MANN. Then they have to rise to the surface and charge the batteries.

Mr. PADGETT. Yes.

Mr. MANN. How much oil do they carry?

Mr. PADGETT. I do not know, they have a cruising radius of about 400 or 600 miles.

Mr. MANN. What is the relative comparative power produced by oil whether it be used directly or for the storage of electricity?

Mr. PADGETT. I do not know how much oil is consumed in generating electricity where the boat is standing still, but I would think it would be much less than where she is running. Where they are running nothing but the engine and not carrying the weight and resistance of the boat and just running the engines and developing electricity it must be much less.

Mr. MANN. That is not exactly what I wanted to get at. I wanted to know what is the loss of power in converting oil into electricity.

Mr. PADGETT. I do not know.

Mr. MANN. That is the first question I would ask if I was investigating submarines as to power.

Mr. PADGETT. I do not know the relative power of electricity generated by burning the oil bears to the direct power of the oil operating in the oil engine direct.

Mr. MANN. It may be that some of the other wise experts can answer my question.

Mr. PADGETT. I would be justified in saying this, that in our battleships we use oil for generating electricity for the purpose of running the motor that drives the shaft in the battleship, and in that way get more power than they do by coal burning.

Mr. MANN. That is like a man raising himself by pulling on his boot straps.

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment that it is not germane, that it is a violation of all the ethics of the House, bringing in something that nobody knows anything about, and it is new legislation.

Mr. PADGETT. I think, Mr. Chairman, it is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PADGETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 21, line 16, after the figures "$500,000," insert "to provide structural shop and shop facilities in place of those recently destroyed by fire (limit of cost not to exceed $1,050,000), $450,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on that amendment. I would like to ask the gentleman what it is for?

Mr. PADGETT. It is for a shop at the Norfolk yard on account of one that was burned since the committee reported the bill. It is recommended by the Secretary of the Navy. They had a fire down there and this is to build a new shop.

Mr. MANN. What was the value of the shop destroyed by fire?

Mr. PADGETT. It was nothing like so good as the one proposed to be built here.

Mr. MANN. Was it worth half a million dollars?

Mr. PADGETT. The limit of cost here is $1,050,000.

Mr. MANN. Fifty thousand dollars to replace the old shop and one million for additions.

Mr. HOLLAND. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HOLLAND. The purpose is to save as much of the old machinery as possible. It is hard to say what the old shop was worth.

Mr. ROBERTS of Massachusetts. What was the old shop used for?

Mr. HOLLAND. It was a ship-fitters' shop. I would like to say that it was a shop that had been added to from time to time, and it is practically impossible to tell exactly what it was worth. A part of the machinery was exceedingly valuable.

I wish to say that the shop facilities for promptly and expeditiously handling the repair work assigned to the Norfolk Navy Yard are inadequate, as is conclusively shown by the statements of the following naval experts and officials:

First. Secretary Daniels, in a letter dated February 15, 1915, and which can be found on page 2843 of the hearings, said:

Many of the shops at the Norfolk Navy Yard are antiquated and incapable of satisfactory remodeling.

Second. A naval board, composed of Admiral Edwards and others, in a report made to the Secretary of the Navy in 1914, made the following statement:

The Norfolk Navy Yard, being one of the oldest yards in the country, contains many old buildings of a design and construction which, judged from modern industrial needs, are neither adaptable for storehouses nor for manufacturing purposes. While undoubtedly of excellent construction for the period in which designed and have served the purpose for which built, some are now showing signs of weakness, and the life of many of them can not be greatly prolonged. It would undoubtedly promote economy and efficiency to give consideration to the question of erecting new buildings in preference to attempting any important improvement or extension of buildings which were designed for conditions which no longer exist.

Third. Admiral Stanford, on page 193 of his hearing before the Committee on Naval Affairs, said:

The Norfolk yard to-day is one of the principal Navy bases of this country, but is equipped almost exclusively with buildings which were constructed years and years ago and which were designed for work upon wooden vessels of the old Navy. The yard is not equipped at this time, in my judgment, with buildings which enable that yard to most efficiently and economically perform the work which is exacted of it, and as a business proposition it is going to be necessary to provide for modern and ample shop buildings at an early date, and if you can do it at once it would be a good thing.

Fourth. Assistant Secretary of the Navy Roosevelt, on page 3472 of his hearing before the Naval Affairs Committee, declared:

The general situation is that the Navy has, in the various navy yards, a lot of buildings that go back to the earliest day of the Government. They were buildings that were built for wooden-ship construction, sail lofts, mold lofts, etc., purely for wooden ships with very little iron, and where the furnaces, if there were any, or the forges, if there were any, were all very primitive in character, and were in the open air. We have had to use those buildings as the Navy developed, at first into an iron Navy and next into a steel Navy, for purposes for which they were not meant, and the result has been that at the older yards the conditions in some shops are distinctly bad. The conditions at Norfolk are probably worse than at any other place.

Fifth. Naval Constructor R. M. Watt, who, until a short time ago, was Chief of the Bureau of Construction and Repair, and is now industrial manager at the Norfolk Yard, in a letter to the chairman of the Committee on Naval Affairs, on page 3615 of the hearings, wrote, in part, as follows:

Of all the yards in the country the Norfolk Yard is the most antiquated. It has fewer modern improvements and facilities than any other yard belonging to the Government. The reason of this is that appropriations have not been made for new and modern shops and other necessary facilities which go along with it. According to the publication of the Bureau of Yards and Docks, "Public Works of the Navy, July 1, 1912," and the appropriations which have been made for the different yards since July 1, 1911, make a total value of offices, storehouses, and shops for the different yards as follows:

Portsmouth, N. H	$2,555,000
Boston, Mass	2,668,000
New York, N. Y	3,587,000
Philadelphia, Pa	1,975,000
Washington, D. C	3,513,000
Norfolk, Va	1,506,000
Charleston, S. C	1,459,000
Mare Island, Cal	2,728,000
Puget Sound, Wash	3,512,000

You will see from this valuation that the offices, storehouses, and shops at the Norfolk Navy Yard have a less value than of any other yard in the country, with the exception of Charleston, S. C., but the worst of it is that this valuation is placed on old and antiquated and out-of-date shops, which makes the situation very much worse than the figures show it to be.

These statements conclusively show not only the need for new and better shop buildings at Norfolk, but that the facilities there for doing work are worse than at any other station.

Some provision should be made at once for new shop facilities, and for the reasons briefly stated as follows:

First. The old buildings can not be moved or be so remodeled as to make them suitable for modern industrial purposes. They need not be torn down, but, as testified to by Admiral Stanford, they can be utilized for storage purposes and will provide storage facilities which are now very much needed. (See p. 209.) It would be real economy to use them for this purpose, the only purpose for which they are now adapted.

Second. Just treatment to its employees imperatively demands that this yard shall be modernized and improved without delay. Present conditions in these old buildings, most of which were erected before the Civil War, are almost intolerable. They are not properly ventilated; are not adequately heated; are without proper light and also without suitable and sanitary wash rooms and toilets; and are otherwise lacking in the facilities which are essential for the protection of the health and comfort of the men employed therein. Such conditions would not be allowed in any private establishment, and ought not to be permitted in any Government yard. Such buildings are not adapted for present-day industrial uses, and it is impossible for the men, who are compelled to use them, to accomplish the work which might otherwise be expected of them. Until these conditions are changed the men can not render their best service and can not efficiently and economically perform the work which is required of them. This occasions a direct loss to the Government. It would be effecting a real economy to remedy such a condition.

Third. It is unfair to this yard not to provide these new shop facilities at once. Work at the yard is largely secured by competitive bidding, and fair competitive bidding can not be had unless the yards are equally well equipped for the work. It is unfair to this yard to compel it to compete for work with better equipped yards. It is unfair to expect from it the same degree of efficiency and the same good results as from yards with modern buildings and modern conveniences. It is unfair to so neglect such an important station that it can not perform the work which might otherwise be exacted of it. It would be real economy to so equip it that you could secure genuine rivalry and sharp competition between this and other yards and between this and private yards. The policy now being followed is wrong and would eventually, bring about the partial abandonment of this station, except for its advantages and its strategical location.

Fourth. It is unfair to the fleet not to make immediate provision for these improvements. By reason of its geographical location and its accessibility at all seasons of the year, this yard has been and must continue to be the great repair and supply station of the Navy. In time of peace it is visited by a larger number of ships and vessels than any other yard. Vessels in distress invariably seek it, and it can be reached when the channels to some of the other yards are closed by ice or by storm or are otherwise inaccessible. In time of war it must, by reason of its location near Hampton Roads and Chesapeake Bay, be the yard of the greatest military activity. If our ships are kept ready for service they must be periodically docked and overhauled. Disabled ships, whether such disability is occasioned by accident or constant use, must be repaired. The maintenance of the fleet in an efficient condition must depend upon the ability of the yards to promptly render it necessary docking and repair service. This service is absolutely essential, and the lack of it might at any time result in greater loss to the Government than the cost of these needed improvements. It is possible for it to result in the defeat of the fleet.

And yet this yard, the great repair station of the Navy, is now without the shop facilities so necessary to enable it to

render in the most economical and most expeditious manner this very essential service. It is unfair to the Navy to keep it in such condition. Such an important repair station should be so developed and equipped as to make it capable of promptly and efficiently meeting any demands which might reasonably be made upon it.

Fifth. The facilities for work at the yard have been rendered still more inadequate since the destruction by fire on May 18 of the ship-fitters' shop, the most important shop of all ship-repair stations. This one shop employed 400 men, and the urgency of their work is best shown by the fact that it was being done in three shifts of eight hours a day. These men are now temporarily housed and employed, but they are badly handicapped in their work. Steps should immediately be taken to provide new shops. If not provided, this yard, conceded to be of the greatest importance for the maintenance of the fleet, can not render the service which must be required of it.

It is useless to provide for the construction of additional ships unless at the same time you make some provision at the several yards for the pressing facilities which the very maintenance of the fleet imperatively demands. This is equally as important, and its neglect is not in the interest of economy nor in the interest of the Navy. Ships are useless unless kept ready for service, and the yard must do the work necessary to keep them ready.

Mr. PADGETT. Mr. Chairman, in this connection I would like to have read a letter of the Secretary of the Navy with reference to this.

Mr. HOLLAND. And I would like to say, so far as the cost of the building is concerned, that it is the amount recommended by the Secretary of the Navy; but if the committee believes that the amount is too large and that the amendment ought to be amended, then let the committee do it, but do not fail to provide at this yard a facility that is absolutely essential to enable it to do necessary work—not only the work which has heretofore been exacted of it but the work which may hereafter be required of it.

Mr. MANN. Mr. Chairman, I suppose this amendment may have been prepared by the Secretary of the Navy. I see that when originally prepared it provided for an appropriation of $450, but before it was offered it was changed in pencil so as to provide an appropriation of $450,000. I think, however, that a little matter like that on the naval bill amounts to nothing.

Mr. PADGETT. That was typewritten, not by the Secretary of the Navy, but the clerk of my committee added corrections to it to correct the shortcomings of the typewriter.

The CHAIRMAN. The Clerk will read the letter referred to by the gentleman from Tennessee.

The Clerk read as follows:

THE SECRETARY OF THE NAVY,
Washington May 22, 1916.

MY DEAR MR. PADGETT: The Norfolk Navy Yard reports that a fire at that yard on May 18, 1916, completely destroyed the yard's ship fitters' shop. The loss of this building will prove a serious handicap to repair work now on hand there and will also delay the completion of destroyer No. 70, although all possible arrangements within my power have been made for temporary expediencies to care for the emergency.

I have already brought to your attention, in my letter to you of March 25, 1916, the inadequacy of the shop facilities at the Norfolk Navy Yard for promptly and expeditiously handling the repair work assigned to that yard. If this were so before the destruction of the shop for ship fitting, the most important shop of a ship-repair yard, you will at once realize how much embarrassment will result at this yard in the future unless steps are immediately taken to improve the conditions.

In this letter of March 25 I urged an appropriation for the construction of structural or ship-fitters' shops, and in recognition of the conditions at Norfolk, a few months ago ordered the Chief of the Bureau of Yards and Docks to make an inspection of the Norfolk Navy Yard with the view to informing me as to the urgent and immediate requirements for improving the facilities there. Shortly after his return I directed him to confer with the Chief of Naval Operations and the Chief of the Bureau of Construction and Repair with the view to their submitting to me a joint recommendation, and I am forwarding herewith a copy of a report made by them in accordance with my directions.

I would refer you to paragraph 5 of this report, giving the items recommended by them to be included in the present appropriation act. I understand that the first item, a dry dock, is already included in the preliminary draft made by your committee of the appropriation bill. In view of the destruction of the ship-fitters' shop by fire, I earnestly recommend and urge that a special appropriation be secured for:

"A structural shop (cost not to exceed $1,050,000), $450,000 to be immediately available, of which $50,000 shall be available for salvage of tools and to insure the continuance of structural work until the new shop is completed."

Sincerely, yours,
JOSEPHUS DANIELS.

Hon. L. P. PADGETT,
Chairman Committee on Naval Affairs,
House of Representatives.

Mr. MANN. Mr. Chairman, the gentleman from Virginia [Mr. HOLLAND] stated a moment ago that this appropriation was to provide the shop and replace the machinery. Is he correct about that?

Mr. HOLLAND. That is my information—that it is largely for that purpose. I have been furnished no detailed figures.

Mr. MANN. It seems to me that we ought to have some one on the floor, even on an item so small as $1,050,000, who knows something about it, who knows what it is for. Of course, I know that in a lot of these things we do not pay very much attention to such small sums of money, but I would like to ask the chairman of the committee whether this is for the shop—that is, to replace the shop, to replace the machinery, or is it for both?

Mr. PADGETT. It is both.

Mr. MANN. The letter of the Secretary of the Navy asked for $1,050,000, to replace the shop, as I just heard it read. I do not know whether the gentleman has read it or not; but if he has not, what would be the situation under this amendment——

Mr. PADGETT. My information is that it embraced the shop and the fitting out of shop.

Mr. HOLLAND. That is my information.

Mr. MANN. But that is not what the letter reads, as I heard it read from the desk, though I may be mistaken about that. If that be not the case, what is the situation? This is an amendment to provide a structural shop and shop facilities. I take it that shop facilities in this case means the machinery, and so forth.

Mr. PADGETT. That is what I understand.

Mr. MANN. To replace those recently destroyed by fire, limit of cost not to exceed $1,050,000. Under the rules of the House and under the practice of Congress, where you have a limit of cost fixed, whenever that limit of cost is reached and you desire to add anything to it, you must have legislation, or it is subject to a point of order. Under this amendment, having expended $1,050,000, if they desired to add a 20-cent tool down there they could not make an appropriation for it without its being subject to a point of order. There ought never to be a limit of cost fixed upon tools, machinery, at navy yards or anywhere else. There never has been before. I quote from the letter of the Secretary which has just been read:

I earnestly recommend and urge that a special appropriation be secured for:

A structural shop—cost not to exceed $1,050,000.

If that means machinery, then I do not understand the English language.

Mr. PADGETT. The amendment that is offered provides for the shop and the shop facilities, which takes in the machinery that would fit out the shop.

Mr. MANN. Yes; but you put a limit of cost upon the shop and the machinery.

Mr. PADGETT. Yes.

Mr. MANN. And that limit of cost is legislation.

Mr. PADGETT. Yes.

Mr. MANN. And you can not exceed it hereafter.

Mr. PADGETT. Of course hereafter we would have to depend upon Congress in dealing with the question, as it was presented then, and the limit of cost as occasion arises is often extended.

Mr. MANN. I do not know that I shall be here, but if I am, and an appropriation is sought to provide additional machinery down there, please remember that it will be subject to the point of order.

Mr. HOLLAND. Mr. Chairman, I want to say that I had a talk with the Chief of the Bureau of Yards and Docks, and unless I misunderstood him the purpose is not only to provide for the shop but also to provide the machinery.

Mr. MANN. How much is the shop to cost, and how much of the appropriation is for machinery?

Mr. HOLLAND. I could not advise the gentleman as to the exact figures.

Mr. MANN. When you make an estimate of $1,050,000—I wonder they did not make it $1,049,999—certainly somebody must have gotten the figures up on those two propositions, and we are entitled to have the information.

Mr. HOLLAND. I have not the figures; they have not been furnished me.

Mr. PADGETT. Here is a letter referred to there, signed by Admiral Benson, Chief of the Bureau of Operations; Admiral Taylor, Chief of the Bureau of Construction and Repair; and Admiral Harris, Chief of the Bureau of Yards and Docks, who made an investigation, and they report for $1,000,000 for the shop and $50,000 is added to that, and in the letter which the gentleman had there he will notice that the Secretary in the estimate which he drafted, stated that $50,000 was for the salvage of the old machinery.

Mr. MANN. I see that plainly enough. That is not for machinery; that is for salvage of the old machinery. That is not

to supply machinery for the shop; and under the gentleman's amendment——

Mr. PADGETT. I understand.

Mr. MANN. You can not put in any new machinery in that shop. You can build a shop and have a roof over it, but you can not do anything in it.

Mr. PADGETT. We are authorizing a shop with machinery to cost $1,050,000, not providing for so expensive a shop as they recommended.

Mr. MANN. Oh, no; you do not know what you are doing. That is the trouble about it.

Mr. PADGETT. Shop and machinery.

Mr. LONGWORTH. Mr. Chairman, I agree entirely with the gentleman from Illinois it would be wise to know the relative proportions of the cost of machinery and the shop. I would like to ask the chairman if he can tell us what was the original cost of the machinery and the shop?

Mr. PADGETT. I stated I could not. That was put in many, many years ago—some of it before the Civil War—and it has come along down with repairs and additions and scrapping and new machinery, and I could not give the gentleman any idea what it was. I will ask unanimous consent that this amendment be passed over until to-morrow, and in the meantime I will get detailed information along the line of the gentleman's request.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that this amendment be passed over until to-morrow morning. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, in order to close the matter up now, does the gentleman recall whether an appropriation has yet been made for the burned machine shop at the Philadelphia Navy Yard?

Mr. PADGETT. I do not know. We have made so many appropriations for the Philadelphia Navy Yard, I do not know whether that has been made or not.

Mr. MOORE of Pennsylvania. I rather expected the gentleman to say that. The fact that the Norfolk Navy Yard has about $792,000—practically $800,000—in this bill and the Philadelphia Navy Yard $538,000 answers the gentleman as to that.

Mr. PADGETT. I will state to the gentleman that the Secretary of the Navy recommended very earnestly a dry dock at Norfolk, and did not recommend one at Philadelphia, and the gentleman's committee put in one for Philadelphia at three and a half million dollars without the recommendation of the Secretary of the Navy.

Mr. MOORE of Pennsylvania. We appreciate that, for it was due

Mr. PADGETT. So it does not lie in the mouth of the gentleman to be captious about the committee.

Mr. MOORE of Pennsylvania. May I ask the gentleman again whether the request for the reconstruction of the burned machine shop at the Philadelphia Navy Yard has yet been complied with?

Mr. PADGETT. I do not know; there has not been any request for several years.

Mr. MOORE of Pennsylvania. It was burned several years ago.

Mr. PADGETT. There has been no request from the department nor from a Member of Congress for several years.

Mr. MOORE of Pennsylvania. This was before the committee at one time. May I ask the gentleman whether any request by the department was made for a floating crane at the Philadelphia Navy Yard?

Mr. PADGETT. Not this year—either by the department or the gentleman himself.

Mr. MOORE of Pennsylvania. I wish to submit to the gentleman that a bill was introduced by my colleague [Mr. VARE] and has been before the committee asking for a floating crane, which is a matter of great necessity, since you are obliged to hire one once in a while at the Philadelphia Navy Yard——

Mr. PADGETT. The matter has not been impressed upon the committee by either the department or the gentleman.

Mr. STAFFORD. Will the chairman of the committee take the general committee into his confidence and tell the committee in how many instances they have departed from the recommendations of the General Board or the Secretary of the Navy and favored some special pet project of a local district?

Mr. PADGETT. We did not favor any special project of a local district. The committee two years ago recommended one at Philadelphia, which went out on a point of order, and——

Mr. STAFFORD. I do not mean a dry dock, but generally speaking.

Mr. PADGETT. Generally speaking, I can not give the gentleman any details.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, as we are not considering this bill in the regular order but by special rule, I think it is only due to the committee that the gentleman should indicate how many instances there were when the committee went beyond the recommendations of the department.

Mr. PADGETT. Sometimes we put in more and sometimes less.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. HOLLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Chairman, I submit an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 26, page 37, add the following:

"*And provided further*, That any retired officer, while on active duty, shall receive the pay and allowances of the grade, not above that of lieutenant commander, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement."

Mr. PADGETT. Mr. Chairman, I reserve a point of order against the amendment.

Mr. MANN. Where does that come in?

Mr. BORLAND. At the bottom of page 37.

Mr. Chairman, if the chairman of the committee wants to reserve the point of order I will make a little statement of the amendment first before touching on the point of order. My understanding is that this particular provision occurs in exactly these words, except the change of title, lieutenant commander to major, in the Army bill. It is exactly the language that was carried in the Army bill with reference to Army officers who are detailed for active duty. As I understand the purpose and the practical effect of it is to give the Government the advantage of the work of these retired officers in cases where it can be done and on conditions that are fair to the retired officer. Now, to illustrate that, because an illustration brings it more closely home to my conception and does, I think, to other nonprofessional men—there is a young man of my acquaintance in the Navy, I do not know exactly what his rank is, but it can not be very high, who had his hearing impaired by a gun discharged in the line of duty. He is a splendid, active young man. My impression is that he was appointed from Arkansas, went through the Naval Academy, is a trained naval constructor, and a very efficient man, and he was retired because in the line of his duty his hearing was impaired by this gun discharge. He is in line with a good deal of work, especially with the enlargement of the Navy. In fact, he is detailed for that purpose right now. But the effect of the present law is, as I understand, no matter how long he has been detailed for that work—and I think he ought to be detailed to it as long as he is able to perform competent work in that branch of the service—his retirement grade does not change as the grade of a man in the active service does. He may become more skilled and more efficient, but he has been retired at a very low grade as a young officer in the Army.

Now, that matter has been corrected by the Military Committee by a specific provision in the military bill which provides that the officers under the grade of major, if they are detailed from the retired list to the active list for duties they are able to perform, advance in grade as though they were on the active list. This is a proposed application of the same principles of the Navy, using the rank of lieutenant commander instead of the rank of major. In other words, a man has to be low down on the list before this can affect him at all, and he never can get above the rank of lieutenant commander.

Now, it does seem to me there are cases similar to the one that I have pointed out, where a man's hearing is affected, or perhaps some other defect incurred in the line of duty. A great deal can be done with the technical knowledge with which the Government has educated him to the advantage of the service. Instead of his lying a dead weight upon the retired list of the Army and continuing to draw his pay and do nothing more, he should be given active duty. If he has the technical knowledge that ought to be used, he should be permitted to use it. I have not any other information about it, but I have no doubt it will appeal to the fairness of the members of the Naval Committee, it being exactly the proposition the Military Committee put on their bill.

Does the gentleman from Tennessee insist on his point of order?

Mr. PADGETT. It is subject to a point of order, but I want to ask the gentleman a question.

Mr. BORLAND. Yes.

Mr. PADGETT. Is this the identical provision that is contained in the Army reorganization bill passed at the present Congress?

Mr. BORLAND. I understand it is identical, word for word, with the provision, except that the Army bill uses the word "major" as the rank above which they can not go, while this uses the words "lieutenant commander."

Mr. PADGETT. And this puts the two services upon the same basis?

Mr. BORLAND. Precisely. The Advocate General has put his approval upon this wording.

Mr. PADGETT. I will not insist upon the point of order, but let the House vote on the merits of it.

Mr. BUTLER. Mr. Chairman, I reserve the right to object. This provides for a promotion upon the retired list. It may be that the rule has been repeated in the Army, but I do not know that. I had no opportunity, however, to prevent that, but I have one to prevent it here; and I am going to make the prevention, and I will make the point of order.

Mr. BORLAND. Will the gentleman reserve it?

Mr. BUTLER. I certainly will if the gentleman wants to make a statement.

Mr. BORLAND. I call attention to the fact that in no case can the commander receive the pay or allowance above the rank or grade of lieutenant commander.

Mr. ROBERTS of Massachusetts. If this proposition is a fair one for a junior officer who has been retired for disability, why is it not fair for a lieutenant commander? If a commander has been retired for disability and can perform some active service, why cut the line and say that it is fair for the man below and not fair for the man above?

Mr. BORLAND. I think the distinction was made on this account. I will say that this young man I describe was a comparatively young man, barely over 30 years of age. He had his hearing affected by a gun discharge. He had only just come out of the Naval Academy and just received his technical education.

Mr. ROBERTS of Massachusetts. In what grade was he retired?

Mr. BORLAND. I do not know.

Mr. ROBERTS of Massachusetts. That of junior lieutenant, or what?

Mr. BORLAND. I do not know. I could not say.

Mr. ROBERTS of Massachusetts. If he was 30 years old he was probably a junior lieutenant. Now, let me ask the gentleman a question. If he is on active duty he is getting the full pay, is he not?

Mr. BORLAND. Yes; if he is on active duty he is getting full pay; but if he stays on active duty 20 or 30 years he would still be getting what? As I understand it, he would still be getting the active pay of a junior lieutenant.

Mr. ROBERTS of Massachusetts. Is not that better pay than if he were not at work?

Mr. BORLAND. Yes; but I do not see why, if he is doing the work, he should not have the active service counted in his favor.

Mr. ROBERTS of Massachusetts. The objection is to bringing these retired men in and taking all the snore stations—getting all the soft berths.

Mr. BORLAND. There may be a scramble among officers for promotions; but we are considering the payment of bills for the retired officers. We are not considering it from the standpoint of the officer who wants a promotion in the service, but from the standpoint that we are paying for these men anyway, and should not we at least have some benefit from their service?

Mr. BUTLER. I do not agree about the scramble for office. I am opposed to men on the retired list being placed on active duty.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield there?

Mr. BORLAND. Yes.

Mr. ROBERTS of Massachusetts. The gentleman misunderstands the situation entirely. This law has not the slightest effect on the promotion of a man on the active list.

Mr. BORLAND. That is the gentleman's own statement.

Mr. ROBERTS of Massachusetts. No; I did not say that. I said this would shut out the line officer when he comes on shore from having a proper duty, and the effect would be to keep him at sea indefinitely, because there is no place on shore where he would get relief from sea duty by reason of all the places being filled up with men on the retired list doing active duty.

Mr. BORLAND. That assumes that there is not more work to be done on shore than could be done by the retired officers. I am not sure that we should not use the retired officers in that way, anyway. But I do not think either one of these assumptions is absolutely incontestable.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GARDNER. Does the gentleman know whether the effect of the passage or adoption of this amendment would be to displace any officer who was in the line of promotion? In other words, would an officer under the gentleman's amendment be an active officer of his grade?

Mr. BORLAND. I understand that this could not possibly interfere with the promotion of an officer in the active service.

Mr. PADGETT. This is on the retired list, and there are no extra numbers on the retired list.

Mr. BORLAND. It simply says that the man who is on the retired list and is assigned to active duty shall have——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. BUCHANAN of Illinois. I object.

Mr. GARDNER. Mr. Chairman, I ask for recognition in my own right.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] is recognized.

Mr. GARDNER. Mr. Chairman, I wish to ask the chairman of the committee, in connection with this amendment, a question. As I understand it, there is no question of promotion involved except on the retired list?

Mr. PADGETT. That is right.

Mr. GARDNER. Very well. Now, if you say that a man shall have the same promotion as he would have had if he had served that length of time longer on the active list, how do you determine in what grade he is to be promoted?

Mr. PADGETT. Simply by the man in front of him and the man who is behind him at the time he went out. This, as I stated, gives promotion on the retired list. It is subject to a point of order, but I was willing that the matter should be debated. The gentleman from Pennsylvania [Mr. BUTLER] made his point of order.

Mr. BUTLER. I reserved the point of order. I withheld it so that the gentleman from Missouri [Mr. BORLAND] might have an opportunity to make a statement.

Mr. BORLAND. Mr. Chairman, I do not think it is subject to a point of order. It is offered at a place which provides for the pay and accounts of the officers and men of the Navy, and it contains a good many of these provisos. The one immediately preceding it is in the rating of storekeepers in the artificers' branch. There are a number of similar designations there. I do not know upon what theory the gentleman from Pennsylvania [Mr. BUTLER] is making the point of order, unless it is not germane. I do not think that is tenable. I think it is germane to that particular paragraph, and certainly to the bill itself.

The CHAIRMAN. The particular portion of the bill to which the amendment is offered provides for the compensation and rating of enlisted men in active service. The amendment of the gentleman from Missouri [Mr. BORLAND] provides for the compensation of retired officers when assigned to active duty. In the opinion of the Chair it is not germane to the provision of the bill to which it is offered, and the Chair sustains the point of order.

Mr. BORLAND. Mr. Chairman, I reoffer the amendment at page 66.

Mr. MANN. I reserve a point of order on it, Mr. Chairman.

Mr. BORLAND. At page 66, line 10, I reoffer the amendment.

The CHAIRMAN. The gentleman from Missouri reoffers the amendment, and the Clerk will report it.

The Clerk read as follows:

Amendment by Mr. BORLAND: On page 66, line 10, insert: "*And provided further*, That any retired officer while on active duty shall receive the pay and allowances of the grade, not above that of lieutenant commander, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement."

Mr. BUTLER. Mr. Chairman, I reserve a point of order.

Mr. MANN. I make the point of order.

Mr. BORLAND. The Chair will observe that the paragraph applies to a great many retired officers, and provides "That the aforesaid officers shall be carried as additional numbers in the grade to which they may be appointed under this act," so that it includes exactly provisions of this character. It seems to me the point of order is not well taken.

The CHAIRMAN. The provision of the bill to which the amendment is offered authorizes the President to appoint on the active list certain officers of the Navy now on the retired list, and provides that they shall, when appointed, be carried as additional numbers. Under the law retired officers may be assigned to duty on the active list, and receive the compensation of the grade they had reached when retired. The gentleman from Missouri proposes that when assigned to the active list they shall receive the compensation of the grade to which they would have been promoted had they remained in active service without retirement. The Chair does not believe that amendment is germane to the provision of the bill authorizing the President to appoint on the active list certain designated officers now on the retired list. The Chair sustains the point of order.

Mr. TOWNER. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Page 102, line 15, after the word "plant," strike out the period, insert a colon, and the words and figures following, to wit: "*Provided further*, That if in securing contracts for any of the increases authorized by this act the Secretary of the Navy shall be unable to make contracts within six months from the passage of this act, which shall provide for the completion and delivery to the Government of battle cruisers within 24 months, of scout cruisers within 18 months, and of destroyers and submarines within 1 year from the date of such contracts, within the limits of cost herein provided, the Secretary shall forthwith report such fact to Congress, with a full statement of reasons assigned and conditions existing, together with an estimate of the cost for the enlargement of Government plants to provide for the building therein of all such increases of the Navy herein authorized for which contracts can not be secured for completion within the limits of the time herein specified."

Mr. STAFFORD. I reserve a point of order.

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. This is an amendment offered to the proviso on page 102. If this amendment should be agreed to, would it still be in order to move to strike out the proviso as amended or is it necessary to make that motion now or before the amendment is agreed to? Of course, this is to perfect the text, I take it.

The CHAIRMAN. The Chair is of the opinion that the pending amendment is of a distinctly substantive nature.

Mr. MANN. I am not raising the point of order. That is raised elsewhere. In the form in which the amendment was offered it was offered as an amendment to perfect the text.

Mr. TOWNER. The question is whether or not the motion to strike out the proviso in the bill could be made independently or whether necessarily such a motion would include this proviso.

The CHAIRMAN. The Chair will recognize the gentleman to debate the amendment, and will reserve his decision on the question raised.

Mr. MANN. The gentleman from Wisconsin [Mr. BROWNE] desires to make a motion to strike out the proviso and to have that motion pending.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BROWNE: After the word "emergency," in line 2, page 102, strike out the following:

"*Provided*, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages except for suggestions resulting in improvements or economy in the operation of any Government plant."

The CHAIRMAN. The Chair thinks that amendment will be in order after the amendment of the gentleman from Iowa [Mr. TOWNER] is disposed of.

Mr. MANN. I suggest to the gentleman from Wisconsin that he modify his amendment so as to propose to strike out the proviso, beginning with line 2, on page 102, so that it will be to strike out the proviso as amended, if it shall be amended.

Mr. BROWNE. I assent to that suggestion.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment. The gentleman can submit that amendment subsequently.

Mr. BROWNE. I ask that the Clerk modify it according to that.

Mr. GARDNER. Mr. Chairman, does the mere fact that the amendment offered by the gentleman from Iowa—which seems to be totally unrelated to the proviso—is offered following the proviso, make it an amendment to the proviso?

The CHAIRMAN. The gentleman from Iowa moved to strike out the period and insert a colon, and his amendment seems to be an amendment to the proviso.

Mr. GARDNER. I raise the point of order, if it is not too late, that it is not germane to the proviso that it seeks to amend.

The CHAIRMAN. The point of order is pending.

Mr. GARDNER. Why does not the gentleman offer it as a separate paragraph? That will remove the confusion. Obviously the paragraph would have to be completed before you could move to strike it out, and surely the gentleman from Iowa [Mr. TOWNER] has no desire to modify the proviso by his amendment, which is totally unrelated.

The CHAIRMAN. The portion of the paragraph proposed to be stricken out can be stricken out regardless of the action of the committee on the amendment offered by the gentleman from Iowa, and would be in order even if the amendment of the gentleman from Iowa was agreed to.

Mr. MANN. But the way the amendment was offered by the gentleman from Iowa was to strike out the period in line 15 and insert a colon, and then so forth.

Mr. GARDNER. If the Chair will hear me, If the amendment of the gentleman from Iowa [Mr. TOWNER] is adopted, and then the question reverts to the amendment of the gentleman from Wisconsin and that is adopted also, not only is the proviso stricken out which the gentleman from Wisconsin [Mr. BROWNE] seeks to strike out, but also the proviso offered by the gentleman from Wisconsin will be stricken out, under the parliamentary situation which the Chair has declared to exist.

[Mr. TOWNER addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, I make the point or order against the amendment offered by the gentleman from Iowa [Mr. TOWNER] that it is legislation, that it changes existing law, and is not germane; and further, the House has already voted on the proposition.

The CHAIRMAN. The amendment is clearly legislation, and the Chair sustains the point of order.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, upon the pending amendment to strike out the proviso on page 102, I understand that a specified time is desired for debate. I want to be liberal with gentlemen about it. What time is desired?

Mr. BROWNE. Mr. Chairman, I would like for myself 15 or 20 minutes.

Mr. BUTLER. I do not know of anyone else who desires to be heard on this side.

Mr. MANN. We have some other amendments which we desire to get a chance to offer, and the time is somewhat restricted now.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that debate on the pending amendment to strike out the proviso on page 102 and all amendments thereto close in 40 minutes, 20 minutes of the time to be controlled by the gentleman from Pennsylvania [Mr. BUTLER] and 20 minutes to be controlled by the gentleman from Colorado [Mr. KEATING].

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment and all amendments thereto close in 40 minutes, one-half to be controlled by the gentleman from Pennsylvania [Mr. BUTLER] and one-half by the gentleman from Colorado [Mr. KEATING]. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I wish to observe at this time that the majority and the minority side of the committee having concluded their amendments some 15 minutes ago, and only 1 hour remaining before adjournment this afternoon, and possibly only 3 hours to-morrow, the gentleman is very liberal in the time allotted for this amendment.

Mr. PADGETT. Oh, the House generally began offering amendments much longer ago than 15 minutes.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I wish to state that at 12 o'clock the gentleman stated that there were two more amendments from his side of the committee, and I think on this side of the House it was stated there would be two more amendments. Three hours have been used in the discussion of committee amendments since

then. Now, when the main body of the House wishes to offer amendments, the gentleman proposes to give 40 minutes to one amendment, with but 1 hour remaining of the day's time.

Mr. PADGETT. I am only expressing the wishes of both sides of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object——

The CHAIRMAN. Debate is not in order. The committee takes more time in trying to come to an agreement than in discussing propositions. Is there objection?

Mr. MOORE of Pennsylvania. I object.

The CHAIRMAN. The gentleman from Pennsylvania objects.

Mr. BROWNE. Mr. Chairman, I ask unanimous consent that I may proceed for 20 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for 20 minutes. Is there objection?

There was no objection.

Mr. BROWNE. Mr. Chairman, the amendment I propose seeks to strike out a provision in this bill which is similar to the bill familiar to a great many here known as the Tavenner bill, which provides that the stop watch or any time-measuring device shall not be used. It also prohibits the premium or bonus system. We are using the time study and the premium systems in several of the departments of the Government, and these systems are giving the best of satisfaction, and the heads of these departments are anxious to retain them. We have both of these systems in use in the Post Office Department and in the Ordnance Department. The question here is whether it is a wise time now to place in this large appropriation bill a provision which may interfere seriously with the administration of the Navy Department. I wish to call attention to just what the stop watch is used for. A great many people look upon the use of the stop watch as an instrument of torture to the laboring man, while, as a matter of fact, the stop watch is used to-day by thousands of manufacturers. It is not used simply to be held over an employee, but it is used more particularly as a time-measuring device, a laboratory instrument, to determine how long it will take to accomplish a certain task. To determine the cost of any article that is manufactured there are three elements that must be determined. First, there is labor, then material, and third, the overhead or managing charges. And the greatest of these three items is the labor that enters into every manufactured article. Now, the greatest scientific experts on efficiency hold that the only way to find out what an article costs is in some way to find out how much labor and how long it takes that labor to accomplish that task, and as a result they take a skilled employee and see how long it takes him to accomplish that task, and they make this time study by the use of a watch. They make many of these experiments to determine the quickest and best way to accomplish the work.

Now, take the Watertown Arsenal, where both the time study and premium system have been established since 1909 by Gen. Crozier. A great many objected to it when it was being established. Some thought it would result in throwing out a large number of laboring men, putting them on the scrap heap, as they expressed it; but what was the result? No man there lost his job on account of it, but they constantly shifted men about until they got men who were adapted to each particular job, and as a result there has been a tremendous saving made, and I will read you some of the testimony of Gen. Crozier later in regard to it.

Mr. KEATING. Will the gentleman yield?

Mr. BROWNE. I want to make my statement first. If the use of a stop watch and the premium system, or any time-measuring device, is a bad thing, then we want to abolish it. We want to abolish it not only in the Navy Department but also in the Military Department and the Post Office Department and other departments; and so, if we vote to retain the provision I seek to strike out, we logically will have to insert a similar provision in the next appropriation bill that comes up—the fortification bill. They are attempting at this time to insert a provision of that kind in the Post Office bill, and the question will come up squarely whether this Government, which is embarking to-day on so many new activities, is going to follow the private manufacturing institutions and adopt efficient methods, or whether it is going to remain at a standstill and prohibit those methods.

Now, take the premium system, which goes along with the time-study system. The premium or bonus system are practically the same thing—technically they are different, but they are used in the testimony of these experts as being synonymous. They take a man in a shop and set him at a job, and they find out how long it will take him to do that job. They try to get as efficient a man as they can. They then add to the time it takes him to complete the task additional time, sometimes 60 per cent, so they will not set an excessively small time, and fix that as the time an ordinary man can do the job. Then they say to the men who are working on similar jobs, "If you can do more than that task in the required time you will get a premium." As a result, that man has an incentive to do the best he can, and as a result of that practice in the Watertown Arsenal every man who is working under the premium system gets on an average over $10 a month premium. He gets, in the first place, the full day's wage, which is the going wage paid in private institutions of that kind, and in addition he gets a premium, and that premium in the Watertown Arsenal averages over $10 a month.

Now, just see what the Government employees in the navy yards and the arsenals are getting. In the first place, this Government gives an eight-hour day, and I am heartily in favor of that. Next, it says to each employee, "You are entitled to 15 full holidays with full pay." Next it says, "You are entitled during the year to seven legal holidays with full pay." Next, the Government gives each employee during the summer months 13 half-holidays—13 Saturday afternoons off. In all this makes 28½ days that the Government employees in the Navy Department, the War Department, and the Post Office Department get with full pay. That amounts to 10 per cent of the working days of the year that every Government employee working in these departments has to himself, with full pay for every day.

So I say that this Government is not treating its employees badly, but is treating them generously, and that is why they like to work for the Government. Now, what do the heads of these great departments that have this efficiency system—the time study and the premium system—say about it? Secretary of War Baker has written a letter to the Speaker of this House testifying in the very highest terms of the way that system has worked in the War Department, and says it would work great injury to the Government to prohibit the use of these efficiency methods. Postmaster General Burleson and the First, Second, Third, and Fourth Assistant Postmasters General, all of them, are unanimous in saying that prohibiting the use of a time study and premium system is going to disorganize their great departments. Now, our Post Office Department competes with the express companies in the parcel post. Our Navy Department, in its shipyards, is going to compete with private institutions, and they want to use the same efficiency methods which their competitors use. Now, there is another thing to which I desire to call attention, and that is about a year ago the President of the United States, cooperating with the Secretary of the Navy, appointed an Advisory Board to the Navy. He sent out to 11 of the great scientific societies in the United States and asked each to select a man from its society to act as an advisory board in the matter of preparing the national defense. Each society selected one of its members by referendum, and they elected Thomas A. Edison as the chairman of the Advisory Board, and in addition to that others were appointed, which made in all 23 to advise the Navy Department. What do these great scientists and experts, men who are disinterested, say of this legislation? I have the opinion of a number of them, and everyone that has expressed himself has emphatically protested against the Tavenner bill, which is incorporated in this naval bill, and I wish just simply to read for a moment from some of these great men upon that subject.

Here is what Thomas A. Edison says:

In my opinion, the bill introduced by Congressman TAVENNER is based on fallacy. It is an attempt to prevent efficiency and would be disastrous to labor and to the public.

The worst enemy of all workers is an inefficiently managed shop.

Here is another of these men, Lawrence Addicks, of Chrome, N. J., a member of the American Society of Mechanical Engineers, a graduate of the Massachusetts Institute of Technology, and consulting engineer for Phelps, Dodge & Co. He is as strongly against this proposition as is Mr. Edison.

Another man who takes the same position is Elmer A. Sperry, of New York City, member of American Society of Mechanical Engineers; is a graduate of Cornell, class of 1876; designer of electric appliances; and noted inventor (designer of gyroscopic stabilizer for ships and aeroplanes).

Another is A. M. Hunt, of New York City; member of American Society of Mechanical Engineers; is a graduate of Naval Academy of 1879; is consulting engineer and experienced in the development of hydroelectric, steam, and gas plants.

Still another is Alfred Craven, of New York City; member of American Society of Mechanical Engineers; is a graduate of

Naval Academy of 1876; is chief engineer of the Public Service Commission of New York City; and was formerly division engineer in charge of the construction work on the Croton aqueduct and reservoirs.

Another is Frank J. Sprague, of New York City; member of American Society of Mechanical Engineers; is a graduate of Naval Academy of 1888; now is consulting engineer for the Sprague, Otis, and General Electric Companies. He was the founder of the Sprague Electric Railway Motor Co., and was concerned in establishing the first electric trolley system in the United States.

Another is W. R. Whitney, of Schenectady, N. Y.; member of American Society of Mechanical Engineers; is a graduate of Massachusetts Institute of Technology of 1890; is at present director of the research laboratory of the General Electric Co.; has been the moving spirit in the perfecting of metallic electric-lamp filaments and the development of wrought tungsten.

All of these men believe that the Tavenner bill would be disastrous to efficiency and would injure the laborer himself.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Washington?

Mr. BROWNE. Yes.

Mr. HUMPHREY of Washington. Has the gentleman the opinion there of Mr. Louis D. Brandeis, recently nominated for the Supreme Court by the President?

Mr. BROWNE. Yes, I have; and Mr. Brandeis favors the time study and premium system and believes that they are necessary to any efficiency methods. I will quote from Brandeis later. Here is the opinion of John F. Wallace. He was formerly chief engineer of the Panama Canal. He resides in New York. He says:

> I would say that the Tavenner bill is so obviously to the disadvantage not only of the United States Government, but also to all employers of labor as well as to labor itself that it is difficult to conceive of its finding favor with our Senators and Representatives. The prosperity of the American Nation, outside of the personalities of its broad and progressive citizens, has been due to the introduction of labor-saving machinery and the substitution of brains for manual labor in all classes of human industry, and it should be apparent to employees in the mass as much as to employers that increased efficiency in production has not only bettered the condition of workmen, but also increased the available profits out of which compensation of labor is paid.

Elmer L. Corthell, doctor of science, president American Society of Civil Engineers, says:

> It is my decided personal opinion from careful study of industrial conditions in this and other countries, covering many years, that the result of the proposed Tavenner bill will lead fast to industrial and commercial disaster. Every effort should be made to remove rather than increase the burden on our industries. This bill, if enacted into law will lead to irreparable injury and loss to the industry, commerce, and particularly the foreign trade of this country.

And I could go on with the testimony of all these other men. My friend from Washington [Mr. HUMPHREY] asked me about Mr. Brandeis. I have Mr. Brandeis's statement, and I will read it. When Louis D. Brandeis appeared before the Interstate Commerce Commission a few years ago he made the statement to them that the railroad companies of the United States were losing $1,000,000 a day because they were not efficient, and the railroad companies and the Interstate Commerce Commission both asked him to prove it, and he brought his great efficiency experts before them, and he was days and days introducing evidence, making out his case. He submitted a brief on the subject that will convince anyone who will read it that a time study is necessary to efficient management. Everyone knows that if any man in this country is in favor of labor, a champion of organized labor, it is Louis D. Brandeis. And what does he say?

Mr. KEATING. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Colorado?

Mr. BROWNE. Yes.

Mr. KEATING. Does the gentleman know of any railroad in the world that has adopted a stop watch?

Mr. BROWNE. I do not know of any.

Mr. KEATING. You do not know of any railroad that has taken the opportunity to save $1,000,000 a day?

Mr. BROWNE. There are hundreds of thousands of men working to-day under the stop-watch and time system that are absolutely contented, and I could stand here and read from now until to-morrow night from the testimony that I have, not only from manufacturers all over the United States that are making use of the time-study and premium system but also the employees working under such system who are heartily in favor of the same. And I have failed to find a single instance where the employees wanted to abolish the system.

SCIENTIFIC MANAGEMENT DEMANDS TIME STUDY.

The results obtained through scientific management depend further on a careful study of each operation with a view to determining, in the first place, what time should normally be taken in performing the operation, and, secondly, whether it can be performed in a better manner than as hitherto practiced. The whole realm of science is brought to the aid of the humblest workman.

Scientific management recognizes also that due appreciation of the actual results of effort must be based upon actual knowledge, and such knowledge is an essential condition to the best performance. The current record of the accomplishment of each individual, of each machine, and of all materials is an indispensable factor in scientific management. Without such a record the tyranny of the foreman, and all the discord which attends it, is inevitable. Without such a record, justice to employer and employee is impossible. Without such a record, waste can not be eliminated.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BROWNE. Mr. Chairman, I ask to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BROWNE. These interruptions have taken a great deal of my time.

Mr. NOLAN. Mr. Chairman, reserving the right to object, I would like to have some understanding that those who are opposed to the motion shall have an equal amount of time.

Mr. BROWNE. Mr. Brandeis says further:

FINANCIAL GAINS.

Under scientific management the employee is enabled to earn without greater strain upon his vitality from 25 to 60 per cent more than under the old system.

The larger wages are made possible by larger production; but this gain in production is not attained by speeding up. It comes largely from removing the obstacles to production which annoy and exhaust the workman, obstacles for which he is, or should not be, made responsible.

Mr. Brandeis commends in the strongest manner possible in his brief, both as to time study and the premium system, and Louis D. Brandeis is against the piece system. Organized labor is against the piece system. Yet this bill does not condemn the piece system, but the time system; time study of any kind. It condemns the premium system; and yet organized labor, so far as ever I have known, has never made any public statement where it has condemned the use of the time system or the premium system outside of Government work.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BROWNE. Yes.

Mr. GALLAGHER. I would like to ask the gentleman whether he knows if Mr. Brandeis or Mr. Wallace or any other scientific man that he has cited ever worked under a stop-watch system or knows anything about it?

Mr. BROWNE. They have made a great study of it.

Mr. GALLAGHER. I do not believe they know anything about it.

Mr. BROWNE. Well, the laboring man is not always the best judge of what is best for him. We know that in days gone by the labor men fought every labor-saving device. We know that the Government Printing Office was the last great printing office in the United States that put in linotype machines, because the men in the Government Printing Office thought it was going to hurt them. But it did not hurt them, and never has; but, on the contrary, they were benefited by such inventions.

Now, my friends who are in favor of the Tavenner bill argue that scientific management is subject to abuse. It is. Every system is subject to abuse. If you have the flat day's work system and you have an unscrupulous employer, he may ask a man to do a day and a half's work in a day. All a man has to do is simply to stop working for such employer.

An employer that wants to treat his men badly can do it under one system as easily as another. It is policy and good business sense to treat laboring men fairly and squarely. Now, under this system it has not impaired the health of any employee. I have Gen. Crozier's statement upon that and I have the statement of the Secretary of War on that. He has ascertained that fact very carefully. They say it will overstimulate a man if you give him a premium. Just look at that a moment. If a premium was going to overstimulate a man if that man was working for himself, he would have the same incentive to overwork as he would if working for a premium. A man may sometimes overstimulate himself because he is working for a premium, but such men are exceptions, and laws are not made for the exceptions. Men are not created with equal capacity. A man that can do twice the work of another man ought to get pay for it. I say that a man ought to have the advantage of his talents, of his energy, and of his ability. And this time system and this premium system give him this.

Take, for instance, a paper mill. A paper machine costs $75,000. It is an important thing in that paper mill to have a man working at that machine that can work it most efficiently. Some men may not be adapted to certain work. They may put such a man at some other machine and he may do well at his new work. So they get the square man in the square place, and the result is we have greater efficiency, a greater output. I have testimony here that it would take me hours to read, showing how much the output is increased and how much more the laboring men are getting under it. And although I have not any accurate information about it, I believe that they are using the time study and premium system in a majority of the up-to-date manufacturing plants in the United States, and the evidence shows that where they have this time system, it shows this fact, that in those plants where they have scientific management they have decreased the hours of labor and increased the output, and at the same time they have increased the wages of labor.

Mr. KEATING. Was not the testimony before our committee with regard to the boot and shoe industry as an example, that less than 15 per cent of the boot and shoe manufactories of this country had the stop-watch system?

Mr. BROWNE. I think that is correct. And some lines have it completely. A large proportion of the automobile works have it.

Mr. KEATING. In the young men's clothing business the testimony showed that there was just one concern in the entire United States. Was not that true? It was so testified before our committee.

Mr. GORDON. You are mistaken about it.

Mr. KEATING. I am not mistaken about it.

Mr. BROWNE. Take the clothing industry. A man testified here, a Mr. Fiess. He showed how he had reduced the hours of labor to seven hours a day. He had increased the pay of the employees and increased his output. Just stop and think a minute. We are going into a great many undertakings in this naval bill. We are going to manufacture armor plate, and great emergencies may arise when we will need to use all efficiency methods known to increase and hasten our output, and should it be the policy of our Government at this time to say that we shall not use a system that is almost universally used by the private employers of the United States just because you can find employers who, maybe, are abusing the system? I can go to plants where they have the common day-work plan, where they have an unscrupulous employer who is abusing his laborers. I do not believe that the heads of great Government departments will abuse a system of this kind.

Gen. Crozier, Chief of the Bureau of Ordnance, states that in the various arsenals over which he has charge there are 6,194 employees. These employees work eight hours per day, and each employee has a 15 days' leave of absence each year with full pay, and receives the same wages as are paid for similar work in private works and in addition many receive premiums or bonuses.

Gen. Crozier testified before the Labor Committee that if the Tavenner bill became a law it would have the effect of abolishing all time study and premium work in the Watertown Arsenal, and in his opinion the labor cost would be doubled.

The following questions were asked Gen. Crozier when he testified, and answered by him as follows:

"Mr. DENISON. As a result of this system, have you had a chance to observe whether or not there is a decrease in the vitality of the employees, and whether it has an injurious effect upon the laborers themselves?

"Gen. CROZIER. It has not in the least. As I stated a moment ago, the records show that the percentage of accidents among the premium workers is less than among the day workers.

"Q. Does the application of the system result in eliminating the men or shifting them?—A. We have a great deal of shifting of the men. We have not discharged any man, as a direct result of the system. We have never discharged a man because he could not come up to the system. (Hearings p. 169.)

"Q. General, what is your judgment, speaking with reference to these men as to whether or not this system will result in decreasing their vitality and health?—A. I do not see the slightest reason why it should. You must remember that the effort which is made is only to ascertain what the workmen can do reasonably, or can be reasonably expected to do. In that respect it constitutes a safeguard, because without the system in any effort to establish tasks I do not see that we can do anything but resort to the pacemaker. If you have an employed pacemaker, he may be an exceptional man, and he would furnish the only standard you would have to go by in forming your expectation as to what a man should do. Even under this legislation this kind of a process would not be forbidden.

"Q. Let me ask this question: Do you think that the enactment of this law, if it should be enacted, would result in any embarrassment to the Government or in any decrease in its ability to meet the situation in case we should become involved in a war?

"Gen. CROZIER. I think it would have a great influence on it, because in that case we would have, in the first place, no accurate knowledge of what a day's work should be, what the output of the workman should be, or what we should require him to do, or what we should tell him to do to get a day's work.

"Q. Do you think you could get a factory to a high state of efficiency without the stop-watch system?—A. I think we could not reach a high state of efficiency without it. I do not believe I could have gotten the Watertown Arsenal up to its present state of efficiency without using the stop watch or some other equivalent time-measuring device.

"Gen. CROZIER. When the amendment carrying similar legislation to that which is now proposed was added to the Army bill last year in order to let the employees see what the effect would be, I gave it by order the same effect it would have if it became a law. I thereupon received a petition signed by several hundred employees of the Frankford Arsenal, where the premium payments were made, asking that my action be withdrawn. A part of the petition is as follows:

PETITION OF EMPLOYEES.

"FRANKFORD ARSENAL, *January 28, 1915.*

"CHIEF OF ORDNANCE, UNITED STATES ARMY:

"I believe that this system (referring to the premium system) has been eminently successful because, according to published reports, the manufacture of small-arms ammunition at the Frankford Arsenal presents a decided economy when compared with costs of the same ammunition procured from private manufacturers. Many of us, based upon the premium system of competition, have obligated ourselves to purchase homes, and if the premium rates are abolished, it means the loss of our homes to us.

"It is very probable that branch of Congress which passed this legislation had in view the interests of the employees, but we beg to differ on this very point. While the legislation prohibits rewarding us for our increased efforts which we give the Government, it does not prohibit an officer or foreman from requiring us to work just as hard as we are now working and for very much less compensation.

"The power of your authority, and that of your officers and your foremen to make us work harder, has not been lessened by this legislation, but you have been deprived of the opportunity of paying us for such increased work as you may give to us.

"We therefore ask you to submit this petition to the Secretary of War, with the recommendation that he transmit it to Congress for consideration and, we hope, favorable action.

"Signed by several hundred workmen." (Hearings, p. 163.)

About March 8 premium payments were restored at the Frankford Arsenal. Maj. Shinkle, who was in charge of the cartridge branch of the arsenal, wrote to Gen. Crozier as follows:

"DEAR GENERAL: When your restoration of premium payments was announced in the cartridge factory there was a complete change in the whole atmosphere of the building. Pessimism gave way to optimism, dissatisfaction to complete contentment.

"There never was a better illustration of the fact that the premium system, when administered in the interests of the employees, is one of the greatest stimulus for the moral, physical, and financial well-being of the employees, etc. (Hearings, p. 185.)

GIVING THE MAN A CHANCE, GIVING HIM INSPIRATION, MAKES A MAN OUT OF HIM INSTEAD OF A MACHINE.

"The social gain of the workman from scientific management is greater even than the financial. He secures the development and rise in self-respect, the satisfaction that his work, which in almost every line of human activity, accompanies great accomplishment by the individual. Eagerness and interest take the place of indifference, both because the workman is called upon to do the highest work of which he is capable and also because in doing this better work he secures appropriate and substantial recognition and reward.

BRANDEIS FAVORS BONUS SYSTEM.

"The money reward for the individual workman's high accomplishment is ordinarily and probably most effectively distributed by means of a bonus system. The bonus system under scientific management has proved itself to be perhaps the most appropriate method of securing to labor its proper reward and perpetuating full cooperation between employer and employee.

SCIENTIFIC MANAGEMENT HELPS CONSUMER.

"Experience in trade has shown that except where there is a close unregulated monopoly the public always secures some part of the benefit gained by reduced cost of production. The reduced selling price comes ordinarily, not as a voluntary concession, but because the demand of the consumer for lower prices proves irresistible in competitive or publicly regulated business."

SCIENTIFIC MANAGEMENT AND LABOR UNIONS.

Mr. Brandeis believes in and has been as great a friend of organized labor as any man of this generation. He says in his brief:

"The claim has been made that scientific management and labor unions are inconsistent; that the organization of labor present insuperable obstacles to the introduction of scientific management in railroads and other industries where unionism is potent. This claim, we believe, is wholly unfounded in fact.

"Collective bargaining is alike an important factor under scientific management as under the old system.

"Unionism does not prevent the introduction of scientific management. It is true that unions, in some trades, have bitterly opposed the introduction of the piece rate or the bonus system without scientific management, just as other unions have opposed the day rate system without scientific management. And very intelligent labor leaders have from time to time objected, and objected properly, to ruthless methods of speeding up; but, as shown above, speeding up is not scientific management.

"It will always require tact and patience to introduce radically new methods, whether the persons to be effected are organized or unorganized workers."

SCIENTIFIC MANAGEMENT APPLICABLE TO ALL BUSINESS.

"Experience has already demonstrated that the principles of scientific management are generally in their application, and can be introduced into practically all businesses, and all departments of any business. They have been successfully applied in private competitive business, like machine shops and factories, steelworks and paper mills, cotton mills and shoe shops, in bleacheries and dye works, in printing and book binding, in lithographing establishments, in the manufacture of typewriters and optical instruments, in construction and engineering work."

Mr. Brandeis produced evidence of the success of scientific management in many different industries, and offered to continue further, when Commissioner Prouty of the Interstate Commerce Commission said:

"Mr. Brandeis, you can hardly add anything to your case by calling the representatives of some other industry and showing those same principles have been applied there. It is perfectly evident that if they

have been applied in one case, they can be applied in another analogous case."

Dr. H. S. Person, director of the Amos Tuck School of Administration and Finances of Dartmouth College, Hanover, N. H., writes as follows:

"I have never been in charge of an industrial plant, nor have I practiced management engineering, therefore what I have to say is not based upon that sort of experience. I have, however, in order to acquaint myself with scientific management for the purpose of instruction, visited many plants, talked with workmen, and made observations particularly with respect to the effect of scientific management upon the workmen. My conclusions are as follows, with respect to the Taylor system of management in which is used the stop watch for time study and in which is applied some form of premium of bonus wage payment.

"The happiness of the worker is greater than under conventional management.

"The health of the worker seems to average better than under conventional management.

"The statistical record of accidents shows that they are less under the Taylor system of management.

"Wages are greater for a given expenditure of time and energy.

"Hours of labor vary in different plants according to the industry, but for any given industry seem to be less than the average of that industry.

"The output is greater per hour of application of labor.

"The unit cost of the product is less than under conventional management.

"The quality of product is better than under conventional forms of management, for the reason that its method of inspection eliminates defective work."

Tabor Manufacturing Co., Philadelphia, Pa.: Records examined by Mr. Godfrey, new president of Drexel Institute, show 73 per cent increased wages and 25 per cent reduction in selling price.

Eastern Manufacturing Co., Bangor, Me., by Mr. F. R. Ayer, vice president and general manager: Workers more satisfied; weekly earnings for employees increased 25 to 50 per cent; hours reduced from 10 to 9½; increase in output, 20 to 75 per cent; cost reduced 10 to 25 per cent; quality of product improved.

Lewiston Bleachery & Dye Works, Lewiston, Me., by Mr. D. N. Bates, agent: Wages increased 25 per cent; rest periods given to workers; women quit work one-half hour earlier than men; accidents decreased; output increased by improved machine and methods, about 60 per cent; by training operators and bonus, 40 per cent; cost reduced about 40 per cent; workers anxious for a bonus.

H. H. Franklin Manufacturing Co., Syracuse, N. Y., by Mr. G. D. Babcock, product manager: Increase in wages, 36 per cent—20 per cent above average wage in locality; hours reduced to 50 per week; reduction in sale price of our product for improved quality, 32 per cent.

Hermann, Aukun & Co., Lebanon, Pa., by Mr. D. J. Walsh, jr.: Labor turnover reduced; sanitary conditions improved; increase of wages of 25 to 75 per cent; increase in production, 150 per cent, largely through the combination of planning and bonus incentive; direct cost of production somewhat reduced; quality bettered. The operators in one department requested that bonus work be established in their department, so as to give them a chance to earn as high wages as the operators now on bonus.

Smith & Furbush Machine Co., Philadelphia, Pa., by C. W. Schwartz, jr., general manager: Twenty to twenty-five per cent premiums earned; output increased; gross cost, including expenses, about the same with much greater uniformity of cost and more accurate cost in detail; quality better; scolding eliminated.

Packard Motor Car Co., Detroit, Mich., by S. S. Beall, vice president of manufacturing: Happiness increased; have been requested by men to set standard times; average premium, 27 per cent of day wages; hours of labor shortened by premium system; output increased; quality of products maintained.

Knox Motors Co., Springfield, Mass., by F. E. Doolittle, superintendent: Happiness of operators greatly increased; better physical and mental condition; more work accomplished in eight hours under bonus system than in nine hours on straight time; output greatly increased; cost considerably cheaper; quality equally good.

Acme Wire Co., New Haven, Conn., by Ralph W. Langley, works manager: Wages of employees increased 25 per cent; records prove no increase in accidents; no injury to health; output increased 25 to 50 per cent; cost diminished; quality of product improved; bonus earnings frequently deposited in savings bank.

Plimpton Press, Norwood, Mass., by A. E. Barter, superintendent: Workers happier through the setting of definite tasks; health improved and accidents decreased; wages increased 20 to 30 per cent, with average wage increased much more than this through the more continuous employment, which is a direct result of time study; capacity of plant increased; standard of quality improved rather than lowered.

New England Butt Co., Providence, R. I., by J. G. Aldrich, president: Employees anxious to have time studies made; accidents less; wages at least 35 per cent higher; output considerably more on work which has been time studied; cost of product considerably less; quality of product is in general better under time-studied work.

Sewell-Clapp Envelope Co., Chicago, Ill., by R. B. Frazer: Wages based on time study increased 15 to 25 per cent; hours of labor planned to be reduced; increase in output up to 100 per cent. In a recent offer of special preferred stock the first purchasers were men who were working on bonuses.

Waverley Press, Baltimore, Md., by Edward B. Passano, president: Increase in production 33⅓ per cent; operatives earning 33 to 50 per cent more; apparently satisfied and in good health.

Clothcraft Shops, Cleveland, Ohio, by Richard A. Feiss, general manager: Happiness improved; health of workers improved, as shown specifically by average of absentees only 1.4 per cent; accidents formerly quite numerous reduced to practically nothing; wages largely increased; hours of labor reduced from 54 to 48 and overtime practically eliminated; output increased; cost substantially lessened, although wages enormously increased; accurate standards of quality have been set through stop-watch observations.

Eaton, Crane & Pike Co., by William N. Eaton, secretary and treasurer: Increase in wages 15 per cent; hours reduced 10 per cent; greater confidence because employee knows task set by scientific study of methods and time is accurate; health benefited through the shorter hours; greater ease in doing work; rest periods and greater happiness because of wage increase; accidents decreased materially; output increased 22 per cent; quality of product improved.

[Col. Wheeler, p. 74.]

REDUCTION IN COST OF LABOR AND MATERIALS DURING DEVELOPMENT OF SCIENTIFIC MANAGEMENT.

During the development of the new scientific management at the Watertown Arsenal, the cost, not only of labor but also of material, in making sets of parts for the alteration of 12-inch mortar carriages (for short guns) was gradually reduced, "so that we have this result, that the direct labor cost per set was reduced from $480 to $225 per set. The shop expense cost was reduced from $335 to $332 per set, and the material cost was reduced from $785 to $362 per set."

[Col. Wheeler, p. 93.]

DECREASE IN COST OF GEARS UNDER PREMIUM SYSTEM.

Referring to a case where a man was required to cut teeth in 17 steel gears: "As a result of the time study on this work, this man was told that the work ought to be done in 71 minutes, and that if it was done in 71 minutes he would get a premium of 33⅓ per cent. * * * Adding 66 per cent to that time made the time 120 minutes per gear within which he could earn a premium, his saving in time being shared by the arsenal. This man completed the 17 gears in 1,356 minutes, whereas his total allowance was 2,040 minutes, and he earned a premium of approximately 25 per cent. In executing this work under this system he reduced the cost of each gear from $2.41 to $1.06, or a saving per gear of $1.35."

[Gen. Crozier, p. 935.]

EMPLOYEES INCREASED EARNINGS AT PIECEWORK OVER DAY RATE, ARSENAL.

At the arsenal in June, 1911, one miller whose day rate was $2 averaged at piecework $3 a day; that is, his percentage of increase averaged 50 over and above his day rate.

Eighteen millers whose day rate was $1.75 each averaged at piecework $2.63 each; that is, their percentage of increase was 50.28.

Four millers whose day rate was $1.50 each averaged at piecework $2.02 each, their percentage of increase being 34.66.

Two millers whose day rate was $1.25 each averaged at piecework $2.23 each, their percentage of increase being 78.40.

In a group of 25 millers the increased earnings at piecework over their day work averaged from 34.66 to 78.40 per cent.

Fifteen millers whose day rate was $2.50 each averaged at piecework $3.09 each, their percentage of increase being 23.60.

Two profilers whose day rate was $2.75 each averaged at piecework $3.12 each, their percentage of increase being 13.45.

Twelve profilers whose day rate was $2.50 each averaged at piecework $3.09 each, their increase being 23.60 per cent.

Two profilers whose day rate was $2.25 each averaged at piecework $2.63 each, their percentage of increase being 16.88.

Another trade, polishers. One polisher whose day rate was $3.25 averaged at piecework $3.60, an increase of 10.76 per cent.

Eighteen polishers whose day rate was $3 each averaged at piecework $3.59 each, their increase being 19.66 per cent.

Eighteen polishers whose day rate was $3 averaged at piecework $3.55, their increase being 18.33 per cent.

The object of that is simply to show, as stated at the time to the witness, that the rates are such that men, by the extra effort intended to accompany piecework, may make this percentage over and above their day rates.

[Gen. Crozier, p. 1198.]

MACHINISTS UNDER NEW SYSTEM ARE REDUCING COST TO A NOTABLE EXTENT—EXAMPLES GIVEN.

With reference to the length of time that is required for making studies by the use of the stop watch, it is now reported from the Watertown Arsenal that the use of the stop watch in settling the time for the turret lathe work has practically ceased, and that the same condition is being approached in reference to the engine lathes—that very few time studies indeed have been made since the 1st of November in the foundry—although I think there are now working in the foundry, and have been for a month or two past, pretty nearly 75 per cent of the molders under the new system, and have given them compensation under that system. In the machine shop they have been working something like 20 per cent of the machinists under the new system. These men have been doing very well. They have reduced the cost of things. They have kept on reducing the cost of things to a notable extent.

[Gen. Crozier, p. 1204.]

EXAMPLE OF FLOOR JOB IN FOUNDRY—REDUCTION OF OVER 41 PER CENT.

Now, I wish to give an example of a little different kind. Mr. O'Leary asked me about a bench job, so I gave him an example about a bench job. Now, here is an example of a floor job in the foundry, the molding of the elevating arms for a 6-inch disappearing gun carriage. The elevating arm is an affair shaped something like this [indicating]. It is intended to raise and lower the breech of the gun. It is pivoted at its lower end about an arbor and its upper end embraces the trunnions of a band which is placed on the gun near its breech, so that by raising and lowering this arm the breech of the gun is raised and lowered. It is about 6 or 7 feet long, and the spread is perhaps 20 inches up at the top.

That, of course, was a larger job than the one I mentioned a moment ago, and the cost of it under the day-work method was $42.35. After a time study had been made of it the cost was reduced to $24.87, making a saving of $17.48, which was 41 and something over per cent of the original cost. The saving represented a sum of $9.94 a day to the Government. The man's pay was increased from $3.52 to $5.02, which was an increase of 42¾ per cent.

OFFICE OF THE POST MASTER GENERAL,
Washington, D. C., May 18, 1916.

Hon. EDWARD E. BROWNE,
House of Representatives, Washington, D. C.

MY DEAR MR. BROWNE: With reference to your letter of April 28, asking for my views in regard to H. R. 8665, entitled "A bill to regulate the method of directing the work of Government employees," you are informed that it is my opinion that the enactment of the above-mentioned bill into law would be prejudicial to the best interests of the Post Office Department and Postal Service. I inclose herewith copies of memoranda submitted by several of my assistants covering the subject in detail.

Very sincerely, yours,

OTTO PRAEGER,
Acting Postmaster General.

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, May 10, 1916.

CHIEF CLERK,
Post Office Department:

It is my opinion that the attached bill (H. R. 8665) should be opposed by the department. It is reactionary in character and, if enacted, would prove a bar to the adoption, in the administration of the service at large as well as in the department, of methods and practices which

are recognized as sound and proper by all progressive and intelligent business executives.

It may be true that the methods and practices against which the bill is directed, if wrongly applied or left to the discretion of inexperienced supervisory officers, might work hardship and injustice on employees, but this is no justification for condemning and proscribing the general scheme and the principles on which it rests.

"Scientific management" rests upon the theory that intelligent and effective supervision of labor is possible only when the supervisory officer possesses definite knowledge of the time which ought to be consumed by a reasonably efficient man, under reasonably efficient conditions, in the performance of a given task. It recognizes, naturally, the variations in capacity that will be found among different workmen. It merely fixes standard times as a result of actual tests under ordinary conditions and presupposes that different employees may fail to attain the standard, may attain the standard, or may exceed the standard, depending upon their ability and the conditions surrounding the particular job. Under scientific management, where properly and intelligently applied, there are usually two standards—(1) the standard of performance which may reasonably be expected of an efficient employee under efficient conditions, and (2) a standard of performance below which no employee may fall without jeopardizing his salary or position, subject, of course, to exception when the inefficiency is due to conditions over which the employee has no control, such as defective machines, tools, etc., or, in the case of the Post Office Service, defective distribution cases, bad light or ventilation, poor space arrangements, etc.

Scientific management not only enables the employer to eliminate the totally inefficient, but enables him to ascertain definitely the employees who are below the standard of efficiency so that he may endeavor to develop them and also to determine the question of adaptability with respect to different employees.

So far as the Post Office Service of this bureau is concerned, there has been no complete application of all of the principles of scientific management, although it is believed that the tendency should be toward the adoption and application of such principles. We have, however, endeavored to apply, in a restricted way, several of the principles and practices—for example, the efficiency rating system promulgated by general circular in November, 1908. This system was the original step in the direction of scientific efficiency ratings but is now obsolete, and the department has had under consideration for several years the question of improving it. Without some standard of performance and method of ascertaining the performance of different clerks and carriers, even the present crude efficiency rating system could not be applied to our service. The time element is most important, and whether a stop watch is used or not, it is necessary to ascertain the time required by a clerk or carrier to handle the mail distributed to him or to perform other duties to which he is assigned. The broad language of the Tavenner bill proscribing the use of a stop watch or "other time-measuring device" appears to prohibit any method of calculating the time taken by the clerk or carrier to perform his work.

In the City Delivery Service we have adopted recently certain standards of work. For example, our system of determining the reasonableness of office time of carriers consists of a comparison of the time required by the carrier actually to perform his work and the time which he ought to have required based upon standards of 16 letters and 6 papers per minute for foot-trip carriers and time allowances for miscellaneous duties. Although the comparison is carried at as a result of a deductive method, it is, nevertheless, a "time-measuring device." With respect to the street work of carriers, the time element is important again, and the average performance of the carrier, for the purposes of comparison, is set up against the actual time consumed by the carrier when accompanied by a foreman or roundsman. The foreman frequently uses not only his ordinary watch and a pedometer but frequently, I believe, equips himself with a stop watch as well as a counting device to determine the number of steps, etc., the carrier may make and the time he consumes per stop. These practices in the City Delivery Service, although somewhat crude as compared with the methods and practices employed in modern industrial plants, are of the nature of scientific management and they, as well as improved methods of their kind, are necessary if we are to arrive at anything like good efficiency in the City Delivery Service.

It is believed, moreover, that the tendency should be toward the adoption of a device or method which will more exactly determine the time consumed by both clerks and carriers in the performance of the different kinds of work assigned to them. Standards of work have not been so generally applied in the case of post-office clerks. Even here, however, it has been necessary, in order to comply with the law requiring that promotions be based on efficiency ratings, to conduct case examinations to determine the speed and accuracy of which distributors are capable. These tests are essentially time studies, and the results are used for making up efficiency ratings. The next step will be to make a comparison between the standards established by these tests and the actual day-to-day performance of the clerks. In other words, the "stop watch" or "time-measuring device" principle is already a necessary feature of the management of post-office clerks, and the principles of "scientific management" are the means by which the next great advance in post-office efficiency is to be accomplished.

Time tests are absolutely essential to the determination of intelligent standards, and the more definite and exact the standards are the surer the employee will be of fair treatment. In our service, with its many thousands of employees and hundreds of supervisory officers, it is absolutely necessary, in the interest of fair treatment for the employees, that some definite method be adopted for the ascertainment of output and the determination of standards for comparison with output. Whether the standards are determined according to a definite plan and stated in writing or whether they are merely the ideas of different supervisory officers based upon opinion or judgment, the fact remains that standards are necessary and do exist for comparison with output. Unless the standards are determined as a result of time tests of specific work under a uniform method or plan they will result from the observation and judgment of supervisory officers, and this observation and judgment will be of as many degrees of intelligence and accuracy as there are supervisory officers.

Furthermore, standards are essential to the intelligent administration of the service by the department, for without standards of performance and information as to the measure in which the standards are attained by the employees of different offices the department has no intelligent way to determine whether an office is overmanned or undermanned.

It is my judgment that the enactment of the Tavenner bill would be prejudicial to the best interest of the Post Office Department and the Postal Service.

DANIEL C. ROPER,
First Assistant.

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, May 15, 1916.

CHIEF CLERK,
Post Office Department:

Reference is made to the letter dated April 28, 1916, from Hon. EDWARD E. BROWNE, asking the views of the Postmaster General with reference to bill H. R. 8665, entitled "A bill to regulate the method of directing the work of Government employees." The bill, in part, prohibits any person having charge of the work of any employee of the United States Government from making with a "time-measuring device" a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work."

It would be impracticable to satisfactorily administer the Railway Mail Service under such prohibition. The work of the Railway Mail Service consists largely in the distribution of mail on moving trains, and the service must be adjusted to the train operation; therefore it is impossible to organize it on the basis of eight hours' work for every week day on every railway postal clerk's run. There are many long train runs on which the railway postal clerks to properly perform the service must be on duty for considerably more than eight consecutive hours, and this is offset by giving the clerks days off duty alternating with days on duty, the length of the time off duty to depend upon the number of hours of work performed by the clerk during the days when he is on duty. To accomplish this, there must be a "time study" of every railway postal clerk's run, to include the hours when he is on the train, the time devoted at terminals to loading, unloading, going to and from post offices, delivering and receiving registered mail, extra time on account of delayed trains, and extra work to meet emergencies; otherwise it would be impossible to determine what would be a reasonable assignment for a railway postal clerk in any given case. Again, railway postal clerks work in postal cars by themselves, in many cases a long distance from the headquarters of their supervising officials, and in order to determine how many clerks should be assigned to a run a "time study" must be made as to the number of pieces or packages of mail to be distributed and handled within the limit of time available on the particular trains; otherwise too much or too little work might be required of a clerk; and if, by reason of no "time study" having been made, insufficient clerical force was provided, the mail would not be distributed, its delivery would be delayed, and the public service would suffer.

The preamble of the bill indicates that the proposed legislation is intended to be in the interest of Government employees, but if applied to the Railway Mail Service it would be detrimental to the interests of the employees, because without a "time study" of the work and conditions of each railway postal clerk's run there would be danger of employees being placed in assignments requiring of them excessive hours of duty and unreasonable amount of work. On the other hand, they might be placed in assignments where the average number of hours per day and the amount of work performed would fall much below a reasonable standard; therefore I recommend that the bill be not enacted into law, its provisions being contrary to the interests of the public service and of the Government employees as represented by the Railway Mail Service.

OTTO PRAEGER,
Second Assistant.

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, May 17, 1916.

CHIEF CLERK,
Post Office Department:

Referring to bill H. R. 8665, entitled "A bill to regulate the method of directing the work of Government employees," your attention is invited to the inclosed communication from the Superintendent of Railway Mails, the contents of which are indicative of the attitude of this bureau toward the provisions of the bill.

It is not the present practice of this bureau to use any time-measuring device in determining the efficiency of any of the employees under its supervision, but the necessity for inaugurating a new system, involving the use of a timing watch, may arise at any moment. This is especially true with respect to accounting, cost keeping, and certain features of the rural-delivery carrier service, and it is exceedingly important that such improvements as may be made in the Postal Service by means of a time-measuring device be not rendered impossible of accomplishment by the enactment into law of the provisions contained in the Tavenner bill.

J. K. PICKETT,
Acting Fourth Assistant.

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, May 17, 1916.

CHIEF CLERK, *Fourth Assistant:*

With reference to the attached bill entitled "A bill to regulate the method of directing the work of Government employees," which in part prohibits any person having charge of the work of any employee of the United States Government from making a time study of any job of any such employee, I have to state that the enactment of any legislation which would divest the executives of the United States Government Departments of all authority to introduce any system intended to determine the amount of work performed by an employee in a given time, or the length of time required by an employee to complete a given job, would have a vicious effect upon the conduct of the public business, since such legislation would place a premium on slothfulness and tend to encourage sluggishness and indifference on the part of employees.

I fully concur in the statements of the First Assistant and the Second Assistant, which appear in the attached communications.

GEO. L. WOOD, *Superintendent.*

Mr. KEATING. I want to ask unanimous consent that my colleague [Mr. NOLAN] may proceed for 15 minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. Can not we limit the debate then on the amendment?

Mr. BROWNE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Reserving the right to object to the request of the gentleman from Colorado——

Mr. KEATING. There are about four gentlemen over here that would like about five minutes apiece.

Mr. MANN. I have not any doubt of that. Still, let us see if we can not reach an agreement as to time, anyhow.

Mr. KEATING. I would like to do that, as far as I am personally concerned.

Mr. MANN. Because there are other amendments and the time is limited.

Mr. KEATING. I would like to discuss this matter, but I am perfectly willing to enter into any arrangement that these other gentlemen who are anxious to present their views——

Mr. OLIVER. I would call the attention of the minority leader to the fact that the chairman of the committee, the gentleman from Tennessee [Mr. PADGETT], is absent.

Mr. MANN. I understand, but the chairman of the committee made a request for 20 minutes on a side. That was objected to, and then 20 minutes was given to the gentleman from Wisconsin [Mr. BROWNE] and an additional 5 minutes. I think it was understood then that some time would be occupied on the other side.

Mr. KEATING. That would be 25 minutes on each side.

Mr. PADGETT. Has there been a proposition made as to an agreement as to time?

Mr. MANN. There have been 27 minutes used by the gentleman from Wisconsin [Mr. BROWNE].

Mr. PADGETT. How much time did you want on your side?

Mr. MANN. We want to have a limitation.

Mr. PADGETT. You have used 25 minutes.

Mr. MANN. Twenty-five minutes.

Mr. PADGETT. And they want 25 minutes on this side?

Mr. MANN. So that it can be yielded as you want it.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent for 25 minutes of time.

Mr. SHERLEY. Mr. Chairman, I do not know of any more important matter that is going to come up, because the vote here is going to determine the vote on the fortifications bill and a number of other appropriation bills. There are two or three letters here which I have received from the War Department that I would like to call to the attention of the committee, and I would like to speak at least five minutes. I do not want to delay the committee, but I am sincere in the belief that this matter is important enough to be thrashed out.

Mr. PADGETT. Suppose you take 10 minutes more on your side?

Mr. MANN. I would rather take five. We have some more amendments. I realize the importance of this amendment, and I would like to discuss it the rest of the afternoon.

Mr. PADGETT. There are some over here that want some time on the matter.

Mr. MANN. The gentleman knows that the time is fixed. Various gentlemen are waiting to offer amendments.

Mr. PADGETT. Does the gentleman say the time has been fixed on the bill?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. All these amendments will be precluded at 2 o'clock to-morrow.

Mr. PADGETT. It has been suggested that we just let it run for the present.

Mr. MANN. I am willing to agree that there be 30 minutes on that side and 5 minutes on this side.

Mr. PADGETT. Then I ask unanimous consent that we have 30 minutes on this side and 5 minutes additional on the other side, and that the Chair control the time.

Mr. SHERLEY. I do not know what you mean by "this side" and what you mean by "that side." I want to speak on the amendment. I do not care where I get the time so that I get it.

Mr. PADGETT. I suggest that the Chair control the time.

Mr. MANN. Some gentlemen want more than 5 minutes. I suggest that the gentleman from Tennessee [Mr. PADGETT] take 30 minutes and that I have 5 minutes.

Mr. PADGETT. That would give you 30 minutes in all.

Mr. MANN. No; I say 30 minutes to the gentleman from Tennessee and 5 minutes to myself.

Mr. PADGETT. I ask unanimous consent, then, that the debate on this amendment and all amendments thereto close in 35 minutes, 5 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 30 minutes by myself.

The CHAIRMAN (Mr. WHALEY). The gentleman from Tennessee asks unanimous consent that debate on this amendment and all amendments thereto be closed in 35 minutes, that 30 minutes be controlled by himself and 5 minutes by the gentleman from Illinois [Mr. MANN]. Is there objection?

Mr. KEATING. Reserving the right to object, does that give my colleague from California, Mr. NOLAN, 15 minutes?

Mr. PADGETT. No; it could not give him 15 minutes. I was going to say that I would yield to the gentleman from Colorado 20 minutes of that time, and the gentleman from Ohio [Mr. GORDON] 5 minutes, and to the gentleman from Kentucky [Mr. SHERLEY] 5 minutes.

Mr. KEATING. Under that arrangement the supporters of the arrangement would have 40 minutes and those who support the original proposition of the bill would have only 20 minutes. That is not a fair division.

Mr. MANN. Not quite, Mr. Chairman. If that arrangement was made, I should yield to the gentleman from California [Mr. NOLAN] the five minutes on this side. I do not say that is fair. I am not undertaking to pass upon that.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. KEATING. Reserving the right to object——

Mr. PADGETT. Mr. Chairman, if that request is objected to, I do not know of anything except to let it run——

Mr. SHERLEY. I think we can arrange it easily. There ought to be an equal division of time, of course. I understand that gentlemen have had 20 minutes.

Mr. MANN. Twenty-five.

Mr. SHERLEY. Twenty-five by the clock; but there were interruptions.

Mr. MANN. No; he had 25 minutes.

Mr. SHERLEY. Two or three minutes were lost in getting order. How much time does the gentleman from California want?

Mr. NOLAN. I want 15 minutes.

Mr. SHERLEY. And the gentleman from Illinois wants 10.

Mr. KEATING. The gentleman from Illinois, who speaks on the post-office feature of it, wants five, and I should like five myself.

Mr. SHERLEY. If you run it 35 minutes, with 15 minutes additional on the other side, that would make 50 minutes additional time.

Mr. MANN. I submit that that ought not to be done. There are other amendments to be offered, and the committee has an amendment that is coming up to-morrow morning. There are only three hours to-morrow before the vote.

Mr. SHERLEY. I do not care. I simply feel that there are some matters that I ought to present.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee [Mr. PADGETT]?

Mr. KEATING. I shall have to object, unless we can get more time.

The CHAIRMAN. Objection is made.

Mr. NOLAN. I renew my request that I be allowed to proceed for 15 minutes.

The CHAIRMAN. The gentleman from California renews his request that he may proceed for 15 minutes. Is there objection?

Mr. MANN. I am not willing to concede that, unless we can fix the time for debate, which, I think, we ought to do, because there are other gentlemen in the House beside those who want to discuss this amendment. They want to offer amendments. I ask unanimous consent that the gentleman from Colorado have 30 minutes and that I have 5 minutes, and that at the end of that time all debate close.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this amendment and amendments thereto close in 35 minutes, 30 minutes to be controlled by the gentleman from Colorado and 5 minutes by himself. Is there objection?

There was no objection.

Mr. KEATING. I yield 15 minutes to the gentleman from California.

Mr. GORDON. Will the Chair please state what that agreement was?

The CHAIRMAN. That debate on this amendment and all amendments thereto close in 35 minutes, 30 minutes to be controlled by the gentleman from Colorado [Mr. KEATING] and 5 minutes by the gentleman from Illinois [Mr. MANN].

Mr. FITZGERALD resumed the chair.

The CHAIRMAN. The gentleman from California [Mr. NOLAN] is recognized for 15 minutes.

Mr. NOLAN. Mr. Chairman and gentlemen, this is a very important section of the naval appropriation bill. A similar provision was included in the Naval and Army appropriation bill in the last session of Congress after considerable discussion. I had the good fortune to sit as a member of the Committee on Labor during the Sixty-third and Sixty-fourth Congresses and to hear the testimony on the Dietrich bill, and in this Congress on the Tavenner bill, which strikes at the stop-watch time study and premium and bonus systems as employed in Government establishments.

During the consideration of the Tavenner bill the efficiency engineers of this country had the opportunity of presenting their case to the House Committee on Labor. It was brought out during the testimony of those gentlemen that the efficiency engineers of this country had formed an organization with headquarters in New York and had solicited funds and started a propaganda campaign throughout this country to prohibit the inclusion in the Army and Navy and fortifications appropriation bills of any prohibition of the stop-watch time study and premium and bonus systems. I do not take issue with those gentlemen. That is their profession. They are making a living at it; but they have started a propaganda throughout this country, and they have Members of Congress deluged with an avalanche of telegrams and letters protesting against this provision in the naval appropriation bill.

Now, these gentlemen testified before the House Committee on Labor, and with all due respect to the gentleman from Wisconsin, I do not know whether he read all of the testimony that took place before the committee or not, but I know that he was not present at most of the hearings and did not have the opportunity to hear the testimony of those in favor of the Tavenner bill. I happened to be present on each and every occasion.

The fact was brought out before the Committee on Labor that not one of the gentlemen who appeared and represented himself as an efficiency expert and a scientific management engineer had ever had any practical shop experience, not one. They were all graduates of some technical institute and took up the question of scientific management after they had their experience in some particular school or institute of technology, but not one had ever had any practical shop experience. If Members of the House had an opportunity to read all of the hearings that took place before the Committee on Labor, I doubt whether there would be a small minority here that would not say that the efficiency engineers were the best witnesses for the Tavenner bill.

I have here some charts prepared by Mr. Minor Chipman from records of work done on different jobs at the Watertown Arsenal. They are included in the hearings before the Committee on Labor. I want to call your attention to these charts. If there is anything in the claim of the gentleman that the stop watch is a scientific device in measuring the element of time as it pertains to the labor of the individual, here is complete evidence that it is not accurate, but inaccurate. Here is a chart of an employee, 2516. It is his record of efficiency for the month of March, 1914, when the system was in full force, and this employee worked on 224 jobs. The highest point he struck that month was 200 per cent, and the lowest 21 per cent. Just imagine: on one job he performed it in half the time and on the other he only performed one twenty-first of it in the time set by the time-study men for scientific management by the stop watch.

I call your attention to it to show the variations. That is supposed to be 100 per cent, this line on the chart. That is the task set; and look at the variation up and down here, shown by this line. That employee was one of the highest skilled men in the Watertown Arsenal, and on one job he gets 200 per cent and in the other 21 per cent. I call your attention to that to show you the inaccuracy of the so-called stop-watch system.

Mr. STAFFORD. Will the gentleman give the average that the man had?

Mr. NOLAN. His average was 121.35. Now, here is the same man's chart, April, 1914, for efficiency on 140 jobs. His highest was 172.9 and his lowest was 45; his average was 121 per cent. That is the chart for the following month.

Here is a chart—and these were taken from the records of the Watertown Arsenal—of an employee that was not listed as a highly skilled mechanic. It is his efficiency chart for one year. The highest point he reached was 149 and the lowest was 33.3, and the average for the year was 96. Now, these gentlemen claim that it was absolutely essential that they should have the use of a stop watch as a time-measuring device for setting the task. This chart shows the inaccuracy of it. If the time-study men were accurate and the stop watch must be accurate, there would be hardly any deviation below or above the line. They would not go to 21 below in one instance and 33.3 in the other.

They have tried to create an impression that this particular time service and abolition of the stop watch and the bonus and premium system in Government establishments is a blow at national efficiency. I want to call attention to this fact. There is nothing in this bill that prohibits any sort of facilities, whether it happens to be machinery or a system of scientific management, applied in a common-sense way. The purpose of this provision in the naval bill is to stop the speeding up of the individual so that they can not take the last ounce of energy and strength away from him without any attention or consideration being paid to fatigue studies or the effect on those human elements involved.

Mr. GORDON. Will the gentleman yield?

Mr. NOLAN. Yes.

Mr. GORDON. How does keeping the measurement of time that a man consumes at a given task speed him up?

Mr. NOLAN. By the stop watch they study every motion that is made, taking time by the one-hundredth of a second; they take the time of the individual selected first and then make the average man come up to it.

Mr. GORDON. How do they make them?

Mr. NOLAN. They set the task and require him to do it or else he loses his job, and they admit they make no provision for the man that falls by the wayside under this system.

Now, let me proceed on the proposition of the bonus and premium. There are many people in the country that object to any restriction on the bonus and premium system. Let me call your attention to what transpired before the committee. A simple example was given the efficiency experts, and I will give it to the House to show you how men are paid. The question was asked the efficiency engineers, Suppose you were called on to install an efficiency system in a shoe factory and you found a group of men were making five pairs of shoes at $8 a day. After applying all the elements of scientific management and efficiency you decided that eight pairs of shoes at $8 a day was a fair task, and eight pairs of shoes was the task. What would you pay the individual for the ninth pair of shoes? That ought to be simple enough. You would think that the workman would get as much for the ninth pair as he got for any one of the eight. Here is the answer: "We would pay him 33⅓ to 50 cents for the ninth pair of shoes." These experts claimed, and the hearings will bear out my statement, that notwithstanding the fact that the employer secured an additional output of three pairs of shoes for the $8, due to the establishment of the efficiency system, that he should be further rewarded by getting anywhere from one-half to two-thirds of additional production over and above the eight pairs of shoes, and that the worker, instead of receiving the same rate for the ninth pair as he received for each one of the first eight, should have his price reduced from 50 to 66⅔ per cent.

That is how the premium and bonus system is applied; that is how it is applied in the Watertown Arsenal, according to the testimony of Gen. Crozier. Talk about employees being satisfied to work under it! In 1911, I believe it was, or 1910, a strike took place against this system at the Watertown Arsenal, and one of my colleagues in the House was a member of the committee that investigated conditions up there. The men were induced to return to work on account of this investigation, and while the committee that conducted the investigation did not denounce the system in its entirety, they called attention to the fact that abuses crept in under it, and they did not think at that time it was necessary to recommend any legislation. Since that time the employees in the Watertown Arsenal have been petitioning and protesting against this system. I have a letter here, not an inspired letter but a letter in which 194 of the lower paid employees of the Watertown Arsenal wrote me indorsing the minimum wage bill which I introduced and which is before this House, and here is what they conclude:

> We believe that you will do your best to make the Nolan bill a law. The 194 petitioners of the Nolan bill, with many others working here, also pray to have the Taylor premium system abolished in this arsenal as being detrimental and a menace to our best mutual good.

I withhold the names of the three men that signed this letter as a matter of protection to them.

According to the proponents of the so-called Taylor system and other systems of scientific management, the underpaid and unskilled workers have a greater opportunity under scientific management than by other day-labor systems, and here are 194 laborers in that arsenal who have not received any of the benefits of it, but who have labored under all of the detrimental features of it, and they are protesting against it.

Reference was made here to a Cleveland clothing dealer who came before the committee, and before I pass on to that I

want to say this: I do not believe that 10 per cent of the men who have petitioned Congress against the Tavenner bill have this so-called efficiency system established in their shops. I know this to be the fact in San Francisco, because their men will not work under it, and it invites trouble.

Mr. BROWNE. Mr. Chairman, I would like to ask the gentleman if there has ever been a strike caused by the time study or premium system?

Mr. NOLAN. Yes.

Mr. BROWNE. Whereabouts?

Mr. NOLAN. In the Government establishment at Watertown.

Mr. BROWNE. In any private institutions?

Mr. NOLAN. Lots of them throughout the country.

Mr. BROWNE. Name one.

Mr. TAGUE. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. For a question.

Mr. TAGUE. For the benefit of the gentleman, I would like to tell him that I have already filed, at the request of the workmen in the Watertown Arsenal, a petition to the Army Department to abolish it.

Mr. NOLAN. There was reference made to a gentleman who testified before the committee who had a clothing establishment in Cleveland, who contended here that he had the most contented group of workers under one roof in America. Here is what developed in his shop. I get this from one who was familiar with the conditions in the shop of Mr. Feiss, who is one of the members of the so-called committee of ten who are protesting:

In one plant it was found that iron standards supporting signs were erected at the bench of every group of workers and that on the signboard, in large figures, was placed the number of pieces which that group must finish to accomplish their day's work, so that each group saw before them when the day's work began what their task would be and every other worker in the room could see what tasks the other groups had performed.

From time to time during the forenoon and the afternoon foremen went from group to group counting up the number of pieces already finished and then hanging up this number under the one indicating how much must be done for the day's work, so that each group were notified numerous times during the day of whether they were behind or ahead and each other group knew whether the rest were ahead or behind, the whole purpose of this scheme being to work competition between the groups and to encourage the greatest possible exertion; in other words, to make a racehorse of the group where the foreman endeavored to beat the records being made by the groups under the other foreman.

That is exactly what scientific management as these gentlemen who explain it undertake to show will do. They have no fatigue studies. Scientific-management experts and efficiency engineers tell us that they make none. They pick the time-study man from men in the shop, and from men who have never had any practical experience in trying to determine the effect of this system on the human beings who must perform the task set. The whole objection to this is that you can not apply a stop watch and the results obtained from a stop-watch system to a human being and make it apply generally, as you can to a race horse or to an athlete upon the athletic field. The human being in the workshop has to work day in and day out under the system, while the race horse is prepared for his race just as the athlete is prepared for what he does on the athletic field, with a rest before and plenty of rest afterwards.

So much has been said about "scientific management" and efficiency that the terms have come to represent something definite in the public mind. Something which is definite; not because of any facts which have been ascertained, but because of the terms used with reference to those systems of management which claimed to increase the efficiency of labor and which have been widely advertised under the name of "scientific management."

For several years the proponents of "scientific management" had a clear field and were able to create certain impressions upon the public mind as to the scientific basis for their systems and the protection which their systems gave to labor, which influenced many prominent men to indorse "scientific management."

It is only within most recent times that any thorough and systematic effort has been made to investigate the conditions which had developed, so far as labor is concerned, in those manufacturing establishments which had introduced any of the so-called systems of "scientific management."

Since an investigation has been made by competent authorities, we discover that the claims of scientific accuracy so far as labor is concerned, vanished into thin air.

It is but natural that a system which claims to deal scientifically with labor so far as the stress of labor and the wages to be paid is concerned, would offer some scientific instrument or basis for measurement and determination, and yet we find after extensive hearings by the Committee on Labor and special committees appointed by Congress to investigate "scientific management" that there is not in existence, so far as "scientific management" is concerned, any thorough studies of human fatigue; that the efficiency engineers have discovered no rule or instrument to determine where the danger point in fatigue begins or when the danger point of fatigue has been reached.

We find, furthermore, that none of the efficiency engineers have as yet worked out any adequate data upon the question of long-time efficiency so far as labor is concerned; that they have no standard measurement to determine what the workers' normal speed or exertion should be; and that they have no standard to determine what the hourly wage rate or the payment for labor should be except what they may find in other establishments in the same locality.

Instead of scientific standards of measurements in these matters, each efficiency engineer's personal opinion becomes the standard, and it is upon this frail basis of one human being's opinion that the only element of scientific knowledge is to be discovered.

Last year an investigation was made of "scientific management" as it affected labor under the authority of the Federal Commission on Industrial Relations. The work was done by Mr. R. F. Hoxie, University of Chicago, as chief investigator, his assistants being Mr. Robert G. Valentine, an expert on employing management, and Mr. John P. Frey, an experienced trade-unionist, these two gentlemen representing the employers and the workers.

Some 35 plants in all were investigated and in addition, Mr. Hoxie spent a year in gathering the facts, and one remarkable feature of the report which he prepared was that, when completed, it met with the unqualified approval of the gentleman who had represented the employers' interests and the trade-unionist who had represented labor. In view of the fact that it was a unanimous report, their findings are entitled to be accepted as authoritative, particularly in view of the fact that since the submission of this report no efficiency engineer has submitted evidence to indicate that any one of the statements contained in the report was inaccurate.

It has been said by more than one authority who has read the report that it is one of the most scientifically prepared documents which has been submitted by any body of investigators. And this report iterates and reiterates the fact that there is but little which could be termed scientific about the conditions found under "scientific management" so far as labor is concerned, while on the other hand many conditions affecting labor were found which not only were unscientific but most detrimental to the wage earners' interest, both physically and mentally.

It may be that nothing could impress upon your minds the utterly unscientific and inaccurate results which have followed the application of "scientific management" so much as a graphic illustration.

One of the features of "scientific management" is the use of the stop watch by the time-study man, and the efficiency engineers claim that through the use of this stop watch, the study of the equipment, material, and the man, an accurate or scientifically accurate time can be set in which the workman should perform the task.

It is not difficult to grasp the fact that if the time in which different work was to be performed was scientifically determined that the workmen would accomplish approximately the same percentage called for on each task, and yet investigation shows that the widest of variations exist in the times required to perform tasks which have been set under "scientific management."

We have heard both in the committee room and on the floor of Congress considerable about "scientific management" as it has been applied in the Watertown Arsenal, and I know of no better illustration of the utter inaccuracy of determining the tasks for workmen than can be found in this arsenal.

I hold in my hand some charts prepared by Mr. Miner Chipman, which are prepared from the records of work performed on different jobs by employees of the Watertown Arsenal. The charts are included in the hearings held by the Committee on Labor on the Tavenner bill.

The first one, which relates to the work of employee No. 2519 for the month of March, 1914, indicates that he was a workman of more than ordinary efficiency. During this month he worked on 224 jobs, and for the month his average efficiency was 121.35 per cent. But whether he had accomplished every task in the exact time allowed for it by the split-second watch time-study man, or whether, owing to his great efficiency, he had reached 121 per cent, the degree of time in which he accomplished each task as set by the time-study man would be approximately the same. Yet what do we find on the one hand? One job he performed in one-half of the time set by the time-study man; on another he was able to accomplish but 21 per cent of the task within the time set.

I have another chart, made up from the performance of the same employee during the month of April, and here he shows that his average efficiency was about the same in being 121 per cent, yet on some jobs he was able to accomplish but 45 per cent of what was required by the time-study man within the time set, while on some jobs his efficiency was as high as 172.9 per cent.

As it might be held that this man because of his higher average efficiency might show a greater variation in his output per job, I would call your attention to the record of employee No. 2681 for the months from October 1, 1912, to September 30, 1913. Here we find for this long period an average efficiency of 96 per cent, or, in other words, that this worker on the average accomplished but 96 per cent of his work in the time set by the time-study man, but we find on some jobs that he was able to accomplish but 39.3 per cent of the task within the time set, while on other work he not only accomplished the task but did so with the rating of 149 per cent efficiency.

While such charts are not an indictment against "scientific management" in itself, they do constitute the most convincing evidence that when put into application those who operate the split-second watches and who make the time studies are unable to determine how long a man should be allowed for the performance of a task with any degree of scientific accuracy. In fact, any foreman in an old-fashioned one-horse shop who would allow such differences in the time in which a workman should do his work would be laughed out of the shop by the workers and employers alike.

While theoretically it has been held that "scientific management" through the use of its so-called scientific methods would prevent any overstrain, overexertion, overfatigue upon the worker's part, the result of the investigations made have indicated that nowhere are there to be found such systems for the remorseless speeding up of labor as exist in establishments applying the methods of so-called "scientific management."

The time set for the performance of a task, or the time in which a piece of work must be done, is determined by the time-study man; then to urge or stimulate the workers to accomplish this task they are paid an additional amount either in the form of a premium or a bonus, and the efficiency engineers frankly inform us that they would not expect to secure the performance of the task if it were not for this additional money inducement which is held out to the worker; but this financial inducement is not considered sufficient, and other features are introduced to speed up labor.

In another plant they had established for some of the day workers a very novel evidence of so-called scientific efficiency.

Here some of the work could not be regulated by pulley wheels and machinery because it must be done by hand, and so, as machinery could not be speeded up which the worker must keep pace with, another method had to be devised, and in front of the worker's bench was a metronome, which was set in motion, and the workers were expected to move their arms backward and forward keeping time with the moving arm of the metronome.

In another plant a peculiarly effective system had been devised for speeding the workers to their limit.

The bonus system of payment was in existence and the foreman of each group of workers received a bonus in addition to his wages, based upon the percentage of the workers under his charge who succeeded in accomplishing the task set for them, or, in other words, of earning their bonus. The larger the number of workers who accomplished their tasks within the time set the higher the foreman's bonus.

The idea of making the bonus an effective part of "scientific management" was carried one step further, and the time-study man, who also set the time in which the tasks must be performed, also received a bonus. But his bonus was based upon the number of workers who failed to accomplish the task within the time set, so that when the tasks were set so difficult that but few of the workers could accomplish them, the time-study man's bonus was increased. In other words, the time-study man's income depended upon setting the task so difficult that but few of the workers could accomplish it, while the foreman's income depended upon his prevailing upon the workers in his charge to accomplish their task within the time set.

Here the workers were between the upper and the nether millstone, between the devil and the deep sea. They were at the mercy of two men, each of whom was stimulated to help out a condition which aimed to secure the last ounce of energy from every worker affected by the system.

These illustrations are taken from an almost countless number which could be given to emphatically disprove the claims that "scientific management" has made relative to its protected influence in preventing overstrain and overspeeding.

We have listened to lengthy statements as to the specific efforts made under "scientific management" to train the workers and to make better mechanics and craftsmen, but when we search for the evidence we find that the efficient workman, the highly skilled specialist which "scientific management" talks about is the man who has been trained to do one simple part in connection with one of the articles which is finally to be assembled into a complete whole.

It is the kind of training which may enable a worker to learn how to screw on a certain size nut upon a bolt more rapidly; which may educate the girl in the garment shop so that she will be proficient in the trade of sewing on buttons or stitching the seam on a collar; it is the kind of industrial or mechanical training which equips the unfortunate worker for no other job than the minutely specialized part of the simple operation upon which he is allowed to work.

I would hesitate to make this statement if it was not so completely borne out by the investigations which have been made, but in view of these I am fully justified in holding that if "scientific management" as it is in operation in the industries to-day could be applied to all of our industries within a year, the training of artisans and craftsmen would cease and the American workers would become a nation of unskilled laborers, or rather laborers skilled in performing but one simple operation in connection with the industry in which he was engaged.

In fact, "scientific management" definitely aims to build up a small body of highly trained men, time and motion study men, instructors, and the head of the planning department, and this little handful of men are to acquire all of the knowledge and to do all of the directing, and there is to be this little group who will do all of the thinking and the immense army of workers who are not to be allowed to think because their thinking would interfere with the unlimited rules and regulations of "scientific management." And we would have in our country a little group with all of the knowledge and all of the directing power in their hands and the masses of laborers dependent upon this group for what meager information they would be allowed to secure as skilled workers.

I have confined myself to a discussion of so-called "scientific management" as it affects labor. It is with this feature that I am particularly interested, because this feature is by far the most important, for it affects the lives of the workers themselves; it would determine the degree of mechanical knowledge which they shall acquire, and establish the standard of living for the masses of our people.

No fact was brought out more clearly in the special investigations made by Congress, in the hearings held by the Committee on Labor, and the investigations made by Mr. Hoxie and his assistants, than that the theory and the practice of this so-called "scientific management" differs on many points as far as the east is from the west.

It has been overwhelmingly proven that as applied in industrial establishments to-day, "scientific management" works in opposition to its theories so far as labor is concerned on many vital points.

In fact, there seems to be but one point where "scientific management" consistently applies its theories in practice, and that is, in the autocratic control which the employer must exercise.

"Scientific management" in its relation to the workers is essentially autocratic; there is no place in it for industrial democracy, no point at which labor can be given a voice in the determination of the terms of employment and the conditions of labor.

In this country we hold, at least, that the wage earner has a right to a voice in determining under what conditions he shall work and what the terms of his employment shall be; and we hold that this right, and the daily exercise of this right, is essential to our American institutions, because without its exercise and where the employer determines terms of employment and conditions of labor to please his fancy, his sympathies, or his desires for profits, he also determines the wage earner's standard of living, because wages determine what kind of a

home the worker shall live in and where this home shall be located; whether it shall be an insanitary two or three room home in a crowded tenement, or whether it shall be a comfortable dwelling place with sufficient room and pure air and sunshine entering into it.

His wages and the degree of vitality which he must daily give up to the employer determine his physical condition, the opportunities which he will have for self-development for a knowledge of the great problems which affect us as a people and determine his value as a citizen. But now, under "scientific management," we find both in the theory and in the practice that labor is to be prevented—in fact, must be prevented—from having an effective voice in these most essential matters, because we are told "scientific management," the systems which it applies, the forms under which it works, are such that they can not be made a subject for conference and agreement between the employers and the workers.

"Scientific management" in theory and in practice is essentially autocratic, and as one American I shall always use all of the influence at my command to oppose the growth of any institution or tendency which will develop autocratic control, whether in our industries or in any other department of our activities as a people.

I insert an editorial from the Washington Post:

[From the Washington Post, Saturday, May 6, 1916.]

TOO MUCH EFFICIENCY.

To a certain order of mind the idea of getting a little more out of a given situation than anyone else can extract from it appeals with irresistible attraction. With these the announcement of a new method of efficiency means that the world has ceased to muddle through and has begun some real progress.

While inclined to give due credit to the efficiency workers for their achievements, it is felt that the line should be drawn somewhere. Both common sense and healthy sentiment join in protest against the latest efforts in this respect, which involve the production of two eggs a day from a single hen. This is brought about by a very simple expedient. The confiding biddy is placed in a darkened room, fitted up with electrical diagrams, which convey the illusion of a double day and night period within a single 24 hours. The outcome is that a hen, all unconscious of the deception, lays her regular egg a day, as she thinks, whereas the brutal taskmaster gathers in a pair with no compunctions of conscience, so far as can be ascertained. On the contrary, the account of the affair implies that he rather boasts of it.

Somehow, we instinctively recognize that it won't do. For a while perhaps there will be an actual gain. But the temporary increment can not mean other than eventual loss. One can readily prophesy an exotic brand of egg produced by the electrical method that will pale its ineffectual yolk when peered at through the shell by perspicacious housewives or later dallied with by the men folk at the breakfast table. Besides, it means no real progress. The substance of albumen and lime and protein and phosphorus must come from somewhere at a definite cost. Why not put two hens on the job?

And while the plea is being made for the hen, why not let the general principles involved apply to humanity as well? The real problem of society to-day is not so much to get the last vestige of available effort out of a given individual as it is to provide that every individual shall find his place, and there do his appointed work in respectable measure, with a little reserve force left over for the enjoyment of playtime and rest at the end of the day's task.

I incorporate in my remarks the following letter, which was received too late to read to the House:

COMMITTEE OF TEN TO OPPOSE LEGISLATION ANTAGONISTIC TO EFFICIENCY IN AMERICAN INDUSTRY.

New York, May 31, 1916.

To the Representatives in Congress:

The antiefficiency rider on page 102 of the naval appropriation bill if retained will brand everyone responsible for it as a coward. If its principle is sound, Congress should enact the Tavenner bill, which openly embodies it.

If afraid to do this, Congress should be more afraid to seek by indirection what it can not or dare not do directly. The country demands efficiency and will profoundly resent legislation forbidding it.

Scientific management stands for better efficiency, for better working conditions, and for better wages. The opposition to it is based on ignorance of facts and experience and on the selfish interest of exploiters of labor.

We urge you to oppose by vote and voice this attempt to hobble American industries. It can not prevail for long, and its inevitable condemnation, when understood by the people, will include all responsible for it.

Yours, truly,

COMMITTEE OF TEN,
W. HERMAN GRUEL,
Secretary.

This letter will give you an idea of the campaign of intimidation that has been carried on by the so-called "Committee of Ten," representing the "efficiency engineers," who have never made any endeavor to set standards for their own profession nor to correct any of the abuses in so-called "scientific management." Their work in installing "scientific management" corresponds with their actions in writing this and other letters. They attempt to label every Member of Congress who opposes the stop-watch, bonus, and premium systems as a coward, and also threaten, in the last paragraph, the Members of the House who are in favor of the Naval Committee provision with their vengeance. So far as I am personally concerned, I welcome their opposition, realizing that if they do not stand for any better standards in their personal affairs than they do in connection with their business, such opposition is always to be welcomed.

The CHAIRMAN. The time of the gentleman from California has expired.

[By unanimous consent Mr. NOLAN was granted leave to extend his remarks in the RECORD].

Mr. KEATING. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. TAVENNER].

[Mr. TAVENNER addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6239. An act authorizing the Commissioner of Navigation to document as vessels of the United States two dredges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. VAN DYKE].

Mr. VAN DYKE. Mr. Chairman and gentleman of the committee, I am not interested in this bill particularly because of private manufacturers or private manufacturing establishments, but simply because of the effect it has upon Government employees and the effect upon the service rendered by those employees. In passing, however, I desire to state that my ideas on the issue of a stop watch coincide with the statement made by Senator LODGE in a speech against its use, which is as follows:

The one object of the time measure is to produce speed. Now, speed is not the only thing that the Government or any other employer or manufacturer is seeking for. There is something more important than speed, and that is quality. Speed has nothing to do with quality. Owing to great inventions of our time, owing to steam and electricity, we have carried speed to such an extent in all of our manufactures that certainly in many cases the product has deteriorated in quality as it has advanced in quantity and rapidity of production.

The stop watch and the time measure can tell you nothing whatever about quality. It may be a basis of fixing wages or anything else, but the only thing we can possibly tell by time is speed. We all associate a stop watch with its use for racing horses. I dare say it is used now for racing automobiles, but not by a man buying horses for his ordinary use. In the days before automobiles I used to own horses and be very fond of them and drove them a great deal, but I never put a stop watch on a horse I was going to buy. I wanted to know his qualities; I wanted to try him; but I was not going to buy a horse to use on the track, and therefore I had no use for the stop watch. They use a stop watch to test a horse that is going on the track to race in the Derby, for instance, or in any of our great races. It is of the utmost importance to know what the horse can do on the furlong, or on the quarter mile, or on the half mile, but it does not tell the story of his quality. It will tell the story of speed and the qualities necessary to speed, but there are many qualities it does not tell.

Now, to put the stop watch on human beings may tell how fast they can work, but it can tell nothing of the quality of their work, nor how long they may work. A horse may be very good for a short spurt and absolutely worthless for a 4-mile race. It is a poor test. It is a promoter of the idea that the one thing to do is to turn out just as much as we can just as far as we can. That has gone through everything in this period of ours. It has deteriorated style, it has deteriorated literature, it has deteriorated art. It is deteriorating manufacture.

I do not believe, Mr. Chairman, in standing over men with stop watches to see how far they can go under pressure in securing speed in performing a given piece of work. The very fact of a stop watch implies strain on every faculty, on every physical power, driving the heart and lungs and every muscle to the utmost possible point.

In the days of slavery it was said there was one school of slave owners who believed it was more profitable to work the slaves to the last possible point and let them die then to try and care for them when they were ill and work them reasonable hours and treat them without a stop watch. Those who believed in working them to death, I imagine, were a very small and merciless minority, but there is always that disposition.

I am a thorough believer in the best man getting the best wage and the hard-working man getting what his hard work deserves. I have no desire to see the thriftless and idle paid as well as the industrious, steady, and hard-working men; but I do not believe anything is gained for the Government or for anybody else in standing over a man with a stop watch to see whether under pressure he can do a certain piece of work in a given time. I do not believe it is sound economy.

Reference was made to the Post Office Department in the talk made by the gentleman from Wisconsin [Mr. BROWNE], who told how efficient the system had worked out in that department. I want to show you—and I am giving you this from personal observation—what happens and how this system is taken care of under the Post Office Department. When a letter is dropped in the post office it is handled first by what is known as a post-office clerk—a distributing clerk. Those clerks are given a certain number of letters which they must work within a certain given period of time, which will run, in different places, from 16 to 30 and sometimes 40 letters per minute. The peculiar

part of the system is this, that it is absolutely impossible to create a standard in handling mail. You can easily see that, when you stop to think of the number of different kinds of addresses that are on different letters, some of them written legibly, some typewritten, but no two alike; so without a doubt you will agree with me that no standard can be placed which would be fair to the clerk.

These post-office clerks are required to handle so many a minute, observed, when this system is used, with a watch, and urged to their topmost speed. Then some time afterwards, probably that week or the following week, they are observed from what is known as a secret passage within the post office. This is taken from the testimony before the committee. The clerks are informed that they have not kept up to the speed that they established at the time they were observed; that is quite natural, it is human, in fact, for a man to speed up when his foreman is looking on and telling him he has to produce a required speed at that time. At this point I desire to submit a communication sent to the clerks and carriers of Chicago and extracts from statement of Thos. F. Flaherty, secretary-treasurer of the National Federation of Post Office Clerks, made before the House Labor Committee on the Nolan minimum-wage law; also letter sent to myself after I had introduced a bill to prohibit the use of the stop-watch and time-measuring systems in the Postal Service:

COMMUNICATION SENT TO THE CLERKS AND CARRIERS OF CHICAGO.

POST OFFICE, CHICAGO, ILL.,
Delivery Division, January 29, 1915.

Circular No. 7.
Subject: Rating of clerks and carriers.
Superintendents of stations:

Superintendents of stations will submit as soon as possible, in C. P. O. Form 3960, efficiency ratings for all clerks and carriers assigned to their respective stations on the quantity and quality of work performed during the year ending November 30, 1914.

The next efficiency ratings following the above will be given for the six months from December 1, 1914, to May 31, 1915, and shall be submitted hereafter semiannually, December 1 and June 1, respectively, on C. P. O. Form 3990.

The efficiency rating of each employee from December 1, 1914, on shall be determined on his record for attendance, adaptability, speed, accuracy, and efficiency, and the relative value of each subject shall be charged as follows:

	Points.
Perfect in attendance, one-fifth point off for each day absent	14
Perfect in adaptability	12

Adaptability of clerks shall be determined by their availability for any clerical duty, application, appearance, and courtesy.

Adaptability of carriers shall be determined by periodical tests as to the manner in which they memorize removals and dispose of their "overs"; their applications, general appearance, and courtesy in the office and in the field. Maximum in speed, 12 points.

To be given as follows:

Clerk distributing—	
50 cards per minute on examination	12
45 cards per minute on examination	11
40 cards per minute on examination	10
35 cards per minute on examination	9
30 cards per minute on examination	8
25 cards per minute on examination	6
20 cards per minute on examination	3
16 cards per minute on examination (four qualifies)	0
Carriers routing and trying out on exclusive:	
Firm districts—	
40 pieces per minute on test	12
35 pieces per minute on test	11
30 pieces per minute on test	8
25 pieces per minute on test	5
20 pieces per minute on test	2
Under 20 pieces per minute on test	0
Office-building districts—	
35 pieces per minute on test	12
30 pieces per minute on test	11
25 pieces per minute on test	8
20 pieces per minute on test	5
17 pieces per minute on test	2
Under 17 pieces per minute on test	0
Mixed business and residence districts—	
25 pieces per minute on test	12
23 pieces per minute on test	11
20 pieces per minute on test	8
17 pieces per minute on test	6
15 pieces per minute on test	2
Under 15 pieces per minute on test	0
Three-trip residence districts—	
20 pieces per minute on test	12
19 pieces per minute on test	11
17 pieces per minute on test	9
15 pieces per minute on test	6
13 pieces per minute on test	2
Under 13 pieces per minute on test	0
Two-trip residence districts—	
18 pieces per minute on test	12
17 pieces per minute on test	11
16 pieces per minute on test	9
15 pieces per minute on test	7
14 pieces per minute on test	5
12 pieces per minute on test	2
Under 12 pieces per minute on test	0

Accurate observance of the working schedule by carriers, 12 points. To be determined by weekly periods for first trip in each month of the year.

Where a carrier averages schedule leaving and returning on first trip for each weekly period he shall receive 12 points.

For an average of each minute excess of the schedule as outlined above he shall lose one-half of a point.

Accuracy in the distribution of mail by clerks, 12 points.

Standard for maximum points, 99.50 per cent correct on case examination:

99.50 per cent correct	12
99 per cent correct	11
98.50 per cent correct	10
98 per cent correct	9
97.50 per cent correct	7
97 per cent correct	5
96 per cent correct	3
95 per cent correct (but qualifies)	0

Perfection in all of the above subjects shall entitle an employee to 50 points on efficiency, and the net result would give an employee an efficiency rating of 100.

For example, should an employee's record and service be such that it would earn him 13.80 points for attendance, 11 points for adaptability, 11 points for speed, 11 points for accuracy, the points earned for efficiency would be 47, or a sum total of 93.80 points, which would be the rating earned.

All clerks assigned to stations, except those who are engaged entirely in cage work, must be examined on distribution and assigned to the distribution of mail upon receipt of each dispatch. Cage clerks who perform no distribution shall be rated on speed and accuracy, in accordance with the superintendent's judgment and observation as to their ability to perform the duties assigned them.

LE ROY T. STEWARD,
Superintendent of Delivery.

It is a physical impossibility to reach the standard set by the Chicago postal officials and to retain it for any number of years. The strain both mentally and physically is too great and many employees drop from the service or are forced to accept wage reductions others are dismissed for inefficiency.

EXTRACTS FROM STATEMENT OF THOMAS F. FLAHERTY, SECRETARY-TREASURER OF THE NATIONAL FEDERATION OF POST-OFFICE CLERKS, MADE BEFORE THE HOUSE LABOR COMMITTEE ON THE NOLAN $5 MINIMUM-WAGE LAW.

Mr. VAN DYKE. You spoke a moment ago about speeding up in business. Do they use any such thing as a stop watch in your line of business?

Mr. FLAHERTY. The stop watch is used in some offices; yes. In that connection I will read a letter; I won't mention the office, because it might get somebody in wrong, but it is from a large office in the Middle West, addressed to a clerk in the mailing division. It says:

"It is noted that in the January tests you cased 47 pieces per minute unobserved and 61½ pieces observed. With the early return of this communication I would thank you to explain the difference of 14½ pieces per minute."

In other words, while the clerk was being observed, the man stood over him with a stop watch and he cased 61½ pieces of mail. The unobserved test means that the man was being watched unknown to himself, whether from the overhead inspectors' gallery or whether from the adjoining case I do not know. And in that connection, it might be of interest to the committee to know that in every office in the country, any office of any size, at any rate, there is all along the walls a hidden gallery. The inspectors can enter that gallery from the outside, and sometimes they wear black dominoes so they can not be observed from down below. And from these points of vantage they look down and watch the men at work. The reason given by them, of course, is that it is a preventive against rifling the mails; but as a matter of fact, from the report to Congress last year, you will see there were out of 38,000 clerks only 160 of them detected in rifling the mails. The report does not show how many were detected by this particular method, but the report does show there was only 1 man out of 350 that is liable to do that thing. And I do not believe it is in accord with the spirit of our American institutions, particularly our Government institutions, to have men spied upon; to have 349 innocent men spied upon in order to catch one man who might possibly be guilty. I should think that ordinary police methods ought to prevail in detecting a man who would be weak enough to do a crime of that kind.

To return to the speeding-up question, Congressman, the clerk answered by saying that when he threw the 61½ letters per minute he was endeavoring, as requested, to see how many he could possibly case on a five-minute test. He was being tested with a watch, and, of course, he knew it and was going possibly a little beyond his normal speed. Then he says:

"This is a pace that it would be absurd to think of maintaining for eight hours. I do not know the conditions under which the 47 pieces per minute were cased, but am of the opinion that that is a reasonable rate of speed."

He did not know when he was observed when he cased the 47 letters per minute.

I will say in this connection—and you know it, Mr. Van Dyke—that mail is not uniform. Some of it is typewritten—that is, the addresses—and some of them are almost illegible; and you can not maintain a fair speed or as high speed on letters poorly addressed as you can on those typewritten or on business letters of business men.

The reply to that clerk's answer was "with a little effort you can maintain or exceed standard at all times, and I expect your future tests to show this."

In other words, by the use of a stop watch they were expecting to maintain more than a normal speed; and in that connection, too, here is something that might be of interest to the chairman of the committee, because it pertains to the New York office. A letter here from a clerk in the money-order division of the New York office—and he mentioned and gives the names of three men, and he says that these men have gone insane through the speeding-up methods that are in vogue there. He gives their names—I do not believe that I had better give them for the record, but the committee can read them if they so desire. It tells when they entered the service and when they resigned; and he said one of them committed suicide and killed his daughter, due to nervousness. Another was a nervous wreck.

He says that the above men were not always nervous, but since the pushing tactics were used during the past four or five years the men have changed.

That is in the money-order department of the New York office, in which, as you are aware, they operate a great many of these machines. He says:

"One sheet can not be paid properly in one hour, the time given by the superintendent. Some do it in less than one hour, but they do not check or examine the sheets, which is against the rules of the money-order department. Each machine is numbered, and a record is taken when the clerk sits down at the machine; also the number of the machine he is working on. This week he has ceased timing, but he is watching, and if anyone takes over an hour on a sheet he will surely get——"

He leaves that blank.

LETTER SENT TO CONGRESSMAN CARL C. VAN DYKE AFTER HE HAD INTRODUCED HIS BILL TO PROHIBIT THE USE OF THE STOP-WATCH AND TIME-MEASURING SYSTEMS IN THE POSTAL SERVICE.

NATIONAL FEDERATION OF POST OFFICE CLERKS,
Washington, D. C., February 17, 1916.

Mr. CARL C. VAN DYKE,
House of Representatives, Washington, D. C.

DEAR SIR: Permit me to thank you in behalf of the National Federation of Post Office Clerks for having introduced H. R. 8677, a measure to prevent the use of the stop-watch or time-measuring device or system in the Postal Service, reading as follows:

"*Be it enacted, etc.*, That it shall be unlawful for any officer, superintendent, foreman, or other person having charge of the work of any employee of the Postal Service to make or cause to be made with a stop-watch or other time-measuring device or system a time study of the movements of any such employee.

"SEC. 2. That it shall be unlawful for any officer, superintendent, foreman, or other person having charge of the work of any employee of the Postal Service to use the results or records obtained by a stop-watch or other time-measuring device or system in determining what amount of work or labor is to be done in a given time by such employee.

"SEC. 3. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than $500 or by imprisonment for not more than six months, or by both such fine and imprisonment.

"SEC. 4. That this act shall take effect upon its passage."

The use of the stop watch in timing postal workers at their tasks has long been a source of complaint for the railway mail clerks, post-office clerks, and letter carriers. Some measure of relief has come to the railway mail clerks since the elimination of the so-called "speed test" instituted by former General Superintendent A. H. Stephens, but the clerks and carriers are still subjected to the obnoxious practice of having a supervisory official time their movements at work. Legislation is therefore sought to have this inhumane system abated entirely in the Postal Service.

Organizations of postal employees have repeatedly passed resolutions at their conventions protesting against the timing systems and speeding-up methods in operation in the service. The department has frequently been memorialized by the service workers to stop the practice of timing them to determine their speed, yet this unjust method of harassing the employees is still in vogue in the post office.

The National Federation of Post Office Clerks, assembled in convention in San Francisco September 6 to 10, 1915, unanimously adopted these resolutions:

"Whereas a system of timing clerks to determine their speed at distributing mail is in effect in many post offices; and

"Whereas this system is unjust and unfair and detrimental to the workers' welfare and the efficiency of the service; Therefore be it

"*Resolved*, That we, the National Federation of Post Office Clerks, in convention assembled, protest against this inhumane method of determining an employee's fitness and capabilities; and be it further

"*Resolved*, That our officers present this protest to the department in the strongest possible manner."

Under date of October 16, 1915, the executive committee of the National Federation of Post Office Clerks transmitted to the Postmaster General this protest:

PROTEST AGAINST TIMING DEVICES.

"We voice our emphatic objection to the use of timing or clock devices to determine the speed at which a postal employee must work. The installation of such a system is a gratuitous affront to the supervisory officials, who have heretofore managed the forces under them sufficiently well to insure the expeditious dispatch of the mails.

"A clerk's record on scheme examination, together with the manner in which he performs daily the duties to which he is assigned, should suffice to determine his fitness for promotion or retention in the service. To harass him to maintain abnormal speed by timing his movements is not conducive toward increasing his efficiency. On the contrary, such methods tend to impair efficiency.

"We ask the department's advocacy of legislation to prohibit the use of timing devices in ascertaining the amount of work performed, or to be performed, by postal employees."

The National Association of Letter Carriers, in convention at Omaha, Nebr., September 6 to 11, 1915, adopted without a dissenting vote this resolution:

"Whereas the Post Office Department has during the past fiscal year introduced the speeding-up system; and

"Whereas this speeding-up plan is detrimental to the service, to the public, and to the employees; and

"Whereas the speeding-up plan is frowned upon and has been ordered discontinued in some departments by the Congress of the United States of America: Therefore be it

"*Resolved*, That our national officers are instructed to use all means in their power to secure the abolition of the speeding-up system."

Despite the appeals of the employees, the department sanctions the practice of "efficiency experts" and "desk" economists, who prowl around with watches in hand seeking to discover what fractional part of a minute a carrier has wasted in casing his mail or whether the clerks engaged in distribution are maintaining the standard of speed—a standard frequently set by the fastest man.

I received recently a letter from a Chicago clerk, who wishes his name withheld, which clearly expressed the injustice of timing a mail distributor to ascertain the amount of work he is doing. He says:

"The officials of the Chicago post office have arranged and instituted a speeding-up system absolutely on a par with the so-called Taylor efficiency system, condemned by the House Labor Committee after exhaustive hearings. Holding a watch to ascertain how many letters per minute a clerk or carrier is distributing is an unpracticable and unjust method; First, because the penmanship on various letters and postal cards varies to such an extent that it is impossible to standardize time for distribution. The clerk or carrier may receive a run of mail that contains a typewritten letter addressed to every person in the block, and distribution of them can be made speedily. Second, the effect of a speeding system on the human being is the same no matter in what industry it is attempted. It results quickly in a nervous breakdown, and particularly does it reduce the efficiency rather than increase the efficiency of any man; and, further, it stultifies the initiative and makes of the human being as far as possible an automatic piece of mechanism."

While the tendency to speed up the postal workers has extended to all branches of the service, the use of the stop watch to determine a worker's speed is most common among those clerks engaged in the distribution of mail. This is a work that lends itself to an application of the timing systems more readily than any other clerical duty.

And yet the use of any timing device upon mail distributors is glaringly unjust. These men must all qualify at frequent intervals by taking what is known as a case examination, when their knowledge of their work, their accuracy, and their speed can be definitely determined. If a distributor is slow and inaccurate, his examination will disclose these shortcomings. It is unnecessary, therefore, to stand behind him with a watch or to surreptitiously spy upon him from an overhead hidden gallery.

These post-office distributers, the hapless victims of the stop-watch practices, must acquire their knowledge of postal work after or before hours upon their own time. After eight hours of steady and nerve-racking toil, too often in a germ-laden, dusty atmosphere, in poorly lighted and illy ventilated basements, they must study intricate distribution schemes at home to better equip themselves for office work. The majority of these men work at night. To compel an employee to devote his time at home toward acquiring knowledge of use only in the post office, and then to prod him into abnormal activity in applying that knowledge by timing his movements, has a tendency to impair rather than improve the efficiency of the service.

The First Assistant Postmaster General in his testimony before the House Committee on the Post Office and Post Roads stated that the installment of the so-called two-division plan in the larger post offices made possible such great economies that he was asking for only a 3 per cent increase instead of the usual 6 or 7 per cent to take care of the normal expansion of the service. This statement, coupled with the fact that the department is asking for but 1,300 additional clerks—the smallest number in many years—plainly indicates that the speeding up of the distributers will continue unless Congress takes some action to prevent it. The two-division plan means to the distributers that they must adapt themselves to different kinds of work. They must acquire a knowledge of both the incoming mail schemes and the outgoing mail schemes. They must study twice as much at home. At work they are shifted from pillar to post always subject to the fear that a time test is being taken when they are least prepared for it. It is unfair to this class of workers, whose efforts the First Assistant Postmaster General states have made economies possible under the two-division plan, to keep them under the exactions of a time study or speed test. There is a big, pulsating, human factor behind this gigantic task of keeping the Nation's mail in constant motion. These men should not be degraded to the level of machines. Let Congress puts its emphatic stamp of disapproval upon the use of any time-measuring system which tends to grind down the spirits and hopes of those performing the most arduous tasks in the Postal Service.

In my judgment the moral effect of the enactment of this legislation will not be lost on the administrative officials of the service. If Congress says it will not tolerate the use of a time-measuring system it says, in effect, that it disapproves of the speeding up, the harassing, the demoting, and all of the petty annoyances to which the clerks and the carriers have been subjected.

With sincere appreciation of your consistent support of remedial postal legislation, I am

Very truly, yours,

THOS. F. FLAHERTY,
Secretary-Treasurer.

From the post office the letter goes to the railway mail car, and in the Railway Mail Service they have what is known as the plus-and-minus system, and I just want to say this in regard to that, that the man, at the risk of his life, can receive 500 plus points, and that is the only way he can receive 500 plus points, and there are five different ways in which he can receive 500 minus points. Then, there is what is known as the 100 per cent efficiency night.

One hundred per cent efficiency night is a new scheme to utilize every moment of the time of the railway postal clerk from the time he reports for duty until he reaches the other end of his run. While there is no objection to this from the standpoint of the clerk himself, he realizing that he is supposed to deliver eight hours' work for every day's wage, still the system itself is obnoxious, not only because it tends to drive men, but also because of the poor service to the public which is bound to result from a system of this kind. This system has recently been inaugurated in the tenth division by Supt. Reed, and, in passing, I desire to state that one of the big troubles of all of the systems of efficiency in the service as adopted by different superintendents and different supervisory officials of the Post Office Department are different in character and different in the way that they are enforced by these different supervisory officials. I do not suppose there is another division in the United States where the 100 per cent efficiency nights is in force. It is in force only on certain lines or railway post offices in the

tenth division. Consequently we have this peculiar effect: Clerks running on one railway post office are subjected to rules and regulations which clerks on parallel lines are not subjected to. This causes dissatisfaction amongst the employees, with the resultant lack of efficiency within the service. Now, let us see just how it works out as to delivery of the mail. I am going to give a specific case. The St. Paul and Jamestown railway post office, running on the Northern Pacific Railway west of St. Paul, Minn., prior to the time of putting this so-called time-saving system into effect was manned by five men through. After a time study was made it was determined that Friday night was to be used as a 100 per cent night. Five men were allowed to go through on this night. Saturday was also a 100 per cent night and had five men through, but Sunday and Monday were figured as 60 per cent nights on account of the falling off of the volume of mail handled on Sunday and Monday nights, and only three men were allowed to run through from St. Paul to Jamestown on these nights.

As I have stated previously in my talk, because of the peculiarities existing in the Postal Service it is practically impossible to determine upon a standard hour's work, or a standard day's work, in so far as a timing device is concerned. All Monday nights of the year and all Tuesday nights, Friday and Saturday nights do not correspond exactly as to the volume of mail carried on any one railway post office. If this train goes out on the coming Sunday night with four tons of mail in the car, that is no reason why the Sunday following they will not have more than four tons of mail. This is especially true in the northwestern country, where during the entire winter season trains are missing connections and delayed trains are the regular instead of the exceptional case, and there is no way of determining in advance just how much mail any particular railway post office will carry at any given time in the future. Consequently, it has been the practice of the department to so man the crews on different trunk lines so that they were able to handle the mail on the heaviest night in the week. The same number of men would constitute the crew on the two or three light nights in the week in order to take care of any emergency which might arise and insure the speedy delivery of the mail. This safeguard of the speedy delivery of the public's mail was done away with when this time study had been finished and the 100 per cent efficiency nights put into effect, for if on any of the lighter nights in the week connections which have been missed by previous trains are received by the train having the 60 per cent crew, you will find that it will be impossible for these men to complete their distribution because the result of time study was such as to take care of only the amount of mail which the official putting this system into effect presumed would be received on this night, and no provision has been made to take care of emergencies. What happens? When the clerks reach the other end of the run they find that they have not been able to complete their distribution and this mail is turned over to the next crew unworked, or returned to the initial point for another ride over the entire length of the road. However, the mail of the business men, and others, of that section of the country has been delayed from 12 to 36 hours. Possibly they will not discover the fact, but nevertheless their mail has been delayed. I hardly think the public, when acquainted with the true facts of cases of this kind, would clamor to any great extent for such service.

I do not believe it is the purpose of Congress to enact legislation that will allow economy in any branch of the service when the very best service to the public is not obtained. It is only a few years ago that in this same branch of the service speed tests were put into operation. This was tried out and found wanting. For reasons hereinbefore stated, it was found that it was a very impractical proposition.

By an order effective May 25, 1915, signed by Mr. J. P. Johnston, the general superintendent of the Railway Mail Service, the "speed test" was officially rejected.

This order of the general superintendent was issued following a unanimous recommendation made by all of the division superintendents of the Railway Mail Service. The division superintendents in conference adopted a resolution advising that for service reasons the "speed test" be discontinued.

One of the division superintendents who participated in this conference made the following statement:

After considering the question thoroughly, we decided that it was for the best interests not only of the service but of the clerks as well that the speed tests be abolished as a part of our efficiency-rating system.

There are two reasons for this. The first is that the speed test is extremely difficult to apply, so that the basic principle involved in it could not be applied with fairness and justice either to the clerks or to the service.

The second reason for the action taken by the superintendents is that this test could not be so administered as to get from it a true rating, so far as the efficiency of any of the clerks is concerned.

Notwithstanding this sad experience that the Railway Mail Service had with the "speed-up" system, other branches of the Postal Service continue to employ the same.

The following is the post-office speed test of the city of Cincinnati. This was submitted in the testimony of the national secretary of the carriers' association:

POST-OFFICE SPEED STANDARD.

After making time allowances as noted below, carriers should distribute the number of pieces per minute indicated in the following tables:

Two-trip carriers.		Three-trip carriers.		Four and five trip carriers.	
Percentage.	Pieces.	Percentage.	Pieces.	Percentage.	Pieces.
10	15	10	14	10	16
15	12½	15	13½	15	15½
20	12	20	13	20	15
25	11½	25	12½	25	14½
30	11	30	12	30	14
35	10½	35	11½	35	13½
40	10	40	11	40	13
45	9½	45	10½	45	12½
50	9	50	10	50	12
60	8	60	9½		

"Under 'papers' is included everything except letters, circulars, and cards; time allowances should be made as follows: One minute per piece for registered mail, C. O. D. parcels, insured parcels, postage-due mail, and communications; one-half minute for each change of address order written up; one minute for each seven pieces marked up.

"To arrive at the rate of speed make proper deductions from the total office time on account of 'time allowances' and divide the number of pieces of mail of all classes handled by the number which represents the net number of minutes of office time. For example, a two-trip carrier whose total office time amounts to 1 hour and 31 minutes handles 800 pieces of mail, 35 per cent of which is classed as papers; he handles 2 registered pieces, 1 postage-due piece, answers 1 communication, and marks up for forwarding 77 pieces and enters 4 orders. Making proper deduction for 'time allowances' in accordance with above table, his net office time is 91 minutes less 17 minutes. Dividing 800 by 74, we get 10.8, which shows the average number of pieces handled per minute, and which should be compared with the above table.

"Many carriers should be able to exceed the rates of speed indicated in the above table, and no carrier should fall below the requirements. It can not be supposed that all of the carrier force can sustain their work at the standard fixed by the department, and for this reason there will be routes which are not served according to these standards. Those carriers who can not serve a standard route should be assigned to routes at those outlying stations where they would serve routes in accordance with their abilities, and these assignments should carry a less salary than that paid men serving standard routes. For instance, if it is found after a thorough test that any carrier is unable to conform to the departmental standards of work, he should, if receiving the maximum salary, be reduced in salary, on the grounds of inefficiency, and assigned to a station where undertime, according to the standard of work, is unavoidable."

On October 14, 1915, a test was made of 210 carriers in the Cincinnati post office, divided as follows:

Forty-six six-trip carriers; 10 five-trip carriers; 30 four-trip carriers, 31 three-trip carriers, and 93 two-trip carriers. Out of a total of 210 men 130 fell below the standard in this test. Of the six-trip carriers 23 measured up to the standard and 22 fell below it. Five trippers, 2 carriers made the standard and 8 fell below; of the four trippers, 4 men made the standard and 26 fell below; of the three-trippers, 8 measured up to the standard and 23 fell below; of the two-trippers, 43 made the standard and 50 fell below; of the total number, 80 carriers measured up to the speed test of the department and 130 fell below.

Of the test taken on Friday, October 15, 1915, out of a total of 206 men but 72 measured up to the standard and 134 fell below the standard.

The statements referred to are as follows:

CINCINNATI, OHIO.

Result of speed test taken on Thursday, Oct. 14, 1915.

[Number of carriers covered by test 210; forty-six 6-trip carriers; ten 5-trip carriers; thirty 4-trip carriers; thirty-one 3-trip carriers; and ninety-three 2-trip carriers.]

Number of trips.	Number of cards, letters, circulars.	Number other classes.	Number of Reg. Ins. c. o. d.	Number postage due.	Communications answered.	Orders booked.	Forwarded marked up.
6	68,716	5,256	191	363	3	33	4,346
5	10,382	1,658	12	48	0	20	600
4	26,591	4,247	32	84	2	46	1,831
3	21,130	5,528	55	34	4	101	2,200
2	42,642	13,485	70	63	6	123	4,237
Total	169,490	29,574	360	592	15	323	13,224

Table showing time consumed actually.

[First column, time allowance according to weights given in standard table, second column, and time after allowances are deducted and by which the averages are computed are shown in the third column. Time computed in minutes.]

Number of trips.	Actual time.	Allowances.	Time.	Average	Number of men.
6	5,810	1,195	4,615	16	46
5	1,102	158	944	12.1	10
4	2,900	402	2,498	12.3	30
3	2,848	458	2,390	11.1	31
2	6,125	805	5,320	10.5	93
Total	18,785	3,018	15,767	12.6	210

NOTE.—Fifty-six men, five and six trippers, averaged 15.3, standard 16; 30 four-trippers averaged 12.4, standard 15.5; 31 three-trippers averaged 11.1, standard 13; 93 two-trippers averaged 10.5, standard is 11.5. Out of a total of 210 men, 130 fell below standard.

Table showing the number of men in each class who attained the standard.

	Standard or better.	Lower than standard.	Total.
6-trippers	23	23	46
5-trippers	2	8	10
4-trippers	4	26	30
3-trippers	8	23	31
2-trippers	43	50	93
Total	80	130	210

CINCINNATI, OHIO.

Result of speed test taken on Friday, Oct. 15, 1915.

[Number of carriers covered by test 206; forty-four 6-trip carriers; nine 5-trip carriers; twenty-eight 4-trip carriers; thirty-four 3-trip carriers; and ninety-one 2-trip carriers.]

Number of trips.	Number of cards, letters, circulars.	Number of other classes.	Number of Reg. ins. c. o. d.	Number of communications answered.	Number of orders booked.	Forwarded marked up.	Postage due.
6	70,619	6,216	241	.....	15	4,212	341
5	9,772	1,290	16	1	5	1,599	70
4	27,369	6,003	55	1	20	2,178	65
3	25,369	8,828	36	5	66	3,161	34
2	45,442	17,543	87	7	90	5,015	82
Total	178,601	39,880	445	14	196	15,160	592

Table showing the time consumed.

[First column shows the actual time, second column shows time allowances, and the third shows the time after the allowances have been deducted, and by which the averages are arrived at. Time is shown in minutes.]

Number of trips.	Actual time.	Allowances.	Time.	Average.	Number of men.
6	5,747	1,190	4,557	16.8	44
5	1,052	174	878	12.5	9
4	3,152	441	2,711	12.3	28
3	3,709	569	3,240	10.5	34
2	7,231	937	6,196	10.3	91
Total	20,893	3,311	17,582	12.4	206

NOTE.—Forty-four 6-trippers averaged 16.8, 10 per cent of papers standard demanded 16; nine 5-trippers averaged 12.5, 10 per cent of papers standard demanded 16; twenty-eight 4-trippers averaged 12.3, 20 per cent papers standard demanded 15; thirty-four 3-trippers averaged 10.5, 25 per cent papers standard demands 12.5; ninety-one 2-trippers averaged 10.3, 35 per cent papers standard demands 10.5. Out of a total of 206 men 130 fell below the standard.

Table showing the number of men in each class who attained the standard.

	Standard or better.	Lower than standard.	Total.
6-trippers	22	22	44
5-trippers	1	8	9
4-trippers	6	22	28
3-trippers	9	25	34
2-trippers	34	57	91
Total	72	134	206

It will be seen from the foregoing that the department is maintaining a speeding-up system which exacts the maximum amount of work from every carrier.

Please note carefully that in the test made on October 14, 1915, out of 210 carriers who were given this test only 80 carriers measured up to the speed test of the department and 130 fell below. No further mention need be made of this, as it is very apparent that, even if a test of this kind is to be considered necessary in the service, that certainly any test in which 130 out of 210 carriers would fall below the required speed could not be a fair and equitable test. So it is in the Postal Service. One of the principal reasons of opposition to any test of this kind is not only of the test itself but because of the abuse of such a test by supervisory officials. Again, let us see how the public is affected by this system. The Government workday is an eight-hour day. In establishing the length of a route which is to be covered by a carrier an inspector, foreman, or roundsman goes out over the route with a carrier and determines by the use of a watch, and sometimes a pedometer, the length of the route and the number of stops which constitute a day's work for that carrier. In determining this the uncertain part of it is the amount of mail which is handled on this special route is never the same. Probably the day in which this route was established was on a Tuesday, or a Wednesday, which are lighter days than the following Monday. This is because on Monday they have the accumulation of Sunday's mail. The work this carrier could perform on a Wednesday was definitely measured. Therefore, when the added amount of mail is given him to distribute he finds that he can not complete his distribution in a given time. Consequently, under the rules of the department it is necessary to take back the undistributed mail to the office with a consequent delay in the delivery of that mail of at least from 16 to 20 hours on a two-trip route and nearly as great a delay on any other route. This complaint is not of a necessity made by the carrier, because it does not affect him personally half as much as it does the persons who should have received the delayed mail on time.

As a member of the Labor Committee, and being interested in this proposition of time study from the standpoint of the Postal Srvice, I asked different witnesses who came before the committee protesting against the stop-watch bill what their opinion of the efficiency system employed by the postal department was and as to whether or not such efficiency systems as used in the Post Office Department were, to their minds, good ones. Each and every man admitted before that committee that he knew nothing about the efficiency systems used in the Post Office Department. I believe that one of these men was a member of the so-called "committee of ten" who had already condemned the bill that I had introduced, but when cross-examined before the committee cheerfully admitted that he did not know the difference between a tie sack and a pouch; how a man received plus or minus points; what kind of speed tests were used, had never heard of a full railway post-office car. In fact, he plead ignorance of the entire proposition, but still had the temerity through the medium of different publications and letters sent out to different civic organizations to oppose the bill introduced by myself. It might be interesting to submit at this time extracts from Henry R. Towne's testimony on the Tavenner stop-watch bill.

EXTRACTS FROM STATEMENT OF HENRY R. TOWNE ON THE TAVENNER STOP-WATCH BILL.

Henry R. Towne, of the Yale & Towne Co., is one of the most widely known exponents of scientific management. He believes abuses of the stop-watch in the Postal Service should be stopped.

Mr. VAN DYKE. As I understand this bill, of course, primarily, it is to apply to Government employees entirely. Certainly it is to apply to abuses which are being practiced in the Government service at the present time, and you have no objection to correcting any abuse which is in existence at the present time in the Government service, have you?

Mr. TOWNE. None at all; on the contrary, I am glad to promote it.

Mr. VAN DYKE. We have, for instance, probably some 130,000 to 140,000 postal employees, and each branch of the Postal Service is being subjected at the present time to a time system, in which they use time-saving devices. For instance, on carriers they have a pedometer on the leg, and they time them in order to find out what is the quickest possible time they can cover a route, and the other men have to come up to that time, or have just recently, and they have been putting them back into the collection service or other service of that kind. In other words, there is no bonus system. It is all the other way. In the Railway Mail Service they have inaugurated a system whereby they take the heaviest night in the week, where primarily, or before inaugurating this system, they used to have five men on a crew, they put the five men out on the heaviest night and reduced that crew proportionately each night according to the amount of mail. If they get an excess of the regular amount of mail on any one of these nights, these men have to speed up, practically at the same rate as a man at an ordinary walk when he has to go on a dog trot, in order to clean up and distribute at this rate on their route.

Mr. TOWNE. Do you call this scientific management that you are describing?

Mr. VAN DYKE. I am talking about the provisions of the bill. The bill, as intended, says "time-saving device or system." This is a timing system.

Mr. TOWNE. Supposing under this system you have just described it is found out that a certain carrier on a route in New York City has 20 or 30 per cent longer route than it is supposed he had, due to his having to go into and out of corridors, as nearly all do in the lower part of the city, and that thereupon the department says, "Why, here, this rate is not just and fair; that man ought to have a higher rate or a shorter route. He is being treated unfairly." Would you object to the application of the system for that service?

Mr. VAN DYKE. The bill as it stands at the present time does not take that into consideration, but it does take into consideration the abuses prevalent in the service at the present time, and all this bill seeks, as I understand, at the present time, is to correct those abuses which are prevalent in the Government service. As a matter of fact the bill does not state that even the Government departments can not time the clerks in order to discover the cost of operating at all, but it does seek to prohibit abuses which are being practiced at the present time.

Mr. TOWNE. Would you not try to eliminate abuses in both directions? Suppose, for example, the postmaster of New York City found on one particular route the carrier taking two hours, where his predecessor took only one hour, and he asked him about it and he said, "I can not do any better," and thereupon the postmaster should put some other carrier, in whom he had confidence, on the route and told him to take it a day or two and he found he could do it comfortably in one hour. Would you say that was a misapplication of scientific methods?

Mr. VAN DYKE. It has been my experience, after my varied experience in the Post Office and other departments of the Government, that we never have to legislate along those lines; that all we have to legislate for is to prohibit abuses the other way.

Mr. TOWNE. Do you not think a case of that kind ought to be subject to correction as well as the other?

Mr. VAN DYKE. It is taken care of at the present time in the service. They have no bonus system, but they have a demerit system or a plus and minus system. There is one way in that service by which employees can obtain 500 plus points—that is by risking life—but there are six distinct, different ways they can get 500 minus points. For instance, he can make a misstatement to his superior. It is abuses of that kind we are endeavoring to correct in this bill.

Mr. TOWNE. I should be with you most heartily in any legitimate effort to prevent abuses, but in preventing abuses do not let us legislate good things out of existence, still less make them penal.

Now, then, Mr. Chairman, as I understand this amendment, and, as a matter of fact, the entire proposition, it does not apply in any shape or manner to private employers. It is simply legislation which may have a tendency to eliminate certain abuses that are prevalent at the present time in different branches of the service, and while I freely admit that it is absolutely necessary, in the Postal Service especially, to keep a record as to the amount of time put in by different employees, and while it is impossible, especially in the Railway Mail Service, to work the men eight hours six days each week, it is therefore absolutely necessary to keep a system of time credit; still I do not believe that it is for the best interest of the men, the department, or the public who should be served by his department, to inaugurate, or keep in effect, any system which has a tendency to speed a man beyond his normal ability to work.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, it is impossible in five minutes to discuss this question, but I just want to suggest this serious thought to the committee. We have very largely increased the manufacture by the Government of munitions of war. Yesterday I spoke in favor of a Government armor plant. Much of the argument that has been made in favor of Government manufacture has been on account of the record that has been made in cheapness of manufacture; and, despite the statements that were made by the gentleman from Illinois [Mr. TAVENNER], I know from very many personal talks with Gen. Crozier, he considered the efficiency of the arsenals would be greatly interfered with by the abolition of a system that he and those conversant with it believe to be modern and enlightened.

It is possible to abuse anything. You can so arrange a task that is unfair. You can so speed a man as to wear him out; but the Government does not do so. The gentleman used the illustration of a man running instead of walking. It would have been a fairer illustration if he had suggested a man going in a straight line instead of going one way and then turning at a right angle to get to the same point. In other words, this system is one showing you how to go straight to the task. It is a method for creating a fair standard, and then saying to the workman, "If you work beyond that, if you are better than your neighbor, and have more efficiency, you shall be paid for it."

Now, there is objection to it if it is abused by an unfair standard, but where there are abuses the remedy is not by abolishing the system, but doing away with the management responsible for the abuse. We can control the Government arsenals without abolishing a proper system. But the real objection is the objection made by the man who is below the average and who wants to have his inefficiency made the standard of a day's labor and who objects to another man making more money than he.

Now, I have not time to refer to it here, but I will put in the RECORD one letter from a man by the name of John Driscoll. I do not know who he is, except he is employed at the Watertown Arsenal. He writes a letter to the Secretary of War, which the Secretary transmitted to the chairman of the Committee on Appropriations. Hence I came to know of it. This letter states that the men there are satisfied, and that under this system he is making 27 per cent more money than he did theretofore. He does not want anybody to deprive him of the opportunity of making that amount of money.

And I want you to read the letter which was submitted by the Secretary of War, Mr. Baker. He is a man who has been rather noted for his humanitarian views. He was an ideal mayor of Cleveland. No man there had any more friends among the laboring classes. I do not believe that you could get him to recommend a system that he believed was detrimental to the real interests of the working classes. If I did not believe that the system would be of benefit not only to the arsenals but to the men employed there I would oppose it as quickly as anybody else. I am not willing to coin the lives of men into a profit either for the Government or for a private manufacturer. But I recognize that this is an era of progress. If a man can be taught to do a given thing easier and better and quicker than has been done before, you have no right to deny him that benefit. You turn back the dial of time when you undertake to say that a thing can not be done in a right way and in a proper method. I deny that there has been any evidence of abuse in the arsenals, and in the absence of that I am not willing to say to the administrative officers of the Government that "You shall not use an economic system; you shall not have such a method."

Under leave to print, I insert the letters referred to:

[House Document No. 1053.]

PREMIUM PAYMENTS IN GOVERNMENT EMPLOYMENT.

Letter from the Secretary of War, submitting information relative to time studies and premium payments in Government employment.

WAR DEPARTMENT,
Washington, April 20, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: There is pending in the House of Representatives a bill (H. R. 8665), introduced January 11, 1916, to regulate the method of directing the work of Government employees, the object of which is to prohibit at the Government arsenals what are known as time studies and premium payments. Similar legislation to that which is carried in the bill was enacted on the Army appropriation bill which was passed at the last session of Congress, in the form of a prohibition of the payment from funds appropriated in the act of the salary of any person engaged in making or directing time studies or of any premium. There is therefore apparent the possibility of similar legislation at the present session, either in the form of a separate act or in the form of a restrictive prohibition upon an appropriation act. I think that such legislation would be unwise.

The time study referred to may be defined as a method of ascertaining by careful observation and study in connection with a timing process the most advantageous manner in which a given piece of work can be done and also the time in which it can reasonably be expected to be done by following this best manner. The premium is an extra cash compensation which is paid to a workman for accomplishing the work in this reasonable time or for approaching the time within certain rather liberal limits, the compensation being in addition to the regular wages of the workman, which are not disturbed, and depending in amount upon the degree to which he approaches the reasonable time which has been ascertained. The timepiece is used only in the study of a new job, for the purpose of working it out properly and for assigning the proper time for its performance. It is not held over a man for the purpose of ascertaining whether he is working industriously, and its employment is of less and less frequency as information is accumulated which makes special study unnecessary. The premium is the workman's share of the economy which is effected by the system.

This system has now been in practice in the Ordnance Department for something like five years. At the place at which it has been most fully put into effect, the Watertown Arsenal, Mass., it has resulted in very substantial economy of production and in a material increase of the earnings of the employees. The last monthly report from the arsenal indicates that the total amount paid in premiums during that month was $3,215.61, which was earned by 311 employees, an average of about $10.66 each. The total number of mechanics and workmen at the arsenal was 554, of which approximately 56 per cent worked during the month on premium jobs. The total pay roll of the arsenal for the month was $45,250.85, of which amount it therefore appears that slightly over 7.32 per cent was paid in premiums. The premiums are in addition to the day wages of the employees, which are regulated in accordance with those of the vicinity for work of similar character to that done at the arsenal. During the five years that the system has been in operation at the arsenal neither the day wage nor the number of employees has diminished but the amount of work done and the average earnings have increased in an important degree.

The legislation which is being urged upon Congress is advocated by organized labor, which is opposed to the system intended to be prohibited for the essential reason which is embodied in the charge that it is a speeding-up system. I can not understand this charge as having any other meaning than that the work required of the employees by the system is unduly severe. Of the truth of this charge in the practice of the system at the Watertown Arsenal there is no evidence whatever, but there is a good deal of evidence the

other way. There is no complaint of overwork at the arsenal, and no workman has been discharged because of failure to meet the requirements of the system. To prohibit the system of which the records show undoubted advantages, both to the Government and to the employees, because of a charge unsupported by evidence, or even by any attempt at evidence—for there has been no effort to prove overwork at the Watertown Arsenal—seems to me to be most unwise.

There has been no investigation at the Watertown Arsenal which has resulted in a report condemnatory of the practice at that establishment. This department has endeavored to secure an investigation and report from the Federal Commission on Industrial Relations, created by the act of August 23, 1912, and that commission employed a committee which did make a very thorough investigation. Neither the commission nor its committee, however, made any mention of the Watertown Arsenal in its report, but both of these bodies confined themselves to a general discussion of the relations of scientific management and labor largely as a social question. The commission was not able to agree, and conflicting reports were made by groups of its membership. The report of the special investigation committee has not been made public, but the substance of it is understood to be contained in a book entitled "Scientific Management and Labor," by the chairman of the committee, which leaves the subject of scientific management in its general practice in shops which have introduced it still open to discussion. The only investigation at the Watertown Arsenal of which the result has been published in a report is that which a special committee of the House of Representatives made some four years ago, and as a result of which the committee recommended that there should be no legislation upon the subject. There have been expressions from the employees at the Watertown Arsenal both for and against the system. There are evidences that at least some of the expressions against it have come from representatives of organized labor, but I am persuaded that this opposition proceeds from a mistaken theory; for while it is obviously true that a piecework system in which the pay of the employees is based solely on a piece price and high-speed machinery is used to drive operatives harder than is consistent with their physical and nervous welfare, is objectionable, it is equally true, in my judgment, that the system above described as operative in the Watertown Arsenal is not open to either of these objections. The Government surely should not be denied the opportunity of securing efficient work from its employees without an investigation of the facts which would justify the action proposed to be taken.

All of my predecessors in the office of the Secretary of War who have held that office since the introduction of the system at the Watertown Arsenal have been in favor of its retention and have opposed efforts to abolish it. I have been in this office too short a time to have had an opportunity to visit the arsenal or to familiarize myself thoroughly with the details of the practice at that establishment, but I have long been interested in both aspects of the problem presented and do not feel that I am an entire stranger to the controversy merely because of the recentness of my contact with this particular application of it.

The relation between fatigue and efficiency is being widely studied, and in some of the European countries astonishing statistical demonstrations of the effect of speeding-up processes have already been obtained. There can be no question that the whole nervous and physical system of the operative is imperiled, and his strength, as a part of the national strength, decreased, if he is either urged or induced to work beyond a sound physiological maximum. On the other hand, inefficient production is bad for the operative. It is always bad for a man not to do his best, not to make the most of his opportunities and of his labor, and to produce less than he can under a system of proper inducements and compensations. It is bad for the national life, for its industrial efficiency, and for its squareness to have its component parts, whether they be operatives in an industrial plant, professional men, or public officers, turning into the aggregate either a product so excessive that it represents a deterioration in their physical and nervous strength, or a product so insufficient as to represent less than their honest and safe best. To strike the happy mean involved in these statements is, of course, difficult, but at the Watertown Arsenal we seem to have made a fair approach to it. The wages paid to our operatives as a flat rate, irrespective of their response to the time system, is the current rate of the community for similar work, and in addition to that, premiums are offered, not large, but large enough to stimulate continuous and faithful activity. So far as I know, there is not a case on record at Watertown since the introduction of this system of a nervous breakdown or physical exhaustion due to excessive work, nor is it claimed that the operatives in that plant, protected as they are against long hours by a wise eight-hour provision, are in any sense driven or hurried beyond a fair and safe limit.

As I am not in any sense personally responsible for the work which has been done at the Watertown Arsenal, I can be permitted to say that, in my judgment, it represents an achievement of which both the legislative and executive branches of the Government can be justly proud. The reproach is often made that the public can not conduct an economical and efficient industrial enterprise, but no such charge can be brought against the Watertown Arsenal, and I think it would be a grave misfortune to the public service and to the employees of the Government there engaged if any action were taken prejudicial to the system which is working so well, without a special investigation at the arsenal itself which would make a comprehensive study of the results of the system, both in output and upon the operatives. Similar studies have been made in other places; there are a great many experts who know exactly how to make such studies, and the information presented by them could be weighed and proper value given it in determining a future policy.

Sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

WAR DEPARTMENT,
Washington, May 5, 1916.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

DEAR MR. FITZGERALD: On April 20 last I wrote a letter to the Speaker of the House of Representatives in regard to the bill (H. R. 8635) prohibiting the use of time study and premium payments at Government establishments. In this letter I speak of the possibility of this prohibition either through the passage of the bill referred to or by means of a restrictive prohibition upon an appropriation act, similar to the one placed upon the Army appropriation bill at the last session of Congress. As the fortification bill, which is in charge of your committee, carries the appropriations covering most of the work which is done at the Watertown Arsenal, the place where the time-study and premium-payment system is in practice in the ordnance department, and is thus likely to encounter a proposed amendment prohibiting expenditure of its funds under this system, similar to the amendment which was added to the Army bill at the last session of Congress, I take the liberty of inviting your attention to my letter to the Speaker, which was published as House Document 1053 of the current session, and also of forwarding to you herewith a copy of a letter which I have just received from Mr. John Driscoll, a machinist employed at the Watertown Arsenal, who states with some emphasis and some detail his satisfaction with the system of payment in practice at the arsenal and his belief in the satisfaction of his associates, together with his hope that the system will be allowed to remain. In case an amendment of the tenor suggested shall be offered, I hope that you will give these papers consideration.

Sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

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16 LADD STREET,
Watertown, Mass., April 26, 1916.

The honorable the SECRETARY OF WAR,
Washington, D. C.

DEAR SIR: In February of 1915 I took the liberty of addressing some communications to the Members of Congress upon the question of the abolition of the so-called Taylor or premium system, then and at present in force at the United States Arsenal at Watertown, Mass., where I am now, and for 20 years past have been employed as a machinist. The opponents of the present premium system were not successful in that attempt to abolish it and we have continued to enjoy its benefits from that time to the present.

Another attempt, however, is now being made to deprive us of the benefit of this premium system, and it is for the purpose of enlisting your voice and vote in favor of the system and for the benefit of those of us, by far the majority of the employees of the arsenal, who have prospered under the beneficent provisions of the premium system, that I now address you.

Permit me, therefore, to briefly set forth some of the facts concerning the situation as I know it to exist at the Watertown Arsenal: There is at present employed about 178 machinists; of this number, 134 are working under, and are in favor of retaining, the present premium system.

The balance of the employees are largely in favor of retaining the present system, but for personal reasons do not wish to take an active part in an effort to retain it, or to be openly identified as its supporters. A very small part of the present working force desire the abolition of the present system.

I am not going to state the reasons why this small minority runs counter to the wishes of the great majority of the employees. Their reasons for so doing might be ascertained.

In common with the others who are in favor of the present system, I have been able to earn an average of 27 per cent over ordinary wages, and that, too, without feeling that I have at all overworked myself. I desire, as do the other employees who desire that the present system be retained, to spend my time while in the shop in an earnest effort to render a good day's service for a good day's wage and to reap the benefit that comes to me as a result of the system now in vogue by continued conscientious effort. I do not feel at all as if I were a slave, driven to my utmost endeavor by a hard-hearted task master; rather do I enjoy my work, conscious that by its fair performance and possibly a little added effort I may win the prize which will more than compensate me for any extra care or diligence that I may exercise. I have been reaping these benefits since the installation of this premium system, and I desire, for the benefit of myself and my family, to continue to reap them in the future, and I feel, as does a great majority of my coworkers, that the right to earn these premiums should not be taken from us arbitrarily upon the invitation of a few men who are either ignorant of or entirely misinformed regarding this matter which so vitally concerns the interest of the workers at this arsenal. There is, save for the discontent of these few men, a feeling of harmony existing at the Watertown Arsenal between those in authority and the workers which is unsurpassed, I believe, in any other governmental or private institution in the country. These relations will be shattered if the present system is abolished, and they ought not, I respectfully submit, to be disturbed.

Under the present system the records of the men are open to the inspection of those who have the right to see them, and each individual is assured that his earning capacity is limited only by the length of the working day and his own faithfulness and diligence.

You will not find among those who desire the abolition of the present system any of the employees who have, by faithful work, earned and merited substantial premiums, but you will find among the agitators for the destruction of the present situation those who have not earned premiums and who are contented, seemingly, to do as little for their day's wages as they possibly can do and retain their positions. In these days "efficiency," which, after all, means common sense and skill applied to the task in hand, and lack of waste in its performance, is a slogan of all industrial concerns. Private enterprises employ efficiency experts to advise employers; not so much on the question of speeding up the workers as of conserving the workers' energies, and directing them intelligently to the end that greater production may be had.

If the wishes of the opponents of the present premium system are heeded and the system itself abolished, the Government will find itself in competition with private enterprises, unable to compete with them in the open market, because of the better conditions which obtain in private shops and the lack of incentive in Government shops to the worker to give the best that there is in him skillfully, energetically, and cheerfully.

We produce at the Watertown Arsenal, under the conditions which now obtain, in a manner and to an extent second to none under normal conditions. I predict that if the present system is abolished the best men, the ambitious men, will leave the governmental employ and will seek other field where their skill and fidelity will be recognized and more worthily compensated. At the Watertown Arsenal we have no real grievances.

If the workers, individually or collectively, feel that they have a grievance, they are encouraged by those in authority to make that grievance known. If it is a just one, it is remedied; if it is unjust, the injustice of it is pointed out and the men are ordinarily satisfied.

This spirit of helpful cooperation will be destroyed, in my judgment, by the abolition of the present system.

I have never known conditions, during my 20 years' service in the Watertown Arsenal, to be as satisfactory as a whole to the workers as they have been during the past four years, during which time we have worked under the premium system.

For these reasons I appeal to you to work to sustain and keep in force the present premium system of wages in the shops of the Government. The basis of the pending bill to abolish this system can not be an intimate knowledge of what it accomplishes, and I respectfully submit that its passage would destroy the great benefits which we now enjoy, would take away from us the worthy ambition which we now possess, and would be a grave wrong, since it would, by reducing our income, seriously affect our future welfare, our happiness and that of those dependent upon us.

Respectfully,

JOHN DRISCOLL.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAGUE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 708. An act to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State;

S. 4594. An act to validate certain declarations of intention to become citizens of the United States;

S. 5805. An act permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

S. 5425. An act to standardize lime barrels;

S. 5851. An act to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River in Virginia;

S. 6073. An act granting the consent of Congress to George Fabyan to construct a bridge across the Fox River; and

S. J. Res. 133. Joint resolution to authorize the President of the United States to convey the acknowledgments of the Government and people of the United States to various foreign Governments of the world who have participated in the Panama-Pacific International Exposition to celebrate the completion and opening of the Panama Canal, and also the four hundredth anniversary of the discovery of the Pacific Ocean.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 755. An act to incorporate the Boy Scouts of America, and for other purposes; and

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. KEATING rose.

The CHAIRMAN. The gentleman from Colorado is recognized for five minutes.

Mr. KEATING. Mr. Chairman, as the gentleman from Kentucky [Mr. SHERLEY] says, it is quite impossible to discuss this subject in five minutes.

I would call the attention of the committee, however, to the fact that the provision under discussion applies to the Navy Department, and that the same provision, in the identical language, was in the naval appropriation bill which was passed one year ago. So that for one year the navy yards of this country have been operating under this law. Does anybody pretend to say that the navy yards of this country are not efficient?

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I regret that I have not the time. Where the gentleman errs and where a lot of other gentlemen err, is in the supposition that you can not have an efficiency system without a stop watch. I hold in my hand an efficiency system covering 16 or 18 closely printed pages—the efficiency system of the navy yards—and there is not a word in that pamphlet concerning a stop watch.

In all the evidence submitted to the Committee on Labor, in all the investigations that have been conducted by committees of this House and by commissions representing Congress and the National Government, it has never been established that you can not have an efficiency system without a stop watch. On the contrary, it has been testified repeatedly that you can have an efficiency system without the stop watch, the premium, or the bonus system.

Only the other day I asked Secretary of the Navy Daniels if, as the result of the operation of this law, he had received the slightest complaint, and he said, "Not at all."

Now, my friends, who is it that is demanding that this law shall be repealed? The leader of the opposition, the chief supporter of the "stop-watch" system before our committee was James A. Emery, of the National Association of Manufacturers. The Members of this House will probably recall Mr. Emery in connection with the Mulhall investigation in the Sixty-third Congress. We did not hear much from Mr. Emery during the remainder of the Sixty-third Congress, but at the beginning of this Congress he reappeared first as the opponent of child-labor legislation, and sent out misleading statements to manufacturers all over this country concerning the proposed legislation.

After he had been defeated by this House on child-labor legislation he bobbed up to oppose the so-called Tavenner bill and the riders placed upon appropriation bills to prevent the use of the "stop watch."

The only Government official I know who has joined with Mr. Emery is Gen. Crozier, of the Ordnance Department. But Gen. Crozier has not demonstrated, and has not attempted to demonstrate, that in his arsenals, where he uses the system, he has gained any higher degree of efficiency than they have in the navy yards, where they refuse to use the system. Now, it is not alone sufficient for Gen. Crozier to come in here and say that as a result of his system he has made a saving. He should be able to prove that under his system he has made a greater saving than they have made in the navy yards.

What are the facts? If anything, the weight of evidence is on the side of the navy yards, and tends to show that they are more efficient than the arsenals. Personally I think there is little to choose between the two. [Applause.]

Mr. Chairman, I desire to insert in the RECORD the following extracts from a report submitted to this House by the Labor Committee on the Tavenner bill to abolish the "stop watch" in governmental arsenals and workshops:

The object of the Tavenner bill is to end the use of the "stop watch" and the bonus and premium systems of payment of employees in Government arsenals and workshops.

Your Committee on Labor made a favorable report on a similar bill in the Sixty-third Congress, but owing to the congested condition of the calendar the House did not have an opportunity to act on it.

NULLIFYING WILL OF CONGRESS.

However, the substance of the proposed legislation was attached as "riders" to the military and naval appropriation bills for 1916. A brief statement containing those "riders" and the amazing attempt of certain officers of the Government to nullify the plain intent of Congress should prove of interest at this point.

On January 22, 1915, Mr. Dewitt, of Massachusetts, offered the following amendment to the military appropriation bill, then pending in the House:

"On page 52, after line 14, insert the following: *Provided*, That no part of the appropriation made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and the completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services performed by any person while violating this proviso shall be allowed."

A point of order was made against the amendment, but after extended discussion it was withdrawn and the amendment adopted without a division.

Three days later Brig. Gen. Crozier, Chief of Ordnance, wired the commanding officer at the Watertown, Mass., arsenal as follows:

"Cease all time studies ('stop-watch' studies) and all premium payments, except such as shall have accrued at time of notification of employees, and notify them at once.

"CROZIER."

A similar telegram was sent to the commanding officer at Frankford Arsenal, Philadelphia.

CROZIER ENCOURAGED EMPLOYEES TO PROTEST.

Gen. Crozier, when he appeared before your committee, stated he had sent these telegrams "in order that the employees might protest if they saw fit." On the receipt of the general's telegrams the foremen notified the employees of the arsenals that they would be deprived of the premiums which they had been receiving, but would be expected to do just as much work. In other words, they must continue to "speed up," but without the sustaining hope of reward.

Gen. Crozier denies that he authorized the foremen to issue these instructions, but there is ample evidence to show that they were issued.

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"RIDERS" RETAINED IN BILLS.

Gen. Crozier's telegrams and the orders of the arsenal foremen had the effect expected and a number of the employees signed petitions protesting against the adoption of the "riders." Gen. Crozier admits that the employees—most of whom were women receiving $1.16 a day—were "assisted" in preparing these petitions which were forwarded to Members of the House and Senate.

Gen. Crozier appeared before the Senate committee and joined in the protest. By a small majority the Senate struck out the "riders," but when the military and naval bills went to conference the House conferees, acting on instructions from the House, insisted that they must be restored, and that was done.

Secretary of the Navy Josephus Daniels proceeded at once to enforce the mandate of Congress as expressed in the "rider" attached to the naval appropriation bill, and issued the following order:

NAVY DEPARTMENT.
Washington, April 19, 1915.

From: Secretary of the Navy.
To: Commandant and industrial managers of all navy yards and stations.
Subject: Circular letter in regard to premium and bonus systems.

Attention is called to the proviso in the naval appropriation act for the fiscal year ending June 30, 1916, reading as follows:

"*Provided*, That no part of the appropriation made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or any other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or any other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash award to any employee in addition to his regular wages, except for the suggestions resulting in improvements or economy in the operation of any Government plant."

All premium and bonus systems of doing work and all time studies or timing of employees as defined in this act will be discontinued on or before June 30, 1915.

The wording of this act, however, is construed as not prohibiting straight piecework—that is, work paid for at a certain rate, such as per hundred rivets, per hundred feet of calking, etc.—with or without a guaranteed day's wage in case of failure through no fault of the employee.

Where systems are in use based upon premiums or bonuses, these should be charged, if possible, to straight piecework, as defined above, provided such charge is acceptable to the employee.

JOSEPHUS DANIELS.

Gen. Crozier, on the other hand, set about nullifying the effect of the "rider" on the military appropriation bill, and with the assistance of former Secretary Garrison and other officials of the department was almost completely successful.

The following extract from the hearings before your committee will prove illuminating on this point:

"Mr. KEATING. Didn't you understand that when Congress added that rider it wished the premium and bonus systems to be abolished in Government work?

"Gen. CROZIER. I had no way of knowing the will of Congress except by its legislation. I can perhaps throw a little light on the latter by saying: The Member of Congress who proposed that amendment, and at whose instance it was added to the law, was aware, before it was too late to attach that same kind of a rider to the fortifications bill, that without attaching it the legislation would not apply to funds under the fortifications bill, and he did not seek to do that.

"Mr. KEATING. You did not seem to experience any particular difficulty in interpreting the law when you issued the order suspending the bonus system at Frankford Arsenal?

"Gen. CROZIER. The law applies to Frankford. Do you mean Watertown Arsenal?

"Mr. KEATING. You issued an order at Frankford which you say you intended as a warning to the employees as to what would occur in case it went into effect?

"Gen. CROZIER. Yes, sir.

"Mr. KEATING. Then, after the rider was put into effect, you came forward with a scheme by which you evaded the plain intent of Congress, but you did not tell the workmen you had that in mind when you issued the first order.

"Gen. CROZIER. You say I evaded the plain intent of Congress. I did not evade it in the opinion of the comptroller.

"Mr. KEATING. How about Frankford Arsenal? Was that order issued under a misapprehension of what this legislation meant or intended?

"To be perfectly frank, you attempted to show these employees what you thought the effect of this legislation would be if it passed, and after the rider was adopted, you found means by which you could avoid the purpose of the legislation?

"Gen. CROZIER. I found means by which I saved them from the disadvantages of the legislation.

"Mr. KEATING. You did not suggest there was a way out of it when you issued the warning?

"Gen. CROZIER. I did not.

"Mr. KEATING. You referred to this legislation that was pending and you warned them if the legislation was passed a certain situation would be created, and you did that for the purpose of getting them to protest to Senators and Representatives?

"Gen. CROZIER. I did that for the purpose of allowing them to protest if they wanted to.

"Mr. KEATING. You are warning them that in case certain legislation was enacted a certain condition would be created, and instead of that you created an entirely different situation?

"Gen. CROZIER. I found a way of saving them from it.

"Mr. KEATING. You think it is perfectly proper, do you, for the Chief of Ordnance of the United States Army to conduct himself in that fashion?

"Gen. CROZIER. I do."

Gen. Crozier's attitude is a very strong argument in favor of the passage of the bill now under consideration. He is apparently willing to defy the law, so long as no penalty attaches, but he promises to obey it if he is furnished with a sufficient incentive in the form of a fine and imprisonment.

EXTENDED HEARINGS ON BILL.

Your committee held extended hearings on the Tavenner bill and many able witnesses appeared for and against the measure.

The opponents of the bill, led by Mr. J. A. Emery, chief counsel for the National Association of Manufacturers, declared that to eliminate the "stop watch" and bonus and premium systems would "penalize efficiency and encourage waste."

The supporters of the bill insisted that the combination of "stop watch" and bonus and premium was "in spirit and essence, so far as labor is concerned, a cunningly devised speeding and sweating system."

The majority of your committee feels that the proponents of the bill made so strong a case that we are justified in urging Congress to enact the legislation needed to drive the "stop watch" and bonus and premium systems from Government shops.

EFFICIENCY WITHOUT THE STOP WATCH.

The opponents of this legislation have much to say about "efficiency" and "scientific shop management," and they seek to create the impression that "efficiency" can not be secured unless (a) the workman's every movement is timed by a "stop watch," and (b) that the old system of day's pay is abolished and bonuses and premiums substituted therefor.

Your committee feels there is nothing in the evidence submitted at the hearings, or in the experience of mankind, to sustain either of these contentions.

In this city we have the Washington Navy Yard, employing thousands of skilled mechanics. The stop watch is not used there, and the commandant will assure you he has the "most efficient body of mechanics ever gathered together inside one fence."

The workmen at the Rock Island Arsenal have succeeded in defeating Gen. Crozier's attempt to introduce the "stop watch," and they have demonstrated their "efficiency" by producing munitions of war for very much less than the Government pays contractors for the same articles.

For instance, Gen. Crozier tells us that a 3-inch gun carriage for which contractors asked the Government $3,398.82 was produced in the Rock Island Arsenal for $2,192.27, a saving of practically one-third. And this is not an exceptional case.

Is it necessary to still further "speed up" workmen who have displayed the skill and industry needed to produce these results?

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"STOP WATCH" REJECTED BY PRIVATE ENTERPRISE.

Turning from the Government shops to the plants of private industry, we find that the "stop watch" has not been received with favor.

Mr. Richard A. Feiss, of Cleveland, Ohio, a manufacturer of men's clothing, was presented by the opponents of this legislation as one of their principal witnesses. He defended the use of the "stop watch" and was emphatic in his declaration that "efficiency" could not be secured without it, but he was forced to confess that his concern was the only house in that section of the clothing business which had installed the system. The following extract from Mr. Feiss's testimony will shed light on this point:

"The ACTING CHAIRMAN. Do you know of any other concern in your business that is using the system?

"Mr. FEISS. No, sir; our business, the clothing business, as a whole, is very backward.

"The ACTING CHAIRMAN. As a consequence there is no other concern that you know of that we could make comparisons with as to the results in your shops and others?

"Mr. FEISS. No; no other industry.

"The ACTING CHAIRMAN. These other business men who are competing with you have had an opportunity to adopt this system?

"Mr. FEISS. Yes.

"The ACTING CHAIRMAN. They have been confronted with your splendid and highly successful example for some time?

"Mr. FEISS. Yes; our shops are always open to anyone.

"The ACTING CHAIRMAN. They have not seen fit to adopt your ideas?

"Mr. FEISS. They are adopting some of the ideas. The trouble with most of the men at the top is that they are not practical men.

"The ACTING CHAIRMAN. They think they are practical men.

"Mr. FEISS. I think they will admit that they are not.

"The ACTING CHAIRMAN. But, anyhow, whatever may be your opinion of your competitors, there are many concerns that have not adopted it, although they have had this example before them?

"Mr. FEISS. Yes."

The boot and shoe industry furnishes another example. Not 15 per cent of the boot and shoe factories in this country use the "stop watch," and the 85 per cent which have refused to use it experience no difficulty, so far as the records show, in competing with their so-called "scientific" rivals.

What has been said of the clothing and boot and shoe industries applies with equal truth to other lines of industrial endeavor.

The workers of this country are not a lot of lazy drones who refuse to do a reasonable day's work unless their every movement is timed by a "stop watch."

WORKERS CONDEMN "STOP WATCH."

The workers' attitude toward the "stop watch" is stated in the following excerpt from the testimony of Mr. John P. Frey, editor of the International Molders' Journal, before your committee:

"Mr. SMITH. What objection has the workman to time study?

"Mr. FREY. Some have the feeling that it is humiliating to have a man standing over your back, or around you, with a stop watch, checking off every movement you make, trying to catch you beating some little time. Others object because it forces them to work harder and harder, and it puts into the employer's hands a power which they use unjustly against them.

"Mr. SMITH. You think the general objection is that it overworks the men?

"Mr. FREY. I should say from what the workers told me, that I interviewed, it was half and half. It was partly the feeling of humiliation in having some one stand over them with a stop watch, and others felt that the system meant making their work that much harder.

"Mr. SMITH. What is the feeling of the workmen about the Taylor system?

"Mr. FREY. I have not encountered one who favored it. All that I have interviewed are bitterly opposed to it.

"Mr. SMITH. Are the workmen generally opposed to a bonus system?

"Mr. FREY. Some of the workers—I want to revise that statement as to the Taylor system. I found some workers working under the Taylor system who said they did not consider it hurt them much.

"Mr. SMITH. But, generally speaking, you think you are safe in saying they are opposed to it?"

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SENATOR LODGE ON THE "STOP WATCH."

Senator HENRY CABOT LODGE presented the case against the "stop watch" in graphic fashion during a discussion of the subject in the Senate during the third session of the Sixty-third Congress. Senator LODGE said:

"The one object of the time measure is to produce speed. Now, speed is not the only thing that the Government or any other employer or manufacturer is seeking for. There is something more important than speed, and that is quality. Speed has nothing to do with quality. Owing to great inventions of our time, owing to steam and electricity, we have carried speed to such an extent in all of our manufactures that certainly in many cases the product has deteriorated in quality as it has advanced in quantity and rapidity of production.

"The stop watch and the time measure can tell you nothing whatever about quality. It may be a basis of fixing wages or anything else, but the only thing we can possibly tell by time is speed. We all associate a stop watch with its use for racing horses. I dare say it is used now

for racing automobiles, but not by a man buying horses for his ordinary use. In the days before automobiles I used to own horses and be very fond of them and drove them a great deal, but I never put a stop watch on a horse I was going to buy. I wanted to know his qualities; I wanted to try him; but I was not going to buy a horse to use on the track, and therefore I had no use for the stop watch. They use a stop watch to test a horse that is going on the track to race in the Derby, for instance, or in any of our great races. It is of the utmost importance to know what the horse can do on the furlong or on the quarter mile or on the half mile, but it does not tell the story of his quality. It will tell the story of speed and the qualities necessary to speed, but there are many qualities it does not tell.

"Now, to put the stop watch on human beings may tell how fast they can work, but it can tell nothing of the quality of their work nor how long they may work. A horse may be very good for a short spurt and absolutely worthless for a 4-mile race. It is a poor test. It is a promoter of the idea that the one thing to do is to turn out just as much as we can just as far as we can. That has gone through everything in this period of ours. It has deteriorated style, it has deteriorated literature, it has deteriorated art, it is deteriorating manufacture.

"I do not believe, Mr. Chairman, in standing over men with stop watches to see how far they can go under pressure in securing speed in performing a given piece of work. The very fact of a stop watch implies strain on every faculty, on every physical power, driving the heart and lungs and every muscle to the utmost possible point.

"In the days of slavery it was said there was one school of slave owners who believed it was more profitable to work the slaves to the last possible point and let them die than to try and care for them when they were ill and work them reasonable hours and treat them without a stop watch. Those who believed in working them to death, I imagine, were a very small and merciless minority, but there is always that disposition.

"I am a thorough believer in the best man getting the best wage and the hard-working man getting what his hard work deserves. I have no sympathy to waste on the shiftless and idle paid as well as the industrious, steady, and hard-working men, but I do not believe anything is gained for the Government or for anybody else in standing over a man with a stop watch to see whether under pressure he can do a certain piece of work in a given time. I do not believe it is sound economy."

PREMIUM AND BONUS SYSTEMS.

The premium and bonus systems of payment of employees are designed to supplement the "stop watch" in stimulating the workers to the extreme limit of their physical and mental endurance. When the human machine can no longer stand the strain a new one is to be substituted and the old one sent to the industrial scrap heap.

The opponents of the legislation under discussion deny the truth of this statement, but there is a mountain of evidence to sustain the charge.

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The United States Public Health Service has just issued Bulletin No. 73, "Tuberculosis Among Industrial Workers," by Surg. D. E. Robinson and Asst. Surg. J. G. Wilson.

Those gentlemen are surely impartial and competent witnesses, and here is what they have to say:

SPEEDING UP.

"This is a natural resultant of the piecework system, and from the standpoint of the employees' health, does more harm than any other one thing associated with factory work. Although it works, or appears to work, to the interest of the employer by increasing the output of the individual workers, these good results are probably only temporary, as the pernicious effect upon the health of the wage earner will, in the end, have the opposite effect."

LABOR'S EARNEST OPPOSITION.

Labor, organized and unorganized, has systematically opposed the introduction of the system into Government plants. Gen. Crozier asserts that outside influences are responsible for the workers' hostile attitude, but the evidence submitted to your committee seems to completely disprove the general's theory.

The leaders of organized labor instead of fomenting trouble in the Government shops have with difficulty restrained the workers from throwing down their tools and quitting work. At the Watertown Arsenal the employees united to employ Miner Chipman, an engineer, to assist them in an attempt to induce the War Department to dispense with the obnoxious system.

Two hundred and thirty-five of the workers furnished Mr. Chipman with detailed information to enable him to complete his case. Of these, 214 were opposed to the system. Of the protestants, 113, or 52.8 per cent, were nonunion, and 101, or 47.2 per cent, were union.

All these men were asked to answer the following question: "Do you think the agitation is brought about through union labor or similar sources?"

They replied as follows: "Noes," 137; "yeas," 28; not answering, 70.

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CONCLUSION.

In conclusion your committee would suggest:

The system so persistently urged by Gen. Crozier involves a fundamental, not to say revolutionary, change (a) in determining what is a reasonable day's work for an employee in the national arsenals and workshops and (b) in the method of compensating the workers, to wit, the substitution of the "bonus" or "premium" system for the age-old "day's pay" system.

The workers affected seem to be almost unanimous in their opposition to the change. They insist it will be oppressive to them and will be without benefit to the Government.

So intense is this feeling that an attempt to install the system in all the Government workshops would, in the judgment of your committee, lead to very serious consequences.

In view of these well-established facts, it seems to your committee it would be the height of folly to permit Gen. Crozier to persist in his plan. Apparently, the only way to restrain him is to enact the bill under discussion, and your committee trusts the House will take prompt and favorable action.

The CHAIRMAN. The time of the gentleman from Colorado has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. BROWNE].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. KEATING. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 72, noes 83.

Mr. BROWNE. I ask for tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered, and the Chairman appointed Mr. BROWNE and Mr. KEATING to act as tellers.

The committee again divided; and the tellers reported—ayes 74, noes 100.

So the amendment was rejected.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TAGUE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TAGUE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAGUE: Page 5, line 13, after the figures "$46,000," add the following:

"The Secretary of the Navy is hereby authorized to use the ships of the United States Navy for the transportation of mail to and from neutral countries in cases of emergency or necessity."

Mr. PADGETT. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] reserves a point of order on the amendment.

Mr. TAGUE. Mr. Chairman, in presenting this amendment I believe that if the House will consider the importance of it and what it means to the business interests of this country they will accept it.

The reason for this must be apparent to every Member of the House who knows the conditions that have prevailed across the sea during the past two years.

The mail of our business men and our people has been interfered with and held up without right or justice, creating hardships and inconvenience to our business interests. I know of no better way of meeting this issue, when it is known that we are without a merchant marine, than by carrying the mail to and from neutral ports on the ships of our Navy.

Not for many years has this country been subjected to such insolence and arrogance on the part of any nation as it is at the present time, when the English Government board neutral ships and take therefrom the mail of our people in direct defiance of the international law and without respect for this or for the other neutral nations.

As one Representative in this Congress I want to know how long we are going to permit the British or any other Government to tamper with the business men's mail of this Nation. They are complaining that bonds and stocks that are sent across the sea have never reached their destination, and only yesterday the captain of a ship that entered the port of Newport News made the following statement:

MAIL FOR UNITED STATES IS SEIZED BY BRITISH.

NEWPORT NEWS, *May 31.*

Capt. Carl Nordman, of the Swedish steamship *New Sweden*, in port from Gothenburg with mail for the United States, Canada, and Mexico, stated that all the parcel-post matter aboard his ship was removed by British authorities at Kirkwall, where his ship was taken by a patrol boat.

About 30 sacks of first-class mail from Scandinavian countries for the United States also were removed and held. Scandinavian mail for Canadian points and a quantity of Russian mail was not disturbed.

In 1775 this country threw off the yoke of English oppression and tyranny, and with the first shot fired at Lexington told England and the world of the birth of a new and independent Nation, and from that day this country has proudly proclaimed that independence.

We have never allowed any nation since that time to interfere with the progress of our business without bringing them to account for it, and not until now has any nation attempted to do this in face of the objection of this country.

How much longer we intend to allow this interference is for us to decide, and I know of no better time than now, when appropriating money to build up our Navy that we shall build it so strong and powerful that it will be a message to English insolence and insults or to any other nation who dares to interfere with our rights upon the sea.

By the adoption of this amendment we send our mail in case of emergency on our warships, with the American flag floating proudly from the masthead, and then let the British attempt to seize it if they dare. That is true Americanism; that is the protection that our American business men deserve at the hands of this Congress to safeguard their business.

The laws of this country forbid any persons interfering with our mails, and anyone who does will be punished by the law. The mail being carried across the sea is just as important as the mail of our own country and deserves that same protection, and if we are unable to punish those who interfere with it, as we do within the confines of our own land, then it is for us to send it across the sea so protected that no nation will dare to interfere with it, and if they do they will do so at their own peril.

We place it in the hands of the officers and men of the American Navy, who have never been found wanting in the performance of their duty in the protection of the rights of the American people. We have always been proud of our American Navy, and we are proud of it to-day. Its personnel can not be excelled by any navy in the world, and is made up of the best of American manhood, who have always been ready to defend the honor and name of their country. We are giving them to-day a navy which they can be proud of, and let us at the same time, by the passage of this amendment, protect our rights upon the high seas.

Like other members of the committee, I have received many letters from the business men of the country whose mail has been interfered and tampered with, depriving them of business that should rightfully come to them, and many complaints have come from our citizens in this country and abroad whose mail, for no reason whatsoever, has been interfered with. Let us, by our accepting this amendment, say to the world that we will not permit in the future any interference with our mail or the rights of America or Americans upon the seas.

May I ask to be allowed to insert in the RECORD a few editorial comments that have come to me recently from some of the newspapers dealing with this question and also with the matter of interference with our rights upon the sea?

[From the Boston American, May 29, 1916.]

A JACKSONIAN AND ROOSEVELTIAN PLAN TO SAFEGUARD OUR NEUTRAL RIGHTS.

Congressman PETER F. TAGUE, of Boston, has introduced a resolution in Congress providing that the United States mails between this country and the neutral ports of the world shall be conveyed in the armed ships of our Navy.

There is a reason for this resolution. The British Government has assumed, without right and without precedent in international law and without decent respect either for this Nation or for other neutral nations, to interfere both with our mail and with the mail of the other neutral nations.

This country has enforced against Germany the claim which the President set up against the use of the submarines which Germany regarded as vital to the successful prosecution of her conflict with Great Britain. The President and the national administration acknowledge that in principle the violation of our rights by the British interference with our mail is no less flagrant. It certainly has less excuse in military necessity than the German use of their submarines. There has, however, been a marked difference in the vigor of the prosecution by our national administration of our demands for fair and respectful treatment by both belligerents. We have entered upon a course of procrastinating negotiations with Great Britain concerning this violation of our rights. Apparently no progress has been made toward a settlement of the controversy.

Now Congressman TAGUE has conceived a way in which an issue can be very promptly forced in this situation. By his resolution he calls upon the Government to send our mail in our warships with our flag at the masthead. Then let the British attempt to seize that mail if they care so to do.

This would be the Jacksonian way of dealing with such a question. It would be the Jacksonian way of settling the question. This method of conducting diplomatic negotiations made Andrew Jackson the most successful diplomat this country knew between the Revolution and the Civil War. This method is also the Roosevelt method of conducting negotiations. It is the way former President Roosevelt would have settled the controversy long, long ago. It is the way of dealing with questions so decisively that they do not have time to get a hot box and become dangerous.

It is only by paltering with embarrassing situations that we make them dangerous. There can not be the least doubt in the world that if our mail were sent in a battleship the British Government would very courteously and discreetly let it entirely alone. Then there would be the end of the controversy.

Mr. TAGUE'S resolution is statesmanship. The administration will do well to heed Mr. TAGUE'S suggestion. Mr. TAGUE has a just conception of real neutrality, for it is not real neutrality to demand our rights vigorously against one belligerent and meekly against another.

[From the Boston American, May 24, 1916.]

FUNDS TAKEN FROM CENSORED LETTER.

WORCESTER, *May 24.*

Patrolman Michael Frell, of the local police department, has written to the Department of State, at Washington, protesting against the abstraction of a money order from a letter which he sent to his mother in Ireland, and which was opened by British censors. He has received a letter from his mother stating that his communication had been opened, and the money order was missing. According to the policeman, the American Express Co. investigated and found that the money order was cashed in Ireland, the indorser giving the name of "A. Lang."

[From the Traveler, May 8, 1916.]

CHARGES BRITISH WARSHIP TRIED TO STOP THE "TEXAS"—WILLIAM P. LARKIN MAKES SENSATIONAL STATEMENT AT MEETING OF CLAN-NA-GAEL.

That the British battleship *Vancouver* tried to hold up the United States battleship *Texas* on the high seas and asked for information as to her destination and complement on October 24, was a declaration made by William P. Larkin, presiding at a public meeting of the Clan-na-Gael, in Hibernian Hall, Dudley Street, last night.

To support his sensational declaration, he read a telegram which he declared was sent by Commander John Wood, of the *Texas*, to the Secretary of the Navy. The telegram reads:

OCTOBER 26, 1915.

To the honorable the SECRETARY OF THE NAVY.

SIR: I have the honor to report herewith an incident which occurred as follows:

At 3.20 o'clock on the morning of October 24, while under full steam for Hampton Roads, we received a wireless from the British warship *Vancouver*, which was accompanied by a British warship torpedo boat. The message inquired as to our destination and full particulars of our complement. Our reply was worded as follows: "Why the hell should we give you the information? Can't you see our flag?" Whereupon we were commanded to halt, to which I replied by ordering all decks stripped for action. Within 15 minutes from the time I was commanded to halt my decks were stripped for action. My men were at their posts, and without further action they proceeded on their way. Hoping that I acted wisely in the fulfillment of my duty, I remain.

JOHN WOOD,
Commandant U. S. S. "Texas."

Following the sensational announcement made by Larkin, John Dovey, editor of the Gaelic American, declared that it was only a matter of transportation that prevented 200,000 trained Irishmen from going to Ireland from the United States to aid in the Irish rebellion.

The meeting was attended by about 1,200 of the "physical force" section of the clan, with a sprinkling of Germans. They contributed $232.60 for the "Irish Republic," and one of the speakers read a notice from City Collector John Curley that another meeting will be held May 15, either in Tremont Temple or in Faneuil Hall.

The other principal speaker was Robert Sturn, vice president of the German-American Alliance.

Mr. TAGUE submitted the following resolution, which was referred to the Committee on Foreign Affairs and ordered to be printed:

House resolution 247.

Whereas the mails leaving this country for neutral countries have been opened and censored by the English Government against the protest of the people of our country and in detriment to the business interests of our country, causing injury to business and much uneasiness to our citizens; and

Whereas the mails from neutral countries destined to the United States of America have been likewise opened, censored, and delayed; and

Whereas the English Government has shown no disposition to discontinue this practice, which is a violation of our rights to the seas and our rights to do business with neutral countries: Therefore be it

Resolved, That the President of the United States is authorized, through the Secretary of the Navy, to transport mail to and from neutral ports upon the ships of the United States Navy, and that any interference with our mails shall be resented by such ships with all power of our Navy and said ships.

Mr. PADGETT. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARDNER. I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. GARDNER. Yes; I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARDNER: Page 100, line 10, strike out all down to line 15, on page 101.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, the part of the bill which I seek to strike out is that part which authorizes President Wilson to send nine gentlemen, noted for their interest in peace, to a European peace conclave.

TALK LESS AND DO MORE.

If there are gentlemen here who are fearful lest we get mixed up in war, let me remind them that if they long to keep out of European troubles they had better stop meddling with European affairs and keep their itching fingers out of European pies.

We Americans have been sitting like a lot of overfed dowagers in the best seats in the opera. We have been criticizing and scolding and patronizing the men who are doing the fighting, and simultaneously we have been filling our own pockets at their expense. We have been moralizing away as if we were not actuated by anything except the grandest motives on earth, and as if greed and timidity were quite unknown to us.

The United States has talked so much and done so little that we shall stand better in the eyes of the world if for the present we hold our tongues and let the men who have been doing the fighting do some of the talking as well.

ENTANGLING ALLIANCES.

Now comes this proposition to ally ourselves with European and Asiatic nations in establishing an international court, with an international army and navy to back up its decrees.

From this time forward everything is going to be left to arbitration, we are told. Oh, of course, I know that at present they talk of limiting the scope of these arbitrations; but if you are going to have an international court at all and tie this country up to an international army and an international navy you had better arbitrate the things which men have strong feelings about, and not merely arbitrate questions which no one would fight over anyway.

Gentlemen have been painting a very attractive picture of the power of this international court to prevent belligerency on the part of angry nations. I can easily see the attractiveness of the program if we only consider one side of the picture. If our international army and navy prevent a war, well and good; but suppose they can not prevent a war. Suppose that the international army and navy must actually be used to suppress some nation or group of nations which may be dissatisfied with the decree of the international court. What then? Is the United States going to let that international court declare war for us in some European or Asiatic quarrel with which we have no concern whatever?

WHAT WOULD HAVE HAPPENED IN 1914?

Suppose that we had had this kind of an international court in 1914, and suppose that this international court had decided that Germany and Austria were in the wrong and had then called upon the United States to furnish its quota of men and money and ships to put down the Austrian and German belligerents. Looking the proposition honestly and squarely in the face, what chance is there that this Congress would have voted in 1914 to raise half a million men and send them to war in Europe to support the allies against Germany and Austria? Why, even to-day, with all the unavenged ghosts of the *Lusitania* victims haunting our pacifist dreams, even now, to-day, we could not get a vote through this Congress to raise half a million men to participate in civilization's struggle for self-preservation.

MONROE DOCTRINE AND CHINESE EXCLUSION.

But let us ask ourselves whether we are genuine in clamoring for the settlement of international questions by arbitration. Would we, were the issue to arise, consent to arbitrate the Monroe doctrine? Would we consent to arbitrate our right to exclude the Chinese and other yellow races from this country? Those are two of the doctrines nearest to the American heart. Yet they are the very doctrines under which the rest of the world chafes. Supposing that you had your international court, with a judge from Japan, and a judge from Great Britain, and a judge from Sweden, and a judge from Germany, and a judge from Austria, and a judge from Russia, and a judge from Italy, and suppose that Japan were to go before that court and claim the right of free immigration of Japanese and Chinese into the United States, would our workingmen submit to a decree of that international court under which we should certainly be overrun by cheap yellow labor? I think not. I think that this Congress would repudiate such a decision of an international court.

Now, take the Monroe doctrine. Supposing Germany goes before that international court and claims the right to restore order in Mexico in order to recover property which has been taken from the Kaiser's subjects. Supposing that we refuse to intervene and refuse to let Germany intervene. Will the international court support us or will it support the side of Germany? If it decrees that Germany has the right to send an army into Mexico, what are we going to do? Submit to the decree of the court or repudiate our international agreement?

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. SMITH of Michigan. I would like to inquire whether it is proposed to submit questions of national honor and vital interest to this court?

Mr. GARDNER. The gentleman evidently did not hear the first part of my remarks.

Mr. SMITH of Michigan. Yes.

Mr. GARDNER. I stated that the proposition was to limit the functions of the international court at present, but if the court is to have any value at all it must settle questions which men fight about, not questions which men only argue about. The proposition at present is to leave to the international court all academic wrangles, like boundary disputes and waterways questions, and that sort of pother which nobody would fight about anyway.

SCRAPS OF PAPER.

I confess that I have lost confidence in international agreements. Countries do not keep their treaties when the pare gets too hot. In 1914 Germany promptly announced her disbelief in "scraps of paper." Greece found a reason for evading her treaty with Servia. Uncle Sam's hands are by no means clean. We violated our treaty with the Chinese when we passed the Chinese-exclusion act, and we violated our treaty with the Indians when we drove them from their coveted lands to the country west of the Mississippi River.

JUDGING BY THE PAST.

What sort of success should we have had with arbitration if it had prevailed in the past? Supposing that the question had been left to a court of international judges whether the American colonies had the right to revolt against Great Britain in a matter of taxation levied to pay for New England's own defense. Do you think that we should have won our case before an international court?

Mr. GARRETT. The taxes were not confined to New England.

Mr. GARDNER. No; but if the gentleman will remember the first army was formed in New England. From Virginia we got our commander in chief, but I think the gentleman will admit that if the Revolutionary War had not broken out in New England it would have been many years before it broke out elsewhere. It was New England's fight in the first instance.

Now, let us take up the Mexican War.

We needed some territory in the Southwest, so we helped Texas revolt from Mexico. Then we annexed Texas and went to war to prevent Mexico from recovering her former territory. How do you think that an international court would have looked upon that casus belli?

Supposing that the North and the South had tried to arbitrate their difficulties at the time of the Civil War. What question would they have arbitrated? Half of the Nation thought then, and still thinks, that it went to war to end slavery, and the other half thought then, and still thinks, that it went to war to defend its firesides from invasion. Does anyone to-day believe that the abolition of slavery was an evil thing? And yet, notoriously, the leaders of European thought were for the most part opposed to the course of the North.

Last of all, how should we have come out if our difficulties with Spain in 1898 had been submitted to an international tribunal? Would an international court have decided that we had adequate proof that the battleship *Maine* was blown up from the outside? Would an international court have conceded our right to aid the Cuban insurgents against their Spanish masters? If you have the slightest doubt on this matter, look back to your newspapers just before the Spanish War. As a matter of fact, a sort of international court actually convened itself to sit on the very question of our dispute with Spain. You may have forgotten about that court. It was known to the world as the Concert of European Powers, and a grand old harmonious concert it was, when Great Britain broke in with a dissenting note. The rest of the orchestra had attuned its fiddles to the popular air of "Down With Your Uncle Samuel." Just at that moment Great Britain started to play "Hail, Columbia," and broke up that concert of European powers. I dare say that that was about as near to an international court as we shall get for some time to come.

Mr. BENNET. Mr. Chairman, I desire to offer a preferential amendment to perfect the text.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, after line 9, insert—

The CHAIRMAN. The Chair does not think this is a preferential amendment. It is to insert——

Mr. BENNET. In the latter part of the text which the gentleman from Massachusetts asked to be stricken out my amendment comes in, and under the rules of the House an amendment perfecting language is in order.

The CHAIRMAN. But the gentleman's amendment proposes to insert some other matter.

Mr. BENNET. If the Chair will look at the latter part of my amendment he will see——

The CHAIRMAN. The Chair does not think it is a preferential amendment. The gentleman can offer his amendment in

the event the amendment of the gentleman from Massachusetts be adopted.

Mr. BENNET. If the Chair will listen. In the amendment offered by the gentleman from Massachusetts——

The CHAIRMAN. Striking out the entire paragraph.

Mr. BENNET. Striking out the entire paragraph. Now, my amendment inserts new matter between lines 10 and 11. Then, on page 100, within the matter proposed to be stricken out by the gentleman from Massachusetts, it inserts after the word "be," in line 22, the words "the commissioners herein provided for and," and in line 24, page 100, strike out the word "representatives" and insert the word "commissioners." Now, if the amendment proposed by the gentleman from Massachusetts should succeed there would be nothing to which that portion of my amendment could attach.

The CHAIRMAN. The gentleman can prepare a new amendment which would be in order.

Mr. BENNET. In order to reach that what I would have to do would be to get up a new amendment consisting of the first part of mine and then all of lines 10 to 21, and change that which is stricken out, and change lines 22 to 24, and in line 23——

The CHAIRMAN. It would be an entirely different provision, and it would be in order to insert that.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BENNET. Now, Mr. Chairman, I offer this as an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, after line 9, insert:

"That a commission of nine members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement, and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war.

"On page 100, line 22, after the word 'be' insert 'the commission herein provided and'.

"On page 100, line 24, strike out 'representatives' and insert 'commissioners'."

Mr. BENNET. Mr. Chairman, the first part of this amendment ought not to be new to men who have served any length of time in this House, because in the Sixty-first Congress it was reported from the Committee on Foreign Affairs and passed this House and the Senate with the addition of a limitation by which it expired within two years and with an appropriation of $10,000. It was signed by President Taft, but he never, very much to my regret and to the regret of other friends of peace, appointed the commission authorized—a commission under that resolution consisting of five. The Sixty-first Congress, of course, was Republican. The Sixty-second House was Democratic, and the Committee on Foreign Affairs of the Sixty-second Congress reported out the same resolution, and again, by unanimous consent, as my recollection is, the resolution passed the House in the Sixty-second Congress.

So that this House has twice committed itself—once when Republican and once when Democratic—to what I now suggest. Mr. Chairman, there is a good deal of force to what the gentleman from Massachusetts [Mr. GARDNER] says in relation to the defects of an arbitral court. There are things that no self-respecting nation, any more than any self-respecting man, will submit to arbitration—those things for which both men and nations will fight—and it is at that point that an arbitral court almost certainly will break down.

Now, what does this resolution do? This resolution faces the fact that the expenditures for war, particularly the naval expenditures, are going to be tremendously high. We are voting for preparedness. I am voting for two battleships, and all that, and no matter how big this bill is when it goes through the House, I am going to vote for it. But, nevertheless, I realize that the very size of these bills will some day bring about a movement all over the civilized world to stop war, because the nations can not afford it.

Mr. GARDNER. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. Suppose that all the navies were disarmed, would not the British potential navy, to wit, her merchant marine, which could be armed in time of war, more overbalance the rest of the world than her navy does at present?

Mr. BENNET. Mr. Chairman, I would not want to answer dogmatically, but I see the gentleman's point.

Mr. GARDNER. That she would be much better off after this than now, because she would have a better potential navy than before.

Mr. BENNET. Very likely the Foreign Affairs Committee, when they drafted this resolution, had precisely this matter in mind, because they provided for the combination of the nations of the world into an international force for the preservation of universal peace. In other words, they did not go to the idealistic extreme of disbanding all the navies, but they took the step of preventing the expansion of the navies and continuing what we had, with the diminution incident upon the wear and tear as the international police——

Mr. MEEKER. The gentleman mentioned a moment ago the expense we are going to now for providing a navy. Does the gentleman believe, after all, our additional outlay for the Navy is ahead of our increase in wealth?

Mr. BENNET. I am quite sure it is. In fact, I know our expenditures for naval affairs are increasing with geometrical rapidity as compared with our increase in wealth.

Now, this proposition of mine does another thing. We can map out a program now and appoint a commission now, without reference to any foreign country, and when the international conference comes——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. BENNET. The advantage of this proposition of permitting the President to appoint this commission now is that when the international conference comes the United States of America will have a commission which has studied the question and which will not go blindfolded into any international conference. I shall vote, in any event, for the proposition of the committee, because I think it is a step in the right direction; and with the multiplying expense of armament, it may be the best thing in the bill.

Mr. FESS. I am greatly interested in the possibility of stopping all war; but is there anything in this that might lead to an entangling alliance with another country of Europe; being a quarrel between us and a European country, that would be the outcome if it had to be referred to arbitration?

Mr. BENNET. If the gentleman will read my proposition he will not find any chance of an entangling alliance in that. But I still think the other is a step in the right direction.

Mr. DECKER. I ask in all kindness this question: Do you think it would be easier to get 10 men to agree if you laid down a specific proposition of defense, or if you say to them, "Come together, gentlemen, and let us talk it over, and we will make you suggestions and we will come to some agreement"?

Mr. BENNET. I think nine men that have spent a couple of years in educating themselves on that subject could do not only themselves good and the country good but good to the countries to which they went.

Mr. DECKER. That is what Mr. HENSLEY's resolution provides for.

Mr. BENNET. No; Mr. HENSLEY's resolution provides that upon the conclusion of the European war this commission shall be appointed. Mine provides that the commission shall be appointed now, and that if an international conference is called, then the commission shall be in existence and cooperate.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DECKER. Mr. Chairman and members of the committee, it is not my desire to quibble about the different plans. The gentleman from Massachusetts [Mr. GARDNER] has withdrawn his amendment.

Mr. GARDNER. Mr. Chairman, will the gentleman yield just for a minute?

Mr. DECKER. Yes.

Mr. GARDNER. Just to straighten out the parliamentary tangle the amendment was withdrawn. The gentleman will offer it again just as soon as the amendment is voted down.

Mr. DECKER. Before I begin I would like to read a cablegram. It reads:

STOCKHOLM, *May 3, 1916.*

Congressman HENSLEY, *Washington, D. C.:*

Neutral conference congratulates you upon reported success in Committee on Naval Affairs in securing recommendation to Congress of appropriation for world congress at end of war. Hopes Congress will vote favorably.

LOCHNER, *General Secretary.*

[Applause.]

Now, I want to say to the distinguished gentleman from Massachusetts—and he is a distinguished gentleman—that from the beginning of time this question has been before the world. We may build our battleships as we have planned in this bill; we may train our armies to march; we may resort to the reeking sword and the belching cannon, but I hope the time will never come in this country when men will not still hope for the day when justice and love and kindness will be stronger than the sword. [Applause.]

I want to congratulate the distinguished gentleman [Mr. HENSLEY] from the State from which I come. I want to commend him for his persistence, his courage, and his lofty purpose. I know that in this hour, when the clouds of war hang over the world—in this hour, when men kneel at the shrine of Jesus Christ and then rise from their knees and rush at each other's throats—some people think it is a poor time to talk about love and peace and the brotherhood of man. I know that it is almost popular to-day to sneer at the man who plants his feet upon the doctrine of the brotherhood of man and the fatherhood of God. I know that when a man sometimes, even for a moment, dreams and hopes for the time when the war drums shall throb no longer, men will tap their heads and say, "Pacifist." If a man to-day begins to say a word in behalf of the men who pay the taxes for enormous armaments, some people will say, "Henry Ford." If a man, forsooth, dares to speak in favor of persuasion and reason as a greater power than a battleship, some one will say, "Bryanite." If a man, forsooth, dares in this hour of tragedy and in this world conflict to speak about the fellowship of human beings and the kindness that should exist between nations as well as men, some people say to themselves, "He must believe in the teaching of Jesus Christ; he must really believe in the power of love."

I am not one of those who wish to leave my country defenseless. I believe in a reasonable and adequate Navy and a reasonable and adequate Army; but I hope that this Congress and no other Congress will ever lose sight of the fact that the world power and the safety which America enjoys is not based so much upon tramping legions, battle cruisers, dreadnaughts, aeroplanes, or deadly submarines as upon the belief that this Nation does not covet any other nation's territory, that this Nation does not covet any other nation's gold, that this Nation, though it wants a world commerce, does not want a commerce built on force. We believe in the doctrine of Bismarck—that a commerce built on force is not worth what it costs, and that the price mark and diplomacy are the greatest guaranties of profitable commerce. Of course, we do not want our country to be unprepared for defense. I believe in reasonable armament, keeping in consideration all the time the Atlantic and the Pacific Oceans; keeping in consideration the less need of force if our Nation will be honest, if it will be just. [Applause.]

This paragraph which the gentleman from Massachusetts [Mr. GARDNER] moves to strike out seeks to bring about a world conference at the end of this war, looking toward arbitration and the limiting of armaments and the lessening of war. It may not strike a responsive chord in the minds of all statesmen and diplomats. It may be scoffed at by those who command the mighty navies and direct tremendous armies. But it may reach beyond these and penetrate the ranks of those who bear the burdens and fight the battles. It may reach to the trenches of Verdun and the far-flung battle line where millions of Russians, Germans, and Austrians contend. This message, direct from the people of this country, may sound above the cannon's roar and cause these fighting, dying millions to ask themselves the question, "Is there not a better way?" Even when this war is ended this paragraph may not appeal to "the masters, lords, and rulers in all lands," but it may appeal to those who, maimed and halt and blind, stagger back to ruined homes and desolate hearths. It may appeal to orphans and widowed women and childless mothers. It may appeal to those whose hearts are torn with sorrow, suffering, and woe, and those whose backs must bend under the burden of taxation necessary to pay for this mad carnival of butchery and destruction. And these are the ones to whom we want the message to go. Until these plain, common men, whose toiling, fighting, dying makes up the sum of every nation's life, until these begin to think, to question, to understand the causes that lead to international strife, there can be no hope of permanent peace. When these plain men shall come to demand that their hopes, their aims, their happiness, their lives be considered, then rulers will not think it unusual and dishonorable to resort to arbitration, negotiation, and even to concession instead of war.

Mr. HENSLEY. Mr. Chairman, I truly hope that the amendment suggested by the gentleman from New York will not be agreed to, for the reason that the provision contained in the bill on page 100, which was suggested by myself, has been gone over very carefully by the Naval Affairs Committee, and it was reported unanimously without a dissenting vote.

I am very anxious that this provision may remain in the bill without change for many reasons. Some of those reasons I discussed with the gentleman from New York, and I think he will agree with me that there are ample reasons for asking that the provision remain in the bill as it is.

Mr. Chairman, I listened with a great deal of interest to the talk made by the gentleman from Massachusetts [Mr. GARDNER]. I must say that I was astonished at the position that he took. I recall that there was a time in the history of our country when some men insisted that there should be no laws for the prevention of dueling, when some men thought it was perfectly right, when certain disputed questions of honor were involved, to go out and shoot it out with each other upon the field of honor. I recall distinctly that on many occasions—if I had time I would be glad to recite some of those occasions—when some of the best men of our country went out, and one or the other was shot down ruthlessly at the hands of a one-time friend. The gentleman from Massachusetts insists that there are questions which can not be arbitrated. Mr. Chairman, there comes a time in connection with nations the same as with individuals, when all disputed questions can be arbitrated. Is it better and wiser to first engage in war over a question of honor and after you have had killed and slaughtered thousands or millions of your people to then arbitrate the differences? Many disputes have been settled by arbitration which otherwise might have led to war.

Now, with reference to the Japanese question. Does not the gentleman from Massachusetts remember that out in California they prohibited the Japanese children from attending the public schools with the white children, which was contrary to the wishes of the Japanese? And what did Japan do? Why, when the San Francisco calamity occurred Japan answered what she regarded as an offensive act to her nation by appropriating so many millions of dollars to the sufferers of San Francisco. [Applause.]

When later California passed an alien land law for the purpose of preventing Japanese holding and owning land and when the jingo press of this country very nearly involved us in war, Japan again answered by appropriating money sufficient to make a creditable exhibition of her products at that fair.

Now, gentlemen of this committee, I say that if ever there was a time in the history of the world when this Nation should take the initiative upon a great vital question it is at this juncture. Picture, if you can, the deplorable situation that will be presented by the sufferers of Europe at the conclusion of this war. Can you imagine that in the history of the world militarism more prostrate than it will be at that time. Think of the sufferers of those countries. We can not afford to look with complacency upon these suffering people. We should think internationally and not nationally upon these great questions. Many of the things that the gentleman from Massachusetts [Mr. GARDNER] has referred to are not in this resolution. Let me read it to you so that you can intelligently pass upon it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENSLEY. I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HENSLEY. I will read it:

Upon the conclusion of the war in Europe, or as soon thereafter as it may be done, the President of the United States is authorized to invite all the great Governments of the world to send representatives to a conference which shall be charged with the duty of suggesting an organization, court of arbitration, or other body, to which disputed questions between nations shall be referred for adjudication and peaceful settlement, and to consider the question of disarmament and submit their recommendation to their respective Governments for approval. The President is hereby authorized to appoint nine citizens of the United States, who shall be qualified for the mission by eminence in the law and by devotion to the cause of peace, to be representatives of the United States in such a conference. The President shall fix the compensation of said representatives, and such secretaries and other employees as may be needed. Two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside and placed at the disposal of the President to carry into effect the provisions of this paragraph.

I can not understand how any individual can stand upon the floor of the House and oppose this proposition. I can not quite understand his purpose. I know I have witnessed in the last few months, certainly within the last year's time ships bearing gifts going from the very hearts of the people in this country to those unfortunate sufferers of Europe that have also borne shrapnel and ammunition for the destruction of other folks over there. I have not quite understood it, but some light from day to day is thrown upon that great question. It does to me seem most abhorrent that men will stand on the floor of this House and talk in a way that indicates that they stand for war as against peace between nations. We settle differences between

men; we have a mechanism set up whereby disputes between individuals are settled. Why can not there be some sort of machinery set up between nations whereby disputed international questions may be submitted for settlement.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

[Mr. HENSLEY had leave to extend his remarks.]

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, I would not take the time of the committee if I did not believe that this is the most important section of this bill. [Applause.] In the interest of clear understanding I will call it the Hensley section. I have always believed, believe now, and have always acted on that belief individually, that there are things in this life that individuals are justified in fighting for, and that there are things in the world that nations are justified in fighting for—things both personal and national, which from their very nature can not be compromised.

I have a very high opinion of the gentleman from Massachusetts [Mr. GARDNER]. He is intelligent; he is both insistent and consistent; he is courageous; he possesses mental integrity. But I never saw anything in my life that reminded me of the speech he delivered a few moments ago except the sleight-of-hand performer in a country show pulling rabbits, gold watches, and everything you can think of out of a silk hat. [Laughter and applause.] He conjured up a lot of ghosts and made them walk. He injected into the Hensley section of this bill things that Mr. HENSLEY and other members of the Naval Committee never dreamed of. There is not a thing in this resolution that justifies nine-tenths of his speech. Most of his objections are chimerical—figments of the imagination—merely that and nothing more. He wants to know whether we would be willing to arbitrate the Monroe doctrine. No. [Applause.] We will never arbitrate the Monroe doctrine while the earth spins on its axis and slides down the ecliptic. [Applause.] It is the political life preserver of the western world. [Applause.]

There are a lot of dilettante people in this country who have been talking about the Monroe doctrine being obsolete and played out and a matter of ancient times. The temper of the American people is such that they will not only retain the Monroe doctrine, but strengthen it and improve it. [Applause.] If any gentleman thinks that they do not agree on that proposition, he is very much mistaken. It is the only political proposition that the American people ever did agree on. [Applause.]

A great many people misstate what it was made for anyhow. They think that it was primarily made to help somebody else. It was primarily made for our own defense, and in a secondary way to help other people. The gentleman from Massachusetts asks if we would arbitrate the Chinese immigration question. No; and we never will. If I had my way I would shut out the entire Asiatic gang [applause], and I have always voted for every measure toward shutting them out. He asked if we would agree to arbitrate certain other great questions, questions of peace and war. No! But there are a whole multitude of questions of minor character that could be submitted to courts of arbitration with great advantage. People were accustomed to making fun of The Hague Conference. The Hague Conference did a great deal of good. It did not prevent this stupendous war, and there may be wars in days to come, although I hope not. I hope we will never be engaged in another one, and my own opinion is that if we attend strictly to our own business we never will. [Applause.] I do not believe there is a nation on earth that has little enough sense to attack us. I do not care a straw which one it is; and I have abiding faith that if one of them does attack us it will get licked in the end. [Applause.] I am not in favor of a great standing Army or a Navy that is going to overawe the world, but I am in favor of reasonable preparedness by land and sea—particularly by sea. There was a little of piety and much of wisdom in Oliver Cromwell's order to his Ironsides: "Put your trust in God but keep your powder dry." He certainly knew what he was talking about. I told Chairman HAY originally that if he would bring in an Army bill which was reasonable I would stick to him through thick and thin to the last ditch, and I did, although in order to do so and keep faith with him, I voted against one amendment I was very much in favor of. I told Chairman PADGETT the same thing, and I am going to do it. I am going to vote for his bill no matter what happens.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, will the gentleman yield to me at some time during his time?

Mr. CLARK of Missouri. Yes; I think the gentleman better ask his question now.

Mr. GARDNER. The gentleman from Missouri calls attention to the fact that a great many matters can be arbitrated. We know that now. Does the gentleman from Missouri think there ought to be an international army and navy back of the international court?

Mr. CLARK of Missouri. To tell you the truth, I have not studied much about that. This does not provide for any international army or navy. I will tell you what I am in favor of about this thing. I do not believe that the great nations of the earth can stand very much longer this piling up of armaments by land and sea [applause]; that the nation-bankrupting process must come to an end; and the only way that you can bring it to an end is to have an international conference on the subject. It may prove futile at first; you may have to have a half dozen; but the only way that you are ever going to disarm all the nations is to do it by percentages. What would be the sense in asking Germany to disarm without asking France, England, Russia, and the rest to do the same thing? What would be the wisdom in asking England to disarm without asking the rest to do likewise? If they will cut these armaments down in proportion, they will be just as strong when they get through and reach the minimum, or what Capt. Hobson loved to call the "irreducible residuum"—I think that was his phrase. They would be relatively as strong as they are now. We have demonstrated in the last few weeks by the Army bill and the Navy bill and other bills which we have passed, that we propose to be reasonably prepared, and if any rash nation forces a war on us, we will see to it that it gets what it comes for and plenty of it.

I favor the Hensley proposition over the Bennet proposition because the Hensley proposition proposes that this conference shall be after the trans-Atlantic war closes. The Bennet proposition would have it right away. There is no more sense in calling a conference as long as this war rages to undertake to make peace or establish peace or prepare for peace or disarmament than there would be in undertaking to fly to the moon. They would make fun of us; they would laugh in our face; and they would do nothing at all except go on killing each other. We can afford to make this suggestion looking to disarmament. If they reject it, all well and good; we can not help it; but we can afford better than any other people under the sun to make the suggestion. We are not around seeking quarrels and fusses and fights and wars with other people. We are the richest Nation on the globe. We have the largest homogeneous population of all the nations. We are unafraid. In the interest of peace we can afford to lead the way.

The gentleman from Massachusetts [Mr. GARDNER] made another queer suggestion, and that was that if we went into this business, this court, or whatever you please to call it, and destroyed all of the battleships and the battle cruisers and other war vessels, because England has a larger merchant marine than anyone else on the face of the earth she could put some guns on her merchant vessels, and she would be stronger than she is now, relatively. Mr. Chairman, as sure as the night doth follow out the day, other people are going to increase their merchant fleets. We are; and we have started in to do it.

We can put guns on a merchant ship just as easily as Great Britain can, and so can the South American and Central American States and the neutral States of Europe and all the States and countries of the world. Arming merchantmen is a game that two—indeed, several—can play. My judgment is, giving it for what it is worth—and it is not much, because I do not know much about military affairs—when this over-seas war closes the belligerent nations of Europe now engaged in war will be so completely worn to a frazzle that they will not want to war with us or anybody else for the next quarter of a century. [Applause.] This is a good naval bill, and this is the best section in it. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. Under the leave to extend my remarks I here insert two short articles which I recently wrote for the National Sunday Magazine—one on "The Monroe Doctrine"; the other on "The Aftermath":

THE MONROE DOCTRINE.

Certain dilettante statesmen, writers, and orators—more philanthropic than patriotic—from time to time vociferate with great positiveness that the Monroe doctrine is obsolete, dead, and should be abandoned. According to these prophets of a New Evangel, the Monroe doctrine was good enough for such old fogies as Jefferson, Monroe, Adams, Lincoln, and Cleveland, and was all right for the stagecoach period of the Re-

public but is entirely too slow and narrow for strictly up-to-date folks in the age of electricity and flying machines.

On the contrary, the Monroe doctrine is the only proposition the American people ever agreed on. About the tariff, finance, internal improvements, and everything else they differ—about several they differ violently and in an unseemly manner—but about the Monroe doctrine all real lovers of our country of whatever persuasion, religious or political, agree. They rightly consider it far and away America's most important contribution to the code of international law, and they regard it as the political life preserver of the Western World—which it is. Consequently, they are justly proud of it and will defend and uphold it under all circumstances and at any cost.

It enabled the Central and South American Republics to maintain their independence. Under it Secretary Seward ran Louis Napoleon, Emperor of the French, out of Mexico at a time when he was the most powerful monarch on earth, when his arms glittered from China to Peru. Under it Cleveland shook his fist in the face of the British lion and forbade him to lay his paw on little Venezuela. We had no Navy then worth mentioning, but Johnnie Bull let us have our way. These are two of the proudest chapters in our history—chapters dear to the American heart.

Abandon the Monroe doctrine! By no manner of means. Obsolete! It is possessed of its pristine strength. It will be maintained in full force and effect. It will grow with our growth and remain forever a blessing to mankind from Vancouver to the Straits of Magellan. This is a plain, unvarnished statement of the sentiments of 100,000,000 American citizens.

What is this Monroe doctrine which we forced into the code of international law? Jefferson stated it—at least the germ of it—when in one of his letters he said that in order to preserve our own independence of the Central and South American countries it might be necessary to actually establish a line betwixt the Eastern and Western Hemispheres, with a distinct understanding and agreement that no gun of a power of the Eastern Hemisphere should ever be heard in the Western Hemisphere and vice versa. That is a much stronger statement of the American position than the one formulated by his friend, neighbor, and political pupil, James Monroe, the last of the Virginia dynasty. John Quincy Adams was Monroe's Secretary of State, and there is a disposition to filch from the great Virginian the honor of being the father of his own doctrine and to confer it upon his renowned New England Secretary of State, who needs no borrowed honors to confirm his fame. But I do not believe that that scheme will work, and it will forever remain the Monroe doctrine in the minds and hearts of the people. The chances are the Mr. Secretary Adams formulated it—clothed it with proper language, a performance in which he was a master artist—but the idea was Monroe's.

In his annual message of 1823, he stated it in these words:

"We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers (European powers) to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security."

That is the Monroe doctrine. Most assuredly it was a modest statement. We were a modest people then; but we have outgrown that modesty, and the doctrine has kept pace with our growth and strength until it means what Cleveland said it meant in our squabble with Great Britain touching the Venezuelan question; that is, that in political matters we are supreme in the Western Hemisphere.

The nations of the Old World have never liked the Monroe doctrine. At the time it was proclaimed to a startled world Great Britain pretended to like it, but she has made more than one attempt to violate it.

Aaron Burr said: "Whatever is boldly asserted and plausibly maintained is law!" And while Old World Governments did not take kindly to the doctrine, they knew that we boldly asserted it, and they believed we would maintain it even at the cannon's mouth. So with much shaking of heads and fists, with many savage objurgations as to American upstarts across the sea, they concluded to let us have our way. It was a wise conclusion. It was, as Westerners would say, "A ground-hog case."

Monroe's statement of his doctrine is terse, succinct, clear as crystal. It seems to me that nobody with two ideas above a Hottentot can mistake its meaning, and yet perhaps no state document in all the hoary registers of time has been so misconstrued. Many well-informed persons appear to think that it constitutes us a sort of universal constable—a meddler-in-general in the affairs of all the Governments of the Western Hemisphere. A more astounding or pernicious misconception never entered the mind of man.

That interpretation of the Monroe doctrine would keep us in hot water continually and get us into all sorts of trouble. It would cost us the lives of thousands of the flower of American youth, to say nothing of hundreds of millions of dollars.

The clear intent of the Monroe doctrine—and all there is to it—is to warn the nations of Europe against any attempt on their part to set up their system of Government—which evidently meant the monarchical system—in this hemisphere.

How, then, does it happen that we interfered in Cuba, San Domingo, Nicaragua, and Haiti, and may be forced to interfere in Mexico?

Of course, all sane people hope we will not be forced so to do. By what right have we interfered with the affairs of these countries? Simply to protect the lives and property of American citizens and, in an altruistic spirit, to protect the people of those countries against themselves.

We interfered in Cuban affairs and did a great and noble work. We took over the financial affairs of San Domingo and they have had no trouble since; but we have never meddled with their quarrels or their wars.

For our own protection, for the protection of the Haitians themselves, and to maintain the Monroe doctrine without resort to war with European nations, we should, if we can, make some such arrangement with the Haitians that we have with Cuba. It would be better for us, better for Haiti, better for the world, than the utter chaos which has prevailed for a century in that beautiful and fertile island country.

We have sometimes interfered to preserve American lives and American property, and perhaps may be compelled to do so again, for the vast majority of Americans are determined that our foreign policy everywhere shall be such as to make the sentence "I am an American" a safe passport in every country under the sun.

THE AFTERMATH.

It goes without saying that free speech is one of our most priceless heritages—and one that always has been and must be jealously safeguarded. But the tendency of the American people to confuse free speech and loose talk has never been more pronounced than at the present time. Its rampant indulgence is at once disquieting and amazing, concerning itself chiefly, of course, with the European-Asiatic-African war and the aftermath thereof.

It is with the aftermath of the war that the following observations are concerned. The prophets of disaster are in their element when making themselves and other timid folks miserable by conjuring up the dire calamities that will befall the United States at the close of the trouble across the seas. They can not deny our present unprecedented prosperity, in which everybody ought to take pleasure, but which many inconsiderate thinkers and talkers seem to take as a personal grievance. They are the skeletons at our feast and prophesy adversity with an unction which shows that they hope for the evils which they foretell.

Item: While admitting most reluctantly that every factory of every sort in all this spacious land is running overtime and making profits unheard of till now, they solemnly asseverate that so soon as the overseas war ends Europe will ruin all American manufacturers by the simple process of dumping her surplus wares upon us. Who can sanely accept or be disturbed by such a preposterous conclusion? Who can believe that at the close of this war Europe will happen to have a surplus of anything except ruin and sorrow with which to jeopardize American prosperity and the welfare of the Republic? Anybody who thinks carefully and has a modicum of vision must foresee that Europe, instead of being burdened with a surplus of wares and merchandise, being in fact afflicted with a painful shortage in respect to such, will, when the war is over, be busy trying to supply wares and merchandise to its own people.

Item: Many of our people view with grave apprehension the prospect of a vastly increased immigration into this country when peace is established beyond the seas, which is another figment of imagination. The chances are that the immigration into this country for a decade, perhaps for a generation, will be negligible, for good and sufficient reasons. Because so many have been killed, crippled, or incapacitated by disease, by exposure in camp, on the march, or in the field, the prospect is that every man or woman desiring employment at home will be able to find it at a higher wage than heretofore. Therefore and thereby the temptation to emigrate from their old homes and seek a new country, particularly this one, will be diminished. Many persons seem to think that the only reason why immigrants come to America is because they desire to live in a Republic. No doubt that is the reason why many do come hither, but many others—a majority perhaps—come because of the greater rewards for labor, whether skilled or unskilled, whether of brain or of brawn. It is confidently submitted that both these motives are rational and honorable. These two classes embrace the bulk of the immigrants to American shores, not to mention the comparatively few who flee from religious or political persecutions and others who, like the Knight of La Mancha, come in quest of ventures. It is safe to say that 95 per cent of all who emigrate from Europe leave the land of their birth with regret, a regret inherent in human nature itself and honorable to the human heart.

It is also safe to say that if the rewards of toil are even approximately equal in their own country and in another, most folks the wide world over prefer to stay in their native land, amid the scenes of childhood, and in company with kindred and friends. It is not to Americans alone that the song, "Home, Sweet Home," appeals, but to all the peoples of the earth.

When this stupendous conflict closes laborers of every kind will be so scarce in the belligerent countries that wages are as certain to rise in them as the sun is to shine; and just as wages increase, so emigration will decrease. It is bound to be so. It can not be otherwise.

Not more than two cases need be advanced to sustain the conclusion as to reduced immigration into this country.

The first mighty army of our immigrants came from Ireland, because of the hard conditions prevailing at home, particularly as to religious and political freedom, education, rents, and ownership of land. Almost exactly in proportion as conditions have improved in Ireland the Irish have ceased to emigrate—for no people are more ardent lovers of their native land.

Following the vast Irish immigration came that of the Germans—vaster still. Until some 30 or 40 years ago our principal supply of immigrants came from Germany. When the present war began, the great stream of German immigrants had dwindled almost to the vanishing point. What was the reason for this shrinkage? It is clear that it was because the great industrial awakening of Germany—one of the most astounding phenomena of modern times—gave employment at home to hundreds of thousands at higher wages in new kinds of work. That was among the chief of the herculean labors Bismarck performed for his country. Germans found employment at home at more remunerative wages than were obtainable prior to the great industrial awakening, and the number of immigrants into this country from the Fatherland grew constantly smaller year by year, until it practically ceased altogether.

I repeat, that that was one of the main benefactions which Bismarck wrought for Germany, for it made her one of the foremost manufacturing and exporting nations of the globe. And the truth is that no statesman or leader of men ever worked more persistently and industriously at any self-imposed task than Kaiser Wilhelm II has labored to increase the manufactures and exports of Germany.

Query: If improved conditions as to the rewards of labor in Ireland and Germany, whence so many of our most desirable immigrants came in the earlier day, diminished the emigration from those countries, why is not the same result likely to happen in the present warring nations?

So it seems that instead of our country being swamped by a tremendous host of immigrants, the Anti-Immigration Society is likely to find itself in the condition of Othello, for its "occupation will be gone."

Mr. PADGETT. Mr. Chairman, I ask for a vote on the amendment.

Mr. BENNET. Mr. Chairman, I ask for one moment to close debate on my amendment.

Mr. MANN. Will that close debate?

Mr. BENNET. I have no objection to debate being closed. I understand the gentleman from Massachusetts [Mr. GARDNER] is going to offer an amendment to strike out the clause.

Mr. MANN. Mr. Chairman, I ask that debate on this pending amendment close in two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on the pending amendment close in two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, when the gentleman from Missouri [Mr. CLARK] and myself were both Members of the Sixty-first Congress he sat down and read this amendment of mine. He favored my amendment and helped get it through the House. If my amendment did what he thinks it does I would be against it myself. Now I want the gentlemen of the committee to listen to it. It says:

That a commission of nine members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement and of constituting the combined navies of the world an international force for the preservation of universal peace and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war.

Why, we would be crazy if we proposed to call an international conference in the midst of this war conflagration. This is for the purpose of getting ready for the conference which the gentleman from Missouri and I both agree is going to come, which will be forced by the awful cost of war and the burden of taxation.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. GARDNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, line 10, strike out all down to line 15 on page 101.

Mr. SISSON rose.

Mr. MANN. Mr. Chairman——

Mr. SISSON. I desire to state to the gentleman that I have not opened my mouth during this debate, and this is one item in which I am interested.

Mr. MANN. How much time does the gentleman desire to take?

Mr. SISSON. I do not think I will desire more than five minutes, but if I should want a minute or two more I should dislike very much to be cut off.

Mr. MANN. We will give it to the gentleman. Mr. Chairman, I ask unanimous consent that debate on the amendment close in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on the pending amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Mr. Chairman, the gentleman from Alabama [Mr. OLIVER] wants to make a unanimous-consent request.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to have inserted in the RECORD an address delivered by Admiral Benson, Chief of Naval Operations, before the graduating class at Annapolis, which is full of information touching very important provisions in this bill.

The CHAIRMAN. The gentleman will have to do that in the House.

[Mr. SISSON addressed the committee. See Appendix.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. BURKE, by unanimous consent, was granted leave of absence for two weeks on account of illness in his family.

EXTENSION OF REMARKS.

Mr. PADGETT. Mr. Speaker, I wish to submit a request for unanimous consent that everyone have leave to print for five legislative days upon the naval bill.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that all gentlemen have the right to extend their remarks in the RECORD for five legislative days on the naval appropriation bill.

Mr. MOORE of Pennsylvania. Reserving the right to object, I ask the gentleman to let that request go over until to-morrow. Let us dispose of it to-morrow.

Mr. PADGETT. Let us dispose of it to-night.

Mr. MOORE of Pennsylvania. If the gentleman insists, I shall object to it now. Let us see how to-morrow works out.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the rural-credits question.

The SPEAKER. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, I ask unanimous consent to print in the RECORD an address delivered at Canton, Ohio, on Memorial Day, to the McKinley Post, by my colleague, Representative DAVID A. HOLLINGSWORTH.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing a speech made to the McKinley Grand Army Post at Canton, Ohio, on Memorial Day by his colleague, Mr. HOLLINGSWORTH. Is there objection?

There was no objection.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to insert in the RECORD a speech delivered by Admiral Benson, Chief of Naval Operations, before the graduating class at Annapolis to-day.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD by printing a speech delivered by Admiral Benson at Annapolis. Is there objection?

There was no objection.

Mr. MUDD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the naval appropriation bill. Is there objection? [After a pause.] The Chair hears none.

Mr. DECKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1059. An act to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana; to the Committee on the Public Lands.

S. 1550. An act to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or the State of Washington; to the Committee on the Merchant Marine and Fisheries.

S. 1746. An act for the relief of Delilah Siebenaler; to the Committee on Claims.

S. 4526. An act authorizing the Arikara, Gros Ventre, and Mandan Tribes of Indians, of the Fort Berthold Reservation, N. Dak., to submit claims to the Court of Claims; to the Committee on Claims.

S. 3539. An act for the relief of John L. Moon; to the Committee on Claims.

S. 798. An act for the relief of Kate Canniff; to the Committee on Claims.

S. 147. An act for the relief of John W. Cupp; to the Committee on Claims.

S. 28. An act for the relief of George T. Hamilton; to the Committee on War Claims.

S. 4810. An act for issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows; to the Committee on the Public Lands.

S. 4807. An act for the relief of James W. Cross; to the Committee on Claims.

S. 4368. An act for the relief of D. A. Barbour and Andrew P. Gladden; to the Committee on Claims.

S. 3533. An act for the relief of Mike G. Womack; to the Committee on Claims.

S. 5851. An act to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River in Virginia; to the Committee on Interstate and Foreign Commerce.

S. 5425. An act to standardize lime barrels; to the Committee on Coinage, Weights, and Measures.

S. 5805. An act permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana; to the Committee on Interstate and Foreign Commerce.

S. 4594. An act to validate certain declarations of intention to become citizens of the United States; to the Committee on Immigration and Naturalization.

S. 6239. An act authorizing the Commissioner of Navigation to document as vessels of the United States two dredges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until Friday, June 2, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting estimates of urgent deficiencies in appropriations required for the service of the fiscal year ending June 30, 1916 (H. Doc. No. 1186); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting an estimate of deficiency in the appropriation for "Pay, miscellaneous, fiscal year 1913," to pay the New York Telephone Co., for rental of telephones at the New York Navy Yard, $94.50 (H. Doc. No. 1187); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. IGOE, from the Committee on the Judiciary, to which was referred the bill (H. R. 15158) to amend the Judicial Code, to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court, reported the same without amendment, accompanied by a report (No. 794), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and a resolution were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 14528) for the relief of W. W. Finn, reported the same with amendment, accompanied by a report (No. 792), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8698) for the relief of William W. Danenhower, reported in lieu of said bill H. Res. 252, accompanied by a report (No. 793), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7485) granting a pension to Lee Allen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15177) for the relief of Leander Parker; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 14396) granting a pension to Eliza J. Reed; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. STEDMAN: A bill (H. R. 16171) increasing the limit of cost for the purchase of a site for the erection of a public building at Mount Airy, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. STOUT: A bill (H. R. 16172) to define the qualifications of Representatives in Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16173) to protect the hungry, the naked, the sick, and the dead in the District of Columbia from extortion, and for other purposes; to the Committee on the District of Columbia.

By Mr. REAVIS: A bill (H. R. 16174) to fix standard sizes for baskets or other containers for small fruits, berries, vegetables, and other agricultural products, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. FESS: A bill (H. R. 16175) providing for the acquisition of a site and the erection thereon of a public building for the city of London, Madison County, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16176) providing for the acquisition of a site and erection thereon of a public building for the city of Marysville, Union County, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16177) providing for the acquisition of a site and erection thereon of a public building for the city of Lebanon, Warren County, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16178) providing for the erection of a public building for the city of Urbana, Champaign County, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. SHOUSE: A bill (H. R. 16179) authorizing the Secretary of War to donate to the city of Lyons, in the county of Rice and State of Kansas, two bronze or brass cannon or field-pieces, with their carriages; to the Committee on Military Affairs.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 16180) to prohibit the giving or receiving of tips or other gratuities; to the Committee on Interstate and Foreign Commerce.

By Mr. SMALL: A bill (H. R. 16181) to provide for the erection of a public building at Edenton, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. KETTNER: A bill (H. R. 16182) for the purchase of a site for a public building at Santa Ana, Orange County, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. McCULLOCH: A bill (H. R. 16183) to create a United States Tariff Commission, to define its powers and duties, and for other purposes; to the Committee on Ways and Means.

By Mr. McKELLAR: A bill (H. R. 16184) to reduce the tax on oleomargarine; to the Committee on Agriculture.

By Mr. DUPRÉ: A bill (H. R. 16185) to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: Resolution (H. Res. 251) authorizing the Doorkeeper to employ additional labor for folding speeches; to the Committee on Accounts.

By Mr. HULL of Iowa (by request): Resolution (H. Res. 253) for adopting the Decalogue and Jesus' rule as standard measure for laws and regulations of the Government of the United States; to the Committee on Alcoholic Liquor Traffic.

By Mr. COX: Resolution (H. Res. 254) asking the belligerent nations to agree to an armistice; to the Committee on Foreign Affairs.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 233) to officially recognize a floral emblem for the United States of America; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BEALES: A bill (H. R. 16186) granting a pension to Mary A. Hemler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16187) granting an increase of pension to Isaac Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16188) granting an increase of pension to Mary A. Wilhelm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16189) granting an increase of pension to Morris W. Hackman; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 16190) granting a pension to Carrie S. Wright; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 16191) granting a pension to Georgia Gentry; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16192) granting an increase of pension to Nancy J. Frame; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 16193) granting an increase of pension to William Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16194) granting an increase of pension to Richard A. Woodall; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 16195) granting a pension to Mrs. Augusta Schreiner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16196) granting a pension to Agnes Perry Wilson; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 16197) granting a pension to Catharine Keen; to the Committee on Invalid Pensions.

By Mr. LIEBEL: A bill (H. R. 16198) granting a pension to Annie H. Hastings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16199) for the relief of James Tweed; to the Committee on Military Affairs.

By Mr. MAGEE: A bill (H. R. 16200) granting an increase of pension to John A. Jaynes; to the Committee on Pensions.

By Mr. OAKEY: A bill (H. R. 16201) granting a pension to Fred G. Kasimir; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 16202) granting a pension to Bertha Shackelford; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 16203) granting an increase of pension to Charles Richter; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 16204) granting a pension to Mary A. Bowen; to the Committee on Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 16205) granting a pension to Joseph K. Bellemey; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 16206) granting a pension to Carl B. Traver; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 6125, for relief of Charles W. Bryant; to the Committee on Invalid Pensions.

By Mr. BORLAND: Petition of sundry citizens of Kansas City, Mo., regarding execution by English Government of Padrias H. Pearse and others in Ireland; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of the Indianapolis (Ind.) Board of Trade, favoring passage of the Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLING: Petition of National Automobile Chamber of Commerce, relative to data regarding production of petroleum; to the Committee on Ways and Means.

By Mr. FOCHT: Evidence in support of House bill 12140, for relief of Caroline Smith; to the Committee on Pensions.

By Mr. GARDNER: Petitions of various citizens of Beverly, Mass., favoring the passage of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. GREENE of Vermont: Petition of George W. Peck, jr., and others, of first congressional district, against the passage of House bill 13048, to create a juvenile court; to the Committee on the Judiciary.

Also, petition of Dr. E. F. Johnson, of Orwell, Vt., against passage of House bill 13778, to exclude from the mails certain publications; to the Committee on the Post Office and Post Roads.

By Mr. HAMLIN: Papers to accompany House bill 15408, a bill to pension John E. Opedyke; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Memorial of Ohio Yearly Meeting of Friends, against increase in Army; to the Committee on Military Affairs.

Also, memorial of J. G. Battelle, against legislation to prevent use of scientific efficiency methods in industrial operations; to the Committee on Labor.

By Mr. KETTNER: Petition of E. L. M. Tate, director California State Board of Health, of Sacramento, Cal., protesting against Senate resolution disqualifying the Surgeon General from holding office in or becoming a member of any medical or private health association; to the Committee on Appropriations.

Also, petition of J. H. Smith and Hon. George Puterbaugh, 742 Second Street, San Diego, Cal., favoring House bill 386, creating Civil War volunteer officers' list; to the Committee on Military Affairs.

Also, petition of C. E. Lamb, of Big Pine, Cal., favoring House bill 9216, providing eight-hour workday for railroad agents and telegraphers; to the Committee on Labor.

Also, petition of F. D. Teall, 2931 Thorn Street, San Diego, Cal., protesting against the Shields water-power bill; to the Committee on Military Affairs.

Also, petition of R. C. Brinkerhoff, of Riverside, Cal., protesting against the juvenile-court bill; to the Committee on the District of Columbia.

Also, petition of Levi S. Taylor and Edith D. Hopkins, of Pasadena, Cal., protesting against increase in Army and Navy; to the Committee on Military Affairs.

By Mr. LIEBEL: Papers to accompany House bill 16198, for relief of Annie H. Hastings; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: Petition of Baltimore (Md.) Federation of Labor, favoring passage of employers' liability act, House bill 10318; to the Committee on the District of Columbia.

Also, petition of Pattern Makers' Association, of Baltimore, Md., favoring House bill 11168, relative to leave of absence for employees of navy yards and arsenals; to the Committee on Naval Affairs.

By Mr. LOBECK: Memorial passed by the temperance committee of the People's Society of Christian Endeavor of Castellar Presbyterian Church, of Omaha, Nebr., petitioning Congress to pass the Barkley and Sheppard bills, prohibiting liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Temperance Society of Christian Endeavor, of Omaha, Nebr., petitioning Congress to prohibit the sale of intoxicants in Porto Rico; to the Committee on Insular Affairs.

By Mr. LONDON: Petition of the Workmen's Circle Sixteenth Annual Convention, at New York City, protesting against the agitation for military preparedness and against the introduction of military training into schools, "transforming them into military barracks instead of institutions for the mental development of the young"; to the Committee on Military Affairs.

By Mr. MATTHEWS: Evidence in support of House bill 16139, a bill for the relief of John S. Conkright; to the Committee on Military Affairs.

By Mr. NOLAN: Petitions of California Federation of Women's Clubs, favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of California Federation of Women's Clubs, favoring S. 5408, to create a women's division in the Department of Labor; to the Committee on Labor.

By Mr. O'SHAUNESSY: Memorial of mass meeting of citizens of Providence, R. I., favoring Dyer resolution relative to execution of Irish prisoners by English Government; to the Committee on Foreign Affairs.

Also, petition of Committee of Ten, Rhode Island Branch National Metal Trades Association, Beakman & Smith, Providence, R. I., against antiefficiency rider to naval appropriation bill; to the Committee on Naval Affairs.

Also, memorial of Rhode Island State Federation of Labor, favoring employers' liability act, House bill 10318; to the Committee on the District of Columbia.

By Mr. SCULLY: Petition of United Hatters of North America, Local No. 4, of Orange, N. J., relative to appropriation for purchase of campaign hats for United States Army; to the Committee on Military Affairs.

Also, petition of Colonial Dames of America, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of convention of Mental Hygiene Societies of the United States, relative to division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. SINNOTT: Petition of citizens of Carson and Halfway, Oreg., against law enforcing the observance of a religious institution, etc.; to the Committee on the Judiciary.

Also, petition of citizens of Rye Valley, Oreg., against House bill 13048, to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of Idaho: Memorial of Wendell (Idaho) Grange, No. 82, against limiting the weight of parcel-post packages to 50 pounds; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Petition of T. S. Hanmer, B. L. Hanmer, E. M. Hanmer, Herman A. James, Jacob Daniels, Allen Farr, Mrs. Elizabeth Farr, L. A. Harding, William La Bounty, J. E. Corey, Charlotte Beck, A. B. Moore, Mrs. Phebe Gray, Vernon Lamoy, Berton H. Farrell, D. A. Farrell, M. E. Henry, M. R. Wood, Mrs. Liggett, P. M. Light, Charles Collins, Aaron Weinstock, S. Weinstock, A. J. Foster, and Ernest Foster, all of Saranac Lake, N. Y., protesting against the passage of House bill 6468 and House bill 491, known as the Fitzgerald and Siegel bills; to the Committee on the Post Office and Post Roads.

Also, petition of Theo. S. Hanmer, B. L. Hanmer, Truman Hanmer, William La Bounty, J. E. Cory, A. B. Moore, Mrs. Phebe Gray, Berton H. Farrell, D. A. Farrell, M. E. Harney, Mary R. Wood, Mrs. Liggett, P. M. Light, L. Weinstock, Aaron Weinstock, A. J. Foster, and Ernest Foster, all of Saranac Lake, N. Y., protesting against House bill 652; to the Committee on the District of Columbia.

By Mr. STINESS: Petition of Livermore & Knight Co., of Providence, R. I., against bill to discontinue the Taylor system in Government shops; to the Committee on Labor.

Also, petition of sundry citizens of Providence and Kent Counties, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of a mass meeting of citizens of Providence, R. I., favoring Dyer resolution relative to treatment of Irish prisoners by English Government; to the Committee on Foreign Affairs.

By Mr. WALSH: Petition of 200 citizens of New Bedford, presided over by Charles Mitchell, in meeting assembled on May 22, petitioning for the speedy passage of Webb-Smith resolutions (H. J. Res. 84 and 85), proposing amendment to the Constitution prohibiting beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of Dakota conference of the Evangelical Association, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *June 2, 1916.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy guidance and blessing for the duties of this day that we may be prepared for every issue with that spiritual equipment that will give us the authority of those who dwell in communion with God and who are the exponents of God's will. Thou hast not separated Thyself from us even in our smallest interests, and Thou art with us to guide us in our larger national life. Do Thou take charge of us this day that we may perform Thy will and that all that we do may be in accordance with Thy law. Grant us the grace that comes from God. Bring every emotion of our hearts into subjection to Thy will. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Wednesday, May 31, 1916, was read and approved.

PETITIONS AND MEMORIALS.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Alsea, Oreg., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Salem, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. REED. I present resolutions adopted at a meeting of certain prominent Irish-American citizens of Kansas City, Mo., regarding the execution by the English Government of Padriac H. Pearse, provisional president of Ireland, and his compatriots. Accompanying the resolutions is a letter from Hon. Frank P. Walsh, chairman of the executive committee, transmitting the resolutions to me. I ask that the letter and accompanying resolutions be printed in the RECORD.

There being no objection, the letter and accompanying resolutions were ordered to be printed in the RECORD, as follows:

KANSAS CITY, MO., *May 29, 1916.*

Hon. JAMES A. REED,
United States Senate, Washington, D. C.

DEAR MR. REED: We have the honor to hand you herewith resolutions adopted at a meeting of our citizens regarding the execution by the English Government of Padriac H. Pearse, provisional president of Ireland, and his compatriots upon charges of fomenting rebellion.

The resolutions were unanimously adopted by the 4,000 men and women attending the meeting, which was held in this city upon May 21, 1916.

The committee would be pleased if you will present the resolutions to Congress.

Very truly, yours,

FRANK P. WALSH,
Chairman Executive Committee.
MAURICE J. MCNELLIS,
Secretary.

D. V. KENT,
FRANCIS C. DOWNEY,
WILLIAM P. HARVEY,
M. A. FLYNN,
JOHN J. O'CONNOR,
RICHARD J. HIGGINS,
WILLIAM E. LYONS,
JOHN NAGLE,
Members Executive Committee.

At the sacred altar of human liberty, before whose portals the flame of Irish freedom has burned for centuries, the blood of our race has been reconsecrated to its loftiest and finest ideal.

THE ESTABLISHMENT OF THE IRISH REPUBLIC.

England has again shocked the world with a series of barbaric crimes against civilization in the cruel murders of Patrick H. Pearse, James Connolly, Thomas McDonagh, and their brave compatriots.

These latest iniquities should receive the condemnation of lovers of liberty everywhere.

These men, the very flower of Irish manhood, were slain for the assertion of the identical principles written into the American Declaration of Independence by Thomas Jefferson and vindicated by the sword of the immortal Washington.

In the sublime effort which cost them their lives they represented an unconquered race in a state of war against an invading and oppressive enemy, and, as prisoners of war, were entitled to the treatment which truly civilized governments extend to captured foes.

It is repellant to every human ideal that any people should be oppressed by force or their nationality suppressed. Efforts to do so are of the primal causes of war.

Ireland's struggle for freedom has persisted through the generations, kept alive by the indomitable courage and deeply implanted traditions of her sons and daughters.

She has never surrendered her unity of purpose, national ideals, or customs, and has ever preserved a racial tongue. These things constitute the deathless soul of a nation.

Unvanquished, unafraid, her children have ever clung to their righteous ambition to take that place in the world of nations which is the divine heritage of an autonomous and invincible race.

We, therefore, as American citizens, enter our solemn protest against this latest atrocity of the English Government and its wanton violation of the humanities in the cowardly assassination of these Irish statesmen and soldiers, and call upon the President and Congress to use the powerful influence of America to prevent massacres of like character.

We also earnestly demand, in case it becomes the duty of our Government to select mediators to bring about peace in Europe, that the Republic of Ireland be represented with the other nations, to the end that free government may be established there and the holy cause of democracy advanced throughout the world.

As loyal citizens of a neutral country, we desire to offer a historic precedent for our action here to-day by reminding our fellow citizens of the fact that after the Declaration of American Independence was proclaimed Benjamin Franklin went to Europe to plead the cause of the American "rebels" of that day and ask assistance.

In his wisdom he first went to Dublin. The Irish Parliament was then in session. He was granted the privilege of addressing that body, and then and there the Irish Legislature passed a resolution indorsing the Declaration of Independence, and thus went on record as the first legislative body on earth that did indorse it.

PORT OF NOYES, MINN.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 5645) for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise. It is a very short bill, and I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It extends the privileges of the first and seventh sections of the act approved June 10, 1890, governing the immediate transportation of dutiable merchandise without appraisement to the port of Noyes, in the State of Minnesota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALLING OF THE ROLL.

Mr. KERN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Overman	Stone
Brady	Jones	Page	Sutherland
Brandegee	Kern	Reed	Thomas
Chamberlain	La Follette	Saulsbury	Thompson
Clark, Wyo.	Lane	Sheppard	Townsend
Culberson	Lea, Tenn.	Simmons	Vardaman
Curtis	Lodge	Smith, Ariz.	Warren
Dillingham	Myers	Smith, Ga.	Works
Fall	Nelson	Smith, Md.	
Fletcher	Newlands	Smith, S. C.	
Gallinger	Norris	Sterling	

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent on important business. He is paired with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

with use of scientific efficiency methods in industrial operations; to the Committee on Labor.

By Mr. SMITH of Idaho: Memorial of Wendell (Idaho) Grange, No. 82, against limiting the weight of parcel-post pack-

Mr. SUTHERLAND. My colleague [Mr. SMOOT] is unavoidably absent from the Senate. I make this statement to stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

Mr. GALLINGER. I will announce the unavoidable absence of the Senator from Maine [Mr. BURLEIGH] on account of illness and allow this announcement to stand for the day.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. PITTMAN and Mr. WILLIAMS answered to their names when called.

Mr. BANKHEAD, Mr. SHAFROTH, Mr. HARDWICK, and Mr. BROUSSARD entered the Chamber and answered to their names.

Mr. KERN. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. CHILTON and Mr. O'GORMAN entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. KERN. Mr. President, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

FEDERAL EMPLOYEES' COMPENSATION.

Mr. SUTHERLAND, from the Committee on the Judiciary, to which was referred the bill (S. 2846) to provide compensation for accidental injuries to employees of the United States resulting in disability or death, reported it with amendments and submitted a report (No. 515) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Maryland:

A bill (S. 6276) granting a pension to Mary Battle; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 6277) granting an increase of pension to Elizabeth C. Henderson; and

A bill (S. 6278) granting an increase of pension to Clementine M. Denslow; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 6279) for the relief of William Harold Kehoe; to the Committee on Military Affairs.

By Mr. SHAFROTH:

A bill (S. 6280) granting an increase of pension to Mary H. Trimble; and

A bill (S. 6281) granting an increase of pension to Martha R. Hitchcock; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6282) granting an increase of pension to Melissa L. White (with accompanying papers); and

A bill (S. 6283) granting an increase of pension to Ellen H. Croggan (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6284) to carry out the findings of the Court of Claims in the case of Florine A. Albright; to the Committee on Claims.

A bill (S. 6285) authorizing the settlement of certain outstanding liabilities of the Government by the issue of new drafts upon the return of drafts heretofore issued, and providing for settlement of the lost drafts representing said liabilities; to the Committee on Finance.

FLAG DAY IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Maryland. Mr. President, I introduce a joint resolution making Wednesday, the 14th day of June, 1916, a legal holiday in the District of Columbia, and I ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 139) making Wednesday, the 14th day of June, 1916, a legal holiday in the District of Columbia was read twice by its title.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Wednesday, the 14th day of June, 1916, be known and celebrated as Flag Day, is hereby made a legal public holiday in the District of Columbia.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. LANE submitted an amendment proposing to appropriate $1,500 in aid of the Columbia Polytechnic Institute for the Blind in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on the District of Columbia and ordered to be printed.

REVOLT IN IRELAND.

Mr. STONE. Mr. President, by direction of the Committee on Foreign Relations, I report back favorably with amendments Senate resolution No. 196, submitted by the senior Senator from Indiana [Mr. KERN], and I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. The Senator from Missouri asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. SUTHERLAND. What is the resolution, Mr. President?

The VICE PRESIDENT. It is a resolution which was before the Senate yesterday, having been reported from the Committee on Foreign Relations by the Senator from Missouri [Mr. STONE], and subsequently withdrawn. The resolution will be read as proposed to be amended.

The Secretary read the resolution (S. Res. 196, Rept. 516), as follows:

Whereas it is represented that at the time of the recent revolt in Ireland there were, and are yet, many American citizens in districts in which martial law was proclaimed and in which armed conflicts occurred, and whereas the relatives and friends in this country of such American citizens whose safety has been thus endangered are apprehensive lest their lives and property have been imperiled: Therefore be it

Resolved, That the Secretary of State be, and is hereby, requested to cause inquiry to be made as to the safety and well-being of American citizens in Ireland, and what steps, if any, may be necessary and proper, consistently with the recognized law of nations, for the safeguarding and protection of their lives and property.

Mr. KERN. Mr. President, I hope unanimous consent will be given for the present consideration of the resolution.

The VICE PRESIDENT. Unanimous consent is asked for the present consideration of the resolution. Is there objection?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FALL addressed the Senate on affairs in Mexico. After having spoken for some time, he said:

If the Senator from Indiana desires to have me suspend for the purpose of passing this resolution, I will do so, and continue my remarks on the appropriation bill.

Mr. KERN. I should be very glad if the Senator would do so.

The PRESIDING OFFICER (Mr. OWEN in the chair). The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

AFFAIRS IN MEXICO.

Mr. FALL. Mr. President, I shall vote for the adoption of this resolution. As to the necessity for its passage, I do not propose to give my own conclusions at this time. That there is and has been, however, necessity for the Congress of the United States, and particularly this branch of the Congress, to inform itself upon foreign matters generally and upon the treatment accorded American citizens in foreign countries, I have had no doubt for at least four years.

For more than four years, Mr. President, I have been insisting that it was the duty of the Senate of the United States to inquire into the treatment of American citizens in other countries, and particularly in the so-called Republic of Mexico, and that it was its duty, after investigation, failing action by the administration, to take steps to adopt the necessary means to protect citizens where their protection should be granted; that it was the duty of the Congress of the United States to suggest methods for the proper protection of the citizens of this country, and I am of the same conviction now.

I might refer back to a discussion in this body occurring in August two years ago, in which one of the Senators on the other side of the Chamber expressed himself very strongly upon this question, and during which discussion he asked of other Sena-

tors why it was that the question of the treatment of Americans in Mexico and the question of the conditions existing in Mexico were treated so tenderly in this body, and why those conditions and the treatment of our citizens there were not proper subjects of inquiry. I am here to ask the same question to-day. I am going to take the time of the Senate, Mr. President, to point out the conditions existing in Mexico, but before doing so, I am going to invite the attention of the Senate to the attitude of the administration with reference to Mexican conditions.

On August 27, 1913, the President of the United States came before the Congress of the United States and delivered a message upon Mexico. I have a printed copy of that message, and I am going to read into the RECORD extracts from the message, for the purpose of showing to the Senate and to the people of the United States the conception then entertained by the President of the United States as to the proper attitude of this Government with reference to Mexico and why this Government occupied a peculiar position with reference to Mexico. The President then said:

The Government of the United States does not stand in the same case with the other great Governments of the world with respect of what is happening or what is likely to happen in Mexico. We offer our good offices not only because of our genuine desire to play the part of a friend, but also because we are expected by the powers of the world to act as Mexico's nearest friend.

He concluded his message by referring to the same subject again, and said:

I am happy to say that several of the great Governments of the world have given this Government their generous moral support in urging upon the provisional authorities of the City of Mexico the acceptance of our proffered good offices in the spirit in which they were made. We have not acted in this matter under the ordinary principles of international obligation. All the world expects us in such circumstances to act as Mexico's nearest friend and intimate adviser. This is our immemorial relation toward her. There is nowhere any serious question that we have the moral right in the case or that we are acting in the interest of a fair settlement and of good government, not for the promotion of some selfish interest of our own. If further motives were necessary than our own good will toward a sister Republic and our deep concern to see peace and order prevail in Central America, this consent of mankind to what we are attempting, this attitude of the great nations of the world toward what we may attempt in dealing with this distressed people at our doors, should make us feel the more solemnly bound to go to the utmost length of patience and forbearance in this painful and anxious business.

We find, then, that on August 27, 1913, the President of the United States finally announced that this Government had a peculiar special interest in the troubles existing in Mexico, an interest peculiar to no other country; and that, aside from our own personal or peculiar interest in Mexico, we were expected by the great countries of the world to deal with the Mexican problem. We find the announcement made that the other great countries of the world had agreed to leave to the United States the settlement of the Mexican question, and, inferentially, to abide by what this Government might do.

Mr. President, up to August 27, after the inauguration of President Wilson, no government was recognized in Mexico. Huerta, under the forms of the constitution of that Republic, was the legal President of Mexico. Revolutions were in existence then against the administration of Huerta, as they have been continuously existing in Mexico against one man or another; and the leader of one of the revolutionary parties was the present de facto head or chief of Mexico, Mr. Carranza. Up to August 27, and after that date—nearly a year after—Huerta controlled the City of Mexico and the greater portion of the Mexican Republic. On the northern tier of States the so-called constitutionalists, recognizing generally Carranza as their chief, controlled some of the ports of entry on the border of this country and Mexico and partially controlled some of the States.

The Congress of the United States had, prior to this time, passed an act empowering the President of the United States, by proclamation, to prevent the export from this country to Mexico of arms and ammunition. The President of the United States had refused, from the time of his inauguration up to August 27, to enforce the arms-embargo act against Huerta, but had enforced it against Carranza, although he had refused to recognize the Huerta government. He had not only enforced the arms embargo against Carranza up to that time, and not enforced it against Huerta, but, although refusing to recognize the Huerta government, the President of the United States had himself turned over to the Huerta government arms and ammunition through the military arm of the Government.

In June of that year Carranza at Matamoras had 128 machine guns and other guns, seized on this side of the line by the officers of the United States under the embargo act. Again, in the latter part of June or the 1st of July, the Constitutionalists had driven Huerta's forces across the boundary line from Sonora into Arizona at Naco and at Nogales, after fierce fighting. The Mexican troops were interned on this side. Some of them were returned by this Government to points in control of Huerta, and allowed again, over the protest of the Constitutionalists, who had driven them across the line, to join Huerta's army. Others were not allowed to go back to Mexico, because of protests of two Senators who are now Members of this body, and because of the action of the then governor of Texas in refusing to allow Huerta troops to be disembarked from the trains at the union station in El Paso, and compelling the military forces of the United States to take them to the military reserve at Fort Bliss. But the Ojeda troops and the Kosterliski troops, driven across by the Constitutionalists, taking refuge on this side, surrendered their arms and ammunition, machine guns and cannon; and I called the attention of the Senate of the United States then to the fact that these arms and this ammunition were sent back into Mexico and delivered to the Huerta authorities by order of the Government of the United States, although the Huerta government was not recognized.

A different policy was inaugurated in August after the receipt of this message by the Congress. The President of the United States had extracts from his message telegraphed to the American consuls and diplomatic officers throughout the Republic of Mexico. On August 27, 1913, the date of the message, the following telegram was sent. This is an official paraphrase of the official document furnished me by the State Department:

The consul general was informed by the Secretary of State that the President had directed him, in view of the possibility of increased activity on the part of contending factions, to warn Americans to leave Mexico. The consul general was told that the Government of the United States would assist them in every possible way, and that for those who were near seaports ships would be provided; also that financial assistance would be furnished to those in need of it. The consul general was instructed to notify all officials, military or civil, exercising authority, that they would be held strictly responsible for any harm done to Americans. The consul general was instructed to furnish a copy of the telegram to the American Embassy at Mexico City, and the department had the same telegram repeated to all American consulates in Mexico.

Again, on the same day, another telegram repeating portions of the President's message was sent to the consul general in the City of Mexico and to the other consular officers south of the northern tier of States, with the statement that the consular office at Mexico City need not undertake to repeat to the northern tier of States the warning contained in that telegram and the statement that all officials, military and civil, wherever they might be, would be held strictly responsible for injuries to Americans, but that the Government of the United States itself would, directly from Washington, notify the consulates in the northern tier of States, at Nogales, Hermosillo, Ciudad Juarez, Guadalajara, Nuevo Laredo, Matamoros, and other places.

Mr. President, I will refer a little later to the action of the President of the United States following this message and these telegrams of August 27. At the present moment I am going to call the attention of the Senate to the fact that having changed his policy of "watchful waiting," the President of the United States made various announcements, both as to his change of policy and as to the reasons therefor and as to what he proposed to do with reference to Mexico and as to the character of government which he proposed to see established in that Republic. In his special message to which I have just referred, he stated to Mr. Huerta what he must do, and the character of government which President Wilson expected to see established in Mexico. Quoting from his message, I read:

America in particular—America north and south and upon both continents—waits upon the development of Mexico; and that development can be sound and lasting only if it be the product of a genuine freedom, a just and ordered Government founded upon law. * * * Mexico has a great and enviable future before her, if only she choose and attain the paths of honest constitutional government.

Again and again has the President referred to Mexico and as to what he proposed to do with Mexico along the same line. In the same message he uses time and again the expression "a constitutional government" and a government "on constitutional lines."

In his message to Congress on December 2, 1913, with reference to Mexico, the President expressed himself as follows:

We are the friends of constitutional government in America; we are more than its friends, we are its champions, because in no other way can our neighbors work out their development in peace and liberty. Mexico has no government.

In the same message he says:

We shall not, I believe, be obliged to alter our policy of watchful waiting. And then, when the end comes, we shall hope to see constitutional order restored in distressed Mexico by the concert and energy of such of her leaders as prefer the liberty of their people to their own ambitions.

Again, in his special message of April 20, 1914, the President said:

If we are to accept the tests of its own constitution (Mexico's) it has no government.

The President was interviewed by one of the writers of this country well known to the public, and the interview was published in the Saturday Evening Post on May 23, 1914. Mr. President, I read with great interest a word picture of the President of the United States drawn by that facile writer, Samuel Blythe, as the President sat with his long white fingers interlaced, gazing through the windows of the White House onto the grounds, with a look in his eyes that struck Mr. Blythe, I presume, at least, as some evidence of statesmanship. The President said, as quoted by Mr. Blythe:

In any event we shall deem it our duty to help the Mexican people, and we shall continue until we have satisfactory knowledge that peace has been restored, that a constitutional government is reorganized, and that the way is open for the peaceful reorganization of that harassed country.

Again, the President addressed the loyal members of his party in Indianapolis on January 9, 1915, and among a few other things said:

Until the end of the Diaz reign 80 per cent of the people of Mexico never had a "look in" in determining who should be their governor, or what their government should be.

Then he proceeded to say that we should let them alone; that it is not your business, not mine, not his, not the business of any man in the United States as to what the Mexicans should do. He continued by saying that they had a right to spill as much blood as they desired to spill.

On June 18, 1914, there was a meeting of the delegates of the A B C powers—Argentina, Brazil, and Chile—with Justice Lamar and Mr. Lehmann, delegates appointed by the President of the United States, at Niagara Falls, for the purpose of considering the difficulties between this country and Mexico. That convention was attended by the Huerta delegates, Robassa and others, but was not attended by the Carranza delegates. Through the American delegates an invitation was extended to Carranza to send delegates, in order that the matters in dispute between the so-called constitutionalists and the Huertaists might be considered and settled at the same time. In the invitation so extended, speaking after consultation, as they said, with Mr. Bryan, Secretary of State, and the President of the United States, the American delegates said that the purpose was to bring that war—Mexico's civil war—to a close; that to restore peace and constitutional government was the aim of the President of the United States.

On June 2, 1915, the President issued a statement to the American people in which he said that the policy or want of policy heretofore pursued would necessarily be changed, and that he proposed to invite all the leaders of the different factions in Mexico to a conference, and that failing an agreement by these leaders it would then become the duty of the United States to act as it saw fit in restoring order in Mexico. I quote from this message:

But neither do they (the people of the United States) wish to see utter ruin come upon her (Mexico), and they deem it their duty as friends and neighbors to lend any aid they properly can to any instrumentality which promises to be effective in bringing about a settlement which will embody the real objects of the revolution, constitutional government, and the rights of the people. * * * It is time, therefore, that the Government of the United States should frankly state the policy which, in these extraordinary circumstances, it becomes its duty to adopt. It must presently do what it has not hitherto done, or felt at liberty to do, lend its active moral support to some man or group of men * * * who can rally the suffering people of Mexico to their support in an effort to ignore, if they can not unite, the warring factions of the country, return to the constitution of the Republic so long in abeyance, and set up a government at Mexico City which the great powers of the world can recognize.

Later the President of the United States invited the A B C powers of the Latin America, together with other Latin American countries both north and south, to join with us in the effort to bring about peace in Mexico. A consultation was held and a joint note was forwarded signed by the Secretary of State of the United States and by the representatives of each of those countries. It was forwarded to each of the leaders in Mexico and of various factions. The statement joined in by the United States I shall read:

We, the undersigned, believe that if the men directing the armed movements in Mexico—whether political or military chiefs—should agree to meet, either in person or by delegates, far from the sound of cannon and with no other inspiration save the thought of their afflicted land, there to exchange ideas and to determine the fate of the country—from such action would undoubtedly result the strong and unyielding agreement requisite to the creation of a provisional government, which should adopt the first steps necessary to the constitutional reconstruction of the country—and to issue the first and most essential of them all, the immediate call to general elections.

Mr. President, the answer of Mr. Carranza to this joint note reads in part:

The First Chief * * * can not consent that the interior affairs of the Republic be handled by mediation or by any initiative of any foreign government.

Shortly thereafter he was notified that he would be recognized as the First Chief in Mexico, or, as he styles himself, as the Chief Depository of the Executive Power.

The reason for the action of the President of the United States in recognizing Mr. Carranza under these circumstances, and in the face of the refusal of Mr. Carranza to accept the invitation either of this country or the joint invitation of this country and the Latin-American countries—the reason for his recognition after such a refusal in the face of our declared purpose, in the event he so refused, has been a matter of interest undoubtedly to people throughout the entire Union, as it has to a large majority, I may say, of the people of Mexico.

So a resolution was offered in this body January 6, 1916, as the Senate had no official notice that there had been any recognition of any government in Mexico, asking the President of the United States if there was a recognized government; and if so, what it was, how it was constituted, whether it was a constitutional government, and the reasons for its recognition.

The last word the Senate had upon the subject was that there was no government in Mexico, and that the whole and the sole purpose of this administration was to see a constitutional government restored immediately in Mexico, and an immediate call issued for a free election. The resolution passed the Senate unanimously, and a month and 11 days afterwards an answer to this resolution was sent into the Senate, and it has been lying before this body since February 17.

Mr. President, I may say that prior to my entering this body, and since that time, the study of foreign affairs, particularly in the relation of this country to Latin-American countries, has been a subject of great interest to myself from time to time, and as I could I have availed myself of the opportunity to examine the state papers, and, of course, in doing so, incidentally I have examined the state papers of this Government in correspondence with other Governments aside from the Latin-American Governments. I want to make the statement now, Mr. President, that this answer to the resolution is the most remarkable state paper every filed in the archives of the Senate of the United States, or ever filed in the archives of this Government or in any other department. Never in the history of diplomacy was such a State document given publicity.

Remember that the President, and the President joined by the representatives of other countries at his invitation, had notified all the leaders of Mexico that they must confer and must settle their difficulties; that they must agree upon some man who could be recognized by other Governments, or that the Government of the United States would upon its own initiative act. At that time Francisco Villa was one of the leaders of the contending factions in Mexico, and until after the recognition of the Carranza Government he was a very powerful factor in the affairs of Mexico. The President of the United States indorsed in his letter of transmittal the answer prepared by his Secretary of State to the Senate resolution.

The report of the Secretary of State has my approval.

WOODROW WILSON.

Mr. Lansing undertakes to go into the history of the troubles in Mexico to a limited extent, but he refers to the statement of the President of the United States of June 2, 1915, from which I have read, and which I have just repeated, directed to the leaders of the factions and notifying them that in the event of their failure to obey his instructions then he would act of his own initiative. Among all the State documents of all the countries of the world, as I have said, this is unique. The answer is that Mr. Carranza was recognized and this country insisted no longer upon a conference. He refers to the statement sent out jointly by this country and the Latin-American countries. He does not include in this remarkable statement the answer of Carranza, but he refers to it.

The attempt to bring the factions together for a conference failed.

Here are the reasons for the recognition of Carranza, in so far as you are able to judge from the report indorsed by the President of the United States:

Substantially all the commanders and others in authority who were associated with Gen. Villa replied directly and independently, in varied language, accepting the suggestion for a conference. On the other hand, all the commanders and others in authority who were affiliated with Gen. Carranza replied briefly to the effect that the appeal had been referred to Gen. Carranza, whose superior authority they acknowledged, and who would make such reply as he deemed proper. The inference to be drawn was plain. On the one hand, there seemed to be no central organization among the Villista forces, while, on the other hand, submission to a central authority was evidenced in the replies of the Carranzistas. The unity and loyalty of the Carranzistas appeared to indicate the ultimate triumph of that faction, especially as the Carranzista forces were then in control of approximately 75 per cent of the territory of Mexico.

The Secretary of State in making that last statement was going into a field of which he knew and knows nothing. Every paper which he has prepared and every utterance which he has made upon Mexican matters simply establishes the fact that he knows nothing whatsoever of Mexican conditions. The Secretary of State may be competent to deal with diplomatic matters; he is going far afield when he undertakes to judge of facts and conditions as they exist in Mexico. But as an exhibit, as the substantial statement, with reference to the answer of the Carranzista chiefs or leaders, he files a document prepared by Mr. Arredondo, ambassador designate of Mexico to the United States at Washington. On page 22 of this remarkable so-called message of the President of the United States will be found Mr. Arredondo's naive statement as to the leaders, who the leaders are, and refers to their action in referring our note for answer to Mr. Carranza; and one statement I think will convince the Senate at least as to how easy it was to secure exactly the kind of answer that was desired by Mr. Carranza from any of these gentlemen who so answered.

I am not going to read all the names of the officials, the governors, and so forth, who answered. They are in Spanish, and it would be difficult for the stenographer to write them out; but a long list of 27 or 28 governors and military leaders is given, who had "just been appointed" by Mr. Carranza, who answered that—

All of the above leaders of the constitutionalist army and governors who have been just appointed recognize the first chieftainship of Mr. Carranza and his authority as the depository of the executive power of the nation, as they have recently stated it when replying to the note addressed to them by the Secretary of State of the United States and the American diplomatic representatives.

In other words, the Villa leaders banded together against Carranza replied separately, Gen. Angeles, Gen. Raoul Madero, and the other leaders accepting the invitation of the Government of the United States to meet on American soil or elsewhere and to agree to form such a government as the President of the United States said they must form, and the leaders of Mr. Carranza just appointed by him, with the exception of possibly two or three, all answered that Mr. Carranza would answer for them, and Mr. Carranza declined the invitation, and therefore we recognize Mr. Carranza.

Now, let us see. The President, as I have shown you by his own words, written and spoken, which I have quoted and are of record, has said to the people of the world—the people of Latin America, the people of Mexico, the people of the United States—what he proposed to do with Mexico, the character of government which he proposed to adopt—a government formed under the constitution of Mexico as it exists, a government prepared to call an immediate election for the Presidency. The President's words sounded well to the people of the United States, and the people of the United States are loyal to the President of the United States, whoever he may be, and are ready to accept his statements at their face value.

You have heard Mr. Wilson; now let us hear Mr. Carranza. The Secretary of State has refused to furnish the reports of the consular agents of the United States or of our representatives in Mexico; he has refused to furnish to the Senate of the United States at its request the reports of the Brazilian minister made while he was acting for the United States in Mexico; he has refused to furnish to us for our information the reports of such men as Duval West, whom we in the Southwest know to be a man worthy of belief, honest, sincere, and courageous, and whom we know to be the only man whom the President of the United States has ever sent into Mexico who has personally gone through the by-ways and highways of Mexico and has visited the camp of practically every man in revolution in Mexico who has not been simply a hanger-on around the court of Carranza or of Villa, but who, raised on the border, knowing something of Mexican conditions, competent to ascertain for himself exactly the conditions as they existed at the moment, went to Carranza and to the different Carranza leaders, went to Villa and to the different Villa leaders in their camps, and went to Zapata and interviewed Zapata himself and his individual leaders in the States of Guerrero and Morelos; and his report is refused to the Senate of the United States, as I have said. Yet, unfortunately for the consistency of the administration, they have forwarded with this message the papers prepared by Arredondo, the ambassador designate. Among those are the decrees of Mr. Carranza, setting forth the character of government which he proposes to establish and which he has established.

In the first place, he gives to the President of the United States and to the people of the world, by a decree, a statement of his authority for assuming the supreme power in Mexico. This is "Inclosure No. 4 E, declaration to the nation," and is signed "V. Carranza, First Chief of the Constitutional Army and Depository of the Executive Power of the Republic of Mexico." This becomes an official document in the files of the Senate of the United States by virtue of its accompanying the message of Mr. Lansing and of its receiving the indorsement of the President of the United States as explaining his action. Mr. Carranza, as will be found on page 30, says:

Then I, as governor of the State of Coahuila, and in obedience to the constitutional provisions, articles 121 and 128 of our fundamental charter, assumed the representation of the Republic in the terms in which the constitution itself vests me with this right, and supported by the people which rose in arms to regain its liberty.

Carranza quotes the constitution as the basis of his title, and I shall quote it here, and then I shall follow with other quotations showing his "respect" for the constitution of his country. The provision reads:

Every public officer, without exception, prior to his taking possession of his charge, shall render an oath that he will sustain the constitution and the laws emanating therefrom. This constitution shall not fail in force or vigor, even though on account of rebellion its observance may be interrupted. In the case that pursuant to a public disturbance a government contrary to the principles sanctioned by the constitution may be established, as soon as the people regains its freedom, its observance shall be reestablished, and, according to it and to the laws which by virtue of it may have been enacted, those who may have figured in the government emanated from the rebellion shall be tried, as well as those who may have cooperated in the movement.

Mr. Carranza says to the President of the United States that he assumed authority to lead a rebellion against Huerta by virtue of article 121 and of article 128, which, combined, I have just read, and which he quotes for our information as the basis of his title, and which of itself says that, even in cases of rebellion, the constitution as it exists shall be reestablished the moment that peace is restored. This is the basis, remember, of Mr. Carranza's title as indorsed to us by the President of the United States.

Senators, another decree setting forth the character of Mr. Carranza's government which he proposes to establish in Mexico, standing firmly upon the constitution of 1857, is also indorsed to us officially by the President of the United States in this message, and you will find it set forth on pages 28 and 29.

Now, bear in mind the character of government which the President of the United States has said in every utterance upon the subject that he proposed to establish in Mexico; bear in mind that he said to Huerta, "Because you have not established this character of government, we will not recognize you; you must get out, and you must not become a candidate for election as the President of Mexico under your constitution, because you have violated the constitution." Remember that Mr. Huerta was elected under the forms of the constitution as the constitutional President of the Republic of Mexico. During his entire régime law and order were enforced wherever he had jurisdiction in the Republic; the constitution was not suspended in any district over which he had control in Mexico; the laws of Mexico were not abrogated in any precinct or in any State or in any portion of the Federal Republic over which he had jurisdiction; he stood by the constitution of Comonfort, Lerdo de Tejada, and Juarez.

This man Carranza places himself upon the constitution and appeals to the people of the world for recognition, and here is what he tells the President of the United States that he proposes to do; and despite all the fair words and phrases so eloquently expressed by the President of the United States in public speeches, in messages to the Congress of the United States, and in quoted interviews in the press of the United States, this is what Carranza has done. Reading from page 28 of the President's message, we find Carranza saying:

That, therefore, in accordance with the most general sentiments among the leaders of the constitutionalist army, the governors of the States, and of other collaborators of the revolution, and interpreting the needs of the Mexican people, I, Venustiano Carranza, have seen fit to decree the following.

Article 2 provides:

ART. 2. The first chief of the revolution and depository of the executive power of the Republic shall enact and enforce, during the struggle, all the laws, provisions, and measures tending to meet the economic, social, and political needs of the country, carrying into effect the reforms which public opinion demands as indispensable for the establishment of a régime which will guarantee the equality of Mexicans among themselves, agrarian laws favoring the creation of small landowners, the suppression of latifundia or large landholders, and the restoration to townships of the lands illegally taken from them; fiscal laws tending to establish an equitable system of taxation on real estate; laws tending to improve the condition of the rural laborer, the workingman, the miner, and, in general, of the working classes; the establishment of municipal freedom as a constitutional institution; bases for a new system of organization of the army; amendments of the election laws in order to insure the effectiveness of suffrage; organization of an independent judicial power, in the federation as well as in the States; revision of the laws relative to marriage and the civil status of persons; provisions guaranteeing the strict observance of the laws of reform; revision of the civil, penal, and commercial codes; amendment of judicial procedure for the purpose of expediting and causing the effectiveness of the administration of justice; revision of

laws relative to the exploitation of mines, petroleum, water rights, forests, and other natural resources of the country, in order to destroy the metropolies created by the old régime and to prevent the formation of new ones; political reforms which will insure the absolute observance of the constitution of Mexico—

The only place, I may interject, where the constitution of Mexico is referred to——

Mr. SUTHERLAND. Will the Senator read that again.

Mr. FALL. Certainly.

Political reforms which will insure the absolute observance of the constitution of Mexico and, in general, all the other laws which may be deemed necessary to insure for all the inhabitants of the country the effectiveness and full enjoyment of their rights and their equality before the laws.

Article 3.——

Mr. SUTHERLAND. Mr. President, before the Senator passes from that, let me ask him a question. Am I correct in understanding that by that article Gen. Carranza has not only assumed the complete executive power, but has taken unto himself the entire lawmaking power of the Republic of Mexico?

Mr. FALL. And the judicial power. The Senator is correct.

Mr. SUTHERLAND. That would follow, because under the power to make laws he would have the power to deal with the judiciary.

Mr. FALL. If the Senator will allow me to read a little further, I think that will be made plain.

Mr. SUTHERLAND. So that the effect of it is, that Gen. Carranza has assumed a complete dictatorship?

Mr. FALL. Not only that, but, as I shall show you by his own words, sir, he proposes to have a constitutional convention formed by himself which will transform these laws into constitutional precepts. He proposes to form a constitution for Mexico composed of the laws which he says he proposes to enact.

Mr. WORKS. Mr. President——

Mr. FALL. I yield to the Senator.

Mr. WORKS. I should like to ask the Senator at what date and in what connection this decree was issued by Carranza?

Mr. FALL. It was issued at Vera Cruz after we turned Vera Cruz over to Mr. Carranza. After we had refused to recognize Huerta; after we had allowed Carranza to go into the City of Mexico, and then had turned Vera Cruz over to him and were acting as his friend, he issued this decree.

Mr. WORKS. But it was issued before the recognition of the Carranza government?

Mr. FALL. Long before; and is the basis used by Mr. Lansing in his message for his answer to the questions propounded by the Senate as to whether there was a constitutional Government in Mexico, and what assurances this Government had received that the constitution would be observed and that the laws would be enforced in Mexico. This is the answer.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from New Mexico another question?

Mr. FALL. Certainly.

Mr. SUTHERLAND. The Senator from New Mexico is probably better informed about the conditions in Mexico, not only than anyone else in the Senate but than anyone else in the country, and I have great regard for his opinion upon Mexican matters. This would seem to dispose of all of the powers—legislative, executive, and judicial—by vesting them in Gen. Carranza, so far as the Federal Government is concerned. Now, I ask the Senator from New Mexico whether or not, as a matter of fact, in substantially all of the States of Mexico similar occurrences have taken place with reference to the governors, and if it be not a fact that Mexico to-day, both as to the Federal Government and as to the various State governments, has ceased to be a country governed by law, and is governed by special edicts issued by Carranza and by the various governors in the various States?

Mr. FALL. The Senator has stated the condition correctly. Not only has the constitution of every State been set aside, but Mr. Carranza declared to us that he was going to set it aside, as I shall show further along.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from California?

Mr. FALL. Yes.

Mr. WORKS. I should like to ask the Senator to what extent the laws of Mexico are being executed and enforced by the courts?

Mr. FALL. There are no courts in the Republic of Mexico in operation, except that several months ago Mr. Carranza appointed—I think under some decree of his own—three judges, with certain jurisdiction, probably, for the federal district of Mexico, and in his decree he prescribed the oath which they should take. It was not that they should support the constitution and laws of the Republic, but that they should support the "plan of Guadalupe" and the decrees of Carranza; but that judicial forum is not in operation—it is simply a court in name.

Mr. WORKS. Is it not true that all offenses and alleged crimes, whether of a military or civil character, are summarily tried by court-martial and the parties charged executed, without any decree or judgment of a court?

Mr. FALL. Undoubtedly, sir.

Mr. SUTHERLAND. Not only is that so, but have not decrees been issued of such character that acts already past have been declared offenses and men have been punished to the extent of being executed under such ex post facto decrees?

Mr. FALL. Undoubtedly, sir. Ostensibly a court-martial tries offenses. In a few instances what we would know as a court-martial does take cognizance of offenses; but, as a general thing, in ninety cases out of a hundred, what they call court-martial proceedings resulting in the death penalty, simply mean the order of some one chieftain sitting behind a table to a squad of soldiers to "take this man out and shoot him." I have said in 90 per cent of the cases that is true; I will say that this is the procedure in 99 per cent of the cases; that Mexico has been devastated; that many of her best men have been put to death; and some of her best blood has been spilled in exactly this way.

I have here before me, and I intended to call attention to it a little later, but I will do so now, a translation of all the proceedings in the court-martial of Garcia Granados in the City of Mexico immediately after notice of the intention to recognize V. Carranza by this Government. Garcia Granados was known as a lawyer, a writer, and a statesman of wide reputation; possibly not in this country, but in Europe particularly he was known as a law writer, an author, and a statesman of the very highest character. Unfortunately for himself he had accepted a cabinet position as secretary of Gobernacion, as they call it, in Huerta's cabinet. That was his only offense. It was shown by the testimony which I have that immediately upon the seizure of Pino, Suarez, and Madero he resigned. It was shown by the undisputed testimony—no evidence was offered to contradict it—that his whole effort had been to bring peace to his distracted country; that he was acting with Huerta simply in an attempt to bring about a government in Mexico; and that, his efforts failing, he resigned and retired to the privacy of his home. Immediately upon notice being given that Carranza would be recognized, Garcia Granados was arrested and tried before a court-martial. The prosecuting attorney only asked, after the trial was over, that he might be found guilty and that the sentence might be two years' confinement. He was found guilty, and he was shot in less than 24 hours.

Mr. NORRIS. What was the charge?

Mr. FALL. That he had been a member of Huerta's cabinet—the cabinet of a man recognized by all the great powers of the world as the president of Mexico.

Mr. NORRIS. Was that offense made a crime by some decree of Carranza?

Mr. FALL. It was made a crime by virtue of these court-martial proceedings. Not only was this fate visited upon Garcia Granados, but in 1914, when Carranza entered the City of Mexico, his followers shot down members of the senate, members of the house, members of the Congress of the Republic of Mexico, and great statesmen, until the streets ran with blood.

Carbajal begged this Government to prevent Carranza going into the City of Mexico until satisfactory assurances had been given that murders would not be committed; that his wrath would not be visited upon those who had not supported him. This Government failed to secure such assurance.

But, Mr. President, I want to read a little further from this remarkable statement of Mr. Carranza. I had not completed it. Astonishing as it may appear to the Senator from Utah [Mr. SUTHERLAND], who is a lawyer, and the other Senators present here, Mr. Carranza did not stop with article 2 as to what he was going to do.

ART. 3. In order to continue the struggle and to carry into effect the reforms referred to in the preceding article, the chief of the revolution is hereby expressly authorized to convene and organize the constitutionalist army and direct the operations of the campaign; to appoint the governors and military commanders of the States and to remove them freely; to effect the expropriations on account of public utility which may be necessary for the distribution of lands, founding of townships, and other public services—

Expropriations, as I presume you understand, are confiscations—

to negotiate loans, issue obligation against the national treasury, indicating the property which shall guarantee them; to appoint and remove freely Federal employees of the civil administration and of the States and to fix the powers of each of them; to make, either directly or through the chiefs he may appoint, requisitions for lands, buildings, arms, horses, vehicles, provisions, and other elements of war; and to

create decorations and decree recompenses for services rendered to the revolution.

The Senate wanted to know whether the President of the United States had any assurances that a free and constitutional election was to be held; because, I may say, having known something of the introduction of the resolution to which this message is an answer, that it was worded with reference to the declaration of the President.

In answer, Mr. Lansing cites this decree and other decrees or letters to the same effect, and says that we have assurances of early elections, or of immediate elections. You will recall that in all the President's expressions he has insisted upon "immediate and free elections." Let us see the character of the elections:

ART. 4. Upon the success of the revolution, when the supreme chieftainship may be established in the City of Mexico and after the elections for municipal councils in the majority of the States of the Republic, the first chief of the revolution, as depository of the executive power, shall issue the call for election of congressmen, fixing in the calls the dates and terms in which the elections shall be held.

Now, the promise is that after the success of the revolution, and after the supreme chieftainship may be established in the City of Mexico, municipal elections shall be called.

Mr. WORKS. Mr. President——

Mr. FALL. I yield to the Senator from California.

Mr. WORKS. But those elections were to be held, not under the laws of Mexico as they existed, and which I suppose provided for these elections, but under the orders and decrees of Carranza?

Mr. FALL. Entirely. The Senator is correct. The constitution and the laws are set aside. All State officers are discharged. All civil and federal officers of the entire Republic of Mexico, so called, are ousted, and he fills their places. All the State officers and governors are ousted, and he appoints persons to take their places. He changes the law not only of the Federal Government but of the States. He has not only done that, sir, but I can say to you now, in passing—and I might as well make the statement now—that he has changed boundary lines. The State lines are fixed in the constitution of Mexico. The boundary lines of every State and every Federal Territory are fixed by constitutional enactment, and can only be changed by constitutional amendment in the manner provided for the amendment of the constitution of Mexico; and this man has arbitrarily changed the boundary lines of subdivisions of Mexico. Not only, sir, has he discharged all State officials and ignored the constitution and the laws, but he has actually merged and changed States and Territories by arbitrary decrees, and fixed new lines.

Mr. NORRIS. Then these elections that are going to be held will be held under the supervision of men that he has put into office, I presume?

Mr. FALL. Precisely. Not only that, but note the promise and then recall the facts. Where is the "government" established in the Republic of Mexico to-day? Can you now understand some reason for Mr. Carranza's not establishing the Government in the City of Mexico, which is in his control? The promise is that when order shall be established and the supreme chieftainship established in the "City of Mexico" he will proceed to call municipal elections. He has never established the supreme chieftainship in the "City of Mexico," but he has declared the city of Queretaro as the capital of the Republic. As the Senator has well suggested, Mr. Carranza proposes to appoint the municipal officers. He proposes to see, then, that the municipal elections are held, and that, after that is done, he will call congressional elections in the different States; and then what shall be done?

Mr. WORKS. Mr. President, in that connection I think it should be borne in mind that all of these things are to take place under the regulation of Carranza himself.

Mr. FALL. Not only that, but he assumes the power, of course, to arrange the congressional districts, to apportion the representation in the different States and in the National Congress. He selects the election officers. He nominates the candidates. He will have his own men elected. He will name every congressman who is elected in the entire Republic of Mexico.

Mr. SUTHERLAND. Mr. President, is it true that the conditions which the Senator from New Mexico describes prevail in some of the States where peaceful conditions exist?

Mr. FALL. There is not a State in the Republic of Mexico where peaceful conditions exist.

Mr. SUTHERLAND. There are some States where there is no conflict between——

Mr. FALL. There is not a State in the Republic in which there is not armed conflict to-day.

Mr. TOWNSEND. Mr. President, if I understand correctly, what the Senator from New Mexico is giving to the Senate is the reasons which the President of the United States sends to the Senate for his recognition of Carranza as first chief of the Republic of Mexico?

Mr. FALL. Yes.

Article 5 of this remarkable document:

Once the federal congress has been installed, the chief of the revolution shall render an account before it of the use he may have made of the powers with which he is vested hereby.

Now, allow me to interject that he is "vested hereby" by the chief of the revolution. This is a revolving government, you understand. The powers with which V. Carranza is hereby vested are hereby vested in V. Carranza by V. Carranza. This document is signed simply by V. Carranza and his chief clerk of the department of the interior, Adolf de la Huerta.

ART. 5. Once the federal congress has been installed, the chief of the revolution shall render an account before it of the use he may have made of the powers with which he is vested hereby, and he shall especially submit the reforms made and put into effect during the struggle, in order that congress may ratify them, amend them, or supplement them, and to the end that those which it may see fit may be raised to the rank of constitutional precepts, before the reestablishment of constitutional order.

Now, you understand, Mr. Carranza has appointed his congress. Then he goes before the congress with all of the decrees and the orders and the laws, and so forth, which he has enacted during what he calls the preconstitutional period. He presents these laws and orders and decrees to his congress. They may either ratify them, amend them, or supplement them. They can not reject them under his decree. They may ratify, they may amend, they may supplement, and then they become constitutional precepts.

Mr. WORKS. And the Senator might say, in that connection, that if they do not follow out his directions they will be stood up against a wall and shot.

Mr. FALL. Precisely.

Mr. SUTHERLAND. Let me ask the Senator one more question. Can the Senator from New Mexico tell us whether the President of the United States recognized Carranza because of these matters which the Senator has so graphically described, or in spite of them?

Mr. FALL. I have had an idea, at times, that Carranza was a man after the heart of the President of the United States. When I noticed, for instance, section 7 of the Post Office appropriation bill, vesting absolute and arbitrary powers in the Postmaster General, and when I have seen some other arbitrary acts and investments of power, and when I have seen the Congress of the United States whipped into line at various times and made to reverse themselves and do exactly what the gentleman in the White House has commanded, I have thought at times that he recognized Carranza because Carranza was a man after his own heart. I have thought it possible, sir, that if the President of the United States had the power to form a Government, this is possibly the character of Government which he would form.

After congress has elevated into constitutional precepts the decrees of Mr. V. Carranza, adopted by Mr. V. Carranza by virtue of the power vested in Mr. V. Carranza by Mr. V. Carranza, then the federal congress, under article 6—

shall convene the people to the election of president of the Republic, and as soon as this takes place the first chief of the revolution shall deliver to the president-elect the executive power of the nation.

Mr. President, I think I can safely say that so far as I have established the truth of the statement I have made, that this was the most remarkable document which could be found by searching the archives of any department of this Government. Certainly nothing like it has ever been known in the history of the diplomacy of this or any other civilized country.

Mr. NORRIS. Mr. President——

Mr. FALL. I yield to the Senator from Nebraska.

Mr. NORRIS. If the Senator intends to take it up later, I do not care to have him answer my question now; but for fear he has forgotten it, I want to call his attention to the fact that earlier in his remarks he made reference to a report made to the State Department by a Mr. West, whom the President, as I understand, had sent into Mexico to get information before he acted on the recognition of anybody. The Senator has said that that report from Mr. West was not sent to the Senate. I should like to ask the Senator if he has any knowledge of the report made by Mr. West, and whether it is true that Mr. West was sent there for the purpose of getting information?

The Senator has stated that Mr. West made the most thorough investigation of anybody who was sent into Mexico, and that he went into all the camps of all the belligerents and all the

factions. If the Senator can give us some information about his report, I wish he would do so.

Mr. FALL. I will say, in answer to the question of the Senator, that Mr. West is a high-toned, honest, sincere, loyal gentleman; that in so far as I personally know he has never given a copy of his report to anyone. I will say, upon my own authority, knowing Duvall West, knowing the conditions in Mexico, that his report must have been to this effect in substance, that Mexico was socially, politically, and financially bankrupt; that none of these leaders were worthy of recognition; and that as in any other bankruptcy the only method to pursue was to appoint a receiver.

Mr. President, here is Mr. Arredondo's statement, furnished October 7, 1915, after he was notified by this Government that Carranza would be recognized. He was here in Washington at the time, and he knew what form of law would continue in force, what government would continue in force in Mexico.

Mr. NORRIS. May I ask the Senator before he leaves the question of Mr. West if Mr. West made a report?

Mr. FALL. He made a report.

Mr. NORRIS. Has the State Department declined to send in the document?

Mr. FALL. It has declined. It has declined to send any of the documents or data asked for by the Senate of the United States. I read the approval of the President upon this document. Mr. Arredondo states:

> The declarations issued to the Nation on December 14, 1914, and June 11 of the present year—
>
> That I have been reading from—
>
> clearly define the political program of the provisional constitutionalist Government which will be continued until the conditions of the country may permit the holding of general elections and the installation of a general congress.

I am reading from page 23 of the message. There was no time fixed, there was no promise given as to any period at which this unconstitutional, arbitrary, autocratic government is to cease—this government constituted by the joint efforts of Venustiano Carranza and Woodrow Wilson.

Mr. President, I have here among many other documents a copy of the bill of rights of the Mexican constitution. I want to say that statesmen and writers on constitutional government whom I have read have pronounced the Mexican constitution to be the most progressive written constitution ever adopted by any nation. I am going to ask that this extract from the constitution of Mexico on the "rights of man" may be printed as a part of my remarks.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, permission will be granted.

Mr. GALLINGER. I will ask the Senator if it is lengthy?

Mr. FALL. I think it would require a very short time to read it. Possibly I had better read it for the information of the Senate. I think it would be very enlightening.

Mr. GALLINGER. My thought was that it ought to be read.

Mr. FALL. Then I withdraw the request for its publication without reading, and I will read it now, so that it may come in sequence. May I ask the Secretary to read it? It will relieve me for a few moments.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Mexican Constitution.]

Modern Constitutions (Dodd, Vol. II, pp. 40 to 46).

TITLE I.

SECTION 1. THE RIGHTS OF MAN.

ARTICLE 1. The Mexican people recognize that the rights of man are the basis and the object of social institutions. Consequently they declare that all the laws and all the authorities of the country should respect and maintain the guaranties which the present constitution established.

ART. 2. In the Republic all are born free. Slaves who set foot upon the national territory shall recover, by that act alone, their liberty, and shall have a right to the protection of the laws.

ART. 3. Instruction shall be free. The law shall determine what professions require a diploma for their exercise and what requisites are necessary to obtain such diplomas.

ART. 4. Everyone shall be free to engage in any honorable and useful profession, industrial pursuit, or occupation suitable to him and to avail himself of its products. The exercise of these liberties shall not be hindered except by judicial sentence when such exercise injures the rights of a third party, or by executive order issued in the manner specified by law, when it offends the rights of society.

ART. 5. No one shall be obliged to perform personal work without just compensation and without his full consent (unless the work be imposed as a penalty by the judicial authority).

(With respect to public services, the following only shall be obligatory, under provisions which shall be established by law: Military service, the electoral functions, municipal offices, and service upon the jury: all of these, except military service, shall be gratuitous as well as obligatory.)

The State shall not permit the execution of any contract, covenant, or agreement which has for its object the (abridgment), loss, or irrevocable sacrifice of the liberty of man, whether by reason of labor, education, or religious vows.

(The law, therefore, does not recognize monastic orders, nor may it permit their establishment, whatever may be the denomination or the object for which it may be sought to create them.) Nor shall any agreement be permitted by which a man agrees to his own proscription or exile. (As amended Sept. 25, 1873, and June 10, 1898. The change in the first clause and the addition of the second clause were made in 1898. The other changes were made in 1873. For the relation of church and State, see additions to the constitution of Sept. 25, 1873.)

ART. 6. The expression of ideas shall not be the object of any judicial or administrative investigation, except in case it attacks morality, the rights of a third party, provokes some crime or misdemeanor, or disturbs public order.

ART. 7. The liberty to write and to publish writings on any subject whatsoever is inviolable. No law or authority shall establish previous censorship, or require authors or printers to give bond, or restrict the liberty of the press, which shall have no other limits than respect for private life, morality, and the public peace. Crimes which are committed by means of the press shall be judged by the competent tribunals of the Federation or by those of the States or of the Federal District and the Territory of Lower California, in accordance with the penal laws. (As amended May 15, 1883. The last sentence originally read "Crimes of the press shall be judged by one jury which determines the facts, and by another which applies the law and designates the punishment.")

ART. 8. The right of petition, exercised in writing in a peaceful and respectful manner, is inviolable, but in political matters only citizens of the Republic may exercise it. To every petition a written answer shall be returned by the authority to whom it may have been addressed, and the latter is obliged to make the result known to the petitioner.

ART. 9. No one shall be deprived of the right peacefully to associate or unite with others for any lawful purpose, but only citizens of the Republic may assemble in order to take part in the political affairs of the country. No armed assembly shall have the right to deliberate.

ART. 10. Everyone shall have the right to possess and carry arms for his security and legitimate defense. The law shall designate what arms are prohibited and the punishment to be incurred by those who carry them.

ART. 11. Everyone shall have the right to enter and leave the Republic, to travel through its territory, and to change his residence, without the necessity of a letter of security, passport, safe conduct, or other similar requisite. The exercise of this right shall not affect the legitimate power of the judicial or executive authorities in cases of criminal or civil responsibility.

ART. 12. There are not nor shall there be recognized in the Republic titles of nobility or prerogatives or hereditary honors. Only the people, legally represented, may decree recompenses in honor of those who have rendered or may render eminent services to the country or to humanity.

ART. 13. In the Mexican Republic no one shall be judged by special laws or by special tribunals. No person or corporation shall have privileges or enjoy emoluments which are not in compensation for a public service and are not established by law. Martial law may exist only for crimes and offenses which have a definite connection with military discipline. The law shall determine with absolute clearness the cases included in this exception.

ART. 14. No retroactive law shall be enacted. No one shall be judged or sentenced but by virtue of laws made prior to the act, and exactly applicable to it, and by a tribunal which shall have been previously established by law.

ART. 15. Treaties shall never be made for the extradition of political offenders, or for the extradition of petty offenders who may have been slaves in the country where the offense was committed; nor agreements or treaties by virtue of which are altered the guaranties and rights which this constitution grants to the man and to the citizen.

ART. 16. No one shall be molested in his person, family, domicile, papers, or possessions, except by virtue of a written order from a competent authority, which shall establish and set forth the legal grounds for the proceeding. In cases where one is detected in the commission of an offense, any person may apprehend the offender and his accomplices, placing them without delay at the disposal of the nearest authorities.

ART. 17. No one shall be arrested for debts of a purely civil character. No one shall exercise violence in order to enforce his rights. The tribunals shall always be prompt to administer justice, which shall be gratuitous, judicial costs being consequently abolished.

ART. 18. Imprisonment shall take place only for crimes which deserve corporal punishment. In any stage of the proceedings in which it shall appear that such a punishment can not be imposed upon the accused he shall be set at liberty under bail. In no case shall the imprisonment or detention be prolonged for failure to pay fees or any other pecuniary charge.

ART. 19. No detention shall exceed the term of three days, unless justified by a warrant, showing the cause of imprisonment and having the other requisites established by law. The mere lapse of this term shall render liable the authority that orders or consents to such detention and the agents, ministers, wardens, or jailers who execute it. Any maltreatment in the apprehension or in the confinement of the prisoners, any hardship which may be inflicted without legal ground, or any tax or contribution in the prisons is an abuse which the laws should correct and the authorities severely punish.

ART. 20. In every trial the accused shall have the following guaranties:

I. That the grounds of the proceedings and the name of the accuser, if there shall be one, be made known to him.

II. That his preliminary examination be made within 48 hours, counted from the time he may be placed at the disposal of the judge.

III. That he be confronted with the witnesses who testify against him.

IV. That he be furnished with all the information on record, which he may need for his defense.

V. That he be heard in his defense, either personally or by counsel, or by both, as he may desire. In case he should have no one to defend him, a list of official counselors shall be shown to him, in order that he may choose one or more to act as his counsel.

ART. 21. The imposition of penalties properly so called shall belong exclusively to the judicial authority. The political and administrative authorities shall only have power to impose, as corrective measures, fines to the extent of $500, or imprisonment to the extent of one month, in the cases and in the manner which the law shall expressly determine.

ART. 22. Punishments by mutilation and infamy, by branding, flogging, the bastinado, torture of every kind, excessive fines, confiscation of property, or any other unusual or extraordinary penalties shall be forever prohibited.

ART. 23. The penalty of death for political offenses is abolished. With reference to other offenses, the penalty of death shall only be imposed in case of treason during a foreign war; parricide; homicide with treachery, premeditation, or advantage; arson; selling or forcing another into involuntary servitude; highway robbery; piracy; and grave offenses of a military character. (As amended, May 14, 1901.)

ART. 24. No criminal case shall have more than three trials. (I. e., trial before the court of first instance, and two trials on appeal.) No one shall be tried twice for the same offense, whether by the judgment he be acquitted or condemned. The practice of suspending trial is abolished. ("Absolver de la instancia," to suspend proceedings, usually because of insufficient evidence, it being possible to have a new trial upon the same charge; practically the same as the nolle prosequi of English law.)

ART. 25. Sealed correspondence sent through the mails shall be free from any examination. The violation of this guaranty is an offense which the law shall punish severely.

ART. 26. In time of peace no soldier may require quarters, supplies, or other real or personal services, without the consent of the owner. In time of war he may do so, but only in the manner prescribed by law.

ART. 27. Private property shall not be taken without the consent of the owner, except for a public purpose, and upon previous indemnification. The law shall determine the authority which may make the condemnation and the conditions upon which it may be carried out.

Religious corporations and institutions, whatever may be their character, denomination, duration, or object, and civil corporations when they are under the patronage, direction, or administration of religious organizations or of ministers of any religious denomination, shall have no legal capacity to acquire or administer any real property other than the buildings destined immediately and directly to the service and object of such corporations and institutions, nor shall they acquire or administer funds secured upon real estate.

Corporations and civil institutions which are not included within the above restrictions may acquire and administer, besides the buildings referred to, immovable property and funds secured upon immovable property which they may require for their support and purposes, under subjection to the requirements and limitations of a Federal law which shall be passed by the Congress of the Union. (As altered by amendment of May 14, 1901. This amendment restricted the powers of religious corporations and extended the powers of civil corporations; it repeals, by implication, art. 3 of the additions to the constitution of Sept. 25, 1873. See additions to the constitution of Sept. 25, 1873, for relations of church and state.)

ART. 28. There shall be no monopolies nor exclusive privileges of any kind, nor prohibitions under the guise of protection to industry. The only exceptions to this shall be those relative to the coining of money, to the mails, and to the privileges which, for a limited time, the law may grant to inventors or to the perfecters of some improvement.

ART. 29. In cases of invasion, grave disturbance of the public peace, or in any other cases which may place society in great danger or distress, only the President of the Republic, with the concurrence of the council of ministers and with the approbation of the congress of the union, and in the recess thereof of the permanent committee, may suspend the guaranties established by this constitution, with the exception of those which protect the life of man; but such suspension shall be made for a limited time by means of general orders, and shall not be limited to a particular individual.

If the suspension should take place during the session of congress that body shall grant the authorizations which it deems necessary in order that the executive may properly meet the situation. If the suspension should take place during the recess, the permanent committee shall convene the congress without delay, in order that it may grant such authorizations.

Mr. FALL. Mr. President, the bill of rights as contained in the Mexican constitution which has just been read has been set aside by V. Carranza by virtue of the authority vested in him by V. Carranza, as have also been set aside all the other provisions of the Mexican constitution and all the laws of the Mexican Republic. The Government is one purely by decree. The officers of the Federal Government, I repeat, all over the Republic, where they can find room or where their opponents will allow them to remain, are appointed by Carranza. The governors of the States, whether in the States or not, are appointed by Carranza. They issue decrees wherever they may be, although probably not in the capitals of the States to which they are assigned. Some of them issue a decree, as it is claimed, by virtue of the authority vested in them by V. Carranza; but others issue decrees—as, for instance, the governor of Tamaulipas on the 14th of January issued a decree prohibiting barter, sale, and commerce of any kind in real property, and so forth, in the State of Tamaulipas "by virtue of the power vested" in him by Pablo Gonzales.

Gonzales is the general in command in the department of the City of Mexico. Other governors, whether in their States or not, issue decrees affecting property rights, rights of foreigners and others in their States by virtue of the authority vested in themselves by themselves. Some recognize Carranza; some ignore Carranza. The majority issue a decree by virtue of the authority vested in them by V. Carranza when the decree, they think, will be peculiarly unpopular. When it is one the operation of which might inure to their own personal benefit and will be directed against a class of society which has no voice, they issue it by virtue of the authority vested in themselves by themselves. They ignore Carranza, in other words, when it suits them to do so. They refer to Carranza as authority when it is convenient for them so to do.

But remember, when Madero was elected President every State officer was elected at a general election held under the constitution and in full force, and although in the 27 States governors were elected there is not a governor so elected now serving in the entire Republic of Mexico. Where there is a State in such a condition political or social that Carranza can place a governor in the capital, he places him there by his own arbitrary power vested in himself by himself. There is not an elective officer remaining in the Republic of Mexico. During the Madero administration a congress was elected under the provisions of the constitution. Where is that Congress? During the Huerta administration a congress was elected under call made under the terms of the constitution. Where is that congress?

Under the provisions of the Mexican constitution, differing from ours, when congress is not in session what is known as a permanent legislative committee is always in session, composed of a certain number of senators and a certain number of members of the house. So congress is never out of existence in Mexico. Where is that permanent committee?

I have just read in the bill of rights of the Mexican constitution that no rights of man can be affected by decree. It must be done by following the provisions of the constitution; and if attempted to be done by executive order the action must be ratified by the Congress of Mexico, and if the congress is not in session it must be ratified by the congressional legislative committee, which is always in session.

No contract, concession, so called, franchise, or any other governmental agreement with individuals or with other governments, no appointment of an ambassador can be lawful except by congressional action in Mexico. Arredondo is no ambassador. The Mexican constitution directly prohibits the appointment of this man Arredondo as ambassador to the United States. He could not be appointed except by the action of the Mexican Senate. Such treaty as was proposed to be made following the lines of the old Indian treaty, where the troops of Mexico might cross to this side in the pursuit of Indians and the troops of this country might go into Mexico in pursuit of Indians, must be made by consent of the senate. No such treaty, not even a temporary agreement, can be made under the Mexican constitution by the Executive. It is a question as to whether it can be so made here in the nature of a protocol, though custom has established that it may; but under the Mexican constitution the execution of such protocol without the prior consent or ratification of the senate is prohibited. It is not silent, as is our Constitution, upon the subject.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New Mexico yield to the Senator from California?

Mr. FALL. I yield to the Senator.

Mr. WORKS. And when we make contracts of that kind with Carranza, we ourselves are violating the constitution of Mexico?

Mr. FALL. We ourselves are violating the constitution of Mexico, and inviting upon ourselves the natural disasters which may ensue if we enter into any character of binding agreement with that country. Under the present condition of affairs existing there such agreement may be violated with impunity by any subsequent Mexican Government or by the present Mexican Government at any time. It may also involve us with foreign countries at any moment, and I may say that some of our actions have already had that tendency.

Mr. President, I am hurriedly going through this record referring to a few other matters which are set forth in this answer to the Senate resolution and which were referred to in the resolution itself.

For instance, the Government of the United States was called upon to state what assurances it had as to either the ability or the desire of the Carranza government to protect American citizens before the recognition of Carranza, which was the time, as it would appear to a man of ordinary common sense, to secure such assurances. What assurances were demanded or secured? I have heretofore read the assurances, but I do not think that a Member of the Senate can recall them now. On page 32 you will find the assurances set forth in the decree of Mr. V. Carranza. That decree reads:

> First. The constitutionalist government shall afford to foreigners residing in Mexico all the guaranties to which they are entitled according to our laws—

Mr. Lansing refers to that statement as the assurance obtained for the protection of American citizens in Mexico—an absolute ignoring of the treaty provisions and treaty rights of American citizens; not even a reference to them.

Since 1831 this country has had a solemn treaty with Mexico, under which special protection is guaranteed in their houses, in their homes, and in their business, to American citizens either temporarily or permanently in the Republic of Mexico. The Senate of the United States asked of this administration what assurance they had of either the desire or of the ability of the Mexican Government, which they were constituting, to

regard these treaty rights and to safeguard the interests of the people of the United States. The answer is flippantly given in the words of V. Carranza himself—not that they will respect any treaty, but simply that—

The constitutionalist government shall afford to foreigners residing in Mexico all the guaranties to which they are entitled according to our laws.

What laws? Not the constitution of Mexico, that is set aside; not according to the constitution of any State in the Republic, those constitutions are abrogated; not according to the laws as we have known them, as enforced by that old lawgiver Juarez, and as they have been enforced down to the present time; not the laws of States nor the laws of the Republic passed by the lawmaking bodies, but the laws of Venustiano Carranza, as embodied in his decrees. This is the assurance that our Government has satisfied itself with in the face of the demand of the Senate of the United States to know what the administration has done toward protecting the citizens of the United States in the Republic of Mexico. Since this answer was prepared and sent, 18 of our citizens have gone to their death at Santa Ysabel, and not one thing has been done to avenge their murder or to demand assurances for the future safety of Americans except the punitive expedition, caused by the murder of Americans on this side, to which I shall refer a little later.

In passing now, however, and while it is fresh in my mind, I may call the attention of the Senate to the fact that, with 14,000 American troops in Mexico, they are there under strict orders which will prevent their arresting one man guilty of the murder of Watson and his companions, unless that man happened to be in the raid on Columbus. No authority is vested in our troops in Mexico, although they might encounter those bloody-handed murderers, to cause an arrest or demand punishment, unless the same party happened to be one of those who followed Villa onto the United States soil on March 9. This is the answer given to the request of the Senate of the United States to know, before constituting this Government in Mexico, what have you done to secure the treaty rights and the protection of American citizens? They send us, under the indorsement of Woodrow Wilson, back to the Senate the statement that V. Carranza has said that he will protect American citizens as is provided under his laws. That is the assurance of this great Government of 100,000,000 people, with two billions of the money of its people invested in Mexico, with nearly 500 of its citizens murdered in Mexico, with its women raped in Mexico, with 5,000 of its citizens driven from the soil of Mexico at the muzzles of guns held by bandits, with the Congress of the United States appropriating $100,000 to keep those poor people from starving to death when they were brought to this side—with those conditions existing in Mexico, we receive this assurance from the President of the United States. This is his answer; this is what he has done.

We asked the President what provision he had arranged for as to the payment of claims for damages already done by the loss of life or the destruction of property, or otherwise, to our citizens in Mexico. We are answered in this same expression of V. Carranza, we have the assurance, we are referred to the same statement, following the words which I have just read:

And shall amply protect their lives, their freedom, and the enjoyment of their rights of property, allowing them indemnities for the damages which the revolution may have caused to them, in so far as such indemnities may be just and which are to be determined by a procedure to be established later.

This, we are told, is what this Government has done in constituting a Government in Mexico to secure reparation for damages done American citizens on Mexican soil. Ah, truly this administration can be congratulated upon its methods in protecting American citizens by words, at any rate.

But, Mr. President, I am reading from the record; this is the statement to which we are referred by Mr. Lansing, indorsed by Mr. Wilson, made solemnly to the Senate of the United States in answer to a respectful question; and yet at that time and since 1913 they have had on file in the State Department a pledge from Carranza as to the payment of these claims and as to how the payment was to be made. They have ignored it. This Government, in dealing with him and in recognizing him, has ignored and discharged him and relieved him from his pledge. They have accepted, in other words, the pledge of June 11, 1915, and discharged him from the pledge contained in his decree of May 10, 1913. On that date he pledged to this Government by this decree—a duplicate was filed in the State Department and is there now, and this copy was furnished me on the same date by the Carranza authorities here—this Government, instead of doing its duty and providing for the reparation for damages done Americans, has discharged this man from his solemn pledge to this country—solemn and specific, because at that time they wanted something; because they wanted help in this body and elsewhere; and they made this pledge for the purpose of securing assistance or, at least, that they might to some extent close the mouth of the opposition; and they furnished me for that reason with this duplicate of the decree, which they filed in the State Department:

ARTICLE I. The right of all nationals and foreigners to claim payment for damages suffered during the revolution of 1910 or during the period embraced between the 21st of November, 1910, and May 31, 1911—

Note the dates—

is hereby recognized.

That goes back to the inception of the Madero revolution; it brings it up to the date of the Carranza revolution, and then goes beyond it, as I will show you.

ART. II. An equal right is also recognized on the part of nationals and foreigners to claim for damages which they may have suffered during the present struggle or from and after the 19th day of February of the present year, until the restoration of the constitutional order.

ART. III. The same right on the part of foreigners to claim payment for damages suffered by revolutionay forces or groups during the period embraced between the 31st of May, 1911, and the 18th day of February of the current year, is recognized.

I ask Senators here to pay attention to the wording of this decree, becnuse I am going to call your attention in a moment to other matters in connection with it.

ART. IV. As soon as the first chief of the constitutionalist forces shall arrive at the capital of the republic, and in accordance with the plan of Guadalupe, assumes the executive power, he will name a commission of Mexican citizens who shall be charged with the receipt, examination, and liquidation of the claims for damages suffered during the periods fixed in Articles I and II of this decree.

ART. V. At the same time that the said commission is named, as provided in the preceding article, the first chief of the constitutionalist forces, in accord with the diplomatic representative of, or commissioner especially designated by, the government of the foreigners who have suffered damage will proceed to name a mixed commission, composed of an equal number of Mexicans and foreigners, the latter of the same nationality as the claimants, in order that they may receive, examine, and liquidate the claims presented, in accordance with the provisions of the three first articles of this decree.

Now, sir, when Watson and his associates were shot down and representatives of their suffering families, American citizens, came on here to the State Department and asked what was going to be done, and whether this Government would request or demand of the Mexican Government payment for the lives of their loved ones, they were told, first, "We do not know; we have the matter under consideration as to whether legally, we having recognized Carranza, we can hold Carranza responsible for the death of the people who went to their death at the hands of Pablo Lopez or some one else not recognizing Carranza."

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from California?

Mr. FALL. I yield.

Mr. WORKS. These pledges which were made sound very nice, and, if they were made by anybody having authority, they might be of some consequence; but I suppose the Senator recognizes the fact that they are not worth the paper they are written on, because nobody has any authority to bind the Republic of Mexico by any promise of that kind under present conditions. Is it not a fact that the whole trouble with this matter, so far as our dealing with that country is concerned, is that there is not any government down there to deal with at all? We are dealing all the time with people who have no authority to bind the Republic itself.

Mr. FALL. Mr. President, we have made a government there, and, in so far as we are concerned, we are estopped from saying that Mexico has not a government. We have made it.

Mr. WORKS. The Senator says we have made a government down there, but it is hardly in conformity with the constitution of the Republic.

Mr. FALL. It is in absolute violation of the constitution.

Mr. WORKS. Yes; and therefore it is no government at all. We certainly have no authority to establish a government in Mexico.

Mr. FALL. But we have said from August 27, 1912, that we were going to do it; the President of the United States said that he was going to do it, and he stated what kind of government he was going to set up.

Mr. WORKS. Then, it is an attempt to do something that neither this Government nor that one has any authority or power to do.

Mr. FALL. Very well, sir. As to the Senator's statement that these words sound well, do they not sound better, may I ask the Senator, than the words of this instrument which has now been substituted by this Government in lieu of them?

Mr. WORKS. Of course, they sound better, and, if there was any authority to make those promises, they would be better, but what I wanted to bring to the attention of the Senator is

that there is nobody under existing conditions to make any promise that is binding and that every effort of our Government to deal with any such assumed power as that is absolutely futile.

Mr. FALL. Unless, Mr. President, by some miracle this so-called government in Mexico, or its successor, will eventually become a successful constitutional government, in which event the acts of the so-called existing government would probably be enforceable against such successor.

Mr. WORKS. I question that. I do not believe that any government which may be established in the future would be bound in any way; it might accept it, and take some action that would make the government bound from that time on, but certainly it would not be bound by virtue of this document.

Mr. FALL. Mr. President, I do not think that when one government deals with another the doctrine of ultra vires, which is applicable to the case of corporations and their officials, would apply to governmental acts. I think that, inasmuch as this Government has recognized Mr. V. Carranza as chief depository of the de facto government of Mexico, it is the duty of this Government to hold Mr. V. Carranza absolutely to account for anything that he may do, or which may be done under him against American citizens, and to make him carry out his pledges with reference to the payment of damages.

Mr. WORKS. That may be done by force of arms. It is the only way that it can be done. You can not enforce it as a contract or a treaty or anything of the sort.

Mr. FALL. Well, Mr. President, you can not enforce any other treaty or contract between nations except by the method provided for in the treaty itself, by agreement thereafter to arbitrate difficulties or by the sword.

The point that I am making, Mr. President, is this: That the claimants are told that there is a question in the mind of the governmental authorities here as to whether Carranza can be held responsible. There would be no question if they took this document, Mr. Carranza's contract, because that provides that as to any damages done to anyone during the entire course of the revolution he will be responsible. It makes no difference who did the damage or whether the act was committed by one side or the other. They have waived that. Now, they question his responsibility under this new agreement which they have accepted. Not only that, but they have waived the agreement entirely as to a mixed commission; they have waived the responsibility entirely under his contract and have accepted simply his statement that he would see that claimants were paid damages according to his laws, which he himself enacts.

The department was asked another question, which they have answered, I judge, in a facetious spirit. The Secretary of State has put within quotation marks a word which was intentionally used in phrasing the resolution. The question was asked, What assurance the Government of Mexico had given, if any, as to the protection of foreigners and citizens in their religious rights, in the right to worship freely in their houses or in their churches? I say that apparently this expression used in the resolution was treated facetiously by the Secretary of State.

Evidently he did not know what the treaty with Mexico upon that subject was. He did not know that the rights which are referred to are guaranteed by treaty with Mexico, and that those rights have been construed by the greatest lawyer, the greatest lawgiver and enforcer and constitutional statesman that Mexico has ever produced, not only while he was chief justice of Mexico, but while he was President of Mexico, Benito Juarez. He himself passed upon the question of, I think, the ninth section of the treaty of 1831, carried into the treaty of 1848, and referred to in the treaty of 1854, with reference to the right of religious worship, of burial, and so forth. There was a wording in this section which might be construed as protecting Mexicans in the United States in a different way than citizens of the United States in Mexico should be protected with reference to their right to religious worship in their own houses or in their chapels. Juarez went on record in a written answer, in which he said that article second of the treaty of 1831, which prescribed that the contents of this instrument were intended to be based on a mutual understanding, was sufficient to make those treaty obligations mutual also, and that, therefore, American citizens were entitled to the same protection which we had more clearly set forth we would extend to Mexican citizens in the United States in their right to worship. We asked if the Carranza government had promised anything with reference to securing the right of the free exercise of religious observances, and so forth, provided for in the treaty; and we were again referred to the prepared answer of Mr. Arredondo and Mr. Carranza. The department says in its answer "We have received these assurances, as you will see from the accompanying documents." Very well, let us see what the accompanying documents are.

You have read something of the restrictions upon monastic orders as contained in the bill of rights of Mexico. Following the Mexican constitution there was passed what are known as the "laws of reform," providing just how church property could be held and what property could be used by the church, and restricting it to cathedrals, their churches, and so forth, and the necessary ground upon which they were situated. During the Maximilian revolution, as the clerical party had been of assistance to Maximilian and the French in the war, the church property was confiscated in Mexico; and in confiscating the property, so as to readjust conditions, the Government of Mexico confiscated not only the landed property generally, but confiscated the cathedrals themselves. Then, under the laws of reform, which we hear referred to so often by loyal Carranzistas, the cathedrals and the churches were ceded back to the Catholic clergy; the houses of worship were given back, granted by the State, and became the property of the Catholic Church.

Now, Mr. Lansing says he has received assurances as to the protection of citizens in the exercise of their worship, and so forth, and the protection of the priesthood in Mexico. I should like some Senator to tell me what would be the answer if a dictator or a President or a Congress in the United States were to enact a law to provide that no clergyman in the United States should be allowed to take any part in political matters of any kind or character, whether the woman-suffrage question, whether a great moral issue, such as prohibition, or whatever it might be—that he should not be allowed to take part in the discussion of any such matter where it was in politics.

What would be the consequence? How long would a government last in this country under those conditions? And yet the great leader of the Carranza party—I might say the brains of the Carranza party, the man who has represented them continuously in this country and is now acting as minister of finance, in an attempt to satisfy the people of the United States as to the error of statements that had been made with reference to the action of the Carranzistas in regard to religion in Mexico—Mr. Cabrera, issues a pamphlet on what he calls "The religious question in Mexico," and in closing he says:

However, here is what we intend to do and here is what must be done—

This is what they are prohibiting in Mexico now—

The intervention of the clergy in political matters.

They construe that to mean that if any priest takes part in anything of a public nature or of a private nature which one of their leaders chooses to class as a political matter, whether it is a question of closing a saloon in the city of Juarez or any other question, then he is guilty of entering into politics and the penalty is exile from his country or that he be shot, as has been done time and time again.

I hold no brief to speak for the Catholic Church in Mexico or anywhere else, but I want to say to you now, without fear of being accused of bringing religion into this discussion, that the Catholic Church in the Republic of Mexico has stood for law and order and peace and against murder and brigandage and outrage and robbery and devastation. It has stood for peace and law and order as all religion everywhere stands for peace and law and order in every country. It is for this reason that those women who have been giving their lives without recompense for nursing the sick in Mexico and to educating the young have been borne, outraged, to maternity hospitals and delivered of children born in the arms of lust. It is by excuses of this kind that Dieguez, one of Carranza's great leaders, has since Carranza's recognition stabled his horses in the churches of Sonora and of Sinaloa and has driven the priests from their homes and into the United States.

It is on a theory of this kind—because the Catholic Church stands there for law and order—that one of its bishops was shot down in Matamoras, after being robbed, because he could produce no more money with which to ransom himself. It is because they are against bandits and murderers that they are being hounded to death and their women driven from Mexico after being outraged and their priests and their teachers driven from the Republic. And then Carranzistas publish throughout the length and breadth of this country—and some innocent people take them at their word—that they are sending 50 educators on to the United States to study the public-school system in this country that they may inaugurate it in Mexico!

Why, Mr. President, that old Indian, Porfirio Diaz, instituted a school system in the Republic of Mexico which carried the public schools out among the Tarahumaris and into the most inaccessible part of the Sierra Madres; which carried them among the Mayas of Yucatan, who had never been conquered

by any race, and who yet admitted his school system among them. He inaugurated a school system under which, in the State of Chihuahua, in 1910, there were 22,000 children in the public schools alone in daily attendance out of a total population of 327,000 people, mostly Indians, in an enormous State, and scattered over hundreds of miles. They had 22,000 children in daily attendance, two normal schools educating teachers, two agricultural colleges, one technical school, one school of arts and sciences; the State supporting 60 of its normal graduates in postgraduate courses in the colleges of France, of Germany, and of England. To-day there is scarcely a school running, and for four years the doors have been closed; and yet for over two years out of this time in that State of Chihuahua, Carranza, either through Villa or now through himself, has been in supreme command and claims that the State is absolutely under his jurisdiction.

Now, Mr. President, the Government of the United States, through its Secretary, said to this Congress, inferentially, at any rate, that they had received satisfactory assurances from the Carranza government as to the protection of the religionists in Mexico; and yet they filed as an exhibit here this same decree of June 11, 1915, in which Venustiano Carranza says:

Temples shall continue to be the property of the nation, according to laws in force, and the constitutionalist government shall again cede for the purposes of worship those which may be necessary.

He has taken over every church in Mexico which was granted under the laws of reform, and he now says that in his good pleasure, when he has a constitutional government established in Mexico, they will then cede the necessary churches as places of worship. These are "satisfactory assurances"! They may be.

Mr. President, we have recognized Mr. Carranza. I have shown you what the President has said he was going to do about the recognition and the establishment of a constitutional government in Mexico. I have shown you what he has done, as compared with what he has said—that the Government of Mexico is established, by the documents which he has sent to the Senate, to be the most autocratic government ever known in the history of the civilized or uncivilized world. Never did Peter the Great or any Czar of Russia hold in his hand the absolute power vested in Venustiano Carranza by himself to set aside the marriage ceremony, to control the right of marriage, to control the right of religious worship, to prevent religious worship, to control the houses of worship, to set aside State constitutions, to set aside a Federal constitution, to set aside all State laws and all Federal laws, to set aside the legally elected congress of his Republic, to ignore it, to ignore the legislative committee appointed under the constitution of his country, to ignore every elected officer in every State in the Republic, to appoint governors and all other officers at his own sweet will, to abolish courts and establish courts-martial, to try men for civil offenses by military courts such as I have explained to you in passing, and to sentence them and execute them by shooting at his own sweet will; and never, certainly, was such a government, founded upon such declared intentions and principles, recognized by this Government in our history. And yet the President of the United States, after all his declarations as to what he should do, has recognized Carranza and put him in power in Mexico, so far as he could, in the face of Carranza's declaration as to the kind of government he would establish; and the President has then sent, in answer to the Senate resolution, the declarations of Carranza as a reason for his recognition!

Mr. President, I have not been in the habit of injecting politics into any discussion which I have ever engaged in in the Senate; but I say here that if the people of the United States could understand the record of this administration in Mexico, Mr. Wilson would never again be President of this Republic.

Now, let us see. Why should we have picked Mr. Carranza? We did refuse him arms and ammunition, while giving them officially and in a governmental capacity to Mr. Huerta up to August, 1913. Let us see what Mr. Carranza has done for us—how he has treated this Government. Possibly, by looking back, we may ascertain what actuated the administration here in the recognition of Carranza, if anything, aside from what they have set forth in this report.

The first official or semiofficial act of ours with reference to Carranza was, as I recall it, in connection with the murder of the Englishman, Benton. We called for an explanation. Great Britain was requesting us to do something. We undertook an investigation, and we were notified by V. Carranza that he was in command, that Villa was only a leader under him, and that he himself would conduct any such investigation as was necessary. We were offered at one time the right to send physicians into Mexico in order that the body of Benton might be exhumed and examined by physicians to ascertain the method by which he met his death. My recollection is now that that examination was finally definitely refused by Mr. V. Carranza, at that time his headquarters being in Sonora. We then notified Mr. Carranza that we had been requested by foreign governments to have our consuls deal with him in representing the interests of their nationals—for instance, Great Britain in the Benton matter. Mr. Carranza notified the Government of the United States that our consuls could not represent any other government unless such government accredited them as its own consuls to him. Rebuff No. 1.

In assisting Mr. Carranza—or, as the President of the United States much more eloquently and effectively puts it, in serving humanity—by seizing Vera Cruz, we, of course, incurred the displeasure of Mr. Huerta, but naturally we expected the approbation of Mr. Carranza. We received that of Mr. Villa, one of our pets at that time, and we were notified by Mr. Carranza that he objected very seriously to our occupation of any portion of the sacred soil of Mexico, and that he should object to our retention of it. I am going to call attention to this occupation of Vera Cruz and the evacuation of Vera Cruz a little bit later as I go along; but I simply want to emphasize now the number of times that we have requested anything of Carranza, and to show to the Senators here that never in any single instance yet has Carranza agreed to anything we have requested of him—never. Never has he approved of any action of ours; and he has emphatically expressed not only his disapproval of our actions in the past, but his dissent from our views and his refusal to grant our requests at all times.

The Niagara conference was called. Mr. Huerta went before the conference with his delegates. Mr. Carranza refused to go. Then the agents of this Government, Justice Lamar and Mr. Lehmann, presented what they understood should be done in the interests of the Carranzistas to bring about peace. We have never received from the administration any account of what took place at this Niagara conference. I stated here in a speech at one time that certain impressions, at least, were made throughout Latin America and in Mexico as to what had been agreed upon, and it caused no particular manifestation of interest, but certainly no denial from any authoritative source. I want to read into the RECORD some of the statements that were made to Carranza and to the Mexican people and to the Latin Americans at that time.

There was a protocol signed by the representatives of this Government and the representatives of Huerta and by the representatives of Argentina, Brazil, and Chile as to what they should confer about and what should be done and publicity given through the public press, and in signed statements sent out by our officials.

The text of the protocol signed at Niagara Falls the 25th of June, 1914, was as follows:

ARTICLE 1. The provisional government referred to in protocol 3 shall be constituted by agreement of the delegates representing the parties between which the internal struggle in Mexico is taking place.

Huerta agreed that our delegates and Huerta's delegates should submit to mediation their case, not only as to the dispute between the United States and Huerta, but as to the troubles in Mexico and as to the constitution of a government in Mexico as between the Huertistas and the Carranzistas. Carranza refused to send delegates, although we had asked him to do so, and were acting in good faith, as I will show you. Huerta agreed, and the protocols were signed as to what should be considered.

The three mediating Governments agree on their part to recognize the provisional government organized as provided by section A of the protocol.

Then there was a discussion, and our eminent statesmen entered into it and combated some of the objections made by the Huertistas to the methods by which the government was to be established in Mexico, which I shall read you:

The decision to leave for future settlement the question of the withdrawal of the American armed forces from Vera Cruz was due to a difference between the Government of the United States and Mexico and expressed by their delegates.

That was waived.

President Wilson, it was made known, contended that any agreement on the subject should provide that the American troops should not be withdrawn until after constitutional elections had been held throughout Mexico and a new President installed in office.

This was as to the evacuation of Vera Cruz. We were not going to evacuate Vera Cruz at all until after a constitutional election had been held and a new President elected in the Republic of Mexico.

The Mexican delegates combated this proposal on the ground that if American troops remained in Mexico for the period favored by President Wilson, the accusation might properly be made that they were kept in Mexico to influence the elections.

I am quoting all of this from the official proceedings.

As neither side was willing to recede from its position, it was agreed that consideration of the question of the withdrawal should be postponed until after the effort had been made to have the Huerta and constitutionalist delegates settle their differences under the method proposed by the mediators."

Before they got to the point of signing the agreement as to the settlement of difficulties between the contending factions in Mexico and as to the settlement of the difficulties between ourselves and Huerta, Messrs. Lamar and Lehmann, the American delegates, gave out an official statement, in which they said that after consultation with Mr. Bryan and President Wilson himself they issued their statement. I quote:

If those selected by the mediators—

They had been discussing a plan of mediation—

to administer the provisional government have the confidence of the constitutionalists—

The Carranzistas—

a long step will have been taken toward the pacification of Mexico without furnishing any occasion for alarm to those Mr. Rabasa represents—

Mr. Rabasa represented the Huerta element—

for if the plan is accepted both by Gen Huerta and Gen. Carranza, the cessation of arms follows, and a provisional government is established to maintain order, to protect life and property, to call an election at which every qualified voter may cast his ballot for the President of his choice.

I may say here that the Carranzistas insisted that unless it was agreed upon beforehand that a Carranzista should be recognized as the President pro tempore, they would not take any part in the conference. The American delegates were met by the Huertista delegates with the proposition that a neutral man should be agreed upon, not a member of either party. The Carranzista unofficial delegates were in communication with our official delegates all the time, and our delegates were voicing their objections. They insisted that a Carranzista should be appointed President pro tempore, and recognized by this Government.

There was then discussed the method of holding an election, and the American delegates suggested a bipartisan plan—that is, that the Carranzistas should appoint certain-named parties as members of the cabinet, the Government to be composed in that way of the two factions.

The effort, therefore, should be, not to find a neutral—

This is the statement of the American delegates—

but one whose attitude on the controlling issues would make him acceptable to the constitutionalists, while his character and conduct would make him acceptable to the other party. Such a man, and only such a man, can reasonably be expected to have the confidence and respect of the entire country.

In answer to the contention that there could be no fair election conducted by a provisional government of which a constitutionalist was provisional president, the answer of the Americans calls attention to the fact that in the past the elections in Mexico "have been under the supervision of a single cabinet minister representing the dominant party." By analogy the next election should be supervised by only one officer representing the dominant constitutionalist party. The American plan seeks to avoid the just criticism against that method, and contemplates that this, the most important election in the history of Mexico, shall be supervised by the representatives of both parties. It is wholly incorrect to assume that thus supervised it would be unfairly conducted, and you may rest assured that all the influence the United States can legitimately use will be exerted to secure an honest election.

This is all a quotation. You will see that while watchfully waiting, while allowing them to spill their blood, while refusing to have anything to do with Mexico, while notifying our political adherents in Indianapolis that we had nothing to do with this Government, we were outlining the entire plan of government and holding consultations with representatives of the different factions as to how elections should be held, and just what should be done, and stating that we would use our influence to see that these bipartisan methods were carried out; and in every instance Carranza rejected every proposition which was made to him. In every instance where he has been called upon to agree with Huerta, to agree with Villa, to agree with the others, the others have invariably accepted the suggestions of the United States Government and he has invariably scornfully rejected them.

I referred a while ago, in another connection, to the fact that when Carranza sought, after this Niagara conference, to enter the City of Mexico after Huerta had left by way of Puerto Mexico, Carbajal, who was left in charge of the city, requested this Government to demand of Carranza assurances that general amnesty should be proclaimed in the City of Mexico before he was allowed to enter the city. Why? Why, Senators, because following what they understood to be the general agreement, although the party himself was not named in the Niagara conference—they could not agree on the party—but understanding this protocol to mean a certain thing, Huerta agreed to leave Mexico and surrendered every garrisoned city and every soldier in it and no longer attempted to prevent the placing of the country entirely in the hands of the Carranzistas. No further resistance was made. When he marched out he turned the City of Mexico over to Carbajal, who was suggested by all parties as a neutral, as a man not either a Huertista or a Carranzista; and he, a high-toned, educated gentleman, called upon the Government of the United States to assure protection to the people of the City of Mexico against the lust and the bloodthirstiness of Carranzistas; and we intimated to him that we would like to have his promise to that effect, and he refused to give it.

As I said, we occupied Vera Cruz, and then we evacuated Vera Cruz. I want to call your attention to what occurred just before the evacuation of Vera Cruz. I read to the Senate here on one occasion a speech made by Col. Isaguirre, of what was known as the "Benito Juarez" Brigade of the Constitutional Army," at Parral on the 16th day of September, 1914. I have here a translation of that speech. I do not propose to read it again, but I will say that in that speech Col. Isaguirre pointed to Gen. Monclovio Herrera and Gen. Luis Herrera, whose name you have recently read in the public press in connection with certain matters that are going on, and made the statement that because of the threats of Monclovio and Luis Herrera, V. Carranza had demanded of us the evacuation of Vera Cruz immediately and had finally given us until the 30th day of September in which to evacuate that city.

The statement was made openly, and it was printed because of the demand of Monclovio and Luis Herrera that it should be published. Luis Herrera is the same man who is now reported in the public press to be leading a large portion of the Carranza forces immediately to the south of Pershing's command and to be issuing proclamations to Mexicans to come to him and to eject the American troops from Mexican soil. At that time his spokesman declared "death to the Americans" and "death to the Puritan Wilson" if the demand for the evacuation of Vera Cruz by the 30th day of September was not carried out.

What did we do? We did not get out on the 30th of September, but let us see what the official record shows.

Now, what do we find? September 22, 1914, Robert Lansing, Acting Secretary of State of the United States of America, sent a telegram to the Brazilian minister at the City of Mexico. In this telegram there are other matters referred to which I am going to call to the attention of the Senate in a moment, but there is reference made in that telegram or in the letter here of the Secretary of State to the effect that intimation had been given to Mr. Carranza on the 15th day of September that we were preparing to evacuate Vera Cruz. On the 22d this message was sent:

Certain rumors have reached this Government as to actions which may possibly be taken by the authorities at Vera Cruz after its evacuation, namely:

The exaction of further payments of duties on merchandise which has passed through the customhouse since American occupation and on which the duties have been paid. The exaction of further payments of local and municipal taxes paid since American occupation, such as license fees, property taxes, street taxes, etc. The imposition of fines or other penalties upon Mexican citizens, who have been employed in connection with the civil government of the city since American occupation.

You are requested to call these subjects to the attention of Gen. Carranza and state to him that this Government, while it does not give credence to these rumors, as such actions would be manifestly unjust, considers that to avoid possible improper conduct by subordinates and to allay apprehension at Vera Cruz it is hoped that Gen. Carranza will give a specific assurance in regard to each subject that the rumored action will not be permitted.

You will please intimate to Gen. Carranza the advisability of giving these assurances in definite form and as soon as possible in order that there may be no delay in carrying out the proposed evacuation of Vera Cruz by the American forces.

Mr. NORRIS. Who sent that?

Mr. FALL. Robert Lansing.

Mr. NORRIS. To whom?

Mr. FALL. To the Brazilian minister for communication to V. Carranza on the 22d day of September.

Mr. STERLING. The demand was made for the evacuation on the 30th of September.

Mr. FALL. The demand as stated was that not later than the 30th of September we were to evacuate Vera Cruz. It will be seen, if I were to reread all these documents, that there is an intimation here that the first note had been sent about the 15th of September by us that we were now ready to agree to their request and would evacuate. Delays occurred caused by this, that we had collected 2,000,000 pesos in imports while holding the port of Vera Cruz. We had collected certain street taxes and sanitary taxes in the city of Vera Cruz. Mr. V. Carranza, on being notified that on the 15th of September we proposed to get out of there, notified the people of Vera Cruz that they would have to repay to him all the taxes which

they had paid to the Americans until then, and that he would hold the officials upon their "personal responsibility." Personal responsibility means in Mexico something more than a mere law suit.

Now, I may as well comment upon this phase of the matter at this time, showing again where not in one instance, but in every possible instance, without any hesitation whatsoever, Carranza has not only rejected our requests, but has rejected them in the most open and insulting manner that it was possible for him to exhibit. The Government of the United States said in this telegram that Mr. Carranza should give assurances that these taxes would not be reassessed and collected and that if he did not give these definite assurances at once delay in our evacuation might ensue. We did not say that we would not get out, but that he should give this assurance:

You will also please call to Gen. Carranza's attention the fact that there is in Vera Cruz a large number of so-called refugees, among them many priests and nuns, who came there because of apprehension as to their personal safety while civil strife prevailed in Mexico. This Government earnestly hopes that Gen. Carranza will be willing to announce that the Mexican central authorities will not countenance or permit any wanton mistreatment of these people, but will assure them that protection which an enlightened and orderly Government affords to individuals within its jurisdiction.

ROBERT LANSING,
Acting Secretary of State.

I am going to ask in connection with my remarks that this telegram, as contained on page 46, and the answer of the Brazilian minister, embodying the answers of Carranza and Aguilar and Dominguez, appearing on pages 46, 47, and 48, may be printed in connection with my remarks.

The PRESIDING OFFICER. Without objection, that order is made.

The matter referred to is as follows:

SECRETARY OF STATE TO THE BRAZILIAN MINISTER IN MEXICO.

DEPARTMENT OF STATE,
Washington, September 22, 1914.

The BRAZILIAN MINISTER, *Mexico:*

Certain rumors have reached this Government as to actions which may possibly be taken by the authorities at Vera Cruz after its evacuation, namely:

The exaction of further payments of duties on merchandise which has passed through the customhouse since American occupation and on which the duties have been paid. The exaction of further payments of local and municipal taxes paid since American occupation, such as license fees, property taxes, street taxes, etc. The imposition of fines or other penalties upon Mexican citizens, who have been employed in connection with the civil government of the city since American occupation.

You are requested to call these subjects to the attention of Gen. Carranza and state to him that this Government, while it does not give credence to these rumors, as such actions would be manifestly unjust, considers that to avoid possible improper conduct by subordinates and to allay apprehension at Vera Cruz it is hoped that Gen. Carranza will give a specific assurance in regard to each subject that the rumored action will not be permitted.

You will please intimate to Gen. Carranza the advisability of giving these assurances in definite form and as soon as possible in order that there may be no delay in carrying out the proposed evacuation of Vera Cruz by the American forces.

You will also please call to Gen. Carranza's attention the fact that there is in Vera Cruz a large number of so-called refugees, among them many priests and nuns, who came there because of apprehension as to their personal safety while civil strife prevailed in Mexico. This Government earnestly hopes that Gen. Carranza will be willing to announce that the Mexican central authorities will not countenance or permit any wanton mistreatment of these people, but will assure them that protection which an enlightened and orderly Government affords to individuals within its jurisdiction.

ROBERT LANSING,
Acting Secretary of State.

BRAZILIAN MINISTER IN MEXICO TO THE SECRETARY OF STATE.

MEXICO CITY, MEXICO, *November 10, 1915.*

SECRETARY OF STATE, *Washington, D. C.:*

November 10—11 a. m.—Acting secretary for foreign relations, who is now in Cordoba, State of Vera Cruz, with Carranza, invited me this morning to have a telegraphic conference over the wire of the foreign office, during which he transmitted the following note, with request that same be transcribed to you at once:

"CORDOBA, *November 10, 1915.*

"Mr. MINISTER: Referring to your excellency's note, dated the 2d instant, relative to the evacuation of Vera Cruz by forces of the United States of America, by order of the first chief of the constitutionalist army in charge of the executive of the union, I have the honor to inform your excellency as follows: The chamber of commerce and the owners of real estate at the port of Vera Cruz, as well as the employees who have served in several capacities in the administration of the port during American occupation, have addressed themselves to the first chief of the constitutionalist army in charge of the executive, through the governor and military commander of the State, stating that the taxpayers will be satisfied with such resolutions of the national Government as may be later passed by it in reference to the collection of fiscal dues as have been paid to the American authorities who have been in exercise in the port; also, that the employees are disposed to submit themselves to such disposition as the Mexican authorities may see fit. The first chief of the constitutionalist army in charge of the executive is now of the attitude assumed by the chamber of commerce, the owners of the city real estate, and the above-mentioned employees, and of his considering so fit for the welfare of national interests, has been pleased to issue, under date of the 8th and 9th instant, the following decree:

"'Venustiano Carranza, first chief of the constitutional army in charge of the executive power of the United States of Mexico, using of the extraordinary authority in me vested, and considering that the chamber of commerce and the majority of owners and administrators of real estate at the port of Vera Cruz have addressed the executive in my charge, renouncing the protection asked for in their behalf by the United States Government before expecting the evacuation of Vera Cruz, stating categorically that they will abide by all the just decisions which the Mexican Government may render in reference to the collection of fiscal dues previously collected by foreign authorities, and because I consider it convenient to the national interests, I have seen fit to decree as follows:

"'ARTICLE 1. On the occupation of Vera Cruz by the Mexican authorities no exaction will be made from the inhabitants of the port for the payment of taxes or any other contributions of federal character which may have previously been paid to the foreign authorities which temporarily occupied the port.

"'ART. 2. In order to be entitled to the privilege granted by this decree it will be sufficient for interested persons to present to the tax collector's office the receipts showing that such payments were made to the authorities established during the occupation of Vera Cruz by the American forces.'

"And I have to inform you of the above for its immediate publication and due observance.

"V. CARRANZA."

CONSTITUTION AND REFORMS,
General Headquarters at Cordoba, November 8, 1914.

The second decree reads as follows:

"Venustiano Carranza, first chief of the constitutionalist army in charge of the executive power of the United States of Mexico, by virtue of the extraordinary faculties in me vested, and considering, firstly, the Mexican and foreign employees who have served the authorities established in Vera Cruz during its occupation by American forces have addressed this first office of the constitutionalist army through the governor and military commander of this State, stating of their own accord that they only recognize the national government as entitled to resolve the questions of interior order such as refer to the punishment or portion of persons who, as themselves, have served the foreign authorities; secondly, that they expressly declared that they will be agreeable to the decisions that the national government may render in regard to them in order that they may not be considered as an obstacle for the eminently patriotic act of obtaining a speedy evacuation of Vera Cruz; and, thirdly, that the spontaneous and patriotic attitude of such employees has made them deserving of an amnesty for such penalties as they might have incurred, in I have seen fit to issue the following decree:

"'General amnesty is hereby granted to all persons who may have served as employees in the several branches of the public administration that in a de facto manner have exercised control temporarily during the occupation of Vera Cruz by American forces.'

"And I communicate the above to you so that you may in turn make it known to the Federal and local authorities of the Republic for its immediate publication and strict observance.

"V. CARRANZA.

"CONSTITUTION AND REFORMS,
"*General Headquarters at Cordoba, November 9, 1914.*"

Gen. Candido Aguilar, as military governor of the State of Vera Cruz, has to-day issued the following decree:

"The government in my charge is obligated to dispense its protection to such persons as may have paid the fiscal dues in the port of Vera Cruz to the American authorities, and that such protection should be made extensive to the new collection of such dues a second time as have been paid, it being so considered in equity, and considering that a large majority of the residents of said port recognize that the Mexican Government is the only one which ought to protect them, they place themselves under its protection as an act of pure patriotism. For the above considerations, I have seen fit to decree as follows:

"'ARTICLE 1. Upon the evacuation of Vera Cruz by the American forces and its occupation by the Mexican authorities, no exaction will be made from the inhabitants of the port for either municipal or State dues such as may have been previously paid by them to the foreign authorities who occupied the port.

"'ART. 2. In order to be able to enjoy the benefits granted by this decree, it will be sufficient to present to the respective collectors' offices the receipts showing the payments made to the functionaries of the administration which had control of affairs during American occupation.'

"Therefore I order that the above be published, circulated, and duly complied with.

"Issued at Cordoba on the 10th day of November, 1914.

"GEN. C. AGUILAR.
"J. DOMINGUEZ,
"Assistant Secretary of the Government."

"In view of the fact that the Mexican Government has issued the decrees which I have had the honor to transcribe to you above, the causes pointed out by the Government of the United States of America for the continued occupation of the port of Vera Cruz have disappeared. In consequence the first chief of the constitutionalist army in charge of the executive of the union, trusts that, as offered in your note of November 2, the Government of the United States of America will not delay any longer the evacuation of Vera Cruz and will proceed at once to evacuate the port.

"I protest to you, Mr. Minister, the assurances of my highest consideration.

"ISIDRO FABELA.

"CONSTITUTION AND REFORMS."

CARDOSO DE OLIVEIRA.

Mr. FALL. I will merely say now in passing that Carranza simply refused to pay any attention to our request. He negotiated privately with the people themselves and finally, in November—and that is the reason why we deferred our evacuation of Vera Cruz until November—he notified the Brazilian minister that he would himself take up the matter as to taxes. He paid no attention to our messages; and as the people of the city of Vera Cruz had agreed with him in writing by a deputation that they would abide by any decision he might make as to the transaction and throw themselves on his mercy, feeling that in the goodness of his heart he would not collect the taxes from them, he made no reference to our representation, ignoring our demands and absolutely remaining silent upon the question.

We never reiterated the request as to whether he would or would not grant protection to the nuns and priests referred to.

The Brazilian minister was so much insulted, as I have heard, by this and other answers which we accepted when he had insisted upon protecting the honor of this great country and in this and other matters having incurred the displeasure of Venustiano Carranza that he left Mexico.

Now, I want to call attention to the fact that only this telegram of September 22 and the Brazilian minister's note, with inclosures of November 10, is included in this document, but the correspondence between the 22d day of September and November 10 is not included. If that had been included, I dare say light would have been thrown on the action of Mr. Carranza and upon some of the acts through which the Brazilian minister became persona non grata in the City of Mexico. But they refused to send it in. The Brazilian minister's report was one of the matters which they refused to send in, except that they selected out this portion and eliminated all the previous correspondence, all the correspondence on this particular matter between the 22d of September and November 10.

The Brazilian minister, you note here, without commenting upon the conditions, simply transmits this reply, which we accept as satisfactory without comment.

I have referred to certain matters with reference to Carranza's action after he went first into the City of Mexico. I have referred, for instance, to the death of Garcia Granados later by court-martial. I do not remember whether I impressed upon the Senate at the time or not that the proceedings of the court-martial were published in the Mexican Herald, a great daily paper owned by an American, Paul Hudson, and published in the City of Mexico. It is the greatest paper published north of the Panama Canal and south of our borders. I do not know whether the Mexican Herald is running to-day. It was suppressed absolutely by the Carranza Government because of its publication of the court-martial proceedings in the Granados case and the publication of other matters which the Carranza Government construed as not reflecting favorably upon them. There was a great property taken away from this American, and a fair newspaper published in the City of Mexico was suppressed.

Now, why did we recognize Carranza? Let us see what the records say about the conditions there at the time Carranza was recognized. I read from the November, 1915, number of the Red Cross Magazine. I read first the preliminary remarks by the editor in an article entitled "The Mexican Situation."

At the request of Gen. Carranza and with the advice of the American Department of State, which was consonant with the request, the American Red Cross discontinued its relief activities in both southern and northern Mexico October 8, and Special Agents Charles J. O'Connor and J. C. Weller, whose enterprise, hardihood, and efficiency in relieving the starving populace have brought them much praise, have been withdrawn. As it developed, the State Department advice in advocacy of the withdrawal of the Red Cross representatives presaged the formal recognition of the Carranza organization.

SUFFERING THIS WINTER.

Announcement of the decision to recognize Gen. Carranza and his forces was made October 9.

It was made informally about September 28 and again informally October 9, and the formal recognition ensued on the 19th of October.

At this time, just as was the case a month previous, many deaths were occurring daily from starvation and the country as a whole was in a pitiable plight, economically and industrially. It has been devastated from end to end and so impoverished and demoralized that under the most favorable conditions it would be possible only slightly to alleviate the widely extended suffering which will be forced upon the Mexican people during the ensuing winter. Gen. Carranza's assurance that the situation will be cared for, therefore, has not wholly dispelled the feeling of sincere regret on the part of the American Red Cross over relinquishing its part of the relief work.

It is hard, for instance, to leave a locality where many thousands of families, mothers and babes predominating, have been absolutely dependent for sustenance upon small portions of nourishing vegetable soup which we have daily distributed. Half-famished mothers with skeleton babies at their breasts have besought the Red Cross agents in the name of all that is holy to do something for their little ones—to save them if they could not save the mothers—and there have been many formerly well-to-do persons, not of the peon class, who have been among the pitiful petitioners for Red Cross aid.

Approximately $50,000 has been expended during this last American Red Cross relief campaign in Mexico. This means that numerous carloads of food supplies have been shipped into Mexico via Vera Cruz and the Texas border and under the personal supervision of trained Red Cross representatives and responsible local committees of Americans and Mexicans have been distributed among hundreds of thousands of wholly destitute and emaciated Mexican noncombatants. It means that in Mexico City alone, under the very competent direction of Mr. O'Connor, a chain of free-soup stations was operated for over a month and that 26,000 families were supplied daily at the height of the distribution—

This is in the City of Mexico—

It means that whole families were rescued from the necessity of trying to stomach the putrifying flesh of dead domestic animals found in the streets of Mexico City; that peon families could desist for a time from picking for morsels of waste food in rubbish heaps; that they could leave off the role of human carrion crows amid the offal of the slaughterhouses. It means that thousands of families in Monterey, Monclova, and Saltillo were given a little respite from a diet of prickly or cactus pears, mesquite beans, and other wild products of northern Mexico's prairies, where Special Agent Weller, like Mr. O'Connor, endeared himself to the civilians and took many personal risks in their behalf.

Reading from page 352—

There are details in reports which have come to American Red Cross headquarters from Mexico which would tax the credulity of many Americans, and their publication would not contribute to the improvement of conditions. There have been happenings in the experiences of our agents which have been amazing and disheartening, but these may be forgotten in the interest of a hoped-for cessation of hostilities and the consequent measurable lessening of misery.

Now, Mr. President, the Senate of the United States requested these reports upon which this editorial is founded and they were refused, although they are on file in the department.

I might be able to supply a gap if I chose to do so with relation to at least one. I could show from the report of the agent of whom the editor speaks so highly, who was operating in the north in September, that his train with the Red Cross emblazoned on the side—that train with the Red Cross upon it was, on September 5, attacked by from 800 to 1,400 of Carranza's forces and the Red Cross flag torn from the train and stamped under the feet of the soldiers. The Red Cross agent himself in this official report which the Department of State refuses to give us—the Senate of the United States, although I know that the receipt of it was acknowledged by the State Department—this Red Cross agent himself said that at the time those Carranza soldiers bade him good bye they told him that they would meet him in San Antonio, bearing out the statement made by the Red Cross agent and by other responsible people, that the leaders of the Carranza movement in the States of Coahuila and Tamaulipas were behind all the depredations and were inciting the murders which were being committed and have been committed in the past at Brownsville and this side of the river in Texas.

I am going to quote from Mr. Weller. This is confidential information, but I have permission to quote from the latter part of this report made on the 28th of September, and it will show, among other things, that the advice to the President of the United States from the Red Cross agent was that Venustiano Carranza should not be recognized.

I say without fear of denial that if the Duvall West report were furnished here it would show that the tenor of his advice was not to recognize Carranza. I do not care to go too far, nor in the heat of an argument or in the excitement of the moment to make statements where I have not documentary evidence, as I have had, as the Senate will bear me out, with reference to every statement which I have made here. I will not allow myself to be led into a discussion of some of the matters which are impressed upon me as possibly influencing this administration to recognize Carranza in the face of the report of every consul in Mexico, except possibly Carranza's partner in the milk business, Mr. Silliman, in the face of the Red Cross report, despite the West report, despite Paul Fuller's report, despite the Brazilian minister's report. I defy Mr. Lansing to produce those reports and with them refute my statements.

I am going to read just a little quotation from the report of the Red Cross agent of September 28, which, as I said, is on file in the State Department:

In conclusion, I only regret that some of our higher-up Government officials could not have been with me to see the brand of individuals that are now in control of the situation in Mexico. They do not represent any of the good element in Mexico. They are lawless and have no more idea of patriotism than a yellow dog. They are mentally incapable of handling the situation. Gen. Ellisondo, in command at Monclava, and also in command of a district larger than Massachusetts, is a boy of 24 years old, uneducated and absolutely irresponsible. Gen. Zuazua, formerly classed as a saloon bum around Eagle Pass, a lieutenant colonel in command of a territory as big as Rhode Island, was sent to the Mexican Army some 15 years ago, having been arrested for stealing horses and cattle.

You understand that under the Mexican laws a man convicted and sentenced to work in the salt mines is given his preference of serving in the Mexican Army. This gentleman was sentenced to serve in the Mexican Army for 15 years for cattle stealing, and he is one of the Carranza leaders in Mexico.

These are not the exceptions, but the rule of the character of the men who now dominate one of the richest States in northern Mexico. This fact is largely due to Carranza, who has allowed them to do as they please, and they have no respect whatever for him, each man ruling his district as he sees fit. I do not find any difference between the Carranza faction and the Villa faction, with the exception that Pancho Villa seems to have a better control over his men. It is rumored throughout the Carranza troops that Obregon and Villa are about to launch against Carranza.

That was the rumor there in September.

Having been in personal contact with both factions, I believe that it would be a crime to turn loose this some 200,000 bandits, thieves, and scapegoats on the country. They are rotten with disease and have been divorced from all ideas of ever working again. They will disperse

in small bands, and a reign of terror, which no leader such as Carranza will have the strength or power to overcome.

I repeat, that if Carranza is given control of the country that it will be only a short time until another movement is launched to eliminate Carranza from the situation.

Mr. President, I am going to close in a short time, but I want to call your attention to some of the conditions existing now in the Republic of Mexico. First, as to the financial condition of Mexico. I am sorry that I can not get into the RECORD photographs of some of the Carranza money in existence in the Republic of Mexico.

I will say that as nearly as it is possible for the Mexican bankers or others who know or who should know or are supposed to know something about the subject, that there has been an issue of something over $2,000,000,000, during the Carranza revolution, of money, so-called, and circulated throughout the Republic. I have, I think, five samples here. [Exhibiting.] I may say, Mr. President, that they have all been repudiated, but one, and there is still a billion dollars of unrepudiated currency according to Carranza's own statement. One of those issues known as the provisional issue is now being taken up or they are now attempting to take up with another provisional issue.

Carranza currency to-day is worth something like 2 cents Mexican upon the dollar.

I am going to quote from a statement, to me very significant, showing the conditions in Mexico, and I want to say that this statement was made by a foreigner residing in Mexico for 35 years or more, a banker, a representative in former times at least of large business interests, a man whom I have personally known for 28 years. I am going to quote to you one or two rather significant statements from this man. I vouch for the authenticity, but of course I shall hide the identity. He is writing advising another party requesting information with reference to Mexico.

Please do not make the same error as other Americans do—

This was to an American—

Please do not make the same error as other Americans do; the Mexican affair has come down to the point to pay debts and the pressing debts of the Mexican Government are in Europe and not in the United States.

The present Mexican bunch has been living from looting and robbing for the last five years, and their object is to continue to do so; and none of them recognizes the necessity that debts have to be paid sooner or later, and with the pressing need for money of the European people after the war—

Now, remember, this is a foreigner; he is not an Englishman, and he has been an official representative of his Government in Mexico—

Mexico has to pay, and if she can not or will not the European nations as a unit may force the United States to either intervene and restore the property to the legitimate owners, hold the oil fields as a guaranty for advances, or some other serious happenings may take place.

He says further:

The Government bond issues, bank stocks, mortgage bonds of Mexico, amounting to $450,000,000 Mexican money Government bonds, $500,000,000 railroad bonds, $270,000,000 bank stocks, $58,800,000 mortgage bonds, and $50,000,000 irrigation bonds, and if you add to these figures other stocks held in Europe—

Principally, as he says, in France, Belgium, Germany, Holland, and England; largely in France, Belgium, and Holland—

other stocks held in Europe, as Dos Estrellas Mining Co., Fabrica de Papel San Rafael, Cia. de Fomento y Bienes Raices, the Northwestern Road, and many others, which were considered first class, you have the proximate amount of foreign holdings, and while I do not want to say that every share or bond is held abroad, still we can figure that at least three-fourths was sold to foreigners, and I do not believe that in the United States are many of these securities, as the American investments consist principally of mining, oil, land, ranch, smelter, railroad stocks, etc., all of which are not included in my above statement.

The holders of the above-mentioned securities will not wait until the present rulers are pleased to pay, and as 70 per cent of the import duties are already pledged as security to cover the payment of the foreign government debts, amounting to $450,000,000—

And I may say, Mr. President, that he does not, in speaking of the 70 per cent already pledged, take into consideration that the other 30 per cent was pledged by Huerta to secure the bonds issued. It was placed in this country by J. P. Morgan, and in Holland and in France by French bankers, amounting to something like $68,000,000. So the entire import duties of Mexico are absolutely pledged to the payment of these foreign debts—

on which not a cent has been applied since the time of Huerta, you can figure yourself that there is no other remedy to straighten out the Mexican affairs, except by intervention or by the appointment of a foreign commission, handling the Mexican finances.

I inclose you a statement written by an able man under the heading, "Mexican banking institutions suffer," from which you will see that the shares of some leading Mexican institutions were worth in September, 1910, Frs. 1,041,205,180 and in December, 1915, Frs. 155,584,460, showing a loss of Frs. 855,620,720, and as these companies were the best ones how much have been shrinking others of less prominence.

This shows a decrease of more than $200,000,000 in the value of these bank stocks alone.

I am not going much further, Mr. President, along this line, except to call your attention to the fact that on the Mexican National Lines—that is, the railroads running from Laredo, from Saltillo, and from Eagle Pass, down through Torreon, toward the City of Mexico and in that direction, known as the Mexican National Lines, and that part of the Mexican Central, particularly south of Chihuahua, comprising over 7,000 miles of road—on that road in 1910 there were 729 locomotives; there are less than 139 now that can be used. There were 18,492 freight cars. There are now 3,400, which are just hanging together, and which in some cases can be used at this time. The balance of them were not taken out of the country; they were not moved out, but were burned or destroyed. My correspondent further says:

All passenger cars are either totally destroyed or have to be rebuilt. Two-thirds of the ties on 7,000 miles of road have to be replaced, and nearly all railroad bridges have to be rebuilt; the stations and freight houses and telegraph equipment are gone; the repair and machine shops are mostly destroyed.

When the European Governments recognized Huerta they backed the recognition up with giving him arms and making him loans, which the Carranza people refused to recognize as a national debt; and for that reason the European bankers and bondholders will not give the present outfit one cent of credit nor show them any leniency. Now, we have to see whether Uncle Sam will back up his recognition by giving them money.

* * * * * * *

The Carranza government has issued about 1,000,000,000 pesos paper money, with which they pay employees, soldiers, etc., and as most of them commence to strike, refusing to take this money, Carranza has a job on hand to satisfy the people.

Mr. President, how are they now raising money, and what are they doing? They have increased the mining taxes in the Republic of Mexico more than 10 times. They have compelled the cotton growers—this may appeal to some of the southern Senators—they have compelled the cotton growers in the Torreon district of Mexico to sell them their cotton at $16 per bale, payable in Carranza currency, upon the declared statement which they published, that they proposed to protect the cotton factories in purchasing the cotton at the price which the Government paid for it, so that the poor people could get the benefit of the reduced price of clothing, and that thus this beneficent Government was going to improve and ameliorate the condition of the poverty stricken in Mexico.

What did they do and what are they doing in Mexico to-day? Commandeering the cotton and paying $16 a bale for it in this currency that you see here, and then demanding of the cotton factories, the Mexican manufacturers, the payment of $48 in gold per bale. When they can not get the gold they ship the cotton to foreign markets and put the gold in their pockets.

What are they doing on the Yaqui River and on the Fuerte, where Americans have gone in, established irrigation plants, opened magnificent farms, and are growing great crops of alfalfa? They have commandeered for this year the entire crops of alfalfa growing on those farms, which is worth $28 a ton in gold in Guaymas, to be paid for in "officios," as they call them. They have refused to allow these parties to graze their own stock on their own alfalfa fields, and have compelled them to ship them out, because they have commandeered every grain of corn in the entire State. They ship it out from this starving population and put the gold which they receive for it into their own pockets. Across the river, in the State of Sinaloa, there are yet stores of corn.

No American nor Mexican in the State of Sonora, across the line, can purchase corn from the State of Sinaloa. The people are actually in a starving condition. As I shall explain to you in a few moments, they are eating maguey, which is causing their death from dropsy. Why? Because the right to ship corn out of Sinaloa, or to ship any other food product, is the exclusive privilege of certain Carranza leaders or favorites of his military leader, Obregon, and you pay duty to those patriots. No producer can sell corn except to these privileged ones, and no producer can sell corn to you or to anyone else unless you first pay these leaders for a permit. Then they gather up these products and ship them abroad or ship them to California or some other foreign market for gold.

Why, Senators, shortly before Carranza was recognized—and I defy you to go to the State Departemnt and examine the archives there and then deny that they have there official evidence of the statement which I shall make—just shortly prior to the recognition of Carranza the conditions were such that we were feeding 26,000 people a day through the Red Cross. Mothers were coming with their little children at their breasts and begging us to give the children, at least, something to eat, even if the mothers had to die. At that time Venustiano Carranza himself or through adherents shipped 37,000 tons of foodstuffs through the port of Vera Cruz alone and got the golden dollars for it and put them in his pocket. I say the official information of that is on file in the State Department of this

Government; that we knew of it or should have known when we recognized him.

I myself saw three carloads of potatoes, the last shipped out from the Guerrero district by Mexican officials and sold in El Paso, Tex., to put gold into their own pockets, while the people who raised those potatoes were starving and living on roots or dying. If this Government does not know these conditions, it is because its officials will shut their eyes and their ears.

Why, sir, I know that they have on file in the State Departments reports from the State of Zacatecas—even very recent reports—that in great districts in that State, where a great deal of corn and other food crops are raised, that the Carranzistas have seized every grain of corn and every particle of food from the people of that district and that those people are dying daily because they have been compelled to eat the rusted roots and leaves of the maguey plant, which causes dropsy within a short time and death within three or four weeks. Those reports are on file with the State Department. I know that they have heard from the great State of San Luis Potosi, from Vera Cruz, and from other States and cities, rich and thriving and prosperous cities in Mexico, and that they know that in those States, and in San Luis Potosi particularly, the people from the outlying districts, who have been by the soldiers robbed of every grain of corn and of every particle of food, are moving away, hunting for something to eat, digging in the rubbish or lying in gutters and starving; there are dying children and old, haggard women following around after a sack of corn being convoyed by soldiers for soldiers' use, that they may pick up a few fallen grains for food.

I say to you, Senators, in all seriousness and in all earnestness, that the Christian world does not know what condition exists in Mexico to-day; that the Armenian hardships and horrors, which we have had pictured to us and which have been written of in the press, do not compare with those existing in the Republic of Mexico to-day under the beneficent Carranza Government.

I say, sir, that the object of Carranza now is to drive every American out of the Republic of Mexico, and that, if he is allowed to continue as he has commenced, he will attain that object in a very short time.

You have noticed in the press, possibly, references within the last few days to some of the decrees, particularly one from the State of Vera Cruz, which was protested against by our citizens there. I have one of the decrees, Mr. President, and I will ask to have printed, in connection with my remarks, this translation of the Vera Cruz decree of January 16, 1916, which is being complained of by our citizens at Tampico; and I want to say, Senators, that this decree complained of is one of the most moderate decrees issued by Carranza or any of those under him in authority.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from New Mexico will be printed in the RECORD.

The decree referred to is as follows:

[Translation from El Dictamen, Vera Cruz, Jan. 16, 1916.]

LOOKING TOWARD THE SOLUTION OF THE AGRARIAN PROBLEM—THE ESTABLISHMENT OF THE MEXICAN ON HIS LAND—PERSONS EXECUTING CONTRACTS OF PURCHASE OF LAND SHALL BE CONSIDERED MEXICANS WHATEVER BE THEIR ORIGINAL NATIONALITY.

Gen. Candido Aguilar, governor of the State of Vera Cruz, to the inhabitants thereof, know ye:

That using the faculties with which I am invested, and—

Whereas the reasons and motives of this government in issuing the decree No. 3 in Tuxpam, August 3, 1914, still subsist, by reason of which this said decree still responds to a social necessity and should be maintained in vigor; and

Whereas the fundamental principle that inspired said decree demands that it be made general in two ways: Amplification so that it shall cover not only the contracts to which it refers, but also all those covering any land within the limits of the State, and also generalization to cover lands situated not only in the cantones stated in said decree, but within the area of the State; and

Whereas to effectively give sanction to the fundamental disposition in the decree in question, it is necessary to establish not only the indirect penalties of confiscation and others fixed thereby, but also to create a civil sanction by virtue of which the lack of authorization which it decrees must be obtained for the execution of contracts referred to may affect the existence of rights and obligations arising from such contracts for which it is necessary to give to the authorization referred to the legal character of a formality extraneous to the contracts, but thus constituted an element thereof necessary for its validity in accordance with civil legislation; and

Whereas in the practice of the application of the decree above mentioned it becomes necessary to adopt regulations to clear up some of its precepts and to fix the administrative steps which must be followed to obtain the authorization prescribed by this decree: Now, therefore, I have seen fit to decree the following:

ARTICLE 1. No contract of sale, lease, mortgage, quit rent, or of any other character covering any land situated within the boundaries of the State of Vera Cruz, or which affects directly or indirectly such lands, shall be made, unless the parties shall previously obtain the authorization of the State government thereto.

ART. 2. The owners or possessors of lands situated within the limits of the State who have acquired rights of any sort whatsoever to such lands by virtue of any contract of the nature mentioned in the foregoing article shall not cede, transfer, or alienate to third persons or to companies in return for stock or in any other manner the lands or rights acquired by virtue of such contracts, nor the contracts themselves, without previously obtaining the authorization of the State government thereto.

ART. 3. For all legal effects, it is declared that the authorization referred to in the foregoing articles is a formality extraneous to the contracts in question, but necessary for its validity. Therefore the contracts lacking this formality are null, shall produce no legal effects of any sort whatsoever, give rise to no rights, obligations, or rights of action whatsoever, between the contracting parties nor to or against third parties, and can not be inscribed in the public property register.

ART. 4. To obtain the authorization referred to in articles 1 and 2 hereof, the contracting parties shall apply in writing to the State government, where the administrative file in the matter shall be made up with the following proceedings:

I. With the petition (solicited), properly complying with the terms of the law, shall be presented the document that sufficiently proves the legal personality of the petitioner, a draft of the contract proposed to be entered into, with the stipulations and clauses that have met with the agreement of the parties, and maps of the lands in question.

II. When the State government shall deem necessary, it shall also demand the exhibition of the title deeds covering the land.

III. The State government may direct that there be carried out on the land in question direct inspection, examination, and check of documents and other proceedings necessary to identify the reality, establish in a clear manner the rights the parties have therein through anterior deeds or by virtue of the contract itself, and, in general, to provide against doubts or differences in the interpretation and compliance with the contract.

IV. The State government shall refuse its authorization if the contract shall appear unjust or prejudicial to any of the parties thereto, when the development to be carried on thereunder redounds exclusively to the benefit of the unnationalized companies to the prejudice of the Mexican citizens, when (the contract in question) tends to solidify the predominance of foreign capital, constituting a menace to the integrity of the progress of the nation, or in any other cases when the contract is against the true interests of the State.

V. The State government shall add to, suppress, and modify the clauses of the proposed contract presented for authorization in accordance with the provisions of the foregoing article, notifying the parties in writing. The parties may then appear again with such observation as they may deem opportune, and so continue till an agreement is reached.

VI. Authorization shall be granted on the understanding that when the contract is executed it shall be strictly in accord with the terms of the proposed contract presented and the modifications which have been deemed pertinent.

VII. When the contract shall be finally executed in public document or private deed, it shall begin with a literal repetition of the officio of the State government granting its authorization, without which requisite the contract shall fall within the prescriptions of article 3 of the decree.

ART. 5. Contracts executed up to now, without the authorization referred to in this decree, and in which it does not appear that this lack is due to bad faith on the part of the parties thereto, shall fall within the prescriptions of article 3, but all such contracts may be revalidated with the approval of the State government.

ART. 6. Such approval shall be granted in cases in which previous authorization would be granted, and by the proceedings mentioned in article 4, with the following modifications:

I. A true copy of the executed contract shall accompany the petition.

II. In order to introduce therein the modifications agreed upon and to insert the officio providing the authorization, the parties shall execute a complementary public or private deed, which shall form an integral part of the text of the original contract, which shall serve for all legal effects, it being understood that without the complementary contract, the original shall fall within the prescriptions of the third article hereof.

ART. 7. If bad faith shall appear in the execution of contracts made without the authorization provided for by this decree, such contracts shall fall within the prescriptions of article 3 hereof, and the lands covered thereby shall be forthwith confiscated, but rights shall be reserved for those who may enjoy them, to proceed against those persons who may be responsible civilly or criminally.

* * * * * * *

ART. 10. The persons in charge of public registries who shall register contracts falling within the provisions of this decree which shall not contain the officio of authorization of the State government shall be suspended for two years.

ART. 11. For the effects of the law it is hereby declared that all persons who take part directly or indirectly in the execution of contracts referred to in this decree, shall be considered to be Mexicans, whatever their nationality or origin, and may not in any case allege the defense of foreign citizenship nor ask protection or aid from foreign diplomatic or consular officers, nor from the Governments of other countries, nor have any more rights than the laws of the country concedes to Mexicans.

ART. 12. In the proper department of the State government there shall be kept a registry book, in which shall be noted the authorizations or refusals thereof, granted under this decree, and in it the contracts whose authorization has been solicited shall be copied in full.

ART. 13. The authorizations referred to by this decree shall not incur any tax whatsoever, and shall be granted without cost to the parties.

Transitory articles. This decree shall have effect from the date of its publication.

Given in the city of Vera Cruz, January 15, 1916.

C. AGUILAR,
The Governor of the State.
MANUEL GARCIA JURADO,
The Secretary General of the Government.

Mr. FALL. I say, sir, that there is in existence to-day, although it is not being enforced, a decree issued by Carranza in 1913, or under his authority by Mytorena, by which no Mexican or American can sell to another Mexican or American any real estate in the State of Sonora, and prohibiting thereafter all foreigners owning any such property in the entire State. That is, of course, in contravention of our treaty engagements, as under the treaty our right to do business with

them and to hold real estate is set forth and protected. We say nothing; we make no protest when a decree is issued by Carranza violating every treaty right of Americans. Not one word of protest is uttered by this Government. A protest may be made as to the injustice of the decree, but we never have called their attention to a violation of the treaty. We do not seem to know that we have any treaties with Mexico.

Why, Mr. President, I have amongst the papers at my office decrees issued by different governors and decrees of Carranza issued in the City of Mexico, or by Pablo Gonzales in the City of Mexico, by which the price of flour, sugar, corn, coffee, and other articles sold at the grocery stores is fixed, and the value of Carranza money which they must take in payment of those articles is fixed by the same decree. I can show you also, sir, a jail full of violators of such decrees. People have been placed in Mexican prisons because, Carranza money having gone down since the time the prices were fixed from 5 cents to 2 cents, it required twice as much Carranza money to pay for the same goods, and those demanding full payment were put in the penitentiary for it. They are now serving their sentences and are lucky not to have been shot, for the penalty of the violation of any of his decrees is, in the discretion of Carranza, death.

These decrees are in existence all over the entire Republic. By decree after decree the attempt has been made to fix the value of money, and at the same time to obtain favor with the people by fixing the price at which they can purchase goods. The most absurd and farcical attempt—or pretense only of an attempt to conduct government—that has ever been known in the history of the world is that now being made under Venustiano Carranza in Mexico. They have confiscated property; they have forfeited all agreements and all contracts of every kind which would prevent them from achieving their desires or their ends or interfere with them in any way.

They have doubled all the taxes on real estate in the State of Chihuahua, and I want to show you how it affects the people who live on the agricultural land. In the State of Chihuahua to-day, remember, almost all agricultural land is owned in small lots. The people of Chihuahua were followers of old Benito Juarez under Luis Terrazas, a great landowner, who is now held up as a horrible example, but who was the first man who ever made a stand against the French in Mexico, the man who rallied the mountaineers of Mexico to his assistance, who drove Maximillian's troops out of the State, and enabled Juarez to make his headquarters in the city of Chihuahua, and from there conduct his campaign against the French. In recognition of their services Juarez gave to those people community grants, dividing the land up into severalty, granting agricultural holdings, and vesting in each family a certain piece of land, which was to be theirs, and remains theirs, or the property of their descendants, to-day.

Now, sir, the original revolution in Mexico, which broke out in Chihuahua, called the Madero revolution, was not a revolution against the Diaz government; it was the Orozco revolution of the small landowners against the taxing power of the State of Chihuahua, because under the laws the agricultural lands were taxed, while the grazing lands, belonging to the large landowners, did not pay a proportionate part of the taxes. Under the laws milch cows, work horses, oxen, and every plow, every implement, were taxed. That tax the large landowners escaped, because they did not follow agricultural pursuits. These were the people who revolted against the laws then taxing them.

I have here a telegram from the governor of Chihuahua doubling all land taxes on those people, whom this beneficent government of Carranza is helping, issued on February 13, 1916. I took the trouble myself to obtain a copy of the telegram.

Mr. President, I ask to have printed in the RECORD the Mytorena decree, to which I have referred.

The PRESIDING OFFICER. Without objection, permission is granted.

The decree referred to is as follows:

DECREE NO. 9.

ARTICLE I. Dating from the publication of this decree, Mexican citizens are prohibited from selling landed property situated within the jurisdiction of the State to foreigners or foreign companies, with the exception of mining properties, which may be acquired by persons of whatever nationality.

ART. II. Mexican citizens are prohibited from bequeathing, donating, reverting, or mortgaging landed property to foreigners or foreign associations of whatever kind, unless it be in a special case and under prior consent from the executive of the State.

ART. III. Every contract for more than a year of lease, mortgage, conditional rental (anticresis), rural partnership, etc., of real or personal property located in the State shall only be entered into by Mexican citizens with foreigners or foreign companies with the authority of the executive of the State.

ART. IV. The sale, reversion, pawn, loan, etc., made to foreigners, foreign companies or associations, of products of the State, with the exception of those pertaining to mining and for a value of more than $500, can not be effected without the intervention of the executive.

Mr. FALL. Mr. President, I have referred to the political conditions in the various States and also to the conditions as to starvation and the financial condition of the Republic, and I am going to close now very soon. I have called attention to the various cases in which Mr. Carranza has refused even to consider suggestions made to him by this Government, and I am going to call attention now to another case.

After the raid upon Columbus the President of the United States sent our military forces south of the border, and the public were told that negotiations were proceeding from time to time, from day to day, and from week to week for the use of the Mexican railways, in order that supplies might be carried to our troops. A great deal of mystery was maintained around the State Department concerning this proposition. One day we were going to have the railroads and the next day we were not going to have them. Negotiations are still pending, however, but the Mexican Government, from which we had all our news at that time, and from which we are yet obtaining our news with reference to our troops in Mexico, had no such hesitancy. I have in my hand an edition of a Spanish paper published at El Paso City, Tex., known as El Paso Del Norte, and I have here, under date of April 6, as printed in this paper across the entire head of it, a telegram from the secretary of foreign relations in the City of Mexico, Mr. Aguilar. I will make a rough translation, as the telegram is in Spanish, in order that it may go into the RECORD:

QUERETARO, MEXICO, *April 6.*

EL PASO DEL NORTE, *El Paso, Tex.:*

In The Opinion—

That is a newspaper—

which is published in this city, and in other daily papers of different sections of the country, as, also, in the American press, is continued the publication of the statement that the Mexican Government has permitted that of the United States to transport by rail supplies destined for the American troops. Serve us by contradicting such statement, as it is false, for the Mexican Government has not granted permission for the American Government to use the railroads with the object of transporting supplies destined for its troops, nor for any other purpose.

AGUILAR,
Secretary of Relations.

That is only another instance of the attitude of the so-called Mexican Government. After recognition, when we were sending the punitive expedition, as we stated distinctly in assistance of the Carranza government, and not in opposition to it, when a railroad belonging to private parties ran directly to the points reached by our troops, when they had to cross the railroad two or three times pursuing their course, the owners of the road offered to turn over to the United States the rolling stock, but the Mexican Government refused to allow it to be used for any such purpose; it has refused from that day to this, and still continues to refuse.

Not only that, Mr. President, but I assert that I myself saw the official orders issued by the Mexican authorities to the authorities of that road not to transmit to them again any requests from us upon their personal responsibility; that is, at the risk of being backed up against an adobe wall and shot. I saw further the official documents served upon them to the effect that if they did not take charge of that portion of their road running from the city of Chihuahua west toward Madero and operate it immediately it would be confiscated, and that the entire road from El Paso south would also be confiscated.

What was the condition? Why, sir, by the American Government Americans had been ordered out of there; by the Carranza government Americans had been told to get out of there, and the trouble with the Mexicans themselves was that they could not operate the road, and it would have been necessary for us to take Americans in there to operate the road. It was impossible to do so without protection. This is the portion of the road upon which 18 Americans were killed in what is known as the Santa Ysabel massacre.

Why, sir, in this very district of Zacatecas, of which I was speaking a while ago, where starvation and death are the rule, there is one mine 1,800 feet deep, with over a hundred miles of underground work done by Americans. When I first went into that district, sir, 35 years ago, the average wage of the Mexican was 15 cents per day. To-day his wage is $1.50 to $3, or was before this revolution. Notice has been served upon the American owners of that mining property that if they do not open it up for work within 30 days the Carranza Government will take charge of it and proceed to operate it as a Government project. The same notice has been served as to all the other mines in the State of Zacatecas, and the same notice has been served as to the mines all over the Republic of Mexico, with the exception of two or three States. The foreign owners of those mines may have 40 days in which to open them for work—and this notice was dated 10 days ago—and if they are not opened up with a full complement of labor within 40

days from the date of the decree they will be confiscated, and the Government will take them over.

The Government will take them over! What will they work them with? Will they drive the Mexican miners at the muzzle of their rifles to the mouths of the shafts, and pay them 2 cents a day in money of this character—paper money? What will they live on? Why, Mr. President, Mexico is in a starving condition. The population of Mexico have nothing to eat. Everything is seized for the soldiers. The excess above the immediate necessities of the soldiers is shipped out of the country for gold for some official.

Mr. President, I do not see why our Government has seen fit, through some of its departments, at least to refrain from giving publicity to conditions as they exist in Mexico. I do not know why the Secretary of State should have thought it necessary to send in an incorrect list of Americans whom he claimed had been killed in Mexico when the Senate had not asked for any such list in this last resolution. There is not a word in this resolution which he was answering asking for any list of Americans who had been killed in Mexico.

I do not know why the Secretary of State should have seen fit arbitrarily to classify those Americans who have been killed. I do not know why he should have seen fit to indorse a statement that has been made, and is made repeatedly, to avoid responsibility by some Mexican, that a certain American was killed by an Indian. Why, sir, I want to tell you that the average Yaqui Indian is a 200 per cent better man than the average leader in the Carranza government—more truthful, more honest, more dependable, and more friendly to the Americans. I do not know why it is that, for instance, about the 16th of April I saw a telegram—because I watch those things—from the State Department to the effect that along the west coast of Mexico everything was all quiet and nice, and they mentioned Mazatlan. There was a telegram published from the consul at Mazatlan, saying: "Everything is all right; there is no trouble down here," when on that same day, written from Mazatlan on the 12th day of the month, I had a letter conveying to me information as to the death of Burke, Davidson, Wallace, and Roderigo at the hands of Mexicans, when they were getting out of the country because they had been warned by the Indians that the Mexicans were going to kill them. Their bodies were delivered to the American consul and buried by the American colony of Mazatlan, and the State Department took pleasure in publishing a telegram, on the same day that I got this letter written from there on the 12th, to the effect that everything was quiet at Mazatlan. It was—the quiet of the graveyard for Americans at Mazatlan.

Now, sir, what are we going to do? Is the President of the United States going to submit to this insult which has just been handed him by Mr. Carranza? Or, after taking a week to think it over, will he show any proper American resentment at the insult? I refer to it because there is a statement in the published article on this subject, that in its note the Mexican Government—

regrets to remark that the acts of the American military authorities are in absolute conflict with the above statements, and is constrained to appeal to the President, the Department of State, the Senate, and the American people, to the end that once and for all time the true political tendency of the United States toward Mexico be defined.

In this note, Mr. President, the statement is baldly made, so that anyone can read it who desires, that the President of the United States is playing politics with Mexico, to Mexico's detriment; that our action in keeping the troops down there is for home consumption; that our action there apparently, they claim, has something to do with the conventions which are to be held here in a short time. A more insulting document was never forwarded by one government to another or by any individual to a government. But the same influence which secured the recognition of Mr. Carranza may secure forgiveness, as it has in the past, for his continued exhibitions of antipathy and hostility to the United States. But what are we going to do?

Why, Mr. President, I have been in my seat here in the Senate and I have seen Senators rise in this body when Mexico and the outrages upon American citizens were referred to, and heard them proceed to abuse Americans and American interests. I have not only known that to be done in this body but I have known it to be done through the press, and I have known it to come recently from the administrative department of the Government in a public statement, to the effect that there were sinister influences, that there were liars attempting to cause trouble between this Government and the Mexican Government for their own selfish ends, that they might make money out of it.

Why, Mr. President, the "selfish" American capitalists and the "self-seeking" American mechanic and the "selfish" American mine laborer, at so much per day, and the "selfish" American spike driver and tracklayer have made civilization in Mexico. They had civilized Mexico until the time came when the muckrakers of this country were able to secure through an administration such action as by its intermeddling in the affairs of Mexico would overthrow civilization itself, and do away with the labor of the last 35 or 40 years and the results of the investment of American capital in Mexico. Why, Americans and foreigners have built every foot of railroad in the Republic of Mexico. They have constructed and they own every mile of copper wire in the Republic. They own three-fourths of the entire taxable property in the Republic of Mexico. Only 25 per cent of it belong to Mexican citizens. They pay the taxes. They support the government. They develop mines. They build factories. They build railroads. They build electric lines. They build and operate the street railroads. Every enterprise in the Republic of Mexico to-day of any consequence whatsoever or that was of any consequence up until four or five years ago, was built and operated by foreigners, not by Mexicans.

I have heard the descendants here of those who took pride at one time in the fact that American citizens were engaged in extending civilization throughout the corners of the earth—I have heard the descendants of those people, if not lineal descendant, at any rate, official successors, say that the Americans going across the line as Watson and his companions went to Santa Ysabel were almost criminals, because their action might result in causing some little trouble to some Secretary of State of the United States.

I have heard that statement made by Senators here; and when it was made my thoughts went back a few years to the time when there was a Senator here who knew something about the western people. I thought of the speeches that were made in this body at that time by Thomas H. Benton, of Missouri, when he, as an American, took pride in the fact that through the efforts of Crockett and of Bowie and of Travis and of Sam Houston and of the Burlesons and the Edwardses and the Austins and those whose names will always be a part at least of Texas history, a Lone-Star flag was raised on the southwestern border of this country; and they were not "criminals" because they had gone across the line, although their action did result, finally, in a foreign war. Their names are engraved, or those of some of them, upon a monument in such an epitaph as history has never written before: "Thermopylae had its messenger of defeat. The Alamo had none." And I can remember, through reading, when old Benton rose here and talked about those who raised the bear flag on the western coast, and carved the empire of California from that of Mexico, and who then were not afraid to defend it against the attacks of Great Britain and her Navy under Admiral Seymour, when he undertook to drive Fremont from Monterey. At that date, thank God, there was not an American who would call these men criminals, although they brought on a war with one country and defied the "Mistress of the Seas."

I say that those people living at Columbus, those people who have been carrying civilization into Mexico, are of the same blood, the same bone, the same sinew as those who raised aloft the Lone-Star flag on the one coast and the bear flag on the other, and added an empire to this country. I glory, sir, in the memory of those men, and in the fact that Missouri furnished a man who was willing and able to rise in his place in this Chamber and call attention to the fact that these were Americans, and who would have disdained to sit silent in his seat and allow them to be attacked as criminals by a President of the United States or anyone else.

I say to you, sir, that the American citizen is worthy of protection in Mexico or out of it; that the policy of this administration has been not only to ignore its duty in that respect but to place the American in Mexico at the mercy of every little petty tyrant, with the knowledge that even when damages were sought some subservient official of the State Department would cast doubt upon the proposition as to whether the heirs of that murdered American were entitled to even a few paltry dollars for damages.

Mr. President, I have finished.

During the delivery of Mr. FALL's speech.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico is entitled to the floor.

NEW YORK STATE BAR ASSOCIATION (S. DOC. NO. 454).

Mr. O'GORMAN. Mr. President——

Mr. FALL. I yield to the Senator from New York.

Mr. O'GORMAN. With the courtesy of the Senator from New Mexico I desire to state that some months since, at the request of the Bar Association of the State of New York, I submitted a resolution that a pamphlet, entitled "Second Report of the Committee on the Duty of Courts to Refuse to Execute Statutes in Contravention of the Fundamental Law," might be printed as a Senate document. The Committee on Printing favorably passed on the request, and I have deferred pressing the matter until now because of the desire expressed by one of my colleagues that he wished to be heard at the time I would make the request. He has advised me that he has no desire to speak on the subject, and I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection?

There being no objection, the resolution (S. Res. 116) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the pamphlet submitted by the Senator from New York [Mr. O'GORMAN] on January 26, 1916, entitled "Second Report of the Committee on the Duty of Courts to Refuse to Execute Statutes in Contravention of the Fundamental Law," submitted to the New York State Bar Association, be printed as a Senate document.

SERVICE IN HAITI.

Mr. HITCHCOCK. Mr. President——

Mr. FALL. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I ask the Senator to yield to me that I may submit a report from the Committee on Foreign Relations.

From the Committee on Foreign Relations I report back favorably without amendment the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes. I ask unanimous consent for the present consideration of the bill. (S. Rept. 518.)

The PRESIDING OFFICER. Is there objection?

Mr. JONES. Does the bill require any of our officers or men to serve there without their consent?

Mr. HITCHCOCK. No; this is necessary legislation to carry out the treaty with Haiti which was recently ratified by the Senate. An emergency exists for rather urgent action in the selection of new officers of the local constabulary. The House of Representatives has already passed the bill. It was favorably reported from the Committee on Naval Affairs of the Senate yesterday, and to-day it was considered by the Committee on Foreign Relations, to which it had been referred in order that it might have proper attention from that committee.

Mr. JONES. My recollection from hearing it read yesterday was that it authorizes the enlistment of our officers and men in the Haitian service.

Mr. LODGE. It does not.

Mr. JONES. It does not require them at all?

Mr. HITCHCOCK. Under section 10 of the treaty the United States is permitted to furnish the officers for their local constabulary. They are officers of our Regular Army.

Mr. JONES. Suppose one of our officers should refuse to serve, would he be liable to the penalties for insubordination or anything of that kind?

Mr. HITCHCOCK. No; of course it is a purely voluntary matter, being service outside of the country.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska for the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail to assist the Republic of Haiti such officers and enlisted men of the United States Navy and the United States Marine Corps as may be mutually agreed upon by him and the President of the Republic of Haiti: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States.

SEC. 2. That to insure the continuance of this work during such time as may be desirable, the President may have the power of substitution in the case of the termination of the detail of any officer or enlisted man for any cause: *Provided*, That during the continuance of such details the officers and enlisted men shall continue to receive the pay and allowances of their ranks or ratings in the Navy or Marine Corps.

SEC. 3. That the following increase in the United States Marine Corps be, and the same is hereby, authorized: Two majors, 12 captains, 18 first lieutenants, 2 assistant quartermasters with the rank of captain, 1 assistant paymaster with the rank of captain, 5 quartermaster sergeants, 5 first sergeants, 5 gunnery sergeants, and 11 sergeants.

SEC. 4. That the following increase in the United States Navy be, and the same is hereby, authorized: One surgeon, 2 passed assistant surgeons, 5 hospital stewards, and 10 hospital apprentices, first class.

SEC. 5. That officers and enlisted men of the Navy and Marine Corps detailed for duty to assist the Republic of Haiti shall be entitled to the same credit for such service, for longevity, retirement, foreign service, pay, and for all other purposes, that they would receive if they were serving with the Navy or with the Marine Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

After the conclusion of Mr. FALL'S speech,

FEDERAL RESERVE BOARD—INTERSTATE COMMERCE COMMISSION.

Mr. OWEN. Mr. President, the hour is growing late, and I understand it will be agreeable to the chairman of the Committee on Post Offices and Post Roads to have the unfinished business temporarily laid aside.

There is a bill relating to the amendment of the Federal reserve act, and which affects the system substantially, which passed the House on May 5, and which has been reported from the Committee on Banking and Currency for a good many days now, and I should like very much to have it disposed of. It is not very long. Recommendations on this subject were made by the Federal Reserve Board, and I believe the bill has the unanimous approval of the Committee on Banking and Currency. I know of no objection to the proposed amendment.

If it be agreeable to the Senator from Alabama to lay aside the unfinished business temporarily, I should like to make a motion to proceed to the consideration of that bill.

Mr. BANKHEAD. Mr. President, of course I am very anxious to have the Senate proceed with the consideration of the Post Office appropriation bill, but I realize the fact that it will perhaps be impossible to make any progress with the bill this afternoon. I am exceedingly anxious to accommodate Senators who have matters they wish to dispose of, and therefore I am willing to make a request to lay aside the unfinished business temporarily in order to give Senators an opportunity to dispose of the matters in which they are interested.

The PRESIDING OFFICER. Is there objection to laying aside the unfinished business temporarily?

Mr. WARREN. Mr. President, may I ask the Senator from Oklahoma whether this is a matter which is likely to lead to debate?

Mr. OWEN. I think not.

Mr. NEWLANDS. Mr. President, I have been waiting here all the afternoon hoping to get an opportunity to ask unanimous consent for the consideration of a bill reported from the Interstate Commerce Committee, providing for an increase in the membership of the Interstate Commerce Commission and the division of that membership into branches or divisions. It is a matter which has been brought to my attention by the President as being one of urgent importance and also by a committee of the Interstate Commerce Commission, who declare that the dispatch of business by that commission urgently requires not only the increase in its membership but the division of that membership into branches, so that each branch of three can separately consider the questions that heretofore have been considered by the entire commission. It seems to me a matter of such urgency that I will ask the chairman of the Committee on Banking and Currency whether he can not yield to that urgency.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

Mr. OWEN. Mr. President, I think the bill referred to by the Senator from Nevada will undoubtedly lead to debate. A change in the Interstate Commerce Commission, I should think, would undoubtedly lead to debate.

Mr. NEWLANDS. It will lead to debate, because I understand that the Senator from Wisconsin [Mr. LA FOLLETTE] is opposed to the bill and will resist it. I have given that Senator notice this afternoon that I would bring it up for consideration, and I shall feel bound to send word to him that we have it under consideration; but it is a matter of such urgency that I should like to have it disposed of if possible.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma that the bill he has indicated be now taken up by the Senate?

Mr. WARREN. While I do not object, I wish to say, with reference to a bill which is likely to follow it, that it seems to me rather late in the day to act on a bill which must lead to debate. I have a very small matter—a local one from my State—that will lead to no debate that I hope to bring up after the Senator has finished, and I hardly feel like consenting to taking up both of those matters ahead of it. I make no objection, however.

Mr. NEWLANDS. I wish to say that the proposal of the Senator from Oklahoma will also lead to debate, because I have in view some amendments to the Federal reserve act which I should like to insert, and I think——

Mr. OWEN. I decline to yield further.

The PRESIDING OFFICER. The Senator declines to yield further. Is there objection to the request of the Senator from Oklahoma?

Mr. NEWLANDS. I object, Mr. President.

Mr. OWEN. I move that the Senate proceed to the consideration of the bill (H. R. 13391) to amend an act approved December 23, 1913, known as the Federal reserve act, by adding a new section.

Mr. NEWLANDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oklahoma moves that the Senate proceed to the consideration of House bill 13391, to amend the Federal reserve act. The Senator from Nevada raises the question of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Nelson	Smith, Ga.
Brady	Harding	Newlands	Smith, Md.
Brandegee	Hollis	Norris	Sterling
Chamberlain	Husting	Overman	Sutherland
Chilton	James	Owen	Thomas
Clark, Wyo.	Jones	Page	Thompson
Culberson	Kern	Reed	Townsend
Curtis	La Follette	Shafroth	Underwood
Dillingham	Lane	Sheppard	Vardaman
Fall	Lea, Tenn.	Shields	Warren
Fletcher	Lee, Md.	Simmons	Williams
Gallinger	Lodge	Smith, Ariz.	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names—less than a quorum.

Mr. KERN. Let the list of absentees be called.

The PRESIDING OFFICER. The list of absent Senators will be called.

The Secretary called the names of absent Senators, and Mr. MYERS answered to his name when called.

Mr. BANKHEAD entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present. The question is on the motion of the Senator from Oklahoma that the Senate proceed to the consideration of House bill 13391, to amend the Federal reserve act.

Mr. NEWLANDS. Mr. President, I move as a substitute for that motion that——

Mr. OWEN. Mr. President, I make the point of order that the Senator can not move a substitute for my motion.

The PRESIDING OFFICER. The point of order is sustained. The question is on the motion made by the Senator from Oklahoma to proceed to the consideration of the bill the title of which has been stated.

Mr. NEWLANDS. Is the motion debatable?

The PRESIDING OFFICER. It is debatable.

Mr. NEWLANDS. I wish to state to the Senate that if this motion is defeated, I shall then move to take up the bill (H. R. 308) to amend the act to regulate commerce, as amended, and for other purposes. This bill amends section 24 and section 17 of the interstate-commerce act. It adds to the Interstate Commerce Commission two members, making nine in all. It provides for the division of the commission into three branches, so that each branch can enter upon the work that now occupies the attention of the entire commission.

The Interstate Commerce Commission is overloaded with work. The members of that commission are overworked. The business of regulating the great transportation interests of the country is lagging behind. This matter has become so important that a committee from the Interstate Commerce Commission called upon the President and urged that this particular subject of legislation should not be included within his recommendations that general matters of legislation relating to the amendment of the interstate-commerce act should be referred to a special joint commission or committee. He informed them that it was never his intention that this particular legislation should come within the purview of his recommendation, and wrote the chairman of the Interstate Commerce Committee of the House and the chairman of the Interstate Commerce Committee of the Senate stating that fact and urging the necessity of immediate action upon the matter which the Interstate Commerce Commission has had so much at heart.

Bills were therefore introduced in the House and in the Senate—in the House by the chairman of the Interstate Commerce Committee, Mr. ADAMSON, and in the Senate by myself. The matter was fully considered in the House by the Interstate Commerce Committee, a unanimous report was made, and the bill passed the House. That bill has been under consideration by the Senate Interstate Commerce Committee and it was reported favorably. I will read the letter from the President relating to this subject.

Mr. OWEN. Mr. President, I make a point of order against the Senator's comments, in that they are not addressed to the subject matter before the Senate.

Mr. NEWLANDS. I am endeavoring to show the importance of this measure.

The VICE PRESIDENT. The Chair has heretofore remarked that now and then in the Senate of the United States remarks are not strictly to the question in hand, but they are always in order.

Mr. OWEN. I move that the remarks of the Senator are immaterial and void. [Laughter.]

Mr. NEWLANDS. Mr. President, I will proceed. [Laughter.] The letter is as follows:

THE WHITE HOUSE,
Washington, February 14, 1916.

MY DEAR SENATOR: I had a call the other day from Mr. McChord, chairman of the Interstate Commerce Commission, during which I found that he was very earnestly in favor of the early passage of a bill authorizing the commission to divide itself into sections for the facilitation and more thorough treatment of its work, and that in this desire he was speaking for his colleagues of the commission. He wanted to know whether I thought that the passage of such a bill at this time would be inconsistent with my advice to Congress in my annual message to withhold further railway legislation until a thorough inquiry could be made by a special commission into the whole subject of railway regulation for the purpose of seeing in what direction we should next turn. I told him that it did not seem to me at all inconsistent with that advice, and that I was thoroughly in favor of the bill allowing the commission to divide itself into sections, because it was a merely administrative improvement and would, in my opinion, be a very vast improvement, not affecting at all any of the essential matters of legislative regulation. I promised him that I would write you to this effect, and I take advantage of this opportunity to urge very warmly the immediate consideration of the measure, which, I believe, is already formulated, for conferring this authority on the commission.

Cordially and sincerely, yours,

WOODROW WILSON.

Hon. FRANCIS G. NEWLANDS,
United States Senate.

Now, before the Senate committee appeared Hon. Edgar E. Clark, a member of the Interstate Commerce Commission, and I will read a few extracts from his urgent appeal for immediate action upon this subject:

Commissioner CLARK. Mr. Chairman, the commission has found that the volume of work demanding its attention has grown to such an extent that it is physically impossible for anyone to satisfactorily keep up with all of it. The theory of the law is that the commission shall act as a commission, and that the commission is responsible for all that it does, and its orders must be entered by a majority, at least, of the commission. We have discussed for some time every idea promising some relief which has occurred to us or been suggested by anyone else to our knowledge, and we have finally concluded that this arrangement would give some relief and work out more satisfactorily than any other that has been suggested.

This bill contemplates the addition of two members to the commission. We had some little difference of thought ourselves as to whether or not that was enough, but finally decided that two would suffice, and it was desirable to ask for as small an increase as possible, as we are all agreed that no addition to the number of commissioners would give any relief whatever unless it were coupled with authority for us to subdivide into groups of commissioners, each group to exercise the jurisdiction and power of the commission in the matter especially delegated to it.

Mr. OWEN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state the point.

Mr. OWEN. Under Rule IX "a motion to proceed to the consideration of any other bill on the calendar" shall be decided without debate, and the Senator is out of order under Rule IX, which I have read.

Mr. NEWLANDS. To what rule does the Senator refer?

Mr. OWEN. Rule IX, on page 12:

Each of the foregoing motions shall be decided without debate.

I have made a motion to proceed to the consideration of House bill 13391.

Mr. NEWLANDS. I have an impression that the Chair decided that debate is in order.

The VICE PRESIDENT. The Senator from Oklahoma will observe that Rule IX applies to the interim between the consideration of morning business and the hour of 2 o'clock. There is no way to stop the Senator from Nevada from talking.

Mr. GALLINGER. If the Senator from Nevada will permit me, the occupant of the Chair at that time did not understand that the Senator had moved to proceed to the consideration of another bill, but that he was debating the motion to take up a certain bill.

Mr. NEWLANDS. Mr. President, I am proceeding in order.

The VICE PRESIDENT. That is correct. The Chair does not understand that the Senator has completed his remarks.

Mr. NEWLANDS. I will state that the suggestion has been made that I should yield for a motion for an executive session. If such a motion is made, I will not stand in the way of it. Continuing Mr. Clark's statement:

To enlarge the commission without that proviso would simply mean nine men to discuss and agree instead of seven, and would, we think, take more time and make matters worse—in that light, I mean.

Now, as we think, the primary purpose of this act and the primary purpose of the work of the commission was to deal with questions of transportation charges, the reasonableness of rates, and questions of unjust discrimination or undue preference. The law provides that when

a complaint is made to the commission the commission shall inform the carrier of it, and unless the carrier satisfies the complaint the commission proceeds with the hearing.

The law in that respect seems to recognize the fact that there would be many instances in which the carrier would satisfy the complaint without formal hearing, and as we have gone along with our work of that character and trying to keep up with the increase of it and trying to administer it in such ways as are most expeditious and most economical, both to the Government and to the parties to the controversies, we have established three dockets.

Mr. OWEN. Mr. President, I make the point of order that on page 95, Jefferson's Manual, "no one is to speak impertinently or beside the question, superfluously, or tediously."

Mr. NEWLANDS. Mr. President, I am giving the reasons why this bill should not be considered, and I am giving the reasons why House bill 308 should be considered—reasons of great urgency; reasons affecting the dispatch of public business; reasons affecting serious consequences to the national service unless the bill is passed by to-morrow, for after to-morrow we must take up only consent matters for a period of nearly three weeks.

I wish to say that I have been waiting here for days in order to present this bill; that the chairman of the Interstate Commerce Committee of the House has been over here urging its passage; and that the members of the Interstate Commerce Commission are awaiting its passage with a view to a quick dispatch of the public business.

Mr. KERN. If the Senator will allow me, I should like to ask him whether he thinks a bill of this importance can be discussed properly and intelligently within the time named by him? Does he think that there would be any possibility of passing such a bill through the Senate between now and the time when the unanimous-consent agreement becomes operative?

Mr. NEWLANDS. We would have to-morrow for its consideration.

Mr. KERN. Does not the Senator understand that the bill will involve discussion, and considerable discussion?

Mr. NEWLANDS. I do not know. If it appeals to others as it has appealed to me, I assume that it will pass most expeditiously. I have never known a bill of greater merit. I have never known a bill of greater urgency in my experience as chairman of the Interstate Commerce Committee. I am urging it in good faith as a means of enabling the Interstate Commerce Commission to discharge the duties imposed upon it by law.

Mr. GALLINGER. Mr. President, the Senator is urging it in good faith at a bad time.

Mr. NEWLANDS. I may suggest that a motion to consider any bill at this time may be regarded as being urged at a bad time, but it is the only time within which I have had an opportunity, though I have been waiting an opportunity for days to present this measure. I regard it as a measure of the very greatest importance.

Mr. President, the usefulness of the Interstate Commerce Commission and the confidence of the public itself in it rest upon its ability to transact the business that comes before it, to dispatch that business with a due consideration of the evidence and the law, and to dispatch it as quickly as the proper presentation of the facts and the law will permit. That commission has been tied up for a long period of time by its constantly increasing burdens. Congress has year after year increased the jurisdiction of the commission without giving it the facilities for the rapid transaction of its business. Here is a proposal under which we will divide the commission into three divisions so that the commission can do three times the work within a given time that it is now doing.

I appeal to the good sense and the judgment of the Members of the Senate to support me in my efforts to have the bill considered.

Mr. OVERMAN. Will the Senator yield for a motion for an executive session?

Mr. NEWLANDS. I yield for that purpose.

SPEECH BY HON. CHARLES A. TOWNE (S. DOC. NO. 156).

Mr. CHILTON. Before the motion is made I should like to ask unanimous consent to have printed as a public document the speech of Hon. Charles A. Towne, former Senator of the United States, made at Elko, Nev., May 19, 1916.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened.

RELIEF OF SYRIANS.

Mr. CHILTON submitted the following resolution (S. Res. 209), which was read and referred to the Committee on Foreign Relations:

Whereas the attention of the people of the United States has been directed to the helpless situation in which many of the Syrians in the Mount Lebanon district have been placed, and that many thousands have perished from hunger and exposure; and

Whereas thousands of citizens of the United States, in practically every State of the Union, were either born in Syria or are the children of Syrians born in that country, and that thousands of American citizens are related by blood and affinity to many of the said suffering and helpless people; and

Whereas the people of the United States have demonstrated their sympathy for the suffering people on all sides in the great European war, having helped in a practical way the people of Belgium, Serbia, Ireland, Poland, and others, as becomes a nation which is neutral in this war and on friendly terms with all the belligerents: Therefore be it

Resolved, That, appreciating the sufferings of the Syrian people, it is suggested that the President of the United States set aside a day upon which a direct appeal to the sympathy of all American citizens shall be made and an opportunity shall be given for our public-spirited people to contribute to a much-needed fund for the relief of the Syrian people.

ADDRESS BY EDWIN M. BORCHARD (S. DOC. NO. 455).

Mr. LA FOLLETTE. Mr. President, I have a copy of an address delivered at the Lake Mohonk conference on international arbitration, May 18, 1916, by Edwin M. Borchard, formerly assistant solicitor, Department of State, which I ask may be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 3, 1916, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 2, 1916.

REGISTERS OF THE LAND OFFICE.

Joseph Oker to be register of the land office at Helena, Mont.

Henry Alexander Porter to be register of the land office at Vancouver, Wash.

POSTMASTERS.

ARIZONA.

Don C. Babbitt, Mesa.
John D. James, Metcalf.

CALIFORNIA.

Samuel T. Moore, Gilroy.

COLORADO.

Taylor B. Geer, Delta.

CONNECTICUT.

James E. Cuff, Danbury.
Charles W. Leet, Chester.

DELAWARE.

A. J. McCabe, Frankford.

INDIANA.

Daily C. Beverly, Lynn.
Earl K. Shalley, Berne.

LOUISIANA.

Teresa M. Stewart, Welsh.
Alvyn L. Woods, Lutcher.

MICHIGAN.

H. A. Cole, Paw Paw.
R. W. Doyle, Merrill.

MISSISSIPPI.

John A. Collier, Leland.
Andrew J. Darden, Centerville.
Kirk M. Heflin, Baldwyn.

NEBRASKA.

J. C. Chatelain, Peru.
L. G. Lowe, Sidney.
W. E. Roudebush, Chappell.

NEW YORK.

Manly A. Aiken, Kenwood.
C. J. Carey, Saranac Lake.
Richard J. Gilmer, Kings Park.
Robert C. Halpin, Hyde Park.
John Lenney, Potsdam.

OKLAHOMA.

D. W. Le Crone, Forgan.
H. A. Seaton, Mooreland.

OREGON.

John P. Houston, Vale.

PENNSYLVANIA.

John C. Bradley, Birdsboro.
L. J. Casey, Wilkes-Barre.
Milo G. Conlin, Duquesne.
Sorado Miller, Coopersburg.
Joseph Smith, Elkland.

TENNESSEE.

W. S. Regenold, McKenzie.

WEST VIRGINIA.

Richard C. Cooper, Farmington.
James J. Dunn, Rowlesburg.

WISCONSIN.

Myra W. Blanding, St. Croix Falls.
R. E. Bundy, Menomonie.
Alexander G. Krembs, Stevens Point.
Gilbert C. Roberts, La Farge.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 2, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, our heavenly Father, for a united country, strong in its material, intellectual, moral, and spiritual resources. Keep us, we beseech Thee, in touch with Thee, that we enter not into temptation and misuse the gifts with which Thou hast so abundantly blessed us, but lead Thou steadily onward and upward, that our influence may go out for good to all the world. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14864. An act to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 137. Joint resolution authorizing the Commissioners of the District of Columbia to make special regulations for the occasion of the National Capital preparedness parade on the 14th day of June, 1916, and for other purposes incident to said parade.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, had asked a conference with the House on said bill and amendments thereto, and had appointed Mr. CHAMBERLAIN, Mr. THOMAS, and Mr. STERLING as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes.

EXTENSION OF REMARKS.

The SPEAKER. With the consent of the House, the Chair wants to make a very brief statement. The remarks that I made here yesterday, eked out by printing two short articles in a magazine, ought to have gone in the back of the RECORD as an extension of remarks, and I so marked the manuscript. If there is any difference in the obligation of the Members of the House to pay attention to the rules and regulations, the Speaker is more under obligations than anbody else. I am sorry that this occurred.

Mr. GARNER. Mr. Speaker, I want to ask unanimous consent to extend my remarks in the RECORD by printing the address delivered by the Secretary of the Treasury at Raleigh, N. C., on the 31st ultimo.

Mr. MANN. It has been printed twice already in the RECORD.

Mr. GARNER. Then I do not care to extend my remarks. But this is such a good document that I thought it ought to be reprinted.

Mr. STAFFORD. The Secretary of the Treasury is being overworked nowadays.

NAVAL APPROPRIATION BILL.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent——

Mr. MANN. I ask for the regular order, Mr. Speaker.

The SPEAKER. The gentleman from Illinois asks for the regular order, and the regular order is that the House resolve itself automatically into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill. The gentleman from New York [Mr. FITZGERALD] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15947, the naval appropriation bill, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15947, the naval appropriation bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes.

Mr. KEATING. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

Mr. MANN. Mr. Chairman, there was one amendment that was passed over. What has become of it?

Mr. PADGETT. I was looking for the information that was requested from the department. I will present it when I get the information.

The Clerk read as follows:

Amendment by Mr. KEATING: Page 32, line 6, strike out "$142,000" and insert "$167,000: *Provided*, That the Secretary of the Navy in his discretion may expend $25,000 of said appropriation for the purchase of a dairy herd for the Naval Hospital at Las Animas, Colo."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the proposition.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the amendment.

Mr. KEATING. Mr. Chairman, the naval hospital at Las Animas, Colo., is one of seventeen naval hospitals, and the only one which is devoted to the care and treatment of tubercular patients. As most of the Members of this House probably understand, one of the great needs of such an institution is a sufficient and a reliable milk supply. The Secretary of the Navy, in a letter to the chairman of the Committee on Naval Affairs, has set forth the case on behalf of the Las Animas Hospital, and with the indulgence of the committee I will read the letter. The Secretary says:

NAVY DEPARTMENT,
Washington, April 14, 1916.

MY DEAR MR. PADGETT: The desirability of establishing at the naval hospital, Las Animas, Colo., a herd of milch cows to furnish pure milk for our consumptives from the officer and enlisted personnel there under treatment for consumption has been strongly brought to my attention by the reports from the commanding officer (Medical Director Barber) and others interested in this work.

Milk is the most important food for consumptives, and at present the milk supply is obtained from various small herds owned by farmers in the vicinity of Las Animas. This milk supply is carefully watched by the medical officer at Las Animas, and in general a sufficient and fairly high-standard product is obtained, but, of course, at a very high price.

The medical officer in command, Medical Director George H. Barber, United States Navy, is an unusually competent and well-equipped man for the work, and feels that if he could buy a small strip of land for pasturage and fodder and build the simple structures necessary for

holding the herd he could save between eight and ten thousand dollars a year and obtain a milk supply of the finest quality. The milk supply for this hospital during the past year cost $12,506.86. He states that he is able to purchase a small group of tough Holstein heifers with one or two blooded bulls at a very reasonable price, and from this start would breed the necessary increase to give a herd of sufficient size to furnish the adequate supply. Medical Director Barber besides being a doctor is a graduate of an agricultural college, and is an authority on agricultural questions in this section, so that I feel that he could successfully handle the problem.

When you realize that Congress makes no appropriation for the maintenance of this hospital, and that it is almost entirely supported from the naval hospital fund, which comes from the pay of the men, it would seem that the Congress could not do less than furnish them a supply of pure milk.

It is estimated that an appropriation of $25,000 for this purpose would cover all expenses and in a short time would save at least $8,000 a year on the item of milk.

The plan seems to me proper, just, and ultimately economic, and if you agree with me I would suggest that this item be added to the appropriation bill as follows:

"Naval hospital, Las Animas, Colo.: For the establishment of a dairy farm, including the purchase of land and stock and the erection of buildings, $25,000."

Sincerely, yours, JOSEPHUS DANIELS.

Hon. LEMUEL P. PADGETT, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

Mr. Chairman, this naval hospital, like other naval hospitals, is maintained by contributions from the sailors and marines in the service of the United States. Every sailor—from Admiral Dewey down to the humblest coal passer on a man-of-war—contributes so much every month to the maintenance of these hospitals.

The Las Animas Hospital is a monument to the work of the Bureau of Medicine and Surgery of the Navy. Originally President Roosevelt transferred the Fort Lyon Military Reservation, in Colorado, to the Navy Department, and through the contributions from the men of the Navy they have built up this great institution for the care of tubercular patients, practically without cost to the Government. But of late, owing to the action of the Secretary of the Navy in changing the method of assessing fines on sailors and marines, the receipts of the hospital fund have been very materially decreased. Prior to the present administration, when a sailor or a marine was fined the money was immediately turned into the hospital fund. Secretary Daniels has established a regulation by which when a man is fined the money is set aside, and if when his term of enlistment expires he can secure an honorable discharge, the entire amount is returned to him. If he can secure an ordinary discharge, then one-half of the fine is returned to him. If he is dishonorably discharged, the fine is turned back into the hospital fund.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. KEATING. Yes.

Mr. MANN. Will this involve the purchase of land?

Mr. KEATING. The amendment does not provide for the purchase of land. The original suggestion was that they should buy some dry land in the immediate vicinity for pasturage.

Mr. MANN. I understand the amendment does not; but will the land, if it is purchased, have to be paid for by the Government or out of the hospital fund?

Mr. KEATING. Under the amendment, if they purchase any land, they would have to pay for it out of the hospital fund.

Mr. MANN. Under this amendment; but still it is quite certain that if we buy the herd, and we have to pasture them, we will have to provide pasturage out of some fund.

Mr. KEATING. I presume that is true.

Mr. MANN. And I doubt whether the naval-hospital fund would warrant the purchase of land out of that fund. I do not know how much the Government owns there.

Mr. KEATING. About 600 acres, and when Dr. Barber was in Washington he told me that his plan contemplated the purchase of about 100 acres of what we know as dry land in Colorado, pasture land, which is not irrigated. The Government's land is very valuable.

Mr. MANN. I know the situation there. It takes a good deal of acreage for pasturage. This is at Las Animas.

Mr. KEATING. Yes. Dr. Barber estimated it would take 100 acres.

Mr. MANN. I can assure the gentleman that 100 acres will not go very far toward pasturing a $25,000 herd of cattle.

Mr. KEATING. That was the estimate Dr. Barber gave to me.

Mr. MANN. The gentleman evidently obtained a misunderstanding.

Mr. KEATING. I do not think I did.

Mr. MANN. It would require a great deal more land than that.

Mr. KEATING. The gentleman must remember that they have 600 acres there where they grow alfalfa and other feed for cattle, and the herd would not be compelled to live off the dry land.

Mr. MANN. I supposed that they used the 600 acres.

Mr. KEATING. They cultivate it, and they raise alfalfa and other crops. You can raise almost anything at that point in Colorado. They have about 600 acres of good irrigated land. Dr. Barber is a curious combination. He is an expert agriculturist, as well as a physician, and he takes a great deal of pride in this farm.

Mr. TALBOTT. What is the size of the herd?

Mr. KEATING. The estimate here is $25,000.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MANN. Mr. Chairman, unfortunately, I have had to know something about tuberculosis. There is no cure for tuberculosis by ordinary methods. Medicine does not have any material effect, practically, and the only chance for cure is fresh air and good food. They have fresh air in great quantity out in Colorado, and they do not have the good food unless it is supplied in some way. In general there is nothing more important in the way of good food for tubercular patients than milk and eggs; and if we have a hospital, as we have out there, for those who are afflicted with tuberculosis, having acquired the disease while in the Navy, and we send them out there for possible cure or maintenance, it seems quite appropriate that we should provide those patients with good food, with the hope that they may be able to recover. I have no doubt they do the best they can now, and that probably is very good, in the way of the purchase of milk, but I have no doubt that they could do much better if they acquired a herd of cattle of their own—milch cattle—over which they would have perfect control. I hope the amendment may be agreed to.

Mr. FOSTER. Mr. Chairman, I hope the gentleman from Wisconsin [Mr. STAFFORD] will not insist upon the point of order to this important amendment.

Mr. STAFFORD. I hope the gentleman will advance some reasons that have not yet been advanced why the Government should go into the dairy business. I believe it is subject to a point of order.

Mr. FOSTER. Mr. Chairman, I suggest, in justification of the amendment, that here is a hospital, located out there for the treatment of those boys in the Navy who may be unfortunate in contracting what everyone knows to be one of the worst diseases with which the human family has to contend, and, as has been said, the treatment largely, if it is to do any good, must be out in the open air, with plenty of proper and nourishing food. Buying milk, as I understand they have to do, from different dairies in the community is not the best way of securing pure milk for sick people.

Members of this House, no doubt many of them, have gone out to the Soldiers' Home, located in the north part of the city, and have seen the beautiful herd of cattle which they have there which furnishes milk for the soldiers who retire from the service and go into that home. No one can help but admire what is being done there, and I am sure as much can be done for the hospital in Colorado as is done for the Soldiers' Home here in the city of Washington. I think this amendment an important one, because it does give to these people who have control of the supply of milk an insurance that they will have a pure supply for food for these people. I think it is important, and I think a great naval bill, when we are spending this year more than $269,000,000 for preparedness, we should not forget those who are in the service and are unfortunate enough to have contracted this disease. I hope the gentleman from Wisconsin may see his way clear to withdraw the objection to the amendment and permit it to go through.

Mr. STAFFORD. Mr. Chairman, no reason has been advanced here so far——

Mr. PADGETT. Will the gentleman permit me to make a suggestion?

Mr. STAFFORD. Just one moment—why these inmates can not obtain good milk from private parties.

Mr. PADGETT. Will the gentleman permit me to state to him that down here at Annapolis they supplied the Naval Academy with milk purchased in the market, and they had epidemics of all kinds of stomach and bowel diseases and typhoid fever and other troubles, so that the condition became alarming. A commission was appointed to investigate, and after a great deal of investigation they found it was traceable to the milk. Thereupon Congress authorized the establishment of a dairy at Annapolis, which has been operating several years, and disease has been reduced marvelously, almost to a minimum, and the results accomplished have many, many times justified the wisdom of Congress in establishing a dairy at Annapolis.

In addition to that it has proved an economic investment, and for that reason I hope that the gentleman will not insist on his point of order.

Mr. STAFFORD. Mr. Chairman, I decline to yield further. We are all acquainted with the management and control of educational institutions. Most of us have attended them and have eaten in the commons managed by college authorities. The condition that the gentleman has stated existed at Annapolis was the fault of the supervisory officials in not analyzing the milk and getting the proper certification from private purveyors. I stated yesterday that this bill was becoming a public-building bill, and now it is sought to make it an agricultural and dairy-herd bill. I insist on the point of order. I do that because there are a great number of gentlemen here who have a number of amendments yet to offer. I would like to have this discussed for an hour or two, but we have not the time. I call the Chair's attention to the Manual, page 366, paragraph 822. I make the point of order that it is new legislation. It is admitted by the proponent of the amendment that the appropriation is necessary to purchase land additional to that now existing, and I direct attention to section 822, which reads as follows:

Appropriations for new buildings at Government institutions have sometimes been admitted when intended for the purposes of the institution; but later decisions, in view of the indefinite extent of the practice made possible by the early decisions, have ruled out propositions to appropriate for new buildings in navy yards and other establishments. Appropriations for new schoolhouses in the District of Columbia, for new Army hospitals for new lighthouses, armor-plate factories, and for additional playgrounds for children in the District of Columbia have also been held not to be in continuation of a public work.

This amendment I repeat, Mr. Chairman, is intended to purchase additional land to that owned by the Government, an additional institution connected with the existing hospital.

The CHAIRMAN. The amendment states that the purpose is to purchase a dairy herd.

Mr. STAFFORD. The letter the gentleman read said that it would be necessary to purchase additional land, and he has admitted that it would be necessary to purchase additional land.

The CHAIRMAN. The Chair can not go outside of the amendment, and it does not take a farmer to know that a dairy herd does not consist of land.

Mr. STAFFORD. The proponents of the amendment have admitted to the House that the purpose of the amendment is to acquire additional land.

The CHAIRMAN. The Chair is prepared to rule. The paragraph already provides for the "purchase of and feed for horses and cows." This amendment provides for a dairy herd, and the Chair thinks that where cows are authorized to be purchased money to purchase a dairy herd is clearly in order. The Chair overrules the point of order.

Mr. CRISP. Mr. Chairman, I hope this amendment will be adopted. I have had some experience, and my experience is personal, with this particular disease. A little over two years ago my physician in Washington told me that I had a spot on my lungs and I ought to go West. At that time I had rather have been shot, for I thought that the disease was a loathsome and incurable one. I then weighed about 110 pounds. My colleagues will recollect how I looked.

I went to Colorado and spent seven months at Colorado Springs. If my colleagues could see, as I saw out there, the thousands of people who were seeking health, I am sure they would be glad to do anything to extend and hold out a helping hand. It is the one disease that depends on fresh air and nourishing food for recovery. I spent three months in bed out on a sleeping porch in a tuberculosis sanitarium, and my diet consisted largely of milk and raw eggs, nourishing food, and I learned, Mr. Chairman, that the only chance for people afflicted with that disease for recovery was fresh air, nourishing and pure food.

This amendment tends to insure to the inmates of this naval hospital pure food, essential to their recovery. I can testify to the beneficial effect of the Colorado air if you will aid it by nourishing, pure food. I know that I have recovered from my affliction, and it was due to the Colorado air plus pure food. I hope with all my heart that this amendment will be adopted, for it is a step toward supplying the inmates of the naval hospital with pure food. [Applause.]

Mr. BENNET. Mr. Chairman, I do not think I will take more than a moment to testify as to the value of this particular hospital. When I was in Congress before, a midshipman who had been appointed to Annapolis by my predecessor contracted tuberculosis of the leg. He was sent to this hospital at Las Animas, and I followed, as a layman, the course of treatment that they gave and also submitted it to physicians. I was impressed at the time with the skill and care that the inmates of the hospital were given. Everybody who knows anything about tuberculosis patients knows that they require a great deal of milk. Anybody who knows anything about the West knows that it is difficult to get it. This is an amendment which, though paternalistic, is in the nature of progress, and for the benefit of humanity, and I sincerely hope that there will not be a single vote against it in the whole House.

Mr. HOPWOOD. Mr. Chairman, I had a very similar experience to the one just related by the gentleman from New York. A young man in my district went to West Point. He was about 6 feet in height, weighing nearly 200 pounds, and was put on the football team; he was a magnificent specimen of physical manhood. Yet he contracted tuberculosis there. There was no hereditary taint in his family. He is at present being treated in the hospital in New Mexico.

So while I am against paternalism and against Government ownership generally, yet I think a herd of cows to give good milk for these young men we have in the Government service would be a splendid thing, particularly where they have already contracted this disease and are at the hospital to be taken care of and cured if possible. So in this case I hope that every Member present will vote for this amendment. [Applause.]

Mr. O'SHAUNESSY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island? [After a pause.] The Chair hears none.

Mr. KINKAID. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. McCRACKEN. Mr. Chairman, I make the same request.

Mr. SNYDER. Mr. Chairman, I desire to extend my remarks in the RECORD.

Mr. FOSTER. These remarks will be upon the bill?

The CHAIRMAN. On the bill.

Mr. WHALEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to these requests? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, yesterday we passed over an amendment with reference to an appropriation for a shop, and so forth, at Norfolk. The amendment offered provided for a shop and facilities, and I understand that the amendment is for a shop, and I wish to offer a substitute for the one I offered yesterday.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to withdraw the pending amendment and offer the following as a substitute. The Clerk will report it.

The Clerk read as follows:

Page 21, line 16, after the figures "500,000" insert: "One structural shop to cost not to exceed $1,000,000, $400,000. Salvage and tools, $50,000."

Mr. MANN. Mr. Chairman, reserving the right to object for a moment, how long will this take?

Mr. PADGETT. Only a few minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to be heard on this amendment.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the letter I have from the Secretary be read. That is all I desire to state in this connection.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. Is there objection to the request of the gentleman to withdraw the previous amendment and substitute this? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire recognition at the proper time.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, June 2, 1916.

DEAR CONGRESSMAN: I can not emphasize too strongly the imperative necessity for the efficiency of the Navy of the inclusion in the pending naval bill of the item recommended by the Secretary of the Navy in his letter to the chairman of the Naval Committee of May 22, which provides for a structural shop at the Norfolk Navy Yard, at a cost not to exceed $1,000,000, of which $450,000 is to be made immediately available.

The total destruction by fire of the ship-fitters' shop at Norfolk has made this a matter of the greatest importance; and unless the item is included in the bill, not only will the completion of the destroyer to be built at that yard be indefinitely delayed, but repairs to such battleships as are assigned to that station will be a matter of great difficulty; and the delays that will ensue, owing to the lack of facilities and a ship-fitters' shop, will, in all probability, prevent the dreadnaughts from being repaired after the summer maneuvers in time to take part in the winter maneuvers at Guantanamo. You can well understand what a serious blow to the efficiency of the fleet this would be and the just criticism to which we would be exposed if we had failed to provide proper facilities for this work.

The strategic position of the Norfolk Navy Yard makes it one of the most important naval stations that we have, and the shortsighted policy of past years which has prevented us from having proper buildings and equipment at that place has always seemed to me an amazing instance

of inefficiency and maladministration. Even had the fire not occurred, if we are to have an up-to-date and proper shore equipment for our fleet, which is as vitally necessary as the fleet itself, we would be compelled to replace the ancient and dilapidated structures at Norfolk, many of them built before the Civil War, with buildings fitted for modern machinery at the earliest possible moment.

Realizing this, the department, after the most careful investigation, and remembering always the necessity for the most strict economy, has prepared plans for the development of the yard. These plans include a new building for the ship-fitters' shop, located near the dry dock, and containing bays for the boiler shop, blacksmith shop, sheet-metal and pipe-fitting shop, and mold loft. All of these shops at present are so ill fitted for their purpose as to make the cost of work at Norfolk greater than it should be, and merely as an economical proposition proper shops would pay for themselves many times over. It would be the most foolish kind of penny-wise and pound-foolish policy to attempt the erection of a mere temporary shed of the same kind to replace the building destroyed by fire.

The appropriation asked for is extremely moderate when the facilities that it will afford are considered; and it is obviously wise, now that the immediate necessity of some kind of a ship-fitters' shop has arisen, to erect at the same time the permanent building designed for that purpose and which is to include the other obsolete shops, so that the general plan for a proper yard at this point can be carried out. Therefore I feel sure the Congress will not hesitate to include the appropriation.

In addition to this amount, an amount of $50,000, to be immediately available, has been asked for to cover the salvage of the tools partially destroyed or seriously injured by the fire. I trust you will urge upon Congress the importance of the construction of this building, which is as much needed if we desire real preparedness, as new ships, and which, owing to the fire, can not be longer delayed.

Very truly, yours,

FRANKLIN D. ROOSEVELT,
Acting Secretary of the Navy.

Hon. E. E. HOLLAND, M. C.,
House of Representatives.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. MANN. What is now being built at this navy yard?

Mr. PADGETT. Vessels; I think they are set out in the report, but I could not tell the gentleman offhand.

Mr. MANN. Well, the Secretary says a destroyer, which can not be completed owing to the lack of this building, and that it is very necessary to have this building in order to get an early completion of the destroyer. What I wanted to ask was, in view of the fact that this building is to cost a million dollars and that only $400,000 of that is to be used next year from next July, when do they expect to start the work again on that destroyer?

Mr. PADGETT. I do not know of any other, except that one destroyer.

Mr. MANN. Very well; then they will not commence work on that destroyer again, according to the Secretary's letter, for two and a half years. Does anybody call that speeding up? What they need over there in the Navy Department is some kind of a logician, so as not to mix their dates and say they want to build a building in order to finish a destroyer hurriedly, and then only propose to appropriate two-thirds of the cost of the building to be used for the next year and two months. That is neither logic nor sense.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to speak on the amendment. I wish some one would tell us when this fire at Norfolk took place.

Mr. HOLLAND. The 18th of May.

Mr. MOORE of Pennsylvania. Of the present year?

Mr. HOLLAND. Yes, sir.

Mr. MOORE of Pennsylvania. Mr. Chairman, I wish to express my great pleasure at being able to indorse a proposition that comes from Norfolk, even though it comes at an unusual time and under extraordinary circumstances, when other propositions that ought to be taken care of are not provided for in this great bill.

I am glad also to observe that the Secretary of the Navy has such a fine regard for details at this particular juncture as to send us a letter three or four pages in length about the necessity for this million-dollar building at Norfolk, although the chairman of the committee admitted yesterday that the building burned at the Philadelphia Navy Yard three of four years ago has not yet been restored. It must be a matter of a great deal of satisfaction to all to see how gentlemen who are in power take care of their own.

The Speaker of the House, in the discussion of the flood bill the other day, indicated that the time had come for good Democrats to take care of their own, and it is wise in this day and generation of power, perhaps, that they should take care of their own. I am inclined to agree somewhat with the gentleman from Kentucky [Mr. THOMAS] that to the "victor belong the spoils," and that while the spoils hold out we who have the power ought to go out and get the spoils.

Now, here is an opportunity under the stress of preparedness to replace an old burned building that was worth a few thousand dollars by one that is to cost a million dollars. You are going to do it in order "to speed up the Navy" by appropriating $400,000 now, but you are smart enough to provide that you shall get the remaining $600,000 from some other administration. You are taking care of your own and you are doing it while you are in power. I think it is best that you should do it now, lest the chance may not come again.

Now, everything the Secretary says about the Norfolk Navy Yard is substantially true. It is a splendid navy yard. It does have some old and dilapidated buildings that antedate the Civil War. That is true, and there ought to be a reconstruction of some of those buildings, but it is true also that the Secretary of the Navy has been familiar with this fact since he has been in power, for he has not overlooked other improvements at the Norfolk Navy Yard.

However, I am for it. I want to see the yard built up. Geographically it is one of the most important naval stations along the Atlantic coast. I hope it will be restored to great power and usefulness as a navy yard, and I hope you will continue to build it up under this present administration, so that it will be all ready for us when we come back into power next year. I want to indorse my friend from Virginia [Mr. HOLLAND], who has been active in getting this appropriation. We of other yards have not been able to get letters like this for similar projects. We were not able to get letters for projects in the rivers and harbors bill even from the President. So, let the good work go on while you have the power. The letter-writing plan is a good one. Evidently somebody got a letter to put the Cooper River into the naval bill. You remember we could not get it into the rivers and harbors bill. It was all booked to go into the rivers and harbors bill, but there was a hitch somewhere. It was left to the gentleman from South Carolina [Mr. WHALEY] to find a way, just as love is sure to do, and $175,000 for the sole purpose of dredging a river goes smoothly into the naval bill. No wonder the gentleman from Tennessee [Mr. PADGETT], the able chairman of this committee, prefers to move under a rule that prevents points of order against any paragraph in his bill. No wonder gentlemen want to agree to have no debates in the House but their own, when these matters, based upon departmental letters, are covered in their bill.

Mr. Chairman, I am for this appropriation in Norfolk. I am glad they got it. I am glad the Secretary saw the necessity for it, and I compliment the gentleman from Virginia for his activity in that regard.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in three minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment be closed in three minutes, two minutes to go to the gentleman from Michigan [Mr. KELLEY] and one to the gentleman from Illinois [Mr. BRITTEN]. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois is recognized for one minute.

Mr. BRITTEN. Mr. Chairman, I hope this amendment will prevail. It is up to the House to develop that yard in every way possible. It is one of the few very good yards in the naval service. I want to call to the attention of the House the suggestion in the Secretary's letter regarding this amendment as being as important to the service as two battleships would be. That side of the House defeated the two-battleship amendment on the floor of the House. I suppose that my good friend from Virginia [Mr. HOLLAND] brings in this amendment in lieu of the two battleships that you gentlemen kept out of this great national-defense bill. You all appear willing to appropriate in special directions on land, but you are equally strong against appropriations for the sea.

Mr. KELLEY. Mr. Chairman, the navy yard at Norfolk is one of the most important navy yards on the Atlantic coast. It is particularly important because of the fact that from Norfolk south there is practically no yard where large ships of the Government can be repaired. For a good many hundred miles from Norfolk, clear around to the South as far as New Orleans, we have no yards at which there is a dock large enough to take care of the dreadnaughts of the fleet.

Now, it has been said a good many times by military experts that probably if we ever have a naval war it is more than likely that it will take place somewhere in the Caribbean Sea, near the entrance of the Panama Canal. Norfolk would be the nearest yard in which ships disabled in such a battle could be repaired.

Now, we have put in this bill an appropriation for another dock at Norfolk. The old yard there is not adequate and should be thoroughly reorganized and built up around this new dock which we are going to put in. This building, to replace the one recently burned, can be added in harmony with the

new plan for grouping buildings at the Norfolk yard. The buildings are old, the machinery is old, in the Norfolk yard, and the Government should at the earliest possible moment take such steps as will make it one of the leading yards of the country. And I hope the amendment to erect this building will prevail.

The CHAIRMAN. The Chair understands the gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to withdraw an amendment offered yesterday and offer in lieu thereof——

Mr. MANN. That was agreed to this morning.

Mr. PADGETT. That was agreed to, as I understand.

The CHAIRMAN. The question, then, is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I want to correct some totals. On account of the hospital amendment and this amendment it makes it necessary to correct the totals.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 17, strike out "$792,000" and insert "$1,142,000."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 29, line 6, strike out "$6,674,975" and insert "$7,124,975."

The amendment was agreed to.

The Clerk read as follows:

Page 32, line 25, strike out "$859,500" and insert "$884,500."

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have 15 or 16 amendments. I ask unanimous consent that I may present them seriatim under the five-minute rule.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] states that he has 15 or 16 amendments.

Mr. BRITTEN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] objects. The Clerk will report the first amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: "Page 11, line 6, after the word 'California,' in line 5, strike out the word 'namely'; also, on the same page, line 24, after the word 'island,' strike out the word 'namely.'"

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may proceed for 20 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 20 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MOORE of Pennsylvania. Mr. Chairman, we have reached a point in our parliamentary procedure in the House where attention should be called to what we may term "government by rule"—the constant changing of the existing rules by which we are supposed to be governed in the House to suit the convenience of the party in power, whatever that party may be. Instead of following the regular rules which we have laid down for our guidance here, we have recently come to be governed by special rules, brought in without notice on special occasions, for special purposes, to the great prejudice of the order of the House and of every working Member who desires to do his full duty by his constituents and the country, and, I may also add, to the prejudice of our Government, since much of the legislation that slips through the House by reason of special rules and the lack of interest of Members, because of their knowledge of the power and effect of special rules, is a reproach to the Government.

I want to enter my protest against this tendency to "government by rule" or even by unanimous agreement. As one Member of the House I am inclined to feel that the power of the individual Member should be exercised more often than it is with respect to these special rules and agreements made for the conduct and operation of business without previous notice.

What is the present situation? We have a rule here, under which the Navy bill is being crowded through, more drastic than any rule brought in within my knowledge. It puts it within the power of 21 men to practically control the business of the House; not that those 21 men are not efficient or are themselves to be unduly criticized, but that this special-rule practice if continued will ultimately put all power in one committee, or in any small group of men, to transact the business for the entire body of 435 Members.

I protest not only against this kind of "government by rule," but I protest also in favor of the right of the individual Member to be heard, whether he happens to be upon the committee bringing in a bill or not. I have no personal interest in anything in this bill, of course, but the people whom I represent have, and it is important that their Representative should have his right to speak for them preserved. In effect, all Members not upon the committee have been barred from offering amendments to the bill until the last few hours. Under the special rule, or the agreement, committee amendments have had precedence for five days. Observe how anomalous this is. The chairman of the committee, the gentleman from Tennessee [Mr. PADGETT], who, by the rule and partly by an agreement, entered into between himself and the minority members of the committee, holds the floor and the power here, comes from a district where no ships are built and where the Navy does not penetrate, while I, who have been thus far denied the right to offer amendments, come from a district bordering a river upon which we build the greatest number of the ships of the navy, as well as of merchant ships, and where we produce most of the workmen and material; but up to the present time, five days having been devoted to general debate and to amendments coming solely from the committee, the minority and the majority side alternating, there are but two hours left in which I or other individual Members of the House of 435 in number, may have an opportunity to offer an amendment or be heard on any proposition under the five-minute rule. With a number of gentlemen waiting to offer amendments and others desiring to discuss them, it is apparent the rule will foreclose some of them.

Now, I have great respect for the members of this committee on both sides, but I submit that being upon a committee, sitting as this committee has done, apart from the House, for four months, saturating itself with the business that comes before it, commendable and laborious as that may be, does not give the committeeman the exclusive right to dispose of the public funds or to come upon this floor and absorb all the time for discussion, taking away from the great mass of Members their right to be heard upon questions vitally affecting their constituents.

Although this committee has been in session three or four months, taking an enormous amount of testimony, hearing the statements of admirals for and admirals against the provisions of the bill, it was still divided when it came upon the floor. Under the special rule it practically ignored the Members of the House but went on fighting the battle over again here just as it must have done in the committee room. It seems to me that we are the judges of these committees when they come upon the floor. After they have had a fair chance to present their case on either side there should be an opportunity for other Members of the House, who may have greater interests at stake than they have and who may look upon some of their findings from a different viewpoint. I suppose that is a part of our business.

The gentleman from Tennessee, however, is naturally a little jealous of his bill. I admire him personally and count his friendship worth while, but he ought not to be so zealous in forcing his bill as to prevent an ordinary amendment here and there though it comes apart from the exclusive precincts of the committee room.

Is the bill subject to criticism? Yes; in many particulars. There are 50 different items that I have marked which might be the subject of inquiry upon this floor. There are items relating to Government ownership, to the expenditure of money for the erection of factories and of foundries to go into competition with private business; items for the appointment of commissions, and officials to be chosen by the President and the Secretary of the Navy, without regard to the civil-service law. I am not prejudiced in their favor.

There are provisions here which increase the power of the administrative body; they might be the subject of discussion if we could take them up separately and discuss them on the floor. But the gentlemen who operate under the rule have covered their tracks. They bring in their bill carrying an item for dredging the Cooper River in South Carolina; for these commissions and Government-owned industries to which I have referred. Why, they have even introduced some agricultural items. All these would be subject to a point of order if we could reach them, but the rule settles the business. Points of order will not lie. We must swallow all these items, including the Government armor-plate plant, because the special rule establishes their right. They may be wrong, but we have to accept them. The rule makes the point of order useless. We take the provisions without reading them separately and without amendment, and we make extravagant appropriations in special instances, because we are compelled to do it under the rule. Vote the bill up with its bad features or vote it down with the good.

There is no recourse under the rule. Hence, the ordinary procedure in this House does not prevail, and the committee becomes an autocracy which the body of the House must follow at the pleasure of the committee.

They have provided for advertising here—advertising in various forms. Why not discuss that? One of the great troubles we have with the young men who go into the Navy is that they are frequently deceived as to the kind of service they are going to perform, and the first thing we know Members of Congress are appealed to to get them released from a service which they did not comprehend. We provide for advertising here, to lure them on. It is well known that the Navy is undermanned, and the reason commonly ascribed is that we do not pay the enlisted man enough to keep him happy. Yet we are providing sums of money, and have no time for an explanation of it, to induce young men who may look at our alluring pictures, to believe they may lie under the green trees and loll upon the green grass and take life easy in foreign countries if they join the Navy. How quickly some of them are undeceived. Why not talk about this?

Here is a provision of the bill that might be considered on the floor, if we could get at it—the pay of the enlisted men. I think we should pay the rank and file in the Navy, as well as the Army, more than we do. The gentleman from Tennessee [Mr. PADGETT] was rather blunt the other day when I asked him what was the pay of the enlisted men in the Navy. He brushed it aside and would not answer. Now, I ask you gentlemen, what is the pay of the enlisted man in the Navy? One gentleman responds, "Fifteen dollars a month." Another gentleman responds, "Sixteen dollars a month." What is it? Who knows; and if it is $15 a month or $16 a month, what young man with any spirit about him is going to join the Navy and become one of Winston Churchill's groomsmen to an officer if he gets only $15 or $16 a month? [Applause.] I do not mean to be ungenerous to those in authority, for I am a firm believer in discipline, but I likewise believe in fair pay for military or naval service. If I had the opportunity I would move to make the minimum pay of the enlisted man $20 per month, but I am precluded from making that motion.

When we look at the bill and find that we are taking care of the officers, increasing the upper end of the force along the line, and that we are paying to officers substantially half as much as we pay to all the 65,000 enlisted men provided for in the Navy, is it any wonder that young men do not enlist in the ranks? Is it any wonder that the complaint goes abroad that our ships are undermanned? It might be well if we had a chance to discuss these matters, but the committee has monopolized the time.

I have not time to go into all the things suggested by this bill. I would like to have some of my amendments considered, and shall hope to save some time for them. The one I have offered is a simple one, but it shows the risk we assume in having thrust upon us here a bill of a hundred pages without the opportunity of reading it paragraph by paragraph. I challenge any 10 men in this House to rise and say that they have read this bill paragraph by paragraph. I challenge them to say whether, since the bill was read in full, without interruption, under the rule, they have been able to discuss 10 separate paragraphs apart from those that were brought in by the committee. My little amendment is of a clerical nature; it strikes out two superfluous words in the text. They would certainly have been observed if the bill had been read in the regular way. In due course I propose to offer several amendments to this bill, although I realize that the limit of time has been fixed and the hour for the guillotine to fall is near at hand.

If I get the chance, I propose to make an inquiry with regard to the Cooper River, and shall inquire why that paragraph is in the bill. I am glad it is here, but it is a dredging proposition and a subterfuge in a naval bill. The dairy business is also in the bill. There are three or four Agricultural Department items in the bill. Have you discovered them? They are there. We are also providing for specialists and experts in the naval bill, very much as we did in the Agricultural bill, to be appointed by the Secretary. We must not mention it, under the rule. We are providing a little money, not much comparatively, for preparedness camps. We might inquire about that, but there is no time. Who has discussed these questions?

Then, we are going to put up $1,500,000 for an experimental laboratory, and the people who are to be employed are to be appointed by the Secretary of the Navy. For what reason do we authorize a limit of cost of $1,400,000 for a Government projectile plant, and where is it to be located? How many men are to be employed? Who is to appoint them? What are their salaries? Is it to be done as it was in the Agricultural bill? Of course a few more office-holders will not hurt. You have created 30,000 of them in three years. Let us have a few more before you go out! Is that the idea? Is that the program? I do not know why we should not have an opportunity to discuss these things.

Then we are going to change the furlough system. How many have thought about that? One half of your trouble today is your inability to get young men out of the Navy after some of them have tired of it. You can not get them out in some instances except by purchase. Yet that furlough system is to be changed. It may be good or it may be bad, but why do we not have an opportunity to discuss it upon this floor?

Yes, gentlemen, a little claim has crept into this bill. Capt. Crapo of the United States Navy got mixed up on $360 somewhere down in Key West, Fla. If any ordinary Member had presented that claim through a bill, he would have had to go to the Committee on Claims and wait until his hair was gray before he recovered. But observe, under the rule, no point of order will hold, and Capt. Crapo gets his money in the naval bill. A short cut to justice. I congratulate the captain. I wish we could do that in other instances, but I am not surprised that gentlemen who succeed in this way under a rule do not want to have these bills discussed in the open in the same way that other bills are discussed on this floor.

Then we come to the reserves—a very important matter, but what do we know about them? We are going to have six different kinds of reserves. The boys who have yachts and those who are to march in the great preparedness parade, with the President in the lead, on foot. We are going to have six different kinds of them. Great Scot! One hundred and fifty thousand of them in New York last week; how many of them in Washington I do not know, but I do know that actual enlistments all over the United States of men equipped for real fighting have not exceeded 7,000 for the Navy since the 1st of January last. A splendid thing this reserve may be for the yachting boys who walk the upper deck of a 40-foot sloop. [Laughter.] But why does not the committee discuss it?

The bill provides that if you join this naval reserve in one form or another, the fact that you want to get a public place will not interfere. There is to be no prejudice against those who join the reserve if they apply for a public job. I want to amend the bill by suggesting that after they get a public job—and 30,000 good Democrats have been placed during the last three years—there would be no prejudice against them if they joined the reserve [laughter and applause on the Republican side], but I may not have a chance to introduce that amendment.

Now, on page 51, it is provided that the members of the naval reserve shall "be issued" a distinctive badge. I do not like that language. I want to amend by providing that members shall not "be issued," but shall "receive," a distinctive badge, and so forth. But there is no chance now, under the rule and the accompanying agreement, to make any correction of that kind.

These boys are also to get a "uniform gratuity." Whether it is a "gratuity" that is to be uniform or a gratuity that is to purchase a uniform I can not make out. [Laughter.] I do not like the word "gratuity." I want to move to strike it out. I do not think these boys are asking for charity. If they are worth anything, they would not like that term. I would strike out "gratuity" and substitute the word "allowance."

There are many other things in the bill that might be improved upon if we had a chance to read and amend it, but what is the use? We are specializing legislation by rule.

Now, as to these yachts: As I understand it, they are to be used for the naval service. The Government is going to have a chance to buy them, and it is to be left to the Secretary of the Navy, whoever he may be, to take them when he wants them, at a price. That is the proposition. We took some of them under pressure about the time of the Spanish War. Let us buy these floating batteries; they may be useful in time of peace, if we get the inside waterways where we can use them. [Laughter.]

Mr. MADDEN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. If the gentleman will be brief.

Mr. MADDEN. There is a provision in the bill authorizing the Secretary of the Navy to sell the colliers and troop ships at 50 per cent of the original cost.

Mr. MOORE of Pennsylvania. The Secretary, whom I like personally, has broad powers; but we are working under a rule. I agree with the gentleman; we ought to have had a chance to discuss that.

Mr. MADDEN. The owner of the Dollar Line bought vessels for $238,000 and sold them for $1,350,000.

Mr. MOORE of Pennsylvania. This is a good time to sell to the Government. Now, gentlemen, we have heard a good deal about the plucking board, or used to, and whether it should be revoked. Have you heard about it in this bill? The officers that

they retired have all been put back in this bill. Maybe it is a good thing; but why should not we have had some explanation of it?

Do you know the President is given authority practically to take over the railroads in time of emergency and force the Government freight through? Why does not the committee let us know about this? If the President had only put an embargo on the munitions we sent into Mexico, perhaps they would not have been turned upon us to-day—but, of course, there is no opportunity under the rule to discuss that.

We are changing the limit of cost of repairs to battleships from $200,000 to $300,000 in this bill. Why do we do that? That is a pretty large sum to spend without specifications. Or am I in error about it? The committee does not say.

We are also going to spend a million dollars for propelling engines without knowing much about it. Yes; we are going into new business all along the line. Private business interests will please take notice, if Members of Congress do not, that we are quite close to Government ownership.

Oh, yes; we are also fixing up retirement before 50 years of age. Having attained 50 years myself, I would be glad to be retired at one-third of my salary. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 63, noes 15.

So the amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BYRNES of South Carolina: Page 21, after line 19, insert the following as a new paragraph:

"Marine recruiting station, Port Royal, S. C.: For a new building for the naval hospital and for necessary changes in existing buildings and other equipment, $15,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. BYRNES of South Carolina. Mr. Chairman, I recognize that the amendment in the form in which it is offered is subject to the point of order, but I have offered it in that form because if the proposition should be voted upon upon its merits I think it ought to provide for a new building instead of an extension and improvement of the old building. I ask the attention of the Naval Committee for the reason that this proposition has not been submitted to that committee. It was not submitted to them by me for the reason that it was not called to my attention until about a week or 10 days ago. It was not submitted to them as an estimate from the Navy Department for the reason that the Secretary decided not to submit a supplemental estimate, and his original estimate had been forwarded to the Naval Committee before the matter was called to his attention.

At Port Royal, S. C., the property owned by the Government was formerly used as a disciplinary barracks. Last year the department decided to transfer the detentioners from Port Royal to Portsmouth, N. H., and they established at Port Royal the marine recruit depot. This is the only station along the Atlantic coast where marines are recruited and trained. According to Gen. Barnett, the average number of men at this marine recruit depot is 800. The hospital which was adequate when the property was used as a disciplinary barracks, with an average attendance of only 350 or 400 men, has proven entirely inadequate now that an average of 800 men are located at this place. A gentleman from my district happened to visit this property about three weeks ago, and he wrote me describing conditions as so pitifully inadequate that I wrote to the Secretary of the Navy and to the Surgeon General and asked whether or not his description was correct. Both the Surgeon General and the Secretary stated that he had correctly described the conditions, and that the only reason they had not asked the committee to furnish this appropriation to construct this hospital is that the matter was called to their attention after they had submitted their formal estimates. I want to call to the attention of this House what the surgeon in charge of the hospital at the marine depots says about the conditions:

In every direction there is lack of sufficient space.

(a) The one ward necessitates the care of medical, surgical, and venereal patients in one room.

(b) The mess hall is too small for the tables necessary to feed patients and Hospital Corps.

(c) There is no storage space for reserve supplies of beds, mattresses, tents, medical and commissary stores, etc.

(d) There are not adequate quarters for the Hospital Corps. Four men have beds in the building and six must sleep in tents. Nor do they have sufficient bathing and toilet facilities.

(e) There are no quarters for the civilian employees who live on the grounds. They now occupy tents.

(f) There is no recreation or lounging space for convalescent patients.

(g) There is no place where an X-ray apparatus might be set up, and this is a crying need.

(h) There is no provision for disinfection of mattresses or bedding of patients ill with contagious disease or for the destruction of vermin that are constantly arriving with recruits.

(i) The dental office is too small. There is no place for men waiting their turn in the dentist's chair to remain under cover.

(k) The heating of the hospital is absolutely inadequate. Because of the lack of steam pressure we can not have steam sterilization in the operating room.

Some of these defects might be remedied in the present institution if we had another building put up that would give space for b, c, d, e, f, and g. It is understood, however, that such a building can not be erected without the specific authority of Congress. Even in such a case the hospital would still be a makeshift.

One item of prime importance must be considered during the coming summer—the heating plant. It is impossible to get a pressure of more than 10 pounds at the beginning of the hospital heating circuit from the central heating plant. The operating room is at the other end of the circuit and gets no steam at all. In winter it can not be used for operating purposes unless the steam is shut off from the rest of the station. Consequently we have had to return to the use of stoves wherever provision has been made for chimneys into which a stove-pipe can be run. Should the building mentioned in the preceding paragraph be constructed, there would be still more need for an adequate steam supply. How it is to be obtained without a separate plant for the hospital I do not know.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. KELLEY. I would like to know whether or not the naval authorities down there submitted this request to the Navy Department; and if so, what action was taken by the department.

Mr. BYRNES of South Carolina. I intend to come to that.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Chairman, that statement was furnished to Gen. Barnett, and he wrote me as follows, under date of May 23:

Referring to your letter of the 12th instant, concerning the construction of a hospital at Port Royal, S. C., I have the honor to inform you that I have conferred with the Bureau of Medicine and Surgery concerning the matter, and concur in the statement of the Secretary of the Navy to the effect that an appropriation of $15,000 is required for new buildings for the naval hospital at Port Royal and for necessary changes in existing buildings and their equipment.

Gen. Barnett, the Commandant of the Marine Corps, wrote me this, and here is the reason why it was not submitted to the committee:

No appropriation has been requested of Congress to cover this matter, for the reason that it was not brought to our attention until after the estimates for the current year had been sent in, nor has an estimate been obtained as to the amount of money involved in making the necessary changes. The matter has this day, however, been referred to the commanding officer at Port Royal for this information, and when it is received you will be immediately informed in the premises.

In addition to that, Gen. Barnett stated in his letter that he had visited this station and corroborated in every particular the report of the Surgeon General in charge of the marine recruit depot there. The Secretary of the Navy, in replying, stated, as did the Surgeon General, that the matter was not called to his attention until after they had submitted to the Naval Committee their estimates for the Marine Corps. He says:

It has been the intention of the department that next year's estimates should, if necessary, include an item for the improvement and enlargement of the naval hospital, and the Surgeon General believes, after careful consideration, that $15,000 would cover the cost of the new buildings to be added to those already existing, and of the few necessary changes which would be made in the present buildings and their equipment.

That brings the question to this House. The House is informed of the conditions; that one ward with eight beds is supposed to care for a body of 1,000 men; that if more than eight are sick, they are placed in tents with no facilities for heating them in the winter and no facilities for properly screening them in the summer. If the station is to be continued, and it is to be continued, because you are voting $85,000 in this bill for the maintenance of the station, then it is certainly criminal to say that we are going to invite the young men of this country to enlist in the Marine Corps, send them to this station, and if any one of them shall be so unfortunate as to become sick he is to be placed in a hospital where they have but one ward for eight men, with no provision to heat it, and no provision to properly care for them as the physician says they should be cared for. I submit the matter to the House. The Surgeon General says the appropriation is necessary now; Gen. Barnett says the appropriation is necessary now. The amount is only $15,000. It is unfair to ask a man to enlist in the Marine Corps and to tell

him, "If you get sick, you can have the consolation of knowing that the Secretary says that next year Congress will be asked to appropriate for a hospital; and if you continue sick long enough, we will appropriate $15,000 next year, the building will be erected in about 18 months, and then if you are still sick you will have the opportunity of being properly cared for. I submit that this is an imperative matter. It is better to take a part of the $85,000 provided in this bill for the improvement of some of the buildings at that station and apply it to the hospital than for any other purpose. A well man can get along, but a sick man must have care, and this great Government should not allow its recruits to be placed in a station where, according to the physician in charge, if he is sick, he can not be properly cared for. I think this is a matter that should appeal to the judgment of the Naval Committee and this House, and I confidently ask the adoption of this amendment. [Applause.]

Would the gentleman from Illinois yield for a question? I want to ask if the gentleman intends to insist on his point of order so that I may offer an amendment providing for an enlargement of the present hospital, though I think it proper that the amendment should go through in this form.

Mr. MANN. I was about to ask the gentleman whether the department had recommended it?

Mr. BYRNES of South Carolina. The Surgeon General recommended it. Gen. Barnett recommended it, and Secretary Daniels says it should be built.

Mr. MANN. To whom does he say that?

Mr. BYRNES of South Carolina. In his letter to me. I simply called it to his attention.

Mr. MANN. Does not the gentleman think the Secretary of the Navy or these officials in matters of this sort should follow the law and the rules not only of good sense but the rules of the House and communicate to the Committee on Naval Affairs?

Mr. BYRNES of South Carolina. If the gentleman will wait one second, I attempted to explain that a moment ago.

Mr. MANN. I heard the explanation.

Mr. BYRNES of South Carolina. The Secretary says the matter was not called to his attention until after the estimate was submitted for this station, and that is the reason he had not submitted it.

Mr. MANN. We adopted an amendment this morning of $400,000 to replace a building burned since this communication as read was sent in.

Mr. BYRNES of South Carolina. That is true.

Mr. MANN. It came through the proper channel, and the Navy Department wanted it and estimated for it. That was subject to the point of order, but it went through.

Mr. BYRNES of South Carolina. May I say this to the gentleman——

Mr. MANN. Does not the gentleman think if such a situation of affairs exists down there as described by the local officers, if they had done their duty and called it to the attention of the Navy Department, and if the department had considered it was their duty they would have called it to the attention of the Committee on Naval Affairs, or at least the chairman of the Committee on Naval Affairs?

Mr. BYRNES of South Carolina. I say it was his duty. I did not go to Secretary Daniels and ask him to write the chairman of the Naval Committee. I believe that if I had gone down and asked for a letter from the Secretary he would have given it, but the point I make is this: I say, in view of Gen. Barnett's letter, the Surgeon General's letter, and the local surgeon's letter, it is a matter that should appeal to the discretion of this House regardless of the fact that the Secretary says that if they will wait another year he will ask for a hospital, and to tell the men in the meantime if they continue sick long enough they will have the accommodations in 18 months, but in the meantime they must be put in tents.

Mr. MANN. The gentleman knows the House itself can not be well informed about all of these things. That is what we have a committee for, and where the Navy Department wants a thing they ought to make a request through the proper channel. The gentleman from South Carolina is not at fault. I do not know whether the Navy Department is at fault, but it is at fault if the thing is required, and they ought to have asked for it.

Mr. BYRNES of South Carolina. I agree with the gentleman, and now I submit this to the gentleman, that when the Surgeon General asks for it, when Gen. Barnett tells us from his personal supervision it is required and the local surgeon says it is required, when the Secretary does not ask for it but says it came in too late this year, but he will ask for it next year, I think it is necessary and that it must appeal to this House. We know from these statements what the conditions are. Gen. Barnett and Surg. Gen. Braisted state them. Secretary Daniels can not know anything except what they tell him. We have all the information Secretary Daniels could possibly have. He has to base his recommendation upon their statements, and they say it is necessary. He said it is necessary and he will ask for it next year.

Mr. MANN. While that is true, I served a while on a committee that dealt with lighthouses, and in the early days every year they asked for ten or fifteen million dollars for lighthouses. We would call them before the committee and they would back down nine-tenths and say they did not need it. It was asked for because somebody asked for it, and the Navy Department officials are very much the same, and under officials; they like to be accommodating.

Mr. BYRNES of South Carolina. I will say to the gentleman the only way I became interested in this is a friend of mine visited this station and called this condition to my attention, and said he did not believe it possible for this Government to maintain a hospital in the condition that was. I thought the statement was severe and I wrote the department asking for information, and in reply the Secretary said that every statement of my correspondent was substantially correct.

Mr. MANN. It ought not to depend upon whether a Member of Congress happens to know about something concerning his district. It is the duty of the Navy Department, if such a condition is called to their attention, to submit it and bring it to the attention of Congress and not depend on somebody interesting a Member of Congress.

Mr. BYRNES of South Carolina. I agree with the gentleman.

Mr. MANN. I do not say they did not perform their duty; I do not know.

Mr. BYRNES of South Carolina. But the gentleman and I agree to this: That the local physician performed his duty; that Gen. Braisted performed his duty; that Gen. Barnett performed his; and if you want to say the Secretary did not, we have a duty ourselves, regardless of the Secretary's statement that it is necessary and it should be asked for next year. Does not the gentleman think, in view of every responsible officer having charge of this matter testifying to the condition, we have a duty to perform, and in order to discharge that duty we ought to furnish a hospital to take care of these sick men now in that recruiting station?

Mr. MANN. If the statement is correct, they did not call this matter to the attention of the proper official in time for him to make the estimate——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Will the committee grant me one more minute? I wish to make myself clear to the gentleman. Gen. Barnett did call it to the attention of Secretary Daniels, and the papers from which I read here are merely a memorandum, not furnished to me, but furnished by the local surgeon to Gen. Braisted and the memorandum furnished by Gen. Barnett to Secretary Daniels. Gen. Barnett wrote me, inclosing a copy of the memorandum which had been furnished.

Mr. MANN. When was that furnished?

Mr. BYRNES of South Carolina. The date is about two or three weeks ago.

Mr. MANN. But these conditions have existed for a long time.

Mr. BYRNES of South Carolina. If the gentleman will wait one second. The memorandum is dated May 4. The letter of Secretary Daniels states:

> The disciplinary barracks established there several years ago has recently been succeeded by the United States Marine Corps recruit depot, and its establishment and recent growth were of too late a date for the department to include in its estimates for the fiscal year 1917 (prepared some months ago) and definite recommendations as to the increase in the facilities for hospital care of marine recruits.

Because he had prepared his estimates for the marine depot some months ago he said that he did not include or furnish a supplementary estimate based on the memorandum furnished him some time in April.

Mr. MANN. The memorandum should have been dated last summer if the conditions existed.

Mr. BYRNES of South Carolina. Assuming that that is so, and the local surgeon ought to have done it, I submit that the gentleman ought to agree with me when Gen. Barnett corroborates the local surgeon as to the necessity of providing the hospital.

Mr. MANN. I think it would have been wiser to have the Committee on Naval Affairs examine and cross-examine to find out whether they are correct or not. I do not assume statements made by officials in that way are correct, because from experience I find many times they are not correct, but when gentlemen go up before the Committee on Naval Affairs and are examined they find out what the facts are. This is mere ex parte statement.

Mr. BYRNES of South Carolina. I submit that it is corroborated.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MANN. I must insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BYRNES of South Carolina. Mr. Chairman, I wish to offer another amendment.

The CHAIRMAN. The gentleman from South Carolina offers another amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. BYRNES of South Carolina: Page 21, after line 19, insert as a new paragraph the following:
> "Marine recruiting station, Port Royal, S. C.: For enlarging and improving hospital and for necessary equipment, $15,000."

Mr. MANN. I reserve a point of order. I would like to have the amendment reported again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CULLOP. Did not the gentleman from Illinois reserve a point of order?

Mr. MANN. I reserved the point of order, and I shall not press it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment by Mr. LENROOT: Page 98, line 22, after the word "expended" insert:
> "*Provided*, That not less than 44 of said 47 submarines shall be constructed upon the general design of hull and equipment of such submarines in commission prior to the date of beginning construction of said 44 submarines as the President shall find to be most serviceable and efficient."

Mr. LENROOT. Mr. Chairman, I lay no claim to having any special knowledge of this general subject. All that I know about it I have gained from reading the hearings. But from such reading of the hearings I am impressed, as I think every Member of the House must have been impressed, with the fact that one of the very serious objections to the present plan of securing an adequate submarine force is that there is altogether too much experimentation; that we are building in blocks of five, six, eight, and nine submarines under one contract when we have no assurance and do not know that a single one of those will be efficient, practicable, or serviceable.

Now, by amendment, the House has provided for 50 submarines. The bill as it now stands provides that 3 of said 50 submarines shall have an approximate tonnage of 800 tons. That is for the purpose of allowing the department to experiment with the 800-ton submarines. But as to the 47 still provided for there is no restriction whatever upon the department, and they may continue in the future to build the entire 47 of a type and design that they do not know will be efficient and practicable; and the purpose of my amendment is that it will permit them to construct 3 of the 47 for experimental purposes, but 44 of the 47 must be built of the general design as to hull and equipment of those already built and in commission and tested at the time of the beginning of their construction.

Now, Mr. Chairman, the Secretary of the Navy in his testimony before the committee testified as follows, on page 3641:

> We have more or less trouble with all submarines. I think that is due to two things: First, to the fact that about the time we build a submarine, and it functions pretty well, when we build the next number—say, the A submarine comes along pretty well, and then, when we order the B class, we think we want it to be better.

Mark the words:

> We make the next one of larger proportions, and make three or five or seven of that type before we have tried one of them. I think we ought to standardize the best and build a number of them, and then always be building one or two or three of a larger and better type, and when that better is completed and has functioned perfectly, then give the contract for more of that perfected standard type.

And that, Mr. Chairman, is exactly what my amendment proposes, namely, to carry out this recommendation of the Secretary, which must appeal to every reasonable and sensible man. And the necessity for this amendment is that although the Secretary says he thinks it ought to be done, the fact is the department is not doing it, has not been doing it, and has been letting contracts in groups of five and six and seven, as the Secretary says, without knowing that a single one of them, when completed, will be practical, whereas they ought not to build more than a very few of such a character, and the others should be built of standard and tested types.

Mr. COX. I think the gentleman's amendment has a lot of merit, but will it not conflict with the amendment which the House put on the bill the other day requiring these submarines to be completed within a year?

Mr. LENROOT. Not in the least. My amendment provides merely that they shall be of the type prior to the beginning of the construction of these.

Mr. COX. As I understand the gentleman's amendment, he would construct one, two, or three as a standard?

Mr. LENROOT. No. I would take as the standard for these 43 those already in commission, but permit them to go on to complete 3 or 6 for a standard for the future to experiment with, but not wait for these 47.

Mr. COX. Then the gentleman would hold in abeyance the building or construction of the 44?

Mr. LENROOT. No. We already have one type in commission that we could build all of these 47 of the 450-ton type after. We could have 47 and let the contract to-morrow, because we have demonstrated that they are practical and certain.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to address the House for 10 minutes.

The CHAIRMAN. The gentleman from Kentucky [Mr. THOMAS] asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. THOMAS. Mr. Chairman, I have noticed from time to time in the newspapers that some astronomers believe that Mars is inhabited, and that the time will come when we will be enabled to communicate with the inhabitants of that planet. If an inhabitant of Mars could be transported to this Hall, or could have been here during the discussion of this bill and could have listened to the fiery and untamed warriors who have discussed this bill, and who will never enlist in any army—it makes no difference what bill may be passed—that inhabitant would be compelled to believe that the United States is now in a state of actual war with all the nations of the world.

Why, gentlemen, a great many who have discussed this bill have gotten themselves absolutely into a white heat. It was painful to hear them, and a great many of them made such contortions of countenance that I absolutely thought while they were speaking they must have the appendicitis. [Laughter.]

It reminds me of a story, all this hysteria, and it is nothing but hysteria; it reminds me of the story of two Irishmen who came from a country district of Ireland to New York. They obtained a room along the street. They never had seen any fire engines, Pat and Mike. Mike went to bed; Pat took a seat by the window to look out upon the street and see the sights. Directly a fire engine came pulling down the street, emitting smoke and sparks and fire. Pat hallooed to Mike, who had gone to sleep. He said, "Mike, wake up; wake up!" But Mike did not wake up. Directly another fire engine came down the street, emitting flames and smoke, and Pat went over to Mike and shook him. He says, "Mike, wake up; wake up! They are moving hell, and two loads have already gone by." [Laughter.]

So, gentlemen, it seems to me that these people who are so vigorously for preparedness are moving hell to get as big an appropriation as possible for navies and soldiers that this country does not need any more than a wagon needs five wheels. [Laughter.]

Now, we are a Nation over a century and a quarter old. Besides the Civil War we have engaged in four wars, and we began every one of them. No nation has ever yet attacked the United States, but the United States has begun every war that we have engaged in, and has been successful in every war through the bravery and the patriotism and the courage of the volunteer soldiers. [Applause.]

Mr. Speaker CLARK stated to you yesterday, in discussing this bill, that if any nation attacked this country we would lick it in the end. Gentlemen, I say we can do better than that; with the volunteer soldiers of this country we can do better than that. If any nation attacks us, we will lick it in both ends. [Laughter.]

We fought the Revolutionary War and all these other wars without these big armaments and great armies. This whole thing, gentlemen, in my opinion, is the result of an agitation by the most powerful, the best organized, and the best financed lobby in the history of the American Congress. We are having preparedness parades all over the country. One such parade is to be held in the Capital City of Washington, in which the school children of this city will march, you may say be compelled to march. What do they know about preparedness? Yes

want to teach them war. I suppose. You want to teach them how to fight.

I see many gentlemen who not two years ago were "little Army," men, were "little Navy" men, who did not believe in taxing the people of this country, as you will have to do for all of these soldiers and all these ships and all these armaments, now gone, as it were, crazy with this hysteria, and are wanting the people taxed to the limit for these purposes. Who is going to attack us? Is Germany, is France, is England, is Russia, is Austria? Oh, no. They can not. When they get through with one another over there they will be like the traditional Kilkenny cats. There will be nothing left of them but the tips of their tails, and they will not be able to attack us. It is all stuff, gentlemen.

Let me tell you, there has never yet a wave dashed so high but what it receded, and this hysteria will recede. You want all these large appropriations. What does that mean? It means taxes. Who pays the taxes? The people who labor and who produce things in this country are the ones who ultimately will pay these taxes. You can not have these things without them. That wave will recede, and you will hear from the tax-burdened people against keeping up a useless Army and Navy. [Applause.] I thank you, gentlemen.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word.

Mr. DUPRÉ. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DUPRÉ. Is the amendment still pending?

The CHAIRMAN. It is.

Mr. PADGETT. I want to speak to the amendment.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. DALLINGER. Mr. Chairman, every great nation ought at all times to be prepared, for preparedness in its broadest and truest sense means the development of the nation to the highest point of efficiency in every line of human endeavor. Particularly in this great crisis of the world's history should we as citizens of the great Republic of the Western Hemisphere see to it that our country is prepared physically, intellectually, and morally to fulfill the great destiny for which it was created and for which it has been miraculously preserved throughout its history by Divine Providence. For to us has been committed the great trust of preserving and handing down unimpaired to those who shall come after us the priceless heritage of a representative democracy in the midst of the greatest test which that conception of Government has ever undergone. God grant that we may not be tried in the balance and found wanting!

The problem of physically preparing ourselves to resist any attack that may be made on us by a foreign foe is a many-sided one. It involves not only the provision for an adequate standing army supplemented by such training and disciplining of our people as will insure a sufficiently large volunteer force in case of emergency, which has been done, as many of us fear, only too imperfectly; but it also includes a complete system of coast fortifications as provided for, in part at least, by the bill reported by the Committee on Appropriations and now on the Union Calendar; and, above all, it involves the immediate construction and equipment of an up-to-date Navy, complete in all its branches and sufficiently powerful to meet and destroy either on the Atlantic or Pacific Ocean any hostile fleet that may seek to attack us before such fleet can get within striking distance of any part of our coast.

It is not my purpose to present to the House any statistics. That has already been done in the published reports of the hearings before the Committee on Naval Affairs. We who are intrusted with the appropriation of the people's money are not in a position of our own knowledge to determine what constitutes an adequate naval force or the amount of money that such an establishment will cost. We must in such matters rely upon the naval experts, who have been educated at the public expense and who have devoted their lives to a scientific study of naval matters. These experts tell us that in order to properly defend our shores against attack we ought to have two fleets, one on the Atlantic and one on the Pacific. They also tell us that at the present time we have about two-thirds of a fleet. That is the situation in a nutshell. Under these circumstances it is our plain duty to immediately appropriate a sufficient sum to provide our country with the naval establishment it ought to have.

Mr. Chairman, I am aware that there are many estimable people like the gentleman from Kentucky [Mr. THOMAS] who are opposed to any additional appropriation for military or naval purposes. I must confess, however, that I can not understand their point of view. None of these people would for one moment seriously advocate doing away with either police or fire protection in the communities in which they live, and every one of them would urge that whatever police and fire protection their respective communities have should be adequate to the needs of those communities. They take this position not because they believe in encouraging either crime or conflagration but because as good citizens they desire to prevent both of those evils. Moreover, in addition to paying their taxes for the support of the police and fire departments, they also take out burglary and fire insurance policies and cheerfully pay the annual premiums not because they expect to have their property stolen or destroyed by fire but in order that they may be reimbursed in case either or both of these catastrophies should occur. Now, precisely the same common sense and prudence that makes necessary the maintenance of police and fire departments by our municipalities, and the payment of taxes and insurance premiums by the individual citizens, demands that the Nation shall make adequate provision for the protection of the lives and property of its citizens, and if we are to continue to make any appropriation at all for the national defense, then that appropriation should be adequate for the purpose. It has been well said that the Navy is our first line of defense, and that first line should be so powerfully equipped and manned that no other nation or combination of nations will venture to attack us. And, however large the cost of providing such an adequate line of defense may seem to be, it is a mere drop in the bucket compared with the material wealth of this country to say nothing of the priceless lives of our people and the maintenance of our free institutions which were won for us at so great a cost. In short, ordinary business prudence would demand an adequate provision for national defense even if patriotism and love of country were things of a bygone age.

Previous to the outbreak of the European war many of us believed that the dawn of universal peace was at hand and that a general conflict of all the European nations such as occurred a century ago, when this Republic was in its infancy, was impossible. The getting together of the nations at The Hague, the negotiation and ratification of numerous treaties of arbitration, and the formation of peace societies throughout the world, certainly furnished some foundation for such a belief. How rudely that belief has been shattered! Here in the twentieth century, relatively far more defenseless than we were a century ago, we are confronted with the same problems as to the rights of neutrals on the high seas that our forefathers wrestled with in the days when the Berlin and Milan decrees of the French Emperor and British Orders in Council well nigh drove our commerce from the ocean. And I wish to call the attention of the gentleman from Kentucky to the fact that then, with a peace-loving President, war came, and we paid dearly for being unprepared. Let us profit by the experience of the past.

But the construction, equipment, and maintenance of an adequate Navy, the building of a complete system of coast defenses, and suitable provision for a sufficient military force of Regulars and Volunteers, constituting, respectively, our first, second, and third lines of defense, necessary as they are, do not tell the whole story of national preparedness. They must be supplemented by the wise and systematic improvement of our great coastwise harbors; the construction of a comprehensive and scientific system of national highways; the coordination of our railroad systems and our great industrial plants; the creation of an adequate merchant marine by a wise system of Government subsidies as practiced by every other great nation; the encouragement of American agriculture and manufacturing by wise legislation, so that this great country of ours, like Germany, may be able to produce everything our people need in case of emergency; the settlement of industrial disputes by arbitration and conciliation; the effective national regulation of our great corporations; the prohibition of child labor; the establishment of a comprehensive system of vocational education as proposed by a bill reported by our Committee on Education; the suppression of vice and intemperance; in short, the systematic development not only by legislation but by the cooperation of all our educational, social, and religious forces, of a nation of industrious, efficient, happy, and Godfearing men and women prepared for any emergency that may come.

Mr. Chairman, I said at the beginning that to us had been committed the great trust of maintaining and preserving the great principles of free popular government. But in the performance of that trust there is reserved to us a still greater service to mankind, and that is the welding together into one nation of men and women of every race and creed under the sun, and thus realizing the great ideal of human brotherhood that was first given to the world by the great founder of Christianity Himself. In working out this tremendous task, in the words of President Monroe, we must consider any attempt on the part of European military despotism to extend its pernicious system to any part of this hemisphere as dangerous to our peace and safety and to the peace and safety of the human race. We are a peace-loving people. We seek no quarrel with any nation. The nations of the Old World can have no war with us unless they themselves are the aggressors; but it is a duty we owe to ourselves and to humanity to be at all times prepared to resist such aggression.

In this great task of preparation let us cast aside all partisan considerations and all sectional jealousies. Let us acquit ourselves like men who realize the solemn duty of the hour—the duty that we owe to our beloved country and to mankind. [Applause.]

Mr. CALLAWAY and Mr. ABERCROMBIE rose.

The CHAIRMAN. For what purpose does the gentleman from Alabama [Mr. ABERCROMBIE] rise?

Mr. ABERCROMBIE. I ask unanimous consent to address the House for 10 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. CALLAWAY], a member of the committee.

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent to address the committee for 15 minutes, in reply to these questions that have just been discussed.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to address the committee for 15 minutes. Is there objection?

Mr. DUPRÉ. Reserving the right to object, I want to suggest that opportunity to offer amendments will close at 2 o'clock, and some of us want to offer serious amendments, and it does seem that gentlemen should not take so much time at this particular juncture.

Mr. MOORE of Pennsylvania. Reserving the right to object, I want to make this statement, that I have at least 14 amendments, and they are serious amendments, to offer to this bill. There has been no opportunity to offer them up to this time. Gentlemen who voted for this rule to force upon us this sort of legislation ought to give us a chance, now that we are in Committee of the Whole, to offer our amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MANN. I thought the gentleman from Alabama [Mr. ABERCROMBIE] made his request first.

Mr. MOORE of Pennsylvania. I object.

The CHAIRMAN. Objection is heard. The Chair recognizes the gentleman from Texas [Mr. CALLAWAY].

Mr. MANN. We can not hear what the Chair says.

The CHAIRMAN. The gentleman from Texas has the floor.

Mr. MANN. Well, while he has the floor, the Chair stated that objection was made.

The CHAIRMAN. But he is entitled to speak for five minutes.

Mr. MANN. I thought the gentleman from Alabama [Mr. ABERCROMBIE] was recognized.

The CHAIRMAN. No; the gentleman from Alabama was not recognized. The gentleman from Texas is recognized.

Mr. CALLAWAY. Mr. Chairman, five minutes is no time for a man to speak on a great question.

Mr. MANN. The Naval Committee is getting all the time anyhow.

Mr. CALLAWAY. I will say to the gentleman from Illinois that I have not said a word on this bill since the general debate closed, not a word, and have not asked for time before.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CALLAWAY. And I have been very serious about this unmitigated outrage from the beginning to the end.

Mr. MOORE of Pennsylvania. That is all I wanted the gentleman to say. He is a member of the committee and has had no chance to speak. I hated to object to the gentleman's request to have his time extended, but we are all in the same boat under this infernal rule that was passed, which prevents debate.

Mr. CALLAWAY. Nearly everything that is done in this House is "infernal," so this rule has not been out of the ordinary——

Mr. MOORE of Pennsylvania. Under the present administration that is true.

Mr. CALLAWAY. The gentleman from Massachusetts [Mr. DALLINGER], who just addressed the House, could not understand the viewpoint of the people who object to adding every amendment that in his judgment will properly prepare this country. I have been listening to these preparedness advocates and watching their parades in the different cities of the country, and reading their advertisements in newspapers for six or eight months, and I have never heard one man nor have I seen where one of them has outlined what in his judgment would prepare this country as the advocates of preparedness want it prepared.

Now, he says, we want a police in this country, and that none of us would object to the establishment of a police in the city of New York or Washington or any other place, although they object to a police in the Army and Navy. There is no comparison at all. We establish a police to keep people from disturbing the peace, to keep down difficulties. We do not establish a police in the city of New York to fight against the police in the city of Boston, and then build up the two police forces against each other and give one guns bigger and stronger and better than the other, and equip the other better than the one, and build them on the theory that ultimately they must come together. If we did it in that way, we would be considered, as we are nationally, a set of fools and dupes in the hands of manufacturers of gunpowder and guns and ships and munitions of war. That is what we are. [Laughter and applause.]

What would you think of the people of Chicago or the people from the gentleman's town, Boston, should they go to building a police force, not to keep down a crime here and a crime there, but building up the force in Boston larger than the force in Chicago, and building it bigger and stronger, and then Chicago getting additional force larger than that in Boston, and then Boston getting equipment larger than that of Chicago, and so on, with the idea of their coming against each other? What do these munition representatives ask? That we should arm and equip ourselves against England, and then England arms and equips and builds boats against us, Germany builds boats and strengthens her navy, Russia builds up against Japan, and Japan against Italy, all increase armaments of war against each other. That is no police at all.

There have been some who can not generate a thought——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. Mr. Chairman, I ask for five minutes more.

Mr. MANN. Reserving the right to object, can not we close debate on this amendment?

Mr. PADGETT. I want to address myself to the amendment, and I want five minutes.

Mr. MANN. It is most time to close debate on amendments, and there are several other amendments to be offered.

Mr. CALLAWAY. Mr. Chairman, I ask for 10 minutes more.

Mr. MANN. It is now only 35 minutes when the time for filing amendments ceases.

Mr. PADGETT. I only want 5 minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that debate on this amendment close in 10 minutes—5 minutes to go to the gentleman from Texas [Mr. CALLAWAY] and 5 minutes to the gentleman from Tennessee [Mr. PADGETT.]

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. CALLAWAY. Mr. Chairman, they say they want it as an insurance, to insure the country against war. I never heard anyone recommend an insurance company when the insurance company had universally failed. This insurance company that they propose is an insurance company that was proposed in Germany, England, France, Russia, and Japan, and what has that insurance company done in the way of maintaining peace. It is an unqualified bankrupt from the standpoint of an insurance against war. It does not keep peace; on the contrary, it has brought war, and the scientific men which munition representatives say we should listen to say it was obvious to them when the countries began competitive building that it would bring war. They have not only not kept peace but they have brought war. Insurance companies do not insure that you will not have a fire, but if you do have fire they pay the loss. But these establishments we build up grind our faces from the time we start until we conclude the building, are a continuous burden, and when they get to the war the burden only gets greater and broader, more intense, and the death and carnage wider in exact proportion as you have respectively prepared what you choose to denominate insurance. [Applause.]

They say that the experts tell us that we should have a fleet in both oceans. They did not tell us any such thing. The experts told us that it was the naval policy of every country on earth to keep their fleet together. None of them advocated that we should split the fleet and that we needed to have part of it in the Atlantic and part in the Pacific. They did tell us that they

never would split the fleet until we got so much that we would not need all of it, and then we could send a part of it to the Pacific as wholly unnecessary to operate in conjunction with the balance. England, the greatest naval power on earth, has one base of operations for her fleet. She operates it all together, and so does every other nation. You never would split a fleet in two and put a part of it in the Atlantic and a part of it in the Pacific.

These munition representatives mention another thing, and I admit that men that have no judgment about human nature could have had dreams of that sort before war broke out. A lot of fellows stood here on the floor and said that we would never have another war—that universal peace was coming. From the time Adam and Eve were placed in the Garden of Eden until this good hour human nature has never changed, and it will never change, I take it, on down the ages yet to come; but I will tell you what you can do. You can use common sense with human nature. You can bring about a general disarmament, and take a ship off for each country that is now building instead of putting a ship on for each country that is now building, and by percentages disarm the nations of the earth. They will be relatively as strong as they are now. All the tacticians say that relative strength is the thing that counts, and these nations will be in the same position, each toward the other, after they have been disarmed down to what is a mere police power, governing their immediate territories, and we will be better off from the standpoint of financial burden, better off from the standpoint of danger of attack, and better off from every conceivable standpoint of national welfare. [Applause.]

Mr. PADGETT. Mr. Chairman, I rise to speak in opposition to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]. The amendment would seek to have 44 of the 47 boats constructed after the type and like some one of the submarines we now have in commission.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. LENROOT. In commission at the time of the construction of the boats?

Mr. PADGETT. I understand; but assuming that we will begin construction in a short time or in a few months, it would be existing types. In the first place, I want to call attention to the fact that there are two and only two concerns in this country that build submarines. The effect of this amendment, if adopted, might be to force all of these submarines to be given to one concern or to be constructed according to the type of one concern. They have patents that they control and that might put the Government in the position of having competition destroyed as between the two companies that construct submarines.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. LENROOT. I would like to ask the gentleman what value there is in competition if one company can not build an efficient submarine to compete with another one that does?

Mr. PADGETT. They might both build efficient submarines; but one individual might take up the idea that a submarine of one type was, in his judgment, a little bit or a shade or something better than the other, and the other one would be shut out when the bids were made. It could not be made. Then the bidding would be limited to one concern.

Mr. LENROOT. The gentleman will observe that my amendment states only the general design and equipment. It does allow for and permit these shades the gentleman speaks of.

Mr. PADGETT. The gentleman says of a type.

Mr. LENROOT. General design.

Mr. PADGETT. When they take a type, that cuts out the other.

Mr. LENROOT. I do not say "type." "Design" is the word I used.

Mr. PADGETT. The design marks the type, and we have two types.

Again, the department might have almost perfected improvements in design and type that might vary from the existing type or design that is in commission. This amendment, if adopted, would preclude the adoption and the use of a type or a design or an improvement that was almost perfected at the time that they went into the work. Then, again, we do not know when the war in Europe will end. We do not know what information we will get from that source. There may be opened up to us improvements and benefits that would be invaluable. The limitations we have put in the bill as to cost and the general usefulness will be sufficient, and the department will build according to the types we have, using the improvements and the best suggestions and information available at the time.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. SWITZER. Why should we authorize the construction of 50 of these particular submarines, when we do not know just what sort of submarine we want constructed?

Mr. PADGETT. I submitted that question to the House when the matter was under consideration, and the Committee of the Whole decided that we should build 50.

Mr. SWITZER. Does the gentleman not think we had better experiment with 20 first?

Mr. PADGETT. I am accepting that conclusion, and I am asking that we do not tie up and limit this to one particular thing, which may force us to put all of these boats into the hands of one or the other of these builders and shut out competition.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. SLOAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 77, line 26, after the word "each," insert:

"*Provided further*, That hereafter the Secretary of the Navy shall in lieu of the mental examination heretofore provided by him accept the certificate or diploma of any university, college, academy, or high school in good standing in any State, and duly accredited by the highest educational authority of such State, and in which institution of learning the course of study shall include advanced study of at least four years above the grade commonly known as the eighth grade, and wherein the passing grade for each study shall be at least 75 per cent."

Mr. PADGETT. Mr. Chairman, on that I reserve the point of order.

Mr. SLOAN. Mr. Chairman, I thank the chairman of the committee for reserving the point of order. I should be pleased if he does not make it. I think under the legislation which we now have, which can properly be called legislation by "rule and rider," we ought to have the benefits as well as the burden of the system. Well did the gentleman from Kentucky [Mr. THOMAS] refer to Mars when he was looking for a figure of speech, instead of selecting Neptune as the god or planet properly to be referred to in connection with this naval bill.

This bill covers everything except the seas. I regard its most important proposition to be the basis of the Navy, and the basis of our Navy is the academy at Annapolis. In the military bill we recognized the close relation between the public and general private school systems and the military arm of the Government. More than that the military authorities of West Point have heretofore taken in part the step which I here propose. Further, when we added 50 per cent to the number of midshipmen allowed to Congressmen I challenged attention on the floor of the House of this feature to the chairman of the Naval Committee, and made a plea in behalf of the school system of the United States, as opposed to the three or four special private institutions which propose no other function than cramming at large expense the youthful minds of Annapolis and West Point candidates. I am opposed to giving the keys to Annapolis to three or four special private institutions of this country, and for that reason I propose this amendment. [Applause.]

It is un-American, it is unfair, for us to make an appropriation which now approaches $300,000,000, and leave it in the mouths of three men who represent three institutions to say to the young men, especially those who live a great distance from Washington, if you would become a member of this great Annapolis institution pass through our doors or leave hope behind. We have in this country 567 great universities and colleges, public, sectarian, and private general educational institutions. We have high schools and academies to the number of 11,551, normal schools 235, amounting in all to 12,317. Yet it is the boast of these three or four institutions that the young men who would enter Annapolis Academy must go through their institutions or stand meager show for admission.

I have no doubt those special schools are good institutions, presided over and conducted by excellent gentlemen, but there is something more that ought to be considered. I do not know that there is anything seriously wrong. But the permission of this condition of affairs to continue is a direct indictment against the advanced public, sectarian, and private school systems of the United States.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. SLOAN. Briefly.

Mr. SMITH of Michigan. Can the gentleman tell why they will accept a certificate at West Point which they will not accept at the Naval Academy?

Mr. SLOAN. I asked the chairman of the committee on a former occasion in this House why they did not and would not do that. I thought that probably this Naval Committee, legislating, as it is, by "rule and rider" to the extent it is, would

attempt to liberalize the admission to the academy and connect the American school system with the American Navy.

Mr. BROWNING. Will the gentleman yield?

Mr. SLOAN. For a brief question.

Mr. BROWNING. I desire to say to my friend from Michigan [Mr. SMITH] that, in my opinion, I do not think this is by legislation. It is by regulation of the department and not by legislation.

Mr. SLOAN. It is by regulation, and that is why I submit this amendment, which would require the head of the Naval Department to accept in proper cases the certificates or diplomas of standard or leading educational institutions of this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLOAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. Will debate then be closed?

Mr. PADGETT. I shall make the point of order at that time.

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I would like to say I have been waiting for several days to get five minutes, and I have not been able to get a minute. I do not want to be mean about this thing, but I do think we ought to have a chance.

The CHAIRMAN. There is a request for unanimous consent pending. The gentleman from Nebraska asks unanimous consent that he may proceed for five minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close at the end of five minutes.

Mr. PADGETT. I am going to make the point of order. I have reserved the point of order and it is subject to the point of order, and I will make it at the end of five minutes.

Mr. DOWELL. Mr. Chairman, I desire to ask the gentleman a question.

Mr. SLOAN. I yield briefly.

Mr. DOWELL. Is it not true that at West Point any high-school graduate is admitted?

Mr. SLOAN. No; that is not technically correct. They do accept——

Mr. DOWELL. They are accepted at West Point.

Mr. SLOAN. West Point does accept school grades under certificate or diploma from certain schools which come under the designation of the proposed amendment as applying to Annapolis.

Mr. DOWELL. Does this amendment correspond to the admission to West Point?

Mr. SLOAN. Not precisely. I desire to say that in February, 1915, 268 young men took examinations——

Mr. CLINE. Will the gentleman yield?

Mr. SLOAN. I do.

Mr. CLINE. Is there any affiliation of high schools connected with West Point, or schools recognized as——

Mr. SLOAN. They do recognize certain schools; yes.

Mr. CLINE. But not to pass a student out of the high school into the academy. The Adjutant General told me this morning that there are no recognized high schools from which a graduate was admitted to West Point, except upon an examination and the option of the party having charge.

Mr. SLOAN. I have spoken of the rules of admission briefly, and they are accessible to all. The following is a statement of the rules of admission to West Point by other than the "examinations." These rules are now in force:

Par. 65. Admission by certificate: The academic board will consider and may accept in lieu of the regular mental examination:

(1) A properly attested certificate (Form I) that the candidate is a regularly enrolled student in good standing, without condition, in a university, college, or technical school accredited by the United States Military Academy, provided that the entrance requirements of the course he is pursuing require proficiency in subjects amounting to not less than 14 units of the list given below.

If attendance at college extends over a semester, a full record of academic work at the college, giving subjects taken and grades attained in each, must accompany the certificate; if attendance at college extends over less than a semester and the candidate was admitted to college by certificate, a certificate (Form II) from the preparatory schools, giving a full record of studies taken and grades attained must accompany the college certificate. If a scrutiny of the certificate submitted shows low grades the certificate will be rejected.

A certificate indicating enrollment in or admission to an institution at any other time than that specified in the college register for regular admission or enrollment will not be accepted.

(2) A properly attested certificate (Form II) that the candidate has graduated from a preparatory school or public high school accredited by the United States Military Academy, provided that he has in his school work shown proficiency in subjects amounting to not less than 14 units of the list given below.

If a scrutiny of the certificate submitted shows evidence of low grades or of graduation at an irregular date, the certificate will be rejected.

(3) A properly attested certificate (Form III) from the college entrance examination board that the candidate has shown proficiency in the examinations set by the board in subjects amounting to 14 units from the list given below. If a scrutiny of the certificate submitted shows low grades, the certificate will be rejected.

In the February, 1915, examinations there were 258 young men examined for Annapolis. Of these a total of only 95 passed. Of these, 51 came through three privately conducted special schools, all located at Annapolis or Washington. From the more than 12,000 schools of the United States outside of these, as well as numerous private tutors, there were left just 44 to enter. In April, 1915, there were 620 young men examined. Of these only 200 passed, and of those who passed 93 came through three schools, leaving 107 for all the other schools and tutors of the United States. In February, 1916, the total number examined for Annapolis was 1,216. The total number passed 452. Number passed through these three special schools 160, leaving 292 only from the body of the country. In April, 1916, examinations there were 227 examined, 99 passed 128 failed. Of those passed, 42 were from the three special schools, all others 57. Taking total number examined in 1915 and 1916, to wit, 2,331; total passed, 842, or 36 per cent, or about 3 out every 8. Of those drilled at the three special schools and examined, about 85 per cent passed, or about 6 out of 7. Of those from all other schools, public, sectarian, private, as well as from private tutorship, about 25 per cent examined passed, or about 1 out of 4. Hundreds of State and sectarian universities, numerous colleges, public and private, doing excellent work in the cause of advanced education, thousands of public high schools, supported by State and local taxation, which enable young men to obtain a liberal education while under the home rooftree, all of no avail; the mental sausage mill with a compilation of former questions and problems submitted, with perhaps a discernment of weight given to slight errors, and the gravity extended special forms of expression by examiners heretofore and now can boast that they can give three or more chances for success to one if preparation be made in any branch, public, private, or sectarian, of our excellent educational systems. And all this in the face of the fact that the country is looking to our educational institutions, great and small, for the larger number of our accomplished officers and trained and disciplined men for our national defense. Yet the gentleman who heads the Naval Committee says he proposes to make the point of order. I admit that it is subject to the point of order just as a large part of this whole naval bill would have been subject to the point of order had it not been for a special rule; yet if the gentleman who heads this committee desires to make that point of order against the school system of the United States and in favor of three privately conducted special institutions, let him do it and take that responsibility. Yes, this amendment is subject to a point of order, to wit, that it is new legislation proposed on an appropriation bill. But for the "rule and rider" system used in this bill, the armor-plant provision of this bill must go out, and accompanying it many other provisions, including many millions of dollars appropriated, which would make the bill look more like a real naval bill and less like a combination of public-building and river and harbor measures.

The young men of the United States in the body of the continent, coming, for instance, 1,000, 1,500, or 2,500 miles to be examined, do so at a large expense. The ordinary boy who is ambitious to become an admiral in the Navy later on has not the means, and sometimes does not have a friend who will send him here to Washington or Annapolis at large expense.

Mr. HILL. You do not propose to cut off the examination that is held now, but simply to add the certificate?

Mr. SLOAN. Simply to add the certificate; that the Secretary of the Navy and those under him shall have the power to do it.

Mr. HILL. There are a lot of boys who could not afford four years in high school and college, but who should have the chance to stand on such preparation as they could get otherwise.

Mr. SLOAN. My purpose is not to cut off any opportunity. I would like to extend it to the tens of thousands of boys and young men in the United States who are attending some branch of our school system throughout the United States, so that our American Naval Academy would be regarded as a public and national institution and not a local affair to be patronized and taken advantage of only by those who by reason of their nearness can take the chance of coming down here for their examination or attendance at school. So far as I am concerned, I do not think that any special private school during the few months it has the young man under its control can make a great

seaman or do much toward developing a naval officer. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. SLOAN] has expired.

Mr. SLOAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Nebraska [Mr. SLOAN].

The CHAIRMAN. The Chair sustains the point of order.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to address the committee for five minutes. Is there objection?

Mr. MOORE of Pennsylvania. May I ask the gentleman if he is going to offer an amendment.

Mr. LINTHICUM. I do not intend to offer an amendment.

Mr. MOORE of Pennsylvania. You want to speak to the bill for five minutes?

Mr. LINTHICUM. For five minutes; that is all.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Chairman, I have heard a great deal said in this committee about the hysteria in the country for preparedness; and some seem to think it will not last. I do not agree with this view. I know that the people of this country will never feel safe again until there is provided and maintained an adequate Army and Navy and a large reserve force. I wish to say to the committee—and I do not propose to take many minutes in saying it—that I have always stood for a large Army and a very large, substantial Navy, the latter second alone to that of Great Britain. I feel that in a democratic government like ours, where the government rests with the people, it is the duty of Representatives elected by them to carry out their wishes in matters of legislation and government.

In my district the sentiment is overwhelmingly for preparedness—for very substantial preparedness—and for that reason I voted for a larger Army than the bill gives—2 additional battleships and to construct 50 submarines instead of 20. I felt then, as I do now, that I was voicing by my vote the views and wishes of my constituents.

As additional proof and to show conclusively that the sentiment is strong in my district and in the State of Maryland, and particularly in Baltimore City, I desire to call attention to a campaign the Baltimore Sun recently conducted in which it asked the people, "Are you in favor of preparedness?" The Sun stated what the War College had recommended for the Army and what the General Board of the Navy had recommended for the Navy. They also asked the people whether they were in favor of a universal military system and stated definitely the Swiss system, and in reply to that request there were 9,732 ballots cast. The total for preparedness out of the 9,732 was 8,591 and against it 781. In other words, 91 per cent of all the people who voted out, of nearly 10,000, voted for adequate preparedness in line with what the War College and the Naval Board have recommended. In the city of Baltimore they were stronger for preparedness than they were in the counties. In the city the percentage was 95 in favor of preparedness. In the counties it was 75 per cent in favor.

Now, I merely bring these figures before the committee to show the sentiment in the State of Maryland, which adjoins the capital here, as it were, and particularly in my district, in the city of Baltimore. This balloting was carried on with absolute fairness. The number of men recommended for the Army and the number of ships recommended for the Navy was distinctly stated, and the people voted with a full knowledge of what the vote stood for. Eighty-seven per cent voted in favor of a universal military system in line with the Swiss system. And you might like to know that the women voted strongly in favor of preparedness and a universal military system. Eight to one of them voted for preparedness and six to one for universal service.

Now, Mr. Chairman, I do not want to take any more time, but I ask leave to extend my remarks in the RECORD by inserting therein the articles from the Baltimore Sun to which I have referred.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HULBERT. I would like to ask the gentleman how many people participated in this canvass?

Mr. LINTHICUM. Ninety-seven hundred and thirty-two.

Mr. HULBERT. And what percentage of the people who participated were registered voters?

Mr. LINTHICUM. The article does not state.

Mr. HULBERT. I would like to say to the gentleman——

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. The following are the articles to which I have referred:

ARE YOU IN FAVOR OF PREPAREDNESS?

The Sun wants to know what its readers think about national defense.

Adequate military preparedness, in the opinion of the Army War College, means a Regular Army of 281,000 men, with a regular reserve, bringing the total number of soldiers available at home at the outbreak of war up to 500,000. In addition, it thinks there should be 500,000 more men ready to take the field at the outbreak of war, with sufficient training to enable them to meet a trained enemy within three months' time. The War College proposes a program which will take eight years to organize fully an army of this size.

Adequate naval preparedness, in the opinion of the General Board of the Navy, means the construction within the next five years of 10 dreadnaughts, 6 cruisers, 10 scouts, 50 destroyers, and 67 submarines, with appropriate subsidiary craft.

The Swiss Army system, generally regarded as the model universal military system for democratic countries, requires military service of all physically fit male citizens. Each Swiss youth in his twentieth year must spend from 60 to 90 days, according to the branch of the service to which he is assigned, in a training camp. After that, for 11 years he must spend 11 days annually in camp to refresh his training. During the next 12 years he must spend 11 days each alternate year in training.

With these definitions in mind—

Are you in favor of preparedness?

Are you in favor of universal military service?

The Sun would like to know what its readers think, and to that end asks them to cut out and mark the ballot below and mail it or bring it to the Sun, Baltimore:

For preparedness	
Against preparedness	
For universal service	
Against universal service	

Name ———,
Address ———.

[From the Baltimore Sun, June 2, 1916.]

NINETY-ONE PER CENT VOTED FOR DEFENSE—RESULT OF THE SUN'S POLL SHOWS AN OVERWHELMING SENTIMENT FOR NATIONAL PREPAREDNESS—9,732 BALLOTS WERE RECEIVED—UNIVERSAL SERVICE A CLOSE SECOND, WITH MORE THAN 87 PER CENT—25 STATES WERE HEARD FROM—WOMEN STRONGLY IN FAVOR.

More than 91 per cent of the nearly 10,000 persons who were enough interested in the subject voluntarily to send their ballots to the Sun are in favor of preparedness for national defense, and more than 87 per cent are in favor of universal military service, most of them according to the Swiss system.

The result is perhaps as surprising to the Sun as to any others, especially the percentage in favor of universal service, for, like England, America has always heretofore been wedded to the volunteer system and very loath to adopt any form of conscription or compulsory enlistment.

About four men voted to every woman, which was rather disappointing, but the composite decision of the women was rather astonishing. They voted nearly 8 to 1 for preparedness and about 6 to 1 for universal service, and a great many of them insisted that women should be trained to do their part in case of war as well as men—that service should be really universal.

BALLOTS STILL COMING IN.

Hundreds of ballots are still being received every day, but as the averages have not differed materially at any time since the beginning, and as there is no prospect that they will, it has been decided to announce the result now.

The Sun believes that this vote is fairly representative of public opinion, at least east of the Alleghanies. It was, in the first place, entirely voluntary. No effort was made by the Sun outside of the invitation in its own columns to get any person whatever to vote, and, of course, no effort to influence any vote. The fact that nearly 10,000 should have accepted the invitation, more than half of them expending postage for the privilege, shows the widespread interest in the subject.

In the second place, a great majority of the ballots came singly or in little batches of two, three, or half a dozen. A few batches of votes came from big business houses, but it was noticeable that in these different opinions were expressed, the averages differing very little from the general averages. A few bundles of pacifist votes also came, chiefly from the counties of Maryland. There was some evidence that a little organized effort was being made on both sides, but it did not appreciably affect the result. The Sun believes that it was a spontaneous and representative expression of public sentiment.

It was remarkable how evenly the trend of opinion ran. On no single day were the votes received anything but overwhelmingly in favor of preparedness and universal service, and the same may be said of every hundred votes cast. All through the counting the averages showed surprising consistency.

VOTES FROM 25 STATES.

Votes were received from 25 States, besides the District of Columbia, and from Americans in Canada and Cuba. Among the voters were a great proportion of the most prominent men in Maryland, but the large majority of the votes came from the plain people, many of them workingmen of little education. They came from every sort and condition of men and women, the millionaire and the ditch digger, the club woman and her cook, the Sons and Daughters of the American Revolution and the Colonial Wars, and the recently arrived immigrant, from the rampant Roosevelt man and the no less earnest Wilson admirer. The electorate was remarkably representative, apparently, and that is

why the Sun is so confident that the result plainly indicates popular opinion.

The total number of votes received was 9,732. The total for preparedness was 8,591, and against it 781. The total for universal service was 8,186, and against it 1,055. This was divided as follows: Men for preparedness, 7,307; against, 572; for universal service, 6,632; against, 811. Women for preparedness, 1,644; against, 209; for universal service, 1,554; against, 244.

The votes were divided according to localities, as follows: From Baltimore and its suburbs (including all Baltimore County), 7,169; from the balance of the State, 1,542; Virginia, 375; West Virginia, 295; District of Columbia, 156; Pennsylvania, 53; North Carolina, 45; New Jersey, 22; New York, 20; Delaware, 14; South Carolina, 6; Massachusetts, 5; Michigan, 4; Alabama, 4; Texas, 2; Florida, 2; Illinois 2; Ohio, 2; Tennessee, 2; Maine, 1; Arizona, 1; Montana, 1; Kentucky, 1; Oregon, 1; Georgia, 1; Arkansas, 1; Rhode Island, 1; Canada, 3; and Cuba, 1.

CITY STRONGEST FOR DEFENSE.

The strongest sentiment in favor of preparedness was shown in Baltimore City and suburbs, as was natural, and the strongest pacifist sentiment was disclosed in the vote from the counties of Maryland, but it did not vary greatly. In the city the vote was probably about 95 per cent in favor of preparedness, and in the counties it was fully 75 per cent, although the vote was not divided and tabulated in that way. Virginia was stronger for preparedness than the counties of Maryland and a little weaker on it than West Virginia and North Carolina. All were strongly in favor of both propositions.

The whole object of the Sun's effort to get this poll was to test public sentiment on one of the most momentous and interesting questions before the American people. The support given Henry Ford in the Middle West and the noise made by pacifists and "hyphenates" all over the country led many persons to the conclusion that Americans had become imbued with the peace-at-any-price idea; that they had lost their patriotism and become cowardly and timid and lazy and not disposed to defend their country. The Sun wanted to find out for its own and its readers' benefit. The result ought to be a conclusive answer to the question.

That every effort has been made to make the poll as absolutely fair and uninfluenced as possible and the result correctly ascertained ought to go without saying. For some reason the antipreparedness people have shown a disposition to be angry and insulting. A sample of this was received yesterday, which reads as follows:

"How much graft does the allies' American press and preparedness pay the Baltimore Sun? By what and whose authority does the Sun undertake to act as sponsor for the American Nation? Who will believe the Sun's lies in this matter?

"PATT."

As the Sun does not know who the writer is nor his address, his vote could not be counted, but a number of similar epistles have actually been registered in the pacifist result.

DOUBTERS MAY HAVE RECOUNT.

In this connection the Sun wishes to say that the ballots have been preserved, and if a respectable committee of pacifists who doubt the Sun's honesty in the matter would like to have a recount it can be easily arranged so that the committee may itself count them.

It has not always been easy to get at the exact sentiments of the voters. A good many voted in favor of the Swiss system and against preparedness. These were counted as marked, although it seemed that the vote against preparedness was the result of misunderstanding. Many voted only for universal service, and these were counted for preparedness as well. Many others voted simply against preparedness, and these were counted against the universal service as well. It was believed that in doing this the real sentiments of the voters could be best obtained.

If any very large number of ballots is received hereafter, or if they change materially the percentages as given, a supplementary announcement of the change and the results will be made, but this is not expected.

Mr. ABERCROMBIE. Mr. Chairman, I ask unanimous consent to be allowed to address the House for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to address the committee for 10 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object—I do not intend to do so—I wish to observe that while I still have 14 amendments to introduce to this bill but 28 minutes remain which may be used for that purpose under the rule. I shall not object.

Mr. MANN. Reserving the right to object, there is still a large number of amendments which we desire to offer on this side, some of them committee amendments—that is, from the Republican members of the committee—which have been in print and which have not been offered; and there are a number of individual-Member amendments. It is quite evident that we shall not get a chance to offer them all and discuss them, anyhow, and the gentleman from Alabama [Mr. ABERCROMBIE] is such a fine gentleman that I have not the heart to object.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. ABERCROMBIE]? [After a pause.] The Chair hears none. The gentleman is recognized for 10 minutes.

[Mr. ABERCROMBIE addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, I have an amendment to correct a total, made necessary by the adoption of an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. PADGETT: Page 29, line 6, strike out "$7,124,975" and insert "$7,139,975."

The CHAIRMAN. Without objection, the amendment is agreed to. [After a pause.] The Chair hears no objection.

Mr. BRITTEN. Mr. Chairman, I have an amendment I desire to offer.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have a right to discuss the amendment of the gentleman from Tennessee.

The CHAIRMAN. It is too late.

Mr. MOORE of Pennsylvania. When an amendment is offered, is it not the right of a Member to discuss it?

The CHAIRMAN. The Chair said, without objection, the amendment would be agreed to, and no gentleman objected. The amendment came from the committee. It is now a quarter to 2, and only 15 minutes remain.

Mr. MOORE of Pennsylvania. That is the trouble, Mr. Chairman. But when the Clerk reports an amendment is it proper for a gentleman to rise in his place and offer to discuss it?

The CHAIRMAN. The Chair stated that, without objection, the amendment would be agreed to, and nobody objected, and the Chair recognized the gentleman from Illinois [Mr. BRITTEN].

Mr. MOORE of Pennsylvania. I submit that I addressed the Chair.

The CHAIRMAN. The time is limited.

Mr. MOORE of Pennsylvania. I realize that the time is limited. That is the trouble.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BRITTEN: Strike out lines 23 and 24, on page 21.

Mr. BRITTEN. Mr. Chairman, I think this is the very first amendment that has been offered in the House attempting to take something out of this bill. Every amendment offered so far during the consideration of the bill has been with a view to increasing the bill. My amendment provides for striking out lines 23 and 24, which read as follows:

Dredging Cooper River, approach to navy yard, Charleston, S. C., $175,000.

Just above these two lines is a paragraph which includes $12,000 for the dredging around the navy yard, which the committee decided was really necessary. This item appropriating $175,000 was not at all considered. No hearings were held upon it, and it is an amount that was requested of the Committee on Rivers and Harbors for insertion in their bill and refused. How it got into our bill I do not know. It is ill becoming to say "I told you so," but——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BRITTEN. Not now. A little later, please, I shall be glad to yield. But some three or four months ago Admiral Stanford, Chief of the Bureau of Yards and Docks, came before our committee and surely opened our eyes. The last Congress and the Congress preceding that had appropriated $150,000 in each Congress, making a total of $300,000, for a berthing place for torpedo boats at Charleston. Now, experts tell us that the Charleston Navy Yard can be used to very good advantage as a base for destroyers or as a base for light-draft vessels. No expert in the history of the Charleston Navy Yard has ever said that it was properly situated, water facilities considered, for a battleship yard. The original appropriation of $150,000 was made on March 4, 1913. A few days later the honorable Josephus—the right honorable Josephus Daniels—became Secretary of the Navy.

Mr. MADDEN. Will the gentleman yield for a question there?

Mr. BRITTEN. Just a question.

Mr. MADDEN. I should like to know why my colleague uses the term "right honorable Josephus Daniels," when almost everybody whom you hear speak about him thinks he is always wrong? [Laughter.]

Mr. BRITTEN. The reason is obvious. The honorable Josephus Daniels came into office directly after March 4, and on March 7—just think of it, three days later—he started to grind out letters changing the construction of this 1,610-foot wharf for the berthing of torpedo boats and light-draft vessels, and they finally cut it down to 287 feet, but they made it 56 feet wide. Well, Admiral Stanford was asked, "Why make it 56 feet wide?" He said the department wanted it that way. What for? After two days of argument we finally got them to admit that they had changed the construction in order to make it a berthing place for battleships; and I said at that time, "Just as sure as you gentlemen are sitting here, you will see a paragraph inserted in the next naval bill"—there was no other indication of it at that time—"changing that yard from a small-ship yard to a battleship yard." And here it is, $175,000. If they stop dredging for a year around the Charleston yard, they would not have any water at all. It would silt up. Now, they

have changed the berthing place from a wharf to take care of light-draft vessels to one 56 feet wide to take care of battleships. But they could not get a battleship up there, and naturally they must provide the $175,000 for this dredging project.

If this project was rejected in the rivers and harbors "pork" bill as without merit, the House can not consistently insert it now.

Mr. PADGETT. Mr. Chairman, with reference to this amendment I beg to say that the House will recollect that it was fully and thoroughly considered in the House when the river and harbor bill was under consideration, and it presented a very strong case. An appeal was made to the House, and from the temper of the House at the time I was satisfied that could it have been entertained in the river and harbor bill the House would have accepted it. There was an understanding that no new project would be taken on to the river and harbor bill and thus it could not be taken as an amendment. The Secretary of the Navy said to the committee that this was so urgent and so necessary that he hoped that the Naval Committee would report it as an item in their bill.

Mr. BRITTEN. When did the Secretary say that to the committee?

Mr. PADGETT. At one of the hearings.

Mr. BRITTEN. The matter was never considered until the last day.

Mr. PADGETT. When the Secretary was before the committee he stated that it was urgent, and he hoped the committee would insist upon it and include it in their report.

Mr. BRITTEN. I wish the gentleman would find that for me in the hearings.

Mr. PADGETT. The situation is this: We have an investment of eight or nine million dollars, as I remember it, in the navy yard at Charleston. The general part of the river out to the open sea is good except that there are two small bars and a sharp curve. It is necessary to dredge out the bars that run across the channel and also to cut a little off the bend of the obstruction so as to make it wider. That is why it is included here.

Admiral Benson wrote a letter which I inserted in the RECORD when the matter was under consideration in the river and harbor bill, calling attention to the urgency of this matter. The gentleman from South Carolina, Mr. WHALEY, fully presented the matter and explained the details, and I am sure that the House remembers it, and that it is in order to make efficient and to make serviceable and available the navy yard that we have there with an investment of seven or nine million dollars. I ask the committee to vote down the motion and retain the provision in the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. DUPRÉ. Mr. Chairman, I offer the following amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is it proper to recognize two gentlemen from the same side in succession?

The CHAIRMAN. The Chair has just recognized the gentleman from Illinois [Mr. BRITTEN], a Member on the Republican side, and has now recognized the gentleman from Louisiana on the Democratic side.

The Clerk read as follows:

Page 47, after line 9, insert a new paragraph, as follows:

"That of the naval constructors, 12 shall have the rank of captain and 12 the rank of commander: *Provided*, That promotions in rank herein provided for shall take place immediately upon the passage of this act and be effective from the date of approval thereof."

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. PADGETT. I make the point of order against the amendment, Mr. Chairman.

Mr. DUPRÉ. Mr. Chairman, I realize that the point of order is good, and I will not press it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 99, line 22, after the figures "$47,366,860," insert the following:

"*Provided*, That no part of this appropriation shall be applied to the purchase in foreign countries of hulls and outfits of vessels and machinery of vessels, if the same can be procured in the United States."

Mr. PADGETT. I make a point of order against the amendment, Mr. Chairman.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to appeal particularly to those Members of the House who believe in American products. This paragraph provides for the expenditure of $47,000,000 for hulls and outfits of vessels and machinery of vessels heretofore authorized, and so forth. We are told that it is the custom of the department, under certain laws that have recently been passed, to buy some supplies, particularly machinery, of foreign countries. To our very great shame it has occurred that bunting to be made into the American flag has been purchased in foreign countries. I am not going to debate this question at great length, because there are only a few minutes remaining, but the problem is, Shall we permit the Government to buy these things abroad when they can be bought at home and thus encourage American industries? Mr. Chairman, I ask for a vote.

Mr. PADGETT. Mr. Chairman, I just simply ask that that be voted down for the reason that it is very often necessary. That would prevent purchase even in case of emergency.

Mr. MOORE of Pennsylvania. Oh, I beg the gentleman's pardon. It provides only against foreign purchases where goods can be purchased in the United States.

Mr. PADGETT. It is the policy that Congress abandoned several years ago, and I see no reason why we should return to it now. I ask for a vote.

Mr. MANN. Mr. Chairman, in the minute that remains I just want to say to the Republican side of the House, as a matter of convenience, that after the vote upon the naval bill the Republican Members of the House are entitled to be absent until and including a week from to-morrow on account of the Republican convention.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 105, noes 109.

Mr. MOORE of Pennsylvania. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. PADGETT and Mr. MOORE of Pennsylvania to act as tellers.

The committee again divided; and there were—ayes 146, noes 149.

So the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment as a new section, to come at the close of the bill, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the bill insert:

"SEC. —. Investigation concerning medals of honor: A board, to consist of five general officers on the retired list of the Navy, shall be convened by the President within 60 days after the approval of this act for the purpose of investigation and reporting upon past awards of issues of the so-called congressional medal of honor, by or through the Navy Department; this with a view to ascertain what medals of honor, if any, have been awarded or issued for any cause other than distinguished conduct by an officer or enlisted man in action involving actual conflict with an enemy by such officer or enlisted man, or by troops with which he was serving at the time of such action. And in any case in which said board shall find and report that said medal was issued for any cause other than that hereinbefore specified the name of the recipient of the medal so issued shall be stricken permanently from the official medal-of-honor list. It shall be a misdemeanor for him to wear or publicly display said medal; and if he shall still be in the Army, he shall be required to return said medal to the Navy Department for cancellation. Said board shall have full and free access to and use of all records pertaining to the award or issue of medals of honor by or through the Navy Department. The actual and necessary expenses of said board and its members shall be paid out of any appropriations available for contingent expenses of the Navy Department."

Mr. PADGETT. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BRITTEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk proceeded to read the amendment.

Mr. PADGETT (interrupting the reading). Mr. Chairman, enough of the amendment has been read to show that it is subject to a point of order, and I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the amendment may be printed in the RECORD in full.

The CHAIRMAN. Is there objection?

There was no objection.

The amendment is as follows:

After line 12, on page 5, insert the following:

"That there is hereby established a council of national defense, consisting of the President of the United States, who shall be ex officio president of the council, the Secretary of State, who shall preside in the absence of the President, the Secretary of War, the Secretary of the Navy, the chairman of the Committee on Appropriations of the Senate, the chairman of the Committee on Foreign Relations of the Senate, the chairman of the Committee on Military Affairs of the Senate, the chairman of the Committee on Naval Affairs of the Senate, the chairman of the Committee on Appropriations of the House of Representatives, the chairman of the Committee on Foreign Affairs of the House of Representatives, the chairman of the Committee on Military Affairs of the House of Representatives, the chairman of the Committee on Naval Affairs of the House of Representatives, the Chief of the General Staff of the Army, an officer of the Navy not below the rank of captain to be designated by the Secretary of the Navy, the president of the Army War College, and the president of the Navy War College.

"SEC. 2. That the chairmen of the several committees of the Senate and House of Representatives herein named shall act as members of the council until their successors have been selected.

"SEC. 3. That said council shall report to the President for transmission to Congress a general policy of national defense and such recommendation of measures relating thereto as it shall deem necessary and expedient.

"SEC. 4. That said council shall meet at least once in each calendar year on such date or dates as it shall fix: *Provided*, That in time of war said council shall meet only upon the call of the President of the United States: *Provided further*, That special meetings may be called by the president of the council: *And provided further*, That the council may summon for consultation at any of its meetings any citizen of the United States, and upon request by the council the Secretary of War and the Secretary of the Navy shall order any officer of the Army, Navy, or Marine Corps to appear before the council for consultation.

"SEC. 5. That for carrying out the purposes of this act there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $20,000, to be available until expended, and to be expended upon vouchers signed by the president of the council: *Provided*, That all necessary expenses of the chairmen of committees of the Senate and of the House of Representatives, when called to attend meetings of said council when Congress is not in session, and the necessary expenses of all persons summoned shall be paid from this appropriation, upon approval by the president of the council."

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PADGETT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. FITZGERALD. The rule provides that.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BUTLER. Mr. Speaker, I demand a separate vote on the amendment providing for a Government armor-plate plant.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. PADGETT. Mr. Speaker, I do not demand any.

The SPEAKER. The vote will be taken on the remaining amendments in gross. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the amendment referred to by the gentleman from Pennsylvania, providing for the construction of a Government armor plant, which the Clerk will report.

The Clerk read as follows:

On page 17, after line 14 insert as a new paragraph the following:

"The Secretary of the Navy is hereby authorized and directed to provide, either by the erection of a factory or by the purchase of a factory, or both, for the manufacture of armor for the vessels of the Navy; said factory or factories to have an annual capacity of not less than 20,000 tons of armor; to be located at a place or places approved by the General Board of the Navy, with especial reference to considerations of safety in time of war; and the sum of $11,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the purposes of this paragraph. And if the United States owns no suitable site, or sites, authority is hereby given to acquire by purchase, condemnation, or gift such site or sites as may be necessary. The expenditures for drafting, technical, expert, and clerical assistance necessary shall be paid from the appropriation herein made.

"The Secretary of the Navy shall keep accurate and itemized account of the cost per ton of the product of such factory or factories and report the same to Congress in his annual report."

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 236, nays 135, answered "present" 3, not voting 60, as follows:

YEAS—236.

Abercrombie	Ashbrook	Black	Buchanan, Tex.
Adair	Aswell	Blackmon	Byrnes, S. C.
Adamson	Ayres	Booher	Byrns, Tenn.
Aiken	Bailey	Borland	Caldwell
Alexander	Barkley	Britt	Callaway
Allen	Beakes	Bruckner	Candler, Miss.
Almon	Bell	Buchanan, Ill.	Caraway
Carew	Garrett	Lieb	Schall
Carter, Okla.	Good	Lluthicum	Scully
Cary	Goodwin, Ark.	Littlepage	Shackleford
Casey	Gordon	Lloyd	Shallenberger
Church	Gray, Ind.	Lobeck	Sherley
Cline	Green, Iowa	London	Shouse
Coady	Griffin	McAndrews	Sisger
Collier	Hadley	McClintic	Sims
Connelly	Hamill	McCracken	Sinnott
Cooper, Wis.	Hamlin	McDermott	Sisson
Cox	Hardy	McGillicuddy	Sloan
Cramton	Harrison	McKellar	Small
Crisp	Hart	Maher	Smith, N. Y.
Crosser	Haskell	Mapes	Smith, Tex.
Cullop	Hastings	Martin	Steagall
Curry	Haugen	Mays	Stedman
Dale, N. Y.	Hayden	Moon	Steele, Iowa
Davis, Tex.	Heflin	Morgan, Okla.	Stephens, Miss.
Decker	Helgesen	Morrison	Stephens, Nebr.
Dent	Helm	Moss, Ind.	Stephens, Tex.
Dickinson	Helvering	Murray	Stone
Dies	Hensley	Neely	Stout
Dill	Hilliard	Nelson	Sumners
Dillon	Holland	Nicholls, S. C.	Sweet
Dixon	Hood	Nichols, Mich.	Taggart
Dooling	Houston	Nolan	Tague
Doolittle	Howard	Norton	Talbott
Doremus	Huddleston	Oglesby	Tavenner
Dowell	Hughes	Oldfield	Taylor, Ark.
Dupré	Hulbert	Oliver	Taylor, Colo.
Eagan	Hull, Iowa	Overmyer	Thomas
Eagle	Hull, Tenn.	Padgett	Thompson
Edwards	Humphrey, Wash.	Phelan	Tillman
Ellsworth	Igoe	Pou	Tribble
Elston	Jacoway	Price	Van Dyke
Emerson	James	Quin	Venable
Esch	Johnson, Ky.	Ragsdale	Vinson
Estopinal	Johnson, S. Dak.	Rainey	Volstead
Evans	Johnson, Wash.	Raker	Watkins
Farley	Keating	Ramseyer	Webb
Ferris	Kent	Randall	Whaley
Fields	Kettner	Rauch	Wheeler
Finley	Kincheloe	Rayburn	Williams, Ohio
Fitzgerald	Kinkaid	Reavis	Williams, T. S.
Flynn	Kitchin	Reilly	Williams, W. E.
Foster	Konop	Ricketts	Wilson, Fla.
Frear	La Follette	Riordan	Wilson, La.
Gallagher	Lazaro	Rouse	Wingo
Gallivan	Lee	Rubey	Wise
Gandy	Lenroot	Rucker	Woods, Iowa
Gard	Lever	Russell, Mo.	Young, N. Dak.
Garner	Lewis	Russell, Ohio	Young, Tex.

NAYS—135.

Austin	Fordney	Lafean	Rodenberg
Bacharach	Foss	Lehlbach	Rowe
Barchfeld	Freeman	Losher	Rowland
Beales	Gardner	Liebel	Sanford
Bennet	Garland	Loft	Scott, Mich.
Bowers	Gillett	Longworth	Scott, Pa.
Britten	Glynn	Loud	Sells
Browning	Gould	McArthur	Smith, Idaho
Butler	Graham	McCulloch	Smith, Mich.
Campbell	Greene, Mass.	McKenzie	Snell
Capstick	Greene, Vt.	McLaughlin	Snyder
Carter, Mass.	Guernsey	Madden	Stafford
Chandler, N. Y.	Hamilton, Mich.	Magee	Steele, Pa.
Charles	Hamilton, N. Y.	Mann	Stephens, Cal.
Chiperfield	Hawley	Mocker	Sterling
Coleman	Hayes	Miller, Del.	Stiness
Cooper, Ohio	Heaton	Mondell	Sulloway
Copley	Hernandez	Moore, Pa.	Swift
Costello	Hicks	Morin	Switzer
Crago	Hill	Mott	Temple
Dale, Vt.	Hinds	Mudd	Tilson
Dallinger	Hollingsworth	North	Timberlake
Danforth	Hopwood	Oakey	Tinkham
Darrow	Howell	O'Shaunessy	Towner
Dempsey	Husted	Paige, Mass.	Treadway
Denison	Hutchinson	Parker, N. J.	Vare
Dewalt	Kahn	Patten	Walsh
Driscoll	Kelster	Peters	Ward
Drukker	Kelley	Platt	Wason
Dunn	Kennedy, Iowa	Porter	Watson, Pa.
Edmonds	Kennedy, R. I.	Powers	Wilson, Ill.
Farr	Kiess, Pa.	Pratt	Winslow
Fess	King	Roberts, Mass.	Wood, Ind.
Focht	Kreider	Roberts, Nev.	

ANSWERED "PRESENT"—3.

Browne	Cantrill	Rogers

NOT VOTING—60.

Anderson	Dyer	Key, Ohio	Page, N. C.
Anthony	Fairchild	Langley	Park
Barnhart	Flood	Lindbergh	Parker, N. Y.
Brumbaugh	Fuller	McFadden	Sabath
Burgess	Glass	McKinley	Saunders
Burke	Godwin, N. C.	McLemore	Sears
Burnett	Gray, Ala.	Matthews	Sherwood
Cannon	Gray, N. J.	Miller, Minn.	Slayden
Carlin	Gregg	Miller, Pa.	Slemp
Clark, Fla.	Griest	Montague	Smith, Minn.
Conry	Hay	Mooney	Sparkman
Cooper, W. Va.	Henry	Moores, Ind.	Steenerson
Davenport	Humphreys, Miss	Morgan, La.	Sutherland
Davis, Minn.	Jones	Moss, W. Va.	Walker
Doughton	Kearns	Olney	Watson, Va.

So the amendment was agreed to.

The Clerk announced the following pairs:

For this vote:

Mr. DAVENPORT with Mr. BROWNE.

Mr. BARNHART with Mr. MILLER of Minnesota.
Mr. CARLIN with Mr. ANDERSON.
This vote (for armor plant):
Mr. SEARS (for armor plant) with Mr. KEARNS (against armor plant).
Mr. WALKER (for armor plant) with Mr. COOPER of West Virginia (against armor plant).
Mr. GLASS (for armor plant) with Mr. SLEMP (against armor plant).
Mr. GRAY of Alabama (for armor plant) with Mr. GRAY of New Jersey (against armor plant).
Mr. BURNETT (for armor plant) with Mr. SUTHERLAND (against armor plant).
Mr. BURKE (for armor plant) with Mr. MOSS of West Virginia (against armor plant).
Mr. FLOOD (for armor plant) with Mr. ROGERS (against armor plant).
Mr. WATSON of Virginia (for armor plant) with Mr. DYER (against armor plant).
Mr. JONES (for armor plant) with Mr. MOONEY (against armor plant).
Mr. SLAYDEN (for armor plant) with Mr. MCKINLEY (against armor plant).
Mr. HAY (for armor plant) with Mr. ANTHONY (against armor plant).
Mr. KEY of Ohio (for armor plant) with Mr. MILLER of Pennsylvania (against armor plant).
Mr. DAVIS of Minnesota (for armor plant) with Mr. PAGE of North Carolina (against armor plant).
Mr. SAUNDERS (for armor plant) with Mr. PARKER of New York (against armor plant).
Mr. GREGG (for armor plant) with Mr. STEENERSON (against armor plant).
Mr. BRUMBAUGH (for armor plant) with Mr. FAIRCHILD (against armor plant).
Mr. CONRY (for armor plant) with Mr. MCFADDEN (against armor plant).
Mr. MONTAGUE (for armor plant) with Mr. MOORES of Indiana (against armor plant).
Mr. SPARKMAN (for armor plant) with Mr. GRIEST (against armor plant).
Mr. HUMPHREYS of Mississippi (for armor plant) with Mr. MATTHEWS (against armor plant).
Mr. CANTRILL (for armor plant) with Mr. LANGLEY (against armor plant).
For to-day:
Mr. BURGESS (for armor plant) with Mr. CANNON (against armor plant).
Until further notice:
Mr. CLARK of Florida with Mr. FULLER.
Mr. OLNEY with Mr. SMITH of Minnesota.
Mr. ROGERS. Mr. Speaker, I voted "no." I am paired with the gentleman from Virginia, Mr. FLOOD, and I desire to withdraw my vote and answer "present."
The name of Mr. ROGERS was called, and he answered "Present."
Mr. CANTRILL. Mr. Speaker, I am paired with the gentleman from Kentucky, Mr. LANGLEY. If he were present, he would vote "no." I desire to withdraw my vote of "aye" and answer "present."
The name of Mr. CANTRILL was called, and he answered "Present."
The result of the vote was announced as above recorded.
The SPEAKER. The question is on the engrossment and third reading of the bill.
The bill was ordered to be engrossed and read the third time, and was read the third time.
Mr. BROWNING. Mr. Speaker, I am opposed to this bill in its present shape and shall vote against it. I therefore move to recommit the bill to the Committee on Naval Affairs with instructions to report the same back to the House forthwith with the following amendments.
The SPEAKER. The Clerk will report the instructions.
The Clerk read as follows:

Mr. BROWNING moves to recommit the bill to the Committee on Naval Affairs with instructions to report the same back to the House forthwith with the following amendments:
Page 8, line 15: Strike out the figures "$862,000" and insert in lieu thereof the figures "$904,000."
Page 8, line 24: Strike out the figures "$174,670" and insert in lieu thereof the figures "$194,340."
Page 9, line 25: Strike out the figures "$1,428,000" and insert in lieu thereof the figures "$1,638,000."
Page 26, line 21: Strike out the words "sixty-one thousand five hundred" and insert in lieu thereof the words "sixty-five thousand."
Page 26, line 22: After the first word, "men," insert the following: "and the President is hereby authorized to enlist, in his discretion, and from time to time, such additional men as the needs of the Navy may require not to exceed a total authorized strength of 82,762 men."
Page 36, line 23: Strike out the figures "$27,563,988.50" and insert in lieu thereof the figures "$28,436,488.50."
Page 37, line 8: Strike out the figures "$46,876,246.86" and insert in lieu thereof the figures "$47,748,746."
Page 67, line 9: Strike out the figures "$8,848,933.85" and insert in lieu thereof the figures "$9,088,508.85."
Page 82, line 4: Strike out the word "seven" and insert in lieu thereof the word "eight."
Page 82, line 6: Strike out the figures "$1,328,749" and insert in lieu thereof the figures "$1,377,849."
Page 88, line 4: Strike out the word "seventeen" and insert in lieu thereof the word "eighteen"; also strike out the word "seventy-two" and insert in lieu thereof the word "eighty."
Page 88, line 5: Strike out the first word "sixty-five" and insert in lieu thereof the word "seventy-four"; also strike out the second word "sixty-five" in said line and insert in lieu thereof the word "seventy-three."
Page 88, line 6: Strike out the words "three hundred" and insert in lieu thereof the words "three hundred and forty-two"; also in said line strike out the words "five hundred" and insert in lieu thereof the words "five hundred and seventy-eight."
Page 88, line 7: Strike out the first word "thirty" and insert in lieu thereof the word "thirty-seven"; also in said line strike out the words "two thousand" and insert in lieu thereof the words "two thousand five hundred and forty."
Page 88, line 20: Strike out the figures "$3,434,582.52" and insert in lieu thereof the figures "$3,509,850.52."
Page 90, line 2: Strike out the figures "$56,000" and insert in lieu thereof the figures "$59,000."
Page 90, line 25: Strike out the figures "$5,331,406.30" and insert in lieu thereof the figures "$5,458,574.30."
Page 91, line 15: Strike out the figures "$1,150,068.90" and insert in lieu thereof the figures "$1,155,068.90."
Page 92, line 5: Strike out the figures "$926,423.50" and insert in lieu thereof the figures "$996,073.50."
Page 92, line 11: Strike out the figures "$217,092.66" and insert in lieu thereof the figures "$220,692.66."
Page 93, line 13: Strike out the figures "$713,648.78" and insert in lieu thereof the figures "$810,002.78."
Page 94, line 13: Strike out the figures "$459,711.65" and insert in lieu thereof the figures "$492,156.65."
Page 95, line 3: Strike out the figures "$39,246" and insert in lieu thereof the figures "$42,246."
Page 95, line 15: Strike out the figures "$107,512" and insert in lieu thereof the figures "$121,048."
Page 97, line 7: Strike out the figures "$654,315" and insert in lieu thereof the figures "$692,845."
Page 97, line 9: Strike out the figures "$4,469,048.49" and insert in lieu thereof the figures "$4,771,133.49."
Page 97, line 16: Strike out the figures "$9,800,454.79" and insert in lieu thereof the figures "$10,229,907.79."
Page 97, line 20: Strike out the word "five" and insert in lieu thereof the word "six."
Page 97, line 25: After the word "each" insert "said battle cruisers to be constructed within 24 months from the date of signing contract."
Page 98: At the top of said page and before the words "Four scout cruisers," etc., insert a new paragraph, as follows:
"Two first-class battleships, to be of identical design in all respects as the battleships *Tennessee* and *California* authorized to be constructed in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, to cost, exclusive of armor and armament, not to exceed $10,500,000 each; said battleships to be constructed within 24 months from the date of signing contract."
Page 98, line 1: Strike out the word "four" and insert in lieu thereof the word "six."
Page 98, line 5: After the word "each" insert "said scout cruisers to be constructed within 15 months from the date of signing contract."
Page 98, line 6: Strike out the word "ten" and insert in lieu thereof the word "twenty-eight."
Page 98, line 9: After the word "each" insert "said destroyers to be constructed within 15 months from the date of signing contract."
Page 98, line 17: After the word "each" insert "said submarines to be constructed within 15 months from the date of signing contract."
Page 98, line 20: After the word "each" insert "said submarines to be constructed within 12 months from the date of signing contract."
Page 98, line 21: Strike out the figures "$4,257,000" and insert in lieu thereof the figures "$9,387,000."
Page 99, line 3: Strike out the word "one" and insert in lieu thereof the word "two."
Page 99, line 4: Insert after the figures "$1,265,000" "said fuel ship to be constructed within 15 months from the date of signing contract."
Page 99, line 6: After the figures "$2,600,000" insert "said ammunition ship to be constructed within 15 months from the date of signing contract."
Page 99, line 7: After the figures "$2,250,000" insert "said hospital ship to be constructed within 15 months from the date of signing contract."
Page 99, after line 7, insert:
"One transport, to cost not to exceed $2,450,000; said transport to be constructed within 15 months from the date of signing contract.
"One supply ship, to cost not to exceed $2,230,000; said supply ship to be constructed within 15 months from the date of signing contract.
"One destroyer tender, to cost not to exceed $1,950,000; said destroyer tender to be constructed within 15 months from the date of signing contract.
"One repair ship, to cost not to exceed $2,600,000; said repair ship to be constructed within 15 months from the date of signing contract."
Page 99, line 22: Strike out the figures "$47,366,860" and insert in lieu thereof the figures "$73,133,852."
Page 100, line 4: Strike out the figures "$36,707,000" and insert in lieu thereof the figures "$44,196,689."

Mr. PADGETT. Mr. Speaker, I move the previous question upon the motion to recommit.
The previous question was ordered.
Mr. MANN. On the motion to recommit I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the yeas and nays on the motion to recommit.
The yeas and nays were ordered.
The question was taken; and there were—yeas 183, nays 189, answered "present" 4, not voting 59, as follows:

YEAS—183.

Austin	Esch	Johnson, Wash.	Peters
Bacharach	Farley	Kahn	Phelan
Barchfeld	Farr	Keister	Platt
Beales	Fess	Kelley	Porter
Bennet	Flynn	Kennedy, Iowa	Powers
Bowers	Focht	Kennedy, R. I.	Pratt
Britten	Fordney	Kent	Reavis
Browne	Foss	Kiess, Pa.	Roberts, Mass.
Browning	Frear	King	Roberts, Nev.
Bruckner	Freeman	Kinkaid	Rodenberg
Butler	Gallagher	Kreider	Rowe
Caldwell	Gallivan	Lafean	Rowland
Campbell	Gardner	Lehlbach	Sanford
Capstick	Garland	Lenroot	Schall
Carew	Gillett	Loft	Scott, Mich.
Carter, Mass.	Gould	Longworth	Scott, Pa.
Chandler, N. Y.	Graham	Loud	Scully
Charles	Green, Iowa	McAndrews	Sells
Chiperfield	Greene, Mass.	McArthur	Siegel
Coleman	Greene, Vt.	McCracken	Sinnott
Cooper, Ohio	Griffin	McDermott	Sloan
Cooper, Wis.	Guernsey	McKenzie	Smith, Idaho
Copley	Hadley	McLaughlin	Smith, Mich.
Costello	Hamill	Madden	Snell
Crago	Hamilton, Mich.	Magee	Snyder
Curry	Hamilton, N. Y.	Mann	Stafford
Dale, N. Y.	Haskell	Mapes	Steele, Pa.
Dale, Vt.	Hawley	Martin	Stephens, Cal.
Dallinger	Hayes	Mecker	Sterling
Danforth	Heaton	Miller, Del.	Stiness
Darrow	Hernandez	Moore, Pa.	Stone
Dempsey	Hicks	Morin	Sulloway
Denison	Hill	Mott	Sweet
Dooling	Hinds	Mudd	Swift
Dowell	Hopwood	Nichols, Mich.	Tague
Driscoll	Howell	Nolan	Temple
Drukker	Hulbert	North	Tilson
Dunn	Hull, Iowa	Oakey	Timberlake
Dupré	Humphrey, Wash.	Oglesby	Tinkham
Eagan	Husted	O'Shaunessy	Towner
Edmonds	Hutchinson	Paige, Mass.	Treadway
Elston	James	Parker, N. J.	Vare
Emerson	Johnson, S. Dak.	Patten	Volstead
Walsh	Watson, Pa.	Williams, Ohio	Wood, Ind.
Ward	Wheeler	Wilson, Ill.	Woods, Iowa
Wason	Williams, T. S.	Winslow	

NAYS—189.

Abercrombie	Doremus	La Follette	Rubey
Adair	Eagle	Lazaro	Rucker
Adamson	Edwards	Lee	Russell, Mo.
Aiken	Ellsworth	Lesher	Russell, Ohio
Alexander	Estopinal	Lever	Shackleford
Allen	Evans	Lewis	Shallenberger
Almon	Ferris	Lieb	Sherley
Ashbrook	Fields	Liebel	Shouse
Aswell	Finley	Linthicum	Sims
Ayres	Fitzgerald	Littlepage	Sisson
Bailey	Foster	Lloyd	Small
Barkley	Gandy	Lobeck	Smith, N. Y.
Beakes	Gard	London	Smith, Tex.
Bell	Garner	McClintic	Steagall
Black	Garrett	McCulloch	Stedman
Blackmon	Good	McGillicuddy	Steele, Iowa
Booher	Goodwin, Ark.	McKellar	Stephens, Miss.
Borland	Gordon	Maher	Stephens, Nebr.
Buchanan, Ill.	Gray, Ind.	Mays	Stephens, Tex.
Buchanan, Tex.	Hamlin	Mondell	Stout
Byrnes, S. C.	Hardy	Moon	Summers
Byrns, Tenn.	Harrison	Morgan, Okla.	Switzer
Calloway	Hart	Morrison	Taggart
Candler, Miss.	Hastings	Moss, Ind.	Talbott
Caraway	Haugen	Murray	Tavenner
Carter, Okla.	Hayden	Neely	Taylor, Ark.
Cary	Heflin	Nelson	Taylor, Colo.
Casey	Helgesen	Nicholls, S. C.	Thomas
Church	Helm	Norton	Thompson
Cline	Helvering	Oldfield	Tillman
Coady	Hensley	Oliver	Tribble
Collier	Hilliard	Overmyer	Van Dyke
Connelly	Holland	Padgett	Venable
Cox	Hollingsworth	Park	Vinson
Cramton	Hood	Pou	Watkins
Crisp	Houston	Price	Webb
Crosser	Howard	Quin	Whaley
Cullop	Huddleston	Ragsdale	Williams, W. E.
Davis, Tex.	Hughes	Rainey	Wilson, Fla.
Decker	Hull, Tenn.	Raker	Wilson, La.
Dent	Igoe	Ramseyer	Wingo
Dewalt	Jacoway	Randall	Wise
Dickinson	Johnson, Ky.	Rauch	Young, N. Dak.
Dies	Keating	Rayburn	Young, Tex.
Dill	Kettner	Reilly	The Speaker
Dillon	Kincheloe	Ricketts	
Dixon	Kitchin	Riordan	
Doolittle	Konop	Rouse	

ANSWERED "PRESENT"—4.

Britt	Cantrill	Rogers	Slayden

NOT VOTING—59.

Anderson	Burke	Conry	Dyer
Anthony	Burnett	Cooper, W. Va.	Fairchild
Barnhart	Cannon	Davenport	Flood
Brumbaugh	Carlin	Davis, Minn.	Fuller
Burgess	Clark, Fla.	Doughton	Glass
Glynn	Kearns	Montague	Sears
Godwin, N. C.	Key, Ohio	Mooney	Sherwood
Gray, Ala.	Langley	Moores, Ind.	Slemp
Gray, N. J.	Lindbergh	Morgan, La.	Smith, Minn.
Gregg	McFadden	Moss, W. Va.	Sparkman
Griest	McKinley	Olney	Steenerson
Hay	McLemore	Page, N. C.	Sutherland
Henry	Matthews	Parker, N. Y.	Walker
Humphreys, Miss.	Miller, Minn.	Sabath	Watson, Va.
Jones	Miller, Pa.	Saunders	

So the motion to recommit was rejected.
The Clerk announced the following additional pairs:
On this vote:
Mr. GLYNN (in favor) with Mr. OLNEY (against).
Mr. BRITT (in favor) with Mr. DOUGHTON (against).
Mr. KEARNS (in favor) with Mr. SEARS (against).
Mr. SUTHERLAND (in favor) with Mr. BURNETT (against).
Mr. Moss of West Virginia (in favor) with Mr. BURKE (against).
Mr. LANGLEY (in favor) with Mr. CANTRILL (against).
Mr. CANNON (in favor) with Mr. BURGESS (against).
Mr. MATTHEWS (in favor) with Mr. HUMPHREYS of Mississippi (against).
Mr. GRIEST (in favor) with Mr. SPARKMAN (against).
Mr. MOORES of Indiana (in favor) with Mr. MONTAGUE (against).
Mr. MCFADDEN (in favor) with Mr. CONRY (against).
Mr. FAIRCHILD (in favor) with Mr. BRUMBAUGH (against).
Mr. STEENERSON (in favor) with Mr. GREGG (against).
Mr. PARKER of New York (in favor) with Mr. SAUNDERS (against).
Mr. DAVIS of Minnesota (in favor) with Mr. PAGE of North Carolina (against).
Mr. MILLER of Pennsylvania (in favor) with Mr. KEY of Ohio (against).
Mr. ANTHONY (in favor) with Mr. HAY (against).
Mr. MCKINLEY (in favor) with Mr. SLAYDEN (against).
Mr. MOONEY (in favor) with Mr. JONES (against).
Mr. DYER (in favor) with Mr. WATSON of Virginia (against).
Mr. ROGERS (in favor) with Mr. FLOOD (against).
Mr. COOPER of West Virginia (in favor) with Mr. WALKER (against).
Mr. SLEMP (in favor) with Mr. GLASS (against).
Mr. GRAY of New Jersey (in favor) with Mr. GRAY of Alabama (against).
Until further notice:
Mr. CLARK of Florida with Mr. FULLER.
Mr. CARLIN with Mr. ANDERSON.
Mr. DAVENPORT with Mr. SMITH of Minnesota.
Mr. BARNHART with Mr. MILLER of Minnesota.
Mr. SLAYDEN. Mr. Speaker, I wish to withdraw my vote, being paired with the gentleman from Illinois, Mr. MCKINLEY. The Clerk has announced the pair. I voted "nay," and I wish to withdraw that vote and answer "present."
The name of Mr. SLAYDEN was called, and he answered "Present."
Mr. ROGERS. Mr. Speaker, I voted "yea." I am paired with the gentleman from Virginia, Mr. FLOOD, and I desire to withdraw my vote and answer "present."
The name of Mr. ROGERS was called, and he answered "Present."
Mr. CANTRILL. Mr. Speaker, I am paired with the gentleman from Kentucky, Mr. LANGLEY. I voted "nay," and I wish to withdraw that vote and answer "present."
The name of Mr. CANTRILL was called, and he answered "Present."
Mr. MANN. I wish to ask for a recapitulation of the vote if the gentlemen are through voting.
The SPEAKER. The gentleman from Illinois [Mr. MANN] asks that the vote be recapitulated, and the Clerk will so proceed. All gentlemen will take their seats and refrain from conversation.
The vote was recapitulated.
The SPEAKER. The Clerk will call my name.
The name of Mr. CLARK of Missouri was called, and he voted "nay."
Mr. BRITT. Mr. Speaker, I was not acquainted with it at the time, but I understand the gentleman from North Carolina, Mr. DOUGHTON, understands that we are paired. Therefore I withdraw my vote of "yea" and wish to answer "present."
The name of Mr. BRITT was called, and he answered "Present."
The result of the vote was announced as above recorded.
The SPEAKER. The question is on the passage of the bill.
Mr. PADGETT. Mr. Speaker, on that I demand the yeas and nays.
Mr. MANN. Mr. Speaker, pending the calling of the roll, I ask unanimous consent for a moment.

The SPEAKER. The gentleman from Illinois asks unanimous consent for one minute before the roll is called. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I just wanted to say, Mr. Speaker, after this roll call gentlemen can leave—those who want to hurry away.

Mr. PADGETT. Mr. Speaker, at this time I desire to ask unanimous consent that all Members shall have five legislative days in which to extend their remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that all Members shall have five legislative days in which to extend their remarks on the bill. Is there objection?

Mr. BROWNING. Reserving the right to object, Mr. Speaker——

Mr. PADGETT. Does the gentleman want it longer?

Mr. BROWNING. No. I want to ask the gentleman a question. Does that include those who have already asked for and obtained unanimous consent?

Mr. PADGETT. Yes; everybody.

Mr. BROWNING. Can they not have additional time?

The SPEAKER. The Chair will decide that. Those who have already got the right to extend their remarks can still retain it.

Mr. PADGETT. They are asking for 10 days, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee changes his request and asks that all Members shall have 10 legislative days in which to extend their remarks on the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will call the roll. Those in favor of passing this bill will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 363, nays 4, answered "present" 7, not voting 60, as follows:

YEAS—363.

Abercrombie	Dale, Vt.	Griffin	Lazaro
Adair	Dallinger	Guernsey	Lee
Adamson	Danforth	Hadley	Lehlbach
Aiken	Farrow	Hamill	Lenroot
Alexander	Davis, Tex.	Hamilton, Mich.	Lesher
Allen	Decker	Hamilton, N. Y.	Lever
Almon	Dempsey	Hamlin	Lewis
Ashbrook	Denison	Hardy	Lieb
Aswell	Dent	Harrison	Liebel
Austin	Dewalt	Hart	Littlepaun
Ayres	Dickinson	Haskell	Littlepage
Bachmann	Dies	Hastings	Lloyd
Bailey	Dill	Haugen	Loback
Barnhart	Dillon	Hawley	Loft
Barkley	Dixon	Hayden	Longworth
Beakes	Dooling	Hayes	Loud
Beales	Doolittle	Heaton	McAndrews
Bell	Doremus	Helgesen	McArthur
Benedict	Dowell	Helgesen	McClintic
Black	Driscoll	Helm	McCracken
Blackmon	Drukker	Helvering	McCulloch
Booher	Dunn	Hensley	McDermott
Borland	Dupré	Hernandez	McGillicuddy
Bowers	Eagan	Hicks	McKellar
Britt	Eagle	Hill	McKenzie
Britten	Edmonds	Hilliard	McLaughlin
Browne	Edwards	Hinds	Madden
Brueker	Ellsworth	Holland	Magee
Buchanan, Ill.	Elston	Hollingsworth	Maher
Buchanan, Tex.	Emerson	Hood	Mapes
Butler	Esch	Hopwood	Martin
Byrnes, S. C.	Estopinal	Houston	Mays
Byrns, Tenn.	Evans	Howard	Meeker
Caldwell	Farley	Howell	Miller, Del.
Callaway	Farr	Huddleston	Mondell
Campbell	Ferris	Hughes	Moon
Candler, Miss.	Fess	Hulbert	Morgan, Okla.
Cantrill	Fields	Hull, Iowa	Morin
Capstick	Finley	Hull, Tenn.	Morrison
Caraway	Fitzgerald	Humphrey, Wash.	Moss, Ind.
Carew	Flynn	Husted	Mott
Carter, Mass.	Focht	Hutchinson	Mudd
Carter, Okla.	Fordney	Igoe	Murray
Cary	Foss	Juceway	Neely
Casey	Foster	James	Nicholls, S. C.
Chandler, N. Y.	Frear	Johnson, Ky.	Nichols, Mich.
Charles	Freeman	Johnson, S. Dak.	Nolan
Chidsey	Gallagher	Johnson, Wash.	North
Church	Gallivan	Kahn	Norton
Cline	Gandy	Keating	Oakey
Coady	Gard	Keister	Oglesby
Collier	Garner	Kelley	Oldfield
Connolly	Garland	Kennedy, Iowa	Oliver
Cooper, Ohio	Garner	Kennedy, R. I.	Olney
Cooper, Wis.	Garrett	Kent	O'Shaunessy
Copley	Gillett	Kettner	Overmyer
Costello	Glynn	Kless, Pa.	Padgett
Cox	Good	Kincheloe	Paige, Mass.
Crago	Goodwin, Ark.	King	Park
Crisp	Gordon	Kinkaid	Parker, N. J.
Crosser	Gould	Kitchin	Patten
Cullop	Gray, Ind.	Konop	Peters
Curry	Green, Iowa	Kreider	Phelan
Dale, N. Y.	Greene, Mass.	Lafean	Platt
	Greene, Vt.	La Follette	Porter

Pou	Schall	Stephens, Nebr.	Van Dyke
Powers	Scott, Mich.	Stephens, Tex.	Vare
Pratt	Scott, Pa.	Sterling	Venable
Price	Scully	Stiness	Vinson
Quin	Sells	Stone	Volstead
Ragsdale	Shackleford	Stout	Walsh
Rainey	Shallenberger	Sulloway	Ward
Raker	Sherley	Summers	Wason
Ramseyer	Shouse	Sweet	Watkins
Ranch	Siegel	Swift	Watson, Pa.
Rayburn	Sims	Switzer	Whaley
Reavis	Sinnott	Taggart	Wheeler
Reilly	Sisson	Tague	Williams, T. S.
Ricketts	Sloan	Talbott	Williams, W. E.
Riordan	Small	Taylor, Ark.	Williams, Ohio
Roberts, Mass.	Smith, Idaho	Taylor, Colo.	Wilson, Fla.
Roberts, Nev.	Smith, Mich.	Temple	Wilson, Ill.
Robbins	Smith, N. Y.	Thomas	Wilson, La.
Rouse	Smith, Tex.	Thompson	Winze
Rowe	Snell	Tillman	Winslow
Rowland	Snyder	Tilson	Wise
Ruby	Stafford	Timberlake	Wood, Ind.
Rucker	Steagall	Tinkham	Woods, Iowa
Russell, Mo.	Stedman	Towner	Young, N. Dak.
Russell, Ohio	Steele, Iowa	Treadway	Young, Tex.
Sanford	Stephens, Cal.	Tribble	

NAYS—4.

Browning	Graham	London	Randall

ANSWERED "PRESENT"—7.

Coleman	Moore, Pa.	Rogers	Webb
Mann	Nelson	Tagumer	

NOT VOTING—60.

Anderson	Dyer	Key, Ohio	Parker, N. Y.
Anthony	Fairchild	Langley	Saloth
Barnhart	Flood	Lindbergh	Saunders
Brumbaugh	Fuller	McFadden	Sears
Burgess	Glass	McKinley	Sherwood
Burke	Godwin, N. C.	McLemore	Slayden
Burnett	Gray, Ala.	Matthews	Slemp
Cannon	Gray, N. J.	Miller, Minn.	Smith, Minn.
Carlin	Gregg	Miller, Pa.	Sparkman
Clark, Fla.	Griest	Montague	Steele, Pa.
Conry	Hay	Mooney	Steenerson
Cooper, W. Va.	Henry	Moores, Ind.	Stephens, Miss.
Davenport	Humphreys, Miss.	Morgan, La.	Sutherland
Davis, Minn.	Jones	Moss, W. Va.	Walker
Doughton	Kearns	Page, N. C.	Watson, Va.

So the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Mr. HUMPHREYS of Mississippi (for) with Mr. MATTHEWS (for).

Mr. FLOOD (for) with Mr. ROGERS (for).

Mr. WALKER (for) with Mr. COOPER of Wisconsin (for).

Mr. CONRY (for) with Mr. MCFADDEN (for).

Mr. STEPHENS of Mississippi (for) with Mr. LANGLEY (for).

Mr. BRUMBAUGH (for) with Mr. FAIRCHILD (for).

Mr. GREGG (for) with Mr. STEENERSON (for).

Mr. SLAYDEN (for) with Mr. MCKINLEY (for).

Mr. SAUNDERS (for) with Mr. PARKER of New York (for).

Mr. PAGE of North Carolina (for) with Mr. DAVIS of Minnesota (for).

Mr. GLASS (for) with Mr. SLEMP (for).

Mr. GRAY of Alabama (for) with Mr. GRAY of New Jersey (for).

Mr. WATSON of Virginia (for) with Mr. DYER (for).

Mr. JONES (for) with Mr. MOONEY (for).

Mr. SPARKMAN (for) with Mr. GRIEST (for).

Mr. MONTAGUE (for) with Mr. MOORES of Indiana (for).

Mr. BURGESS (for) with Mr. CANNON (for).

Mr. BURKE (for) with Mr. MOSS of West Virginia (for).

Mr. BURNETT (for) with Mr. SUTHERLAND (for).

Mr. SEARS (for) with Mr. KEARNS (for).

Mr. DAVENPORT (for) with Mr. SMITH of Minnesota (for).

Until further notice:

Mr. WEBB with Mr. MILLER of Pennsylvania.

Mr. ROGERS. Mr. Speaker, I voted "aye." I am paired with the gentleman from Virginia, Mr. FLOOD. I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ROGERS, and he answered "Present."

Mr. MOORE of Pennsylvania. Mr. Speaker, I voted "aye." I desire to withdraw that vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MOORE of Pennsylvania, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. POWERS, indefinitely.

To Mr. HOWELL, indefinitely, on account of important business.

To Mr. CANNON, for 10 days, on account of illness in his family.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to take up the conference report on the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, disagree to the Senate amendments, and agree to the conference asked for.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take up the conference report on the bill H. R. 14864, disagree to the Senate amendments, and agree to the conference asked for.

Mr. MANN. Is that the Oregon-California land-grant bill?

Mr. FERRIS. Yes.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT.

BRIDGE ACROSS THE FOX RIVER, ILL.

Mr. COPLEY. Mr. Speaker, I ask that the bill (S. 6073) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River be taken from the Speaker's table and passed.

Mr. ADAMSON. There is a similar House bill on the calendar, reported from the committee.

Mr. COPLEY. Yes. This is identical with the bill H. R. 12775, which has been reported favorably by the committee.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to George Fabyan, and his successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Fox River, at a point suitable to the interests of navigation, at or near Geneva, in the county of Kane, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the House bill, H. R. 12775, of similar tenor, will be laid on the table.

There was no objection.

On motion of Mr. COPLEY, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

DISTRICT COURT IN COLORADO.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13765 and concur in the Senate amendments.

The SPEAKER. The gentleman from Colorado asks unanimous consent to take from the Speaker's table the bill H. R. 13765 and concur in the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13765) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were concurred in.

The title of the bill was amended to correspond to the text.

LEAVE TO EXTEND REMARKS.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of agriculture.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks on the subject of agriculture. Is there objection?

There was no objection.

Mr. WALSH. Mr. Speaker, I ask leave to extend my remarks on the rural-credits bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks on the rural-credits bill. Is there objection?

There was no objection.

Mr. LEE. Mr. Speaker, I ask unanimous consent to extend my remarks on the Agricultural bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks on the Agricultural appropriation bill. Is there objection?

There was no objection.

FINANCIAL RELATIONS OF THE DISTRICT OF COLUMBIA AND THE UNITED STATES.

Mr. CANTRILL. Mr. Speaker, I ask unanimous consent to present a resolution from the Committee on Rules which was unanimously agreed upon by the committee.

The SPEAKER. If it is a report from the Committee on Rules, it does not require unanimous consent.

Mr. MANN. That depends. What is the resolution?

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 229.

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof which the chairman of the committee may appoint, be, and the same hereby is, empowered to investigate and inquire into the condition of the financial relations between the District of Columbia and the United States, as well as to the correctness of the books and accounts relative thereto, whether those books or accounts be kept by the United States or by the District of Columbia.

Said committee hereby is empowered, further, to examine and investigate the books and accounts of any officer or employee (past or present) of the District of Columbia, or of any other person having business dealings or transactions with the District of Columbia.

And said committee hereby is empowered, further, to inquire into and investigate the official conduct, acts, omissions, and doings of any officer or employee (past or present) of the District of Columbia.

And said committee hereby is empowered, further, to inquire into and investigate the books, accounts, and affairs of any public utility or common carrier doing business or operating in the District of Columbia, including any ice manufacturer, any market-house company or corporation, any market company, any taxicab or motor vehicle company, the Washington Terminal Co., any cold-storage or warehouse company, and any person, company, or corporation dealing in meats or other provisions in the District of Columbia.

For the purposes above set out the said committee is hereby empowered, in its discretion, to send for and compel the attendance of persons and the production of books and papers before it; and the chairman, or acting chairman, may administer oaths or affirmations.

Mr. MANN. I have no objection to that.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CANTRILL. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I wish to inquire whether the committee considered placing any limitation as to time on the authority that this rule vests in the District Committee? When this matter was presented to the House some time ago, I thought it was proper to have it referred to one of the committees of the House, as no time limit whatsoever was included in the resolution. This resolution, as I understand it, gives authority for all time to the Committee on the District of Columbia to make the investigations referred to.

Mr. CANTRILL. I desire to say to the gentleman from Wisconsin that when this resolution was originally before the Committee on Rules an amendment was suggested by the Committee on Rules, and that the resolution be reintroduced in the form in which it has been read by the Clerk. This was done, and there was practically no opposition or discussion of the resolution as it now stands, because it met the views of the Committee on Rules, so far as the appropriation was concerned.

Mr. STAFFORD. The gentleman's reply does not answer the inquiry that I propounded.

Mr. CANTRILL. The resolution will speak for itself.

Mr. STAFFORD. I wish to inquire whether the committee considered placing any limitation of time on the activities of the committee, so far as these investigations were concerned.

Mr. CANTRILL. The only discussion of the resolution in the Committee on Rules was what I have stated.

Mr. STAFFORD. I will ask the gentleman's personal opinion, whether he does not believe there should be some time limit on the authority of the committee, supervising these general activities.

Mr. KITCHIN. I would suggest that the authority of the Committee on the District of Columbia could not last any longer than the present Congress, because the committee itself will die with the Congress. The committee is bound to make its report to this Congress, if it makes any report at all.

Mr. CANTRILL. In the showing made by the chairman of the District of Columbia Committee [Mr. JOHNSON of Kentucky] before the Committee on Rules he showed that he had recovered for the Government of the United States something like a million and a half of dollars that had been due the Government for some time. That was the result of the previous investigation, and he stated that he was of the opinion that he could recover about a half million dollars now due the Government if he was allowed under this resolution to continue the investigation. The amount of money appropriated heretofore to make the investigation having been expended, he desired to continue it. The

appropriation will be attended to by the Committee on Accounts, and the action of that committee will have to be agreed to by the House before any money can be appropriated for the continuance of the investigation.

Mr. STAFFORD. I was under the impression that the very commendable work that the Committee on the District of Columbia had been doing——

Mr. CANTRILL. I think the gentleman from Kansas [Mr. CAMPBELL] will bear me out in the statement that all the members of the Committee on Rules were under the impression that this investigation should continue. Action on this resolution was taken over a month ago, and we have been waiting patiently to get it before the House at a time when it would not interfere with general legislation.

Mr. CAMPBELL. One question that arose in the committee about the matter was as to whether or not the resolution that was then pending before the committee was the same as the resolution under which the investigation had been proceeding before, and it was discovered that the only difference was that the resolution that was before the committee was not privileged, because it made an appropriation of some $10,000. That feature was taken from the resolution, and then the resolution stood exactly as it did under the authorization that had been made in the former Congress.

Mr. STAFFORD. If the gentleman will yield further, as I was saying, or about to say, when interrupted by the gentleman from Kentucky, from my slight investigation of this subject I understood that most of this work had been completed, and that it was not necessary to authorize the continuation of the work until the end of this Congress. I should like to inquire of my distinguished friend from Kansas whether he considered that phase of the subject, that there should be some time limit placed on the authorizations provided in this resolution?

Mr. CAMPBELL. There was no suggestion made by the chairman of the Committee on the District of Columbia or anyone else as to how long it would take.

Mr. STAFFORD. Was it understood that these people should be employed until the end of the present Congress?

Mr. JOHNSON of Kentucky. If the committee dies with the Congress, of course its authority will end at the same time.

Mr. CANTRILL. It can not continue any longer than the present Congress.

Mr. STAFFORD. I understood that the very commendable work of the distinguished gentleman from Kentucky was almost completed and could be finished before the end of the Congress.

Mr. CANTRILL. It was the view of the Committee on Rules that the Committee on the District of Columbia had done very commendable work in recovering nearly a million and a half of dollars, and that it should be allowed to continue. I am glad that it is the view of the gentleman from Wisconsin also that the work of the committee was commendable.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. CANTRILL, a motion to reconsider the last vote was laid on the table.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 137. Joint resolution authorizing the Commissioners of the District of Columbia to make special regulations for the occasion of the National Capital preparedness parade on the 14th day of June, 1916, and for other purposes incident to said parade; to the Committee on the District of Columbia.

BOY SCOUTS OF AMERICA.

The SPEAKER laid before the House the bill H. R. 755 an act to incorporate the Boy Scouts of America, and for other purposes, with Senate amendments.

The Senate amendments were read.

On motion of Mr. GARD, the Senate amendments were agreed to.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the importance of public documents in Washington and the necessity of an archive building to house them.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD on the value of public documents in Washington and the necessity of an archive building to house them. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Saturday, June 3, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting an estimate of appropriation for continuation of post-office building at New Haven, Conn. (H. Doc. No. 1188); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting an estimate of appropriation for additional quarantine station at New Orleans, La. (H. Doc. No. 1189); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 208) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce, reported the same without amendment, accompanied by a report (No. 795), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15955) extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits, reported the same with amendment, accompanied by a report (No. 796), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Judiciary was discharged from the consideration of the bill (H. R. 15903) for the relief of the Bluff City Railway Co., damaged by collision of barge with wharf house belonging to said company, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. CASEY: A bill (H. R. 16207) to establish in the Department of Labor a division to be known as a Woman's Division; to the Committee on Labor.

By Mr. SHERLEY (by request): A bill (H. R. 16208) designating the American mountain laurel the national flower of the United States; to the Committee on the Library.

By Mr. WHEELER: A bill (H. R. 16209) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. MEEKER: A bill (H. R. 16210) to establish a station for the study of the mentally handicapped children in the schools; to the Committee on Education.

By Mr. HICKS: A bill (H. R. 16211) to authorize the purchase of a site for a public building at Flushing, Long Island, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A bill (H. R. 16212) to confer jurisdiction on the Court of Claims; to the Committee on the Judiciary.

By Mr. HEATON: A bill (H. R. 16213) authorizing the Secretary of War to donate to the borough of New Philadelphia, Schuylkill County, in the State of Pennsylvania, three bronze cannon or fieldpieces; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 16214) granting a pension to James A. Shequin; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 16215) granting a pension to Margaret Perry; to the Committee on Invalid Pensions.

By Mr. COLEMAN: A bill (H. R. 16216) granting a pension to Anna K. Rhoades; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 16217) granting an increase of pension to Francis Ham; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 16218) for the relief of Philip Schmidt; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 16219) for the relief of William Harold Kehoe; to the Committee on Military Affairs.

By Mr. GARDNER: A bill (H. R. 16220) for the relief of First Lieut. Albert K. C. Palmer, United States Army; to the Committee on Claims.

By Mr. GOOD: A bill (H. R. 16221) granting an increase of pension to Eleanor F. McKeen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16222) granting an increase of pension to Alexander B. Sloan; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 16223) granting a pension to George H. Cheek; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 16224) granting an increase of pension to J. Harrison Reunard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16225) granting an increase of pension to Peter Hauer; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16226) granting an increase of pension to Leah Snyder; to the Committee on Invalid Pensions.

By Mr. McCRACKEN: A bill (H. R. 16227) granting a pension to William H. I. Lorton; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 16228) for the relief of Edward N. McCarty; to the Committee on Claims.

By Mr. MAHER: A bill (H. R. 16229) granting an increase of pension to Mary Power; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 16230) granting an increase of pension to Lelia O. Eldridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16231) granting an increase of pension to Harriet Cardwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16232) granting an increase of pension to Prudence Metcalf; to the Committee on Pensions.

Also, a bill (H. R. 16233) granting an increase of pension to Mary K. Peterson; to the Committee on Invalid Pensions.

By Mr. STEELE of Pennsylvania: A bill (H. R. 16234) granting a pension to Lottie Beeman; to the Committee on Invalid Pensions.

By Mr. WILSON of Florida: A bill (H. R. 16235) granting a pension to Ethel Manra Robards; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 16236) granting an increase of pension to Joseph L. Bostwick; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 14672, for relief of Mary Ladd; to the Committee on Invalid Pensions.

By Mr. CAREW: Memorial of the Colonial Dames of America, favoring national defense; to the Committee on Military Affairs.

By Mr. CURRY: Petition of 9 citizens of Lodi, Cal., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Elmore M. Billings and Calistoga Grape Protective Association, of California, against certain features of the proposed wine tax, etc.; to the Committee on Ways and Means.

By Mr. DAVIS of Texas: Petition of the Cuero (Tex.) Commercial Club, favoring the Bankhead good-roads bill; to the Committee on Roads.

By Mr. DILL: Petition of the East End Book Club, of Spokane, Wash., urging the establishment of a Federal motion-picture commission for the efficient and economical censorship of motion-picture films, so far as the jurisdiction of the Federal Government over the District of Columbia and the Territories and interstate commerce permits; to the Committee on Education.

By Mr. DILLON: Memorial of South Dakota State Luther League, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of Ladies' Missionary Society of Ventura, Cal., against sale, etc., of liquors in Porto Rico; to the Committee on Insular Affairs.

By Mr. HUMPHREY of Washington: Petition of First Baptist Church of Everett, Wash., favoring Federal motion-picture commission; to the Committee on Education.

By Mr. McCRACKEN: Petition of citizens of Idaho Falls, Idaho, favoring bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MAGEE (by request): Petition of sundry citizens of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PHELAN: Petition of 72 citizens of Lynn, Mass., favoring Christian amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of 110 citizens of Lynn, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petition of Rhode Island State Branch, American Federation of Labor, favoring House bill 10518; to the Committee on Labor.

SENATE.

SATURDAY, *June 3, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee for the inspiration for every day's work. Thou hast not separated Thyself from the affairs of men. Thou hast honored us by calling us to be coworkers together with God. In our relation to Thee any service we try to render is glorified because it may be referred to Thy will and we may be conscious that we are working out a divine program. Grant us Thy grace and guidance this day. We ask for Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following:

UNITED STATES SENATE,
Washington, D. C.

To the Senate:

The Vice President being absent from the Senate, and the undersigned being also necessarily absent therefrom, he, as President pro tempore of the Senate, hereby names the Senator from Alabama, Mr. JOHN H. BANKHEAD, to perform the duties of the Chair on the 3d day of June, 1916; this substitution not to extend beyond an adjournment.

JAMES P. CLARKE,
President pro tempore of the Senate.

Mr. BANKHEAD thereupon took the chair as Presiding Officer and directed the Secretary to read the Journal of yesterday's proceedings.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. P. Taylor, jr., one of its clerks, announced that the House had passed the bill (S. 6073) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 755) to incorporate the Boy Scouts of America, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 13765) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. FLETCHER. I present a letter in the nature of a petition from W. S. Whitten, secretary of the Lincoln Commercial Club of Nebraska, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

LINCOLN COMMERCIAL CLUB,
Lincoln, Nebr., May 25, 1916.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR FLETCHER: Following an address delivered by Hon. Benjamin J. Rosenthal, vice president of the National Business League of America, before the members of the Lincoln Commercial Club at luncheon to-day, the inclosed resolution was unanimously adopted at a special meeting of the board of directors and is submitted for your information and with the hope that you will find it consistent to support the Alexander shipping bill mentioned therein. We understand the bill is now before the Senate for consideration.

Yours, very truly,

W. S. WHITTEN, *Secretary.*

LINCOLN, NEBR., *May 24, 1916.*

Resolution adopted at a special meeting of the board of directors of the Lincoln Commercial Club, 12 o'clock m., Wednesday, May 24, 1916:

"*Resolved*, That as an effective measure to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve, and a merchant marine, to meet the imperative requirements of the commerce of the United States with its Territories and possessions, and with foreign countries, and for other purposes, the board of directors of the Lincoln Commercial Club of Lincoln, Nebr., in conference assembled, this 24th day of May, 1916, hereby indorses the shipping bill, H. R. 15455, introduced in the Sixty-fourth Congress, first session, May 8, 1916, by Mr. ALEXANDER, and passed by the House of Representatives May 20, 1916.

Mr. TOWNSEND. I present a memorial of sundry citizens of Waldron, Mich., and in this connection I desire to state that I have received many similar memorials in the form of telegrams and letters protesting against the passage of what is known as section 7 of the Post Office appropriation bill. I simply desire to say that when the House bill came to the Senate it contained this provision—there were no protests filed. I received no protests until after the bill had been reported. Now the protests are coming in numerously and I desire to present this one and have it printed in the RECORD as a sample of the numerous memorials which I am receiving on the same subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The memorial referred to is as follows:

Resolutions adopted by citizens of Waldron at Decoration Day assembly in honor of the Grand Army of the Republic.

Whereas the House of Representatives has passed the Post Office appropriation act containing section 7, which section may be invoked to exclude from the United States mails any newspaper or other publication, at the option of the Postmaster General, and believing such section 7 to be decidedly un-American: Therefore be it

Resolved, That we, the people of the village of Waldron and of the township of Wright, Hillsdale County, Mich., in public assembly on Decoration Day, view with alarm the passage of said section 7 of the Post Office appropriation act by the House of Representatives, and hereby protest against said measure being passed by the Senate; and we hereby call upon our Senators to use their influence at once against any and all such measures.

Resolved, That the chairman of the day be authorized to appoint five citizens as a committee, who are authorized to sign this protest on behalf of the Decoration Day assembly, and that copies be sent to each of our Senators and to the President.

JACOB H. WEAVER.
R. H. SMITH.
N. FOGLESANG.
ALFRED WILSON.
PAUL BERLIN.

Mr. KERN presented the memorial of Hon. John B. Stoll and 40 other citizens of South Bend, Ind., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. MYERS presented a memorial of sundry citizens of Corvallis and Victor, in the State of Montana, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. HARDING presented a memorial of sundry citizens of Stillwater, Ohio, remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. PHELAN presented memorials of sundry citizens of California, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of Camp No. 770, United Confederate Veterans, of Los Angeles, Cal., praying for the enactment of legislation to grant pensions to Confederate veterans of the Civil War and to the widows of such veterans, which was referred to the Committee on Pensions.

He also presented a petition of the Master Painters and Decorators' Association of the State of California, praying for the enactment of legislation to prevent fraud in the manufacture of paint, which was referred to the Committee on Interstate Commerce.

Mr. CURTIS (for Mr. PENROSE) presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to provide uniform bills of lading in interstate and foreign commerce, which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER (for Mr. BURLEIGH) presented a memorial of sundry citizens of South Durham, Me., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also (for Mr. BURLEIGH) presented a petition of sundry citizens of Dover and Foxcroft, in the State of Maine, praying for national prohibition, which was referred to the Committee on the Judiciary.

COMMENCEMENT EXERCISES AT ANNAPOLIS, MD. (S. DOC. 460).

Mr. TILLMAN. Mr. President, I went to Annapolis yesterday to attend the commencement exercises. I heard three very fine speeches, all short and to the point. I consider them so valuable that I think they deserve better preservation than the newspapers will give them.

I ask unanimous consent for the printing as a public document of the addresses of President Wilson, Secretary Daniels, and the superintendent of the academy, Capt. Eberle.

The PRESIDING OFFICER. Such will be the order, without objection.

SPEECH BY SECRETARY M'ADOO (S. DOC. NO. 457).

Mr. SIMMONS. I ask unanimous consent to have printed as a public document a speech delivered by the Secretary of the Treasury, Mr. McAdoo, before the Chamber of Commerce at Raleigh, N. C., Wednesday, May 31, 1916.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. GALLINGER. What was the subject that was discussed. I will ask the Senator?

Mr. SIMMONS. It has no title. It is a discussion of a number of very important public questions by the Secretary of the Treasury.

Mr. GALLINGER. Mr. President, I do not know when we are going to stop, probably we never will, loading down the CONGRESSIONAL RECORD with speeches delivered outside. The Secretary of the Treasury has occupied a great deal of space during the present session of Congress; but, of course, I know that it is not gracious to object. So I simply content myself by expressing the hope, which I have expressed so often, that the time will come when the CONGRESSIONAL RECORD will be practically a record of what occurs in the Senate.

Mr. SIMMONS. I did not ask that it be printed in the RECORD; I asked that it be printed as a public document.

Mr. GALLINGER. That is better.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

JOHN F. CONSIDINE.

Mr. SUTHERLAND. Mr. President, there is a short bill on the calendar reported from the Committee on Claims, which I should like very much to have passed. I think there will be no objection to it. I ask unanimous consent for the consideration of the bill (S. 2852) for the relief of John F. Considine.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, in line 5, to strike out "$5,000" and insert "$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $2,000 to John F. Considine, a former employee of the United States under the Reclamation Service at Yuma, Ariz., for injuries received by him in the course of such employment which resulted in permanent and total physical disability.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF SEAMEN'S ACT.

Mr. FLETCHER. I ask unanimous consent for the consideration of the bill (H. R. 13112) to amend section 14 of the seamen's act of March 4, 1915. It is a House bill passed there and unanimously approved by the Committee on Commerce of the Senate. It is rather important that action should be taken at once because there are boats being built that are subject to present regulations which are not fair, and all concerned want to change them. Under the present law a boat under 400 feet in length must carry 12 lifeboats. There is no provision under the existing law for a boat 300 feet, 200 feet, or 100 feet in length. In other words, a boat 100 feet in length must have 12 lifeboats, which, of course, is an oversight in the law.

The bill provides that for vessels under 100 feet in length the minimum of buoys shall be 2; for vessels under 200 feet in length the minimum number of buoys 4, two of which shall be luminous; for vessels more than 200 feet and under 300 feet in length the minimum number of buoys shall be 6, of which 2 shall be luminous; and for vessels 300 feet and under 400 feet in length the minimum number of buoys shall be 12, of which 4 shall be luminous. So the bill would amend the present law only in respect to boats less than 400 feet in length.

Mr. GALLINGER. I inquire if it is the so-called seamen's law that the bill proposes to amend?

Mr. FLETCHER. It proposes to amend section 14 of the seamen's law in that respect.

Mr. GALLINGER. Sometime ago I introduced an amendment, which went to the Committee on Commerce. I presume it has not been looked at. It proposes an amendment to that law which I think is very important—much more important than the one the Senator suggests. I hope the committee will look at it some time.

Mr. FLETCHER. I shall be very glad to do my part in that respect.

Mr. THOMAS. I wish to ask if the proposed measure is satisfactory to the senior Senator from Wisconsin [Mr. LA FOLLETTE]?

Mr. FLETCHER. It is.

Mr. LANE. I should like to ask the Senator if he has consulted the senior Senator from Wisconsin and had the measure carefully analyzed? This is quite an important matter, Mr. President.

Mr. FLETCHER. I have gone over it with the Senator from Wisconsin.

Mr. LANE. If you had been out at sea in a storm where you had your life at stake, the Senator would feel quite an interest in the subject, I assure him; just as much interested as in his life. I should like to know if the bill is circumscribed with means of safety and means of getting out of the way from a sinking boat in a storm?

Mr. FLETCHER. It is simply to cure an oversight in the seamen's law in not providing for small boats now being constructed under the law. The department will have to require them to put on more life buoys and life lines than they can hold or carry. This is simply to amend that defect in the law. I conferred with the Senator from Wisconsin about it yesterday, and he understands it thoroughly. It is agreeable to him and to everybody concerned.

Mr. UNDERWOOD. Mr. President, I have no objection to the Senate considering the bill, but there is an order of business that we do not reach when recesses are taken. Before we take up a disputed matter that might raise the point of no quorum, I shall object until the procedure in regular order of the Senate has been gone through with, so that we may introduce bills that we may desire to present.

Mr. FLETCHER. If this will lead to any debate, I will not press it.

Mr. UNDERWOOD. I will object for the present until after the regular order.

The PRESIDING OFFICER. The Senator from Alabama objects. Reports of committees are in order.

CHOCTAW AND CHICKASAW INDIANS.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims, reported it with amendments and submitted a report (No. 519) thereon.

COMMAND OF THE AIR.

Mr. PAGE, from the Committee on Printing, to which the subject was referred, reported a resolution (S. Res. 210) providing for the printing as a Senate Document the manuscript submitted by the Senator from Texas [Mr. SHEPPARD] on May 9, 1916, entitled "Command of the Air."

Mr. FLETCHER. I ask unanimous consent for the present consideration of the resolution.

Mr. UNDERWOOD. Is it in order to consider resolutions until after the call for the introduction of bills?

The PRESIDING OFFICER. Only by unanimous consent.

Mr. UNDERWOOD. I object.

The PRESIDING OFFICER. Objection is made and the resolution will go to the calendar.

COUNCIL OF CROW INDIANS.

Mr. LANE. I introduce a joint resolution and ask for its immediate consideration. It will not lead to discussion, I think.

Mr. GALLINGER. Let the resolution be read.

The joint resolution (S. J. Res. 140) calling upon the Secretary of the Interior to permit the Crow Indians to convene in general council was read the first time by its title.

Mr. GALLINGER. The rule provides that bills and joint resolutions shall be referred to the appropriate committee. I trust that this will take the usual course.

The PRESIDING OFFICER. Such will be the order.

Mr. GALLINGER. The Committee on Indian Affairs.

Mr. LANE. The Committee on Indian Affairs have already had this matter under discussion. A majority, I think, who were present at the meeting were willing to grant the request. These people are here upon this mission and desire to start back to their tribe to-night with the authority of this body to hold an open general council upon their tribal affairs which do not interfere in any way with the prerogatives of this body. It is the opportunity and a chance to consider their own affairs free from interference, which they want, which is the high privilege of every human being or ought to be and is without prejudice to anyone else. That is all I am asking of the Senate, to give these people consent to meet in council free from interference, to consider their own affairs. I am sure when Senators understand it they will grant it.

Mr. GALLINGER. When the committee reports the joint resolution in due form I apprehend there will be no opposition to it. There will not be on my part, but we ought not to depart from the usual method of doing business and convert the Senate into a town meeting. I insist that there shall be a report.

Mr. LANE. If the Senator will allow me, I will state that this matter has already been referred to the committee, and I feel at liberty to introduce a resolution giving these people a voice in their affairs. We have had it under consideration. It has been referred there, and now these people are asking permission and the members of the committee who were present freely granted it and none opposed, so far as I know, to merely hold a council, a meeting among themselves, to decide what they wish—to express an opinion, if you please. They have no other right on earth as to what will be done with their property. I hope the Senator from New Hampshire will withdraw his objection.

The PRESIDING OFFICER. The Senator from New Hampshire objects. The joint resolution will have to go to the committee.

Mr. JONES. I wish to suggest to the Senator from Oregon, in order to have the bill reported now, that he poll the committee and then report it.

Mr. LANE. The chairman of the committee has asked me to present it, and the members are not here. They have gone. The chairman has consented to it and asked me to introduce it.

Mr. GALLINGER. I will ask the Senator if he feels at liberty—in view of what the committee has done, that he is authorized—to report the bill from that committee?

Mr. LANE. Yes; absolutely and in good faith.

Mr. GALLINGER. If the Senator takes the responsibility of reporting it from the committee, I will then not object.

The PRESIDING OFFICER. The Senator from New Hampshire withdraws his objection. The joint resolution will be read.

The joint resolution was read the second time at length, as follows:

Whereas the tribe of Crow Indians of Montana are in possession of a large tract of land in that State which it is desired by some to open to settlement to the whites; and

Whereas the Bureau of Indian Affairs is opposed to the opening of the said Crow Indian Reservation for that purpose; and

Whereas certain Crow Indians have respectfully requested that they may be allowed to hold a general council of all the members of that tribe, free from interference by either of the contending parties, in order to secure an unbiased opinion of the said Crow Indians upon the question of the disposal of their tribal lands: Therefore be it

Resolved, etc., That the Secretary of the Interior is hereby respectfully directed to permit the said Crow Indians to hold a general council of all the members of that tribe and to make provision that no person or persons who desire the opening of the reservation nor members or officers of the Indian Bureau who oppose the opening of it shall attend such council nor influence in any way the conduct of said council or its findings and that permission to attend said council shall be freely granted to all members of the tribe of Crow Indians who desire to do so.

Mr. LANE. Mr. President, if there is any question about the joint resolution, I ask that it be referred to the Committee on Indian Affairs.

Mr. SUTHERLAND. Mr. President, before the joint resolution goes to the committee I wish to make a single observation about it. It seems to me that it is somewhat remarkable. Here is a resolution which is called a "joint resolution." A joint resolution is, of course, an act of legislation. This is a resolution which apparently requests the Secretary of the Interior to do something. If we are to legislate, we ought to direct him to

do the thing. To request an officer of the Government to do something is not a legislative act.

Mr. LANE. I wished to be polite; I wished to be considerate of his feelings. I am willing to direct him and to command him, if you please; but what was the Senator's suggestion?

Mr. SUTHERLAND. That such a resolution, if it is an act of legislation, should direct the Secretary of the Interior.

Mr. LANE. I accept the Senator's suggestion and will insert the word "direct" instead of "request," so as to make it a direction to the Secretary of the Interior. I desire that the resolution be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Indian Affairs.

Mr. LANE subsequently said: I wish to submit a Senate resolution and have it referred to the Committee on Indian Affairs. It is a resolution calling on the Secretary of the Interior to permit the Crow Indians to convene in general council.

There being no objection, the resolution (S. Res. 212) was referred to the Committee on Indian Affairs, as follows:

Whereas the tribe of Crow Indians of Montana are in possession of a large tract of land in that State which it is desired by some to open to settlement to the whites; and

Whereas the Bureau of Indian Affairs is opposed to the opening of the said Crow Indian Reservation for that purpose; and

Whereas certain Crow Indians have respectfully requested that they may be allowed to hold a general council of all the members of that tribe, free from interference by either of the contending parties, in order to secure an unbiased opinion of the said Crow Indians upon the question of the disposal of their tribal lands: Therefore be it

Resolved, That the Secretary of the Interior is hereby respectfully directed to permit the said Crow Indians to hold a general council of all the members of that tribe and to make provision that no person or persons who desire the opening of the reservation nor members or officers of the Indian Bureau who oppose the opening of it shall attend such council nor influence in any way the conduct of said council or its findings and that permission to attend said council shall be freely granted to all members of the tribe of Crow Indians who desire to do so.

NATIONAL CAPITAL PREPAREDNESS PARADE.

Mr. CHAMBERLAIN. Mr. President, Mr. William A. Guile, as chairman, and Mr. Charles J. Columbus, as secretary, of the committee representing the National Capital preparedness parade committee, have requested me to invite the Senate to participate with them in the parade on the 14th instant. I take pleasure in behalf of that committee in extending the invitation to the Senate.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

Mr. CHAMBERLAIN. Mr. President, I wish to call the attention of the Senate to the fact that the conferees of the two Houses on the Oregon & California Railroad land-grant bill have about come to a final agreement and will be ready to report to the Senate in a little while. I ask the indulgence of the Senate that we do not adjourn for a short time; at least not until the conferees can submit their report. I did not know but that the Senate might finish its business and adjourn before I could submit the report.

Mr. CLARK of Wyoming. That will be all right.

COMMITTEE ON PUBLIC LANDS.

Mr. MYERS. Mr. President, I ask unanimous consent for the immediate consideration of Order of Business No. 449, being Senate resolution 190. The resolution has been favorably reported from the Committee on Contingent Expenses, and provides for the temporary allowance of additional clerical help for that committee merely for a short time. It will take the Senate only a minute to grant it or to refuse it. I ask for the consideration of the resolution now.

The PRESIDING OFFICER. The Chair will say to the Senator from Montana that there has been a general objection raised against the consideration of any other business until the routine morning business shall have been disposed of. In a few minutes the Senate will reach the point at which the Senator's request would be in order.

Mr. MYERS. I thought the order of introduction of bills had been concluded.

The PRESIDING OFFICER. It has not yet been concluded.

Mr. MYERS. Very well. I withdraw the request.

The PRESIDING OFFICER. The introduction of bills and joint resolutions is in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. UNDERWOOD:

A bill (S. 6286) to confer jurisdiction on the Court of Claims; to the Committee on the Judiciary.

By Mr. DILLINGHAM:

A bill (S. 6287) for the relief of Joseph Eubor (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6288) to amend section 2172 of the Revised Statutes of the United States; to the Committee on Immigration.

By Mr. SHAFROTH:

A bill (S. 6289) granting an increase of pension to Lucy J. Muchmore; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 6290) granting an increase of pension to George C. Stearns (with accompanying papers);

A bill (S. 6291) granting an increase of pension to Oscar M. Dreibelbiss (with accompanying papers); and

A bill (S. 6292) granting an increase of pension to Austin Ormanson (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 6293) for the relief of Mrs. Nellie E. Stockton; to the Committee on Claims.

A bill (S. 6294) granting a pension to Ethel Maura Robards; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6295) granting an increase of pension to James H. Colby (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6296) granting an increase of pension to Mary F. Ewing; and

A bill (S. 6297) granting a pension to Mrs. George Rowland (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 6299) for the relief of Mary Jordan, widow of Dennis Jordan; to the Committee on Claims.

A bill (S. 6300) granting consent to the county of Madera, Cal., and its successors and assigns, the right to construct a dam across the San Joaquin, Fresno, and Chowchilla Rivers; to the Committee on Commerce.

By Mr. GALLINGER (for Mr. BURLEIGH):

A bill (S. 6301) granting an increase of pension to William H. H. Knight;

A bill (S. 6302) granting a pension to Nettie C. Kimball; and

A bill (S. 6303) granting an increase of pension to Thompson S. Ford; to the Committee on Pensions.

By Mr. CHILTON:

A joint resolution (S. J. Res. 141) retiring Dr. Charles Lee Baker on pay; to the Committee on Military Affairs.

EXHIBITION OF NATURAL RESOURCES.

Mr. WORKS. Mr. President, I am about to introduce a bill the object and purpose of which I desire very briefly to explain. It may be remembered that I have heretofore urged upon the Senate the wisdom and propriety of acquiring the property along Pennsylvania Avenue upon which to construct all Government buildings. I believe that sooner or later this will be done. The bill that I am now offering is intended to authorize the acquisition of certain property in the city of Washington to be used by the States in the construction of State buildings to be used as exposition buildings, in which to exhibit their products and resources and to be made the headquarters of each and all of the States in the National Capital.

The property to be acquired as provided by the bill commences on New York Avenue at Fifteenth Street and extends along New York Avenue on both sides east to Massachusetts Avenue, thence along that avenue to New Jersey Avenue to the Capitol Grounds and the new Capitol Park, consisting of 35 squares and parts of squares. Thus, if Pennsylvania Avenue shall be acquired and Government buildings constructed thereon and the plan I am now offering is carried out, we shall have an almost continuous circle of Government and State buildings and parks from the Treasury Building to the Capitol and return to the Treasury.

In addition to this, the bill provides for the acquisition of additional ground near the water front, to be used for the construction of Government buildings in which to make exhibits of the products and industries of the National Government, and for such general purposes as Congress may provide. This covers the ground between B and E Streets on both sides of the United States Naval Museum of Hygiene from Eighteenth Street to Twenty-seventh Street, consisting of 26 squares and fractions of squares.

I submit, to accompany the bill, two maps on which are delineated in red the several squares intended to be acquired. For the most part the property proposed to be taken is comparatively inexpensive and cheaply improved.

I am not offering the bill with any expectation or desire that it shall be considered at this session of Congress. To make it effective and to accomplish the purpose intended the hearty cooperation of the States must be had.

The chief object of the bill is to create and perpetually maintain in the National Capital an exposition where the products, resources, and industries of every State in the Union and of the National Government may be exhibited, and where all who come to Washington may see gathered in one place the magnificent and varied resources of the country and at the same time improve and beautify the Capital. I sincerely hope that the matter may be taken up earnestly by the States and the Government, and that some time this or some better plan may be adopted to bring about this much-desired object.

Mr. President, I ask that the bill and accompanying maps be referred to the Committee on Public Buildings and Grounds.

The bill (S. 6298) authorizing the purchase of grounds for the accommodation of public buildings belonging to the Government and to the several States, to be used for the permanent exhibition of the natural resources, arts, and industries of such States and of the National Government, and for other purposes, was read twice by its title, and, with the accompanying maps, referred to the Committee on Public Buildings and Grounds.

Mr. WORKS. I ask that the bill may be printed in the RECORD for the information of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill introduced by Mr. WORKS June 3, 1916, and referred to the Committee on Public Buildings and Grounds, is as follows:

A bill (S. 6298) authorizing the purchase of grounds for the accommodation of public buildings belonging to the Government and to the several States, to be used for the permanent exhibition of the natural resources, arts, and industries of such States and of the National Government, and for other purposes.

Be it enacted, etc., That in order to make provision for the erection and maintenance of public buildings by the several States of the Union, within the District of Columbia, and the Government, the following parcels of land shall be, and are, designated and set aside for this purpose, and those parcels of land not already owned in whole or in part by the Government of the United States shall be purchased under the direction of the President of the United States, or taken for public use by due process of law, namely:

All blocks numbered 634, 633, 632, 631, 630, 629, 628, 627, 626, 625, 569, 567, 565, 564, 563, 562, 529, 528, 518 N., 518 S., 517, 516 N., 516 S., 485, 484, 484 W., 452, 427, 403, 373, 372, 344, 343, 318, 317, 327, 326, 251, 223, part of 252, and part of 222, according to the official plat of the city of Washington, upon which to construct State buildings as hereinafter provided.

Also blocks Nos. 12, 12 S, 21, 22, 60, 61, 62, 83, 84, 87, 87 E, 88, 104, 123, 124, 125, 128, 128 N, 144, 145, 146, and 147, according to the official plat of the city of Washington, upon which to construct Federal buildings as hereinafter provided.

SEC. 2. That any and all streets and alleys intersecting the said land so to be acquired as aforesaid may, at such time as the President may deem necessary or expedient, be by Executive order vacated and become and constitute a part of the tract of land so provided to be acquired as aforesaid and subject to such other and further division and subdivision for the purposes of buildings or use as streets, alleys, passageways, or avenues as may be or become necessary in connection with the enjoyment of all of the said lands hereinbefore mentioned for public purposes.

SEC. 3. That the Secretary of the Treasury, subject to the Executive order of the President, shall be authorized to purchase or acquire said land or any part thereof as soon as practicable at such price as may be fixed by agreement between the said Secretary and the respective owners of said lands and premises, not exceeding the actual cash value thereof, and the payments therefor shall be made to respective owners of such lands upon the requisition of the Secretary of the Treasury, with the approval of the President, upon a release and conveyance of said lands to the United States, by good and sufficient deeds so conveying the same after the title of the grantor of said lands shall have been examined and approved in writing by the Attorney General of the United States.

SEC. 4. That in the event of a failure to agree upon the price of said land or any part thereof, between the owner of said land and premises and the Government of the United States, the Attorney General of the United States is hereby authorized and empowered to commence and prosecute proceedings for the condemnation of said lands and premises in the Supreme Court of the District of Columbia at any general or special term thereof, and to prosecute such proceedings in condemnation in the manner heretofore provided in the statute. That upon the final determination of such proceedings in condemnation, the Secretary of the Treasury is authorized and directed to make payment of the sum of money adjudged to be proper compensation on said land and premises so condemned out of the moneys hereinafter provided to be appropriated for such purpose.

SEC. 5. That in condemnation proceedings so instituted and prosecuted as aforesaid the value of the land and the value of the buildings or improvements thereon shall be separately estimated.

SEC. 6. That the Secretary of the Treasury is hereby authorized to issue, at his discretion, 50-year 4½ per cent bonds to the equivalent amount of the cost of such land acquired under this act.

SEC. 7. That all land designated herein as blocks Nos. 634 to part of 222, and acquired under this act, is hereby put at the disposal of the several States of the Union, as soon as any such State or States shall have made appropriations to erect thereon within a period of 10 years, suitable public buildings for the permanent exhibition of the natural resources, arts, and industries of said State or States, such buildings to be designed under the direction of a board, as provided in section 8; and the other blocks above described shall be used for constructing thereon Government buildings as herein provided.

SEC. 8. In order to carry out the provisions of this act, the President is authorized to appoint a commission consisting of the chairmen of the following committees of the Senate, namely, Industrial Expositions, Library, Manufactures, Mines and Mining, Public Buildings and Grounds; and the chairmen of the following committees of the House, namely, Industrial Arts and Expositions, Library, Mines and Mining, Public Buildings and Grounds, to act by and with the advice of the United States Commission of Fine Arts. The commission shall apportion the land so designated and hereby set apart for that purpose, among the several States in groups of States or in severally as may best meet the needs of the several States.

SEC. 9. The commission shall serve without pay, except the necessary traveling expenses of the commission shall be paid out of this appropriation. The commission may employ expert assistance of architects, sculptors, and landscape gardeners to formulate plans so that the public buildings erected thereon may form a harmonious group and be in conformity with the public buildings of the National Capital.

SEC. 10. That for the purpose of making preliminary plans for carrying this act into effect, the sum of $10,000, or as much thereof as may be necessary, is hereby appropriated from any money in the Treasury not otherwise appropriated, and the sum of $1,000,000 to be made available for the purchase of land as soon as 10 States have made the necessary appropriations for the public buildings to be erected thereon, and the designs for which have been approved by the said Commission of Fine Arts.

NAVAL MANAGEMENT AND DISCIPLINE.

Mr. THOMAS. Mr. President, I desire to give notice that on Monday, the 19th day of June, at the close of routine morning business, I shall address the Senate regarding some features of naval management and discipline under the present administration.

DEVELOPMENT OF WATER POWER.

Mr. SHIELDS. Mr. President, there have been many comments in the press of the United States concerning Senate bill 3331, for the improvement of navigation and the development of water power in navigable streams, passed by the Senate March 8 last, some of which are favorable and some unfavorable. These comments are in part editorial and in part communications from men familiar with the subject matter of the bill, and some are resolutions of business men's associations in regard to the same.

I have received copies of newspapers containing many of these criticisms, and I ask that the editorials and communications here presented be printed in the RECORD.

The PRESIDING OFFICER. Without objection, such will be the order.

The matter referred to is as follows:

[From the Merchant and Manufacturer, Nashville, Tenn., March, 1916.]

TO UTILIZE NAVIGABLE WATERWAYS.

The Shields bill to regulate the construction of dams across navigable waterways, which passed the Senate recently, now goes to the House. Much interest had been manifested in this measure, which authorized the construction, maintenance, and operation of dams after obtaining the permit of the Secretary of War. Diversion structures and accessory works are permitted for the development and improvement of the navigation and for water power or other purposes in and along any of the navigable waters of the United States. The primary object of the bill is to allow of the development of water power. Where the power to be developed is used or to be used for a public utility the grantee must be a municipal corporation or a political subdivision or other agency of the State, a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or of the United States, authorized to furnish water, heat, or electrical energy for public or private use, and whose rates or charges and service shall be subject to regulation by the laws of the State or a duly constituted commission or other agency. Where the State has not made provision for such corporations the qualifications of the grantee thus prescribed shall not apply, and no transfer of any permit or the rights granted shall be made without the approval of the Secretary of War.

The bill requires plans and specifications of construction and maps of proposed location to be approved by the Secretary of War and the Chief of Engineers, and no change in such plans or specifications shall be made without the approval of these officials. The navigation facilities are required to be preserved at least equivalent to those existing prior to construction of the dam, etc., without expense to the United States, in accordance with plans and specifications approved by the Secretary of War, and in case such navigation facilities are not a part of the original construction, and the United States shall deem them necessary, the grantee shall convey to the United States such land and right of way as may be required for such facilities. The grantee shall also reimburse the United States for the cost of any investigation necessary for the approval of plans and for supervision or construction, and shall pay to the United States reasonable charges in consideration of the benefits accruing and to accrue to grantees. The right to use the public lands is granted by certification of the Secretary of War. In case of contesting applicants the permit shall be granted to the contestant judged best fitted for expediting and realizing the maximum useful development. The Secretary of War shall have, before granting the permit, the report and advice of the Chief Engineer. Control of the level above and below the dam is subject to the rules and regulations of the Secretary of War, and such lights and other signals and such fishways as may be prescribed shall be established under penalty for noncompliance.

The grantee is liable for all damages resulting from construction and operation, and when the grantee is a public-service agent of the State, a municipal corporation, or a political subdivision of the State it may acquire the right to use or damage lands or property of others necessary for construction, maintenance, and operation by the exercise of the right of eminent domain in the district courts of the United States. The permit shall continue for 50 years, and after the expiration of that time until revoked or until compensation shall be made to grantee for its property. After expiration the United States may take over all the property of the grantee dependent in whole or in part upon the rights hereunder granted upon paying the fair value of the property. In the determination of this value no value shall be claimed or allowed for the rights hereunder granted. All charges, rates, and service shall be subject to the laws of the State within which the service is rendered. Where any part of said power shall enter into interstate or foreign commerce, jurisdiction is conferred upon the Interstate Commerce Commission.

Any grantee failing or refusing to comply with any of the provisions of the act or any conditions under it is to be deemed guilty of a misdemeanor and fined not exceeding $1,000 for each offense, in addition to other penalties fixed by law. Work must be begun within two years after the permit is granted, and the grantee shall have in commercial operation such part of it as the Secretary of War shall determine from time to time. If any dam or other part of the work be not completed within the time fixed by the Secretary of War, or if construction shall not be begun in the appointed time, proper proceedings shall be instituted for the revocation of the grant. The Secretary of War may lease to any applicant having the capacity of grantee surplus water from any dam or structure built by the United States on such terms as deemed for the best interest of the United States and reasonable and fair to both parties, preference being given to a municipal corporation, a political division of the State or a public-service agency, provided the plans of the same are deemed by the Secretary of War adapted to conserve and utilize in the public interest the navigation and water resources of the region.

The act does not affect the rights of any person, company, or corporation as to the construction, maintenance, or operation of any structures heretofore constructed or begun under permit of the Secretary of War and chief of engineers or other authority lawfully granted, but any conflicting provisions concerning these must be governed by the provisions of this act. Any person, company, or corporation having the capacity of grantee now constructing or operating any structures herein specified under authority heretofore granted, may obtain from the Secretary of War upon application a permit in accordance with the provisions of this act. The act does not apply to irrigation or power dams or grants for municipal corporations affecting the approved or erected under the jurisdiction of the Secretary of War of the United States.

It is specified that works constructed and maintained under this act shall not be owned, leased, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or monopoly, or any conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory, in the generation, sale, or distribution of electric energy.

The right to alter, amend, or repeal this act is reserved, but no grantee under this act who shall have exercised rights under it shall not be deprived of any of his rights by such repeal, amendment, or alteration, all rights and the prosperity used under it being considered the prosperity of the grantee, until after the expiration of the 50 years.

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[From the Chattanooga Times, May 9, 1916.]

SHIELDS WATER-POWER BILL.

There seems to be reason for believing that the Shields bill releasing water power now tied up and of no use to the country because the Government plays a sort of dog-in-the-manger policy—refusing free concessions to private enterprise and declining itself to develop the same—may become law, even the conservationists who have been opposing it having at last agreed that it is not such a bad law, after all. The objection made to it that it gives away in perpetuity rights that ought to be kept in trust for the future generations of the country has been overcome for the very simple reason that the proposed bill does not give away the rights in perpetuity at all; it simply authorizes the Government to dispose of any power sites under its control to private parties for 50 years, at the end of which time the Government may itself take over the property at a fairly appraised valuation and use the same in any way it shall deem best for the benefit of the public. Every possible safeguard, it would seem, has been thrown about the measure so as to prevent the exploitation of the public and the abuse of public rights. We are quite sure that if States and municipalities had been as careful in granting their franchises to railroads and public-utilities corporations as the provisions of the Shields bill is in protecting the rights of the people, there would never be any outcries against exorbitant charges, excessive rates, and gross discrimination, such as have been practiced by those operating railroads, water plants, telephone exchanges, etc., all of which are supposed to be creatures of and therefore the servants of the public.

The strongest argument for the passage of the Shields or a similar bill to the same purpose is that millions of dollars are ready for investment in plants having for their purpose the development of electrical power through the use of the inland waters of the country. Senator SHIELDS has said that if this bill should become law the development along the Tennessee River would within the next few years add immeasurably to the wealth of the country and become a most powerful agency in promoting the industrial development of the States through which it passes. As it is, few men of wealth are willing to undertake such development hedged about as they would be under present rules and regulations governing running streams under control of the Government.

We should say that, while conserving agencies for the benefit of coming generations is a duty upon the present Government, something is due those who are now on the scene of activity and whose energies and activities are being directed to the projection of enterprises and the development of resources the full benefits of which will extend long beyond the time of their natural lives, and which will therefore become rich heritages for those who shall come after them.

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[From the Knoxville Journal and Tribune, Mar. 18, 1916.]

DEVELOPMENT ENCOURAGED BY THE SHIELDS BILL.

A special correspondent of the Baltimore Manufacturers' Record writes from Washington for that publication at some length concerning what is expected if the Shields bill, which has passed the Senate by a more than 2 to 1 vote, and is now pending in the House of Representatives.

This is a bill of which Senator JOHN K. SHIELDS is the author, and who did more than any other one man in securing favorable consideration in the Senate. The purpose of the bill is water-power development for industrial purposes.

Among other things stated in the correspondence printed in the Manufacturers' Record, attention is called to this paragraph:

"It is known that a number of big electrochemical plants for making saltpeter and nitric acid from the air have been planned by private enterprise, and will be built as soon as the Shields bill becomes a law, thereby making it possible to finance such undertakings. At the present time the United States, as has been pointed out repeatedly in these columns, is wholly dependent for its supply of nitrates upon the deposits of Chile. The Chilean Government collects a high tax upon every ton of nitrate exported. If the present bill goes through the House as it has gone through the Senate, it will mean the early establishment of a large plant for the manufacture of chemicals essential to the making of explosives and agricultural fertilizers."

At this particular time, when the subject of preparedness for national defense is uppermost in the minds of so large a proportion of the American people, it seems incomprehensible how there can be any opposition to this bill becoming a law. When it came to a vote in the Senate the opposition was comparatively slight, but the bill reached a vote only after a long siege of hard and patient work on the part of its author.

Were the United States to become involved in a war with a nation that has a strong navy, it might soon become impossible to procure nitrates from Chile, and without the nitrates it would be impossible to make the explosives that are a necessity in war.

But the developments that are to follow the enactment of this bill into a law make possible necessities regarding agriculture in time of peace. The way will be open to the manufacture of fertilizers without limit as to quantity and from sources that are inexhaustible. If the productive capacity of the soils is to be maintained and increased fertilizers are a necessity, and if the Shields bill becomes a law there need be no end to the supply. And the supply for the South will be made in the South.

It is confidently believed that the enactment of the Shields bill into law will be followed by the early development of water powers aggregating as much as 15,000,000 horsepower and it is estimated that it would reduce coal consumption as much as 100,000,000 tons a year. Engineers have estimated that the development of the water power under the provisions of this bill, when it becomes a law, will mean a saving of $700,000 a day in fuel bills.

If nothing else than preparedness were considered, the House of Representatives should without delay concur in the action of the Senate. But more than that is involved. The bill promises development that will add beyond conception to the development and prosperity of the South and of the whole country.

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[From the Memphis Commercial-Appeal, Apr. 3, 1916.]

THE SHIELDS BILL.

The bill offered by Senator SHIELDS and passed in the Senate by a vote of 46 to 22 has been greatly misunderstood.

The bill provides for developing navigation and utilization of the water power of the country.

It is not the purpose of the bill, in any way, to obstruct navigation. On the other hand Senator SHIELDS has embodied in his bill special provisions for the protection of navigation and for the improvement of navigable streams.

It was Gifford Pinchot who inaugurated the fight against the measure. Mr. Pinchot has become a crank of late. He has ideas. Any man is entitled to have ideas of his own, but he should at least apply them in a considerate way. Gifford Pinchot, ever since the days of Roosevelt, has been an extreme conservationist and he is opposed to the Shields bill because he feels that it will ruin the rivers of the country, will rob many streams of their natural beauty, and will obstruct navigation.

The United States, as well established by numerous decisions of the United States Supreme Court, has no property interest in the waters and beds of navigable rivers, but merely the police power to regulate commerce upon them, usually exercised in the way of removing obstructions and making improvements for the passage of commercial vessels. The States of the Union have control of the waters of rivers subject to the paramount authority of the United States for navigation purposes.

The riparian owners have the right to use the waters for all purposes so that they do not destroy the navigable capacity of the streams and after use allow them to pass on to the proprietors below.

These rights are recognized and respected in the bill offered by Senator SHIELDS.

It has been reported that President Wilson was decidedly opposed to the bill. Here again a mistake has been made. After reading the bill President Wilson declined to oppose it.

If the future navigation of present navigable streams would be interfered with there would be substantial grounds for opposition and the House of Representatives would be justified in defeating the measure, but inasmuch as the future safety of such streams is specifically provided for, there can be no logical reason offered for opposing the Shields bill now pending before the House.

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[From the Johnson City Staff, Mar. 3, 1916.]

THE SHIELDS BILL.

United States Senator JOHN K. SHIELDS is to be congratulated on putting through the Senate one of the most important pieces of constructive legislation that has come to a vote in many sessions—the bill which enables the Secretary of War to grant 50-year permits for the building of dams and water-power plants on navigable streams.

This is the first vote taken by the Senate on a general water-power development measure in the eight years that the subject of conservation of natural resources has been under consideration in Congress. Two water-power bills passed the House last year and died in the Senate.

Senate leaders and military authorities urged the Shields bill as a vital feature of the preparedness program. It is estimated that there is 60,000,000 horsepower of natural energy in the navigable streams of the United States, of which nine-tenths is flowing to waste. These great water powers have been locked out of us up to now, as a special act of Congress has been necessary for each power plant, and it has been impossible to pass workable acts for the development of large water powers.

Senator SHIELDS announced in the Senate that the passage of this bill would be followed by early development of water powers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year. Engineers estimate that development of this amount of water power equals a saving of $700,000 a day in coal bills.

It is known that a number of big electrochemical plants for making saltpeter and nitric acid from the air have been planned by private enterprise, and will be built as soon as the Shields bill becomes a law and makes it possible to finance these undertakings. These chemicals are essential to the manufacture of explosives and agricultural fertilizers, and at present the United States is wholly dependent for its supply upon the nitrate deposits of Chile. The Chilean Government collects a high tax upon every ton of nitrate exported. There is at

present not a single atmospheric nitrogen plant in this country, although Europe has 1,200,000 horsepower of hydroelectricity devoted to this use, and Germany is making 600,000 tons of saltpeter a year in such establishments for military and agricultural uses.

A few years ago Congressman SHIELDS told the Staff that it was his ambition to have located in the first district several of these plants, and it begins to look now like he will realize his ambition, for the passage of the Shields bill opens the door of opportunity.

Under the terms of the Shields bill the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluice ways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public-utility corporations. Interstate business and rates of companies operating under the act are to be regulated by the States, the interstate service and rates by the Interstate Commerce Commission.

All plans for dams and works are to be approved by the War Department, as being the most adaptable plans for improvement of navigation and fullest development of waterpower possibilities. The grantee is to pay a rental for public lands used and a charge for rights and privileges in use of water, these rentals and charges to be fixed at the discretion of the Secretary of War, and the money received from same to go into a special fund in the United States Treasury, to be used for further improvement of waterways. Actual construction work on any project is to be begun within two years of the granting of the permit, and the works are to be completed within such reasonable time as the Secretary may prescribe. For failure to complete the works as directed, or for violation of the provisions of the act, or noncompliance with regulations or orders of the War Department, the grantee is subject to heavy cash penalties or to revocation of the grant.

Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or upon one year's notice take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance for any rights granted by the Government. The bill also provides that no value of rights granted by the Government shall be allowed in fixing rates to consumers. Dams, locks, and other structures used primarily for improving navigation are to be exempt from taxation.

Municipally owned dams and power plants for irrigation or for supplying power for municipal purposes are to be given preference in making leases for surplus water powers in the streams. The bill does not apply to water power on small streams and creeks used for grist mills, sawmills, etc.

The measure contains a drastic antimonopoly clause, providing that no dam or works constructed under its provisions shall be owned, leased, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful monopoly, or form the subject of an unlawful constraint or conspiracy to limit the output of electrical energy or in restraint of trade.

Although the war talk has prevented it from attracting any considerable public attention, the Shields bill has for several weeks been the subject of one of the most interesting debates on conservation of natural resources that has ever been held in the Senate.

Senator SHIELDS has served in the Senate only a brief time, but during that period he has displayed qualities of leadership and constructive statesmanship which have delighted his friends and confounded his enemies. That he should have sponsored such an important piece of legislation so early in his senatorial career, his admirers believe, presages a large career of service to the State and to the Nation.

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[From the Knoxville Sentinel, Apr. 15, 1916.]

MR. PINCHOT'S OBJECTIONS.

Mr. Gifford Pinchot is very much frightened over the passage of the Shields water-power bill in the Senate and its prospective passage in the House. Mr. Pinchot has written the editor of the Sentinel two letters denouncing the Shields bill. He has also written the selfsame letters to all the other leading newspapers of the country. Mr. Pinchot's second letter, just to hand, excitedly says:

"The iniquitous Shields bill, giving away the water powers on our navigable streams, about which I wrote you on February 15, has been driven through the Senate, but it has not passed the House. There is still a good chance not only to stop this raid on public property but to pass a fair and honest water-power bill in its place."

"We are very deeply interested in the development of cheap power, for not only is it the great economic need of the future, on which the comfort and happiness of unborn millions will hinge, but it is an urgently needed present development to unlock the exhaustless resources stored up by nature in our hills and valleys and streams and the very air we breathe. We have studied the Shields bill, and it seems to guard in every way that words can express the production of cheap power. There is no compensation exacted by the Government of the power companies for the harnessing and use of the water power, but there is every provision possible made to restrict them from extorting an unfair profit from their investment. If the proposed law is such as to induce capital to develop the power and yet require it to supply it at a reasonable profit resulting in giving the people cheap power, it seems to us that this, being the one thing most universally desired, would be the best form of compensation for the use of the people's property in our navigable streams.

Mr. Pinchot has been before the country as a conservationist for many years now, but if he has ever benefited the people through his propaganda we are unaware of it.

The Montgomery Advertiser, which is also one of the recipients of Mr. Pinchot's excited correspondence, says in reply:

"In order that Mr. Pinchot may have no illusions as to the stand of the Advertiser and the people of this section on the Shields bill, we will inform him that if there was any doubt as to how the Congressman of this district stood upon the measure the editor of the Advertiser would sit down and write him the strongest letter he could compose urging him (the Congressman) to use every means he honestly could to secure the Shields bill's passage, so that we could free and develop our paralyzed resources.

"Representing the sentiment of his district, the second district Congressman is friendly to the Shields bill. In fact, every Member of Congress from this State and the two United States Senators are stanch supporters of the measure, which promises to open to development at last our great water-power resources."

We are frank to confess that we have more confidence in our Democratic Congress and administration than we have in Mr. Pinchot, and we prefer to trust our judgment and theirs as to the merits of the bill rather than follow Mr. Pinchot's visionary lead, which has resulted in nothing practical.

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[From the Knoxville Journal and Tribune, Feb. 2, 1916.]

THE DEVELOPMENT OF WATER POWER.

The bill introduced in the Senate by Hon. JOHN K. SHIELDS, the purpose of which is the development of water power, is one eminently worthy of consideration in connection with national preparedness. The world is just entering a new epoch in industrial development. It is the beginning of an era when the wonderful powers of electricity are going to be adapted to the use of mankind.

As we understand—we have not seen a copy of the bill—it provides for cooperation between the Government and private capital in the erection of dams on navigable streams for hydroelectric purposes. The Government can well afford, while retaining control of navigable streams for the purpose of navigation, to at the same time give its consent to the use of such streams in a manner not to interfere with navigation, but also for power to drive machinery.

Attention has before been called to what is being done in fixing nitrates in the atmosphere, and in that way obtaining an article in the making of explosives that can now be had only from Chile. In case of a war with a foreign nation that source of supply might be cut off, and then this country would no longer be in a position to make its own ammunition. It has also been demonstrated that nitrogen, by means of electric furnaces, may be had from the atmosphere for making fertilizers.

The bill introduced by Senator SHIELDS is one showing that our Senator is keeping abreast of the time, and it should become a law. It was seen by those who read this paper yesterday that Senator UNDERWOOD, of Alabama, made a strong speech in favor of the bill.

A dispatch, printed also yesterday morning, told of a bill introduced by Hon. R. W. AUSTIN, of this district, favoring the erection of a factory in the neighborhood of Knoxville for making munitions of war. The bill may show that Representative AUSTIN is alive to the interest of his district—that he is always—but it also calls attention to the fact that in building such factories it is wiser and safer to have them at interior points away from the coast.

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[From the Nashville Banner, Apr. 24, 1916.]

THE WATER-POWER BILLS.

The New York Evening Post calls attention to the opposition from two extreme sources to the water-power bills pending in Congress. The greater part of the water power in the United States available for transmission into electricity is in the mountain regions of the far West, and is largely within Government reservations. There is a great impatience within that region for the development of water power, and the opposition to delays in removing Government restriction partakes of the obstreperous western temperament.

The two water-power bills before Congress, as is generally known, are the Shields bill, that provides for the construction of dams across navigable rivers, and the Ferris bill, that regulates the development of water power on public lands. To this latter bill there is violent opposition in the Rocky Mountain States, which would be the chief scene of its operation. In that region the whole idea of Federal regulation is antagonized. Colorado, Wyoming, Idaho, Utah, and Montana, along with Oregon, want to be let alone to deal with water power on the public domain included within their territory precisely as they see fit. Senator SHAFROTH, of Colorado, asserts that the aim of the Ferris bill is to "confiscate" water power belonging to the States; and he virtually served notice that the handful of Senators from the Rocky Mountain States would not permit any bill of the kind to come to a vote in the Senate.

Mr. Gifford Pinchot, nominally of Milford, Pa., a man born the possessor of a great fortune, who calls himself a professional "forester," and takes a dilettante interest in the conservation of natural resources, represents both the Shields and the Ferris bills as being fraught with iniquity and, for reasons, or alleged reasons, entirely opposite to those that have stirred the people in the Rocky Mountain States to such vigorous protest against any sort of governmental interference that would restrict the rapid development of the great water-power resources of that region.

Considering both of these attitudes, the New York Evening Post, a very judicious and high-class journal that could hardly be suspected of undue leaning toward schemes promoted by sharks, says:

"Our own belief is that anyone who, even approaching the water-power bills with a prejudice against them, gives them a close study, will find that they have a great deal to commend them. In their general aim they appear to be along the lines of Secretary Lane's recommendations. That is, they regulate, they restrict, they provide safeguards, yet they permit of development on a commercial basis. Doubtless a keen lawyer might find lurking perils in phraseology. A layman will suspect some. It is possible that the true and large interests of national conservation are endangered by one paragraph or another. We freely admit this, though our own examination of the bills does not disclose the alleged glaring defects. But our purpose at present is neither to defend nor attack the bills as they stand. What we would urge is that the whole subject be given fair consideration in Congress and by the press; that the minds of those interested be brought together; and that the great need of reasonable legislation on this subject be not lost sight of in angry controversies over details. The United States is lagging behind in hydroelectric development; and the chief reason is that for six or eight years we have been laboring in vain to secure laws under which this neglected national work can be done. It will be a severe reproach to Congress if it fails to give due weight to this branch of national preparedness and does not hammer out workable bills, fair to all concerned, before it adjourns."

The Ferris bill doesn't materially affect the South. There are no Government reservations of consequence in this section containing great water powers, but the Shields bill that has to do with the damming of navigable streams is of close concern to southern interest and has been quite generally and earnestly approved in this section and in other parts of the country where conditions are similar to those in the South. All southern Senators except two, one from Tennessee and one from Texas, voted for it.

Only one Tennessee paper, so far observed, has been responsive to Mr. Gifford Pinchot's contention about the matter, and the motives that stir this journal are so obviously different from the idealism that moves Mr. Pinchot, they so plainly proceed from personal spite and individual

jealousy, having really no regard to either the merits or faults of the bill, that the opposition is of little consequence.

The gist of the matter lies in the two last sentences of the extract here reproduced from the comments of the New York Evening Post. Congress should do something to put the United States abreast of the world in this important matter and not allow the development of the country's resources to be hampered and retarded by useless legal restriction and the protests of sentimentalists.

The laws controlling our rivers were made with the sole view to navigation and without a thought of hydroelectric power, that promises to revolutionize industry and transportation, that means economic progress, and that the country must have if it is going to keep pace with the rest of the world.

Canada and Norway have both attracted capital that first sought investment in the United States, but went elsewhere because of the legal obstructions growing out of the use of streams in this country.

Tennessee should be proud to have a Senator broad enough to give thought and purpose to constructive legislation looking to the material progress of the Nation.

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[From the Chattanooga News, Mar. 9, 1916.]

BILL MEANS MUCH TO CHATTANOOGA—SENATOR SHIELDS CONGRATULATED ON ACHIEVEMENT—LOCAL MANUFACTURERS AND BUSINESS MEN ELATED—$20,000,000 WILL BE EXPENDED IN BACK YARD OF CHATTANOOGA.

Telegrams of congratulations were sent Senator JOHN K. SHIELDS Thursday by President Fred Arn, of the manufacturers' association; President Huston, of the chamber of commerce; Vice President Z. C. Patten, Jr., of the same organization, and other citizens, expressing gratification at the passage of his river bill through the Senate Wednesday.

According to local manufacturers and capitalists, there will be $50,000,000 spent in the "back yard of Chattanooga," meaning at Muscle Shoals, as a result of the passage of the bill. They think there is no doubt of its passage through the House, and are regarding the Muscle Shoals development as already a certainty.

Twenty millions will be spent by the Federal Government at the shoals as a result of the bill's passage. Thirty-millions of private capital will be added to that. There will be a nitrate plant, and much surplus power delivered to Chattanooga, being an inducement of great pulling power for more great manufacturing plants to locate themselves in Chattanooga, and the consummation of one of Chattanooga's most fervent hopes will be realized—year-around navigation on the Tennessee River.

The expenditure of the Government's $20,000,000 will come about as a result of the adoption of the General Army Staff plans for the building of a nitrate plant. Muscle Shoals is the only available inland site for such a plant, and with the building of the dam and power plant there the Government will have power already furnished ready for use.

Regarding the building of the dam, financiers have been ready for several years to erect it at any time the Government would allow them to do so. They have not only been ready, but anxious, and it is expected that very little time will elapse before tangible developments will be under way.

WASHINGTON, *March 9, 1916.*

The Shields water-power bill, after several weeks of filibuster on the part of its opponents, passed the Senate yesterday by a vote of 46 to 22, and now it goes to the House for consideration. In the closing hours of the conflict between the friends of conservation and the supporters of the plan to grant public rights for private privileges there was exhibited intense feeling among those who debated the question, and especially on the part of those who protested against the passage of the bill were there uttered harsh terms and exhibited feeling of resentment. When the bill was placed on its passage some of the leading opponents of the measure denounced it in severe terms as a giving away of rights that should be forever guarded and preserved by the Government.

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[From the Knoxville Sentinel, Mar. 11, 1916.]

SHIELDS WATER-POWER BILL.

It seems to us that the two vital interests involved in the Shields water-power bill as it passed the Senate, the offering of inducements for the development of water powers to generate hydroelectric power and guarding against the confiscation through monopoly of the people's interest in these far-reaching and all-important natural resources, have been served.

The two important objections offered by Mr. Pinchot and the other conservationists of Mr. Pinchot's way of thinking are that the Shields bill gives to the power interests the use of the power on navigable streams without compensation, and that it would create a monopoly in the use of these.

The present situation is that these vast potential resources of industrial activity and creative wealth are going to waste without doing either the people or the interests any service because of nonuse.

The provisions of the bill as passed appear to us to obviate both of the Pinchot objections. It is not provided that the power interests shall directly compensate the Government for the water-power rights, but the granting of these are so hedged about by governmental supervision, regulation, and control, with State commissions and the Interstate Commerce Commission given power to regulate rates in the interest presumably of both the power companies and the consumers, that the most valuable consideration must accrue to the people in cheap and abundant electric power to serve all the vast and varied industrial and domestic needs that this agency is destined to take care of in the future.

It is true, we think, that the conferring of these great water-power rights, under the discretion of the Federal Government, will insure to the power interests well-nigh incalculable profits, but the mutual profit to the public will doubtless foot up greater still, while without the inducement to the power interests to invest their capital and enter upon the enterprise, nobody will be benefited, since the power interests decline to venture their capital in it under existing laws.

"The bill is primarily framed in the interest of the consumers," Senator SHIELDS states. "It provides for cheap power by which fertilizers and many necessaries of life can be produced and furnished to the people cheaper than is now done with power produced by steam. It contains an express provision prohibiting a development from constituting a part of a monopoly or a conspiracy in restraint of trade, supplemental to the prohibitions of the Sherman antitrust law. It gives the public service commissions of the State where the plant is located jurisdiction to fix and regulate the rates charged to the consumers for the hydroelectricity and power produced, except when it enters into interstate commerce, and then jurisdiction is vested in the Interstate Commerce Commission.

"Instead of giving the power companies anything which can be used for exploitation of the public, this bill, by retaining to the Government the title in the power site, closes the door to any stock watering or financial chicanery which might serve as an excuse for high rates or charges. Under this bill capital is offered certainty of tenure and reasonable terms which will assure development, the public is amply protected by provisions insuring low rates and only fair profits, and the whole country will benefit by the use of a now neglected and disused resource which will conserve the fuel supply."

The measure thus guarded and hedged about in the interest of the people has rightly been declared to be a great piece of constructive legislation, and the passage of the bill in the Senate by more than a 2 to 1 vote is an achievement of which Senator SHIELDS may well be proud, in view of the fact that it is the result of quiet, persistent, intelligent, and sustained work amid the hurly-burly of a session of Congress which has had much to do with wars and rumors of war.

The Sentinel heartily joins with other friends of Senator SHIELDS in extending congratulations to him for the success of his measure in the Senate and our best wishes for its similar success in the House.

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[From the Nashville Banner, Mar. 18, 1916.]

THE WATER-POWER BILL.

President Wilson, in a letter to Representative KENT, of California, has said: "I agree with you that it is better to let water power run to waste than to settle the question of its use in the wrong way." This has been seized upon by some of the so-called conservationists as an indication that the President is opposed to the Shields water-power bill as it passed the Senate, and may veto it if it passes the House. The language used by the President in this letter doesn't warrant that conclusion, and if he should take that course it would not necessarily follow that he was right. His infallibility as yet has not been established.

There is, of course, a wrong way in which the question concerning the use of water power might be settled, but it doesn't follow that the President considers the provisions of the Shields bill in that light. The President ignored the extravagant protest made to him by Mr. Gifford Pinchot on the subject, and that is as strong an indication of his position relative to this specific measure as was the generalized expression quoted from the letter to Congressman KENT.

In Sweden and all over the world, except, temporarily, perhaps, in those unfortunate lands involved in war, water power for the manufacture of electricity and atmospheric nitrogen is being rapidly developed. Capitalists eager to invest in such enterprises in the United States have gone, in preference to Canada, because of legal restraints in this country. The United States wishes to keep abreast of the world in this important particular, and there should be no unreasonable delay in beginning.

The hope of the development and growth of southern industry lies largely in the new uses to be made of water power. The South for many years has lagged painfully in industrial progress, largely through sentimental reasons and because of too much adherence to the teachings of political doctrinaires; it should not suffer any longer impediments of this kind if they can be avoided.

There is in Tennessee more than a million horse power in water power that needs legislation like that embodied in the Shields bill to facilitate its development.

There are immense possibilities in the Mussel Shoals of the Tennessee River, within easy reach of Nashville, awaiting development that should not be delayed.

If work of this kind is accomplished, it must be in the main through the agency of private capital seeking profitable investment. Monopolies and franchise grabbing are evils to be always considered. The Shields bill, it is understood, contains adequate provisions for the protection of the public interest in that regard. It is baneful sentimentality that would obstruct needed industrial progress through mistaken ideas of conserving public rights in natural resources that the public is never going to develop through its own agencies.

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BUSINESS MEN'S CLUB, MEMPHIS.

Resolution adopted by the Business Men's Club Chamber of Commerce, Memphis, Tenn., at a regular meeting of the board of directors, May 19, 1916.

Resolved, That the Business Men's Club Chamber of Commerce of Memphis, an association representing the commercial and agricultural interests of Memphis and the prosperity and comfort of a population of 200,000, hereby indorses the Shields bill as passed by the Senate, free from impractical provisions that so disastrously have prevented water-power development in recent years, and hereby respectfully urges upon the House of Representatives the immediate passage of this bill; and be it further

Resolved, That a copy of this resolution be mailed by the secretary of this association to every Senator and Congressman from the State of Tennessee, and to every commercial and agricultural association with whom this association is in correspondence or affiliation.

[From the Nashville Banner.]

PINCHOT'S ATTACK ON SHIELDS BILL DRAWS FIRE OF SENATOR UNDERWOOD, WHO CHAMPIONS THE MEASURE.

[By Jesse S. Cottrell.]

WASHINGTON, *February 2.*

Gifford Pinchot, former Chief Forester of the United States, and the leading spirit in the ultraconservative school of conservation, is out in an attack of what is known as the Shields water-power bill, introduced in the Senate by Senator JOHN K. SHIELDS, and designed to develop the water powers of the country, with ample protection afforded for all interests involved.

Tennessee and Alabama are perhaps more deeply concerned about the fate of the Shields bill than any other States, owing to the million dollars awaiting Federal permission by such legislation, as proposed in the Shields bill for investment in the South. Senator OSCAR W. UNDERWOOD has replied to Mr. Pinchot's criticism as follows:

"Mr. Pinchot's objections to the Shields bill, it seems to me, are based largely upon a misunderstanding of the actual provisions of the bill. One of his main objections is based on the idea that if the bill passes

it will enable great corporations to monopolize the water power of the country. If it is true that there is a monopoly of the water powers of the United States to-day, which I do not recognize to be a fact, the failure to pass legislation only makes that monopoly more secure in its actual vested interest, because competition is throttled by the failure to develop the water powers on the navigable streams of the United States.

"There has been no development of the water powers on navigable streams under existing legislation in the last decade; and if the obstructionists who have endeavored to prevent legislation that will bring about the development of the water power of the navigable streams of the country would succeed in their efforts to block legislation, there would be no relief from the monopoly they complain about. The Shields bill does not grant rights or privileges to anyone, but merely places in the hands of the Secretary of War, acting through the Government engineers, the right to grant permits to build dams for the purpose of aiding navigation and the production of hydroelectric power on such terms as the Government, in its wisdom, shall agree to.

"I am not prepared to agree to a statement that implies that our Government, acting through the Secretary of War and the engineers of the United States, would agree to permits that would continue or produce a monopoly of the hydroelectric power of this country.

"I can not at this time go into a complete analysis of the Shields bill, but I am of the opinion that anyone who will read the bill and compare it with Mr. Pinchot's statement will find that there are very few of the statements by Mr. Pinchot that are sustained by the provisions of the bill."

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[From the Nashville Banner, Nashville, Tenn., Mar. 14, 1916.]

WATER POWER.

For many years the South has been admonished that its greatest need is the development of its natural resources, and the admonition had its basis in self-evident fact. In so far as the South has been favored by nature, no portion of the globe is more liberally endowed with great advantages and possible wealth.

In so much as this region has been backward and not materially abreast of other portions of the country—some of them less favored by nature—the reason was that its resources were undeveloped. It is not necessary here to consider those reasons. They came in most part of past conditions and circumstances that are now being rapidly overcome.

One thing that affords much promise for the utilization of the South's great natural resources is the immense use to which water power under advanced methods may be put, and the facilities the South possesses for meeting the demand for the application of this power to manufacturing and other extensive purposes in consonance with the progress of the day.

The Shields bill that recently passed the United States Senate and is now pending in the National House of Representatives has for its purpose the facilitating of that work, and it received the votes of all the Southern Senators except two—LEA of Tennessee and SHEPPARD of Texas. The senior Senator from Tennessee did not explain his vote, but it was in keeping with his usual personal antagonism to his colleague, the junior Senator, who was the author and chief advocate of the bill.

The Banner approved the passage of this bill on its merits without regard to who advocated or opposed it, and it is on its merits that it will and should be considered in the country.

Mr. Gifford Pinchot, an impractical enthusiast, whose inherited wealth has enabled him to spend time and money in quixotic exploitations, has scattered a circular letter broadcast over the country in opposition to the Shields bill. He first put his objections in the form of a letter to President Wilson, that the Chief Executive ignored and the news associations refused to handle. Then it was put in the form of a circular and widely disseminated. The Banner received a copy some weeks ago. Yesterday it was reproduced in the Tennessean and American.

The Shields bill was introduced at the last session of Congress and was favorably reported by the Commerce Committee in that body. It was not reached on the calendar, but was reintroduced at the present session of Congress. It was again unanimously recommended for passage by the Commerce Committee and passed by the Senate by a substantial majority.

Mr. Pinchot's extravagant assault on the measure was without practical effect on the Senate. The local publication of his letter had probably an ulterior purpose that is also likely to fail.

The Shields bill authorizes companies and corporations, with preference to municipalities and public-utility companies, to build dams in navigable streams for power-development purposes without resort to Congress, but plans must be submitted to the Secretary of War and his permission obtained before the work can proceed. He may impose certain conditions, including the construction of locks and dams and other facilities for navigation, at the expense of the company undertaking the work. The permit is limited to 50 years, and may be forfeited sooner by violation of its terms. At the end of 50 years the property may be taken over by the Government and re-leased under then existing laws.

It is further provided that the business and property of the company making the development shall be subject to the laws of the State wherein located, and the charges and rates for water and power shall be regulated by the States and be subject to State taxation after the manner of other public-service corporations.

These salient features of the bill destroy the Pinchot contention that the measure is in the interest of monopoly and would make possible the unjust seizure of public rights by greedy corporations.

The provisions of the bill apply to the country at large, of course, but the South has a peculiar interest in its provisions, and Tennessee may specially benefit by what it makes possible. It is estimated that east Tennessee alone has water power in the aggregate of 1,000,000 horsepower which can not be developed under existing laws.

There is at the Muscle Shoals in the Tennessee River, a water-power possibility of over 600,000 horsepower. This is in northern Alabama, but in easy reach of Nashville and other Tennessee cities, for which it could furnish hydroelectric power.

The development of the Muscle Shoals might also be used for the fixation of atmospheric nitrogen used in the manufacture of fertilizer and high explosives. The annual importation of nitrogen into this country from Chile amounts approximately to $21,000,000. The Muscle Shoals is said to be the finest location in the United States for a plant for producing atmospheric nitrogen.

Capitalists seeking locations for water-power development have been going to Canada for the location of their plants because of unfavorable restraints on such investment in this country that the Shields bill would remove.

So far from creating a monopoly, the bill would lend such facility to investments of this kind as to destroy monopolies now existing. It is said, in fact, that the chief opposition to the measure has come from those who control existing water-power plants in the Northwest and who are afraid of the competition it would make possible.

While the public rights are properly safeguarded and conserved, every possible facility and encouragement should be given to the investment of capital in enterprises of this character. The progress it would bring is not to be impeded by men imbued with political animosities, seeking personal revenge, nor by the vagaries of fanciful idealists, or yet by egotistic sentimentality that exploits itself for the sake of notoriety.

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[From the Chattanooga Times, Chattanooga, Tenn., Mar. 16, 1916.]

THIS CITY TO GET BENEFIT—RIVER MAY BE IMPROVED AS AN INCIDENT TO PREPAREDNESS—MANY COMPLIMENTS PAID SHIELDS FOR HIS VICTORY—COMMERCIAL AS WELL AS MILITARY IMPORTANCE CONNECTED WITH PROJECT FOR ESTABLISHING NITROGEN PLANT AT MUSCLE SHOALS.

Having just returned from Washington, a local business man and manufacturer gives the following impressions gathered at the National Capital:

One of the members of the brigade post committee made a very interesting report, giving some information gathered at Washington which is welcome news to those interested in the development of this section.

Among other things he commented on the fact that while in Washington last August he found very few Members of Congress who happened to be there and very few citizens throughout the North and East who had much interest in the question of the fixation of nitrates from the air. Only a few who had made a study of this condition abroad and who were familiar with what it had meant to Germany in the past 12 months were talking, only in a general way, about the nitrate needs of this country. Since that time a tremendous volume of literature has been compiled and distributed throughout every State in the Union and placed in the hands of every Member of Congress, until now the entire country is alive to the fact that something must be done to free this country from its dependence on Chile.

Certainly anyone who spends time in Washington will not fail to hear from almost every quarter compliments paid to the fine manner in which Senator SHIELDS conducted the fight for his general dam act. And certainly one less skilled in a parliamentary way than Judge SHIELDS would have been far less successful. This act, having met all the so-called "conservation opposition" that was possible, and coming through with such a tremendous majority, practically insures its passage through the House; but much more difficulty would have been experienced had not the general feeling been so strong for power developments to meet the requirements of the Government, which made everyone feel kindly to any measure that looked to the utilization of this waste energy and the applying of it in some practical way.

URGENT FEATURE OF THE PREPAREDNESS MOVEMENT.

Two significant things happened last week which have been noted in the press, but their significance was especially realized by those who have been in direct touch with the affairs in Washington. One was the meeting in New York of the Naval Advisory Board and the report of Dr. W. R. Whitney, of Schenectady, N. Y., who had been delegated to make a report on the production of nitrogen from the air. His report was unanimously approved, and, among other things, were these significant statements: That the Naval Advisory Board should urge President Wilson to take such steps immediately as might be necessary to create a commission, preferably from the Departments of Agriculture, Interior, War, and Navy, to make effective immediately such plans as might be necessary for the Government production of nitrogen from the air, further stressing the fact that it is not only immediately vital from the standpoint of "preparedness," but equally important from an economic standpoint in making adequate fertilizer for the farmers at a reasonable price. The commission was urged to plan immediately for the utilization of water powers in working out the proposed plant or plants. The next day there appeared from the Government press, Report No. 297, from Mr. HAY, as chairman of the Committee on Military Affairs, together with a report on the hearing before that committee, on ways and means for increasing the efficiency of the Military Establishment of the United States. This report is one of 24 pages, and while it deals with all phases of "preparedness" the following paragraph stands out paramount in the entire report:

"The bill also provides for the authorization of the plan for the manufacture of nitrogen in order to supply the country with powder to make it independent in time of war of every foreign source of nitrogen. This committee considers this question of the first importance in the consideration of preparedness for national security."

Following this, in small type, six pages are devoted to the arguments and data in favor of such a proposed measure. With this report coming from the Military Affairs Committee, backed by the sentiment in the Senate, as evidenced by the Shields bill, also coupled with the report of the Committee on Agriculture, emphasizing the nitrogen interest as of first importance from the agricultural standpoint, it almost seems that the bill authorizing the appropriation for an air-nitrogen plant would be passed quickly and by an overwhelming majority.

BETTER WATERWAY AT CHATTANOOGA IN PROSPECT.

While the proposed measure will not designate Muscle Shoals as the location for this plant, it is a fact that the Government engineers have not made a report on any other adequate location and almost all of the prominent dailies throughout the country have published the statement that when this bill was passed it would mean the immediate designation of Muscle Shoals and immediate work on the large dam at that point. This would then leave but two smaller dams, which would be entirely incidental, and of course they would be provided for at an early date through the Rivers and Harbors Committee of the House and the Commerce Committee of the Senate; in fact, one of the most influential United States Senators made the statement that the very importance of the Tennessee River would not even require another visit from a delegation, as they would be put through as soon as work could begin without any fight.

When it is considered that only a small proportion of the power will be necessary for Government use and a large proportion will be utilized for industrial purposes, all of which or a great part of which can be economically utilized here in Chattanooga, the passage of this measure will mean the biggest development for the South that has ever come

our way; and, coupled with all, it gives us at least 6 feet in the Tennessee River from Chattanooga to Paducah 12 months in the year.

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[From the Nashville Banner, Mar. 2, 1916.]

IMPRACTICAL MR. PINCHOT.

Hon. G. E. Condra, chairman of the executive committee of the National Conservation Congress, has disavowed the right of ex-Chief Forester Gifford Pinchot to speak for the congress.

Mr. Pinchot is very active in opposition to water-power bills now pending in Congress. Very officions would likely be the more appropriate term. In the administration of the office of Chief Forester he proved himself an impractical enthusiast and his continued voluntary work in the cause of conservation is of the same character.

Conservation is a proper principle, but Mr. Pinchot would retard industrial development and prevent the utilization of the water powers of the country, now so extensively undertaken, or projected, for the purpose of producing electricity. The practical sense of the country doesn't accord with Mr. Pinchot's theories.

Hydroelectric power promises much for industrial progress, but Mr. Pinchot would retard or prevent its development by private capital for corporate uses. He calls that the appropriation of public rights for private use. Yet such rights would be of small benefit to the public as long as they are not utilized and under existing economic conditions they can't be utilized, or assuredly are not likely to be utilized except by the investment of capital to which the enterprise promises profit.

The public domain and what pertains thereto should be carefully conserved for the public benefit. There has likely been much wastefulness of this kind in the past. In many instances the public possibly has been robbed to glut private greed. The public interest should be well guarded against that manner of rapacity, but the public interest also demands development and it would be folly to impede it through the quixotic ideas on the subject Mr. Pinchot seems to entertain.

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[From the Morristown Gazette, Morristown, Tenn., Mar. 15, 1916.]

WATER-POWER DEVELOPMENT.

The Shields bill that has passed the Senate and is now ready to go before the House will, if it becomes a law, not only render farmers and planters independent of Chile's present monopoly in nitrates, commonly called saltpeter, but will cheapen the fertilizer 50 per cent, and also greatly aid the Government in the manufacture of explosives by the use of the nitrogen fixation plant, which would obtain its means of operation from the waterways that capital will be encouraged to develop. The numerous streams and tributaries that are at the present time allowed to waste their colossal energy and night in the useless condition which they have so long been kept will be harnessed to water wheels and various other mechanical inventions of late years and made to furnish the same amount of horsepower, or a volume of electricity equaled to that produced by a coal consumption of 100,000,000 tons a year, thereby saving, it is estimated, $700,000 a day in coal bills. The Shields bill, while it encourages capital to aid in the development of water power and the rivers, at the same time provides that the Government will not relinquish supervision over the same. It was due to the untiring efforts on the part of Senator Shields that this bill was passed, it being opposed by such clever parliamentarians and able debaters in the Senate as Senators REED, CUMMINS, and WALSH. The vote of 46 to 22 makes it evident at a glance that Tennessee's eminent statesman won a victory of no small importance in the United States Senate.

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KNOXVILLE BOARD OF COMMERCE, KNOXVILLE, TENN.

Whereas this whole Appalachian section is much interested in the development of hydroelectric plants and in the preservation and conservation of the watersheds involving the permanency of our watercourses; and

Whereas we recognize in the so-called Shields water-power bill, which was recently passed by the United States Senate, a broad, comprehensive, and statesmanlike treatment of the subject of the construction of dams across navigable waters: Therefore be it

Resolved, That we heartily approve of said bill as passed by the Senate and recommend the same to our Congressman in the lower branch of the Government: And further

Resolved, That we congratulate Senator SHIELDS on the splendid statesmanship shown by him in the preparation of this measure and in successfully engineering it through the upper branch of Congress.

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[From the Knoxville Journal and Tribune, Apr. 14, 1916.]

KINDLY ADVICE UNAPPRECIATED.

The editor is in receipt of a fatherly sort of a letter from a distinguished citizen and patriot warning him and the country against the iniquities of the Shields water-power bill. The letter is from Gifford Pinchot, who carried upon his broad shoulders the national interests of conservation.

It was very kind of Mr. Pinchot to write the letter, and in writing it he meant it for our and the country's good. It may be congenital obtuseness on our part, but we have to confess we don't see the danger lurking in the Shields bill as it is seen by the ever-watchful Pinchot eye.

We happen to be one of those who believe the time has come when this country should take advantage of its water power in the promotion of our industries. The fact has been developed that through the use of such power, electricity may be generated at a reasonable cost, and in that way electric motive power may be applied to many inestimable uses.

We are living at a time when one of the subjects more discussed than any other is that of preparedness for national defense. Preparation for national defense means, along with other things, facilities for manufacturing munitions of war. Explosives can not be made without nitrogen, our supply of which is shipped all the way from Chile. But through the use of electric power we may procure our nitrogen, taking it from the atmosphere.

By that process we may add largely to our supply of fertilizers, something the farmers of the country need if they are going to keep up and add to the productivity of their soil.

We are truly sorry that we do not see in the Shields bill the iniquities as Mr. Pinchot sees them, and while grateful to him for his gratuitous advice, as we see it, we can not work ourselves up to the point of agreeing with the great conservationist.

[From the Nashville Banner, Apr. 18, 1916.]

HYDROELECTRIC POWER.

An example of the great use to which hydroelectric power will be put in the future is afforded by the Chicago, Milwaukee & St. Paul Railroad. That corporation will operate 440 miles of track, from Harlowton, Mont., to Avery, Idaho, with that manner of power. One hundred and fifteen miles of the route is now in operation.

This line will be along what is known as the backbone of the continent, in the region of the Great Divide, at an altitude of 6,300 feet.

The trains will be pulled by heavy electric tractors that will displace steam locomotives, and the power will come mainly from the great falls of Montana. At several other points the energy of mountain streams transformed into electricity will add to the power supply.

The electric tractors employed on this road are described as veritable leviathans. They weigh 284 tons, with a length of 112 feet 8 inches. They draw heavier trains at a higher speed than the steam locomotives, and over steep grades. Each is said to be more than 10 per cent more powerful than the modern Mallet engine.

The electric engines are smokeless and comparatively noiseless. They are more efficient and much cheaper than the coal-burning locomotives.

Hydroelectric power is going to work wonders in transportation and industry, and there should be no unreasonable impediments to its speedy development wherever it is available.

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[From the Chattanooga News, May 9, 1916.]

The National Conservation Congress indorsed the Shields water-power bill by a vote of 116 to 39. The bill has been much maligned. It is by no means a "grab" measure, and the rights of the public are fully protected. It will develop the waterways. At a time when measures having to do with waterways are classed by the thoughtless as "pork," it is a welcome sign when the Conservation Congress realizes that true conservation means making the best uses of the forests and waterways for the public and not, as many believe, keeping hands off of waterways and forests.

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[From the Chattanooga News, Mar. 10, 1916.]

SHIELDS BILL IN THE HOUSE.

The Shields bill, which has passed the Senate and which Senator SHIELDS declares will be followed, if enacted, by early development of water powers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year, and meaning the saving of $700,000 a day in coal bills, will have a hard fight in the House.

Under the Shields bill the Government will have strict supervision of development of water power. While capital is encouraged to help develop the water power and the rivers, the Government does not relinquish supervision. The rentals are to be converted into funds for improving the waterways. The development of the water powers will center interest of the people on the waterways and will force the Government to give the waterways at least halfway adequate treatment.

Some of the strong points of the Shields bill show the manner in which its enactment might bring about the development of waterways throughout the country. Under its terms the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public-utility corporations. Intrastate business and rates of companies operating under the act are to be regulated by the States, and interstate service and rates by the Interstate Commerce Commission.

All plans for dams and works are to be approved by the War Department as being the most adaptable plans for improvement of navigation and fullest development of water-power possibilities. The grantee is to pay a rental for public lands used and a charge for rights and privileges in use of water, these rentals and charges to be fixed at the discretion of the Secretary of War, and the money received from same to go into a special fund in the United States Treasury to be used for further improvement of waterways. Actual construction work on any project is to be begun within two years of the granting of the permit, and the works are to be completed within such reasonable time as the Secretary may prescribe. For failure to complete the works as directed, or for violation of the provisions of the act, or noncompliance with regulations or orders of the War Department, the grantee is subject to heavy cash penalties or to revocation of the grant.

Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or upon one year's notice take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance for any rights granted by the Government. The bill also provides that no value of rights granted by the Government shall be allowed in fixing rates to consumers. Dams, locks, and other structures used primarily for improving navigation are to be exempt from taxation.

Leading Chattanoogans, through the News, expressed themselves as gratified at the passage of the measure in the Senate. It is believed that the Shields bill will open the way for the full realization of the great Muscle Shoals plan.

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[From the Knoxville Journal and Tribune, Apr. 17, 1916.]

PINCHOT'S PEN.

The Montgomery Advertiser is another paper whose editor is in receipt of a letter written "on some elegantly embossed stationery" by Gifford Pinchot, who seems to have taken upon himself the task of telling all editors of the "iniquities" of the Shields water-power bill. Three of these have been recently received by the editor of the Journal and Tribune.

Mr. Pinchot, be it known, is about the only man left to look after the conservation interests in this country of ours. But he does not seem to have the influence with the editors he thinks he should have. The editor of the Montgomery Advertiser is one of the stiff-necked ones, and makes reply to the letter in the unsympathetic paragraph here copied:

"In order that Mr. Pinchot may have no illusions as to the stand of the Advertiser and the people of this section on the Shields bill, we will inform him that if there was any doubt as to how the Congressman of this district stood upon the measure, the editor of the Advertiser would sit down and write him the strongest letter he could compose urging him, the Congressman, to use every means he honorably could to secure the Shields bill's passage, so that we could free and develop our paralyzed resources."

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[From the Chattanooga News, Feb. 28, 1916.]

THE SHIELDS BILL.

A hot fight is being waged on the Shields bill to provide for leasing of water-power sites on navigable waters to private interests. The measure may be so amended as to satisfy the conservations leaders, who are opposing it.

The Shields bill applies only to navigable streams. It will not interfere with the conservation of small streams and creeks.

Recently in defense of his bill Senator SHIELDS said:

"Speedy development of 150,000,000 horsepower now flowing to waste in the navigable rivers of the United States will follow the enactment of this bill into law. This power is equal to that now generated by steam plants which are now consuming over 100,000,000 tons of coal annually, at a cost of approximately $250,000,000 a year, or $700,000 a day.

"These unused water powers can not be developed until this legislation has been enacted, because present laws do not offer terms which will induce the investment of the hundreds of millions of dollars that must be put into the dams, wheel pits, power houses, and transmission lines. In the United States to-day there is not a single plant in operation for the fixation of atmospheric nitrogen and the production of cyanamide and nitric acid, while Europe, with no better average water powers than ours, is utilizing more than 1,000,000 horsepower in these wonderful new electro-chemical industries. This in itself is the complete proof that American investors will not put their money into water-power development and dependent new industries under the present laws."

He declares the bill is primarily framed in the interest of the consumers; that it provides for cheap power by which fertilizers and many necessaries of life can be produced and furnished to the people cheaper than is now done with power produced by steam; that it contains an express provision prohibiting a development from constituting a part of a monopoly in restraint of trade, supplemental to the prohibition of the Sherman antitrust law. He says, also, that it gives the public service commission of the State where the plant is located jurisdiction to fix rates and regulate the rates charged to consumers for the hydroelectricity and power produced, except where it enters into interstate commerce, and then jurisdiction is vested in the Interstate Commerce Commission.

Senator SHIELDS says:

"Instead of giving the power companies anything which can be used for exploitation of the public, this bill, by retaining to the Government the title in the power site, closes the door to any stock-watering or financial chicanery which might serve as an excuse for high rates or charges. Under this bill capital is offered certainty of tenure and reasonable terms, which will assure development, the public is amply protected by provisions insuring low rates and only fair profits, and the whole country will benefit by the use of a now neglected and diminished resource which will conserve the fuel supply.

"The United States has no property interest in the waters and beds of navigable streams. These belong to the States and the riparian proprietors. The Supreme Court of the United States has frequently held that the United States has no proprietary interests in navigable streams, but solely the police power to improve and regulate them for navigation under the commerce clause of the Constitution. But the present laws prohibit the use of them without consent of Congress. This bill authorizes the Secretary of War to give such consent after full examination of the proposed improvement and the navigable resources of the stream upon such conditions as he may require, including the construction of locks and all other navigation facilities, at the expense of the company making the improvement."

In other words, it is the opinion of Senator SHIELDS that his bill will greatly encourage just such developments as that at Hales Bar. The dam, locks, and other navigation facilities were built by Mr. Brady at his own expense. Advocates of the Shields bill think it will facilitate the Muscle Shoals development, which will be the third largest power development in the United States, and will furnish power for the treatment of the great phosphate resources of Tennessee, greatly reducing the cost of rendering it into condition to be used as fertilizer, by a process much cheaper than the present treatment by sulphuric acid.

In spite of Senator SHIELDS's strong defense of the bill, it is said that there is a large lobby in its favor—and this arouses distrust in the measure as to its power to protect the interests of the people against the trusts. Legislation which will bring development of the water power and improvements for the navigable streams is greatly to be desired. Wilson, Lane, and others have recommended it. It should be such legislation as will fully protect both the interests of the public and the investors. The Government is showing an inclination to fall in its duty to the waterways. Certainly the water power resources of the country have hardly been tapped.

Whether the Shields bill offers sufficient protection to the public or not, it will show the way for a measure which will fill the requirements.

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[From the Knoxville Journal and Tribune, Mar. 10, 1916.]

THE SHIELDS WATER-POWER BILL.

This important measure, of which Senator JOHN K. SHIELDS is the author, was passed by the Senate Wednesday by a vote of more than two to one. As passed it is substantially as at first written by Senator SHIELDS. No amendment was adopted that did not meet with the approval of the Tennessee Senator.

As has before been stated in this paper, the bill provides for the erection of dams on navigable streams for the purpose of furnishing water power for industrial purposes. Licenses for such dams may be had from the Secretary of War. Ample protection is made against monopoly, and the interests of the Government and the public are safeguarded. The opposition to the bill was engineered chiefly by Gifford Pinchot, who for some years past has presumed to have a commission from Deity, or words to that effect, to take charge of all conservation interests in the country.

Senator SHIELDS has been complimented for the skill and ability with which he has managed his bill, the final vote after weeks of discussion bearing testimony to that.

It is something of a coincidence that on the same day the bill was passed in the Senate the Naval Consulting Board of the United States, in session at New York, adopted a resolution requesting Secretary Daniels to urge the President to create a commission to make effective the synthetic production of nitrogen in this country.

While the subject of preparedness for national defense is uppermost in the minds of the American people, the fact will not be overlooked that we are now and have been dependent upon Chile for a supply of the nitrates. In case of a war of invasion such a supply from that source would be in danger of obstruction, cut off, and then the Nation would be out of material for use in the manufacture of explosives.

Such a risk as that need not be taken, and the Shields bill, if it passes in the House and becomes a law, will facilitate the production of our own nitrates by the use of water power. What is proposed by the Naval Consulting Board will be accomplished through the Shields law.

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[From the Chattanooga Times.]

SHIELDS WATER-POWER BILL.

There seems to be reason for believing that the Shields bill releasing water power now tied up and of no use to the country, because the Government plays a sort of dog-in-the-manger policy—refusing free concessions to private enterprise and declining itself to develop the same—may become law, even the conservationists who have been opposing it having at last agreed that it is not such a bad law after all. The objection made to it, that it gave away in perpetuity rights that ought to be kept in trust for the future generations of the country, has been overcome, for the very simple reason that the proposed bill does not give away the rights in perpetuity at all; it simply authorizes the Government to dispose of any power sites under its control to private parties for 50 years, at the end of which time the Government may itself take over the property at a fairly appraised valuation and use the same in any way it shall deem best for the benefit of the public. Every possible safeguard, it would seem, has been thrown about the measure, so as to prevent the exploitation of the public and the abuse of public rights. We are quite sure that if States and municipalities had been as careful in granting their franchises to railroads and public-utilities corporations as the provisions of the Shields bill is in protecting the rights of the people there would never be any outcries against exorbitant charges, excessive rates, and gross discrimination, such as have been practiced by those operating railroads, water plants, telephone exchanges, etc., all of which are supposed to be creatures of, and therefore the servants of the public.

The strongest argument for the passage of the Shields or a similar bill to the same purpose is that millions of dollars are ready for investment in plants having for their purpose the development of electrical power through the use of the inland waters of the country. Senator SHIELDS has said that if this bill should become law the development along the Tennessee River would within the next few years add immeasurably to the wealth of the country and become a most powerful agency in promoting the industrial development of the States through which it passes. As it is, few men of wealth are willing to undertake such development hedged about as they would be under present rules and regulations governing running streams under control of the Government.

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[From the Chattanooga Times.]

SHIELDS WATER-POWER BILL.

The Shields water-power bill pending in Congress has been attacked by Mr. Gifford Pinchot and others on the ground that it opens up the way for selfish personal interests to absorb all the water power of the country, thus putting the people in the grip of a merciless trust. In brief, the bill, which gets its name from the author, Senator JOHN K. SHIELDS, of this State, repeals the Federal statute providing that in order to build dams for water power or other structures across or in navigable streams an act of Congress granting the right must be passed. The Shields bill restores the right to grant the privilege to the State wherein the water power sought to be developed is situated and to the riparian owners, a right that prevailed until a few years ago. The provision of the present law can be well illustrated by a reference to the procedure necessary to the building of the Hale Bar Lock and Dam and the Market Street Bridge. The purpose of the Shields bill is to make such enterprises possible without a congressional enactment.

It is stated that the War Department has indorsed the measure and that the public welfare requires it, since under existing laws the development of the water-power resources of the country is practically impossible. The Shields bill authorizes companies and corporations, with preference to municipalities and public utility companies, to build dams in navigable streams for power-development purposes without resort to Congress, after having first submitted their plans and obtained the approval and permit of the Secretary of War, upon certain conditions that he may impose, including the construction of locks in the dams and other facilities for navigation at the expense of the developing company. The permit will continue for a term of 50 years, unless sooner forfeited for violation of its terms, at which time the property may be taken over by the United States and released under then existing laws.

Other safeguards are included in the measure which, it would seem, ought to satisfy the most sensitive reservationist, since it is made practically impossible for any company or trust to exploit the people or deprive them of their rights, either by exorbitant charges or combination in restraint of the free use of navigable streams for purposes of transportation. It is pointed out by Senator SHIELDS that the passage of this act is necessary to the full development of the wonderful resources of the Tennessee River, and it is suggested that on its passage may depend the erection of an enormous plant near Mussel Shoals for the generation of hydroelectricity for the fixation of atmospheric nitrogen used in the manufacture of fertilizer and high explosives, all of which is now almost exclusively imported from Chile at an annual expenditure of $21,000,000.

If, as seems to be the case from the documents accompanying the copies of the bill sent to this office, the public rights are securely safeguarded and the avenues for the development of the country's resources are thereby opened up without harm to the welfare of the people or the abridgment of the Government's authority over navigable streams, the passage of this measure would at once stimulate development of water-power resources all over the country, and especially along the Tennessee River, the waters of which, it is stated, are susceptible of developing more than a million horsepower of electrical energy. We have not noticed that under the present law anything more than trouble and delay have been occasioned, for Congress has generally granted such rights as have been asked; the Shields bill will, therefore, only facilitate the

developments necessary to make the Tennessee potential in the building up of the sections through which it runs.

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[Herman B. Walker, in Memphis Herald, Memphis, Tenn., Mar. 29, 1916.]

WATER-POWER DEVELOPMENT—SHOULD RECEIVE THOROUGH DISCUSSION—THE HERALD WILL HAVE ABLE ARTICLES UPON THE SUBJECT.

WATER-POWER DEVELOPMENT ASSOCIATION,
Washington, D. C., March 29, 1916.

EDITOR THE MEMPHIS HERALD:

There are two great conservation bills before Congress, the passage of which means so much to the economic welfare of the United States that they are entitled, I believe, to your careful consideration and earnest support. These are the bills for enabling and encouraging development of the unused water powers in the navigable streams and in the public domain. Because of widespread misinformation and misunderstanding concerning the water-power business, and because of misapprehension in many minds as to the kind of legislation necessary to bring about water-power development, there is danger that these bills may be passed in such form as will defeat their main purpose and actually discourage water-power development instead of encouraging it.

NOT MANY NEW DEVELOPMENTS.

To secure water-power development by private enterprise, terms and conditions must be such as will attract investment. With Europe impoverished by war, development must be financed here, and water-power securities must compete with other forms of investment. Under present laws, for several years past, water-power development in the United States has been practically at a standstill. A few comparatively small powers have been developed in the West, in the national forests and national parks, in localities where growth of city utilities or need for irrigation, or both, have created a high-priced market, or where conditions have otherwise been exceptionally favorable. No large hydroelectric plants have been built in recent years. Recent reports of the Forest Service show that the average size of power plants built in the national forests under the present revocable permit system is less than 6,000 horsepower, and that permits have been issued for large developments, aggregating more than 1,500,000 horsepower, of which none has been built or is being built. I know from personal investigation that efforts to finance these larger plants have failed, and that they can not be built under present laws.

NEW LAWS NECESSARY TO STIMULATE WATER-POWER DEVELOPMENT.

In 10 years past, only eight water-power plants, aggregating less than 140,000 horsepower, have been built upon our navigable streams under the general dam act of 1906 and 1910. President Wilson, Secretary Lane, and committees of both Houses of Congress, after careful study, have announced their belief that new laws are necessary to stimulate water-power development.

During the past 10 years, 1,200,000 horsepower of hydroelectricity has been developed in Europe for use in atmospheric nitrogen establishments, of which we have not one in this country. A number of large enterprises of this nature have been planned in recent years, in the South and West, but they can not be financed under our present laws. The stagnation in water-power development is not only wasting unnecessarily our fuel supply, but is preventing the establishment of new industries and putting the brakes on national prosperity. One large factory with $2,000,000 invested in buildings and machinery especially designed for making water wheels was shut down for 10 months last year, and has exactly one small wheel at present under construction. It is estimated that more than 2,500 engineers in the United States, formerly employed in hydraulic construction, are now out of work.

OUR DEPENDENCY ON FOREIGN COUNTRIES.

We are talking of military preparedness, but are wholly dependent upon foreign supplies of saltpeter from which to make nitric acid, an essential in the manufacture of explosives. Our farmers are paying tribute to the Chilean monopoly on every pound of nitrates used in agricultural fertilizers. Capital will not build the water powers necessary to the establishment of electrochemical industries which would give us military, agricultural, and industrial independence, because present laws do not guarantee security of investment or offer hope of reasonable return. It is believed by men who know the practicable side of the subject that the Shields bill, and the Ferris bill as amended in the Senate, will offer this needed incentive to investment, and that their passage will be closely followed by extensive development.

SENATOR SHIELDS'S BILL INDORSED.

The Shields bill received the full indorsement of Lindley M. Garrison, former Secretary of War, whose testimony on the subject before the House Committee on Interstate and Foreign Commerce should be carefully read by every citizen interested in the conservation of water powers. An editorial in the Outlook of February 9, 1916, states clearly and forcibly the features of legislation necessary to protect public rights. All of these features are included in both the Shields bill and the Ferris bill as amended by the Senate Committee on Public Lands.

Both of these bills retain to the public all title in water rights and power sites, where these are now publicly owned, granting only permits or leases for use for 50 years, at the end of which period the Government may take over all parts of the plants dependent for their usefulness upon the leases or permits, at a fair value to be decided by mutual agreement, or by the Federal courts. No allowance is to be made for an unearned increment or value in any lands or rights granted or leased by the Government or acquired by condemnation under any powers conferred by the acts. During the leasing period, interstate service and rates are fixed by the Interstate Commerce Commission.

On the ground that use is the highest form of conservation of water powers, and to discourage speculation, leases and permits are to be revocable if development is not made within a reasonable time. A moderate rental for public lands used is to be paid by the power companies; also a Federal charge for the benefits derived from Government storage of water. Any attempt to make these powers a source of large Government revenues would naturally add to cost of development and to power prices, which would discourage use, since the lower cost of construction and the greatly increased efficiency of steam plants make their competition with the average water power very close.

NO WATER-POWER TRUST.

There is talk of a water-power trust. Actually, no such thing exists. It is that there is a limited number of water powers and that it is not generally possible to have competition between one water power and another. Some of our biggest and best water powers are located in the mountains of the West, remote from cities. They can be and should be utilized for creating cheap power for irrigation, for electrification of railroad trunk lines, and for great chemical and manufacturing industries to make available the ores and minerals in these waste regions. Present laws, however, are prohibitive of development for such uses. This leaves the corporations operating public utilities in the cities as the largest users of power, and for these reasons the utility corporations naturally control a large percentage not only of the developed water power but also of the steam power of the country.

WILL CONSERVE FUEL SUPPLY.

There is nothing abnormal or alarming about this situation, excepting in the fact that so much coal and oil and so little water power is being used to generate electrical current. So far as the control of water powers by the utility corporations is concerned, it means simply, and only, that what water powers are to be used at all they must be used for supplying power within the zone of economical transmission. Where the use of a water power will reduce the cost of power and conserve the fuel supply, shall we leave it unused because the most beneficent use can be made by a corporation which, under State and municipal charters, with which Congress can not interfere, controls the distributing system supplying the natural market for power?

Distribution of power, with other public utilities, is considered by most economists to be a natural monopoly, a service that can be better and more economically rendered by monopoly than by competition. President Van Hise, of the University of Wisconsin, in his book on the subject, points out that the generation and distribution of power is a natural monopoly and should be recognized and treated as such. Experience has shown that monopoly in the power business increases diversity of use of current, resulting in increased load factor, and consequent reduction of unit cost. Shall we refuse to allow the use of water powers to the corporations controlling natural monopolies and attempt to force unnatural and uneconomic competition in the distribution of power? Shall we, in blind prejudice, compel these corporations because their business is a natural monopoly to go on burning coal and oil where they could reduce the cost of their power by using water power?

Suppose these power companies were all burning wood, that the Government controlled coal supply, and that to substitute coal for wood under the power-house boilers would cheapen cost of power. Who would be so foolish as to propose that these companies, because they held local franchises giving them control of the natural monopoly of the power business, should not be allowed to burn coal, or that the Government should fix the price of coal so high that it would be cheaper for them to go on burning wood and denuding the forests? Still this is the attitude of some men who are trying to scare the country with a water-power-trust bugaboo and who are urging that water-power development should be discouraged by high rentals or taxes on use of water rights and power and dam sites.

There are a few sections where utility corporations having a monopoly of present water-power development are opposing this legislation because they do not want further development that would lead to the establishment of new industries, increase demand for power, upset the conditions they now enjoy, and possibly bring about reduction in power prices.

AS TO UTILITY CORPORATIONS.

Utility corporations and power companies are all subject to State regulation as to their rates and service. The pending bills make companies operating under them subject to Federal regulation where the States do not exercise this power. The cheaper the cost of their power, the lower rates they will naturally be compelled to offer to consumers. Under the proposed legislation the power companies will not have the opportunity to capitalize or exploit any unearned increment or monopoly value in what is now public property, because they will not be given any title or any rights extending beyond the leasing period, in such property. How, then, can the public be anything but benefited by permitting the power companies to develop maximum power at minimum cost?

The sole purpose of this association is to secure a full presentation to the public of the whole truth about water powers and the water-power business. We believe that knowledge of all the facts will result in legislation on which will lead to use of these important sources now largely in disuse. Will you not make a careful investigation of the water-power situation and of water-power legislation for yourself, and aid us to present the whole truth to your readers so that Congress may be guided by intelligent public opinion and conclusions based on full information? By all means, let us have free discussion and criticism of legislation, but let the criticism be based on knowledge and understanding of the facts and actuated by intelligent wish to make legislation beneficially constructive. Let's get away from personalities and prejudices and consider this whole subject on its merits and demerits.

Sincerely, yours,

HERMAN B. WALKER.

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[From the Memphis Herald, Mar. 8, 1916.]

Senator SHIELDS's water-power bill that is about to pass Congress, ranks among the most important legislation that will come up at this session. It is hand in hand with national preparedness that is sweeping the country and that is bound to come to secure our safety as well as to provide our people with enormous facilities for industries that will never be built without this conservation. Tennessee will pick up rapidly under its provisions, and sections that have slumbered for years will revive and become the most thrifty of the State.

The wonder is that we have not had this water-power under control long ago. East Tennessee is the most lovely part of the State for habitation. Its streams flow down the mountains in rollicking waves, and with such power it is strange we haven't made effort to bring it into use before.

As a conservation measure there is a great deal more to be said in its favor than can possibly be said against it. The water power available is said to be much larger than all the power—water, steam, electric, and every other kind now in use in the United States. The conservation of coal alone, that is being consumed yearly to an alarming extent, will outweigh all argument against it by the conservationists.

Senator SHIELDS has done one big thing for his State that will perpetuate his name. Read in another column what benefits are to be derived from it.

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[From the Chattanooga News, Mar. 30, 1916.]

Chief Conservationist Gifford Pinchot has not been able to arouse much interest against the Shields water-power bill, which has passed the Senate. There are two reasons for this. In the first place, the country is not now interested in matters of this kind. In war attention is with difficulty directed to such subjects. In the second place,

undeveloped regions of the country like the South can not see that corporations which are willing to invest the immense sums necessary for such plants ought to be penalized. We need the water-power development through here. At the Muscle Shoals a plant may be installed which would make us independent of Chile in the matter of nitrates. This is most important for agriculture, not to speak of the incidental protection in case of war. The grants of franchises under the proposed legislation are limited to 50 years. We doubt if those who invest would make any undue profit. There should be no abandonment of the principle of conservation, but we are inclined to the belief that much of the criticism of this bill is unreasonable.

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[From the Tennessean, Apr. 22, 1916.]

THE SHIELDS BILL.

Though its office of publication is not at "Table Mountain," the Peoria Journal is a "Truthful James" sort of newspaper when it discusses public questions. The Journal is a Democrat, but it is not blind to the faults of Democrats. It has this to say of the Shields water-power bill:

"Users of plain language have described the Shields conservation bill, which lately passed the Senate by a vote of 48 to 22, as a plain steal by special privilege. The bill grants absolutely free water rights on public domains for 50 years to corporations, with a perfunctory provision that the Government may 'buy back' from such corporations at the end of this period—a provision of which there is no possible likelihood of enforcement.

"It is regarded as impossible for the bill to get through the House, however, and even should it do so President Wilson will undoubtedly veto it, following the precedent of Taft and Roosevelt with regard to similar measures. The discouraging thing is that the vote on the Shields bill shows up the Senate as still the stronghold of privilege in matters where public and private interests conflict."

The Journal puts the matter in words that are a mite plainer than most papers have used, but the substance of what it says has been said in practically every well-informed newspaper of the United States that is free from corporate influence. It is to be hoped that the bill will be defeated in the House and that the President will not be confronted with the necessity of vetoing it. It will be a sad commentary upon Congress if for the third time it shows so little devotion to the interests of the people as to pass a bill that gives their rights into the hands of monopoly.

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CHAMBER OF COMMERCE,
San Antonio, Tex., May 12, 1916.

Senator SHIELDS, *Washington, D. C.*

DEAR SIR: I have the honor to report to you that at a meeting of the board of directors of the San Antonio Chamber of Commerce held on May 9, 1916, the Shields bill was formally indorsed by this body, and we are notifying our Congressman and Senators to that effect. You are at liberty to use this letter as proof of the fact.

Very truly, yours,

JOHN B. CARRINGTON,
Secretary-Manager.

—

Resolution of Gadsden Chamber of Commerce, Gadsden, Ala.

Whereas 60,000,000 undeveloped horsepower in the rivers and streams of the United States now go to waste because their development is financially impossible under our present laws; and

Whereas cheap electrical power for the treatment of our limestone, phosphate, and mineral resources, for the operation of light, heat, and power plants in areas now closed to electrical competition, for the manufacture of nitrogen from the air on a scale to lessen the cost of our farm fertilizers and to insure us an adequate ammunition supply in time of war, and for reducing the cost of power in manufacturing of every description now waits upon a change in our present laws; and

Whereas water-power development, under vigilant regulation by National and State authorities, insuring absolute freedom from monopoly or restraint of trade, and forfeiture in event of failure to develop, and termination of the Government franchise at the end of 50 years, and the payment of compensation to the Government for any use of Government property and land, is fully secured in the Shields bill recently passed by the Senate of the United States and now pending in the House of Representatives: Therefore be it

Resolved, That the Chamber of Commerce of Gadsden, an association representing the commercial and agricultural interests of Gadsden, upon whose welfare depends the livelihood of many thousands of employees and the prosperity and comfort of a population of some 50,000 now comprised within the commercial and agricultural districts of Etowah County, hereby indorses the Shields bill as passed by the Senate, free from impractical provisions that so disastrously have prevented water-power development in recent years, and hereby respectfully urges upon the House of Representatives the immediate passage of this bill; and be it further

Resolved, That a copy of this resolution be mailed by the secretary of this association to every Senator and Congressman from the State of Alabama and to every commercial and agricultural association with whom this association is in correspondence or affiliation.

MAY 8, 1916.

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[From the Times, Buffalo, N. Y., Mar. 15, 1916.]

One of the most important measures, from a commercial standpoint, which has come up in Congress during the present session is the bill which tied up the Senate for upwards of a week and which was finally passed a day or two ago, known as the waterway bill, which was introduced by Senator SHIELDS of Tennessee. The Senator who was the author of this bill announced in the Senate that the passage of this bill would be followed by early development of water powers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year. Engineers estimate that development of this amount of water power equals a saving of $700,000 a day in coal bills. And not only does this measure apply to all of the streams in the States of the West, where the United States owns or controls the lands not yet patented, but it applies with equal force to the older States in which there are navigable rivers, over which Congress has authority because of the improvements which may have been made in the past.

The measure contains a drastic antimonopoly clause providing that no dam or works constructed under its provisions shall be owned, leased, controlled, or operated "by any device or in any manner so that they form part of or in any way effect any combination in the form of unlawful monopoly, or form the subject of any unlawful constraint or conspiracy to limit the output of electrical energy or restraint in trade."

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[From the National Magazine, Boston, Mass.]

Some one has said that the water-power bills pending in Congress mean as much to the future of the United States as did the Panama Canal legislation. The great possibilities in the development of new industries, settlement of new country, and creation of increased prosperity, for which these measures offer hope, would seem to prove this assertion. After 10 years of conservation of natural resources by undevelopment it seems that reasonable-minded and progressive men in public life have finally concluded that conservation by use is more desirable.

Of the men who have been in the spotlight in urging legislation that will bring about water-power development, Franklin K. Lane, of the Interior Department, and former Secretary of War Lindley M. Garrison have been conspicuous. With knowledge of western needs and an optimistic belief in the future of the West, Secretary Lane's activities in behalf of conservation legislation have been wholly along constructive lines.

Senator JOHN K. SHIELDS, of Tennessee, the father of the Shields bill for authorizing construction of water-power plants in navigable rivers, is a lawyer and jurist whose views on legal questions, especially those relating to the subject considered by his bill, are regarded by his colleagues as authoritative.

The press of the South is generally enthusiastic over the possibilities of development and prosperity that are likely to follow in the wake of the passage of the Shields bill. There is keen public interest in the passage of the bill introduced by Senator HENRY L. MYERS, of Montana, for leasing water-power sites in the public domain. These two bills, fathered and urged by these men who know the South and West, are heralded as new proclamations of industry and prosperity for creating new empires within the boundary of the Nation.

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[From the Times-Star, Cincinnati, Ohio, Mar. 13, 1916.]

SHIELDS BILL AROUSES OLD QUARREL AS TO NATURAL RESOURCES—GIFFORD PINCHOT WILL RESIST PASSAGE IN THE HOUSE OF THE SENATE BILL—PREPAREDNESS AMONG THE ARGUMENTS USED.

[By Gus. J. Karger, staff correspondent.]

WASHINGTON, *March 13.*

Overshadowed by the stirring developments in the field of international interest, but little has been done to call public attention to the passage in the United States Senate, after prolonged debate, of the Shields bill authorizing the Secretary of War to grant 50-year permits for the building of dams and water-power plants on navigable streams—a question which some years ago stirred certain citizens of the Republic to a high pitch of excitement that manifested itself in loud exclamations of murder, police, and stop thief. As a chapter in the years-old controversy between conservationist—who took his position in favor of maintaining the resources of this country for the generations to come—and the bitterly denounced "anticonservationist," who favored exploitation of some of them in favor of the folks already here, the disputes with reference to reasonable water-power regulation stood in a class by themselves.

For about eight years the subject of conservation of natural resources has been under consideration in the United States Senate, and this is the first time in that period that a vote has been taken on a general water-power development measure. Two water-power bills passed the House last year, and both died in the Senate. And now that the Senate has at last taken action the result is so unsatisfactory to the old-line conservationists of the Gifford Pinchot stripe that predictions already are freely made that this action will be undone by the adverse verdict of the House of Representatives.

FIFTY-YEAR PERMITS.

The Shields bill authorizes the Secretary of War to grant permits for dams and power plants to be constructed where their presence will improve the navigability of streams. Dams must be built without cost to the Government, and the grantees are required to provide and operate locks, gates, sluiceways, etc., also without cost to the Government. Permits may be issued to individuals, political subdivisions of States, cities, and other municipal corporations, or the public-utility corporations. Interstate business and rates of companies operating under the act are to be regulated by the States, interstate service and rates by the Interstate Commerce Commission. The grantee must pay a rental for public lands used, and a charge for rights and privileges in use of water, to be fixed by the Secretary of War. Permits are to be for a term of 50 years, after which the Government may extend the original lease, make a new grant, or on a year's notice take over the property on payment of its fair value. The bill contains an antimonopoly clause, described as "drastic" by its supporters, providing that no dam or works constructed under its provisions shall be owned, leased, controlled, or operated "by any device or in any manner so that they form part of or in any way affect any combination in the form of unlawful monopoly, or form the subject of any unlawful constraint or conspiracy to limit the output of electrical energy or in restraint of trade."

PART OF PREPAREDNESS.

The Shields bill was urged by some of the Senate leaders and by military authorities as a vital feature of the preparedness program. Expert estimates locate 60,000,000 horsepower of natural energy in the navigable streams of the United States, and 54,000,000—nine-tenths—is flowing to waste. This waste has been locked up against the use of man, because a special act of Congress was required for the establishment of each proposed power plant, and because it was found impossible to devise workable and satisfactory acts for the development of large water powers. By passing a development measure of general application, Senator SHIELDS, of Tennessee, announced in the Senate, water powers aggregating 15,000,000 horsepower would be assured at once, releasing a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year. Such a development as that, according to engineers' estimates submitted, would equal a saving in coal bills of $700,000 a day. Electrochemical plants for making saltpeter and nitric acid from the air—the very bedrock of military preparedness—to be constructed on a huge scale by private enterprise, are said to be contingent on final enactment of the Shields bill. For the chemicals in question, essential to the manufacture of explosives and agricultural fertilizers, the United States

at present is dependent upon the nitrate deposits of Chile, whose Government collects a high tax on every ton of nitrate exported. Although Europe has 1,200,000 horsepower of hydroelectricity devoted to the uses of atmospheric nitrogen plants, not a single such establishment is to be found in the United States. Germany alone manufactures 600,000 tons of saltpeter annually for its military and agricultural uses. Electrification of railroads, manufacture of iron and steel in electric furnaces, and extensive irrigation development in the West, are among the benefits promised by the cheapening of electricity through the utilization of vast water powers.

SENATORS WERE SATISFIED.

They were well satisfied with their work, were the Senators behind the bill, and they succeeded in passing it through the Senate by a vote of 46 to 22. But Gifford Pinchot has girded his loins for a fresh fray, and, as far as the House is concerned, there is rough sledding ahead for the Shields bill. It is full of jokers, its opponents declare, and it is designed for the sole and exclusive benefit of the Water Power Trust. Still full of the peculiar jargon of enthusiastic exaggeration which marked his former campaigns, Mr. Pinchot screams out that "no worse assault on the rights of the people has been committed in Congress for many years than the passage of the Shields water-power grabbing bill. The water-power monopolists won. The people lost because a majority of their representatives in the Senate went back on them."

It is a special-interest bill, he says, "the most serious attack upon conservation since the effort to turn Alaska over to the Guggenheims was blocked in 1910." The Shields bill, he charges, gives the use of enormously valuable public property to the water-power interests, without compensation. "Ostensibly," he says, "it provides for a method of restoring its own property to the public at the end of 50 years. As a matter of fact, it has been so drawn as to make it practically impossible for the people to take their own water powers back into their hands."

Therefore he wants the measure defeated in the House. "Not even the international situation," he says, "important as it is, should be allowed to obscure this great domestic issue. The people sometimes forget their own interests, but the grabbers never do."

CLARK, CLARKE of Arkansas, HARDING, KERN, POMERENE, SHAFROTH, and the other Senators who voted for the bill, please write.

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[From the Baltimore (Md.) News, May 10, 1916.]

A CONSERVATIONIST "SPLIT"—COMMON SENSE AND REASON FINALLY GOT AWAY WITH A MAJORITY OF THIS CONGRESS.

The annual conservation congresses have usually been rather wild and woolly bodies, but, as the members finally began to learn something about the subject which they met to consider—of which at first they were almost totally ignorant—reason and common sense began to assert themselves, until finally a majority of the Congress has indorsed the principle of the Shields bill in opposition to the enthusiasts, headed by Gifford Pinchot. And the principle of that bill is what any unbiased person would adopt who has carefully read and digested the testimony given at the extensive hearings on the subject which were held two years ago.

The conditions of the Shields bill are such that the possible water powers on navigable streams are likely to be developed. Those demanded by Pinchot and his following would probably postpone their development indefinitely.

Falling water is nothing more than an opportunity to apply to beneficial use power that is being wasted. The opportunity is, of course, essential, but the dam, the power house, the distribution system, and the customers are all equally essential, and can only be got in the expectation of profit. And the necessary cost of these elements, which only hope of profit can secure, is so great that if any considerable charge is made for the use of opportunity the total cost will in many, perhaps most, cases be prohibitive.

Hydroelectric power competes everywhere with steam, and unless it can be delivered at as low a cost per unit as steam power can be furnished it can not be sold, and so will not be developed. In much of the East, where coal is abundant and cheap, it is only in occasional instances that hydroelectric power can compete. In the West, where water power is most abundant, fuel costs more and hydroelectric development can be more general.

The text of the Shields bill is not available, but it appears to be drawn in contemplation of fact and not of vain imaginings. It probably contemplates 50-year leases at such a charge for opportunity as will not prevent use, with the right of the Government to take over the enterprise at expiration of the lease, repaying only actual cost of whatever is furnished by the Government, and "fair value" at the time for all land, structures, and rights not supplied by the Government. And in an extensive hydroelectric system the cost of the property not supplied by the Government would be so enormous that there is no probability that it will ever be taken over.

All proposed legislation on this subject assures regulation of service and prices by public authority. If there is no State commission, there will be Federal regulation until a State commission is created. No grant of rights in perpetuity is contemplated.

This is the measure that the Pinchot element opposes—on what ground is not clear.

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[From the Times, Glens Falls, N. Y., Apr. 24, 1916.]

PINCHOT'S MISSTATEMENTS.

In a recent letter to newspaper editors opposing the passage of water-power legislation Gifford Pinchot, president of the National Conservation Association, makes at least two misstatements of fact.

As one reason for his opposition to the Shields General Dam Act he repeats a previous misstatement that the Shields bill proposes to give away water-power sites in perpetuity.

The Shields bill provides that after the end of a term of 50 years the original grantee shall continue in possession until the United States, upon two years' notice, proceeds to take over the plant for its own use or for other disposition. In a recent lengthy explanation of his position on this question Mr. Pinchot says that this provision, coupled with the fact that Congress would have to approve the Government acquisition of such a plant, constitutes a perpetual grant, arguing that it would be "practically an impossibility to induce Congress to pass an act terminating the grant."

Naturally the taking over of any water-power or other utility property or the initiation of any governmental ownership enterprise which involved a large expenditure of money would have to be done by act of Congress. Even though it were put in the discretion of the President or any other executive officer to negotiate for such a purchase, the appropriation necessary to complete it would have to be made by Congress, so that this argument seems to have very little weight. If it were desirable to divest Congress of the right to have the final word in such a matter, it is difficult to see how it can be done.

In this connection it is interesting to note that the language of the Shields bill concerning recapture of a power plant is almost identical with that of the Ferris bill passed by the House, with Mr. Pinchot's entire approval and commendation.

The language of the Shields bill is "that at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted," etc.

The recapture clause in the Ferris bill is "that the United States shall have the right after the expiration of the lease to take over the properties,' etc.

Instead of making a perpetual grant, the Shields bill proposes a grant for a minimum term of 50 years which shall be indeterminate after that period, and indeterminate grants of public rights or franchises are generally looked upon as peculiarly advantageous to public rights and interests.

Mr. Pinchot also gives as a reason for opposing the Shields bill the fact that it proposes to make power grants without compensation to the Government. He says, "There is no reason why the water-power corporations should not pay for what they get. The rest of us do."

Although Mr. Pinchot may not admit it, there is an excellent reason why power companies should not pay rental for grants or leases of water powers or power sites. The only reason for developing water powers is to generate cheap power. The cheaper this power, the greater will be its development and use. Regulation of rates provided for by the Shields bill guarantees that these cheaper rates will reach and benefit the consumer. Even if there were no provision for regulation, it is a fact that no power user will buy water power if he can make power cheaper by steam, and every cent added to the cost of generating power, from whatever source, must be paid by the consumer. To charge the power companies rental or taxes for use of water power or power sites means only to add an item of expense which regulating commissions will have to allow for in fixing rates to the consumer. Instead of there being no reason why power companies should not be charged for rentals, there really is no good reason why they should be charged for such use of public property.

In the same letter Mr. Pinchot declares the Myers bill dealing with water power on public lands to be "an undesirable substitute" for the Ferris bill passed by the House, and, in connection with this, he makes the completely unjustified and erroneous statement that this bill "gives the public water power away in perpetuity."

The Myers bill not only does not do this, but it does provide as fully and carefully for recapture of the property as does the Ferris bill. It also makes specific provision for a moderate rental charge for public lands used to be paid by the lessee on the basis of the amount of power developed.

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[From the Washington State Weekly.]

Two regions of the world stand preeminent in the possibilities for water-power development—the United States and the Scandinavian Peninsula. One of these regions is making progress in that direction; the other is not.

Norway and Sweden are utilizing their water powers. We are allowing ours to run to waste. We should conserve fuel and manufacture nitrogen, but we have run riot in idle resources and buy our nitrates.

And there is only one reason why we do this.

It is too much Pinchot.

The disgruntled, unhappy, socialistic ex-forester blighted Alaska just as it was entering upon a period of what would have been marvelous development. Industrial activity ceased, and stagnation settled down upon a land rich in natural resources. And that stagnation grows deeper and gloomier as the years go on.

But he is not satisfied with what he has done. He must add to his record of desolation.

So he settled down upon Congress to further spread his propaganda. This time it is in opposition to water-power development.

The Shields bill is the thing he attacks. It was drawn to open the way to make use of idle and wasting water powers under Government control; but the control does not meet Mr. Pinchot's theory of what constitutes control. He denounces it as "a serious attack upon public resources," and urges that the Shields bill "gives to the power interests" something to which they are not entitled.

All of this is typical Pinchot phrase-making, mere generalizations that do not rise even to the dignity of academic conservation. It is pinhendism reduced to a point; dub-dub, pure and simple; Pinchot at his best, or worst, whichever you like, or whichever way you look at him.

This country has water power, but it is for the most part idle water power. It is capable of development; can be made of service and of use only when harnessed and put to work.

The Shields bill proposes to put it to work under Government control and regulation. Pinchot insists that it is better for all concerned for this water power to remain idle than to be put to use unless it is used in conformity with his untried and unproved theory.

But Gifford Pinchot has accumulated a lot of purely theoretical knowledge, and because of his grandfather's foresight, energy, and marked faculty of acquisition, and because of Gifford Pinchot's own dogmatism, the grandson is capable of an unlimited capacity for interference, and he is using that capacity to his utmost.

That the Shields bill has not become law—that a start has not yet been made to utilize the greatest waste now imperiling this country and a start made toward practical conservation and away from the purely theoretical—is all the fault of Gifford Pinchot.

The Shields bill is a start in the right direction. It provides for development. It places water-power control with the War Department. It provides for 50-year, instead of indeterminate, franchises. It gives the same rights to municipal corporations or to political subdivisions of States that it grants to private corporations, companies, or associations. There is no discrimination. And no transfer of any such rights can be made by any grantee without the approval of the Secretary of War, which is to say, the Government.

It provides for compensation for power used and for lands occupied by any grantee, and specifically gives to the people the right to claim damages occasioned by the use of water power where injury to property rights occurs. And it specifically reserves to the Government the authority to terminate the rights granted at the end of the 50-year franchise period.

But this doesn't suit Mr. Pinchot for some reason. His attacks, addressed to the people through the Scripps papers, principally, have consisted of vague general charges. He has been asked to state specifically which, if any, of these provisions is wrong, and how and under what provisions any right or thing of value has been "given to the power interests" in a manner not compatible with sound public policy. To this invitation he has not responded.

The Shields bill opens the way to development under Government supervision and control. It may not be perfect. Few things are. But this is a new departure. The way has not been pioneered. A little experience will beat a whole lot of theory from inexperienced dreamers.

Congress should pass the Shields bill, and the President should approve it. This will open the way to development, and do it now.

An adequate theory of control can be worked out in the light of experience.

That the country can safely leave to the future, as the future alone can solve the problem.

In the meantime why pay any attention to Pinchot? He doesn't know what he is talking about.

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[From the Financial World, Apr. 1, 1916.]

WATER-POWER LEGISLATION—AN UNFORTUNATE CONDITION EXISTS WHICH HAS RESULTED IN RESTRICTING DEVELOPMENT OF WATER POWERS.

From an association formed for the development of our water-power resources, and which has its headquarters at the National Capital, the information is gleaned that only eight water-power plants, with a capacity of 140,000 horsepower, have been built upon our navigable streams during the last 10 years.

What feeble progress this is in the direction of the production of cheap power can be judged when the giant strides Europe has made in the same period are considered. In Europe in the last 10 years more than 1,200,000 horsepower of hydroelectric energy has been developed. To-day in this country capital is frightened away from water-power development, notwithstanding that we count ourselves rich in such undeveloped resources. Further, we are told that more than 2,500 engineers are idle in the United States simply because the extreme defenders of conservation of our natural resources are obsessed with the fear that if private capital were allowed a free hand in developing our water power it would result in establishing a water-power trust which in turn would take from the American people one of their greatest natural heritages.

The obstructionists do not put forth any energy in efforts to induce Congress to develop these resources, but are satisfied to let all the available water go to waste. This is no way to conserve our rapidly shrinking fuel supplies. At present there are two bills before Congress which, if too great restrictions are not added, could be depended upon to encourage the development of our water-power resources, provided they are passed. One is the Shields bill and the other the Ferris bill. The latter has been materially amended since last summer. Both measures confer upon the Government the right of regulation and supervision and yet make it inviting enough for capital to embark upon such ventures in the full belief that it will be properly rewarded. As long as the Government is assured that it does not lose control over our rivers and lakes, but is simply leasing for a term of years the use of the water to private corporations, and is further vested with the authority through the Interstate Commerce Commission to control rates charged to consumers, it would appear that the interests of the public are fully safeguarded. But capital can not be expected to venture into projects unless it is promised a fair return.

Either the Government will have to develop our undeveloped water power or private capital; it will not develop itself. That is a foregone conclusion.

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[From the Oregonian, Portland, Oreg., Mar. 29, 1916.]

THE PINCHOT HUE AND CRY.

Because the Senate, in passing the Shields bill for development of water power on navigable streams, has shown due respect for the rights of the States and has made due provision for the attraction of capital to this class of investment, Gifford Pinchot and his entire pack of conservation fanatics have started in full cry after the Senate. Professing an ardent desire for development of water power, but determined that it shall be developed only on terms which they dictate, the Pinchotites falsely charge that by the terms of this bill the interests of the people are sacrificed and that the power sites are delivered to the water-power trust, which has no existence except in their diseased imaginations. They falsely declare that the Shields bill obliges the people to pay rates upon, and the Government in case of recapture to pay for, unearned increment in the value of power plants arising from the privileges granted by the Government. The fact is that the bill specifically provides that no such value shall be paid for in recapture. Rates for power are to be regulated by the States, none of which make allowance for that which has cost the power companies nothing.

The Shields bill was passed as a substitute for the Adamson bill, passed by the House at the last session. The Adamson bill required the consent of Congress to each individual damsite lease, which would be a serious obstruction to any development. It contained no requirement that grantees must first comply with State, water, and other laws. The recapture provision allowed only actual cost of land, depreciated value of structures, and nothing for expenditure on making the business a going concern.

The Shields bill authorizes the Secretary of War to grant permits without going to Congress for confirmation in each case. Grants can be made only where operation will be subject to public regulation. The Secretary may require, as conditions of the permit, the construction of locks, booms, sluices, etc., and free power for operation of the same, or may later require free grant of land and right of way and free power for such structures to be erected by the Government. The grantee is to pay the cost of investigation and of Government supervision over construction, also reasonable charges for benefits accruing from headwater improvements by the Government.

There is to be no gift of public land, for which the Government might afterwards be required to pay full value, including unearned increment, as the Pinchotites allege. The grantee may use public land which is to be withdrawn from entry for the purpose, but for its use he must pay "such reasonable charges, based upon its value, as may be fixed by the Secretary of War," who is to be guided by the State laws governing condemnation of land.

A provision which arouses the ire of those who wish to inaugurate complete Federal control in disregard of the rights of the States is that which requires the Secretary of War to give preference to the one among contending applicants who has first acquired water rights and who has otherwise complied with State laws. The grantee must first obtain the State's consent to the power development. This regard for State jurisdiction is evidently prompted by knowledge that Federal jurisdiction over water is limited to its use for navigation and can only be applied to power so far as the latter is incidental to improvements for navigation. One of the earliest decisions of the United States Supreme Court declared that, even if a State had entered into an express stipulation surrendering its jurisdiction over other uses of water to the Government, "such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise" such jurisdiction. A long and unbroken line of decisions has maintained the same principle.

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[From the Manufacturers' Record, Mar. 16, 1916.]

WATER-POWER DEVELOPMENT ENCOURAGED BY SHIELDS BILL—FIRST FAVORABLE LEGISLATION TO BE PASSED BY CONGRESS IN RECENT YEARS—GREAT NITRATE PRODUCTION POSSIBLE IF BILL BECOMES LAW.

WASHINGTON, D. C., *March 11.*

With but few exceptions, all the Senators from the South and Southwest voted for the passage of the Shields water-power bill, which received approval after a two years' fight in the Senate by a vote of 46 to 22. Although 60,000,000 horsepower of water has been going to waste ever since the discovery of America, the present Shields bill is the first active step taken to encourage the investment of capital in the harnessing and use of these great resources for the benefit of all the people.

Senator SHAFROTH, of Colorado, just before voting for the bill in the Senate, made the following statement, which correctly describes the situation:

"We passed in 1906 a law for the purpose of producing water-power development. No water-power development took place. Why? Because the terms of the law were too rigid. In 1910 we passed another act so as to let water-power development be made, but no such development took place, because the terms were too severe. Consequently up to this time nothing has been done in the way of water-power development, and some of the Senators have been putting on amendments, or trying to put them on in this bill, so as to make it the same as the others, so that there will be no water-power development under this bill. This bill provides that before a company does anything it must provide to improve navigation to the extent of millions of dollars, which the Federal Government gets for nothing. Is it possible that this can be described as a monopoly scheme? Is it possible that companies will put up a large amount of money unless they are permitted at least to recoup the amount they have advanced? It seems to me that when we take into consideration the provisions of this bill, especially the provision that all rates shall be subject to regulation by the utilities commissions of the States, we have as nearly perfect a bill of this kind as we can get, and therefore it seems to me that from these views and from the view that we can get development this bill ought to pass."

Following the passage of the bill, in an effort to have the Ferris power bill for the development of water power on the public lands of the United States made the unfinished business of the Senate, Senator MYERS, of Montana, made this statement:

"The Shields bill has very little to do with the West. It has nearly all to do with the streams of the South. We all know that nearly all of the power that is going to be developed under the bill which has just been passed, if it becomes a law, will be developed in the Southern States—in the South—whereas the power which will be developed in the bill which I want to call up will be developed nearly altogether in the West."

While this statement was challenged by Senator WILLIAMS, of Mississippi, who pointed out that there are vast water-power resources in New England, in Pennsylvania, in Delaware, and on the nonnavigable streams in the Middle West, there is no doubt that the South will benefit materially if the bill passed by the Senate goes through the House and receives the approval of President Wilson.

The Shields bill authorizes the Secretary of War to grant 50-year permits for the building of dams and water-power plants on navigable streams. Senator SHIELDS, of Tennessee, the author of the bill, announced in the Senate that the passage of it would be followed by early development of water powers aggregating 15,000,000 horsepower, or about one-fourth of the amount that is going to waste, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year. Engineers estimate that the development of this amount of water power will mean a saving of $700,000 a day in coal bills.

It is known that a number of big electrochemical plants for making saltpeter and nitric acid from the air have been planned by private enterprise and will be built as soon as the Shields bill becomes a law, thereby making it possible to finance such undertakings. At the present time the United States, as has been pointed out repeatedly in these columns, is wholly dependent for its supply of nitrates upon the deposits of Chile. The Chilean Government collects a high tax upon every ton of nitrate exported. If the present bill goes through the House as it has gone through the Senate, it will mean the early establishment of a large plant for the manufacture of chemicals essential to the making of explosives and agricultural fertilizers.

Under the terms of the Shields bill, the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve the navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, and sluiceways without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations or a public utility corporation. Intrastate business and rates of companies operating under the act are to be regulated by the States, and interstate service and rates by the Interstate Commerce Commission.

All plans for dams and works are to be approved by the War Department as being the most adaptable plans for the improvement of navigation and fullest development of water-power possibilities. The grantee is to pay a rental for public land used and a charge for rights and privileges and use, these rentals to be fixed at the discretion of the Secretary of War, and the money received from the same to go into a special fund in the United States Treasury to be used for further improvement of waterways.

The chief fight in the Senate was over the provisions for terms to be granted for 50 years, after which time the Government may either extend the original lease, making a new grant, or upon one year's notice take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance or any rights granted by the Government. This

particular provision was in line with the suggestion of former Secretary of War Garrison, as outlined a month ago exclusively in the Manufacturers Record.

Electrification of railroads, manufacture of iron and steel in electric furnaces, and extensive irrigation developments in the West are among the benefits expected to be derived from the utilization of large water powers for the generation of cheap electricity. Some of the southern newspapers, recently misled by the sweeping generalities of statements issued by Gifford Pinchot, have presumed that the bill passed by the Senate does not preserve all the rights of the people. As a matter of fact, the bill preserves all such rights. The Government gives a franchise, but in return the investors in water-power development spend millions of dollars to make streams navigable for the benefit of the Government, without a dollar of expense to the United States. The very fact that the power will be developed will be of vast benefit to the people, in that it will lower the national coal bill and provide cheaper fertilizers. It will produce a national asset in providing the nitrates needed for national defense.

[From Current Opinion, June, 1916.]

THE BIG PROBLEMS OF WATER-POWER POLICY IN THE UNITED STATES.

In a subsequent number Current Opinion will present a symposium on water power by the leading engineers of the country. Only the opinions of practical operators will be given. Meantime, some considerations may be noted.

The St. Paul Railroad has electrified 450 miles of its mountain line. A director of the railroad, and also president of the power company, testified: "The railroad will pay for its power $550,000 a year. It is now paying for coal over the same area $1,750,000. On another section of road the payment for water power is $96,000 as against $270,000 for coal. These figures are for the hard mountain grades."

With such testimony there is only one inference possible. Within a few years all the railroads which can will use hydroelectric power.

It is estimated that there are 20,000,000 tons of nitrogen above each square mile of the earth's surface. Yet we are paying $75 a ton for Chilean nitrates and spend yearly on Chilean nitrates $21,000,000. Chile's nitrate beds will be exhausted by 1923. At that time the United States will be compelled to take the nitrogen supply from the air.

In Europe 1,200,000 hydrohorsepower are used to extract nitrogen from air. In the United States up to 1915 not a horsepower was used for that purpose. It took the war to waken us. England is about to establish a nitrogen plant in Iceland. Capital would have established such plants in the United States, but bonds could not be financed on short-term permits.

The fertilizers sold to the farmers of the United States cost $170,000,000 a year. Why not manufacture our own fertilizers? The United States uses only 28 pounds of fertilizer an acre. European countries use 200 pounds. American crop returns are lower than European returns by half.

Of the bills before Congress the Shields bill is an act to regulate the construction of dams across navigable waters. It provides that the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve the navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government. All plans for dams and works are to be approved by the War Department. The grantee is to pay a rental for public lands used and a charge for rights and privileges in the use of water. These rentals and charges are to be fixed at the discretion of the Secretary of War, and the money received therefrom is to go into a special fund in the United States Treasury to be used for the further improvement of waterways. Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or upon two years' notice take over the property upon payment of its fair value, to be determined by mutual agreement or by the Federal courts.

The Ferris bill is "to provide for the development of water power and the use of public lands in relation thereto, and for other purposes." It would be practically impossible to finance under it. With the amendments that have been adopted by the Senate committee the bill should be, generally speaking, a workable measure. It provides for the leasing of public lands for a period of 50 years "for the purpose of constructing, maintaining, and operating dams, water conduits, reservoirs, power houses, transmission lines, and other works necessary or convenient to the development, generation, transmission, and utilization of hydroelectric power." Upon three years' notice after the expiration of any lease the United States may take over the properties which are dependent in whole or in part for their usefulness on the continuance of the lease by paying their full value, which is to be determined by mutual agreement between the Secretary of the Interior and the lessee, or by proceedings instituted in the United States district court for that purpose. The Secretary of the Interior is authorized to specify in the lease and to collect charges or rentals for all lands leased, which charges are to be based on the value of the land, to be determined by the amount of horsepower to be developed, but which shall not in any event exceed the sum of 25 cents per developed horsepower.

On the merits of these bills there is the widest possible divergence of opinion. Mr. Forbes, of Harris & Forbes, who has probably marketed as many water-power bonds as any other man in America, says:

"The passage of those two bills along the lines indicated should make possible the development of many of the great unused water powers of the United States."

He says frankly our rigorous laws have hitherto hindered water-power development in the United States.

Gifford Pinchot, who led the fight against the water-power interests six years ago, says of the very same bills:

"The Shields bill gives to the power interests without compensation the use of water power on navigable streams. The amount of water power these streams will supply is larger by far than all the power of every kind now in use in the United States. It pretends to but does not enable the people to take back their own property at the end of 50 years, for in order to do so under the bill the Government would have to pay the unearned increment and to take over whole lighting systems of cities and manufacturing plants. Private corporations are authorized to seize upon any land they choose to condemn.

"The Ferris bill, relating to national forests, was a good bill as it passed the House. As reported in the Senate it encourages monopoly by permitting a corporation to take as many public water-power sites as it may please. The corporation could not be kept from fastening on Grand Canyon. The bill takes the care of water power in national forests from the Forest Service and gives it to the Interior Department. The water-power legislation is too favorable to the men who control through 18 corporations more than half the total water power used throughout the United States."

The main crux of the argument with the public is how to obtain cheap power, for cheap power means cheap fertilizer, cheap munitions, cheap light, cheap heat, cheap freight, cheap paper. That, rather than posterity, is the crux of necessity now.

[From the Manufacturers' Record, Mar. 16, 1916.]

VAST INDUSTRIAL ENTERPRISES THAT ARE PLANNED FOR ALABAMA—DEVELOPMENTS THE ALABAMA POWER CO.'S NEW $100,000,000 MAY SECURE—NITRATE PLANTS AS A MEASURE OF NATIONAL PREPAREDNESS—DEMANDS THAT BAN ON INDUSTRIES BE REMOVED.

[By Albert Phenis.]

With $100,000,000 of new capital assured the Alabama Power Co. for the development of its various water-power sites on the rivers of Alabama, as announced in the Manufacturers' Record of last week, bewildering possibilities of industrial expansion for the Birmingham district and all of Alabama are brought into view. In a letter from James Mitchell, president of the Alabama Power Co., to the Manufacturers' Record the statement was made that the entire amount of $100,000,000 had been arranged for through an issue of bonds, and that while only $4,000,000 would be utilized at this time, and this for the addition of duplicate units to the hydroelectric power plant in operation at Lock 12, Coosa River, and an auxiliary steam plant of 20,000 kilowatts capacity, the remaining $96,000,000 would be at command for further hydroelectric developments as the demands for power were manifested.

No more interesting or important development could be made at this time than that of the Alabama Power Co.'s site at Muscle Shoals, on the Tennessee. Four years ago the company had set aside funds for the construction of a dam at Lock 18, on the Coosa, a few miles down the stream from Lock 12. A plant of equal size of that at Lock 12 was proposed, and in addition foreign money had been pledged for the construction there of a cyanamid plant to cost $3,000,000. Mr. Frank S. Washburn, vice president of the Alabama company, a scientist, engineer, and capitalist, is at the head of a cyanamid plant at Niagara Falls, Ontario, and is entirely familiar with the commercial and chemical sides of the methods of extracting nitrogen from the air for use in the manufacture of nitric acids for fertilizers and likewise for explosives. It was no promoter's dream, therefore, this plan to build a cyanamid plant at the proposed water-power development at Lock 18.

President Taft vetoed the congressional measure granting the right to build a dam at Lock 18—a concession to the same influence that is now flooding newspaper offices with attacks on the present Shields bill and that was described by ex-Secretary Garrison at a recent committee hearing as not a "conservationist" but a "reservationist"—one which desires to prevent the development of any natural resource that would prove beneficial to any of the people who are now on earth. As a consequence the dam at Lock 18 was not built and never has been built, and the $3,000,000 of foreign money that would [illegible] secured the completion long ago of a cyanamid plant on the Coosa [illegible] mingham left the country and was used to expand the cynamid plant at Niagara, beyond the Canadian border.

Thus, there is no plant in this country, outside of the recently opened one at Nitrolee, S. C., where nitrogen is extracted from the air. This country is almost wholly dependent on Chile for its nitrates—a supply that would cease to be cut off in case of war against the United States—and in times of peace there is a dependence on Chile for fertilizer materials that is a burden and an enormous expense.

The vital necessity of a plant for getting nitrates from the air has become apparent to everyone who has given the most superficial study to the subject of preparedness. Without synthetic nitrates Germany would have been prostrate early in the war—had there been a war. Not a pound of Chilean nitrates has been imported into Germany since the war began, and yet there is no scarcity of nitrates, for explosives or for fertilizers, thanks to the extraordinary development that has been made there in the extraction of nitrogen from the air.

A realization of the utterly helpless condition in which the United States would find itself as to explosives if at war with any important power has finally aroused the country to the necessity for a great plant to extract nitrogen from the air. The naval consulting board urges such a plant, and the recently reported Army appropriation bill of Congress specifically recommends it.

Since the unanswered and unanswerable argument was made by the Manufacturers Record that no scheme of preparedness that did not provide for munition plants—nitrate factories and all—in the interior of the country, away from the vulnerable, easily captured seaboard centers, could be anything but an idle dream, it is a matter of common agreement that a synthetic nitrogen plant should be located in the zone of the great water-power sites of the South.

The greatest undeveloped water power in the South is that at Muscle Shoals, in the Tennessee River near Florence, Ala. This has often been referred to as the logical site for a great cyanamide plant.

That such a development was in mind when the Alabama Power Co. financed its recent $100,000,000 loan is indicated by the company's previous efforts to establish such a plant, and also by the statement of one familiar with the company's plans that the building of the Muscle Shoals Dam would mean the expenditure of $50,000,000 in dam, power plant, factories, and all.

The sites owned by the Alabama Power Co. include a number on the Coosa River, one on the Tallapoosa, one on Little River, and the one at Muscle Shoals. When all are fully developed the total capacity would be approximately 1,000,000 horsepower. The capitalization of the company is $50,000,000.

The present completed plant at Lock 12 has about 20,000 horsepower capacity. It supplies power and light to companies and individuals in Birmingham and a number of neighboring cities in Alabama.

Officials of the company believe that Birmingham is certain to become a greater industrial center than Pittsburgh. The center of the richest mineral section in the world, with more coal than Europe contains, and with coking coal, iron ore, and limestone in such phenomenal proximity as can nowhere else be found, there are also water power possibilities in Alabama sufficient in themselves to attract great industrial development. In addition to an increasingly large installation of electrochemical plants and other industries not now known to Birmingham, it is the belief of the company that Birmingham ought to be the center of gravity for the cotton industry of the country. As sellers of power it is the announced purpose of the company to secure users of large units of power, and it thus becomes their business to develop the community by every possible means.

With the passage of the Shields bill in the United States Senate by a large majority, there is hope that this Congress will finally pass some measure that will make it possible to bring about water-power development in the South. There has been complete stagnation in that line for several years.

Incidental to this stagnation, which has held up development projects not only in the South, but all over the country as well, the manufacturers of hydroelectric machinery have voiced a protest against conditions that interfere with their activities. Such manufacturers, representing an investment of at least $200,000,000 and employing 50,000 workmen, met in New York last week and effected an organization that will work for any measure that will bring about a resumption of water-power development. Some 40 companies were represented at the meeting, and it was announced that 500 or 600 more had declared their purpose to join. Among the companies represented at this meeting were the Allis-Chalmers Manufacturing Co., of Milwaukee; American Rolling Mill Co., of Mansfield, Ohio; American Smelting & Refining Co., Anaconda Copper Co., Archbold-Brady Co., Syracuse; Buffalo Foundry & Machine Co., Gould Manufacturing Co., of Seneca Falls; James Leffel & Co., Springfield, Ohio; Locke Insulator Manufacturing Co., Victor, N. Y.; General Electric Co., Ohio Brass Co., Springfield, Ohio; Pelton Water Wheel Co., San Francisco; Pittsburgh High Voltage Insulator Co., Platt Iron Works, Dayton, Ohio; S. Morgan Smith Co., York, Pa.; Standard Underground Cable Co., Pittsburgh; R. Thomas & Sons Co., Wellman, Seaver, Morgan Co., East Liverpool, Ohio; Westinghouse Electric Manufacturing Co.

The organization proposes to maintain offices in Washington and to carry on a campaign of publicity and education in the effort to foster an industry of large magnitude and public importance, and thereby solve one of the problems of national preparedness in the only way it can be solved—by getting nitrates from the air by electricity instead of paying Chile millions of dollars every year in times of peace, with the certainty of having the nitrate supplies cut off in time of war.

[From the Journal of Electricity, Power, and Gas, Mar. 18, 1916.]

THE SHIELDS BILL.

After four weeks' debate the Shields navigable-stream water-power bill has passed the Senate by a vote of 46 to 22 and now goes to the House. That this notable result has been attained, notwithstanding the distractions incident to war and preparedness, should be a matter of congratulation to everyone interested in the development of our latent water powers, which, like a sleeping giant, need but be put to work to create new wealth and support new peoples on lands now disused. This is the most notable congressional recognition of western needs to date.

The Shields bill as it passed the Senate is a splendid, practical measure. It will permit of the harnessing of water power in many parts of the country. Nor is this all. While Congress is not likely at the present session to make any great appropriations for the improvement of rivers and harbors, the great hydroelectric developments made possible by the enactment of this measure will make many rivers navigable fit into the interior by private capital instead of by public taxation.

Briefly stated, the bill gives authority to the Secretary of War to approve a 50-year permit for the construction, maintenance, and operation of dams and accessory works for the development of water power if, in his judgment, navigation will be benefited, public purposes best served, and conservation of water resources promoted. It provides that navigation facilities shall at least be equal to those existing prior to the new construction, that reasonable charges for the privilege and reasonable costs of Federal investigation shall be paid, and that a reasonable rental be paid for public lands occupied, the "reasonableness" to be determined by the Secretary of War, who is also to formulate all regulatory measures.

It is believed that this bill fully protects the public interest and yet provides sufficient incentive to justify the power developer in soliciting private funds. If passed by the House, this bill should usher in an era of low-head power developments exceeding in capacity the high-head plants which have already made the West preeminent electrically. The water thus released for human utilization will make possible many irrigation and reclamation projects as well as materialize plans for electrochemical and electrometallurgical industries. Its probable enactment will mark an epoch in this electrical age.

With the Shields bill yet to pass the House and the Myers modification necessary to provide a needed relief have been taken. Vigorous agitation against both these measures is being conducted by Gifford Pinchot and his followers, who seem to look upon these measures as a means of rescuing themselves from political obscurity. It is a fact greatly to be regretted that matters so vital to the economic progress of the West are at the mercy of politicians, who apparently value their own preferment above the common welfare.

[From the Daily Missoulian, Missoula, Mont., Mar. 19, 1916.]

WASTED WATER POWER LEAVES NATION MINUS POWDER SUPPLY.

Sensational charges involving America's pitiful lack of ingredients for explosives are stirring the Senate of the United States. Developments of the last few days have brought out the fact that the United States is absolutely dependent on foreign countries for the bases of all its explosives.

The revelation of actual conditions is regarded as the most important development up to date in the preparedness situation. Senators are saying there is little use to provide fortifications, big guns, or even more battleships, if our powder supply runs out. The keen edge of interest has been whetted by cables revealing the tremendous use of explosives in the present war, especially at Verdun.

In spite of efforts to keep this critical national situation secret from the public—or rather from agents of foreign countries—disclosure of the facts has just been made in the Senate debate on water-power legislation. The reason for the revelation is that the passage of two bills—the general dam bill introduced by Senator SHIELDS, of Tennessee, and the bill for leasing power sites on the public domain, introduced by Senator MYERS, of Montana—open the way for Uncle Sam to make his own nitrates for explosives right at home by taking nitrogen from the atmosphere through water power without asking leave of any foreign nation.

Senator SHIELDS, who is responsible for making public the situation, declares that in the event of a blockade of certain seaports "our ships, forts, and troops would have silently to surrender after the small reserve stores of nitric acid and saltpeter had been utilized, because there would be no powder left and nothing to make it of."

There has been no denial of Senator SHIELDS's charge.

WILL REDUCE FERTILIZER PRICES.

Besides making the United States independent in its supply of what the big guns eat, the pending legislation will, if passed, reduce the price of the farmers' fertilizer by supplying cheaper nitrates. It would also immediately open the way for cheap power for a multitude of other purposes.

The proposed measures are not political. They are regarded as not only an essential part of the "preparedness" program, but also as an urgent economical necessity. President Wilson has urged legislation to unlock the Nation's water powers to use. Secretary of the Interior Lane has indorsed the Myers bill for power-site leases in the public lands. Former Secretary of War Garrison urged strongly the need for passing the Shields bill. Other prominent men have given their approval to these conservation measures. One of the few sources of strong opposition is reported to be certain groups of big corporations, which now have a monopoly of power in their territory and which are opposing development which might lead to competition and possible reduction in power prices.

Congress has been talking about water-power legislation for eight years, but has done nothing, while water powers running to waste are said by Government experts to represent energy equal to that generated by an annual coal consumption of more than 100,000,000 tons. More than a million horsepower of hydroelectricity in Europe is devoted to varied industries, experts say but there is not one such establishment in the United States.

Engineers, bankers, chemists, business men, and others who know the practical side of the water-power business have told congressional committees that the reason America has none of these new industries and the reason why 70 per cent of our water powers are running to waste is because the present laws do not offer terms upon which American investors are willing to put their money into these enterprises. Pending legislation, they say, will, if passed, furnish the necessary incentive to capital.

Water-power development has been practically at a standstill in the United States for years, not only making development impossible but injuring existing industries. Manufacturers of hydraulic and electrical equipment have told congressional committees that they are "hard hit." One Philadelphia plant, with $2,000,000 invested in buildings and machinery for making water wheels, and normally employing more than a thousand men, was shut down for 10 months last year. Twenty-five hundred engineers heretofore employed in building dams and power plants, are said to be out of work. Thousands of men would also be employed if construction on water-power plants were not held up.

Those in charge of the legislation say they are encouraged greatly over the letters that farmers and other citizens are writing to their Senators and Congressmen in favor of these bills.

[From New York Evening Post, Mar. 16, 1916.]

THE WATER-POWER BILLS.

The public business at Washington is in a very backward state. Senator UNDERWOOD declared on Monday that in all his congressional experience he had never known the appropriation bills to be so delayed. The Senate has not yet passed a single one. Indeed, but one has been reported to it. Representative MANN uttered a warning in the House yesterday on the need of settling down to the really important legislation of the session. He said it was time to drop "chicken-feed" bills and buckle to on the big measures. But there ought to be some way of stopping also the flow of "chicken-feed" speeches. The Senate had a dreary three or four hours of them on Monday, all on the question of what should be the next order of business. It finally voted by a narrow majority to take up the Ferris water-power bill, which passed the House on January 8. Having thus exhausted itself in deciding what to do next, the Senate did nothing and adjourned.

One water-power bill was passed by the Senate on March 8. It is the much-debated Shields bill. This has to do with the construction of dams "across navigable waters," with incidental development of power. The Ferris bill, which the House passed and which is now, much amended, before the Senate, regulates the development of water power on public lands. To it there is violent opposition in the Rocky Mountain States, which would be the chief seen of its operation. In that region the whole idea of Federal regulation is antagonized. Colorado, Wyoming, Idaho, Utah, and Montana, along with Oregon, want to be let alone to deal with water power on the public domain included within their territory precisely as they see fit. Senator SMOOT, of Colorado, asserts that the aim of the Ferris bill is to "confiscate" water power belonging to the States. And he virtually served notice that the handful of Senators from the Rocky Mountain States would not permit any bill of the kind to come to a vote in the Senate. There could hardly be a more brutal and defiant way of setting up the senatorial privilege of unlimited debate and endless obstruction against the national principle of conserving natural resources and regulating their use.

The power bills have been sharply attacked from the other end of the line. Mr. Gifford Pinchot has denounced them as the worst "grab" by the corporations ever attempted. Representative KENT, of California, has bitterly condemned them, and has received a letter from President Wilson expressing the opinion—a right and just opinion—that it would be better to let the water go on running to waste than to part with its use and control on improper terms. But the whole question is, obviously, whether the terms proposed are improper. To the Ferris bill, as it passed the House, Mr. Pinchot gave his certificate of approval. It contained the provision for 50-year leases, which even extreme conservationists now agree to be necessary. As the bill has been amended by the Senate committee, however, Mr. Pinchot assails it, along with the Shields bill, as the sum of all villainies. His charges are very general, not to say vague. They do not rest upon a line-by-line reading of the bills with specifications just where the iniquity lies. The measures should be carefully scrutinized, of course, and if there are valid objections to any given clauses these should be changed or stricken out. But indiscriminate clamor should not prevent Congress or the public from giving attention to the solid merits of the bills.

Our own belief is that anyone who, even approaching the water-power bills with a prejudice against them, gives them a close study, will find that they have a great deal to commend them. In their general aim they appear to be along the lines of Secretary LANE's recommendations. That is, they regulate, they restrict, they provide safeguards yet they permit of development on a commercial basis. Doubt-

less a keen lawyer might find lurking perils in phraseology; a layman will suspect some. It is possible that the true and large interests of national conservation are endangered by one paragraph or another. We freely admit this, though our own examination of the bills does not disclose the alleged glaring defects. But our purpose at present is neither to defend nor attack the bills as they stand. What we would urge is that the whole subject be given fair consideration in Congress and by the press; that the minds of those interested be brought together, and that the great need of reasonable legislation on this subject is not lost sight of in angry controversies over details. The United States is lagging behind in hydroelectric development, and the chief reason is that for six or eight years we have been laboring in vain to secure laws under which this neglected national work can be done. It will be a severe reproach to Congress if it fails to give due weight to this branch of national preparedness and does not hammer out workable bills, fair to all concerned, before it adjourns.

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[From St. Louis Globe Democrat, Mar. 10, 1916.]

SHIELDS WATER-POWER BILL.

The decisive vote of the Senate in favor of the Shields water-power bill was a victory for the school of conservation which believes that the water should be used for power as soon as possible, so as to conserve coal and petroleum. The resolutions committee of the Fifth National Conservation Congress estimated that the country could save $200,000,000 a year on fuel by prompt development of hydroelectric power. There is another and smaller school of conservation, of which Mr. Pinchot is the most prominent personality, which is chiefly interested in keeping the water-power sites out of private hands. This school has gloried in the defeat of previous bills, but has done nothing toward utilizing water power. It has saved waterfalls from use, but has let the country pay its excessive annual toll for steam power.

The long debate in the Senate revealed that the principal question is whether the Government or State shall be permitted to take over a plant at the end of 50 years at the actual value then, determined by agreement or condemnation proceedings, or whether it shall pay only what the plant has actually cost. There is no agreement to take it over at all. The investor is asked to make the venture. If he loses money, it is hopelessly lost. If he builds up a valuable property he must sell out if the Government wishes to buy, for what the site costs now, with his actual expenditures added. It is a "heads I win and tails you lose" proposition. Nobody favors Government or State ownership now. The Government merely asks an option, which can be exercised if the experiment is successful.

The bill provides for control of charges by State and Federal authorities. Every reasonable safeguard is provided to prevent abuse. The sites must be acquired at actual value, under the various State laws. There is no bonus or grant, such as Congress voted the railways for the development of the great West. A slight monopolistic feature is almost unavoidable, but the bill prohibits improper practices as well as discriminatory charges. The critics of the bill offer no constructive alternative. They would merely load the bill down with such amendments that capital would not take the risk. If they have their way, they should entitle their act "An academic theory as to how water power might be developed if capital could be induced to invest in the experiment."

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[Editorial from the Evening Post, New York, Friday, May 5, 1916.]

That the National Conservation Congress should have indorsed the Shields bill by a vote of 116 to 39 is a severe blow to Pinchot, Garfield, and other extreme conservationists. There was no division upon principles, but merely upon the interpretation of the Shields measure. The majority of the Conservation Congress plainly thought that its provisions could be accepted literally and in good faith. It meant what it said in giving the Government the right to take over private water-power plants on navigable streams at the end of 50 years at actual valuation. But ex-Secretary of the Interior Garfield was certain that the bill "turns over to private monopoly public power in perpetuity. The 50-years' limitation as proposed is nothing more than a mere fiction." The minority resolutions held that power sites should not be disposed of in perpetuity, but retained in Federal control. The majority made much of the fact that the Senate, after careful debate, had not seen in the bill the "mere fiction" of which Garfield spoke; and an even weightier consideration is that Secretary Lane has not done so. Upon details of the measure there may be disagreement, but its guaranty of a 50-years' tenure seems necessary to invite capital into a risky field.

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[From the Ottumwa Courier, Mar. 14, 1916.]

SHIELDS WATER-POWER BILL.

The Shields water-power bill authorizing the Secretary of War to grant permits for the building of dams and power plants on navigable streams is about ready for a vote in the United States Senate. This will be the first vote taken in the Senate on a general water-power measure in the eight years that the subject of conservation of natural resources has been under consideration in Congress. Two water-power bills passed the House last year and died in the Senate.

Senate leaders and military authorities urge the Shields bill as a vital feature of the preparedness program. It is estimated that there is 60,000,000 horsepower of natural energy in the navigable streams of the United States, of which nine-tenths is flowing to waste. These great water powers have been locked out of use up to now, as a special act of Congress has been necessary for each power plant, and it has been impossible to pass workable tracts for the development of large water powers.

Senator SHIELDS, of Tennessee, announced in the Senate that the passage of this bill would be followed by early development of waterpowers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year. Engineers estimate that development of this amount of water power equals a saving of $700,000 a day in coal bills.

It is known that a number of big electrochemical plants for making saltpeter and nitric acid from the air have been planned by private enterprise, and will be built as soon as the Shields bill becomes a law and makes it possible to finance these undertakings. These chemicals are essential to the manufacture of explosives and agricultural fertilizers, and at present the United States is wholly dependent for its supply upon the nitrate deposits of Chile. The Chilean Government collects a high tax upon every ton of nitrate exported. There is at present not a single atmospheric nitrogen plant in this country, although Europe has 1,200,000 horsepower of hydroelectricity devoted to this use, and Germany is making 600,000 tons of saltpeter a year in such establishments for military and agricultural uses.

Electrification of railroads, manufacture of iron and steel in electric furnaces, and extensive irrigation developments in the West are among other benefits expected to be derived from the utilization of large water powers for generation of cheap electricity.

Under the terms of the Shields bill the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public-utility corporations. Interstate business and rates of companies operating under the act are to be regulated by the States and interstate service and rates by the Interstate Commerce Commission.

Municipally owned dams and power plants for irrigation or for supplying power for municipal purposes are to be given preference in making leases for surplus water power in the streams. The bill does not apply to water power on small streams and creeks used for gristmills, sawmills, etc.

The measure contains a drastic antimonopoly clause, providing that no dam or works constructed under its provisions shall be owned, leased, controlled, or operated "by any device or in any manner so that they form part of or in any way effect any combination in the form of unlawful monopoly, or form the subject of any unlawful constraint or conspiracy to limit the output of electrical energy or in restraint of trade."

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[From the Albany Argus, Mar. 13, 1916.]

DEVELOPING WATER POWER.

The bill for development of water power, which has now passed the Senate after four weeks of debate, differs in many respects from the measure passed in the House several weeks ago, and so materially that it is designated as the Shields bill, after the name of the Tennessee Senator mostly responsible for it. Gifford Pinchot is up in arms against it, characterizing it as "the most serious attack upon conservation since the effort to turn Alaska over to the Guggenheims was blocked in 1910."

That this is an extravagant statement is obvious from comparison of its provisions with those of the House bill which Pinchot approved in behalf of the conservationists and which was framed in the main along the lines recommended by Secretary Lane. The two Houses in smoothing out the differences in conference will, if we are not mistaken, find merits worth adoption in both bills.

In essential purpose the two bills are the same in that they would provide for the early development of some 18,000,000 horsepower from navigable streams that are under Federal jurisdiction, so that Uncle Sam's consent is necessary for their utilization for this purpose. The harnessing of their power would mean a saving yearly of 100,000,000 tons of coal, for which $250,000,000 is spent. The points of difference deal with the question of how far it is necessary or safe or just to go in inducing private enterprise and capital to take hold of the development work. Under the Senate bill leases of water-power sites may be secured from the Secretary of War to run for 50 years and, if the Government at the end of that time wishes to take over the plants, a "fair value" must determine the price which the Government will pay to the private owners. The element of "unearned increment," which might be great in that time, is the subject of the chief dispute. Critics of the Senate bill insist that if this feature stands water-power companies might be able to get "too fat a thing" in selling out to the Government.

In the main the business done by the companies will be an intrastate one; so it is provided that it shall be regulated by the public utility commissioners of the States themselves, the interstate business alone being left to regulation by the Interstate Commerce Commission of the United States. This again is attacked as giving the advantage to the companies in the States where they can control the commissions—a very usual line of argument for centralizing power, without stopping to think what of evil as well as good could be within reach of a body wherein all control is concentrated. Moreover, could a pretense be erected that would stand for stretching the Federal arm into such a business exclusively within the borders of a single State?

One-half of the water power now in public use is controlled by 18 great companies and though full monopolization is hardly to be feared there are tendencies in that direction, especially because of the influence of the great supply companies, and they would be likely to be strengthened under centralized supervisory control. All hands are agreed that regulatory power is needed over such a utilization for private profit of great natural resources. The dispute is simply as to which is the fairest and most effective way of exercising it.

Much was made in the argument on the bill of the need of securing great water powers for the extraction of nitrogen from the air, as Germany is doing, as a part of a policy of "preparedness," because of the need of that element for gunpowder. The House Army bill includes a provision for this purpose. But the need for the works of peace and for the elimination of enormous needless cost for our industries is manyfold greater.

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[From the Electrical Age, March, 1916.]

WATER-POWER DEVELOPMENT.

The investigation of the country's water-power development by the Department of Agriculture, which we abstract on another page, at least establishes certain points as being true for the time. It shows that the public service companies account for about one-fourth of the total primary electric power of the country and about all of the developed water power. It also shows that 68 per cent of the total public service company power is in the hands of about 85 corporations, of which 6 control one-fourth, and that these corporations are closely related as to holdings and ownership.

All this is not very new and could have been pretty closely forecasted by anyone conversant with the facts. But a feature of the report that has caused some comment is that which shows that the development of water powers during the three years just passed has been three times as great as that of steam power, and that the development in the Mountain and Pacific Coast States has been over twice as rapid as that of the country at large.

As these Western States contain nearly three-fourths of the country's total water power, it is to be expected that the principal development would take place here. That this fact has been brought out by the report is not particularly comforting to many of the opponents of the existing laws, whose efforts in Congress resulted in its making. It has

been persistently claimed that the present laws relating to the development of water power on public lands were throttling the progress of the country, particularly of the western country. This view has been behind much of the agitation about water power and has had credence in high places. It has been expressed by the President, Secretary of the Interior Lane, and most committees that have investigated the matter.

At first glance it would seem that there is no ground for the belief that public-land water-power development has been checked. On the contrary, the report calls the present situation in the West an "overdevelopment." Its conclusion is that not only has the present régime fostered the investment of capital in water power but that it has gone too far and overstimulated it.

Is this opinion based on the fact that electrically generated water power per capita in the States in question is from 120 horsepower per 1,000 inhabitants in the Mountain States to 160 in the Pacific States as against 30 for the country at large? If so, it is apparent to some that it stands on a poor foundation.

If a reason is sought for the fourfold production of water power per capita in the West as compared with that of the rest of the country, it is not to be found in the enticements to capital offered by the existing laws and regulations. It lies, figuratively and actually, much deeper—it is to be found in the lack of coal out there.

If this section of our country is to progress industrially it must progress by means of old power and water power and in spite of lack of coal power. That electrically generated water power there is more than fourfold that of the country at large is so because of the demand for cheapest power available in that section—nothing else.

For this reason all will not agree with those who are satisfied with the present state of affairs. Why should not the preponderance of water power per 1,000 inhabitants in the West be fivefold or tenfold greater than for the country at large? In many places the actual excess cost price of coal as compared to the average cost for the country at large approaches that proportion. Therein lies the real reason of hydroelectric development.

In the Eastern and Central States the coal mine is still actively competing with water power. In the West the latter has the advantage. And, from all points of view, it is probable that the actual effect of the present laws on this subject has been to hold back legitimate growth. Hence the persistent efforts that are being made to reform them.

Sound regulation of these resources demands that there should be no unnecessary clog to needed developments. If there are features of the existing laws that have this effect, then the growth of water-power use, as shown, has progressed in spite of these adverse factors. If they are removed, none can deny that it will be all the better for the industry.

The legislation now pending in Congress is drawn, for the most part, with this in mind and its passage may be expected to improve the situation as regards the terms imposed on capital seeking investment in this field.

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[From the Age-Herald, Birmingham, Ala., Mar. 13, 1916.]

ALABAMA WILL REAP BOUNTIFUL HARVEST IF SHIELDS BILL IS ENACTED INTO LAW—BANKHEAD AND UNDERWOOD OVERWHELMED WITH CONGRATULATIONS ON ITS PASSAGE BY SENATE—MEASURE WILL HIT SHOALS IN HOUSE, ADVOCATES FEAR—WILL BE OPPOSED BY THE SO-CALLED CONSERVATIONISTS—SHOULD SAVE HUNDRED MILLION TONS OF COAL ANNUALLY.

[By Hugh W. Roberts.]

WASHINGTON, *March 12.*

Judging from the fact that Senator BANKHEAD and Senator UNDERWOOD have been overwhelmed by the unanimous congratulation of citizens of the Tennessee Valley, it is evident that Alabamians believe that as a result of the passage of the Shields dam bill a great blessing will be in store for the State.

The measure, after a long, hard fight, passed the Senate by a big majority. It will encounter shoals in the House. It is opposed by the so-called conservationists, although Senator SHIELDS contends that as the development of latent water power will prevent the consumption of 100,000,000 tons of coal per annum, the advocates of the bill are the real conservationists.

At any rate, the idea obtains that if the bill is eventually enacted into law all streams in Alabama capable of generating power will be developed, and that the State as a result will be immeasurably enriched. All dams constructed by individuals or corporations will cost the Government nothing and must be an aid to navigation. The individual or corporation constructing the dam retains a lease without taxation for 50 years.

THE BILL'S TERMS.

Under the terms of the bill the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluice ways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public-utility corporations. Intrastate business and rates of companies operating under the act are to be regulated by the States, and interstate service and rates by the Interstate Commerce Commission.

All plans for dams and works are to be approved by the War Department as being the most adaptable plans for improvement of navigation and fullest development of water-power possibilities. The grantee is to pay a rental for public lands used, and a charge for rights and privileges in use of waters, these rentals and charges to be fixed at the discretion of the Secretary of War, and the money received from same to go into a special fund in the United States Treasury to be used for further improvement of waterways. Actual construction work on any project is to be begun within two years of the granting of the permit, and the works are to be completed within such reasonable time as the Secretary may prescribe. For failure to complete the works as directed, or for violation of the provisions of the act or noncompliance with regulations or orders of the War Department, the grantee is subject to heavy cash penalties or to revocation of the grant.

FIFTY-YEAR PERMITS.

Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or upon one year's notice take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance for any rights granted by the Government. The bill also provides that no value of rights granted by the Government shall be allowed in fixing rates to consumers. Dams, locks, and other structures used primarily for improving navigation are to be exempt from taxation.

Municipality-owned dams and power plants for irrigation or for supplying power for municipal purposes are to be given preference in making leases for surplus water powers in the streams.

The measure contains a drastic antimonopoly clause, providing that no dam or works constructed under its provisions shall be owned, leased, controlled or operated "by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful monopoly or form the subject of any unlawful constraint or conspiracy to limit the output of electrical energy or in restraint of trade."

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[From the San Diego Tribune.]

SOME OF THE FALLACIES OF PINCHOT CONSERVATION.

In an open letter to Gifford Pinchot, president of the National Conservation Association, from the water-power development association, it is shown that under the kind of restriction and high rentals in the present laws, approved by the Pinchot conservationists, development has practically come to a standstill; and that no large powers have been or are being developed in the national forests and the public domain.

It is also shown that under the present general dam laws, which do not offer terms attractive to capital, only eight dams and water-power plants, with a total development of less than 140,000 horsepower, have been built on navigable streams in the last 10 years.

And in this same period water powers in Europe have had the greatest area of development known to history.

Under the restrictive policies of the United States, for 10 years past, not a single electrochemical plant using water power has been built in this country, while in the same years Europe has developed more than a million horsepower of hydroelectricity devoted to fixation of atmospheric nitrogen alone. Restrictive laws and water-power failures in this country have discouraged investment that some of our largest power enterprises of recent years have been compelled to seek financial aid abroad.

Every kilowatt of electricity produced by water power is the approximate equivalent of 2 pounds of coal saved for future consumption.

Ever dollar added to the cost of water-power development adds to the cost of supplying power to the consumer, decreases the possibilities of production of power cheap enough upon which to build great new enterprises, lessens the margin of economy between generating power by water and by steam, and diminishes the number of water powers that can be economically and profitably developed, in like manner and extent diminishing the hope of conserving the fuel supply.

Pinchot charges that the Shields bill just passed by the Senate does not protect public rights, because at the end of 50 years, in buying the plants, the Government would be compelled to take over transmission and distributing systems dependent upon the water powers for their value; in other words, Mr. Pinchot would have the Government discourage investment in such utilities by destroying the value of the properties at the end of 50 years.

If the Government bought the generating plant and not the distributing system, the entire scheme would be "up in the air," for Mr. Pinchot in his objection makes no provision for the use or disposition of the power.

He probably intends that the whole cost of the plant shall be amortized, and the property turned over to the Government free of cost at the end of the period, but evidently he does not take into consideration that the amortization cost would have to be added to the power prices, and would operate to discourage water-power development in the same manner and for the same reasons as would the imposition of any other form of rental or taxation adding unnecessarily to the cost of power.

Use is the highest form of conservation of water power; but Mr. Pinchot either doesn't know that or refuses to admit it.

The entire Pinchot scheme of conservation is demagogic and sophistical.

Pinchot probably knows better, but it does not suit his personal or political purposes to have it right and for the best interests of the country and posterity.

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[Editorial from the Engineering Record of Apr. 8, 1916.]

THE SHIELDS BILL.

For years this journal has been urging the need for Federal legislation which would encourage the rapid development of our wasting water powers. As is well known the only form of permit which can be secured now is revocable at any time. Under this provision capital has been deterred from water-power investment. So patent is the present unfavorable situation, so apparent is it that true conservation demands the utilization of energy now being wasted, that the demand for suitable legislation is heard from every quarter. Year after year measures have been introduced. Much time has been consumed in hearings, yet always the pressure of legislation has resulted in the measures dying with the termination of the sessions. In the fall of 1913 the National Conservation Congress met in Washington to discuss the question. The water-power committee brought in not only majority and minority reports but also a set of "unanimous recommendations," which had the support of the entire committee. These recommendations, too, were the burden of the majority and minority reports, which differed from each other and from the "unanimous recommendations" in minor respect only—and chiefly in the emphasis which the minority report laid on the danger of water-power monopoly. An examination of the Shields bill, side by side with these recommendations, shows that each of them has been embodied in the Shields bill, save only that which provides that the Government should reserve the right of receiving a compensation for the power granted. It is the omission of such a reservation which has brought forth the chief opposition to the measure. As to this matter there is ground for argument. The only reason for demanding such a clause is that the State public-service commissions, to which the bill gives the right of regulating interstate rates, might be subservient to the wishes of the water-power companies. Rates might thus be set which would fail to return to the public its share of the water-power benefits. With our present experience in regulation, however, the danger is rather that the attitude of the commissions toward the companies will be inimical. Where power is transmitted across State boundaries the Interstate Commerce Commission would control the rates. The real injustice to the public would come, in the opinion of this journal, in cases where a power was granted for the use, exclusively or in large part, of a single industry. And this would

apply whether the industry received the grant directly or through a subsidiary. Where a power is so granted, the company may get an inordinate return and the public nothing. There should be a clause in the bill, therefore, which would allow the Government to lay a tax on that part of the power used by a grantee proprietor whenever power so used exceeds 40 per cent of the total generated. With this addition the Shields bill should meet the hearty approval of thinking citizens. So amended it would adequately protect the interests of the public, and make it possible to attract investors. The bill should then receive favorable action in the House.

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[From the Washington Post, May 7, 1916.]

VAST POWER WASTED—STREAMS CAN DO WORK OF NEARLY TWO BILLION MEN, SAYS LANE—NEW INDUSTRIAL ERA SEEN—HAMPERING LAWS BLAMED FOR LOCKING UP COUNTRY'S RESOURCES—PREDICTION MADE THAT WEST WILL RIVAL EAST AS STEEL AND IRON PRODUCER—NITRATES FOR STARVED LAND.

[By Franklin K. Lane.]

We are living to-day in the dawn of an age in which power is the basis for our material progress. The productive abilities of our 100,000,000 people are increased by the use of probably 125,000,000 horsepower of mechanical energy, not including the animal power furnished by 20,000,000 horses and mules. When applied to industrial uses 1 electrical horsepower does the work of 10 men without tiring. That is, 1 electrical horsepower, continously operated, does as much work as 30 men working in eight-hour shifts.

Conservation of human labor goes hand in hand with utilization of mechanical energy, and utilization of that form of energy most cheaply and least wastefully developed accomplishes the maximum in freeing man from muscular toil and increasing his productivity. In the last decade we have harnessed for our utilities and industrial needs something like 6,000,000 horsepower of water. This means, in terms of human energy, that streams which before that time flowed on in waste are now doing work equivalent to the labor of 180,000,000 men working eight hours a day.

POWER OF 1,800,000,000 MEN.

This accomplishment stands for real progress, but, as compared with our possibilities, it is not such progress as we should have obtained. Although we are utilizing to-day 6,000,000 horsepower of water, we are annually, daily neglecting and wasting 10 times that amount, largely because of our inapplicable laws, since most of the water powers not in use are under Government control, and the present laws do not adequately make provision for their fullest development and use.

There is in nonuse in the United States enough water power to equal, if harnessed to the wheels of industry, the daily labor of 1,800,000,000 men, or 30 times our present adult population.

We are depleting our fuel supply in the manufacturing sections of the East and Middle West, while in the far West are mountains of undeveloped raw materials adjacent to unused water powers whose development would mean the establishment of great new industries in new manufacturing centers.

FARMS DENIED FERTILIZER.

We are robbing our farm lands of fertility and failing to realize the utmost of our agricultural opportunities because of our dependence upon foreign sources of high-priced supplies for chemical plant foods or fertilizers, while mountains of phosphate rock, lime, and lignite in the West await only the magic touch of atmospheric nitrogen extracted and fixed with the aid of cheap hydroelectricity to furnish a low-priced and plentiful supply of fertilizing elements.

Millions of acres of lands rich in plant foods lie arid and waste in the western country which can be converted into fertile and productive farms, gardens, and orchards merely by pumping onto them the waters of the streams flowing through them. This miracle of making the desert bloom awaits for accomplishment only the laws which will permit capital and enterprise to engage in the harnessing of these streams so that they can pump themselves onto the thirsty soil.

To conserve these vast natural resources is the greatest attainment to which the statesmanship of our day can apply itself.

To be truly prepared for war is to be fully prepared for peace.

More than 40 per cent of the potential water power of the United States lies in the comparatively narrow strip bounded by the Cascade Mountains and Sierras in the east, the Pacific Ocean in the west, Canada in the north, and Mexico in the south. Some of these water powers, now unused, are among the cheapest in the world. Long-distance, high-voltage transmission has almost annihilated distance in making hydroelectricity available in this great western empire.

NEW INDUSTRIAL ERA.

Development will open to the West an industrial era of such possibilities as have been almost undreamed of. Iron deposits are here in abundance, which, with fluxing and reducing materials at hand and cheap hydroelectric power as the agency for reduction, may make the Pacific coast a competitor with the Ohio Valley in the production of special grades of pig iron and the manufacture in electrical furnaces of high-grade steels.

Also at hand are the materials for the manufacture of such steel alloys as ferromanganese, ferrochrome, ferrosilicon, ferrotungsten, ferromolybdenum, and others. Here are rare metals—barium in the form of sulphate and carbonate, zinc and copper, gold and silver—all awaiting the magical touch of the cheap electrical potentiality in our wasted stream flow.

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[From the Investment News (Chicago), Apr. 1, 1916.]

WATER POWER DEVELOPMENT MEANS GREATER PROSPERITY FOR UNITED STATES—AS PRIVATE CAPITAL ALONE CAN BE PROCURED, IT SHOULD BE ENCOURAGED TO INVEST AND NOT FRIGHTENED AWAY BY LAWS PROHIBITIVE AND INIMICAL; PURPOSES OF SHIELDS AND FERRIS BILLS; AN HONEST PRESENTATION OF THE SUBJECT.

[By Herman B. Walker, Washington, D. C.]

One of the greatest problems before Congress to-day is the adequate handling of the water resources of this country. The following article prepared by Herman B. Walker, of the Water Power Development Association, outlines in temperate and judicial language the purpose of the legislation sought and the benefits to be derived from a safe, sane, and sensible development of the water power of the Nation.—Editor.

There are two great conservation bills before Congress, the passage of which means so much to the economic welfare of the United States that they are entitled, I believe, to careful consideration and earnest support. These are the bills for enabling and encouraging development of the unused water powers in the navigable streams and in the public domain. Because of widespread misinformation and because of misapprehension in many minds as to the kind of legislation necessary to bring about water power development, there is danger that these bills may be passed in such form as will defeat their main purpose, and actually discourage water-power development instead of encouraging it.

To secure water-power development by private enterprise terms and conditions must be such as will attract investment. With Europe impoverished by war, development must be financed here, and water-power securities must compete with other forms of investment. Under present laws, for several years past, water-power development in the United States has been practically at a standstill. A few comparatively small powers have been developed in the West, in the national forests and national parks, in localities where growth of city utilities or need for irrigation, or both, have created a high-priced market, or where conditions have otherwise been exceptionally favorable. No large hydroelectric plants have been built in recent years. Recent reports of the Forest Service show that the average size of power plants built in the national forests under the present revocable-permit system is less than 6,000 horsepower, and that permits have been issued for large developments aggregating more than 1,500,000 horsepower, of which none has been built or is being built. I know from personal investigation that efforts to finance these larger plants have failed and that they can not be built under present laws.

In 10 years past only eight water-power plants, aggregating less than 140,000 horsepower, have been built upon our navigable streams under the general dam acts of 1906 and 1910. President Wilson, Secretary Lane, and committees of both Houses of Congress, after careful study, have announced their belief that new laws are necessary to stimulate water-power development.

POWER DEVELOPMENT IN EUROPE.

During the last 10 years 1,200,000 horsepower of hydroelectricity has been developed in Europe for use in atmospheric-nitrogen establishments, of which we have not one in this country. A number of large enterprises of this nature have been planned in recent years in the South and West, but they can not be financed under present laws. The stagnation in water-power development is not only wasting unnecessarily our fuel supply, but is preventing the establishment of new industries and putting the brakes on national prosperity. One large factory, with $2,000,000 invested in buildings and machinery especially designed for making water wheels, was shut down for 10 months last year and has exactly one small wheel at present under construction. It is estimated that more than 2,500 engineers in the United States formerly employed in hydraulic construction are now out of work.

We are talking of military preparedness, but are wholly dependent upon foreign supplies of saltpeter from which to make nitric acid, an essential in the manufacture of explosives. Our farmers are paying tribute to the Chilean monopoly on every pound of nitrates used in agricultural fertilizers. Capital will not build the water powers necessary to the establishment of electrochemical industries which would give us military, agricultural, and industrial independence because present laws do not guarantee security of investment or offer hope of reasonable return. It is believed by men who know the practical side of the subject that the Shields bill and the Ferris bill as amended in the Senate will offer this needed incentive to investment, and that their passage will be closely followed by extensive development.

The Shields bill received the full indorsement by Lindley M. Garrison, former Secretary of War, whose testimony on the subject before the House Committee on Interstate and Foreign Commerce should be carefully read by every citizen interested in the conservation of water powers. An editorial in the Outlook of February 9, 1916, states clearly and forcibly the features of legislation necessary to protect public rights. All of these features are included in both the Shields bill and the Ferris bill as amended by the Senate Committee on Public Lands.

FEATURES OF BILLS BEFORE CONGRESS.

Both of these bills retain to the public all title in water rights and power sites, where these are now publicly owned, granting only permits or leases for use for 50 years, at the end of which period the Government may take over all parts of the plants dependent for their usefulness upon the leases or permits at a fair value, to be decided by mutual agreement or by the Federal courts. No allowance is to be made for any unearned increment or value in any lands or rights granted or leased by the Government or acquired by condemnation under any powers conferred by the acts. During the leasing period intrastate service and rates are to be subject to State regulation, and interstate service and rates by the Interstate Commerce Commission.

On the ground that use is the highest form of conservation of water powers, and to discourage speculation, leases and permits are to be revocable if development is not made within a reasonable time. A moderate rental for public land used is to be paid by the power companies; also a Federal charge for the benefits derived from Government storage of water.

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[From the News, Birmingham, Ala., Mar. 14, 1916.]

THE SHIELDS BILL—LET US BE FAIR IN OUR ATTITUDE.

A good deal has been said in disparagement of the Shields bill that would permit the development of waterways by private capital. Most if this criticism has originated, it may be said, from localities that would not be directly benefited by streams far distant. Much of this criticism, too, has come from sources quite blind to the good of any utility, no matter how carefully supervised by Federal, State, or municipal authorities, that is developed by private capital. Private capital, to some mentally blind persons, is a thing worse than the black plague—a fearsome scourge meant only to rob poor persons of their daily bread. It is true that private capital at times has made malefactors of some corporations. It is the nature of great unrestricted power, unless properly regulated, to drift into devilry.

There is a cropping out here and there of the old bitterness against private capital in any shape or form that would even suggest a hastening of the illiteracy campaign. It would appear that some persons who criticize the Shields bill that has just passed the Senate are not well informed as to the purposes of the dam building which that bill would permit, nor the regulation of these privileges, nor the safeguarding of the people's interests, which are a part of it.

Under the Shields bill the Federal Government will have the strictest supervision of all water-power development.

Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government.

Intrastate business and rates of companies operating under the act are to be regulated by the States and interstate service and rates by the Interstate Commerce Commission.

The grantee is to pay a rental for public lands used and a charge for rights and privileges in use of water, these rentals and charges to be fixed at the discretion of the Secretary of War, and the money received from same to go into a special fund in the United States Treasury to be used for further improvement of waterways.

For failure to complete the works as directed or for violation of the provisions of the act or noncompliance with regulations or orders of the War Department, the grantee is subject to heavy cash penalties or to revocation of the grant.

Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or, upon one year's notice, take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance for any rights granted by the Government.

The bill also provides that no value of rights granted by the Government shall be allowed in fixing rates to consumers. Dams, locks, and other structures used primarily for improving navigation are to be exempt from taxation.

That last paragraph may irk the tempers of some folk who believe the companies that spend millions on the improvement should be heavily taxed for the privileges granted by the Government. The point is debatable. The attitude assumed in such an argument is that the people are giving something away and receiving nothing back. The argument is stereotyped, of course. It is assumed by those who, like the miser, look on their unused gold and gloat over the thought of what they could do with it if they chose to go on a high lonesome and blow it in. There are those of poetical temperament, who protested against the use of Niagara Falls, who would prefer to have the scenery remain, rather than devote the power of those falls to the service of men; those who would rather the river would babble over sharps and shingles to the end of the journey rather than let it be utilized to create great wealth for the people.

Now, this is all very well. The News is strong in the opinion that these privileges should be well paid for, and that in addition to the rentals and land charges specified in the bill the companies should be taxed, and taxed commensurately with the value of the development. But this matter was thrashed out long before the bill was introduced, and it was found that the owners of capital, considering the vast expenditures necessitated for the work, could not see their way clear to paying taxes. With that knowledge, the Shields bill was framed. The bill passed the Senate. A similar bill will be disposed of in the House, and the News trusts in a similar fashion.

Whatever those charges for land rents and water privileges may be, they will be diverted to water-power developments—perhaps to production of nitrogen on an immense scale. In the case of Muscle Shoals, which will be greatly benefited by such a development, the commercial development of Alabama is a quite natural concomitant. Greater pay rolls will follow in the path of such privileges on the Alabama and Tennessee Rivers.

No good argument has been presented against this—none that can be attributed to anything greater than congenital prejudice, a thing which Alabama must get over with if it would properly develop its latent wealth. If the companies that go to work and spend millions in this development get immensely rich in the course of years, that, too, is all right.

Let us not be selfish. Let us all be as liberal and fair as our training and vision will allow us to be.

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[From the Monitor, Concord, N. H., Mar. 23, 1916.]

The Shields water-power bill, which administration Democrats have just succeeded in driving through the Senate is denounced by Gifford Pinchot as something most outrageous. And Pinchot declares that President Wilson was fully informed of the evil character of the measure and refused to lift a finger in opposition to it. The logical conclusion of this should be that Pinchot, with all whom he can influence, will unite with the Republican Party to defeat Wilson's reelection. But Pinchot is always more prolific of language than of logic in political affairs.

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[From the Sentinel, Milwaukee, Wis., May 9, 1916.]

WATER-POWER OBSTRUCTION.

By a vote of 116 to 39 the National Conservation Congress has indorsed the Shields bill and thus such conservation impossibilists as Messrs. Garfield and Pinchot have been hit hard in the house of their friends.

If these somewhat monomaniacal gentlemen were to have their way water-power conservation would simply amount to a Government veto on water-power development.

Owing to such fanatical, unprogressive, incredibly stupid legislation, only 10 per cent of the country's enormous available water power is utilized. By imposing such impossible terms that capital can not be induced to enter the precarious field of water-power development, our immense potential source of hydroenergy is almost entirely undeveloped.

The Government can not develop it. Private capital alone can develop it. Unless the Government gives private capital a chance to develop it on reasonable terms, it will remain undeveloped.

Nothing can be more asinine, more wasteful in terms of national resources, than this governmental policy of sheer dog-in-the-manger obstruction.

Irrigation, reclamation of millions of acres of arid lands, railway electrification, great projects in the substitution of hydroenergy that would conserve the Nation's coal supply—all will be indefinitely held up, to the immense loss and detriment of the country unless the stupid and reactionary legislative shackles are removed from the water-power development opportunities.

It is most encouraging to find that the National Conservation Congress recognizes this.

Let the public interest be protected, and well protected, by all means. But it certainly is not protecting the public interest so to legislate that our magnificent water-power resources remain as undeveloped as they were when the Indians and the buffaloes roamed the country. It is precisely the reverse.

Give American energy and capital a fair chance, and a fair chance is all they ask or are entitled to.

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[From the Inquirer, Philadelphia, Pa., May 5, 1916.]

REAL CONSERVATION WINS.

Gifford Pinchot, former Secretary of the Interior Garfield, and other sentimentalists received a body blow at the meeting of the National Conservation Congress in Washington. These gentlemen, who have lived long in the East and have plenty of money, can not understand how anyone can oppose their own special views without being utterly given over to the devil of materialism. Their idea of conservation is to stop the use of all of the natural resources of the country. It is about as practical as to urge a man to keep depositing all his money in bank with the distinct understanding that it can not be drawn out for a hundred years.

The majority of conservationists in the Congress are not of that sort. They want the best possible use made of our resources and to this end have indorsed the pending Shields bill in Congress, which will release the pent-up water power of the country and put it to work. They have an interest in posterity, but they are also interested in living people. Pinchot et al. are of the opinion that this is going to give a great money devil control over the lives and fortunes of people in the West. If so, the people involved are quite satisfied. They would rather see water power at work pumping water over desert lands, which will blossom like the rose, sending light, heat, and power of various kinds to benighted sections, than that the present condition should continue.

Pinchot managed to tie up many of the resources of the West—coal, iron, pasture lands, water power, timber, etc., so that practically no progress has been made for a decade. It is a revolt from his academic and unworkable methods which has brought the real conservationists to action. The Shields bill looks to releasing water power under normal restrictions. It means much to the people of the West, where conditions depend so much on the activity of man to make nature more kindly. Such conservation as Pinchot desires, if undertaken a century ago, would have blocked the development of this country. The Western Commonwealths have no desire to be butchered to make a holiday for their great-great-grandchildren.

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[From the American, Waterbury, Conn., Apr. 14, 1916.]

MR. PINCHOT'S WEAKNESS.

Gifford Pinchot writes another letter to the newspapers—some of which print it—on the subject of the giving away by the Government of vast water powers. The Shields bill, which has just passed the Senate, Mr. Pinchot says, gives to water-power interests water power equivalent to twice the mechanical power of every kind now used in the United States—enough to meet the needs of 200,000,000 people. But the bill has not passed the House, and he says it can be defeated. He calls attention to another substitute bill in the House which he considers just as bad, and to two other bills, either in the House or Senate, which are not its substitutes. He recommends especially the Ferris bill, which has twice passed the House but got no further. He is afraid that in the conference between the two Houses, if different bills pass each House, the water-power interests will be able to bring their powerful influence to bear and obtain what they seek.

The present is a great opportunity for interests which know what they want and have the means of going after it. We don't know the merits of these different measures. Heretofore we have taken Mr. Pinchot's word for it. He was almost the original of the advocates of conservation of land, forests, water power, and whatever else was in danger of being wasted. But his zeal so led him away from general to personal causes, and he has shown himself so untrustworthy in his judgment and so hasty in some of his words and actions that we don't know how far he is speaking as the unselfish, self-sacrificing friend of the people and defender of their rights, or as the partisan in politics, the radical in theories, and the zealot whose enthusiasm confuses his common sense.

We have got to trust Congress to deal with this question, because the great popular forces which Mr. Pinchot was once able to rally behind him are now distrustful of him, and, furthermore, are so interested in one or two other vital things as to exclude questions like this, where the terms are not perfectly distinct. Still further, the public has seen some harmful results of the interference of government with private business which was brought on in a considerable degree by Mr. Pinchot's past activity, and for the time being at least is inclined to give private enterprise a chance for its life, with the risk, of course, that it will take the lives of competitors and the property of the people.

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[From the American, Waterbury, Conn., Mar. 9, 1916.]

STOPPING STRANGULATION.

What has been called the "heavy hand of strangulation" has been laid on all water-power production, but it especially affects the Northwest. The hard times are still along the Pacific coast and in that general region. One reason given by those who live there is that all private initiative is so controlled by Government or State regulation that capital can not be found for investment in new enterprises.

And no wonder. Take the State of Oregon. There are thousands upon thousands of horsepower running to waste there. A water-power company can not obtain a license from the Government that is not revocable on some excuse or other by a bureaucratic official in Washington. There is no appeal to the courts against this official. One company which did venture out into that field is said to have had a $10,000,000 investment taken away from it, and it was obliged to charge off that amount because of this bureaucratic system. What evidently is needed is that private capital be allowed to develop this water power for a given term of years without revocation, except on a court decision of the license.

This is the privilege which is granted in the so-called Shields bill which has just passed the Senate. The bill provides for the development of water power in a navigable water by providing capital, the license, issued by the Secretary of War, giving the grantee the right to operate the power for 50 years, when the plant reverts to the Government upon payment of a fair value to be determined, in the last resort, by the courts. Of course, all such water-power privileges are under the control of the Interstate and the State Commerce Commissions. This is all those interested in the development of water power have been fighting for, and if the bill now goes through the House it will raise the heavy hand of strangulation which has prevented a very necessary development.

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[From the Engineering News, New York, May 11, 1916.]

FEDERAL PERMITS FOR WATER-POWER DEVELOPMENT.

The National Conservation Association at its meeting in Washington last week voted by a large majority to approve the Shields bill, which authorizes the Government to grant fifty-year permits for the development of water power on navigable rivers. Under this bill the development of the power will be under Government supervision and the rates charged by any company which develops power will be subject to regulation by the authorities of the State in which the plant is located.

The Shields bill has been opposed by Gifford Pinchot and his associates on the ground that it is too generous in its terms to the companies which develop the power and especially that the companies receiving the permits should pay some compensation to the Government in addition to that provided in the bill. Mr. Pinchot's theory is unquestionably sound, but the difficulty lies in its practical application. It sounds reasonable to say that, if the Government is to sell or lease valuable property it should get the best price the property will bring rather than give it away. But how could a price be fixed which would be fair both to the Government and the people who invest their money in water-power development? It is easy to say that the price should be such as will leave a fair return to the company on its capital invested plus suitable compensation for the risk involved and a reward for the enterprise and industry necessary to organize the corporation and carry the work into effect.

The difficulties of carrying any such ideal plan into effect are insuperable. No engineer or financier is wise enough to predict in advance with any considerable degree of accuracy what will be the annual net earnings (or losses) of a great water-power enterprise five years, ten years, or twenty years from the date of its establishment. Unless such an estimate could be made, how would it be possible to appraise the different water-power sites and determine their present-day value or what would be a fair rate of compensation for their use? It might be possible of course, to fix by law or executive order a certain rate of compensation for all Federal water-power leases; but under such a plan only the most favorable power sites would be developed and the others would remain idle.

Everyone agrees that it is to the interests of all parties concerned and especially desirable for the conservation of our coal and oil resources that water-power development should again go forward on a large scale. The Government itself obviously can not go into the business of power development, and it ought therefore to encourage private corporations to carry forward this work and to do so at the earliest possible date.

It is this general view of the matter, we take it, that influenced the National Conservation Association at its recent meeting to reverse its action of three years ago and approve a more liberal policy toward the development of water power.

[From the Nation, New York City, May 1, 1916.]

That the National Conservation Congress should have indorsed the Shields bill by a vote of 116 to 39 is a severe blow to Pinchot, Garfield, and other extreme conservationists. There was no division upon principles, but merely upon the interpretation of the Shields measure. The majority of the Conservation Congress plainly thought that its provisions could be accepted literally and in good faith. It meant what it said in giving the Government the right to take over private water-power plants on navigable streams at the end of 50 years at actual valuation. But ex-Secretary of the Interior Garfield was certain that the bill "turns over to private monopoly public power in perpetuity. The 50 years' limitation as proposed is nothing more than a mere fiction.' The minority resolutions held that power sites should not be disposed of in perpetuity, but retained in Federal control. The majority made much of the fact that the Senate, after careful debate, had not seen in the bill the "mere fiction" of which Garfield spoke; and an even weightier consideration is that Secretary Lane has not done so. Upon details of the measure there may be disagreement, but its guaranty of a 50 years' tenure seems necessary to invite capital into a risky field.

[From the World, New York City, May 5, 1916.]

Now that the Conservation Congress has approved the Senate bill for the leasing of water power sites for a term of years, it is possible that sorely needed legislation on the subject will not be much longer delayed. A good many leaders in the movement for the preservation of the natural resources of the Nation have proceeded on the theory that rivers, mines, and forests could not be saved if they were used, and those who have disagreed with them have been denounced as no better than horse thieves. The conversion of the Conservation Congress itself to the contrary idea is a welcome sign of progress.

[From the Ledger, Columbus, Ga., Mar. 12, 1916.]

SHIELDS WATERWAY BILL.

The Ledger is impressed with the scope and apparent meaning of the Shields bill, which passed the Senate a few days ago.

Senator SHIELDS claims much for his measure, which, if enacted, he says, will be followed by early development of water powers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year, and meaning the saving of $700,000 a day in coal bills, will have a hard fight in the House.

Under the Shields bill the Government will have strict supervision of development of water power. While capital is encouraged to help develop the water power and the rivers, the Government does not relinquish supervision. The rentals are to be converted into funds for improving the waterways. The development of the water powers will center interest of the people on the waterways and will force the Government to give the waterways at least half way adequate treatment.

Some of the strong points of the Shields bill show the manner in which its enactment might bring about development of waterways throughout the country. Under its terms the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve the navigability of streams. Dams are to be built without cost to the Government and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public-utility corporations. Intrastate business and rates of companies operating under the act are to be regulated by the States, and interstate service and rates by the Interstate Commerce Commission.

A brief synopsis of the provisions of the measure, as carried in Friday's Ledger, indicates that it is the thing for the country at this time.

[From the Herald, Bristol, Conn., Mar. 17, 1916.]

The water-power bill, which has long been under discussion in the Senate, has at last been passed. It permits the construction of electric plants on navigable streams, subject to apparently very mild restrictions. As adopted the bill permits the construction of dams on navigable streams under licenses issued by the Secretary of War and gives grantees the right to operate such plants for 50 years, after which time the Federal Government may take over the plant, giving two years' notice and paying a value to be determined. Regulation of rates and service is left to the States in which the plants are located. This is a tremendously important piece of legislation, and if it becomes a law will give the new Secretary of War plenty of opportunity to exercise his legal talents. All, we believe, agree that the water powers now going to waste should be utilized to a considerable extent. But it is even more necessary to safeguard the rights and interests of the people. A really cheap and abundant electric current is a boon to any section and its utilization for a great many purposes is only a question of price to the consumer.

[From the Republican, Springfield, Mass., Mar. 16, 1916.]

SHIELDS WATER-POWER BILL.

The Shields water-power bill, passed by the Senate, is not without merit, since it would provide for the early development of 15,000,000 horsepower, more or less, now bowling to waste in the navigable streams of the United States. As Senator Shields has said, this water power is equivalent to 100,000,000 tons of coal consumed annually, at a cost of $250,000,000. Navigable streams are under the control of the United States Government and no power development in them is possible without the Government's consent. That these vast water powers should be utilized is universally admitted.

All the more reason exists for developing them now that the national danger involved in the cutting off of the supply of nitrates from abroad has followed the European war. Hitherto the indispensable nitrates used in the manufacture of gunpowder and explosives have come from Chile. It has been said very truly that—

"American farmers are paying over $21,000 a day in taxes to support the Government of Chile, in the form of export duties levied by that country upon saltpeter and nitrate of soda, while American business enterprises and capital, ready to establish the electro-chemical industries which will afford a competitive supply and lower prices, stand by helpless, bound and chained by archaic laws and conditions created before the invention of the steam turbine or the discovery of these new sciences and industries."

Nitrogen plants are needed in this country. The blockade forced the establishment of such plants in Germany and Germany now gets its nitrogen from the air. Mr. Pinchot himself has urged the speedy development of our water powers, "because without electricity generated from water power we can not manufacture nitrates and nitrates are the basis of gunpowder." The United States Government can establish its own nitrogen plants, of course. The House Army bill has a section providing for a Government plant "for the fixation of atmospheric nitrogen by the development of water power, or any other means." But the interests of the entire country comprehend much more than its military interests and, as a whole, they require the utilization of water power wherever it can be made commercially available.

The Shields bill is undoubtedly framed so as to make this field of development attractive to private capital. Leases of water-power sites on navigable streams may be secured from the Secretary of War to run for 50 years and, if the Government at the end of that time wishes to take over the plants, a "fair value" must determine the price which the Government will pay to the private owners. That an unearned increment might figure largely in the valuations 50 years hence is not impossible, and the bill is criticized as being too favorable to the water-power corporations in that particular. The debate in the Senate disclosed a group of Senators who unsuccessfully attacked the measure along this line.

[From the Record Herald, Chicago, Ill., Mar. 31, 1916.]

TIME TO GET TO WORK.

Two water-power bills are pending in Congress. The Shields, dealing with dams and power development on navigable streams, has been passed by the Senate. The Ferris, regulating the development of water power on the public lands, has passed the House and is before the Senate with many amendments.

To the latter there is violent opposition in the Rocky Mountain States, which wish to be "let alone" in dealing with water power on the public domain, which they seem to think "belongs" to them. Of course, it belongs to the whole Nation. Yet Senator SHAFROTH, of Colorado, has virtually threatened that he and his colleagues of these States will "talk it to death."

The bills may not be perfect, but in their general aim they appear to be along the lines of Secretary Lane's recommendations. It will be difficult to convince any reasoning mind that Mr. Lane would sanction a "corporation grab," though that is the charge now made against the Ferris bill by Gifford Pinchot, who has thus reversed the approval he gave the bill as it left the House.

The purpose here is neither to condemn nor uphold the bills as they stand. It is to urge that they be given full and fair consideration and that the great need of reasonable legislation be not lost sight of in acrid controversies over details. Also that no undue respect be given to the new-born affection of the Rocky Mountain region for "State rights."

The country is lagging woefully in hydroelectric development for the lack of laws under which this neglected national work can be done. Congress will fail in an important branch of national preparedness if it does not hammer out workable legislation. We have been talking about the subject for nearly a decade. It is time to agree on some plan and get to work.

[From the Ledger, Tacoma, Wash., May 5, 1916.]

WATER-POWER LEGISLATION.

The Shields water-power bill has been approved by the National Conservation Congress over the protest of Gifford Pinchot. In the debate charges were made and denied that the bill is backed by water-power "interests." Even if the bill be supported by men who are ready to engage in hydroelectric development, it does not necessarily follow that it is a bad measure. The merits or demerits of the bill should be considered on their own account, for it is probably true that no bill would command the united support of either Congress or citizens.

The Shields bill passed the Senate a few weeks ago and went to the House, where the Adamson bill was reported as a substitute. Like the Shields bill, the Adamson bill provides for 50-year permits, but the Adamson bill contains additional restrictions. For example, the grantee could not sell to one consumer more than 50 per cent of the power developed without the consent of the Secretary of War, nor could the grantee sell to a distributing company without similar consent.

Both the Shields and Adamson bills contain clauses designed to prevent combinations to fix prices or control markets.

Under the Shields bill prices of power would be regulated by the States in which the plants are situated. The Adamson bill is the same in this regard, but whereas interstate rates would, under the Shields bill, be regulated by the Interstate Commerce Commission, under the Adamson bill they would be regulated by the Secretary of War.

The Shields and Adamson bills relate to navigable streams, which are under the supervision of the Secretary of War. They contemplate the construction of dams, and where dams are constructed the grantees are required at their own expense to construct and operate canals and locks to preserve navigation.

The Adamson bill's provisions in regard to valuation of a plant at the end of 50 years, should the Government decide to take it over, are considered more specific.

It is reported that $100,000,000 is ready for investment in hydroelectric development should Congress make a law encouraging it. One proposed project on a large scale is planned for the Columbia River in eastern Washington.

The passage of the Shields bill in the Senate and the approval of the bill by the National Conservation Congress indicate that Gifford Pinchot's extreme views are not approved, and while the several changes may be yet made, it is probable that a bill favorable to power development of navigable streams will soon become a law.

There are also pending measures for the development of power on lands owned by the Government. The House and Senate have passed measures that differ, but the prospects are that the two branches will reach a compromise.

[From the News, Salt Lake City, Utah, Mar. 9, 1916.]

WATER-POWER DEVELOPMENT.

The so-called Shields bill, which passed the United States Senate yesterday, has no immediate and direct interest for the people of Utah, though indirectly it is of great importance to them, in connection with the rest of the country, as signalizing a break through the outer fortifications of the ultraconservationists. The measure provides for the development of water power by private capital in navigable streams—and of such waters there are practically none in this State. But its passage by a two-to-one majority in the upper House of Congress is a welcome indication that other measures of similar import will find more favor than has been the case in the past and that some of the country's resources, which certain radicals have determined shall be locked up indefinitely for the purported use of posterity, may be made serviceable for the utilitarian citizenship of the present.

With the wise and reasonable conservation of natural resources the best sentiment of the West is in true accord. No one now favors wastefulness or the monopolistic seizure of public property for private gain. On the other hand, there is no justice or statesmanship in leaving this property or these resources absolutely unused; and it is this extreme view, as represented in the policies which eastern theorists have caused to prevail, that excites the impatience of the growing West. The people of this important section are willing that grants and licenses and permits and privileges be safeguarded in every possible way in the public interest, but they are not willing that, provided all this is done, there shall be no use whatever of benefits which nature has placed within their reach, merely because of a fantastic fear that future generations will otherwise be robbed. The men of to-day are of opinion that the more and the better they build and utilize their advantages the more pleasant and prosperous will be the homes of their children. Mr. Gifford Pinchot and others of his school may consider this vain and foolish self-conceit, but it is the popular view just the same.

So the passage of the Shields bill is a cause of satisfaction. It is not a perfect measure; certain amendments which were proposed the News would have liked to see accepted. Furthermore, it has not yet encountered the tempestuous treatment of the lower House. But it marks a victory—partial, at least—and its further progress through the stages of legislation will be watched with the concern which its importance deserves.

[From the Duluth Herald, May 12, 1916.]

THE WATER-POWER BILLS.

The general public probably is not in a position to judge finally of the Shields bill, the ostensible purpose of which is to make it possible to develop water power to the profit of the country. It hears Pinchot, Garfield, and others condemn it as too liberal to capital and unduly generous at public expense with a great national resource, and naturally it has its doubts about whether or not the bill should become a law.

Probably the biggest help the bill has had yet is its indorsement by the National Conservation Congress by a vote of 116 to 39. To a very large extent this indorsement offsets the doubt raised by the more radical conservationists. Probably it will do away with most of the fear that has been felt of the results of the measure if it is enacted into law. There lie the water powers, latent and undeveloped. It is to the interest of the country that they be developed and put to use. Unless the Nation itself is in a position to go into the power business and develop them itself, it must look to private capital to do it. And private capital will hardly do it unless reasonable permanence and possible profit are assured. It is possible to assure these things without jeopardizing the public interest; and the sole question is whether or not the Shields bill accomplishes this. The National Conservation Congress says it does, and unless the congress has been suddenly dominated by greedy interests its word has the weight of authority.

Mr. Pinchot and Mr. Garfield are earnest, honest conservationists, and their word also carries the weight of authority. But they are extremists, and clearly it is possible for extremists to stand for such an ironclad protection of the national interest as to make it practically impossible for capital to get through it with any prospect of profit.

For our part, while we would like to see the provision regulating rates made stronger than it is, and not so much dependent on local authority which in some States is practically nonexistent, on the whole the bill seems fairer than Mr. Pinchot's construction would lead one to think it. It is of the highest importance that the development of water power be made possible. Water power is the last great public resource remaining, and in time to come it will prove the greatest of all; therefore the public interest should be carefully conserved. The Shields bill does not conserve the public interest quite so fully as we should like to see, but perhaps it is impossible to conserve it better without driving away capital and locking up the water powers for an indefinite period. The provision limiting franchises seems more definite and satisfactory than Mr. Pinchot thinks it is, and because this assures against giving away this resource for all time the Shields bill is something like its present form probably should be passed.

[From the Journal, Minneapolis, Minn., Mar. 22, 1916.]

SOLVING THE WATER-POWER PROBLEM.

The passage of the Shields water-power bill by the Senate gives ground for the hope that the House will solve the knotty problems involved by also passing the bill.

For eight years there has been a practical Federal embargo on the construction of water-power dams in navigable waters. This came about through President Roosevelt's declaration that he would sign no special water-power bills that did not provide specifically for the right of the Government to fix a charge, and for a definite limitation in time of the rights conferred.

This action forced Congress to consider general legislation covering the whole subject. But the two Houses have never been able to get together, and important water-power development has thus been greatly hampered.

The Shields bill recognizes two sorts of dams—those built by the Government to improve navigation, like the High Dam below Minneapolis, and those built by State-chartered corporations. As to the first sort, the bill provides that the Government may lease the power incidentally generated, preference being given to municipal or other public corporations. Complete control over all other dams is given to the individual States subject only to the Government's superior right to protect navigation. In case of the transmission of hydroelectric power over State boundaries the Interstate Commerce Commission has control of rates.

The only legal authority the Government has over water powers—except where it owns the land and riparian rights and builds the dam itself—springs from its constitutional right to regulate navigation. The ultraconservationists, led by Gifford Pinchot, have insisted that the Government take advantage of this right to assume complete control over all water-power improvements in navigable streams.

But the Senate—giving heed especially to the legal and practical arguments of Senator KNUTE NELSON, who has made exhaustive studies of the whole complicated question—has voted to turn the regulation of rates, the fixing of franchises, and other supervision over to the individual States, to whom it rightfully belongs. Many of the States already have utility commissions ready for the task, and, once the question is settled the others will create similar bodies.

The Shields bill will settle only half of the water-power problem. It will help the older States of the East and South to push much-needed water-power development. Legislation must still be perfected to define the process by which development of powers in the public-land domain of the Western States may be made.

It will be noted that in the bill passed Senator NELSON has provided for the granting of authority to the Secretary of the Treasury to lease the power generated by Government dams, like the High Dam, preferably to public corporations. This provision, if it becomes law, will remove the last obstacle to the use of the High Dam power by the university and the Twin Cities. * * *

[From the Ione News, Ione, Wash., Mar. 17, 1916.]

The Colville Examiner says the passage of the Shields bill by Congress means "activity on the banks of streams where now ishemen and woodticks have sole possession" and reads into it an increased prosperity of the whole Columbia Basin. Everyone seems to realize something of the wide range of benefits to be derived from extensive power development on the Pend Oreille save poor old short-sighted Spokane, and there the hammer will be handy by until the Washington Water Power has been handed all the fat contracts it can fill for years to come and they consider it safe to let some one else in to take care of the lesser business. And, still, Spokane stands to win large stakes on the development of Z Canyon, though she can't see it; if she did there might be some aid offered by the city's press, its chamber of commerce, some of its clubs, and perhaps even its illustrious Senator, MILES POINDEXTER. Spokane never misses a chance to promote anything when there is a sure thing of getting ten dollars back for every one spent.

[From the Evening Wisconsin, Milwaukee, Wis., Apr. 24, 1916.]

Herman B. Walker, writing in the interest of the Water Power Development Association, calls attention to a serious misstatement which is in circulation with reference to the Shields bill, now before Congress. This is that the bill proposes to give away water-power sites in perpetuity, whereas, on the contrary, it provides that after the end of a term of 50 years the original grantee shall continue in possession until the United States, upon 2 years' notice, proceeds to take over the plant for its own use or for other disposition. Another criticism of the bill is that it proposes to make power grants without compensation to the Government. Mr. Walker submits that there is an excellent reason why water-power companies should not pay rental for grants or leases of water powers or power sites. The only reason for developing water powers is to generate cheap power. The cheaper this power the greater will be its development and use. Regulation of rates provided for by the Shields bill guarantees that these cheaper rates will reach and benefit the consumer. Even if there were no provision for regulation, it is a fact that no power user will buy water power if he can make power cheaper by steam, and every cent added to the cost of generating power, from whatever source, must be paid by the consumer. To charge the power companies rental or taxes for the use of water power or power sites means only to add an item of expense which regulating commissions will have to allow for in fixing rates to the consumer. Instead of there being no reason why power companies should not be charged for rentals, there really is no good reason why they should be charged for such use of public property.

[From the Spokesman-Review, Spokane, Wash., Apr. 23, 1916.]

RESENTS FIGHT ON SHIELDS BILL—EDITOR READING SEES INLAND EMPIRE PROSPERITY IF WATER POWER IS DEVELOPED—UNITED STATES IS FALLING BEHIND—EUROPE NOT SO HAMPERING ON CAPITAL—NATIONAL-DEFENSE MONEY NEEDED HERE.

To the EDITOR OF THE SPOKESMAN-REVIEW:

In a Spokane evening paper of April 7 there appears an editorial on the likelihood of the lower House of Congress defeating the Shields water-power bill, and the tone of the editorial is in justification of their action, if they should do so. Three reasons are offered in this editorial

why it would be quite as well for the inland empire were the Shields bill not passed, and I would like to enter against these a brief argument.

It is stated the bill is against the welfare of the public in that at the end of the 50-year least the Government will have to go through a difficult process to obtain title to the properties should they wish to take over the ownership of the power sites, as the bill provides. Is it proper that ownership to an enterprise built up by private investment of at least $10,000,000 should come through any other process than one which would assure justice and equity to the property holders as well as the public? And as the Government would be called upon to determine the value of an exceedingly small number of such power sites, scattered over an indefinite range of years, could it ill afford to spend whatever time was necessary to determine such values with absolute certainty, though it required some time and care to do so? Consider how much time and expense is now being spent on making a valuation of the railroads. The effort on the part of the Government to secure a reversion of title to these plants will not begin to compare in tediousness and complexity with what investors are called upon to go through with to secure title to the bare sites under present conditions.

NOT ENOUGH RETURN TO UNCLE SAM.

The second assertion is that a sufficient compensation is not returned to the Government. By whom would this compensation be returned to the Government? By anyone but the consumer—the public for whom the Spokane paper asks protection? Will not rental fee be charged, together with cost of operation, upkeep, and so on, when the Government determines what the proper rate will be for the power concerns, which develop these power sites in the public domain, to place upon their electric current?

Must we disregard tax returns upon new millions invested, as well as tax returns on an extent of correllated developments about which we know nothing? Must we lay aside the consideration of increased income to wage earners now idle and the building up of regions now a barren waste?

EUROPE GOING AHEAD OF US.

The last statement is that development of these powers will come without new legislation. Not so, if past history is a criterion. In refutation let me repeat the statement which is made upon eminent authority that less than 140,000 horsepower has been developed during the last 10 years on navigable streams in the United States. During this 10-year period Europe made its greatest advancement in water-power development—the United States could not, because capital was not available for so precarious an investment as our laws had made water-power development. Europe developed in one year, on an average, nearly as much as we did in all 10 years.

The average size of power plants installed under the present revocable grant in the national forests was 6,000 horsepower. Is there any use to talk electrochemical or electrometallurgical processes and hitch them to 6,000-horsepower dam sites? Permits for a total of 1,500,000 horsepower were granted in the United States during that 10 years, but none of them were built. That doesn't look as though development would take place without new legislation.

The Secretary of War says this country needs facilities for producing nitric acid more than any other single need, perhaps, as a matter of defense. Then why quibble about whether it will be easy or hard to secure a reversion of title to the Government in 50 years, so long as it will be possible to do so? Why not bring some of the national-defense money to the inland empire, since it is the cheapest place the Government can spend it for manufacturing ammunition? What is the reason our inland empire press is so active against the biggest hope we have, the Pend Oreille Valley?

ARNOLD READING,
Editor Ione News.

IONE, WASH., *April 11.*

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[From the Spokesman-Review, Spokane, Wash., Mar. 3, 1916.]

ALLEN FAVORS SHIELDS BILL—IONE CITIZEN WANTS WATER POWER DEVELOPED SPEEDILY.

To the EDITOR OF THE SPOKESMAN-REVIEW:

It seems to me the inland empire is strangely silent over the water-power development controversy being fought out in Congress.

This district, perhaps more than any other in the United States, is rich in water-power possibilities, large and small, directly affected by the proposed legislation. It is stated by people who think they know that two great powers—Priest Rapids and Z Canyon—are slated for immediate development in case of favorable legislation. This would mean immediate expenditure of many millions and would create business opportunities this district has been sighing for for many a day.

Most of us have taken blindly the opinion of Mr. Pinchot that the Shields bill is "iniquitous" and that the rights of the public are forever lost if that bill goes through.

I have carefully read and studied the Shields bill, and it seems to me to provide in very simple language for the taking over of the power plants at the end of 50 years at a reasonable price, if the Government shall at that time think it advisable to do so, and a very important point is that the Government is in no sense obliged to do so unless conditions shall then make it seem wise to do so.

In regard to the rental power companies should pay for using the water, it seems to me that if they are obliged to pay a rental of, say, $1 per year per horsepower that that would be fair, and enrich the Public Treasury considerably. But, on the other hand, they will simply add that dollar in their bill to the manufacturer who buys the power from them. The manufacturer will add that dollar and another two or three to the price of his goods. And the "ultimate consumer" will pay another indirect tax in just the same manner that we now do when we sweeten our coffee or smoke a cigar. So why does that point make any real difference to us?

Mr. Pinchot is probably a brilliant theorist, but he has never done this district any large amount of good by his beautiful theories, and if his opposition to the development of the water powers should mean the delay of even one year in development (especially now, when the time seems to have come when the capital is ready to invest) he will have accomplished more waste, more harm and loss than any German submarine had done to date in that length of time.

RAYMOND ALLEN.

IONE, WASH.

[From the Spokesman-Review, Spokane, Wash., Mar. 3, 1916.]

KENNEWICK BACKS SHIELDS MEASURE—COMMERCIAL CLUB SENDS MESSAGE TO SENATORS URGING SUPPORT OF POWER BILL—NEW PROJECTS ARRESTED—FINANCIERS SAY PRIVATE CAPITAL WILL NOT BE INVESTED UNTIL BILL BECOMES LAW.

KENNEWICK, WASH., *March 2.*

The commercial club in a special session last night passed a resolution favorable to the Shields navigable stream power measure now pendling in the Senate, and sent telegrams to Senators POINDEXTER and JONES urging them to support the bill without amendments.

It was reported at the meeting that the bill would be passed upon within the next few days and that the securing of its passage was of the utmost importance to eastern Washington development.

The bill, unlike the Jones bill, deals alone with navigable streams; it provides for a tenure of permit of 50 years without power taxation, whereas the present laws only provide for 10 years, and places a tax on the power developed. It was brought out at the meeting by men interested in irrigation and power development that to secure the investment by private capitalists in the power projects of eastern Washington it was essential the bill be passed.

Local people are interested in securing the development of the power sites at Priest Rapids in the Columbia and Five Mile Rapids in the Snake.

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[From the Manufacturer, Baltimore, Md., May 4, 1916.]

MR. PINCHOT'S WATER-POWER ACTIVITIES SIZED UP.

It is interesting to note that at least one leading paper in the South, the Montgomery Advertiser—possibly there may be a good many others—is able to size up Mr. Gifford Pinchot's so-called conservation work at about its full value. Nothing but the minus sign is able to express it. Mr. Pinchot has unfortunately been able to do this country an immense amount of harm, because in the day when he most flourished the country was obsessed with the idea that everything put out in the name of "reform" was the final word of goodness and perfection.

The country has of late been coming to its senses. Some of the fever of hysteria which produced more or less incapacity to think straight and to see straight has been losing its hold. The mob spirit has been dying out, fortunately for the welfare of the Nation, and as the mob spirit and the hysteria which prevailed pass away Mr. Pinchot and those of his ilk become objects of ridicule instead of being objects of worship, as they were for a while when, under the delusion which was sweeping over the country, newspapers and the public generally were ready to swallow all of the legislative decoctions prescribed by these doctors of know-it-all.

The Government very properly endeavors to lessen the evils of the patent-medicine business and of food adulteration by its pure-food act. The majority of reputable newspapers are more and more inclined to refuse patent-medicine advertisements on the ground that many of these medicines are a curse rather than a blessing to those who by broad advertising are fooled into swallowing them. It is a pity that the Government can not in some such way, not contrary to human rights, regulate the mental poison which is so vigorously ladled out to the country, and it is a pity that the newspapers who refuse to accept many patent-medicine advertisements are still willing to give their space free to the poison which emanates from the factories of misinformation, prejudice, and hatred, and which has been taken in such large doses by many of our people to the great injury of their minds and their souls and the twisting and distorting of their mental faculties and the permanent injury of the whole country.

We are glad to see that the Montgomery Advertiser fully understands the situation, and in a recent issue, under the heading of "Mr. Pinchot and our water power," touches up this would-be regulator of all human affairs as follows:

"We have received on some elegantly embossed stationery a neat letter from our regular correspondent, Mr. Gifford Pinchot. You remember, of course, the brothers Pinchot—Amos and Gifford?

"They are the brothers of means who had one rip-roaring time during the radical days of the Roosevelt administration. Gifford, the letter writer, was in the conservation department under the Roosevelt and later under the Taft administrations until he resigned himself out of the Taft administration. What a time the two brothers had in the mad, glad days of 1912! Nobody except the colonel made quite so much noise during the battling at Armageddon.

"Mr. Gifford Pinchot, in his correspondence with the Advertiser, reveals himself as the jealous guardian of the conscience of the country on the issue of conservation. In his last letter he tells us explicitly:

"'The iniquitous bill giving away the water power on our navigable streams, about which I wrote you on February 15, has been driven through the Senate, but it has not passed the House. There is still a good chance not only to stop this raid on public property but to pass a fair and honest water-power bill in its place.'

"Again the frightened watchman on the tower exclaims:

"'I am asking for your help once more to get the House to pass a good bill and then to stand by it, no matter what the conference may do. If the House stands firm, the people will win this fight; but the House needs to know that the people are behind it.'

"In order that Mr. Pinchot may have no illusions as to the stand of the Advertiser and the people of this section on the Shields bill, we will inform him that if there was any doubt as to how the Congressman of this district stood upon the measure, the editor of the Advertiser would sit down and write him the strongest letter he could compose, urging him, the Congressman, to use every means he honorably could to secure the Shields bill's passage, so that we could free and develop our paralyzed resources.

"Representing the sentiment of his district, the second district Congressman is friendly to the Shields bill. In fact, every Member of Congress from this State and the two United States Senators are staunch supporters of the measure which promises to open to development at last our great water-power resources.

"Mr. Pinchot's propaganda falls upon stony ground in Montgomery and in this section. We have not forgotten that Mr. Pinchot's views prevailed when President Taft was induced to veto the bill for the development of Lock 18 on the Coosa River. The ideas of Mr. Pinchot and his group of theorists so influenced the administration that the President blocked the plans already under way for the building of that dam a few miles above Wetumpka.

"By that veto Montgomery lost cheap electrical power for every purpose; a possible manufacturing development was halted. What is

more, and what is clear and definite, Montgomery lost the nitrate plant for the building of which arrangements had already been made. The option on the land for the site of this building had been secured, and the structure itself was being planned.

"It is difficult to conceive of any enterprise which would have meant more in material and commercial terms than this nitrate factory. It would have been established in the center of one of the great agricultural sections of the country, and farming would have been greatly accelerated. The unforseen war came on. If we had had a nitrate plant in this city it would probably have been quadrupled to meet the increased demand for nitric acid for the making of explosives.

"The bill was vetoed. The promised capital was frightened out of Alabama. The nitrate plant was built in Canada, which country does not seem to be infested with well-intended but harmful agitators. Canada has a plant employing hundreds, perhaps thousands, of men, the output of which is bringing money from all sections of the world; and Montgomery is left with a bad taste in her mouth.

"Mr. Pinchot can employ his energy to better purposes elsewhere. We have had an object lesson here. What we want throughout Alabama is the development of our vast water-power resources. We would have the Government do it if the Government were willing. But if the Government can not and will not develop it, then we want the Government to give the chance to men who are willing and able to do it.

"The Creek Indians inaugurated our present policy toward water-power development. They used the rapids for fishing and hunting; and for unnumbered years the Coosa has tumbled over its rocky bottoms, useless to mankind. Mr. Pinchot may favor a continuance of the policy of the Creek Indians; we do not."

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[From the Oregonian, Portland, Oreg., Apr. 28, 1916.]

PINCHOT BLOCKS THE TRACK.

Gifford Pinchot continues his propaganda in favor of legislation which will hasten Federal control of water power and which will exact a rental that must surely be paid by the consumer. He sends to newspapers all over the United States letters denouncing the Shields bill and all other bills which do not coincide with his views and grossly misrepresenting their provisions.

In a letter received recently by an Oregon newspaper he says of the Shields bill:

"This bill turns over to the power interests water power equivalent to twice the mechanical power of every kind now used in the United States, or enough to meet the needs of 200,000,000 people. This it does in perpetuity, although pretending to limit the grant to 50 years."

It does no such thing. It authorizes the Secretary of War to grant permits for 50 years, to continue beyond that period only until he grants a new permit to a new lessee or until the Government takes over the plant. If water power is to be developed, to whom should it be turned over but to the water-power interests? The bill provides for strict regulation of rules and service by the States, in which that authority is vested by the Constitution. The water-power interests will be unable to use their privilege to the public injury if the people elect competent and faithful public servants.

Mr. Pinchot commends the House substitute to the Shields bill as making no perpetual grant, but he says:

"Nevertheless, it is not yet a good bill. For example, it gives away the public water powers without compensation. There is no reason why the water-power corporations should not pay for what they get. The rest of us do."

The House bill does not give away the public water powers without compensation, nor does the Shields bill. Both bills intrust the water powers to lessees for development for the public interest under restrictions which would prevent the companies from including in their charges to the public any allowance for the use of that which costs them nothing. If the power interests are compelled to pay compensation, the amount they pay will be added to the rates which they charge to the public. The States would sanction that addition; if they did not, the power companies would be unable to obtain capital and the water power would remain undeveloped. By insisting on a charge for water-power leases, Mr. Pinchot proposes to place a burden on the public, not on the power companies. The only effect on the latter would be to limit the possibility of their developing power by enhancing the cost of production and consequently the rates paid by the consumer and the available market.

Any charge for the water rights should be made by the States, not by the Federal Government. The jurisdiction of the United States is limited to the safeguarding of navigation; subject to that limitation, the jurisdiction of the States is indisputable, having been upheld by the United States Supreme Court for a century.

The only true statement in Mr. Pinchot's letter is this:

"What the people need is water-power development on equitable terms without further delay."

It is preceded, however, by the false statement that "in the last eight years the water-power interests have killed eight water-power development bills that were fair both to the corporations and to the public." Those bills were unfair to the corporations, the public, and the States. They imposed impossible terms on investors and burdensome charges on the public; they usurped the sovereignty and confiscated the property of the States. The delay has been caused by the insistence on these conditions by the Pinchot fanatics. If Congress will push Mr. Pinchot off the track, the water-power train can go ahead. He is the obstructionist.

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[From the Oregonian, Thursday, May 4, 1916.]

TURNING AGAINST PINCHOT.

Proof accumulates that the sober common sense of the people is turning away from the extremes of restriction and Federal control which characterize the Pinchot conservation policy. The first striking proof is the passage by the Senate of the Shields bill for development of water power on navigable streams. The latest is the indorsement of that bill by the majority of a committee of the water-power congress, in face of determined opposition from Mr. Pinchot and his adherents.

The turn of the tide against Mr. Pinchot can safely be ascribed to his fanatical insistence on certain legislation and to his absurd denunciation of all opposition as arising from certain selfish private interests. The Shields bill is the best example of Mr. Pinchot's incapacity to find merit in any measure which does not square with his views or to find virtue in any man who does not entertain those views. That bill is not the bill of either party to the conservation controversy, nor even of the Senator whose named it bears. It was practically drafted by the Senate itself and is the work of reasonable men, whose leanings varied, but who were united in the desire to facilitate development and at the same time to protect the public interest.

This is apparent from a study of the vote on its final passage. It was supported by 27 Democrats and 19 Republicans and was opposed by 14 Democrats and 8 Republicans. There was no partisanship in that vote, and there was no sharp alignment for and against it of men who have opposed and favored the policy hitherto advocated by the conservation congress. There were in the majority 17 Democrats from the South who were doubtless prompted to support the bill by its careful regard for the rights of the States, but it commended itself both to Senator SHAFROTH, of Colorado, one of the staunchest western champions of these rights, and to Senators WALSH and MYERS, of Montana, who have upheld Federal control. Senator CLARK, who has upheld the Pinchot cult, appears among the Republicans of the majority side by side with Senators JONES and SMOOT, who have rejected that cult. The minority against the bill includes such out-and-out Federalists as Senators CHAMBERLAIN and LANE among the Democrats and Senators GRONNA, CUMMINS, KENYON, LA FOLLETTE, and NORRIS among the Republicans, but it also includes Senators BORAH and WORKS, who have been the severest critics of the Pinchot idea. The fair inference is that the bill does not please extremists of either camp, but satisfies the moderate, reasonable men of both.

The unfounded character of Mr. Pinchot's attacks on the bill is shown in an open letter which the Water Power Development Association has addressed to President Wilson urging him to use his influence in its favor. That association is composed of manufacturers of machinery and other material used by power companies, and is interested in settlement of the question through the injury done to the business of its members by suspension of development. It pronounces "wholly untrue" Mr. Pinchot's statement that the Shields bill "gives the use of enormously valuable public property to the water-power interests without compensation." It admits that no Government tax for revenue purposes is imposed, but it shows that upon demand of the Secretary of War a grantee under the bill is required without expense to the United States to construct "a lock or locks, booms, sluices, or other structures for navigation purposes, in accordance with plans, specifications, and conditions approved by the Secretary of War and made a part of such permit."

In case navigation facilities are not made a part of the original construction, whenever the United States deems them necessary the grantee must deed the necessary land free of cost and give free right of way and free power for operation and also must pay reasonable charges for the benefits accruing from headwater improvements constructed by the Government. In the case of one plant already constructed under existing law the holder deeded to the Government a canal and lock which had cost $2,000,000. That is very material compensation.

It was charged by Mr. Pinchot that the bill made it "practically impossible for the people to take their own water powers back into their hands." The bill limits permits to 50 years, and provides that at any time after that period the Government may recapture the plant upon giving two years' notice, either for its own use or for a new grantee. That provision is almost identical with the one in the Ferris bill, which Mr. Pinchot indorses.

The statement that the bill "interposes every possible legal delay between the violation of a Government permit and the chance of effective enforcement" is met by citing the provisions imposing a fine of $1,000 for every violation of the law, of the conditions of a permit, or of a War Department regulation, giving United States district courts summary jurisdiction in such cases and authorizing revocation of permits in case of persistent violation.

Mr. Pinchot must have been blind when he said the bill "fails to require the necessary publicity and uniformity of accounts, and so makes the effective supervision of water-power corporations impossible." Section 7 authorizes the Secretary of War "to provide rules and regulations for uniform accounting, to examine all books and accounts, to require them to submit statements, representations, or reports, annual or special, including full information" as to every detail of their business.

The bill does not, as Mr. Pinchot says, give "to the water-power interests the right to condemn or take any land they choose," for the Secretary of War must first be satisfied regarding the qualifications of the grantee and the appropriateness of the project.

Against the bill it is also alleged that it "forces the people, when they take back the public property whose use they have granted, to pay the unearned increment on land condemned or otherwise acquired by the grantee." The bill clearly provides that "no value shall be claimed by or allowed to the grantee for the rights hereunder granted," which are the public property in question. For other property, which includes not only land condemned or otherwise acquired but all improvements made thereon the bill requires the Government to pay "the fair value." Even the single-tax theory, of which Mr. Pinchot is a devotee, would not deny fair value for the improvements. The only unearned increment remaining in question would be that attached to land acquired by purchase or gift from private parties. To appropriate to the community this part of a power company's property without applying the same principle to all other property would be manifestly unjust, especially as the increased value would be the direct result of the company's improvements.

In approving the Shields bill the majority of the Conservation Congress committee has approved a measure which conforms to the sound principle of conservation with use. In opposing that bill, Mr. Pinchot has shown himself possessed of the egotistical fixed idea that his way is the only right way. That marks him as a fanatic who is unworthy of attention.

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NATIONAL CONSERVATION CONGRESS,
Washington, May 4, 1916.

The report of the water power nitrophosphate committee made to this convention upon the subject of water-power development adopted by a vote of 116 to 39, contains a statement in these words:

"We have full faith in the sovereign power of the Government, and believe that orderly conduct in water-power matters can be served by precisely the same methods as have so long proved effectual in the orderly conduct of the ordinary police matters. There are those who would impose upon the development of water power advance penalties for the presumptive doing of wrong. They consist of limitations in operation, in market and in property title. They promise confiscation of property, unrestrained taxation, and speculative securities. In the sovereign control of water power as in the sovereign control of everything else, the guilty should be punished and the innocent should be encouraged, but the progress will be made by assuming at the outset that the innocent will soon become the guilty, and therefore all should be placed under restrictions that make success impossible.

"Summing up the whole matter and having due regard for the present vital needs for power development as related to national defense, the cost of food, and our comfort and convenience in all departments of life, we believe that our duty will not be completed unless we make definite and concrete recommendations as to the future. This course does not necessarily involve participation in political issues or any unwarranted interference with legislative procedure. There are before Congress two water-power bills which comprise the best thought of the day and represent a reasonable common ground upon which all may safely stand for the present at least.

"In view of the acute necessities of the present, we urge such action by the Congress of the United States as will result in immediate water-power development, and inasmuch as H. R. 408, as reported by Mr. MYERS, chairman of the Committee on Public Lands of the United States Senate, with amendments, on March 14, 1916, rendering available water-powers on public lands, and S. 3331, as passed by the United States Senate on March 8, 1916 (commonly knowns as the "Shields" bill), relating to navigable streams, contain provisions adequately safeguarding the interests of the public and the rights of investors, we hereby indorse both of these measures in principle and express the hope that they may be speedily enacted into law."

THREE-TO-ONE VOTE SHIELDS BILL RECEIVES INDORSEMENT OF CONSERVATION CONGESS.

WASHINGTON, D. C., *May 4.*

By indorsing the measure on a test vote, which resulted in a 116 to 39 victory, the Shields water-development bill, which recently passed the Senate by more than a two-to-one vote, now bears the official approval of the National Conservation Congress. Gifford Pinchot, who at the last congress three years ago, defeated a proposal somewhat similar, vainly fought this action. Charges that the convention was packed by the power interests were made and denied. The vote, 116 to 39, came after the divided committee report had been debated. The minority report opposed indorsement of any legislation and demanded a declaration of principles, holding that power sites shall be retained by the Government and that all water-power development shall be under public control.

The Pinchot delegates charged that the congress had been called to create sentiment favorable to the Shields and Myers bills, and that it did not represent the true conservation sentiment of the country. Mr Pinchot declared special interests were trying to mold the congress into a lobby for water-power legislation. "This shows to what lengths the interests are prepared to go to further legislation to serve their own particular interests."

Mr. Pinchot's argument was badly shattered when it was demonstrated on a rising vote that of the 116 delegates who voted to indorse the Shields water-power bill 32 only were either directly or indirectly interested in the development of water power. This effectually set at rest the accusation that the water-power interests had "packed" the convention.

[From the Post, Washington, D. C., May 5, 1916.]

THE WATER-POWER CONTROVERSY.

Why is it whenever the ideas of the restrictionists in the school of conservation are rejected at a conservation convention the cry is invariably raised that the majority was subservient to the "water-power monopoly"? At the present convention of the National Conservation Congress a committee assigned to draw up resolutions returned a majority report approving of the Shields and Myers bills for the development of water power. The Shields bill was passed in the Senate by a majority of more than two to one. It is hardly conceivable that so large a majority of the United States Senate could have come under the influence of the so-called "water-power monopoly."

Yet the approval of the Senate bill by the committee of the National Conservation Congress was immediately denounced by Mr. Pinchot and Mr. Garfield as a surrender to "the interests." The vote of the convention itself indorsing the Senate bills was 116 to 39. A list prepared to show the number of men in the convention identified with various power interests certainly does not account for any considerable portion of the 116 degelates who voted in favor of the Senate bills and against the restrictionists' ideas of conservation.

There is no charge that the delegates who voted against Mr. Pinchot were elected or appointed in a manner different from the procedure in the case of the delegates who supported Mr. Pinchot. The organization formed by Mr Pinchot many years ago should not be abandoned, as the former Chief Forester says it ought to be, merely because real conservationists are now taking part in its deliberations.

The water-power interests deserve no special consideration. When various interests advocate the expenditure of millions of dollars of the Government's money for a nitrate factory, to be run by private interests, short shrift should be given to them. But the followers of Mr. Pinchot should not cry "wolf" every time their ideas are rejected in a convention presumably made up by honest men divided merely by differences of opinion as to the best way to serve the public.

CALIFORNIA & OREGON RAILROAD LAND GRANTS.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 14864, entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon,' approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, and 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 9 of the bill, in line 11, after the word "residing," insert the following: "whether such lands shall be of class 2 or class 3 and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The timber on lands of class 2 shall be sold for cash by the Secretary of the Interior, in cooperation with the Secretary of Agriculture, or otherwise, to citizens of the United States, associations of such citizens, and corporations organized under the laws of the United States, or any State, Territory, or District thereof, at such times, in such quantities, and under such plan of public competitive bidding as in the judgment of the Secretary of the Interior may produce the best results: *Provided*, That said Secretary shall have the right to reject any bid where he has reason to believe that the price offered is inadequate, and may reoffer the timber until a satisfactory bid is received: *Provided further*, That upon application of a qualified purchaser that any legal subdivision shall be separately offered for sale such subdivision shall be separately offered before being included in any offer of a larger unit, if such application be filed within 90 days prior to such offer: *And provided further*, That said timber shall be sold as rapidly as reasonable prices can be secured therefor in a normal market.

"The Secretary of the Interior shall as soon as the purchase price is fully paid by any person purchasing under the provisions of this section issue to such purchaser a patent conveying the timber and expressly reserving the land to the United States. The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall be designated in the patent; all rights under said patent shall cease and terminate at the expiration of said period: *Provided*, That in the event the timber is removed prior to the expiration of said period the Secretary of the Interior shall make due announcement thereof, whereupon all rights under the patent shall cease.

"No timber shall be removed until the issuance of patent therefor. All timber sold under this act shall be subject to the taxing power of the States apart from the land as soon as patents are issued as provided for herein."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: On page 9 of the bill, in lines 1 and 2, strike out the words "by the Secretary of the Interior"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: After the comma inserted at the beginning of said amendment, strike out the words "after which" and in lieu thereof insert the word "thereafter"; and, on page 14 of the bill, in line 5, omit the period after the words "United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Twenty-five per cent of the remainder shall be paid to the State treasurer of the State in which the land is located, to be and become a part of the irreducible school fund of the State; 25 per cent shall be paid to the treasurer of the county for common schools, roads, highways, bridges, and port districts, to be apportioned by the county courts for the several purposes above named; 40 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act; 10 per cent shall become a part of the general fund in the Treasury of the United States; and of the balance remaining in said Oregon and California land-grant fund, from whatsoever source derived, 25 per cent shall be paid to the State treasurer of the State in which the land is located, to be and become a part of the irreducible school fund of the State; 25 per cent shall be paid to the treasurer of the county for common schools, roads, highways, bridges, and port districts, to be apportioned by the county courts for the several purposes above named; and the remainder shall become a part of the general fund in the Treasury of the United States"; and the Senate agree to the same.

GEORGE E. CHAMBERLAIN,
C. S. THOMAS,
THOMAS STERLING,
Managers at the conference on the part of the Senate.

SCOTT FERRIS,
E. T. TAYLOR,
I. L. LENROOT,
Managers at the conference on the part of the House.

The report was agreed to.

SELECTION OF LIEU LANDS BY WYOMING.

Mr. WARREN. Mr. President, has morning business closed?

The PRESIDING OFFICER. It has not. The introduction of bills and joint resolutions is still in order. If there is none, concurrent and other resolutions are in order. If there be no concurrent or other resolutions, the morning business is closed.

Mr. WARREN. Mr. President, I have a short bill, which is entirely local in its nature, applying to the State of Wyoming, which I think will lead to no discussion. I ask unanimous consent for its present consideration. I refer to order of business 411, being Senate bill 4282.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent for the present consideration of a bill, which the Secretary will read by title.

The SECRETARY. A bill (S. 4282) to permit the State of Wyoming to relinquish to the United States lands heretofore selected, and to select other lands from the public domain in lieu thereof.

Mr. SIMMONS. Mr. President, if the bill does not lead to debate I shall not object.

Mr. WARREN. I do not expect the bill to lead to debate. It is a matter which the State of Wyoming desires and one which the Interior Department has approved and which the Committee on Public Lands has unanimously approved.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, in section 1, page 2, line 16, after the word "unappropriated," to insert "unreserved, nonmineral," and in line 21, after the word "held," to insert:

Provided, That the total area of lands so reconveyed and selected under the provisions of this act shall not exceed 100,000 acres, and that selections shall be restricted to lands not heretofore sold by the State: *And provided further*, That such selections shall be made within a period of three years from the date of the approval of this act.

So as to make the section read:

That upon the delivery to the Secretary of the Interior by the State of Wyoming of its properly executed and duly recorded deed or deeds conveying to the United States of America in fee simple any lands heretofore selected by and certified to said State in satisfaction of the grant by the United States of America to said State for the erecting of public buildings at the capital of said State; for university purposes in said State; for an agricultural college in said State; for the establishment, maintenance, and support in said State of the insane asylum in Uinta County; for the penal reform or educational institution in Carbon County; for the penitentiary in Albany County; for the fish hatchery in Albany County; for the deaf, dumb, and blind asylum in Laramie County; for the poor farm in Fremont County; for the hospital for miners who shall become disabled or incapacitated to labor while working in the mines of the State; for public buildings at the capital of the State; for State charitable, educational, penal, and reformatory institutions, and indemnity school lands, under the provisions of an act entitled "An act to provide for the admission of the State of Wyoming into the Union, and for other purposes," approved July 10, 1890, the said State shall be authorized and permitted to select, from the unappropriated, unreserved, nonmineral public lands of the United States in said State, an equal number of acres so reconveyed by said State to the United States, in the same manner, for the same purposes, and subject to the same conditions and limitations under which the lands so reconveyed were selected and held: *Provided*, That the total area of lands so reconveyed and selected under the provisions of this act shall not exceed 100,000 acres, and that selections shall be restricted to lands not heretofore sold by the State: *And provided further*, That such selections shall be made within a period of three years from the date of the approval of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEMENT OF APPROPRIATIONS AND EXPENDITURES.

Mr. SIMMONS. Mr. President, I desire to submit certain tables and explanatory statements relating to appropriations and expenditures of the Government during the fiscal years 1907 to 1916, inclusive, which I ask may be printed without reading.

The PRESIDING OFFICER. Such will be the order, without objection.

The matter referred to is as follows:

Total of all appropriations, including estimated permanent annual, which includes sinking-fund requirements, and postal, payable from postal revenues.

Year.	Amount.	Increase.	Decrease.
1907	$881,925,644	.....	.....
1908	919,163,823	$37,240,179	.....
1909	1,006,431,727	87,267,904	.....
1910	1,044,433,624	38,001,896	.....
1911	1,039,550,017	.....	$4,883,607
1912	1,022,739,949	.....	16,790,068
1913	1,021,349,991	.....	1,409,958
1914	1,098,602,066	77,252,075	.....
1915	1,122,471,919	23,869,253	.....
1916	1,114,490,704	.....	7,981,215

Increases in appropriations.

FIVE YEARS UNDER REPUBLICAN PRESIDENT, SENATE, AND HOUSE.

Period.	Increase amount.	Percentage.
1907 to 1912	$140,806,305	16
Average annual	28,161,261	3.2

TWO YEARS UNDER REPUBLICAN PRESIDENT AND SENATE AND DEMOCRATIC HOUSE.

1912 to 1914	$75,862,117	7.4
Average annual	37,921,058	3.7

TWO YEARS DEMOCRATIC PRESIDENT, SENATE, AND HOUSE.

1914 to 1916	$17,888,638	1.4
Average annual	7,944,319	.7

NOTE.—It must be noted that the appropriations made for the fiscal year 1914 were based upon estimates prepared and submitted to the Congress by Secretary of the Treasury MacVeagh. The estimates were the largest submitted for over 45 years, amounting to $823,410,000, exclusive of the postal appropriations. The appropriations based upon these estimates were made by the Taft administration and prior to March 4, 1913, the date of the inauguration of the present administration. The total appropriations for 1914, exclusive of postal, amounted to $812,283,000—being $11,200,000 less than the estimates, but was the largest appropriated for any one year in over 45 years. The present administration did not disburse $86,100,000 of the appropriations of $812,283,000 for 1914.

In the above table the postal appropriations, payable from postal receipts are included. This is hardly fair. The receipts from postal revenues are increasing rapidly, on account of the extension of the regular Postal Service and of the Parcel Post Service. This appropriation simply covers these receipts and they are not included in the net ordinary receipts of the Government.

TOTAL, EXCLUSIVE OF POSTAL.

The following table shows the total appropriations of the Government, not including postal, nor the sinking-fund requirement.

Year.	Amount.	Increase.	Decrease.
1907	$662,510,567	.....	.....
1908	648,625,764	$16,115,197	.....
1909	723,710,542	75,084,778	.....
1910	748,287,759	24,577,217	.....
1911	733,725,390	.....	$14,562,369
1912	703,125,486	.....	30,599,904
1913	689,938,602	.....	13,186,884
1914	731,597,940	.....	.....
1915	744,977,632	.....	6,620,908
1916	739,522,065	.....	5,454,967

Annual increase.

Period.	Amount.	Percentage.
Republican—1907 to 1912	$70,614,919	11.2
Average yearly	14,122,984	2.2
Republican President and Senate, Democratic House—1912 to 1914	48,472,454	6.9
Average annual	24,238,227	3.4
	Decrease.	*Decrease.*
Democrats—1914 to 1916	12,075,875	1.6
Average yearly	6,037,938	.8

Summary of appropriations.

[Average annual increase in appropriations.]

Period.	Total appropriations.	Per cent.	Total, less postal and sinking-fund requirements.	Per cent.
Five years of Republican power in all branches of the Government, 1907 to 1912	$28,161,000	3.2	$14,122,000	2.2
Two years of Republican power and Democratic House, 1912 to 1914	37,921,000	3.7	24,236,000	3.4
Two years of Democratic power in all branches of the Government, 1914 to 1916	7,944,000	.7	*Decrease.* 6,038,000	*Decrease.* .8

That is, the total appropriations for the years 1907 to 1912, when the Government was under full control of the Republican Party, increased annually at the rate of $28,161,000, or 3.2 per cent.

For the years 1914 to 1916, when the Government was in the hands of the Democrats, the increase was at the rate of $7,944,000, or seven-tenths of 1 per cent per year.

Comparing the total appropriations, after deducting the postal, the changes were as follows:

Years 1907 to 1912, an annual increase of $14,123,000, or 2.2 per cent, and for the years 1914 to 1916, an annual decrease of $6,038,000, or eight-tenths of 1 per cent.

The annual increase in the population of the United States is a trifle less than 2 per cent, which is much greater than the average annual increase of all appropriations under the present administration, and smaller than that for the Republican years shown above. This proves by the appropriations that the present administration is more economical than were the two preceding ones.

Total ordinary disbursements of the United States, exclusive of all postal expenditures.

[Page 238, Financial Report, 1915.]

Year.	Disbursements.	Increase.	Decrease.
1900	$480,483,013		
1901	505,012,591	$24,529,578	
1902	468,788,705		$36,223,886
1903	503,320,103	34,531,398	
1904	525,735,290	22,415,187	
1905	548,294,837	22,559,547	
1906	536,732,131		11,562,706
1907	544,075,746	7,343,615	
1908	608,214,350	64,138,604	
1909	642,823,382	34,609,032	
1910	651,209,779	8,386,397	
1911	654,137,998	2,928,219	
1912	652,985,769		1,152,229
1913	681,743,337	28,757,568	
1914	700,763,167	18,511,153	
1915	724,793,167	24,508,677	
1916 (estimated)	725,000,000	236,833	

Annual increase.

Period.	Total.	Average annual.	Per cent average annual.
1907 to 1912	$108,910,023	$21,782,005	4.00
1912 to 1914	47,268,721	23,634,360	3.62
1914 to 1916	24,745,510	12,372,755	1.76

The increases in the net ordinary expenditures, exclusive of postal deficiencies, are as follows:

Period.	Amount.	Percentage.
1915 over 1912	$71,777,000	11
1915 over 1913	43,020,000	6.3

Compare these increases with the following increases covering similar periods:

Period.	Amount.	Percentage.
1909 over 1906	$106,091,000	19.8
1909 over 1907	98,747,000	18.1
1910 over 1907	107,135,000	19.7
1910 over 1908	42,996,000	7

The above increases in ordinary disbursements at normal times show greater increases than those under the present administration under extraordinary and war-time expenditures.

If to the total ordinary disbursements be added the other disbursements of the Government, except those for the Postal Service payable from postal receipts, we have as follows:

DISBURSEMENTS.

Net ordinary disbursements, together with payments on account of the Panama Canal and the public debt, which includes the excess of redemption of the national-bank-note fund, we have as the total disbursements, less the postal, above referred to, but including postal deficiencies:

Fiscal year.	Disbursements.	Increase of 1915.	Percentage.
1915	$760,634,090		
1913	727,223,090	$33,401,000	4.6
1912	698,451,000	62,183,000	8.9

Compare former similar disbursements and their increases: 1909 over 1906, $175,842,000, or 21.8 per cent; 1909 over 1907, $131,742,000, or 31.5 per cent.

The total disbursements, including all for the Postal Service, were as follows:

Fiscal year.	Disbursements.	Increase of 1891.	Percentage.
1891	$332,708,747		
1889	376,753,378	$55,955,769	11.7
1888	395,482,191	137,226,556	34.7

From 1888 to 1891 the increase in disbursements was more than one-third of the total disbursements for the year 1888. Take a more recent period:

Fiscal year.	Disbursements.	Increase.	Percentage
		1909	
1909	$950,678,891		
1907	793,086,892	$163,591,909	20.6
1906	758,379,773	218,299,028	29.6
		1908	
1908	885,031,733		
1906	738,379,773	146,651,960	19.8
1905	724,010,170	161,021,563	22.2

TOTAL DISBURSEMENTS.

Compare these former increases in disbursements—

	Per cent.
1891 over 1888	34.7
1891 over 1889	33.2
1906 over 1905	19.8
1908 over 1906	19.8
1908 over 1906	29.6
1909 over 1907	20.6

with the following increases:

1915 over 1912	10.9
1915 over 1913	5.9

That is, taking the two periods, the increases from 1889 to 1891, from 1906 to 1908, and from 1907 to 1909, and comparing them with the increase from 1913 to 1915, we find the rate of increase for the last period only about one-third of the average for the other three periods; that is, 5.9 per cent, as compared with the average of 17.4 per cent.

For the three-year periods the comparison is as 10.9 per cent to an average of 28.8 per cent. On which side is the extravagance?

The following shows the postal disbursements and their increases:

Fiscal year.	Total disbursements.
1888	$55,751,214
1889	60,044,331
1891	[1] 70,673,558
1905	167,[illegible],842
1906	180,[illegible],077
1907	191,214,388
1908	[2] 204,366,704
1909	[3] 223,063,445
1912	248,312,211
1913	263,136,244
1915	[4] 293,881,758

[1] Increase over 1888, $14,922,344, or 26.7 per cent.
[2] Increase over 1905, $36,964,862, or 21.8 per cent.
[3] Increase over 1906, $42,457,368, or 23.5 per cent.
[4] Increase over 1912, $45,572,547, or 18.3 per cent.

That is, in spite of the enormous increase in the work performed by the Postal Service on account of the parcel post, etc., the rate of increase has fallen, as shown above.

Principal increases in United States expenditures—Increase fiscal year 1915 over 1913 and 1912.

[Disbursements for total civil establishment.]

Year.	Disbursements.	Increase over.
1912	$173,824,989	$33,345,000
1913	170,829,673	36,340,000
1915	207,169,824	

Increase in total civil establishment:

	1915 over 1913.	1915 over 1912.
Amount	$36,340,000	$33,345,000
Per cent	21¼	19¼

Made up as follows:

Executive proper:		
Relief of American citizens in war zone	$2,499,000	$2,499,000
Department of State:		
Representing interest foreign governments	271,000	271,000
Payments to Panama	250,000	250,000
Treasury Department:		
Customs debentures and drawbacks	2,978,000	2,950,000
Internal revenue, expense of collection	1,080,000	1,195,000
Refunds and reliefs	1,420,000	1,700,000
War-risk insurance	726,000	726,000
Salaries, etc., under new Federal reserve law and preparing and issuing notes	637,000	637,000
Maintenance of public buildings	617,000	617,000
Panama-Pacific Exposition	357,000	357,000
Public Health Service, including epidemic diseases	538,000	601,000
Interior Department:		
Construction Alaskan Railway	873,000	573,000
Enlarging Capitol Grounds		1,110,000
Reclamation fund	5,483,000	3,110,000
Post Office Department:		
Deficiencies in postal receipts paid from the Treasury	5,609,000	5,068,000
Department of Agriculture:		
Salaries and miscellaneous	1,636,000	1,192,000
Foot-and-mouth disease	3,416,000	3,416,000
Plant industry expenses	1,114,000	1,348,000
Forest Service	733,000	1,000,000
Hog-cholera investigation	343,000	343,000
Land for protection of watersheds, etc	241,000	1,026,000
Independent bureaus and offices:		
Interstate Commerce Commission	2,146,000	2,402,000
Salaries, etc., Federal Reserve Board	296,000	296,000
Commissions	381,000	560,000
District of Columbia	379,000	261,000
Total above	33,792,000	33,518,000

From the above it is evident that the principal increases of expenditures were as follows:

Executive proper: About two and a half million dollars for the relief of American citizens in the war zone.

Department of State: Something over one-half a million dollars for representing the interests of foreign Governments in belligerent countries, and a payment to the Government of Panama, under the treaty made with that country under a Republican administration.

Treasury Department: About $3,000,000 paid back as debentures or drawbacks under the administration of the customs. The drawbacks cover almost this entire increase, and these are the refunds of duty paid on foreign merchandise used in manufacturing goods that are then exported. This increase simply shows an increase in our manufacturing and exporting business. Something over two and a half millions of dollars increase in the internal-revenue expenses, etc. About one and one-eighth millions of this was caused by the increased business of the bureau, as shown below:

Total collections—Fiscal years.

	Amount.	Increase over 1912.
1912	$321,615,895	
1913	344,424,454	$22,808,559
1915	415,681,024	94,065,129

That is, the increased cost was about 1¼ cents for each additional dollar collected:

The remaining one and a half millions, approximately, were in refunds and reliefs, governed by the laws and not by the administration.

Something over a half million dollars was the increase in expenses of the Public Health Service, used in fighting epidemic diseases and in successfully coping with the hookworm, pelagra, etc.

Nearly three-fourths of a million dollars increase by way of expenses and losses of the War Risk Bureau. Their receipts from premiums amounted, for the same period, to over one and three-fourths million dollars.

About three-fourths of a million dollars as salaries, etc., under the Federal reserve bank act and the expense of preparing and issuing the bank notes authorized by that act.

Something over one-third of a million dollars for the Panama-Pacific Exposition and nearly two-thirds of a million dollars for the maintenance of public buildings to which this administration fell heir. The following shows the number of public buildings completed and occupied June 30:

1912	779
1915	967

An increase, 1912 to 1915, of 24 per cent in the number of public buildings and only about 10 per cent in the cost of maintenance.

INTERIOR DEPARTMENT.

About one-half a million dollars was expended in building a railway in Alaska and an increase of about five and a half millions over 1913 and three and one-eighth millions over 1912 on account of the reclamation fund. This reclamation work was started by a former administration, and these expenditures were necessary.

POST OFFICE DEPARTMENT.

Something over $5,000,000 increase was paid out of the Treasury to meet deficiencies in the Postal Service. This increase was caused by the extension of this service proper, and also of the parcels-post system, which is proving so beneficial to the people of the country. In previous years this expenditure has been as follows:

1905	$15,065,000
1906	12,673,000
1907	$7,629,000
1908	12,888,000
1909	19,501,000
1910	8,496,000
1913	6,637,000

DEPARTMENT OF AGRICULTURE.

Something over $3,000,000 was expended in stamping out the foot-and-mouth disease, which threatened to ruin our dairy and cattle industry.

Something over one-third of a million dollars was spent in seeking ways of successfully fighting hog cholera and kindred diseases.

Something over three and a half millions increase has been expended in salaries and expenses for the department proper, the Bureau of Plant Industry, and the Forest Service. The farmers insist upon this valuable work being done.

About one-fourth of a million increase over 1913 and about one million increase over 1912 has been expended in the acquisition of land for the protection of watersheds and navigable streams—something that should have been attended to heretofore, when land was cheaper.

INDIVIDUAL BUREAUS AND OFFICES.

About two and one-fourth million dollars increase has been expended upon the Interstate Commerce Commission, necessitated by the enlargement of the scope of its duties.

Nearly one-third of a million dollars increase has been expended in salaries, etc., of the Federal Reserve Board.

Nearly one-half a million increase has been expended in paying the expenses of the various commissions now in being, such as the Industrial Relations Commission, etc.

DISTRICT OF COLUMBIA.

About one-third of a million dollars increase in the expenses of the District of Columbia.

These increases foot up from thirty-three and one-half to about thirty-four millions of the total increase under this head, of about thirty-three to thirty-six million dollars.

Other ordinary expenditures:

	Total expenditures.	Increase 1915 over—
1912	$480,728,975	$43,501,000
1913	511,941,034	12,288,000
1915	524,229,935	

TABLE I.—*Principal increases.*

	1915 over 1913.	1915 over 1912.
Increase in other ordinary disbursements	$12,289,000	$43,501,000
Per cent	2.4	9
Under War Department:		
Quartermaster Corps	$5,036,000	$5,833,000
Pay of Army		3,519,000
Subsistence of Army		1,527,000
Ordnance Department	616,000	1,000,000
Militia	1,086,000	4,310,000
National parks	585,000	585,000
Expenses of internal Mexicans	350,000	350,000
Rivers and harbors	5,371,000	11,280,000
Under Navy Department:		
Increase in Navy	9,927,000	9,560,000
Bureau of Construction and Repair	2,133,000	1,329,000
Bureau of Steam Engineering	3,221,000	1,688,000
Bureau of Supplies and Accounts	6,464,000	8,541,000
Pay of the Navy	4,550,000	5,169,000
Indian Service:		
Support of Indian schools	51,000	642,000
Miscellaneous expenses	1,182,000	640,000
Trust funds	860,000	257,000
Pensions		10,797,000
Total of above	43,432,000	67,126,000

The difference between these totals and those above is that there were many decreases in these disbursements; that is, while from 1913 to 1915 the gross increases shown above were over forty-three millions, the net increases were only a little over twelve millions.

An examination of the items above shows the largest increases were in the nature of an increased Navy, and for increasing over military and naval efficiency.

TABLE II.—*Principal decreases in ordinary disbursements other than for civil establishments.*

	1915 to 1913.	1915 to 1912.
MILITARY ESTABLISHMENT.		
Military posts	$1,042,000	$1,424,000
National homes for disabled soldiers	488,000	729,000
NAVAL ESTABLISHMENT.		
Bureau of Yards and Docks	203,000	2,679,000
Bureau of Equipment	7,640,000	8,224,000
Bureau of Navigation	97,000	352,000
Bureau of Ordnance	4,095,000	2,778,000
General account of advisers	5,454,000	7,617,000
Pensions	30,697,000	
Total of above decrease	30,555,000	23,803,000
Total of above increase	43,432,000	67,126,000
Net increases above	12,877,000	43,323,000

This shows that the above principal increases and decreases account for nearly all the actual changes, 1915 from 1913 and 1912.

Mr. SIMMONS. Mr. President, I desire to make a brief statement explanatory of the tables which have been presented.

The first of these tables contains a statement of total appropriations, including Postal Service and sinking-fund requirements, covering the period I have named. All of these appropriations and the estimates therefor were made under Republican administrations except those for the fiscal years 1915 and 1916.

An examination of these appropriations will show that there has been a progressive increase in appropriations during this period.

An analysis of these tables will show that from 1907 to 1912, under a Republican President, Senate, and House, there was an average annual increase of $28,161,261, an increase of 3.2 per cent. It will show that from 1912 to 1914, under a Republican President and Senate and Democratic House, the annual average increase was $33,921,058, an increase of 3.7 per cent; and it will show that from 1914 to 1916, under a Democratic President, Senate, and House, the average annual increase was $7,944,319, an increase of only 0.7 per cent.

In passing, I call attention to the fact that while the money appropriated for the fiscal year 1914 was expended under the Wilson administration, the estimates therefor and the appropriations were made during the Taft administration. The amount actually expended in that year was $86,000,000 less than the amount appropriated.

The next table presented by me is a table of the total appropriations, not including the Postal Service and sinking-fund requirement for the same fiscal years embraced in the first table. An examination of this table will show that during the fiscal years from 1907 to 1912, under a Republican President, Senate, and House, the average annual increase was $14,122,984, the percentage of increase being 2.2 per cent. It will show that from 1912 to 1914, under a Republican President and Senate and a Democratic House, there was an average annual increase of $24,238,227, being an increase of 3.4 per cent. It will show that from 1914 to 1916, under a Democratic President, Senate, and House, instead of an increase there was an average annual decrease of $6,037,938, being a decrease of 0.8 per cent.

The annual increase in our population is less than 2 per cent, which is very much greater than the annual average increase of our appropriations under the present administration, and considerably smaller than that for the Republican years shown in these tables.

The next table I have presented embraces the total ordinary disbursements of the Government, exclusive of postal expenditures, from the years 1900 to 1916. This table will show that for the fiscal years from 1907 to 1912, when the Republicans had control of all branches of the Government there was an average annual increase in disbursements of $21,782,005, or an increase of 4 per cent. It will show that from 1912 to 1914, with a Republican President and Senate and a Democratic House, there was an average annual increase of $23,634,360, or an increase of 3.62 per cent. It will show that from 1914 to 1916, under a Democratic President, House, and Senate, there was an average annual increase of only $12,372,755, or an increase of 1.76 per cent.

One of the tables submitted contains a statement of the increases and decreases, respectively, in the expenditures for the fiscal year 1915 as compared with those of 1913 and 1912 and the net increase for the fiscal year 1915 over 1913 and 1912.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. SIMMONS. I am through. I will yield the floor to the Senator from Kansas.

Mr. CURTIS. I desire to ask the Senator from North Carolina a question.

Mr. SIMMONS. Very well.

Mr. CURTIS. I wish to ask the Senator if he has included in his statement the $25,731,229 of urgent deficiency appropriations which have been made at this session of Congress to cover deficits in the appropriations made by the last session of Congress?

Mr. SIMMONS. To what $25,000,000 does the Senator refer?

Mr. CURTIS. I refer to the $25,000,000 appropriated in the four urgent deficiency bills which have been passed at this session of Congress.

Mr. SIMMONS. I think that that amount is included, but I would not say definitely because these tables——

Mr. CURTIS. Mr. President——

Mr. SIMMONS. Let me finish my statement. I will not say definitely about it, because I did not myself prepare these tables. They were prepared for me by one of the actuaries of the Treasury Department, and I assume that he has included in the tables all that it is proper to include in making the comparisons.

Mr. CURTIS. Mr. President, I desire to state that in the usual statements furnished by the department the deficiency appropriations are not included until the next year; and I think that if the Senator will examine his figures he will find that he is $25,000,000 short.

Mr. SIMMONS. I assume, Mr. President, that when the actuary of the Treasury is asked to make a financial statement, and he makes it, he includes in the statement all the items that are proper to be included in making the comparison.

ADDITIONAL CLERK TO COMMITTEE ON PUBLIC LANDS.

Mr. CLARK of Wyoming. Mr. President——

Mr. MYERS. Mr. President, I ask unanimous consent for the present consideration of Senate resolution 190, providing for temporary clerical help. I will say to the Senator from Wyoming [Mr. CLARK] that if he wishes to make any remarks in reply to the Senator from North Carolina at this juncture, I will yield to him.

Mr. CLARK of Wyoming. Oh, no.

Mr. MYERS. Then I ask immediate consideration for that measure

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent for the present consideration of a resolution, which will be read by the Secretary.

The resolution (S. Res. 190) was read, as follows:

Resolved, That the Committee on Public Lands be authorized to employ an additional clerk, at a salary of $100 per month, for a period lasting until the end of the present session of the Sixty-fourth Congress, the same to be paid out of the contingent fund of the Senate.

Mr. SHAFROTH. Mr. President, the Committee to Audit and Control the Contingent Expenses of the Senate looked into that matter very thoroughly, and believe that the resolution ought to be agreed to.

The resolution was considered by unanimous consent and agreed to.

AMENDMENT TO THE RULES.

Mr. SMITH of Georgia. Mr. President, I desire to call the attention of the Senate to Senate resolution 195. As it has reference to the procedure of the Senate, and the report of the Committee on Rules upon a proposed amendment to the rules, I thought probably the Senate might be glad to consider it. I want to say that in bringing it to the attention of the Senate it will not be my purpose to press it if there is serious opposition.

There have been proposed amendments to the rules introduced a number of times looking toward some limitation of debate; and the Committee on Rules finally took up that subject, and worked over and presented this as a substitute for a number of those rules. We harmonized on this rule, and I believe it was the unanimous view of all present. There may have been a member of the Rules Committee not present; but it having met with such general favor in the Committee on Rules, I thought perhaps it might meet with the same general favor in the Senate.

I do not think this is a desirable time or a proper time to press such a matter over serious opposition. If we should take it up now for consideration, and serious opposition should develop, I would ask the Senate to lay it aside, because I would not try to pass a rule so important for the Senate if it developed serious opposition.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. LODGE. Mr. President, I do not know that I have any objection to the passage of the rule, but it seems to me that a change of this character in the rules ought to be considered with a full Senate present. The Senate is very thin to-day.

Mr. SMITH of Georgia. Even if we do not come to a vote to-day, does not the Senator from Massachusetts think it might be well for us to consider it for a while, in order that it may get in the minds of Members of the Senate, even if we eventually lay it aside? I do not think we can transact any business to-day to which there is serious opposition. I fear that a call for a quorum would break up the Senate. Quite a number of Senators are away. I thought we might consider it, and if any Senator wishes to lay it aside a little later, that would be done.

Mr. LODGE. I do not think I have any objection at all to the rule.

Mr. SMITH of Georgia. We will make some progress if we consider it.

Mr. JONES. Mr. President, I do not think a measure of this character ought to be brought up at this time, when we expect to adjourn at the close of this day, and without a quorum of the Senate present. A proposition involving cloture in the

Senate is certainly a very important one, and I do not think it ought to come up, and I shall have to object myself.

The PRESIDING OFFICER. Objection is made.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, then I will not press that resolution over objection; but I ask unanimous consent to consider Senate bill 703. I do not think anybody will object to that. That is the vocational-education bill.

Mr. JONES. Mr. President, let us take up matters to which there is no objection. I have not any objection to that bill, but——

Mr. SMITH of Georgia. If the Senator interposes no objection to taking up this bill, I will lay it aside in order to yield to him later.

Mr. JONES. Why not let us pass a few little local matters and then take it up?

Mr. SMITH of Georgia. I am willing to yield for that purpose.

Mr. OVERMAN. Mr. President——

Mr. SMITH of Georgia. Just one moment. I think we can certainly discuss somewhat the vocational-education bill to-day and let the Senators present know just what is in the bill. I doubt whether any Senators will study it beyond those who are here. The Senator from Vermont [Mr. PAGE] and I can call attention to the details of the bill.

WYOMING NATIONAL FOREST.

Mr. CLARK of Wyoming. Mr. President, I ask unanimous consent for the present consideration of a purely local bill, Senate bill 5751.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 5751) authorizing the addition of certain lands to the Wyoming National Forest, Wyo.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which has been reported from the Committee on Agriculture and Forestry with an amendment, to strike out lines 9 to 12, inclusive, on page 1, in the following words:

Sixth principal meridian and base, State of Wyoming, township 25 north, range 116 west, sections 9 to 15, inclusive, and sections 22, 23, and 24

And to insert:

Sections 9 to 15, inclusive, and sections 22, 23, and 24, all in township 25 north, range 116 west, sixth principal meridian.

So as to make the bill read:

Be it enacted, etc., That any lands within the following-described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow may be included within and made a part of the Wyoming National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting National Forests:

Sections 9 to 15, inclusive, and sections 22, 23, and 24, all in township 25 north, range 116 west, sixth principal meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. GALLINGER. Mr. President, on yesterday the Senate placed itself on record as being in favor of making Flag Day a holiday in the District of Columbia—a very gracious and patriotic thing. I now rise to ask that the pension bills on the calendar be considered by unanimous consent, so that before we part we may pay a little tribute to the men who defended the flag when it needed defense.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr SMITH of Georgia. I did not hear it, Mr. President.

Mr. OVERMAN. I did not hear it, either.

The PRESIDING OFFICER. The Senator from New Hampshire requests that the pension bills on the calendar be considered.

Mr. OVERMAN. Will the Senator yield to me to get through a little resolution?

Mr. GALLINGER. Oh, certainly; I yield.

STATUE OF HON. ZEBULON BAIRD VANCE.

Mr. OVERMAN. I ask present consideration for the resolution which I send to the desk

The resolution (S. Res. 211) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That exercises appropriate to the reception and acceptance from the State of North Carolina of the statue of Zebulon Baird Vance, erected in Statuary Hall in the Capitol, be made the special order for Thursday, June 22, 1916, after the conclusion of the routine morning business.

Mr. OVERMAN. I send to the desk a notice, which I ask to have read.

The SECRETARY. The Senator from North Carolina [Mr. OVERMAN] gives notice that on Thursday, June 22, 1916, immediately upon the conclusion of the routine morning business, he will ask that the business of the Senate be suspended in order that there may be held appropriate exercises for the reception and acceptance from the State of North Carolina of the statue of Zebulon Baird Vance, erected in Statuary Hall in the Capitol.

PENSIONS AND INCREASE OF PENSIONS.

Mr. GALLINGER. Now, Mr. President, I will ask that my request be put.

Mr. SMITH of Georgia. Mr. President, I should like to know what the request of the Senator from New Hampshire is.

The PRESIDING OFFICER. The request of the Senator from New Hampshire is that the pension bills on the calendar be now considered.

Mr. SMITH of Georgia. I object to that, Mr. President.

THE CALENDAR.

Mr. GALLINGER. Then I will ask unanimous consent that we proceed with the consideration of the Calendar of Unobjected Cases.

The PRESIDING OFFICER. Under Rule VIII?

Mr. GALLINGER. In fact, that is the order.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Senate proceed with the consideration of unobjected bills on the calendar. Is there objection? The Chair hears none.

BILLS PASSED OVER.

The first business on the calendar was the bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices.

Mr. MYERS. Mr. President, the Senator from New Mexico [Mr. FALL] has an amendment pending to that bill. It has gone over many times on account of his absence; but I spoke to him yesterday and asked him if he would not leave word with somebody to ask that no objection be made the next time it was called, and he said he would speak to the Senator from Utah [Mr. SUTHERLAND]. If he made that request, I should like to know it.

Mr. SUTHERLAND. He did not ask me to make the request. I think the bill had better go over.

Mr. MYERS. I regret very much that it goes over. I have no hope of its ever being passed.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. LODGE. I object.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMITH of Georgia. Mr. President, I hoped Senators were all ready to vote on that bill at this time.

Mr. LODGE. Personally, I am not.

Mr. OVERMAN. Mr. President, I will ask the Senator from New Hampshire whether we are not making a mistake in this course? There are many Senators absent. We may pass bills here by unanimous consent that nobody knows anything about, and the Senators who are not here may have objections to them. So far as I am concerned, the Senate can go on with the calendar in this way; but there may be some Senators absent who have objections to bills on the calendar to which I would not object.

Mr. CLARK of Wyoming. I think there are more Senators than usual present in the Senate Chamber.

Mr. OVERMAN. Very well; I have no objection.

The bill (S. 609) to aid in the erection of a monument to Pocahontas at Jamestown, Va., was announced as next in order.

Mr. LODGE and Mr. KERN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 611) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia, was announced as next in order.

Mr. GALLINGER. Let that go over. I make the objection on the part of the Senator from Utah [Mr. SMOOT].

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage was announced as next in order.

Mr. LODGE. That may go over.

Mr. CLARK of Wyoming. That is just a short resolution?

Mr. LODGE. Yes.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2406) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I doubt whether we had better pass that bill. The House has passed a very similar bill, and we have the House bill now before the Judiciary Committee. The Senator from Utah [Mr. SUTHERLAND], the Senator from Tennessee [Mr. SHIELDS], and I are on a subcommittee to report upon it. I will ask the Senator from Utah whether it is not the same thing?

Mr. SUTHERLAND. I am not sure about it. I have not in my mind the bill to which the Senator from Georgia refers.

Mr. OVERMAN. It is the same bill.

Mr. SUTHERLAND. This bill, as I recall, was passed by the Senate at a previous session. It is a very proper bill.

Mr. SMITH of Georgia. I think it is an exact duplicate of a bill which has already passed the House, and if it is it would be better to take up the House bill and pass it.

Mr. GALLINGER. Let it go over, Mr. President.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Objection is made. The bill will be passed over.

Mr. SMITH of Georgia. I do not object to it. The Senator from Tennessee [Mr. SHIELDS] is here now. Let us pass it without prejudice, and we may be able to call it up a little later on.

The PRESIDING OFFICER. Objection is made by the Senator from New Hampshire [Mr. GALLINGER].

The joint resolution (S. J. Res. 43) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable was announced as next in order.

Mr. OVERMAN. Let that go over, in the absence of the Senator from Iowa.

The bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ELLEN B. MONAHAN.

The bill (S. 640) for the relief of Ellen B. Monahan was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$1,371.18" and insert "$400," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ellen B. Monahan, out of any money in the Treasury not otherwise appropriated, the sum of $400, for physical injuries received by her as the result of being overcome by illuminating gas escaping from a pipe (said to have been broken through the negligence of an employee of the Treasury Department) on the 14th day of June, 1911, while she was in the employ of the Government of the United States and in the discharge of her duties as a clerk in the national-bank redemption agency office of the Treasury of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS, ETC., PASSED OVER.

The resolution (S. Res. 43) for the appointment of a committee to investigate and inquire into the causes of the existing freight blockade and embargoes on the trunk-line railroads entering into the port of New York was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 668) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 665) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 669) to limit the use of campaign funds in presidential and national elections was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1840) to amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909, was announced as next in order.

Mr. OVERMAN and Mr. KERN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, was announced as next in order.

Mr. LODGE. That bill had better go over. It will give rise to debate.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2730) to fix the compensation of assistant appraisers of merchandise, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. JONES. Mr. President, I do not think I have any objection to that bill, but I should like to have it go over now. It will probably lead to considerable discussion, and we could not pass it to-day.

Mr. SMITH of Georgia. Mr. President, I do not think any bill of any substantial materiality, unless it is just a local bill, ought to have precedence over this bill that has just been called. If it is a purely local bill I shall not object to it; but to other bills I do not think I ought to yield. I think this bill is entitled to consideration, and it ought to receive it from the Senate.

Mr. JONES. That is the only reason why I asked that it go over in order that we may pass local bills.

Mr. SMITH of Georgia. The Senator from Vermont [Mr. PAGE] is here. I think this is a splendid day for us to take up the vocational education bill.

Mr. JONES. It could not be taken up and discussed under the order under which we are now proceeding, which limits speeches to five minutes each.

Mr. SMITH of Georgia. Oh, no; I would make a motion to proceed to its consideration, if necessary.

Mr. JONES. Then the Senator might have a roll call. I ask that the bill go over.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

The resolution (S. Res. 7) providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum, was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 20) for the appointment of a committee of Senators to examine into questions relating to the acquisition or construction of manufacturing plants to supply the Army and Navy with arms, armament, etc., was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1428) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order on the calendar.

Mr. KERN. Let that go over.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

The bill (S. 3551) relating to the procedure in the United States courts was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill goes over.

FISH HATCHERY IN UTAH.

The bill (S. 34) granting to the State of Utah title to certain lands in said State for use as a fish hatchery was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to grant to the State of Utah lot 3 of section 17 and the northeast quarter of the southeast quarter of section 18 in township 26 south, range 2 east of Salt Lake meridian, located within the Fishlake National Forest, containing a total of 68.10 acres, for use as a fish hatchery: *Provided*, That if the said State shall at any time permit the said lands hereby granted to be used for any purpose not contemplated by this act the said lands shall revert to the United States: *Provided further*, That the right of the United States to any coal that may be contained in said tract of land, together with the right to prospect for, mine, and remove said coal, is hereby distinctly reserved to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The joint resolution (S. J. Res. 93) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

The bill (S. 645) to provide for the closing of barber shops in the District of Columbia on Sunday was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 7571) to provide for the appointment of the recorder of deeds of the District of Columbia by the Commissioners of the District of Columbia was next in order on the calendar.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDING OFFICER. It will go over.

Mr. GALLINGER. I have no remedy, Mr. President; but these House bills in behalf of soldiers, I think, ought to be considered. I wish the Senator would not insist upon his objection. I will ask who objected.

The PRESIDING OFFICER. Is there objection to the consideration of this bill?

Mr. SMITH of Georgia. There is.

The PRESIDING OFFICER. Objection is made.

REPUBLIC COAL CO.

The joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. MYERS. That bill has been waiting for a long time. I ask the Senator from New Hampshire to withdraw his objection.

Mr. GALLINGER. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to sell to the Republic Coal Co., a corporation organized and existing under and by virtue of the laws of and doing business in the State of Montana, the coal deposits in and under the following described lands, situate in Musselshell County, State of Montana, to wit: Section 30, township 8 north, range 26 east; section 6, township 7 north, range 26 east; northeast quarter southeast quarter and southeast quarter northeast quarter and west half of southwest quarter section 26, township 8 north, range 25 east. In the event of a sale the purchase price thereof shall be fixed by the Secretary of the Interior, but shall not be less than the appraised value thereof, and upon payment thereof the said Secretary shall issue to said corporation a contract providing the terms and conditions of said sale: *Provided, however*, That said sale shall be made subject to the legal or equitable rights, inchoate or vested, of any surface or other entryman on any part of said lands, and subject to the laws now in force governing the sales of coal or other minerals where the surface lands and rights are reserved or have been previously disposed of.

Mr. OVERMAN. I will ask the Senator if he objects to striking out the word "directed," because there will be no discretion in the Secretary of the Interior. I think it should authorize him to sell but to direct him to sell gives him no discretion whatever. I do not know anything about it, but it seems to me that the word "directed" should not be employed.

Mr. MYERS. All the discretion in the world as to the price is vested in the Secretary of the Interior; unlimited discretion as to a maximum price, but he can not sell at less than the appraised price.

The object of the joint resolution is to effect the sale of these lands for purposes that are quasi public, that are beneficial to the public and in the interest of the public.

Mr. OVERMAN. I understand that.

Mr. MYERS. If he is given discretion as to a maximum price without limit, all the Secretary of the Interior would have to do would be to put on a prohibitive price. That would be equivalent to a refusal to sell.

Mr. OVERMAN. But this directs him to sell to one particular person. Ought he not to have some discretion or authority to sell?

Mr. MYERS. I think he has that discretion when allowed to name a prohibitive price.

Mr. OVERMAN. He is directed to sell to one particular person. Ought there not to be some competitive bidders? He would not have the right arbitrarily to put up the price so that nobody could buy it. He would have to sell it at a reasonable price.

Mr. MYERS. I accept the amendment.

Mr. OVERMAN. Very well; strike out the word "directed" and insert "and" between "authorized" and "empowered."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The joint resolution reads "and he is hereby authorized, empowered, and directed." It is proposed to strike out the word "directed" and to insert "and" between "authorized" and "empowered."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

WEST OKANOGAN VALLEY IRRIGATION DISTRICT.

The bill (S. 3329) for an appropriation of $105,000 to purchase water rights within the West Okanogan Valley irrigation district, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

Mr. JONES. I will state that that has practically been incorporated in an appropriation bill which has become a law. I do not know what the practice is.

Mr. OWEN. Let it be indefinitely postponed.

Mr. JONES. I do not know whether it should be left on the calendar or go over.

Mr. OVERMAN. Let it go over under Rule IX.

Mr. JONES. I do not suppose my colleague [Mr. POINDEXTER] would have any objection to its going to Rule IX, because it has been taken care of in the Indian appropriation bill.

Mr. OVERMAN. Let it go to Rule IX.

Mr. OWEN. It should be indefinitely postponed.

Mr. OVERMAN. That is equivalent to being indefinitely postponed.

The PRESIDING OFFICER. Would it not be better to have it indefinitely postponed?

Mr. JONES. I do not think there would be any objection to that at all.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

INDIAN LANDS IN NEBRASKA.

The bill (S. 4424) to provide for the payment of drainage assessments on Indian lands in Nebraska was announced as next in order.

Mr. NORRIS. When the Indian appropriation bill was before the Senate I offered this bill as an amendment to it and it was agreed to. Therefore there is no use in keeping it on the calendar and it may be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

OSAGE OIL LANDS.

The next business on the calendar was Senate resolution 107, relative to leasing of Osage oil lands.

Mr. LANE. Let that go over.

The PRESIDING OFFICER. The Senator from Oregon objects.

DENISON COAL CO.

The bill (S. 1093) to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOYAL CREEK INDIANS.

The bill (S. 1100) to pay the balance due the loyal Creek Indians on the award made by the Senate on February 16, 1903, was announced as next in order.

Mr. CURTIS. I ask that that bill may go over under Rule IX. I want to be here when it is taken up, because I desire to present some reasons why it should not be passed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas that the bill go to the calendar under Rule IX?

Mr. OWEN. Mr. President, I think the Senate ought to dispose of this matter at some time when it has the opportunity, and I hope that the Senator from Kansas will not insist upon its going over under Rule IX. He will undoubtedly be notified in case it should come up at any time, because he has resisted the passage of it.

This is a case in which the Senate of the United States made an award to the loyal Creek Indians of $1,200,000, but the House of Representatives on the Indian appropriation bill in providing the means to pay it reduced the amount to $600,000, with a provision that the Creeks should be compelled to accept it in settlement. They did accept it with protest because they had no other course to pursue. The Senator from Kansas is opposed to paying the remainder of it, but I think the Senate ought to hear the case at some time and act upon it.

Mr. CURTIS. The Senate has twice voted upon this measure and defeated it at two different sessions of Congress. It is simply coming back here session after session when it ought to be left alone. The Senate has voted twice on the proposition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. OWEN. I object to its being taken over under Rule IX. I am willing to have it go over.

The PRESIDING OFFICER. Objection is made to the consideration of the bill and it goes over.

MUSKOGEE (CREEK) NATION.

The bill (S. 1096) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians was announced as next in order.

Mr. CURTIS. I ask unanimous consent that that bill may go over under Rule IX. I want to be present when it is taken up because I desire to present some reasons why it should not be passed.

Mr. OWEN. I hope that the Senate may consider this matter now. It is a local affair. It merely permits the Creek Indians who have not received allotments to receive $1,040 which is the approximate share of an average allotment, or if they have received less than that in land and money that they be given that amount out of the Creek fund. I do not see why the Senator wishes to put it over.

Mr. CURTIS. I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection is made and the bill goes over.

PONCA TRIBE OF INDIANS.

The bill (S. 4251) to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe was considered as in Committee of the Whole.

The bill is as follows:

Be it enacted, etc., That the Ponca Tribe of Indians residing in Oklahoma and Nebraska is hereby authorized and empowered to appear in and be made party to any suit or suits in the Court of Claims heretofore instituted or which may hereafter be begun under and by virtue of an act of Congress approved June 22, 1910, entitled "An act authorizing the Omaha Tribe of Indians to submit claims to the Court of Claims," with full rights of appeal as therein provided for other parties; and the Court of Claims shall thereupon have full jurisdiction to hear and determine all legal and equitable claims, if any, of such Ponca Tribe of Indians against the United States and against any other tribe or band of Indians party thereto, and also any legal or equitable defense, set-off, or counterclaim which the United States or the Omaha Tribe of Indians may have against any other party thereto. The compensation to be paid the attorney or attorneys chosen by the Ponca Tribe under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior in accordance with law to represent them in those cases shall be determined by the Court of Claims, such fees to be paid out of any money which may be found to be due said Indians, provided that the amount of attorneys' fees shall not be greater than that named in the approved contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PONCA INDIAN CLAIMS.

The bill (S. 1094) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, section 1, line 7, after the words "United States," to insert "for lands taken by the United States from the Ponca Indians without due compensation," so as to make the section read:

That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to consider and determine all legal and equitable claims, if any, of the Ponca Tribe of Indians against the United States for lands taken by the United States from the Ponca Indians without due compensation; for the misappropriation of any funds of the tribe or for the failure of the United States to pay the tribe any money due under any treaty; and also to consider and determine any legal or equitable defenses, set-offs, or counterclaims which the United States may have against the said tribe of Indians, and to enter judgment thereon, all claims and defenses to be considered without regard to lapse of time; and the final judgment and satisfaction thereof shall be a full and final settlement of all claims of said Indians against the United States.

The amendment was agreed to.

Mr. OVERMAN. I object to that bill because it provides that the Court of Claims shall render judgment. I would have no objection if it simply provided that the Court of Claims should find the facts.

Mr. OWEN. Mr. President, these people are entitled to their peace.

Mr. OVERMAN. Is this money to be paid out of the tribal fund?

Mr. OWEN. If the Government of the United States owes them, why should it not pay them?

Mr. OVERMAN. Every claim that is sent from the Senate to the Court of Claims is sent there for the purpose of having the Court of Claims find the facts, to make finding as to questions of law, and then to report their findings to Congress for appropriation.

Mr. OWEN. The Senator is entirely mistaken. The Congress of the United States from time to time sends cases there both for the purpose of having the court find the facts and, after finding the facts, to render judgment under the law.

Mr. OVERMAN. Very seldom is that done. I objected the other day to a claims bill affecting Massachusetts on the same ground.

Mr. OWEN. What would be the use of providing merely that the court shall find the facts and send them back to the Senate for the Senate to adjudicate the matter?

Mr. OVERMAN. The findings come back to Congress for its action. It has been done time and again, a thousand times.

Mr. OWEN. So has the other procedure been followed a thousand times.

Mr. OVERMAN. I think the Senator is mistaken. We have reports here from the Court of Claims every session setting forth the facts and the conclusions of the court on the questions of law and equity.

Mr. WILLIAMS. Why is not the court a better judge of the law and equity than Congress? Why can not the United States Government trust its own court?

Mr. OVERMAN. I trust the court. That is exactly what I want done. I want the court to find the facts and report to Congress in the regular way.

Mr. WILLIAMS. The Senator wants the court to find the facts and send the case here, and then constitute Congress as a court of appeals.

Mr. OVERMAN. I am perfectly willing that the Court of Claims should make a finding as to the facts. As I have said, some days ago I objected to a claims case of Massachusetts on the same ground as I am objecting in this instance, and I can not let one go through without letting the others go through. I object, Mr. President.

The PRESIDING OFFICER. Objection is made to the consideration of the bill.

Mr. OWEN. These bills relating to affairs in Oklahoma have been on the calendar for some time, and objection after objection has been made every time the bills have come up. Why are these people not to be given their peace? The Omaha Indians

have been permitted to bring suit and the Ponca Indians have a conflicting claim and should have the right to intervene; but the Senator is denying them that right by raising the objection.

Mr. OVERMAN. I am willing that they should go to the Court of Claims like any other claimants and have the court try the case and ascertain the facts. That is the purpose for which the Court of Claims was established. Congress can not go into these questions. We have not the power and we have established the court to ascertain regarding all questions of law and fact, and then to report to Congress. That has been the rule, and that was the reason for the establishment of the court.

Mr. OWEN. Congress does both sometimes. It authorizes the court to find the facts, and upon the facts Congress sometimes acts for itself, and sometimes it sends the case back to the court to find the law and render judgment.

Mr. OVERMAN. Very rarely.

Mr. OWEN. I have had great familiarity with the practice in that court, and I know perfectly what is the practice.

Mr. OVERMAN. I served 10 years on the Committee on Claims, and I think only in the rarest instances, and, as I recall, never did we send a case to the Court of Claims to render final judgment.

Mr. GALLINGER and Mr. LODGE. Regular order!

The PRESIDING OFFICER. The regular order is demanded. Objection has been made to the bill. The next business on the calendar will be stated.

CLAIMS OF LOYAL SHAWNEE AND ABSENTEE SHAWNEE INDIANS.

The bill (S. 1098) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians, was announced as next in order.

Mr. OVERMAN. I object to that bill.

Mr. OWEN. Mr. President, this is a case where the Interior Department has ascertained the facts and made a report to Congress upon the facts, and the facts are now before Congress.

Mr. OVERMAN. Why does not Congress act, then, instead of sending it to the Court of Claims?

Mr. SUTHERLAND. Regular order!

Mr. OWEN. If the Senator is willing to make an appropriation direct, I would be very glad to have that done.

Mr. OVERMAN. I object to the bill.

The PRESIDING OFFICER. The regular order has been called for and objection has been made to the consideration of the bill. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 4250) for the relief of the Ottawa Indian Tribe of Blanchards Fork and Roche de Bœuf was announced as next in order.

Mr. OVERMAN. I object to that bill.

The PRESIDING OFFICER. Objection is made to the consideration of the bill.

The bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington was announced as next in order.

Mr. CURTIS. Mr. President, in view of the absence of the Senator from Washington [Mr. POINDEXTER] I ask that that bill go over. There is an amendment pending to it, but I think it had better go over until the Senator from Washington returns.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

OCCUPANTS OF TUTTLE TOWN SITE.

The bill (S. 4722) for the relief of the occupants of the Tuttle town site was announced as next in order.

Mr. OWEN. I move the indefinite postponement of that bill. It has already been provided for in the Indian appropriation bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oklahoma that the bill be indefinitely postponed.

The motion was agreed to.

BILLS PASSED OVER.

The bill (S. 3927) for the relief of the legal representatives of Francis Busch, deceased, was announced as next in order.

Mr. LODGE. Mr. President, the senior Senator from Utah [Mr. SMOOT] objected to that bill, and to the whole series of bills beginning at Calendar No. 243 down to Calendar No. 254, inclusive; and, in his absence, I think they had better go over.

Mr. VARDAMAN. Does the Senator's objection go to the merit of these claims?

Mr. LODGE. The Senator from Utah, when they were heretofore reached in the consideration of the calendar, objected to all of them, and said he did not wish them to go through without discussion.

Mr. VARDAMAN. I remember that the Senator from Utah objected to Calendar No. 246, a bill I should be very glad to have the Senate consider.

Mr. LODGE. Personally I have no objection to any of the claims, but, in the absence of the Senator from Utah, I do not think they ought to be considered to-day.

The PRESIDING OFFICER. Objection being made, the bills referred to will be passed over.

SETTLEMENT OF CERTAIN PRIVATE-LAND CLAIMS.

Mr. CATRON. Mr. President, I ask to recur to Calendar No. 72, Senate bill 1840, which was objected to by the senior Senator from North Carolina [Mr. OVERMAN]. I have explained to him the situation. He was laboring under a misapprehension, I understand, and is willing to withdraw his objection.

Mr. OVERMAN. I withdraw the objection after the explanation the Senator from New Mexico has given me of the bill.

Mr. CATRON. I ask unanimous consent that the bill be now considered.

Mr. ASHURST. Let the bill be read.

The Secretary read the bill (S. 1840) to amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. LANE. I should like to ask the Senator to what the bill applies?

Mr. CATRON. It applies to some small claims in the States of Arizona, New Mexico, and Colorado of old people who were given permission when the Court of Private Land Claims was established to file their claims on their small holdings, but a great many of them did not understand the English language, they never got notice, and so did not file their claims. This bill simply proposes to extend the time within which they may do so.

Mr. LANE. Very well.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 2, line 9, to strike out the date "1915," and insert "1917," so as to make the bill read:

Be it enacted, etc., That section eighteen of an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, as amended by the act approved February 21, 1893, and by the act approved June 27, 1898, and by the act approved February 26, 1909, be, and the same is hereby, further amended by striking out the words "before the 4th day of March, 1910," and inserting in lieu thereof the words "before the 4th day of March, 1917," so that the first clause of said section shall read as follows, namely:

"That all claims arising under either of the two next preceding sections of this act shall be filed with the surveyor general of the proper State or Territory before the 4th day of March, 1917, and no claim not so filed shall be valid."

Provided, That the extension herein granted shall not apply to lands within the limits of a confirmed grant or embraced in any entry completed under the public land laws prior to filing of a claim hereunder, nor shall its provision extend to persons holding under assignment made after March 3, 1901.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1065) to provide for summer residence homesteads, and for other purposes, was announced as next in order.

Mr. FLETCHER. I object to the consideration of that bill.

The PRESIDING OFFICER. Objection being made, the bill goes over.

Mr. GALLINGER. I call attention to the fact that Orders of Business 237 and 240 have not been acted on.

Mr. LODGE. Orders of Business 237 and 240 have nothing to do with the bills which went over. Order of Business 234 was passed over, and the Orders of Business from 243 to 254, inclusive, were passed over. Orders of Business 237 and 240 have nothing to do with those bills which have been passed over.

The PRESIDING OFFICER. The bills to which the Senator from Massachusetts [Mr. LODGE] refers went over at his suggestion.

Mr. LANE. Was Order of Business 234 considered?

Mr. LODGE. It has not been, Mr. President, as I understand, it being one of the bills to which objection was made;

but I repeat that Orders of Business 237 and 240 have nothing to do with that.

The bill (S. 4418) to establish game sanctuaries in national forests, and for other purposes, was announced as next in order.

Mr. THOMAS. Mr. President, I object to the consideration of that bill.

The PRESIDING OFFICER. Objection being made, the bill goes over.

PACIFIC OCEAN HALIBUT FISHERIES.

The bill (S. 4586) to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed sensons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America, and the Territory of Alaska during the closed seasons established, was announced as next in order.

The PRESIDING OFFICER. Did the Senator from Massachusetts object to this bill and those following down to and including Order of Business 254?

Mr. LODGE. No, Mr. President; Order of Business 240, being the bill just announced, has no relation to the post-office claims to the consideration of which I have objected.

The PRESIDING OFFICER. Then Senate bill No. 4586 will be proceeded with in the absence of objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with an amendment, in section 2, page 2, line 20, after the word "west," to insert "thence southeast (magnetic) 19 miles to a point approximately latitude 55° 24′ north, longitude 134° 3′ 42″ west," so as to make the section read:

SEC. 2. That it shall be unlawful for any vessel or boat of the United States or person belonging to or on such vessel or boat, or any person owing obedience to the laws of the United States, to fish for or catch halibut at any time within the area circumscribed by lines as follows, or for any vessel, boat, person, or corporation, to land at any port or place in the United States any halibut taken within such area, which area is hereby recognized and designated as a nursery for halibut:

From the northwest extremity of Cape Lynch, Hecata Island, southwest (magnetic) 18 miles to a point approximately latitude 55° 42′ 21″ north, longitude 134° 12′ 30″ west; thence southeast (magnetic) 19 miles to a point approximately latitude 55° 24′ north, longitude 134° 3′ 42″ west; thence northeast (magnetic) 8.6 miles, touching the north shore of the outer and bisecting the inner of the two islets southwest of Cape Addington, Noyes Island, to a point on Noyes Island.

From the northwest extremity of Cape Lynch, Hecata Island, southeast three-fourths south (magnetic) approximately 14.5 miles, to a point on Noyes Island in range with the peak shown on chart No. 8150 published by the Coast and Geodetic Survey, said point being approximately in west longitude 133° 39′ 30″.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4884) for the relief of the estate of A. B. Denton was announced as next in order.

Mr. LODGE. That bill, being Order of Business 243, and all the others down to Order 254, have been objected to.

Mr. SUTHERLAND. Yes; they have been objected to, down to Order of Business 254.

PONCA INDIAN CLAIMS.

Mr. OWEN. Mr. President, the objection which was made to Order of Business 218, being Senate bill 1094, on the ground that it authorizes the entry of judgment, could be met by an amendment striking out the words "to enter judgment thereon," and so forth, and in lieu thereof to authorize the report to be made to Congress. If I may be permitted, I should like to have the bill disposed of.

Mr. OVERMAN. I shall be very glad to withdraw my objection with that understanding.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 1094) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. OVERMAN. The bill has been read.

The PRESIDING OFFICER. The Senator from Oklahoma will state the amendment which he desires to submit.

Mr. OWEN. On page 2, line 4, I move to strike out all after the word "and," including lines 5, 6, 7, and 8, and to insert "report the same to Congress."

Mr. OVERMAN. The Senator proposes to strike out the words in reference to the court rendering judgment?

Mr. OWEN. Yes.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 2, line 4, after the word "and," it is proposed to strike out the words "to enter judgment thereon, all claims and defenses to be considered without regard to lapse of time, and the final judgment and satisfaction thereof shall be a full and final settlement of all claims of said Indians against the United States," and in lieu thereof to insert the words "report the same to Congress."

Mr. SUTHERLAND. Will not that amendment necessitate a reconstruction of the bill? The bill is drawn upon the theory that the Court of Claims shall render final judgment.

Mr. OWEN. I shall have to make one amendment at a time. I am going to move to amend the bill in another place as soon as the amendment which I have just offered is disposed of.

Mr. LODGE. The title also will have to be amended.

Mr. OWEN. I move to strike out section 3.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 3, it is proposed to strike out section 3, as follows:

SEC. 3. The balance of any judgment rendered in favor of claimant Indians shall be placed in the Treasury of the United States to the credit of the Indians entitled thereto, and shall draw interest at the rate of 4 per cent, which principal and interest may, in the discretion of the Secretary of the Interior, be paid to the Indians or expended for their benefit.

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, this is rather an unsatisfactory way of passing legislation—to amend it in a radical respect in the Senate—for we can not always tell what effect such amendments may have on other provisions of the bill. Beginning on line 20, page 2, there is a provision for compensation of attorneys——

Mr. OWEN. I am going to move to strike out all of the remainder of section 2 below line 14. I now move to strike out that part of section 2 after the words "existing law," in line 14.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. In section 2, page 2, after the words "existing law," it is proposed to strike out:

The Ponca Tribe of Indians shall be party plaintiff and the United States party defendant, and such suit shall on motion of either party be advanced on the docket of the Court of Claims and of the Supreme Court. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence. The compensation to be paid the attorneys for the claimant Indians shall be determined by the Court of Claims but in any event shall not be greater than that provided in the contract between the claimant Indians and their attorney or attorneys, and shall be paid out of any sum or sums found and adjudged to be due said Indians.

The PRESIDING OFFICER. Without objection, the amendment will be considered as agreed to.

Mr. SUTHERLAND. Mr. President, the very first provision of the bill is:

That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to consider and determine—

The word "determine" is used, which implies a judgment. A further provision is—

and also to consider and determine—

Again, the word "determine" means an adjudication upon the legal and equitable defenses. Then the bill concludes by providing that the adjudication shall be reported to Congress. It seems to me that the bill ought to go over.

Mr. OWEN. I have modified it so that the determination of what these rights are, and the facts in the matter, may be sent to Congress. It does not permit them to enter judgment against the United States. It sends it to Congress to ascertain from the findings of facts and of law what the rights are.

Mr. SUTHERLAND. I shall not object, Mr. President.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. The title should be amended to conform to the Senator's amendment.

Mr. OWEN. Yes; the title should be amended.

Mr. LODGE. The words "and render judgment" should be stricken out.

The PRESIDING OFFICER. Without objection, the amendment to the title will be agreed to.

Mr. LODGE. The Secretary can make the amendment to the title.

BILLS PASSED OVER.

The bill (S. 1065) to provide for summer residence homesteads, and for other purposes, was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was announced as next in order.

Mr. SUTHERLAND. Mr. President, I do not intend to object to the consideration of this bill, although I shall vote against the bill itself, as I voted against it in the Committee on the Judiciary. I think the Senate ought to understand the character of the legislation before it votes upon it. It makes a very profound and far-reaching alteration in existing law.

Of course, under the present state of the law, no State can maintain an action against the United States. Wherever a State has a grievance against the United States it must be presented to Congress, and there investigated and determined. My own opinion is that there is the safe place to leave it.

The principal object of this bill, as I understand, is to permit the State of West Virginia, and perhaps some other States, to maintain an action against the United States Government to recover for lands which were transferred to the United States by the State of Virginia and other States at the inception of the Government. Of course, if an action of that kind is maintained, and judgment is rendered, it means a judgment for untold millions of dollars—nobody knows how much. A bill of that vast importance and that vast range it seems to me ought to receive pretty careful consideration.

I content myself with making that statement. I shall not object to a vote being taken upon the bill.

Mr. TOWNSEND. Do I understand that the Senator does not object?

Mr. SUTHERLAND. I do not object.

Mr. TOWNSEND. I do object, Mr. President.

The PRESIDING OFFICER. Objection is made by the Senator from Michigan. The bill will be passed over.

The bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I object to the consideration of that bill.

Mr. GALLINGER. Mr. President, I am going to venture to appeal to the Senator from Georgia regarding this bill. The widows and children of officers and enlisted men of every other war, including the Indian wars, have been pensioned.

Mr. SMITH of Georgia. I am very much opposed to it. I am opposed to pensioning the widows of men who come out of the Army sound. I do not see any reason for pensioning them. If they are injured in the service or killed in the service, or if they give their lives to the service, I am willing to give them just as much as anybody would give them, but I can not see why a man who went on an excursion to Cuba, which was the case with most of them, and who came back afterwards and married, sound and well, should charge the Government with responsibility for his widow or children, any more than if he had not been there.

Mr. GALLINGER. I know this matter is not debatable, but a great many of these widows are widows of soldiers who did not consider it a junketing expedition, but who actually contracted disease, and many of them were wounded. However, if the Senator objects——

Mr. SMITH of Georgia. I want to say to the Senator that wherever anyone was injured in the service, wherever anyone has died as a result of the service, wherever the service has really damaged anybody, the Senator from New Hampshire will not vote for a more liberal pension than I will. I simply object to pensioning them when they were not injured. I simply object to the system of pensioning widows of perfectly sound men who have had a short service, who come out of that service well, and who subsequently marry. I do not think there is any more reason for pensioning their widows than for pensioning the widows of everybody. It is injury in service that I am willing to vote any reasonable pension for, but I object to pensioning where there is lack of injury in service.

Mr. MYERS. Mr. President, If I may say a word, I will suggest that the bill might be amended, then, by striking out the widows in such cases. I will add my voice to the appeal of the Senator from New Hampshire to take up that bill. I am very much in favor of it.

Mr. GALLINGER. I will not agree to amending the bill. The Senator from Georgia has objected to every pension bill that we have reached on the calendar, and I am willing that the record shall stand.

Mr. SMITH of Georgia. Every one of the pension bills reached so far has contained pension of the class which I have shown should be subject to objection.

Mr. GALLINGER. I beg the Senator's pardon.

Mr. SMITH of Georgia. Yes; the others included them.

Mr. GALLINGER. Well, we will not argue that matter.

Mr. SMITH of Georgia. I did not object to the bills until I saw they included them.

I want to say that I have letters from constituents urging some of these pensions. There are persons in my own State who are in this list, and who want to get these pensions. I am pressing my objection now, free from any embarrassment about their having been soldiers of the war between the States. They are my constituents that I am stopping from receiving gifts from the Government to which I do not consider them entitled, just as they are constituents of Senators from other States.

Mr. GALLINGER. Well, Mr. President, that is all right. The Senator did object to two bills that provided pensions for widows of soldiers and sailors of the Regular Army and Navy.

Mr. SMITH of Georgia. And they also added "of other wars," the Senator will notice.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

CLAIMS OF MASSACHUSETTS.

The bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts, was considered as in Committee of the Whole.

The PRESIDING OFFICER. This bill was read and amended on April 24.

Mr. LODGE. Mr. President, objection was made to that bill by the Senator from North Carolina [Mr. OVERMAN] on the same ground on which he has objected to the bills of the Senator from Oklahoma. I have drafted an amendment in the nature of a substitute which meets his views, and I have consulted him in regard to it. I know of no other objection to the bill.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. LODGE. I ask to have the amendment read.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert the following:

That the claim of the State of Massachusetts for premium paid for coin with which it paid the interest and principal of its bonds issued in the year 1861 for money borrowed and used to furnish troops of the State for the service of the United States during the Civil War, and also its claim for interest, and premium paid for coin used in payment of such interest, on bonds issued for money borrowed and expended, at the request, during said war, of the President of the United States, in protecting the harbors and fortifying the coast, which claims were rejected by the Comptroller of the Treasury Department, be, and the same are hereby, referred to the Court of Claims for a determination of the law and the facts and report to Congress. The evidence of the amount of said expenditures and of the computations of such premiums made by the accounting officers of the Treasury on file in said department as furnished by the State may be considered by the court so as to relieve the State of the necessity of again filing said evidence in court.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, is this Senate bill 3346?

The PRESIDING OFFICER. It is.

Mr. LODGE. The bill has been changed to meet the objection of the Senator from North Carolina.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH T. WELLS.

The bill (S. 3012) for the relief of Elizabeth T. Wells was considered as in Committee of the Whole. It proposes that in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers of the Volunteer Army Charles S. Wells, deceased, shall be held and considered to have been honorably discharged from the military service of the United States as a member of Company F, Twelfth Regiment New York Volunteer Infantry, on the 26th day of December, 1861, provided that no back pay, bounty, pension, or other emolument shall accrue prior to the passage of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2530) for the relief of the Buffalo River Zinc Mining Co. was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CREEK INDIAN LANDS.

The joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, was considered as in Committee of the Whole.

The joint resolution has been reported from the committee on Indian Affairs with an amendment, on page 2, after line 2, to insert:

That the Secretary of the Interior is hereby authorized to pay each and every duly enrolled citizen of the Creek Nation who has not been allotted lands in said nation and who is not included in Senate Document No. 478, Sixty-third Congress, second session, the sum of $2,080, in lieu of an allotment of land in said nation. Said sum of $2,080 to be paid to each and every person out of the funds in the Treasury of the United States to the credit of the Muskogee Creek Nation.

So as to make the joint resolution read:

Resolved, etc., That the unallotted lands or public domain of the Creek Nation or Tribe of Indians, including any land the title to which has been or may be recovered for the Creek Nation in any pending or other suit or otherwise, be, and the same is hereby, withheld from allotment to members of said nation or tribe, and that the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause such land to be sold or leased for the benefit of the Creek Nation or Tribe of Indians under such rules and regulations as he may prescribe, the proceeds of such sale or lease to be paid into the Treasury of the United States to the credit of said Creek Nation.

That the Secretary of the Interior is hereby authorized to pay each and every duly enrolled citizen of the Creek Nation who has not been allotted lands in said nation and who is not included in Senate Document No. 478, Sixty-third Congress, second session, the sum of $2,080, in lieu of an allotment of land in said nation. Said sum of $2,080 to be paid to each and every person out of the funds in the Treasury of the United States to the credit of the Muskogee Creek Nation.

Mr. GALLINGER. Let that go over, Mr. President.

Mr. OWEN. Mr. President, I wish to propose an amendment, to insert "$1,040" in lieu of "$2,080." Do I understand that objection is made to the consideration of the joint resolution?

The PRESIDING OFFICER. Yes.

Mr. OWEN. I hope the Senator will not object to its consideration. There are some lands which have been developed for oil there that have a very large value, estimated at as much as a million dollars for a quarter section. It is obvious that it was not the intention of the agreement that such a development there should pass into the hands of a private person.

Mr. CURTIS. Mr. President, I think with the amendment reducing the amount, offered by the Senator from Oklahoma, there is no objection on the part of members of the committee to the joint resolution.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

Mr. GALLINGER. I objected, but I will withhold the objection to ask the Senator from Oklahoma a question. It looks to me as though the committee must have been guessing when they fixed upon the sum of $2,080 and now agree to a less sum. How did they reach their conclusions?

Mr. OWEN. The original estimate of the value of these allotments was $1,040. In many cases Congress, where it has granted money in lieu of land, has increased it to double the amount, and it was thought that double the amount would be just in this case, because they had developed a very important oil field there, and the values had increased accordingly. The value of the land increased, but $1,040 is the original standard.

Mr. GALLINGER. How did the committee happen to name $2,080?

Mr. OWEN. Because it was double $1,040.

Mr. CURTIS. Mr. President, I desire to state that I was not present when the bill was considered by the committee or I should have objected to that amount. As soon as I found the amount was fixed at that figure, I notified the Senator from Oklahoma that I thought it should be reduced to the amount fixed in the agreement, and he consented to offer that amendment.

Mr. GALLINGER. Mr. President, I withdraw my objection, under the statement made by the two Senators.

The PRESIDING OFFICER. The objection is withdrawn. The Senator from Oklahoma proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 2, line 8, in the committee amendment, it is proposed to strike out "$2,080" and to insert "$1,040," and in line 9 it is proposed to strike out "$2,080" and to insert "$1,040."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

IOWA TRIBE OF INDIANS.

The bill (S. 4253) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment on principles of justice and equity and as upon a full and fair arbitration of the claims of the Iowa Tribe of Indians, of Oklahoma, against the United States, with the right of appeal by either party to the Supreme Court of the United States, for the determination of the amount, if any, which may be legally or equitably due said tribe of Indians under any treaties or laws of Congress or under any stipulations or agreements, whether written or oral, entered into between said tribe of Indians and the United States or its authorized representatives, or for the failure of the United States to pay any money which may be legally or equitably due said tribe of Indians. A petition in behalf of said Indians shall be filed in the Court of Claims within one year after the passage of this act, and the Iowa tribe of Indians shall be the party plaintiff and the United States the party defendant, and the petition may be verified by the attorney employed by the said Iowa Tribe of Indians, to prosecute their claim under this act, under contract to be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information and belief as to the facts alleged in said petition. Upon the final determination of the cause the Court of Claims shall decree such fees and expenses as the court shall find to be reasonably due to be paid to the attorney or attorneys employed by said Iowa Tribe of Indians, and the same shall be paid out of any sum or sums of money found due said Iowa Tribe of Indians: *Provided*, That in no case shall the fees and expenses decreed by said court be in excess of the amount stipulated in the approved contract.

Mr. OVERMAN. Let that bill go over, Mr. President.

Mr. OWEN. Mr. President, this bill can be modified so as simply to provide for a report to Congress, and I should like to have it passed in that form. I will propose such an amendment.

Mr. OVERMAN. Let it go over, then, and the Senator can call it up when he is ready to amend it.

Mr. OWEN. I am ready now.

Mr. OVERMAN. All right.

Mr. OWEN. I move, in line 4, page 1, to insert the word "and" after the word "hear"; to strike out the words "and render judgment," in line 4; and to insert, after the word "States," in line 7, the words "and report to Congress," striking out, in lines 7 and 8, the words "with the right of appeal by either party to the Supreme Court of the United States, for," leaving the language to read:

Jurisdiction is hereby conferred upon the Court of Claims to hear and determine, on principles of justice and equity, and as upon a full and fair arbitration of the claims of the Iowa Tribe of Indians, of Oklahoma, against the United States, and report to Congress the determination of the amount, if any—

And so forth.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 1, line 4, after the word "hear," it is proposed to insert the word "and," so that it will read "to hear and determine"; in the same line, to strike out the words "and render judgment"; in line 7, after the words "United States," to insert "and report to Congress"; and, in lines 7, 8, and 9, to strike out "with the right of appeal by either party to the Supreme Court of the United States, for."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. I notice in this bill there is a provision for the payment of fees to attorneys representing these Indians. I have heard——

Mr. OWEN. I have no objection to having that stricken out if it is objectionable.

Mr. GALLINGER. I am not going to object, but I am going to ask a question. A good deal of complaint has come to me of inordinate fees being made, fees out of all reason. I was going to ask the Senator how that is, whether or not——

Mr. OWEN. In the past history of the country there have been fees allowed that were unreasonable and unfair, but in recent years there has been a tendency to a gradual restriction of fees to narrower limits, and in this case it is left to the determination of the court after they have perceived what services were rendered before the court.

Mr. GALLINGER. The court will not decree anything above the amount stipulated in the approved contract. What I was trying to get at was whether those contracts as a rule are fair to the Indians.

Mr. OWEN. I think under the present administration and under recent administrations the restriction has been so rigid, in fact, that in many of these cases the Indians have really not been represented at all.

Mr. OVERMAN. I suggest to the Senator to strike out the words "render final judgment" and to insert "report to Congress," and to strike out the word "decree" and insert "find," so that they shall find such fees and report to Congress.

Mr. OWEN. I make the motion to change that.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. GALLINGER. What is the amendment?

Mr. OWEN. In line 21, strike out the word "decreed" and insert "found."

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. OWEN. In line 21, strike out the word "decreed" and insert the word "found."

The SECRETARY. On page 2, line 21, strike out "decreed" and insert "found," so as to read "the expenses found by said court."

The amendment was agreed to.

Mr. OWEN. In line 15, on page 2, I move to strike out the word "decree" and to insert "find."

Mr. OVERMAN. That is right.

The amendment was agreed to.

Mr. GALLINGER. The Chair did not give me an opportunity to conclude what I was trying to say.

The PRESIDING OFFICER. The Chair will give the Senator an opportunity now.

Mr. GALLINGER. Yes; I will take the time now.

The PRESIDING OFFICER. First, however, the hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

Mr. OWEN. I ask that the unfinished business be temporarily laid aside.

Mr. BANKHEAD. I was going to suggest that it be laid aside temporarily.

Mr. OWEN. I beg the Senator's pardon; I looked at his seat and not seeing it occupied I did not observe him in the Chamber. That is the reason why I made the request.

The PRESIDING OFFICER. Without objection, the unfinished business will be laid aside temporarily.

Mr. GALLINGER. I was only going to say in reference to this matter that it is gratifying to me to have the Senator from Oklahoma, who is more familiar with these cases than those of us from the East, assure us that the Indians are being protected, so far as the payment of fees to attorneys is concerned. I had called to my attention one case a few years ago where an enormous fee had been paid to attorneys out of the funds of the Indians for defending them or securing legislation in their behalf, as it was claimed. I recognize the fact that fees ought to be paid to men who represent Indians or white men, but, as a friend of the Indian, in a general way, I trust that his rights will be carefully guarded in all such legislation and that he will not be robbed of fees that ought not and can not properly be demanded as a matter of justice and right.

That is all I care to say.

Mr. OWEN. It is very naturally an object of solicitude to protect the Indian people against unjust and unfair fees. In this case it comes under sections 2103, 2104, and 2105 of the Revised Statutes, and is subject to the scrutiny of the officers of the Indian Office and then the Secretary of the Interior, and it must receive the written approval of both, and then afterwards the court will define what is right.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. OWEN, the title was amended so as to read: "A bill conferring jurisdiction on the Court of Claims to hear, determine, and report to Congress in claims of the Iowa Tribe of Indians against the United States."

CARE AND TREATMENT OF LEPROSY.

The bill (S. 4086) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. Objection is made to the consideration of the bill and it goes over.

BARKENTINE "MABEL I. MEYERS."

The bill (S. 3270) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine, was considered as in Committee of the Whole.

The PRESIDING OFFICER. The reported amendment has been agreed to.

Mr. SMITH of Georgia. What amendment was made?

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 2, line 14, insert the following proviso:

Provided, That no award or judgment shall be made for prospective profits.

Mr. SMITH of Georgia. I should like to know what it is supposed the bill will carry as a charge, if anyone knows anything about it. Let it go over.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

VOLUNTEER OFFICERS' RETIRED LIST.

The next bill on the calendar was the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Mr. SMITH of Georgia. I object.

Mr. TOWNSEND. Mr. President, I had expected that the bill would be objected to at this time because I recognize that it is not the proper time to call up the bill when a majority of the Senate is not here. This, however, is a bill which was passed at the last session and which I am very anxious should receive the consideration of the Senate. I shall try immediately after the reconvening of the Senate to fix some day on which we can have a vote. I want to be as good as I can be to all Senators who have bills which they wish to have considered, but I am going to urge every means possible to secure a vote upon this bill at the proper time.

The PRESIDING OFFICER. The bill will go over.

TAX ON OPIUM, ETC.

The bill (S. 3526) to amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," was announced as next in order.

The PRESIDING OFFICER. This bill was considered as in Committee of the Whole on April 24 and an amendment suggested by the Senator from Kansas [Mr. THOMPSON] was stated but not agreed to. The question is on the amendment offered by the Senator from Kansas.

Mr. CHAMBERLAIN. In the absence of that Senator I suggest that the bill go over.

Mr. THOMAS. I understood that the Senator from Oklahoma [Mr. OWEN] objected to that bill. Consequently I assumed that he would object to its consideration now.

Mr. OWEN. I only objected to it on account of having introduced a rule with regard to "peyote" in Oklahoma. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over.

WATER-POWER SITES.

The bill (S. 4971) to authorize the designation and withdrawal of water-power sites, and the construction of water power and other plants by the United States for the manufacture of nitrates, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. SMITH of Georgia. I think that bill has been disposed of by a provision in the Army reorganization bill, and it might be indefinitely postponed.

The PRESIDING OFFICER. Is there objection to the indefinite postponement of the bill?

Mr. SMITH of Georgia. Perhaps I had better not make that motion. Let it go over.

The PRESIDING OFFICER. Objection is made to the consideration of the bill at the present time, and it will go over.

COAL, PHOSPHATE, GAS, ETC.

The bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. It will go over.

COWLITZ INDIAN CLAIMS.

The bill (S. 2458) authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 2, line 3, after the words "The Court of Claims," to strike out the words "shall advance said cause upon the docket for hearing and," so as to read:

The Court of Claims shall have authority to determine and adjudge the rights, both legal and equitable, of said Cowlitz Tribe and of the United States in the premises, notwithstanding lapse of time or statutes of limitation.

The amendment was agreed to.

The next amendment was, on page 2, line 10, after the words "United States," to insert the following proviso:

Provided, That in no case shall any award covering all legal and equitable claims of said Cowlitz Tribe of Indians against the United States exceed the sum of $2,000,000.

The amendment was agreed to.

Mr. OWEN. I shall have to insist that that shall go under the same rule that is imposed upon the case in Oklahoma.

Mr. LANE. What is that rule?

Mr. OWEN. A rule that a report shall be made to Congress, and I shall move that the bill be amended accordingly. Otherwise I shall be compelled to ask that it go over.

Mr. JONES. I will offer an amendment to make it conform to that bill, because I doubt if we will have an opportunity to pass it again. I will ask the Senator to note the amendment as I suggest it. In line 6, after the word "Claims," I move to strike out the words "with the right of appeal to the Supreme Court of the United States," and in line 8, after the word "party," to strike out the words "for determination," so as to read:

That all claims of whatsoever nature, both legal and equitable, which the Cowlitz Tribe of Indians residing in the State of Washington may have or claim to have against the United States may be submitted to the Court of Claims by any party.

The amendment was agreed to.

Mr. JONES. On page 2, line 2, I move to strike out the words "enter judgment thereon" and insert "report its findings of fact and law to Congress."

The amendment was agreed to.

Mr. JONES. I suppose it would be just and proper to strike out the balance of the bill after the word "limitation," in line 7.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 7, after the word "limitation," strike out the comma and the remainder of the bill down to and including the word "cause," in line 8, on page 3, at the end of the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

The bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States was announced as next in order.

Mr. LA FOLLETTE. Let that be passed over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

STEAMBOAT-INSPECTION SERVICE.

The bill (H. R. 449) to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10, was considered as in Committee of the Whole.

Mr. CHAMBERLAIN. I desire to offer an amendment: On page 2, line 6, I move to insert the following proviso:

Provided, That the States of California and Oregon shall be included within the same steamboat inspection district.

Mr. JONES. I should like to ask the Senator from Oregon what change that makes?

Mr. CHAMBERLAIN. It simply leaves Portland, Oreg., and San Francisco in the same district.

Mr. JONES. How are they now?

Mr. CHAMBERLAIN. I was trying to find the report. I will find it in a moment.

Mr. JONES. As it is now, the Senator understands that Oregon, Washington, and Alaska are in one district?

Mr. CHAMBERLAIN. I will not be positive about that, I will say to the Senator. I thought I had the report at my desk, but I do not find it.

Mr. JONES. I have not any objection to the amendment.

Mr. CHAMBERLAIN. I will say to the Senator that I have been requested by the chamber of commerce of my city to ask for this amendment to the bill, and it was on their request that I offered the amendment.

Mr. JONES. The Senator has conferred with the department in reference to the desirability of it?

Mr. CHAMBERLAIN. No; I have not.

Mr. JONES. Of course, the bill has to go through the House, and I make no objection to the amendment.

Mr. CHAMBERLAIN. It can be amended there if there is any objection to it.

Mr. GALLINGER. It is a House bill.

Mr. FLETCHER. It is a House bill, and if any change is made it must be done in conference.

Mr. JONES. Being a House bill, it will go to conference if it is an important matter.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIMS OF SHAWNEE INDIANS.

Mr. OWEN. I should like to revert to the bill (S. 1098) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians. It was objected to on the ground that it gave the Court of Claims the right to render judgment. I ask to be permitted to modify the bill so as to make the case of the loyal Shawnees conform to the Cowlitz case and the Ponca case.

The PRESIDING OFFICER (Mr. MYERS in the chair). Is there objection to recurring to the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. OWEN. On page 1, line 4, after the words "Court of Claims," I move to strike out the words "with right of appeal to the Supreme Court of the United States," and, in line 5, to strike out the word "adjudicate" and insert the word "hear," so as to read:

That jurisdiction is hereby conferred upon the Court of Claims to hear and determine as right and justice may require, and as upon a full and fair arbitration, the claims of the loyal Shawnees—

And so forth.

The amendment was agreed to.

Mr. OWEN. On page 2, line 3, after the word "time," I move to strike out the words "and the final judgment and satisfaction thereof shall be a full and final settlement of the claims of said Indians against the United States" and to insert "and to report the same to Congress."

The amendment was agreed to.

Mr. OWEN. In lines 15, 16, and 17, on page 2, I move to strike out the words "such suit on motion of either party shall be advanced on the docket of the Court of Claims and of the Supreme Court."

The amendment was agreed to.

Mr. OWEN. On page 3 I move to strike out all after the word "Indians," in line 2, in the following words:

The balance of any judgment rendered in favor of claimant Indians shall be placed in the Treasury of the United States to the credit of the Indians entitled thereto, and shall draw interest at the rate of 4 per cent per annum.

The amendment was agreed to.

Mr. OWEN. That merely leaves the bill so that a report is made to Congress of the facts and law bearing on the case.

The PRESIDING OFFICER. The bill was reported from the Committee on Indian Affairs with an amendment, which will be stated.

The SECRETARY. On page 2, line 11, after the word "Indians," strike out "entered into a contract on May 26, 1909, to represent them in the above matter" and insert "may enter into contract, with the approval of the Secretary of the Interior and Commissioner of Indian Affairs, as provided by law."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

As passed the bill reads:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear and determine as right and justice may require, and as upon a full and fair arbitration, the claims of the loyal Shawnees and loyal Absentee Shawnees, either as a tribe or as individuals, against the United States, mentioned in the twelfth article of the treaty proclaimed October 14, 1868 (15 Stat., p. 513), and investigated and reported to Congress by the Interior Department, and to enter judgment

thereon, said claims to be considered without regard to lapse of time and to report the same to Congress.

SEC. 2. That suit under this act shall be begun by the filing of a single petition in the name of the Absentee Shawnee Tribe and the business committee as representative of the individual claimants, setting forth the claims of said Indians, to be verdied by the attorneys with whom the claimant Indians may enter into contract, with the approval of the Secretary of the Interior and Commissioner of Indian Affairs, as provided by law. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence, and in the event any original papers shall be lost, the court shall consider secondary evidence thereof, giving to the same such weight as to the court may seem proper. The compensation to be paid the attorneys for the claimant Indians shall be determined by the Court of Claims, but shall not exceed the amount provided in the contract between the claimant Indians and their attorneys, and shall be paid out of any sum or sums found and adjudged to be due said Indians.

The title was amended so as to read: "A bill to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians, and to report the same to Congress."

STOCK-RAISING HOMESTEADS.

The bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, was announced as next in order.

Mr. ASHURST. I wish to propose an amendment to the bill.

Mr. GALLINGER. Let it go over.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

JAMES F. COLE.

The bill (S. 739) to remove the charge of desertion from the military record of James F. Cole was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James F. Cole, who was a private in Company E, Second Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 25th day of May, 1864: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James F. Cole."

MOSES CHAUNCEY.

The bill (S. 743) to remove the charge of desertion from the military record of Moses Chauncey was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Moses Chauncey, who was a private of Company M, Eighth Michigan Cavalry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on or about the 25th day of December, 1863: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Moses Chauncey."

PUBLIC BUILDING AT GEORGETOWN, DEL.

The bill (S. 5503) to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to expend a sum not exceeding $10,000 for the purchase of a site for the erection of a Federal building in the town of Georgetown, Del.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5206) for the relief of mail contractors was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. SMITH of Georgia. I did not intend to object to that bill.

Mr. GALLINGER. I objected.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. I object.

The PRESIDING OFFICER. The bill is objected to, and the next bill will be stated.

CIRCUIT COURTS OF APPEAL.

The bill (S. 1308) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1911, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, be, and the same is hereby, amended by adding at the end thereof an additional section, as follows

"SEC. 16. In all suits wherein by the provisions of this act a review may be had as a matter of right in the Supreme Court of any final decision of a circuit court of appeals a right of review by the Supreme Court is hereby given of all decisions in such suits which reverse the judgment or decree of a district court and by the same procedure by which a review of such final decision can be obtained under the provisions of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled, 'An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891."

CHILD LABOR.

The bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, was announced as next in order.

Mr. NEWLANDS. The Senator from North Carolina [Mr. OVERMAN] told me that he wished to be present when this bill is considered.

The PRESIDING OFFICER. Objection is made——

Mr. NEWLANDS. I do not object myself, but I suggested——

The PRESIDING OFFICER. The bill has to be considered unless some one objects.

Mr. NEWLANDS. I suggest that the Senator from North Carolina be notified.

Mr. GALLINGER. Let the bill be passed over temporarily.

The PRESIDING OFFICER. Is there objection to that suggestion?

Mr. NEWLANDS. I suggest that it be passed over temporarily.

The PRESIDING OFFICER. Very well; it will be passed over.

COMMERCIAL PACIFIC CABLE CO.

The bill (S. 4866) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co. was considered in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Commercial Pacific Cable Co. $35,838.22, to reimburse that company for the cost of repairing certain damages done by the United States naval authorities to one of the company's cables in the harbor of San Luis d'Pra, Island of Guam, in September, 1907, as reported to Congress in Senate Document No. 88, Sixty-fourth Congress, first session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SERVICES ARISING UNDER NAVY DEPARTMENT.

The bill (H. R. 6651) providing for the payment for certain services arising under the Navy Department was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay the following sums of money to the respective claimants enumerated herein, the same being the amount due the claimants for service rendered under the Navy Department as certified to the House by letter from the Secretary of the Treasury March 25, 1914: To W. F. Durand, Stanford University, California, $228.05; to Burton McCullom, Bureau of Standards, Department of Commerce, $325; to Pay Director J. S. Phillips, United States Navy, $70; to Pay Inspector Z. W. Reynolds, United States Navy, $529.93; to R. P. Andrews Paper Co., Washington, D. C., $21.15.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LESTER A. ROCKWELL.

The bill (S. 1362) for the relief of Lester A. Rockwell was considered as in Committee of the Whole. It provides that in the administration of the pension laws and laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Lester A. Rockwell, who was a private of Company G, First Regiment Connecticut Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 29th of April, 1865, but that no pension shall accrue prior to the passage of this act.

Mr. GALLINGER. In line 11, after the word "pension," I move to insert the words "or other allowances," so that it will read:

Provided, That no pension or other allowances shall accrue prior to the passage of this act.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF MYRA CLARKE GAINES.

The bill (S. 3294) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana, was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment in section 1, page 3, line 3, after the words "sum of," to strike out the figures "$200,000" and to insert "$48,071," so as to make the section read:

That the sum of $48,071 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, and that the same shall be paid by the Treasurer of the United States to Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs at law of Myra Clarke Gaines, who shall prove their rights of inheritance.

The amendment was agreed to.

Mr. GALLINGER. I move to strike out section 2 of the bill. It is superfluous.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 3, after line 8, it is proposed to strike out section 2, as follows:

SEC. 2. That this act shall take effect from the date of its passage.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, the Senator from Louisiana [Mr. BROUSSARD], who reported the bill, is not now in his seat. I was about to inquire how it chanced that the bill originally carried $200,000, and when reported that sum is reduced to $48,071? I have not had time to read the report of the committee, but knowing that the Senator from Louisiana is a very careful legislator, I shall not raise any objection to the bill, although it always strikes me as a suspicious circumstance when a large sum is named in a bill, and when the report comes in the amount is perhaps reduced three-fourths, or in this case more than that. I shall not, however, as I have said, object to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move to strike out the preamble, as it recites facts that are included in the report.

The preamble was rejected.

SPANISH WAR CLAIMS OF KENTUCKY.

The bill (S. 2543) for the relief of the State of Kentucky was considered as in Committee of the Whole. It proposes that the claim of the State of Kentucky for reimbursement for expenses incurred by its governor in aiding the United States to raise the Volunteer Army for the War with Spain, arising under the act of Congress of July 8, 1898, and the acts amendatory thereto, which has heretofore been filed before the Treasury Department and disallowed because the claim had not been "filed and disallowed" before the passage of the amendatory act of April 27, 1904, shall be reopened, examined, and allowed in accordance with the second section of said act of April 27, 1904, and in accordance with the rulings of the accounting officers of the Treasury Department, heretofore made in claims of like character of other States, the allowance not to exceed in amount $1,400.44.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRODUCTS OF CHILD LABOR.

Mr. NEWLANDS. Mr. President, I call the attention of the Senator from North Carolina [Mr. OVERMAN] to the fact that Order of Business 342, being the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, was called up during his absence, and that I called attention to the fact that it ought to be passed over until he could return.

The PRESIDING OFFICER. Is there objection to returning to the consideration of that bill?

Mr. OVERMAN. Mr. President, I suppose nobody desires that the bill shall be passed here at this time of day, with the Senate as it is. I do not propose to filibuster at all against the bill, but there are other Senators who are bitterly opposed to it who are not here to-day. So far as I am concerned, I repeat, I do not propose to filibuster on the bill. I had hoped some time might be set, say, the first Monday of next December, for its consideration. I do not know whether we shall reach it soon or not. I would be ready for its consideration, so far as I am concerned, when the bill properly comes up for discussion. I wish the bill discussed, and propose myself to discuss it, but I do not think we can discuss it this afternoon.

Mr. LA FOLLETTE. I ask unanimous consent, Mr. President, that the bill be taken up for consideration on the first Monday in July.

Mr. THOMAS. That will require a call of the roll.

Mr. SMITH of Georgia. Mr. President, I desire to suggest that there are a number of bills before that on the calendar, and I do not propose to give unanimous consent to take up such a bill for consideration ahead of its order on the calendar.

Mr. OVERMAN (to Mr. LA FOLLETTE). Make it the first Monday of December next.

Mr. SMITH or Georgia. The bill for vocational education precedes this bill, the judiciary bill precedes it, and a number of other bills precede it. Now, let us take up the calendar and dispose of these matters in their order.

Mr. LA FOLLETTE. I do not understand that the bill for vocational education is yet on the calendar.

Mr. SMITH of Georgia. Certainly; it is on the second page of the calendar. I tried to get it up, but it was objected to when it was reached on the calendar. I repeat, the bill for vocational education is on the second page of the calendar. It is No. 703, and has been objected to.

Mr. LA FOLLETTE. Because that bill was objected to, it does not follow that every other bill should be objected to.

Mr. SMITH of Georgia. I think we are entitled to call the calendar, not under a unanimous-consent agreement, but to dispose of business as we reach it.

Mr. LA FOLLETTE. Well, Mr. President, I will not submit a unanimous-consent request at this time, because I suppose that would necessitate a call of the roll and disclose the fact that there is no quorum. There are bills to which no objection can be taken that may be disposed of even without a quorum. Therefore I forbear to submit that request; but I shall do so, Mr. President, at a very early day, and press, with others who are in favor of this legislation, for its early consideration, even to the exclusion of bills that other Senators may think important.

Mr. OWEN. Mr. President, I am very greatly desirous of having the child-labor bill brought up and disposed of, but it is obvious that under the conditions to-day a unanimous-consent agreement is not possible without imparing the opportunity which we have of disposing of unobjected bills. At a very early opportunity, however, I shall join with other Senators and shall be prepared to make a motion that we proceed to the consideration of that measure and dispose of it.

BUILDING AND LOAN ASSOCIATIONS.

The bill (S. 5672) for the relief of sundry building and loan associations was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the several associations herein named, out of the moneys in the Treasury not otherwise appropriated, the sums herein specifically set forth, the same being a refund of the tax illegally collected from said associations under the excise act of August 5, 1909, namely:

To the Rapides Building & Loan Association, of Alexandria, La., $23.70.
To the Shreveport Building Association, of Shreveport, La., $929.47.
To the Sixth District Building & Loan Association, of New Orleans, La., $41.64.
To the Fidelity Homestead Association, of New Orleans, La., $70.26.
To the Union Homestead Association, of New Orleans, La., $190.98.
To the Iberia Building Association, of New Iberia, La., $725.35.

To the Teutonia Loan & Building Co., of New Orleans, La., $312.16.
To the Citizens' Homestead Association, of New Orleans, La., $21.63.
To the Portsmouth Savings & Loan Co., of Portsmouth, Ohio, $111.57.
To the Ninth West Columbia Permanent Building Association, of Baltimore, Md., $88.41.
To the State Mutual Building Association, of Baltimore, Md., $247.55.
To the Citizens' Saving & Loan Association Co., of Portsmouth, Ohio, $243.48.
To the Reliable Building & Loan Association, of Newark, N. J., $811.59.
To the Orvil Cooperative Building & Loan Association, of Allendale, N. J., $38.74.
To the Monticello Mutual Building & Loan Association, of Jersey City, N. J., $261.36.
To the Junior Order Building & Loan Association, of Newark, N. J., $228.61.
To the Ironbound District Building & Loan Association, of Newark, N. J., $97.28.
To the Hilton Building & Loan Association, of Newark, N. J., $134.82.
To the Duncan Building & Loan Association, of Jersey City, N. J., $47.46.
To the Columbia Building & Loan Association, of Jersey City, N. J., $201.05.
To the Commonwealth Building & Loan Association, of Newark, N. J., $77.40.
To the Woodlawn Building & Loan Association, of Jersey City, N. J., $10.95.
To the Boonton Building & Loan Association, of Boonton, N. J., $149.23.
To the Twelfth Ward Building & Loan Association, of Newark, N. J., $11.01.
To the Woodside Building & Loan Association, of Newark, N. J., $404.69.
To the State Mutual Building & Loan Association, of Los Angeles, Cal., $1,969.66.
To the Fidelity Savings & Loan Association, of Los Angeles, Cal., $2,392.29.
To the Kern County Mutual Building & Loan Association, of Bakersfield, Cal., $189.20.
To the Pasadena Building & Loan Association, of Pasadena, Cal. (formerly the Los Angeles County Mutual Building & Loan Association, of Pasadena), $62.74.
To the Home Builders' Loan Association, of Pomona, Cal., $117.55.
To the San Diego Building & Loan Association, of San Diego, Cal., $317.68.
To the Provident Mutual Building Loan Association, of Los Angeles, Cal., $4,403.12.
To the People's Mutual Building & Loan Association, of Bakersfield, Cal., $199.35.
To the Santa Fe Building Association, of San Bernardino, Cal., $571.90.
To the Home Investment Association, of Redlands, Cal., $157.65.
To the Western Loan & Building Co., of Salt Lake City, Utah, as successors to the Western Loan & Savings Co., $768.38.
To the Yakima Savings & Loan Association, of North Yakima, Wash., $121.54.
To the German Savings, Building & Loan Association, of Seattle, Wash., $37.54.
To the Pacific Building & Loan Association, of Tacoma, Wash., $268.33.
To the Jefferson County Building & Loan Association, of Birmingham, Ala., $1,034.59.
To the West Baltimore Building Association, of Baltimore, Md., $168.17.
To the Fidelity Building, Loan & Savings Co., of Columbus, Ohio, $541.28.
To the Trumbull Savings & Loan Co., of Warren, Ohio, $173.07.
To the Permanent Savings & Loan Co., of Akron, Ohio, $56.22.
To the Home Building Loan & Savings Co., of Coshocton, Ohio, $164.92.
To the Third Savings & Loan Co., of Piqua, Ohio, $151.23.
To the Cleveland Savings & Loan Co., of Cleveland, Ohio, $405.31.
To the Union Savings & Loan Co., of Cleveland, Ohio, $1,289.70.
To the People's Savings Association, of Columbus, Ohio, $835.61.
To the Allemania Building & Loan Co., of Columbus, Ohio, $10.58.
To the Cambridge Loan & Building Co., of Cambridge, Ohio, $122.82.
To the Bellefontaine Building & Loan Co., of Bellefontaine, Ohio, $194.44.
To the Centerburg Building & Loan Co., of Centerburg, Ohio, $231.10.
To the Central Ohio Building & Loan Co., of Columbus, Ohio, $353.68.
To the Citizens' Home & Savings Co., of Marysville, Ohio, $80.11.
To the Defiance Home Savings & Loan Association, of Defiance, Ohio, $269.58.
To the Delphos Savings & Loan Association Co., of Delphos, Ohio, $155.39.
To the Home Savings, Loan & Building Association Co., of Bryan, Ohio, $122.42.
To the Mutual Loan & Savings Association, of Chillicothe, Ohio, $105.45.
To the People's Savings & Loan Association, of Sidney, Ohio, $58.02.
To the Railroad Employees' Building & Loan Co., of Columbus, Ohio, $478.25.
To the Savings, Building & Loan Co., of Sandusky, Ohio, $50.08.
To the Star Building & Loan Co., of Ironton, Ohio, $338.70.
To the West Side Building & Loan Association, of Columbus, Ohio, $51.73.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. GALLINGER. Mr. President, I do not rise to object to this bill, but rather to express regret that the author of the bill, who also reported it, is not present. I am a little puzzled to understand how it chanced that this illegal tax was levied upon building and loan associations in certain sections of the country and not in other sections. We have a great many such institutions in New England, but this legislation does not seem to apply to any one of those. Perhaps it could not apply to them. There may be some good reason for it. I simply want to suggest that for the record, with a view possibly to having the matter looked into further when it goes to the other House.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

CONVICT-MADE GOODS.

The bill (S. 4060) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory, was announced as next in order.

The PRESIDING OFFICER. Objection is made.

Mr. SMITH of Georgia. Mr. President, this is a bill that I am very anxious to see passed. It has been favorably reported by the committee. It is not a bill that undertakes to invade the authority of the States, but only extends the regulations of the States, so that where they fix a limit as to the use of products or the sale of products manufactured by convict labor the rule of the States shall apply, even though the goods are imported into a State from some other State. If I can not proceed with the bill this afternoon, I hope we shall be able to have the bill considered in the near future.

BIRTHPLACE OF ABRAHAM LINCOLN.

The bill (H. R. 8351) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Library with amendments. The first amendment was, in section 1, page 1, line 5, after the words "possession of the," to strike out "President of the United States of America," and insert "Secretary of War"; on page 2, line 2, after the word "deed," to strike out "or" and insert "of"; in line 3, after the words "executed on the," to insert "eleventh"; in the same line, after the words "day of," to insert the word "April"; in line 4, after the word "and," to strike out "thirteen," and insert "sixteen"; so as to make the section read:

That the United States of America hereby accepts title to the lands mentioned in the deed of gift or conveyance now in possession of the Secretary of War, together with all the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, which deed of conveyance was executed on the 11th day of April, 1916, by the Lincoln Farm Association, a corporation, to the United States of America, describing certain lands situated near the town of Hodgenville, county of Larue, State of Kentucky, which lands are more particularly identified and described in said deed or conveyance. The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely: That the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 1, after the words "possession of the," to strike out "President of the United States of America," and insert "Secretary of War"; in line 3, after the words "executed on the," to insert "eleventh"; in the same line, after the words "day of," to insert "April," and in line 4, after the word "and," to strike out "thirteen," and insert "sixteen," so as to make the section read:

SEC. 2. That the United States of America hereby also accepts title to the endowment fund of $50,000 mentioned in the assignment and transfer, now in the possession of the Secretary of War, which assignment and transfer was executed on the 11th day of April 1916, by the Lincoln Farm Association, a corporation, to the United States of America, transferring and turning over all its rights, title, and interest in and to said endowment fund, heretofore invested in certain stocks, bonds, and securities held and owned by the Lincoln Farm Association, and more particularly identified and described in said assignment and transfer. The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same,

from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I will detain the Senate only a moment; but I think, in connection with the acceptance of this property by the Federal Government, it is fitting that something of the history of the organization which has brought about the preservation of this memorial be made a part of the record of to-day's proceedings of the Senate.

I confess to feeling something of a personal interest in the matter. Richard Lloyd Jones, who I think was instrumental in first suggesting the idea which has culminated finally in the preservation of the birthplace and home of Lincoln, is a native of Wisconsin and a resident of the city of Madison, where I live. I have also a sentimental interest arising from the fact that my father was born upon the farm adjoining the Lincoln farm.

I asked Mr. Jones some time ago to write me a letter, stating in brief the circumstances which led to his taking up the subject originally; and, while he did not expect that his letter would be inserted in the RECORD, I am going to take the liberty of reading it into the RECORD myself.

WISCONSIN STATE JOURNAL,
Madison, Wis., April 18, 1916.

Hon. ROBERT M. LA FOLLETTE,
United States Senate.

DEAR SENATOR: You asked for a brief statement of the Lincoln farm movement. It is this:

In common with every American boy I grew up with an admiration for Lincoln and early began to collect books and stories of his life and had quite a creditable Lincoln library collected and much of it read when, in the summer of 1904, being then upon the editorial staff of Collier's Weekly, I found myself, in my editorial wanderings, in Kentucky with a day or two to spare. I used this time to visit his birthplace 2½ miles south of Hodgenville, the county seat of Larue County. (Lincoln was born in Hardin County. Larue County is part of the original Hardin County.) I found the farm in a state of sad neglect. Thomas Lincoln left the farm when Abraham was 7 years old. He sold it to a family by the name of Creal. Jude Creal, who was born in the cabin in which Lincoln was born and who was the son of the Creal that purchased the farm from Thomas Lincoln, sold the farm in 1885 to Mr. Dennett, a wealthy New York restaurant owner, who bought it with some patriotic idea in mind, but he never perfected any plan for the farm other than to remove the log cabin from its original site, marking the site from which it was taken and carefully numbering and cataloguing the logs and then exhibiting the cabin as a side show at the Chicago World's Fair, Pan American Exposition at Buffalo, St. Louis World's Fair, and other large fairs and expositions, the proceeds of which he gave to the Foreign Baptist Mission Society. When I first visited the farm the cabin was not there. It was in storage in a warehouse in Long Island City, N. Y. The farm had simply been neglected since Dennett bought it. Dennett was then in a sanitarium, not of sound mind, and his properties were involved in litigation. I felt on that visit that some movement should be started to conserve this historic ground as national property. I retained a local lawyer in Hodgenville to advise me when this property might be subject to sale. On the 25th of August, 1905, I received a wire from this lawyer telling me that three days later the farm would be sold by court order at public auction on the steps of the courthouse at Hodgenville. I at once interested my friend, Robert J. Collier, the publisher of Collier's Weekly, in my plan, and he offered generous financial aid in the enterprise, and I hurried to Hodgenville and succeeded in bidding in the property at a very low figure, which would not have been possible except for the delay in the arrival of the two bidders who were eager to get the property for commercial purposes—one for distilling purposes, who would have been glad to have paid a high price for it. The distilling scheme, of course, grew out of the fact that there is a famous spring on this farm; the purity of its water is known through central Kentucky, and incidentally it is interesting to know that the only battleship that was ever christened with water was the battleship *Kentucky*, which was christened with water from the Lincoln birthplace spring. On the 28th of August, by virtue of this sale, I brought back the title of the property to Mr. Collier. We found we had been flooded with letters and telegrams coming from the news stories of the sale over the country and we at once organized the Lincoln Farm Association with the idea of raising an adequate sum of money to not only restore the log cabin to its original site but to build about it and over it a simple, strong, noble, enduring, granite memorial that would be in the nature of a national shrine, the story of which and the picture of which would find way into the geographies and school readers of the country as a constant reminder to the children of this country who are to be the future voters, that so long as they keep this country a pure democracy, even the boy of humblest birth may hope to rise to be the source of his country's greatest strength in its hour of greatest need. This was the inspiration in the movement and we invited the plain people of America to build this memorial by becoming members in the Lincoln Farm Association through the contribution of 25 cents or more to the memorial fund.

Gen. Horace Porter, Hon. Joseph H. Choate, Ex-President William H. Taft, Mr. August Belmont, Col. Henry Watterson, Jenkin Lloyd Jones—

Who, by the way, is the father of Richard Lloyd Jones and the pastor of the Lincoln Center Church in Chicago, which he has built up and which is a liberal church, where all may worship without regard to sect or belief—

Cardinal Gibbons, William Jennings Bryan, Justice Charles E. Hughes, Mr. Thomas Hastings, Mr. Sampel Gompers, Mr. Norman Hapgood and Miss Ida Tarbell (biographers of Lincoln), Hon. Oscar S. Straus, Hon. William Travers Jerome, Ex-Gov. Augustus E. Willson (of Kentucky), the late John A. Johnson (governor of Minnesota), the late Augustus Saint Gaudens, Dr. Albert Shaw (editor of the Review of Reviews), and Hon. Lyman J. Gage agreed to act as trustees of the association. Joseph W. Folk, then governor of Missouri, became the president of the association; Clarence H. Mackay, president of the Postal Telegraph Co., became its treasurer; Robert J. Collier, chairman of the executive committee; and Richard Lloyd Jones, the secretary of the association.

It was a five-years' campaign to raise the money and the endowment of $50,000, so that whether the property was finally put in the hands of the Government of the United States, where it properly belongs, or whether it was maintained through a private association, it would have all the necessary funds for upkeep.

On the 12th day of February, 1909, the centennial of Lincoln's birth, President Roosevelt delivered the centennial Lincoln address and laid the cornerstone of this memorial building. Though the farm is 2½ miles south of Hodgenville and Hodgenville is 60 miles south of Louisville, special trains were run to the farm on that occasion from Chicago, St. Louis, Cincinnati, New York, Nashville, Memphis, and many other cities, and over 17,000 people were on the ground.

On the 9th day of November, 1911, President Taft dedicated the completed memorial, at which time there was an equally large gathering on the grounds. During the four years since this memorial has been completed there has averaged over 15,000 visitors a year to this memorial, not including the crowds that have gathered there for special occasions and patriotic celebrations.

While this never would have come to pass but for my interest and enthusiasm in the idea, while I fathered the thing as secretary of the association engineered it, giving to it much labor and thought, and much more cash than I could afford to give, and while Mr. Collier, in the last report which he made to the meeting of the trustees of the association recently held in New York, very generously voiced the gratitude of the directors to me for bringing this thing into being, it would be unfair to give me credit for the whole enterprise, because, however great may have been my enthusiasm for the idea, it would have been impossible to bring to fruition without the very generous contribution of not only cash but labor of love given to the work, first by Mr. Collier himself and second by Mr. Mackay, for it was we three rather than any one of us who got together regularly once a week for five years and piloted the enterprise through to success. Of course, I "got together" once a day for an hour or so, but these two friends of mine should be given big credit for the fine and generous part they played in the enterprise. I think this covers all the ground you will want.

As a by product of the enterprise the State of Kentucky, after the Lincoln Farm Association was well under way in its work, appropriated by legislative enactment $2,500 for a tablet to be erected in Hodgenville, which would bear the inscription that "On the 12th day of February, 1809, two and one-half miles south of this town, Abraham Lincoln was born." Through my interest in this, by virtue of my having been appointed on the commission to spend this $2,500 by Senator Beckham, then governor of Kentucky, we secured an additional appropriation of $10,000 from the Congress of the United States and $2,500 from individuals in Louisville, so that, with $15,000 instead of $2,500, we procured the beautiful and famous statue of Lincoln, by Adolph A. Weinman, which now stands in the courthouse square at Hodgenville, and, of course, it was through my initiative that a replica of that went to the campus of the University of Wisconsin. In addition to this, I interested Gov. Willson in an effort—which he made successful—in raising money for a second statue of Lincoln by Mr. Weinman, which now stands in the rotunda of the State Capitol at Frankfort.

Always faithfully, yours,

RICHARD LLOYD JONES.

The PRESIDING OFFICER (Mr. CHILTON in the chair). If there be no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. FLETCHER. There are certain amendments, I believe.

The PRESIDING OFFICER. They have been agreed to.

Mr. FLETCHER. I think these gentlemen have done very noble work and have rendered great public service toward this undertaking.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill was passed.

EXCLUSION OF INTOXICATING LIQUORS FROM NATIONAL PARKS AND FOREST RESERVES.

The bill (S. 4862) to exclude intoxicating liquors from national parks and national forest reserves was considered as in Committee of the Whole. It prohibits, from and after its approval, the issuance by any officer or employee of the United States to any lessee, permittee, concessioner, or other person, firm, or corporation whatsoever, of any permit or authority for the sale or dispensing of intoxicating liquors of any kind (including beer, ale, and wine) in any national park or national forest reserve, and directs the Secretary of the Interior and the Secretary of Agriculture to take all necessary measures to carry the bill into full force and effect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. Mr. President, it is now 3 o'clock on Saturday afternoon. There is only a small attendance of Senators, and we can not pass any controverted bills. I will ask the Senator from Indiana [Mr. KERN] if we may not adjourn at this time.

Mr. FLETCHER. Mr. President, I think we could clear up a good many bills on the calendar with no sort of inconvenience or discomfort to Senators. I think we are accomplishing a good deal by getting rid of a number of items that are not objected to at all.

Mr. SMITH of Georgia. I want to say to the Senator that I am not going to ask that House bill 13486 shall go over.

Mr. GALLINGER. It is a gratification to me to know that.

Mr. SMITH of Georgia. That falls within a different class.

Mr. GALLINGER. I have no disposition to force an adjournment by asking for a quorum; so I will withdraw for the present the suggestion I made and let us proceed a little further.

Mr. OWEN. I should like to call attention to the fact that we began the consideration of the calendar this time at the beginning, instead of starting where we left off before, so that it has been somewhat unfair to the unobjected bills at the latter end of the calendar.

Mr. GALLINGER. I have no objection to going along.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions, with amendments.

The first amendment of the Committee on Pensions was on page 1, after line 5, to strike out:

The name of James C. Baker, late of Company G, Sixth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 5, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Murray Myers, late of Company C, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. CURTIS. Mr. President, I hope that amendment will not be agreed to. The man has had a paralytic stroke and is confined to his house, and requires the care and attention of another person. He is also totally blind.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 2, line 9, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of William C. Hershberger, late of Company A, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. CURTIS. I hope that amendment will not be agreed to. That man is nearly blind and is suffering from disabilities contracted in the service. He is in very poor circumstances and has no income except his pension and needs the increase.

Mr. SMITH of Georgia. How long did he serve in the Army?

Mr. CURTIS. My recollection is that he had a long service, over three years. I thought I had the papers here. I did not expect to have the case come up to-day or I would have had them here. He had a long service, though, and a good service.

Mr. SMITH of Georgia. Has he raised any children?

Mr. CURTIS. None upon whom he can depend for support.

Mr. SMITH of Georgia. Does not the Senator think that every parent ought to have the right to depend upon every child for support?

Mr. CURTIS. I think so, if they are able to support the parent; but this is, indeed, a very meritorious case. I know the man personally and know of his condition.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. [Putting the question.] By the sound, the "ayes" appear to have it.

Mr. CURTIS. I ask for a division.

The PRESIDING OFFICER. Those in favor of the amendment will rise. [A pause.] Those opposed will rise. [A pause.] The amendment is rejected.

The next amendment was, on page 4, after line 2, to strike out:

The name of Chesley Goldsby, late of Companies A and B, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to strike out:

The name of Lucretia P. Kill, widow of Darius Kill, late of Company A, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving

The amendment was agreed to.

The next amendment was, on page 6, after line 16, to strike out:

The name of Mary Ellen Thomas, widow of Charles R. B. Thomas, late of Company D, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to strike out:

The name of Maggie Nelson, former widow of Alonzo Nelson, late of Company A, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 19, after the word "Infantry," to insert "and former widow of William H. Rudd, late of Company I, One hundred and forty-fifth Regiment Illinois Volunteer Infantry," so as to make the clause read:

The name of Martha O. Balch, widow of William Balch, late of Company B, Fifty-fourth Regiment Illinois Volunteer Infantry, and former widow of William H. Rudd, late of Company I, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 10, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Frederick Wulff, late of Company I, Second Regiment United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 24, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of William Foster, late of Company B, First Battalion Sharpshooters Maine Infantry, and Company B, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 8, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Leslie R. Hyde, late of Company D, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 8, after the name "Brackett's," to strike out "Battery" and insert "battalion," so as to make the clause read:

The name of George W. Beebe, late of Company D, Brackett's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 17, to strike out:

The name of Stephen B. Garrigus, late of Company H, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 20, to strike out:

The name of Henry Thompson, late unassigned, Seventy-ninth Regiment United States Colored Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 16, to strike out:

The name of Mary Ann Bourke, widow of John Bourke, late of Company G, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 7, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Peter Weber, late of Company C, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 12, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Julia W. Simpson, widow of John Simpson, late first lieutenant and quartermaster Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 1, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Adelaide E. Kennedy, widow of Ronald A. Kennedy, late of Company K, Third Regiment, and lieutenant colonel Fifth Regiment, Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 22, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Anna E. Ritchey, widow of Adelbert L. Ritchey, late assistant surgeon, Sixteenth Regiment Illinois Volunteer Infantry, and surgeon, Tenth Regiment Illinois Veteran Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 23, to strike out:

The name of Ann M. Coady, widow of William J. Coady, late of Company H, Nineteenth Regiment Indiana Volunteer Infantry, and Company B, Second Regiment United States Veteran Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 6, to strike out:

The name of Julia L. Hulbert, former widow of Charles E. Hulbert, late of Companies A and B, Ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to strike out:

The name of George Shults, late of Company C, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to strike out.

The name of Benjamin F. Patterson, late of Company G, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 9, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Aaron B. Stutzman, late of Company A, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 17, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of John F. Williams, late of Company F, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to:

The next amendment was, on page 26, line 9, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Robert Jolley, late of Company H, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 19, to strike out:

The name of David T. McFarland, late of Company F, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 28, to strike out:

The name of Laura A. Hayner, widow of George W. Hayner, late of Company F, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 29, line 3, after the word "determine," to strike out:

And provided further, That in the event of the death of Mary Winegardner the name of said Carrie Winegardner shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary Winegardner.

$5 as to make the clause read:

The name of Mary Winegardner, widow of Samuel Winegardner, late of Company A, Eighth Regiment, and Company K, Forty-first Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Carrie Winegardner, helpless and dependent child of said Samuel Winegardner, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, unless my copy is a misprint, I will ask the Secretary to turn to page 20, line 7. The committee have stricken out the words "The name of Julia L. Hulbert, former widow of Charles," and then what follows has not any meaning to it.

The PRESIDING OFFICER. The Chair will inform the Senator that the Secretary is handling a reprint of the bill, which is correct.

The SECRETARY. As the item appears here, it reads:

The name of Barbara A. Mott, widow of George Mott, late of Companies K and D, Ninety-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. CURTIS. Mr. President, at the bottom of page 14 is the item relating to Henry Thompson. I will ask what action has been taken with reference to that?

The PRESIDING OFFICER. That amendment has been agreed to.

Mr. CURTIS. I ask unanimous consent to reconsider that amendment.

The PRESIDING OFFICER. Is there objection to granting unanimous consent to reconsider the vote whereby the amendment was agreed to?

Mr. THOMAS. What is the amendment?

Mr. CURTIS. It strikes out an item giving a pension of $24 a month to Henry Thompson, of Topeka, Kans., an old colored man who was only given a service of two months and seven days, but who, as a matter of fact, served over four years. He was the body servant of Gen. Blunt, and served all the time. The evidence shows he wore his uniform and carried a gun and took part the same as other soldiers, but he was only a body servant, and he is only given, in the War Department, a record of two months and seven days of service. He is a man about 70 years old. He is nearly blind, and is suffering from motor paralysis. He is in destitute circumstances, and it seems to me the increase is justifiable. It is only $24, from $15 that he is drawing now.

The PRESIDING OFFICER. Is there objection to the reconsideration?

Mr. STERLING. Mr. President, I think perhaps I ought to call the attention of the Senate to the report of the committee in this case. The Senator from Kansas has already stated the length of service as being two months and seven days. The man had no pensionable status, therefore, under the general law in regard to pensions, not having served the required time of 90 days. I read a paragraph from the report of the committee:

From testimony filed in support of this bill and that at the Bureau of Pensions it appears that the claimant had four years' actual service in the service above named, as bodyguard to Gen. Blunt, having been informed that such service, in the event of his becoming disabled, was a pensionable service, and it was on the strength of this information that the former bill was approved by Congress.

I think the Senator from Kansas has made correct statements in regard to the disabilities of this claimant.

The PRESIDING OFFICER. Is there objection to granting unanimous consent to reconsider the action of the Senate in agreeing to the amendment of the committee? The Chair hears none. The question is on agreeing to the amendment of the committee. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. CURTIS. I ask for a division.

The PRESIDING OFFICER. Those in favor of the amendment will rise. [A pause.] Those opposed will rise. [A pause.] The amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 13620) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I think that bill had better go over.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The bill (S. 3069) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce,"' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN IDAHO.

The bill (S. 3618) authorizing the Secretary of the Interior to subdivide the southeast quarter of section 18, township 46 north, range 4 west, Boise meridian (the same being that portion of the town site of Plummer, Benewah County, Idaho, not yet platted), into 5-acre tracts for sale, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be subdivided that part of the town site of Plummer, Coeur d'Alene Reservation, Idaho (which town site was created under the act of June 21, 1906; 34 Stat. L., 325, 337), described as the southeast quarter of section 18, township 46 north, range 4 west, into streets or roads and into tracts of not exceeding 5 acres each; and to cause the tracts to be appraised, except such as are hereinafter reserved for the town of Plummer, and sold at not less than their appraised value.

SEC. 2. That the Secretary of the Interior is also authorized and directed to cause a patent to be issued to the town of Plummer for 5 acres of land so subdivided for the purpose of a reservoir site for the Plummer waterworks system, described as the east half of the northeast quarter of the southeast quarter of the southeast quarter of section 18, township 46 north, range 4 west, as well as 10 acres of the land so subdivided for the purpose of a public park described as the northwest quarter of the northwest quarter of the southeast quarter of section 18, same township and range as above.

SEC. 3. That the purchase price of the tracts authorized to be sold shall be paid at such times and in such installments and upon such terms as the said Secretary may direct, and he shall cause 20 per cent of the net proceeds arising from said sale to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements within said town site.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes."

BILL PASSED OVER.

Mr. OVERMAN. Mr. President, I withdraw my objection to the consideration of Senate bill 3069.

Mr. BRANDEGEE. Mr. President, I think I will renew the objection.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

ISLANDS IN MINNESOTA.

The bill (S. 4287) to grant unsurveyed islands to the State of Minnesota for forestry purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with amendments.

The first amendment was, on page 1, line 3, after the word "That," to insert "the Secretary of the Interior is hereby authorized to cause to be surveyed," so as to read:

That the Secretary of the Interior is hereby authorized to cause to be surveyed the unsurveyed islands in lakes and streams north of latitude 46°, in the State of Minnesota.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, almost everybody has left, and I suggest to the Senator from Indiana that we may as well adjourn.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

THOMAS S. JOHNSON.

The bill (H. R. 3794) for the relief of Thomas S. Johnson, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Thomas S. Johnson, of Beaver Dam, Wis., late chaplain One hundred and twenty-seventh Regiment United States Colored Volunteer Infantry, the pay and allowances of a chaplain of Infantry from November 4 to December 14, 1864, not to exceed $200.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSCAR R. HOWARD.

The bill (H. R. 7804) to authorize the issuance of patent to Oscar R. Howard, and for other purposes, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Interior, in consideration of improvements and payments made for and residence upon the land, to issue patent to Oscar R. Howard for lot 3, section 10, and lots 15, 16, and 17, section 15, township 13 north, range 8 west, Indian meridian, Oklahoma, containing 87.78 acres of land, more or less, without payment of the balance of purchase price due under the sale heretofore held, pursuant to act of Congress approved June 17, 1910, entitled "An act to open to settlement and entry under the general provisions of the homestead laws of the United States, certain lands in the State of Oklahoma, and for other purposes."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH DAVIS.

The bill (S. 3617) for the relief of Elizabeth Davis, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Interior to issue patent to Elizabeth Davis for the east half of the northwest quarter, northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, section 28, township 47 north, range 3 east, of the Boise meridian, lying within the Coeur d'Alene National Forest, in the State of Idaho.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRED WHITE.

The joint resolution (S. J. Res. 113) for the relief of Fred White was considered as in Committee of the Whole.

The joint resolution was read, as follows:

Whereas through the mistake in the acceptance by the officials of the land office at Lewiston, Idaho, of the homestead application of Fred White, who located upon land included within the Nez Perce Indian Reservation and made improvements thereon to the extent of $1,500 before the mistake was discovered: Therefore be it

Resolved, etc., That the Secretary of the Treasury is hereby authorized to pay to said Fred White, of Keoskia, Idaho, the sum of $600, which amount is hereby appropriated out of any money in the United States Treasury not otherwise appropriated.

The PRESIDING OFFICER. Without objection, the word "said" will be stricken from the joint resolution. It seems to be an error.

The joint resolution was reported to the Senate, without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, the preamble will stand as reported.

BILLS PASSED OVER.

The bill (S. 793) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont., was announced as next in order.

Mr. STERLING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 833) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1807) to reinstate Elwin Carlton Taylor as a passed assistant surgeon in the United States Navy was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN B. BOSTICK.

The bill (S. 3020) waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick was considered as in Committee of the Whole. It waives the age limit for admission to the Medical Corps of the United States Navy, as an assistant surgeon, during a period of one year from the date of passage of the bill, in the case of John B. Bostick, in consideration of his previous naval service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, after line 6, to strike out:

The name of Pauline R. Wolf, former widow of Hermann Rohde, late of Battery F, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 18, to strike out:

The name of Mariah W. Smith, former widow of Robert J. Wilson, late of Company K, Two hundred and seventh Regiment Pennsylvania

Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 19, after the word "Maston," to strike out "C" and insert "G," so as to read:

The name of Mary Jane Strong, widow of Maston G. Strong, late of Company G, Fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 24, before the word "Regiment," to strike out "Thirty-fourth" and insert "Twenty-fourth," so as to make the clause read:

The name of James Parmer, late of Company I, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $10 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to strike out:

The name of Levi Coon, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 18, to strike out:

The name of Francis M. Cain, late of Company L, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 11, after the surname "Gillespie," to insert "widow of Thomas J. Gillespie, late of Company B, Fifty-fifth Regiment Pennsylvania Emergency Militia Infantry, and," so as to make the clause read:

The name of Harriet C. Gillespie, widow of Thomas J. Gillespie, late of Company B, Fifty-fifth Regiment Pennsylvania Emergency Militia Infantry, and former widow of William T. Stevenson, late commissary sergeant, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to strike out:

The name of Mary M. Duffy, former widow of Lawson Duffy, late of Company E, Ninth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 12, after the word "First" to insert "Regiment," so as to make the clause read:

The name of Collins Washburn, late of Battery F, First Regiment Ohio Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 21, to strike out:

The name of Adeline Lampman, widow of Isaac Lampman, late of Company G, Ninety-eighth Regiment New York Volunteer Infantry, and Company I, Twenty-sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 17, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Daniel V. Hamilton, late of Company B, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 9, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Henry R. Thomas, late of Company I, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 13, before the words "per month," to strike out "$40" and insert "$36," so as to make the clause read:

The name of Noble Bryant, late of Company H, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 14, to strike out:

The name of Julia A. Slaybaugh, former widow of Levi Slaybaugh, late of Company I, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, after line 20, to strike out:

The name of Mary T. Green, former widow of Thaddeus Albert, late of Company F, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 4, to strike out:

The name of Gurney E. Hall, helpless and dependent child of Elijah P. Hall, late of Company D, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 12, to strike out:

The name of Sarah J. Milligan, widow of James G. Milligan, late of Company D, Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 22, to strike out:

The name of Augusta Anderson, widow of Frank W. Anderson, late of Companies I and D, Ninth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 5, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Catherine Brennan, widow of John P. Brennan, late captain of the hold, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 15, after the surname "Benjamin," to insert "widow of Howard Benjamin, late of Company C, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and," so as to make the clause read:

The name of Sarah E. Benjamin, widow of Howard Benjamin, late of Company C, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and former widow of Henry Ellison, late of Company D, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike out:

The name of Elizabeth Denges, former widow of George Denges, late of Company E, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 22, line 9, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Joseph C. Yutzy, late of Company C, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 22, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Walter J. Wall, late of Fourth Independent Company, Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 23, after line 19, to strike out:

The name of Sarah H. Matheny, widow of Nathaniel B. Matheny, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was on page 24, line 1, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Charles Claudius Early, late of Company D, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 24, after line 6, to strike out:

The name of George W. Alt, late of Company A, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 24, after line 15, to strike out:

The name of George Vansickle, late of Company B, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was on page 26, line 5, before the words "per month," to strike out "$50" and insert "$36," so as to make the clause read:

The name of Homer Day, late of Company H, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 28, after line 12, to strike out:

The name of Hollingsworth Gipe, late of Company C, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 29, line 24, before the words "per month," to strike out "$20" and insert "$12," so as to make the clause read:

The name of Orilla F. Porter, widow of Milo Porter, late of Companies F and E, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 31, line 5, after the surname "Clevenger," to insert "widow of William F. Clevenger, late of Company A, Forty-eighth Regiment Iowa Volunteer Infantry, and," so as to make the clause read:

The name of Jemima Clevenger, widow of William F. Clevenger, late of Company A, Forty-eighth Regiment Iowa Volunteer Infantry, and former widow of Henry Richardson, late of Company M, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 33, line 22, before the words "per month," to strike out "$30" and insert "$20," so as to make the clause read:

The name of Adelbert Price, late of Company H, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, line 3, after the surname "Farr," to insert "widow of Albert J. Farr, late of Company C, Second Regiment Michigan Volunteer Cavalry, and," so as to make the clause read:

The name of Kitty E. Farr, widow of Albert J. Farr, late of Company C, Second Regiment Michigan Volunteer Cavalry, and former widow of Charles McCoy, late of Company D, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 34, line 8, after the surname "Phillips," to insert "widow of William A. Phillips, late of Companies A and F, Sixty-third Regiment Indiana Volunteer Infantry, and," so as to make the clause read:

The name of Mariah L. Phillips widow of William A. Phillips, late of Companies A and F, Sixty-third Regiment Indiana Volunteer Infantry, and former widow of Nathaniel Edwards, late of Company F, Twenty-second Regiment, and Company D, One hundred and fiftieth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month

The amendment was agreed to.

The next amendment was, on page 34, after line 14, to strike out:

The name of Elizabeth Woliver, former widow of Selah Baxter, late of Company G, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 35 to strike out:

The name of Josephine Sibley, widow of Solomon Sibley, late of Company D, Second Battallon, District of Columbia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 8, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Celia F Congdon, widow of George B. Congdon, late major and additional paymaster, United States Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 5, after the words "name of," to strike out "Davis" and insert "David," so as to make the clause read:

The name of David S. Milliken, late of Company B, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 17, before the words "per month," to strike out "$32" and insert "$24," so as to make the clause read:

The name of Sarah E. McCann, widow of Francis McCann, late of Company K, Fourth Regiment Rhode Island Infantry, and First Company, Second Battallon, Veteran Reserve Corps, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Francis E. McCann, helpless and dependent child of said Francis McCann, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Sarah E. McCann the name of said Francis E. McCann shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah E. McCann.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HOSPITAL CORPS OF THE NAVY.

The bill (S. 4054) to reorganize and increase the efficiency of the personnel of the Hospital Corps of the United States Navy, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

NATIONAL-DEFENSE SECRETS.

The bill (S. 4307) to prevent the disclosure of national-defense secrets was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, on page 3, line 3, after the word "penalty," to strike out the semicolon and insert a comma and the words "and offenses hereunder committed within the Canal Zone shall be cognizable in the district court of said zone," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911, be, and the same is hereby, amended to read as follows: That whoever, without proper authority, procures or attempts to procure, either individually or by collusion, information of any kind, in any form, relating to the national defense at any place within the United States or subject to the jurisdiction thereof; or so receives or assents to receive any such information from any unauthorized person; or whoever, having possession of or control over any such information, communicates or attempts or agrees to communicate the same to any person not authorized to receive it, shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 2. That all information of a confidential character communicated by any officer, representative, agent, or employee of the Government to any contractor or any officer, agent, or employee of any contractor for constructing, manufacturing, or supplying for the Military or Naval Establishment any vessel, building, structure, article, supplies, or thing, shall be regarded as included in information respecting the national defense within the meaning of this act.

SEC. 3. That whoever communicates, or agrees or attempts to communicate, information of any kind in any form respecting the national defense to any foreign Government, or to any officer, representative, agent, or employee of any foreign Government, shall be imprisoned for not more than 10 years.

SEC. 4. That offenses against the provisions of this act committed upon the high seas or elsewhere outside of a judicial district shall be cognizable in the district where the offender is found or into which he is first brought; but offenses hereunder committed within the Philippine Islands shall be cognizable in any court of said islands having original jurisdiction of criminal cases, with the same right of appeal as is given in other criminal cases where imprisonment exceeding one year forms a part of the penalty, and offenses hereunder committed within the Canal Zone shall be cognizable in the district court of said zone, and jurisdiction is hereby conferred upon such courts for such purpose.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3521) to establish a United States naval reserve was announced as next in order.

Mr. WARREN. Let that go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 4761) providing for the classification, appraisal, and disposal of certain lands within the former Fort Peck Indian Reservation, Mont., was announced as next in order.

Mr. KERN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

GEORGE S. CLARK.

The bill (H. R. 7817) to validate the homestead entry of George S. Clark was considered as in Committee of the Whole. It proposes to validate the homestead entry of George S. Clark, No. 029,961, made October 22, 1914, for the southeast quarter northwest quarter, east half southwest quarter, and southwest quarter southeast quarter of section 34, township 7 north, range 13 east, of the Black Hills meridian, in the State of South Dakota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD ENTRIES.

The bill (H. R. 8654) to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7 was announced as next in order.

Mr. KERN. I object.

Mr. THOMAS. Is the bill objected to?

Mr. KERN. I will withdraw my objection.

Mr. THOMAS. I am glad the Senator has withdrawn it. The Senator from South Dakota [Mr. STERLING] desires to offer an amendment to the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. STERLING. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 10, page 2, after the word "laws" insert "except that where the land embraced in the additional entry is located not exceeding 20 miles from the land embraced in the original entry no residence shall be required on said additional entry," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, be amended by adding thereto an additional section to be known as section 7:

"SEC. 7. That any person who has made or shall make homestead entry of less than 320 acres of lands of the character herein described, and who shall have submitted final proof thereon, shall have the right to enter public lands subject to the provisions of this act, not contiguous to his first entry, which shall not with the original entry exceed 320 acres: *Provided*, That the land originally entered and that covered by the additional entry shall first have been designated as subject to this act as provided by section 1 thereof: *Provided further*, That in no case shall patent issue for the land covered by such additional entry until the person making same shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise complied with such laws, except that where the land embraced in the additional entry is located not exceeding 20 miles from the land embraced in the original entry no residence shall be required on said additional entry: *And provided further*, That this section shall not be construed as affecting any rights as to location of soldiers' additional homesteads under section 2306 of the Revised Statutes."

Mr. THOMAS. I accept that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LANDS IN COLORADO.

The bill (H. R. 2744) to correct title to certain lands in Colorado was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue a patent conveying to the State of Colorado and its assigns all of lots 2 and 4 in section 23; lots 7, 9, and 11 in section 24; lots 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 17, and 19 in section 25; lots 1, 2, 7, 8, 9, 10, 15, and 17 in section 26, township 6 north, range 99 west, sixth principal meridian, Colorado, containing 639.14 acres, more or less, according to resurvey made in pursuance of the act of April 28, 1904 (33 Stats. L., p. 519), being the same land transferred to the Lily Park Stock Growing Association, a corporation of the State of Utah, by the State of Colorado by patent dated September 6, 1894, and filed for record August 15, 1901, in book 37, page 18, one of the land records for Routt County, Colo., and described in said patent from the State as section 36 of said township: *Provided*, That the State of Colorado and the said Lily Park Stock Growing Association, its successors or assigns, if any, shall relinquish to the United States any and all claims to section 36 of said township and range as shown by the survey made in pursuance of said act of April 28, 1904, which survey was approved August 14, 1907.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATISTICS OF COTTON SEED AND COTTONSEED PRODUCTS.

The bill (H. R. 4767) authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products was considered as in Committee of the Whole.

The bill was reported from the Committee on the Census with amendments.

The first amendment was to add a new section, to be known as section 4, as follows:

SEC. 4. That the Director of the Census be, and he is hereby, authorized and directed to collect and publish statistics of raw and prepared cotton and linters, cotton waste, and bull fiber consumed in the manufacture of guncotton and explosives of all kinds, and of absorbent and medicated cotton, during the calendar year 1915, and quarterly thereafter, and the quantity held in such establishments at the end of each quarter. The statistics herein provided for are in addition to those now collected in compliance with the act of Congress approved July 22, 1912, the provisions of that act being made applicable to and governing the collection and publication of the data.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 5. That the Director of the Census be, and he is hereby, authorized and directed to collect and publish annually statistics of forest products and State finance in the several States and the District of Columbia.

The amendment was agreed to.

Mr. SHEPPARD. I wish to move one or two formal amendments. In line 10, page 1, I move to insert between the words "crude" and "cottonseed" the words "and refined."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 10, before the word "cottonseed" and after the word "crude," insert "and refined," so as to read:

crude and refined cottonseed oil.

The amendment was agreed to.

Mr. SHEPPARD. The second amendment I move is on page 2, line 1, before the word "cottonseed" and after the word "crude," to insert "and refined."

The amendment was agreed to.

Mr. SHEPPARD. On page 2, line 20, before the word "or," I move to insert the word "refinery."

The amendment was agreed to.

Mr. SHEPPARD. On page 3, line 14, before the word "or," I move to insert "refinery."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. CHILTON. Is not an amendment to the title required?

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Secretary thinks so.

Mr. CHILTON. I will ask the Secretary to amend the title so as to correspond with the body of the bill.

The title was amended so as to read: "A bill authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and for other purposes."

STATISTICS OF MARRIAGE AND DIVORCE.

The joint resolution (S. J. Res. 107) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce was considered as in Committee of the Whole.

The bill was reported from the Committee on the Census with amendments, on page 1, line 6, before the word "years," to strike out "seven" and insert "nine"; in line 8, after "December 31," to strike out "1913" and insert "1915"; in line 10, after the words "statistics as," to insert "are"; and after the word "collected," in line 11, to insert "shall," so as to make the joint resolution read:

Resolved, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish the statistics of and relating to marriage and divorce in the several States and the District of Columbia for the nine years from January 1, 1907, to December 31, 1915, and for each year thereafter annually: *Provided*, That such statistics as are now required by law to be collected shall be used, so far as it is practicable to do so.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHEPPARD subsequently said: Mr. President, I ask unanimous consent, in connection with Senate joint resolution 107, which was passed awhile ago, to have printed in the RECORD a letter from Francis M. Moody, executive secretary of the Interstate Committee on Marriage and Divorce.

The PRESIDING OFFICER. Without objection, the request will be granted.

The letter referred to is as follows:

INTERSTATE COMMITTEE ON MARRIAGE AND DIVORCE,
Washington, D. C., May 22, 1916.

Hon. MORRIS SHEPPARD,
Senator from Texas,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I beg leave to submit the following in behalf of Senate joint resolution 107, of which you are the author.

You are doubtless aware that the work for the new permanent Census Bureau has not yet been fully planned. The Director of the Census informs us that the census on marriage and divorce can be better handled and just as cheaply if taken annually as if taken decennially. Better, because the cases are less likely to be lost or mislaid through fire or carelessness. Without additional cost, because expert agents who are already on the field for certain other duly authorized work can be used to collect data for this work also.

The Director of the Census further informs us that the sum of about $20,000, needed to begin this work, is already in hand. He also estimates that the United States of America are this year breaking all previous world's records for a single nation in the granting of divorces by uttering over 125,000 such decrees in the current year of 1916. If this be true—and it seems to be an eminently conservative estimate—it ought not to be a matter left to any conjecture, however expert, but should be definitely known as soon as possible after the 1st of January, 1917, by the first of the annual censuses authorized by this act.

The data for the nine years just past (1907–1915, inclusive) are greatly needed in very many of our States for the proper consideration of most important legislation relative to the subject of marriage and divorce, as well as in the discussion of the larger question of a possible Federal law on marriage and divorce. You are, of course, aware that most of our State legislatures meet only once in two years and that next year is the time of most of them. Delay in furnishing full and certain information on the subject of the pulverizing of American homes and the pauperizing of tens of thousands of American children every year because of such divorces, which are often utterly needless and fraudulent, would mean an incalculable loss to the Nation.

We therefore respectfully request your immediate assistance in securing the passage of this measure without delay.

Sincerely and cordially, yours,

FRANCIS M. MOODY,
Executive Secretary.

PUBLICATION OF LAND-OFFICE NOTICES.

Mr. MYERS. The first bill on the calendar is the bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices. That bill has been going over for a long time, and in a number of instances on account of the absence of the Senator from New Mexico [Mr. FALL], because it happened to be reached at a time when he was absent. The Senator from New Mexico is present now and I think it would be agreeable to him to have the bill considered. I ask unanimous consent that we revert to that number and take it up and dispose of it at this time.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent to return to Senate bill 1062, relating to the duties of registers of the United States land offices and the publication in newspapers of official land-office notices. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. The pending amendment is one offered by the Senator from New Mexico [Mr. FALL], following an amendment already adopted in line 5. The amendment adopted at that place reads "published nearest to the land affected." After the word "affected" the Senator from New Mexico proposes to insert a comma and the words "or in case of a public-land entry by the entryman," and a comma.

Mr. FALL. Mr. President, I shall not spend any time at all on this amendment. The purpose of it is simply to allow a man who has made the entry and must pay for the notice the choice of a paper in the event that there are two papers equally qualified to publish the notice. It merely enables him to make the choice himself.

There was some little debate had on this amendment and upon the bill at one time, and the Senator from Montana [Mr. MYERS] then made a statement with reference to the former practice and the present practice, and I think he was frank to say that it was his idea that this patronage from the public-land offices should go to the press of his political party. He said it had been the practice before, and he referred to an old circular. The circular did allow the entryman, unless objected to by the register or receiver, to choose his paper.

Mr. WARREN. Will the Senator yield to me for a moment?

Mr. FALL. Certainly.

Mr. WARREN. Not only that, but did not the present Secretary issue a circular, or perhaps I should say letters, to all the land offices to insert land notices only in newspapers supporting the administration? I think before that time it had never been done, at least so far as issuing official orders were concerned, and that the only qualification insisted upon was that the notice should in every case be published in a paper of general circulation.

Mr. FALL. I so understand, Mr. President. I am simply going to take the time of the Senate to read a letter, not a circular but a letter signed by the Secretary of the Interior at this time. It was a letter addressed to the registers and receivers of the public land offices in the State of New Mexico:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 13, 1913.

DEAR SIR: You are charged with the duty of selecting newspapers for the publication of notices of intention to offer final proof; the law provides that newspapers selected shall be of established character and general circulation in the vicinity of and published nearest to the land affected. Complaints have been received by me that discrimination has been practiced in the placing of land notices in certain of our land districts. I hope that there will be no action on your part which will cause complaints of this nature.

It is considered that the registers of the Land Service should recognize the propriety of designating newspapers whose political principles are in harmony with the administration.

Very truly, yours,

FRANKLIN K. LANE,
Secretary of the Interior.

I have also here a letter from Hon. A. A. Jones, First Assistant Secretary of the Interior, directed to myself, upon the same subject. I took the matter up with him, and he states:

The practice that formerly prevailed in the Roswell land district, as set out in your correspondent's letter, was not in accordance with the law or the instructions thereunder, as shown by the inclosed circular, and, consequently, his deductions as to the cause of the change in the manner of selecting newspapers are erroneous. While it is considered that the register should recognize the propriety of designating newspapers whose political principles are in harmony with the administration, yet they are specifically enjoined from practicing discrimination in the placing of land notices; and if your correspondent is in a position to proceed in accordance with the instructions contained on pages 3, 4, and 5 of the inclosed circular, his complaint will be formally considered.

It was at that time that I obtained a copy of the letter which I have just read from the Secretary of the Interior himself, in which he directs the registers of the land offices, in the publication of these notices, to recognize papers and have notices published in papers which are supporting this administration.

It is simply for the purpose of obviating these very matters and difficulties which are constantly arising that I have offered the amendment to the bill to the effect that entrymen, who must pay for the publication of these notices, should, everything else being equal, be allowed to designate the paper in which the notice is to be published; that if he can make arrangements to have the notice published at less than the legal rate or by any contract rate, he would be allowed that privilege. That is the sole object of the amendment.

Mr. MYERS. Mr. President, this amendment was debated at great length once before in the Senate, and I have but little to say about it. I opposed it then, and I hope the amendment will not be adopted now, for the reason which I shall state.

This is the only change that the bill makes in the law. Under existing law in towns where there is no weekly paper published and only a daily paper published, the land-office notices, the mining-office notices, have to be published seven times a week, every day in the week, which is a great burden to poor mining claimants and homesteaders. The bill merely provides that in cases of that kind notice may be published once a week in the daily newspaper with the same effect as if published in a weekly paper. It makes no other change whatever. That is the only change the original bill sought to make, and I do not think we ought to drag politics into the measure.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, with my experience of 25 or 30 years I have some knowledge of the subject. The only difference is as to the frankness of the letters that have just been read, for unquestionably it has always been the practice, as far as my experience with the land offices goes, that whenever the Republicans are in power the Republican paper nearest that particular mining claim or homestead got the publication. I know it was certainly true after the Democrats came into power that the Democratic papers usually got the publication. But the Democratic papers have had the publication so much less than the others that probably it would not exactly equalize the matter to stop the practice now, though I am not here asking for either course to be taken. I do not care except as to the amendment the Senator from New Mexico offers, which, it seems to me, would reduce the expense of the men who are making their applications for patents, and on that ground, and that alone, I should like to see it passed.

Mr. MYERS. In every other respect the bill leaves the law just as it finds it. It is not seeking to make any other change. If the law is partisan now, it leaves it partisan. If the law is nonpartisan now, then it leaves it nonpartisan. It just leaves it as it is in every respect, except that the notice shall be published once a week in a daily paper instead of daily.

In the last Congress a similar bill passed the Senate by practically a unanimous vote. The Senator from Wyoming [Mr. CLARK] was on the floor at that time and spoke in favor of the bill, for which I felt very grateful. I wish he was here now in order that he might do the same thing again, perhaps. There was practically no opposition to it. It was fully explained at that time and passed the Senate, but it did not pass the House for lack of time.

Therefore, I hope the amendment will not be adopted.

Mr. NORRIS. Mr. President, at a prior session of the Senate I discussed this bill somewhat at length. I shall take only a few moments now. The object of the bill which the Senator from Montana reported and has in charge is to reduce the expense of the homesteader when he makes proofs. That is a worthy object. The object of the amendment of the Senator from New Mexico is to further reduce those same expenses. That is likewise a worthy object. I am not claiming any more virtue for one party than another for the practice that has taken place heretofore. It has been correctly stated that the party which was in power, as far as I know without exception, there may have been, but both parties accepted it as far as I know, and the practice has been that the officer at the land office who must designate the paper in which the homesteader must publish his proof designates a paper, the political complexion

of which corresponds with the man who does the designating. That is conceded, so far as I know, by everybody.

The amendment of the Senator from New Mexico would prevent that from being done, and having lived most of my life since I have been grown in a country where final proofs were being continually made, I know that it is often a hardship to the homesteader, at least it is frequently unfair to the homesteader. He may be able to have a notice published in one newspaper at half the legal rate, and if he has not enough money in his pocket to buy a sack of flour for his family and the present practice be continued under this bill, without the Senator's amendment he would be compelled to pay the full legal rate to some newspaper designated by the officer at the land office.

I think when this bill was under discussion before I told of going down through western Kansas, quite a number of years ago, where I met an old schoolmate of mine. I had not seen him for several years and I did not know where he was. I found that he was running a newspaper. It was when Grover Cleveland was President. It was at a time when the farmers were just proving up on their lands. There had never been a Democratic newspaper there before. He went in there and started a Democratic newspaper, and while he was perfectly competent to edit it and did edit and publish a good newspaper, the only reason on earth why he established a newspaper there was because he was able to get all the notices of final proof. He got full pay without any reduction in any case, and he always got the pay in advance before he submitted the affidavit which it was necessary to have showing the publication under the law in that newspaper. It was a good thing for him. It made him lots of money. He had running at that time two or three extra pages of his paper with nothing but final-proof notices. But it was unfair to the homesteader. He was making several hundred dollars a month cash, clear and net, out of the one item alone.

It is not wrong, it seems to me, where there are two qualified newspapers in the same town and therefore both equally distant from the land that the man who has to pay the bill should select the newspaper, and such a practice will work just the same to one party as it does to another. It happens right now that the Democrats are in power, but you do not expect to stay in power through all eternity. God knows you are going to be awfully disappointed if you do have that kind of an expectation. But if you are, then, why not for once in your lives be generous and fair and let the poor devil who has to pay the money, often at a great sacrifice to himself, obtain the benefit of whatever reduction he can get by some competition in this line. It ought not to be a partisan question. There is no charge made against one party that does not exist against the other, but because one party has done it is no reason why another party should continue to do the evil.

Mr. FALL. Mr. President, will the Senator yield to me for just a moment?

Mr. NORRIS. Yes.

Mr. FALL. It is true, I think, just as the Senator has stated, that the practice has been in the past for the register to favor some paper of his political party, unless he happened to have some personal favorite editing some other paper, in which case he has always favored his personal friend; but my object in reading the letter, which I have read into the RECORD, was this: The circular which has been issued establishing the practice by article 7 is in force, except so far as it is done away with by written instruction from the present Secretary, which reads as follows:

> It will be entirely proper to accord favorable consideration to a claimant's nomination of a newspaper.

That is the circular under which all parties up to this time have been operating—that it is entirely proper to accord the claimant publishing a notice and paying for it the right to name his newspaper. Of course, the discretion is still left as to whether favorable consideration will or will not be given to his suggestion; but never before, until the present administration, so far as I can learn, was there ever a letter sent to the register directing him officially to publish notices in newspapers supporting the administration.

Mr. NORRIS. It reduces itself to this: The amendment, if adopted, will make it necessary, just the same as though it were not adopted, that the notice be published in a legal newspaper, as defined by law, the nearest one to the land. Nine times out of ten the town that is nearest to the land has two, or perhaps more newspapers, and publication in any one of them would be legal and would comply with the law. The homesteader has to pay the bill, and it is no more than justice that we should permit him to select the newspaper that will do the best by him in consideration of the payment of that bill, the newspaper itself being a legal newspaper, and the publication in it complying in all respects with the law. Can it be possible that we think so much of a little political advantage for any political party that we should require contributions to be made by men who can not afford to make them, in order to keep the party going? It seems to me it does not speak well for any party that is asking it.

Mr. SMITH of Arizona. Mr. President, if the Senator from Nebraska will permit me there, I wish to say that I am not going to carry my partisanship to the extent he suggests, though I confess to a very great deal of it; but if the Senator will ponder a minute over the experience he must have had in such matters, I think he will concede that it became necessary for somebody with authority to designate the paper in which such notices should be published. It is the easiest thing in the world for some one to start a newspaper for the purpose of receiving contributions in the form of payments for publishing notices, and then claim a general circulation by sending copies of the paper around the county. So it became necessary, in order that the notices should become general, that they should appear in some respectable newspaper. I imagine that was the reason for the original law.

I do not think the practice has been prostituted to the political ends of political parties, for if I were Secretary of the Interior and had this matter under control I would certainly, as between a Democratic and a Republican newspaper published in the same town, give the preference to the former. In that particular I would stand on exactly the same ground on which every Republican Secretary of the Interior has stood during my life in the West. So it is not a mere question of politics; it is a question of securing circulation and of publication in a paper that will give the notice which the law intends shall be given. I think that is the reason for it.

Mr. NORRIS. The publication must be made in a legal newspaper. There are States that have statutes which define what a legal newspaper is.

Mr. SMITH of Arizona. And there are some States which have not such statutes.

Mr. NORRIS. And there are some States which have not; but the very argument of the Senator from Arizona, it seems to me, is a good one in favor of this amendment. He says that often a newspaper is started for the purpose of getting such publications.

Mr. SMITH of Arizona. And for nothing else.

Mr. NORRIS. That is true. I have myself seen newspapers started for the purpose. The one I described was started for that purpose, and while in that case, in my judgment, it was a good newspaper, a man could start a newspaper for the express purpose of getting these publications. Do you suppose if he did so for that express purpose that as a rule he would have as good a newspaper, one that would be of as general circulation as the man who is publishing a newspaper and who is in the newspaper business because he wants to publish a real newspaper? Hence, if the question of publication were decided on partisan grounds it might go to a paper that was only distributed around, as the Senator says, without any idea of being a legitimate newspaper, but simply for the purpose of making this money.

Mr. BANKHEAD. Mr. President, I rise to a point of order, that the Senator from Nebraska [Mr. NORRIS] is out of order. He has spoken more than five minutes on this proposition.

Mr. NORRIS. I think that objection does not apply after the morning hour; that it does not apply to this unanimous-consent agreement under which we are now proceeding. The Senator must not expect, if he is trying to hurry this bill through, that he is going to get any particular advantage by attempting to be technical.

Mr. BANKHEAD. I do not care anything about this bill, but I think there are a number of other Senators who would like to address the Senate on the amendment.

The PRESIDING OFFICER. The Senate is by unanimous consent operating under Rule VIII. As Rule VIII does restrict a Senator to five minutes' discussion and to one speech upon unobjected bills, the Chair will be compelled to sustain the point of order made by the Senator from Alabama.

Mr. HITCHCOCK. Mr. President, I think my colleague [Mr. NORRIS] is putting the emphasis on the wrong portion of this law and of this practice. The object of giving this notice is for the purpose of advising people in the neighborhood in the widest possible way that the entryman is about to secure his rights under his entry. I think it would be a mistake to permit him to choose the newspaper in which he was to publish his notice, for he would desire to publish it in that paper which had the least circulation and which would attract the least attention.

Mr. NORRIS. Mr. President, will my colleague yield for a question?

Mr. HITCHCOCK. I will.

Mr. NORRIS. Is my colleague aware that in our own State there is a statute which provides that in every case where a service of summons must be made by publication the person who has to pay the bill shall have the right to select the newspaper in which it shall be made, and that we have been operating under that statute for the last 50 years?

Mr. HITCHCOCK. That is not the case with the law of the United States. The object of the law of the United States is to give the widest possible publicity in the neighborhood to the fact that the entryman is claiming his title.

Mr. NORRIS. Does not the Senator understand that that is the very object of a summons where it is served by publication?

Mr. SHAFROTH. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. HITCHCOCK. I should like to be permitted to finish my point without being further interrupted.

The PRESIDING OFFICER. The Senator from Nebraska does not yield at this time.

Mr. HITCHCOCK. That being the proposition, and the desire and object of the national statute being to give the widest publicity, it would evidently be a perversion of the law to allow a man possibly to select the cheapest publication which might give the least publicity. It would be a defeat of the very purpose of the law.

This charge, after all, is not one which is so serious as my colleague indicates. It amounts to only a few dollars, at the very most, and it goes to a class of people who are living from hand to mouth. My colleague knows that every one of those small western publications, whether they are Republican or Democratic, are eking out a bare existence, and it is hardly fair to them to indicate that this matter is one in which the law is being used to extort from the poor entrymen an excessive amount of money. The law limits the charge that can be made.

It seems to me it would be to defeat the very purpose of the law, and it would be a wrong to a large number of people in the neighborhood to permit the entryman to choose the paper which would give the least possible publicity.

Mr. FALL. Will the Senator from Nebraska yield for a question?

Mr. HITCHCOCK. I will.

Mr. FALL. If these newspapers can only subsist, or if they depend largely upon this character of patronage, then, if the Democratic administration is in power, the Republican papers will go out of business.

Mr. HITCHCOCK. Well, Mr. President, I have not said that they only subsist on this patronage. I have said that the charges were not excessive. I said that the papers which were receiving those charges are as poor as are the entrymen themselves, and in many cases they are poorer. My colleague is doing an injustice to those papers in indicating that this paltry little charge which the Government permits is an excessive and harsh one upon the entryman.

I think, Mr. President, that the present law is the proper law, but I believe that the bill supported by the Senator from Montana is a wise one, because—and this is all that it does—it permits certain entrymen, who might now be compelled to advertise in daily papers for seven days per week, to advertise in a daily paper but one day per week. It is in the interest of a smaller charge to a man who is compelled to use a daily paper in the immediate neighborhood. I think the provision proposes a just and wise amendment to the statute.

Mr. WARREN. Mr. President, it is evident that we are not in a condition this afternoon to settle this subject. I ask the Senator from Montana if he is not willing to withdraw the bill and to let it be now passed over?

Mr. MYERS. Mr. President, I am willing, in the interest of fairness to others, to withdraw the request; but I will ask the Senator from New Mexico if he will not express his willingness at this time, so far as he is concerned, to have the bill voted on the next time the calendar is called, if he should not be present—that is, to let it be called as any other bill would be, and not express a desire to have it put over on account of his absence, if he should be absent.

Mr. FALL. Certainly, Mr. President. It has not been my intention at all to delay this measure.

Mr. MYERS. I realize that.

Mr. FALL. And I have no objection, under the heavens, to taking a vote right now on this measure. In what I have done I have simply acted not in behalf of the Democratic Party or of the Republican Party or of the newspapers, but for the poor homesteader who must pay for the publication of his notice.

Mr. MYERS. I realize the sincerity of the Senator's motives. May we not have a vote now?

Mr. WARREN. If a vote may be had without further debate, and settle the question, of course I do not want to interfere.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Mexico, which the Secretary will again state.

The SECRETARY. Following the amendment of the committee, in line 5, after the word "him," inserting the words "published nearest to the land affected," it is proposed to insert the words "or in case of a public-land entry by the entryman."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Mexico. [Putting the question.] In the judgment of the Chair the "noes" have it.

Mr. NORRIS. I ask for a division.

The PRESIDING OFFICER. A division is requested.

Mr. WARREN. Will not the Senator ask for a showing of hands instead of a division?

Mr. NORRIS. Very well.

The PRESIDING OFFICER. Those in favor of the amendment will raise their hands, and the Secretary will count them. [A pause.] Those opposed to the amendment will raise their hands. [A pause.] The amendment is rejected. The bill is still as in Committee of the Whole and open to amendment.

Mr. NORRIS. I object to the bill.

The PRESIDING OFFICER. The Senator from Nebraska interposes an objection.

Mr. MYERS. Mr. President, of course I recognize the right of any Senator to object, but I merely want to ask the Senator from New Mexico if he will not state that he has no objection to the bill coming up the next time the calendar is called if he should not be present.

Mr. FALL. Mr. President, I have already made the statement; but I want the RECORD to show as strongly as it possibly can, in my weak words, that I offer no further objection of any kind to the taking up and consideration of this bill and final action upon it.

Mr. MYERS. I thank the Senator from New Mexico.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

Mr. CUMMINS. Mr. President, I have been confined to my house for a day or two and have just reached the Chamber. There has been passed over a bill on the calendar which, unless some Senator has objection, I ask unanimous consent to take up. I refer to Calendar No. 359, being Senate bill 3069.

The PRESIDING OFFICER. What is the request of the Senator?

Mr. CUMMINS. I ask unanimous consent that Senate bill 3069 be taken up for consideration under the rule under which we are operating.

Mr. WARREN. Calendar No. 359 was objected to.

Mr. CUMMINS. Who objected to it?

The PRESIDING OFFICER. The Chair will state to the Senator from Iowa that calendar No. 359 was called up in regular order. We are operating under Rule VIII, which permits of a single objection blocking the consideration and passage of a bill. It is the impression of the Chair that the Chair himself objected to it when he was not in the chair, but was in his seat. The Chair will state to the Senator from Iowa, however, that when he objected he thought the bill was another bill in relation to the Interstate Commerce Commission; and if the Senator cares to ask unanimous consent to return to the consideration of that measure, and it is given, the Chair will not interpose another objection. The Chair objected under a misapprehension.

Mr. CUMMINS. Mr. President, I hope I may have unanimous consent for the consideration of the bill. It is quite important. If the Senate will permit me a moment, we passed a bill two years ago intended to restore full liability as against railroad companies in the event of loss of or damage to goods in transit. While the bill was on its passage through the Senate the proviso which had been reported by the committee was stricken out and another one, which, I think, had not been carefully thought out, was substituted in its stead. Under a construction, which I do not think sound, by the Interstate Commerce Commission, that proviso has done a great deal of harm and has caused a great deal of trouble; and this bill is intended to meet the views of the Interstate Commerce Commission and others who are interested in the subject. It has been prepared with the most careful cooperation of the commission and of both the shippers and the railway companies, and I do not think there is any objection to it. Therefore, I ask unanimous consent for its consideration at this time.

The PRESIDING OFFICER. Is there objection?

Mr. FLETCHER. Mr. President, I do not object to returning to the bill and considering it, with the understanding that we are operating under Rule VIII; in other words, unanimous consent for its consideration now might give it the entire right of way until disposed of.

The PRESIDING OFFICER. The Chair understands that unanimous consent is requested simply to return to the bill out of order, and that we are still operating under Rule VIII.

Mr. FLETCHER. With that understanding, I have no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3069) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce,"' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915.

Mr. OVERMAN. The bill has been read.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee, which the Secretary will state.

The SECRETARY. On page 2, after line 15, it is proposed to strike out:

Provided, however, That the provisions hereof respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery, shall not apply, first, to baggage carried on passenger trains or trains carrying passengers; second, to property offered and received for transportation which is hidden from view by wrapping, boxing, or other means, unless the carrier is notified in writing of the specific character of the property; third, to property, except ordinary live stock, offered and received for transportation concerning which express authorization has been heretofore granted or shall hereafter be granted by the Interstate Commerce Commission for the establishment and maintenance of rates for the transportation thereof dependent upon the value of the property shipped as stated in writing by the consignor; and in such cases the rate schedule shall refer to the authorization and the statement of value shall have no other effect than a limitation upon the amount of the recovery; and in such cases a tariff filed with the Interstate Commerce Commission may lawfully prescribe rates varying with values as so stated.

And to insert:

Provided, however, That the provisions hereof respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply, first, to baggage carried on passenger trains or trains carrying passengers; second, to property, except ordinary live stock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Interstate Commerce Commission to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released, and shall not be held to be a violation of section 10 of the interstate commerce act; and any tariff schedule which may be filed with the commission pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared or agreed upon; and the commission is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term "ordinary live stock" shall include all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses.

So as to make the bill read:

Be it enacted, etc., That so much of an act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915, as reads as follows, to wit:

"*Provided, however*, That if the goods are hidden from view by wrapping, boxing, or other means, and the carrier is not notified as to the character of the goods, the carrier may require the shipper to specifically state in writing the value of the goods, and the carrier shall not be liable beyond the amount so specifically stated, in which case the Interstate Commerce Commission may establish and maintain rates for transportation, dependent upon the value of the property shipped as specifically stated in writing by the shipper. Such rates shall be published as are other rate schedules."

be, and the same is hereby, amended to read as follows, to wit:

"*Provided, however*, That the provisions hereof respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply, first, to baggage carried on passenger trains or trains carrying passengers; second, to property, except ordinary live stock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Interstate Commerce Commission to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released, and shall not be held to be a violation of section 10 of the interstate commerce act; and any tariff schedule which may be filed with the commission pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared or agreed upon; and the commission is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term 'ordinary live stock' shall include all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses."

Mr. CUMMINS. Mr. President, either by mistake of the stenographer or the printer two words were left out of the committee amendment. Therefore on behalf of the committee I move that the amendment be amended as shown in the slip I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 3, line 16, after the word "trains," it is proposed to insert "or boats," and in the same line, after the word "trains," where it appears the second time, to insert "or boats," so as to read "on passenger trains or boats, or trains or boats carrying passengers."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 5911) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension, at the rate stated, the following-named persons:

Nellie M. Leonard, widow of Willard R. Lemon, known as William L. Leonard, late of Company D, Third Regiment Ohio Volunteer Cavalry, $12 per month.

Bowman C. McEwen, late of Company B, First Regiment Minnesota Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Burnum W. Francis, late of Company K, Sixteenth Regiment Connecticut Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Elizabeth R. Frink, widow of Rufus S. Frink, late of Company G, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Anna M. Holt, widow of Thomas Holt, late major and lieutenant colonel Seventieth Regiment New York Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Fitzhugh S. Hoag, late of Company K, Forty-sixth Regiment Massachusetts Militia Infantry, $30 per month in lieu of that he is now receiving.

Ella P. Hines, widow of Thomas J. Hines, late chief musician, Fourteenth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah L. Lunt, widow of Albert C. Lunt, late of Companies I and F, First Regiment Vermont Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

George H. Bishop, late of Company G, Fifty-second Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Hatch Chamberlin, late of Company B, Fourth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Michael Kelly, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Horace Berlew, late of Company B, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, $14 per month.

Irvin E. Scott, late of Company B, Twenty-eighth Regiment Pennsylvania Militia Infantry, and Company D, First Battalion, Fifteenth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

John B. Way, late of Company D, Seventeenth Regiment Kansas Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Comstock, late of Company C, Seventh Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

George H. French, late of Company A, Forty-eighth Regiment Wisconsin Volunteer Infantry, $27 per month in lieu of that he is now receiving.

David Devore, late of Company C, Fifteenth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Storm T. Roberts, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Horatio N. Washburn, late of Company F, Fourth Regiment, and Company F, Nineteenth Regiment, Maine Volunteer Infantry, and Twenty-third Company, Second Battalion Veteran Reserve Corps, $40 per month in lieu of that he is now receiving.

Peter Wedge, late of Company C, Thirty-second Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary F. Fernald, helpless and dependent daughter of James L. Fernald, alias Francis Hamilton, late of Company G, Thirteenth Regiment Connecticut Volunteer Infantry, and Company H, Twentieth Regiment Veteran Reserve Corps, $12 per month.

Hiram R. Brackett, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Harriet S. Crooks, widow of William Crooks, late colonel Sixth Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frances A. Hall, widow of Charles H. Hall, late of Company K, First Regiment Connecticut Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Elzie W. Grindle, late of Company F, Forty-second Regiment, Company E, Ninety-sixth Regiment, and Company A, Battalion Seventy-seven, Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Celia E. Gibson, former widow of William Gibson, late of Vaughn's independent battery, Illinois Volunteer Light Artillery, $12 per month.

Amanda Brewster, widow of Stephen G. Brewster, late unassigned, Thirty-second Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry Vanderpool, late of Company H, Tenth Regiment New York Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Charles F. Cooken, late of Company F, Forty-fifth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Orrin S. Williams, late of the Seventeenth Battery, Indiana Volunteer Light Artillery, $40 per month in lieu of that he is now receiving.

Mary J. Holliday, widow of George W. Holliday, late of Company H, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

Samuel I. Scammon, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Amanda M. Ricker, former widow of William E. Barrows, late of Company I, Nineteenth Regiment Maine Volunteer Infantry, and widow of Isaiah Ricker, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry Stewart, late of Company K, Sixty-ninth Regiment, and Company I, One hundred and fortieth Regiment, Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ivan S. Ford, late of Company F, Fourth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Miles Gary, late of Company I, Forty-seventh Regiment, and Company H, Twenty-fifth Regiment, Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Josephine Taylor, widow of Isaac Y. Taylor, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frances W. Wood, widow of George L. Wood, alias George Surgent, late of Company E, Third Regiment New Jersey Volunteer Cavalry, $12 per month.

Mathew Farley, late of Company C, Forty-ninth Regiment Massachusetts Militia Infantry, $30 per month in lieu of that he is now receiving.

Charles B. Sutton, late of Company G, First Regiment Oregon Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Harrigan, late of Troop F, Third Regiment United States Cavalry, $40 per month in lieu of that he is now receiving.

Johnson White, late of Company H, First Regiment Kentucky Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Stinson Books, late of Company K, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Eliza E. Vose, widow of Charles S. Vose, late of Company H, Second Regiment Maine Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John T. Warburton, late of Company I, Thirteenth Regiment Kansas Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Phebe J. Asher, widow of Charles Asher, late of Company D, Twentieth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Albertus Bowen, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Milton Rhodenbaugh, late of Company D, Fifty-first Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Minnie Anderson, widow of Calvin Anderson, late of Company D, Second Regiment Wisconsin Volunteer Cavalry, $12 per month.

Christian Howald, late of Company K, Tenth Regiment Michigan Volunteer Infantry, $50 per month in lieu of that he is now receiving.

George Lucas, late of Company G, Twelfth Regiment West Virginia Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Jesse L. Pelton, late of Company H, One hundredth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William E. Chappell, late of Company D, Thirteenth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Sarah E. Hathaway, widow of John F. Hathaway, late acting assistant surgeon, United States Army, $20 per month in lieu of that she is now receiving.

Hiram Bender, late of Company H, Forty-sixth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John P. Martin, late of Company C, Thirteenth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Orrin A. Johnson, late of Company I, Sixth Regiment Vermont Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Harriet A. Cady, widow of Stephen G. Cady, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Julia G. Hottel, widow of Martin V. Hottel, late captain Company K, Fifty-ninth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Edgar Thompson, late of Company A, Fiftieth Regiment New York Volunteer Engineers, $30 per month in lieu of that he is now receiving.

Thomas H. Webley, late of Company F, Fifth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Harriet E. Vose, widow of Thatcher Vose, late of Company K, Sixth Regiment Maine Volunteer Infantry, $12 per month.

Charles E. Sawtelle, late of Company F, First Regiment Maine Volunteer Heavy Artillery, $36 per month in lieu of that he is now receiving.

Richard Harmon, late of Company F, Third Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Caroline Wannofsky, widow of Samuel Wannofsky, late of Company E, Third Regiment Maine Volunteer Infantry, Company F, Seventeenth Regiment Maine Volunteer Infantry, and One hundred and eighth Company, Second Battalion, Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Sylvanus H. Ward, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, and Company E, Ninth Regiment Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

James Rogers, late of Company K, First Regiment Maine Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Alonzo J. Nevers, late of Company B, Seventeenth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Mary A. Holland, widow of John Holland, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

James Somerville, late of Company G, Sixth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Richard M. Johnson, late of Company B, Eighth Regiment Tennessee Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

James McNamara, late of Company A, Twenty-first Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Hamilton Davis, late of Company I, Fourteenth Regiment Michigan Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John J. Foraker, late of Company K, One hundred and forty-third Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John Curtis, late of Company K, Fifty-first Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry A. C. O'Connor, late of Company A, Seventh Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Simon Jenson, late of Company G, Fifth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Wilson, late of Company E, Fifteenth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Robert R. Bratton, late of Company E, Twenty-seventh Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Henry Quint, late of Company H, Twentieth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Morrison Young, late of Company H, Fourth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Frank A. Colcord, late of Company K, Twenty-sixth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jane McD. Johnston, widow of Francis Johnston, late of Troop K, Fourth Regiment United States Cavalry, $20 per month in lieu of that she is now receiving.

Abbie Sloggy, widow of Harrison Sloggy, late of Company B, Forty-sixth Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George M. Titus, late of Company E, Eleventh Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Sarah A. Welliever, widow of Joseph S. Welliever, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Catherine Goodwin, widow of William H. Goodwin, late of Company I, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry Harpham, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Charlotte Randall, widow of William Randall, late of Company E, One hundred and seventy-ninth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Cassius M. Jones, late of Company H, Eighth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Little, late of Company C, Thirty-fifth Regiment, and Company C, Twenty-ninth Regiment, Massachusetts Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Marion D. Egbert, late of Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William R. Donaldson, late of Company E, First Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Charles F. Runkle, late of Company K, Eighty-ninth Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John Brown, late of Company I, Fourth Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Painter, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Peleg N. Carson, late of Company I, Forty-seventh Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Solomon Keffer, late of Company B, Cass County Missouri Home Guards, $30 per month in lieu of that he is now receiving.

Charles H. Thompson, late of Company E, First Regiment Vermont Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John Washburn, late of Company G, Second Regiment New York Volunteer Infantry, and Company E, Second Regiment Massachusetts Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Charles H. Johnson, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Charles W. Sager, late of Company L, First Regiment Vermont Volunteer Heavy Artillery, $36 per month in lieu of that he is now receiving.

William J. Hull, late of Company E, Eighty-third Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Benjamin Weatherby, late of Company G, Twenty-fifth Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Andrew J. Messer, late of Company C, Fortieth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Diantha K. Dickey, widow of Nahum B. Dickey, alias Hiram B. Dickerson, late of Company D, Twentieth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Virginia R. Coates, widow of Darwin C. Coates, late of Company C, Fourteenth Regiment New Hampshire Volunteer Infantry, $12 per month.

Nancy R. Brady, widow of Thomas H. Brady, late of Company H, Twelfth Regiment, and Company K, Twenty-third Regiment, Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Allie A. Richey, widow of John Richey, late of Company C, One hundred and forty-first Regiment Ohio National Guard Infantry, $20 per month in lieu of that she is now receiving.

Marget E. Schrieber, widow of Frederick W. Schrieber, late of Company L, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Eliza Harrison, widow of William Harrison, late of Company I, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Nannie P. Brown, widow of Charles C. Brown, late of Company I, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Tabitha Rask, former widow of Martin Tiffany, late of Company F, Ninety-fifth Regiment Illinois Volunteer Infantry, $12 per month.

Lewis C. Cleavinger, late of Company C, Thirty-fourth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ella Louise Collett, widow of John R. Collett, late of Company B, Seventh Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Marie P. Collett, helpless and dependent child of said John R. Collett, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ella Louise Collett the name of the said Marie P. Collett shall be placed on the pension roll at $12 per month, from and after the date of death of said Ella Louise Collett.

Ellen Collins, widow of John S. Collins, late of Company A, First Battalion Nevada Volunteer Infantry, $12 per month.

Margaret L. Wood, widow of Samuel N. Wood, late captain Company I, Second Regiment Kansas Volunteer Infantry, and lieutenant colonel Sixth Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that she is now receiving.

Charles E. Cole, late of Company A, Third Regiment Maine Volunteer Infantry, and Company I, First Regiment Maine Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Charles E. Low, late of Company D, Twenty-first Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Banta, late of Sixteenth Battery, Indiana Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Celestia M. Lull, former widow of Alonzo J. Sawyer, late of Company A, First Regiment Maine Volunteer Cavalry, $12 per month.

John Murphy, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph Lyman, late of Company C, First Regiment Maine Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

Hamilton Rogers, late of Company D, Twelfth Regiment Missouri Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Roxalina Kinney, widow of Snoden S. Kinney, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary A. Hapgood, widow of George W. Hapgood, late of Company D, Sixty-fourth Regiment New York Volunteer Infantry, and Company B, Second Regiment New York Volunteer Mounted Rifles, $20 per month in lieu of that she is now receiving.

George Pullen, late of Company A, Thirty-fourth Regiment New Jersey Volunteer Infantry, and Company M, Second Regiment United States Cavalry, $30 per month in lieu of that he is now receiving.

John Pugsley, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Margaret L. Sexton, widow of Charles M. Sexton, late of Company C, Second Regiment Colorado Volunteer Infantry, and Company E, Veteran Battalion, First Regiment Colorado Volunteer Cavalry, $12 per month.

Amanda J. Johnson, widow of Edward P. Johnson, late of Companies H and A, Thirtieth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Joseph Zelmer, late of Company D, First Battalion Massachusetts Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

George T. Conner, late of Company C, Forty-second Regiment Massachusetts Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Arcelia Trowbridge, widow of Ira Trowbridge, late of Company G, Twenty-third Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Chester C. Smith, late of Company K, First Regiment Rhode Island Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Mary C. Harvey, widow of Thomas J. Harvey, late of Company B, Fourteenth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry W. Botsford, late unassigned, Fifth Regiment New York Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Eliza A. Reed, widow of John C. Reed, late of Company K, One hundred and first Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Thomas Pemberton, late of Company D, Fourth Regiment Tennessee Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Antonio Armenta, late of Romero's independent Company A, New Mexico Militia Infantry, $21 per month.

John J. Buckley, late of Company H, Tenth Regiment Minnesota Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James Welsh, late of Company G, Fifteenth Regiment New Jersey Volunteer Infantry, and Company G, Second Veteran Battalion New Jersey Volunteer Infantry, $24 per month in lieu of that he is now receiving.

David Haun, late of Company E, Eighth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Catherine E. Stamp, widow of Andrew H. Stamp, late of Company F, Eighth Regiment New York Volunteer Heavy Artillery, and One hundredth Company, Second Battalion, Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Catharine M. Dunham, widow of William Dunham, late of Company K, Seventeenth Regiment Michigan Volunteer Infantry, and Company B, Fourteenth Regiment Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Luther D. Whitten, late of Company I, Sixty-sixth Regiment, and Company G, Fifty-ninth Regiment, Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Harriette H. Kelly, widow of Robert M. Kelly, late colonel Fourth Regiment Kentucky Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

Frank B. Stearns, late of the U. S. S. *North Carolina*, *Kansas*, and *Princeton*, United States Navy, $36 per month in lieu of that he is now receiving.

Mary E. Bradford, widow of William J. Bradford, late first lieutenant and adjutant Second Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Leafy J. Leavitt, widow of Edward N. Leavitt, late of Company C, Third Regiment Maine Volunteer Infantry, and Battery K, Third Regiment United States Artillery, $20 per month in lieu of that she is now receiving.

William A. Collins, late of Company B, Seventy-ninth Regiment, and Company E, Seventy-third Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Nettie Lamprey, widow of Lyman H. Lamprey, late of Company H, Twelfth Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Minnie L. Gould, widow of Arthur J. Gould, late of Company K, Eleventh Regiment New Hampshire Volunteer Infantry, and Eighty-seventh Company, Second Battalion, Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Sarah S. Humiston, widow of John F. Humiston, late of Company E, One hundred and fifth Regiment Ohio Volunteer Infantry, and former widow of Robert Emmet Dickens, late of Company D, Fifty-eighth Regiment New York National Guard Infantry, $12 per month.

John Coffron, late of Company C, First Regiment Maine Volunteer Sharpshooters, $50 per month in lieu of that he is now receiving.

Eleazer O. Additon, late of Company K, Sixteenth Regiment New Hampshire Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Harriet Aylward, widow of Lowell C. Aylward, late seaman U. S. S. *Sabine*, *New Hampshire*, and *Nipsic*, United States Navy, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mabel Aylward, helpless and dependent child of said Lowell C. Aylward, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Harriet Aylward the name of the said Mabel Aylward shall be placed on the pension roll at $12 per month, from and after the date of the death of the said Harriet Aylward.

Samuel E. Griffin, late of Company D, First Regiment Maine Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

George S. Ayer, late of Company A, Tenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Edwin F. Witham, late of the Fifth Battery, Maine Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Josephus Clark, late of Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John A. Baird, late of the U. S. S. *Great Western* and *Juliet*, United States Navy, $30 per month in lieu of that he is now receiving.

Alfred H. Hulburt, late of Company E, Ninety-third Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel E. Stainbrook, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Nicholas J. O'Brien, late captain Company F, Seventh Regiment Iowa Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Adolphus W. Jones, late of Company K, Forty-third Regiment Illinois Volunteer Infantry, $22.50 per month in lieu of that he is now receiving.

Victoria Fleischmann, widow of John B. Fleischmann, late of Company G, Second Regiment Illinois Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Michael O'Brien, late of the United States Marine Corps, $50 per month in lieu of that he is now receiving.

Charles B. Clark, late of Company B, Twenty-fifth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Matilda I. Nason, widow of Thomas C. Nason, late of Company K, Seventh Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Webster A. Whiting, late captain Company B, Eighty-eighth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Abraham J. Yoemans, late second lieutenant Company I, One hundred and thirty-second Regiment New York Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sarah Denney, now Sinley, former widow of Theodore J. Denney, late of Company I, Fourth Regiment Delaware Volunteer Infantry, $12 per month.

Mary A. Flynn, widow of Patrick Flynn, late of Company F, One hundred and twelfth Regiment Illinois Volunteer Infantry, and Twenty-first Battery Ohio Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Mary Whiteslides, former widow of Edwin Wentworth, late of Company I, Eighteenth Regiment Michigan Volunteer In-

fantry, and Eighty-third Company, Second Battalion Veteran Reserve Corps, $12 per month.

Nancy J. Fleming, widow of Joseph T. Fleming, late captain Company F, Thirty-third Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Rebecca McC. Laptad, widow of Henry Laptad, late of Company B, First Regiment Vermont Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Robert Irvin Rea, late of Company H, Thirteenth Regiment Kansas Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Rebecca Jane Thompson, widow of Jesse Thompson, late of Company E, Thirty-fifth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frank B. Sargent, late of Company K, Ninth Regiment, and Company K, Sixth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John M. Farquhar, late captain Company B, Eighty-ninth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Robert Nichols, late of Company D, Ninth Regiment Michigan Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Francis B. Ainsworth, late of Company M, Sixth Regiment, and second lieutenant Company B, Sixth Regiment New York Volunteer Heavy Artillery, $36 per month in lieu of that he is now receiving.

Edward H. Allison, alias Henry A. West, late of Company D, Tenth Regiment Ohio Volunteer Cavalary, $40 per month in lieu of that he is now receiving.

Lucy M. Roach, widow of Jeremiah P. W. Roach, late of Company B, Battalion, Tenth Regiment, and Company C, Twenty-ninth Regiment, Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Nicholas B. Langley, late of Company F, Second Regiment West Virginia Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Emaline King, former widow of Robert Campbell, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, $12 per month.

Andrew Mitchell, late of Battery B, First Battalion Maine Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Alphonso E. Libby, late of Company F, Twenty-fifth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James F. Walker, late of Company K, Twelfth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Uranus Stacy, late of Company E, Twenty-ninth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George S. Thing, late of Company I, First Regiment District of Columbia Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Allen T. Hodgkins, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Abram Hall, late of Company K, One hundred and sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William J. Bradford, late of Company I, Sixteenth Regiment New Hampshire Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Myra R. Daniels, widow of William H. Daniels, late of Company D, First Regiment District of Columbia Volunteer Cavalry, and Company F, First Regiment Maine Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Alonzo P. Hart, late of Company E, Seventh Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Alfred A. Bonney, late of Company E, Forty-seventh Regiment Wisconsin Infantry, $30 per month in lieu of that he is now receiving.

George A. White, late of Company E, Ninth Regiment New York Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

Melvan Tibbetts, late of Company H, Fifteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sallie Rigney, widow of Joab Rigney, late of Company D, Thirteenth Regiment Kentucky Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Henry W. Crow, late of Company C, Ninety-first Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George B. Van Pelt, late of Company K, First Regiment New York Volunteer Engineers, $24 per month in lieu of that he is now receiving.

John Allen, alias John McGuire, late of Company K, Eighth Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Sarah Maurer, widow of John A. Maurer, late of Company B, Eighth Regiment Kansas Volunteer Infantry, and Company D, First Regiment United States Veteran Volunteer Engineers, $20 per month in lieu of that she is now receiving.

Mary I. Bradbury, widow of Eben H. C. Bradbury, late of Company K, Ninth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frances B. V. Kelley, widow of George H. Kelley, late of Company D, Sixty-second Regiment New York Volunteer Infantry, and Company H, Fourteenth Regiment Veteran Reserve Corps, $12 per month.

Mary Taylor Kain, widow of John L. Kain, late principal musician Seventh Regiment Illinois Volunteer Infantry, $12 per month.

Valentine M. Hodgson, late first lieutenant Company K, Sixty-seventh Regiment New York Volunteer Infantry, and Veteran Reserve Corps, $40 per month in lieu of that he is now receiving.

Florence Sanders, helpless and dependent child of John Q. Sanders, late of Company I, Twenty-second Regiment, and Company C, One hundred and fifty-third Regiment, Ohio Volunteer Infantry, $12 per month.

James L. Boothe, late of Company D, One hundred and fifteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Howard Miller, late of Company F, One hundred and seventy-eighth Regiment, and Company E, One hundred and eighty-first Regiment, Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jasper Reeder, late of Second Battery, Iowa Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Harlow J. Greenfield, late of Company K, One hundred and thirty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Leffler, late of Company A, One hundred and sixteenth Regiment, and Company G, Thirty-third Regiment, Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Michael Galligan, late of Company E, Twentieth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Anna Stanley, widow of William M. Stanley, late of Company E, Fifth Regiment Indiana Volunteer Cavalry, $12 per month.

Edith A. Grover, widow of Benjamin P. Grover, late of Second Company Sharpshooters, attached to Twenty-second Regiment Massachusetts Volunteer Infantry, and Company G, Thirteenth Regiment Veteran Reserve Corps, $12 per month.

Terrence Dobson, late of Company C, Ninety-third Regiment New York National Guard Infantry, $24 per month in lieu of that he is now receiving.

Allen Conner, late of Company E, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Oliver P. Gillson, late of Company L, Fifteenth Regiment New York Volunteer Cavalry, and Company L, Second Regiment New York Provisional Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Loami E. Scherer, late of Company C, Eighth Regiment United States Veteran Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John R. Kingman, late of Company M, Tenth Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Oliver Harding, late of Company A, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Albert A. Burleigh, late of Company M, First Regiment District of Columbia Volunteer Cavalry, and Company H, First Regiment Maine Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Charlotte Goding, widow of Harrison Goding, late of Company L, First Regiment Maine Volunteer Cavalry, $12 per month.

Annie K. Ames, widow of Charles A. Ames, late quartermaster sergeant Thirteenth Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth J. Beck, widow of Henry D. Beck, late of Company C, Twelfth Regiment Kansas Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah L. Chute, former widow of Samuel Chute, late of Company A, Second Regiment Maine Volunteer Cavalry, $12 per month.

George W. Lukenbill, late of Company F, One hundred and seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas E. Niles, late of Company A, Fifty-seventh Regiment Indiana Volunteer Infantry, Tenth Battery, Indiana Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Ira H. Fuller, late of Company B, One hundred and forty-eighth Regiment Ohio National Guard Infantry, $24 per month in lieu of that he is now receiving.

Laban A. Fernald, late of Company B, Twenty-ninth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Simeon Noble, late of Company M, Third Regiment Kentucky Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Nellie A. Sanborn, widow of Augustus D. Sanborn, late captain Company G, Fifth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Delia L. Trask, widow of William A. Trask, late of Company B, Eighteenth Regiment Connecticut Volunteer Infantry, $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSITS OF GOLD BULLION.

The bill (H. R. 13474) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911, was considered as in Committee of the Whole. It proposes to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act approved March 2, 1911, by striking from the last proviso of said section 6 the word "one-third" and inserting in lieu thereof the word "two-thirds," making the last proviso of section 6 read as follows:

And provided further, That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any Assistant Treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than $1,000 in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed two-thirds of the total amount of gold certificates at such time outstanding. And section 5193 of the Revised Statutes of the United States is hereby repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPLICATION OF HOMESTEAD LAW TO ALASKA.

The bill (H. R. 228) to amend the United States homestead law in its application to Alaska, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with an amendment, in section 1, page 2, line 9, after the word "Alaska," to insert:

Provided, That nothing herein contained shall be construed to limit or curtail the area of any homestead claim heretofore lawfully initiated.

So as to make the section read:

That every person who is qualified under existing laws to make homestead entry of the public lands of the United States who has settled upon or who shall hereafter settle upon any of the public lands of the United States situated in the District of Alaska, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall, subject to the provisions and limitations of the act approved March 3, 1903, chapter 1002, United States Statutes at Large, page 1028, be entitled to enter 160 acres or a less quantity of unappropriated public land in said District of Alaska, and no more, and a former homestead entry in any other State or Territory shall not be a bar to a homestead entry in Alaska: *Provided*, That nothing herein contained shall be construed to limit or curtail the area of any homestead claim heretofore lawfully initiated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RESOLUTION PASSED OVER.

The resolution (S. Res. 119) authorizing the Committee on Fisheries to employ a stenographer to report hearings held before the committee was announced as next in order.

Mr. OVERMAN. The chairman of the Committee on Fisheries is not present, and I object to the present consideration of the resolution.

The PRESIDING OFFICER. The resolution will be passed over.

HEIRS OF RICHARD SHAW.

The resolution (S. Res. 111) authorizing the Secretary of the Senate to pay to the heirs of Richard Shaw, late head waiter in the Senate restaurant, a sum equal to six months' salary at the rate he was receiving at the time of his death, etc., was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to the heirs of Richard Shaw, late head waiter in the Senate restaurant, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

BILLS PASSED OVER.

The bill (S. 2215) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

The bill (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. THOMAS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC BUILDING AT JEFFERSON CITY, MO.

The bill (S. 3265) for the extension, remodeling, and improvement of the public building at Jefferson City, Mo., was considered as in Committee of the Whole. It proposes to appropriate $60,000 for the purpose of erecting an addition to the public building at Jefferson City, Mo., and for extending, remodeling, and improving the public building, to be expended under the direction of the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELECTRIC LIGHT AND POWER IN KAUAI COUNTY, HAWAII.

The bill (S. 5777) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Kolon district, county of Kauai, Territory of Hawaii, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Pacific Islands and Porto Rico with an amendment, in section 11, page 7, line 24, after the word "the," to strike out "Territory of Hawaii," and insert "County of Kauai"; on page 8, line 1, after the word "the," where it occurs the second time, to strike out "Territory of Hawaii," and insert "County of Kauai"; in line 2, after the word "said," to strike out "Territory," and insert "county"; in line 7, after the word "the," to strike out "governor, the Public Utilities Commission of the Territory of Hawaii," and insert "treasurer of said county"; and in line 9, after the word "and," to strike out "their" and insert "his," so as to make the section read:

SEC. 11. That the association shall, within one month after the expiration of each calendar year, file with the treasurer of the county of Kauai a detailed statement showing all of its receipts and expenditures during the preceding calendar year, and shall, at the time, pay to the treasurer of the county of Kauai, for and on behalf of said county, one-half of 1 per cent of the gross receipts of the association from all electric light or power furnished to consumers during the preceding year; and all its books, papers, records, and accounts shall at all reasonable times be open to inspection by the treasurer of said county, and his respective agents appointed for such purpose.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF ARTICLES BY JOHN S. PATTERSON AND PIERRE JAY (S. DOC. NO. 458).

Mr. SHEPPARD. Mr. President, I have here a brief but valuable document, entitled "Six Years of the Guaranty Fund—Its Operation and Effect," by Hon. John S. Patterson, commissioner of insurance and banking of the State of Texas. I ask that it be printed as a public document.

Mr. OWEN. I ask that there may be added to it an article by Mr. Pierre Jay, of the Federal Reserve Bank of New York, upon the same subject matter. I think they should probably go together as showing comments upon the operation of the statute from the points of view of these two gentlemen. I will ask the Senator if that is agreeable to him?

Mr. SHEPPARD. That is entirely agreeable.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Texas to the fact that the communication which he has sent to the desk has an indorsement showing that it was referred by the Senate to the Committee on Printing.

Mr. SHEPPARD. I ask that that indorsement be stricken out. I will state that I have been trying to get a quorum of the committee together for two or three months but have failed to do so.

The PRESIDING OFFICER. The order of the Senate was that it be referred to the Committee on Printing.

Mr. OVERMAN. If it has been referred to the Committee on Printing, I think it ought to remain there until acted upon.

The PRESIDING OFFICER. The Senator from Texas can move to discharge the committee or ask unanimous consent that the committee be discharged from the further consideration of the matter.

Mr. SHEPPARD. Then, I ask unanimous consent, Mr. President, that the Committee on Printing be discharged from the further consideration of the matter.

The PRESIDING OFFICER. Is there objection to that course of procedure being taken? The Chair hears none, and the order will be entered to print the paper as a document, together with the article referred to by the Senator from Oklahoma [Mr. OWEN].

ADDRESS OF HON. EDWARD N. HURLEY (S. DOC. NO. 459).

Mr. CHILTON. I ask unanimous consent to have printed as a public document an address by Hon. Edward N. Hurley, vice chairman of the Federal Trade Commission, delivered before the American Iron and Steel Institute, at New York, May 26, 1916. It is a very short address.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and the order will be entered.

The Secretary will state the next bill on the calendar.

HONOLULU GAS CO. (LTD.).

The bill (S. 5658) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That the act of the Legislature of the Territory of Hawaii entitled "An act amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii," is hereby ratified, approved, and confirmed, and section 1 of act 39 of the laws of the Territory of Hawaii, 1903, as amended and approved by an act of Congress April 21, 1904 (section 905 of the revised laws of Hawaii, 1915), is hereby amended to read as follows:

"SECTION 1. Manufacture and supply: W. W. Dimond, of Honolulu, island of Oahu, Territory of Hawaii, his associates, successors, and assigns, or such corporation as he or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as W. W. Dimond), are hereby authorized and empowered to manufacture and supply gas for use as a fuel, for illuminating purposes, and otherwise, in Honolulu, which, for the purpose of this charter, shall be held to include all of the island of Oahu."

SEC. 2. That said act 39 of the laws of 1903 of said Territory as amended and approved by an act of Congress approved April 21, 1904, is hereby further amended by adding a new section thereto to be known as section 7A (and to be known as section 911A, revised laws of Hawaii, 1915), and reading as follows:

"The franchise and the person or corporation holding the same shall be subject as to reasonableness of rates, prices, and charges, and in all other respects to the provisions of chapter 128 of the revised laws of Hawaii, 1915, creating a public utilities commission and all amendments thereof for the regulation of the public utilities in said Territory, and all the powers and duties expressly conferred upon or required of the superintendent of public works or the courts of said act creating said franchise, are hereby conferred upon and required of said public utilities commission and any commission of similar character that may hereafter be created by the laws of said Territory."

SEC. 3. That the public utilities commission of the Territory of Hawaii is hereby granted the power to order the Honolulu Gas Co. (Ltd.), its successors or assigns, to make extensions of its service lines within the island of Oahu whenever it shall be made to appear that said extension is a public necessity and that said extension or extensions can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided*, That all orders of the public utilities commission herein provided for shall be subject to review by the courts of said Territory.

SEC. 4. That Congress or the Legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HAWAIIAN ELECTRIC CO. (LTD.).

The bill (S. 5274) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the act of the Legislature of the Territory of Hawaii entitled "An act amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii," is hereby ratified, approved, and confirmed, and section 1 of act 48 of the laws of 1903 of the Territory of Hawaii, as amended and approved by the act of Congress approved April 21, 1904 (now sec. 836 of the Rev. Laws of Hawaii, 1915), is hereby amended by striking therefrom the following:

"(b) 'Honolulu' or 'district of Honolulu,' shall refer to, include, and mean all of that portion of the island of Oahu included in the taxation, educational, and judicial district now defined by law as 'Honolulu district,' or the 'district of Honolulu.'"

SEC. 2. That section 2 of act 48 of the laws of 1903 of said Territory (sec. 837 of the Rev. Laws of Hawaii, 1915), as amended and approved by the act of Congress approved April 21, 1904, is hereby further amended to read as follows:

"Electric power, manufacture, sale, etc.: The right is hereby granted to the Hawaiian Electric Co. (Ltd.) as a body corporate under that or such other name as the said company may hereafter adopt, and its successors and assigns, to manufacture, sell, furnish, and supply electric light, electric current, or electric power on the island of Oahu, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which it or they may deem advisable, and from time to time, for the purposes above mentioned, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to the consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said island of Oahu and to connect the said lines, wires, and conductors with any manufactory, private or public building, lamp, lamp-post, or other structure or object with the place of supply."

SEC. 3. That section 3 of act 48 of the laws of 1903 of said Territory, as approved by the act of Congress approved April 21, 1904 (now section 838 of the Revised Laws of Hawaii, 1915), is hereby amended so as to read as follows:

"Power houses, etc.: Said company shall also have the right to maintain and operate its present light and power station on the corner of Halekauwila and Alakea Streets, in Honolulu, said island of Oahu, and also to construct, maintain, and operate, at such points as may from time to time be necessary, light and power stations or houses, or such other buildings and structures as may be necessary and proper, and to use machinery therein for the purposes of the company."

SEC. 4. That said act 48 of the laws of 1903 of said Territory, as amended and approved by the act of Congress approved April 21, 1904, is hereby further amended by adding a new section thereto to be known as section 15A (and to be known as section 850A of the Revised Laws of Hawaii, 1915), and reading as follows:

"This franchise, and the person or corporation holding the same, shall be subject as to reasonableness of rates, prices, and charges, and in all other respects to the provisions of chapter 128 of the Revised Laws of Hawaii, 1915, creating a public-utilities commission, and all amendments thereof, for the regulation of the public utilities in said Territory, and all the powers and duties expressly conferred upon or required of the superintendent of public works or the courts by said act creating said franchise are hereby conferred upon and required of said public-utilities commission."

SEC. 5. That the public-utilities commission of the Territory of Hawaii is hereby granted the power to order the Hawaiian Electric Co. (Ltd.), its successors or assigns, to make extensions of its service lines within the island of Oahu, whenever it shall be made to appear that said extension is a public necessity and that said extension or extensions can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided*, That all orders of the public-utilities commission herein provided for shall be subject to review by the courts of said Territory.

SEC. 6. That Congress, or the Legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal this act.

Mr. OWEN. Mr. President, I should like to ask the Senator reporting that bill if the public-utilities authorities have a right to fix the price?

Mr. SHAFROTH. Yes; they have that right under the law. This is a bill which must be ratified by the Congress of the United States. It is an act of the Territory of Hawaii.

Mr. OWEN. It provides for public supervision and control?

Mr. SHAFROTH. Yes; it provides for the supervision and control by the public-utilities commission.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC-UTILITY FRANCHISES IN HAWAII.

The bill (S. 5776) to amend certain public-utility company franchises in the Territory of Hawaii, was considered as in Committe of the Whole. It provides that each and every public-utility company operating within the Territory of Hawaii under

any franchise or charter heretofore approved or granted by the Congress of the United States shall, within one month after the expiration of each calendar year, pay to the treasurer of the county in which said company operates such per cent of the gross receipts of said company for the preceding calendar year as its franchise now requires it to pay to the Territory of Hawaii; and that all acts and parts of acts inconsistent with this enactment are repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL PARK, TERRITORY OF HAWAII.

The bill (H. R. 9525) to establish a national park in the Territory of Hawaii, was considered as in Committee of the Whole.

Mr. OVERMAN. Mr. President, I should like to ask the Senator where this park is?

Mr. SHAFROTH. This park is on the Island of Hawaii. It includes the great volcano, and also takes in another volcano. They are very rare curiosities, as it were, because of the fact that they are live volcanoes. One of them is now in a very violent state of eruption. It has overflowed, and the lava extends nearly down to the sea.

Mr. THOMAS. What is the acreage?

Mr. SHAFROTH. I do not know the acreage.

Mr. OVERMAN. Does it carry any appropriation?

Mr. SHAFROTH. I do not think there is any appropriation in the bill; no.

Mr. SMITH of Georgia. Is it public land?

Mr. SHAFROTH. Yes; it is land acquired at the time of the acquisition of the islands. There is an appropriation of $10,000. No——

Mr. OVERMAN. I object to it.

Mr. SHAFROTH. I do not believe there is any appropriation. It is a limitation, instead of an appropriation.

Mr. OVERMAN. I have been on the island, and I am in favor of making it a national park; but there is no appropriation needed. It is public land, wild land. There is nobody living there.

Mr. SMITH of Georgia. I suggest to the Senator that the appropriation be stricken out.

Mr. SHAFROTH. There is no appropriation in it. It is a proviso, reading as follows:

That no appropriation for the maintenance, supervision, and improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law.

I do not remember any provision in the bill for an appropriation except that limitation.

Mr. LANE. Mr. President, it should not cost anything to maintain a volcano.

Mr. SHAFROTH. No; but you have got to have some supervision of the park.

Mr. OVERMAN. I suggest to the Senator to strike that out and let it pass.

Mr. SHAFROTH. Rather than let the bill go over, I will move to strike that out. I offer an amendment striking out the first proviso on page 8, beginning with the word "*Provided*," in line 8, and extending to the word "law," in the twelfth line of the same page.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 8, line 8, it is proposed to strike out the following words:

Provided, That no appropriation for the maintenance, supervision, and improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law.

Also the word "*And*" and the word "*further*" in line 12, after the proviso just read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EDWARD J. LYNCH.

The bill (S. 5495) for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to credit Edward J. Lynch, collector of internal revenue for the district of Minnesota, and his accounts with the sum of $35,207.14¾, being the value of currency, coin, and various kinds of stamps charged to him and which were stolen from the vault of his office during the night of January 6, 1916, together with other stamps which have since been returned to him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF DUTIES ON FLAX-PREPARATORY MACHINES, ETC.

The bill (S. 4384) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the Linen Thread Co., of No. 96 Franklin Street, New York City, the sum of $23,239.35, being the amount of duties collected on flax-preparatory machines, parts thereof, and accessories thereto, imported subsequently to August 5, 1909, and prior to January 1, 1911.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COPPER RIVER & NORTHWESTERN RAILWAY CO.

The bill (S. 5268) for the relief of the Copper River & Northwestern Railway Co. was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to the Copper River & Northwestern Railway Co., a corporation organized and existing under the laws of the State of Nevada, the sum of $3,102.92, in refund of the gross income tax paid by said company to the collector of internal revenue at Tacoma, Wash., on May 21, 1915, pursuant to a tax levied under the act of Congress approved July 18, 1914 (38 Stats., p. 517), for the period beginning January 1 and ending June 30, 1914, for which period said company had previously paid the license fee or tax provided by the act approved March 3, 1899 (30 Stats., pp. 1336, 1337), as amended by the act approved June 6, 1900 (31 Stats., pp. 330, 331).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PRESCOTT, ARIZ.

The bill (S. 1045) to provide for the erection of a public building at Prescott, in the State of Arizona, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to erect on the site heretofore authorized to be acquired by the United States a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the United States post office, Federal court, and other Government offices in the city of Prescott, in the State of Arizona, the cost of said building, including said vaults, heating and ventilating apparatus, elevators, and approaches not to exceed the sum of $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR PUBLIC BUILDING AT BISBEE, ARIZ.

The bill (S. 1046) to provide for the purchase of a site for a public building in the city of Bisbee, Ariz., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, line 6, after the words "sum of," to strike out "$35,000" and insert "$25,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase or otherwise, a site on which to erect a public building at the city of Bisbee, in the State of Arizona, and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for the same.

SEC. 2. That no money hereby appropriated shall be available until a valid title to the site for said building shall be vested in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5854) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice was announced as next in order.

Mr. SHAFROTH and Mr. CHILTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over, under objection.

The bill (H. R. 308) to amend the act to regulate commerce, as amended, and for other purposes was announced as next in order.

Mr. OVERMAN. I do not think that ought to pass.

Mr. SMITH of Arizona. That ought to go over.

The PRESIDING OFFICER. The bill will be passed over, under objection.

ADDITIONAL LAND DISTRICT, CALIFORNIA.

The bill (H. R. 529) creating an additional land district in the State of California, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES L. LLEWELLYN.

The bill (H. R. 4297) for the relief of Frances L. Llewellyn was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Interior to allow Frances L. Llewellyn to enter, under the homestead law and subject to the terms, conditions, and limitations of the reclamation act and acts amendatory thereof, lots 1, 4, 5, and 6 and the southeast quarter of the northeast quarter of section 15, township 21 south, range 1 west of the New Mexico principal meridian, New Mexico, Las Cruces, N. Mex., land district, provided that the entry and patent therefor shall expressly reserve to the United States the right to take for use, without compensation to entryman, patentee, or her assigns, any or all of the said lands which may be actually needed for or in connection with the construction, operation, and maintenance of the Rio Grande reclamation project.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska, was announced as next in order.

Mr. THOMAS and Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CHARLESTON-DUNBAR TRACTION CO.

The bill (S. 5103) authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River in West Virginia, was considered as in Committee of the Whole. It authorizes and directs the Secretary of War to lease, at a nominal rental value of not exceeding $25 per year, to the Charleston-Dunbar Traction Co., a corporation, its successors or assigns, the strip of land 15 feet wide and 601.8 feet long, or approximately twenty-one hundredths of an acre, which said strip of land is situated at or near United States Government Lock and Dam No. 6 of the Great Kanawha River improvement, near the city of Charleston, in the State of West Virginia, which said strip of land said Charleston-Dunbar Traction Co. is now occupying with its track; provided that said annual rental shall be promptly paid as required by the Secretary of War, and that the United States Government shall sustain no loss or expense by reason of said lease to said traction company, and provided further that said traction company shall not fence up said strip of land unless required to do so by the Secretary of War, and shall, at its own expense, keep up and maintain the existing crossings over said traction company's line on the Government property, and provided further that said traction company shall not remove its station or stop upon or near the Government's said property as said stop and station is at present located.

Mr. CHILTON. Mr. President, there is a mistake in the notation in the calendar. It should state that this bill was reported from the Committee on Commerce instead of from the Committee on Military Affairs.

I do not want to have it read, but I ask permission to have inserted in the RECORD the letter of the Secretary of War approving this bill.

The PRESIDING OFFICER. Without objection, that may be done.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, March 25, 1916.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate.

SIR: I beg to acknowledge the reference to this department of Senate bill No. 5103, Sixty-fourth Congress, first session, authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River, in West Virginia.

The Charleston-Dunbar Traction Co., the grantee named in the bill, operates a traction and gas line from the city of Charleston to the suburban town of Dunbar, W. Va. When the line was under construction in 1911 the company applied for permission to cross the lands of the United States at Lock No. 6, Kanawha River, but as the project contemplated the permanent occupation of Government property, and as the Secretary of War was not vested with power to grant such a privilege, the application was denied. Subsequently the company requested a temporary lease to be used pending action by Congress on an application for a permanent right of way, and on August 30, 1911, the company was granted a lease of the right of way for a period of one year at an annual rental of $150, on condition that the lessee should obtain from Congress at the earliest opportunity the necessary legislation for occupancy of the land. This lease was thereafter extended by the department, from time to time, an additional four years, covering the period up to September 1, 1916, on which date the full five-year period for which the Secretary of War is now authorized by law to lease public property will expire. The object of the bill under consideration is to authorize the Secretary to continue leasing the property indefinitely.

The land in question is on the abutment side of Dam No. 6, Kanawha River, and its occupation by the traction line has not been objectionable, and it is believed that its future use for the same purpose will not be harmful to the public interests. With respect to the rental to be paid by the company, it is proper to say that the amount now paid under the existing lease is recognized as being far in excess of the rental value of the property, but this high charge was imposed for the purpose of insuring compliance with that condition of the lease requiring the company to obtain the authority of Congress. It is thought that, in view of the small area of land occupied, and its inconsiderable value to the Government, the charge of $25 per year, as proposed in the bill, is a fair one.

I see no objection to the proposed measure, and with the addition of the usual repeal clause its enactment by Congress will be satisfactory to this department.

It is deemed appropriate to add that the land in question is not military land but was acquired by the Government for use in connection with the improvement of the Kanawha River to which work it pertains; and I have the honor to suggest, therefore, that the bill should also be considered by the Senate Committee on Commerce.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 681) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC BUILDING, DURANGO, COLO.

The bill (S. 5724) authorizing the construction of a public building in the city of Durango, Colo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 3, after the word "section," to strike out "four" and insert "three," so as to make the bill read:

Be it enacted, etc., That so much of section 3 of the public-building act, approved March 4, 1913 (37 Stat., p. 871), as authorizes the erection of a public building for the United States post office in the city of Durango and State of Colorado, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury to erect and complete a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the United States post office, Federal court, and other Government offices, upon ground already purchased by the Government for such purpose and now owned by the United States, the cost of such building not to exceed the sum of $150,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 5675) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 195) amending Rule XXII of the standing rules of the Senate was announced as next in order.

Mr. JONES. I object.

The PRESIDING OFFICER. The resolution will be passed over.

POST-OFFICE SITE AND BUILDING, MILLVILLE, N. J.

The bill (S. 5398) to increase the limit of cost of post-office site and building at Millville, N. J., was considered as in Committee of the Whole. It provides that the act of Congress approved June 25, 1910 (36 Stats., p. 681), authorizing the Secretary of the Treasury to contract for the acquisition of a site and for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus and approaches, complete, for the use and accommodation of the United States post office and other governmental offices at Millville, N. J., shall be and is amended so as to increase the limit of cost for said site and building from $55,000 to $105,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. BINGHAM.

The bill (S. 5863) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa., was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 7, after the word "Pennsylvania," to insert "but such permit shall not be issued until there has been filed in the health department of the District of Columbia a permit from the proper governmental authorities at the place where said cemetery is located authorizing the interment there of said remains," so as to make the bill read:

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa., but such permit shall not be issued until there has been filed in the health department of the District of Columbia a permit from the proper governmental authorities at the place where said cemetery is located authorizing the interment there of said remains.

The amendment was agreed to.

Mr. STERLING. Mr. President, I desire to offer an amendment, as follows:

In line 4, after the word "permit," I move to insert the words "to Charles Bingham," as the person who is to get the permit; then, on line 5, after the word "of," I move to insert the words "his son."

The PRESIDING OFFICER. The Secretary will read that part of the bill as it would read if amended.

The SECRETARY. If amended, that part of the bill would read:

That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit to Charles Bingham for the removal of the remains of his son, the late Charles H. Bingham, from Congressional Cemetery, District of Columbia, to Lock Haven, Pa., etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OVERMAN. Mr. President, it is now quarter to 5 o'clock. I think the Senate should adjourn.

Mr. MYERS. Mr. President, I hope the Senator will not insist upon that motion.

Mr. OVERMAN. The Senator from Montana has had more bills on this calendar passed than any other Senator.

Mr. MYERS. There are a lot of other Senators here having little bills which have not yet been reached. We do not go through the calendar once a year. Let us go on. We are going to reach some of importance in a very few minutes. We ought to work until 6 o'clock. I wish we could go on until 7.

Mr. OVERMAN. There are a good many bills being passed here that ought not to be passed.

BILLS PASSED OVER.

The bill (S. 3776) providing for the establishment of a radio station on Unga Island, Alaska, was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 6047) to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 778) to amend an act entitled "An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes," approved May 11, 1910, was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN WASHINGTON.

The bill (S. 5615) granting certain lands to the board of park commissioners of the State of Washington for park purposes, was announced as next in order.

Mr. OVERMAN. I object.

Mr. JONES. Mr. President, I hope the Senator will not object to the consideration of that bill. It is simply a local bill, granting a small amount of land in the State of Washington for public-park purposes. It is a short bill.

Mr. MYERS. I hope, too, that the Senator will not object. This is a bill reported from the Committee on Public Lands. We have to put these little bills through at some time.

The PRESIDING OFFICER. Does the Senator from North Carolina insist upon his objection?

Mr. OVERMAN. I withdraw the objection. I think we ought to adjourn, though.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands, with amendments, on page 1, line 3, after the word "the," to strike out "Board of Park Commissioners of the," and, in line 6, page 1, after the word "acres," to insert "*Provided*, That whenever these lands shall cease to be used as a public park by the said State of Washington, or the same shall be devoted to other uses, the title thereto shall revert to the United States free and clear of all incumbrance," so as to make the bill read:

Be it enacted, etc., That there be, and there is hereby, granted to the State of Washington for park purposes all of section 26, township 25 north, range 21 east of the Willamette meridian, except the south one-half of the southeast one-quarter of said section; in all, 560 acres: *Provided*, That whenever these lands shall cease to be used as a public park by the said State of Washington or the same shall be devoted to other uses the title thereto shall revert to the United States free and clear of all incumbrance.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting certain lands in the State of Washington for park purposes."

BILL PASSED OVER.

The bill (S. 790) to repeal an act entitled "An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes," was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

MISSOULA NATIONAL FOREST, MONT.

The bill (S. 5082) adding certain lands to the Missoula National Forest, Mont., was announced as next in order.

Mr. OVERMAN. I object.

Mr. MYERS. Do I understand that this bill is objected to?

Mr. OVERMAN. Yes. However, I see that it is a bill reported by the Senator from Montana and is from his home town.

Mr. MYERS. It is a very harmless little bill.

Mr. OVERMAN. I withdraw the objection.

Mr. MYERS. I thank the Senator.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, on page 1, line 3, after the word "following" to strike out "described areas, namely," and insert "unsurveyed areas which, by protraction of the public surveys in adjoining townships, would probably be described as," and on line 7, page 1, after the word "west," to strike out "Montana principal meridian" and insert "and," so as to make the bill read:

Be it enacted, etc., That the following unsurveyed areas which by protraction of the public surveys in adjoining townships would probably be described as section 1, section 2, section 11, and section 12, all in township 9 north, range 15 west, and section 25, section 35, and section 36, all in township 10 north, range 15 west, Montana principal meridian, be, and the same are hereby, included in and made a part of the Missoula National Forest, subject to all prior valid adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5772) to provide for the sinking of artesian wells, and for other purposes, was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MYERS. Mr. President, I hope the Senator will withdraw his objection unless he is making it understandingly, and really has a valid objection to the bill. It is a meritorious bill.

Mr. OVERMAN. My recollection is that we had quite a debate on this bill at the last session.

Mr. MYERS. Oh, no; not on this bill. This has never been introduced before.

Mr. OVERMAN. This is a bill providing for the sinking of artesian wells, is it not?

Mr. MYERS. Yes, sir; in a district which is very arid.

Mr. OVERMAN. I think it ought to go over.

Mr. MYERS. It is strongly recommended by the Interior Department.

Mr. OVERMAN. I object to it, Mr. President.

Mr. MYERS. It is unanimously recommended by the members of the Senate Committee on Public Lands who were present when it was considered.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The bill (H. R. 4866) for the relief of Julia R. Goodloe was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 782) granting additional rights to settlers on reclamation projects was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

VALIDATION OF HOMESTEAD ENTRIES.

The bill (S. 5379) validating certain homestead entries was announced as next in order.

Mr. OVERMAN. I object.

Mr. SMITH of Arizona. I move that we adjourn. There is no use in going further with the calendar.

Mr. MYERS. Mr. President, let me have a word with the Senator from North Carolina.

Mr. OVERMAN. The Senator from Montana is interested in almost every bill that comes up.

Mr. MYERS. This is a bill carrying no appropriation. There can be no objection to it. It simply validates the title——

The PRESIDING OFFICER. The Senator from Montana is not in order.

Mr. MYERS. I will ask the Senator from North Carolina if he will not withdraw his objection to Senate bill 5379?

Mr. OVERMAN. Very well; let the Senator pass it.

The PRESIDING OFFICER. Does the Senator from North Carolina withdraw his objection?

Mr. OVERMAN. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, to insert two new sections at the end of section 1, so as to make the bill read:

Be it enacted, etc., That all pending homestead entries made in good faith prior to January 1, 1916, under the provisions of the enlarged-homestead laws, and all rights to enter land under said laws, based on settlement made thereon in good faith before said date and while the land was unsurveyed, by persons who before making such enlarged-homestead entry had acquired title to land under the homestead laws and therefore were not qualified to make an enlarged-homestead entry or such settlement, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land: *Provided*, That no settlement claim shall be validated hereby where adverse claim for the land has been initiated before the passage of this act.

SEC. 2. That no homestead entry heretofore made under the provisions of section 2 of the act of Congress entitled "An act for the relief of the Colorado Cooperative Colony, to permit homestead entries in certain cases, and for other purposes," approved June 5, 1900, shall be canceled for the reason that the former entry made by the entryman was commuted under the provisions of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880 (21 Stat., p. 237). And all entries heretofore canceled on the ground that an entryman who commuted under the provisions of said act of June 15, 1880, is not entitled to the benefits of the act of June 5, 1900, shall be reinstated upon a showing by the entryman or his heirs, within one year from the approval of this act, that there were no valid grounds for the cancellation of such entries except that a former entry was perfected under the act of June 15, 1880, in all cases where valid adverse rights have not attached to the lands covered by such second entries since the date of their cancellation.

SEC. 3. That the provisions of the act approved March 3, 1911 (36 Stat. L., p. 1084), are hereby extended to a period of six months after the passage of this act, provided that proper application for reinstatement of the homestead entries mentioned in section 1 of said act or for the exercise of preference right mentioned in section 11 shall be filed in the proper land office within the said period of six months.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OVERMAN. Mr. President, I want to say that if there is any other Senator who desires to have any particular bill on the Calendar passed, I shall be glad to have him bring it to the attention of the Senate.

PUBLIC BUILDING AT TAYLOR, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of Senate bill 5447.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent for the present consideration of a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 5447) providing for the erection of a public building at Taylor, Tex.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FLETCHER. Mr. President, I am not going to object to the consideration of this bill, but I have been waiting here all day to get to Order of Business 454, House bill 13112. The only objection to the motion to take it up this morning was because the motion was premature, and was made out of order. There is no objection to the bill, and I want to call attention to the fact that I am going to ask to take up Order of Business 454, because I have waited here all day to get it up

Mr. CULBERSON. I simply made the request that I did because I understood we were about to adjourn.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds, with amendments, on line 6, after the words "post office," to insert "Department of Agriculture, and Civil Service Commission," and on line 12, after the words "sum of," to strike out "$75,000," and insert "$60,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to erect a suitable building, with fireproof vaults therein, for the use and accommodation of the post office, Department of Agriculture, and Civil Service Commission, in the city of Taylor, State of Texas, upon the site now owned by the United States in said city.

The plans, specifications, and full estimates for said building shall be previously made and approved according to law and shall not exceed, for building complete, the sum of $60,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO THE SEAMEN'S ACT.

Mr. FLETCHER. Mr. President, I now ask unanimous consent for the present consideration of House bill 13112, to amend section 14 of the seamen's act of March 4, 1915. It will take only a moment to dispose of it. There is no objection to the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 14 of the seamen's act of March 4, 1915, be amended by striking out subdivisions 3 and 4 of subsection headed "Life jackets and life buoys," regarding the numbers of life buoys with which steamers navigating the ocean, or any lake, bay, or sound of the United States shall be equipped, and inserting, in lieu thereof, the following:

"Third. The minimum number of life buoys with which vessels are to be provided is fixed as follows:

"Vessels under 100 feet in length, minimum number of buoys, 2; vessels 100 feet and less than 200 feet in length, minimum number of buoys, 4, of which 2 shall be luminous; vessels 200 feet and less than 300 feet in length, minimum number of buoys, 6, of which 2 shall be luminous; vessels 300 hundred feet and less than 400 feet in length, minimum number of buoys, 12, of which 4 shall be luminous; vessels 400 feet and less than 600 feet in length, minimum number of buoys, 18, of which 9 shall be luminous; vessels 600 feet and less than 800 feet in length, minimum number of buoys, 24, of which 12 shall be luminous; vessels 800 feet and over in length, minimum number of buoys, 30, of which 15 shall be luminous.

"Fourth. All the buoys shall be fitted with beckets securely seized. Where two buoys only are carried, one shall be fitted with a life line at least 15 fathoms in length, and where more than two buoys are carried, at least one buoy on each side shall be fitted with a life line of at least 15 fathoms in length. The lights shall be efficient self-igniting lights which can not be extinguished in water and they shall be kept near the buoys to which they belong, with the necessary means of attachment."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FLETCHER. Mr. President, I should like to have the report of the House committee printed in connection with the bill.

The PRESIDING OFFICER. In the absence of objection, that may be done.

The report is as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, submitted the following report:

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 13112) to amend section 14 of the seamen's act of March 4, 1915, having considered the same, report it to the House with the recommendation that it do pass.

The bill amends subdivisions third and fourth of subsection 14, headed "Life jackets and life buoys," as regards the number of life buoys with which steamers navigating the ocean or any lake, bay, or sound of the United States shall be equipped.

The third subsection referred to provides that the minimum number of life buoys on vessels under 400 feet in length shall be 12. The bill divides vessels under 400 feet in length into four classes, and provides the minimum number of life buoys with which vessels in these classes shall be as follows:

"Vessels under 100 feet in length, minimum number of buoys 2; vessels 100 feet in length and under 200 feet in length, minimum number of buoys 4, two of which shall be luminous; vessels more than 200 feet and under 300 feet in length, minimum number of buoys 6, of which two shall be luminous; vessels 300 feet and under 400 feet in length, minimum number of buoys 12, of which four shall be luminous."

The fourth subdivision is amended to conform in the matter of life buoys and life lines to subdivision 3 as amended by the bill.

Section 14 of the seamen's act contains the provisions of the International Convention on Safety of Life at Sea in respect of lifeboats, floats, rafts, life preservers, and other life-saving appliances and equipment, adopted at London, England, in January, 1914, to which this Government was a party. The convention was framed to apply to vessels of the signatory nations in the oversea trade. The committee in drafting section 14 of the seamen's act modified the provisions of the London convention in respect to vessels in our coastwise trade and on lakes, bays, and sounds, but overlooked the requirements as to life buoys on vessels under 400 feet in length.

Most of the vessels in the oversea trade are 300 feet long or over, and the provisions of the convention may reasonably apply to them. The same reason does not apply to the smaller vessels and particularly those on our lakes, bays, and sounds.

The seamen's act went into effect as to vessels of the United States on November 1, 1915, and when the provisions as regards life buoys were called to the attention of vessel owners by the Steamboat-Inspection Service they complained that they were unnecessarily severe and would work a hardship upon them. The owners of tug boats claimed that their crews are small and the spaces where the buoys might be placed were very limited.

A meeting of the representatives of the interests affected was held at the office of the Secretary of Commerce in December last, at which the Secretary of Commerce, the Supervising Inspector General of the Steamboat-Inspection Service, the Commissioner of Navigation, the chairman of this committee, and a large delegation of agents and owners of vessels affected were present, and the whole question was considered, with the result that it was agreed that the amendments of the law proposed by the bill might reasonably be made and at the same time make ample provision in the matter of life buoys for saving life on vessels to which the bill applies.

M. A. SWEENEY SHIPYARDS & FOUNDRY CO.

Mr. KERN. Mr. President, I have a House bill for the relief of some very worthy people in Indiana, which I am very anxious to have passed before adjournment. It is House bill 13064, for the relief of the M. A. Sweeney Shipyards & Foundry Co.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the M. A. Sweeney Shipyards & Foundry Co., out of any money in the Treasury not otherwise appropriated, the sum of $2,635, which sum of money is appropriated for this purpose, the same being the amount of money withheld by the Government from said firm for building and constructing a steamboat named *John Evens*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL REUNION AND PEACE JUBILEE, VICKSBURG NATIONAL MILITARY PARK.

Mr. THOMAS. I ask unanimous consent to call up Order of Business 436, Senate bill 4176, authorizing and directing the Secretary of War to make certain provisions for the care of Federal and Confederate veterans.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

A bill (S. 4176) authorizing and directing the secretary of War to make certain provisions for the care of Federal and Confederate veteran soldiers who served in the War between the States, 1861 to 1865, to enable them to unite in participation of a national reunion and peace jubilee to commemorate the victories and virtues resulting in the half century of peace and prosperity to the American Nation, to be held in the national domain within the Vicksburg National Military Park, October 16, 17, 18, and 19, 1917.

Whereas a memorial celebration and peace jubilee was held at Gettysburg, Pa., on the fiftieth anniversary of the battle fought at that place during the War between the States in July, 1913, and such celebration gave to the veterans of the Union Army, known as the Army of the Potomac, and the Confederate Army, known as the Army of the Virginia, an opportunity in such a gathering of peace and unity; and

Whereas coincidently with that battle an equally important event to this country occurred in July, 1863, in the siege and defense of Vicksburg, the survivors of the Armies of the Tennessee and of the Mississippi, who participated in that siege, now desire to join in a national memorial celebration and peace jubilee to commemorate the victories and virtues leading to the half century of peace and prosperity to the American Nation, and, further, to strengthen the fraternal ties of brotherly amity in a United Nation of States: Therefore

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed as follows:

First. To provide and furnish all necessary sewerage, sanitation, and hospital service for health and accommodation of persons attending upon such occasion.

Second. To provide and furnish all necessary camp and garrison equipment for visiting veterans of the Civil War, together with all necessary rations and supplies, properly prepared and served, for such veterans during said celebration.

SEC. 2. That the steps hereinbefore authorized to be taken by the War Department shall be fully completed before the 14th day of October, 1917, and that all camp equipment, including tents, supplies, and rations shall be fully ready for occupancy and use.

SEC. 3. That the National Association of Vicksburg Veterans, formed in the city of Chicago, Ill., August 9, 1913, shall have charge of the order of exercises during the celebration; that the physical control of the camp and grounds and the movement of the troops and marching bodies therein shall be in the hands of the Secretary of War, under such officers as he may detail for that purpose.

SEC. 4. That there is hereby appropriated from the Treasury of the United States, out of funds not otherwise appropriated, such sum as may be necessary to carry out the foregoing provisions of this act, not exceeding the sum of $150,000: *Provided*, That out of the said sum of $150,000 thus appropriated no part thereof shall be available or expended for the purpose provided in this act until after January 1, 1917.

SEC. 5. That the Secretary of War is hereby authorized to reimburse and pay, out of the funds herein appropriated, the traveling expenses of the members of the council of administration or of the executive committee of the National Association of Vicksburg Veterans for journeys authorized by him to be taken in attendance upon meetings in the interest of this celebration. *Provided*, That the number of members shall at no time exceed seven at any one meeting.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORTLAND, VANCOUVER & NORTHERN RAILWAY CO.

Mr. JONES. Mr. President, Order of Business 470, Senate bill 4550, is a purely local bill, and one of considerable urgency. I ask unanimous consent that it may be taken up and considered. It is a bill granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The SECRETARY. On page 2, after line 16, the committee proposes to strike out all of section 3 as it appears in the bill, and in lieu thereof to insert:

SEC. 3. That the work shall be begun within one year after the approval of this act, and within 90 days after the approval of this act the said railway company shall furnish a bond to the satisfaction of the Secretary of War conditioned for the completion of the said railroad and other works mentioned herein across said reservation within two years after the approval of the said bond by the Secretary of War.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. On page 3, after line 6, the committee proposes to strike out all of section 4, and in lieu thereof to insert:

SEC. 4. That the work herein authorized shall be constructed in such manner, of such character, and with such spurs, switches, and crossings as may be prescribed by the Secretary of War, and shall be maintained and operated subject to such rules and regulations as he or the commander at the said post may from time to time prescribe.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. After the amendment just agreed to, the committee proposes to insert a new section, as follows:

SEC. 5. That the licensee shall bear one-third of the cost of macadamizing Fifth Street and the public road on the eastern boundary of the reservation for the distance they occupy said street and road; macadamizing of said street and road to be of such width as may be prescribed by the Secretary of War. The licensee shall bear one-third of the cost of maintenance of said street and road in addition to maintaining the space between the rails at all times in good condition for vehicle traffic.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. After the amendment just agreed to, on page 4, line 3, the committee proposes to change the number of the section from "5" to "6," and on line 5, after the word "road," to insert "work, lighting of track on roadway without expense to the United States," so as to make the section read:

SEC. 6. That the maintenance and operation of said railway within the limits of the reservation, including all road work, lighting of track on roadway without expense to the United States, and other work required to be done by the licensee in accordance with the provisions and conditions of this instrument, or deemed necessary or advisable by the Secretary of War, shall be subject to the supervision and approval of the post commander and to such regulations as he may from time to time prescribe in the interests of good order, police, sanitation, discipline, public safety, and the conservation of the interests of the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The committee also proposes to change the numbers of sections 6 and 7 to 7 and 8, respectively, in accordance with the amendments made.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OVERMAN. I move that under the unanimous-consent agreement the Senate adjourn.

Mr. BANKHEAD. Pending that, I ask unanimous consent that the Senate proceed to the consideration of House bill 10484, commonly called the Post Office appropriation bill.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. Objection is made.

Mr. OVERMAN. I move that the Senate adjourn, in accordance with the unanimous-consent agreement.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.), under the order previously made, the Senate adjourned until Thursday, June 8, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 3, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art from everlasting to everlasting, through whose eternal energy all things are evolved, guide us by Thy counsels through this day that our thoughts, words, and deeds may harmonize with Thy will. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PREPAREDNESS, PATRIOTISM, AND FLAG DAY.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent that I may address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. HULBERT. As the RECORD stands, it would appear from interrogatories which I propounded to the gentleman from Maryland [Mr. LINTHICUM] yesterday that I was opposed to the spirit of the canvass which was conducted by a newspaper in Baltimore upon the subject of preparedness. Prior to the convening of this session of Congress I sent out to every registered voter in the twenty-first congressional district of New York, which I have the honor to represent, a list of questions, which I ask unanimous consent to insert in the RECORD, to which I have received over 7,000 replies, indicating that at least 80 per cent of the people in my district favored an increase in the Army and 90 per cent favored an increase in the Navy.

List of questions sent out to constituents:

1. Do you favor an increase in the Army?
2. To what extent?
3. Do you favor an increase in the Navy?
4. To what extent?
5. Do you approve the foreign policies of the administration:
(a) As to Germany in connection with the submarine controversy?
(b) As to Great Britain in connection with trade questions?
(c) As to Haiti?
(d) As to Mexico?
(e) As to Japan?
6. Do you favor an embargo on the exportation of munitions of war?
7. Do you favor a tax upon the manufacture of munitions of war for export?
8. Do you favor any changes in the tariff?
9. Do you favor continuance of the duty on sugar?
10. Would you be opposed to placing a duty on matches, both for the purpose of raising revenue and as a matter of safety in the regulation of their manufacture and sale?
11. Do you favor the withdrawal of the United States from the Philippines?
12. Do you favor the adoption of an amendment to the Federal Constitution granting suffrage to women?
13. Do you favor the adoption of an amendment to the Federal Constitution prohibiting the sale of liquor?
14. Do you favor the administration's ship-purchase bill?
15. Do you favor a special bond issue in order to secure an appropriation for the improvement of the Harlem and East Rivers to increase the commercial benefits of New York Harbor?
16. Do you approve of the assignment by the Secretary of War of an Army officer to orphan asylums and juvenile correctional institutions for the instruction of its inmates in the rudiments of military tactics?
17. Do you favor the use of public buildings for the education of special classes of aliens seeking citizenship in the patriotic history and rudiments of our governmental institutions?
18. Will you serve on a committee to promote civic interests of a national character in the district?

Name ——— ———,
Address ——— ———,

(Please fill out, sign your name as above, and mail to Congressman MURRAY HULBERT, 457 House Office Building, Washington, D. C.)

While upon the subject of preparedness I desire to place in the RECORD two letters written by me to the Secretary to the President of the United States upon the issuance of a proclamation relative to the 14th of June as Flag Day and requesting its observance, which action I took on behalf of the Benevolent and Protective Order of Elks, together with the proclamation of the President in accordance therewith, dated the 30th of May:

MARCH 18, 1916.

Hon. JOSEPH P. TUMULTY,
Secretary to the President, White House.

MY DEAR MR. TUMULTY: During my incumbency of the office of exalted ruler of New York Lodge, No. 1, I inaugurated a beautiful patriotic service and held same on June 14, 1912, to commemorate the birthday of the American flag. Since that time the grand lodge of the Benevolent and Protective Order of Elks has made the observance of this date in like manner compulsory in every one of the 1,400 lodges throughout the country under penalty of forfeiture of charter.

Articles have recently appeared with great frequency in various magazines and periodicals commenting upon the fact that the patriotism of this country was on the wane, but if this be true there has since been a noticeable acceleration.

In November of each year the President issues a proclamation calling upon all citizens to observe the last Thursday of November as the date upon which they should rightfully give thanks to Almighty God for the blessings He has bestowed upon them. May I not suggest with equal propriety, and hope that the President may deem it meet and proper to issue a proclamation in due course, calling up on all citizens of the United States to observe June 14, 1916, at least by displaying from every household and place of business the American flag and calling upon the people to arrange and participate in such patriotic services as they may, in their respective communities, deem advisable. Five hundred thousand members of the Benevolent and Protective Order of Elks, loyal citizens of the United States of America, would appreciate this service on the President's part in recognizing officially the day and date which they have been the first to dedicate to the patriotic cause of true Americanism.

Assuring you of my sincere appreciation of any personal effort you may show in this subject, I remain,

Cordially, yours,

MURRAY HULBERT.

MAY 26, 1916.

Hon. JOSEPH P. TUMULTY,
Secretary to the President, White House.

MY DEAR JOE: Some time since I took up with you the matter of asking the President to request the people, by public proclamation, to observe our National Flag Day on June 14. This is not a political or partisan matter but it seems to me making acknowledgment to our patriotism on this date as we acknowledge our gratitude to Almighty God on Thanksgiving Day.

My activity, as you know, has been stimulated by the fact that while exalted ruler of New York Lodge, No. 1, Benevolent and Protective Order of Elks, the mother lodge of Elkdom, I instituted a public, ritualistic ceremony which since has been adopted by the grand lodge and is observed in every one of the 1,400 lodges throughout the country and participated in by more than 500,000 American citizens, members of the order. I have received hundreds of communications from other patriotic organizations supplementing my endeavors, and I believe it would be in keeping with the policy of Americanizing the hundred million people who live under Old Glory if the President would take favorable action upon this request, and it certainly will not be setting a precedent that will be hard to follow, because no other similar appeal can be made to him founded upon any less worthy and patriotic cause. With kind personal regards, I remain,

Sincerely, yours,

MURRAY HULBERT.

WHITE HOUSE,
Washington, June 2, 1916.

Hon. MURRAY HULBERT,
House of Representatives.

MY DEAR MURRAY: Referring to your letters of March 18 and May 26, to your several talks with me, and your personal conference with the President on May 9, I have much pleasure in sending you herewith a copy of the proclamation which the President issued on May 30 suggesting the special observance of June 14 as Flag Day. I am sure this will please you, because I know how deeply interested you have been in this matter and how urgently you have pressed for this action.

Sincerely, yours,

J. P. TUMULTY,
Secretary to the President.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION.

MY FELLOW COUNTRYMEN: Many circumstances have recently conspired to turn our thoughts to a critical examination of the conditions of our national life, of the influences which have seemed to threaten to divide us in interest and sympathy, of forces within and forces without that seemed likely to draw us away from the happy traditions of united purpose and action of which we have been so proud. It has therefore seemed to me fitting that I should call your attention to the approach of the anniversary of the day upon which the flag of the United States was adopted by the Congress as the emblem of the Union, and to suggest to you that it should this year and in the years to come be given special significance as a day of renewal and reminder, a day upon which we should direct our minds with a special desire of renewal to thoughts of the ideals and principles of which we have sought to make our great Government the embodiment.

I therefore suggest and request that throughout the Nation and, if possible, in every community the 14th day of June be observed as Flag Day, with special patriotic exercises, at which means shall be taken to give significant expression to our thoughtful love of America, our comprehension of the great mission of liberty and justice to which we have devoted ourselves as a people, our pride in the history and our enthusiasm for the political program of the Nation, our determination to make it greater and purer with each generation, and our resolution to demonstrate to all the world its vital union in sentiment and purpose, accepting only those as true compatriots who feel, as we do, the compulsion of this supreme allegiance. Let us on that day rededicate ourselves to the Nation, "one and inseparable," from which every thought that is not worthy of our fathers' first vows of independence, liberty, and right shall be excluded, and in which we shall

stand with united hearts for an America which no man can corrupt, no influence draw away from its ideals, no force divide against itself, a Nation equally distinguished among all the nations of mankind for its clear, individual conception alike of its duties and its privileges, its obligations and its rights.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 30th day of May, in the year of our Lord 1916 and of the independence of the United States of America the one hundred and fortieth.

[SEAL.] WOODROW WILSON.

By the President:
ROBERT LANSING,
Secretary of State.

I am also reminded of the fact that this is the birthday of Jefferson Davis, who will presently be eulogized, and in that connection I am going to ask, further, that I be permitted to have read from the Clerk's desk this poem, entitled "One Flag."

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

ONE FLAG.

Never since fratricidal strife reddened our riven land,
When the flames of hate that brothers felt by the winds of war were fanned,
Has the day that we give to memories of a time when men were tried
In a furnace that cleansed the soul of them so filled our hearts with pride.

Pride that is sprung from the fervor of a vow renewed to-day
For a flag that flies for men to see that there is no foe in gray;
Our Northland graves are dear to us, but under the sycamore trees
From mounds where sleep the Southern brave 'tis one flag meets the breeze.

—Edward S. Van Zile.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5645. An act for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; and

S. J. Res. 139. Joint resolution making Wednesday, the 14th day of June, 1916, a legal holiday in the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 755. An act to incorporate the Boy Scouts of America, and for other purposes; and

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5645. An act for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

S. J. Res. 139. Joint resolution making Wednesday, the 14th day of June, 1916, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

THE WILSON ADMINISTRATION.

Mr. ADAMSON. Mr. Speaker, in 1910 a Democratic House of Representatives terminated 16 years of uninterrupted Republican misrule. The Sixty-second Congress was more or less stormy, but the wise conduct of the Democrats, aided by discord in the dismembered Republican Party, split and floundering after its revelry of misdeeds and repudiated by the people, resulted in the election of a Democratic President and a Democratic Senate, with an overwhelmingly increased Democratic majority in the House for the Sixty-third Congress.

So small a number of States voted for either of the Republican candidates that the Electoral College was well-nigh unanimous for Woodrow Wilson and Marshall. The result was salutary for the country. The beginning of the Wilson administration ushered in a new era of good will in the United States. The iniquities of one-man rule in the House had been corrected during the Sixty-second Congress, though a Republican President was still in the White House and reform legislation during that Congress was impossible. The Underwood tariff bill, the first triumph of the Democratic administration, was the most fortunate legislative construction since the Walker tariff. The protectionists, who had long propped their dynasty with the false assertion that the Democratic Party was a free-trade party, were surprised to learn the truth—that the Democratic Party was a taxation party, believing that everything that entered our ports to compete with the products of our citizens ought to share with our own products in sustaining the burdens of the Government, and therefore everything ought to be taxed at a proper rate except a few absolute necessaries, luxuries being taxed most highly and necessaries at a much lower rate. Yet such taxation as was imposed inevitably and unavoidably carried some degree of incidental protection; enough, in fact, to satisfy any honest man. So that the protectionists were pleased and surprised to find that the Underwood bill did not verify their prediction and destroy their business. On the other hand, the reductions were so wise and beneficial, the removal of inequalities so general and salutary, that universal relief was realized by the people.

Freed from the shackles and bars of protection which excluded them from foreign markets our people were no longer the slaves of special interests which controlled both exports and imports, but were free to sell or exchange in all the markets of the world the boundless productions of our matchless industry and resources. So that the Underwood tariff bill was really a popular measure, the most satisfactory in 60 years. It not only permitted general prosperity among the people which increased by leaps and bounds but was a successful revenue producer, fully satisfying the demands of the Treasury. The most striking manifestation of the beneficence of the Underwood tariff was its remarkable effect upon the price of cotton. That great staple in all times of peace makes the cash balance of trade in favor of our country. For the first time in history, except during the Civil War and immediately following, when the world had lost four crops, cotton advanced immediately after the enactment of the Underwood tariff bill, so that in September and October, 1913, it commanded 12 and 13 cents per pound, absolutely unprecedented, and maintained that price until the breaking out of the universal war in 1914 obstructed the channels of commerce and temporarily closed our markets for cotton. Fortunately the genius of commerce recovering from the shock has adjusted its operations and necessities to the demands and exigencies of prolonged war so that not only has cotton recovered in price but the abnormal derangement of our revenues has been largely corrected so that cotton is again commanding a living price, and the Treasury is again receiving ample revenues for ordinary uses, not, of course, including increased expenses of our extraordinary preparations for the Army and Navy, in making which the Democrats have exhibited rare wisdom, prudence, and patriotism regardless of hysterical sensationalism of the jingoes on one side and criminal parsimony and obstruction of the pacificist on the other.

The companion piece of beneficial legislation exhibiting, as far as we know the consummation of human wisdom, was the Federal reserve act, which decentralized the control of money, guaranteed a sufficient supply for general distribution, and made it impossible for special interests to control it and produce shortage and panics. The one possible mistake was not in what the bill contained, but what it failed to contain. A number of us insisted all through the preparation of that legislation that it should include a provision specially adapted for the benefit of farmers, that it should provide for long-term loans on farm-land security at low rates of interest. We insisted that the idea could consistently be incorporated in the system without injury to the general banking and commercial features of the scheme and could be administered with very little additional cost. While we failed at that time in that, we did succeed in providing for recognition of some farm products as bases of security, but not for accommodation rate of interest nor time necessary to help the farmer. If we could have succeeded at that time in our effort we could have prevented a terrible loss to the cotton producers, inflicted by the slump in price from 13 to 6 cents per pound following the breaking out of general war.

But we could not do all things at once, nor could we anticipate the war. No man could see a war cloud as big as a man's hand. Many men of many minds were unable to agree at that time, but we were pledged to some relief of that sort, and we kept working at it until we are now assured of success in legislating for farm loans. Though we can not reach back into the past and correct former errors and recoup or refund the losses already sustained, we hope to prevent their repetition in the future.

With the change of administration and a safer Democratic majority in both Houses, we succeeded in correcting the monu-

mental mistake we had made under the Taft administration in violating the equality pledge in our treaties as to canal tolls, which would have robbed the people of this country and our Treasury of two or three million dollars a year for the benefit of the opulent special interests which exclusively operate in the coastwise trade. We also during the Sixty-third Congress established a Federal Trade Commission, by which we hope so to administer present and future laws as largely to eliminate unfair and corrupt practices in interstate trade and render more healthy, as well as profitable, the domestic commerce of this country.

The correction and extension of the antitrust law was also a triumph of the Wilson administration. Time is too short to enumerate all the beneficial enactments so wise and so generally accepted that most of them received strong support on the Republican side of the House. In fact, there was very little strenuous opposition or lack of harmony until the ship bill, so essential to the commercial prosperity of our country met with such stubborn partisan opposition that the country has never been able to understand it. When the general war commenced there were only six ships of any consequence flying the American flag engaged in foreign trade. Under the free-ship provision of the Panama Canal act, hastily amended in 1914, something like 150 or 200 ships came under the flag; but having difficulty about insurance on account of the mines and torpedoes in the war zone, they could secure no cargoes, and were unwilling to venture anyway, for while ordinary marine insurance companies could insure ordinary marine risks, they were unable and unwilling to underwrite war risks in the war zone. So commerce remained at a standstill. Therefore Congress created an Insurance Bureau in the Treasury Department. Diligent and malicious misrepresentations have been made about this, but it was fully understood in Congress. Its wisdom and necessity were recognized and received the support of all shades of opinion. It has been falsely charged that the provision was for the benefit of speculators, and that they had deprived the producers of cotton at a low price, and special favor to the speculators was argued from the fact that cotton was insured at 10 cents per pound.

The truth is the insurance bill was introduced in August, 1914, when the cotton was still in the field unpicked, and the price was alleged to be so low that it was not worth the picking, and the reason the bill was introduced and passed was to encourage the farmers to pick their cotton, with the assurance that it might be carried to a profitable market. Whenever insurance was applied for, the bureau in the Treasury did not inquire who was the personal owner of the cotton, but it was insured at the valuation placed on it by the applicant who paid a premium in proportion to the value fixed. It was valued at 10 cents per pound because insurance was to operate in the war zone in Europe and not in this country, and cotton never was worth as little as 10 cents after it safely passed the war zone. It may comfort those who have been urging the false statements about this insurance bureau to know that the Treasury realized a net profit of more than 100 per cent on its insurance transactions. But having secured ships under the flag, with insurance for the ships and the cargo, ship owners, realizing their monopoly, raised their rates of freight to prohibitive figures. A bale of cotton, formerly carried for $1.70, was charged $17, and everything else in proportion. The protection of our people and the salvation of our commerce imperatively demanded relief. The emergency could only be relieved by a line of Government-owned ships. We did not necessarily need a $100,000,000 appropriation. What we needed was some legislation authorizing the construction or purchase and operation of some ships. A dozen ships placed upon the ocean accompanied by authority to start more, if necessary, would have brought instaneous relief—freight charges would have toppled at once. The question of temporary or permanent ownership and operation was immaterial. If Congress had given authority for the operation of a dozen ships we could have controlled the situation in the interest of our people until the emergency passed, and then the benefits and profits to our people would have been so vast as to make little difference as to what we did with the ships. If we had given them away or burned them up, the benefits to our people would still have justified the venture. However, we failed to pass the ship bill then, but it seems now that we are certain of success.

The only other measure stubbornly antagonized in the Sixty-third Congress, but the first and only one on which the Republicans could solidly organize opposition, was the war-revenue measure. If President Wilson had been a temporizing politician instead of a profound and honest statesman, he would have devised means to tide over the emergency for two months and wait until after the 1914 election to insist on that measure. But conditions abroad had suddenly interrupted our revenues and the Treasury was in a depleted condition. Something had to be done, and rather than try to fool the people by selling bonds or resorting to other means to pass the crisis he bravely and honestly faced the music and told Congress and the country the true condition and asked for a tax to relieve the shortage. He knew that the taxes to be levied would be unpopular, and he knew that his action would be misunderstood and that the Democratic majority in the House would be reduced in the November election because the people would not have time to learn the truth of the situation. If he had allowed that measure to wait until after the election, the Democratic majority in the Sixty-third Congress would have been maintained in the Sixty-fourth Congress. The Republicans also knew that; they knew the unpopular character of the taxes levied; they knew by acting the rôle of demagogue and attacking the taxing bill they could reap political advantage, if not win the House. Unfortunately they did not share the President's patriotism and candor and rise to the height of his principles and conduct. Unfortunately the war continued, the shortage also continued for awhile, and we had to extend the war-revenue measure, but we will soon supplant that by a new revenue bill, which will eliminate the most objectionable features. In the meantime the people have had an opportunity to learn the truth of the situation, and they are not likely to repeat their 1914 mistake in the next election.

So many beneficent measures were enacted during the Wilson administration that there is neither time nor necessity to enumerate them. The Agricultural Committee has been busy; so have the Committees on Good Roads and Flood Control. I have the individual happiness, after having introduced more good-road bills, perhaps, than any other Congressman ever did, to see the fruition of my hopes and labors in the result of the conference committee now at work on the differences between the two Houses on the good-roads bill. I also feel peculiar pleasure in my cooperation in the legislation on cotton, cotton warehouses, regulation of cotton exchanges, immigration, and other measures designed, not only for the protection but for the promotion of the prosperity of the farmers, the laborers, the common people, the backbone and sinew of the country and the hope of our institutions for the future.

Mention of some measures to the exclusion of others need not be construed as invidious comparison or discrimination, but the creation of the Coast Guard should not be overlooked as perhaps our most valuable instrumentality in time of peace and most reliable defense in time of war. Our administration has not failed to look after the maintenance and upbuilding of all the departments, not least among which is the organization and administration of the Department of Labor.

The most brilliant and glorious accomplishments, however, of our administration have been the diplomacy of Woodrow Wilson. Our adversaries have been so inconsistent in their criticism as not to be able to hold any one position. Woodrow Wilson found our Sister Republic, Mexico, distracted and riven by revolutions and bandit factions. There was no established accredited head of the Government. There was no occasion or pretense of war between the United States and Mexico. Occasionally an innocent bystander over the border was injured and there was no Mexican Government for us to hold responsible or to make war upon. The wise plan of watchful waiting was inherited from the Taft administration—about the only valuable thing that was acquired therefrom. Goaded on by American capitalists and American speculators and adventurers, indiscreet persons denounced watchful waiting and demanded intervention. Finally when Huerta's faction insulted the United States, President Wilson sent the fleet and Army and punished Huerta and his faction. However, he was not making war on Mexico but punishing Huerta and his faction. That expedition was at the time denounced by our political adversaries. Then when we had accomplished our purpose, had held Huerta's chief port, collected several million of his revenues and driven him ignominiously from his capital and his country, we withdrew our forces from Mexico. Then the President was denounced by his adversaries who falsely and foolishly charged that he withdrew without accomplishing his mission. Orators on this floor have loudly sneered that we went there to make Huerta salute the flag and came back without making him do so—foolish and illogical. We informed Huerta that if he did not salute the flag we would punish him. He refused and we proceeded with the punishment. He could not then settle the matter by saluting the flag, because we had entered upon his punishment. We seized his port, collected his revenues, and drove him from power and from the country, and it is not apparent where he had any opportunity to salute the flag or to settle the matter by so doing.

Yet the glory of this administration has been in diplomacy with the European powers. Not only a great administrator at home, Woodrow Wilson has shown as a bright particular star in the firmament of diplomacy. He has conducted the foreign relations of the Government in a superb and masterly manner. He has been able to differentiate with unerring precision between the conduct and demands of the different belligerents, and, in spite of clamor to the contrary, to recognize that the destruction of our commerce by the allies, however serious, was a mere financial matter that could be charged up and protested now and paid for after the war. He also knew and asserted that innovations in warfare which threatened and destroyed the lives of neutrals was more serious than a temporary financial disturbance, and should be challenged at once and denounced with courage and firmness, without regard to cost or results. On his theory of diplomacy he has won signal and glorious triumphs, and will go down in history as a master of statecraft and diplomacy.

There have been few matters of just complaint against the administration. The matter most complained of is attended by very strong mitigating circumstances. What is called the interference with the rural mail service has hit some of us pretty hard. In spite of all my efforts, it has hurt me politically in the district I represent more than all other circumstances combined, and yet I can not find it in my heart to criticize the administration of the Post Office Department. Their motives have been good. Economy has been the controlling motive, and whatever else may be said about it, the revision has been nonpartisan, and the Democrats have been hit as hard as the Republicans, and the South has been hit as hard as the North. The service is so vast, the routes and carriers so numerous, and the population served thereby so immense that the matter of surprise is not that so many mistakes were made, but that so few were made, and that the department had the temerity to undertake the task on so short notice and to be accomplished in such a short time. It was impossible for the inspectors to visit and survey all the localities. Many of the blue prints were antiquated and inadequate, and many of the communities had been metamorphosed since the blue prints were made.

One great mistake the department made was not taking the opinions of the Congressmen in preference to the views of the inspectors and postmasters in those districts where the Congressmen took an interest in the matter and knew all about the situation. But this and every other matter in connection with it are mere details resulting from the one fundamental mistake, to wit, the heresy that the Post Office Department must be a money-maker. It is even an ungodly heresy to assert that it ought to be self-sustaining. It is above all other Government agencies in giving necessary conveniences and accommodations to the people, to the maintenance of which they are willing that their taxes be applied. That truth should be recognized and should guide all administrations. Recognition of that truth would have avoided all troubles and complaints in the Post Office Department. But Gen. Burleson and Gen. Blakslee should not be denounced and execrated by Republicans for pursuing the false doctrine. They inherited the heresy from Republican administrations. For the past 20 years the full efficiency of the Post Office Department has been curtailed, hampered, and crippled by the foolish and unpardonable heresy that the Post Office Department must save money instead of spending money. Congress realizes the truth of the situation and is willing to grant all necessary funds to make the Post Office Service fully efficient and acceptable to the people. The first rule in administering the Post Office Department should be efficiency. The second rule should be, having prescribed an efficient standard, then have the work done as cheaply as possible without any dishonesty or graft. I believe that the present Post Office administration has striven to promote efficiency, handicapped, it is true, by the ever-present idea that it must be self-sustaining. Graft and dishonesty are entire strangers to the present administration of the Post Office Department.

Taken all together, future generations will credit the Wilson administration with the glory of having given the golden age to the American Republic. The universal prosperity which now blesses our people and signalizes the close of the first Wilson administration is unprecedented in this or any other country. The wisdom and moderation of his course, counsel, diplomacy, and general administration are recognized and appreciated by a grateful, prosperous, and glorious people and admired throughout the world, and if history ever records a more brilliant administration than the first term of Woodrow Wilson, it will be found in the second term of that great and glorious President.

EXTENSION OF REMARKS.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing so much of the speech of Secretary of War Baker at Columbus, Ohio, recently, as chairman of the Democratic State convention, as pertains to national issues.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing all that portion of the remarks of the Secretary of War delivered as president and chairman of the Ohio State convention, as applies to national politics. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Ohio [Mr. GORDON], who has carefully read this address, whether it covers the same ground that was covered by Secretary McAdoo in the two addresses which have been printed in the RECORD.

Mr. GORDON. I have not read those addresses, but I can assure the gentleman that it does not cover the same ground in the same way.

Mr. MOORE of Pennsylvania. And is upon an entirely foreign subject?

Mr. GORDON. No; but it is a very good speech, I will say to the gentleman, and I commend it to his favorable consideration.

Mr. MOORE of Pennsylvania. Mr. Secretary McAdoo's speech having been twice printed, and apparently being an excellent speech from a Democratic standpoint, what is the object of multiplying the same thing?

Mr. GORDON. This is not the same speech, I can say to the gentleman.

Mr. MOORE of Pennsylvania. It pertains to another phase of the work the Democratic Party has performed during the last three years?

Mr. MANN. Failed to perform.

Mr. ADAMSON. Mr. Speaker, the same theme is inexhaustible; it can go on forever.

The SPEAKER. This is not debatable. Is there objection?

Mr. MOORE of Pennsylvania. No; I do not object.

The SPEAKER. The Chair hears no objection.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and also to print some data in reference to the production of gasoline by the Rittman process, showing the cost to the firms that are using it in the United States, or who are going to use it.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, I suppose this will not contain an excerpt from the report of the Bureau of Mines that, owing to the discovery of Dr. Rittman the price of gasoline will likely go down, a report which was made when gasoline was costing about 9 cents a gallon and it is now costing about 19.

Mr. FOSTER. Mr. Speaker, I will say to my colleague—of course the gentleman knows that was some time ago, and the factories were not then in operation; but this shows something of what may be accomplished when they come into full operation and what they are able to do by the Rittman process.

Mr. MANN. I suppose gasoline will still go up?

Mr. FOSTER. Oh, I think not.

Mr. MANN. What they are able to do is best shown by the gasoline people.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

The SPEAKER. There is a Senate bill, S. 6239, which everybody concerned wants rereferred from the Interstate and Foreign Commerce Committee to the Committee on the Merchant Marine and Fisheries. The Clerk will report the bill by title so that everybody will know what it is.

The Clerk read as follows:

A bill (S. 6239) authorizing the Commissioner of Navigation to document as vessels of the United States two barges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose if this is done by unanimous consent and we discover afterwards that this is a mistake, we can not correct it by reconsidering the vote by which it is done?

The SPEAKER. Does the gentleman want to object or not?

Mr. MANN. I am asking.

Mr. ADAMSON. The gentleman is propounding a conundrum.

The SPEAKER. The Chair has ruled on that once.

Mr. MANN. I thought the Speaker might have looked it over and probably changed——

The SPEAKER. The Chair has not looked it over and changed his opinion about this unanimous-consent business. That ruling does not apply to anything else except a unanimous-consent change of reference bill.

Mr. ADAMSON. I was going to ask the Speaker to allow me to say to the gentleman from Illinois that it is not my recollection that our committee ever had jurisdiction of those barges.

Mr. MANN. They always had jurisdiction.

Mr. ADAMSON. The gentleman from Illinois has such an infinite fund of humor, bubbling and sparkling over, and such a great fund of wit that he had to joke at the Speaker.

Mr. MANN. I am so very slow that I am second and third to the gentleman from Georgia when it comes to wit, humor, pathos, oratory, or anything else that is good, great, and noble.

Mr. ADAMSON. Much obliged. I was trying to get the gentleman to say that.

Mr. MANN. The gentleman paid me for it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the reference is made.

Mr. SISSON. Mr. Speaker, I ask unanimous consent for the change of reference of a private bill referred to the Committee on Pensions. The bill is one to have the record of a soldier of the Civil War corrected where his original and honorable discharge was burned up in his house.

Mr. MANN. Those changes are made through the basket.

The SPEAKER. That is a private bill. Under special order of the House the gentleman from Louisiana [Mr. ASWELL] is recognized for 15 minutes. [Applause.]

JEFFERSON DAVIS.

Mr. ASWELL. Mr. Speaker, I am honored to-day in having the privilege of delivering the first eulogy in this Chamber on the President of the Confederacy. This era of good feeling and national unity between the North and the South which makes possible this occasion and which, God grant, may endure, is hailed by the people of all sections with genuine delight.

The subject of this discussion is a Mississippian, a man from the South—the real South—where cotton and cane and rice and oranges grow, where the magnolias bloom, and where the warm heart beats true to country, to humanity, and to the flag.

No people of any section are more willing than we to give ourselves in defense of our country. When the news of the *Maine* disaster was flashed over the country, the first companies to go to the front were bands of gallant southern boys who were the sons of Confederate soldiers. The men who followed the boys to the trains and cheered them on in defense of a united country were the old Confederate soldiers themselves. We stand for peace with honor, but ready to defend the flag. [Applause.]

In the State of Louisiana, June 3, the anniversary of the birth of Jefferson Davis, is a legal holiday. Our people are now celebrating this holiday in a most fitting manner. At this very hour in the city of New Orleans there is marching down Canal Street a most remarkable monster preparedness parade. In that parade are marching the organizations of our women and our men—business men of all classes, professional men of all grades, the judges of our courts, the members of our general assembly now in session, and at the head of the parade is our distinguished governor, who is the loyal son of a Confederate soldier and who was himself a distinguished colonel in the Spanish-American War. Dramatic and pertinent to this occasion in that parade are marching side by side in the line of honor the soldiers who wore the blue and the soldiers who wore the gray. [Applause.] They are vying with each other as to who is the more willing and ready to give himself, if need be, in demanding respect and honor to the American flag wherever she floats on land or sea. This parade expresses the sentiment of our people as they honor the memory of Jefferson Davis by showing their readiness to defend our country's honor.

It is easy to present the life and character of a successful man, a man whose name is made illustrious by valiant deeds on victorious fields of battle or in other lines of successful endeavor. The literature of the ancients—of the Grecians, of the Romans—finds its chief inspiration in recounting victories won in heroic contest.

But greatness is not always confined to victory. The American people love a courageous and purposeful man. This is the American spirit now. It was the American spirit a hundred years ago when in humble station such a man was born. He was loved, honored, worshiped by those whose cause he led. He led a victorious cause. A few months earlier in a home not so humble was born another such man. He, too, was loved, honored, idolized by those whose cause he led. He led a lost cause. In the early sixties the one was loved by the North, the other by the South. To-day the North and the South join hands in honoring the memory of both, rejoicing together that America produced Abraham Lincoln and Jefferson Davis—the one great in victory, the other no less great in defeat. [Applause.]

One hundred and eight years ago to-day, in the State of Kentucky, less than 100 miles from the birthplace of Abraham Lincoln, born eight months and nine days later, Jefferson Davis was born, not in poverty, nor in wealth, but able to secure an education.

After varied experiences as a soldier, he burst upon the scene of action and plunged into the national conflicts of the hour as a Member of Congress in 1845. Discussing the Mexican question in his first speech in this Chamber, he deprecated the wild and unreasoning appeal to arms by the jingoes of the time, saying, "We need a little better preparation for hostilities before too much bragging is indulged." His speeches then would apply now. He was a citizen of all time; a patriot with large perspective.

He declared that "logrolling" to secure appropriations from the Federal Treasury was despicable and unworthy of honorable men. He denounced partisanship and sectionalism in handling the affairs of the Government. He demanded that each question stand or fall upon its own merit. Individualism with him was a life conviction. It found expression in his vigorous championship of State rights as against nationalism. But his love for the Union and his devotion to our common country were well expressed when he resigned a position of honor, sacrificed his health, and offered his life in courageous service on the battle fields of Mexico. This proud-spirited son of the South expressed his love of country hundreds of times with convincing eloquence and a personal force unsurpassed, in this Chamber and in the Senate Chamber of the United States. He repeatedly expressed his patriotic sentiment in his public addresses in New England and elsewhere. No Cabinet member ever discharged his duties with more pluck and courage, signal ability, skill, consecration, and devotion to his country. [Applause.] Through all his public utterances before 1861 there breathed a consciousness of impending calamity. His constant prayer was to avoid bloodshed, but he had a conviction, and that conviction was the dominant force of his life. Where it led he had the courage to follow. Neither Washington nor Wellington created the conditions that made their names immortal, nor did Mr. Davis create the conditions of his time. His turbulent life hurled him into the midst of those conditions.

The conflict was inevitable. The theory of State rights held that the founders of the Constitution did not intend to create a new nation, but only a new Government; that the Federal Government was not the sovereign, nor had it any sovereign powers except such functions as had been delegated to it by the States. The national theory, on the contrary, held that the Federal Government was sovereign; that the States had ceded their sovereignty to it. Between theories so antagonistic and so resolutely held by courageous men, the only arbiter was the field of battle.

I have not time to discuss the terrible experiences during the four years that followed, nor would I, if I could, discuss here the two years of suffering and needless humiliation of this proud-spirited southerner that followed his defeat, but suffice it to say that no public man living or dead has gone through the perilous political conflicts of a generation with a more stainless name than did Jefferson Davis. [Applause.]

Soldier, Senator, Cabinet member—gallant, able, active, and efficient, always positive and aggressive, stimulating antagonism and resentment, yet no man has questioned his patriotic devotion, his integrity, or the purity of his character—a man impelled by motives unattainable by petty or ignoble passions, guided by a character of sterling firmness and more than common purity, with a devotion that culminated at the close of a turbulent life in the highest type of a patriot's love. Such a life, whether in victory or in defeat, whether in public or in private, is an enduring asset in the higher development of a republic.

The conflicts that raged about him were fought wherever men of opposite opinions gathered—in church, in State, and on fields of blood. Bitterness, suffering, anguish, devastation, poverty, desolation, ruin, and despair resulted.

Arising from the ashes of that titanic struggle, the men of the North and the men of the South faced each other with a courage unsurpassed in all the history of the world. There had been victory and defeat, but the blood of the race made it impossible for either to be conquered. They faced each other as unconquerable men, without apology or excuse for the past, and together they turned the same way to settle their differences in their own way and to work out the destiny of this Republic as no other people could and as only men of heroic mold can. This tragic moment in our history, met by master minds and hearts, reveals the superior character and the surpassing greatness of the American people. Out of it has come a new Republic, cemented forever by the blood of her citizens,

whose battles of the future will be fought not with shot and shell, but with logic, reason, and moral force—a people as pure as the Puritan, as gallant as the cavalier, as heroic and chivalrous as the southerner, as sturdy and loyal as the northerner; a people possessing the best of all sections and of many nationalities—Americans, standing for Americanism, which means that America must champion the rights of mankind, that every human being has a right to be free, and that we can best express our freedom by helping others be free. [Great applause.]

Let me illustrate. A friend of mine traveling in the West found an eagle's egg. He said he would take this egg home and grow the finest eagle that culture and care could grow. He did, and the eagle grew and measured several feet from tip to tip, a great North American eagle. He took the eagle into his garden and lest it might escape he chained it to a stake. The eagle went as far as the chain would permit, and round and round and round and round the eagle proceeded to go until he wore away the earth and left a beaten track. In that track the eagle went round and round for seven years. Finally the owner called his friends together, and they discussed it and decided that they would take away the shackles and set him free. To their disappointment round and round in the same old track the eagle proceeded to go. They stepped in front of him and turned him back, but he clung to the rut. Being discouraged, the owner kicked him out of the rut. For the first time the eagle spread his wings and realized that he had some power of his own. But he had no confidence at first and sank back. But finally, catching the spirit of his kind, higher and higher and faster and faster until he became a speck in the distant sky, and then the little group of friends heard the first shrill scream that told the story of the liberty that that bird had the right to have. In the struggles through which we have gone the American people have torn from their lives the shackles of bitterness, prejudice, and hatred that our people may enjoy the liberty that we have a right to enjoy. [Applause.]

Such are the lessons, the inspiration, and the hope that come to us to-day from a brief interpretation of the meaning of the unconquerable life and purpose of Jefferson Davis. [Prolonged applause.]

The SPEAKER. Under the special order of the House the gentleman from Kentucky [Mr. KINCHELOE] is recognized for 20 minutes.

Mr. KINCHELOE. Mr. Speaker and gentleman of the House of Representatives, a century and eight years ago to-day in the little hamlet of Fairview, Christian County, Ky., the light of day for the first time dawned upon the vision of Jefferson Davis. While he was an infant his father and mother moved to Louisiana, but owing to his children suffering from acclimatization his father sought a more congenial climate, and in a short while moved to Woodville, in Wilkerson County, Miss. His father's family consisted of 10 children, of whom Jefferson Davis was the youngest. At the age of 7 years he was sent on horseback by his father, in company with friends, to St. Thomas College, near Springfield, Ky., where he entered school for a year. He afterwards attended school near his father's home in Mississippi until he was sufficiently advanced, and then sent to Transylvania University at Lexington, Ky. In November, 1823, he was appointed to the West Point Military Academy by President Monroe; was graduated from this institution in 1828, and was sent to the Jefferson Barracks, and afterwards to Fort Crawford, in Wisconsin, and to other forts in the Northwest.

He resigned from the Army in 1835 and married Miss Taylor daughter of Gen. Zachary Taylor, over the protest of her father, and went back to Mississippi to farm. The estrangement between Gen. Taylor and Mr. Davis never was healed. His wife lived only a short time. He was married again in 1845 to Miss Varina Howell.

He was elected to the Twenty-ninth Congress in 1845, and in 1847 was appointed United States Senator by the governor of Mississippi to fill the vacancy caused by the death of Senator Speight. While United States Senator he resigned to run for governor of Mississippi, but was defeated. In 1853 he was appointed Secretary of War by President Pierce and served for four years. He went back to the Senate from Mississippi on March 4, 1857. In 1861, when Mississippi seceded from the Union, Mr. Davis, as one of the United States Senators from Mississippi, immediately resigned his office and cast his fortunes with the Southern Confederacy. The speech which he made in the United States Senate at the time he resigned is one of the brightest and most pathetic gems of English literature, and should be read by every liberty loving and patriotic American citizen. He was shortly afterwards elected president of the Southern Confederacy.

The war clouds were lowering over this country at this time. The bloody conflict that transpired during the early sixties is well and familiarly known to all.

It is not my purpose to-day to pluck one laurel wreath from the brow of any Union soldier, either living or dead. They were loyal and patriotic and bared their breasts to the bayonets in order that this country might still remain an undivided Union. However, it shall be my endeavor to pay a just tribute to the brave and patriotic men of the Southern Confederacy, thousands of whom gave their lives in defense of a constitutional right, which theretofore from the adoption of the Federal Constitution had never been questioned by anyone, much less denied to any State. The principle for which they fought is clearly enunciated in the tenth amendment of the Federal Constitution, which reads as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

It was agreed by all when the Constitution was adopted that it was a compact between the States, that the Federal Government was limited to the authorities granted in the Constitution, and that any State had a right to secede from the Union whenever that State was satisfied that the administration of the Government of the Union was oppressive, or that its constitutional right had been invaded.

Thomas Jefferson, the greatest of all Democrats of his age, in the celebrated Kentucky resolutions expressed this sentiment, and placed this interpretation upon the Constitution. In the Virginia convention, when this question was raised, it was conceded by all that this was the correct interpretation of the Constitution, and Virginia would not have ratified the Constitution or joined the Union without this understanding. Patrick Henry raised this question in the convention, and received the assurances from Mr. Madison, the father of the Constitution, that this was the correct interpretation of it.

In the Constitutional Convention a proposition was made to authorize the employment of force against a delinquent State, on which Mr. Madison remarked, "the use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might have been bound." The convention expressly refused to confer the power proposed, and the clause was lost. This interpretation of the Constitution was prevalent among the Northern as well as the Southern States. The acquisition of Louisiana in 1803 created much dissatisfaction in the Northern States, and especially in Massachusetts. Col. Timothy Pickering, who had been an officer of the War of the Revolution, and afterwards Postmaster General, Secretary of War, and Secretary of State in the Cabinet of Gen. Washington, and later a representative of the State of Massachusetts in the Senate of the United States, was one of the leading secessionists of his day. Expressing his dissatisfaction at the way Louisiana was acquired, he wrote in December, 1803:

> I will not yet despair. I will rather anticipate a new confederacy. * * * There will be (and our children, at the fartherest, will see it) a separation.

In January, 1804, he further wrote:

> The principles of our Revolution point to the remedy—a separation. This can be accomplished and without spilling one drop of blood. I have little doubt. I do not believe in the practicability of a long-continued union. A northern confederacy would unite congenial characters. * * * While the Southern States, having a similarity of habits, might be left to manage their own affairs in their own way. * * * It (the separation) must begin in Massachusetts. The proposition would be welcomed in Connecticut; and could we doubt of New Hampshire? But New York must be associated, and how is her concurrence to be obtained? She must be made the center of the confederacy. Vermont and New Jersey would follow, of course; and Rhode Island of necessity.

I do not show this in any spirit of criticism of this great man, but to show that his interpretation of the Constitution coincided with the views of Thomas Jefferson, James Madison, Patrick Henry, and other great men of his day.

Even as late as 1860, when many men of the North were appealing to passion and inciting the multitudes to support a war waged against the Southern States in the event of their secession, the New York Tribune, the organ of the Abolitionists, declared:

> That if the cotton States wished to withdraw from the Union, they should be allowed to do so; any attempt to compel them to remain by force would be contrary to the principles of the Declaration of Independence and to the fundamental ideas upon which human liberty is based. If the Declaration of Independence justified the secession from the British Empire of 2,000,000 subjects in 1776, it was not seen why it would not justify the secession of 5,000,000 of southerners from the Union in 1861.

So we see that the right of a State to secede from the Union was claimed by the North and the South.

At the time of the adoption of the Constitution there were many people in the North and Northeast engaged in the slave traffic, importing slaves from Africa to this country, and when the fact was ascertained that these slaves were not acclimated to the North they were sold to the planters of the South. The question then came in this constitutional convention whether the right to longer traffic in slaves should be recognized by the Constitution. Some of the greatest leaders of thought in the South in this convention protested against the further legalizing of the slave traffic, while several States of the North and Northeast insisted that this right should be recognized, and thus this baneful institution was fostered by the fundamental law of this Republic for 20 years, to be assailed by their descendants in 1856 and 1861.

As a result of this concession in the Constitution, the institution of slavery spread over the South, its climate and soil being favorable to the institution.

A great number of the people of the Northern States were just as much in favor of the institution of slavery as were the people of the South.

In December, 1805, a petition of the Legislative Council and House of Representatives of the Indiana Territory, then comprising all the area now occupied by the States of Indiana, Illinois, Michigan, and Wisconsin, was presented to Congress, accompanied by a letter from Gov. Harrison, afterwards President of the United States, for a suspension of the sixth article of the ordinance, so as to permit the introduction of slavery into the Territory. These resolutions were submitted to a committee of the House, which reported the resolutions favorably, and this report was sustained by the House, and a resolution to suspend the prohibitory article was adopted. The proposition failed, however, in the Senate. But I cite this merely to show that the people of the Indiana Territory were unanimous in indorsing these resolutions, so as to permit the introduction of slaves into their Territory. The African slave trade was carried on largely by New England merchants and northern ships.

Thomas Jefferson, a southern man, the founder of the Democratic Party and the vindicator of State rights, was a constant enemy to every form of slavery. The Southern States took the lead in prohibiting the slave trade, and the State of Georgia was the first State to incorporate the prohibition in her constitution. These facts of history must be considered when judgment is pronounced by posterity upon the justice of the act of the southern people in choosing the fearful alternative of war rather than submit to an invasion of their chartered rights under the Constitution.

So in 1860–61 the southern people stood upon the constitutional rights as interpreted by their statesmen since the Government was founded, that a State in the strictest interpretation of the Constitution had the power never surrendered to withdraw from the Union should it be denied its right.

Eleven States, with South Carolina first, seceded from the Union and formed the Southern Confederacy. The great conflict lasted for four years.

In this great abandonment proceeding between Uncle Sam and 11 of his southern daughters, which was settled in a court of arms, Kentucky as a State was neither a party plaintiff nor party defendant. She was not even corespondent, but yet she furnished to the North and South her full quota of as brave men as ever went upon the battle field in the history of the world. She did more; she furnished to the Union its President, that great and liberty-loving idol, Abraham Lincoln, and to the Southern Confederacy its President, that brave and patriotic statesman, Jefferson Davis.

The South fought against many odds, but yet she fought for a principle guaranteed to her under the Federal Constitution. Finally, at the end of four years, at the Battle of Appomattox, when Gen. Lee surrendered, the sun of the Southern Confederacy set. The hopes of a brave and patriotic people were blighted, but these men were not traitors to the Government, but were just as patriotic and liberty loving as the men who fought to maintain the Union. [Applause.]

Jefferson Davis was indicted and imprisoned for treason, but without trial he was acquitted of the charge, and history must accept this result as conclusive of the fact that this great man, in standing for the constitutional right of a State to withdraw from the Union and in resisting force to coerce the State into submission, was guilty of no treason, but was justified by the law as it then existed. Such will be the verdict of unerring history. Were they guilty of treason? If they were, they were inspired to this act by the teachings of Patrick Henry, James Madison, and Thomas Jefferson in their interpretation of the Constitution. [Applause.]

After Lee's surrender these soldiers, in their faded gray uniforms, with their rusty canteens upon shoulders, wended their way to the sunny South, only to find burned homes, wrecked farms, and separated families. A great war debt had been contracted; Confederate money proved to be worthless; but, notwithstanding the unfavorable circumstances that then existed, they again united for grander and nobler purposes. Amid the ashes, wrecks, and their dead, holding the inspiration of the past for the future, they took their horses from the battle field to the furrow, their cotton, which was hidden, and sold it for the necessaries of life, and went with the same energies to rebuild the South as they had gone upon the battle fields to defend her, and to-day America has no better citizens in peace, and would have no braver soldiers in war, than those who over 56 years ago followed Robert E. Lee as their general, the grand old tune of "Dixie" for their inspiration, and the "Bonnie Blue Flag" as their banner. [Applause.]

The negroes of the South, as hard as were the conditions of slavery, owe a thousandfold greater debt of gratitude to the southern people than to any other people on earth. The people of the South tutored the negro in the way of civilization. They found him a savage, fresh from the jungles of Africa. They have taken him by the hand and lead him up the hill of progress and civilization and taught him there is a God, and that they may be the recipients of His choicest benedictions. They are giving him an education. And it is to the eternal credit of the South and its people that under the law of practically every Southern State each negro boy and girl draws as much per capita of the school fund as do the white children of the South.

The southern people have erected negro colleges at the expense of the taxpayers of the South, and are maintaining them at such expense in order to better the condition of the negro and to give him an equal chance in life's battles. That the institution of slavery has been abolished, and that every man beneath the fold of our country's flag is a freeman is the gratification of every man of this great Republic, and the people of the South also rejoice in this fact. Yet slavery was not the cause of the war, but the institution died as an incident of the war, and the southern people are exerting their best efforts to uplift and educate the negro, and every good colored citizen in the South will agree to this statement.

The deeds of valor and heroism of Jefferson Davis in his devotion to the South and to the people who had honored him will live in the memory of the posterity of the South so long as she erects an altar to her heroes and so long as men have grateful hearts.

Mr. Speaker, wherever in this broad land of ours the ashes of a Confederate soldier lie, the clay that wraps his remains is the sepulcher of an American patriot who died for a vital principle of government as taught by the fathers of this Republic. History, calm, fair, and truthful, will yet record this truth as the final and considered judgment of mankind.

Not for fame or reward,
Not for place or for rank,
Not lured by ambition
Or goaded by necessity,
But in simple obedience to duty
As they understood it,
These men suffered all, sacrificed all, dared all—and died.

[Applause.]

When the war had ended, soldiers of the North and of the South shook hands across the graves of their comrade dead, and said we will be friends, we will again have a Union, one and undivided, and when they did this they made a Government that will live on united until time shall cease its flight in the centuries to follow.

I rejoice with every patriotic American to-day in the fact that we have a hundred million free, happy, peaceful, united, and patriotic people with one country, one Government, one flag, and one God. [Loud applause.]

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes p. m.) the House adjourned until Monday, June 5, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation required for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 1190), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 13674) to amend section 11 of chapter 308 of the acts of 1909, reported the same with amendment, accompanied by a report (No. 797), which said bill and report were referred to the Private Calendar.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 14669) authorizing the acceptance by the United States Government from Pueblo Post, No. 8, Grand Army of the Republic, of a monument located on the grounds of the Federal building in Pueblo, Colo., reported the same without amendment, accompanied by a report (No. 798), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10725) granting a pension to Elizabeth Boetticher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12862) granting an increase of pension to Benjamin F. Crosson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15771) granting an increase of pension to Charles V. Petteys; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14677) granting a pension to Mary A. Heinz; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. McKENZIE: A bill (H. R. 16237) authorizing the Secretary of War to donate to the village of Cedarville, Stephenson County, Ill., one bronze or brass cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 16238) to provide for a site and the erection thereon of a public building on the west side, in the city of Charleston, W. Va.; to the Committee on Appropriations.

By Mr. RANDALL: A bill (H. R. 16239) to establish the Sierra Madre National Park in the State of California; to the Committee on the Public Lands.

By Mr. CASEY: A bill (H. R. 16240) providing for the purchase of a site and the erection thereon of a public building at Plymouth, Pa.; to the Committee on Appropriations.

Also, a bill (H. R. 16241) providing for the purchase of a site and the erection thereon of a public building at Nanticoke, Pa.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. CASEY: A bill (H. R. 16242) granting an increase of pension to Delight A. Allen; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16243) granting an increase of pension to Tyler W. Parker; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 16244) granting a pension to Julia A. Harlow; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 16245) for the relief of the legal representatives of Alicia Cornelia Hiern, deceased; to the Committee on War Claims.

By Mr. HAUGEN: A bill (H. R. 16246) granting an increase of pension to George R. Peacock; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 16247) granting an increase of pension to Sarah J. Creighton; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16248) granting an increase of pension to Mary Fahs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16249) granting an increase of pension to Henrietta C. Ilgenfritz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16250) granting an increase of pension to William H. Johnson; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 16251) for the relief of the widow and heirs at law of George H. White, deceased; to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 16252) authorizing payment to certain Red Lake Indians, out of Chippewa Indian funds, for garden plots surrendered for school-farm use; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany H. R. 9934, to correct military record of Earl W. Shaffer; to the Committee on Military Affairs.

By Mr. DALE of New York: Report of Chamber of Commerce of State of New York on Philippine independence bill; to the Committee on Insular Affairs.

Also, memorial of National Association of Vicksburg Veterans, in re House bill 11874; to the Committee on Military Affairs.

Also, petition of Mrs. Edward Biddle, of Philadelphia, Pa., favoring an immediate report on the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of Jenkin Lloyd Jones, of Chicago, Ill., in re "preparedness"; to the Committee on Military Affairs.

Also, memorial of the Pictorial Review Co., of New York, opposing section 7 of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Report of Chamber of Commerce of State of New York on Philippine independence bills; to the Committee on Insular Affairs.

By Mr. LAFEAN: Report of the Chamber of Commerce of the State of New York on Philippine independence bills; to the Committee on Insular Affairs.

By Mr. O'SHAUNESSY: Petition of Builders' Iron Foundry of Providence, R. I., opposing rider to naval appropriation bill prohibiting premium payments, etc., in navy yards; to the Committee on Naval Affairs.

Also, memorial of New England Bu. H. Co., of Providence, R. I., opposing proposed forms of legislation against efficiency methods in Government work; to the Committee on Labor.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 5, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, impart unto us, we pray Thee, out of the abundance of Thy grace the qualities of mind and soul which shall bring us into a conscious relationship with Thee, that our minds may be broadened and our hearts quickened, that we may render willing and faithful service in the things whereunto Thou hast called us. In the spirit of the Lord Jesus Christ. Amen.

The Journal of Saturday, June 3, 1916, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5658. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5777. An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Kolon district, county of Kauai, Territory of Hawaii;

S. 5274. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii; and

S. 5776. An act to amend certain public-utility franchises in the Territory of Hawaii;

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

H. R. 7817. An act to validate the homestead entry of George S. Clark;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;

H. R. 3794. An act for the relief of Thomas S. Johnson;

H. R. 2744. An act to correct title to certain lands in Colorado;

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911;

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915; and

H. R. 13064. An act for the relief of the M. A. Sweeney Shipyards & Foundry Co.

The message also announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House was requested:

H. R. 14484. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 4767. An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products;

H. R. 9525. An act to establish a national park in the Territory of Hawaii;

H. R. 228. An act to amend the United States homestead law in its application to Alaska, and for other purposes;

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7;

H. R. 8351. An act to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and, further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto; and

H. R. 449. An act to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House was requested:

S. J. Res. 113. Joint resolution for the relief of Fred White;

S. J. Res. 107. Joint resolution authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce;

S. J. Res. 50. Joint resolution authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation;

S. J. Res. 114. Joint resolution withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians and providing for the sale thereof, and for other purposes;

S. 1098. An act to adjust and settle the claims of the loyal Shawnee and loyal absentee Shawnee Tribe of Indians and to report the same to Congress;

S. 3069. An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission,'" approved March 4, 1915;

S. 2543. An act for the relief of the State of Kentucky;

S. 4176. An act authorizing and directing the Secretary of War to make certain provisions for the care of Federal and Confederate veteran soldiers who served in the War between the States, 1861 to 1865, to enable them to unite in participation of a national reunion and peace jubilee to commemorate the victories and virtues resulting in the half century of peace and prosperity to the American Nation, to be held in the national domain within the Vicksburg National Military Park October 16, 17, 18, and 19, 1917;

S. 3020. An act waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick;

S. 2458. An act authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims;

S. 640. An act for the relief of Ellen B. Monahan;

S. 5268. An act for the relief of the Copper River & Northwestern Railway Co.;

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.;

S. 3617. An act for the relief of Elizabeth Davis;

S. 4307. An act to prevent the disclosure of national-defense secrets;

S. 5724. An act authorizing the construction of a public building in the city of Durango, Colo.;

S. 3346. An act conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts;

S. 5103. An act authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River in West Virginia;

S. 3618. An act authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes;

S. 5911. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 1094. An act conferring jurisdiction on the Court of Claims to hear and determine and report to Congress on claims of the Ponca Tribe of Indians against the United States;

S. 1093. An act to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area;

S. 5379. An act validating certain homestead entries;

S. 1308. An act to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891;

S. 743. An act for the relief of Moses Chauncey;

S. 1045. An act to provide for the erection of a public building at Prescott in the State of Arizona;

S. 4251. An act to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe;

S. 5495. An act for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota;

S. 4384. An act providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911;

S. 4282. An act to permit the State of Wyoming to relinquish and to select other lands from the public domain in lieu thereof;

S. 5672. An act for the relief of sundry building and loan associations;

S. 34. An act granting to the State of Utah title to certain lands in said State for use as a fish hatchery;

S. 4253. An act conferring jurisdiction on the Court of Claims to hear, determine, and report to Congress on claims of the Iowa Tribe of Indians against the United States;

S. 4586. An act to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America and the Territory of Alaska during the closed seasons established;

S. 3012. An act for the relief of Elizabeth T. Wells;

S. 1046. An act to provide for the purchase of a site for a public building in the city of Bisbee, Ariz.;

S. 3265. An act for the extension, remodeling, and improvement of the public building at Jefferson City, Mo.;

S. 3294. An act to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana;

S. 5503. An act to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del.;

S. 4866. An act to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co.;

S. 5398. An act to increase the limit of cost of post-office site and building at Millville, N. J.;

S. 5447. An act providing for the erection of a public building at Taylor, Tex.;

S. 5615. An act granting certain lands to the State of Washington for park purposes;

S. 4862. An act to exclude intoxicating liquors from national parks and national forest reserves;

S. 5751. An act authorizing the addition of certain lands to the Wyoming National Forest, Wyo.;

S. 5863. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.;

S. 739. An act for the relief of James F. Cole;

S. 1362. An act for the relief of Lester A. Rockwell; and

S. 2852. An act for the relief of John F. Considine.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 3, 1916:

H. R. 12766. An act for making further and more effectual provision for the national defense, and for other purposes.

On June 5, 1916:

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

EXTENSION OF REMARKS.

Mr. ASWELL rose.

The SPEAKER. For what purpose does the gentleman from Louisiana rise?

Mr. ASWELL. I rise to ask unanimous consent to extend my remarks by printing a short resolution indorsing vocational education.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD by printing a short resolution indorsing vocational education. Is there objection?

There was no objection.

ADJOURNMENT OF THE SENATE FROM JUNE 3 TO JUNE 8.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. MANN. The last paragraph of section 5 of the Constitution of the United States reads as follows:

> Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

The RECORD shows that on Saturday, June 3, in the Senate of the United States one of the Senators moved that the Senate adjourn in accordance with a unanimous-consent agreement. The motion was agreed to, and under the order previously made the Senate adjourned until Thursday, June 8, 1916, at 12 o'clock meridian.

I do not know whether it is the business of the House of Representatives to tell the Senate of the United States to obey the Constitution. I am not sure that it may be, so that I do not propose to offer anything. I do not know but that the claim may be that adjourning from Saturday, June 3, to Thursday, June 8, which includes one Sunday, is only an adjournment for three days; but I feel quite certain that the universal custom in the House has been—and I think the universal custom in the Senate heretofore has been—that an adjournment from the 3d of June to the 8th of June was more than three days, although it included one Sunday.

I do not know what the effect would be if the Senate should conclude to adjourn for a month; whether there would be anything that the House could do; but I do not wish the incident to pass without some notice being taken of it, because it seems to me it is a flat violation of the Constitution for the Senate to adjourn for more than three days without the consent of the House, and that an adjournment from Saturday until Thursday is an adjournment for at least four days, in violation of the Constitution.

The SPEAKER. The Chair would like to inquire of the gentleman—because it is an interesting point undoubtedly—in case they adjourned for more than three days what would happen?

Mr. MANN. I do not know what happened. Nobody has ever tried it before, I believe.

Mr. SLAYDEN. It is a fracture of the Constitution.

Mr. MANN. The gentleman from Texas [Mr. SLAYDEN] suggests that what happened is a fracture of the Constitution.

Mr. GARRETT. Did the Senate adjourn or did it take a recess?

Mr. MANN. It adjourned according to a motion, as shown in the RECORD, and I think that was a unanimous-consent agreement in the Senate, as shown in the RECORD heretofore.

Mr. HEFLIN took the chair as Speaker pro tempore.

Mr. CLARK of Missouri. When the gentleman gets through, I would like to say a word or two myself. I would like to have five minutes.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for five minutes.

Mr. CLARK of Missouri. The question that the gentleman from Illinois [Mr. MANN] raises is a very fine point, and it comes very nearly being a fundamental question. The constitutional provision cited by the gentleman from Illinois [Mr. MANN] is this: "Neither House during a session of Congress shall, without the consent of the other, adjourn for more than three days," section 5, Article I. The Senate, it seems, adjourned from Saturday to Thursday—four days, not counting Sunday, a clear violation of the provision of the Constitution aforesaid.

Most of the Members have come in in recent years; at least they have not been here 20 years. The present Senator, JAMES HAMILTON LEWIS, of Illinois, an exceedingly brilliant man, made a national reputation when he was in this House—he was here only two years—from the State of Washington, and he made it on one question. Of course, he made a whole lot of interesting speeches on other questions, but he first attracted national attention on the paragraph of the Constitution just cited by the gentleman from Illinois [Mr. MANN]. When the House passed the Dingley tariff bill in the spring of 1897 Mr. Speaker Reed, who entertained a great prejudice against the Senate, and was not mealy-mouthed about expressing it, made up his mind that the House should not do anything the rest of that summer, so that public attention would be concentrated upon the Senate, to see it dawdle. What he was up to really was very largely to bring the Senate into contempt. He would not appoint the committees, and of course everybody knows you can not transact any business here without committees, except upon extraordinary occasions, such as the repeal of the purchasing clause of the silver law by agreement without the appointment of a committee. We took that up and debated it.

The point that Senator LEWIS made his great reputation on was this: That that clause of the Constitution which was read by the gentleman from Illinois [Mr. MANN] provided that one House of Congress can not adjourn more than three days at a time without the consent of the other. Speaker Reed held with the old-time lawyers that Sunday was dies non, no day, and he made two adjournments cover seven days in the teeth of that provision of the Constitution. Speaker Henderson and Speaker CANNON and myself have all followed the ruling of Speaker Reed. It may have been wrong originally, but it was a very convenient ruling, so we let it go at that.

Whenever the House met during the period of adjourning three days at a time we did not have anything else to do, and Col. LEWIS exploited his claim that Congress was not in session at all; that the fact that the House adjourned for more than three days practically adjourned Congress sine die, and he kept it up here time after time, week in and week out, with other constitutional lawyers occasionally helping him out. I shall never forget that one morning our friend the cartoonist Berryman, one of the most amiable of mortals, had an immense picture of Mr. Speaker Reed lying flat on his back and Col. LEWIS standing triumphantly on top of his stomach.

One of the funniest things that ever happened in this House grew out of that. As long as Mr. Speaker Reed was in a good humor he listened to these constitutional hair-splitters with patience and apparently with pleasure, but one morning he was in a bad humor, and Jerry Simpson, of Kansas, one of the best rough-and-tumble debaters that ever sat in this House, tackled this great constitutional question. Speaker Reed said he was not in order and peremptorily made him take his seat. Mr. Bland, of Missouri, moved that Jerry be allowed to proceed in

order. That seemed like a reasonable request, but they had a wrangle about it and a roll call on it, and on that roll call it was solemnly decided that Jerry Simpson, one of the ablest men in the House, should not proceed in order. Now, if Jerry had let them alone he would have been all right, but while the clerks were adding up that vote—the Members generally could tell by ear how it had gone—Mr. Richardson, of Tennessee, went up the aisle to where Jerry was sitting and said, "Jerry, when Reed anounces that vote, you get up and ask him where you are at." So Jerry got up, looking as solemn as an owl, and said, "Mr. Speaker, you have decided that I can not speak out of order. The House has just decided that I can not proceed in order. I want to know where I am at." As quick as lightning Mr. Reed said, "That is one of the things that no mortal man has ever been able to find out." [Laughter.]

I would like to know if the gentleman from Illinois [Mr. MANN] or anybody else has any suggestion about what happens when the Senate, or the House either, violates the Constitution in this regard. It is a very serious question. If the Senate can adjourn for four days without the consent of the House, it can adjourn for four weeks, and so can the House. The point raised in court might knock out and invalidate important laws. The statement in the RECORD that the Senate adjourned from Saturday until Thursday may be a misprint. I hope it is, because——

Mr. MANN. It is not a misprint.

Mr. CLARK of Missouri. It is then a clear case of a violation of that provision of the Constitution, because Monday, Tuesday, Wednesday, and Thursday are four days, not saying anything about Sunday. Everybody agrees now that Speaker Reed was right about that, and that Sunday is dies non, but we have to count either Saturday or Thursday, and so we have four days. It is worth looking into.

Mr. GARRETT. Did the Senate notify the House of its action?

Mr. CLARK of Missouri. No.

Mr. GARRETT. Was any resolution adopted by the House on the subject?

Mr. CLARK of Missouri. No.

The SPEAKER resumed the chair.

Mr. GARRETT. Mr. Speaker, if the Senate has not communicated to the House the resolution it adopted, providing for an adjournment until Thursday, I am frank to say that I do not see how we can take official notice of it. Personally I should like to present a resolution of regret that the Senate has violated the Constitution of the United States; but if it has not been communicated to us officially, we do not know officially that the Senate has adjourned. We know from the RECORD, but the RECORD is not official.

Mr. MANN. The gentleman knows that one House never communicates to the other the fact that it has taken an adjournment for three days.

Mr. GARRETT. They do not ask the consent of the House, but they have usually communicated the fact that they took an adjournment for three days.

Mr. MANN. Oh, no; they never do, and we never send word to the Senate that we have adjourned for three days.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. NORTON. The gentleman is an authority on parliamentary law. What would he say would be the proper procedure if the Senate should adjourn for 30 days without notifying the House? Would it be proper for the House to take some action to compel the Senate to continue in session?

Mr. GARRETT. I do not know whether it would be proper or not. I think it might be in order to pass a resolution expressing our regret.

Mr. RUSSELL of Missouri. Mr. Speaker, when a resolution providing for the final adjournment of Congress is passed by one House it has no effect until the other House concurs in that resolution. Now, the Senate having adjourned for four days, five days, including Sunday, or a longer time than they have the right to adjourn under the Constitution without the consent of the House, it seems to me that action of the Senate is of no more binding effect than a resolution to adjourn sine die would have if passed by the Senate but not concurred in by the House. The proper course would be—the Senate having passed a resolution providing for an adjournment for five days, or for four days excluding Sunday—to send the resolution to the House and ask the House to concur in it. Then, if the House should not concur in the resolution, it would have no force or effect under the Constitution, and the Senate would be constructively in session, and it could meet to-day or to-morrow.

Mr. GARRETT. Suppose, as the gentleman from North Dakota suggests, the Senate should adjourn for 30 days.

Mr. RUSSELL of Missouri. That would be a nullity and have no effect, unless the House should concur in the resolution. An adjournment by the Senate for four days is, in my opinion, of no effect until the House concurs in it, because such an adjournment would be without constitutional authority. Like a resolution to adjourn sine die, it would not be binding and would have no effect whatever unless the House should concur in its action.

Mr. GARRETT. That is probably true, but I think we ought to resolve that we regret to hear that the greatest legislative body in the world has violated the Constitution of the United States.

Mr. ALEXANDER. Does not the gentleman think it would be worth while to first determine if they have violated the Constitution of the United States?

Mr. GARRETT. I think they have.

Mr. ALEXANDER. I think it is quite doubtful if they have.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the Oregon & California Railroad land grants.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the present consideration of the conference report on the Oregon & California Railroad bill.

Mr. MANN. I think the gentleman should first present the conference report on the part of the managers of the House.

Mr. FERRIS. Mr. Speaker, I present the conference report.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Conference report on the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the present consideration of the conference report. Is there objection?

Mr. MONDELL. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Oklahoma if there is any special hurry about this matter, if it can not be taken up to-morrow and have the report printed in the RECORD?

Mr. FERRIS. The gentleman knows that it was debated to great length in the Senate and that the conference report was acted on Saturday. There is an additional reason, the injunction expires on June 9, and, further, one of the Oregon Members on that side of the House wants to take the train this afternoon for Chicago.

Mr. MONDELL. The Senate does not meet until Thursday, and unless there is some special reason why the matter should be disposed of to-day I think it would be better to take it up to-morrow.

Mr. FERRIS. One of the gentlemen from Oregon wants to go to the convention and wants to leave at 2 o'clock. There can be no objection; the conference report has been printed in the RECORD in the Senate proceedings on Saturday.

The SPEAKER. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 14864, entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland in Oregon,' approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, and 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 9 of the bill, in line 11, after the word "residing," insert the following: "whether such lands shall be of class 2 or class 3 and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The timber on lands of class 2 shall be sold for cash by the Secretary of the Interior, in cooperation with the Secretary of Agriculture, or otherwise, to citizens of the United States, associations of such citizens, and corporations organized under the laws of the United States, or any State, Territory, or District thereof, at such times, in such quantities, and under such plan of public competitive bidding as in the judgment of the Secretary of the Interior may produce the best results: *Provided*, That said Secretary shall have the right to reject any bid where he has reason to believe that the price offered is inadequate, and may reoffer the timber until a satisfactory bid is received: *Provided further*, That upon application of a qualified purchaser that any legal subdivision shall be separately offered for sale such subdivision shall be separately offered before being included in any offer of a larger unit, if such application be filed within 90 days prior to such offer: *And provided further*, That said timber shall be sold as rapidly as reasonable prices can be secured therefor in a normal market.

"The Secretary of the Interior shall as soon as the purchase price is fully paid by any person purchasing under the provisions of this section issue to such purchaser a patent conveying the timber and expressly reserving the land to the United States. The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall be designated in the patent; all rights under said patent shall cease and terminate at the expiration of said period: *Provided*, That in the event the timber is removed prior to the expiration of said period the Secretary of the Interior shall make due announcement thereof, whereupon all rights under the patent shall cease.

"No timber shall be removed until the issuance of patent thereof. All timber sold under this act shall be subject to the taxing power of the States apart from the land as soon as patents are issued as provided for herein."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: On page 9 of the bill, in lines 1 and 2, strike out the words "by the Secretary of the Interior"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: After the comma inserted at the beginning of said amendment, strike out the words "after which" and in lieu thereof insert the word "thereafter"; and, on page 14 of the bill, in line 5, omit the period after the words "United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Twenty-five per cent of the remainder shall be paid to the State treasurer of the State to which the land is located, to be and become a part of the irreducible school fund of the State; 25 per cent shall be paid to the treasurer of the county for common schools, roads, highways, bridges, and port districts, to be apportioned by the county courts for the several purposes above named; 40 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act; 10 per cent shall become a part of the general fund in the Treasury of the United States; and of the balance remaining in said Oregon and California land-grant fund, from whatsoever source derived, 25 per cent shall be paid to the State treasurer of the State in which the land is located, to be and become a part of the irreducible school fund of the State; 25 per cent shall be paid to the treasurer of the county for common schools, roads, highways, bridges, and port districts, to be apportioned by the county courts for the several purposes above named; and the remainder shall become a part of the general fund in the Treasury of the United States"; and the Senate agree to the same.

SCOTT FERRIS,
E. T. TAYLOR,
I. L. LENROOT,
Managers at the conference on the part of the House.

GEORGE E. CHAMBERLAIN,
C. S. THOMAS,
THOMAS STERLING,
Managers at the conference on the part of the Senate.

Mr. HAWLEY. Mr. Speaker, I wish to comment upon the conference report only to the extent of explaining briefly some of the matters agreed upon by the conferees of the Senate and House. The timber is to be sold for cash only. The proceeds derived from the sales of timber and lands are to be divided in the same proportions as in the bill as it passed the House between State and national uses—that is, one-half to each. Forty per cent of the proceeds go to the general reclamation fund for use anywhere in the United States and 10 per cent to the United States Treasury. Twenty-five per cent of the proceeds are to be paid to the State treasurer for the irreducible school fund and 25 per cent to the county treasurers for common schools, roads, bridges, highways, and port districts, to be apportioned among them by the county courts. I understand it to be the purpose of the conferees that the amount received by any county at any time shall depend upon the area of grant lands within that county and the amount of sales therefrom. Prior to any distribution as above provided, the preferred claims must be paid to the railroad and to the Government. I wish again to protest vigorously that we have not received that portion of the proceeds of the grant to which we are by every consideration of right and justice entitled. The amendment I offered on May 24, when the bill was before the House, allotting to the State school fund practically 40 per cent of the proceeds and to the counties and municipal subdivisions also 40 per cent for roads, ports, and so forth, was fairer and should have been agreed to. I also feel that another contention of mine for more liberal treatment of the homesteaders was based upon sound policy and fairness.

Mr. NORTON. Would it not be well for the chairman of the committee to explain the conference report?

Mr. FERRIS. Mr. Speaker, I can explain the changes and modifications, I think, in two or three sentences. As the bill passed the House, roughly speaking, 50 per cent of the proceeds went to the State of Oregon and 50 per cent to the United States Government—40 per cent of the Government's part goes through the avenue of the Reclamation Service. As the bill passed the Senate it was raised to 90 per cent for the State of Oregon and only 10 per cent for the United States Government. In the conference the conferees came back to the fifty-fifty provision with one modification. The bill as it passed the House, and we still retain the provision providing for a suit for accounting and determining what, if any, excess the railroad had received more than it was entitled to. As the bill passed the House it carried all of the money to be recovered from the railroad as the result of the accounting to the Government, and the House yielded in conference to the extent of giving 50 per cent to go to the State and retaining 50 for the Government. Nobody knows what the surplus will be, but probably $200,000 or $300,000. There was also a little modification made on the method of selling the timber. The House will remember that there was some controversy about that as it went through. None of us were sure of the best way to sell it, but a good many different views were held. The Senate conferees yielded some of their positions, and we yielded some of ours, and brought in a compromise provision which we think is better than that of either the House or the Senate.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. MONDELL. Amendment No. 3, in regard to which the House has receded from its disagreement and agreed to the same with an amendment, seems to be a very important provision. As I read the conference report, it would seem that it has very materially modified the provision in regard to the disposition of the timber. The bill as it passed the House provided that the timber should be sold for cash or payments not exceeding 10 equal annual installments. The provision as agreed to in conference seems to provide for the sale of the timber for cash only.

Mr. FERRIS. That is true.

Mr. MONDELL. That is a very important departure. It would, of course, give great advantage to those who have ready cash to put up. What was the argument in favor of that sort of departure from the House provision?

Mr. FERRIS. The Senate provision as they passed it provided for cash sales only, and provided that the purchasers could retain title to the timber and possession of the land from which the timber was removed indefinitely, no time limit. That seemed to us to be very objectionable both for the sale of the timber and the handling of the land. It becomes a very important question as to when the property can become taxable. In the sale of the timber on time no one knows when they would cut it, how we could collect for it, and that leaves the thing all in the air and made it difficult for the Government to protect itself. In order to clean up all these questions—taxation, the

sale of the timber, the collection of the proceeds on the sale of Government property—we decided on this provision.

Mr. MONDELL. Mr. Speaker, the gentleman will recall that when the bill was under consideration I called attention to the fact that the provision in the bill, a new and novel one, for the issuance of a patent to the timber after all payments were made, might relieve, or would relieve, the purchaser from all taxes until he had paid his last installment, and I suggested that there would be no difficulty to amend that and make the land taxable by providing for the issuance of a certificate of sale.

Mr. FERRIS. I remember that.

Mr. MONDELL. And the land would become immediately taxable upon the issuance of a certificate of sale and upon the first payment. The change that has been made by the committee authorizing the sales only for cash undoubtedly would give a very great advantage to the large timber companies as against persons of small means who might desire to make these purchases.

Mr. FERRIS. Let me call the gentleman's attention to the fact that the Secretary of the Interior is given full power to reject any and all bids, and the provision forcing the Secretary to sell in 40-acre tracts is still preserved. We thought that was about as good as we could do. I may say that I was very much in favor of having the property sold on time; I thought it would bring more sold in that way, and thought perhaps it might help some one to buy land who could not otherwise buy; but we were confronted with this proposition: We had to do one of three things. We either had to sell the property on time and take outside security or we had to deny the State the right of taxation or, third, we had to sell it with a proviso that it was taxable from the date of sale. None of the three seemed satisfactory. If we allowed it to be taxed before it was paid for the State of Oregon would, of course, tax it; and if the purchaser refused to pay the taxes, the Government would lose it by a tax sale. In any time sale we encounter perplexing questions when you come to sell personal property of the Government on time. The provision was the best that we could do. It may not be free from objection. In fact, I doubt if it is, but it represents the combined judgment of your conferees, who worked very faithfully to solve it correctly.

Mr. Speaker, unless some one desires time, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

TRAINING THE ORGANIZED MILITIA.

Mr. HAY. Mr. Speaker, I call up the bill H. R. 15005, an act to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia, with Senate amendments thereto, and ask that the same be laid before the House.

The Senate amendments were read.

Mr. HAY. Mr. Speaker, I move to concur in all of the Senate amendments.

The Senate amendments were agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BRITT, for one week.

ACTS, ETC., OF PORTO RICO LEGISLATURE (H. DOC. NO. 1191).

The SPEAKER laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenue and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Eighth Legislative Assembly of Porto Rico during its second session (Feb. 14 to Apr. 13, 1916, inclusive).

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE, *June 5, 1916.*

The SPEAKER. This will be referred to the Committee on Insular Affairs and ordered printed. The documents are not ordered printed.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will call the first bill on the Calendar for Unanimous Consent.

FRAUDULENT ENLISTMENT.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 7619) to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there are a number of bills on the calendar that might be objected to and passed over, and in view of the absence of a good many Members of the House, owing to the Republican convention at Chicago this week, I am going to suggest that instead of bills objected to being stricken off the calendar, they be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that when a bill is called and there is objection made to it, it may be passed over without prejudice. Is there objection?

There was no objection?

Mr. GORDON. Mr. Speaker, do I understand that the gentleman from Illinois will not object to the consideration of this bill?

Mr. MANN. I am going to object to its consideration to-day.

Mr. GORDON. And there is no use in discussing the merits of it?

Mr. MANN. Not to-day. It will go over and have its place on the calendar.

Mr. GORDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GORDON. Under the unanimous-consent agreement just entered into on the suggestion of the gentleman from Illinois [Mr. MANN], what would be the status of a bill that was objected to?

The SPEAKER. If any one objects to a bill under the unanimous-consent agreement just secured, instead of that objection striking it from the calendar it goes over without prejudice.

Mr. MANN. It keeps its place on the calendar.

The SPEAKER. That is because of the peculiar condition in which we find ourselves to-day. Is there objection to the consideration of this bill?

Mr. MANN. I object.

The SPEAKER. It will go over without prejudice.

RECORDS, ETC., OF COMMON CARRIERS.

The next business on the Calendar for Unanimous Consent was the bill H. R. 722, to amend section 20 of an act to regulate commerce approved February 4, 1887, as amended, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, there is a minority report of a gentleman who is not present.

Mr. ADAMSON. I do not think the gentleman who made the minority report intends to delay the bill. I have talked to him about it. If the gentleman objects, of course, under the agreement it will go over.

Mr. MANN. It will have to go over in view of the minority report.

The SPEAKER. Does the gentleman object?

Mr. MANN. I object.

Mr. ADAMSON. I was praying the gentleman would not object.

The SPEAKER. The Clerk will report the next bill.

INVESTIGATION OF CONDITIONS RELATING TO INTERSTATE AND FOREIGN COMMERCE.

The next business in order on the Calendar for Unanimous Consent was Senate joint resolution 60, creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

The SPEAKER. Is there objection?

Mr. MANN. Under the agreement I object.

The SPEAKER. The joint resolution goes over under the agreement.

MEMORIAL TO JAMES BUCHANAN.

The next business in order on the Calendar for Unanimous Consent was House joint resolution 145, authorizing the erection, on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States.

The Clerk read the title.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the trustees designated in the will of Mrs. Harriet Lane Johnston for the erection of a memorial to James Buchanan, a former President of the United States, on public grounds of the United States in the city of Washington, D. C., in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW.: *Provided*,

That the design and location of said memorial and the plan for the treatment of the grounds connected with its site shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of said memorial.

The committee amendment was read, as follows:

Page 1, lines 9 and 10, strike out after the word "Columbia" the words "in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW."

Mr. SLAYDEN. Mr. Speaker, unless some gentleman wants information about it I have nothing to say.

Mr. MANN. Will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. MANN. My information is that the Fine Arts Commission approved the site for this monument in the Meridian Hill Park.

Mr. SLAYDEN. In the southern extremity of it.

Mr. MANN. That being the case, is it not safer to disagree to the Senate amendment so we will know that that is where it will go? I do not believe we ought ever to pass a bill for a monument that may be stuck no one knows where, and as long as they have made up their minds just now I would like for them to continue in that frame of mind, and that we should disagree to the Senate amendment and let it be put where they say they expect to put it.

Mr. SLAYDEN. Mr. Speaker, I have not a copy of the bill here——

Mr. MANN. The bill provides that this monument shall be located in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW., and that is the present expectation. I think if it is to go through it ought to be located there and not located in Potomac Park or some other place—Monument Park, probably.

Mr. SLAYDEN. Mr. Speaker, I am willing to accept the suggestion of the gentleman from Illinois, and I presume the gentleman from Maryland [Mr. COADY], who was requested by Mr. LINTHICUM, the author of the bill, to see that it was reported and to represent it here to-day, would be willing to do that, and it is my understanding, as it is that of the gentleman from Illinois, that this Commission of Fine Arts decided that the appropriate place for the erection of the monument is in the southern extremity of Meridian Hill Park. What was the suggestion of the gentleman from Illinois?

Mr. MANN. To disagree to the committee amendment.

The SPEAKER. Without objection, the committee amendment is disagreed to.

There was no objection.

Mr. MEEKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MEEKER. I do not know whether this is the right place for an inquiry, but I would like to know if the matter in regard to the Key monument has passed entirely from the control of Congress? I notice a protest on the part of his son to the design.

The SPEAKER. The gentleman from Texas can answer that question.

Mr. SLAYDEN. I did not catch the gentleman's question.

Mr. MEEKER. I desire to know if the entire control of the design of the Francis Key monument has passed from the control of the House? That was left to the commission, and there was a disagreement between his son and a number——

Mr. SLAYDEN. Mr. Speaker, my information is that the matter has been entirely settled. A protest from his son was sent recently to the White House opposing the design. I think I saw the report in the papers, and that is the only information I have——

Mr. MEEKER. Any action?

Mr. SLAYDEN. And a reply was received from the Executive that the matter had been settled and the design accepted.

Mr. MEEKER. Nothing could be done?

Mr. SLAYDEN. Nothing could be done.

Mr. MANN. I think we had better lay this aside temporarily. The Senate has not passed the bill.

Mr. SLAYDEN. Has not passed the bill? Then the amendment of the gentleman from Illinois is simply to definitely fix the location?

Mr. MANN. That has already been disagreed to.

Mr. COADY rose.

The SPEAKER. This joint resolution is on the Union Calendar.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to consider the joint resolution in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Texas asks unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The action of the House a while ago disagreeing to the amendment is reaffirmed, without objection.

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

THE AVIATION SERVICE.

The next business in order on the Calendar for Unanimous Consent was S. J. Res. 65, a joint resolution creating a joint commission of Congress to investigate the Aviation Service of the United States Army.

The Clerk read the title.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

RESTORATION OF HOMESTEAD RIGHTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8492) to restore homestead rights in certain cases.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. VOLSTEAD. Mr. Speaker, reserving the right to object, I would like to know whether the gentleman in charge of the bill would be willing to amend it so as to include some of my people up in Minnesota?

Mr. FERRIS. I would, but it would bring other objections and cause trouble in other places. I hope the gentleman will not object.

Mr. VOLSTEAD. The amendment I offer only extends the relief provided in the bill to others equally deserving. There were 11 townships ceded out of the Chippewa Indian Reservation. The law provided that these lands must be sold at not less than $4 an acre. Now, those lands were too swampy to live on for many years after purchase, and practically every man that purchased has lost the land he got. Now, it seems to me, in view of that situation, we ought to be willing to admit those people to the same sort of relief as we are offering in this bill.

Mr. FERRIS. I am not objecting to the gentleman's amendment.

Mr. VOLSTEAD. I will send it to the Speaker's table and have it read, or give the gentleman a copy of it.

Mr. SHERLEY. Mr. Speaker, I do not think the House ought to consider, without a committee having acted on it, an amendment of that kind. We can not afford to do business in that way here.

Mr. FERRIS. I said to the gentleman that he could offer an amendment and I personally would not object to it. I think it is a just amendment.

Mr. SHERLEY. I am not prepared to have an amendment come up in that way without committee action.

Mr. FERRIS. I do not think the gentleman from Kentucky will object to it himself when he hears it.

Mr. SHERLEY. That may be; but we ought not to legislate with public lands in that way. I announce now that if the gentleman is going to accept that amendment, I will object to the bill that is now pending.

Mr. VOLSTEAD. If the gentleman will permit, this is in line with the bill itself. The only real difference is that this bill gives a new homestead if a person has paid $5. My amendment gives $1 where $4 has been paid.

Mr. SHERLEY. If the gentleman please, that is not the point at all. We have had enough legislation touching public lands—at least I have had enough experience—not to be willing to let the matter go through without it having been considered by committee. The gentleman is adding something that may or may not have merit, and if he persists I will object to the bill that is up now.

The SPEAKER pro tempore (Mr. ADAIR). Is there objection?

Mr. MANN. Reserving the right to object, what is the merit of this bill, anyhow?

Mr. FERRIS. The gentleman from Illinois will remember that this bill was passed in this House two years ago.

Mr. MANN. I do not remember it.

Mr. FERRIS. It did; and the gentleman from Illinois and the gentleman from South Dakota [Mr. BURKE] and I had a long colloquy about it at that time. The gentleman from South Dakota at that time wanted to amend it by taking in some Indian lands that sold at a smaller price. The gentleman from Illinois said if we did, he would object. I was between the proverbial two stones. This bill went over to the Senate and was held up behind the shipping bill last year, and therefore did not pass that body.

Mr. MANN. The gentleman understands that if this bill passes in this shape and there is any substantial amendment re-

lating to any other matter going in it in the Senate, and it comes back here, it will probably die.

Mr. FERRIS. That is probably true. But let me say a word on the merits of this proposition. In Oklahoma—and it has been true also in South Dakota and Minnesota—they have put up the Indian lands and sold them to the highest bidders, and, coupled with that, they have forced them to homestead the lands. Some of these lands sold for as much as $30 an acre. All this bill does is to provide that where they paid the price of $5 an acre or more they may take again.

The legislation providing for this sale provided that they may pay one-fifth down and pay one-fifth each year for five years. They most all had to prove up and go into a loan company, and they borrowed from the loan company in order to pay the Government the deferred payments. This method exhausted both his pocketbook and his homestead rights, and this bill allows him only to take again. And personally I think that these $4 an acre people, whom the gentleman from Minnesota represents, although they did not bid by competitive bid, ought to have another chance. If the House does not agree with the gentleman, I ask him not to obstruct this very meritorious legislation for my people. Surely it would not help his people to obstruct mine. My people bid by competitive bid, and in every case they paid over $5 an acre. It is almost too much to exhaust a man's pocketbook and homestead too.

Mr. VOLSTEAD. Why should Oklahoma, simply because the people paid a dollar more there than in Minnesota, be given relief? There is no question but the people that I have reference to lost out because they could not maintain their rights. It became necessary, before they could use the land, to drain it, and large expenses were incurred for that purpose. Most of your people, I understand, still retain the land.

Mr. FERRIS. Oh, no. They paid more than $5 per acre; that was the minimum. Lots of them have lost land and payments too. The condition in Minnesota is not on the same footing with Oklahoma; but, even so, they present a good case, and there is no reason why the House should refuse to allow the amendment to them also under those circumstances. Of course your people did not buy by competitive bids but pursuant to appraisement.

Mr. VOLSTEAD. I believe they bought at a competitive sale, but I am not quite sure; it may have been on appraisal.

Mr. FERRIS. I think you did.

Mr. VOLSTEAD. I know that a good many of them paid more than $4 an acre, and I know that they lost the lands they bought because they paid too much.

Mr. FERRIS. Of course if the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Illinois [Mr. MANN] are willing to let that amendment be considered, I will say frankly that the gentleman has justice in his amendment; but I do not want to see my people knocked out if I can help it, for I know that they need this relief. The Lord knows if they can go out on that bald, naked prairie and fight out a home on it they ought to have a chance to do it.

Mr. VOLSTEAD. That committee has passed upon this identical proposition, in passing on this bill.

Mr. FERRIS. I introduced a bill to take care of the gentleman, anticipating what the gentleman says, and the Interior Department would not recommend it favorably, and the department said they must report for a competitive bid and hew it down to those cases where they paid $5 or more an acre. I knew that the bill, if it passed, would have to be without any flaw, and free from departmental objection. We have to run the gantlet of unanimous consent, and I was trying to meet the objections that were made.

Mr. VOLSTEAD. I am willing to offer it and let the House decide whether it is willing to have the amendment.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, do I understand that this other amendment is to be offered?

Mr. FERRIS. What was the suggestion of the gentleman from Illinois?

Mr. MANN. Is this bill to be amended otherwise?

Mr. FERRIS. Not by me. I hope the gentleman from Minnesota [Mr. VOLSTEAD] will not insist upon his amendment, because I feel if he does it will knock these people out of relief—those people who bought by competitive bids and with a minimum price of $5 per acre. Five hundred and five thousand acres were sold, and the average price, which included canyons and mountains and prairie-dog towns, was $10.50 per acre. Some of it is not worth that much now, and those people went out and secured it by competitive bids, and they also exhausted their homestead rights, and what I say is that it having served its purpose in keeping down speculation, they ought to have a chance to try again. I urge the gentleman from Minnesota not to offer his amendment, and thereby complicate the chances of my people.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any person who has heretofore made homestead entry of lands embraced in a ceded Indian reservation, and who, in completion of the entry, has paid paid or shall have paid the purchase price provided in the law opening the lands to settlement, shall be entitled to the benefits of the homestead laws just as though such prior entry had not been made, if otherwise qualified: *Provided*, That the right of commutation of entries under this act shall not be permitted.

With a committee amendment, as follows:

After the enacting clause strike out all the matter just read and insert in lieu thereof the following: "That from and after the passage of this act any person who has heretofore entered under the homestead laws, pursuant to purchase by competitive bid for a price equivalent to or greater than $5 per acre, lands embraced in a ceded Indian reservation shall, upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: *Provided*, That the provisions of this act shall not apply to any person who has failed to pay the full price for his former entry or whose former entry was canceled for fraud."

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PREPAREDNESS PARADE IN WASHINGTON.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to discharge the Committee on the District of Columbia from the consideration of Senate joint resolution 137, and that it be considered in the House and passed. It will take only a minute. It gives the right directions for the preparedness parade in the District of Columbia.

Mr. HAMLIN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Virginia if his resolution is on the Unanimous Consent Calendar?

Mr. CARLIN. No. It has gone to the Committee on the District of Columbia, unless it is on the Speaker's desk.

Mr. MANN. I ask for the regular order, Mr. Speaker. I do not know what the request is.

Mr. BAILEY. I object, anyhow.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 1388) to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, let us have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to supply a sufficient quantity of hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes to the Leo N. Levi Memorial Hospital Association without cost or charge therefor, under such rules and regulations as he may prescribe.

With committee amendments, as follows:

On page 1, lines 4 and 5, after the word "water," on page 4, insert the words "for five tubs."

On page 1, after line 8, insert the following:

"*Provided*, That said hospital association shall, upon request of the superintendent of the Hot Springs Reservation or his duly authorized representative, immediately after being notified, send an ambulance or conveyance for and accept and treat without charge therefor any emergency patients so sent to the hospital for treatment."

Mr. TAYLOR of Arkansas. Mr. Speaker, the Secretary of the Interior has suggested to the Committee on Public Lands the amendments now in the bill.

This bill authorizes the Jewish Hospital at Hot Springs, Ark., to use the hot water of the Hot Springs for five tubs. Heretofore they have been paying the Government for all the hot water they have used. Their patients are largely charity patients. They are not confined to any religion. If I, a Christian, were

to fall on the street, and they should take care of me, they would do it just exactly as if I were a Jew. This hot water, more than can be used from the springs, flows to the sea. It does not cost the Government a cent to give this water to this highly charitable hospital. I hope the bill will be passed as reported.

Mr. SHERLEY. Mr. Speaker, are most of these hospitals under the control of the Federal Government?

Mr. TAYLOR of Arkansas. This is not.

Mr. SHERLEY. That is just what I am coming to—whether the gentleman does not think this hospital should be subject to some supervision by the Government?

Mr. TAYLOR of Arkansas. It is to some extent.

Mr. SHERLEY. That is what I was asking. The gentleman said it was not.

Mr. TAYLOR of Arkansas. It is not controlled by any doctor in the city of Hot Springs. Of course, they have physicians there who look after the sick and helpless patients.

Mr. SHERLEY. I understand; but is it subject to any regulation by the Federal Government?

Mr. TAYLOR of Arkansas. This bill itself shows that it is under the regulation of the Federal Government, but not entirely.

Mr. SHERLEY. No; the bill provides that the water shall be furnished under certain regulations, but there is nothing to show that there is any control over it by the Government. In times past there have been very great abuses down there in the Hot Springs Reservation and there has been a great deal of trouble at different times in regulating it. While I am strongly in sympathy with the object of the bill, I wanted to inquire of the gentleman whether it was not desirable to give the Government some control over the hospital, inasmuch as the Government is furnishing the water?

Mr. TAYLOR of Arkansas. It is, so to speak, under the control of the Government. It may be on the reservation, and they are using the water from the reservation.

Mr. SHERLEY. I understand that perfectly well. I am somewhat familiar with the situation at Hot Springs. I want to know whether the hospital is going to be under the control of the Government at all.

Mr. TAYLOR of Arkansas. I can not say. It is a chartered institution. I do not know whether the Government has any immediate control over this charitable institution.

Mr. SHERLEY. In point of fact, I am hoping that the gentleman, or some one else primarily interested, will do for the Hot Springs Reservation what ought to have been done long ago, and that is to take it out of the jurisdiction of the Department of the Interior and put it under the direct control of the Public Health Service. It is not a park in any true sense of the word.

Mr. TAYLOR of Arkansas. It is one of the public parks of the Government, as much so as any the Government has.

Mr. SHERLEY. I know it is; but I have just stated that it ought not to be under the control of the Interior Department as a public park. It really ought to be under the control of the Public Health Service, because it is not a park; it is a sanitarium.

Mr. TAYLOR of Arkansas. I do not know what it takes to constitute a park. There are 1,100 acres in it. No park or health resort like it anywhere.

Mr. SHERLEY. Oh, yes; but the primary purpose of keeping it is to afford the people of America the benefit of its water. What I hope to see done is to have it developed, as it never has been properly developed, by people who are familiar with the real purpose to be served, and that is as a health resort and not a park. I suggest that to the gentleman, because I believe that the Government would feel very much better disposed toward the reservation if it was under the control of the Public Health Service.

Mr. TAYLOR of Arkansas. All I can say about that is that it is the greatest health resort of the world, and I hope that the Government will take some proper steps to give suffering humanity the greatest benefit.

Mr. SHERLEY. So do I. That is what I want; and because that has not always been done, and because the management in the past sometimes has been the subject of righteous criticism and indignation I make this remark.

Mr. TAYLOR of Arkansas. There is one wonderful fact about this park, which I think the gentleman knows as well as I do—that it is the only park in the United States that is self-sustaining.

Mr. SHERLEY. It would not long remain so if we should comply with all the requests that are made upon us to take care of matters there.

Mr. TAYLOR of Arkansas. I will try to change the gentleman's opinion about that later on.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAYLOR of Arkansas. With pleasure.

Mr. MANN. There are a number of these hospitals there. I do not know whether the term "charitable" is correct or not; but these hospitals are maintained by various organizations. Do they all enjoy the privilege of getting water free?

Mr. TAYLOR of Arkansas. No; they do not. That is, all the hospitals that have asked for it do not now get it. Of course the Army and Navy Hospital located there gets its water free; but I do not know of any other hospital, except this Jewish hospital, that is being maintained in this way.

Mr. MANN. Oh, I think there are several hospitals there of a similar kind, maintained by different orders.

Mr. TAYLOR of Arkansas. This amendment, proposed by the Secretary of the Interior and offered by the committee, was to avoid setting a precedent to give the water free to all of the hospitals.

Mr. MANN. Well, but I do not see how it does set any such precedent.

Mr. TAYLOR of Arkansas. Suppose there are 100 tubs in the Catholic hospital. Congress will give them, I hope, if they ask for it, water for five tubs free, for the absolute poor that they have to take care of.

Mr. MANN. In this bill they asked for unlimited water, and the committee proposed an amendment limiting it to five tubs. Of course, the number of tubs to be furnished free should be in proportion to the size of the hospital. I suppose that possibly all the tubs they have in this hospital are five. In other words, I do not quite see how we can make a distinction between one hospital which takes patients without charge and another hospital which does the same thing.

Mr. TAYLOR of Arkansas. Here is the charge in this bill:

Provided, That said hospital association shall, upon request of the superintendent of the Hot Springs Reservation or his duly authorized representative, immediately after being notified, send an ambulance or conveyance for and accept and treat without charge therefor any emergency patients so sent to the hospital for treatment.

Mr. MANN. Oh, well, that is moonshine. It does not amount to anything. There is no penalty if they do not do it, and they will not do it if the hospital happens to be full, and they ought not to be asked to do it if they have other patients to fill the hospital. They would not do it ordinarily. The same provision could be made as to any hospital; but whatever practice we adopt ought to be uniform. If we are going to furnish free tubs to all of the hospitals that are in a way charity hospitals, that is very well; but I do not see how you can make a distinction between one and another. We have given to a number of these hospitals the land upon which they are located. We have given them the land. Now, I do not say we ought not to give them the water, but I say that we ought not to do it in one case and refuse to do it in another case of the same kind. I should like to know what the facts are.

Mr. TAYLOR of Arkansas. While these wonderful waters are now going to waste, flowing away to the sea, as I see it every day when I am at Hot Springs—it is in my district, but I do not live there—I do not see why poor, suffering, afflicted humanity should not have the benefit of it.

Mr. MANN. This hospital expects to charge patients for the use of this water, yet it wants to get the water for nothing.

Mr. TAYLOR of Arkansas. If you are able to pay, of course, you have to pay, for they must maintain their institution; but if you are a poor person, then you can get it without charge.

Mr. MANN. That may be. I do not know how many, or what the proportion is.

Mr. TAYLOR of Arkansas. I state this to the gentleman from Illinois: Frequently a poor fellow struggling along the street on his crutches falls upon the street, and there he lies unless some friendly policeman or kind somebody takes him away. In this bill provision is made for this vehicle belonging to this charity hospital, that it shall get the man and take him to that institution. There is quite a cost to maintain a vehicle and a horse to haul these people to the hospital.

Mr. MANN. The gentleman does not seriously think that they are going to do that.

Mr. TAYLOR of Arkansas. Oh, yes, they will. I know it.

Mr. SHERLEY. Who made the suggestion that they should do that?

Mr. TAYLOR of Arkansas. The superintendent of the reservation, Dr. Park.

Mr. SHERLEY. Did it come from the city because they did not want the expense?

Mr. TAYLOR of Arkansas. The city had nothing to do with it.

chance to try again. I urge the gentleman from Minnesota not They are not confined to any religion. If I, a Christian, were

Mr. SHERLEY. The city has not control, but it has a good deal to do with suggestions, as I have found out.

Mr. TAYLOR of Arkansas. Dr. Park was called on by the Secretary of the Interior to know what he thought about the bill, and in reply he said that in his judgment this charitable institution ought to be willing to furnish that vehicle in compensation for the free hot medical water. I myself do not think that it ought to be required.

Mr. SHERLEY. I do not, but I am struck by the peculiar character of the service required and wondered whether it was to relieve the municipality.

Mr. TAYLOR of Arkansas. Not at all, I do not see how it could have that effect.

Mr. SHERLEY. If you relieve people within the city that it has to take care of, it relieves the municipality. I know that the claim is made that they bear great burdens as the result of this reservation, and that they ought to get great benefit from it.

Mr. TAYLOR of Arkansas. The poor from all over the United States come there for relief, and become a charitable charge on the good people of Hot Springs. Such people are there by thousands, and these charitable people take care of them; they are interested to that extent only. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore (Mr. ADAIR). The gentleman from Arkansas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Arkansas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RECLAMATION OF ARID LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12365) to promote the reclamation of arid lands.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. MANN. Mr. Speaker, I ask to have that bill go over.

LAND FOR PUBLIC PARK IN OREGON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10305) to grant certain lands in the State of Oregon for a public park for the benefit and enjoyment of the people.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I see that this purports to give certain lands to the State of Oregon as a public park, the land being situated in the State of Oregon "within boundaries particularly described." What are the boundaries particularly described.

Mr. HAWLEY. They are described by subdivisions of the rectangular division of the public survey.

Mr. MANN. That is not boundaries; that is the description of the property.

Mr. HAWLEY. I think the gentleman is right about that. I did not prepare the language of the bill.

Mr. MANN. Who did?

Mr. HAWLEY. I would not dare to say.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all those certain tracts, pieces, or parcels of land lying and being situate in the State of Oregon and within the boundaries particularly described as follows, to wit: The south half and the northeast quarter of section 7, and the west half and the southeast quarter of section 8, and the southwest quarter of section 9, in township 5 north, range 8 west of the Willamette meridian; and the southwest quarter of section 27, and the southeast quarter of and west half section 28, and the north half of section 33, and the northwest quarter of section 34, and the northeast quarter and the southeast quarter of section 29, in township 6 north, range 8 west of the Willamette meridian, are hereby granted to the State of Oregon as a public park or pleasuring ground for the benefit and enjoyment of the people: *Provided*, That the patent to be issued for said lands shall contain the provision that the land shall revert to the United States whenever it shall not be used for the purposes mentioned in this act: *Provided further*, That the Government of the United States of America reserves the right to operate and maintain any telegraph or telephone line over and upon said land which is in operation at the passage of this act, or which it may see fit to establish thereafter.

The following committee amendments were read:

On page 1, line 11, strike out the word "of" and insert the word "of" between the words "half" and "section."

On page 2 add a new section:

"SEC. 2. That there shall be excepted from the grant hereby made any lands which at the date of the approval of this act shall be covered by a valid, existing bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated."

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to amend, on page 1, lines 4 and 5, by striking out the words "and within the boundaries particularly."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 4 and 5, strike out the words "and within the boundaries particularly."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WATER SUPPLY OF BLACKHAWK, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11472) to reserve certain lands and make them a part of the Pike National Forest.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MANN. Reserving the right to object, I think the gentleman from Colorado ought to make a little explanation.

Mr. KEATING. I would be glad to do so.

Mr. SHERLEY. Let us have the bill read first.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands in the State of Colorado described as follows, to wit: Section 19 and section 30 in township 2 south, range 72 west, sixth principal base and meridian, be, and the same are hereby, reserved, subject to all prior valid adverse rights, and made a part of and included in the Pike National Forest.

Mr. KEATING. Mr. Speaker, the object of this bill is to safeguard the water supply of Blackhawk, Colo., an old-time mining camp. The Forestry Service for some years has been cooperating with the mountain towns of the West for the purpose of safeguarding their water supply. In some instances we find that a part of the watershed is in the forest reserve and a portion on the public domain. Where conditions will justify it the forest reserve would like to have its jurisdiction extended out over the public domain so as to take in the entire watershed in order that there may not be a divided jurisdiction. That is what we do in this case. It is what we have done in some other cases. I introduced a bill in the last Congress which accomplished the same object for the mining camp of Idaho Springs, Colo., and the Forestry Service and the city authorities of Idaho Springs have entered into an arrangement by which the Forestry Service will police the watershed of Idaho Springs.

In the case under consideration I think that about 800 acres will be added to the Pike National Forest. It will not involve any expense on the part of the Government, but it will result in giving the Forestry Service jurisdiction over the watershed from which the town of Blackhawk draws its water supply.

Mr. MANN. Mr. Speaker, I shall not object to the passage of this bill. A good water supply is necessary to everyone, especially since the State of Colorado will not permit the use of anything stronger. We hear a great many complaints from our distinguished and able Representatives from the West constantly that the Government does not treat them fairly. In the East, if a city wants to conserve and preserve its water supply, it has to do it at its own expense. There are more than a thousand of these cities and villages, and so forth, out in Colorado and the neighboring States that have their water supply taken care of by the General Government at the expense of the General Government. I never have heard any of them give any thanks for it.

Mr. KEATING. Mr. Speaker, on behalf of Idaho Springs and Blackhawk I will now establish a precedent by thanking the National Government for the very excellent service they have given us. [Applause and laughter.]

Mr. TAYLOR of Colorado. Mr. Speaker, I might suggest also that these lands are lands that have been surveyed for 46 years, and they have not been taken up by anyone. If the Government would give them to the cities and the towns, it would make it very much easier. The towns are too poor to buy them, and they would be very glad to take care of them themselves.

Mr. MANN. I notice in some cases that we have done that, or we have let the towns have the land at a very nominal consideration, but most of them want the Government not only to give the land, which may be perfectly proper, but also to take care of it and see that nothing gets on it which damages the water supply, which also may be very proper. I do not undertake to say that it is not, but it is all done at our expense, and, as I suggested before, while we are doing it at our expense, we would appreciate the courtesy of thanks.

Mr. TAYLOR of Colorado. I think we ought to extend thanks to the Government and the Forest Service, but on behalf of these cities I will say that this land is vacant, that it is of no value for mineral or other purposes, and if the Government would convey it to them the cities would relieve the Government from any expense and gladly take care of it themselves. Inasmuch as we can not get this land without paying a dollar and a quarter an acre for it, and the towns have not the money to do that, the next best thing and the only thing that they can do is to put it in the Forest Service.

Mr. KEATING. Mr. Speaker, I do not entirely agree with my colleague. I think the best way to handle this problem of policing the watersheds is for the municipalities to cooperate with the Forest Service. This is being done at a number of points in my district to the complete satisfaction of the municipalities and the Forest Service. I hope Congress will assist the good work by passing the pending bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. KEATING. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEATING, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES COURT AT JAMESTOWN, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11878) to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary.

The SPEAKER pro tempore. Is there objection?

Mr. NORTON. Mr. Speaker, reserving the right to object, I have some amendments to offer to this bill. It seems that the committee in considering the bill was not acquainted with the rapid growth and development of North Dakota and has left out several counties in the arrangement of the different judicial districts. If there is no objection to including these counties I shall have no objection to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SHERLEY. Mr. Speaker, we would like to find out what the bill is about.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 99 of the act to codify, revise, and amend the laws relating to the judiciary be amended to read as follows:

"SEC. 99. That the State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of July, 1910, in the counties of Burleigh, Logan, McIntosh, Emmons, Kidder, McLean, Adams, Bowman, Dunn, Hettinger, Morton, Stark, and McKenzie shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Sargent, Ransom, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern; and the territory embraced on the date last mentioned in the counties of Ramsey, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northeastern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Mountrail, Burke, and Renville shall constitute the western division; and the territory embraced on the date last mentioned in the counties of Griggs, Foster, Eddy, Wells, Sheridan, Stutsman, Lamoure, and Dickey shall constitute the central division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; for the western division, at Minot on the second Tuesday in October; and for the central division, at Jamestown on the second Tuesday in April. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district.

With the following committee amendments:

Page 2, line 11, strike out the word "northeastern" and insert the word "northwestern."

Page 3, at the end of the bill, insert the following:

"*Provided*, That the Government of the United States shall incur no expense for rent, light, heat, water, or janitor service for the building in which court shall be held until such time as the Government may erect its own court room."

The SPEAKER pro tempore. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, is this creating some new divisions in North Dakota?

Mr. NORTON. This is creating a new district at Jamestown, N. Dak.; but, as I observed, I have noticed that the committee having in charge the bill has overlooked the fact that at the date given in the bill there were several counties in the State not included in the bill, and I purpose to offer an amendment to perfect the bill. This is not my bill. It is a bill introduced by my colleague, Mr. YOUNG.

Mr. BORLAND. Do I understand that this creates a new division, with the court to be held at Jamestown?

Mr. NORTON. Yes.

Mr. BORLAND. How large a place is Jamestown?

Mr. NORTON. It is a city of about five or six thousand.

Mr. BORLAND. Is there a public building there?

Mr. NORTON. There is a public building authorized at Jamestown.

Mr. BORLAND. Is it sufficient for this court?

Mr. NORTON. Yes; I think it is.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, do I understand my friend to intend offering an amendment to put it at another place?

Mr. NORTON. No. I have no such intention. I intended to include in certain judicial divisions described in the bill counties in the State that had been omitted from this bill, that are not mentioned in it at all.

Mr. MANN. The gentleman, I am afraid, has not carefully read the bill.

Mr. NORTON. On the contrary, I have read the bill very carefully, and I desire to say to the gentleman from Illinois that I have taken particular notice of the date—July 1, 1910—when the several divisions of the State is said to have been embraced in certain counties which are named. On that date there were several organized counties in the State which are not taken care of in this bill.

Mr. MANN. Of course, there are a number of counties left out of this bill which are in the existing law. Whether it was done designedly or whether the counties have been abolished I do not know. The gentleman from North Dakota would know. The existing law as it now stands provides:

The territory embraced on the 1st day of July, 1910, in the counties of Burleigh, Stutsman—

Stutsman is out of this bill—

Logan, McIntosh, Emmons, Kidder, Wells—

Out of this bill—

McLean—

Out of this bill—

Adams—

And a number of others. Have these counties been abolished?

Mr. NORTON. It appears from the gentleman's statement that he has not very carefully read the bill.

Mr. MANN. I have read the bill and the law, and I am telling exactly what occurs in both.

Mr. NORTON. Is the gentleman reading from the existing law?

Mr. MANN. I have read from the bill. I have the bill in my hand.

Mr. NORTON. If the gentleman will read line 16, page 2, he will find the counties of Eddy, Wells, Sheridan, and Stutsman.

Mr. MANN. In the central division.

Mr. NORTON. Incorporated in this bill.

Mr. MANN. The gentleman is correct.

Mr. NORTON. Now, I have reference particularly to the counties of Oliver and Mercer, which should be incorporated in the first division—not mentioned in this bill, but they were organized prior to July 1, 1910.

Mr. MANN. Where have they been all the time since then?

Mr. NORTON. The territory included in these counties has not been changed since a date long prior to July 1, 1910.

Mr. MANN. Have they been in a judicial district?

Mr. NORTON. I do not have at hand a copy of the existing law.

Mr. MANN. Well, I have both in my hand. What counties?

Mr. NORTON. Oliver and Mercer.

Mr. MANN. There are no such counties in the law.

Mr. NORTON. Clearly, then, they have been off the United States judicial map, and the omissions in this bill would result in continuing this gross error.

Mr. MANN. I guess they were not on the map at that time. The bill, I think, should go over until we find out.

Mr. YOUNG of North Dakota. If Congress has heretofore overlooked these counties there will be no objection to having them included, because it is very clear they were intended to be included in the district that centers at Bismarck.

Mr. MANN. I think it would be worth while to know, just for curiosity's sake, whether two counties in that great State have been left out, and they have not found it out in less than six years. That is a tribute to the counties, and I am willing to pay a tribute if they have had no litigation to cause them to find out that they were not in any judicial district in the United States, but it is well enough to be certain about it.

Mr. NORTON. If the gentleman has a copy of the existing law and they are not included in that, why, they simply have been left out.

Mr. MANN. I have a copy of this bill with the existing law compared with it.

Mr. TAYLOR of Colorado. Will the gentleman yield for a question?

Mr. YOUNG of North Dakota. I do not understand that the gentleman from North Dakota [Mr. NORTON] is objecting to the consideration of the bill at this time, but he simply wants to have those two counties named.

Mr. MANN. I think we ought to know.

Mr. YOUNG of North Dakota. But the gentleman from Illinois surely has no question as to the location of these two counties?

Mr. MANN. I do think this. I have the utmost of faith in the gentleman from North Dakota, but it is impossible, on the other hand, for me to believe without absolute proof of some kind that we have passed a law which had been in the statute books for six years which did not cover certain counties in a judicial district and nobody had discovered it. My friend from North Dakota has not discovered it, because he did not put it in his bill.

Mr. YOUNG of North Dakota. The counties were not located within the area in which we sought to create the district.

Mr. MANN. I do not think it will hurt to go over a couple of weeks and find out about it.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask that the bill go over.

The SPEAKER. The gentleman objects, and the bill goes over.

TO SIMPLIFY APPEALS AND WRITS OF ERROR AND COSTS THEREOF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10312) relating to appeals and writs of error and costs thereof.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this is a bill I am very anxious to have passed, but the gentleman from Kentucky [Mr. SHERLEY] wanted to be here. Might it go over for five minutes or so?

Mr. CARAWAY. I have no objection. He went out to get a copy of the bill and report a minute ago.

The SPEAKER. The gentleman from Illinois asks to pass this bill temporarily without prejudice. Is there objection? [After a pause.] The Chair hears none.

SECTION 20, ACT TO REGULATE COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 563) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

The Clerk read the title of the bill.

Mr. MANN. There are some gentlemen absent who wish to be heard on this bill and I ask that it go over.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed without prejudice and to keep its place on the calendar. Is there objection? [After a pause.] The Chair hears none.

RED RIVER, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7613) to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Terral Bridge Co., a corporation organized and existing under the laws of the State of Oklahoma, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation at or near Terral, Okla., in the county of Jefferson, in the State of Oklahoma, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendment was read:

Page 1, line 4, at the end of the line, strike out the word "is" and insert, at the beginning of line 5, the words "its successors and assigns be and are."

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman in charge of the bill whether this is designed as a toll bridge?

Mr. FERRIS. I do not think so. The farmers on both sides have raised the money by subscription and are going to build the bridge for their own benefit. It is in my own district.

Mr. STEPHENS of Texas. If it crosses the Red River, one end of it is in Clay County, in my district. That is the reason of my inquiry.

Mr. FERRIS. I have a letter here from Dr. Ewing, who lives at Ewing, and he explains it is a farmers' proposition, so that they can haul their grain across the river there. Terral is a small town on the edge of the river.

Mr. STEPHENS of Texas. In what direction from Terral will this be built?

Mr. FERRIS. South.

Mr. STEPHENS of Texas. Then it is near the crossing of the Rock Island into Texas?

Mr. FERRIS. It must be very near.

Mr. STEPHENS of Texas. I have no objection.

Mr. ADAMSON. I will say to the gentleman from Texas [Mr. STEPHENS] that in the event tolls were ever considered, it is under the jurisdiction of the Secretary of War as to what they shall be, if any.

Mr. STEPHENS of Texas. I understood from the reading that it is a corporation that is building the bridge, and I did not know the kind of a corporation.

Mr. ADAMSON. I should think that they would be willing to pay tolls in order to get into communication with such a good district.

Mr. STEPHENS of Texas. They are both good districts.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPEALS AND WRITS OF ERROR.

Mr. CARAWAY. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 10312.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10312) relating to appeals and writs of error and costs thereof.

Be it enacted, etc., That two or more defendants severally adjudged guilty upon the same trial in any district court of the United States of any criminal offense or offenses charged against them in the same indictment or information, or in the same indictments or informations, may be joined as plaintiffs in error in the same writ of error issued to review the several judgments entered against them adjudging them guilty of and sentencing them for said offense or offenses, and said two or more defendants may unite in the same joint and several assignment of errors intended to be urged in the prosecution of such writ of error, and the court from which such writ of error is sued out shall hear and determine such writ of error on behalf of all and each of the plaintiffs in error named therein as if such joint and several assignment of errors were the separate and distinct assignment of errors of each of such plaintiff in error.

SEC. 2. That the bill of exceptions or certificate of evidence in any civil or criminal case, instead of a copy thereof, may be incorporated into the transcript of record for use in the Supreme Court or the court of appeals by stipulation of counsel for the respective parties or by order of the Supreme Court or of the court of appeals or of the judge or justice signing the citation; and that said bill of exceptions or certificate of evidence shall be returned to the district court after it has served its purpose in the Supreme Court or the court of appeals, or in both the Supreme Court and the court of appeals.

SEC. 3. That whenever any party to any suit or proceeding in any United States court desires to take an appeal or prosecute a writ of error from any judgment or decree of such court rendered in such suit or proceeding to the Supreme Court or a court of appeals, and shall present to the clerk of such United States court where such judgment or decree was rendered a fair copy of the bill of exceptions or certificate of evidence or other papers not of record in such case necessary to be transcribed, the clerk shall, in making up the transcript of the record for such appeal or writ of error, be allowed 3 cents for each 100 words for comparing such copies with the originals or with the record thereof and for correcting any errors in the same, and shall incorporate into such transcript of the record of such appeal or writ of error, such fair copy of the certificate of evidence or the bill of exceptions or other papers not of record in such case.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I just wanted to interrogate the gentleman in charge of the bill about a matter or two. I thoroughly agree with the wisdom of the first section of the bill. The second section undertakes to change the rules touching bills of exceptions. If I understand it, the effect of it would be simply to permit the original bill to be used in the appellate court instead of the copy.

Mr. CARAWAY. That is true.

Mr. SHERLEY. Would it in any way change the rule touching the printing of the transcript?

Mr. CARAWAY. No, sir; it does not. I just examined that matter a minute ago. By consent, the parties in civil matters may have in just one bill of exceptions all their errors incorporated.

Mr. SHERLEY. Does the gentleman quite catch what I mean? I understand that the effect of the bill is to permit the original bill to go up in place of a copy of it; but in addition to that the rules, as I recall them, require the printing of a number of copies of the record. Would this in any way change that rule?

Mr. CARAWAY. No, sir; it would not. It does not change that rule.

I would like to say that I am relying rather strongly on the brief furnished by Mr. Forrest, and on page 3, under the subdivision 2, I think it is rather clearly set out that it does seek to change the rule with reference to the printing of the copy.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill relating to appeals and writs of error and costs thereof."

On motion of Mr. CARAWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF ROCKY MOUNTAIN NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10124) to add to the Rocky Mountain National Park, Colo., certain lands.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SHERLEY. Reserving the right to object, can we have an explanation of the bill?

Mr. TIMBERLAKE. Mr. Speaker, this is a bill to add some small areas to the boundaries of the present Rocky Mountain National Park, as authorized in the Sixty-third Congress. In the arrangement of the boundaries in that bill there were certain special scenic features that were omitted. It was the opinion of the Interior and Agricultural Departments, as expressed, that these features should be included in the Rocky Mountain National Park. Accordingly a bill was drawn in conjunction with these departments to embody those features. That is the purpose of this bill. The features sought to be added to the park are very peculiar scenic features and very desirable to have added. They do not contain valuable timber. In fact, there is nothing included within the provisions of this bill that is sought to be added to the Colorado Rocky Mountain Park except pure scenery.

Mr. SHERLEY. Except the subsequent expense of the Government to build roads, trails, and so forth, to see the scenery.

Mr. MANN. In the limitation there is some suggestion of that.

Mr. SHERLEY. Yes; I wrote it.

Mr. TIMBERLAKE. Of course, we are willing to abide by it.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, I was out in Denver last year, and you can take a pair of field glasses and see pretty much over the entire area of this park. It is a very beautiful piece of ground, and it makes a most delightful suburban park for Denver. Just why Denver should not keep it up I have never quite seen. It is close now with an automobile. It is only two hours' ride, and it is really quite an attraction for Denver. We would be very glad to have a similar one for Louisville and would be glad to maintain it at the expense of the municipality. I was wondering what additional outlay they would expect the Government to make.

Mr. MANN. I know it is very popular from Chicago. I do not know about Denver.

Mr. TIMBERLAKE. Well, it is popular with Denver, and it seems to me it is equally so for the whole country.

Mr. SHERLEY. I quite agree as to the value of national parks; but I take occasion to emphasize something that needs to be emphasized, to the constant, unreasoning propaganda that is going on over the country touching national parks.

Now, here is a park the primary advantage of which is for Denver. It is worth many thousands of dollars to Denver, but Denver does not seem to be disposed to do anything except to have Uncle Sam improve it; so that I think it is wise to emphasize that each time, so that we can understand where the influence comes and where all the articles in the magazines come from touching the development of public parks.

Mr. TIMBERLAKE. I do not represent the city of Denver. I have the honor to represent the second congressional district of Colorado, and I want to say that the Rocky Mountain National Park is considered by the people of the second district, outside of the people of Denver, as a very great asset to that portion of the country and to the United States as well.

Mr. SHERLEY. Of course it is an asset.

Mr. TAYLOR of Colorado. Mr. Chairman, will my colleague yield?

Mr. TIMBERLAKE. Certainly.

Mr. TAYLOR of Colorado. I would like to suggest to the gentleman from Kentucky [Mr. SHERLEY] that the city of Denver has expended something like $500,000 in building roads not only to this park but to the city parks and various mountain resorts around there. That is of benefit to the whole public.

Mr. SHERLEY. Oh, that is not unusual. My city has expended more than that in the development of its park system.

Mr. TAYLOR of Colorado. The State of Colorado is not parsimonious. The city of Denver has spent half a million dollars in the improvement of the roads.

Mr. SHERLEY. That is like many other beautiful pieces of mountain scenery in the West. Now, the particular reason why it was made into a national park was because Denver wanted it.

Mr. TAYLOR of Colorado. It is accessible to the railroads. It is the most accessible national park in the world.

Mr. TIMBERLAKE. I want to say to the gentleman from Kentucky that the people of Denver and of Colorado will not be found wanting in supplying the needed funds for the building of proper roads in that locality if the Government does not do it.

Mr. SHERLEY. How would the gentleman like us to give it to the State of Colorado, following the suggestion of the gentleman from Colorado, that he would be glad to have various and sundry of these lands presented to the State? How would the gentleman like us to give the park to the State?

Mr. TIMBERLAKE. I think the State of Colorado would regard it as a very valuable gift, coming from the United States Government, and would accept it with pleasure.

Mr. FERRIS. As a matter of caution, I suggest to the gentleman from Colorado that he had better not go on record with the Committee on Appropriations on that subject.

Mr. TIMBERLAKE. That was merely a personal opinion of mine.

Mr. TAYLOR of Colorado. I will say, Mr. Speaker, that when the boundaries of this park were originally created, when I had the distinction of passing the bill and being considerably cross-examined by the gentleman from Kentucky [Mr. SHERLEY], the boundaries, while we thought they were as they ought to be at that time, have been discovered to be somewhat defective in that there are two or three mountain peaks there that ought to be included, in order to round out the park. It is only a comparatively small amount of land that remains to be added, and we think it ought to be in.

Mr. FITZGERALD. This does not take in the city of Denver?

Mr. TAYLOR of Colorado. No; it does not take in the city of Denver. This adds to the scenery, and we hope it will pass.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. This bill has three or four pages stricken out.

Mr. TIMBERLAKE. Mr. Speaker, I would like to suggest an amendment on account of a misprint.

Mr. FERRIS. I suggest that the gentleman ask unanimous consent to consider the amendment as distinguished from the part stricken out. It will save time.

The SPEAKER. The gentleman asks unanimous consent to have the amendment read in lieu of the part stricken out by the committee. Is there objection?

There was no objection.

Mr. TIMBERLAKE. On page 5, line 21——

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

On page 5, line 6, add:

"That the eastern boundary line of the Rocky Mountain National Park between the section corner common to sections 2 and 3, township 3 north, and sections 34 and 35, township 4 north, range 73 west, and the township corner common to townships 5 and 6 north, ranges 72 and 73 west, is hereby changed so as to read as follows:

"'Beginning at a point on the present eastern boundary line of the Rocky Mountain National Park, Colo., which is the northwest corner of section 2 and the northeast corner of section 3, township 3 north, range 73 west of the sixth principal meridian, Colorado, running thence east along the township line to its intersection with the main hydrographic divide east of Cow Creek, between section 31, township 4 north, and section 6, township 3 north, range 73 west; thence northwesterly following along said hydrographic divide, passing over Twin Sisters, The Crags, passing west of Lily Lake, and continuing along said hydrographic divide, now between Aspen Brook and Fish Creek and passing over Lily Mountain and Gianttrack Mountain to a point which is the southeast corner of section 34 and the southwest corner of section 35, township 5 north, range 73 west; thence north along the section lines between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, to the quarter corner common to sections 14 and 15, all in township 5 north, range 73 west; thence east along quarter-section line, through sections 14 and 13, township 5 north, range 73 west and along the continuation of said quarter-section line through section 18 to the quarter corner common to sections 18 and 17, township 5 north, range 72 west; thence north along the section line between sections 18 and 17, 7 and 8, 5 and 6, all in township 5 north, range 72 west to that point which is the northeast corner of section 6 and the northwest corner of section 5 in said township and range; thence west along the township line to the township corner common to townships 5 and 6 north, ranges 72 and 73 west, which is on the present eastern boundary line of the Rocky Mountain National Park, Colo.'

"And the lands lying between the present existing eastern boundary and the eastern boundary as changed by this act between said section corner common to sections 2 and 3, township 3 north, and sections 34 and 35, township 4 north, range 73 west, and said township corner common to townships 5 and 6 north, ranges 72 and 73 west, are hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and said tracts are hereby made a part of and included in the Rocky Mountain National Park, and all the provisions of the act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, approved January 26, 1915, are hereby made applicable to and extended over the lands hereby added to the park."

With another committee amendment to amend the title so as to read:

A bill to add certain lands to the Rocky Mountain National Park, Colo.

Mr. TIMBERLAKE. Mr. Speaker, I move to amend, on page 5, line 21, by striking out the word "seventy-three" and inserting the word "seventy-two."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Colorado.

The Clerk read as follows:

Amend the committee amendment on page 5, line 21, by striking out the word "seventy-three" and inserting in lieu thereof the word "seventy-two."

The amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent, the title was amended so as to read: "A bill to add certain lands to the Rocky Mountain National Park, Colo."

On motion of Mr. TIMBERLAKE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT OF THE SENATE FROM JUNE 3 TO JUNE 8.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to consider the following resolution.

The SPEAKER. The gentleman from New York asks unanimous consent to consider a resolution that will be read by the Clerk.

The Clerk read as follows:

House resolution 255.

Resolved, That the House of Representatives consent that the Senate may adjourn from June 3 to June 8, 1916.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, my own opinion is that the proper procedure would have been for the Senate to have requested the House to consent that it take this adjournment.

The SPEAKER. There is no question about that.

Mr. FITZGERALD. As they have not done so, however, it seems to me that the House should at least come to the rescue of the Senate and save it from a violation of a plain provision of the Constitution, which it is perhaps too much to expect Members of the Senate would observe. [Laughter.]

Mr. MANN. Mr. Speaker, I think it is proper to say that this action is taken at the request of a number of the Senators of the United States.

Mr. FITZGERALD. An informal request.

Mr. MANN. True, an informal request.

Mr. FITZGERALD. It seems to me that it would have been proper for the Senate to do it formally, and I hope that if the House ever decides to adjourn for more than three days at a time it will keep in mind this provision of the Constitution, and in a proper, courteous, and legitimate manner ask the consent of the other body, in order that it may keep within the limitations of the Constitution.

Mr. MANN. Mr. Speaker, the gentleman from New York ought not to suggest that the Senate should have notified us in order to obtain this consent, because they did not know they were violating the Constitution when they took the action. [Laughter.]

Mr. FITZGERALD. If the gentleman thinks it advisable, a copy of that provision of the Constitution might be transmitted with this resolution. [Laughter.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

WESTERN AND EASTERN DISTRICTS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11148) transferring the counties of Osage and Pawnee from the western judicial district of the United States court, in the State of Oklahoma, to the eastern judicial district of said court in said State for judicial purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. THOMPSON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Oklahoma objects, and the bill goes over without prejudice.

ELECTRIC LIGHT AND POWER, OAHU, HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6070) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. HOUSTON. This is a bill passed by the Territorial Legislature of Hawaii.

Mr. MANN. I am under the impression that the Senate passed a similar bill——

Mr. HOUSTON. I was just coming to that. This is a bill to extend the rights of the company to extend its electric light and power service over every part of the island of Oahu, it now being limited to Honolulu. A bill identical with this bill reported by the Committee on the Territories has passed the Senate, and that Senate bill is now on the Speaker's table.

Mr. MANN. It has come over this morning, has it?

Mr. HOUSTON. It has come over this morning, and I ask unanimous consent that the House consider the Senate bill in lieu of the House bill.

Mr. RAKER. Do the people of Hawaii favor this legislation?

Mr. HOUSTON. Oh, yes. The Territorial Legislature of Hawaii has passed this bill. It comes here for ratification by Congress.

Mr. RAKER. In addition to that, is there a general feeling in Hawaii favorable to this bill?

Mr. HOUSTON. My understanding is that the people entirely favor it. There is much local demand for it, and also a demand on the part of the Government of the United States.

Mr. RAKER. There are no monopolistic influences back of it?

Mr. HOUSTON. Not at all. It simply extends to all parts of the island of Oahu the franchise that they already have for Honolulu. This will enable them to extend electric light and power service to Fort Schofield and to Fort Kamehameha, and also to the Government plant at Pearl Harbor, where they have no right to extend it now. It is a very great necessity.

Mr. RAKER. Does the company give reasonable rates?

Mr. HOUSTON. The rates are under the control of the public-utilities commission and are fixed by that commission. The bill also contains a provision that the public-utilities commission may require the company to extend its service into any other part of the island where there is a demand for it.

Mr. RAKER. In some of the States there has been some question as to the efficiency of their public-service commissions, that they were not really capable of controlling the rates for these services. Has there been any complaint about that in this case?

Mr. HOUSTON. There has been no complaint of that sort about the Public Utilities Commission of Hawaii.

Mr. RAKER. That commission is absolutely efficient and does control this service, does it? I am in earnest about this.

Mr. HOUSTON. There has never been any complaint whatever in regard to the action of that utilities commission. The people of the island are very much in favor of this legislation, and their legislature have already enacted the law establishing the commission, and it is now in control of all the public-service companies there.

Mr. SISSON. Will the gentleman yield for a question?

Mr. HOUSTON. I yield to the gentleman from Mississippi.

Mr. SISSON. Is the gentleman familiar with the terms of the law as to the power of this commission to regulate rates, to increase or diminish the rates for the sale of electricity for light and power purposes?

Mr. HOUSTON. I can not say that I am familiar with the rates.

Mr. SISSON. I do not mean the identical rights, but power under the bill to raise or lower rates.

Mr. HOUSTON. They have the right to control rates.

Mr. SISSON. The mere passage of a bill of that kind carries with it very little weight, because frequently these things may go through the legislature by certain influences which might not result in protecting the people.

Mr. HOUSTON. I think these things are all safeguarded.

Mr. JOHNSON of Washington. The Public Utilities Commission of Hawaii has the power to increase or lower rates and hold hearings in relation thereto?

Mr. HOUSTON. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee asks unanimous consent to consider the Senate bill of identical tenor in place of the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, S. 5274, as follows:

Be it enacted, etc., That the act of the Legislature of the Territory of Hawaii entitled "An act amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii," is hereby ratified, approved, and confirmed, and section 1 of act 48 of the Laws of 1903 of the Territory of Hawaii, as amended and approved by the act of Congress approved April 21, 1904 (now section 836 of the Revised Laws of Hawaii, 1915), is hereby amended by striking therefrom the following:

"(b) 'Honolulu,' or 'district of Honolulu,' shall refer to, include, and mean all of that portion of the island of Oahu included in the taxation, educational, and judicial district now defined by law as 'Honolulu district' or the 'district of Honolulu.'"

SEC. 2. That section 2 of act 48 of the Laws of 1903 of said Territory (section 837 of the Revised Laws of Hawaii, 1915), as amended and approved by the act of Congress approved April 21, 1904, is hereby further amended to read as follows:

"Electric power manufacture, sale, etc.: The right is hereby granted to the Hawaiian Electric Co. (Ltd.) as a body corporate under that or such other name as the said company may hereafter adopt, and its successors and assigns, to manufacture, sell, furnish, and supply electric light, electric current, or electric power on the island of Oahu, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which it or they may deem advisable, and from time to time, for the purposes above mentioned, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to the consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said island of Oahu and to connect the said lines, wires, and conductors with any manufactory, private or public building, lamp, lamp-post, or other structure or object with the place of supply."

SEC. 3. That section 3 of act 48 of the Laws of 1903 of said Territory, as approved by the act of Congress approved April 21, 1904 (now section 838 of the Revised Laws of Hawaii, 1915), is hereby amended so as to read as follows:

"Power houses, etc.: Said company shall also have the right to maintain and operate its present light and power station on the corner of Halekauwila and Alakea Streets, in Honolulu, said island of Oahu, and also to construct, maintain, and operate, at such points as may from time to time be necessary, light and power stations or houses, or such other buildings and structures as may be necessary and proper, and to use machinery therein for the purposes of the company."

SEC. 4. That said act 48 of the Laws of 1903 of said Territory, as amended and approved by the act of Congress approved April 21, 1904, is hereby further amended by adding a new section thereto to be known as section 15A (said to be known as section 860A of the Revised Laws of Hawaii, 1915), and reading as follows:

"This franchise, and the person or corporation holding the same, shall be subject as to reasonableness of rates, prices, and charges, and in all other respects to the provisions of chapter 128 of the Revised Laws of Hawaii, 1915, creating a public utilities commission, and all amendments thereof, for the regulation of the public utilities in said Territory, and all the powers and duties expressly conferred upon or required of the superintendent of public works or the courts by said act creating said franchise are hereby conferred upon and required of said public utilities commission."

SEC. 5. That the public utilities commission of the Territory of Hawaii is hereby granted the power to order the Hawaiian Electric Co. (Ltd.), its successors or assigns, to make extensions of its service lines within the island of Oahu, whenever it shall be made to appear that said extension is a public necessity and that said extension or extensions can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided*, That all orders of the public utilities commission herein provided for shall be subject to review by the courts of said Territory.

SEC. 6. That Congress, or the Legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HOUSTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill H. R. 6070 was laid on the table.

PUBLIC-UTILITY FRANCHISES IN HAWAII.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 14071) to amend certain public-utility company franchises in the Territory of Hawaii.

The Clerk read the bill, as follows:

Be it enacted, etc., That each and every public-utility company operating within the Territory of Hawaii under any franchise or charter heretofore approved or granted by the Congress of the United States shall, within one month after the expiration of each calendar year, pay to the treasurer of the county in which said company operates such per centum of the gross receipts of said company for the preceding calendar year as its franchise now requires it to pay to the Territory of Hawaii.

SEC. 2. That all acts and parts of acts inconsistent with this enactment are hereby repealed.

Mr. MANN. Will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. MANN. I understand from the report in this case that the purpose of the bill is to have paid to the counties the per centum of the gross receipts which are now paid to the Territory.

Mr. HOUSTON. That is the object of the bill.

Mr. MANN. Let us see whether that is what it does. The bill says "shall pay to the treasurer of the county in which said company operates such per centum of the gross receipts of said company for the preceding calendar year as its franchise now requires it to pay to the Territory of Hawaii."

It does not seem to me that that is what it means, that it shall pay the percentage which it now pays to the Territory and pay the same amount to the counties. "Shall pay such per cent of the gross receipts." That is merely assigning the amount.

Mr. HOUSTON. The object of the bill and a fair construction of the language would seem to be that this per centum that is now required by the franchise to be paid into the Territorial treasury shall be paid into the county treasury.

Mr. MANN. I think a fair construction of it is that 2 per cent—if that is what it is—shall be paid to the county. If the gentleman means that they shall pay "the" per centum, he had better say so. "The per centum" is definite language.

Mr. NORTON. Will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. NORTON. Is it intended by this bill that there shall be paid into each county the per centum on the mileage of the company that is operated in a certain county? If the company operates in two or more counties——

Mr. MANN. It does not, because each island is a county. No island is divided into counties.

Mr. HOUSTON. That is correct; each island is a county.

Mr. MANN. I believe the city of Honolulu—it may be that it is a county—takes in the Midway Islands, 2,000 miles away. I think it is safe to say that no public-utility company operates over in the Midway Islands from Honolulu.

Mr. NORTON. I did not know that; reading the bill, if the company operated in two counties it would look as if it had to pay twice.

Mr. HOUSTON. The county of Honolulu takes in all of the island of Oahu, and that constitutes the county, with the addition of some small islands.

Mr. MANN. My information comes from Mayor Lane, who was mayor of Honolulu. I understand Honolulu takes in a number of little islands not organized by themselves.

Mr. HOUSTON. Adjacent to it.

Mr. MANN. One is 1,500 or 2,000 miles away.

Mr. NORTON. That is not much in that country of magnificent distances.

Mr. MANN. Possibly it will be clear if you change the word "such" to "the." It seems to me the present language means simply the definition of the amount.

Mr. HOUSTON. I am convinced that it was the intention of the Territorial legislature, from the hearings on the bill and information we have from the residents of Hawaii, some of

whom have been before the committee in support of the bill. I think if the bill is subject to the construction the gentleman speaks of it ought to be amended. I was going to say that we have a Senate bill identical with this which has passed the Senate, and I was going to ask unanimous consent to substitute that bill.

Mr. MANN. If the gentleman thinks it is sufficient, I will not raise any question about that part of it. I could not tell from the reading of the bill just what it meant. I would like to ask the gentleman a question. This is for the purpose of ratifying and approving an act of the legislature. In a number of these cases they say they ratify and approve the act of the legislature, but it does not pretend to do that here. What is the distinction in these bills where you purport to ratify the action of the legislature? In the bill just passed you sought to ratify the act of the legislature, and in this you do not make any reference to it.

Mr. HOUSTON. This is not a bill especially to ratify the act of the Territory of Hawaii. This is more general in its purpose. The Territory of Hawaii passed two bills relative to two different franchises, and in each one there was a provision similar to this. The intention of this bill is to ratify those two bills, also to provide that all franchises authorized of a similar character shall be subject to this provision. Since these two bills were passed by the legislature they have passed two other bills of the same purport with the same conditions.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask that the bill S. 5776, of identical language, be substituted in lieu of this bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that Senate bill 5776 be substituted for this. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That each and every public-utility company operating within the Territory of Hawaii under any franchise or charter heretofore approved or granted by the Congress of the United States shall, within one month after the expiration of each calendar year, pay to the treasurer of the county in which said company operates such per centum of the gross receipts of said company for the preceding calendar year as its franchise now requires it to pay to the Territory of Hawaii.

SEC. 2. That all acts and parts of acts inconsistent with this enactment are hereby repealed.

Mr. MANN. Mr. Speaker, this is a Senate bill. I am not going to be captious about it, but I move to strike out the last word for the purpose of calling attention to one thing. I do not know who drew the bill, but evidently some one connected with the Territory of Hawaii. No one connected with Congress drew it. Section 2 provides "that all acts and parts of acts inconsistent with this enactment are hereby repealed." It means the same thing as if they had used the word "act," of course.

Mr. HOUSTON. Where is that?

Mr. MANN. Section 2. I refer to the word "enactment," which is used instead of "act." It means the same thing. It is because such things are formal and that we know the form that we let them pass without scrutiny. They all ought to be in the same form. I withdraw the pro forma amendment.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HOUSTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

HONOLULU GAS CO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3085) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, this is a bill identical with the one passed with regard to the electric-light franchises, only it applies to gas—the Honolulu Gas Co. (Ltd.). The provisions are the same, and the purport is the same. The demand for this is much more universal throughout the country, because gas is used for cooking purposes, and the measure is more imperative in that respect.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. COX. Does the public-utilities commission in the Territory of Hawaii fix the price of gas to the consumer?

Mr. HOUSTON. They fix the price on the products of all public-service corporations. They have that right now.

Mr. COX. Do they actually fix the price of gas to the consumer?

Mr. HOUSTON. They have the power to fix it.

Mr. COX. Is not that far in advance of the work of the public-utilities commissions in this country generally?

Mr. HOUSTON. There are some provisions in these measures that are progressive.

Mr. COX. I think that must be so. I am heartily in favor of that.

Mr. MANN. One of the provisions of the original law put the power in the hands of what I think they called the superintendent of public works, but since that time they have created a public-utilities commission, and one of the purposes of this bill is to give the public-utilities commission power which, under the orginal act, was authorized by the superintendent of public works.

Mr. HOUSTON. Except I suggest this, that the public utilities commission has powers that the superintendent of public works did not have. They go further and fix the price beyond any authority given him.

Mr. MANN. I understand.

Mr. COX. I am not criticizing the measure, but it looks to me as though they are making much more progress in the Territory of Hawaii than we are in this country with our public-utilities commissions.

Mr. MANN. We are getting public-utilities commissions in almost every State.

Mr. COX. That is true. In the city of Chicago, does the Public Utilities Commission of the State of Illinois fix the price of gas to the people of the city of Chicago?

Mr. MANN. There is a dispute in the city of Chicago as to whether the public-utilities commission has jurisdiction or the city council. I believe the public-utilities commission not only claims jurisdiction, but has jurisdiction under our State law. There is a good deal of opposition to that in Chicago, by the way.

Mr. COX. Then there is some power in the State of Illinois which does fix the price of gas to the consumers in the city of Chicago?

Mr. MANN. Oh, certainly. The city council has the power, subject, of course, to review by the courts, and there is a case pending in the courts there now.

Mr. COX. Has the Public Utilities Commission in the city of Washington power to fix the price of gas to the consumer?

Mr. MANN. Yes.

Mr. COX. Are they doing it?

Mr. MANN. Recently the price of electric light, I think, was reduced through voluntary action on the part of the company, after obtaining an order from the Public Utilities Commission.

Mr. OGLESBY. I will say to the gentleman the Public Utilities Commission of New York has the right to fix the price of gas, electricity, and so forth.

Mr. HOUSTON. I suggest to the gentleman from Indiana this Public Utilities Commission of Hawaii has the right to require companies to extend their lines out where there is a demand for them.

Mr. COX. I am in full sympathy with it, but I was referring to the progress Hawaii was making.

Mr. RAKER. Will the gentleman yield for a question?

Mr. HOUSTON. Yes, sir.

Mr. RAKER. The third section of this bill is intended to cover the act of the Territorial Legislature of Hawaii that has been passed since this bill was introduced, is it not?

Mr. HOUSTON. What is the gentleman's question?

Mr. RAKER. I asked if this third section, which is an amendment to the bill, is intended to comply with the public utilities act that the Territorial Legislature of Hawaii lately passed?

Mr. HOUSTON. Yes, sir; that is an amendment that was put upon this bill by the House.

Mr. RAKER. For that purpose?

Mr. HOUSTON. For that purpose.

Mr. RAKER. Will the gentleman yield for another question?

Mr. HOUSTON. Yes, sir.

Mr. RAKER. This law is desired by the citizens and the people generally of Hawaii?

Mr. HOUSTON. We so understand it.

Mr. RAKER. And there is no monopoly?

Mr. HOUSTON. The representative of the people, the Delegate from Hawaii, favors it and the people who have been before the committee in the hearings favor it.

Mr. RAKER. I am asking it so that it may appear in the RECORD if the people of Hawaii are in favor of this legislation, and that it will not give to the company a monopoly but will give the people a chance to get their material?

Mr. HOUSTON. The committee has reported this bill with just the terms and provisions in it that there are in response to the demands of the representatives of the people of the Territory of Hawaii.

Mr. RAKER. It will at least protect the interests of the people of Hawaii?

Mr. HOUSTON. That is the intention, certainly.

Mr. SISSON. Will the gentleman yield?

Mr. HOUSTON. I will.

Mr. SISSON. These privileges are not exclusive, are they?

Mr. HOUSTON. Not at all.

Mr. SISSON. Anybody else can organize——

Mr. HOUSTON. None are exclusive, and Congress has the power and right to repeal and change any provision afterwards.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to consider the Senate bill, which is identical with this, in lieu of the House bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Senate bill of like tenor be considered in lieu of the House bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the Senate bill, as follows:

A bill (S. 5658) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii.

Be it enacted, etc., That the act of the Legislature of the Territory of Hawaii entitled "An act amending the franchise held by the Honolulu Gas Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii," is hereby ratified, approved, and confirmed, and section 1 of act 30 of the Laws of the Territory of Hawaii, 1903, as amended and approved by an act of Congress April 21, 1904 (section 905 of the revised laws of Hawaii, 1915), is hereby amended to read as follows:

"SECTION 1. Manufacture and supply: W. W. Dimond, of Honolulu, island of Oahu, Territory of Hawaii, his associates, successors, and assigns or such corporation as he or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as W. W. Dimond), are hereby authorized and empowered to manufacture and supply gas for use as a fuel, for illuminating purposes, and otherwise, in Honolulu, which, for the purpose of this charter, shall be held to include all of the island of Oahu."

SEC. 2. That said act 30 of the laws of 1903 of said Territory as amended and approved by an act of Congress approved April 21, 1904, is hereby further amended by adding a new section thereto to be known as section 7A (and to be known as section 911A, revised laws of Hawaii, 1915), and reading as follows:

"The franchise and the person or corporation holding the same shall be subject as to reasonableness of rates, prices, and charges, and in all other respects to the provisions of chapter 128 of the revised laws of Hawaii, 1915, creating a public-utilities commission and all amendments thereof for the regulation of the public utilities in said Territory, and all the powers and duties expressly conferred upon or required of the superintendent of public works or the courts of said act creating said franchise, are hereby conferred upon and required of said public-utilities commission and any commission of similar character that may hereafter be created by the laws of said Territory."

SEC. 3. That the public-utilities commission of the Territory of Hawaii is hereby granted the power to order the Honolulu Gas Co. (Ltd.), its successors or assigns, to make extensions of its service lines within the island of Oahu whenever it shall be made to appear that said extension is a public necessity and that said extension or extensions can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided*, That all orders of the public-utilities commission herein provided for shall be subject to review by the courts of said Territory.

SEC. 4. That Congress or the Legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HOUSTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The House bill (H. R. 3085) of similar tenor will lie on the table.

STREAMS, SPRINGS, AND WATER HOLES, CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 1351) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have it go over.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill retain its place——

The SPEAKER. It retains its place under the agreement of to-day.

Mr. RAKER. Mr. Speaker, I hoped the gentleman could see his way clear to withdraw his objection.

PUBLIC LANDS FOR CEMETERY AND PARK PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11162) to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes, approved September 30, 1890, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, under section 3 of this bill, beginning—

That any county or incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to select and acquire title to not exceeding 640 acres of nonmineral public land—

And so forth, do they have to pay anything for it?

Mr. TAYLOR of Colorado. Yes, sir; they have to pay $1.25 an acre.

Mr. MANN. Where does it say that?

Mr. TAYLOR of Colorado. In section 2.

Mr. MANN. That relates to another matter. The gentleman would say in section 1, but that relates to another matter.

Mr. TAYLOR of Colorado. Section 1, line 3, page 2:

That any incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase, at a dollar and a quarter an acre, for cemetery or sewerage purposes.

Then there is the next one, section 2:

That any incorporated city or town shall have the right to select and acquire, under rules and regulations prescribed by the Secretary of the Interior, at a dollar and a quarter an acre, not exceeding 640 acres of nonmineral lands not reserved for public use other than for a forest reserve necessary and useful for the protection of the water supply.

And so forth.

Mr. MANN. Oh, well, it has been some time since the gentleman introduced this bill and he does not remember what is in it. There is no such provision in the bill. Evidently the gentleman intended there should be one or he would not have the supposition now that there had been one.

Mr. TAYLOR of Colorado. Well, the bill——

Mr. MANN. So taking the gentleman's intent as to what he meant, will he offer an amendment to provide that they shall pay a dollar and a quarter an acre for the land?

Mr. TAYLOR of Colorado. Yes; I will accept that amendment, certainly. I may say to the gentleman from Illinois that the gentleman readily knows the bill has been reported out a number of times and this bill as it is written now is an Interior Department bill. It is a bill that is to supersede the present law, because the present law has become entirely obsolete.

Mr. MANN. Oh, well, the present law—there is no such law on the subject as section 3.

Mr. TAYLOR of Colorado. That is true. It is to extend the present law, and it is also to make a general provision whereby a county can get a part of this land as well as a city. There are a number of places where a county wants outing places and where several counties want to get together and have outing places. There is no law on the subject for a county, but there is for incorporated towns, and there are no public lands left any more that are suitable for a park within 3 miles of any town; and this is simply to allow them to go outside of that limit and select a site for a public outing place.

Mr. MANN. I have no objection to that whatever; but the question is whether they should pay $1.25 an acre for the land so as to add to the reclamation fund. I am very solicitous about the amount of money in the reclamation fund.

Mr. TAYLOR of Colorado. Personally, I would rather they would not do it, but I would not object to an amendment of that kind going in.

Mr. MANN. Let us see where it would go in.

Mr. TAYLOR of Colorado. We could put a proviso at the close of section 3, providing that such lands shall be paid for at the rate of $1.25 an acre. That would cover it.

Mr. MANN. You might put it in after the word "title" in line 19, on page 2, or after the word "to" in line 20, "to select and acquire title to, at $1.25 per acre, not exceeding 640 acres." Is the gentleman willing to accept that?

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. All right. I have no objection to the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the act of Congress approved September 30, 1890, entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes" (26 Stat. L., 502), be, and the same is hereby, amended to read as follows:

"That any incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase, at $1.25 an acre, for cemetery or sewerage purposes, not exceeding one quarter section of nonmineral public lands not reserved for public use other than for a forest reserve, such lands to be located within 5 miles of the city or town applying therefor.

"SEC. 2. That any incorporated city or town shall have the right to select and acquire, under rules and regulations prescribed by the Secretary of the Interior, at $1.25 an acre, not exceeding 640 acres of nonmineral public lands not reserved for public use other than for a forest reserve necessary or useful for the protection of the water supply of said city or town, such lands to be located within 20 miles of the city or town applying therefor.

"SEC. 3. That any county or incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to select and acquire title to not exceeding 640 acres of nonmineral public lands not reserved for public use other than for a forest reserve for public-park purposes, such lands to be within the exterior limits of the county or within 30 miles of the incorporated city or town applying therefor: *Provided*, That any such selection and grant for public-park purposes shall be upon the express condition that the county, city, or town shall construct and maintain a substantial and permanent wagon and automobile road to the exterior limits of such public park, and in the case of the incorporated city or town such road shall extend from the city or town in question to the exterior limits of the public park.

"SEC. 4. That all patents issued under the provisions of this act shall contain the stipulation and reservation that the lands shall revert to the United States in case the county, city, or town shall fail to comply with the conditions herein expressed, shall fail to occupy or use the lands for the purpose granted, or shall attempt to sell or dispose of the same: *Provided*, That selections under this act for lands within forest reserves shall be subject to approval by the Secretary of the Interior."

Also the following committee amendments were read:

Page 2, in lines 23 and 24, strike out the words "or within 30 miles of the incorporated city or town applying therefor" and insert "applying therefor, and when such application is made by any incorporated city or town, such lands to be within the exterior limits of the county in which it is situated and within 30 miles of such city or town."

Page 3, line 19, amend by striking out the words "the Interior" and insert the word "Agriculture."

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

Mr. TAYLOR of Colorado. Mr. Speaker, I suggest to the gentleman from Illinois [Mr. MANN] that the idea of the Interior Department and the Public Lands Committee was that by compelling these towns to build good highways from the cities or towns to the parks that they would expend quite a large amount of money; and also in improving these sites and in building highways and automobile roads through them, when they were some distance from the town, they would thereby be expending as much money as they ought to, and they would have to make that expenditure before the Interior Department would give them a title. I think that Secretary Lane personally did not care anything about the $1 25 an acre; that he wanted the sites improved for outing places for the public; and if the towns were compelled to expend probably ten times the amount of money in improving and beautifying the grounds, the Government could very well afford to relieve them of the expense of paying $1.25 an acre. That was the reason I left out the purchase price. I do not think the towns ought to be compelled to pay the Government $1.25 per acre for worthless land for a park for the use of the public.

Mr. MANN. Well, it is perfectly evident that if you start in on that principle the towns will want enough land on the basis of $1.25 an acre, which they do not expect to pay, to be equivalent to the amount which they pay for the improvement of roads, the roads being constructed for their own benefit, and we would soon be asked to donate the whole public domain. These are nominal, and I think we ought to maintain the nominal amount when we donate the lands to the municipalities. It is the only possible check we have.

I move to amend by inserting, in line 20, page 2, after the word "to," "at $1.25 per acre."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE FOR HOMESTEAD SETTLERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1066) authorizing leave of absence to homestead settlers upon unsurveyed lands.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object——

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion? The gentleman from Illinois will remember that at my request the House some time ago passed this identical bill, and it went over to the Senate. It was my bill. After it reached the Senate our attention was called to the fact that the Senator from Montana had a few days prior passed a similar bill through the Senate, and it had come over here and was lying on the Speaker's table, apparently. We did not know anything about it. So the Senate called our attention to the practice of the two Houses, and that we ought to recede and take up and pass the Senate bill, because it had passed the Senate before our House bill had passed the House. Thereupon we had the bill referred to the Committee on the Public Lands, and the committee authorized me to report out the Senate bill, which I have done in exactly the same language. I desire to now pass this same bill again and send it over to them again.

Mr. MANN. Well, let us see now. I supposed the gentleman carefully examined the Senate bill.

Mr. TAYLOR of Colorado. There is one difference between my bill and the Senate bill, and we have amended this Senate bill to conform to the bill the way we passed it before.

Mr. MANN. There is one here in the Senate bill that does not mean anything. Let us see what the Senate bill says. They are quite different, so far as that is concerned. This is what I want to ask about; I may be wrong, but these things always get me mixed up. I read:

Provided, That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed of the period of intended absence.

I guess that is right.

Mr. TAYLOR of Colorado. If the gentleman will take the amendment that is in my report, I think he will find it is all right.

Mr. MANN. Has the gentleman got a star print of this bill?

Mr. TAYLOR of Colorado. I am not sure that I know what you call a star print.

Mr. MANN. Has it a star below it? The gentleman reported it with some amendments. They are not printed in the copy of the bill that I have.

Mr. TAYLOR of Colorado. They are not printed in the copy of the bill I have here, either.

Mr. MANN. That is what I am trying to find out about. Let us find out what the bill is before us. Here is a bill reported with a number of amendments, but the copy of the bill in the Clerk's hands has not any amendments in it. Theoretically it may be the fault of the printing clerk, but it is not actually the fault of the printing clerk, because when a bill is reported with committee amendments there will always be a copy of the bill with amendments inserted in the bill for the benefit of the printing clerk.

Mr. TAYLOR of Colorado. The only difference between the Senate bill and the House bill is that the period of absence provided—five months each year—may be taken at two separate times instead of all at one time. Under the present three-year homestead law that we passed a leave of absence of five months is allowed each year. After that we passed a bill allowing a man to take his five months' leave of absence in two periods. He might want to stay away two months at one time and three months at another time. The way the Senate passed this bill was in accordance with the old three-year homestead provision of five months' continuous leave of absence. The House modified that in accordance with the bill I prepared, allowing the entryman to take his leave of absence in two different sections as desired. That is the only change that we reported out, and that is a beneficial provision and ought to remain in the bill the way it passed this House before.

Mr. MANN. That change is not indicated in the copy that the Clerk has in his hands. I know why. Whoever actually reported the bill, I will not say theoretically, did not correct it.

Mr. TAYLOR of Colorado. I will say that actually and theoretically I reported it, so that if there is any fault it is mine, because I introduced the bill in the House and reported it from the committee, and had charge of it in the House, and I have again reported this bill, which is Senator MYERS's bill.

Mr. MANN. The gentleman is old enough and wise enough as a Member of the House to have known how to do it correctly, and he did not do it correctly.

Mr. TAYLOR of Colorado. I think I did do it correctly.

Mr. MANN. The proof of the pudding is in the eating. Here is the bill. If it were passed as the gentleman reported it to the House, the gentleman's amendment would not be in it.

Mr. TAYLOR of Colorado. My report clearly shows what the committee did.

Mr. MANN. If the Clerk were bound to read all the reports of committees filed in this House we would have to get a number of extra clerks and pay them higher salaries. I have discovered now what the gentleman wants to do. I could not tell in the first place. I have no objection if he wants to offer an amendment.

Mr. TAYLOR of Colorado. I will offer this committee amendment so as to make it conform to what the committee intended. Mr. Speaker, have we passed the unanimous-consent stage?

The SPEAKER. No. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc. That any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed unreserved unappropriated public lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a continuous leave of absence from the land settled upon by him for a period not exceeding five months in each year after establishment of residence: *Provided*, That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

Mr. TAYLOR of Colorado. Mr. Speaker, I move to amend by striking out, on line 7, the words "continuous leave," and all of line 8, and, in line 9, the words "not exceeding" and inserting in lieu thereof the words "leave of absence in one or two continuous periods not exceeding in the aggregate." That will appear in the report.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Colorado.

The Clerk read as follows:

Amend, on page 1, by striking out, in line 7, the words "continuous leave," all of line 8, and, in line 9, the words "not exceeding" and inserting "leave of absence in one or two continuous periods not exceeding in the aggregate."

Mr. TAYLOR of Colorado. Mr. Speaker, I move the adoption of the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

PERMITS, EXCURSIONS ON PASSENGER STEAMERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13831) to amend section 4464 of the Revised Statutes of the United States relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. McLAUGHLIN. Mr. Speaker, reserving the right to object, I would like to call the attention of the gentleman in charge of the bill to the portion beginning on page 2, line 18, where a penalty for violation of the act, for carrying a greater number of passengers than is permitted by the certificate of inspection, makes the owner or master liable to a suit by any individual. It reads:

SEC. 4465. It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection, and for every violation of this provision the master or owner shall be liable to any person suing for the same to forfeit the amount of passage money and $10 for each passenger beyond the number allowed.

The bill provides also, on page 3, for a penalty of $100 or imprisonment for not more than 30 days or both. Is it wise to have in this law a provision for suits by individuals against the owner of a ship to recover a $10 penalty or any penalty?

Mr. GREENE of Massachusetts. That is the existing law.

Mr. McLAUGHLIN. Should it be permitted to remain so in the judgment of the gentleman in charge of the bill?

Mr. ALEXANDER. If the gentleman will permit, I will read the existing law. Section 4465—is that the section to which the gentleman refers?

Mr. McLAUGHLIN. Yes.

Mr. ALEXANDER. That section reads:

SEC. 4465. It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection, and for every violation of this provision the master or owner shall be liable to any person suing for the same to forfeit the amount of passage money and $10 for each passenger beyond the number allowed.

That is the existing law.

Mr. McLAUGHLIN. This bill proposes to amend that section; and why not amend it by striking out the portion which gives to individuals the right to sue? That imposes the burden of a suit on each individual, if he chooses to sue. Why not leave the punishment for the violation of this act in the hands of the Federal authorities and make the punishment fit the crime?

Mr. ALEXANDER. This has been the law for a long while. We have never had any complaint of its abuse, and the committee were not disposed to disturb it.

Mr. McLAUGHLIN. Would it not be well to strike out everything after the word "and" following the word "inspection," in line 22, page 2, down to the end of line 2 on page 3, and then let follow the next four lines, which read as follows:

The master or owner of the vessel, or either or any of them, who shall knowingly violate this provision shall be liable to a fine of not more than $100 or imprisonment of not more than 30 days, or both.

I have never thought it a good idea to leave the enforcement of a law in the hands of individuals, or to have the law so framed as to permit an individual to profit by a suit for violation of a law. If an individual suffers loss or damage, he has a right to bring a civil action to recover; but is it wise to provide for suits by individuals to recover a penalty for the purpose of assisting in enforcement of a law?

Mr. ALEXANDER. As I have said, that whole matter was discussed in the committee, and the committee were unanimously of the opinion that there was no occasion to change the existing law. For that reason the amendment was not made.

Mr. McLAUGHLIN. Did the committee consider the particular matter which I am calling to the attention of the gentleman now?

Mr. ALEXANDER. Oh, yes, indeed.

Mr. McLAUGHLIN. And the committee considered it a wise provision to give individuals the right to sue?

Mr. ALEXANDER. Yes; and the fact that there is no complaint of the law ever having been abused was an additional reason why the committee thought it was well to let it remain.

Mr. McLAUGHLIN. That right to sue for a penalty might be exercised by the very individuals who were received on the boat in excess of the number provided by the certificate of inspection. They might, perhaps, profit by their own fault in going aboard.

Mr. ALEXANDER. Surely the gentleman can not take the position that every passenger who goes aboard a vessel is at fault if he fails to ascertain whether it is overloaded.

Mr. COX. This simply makes it doubly safe, as far as the passengers are concerned.

Mr. ALEXANDER. This legislation grew out of the *Eastland* disaster, and our effort was to make the law in many respects more stringent, or rather to make it such as better to insure safety of life. The gentleman is familiar with the facts as to the *Eastland* disaster?

Mr. McLAUGHLIN. Yes.

Mr. ALEXANDER. We saw no occasion to change this part of the statute.

Mr. McLAUGHLIN. If the committee wished to make this law more drastic, the amount of the fine could be increased. The amount of fine provided is only $100, and the imprisonment is only 30 days. It would seem to me that if you wish to make it more drastic you should increase the amount of fine or the jail sentence; but as I look at it now I do not like the

idea of giving the right to each and every individual on a boat to bring suit against the master. There may be thousands of them. I do not think, as a principle, that individuals ought to undertake the enforcement of a criminal statute and to profit by suits brought for the violation of a statute.

Mr. ALEXANDER. That has been the law for many, many years. I think it is in the revision of 1878, and it never has been disturbed. The committee saw no occasion to amend the law in this regard. It has never been abused, and for that reason we thought it unwise to change it.

Mr. McLAUGHLIN. Now that it is brought to the gentleman's attention, will he not consent to an amendment such as I suggest?

Mr. ALEXANDER. No; I would rather strike out the other penalty than that one.

Mr. HARDY. Will the gentleman allow me to make a suggestion there?

Mr. McLAUGHLIN. Yes.

Mr. HARDY. This whole matter came up at the instance of the department, for the reason that the law as it stood applied only to steamships and not to vessels propelled by other motive power. Consequently the word "steamboat" was stricken out and the other word inserted. There was no complaint against this provision. There was one giving the passenger the right to bring a civil action. Then there is the other section imposing a fine. That was put there so that if no passenger complained the officials themselves might enforce the law in another proceeding.

Mr. McLAUGHLIN. I wish to see this law made just as good as it can be, but I do not like that provision.

Mr. HARDY. As it is it enables the passenger to enforce it by a suit if he sees proper; and if no passenger will do it, then the public officials may proceed.

Mr. McLAUGHLIN. Why should it be necessary that there be any power behind the officials to compel them to enforce the law? They ought to be regardful of their duty and active in the enforcement of the law anyway.

Mr. HARDY. The great *Eastland* disaster was caused by somebody being inactive in the performance of his duty, and we do not want to take away any vitality that there is in the law.

Mr. McLAUGHLIN. There was no lack of activity on the part of the officials after the disaster occurred. But the activity ought to be before and at the time the ship is being loaded.

Mr. ALEXANDER. When the committee were called upon to strengthen and correct the law we did not feel that we wanted to weaken it. Under the existing law the local inspectors may determine how many passengers a steamer may carry, and there is no appeal from their decision. Section 1 of this bill provides that they may fix the number, but shall report the number to the supervising inspector, who may approve or disapprove of their action. We amend the existing law in the interest of greater safety to life.

Mr. McLAUGHLIN. I shall not object to the bill, but I have called attention to this feature, as I thought it might have been overlooked. It does not seem to me to be just right.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4464 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4464. The board of local inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodation for and can carry with prudence and safety. They shall report their action to the supervising inspector of the district, who may at any time order the number of such passengers decreased, giving his reasons therefor in writing, and thereupon the board of local inspectors shall change the certificate of inspection of such vessel to conform with the decision of the supervising inspector. Whenever the allowance of passengers shall be increased by any board of local inspectors such increase shall be reported to the supervising inspector of the district, together with the reasons therefor, and such increase shall not become effective until the same has been approved in writing by the supervising inspector."

SEC. 2. That section 4465 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4465. It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection, and for every violation of this provision the master or owner shall be liable to any person suing for the same to forfeit the amount of passage money and $10 for each passenger beyond the number allowed.

"The master or owner of the vessel, or either or any of them, who shall knowingly violate this provision shall be liable to a fine of not more than $100 or imprisonment of not more than 30 days, or both."

SEC. 3. That section 4466 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4466. If any passenger engages in excursions, the board of local inspectors shall issue to such steamer a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried and the number and kind of life-saving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions: *Provided, however*, That the issuance of such special permit shall be reported by the board of local inspectors to the supervising inspector of the district, and such special permit shall not be effective until approved by the said supervising inspector."

The following committee amendments were read:

Add, on page 3, line 8, after the word "passenger," the word "vessel"; and strike out on page 3, line 10, the word "steamer" and insert the word "vessel."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GREEN of Massachusetts, a motion to reconsider the vote whereby the bill was passed was laid on the table.

APPEALS FROM DECISIONS OF BOARDS OF LOCAL INSPECTORS OF VESSELS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13223) to provide for appeals from the decisions of boards of local inspectors for vessels, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent to consider the bill in the House as in Committee of the Whole? Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever any person directly interested in or affected by any decision or action of any board of local inspectors of vessels shall feel aggrieved by such decision or action he may appeal therefrom to the supervising inspector of the district; and a like appeal shall be allowed from any decision or action of a supervising inspector to the Supervising Inspector General, whose decision, when approved by the Secretary of Commerce, shall be final: *Provided, however*, That application for such reexamination of the case by a supervising inspector or by the Supervising Inspector General shall be made within 30 days after the decision or action appealed from shall have been rendered or taken: *And provided further*, That in all cases reviewed under the provisions of this act where the issue is the suspension or revocation of the license of a licensed officer such officer shall be allowed to be represented by counsel and to testify in his own behalf.

SEC. 2. That whenever there shall be a disagreement between the local inspectors in regard to any matter before them for decision they shall report the case to the supervising inspector of the district, who shall investigate and decide the same; and any supervising inspector may within 30 days thereafter, upon his own motion, review any decision or action of any board of local inspectors within his district and in like manner the Supervising Inspector General may within 30 days thereafter review any decision or action of any supervising inspector or board of local inspectors, and the decision of the Supervising Inspector General in such case shall, when approved by the Secretary of Commerce, be final.

SEC. 3. That any decision or action reviewed by the Supervising Inspector General or by any supervising inspector, as provided in sections 1 and 2 of this act, may be revoked, changed, or modified by such reviewing officer, who shall have power to administer oaths and to summon and compel the attendance of witnesses by a similar process as in the district courts of the United States; and the disbursing clerk, Department of Commerce, shall pay, on properly certified vouchers, such fees to any witness so summoned for his actual travel and attendance as shall be officially certified to by the officer reviewing the case, not exceeding the rate allowed for fees to witnesses for travel and attendance in the district courts of the United States.

SEC. 4. That the Secretary of Commerce shall make such regulations as may be necessary to secure a proper enforcement of the provisions of this act.

SEC. 5. That section 4452 of the Revised Statutes, as amended by section 6 of the act of March 3, 1905, is hereby repealed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RIGHT OF WAY NEAR ENGLE, N. MEX.

The next business on the Calendar for Unanimous Consent was the bill (S. 1843) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.

The SPEAKER. Is there objection?

Mr. MONDELL. Reserving the right to object, the arrangement which it is proposed to make with the Atchison, Topeka & Santa Fe Railroad to give them not to exceed 30,000,000 gallons of water per month seems to be a pretty liberal one, unless the property rights they are surrendering are quite valuable. Is the gentleman from Texas acquainted with the value of the property that is being surrendered?

Mr. SMITH of Texas. I do not know that any money value was ever put on that property. The company refuses to sell it.

Mr. MONDELL. It is simply a right of way, an easement over public lands.

Mr. SMITH of Texas. It is to the river.

Mr. MONDELL. And that right of way would expire if not utilized within a given time.

Mr. SMITH of Texas. I do not know what the conditions were about that.

Mr. MONDELL. I know about the dam, but I know nothing about this right of way. The quantity of water which the railroad company is to be given is very large. If it were sold at the ordinary price of water supplies it would amount to a considerable sum of money.

Mr. SMITH of Texas. I think it would irrigate something less than 400 acres of land. I think the supply of water is small.

Mr. MONDELL. It depends upon whether you figure it from the standpoint of water for irrigation or water for domestic or railroad purposes. Figuring it from the ordinary value of water for railroad purposes it would mean several hundred dollars a month.

Mr. SMITH of Texas. Under the terms of the bill the gentleman will notice that the amount of water allowed the railroad company is to be fixed by the Secretary of the Interior, but there is no obligation on the part of the Government to deliver it; it merely permits the railroad company to take it at such times and places as the Secretary may prescribe. But the Reclamation Service has figured out the amount of water and figures it at a sufficient supply to irrigate 400 acres of land.

I will state to the gentleman that we have had this matter up with both of the water-users associations under this project and have agreed that this is a fair settlement of this matter, and they are willing for it to go through.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. SMITH of Texas. I will.

Mr. TAYLOR of Colorado. I will say to the gentleman from Wyoming that the committee had the Reclamation Service officials before us and the senior Senator from New Mexico. The reclamation officials seemed to be of the opinion that 30,000,000 gallons a month was an infinitesimal amount of water, and that it was much better to make the proposition than to condemn the right of way. They said the company's right to that territory would not lapse for many years.

Mr. MONDELL. My friend knows well that 30,000,000 gallons a month is far from infinitesimal. Taken from the ocean it would not be so much.

Mr. TAYLOR of Colorado. For a great big irrigation proposition it would not go far.

Mr. MONDELL. I do not know anything about the right of way which the company surrendered, and in view of the fact that the Reclamation Service thinks it is a fairly equitable arrangement I have no disposition to object.

Mr. TAYLOR of Colorado. I will say to the gentleman that I did not write the bill at all, but the Reclamation Service thought it was best and for the welfare of the department.

Mr. MANN. The report of the Reclamation Service would seem to indicate that this was not a right of way but that they owned the land. They say that the company was unwilling to sell the land for cash. Either they do not know what a mere right of way is or I do not know what the English language means or else they own the land.

Mr. TAYLOR of Colorado. They could refuse to sell the land, but we could condemn it and take it away from them.

Mr. MONDELL. If it were a right of way that the railroad company had still in force, there might be some question as to whether or not we could condemn it. I imagine, as a matter of fact, that the building of the dam does not in any way affect the right of way. I do not see any reason why it should. The fact that the dam covers some land over which there may be an easement for a right of way would not prevent the lowering of a pipe.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COX. How much land is actually involved in this right of way?

Mr. MONDELL. I do not know. It is a right of way.

Mr. COX. Does anybody know how much is actually involved? In other words, what are we getting from the railroad company for the swamp?

Mr. SMITH of Texas. It is a right of way for a pipe line.

Mr. COX. It does not involve much land?

Mr. SMITH of Texas. Not a great deal.

Mr. COX. What is the length of the pipe line?

Mr. SMITH of Texas. It must be 10 or 12 miles.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Just one more question. The railroad, as I gather from the report, is to pay for taking the water out of the reservoir and putting it on their trains?

Mr. SMITH of Texas. Yes.

Mr. COX. They are to stand all of that expense?

Mr. SMITH of Texas. Yes; under the direction of the Secretary of the Interior. The rights of the Government are well safeguarded in the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized to receive on behalf of the United States from the Atchison, Topeka & Santa Fe Railway Co. the conveyance of so much of said company's pipe-line right of way from a point near Engle, N. Mex., to the Rio Grande River as will be flooded by the Elephant Butte Dam; and as the consideration for such conveyance the railway company shall be permitted to take from the water impounded above Elephant Butte Dam, now under construction by the Reclamation Service, and which will flood such right of way, such quantity of water as the Secretary of the Interior may find to be necessary for the operation of said company's railway, but not exceeding 30,000,000 gallons of water per month; that neither the United States nor its successors in interest shall be held liable for or obligated to supply the water hereinbefore described, but in the event that the United States or its successors in interest shall abandon the use of the land upon which the said Atchison, Topeka & Santa Fe Railway has its said right of way for a reservoir site as herein contemplated, said right of way, so far as the same may be conveyed to the United States hereunder, shall revert to the said railway company.

With the following committee amendment:

Page 2, line 5, after the word "month," insert the following: "*Provided*, That the Secretary of the Interior shall at all times have authority to determine the times, place, and manner in which said Atchison, Topeka & Santa Fe Railway Co. shall be permitted to take such water from said reservoir, and that all expense incident thereto shall be borne by said railway company: *Provided further*."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

GAME PRESERVE IN THE STATE OF KANSAS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1793) granting to the State of Kansas title to certain lands in said State for use as a game preserve.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I notice there are three committee amendments to this bill which seem to me to make the bill worse instead of better.

Mr. SHOUSE. Mr. Speaker, I will say to the gentleman that they were put in at the request of the ranking minority member of the committee, the gentleman from Wisconsin [Mr. LENROOT]. He would not report the bill favorably unless these amendments were inserted. I had no objection to them.

Mr. MANN. Then, I think we better let the bill go over until he is here.

Mr. SHOUSE. He did not object to the bill. He wanted these amendments in, that is all.

Mr. MANN. They do not seem to me to be reasonable. If he wants them in I would like to have some explanation why.

Mr. SHOUSE. Perhaps the chairman of the committee can offer some explanation.

Mr. MANN. I do not see what great distinction there is as to the first amendment. If we pass a law granting to the State of Kansas certain public lands, that covers the case. If we pass a law to say that we issue a patent to the State of Kansas I suppose if we issue the patent it would show that the State owns the land.

Mr. FERRIS. Does the gentleman from Illinois think the second amendment is of no value?

Mr. MANN. The second amendment, of course, goes with the first, but the third amendment is different. The bill as it came from the Senate provided "such reversion to be declared by the Secretary of the Interior." That amounts to something; but when you say "such reversion to be specified in said patent" it would amount to nothing. The right of reversion would be specified in the patent, but it would not amount to anything unless somebody declared it, unless you went into court and declared it.

Mr. FERRIS. The gentleman is probably correct about that.

Mr. MANN. I think I am.

Mr. FERRIS. I rather hope the gentleman from Illinois will not oppose this and have it passed over. If he desires to put this back as it was originally, or even to fix it to suit himself, it will be satisfactory to the committee, and I think also to the gentleman from Wisconsin [Mr. LENROOT]. They have a little band of antelope out there, and that is a very scarce article in the United States. As the gentleman from Illinois [Mr. MANN] will recall, they had a pretended forest reserve out there without any trees on it, and by Executive proclamation they opened it all up except these few sections.

Mr. MANN. I am in sympathy with the purpose of the bill. I am willing to give them a little land to take care of the deer.

Mr. FERRIS. If the gentleman from Illinois thinks best, we can go back to the original bill, and will be glad to do it.

Mr. MANN. All right.

Mr. FERRIS. We will not even have to go back to the Senate. We will just vote the amendments down.

Mr. MANN. Yes; vote down the amendments.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. SHOUSE. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to grant to the State of Kansas the public lands in sections 25, 26, and 35 in township 24 south and sections 1 and 2 in township 25 south, all in range 33 west, sixth principal meridian, for use as a game preserve: *Provided*, That if the said State shall at any time use or permit the said lands hereby granted to be used for any purpose not contemplated by this act the said lands shall revert to the United States, such reversion to be declared by the Secretary of the Interior.

The committee amendments were read, as follows:

Page 1, line 4, strike out the word "grant" and insert the words "issue patent."

Page 1, line 10, after the word "lands" strike out the words "hereby granted."

Page 2, lines 1 and 2, strike out the words "declared by the Secretary of the Interior" and insert the words "specified in said patent."

Mr. FERRIS. Mr. Speaker, I hope the amendments will be voted down.

The question was taken, and the amendments were rejected.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. SHOUSE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SECTION 4931, REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13618) to amend section 4931 of the Revised Statutes of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LLOYD). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 4931 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 4931. Patents for designs may be granted for the term of 3 years and 6 months, or for 7 years, or for 14 years, as the applicant may in his application elect; and that during the term of letters patent for a design heretofore or hereafter issued for one of the shorter terms, the owner thereof may at any time, but not later than 30 days prior to the expiration of the term for which said patent was issued, file with the Commissioner of Patents his election of one of the longer terms provided for by law, said application being accompanied by an amount of money equal to the difference between the fee paid for the patent as issued and the fee that would have been required to be paid had the applicant for said patent originally elected such longer term. The Commissioner of Patents shall thereupon amend and modify the letters patent issued in such case so as to include the unexpired balance of such longer term so elected by the owner of said letters patent."

The SPEAKER pro tempore. The question is——

Mr. MANN. No; the question is, Is there objection to the present consideration of the bill?

The SPEAKER pro tempore. That was granted.

Mr. OGLESBY. I will say to the gentleman that I saw the gentleman from Tennessee was talking with the gentleman from Illinois when this was passed. The gentleman said to me that he thought it ought to be amended——

Mr. MANN. All right; let it go.

Mr. OGLESBY. I would call the attention——

Mr. MANN. The truth is most of the gentlemen who occupy the position of Speaker, except the Speaker, do not understand that there is a zone of air around the Speaker's chair that it is hard to break through. They do not talk loud enough usually for me to hear them, although another gentleman was talking to me.

Mr. OGLESBY. Mr. RUSSELL of Missouri has charge of this bill.

The SPEAKER pro tempore. Certainly the gentleman does not mean the present occupant of the chair?

Mr. MANN. Yes; I mean the present occupant of the chair and all the others that have been in the chair recently. It takes a lot of noise——

Mr. OGLESBY. The gentleman suggested he wanted this bill amended——

Mr. MANN. I move to insert, page 2, line 7, after the word "term," the words "plus 20 per cent."

Mr. OGLESBY. That is perfectly satisfactory to me. I had written in 25 per cent. Twenty per cent is all right.

Mr. RUSSELL of Missouri. I am satisfied with that.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, in line 7, by inserting after the word "term" the words "plus 20 per cent."

Mr. RUSSELL of Missouri. Mr. Speaker, the gentleman from New York [Mr. OGLESBY] who reported the bill to the House says he consents to this amendment. I prefer to have the bill passed as it is, but of course if Mr. OGLESBY, the acting chairman of the Patents Committee, who reported the bill to the House, has seen the gentlemen who are interested in it and says they are satisfied with it, I do not feel inclined to make serious objection.

Mr. MANN. I will say to the gentleman, to relieve the gentleman from New York, I would not consent to the passage of the bill without the amendment. Here is a proposition where men take out design patents and can take them out for 3½ years or 7 years or 14 years, as they please, there being an addition to the fee charged in the three cases. This bill proposes to let all design patents be taken out in the first instance for 3½ years. That is not the language of the bill, but that is the effect of it, and if anyone wants to extend it all they will pay is the difference between the cost of the 3½-year design patent and the 7 or 14 year design patent, and if they take out the 14-year patent that will save the designers or patentees of these design patents thousands of dollars.

Mr. RUSSELL of Missouri. Will the gentleman yield?

Mr. MANN. In just a second. Because there is not one design patent in 20, probably, which is ever made any use of or ever extended, whereas now if they want to get a design patent for 14 years they have to pay for it in the first place. Under this bill they will only have to pay the lower fee for 3½ years, and then, if it proves to be good, they can get a 14-year patent benefit by paying the difference between the original cost of the 3½-year and the 14-year patent. I have only suggested that they pay 20 per cent in addition.

Mr. RUSSELL of Missouri. I think that would greatly improve this law, but I think without the amendment suggested it would be still better. The gentleman correctly states the purpose of the bill, and my information is that the Commissioner of Patents says that this will encourage the filings for the shorter term and that the money paid will amount to more than is paid at the present time; in other words, that it would increase the revenue of that department.

Mr. MANN. I would not be surprised if it would add a great many to the number of design patents which are issued. The fact is, you know, we encourage everybody to patent everything; then when they patent the articles we kick because they have a monopoly upon them. Why, the automobile industry in this country, which is getting to be something wonderful, never started until the original patents had expired. It could not.

Mr. COX. Why?

Mr. MANN. Because one man had a monopoly and the genius of the American people could not be made to operate upon it, because they were held by the throat by this one man who had a monopoly. The sewing machines of the country never really started until the original patents ran out. People could not make sewing machines, regardless of the original patent and add to them. Well, I am not opposed to the patent law, but the result of this will probably be that anybody who gets up a design for anything will patent it.

Mr. RUSSELL of Missouri. If it is true that the people interested in design patents want it, and if it is also true, as the Commissioner of Patents states, that it will increase the revenues of the Government in that department, why should anybody object to it?

Mr. MANN. If anybody would object to it it is the gentleman from Missouri and myself. We are the ones who will have to pay for it.

Mr. RUSSELL of Missouri. When we buy the article?

Mr. MANN. Yes.

Mr. OGLESBY. I will say to the gentleman from Missouri——

Mr. MANN. I will not offer objection to the bill.

Mr. RUSSELL of Missouri. I understand that you would object unless this amendment is included?

Mr. MANN. I think if people are going to pay a dollar—I do not remember what the price is—it is not very much for these design patents.

Mr. OGLESBY. The design patent is practically the same as any other patent

Mr. MANN. The cost of the patent is not very much, anyhow. They do not pay very much for a 3½-year patent.

Mr. RUSSELL of Missouri. They pay $10 for 3½ years, $15 for 7 years, and $30 for 14 years.

Mr. MANN. Then, this would require them to pay 20 per cent more when they elect to take the 14-year patent. Most of them will not take that at all.

Mr. OGLESBY. After it has been determined at the end of 3½ years that the increase is very small the patent granted that much earlier will fall into the public domain.

Mr. RUSSELL of Missouri. On the statement of the gentleman from New York [Mr. OGLESBY], who reported the bill to the House, I will make no objection to the proposed amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPLICATIONS FOR PATENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13720) to amend section 4894 of the Revised Statutes relating to patent applications.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4894 of the Revised Statutes be, and it is hereby, amended so as to read as follows:

"SEC. 4894. All applications for patents shall be completed and prepared for examination within one year after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within one year after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable: *Provided, however*, That no application shall be regarded as abandoned which has become the property of the Government of the United States and with respect to which the head of any department of the Government shall have certified to the Commissioner of Patents, within a period of three years, that the invention disclosed therein is important to the armament or defense of the United States."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. MONDELL. Mr. Speaker, I desire to discuss the bill briefly. As I understand it, this is the bill that was placed on the fortification bill as one of its items. I have no doubt, Mr. Speaker, but that we should have legislation on this subject, but I have very grave doubts as to whether we should legislate in this way. I think it would have been very much better to have provided for the prosecution of these applications to a patent, and provide that the patent should be secret, and I say that with some hesitation, because I am not an expert on patent law and know comparatively little concerning it. But what I fear is this, that an application, or applications, may be filed for a patent on behalf of the United States, rather broad in its nature, covering quite a wide field. It is not necessary for the Government to prosecute that application. It may be held indefinitely, forever, so far as any provision in the bill is concerned, if I recollect rightly, and thereafter any number of applications made covering the same general field may be denied on the ground that they might affect the application or applications thus filed on behalf of the Government. It is true that if the application were prosecuted to a patent, it might develop that the new application might not apply to or infringe upon the patent as secured, but the application being broad and being held indefinitely, it seems to me that there is very great danger that other applications along the same general line, or for improvements and betterments, for carrying out or developing the idea, might be held up indefinitely.

While, as I said, I am not sufficiently familiar with the patent business to know to what extent this involves a danger to the development of patentable ideas, it occurs to me that might involve a very great danger.

The gentleman from Illinois [Mr. MANN] just called attention to the fact that the automobile did not develop to any large extent until the basic patents had expired, and that that was true to a certain extent of the sewing machine. It would have been true to a much greater extent if the original applications, which were much broader than the final patents, had been held indefinitely without a prosecution to patent. What I fear is that an agency of the Government, anxious to protect the Government, filing applications broad and general and holding them indefinitely, may by so doing absolutely block progress along important lines. This is announced as a part of the program of preparedness, and one is anathema who stands in the way of anything heralded in the name of preparedness. Hence I did not object to the bill. But I have very serious doubts as to whether this is a wise course to pursue in cases of this kind.

Mr. OGLESBY. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. OGLESBY. Will the gentleman suggest some way in which the filing of such an application could block the wheels of progress? These applications, of course, are secret and are never made known until the patent is granted.

Mr. MONDELL. That is true.

Mr. OGLESBY. And all their applications are secret, and the secret is not revealed until the actual granting of the patent.

Mr. MONDELL. I understand. It is secret as far as the world is concerned, but it is known to the Patent Office, and every other patent application that is filed thereafter must be considered in view of that application, which in these cases would or could remain indefinitely blocking the way. You as an inventor do not know what the Government has filed along a certain line. You make an application along the same line and you are held up. Why? You are told you are held up on account of Government application or applications the nature of which you can never know, the extent of which will not be revealed to you. I think the gentleman from New York is familiar with patents. I am not. Therefore, it is with some hesitation that I discuss the matter, but it does seem to me that you create a situation which makes it very trying for people who file applications along the same line as the Government applications and whose applications will be held up because they are said to interfere with an application which has been filed on Government account but indefinitely held in abeyance.

Mr. OGLESBY. It would not interfere with it any more than if a patent had been granted. If there is no interference, it would not be held up.

Mr. MONDELL. But an application is very broad. Although I have never filed one, I assume that an application is generally much broader than the patent as finally granted, and if a certain thing has been patented and you make an application you can judge yourself as to whether your application infringes. You can have some opinion yourself in regard to it. But how can you know whether you can enter the field at all if there can be an infinite number of applications filed and held secret for the Federal Government. Your application might not be considered at all because of the opinion held by the department that it might infringe upon an application filed by or on behalf of Uncle Sam.

Mr. OGLESBY. There are about 50,000 applications on file now.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will read the next one.

TOWNSITE OF M'CABE, MONT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 600) to validate title to the townsite of McCabe, in the State of Montana.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to accept for surface rights only Santa Fe Pacific lieu-land selection heretofore made and designated as Glasgow, Mont., land office serial number 015703, for the following-described land: Southwest quarter of the southeast quarter of section 4, in township 29 north, range 56 east, Montana meridian; and issue patents thereto, which patents shall contain a reservation to the United States of all coal, in said lands, as provided by section 3 of the act of June 22, 1910 (36 Stats., p. 584).

With a committee amendment, as follows:

Amend, page 2, by striking out all after the word "coal," in line 2, and all of lines 3 and 4 and inserting in lieu thereof "oil, or other mineral deposits in the land, and the right of the United States, its grantors or lessees, to mine and remove same."

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. FERRIS. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. MANN. I move, on line 6, page 2, to strike out the word "grantors" and insert the word "grantees."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 2, line 6, by striking out the word "grantors" and inserting the word "grantees."

Mr. MANN. I do not know whether that is correct or not.

Mr. FERRIS. Yes; it should be "grantees."

Mr. MANN. Certainly if it is "grantors or lessees," they do not come in very well together. The lands are reserved to the United States, grantees or lessees.

Mr. FERRIS. The only thing I was debating was whether the amendment suggested would improve it. It needs something, but I do not know whether it needs that or not.

Mr. MANN. Plainly it is not trying to reserve for any grantors of the United States.

Mr. FERRIS. "Grantors" is wrong, undoubtedly. We accept the amendment if the gentleman is satisfied with it himself.

The SPEAKER pro tempore. The question is on agreeing to the amendment of the gentleman from Illinois to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. MONDELL. Mr. Speaker, I move to amend, page 1, line 4, by striking out the words "surface rights" and inserting the words "limited patents."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

On page 1, line 4, strike out the words "surface rights" and insert "limited patents."

Mr. MONDELL. Mr. Speaker, what is proposed to be done here is to issue a limited patent, and, therefore, we should direct the Secretary of the Interior to accept a certain application for a limited patent.

Mr. FERRIS. The committee thinks the gentleman from Wyoming is right about it.

Mr. MANN. I would like to hear the amendment reported first.

The SPEAKER pro tempore. The Clerk will again report the amendment.

The amendment was again read.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

Mr. MANN. Now, Mr. Speaker, if nobody else does, I move to amend, page 1, line 5, by striking out the word "lien" and inserting the word "lieu."

Mr. FERRIS. That ought to be done. The letter "n" is turned bottom side up.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 1, line 5, by striking out the word "lien" and inserting the word "lieu."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, in line 10, by striking out the word "patents" and inserting the word "patent" in the singular.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 1, line 10, by striking out the word "patents" and inserting the word "patent."

Mr. MANN. I suppose the word "patent" for a quarter section is sufficient.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I make the same amendment on page 2, line 1.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 1, by striking out the word "patents" and inserting the word "patent."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next one.

METALLIFEROUS MINERALS ON INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations in the State of Arizona.

The title of the bill was read.

Mr. MANN. Mr. Speaker, I ask to have that bill go over.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next one.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

PUBLIC PARK, SALIDA, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21) authorizing the city of Salida, Colo., to purchase certain public lands for public-park purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LLOYD). Is there objection to the present consideration of this bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the city of Salida, Chaffee County, Colo., is hereby authorized for a period of five years and after the passage of this act, to purchase, and the Secretary of the Interior is hereby directed to convey to said city for public-park purposes for the use and benefit of said city, the following-described lands or so much thereof as the said city may desire, to wit: All of section 16, township 49 north, range 9 east, New Mexico principal meridian, locally known as Castle Garden, containing 640 acres, more or less, and the south half of section 25, and the southeast quarter of section 26, township 51 north, range 8 east, New Mexico principal meridian, known as Box Canon, containing 480 acres, more or less.

SEC. 2. That the said conveyance shall be made of the said lands to the said city by the Secretary of the Interior upon the payment by said city for the said lands, or such portions thereof as they may select, at the rate of $1.25 per acre, and patent issued to said city for the said land selected to have and to hold for public-park purposes, subject to the existing laws and regulations concerning public parks, and that: *Provided*, The grant hereby made shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided further*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the land for extracting the same: *And provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and that if the said land shall not be used as a public park, the same, or such parts thereof not so used, shall revert to the United States.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Without objection it is so ordered.

The following committee amendment was read, considered, and agreed to:

Page 1, line 4, insert, after the word "years," the word "from."

The following committee amendment was read, considered, and agreed to:

Amend by striking out after the words "to wit," in line 9, on page 1, the following:

"All of section 16, township 49 north, range 9 east, New Mexico principal meridian, locally known as Castle Garden, containing 640 acres, more or less, and the."

The amendment was agreed to.

Mr. MANN. There are a number of committee amendments. We had better consider them altogether.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The following committee amendments were read, considered, and agreed to:

Page 2, line 2, before the word "south," insert the word "The."

Page 2, line 11, after the word "patent," insert the words "shall be."

Page 2, lines 12, 13, and 14, strike out the words "subject to the existing laws and regulations concerning public parks, and that."

Page 2, line 14, after the word "*Provided*," insert the word "That."

Page 2, line 14, strike out the word "grant" and insert the word "conveyance."

Page 2, line 15, strike out the word "made" and insert "authorized."

The SPEAKER resumed the chair.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the last vote was laid on the table.

MYTON, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 35) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents to the town of Myton, Utah, for the following-described lands, as shown by the plats and records on file with the Commissioner of the General Land Office, for the use and benefit of the inhabitants of said town: The southwest quarter of the southwest quarter, section 19, township 3 south, range 1 west, to be used as the site of a pumping station; the south half of the northwest quarter section 30, township 3 south, range 1 west for cemetery purposes; the north half of the northwest quarter, section 30, township 3 south, range 1 west, Uinta base and meridian, to be used as a reservoir site, and for other purposes incidental thereto in the distribution of water to the inhabitants of said town; blocks 36 and 46 of town site of Myton, to be used and held for the benefit of the public schools of said town; all that portion of unsubdivided block 1 which lies west of the Duchesne River, to be used as a public common; and all those portions of blocks 1, 3, 4, 5, 7, 8, 9, and 10 which lie east and north of the Duchesne River, to be used as a public park: *Provided*, That if the said town shall at any time permit the said lands hereby granted to be used for any purposes not contemplated by this act the said lands shall revert to the United States.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask how many acres this bill proposes to convey, and how much they are to pay for it, if anybody happens to know.

The SPEAKER. Who is in charge of this bill?

Mr. MAYS. Mr. Speaker, this is a Senate bill reported out of the House Committee on the Public Lands. I suppose I may know as much about it as any member of the committee, and that is not a great deal. It was introduced by the Senator from Utah. What is it the gentleman from Illinois wishes to know?

Mr. MANN. I should like to know how much land it is proposed to convey, and how much they are to pay for it.

Mr. MAYS. I think the land is described in the bill. The southwest quarter of the southwest quarter would be 40 acres.

Mr. MANN. Oh, yes; I know about that, but I do not know how many acres there may be in block 36 and block 46.

Mr. MAYS. In these towns in Utah a block contains 10 acres.

Mr. MANN. How many acres are there in—

All those portions of blocks 1, 3, 4, 5, 7, 8, 9, and 10, which are east and north of the Duchesne River?

I think I am entitled to know how much land they contain, and certainly there is no indication in the description.

Mr. MAYS. The report does not add up the total number of acres.

Mr. MANN. I have discovered that.

Mr. MAYS. I do not know of any way to find out, except by adding up the number of blocks and the number of quarter sections.

Mr. MANN. My arithmetic is very good, and always was. That was my strong suit. I can tell the number of blocks, but I can not tell by arithmetic alone what portion of the blocks lie east and north of the Duchesne River.

Mr. MAYS. If the gentleman will multiply the number of blocks by 10 he will get the number of acres.

Mr. MANN. Oh, no; he will not. You see it provides for so much of certain blocks as lie east and north of the Duchesne River. It will take more than abstract arithmetic to tell how many acres there are in the parts of those blocks that lie east and north of the Duchesne River.

Mr. MAYS. It says—

All that portion of unsubdivided block 1 which lies west of the Duchesne River, to be used as a public common; and all those portions of blocks 1, 3, 4, 5, 7, 8, 9, and 10 which lie east and north of the Duchesne River, to be used as a public park.

Block 1 would have 10 acres in it, if it took it all. That portion of block 1 on the west side of the river, and that portion of block 1 on the east side of the river, taken together, would make 10 acres.

Mr. MANN. That accounts for block 1. But how about block 3? I assure the gentleman I have been over the report very carefully. There is absolutely nothing in the bill or the report that gives any indication of the number of acres which are to be conveyed. I think these people ought to pay a dollar and a quarter an acre for the land.

Mr. MAYS. I am willing that they should.

Mr. MANN. You can not tell anything about it. I think the bill had better go over until the gentleman can get from the Land Office the information which they ought to have furnished in the first place.

Mr. MAYS. The report of the Secretary of the Interior did not furnish that.

Mr. MANN. I understand that.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over without prejudice. The Clerk will report the next bill.

Mr. MANN. I think there are some matters on the Speaker's table.

The SPEAKER. That is true.

ENLARGED HOMESTEADS.

Mr. TIMBERLAKE. Mr. Speaker, I ask the Chair to lay before the House H. R. 8654 with the Senate amendments.

The SPEAKER laid before the House the bill (H. R. 8654) to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7, with Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

Mr. FERRIS. I want to offer an amendment to the Senate amendment. I assume that the gentleman is going to move to concur in the Senate amendment.

The Clerk read as follows:

Agree to the Senate amendment with an amendment as follows: Add at the end of the Senate amendment the following: "if the entryman is residing on his own original entry."

The SPEAKER. The question is on agreeing to the Senate amendment with the amendment offered by the gentleman from Oklahoma.

Mr. RAKER. Will not the gentleman from Oklahoma explain what this amendment does?

Mr. FERRIS. The House passed a bill providing for an additional homestead entry by living on it and cultivating it.

The Senate struck out the part requiring residence, and this amendment modifies it to this extent, that they can only take the additional land where they are residing on the original homestead. In other words, they must reside on the original homestead before they can take the addition.

Mr. NORTON. If they are residing on the original homestead under the terms of the gentleman's amendment, residence would not be required, but if they were not residing on the original homestead, both residence and cultivation will be required.

Mr. FERRIS. Yes.

Mr. RAKER. Suppose a man still owns his original homestead and has his family in town going to school?

Mr. FERRIS. If he had abandoned it, if he had moved away——

Mr. RAKER. No; I am assuming that that is his regular place of residence, but he has moved temporarily to town to send his children to school.

Mr. FERRIS. That would be a temporary absence, and I do not think it would affect him.

The SPEAKER. The question is on agreeing to the Senate amendment with the amendment.

The question was taken, and the amendment with an amendment was agreed to.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take the bill H. R. 13486 from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 13486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take this bill from the Speaker's desk, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 14484, disagree to the Senate amendments, and ask for a conference.

The Clerk read as follows:

H. R. 14484, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table this bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER.

FORT NIOBRARA MILITARY RESERVATION, NEBR.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to take up House joint resolution 184 for consideration.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to take up House joint resolution 184 at the present time. Is there objection?

There was no objection.

The Clerk read the joint resolution as follows:

Joint resolution (H. J. Res. 184) providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to allow entrymen of lands of the former Fort Niobrara Military Reservation, Nebr., made under the act entitled "An act to subject lands of the former Fort Niobrara Military Reservation and other lands to homestead entry," approved January 27, 1913, as are required to be paid for at their appraised values, one year extension of time in which to make each of the two remaining unpaid installments of the purchase price.

The following committee amendments were read:

Amend the bill in line 4, after the word "of," by striking out the words "the certain" and insert in lieu thereof the word "such."

Line 9, after the word "thirteen," strike out the word "which" and insert in lieu thereof the word "as."

Line 11, strike out the word "extention" and insert in lieu thereof the word "extension."

Mr. KINKAID. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out the last word. They have made a very strong case for an extension of time for the payment of these installments, although I am of opinion that no extension of this sort should be granted without the payment of some rate of interest. Does not the gentleman from Oklahoma agree with me that where we extend the time for the payment of land to be paid for in installments that there ought to be some rate of interest?

Mr. FERRIS. They always have charged in my State on extensions, but this is an abandoned military reservation and in cases where they have sold land in my State it was Indian land.

Mr. MANN. Yes; that is where we felt it would be a gross injustice to the rightful owner of the property not to charge interest, but where it is Uncle Sam anybody has a right to rob him and nobody kicks. The fact is that no one will ever want to pay his debts, if he gets an extension without it, and why should they?

Mr. FERRIS. The only reason that I know of is that the interest would be a small item.

Mr. MANN. I do not believe that there is another man in the United States who could hornswoggle Congress into this as has the gentleman from Nebraska.

Mr. FERRIS. We are all familiar with the very persuasive ways of the gentleman from Nebraska.

Mr. MANN. He is as sweet to Congress as he would have been if married. [Laughter.]

Mr. KINKAID. I accept the sweet remarks, also with thanks, if there is no further objection. [Laughter.]

The committee amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KINKAID, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

LOAN OF TENTS TO KNIGHTS OF PYTHIAS.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to consider House joint resolution 78, No. 153 on the Calendar for Unanimous Consent.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take up out of its order House joint resolution 78, authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the national encampment, Knights of Pythias, to be held at Nashville, Tenn., in August, 1916. Is there objection?

Mr. BYRNS of Tennessee. Mr. Speaker, I will state to the House that this is in the nature of an emergency proposition.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the committee on tents of the national encampment, Knights of Pythias, to be held at Nashville, Tenn., in the month of August, 1916, 1,018 tents and 200 saddles and bridles: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and Paul De Witt, chairman of the said committee on tents: *Provided further*, That the Secretary of War, before delivering said tents, shall take from said Paul De Witt a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

With the following committee amendment:

On page 2, line 2, after the word "tents" insert "saddles and bridles."

The SPEAKER. This is on the Union Calendar.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BYRNS of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I do not see the gentleman from North Carolina [Mr. KITCHIN] present——

Mr. FERRIS. Mr. Speaker, I wish the gentleman would let me make a request for unanimous consent. Does the gentleman think that we ought to quit at this time?

Mr. MANN. I do not think we ought to bring up any other bills. I understand the Diplomatic and Consular appropriation bill is going to come up to-morrow. The gentleman from Virginia [Mr. FLOOD] is not on the floor at present, but I think he has that understanding. I was about to ask whether it would be agreeable to everyone to meet at 11 o'clock in the morning and to quit at 4 o'clock in the afternoon instead of meeting at noon and quitting at 5 o'clock, probably for this week only?

Mr. ASWELL. Mr. Speaker, is there any chance to continue the Unanimous Consent Calendar to-morrow?

Mr. MANN. I do not think there is to-morrow.

The SPEAKER. Not to-morrow.

Mr. MANN. But I think we can get through the Unanimous Consent Calendar, and I hope the Private Calendar for Unobjected Bills, this week or next week. By the way, there are quite a number of what we call bridge bills on the calendar which can be passed by unanimous consent without trouble. If we do not run through the Unanimous Consent Calendar by Thursday, I think we ought to pass these bridge bills by that time, and I hope that we can dispose of the Unanimous Consent Calendar soon. I suppose on Friday we are likely to take up the Private Calendar for Unobjected Bills and see if we can not run through it.

The SPEAKER. Does the gentleman make a request to meet at 11 o'clock?

Mr. MANN. Of course, a request of that kind properly comes from the other side, and I am merely suggesting that, hoping that somebody will make that request.

Mr. FERRIS. Of course, the House will understand that I am merely a small straw boss here this afternoon. I was left here merely to adjourn.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Illinois made the further suggestion that we stop at 4 o'clock.

Mr. MANN. Oh, that would be only an understanding.

The SPEAKER. The gentleman from Missouri asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. ASWELL. Mr. Speaker, reserving the right to object, I ask unanimous consent that the Unanimous Consent Calendar may be taken up on Thursday.

Mr. MANN. I hope that may be done, but I am sure the gentleman from North Carolina [Mr. KITCHIN] would not want an agreement of that kind made without consulting him.

Mr. FERRIS. I shall object for the present, as I do not think the gentleman from North Carolina would desire to have that taken up without his having been consulted.

Mr. MANN. As long as gentlemen on the other side will not permit me to go to Chicago this week and I have to stay here, though I really do want to go, I want to make it worth while and see if we can not get through some of these bills for the benefit of Members who have gone.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that on Thursday of this week, if there be no appropriation bill pending, no other matter pending, I be permitted to address the House for one hour on the state of the Union.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that next Thursday after the reading of the Journal and clearing up the business on the Speaker's table, unless there is an appropriation bill or something of importance pending, he be allowed one hour to discuss the state of the Union. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, can not the gentleman come in to-morrow on general debate on the diplomatic bill?

Mr. FERRIS. I had in mind the suggestion of the gentleman. I have not had a chance to see the gentleman from Virginia [Mr. FLOOD] and I am really not quite ready with the remarks I intend to make. I want to submit to the House a kind of digest of the work here——

Mr. MANN. What does the gentleman think it is more important to do, to submit a digest of what we have done here, or to do the things we ought to do now?

Mr. FERRIS. Well, there is some question about that. I submit it for what it is worth.

Mr. MANN. Of course, if the gentleman wants an hour I might want 15 minutes to reply to him.

Mr. FERRIS. I certainly would not object, and I know the gentleman can do more in 15 minutes than I can in an hour.

Mr. MANN. I might want two hours.

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, is this the Thursday on which the gentleman from Oklahoma stated he could not agree we should go ahead with some of the business of the House?

Mr. FERRIS. If there is no important business——

Mr. JOHNSON of Washington. Does the gentleman include the Unanimous Consent Calendar?

Mr. FERRIS. If the House desires to take up the Unanimous Consent Calendar, I certainly would not occupy that time.

Mr. JOHNSON of Washington. There is a large amount of business here that has been waiting for months, when we have had no Unanimous Consent Calendar. It has been postponed and postponed, and when we have had that day to consider bills it has been largely occupied by bills from the Committee on the Public Lands. Mr. Speaker, I shall not object.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think the gentleman can get in to-morrow. If he can not, we will try to work him in some way on Thursday; but I do not think at this time we should commence granting unanimous consent in this way. We can not give it to one and refuse it to another.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. LITTLEPAGE. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Illinois objects.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Is there objection to the House meeting at 11 o'clock to-morrow morning? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Oklahoma that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, June 6, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chairman of the Interstate Commerce Commission, transmitting report of the Chief of the Division of Safety concerning a test of the automatic train-control system of the Golloa Railway Signal Co. of America, Chicago, Ill., which was conducted by the commission's experts from August 10 to October 1, 1915, and from February 26 to March 31, 1916 (H. Doc. No. 1192); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Secretary of War, inviting attention to the omission from the bill making appropriations for the support of the Army, fiscal year 1917, of a provision making Signal Corps appropriations available for the purchase of motorcycles and motor-driven vehicles used for technical purposes (H. Doc. No. 1193); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (H. R. 12545) granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash., reported the same with amendment, accompanied by a report (No. 799), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 15282) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from the Congressional Cemetery, District of Columbia, to Lock Haven, Pa., reported the same without amendment, accompanied by a report (No. 800), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. TREADWAY: A bill (H. R. 16254) authorizing the Secretary of War to donate to the town of Lanesboro, Berkshire County, Mass., one bronze or brass cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 16255) to provide for the daily free delivery of rural mail and parcel-post matter to every rural home at least once each day where the houses are not more than 1 mile apart on a main traveled highway; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: A bill (H. R. 16256) to authorize the Committee on Ways and Means of the House of Representatives and the Finance Committee of the Senate to collect facts and statistics for the use of said committees, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of Kentucky: A resolution (H. Res. 256) authorizing Committee on the District of Columbia, or the subcommittee thereof, to sit during sessions of Sixty-fourth Congress or during the recesses between the sessions of said Congress; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. SMITH of New York: A bill (H. R. 16253) authorizing the Commissioner of Navigation to document as a vessel

of the United States a dredge built of American material and owned by the Perry-Victoria Sand Co., a citizen of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. ADAIR: A bill (H. R. 16257) granting a pension to Frank M. Twigg; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 16258) granting a pension to Hiram Davis; to the Committee on Invalid Pensions.

By Mr. BEALES: A bill (H. R. 16259) granting a pension to James M. Danner; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 16260) granting a pension to Alexander Gross; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 16261) for the relief of Andrew Ohler; to the Committee on Military Affairs.

By Mr. DILLON: A bill (H. R. 16262) granting a pension to Henry F. Walton; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 16263) for the relief of the heirs of Isabella Ann Fluker; to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 16264) granting a pension to Julius M. Deal; to the Committee on Pensions.

Also, a bill (H. R. 16265) granting a pension to James M. Conner; to the Committee on Pensions.

Also, a bill (H. R. 16266) granting a pension to Pearl B. McDonald; to the Committee on Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 16267) granting a pension to A. J. Pope; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 16268) for the relief of Uriel D. Belles; to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: A bill (H. R. 16269) granting an increase of pension to Benjamin R. Buffington; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16270) granting an increase of pension to John H. Fontch; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 16271) granting a pension to Christena Wentworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16272) granting an increase of pension to William H. Coulter; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 16273) granting an increase of pension to George H. Cheek; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 16274) granting a pension to Thomas M. Hoover; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 16275) granting an increase of pension to Elijah W. Sorber; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 16276) to authorize the appointment of John Faraday James to the grade of lieutenant in the Army; to the Committee on Military Affairs.

By Mr. TAGGART: A bill (H. R. 16277) granting an increase of pension to Mary E. Hottenstein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16278) granting an increase of pension to Marstein Forward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16279) granting an increase of pension to Mary W. Dagley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16280) granting a pension to Sarah A. Day; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 16281) granting an increase of pension to Abner D. Bell; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 16282) granting a pension to Agnes K. Hedman; to the Committee on Pensions.

By Mr. TREADWAY: A bill (H. R. 16283) granting a pension to Charles A. Smead; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEAKES: Petition of John Ferris and 38 citizens of Riga, Mich., and Town Line Sunday School of Whiteford, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of F. P. Goodwyn and 17 others, of Albion; R. T. Davis and 56 others, of Adrian, both in the State of Michigan, against abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. CAREW: Petition of the National Automobile Chamber of Commerce, against bills to abolish Taylor system in Government shops; to the Committee on Labor.

By Mr. CASEY: Memorial of the Woman's Christian Temperance Union and Second Welsh Congregational Church, of Wilkes-Barre, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of women voters of Maricopa County, Ariz., and M. Davis, of Philadelphia, Pa., relative to woman suffrage amendment; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of the Chamber of Commerce of the State of New York, against Philippine independence; to the Committee on Insular Affairs.

By Mr. EAGAN: Petition of the Maritime Law Association of the United States, relative to safety of life at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Atlanta (Ga.) Typographical Union, No. 48, favoring bills relative to wages, etc., on Panama Canal; to the Committee on Appropriations.

By Mr. FULLER: Petition of M. Engel, of Marseilles; H. H. Wagner, of De Daib; Murdoc & Farmes, of Clinton, and P. W. Pyler, of Winnebago, all in the State of Illinois, protesting against the Stevens-Ashurst price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODWIN of Arkansas: Paper to accompany House bill granting a pension to Duval Johnson; to the Committee on Pensions.

By Mr. NOLAN: Memorial of San Diego (Cal.) Tent, No. 26, Knights of the Maccabees, favoring passage of Penrose-Griffin indefinite leave of absence bill for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of F. E. Barton and 19 others, of San Francisco, Cal., favoring eight hours a day for telegraph operators; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petitions of sundry merchants of Spur, Tex., against passage of the Stephens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 6, 1916.*

The House met at 11 o'clock a. m.

The Rev. Clarence A. Vincent, D. D., pastor of Mount Pleasant Congregational Church, Washington, D. C., offered the following prayer:

Eternal God, our Father, we praise Thee for that love and grace that have enriched and strengthened the life of every one of us and of the Nation. We ask for that help that shall guide us in our thinking, comfort us in our trials, keep alive in us our visions and ideals, and help us always to live and when necessary to sacrifice for the public weal; in Jesus' name. Amen.

The Journal of the proceedings of yesterday was read and approved.

UNANIMOUS CONSENT CALENDAR.

Mr. ADAMSON. Mr. Speaker, I want to make a request or suggestion touching the procedure. Yesterday the gentleman from Illinois [Mr. MANN] secured an agreement that bills which were objected to when called yesterday should remain on the calendar without prejudice. I wish to request that, in the event the Unanimous Consent Calendar is called again this week, the same agreement apply to the extended call.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that if the Unanimous Consent Calendar is called again this week the same agreement that was made yesterday as to bills to which objection was made going over shall prevail. Is there objection? [After a pause.] The Chair hears none.

DIPLOMATIC AND CONSULAR SERVICE.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13383, the Diplomatic and Consular appropriation bill; and pending that, Mr. Speaker, my friend from Wisconsin [Mr. COOPER], the ranking member of the committee, not being here, I would like to make an arrangement with the gentleman from Massachusetts [Mr. ROGERS] as to time for general debate.

Mr. ROGERS. Mr. Speaker, I think there will be very little time desired on this side. I suggest that the time run for a little while.

Mr. FLOOD. I will say to the gentleman that I talked with the gentleman from Wisconsin [Mr. COOPER] yesterday, and he suggested 45 minutes on his side.

Mr. ROGERS. There is one more speaker on this side, and I do not know exactly how much time he will require. I think there will probably be not over an hour and a half at the outside, and we may save time in the end if we do not attempt to fix the limit of the debate now.

Mr. FLOOD. I suggest that we fix it at an hour on a side, and I can give the gentleman some time if he has not sufficient.

Mr. MANN. Oh, let it run. I think we can pass this bill to-day.

Mr. FLOOD. I can give you time in addition to what the gentleman from Massachusetts can give you.

Mr. MANN. If we let it run, I do not think there will be any extra time consumed.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13383, with Mr. MOON in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Chairman, I desire to make a brief statement in reference to this bill. The Diplomatic and Consular appropriation bill this year carries a total appropriation of $5,483,246.66. For 1916 it appropriated $4,061,280.01. The net increase in the present bill over the bill for the year ending June 30, 1916, is $1,421,966.65. This is a very considerable increase, but the committee believed that every item provided for here is fully justified and should be passed by the House.

Of this $1,421,966.65 increase, the larger item consists of appropriations for legation and consular buildings amounting to $555,000. There was no appropriation of this character authorized in the bill of last year, so that this $555,000 is an entirely new item.

We also have an appropriation in this bill of $250,000, the annual payment to Panama which heretofore has been carried in the urgent deficiency bill. Under our treaty with Panama, by which we acquired the right to construct the Panama Canal, we agreed that nine years after the signing of the treaty we would pay Panama $250,000 per year. These payments have been made since they became due but were not carried in this act. This year the State Department estimated for it to be carried in this bill, which is the place where it belongs. This is an obligation we acquired by treaty and is a part of the payment for our right to construct the Panama Canal.

The emergency fund has been increased this year by $125,000. In the last bill the amount carried for this fund was $75,000 and in this bill it is $200,000. This is for emergencies arising in the Diplomatic and Consular Service, and is known as the emergency fund. It is used for the purpose of meeting unforeseen emergencies arising in the Diplomatic and Consular Service, to extend the commerce of the United States and meet the necessary expenses attendant upon the execution of the neutrality act.

The need for ample funds for emergencies and confidential purposes is obviously greater to-day than at almost any time in our history, and the committee felt that the President and Secretary of State should not be left unprovided with ample funds to meet emergencies that under the present situation might arise any time. The committee therefore provided for what the department asked for.

There is also an entirely new item of $100,000 carried in this bill known as "Post allowances for the Consular Service." This is to enable the President to make allowances for consuls who are living in countries where, owing to the war, the cost of living has very greatly increased. After the war began there was a rise in prices in all parts of the world, and particularly in those countries where the war was being fought. The prices became higher for foodstuffs, for clothing, and for rents, and it was almost impossible in some countries for consuls to properly perform their duties on the salaries they were getting. This fund will be used under the direction of the State Department and only where the department is satisfied that owing to extraordinary conditions some additional allowances should be made to the consuls.

There is also an increase of $132,000 for "Contingent expenses, United States consulates." This is necessary in order to provide the consulates with the proper furniture and filing systems. We have been making such meager appropriations for these in the past that very little has been accomplished in this direction. The department has a standard index and filing system that applies throughout the Consular and Diplomatic Services, and in order to continue that and make it possible for an officer at any post to begin work immediately on arrival there and to do his work efficiently, it is essential to keep this system up to date and in good order. The department thought, and the committee agreed with it, that this increase was a wise one. In a normal year, 1914, for instance, the Consular Service paid back to the Treasury in cash received from fees every dollar appropriated for it except about $43,000.

These increases make $1,052,000, leaving the rest of the increases somewhere between $300,000 and $400,000, which I will discuss in detail as the bill is read, if anyone desires information in reference to them.

While the increase in this bill is quite large, the committee believes that under the existing world-wide conditions it is a very moderate increase, and is as little as ought to be provided for our Diplomatic and Consular Services.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS rose.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. FLOOD. I will say to the gentleman from Wisconsin [Mr. COOPER] that when he was temporarily out we did not agree to any limit on debate.

Mr. COOPER of Wisconsin. The reason I was not in the Chamber when the session began this morning was that I thought we would begin at 12 o'clock. I see no reason why we should begin at 11 o'clock with such a small attendance present.

Mr. FLOOD. When the House adjourned last evening it was agreed to meet to-day at 11 o'clock.

Mr. COOPER of Wisconsin. Yes. I was misinformed.

Mr. FLOOD. Will the gentleman from Wisconsin yield some time now?

Mr. ROGERS. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Massachusetts is recognized for one hour.

Mr. ROGERS. Mr. Chairman, the direct influence of the European war extends to every quarter of the earth's surface and immediately and vitally affects almost every form of human endeavor and activity. It is not surprising that this influence is felt to a peculiar and unusual degree by the State Department.

EFFECT OF WAR ON STATE DEPARTMENT.

The Department of State is the department of the Federal Government upon which existing domestic and foreign conditions bear most heavily. It is the department which speaks for the entire United States in the relations of this country with foreign nations, whether the subject concerned is the protection of national or individual rights or the safeguarding and advancing of our foreign trade. Even under normal conditions the intelligence and efficiency with which the Department of State is administered are vitally important to the welfare of the country and to its commercial interests; but the great European war has precipitated an unprecedented condition which makes it of supreme importance that the department should be well administered and adequately maintained if it is to accomplish all that may, under existing conditions, rightfully be expected from it. The United States, through the Department of State and the diplomatic and consular officers subordinate to it, is at present in charge of the interests of 23 nations, in various parts of the world, including the interests of the principal nations engaged in the war. The discharge of the duty thus imposed involves not only exercising our good offices in behalf of individuals or property interests of the nations so represented and acting as a medium of communication with enemy governments, but also the inspection of prison camps and the distribution of millions of dollars in relief to prisoners of war and detained civilians of the belligerent Governments. While some of the work described is temporary and will cease with the close of the war, new duties will then arise of much concern to our manifold trade and commercial interests. With the outbreak of the war in 1914 many treaties and commercial arrangements between Governments ceased to exist. Conditions under which foreign trade was carried on have changed. When the war is over the entire question of foreign trade will have to be studied de novo and new treaties and trade agreements negotiated. The negotiations embracing these questions will devolve upon the Department of State. Furthermore, the interference with American commerce and individual rights in belligerent countries and in Mexico is resulting in the filing by American citizens of hundreds of claims for redress, all of which must be examined, and, if approved, presented to the foreign Government concerned for payment. This problem alone will involve a vast amount of legal and clerical work.

WAR CONDITIONS ENTAIL LARGE EXPENDITURES IN STATE DEPARTMENT.

In the light of this recitation, then, it was not surprising that last year the Diplomatic and Consular act was the largest in

our history—$4,061,280—nor is it surprising that the bill now under discussion exceeds even the large bill of last year by nearly a million and a half of dollars, carrying $5,483,246. For the reasons stated it can not confidently be expected that our future Diplomatic and Consular bills will shrink to the standards prevailing during the years prior to the European war. The appropriations carried by the present bill are, comparatively speaking, at least, large. Yet in my judgment they are not too large, considering the magnitude and variety of the benefits to result from a farsighted administration of the Department of State. The report accompanying the bill states (pp. 2 and 3):

The committee has made every effort to keep the total appropriations carried by the bill within the bounds of reasonable economy; and while some of the increases for the Diplomatic and Consular Service are apparently considerable, the committee deems them wise and necessary. The continuance of the European war has devolved upon our entire Diplomatic Service a vast amount of labor as well as unavoidable expense, and if the efficiency of the service is to be maintained, the additional appropriations asked for are imperative.

I believe the foregoing statement to be warranted and entirely accurate.

OUR CONSULAR SERVICE.

The general public has little detailed knowledge of what our Consular Service is and what it does. It knows in a general way that United States consuls are sent out by the State Department to important trade centers in foreign countries primarily in the commercial interests of the United States and its citizens. Beyond this the average man has little occasion to inquire and does not inform himself.

It is my purpose in this discussion to make available some facts about our Consular Service which I think are not generally understood or appreciated, but of which it seems to me desirable that there should be more general knowledge. In the course of my remarks I shall consider especially some of the respects in which our Consular Service fails fully to meet its largest opportunities and to accomplish its highest measure of usefulness. In saying this, however, I do not mean to be understood as even suggesting that our service to-day is inefficient or backward; on the contrary, I believe it to be remarkably efficient and progressive.

OPINION OF OUR CONSULAR SERVICE IN EUROPE.

It is always of interest to notice how we are appraised by our neighbors and especially by our rivals. Last March the chambers of commerce of the United Kingdom, which assembled for the purpose of devising ways and means of improving British commercial interests, discussed the efficiency of our Consular Service. President Sterling, of the Belfast delegation, who is one of the largest linen producers in Great Britain, said that whenever he required exact technical details concerning linen, Belfast's chief industry, he was obliged to seek it in the American consular reports, which contained better information concerning linen than the British Government or the Belfast trade possessed.

Mr. Sterling was followed by Col. Herbert Hughes, C. B., C. M. G., president of the Sheffield Chamber of Commerce, representing one of the great steel industries, who said that the Sheffield manufacturers had found it imperative to know the sources and distribution throughout the world of wolfram ore, from which tungsten is made, and that after unsuccessfully searching all available British data the trade statistics compiled from the reports of American consular officers were examined, and there he found where wolfram was produced, the quality, the state of the industry, and the amount likely to be available. Partly as a result of that information, he said, the manufacture of tungsten powder was undertaken in England and has proven a great success; he predicted that the beginning thus made will destroy the monopoly enjoyed by the German Empire prior to the war. This material is essential in the production of certain necessary war supplies and the present extensive branch of this large war industry was entirely the result of our American consular reports.

NEEDS OF THE CONSULAR SERVICE.

My suggestions as to various respects in which the Consular Service is capable of improvement will not, I repeat, be a criticism of a system of little worth, but an effort to bring to the attention of the public specific possibilities for improving an efficient and well-managed machine.

In fairness to the State Department it should here be pointed out that the department is entirely conscious of such weaknesses as still inhere in the Consular Service, and during recent years has made persistent and faithful efforts to eradicate them. In so far as it has failed, the failure has been largely due either to insufficient appropriations given it by Congress or to the shortcomings or unwisdom of existing legislation.

RECENT IMPROVEMENTS IN THE CONSULAR SERVICE.

Since 1905 all the efforts of the State Department to improve the Consular Service have been consistently toward the accomplishment of the following results:

1. The elimination of all personal profit on the part of consuls general, consuls, and clerks from the performance of their duties and the placing of them upon fixed annual compensation paid by the Government.

2. The classification of all consulates general and consulates in such manner as to make possible the promotion of officers for efficient service from the lower grades gradually upward to the higher grades.

3. The graduation of salaries in accordance with the importance of the various posts.

4. The systematic and intelligent inspection of all consular offices by experienced officers chosen from the service.

5. The stimulation of officers in the performance of their duties by keeping a careful record of their efficiency and conduct.

6. The gradual improvement of the physical condition and equipment of consular offices by providing more commodious and better-situated quarters, American-made office furniture, typewriters, telephones, and other miscellaneous equipment.

7. The gradual Americanization of the clerical force of the consular offices by substituting young Americans as clerks wherever means and conditions permit.

8. The improvement of the personnel by requiring all candidates for appointment as consul to pass a comprehensive examination to determine their educational and personal qualifications for consular work, including their knowledge of at least one foreign language, the commercial resources of the United States, political economy, commercial geography, and international, commercial, and maritime law.

9. The gradual elimination of useless offices and inefficient officers.

All the foregoing objects have been accomplished, but there still remain many other things to be done if our Consular Service is to be developed to the highest modern standard of efficiency. Before undertaking to point out the principal needs of the service at the present time, it may be profitable to indicate the characteristics of a modern and efficient Consular Service.

REQUIREMENTS OF AN EFFICIENT CONSULAR SERVICE TO-DAY.

Throughout the world the consul is recognized as the local representative of the commercial interests of his Government and people quite apart from the multitude of other duties that he is called upon to perform. Regardless of any other governmental agencies that may be at work in a foreign country or district, it is the consul who is in a position to make systematic and continuous investigations to obtain information through personal channels when official sources are no longer open, to exert an effective influence in behalf of his country's trade interests through the acquaintance and confidence gained through long intercourse with the people. In view of these considerations the consuls general, consuls, and vice consuls should be Americans of the best type; they should have made a study of economics and commercial and industrial development, as well as of the special subjects which constitute a large part of the routine consular work. They should speak and write the languages of the countries to which they are sent, and they should have such mental training as will enable them to make accurate and intelligent investigation of commercial, economic, and industrial developments, and be able to report the result of their investigations in a manner to be of practical value to business men in America interested in foreign trade or in the development of American industries. The personal characteristics of a really efficient consul should be such as to enable him to take an honorable place among the people of the district to which he is sent. He should possess tact and resourcefulness and have a practical habit of thought. We take great pains to ascertain the personal and mental and physical charcteristics of the men who officer our Army and Navy, and there is quite as much reason for similar care in relation to the men who guard and promote our commercial interests in foreign countries.

We have perhaps now reached a point where, with the foregoing as a setting, we can advantageously consider the present shortcomings, or, to put it in another way, the needs of the service, if its utmost fruitfulness is to be realized.

1. AMERICANIZATION.

First in importance of the needed reforms is, in my judgment, the complete Americanization of our Consular Service; that is, that every consul general, consul, vice consul, and consular agent of the United States shall be a native-born or naturalized American citizen. Every consul general and consul is to-day, I believe, an American citizen; yet there is no statutory requirement that

such should be the case. The possibility that a person not an American citizen should be a consul general or a consul should be eliminated by law, and when the proper place in the detailed consideration of this bill is reached I propose to offer an amendment to accomplish this purpose.

As to vice consuls, a most astounding situation exists. Out of 243 American vice consuls, 84—over one-third—are foreigners. The Committee on Foreign Affairs has this year for the first time inserted a provision to do away with this indefensible practice. This provision is added as a limitation to the item appropriating salaries for the Consular Service, and reads as follows:

No portion of this sum shall be paid as compensation to vice consuls who are not American citizens: *Provided*, That if in any case the Secretary of State deems it impracticable immediately to secure a competent vice consul who is an American citizen, he may appoint or retain as vice consul and compensate from this fund a person not an American citizen until such time as he is able to designate a competent American citizen for such post.

As to consular agents, the proportion is even less creditable. Out of 189 consular agents, 97—over one-half—are foreigners. The remedy in the case of consular agents, however, is not so clear and simple as in the case of vice consuls, and I shall take up later in my remarks the most feasible solution to bring about the Americanization of our consular agents.

The demand for the Americanization of our Consular Service is no new thing; it even antedates the Constitution of the United States. To show the thought in this direction of our best statesmen, it may be worth while to incorporate some of the many recommendations upon this subject, which appear frequently in the pages of our history.

The first reference which I find is embodied in a report made to the President of the Continental Congress only two years after the signing of the Declaration of Independence. At that time the infant Nation was represented in Europe by three of its ablest citizens—Benjamin Franklin, Arthur Lee, and John Adams. In a report, signed by the commissioners, dated July 20, 1778, and addressed to the President of Congress, appears the following language:

If Congress should think proper to appoint consuls, we are humbly of opinion that the choice will fall most justly, as well as naturally, on Americans, who are, in our opinion, better qualified for this business than any others.

In a report signed by John Adams, dated June 29, 1780, to the President of Congress appears the following recommendation:

I would therefore beg leave to propose to appoint a consul without loss of time to reside at Nantes, and to him consign all vessels from the United States. I think it should be an American. * * * There are many applications from French gentlemen. But I think that from a want of knowledge of our language, our laws, customs, and even the humors of our people, for even these must be considered, they never would be able to give satisfaction or to do justice. Besides, if it is an honor, a profit, or only an opportunity to travel and see the world for improvement, I think the native Americans have a right to expect it; and further, that the public have a right to expect that whatever advantages are honestly to be made in this way should return some time or other to America, together with the knowledge and experience gained at the same time.

Presumably acting upon these and other recommendations, Congress itself, on March 16, 1784, passed the following resolution:

That it is inconsistent with the interest of the United States to appoint any person not a citizen thereof to the office of minister, chargé d'affaires, consul, vice consul, or to any other civil department in a foreign country.

In 1791 Thomas Jefferson, then Secretary of State, wrote to one of our consuls as follows:

With respect to your inquiries on the subject of consuls, vice consuls, and agents, you will observe that the system of the United States is different from that of other nations. We appoint only native citizens consuls. Where a port is important enough to merit a consular appointment, if there is a deserving native there, he is named consul; if none, we name a merchant of the place vice consul, notifying him that whenever a citizen settles there he will be named consul.

And in 1819 John Quincy Adams, then Secretary of State, wrote to an American consul:

It has been the general and almost invariable rule of this Government to appoint in preference a native American citizen to every consular office abroad; when a person bearing that character, suitably qualified for the office, was also destrous of obtaining it.

In Hunt's Magazine for March, 1846, appears an interesting article upon the Consular Service by the United States consul at Genoa. In the course of it he says:

Another evil, and perhaps a greater one still in our present consular system, is the appointment of foreigners to office. Gen. Jackson introduced a reform in this matter, Mr. Van Buren prosecuted it, and Mr. Tyler has done more than all our former Presidents put together; but still a very large number of our consuls are foreigners. I do think it requires no argument to prove that no foreigner, under any circumstances, should ever hold an office under our Government. By a foreigner, I mean a man who owes allegiance to a foreign Government. Set a wolf to watch the fold, but in God's name don't commit republicanism to the keeping of foreigners. Whoever heard of Great Britain asking a foreigner to hold an office for her? John Bull ask another dog to watch his fold? Not he! This is one of the good things of the exclusiveness and pride of England; this is the spirit which has brought her to the top of the world; and what is her consular system? In the most distant port of the most barbarous nation, where no American would accept the office of a consul, the English send an intelligent, experienced man, and maintain him, too, with a handsome salary, and he is backed by all the authority of the Government. This is one of the reasons why that tremendous power is so universally dreaded. She is everywhere present, and no man or nation can tread upon the folds of her mantle without finding cause to repent of it afterwards.

In 1846 James Buchanan, then Secretary of State, wrote:

From the nature, variety, and importance of consular duties, and their bearing on the commercial interests of nations, consuls ought always to be citizens of the country which they represent. The President, at an early period of his administration, had this subject under consideration, and determined to appoint no consuls who were not American citizens, and, indeed, several consuls have been removed because they did not possess this qualification.

In 1873 Assistant Secretary of State Hunter wrote:

As a general rule, it is preferable that United States citizens only should be appointed to all consular offices.

By the act of August 18, 1856, diplomatic officers and principal consular officers were required to be citizens of the United States. The Revised Statutes, which became law June 20, 1874, do not incorporate this requirement and contain no prohibition of payment to consuls who are not American citizens. As the law stands to-day, therefore, it is legally possible to commission as a consul one who is not a citizen of the United States. As I previously stated, the prohibition of 1856 should unquestionably be reenacted. By the act, approved April 5, 1906, it is provided that—

No person who is not an American citizen shall be appointed hereafter in any consulate general or consulate to any clerical position the salary of which is $1,000 a year or more.

Strangely enough, therefore, our law permits non-American principal officers while emphatically excluding subordinate clerks who receive a salary of $1,000 or more. As a result of the act of 1906, there are to-day only 11 non-American clerks—the service of all 11 antedating 1906—who receive a salary of $1,000 a year or over.

Quotations upon this subject covering almost every year of our history might be multiplied to show the universal sentiment. Enough has been said, however, to indicate the importance with which the question has been regarded.

The most recent action which I have seen was in the form of a referendum conducted last winter by the United States Chamber of Commerce. A special committee of that body was appointed to consider desirable reforms in our Consular Service, and among other things it recommended in its report complete Americanization. The committee said:

The committee can not conceive of an argument against the position that those promoting the commercial interests of the United States should be American citizens. It is clearly inconsistent to employ natives of a foreign country, whose sense of nationality and loyalty will lead them to prefer the interests of that country over those of the United States.

The report of the committee was submitted to the constituent members of the chamber of commerce, and the result of the referendum shows a vote of 877 to 8 indorsing the report of the committee.

This subject is engaging the attention of other Governments at this time. The same meeting of the British Chamber of Commerce, to which I have previously referred, adopted a resolution for the reorganization of the British Consular Service with British-born consuls. One of the delegates asserted that during the competition for trade between Great Britain and Germany, preceding the war, 44 British consuls were Germans.

The situation is much the same in Holland. Dissatisfaction among many commercial bodies in Holland with the Dutch system of foreign representation has led to a general advocacy of reforms, whereby foreign consuls shall be paid officials. Of the total of 730 representatives of the Netherlands abroad only about 80, mostly diplomats, are paid officials. Of the remaining 630 honorary consuls only 129 are Dutchmen, and there are nearly 400 who can not even correspond in the Dutch language. The Government is being urged particularly at this time to see that commercial interests are well represented abroad, in order that Dutch manufacturers, traders, and shipowners may be kept well informed on the needs and opportunities of foreign countries after peace is declared.

Mr. BORLAND. Mr. Chairman, will the gentleman permit me to interrupt him there?

Mr. ROGERS. Yes; I will yield to the gentleman from Missouri.

Mr. BORLAND. How many consuls are there now in the service who are not American citizens?

Mr. ROGERS. There are no consuls who are not American citizens. There are no consuls general who are not American citizens. But I will say to the gentleman that there is no provision of law which requires them to be American citizens, and

one of the amendments which I propose to offer to this bill will put actually on the statute books the requirement that all consuls and consuls general shall necessarily be American citizens.

Mr. BORLAND. I think I am right in this position, that up to about six or seven years ago there were many consuls, or at least some consuls, that were not American citizens. But since the plan has been strictly enforced of these consular examinations and consular promotions we have gradually supplanted them all with Americans, so that to-day we have a complete set of American citizens.

Mr. ROGERS. To-day we have undoubtedly American consuls and consuls general only. I think the gentleman is mistaken, however, in saying that that situation is of recent origin. I think that foreign consuls and consuls general have for many years been the exception and not the rule. From 1856 down to 1874, when the Revised Statutes were compiled, it was the law of the United States that consuls general and consuls must be American citizens, but in the codification that provision was eliminated.

Mr. BORLAND. Now let me ask the gentleman in that connection: My information is that a good many of the consular clerks are not Americans. Is that true?

Mr. ROGERS. As the result of the act of 1906, which I have read, there are still about a dozen clerks receiving salaries of $1,000 a year or more who have continued over from the period prior to the enactment of the statute, and who have been retained because they were competent, and because it did not seem fair to dismiss them; but every new appointment at a salary of a thousand dollars a year or more has been and is an American citizen.

Mr. BORLAND. Then, of course, there are some whose salaries are less than $1,000 who are not American citizens.

Mr. ROGERS. I think probably the majority of clerks whose salaries are less than a thousand dollars a year, and who hence are not covered by the section which I have read, are not American citizens.

Mr. BORLAND. As the gentleman knows, it is almost impossible to get a young man in this country who is qualified to take that kind of a clerkship, to go to some foreign capital and work for less than a thousand dollars a year. We can not get them to go, and ordinarily we can not find them there.

Mr. ROGERS. That is true. My insistence that our Consular Service be Americanized does not go to the minor clerical positions, for that reason. I think you must be reasonable and businesslike about a thing of this sort, as well as about everything else, if you can; and while I think every position of responsibility in our Consular Service should be filled by an American citizen, I do not think that at present at least it is practicable even to attempt to Americanize the lower-paid consular clerks.

Mr. BORLAND. What is the gentleman's insistence at this time—that we have a definite law limiting consuls and consuls general to American citizens?

Mr. ROGERS. I was just reaching that point in my discussion when the gentleman asked the question.

Mr. CARY. By "clerk" does the gentleman mean "vice consul"?

Mr. ROGERS. No; a "clerk" may or may not be a "vice consul." A vice consul is oftentimes appointed from the ranks of the clerks in a certain post. Does that answer the question of the gentleman from Wisconsin?

Mr. CARY. They are all Americans, are they not?

Mr. ROGERS. If they receive over $1,000 a year; all except 11 are Americans under the law of 1906.

The question of Americanization resolves itself into three classes, I think. In the first place, as to consuls general and consuls, it involves Americanization by law, as distinguished from Americanization by custom. There is not a single foreigner, so far as I know, who is to-day serving either as consul general or as consul; but there is no legal requirement that such should be the fact. In my judgment, there should be no objection to reenacting the state of the law as it existed from 1856 to 1874, prohibiting in terms the appointment of any foreigner as an American consul general or consul.

Then the second class is made up of vice consuls, and as to those the language on page 23 of the bill, which I have read, seems to cover the ground as far as it can. In the more remote posts of the world it is not possible, as every gentleman will understand, to find at once a man who will be a competent vice consul and who is also an American citizen. I think the language of the bill which I have read is sufficiently elastic to permit the Secretary of State to retain a suitable foreigner until he can be sure of locating and appointing a suitable American citizen.

Mr. HARRISON. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Mississippi.

Mr. HARRISON. I want to get into my head what the gentleman proposes to do by his amendment. Does he propose to Americanize all the vice consuls in the service?

Mr. ROGERS. The language which is already in the bill as reported by the committee deals with the vice consuls.

Mr. HARRISON. The language in the bill does not Americanize them absolutely.

Mr. ROGERS. It Americanizes them as fast as practicable.

Mr. HARRISON. Is the gentleman dissatisfied with the provision in the bill?

Mr. ROGERS. I am absolutely satisfied with the provision in the bill.

Mr. HARRISON. Does the gentleman want to go further than the provision in the bill? Because the provision in the bill says:

> No portion of this sum shall be paid as compensation to vice consuls who are not American citizens: *Provided*, That if in any case the Secretary of State deems it impracticable immediately to secure a competent vice consul who is an American citizen, he may appoint or retain as vice consul and compensate from this fund a person not an American citizen until such time as he is able to designate a competent American citizen for such post.

Does the gentleman want to wipe out that proviso and make it absolute?

Mr. ROGERS. No; I am perfectly satisfied with the bill as it stands with respect to the Americanization of vice consuls. I think it should contain a further express prohibition against the appointment of foreign consuls general and consuls, which is not in the law and which is not in this bill.

Mr. HARRISON. They are all Americans, though.

Mr. ROGERS. They happen to be all Americans. They have not been in the past and they may not be in the future, unless we require that they shall be.

In the third place, I want to make a start in the direction of Americanizing our consular agents.

Mr. HARRISON. The gentleman has an amendment that he proposes to offer to this provision?

Mr. ROGERS. I have an amendment that I propose to offer, dealing, in the first place, with consuls general and consuls on the one hand, and in the second place with consular agents on the other hand.

Mr. HARRISON. I remember that in the committee the gentleman made quite a strenuous fight to get that.

Mr. FLOOD. May I make a statement?

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. FLOOD. In the good old Democratic days consuls and consuls general were required to be Americans, but later that provision of the law was omitted in some way. Now we want to bring it back to the point where it was in the old days. Is that the gentleman's idea?

Mr. ROGERS. The only period in our history when that was the law of the land was from 1856 to 1874, and my recollection is that there was not a long line of Democratic Presidents during those years.

Mr. FLOOD. There certainly was a Democratic President during four years of that time and at the time when this law was enacted.

Mr. ROGERS. I will say to the gentleman, in reply, that I think this is an absolutely nonpartisan matter, and that partisan politics should not enter into it in any way. I have approached the matter, and I know the chairman of the committee has approached the matter, in a way that in no wise involves partisan politics.

Mr. FLOOD. That is true. The gentleman's suggestion is a wise one—that we go back to the old law requiring that no consul and no consul general shall be other than an American citizen.

Mr. HARRISON. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. HARRISON. The gentleman realizes that it was the view of the committee, I think every man, that consuls should all be Americanized.

Mr. ROGERS. Yes; that is true or they would not have adopted this provision.

Mr. HARRISON. The reason why that provision was not put in is we thought it would not work; that it was impracticable to try and Americanize them immediately, and so put in this provision that it might work out and not disorganize the force.

Mr. ROGERS. The gentleman will agree that I am not disclosing any committee secret if I say that I drew the language that applies to the vice consuls, and of course I am satisfied with it.

Mr. CLINE. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Indiana.

Mr. CLINE. I call the gentleman's attention to what is disclosed in the hearings; that it has been the practice for the last 10 years to Americanize as fast as possible not only the vice consuls but the consular agents also; that in the last 10 years 19 consular agents have dropped out in South American Republics for the very reason that the Government is proceeding along these lines as rapidly as possible to Americanize all of the force.

Mr. ROGERS. That is true, and yet it is also true that over half of the consular agents are foreigners now. The State Department recognizes the importance of Americanizing the Consular Service and is anxious to cooperate in bringing about that result.

Mr. BORLAND. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. BORLAND. Will the gentleman state the difference between the consular agent and the vice consul?

Mr. ROGERS. They have similar duties, but the consular agent is appointed to the smaller places—not necessarily smaller in population, but in trade importance. The consular district is the unit. Take, for instance, Rio de Janeiro, which is the location of a consul general. There are two or three consulates within the consular district of which Rio is the center, and smaller places up and down the coast where there are consular agents. In other words, it is largely a question of degree, with a consul general at the top, several consuls under him, one or more vice consuls substituting for each consul general and consul; then at the bottom are several consular agents.

As I said a moment ago, more than half of the consular agents are foreigners to-day. Under the provisions of the law these men receive no salary whatever but do receive compensation, in no case to exceed $1,000, representing one-half of all the fees which go into their office during the year.

Mr. BORLAND. The consular agents are not always under a consul, but represent some country where they are detached?

Mr. ROGERS. They are always subordinate to some central consular district, but independent in jurisdiction in their particular location.

Mr. BORLAND. Is it not a fact that these men frequently represent a group of countries?

Mr. ROGERS. That has sometimes been detected by the State Department.

Mr. BORLAND. Is it not a good thing?

Mr. ROGERS. I do not think so. Just as fast as it catches a man doing that, the State Department tells him that he can not serve God and Mammon—God in this instance representing the United States and Mammon the rest of the world—that he must choose whether he will represent us alone or represent some other country and give up the United States.

Mr. BORLAND. It transpires that in my city there are a number of gentlemen there, not a large number, but possibly half a dozen, who among them represent all the Latin American countries. One gentleman will represent three or four. I know of one Spanish teacher in the high school who represents three South American countries. He was not a citizen of either one of those countries.

Mr. ROGERS. The policy of other countries may differ in that regard from our own, but I agree with the State Department that we should not have a divided allegiance among the consuls and consular agents.

Mr. BORLAND. Suppose we have so little work in that particular district that we could not have a man looking after it exclusively.

Mr. ROGERS. The method of compensation takes care of that. The consular agent receives one-half of the fees which he takes in, not exceeding, however, a total compensation of $1,000. If he takes in nothing, he gets no salary whatever.

Mr. BORLAND. The gentleman's idea is that the Americanizing of the consular agents should go on; that it is just as important as that of the vice consul.

Mr. ROGERS. Just as important. There is, for instance, a consular agency at Casa Blanca, Morocco, where there is little or no business, and where it would be absurd to try to Americanize the agent, simply because we could not afford to pay a man for the amount of business that is done there. We must in time, however, put all consular agents upon a salary basis, if their post is of any commercial importance.

To insure by law that our consuls general and consuls shall be American citizens, I propose to offer, at line 22 on page 23 of the bill, the following amendment:

> Every consul general, consul and, wherever practicable, every consular agent, shall be an American citizen.

The Americanization of our vice consuls is, as far as practicable, achieved by the language which I have already quoted and by the addition of the sum of $45,000 to the Consular Service salaries item, which sum was stated by Hon. Wilbur J. Carr, Director of the Consular Service, in a letter to the gentleman from Virginia [Mr. FLOOD], the chairman of the committee, dated February 4, 1916, to be necessary for this purpose. I shall later take up in detail the problem of how to Americanize our consular agencies.

I think the historical review will convince anyone—if, indeed, argument were needed—that the practice of appointing foreigners to represent us abroad should be and must be stopped. The primary obligation of patriotism and loyalty is owed by the foreigner to his own Government and not to the United States. Much important information goes through his hands and may be diverted to the service of his compatriots instead of being applied solely to the advancement of American interests. The increased cost incident on Americanization is so trivial that it may be disregarded.

In time of war the necessity is even more apparent. Foreigners who represent us, if nationals of a belligerent, may be and often are called upon to serve in the armies of their country. A recent clipping from the Washington Post illustrates this point. It reads as follows:

> TWELVE WOMEN AID UNITED STATES CONSUL—FEMININE CLERKS TAKE PLACE OF MEN WHO HAVE JOINED ARMY.
>
> LONDON, *February 28.*
>
> War has done much to change the complexion of the working force of the United States consulate here. Seven British clerks have joined the army.
>
> There are now 12 women employees where before the war there was not one. One of the British clerks came to the consulate when the affairs of the Turkish consulate were taken over, having formerly been employed there.

It is well known that disloyalty to America on the part of foreigners who were representing us in various countries is not a theoretical matter but is a practical and demonstrated fact. The State Department has since the outbreak of the war two years ago repeatedly found it necessary to separate from the Consular Service men whose conduct showed all too plainly that their primary interests were not in favor of the United States. We must, then, promptly replace each foreigner with one who is an American citizen, either by birth or by naturalization. It is the duty of the United States to see to it that the watchword of every foreign representative shall be not "America second" but "America first."

2. REORGANIZATION OF CONSULAR AGENCIES.

A consular agent is an officer at a post the commercial importance of which has not been deemed sufficient to require the designation of a consul general or a consul. I have already alluded to the fact that of our 189 consular agents more than one-half (97) are foreigners. The importance of Americanizing our consular agencies was emphasized by Mr. Carr, Director of the Consular Service, during the hearings on the present bill. He says (p. 91):

> In regard to consular agents, Americanization of these is a stronger need than for the vice consuls. The consular agent is stationed at a post other than that at which the supervising consul is stationed.

In other words, while the vice consul acts as consul only for the limited period during which the regular consul is absent on leave or by reason of sickness, the consular agent is at all times the head of the office to which he is assigned. It may be that in volume of business the office is smaller than a consulate; yet in many of the consular agencies the business transacted is exceedingly important and its faithful and loyal performance may be of incalculable importance to American interests.

Americanization of consular agencies is, however, greatly complicated by two circumstances:

First. The consular agent is paid by fees.

Second. He is permitted to engage, and habitually does engage, in trade.

The combination is an unusually vicious one—a foreign, fee-paid consular agent of the United States engaged in and primarily interested in his own private business. Foreigners should be eliminated; the vicious fee system, of which, by the way, this is happily the last vestige in our consular service, should be eliminated; and by making our consular agents officers "of career"—that is, by professionalizing them—their necessity of engaging in private trading should be eliminated.

All this, however, is not as simple as it perhaps sounds. By the act of April 5, 1906, section 8—

> * * * Consular agents * * * shall be paid by one half of the fees received in their offices up to a maximum sum of $1,000 in any one year, the other half being accounted for and paid into the Treasury of the United States.

Under this provision the average salary per year of our consular agents probably does not exceed $400 and very few receive the maximum of $1,000. As the case now stands, the hopelessness is obvious of expecting a consular agent to give up his private business and of being able to Americanize the agencies by offering inducements to competent young men to go out from

this country, perhaps to an obscure and undesirable post, to obtain a salary which at best can not exceed $1,000.

Plainly, therefore, the fee system, which in all conscience is vicious enough in itself, must for this further reason be done away with and a salary system substituted.

What is the best way of effecting the needed reforms? Probably to elevate as fast as possible consular agents to vice consuls, each dependent upon the principal consular officer of the particular district. Up to this time the term "vice consul" has always indicated a substitute consul; that is, an officer whose duties begin when those of his principal consular officer are suspended by absence. Such vice consuls have been and usually are also permanent clerks in the particular consulate. Under the act approved February 5, 1915, we find:

> For such time as any vice consul shall be lawfully authorized to assume charge of a consulate general or consulate during the absence of the principal officer at the post to which he shall have been appointed or assigned he shall be entitled to receive, in addition to his regular salary or compensation as a subordinate consular officer or employee, compensation equal to the difference between such salary or compensation and 50 per cent of the salary provided by law for the principal consular officer at such post.

This is the only provision in our laws for the payment of vice consuls, so that when they are not actually performing the duties of consul general or consul, as the case may be, their vice consulate brings them in no compensation of any kind.

A new type of vice consul was, however, hinted at for the first time in the act of February 5, 1915, which provides:

> "Vice consuls" shall be deemed to denote consular officers subordinate to such principals exercising and performing the duties within the limits of their consulates at the same or at different points and places from those at which the principals are located.

Here we have for the first time in our diplomatic history the conception of a vice consul who exercises his functions at all times—instead of merely during the absence of his principal officer—and whose station is at a point other than that at which his principal is located. Here, I believe, is the basis for the needed reforms in our consular agencies. Let us make a class of professional vice consuls, who shall devote all their time to the duties of their vice consulate office, who shall receive an adequate salary from the United States Government, who shall not engage in private business, and who shall be American citizens. Let the State Department then take advantage of the language of the act of February 5, 1915, and as rapidly as possible elevate the consular agencies to vice consulates in the manner indicated. At one stroke we should thus wipe out the three present vices in our consular-agency system—foreign representation, the fee system, and the trading consular agent.

To Americanize all our consular agencies would be rather expensive, involving, as it does, the payment of an outright salary sufficient to induce a competent American citizen to take the office and to devote his whole time to the duties thereof. Assuming that Congress should undertake to professionalize all consular agencies and give the incumbents salaries of $2,000 a year, the yearly cost would be $386,000, from which could be deducted approximately $85,000 a year now paid to agents as their share of the fees, making the net cost $301,000. To this would have to be added about $155,000 for contingent expenses, since it would be expected that professional vice consuls should do more work in an independent office and consequently be a greater expense to the Government than our consular agents.

If, on the other hand, it should be felt sufficient to professionalize only consular agencies that are now held by foreign subjects, the cost, including contingent expenses, would, after deducting the amount at present paid our consular agents at the corresponding posts, be approximately $200,000.

The reorganization of our consular agencies can not be achieved in one year. A start, however, in this direction should at once be made. I propose to offer an amendment increasing the Consular Service salaries item by $25,000, and amending the text so as to permit the Department of State to use this $25,000 for compensation of the new type of permanent and "career" vice consuls. Even so small a sum as $25,000 will permit the State Department to establish the grade of salaried vice consul and demonstrate the advantage of having in office American citizens who are able to devote their entire time to the promotion of American commerce and to the advancement of American interests. I believe that the results of a year's trial will convince Congress of the wisdom of replacing our consular agents with salaried vice consuls in all posts except those in which the business done is practically negligible.

3. TRACES OF THE SPOILS SYSTEM.

The merit system in the Consular Service was put on a firm footing by President Roosevelt in 1906. In his Executive order of June 27 of that year he provided in considerable detail that vacancies in the office of consul general and consul above the two lowest classes should be filled by promotion from the lower grades of the Consular Service, based upon ability and efficiency as shown in the service; and that vacancies in the two lowest classes of consuls should be filled either by promotion of vice consuls, consular agents, and so forth, or by new appointments of candidates who had passed a satisfactory examination. This Executive order did not, of course, have the force of law. Even after it was issued the President could at any time by another Executive order appoint a personal or political friend to a consulate. Nevertheless, from 1906 to 1914 not a single Executive order was issued making such personal or political appointment; not a single consul was appointed to the service except in accordance with the provisions of the Executive order of 1906.

With the arrival in the State Department of Mr. William Jennings Bryan alarm was naturally felt for the integrity of the Consular Service and especially for the strict continuance of the merit system. It was feared by many that a series of Executive orders would be issued appointing to the Consular Service henchmen of Mr. Bryan as often as a vacancy occurred. I need not point out that such a course would have utterly destroyed the effect of the Executive order of 1906, although technically it would have been permissible. But to the surprise of all, for substantially a year Mr. Bryan kept his hands off the Consular Service. It was not until February 10, 1914, that we find the first Executive order making appointment to the Consular Service without regard to the Executive order of 1906. At monthly intervals they followed for six months. By that time a good deal of publicity had been stirred up, and it was apparently deemed feasible—not for the sake of the service but for political reasons—to suspend further issuances.

I append herewith a list of the six orders in question:

Otis A. Glazebrook, New Jersey, February 10, 1914.
Wilbur J. Keblinger, Virginia, March 28, 1914.
John M. Savage, New Jersey, April 21, 1914.
Wallace J. Young, Illinois, May 26, 1914.
John R. Silliman, Texas, July 3, 1914.
J. C. Monaghan, New Jersey, October 10, 1914.

Perhaps the fact that these orders were issued and signed by President Wilson himself and that one-half of the orders are in favor of citizens of New Jersey may indicate that at all events Mr. Bryan's responsibility was not exclusive.

It may be argued that six appointments not based upon the merit system and upon examination are so few as to be trivial. This is, however, not the proper way in which the incidents should be judged. We are trying to attract to the Consular Service the highest type of young men which our country affords. In 1906 we told them that appointment and promotion would be based upon merit and upon nothing else. For eight years we adhered to this principle without a single exception. Then, in 1914, six exceptions came in rapid succession. With the vicious spoils system again rearing its ugly head in the Consular Service, the best young men will hesitate to risk a career in which ability and achievement may be subordinated to political "pull"; men already in the service will be disheartened and discouraged if they see men with "influence" shot over their heads.

Take the case of Mr. Monaghan, of New Jersey, for example. He was appointed to Kingston, Jamaica, as a consul of class 4, with a salary of $4,500. He is serving in the same class and at the same salary with men who have been in the service 20 years, and, indeed, is in a grade ahead of some men who have served honorably and efficiently for 25 years.

Take the case of Mr. Glazebrook, of New Jersey. He is a consul of class 6, assigned to Jerusalem, at a salary of $3,500. He is serving in the same class with men who have been in the Consular Service for 20 or even 25 years, and ahead of some who have been in the service as long. The case of Mr. Savage, who is consul at Sheffield, is similar; he is in class 7, receiving a salary of $3,000. It should be said that he and Mr. Monaghan had been in the Consular Service 15 or 20 years before; at the time of their previous appointment, however, entrance did not depend, as now, upon examination.

But the issuance of Executive orders fell, as I say, into disrepute. Whether it was the "pitiless publicity" which each order evoked or the unamenability of the President to some of the schemes of Mr. Bryan which stopped the issuance of further orders, we do not certainly know.

At all events, a new and ingenious scheme, which avoided both publicity and the necessity of Executive docility, was devised. The Executive order of 1906 provides that "persons in the service of the Department of State with salaries of $2,000 or upward shall be eligible for promotion, on the basis of ability and efficiency as shown in the service, to any grade of the Consular Service above class 8 of consuls." This was suggested by Mr. Root, then Secretary of State, with the idea of affording an outlet from the department for men who had worked their way up from the ranks to a position perhaps as chief of one of its bureaus. It was the intention that the provision should be utilized only in favor of men who had originally entered the department under civil service rules, and this requirement had been insisted upon without exception on the infrequent occasions, prior to Mr. Bryan's incumbency, when it was invoked.

The fertile mind of Mr. Bryan, however, detected in it an opportunity to take care of a stray "deserving Democrat." Let me illustrate: He appointed one Calvin M. Hitch, who had been for years a prominent wheel horse in Georgia politics, Assistant Chief of the Division of Latin-American Affairs, at a salary of $3,000. He then, on February 22, 1915, applied the above provision of the Executive order of 1906 and appointed Mr. Hitch consul of class 5, at a salary of $4,000. Mr. Hitch is now consul at Nottingham.

While the action was no doubt a technical compliance with the provision of the Executive order, it was as gross and flagrant a violation of the spirit of the order as could well be imagined. It is probably fair to say that every man in the Consular Service, excepting Mr. Hitch himself, resents and deplores the prostitution of the Executive order of 1906 to the political exigencies of the unlamented Secretary of State.

Take another case. William F. Kelley hailed from Lincoln, Nebr. The very name of the town was until about a year ago something to conjure with. Mr. Bryan appointed his fellow townsman Assistant Solicitor in the Department of State, at a salary of $3,000. Mr. Bryan resigned on June 9, 1915. "Coming events cast their shadows before." On June 8, 1915, the previous day, Mr. Bryan again took advantage of the letter of the Executive order and appointed Mr. Kelley consul of class 5, at a salary of $4,000, and assigned him to Rome.

These two men, both appointed for purely political reasons, entered the same class and at the same salary with men who had been acquiring the traditions, the policies, and the details of the service for from 10 to 25 years. They became the superiors in rank and salary of perhaps 30 or 40 men whose service exceeds 10 years. It is small wonder that the friends of our Consular Service and the consular officers themselves were outraged at this utterly indefensible breaking down of the merit system.

It must be said in fairness to Secretary Lansing that during the year of his incumbency he has sedulously and scrupulously preserved intact the merit system and that there is no sign whatever that with his connivance further inroads may be expected.

4. MORE CONSULS AND CONSULAR POSTS.

If we are to get and hold our share of the trade of the world we must have at every important commercial center of the world an outpost of trade. As I have previously pointed out, the war in Europe has thrown upon our Consular Service in the countries at war a vast amount of work of an entirely new character, namely, that of protecting the interests of belligerent Governments, of relieving and caring for their nationals, of inspecting the camps in which prisoners are confined, and attending to a multitude of details having to do in a minor way with the war. While commercial and ordinary consular functions have decreased in some of the belligerent countries they have been vastly increased in other belligerent countries to such an extent that the Department of State has been compelled to withdraw consuls from some of the neutral countries and send them to the consulates in belligerent countries. This has been unfortunate in that it has left the United States with an inadequate consular staff in some of the neutral countries, in which they are at present very greatly needed because of the opportunities for the extension of American trade. The effect of the war, as is well known, has been to modify to a considerable extent the course of trade and to cause many neutral countries which have hitherto depended upon the countries at war for the major part of their imports to turn to the United States for their purchase of supplies. It follows that the consular organizations in all the neutral countries should be maintained at their maximum strength, and that in order to accomplish this desirable object the number of available consuls should be considerably increased.

In South America there are undoubtedly extraordinary opportunities at present for the United States to build up a permanent market for its products. Yet we are getting to-day only a relatively small share of the business of South America. This is in part attributable to the fact that throughout the vast continent we have a total of but 41 posts. This number should be materially increased. There should be additional consulates at some or all of the following places: Oruro, Bolivia; Bahia Blanca, Argentina; Maranhao, Brazil; Porto Alegre, Brazil; Paita, Peru; Rio Grande do Sul, Brazil; Mollendo, Peru; Paramaribo, Dutch Guiana; Santiago, Chile; and Manaos, Brazil. In Australia there should be consulates at Brisbane, Adelaide, and Townsville. In the Dutch East Indies there should be a consulate at Soerabaya. In Russia and China there should be several new consular offices established, because there are extremely promising opportunities for extending American trade during the war and for holding it after the war.

Sometimes the proper solution will be to elevate a consular agency to a full consulate; sometimes it will be sufficient to put at the posts in question a salaried vice consul, above referred to; and sometimes new posts must be established. With world trade as the stake the United States can not afford to be penny-wise and pound-foolish.

5. HIGHER COMPENSATION.

As a general rule, to which there are some exceptions, the higher grades of the Consular Service from $5,000 a year and upward are adequately compensated. The middle and lower grades, from $5,000 to $2,000, are not adequately compensated. A glance at the following list will at once convey an idea of how much underpaid some of the lower-grade consuls are:

Aden, Arabia	$2,500
Asuncion, Paraguay	2,500
Batum, Russia	2,500
Bergen, Norway	2,500
Breslau, Germany	2,500
Hull, England	2,500
La Rochelle, France	2,500
Madrid, Spain	2,500
Nice, France	2,500
Swatow, China	2,500
Tunis, North Africa	2,500
Turin, Italy	2,500
Bristol, England	2,000
Cartagena, Colombia	2,000
Petrograd, Russia	3,500
Port Elizabeth, South Africa	3,500
Vladivostok, Siberia	3,500
Rosario, Argentina	3,500
Colombo, Ceylon	3,000
Madras, India	3,000

The list might be greatly extended, but the foregoing will serve to convince anyone who will stop to think what can be done with like amounts in any large city in the United States of the impossibility of properly representing a great commercial nation upon such salaries. In order to emphasize the insufficiency of these salaries, it will be profitable to see what Great Britain and Germany pay their consuls at a few of these places:

Place.	Great Britain.	Germany.	United States.
Vladivostok	$4,865	$5,783	$3,500
Rosario	4,865	.....	3,500
Tunis	[1] 4,379	5,093	2,500
Petrograd	5,459	8,151	3,500
Batum	3,893	4,392	2,500

[1] And house.

The United States is one of the strongest competitors of Great Britain and Germany in the contest for the world's markets. Since external appearances, a consul's manner of living, his ability to enter into personal relations with the people among whom he lives, affect so strongly his influence in the community and consequently his power to serve his Government and people, it is easy to see from the foregoing which consular officers would as a rule have the best standing in the community.

While a careful and detailed estimate has not been made, it is believed that it would cost $250,000 additional to place the salaries of the American consuls general and consuls upon an equality with the scale of compensation of British and German consular officers.

A far better method of equalizing the cost of living at various consular posts than the mere raising of salaries is to place at the disposal of the President a sum of money sufficient to enable him to make allowances to individual posts in the nature of additional compensation to meet changes or variations in the cost of living. No scale of salaries can be adapted to the purposes of promotion of officers and at the same time equalize the cost of living, which is constantly changing. The continental nations have learned this fact, and all the leading ones provide the means of making post allowances in addition to salary where needed. Thus, a German consul general receives a maximum salary in his grade of $2,856, but at Moscow he is given an additional local allowance of $5,236; at Naples the allowance is reduced to $2,856, while at New York it is increased to $10,234. This method is fair to the consul and simplifies the work of administration. Moreover, it promotes greater economy because it reduces frequency of transfers and the expense incident thereto, because in many cases promotion in salary can be made without changing an officer's post. If the amount of $250,000,

suggested in the preceding paragraph, were provided for post allowances, the number of classes of consuls reduced from eight to four, and the grade of salaried vice consul established, the condition of the personnel would be vastly improved.

No better illustration of the hardship which results to officers from the absence of such a fund as that suggested can be desired than that of the consulate at Vladivostok. The duties may well be performed by a sixth grade—$3,500—consul, yet that salary will not maintain a consul and his family decently. To send a higher grade consul there merely results in wasting the ability of a more experienced officer and at the same time in actually reducing the value of his compensation. The entire difficulty could be remedied by allotting to the consul a sum equal to the normal cost of living for an officer of his grade and the existing cost at the post where he happens to be stationed.

The Secretary of State has requested $150,000 as a fund for equalizing the cost of living by means of post allowances. The Committee on Foreign Affairs has recommended instead the sum of $100,000. Actual returns from consular officers show that the cost of living under war conditions, based upon the cost of fuel, rent, clothing, and food, ranges all the way from 15 to 128 per cent above that at the outbreak of the war. The cost of food alone has increased in some countries as much as 250 per cent above the prices of 1914. The effect of the rise in prices will be appreciated when it is remembered that consular salaries run as low as $1,000 and that the vast majority are below $3,000. Some of the belligerent Governments have increased from 37 to 60 per cent the salaries of their own officers to offset the rise in prices. The United States has done nothing. It is proposed from such appropriation as Congress may make to increase the compensation of consular officers in a proportion to compensate at least in part for the increase in the cost of living. Of course, caution will have to be exercised in making post allowances of this kind. It should be definitely known that the returns of the cost of living are accurate and are inflated permanently and not merely temporarily.

6. MORE FREQUENT INSPECTIONS.

Every consular post should be inspected at least as often as once in two years. In many ways it would be desirable if such inspection should occur annually. The United States has but five consular inspectors, known as consuls general at large, to cover the whole world. With due diligence and under peace conditions some of these men can not cover their district oftener than once in five years. An increase in the force of inspectors seems necessary for this purpose.

7. BETTER QUARTERS.

In respect to the effect upon the local mind quite as much as in the interest of the efficiency of our consulates their physical condition should be representative of the best that there is in America in the way of quarters, office equipment, clerical force, and general management. We should not seek to outdo other nations in the direction of the elegance of our establishments, but we should be careful that our consulates should be of such a character as to command at least as much respect on the part of the various local communities as that shown to the establishment of any other nation. The realization of these ideals makes it necessary that our consulates should be in central and convenient, if not in prominent, locations in the cities in which they are situated; that they shall be appropriately housed; and that they shall acquire a reputation abroad for dignity, permanency, helpfulness, and efficient organization. I believe that as fast as possible we should purchase suitable consular premises, and I am glad to point out that the present bill, besides providing for legations at Panama and Habana, appropriates $355,000 for adequate consular and court premises at Shanghai. Shanghai is the great commercial port of the Orient and the distributing point for imports into China. It is the city in which are located the principal agencies of American firms. It is the point of arrival and departure for trans-Pacific steamers. The United States maintains at Shanghai one of its largest and busiest consulates as well as a district court, a jail, a post office, and public-health office. The court and the consulate have official jurisdiction over Americans and their property. These offices occupy rented quarters. Every other first-class Government owns dignified and commodious buildings in which their consulates and courts are housed. The United States is the only first-class Government not owning its consular and court premises. The property now rented by the United States is the only available property on the water front and near the consulates of other great nations. The lease expires next month. The importance to American commerce of owning the property now occupied or other property equally desirable can scarcely be overemphasized.

8. AGE LIMIT.

The personnel of the American Consular Service has been greatly improved within the last few years. In the interest of economy and efficiency, however, further improvements are desirable. The existing rules fix the maximum age for examination at 50 years. This is entirely too high. It is not fair to the Government from an economical point of view, and it is not just to the service or to the commercial interests of the country to admit men from other walks of life at an age when they can not be expected to acquire readily the knowledge necessary to the efficient discharge of consular work or be available for service in tropical or other climatically trying places. Great Britain long ago placed her maximum age limit at 27. Under no circumstances should men be admitted to our service over 30. The analogy of officers in our Army and Navy, who can under no circumstances be more than 28 years of age and who except in rare cases are not over 24 or 25, is instructive in this connection.

9. MORE BUSINESS TRAINING.

It is often urged that business experience be made a prerequisite to appointment as a consul. In theory this is almost axiomatic. But in practice it is doubtful if it would work so well. "Business training" is an elastic term. It may mean a clerkship in a bank or it may mean a presidency of a trust. If we are to insist upon men in their twenties, we can not insist upon any considerable or detailed business knowledge, and if a clerkship or some minor business experience will fulfill the requirements, it is questionable whether it is worth exacting it at all. The right kind of business training would be of unquestionable value, but the kind ordinarily possessed by a man of 25 would be worthless. Probably an insistence upon such a requirement would entail the sacrifice of more important qualifications.

The best way, I think, is to encourage consuls after appointment to return to this country as often as possible and acquire as rapidly as possible the sort of knowledge which is a valuable qualification for their work. Indeed, it is doubtful if the Consular Service can properly progress without requiring that consuls return to the United States regularly on leaves of absence. Only in this way can they retain to the fullest extent their knowledge of and appreciation for the best in our national life. Only in this way can they become acquainted with American progress and industry and with the principal problems of manufacturing and exporting. Only in this way can they impart by personal touch the first-hand information which they possess to chambers of commerce and business men as to commercial conditions in foreign countries. I believe that no one thing would do more to vitalize the entire consular organization, in so far as its work relates to commerce, than to have every officer feel that at the end of a certain period he would be expected to return to this country for a time on leave and enter into a series of conferences with business men having trade with his district, in the course of which he would be expected to answer questions, to advise, and at the same time study conditions in this country. Consuls now receive leave of absence for 60 days each year with full pay, and in the event they come to the United States the leave is extended to cover the time of transit. Once in two and a half or three years, then, consuls should be required to return home and their traveling expenses paid. Great Britain already has this system in operation. An appropriation of $25,000 for this purpose would prove of great practical value to the business men of the country. The National Foreign Trade Council, through its committee on improvement of foreign and domestic commerce and consular service, recently said:

Your committee also strongly indorses the recommendations of officials of the State Department that authority be given and funds provided which will enable consular officers, on arriving in the United States, to attend business conventions and commercial conferences, in order to bring before American business interests the information as to conditions in the markets where they are stationed. The National Foreign Trade Council had the benefit at its recent third national foreign trade convention in New Orleans of the presence not only of representatives of the Bureau of Foreign and Domestic Commerce, but of three consular officers, and the benefits derived by delegates from this opportunity for personal consultation were great.

COMMERCIAL ATTACHÉS.

The act of Congress approved July 16, 1914, provides in part as follows:

For commercial attachés to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States, $100,000.

The 1915 and 1916 laws have carried a similar item.

Under this provision the Department of Commerce has appointed 10 commercial attachés, 1 being assigned to each of the following capitals: London, Paris, Berlin, Petrograd, Peking, Buenos Aires, Rio de Janeiro, Lima, Santiago, and Melbourne.

The fact that these officials are under the Department of Commerce may seem to make it superfluous to discuss them in a speech upon the Consular Service. Nevertheless, I think the connection is sufficiently close and important to warrant a brief reference.

It is my considered opinion that these officials do absolutely no good and in some respects do the country more harm than good. I think they should either be eliminated or be made subject to the State Department.

It is well known that the Department of Commerce, under the tutelage of Secretary Redfield, is one of the greatest self-advertising institutions in the world. It blows its horn in season and out of season. A typical blast appeared in an article entitled "Uncle Sam, Trade Expert," in the Saturday Evening Post for May 6, 1916. This article lauded to the skies the achievements of the commercial attachés and, inferentially at least, left the impression that our commercial attachés were everything and our Consular Service nothing. For example, the following language, quoting a high official of the Department of Commerce, appears:

It is not strange that all consuls are not able at all times to produce trade reports calculated to inspire the American manufacturer to go out after export business, and to guide those efforts to success after they have been inspired. On this end of the job he needs help of the sort that only the highly trained specialist can give. Hence the commercial attaché and the commercial agent.

I believe it to be a demonstrable fact that these 10 men hinder instead of assist the work of the consuls in caring for our foreign trade. For example, there have been repeated cases where a commercial attaché would ask a consul to collect information for him bearing upon a certain subject. The consul, though under no obligation so to do, would graciously and after much research collect the information desired. Then the attaché without giving any credit whatever to the consul, would forward the information to the Department of Commerce and it would be blazoned forth to the country with a great hurrah. That very information would frequently have already been made available by the consul himself. Lately, I am informed, some of the consuls have notified the attachés that they no longer could do their own work and that of the attaché as well.

A number of the attachés were selected for political reasons, and several of them at least had no apparent qualifications for the task to which they are assigned. Knowledge of business conditions in the country of their station, knowledge even of the tongue of the country were apparently not deemed essentials to appointment.

These men, being officials of the Department of Commerce, not of the Department of State, and belonging neither to the diplomatic nor to the consular branches of our Government, have no official standing abroad. The foreign Government can not understand why they are in the country at all, and they occupy a thoroughly nondescript position. Oftentimes it seems as if every man's hand was against them and their hand was against every man.

It may be that there is a useful opportunity for service for the right sort of men, but any such men, to be effective at all, must be, as is the practice of other Governments, under the direction of the State Department. The present division of responsibility and authority works very badly, tells directly for friction, and entirely neutralizes any possible good which might otherwise result. As it stands now the country is simply throwing away $100,000.

COST OF THE CONSULAR SERVICE.

It is not, I think, generally realized that the Consular Service is practically self-supporting. Largely through fees for invoices, the receipts almost equal the expenditures. I append herewith a table showing the receipts and expenditures, together with the net cost of the service, for the past 10 years:

Year.	Invoice fees.	Total consular fees.	Gross cost of Consular Service.	Net cost of Consular Service.	Gain.
1906	$1,262,060.76	$1,404,940.10	$1,385,217.47	.....	$19,722.63
1907	1,384,319.50	1,672,802.15	1,777,635.72	$104,833.57	.....
1908	1,251,637.12	1,517,301.65	1,808,661.26	296,356.61	.....
1909	1,320,514.24	1,586,047.14	1,835,078.06	249,030.42	.....
1910	1,481,653.65	1,762,133.72	1,928,561.77	166,428.05	.....
1911	1,431,264.00	1,712,345.87	2,017,042.35	304,696.48	.....
1912	1,502,621.93	1,793,166.00	2,053,256.21	260,090.21	.....
1913	1,561,327.23	1,852,535.99	1,972,604.39	120,068.40	.....
1914	1,735,247.30	2,040,211.42	2,083,908.42	43,674.00	.....
1915	1,236,810.91	1,498,029.80	2,073,642.57	575,612.77	.....

It will be seen from these figures that for the year just prior to the European war the consular budget was about $2,000,000 and that the consular fees came within $44,000 of meeting all expenditures. Even during the year 1915, when very heavy burdens resultant upon the war were being borne by the Consular Service, the net cost of the service was only $575,000.

When we consider that a net expenditure of from one to two million dollars is made yearly by France, Germany, and Great Britain, it will be seen that the United States can well afford to expend a million dollars more upon its Consular Service and still be well within the net expenditure of its principal trade rivals. We can well afford to be extremely liberal in our appropriations for the practical upbuilding of the Consular Service. The committee report accompanying this bill emphasizes this point:

The committee deems it proper to call attention to and emphasize the fact that under normal conditions the fees collected and actually paid into the Treasury by the Consular Service are almost equal in amount to the entire cost of that service—approximately $2,000,000 per year. In fact, this service has been heretofore almost self-supporting. This should be taken into account when appropriations for this branch of the service are under consideration. In view of the extraordinary and exigent conditions now existing, with every expectation that they will continue perhaps indefinitely, the committee feels that it can not too strongly urge upon the Congress liberal, but necessary, appropriations for the Diplomatic and Consular Service as proposed in the accompanying bill.

PRACTICAL RESULTS OF CONSULAR SERVICE.

Inquiry into the results of consular activity on behalf of American export trade covering the period of six months prior to January 1, 1916, shows from the reports of about one-half of the consuls orders and sales amounting to $24,600,000. Assuming that these results were average results, the new business obtained through the direct activity of the Consular Service for six months would amount to the large total of $49,200,000. The orders and sales referred to include cotton piece goods, cloth, clothing material, coal, drugs, druggists' supplies, electrical goods, harness and saddlery, leather goods, machinery, lumber, typewriter supplies, tobacco, varnish, and so forth. When it is considered that the net cost of the Consular Service to the Government for that period was less than $300,000, we may gain some conception of the utility of the service in comparison with its cost to the public and form some accurate opinion of how far the Consular Service deserves support and a more generous provision for its maintenance.

Besides the purely material good, such as the direct securing of orders, we must bear in mind the thousand and one activities of the Consular Service in safeguarding American lives, in assembling accurate information for well-directed commercial activities by our people, and the numerous though intangible beneficial results which flow from having our country suitably represented in the cities and markets of the world.

It is our duty to use our utmost efforts to promote in every wise way the continued and increasing usefulness of the Consular Service. One of the essentials, and the one which I have emphasized in the course of my remarks, is that we must make the Consular Service attractive to our best and strongest citizens; we must make it a career of distinction and promise; we must make the holding of consular office an object of worthy ambition and a source of pride and patriotism.

I have a good many other questions which I desire to discuss but I do not care to take up the time of the committee in dealing with them to-day, and, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DUPRÉ. Will the gentleman yield?

Mr. ROGERS. I do.

Mr. DUPRÉ. I should like to ask the gentleman if he has any idea what course the Department of State intends to pursue with regard to our consuls in Mexico? Are they to be allowed to remain there indefinitely? I mean with regard to the tenure of particular positions. I know, for instance, one consul who has been there for five very strenuous years. Is it intended to shift these gentlemen to other posts and recognize their services?

Mr. ROGERS. I have not discussed that question with any of the officials of the Department of State, and I am unable to say what their position is. Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. MANN. Mr. Chairman, I have a few matters upon which I desire to make a few observations. On the 23d of May there appears in the CONGRESSIONAL RECORD, page 9674, an extension of remarks by the gentleman from Texas [Mr. DIES] under this heading:

Thou shalt not bear false witness against thy neighbor.

I think it might be said with truth that this is a campaign primary speech for home consumption. I noticed the heading of it and glanced through the speech, because the gentleman from Texas is always interesting, and I found this statement among other things:

The next charge in this false circular is that I was "present and did not vote" to establish a certain bureau in the Department of Labor, known as the Children's Bureau. I was for the bill, as the CONGRESSIONAL RECORD shows, and was paired for the bill with Mr. COPLEY, a Republican, who was against the bill. This bill passed the House April 2, 1912.

I knew that Mr. COPLEY, my colleague from Illinois, was not opposed to the bill, and I wondered if the statement of the gentleman from Texas [Mr. DIES] was correct, that he was paired for the bill with Mr. COPLEY, a Republican, who was against the bill. I looked up the record and found that the statement was wholly inaccurate; was not correct at all. The Children's Bureau bill passed the House on April 2, 1912, as stated by the gentleman from Texas. It passed under suspension of the rules on a yea-and-nay vote. This was the second yea-and-nay vote taken that day. On the first yea-and-nay vote on that day, which was on the lighthouse bill, the gentleman from Texas [Mr. DIES] had a general pair with my colleague from Illinois [Mr. COPLEY] "until further notice." This general pair ran through the day, being announced but once. There was no special pair on the Children's Bureau bill. The RECORD does not show that the gentleman from Texas was in favor of the Children's Bureau bill, or that my colleague from Illinois was against that bill. Nor is the statement of fact correct.

The gentleman from Texas also states:

The next charge in this false circular is that I was "present and did not vote" for a bill to investigate the Money Trust. I was paired for it with a Republican, Mr. Harris, who was against it.

Mr. DUPRÉ. May I ask the date of the RECORD from which the gentleman is quoting?

Mr. MANN. May 23.

The Money Trust investigation bill was before the House on April 25, 1912. The resolution authorizing that investigation was adopted by a yea-and-nay vote. The gentleman from Texas [Mr. DIES] did not vote or answer "present." He had a general pair with the gentleman from Massachusetts, Mr. Harris, which did not show that the gentleman from Texas was for the resolution or that Mr. Harris was against the resolution.

I call attention to this, because it is utterly unfair to my colleague from Illinois [Mr. COPLEY], who has been for a long time enthusiastically in favor of bills like the Child's Bureau bill, which, to a certain extent was a part of the propaganda of the Progressive Party, to which Mr. COPLEY belongs.

Mr. COOPER of Wisconsin. Will the gentleman permit one interruption?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. I want to corroborate what the gentleman says about Mr. COPLEY, because he has spoken to me more than once in favor of the Child Labor Bureau.

Mr. MANN. Gentlemen making speeches for the RECORD ought to be a little careful about what they insert in the RECORD relating to other Members of the House. So much for that.

The other day in the Senate there was inserted in the river and harbor bill a Senate amendment, in part, as follows:

And the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly approved June 18, 1915, providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act.

Then, the amendment contains various provisions, among which is:

Provided further, That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute.

This is known, I believe, as the La Follette amendment, being offered in the Senate by the Senator from Wisconsin, and which comes with a letter of recommendation from the Secretary of War, Mr. Baker, from Cleveland, Ohio. I just want to take a moment to read a letter from the commissioner of health of Chicago in reference to this matter, so that some Members of the House may know of what intense interest it is to the citizens of Chicago.

Mr. CRAMTON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CRAMTON. Is it not a fact that during the speech of Senator LA FOLLETTE one of the Illinois Senators—I do not recall which one—offered to accept such an amendment, and thereupon the amendment was introduced and carried?

Mr. MANN. I think it is not the fact. Still, if the gentleman says it is a fact, I am not going to dispute him.

Mr. CRAMTON. That was the situation.

Mr. MANN. I think the gentleman is mistaken. Neither of the Illinois Senators was present when the amendment was offered. I do not see how they could have had this conversation when one of them was in New York, and I do not know where the other was, except that he was not here.

Mr. CRAMTON. I will say to the gentleman, it was simply the Senator who was looking after the measure in question. I do not recall his name.

Mr. MANN. Of course it is not permissible for me to discuss what debate took place in the Senate, and I shall endeavor to comply with the rules.

What some Senator may have said in debate as to what he would do in the future I would not undertake to say. I might have forgotten. My recollection is the Senator to whom the gentleman has reference was in New York City delivering a speech at the time this matter was up in the Senate and agreed to there. However, that has nothing to do with the proposition. I am not complaining about the introduction or the agreement of the Senate to the amendment. This is not the time to do that.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BUCHANAN of Illinois. Would it not be impossible for the people of Chicago to submit to that law without encouraging the ravages of disease?

Mr. MANN. If my colleague will yield until I read a letter that I have announced I was going to read, it will do more service.

Mr. BUCHANAN of Illinois. I would like to have the gentleman continue.

Mr. MANN. This is the letter:

CITY OF CHICAGO,
DEPARTMENT OF HEALTH,
Chicago, May 31, 1916.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: In reference to the La Follette amendment to the rivers and harbors bill limiting the amount of water to be withdrawn from Lake Michigan by the sanitary canal system of the city of Chicago to 250,000 cubic feet per minute, I have the honor to call to your attention the fact that this amount of water will be inadequate to properly dilute the sewage of this city.

The 450,000 cubic feet per minute now diverted has been insufficient, and consequently there has been practically no free oxygen in the water of the sanitary canal during the summer season. It is thus self-evident that any further reduction in the amount of water available for dilution will make the Chicago River and the sanitary channel a public nuisance.

Furthermore, such reduction in the amount of water which may be withdrawn will interfere with the measures now under consideration for the diversion of the sewage of the north shore and northern Indiana towns. Such delay will naturally result in a continued and increasing pollution of the water supply of this and neighboring cities. At the present time about one-half of the typhoid fever in this city is contracted in neighboring towns as a result of polluted water supplied in such towns. There is now such an epidemic of typhoid fever in Indiana Harbor. Approximately 250 cases have developed there within the last 60 days.

Chicago has just gone through the year 1915 with a typhoid rate of 5.39 per 100,000, which is the lowest in the history of the city and, according to the report on comparative typhoid rates of cities in the United States for 1915, published by the American Medical Association, the lowest of any city in the country with a population of 500,000 or more. We are justified in being proud of such a record. In addition, we have the right to expect such a lowering of mortality as a reward of the millions expended in intercepting the sewers and constructing the sanitary channel.

Our citizens will oppose any measures which will result in rendering inefficient at once our present method of sewage disposal and which will reestablish conditions which existed here before the sanitary channel was put into operation. For the 10-year period preceding the opening of the channel our typhoid rate was 59.7 per 100,000.

I am well aware of the fact that the system of sewage disposal now used by this city is not ideal. We are, however, confronted with the situation of having to guard the health and welfare of two and one-half millions of people. It is therefore apparent that the crippling of the existing system of sewage disposal by limiting the amount of water available is a very dangerous procedure and should not be taken until a comprehensive system of sewage treatment and disposal has been installed in Chicago and also for neighboring cities.

Therefore, I have the honor to respectfully request that you make every effort possible to have this proposed amendment stricken from the pending rivers and harbors bill.

Respectfully,
JOHN DILL ROBERTSON, M. D.,
Commissioner of Health.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. MANN. In a moment. When the old rate for typhoid fever for the 10-year period was over 59 for 100,000 inhabitants, as against less than 6 for 100,000 inhabitants at the present time, you can see that the matter is of considerable interest to Chicago, because the decrease in the rate of typhoid has been caused by the Sanitary Canal. Now I yield to the gentleman.

Mr. McLAUGHLIN. In February, 1912, the Secretary of War, after a full hearing, refused to consent to the diversion of more water. That was notice to the people of the city of Chicago. Has any effort been made on their part or any move in the direction of otherwise disposing of the sewage than into the Chicago River?

Mr. MANN. I am told by the trustees of the Sanitary Canal that it would cost $250,000,000 to Chicago to dispose of the city

sewage in any other way than the way now adopted. I do not know whether that is correct, or how far there has been investigation on that subject. Before the Sanitary Canal idea was adopted at Chicago there was a considerable investigation on the subject of sewage disposal.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MANN. Let me finish. Personally, at the time I was not in favor of the method which was adopted. I thought it was a mistake for Chicago to have adopted the plan that it did without first getting authority of Congress. But they went ahead with the plan, and have expended close to $100,000,000. Whether they should be required to adopt some other plan I am not undertaking to say. I am calling this to the attention of the House, because I do not believe the House desires to adopt any amendment which would make life unsafe in the city of Chicago, not only to the citizens there but to all who go through Chicago.

Mr. GORDON. Mr. Chairman, will the gentleman yield to me?

Mr. MANN. Certainly.

Mr. GORDON. Has the gentleman fully considered the consequences of draining the Great Lakes, and the fact that we have a treaty with Great Britain which obligates us to maintain the present lake level?

Mr. MANN. Oh, certainly; long before the gentleman was in the House, and many times since.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman a question for information.

Mr. MANN. Certainly.

Mr. HAMILTON of Michigan. How much water does the gentleman who writes that letter say is passing through the Chicago River per minute now?

Mr. MANN. He says 450,000 cubic feet. Whether it is correct or not I do not know.

Mr. HAMILTON of Michigan. And the proposition involved in this amendment is 250,000 cubic feet?

Mr. MANN. Yes; 250,000 cubic feet. I might say, although I do not want to go into that, that no one knows what is the effect upon the level of the water by the diversion at Chicago. At Chicago the water flows on the west side of the lake to the south. It flows by Chicago south. It always has and still does. While the current is not perceptible to the naked eye, it is quite perceptible to those who investigate the matter. If there is a dock on the west side, it fills up with sand, and the sand is deposited on the north side of the pier. In my district the current is to the east. On the east side of the lake the current is to the north. I have seen the water in Lake Michigan rise and fall 6 or 8 inches in less than half an hour. I have heard a great many gentlemen explain why it happens, but I do not think any of them knows.

Now, Mr. Chairman, I have a little illustration of the dignity of the State Department. I suppose if anybody should ever propose to introduce real modern methods into the State Department they would get such a shock up there that they would not get over it, and though it is more modern now than it was a few years ago, still it is a very dignified place. We passed a law a couple of years ago requiring every department to send a report to Congress each year of the number of typewriters purchased and exchanged, and they all do it.

The Secretary of War, the Secretary of the Navy, the Secretary of the Interior, and the Secretaries of Agriculture, Commerce, Labor, and the other Secretaries send the statement addressed to the Speaker of the House. Not so with the State Department. It would be beneath the dignity of the State Department to communicate this statement directly to the House. That would be too short a method, so we get the statement from the President of the United States. They communicate this statement about old typewriters first to the head of the Nation, and then the President, carrying out the theory of the State Department, sends a special communication to Congress, communicating what has been done with an old $10 typewriting machine in exchanging it for a $50 new one. Other departments write to us directly, but it would not be in keeping with the dignity of the Nation for the State Department to communicate such great, valuable, and intricate information to the Congress by addressing it to the Speaker of the House.

I have another matter here which I suppose everybody is familiar with, though I have not seen any reference to it in the RECORD. I hold in my hand a circular issued by the H. W. Johns-Manville Co. It is headed "Important," and is as follows:

IMPORTANT.

APRIL 14, 1916.

In compliance with a recent "Order in Council" of the Canadian Government, we are compelled to ask each of our customers to sign and return to us the following guarantee:

H. W. JOHNS-MANVILLE CO.

I now read the guaranty which follows:

To H. W. JOHNS-MANVILLE CO.,
Michigan Avenue and Eighteenth Street, Chicago, Ill.:

In consideration of your consenting to the delivery to us of asbestos from Canada or elsewhere, we hereby give you the following undertaking, which shall remain in force so long as the present war in Europe continues.

The said asbestos shall be consumed in the United States and shall not be exported from the United States in any shape or form.

Date ——— ———, 1916.

Signature ——— ———.
Town ——— ———,
State ——— ———.

Of course the Canadian Government has the right to make any orders it pleases. An order in council up there is an order by the executive department, which has the effect of legislation. They have issued an order under which they say that men transacting business in the United States shall not sell asbestos to anyone, no matter where the asbestos comes from, unless the purchaser will agree that he will not ship it out of the United States. I do not know what they would do up in Canada if we should adopt some such legislation as that in Congress.

Mr. KELLEY. Will the gentleman yield?

Mr. MANN. No; not yet. I have a letter here from the Sharon Steel Hoop Co., of Sharon, Pa., dated February 14, 1916, addressed to a Chicago firm, whose name, at their request, I will not give. This letter is as follows:

SHARON STEEL HOOP CO.,
Sharon, Pa., February 14, 1916.

———, *Chicago, Ill.*

GENTLEMEN: In order that we may secure the necessary raw material to continue operations necessary to supply you with steel will you please sign and return to us the attached agreement by return mail in the inclosed envelope.

Yours, very truly,
SEVERN P. KER, *President.*

This is the undertaking:

FEBRUARY —, 1916.

SHARON STEEL HOOP CO., *Sharon, Pa.*

GENTLEMEN: We hereby undertake not to export any of the steel purchased by us from you or any article manufactured from such steel to any European country except the United Kingdom, France, Italy, or Russia, and not to export any such steel or products to any countries outside of Europe or Canada without giving written notice to his Britannic Majesty's consul general at New York of such shipments, and that this engagement will be kept by us so long as the present war in Europe continues.

I think that is really going some! I have had a number of these communications sent to me. I presume other Members of the House have received them from their constituents; but it does seem remarkable that in this country, which produces more steel, probably, than all the other countries of the world put together, a man can not buy steel from this company because this company can not buy steel from the companies manufacturing steel or pig iron, unless he agrees that he will not export the steel or any product made from it except to certain countries in Europe, excluding all the neutral countries of Europe, and unless he will notify His Britannic Majesty's consul general at New York when he ships out 5 cents' worth of the steel. I wonder at times whether we did have a war of independence, or, if we did, whether we were successful.

Mr. GORDON. Will the gentleman yield?

Mr. MANN. In just a moment. Of course, I know that the foreign countries engaged in war will do everything in their power to injure one another. I do not criticize that, nor do I want this country to go to war about it, but I would like at times to see some effort on our part to maintain at least our natural independence. We have heard a good deal of talk about preserving the lives of Americans and how much more valuable life is than property. It is good talk, but it always was the talk of slaves everywhere to preserve life as against rights. What good is it to a man to have his life, if that is all he cares for? He is a slave! I am in favor of preserving the lives of Americans from exploitation or injury on the part of Germany and in favor of preserving the rights of American property from England or any other country. [Applause.] Now I yield to the gentleman from Michigan.

Mr. KELLEY. When the gentleman was talking about asbestos I was about to say that I understand Canada is the chief source of supply of asbestos for this country, and it is used very extensively in the manufacture of automobiles, and the automobile manufacturers have had to sign an agreement of that sort.

Mr. MANN. This letter which I read does not confine this agreement to asbestos coming from Canada.

Mr. KELLEY. That is the chief source of supply of asbestos.

Mr. MANN. There was a great deal of asbestos before the Canadian asbestos beds were discovered. Now I yield to the gentleman from Ohio.

Mr. GORDON. I will say to the gentleman that I have considered with a good deal of care and attention those contracts

which he has just read into the RECORD. But are they not the voluntary renunciation of rights by American citizens, and does the gentleman suggest any way in which the Government can prevent its citizens from signing such contracts if they see fit to do so, and think it to their personal advantage to do so, in order to get these raw materials?

Mr. MANN. I could easily suggest many ways by which these men would not be compelled to sign these agreements under duress, but I am not going to suggest any.

Mr. GORDON. They are not compelled now to sign them.

Mr. MANN. Oh, they are compelled to sign it. A man in business who is threatened with the loss of all he has unless he signs an agreement to boycott somebody will sign the agreement.

Mr. GORDON. Can the gentleman suggest any way by which the Government can stop it?

Mr. MANN. Yes; I can suggest forty ways.

Mr. GORDON. Will the gentleman suggest one.

Mr. MANN. No; I am not going to. The gentleman can make the suggestion.

I have a letter here which I want to read, and then I am about through. It is dated Department of State, Washington, April 18, 1916, and is as follows:

SIR: The department has received your letter of April 11, 1916, in further relation to the claims of various American citizens against the British Government growing out of their detention at Falmouth, England, on August 4, 1914, as passengers on the steamships *Prinz Adalbert* and *Kronprinzessin Cecilie*.

The department regrets to inform you that it does not consider that it is in a position to press these claims at the present time. You will doubtless appreciate that the department must determine for itself the time and the methods for action in matters of this kind.

As I say, this is dated April 18, 1916, and relates to claims growing out of the detention of passengers on August 4, 1914, and the department says it is not in a position to bring these to the attention of the British Government at this time, although they are over 20 months old.

I do not say that the department may not be correct. If the State Department would not only call some of these things to the attention of the British Government, but tell them to get out of the way, there would be no difficulty.

I received last night from one of the largest bulb houses in America a catalogue of bulbs imported from Europe. They usually sell them at a lower rate if you buy them early in the season, in advance of importations. This bulb catalogue said that owing to the seizure by England of all the mail going between the United States and European countries—and this particularly applied to mail between the United States and Holland—it was impossible to now get a letter through short of 30 days' time, and that in most cases the time was much longer than that.

The State Department recently addressed a letter to Great Britain on the subject of the detention of mail. I read the letter, and the papers heralded it as a very strong letter, although it practically acknowledged that you could not send a check in a letter which England did not have the right to take the check out. I have wondered whether even that letter was sent with the fingers crossed. I would like to see something done where we mildly, and not too weakly, insisted that we do have a right to transact business with Holland and other neutral countries in Europe.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MANN. Yes.

Mr. COOPER of Wisconsin. In that connection it may be proper to state—and perhaps the gentleman knows instances of this sort—that last week I received the complaint of a friend who had received letters from Germany and Austria, saying that pension checks going from this country to pensioners who had fought in the United States Army from 1861 to 1865 had been held up for months and months, and some of them never received at all.

Mr. MANN. That is between this country and some of the belligerent countries. I have had innumerable cases brought to my attention where in the ordinary course of business between this country and Norway and Sweden and Holland and other neutral countries, the mail has been taken out and our rights absolutely disregarded if not spit upon. I do not think that there would be any difficulty about it if we just told them to quit. [Applause.]

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, I beg the indulgence of the committee for a few moments to briefly discuss a matter not germane to the present bill. I do not like to put myself in the attitude of being a critic or criticizing any of the departments, and what few words I say upon this subject this morning must not be considered at all as a criticism by me.

But, Mr. Chairman, I am getting a little bit tired of having the newspapers, magazines, and periodicals of the country criticize me, and practically every Member of Congress for not voting larger and heavier appropriations. I announced that I was for the naval bill when it passed the House, which carried $361,000,000 before the building program and the bill is finally completed. I think it is safe to guess that before the bill finally becomes a law it will carry $400,000,000 or $425,000,000.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. COX. Yes.

Mr. COOPER of Wisconsin. Does the bill carry $361,000,000? I thought it was two hundred and sixty-odd millions.

Mr. COX. Before the building program is completed I understood the gentleman from Pennsylvania [Mr. BUTLER] to say that it would carry $361,000,000.

Mr. TALBOTT. The bill as it left the House carried practically $270,000,000.

Mr. COX. But, Mr. Chairman, we can not prepare this country by making appropriations. We can not prepare this country by passing laws. The only thing that the Congress can do is to give to the department the bone and sinew necessary to prepare the country; and that is, give to the department the money. This Congress could appropriate a billion dollars for the Navy, or it could appropriate $500,000,000 for the Army this session. If Congress should make these appropriations it would not prepare the country. After the money is made available, from that time on, the working out of the details and the preparation of the country rests with the Army and the Navy.

When the naval bill was going through the House I took occasion then to call the attention of the committee to what I thought was at least some carelessness, if not neglect, on the part of the Navy officials in not paying attention to men of science, to men of thought, to men who have devoted their lives to studies along the lines of preparing this country for defense. There is a man living in the city of New York named Simmons, who, I believe, has worked out some wonderful inventions, and if the department will only give him a chance, with a view of seeing whether or not he has the details of inventions worked out, so far as I am concerned, I will be satisfied. What I said the other day I said with the hope that the Navy Department would pay some attention to him, having previously taken the matter up with him by correspondence, and having been turned down. I am going to put a few more remarks in the RECORD this morning on this same subject. If the foreign war has taught us anything, it is that the submarines are practically the masters of the situation in the European war to-day, and I especially rejoiced when the Committee of the Whole increased the number of submarines in the naval appropriation from 20 to 50. I voted for the increase. The newspapers to-day carry, in their headlines, at least, the news that Lord Kitchener, the great war lord of England, has gone to the bottom of the sea as the result of a torpedo. This man to whom I refer—Mr. Simmons, in the city of New York—claims that he has worked out to a mathematical certainty a torpedo that will carry 20,000 yards. The maximum limit now, as I am informed, of the new torpedo is 8,000 yards. Yet the Navy Department will not let this man get within gunshot distance of it. In addition to this, he says that he has worked out a submarine; and if I remember correctly his statement—and I want to detail it exactly as I remember it—the Navy Department has absolutely denied to him the right to go upon a submarine. Here is what he says in his letter:

NEW YORK CITY, N. Y., *June 3, 1916.*

Hon. W. E. COX, M. C.,
Washington, D. C.

DEAR SIR: I can not thank you enough for the great favor you have done for me.

When I forwarded the drawing of the torpedo to you I was satisfied that the naval officials would reject it, simply because they can not afford to give me recognition after they had previously given false report upon the practicability of my "gun" for submarines, and their report upon my "high-velocity shell and armor-piercing projectile" and "submarine" was so ridiculously nonsensical that I would consider it an insult to my intelligence to answer them.

Admiral Strauss said to me, "Now, don't let me discourage you; you have ability all right, but your gun doesn't seem to have any advantages over those now in use"; but the report he forwarded to me was to the effect that the gun would not stand the recoil and would not stand the pressure of water when submerged.

No one in the Navy Department discouraged me, but some of them have gotten me pretty well disgusted, and I am going to Europe just as soon as I find that there is no chance of an honest inventor to get a square deal here in America. I wish that you would inform me as to whether or not I have a chance of getting the torpedo adopted into the United States Navy, and I will hold the plans until I hear from you.

I have plans of a submarine that will need no batteries and may be operated among hostile fleets or in hostile harbors, and with safety, at

that. This submarine will be capable of rising to the surface, fire its guns and torpedoes, and submerge again in less than 30 seconds' time, and it will have a speed sufficient to overhaul any battleship afloat.

Our naval experts laughed at this when I told them of the rapid operation of the submarine; they have laughed at everything they did not understand and never seen in books.

Great Britain has requested that I forward my plans of torpedo for their consideration, but I have been told repeatedly that I would stand a better show in Germany, and will give all an equal opportunity to acquire the torpedo, armor-piercing projectile, new turbine, submarine, and all the essentials that goes to make it the most rapid operating under-sea vessel in the world.

I am inclosing clippings which tell of other inventors besides the Wright Bros., Gatbmann, and myself that Uncle Sam refused to recognize until Europe brought them to the fore.

I thank you very much for your efforts in my behalf.

Very faithfully, yours,

SHERIDAN D. SIMMONS.

NEW YORK CITY, N. Y., *1715 Webster Avenue.*

Of course, they have no use for this man when he goes down to the Navy Department. He is not a highbrow in any sense of the word, but is a laboring man, yet, if I do say it myself, he is a wizard when it comes to working out the details of an invention. Almost everyone here knows something about Prof. Nicholas Murray Butler. I imagine he is not a man who goes off his feet and puts his O. K. and approval on a proposition unless he has gone through it. Mr. Butler is behind this man Simmons and his inventions. The Scientific American and many other papers are likewise behind him. Why is this? There must be a reason for it, and in my judgment it is due to the little petty rankling jealousies that exist in our Navy Department as against the civilian. It is due to the rankling petty jealousy in the Army, not alone as against the Army officials but as against the civilian; but that is not all.

I am going to insert here under leave granted an article published in the New York Herald recently. We all know something about the automatic gun which was invented in this country by Col. Lewis, which was turned down by the War Department, for they absolutely refused to recognize it. Yet the Lewis gun, invented by an American inventor, refused by the War Department in this country, is the gun that is to-day being used by England, France, Italy, Russia, and Belgium. I think that is undisputed. I will put this article in the RECORD, and if it is not correct, I will stand corrected by the War Department, and if what I have said concerning Mr. Simmons is not correct I will be delighted to rise upon the floor of this House and make corrections. Here is what the article says:

With the return to this country of Col. Isaac Newton Lewis, United States Army, retired, whose deadly automatic gun—refused by this country—has practically revolutionized organization and operation in the European war, and who is expected here this week, men in Army circles here predict the beginning of a bitter fight in the War Department over the Nation's unpreparedness.

The fight is expected to center around the Board of Ordnance and Fortification, of which Brig. Gen. William Crozier is the chief, and of which Col. Lewis had been the stormy petrel up to the very day of his retirement. It is predicted in certain quarters that the result will be a demand upon Congress for a sweeping investigation into the actual state of preparedness of this country, having in view the radical departures in equipment, armament, munitions, and operation that have been forced upon the nations now at war through the development of the modern means of destruction, like the aeroplane, the submarine, and the machine gun. Not one of these twentieth-century implements of warfare has been developed in the United States Army or Navy past the experimental stage; not one is included in any comprehensive way in the present formation of the various fighting units; not one has been considered with anything like the earnestness that it was by the chief powers at war even before the conflict started.

EQUIPMENT IS FAULTY.

Preparedness will be the whole issue. Men in position to know declare that the equipment of this country is years behind the time, that only a few of the submarines can compare with those of the warring nations; that the aeroplane service presents a meager showing against those of other nations; and that the coast fortifications are almost obsolete as means of defense against a modern fleet. It is declared on the best of authority that the 12-inch guns, the largest in this service, are outranged from 3,000 to 4,000 yards by the 12-inch guns of England, France, Russia, Germany, Italy, Austria, and Belgium.

Men in official circles here who are alarmed at the admitted deficiency of the country in the matter of preparedness assert that it is known to those directing the defense forces of the Nation that a few 12-inch guns could be brought to the entrance of New York Harbor and, absolutely out of the range of the 12-inch guns of the forts around that immensely wealthy port, reduce the city in a few hours to ruins.

GUN CAUSED REORGANIZATION.

The machine gun practically has turned organization upside down. Great Britain has virtually reorganized her whole infantry arm and done away with cavalry. Germany at the start of the war had thousands upon thousands of machine guns. In her equipment there were 50 machine guns to every 1,000 soldiers. Great Britain and France had a hopelessly small number to the thousand men, not more than six or eight. Belgium had an almost inconsiderable quantity. But she was making the Lewis gun and outfitted her men as fast as she could. Great Britain and France, seeing the terrific work of the German guns, increased their equipment as fast as they could have the weapons turned out. Now Great Britain has 20 of these automatic weapons to a thousand men, France has the same, and both countries are manufacturing them as fast as day and night forces can make them. Great Britain soon will increase this equipment to 32 machine guns to a thousand men, and France will do the same, increasing this allotment to 64 as quickly as possible.

The Lewis machine gun is declared by all military experts to be the most deadly and perfect of any in the world to-day, having greater accuracy, range, and facility of handling than the German weapon. Russia has given contracts for thousands of the Lewis guns, and by the end of the next year the entente allies will have spent $70,000,000 for the weapon which was refused by the United States Government. Great Britain is using hundreds of them on aeroplanes, and yet the United States denied, during the joint maneuvers in Connecticut in 1914, the privilege of a demonstration of this weapon on the four aeroplanes that were then being used by the Regular troops. The United States Army has about 2 machine guns to 1,000 men.

And this incident, as friends of the colonel here explain, was the final one in a long chain of discouragements that Col. Lewis suffered in the branch of the service he was trying to aid. He retired after 33 years and went to Europe to interest army men there in his gun. Just before the Connecticut maneuvers request was made of him for two of his machine guns for use on the Army aeroplanes. Col. Lewis said he would gladly lend them, without any restrictions, if the Government would supply its own ammunition. This was agreed to, and request was made for 2,000 rounds of ammunition. When this reached the Chief of Ordnance the ammunition was refused on the ground that the Lewis gun had not been adopted in the United States Army service, and therefore ammunition could not be issued for a gun that was not a service gun.

OTHER MACHINE GUNS REFUSED.

The Lewis gun suffered the same experience as practically every machine gun that was submitted to this Government, all by Americans. At the end of the Civil War Richard J. Gatling offered the first machine gun. It was refused and then developed abroad, the same as the Gardner, the Maxim, the Hotchkiss, the Colt, and the Benet-Mercier, which later was adopted and is now in use in the United States Army. Other inventions that were offered by Col. Lewis were rejected for one reason or another. He invented a depression range and position finder which were adopted into general use for the coast armament by the Board of Ordnance and Fortification in 1896. Hundreds of them were put in use. Other devices offered, but not accepted, were a horizontal base range finder, automatic sight, photographic time recorder, self-regulating differential dynamo, automatic electric cut-out switch, and others which friends of the colonel do not recall.

Although Col. Lewis and Gen. Crozier were constantly at odds, Col. Lewis is not coming to Washington to foment trouble himself, according to his friends here. He bears no animosity toward any one of the board and feels that he has had ample vindication for the efforts made against him in the adoption by four large nations of the gun which he invented and offered to the Government of the United States. But friends of the colonel who are alarmed over the condition of national defenses are lining up to make a fight.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. HAMILTON of Michigan. What kind of a machine gun is this?

Mr. COX. It is an automatic gun, said to fire 600 shots a second.

Mr. HAMILTON of Michigan. Who invented the guns that our Army is using?

Mr. COX. I do not know.

Mr. HAMILTON of Michigan. They seem to have had difficulty with them at Columbus.

Mr. COX. That is true.

In 1914 when the Army maneuvers were being held at sea on the Atlantic Ocean, off the borders of Connecticut, they asked Col. Lewis to loan them some of his guns with which to experiment in aeroplanes. He readily consented on condition that the Government would furnish the ammunition. Only 2,000 rounds were required, and yet when that request was made, it was refused; and upon what ground? On the ground that the Lewis gun had never been adopted by our Army!

And yet the Lewis gun, to-day, as I said a moment ago, is the gun that is used by all the allies, or practically all of them, against Germany. I repeat, as I said a moment ago, it is a matter of indifference how much money the Congress appropriates for the preparedness of our country if the men charged with the work of the details of this Army absolutely turn their backs upon all inventions made by civilians of this country.

Mr. MANN. Will the gentleman yield?

Mr. COX. For a question.

Mr. MANN. All right.

Mr. COX. Oh, yes; I will yield for a statement

Mr. MANN. I did not want to interrupt the gentleman. It was understood the gentleman was courteous, but I did not want to interrupt him.

Mr. COX. If the gentleman desires to make a statement, I will yield.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MANN. Mr. Chairman, I have some time left, and I yield the gentleman the balance of my time.

Mr. COX. All right. I thank the gentleman.

Mr. MANN. The gentleman recognizes that in the consideration of the naval bill in the House the other day a letter was read from the Secretary of the Navy asking Congress to make an appropriation for the trying out of the Neff patent in

reference to submarines, and we declined to make the appropriation. I do not know who it was who made the point of order.

Mr. COX. I think it was the gentleman from Illinois [Mr. MADDEN].

Mr. MANN. The gentleman from Indiana and myself very often make points of order on similar things, but this time both escaped. Is not the main difficulty the refusal of Congress to give to the Navy and War Departments money with which they can make these investigations?

Mr. COX. I think that is absolutely correct.

Mr. MANN. Does not every Member of this House receive in the course of a year from somebody notice that he has some scheme connected with the Army or the Navy that will absolutely give defense to this country and revolutionize all warfare?

Mr. COX. Yes; that is true again.

Mr. MANN. Is it not perfectly patent that the Army and Navy can not investigate all these things unless they have the force and the appropriation with which to do it?

Mr. COX. I recognize, Mr. Chairman——

Mr. MANN. And is it not true that if they ask for such an appropriation the two men in the House most likely, under ordinary conditions, to make points of order against it will be the gentleman from Indiana and the gentleman from Illinois, myself? [Laughter.]

Mr. COX. Mr. Chairman, in response to that, I shall not make any point of order against any item which, in my judgment, would tend to prepare this country, and I regretted it very much when the gentleman from Illinois [Mr. MADDEN], if I remember correctly, made the point of order against the proposition proposed in the Navy bill to try out the patent. I recognize we can not appropriate money indiscriminately for these things. This man, Mr. Simmons, is not asking for an appropriation. The only thing that he has ever asked for is an audience with the proper naval authorities——

Mr. HAMILTON of Michigan rose.

Mr. COX. With a view to seeing whether or not it is a project that would put this country, to some extent, in line of defense. I yield to the gentleman.

Mr. HAMILTON of Michigan. I simply want to say to the gentleman, in my experience, the War Department, for illustration, has been very fair and very accommodating in trying out these proposed inventions; that within its resources it has always been willing to do what it could.

Mr. COX. Here is the worst rebuke I ever read in my life, when Col. Lewis's gun was turned down by the War Department, if it does do what it is claimed to do in this European war. Why did not they take hold of it, then?

Mr. REAVIS. Will the gentleman yield for a question?

Mr. COX. For a question.

Mr. REAVIS. I want to know whether the Lewis gun is more efficient than the gun they are now using in the Army?

Mr. COX. I take it it must be, otherwise the allies certainly would not be using it.

Mr. REAVIS. Beyond the fact the allies are using it rather than the one we are now using in our Army, has the gentleman any information as to which gun is the more efficient?

Mr. COX. I have not. Mr. Chairman, I ask leave to revise and extend my remarks by inserting this letter and this editorial.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks by inserting the letter and editorial indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD. Mr. Chairman, I would like to ask my friend from Wisconsin [Mr. COOPER] if we could make some arrangement about closing debate?

Mr. MANN. Does anyone here want more time?

Mr. ROGERS. I have two gentlemen who request five minutes each, which I can yield out of my time.

Mr. COOPER of Wisconsin. The gentleman from Missouri [Mr. MEEKER] wants half an hour.

Mr. FLOOD. I would like to ask how much time has been consumed on that side and how much on this side?

The CHAIRMAN. Thirty-two minutes has been used on the side of the gentleman from Virginia and 78 minutes on the other side.

Mr. MANN. How much time does the gentleman want over there?

Mr. FLOOD. We want about 20 minutes.

Mr. MANN. We have used more time than the gentleman has.

Mr. FLOOD. What I want to do is to reach a conclusion as to closing general debate.

Mr. MANN. Let us close debate in an hour's time.

Mr. COOPER of Wisconsin. The gentleman from Missouri [Mr. MEEKER] wants half an hour, and the gentleman from Massachusetts says he has two gentlemen who desire five minutes each, which time he can yield.

Mr. MANN. That would be 40 minutes.

Mr. COOPER of Wisconsin. If the gentleman on that side does not want to use more than 20 minutes, make it 1 hour, and——

Mr. FLOOD. The suggestion was made this morning before the gentleman from Wisconsin came in by the gentleman from Illinois [Mr. MANN] that we could get through this afternoon.

Mr. MANN. I think possibly we can, although I guess we will not be able to get through this afternoon; still, we will do the very best we can.

Mr. FLOOD. Suppose we limit the debate to 40 minutes—20 minutes on a side.

Mr. COOPER of Wisconsin. The gentleman from Massachusetts [Mr. ROGERS] has promised two Members 5 minutes each, making 10 minutes, and the gentleman wants 30, and that will be 40 minutes.

Mr. FLOOD. I ask unanimous consent, Mr. Chairman, that the general debate be closed in an hour, 30 minutes of it to be controlled by the gentleman from Wisconsin [Mr. COOPER] and 30 minutes by myself.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. And that will close debate at 8 minutes past 2.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Chairman, I got into the Chamber just as the gentleman from Illinois [Mr. MANN] was discussing some remarks of mine that occurred in the RECORD some days ago. I will say, Mr. Chairman, that these remarks were inserted in the RECORD in order to place myself correctly before my constituents with reference to an assertion that was being made in my district that I was present and did not vote on a great many important measures. And I will say, Mr. Chairman, I do not now recall having ever declined to vote upon any measure in the Congress since I have been a Member of it. I may have been present and not voted, but I have no recollection of it. Whatever other faults I may possess, I have usually voted one way or another on measures that have come up before this body. These records I have had looked up by the record clerk, and my information about these pairs was gained from him.

Now, with respect to the Money Trust in this circular which my friend from Illinois [Mr. MANN] criticized, I used this language:

I was paired for it with a Republican, Mr. Harris, who was against it.

That is the Money Trust. I got that from the CONGRESSIONAL RECORD of the Sixty-second Congress, second session, page 5346. My understanding was then, and it is now, that when a Democrat is paired with a Republican in a Democratic Congress, the Democrat's name appearing at the left of the column and the Republican at the right, he is paired for it while the Republican is paired against it. If I am mistaken in that, it is simply a mistake.

Mr. MANN. Will the gentleman yield?

Mr. DIES. Yes, indeed.

Mr. MANN. Does the gentleman understand that a general pair means that one is for and the other against a proposition?

Mr. DIES. That is precisely what I understood when I inserted this in the RECORD.

Mr. MANN. The gentleman offers a valid excuse for insertion in the RECORD, but I doubt if anybody else has ever understood it in that way.

Mr. DIES. I think so. I have conferred with a great many gentlemen and they seem to be of my opinion about it. However, I can set the gentleman at rest about this business.

My contention was that I was not sitting by and refusing to vote on these questions. I had no particular ambition to show that I voted for the Money Trust investigation. I looked upon it as a sort of political horseplay for which I had no particular respect. If I had been present I would have voted for it, however. I wanted to show my constituents that I was not doing a cowardly thing by refusing to vote on questions that came up in the Congress.

And the same may be said of the Children's Bureau. That pair will be found on page 4195 of the RECORD, where it shows that Mr. DIES is paired with Mr. COPLEY, a Republican. I had no desire to show that Mr. COPLEY was against the bill. I do not know except in the manner in which the pair is stated,

and the thing I did want to show and the thing I want to now state to this House is, that the statement that I have been present and not voting on important questions is utterly without foundation, because I do vote one way or the other, whether right or wrong.

While I am on my feet, I wish to refer to another statement they make about me in my district, which is that the gentleman from Illinois said that I had referred to a speech of the President of the United States as idiotic. The facts are that the gentleman from Illinois spent a large part of his time in the last Congress making points of order against battle cruisers, against appropriations for submarines, and voting against battleships. I was present and helped him hold down large appropriations for the Navy. Some gentlemen who come back to the Congress confess the coin. They say that sentiment has changed, and that they were for a large Navy, but my friend from Illinois came in with a cock and bull story about meditation in a garden somewhere. He neglected to say whether he had a ground wire and received these meditations while he had his ear to the ground, or read them in the newspapers while in his garden, but he said he reached the determination never to make points of order against battle cruisers, never again to smite submarines, never again to raise questions against a large Navy, because, he said, he had meditated in his garden. Of course, it aroused our risibility to know that a man whose district had turned over for preparedness would have to go in his garden in order to turn himself over. [Laughter.] He could do it on the sidewalk, or elsewhere.

I did not say that the President's speech was idiotic. I said the speech of the gentleman from Illinois was somewhat of a twaddle.

I do say, and repeat, that the people who ride up and down the Avenue in automobiles with streamers do not send their sons to join the Army. They ride around with poodle dogs and with streamers calling for preparedness.

Preparedness means a gun upon the shoulders of the young men of this country, a gun with powder and lead in it; and I do say before this Congress that it is idiotic to parade around over the country talking about preparedness and putting your hand upon your sons' heads, not telling them to join the standing army. More than 60 days ago we authorized 20,000 additional soldiers that the President said we needed. We have not got them. We have not been able to get a thousand more into the Army than we had 60 days ago. And all those people in New York that are parading in 150,000 bunches up and down the streets could solve the question of preparedness and give dignity and integrity to their declarations if they would stay at home and tell their boys to join the Regular Army.

That is what I said was idiotic, and I say it to this good day, that it rings with insincerity. You know when men want a Regular Army in this country in time of peace they can get it by Congressmen sending their sons to join it and by Senators and naval and Army officers sending their sons. Why do not you open down here at the Peace Monument a recruiting station, and as this great parade for preparedness marches down the street let them enlist their sons and the members of their families? Tell them that the President wanted 20,000 men 60 days ago and that nobody will join.

I do say that this Nation is making itself ridiculous by these parades when nobody will join the Army. The gentleman from Massachusetts [Mr. GARDNER] was talking about preparedness and saying that no appropriation was big enough for him, and one man enlisted in 10 days in Boston. New York had a parade of 150,000 for preparedness when in April of this year there were 100 less enlisted in the standing army in New York than in April of last year.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DIES. I regret I have not the time.

Mr. ROGERS. Just a word in regard to the statement as to enlistments in Boston.

Mr. DIES. I referred to the statement of the gentleman from Illinois [Mr. MCKENZIE] in the RECORD.

Mr. ROGERS. The gentleman from Texas is mistaken and the gentleman from Illinois [Mr. MCKENZIE] is mistaken if he seriously said any such thing. Eight thousand, instead of 1,000, have been enlisted in the Regular Army since the adoption of the emergency act, and Boston has done her full share and more.

Mr. DIES. Expired enlistments have kept the number down until only about 1,000 additional have been gotten into the Army, and we have to-day, as I understand it, about 19,000 vacancies in the standing army of the United States. And what I say is this, that if the people of Boston, Mass., and Beaumont, Tex., and New York, N. Y., and Fort Worth, Tex., instead of riding their Cadillacs and their Chalmers high-power cars up and down the streets, and tooting their horns for preparedness, had told their boys to put on a uniform and take a gun on their shoulder they would be doing something effective. War means hell and fighting and guns with powder in them; and all this tommyrot of parades amounts to nothing except to further gum-fuzz and confuse the American people. That is what I want to say. [Applause.]

Mr. ROGERS. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for two minutes.

Mr. MANN. Mr. Chairman, the original statement of the gentleman from Texas [Mr. DIES] that my colleague from Illinois [Mr. COPLEY] was opposed to the child-labor bill, when he was for it, the gentleman tries to get around. The statement was deliberately made, and it is not true. What the gentleman says about his reference to my speech is equally incorrect. The speech which he made on the floor, in which he referred to the President of the United States as having uttered idiotic ideas has nothing whatever to do with the speech he made on the floor concerning my garden meditation repentance. It is very natural that he mixes the speeches up, but unless he has changed the copy that was furnished to him—which many Members do—the RECORD will still show that he referred to the utterances of the President of the United States as idiotic.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. DIES. That is not true. The gentleman made the reference to the gentleman named as a candidate for President; he referred to a candidate for the Presidency. I submit to this House my manuscript to show that the gentleman's statement is not true.

Mr. MANN. The gentleman was referring then to the speech by President Wilson some time after I made my speech on the subject in the House, and I at once took the floor to say that that was not the sentiment of Congress, as it was not, notwithstanding the gentleman's assault upon his own President.

Mr. DIES. I can set the gentleman right by saying that if I said anything about an idiotic speech, it must have been with reference to the only idiotic speech made that day, and that was by the gentleman from Illinois.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield to the gentleman from Nebraska two minutes.

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized for two minutes.

Mr. SLOAN. Mr. Chairman, very many excellent gentlemen and ladies from Wymore, Nebr., in my district, have placed themselves on record by resolutions on the subject of the suffrage question, and they desire that these brief resolutions be made a part of the RECORD of this House. I therefore ask to have them made a part of my remarks.

The CHAIRMAN. The gentleman from Nebraska asks permission to extend his remarks by printing the resolutions indicated. Is there objection?

There was no objection.

Following are the resolutions referred to:

Resolutions unanimously passed at Wymore, Nebr., by about 40 men and 10 women residents.

Resolved, That we, citizens of Wymore, Nebr., assembled May 12, 1916, protest against the unjust action of the Judiciary Committee of the House of Representatives in blocking the passage of the Susan B. Anthony Federal suffrage amendment and demand that it be given an immediate and favorable report; and be it further

Resolved, That we hold the party in power responsible for the passage of this amendment before the close of the present session of Congress; and be it finally

Resolved, That a copy of these resolutions be forwarded the administration leaders, the chairman and members of the Judiciary Committee of the House, and the Nebraska congressional delegation, with the request that it be read into the CONGRESSIONAL RECORD in the Senate and in the House.

FLORENCE BAYARD HILLES, *Chairman*.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

The CHAIRMAN. The gentleman from Michigan [Mr. CRAMTON] is recognized for five minutes.

Mr. CRAMTON. Mr. Chairman, in the remarks this morning of the gentleman from Illinois [Mr. MANN], reference was made by him to an amendment offered by Senator LA FOLLETTE, so stated by him, to the committee amendment to the river and harbor bill in the Senate, providing for the improvement of the Illinois River. I find that I was in error in my first suggestion to him, to the effect that the amendment was the result of a suggestion or offer from one of the Senators from Illinois. I find, however, that I was correct in my further statement that the said amendment was the result of an offer or suggestion

from the gentleman in charge of the bill and at that time in charge of the amendment in question.

I find by consulting the RECORD that the gentleman in question was Senator CLARKE of Arkansas, the chairman of the committee. After some discussion in opposition to this proposed improvement of the Illinois River, on the ground that it might endanger the level of the lake, the following occurred:

Mr. CLARKE of Arkansas. It might serve to limit the disputed questions in the proposition offered by the Senator from Wisconsin for me to say that I shall offer to include in the amendment the proviso that was omitted, including the limitation suggested by the War Department. So the Senator may discuss it as if that proviso was in the amendment.

Mr. LA FOLLETTE. For 250,000 feet?

Mr. CLARKE of Arkansas. Whatever it says, 250,000 cubic feet per minute. The Senator has the letter before him?

Mr. LA FOLLETTE. I have.

Mr. CLARKE of Arkansas. We will put that proviso in the amendment.

Mr. LA FOLLETTE. Mr. President, I think it will serve to shorten this discussion considerably, and with that assurance from the chairman of the committee I will simply offer that as an amendment to the bill as amended and will discontinue discussing this matter any further.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add to the proviso already agreed to the following: "*Provided further*, That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute."

Mr. LA FOLLETTE. With that amendment added to the amendment already adopted, which, as I understand, fully complies with the suggestion that comes from the War Department, I am disposed to withhold any further suggestion which I had intended to make.

Which he did, except to insert certain papers in the RECORD,

Mr. Chairman, I have no desire to enter into any general discussion of the merits of that amendment, as I am not prepared to do so. I read the debate in the RECORD at the time it appeared, because I was interested, as everyone must be who represents a district in any way affected by the commerce of the Great Lakes, in any proposition that would permit the diversion of an immense quantity of water from the Great Lakes down the Illinois River and out through the Mississippi, and I took it from that colloquy that that was a settled question, that the people in support of the amendment having accepted that, and thereby forestalled the attacks being made upon it by the Senator, it was a settled question, and I have been surprised to know that it is proposed in the committee of conference to legislate upon a matter as vital as that, when it had not been mentioned in this House, as I understand, at all, and in the Senate was made the subject of an agreement and passed by unanimous vote.

Mr. MANN. Will the gentleman yield?

Mr. CRAMTON. My time is very limited. I will yield to the gentleman, however.

Mr. MANN. Does the gentleman know that in the Senate an amendment on this subject had been agreed to, offered by the Senator from Illinois [Mr. SHERMAN] before this controversy came up——

Mr. CRAMTON. I am under an absolute limit of time, and I think I have the gentleman's question.

Mr. MANN. No; the gentleman has not.

Mr. CRAMTON. I am willing to have all of it.

Mr. MANN. No; go on.

Mr. CRAMTON. Then I will answer what I have. The RECORD shows that the amendment in the bill was at the instance of Senator SHERMAN. Such is the statement of Senator CLARKE, but it embodied all of the agreement recommended by the Secretary of War except the vital point as to 250,000 cubic feet of water per minute, and that is the point that we upon the Lakes and around through the rivers are interested in.

Mr. CHIPERFIELD. Will the gentleman yield?

Mr. CRAMTON. I would like to yield, if I could have my time extended.

Mr. CHIPERFIELD. I would like to get the gentleman's time extended.

Mr. CRAMTON. Then I am right with you.

Mr. CHIPERFIELD. I ask unanimous consent that the gentleman's time be extended for one minute, because he is doing a grave injustice to one of the Senators from Illinois, and I know he would not wish to do that. I ask that his time be extended one minute.

Mr. FLOOD. Mr. Chairman, a rule has been adopted——

Mr. CRAMTON. I will say, Mr. Chairman, that I would like at least five minutes.

Mr. FLOOD. I yield to the gentleman one minute.

Mr. CRAMTON. Make it five minutes by unanimous consent.

Mr. FLOOD. I can not yield five minutes.

The CHAIRMAN. The gentleman can get recognition and then yield so much of his time as he wishes.

Mr. FLOOD. I will yield to the gentleman three minutes.

Mr. CHIPERFIELD. There is an injustice being done by the statement of the gentleman.

Mr. CRAMTON. I yield to the gentleman from Illinois.

Mr. CHIPERFIELD. Mr. Chairman, I am not a defender of Senator SHERMAN, but I have been vitally interested in this proposition, and I want to ask the gentleman from Michigan [Mr. CRAMTON], does he not know, as a matter of fact, that Senator SHERMAN has been bitterly opposed and is now bitterly opposed in every way to the limitation of the flow of water from Lake Michigan to 250,000 cubic feet per minute?

Mr. HAMILTON of Michigan. Mr. Chairman, I suggest that this discussion is in violation of the rule which forbids criticism of senatorial action.

Mr. CRAMTON. I will say to the gentleman from Illinois that I know nothing of Senator SHERMAN'S attitude further than the statement of the chairman of the Senate committee—Senator CLARKE—that the committee amendment was inserted at the instance of Senator SHERMAN, and the said committee amendment did not include the limitation of 250,000 cubic feet per minute.

Senator SHERMAN was not present when this amendment proposing a limitation of the amount of water to be diverted was offered.

Mr. CHIPERFIELD. It is only fair to say that he is thoroughly opposed to the limitation.

Mr. CRAMTON. That is all right, then. It does not appear in the RECORD. There was an agreement entered into there by those who were present, Senator CLARKE representing the committee and Senator LA FOLLETTE opposed to an unlimited diversion of the water, but finally accepting the limitation recommended by the War Department, and that is the shape in which the bill now is. Now, what does an unlimited diversion of the water mean? I do not think any of us are sure. If we could permit that unlimited diversion and accomplish the object desired by the city of Chicago, without injury to other localities, all of us would favor it.

We want the city of Chicago to be just as healthy as possible, but we do not want that accomplished at the expense of lowering the level of all the lakes. We have spent millions of dollars in getting deeper channels and deepening the harbors in order to permit the vast commerce to come down. Is all that work to be destroyed by the diversion of this water? Before such a momentous question is decided by permitting such a diversion by legislation there ought to be a thorough investigation and a thorough discussion. Why, even in my district, in the waters bordering it, in the St. Clair River, there has existed a point dangerous to navigation, said by the War Department to be the most dangerous point of navigation between Buffalo and Duluth. The War Department has steadfastly refused to permit the removal of the middle ground opposite Port Huron, on the ground that it would reduce the level of the lakes above.

There is in the bill a provision which Senator SHERMAN called attention to, which, to remove this danger, permits a channel 400 feet wide along the Port Huron side water front, and in that case they provide for a compensating weir to offset the effect of such narrow deepened channel.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Mr. Chairman, in the brief time allotted to me to-day there is no opportunity to discuss the question of the effect of 250,000 cubic feet flow from Lake Michigan through the sanitary canal of Chicago. But I desire to say that it is a question upon which no Member of this House should close his mind without the fullest information that is possibly attainable.

It is a problem I have been connected with for nearly 20 years, and during that time have had a close and intimate study and association with the matter.

The flow through the sanitary district channel of Chicago affects the lives and the health of two and a half millions of people. I am not competent at this time to speak with any degree of binding authority as to what that flow or any other flow accomplishes so far as lowering lake levels is concerned, but the question, Mr. Chairman, is in the courts of the United States, and hundreds of witnesses have been sworn and their testimony taken, and soon there is to be a decision on that proposition as to whether or not it does injure the commerce and navigation of the State represented by the gentleman who has just spoken, and whether it injures the commerce and navigation of the States represented by other gentlemen that border on the lake.

It is a momentous question and one upon which there should not at this time be any snap judgment. Action should not have been taken hurriedly by the Senate of the United States or any other body upon this question that is so vital to the needs of the people of Chicago.

Mr. LINTHICUM. Will the gentleman yield?

Mr. CHIPERFIELD. Very briefly.

Mr. LINTHICUM. How do you dispose of the sewage in Chicago? Have you not any system by which it is treated to get rid of it?

Mr. CHIPERFIELD. The system of disposal of sewage of Chicago is this: It was formerly ascertained that the sewage which had been going into the lake by gravity flow through the Chicago River, the country being very flat, was contaminating the water supply of that city, drawn from Lake Michigan, especially the health of the poor people of the city.

Children were being affected and sickened until they were literally dying off like flies. With the tacit consent of the whole country, the city of Chicago inaugurated this sanitary district, reversed the flow of the Chicago River, and spent more than $100,000,000 to dilute the sewage of the Chicago River with the water from the lake and send it down through the valley. At some time I want to get more time to discuss this matter thoroughly. In the meantime I ask the Members of this House to keep an open mind upon this question in order that a very grave injustice may not be done to the people of the city of Chicago.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN. Mr. Chairman, this amendment was inserted in the river and harbor bill for the purpose of enacting into law a rule or regulation adopted by the Chief of Engineers of the War Department and for many years enforced. The quantity of water permitted to be taken from Lake Michigan and turned into the drainage canal is 4,167 cubic feet per second, or a trifle more than 250,000 cubic feet per minute. There have been requests of the Secretary of War to modify his order and permit the taking of a larger quantity from the lake, but each request has been refused because, after careful study of the question, the Secretary has determined that it would be harmful to navigation to permit the taking of a larger quantity than is provided by his order.

February 12, 1912, there was a hearing before the Secretary of War. It was attended by many Representatives and Senators, by representatives of the Sanitary District of Chicago, by representatives of the Government of the Dominion of Canada, which we all understand is interested equally with ourselves.

We have a treaty with Canada which binds us to do nothing that will reduce the level of the water of the Great Lakes. Canada is interested, and has protested; Canadian representatives protested at the meeting of 1912; and the Secretary of War, Mr. Stimson, gave a written opinion, in which he determined that in justice to commerce, to the harbors of the Great Lakes and interests dependent upon them, in justice to or in keeping with our obligations to Canada, the water demanded by the drainage district could not and ought not to be permitted to be taken from Lake Michigan. This amendment is the first attempt ever made to determine by law the amount of water that should be taken from the lake.

It appeared, however, at the hearing in 1912 that in the face of the regulation of the War Department, which permits 4,167 cubic feet per second only, the drainage district of Chicago had been taking out of Lake Michigan upwards of 9,000 cubic feet per second—deliberately violating the law or the rule of the War Department, and they were requesting permission to take 10,000 cubic feet per second. The request, as I say, was denied.

There was a similar hearing last November in Chicago, and another demand for a larger quantity of water. The result of that hearing was that the Secretary adhered to his regulation to permit the taking only of 250,000 feet. So persistent has been the violation of the regulation of the Secretary of War by the drainage district of Chicago that the Secretary began, or under his direction proceedings were begun, in the district court of the United States at Chicago against the sanitary district. There was a full trial of the case, the Secretary of War seeking an injunction against the sanitary district of Chicago to restrain it from taking more water than is permitted by the rule of the department—that is, to compel it to obey the law. There has been no determination of that case.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN. I will ask the gentleman from Wisconsin to yield me one minute more.

Mr. COOPER of Wisconsin. I regret that everything is given out, but I will yield to the gentleman one minute more.

Mr. MANN. The gentleman ought not to get so worked up.

Mr. McLAUGHLIN. It does work us up, because we are vitally interested. Mr. Chairman, for the purpose of showing the attitude of some of the people of Chicago toward this proposition, for the purpose of showing how unmindful they are of the interests of the rest of the country, I desire to quote one gentleman from Illinois as saying that they must be permitted to take this larger quantity of water, even though the results be that appropriations will have to be made by the Federal Government to rebuild and reconstruct every harbor on the Great Lakes. That statement was made in my hearing at the time of the hearing before the Secretary of War in February, 1912, by a gentleman who at the time of the making of it was a Senator from the State of Illinois. The amendment suggested by the Senate ought to be adopted. The city of Chicago must find ways and means of taking care of its sewage. It must not be permitted to pursue a course which will impose irreparable loss upon other parts of the country. The Great Lakes have other and better uses than to supply water for relieving the city of Chicago of the burden, which it is abundantly able itself to assume, of taking care of sewage.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield the balance of my time, 26 minutes, to the gentleman from Missouri [Mr. MEEKER].

The CHAIRMAN. The gentleman has but 16 minutes remaining.

Mr. COOPER of Wisconsin. I thought I had 40 minutes in all.

The CHAIRMAN. No; 30 minutes on a side.

Mr. COOPER of Wisconsin. Mr. Chairman, I did not so understand it. I supposed that I had 40 minutes, because I had requests for that amount of time.

The CHAIRMAN. The Chair understood the committee agreed upon an hour, to be divided equally between the gentleman from Wisconsin and the gentleman from Virginia.

Mr. FLOOD. And the gentleman from Illinois suggested I might be able to yield some of my time over there, and I have already yielded five minutes.

The CHAIRMAN. The gentleman from Missouri is recognized for 16 minutes.

Mr. MEEKER. Mr. Chairman, in the time that I have—and I expected to have 30 minutes—I shall probably be able to suggest some things that can be answered when we get under the five-minute rule.

Mr. FLOOD. Mr. Chairman, I will yield five minutes of my time.

Mr. MEEKER. I thank the gentleman. On page 20 of the bill we find the following item:

Fifteenth International Congress Against Alcoholism: To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism, to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, $10,000, or so much thereof as may be necessary, together with the unexpended balance of previous appropriations for the holding of said congress in the United States.

I would like to know how much is the unexpended balance at this time?

Mr. FLOOD. The gentleman asks that question?

Mr. MEEKER. Yes.

Mr. FLOOD. My understanding is that it is something over $35,000.

Mr. MEEKER. About $40,000 is the unexpended balance?

Mr. FLOOD. No; the original appropriation was $40,000 and some of it has been expended.

Mr. MEEKER. About $35,000 remains?

Mr. FLOOD. Something over $35,000.

Mr. MEEKER. So that we have about $35,000 already provided for the entertainment of this congress. If I have read the records correctly, in 1912, when the bill was introduced in the Senate to defray the expenses of the delegates from the United States to the congress held in Europe at that time, there was a proviso instructing the delegates to that congress to invite this congress to meet in the United States in 1915. That proviso was stricken out of the bill and the bill passed, making provision for defraying the expenses of the delegates to that congress without any authority whatever granted them to invite this congress to the United States; that is, official authority.

Nevertheless, the invitation was extended, and after the invitation had been extended the representatives of this organization came and asked for an appropriation, which was to be used in defraying the expenses of the congress in 1915. However, because of the European war the congress has been postponed. I would like now to ask from any gentleman here, any member of the committee, or anyone else, upon whose authority, after this invitation was stricken from the original bill, the invitation of the United States was extended to have the congress meet here. If any member of the committee can give that information, I would like to have it.

Mr. FLOOD. Who gave the invitation?

Mr. MEEKER. Who invited the congress to come here after the provision for inviting them was stricken out of the original bill in 1912?

Mr. FLOOD. The delegates from this country. There was no inhibition in the bill as to that.

Mr. MEEKER. But the authority to extend the invitation was specifically stricken out of the bill.

Mr. FLOOD. They were not inhibited from inviting the congress here. They did invite them, and the congress accepted the invitation; and since then the Congress of the United States has made provision for $40,000, and in that way approved the invitation. It provided to that extent for the entertainment of the congress.

Mr. MEEKER. The delegates, on their own authority, extended the invitation, and then came to Congress and asked for the funds?

Mr. FLOOD. Yes.

Mr. MEEKER. And $40,000 have already been appropriated?

Mr. FLOOD. Yes.

Mr. MEEKER. That was what I was wanting to get at in this part of the discussion. Mr. Chairman, I am perfectly willing and would be only too glad to see this Congress appropriate funds to entertain any congress which might be considered to add to the knowledge of the people of this Nation or to the people of the world, and I should be glad to see an appropriation made to call together a congress of scientists, authorities on the question of alcoholism. I should be glad to appropriate funds to call together a body of men who were not identified with any particular group of so-called reformers at so much per reform.

Mr. FLOOD. That is just what this congress is.

Mr. MEEKER. Very well. I will read a list and see how many scientists we have. I have been looking for some time through the record of who has been going to this congress and how much information they have been returning to this country, and I want to get into the RECORD just who has been attending these congresses. I have in my hand the list of delegates who went in 1909 from the United States. Mrs. M. M. Allen, of New York; Miss Brehm, of Chicago; Hon. G. F. Cotterill, of Washington; Rev. Dr. Wilbur Crafts, of Washington—and everybody understands what a great scientist he is; Prof. T. D. Crothers, M. D., Hartford; Mrs. E. Smith Davis, Milwaukee; Rev. E. C. Dinwiddie, Washington—we know what a scientific man he is; Dr. W. A. Ellsworth, Boston; Dr. Reid Hunt, Public Health Department, Washington; Mr. G. R. Munroe, Newark, N. J.; Surg. F. L. Pleadwell, United States Navy; Judge Pollard, St. Louis; Prof. C. Scanlon, Pittsburgh; Miss Cora Stoddard, Boston. That is the 1909 delegation, the scientists whom we sent over to Europe for the purpose of enlightening the world as to what alcohol really means to the country.

Now, I want you to know how we have improved on this list of delegates. In 1913 we sent another delegation at the expense of the Government, and it did not cost $40,000 at that time. We sent Miss Marie C. Brehm, Pittsburgh; Bailey B. Burrill, New York; Father Peter J. O'Callughan, Chicago; E. H. Cherrington, Westerville, Ohio, editor of an antisaloon paper; Mrs. E. H. Cherrington also went; Laura Rooke Church, Washington; Miss Maynard N. Clement, Albony, N. Y.; Mrs. Maynard N. Clement, Albany, N. Y.; Rev. J. S. Davis, Hartford, Wis. Here cames E. C. Dinwiddie and Mrs. Dinwiddie. We know what real scientists they are and how much wisdom they have always brought to the solution of this question from the standpoint of prohibition and the solving of the question of alcoholism. Mrs. Margaret Dye Ellis, of Newark, N. J.; A. W. Ferris, of Watkins, N. Y.; Dr. G. H. Heald, Takoma Park, Washington; Mrs. Heald also went. I presume they are both scientific persons. Dr. Kingsbury, of Florida; Miss E. Norine Law, of Los Angeles, Cal.; Prof. P. J. Lennox, of Washington, D. C., and Mrs. Lennox also went. Dr. Lewis Mason attended. S. E. Nicholson, of Washington, and Mrs. Nicholson went to this great scientific gathering. Judge Pollard went again. Prof. Charles Scanlon attended; James K. Shields went over. Mrs. Mary Charlton Sibley attended; Prof. E. E. Southard, of Cambridge, Mass.; Miss Cora F. Stoddard, of Boston. Those were the people who attended in 1912. Do you know how many scientists were in that list and what knowledge they would be capable of bringing home to this country?

Mr. CLINE. Will the gentleman yield?

Mr. MEEKER. I do.

Mr. CLINE. Did those parties go at the expense of the Government?

Mr. MEEKER. They are the Government's delegates.

Mr. CLINE. How many were the duplicates of those who went to the preceding gathering?

Mr. MEEKER. It runs about fifty-fifty. The scientific people were all gradually eliminated and the antisaloon people are on hand.

Mr. FLOOD. I would suggest to the gentleman that was the fault of the appointing power——

Mr. MEEKER. I understand.

Mr. FLOOD. And not the people who made the appropriation.

Mr. MEEKER. Sure; I know how the appointments were made.

Mr. FLOOD. If President Taft had followed the line of his predecessor and appointed scientists the gentleman's criticism would not apply.

Mr. MEEKER. Let us look at the last list. This was the one that went over there in 1913 for the purpose of getting information to enlighten the world, and he selected a group of scientists about as near as the then Secretary of State could select, scientists from his point of view.

First comes the Rev. Dinwiddie, who went again.

Mr. KELLEY. What year?

Mr. MEEKER. Nineteen hundred and thirteen, when they asked for this congress to come here, and now want $10,000 more for the entertainment of the "drys." Well, I know it sometimes costs more to entertain them than it does the "wets." Now I will proceed to give you this list of scientists. Rev. Edwin C. Dinwiddie, superintendent of the National Temperance Bureau, Washington, D. C. This scientist goes again. Mr. Ernest H. Cherrington, editor American Issue, Westerville, Ohio, attended at our expense. Rev. S. E. Nicholson, secretary Antisaloon League of America, Washington, D. C., also went; Hon. Maynard N. Clement, former excise commissioner of the State of New York, attended; Judge Pollard, of St. Louis; Prof. Charles Scanlon, general secretary of the Temperance Committee of the Presbyterian Church in the United States, Pittsburgh; Mrs. Margaret Dye Ellis; Mrs. Edith Smith Davis, all "scientists," every one of these, and "authorities"; Dr. V. A. Ellsworth, superintendent of the Washingtonian Home for Inebriates, Boston; Rev. Father Peter J. O'Callaghan, president of the Catholic Total Abstinence Union of the United States, Chicago; Rev. James K. Shields, editor Illinois Issue, Chicago; Prof. Patrick J. Lennox, Catholic University, Washington, D. C.; Miss Laura Rooke Church, secretary-stenographer to the delegation, Washington, D. C. The Rev. Dinwiddie was chairman, the Hon. Maynard N. Clement was vice chairman, and the honorable secretary was Prof. Charles Scanlon. They sent in their report here, which is very interesting.

Mr. HARRISON. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. HARRISON. Is the gentleman objecting to the fact that Anheuser-Busch, Schlitz, and Pabst were not appointed delegates to this conference?

Mr. MEEKER. Not at all; but as long as the Anheuser-Busch Co. have to pay their own way and that of the Government, if the gentleman wants to know anything about that, as far as that is concerned——

Mr. MURRAY. The gentleman really wants to know if the gentleman knows Anheuser-Busch.

Mr. MEEKER. Yes; I know Anheuser-Busch; does the gentleman?

Mr. MURRAY. I have heard of it.

Mr. MEEKER. The Democratic convention will meet in St. Louis next week. [Laughter.] I simply want to call the attention of the committee to this one thing. This body of men and women, under gradually increasing political power in this country, have been increasing the amount which they have asked from the Treasury. They started only a few years ago with $4,500 to send these folks to Europe, Mr. Dinwiddie and the Antisaloon League crowd—prohibitionists—and now they have got their hands in the Treasury to the tune of $40,000, when, in both letter and spirit they have violated the trust of this Congress when they went in 1912, the provision being in the bill originally that the President of the United States should extend an invitation to this congress, and that was stricken out. The chairman of the committee said that of course there was no inhibition; that they could not prevent them from extending an invitation, but I say to you that this organization that has already gotten some "pap" from the Federal Treasury, is not entitled to $10,000 more. None of us, I think, prohibitionists or otherwise, have any objection, nor should we be concerned to do other than to appropriate all the funds that are necessary to any enterprise which has to do with the development of the scientific knowledge of the world. But when you go and look over the personnel of those delegates, you will find that they are not scientists, but that it has been a question of politics pure and simple. You can not make anything else out of it.

It is nothing but common cadging from the Treasury of the United States by a group of individuals who boast of the fact

that their organization has an income of over $1,000,000 a year, who are at the same time violating the trust of this Congress that was kind enough and considerate enough to send delegates over there—not a scientist among them, and nobody came back for the purpose of using anything that they got over there, even the resolutions that they put together, except for politics. Those same people have had $40,000 slipped across in an appropriation bill recently, and they now come in here with this little innocent-looking item for $10,000 more. It is up to this Congress to begin to take some account of the activities of that organization. It is not my purpose this morning to give a little historic sketch of the maneuvers of this league, but I want to say to you, and some of you know it, that there is no more powerful lobby in Washington than the one headed by Mr. Dinwiddie and his crowd, and you know it just as well as you know that you are here.

Mr. CLINE. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. CLINE. The gentleman has undoubtedly read the proceedings of this congress. Is there anything disclosed there of a scientific nature that was undertaken?

Mr. MEEKER. There was nothing used that had not been used before, not a thing. I can get up a lot of glittering generalities on any subject, but this group of men and women is not identified with the scientific bodies of America. They are political, and you can not get away from it. I have no objection to a man who wants to be a prohibitionist. That is his business. I have a greater respect for him if he lives the way he votes. The only one who merits contempt is the one who votes one way and lives another.

Mr. HUDDLESTON. Is it any more inconsistent for a man in a dry territory drinking than a man in a wet territory not taking a drink?

Mr. MEEKER. Inconsistencies are always in evidence.

Mr. FLOOD. Is the gentleman aware of the subjects that were discussed at Milan in 1913?

Mr. MEEKER. Yes.

Mr. FLOOD. Would the gentleman mind if I would read him a list of those subjects?

Mr. MEEKER. You can do so, and then I will ask you a question.

Mr. FLOOD. The following is a list of a few of the subjects:

A. The State and alcoholism.
(1) Legislation.
(2) The consumption of alcohol in the colonies.
(3) The attitude of the courts toward alcoholics, and particularly the application of restraint and conditional sentence.
(4) The juridical, political, and economical causes which make it the duty of the governments and parliaments to repress alcoholism.
B. Society and alcoholism.
(1) Questions of organization.
(2) Indirect repression of alcoholism; that is to say, by improving the workmen's homes.
(3) The treatment of alcoholics in sanitariums, asylums, and the like.
(4) Medical problems bearing on the subject.

Does the gentleman think that those are worthy subjects?

Mr. MEEKER. Fine. Did you read the addresses delivered on those subjects?

Mr. FLOOD. I read some of them.

Mr. MEEKER. So did I—all of them.

Mr. FLOOD. And not all of them were delivered by prohibitionists, by any means.

Mr. MEEKER. I leave it to the country after reading the list. I want to say that so far as Mr. Dinwiddie is concerned and Dr. Craft and all of these other agitators and reformers, that so far as what they got I take my hat off to them. I am not quarreling with them because they came in here and got $40,000 out of the United States Treasury or that they want $10,000 more. They would take the whole Treasury if they got a shot at it. The question is how much more of this sort of thing we will allow to slip in. You might as well ask any other organization that is termed "reform." Uncle Sam has helped them to the extent of $4,000 and $8,000 and $10,000. He sent them to Europe, but they should not invite the people to come at his expense. But these people go and invite the others to come and say, "We want the money." That is the thing in a nutshell.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I will occupy the attention of the committee only for a few moments. I do not care now to enter into a defense of the great assembly of scientists, jurists, and statesmen in the world-wide fight against the evil of alcoholism. I will have something to say on that subject when that item is reached in the bill.

I do think, however, I should make some reply to the remarks of the gentleman from Massachusetts [Mr. ROGERS] with reference to the violation of the efficiency system established in connection with our Consular Service. The gentleman complains that the former Secretary of State, Mr. Bryan, secured from the President six Executive orders placing in the Consular Service men who did not get into that service under the Executive order of President Roosevelt.

The facts are, Mr. Chairman, that for years and years, from 1897 to 1906, the Consular Service was filled, consuls and consuls general were appointed, under the spoils system by various Republican administrations until they had gotten the entire Consular Service filled with Republicans. In 1905 President Roosevelt undertook to get Congress to enact a law applying civil-service efficiency rules to the Consular Service. He failed to do it. He then issued an Executive order, in the name of efficiency, blanketing into the service, under rules that protected them from removal, every Republican in the service, and then they stayed in until 1913, when the Democrats came into power, and most of them are still there; of the 57 consuls general, 233 consuls, and 327 vice consuls, Executive orders have been issued in only six cases since President Wilson was inaugurated.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit me a question?

Mr. FLOOD. I will.

Mr. SLAYDEN. Does not the gentleman think the administration was very remiss, then, in the discharge of its duties?

Mr. FLOOD. From my standpoint, they were, because there were numbers and numbers of inefficient Republicans placed in there under the spoils system and protected by the Roosevelt order putting them under a civil-service system. I think the Secretary of State did not go far enough and did not remove a sufficient number of them. But so careful was he to observe the rules of civil service that had been applied—not by Congress, but by President Roosevelt, not, in my opinion, for the purpose of protecting the efficiency of this service, but for blanketing in office and keeping in office a lot of political appointees—that of all this great number of consuls and consuls general Executive orders were issued to remove only six, and to replace those six with gentlemen who, I presume, although I do not know, were Democrats.

Mr. SLOAN. "Deserving Democrats."

Mr. FLOOD. Certainly it does not lie in the mouth of a civil-service worshiper to complain of this record of the former Secretary of State.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit another question along that same line?

Mr. FLOOD. Yes.

Mr. SLAYDEN. Does not the gentleman think that if they are to have a permanent tenure, in common decency and fairness there should be a just and equitable distribution among the parties of the country? Does he not think a Democrat should be permitted to aspire to some of those offices, if not all of them, under a Democratic administration?

Mr. FLOOD. I think when the time came to pass a law, not an Executive order, making this service a part of the civil service, these people should have been removed and examinations should have been held for all of these positions. But the then Secretary of State, Mr. Bryan, took a different view. I hold no brief from Mr. Bryan. I have had controversies with him. But I frequently came in contact with him as Secretary of State, and I do believe he applied his great ability to the duties of that office with singleness of purpose and a devoted desire to serve the welfare of this country, as much so as any other man who ever occupied that office, and among the things he thought was for the best interests of the country was the plan to have this Consular Service placed in the civil service; and therefore he went before the Committee on Foreign Affairs and asked that a bill be introduced into Congress and enacted into law placing the service upon an efficiency basis. That bill became a law, and under a Democratic administration, under the administration of Mr. Bryan in the State Department, for the first time in our history that service was fully and completely placed upon the merit system. I think the criticism——

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. ROGERS. The gentleman introduced a bill which, I assume, is the bill he refers to, on the 19th of May, 1914, providing for secretaries in the Diplomatic Service and appointments in the Consular Service?

Mr. FLOOD. Yes.

Mr. ROGERS. That bill contains three sections, squarely putting the appointments thereafter and promotions thereafter on the merit basis after examination. Will the gentleman explain why it was, before that bill was taken up in the House, that those three sections were taken out of the bill which he

introduced on September 3, and which was the basis of the legislation?

Mr. FLOOD. Because other provisions were put in that put this service under the merit system.

Mr. ROGERS. That is not correct. Will the gentleman say that it was not at the request of Mr. Bryan that he struck out those three sections?

Mr. FLOOD. The bill as it passed put the service under the merit system. The three sections referred to by the gentleman were objected to by Members of the House, and it was doubtful if the bill in that shape could have been gotten through at that time; and that fact was communicated to Mr. Bryan, and in his desire to have the legislation enacted, he acquiesced in the suggestion made to him that those sections be stricken out. But the bill that became a law on February 5, 1915, while Mr. Bryan was still Secretary of State, places the Consular Service and the appointment of secretaries in the diplomatic service upon an efficiency basis, and provides that they shall be appointed to classes and not to posts, and shall be promoted from one post to the other. Since that time there has never been a consul or a consul general or secretary put in except in the lowest class in that service, and we owe that enactment to Mr. Bryan as much as to anyone else; we owe it to the Democratic administration. [Applause.]

Mr. ROGERS. There are two exceptions to that. Two have been put in since the act of February 5, 1915.

Mr. FLOOD. Who are they?

Mr. ROGERS. One is Kelly. I refer to the two cases in my own knowledge. The case of Kelly was one, and the other was the consul at Nottingham.

Mr. FLOOD. Since the enactment of this law?

Mr. ROGERS. Yes.

Mr. FLOOD. What was the time?

Mr. ROGERS. One was in February, 1915, and one in June, 1915.

Mr. FLOOD. They were put in under a provision of law that authorized the appointment to these diplomatic positions of gentlemen who had been in the service of the Government. There have been no appointments of those who were not in the service at all, since the enactment of this law, either to the Consular Service or to secretaryships in the Diplomatic Service. I simply allude to that as a matter of justice to the former Secretary of State, who I believe rendered great service to his country; and while I do not agree with him about everything, I do think we ought at least to do justice to him in discussing these measures.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. Six minutes.

Mr. FLOOD. I notice that the gentleman from Illinois [Mr. MANN] is somewhat critical in his remarks of the administration in regard to our dealings with Great Britain. I believe, Mr. Chairman, that the country approves fully the action of President Wilson in our foreign affairs. Germany violated our rights upon the high seas. She violated international law and the instincts of humanity, and there were people who demanded that the President should break off diplomatic relations with that country and go to any extent that that step might lead to. The President preferred to pursue the wiser course and to negotiate as far as negotiation was wise. He denounced the sinking of the *Lusitania* with such force and vigor as to challenge the attention of the civilized world and to arouse anew respect for international law and to awaken in Germany a respect for the principles and precepts of that law. There was complaint that he negotiated too long, but he negotiated successfully; he did not go to war, but achieved the greatest diplomatic victory of this generation, and now Germany and this country have agreed upon the principles upon which submarine warfare shall be carried on in the future, and the basis upon which our violated rights of the past shall be settled. The country approves of what the President has accomplished diplomatically by delay and negotiation, instead of by forcing the issue with that great country at once. [Applause.]

Germany yielded, because she knew that we were right, and because she knew that this country had at its head a man who, when he was right, would enforce the right regardless of cost. [Applause on the Democratic side.] The questions we were dealing with, with Germany, involved the lives of our people and of innocent persons who traveled on merchant ships of belligerent countries, and they demanded the President's first attention. The controversy with England involved property rights, and could wait. England has violated our rights upon the seas. She has violated the dignity of our flag, and there were those who demanded that the President should at once hold England to the strictest accountability. He preferred to pursue the wiser course—to pursue the course that was followed by Washington in 1793, when England, then at war with France, violated our rights just as much as she has in this instance. He preferred to pursue the course followed by Grant in 1873, when Spain violated the dignity of our flag to a greater extent than England has done in this instance. He preferred to follow the course pursued by Blaine in our controversy with Chile, and by Cleveland with England over the Venezuelan question. These great statesmen were determined to assert the rights of this country and maintain them at any cost, but they preferred to do it by negotiation and by diplomacy rather than by war, if that could be done, and they accomplished the results they had in mind greatly to the gratification of the people of this country and the glory of this Nation. [Applause.] They did just as President Wilson will do with England in this case. England will settle with this country and settle with her people, because they know that we are right in the demands we are making upon them, and the President is going to demand every right that an American citizen is entitled to. England knows that we have at the head of this Government a man who when he is right is willing to go to any extent that may be necessary to enforce the rights of his people and the honor of his Nation. [Applause on the Democratic side.]

Mr. KINKAID. Mr. Chairman, I ask unanimous consent to extend the remarks which I made yesterday on House joint resolution 184.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks on House joint resolution 184. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

RECEIVING INSTRUCTIONS AND MAKING TRANSITS.

To pay the salaries of ambassadors, ministers, consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act, in pursuance of the provisions of section 1740 of the Revised Statutes, $65,000, or so much thereof as may be necessary.

Mr. ROGERS. Mr. Chairman, I move to amend by inserting the words "vice consuls" after the word "consuls," in line 3, page 4.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 4, line 3, by inserting after the word "consuls" the words "vice consuls."

Mr. MANN. I reserve a point of order on that amendment.

Mr. FLOOD. I think that is a very wise amendment. I understand from the gentleman from Massachusetts that he is going to follow that up with some other amendments with a view of improving the situation of the vice consuls in the service.

Mr. ROGERS. I think this stands on its own merits, however, without regard to whether other amendments are adopted later or not.

The act of February 5, 1915, provided that—

"Vice consuls" shall be deemed to denote consular officers subordinate to such principals exercising and performing the duties within the limits of their consulates at the same or at different points or places from those at which the principals are located.

That language, in so far as it permitted the exercise of functions by vice consuls at different points and places, was, I think, new, and it permitted the State Department at its pleasure to assign vice consuls at other points than those at which their principal consuls were residing. If that permission should be taken advantage of by the Department of State, it would mean that vice consuls would become in certain cases practically minor consuls at smaller posts, although with the title of vice consul. If that situation results, they will need to be given instructions, and so on, just as the consular and other officers of the Consular Service are now given.

Mr. MANN. The law now provides where there shall be consulates, does it not?

Mr. ROGERS. I am not familiar with that law if it does.

Mr. MANN. The law provides where there shall be consuls and the salary?

Mr. FLOOD. The law provides for posts and the President makes appointments to the grades, and the consul is assigned to the post according to the grade of the post.

Mr. MANN. Does not the law that we passed some years ago specify where the consuls are to be located?

Mr. FLOOD. That was the law of February 9, 1915.

Mr. MANN. That did not change the location of the posts?

Mr. FLOOD. No.

Mr. MANN. Did not the old reorganization law that we passed some time ago provide where there should be consuls, and fix the salaries?

Mr. ROGERS. That was the law of 1906.

Mr. FLOOD. No; that law fixed the salary.

Mr. MANN. Can the President appoint a consul at any place he pleases?

Mr. FLOOD. No. The posts are fixed by law. Under the present law men are not appointed to a particular post.

Mr. MANN. I understand. Formerly the consuls were paid by the fees, and we passed a law some years ago fixing the salaries, and I thought that we specified the places where there should be consuls.

Mr. FLOOD. That was fixed by law prior to that time.

Mr. MANN. I think in the law of 1906 we specified the salaries for a lot of places.

Mr. FLOOD. Yes.

Mr. MANN. I think we fixed the salaries at every place instead of fees.

Mr. FLOOD. The gentleman from Massachusetts has that law.

Mr. ROGERS. I have a version of it printed by the Department of State, but it simply refers to the 1915 law as to this section.

Mr. FLOOD. The gentleman from Illinois is right; we fixed the salaries for each place. For instance, we fixed the salary of the consul at London at $12,000, and so on down at all places where the law had established consuls.

Mr. MANN. That is what I thought. Now, as to vice consuls, whether we should start in to pay their expenses not now authorized I am not sure. There are a great many vice consuls. We do not undertake to pay now certain expenses of theirs. Is the gentleman quite sure that we should do that?

Mr. ROGERS. I am quite sure that we should provide for it if advantage is to be taken of the permission granted the State Department under the act of 1905 to continue vice consuls in certain positions where consular agents are not operating.

Mr. MANN. We have never undertaken to pay the consular agents or vice consuls either for receiving instruction. For the first time the bill carries a limited amount. The custom heretofore has been, for a number of years at any rate, to appropriate so much money as may be necessary for these expenses of transit and receiving instruction. With a limited amount I do not know that it makes so much difference, but if we could return to the old system and pay so much as may be necessary, I suppose we would pay for the transportation of vice consuls all over the world in a little while without any limitation.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. MANN. No, Mr. Chairman; but it is subject to a point of order. There is no authority at law for it.

Mr. ROGERS. Is not this provision in the act of 1915 a sufficient authority?

Mr. MANN. No; we have a provision in section 1740 of the Revised Statutes for the payment of these expenses, but that does not apply to vice consuls.

Mr. ROGERS. That is true, but I thought the act of 1915 would be considered broad enough.

Mr. MANN. I doubt if the amendment, if inserted, would make any difference, because the authority to pay expenses only applies to certain offices. However, does the gentleman from Virginia [Mr. FLOOD] think this is a proper provision?

Mr. FLOOD. I think it is a good provision, but I think it is subject to a point of order.

Mr. MANN. Well, Mr. Chairman, I feel overwhelmed by the two gentlemen, and I withdraw the point of order. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The amendment was considered and agreed to.

The Clerk read as follows:

To pay the actual and necessary expenses of transportation and subsistence, including the transportation of household and personal effects, under such regulations as the President may prescribe, of diplomatic and consular officers in going to and returning from their posts or when traveling under orders of the Secretary of State, but not including any expense incurred in connection with leaves of absence, $125,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I notice that in this item you increase the appropriation from $50,000 to $125,000 and appropriate for the first time for the transportation of household and personal effects, also all the cost of subsistence. Is the increase in appropriation because of these changes as to what we shall pay for? Heretofore we paid for transportation at the rate of 5 cents per mile. Now, it is proposed to pay all the cost of transportation, all the cost of subsistence, and also all the cost of transferring household and personal effects to and from foreign countries.

Mr. FLOOD. The argument was made by the department to the committee—and the committee was convinced by the argument—that the 5-cent provision did not in any way compensate the official when moved from one place to another. The Consular and Diplomatic Service is now a permanent service. They are transferred from one post to another and their salaries are not extravagant. Five cents per mile did not pay the traveling expenses frequently of the officer himself.

Mr. MANN. I have no doubt of that.

Mr. FLOOD. In comparing the treatment of the men in that service with those of the Army and Navy we found that they were treated very much less generously, and the idea was to allow the department to make an allowance to the officers when transferred so as to cover the actual expenses.

Mr. MANN. The gentleman understands that we do not make any limited allowance in the Army or the Navy or the Revenue-Cutter Service, and I believe those are the only branches that have household transportation at the Government expense. This makes an unlimited amount. In other words, any of these gentlemen abroad may buy all of the things he wants, of any kind, before he comes home and have them brought home at our expense.

Mr. FLOOD. No. The statement was made that the department would adopt a system of rules to limit that.

Mr. MANN. That is true, but we do not know what that system will be. As far as this law is concerned, it is unlimited.

Mr. FLOOD. Yes.

Mr. MANN. The reason for the increase in the expense is because of this change?

Mr. FLOOD. Yes; largely.

Mr. MANN. My observation is, and I have made it before, that all reforms, especially designed to effect economy, are very expensive.

Mr. FLOOD. I think the gentleman is right about that.

Mr. MANN. Here is a proposition to effect a needed reform in the interest of the Government, and in order to do it we increase the appropriation from $50,000 to $125,000.

Mr. FLOOD. That is what it does.

Mr. MANN. While I think, perhaps, it is subject to a point of order, I do not want to interfere with what is necessary.

Mr. FLOOD. I will say to the gentleman that, in the judgment of the State Department and in the unanimous judgment of the Committee on Foreign Affairs, after hearing the question discussed, it was deemed that this request for the additional $75,000 for this purpose was a reasonable request.

Mr. MANN. I think a few years ago—and I am not sure that I am right about it—there was no limitation of 5 cents a mile, and the Congress, in order to prevent undue extravagance, put in a limitation of 5 cents a mile?

Mr. FLOOD. Yes.

Mr. MANN. That is for the transportation of the person. You now not only remove the limitation but add very much to what is to be transported at Government expense. I withdraw the point of order.

Mr. COX. Mr. Chairman, I renew the point of order, and reserve it.

The CHAIRMAN. Does the Chair understand that the gentleman from Indiana makes the point of order?

Mr. COX. No; I do not make it, I reserve it. My heart is to make the point of order, but I am afraid to do it because I am afraid that I will do wrong. I recall reading the report on this item, and, if I remember correctly, the man who made the statement before the committee proposes under rules and regulations that the Government pay not only the traveling expenses of the diplomatic officer but also of the members of his family. Am I correct in that?

Mr. FLOOD. Yes.

Mr. COX. That is in process of contemplation?

Mr. HARRISON. The actual expense.

Mr. COX. Not only of the person himself but of all the members of his family?

Mr. FLOOD. Yes.

Mr. COX. Does not the gentleman feel that that would be an abuse of authority?

Mr. FLOOD. I do not think so. These people are moved about at the will of the department. I happen to know a secretary who was at Stockholm, who had expensive quarters there, well furnished. He was telegraphed to go to London, and he was kept in London six months, and finally had to bring his furniture there at great cost to him, after having paid six months' rent at Stockholm. Five cents a mile is evidently too

little. Consuls, secretaries, and diplomatic officers moving about in the war zone can not begin to pay their own expenses at 5 cents a mile, and the idea of this is something like the idea that keeps in the 20 cents a mile for Congressmen, to enable them to bring their families to the seat of government at the expense of the Government, on the theory that they have a right to have their families with them. Here is what the evidence showed. I read from Mr. Carr's statement:

Mr. CARR. The existing law, which is a provision in the appropriation act, provides that diplomatic and consular officers traveling to and from their posts or under the orders of the Secretary of State shall receive an allowance of 5 cents a mile to cover the cost of traveling expenses. That operates in this way: On a journey of comparatively short length 5 cents a mile does not cover the actual traveling expenses, and on a steamer journey, we will say, across the Atlantic or the Pacific, 5 cents a mile more than covers the cost of transportation of the officer himself. The great difficulty is that the 5 cents a mile makes no provision whatsoever for the transfer of the officer's household effects, or his family, or anything except his own personal transportation and light personal baggage.

Now, that works great hardship, particularly upon a consular officer who is likely to be ordered from one place to another on comparatively short notice, as is necessary and usual in the service. He has to break up his household; usually sell his furniture at a sacrifice; and advance the cost of transporting his wife and perhaps several children. He may have to carry household effects with him, because he may not be able to get satisfactory new ones in the place to which he is going; or, if he is able to get them there, he will at least have to sell out his old furniture and buy new furniture to replace it. That is a source of very great expense and hardship upon a man who is receiving, say, a salary of $2,000 or $3,000 or $4,000, where the journey is anywhere from 5,000 to 10,000 miles.

Mr. COX. This provision will apply to the ambassadors as well, will it not?

Mr. FLOOD. Yes; it does.

Mr. COX. It applies to the Diplomatic and Consular Service altogether, no matter whether a man's salary is $2,000 a year or $17,500 a year?

Mr. FLOOD. The gentleman is right about that.

Mr. COX. I want to again call the gentleman's attention to the point suggested by the gentleman from Illinois [Mr. MANN]. It does look to me as though this is dangerous ground.

Mr. FLOOD. I will say to the gentleman that there was not any contemplation on the part of the department of paying the expenses of ambassadors and ministers. What is in mind are the secretaries and the consular officers.

Mr. COX. But the gentleman concedes that under this provision it can be done?

Mr. FLOOD. Yes.

Mr. COX. The Army gets 7 cents a mile while traveling under orders, and the Navy gets 8 cents a mile. If I remember correctly, an Army officer is permitted to transport household goods to the amount of 7,000 pounds, and a Navy officer to the amount of 8,000 pounds. Unless that is safeguarded in some way under rules and regulations to be prescribed by the President, there is no limit, and they could move Marshall Field's store from abroad to this country if they desired.

Mr. FLOOD. The statement made to the committee was that the Department of State would immediately adopt a system of rules and regulations governing how much a diplomatic and consular officer could carry with him on these trips.

Mr. COX. Does not the gentleman feel that it ought not to be more than that given to the Army and the Navy?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD. I do not think that that is a fair rule. I was convinced that the mileage system was not a wise system.

Mr. COX. I am referring to the number of pounds permitted.

Mr. FLOOD. That might be.

Mr. COX. That they ought not to have in excess of what the Army and Navy have.

Mr. FLOOD. That might be. I suggest to the gentleman that we try it out this year, and next year we can work into the law the system that has been worked out by the State Department.

Mr. HARRISON. Will the gentleman yield?

Mr. COX. I will.

Mr. HARRISON. I notice that Mr. Carr in his statement before the committee says:

These regulations would naturally follow the regulations of the departmental civil service of the Government plus some provision for the officer's family——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. Mr. Chairman, I desire about two minutes.

Mr. COX. I will reserve the point of order until the gentleman gets through.

Mr. HARRISON (continuing)—

These regulations would naturally follow the regulations of the departmental civil service of the Government plus some provision for the officer's family, or a certain limited number of members of the officer's family, and a limited amount of household effects and baggage.

In other words, the President could lay down any regulations that he might see fit as to the number of the family that might travel, or any other regulation that he might see fit to impose. I notice also in the hearing that Mr. Carr, speaking about this provision, says:

Let me illustrate that. We transferred an officer from Washington to Hongkong. His expenses for himself and wife were $820.50. The Government reimbursed him at the rate of 5 cents a mile, or $557.80, leaving the officer to suffer a personal loss of $232.70 plus any costs of transporting household effects and baggage he may have had.

And throughout the hearings he cites other instances where these men in traveling from these places lose two or three hundred dollars and sometimes more.

Mr. TEMPLE. Is there not another point that ought to be taken into consideration, and that is to travel in certain countries sometimes it has to be by carts or horseback, which is much more expensive than 5 cents per mile?

Mr. HARRISON. Yes; by horseback, carts, and in some insome instances in Persia they had to employ mules.

Mr. TEMPLE. They have to organize a caravan?

Mr. HARRISON. Or by caravan, and so forth.

Mr. COX. Mr. Chairman, I feel the point of order ought to be made, but I will let it go this year.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. COX. I withdraw the point of order.

The Clerk read as follows:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $200,000, together with the unexpended balance of the appropriation made for this object for the fiscal year 1916, which is hereby reappropriated and made available for this purpose.

Mr. FLOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 3, after the word "purpose," strike out the period, insert a colon, and the words "*Provided*, That in his discretion the President may employ part of this fund for the payment for personal services in the District of Columbia or elsewhere notwithstanding the provisions of any existing law."

Mr. MANN. Mr. Chairman, I reserve a point of order on that. It is not expected to be a permanent arrangement, is it?

Mr. FLOOD. No; this is just an emergency arrangement.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To enable the commission to continue its work under the treaties of 1884, 1889, 1905, and the protocol of May 6, 1896, between the United States and Mexico, $17,000.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. What possible excuse is there for the making of this appropriation?

Mr. FLOOD. We have a treaty obligation which has never been abrogated.

Mr. MANN. We have no treaty obligation about this.

Mr. FLOOD. Oh, yes; we are under treaty with the Republic of Mexico.

Mr. MANN. Oh, I understand; but we have no treaty obligation that requires the expenditure of this money. Nothing is being done and nothing has been done for years. Now, let me be square about it. I do not know, and I am frank about these things. We made this appropriation for several years after the trouble in Mexico commenced, because John Wesley Gaines, formerly a Member of the House, was drawing a salary. The newspaper accounts stated that Mr. Gaines threw up the job. Now, to whom are we under obligation of making a useless appropriation?

Mr. FLOOD. We are under no obligation to any individual, but we are under obligation to the Republic of Mexico.

Mr. MANN. But nothing is being done; the gentleman will not say that.

Mr. FLOOD. Something is being done; oh, yes, the gentleman is mistaken about that.

Mr. MANN. Oh, I am not.

Mr. FLOOD. I think the gentleman is. We have always had an organization, and while the specific purposes for which the first treaty was made are not being carried out now, we have always kept and will have to keep an account of the quantity of water that we are taking into this country that belongs to

Mexico, because we are under obligation under this treaty not to take but half of it, and unless we have these gaugers, water measurers, along there, we will not know whether we are taking water which belongs to our sister Republic or not, and the treaty provides that we should have a commissioner and a consulting engineer and a secretary. Now, the treaty still stands, and I understand that Mexico has some sort of a commissioner——

Mr. MANN. Oh, they are not paying any money to anybody.

Mr. FLOOD. I do not know whether they have got any money——

Mr. MANN. We are not doing anything and they are not doing anything.

Mr. FLOOD. But this treaty requires us to keep up this organization. If conditions slow down in Mexico, this commission would go right to work. It is a very small appropriation. The former appropriation was $50,000 generally, and the commissioner was an Army officer, and did not get any pay out of that. We have not got a commissioner. Mr. John Wesley Gaines was the secretary, and we have not got him, but we have got a consulting engineer and we have got an assistant engineer, Mr. Gilliam, from North Carolina, and the State Department feels that this skeleton of this organization ought to be kept up.

Mr. MANN. I remember when it was up last year we made an appropriation then of $14,000. This bill provides for $17,000. I do not remember whether it was stated on the floor of the House openly—if it was not stated openly, it was stated privately by a large number of the members of the Committee on Foreign Affairs—there really was not the slightest excuse for the appropriation unless the House wanted to pay a salary to John Wesley Gaines.

Mr. FLOOD. If that was stated, it was not exactly the fact.

Mr. MANN. I believe if this is——

Mr. FLOOD. It was the desire of a great many Members of the House to see Mr. Gaines well provided for, but, outside of that, we understood we had to keep a skeleton organization up under the treaty we had with Mexico. Here is what the Secretary of State said to me under date of February 19 of this year:

It is true that, on account of conditions existing in Mexico, it has not been possible to carry on the regular work of the commission relating to the disposition of new questions arising in regard to the boundary line; but the American section of the commission is frequently requested by persons having interest in lands along the Rio Grande for information in regard to the location of the boundary line and upon other points connected therewith which have been considered by the commission, so that it is practically imperative that the present small staff be retained. While it is not possible to foresee when it may be feasible for the commission to resume its regular work of determining questions in relation to the boundary, the United States should be in a position to resume its part of the work as soon as it shall have been formally notified of the appointment of a Mexican representative on the commission. Several questions of importance are awaiting the action of the commission, the decision in regard to one of which, the precise location of the boundary line along the Colorado River, will have an important effect upon the cost of one of the projects of the Reclamation Service to the people in that locality. It is learned from the Reclamation Service that it is highly desirable that the last-named question be determined as speedily as possible.

In addition to the foregoing it should be pointed out that for a number of years the Governments of the United States and of Mexico have been making a systematic study of the equitable distribution of the waters of the Rio Grande and of the methods by which the flood waters of the tributaries of that river can be controlled so as to reduce to a minimum the variability of the channel of the river itself. Consultation with the Geological Survey reveals the fact that the measurements of the amount and flow of the waters of the Rio Grande are of much importance and that it is very desirable that the work of taking such measurements should be continued.

I have, therefore, to request that so much of the amount estimated for the boundary commission as shall appear proper to the committee be included in the bill to be reported.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. There is no work being done. There is work that ought to be done and work that will be done under the treaty whenever we can get somebody from Mexico appointed to the office of commissioner who can join in the work. The Government can not do the work. Now, the only possible use that could be made of this appropriation is to put some new person on the job and pay him the salary. I realize it is difficult to abolish an appropriation where somebody has to go off of the pay roll, at any time, but I had hoped it was possible to postpone an appropriation before a new man was appointed in an office that is purely a sinecure at present.

Mr. FLOOD. Mr. Chairman, there is some work being done by the officers connected with this commission. We have not a commissioner now, and we have not a secretary, but we have engineers and we have the skeleton of the commission which can be filled in very readily as soon as conditions in Mexico enable them to appoint a commissioner to unite with our commissioner in fixing the boundary lines of the Rio Grande. No work has been done on that for some years, and it is very important that it should be done, but there is work being done in reference to the Reclamation Service down there. And as my friend from Texas tells me, hundreds of people are interested in the service in his State and there is work constantly being done. And this appropriation is principally for that purpose, to pay the gaugers along those rivers, the water of which ought to be equally distributed between this country and the people of Mexico, so that we will not take more than our share and lay ourselves liable to damages to that Republic by taking water belonging to their people.

Mr. MANN. Mr. Chairman——

Mr. SMITH of New York. This appropriation does not provide for a successor to Mr. Gaines, does it?

Mr. FLOOD. No. There is nothing in the bill in regard to appointments.

Mr. SMITH of New York. This is for gauges and work that is going on? The work that Mr. Gaines has been on would be done by anybody who might succeed him?

Mr. FLOOD. We have an office in El Paso. Already in the office there is a consulting engineer, whose name I do not recall now, quite an intelligent man, drawing quite a good salary, and there is an assistant engineer, and there are a number of gaugers all up and down the river. So they keep this office open. We made a calculation of what was necessary for officers to keep the commission going and limited the appropriation to that amount.

Mr. NORTON. How was the amount expended last year? Has the gentleman a statement of that?

Mr. FLOOD. I think it was $14,000. About $4,800 went to the consulting engineer, and $4,800 went to the secretary, and about $1,800 to the assistant secretary, and the rest of it to the gaugers, stenographers, for office rent, and so forth. Mr. Gaines was secretary. He is the only one who is out now.

Mr. NORTON. Who is the consulting engineer? Is he a retired Army officer?

Mr. FLOOD. No; he is not a retired Army officer. He is a gentleman named Corbin, from Colorado.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. TEMPLE. We have no report yet of the amount expended for the present fiscal year, ending June 30, 1916, when the appropriation was $14,000?

Mr. FLOOD. No.

Mr. TEMPLE. But there was a balance of something like $7,000 left over for the year ending June 30, 1915, when the appropriation was $20,000. How much will be expended this year I do not know.

Mr. FLOOD. There is no commissioner. Gen. Mills, an Army officer, was the commissioner. The salary he got was the Army salary, and his expenses were paid out of this appropriation. That was in the old days, when the appropriation was from $20,000 to $50,000, when they were doing some work with reference to the bancos in the river. Now they have a consulting engineer and his assistant and the gaugers and the office rent.

Mr. NORTON. What does the consulting engineer do?

Mr. FLOOD. He is provided for by treaty and is the head officer of this commission as it stands, and he is next in office to the commissioner when there is one.

Mr. MANN. There is no commissioner and there is no secretary. There is no commissioner from Mexico and there is no organization on the other side. This is a joint commission. It can not work from this side unless there is somebody on the other side. They have not done any work, and they can not do any work.

Mr. FLOOD. Let me interrupt the gentleman. You will recall that they had two commissions, one by treaty and one that Mr. Knox established by some sort of an agreement or arrangement with Mexico, for the purpose of keeping measurements of this water and the equitable distribution of this water. That has not stopped working for a minute. It is working now.

Mr. MANN. If the gentleman will let me make a statement I will be glad to have the privilege. Last year, or as the gentleman says, now, this year, until Mr. Gaines resigned, $4,800 salary was paid to the consulting engineer, $4,800 was paid to the engineer, $1,800 to the assistant engineer or assistant secretary—I have forgotten which—not one of whom has a thing to do. That would be $12,000 out of an appropriation of $14,000

for the current year and out of the $13,000 for the year before. There is nothing to do. There is nothing to do except to draw the salaries.

Now, if gentlemen want to pay a salary when there is no human probability of continuing this work in the next fiscal year, very well. Of course, everybody will agree that if the trouble in Mexico ceases, so that they can appoint their commissioner and take part in the work, we can make an appropriation so that the work will be carried on, but it will not be done now.

[Mr. GARNER addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, to strike out, on page 10, the appropriation contained in lines 12 to 18, inclusive, for the Mexican Boundary Commission.

The amendment was rejected.

Mr. NORTON. Mr. Chairman, I move to strike out "$17,000," in line 18, page 10, and to insert "$5,000."

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 10, line 18, by striking out "$17,000" and inserting "$5,000."

Mr. NORTON. Mr. Chairman, it seems that there was $6,000 of the $13,000 appropriated in 1914 remaining unexpended. There is no statement as to the amount unexpended at the end of the fiscal year 1916, but it is reasonable to assume that there is at least the same amount expended that there was last year; and it would seem to me that if there is no commissioner, and only a consulting engineer employed, $5,000 additional would be ample.

Mr. FLOOD. Mr. Chairman, $5,000 would not be any better than nothing. We may be paying the consulting engineer too much, but he is getting $4,800 a year, and the gaugers who are measuring the water ought to be paid. They are employed under the consulting engineer.

Mr. NORTON. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. NORTON. Does not the gentleman know what the unexpended balance was on July 1, 1915?

Mr. FLOOD. Not a cent. They kept within the appropriation.

Mr. GARNER. It was all used up last year?

Mr. FLOOD. Every bit of it.

Mr. NORTON. The gentleman from Pennsylvania [Mr. TEMPLE] said that year before last there was $6,000 unexpended.

Mr. FLOOD. That was a much larger appropriation.

Mr. TEMPLE. Will the gentleman yield?

Mr. NORTON. Certainly.

Mr. TEMPLE. The appropriation for the year ending June 30, 1915, was $20,323.46. The amount expended was $13,595.99 and the balance remaining $6,727.47.

Mr. FLOOD. Then we cut down the appropriation to $14,000, and I understand every bit of it was used and that there will not be any of it left.

Mr. GARNER. It was all used.

Mr. NORTON. I do not doubt the statement of the chairman that there will be none of it left, but I do not see why any more is needed than enough to pay the consulting engineer.

Mr. TEMPLE. In order to avoid any misunderstanding, some gentlemen are using the phrase "last year." Let it be understood that that means the last appropriation, for the fiscal year which has not yet expired but will expire on the 30th of this month. For last year the figures were as I read them a moment ago.

Mr. GARNER. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. GARNER. The importance of gauging this water is, I think, far-reaching. It may involve a controversy between the Mexican Government and this Government, with reference to damages that they might claim or we might claim for taking more water on one side of the river than on the other. That is the object in gauging the water.

Mr. NORTON. The Mexican Government is not gauging this water, is it?

Mr. GARNER. Yes; the Mexican Government is gauging this water, and so it is quite important and more far-reaching than the question of a commission.

Mr. NORTON. Have they gaugers employed there at this time?

Mr. GARNER. Yes; and have had for a number of years.

Mr. FLOOD. These gaugers have been employed for a number of years, and we have had to pay for the excess of water that we have taken.

Mr. GARNER. In my judgment that is more important than the commission, because the friction existing between the two countries as to the boundary might be settled through diplomatic channels, but the question how much water each Government is taking is an important question which might involve a claim by one Government against the other.

Mr. NORTON. You might use the gaugers, but the consulting engineer is not necessary.

Mr. FLOOD. The consulting engineer is the head of the gaugers. He might be dispensed with, but he has not been dispensed with, and he is there at the head of this gauging work.

Mr. NORTON. And he will not be dispensed with as long as you keep up this appropriation.

Mr. FLOOD. Should there not be some head of this system?

Mr. NORTON. Not necessarily.

Mr. FLOOD. To whom are these gaugers to report?

Mr. NORTON. They can keep their records themselves.

Mr. FLOOD. How is the Government going to get them?

Mr. NORTON. This work is done under the State Department, is it not?

Mr. FLOOD. Yes; but they can not go down there.

Mr. DAVIS of Texas. Mr. Chairman, I represent the whole State of Texas. That river borders my district.

Mr. NORTON. Do I understand the gentleman to say that he represents the whole State of Texas?

Mr. DAVIS of Texas. Yes; the State of Texas. It is immaterial to this issue whether Mexico is doing any gauging or not. We are carrying on an irrigation system all up and down that country, and under the treaty we are only allowed to take half the water. If we take more than half the water during a time of low water, Mexico complains, and it is liable to complicate matters with that country, and we must have some kind of a system by which we can know what we are doing under the treaty obligations that we owe to Mexico; and it is very important that we should know how much water is used.

The CHAIRMAN. The time of the gentleman from North Dakota has expired. The question is on the amendment of the gentleman from North Dakota to strike out, in line 18, page 10, the figures "$17,000" and insert "$5,000."

The amendment was rejected.

The Clerk read as follows:

The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary actual expenses during such sessions, not to exceed $10 per day for the judge and $5 per day for the district attorney, and so much as may be necessary for said purposes during the fiscal year ending June 30, 1917, is hereby appropriated

Mr. COX. Mr. Chairman, I move to strike out the last word. The paragraph at the top of page 15 provides for the expenses of the judge of the United States court at Shanghai when the court is held outside the city, not to exceed $10 per day. How much did that expense amount to last year? Is there any record of that? That is a pretty large per diem.

Mr. SLAYDEN. In a cheap country.

Mr. COX. As the gentleman from Texas says, in a cheap country.

Mr. SMITH of New York. Does the gentleman think that $10 a day is large for the expenses of a judge?

Mr. COX. I think it is—entirely for expenses. He does not spend it.

Mr. HARRISON. Is it not a fact that all judges of the United States courts get $10 a day for service outside of their home in this country?

Mr. COX. As I understand it, this is for expenses.

Mr. HARRISON. It is the same for the judges in this country; when they serve away from home they get $10 a day. That was the theory on which this was placed in this bill.

Mr. COX. I know that has been in the law for years, but what I wanted to know is how much was expended under this paragraph last year?

Mr. MEEKER. Is it not worth $10 a day to live in China? [Laughter.]

Mr. FLOOD. All the expenses of that court and the officers for the year ending June 30, 1915, amounted to $31,200, or $2,800 more than was appropriated.

Mr. COX. It is not as much as I supposed it was.

Mr. FLOOD. No; they watch them very carefully.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Expenses, United States agency: Necessary and contingent expenses, $200; rent of rooms, not more than $1,000.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last word. I notice the committee has reduced the appropriation for rent from $1,500 to $1,000, thereby saving $500. I understand that this will necessitate the commission moving to less commodious quarters on New York Avenue. I did not rise, however, to criticize the action of the committee in that respect, but there is an item of $200 for necessary and contingent expenses which, I am informed, will not be sufficient to meet the actual expenses required in the event of certain contingencies during the next fiscal year. Information has been given me that there are about 16 cases under advisement by the arbitration commission. Six of them involve claims by this Government against Great Britain amounting to over a million and a half dollars and 3 by Great Britain against this Government amounting to more than half a million dollars. I am told that there has been an exchange of notes recently between the two Governments with a view of having the cases now under advisement determined finally, and if these awards are rendered it will be necessary to make publication of the findings, and in such event the $200 would by no means be sufficient to pay the extra expense plus the expense of keeping up the library and other expenses of the office.

I wanted to ask the gentleman if he would have any objection to accepting a small amendment, say, $100, making $300 for contingent expenses, especially in view of the fact that he has saved $500 on the rent.

Mr. FLOOD. The gentleman from Tennessee is mistaken about the rent matter. The amount allowed for rent last year was $600, and we have increased it to $1,000 in order that the tribunal may keep the commodious quarters they are now occupying and not have to move their valuable papers and the library.

Mr. BYRNS of Tennessee. The gentleman knows that they were allowed to remain in their present quarters this year at $600, with the hope and expectation that for the next fiscal year the rent would be increased to $1,500, as it had been previous to this year. They could not stay where they are now for $1,000 next year, and so they have entered into an arrangement for offices on New York Avenue near Fifteenth Street; the quarters are less commodious and less convenient. But I did not rise for that purpose, and I do not wish to be understood as finding fault with the committee for its action in the matter of rent.

Mr. FLOOD. I think this is an important tribunal, Mr. Chairman, and I am willing to accept the proposed amendment of the gentleman from Tennessee.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out on page 16, line 12, the figures "200" and insert the figures "300."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 12, strike out the figures "200" and insert the figures "300."

The amendment was agreed to.

The Clerk read as follows:

Nineteenth Conference Interparliamentary Union: The appropriation of $40,000 "for the purpose of defraying the expenses in Washington City incident to the Nineteenth Conference of the Interparliamentary Union to be held in Washington in 1915, to be expended under such rules and regulations as the Secretary of State may prescribe," made in the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, is hereby extended and made available for the calendar years 1916 and 1917.

Mr. SLAYDEN. Mr. Chairman, I move to amend by striking out the words "in Washington City," in line 7, page 20, and if I may be indulged for a few minutes I will explain why.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 7, strike out the words "in Washington City."

Mr. MANN. I would like to suggest to the gentleman from Texas that his amendment would not accomplish anything.

Mr. SLAYDEN. Why not?

Mr. MANN. That is only a citation. It is in quotation marks, and refers to an appropriation heretofore made. The gentleman will have to do something more than change the citation. All that has reference to is an appropriation of $40,000 heretofore made.

Mr. SLAYDEN. And reappropriated.

Mr. MANN. I know; but if the gentleman changes the language in the quotation of what the appropriation was last year he will accomplish nothing.

Mr. SLAYDEN. Mr. Chairman, I will ask to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

Mr. MANN. The gentleman can add the words "made available for the calendar years of 1916 and 1917 for the purpose of defraying expenses incident to the Nineteenth Conference of the Interparliamentary Union."

Mr. SLAYDEN. Does the gentleman think that the limitation in line 7 will not be held to apply?

Mr. MANN. That is in quotation, and refers only to the appropriation heretofore made. If we incorrectly cite the appropriation, probably the department would think it was an error upon our part, but they would not do anything more.

Mr. SLAYDEN. What is the gentleman's suggestion as to the language to be used?

Mr. MANN. I suggest that the gentleman add after the word "seventeen" the language "for the purpose of defraying the expenses incident to the Nineteenth Conference of the Interparliamentary Union." That will cover what the gentleman wants.

Mr. SLAYDEN. And the gentleman would not go further and say that the expenditure in that connection is not restricted to expenditures in the city of Washington?

Mr. MANN. No; I have not restricted it at all.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "seventeen," in line 16, page 20, insert the words "for defraying the expenses incident to the Nineteenth Conference of the Interparliamentary Union."

Mr. HARRISON. Mr. Chairman, on that I reserve the point of order.

Mr. SLAYDEN. Mr. Chairman, I hope I may be allowed to proceed for five minutes, as I dare say the first five minutes have already gone. The reason that I am offering the amendment is this: I am not asking for any change of the appropriation, for it is abundant. I was connected with the expenditure of the appropriation when the conference was held here in 1904. An appropriation of $50,000 was made that year. I was on a committee charged with the entertainment of these visiting parliamentarians, and the expenditures in connection with it. It was our pleasure to return to the Treasury a fifth of that appropriation, which was not expended. These people were received in New York, magnificently entertained, taken out to St. Louis to the exposition, and as far west as the Rocky Mountains, brought back by way of Omaha, Chicago, Detroit, Niagara, New York, and to Washington, where they had their interview with the President.

Mr. HARRISON. Did the various cities pay the expenses from Washington to those places?

Mr. SLAYDEN. No; the municipalities only entertained those people while they were in the different cities. They were essentially and always the guests of the country.

Mr. HARRISON. And all of the expenses came out of the appropriation made by the Federal Government?

Mr. SLAYDEN. Except for the local entertainments, which were inexpensive, however agreeable.

Mr. HARRISON. How many were in the party?

Mr. SLAYDEN. As I remember it, 314 to 320—somewhere in that neighborhood.

Mr. HARRISON. Mr. Chairman, if the gentleman will permit, when this matter was presented to the committee, if I recall correctly—and all of the committee were for the appropriation to entertain them in the city of Washington—the committee was told by some of those who advocated this proposition that these cities would pay the expenses of the delegates after they got here, and we were given to understand, as I understood it, that the Federal Government would not be called upon to pay to send them all over the country.

Mr. SLAYDEN. The Government does not have to do that. There is no obligation to do it. They need not be sent anywhere, except to Washington.

Mr. HARRISON. But if we write into this law a provision that we are going to pay the expenses here and the $40,000 should not meet those expenses, then the Congress might feel under obligation to make an additional appropriation.

Mr. SLAYDEN. Mr. Chairman, the experience and the precedent set in 1904 show that the appropriation will meet it. If we do invite the representatives of about 23 or 24 or 25 governments to come and hold a great conference in the interest of the whole human family, for the purpose of promoting arbitration, something we all stand for, and which this House with one exception voted for the other day, I do not think we ought to qualify our own tender of hospitality in this way.

With reference to the apprehensions of the gentleman from Mississippi [Mr. HARRISON] that the appropriation will not meet such an expense, I desire to tell him that I know absolutely that it will do it. I was on that committee from the time these guests arrived in New York, in 1904, until they were brought to

Washington. They did not come here first. I myself watched with care all of the expenses. They were magnificently entertained. They had everything that was required to make an elegant, complete, and satisfactory entertainment. It was hospitality such as is rarely shown. We ought not to invite them and to make a tender of hospitality which we do not mean. If this is to pay only the hotel expenses of those gentlemen in Washington, then the appropriation is entirely too large. It will not cost any such sum of money, unless it is thrown to the birds.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLAYDEN. If we are going to invite people to visit us, I believe we ought to extend hospitality like a prince.

Mr. CARY. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. CARY. Will the gentleman inform me how many delegates there would be?

Mr. SLAYDEN. I can only say to the gentleman that there are about 3,300 or 3,400 members of the Interparliamentary Union, and experience indicates that there will be approximately 10 per cent present.

Mr. CARY. Will the gentleman yield?

Mr. SLAYDEN. It is a long way, and they will have to pay their expenses here and back to their homes.

Mr. CARY. Does the gentleman think $40,000 would be too much to entertain them?

Mr. SLAYDEN. I said it would be too much to entertain them if it were confined to their stay in the city of Washington.

Mr. CARY. But it would be plenty if they remained in the city of Washington?

Mr. SLAYDEN. Forty thousand dollars is enough, if we care to do so, to transport them to Chicago or Milwaukee—that city made famous by certain enterprises—to St. Louis or Chicago; they all want to go to those great cities; and to entertain them handsomely and bring them back to New York, the usual port of embarkation.

Mr. FLOOD. Will the gentleman yield?

Mr. SLAYDEN. Yes, sir.

Mr. FLOOD. I do not see how the gentleman can tell what will be the attendance.

Mr. SLAYDEN. I have just disavowed my ability to do so.

Mr. FLOOD. How can the gentleman say every member of every parliamentary body of the world can come here and attend as a member of this Interparliamentary Union, what the expense would be in the city of Washington, or what the expense would be if we undertook to haul them about the country?

Mr. SLAYDEN. If they were to come, we could take care of them here and cut our garment according to the cloth. And I want to say that in 1904, when everything was prosperous in Europe, when there was no devastating war abroad and distress and poverty over great areas, only about 300 came; and certainly following this great war one can not reasonably expect a very large attendance, and for that reason I look upon this appropriation of $40,000 as being relatively greater than $50,000 12 years ago.

Now, Mr. Chairman, I am president of the American group of the Interparliamentary Union, and I am in receipt of letters, a great many letters, from gentlemen of importance in some of these war-racked countries of Europe and from some of the neutral countries all saying that they hope we will arrange to have the Nineteenth Conference of the Interparliamentary Union in the United States, because this is the one great neutral country in the world. It is the one country to which they can come with the hope that the environment will be such that some sort of an agreement may grow out of the conference, that some sort of progress may be made toward an era of peace and good will. They do not believe it possible to have such a development if it were held in Europe, even in a country as neutral as Switzerland or Holland. This is the one country they have all turned their eyes to, and now the only plea I make is that if we propose to extend hospitality we shall do it with liberality and gentility and not restrict it in this way. I hope, Mr. Chairman, that the chairman of the committee will accept the amendment.

Mr. HARRISON. Mr. Chairman, I reserved the point of order on the amendment and I regret very much to have to make it. I make the point of order on the amendment.

The CHAIRMAN. What is the point of order?

Mr. HARRISON. The point of order is that it is a change of existing law. It is providing for an expenditure of money outside of the city of Washington, when under the law that was passed it was to be expended in the city of Washington, and that was the condition on which the committee made the appropriation. I doubt if the committee would have made it otherwise, and now it is proposed to change that existing law by this amendment.

Mr. SLAYDEN. Mr. Chairman, is the point of order made to the entire paragraph, let me ask the gentleman?

Mr. HARRISON. No; just to the gentleman's amendment.

Mr. SLAYDEN. Mr. Chairman, I do not know whether the point of order is well taken or not. The Secretary of State can expend every cent of this appropriation in the city of Washington if he pleases, even under my amendment. I do not require that he expend it elsewhere. I simply undertake to extend his right. That is all, and I doubt if the point of order is well taken, because there is no command on the Secretary of State to expend it elsewhere than in the city of Washington.

Mr. HARRISON. If the Chair is in doubt about the proposition, I would like to say something more.

The CHAIRMAN. Very well.

Mr. HARRISON. This appropriation is for the purpose of defraying the expenses in Washington City in entertaining the Nineteenth Conference of the Interparliamentary Union, that appropriation being made by the committee with the understanding that these gentlemen who come here from Europe and various countries to this Interparliamentary Union——

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. MANN. Will the Chair hear me on the point of order?

The CHAIRMAN. The Chair has already sustained the point of order, but he will be glad to hear the gentleman.

Mr. MANN. This whole item is subject to the point of order——

Mr. SLAYDEN. That is the point.

Mr. MANN. But the point of order was not made upon it.

The CHAIRMAN. The point of order the Chair sustained was not to the item, because it was not made on the item.

Mr. MANN. I understand, but if the whole item was subject to the point of order and it is not made you can not make a point of order upon a proper germane amendment to it. That is what I wanted to call to the attention of the Chair. There is no authorization of law for the holding of this Nineteenth Conference of the Interparliamentary Union at all, except as it was carried in an appropriation act subject to a point of order when it was inserted in the bill in the first place. That expires with the end of this fiscal year. Now, this item carrying an appropriation and making it available for the next fiscal year was subject to the point of order. That point of order was not made, and under the well-settled rules of the House, it is then open to amendment. And if the item, in the first place, had not been subject to a point of order, then the amendment of the gentleman from Texas would be subject to a point of order. But as his amendment is simply to perfect the text of the original paragraph which itself was subject to a point of order, I do not think the amendment offered is subject to a point of order. It is for the same purpose.

The CHAIRMAN. The Chair understood the gentleman from Mississippi [Mr. HARRISON]—and the question was not disputed—that there was a general law that authorized this appropriation. If that is an error, of course the Chair was in error, because the Speakers of the House have held time and time again that where a proposition in a bill was out of order an amendment that was germane to it would be entertained if the point of order was not made upon the main proposition. The point of order would have to be made to the main section unless, as I understood the gentleman from Mississippi to say, the general law authorized this appropriation.

Mr. HARRISON. If the Chair will permit, I may have misstated the situation. There was a law passed appropriating this $40,000 to be expended in a certain time. It was not spent at that time, and here we propose to extend that appropriation. The law did expire when the money was not spent, I presume.

The CHAIRMAN. Now, the Chair will ask the gentleman from Mississippi this: Was that a general statute or a mere appropriation act?

Mr. MANN. It was a mere appropriation.

Mr. HARRISON. Not a statute.

The CHAIRMAN. The Chair will have to change the ruling made on the amendment offered by the gentleman from Texas [Mr. SLAYDEN]. The question is on the amendment offered by the gentleman from Texas.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

It seems to me that the time has come to call a halt in spending public money for the purpose of paying for pleasure trips, both for our own citizens and for people who come here from foreign countries. I admire hospitality of the open-handed kind, but hospitality ought to be extended by the individual. We do not stand here in any attitude to offer the hospitality of this country, so far as it consists in taking money which the people have paid to carry this Government on, and spending it upon the pleasure of travelers and pleasure seekers.

We have about 19, I think it is, of these international congresses, conferences, committees, and commissions, and one such thing and another. It amounts, in my mind, to what almost reaches the proportion of a scandal, that we are spending so much public money as we do upon these organizations. I venture to assert, Mr. Chairman, that no useful purpose is served by any of these commissions. The idea of sending our citizens, selected for political purposes or social purposes or as a favor to them, to some foreign country to meet with others of their kind and powwow and palaver and come back after having had a nice time, eaten good food, and seen some strange sights, and leave this country exactly as it was when they went away, seems to me absurd. Here we propose not only to send our own people to Europe and give them the pleasure of trips over there, but in return we are going to pay for junkets for our European brothers and make good to them for the hospitality which they may have extended to our citizens, and so on and so forth. How could anyone believe that any useful public purpose is to be served by any such course.

This is the Nineteenth Conference of the Interparliamentary Union, which the distinguished gentleman states was formed for the purpose of promoting peace between nations. We are making preparations to hold a peace conference at this time when the cause of peace is in most dire extremities. I am surprised that any gentleman has the temerity to propose any appropriation upon this floor for any purpose except for war. Preparedness for war is in the air. Why should we have any preparation for peace?

As I have said, this is to be the nineteenth conference. The other 18 have gone into history; nevertheless, the world has on hand the greatest war humanity has ever seen.

It seems to me it is time to end this farce. A lot of people will come here from foreign countries. They are eminent people and mean well, but they will accomplish absolutely nothing. However, we have invited them and I would not say to stop the conference, but I do insist we ought not to spend the peoples' money in giving these visitors a pleasure junket. I do insist that the laws of hospitality do not for a moment squint at the idea that we ought to take these people over these United States and pay their way from city to city in order to impress them with our greatness.

Mr. SLAYDEN. Is the gentleman under the impression that we are to pay the expense of bringing those people over here?

Mr. HUDDLESTON. Not at all. If you want to show them the great resources of this country, and the wealth and power of it, let them read a guide book, Mr. Chairman. That will be much better for them and much cheaper. Let them come to Washington and transact the business of their organization, and then if they want to travel over the country, let them pay their own way. Why should the Government of the United States pay the bill? Why should the humble people at home, the people down in Texas, in Alabama, and in other sections of this country sweat and toil to pay their taxes or the necessaries of life in order to give these visitors a chance to see what this country looks like and to inform their minds and educate themselves upon the geography of the Western Hemisphere?

Mr. MANN. Mr. Chairman, I have never been a member of the Interparliamentary Union, and was not very enthusiastic about inviting the next conference to be held in the United States.

On the whole I doubt if it has been of any practical value, but I am always willing to let gentlemen who think they can do good in the world get together with that hope. But it seems to me that if we do invite what I might term our associates in the parliaments of other countries here to this country, we ought to treat them with ordinary courtesy. The present appropriation of $40,000 provided only for the entertainment of the members who come to this conference in the city of Washington. They are members of other parliaments.

Gentlemen will notice that in the item immediately below this there is an appropriation of $50,000—$10,000 besides $40,000 heretofore appropriated—to pay all the expenses of delegates to the Fifteenth International Congress Against Alcoholism, there being no limit or location where the expenses will be paid, it only being provided that the expenses shall be paid under the rules and regulations prescribed by the Secretary of State. It really seems to me that it would be just as appropriate for us to give entertainment to our fellow associates in other parliaments gathered here for the purpose of producing peace in the world as it is to pay the expenses of delegates to the congress on alcoholism gathered for the purpose also of doing what seems to be very laudable work. I think we ought to treat them both very well, but if we invite them here—I am not very enthusiastic about inviting many of these conferences to come here—we should treat them as guests should be treated.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. HUDDLESTON. Does the gentleman think that includes paying their traveling expenses around over the United States?

Mr. MANN. Oh, as a matter of fact, the traveling expenses around over the United States will not be paid by the Government of the United States, notwithsanding my friend from Texas [Mr. SLAYDEN]. These gentlemen will travel around over the United States; they will go to Chicago at the expense of Chicago; they will go to St. Louis at the expense of St. Louis. They will go to other large cities of the country and through smaller cities at the expenses of the localities, because $40,000 will not take care of them. But extending the appropriation will permit the Government to send somebody with them and pay those ordinary expenses which a host would naturally pay.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. SLAYDEN. In 1904 the appropriation was $50,000. These guests were received in New York and taken to Philadelphia and Pittsburgh, then to St. Louis and kept there during the conference, four days; thence to Kansas City, Denver, and up into the mountains, and back by way of Omaha, Chicago, Detroit, and Niagara to Washington, where they fulfilled an engagement with Mr. Roosevelt, and then they were delivered to New York again; and $9,555.02 was turned back into the Treasury. There were more than 320 of them, and they were carried half across the country. They did not have to be taken on that journey, and they did not have to be invited; but if they are invited they should be treated courteously.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FLOOD. Mr. Chairman, I do not agree with the gentleman from Illinois [Mr. MANN] that this provision or amendment ought to be put in this bill. It would probably have been well if the restriction had been contained in the succeeding item in this bill with reference to the antialcoholic conference. I believe when we invite delegates here we ought to entertain them, and entertain them well, but I do not believe in junketing trips taken on these occasions.

I attended, last summer, the most important and, in my judgment, the most useful in its results of any of the conferences that have been held in this country for many years, the Pan American Financial Conference. The most distinguished financiers and business men of Central and South America were here as our guests, and they were entertained in the city of Washington most delightfully, and then an attempt was made to give them a junket over the country. These men were business men, and did not have time to take the junket, and the result was that the Government was put to the expense of sending this train of cars to the various cities of this country, and very few of the South and Central American delegates attended. Those who went with the Assistant Secretary of the Treasury, Mr. Peters, were a lot of clerks here and Americans who had nothing else to do but take advantage of a junket which nobody else would take. It was not a success.

We had a very large conference here last year, the Pan American Scientific Congress, and they abandoned the idea of a junket as not being essential to the entertainment of the delegates. They were given a most magnificent entertainment here, which pleased the delegates highly.

Most of these conferences have advanced our trade relations and have brought about closer trade conditions between this and other countries, and I believe in them, but I do not believe junkets all over the country are at all essential to their success or the proper entertainment of our guests. I hope the amendment will not be adopted.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I wish to address the House for two minutes.

The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. I want to correct the impression that the gentleman from Virginia [Mr. FLOOD] seems to be under, that I am asking or expecting a junket. I do not ask or expect that any such trip shall be taken. All I ask is that you should not invite guests to your house, people whose hospitality you have enjoyed, and then treat them as you propose to do here by restricting the Secretary of State in this way. I hope sincerely that there will be no traveling about the country when these guests come. I hope, as a matter of fact, that they will be brought to the city of Washington and entertained here, and perhaps to New York, the port to which they will first come.

I do not like the position in which this debate would put me, as advocating a junket. I am not asking that there shall be any such privilege. I referred to what happened in 1904 to show that the appropriation that year was excessive. I had nothing to do with the procuring of it. I did have something to do with the expenditure of it and the settlement of the accounts under it. We turned back a fourth or a fifth of it. I do not ask that a junket be entered upon; but when I invite a gentleman to my house I do want to show him hospitality in a decent way and not confine or limit it. I would not say, "You may come into my house, but not into my grounds." I am not asking a change in the appropriation. The appropriation itself is ample, but I do not like the restriction. Better no hospitality than the sort that makes your guest think he is unwelcome.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ROGERS. Mr. Chairman, I ask that the gentleman may have two minutes more on this question.

The CHAIRMAN. All debate has expired on this proposition. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. SLAYDEN].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SLAYDEN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 14, noes 55.

Accordingly the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The gentleman from Virginia [Mr. FLOOD], I think, was temporarily absent yesterday when we agreed to meet at 11 o'clock this morning with the idea of quitting early this afternoon, and I am going to suggest to him that we might rise now, and when we get into the House see if we can not agree to go ahead with this bill to-morrow, that being Calendar Wednesday, when probably we would not be able to do much with any contested matter, anyhow, under the circumstances.

Mr. FLOOD. I understand, Mr. Chairman, that there was an understanding between the gentleman from Illinois [Mr. MANN] and the gentleman from North Carolina [Mr. KITCHIN] that the House should convene at 11 o'clock this morning and that the committee should rise at 4. Therefore I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITH of Texas, indefinitely, on account of important business.

FISCAL RELATIONS, DISTRICT OF COLUMBIA AND THE UNITED STATES.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 256 (H. Rept. 807).

Resolved, That the Committee on the District of Columbia, or the subcommittee thereof provided for in House resolution 229, adopted on the 20 day of June, 1916, in the investigations authorized by said resolution, be, and is hereby, authorized to sit during the sessions of the Sixty-fourth Congress, or during the recesses between the sessions of said Congress, and employ stenographers and accountants, the expenses of said investigation, not exceeding the sum of $10,000, to be paid out of the contingent fund of the House on vouchers ordered by said committee or subcommittee, certified by the chairman thereof, and with the approval of the Committee on Accounts, certified by the chairman thereof.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FOLDING SPEECHES.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 251 (H. Rept. 806).

Resolved, That the Doorkeeper is authorized to employ additional labor for folding speeches, at the rate of not exceeding $1 per thousand, and the sum of $5,000 is authorized to be expended from the contingent fund for that purpose.

Mr. LLOYD. Mr. Speaker, this becomes necessary on account of the extraordinary number of speeches that have been ordered by Members of the House.

The SPEAKER. Without objection, the resolution will be agreed to.

There was no objection.

On motion of Mr. LLOYD, a motion to reconsider the votes by which the two preceding resolutions were agreed to was laid on the table.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. J. Res. 113. Joint resolution for the relief of Fred White; to the Committee on Claims.

S. J. Res. 107. Joint resolution authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce; to the Committee on the Census.

S. J. Res. 50. Joint resolution authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation; to the Committee on the Public Lands.

S. J. Res. 114. Joint resolution withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians and providing for the sale thereof, and for other purposes; to the Committee on Indian Affairs.

S. 1098. An act to adjust and settle the claims of the loyal Shawnee and loyal absentee Shawnee Tribe of Indians and to report the same to Congress; to the Committee on Claims.

S. 3069. An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce,"' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915; to the Committee on Interstate and Foreign Commerce.

S. 2543. An act for the relief of the State of Kentucky; to the Committee on Claims.

S. 3020. An act waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick; to the Committee on Naval Affairs.

S. 2458. An act authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims; to the Committee on Claims.

S. 640. An act for the relief of Ellen B. Monahan; to the Committee on Claims.

S. 5268. An act for the relief of the Copper River & Northwestern Railway Co.; to the Committee on Claims.

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.; to the Committee on the Public Lands.

S. 3617. An act for the relief of Elizabeth Davis; to the Committee on the Public Lands.

S. 4307. An act to prevent the disclosure of national-defense secrets; to the Committee on the Judiciary.

S. 5724. An act authorizing the construction of a public building in the city of Durango, Colo.; to the Committee on Public Buildings and Grounds.

S. 3618. An act authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes; to the Committee on Public Lands.

S. 5911. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 1094. An act conferring jurisdiction on the Court of Claims to hear and determine and report to Congress on claims of the Ponca Tribe of Indians against the United States; to the Committee on Claims.

S. 1093. An act to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area; to the Committee on Indian Affairs.

S. 5379. An act validating certain homestead entries; to the Committee on Public Lands.

S. 1308. An act to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891; to the Committee on the Judiciary.

S. 743. An act for the relief of Moses Chauncey; to the Committee on Military Affairs.

S. 1045. An act to provide for the erection of a public building at Prescott in the State of Arizona; to the Committee on Public Buildings and Grounds.

S. 4251. An act to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe; to the Committee on Claims.

S. 5495. An act for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota; to the Committee on Claims.

S. 4384. An act providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Claims.

S. 4282. An act to permit the State of Wyoming to relinquish to the United States lands heretofore selected and to select other lands from the public domain in lieu thereof; to the Committee on Public Lands.

S. 5672. An act for the relief of sundry building and loan associations; to the Committee on Claims.

S. 34. An act granting to the State of Utah title to certain lands in said State for use as a fish hatchery; to the Committee on the Public Lands.

S. 4253. An act conferring jurisdiction on the Court of Claims to hear, determine, and report to Congress on claims of the Iowa Tribe of Indians against the United States; to the Committee on Claims.

S. 3012. An act for the relief of Elizabeth T. Wells; to the Committee on Military Affairs.

S. 1046. An act to provide for the purchase of a site for a public building in the city of Bisbee, Ariz.; to the Committee on Public Buildings and Grounds.

S. 3265. An act for the extension, remodeling, and improvement of the public building at Jefferson City, Mo.; to the Committee on Public Buildings and Grounds.

S. 3294. An act to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana; to the Committee on Claims.

S. 5503. An act to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del.; to the Committee on Public Buildings and Grounds.

S. 4866. An act to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co.; to the Committee on Claims.

S. 5398. An act to increase the limit of cost of post-office site and building at Millville, N. J.; to the Committee on Public Buildings and Grounds.

S. 5447. An act providing for the erection of a public building at Taylor, Tex.; to the Committee on Public Buildings and Grounds.

S. 5615. An act granting certain lands to the State of Washington for park purposes; to the Committee on the Public Lands.

S. 5751. An act authorizing the addition of certain lands to the Wyoming National Forest, Wyo.; to the Committee on the Public Lands.

S. 5863. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.; to the Committee on the District of Columbia.

S. 739. An act for the relief of James F. Cole; to the Committee on the Public Lands.

S. 1362. An act for the relief of Lester A. Rockwell; to the Committee on Military Affairs.

S. 2852. An act for the relief of John F. Considine; to the Committee on Claims.

S. 3346. An act conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts; to the Committee on the Judiciary.

S. 4176. An act authorizing and directing the Secretary of War to make certain provisions for the care of Federal and Confederate veteran soldiers who served in the War between the States, 1861 to 1865, to enable them to unite in participation of a national reunion and peace jubilee to commemorate the victories and virtues resulting in the half century of peace and prosperity to the American Nation, to be held in the national domain within the Vicksburg National Military Park October 16, 17, 18, and 19, 1917; to the Committee on Appropriations.

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.; to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2744. An act to correct the title to certain lands in Colorado;

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia;

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915;

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911;

H. R. 13064. An act for the relief of the M. A. Sweeney Shipyards & Foundry Co.;

H. R. 3794. An act for the relief of Thomas S. Johnson;

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;

H. R. 7817. An act to validate the homestead entry of George S. Clark;

H. R. 14864. An act to alter, and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; and

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6073. An act granting the consent of Congress to George Fabyan to construct a bridge across the Fox River.

THE VISITORS' GALLERY.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. MANN. Just for amusement, and so that it may appear in the RECORD: A little incident happened here in this House to-day, and this is the way in which it is described in one of the evening papers:

The House was thrown into pandemonium to-day when a slight, immaculately dressed youth arose from his seat in the visitors' gallery and in loud voice began reading a resolution demanding an investigation of Secret Service sleuthing operations.

Speaker CLARK banged his gavel and there was disorder in the House and galleries until the youth was arrested.

[Laughter.]

It is on such things as this that the newspaper boys feed the country. There was no disorder in the House.

Mr. JOHNSON of Kentucky. The Speaker was not in the chair.

Mr. MANN. True, a man arose in the gallery, and in a very sofe voice read something which no one in the House could understand. No one in the gallery could distinguish what he said. He made a little speech, and the caretakers in the gallery took him out. The Speaker was not in the chair. No one banged the gavel. There was no disorder in the House.

Mr. LLOYD. And there were no reporters in the press gallery.

Mr. MANN. There was no pandemonium in the House. I was occupying the floor at the time, and never ceased speaking in a mild tone of voice. I just put this in the RECORD to show how accurate these accounts are.

Mr. LLOYD. The gentleman does not want to omit the fact that there were no reporters in the press gallery. The gentleman from Illinois could not see that, but other Members on the floor observed that the press gallery was deserted.

Mr. MANN. It would not have made any difference. [Laughter.] It would not have been a good story if the truth had been told.

ORDER OF BUSINESS TO-MORROW.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that Calendar Wednesday be transferred to Thursday.

Mr. MANN. Will not the gentleman make his request in this way, that it shall be in order to-morrow, Calendar Wednesday, to proceed with the consideration of the Diplomatic and Consular appropriation bill, so that if we get through with that, then we can go ahead with other business if anybody wants to do so?

Mr. FLOOD. I make that request.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the Diplomatic and Consular appropriation bill shall be in order to-morrow, notwithstanding it is Calendar Wednesday.

Mr. NORTON. Mr. Speaker, reserving the right to object, I just want to say that it seems to me we ought to make some arrangement to have one unanimous-consent day this week. I trust some such arrangement will be made.

Mr. FLOOD. We will try to arrange that to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Virginia to make the Diplomatic and Consular bill in order to-morrow?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. MANN. I think we had better agree to meet at 11 o'clock to-morrow, and adjourn early.

Mr. FLOOD. I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FLOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 7, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5851) to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River in Virginia, reported the same without amendment, accompanied by a report (No. 801), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5805) permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana, reported the same without amendment, accompanied by a report (No. 802), which said bill and report were referred to the House Calendar.

Mr. RUBEY, from the Committee on Agriculture, to which was referred the bill (S. 3205) to amend "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894, reported the same without amendment, accompanied by a report (No. 803), which said bill and report were referred to the House Calendar.

Mr. CAREW, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13224) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, reported the same without amendment, accompanied by a report (No. 804), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLINTIC, from the Committee on Public Lands, to which was referred the bill (H. R. 15156) granting public lands to the State of Oklahoma, reported the same with amendment, accompanied by a report (No. 805), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUSSELL of Missouri, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 16290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 808), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14989) granting a pension to Nina H. Love, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. HELVERING: A bill (H. R. 16284) to provide for the building of a macadam road on the Fort Riley Military Reservation in the State of Kansas; to the Committee on Military Affairs.

By Mr. CARTER of Oklahoma: A bill (H. R. 16285) providing for the building of a road to the Choctaw Sanitarium, near Talihina, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. VINSON: A bill (H. R. 16286) authorizing the Secretary of War to deliver to the Georgia Military College, Milledgeville, Ga., four condemned bronze or brass cannon with their carriages and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. CRISP: A bill (H. R. 16287) granting the consent of Congress to the county of Sumter or to the county of Dooly, both of the State of Georgia, acting jointly or separately, and their successors and assigns, to construct a bridge across the Flint River; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: A bill (H. R. 16288) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911; to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: A bill (H. R. 16289) authorizing the Secretary of the Interior to withdraw from the funds now on deposit in the Treasury to the credit of certain Indian tribes and to pay certain claims, and also making appropriations for the payment of certain claims as herein provided for, and for other purposes; to the Committee on Indian Affairs.

By Mr. CARTER of Oklahoma: A concurrent resolution (H. Con. Res. 42) providing for the printing of 3,000 copies of the Compilation of Indian Laws and Treaties; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. RUSSELL of Missouri [from the Committee on Invalid Pensions]: A bill (H. R. 16290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. BRUMBAUGH: A bill (H. R. 16291) granting an increase of pension to Catherine J. Thayer; to the Committee on Invalid Pensions.

By Mr. COOPER of West Virginia: A bill (H. R. 16292) granting an increase of pension to William C. Bowen; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 16293) granting an increase of pension to Miron Harper; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16294) granting an increase of pension to M. L. Moore; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 16295) granting a pension to Adline Young Swearingen; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 16296) granting an increase of pension to Thomas Black; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 16297) granting an increase of pension to Mary E. Edwards; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 16298) for the relief of Maurice B. Browne; to the Committee on the Public Lands.

Also, a bill (H. R. 16299) for the relief of Evelyn Browne; to the Committee on the Public Lands.

Also, a bill (H. R. 16300) for the relief of Maude Browne Matkins (formerly Maude Browne); to the Committee on the Public Lands.

By Mr. TALBOTT: A bill (H. R. 16301) to correct the military record of William W. Edwards; to the Committee on Military Affairs.

By Mr. WINGO: A bill (H. R. 16302) granting an increase of pension to George W. Cainan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Washington Chamber of Commerce, against erection of municipal hospital at Fourteenth and Upshur Streets; to the Committee on the District of Columbia.

By Mr. CAREW: Memorial of the Franklin Typothetæ, of Chicago, approving the Stevens resale bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Memorial of E. B. Donaldson, of Philadelphia, Pa., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. DARROW: Petition of woman's section of Navy League of the United States, Philadelphia Branch, Oak Lane Division, in behalf of national defenses; to the Committee on Naval Affairs.

By Mr. DAVIS of Texas: Petition of Levy Bros. Dry Goods Co., of Houston, Tex., against passage of the price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Progressive Lodge, No. 440, International Association of Machinists, of Rockford, Ill., against the Taylor system in Government shops; to the Committee on Labor.

Also, petition of Charles V. Weise Co., of Rockford, Ill., against the Stephens-Ashurst price-maintenance bills; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Memorials of Rhode Island Nos. 1 and 5, National Association of Stationary Engineers, of Providence, R. I., indorsing Senate bill 4874; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: Petition of Mrs. Adele Meyer Outcult, principal of the Francis W. Parker School, and 6 others, of San Diego; Miss E. B. Scripps, La Jolla; Paul Scharrenberg, San Francisco; and William Blacklock, president Los Angeles Post Office Laborers' Association, Los Angeles, favoring Kern-McGillicuddy bill, H. R. 15316; to the Committee on Education.

Also, petition of A. J. Newsom, Garden Grove, opposing increase in Army and Navy; to the Committee on Military Affairs.

Also, petition of D. R. Crane, Elsinore, favoring House bill 10500, the Alexander shipping bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of W. C. Wilde, adjutant Bennington Camp, No. 20, United Spanish War Veterans, San Diego, favoring Senate bill 4086, establishment of national leprosarium; to the Committee on Agriculture.

Also, petition of Edward L. Hardy, State Normal School, San Diego, favoring Smith-Hughes vocational bill; to the Committee on Education.

Also, petition of Elizabeth M. Covell, San Diego Review, No. 17, Woman's Benefit Association of Maccabees, San Diego, and A. T. Petersen, record keeper, Tenth and M Streets, San Diego, favoring Penrose-Griffin bills, H. R. 6915 and S. 3081; to the Committee on the Post Office and Post Roads.

Also, petition of W. H. Readle, 142 Seventh Street, San Bernardino, and R. J. Pickard, 607 Watts Building, San Diego, favoring House bill 8828, for recognition and reward of civilian canal builders; to the Committee on Insular Affairs.

Also, petition of H. R. Rising, editor Saturday Telegram, San Diego, Cal., protesting against House bill 15949, interstate transmission of racing bets, odds, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. B. Munzig, Redlands, Cal.; E. A. Hartt, 23 Tribune Street, and 2 others, of Redlands, Cal., favoring passage of Warren bill; to the Committee on the Judiciary.

Also, petition of D. H. Oberholtzer, Palm City, Cal., and 49 others, protesting against House bills 6468 and 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of D. H. Oberholtzer, Palm City, Cal., and 49 others, and Byron E. Tefft and 133 others, of National City, Cal., protesting against House bill 652, Sunday closing; to the Committee on the District of Columbia.

Also, petition of John H. Roberts, assistant adjutant general Grand Army of the Republic, San Francisco, Cal., favoring a bill to place the few remaining officers of the Civil War on retired list, with pay of officers of like grade in Regular Army; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of citizens of Baltimore, Md., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. NOLAN: Memorial of Society of the Chagres, favoring House bill 8828, for payment of a bonus to civilian employees of the Panama Canal; to the Committee on Appropriations.

By Mr. PRATT: Petition of Philadelphia Branch of the Woman's Section of the Navy League of the United States, at Corning, N. Y., Miss Gretchen Gorton, chairman, favoring national-defense legislation; to the Committee on Military Affairs.

By Mr. RAKER: Memorial of California Tax Collectors' Association, opposing any national legislation for collection of inheritance tax by the Federal Government; to the Committee on Ways and Means.

By Mr. RANDALL: Petition of Christian Endeavor Mission of 51 people of Pasadena, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Papers to accompany House bill 15910, granting a pension to George M. Woodard; to the Committee on Pensions.

Also, petition of Ministerial Association of Battle Creek, Mich., favoring House bill 6915, relative to indefinite leave of absence for Government clerks; to the Committee on the Post Office and Post Roads.

Also, petition of C. E. Paul and 17 others, of Bedford, Mich., and vicinity, against the Sunday observance bill; to the Committee on the District of Columbia.

Also, petition of C. E. Paul and 17 others, of Bedford, Mich., and vicinity, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SLOAN: Petition of R. D. Waterman and 12 others, of Ceresco, Nebr., against the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 7, 1916.*

The House met at 11 o'clock a. m.

Rev. Dr. George S. Duncan, of the Hermon Presbyterian Church, Washington, D. C., offered the following prayer:

Father of all, may Thy name be hallowed in this day's session. May all that we do, say, and think be in harmony with Thy holy will, and so for the highest and best good of our beloved land. May every one of these Thy servants feel that they have indeed been chosen by Thee for the important duties in which they are here engaged. Give every one of them, we pray Thee, a double portion of Thy divine spirit, illumining their minds, guiding them into all truth, so that at the close of each day's duties they may hear Thee saying to them, "Well done, good and faithful servants." Grant all these mercies, which we ask in the name of Jesus Christ, Thy Son and our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. PRICE, by unanimous consent, was given leave of absence for one week, on account of important business.

WINSTON-SALEM, N. C., PORT OF DELIVERY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5708, to make Winston-Salem, N. C., a port of delivery.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of the bill which the Clerk will report.

Mr. MANN. Mr. Speaker, this bill would be in order to-day on the Calendar Wednesday call.

The Clerk read as follows:

An act (S. 5708) for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise.

Be it enacted, etc., **That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to the port of Winston-Salem, in the State of North Carolina.**

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KITCHIN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

OFFICERS OF THE NATIONAL GUARD.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, there are several Members of the House who hold commissions in the National Guard of the different States. There was no question in reference to that before the enactment of the recent Army reorganization bill. Under that act there is pay that goes to the officers, and several Members have asked me, in reference to their status, whether they could still remain members of the National Guard and of the House. I have a resolution asking the Committee on the Judiciary to make an investigation of the subject so that they may have their standing known. If there is no objection, I will ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution which he has explained. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

House resolution 257.

Resolved, That, in order to determine the status of certain Members of this House with reference to whether there is any disqualification of such Members by reason of such Members holding commissions in the National Guard of the various States, the Judiciary Committee is hereby directed to investigate such question and to report its conclusion thereon at such early date as may be convenient to said committee.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13383, the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

The Clerk, proceeding with the reading of the bill, read as follows:

Fifteenth International Congress Against Alcoholism: To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, $10,000, or so much thereof as may be necessary, together with the unexpended balance of previous appropriations for the holding of said congress in the United States.

Mr. CARY. Mr. Chairman, reserving a point of order on this section, I would like to ask the gentleman from Virginia a question. Is it not a fact that there is $40,000 now laid aside for this purpose?

Mr. FLOOD. Forty thousand dollars was appropriated, but some of it has been used. I do not know how much; probably three or four thousand dollars. There is a considerable sum remaining; over $35,000 certainly.

Mr. CARY. Yesterday on the floor I asked the gentleman from Texas [Mr. SLAYDEN] a question in regard to the other convention coming here, if $40,000 would carry it through, and he said it would be a plenty. If $40,000 was enough to carry that convention through, surely $40,000 ought to be enough for this.

Mr. FLOOD. I will say to the gentleman that this is a great moral congress of unselfish, devoted men and women from all over the world, and it is apt to be more largely attended and more enthusiastically attended, than a congress of the Interparliamentary Union that is principally for the purpose of bringing together the members of the different parliaments of the world and having a good time. These gentlemen and ladies who attend this congress come here for serious work. We had a financial congress of Pan American countries last year, and we appropriated $50,000 and it was not more than sufficient. We had a scientific congress here, and my recollection is that there was $60,000 or $70,000 appropriated for that, but they did not have any excess fund. This is a congress that seems to me should appeal to every Member in this House. It is a congress that was established in 1885 at a meeting held in Antwerp, and was the successor of a philanthropic congress that was organized in 1851. It is not a prohibition congress; it is a congress for the moral uplift of humanity.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. FITZGERALD. Mr. Chairman, with one notable exception, have not the delegates appointed on behalf of the United States been prohibitionists?

Mr. FLOOD. I do not know. I have not followed the history of all of the men appointed; but if that is the case, it is not the fault of Congress, it is not the fault of this institution, which has been established practically since 1856. It is the fault of the appointing power; and, in fact, I do not see that it is any fault at all.

Mr. FITZGERALD. But we can not control the appointments.

Mr. FLOOD. And if the gentleman is interested in having people who are antiprohibitionists appointed, let him suggest the names to the President of the United States, who makes the appointments.

Mr. FITZGERALD. The fact is that there was a gentleman who was neither a prohibitionist nor an antiprohibitionist, who had been an excise commissioner of the State of New York, who was appointed to one of these conferences, and he submitted a report upon his return to the President of the United States, pointing out that the work of the conference had been very much hampered by reason of the fact that all of the delegates from the United States were radical prohibitionists, and that they could see only one side of the question. I do not believe that we ought to appropriate money for a prohibition convention any more than we should for an antiprohibition convention.

Mr. FLOOD. This is not a prohibition convention. The delegates from the European countries are not prohibitionists. Every phase of alcoholism is discussed in this Congress.

Mr. FITZGERALD. How do they come to have their next conference in the United States? Who asked them here?

Mr. FLOOD. The delegates from the United States.

Mr. FITZGERALD. What authority did the delegates from the United States have to issue such an invitation?

Mr. FLOOD. In 1911 the delegates from the United States extended an invitation to the conference when it assembled at The Hague. They did not accept that invitation, but accepted an invitation of the city of Milan, Italy, and indicated that they would accept the invitation of the United States to the next congress.

Mr. FITZGERALD. My recollection is——

Mr. FLOOD. I will ask the gentleman to wait for a moment. He asked me a question and I want to answer it. When the delegates were provided for for the Milan conference in 1913 I introduced a bill in the House, which was reported from the Committee on Foreign Affairs, providing that these delegates be authorized to extend this invitation. A bill had been introduced in the Senate that did not have that provision in it. That bill came over to the House and was referred to the committee of which the gentleman from New York [Mr. FITZGERALD] is the chairman, and the time for the conference——

Mr. FITZGERALD. I was not the chairman of the committee then.

Mr. FLOOD. In 1913? Oh, yes; the gentleman was.

Mr. FITZGERALD. That is accurate.

Mr. FLOOD. This was in the summer of 1913, in the early days of September. The Congress was to assemble on the 23d of September, 1913, and we felt that we did not have time to get the bill through the House and through the Senate and have the President appoint the delegates so they could get to the conference, and the result was that we took up the Senate bill which had passed that body prior to that time, discharged the Committee on Appropriations from further consideration of it, and passed it. That bill did not have the provision in it for extending the invitation, but there was no suggestion that they were prohibited from extending the invitation, and these delegates went to Milan and extended that invitation.

Mr. FITZGERALD. The gentleman has a very peculiar theory of our Government if he thinks that officials can do anything they are not prohibited from doing. Officials in our Government can only do things that they are specifically authorized to do, and when people purporting to represent the United States extend invitations to bodies to meet here when Congress has failed to give that authority, it is an assumption of power that should not be passed by without some criticism.

Mr. FLOOD. It has been passed by without criticism by the gentleman from New York [Mr. FITZGERALD]. Many international conferences have been invited here without authority

of Congress, and authority was given afterwards and an appropriation was made afterwards.

Mr. FITZGERALD. I would criticize that action by whomsoever it was taken just as I would criticize this one. I do not believe that any official of this Government, whomsoever he may be, has any right to do any such thing, and, as a matter of fact, my recollection is there is a statute which expressly prohibits such action.

Mr. CARY. Mr. Chairman, I believe I have the floor.

Mr. FLOOD. I desire to reply to the gentleman from New York [Mr. FITZGERALD]. The delegates to the Milan conference were appointed after a bill had passed this House appropriating $4,500 to pay their expenses. I stated at that time upon the floor of the House that at The Hague conference they had indicated their purpose to invite this congress to the United States for its fifteenth meeting, and there was no objection made to it. I stated that we took the Senate bill because the date for the assembling of the conference was nearly at hand, and the House bill which gave that authority and requested them to invite this congress here could not be passed through this House and the Senate and become a law in time to have the President appoint these delegates and give them time to reach Milan. There was every suggestion made in this House that they had authority and right to issue that invitation officially, and they did extend the invitation, and it was accepted, and in 1914 and again in 1915 this House, the Senate, and the President approved their action in issuing that invitation by making an appropriation of $40,000 to pay the expenses of that congress when it came here. I yield now to the gentleman from Wisconsin [Mr. CARY].

Mr. CARY. Mr. Chairman, I believe the $40,000 is sufficient to cover all of these expenses, and that this additional $10,000 is not necessary at all. I therefore make the point of order upon the section.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard upon the point of order?

Mr. FLOOD. I hope that the gentleman will not make the point of order.

Mr. CARY. I will reserve it.

Mr. FLOOD. The International Congress on Alcoholism was organized in 1885 at a meeting held at Antwerp, and is the successor of an international philanthropic congress which was organized in 1856. Fourteen congresses have been held, as follows:

Congress.	Place.	Time.	Congress.	Place.	Time.
First	Antwerp	1885	Eighth	Vienna	1901
Second	Zurich	1887	Ninth	Bremen	1903
Third	Christiania	1890	Tenth	Budapest	1905
Fourth	The Hague	1893	Eleventh	Stockholm	1907
Fifth	Basel	1895	Twelfth	London	1909
Sixth	Brussels	1897	Thirteenth	The Hague	1911
Seventh	Paris	1899	Fourteenth	Milan	1913

The scope and purpose of the congress can easily be determined by the subjects discussed at the Milan meeting.

The questions discussed related to:

A. The State and alcoholism.

(1) Legislation.

(2) The consumption of alcohol in the colonies.

(3) The attitude of the courts toward alcoholics, and particularly the application of restraint and conditional sentence.

(4) The juridical, political, and economic causes which make it the duty of the Governments and parliaments to repress alcoholism.

B. Society and alcoholism.

(1) Questions of organization.

(2) Indirect repression of alcoholism; that is to say, by improving the workmen's homes.

(3) The treatment of alcoholics in sanitariums, asylums, and the like.

(4) Medical problems bearing on the subject.

The congress is a great assemblage of scientists, publicists, jurists, statesmen, and prominent workers in the world-wide fight against the evils of alcoholism. The discussions are protected by the strictest neutrality of politics and religion, and by a free interchange of opinions concerning the methods for combating this evil.

The adherents to the moderate use of alcohol, or of the total abstinence and prohibition, as well as those advocating various forms for regulating the traffic in alcoholics, are allowed equal rights in the congress.

The discussions embraced not only the physical conditions usually understood from the term "alcoholism," but embraced all forms of the evils, social, medical, and economic, and the various remedies for dealing with the evils, educational, legislative, and other methods.

The periodical mingling of representatives of the various governments to consider the evils of alcoholism and the progress of the many methods of dealing with them, can not fail to produce a broader vision and lead to better methods in treating these evils.

Participation in these congresses does not bind the Governments represented or the individuals to any form or system of control which may be advocated, but tend only to the dissemination of knowledge concerning the various methods which have been tried. The facts brought out are given publicity so that they are obtainable by all who desire them, and even those connected with the liquor trade can profit by them, and if desired can take what they claim to be the falacious arguments or theories and adopt them or prove the truth concerning them, particularly so because of the class of men who largely compose the congress, especially from foreign countries.

The questions discussed at these conferences are the various methods for regulating and controlling the manufacture and sale of intoxicating liquors, the general welfare of society, and the preservation of its manhood, the happiness of women and children, the prosperity of commerce, the preservation of wealth, the strengthening of law and order, and every man, regardless of his position on the question of prohibition, should favor this conference. [Applause.]

It is clear, therefore, that this is not a prohibition congress, but it is a congress for the discussion of the use of alcohol, and the views of those who believe in a moderate use of it are represented as well as those who believe in total abstinence.

Even if it was a congress to advance the cause of prohibition I think the appropriation should be made. The antisaloon organizations all over the country and in many other countries of the world are composed of unselfish and devoted men and women who are working for the good of humanity, and it is a cause that is worthy of the encouragement of this Government. I sincerely believe this. On every occasion in my life where I have been called upon to cast my vote and use my influence for or against the manufacture and sale of alcoholic liquors I have always lined up with those who are opposed to its manufacture and sale. I have done this at my precinct, in the Virginia Legislature, and in Congress. I have done so simply because I know that the manufacture and sale of alcoholic drinks have done infinite harm to mankind and I have never seen the slightest good it has done.

I do not think all prohibitionists have prosecuted their cause wisely. Some have been as unwise as the gentleman from Missouri [Mr. MEEKER] was in his remarks upon this floor yesterday in opposing this appropriation.

I have had experience with these myself. In my district there are some very unwise and extreme prohibitionists, who not only want you to vote and work for their cause, but to claim for yourself that because you do this you are better than other men. Because I did not do this I was opposed by this class for reelection two years ago.

When I returned to my district the week before election I found they had formed a combination with the Republican nominee, and that he was advocating his election not upon the Republican doctrine of a protective tariff and the plundering of the masses of the people for the benefit of the favored few, but on the ground that he was a great and leading prohibitionist. I looked into his record. I had one joint discussion with him. I developed the fact in this discussion that my opponent out of five times he had voted on the wet and dry question had voted wet three times and for the dry cause twice; that he had represented the whisky interests in overturning a dry victory in his town upon a technicality; and that he had represented barkeepers of an adjoining county who were applying for whisky licenses.

And yet some of the leading prohibitionists of my district voted for him. I believe, however, that the broad-minded, intelligent, and patriotic leaders of the prohibition cause in the State of Virginia and the Nation and most of them in my district understand what I have done for their cause and appreciate it. At any rate, I am satisfied with my course. I have many friends who do not believe as I do and have not voted as I have, and in discussing the question of prohibition with them I have always told them that they would not gain anything for their side by trying to throw captious obstructions in the way of this great cause. It is too great and means too much to humanity to be delayed or injured by petty objections and fights. [Applause.]

The CHAIRMAN. The gentleman has made the point of order.

Mr. FLOOD. I concede the point of order as to the $10,000. There is no use of arguing against that.

The CHAIRMAN. The point of order is sustained.

Mr. BORLAND. Mr. Chairman, I would like to have the gentleman from Wisconsin withhold the point of order for a moment.

Mr. FITZGERALD. I wish the gentleman would withhold it for a moment.

Mr. CARY. I withhold the point of order.

Mr. BORLAND. I notice this paragraph against which the gentleman makes the point of order provides that the unexpended balance of previous appropriations is reappropriated. What will be the effect of this point of order? Will it leave the administration without any money to provide for this congress, invitation to which has already been ratified?

I understand from the gentleman from Virginia that one year ago we appropriated $40,000, which was a specific ratification of the invitation given. Now, if this unexpended balance is not reappropriated and no money is appropriated, what shape will it leave this country in after having extended the invitation?

Mr. FITZGERALD. When is this congress to be held?

Mr. MANN. It is for the fiscal year.

Mr. FLOOD. Yes.

Mr. BORLAND. The gentleman from New York asks when this congress is to be held.

Mr. FLOOD. It was, as I understand it, to be held the latter part of this year or the first part of the next year.

Mr. BORLAND. Has the date been set?

Mr. FITZGERALD. Does it not depend somewhat on conditions abroad?

Mr. SMITH of New York. If the gentleman will permit, this is the statement the State Department made:

> The congress was not held in 1915 as had been intended, and in the Diplomatic and Consular act approved March 14, 1915, the appropriation was extended. The arrangements have not yet been completed, nor is there sufficient in the appropriation to provide for the entertainment of the delegates.

So no arrangements have been made at present for holding the congress. The matter is under negotiation and arrangement at the present time.

Mr. BORLAND. Can these arrangements be made unless some appropriation is provided for that purpose?

Mr. FLOOD. The gentlemen who are in charge of this matter have had conferences with the Secretary of State. They have arranged for correspondence with the foreign delegates, with a view of having this congress open sometime in the latter part of this year.

Mr. HARRISON. Will the gentleman permit me to ask the gentleman from Wisconsin a question?

Mr. CARY. Certainly.

Mr. HARRISON. The gentleman from Wisconsin only made the point of order on the $10,000?

Mr. CARY. That is all; to strike that out.

Mr. HARRISON. So it is not against the whole paragraph, only against the $10,000?

Mr. CARY. Only against the $10,000, but I made the point of order on the paragraph.

Mr. DUPRÉ. I should like to ask the gentleman a question——

Mr. MANN. I would like to be heard on the point of order.

Mr. DUPRÉ. And that is, Is it proposed to use this money at any point beyond the city of Washington?

Mr. FLOOD. I do not think so; no.

Mr. DUPRÉ. Because I notice the position the gentleman took yesterday in regard to the Interparliamentary Union meeting here, and in order to be consistent the gentleman should take a similar position.

Mr. FLOOD. I said on yesterday, in regard to a provision of this kind, I thought it would be proper if applied to this item.

Mr. DUPRÉ. Does not the gentleman think he should offer an amendment to that effect?

Mr. FLOOD. No; the gentleman from Louisiana has a perfect right to offer one.

Mr. DUPRÉ. I understand the right of the gentleman from Louisiana, but my inquiry was in regard to the consistency of the gentleman from Virginia.

Mr. FLOOD. There is no inconsistency in the position of the gentleman from Virginia, because he stated yesterday he thought that that provision would be very proper in this item.

Mr. MANN. Mr. Chairman, while the gentleman from Virginia conceded the point of order, I think perhaps he did it inadvertently. I do not think the item is subject to the point of order. The language of the existing law makes available for this fiscal year an appropriation of $40,000 which was made in the preceding year. Of course that is no warrant of itself for continuing the appropriation, but the language of the current law in making the appropriation also gives this authority:

> The Secretary of State is hereby authorized and requested to extend an invitation to the governments of the world with which we maintain diplomatic relations to participate in and appoint delegates to said congress: *Provided*, That an itemized account of all expenditures shall be reported to Congress.

That follows the appropriation for the purpose of defraying the expenses incident to the fifteenth national congress against alcoholism.

I think the fact that we authorized the Secretary of State to extend the invitation to the governments of the world to send delegates to this congress is of itself an authority for us to make an appropriation to pay the necessary expenses. It would be ridiculous to say that we authorized the Secretary of State or the President to extend an invitation to various countries of the world to send delegates to a congress to be held in Washington and then can not thereby authorize any expenses whatever in connection with the reception of those delegates or the holding of the congress. That is the authority we have given by legislation, the authority to extend the invitation that does not expire with this fiscal year.

Mr. SMITH of New York. To what year does the gentleman refer? In what year was that law passed?

Mr. MANN. It was passed a year ago. This law that I am referring to was passed a year ago. It is current law. It is the current appropriation act. But it contains the authority to extend an invitation.

We constantly make use of this practice. Where we authorize the President to extend an invitation and do not expect that we will make any appropriation for it we invariably put in the bill a provision that this shall not authorize any expense on the part of the United States, because it has always been assumed in the House that where we authorize the President to extend an invitation and do not provide that the United States should be put to no expense we thereby authorize an expense, and if we authorize the expense, then the item of appropriation is in order.

Mr. FITZGERALD. Mr. Chairman, the argument of the gentleman from Illinois, if it were to prevail, would completely destroy the rules of the House under which we operate in the consideration of appropriation bills. Under the rules no appropriation can be carried in a bill or is in order as an amendment unless it is authorized by law, and an appropriation to pay the expenses of a convention can not be inferred from an authority to issue an invitation to Governments to nominate delegates to the convention. The provision to which the gentleman refers, about Congress inserting provisions to the effect that no expense shall be incurred by the United States, is a provision which is intended as a notice and as a warning to those interested in these conventions that they shall not look to the Federal Treasury to meet the expense that should be met from other sources.

That practice of acceptance of invitations to participate in international conferences or to have international conferences meet in the United States and have their expenses defrayed by the Government of the United States assumed such proportions and became such an abuse that Congress provided specifically that the Executive shall not extend or accept any invitations to participate in any international conference or congress or like event without having specific authority of law to do so, and the delegates appointed on behalf of the United States to any such conference have no authority, unless it is specifically given to extend such an invitation.

Now, in this instance such an invitation was without authority of law extended by the American delegates. Congress, however, recognized the situation that frequently arises, that the Government would be embarrassed if it did not acquiesce in nor ratify the action of those appointed to represent the Government, and so provision has been made to take proper care of this congress. I have looked over some of the hearings, and I have found out that when this item of $50,000 was reported to the Senate and stricken from the House bill on a point of order and the item was reported to the Senate carrying $40,000, the statement was made that there were no facts upon which it was possible to say that $40,000 would be required. Forty thousand dollars has been appropriated, and is at the disposal of the Department of State. The only money that could have been expended thus far would be the money that necessarily would have been expended in connection with whatever correspondence has taken place relative to the proposed holding of the convention. There is no reason submitted why an additional $10,000 should be given. So far as I know there is none.

So far as the gentleman from Illinois [Mr. MANN] is concerned, if his argument is to prevail, then practically any kind

of an appropriation could be argued in order on an appropriation bill. This appropriation is not authorized. No statute can be found which authorizes an expenditure of money or an appropriation of money to pay the expenses of this congress. The paragraph is not in order. But I hope, because I have no desire any more than any other Member of this House to prevent the Government doing the thing to which it is committed, that some understanding may be reached by which the money now at the disposal of the State Department might be continued at its disposal for this work.

Mr. CARY. Mr. Chairman, in reserving the point of order or making the point of order, which I will do, it is not with the intent of embarrassing the committee or the Secretary of State or this Government. All I wish stricken out is the $10,000, not the law or section itself. If the gentleman is willing to do that, I will merely confine my point of order to the $10,000 in the section.

The CHAIRMAN. Is the gentleman's point of order to the section or to the $10,000?

Mr. HARRISON. Mr. Chairman, I make the point of order that he can not make it to the whole section now. It is too late.

Mr. FLOOD. He does not make it to the whole section, as I understand.

Mr. MANN. He made it to the paragraph. Now, just a word more on the point of order.

The CHAIRMAN. The gentleman from Wisconsin [Mr. CARY] has the floor.

Mr. FLOOD. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. CARY. I will.

Mr. FLOOD. As I understand, the point of order is only made to the $10,000.

Mr. CARY. I make the point of order to the whole section, but the gentleman from Virginia [Mr. FLOOD] asked me if I would change it and restrict it to the $10,000, and I said I did not wish to strike out the whole section if it would embarrass him.

Mr. FLOOD. Then the gentleman will withdraw the point of order?

Mr. CARY. If you will guarantee that the $10,000 shall be stricken out, I will.

Mr. FLOOD. I will not guarantee anything. I can not tell what the Senate of the United States is going to do. I concede the point of order on the $10,000. I think the gentleman from Illinois [Mr. MANN] is right, and I take it that the Chair will rule that the point of order against the $10,000 is well taken. That is all I can guarantee.

Mr. MANN. I do not think he will, as it is not well taken.

Mr. FLOOD. He ought not to.

Mr. MANN. I can throw the gentleman's last argument out of the water so quickly that he would admit it himself.

Mr. FLOOD. If the gentleman concedes the point of order on the $10,000, it is not necessary for the Chair to rule.

Mr. CARY. Mr. Chairman, there seems to be a great deal of dispute in the minds of the parliamentarians here; so that, in order not to continue the agony longer, I make the point of order on the whole section.

Mr. HARRISON. I make the point of order, Mr. Chairman, that it is too late. I asked the gentleman if he made the point of order to the whole paragraph or to the $10,000, and he said he made it to the $10,000.

Mr. CARY. I said I made it to the whole paragraph, but would restrict it to the $10,000.

Mr. FITZGERALD. Make it that way, then.

Mr. CARY. I make the point of order on the whole section.

Mr. MANN. Mr. Chairman, just a word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] said that no appropriation was in order unless previously authorized by law, but the gentleman is mistaken. The language of Rule XXI, paragraph 2, is:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress.

This is not a public work. Public works are physical things, but this is an object already in progress. Here is an invitation which by legislation we have authorized the Secretary of State to extend. It is an object already in progress. A portion of the appropriation has been expended already. There was legislation authorizing the invitation, so it is an object in progress, an object started by the Congress of the United States.

Mr. FITZGERALD. Of course the decisions do not sustain the gentleman from Illinois.

Mr. DAVIS of Texas. Mr. Chairman, I am not going to try to be technical; but it is a well-known rule of all legislative bodies that a requirement of law to do a thing carries with it all necessary means to perform the act commanded. We find a law authorizing the Secretary of State to invite a certain body to convene in the United States, and under that the ratification of an appropriation of $40,000, or something like that amount, heretofore made. This House is now called upon to add to that appropriation $10,000, following in line that direction. I do not think a point of order could possibly lie, even against the $10,000. If you move to strike it out, it is a question for the House to consider, whether $40,000 is proper, or $50,000; but from my viewpoint it is entirely germane to all the action taken heretofore and could not be eliminated by a point of order.

Now, the question raised about most of these people being prohibitionists heretofore appointed to these alcoholic investigations is certainly not germane. If the President selected prohibitionists, I suppose he selected them upon the theory that they were experts upon alcoholism, which is really in most cases a fact. When you send men to school to study the scientific questions involved in alcoholism, and graduate them, nine times out of ten they come out of college prohibitionists. That is the history of such young men.

I do not think a point of order can possibly lie against even the $10,000.

Mr. FITZGERALD. Mr. Chairman, I call the attention of the Chair to the manual, which says that by "public works and objects already in progress" are meant tangible matters like buildings, roads, and so forth.

Mr. MANN. Those are public works.

Mr. FITZGERALD. Public works and objects, and not the duties of officials in executive departments.

I suggest to the gentleman from Wisconsin [Mr. CARY], however, so as to relieve the situation and obviate any necessity for a ruling, that I understand the gentleman from Virginia [Mr. FLOOD] concedes that the point of order is good as to the $10,000. I suggest to the gentleman from Wisconsin that he make his point of order to the $10,000, and, as it is conceded, that will end it.

Mr. FLOOD. When the gentleman from New York [Mr. FITZGERALD] took the floor I had risen to say that my view of the parliamentary situation was that the point of order as to the $10,000 was well taken, but that it would not be well taken as to the whole paragraph. I concede the point of order as to the $10,000, if that is the point of order the gentleman makes.

Mr. CARY. As long as the chairman of the committee concedes the point of order as to the $10,000, I am satisfied to make it as to the $10,000 instead of to the section, so that the $10,000 will be stricken out.

Mr. FLOOD. The gentleman can move to strike it out.

Mr. FITZGERALD. Do not move to strike it out. It goes out.

Mr. CARY. What I want to accomplish is to have the $10,000 stricken out of the bill.

The CHAIRMAN. The Chair is ready to rule on the whole question.

Mr. FITZGERALD. The gentleman from Wisconsin makes the point of order to the $10,000, and the gentleman from Virginia concedes it.

The CHAIRMAN. Does the gentleman make the point of order only to the $10,000?

Mr. CARY. Yes; at the suggestion of gentlemen on that side.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I suggest to the gentleman from Virginia [Mr. FLOOD] that the language will have to be modified.

Mr. FLOOD. I offer an amendment.

Mr. MANN. You had better put it in the language of the current law.

Mr. FITZGERALD. I suggest to the gentleman that he offer an amendment in lieu of the paragraph.

Mr. FLOOD. I offer this amendment in lieu of the paragraph:

> Fifteenth International Congress Against Alcoholism: To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, together with the unexpended balance of previous appropriations for the holding of said congress in the United States——

Leaving out the $10,000.

Mr. BORLAND. The gentleman should add the words "is hereby reappropriated and made available for the fiscal year ending June 30, 1917."

Mr. FITZGERALD. You had better put in that language.

Mr. FLOOD. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amend by inserting the following:
>
> "Fifteenth International Congress Against Alcoholism: To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United

States, to be expended under such rules and regulations as the Secretary of State may prescribe, together with the unexpended balance of previous appropriations for the holding of said congress in the United States is hereby reappropriated."

Mr. MANN. For the fiscal year ending June 30, 1917.

The CHAIRMAN. Is this offered as an independent section?

Mr. MANN. That is in lieu of what is in the bill.

The CHAIRMAN. In lieu of lines 17 to 25, on page 20?

Mr. FLOOD. Yes.

Mr. FITZGERALD. You want to add the words "and made available for the fiscal year ending June 30, 1917."

Mr. FLOOD. Why not let them hold it any time they want to?

Mr. FITZGERALD. You had better include those words.

Mr. SMITH of New York. Mr. Chairman, I reserve a point of order on that amendment, for the purpose of asking the chairman a question. I am not going to make the point of order. I understand that about $5,000 of the $40,000 has already been spent.

Mr. FLOOD. Some of it; I do not know how much.

Mr. SMITH of New York. I should like to know just why that money has been spent and for what purpose, before the convention is held.

Mr. FLOOD. It has been spent for the purpose of starting the congress—getting in communication with the different countries that are going to send delegates; for postage, paper, stenographic work, newspaper work, and things of that kind.

Mr. SMITH of New York. That would seem to be a rather liberal expenditure.

Mr. FLOOD. I do not say that it is $5,000. There is something over $35,000 left. I do not know whether they have spent $1,000, $2,000, $3,000, $4,000, or $5,000. My information is that something has been spent, and that more than $35,000, but less than the whole $40,000, is now available. I do not know how much.

Mr. SMITH of New York. I am not going to make the point of order, but I want to suggest in this connection that this money heretofore has been spent for junketing, as the gentleman from Missouri [Mr. MEEKER] pointed out yesterday. I want to put in the RECORD the suggestion that in the future delegates be appointed who are actual scientists, or who actually understand this subject, and not because they are for or against prohibition.

Mr. FLOOD. What does the gentleman mean by the money having been spent in junketing?

Mr. SMITH of New York. I mean that men and their wives were sent over, apparently at the expense of the Government, to these conventions. They were not scientists; two members of the same family were not scientists, and they should not have been selected as delegates.

Mr. FLOOD. Some of them were scientists; and when Congress appropriated the money and these ladies and gentlemen were appointed to attend the convention in Italy, I do not think it can be said that the money was spent for junketing when it was spent to pay their expenses to the place of meeting. Four thousand five hundred dollars was spent for paying the expenses of delegates. The President appointed the delegates, and the money was used for the purpose of paying their expenses, and I do not think the gentleman should characterize that as junketing.

Mr. SMITH of New York. It is clear that many of the men and women appointed were not scientists, and they did not add anything to the information of the convention or to the knowledge of the United States.

Mr. FLOOD. I think the statement of the gentleman from Missouri yesterday was far afield. All of them may not have been scientists, but some of them were. All of them had much knowledge as to the suppression of alcoholism, and the exercise of this knowledge is what the gentleman from Missouri is opposed to.

Mr. MANN. Mr. Chairman, can we have the amendment reported? It has not been fully reported yet.

The Clerk read as follows:

Amend by striking out the paragraph beginning on line 18 and ending on line 23 and inserting the following:

"To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, the unexpended balance of previous appropriations for the holding of said congress in the United States is hereby reappropriated and made available for the fiscal year ending June 30, 1917."

Mr. MANN. Mr. Chairman, I move to amend by adding, "*Provided*, That an itemized account of all expenditures shall be reported to Congress."

Mr. FLOOD. I have no objection to that.

Mr. SMITH of New York. Would the gentleman from Virginia accept a further amendment, that no part of the appropriation shall be spent for expenses outside of Washington City?

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Add to the amendment the following:

"*Provided*, That an itemized account of all expenditures shall be reported to Congress."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMITH of New York. Now, Mr. Chairman, I offer an amendment, "that no part of the appropriation shall be spent for expenses outside of Washington City."

Mr. BORLAND. Mr. Chairman, I make the point of order that the amendment as amended has already been adopted, and my point of order is that the amendment offered by the gentleman from New York should have been considered before the amendment as amended was agreed to.

Mr. SMITH of New York. Mr. Chairman, I offer it as a separate paragraph, "*Provided*, That no part of the foregoing appropriation shall be spent for expenses outside of the city of Washington."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the paragraph as amended the following:

"*Provided*, That no part of this appropriation shall be expended for entertainment outside the city of Washington."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and on a division there were 32 ayes and 14 noes.

So the amendment was agreed to.

Mr. CLINE. Mr. Chairman, I move to strike out the last word. During the consideration of this bill for the last two or three years questions have arisen on the floor of the House relative to what became of the student interpreters appointed under the Diplomatic and Consular appropriation bill. The gentleman from Illinois last year made that inquiry. Since 1903 we have been appropriating $10,000 or more a year for the appointment of student interpreters. We have also been making appropriations for tuition services for the ostensible purpose of bringing these students into the Consular Service.

I do not presume that there are many Members of Congress who have any understanding or knowledge of what finally becomes of the appropriations and the students nominated for these places. Accordingly I asked the Secretary of State, or Mr. Carr, representing that department, for an abstract of the appointees showing the appointments, promotions, and positions they now hold in the service. The abstract is very short, but it takes up every person appointed under the provisions of the law, and I would like to have it incorporated in the RECORD for the information of the Members.

Mr. MANN. Will the gentleman yield?

Mr. CLINE. Certainly.

Mr. MANN. Generally speaking, what becomes of these students?

Mr. CLINE. I think they are largely incorporated into the service. There are now serving as consuls and vice consuls—28 in China, 11 in Japan, and 13 in Turkey. Some of these students occupy inferior positions.

Mr. MANN. How much have we appropriated; $10,000 in Turkey every year for 10 or 15 years?

Mr. CLINE. These student interpreters are to be educated and distributed wherever, in their respective countries, the State Department sees fit to send them.

Mr. MANN. Not at all; there are 10 in Turkey, and, I think, 6 in Japan.

Mr. CLINE. The abstract sets out who they were and where they are.

Mr. MANN. If we have been educating 150 student interpreters and now have 28 in China and 13 in Turkey or Asia, we are doing pretty well. Student interpreters were authorized for China in 1903, 10 in number; to the embassy in Japan, 1907, 6 in number; in the embassy in Turkey, 1909, 10 in number.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Yes.

Mr. ROGERS. The gentleman recalls that in the Executive order of 1906 provision was made for the promotion of student interpreters and other subordinates to the lower grades of consul if their merit was sufficient to warrant it. Has the gentleman any information as to how many student interpreters in the last 10 years since that order was promulgated have been in fact promoted to the grade of consul?

Mr. CLINE. A very large number of these student interpreters have been promoted from inferior positions to positions

of more dignity and efficiency in the service, and this abstract I have from the State Department, I will say, sets out in detail each individual person, as to the position he has held, and his promotion. I think, as a matter of information, it ought to be incorporated in the RECORD, and I ask that that be done.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The abstract referred to is as follows:

Statement of the number of students who have been appointed, promoted to the grades of interpreter and of consul, retired from service by death or resignation, voluntary or involuntary, and the number now in the service.

	China.	Japan.	Turkey.
Appointed	42	15	17
Interpreters	22	10	10
Consuls	13	3	.....
Now serving	28	11	13
Died	2	.....	4
Resigned:			
Voluntarily	8	3	1
Involuntarily	4	.....	3

AMERICAN STUDENT INTERPRETER CORPS.

CHINA.

Julean H. Arnold, student interpreter, July 18, 1902; also vice and deputy consul at Dairy, February 4, 1904; appointed deputy consul general at Shanghai, July 13, 1904; vice and deputy consul at Foochow, March 7, 1906; assigned to duty in the consulate general at Shanghai, May 5, 1906; appointed consul at Taipsui, June 22, 1906; consul at Amoy, May 1, 1908; consul at Chefoo, March 8, 1912; consul general at Hankow, July 29, 1914; appointed commercial attaché, Department of Commerce, September 25, 1914, and designated for duty in the American Legation at Peking, October 12, 1914.

Thomas W. Haskins, student interpreter, July 18, 1902; assistant Chinese secretary to the legation to China, June 4, 1904; consul at Swatow, June 24, 1908; died at Pe-tai-ho, China, July 12, 1908.

Frederick D. Cloud, student interpreter, August 7, 1902; also vice and deputy consul at Antung, February 4, 1904; appointed vice and deputy consul at Hangchow, June 30, 1904; retired as vice and deputy consul at Hangchow, June 30, 1906; appointed vice consul general at Shanghai, October 28, 1907; consul at Antung, June 22, 1908; detailed as vice consul general at Mukden, August 17, 1908; in charge from August 17, 1908; appointed vice and deputy consul general at Mukden, August 5, 1909; consul at Antung, November 1, 1909; retired as consul at Antung, January, 1910.

Harry M. Robins, appointed student interpreter, August 7, 1902; resigned, November 3, 1902.

Clarence Clowe, appointed student interpreter, October 2, 1902; vice and deputy consul at Mukden, March 30, 1904; resigned, May 31, 1905.

Percival S. Heintzleman, student interpreter, October 25, 1902; vice and deputy consul general at Canton, October 5, 1904; vice and deputy consul at Dalny, October 8, 1906; retired as vice and deputy consul at Dalny, May, 1907; transferred from the Consular Service to the Department of State as assistant to the Third Assistant Secretary, on far eastern affairs, June 1, 1907; designated as assistant in the Division of Far Eastern Affairs March 20, 1908; appointed consul at Swatow ($2,500), August 14, 1908, but did not go to post; detailed as vice consul general at Shanghai, December 21, 1908; appointed consul at Chungking ($3,500), January 22, 1909, but did not go to post; detailed as vice consul general at Shanghai and in charge, July 1, 1909, to September 6, 1909; appointed in the Division of Far Eastern Affairs, Department of State, in connection with foreign trade and treaty relations, November 24, 1909; appointed consul at Dalny ($3,500), June 24, 1910, but did not go to post; appointed second secretary of the legation at Peking ($1,800), August 16, 1910; assistant chief of the Division of Far Eastern Affairs ($3,000), June 27, 1911; consul general at Mukden ($4,500), July 28, 1914; consul general of class 5 by act approved February 5, 1915.

Willard B. Hall, student interpreter, November 26, 1902; vice and deputy consul general at Hankow, September 18, 1905; also appointed interpreter ($1,500), March 27, 1905; appointed vice and deputy consul general and also interpreter at Canton, February 21, 1908; vice consul general and also interpreter at Shanghai ($2,000), November 27, 1908; retired as interpreter, also vice consul general, at Shanghai, December, 1909.

Albert W. Pontius, student interpreter, March 9, 1903; also vice and deputy consul general at Tientsin, November 14, 1905; appointed vice and deputy consul general at Newchwang, December 29, 1906; also interpreter, May 1, 1907; appointed vice and deputy consul general and also interpreter at Hankow, February 21, 1908; transferred to the Department of State as assistant to the chief of the Division of Far Eastern Affairs, October 16, 1908; appointed consul at Swatow ($2,500), January 22, 1909; consul at Chungking ($3,500), January 10, 1910; detailed as vice consul in charge at Nanking, January 1 to May 26, 1910; detailed for special duty at Hankow, May 31, 1910; appointed consul at Dalny ($3,500), August 19, 1911; consul at Nanking ($4,000), November 24, 1913; consul at Newchwang ($4,500), May 5, 1914; consul at Foochow ($4,500), December 19, 1914; consul of class 4 by act approved February 5, 1915.

Charles L. L. Williams, student interpreter, March 17, 1903; deputy consul general at Shanghai, July 7, 1906; retired as deputy consul general at Shanghai, January, 1907; appointed vice and deputy consul general at Chefoo, September 25, 1907; interpreter ($1,500), September 26, 1907; vice and deputy consul and reappointed interpreter, July 1, 1908; appointed vice and deputy consul and also interpreter at Newchwang, July 6, 1909; consul at Swatow ($2,500), June 24, 1910; consul at Dalny ($3,500), November 24, 1913; designated December 3, 1913, as the permanent American representative on the Commission for the Investigation of Claims Arising out of the Revolution in China, 1911–12; appointed consul at Nanking ($4,000), May 5, 1914; retired as consul at Nanking, April, 1915.

Hubert G. Baugh, student interpreter, December 22, 1904; vice and deputy consul general at Canton, October 8, 1906; retired as vice and deputy consul general at Canton, February, 1908; appointed interpreter ($1,500) to the consulate general at Tientsin, June 30, 1908; also vice and deputy consul general, August 24, 1908; vice and deputy consul at Chungking, November 27, 1908; vice and deputy consul general at Hankow, February 17, 1909; vice and deputy consul general at Mukden, December 8, 1910; interpreter at Tientsin, February 24, 1911; also vice and deputy consul general, April 20, 1911; consul at Saigon, August 19, 1911; vice and deputy consul general at Singapore, July 19, 1912; reappointed consul at Saigon, November 14, 1912; appointed vice and deputy consul at Saigon, February 27, 1913, but did not act as such; retired February, 1913.

Hamilton Butler, student interpreter, April 10, 1905; interpreter ($1,500) to the consulate general at Shanghai, April 8, 1908; interpreter ($1,800), Shanghai, November 8, 1908; also vice and deputy consul general, November 27, 1908; vice and deputy consul general and also interpreter at Tientsin ($1,500), April 9, 1909; appointed vice consul, temporarily, at Newchwang, January 19, 1910; reappointed vice and deputy consul general at Tientsin, February 23, 1910; appointed vice and deputy consul general and also interpreter at Canton, December 30, 1910; retired as interpreter, also vice and deputy consul general, at Canton, 1913.

Charles J. Arnell, student interpreter and vice consul general at Mukden, September 14, 1906; retired as student interpreter and appointed interpreter ($1,500), March 20, 1907; vice and deputy consul general, September 19, 1907; assistant Japanese secretary to the embassy to Japan ($2,000), June 25, 1908; Japanese secretary and interpreter to the embassy to Japan ($3,600), September 7, 1909.

Willys R. Peck, student interpreter, October 8, 1906; assistant Chinese secretary to the legation at Peking ($2,000), November 9, 1908; Chinese secretary to the legation at Peking ($3,600), September 11, 1913; consul at Tsingtau ($4,000), May 5, 1914; detailed as vice consul general at Hankow, December 1, 1914; consul of class 5 by act approved February 5, 1915.

John I. Vincy, student interpreter, October 8, 1906; appointed also deputy consul general at Shanghai, September 7, 1909; retired June 21, 1910.

J. Paul Jameson, student interpreter, August 27, 1907; appointed deputy consul general and interpreter at Shanghai ($1,500), November 1, 1909; vice and deputy consul general, April 25, 1910; interpreter ($1,650), March 5, 1911; vice and deputy consul general and interpreter at Hankow ($1,500), December 2, 1911; interpreter ($1,650), October 15, 1912; consul at Antung ($2,500), May 5, 1914; consul of class 5 by act approved February 5, 1915; consul of class 6, June 8, 1915, and assigned to Nanking.

Nelson T. Johnson, student interpreter, August 27, 1907; vice and deputy consul general and interpreter at Mukden ($1,500), November 1, 1909; vice and deputy consul and interpreter at Harbin, April 18, 1910; vice and deputy consul general and interpreter at Hankow, July 30, 1910; vice and deputy consul general and interpreter at Shanghai ($1,650), December 2, 1911; mixed court assessor; designated to exercise judicial authority and jurisdiction in civil and criminal cases June 7, 1913; interpreter ($2,000), June 9, 1913; interpreter ($2,500), September 1, 1913; appointed consul at Chungking ($3,500), December 29, 1914; consul of class 6 by act approved February 5, 1915; assigned to Changsha, March 2, 1915.

Myrl S. Myers, student interpreter, August 27, 1907; vice and deputy consul general and interpreter at Canton ($1,500), November 1, 1909; vice and deputy consul general and interpreter at Tientsin, December 1, 1910; vice and deputy consul general and interpreter at Mukden ($1,650), July 25, 1911; consul at Swatow ($2,500), November 24, 1913; consul of class 8 by act approved February 5, 1915; appointed consul of class 6, March 2, 1915, and assigned to Chungking.

Frank W. Hadley, student interpreter, December 4, 1907; vice and deputy consul general at Tientsin, December 1, 1908; interpreter ($1,500), December 1, 1908; vice consul general, Shanghai, April 9, 1909; interpreter ($1,800), April 9, 1909, also mixed court assessor; designated to exercise judicial authority and jurisdiction in civil and criminal cases, Shanghai, August 10, 1909; interpreter ($2,000), May, 1910; interpreter ($2,500), August 1, 1911; resigned June, 1913.

Esson M. Gale, student interpreter, June 4, 1908; appointed deputy consul general at Shanghai, February 10, 1911; also interpreter ($1,500), March 1, 1911; interpreter ($1,650), October 15, 1911; resigned March 1, 1913.

Harold O. Henry, student interpreter, June 4, 1908; consular assistant, December 13, 1911; died in Peking, January 1, 1912.

Mahlon F. Perkins, student interpreter, January 14, 1909; vice and deputy consul at Chefoo, May 25, 1911; also interpreter ($1,500), July 25, 1911; deputy consul general and interpreter at Shanghai, May 13, 1912; vice and deputy consul general, March 17, 1914; designated to exercise judicial authority and jurisdiction in civil and criminal cases, temporarily, March 17, 1914; interpreter ($1,650), also junior mixed court assessor, March 20, 1914; vice consul, Shanghai, February 6, 1915; interpreter ($2,500), February 16, 1915; designated to exercise judicial authority and jurisdiction in civil and criminal cases, March 11, 1915.

Raymond P. Tenney, student interpreter, June 2, 1909; vice and deputy consul general, Tientsin, September 6, 1911; interpreter ($1,500), October 20, 1911; vice and deputy consul general, Canton, November 22, 1912; interpreter ($1,650), March 1, 1913; assistant Chinese secretary to the legation at Peking ($2,000), September 11, 1913.

Horace Remillard, student interpreter, June 2, 1909; deputy consul general, Hankow, January 10, 1912; interpreter ($1,500), October 15, 1912; vice and deputy consul general, Hankow, July 21, 1913; vice and deputy consul general, Tientsin, March 17, 1914; vice and deputy consul general, Tsingtau, April 8, 1914; vice and deputy consul general, Hankow, July 31, 1914; vice consul, Hankow, February 6, 1915.

George C. Hanson, student interpreter, June 12, 1909; deputy consul general, Shanghai, September 7, 1911; interpreter ($1,500), October 15, 1911; vice and deputy consul, Chefoo, May 13, 1912; interpreter ($1,650), October 4, 1913; vice and deputy consul, Dalny, November 25, 1913; vice and deputy consul, Newchwang, March 17, 1914; vice and deputy consul general, Tientsin, May 9, 1914; vice and deputy consul, Newchwang, January 5, 1915; consul of class 8, March 3, 1915, assigned to Swatow.

Crawford M. Bishop, student interpreter, April 1, 1910; deputy consul general at Tientsin, November 22, 1912; also interpreter ($1,500), March 10, 1913; vice and deputy consul and interpreter at Chefoo ($1,650), June 9, 1913; vice and deputy consul general and interpreter at Harbin, May 9, 1914; interpreter ($1,800), July 1, 1914; deputy consul general at Shanghai, December 1, 1914; vice consul at Shanghai, February 6, 1915; vice consul and interpreter at Hankow, October 15, 1915; resigned November 16, 1915.

John A. Bristow, student interpreter, April 1, 1910; vice and deputy consul at Tsingtau, October 9, 1912; also interpreter ($1,500), March

10, 1913; vice and deputy consul general and interpreter, Shanghai, April 8, 1914; interpreter ($1,800), also assistant assessor, February 16, 1915; resigned April 1, 1915.

Paul R. Josselyn, student interpreter, April 20, 1910; deputy consul general at Tientsin, July 26, 1912; vice and deputy consul general at Tientsin, November 22, 1912; also interpreter ($1,500), March 1, 1913; vice and deputy consul general at Canton, March 17, 1914; interpreter ($1,650), October 20, 1914; vice consul at Canton, February 6, 1915.

George F. Bickford, student interpreter, March 10, 1911; vice and deputy consul and interpreter ($1,500) at Newchwang, June 17, 1913; vice and deputy consul general at Hankow, March 17, 1914; vice and deputy consul at Antung, May 8, 1914; vice and deputy consul general at Hankow, October 8, 1914; vice consul at Hankow, February 6, 1915; interpreter ($1,650), April 1, 1915; vice consul at Shanghai, October 15, 1915.

Charles P. McKiernan, student interpreter, March 10, 1911; deputy consul general, Shanghai, June 30, 1913; interpreter ($1,500), October 4, 1913; vice and deputy consul general, Mukden, December 1, 1914; interpreter ($1,650), July 1, 1914; vice and deputy consul general, Tientsin, January 5, 1915; vice consul, Tientsin, February 6, 1915.

John K. Davis, student interpreter, March 12, 1912; deputy consul general, Shanghai, June 7, 1913; interpreter ($1,500), June 7, 1913; vice and deputy consul general, Canton, September 16, 1913; vice and deputy consul, Chefoo, March 17, 1914; interpreter ($1,650), July 1, 1914; interpreter ($1,800), October 20, 1914; consul of class 8 and assigned to Antung, June 8, 1915.

Alexander Krisel, student interpreter, March 12, 1912; vice and deputy consul at Swatow, September 29, 1913; vice and deputy consul, Chefoo, December 14, 1914; interpreter ($1,500), Chefoo, December 14, 1914; vice consul, Shanghai, March 1, 1915.

Carl D. Meinhardt, student interpreter, March 12, 1912; deputy consul general, Hankow, October 3, 1913; vice consul and interpreter ($1,500), Chefoo, September 1, 1915.

William S. Howe, student interpreter, April 4, 1914.
Ernest B. Price, student interpreter, April 4, 1914.
Clarence J. Spiker, student interpreter, April 4, 1914.
Samuel Sokolin, student interpreter, April 4, 1914.
Andrew J. Brewer, student interpreter, March 24, 1915.
Jay C. Huston, student interpreter, March 24, 1915.
Eugene M. Lamb, student interpreter, August 12, 1915.
Albert C. Chaplin, student interpreter, October 15, 1915.
John B. Nicholson, student interpreter, October 15, 1915.
Joseph E. Jacobs, student interpreter, October 15, 1915.

JAPAN.

Adolph A. Williamson, student interpreter, October 8, 1906; vice and deputy consul at Dalny, December 10, 1908; interpreter ($1,500), December 10, 1908; consul at Antung ($2,500), August 19, 1911; consul at Tansui ($3,000), September 18, 1913; consul at Dalny ($3,500), May 5, 1914; consul of class 6 by act approved February 5, 1915.

Charles Lyon Chandler, student interpreter, October 8, 1906; vice consul at Tansui, December 29, 1906; vice consul at Dalny, March 20, 1907; transferred to be American consular assistant, August 1, 1908.

John K. Caldwell, student interpreter, October 8, 1906; vice and deputy consul general at Yokohama, April 16, 1909; interpreter ($1,500), April 16, 1909; assistant Japanese secretary to the embassy to Japan, December 4, 1909 ($2,000); vice consul at Dalny, temporarily, January 17 to February 17, 1911; consul at Vladivostok ($3,500), August 1, 1914; consul of class 6 by act approved February 5, 1915.

Alfred Salisbury, student interpreter, August 27, 1907; resigned September 22, 1908.

Edwin L. Neville, student interpreter, August 27, 1907; vice and deputy consul at Dalny, August 6, 1909, to September 30, 1909; interpreter ($1,500) to the consulate general at Seoul, March 29, 1910; vice and deputy consul general at Seoul, February 25, 1911; vice and deputy consul at Dalny, November 10, 1911; vice and deputy consul general at Seoul, January 17, 1912; interpreter ($1,650), January 15, 1912; consul at Antung ($2,500), September 18, 1913; consul at Tansui ($3,000), May 5, 1914; consul of class 7 by act approved February 5, 1915.

Francis R. Eldridge, jr., student interpreter, January 14, 1909; interpreter ($1,500) to consulate general at Yokohama, March 18, 1911; deputy consul general at Yokohama, June 30, 1911; resigned, to take effect September 8, 1912.

Joseph W. Ballantine, student interpreter, June 2, 1909; interpreter ($1,500) at Kobe, August 31, 1911 deputy consul at Kobe, December 18, 1911; deputy consul general at Yokohama, June 11, 1912; interpreter ($1,650), March 1, 1912; vice and deputy consul at Tansui, November 6, 1912; deputy consul general at Yokohama, October 7, 1913; vice and deputy consul general at Yokohama, June 25, 1914; assistant Japanese secretary to the embassy at Tokyo ($2,000), August 1, 1914.

Harold C. Huggins, student interpreter, April 1, 1910; vice and deputy consul at Nagasaki, December 5, 1912; interpreter ($1,500), December 5, 1912; deputy consul general at Yokohama, March 14, 1914; vice consul at Yokohama, February 6, 1915; interpreter ($1,650), April 1, 1915.

Raymond S. Curtice, student interpreter, April 1, 1910; vice and deputy consul at Dalny, December 6, 1912; interpreter ($1,500), December 18, 1912; interpreter at Yokohama, March 11, 1913; deputy consul general at Yokohama, July 7, 1913; vice and deputy consul general at Seoul, October 7, 1913; vice consul at Seoul, February 6, 1915.

Max D. Kirjasoff, student interpreter, March 10, 1911; vice and deputy consul at Tansui, August 6, 1913; interpreter ($1,500), August 6, 1913; deputy consul general at Yokohama, October 20, 1913; deputy consul general at Seoul, February 12, 1914; deputy consul general at Yokohama, April 18, 1914; vice consul at Yokohama, February 6, 1915; interpreter ($1,650), May 6, 1915.

Henry B. Hitchcock, student interpreter, March 12, 1912; interpreter ($1,500), March 23, 1915; vice consul at Yokohama, July 6, 1915.

Eugene H. Dooman, student interpreter, March 12, 1912; vice consul and interpreter ($1,500) at Kobe, May 7, 1915.

Erle R. Dickover, student interpreter, April 4, 1914.
William R. Langdon, student interpreter, April 4, 1914.
Harvey T. Goodler, student interpreter, April 4, 1914.

TURKEY.

Arthur H. Lavitt, student interpreter, June 2, 1909; vice and deputy consul at Saloniki, July 22, 1910; assigned to consulate general at Cairo, September 20, 1910; interpreter ($1,500), Cairo, July 25, 1911; interpreter to the consulate general at Constantinople, December 18, 1911; assistant Turkish secretary of the embassy to Turkey ($2,000), August 5, 1912.

John L. Binda, student interpreter, June 2, 1909; vice and deputy consul at Saloniki, January 23, 1911; interpreter ($1,500), Cairo, August 5, 1912; deputy consul general, Cairo, December 2, 1912; resigned May 28, 1913.

Lewis Heck, student interpreter, June 2, 1909; assigned to consulate at Jerusalem September 20, 1910; vice and deputy consul at Jerusalem, December 17, 1910; interpreter ($1,500), January 9, 1912; deputy consul general at Constantinople, August 26, 1912; vice consul at Constantinople, February 6, 1915.

Samuel Edelman, student interpreter, June 2, 1909; detailed to consulate general, Constantinople, May 23, 1911; deputy consul general, Constantinople, July 14, 1911; interpreter ($1,500), January 24, 1912; vice and deputy consul, Jerusalem, August 26, 1912; vice consul, Aleppo, April 6, 1915; detailed as interpreter at Beirut, November 30, 1915.

Ralph F. Chesbrough, student interpreter, April 1, 1910; deputy consul general at Constantinople, June 25, 1912; interpreter ($1,500), August 4, 1913; vice and deputy consul general and interpreter, Beirut, September 13, 1913; vice consul, Beirut, February 6, 1915; interpreter ($1,650), April 21, 1915.

Leland B. Morris, student interpreter, April 1, 1910; deputy consul, Saloniki, June 25, 1912; vice and deputy consul, Saloniki, October 25, 1912; interpreter ($1,650), August 4, 1913; vice and deputy consul general, Smyrna, December 8, 1913; vice consul at Smyrna, February 6, 1915.

Ralph H. Bader, student interpreter, April 1, 1910; interpreter ($1,000) to the American Legation and consular agent at Teheran, February 8, 1912; also clerk in the American Legation at Teheran, March 8, 1912; interpreter ($1,000) to the American Legation and consulate general to Persia and vice and deputy consul general at Teheran, July 1, 1912; vice consul at Teheran, February 6, 1915.

Frank B. Rairden, student interpreter, March 10, 1911; detailed for duty in the consulate general at Cairo, December 24, 1912; deputy consul general at Cairo, May 27, 1914; vice consul, Cairo, February 5, 1915; resigned April, 1915.

George W. Young, student interpreter, March 10, 1911; deputy consul general and interpreter ($1,500), Constantinople, September 13, 1913; vice and deputy consul, Harput, June 23, 1914; interpreter at Beirut, November 18, 1914; vice and deputy consul at Aleppo, November 30, 1915.

Donald Nicolson, student interpreter, March 10, 1911; resigned February 20, 1913.

Adolph Van Hemert Engert, student interpreter, March 12, 1912; interpreter ($1,500) at Constantinople, July 1, 1914; vice consul, Constantinople, February 12, 1915.

Winthrop R. Cole, student interpreter, March 12, 1912; resigned to take effect January 31, 1913.

Montefiore Judelsohn, student interpreter, March 12, 1912; vice consul at Constantinople, February 12, 1915; interpreter ($1,500), April 21, 1915.

Charles E. Allen, student interpreter, April 4, 1914; assigned as consular agent, Adrianople, September 3, 1915.

Erwin F. Lange, student interpreter, April 4, 1914; assigned as consular agent at Brusa, September 3, 1915.

George L. Brandt, student interpreter, March 24, 1915.
Bernard Gottlieb, student interpreter, May 1, 1915.

Countries.	1906			1916		
	Salary.	Contingent expenses.	Clerk.	Salary.	Contingent expenses.	Clerk.
Buenos Aires	$4,500	$2,000	$800	$8,000	$3,450	$10,160
Rosario	2,500	700	500	3,500	962	800
Bahia	4,000	1,200	1,500	4,000	1,850	900
Para	4,000	1,200	1,500	4,000	2,000	1,710
Pernambuco	4,000	800	1,500	4,000	1,560	2,000
Rio de Janeiro	8,000	2,500	2,500	8,000	5,000	6,800
Santos	4,000	1,000	1,500	4,000	1,400	2,750
Sao Paulo				5,000	2,310	2,960
Antofagasta				4,000	1,340	800
Punta Arenas				3,000	1,160	500
Iquique	2,000	400				
Valparaiso	4,500	1,070	1,000	5,500	1,800	2,800
Barranquilla	3,500	650	1,000	3,500	1,300	1,600
Bogota	3,500	1,000	1,000			
Cartagena	2,000	740	1,000	3,000	950	1,600
Guayaquil	4,500	1,000	1,000	4,500	1,022	2,400
Asuncion	2,000	550		2,500	696	
Callao-Lima	4,500	1,000	1,000	5,500	1,250	2,400
Iquitos	3,000	1,000	500			
Montevideo	3,500	1,300	1,000	3,500	1,093	1,300
La Guaira	3,000	950	1,000	3,000	950	1,500
Maracaibo	2,500	1,030	800	2,500	954	800
Puerto Cabello	2,000	700	1,000	2,000	986	1,250
Total (20 officers)	71,500	20,790	20,100	83,000	32,013	45,040

	1906	1916
Total number of principal offices	20	20
Total number of agencies	40	21

[Mr. CARY addressed the committee. See Appendix.]

Mr. ROGERS. Mr. Chairman, my colleague on the committee, the gentleman from New York, Mr. MOTT, is unavoidably detained, and he asked me to secure permission for him to extend his remarks in the RECORD upon this bill. Is it in order to make that request in the committee?

The CHAIRMAN. It is.

Mr. ROGERS. Then I make that request.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Purchase and repair, consular premises: Purchase, alteration, and repair of consular premises, or purchase of a site and the erection thereon of a suitable building or buildings, for the use of the consulate general at Shanghai, including the residences of officers, $150,000.

Mr. COX. Mr. Chairman, I reserve the point of order on that; and I think in order to save time I may just as well make it, because it is my intention to do so.

Mr. FLOOD. Mr. Chairman, that is not subject to the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Virginia.

Mr. FLOOD. Mr. Chairman, that is made in pursuance of the law, and I will read that law to the Chairman:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the Diplomatic Service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment: *Provided, however*, That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further*, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of $150,000 at any one place) and which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

Approved, February 17, 1911.

This item against which the gentleman makes the point of order is for the purchase, alteration, and repair of consular premises, or the purchase of a site and the erection thereon of a suitable building or buildings for the use of the consulate general at Shanghai, including residences of officers. This committee is authorized by law to report not exceeding $500,000 for this purpose, and not exceeding at any one place $150,000 for this purpose. This item comes within the provisions of the law. I concede that the succeeding item is subject to a point of order.

Mr. COX. Mr. Chairman, I think the argument made by the gentleman from Virginia is well made. I recollect the statute was passed several years ago, but for the time being it had escaped my recollection. Under the authority read by the gentleman from Virginia I think it is not subject to the point of order.

Mr. MANN. Mr. Chairman, I desire to ask the gentleman from Virginia a question. This item comes under the terms of the so-called Lowden Act?

Mr. FLOOD. Yes.

Mr. MANN. Does the next item also?

Mr. FLOOD. The next item exceeds the limitation in the Lowden Act. The Lowden Act authorizes us to make an appropriation of only $150,000 at any one place.

Mr. MANN. It is supposed to come within the provisions of the Lowden Act except as to the amount?

Mr. FLOOD. No.

The CHAIRMAN. The point of order is overruled.

Mr. SMITH of New York. Mr. Chairman, does not the Lowden Act refer to diplomatic and consular buildings?

Mr. FLOOD. Yes.

Mr. SMITH of New York. Does the next paragraph refer to that—that is, for other buildings?

Mr. FLOOD. Mr. Chairman, that is true. The gentleman from New York is correct about that.

The CHAIRMAN. Discussion of the succeeding item is not in order. It has not yet been read. The Clerk will read.

The Clerk read as follows:

Purchase, alteration, and repair of premises, or purchase of a site and the erection thereon of a suitable building or buildings, for the use of the United States court, jail, post office, marshal's and other Government offices at Shanghai, and residences of officers, $205,000.

Mr. COX. Mr. Chairman, on that I reserve the point of order. I do not think the Lowden Act covers that.

Mr. EDMONDS. Mr. Chairman, will not the gentleman reserve his point of order?

Mr. COX. I reserve the point of order.

Mr. EDMONDS. Mr. Chairman, during my recent visit to China I was greatly impressed with the fact that it was characteristic of the Chinese that when dealing with foreigners they were impressed only by what they personally saw of them or their belongings, and that their idea of the greatness of a nation was gauged entirely by the evidences of its wealth and power visible to them.

Most Foreign nations realizing this have seized every opportunity to present what is known in China as "face" and have secured every concession made to them by the Chinese Government, using the ground not only to establish thereon their consular and other governmental buildings but concentrating on these concessions all of their commercial and manufacturing interests where they can be under the protection of their home government, as these concessions are policed by the governments to whom they are made.

This is not true of our Government, although on the most friendly basis with the Chinese Government, so much so that we have always been offered the best of the concessions, we have refused to take advantage of their offer and to-day find ourselves not in a position to present the "face" that the other large commercial powers are able to do, and our interests suffer accordingly.

In Hankow, the "Pittsburgh of China," the greatest manufacturing city in China, located 600 miles up the Yangtze River, and yet doing a commercial business in ocean shipping, having 30 feet of water at its wharves, the Chinese Government offered our Government at a low price a favorably located concession, facing on the bund—or water front—and alongside of the concessions made to other nations. This was refused by our Government, and immediately taken up by the Japanese and is now occupied by them. The ground alone is now worth ten times the price at which it was offered to us. As a contrast to what might have been had we accepted this concession, our consulate is at present situated on the first floor of a private residence and has nothing about it to impress anyone with the greatness of our Nation.

In Tientsin, where we have a full regiment of soldiers, we rent our consulate, and also barracks and officers' quarters for the soldiers, all located in the city notwithstanding that there is a piece of ground on the bund large enough to accommodate all of our operations, saving in cost, compared with the rents at present paid and calculating the cost on a 3 per cent basis, more than it would cost us to buy this ground and erect buildings thereon. This piece of ground is still under option by our Government and is now occupied by the British Government under an agreement that we can take it over at any time upon payment for the buildings erected upon it. Again, in this important city we have lost "face."

In Shanghai, the "New York of the East," we have made numerous errors. Originally what is now known as the international concession was made by the Chinese Government to the United States and refused by us. To-day it is under the joint rule of a board composed of five Englishmen, one American, and one Russian. This property is in the foreign section of the city, and the ground alone is worth over a hundred million dollars. In this concession and near the bund are found all of the large foreign banking and business concerns, and property is worth ten times as much as it was 20 years ago. Of course ground has become very desirable along the bund and most of it is worth far more than the property offered the United States Government, which is just across Soochow Creek from the concession and is between the German and Japanese properties. It is the most available site that can be purchased at the present time, and considering the prices placed upon other properties the price asked is reasonable. Should our Government lose this location it will be forced to go upon one of the back streets, which would be a severe blow to our prestige. I understood, when I was in China, that there was another nation which would purchase this site if we did not take up our option.

At the present time we have housed in the two buildings rented by the Government the consul general's office, the United States court and jail, the post office, and the United States Marine and Health Service. The buildings are well built and can be used for years without change, and although they are not as impressive as some of the consulate buildings of other nations their location at the mouth of Soochow Creek is so commanding that it helps to correct the lack of impressiveness.

Mr. SMITH of New York. Will the gentleman yield for a question?

Mr. EDMONDS. Certainly.

Mr. SMITH of New York. Does the gentleman know how much rent we are paying for property which can be abandoned for rental purposes if this building is constructed?

Mr. EDMONDS. At present we pay a rental of over $5,000 gold for use of about one-half property, and our tenancy is subject to an option to purchase which will expire in a few months. If no action is taken by this body and the property is not purchased by other parties, it will only be possible to retain

this property under a greatly increased rental or to purchase it at a greatly increased cost.

As a comparison in value, I am able to give the values of a few properties on the Shanghai Bund reduced to the price per acre: Union Assurance Co., $392,040 per acre; Bank de l'Indo-Chine, $313,632 per acre; Siemssen & Co., $705,672 per acre; and American consulate site, $347,173.

I can not too earnestly impress upon the House the necessity for acting at this time, and trust that for our future prestige and commercial advantage the bill to purchase the buildings and grounds will pass.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDMONDS. May I ask the privilege of extending my remarks in the RECORD?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection. [After a pause.] The Chair hears none.

Mr. COX. Mr. Chairman, I make the point of order.

Mr. FLOOD. Mr. Chairman, I think the gentleman from Wisconsin [Mr. COOPER] wanted to be heard.

Mr. COX. Then I will reserve the point of order.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. COX. I will reserve the point of order if the gentleman from Wisconsin wants to make a statement.

Mr. COOPER of Wisconsin. Mr. Chairman, may I ask the gentleman from Virginia whether it will be possible, if the point of order be sustained and all of lines 6 to 10, inclusive, page 21, be stricken out, for the United States Government to purchase any property on the water front at Shanghai?

Mr. FLOOD. My opinion is it would not; but the appropriation of $150,000 was not subject to the point of order, and has been passed. Now, the gentleman from Indiana makes the point of order against the next item of $205,000.

Mr. HAMILTON of Michigan. May I ask the gentleman a question? Suppose this item in line 10 be reduced to $150,000, so it may come within the law, would it not be possible to enter upon negotiations to acquire the site suggested in the paragraph, and thereby save the site which the gentleman from Pennsylvania referred to?

Mr. FLOOD. I do not think there would be any law if we reduced it, because this is for other purposes than buying a building for the Diplomatic and Consular Service. This is for a court.

Mr. HAMILTON of Michigan. I see.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Massachusetts [Mr. ROGERS], a member of the Committee on Foreign Affairs, has just called my attention to the report—page 56—of the hearing before our committee last January, during which he asked Mr. Carr, of the State Department, the precise question that I just put to the gentleman from Virginia [Mr. FLOOD], and I invite the attention of the gentleman from Indiana——

Mr. COX. I have read the report.

Mr. COOPER of Wisconsin. To this testimony of Mr. Carr. It is not necessary for me to vouch for the character of Mr. Carr, nor for the high standing he has with all people who have had business with him at the Department of State:

Mr. ROGERS. The $150,000, which is not subject to the point of order, would not alone do you very much good, would it, Mr. Carr?

Mr. CARR. No; because we could neither get this piece of property nor could we get any other that would be adequate.

The gentleman from Indiana [Mr. Cox] will notice the express statement of the representative of the State Department that the $150,000 which we have appropriated by the previous paragraph, or will appropriate if the paragraph shall become a law, would do no good at all, because it would not enable us to buy either this property on the water front or any elsewhere that would be adequate.

Mr. Chairman, it is well for the House, I think, to be reminded of what consulates are and of the advisability where possible of keeping all of the representatives of our Government together in offices in close proximity to the consulate building.

A consulate is a business office. Consuls perform no diplomatic function. Our consuls are really business agents for the American people. As a business agent it is a consul's duty to try in all honorable ways to extend our trade in the country where the consulate is located. That is one of the chief purposes of a consulate.

Now, at Shanghai—and I visited Shanghai a few years ago—is one of the most magnificent water fronts in the world—incomparably the finest water front in the Orient—an avenue lined on one side by banks—some of these being branches of the principal international banks of Europe—by great business houses, and by the handsome, commodious consulate buildings of Great Britain, Germany, France, Japan, and other nations. As our steamer passed slowly along that superb water front we all were astonished to see floating over those consulate buildings the flags——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILTON of Michigan. I ask unanimous consent, Mr. Chairman, that the gentleman from Wisconsin [Mr. COOPER] may proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. COOPER of Wisconsin. I was about to speak of our astonishment to see flying proudly from those fine Government buildings the flags of our commercial rivals, and of our regret that nowhere could we see the flag of the United States. We were told that our consulate was on a back street. On reaching it we soon were reminded by our official representatives that this Government was making a serious mistake in keeping our consulate housed in such a building and in so bad a location; that an appearance of business thrift about a consulate is important in any country, but especially so in the Orient; and that they had found our poor, badly located quarters in that city a great drawback in their efforts to extend our trade. Since then the consulate was removed to the premises it now occupies on the water front, this being the property that the pending paragraph is intended to purchase.

This particular piece of property is located between the consulate of Germany and that of Japan, and is absolutely the only piece of property which we can purchase on that water front for our business building. I do not know who the owners are except by name, nor have I ever had a communication from any one of them, either directly or indirectly. My knowledge of the subject comes only from the testimony of the State Department officials who appeared before the Committee on Foreign Affairs of the House and from my own personal observations while visiting Shanghai.

The foreign trade of China before the present European war broke out was annually more than $740,000,000. The city of Shanghai alone did more than 42 per cent—nearly one-half—of that business, or more than $300,000,000, export and import. The city is located on the Whangpoo River, and that great stream, with its tributaries, enables vessels drawing considerable water to reach one-third of the vast domain of China. Our commercial rivals know all this, and they are getting that trade. We have only 10 per cent of it.

The rapidity of the growth of the city's foreign trade is remarkable. In 1880 it was $40,000,000, and in 1913, as I said before, it was more than $300,000,000, and of this we did only 10 per cent. We have the right to look for a larger, much larger, share of that trade. We can get it only by taking advantage of every legitimate business opportunity in China. One such opportunity is now before us. This Government ought to have a respectable business house on that water front. Remember that Shanghai is a city surrounded by a stone wall pierced by gates. All foreigners, including the people of the United States, are limited to a very restricted area inside of the walled city, and that area can not be extended. The situation in Shanghai is wholly exceptional, unlike that of any other consulate. I hope that the gentleman from Indiana [Mr. Cox] will not make a point of order against this item. We have an option on that property, which, as I understand, will expire in two months. If the Government of Great Britain, or of Germany, or of Japan, or if some great Japanese steamship company should buy that property, the Government of the United States could never have a business office—and a consulate is a business office—on the water front in Shanghai, the city destined to become the London of the Orient.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The point of order is sustained. The Clerk will read.

Mr. COOPER of Wisconsin. Mr. Chairman, did the Chair give the gentleman from Indiana an opportunity to renew his point of order? Did the gentleman renew it?

Mr. COX. No; I made the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Acquisition of legation premises at Panama City, Panama: For the erection at the city of Panama, on ground to be presented by the Government of Panama, of a suitable building for the use of the legation to Panama, both as a residence of the minister and for the offices of the legation and for the necessary furnishing of the building, $100,000, or so much thereof as may be necessary.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the chairman of

the committee. As I recall, in the act which authorizes these buildings to be constructed there was a limitation that not more than $500,000 should be expended in any one year. Is that correct?

Mr. FLOOD. That is correct.

Mr. CULLOP. I notice a number of items in this bill for the erection of these buildings. I would like to ask the chairman if more than $500,000 is authorized in this bill for that purpose?

Mr. FLOOD. Only $350,000, I think.

Mr. CULLOP. All the items together?

Mr. FLOOD. One at Shanghai, $150,000; one at Panama, at $100,000; and one at Habana, $100,000.

Mr. CULLOP. So that it comes within the limitation prescribed by the statute for this purpose, and does not exceed the expenditure of $500,000 for any one year?

Mr. FLOOD. No.

Mr. CULLOP. I thought it well to keep in view the limitation contained in the law authorizing the construction of these buildings, in order that no difficulty might arise hereafter about the same. I can readily see if more than the amount should be authorized here now serious difficulties might arise and embarrass the work.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Virginia if he is familiar with the item in the sundry civil bill relating to the American Legation building at Panama?

Mr. FLOOD. I would like to have the gentleman read the item.

Mr. MANN. I did not know that it had been called to the attention of the gentleman. The sundry civil bill, which was recently reported to the House, carried the items in reference to the Panama Canal, and so forth, and so on. One of the items in the sundry civil bill relates to the American Legation building. It is in connection with some other matters, but it reads this way:

And exclusive of the fair value of the American Legation building in Panama, as approved by the Secretary of War and the Secretary of State, which building is authorized to be transferred without charge to the jurisdiction of the Secretary of State.

The purpose of that is to turn over to the State Department the building now belonging to the Government of the United States under the Panama Canal act as a legation building. The question is whether that will fully take care of the needs of a legation building at Panama. We certainly do not want to spend money unless it be necessary there.

Mr. FLOOD. No; and the State Department will not spend it unless it is necessary.

Mr. COX. I do not know about that.

Mr. FLOOD. But they are very anxious to have a legation building. I think I can make that statement without qualification.

Mr. MANN. The gentleman knows the pressure that has been brought to bear on the State Department in reference to this from outside sources?

Mr. FLOOD. Yes. A representative of the State Department approached me the other day in reference to an appropriation of $350,000, I think it was, for the purpose of securing an embassy building at Petrograd, and our ambassador at Paris has in mind a building that can be bought very cheaply now if Congress will make the appropriation. But I have talked with Mr. Phillips with reference to the Russian embassy building, and he said he would be very willing to substitute Russia for Panama, but it was essential to put up a proper building at Panama at this time, though it was not as important as it would be in Russia. I told him that I did not think the committee would entertain the proposition, as it would involve too much money. They think that a proper building at Panama is necessary on account of the fact that other nations have their buildings there, and it is a place where a great many people will visit, and it will accomplish as much good, probably, for the country as the expenditure at any other embassy or legation, except that he preferred this Russian proposition because the property at this time could be bought very cheaply.

Mr. MANN. The gentleman knows that this item contemplated that a certain piece of land should be given to the Government. That land is located outside of the city of Panama, quite a distance from the city, at a very inconvenient place for anybody going through Panama to visit.

Mr. FLOOD. It has not been designated, and I have no idea that the department would accept a site any considerable distance outside of the city of Panama.

Mr. MANN. It is a part of that same real-estate deal in reference to a Government exposition.

Mr. FLOOD. The gentleman made that statement on the floor of the House last year, and when the representatives of the State Department were before the committee this year we took occasion to go into it somewhat, and developed the fact that the gentleman from Illinois was mistaken.

Mr. MANN. Oh, I am not mistaken. I have talked with the representatives of Panama in reference to it.

Mr. FLOOD. The representatives of the State Department who read the gentleman's statement made on the floor of the House last year stated to us that the gentleman was mistaken.

Mr. MANN. Then the representatives of the State Department are not informed.

Mr. FLOOD. They said the gentleman from Illinois was not informed.

Mr. MANN. My information comes at first hand.

Mr. FLOOD. Their information also comes at first hand.

Mr. FITZGERALD. Where is this land to be donated? I have been in Panama seven times. I get my information at first hand myself.

Mr. FLOOD. I do not know where it is to be located.

Mr. FITZGERALD. There is no land in the city of Panama, unless you go away outside, that can be granted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask that the time of whatever gentleman has the floor may be extended five minutes.

Mr. FLOOD. Mr. Chairman, I ask for recognition, and yield to the gentleman from New York [Mr. FITZGERALD] for a statement.

Mr. FITZGERALD. The Panama Canal Commission took over a building in the city of Panama when they acquired the rights of the French company. The State Department has been endeavoring to get possession of that building to use for a legation. The canal commission has no use for the building. It is a very substantial structure, one of the most substantial and one of the finest buildings in the city of Panama. We carry in the sundry civil bill a provision, put there at the suggestion of Gen. Goethals, to turn the building over to the State Department without expense.

I find that there is a good deal of exaggeration about these legation buildings. I have been all over Panama. I have been down there seven times, and it takes a guide to find these legation buildings, with the exception of one, and to identify them. They do not add a thing to the prestige of any government, and the best building of the lot is this building that we propose to turn over to the State Department. One of the legation buildings is rather attractive, because it recedes a little, and there are some tropical plants outside of it; but the architecture of Panama is such that most of the residences are above business places. You can not tell anything about them from the outside. The business houses are on the ground floor and the residences are on the upper floors, and they are all barricaded, as if everybody were afraid that there was about to be an uprising at any moment and that a mob would take possession of the buildings. It seems to me that if the State Department gets this building, it will be all that is wanted. I should think that for $100,000 you could build a whole public park full of buildings, judging from what I have seen of them. I have spent a lot of time in Panama. It is like going from here over to the Senate, from where the committee would be located. I have walked all over it and driven all over it, in those little vehicles that they have there, and I am convinced that if the gentleman from Virginia [Mr. FLOOD] had ever been in Panama, if anybody had the temerity to ask him for $100,000 for a building exclusive of site, he would suggest that that man be sent to St. Elizabeth's for examination. That is not an exaggerated statement. There are a number of gentlemen on the floor of this House who have been there and who know the situation and the conditions. I can not understand this, except on the theory that those who make the suggestion have never been in Panama.

Mr. HARRISON. May I ask the gentleman a question?

Mr. FITZGERALD. Certainly.

Mr. HARRISON. Did the State Department appear before the committee and recommend this provision in the sundry civil bill?

Mr. FITZGERALD. No; they did not. Gen. Goethals told us that they had been trying to get the building for several years, that the Canal Commission could not turn it over because they had no authority to transfer it, and he asked for that authority and to exclude it from the sums for which bonds could be issued. The Canal Commission has no use for the building, the Department of State needs one, and this is one of the best buildings in Panama.

Mr. HARRISON. How far is this building located from the site of the exposition grounds, where they propose to locate this legation building?

Mr. EVANS. About 2 miles.

Mr. FITZGERALD. The exposition grounds are outside the city.

Mr. FLOOD. This site that the Republic of Panama is going to give is not on the exposition grounds at all. It is in the city of Panama.

Mr. FITZGERALD. There are no vacant lots in the city.

Mr. FLOOD. They could tear down one of those buildings.

Mr. FITZGERALD. The city of Panama extends out. I suppose there are unbuilt sections of it, but I should think this would be a very unwise thing.

Mr. CLINE. Does the gentleman know where the legations of Cuba, Spain, and France are located at this time?

Mr. FITZGERALD. I have had them all pointed out to me, but I can not distinguish them now in my mind. I have had men take me to see them. There is one of them that is attractive, and that stands out from the general run of buildings there. The streets of Panama are not as wide as half of the corridor of the lobby of this House.

Mr. CLINE. What I wanted to inquire is, How far is this building which it is proposed to be turned over to the United States from the embassies?

Mr. FITZGERALD. It is in the heart of the city—I suppose six or seven minutes' walk. You can walk from the Tivoli Hotel through to the extreme end of the city of Panama in half an hour without any effort.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. FLOOD. Mr. Chairman, I ask that my time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Chairman, it seems to me that what the gentleman from New York has said demonstrates the propriety of the United States putting up a decent building at Panama to give the people some idea of the proper kind of architecture of a building for a legation or an embassy if they ever have an embassy there. The gentleman says that there is one appropriate building there occupied by a legation of some country, and I do not see why the United States should not have the best that there is there. We passed a law some years ago authorizing Congress to appropriate half a million dollars a year for the purpose of erecting embassies, legations, and consulates in different countries of the world. Since then we have appropriated $100,000 for a legation at Berne, $150,000 for a legation at Mexico City, and $150,000 for one at Tokyo. I think that is all up to the present appropriation bill. None of that money has been expended so far except in negotiations in reference to the Berne property. In this bill we carry an item providing for a change of site in Tokyo, and the State Department will do nothing until that change is made. In Mexico City, owing to the disturbed conditions in that country, nothing has been done.

The State Department this year recommended appropriations for building a consulate at Shanghai and for the erection of a legation at Panama upon land to be given to the United States Government by the Republic of Panama, and for the erection of a legation at Habana. The committee has recommended this $350,000 appropriation under the Lowden Act. It seems to me that if we are going to carry out the policy laid down by Congress some years ago when the Lowden Act was passed we ought to proceed to make some appropriations each year. Of all of our representatives in countries besieging the State Department with the request or recommendation for embassy or legation or consulate buildings the department selected Panama. I do not see anything in the suggestion made by the gentleman from New York to induce Members of Congress to vote against this appropriation.

Mr. TEMPLE. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. TEMPLE. I noticed in the report that the department is officially informed that it is the intention of the President of Panama to present to the United States a suitable site for the construction by the Government of the United States of a building for the use of the legation, and so forth. In the bill the appropriation is made for a legation on ground to be presented by the Government of Panama. I would like to ask whether it is from the Republic of Panama, or a private gift from the President from his own personal resources.

Mr. FLOOD. It is a gift from the Republic of Panama. I do not see, Mr. Chairman, any advantage to be gained by voting for the suggestion of the gentleman from New York. We ought to put a building at Panama that will be an example in architecture and a proper building for the use of our legation and a credit to our country.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. HAMILTON of Michigan. Does the gentleman know what the actual value of the land proposed to be given by Panama is?

Mr. FLOOD. That question was asked at the hearing, but they did not know what the value was. It was assumed to be a suitable site for a building for the legation.

Mr. HAMILTON of Michigan. I did not want to violate the proprieties by looking a gift horse in the mouth, but I did not know but that the gentleman might state it privately.

Mr. FLOOD. I think the gentleman can trust the State Department. If the site is not satisfactory, they need not erect a building, but can come to Congress and ask permission to change the site.

Mr. MANN. Mr. Chairman, I understood the gentleman from Virginia to say that when Mr. Carr was before the committee he contradicted something I said on the floor a year ago. I did not remember until reading the testimony before the committee, but I have reread it, and there is no contradiction by Mr. Carr of any statement I made a year ago, but quite the contrary.

Mr. FLOOD. I did not say it was in the hearings before the committee; I said we asked him about it, and he said that the gentleman from Illinois was entirely mistaken.

Mr. MANN. But he did not say it.

Mr. FLOOD. He did say it.

Mr. MANN. It is not in the hearings.

Mr. HARRISON. Mr. Chairman, may I read what was said before the committee?

Mr. MANN. I will yield to the gentleman to read from the hearings.

Mr. HARRISON. I read from page 62 of the hearings:

Mr. HARRISON. Did they have discussion in the committee and on the floor of the House about that, Mr. Chairman?

The CHAIRMAN. Both in committee and on the floor of the House.

Mr. MANN stated that he had been there and looked at it; that it was some distance from the residential and business part of the city and in a location that would not be suitable for the legation.

Mr. CARR. In the communication I saw and to which I have made reference there was no location specified.

The CHAIRMAN. There was no specific location?

Mr. CARR. No.

Mr. LINTHICUM. Was that the exposition building or the legation building?

The CHAIRMAN. It was the exposition building that was to be used as a storeroom for exhibits.

Mr. CARR. It may have been an exposition building erected for that purpose, and possibly afterwards to be used for legation purposes. There was some such proposition as that, I know. I think, however, in any appropriation that was made for the legation building at Panama you can depend upon it that the department will not consent to the erection of any building that is not suitable or on a suitable site.

The CHAIRMAN. Why do you recommend this?

Mr. MANN. Certainly. That is all correct. There is no contradiction there of what I said.

Mr. HARRISON. I did not say there was.

Mr. MANN. The gentleman from Virginia [Mr. FLOOD] simply forgot.

Mr. FLOOD. I did not forget.

Mr. HARRISON. I will say that it was the impression of the committee that the gentleman had made a statement to that effect, but when we asked Mr. Carr, this is what he stated before the committee.

Mr. MANN. I was going to read that myself, and I am much obliged to the gentleman for reading it. What was up last year was in reference to the exposition building which possibly might be used for a legation building. I know where the exposition grounds are. I do not know whether the gentleman from Virginia [Mr. FLOOD] has been there and seen them or not. The State Department probably knows where they are. There was no secrecy about that. The exposition building had to be located upon the exposition grounds. I was talking about the exposition building when the gentleman from Virginia [Mr. FLOOD], a little forgetful of what I had said, stated to Mr. Carr what I said, which was in reference to a legation building, which was not the building that was under discussion at all, and Mr. Carr said that he did not know, because there was no location specified. The location that was not specified was a legation building which was not before the House last year at all unless it was to be the left-over remains of the exposition building. But that is neither here nor there. I know where these exposition grounds are, because I have been there. I know where the exposition building was to be located, because I examined the site. I presume that the site that is to be presented by the President of the Panama Republic for a legation building is the same location, though I do not know. The committee does not know, Mr. Carr does not know, the State Department does not know—at least they say they do not, but the fact is that there is an element down there endeavoring to build up a new subdivision——

Mr. FITZGERALD. And we are to help them.

Mr. MANN. Where the exposition buildings were to be located, in the hope that some of them would remain there permanently, where they would like to locate the legation building, where some one might be perfectly willing to donate a site to help sell the balance of the property. I do not see any reason why we should engage in real-estate speculations in Panama. The one thing that we are long on down there is real estate. We own lots of real estate in the city of Panama. We own a strip 10 miles wide clear across the Isthmus from Panama to the Caribbean Sea. We practically gave to the Republic of Panama the old administration building down there a few years ago because we had no use for it—a much better location for a legation building than one located outside of Panama, where the people going through the canal will never see it.

Mr. CLINE. Mr. Chairman, I just want to add a word to this discussion as a reason for the recommendation of the State Department. I have never been to Panama and do not speak from any personal knowledge. I am informed by the State Department that Cuba has already expended $60,000—it may be in revamping their old exposition building; I do not know how that is—for a legation and for a permanent commercial exhibit. Spain has expended $100,000 in transforming, if that is the fact, their exposition building into a legation building and bank for the purpose of doing a banking business and for a permanent commercial exhibit also. France has also erected a building at a cost of $60,000 in this group of buildings. These countries feel that the development in the South American Republics demand this. I understand that it is the purpose of the President of the Panama Republic in his representative capacity to give the United States a very excellent lot in the immediate vicinity of these buildings. The State Department considers that a very good reason why the United States should build, especially when the site for the building is given to us. I think that that is a matter which ought to be taken into consideration, especially in view of our relationship with the South American Republics and with that territory down there, in which we are becoming more and more interested, and because of the fact that within the last five years our exports to South American Republics have increased in round numbers from $189,000,000 in 1910 to $324,000,000 in 1915, showing the great drift of trade to the territory south and through the Panama Canal. All those things are of interest to the United States.

I do not know how far an exposition building or a legation building will go toward helping that out, but I do know it is universally believed that legation buildings bespeak the dignity and influence of the Government that constructs them. Certainly it is worthy of our attention, and those are some of the things—together with the fact that we get the very best site there is there—that ought to command our attention. If the exposition building we formerly occupied can be changed and made into a good legation building, with all of the necessary arrangements we ought to have in a building of that kind, with a residence for the minister, and if it is properly located for the purposes contemplated, I think it ought to be considered also.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Yes.

Mr. McLAUGHLIN. The gentleman has stated that a very excellent lot in the vicinity of the exposition building has been offered to the Government of the United States. I gather from the talk of gentlemen on both sides of the Chamber that no one here knows the location or anything about it. By what authority does the gentleman now say that a very excellent lot in the vicinity of the exposition building has been offered?

Mr. CLINE. Mr. Chairman, I stated distinctly when I began my remarks that I got my information from the State Department. Where the lot is located, the size of it, the value of it, I do not pretend to know. One thing is certain, however, that if the lot was not commensurate with the necessities of the United States the State Department would not erect a building there to cost $100,000.

Mr. EVANS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All debate upon this amendment is ended under the rules. The gentleman can proceed only by unanimous consent.

Mr. EVANS. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EVANS. Mr. Chairman, I regret to find myself out of accord with the committee's recommendation in this matter. Anyone who has been to Panama and looked over the situation there must agree, I think, that if the building formerly occupied by the Panama Canal Commission is to be turned over to the State Department for the purposes here stated, they will have all of the building they want for ambassadorial purposes.

This building is located near the water front, in the heart of the city. It is one of the best buildings there. In my judgment if the building is taken over for ambassadorial purposes it will be incomparably the best building in Panama for the purpose. It is a large, commodious, fireproof, and excellent building. Now, the exposition grounds are probably 2 miles from there. I do not say positively they are beyond the corporate limits, because I do not know, but there are no buildings around it for half a mile, or perhaps three or four or more blocks, at least; and if we can get a good building, own it ourselves, and turn it over to the State Department for the purpose, I see no reason why we should expend $100,000 in building a building somewhere else. I am sure, as I suggested, that the building shown to me as the building originally occupied by the Panama Canal Commission, which is sought now to be turned over here, will be better than any foreign public building in the city of Panama. For that reason I would be opposed to voting $100,000 to build a new building when we have one already that can be used.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph. The Lowden Act does not authorize the appropriation for buildings to be constructed on land which the Government has not acquired or is not authorized to acquire. This is for the erection at the city of Panama on ground to be presented by the Government of Panama. We do not own that ground and there is no authority to make an appropriation for the construction of a building on ground to be presented, nor is there any authority on the part of the State Department to accept any ground that is presented unless this itself is legislation authorizing the acceptance. This probably would be considered as legislation authorizing the acceptance; hence it is legislation and is subject to the point of order because it requires legislation to authorize any officer of the Government to accept a present.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent to offer an amendment to this paragraph right at this time.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to offer an amendment to the paragraph.

Mr. MANN. If the point of order is sustained the gentleman would have authority to offer an amendment, of course.

Mr. FLOOD. I would rather do it before.

Mr. MANN. Or a substitute.

The CHAIRMAN. The Chair rather thinks that the point of order should be disposed of before the amendment is offered.

Mr. FLOOD. Not if I get unanimous consent.

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the whole paragraph, because I am going to oppose any proposition for the expenditure of $100,000, as you might as well throw it in the river as to expend it for this purpose.

Mr. MANN. Mr. Chairman, I made the point of order on the paragraph. Of course the gentleman can offer another proposition if the point of order be sustained.

The CHAIRMAN. The Chair thinks the point of order should be disposed of first.

Mr. FLOOD. Let the Chair dispose of it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FLOOD. I offer this amendment. Acquisition of legation premises at Panama City, Panama. For the erection at the city of Panama of a suitable building for the use of the legation to Panama, both as a residence of the minister and for the offices of the legation, and for the necessary furnishing of the building, $100,000, or so much thereof as may be necessary.

Mr. MANN. If the Clerk has not the amendment we might argue the point of order while the gentleman reduces it to writing, so the Clerk can get it.

Mr. FLOOD. The amendment is to strike out, page 22, line 9, the word "on," in line 10, down to and including the word "Panama," in line 11. Does the gentleman make the point of order against that?

Mr. MANN. I do.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Substitute for the paragraph stricken out the following:

"For the erection at the city of Panama of a suitable building for the use of the legation at Panama, both as a residence of the minister and for the offices of the legation, and for the necessary furnishing of the building, $100,000, or so much thereof as may be necessary."

Mr. MANN. Mr. Chairman, I make a point of order against that. The only authorization for any of these appropriations is the so-called Lowden Act. That act, which I helped to draw in order to protect the Treasury from onslaughts upon it, is very particular as to what the appropriation shall be. It requires an estimate from the State Department and the appropriation to be made in accordance with the estimate. Now, the

tion and a credit to our country.

Mr. FITZGERALD. And we are to help them.

gentleman has not any estimate from the State Department, except the estimate in conformity to the paragraph which was stricken out, and there can be no appropriation until an estimate has been presented stating exactly what is to be done and the appropriation is based upon the estimate.

Mr. FLOOD. Mr. Chairman, I would like to read the Lowden Act to the Chair. It is as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the Diplomatic and Consular Establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the Diplomatic Service shall be used both as the residences of diplomatic officials and for the offices of the Diplomatic Establishment: *Provided, however*, That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further*, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place to which the expenditure is proposed (which limit of cost shall not exceed the sum of $150,000 at any one place), and which limit shall not thereafter be exceeded in any case except by new and express authorization of Congress.

Approved, February 17, 1911.

Now, that estimate of the cost was made by the Secretary of State and submitted to Congress by the Secretary of the Treasury, and the estimate was $100,000, and this appropriation is for $100,000, which is within the limit of $150,000 prescribed by law, and this bill does not carry in excess of $500,000. Therefore, it seems to me, the item is necessarily in order.

Mr. FITZGERALD. I call the attention of the Chair to the fact that the statute requires an estimate be submitted on the limit of cost and site of building. There is no estimate here on the site at all. There is no estimate for a site, and there is no provision in this amendment to acquire a site. You can not authorize the construction of a building without a site. The act requires the estimate to be for a limit of cost for site and buildings.

Mr. HARRISON. You have already got your site, and it provides in one year for the building.

Mr. FITZGERALD. You can not have a building without a site. It is useless to authorize the erection of a building without authorizing the acquisition of a site.

Mr. FLOOD. Mr. Chairman, I will offer another amendment to meet that objection. I do not concede the point of order, but I want to offer an amendment. On line 8, after the word "For," to insert "purchase of a site and."

Mr. MANN. The gentleman withdraws his former amendment and offers an amendment with this in?

Mr. FLOOD. Yes.

Mr. MANN. I am perfectly willing.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his former amendment. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, let the new amendment be reported.

Mr. FLOOD. It is for the purchase and acquisition.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend by inserting "For the acquisition of a site and the erection of a suitable building thereon for the use of the legation at Panama, both as a residence of the minister and for the offices of the legation and for the necessary furnishing of the building, $100,000, or so much thereof as may be necessary."

Mr. MANN. Mr. Chairman, I make a point of order on the amendment. It is perfectly plain that under the Lowden Act there must be an estimate for the site and the building and that the estimate for the site and the building must not exceed $150,000. But there must be an estimate for it. There is no estimate here for a site.

Mr. FLOOD. Mr. Chairman, there was an estimate of $100,000. That was all that the department estimated, all that it desired to spend at Panama. It was not in contemplation that any portion of that $100,000 was to be spent for a site, because it was thought that the site would be given by the Republic of Panama. But the estimate of the cost of the acquisition of the site and the erection of a building thereon was $100,000, and that was made according to the Lowden Act.

Mr. MANN. There is no dispute about that. This is a very important matter, Mr. Chairman, as to the ruling that is to be made.

For many years there was a controversy pending here as to whether Congress should purchase embassy buildings abroad. A bill to authorize that was defeated once or twice in the House. Finally we passed the Lowden Act, drawn so that just this kind of a thing could not be done; requiring, first, that the State Department should make an estimate of the cost of a site and building which should not exceed $150,000.

Now, it is frequently stated that you can not buy an embassy building in Berlin, Paris, London, or Vienna for $150,000. Gentlemen have been trying to find some way by which they could evade the provisions of the Lowden Act. But the law requires that before you can make an appropriation you must have an estimate from the Department of State to the effect that you can acquire both the site and the building for $150,000 or less. Suppose this were in Berlin, and there was no estimate of the cost of the site at all, but just of a building, $150,000; but the gentleman puts in an item for the acquirement of a site and building, $150,000. You could acquire the site for $150,000, and stop there. Then you could come in next year with an estimate of the building, another $150,000. Under that system you clearly evade the provisions of the Lowden Act. There must be an estimate from the State Department that they can do this. We do not ordinarily have any rule of the House requiring an estimate. The law provides that certain estimates should be made. But here is a law which provides that an estimate shall be made before it is in order to make the appropriation in the House, and there is no estimate from the State Department here for anything except the building.

Mr. HARRISON. Mr. Chairman, this act that the gentleman talks about proposes to allow the Congress to appropriate $500,000 a year, not over that amount, to procure these embassies throughout the world, and the limitation was placed in it that at no place should the site and building cost over $150,000. The provision was written in it that the Secretary of the Treasury should transmit to Congress an estimate as to the cost of buildings for some purpose. What was that purpose? The purpose of compelling the Secretary of the Treasury, through the Secretary of State, to present to Congress that estimate was to limit the expenditure by Congress at any one place, namely, that they should not appropriate for any one place over $150,000. The Congress did not care whether or not the site costs anything. The Congress did not care whether or not the site costs $10,000 and the building $140,000. The question that Congress was interested in was that the embassy or the legation should not cost over $150,000 in any one place.

Now, here is an estimate of the Secretary of the Treasury which says that at Panama $100,000 shall be a limit of cost for the acquisition of the premises and the erection of a building. He says in his estimate of cost that the site is going to cost nothing, and that it is proposed to expend $100,000 on the erection of a building. It would have no more effect, since it comes within the limitation, namely, of expending no more than $150,000 for the acquisition of a site and building at Panama than if the site cost $10,000 and the erection of the building cost $140,000; and the fact that in the estimate submitted by the Secretary of the Treasury he says that the site shall cost nothing, but that it shall be given to the Government of the United States, cuts no figure.

The question that confronts the Chair in passing upon this is whether or not in the acquisition of the site and building the limit of cost shall exceed $150,000. The limit of cost here is not $150,000, but the limit of cost provided is $100,000, and the question whether or not the site is given to the Government has nothing to do with it. I submit, Mr. Chairman, that the point of order ought to be overruled.

The CHAIRMAN. The point of order is overruled. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, after line 7, insert the following: "Acquisition of legation premises at Panama City, Panama: For the acquisition of a site and the erection at the city of Panama of a suitable building for the use of the legation at Panama, both as a residence of the minister and for the offices of the legation and for the necessary furnishing of the building, $100,000, or so much thereof as may be necessary."

Mr. FITZGERALD. Mr. Chairman, I was in error in stating what building was to be turned over under the provision in the sundry civil bill. The building to be turned over is the building now occupied by the legation, which pays to the Panama Canal Commission $3,000 a year rent.

When the Lowden Act was passed by Congress its purpose was to provide for the erection at foreign capitals of buildings that would impress the people of those countries with the importance and dignity and the power of the Government of the United States. If there be any place in the civilized world where it is not necessary to erect a building for that purpose it is Panama.

We have expended nearly $400,000,000 in the greatest engineering enterprise of all time. We have an administration building at Ancon that towers up above the city of Panama that cost in the neighborhood of $800,000 or $900,000. We pay to the Republic of Panama, in perpetuity under the treaty, $250,000 a year. We have already paid to the Republic of Panama

$10,000,000 for the rights that we have acquired from it. The one place in the entire world where it is not necessary to spend money to impress the people with the power, dignity, and wealth of the United States is Panama. A great many Members of Congress have been there——

Mr. FLOOD. Mr. Chairman, will the gentleman allow me to interrupt him?

Mr. FITZGERALD. Yes.

Mr. FLOOD. I was going to make the suggestion that I withdraw this amendment, so that the proposition for the erection of this building at Panama may be taken up by the State Department with the Senate committee and the Senate. I will say that the last time I talked to any representative of the State Department that department knew nothing about the transfer of this building to which the gentleman from New York refers.

Mr. FITZGERALD. I want the RECORD to show that the building I mentioned first is not the building which it is proposed to transfer. I was in error about that. That building was sold to the Republic of Panama for $80,000, as provided in the treaty. The building that is being turned over is the building which has been occupied by the legation for several years and for which it pays an annual rental of $3,000, and I think has paid in all about $20,000 to the Canal Commission. I simply wish to say this to the gentleman from Virginia: I am very familiar with Panama, and if the gentleman should spend two weeks there he would be as familiar with the location of the buildings there as he is with the location of the buildings in Washington. If he should see the conditions there and should then propose an appropriation for the purpose of providing a building, both as a residence and as offices for our legation at Panama, I believe he would not suggest anywhere near $100,000 for both the site and the building. I say that in perfect good faith, because the conditions down there are such that if we should spend $100,000 on a building and the furnishing of it for our minister, we would not be able to obtain many men who would have the means to keep up the palace that we should erect for that much money. I think perhaps the gentleman's suggestion that this matter be looked into a little more thoroughly is a wise one. I do not wish to antagonize the gentleman's committee.

Mr. FLOOD. We do not want to make an appropriation that is extravagant, and this matter can be taken up by the Department of State with the Senate committee, and if the Senate desires to make the appropriation it can be made. I ask unanimous consent to be allowed to withdraw my amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his proposed amendment. Is there objection?

There was no objection.

The Clerk read as follows:

For salaries of consuls general, consuls, and vice consuls, as provided in the act approved February 5, 1915, entitled "An act for the improvement of the foreign service," $1,139,000. No portion of this sum shall be paid as compensation to vice consuls who are not American citizens: *Provided*, That if in any case the Secretary of State deems it impracticable immediately to secure a competent vice consul who is an American citizen, he may appoint or retain as vice consul and compensate from this fund a person not an American citizen until such time as he is able to designate a competent American citizen for such post.

Mr. ROGERS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ROGERS: Page 23, line 14, strike out the figures "$1,139,000" and insert in lieu thereof the following: "And for salaries of vice consuls, under such regulations as the President may prescribe, $1,164,000."

Mr. HARRISON. I reserve a point of order on that.

Mr. ROGERS. Mr. Chairman, I think that is not subject to a point of order. The Revised Statutes, edition of 1878, section 1695, prescribe—

The President is authorized to define the extent of country to be embraced within any consulate or commercial agency, and to provide for the appointment of vice consuls, vice commercial agents, deputy consuls, and consular agents therein in such manner and under such regulations as he shall deem proper.

The act of 1906, which made separate provisions for consuls general and consuls, prescribed by section 3—I am reading it only in part—

That the offices of vice consuls shall be filled by appointment, as heretofore. * * * Consular agents may be appointed, when necessary, as heretofore.

In other words, the effect of the provision in the Revised Statutes, coupled with the virtual continuance of that provision in the act of 1906, leaves it still open to the President to prescribe for the appointment of vice consuls and consular agents as he may deem necessary.

Now, as to the effect of this amendment. The act of 1915 prescribes, in the third paragraph of section 6:

Vice consuls shall be deemed to denote consular officers subordinate to such principals, exercising and performing the duties within the limits of their consulates at the same or at different points and places from those at which the principals are located.

I may say, in passing, that that was the first recognition by law of the principle that vice consuls need not necessarily be substitute consuls exercising their functions only at the place where the principal consul general or consul was holding office.

That same act, of 1915, provided by section 3 that a vice consul should be paid during the absence of his consul compensation equal to the difference between one-half the salary of the consul for whom he is substituting and the salary of the vice consul himself as clerk or other officer of the Government; this provision for the first time permitted vice consuls to receive a salary out of the Treasury of the United States. Prior to that time a vice consul had received a salary as such only by personal arrangement with his consul, and out of the consul's own pocket, when the consul himself was away. The language of the present bill provides for salaries of consuls general, consuls, and vice consuls, "as provided in the act approved February 5, 1915," a certain sum of money. In the opinion of the State Department this provision for compensation of vice consuls would be construed to refer only to the provision of section 3 of the act of 1915, which provides for partial compensation for vice consuls during the absence of their principals. I have therefore suggested, as an amendment, the addition of the words "and salaries of vice consuls under such regulations as the President may prescribe," just before the figures in line 14, and I have increased the sum carried in the bill by $25,000.

Mr. CLINE. Will the gentleman yield?

Mr. ROGERS. I yield.

Mr. CLINE. My understanding is that the party who acts as vice consul already receives a clerk's salary for his services except in the absence of the consul, and then he receives an additional sum equal to 50 per cent of the difference between his salary and that of the consul. Does the gentleman propose to put him on a new basis?

Mr. ROGERS. I am attempting at this time only to deal with the point of order and to show that my amendment is not subject to a point of order. If I can get past that point I will be glad to discuss the merits of the question.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROGERS. Mr. Chairman, I am discussing the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order.

Mr. ROGERS. I supposed that I had been discussing the point of order. As briefly as I can state it my position is this: The act of 1915 permits the appointment of vice consuls as independent officers and does not restrict the appointment of vice consuls to men who are acting as subordinate officers at a given post. Thus we have contemplated by the act of 1915 the creation of a somewhat modified type of vice consul. The Revised Statutes and the act of 1906 both prescribe that the President of the United States shall have the power to make regulations for the appointment of vice consuls and consular agents. For these two reasons taken together I submit that the point of order should be overruled.

The CHAIRMAN. The point of order is overruled, and the question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ROGERS. Mr. Chairman, I demand a division, and I would like to ask the gentleman from Virginia if he has any objection to the amendment; it was drawn by the State Department.

Mr. HARRISON. Mr. Chairman, has not the vote been declared?

The CHAIRMAN. The amendment would be voted down if the gentleman does not claim a division.

Mr. ROGERS. I ask unanimous consent for one minute to state the reasons for this amendment.

The CHAIRMAN. The gentleman from Massachusetts asks for one minute. Is there objection?

There was no objection.

Mr. ROGERS. The State Department wishes to try the experiment of Americanizing the consular agents little by little by sending out professional vice consuls. They will get very little salary, but that result will accomplish not only the Americanization of the vice consular service but also the elimination of the vicious fee system, of which this is the last remnant. Also the practice of having consular agents who are

engaged in private business will be abolished. The State Department would like to have a small sum of money, $25,000, to make a beginning and to show Congress a year hence that this process should be continued and extended. I had an impression that this amendment was satisfactory to the chairman of the committee.

Mr. FLOOD. I told the gentleman yesterday that I had no objection to it but I thought it would be better to postpone it to another year until we could have hearings upon it.

Mr. ROGERS. The State Department has gone into it carefully, and the Director of the Consular Service has approved it. I have a letter on my desk from him on the subject. I think there can be no objection raised to it.

Mr. HARRISON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HARRISON. Has the vote upon this amendment been announced?

The CHAIRMAN. The question was put on the motion of the gentleman from Massachusetts, and the amendment was lost, and then he asked for a division and the House was about to divide when he asked for a minute, by unanimous consent, to state the reasons for the amendment, which the House gave to him.

Mr. HARRISON. Mr. Chairman, I want to be heard in opposition to the amendment, if it is to be up again.

The CHAIRMAN. The gentleman can be heard by unanimous consent.

Mr. HARRISON. I ask unanimous consent that I may have two minutes.

The CHAIRMAN. The Chair thinks that this is very irregular, but as the House can do anything by unanimous consent, the Chair will put the question. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. HARRISON. Mr. Chairman, I am opposed to the amendment which carries an increase of $25,000, for the reason that in this item the committee gave to the State Department every cent that it asked for, and at the urgent recommendation or solicitation of the gentleman from Massachusetts they increased the item, I think, $25,000. He got into this a provision for Americanizing the vice consuls without disorganizing the whole service, and this item carries an increase of appropriation of $51,000 over what it was last year, $25,000 to take care of Americanizing the vice consuls. This increase has not been asked for by the State Department, and it certainly ought to be first considered by it. It looks like an unwise piece of legislation to adopt the amendment at this time.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts.

The House divided; and there were—ayes 5, noes 8.

So the amendment was lost.

Mr. ROGERS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 23, line 22, after the word "post," insert the following as a new sentence: "Every consul general, consul, and, wherever practicable, every consular agent shall be an American citizen."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For salaries of five consular inspectors, at $5,000 each, $25,000.

Mr. DIES. Mr. Chairman, I move to strike out the last word. On the 28th of January, 1916, I made a speech in the House on the subject of preparedness, and following the custom of Members of Congress, I asked leave to revise and extend my remarks. In order to get that speech into a 16-page pamphlet to send to my district, I condensed it into 16 pages. After the delivery of the speech the gentleman from Illinois [Mr. MANN] secured time and made a speech in which he said that I had referred to the speech of the President of the United States as idiotic. Those opposed to my reelection in my district seized upon that as the most serious thing that could be said about me as a Member of Congress and largely pitched their campaign that I had referred to the speech of the President as idiotic. On yesterday I called attention to the fact that that was untrue—that I had made no such reference to the speech of the President—and the gentleman from Illinois [Mr. MANN] took the floor and used this language:

"What the gentleman says about his reference to my speech is equally incorrect. The speech which he made on the floor in which he referred to the President of the United States as having uttered idiotic ideas has nothing whatever to do with the speech he made on the floor concerning my garden meditation repentance. It is very natural that he mixes the speeches up, but unless he has changed the copy that was furnished to him—which many Members do—the RECORD will still show that he referred to the utterances of the President of the United States as idiotic."

Taking up that statement by the gentleman from Illinois, the papers very generally carried it; and, as I say, it was made the chief campaign slogan against me in my district. I need not say to the House, to those who heard me, that I made no such statement. I am not a worshiper of the President of the United States. When I think he is right, I go with him. When I think he is wrong, I go against him. When I entertain doubt as to the correctness of his position, I resolve the doubt in favor of the President.

Mr. Chairman, it is a question of veracity. I do not doubt the gentleman from Illinois [Mr. MANN] thinks he is speaking the truth, but as a matter of fact he is doing me a great injustice in my district. If I had said that the President had made an idiotic speech, I would stick to it; but I did not say that, and I do not think the gentleman from Illinois ought to want to put me in a position of having made such a statement, when, in fact, I did not make it. I therefore ask unanimous consent to insert in the RECORD the stenographer's report of my speech, which I later revised into a pamphlet of 16 pages in order to avoid the great expense of its publication, and I now desire to insert it in the RECORD as proof positive of the fact that the gentleman from Illinois [Mr. MANN] is honestly, but, nevertheless, mistaken as to my speech, and that the campaign against me on that score, at least, is unfounded.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert in the RECORD the official report of a speech that he made at a previous date. Is there objection?

There was no objection.

The speech referred to is as follows:

"Mr. DIES. Mr. Chairman, I do not expect the committee to extend to me any privilege that any other Member of the House should not ask for. Yet, I want to ask you to permit me to make a plain and candid speech; allow me to call a spade a spade, and always, if something in the heat of my remarks—which will be extemporaneous—should displease you, I ask you charitably to conclude that it is intended for the other fellow and not for any person who feels that it might be directed toward him.

"I realize, of course, that there is such a thing as being too candid, brutally candid; but it does seem to me that in this moving-picture crisis of our country, this hysterical fit into which the public seem to have fallen, it is time that the matter receive candid treatment at the hands of representatives of the people.

"What I said yesterday with rgard to a reversal of opinion on the part of my distinguished friend from Illinois [Mr. MANN] occurring in his garden was not intended, I assure you, as a stricture upon him. The thing is fashionable. The malady is catching. The epidemic is universal. The paper I quoted from yesterday, the Philadelphia Inquirer, referred to the gentleman from Illinois [Mr. MANN] as the real leader of the House. It said:

"'The vigorous and clearly defined speech of Congressman MANN in favor of strengthening the Army and Navy, and his eloquent plea to make this a national and not a partisan or political question, lifts him into immediate prominence as the real leader of this most important movement.'

"And even the Philadelphia Inquirer last night flops on the question of flopping, and this morning it says, under the caption of 'The President's changing mind':

"'Entirely aside from the merits of the proposition, the President's announcement that he has changed his mind on the subject of a tariff commission presents an interesting study in psychology. It was the first Napoleon who said that the worst fault in the conduct of affairs was vacillation.'

"So this newspaper overnight flops on the question of flopping. [Applause on the Democratic side.] I am not so much concerned with what the President said a year ago, or what the leader of the Republican Party said a year ago, as I am with regard to the truth of what they said a year ago. I concede any man's right to change his opinion. I admire the courage of gentlemen who announce to the public a change of opinion, but I beg leave, before I follow repentant gentlemen to the mourners' bench, to inquire the revelation to them for a change of faith. And that is what I propose to do to-day.

"I have a garden as well as my friend from Illinois. I doubt not it is as luxuriant in vegetables as his. I worked in it last summer, but I did not conclude, as he did, that the whole tradition of this Republic should be changed with regard to military preparedness.

"I have been reading the President's speech this morning, and he says, by way of apology for Members of Congress, that we have not had time to look into this question. I am glad that the President is not so busy a man but that he has had time to look carefully into it. I have had more than the usual amount of time to look into it, and I shall give you candidly some of the conclusions I have arrived at after having looked into it.

"I believe just as the President believed a year ago. I think I am not as radical now as the gentleman from Illinois was a year ago, although I doubt now if I would be willing to join him again in striking those 14 submarines from the naval bill and the 2 battle cruisers and both dreadnaughts. I am inclined to think that I, too, have changed to that extent with regard to preparedness.

"Now, I want to see what part of the President's speech a year ago is untrue now.

"'We are at peace with all the world.'

"That is true now.

"'No one who seeks council based on facts and candid interpretation of realities can say that there is reason to fear that from any quarter our independence or the integrity of our territory is threatened.'

"He reiterated that yesterday in New York by saying that all the twaddle about invasion of the United States was not to be believed. He says:

"'We never have had, and while we retain our present principles and ideals we never shall have, a large standing army.'

"The President may have changed his principles and ideals and the gentleman from Illinois may have changed his ideals, but my ideals and the ideals of my country are just what they have been from the days of 1776 down to this time, and that is that a military atmosphere is one in which a free government can not exist. [Applause.]

"The President says:

"'The country has been misinformed.'

"Well, that is true; that was true a year ago, and more violently true to-day; and if you do not think so, go up and sit for an hour in the moving picture theaters and behold the invasion of this country, the destruction of its cities, the ravage of the land, the rape of the women of the country, the sinking of all the American Navy without the loss of the life of a single one of the invaders. Then the President told the truth. A year ago the country was misinformed, and more violently misinformed to-day. He said:

"'We have not been negligent of national defense.'

"That was true then, and it is truer to-day than it was then, because in the last naval appropriation bill we gave the President $8,000,000 more than he asked for. He further says:

"'But I turn away from the subject. It is not new. There is no new need to discuss it. We shall not alter our attitude toward it because some amongst us are nervous and excited.'

"I appreciate that, for there is great excitement and more nervousness, and we who are following the old flag would be recreant to our trust if we got nervous and excited and changed our ways in thinking about it.

"Ordinarily it would be a difficult task to bring public opinion into such a state that it would be willing to reverse the entire traditions of the country in just an hour. Have we forgotten all of the history of this country? Have we forgotten that it began without a standing army; that we secured our liberties without it; that we have maintained our liberties against all comers in the years of our infancy and growth? Do the representatives of the people to-day, and the people themselves, forget that in all the time and tide of nations no nation anywhere in the world, at any period of the world's history, was ever able to survive as a free government in the presence of a large standing army and great preparations for war?

"In the midst of war, the old Roman said, laws were silent. The man on horseback never tolerated that freedom and liberty which the people of this country demand, and it is old, but it is true, that it was the same Cæsar who conquered the barbarians when he returned to Rome and destroyed the liberties of the people. It was the same Napoleon who rose in obedience to the popular cry as the First Consul, who, when secure on horseback, turned on the people and hoisted himself into power and crowned himself as Emperor of the French with his own hands.

"What is the state of our preparedness to-day? We are better prepared to-day than we have been in the history of the Republic. Prepared for what? For the only thing—for the one thing which the Republic should be prepared for, and that is to maintain our liberty and the integrity of our institutions. I ask, gentlemen, what are we to prepare for? If we follow the vagaries of our generals and admirals on the active and retired list, we make preparations for conquest of the world. And in speaking of admirals and generals, permit me to say that every old liar on the retired list is in active service now. [Laughter and applause.]

"And we have more of them on the retired list, on the retired pay-roll list, than we have in the active service. We have to-day 145 rear admirals drawing princely salaries, more rear admirals on the pension roll living in this country than there are in all of the navies combined in all the world. If there is anyone here who wants to prepare this United States to depart from the traditions of the fathers, who want to prepare it for world conquest, who wants to assemble the young men of this country in armies, to police Santo Domingo, Haiti, who wants to keep a larger army in the Philippine Islands, to be captured by first assault—I say if there is any man who entertains the belief that it is for the interest of this Republic that we turn our people into conquerors of great military power, my only criticism of the program is that it is not large enough. Instead of having a navy equal to Great Britain, we ought to have a navy equal to all the world. Instead of a million soldiers they tell us about, we ought to emulate the Germans and make every citizen a soldier. Instead of the industrial, peaceable, and prosperous Republic of our fathers, we should convert it into an armed camp and go forth to conquer. But I do maintain that if your purpose is merely to defend the shores of America, to vouchsafe to this people the boon they received from their fathers and from a kind Providence, to work out their own destiny on this hemisphere, and maintain free government, we are better prepared to-day than we have ever been.

"Oh, what a year can do! Just a year ago we were informed by the Chief of Staff of the Army on page 700 of the hearings before the Military Committee on the Army appropriation bill that we were in less danger then of attack than we were six years ago. Mark you, these Army people who want a great army and these Navy people who want a great navy do not confine themselves to the statement that we are now unprepared. They admit that we are better prepared than we have ever been. What they want is what men of their kind have wanted since the dawn of time, namely, more power, more commissions, more princely battleships to live upon, more appropriations for the Army and for the Navy.

"The gentleman from Virginia [Mr. HAY], chairman of the Committee on Military Affairs, just a year ago said that to-day the United States is safer from attack than she has ever been in our history. He said that on page 2066 of the CONGRESSIONAL RECORD. Less than a year ago the Secretary of the Navy made this argument—and I suppose the argument, like the argument of my friend from Illinois [Mr. MANN], has gone into meditations of the garden, though the argument itself remains:

"'I think when the war is over in Europe there is going to be such exhaustion and such reaction that the people are going to demand the cessation of this ever-increasing burdensome expense of war.' (Page 63 of the hearings.)

"Our leaders a year ago were unanimous. Right by the side of my friend from Illinois [Mr. MANN], the brilliant leader of the Republican Party, stood the brilliant UNDERWOOD, of Alabama, leading the Democratic forces against the Navy bill, against more submarines, against more scout ships, against more battle cruisers, against more dreadnaughts, against more appropriations for the Navy. Do you know, I have come to the conclusion that the average Member of Congress is a sort of weather vane, local weather vane. That is, he is a weather cock for his particular locality; but when you want to know how the political wind is blowing generally, as to its general velocity, then consult our leaders. They will answer the purpose for the whole community of Congress, as each Member answers for his district. Usually great bodies move slowly, but that law of physics evidently has no application to modern politics, for the bigger the leader a man is the quicker he can flop. [Laughter.]

"Among the other floppers is the Navy General Board. Just a year ago the Navy General Board said that we ought to have a Navy equal to everybody except Great Britain. Now they have flopped, and they say that we ought to have a Navy as great as Great Britain. But I am not going to waste a great deal of time on the Navy General Board; they are in a receptive mood at all times for appropriations. They fit the description I once gave on the floor of the House of my friend Hobson. They think an ideal republic is an aggregation of battleships with just enough land around them for coaling stations. [Laughter.] And in speaking of my friend Hobson, who is not here to-day, I wish you to indulge me the time to pay him this compliment. He ought to be on some party ticket for President. He is the first man who said what my friend the gentleman from Illinois [Mr. MANN] said the other day, that we ought to have a Navy as great as Britain and Japan combined. Of course the real leader of the movement is crowded off the band

wagon before the movement gets sufficiently accelerated to get anywhere. [Laughter.]

"My friend GARDNER, from Massachusetts, ought to be the Republican candidate and Hobson ought to be the Democratic or the Prohibition candidate. These men who started to tell us that the country was in danger of invasion have been lost. Who hears of Hobson as a leader? And all GARDNER does is to stand up and pick pebbles out of his eyes because the wagon has passed him so speedily. [Laughter.]

"I invite your attention to the fact that a year ago we had a hearing before the various committees. The war was then in progress in Europe. We knew all about the blighting effect of war in Europe a year ago. They say our coasts are undefended. The highest authority in this country, the Battle Cry of Peace on that side of the question, informs us that the coast defenses at New York can be destroyed, outranged, and the city laid waste without the loss of a single life of the invader. Would you allow me to read you the testimony of Gen. Weaver, Chief of Coast Artillery, before the committee last year? I understand upon what seems to be very good authority that Gen. Weaver has no garden, and he has not meditated a change of mind. A year ago Gen. Weaver said:

"'I have been a close student of the whole subject, naturally, for a number of years, and I know of no fortifications in the world, so far as my reading and observation and knowledge goes, that compare favorably in efficiency with ours.'

"But what is Gen. Weaver's testimony compared with the testimony of 'The Battle Cry of Peace'? [Laughter.] I have culled out some of the criticisms of the American Navy, and I wish to answer the most pointed ones. They say that we have no auxiliary vessels, and therefore we have an unbalanced Navy. Admiral Blue, Chief of Navigation, testified a year ago, page 40 of the hearing, and said:

"'I believe I am correct in stating that we have now more auxiliary vessels in our Navy than any other nation maintains in time of peace.'

"Mr. DAVIS of Texas. Amen!

"Mr. DIES. They have got to eliminate this Navy before they can get to the United States, but these moving-picture experts, these garden meditators and hysericaF gentlemen throughout the land, are felt called upon to do a thing that I never believed would lie in the mouth of an American citizen to do or say, to libel the American Navy. They have not stopped at that. They have told you how cowardly your forefathers were at Concord Bridge, the farmers of Massachusetts, the sires of one of the present Representatives from that State. To hear his speech you would never conclude that they were his sires. I learned that from other sources. [Applause on the Democratic side.] They have belittled the War of 1812; they have belittled your sires who have come out victorious in every war of the country. Why do not they talk of the Battle of New Orleans, where Andrew Jackson, a militia general, with a handful of militia soldiers, drove back the pick of Wellington's army, fresh regular soldiers from the Peninsula War, commanded by Wellington's brother? They say that we were not organized, and we had a little loss at Blandensburg. We had called out 400,000 of the yoemanry of this country, and the Battle of New Orleans, fought after the war was actually over, was just the beginning of the strength of this young giant of America, and would have been repeated on the various battle fields if that war had continued. If I had four hours, I would like to engage in joint debate with some man who tells me the regular soldiers ever won a battle in this world [applause], from the time your recruits drove back the regular soldiers, from the time Athens and Sparta drove back the Persians in days of old, when the Republic of Rome drove back the 13-year prepared army of Hannibal on down to the first Battle of Manassas.

"I made a statement in a speech at New York the other day that the regular soldiers ran faster than the others at Manassas, because they were better prepared. [Laughter and applause on the Democratic side.] They all ran, but naturally the man who had been in training would be expected to run faster. [Laughter.] My father, who followed Forrest for four years, said the Confederacy never got into real trouble until they met the boys from Illinois and Ohio and other Western States, who had been used to shooting squirrels in the head because they did not want to spoil the meat. [Laughter.] Regular soldiers are generally made up of people who have had a falling out with their sweethearts, or have been cut off from their pin money by their fathers and have gone to the Army in a spirit of spite, and they generally make a Congressman's life miserable by wanting to get out after the first four or five months. [Applause.] I want to argue as a lawyer would argue to a jury the question of the strength of the American Navy. I am not willing to let the 'Battle Cry of Peace' decide its worthlessness. I want to call as my witness the man who commanded it, Admiral Fletcher. You know they say we have not any submarines, that our submarines will not submerge [laughter], and when submerged, they will not come up any more. [Laughter.] Now, the trouble is that the defects in our submarines are advertised to the world. The troubles that the Germans are having with what submarines they have left are not advertised to the world. I believe we have 77 built and building. Germany had 31 when the war broke out. I think she has 10 or 12 left. Judging by the information we have from our naval intelligence bureau, taking the number that have been destroyed of German submarines during the war and captured, my conclusion is that Germany has no more than 10 or 12 submarines afloat to-day. And, yet, they say German submarines will come over here and destroy us because we have no submarines. Let us see about it. We want the facts even though we do not vote like we think the facts are. We want the facts as a matter of historical refreshment. [Laughter.] Admiral Fletcher, page 522, made this statement a year ago:

"'I should think it would be reasonable precaution to provide a few more submarines, considering our extensive coast line in the Atlantic and in the Pacific, yet I will say that as compared to other nations we are well provided with submarines to-day.'

"Further he says:

"'I think a reasonable increase of submarines, 8 or 10, or something in that vicinity, would be a proper increase.'

"Mr. Daniels, I believe, recommended 8 submarines, and he said he spoke for the President. My friend MANN and myself were not willing to give them the 8 they asked for, but the balance of the House, when they asked for 8, gave them 17 in the last appropriation bill in spite of all that my friend from Illinois and myself could do about it. [Laughter.] But you know, if you take the testimony of Admiral Badger, the scare is nothing, after all, because he said, at page 504 of the hearings, in response to a question by Judge Witherspoon—

"'A German submarine could not operate on our coasts for want of a base of supplies.'

"Now, if you believe the testimony of a member of the Navy General Board, who was commander of the Atlantic Fleet in advance of Admiral Fletcher, all of this newsy movie-picture alarm is without foundation, because without bases of supplies Germany could not operate her submarines against this coast. You know you never can pin one of these preparedness fellows down. If he comes from a district largely inhabited by Germans, he wants a Navy larger than England. If he comes from a district pro-ally, he wants a Navy which is just as big as that of Germany. If on the Pacific coast, it is the Japanese Navy he seeks to emulate, and so forth, and so forth.

"How strong is our Navy? Turn to page 553 of these hearings and you will find this question by Judge Witherspoon. God bless his memory! He was one of the ablest and bravest fighters who ever graced a place in this Chamber. [Applause.] He asked of Admiral Fletcher:

"'Then, understanding your testimony after reviewing it, do you want us to understand that England is the only nation on earth that has a navy that we could not successfully resist?

"Admiral Fletcher replied: 'I think that is the fair conclusion; yes, sir, at the present time.'

"Was our Navy progressing last year? Secretary Daniels stated, on page 597, that—

"'The naval program has been upgrade all the time. The Navy has been getting better every year. The present Congress gave three dreadnaughts, and we have 7,000 more trained men than at the first session of the Sixty-third Congress.'

"Another criticism I have seen is that our boats are not ready to fight. Some are not in commission, some have been wabbling on their sides, and some have no men. Some have so few men, if we believe the moving-picture campaign, that we can not defend the shores of our country.

"See what Admiral Fletcher says:

"'I would say, in emergency, some vessels are ready to-day, some would be ready to-morrow, but I would say all of them could be ready within a week.'

"Did he know what he was talking about? Will we listen to the experts of the Navy with regard to the efficiency of the fleet, or will we listen to politicians who have been going to the movies? [Laughter.]

"Now, there are some things I would not permit an admiral or general to tell me. I never want to go to an admiral or a general to have him inform the country what to fight about. Fighting is their business. They get more promotions in war. Oh, there is no treason about this. I am only repeating the words of other men. Do not abuse me about it. Abuse De Toqueville's work, his Democracy in America.

"Army officers and Navy officers are quick to quarrel. They are ready to involve the country in war. They believe that war is the natural state of society; and while I would not allow them to tell the country what to fight about, I would go to them in a minute if we got into war in order to have them tell us how to fight. There is the biggest difference in the world. You want, my colleagues, to tell the people what the tradition and policy of this country is and should be. It is you and I that ought to be able to say to the country when to fight, and then, after we get into it, let the admirals and generals tell us how to fight. There is all the difference in the world. The great trouble is to-day that we are allowing the admirals and generals to shape the foreign policy of this country. The American people are overwhelmingly opposed to our undertaking to hold the Philippine Islands as a political liability which is likely to involve us in war. [Applause on the Democratic side.] And while the words 'Philippine Islands' are on my lips, do you know that a good chunk of our small standing army is over there to-day—something like 19,000 of them, I believe, including the Philippine Scouts. Possibly there are a few more. Let those who cry the need for more soldiers to defend the shores of America use our transports to bring home the soldiers we are quartering upon the Philippine people to-day. I believe we have a couple of thousand men over in China. Let those who are driving the mothers of this country into hysterics lest their homes be invaded by a foreign foe join me in bringing the 2,000 American soldiers home from China.

"The Secretary of War says that if we give him what he asks for—141,000 in the Regular Army—he proposes to send 42,000 of them to the Philippine Islands. If this Republic is to be driven from its traditions of a small standing army, if we are to turn our faces back on all of the teachings of the political history of nations, let it be for the defense of our shores and our homes and not for the subjugation of a people that will to be free. [Applause on the Democratic side.]

"Our experts tell us that about the first thing we will do when we get into a war will be to turn loose the Philippine Islands temporarily. We could not hold them. Talk about scaring the people! I heard my friend Hudson Maxim make a speech in New York the other night. He said two very important things, and I want you to get them. He said, 'There are manufacturers in this country to-day who are making a million dollars a day out of the war in Europe by selling munitions.' That is one thing. Put a pin down there. And he turned from that statement to the large audience and said, 'You women of Brooklyn, if this country does not go forward and prepare, you will see a foreign invader in Brooklyn within two years. You will see foreign troops quartered in your homes; a strange man to be the master of the bedchamber.'

"I do not wish to leave the impression that every man who advocates what they call preparedness is actuated by bad motives, but I wish the American people to take into consideration that many large concerns in this country to-day are reaping a veritable harvest of gold by making war munitions for Europe; and they know, when the war in Europe is over, unless they can drive the American people mad and drive them into emulation of blood-soaked Europe, down go their profits. Schwab's concern, stock worth $8 before the European war; worth $700 to-day. They are selling these war stocks all over the country. Something has gotten into the usually fair American press that has dried up their power to speak the truth with regard to our defenses. I do not know of a great newspaper in America to-day that has not, with few exceptions, joined this propaganda of libel upon the American Navy. Get one of them to publish Admiral Fletcher's statement that ours is the strongest Navy in the world except England's! You would never find it there. You will never find anything in the newspapers of this country except the hackneyed statement that we are utterly defenseless; that our Navy and coast defenses are worthless.

"Just the other day the Washington Times, bad authority, but as good as you can get in these days, had a whole page of 'Admiral Fletcher says our Navy is worthless. Admiral Fletcher says that the Navy is totally unprepared.'

"What are the facts? I have read you what Admiral Fletcher said a year ago. Do you want to know what he says now? In his report, which they are using before the American people to libel the Navy of the United States, he starts off in this way:

"'I have the honor to submit herewith a report covering the period of September 17, 1914, to June 30, 1915. In order to limit the report to moderate length it has been found necessary to omit discussion of the many satisfactory features of the fleet and to invite attention more particularly to its operations, condition, and requirements.'

"He very candidly starts out his statement by saying he omits the good part of the Navy and merely calls attention to what he conceives to be some of its needs. If they had been fair enough to tell the truth about the American Navy, they would have quoted Admiral Fletcher's statement to the effect that it is 15 per cent stronger to-day than it was a year ago, when he said it was the second Navy in the world; that in the matter of accuracy of gunnery it had improved 30 per cent in the year.

"You found none of these things in the statement, but the usual one that the American Navy was hopelessly deficient. Just the 6th of this month—not last year, when he said it was the best, but just the 6th of this month—the Secretary of the Navy says:

"'When the fleet sailed for Guantanamo on the 6th of this month the complement of every vessel, including destroyers, was filled, and the department is reliably informed that the enlisted complement of our ships is as liberal as that of similar ships in the great navies of the world.'

"We had from the press the other day a volume, paid for out of the public funds, entitled 'The Navy Yearbook.' I see the newspapers are still using the Naval Yearbook as a basis for the comparison of our Navy with that of Germany and the other powers. This Naval Yearbook, published 8 or 10 days ago, carries nine German armored cruisers. Six of them had been at the bottom of the ocean for a year. [Laughter.]

"I shall not go into a discussion of the deliberate and systematic depreciation of our Navy. It is the old trick of those who want larger appropriations. Bernhardi said in his book that the American Navy was second to that of Great Britain and that there was no objection in Germany that it should keep the lead. He may have made the statement in order to get larger appropriations for the German Navy. If my deceased friend, Judge Witherspoon, proved anything in his whole life, he proved in the last session of the Sixty-third Congress that the American Navy was second only in strength to that of Great Britain. Of course, like my friend from Illinois [Mr. MANN], in an interruption of Judge Witherspoon's speech a year ago, he invited Judge Witherspoon's attention to the fact that some 44 German vessels had been destroyed as another reason why we ought not to have a larger naval bill. I can say for the benefit of my friend that now we have the record of something over 100 German vessels that have been destroyed.

"Mr. Chairman, we are all for preparedness. One of us is as much for preparedness as another. I will tell you what the trouble is. I know what is the matter. The State of New York and a few other coast States and pivotal States have become excited over this question. They have been brought to that by having their minds focused upon the great conflagration in Europe.

"The first thing you think of when you see a house on fire is as to whether your own insurance policy is secure. Moreover they have been brought to it by the makers of money out of the traffic in war munitions, and then they have been brought to it by the Army and the Navy men who seek to build up their establishments now, 2 years ago, 8 years ago, and 20 years ago. You know I never have been in favor of the proposed embargo on munitions, but I do not know; I was out in my garden this morning meditating a little bit. [Laughter.] If we are in such a horrible state of unpreparedness as they tell us, I do not know whether we ought to be shipping rifles and cannon and airships and submarine parts, all the implements of war and death, over to Europe. Why, might they not shoot us with our own guns? We are sending millions over there. Mr. Maxim says some of the corporations are making a million a day out of the traffic. Well, if I thought one of my neighbors was about to shoot me I would not be poking bullets into his gun, I would not be getting him a new gun to shoot me with. [Laughter.] So, pretty soon, when you convince the American people that we are about to be invaded, somebody will get up a statement showing how many guns we are supplying to foreign people, how much ammunition we are putting into their guns, how much power to destroy we are handing to them.

"I know one thing that this ammunition gold mine has done. Looking about for definitions, I took up an old edition of Webster. I do not know whether Webster has been out in his garden since he wrote this definition or not [laughter], but I looked for the word 'preparer,' and this is one of the definitions of 'preparer';

"'That which fits or makes suitable, as certain manures are preparers of land for a particular crop.'

"Mr. DAVIS of Texas. Amen! [Laughter.]

"Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

"The CHAIRMAN. The gentleman will state it.

"Mr. JOHNSON of Washington. If a Member desires to interrupt, by exclamations or otherwise, does he not have to rise in his seat and address the Chair?

"Mr. DIES. Oh, Mr. Chairman, I protest: with as many prominent men as there are to-day at the mourners' bench, anybody ought to be allowed to say, 'Amen!' [Laughter.]

"The CHAIRMAN. The Chair will not have to rule on that. The gentleman can think, but not speak so loud—that is the object of the rule—unless he desires to rise and address the Chair. [Laughter.]

"Mr. DIES. As certain manures are preparers of land for a particular crop, has it ever occurred to you that these billions that are being accumulated by the makers of the implements of death, to be gently pressed into the hands of dying men in Europe to kill themselves with first, and to kill ourselves with afterwards—has it ever occurred to you that we are manuring our own field for war? I have not tarried long in my garden [laughter], and I have not yet come quite to the conclusion that we ought to put an embargo on our exportation of ammunition and munitions of war. But I do believe that if this propaganda keeps on, and you frighten the American people within an inch of their lives, if you continue to tell them that this great country of a hundred million people is helpless, and that they may expect a foreign foe to devastate this land at any time, you will surely work them up to a point where they will ask you to stop supplying our possible enemies with the means to destroy us.

"Mr. QUIN. Does not the gentleman think that these millionaires ought to be taxed on their incomes to pay for this extra expense of this so-called 'preparedness'?

"Mr. DIES. Oh, I am glad my friend from Mississippi brought my mind around to that phase of the question. I was about to forget something. I believe we are prepared, as our fathers were prepared. I agree with the President in his speech of yesterday in New York, in which he said he did not take any stock in the notion that this country could be invaded. Of course, it could not be invaded. They could not invade it when our people were weak and struggling in the first days of our national life. They have never been able successfully to invade it. Oh, of course, some nation might land a marauding party on our shores, certainly. There is no doubt but what anybody might come along and slap my jaws, but—a nation which would land an army in the United States would do so with the full knowledge that they would never get it back home. Of course not.

"Now, we are not what the preparedness people say we are. We are not a commercial Nation in the sense that we would suffer a foreign foe to land upon this soil. Why, this is a militant Nation, this is a young Nation, a young giant, feeling its first great strength as a Nation. That is not our danger. I want you to call me back to that in a moment.

"Another thing: In these garden meditations not only have positions on public questions gone with the sweet peas and poppies of the garden, or the last rose of summer, but logic as well has been destroyed. Whoever would have thought that men would have taken the position that we could find an enemy in one of the warring nations of Europe? Germany, with almost 3,000,000 men killed, wounded, and missing; poor France, bleeding their last drops, with a loss of two and one-half million men; England with almost a million men killed in the war!

"And yet we are told that when this war is over and these soldiers go back to their wives and mothers those wives and mothers will send them to a fresh war with us.—This is not rhetoric. This is logic. Fritz goes back home to his mother in Germany after the war is over, a mother who has lost one son, who lies buried in an unnumbered grave in France. A French soldier goes back home and consoles his sister, whose other brother was killed in battle. France and Europe, all of the nations of Europe with crêpe on every door knob, with death in the house of the prince and the peasant alike, with the horrid ravages of war before the visions of all the people, with one-legged men sitting in every park, with every hospital filled with diseased men, with billions of dollars of debt which must be paid by taxes; men with rheumatism from the damp ditches of the long lines in Russia and France. These battered soldiers of Europe, with the best blood of the nation spilt in war, with property destroyed and homes torn with bereavement, limp back to their wives and mothers and sisters, and these fellows would have us believe that those wives and mothers and sisters would kiss them good-by and send them forth to an invasion of America! [Applause on the Democratic side.] It staggers the reason of any sensible man. Why, do you know that in the South when that little war was over—I say 'little war,' because it was little compared to this one—I remember following an ox wagon from Louisiana to Texas with my parents. It was the most desolate country I ever saw. Every soldier was telling tales of how his comrade was killed in some place far away. Mothers were mourning for their sons, fathers were grieved at the terrible loss of war, and I lay this down to you, that you could not get to-day one Confederate soldier in ten to tell you other than that he has a perfect horror of war. If that was true in the southern mind after the war, what will be true in the mind of Europe when the war is over?

"Mr. SHERWOOD. It was true in the North, too.

"Mr. DIES. How much time have I remaining?

"The CHAIRMAN. The gentleman has one minute.

"Mr. POU. I ask unanimous consent that the gentleman may have an extension of time of 10 minutes.

"Mr. MANN. The time has been limited in the House. The committee can not change it.

"Mr. GARNER. The gentleman from Missouri [Mr. RUSSELL] may be able to yield time to the gentleman from Texas.

"Mr. RUSSELL. I yield 10 minutes to the gentleman from Texas. [Applause.]

"The CHAIRMAN. The time of the gentleman from Texas is extended 10 minutes.

"Mr. DIES. I will devote that 10 minutes to a discussion of ways and means. My friend from Illinois [Mr. MANN] wants a Navy as great as that of Great Britain. He always descends to particulars. He is one of the most useful Members of this House to-day, because he watches legislation. He goes into the figures of the case. Let him tell the country in the discussion of this question how many dollars and cents it will cost to duplicate the British Navy. Billions of dollars will be required. If we start in the race with Great Britain, will she stop?

"Only a few weeks ago Secretary Daniels said that Great Britain had built more navy since she has been at war than we have. How are we to keep up with the British Navy? You know it costs us three times as much to get a navy as it costs in Germany or Great Britain. In 12 years we have spent more money on the American Navy than both Germany and Japan combined. Will gentlemen who want this colossal establishment come now and tell the people how much it will cost, and how we are going to get the money? I can tell you how I am in favor of getting every dollar in excess of what was appropriated last year for the Army and Navy—by a tax on incomes. [Applause.]

"Mr. DAVIS of Texas. Mr. Chairman, will the gentleman allow an interruption? I want to ask the unanimous consent of the gentleman from Washington [Mr. JOHNSON] to say Amen. [Laughter.]

"Mr. DIES. I want to get it by a tax on incomes. Republicans and Democrats, we are taxing the American people today on the clothes they wear, on the food they eat. It is not right. It never was a just principle of taxation. And now, if you propose to follow the leadership of the gentleman from Illinois and spend three or four billion dollars to duplicate the English Navy, and $600,000,000 a year to maintain it, do you think a man ought to pay in proportion to the number of collars he wears and the food he eats, upon consumption, or do you think wealth ought to bear its burden in proportion as wealth is owned?

"I am a Democrat, but I am not hurt with partisanship. I follow my leader. That is, I do not ramble around in the garden with him [laughter on the Democratic side]; but I want to serve notice now, and I believe the Members of the House know me well enough to believe what I say, that I am going to vote against any sort of taxation for these extra appropriations for the Army and Navy except a tax which comes out of the wealth in proportion as the man owns that wealth. [Applause on the Democratic side.]

"The gentleman from Illinois talks about patriotism and this being a nonpartisan question, but he will not join me in proposing that wealth shall bear these burdens. He will help us to order a navy as big as that of Great Britain, he will sit in council with us while we write the order for a $5,000,000,000 navy and a $2,000,000,000 army, but when we come on the floor of the House and propose that those who own the wealth of the country shall pay for it, not in proportion to their appetite but in proportion to the wealth they own, I fear that my patriotic friend and erstwhile leader will return again into his garden. [Laughter on the Democratic side.]

"You can say what you please. The day laborer on the railroad and the section hand that gets $1.50 a day, with 10 Irish mouths to feed, ought not to be taxed on the clothes and food that he buys for his wife and children, while the man that is making a million dollars a day out of the traffic in iron and blood does not pay in proportion to his wealth. [Applause on the Democratic side.]

"I say to this House of Representatives this day that if enough Democrats will stand with me, or allow me to stand with them, we will put the kibosh on this mad rivalry between nations as to which shall build the greatest navy and tax the nation the most by getting a tax on incomes. [Applause on the Democratic side.] Then we will get space in the New York World, we will get space in the Saturday Evening Post, then we will get our views in the moving-picture shows, and not until then. As long as they can tax the man in the ditch in a time of peace, as long as they can tax the laboring man in proportion to his consumption in time of peace, and pocket the profits of a million dollars a day, and send the other fellow to war when they bring it on, so long will they cry, 'Let slip the dogs of war!' [Applause on the Democratic side.]

"If war should ever come to this our beloved country, we are all ready to make the sacrifice; but we do not want to talk ourselves into war. [Applause.] Stop this talk, suppress the moving-picture shows that depict the dastardly invasion of our country without an American rising in arms to defend our shores. If there is anything in this world that will produce war in this country, it is the intemperate and idiotic talk going forth from public men in the public press. [Applause.] What nation in the world to-day has a war grievance against us over here working out our destiny, disturbing no nation in the world. Unless we threaten and bully and fan the smoldering embers of hate into war and alarm the American people into the belief that the country is to be invaded, we will have no war.

"The one thing doing more to drive this country to-day in the direction of war than any other combination of causes is the simple statement that we are going to have a war, and putting a pistol in our pocket for a war. That has produced many a corpse and a funeral out in the western part of Texas, where I was raised. A fellow gets a few drinks in him, puts a pistol in his pocket, and says, 'I know I am going to have a fight with Tom Jones.' Tom hears about it, puts a pistol in one pocket and a dirk in another, and says, 'I am ready.' Then if Tom carelessly starts to get his tobacco out of his hip pocket, the fellow shoots him. That is precisely what we are doing to-day. What do they say? We are going to have a war; we are going to be invaded; we are going into a war with Europe: let us get ready. Let us arm, let us equip, let us be ready so that at the drop of the hat or the pop of the match we are ready to go off. How many of you want your sons to go into the standing army to-day? Cry patriotism! How many sons of Members of Congress are serving as private soldiers in the standing army? Mr. Chairman and gentlemen of the House, no nation at any time was ever able to have a standing army without military compulsion. Why do you not tell the American people the plain, unvarnished truth, that you are heading toward compulsory service? The time is coming, if the American people do not right about face and stem this awful cry of fanaticism and hysteria, when you will be sending the corporals and colonels around to put the handcuffs on the young men of America and putting them into a standing army as in Europe they are doing to-day. This country had better stop and think. Nowhere in all the annals of the world has a republic grown so great, is a people so happy and so prosperous and free. We began it without these doctrines of organized, high military preparedness, and all the years we have grown with the wisdom of the fathers. I appeal to you as representatives of the people of this country, think you well before you set your face against these great traditions upon which we are builded and turn back to the theories of the old blood-soaked soil of Europe. [Great applause.]"

Mr. CULLOP. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee a question with reference to the paragraph just read. I see there is an appropriation of $5,000 each for the salaries of five consular inspectors. What is the duty of a consular inspector?

Mr. FLOOD. The duty of a consular inspector is somewhat similar to the duty of a bank examiner. He travels all over the world examining and inspecting consulates and making reports to the State Department as to the condition of the consulate and the methods of the management of the business of those consulates by the consuls general, consuls, and vice consuls.

Mr. CULLOP. Is this for five additional men?

Mr. FLOOD. No.

Mr. GARNER. That has been in the bill for a long time.

Mr. FLOOD. In the reorganization of the Consular Service, by law enacted in 1906, these five men were provided for and have been appropriated for in this appropriation bill ever since.

Mr. CULLOP. How are they appointed?

Mr. FLOOD. Like other consuls are appointed now. When the law first became effective they were appointed by the President, without any reference to their efficiency, but by that I do not mean that the President did not consider their efficiency, because they are the most important officers connected with the Consular Service. I mean that there was no efficiency test, so called, applied to them.

Mr. CULLOP. When the gentleman refers to the act of 1906, does he mean the Lodge Act?

Mr. FLOOD. No; I think the act originated in this House. My recollection is that Mr. Adams, of Pennsylvania, was principally responsible for it. At any rate, it was an act passed in 1906, the purpose of which was, to some extent, to reorganize the Consular Service, and it did something along that line.

Mr. CULLOP. How many of these inspectors are there in all?

Mr. FLOOD. Five. The law provides for five.

Mr. CULLOP. Has the salary been $5,000 each heretofore?

Mr. FLOOD. My recollection is that the law creating them fixed the salary at $5,000.

Mr. CULLOP. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

EXPENSES OF CONSULAR INSPECTORS.

For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State, $15,000: *Provided*, That inspectors shall be allowed actual and necessary expenses for subsistence not in excess of $10 per day.

Mr. COX. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. I reserve the point of order on the paragraph. I make the point of order on the proviso.

Mr. COX. That is what I intended to do. I make the point of order on the proviso because it is a change of law.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard?

Mr. FLOOD. No.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Post allowances to consular officers: To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular officers in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, $100,000.

Mr. COX. Mr. Chairman, I reserve the point of order on that. The language in that paragraph strikes me as peculiar. Is there any law for it?

Mr. FLOOD. No.

Mr. COX. I suppose it is put in here under the general complaint of the war, the high cost of living, and so forth.

Mr. FLOOD. That is the reason for it partially, but even without that something ought to be done for these people.

Mr. COX. It is an indirect attempt, is it not, to increase the salaries of these consuls?

Mr. FLOOD. No; it is not an indirect attempt to increase their salaries.

Mr. COX. In the last analysis it will be that.

Mr. FLOOD. It will make them some allowances.

Mr. COX. And increase their salaries?

Mr. FLOOD. Increase allowances made to them on account of the increased cost of living.

Mr. COX. This is the first time that this item has ever been carried in the bill?

Mr. FLOOD. Yes.

Mr. COX. Does the gentleman feel that this is just the beginning of a permanent appropriation for this purpose?

Mr. FLOOD. I do not.

Mr. COX. Does he not feel, if that be true, that the salaries ought to be increased and that that ought to be done directly by statute?

Mr. FLOOD. No; I think this is the better way to do it, for these allowances will be temporary and under normal conditions will not be allowed.

Mr. COX. Why?

Mr. FLOOD. This is to enable the President, in his discretion, and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular officers in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned.

The Secretary of State asked for $150,000 for which to make allowances, in his discretion, to the various consular officers for the purpose of increasing their compensation in proportion to the increase in the cost of living since the beginning of the war in Europe. In certain places in Europe the cost of living has tremendously increased. I have here, which I shall put in

the RECORD, a table showing the increase in different items; and our consuls under the salaries which they get find it almost impossible to live and support their families.

The following table shows the percentage of increase in the cost of the principal necessary articles of food in eight belligerent and seven neutral countries during the first six months of the war as compared with the period immediately preceding the war.

Countries Nos. 1, 2, 3, 4, 5, 7, 9, and 15 are belligerent countries; Nos. 6, 8, 10, 11, 12, 13, and 14 are neutral countries.

Article.	Per cent of increase in countries Nos.—																Average.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
Bread, brown		33		50			14			25	42	15	19	33			29
Bread, white		115			16		55	20				11	24	11			36
Butter	10	51	37	22	15	30	28	15				20	8	30	51		27
Coal		56							21			8	16	29	50		29
Coffee	53	40	11	20		15	25						10		150		38
Eggs	125	100	58	35	50	71	75	15	150	100	40	101	89	105			79
Meat, fresh	29			23	10					11							18
Meat, salt	20			18	6				41	20							21
Milk			40		14			53	100				118				65
Potatoes	100		101	100		20	109	33					50	73	150		80
Rice	75	91		29	20	20		20	18	45	13	10	33		400		64
Salt	33	333		50				33							50		99
Sugar	14	66	75	9	60	29					14		33		264		62
Wheat flour	62	66		20	33				20		25	18	30	66	37		37
Other flour				50						50	60	28					34
Average	50	95	53	35	25	33	54	29	58	58	32	27	38	49	154		

This table shows an increase of from 6 per cent to 400 per cent in the cost of certain articles of food and an average increase in the cost of food of from 25 per cent to 154 per cent, according to the country.

Since the foregoing table was compiled, detailed reports have been obtained from nearly one-half of the consular officers in belligerent countries and contiguous neutral countries covering the period from July to December, 1915. These reports are not limited to cost of food, but cover also rent, fuel, and clothing. The percentage of increase in the cost of living, based upon an average of the increase in the cost of rent, fuel, clothing, and food, ranges all the way from 15 per cent to 128 per cent over the prices for the period of from January to June, 1914, before the outbreak of the war. The percentage of increase in the cost of food alone in some countries rises as high as 250 per cent above the prices for January to June, 1914. These percentages of increase are not mere expressions of opinion, but are based upon actual prices of the principal articles of food, clothing, fuel, and rent entering into the cost of living in each country. It will readily be seen that the effect of the change in living expenses upon the higher salaried officers in the Consular Service works great hardship, while the effect upon officers receiving $3,000 to $1,000 a year is exceedingly serious. It will obviously be impossible for the latter class of officers to remain in the service unless they be granted some relief in the way of increased compensation.

The condition described can not be met by any horizontal increase in salary because the percentage of increase in the cost of living not only differs in one country from that existing in another country, but there is considerable variation as between cities and consular districts in the same country, due to many local conditions, such as impaired transportation facilities, decrease of production, and other causes. Therefore, the only manner in which the condition can be remedied economically and effectively is by empowering the Secretary of State to increase the annual compensation of each consular officer affected by making a post or local allowance of an amount based upon the ascertained increase in the legitimate living expenses.

At the time the estimate for $150,000 for post allowances was transmitted to Congress, the Department of State was without sufficient data upon which to make an accurate and intelligent estimate. Therefore the arbitrary amount of $150,000 was specified. Now that detailed reports have been received from a large number of consular officers, it is possible to make an approximate estimate of the amount which would be required. If each officer's compensation were increased in proportion to the increase in the cost of living in the belligerent countries and the contiguous neutral countries, an appropriation of at least $260,000 would be necessary for consuls general and consuls alone in those countries and approximately $50,000 for increased allowances at the same rate to salaried subordinate consular officers, making a total of $310,000, instead of $150,000 as requested. This estimate leaves entirely out of consideration any relief to officers in noncontiguous neutral countries and the colonies of the belligerent countries, where reports show that there has been considerable increase in the cost of living.

As an illustration of the necessity of increasing the compensation of consular officers, it may be pointed out that some of the belligerent Governments, where the increase in prices has not reached the maximum stated in the foregoing, have increased the compensation of certain classes of their employees from 37 per cent to 60 per cent because of the unusual conditions growing out of the war.

This appropriation will not be permanent, but it is just to meet the condition of affairs that has arisen as a result of the war. Consular officers getting from two to three thousand dollars a year find the increased cost of living so enormously raised that it is almost impossible for them to live.

Mr. COX. It will be a curiosity if this item is permitted to remain if it does not become permanent for all time to come.

Mr. FLOOD. I will say to the gentleman it will be subject to a point of order after the war ends, as it is now, and I have no doubt the gentleman will be in Congress when the war ends, and many years afterwards, and it certainly is a hardship on these gentlemen as it is.

Mr. COX. I expect the cost of living has increased somewhat over there, and has increased here.

Mr. SIMS. Some!

Mr. COX. At least the men who keep house know what "some" means.

Mr. FLOOD. In some places the increase is as high as 150 to 200 per cent.

Mr. COX. Would not the gentleman be willing to reduce the item, as it is an experiment, to $75,000? The Secretary of State only asked $150,000.

Mr. FLOOD. I will accept it with pleasure.

Mr. COX. If the gentleman will accept that to start with——

Mr. FLOOD. I accept the gentleman's suggestion.

Mr. COX. I will withdraw the point of order.

Mr. CULLOP. Mr. Chairman, I make the point of order against the amendment. If this gets in here, it will never get out.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HARRISON. Will the gentleman reserve the point of order?

Mr. CULLOP. I will, but I want to notify the gentleman I will make it.

The CHAIRMAN. The Chair has sustained the point of order.

Mr. HARRISON. Will the gentleman reserve it for a moment?

Mr. CULLOP. I will reserve it, but I am going to make it.

Mr. HARRISON. Mr. Chairman, the gentleman from Indiana [Mr. CULLOP] is always so gracious and big-hearted I know he does not want to do anybody an injustice. As I understand it, there are three or four of these countries that have passed provisions to take care of these men in the employ of the Government who have to live in these centers where food has gone so high, and if the gentleman had heard the statement of Mr. Carr, who came before the committee, he would have been impressed with the fact that something ought to be done for the men who are in the service of this Government in Berlin, Vienna, and other places throughout the war zone, where the price of food has increased so much.

Now, the committee was asked for an appropriation of $150,000 for this purpose. It is in the discretion of the President as to how much he is going to allow, what additional rules and regulations he may prescribe, and I am sure the department is not

going to do wrong in this matter, but is going to take care of conditions that have arisen by virtue of the war. This is simply a temporary provision; we have cut the appropriation from $150,000 to $100,000, and we are now willing to cut it to $75,000, and there are people who now, by virtue of circumstances, are placed in the war zone who can not live on the salaries they are getting, and they certainly ought to get a little increase. I think this should appeal to the gentleman, and I hope he will not make the point of order, but let us reduce the amount if the gentleman thinks this is too high.

Mr. FLOOD. Mr. Chairman, I will add, if the gentleman will permit, that the point of order can be made at any time. There is no law authorizing this appropriation. If we carry it this year and carry it next year, the year after, if the war is ended and conditions have changed, the gentlemen, who will be here, can raise the point of order against it. The conditions certainly are such as to entitle these consuls to some kind of an additional allowance now. They are performing their duties to this country, and the State Department wants to aid them when they need assistance. Many of them are men without any means, and they can hardly support their families on the little salary they get.

Mr. SIMS. Will the gentleman yield for a question?

Mr. FLOOD. I will.

Mr. SIMS. Has it not just recently appeared in the newspapers that the German Empire has absolutely prohibited the use of meat for eight weeks on account of conditions?

Mr. FLOOD. Yes, sir.

Mr. SMITH of New York. Mr. Chairman, I wish to add a word to what the chairman of the committee has said. It is impossible to make specific statements as to the increased cost of living in the belligerent countries because the State Department can not properly give out those facts. The representatives of the State Department, however, gave information privately to the committee, and the committee after careful consideration decided that this appropriation should remain at $100,000.

The committee, when the proposition was first made, was in the same mood as the gentleman from Indiana [Mr. CULLOP], but after hearing the argument and listening to the presentation of the facts the committee was unanimous in putting this item in the bill.

Mr. CULLOP. Mr. Chairman, I have heard the gentleman's statement with a good deal of pleasure. In my judgment, if this item gets into this bill now, it will never get out, but will grow larger and larger from year to year.

Now, I would like to suggest a way of relief, and that is to notify the powers upon the seas to keep their hands off our commerce and let us go into those ports and reduce the cost of living. [Applause.] That will bring about a change in the cost of living and bring about a condition that does not require this increased appropriation in this matter. Tell all in emphatic terms to keep their hands off our commerce on the seas and then see that they do it, in order that the products of this country may move to the markets of the world unhampered and free from censorship and hold-ups on the high seas. Conditions heretofore have prevailed in the transportation of our products on the seas which have injuriously affected our commerce, hampered our access to foreign markets, and impaired our trade abroad very much to the detriment of our people as well as those in foreign countries who wanted our goods. Many acts affecting this matter have been inexcusable until they have become almost intolerable. It is about time it seems to me that certain powers which have been actively engaged in this matter should be told it must cease, and told that we mean what we say. If this should be done, I dare say it will end and there will be no more of it. The people are growing impatient on this matter, and there is some occasion for their impatience in this regard, and I hope that there will soon be a stop put to it in order that our products may be transported unmolested to the markets to which they are consigned and freedom of commerce reestablished. The seas should be a common highway to all for the transportation of their products, and humanity as well as duty requires that they be so maintained, and now is a most appropriate time to give all who interfere with this privilege to understand further interference will not be tolerated. Do this and it will meet the approval of the people, not only here but abroad as well, and will also lower the high cost of living in some of the countries where it is excessively high, and such appropriations as in this item proposed will be unnecessary. For one I think it the better plan, and hence I am prompted for these reasons to take this course in reference to this question.

We owe a duty to our people, aye, to the world, and I hope to see that fully discharged; and it matters not what nation interferes, let such nation know in positive terms such interference must stop, and it will no longer interfere. If it does, it will be at its peril; and such a course will be approved by humanity the world over. It will end much suffering and anxiety and be a great stimulus to commerce and swell the volume of our prosperity. This is a good time to do it—the sooner the better—and our people expect it. They are ready for it now.

American rights and American interests are at stake, and we should see they are strictly preserved; and in doing so we will be serving humanity all over the world. I shall therefore insist upon my point of order.

The CHAIRMAN. The Chair has already sustained the point of order. The Clerk will read.

The Clerk read as follows:

ALLOWANCE FOR CLERK HIRE AT UNITED STATES CONSULATES.

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $403,000.

Mr. CULLOP. Mr. Chairman, I desire to make a point of order against that item, and will reserve it.

The CHAIRMAN. The gentleman from Indiana reserves a point of order on the item.

Mr. HARRISON. What is the gentleman's point of order? What are the gentleman's reasons?

Mr. CULLOP. I want to inquire whether under this there is any increase of appropriation?

Mr. FLOOD. Not a cent.

Mr. CULLOP. It is a new appropriation?

Mr. FLOOD. No. It has been here for years.

Mr. CULLOP. How is this money expended with reference to these different positions—under the direction of the Secretary of State as he sees fit?

Mr. FLOOD. Absolutely.

Mr. CULLOP. A lump-sum appropriation?

Mr. FLOOD. Yes; provided by law.

Mr. CULLOP. And he makes the expenditure of it?

Mr. FLOOD. Yes.

Mr. CULLOP. It is not allotted, then, to any particular post, but it is under the Secretary of State to allot as he sees fit?

Mr. FLOOD. It is to be allotted to various points. It is not subject to a point of order.

Mr. CULLOP. I regret that, because I would like to knock it out.

Mr. FLOOD. Then you would break up the Consular Service.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Paying for the keeping and feeding of prisoners in China, Chosen, Siam, and Turkey, $9,000: *Provided*, That no more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners.

Mr. FLOOD. Mr. Chairman, I want to offer an amendment on page 25, line 17. It is just a change in language.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FLOOD: Page 25, line 17, after the word "Turkey," insert the words "and of those convicted by the United States Court for China."

Mr. MANN. You have there the language "paying for the keeping and feeding of prisoners in China." Do you want to insert the words "and those convicted in the United States court"?

Mr. FLOOD. Yes. I will read to the gentleman a letter that I received from the Secretary of State. He says:

FEBRUARY 11, 1916.

Hon. HENRY D. FLOOD,
Chairman Committee on Foreign Affairs,
House of Representatives.

SIR: I have the honor to recommend that in the bill now pending in Congress covering appropriations for the Diplomatic and Consular Service the second paragraph of the item "Expenses of prisons for American convicts" be amended to read as follows:

"Paying for the keeping and feeding of prisoners in China, Chosen, Siam, and Turkey, and of those convicted by the United States Court for China, $9,000: *Provided*, That no more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners."

The only change is the addition of the words "and of those convicted by the United States Court for China." Under the law the United States Court for China has jurisdiction under the extraterritorial provisions in all criminal cases against Americans arising in China where the punishment may exceed 60 days' imprisonment. The consular jail in Shanghai is not fitted for the accommodation of long-term prisoners because of lack of facilities for exercise and employment therein, and it is therefore occasionally necessary to send such prisoners to prisons in the United States or the Philippines, and it is to meet such cases that the proposed amendment is requested.

I have the honor to be, sir, your obedient servant,

ROBERT LANSING.

Mr. MANN. I see the gentleman's words "for the keeping and feeding of prisoners in China."

Mr. FLOOD. Yes.

Mr. MANN. And the other is for the payment to those somewhere else that have been convicted in China?

Mr. FLOOD. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent (so much as may be necessary), repairs to consular buildings owned by the United States, postage, furniture, including typewriters and exchange of same, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular assistants, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates and consular agencies in the transaction of their business, and payment in advance of subscriptions for newspapers (foreign and domestic) under this appropriation is hereby authorized, $597,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I see in this paragraph you have taken the limit off the amount of rent that can be paid. Is that the reason for the increase in the amount of the appropriation by about $130,000?

Mr. FLOOD. No. The reason for the increase is that they needed it. They did not have enough.

Mr. MANN. Heretofore we have carried a provision in reference to rent, that the allowance for rent should not exceed in any case 30 per cent of the official's salary. Now you have removed that limit and left it purely discretionary with the State Department as to how much the rent may be, saying here, "so much as may be necessary."

I apprehend that if that stays in the law the increase of $130,000 a year will not be a circumstance to what we will be called upon to pay, because if we are going to pay unlimited rent all of these very distinguished gentlemen, from consular agents and vice consuls up to ambassadors, will want to live in very nice quarters if the Government of the United States is to pay the rent. Now, when we limited the rent to 30 per cent of the official's salary, of course they could not engage the finest house in town. They can not now, of course, unless it is allowed by the State Department; but they can ask for it, because there is no limit on the amount that they can ask for. I am afraid in the future they will overpersuade us.

Mr. FLOOD. Mr. Chairman, I notice the change that the gentleman alludes to. I really do not think the committee considered it very carefully.

Mr. MANN. I really think it is rather a dangerous change. I do not care what the limitation is, but there ought to be some limitation to it.

Mr. FLOOD. Mr. Chairman, I move to strike out the words in the bill in line 18, page 26, "so much as may be necessary," and insert in lieu thereof "allowance for rent not to exceed in any case 30 per cent of the officer's salary."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amendment offered by Mr. FLOOD: Page 26, line 18, strike out the words "so much as may be necessary" and insert the words "allowance for rent, not to exceed in any case 30 per cent of the officer's salary."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the Clerk may be allowed to correct the totals wherever necessary.

The CHAIRMAN. By unanimous consent, that will be done.

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FLOOD, a motion to reconsider the last vote was laid on the table.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Committee on Ways and Means was called.

PORTS OF ENTRY, WASHINGTON.

Mr. KITCHIN. Mr. Speaker, I desire to take up for consideration the bill (H. R. 12954) for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry and delivery for immediate transportation without appraisement of dutiable merchandise.

Mr. MANN. This bill is on the Union Calendar.

Mr. KITCHIN. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the first and seventh sections of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to the ports of Northport, Chopaka, and Laurier, in the State of Washington.

With the following committee amendment:

Page 1, line 3, strike out the words "and seventh sections" and insert in lieu thereof the word "section."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent, the title of the bill was amended so as to read: "A bill for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry for immediate transportation without appraisement of dutiable merchandise."

On motion of Mr. KITCHIN, a motion to reconsider the vote by which the bill passed was laid on the table.

PORT OF JACKSONVILLE, FLA.

Mr. KITCHIN. Mr. Speaker, I desire to call up the bill (S. 4506) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The bill is on the Union Calendar, and I ask unanimous consent to consider it in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Jacksonville, Fla.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. KITCHIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALCOHOL.

Mr. KITCHIN. Mr. Speaker, I desire to call up the bill (H. R. 15347) to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning.

The SPEAKER. This bill is on the Union Calendar.

Mr. KITCHIN. I ask unanimous consent to consider it in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to extend the provisions of section 3297 of the Revised Statutes to other institutions of learning," approved May 3, 1878, is hereby amended to read as follows:

"That the Secretary of the Treasury is authorized to grant permits, as provided for in section 3297 of the Revised Statutes of the United States, for the withdrawal of alcohol from bond, free of tax, to any scientific university or college of learning created and constituted as

such by any State or Territory under its laws, though not incorporated or chartered, and to any hospital maintained by endowment or otherwise, and not conducted for profit, upon the same terms and subject to the same restrictions and penalties already provided by said section 3297: *Provided, however*, That alcohol so obtained by hospitals may be used in surgical operations and, except as a beverage, in the treatment of patients, under such regulations as the Secretary of the Treasury may prescribe: *And provided further*, That the bond required by said section 3297 may be executed by an officer of such hospital or institution or by any other person for it, and on its behalf, with two good and sufficient sureties, upon like conditions, and to be approved as by said section is provided."

Mr. MANN. Mr. Speaker, I take it that the committee and the department have given careful consideration to this subject or they would not extend to all hospitals not conducted for profit the authority to use alcohol free of tax, not only in any scientific work which the hospital may do, but also in all operations and the treatment of patients, except as a beverage; and I suppose that the department, with the experience that they have on the subject, may be able to protect the Government. They say they think they can, though I have grave doubts whether they really can.

Mr. KITCHIN. I really think they can as well in an unchartered hospital as in a chartered one. At the present time, if the hospital is chartered and a corporation, they hold that they can do it now.

Mr. MANN. I understand that.

Mr. KITCHIN. Now, in these unchartered and unincorporated hospitals, but not for profit like a great many private hospitals, they ought to have this privilege. I recall one where a hospital was built for the poor under a will by a gentleman from Missouri, and we desired to extend it so that such a private hospital, run not for profit, should have the benefit.

Mr. MANN. I know, and I can see the purpose; but where you undertake to give anybody who says that he is running a hospital, if he can make the claim, authority to get alcohol free from tax, you open quite a wide door with a pretty strong invitation for them to try it, especially in the big cities.

Mr. KITCHIN. The department would have to supervise it pretty strictly; but that same party could incorporate under the law now and get alcohol free.

Mr. MANN. He could; but there are some restrictions on the incorporation of charitable hospitals. I would not be in favor of the bill at all if they had not been trying it with reference to hospitals under the existing law, and they think there is no loss.

Mr. KITCHIN. I talked with the department and the Commissioner of Internal Revenue, and they thought that they could protect it.

Mr. MANN. I would like to offer a formal amendment by inserting on page 1, line 5, after the word "learning," quotation marks.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 1, line 5, after the word "learning," by inserting quotation marks.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KITCHIN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Has the Ways and Means Committee any more bills?

Mr. KITCHIN. No, Mr. Speaker; it has not. Mr. Speaker, I ask unanimous consent that to-morrow we take up the Unanimous Consent Calendar.

Mr. MANN. And I suggest that we commence where we left off.

The SPEAKER. Beginning where we left off, with the same restrictions that we had on Monday.

Mr. MANN. That has already been agreed to.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that to-morrow we take up the Unanimous Consent Calendar, beginning where we left off on Monday. Is there objection?

There was no objection.

Mr. WATSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to print in the RECORD some remarks on the bill revising and amending the statutes relative to trade-marks.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, before we adjourn I would like to ask the gentleman from North Carolina a question. We take up the Unanimous Consent Calendar to-morrow. Will we take up the Private Calendar on Friday or Saturday?

Mr. KITCHIN. Yes; we will take it up on Friday or Saturday.

Mr. MANN. One of the two calendars the rest of the week?

Mr. KITCHIN. Yes.

The SPEAKER. The Chair will state to the House for the benefit of Members that there are nine pages remaining of the Unanimous Consent Calendar. We got through three pages on Monday.

Mr. MANN. I would like to inquire if anybody would object to first taking up the bridge bills. We have a lot of bridge bills on the calendar that will be passed as fast as read. I have no interest in them, but I would like to know whether we could not meet at 11 o'clock and dispose of those first?

Mr. KITCHIN. That is agreeable to me, to meet at 11 o'clock and take up the bridge bills first from the Unanimous Consent Calendar.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bridge bills be given precedence to-morrow on the Unanimous Consent Calendar. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

And then, on motion of Mr. KITCHIN (at 2 o'clock and 16 minutes p. m.), the House adjourned until to-morrow, Thursday, June 8, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hattie Willis and Mollie T. Willis, daughters and sole heirs of Phlegman W. Willis, v. The United States (H. Doc. No. 1194), was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 16303) to permit the manufacture of denatured alcohol by mixing domestic and wood alcohol while in process of distillation; to the Committee on Ways and Means.

By Mr. SISSON: A bill (H. R. 16304) to provide for the purchase of a site and the erection of a public building thereon at Winona, in the State of Mississippi; to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Texas: A bill (H. R. 16305) to make classifications for military and naval service, to promote preparedness, to provide for adequate and efficient national defense, to require that in all naval and military service of the United States, whether in time of peace or war, wealth shall bear and perform its proportional part of the service, and that money shall be made to fight for its country the same as men; to the Committee on Ways and Means.

By Mr. EVANS: A bill (H. R. 16306) for the purchase of a site for and the erection of a post-office building at Anaconda, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. McDERMOTT: A bill (H. R. 16307) to authorize the registration of pure-bred live stock; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16308) granting a pension to Margaret Berry; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 16309) granting a pension to Izora B. Hewitt; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 16310) to restore First Lieut. Archibald Grymes Hutchinson, resigned, to the active list of the Army; to the Committee on Military Affairs.

By Mr. EAGAN: A bill (H. R. 16311) granting an increase of pension to Theodore Kiefer; to the Committee on Invalid Pensions.

ment? If not, the Chair will put them in gross.

States, for the withdrawal of alcohol from bond, free of tax, to any scientific university or college of learning created and constituted as

By Mr. FOSTER: A bill (H. R. 16312) granting an increase of pension to James H. Leonard; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16313) granting an increase of pension to Claude A. Holder; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 16314) granting an increase of pension to William G. Beckley; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 16315) granting an increase of pension to John S. Wooten; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 16316) granting a pension to Maxwell Gray; to the Committee on Pensions.

Also, a bill (H. R. 16317) for the relief of Horatio S. Turrell, alias Horatio Seaward; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 16318) granting a pension to N. Ellen Peters and George N. Peters; to the Committee on Pensions.

By Mr. ROWLAND: A bill (H. R. 16319) granting an increase of pension to Isaiah Copelin; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16320) granting an increase of pension to Sarah E. Lukens; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 16321) granting an increase of pension to Samuel Barton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of D. L. Williams and 22 others, of Pataskala, Ohio, favoring a peace amendment to the Constitution; to the Committee on the Judiciary.

By Mr. BAILEY: Protest of Nelson A. Elsasser, Alex H. When, J. A. Keating, A. Quigley, K. Boyd, E. J. Cohoe, E. P. Harding, Margaret McDermott, Laura Scott, C. B. Johns, Walter Everett Burnett, Viola McGuire, Anna Lawrence, Mollie Buxton, Alice Buxton, Bea Campbell, Jane Hartnett, Bertha Stern, Mrs. D. Boyle, Mrs. M. Boyle, James Coyle, George J. Hammer, D. F. Boyle, Mrs. Annie Campbell, Sue Boyle, Mary Rogers, Mrs. Pat McConlogue, Mrs. M. Harrington, Mrs. J. Harrigan, Anna Boyle, Mrs. Frank Molloy, Hugh Rodgers, Mrs. Richard Goggin, Margaret McKernan, Mrs. Frank Dunphy, and Mary H. Clougher, all of Johnstown, Pa., against the passage of the Stephens bill to establish price control; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Schenectady (N. Y.) Board of Trade, favoring the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dr. D. Challiss Faust and Eleanor Bilmson, of Philadelphia, Pa., favoring woman suffrage amendment; to the Committee on the Judiciary.

By Mr. FOCHT: Evidence in support of House bill 7079, for the relief of Riley R. Zerbe; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of National Society for Promotion of Industrial Education, favoring bill for vocational schools; to the Committee on Education.

Also, petition of Board of County Commissioners of Morgan County, Ill., favoring House bill 13526, to permit the removal of dams on the Illinois River; to the Committee on Flood Control.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of the State of Washington, against Sunday observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of the State of Washington, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MAPES: Petition of 59 citizens of Kent County, Mich., against passage of Sunday observance bill; to the Committee on the District of Columbia.

By Mr. OAKEY: Memorial of Sons of Veterans, Connecticut Division, advocating by the Congress and constitutional authorities of the United States a wise policy of preparedness; to the Committee on Military Affairs.

By Mr. SNELL: Petition of Paul Cloke, H. M. Royal, O. E. Parks, J. B. Brooks, J. R. Weston, L. H. Pelton, H. A. Miner, G. R. Smith, E. E. Tryon, J. Pimberton, P. R. Pierson, H. B. Jebo, Lilly A. MacBrien, Ella J. MacBrien, J. F. Day, William M. Towle, L. C. Merrill, W. M. Countryman, F. R. Griffiths, H. H. MacDonald, W. Taylor, F. F. McCue, S. J. Wise, W. B. Davis, L. E. Olson, M. H. Montross, P. R. Cloke, A. B. Gibson, C. J. Dresser, F. B. Cowan, L. K. Russell, J. A. Hill, W. A. Bassette, Edgar Fobes, K. W. Morrison, H. H. Plank, F. N. Dodge, C. S. Winchester, E. L. Pelton, F. H. Fisk, H. M. Smith, L. F. Ayers, M. M. Timmerman, M. S. Hoskins, J. W. Sancto, Mrs. A. E. Morgan, Mrs. Ada Pray, D. J. Armstrong, Mrs. D. J. Armstrong, Mrs. R. J. Sanford, Mrs. J. S. Hosmer, Mrs. E. L. Whitmore, D. L. Fisher, G. W. F. Smith, B. F. Scott, R. E. Roberts, George W. Sisson, jr., L. D. Taggart, J. F Hummer, and F S. Needham, all of Potsdam, N. Y., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petition of Rhode Island, Nos. 5 and 1, National Association of Stationery Engravers, favoring passage of Senate bill 4874; to the Committee on Agriculture.

By Mr. WARD: Petition of Louis C. Winhold and others, of Summit, N. Y., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *June 8, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee, seeking Thy blessing upon this our land and country. We thank Thee for the great spiritual ideals upon which the institutions of this land have been founded. We bless Thee that, coming out of all the kindreds of the earth, we are not to be controlled by the artificial distinctions of blood or by even the traditions of the ancient nations of the earth. We thank Thee for the liberty of thought and of conscience, so that we shall never be controlled by any organization of whatever character, however great. We bless Thee that lying back of all the incidental things pertaining to government is the thought of God and of freedom and of soul. At this time, when great parties seek to guide the Nation and to express the policies of the Government for the years to come, we pray that all who are in places of influence and power, and are shaping the public opinion, may remember that God is above all and that there is a hand of Divine Providence that guides the affairs of men. So may Thy name be glorified in all the future course of our national history, we ask for Jesus' sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following:

UNITED STATES SENATE,
Washington, D. C.

To the Senate:

The Vice President being absent from the Senate, and the undersigned being also necessarily absent therefrom, he, as President pro tempore of the Senate, hereby names the Senator from Alabama, Mr. JOHN H. BANKHEAD, to perform the duties of the Chair on the 8th day of June, 1916; this substitution not to extend beyond an adjournment.

JAMES P. CLARKE,
President pro tempore of the Senate.

Mr. BANKHEAD thereupon took the chair as Presiding Officer and directed the Secretary to read the Journal of the proceedings of Saturday last.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CONCENTRATION AND MANEUVER CAMP, WASHINGTON.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of May 31, 1916, copies of reports and memoranda with reference to the American Lake Concentration and Maneuver Camp in the State of Washington, which, with the accompanying papers, was referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 1793. An act granting to the State of Kansas title to certain lands in said State for use as a game preserve;

S. 4506. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

S. 5274. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5658. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5708. An act for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise; and

S. 5776. An act to amend certain public-utility company franchises in the Territory of Hawaii.

The message also announced that the House had passed the bill (S. 1388) to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1066) authorizing leave of absence to homestead settlers upon unsurveyed lands, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1843) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 15005) entitled "An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia."

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14864) to alter, and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The message further announced that the House had agreed to a resolution consenting that the Senate may adjourn from June 3 to June 8, 1916.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 21. An act authorizing the city of Salida, Colo., to purchase certain public lands for public-park purposes;

H. R. 600. An act to validate title to the town site of McCabe, in the State of Montana;

H. R. 7613. An act to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla.;

H. R. 8492. An act to restore homestead rights in certain cases;

H. R. 10124. An act to add certain lands to the Rocky Mountain National Park, Colo.;

H. R. 10305. An act to grant certain lands to the State of Oregon as a public park for the benefit and enjoyment of the people;

H. R. 10312. An act relating to appeals and writs of error and costs thereof;

H. R. 11162. An act to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes;

H. R. 11472. An act to reserve certain lands and make them a part of the Pike National Forest;

H. R. 12954. An act for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry for immediate transportation without appraisement of dutiable merchandise;

H. R. 13223. An act to provide for appeals from decisions of boards of local inspectors of vessels, and for other purposes;

H. R. 13383. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917;

H. R. 13618. An act to amend section 4931 of the Revised Statutes of the United States;

H. R. 13720. An act to amend section 4894 of the Revised Statutes relating to patent applications;

H. R. 13831. An act to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificate of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States relating to special permits for excursions on passenger steamers;

H. R. 15347. An act to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning;

H. R. 15947. An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes;

H. J. Res. 78. Joint resolution authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the national encampment, Knights of Pythias, to be held at Nashville, Tenn., in August, 1916;

H. J. Res. 145. Joint resolution authorizing the erection, on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States; and

H. J. Res. 184. Joint resolution providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Presiding Officer:

S. 6073. An act granting the consent of Congress to George Fabyan to construct a bridge across the Fox River;

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 755. An act to incorporate the Boy Scouts of America, and for other purposes;

H. R. 2744. An act to correct title to certain lands in Colorado;

H. R. 3794. An act for the relief of Thomas S. Johnson;

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;

H. R. 7817. An act to validate the homestead entry of George S. Clark;

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes;

H. R. 13064. An act for the relief of the M. A. Sweeney Shipyards & Foundry Co.;

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915;

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911;

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes;

H. R. 14864. An act to alter, and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes;

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia; and

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a petition from the Chamber of Commerce of Washington, D. C., praying for the erection of a modern municipal hospital building on the site of the Washington Asylum Hospital and remonstrating against its proposed erection at the corner of Fourteenth and Upshur Streets NW., Washington, D. C., which was referred to the Committee on the District of Columbia.

Mr. SHEPPARD presented petitions of sundry citizens of Galveston, Houston, and Tyler, all in the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHAFROTH presented a memorial of sundry citizens of Denver, Colo., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Bellefontaine, Oreg., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. LANE. I present a resolution unanimously adopted at a mass meeting in the capitol building at Salem, Oreg., which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution unanimously passed at a mass meeting in the capitol, Salem, Oreg., by about 400 citizens.

Be it resolved, That the men and women voters at this meeting in the capitol, Salem, Oreg., on April 29, 1916, do protest at the action of the Judiciary Committee of the Sixty-fourth Congress in preventing the Susan B. Anthony amendment enfranchising women from being voted upon by the Representatives of the people on the floor of the House, and do also protest against the inconsistent attitude of the party in power—the Democratic Party—in withholding the right of full citizenship from half the people—the women—and further request that this resolution be forwarded to the President of the United States, the Speaker of the House, members of the House Judiciary Committee, and to our Oregon delegation, requesting that it be read into the CONGRESSIONAL RECORD by Senator LANE and by Congressman HAWLEY.

FLORENCE B. CARTWRIGHT,
Chairman.

Mr. VARDAMAN. I have received a letter from W. B. Watkins, president of the Aberdeen National Bank, of Aberdeen, Miss., with reference to the bill (S. 6001) to amend section 19 of the Federal reserve law, relating to reserves, which is now in the Committee on Banking and Currency. I do not ask that the communication be read, but that it be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the communication was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

THE ABERDEEN NATIONAL BANK,
Aberdeen, Miss., May 27, 1916.

Hon. JAMES K. VARDAMAN,
Washington, D. C.

DEAR SIR: We are addressing you in the interest of Senate bill 6001, now in the hands of the Committee on Banking and Currency.

We respectfully urge your support of this bill. We are satisfied with the 12 per cent reserve requirement in the law for cities outside of reserve and central reserve cities, and do not object to its distribution as follows:

Four-twelfths in vault after 36 months from its passage in 1913, five-twelfths with Federal reserve bank in its district, and three-twelfths with a member bank in reserve and central reserve cities.

But we do object to the requirement that the balance of our reserve fund shall be kept in the vault or with the Federal reserve, or both, where we will receive no interest on daily balances.

Twelve per cent is a very small proportion of the reserve maintained by banks, and to be forced to keep the excess—averaging around 40 per cent more than the law requires—where it will be idle so far as producing revenue, viz, "in the vault and with Federal reserve bank," is quite unnecessary and unreasonable.

We prefer that it be left optional as to where this extra reserve be kept, provided it shall be kept (as amendment provides) within a radius of 300 miles or with solvent member banks approved by the Comptroller of the Currency, where we may receive interest on the daily balance.

Very respectfully, W. B. WATKINS, *President.*

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. VARDAMAN:

A bill (S. 6304) for the relief of the widow and heirs at law of George H. White, deceased; to the Committee on Naval Affairs.

By Mr. BECKHAM:

A bill (S. 6305) granting a pension to Arabella G. Walker; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6306) to assess benefits for the opening, extension, widening, and straightening of alleys and minor streets in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CUMMINS:

A bill (S. 6307) granting an increase of pension to Jasper Trimble (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 6308) to authorize the Secretary of the Interior to lease for production of oil and gas ceded lands of the Shoshone or Wind River Indian Reservation in the State of Wyoming; and

A bill (S. 6309) to authorize mining for metalliferous minerals on Indian reservations in the State of Arizona; to the Committee on Indian Affairs.

A bill (S. 6310) granting a pension to Andrew Bird; to the Committee on Pensions.

By Mr. NORRIS (for Mr. TAGGART):

A bill (S. 6311) granting an increase of pension to Jacob H. Vinson;

A bill (S. 6312) granting an increase of pension to Jane A. Caldwell;

A bill (S. 6313) granting an increase of pension to William C. McLaughlin;

A bill (S. 6314) granting an increase of pension to Jesse L. Vick;

A bill (S. 6315) granting an increase of pension to Frank Schaffer;

A bill (S. 6316) granting an increase of pension to Luke Tuttle (with accompanying papers);

A bill (S. 6317) granting an increase of pension to Venila Simpson;

A bill (S. 6318) granting an increase of pension to Mary E. Herron (with accompanying papers);

A bill (S. 6319) granting an increase of pension to James Pickett;

A bill (S. 6320) granting a pension to Tabitha Lewis; and

A bill (S. 6321) granting an increase of pension to James Duke; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 6322) to remove the charge of desertion against Allen Ellsworth; to the Committee on Military Affairs.

A bill (S. 6323) granting a pension to Andrew J. Heatley; and

A bill (S. 6324) granting a pension to Jesse Watkins; to the Committee on Pensions.

By Mr. HITCHCOCK (for Mr. JOHNSON of Maine):

A bill (S. 6325) granting an increase of pension to Loren E. Steward (with accompanying papers);

A bill (S. 6326) granting an increase of pension to Daniel W. Smith (with accompanying papers);

A bill (S. 6327) granting an increase of pension to Owen Stacy (with accompanying papers);

A bill (S. 6328) granting an increase of pension to Mary A. Hanson (with accompanying papers); and

A bill (S. 6329) granting an increase of pension to George L. Merrill (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLETCHER submitted an amendment proposing to appropriate $10,000 for the investigation of the disease known as Phoma Rot and other diseases prevalent in and affecting the tomato crop in the State of Florida, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. CUMMINS submitted an amendment proposing to appropriate $650 to grade Woodridge Street from Twenty-fourth to Thayer Streets NE., Washington, D. C., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, I have here resolutions passed by the Western Drawing and Manual Training Association in convention assembled in the city of Grand Rapids, Mich., expressing their approval of the bill now pending before the Senate providing Federal aid to vocational education.

I have also similar action by the Master House Painters and Decorators' Association, of Philadelphia, Pa. I ask that the action of each of these organizations may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

WESTERN DRAWING AND MANUAL TRAINING ASSOCIATION.

A resolution on the Smith-Hughes bill.

Whereas we need a system of education which will not only preserve our own ideals as a people and advance learning and culture but bring greater efficiency in all the work of this busy Nation. Particularly do we need more brains, better taste, and greater skill in all the productive callings of field, shop, and mine; we need nation-wide training in the agricultural and the mechanic arts to preserve and conserve our national resources; to minister to our rising standards of comfort and taste; and to gain the social wealth whereby we may do more and better things for the happiness and the conservation of our people. We need vocational education in these arts to give countless millions in the days to come their way out to efficiency and happiness; to make the Nation economically independent; to equip her for commercial supremacy in markets both at home and beyond the sea; to prepare her with the resources wherewith she may meet every problem that may perplex or threaten at home or abroad. We need to begin now a program for a nation-wide system of vocational education; the problem is too large and the issues at stake too great for delay; we need the help of the National Government, because it is the Nation's welfare that is at stake and because Federal aid is necessary to stimulate and give prestige to the movement, and to supplement, with the larger resources of the National Government, the efforts of States and local communities: Be it therefore

Resolved, That the Western Drawing and Manual Training Association in convention assembled in the city of Grand Rapids, Mich., on the 5th day of May, 1916, unanimously indorse the spirit and the purpose of the report of the National Commission on Federal Aid to Industrial Education and of the Smith-Hughes bill now pending before Congress, and ask that in view of the overwhelming sentiment of the country in its favor by all classes of our people that this bill be passed at this session, and that a copy of this resolution be sent to the President of the United States, the chairman of the House Committee on Education, and the chairman of the Senate Committee on Education and Labor.

C. T. COTTER, *Chairman,*
MARTHA PIERCE,
FLORENCE H. FITCH,
Resolution Committee.

MASTER HOUSE PAINTERS' AND DECORATORS' ASSOCIATION OF PHILADELPHIA,
Philadelphia, Pa., May 9, 1916.

Senator HOKE SMITH,
United States Senate.

DEAR SIR: At a very largely attended meeting of the Master Painters' and Decorators' Association of Philadelphia it was unanimously passed that we should petition you to ask for the passage of the vocational training and guiding education bill now before the Senate and House of Congress.

It was further resolved that we should urge the appointment on the commission of men who are engaged in the industries of the Nation as the only fitting men to meet the conditions and remedy the defects existing in our present industrial requirements, the Commissioner of Education to be one of the committee.

Respectfully submitted.

J. CLIFFORD WILSON, *President.*
ROBERT BOYD, *Secretary.*

COMPULSORY OBSERVANCE OF SUNDAY.

Mr. SMITH of Georgia. Mr. President, I have been requested to present to the Senate a memorial from the Seventh-day Adventists of Georgia. It gives me pleasure to comply with their request, although in doing so I wish to say that I do not agree with the conclusions reached in the memorial. I believe that a day should be recognized by the Nation and by the States as one to be set apart for religious service and for the cessation of ordinary labor. I agree, also, with the great body of the American people, that Sunday should be the day so recognized. I would not, however, deprive anyone of a hearing on this subject, and I ask that the memorial be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

A Memorial.

To the honorable the Senate and House of Representatives of the United States:

The ministers and lay delegates of the Seventh-day Adventist denomination of the Georgia Conference, assembled in annual convention at Fairburn, Ga., on May 24, 1916, beg leave to address the following memorial to you concerning certain un-American bills now pending before Congress:

As citizens of the United States, who have the general welfare of the Nation at heart, we are exceedingly jealous that the fundamental principles of civil and religious liberty guaranteed to each individual by the Federal Constitution be not jeopardized and overridden by the enactment of statutes which are in direct opposition to these sacred guaranties and immunities.

Three press bills—H. R. 491, H. R. 6468, and H. R. 13778—are now pending before Congress which, if enacted into law, would create a one-man censorship of the press and might result in the complete destruction of the freedom of the press, without recourse to our courts.

Four religious measures are also pending, viz, S. 645, S. 5677, S. J. Res. 42, and H. R. 652, which, if enacted, would commit Congress to the subject of religious legislation, would establish the Christian religion and some of its religious institutions as the legal religion of the Government, and would penalize every dissenter and nonconformist because of his faith and practice.

We regret that Congress has ever been asked to legislate in favor of a religious institution concerning which there is so divergent a religious sentiment as the Sunday and Sabbath questions. We are in harmony with the following sentiments expressed in the Senate report on Sunday mails, by Mr. Richard Johnson, of Kentucky, who was chairman of the Senate Committee on the Post Office and Post Roads, January 19, 1829:

"The proper object of government is to protect all persons in the enjoyment of their religious as well as civil rights, and not to determine for any whether they shall esteem one day above another or esteem all days alike holy. * * * It is not the legitimate province of the legislature to determine what religion is true or what false. Our Government is a civil and not a religious institution. Our Constitution recognizes in every person the right to choose his own religion and to enjoy it freely without molestation. * * *

"Among all the religious persecutions with which almost every page of modern history is stained no victim ever suffered but for the violation of what government denominated the law of God. To prevent a similar train of evils in this country, the Constitution has wisely withheld from our Government the power of defining the divine law. * * * If the principle is once established that religion or religous observances shall be interwoven with our legislative acts, we must pursue it to its ultimatum."

We believe that the Sabbath ought to be observed with piety and due respect to God, but we do not believe that any man should be compelled to observe Sunday or any other day as long as he is a free moral creature and has the liberty to be religious or nonreligious by choice. Enforced religion can only engender hypocrisy instead of true piety. It makes slaves out of free men. Congress has no more right to prohibit legitimate and honorable business on Sunday because the church demands it than it has to prohibit church services on show day because the show demands it.

We believe that Sunday laws are not only un-American but un-Christian. Neither Christ nor His apostles sought at any time to enforce their teachings by the force of civil statutes and penalties.

We, as Seventh-day Adventists, feel that we have a just reason to remonstrate against these compulsory Sunday bills. The enactment into law of Sunday legislation has subjected many of our members to hardships and cruel persecutions. A revival of the Sunday blue laws always opens the way for religious bigotry to stir the smoldering embers of persecution, and it is impossible to set a bound beyond the limits which it dare not go.

We therefore ask your honorable body to refrain from any course which may lead again to the persecution of individuals or sects who have the divine and constitutional right to differ on points of religious dogmas and to enjoy the free exercise of their religious functions in such a manner and at such a time as they may choose, provided the exercise of that choice respects the same and equal rights of their neighbors.

And we, your memorialists, beg leave to assure you that we are kindly disposed to support the Government of our country and to maintain a due submission to the lawful exercise of its authority in purely civil matters.

Signed by order of the convention.

N. V. WILLESS, *President.*
J. K. MACMILLAN, *Secretary.*

ADDRESSES BY SENATOR ASHURST.

Mr. ASHURST. Mr. President, I ask unanimous consent to include in the RECORD a copy of certain addresses delivered by myself last year.

The PRESIDING OFFICER. Such will be the order, in the absence of objection.

The addresses referred to are as follows:

ADDRESS OF SENATOR HENRY F. ASHURST, OF ARIZONA, AT THE EIGHTEENTH ANNUAL CONVENTION OF THE AMERICAN NATIONAL LIVE STOCK ASSOCIATION, AT SAN FRANCISCO, CAL., WEDNESDAY, MARCH 24, 1915.

"Mr. ASHURST. Mr. President, members and delegates of the American National Live Stock Association, I am a Member of a body of men—the Senate of the United States—who are supposed to and frequently do talk for hours upon one subject without any hesitation, preparation, manuscript, reflection, or remorse; but in addressing a body of producers a speaker does not feel justified in coming before them to deliver an address upon the essence and life of their business without some preparation. So I made some notes. Former Vice President Fairbanks said in a speech the other evening, "He had a few stray thoughts." It was in my mind on that occasion to suggest to Mr. Fairbanks that he ought to have "roped" and "branded" those "strays" before they got away. I have taken precaution and have "roped" and "branded" and put down before they got away the stray thoughts that came into my mind during the past hour.

"I had planned to reach Arizona by the 20th of this month, but the invitation extended to me to remain here caused me to reflect that it was a part of my duty to stay, not only for the pleasure that I might derive in meeting you here in this city but for the higher and nobler purpose of absorbing the ideas which you delegates shall communicate to one another. So I remained in order also that I might be here to receive such instructions as this honorable body may see fit to make to a United States Senator, who is your public servant.

"Twenty years have passed, and passed forever, since I gave up the range, the saddle, and the bridle for the more precarious occupation of practicing law. I am pleased to see so many of my old cowboy friends here—not all wealthy, but all at least in a position of affluence and independence. I do not envy them; I am glad and proud of their success, and I can testify to the fact that the success which has come to the Arizona stockmen has not come by chance or mere good luck; but every dollar which you have and every cow which you own to-day has come to you because of your perseverance, your hard labor, and your rigid economy. Let me say further to the American National Live Stock Association and to the Wool Growers' Association—in fact, it would apply to all businesses—that whatever success you have achieved or expect to achieve will not come through any law—because a law can not make a man rich; it will only assist him in the protection of the property which his industry helps him to acquire—but the success you achieve will be because of your thinking correctly regarding your business; it will come because of your rigid economy and your persistent labor. In no other way will success come to you.

"I realize this morning that I am talking to ladies and gentlemen who are disciples of effort, who are apostles of industry. The life of a man engaged in the live-stock business is not an easy, indolent life. There can be no drones in the great hive of the live-stock industry, because the exacting law of compensation will drive out the idle and the indolent. The live-stock industry requires men who are continually face to face with the stern realities of this life and its duties. The life of the 'cowman' is not, as some novelists would have us believe, simply the drifting down a sunlit and flower-bordered stream, but it is a life of persistent labor; the stock business requires men of iron will, of lion courage, and of sustained effort. You are men who look difficulties squarely in the face and hypnotize those difficulties. The live-stock industry, in a large degree, requires men who can think accurately and whose processes of thought bring results. Now, frequently we hear of this man and that man being a speaker. It is very fine; we all have an ambition to be speakers. It is a rare thing to hear a real public speaker, but it is a still rarer thing to see a great thinker. Do you know that one of the most difficult things in this world is to sit down for five minutes and think continuously on any one subject? When we attempt to think continuously we find that, in spite of ourselves, things other than our subject will come into our minds and will filter into our processes of reflection. Now, that which will bring success to you is not being skilled in the art of speaking, but being skilled in the art of accurate thinking. The great thinker is the one who succeeds most frequently, not the great speaker. I would rather be able to think accurately and keep still in one language than to talk in twelve.

"I had the pleasure to be present last night at the sumptuous banquet which was tendered by the cattlemen of this State to the American National Live Stock Association, and if you will pardon me I will repeat what I said last evening—that in order to maintain our supremacy among the nations of the world, in order to maintain this foremost position which we have achieved as the most puissant nation of the earth—in fact, the leader of all nations of the earth—we should carefully see that we have an abundant supply of meat foods, especially beef and mutton; and while, of course, the other flesh foods and the fish and plant foods are all extremely important, nevertheless, if there be one food more necessary than another it is the beef food. Let scientific men explain it if they may, I will only state the conclusion which those of an investigating turn of mind have reached, and that is that the protoplasmic cells which go to make up beef meat are very nourishing to the human body. So, I repeat, in order to maintain our place as the leader of the nations of the earth, we must have an adequate supply of beef, and that beef must be raised in our own country. It must be grown upon our own ranges.

"On the 2d of April this year the population of the United States of America will be 100,000,000 people. We are increasing in population at an enormously rapid pace, and during the past decade our production of beef cattle has not kept pace with the proportion of our population, although in the year just closed there was slight increase in the production of cattle, I believe, over 1913. So it is wise that the American National Live Stock Association is formed. It is money in your pocket, it is success to your business, that you are here to see and learn and study these great problems and learn how to improve the carrying capacity of your ranges; learn how—but you will learn it elsewhere than here, although you will get much valuable information here—you can cause two 'critters'—two cows, two beef animals—to subsist where only one subsisted before.

"A large number of intricate and delicate questions arise the moment we attempt to discuss the methods as to how to improve the carrying capacities of the ranges. I am not going to detain you long, as it is now past the lunch hour, and you have had numerous excellent speeches; hence I will take but little of your time.

"Your efforts to increase the carrying capacity of your ranges are in the right direction. I was especially glad that Congress immediately passed the act appropriating a sufficient sum of money temporarily to cope with the foot-and-mouth disease, and a sum of money sufficient to enable the Agricultural Department in some measure to exterminate the predatory animals that have been destroying your herds, and the Cummins bill, signed by the President during the closing hours of the Sixty-third Congress. Our Government, I believe, should carefully guard the matter of the inspection of all food products that come into our country, and, as was well pointed out by your distinguished president, Mr. Jastro, the greatest care, the most rigid inspection, should be had with respect to the importations of wool and hides, beef and mutton, and all the food products. I hope that Congress will, and I know that it should at once, give attention to the matter of inspections. Moreover, our Government, in my opinion, should not be satisfied merely with the inspection made in a foreign country. We should reserve the right, and exercise it, of making our own inspections of these meat foods at our own customhouses or other appropriate places established by the Government.

"A very historical Congress closed on the 4th of this March. It honestly tried to take care of some of the rights of the consumers. I want to repeat what I said last night, that I hope the succeeding Congresses will attend to the equally important duty of seeing to it that the producers of this country, who are going to feed the consumers, shall have their rights taken care of and conserved.

"I was gratified and instructed to hear the able address of your president, Mr. Jastro. It was a profound address; it evidenced the fact that your distinguished president was a close thinker and a great reasoner. I made some fugitive notes regarding his speech as he proceeded. He said, among other things:

"'This war has demonstrated how interwoven is the international commercial fabric, and how every civilized nation is, in a greater or less degree, dependent on the supplies, the markets, and the credit of other countries.'

"How true the statement, for the war has demonstrated that great truth. Just reflect for a moment that on the 1st day of August, 1914, we had bumper crops—the largest wheat crop we ever had, the largest cotton crop by nearly a half million bales, our mines producing copper to a degree almost unprecedented; yet suddenly, like a flash of lighting, the devastating scourge of war swept over half the civilized world, and with our abundant cotton crop, our enormous wheat crop, we could not get a market, and our produce was rotting at the wharves. We had nothing with which to bring our gold home. Every year tourists from the United States to continental Europe and to the United Kingdom took $250,000,000 of American gold abroad; and for years our cotton, our wheat, and our copper have brought the gold home in the fall, just as the tourists took it abroad in the summer. There was $400,000,000 of our gold abroad when the war broke out. We could not get our copper, cotton, or beef marketed. The situation demonstrated how interwoven is our international commercial fabric, and how every civilized nation is, in a greater or less degree, dependent on the supplies, the markets, and the credit of other countries.

"President Jastro also said:

"'Temporarily we may increase our exports, but in the end we must buy from other countries approximately as much as we sell abroad, in order to maintain a proper trade equilibrium.'

"That is absolutely true. We must in the end, in some way, buy from other countries as much as we sell in order to maintain our trade equilibrium. So it would seem to me to be the duty of Congress, of this association, and of kindred associations, to see to it that every legitimate and proper effort shall be exercised so that markets for American products may be secured in the nations to the south of us, in the nations in the Orient, in continental Europe, and in the United Kingdom. It will be recalled that the lamented President McKinley, in the last speech he ever delivered, said almost the same thing which has been repeated by Mr. Jastro to-day. You remember Mr. McKinley's speech contained a sentence like this:

"'We, as a Nation, need not suffer under the delusion that we shall always be able to sell, but never required to buy.'

"He made the point that there must be some reciprocity among nations in a commercial way, just as there is among individuals. No individual lives unto himself, and no nation lives unto itself.

"Now I approach the question of your grazing and your lease law. I know that this association for many years has been in favor of the lease system. At first, so far as I am able to understand, not much headway was made regarding obtaining favorable expressions for such bill, but in more recent years large numbers of persons have been converted to the lease system. Frankness and plainness of speech I always use, and that is what you wish; so I will say that I believe you are correct in advocating the 640-acre grazing homestead law, for this reason: It is a good law. That is reason enough. But in politics and in legislation a man is sometimes like a man on roller skates; whenever you want to get a bill through Congress, whenever you want to get a bill passed, you go partly where you would like to go and partly where the skates take you. Now, then, a great many of the small owners are not converted to your proposition for a lease system. The small stock owners seem to pin their faith to, and seem to favor, the 640-acre or 1,280-acre grazing homestead law. Therefore I believe you are right; I believe you are adopting the psychology of the situation in helping your lease bill by honestly, openly, and bravely advocating the passage of the 640-acre or 1,280-acre homestead law. It has been said

that there are approximately 350,000,000 acres of unappropriated public land. Some authorities think only 20,000,000 acres would ever be brought under the 640-acre homestead law; some think only 10,000,000; some think as high as 50,000,000 acres; but whatever the proportion may be that could be utilized under the 640-acre grazing homestead law, it is a wise thing, in my judgment, for this association to indorse that bill and help pass it through Congress as a supplement to the lease law. For, I repeat, the small owner believes he will get more adequate protection in the 640-acre grazing homestead than under the lease law.

"This constitutes about all I have to say. I had no prepared speech; I assumed you did not want it. Others, who are more closely in touch with the live-stock industry, have reported to you in their official capacity the progress made in the last year.

"You may not, as an organization or as an association, believe that you secured from Congress every measure of relief to which you think you are entitled. That, of course, is your opinion; you are entitled to it. I myself feel that some bills which ought to have been passed were not; but, with 30,000 bills pending in Congress, it is a most difficult thing to pass even one, because our country is so vast. It is one great Republic made up of 48 little republics, with their ever-present propositions of State and National sovereignty; and what seemingly might be good for one State the others might not approve.

"I had the honor to attend your ninth annual convention in Denver in 1906. I note immense progress since that time. I had, in Denver, the pleasure of hearing Mr. Cowan, your able attorney, deliver a great speech. Since that occasion, and looking back over the course of the years that have glided away since your meeting in Denver in 1906, I see many reforms that have come to you—much good individually and as an association; although you, being so near to it, might not be able to appreciate it as fully as some one who is not a member of the association.

"As I said last night, you sent, and so did the National Wool Growers' Association, a dignified body of gentlemen to come before Congress; and even if they failed to secure the legislation they wanted, they conducted themselves as gentlemen. They won the esteem if not the votes of the Members of the Congress of the United States. Wishing you the full measure of success which one old "cow hand" may wish other people, I thank you for your attention."

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EXTRACT FROM ADDRESS OF SENATOR ASHURST, OF ARIZONA, AT THE DEDICATION OF THE GRANITE CREEK RESERVOIR, PRESCOTT, ARIZ., APRIL 8, 1916.

"* * * Of all the States in our American Union, Arizona is one of the most interesting. No State offers more tempting allurements to investors or fairer fields to endeavor than does Arizona.

"Are you interested in romance? If so, read the history of Arizona. Do you love the artistic? If so, here you will find landscapes whose beauties can not be imprisoned on any canvas. You will find here the rich imagery of the desert, the storm-riven crags, the rolling prairie, and the evergreen forests which winter's inclement winds do not dismantle.

"Would you think in the raptures of poetry? Here is a sun which, like a disk of burnished gold, sends down its shafts of light with indescribable beauty. Here are the silver stars, the seasons that bring variety, and all the fruits and flowers.

"Are you fevered by ambition? Ah, here is the forum where you may render valuable services to a State, gain the esteem of a sturdy people, and hear the bugle call of fame.

"Would you be interested in stock raising? Then journey no farther, for here we grow the wool and hides which clothe a nation and the beef and mutton which must feed a powerful race.

"Do you name hydroelectric power? Here are creeks, rivers, and strategic points where can be generated sufficient hydroelectric power to turn millions of wheels and spindles and run all the trains necessary to carry the commerce of the Southwest.

"Are you seeking mineral wealth? Would you be interested in nature's alembic, where the base metals are transmuted into gold? Here is your new El Dorado. Remain, and shout Eureka! for into the hills and caverns of Arizona nature has poured more mineral wealth than Ophir had to burden the mighty fleets of Solomon.

"Do you seek health? Here is a dreamful tranquillity which soothes the throbbing nerves of pain; here is a bracing air whose wonder-working secrets redden the bloodless lip and paint the rose upon the invalid's pallid cheek.

"Would you follow that noble, that most independent of all occupations—agriculture? Would you become a producer as well as a consumer? Then consider our fields and valleys which, when given the living waters, produce all the vegetables, grains, melons, fruits, and flowers. In Arizona we have imprisoned tumbling waters that once rushed madly to the sea and have built irrigation projects so big and yet so simple that they appeal to all. Irrigation charms with its magic spell the patriotic imagination of the masses, and touches with its wizardry our self-interest, the heart of which throbs in the pocketbook. It kindles fires of unselfish sentiment, for it is poetical yet practical, exalted as an ideal, yet hard as iron in its common sense. The agricultural products of Arizona are the most varied of any State on the American continent. We produce the Egyptian date, the Egyptian long-staple cotton, the orange, the lime, the lemon, the Louisiana sugar cane, the Michigan sugar beet, the Canadian strawberry, the California cantaloupe, the Kalamazoo celery, and the French asparagus.

"And here in Arizona is a people who are disciples of industry, and therefore apostles of success—a people who know that independence, competence, and all livable conditions of life come, and come only, from constant striving and long-sustained effort; who know that from out of the infinite sea of the future there will never touch our beach and shoal of time a richer or more precious gift than liberty.

"Hail! the giant Commonwealth of Arizona. Her past is secure and proud, her present is radiant and pulsates with energy, and her future spreads a bright and balmy effulgence against the eastern sky."

—

SPEECH OF SENATOR ASHURST AT LAUNCHING OF THE U. S. S. "ARIZONA," JUNE 19, 1915, AT BROOKLYN NAVY YARD.

"Hon. Secretary of the Navy, ladies, and gentlemen, this is an occasion which quickens the heart of every American who loves his country and her institutions. With our Nation leading in commerce, wealth, enlightenment, and Christianity; with our Nation teaching the other powers of the earth lessons in true moral courage, justice, and magnanimity, and with our country setting the world an example in moderation, forbearance, and prudence, we to-day launch a mighty leviathan of the deep, whose mission it shall be to engulf any hostile craft that disturbs or threatens our American civilization.

"If the man who gives his family over to the dangers and vicissitudes of his neglect and indolence is deserving of censure and scorn, how much greater should be the contempt and censure for the public servant who, sworn to protect and defend his country, neglects his duty, evades his obligations, and exposes not only his family but his constituency—indeed, his entire nation—to the dangers of conquest, defeat, and degradation? To neglect one's liberty is to lose it; to neglect one's country is to perish with it.

"On the surface of the earth are 51,886,000 square miles of land, as compared with 145,054,000 square miles of water; hence it does not require a diagram to see that in all probability a large part of the commerce of the world will always be carried on this vast water area; while the wonders and transformations that have been wrought within the past 70 years in science, mechanics, electricity, transportation, and the hurling of projectiles make it manifest that the battles of the future will in large part take place on this water area.

"The Sixty-third Congress, with its unparalleled record of constructive legislation, acting under the leadership of the President of the United States and upon the report of the Secretary of the Navy, authorized the construction of additional dreadnaughts, destroyers, submarines, and other necessary craft; for, while it is easy and pleasing to indulge in self-deception, and thus evade the unwelcome thought of national defeat or degradation, it is neither wise, judicious, nor statesmanlike to do so. It is wiser and safer to be on guard and preclude all possibility of danger than to hide our fears of danger in the secret recesses of our closets.

"The world seems out of joint just now, and it is better for us to be 'sure than sorry.' In a day of trouble we can not instantaneously convert sleepy, fat self-assurance into national security. Men may be heroes, but unless they are drilled their heroism will end only in unavailing martyrdom. Our caverns and mountains are filled with copper and iron ore, but these can not instantly be metamorphosed into battleships. Preparation and vigilance only can work the necessary changes. Men do not ascend to eminence, strength, and power by a single leap or by growth overnight. It is only by steady tread that a man moves up the rough and rugged path to success. Those who reach eminence and distinction are they who subject their lives to the fires of intellectual and physical endeavor. Success and efficiency come only after many years of anxious striving and long-sustained effort. So it is with a nation. It holds its place and preserves its liberty only by never becoming careless and by never despising nor underrating an opponent. Ever since the days of the children of Noah men have sought to build

them a tower which they might ascend and thus escape the hardships of this world. But such can not be; under nature's harsh yet profound laws we must meet and overcome dangers and perform duties; we can not build a tower lofty enough to take us above and beyond the trials and duties of this life.

"So, in consideration of these truths, Congress saw the need for a healthy and steady growth of our Navy, and we to-day launch one of the superdreadnaughts ordered by the Sixty-third Congress.

"It is well that she should be named the *Arizona*. The Secretary of the Navy showed a true appreciation of the history of that State when he named this ship the *Arizona*.

"In every walk of life, in war and in peace, Arizona's people have proved themselves to be—

"Zealous, yet modest; innocent, tho' free;
Patient of toil, serene amidst alarms,
Inflexible in faith, invincible in arms.

"She is a land where, in the bracing air of toil and temperance, her people tirelessly labor for the public good. Her people resolutely see to it that all the ends which they attempt to achieve shall be for the cause of their country and the cause of truth, and neither ambition's bugle call nor fame's alluring smile nor the piling up of gold can induce them to abate one jot or tittle from the path of rectitude which makes nations truly great.

"Under these favorable auspices we launch this ship; we send her forth as an additional guaranty that America may possess her soul in peace; we send her forth as an additional guaranty that, though the passions in other lands may hurl reason from her throne, nothing shall deter America from her course of wisdom and justice; we send her forth to guard a people who demand justice, not ignoble revenge, and who show strength of heart in steadfast self-control.

"We send her forth with the proud consciousness that when the storm king gathers his clouds, obscures the fickle moon, opens the mysterious caverns where his hurricanes and tornadoes are imprisoned, and loosens furies to ride on the wings of the wind, flouting the wild and wasteful ocean with tempestuous and angry waves, she will cleave atwain the tumbling billows and send her serene and effulgent rays out upon the deadly waters, lending help, hope, and encouragement to every friendly ship. We send her forth with the calm assurance that if some hostile craft should assail these shores and attempt to subvert or destroy this Nation, where—under the providence of God—a people consecrated to liberty dwell under a peaceful and happy sky, the plume of smoke from the *Arizona* may be backward blown, but all else about her will be bounding forward, and with our astral banner held high aloft she will repel the invader and keep our Nation more powerful than ever for good in the affairs of men."

EXTRACT FROM AN ADDRESS OF SENATOR HENRY F. ASHURST, OF ARIZONA, ENTITLED "A LESSON OF LIFE," TO THE STUDENTS OF THE HIGH SCHOOL AT NEW LEXINGTON, OHIO, NOVEMBER 24, 1915.

"Teach me the power of truth and courage. Teach me that no man can be 'downed' who is in the right and 'keeps coming.' Teach me that a dollar honestly earned is a friend that will never ask me for an office; teach me to plug my ears with the cotton of prudence and common sense against the voice of the stock ticker; teach me that the man who wastes his time wastes his life, for life is made up of time. Give me the fortitude to endure the thrusts I can not parry. Deafen me to the jingle of tainted money. Teach me that I will never regret not eating more nor saying more; teach me to rid my room and office of trash and my brain of slosh; teach me to be accurate in all things, whether serious, humorous, or fantastic.

"Teach me that all success and every livable condition of life come only from constant endeavor and long-sustained effort; teach me that to succeed I must subject myself to the fierce fires of intellectual and physical endeavor; that I must walk while others ride; and that, like 'Cascarets,' I must work while others sleep.

"Teach me to pay all my debts, moral, social, and financial; teach me to return something good to this world for the food, raiment, and shelter it gives me. Teach me never to lack sympathy with the poor. Teach me that happiness, wisdom, and success come from within, not from without. Teach me that no statute can be enacted that will give discernment to the fool, wealth to the improvident, or wisdom to the man who will not think. Teach me that a firm faith is the best theology. Teach me to live by day so that I can sleep by night, and when I have been taught all these things, then will my heart not be troubled when the grand jury meets, then will the sheriff be confounded, then will my way be pleasant and I will know the symmetry, the beauty, the zest, and use of life; then will I fear no man and shall live a broad life, possibly a long one, but, be it brief or long, I shall be guided by a 'brilliant star shinning from the inmost veil of Heaven, beckoning to the abodes where the eternal are.'"

OSAGE INDIAN OIL LANDS.

Mr. LANE. Mr. President, I desire to present a communication addressed to me by some Osage Indians in regard to the disposal of their oil lands. They are not satisfied with the manner in which their oil lands have been disposed of, and they have the right, in my opinion, to voice their dissent to a transaction with which I myself am not entirely in harmony, so far as that is concerned. I ask that the communication may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The communication referred to is as follows:

WASHINGTON, D. C., *May 19, 1916.*

Hon. HARRY LANE,
United States Senator from Oregon,
United States Senate, Washington, D. C.

SIR: We, the undersigned, respectfully represent that the Department of the Interior, together with four members out of the eight members of the Osage tribal council, have agreed to and have granted oil leases to divers persons on about 235,000 acres of Osage oil lands, and which is a part of the 680,000 acres embraced within what is known as the Foster leases and which expired on March 16, 1916. The said area is about 235 000 acres, 70,000 acres of which is developed and producing territory, and has a vast leasing value. The remaining 165,000 acres is at this time undeveloped, but it, too, has a vast leasing value. The leasing values referred to as to both the producing and undeveloped areas mentioned has a value in excess of one-sixth royalty, and while the exact amount of such value can not be estimated it is known to be of great value.

We further represent that the duty is imposed upon the honorable Secretary of the Interior and the Osage tribal council to do all within their power to secure to the Osages the greatest possible values for the mineral lands in question, and we complain that the granting of the area referred to, to the divers lessees referred to without other consideration than the royalties and rentals provided for, was an improvident and excessive abuse of the powers granted and was a dismal failure of the performance of the duty imposed, and that the granting of said area to the divers lessees referred to will result in the loss of many millions of dollars to the Osage Tribe of Indians.

We further represent that hearings have been had before the Senate Committee on Indian Affairs relative to different features of the leasing of Osage oil and gas lands and that the result of said hearings was that much confusion ensued and little or nothing was brought to bear upon the committee from the standpoint of the Osage Tribe of Indians, who were most directly and greatly affected by the action taken, or to be taken, by the Department of the Interior and the Osage tribal council.

We further represent that one safe and certain way of disposing of the area in question (i. e., 235,000 acres herein referred to) was to have put up the same under competitive bids to the highest bidder either upon a royalty basis, or a royalty and bonus basis, and had that plan been followed no one could have been heard to complain of the result, therefore, the injustice that has been done to the Osage Tribe of Indians has been the result of the failure to put these mineral lands up to the highest bidder under competitive bids and instead thereof to grant the area in divers tracts to divers lessees upon the meager royalty and rentals provided in the contracts. The said failure upon the part of the Department of the Interior is more striking when it is known and understood that the policy of letting Osage mineral lands only to the highest bidder has been in force for some time and no lease was ever granted on any other basis except in the instance of the original Foster lease, which was made 20 years ago. The Osage people have been, and are, a unit in favor of leasing their mineral lands to the highest bidder under a competitive-bid system, and we feel that a great wrong is being done to us by giving the lands referred to to the lessees referred to without any consideration whatsoever, other than the meager rentals and royalties provided in the contracts.

We respectfully represent that there can be no justification for the action of the Department of the Interior in permitting the leases referred to to be granted.

We respectfully represent that it is no justification for the Department of the Interior to say that four of the eight members of the Osage Tribal Council were in favor of making the grant, for the reason that Congress has imposed upon the Secretary of the Interior and his subordinate officials the duty, not only in law, but in strictest conscience, of preserving the property rights of tribal Indians, and it is the duty of said Interior Department to not permit the Osage Tribal Council to improvidently give away vast mineral wealth which is the property of the Osage Tribe of Indians.

We further represent that at the instance of a mass meeting of about 300 members of the Osage Tribe of Indians and intermarried citizens thereof we instituted a suit in the Supreme Court of the District of Columbia to enjoin the honorable Secretary of the Interior from approving the leases on the area referred to, and said suit was filed on the 24th day of April, 1916; that the injunction was denied, and that the Secretary of the Interior on the day following the denial of the injunction and the signing of the decree by the court, i. e., on the 16th day of May, 1916, the Secretary of the Interior hurriedly approved the leases and mailed the same out to the lessees to whom they were granted.

We further represent that it is an open question whether our suit will avail us even though we won in the court of final resort upon appeal; however that may be, we call your attention to the great hurry evinced by the Interior Department to get the leases after approval into the hands of the lessees and thus prevent action by the Congress of the United States in granting the Osage people such relief in the premises as they were justly entitled to.

We further represent that the Osage people have over 1,000,000 acres of land remaining that are yet unleased and are located in what is known as the "mid-continent oil field" and are supposedly rich in oil and gas, and we, therefore, make this appeal to you to bring the matter to the attention of the Congress of the United States that a great wrong has been done to us and that we be protected from similar injury in the future as to our remaining lands.

We fully understand how futile our efforts might be as compared to the great power of the Department of the Interior and the rich and powerful interests that have seemingly joined hands in defeating our wishes and desires in the premises herein referred to.

As a striking evidence of the methods employed by the rich and powerful oil interests referred to to gain their ends, we submit herewith as an accompanying paper a copy of an affidavit filed in the Supreme Court of the District of Columbia by James E. O'Neil, president of the Prairie Oil & Gas Co., a concern which is referred to in the records submitted to the Committee on Indian Affairs and which is to be found on page 255 of the hearings before the Senate Indian Committee as a sublessee whose address is at Independence, Kans., date of acceptance August 31, date received August 31. Here we have a sublessee, namely, the Prairie Oil & Gas Co., demanding that its leases be approved by the Secretary of the Interior, and saying to the court in which we were suing that if the court would prevent the Secretary from approving his leases together with others no oil would be run from the Osage field by the Prairie Oil & Gas Co., the sublessee before referred to. The Prairie Oil & Gas Co., as you will remember as shown at the hearings before your committee, is a subsidiary of the Standard Oil Co., as a sublessee saying to the court that if you prevent the Secretary from approving our leases and other leases we will not run oil from the Osage field.

Without going further into details of this matter, we feel that you are sufficiently acquainted with the same to warrant us in making the request that by resolution, or otherwise, you provide for an investigation of this whole transaction in its minutest details to the end that some measure of justice may be done to us in reparation of the wrongs already done, and that the Department of the Interior in the future be not permitted to lease Osage mineral lands only under competitive bids to the highest bidders upon either a royalty, or a royalty and bonus basis.

We feel that the extraordinary spectacle of the giving away of 235,000 acres of our mineral lands to certain lessees without competition and without other consideration than meager royalties and rentals, calls for immediate and searching investigation, and justice to the Osage people dictates that the Department of the Interior in the future be not permitted to do the same with our remaining mineral lands.

We beg to say that in making this request of you, we do it upon our own behalf as members of the Osage Tribe of Indians, and also upon the behalf of the mass meeting of Osages and intermarried citizens above referred to, and on behalf of every member of the tribe who is directly interested in the matters herein complained of and the relief and protection sought.

Very respectfully,

FRANKLIN SHAW.
JOHN F. PALMER.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA—FRANKLIN SHAW ET AL. v. FRANKLIN K. LANE, SECRETARY OF THE INTERIOR. EQUITY No. 34279.

AFFIDAVIT OF JAMES E. O'NEIL.

I, James E. O'Neil, of Independence, Kans., on oath depose and say that I am president of the Prairie Oil & Gas Co., a corporation organized and existing under the laws of the State of Kansas, and engaged in doing business in the State of Oklahoma; that the business of said corporation includes in part the purchasing, producing, and sale of oil mined in said State of Oklahoma; that it operates within the Osage oil territory and purchases extensively from lessees engaged in mining oil in that field; that said corporation produces and purchases from operating lessees about 81 per cent of all the oil produced or mined in the Osage Nation (and that of these figures, its production amounts to only about 4 per cent); that he is informed of the existence of the above-entitled suit and understands its purpose and its existing status, i. e., that the court has rendered an opinion dismissing the bill, but has now under consideration a motion to stay the effect of decree dismissing the bill, pending appeal.

He further states that the said corporation has been purchasing and taking oil from former sublessees under the Foster lease, whose leases expired March 16, 1916, since said date under the temporary orders issued by the Secretary of the Interior, first for a month expiring April 16, 1916, and then for another month expiring May 16, 1916; that this arrangement was made in view of the fact that said lessees had in the course of preparation certain leases made under the resolution of the Osage Council of June 17, 1915, and the rules and regulations of the Secretary of August 26, 1915, which said leases, it was expected, would unquestionably be approved. Hence, as a temporary arrangement, to meet the emergency existing by the fact that the leases were not wholly completed and in form perfected, the corporation was willing for the short time involved to run and purchase the oil as aforesaid. But owing to the existence of this litigation and regarding it as doubtful if the Secretary has power to continue indefinitely or for any longer period the arrangement aforesaid, as he has been by his counsel advised, and having considered fully the uncertainty of title to the oil continued to be mined or attempted to be purchased in face of this litigation, the Prairie Oil & Gas Co. will be compelled to discontinue the running and purchasing of crude oil from properties within the Osage Nation under temporary order or permission from the Secretary of the Interior after midnight, May 16, 1916. In other words, if the Secretary is by order of the court prevented from approving the leases in controversy, the running and purchasing of said company in the Osage Nation must and will cease forthwith.

Affiant further states that he has been informed of the text of a certain proposed regulation presented for the Secretary's consideration, having in view an arrangement whereby the leases aforesaid might be conditionally approved, but he states that even if such regulation might receive the approval of the Secretary, that the attitude of his company would be the same; i. e., that said company would not feel justified, as a matter of prudence, and would not continue to purchase and take oil mined under leases thus conditionally approved.

JAMES E. O'NEIL.

Subscribed and sworn to this 10th day of May, 1916, before me.
[SEAL.] NEENAH LAMB,
Notary Public.

BID ON OIL LANDS OF OSAGE NATION.

C. K. Davis bid on the SW. ¼ sec. 1, T. 21, R. 7 E., one well producing 109 barrels per day, for which tract the Gypsy Co. at the recent sale bid only $50,000.

I have bid 52½ per cent royalty, guaranteeing to drill not less than nine wells two years from date of execution of lease to me. On present production same will net Osages $85.83 per day, or $31,327.95 per year, which is $21,381.70 more per year on present production than a one-sixth royalty. But I wish to call particular attention to the fact that this piece of property is not developed, and I am making a bid, offering a bond to guarantee development of same.

Nine more wells on this piece of property, making a total of ten wells (which is approximately one-third the number of wells drilled on 160 acres to develop it), granting these wells are no larger than the present well on this property (and I have reason for believing they will be much larger), will produce 1,090 barrels of oil per day. Fifty-two and one-half per cent of this oil at the present price of oil will net the Osages $885.88 per day, or $323,346.20 per year, and this is [illegible] less than one-third developed. On a one-sixth royalty the Osages would receive $102,200 per year, or $221,146 less per year. And this property has a cash bonus bid of $50,000. On this property the Government gangers in November, 1915, report a production of 3,753.08 barrels, which is over 125 barrels per day. Their reports on same for the last of February and fore part of March this year are 109 barrels per day.

February being a cold month, it was impossible to get an accurate gauge on production. I learned at the lease from men in a position to know that this well is now doing 165 barrels per day. However, my figures are all compiled from Government reports on same.

I will also take, if permitted enough undeveloped acreage to make total acreage 4,800 acres, and develop same under departmental regulations at a royalty to the Osages of 52½ per cent.

Respectfully submitted.

C. K. DAVIS.
By R. R. BRADER.

THE MERCHANT MARINE.

Mr. MARTINE of New Jersey. Mr. President, I desire to offer and to have printed in the RECORD an editorial appearing in the Washington Post of some days ago entitled "The American merchant marine and governmental control of ocean rates." I do not ask that the editorial be read, but that it may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, such will be the order.

The matter referred to is as follows:

THE AMERICAN MERCHANT MARINE AND GOVERNMENTAL CONTROL OF OCEAN RATES.

Eight dollars a ton for the railway freight on barley from San Francisco to Galveston may be a fair and reasonable rate; at least it should be, with National and State regulation of rates and with official commissions to see that the railway interests are fairly cared for and the public not exploited unfairly.

What the rate would be if it were not for the power given by legislation to the Interstate Commerce Commission and to the various State commissions no business man in the United States would attempt to state.

But with ocean transportation, unregulated by either National Government or by States, with the shipping combines of Europe reaching for the last copper of the shippers or the consumers, and private capital, after 50 years' talk of providing an American merchant marine, either in partnership with foreign combines or in operating agreements with them, or controlling few, very few vessels independent of these combines, we have to-day statements that $32 a ton is to be charged for transporting barley from Galveston to European ports.

And we have some legislators who still balk at governmental protection of the interests of American farmers, American miners, American manufacturers, the masses of the American people, and who are opposed to governmental control of rates in a governmental owned or governmental aided merchant marine.

Thirty-two dollars a ton ocean freight to western Europe on barley produced on the lands of the farmers of the United States makes it highly profitable for owners of vessels, for private capital invested in vessels, and, of course, they want no governmental owned merchant marine, no governmental control of rates, no governmental service for the producers and the shippers of the Republic.

The farmers who produce the barley, working early and late, through winter's cold and summer's heat, working in every season throughout the year to produce the grain crop for the market, do not receive per ton for the grain as much as the owners of the vessels which carry it on the two weeks' trip from Galveston to Europe.

And private capital has had 50 years to furnish an American merchant marine, and yet some Members of the Congress oppose the governmental establishment of a marine and are strongly against governmental control of ocean rates on freights carried by governmental owned or governmental controlled vessels.

The manufacturers of the United States and the miners of the United States will find themselves at great disadvantage if there is not created at once an American merchant marine, with governmental control of rates on ocean transportation.

It is not many years since governmental control of railway rates was established in the States and in the Nation.

Is there a business man in the United States who to-day would favor removal of the State and National control of railway rates?

Is there a Senator or Representative in Congress to-day who will go to his constituents and advocate the repeal of all legislation looking to such control and regulation of rates upon the railways of this country? If such control and regulation is injurious to the interests of the masses of the country, why not say so? If it is not injurious, if it is beneficial, why not give the people of the United States the benefits resultant from establishing control of rates on the American merchant marine, owned by the Government or aided by the Government, and, whether owned or aided, dependent upon the cash of the citizens of the United States.

PONCA TRIBE OF INDIANS.

Mr. HITCHCOCK. I desire to enter a motion at this time for a reconsideration of the vote by which on Saturday last the Senate passed the bill (S. 4251) to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe. I merely enter the motion at this time because, on account of the absence of the Senator from Oklahoma [Mr. OWEN], it is proper to postpone the consideration of it until his return.

Mr. NORRIS. Mr. President, may I ask my colleague, in conection with the motion which he has entered, whether the bill has not been sent to the House; and if so, whether the motion to reconsider ought not to include a request for the House to return the bill to the Senate.

Mr. HITCHCOCK. That is a request which can be made by the Chair or by the Secretary, I presume, as the bill was passed at the last session of the Senate.

The PRESIDING OFFICER. The Chair thinks the Senator from Nebraska had better include the request in his motion.

Mr. HITCHCOCK. Then I will take the liberty, Mr. President, of including the request in the motion.

The PRESIDING OFFICER. That the House be requested to return the bill to the Senate?

Mr. HITCHCOCK. That the House be requested to return the bill to the Senate.

Mr. PAGE. Mr. President, may I inquire of the Senator from Nebraska if that is an Indian bill?

Mr. HITCHCOCK. It is a bill which proposes to grant to the Ponca Tribe of Indians the right to intervene in a proceeding in the Court of Claims which is practically concluded, and it would result in delaying the award which will undoubtedly be made to the Omaha Tribe of Indians.

Mr. PAGE. Is it a bill which has been considered by the Committee on Indian Affairs?

Mr. HITCHCOCK. Oh, yes; certainly. It was on the calendar and had been considered, but it had not been contested in any way. It was a matter which did not come to my knowledge until after the committee had reported the bill, and it was then brought to my knowledge by a delegation of Omaha Indians who visited this city, and who represented that the case had been pending in the court for years, had practically reached its conclusion, the testimony had been closed, and there was nothing remaining except the filing of briefs in the case, and that to permit the other Indians, who had really no equitable claim, to intervene in the case simply meant another long delay in giving the Omaha Indians what they were justly entitled to from the Government.

The PRESIDING OFFICER. The motion of the Senator from Nebraska will be entered.

LAWS OF PORTO RICO.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Eighth Legislative Assembly of Porto Rico during its second session (February 14 to April 13, 1916, inclusive).

These acts and resolutions have not previously been transmitted to Congress, and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE, *June 5, 1916.*

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on the 5th instant approved and signed the joint resolution (S. J. Res. 72) to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

HOUSE BILLS REFERRED.

The following bills and joint resolution were read twice by their titles and referred to the Committee on Public Lands:

H. R. 21. An act authorizing the city of Salida, Colo., to purchase certain public lands for public park purposes;

H. R. 600. An act to validate title to the town site of McCabe, in the State of Montana;

H. R. 10124. An act to add certain lands to the Rocky Mountain National Park, Colo.;

H. R. 10305. An act to grant certain lands to the State of Oregon as a public park, for the benefit and enjoyment of the people;

H. R. 11162. An act to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes;

H. R. 11472. An act to reserve certain lands and make them a part of the Pike National Forest; and

H. J. Res. 184. Joint resolution providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 7613. An act to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla.;

H. R. 13223. An act to provide for appeals from decisions of boards of local inspectors of vessels, and for other purposes; and

H. R. 13831. An act to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificate of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 12954. An act for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry for immediate transportation without appraisement of dutiable merchandise; and

H. R. 15347. An act to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning.

The following bills were severally read twice by their titles and referred to the Committee on Patents:

H. R. 13618. An act to amend section 4931 of the Revised Statutes of the United States; and

H. R. 13720. An act to amend section 4894 of the Revised Statutes relating to patent applications.

H. R. 8492. An act to restore homestead rights in certain cases was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 10312. An act relating to appeals and writs of error and costs thereof was read twice by its title and referred to the Committee on the Judiciary.

H. R. 13383. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, was read twice by its title and referred to the Committee on Appropriations.

H. R. 15947. An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

H. J. Res. 78. Joint resolution authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the national encampment, Knights of Pythias, to be held at Nashville, Tenn., in August, 1916, was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 145. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was read twice by its title and referred to the Committee on the Library.

The PRESIDING OFFICER. If there be no further business, under the unanimous-consent agreement the Senate stands adjourned until 12 o'clock on Saturday next.

Thereupon (at 12 o'clock and 25 minutes p. m.) the Senate adjourned until Saturday, June 10, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 8, 1916.*

The House met at 11 o'clock a. m.

Rev. John Van Schaick, jr., pastor of the Church of Our Father, Washington, D. C., offered the following prayer:

O God, who turneth into morning the shadows of the night, grant that we may be the children of the light and of the day. Let the sun of Thy righteousness shine in our hearts, enlighten our reason, make clear our conscience, purify our affections. We dedicate ourselves to Thee this day, beseeching Thee so to rule and govern us that all evil thoughts, all unholy desires, all anxious cares and fears may be driven from our minds, and that we may walk with joy in the light of Thy countenance and the comfort of Thy presence. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENLARGED HOMESTEADS.

Mr. GANDY. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the Senate amendment to the bill H. R. 8654, an act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by

adding a new section, to be known as section 7, was agreed to on Monday last, and to return to the consideration of the Senate amendment.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to vacate the proceedings touching the agreement by the House to the Senate amendment to the bill H. R. 8654 and to return to the consideration of the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The question now is on agreeing to the Senate amendment.

Mr. GANDY. Mr. Speaker, I move to concur in the Senate amendment with an amendment as follows:

Add, at the end of the Senate amendment, the following: "If the entryman is residing on his former entry."

The SPEAKER. The question is on agreeing to the Senate amendment with the amendment of the gentleman from South Dakota.

Mr. MONDELL. Mr. Speaker, I would like to ask the gentleman from South Dakota what change this makes in the procedure of the other day?

Mr. GANDY. Just a change of one word. We change the word "original" to the word "former." We have second homestead statutes whereby a man may have had an original entry and then, exercising his rights under the second homestead law, have taken another one. The department is of the opinion that the use of the word "original" in that connection might get them into endless difficulty whereas the word "former" would not.

Mr. MONDELL. Mr. Speaker, I think the department is entirely wrong. It is not a former entry. You are proposing to give to a man an additional entry, and an additional entry must be additional to the original. The language in the bill as it passed the House was correct. The legislation does not provide for a new entry succeeding a former entry. It provides for an additional entry to an original entry. The language the House adopted is the correct language.

Mr. MANN. I think the gentleman is wrong about that.

Mr. MONDELL. I believe I am entirely right; but if the department insists we must use certain language in connection with the bill, there is nothing for anyone to do but to accept it, because if we do not accept it the department may decline to carry out the provisions of the law; but the change is erroneous. The provision as it stood before is correct.

Mr. GANDY. Mr. Speaker, I do not think the gentleman from Wyoming [Mr. MONDELL] yet gets the idea in this proposition. A man may have heretofore exercised his right under the second homestead law, and the use of the word "original" in this connection was thought by the department to refer to the original entry which he might have made—the first entry—whereas he may have a second entry, to which the additional entry is desired.

Mr. NORTON. Mr. Speaker, may we have the amendment reported, together with the Senate amendment?

The SPEAKER. The Clerk will report the Senate amendment with the House amendment.

The Clerk read as follows:

Senate amendment: On page 2, line 9, after the word "laws," insert a comma and the words "except that where the land embraced in the additional entry is located not exceeding 20 miles from the land embraced in the original entry no residence shall be required on such additional entry."

House amendment: Add at the end of the Senate amendment the following: "If the entryman is residing on his former entry."

So that the Senate amendment as amended will read: "Page 2, line 9, after the word 'laws,' insert a comma and the following: 'Except that where the land embraced in the additional entry is located not exceeding 20 miles from the land embraced in the original entry no residence shall be required on such additional entry if the entryman is residing on his former entry.'"

The SPEAKER. The question is on agreeing to the Senate amendment with the Gandy amendment.

The Senate amendment as amended was agreed to.

THE JUDICIARY IN POLITICS.

Mr. MURRAY rose.

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes.

Mr. MANN. About what?—oh, the gentleman is always entertaining, and I will not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURRAY. Mr. Speaker, it has been the experience of all nations that when its judiciary becomes corrupt the nation is in its last stage of decadence. History also teaches us that such corruption often grows out of questionable politics. The framers of the Constitution of the United States fully understood this, and in order to avoid its dangers provided that all judges should hold office for life, believing that life tenure, with a fixed and unchangeable salary, would be the strongest safeguards against their entry into political contest for public office; and candor compels us to admit that, with few exceptions, this belief has been justified by the decisions and practices of the Supreme Court of the United States, although too often have the inferior Federal courts degenerated into questionable practices or decisions. Nevertheless, it is true that with few exceptions the Supreme Court has proven itself above such practices. Whenever it has departed even in a slight degree agitation not to the best interest either of the court or of the country has resulted. In the Dred Scott decision Judge Roger B. Taney could not resist the temptation, which strong political agitation of the time influenced, to pronounce an obiter dictum as addition to his decision. He reaped the just reward for his misconduct, which materially dimmed his otherwise glorious career. Immediately following the Dred Scott decision the opponents of further extension of slavery in the Territories began an agitation to combat the effect of this political decision, or, rather, of this uncalled-for dictum, which had no rightful part in the decision. The Republican Party was born out of scathing criticism of the Supreme Court and out of rebuke of what Lincoln and others justly termed a political decision.

Some 15 years ago I remember reading the American Commonwealth, by James Bryce, and my astonishment at his statement that the Federal courts would some day destroy the American Republic, reciting as a bad precedent the raising of the number of judges in 1868 in order to have declared constitutional the paper-money issue. This statement of Mr. Bryce was contrary to my training, and at the time I pronounced it absurd; but there has occurred too many regretful incidents in the career of the Supreme Court of the United States, too many reversals of a long line of decisions, like the income-tax case some few years ago. Therefore, sirs, I can not restrain a critical examination of any departure of the practices of the Supreme Court of the United States, which has characterized it from the beginning of the Republic, and I look with dread upon any movement which would likely bring it into bad repute.

In contemplating the judiciary, having a regard for its future welfare, I can not resist analyzing the effect of a recent utterance of a member of the Supreme Court, whose friends say that he is, or at least they present him as a candidate for the Republican nomination for President of the United States; or mentally to question whether or not it would be wise now to prohibit the nomination or election of any member of that court to any other office while a member of the court. True enough, Mr. Justice Hughes has been remarkably and commendably silent until the eve of the Republican national convention, when he took occasion to pronounce a eulogy on the flag, which at any other time would have gone unnoticed; but his friends immediately pronounced it a "keynote speech for the nomination," and if a man's real character and motives can not be ascertained from the statement and judgment of his friends, to whom can we look for the truth of his purpose and motives? I do not wish to be understood now as inveighing against his nomination nor to consider the wisdom of electing Mr. Justice Hughes to the Presidency. I will agree that should he receive that nomination the contest between him and the Democratic nominee, Woodrow Wilson, would be like pitting classic Roman against classic Greek. The acme of literary taste in American politics would certainly be realized in the campaign speeches of the two contestants in their use of pure diction, rhetoric, and classic learning; but such nomination, to say the least, brings to our mind the fear that such course will be too often attempted. Suppose four years hence an agitation is started to nominate Justice Louis D. Brandeis. Does anyone doubt, even though he keep his mouth closed, the "spasms" into which certain interest-serving publications would be thrown by the very suggestion of his nomination? Indeed, we can reasonably expect every man and every influence who opposed his confirmation by the Senate immediately to begin the cry that the suggestion of his name meant the dragging of the judiciary into political mire, and the suggestion would do so. Therefore I repeat the question, ought there not to be a written or unwritten inhibition against any member of the Supreme Court ever receiving the nomination for President while serving on the judiciary? If not should the object now sought by the friends of Mr. Justice Hughes be repeated, would not that itself bring the Supreme Court into political discussion and controversy? Do we not realize that it has already brought to the door of the Supreme Court too much agitation and discussion as to whether one of their members shall receive the nomination of a great political party? This suggests the further question, to wit, What has been the line of mental consideration of the able and learned jurist, Mr. Justice Hughes, during the many months

since his name became associated with the possible nomination for the Presidency? Has he been studying sharp quillets of the law in order to balance the scales of justice exactly and to render decisions upholding the clear intent and purpose of the Constitution of the United States, or has his mentality strenuously endeavored to answer the personal question, "What shall I do and say if I become the nominee of the Republican Party at Chicago?"

I trust I may be pardoned, therefore, when I say that either Mr. Justice Hughes should have made it clear that under no circumstances would he have accepted the nomination for the Presidency or have resigned from the bench at the first serious consideration of his name 12 months ago. His remaining on the bench and flirting with his supporters, like a girl wanting to be kissed, is reprehensible in the extreme, dangerous to the future integrity of the court, and to the best interest of the country.

We are progressive in Oklahoma and in a measure radical, but have never thought it wise to make of the judiciary a training school of political success. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, the speech of the distinguished gentleman from Oklahoma [Mr. MURRAY] is such an evidence of fear on that side of the House that I will ask for the regular order without replying any further.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The regular order is the Unanimous Consent Calendar, bridge bills to have precedence. The Clerk will report the first bill.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MEMPHIS, TENN.

The first bill in order on the Unanimous Consent Calendar was the bill (H. R. 12999) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at Memphis, Tenn," approved August 23, 1912.

The Clerk read the title.

The SPEAKER. Is there objection?

Mr. CARAWAY. Mr. Speaker, I wish to ask unanimous consent that this bill be passed over without losing its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none.

BRIDGE ACROSS THE WABASH RIVER, WABASH, IND.

The next business in order on the Unanimous Consent Calendar was the bill (H. R. 13660) to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the county of Wabash, State of Indiana, is hereby authorized to construct, maintain, and operate a bridge across the Wabash River, at a point suitable to the interests of navigation, at the city of Wabash, in the State of Indiana, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 5, at the beginning of the line, insert the words "and approaches thereto."

Page 1, line 8, strike out the words "approved, June 23, 1910," and, line 9, strike out the words "amend an act entitled 'An act to.'"

Line 10, strike out the words "and across" and insert the words "bridges over."

Line 1, page 2, strike out the words "June 21" and insert the words "March 23."

In line 2, page 2, strike out the quotation marks after the word "six."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CULLOP, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER, BATON ROUGE, LA.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 3722) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I ask that this bill be passed over.

The SPEAKER. Under the agreement, the bill will be passed over without prejudice.

BRIDGE ACROSS THE MISSISSIPPI RIVER IN AITKIN COUNTY, MINN.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 13835) to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian.

The Clerk read the title.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at its intersection with the division line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian, in the county of Aitkin, in the State of Minnesota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 7, after the word "river," insert the words "at a point suitable to the interests of navigation."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGES ACROSS BAYOU BARTHOLOMEW, ASHLEY COUNTY, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10849) granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Ashley County, Ark., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Bayou Bartholomew at a point suitable to the interests of navigation, at or near the town of Wilmot, in the county of Ashley, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13715) granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Bayou Bartholomew at a point suitable to the interests of navigation, at or near the town of Morrell, or about one-half mile above or north of said town, in the county of Ashley, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12197) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Ashley County, Ark., to construct, maintain, and operate a bridge and approaches thereto across the Bayou Bartholomew at a point suitable

to the interests of navigation, at or near the section line between section 17 and section 20, township 16 south, range 5 west, in the county of Ashley, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendments were read:

Page 1, lines 7 and 8, strike out the words "17 and section 20" and insert in lieu thereof "19, township 16, range 5 west, and section 24."

Page 1, line 9, strike out the word "five" and insert the word "four."

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS BRAZOS RIVER, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12362) granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River, in the State of Texas.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Dallas & Southwestern Motorway Co. and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Brazos River at a point about 300 feet above the mouth of Georges Creek in county of Somerville, in the State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendment was read:

Page 1, line 6, after the word "point," insert the words "suitable to the interests of navigation."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

KANSAS CITY & MEMPHIS RAILWAY & BRIDGE CO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10251) authorizing the Kansas City & Memphis Railway & Bridge Co. to make settlement with Crittenden County, Ark., and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MONDELL. Mr. Speaker, reserving the right to object, what difference is there between this bill, H. R. 10925, and the bill which has just passed, H. R. 10849? It seems to provide for the same bridge or a bridge at the same point.

Mr. CARAWAY. May I answer the gentleman?

Mr. MONDELL. It says "at a point suitable to the interests of navigation, at or near the town of Wilmot, Ark." The bill now before us has an additional description, but the location seems to be the same. Do they both apply to the same bridge?

Mr. CARAWAY. You refer to House bill 10925? That has not been reported yet.

Mr. MONDELL. I refer to House bill 10849.

Mr. CARAWAY. And what other bill?

Mr. MONDELL. And the bill now before us, H. R. 10925. They both provide for a bridge at a point suitable to the interests of navigation at or near the town of Wilmot, in the county of Ashley, in the State of Arkansas.

Mr. CARAWAY. I understand that the bill, H. R. 10925, has not yet been reported. We reported H. R. 10251, and have not reached H. R. 10925 yet.

Mr MONDELL. H. R. 10849 was passed some time ago.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is talking about one bill and the gentleman from Arkansas [Mr. CARAWAY] about another.

Mr. MONDELL. Mr. Speaker, are we not now considering H. R. 10925?

The SPEAKER. We are not. The one that the House is considering is H. R. 10251.

Mr. MONDELL. I thought we had disposed of it and reached the next, No. 179.

The SPEAKER. No. The gentleman is mistaken. The Clerk will report this bill by title, so that Members will know what they are talking about.

The Clerk read as follows:

A bill (H. R. 10251) authorizing the Kansas City & Memphis Railway and Bridge Co. to make settlement with Crittenden County, Ark., and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, this is a new proposition. Is it involved at all in this proposition of the bill that the gentleman had up before?

Mr. CARAWAY. Not at all. There are two bridge companies there.

Mr. MANN. I know. They are both seeking to get legislation from Congress.

Mr. CARAWAY. This bill seeks to ratify a settlement made between the bridge company and Crittenden County. Crittenden County lies right across the river in Arkansas from Memphis. When the former bridge was constructed a wagon way was to be maintained across the old bridge, and Crittenden County built an approach to it. Two years ago the wagon way fell down, and it has never been reconstructed. The new company has built a new wagon way that is more satisfactory, and the county has entered into a contract with a new company. The figures here ought to be $12,000 instead of $12,500.

Mr. MANN. There are two bridge companies there, apparently. I do not know how many more there may be. The former bill that the gentleman had passed over provided for the extension of the time for the company to construct its bridge?

Mr. CARAWAY. Yes.

Mr. MANN. I take it that the two propositions are related to each other in some way—not the companies or the bridges.

Mr. CARAWAY. I will state to the gentleman that Crittenden County, which built an old bridge which fell down, made an agreement with the company by which the company was to pay $12,000 to Crittenden County when the Secretary of War under this bill granted them the right not to be compelled to reconstruct their wagon way, which was never used.

Mr. MANN. I understand the Secretary of War states the further fact that no improved highway has ever been constructed by the Arkansas authorities from the Arkansas levees to connect with the bridge approach.

Mr. CARAWAY. It was not a very good way. I have crossed it several times. The approach was so steep that it was never a very practicable bridge. It has fallen down, and the company and the county have entered into this agreement by which the company is to pay Crittenden County $12,000. The amount ought to be amended to "$12,000," not "$12,500."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of War is hereby authorized and empowered to release the Kansas City & Memphis Railway & Bridge Co., a corporation, from the duty now imposed upon it by the act entitled 'An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.,' approved April 24, 1888, and all acts amendatory thereof, to maintain approaches to its bridges at Memphis, Tenn., and a way over and across said bridge for wagons and other vehicles, animals, and foot passengers, upon its payment to the road fund of Crittenden County, Ark., the sum of $12,500.

"SEC. 2. That upon the compliance by the said Kansas City & Memphis Railway & Bridge Co., a corporation aforesaid, with the provisions of section 1 of this act the provision hereof shall take effect, and for that purpose an act entitled 'An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.,' approved April 24, 1888, and all acts amendatory thereof are hereby so amended as to relieve said company of the necessity of maintaining said approaches to and said passageway across said bridge for wagons and other vehicles, animals, and foot passengers.

"SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed."

Mr. CARAWAY. Mr. Speaker, I move to amend the amendment in line 22, page 2, by striking out the figures "$12,500" and inserting the figures "$12,000."

The SPEAKER. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

Page 2, line 22, strike out "$12,500" and insert "$12,000."

The SPEAKER. The question is first on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from Arkansas [Mr. CARAWAY].

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS BAYOU BARTHOLOMEW.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10025) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I now desire to ask the gentleman from Arkansas [Mr. CARAWAY] if the bridge that it is proposed to build under the authority granted by this act is the same bridge that is proposed in the bill H. R. 10649? They both seem to be near the town of Wilmot, Ark.

Mr. CARAWAY. I am not informed as to that.

Mr. MONDELL. I do not see that there is any particular harm if the two bills do refer to the same bridge.

Mr. MANN. This is the third bill to provide a bridge to be built at or near the town of Wilmot.

Mr. MONDELL. Yes; but one other is a bridge to be built by a private corporation, and still another bridge that my friend refers to is at a different point specifically located.

Mr. MANN. I think I spoke to some gentleman about it. This is for a county. I guess what they are trying to do is to get a bridge built. They may not be absolutely certain just where to build it, and they do not want to incur any expense until they know the particular place where the bridge is to be built.

Mr. MONDELL. They are evidently trying a number of localities.

Mr. MANN. Yes. It probably takes a vote of the people to determine just where it will go.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Ashley County, Ark., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Bayou Bartholomew at a point suitable to the interests of navigation, at or near Wilmot, Ark., on section line between sections 1 and 12, township 19, range 5, where it crosses said bayou in the county of Ashley in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

BRIDGE ACROSS MISSISSIPPI RIVER, BATON ROUGE, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9235) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I ask to have the bill passed over.

The SPEAKER. The bill goes over without prejudice.

BRIDGE ACROSS LITTLE RIVER, MISSISSIPPI COUNTY, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6923) to authorize the construction, maintenance, and operation of a bridge across Little River at a point where the line between townships 12 and 13 north, range 8 east, crosses said river.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Osceola and Little River road improvement district No. 1, of Mississippi County, Ark., be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Little River, at a point where the line between townships 12 and 13 north, range 8 east, crosses said river, in accordance with the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That permission be granted to construct and maintain said bridge without building and maintaining a draw therein.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, after the word "river" in line 6, insert the words "at a point suitable to the interests of navigation"; page 2, line 3, strike out the words "*Provided*, That permission be granted to construct and maintain said bridge without building and maintaining a draw therein."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. CULLOP, a motion to consider the last vote was laid on the table.

DAUPHIN ISLAND RAILWAY & HARBOR CO., ALABAMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11616) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912.

The Clerk read the title of the bill.

Mr. GRAY of Alabama. Mr. Speaker, I ask unanimous consent that Calendar No. 188, S. 4476, which is a Senate bill identical with this House bill, be considered in lieu of H. R. 11616. The Senate bill has passed the Senate.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, I expect to ask to have both the House bill and the Senate bill go over. I have no objection to extending the time reasonably for this work, but apparently this would extend for five years the time for beginning the bridge. I am not willing to do that. I do not know whether that is what they want or not, but I suppose it is easy enough to provide that the bill shall not make that extension.

Mr. HARRISON. Will the gentleman consent to pass the bill for the present?

Mr. MANN. Yes.

Mr. HARRISON. So that if we can get together the bill may be passed at some time later in the day.

Mr. MANN. I am perfectly willing.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GRAY of Alabama. I yield to the gentleman.

Mr. MOORE of Pennsylvania. In what State is this located?

Mr. GRAY of Alabama. In Alabama.

Mr. HARRISON. I ask unanimous consent that the bill may lie over for the present.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to pass this bill temporarily without prejudice. Is there objection?

Mr. MANN. This bill and the next one, S. 4476.

The SPEAKER. To pass this bill and the next one temporarily. Is there objection?

There was no objection.

BRIDGES ACROSS GRAND CALUMET RIVER, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15006) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the board of commissioners of Lake County, Ind., be, and they are hereby, authorized to construct, maintain, and operate a public bridge and approaches thereto across the Grand Calumet River, at a point where the same intersects Calumet Avenue, in the city of Hammond, in the State of Indiana, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

With the following committee amendments:

Page 1, line 3, after the word "consent," insert the words "the consent of Congress is hereby granted to."

Page 1, line 4, after the word "Indiana," strike out the words "be, and are hereby, authorized" and insert the words "and their successors and assigns."

Page 1, line 6, strike out the word "public."

Page 1, line 7, after the word "point," insert the words "suitable to the interests of navigation."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. CULLOP, a motion to reconsider the last vote was laid on the table.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15007) to authorize the board of commis-

sioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That the board of commissioners of Lake County, Ind., be, and are hereby, authorized to construct, maintain, and operate a public bridge and approaches thereto across the Grand Calumet River at a point where the same intersects Kline Avenue, in the city of East Chicago, in the State of Indiana, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

With the following committee amendments:

Page 1, line 3, after the word "consent" insert the words "the consent of Congress is hereby granted to."

Page 1, line 4, after the word "Indiana," strike out the words "be, and are hereby, authorized" and insert the words "and their successors and assigns."

Page 1, line 6, strike out the word "public."

Page 1, line 7, after the word "point" insert the words "suitable to the interests of navigation."

Page 1, line 8, strike out the word "Kline" and insert the word "Cline."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. CULLOP, a motion to reconsider the last vote was laid on the table.

SALT FORK, ARKANSAS RIVER, PONCA INDIAN RESERVATION, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3423) to provide for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla.

The Clerk read the title of the bill.

Mr. SIMS. Mr. Speaker, I notice this bill is from the Committee on Indian Affairs. It seems to provide for the construction of a bridge. I have no objection, but I understood the consent was for the consideration of bridge bills coming from the Committee on Interstate and Foreign Commerce.

Mr. MANN. There was nothing said about that. I do not think anybody will have any objection to this.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury to the credit of the Ponca Tribe of Indians, the sum of $6,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, for the purpose of paying one-third of the cost of the construction of a bridge across the Salt Fork of the Arkansas River, between sections 3 and 10, township 24 north, range 2 east, Indian meridian, near White Eagle Agency, in the Ponca Indian Reservation, Okla.: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of Kay County and Noble County, in Oklahoma, satisfactory guaranties of the payment by said counties of at least two-thirds of the cost of such bridge, and that the proper authorities of the said counties assume full responsibility for and will at all times maintain and repair said bridge and the approaches thereto.

The SPEAKER. This bill is on the Union Calendar.

Mr. MANN. I ask unanimous consent that it may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. SIMS, a motion to reconsider the last vote was laid on the table.

Mr. MANN. I ask unanimous consent that the report of the committee on this bill be inserted in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to insert in the RECORD the report of the committee on this bill. Is there objection?

There was no objection.

The report (by Mr. CARTER of Oklahoma) is as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 3423) providing for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla., having carefully considered the same, reports the bill back without amendment, and recommends that the bill do pass.

The report of the Senate Committee on Indian Affairs to the Senate shows the necessity for the appropriation for the bridge, but instead of making the appropriation a gratuity from Government funds, the bill appropriates the money direct from the tribal funds of the Indians, the bridge being built on an Indian reservation and being for the purpose of affording the Indians a crossing over the Salt Fork of the Arkansas River. Only one-third of the cost of the bridge is to be paid for by the Indians, the other two-thirds being borne by Kay and Noble Counties, Okla. The report of the Senate is hereby adopted and made a part of this report, and is as follows:

[Senate Report No. 302, Sixty-fourth Congress, first session.]

"The Committee on Indian Affairs, to which was referred Senate bill 3423, to provide for the construction of a bridge across the Salt Fork of the Arkansas River near White Eagle Agency, in the Ponca Indian Reservation, Okla., having carefully considered the same, recommends that the bill do pass without amendment.

"This bill provides for the construction of a bridge across the Salt Fork of the Arkansas River between Kay County and Noble County, Okla., one-third of the expense to be borne by each of the said counties and one-third to be borne by the United States Government, the total cost to the Government not to exceed $6,000; and no part of the appropriation to be used until the authorities of the two counties have furnished proper guaranties that the shares which they contribute will be available, the said counties named to be responsible for the maintenance and repairs to the bridge.

"The Government is asked to contribute its proportion of the cost of this bridge for the reason that a considerable portion of the land in each of these counties is Indian land and not subject to taxation, and for that reason the county authorities could not collect from these Indian landowners their proportion of the assessed cost of the construction of the bridge.

"This bill when originally introduced was referred to the Committee on Commerce, and subsequently, on motion, the Committee on Commerce was discharged and the bill was referred to the Committee on Indian Affairs.

"While pending before the Committee on Commerce the bill was referred to the Interior Department for a report, and the Secretary of the Interior reported thereon to the Committee on Commerce under date of February 12, 1916. In this report the Secretary calls attention to the fact that the erection of the proposed bridge would increase the value of the land on the Ponca Indian Reservation south of the Salt Fork River far beyond the amount proposed to be contributed, and states that it would be an inducement for many of the Indians now living north of the river to make their homes on their own allotments in Noble County, which they are not now willing to do on account of the remoteness of that section and its inaccessibility, due to the fact that the river is not bridged and is frequently not fordable.

"The Secretary's report is as follows:

"DEPARTMENT OF THE INTERIOR,
"*Washington, February 12, 1916.*

"MY DEAR SENATOR: Referring to the letter of your committee, dated January 21, submitting for report Senate bill 3423, appropriating $6,000 to pay one-third of the cost of the construction of a bridge across the Salt Fork of the Arkansas River, I have to state that all the information at my command indicates it is only fair that the Government should assist the counties in the construction of the proposed bridge.

"The erection of such a bridge would increase the value of land on the Ponca Reservation south of the Salt Fork River far beyond the amount proposed to be contributed. It would also be an inducement for many of the Indians now living north of the river to make their homes on their own allotments in Noble County, which they are not now willing to do on account of the remoteness of that section and its inaccessibility, due to the fact that the river is not bridged and is frequently not fordable. The bridge would afford a direct gateway from Ponca City to the south portion of the Ponca Reservation and to the Otoe Reservation, would give the Indians access to competitive markets, and their lands would be leased more readily and for better prices.

"It frequently happens that this river is unfordable for considerable periods of time, stopping the travel between the two parts of the reservation or making it necessary to go about 25 miles from the agency at White Eagle, Okla., to reach land 2 or 3 miles south thereof. Under these conditions the white lessees of Indian lands and the Indians living on the south end of the reservation are placed at a disadvantage, the Indian land leasing and selling cheaper than it would otherwise, and the Indians themselves being unwilling to settle upon their allotments. The superintendent in charge of the agency has been furnished figures showing that the entire cost of the bridge will be from $15,000 to $18,000.

"Considerable Indian land in these counties is not subject to taxation, and this appropriation is asked for by the county authorities because of this condition.

"I am submitting the facts in this case, leaving the question of the propriety of making the appropriation to the determination of the Congress.

"Cordially, yours,

"FRANKLIN K. LANE, *Secretary*.

"Hon. JAMES P. CLARKE,
"*Chairman Committee on Commerce, United States Senate.*"

ENROLLED BILLS SIGNED.

The Speaker announced his signature to enrolled bills of the following titles:

S. 1793. An act granting to the State of Kansas title to certain lands in said State for use as a game preserve; and

S. 5776. An act to amend certain public-utility company franchises in the Territory of Hawaii.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915;

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911;

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916;

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 7817. An act to validate the homestead entry of George S. Clark;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

H. R. 3794. An act for the relief of Thomas S. Johnson;

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes;

H. R. 755. An act to incorporate the Boy Scouts of America, and for other purposes;

H. R. 2744. An act to correct title to certain lands in Colorado;

H. R. 13064. An act for the relief of the M. A. Sweeney Shipyards & Foundry Co.;

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia; and

H. R. 14864. An act to alter, and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

BRIDGE ACROSS YELLOWSTONE RIVER, MONT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14823) to authorize the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Savage Bridge Co., a corporation organized under the laws of the State of Montana, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Yellowstone River at a point suitable to the interests of navigation from the northwest bank thereof in section 28, township 20 north, range 58 east, Montana principal meridian, to the southeast bank thereof, landing on Bear Island in section 33, township 20 north, range 58 east, Montana principal meridian, and from the northeast bank of Bear Island to the southwest bank thereof, all in section 34, township 20 north, range 58 east, Montana principal meridian, all in the county of Richland, State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. DILLON a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, WILLISTON, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14483) to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Missouri River Bridge Co., a corporation organized under the laws of the State of North Dakota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interest of navigation, at or near the city of Williston, N. Dak., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, MONT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14534) permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Missouri River Transportation Co., a corporation organized under the laws of the State of Montana, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation, from the north bank thereof in the county of Sheridan, State of Montana, to the south bank thereof in the county of Richland, State of Montana, all in section 23, township 27, range 50 east, Montana principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendment was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the consent of Congress is hereby granted to the Missouri River Transportation Co. and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation, from the north bank thereof in the county of Sheridan, State of Montana, to the south bank thereof in the county of Richland, State of Montana, all in section 23, township 27, range 50 east, Montana principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Amend the title to read:

"A bill granting the consent of Congress to the Missouri River Transportation Co. and its successors and assigns, to construct, maintain, and operate a bridge and approaches across the Missouri River."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. DILLON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS PERDIDO BAY, ALA.

The next business on the Calendar for Unanimous Consent was the bill (S. 5841) to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, be, and hereby is, authorized to construct, operate, and maintain a bridge and approaches thereto across Perdido Bay at a point suitable to the interests of navigation, from the town of Lillian, on the western shore thereof, in the county of Baldwin and State of Alabama, to Cummings Point, on the eastern shore thereof, in the county of Escambia and State of Florida, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15322) granting the consent of Congress to the board of county commissioners of Traill County, N. Dak., to construct a bridge across the Red River of the North.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the board of county commissioners of Traill County, N. Dak., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North, at a point suitable to the interests of navigation, at or near the village of Caledonia, in the county of Traill, in the State of North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Page 1, lines 3 and 4, strike out the words "the board of county commissioners of."

Amend the title so as to read: "Granting the consent of Congress to Traill County, N. Dak., to construct a bridge across the Red River of the North.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I have no objection to this particular bill, but I wanted to ask the acting chairman of the committee a question. These bills have been following a very uniform course and very uniform language. It seems to me that it might be possible, and I wanted to inquire whether it is in the minds of the committee, to pass a general law so as to permit the construction of bridges across navigable streams whenever they comply with certain requirements of the War Department. In other words, is it necessary that we shall in the future on these private local bills be obliged to have a separate bill for each bridge that is intended to be built?

Mr. SIMS. I can not go into that question in the time that I have while on the Unanimous Consent Calendar. The committee has shown a disposition to require a separate act of Congress for each bridge across a navigable stream.

Mr. BORLAND. I wanted to bring out, if I could, the reason for that. The committee has been very good to me and I have no complaint to make.

Mr. SIMS. It is the general policy of the committee to require a separate act for each bridge or dam. There has been a uniform dam law passed—the general bridge and dam act—and I think the committee will stand by that policy. I do not believe that the committee at the present time would favor a bill creating a general law by which navigable streams might be bridged by complying with regulations or requirements of the War Department.

Mr. BORLAND. That is what I wanted to get at, the reason for that.

Mr. SIMS. As I said, in a unanimous-consent proceeding I do not feel warranted in taking up much time.

Mr. BORLAND. I did not know but that the gentleman might state it briefly. It is now necessary that all these bills should follow a stereotyped form as the form has been approved by the War Department as to the wording of the bill, and then the structure must conform to certain specifications.

Mr. SIMS. The practice is to refer all of these bills to the War Department as to whether or not the bridge will in any way impair or obstruct navigation. The committee never reports a bill until they get the report from the War Department and find that it does not impede or obstruct navigation.

Mr. BORLAND. I thought that there was some theory in the minds of the committee, and I did not know but that we might get at it.

Mr. SIMS. That is the policy of the committee.

Mr. BORLAND. Mr. Speaker, I have no objection to this bill, and I withdraw my pro forma amendment.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. DILLON. Mr. Speaker, I move to amend the title by striking out the words "board of county commissioners of."

The motion was agreed to.

On motion of Mr. DILLON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15318) granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North at a point suitable to the interests of navigation, at or near the section line between sections 23 and 26, township 144 north, range 49 west, fifth principal meridian, on the boundary line between Minnesota and North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS WEST PASCAGOULA RIVER, MISS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15682) granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River at or near Pascagoula, Miss.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 6041, of similar title, substantially the same as this bill, and that it be substituted for the bill H. R. 15682.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the bill S. 6041, on the Speaker's table, identical with this, be considered in lieu of House bill 15682. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Jackson County, Miss., and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the West Pascagoula River at a point suitable to the interests of navigation, at or near Pascagoula, Miss., in the county of Jackson, in the State of Mississippi, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table, and the bill H. R. 15682 was also laid on the table.

BRIDGE ACROSS SNAKE RIVER, WASH.

The next business on the Calendar for Unanimous Consent was the bill (S. 5310) to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county commissioners of Walla Walla and Franklin Counties, Wash., are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Snake River over the southern end of Strawberry Island about 2 miles above the confluence of the Columbia and Snake Rivers, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, there are two Senate bridge bills on the House Calendar, just reported in, but not now on the Unanimous Consent Calendar. I think we may as well clean them up at the same time. They are Nos. 136 and 137 on the House Calendar.

Mr. SIMS. Those bills have been reported from the House Committee?

Mr. MANN. Oh, yes.

Mr. SIMS. I ask unanimous consent that we consider these bills at this time, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the bills referred to be considered at this time. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report them.

BRIDGE ACROSS EASTERN BRANCH OF ELIZABETH RIVER, VA.

The next business was the bill S. 5851, to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River, in Virginia.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for commencing and completing the bridge authorized by act of Congress approved January 2, 1915, to be built across the Eastern Branch of the Elizabeth River in the city of Norfolk, Va., by the Norfolk-Berkley Bridge Corporation, of Virginia, is hereby extended one year and three years, respectively, from date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS YELLOWSTONE RIVER, MONT.

The next business was the bill (S. 5805) permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Riverview Ferry Co., a corporation organized under the laws of the State of Montana, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Yellowstone River at a point suitable to the interests of navigation, 3 miles south of Sidney, in said State, from the west bank thereof on lot 3, section 9, in the county of Richland, State of Montana, to the east bank thereof, in the said county and State aforesaid, in section 16, township 22 north, range 59 east, Montana principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill was passed was laid on the table.

PATENTS FOR CERTAIN LANDS TO DUCHESNE, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 36) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents to the town of Duchesne, Utah, for the southeast quarter of the southeast quarter, section 2, township 4 south, range 5 west, Uinta special meridian, for cemetery purposes: *Provided*, That if the said town shall at any time permit the said lands hereby granted to be used for any purpose not contemplated by this act the said lands shall revert to the United States.

With the following committee amendment:

Page 1, line 7, after the word "purpose," insert the words "upon the payment of $1.25 per acre."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I think there is only one piece of property to be conveyed here, and there should be only one patent. I therefore move to strike out the word "patents," in line 4, page 1, and insert in lieu thereof the word "patent."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 1, line 4, by striking out the word "patents" and inserting the word "patent."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MAYS, a motion to reconsider the vote by which the bill was passed was laid on the table.

MARCUS A. JORDAN.

The next business on the Calendar for Unanimous Consent was the bill (S. 888) authorizing the Secretary of the Treasury to confer upon Marcus A. Jordan the life-saving medal of the first class.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is passed without prejudice.

LAND LEASE, MUSKINGUM RIVER, OHIO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4026) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to know something about this bill. Why is it necessary to direct the abrogation of this lease? What are the circumstances attending it.

Mr. SIMS. Does the gentleman from West Virginia wish to explain this?

Mr. LITTLEPAGE. Mr. Speaker, the object of this bill is to secure a release to some gentlemen in the city of Parkersburg, W. Va., a district represented by my colleague [Mr. Moss], who is now sick and who is very much interested in the passage of this bill. The Government leased, through the Secretary of War, to these gentlemen, for the price of $8,800 per annum, the water power on the Muskingum River arising from Locks 3, 4, 5, and 6. They have paid the first year's rent, I understand, and upon the investigation of the water power it was ascertained it was a failure for the purposes for which it was leased; and the object of this bill is to release them from further obligation, and it requires them to pay an additional $8,800 for something from which they got no benefit.

Mr. SISSON. If they had made a good trade and had made a good deal of money, would they then ask to be released?

Mr. LITTLEPAGE. Well, I do not suppose that would hardly be a fair question here, would it?

Mr. SISSON. I want to know.

Mr. LITTLEPAGE. If the Government has gotten——

Mr. SISSON. Is it not true if they had in leasing this water power made a great deal of money out of it they would not be here asking to be relieved from their contract?

Mr. LITTLEPAGE. That is undoubtedly true, but when the people who lease from the Government are being destroyed and ruined and getting no earthly benefit out of it, I never conceived it the duty of the Government or the Government's representatives to break people up, and that is what this is doing.

Mr. SISSON. And I never heard of the Government being relieved when people were breaking the Government up and getting a great deal more for what the Government does.

Mr. LITTLEPAGE. But the gentleman as a Member of this House would not want to stand here and see the Government break up private citizens?

Mr. SISSON. The Government is not breaking up private citizens when a man gets a lease of water power and makes a bad trade. That is all; is not that it?

Mr. LITTLEPAGE. They took it upon the supposition and information that the water power was there.

Mr. SISSON. Is there any evidence to the fact that the Government had made certain representations concerning the water power to be developed and that those representations were untrue?

Mr. LITTLEPAGE. They took it on the supposition——

Mr. SISSON. But is there any evidence?

Mr. LITTLEPAGE. Has the gentleman read the report?

Mr. SISSON. I have not, and I do not know anything about it, except the statement of the gentleman.

Mr. LITTLEPAGE. I will read to the gentleman from the report.

Mr. SISSON. Do not read it all, but read that portion of the report, if there is any, where representation was made to these people who leased the water power and that the Government misstated the facts.

Mr. LITTLEPAGE. Let me say this to my distinguished colleague. This matter is outside of my district, but is in my State. There are two distinguished Members of this House very much interested in this bill and who are absent, unavoidably detained, one of them, a resident of Parkersburg, I fear may never enter this House again, and I do not want to take the chances of failing to do them a service and at the same time to impress upon the Members of this House the value and importance as well as the justice of this bill. Here are the facts, as set forth in the report:

The facts in regard to the pending bill are these: Pursuant to the act of Congress of August 11, 1888, the Secretary of War leased to W. W. Mills, of Marietta, Ohio; S. D. Camden and Henry H. Archer, of Parkersburg, W. Va., on February 28, 1913, certain land and water power on the Muskingum River in Ohio at Dams Nos. 3, 4, 5, and 6 for a period of 22 years, upon the payment of an annual rent of $8,800. The lease was made to the men named after advertising for bids, no other bidders appearing. The lessees named had acted upon a report made by a local engineer, but subsequent to signing the contract and preliminary to making the improvements they contemplated for developing the water power they secured a report from a firm of hydraulic engineers, Messrs. Sanderson & Porter, of New York, upon the feasibility of the plan. The report was distinctly unfavorable and disclosed the fact that for the purpose for which the water power in question was intended to be used, on account of flood waters at certain seasons of the year and a scarcity of water during the summer months and for other reasons given, the plan was not feasible. The lessees had expected to use the power to be developed for the production of electrical power for interurban trolley line purposes.

The fact that the water power was insufficient and uncertain made it impracticable to utilize it where constant energy was needed. It developed that it would be necessary to maintain a 100 per cent reserve combustion power station, and the lessees, after paying a year's rental

of $8,800 to the Government, decided to abandon the project. It is not held nor claimed that they have a legal right to ask the abrogation of the lease, but inasmuch as the enforcement of the lease would entail an unnecessary hardship under the circumstances, your committee has approved the bill, with the amendments suggested above, which provide that an additional year's rental shall be paid and that the money paid on the lease shall not be refunded. All the rights of the Government in and to the water power and land in question are intact and have been in nowise disturbed nor lessened in value. It is possible that the power can be utilized for other purposes not requiring constant application.

Mr. SISSON. Now, Mr. Speaker, under this report it seems that these individuals not only did not rely upon the Government's report but had a private firm of engineers—Sanderson & Porter, of New York—to make an investigation——

Mr. COADY. If the gentleman will permit an interruption, I desire to say they did not make the investigation until after the contract was entered into.

Mr. SISSON. The contract was not signed, so the report states; there was a tentative agreement that they would pay that much for the water power; but after getting this report from this firm of engineers they then signed the report, which would indicate that they had made some investigation of their own and were backing it up.

Mr. MANN. The gentleman did not hear the report read. It was subsequent to signing the contract——

Mr. SISSON. I am sure——

Mr. MANN. That is what the gentleman read. Subsequent to signing the contract they really made an investigation.

Mr. SISSON. The payment of money was made subsequent to this investigation.

Mr. CULLOP. But these people paid rental.

Mr. MANN. They first asked the opinion of the local engineers and bid on the power. They had a contract made out, and then had somebody investigate it who knew something about it. It is indisputable, as far as that is concerned, that they can not develop the power, and they should be relieved.

Mr. DEWALT. Will the gentleman yield?

Mr. SISSON. I yield to the gentleman.

Mr. DEWALT. This matter was given very careful consideration by the committee, and we considered it in this light, namely, that these lessees were asking for what lessees generally term equitable relief. They had made a lease for 17 years. The rental for each year was $8,800. They had used the lease for one year and had paid the rental for one year. After they made an investigation of the plant they came to the conclusion that they could not use the water at a profit, and they asked for this release. The department thought it ought to be granted to them, but the committee took the ground that if they asked for such a release they ought to do equity. In other words, they ought to pay one year's additional rent. And under that consideration the bill was reported favorably from the committee.

Mr. SISSON. In other words, they pay two years' rental in all?

Mr. DEWALT. Yes. Now they will have to pay $8,800 in addition.

Mr. FERRIS. If the gentleman will permit, I do not know intimately about this, but I wish to say that there are about 35,000,000 potential horsepower by water in the United States, only 6,000,000 of which has been developed, leaving nearly 30,000,000 undeveloped. Now, if it is shown that these people can not develop water power, I do not believe that the Congress ought to hold them too harshly to the contract. To hold them to a harsh contract and make them pay for something they never can get, I think would place a kind of blight on water-power development. The development of water power means cheap lights in your homes, on your streets, in your automobiles, and on your traction lines, and it ought to be developed as rapidly as possible; and the Government ought to take a very broad view, I think, in getting it developed. And for that reason, if it is made sure that they can not develop this power, I do not think that they ought to be forced to pay for it.

Mr. SISSON. Mr. Speaker, I realize fully the condition as it has been represented here by these gentlemen who seem to know the facts. But the Government has been frequently too ready, or the Congress has been too ready, or the department has been too ready, when those who have made contracts with the Government desire to be released, to permit them to rescind these contracts, whereas if dealing with the public on business principles they would not think of even asking to be relieved, but would make the best of a bad bargain. But in view of the representations made here by these gentlemen I shall not object and shall not consume more of the time of the House.

Mr. DEWALT. I wish to inform the gentleman further and the House that the committee took care in investigating to find out whether the interests of the Government had been preserved or any damage had been done.

Mr. SISSON. I understood that from the gentleman's first statement.

Mr. DILLON. Mr. Speaker, I wish to say that there were some members of the committee who thought that this second year's rental ought not to be required. I was one of that number. It seemed to me that the consideration had wholly failed. The Government thought that they had a water power, and these people thought that they were getting a water power, when they entered into this contract. They paid one year's rental of $8,800, and the committee reached the conclusion that they ought to pay a second year's rental. That makes $17,600 that they will have paid, and for which they absolutely get nothing. The consideration entirely failed, and it seems to me that these people could have gone into court upon the broad proposition of a failure of consideration and also upon the ground of a material mistake of the facts, and could have maintained a suit in equity for the cancellation of the lease.

Mr. SIMS. Mr. Speaker, I am not objecting to the bill, of course, but I want to make a little explanation, as some of the gentlemen seem to be a little bit off about the facts. This company is a trolley railroad line, as I understand it, and it wanted the power for the purpose of operating its trolley cars. Now, they were mistaken, and it seems the engineers on whom they relied were mistaken, as to the use of this water power when developed for that purpose, because in the winter the water was excessively high and in the summer excessively low. When they found out that they could not use it for operating their trolley system they had no use for it. But it does not follow that the water power proved absolutely valueless. Some gentlemen even on this side seem to think that this water power was valueless and that they were paying rental for which they got absolutely nothing.

Mr. DILLON. Will the gentleman yield to me at that point?

Mr. SIMS. Yes.

Mr. DILLON. Is it not true that these people were all laboring under a mistake of facts?

Mr. SIMS. They were laboring under a mistake of miscalculation. Beforehand they thought that a water power could be developed that would be sufficient to operate their cars, and they had no other use for it; but the House should not come to the conclusion that that power is utterly valueless because we release them under an equitable consideration. Because they were mistaken, and because they could not make the use they intended of the water power, it does not follow that the water power is utterly valueless. The Government hereafter, perhaps, can get all out of this water power, and possibly more, than it will get if this contract is carried out to the letter. I did not want the House to have the idea that they had something absolutely valueless, and that we have taken it off of their hands simply as a favor.

The SPEAKER pro tempore (Mr. TALBOTT). Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move to amend the committee amendment, in line 6, by striking out the word "none" and inserting the words "no part."

Mr. COADY. Mr. Speaker, this bill is on the Union Calendar.

Mr. LITTLEPAGE. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be authorized, and he is hereby directed, to abrogate a contract lease entered into on the 28th day of February, 1913, between said Secretary of War, for the United States of America, and William W. Mills, of Marietta, Ohio, and S. D. Camden and Henry H. Archer, of Parkersburg, W. Va., for the land and water power at Dams Nos. 3, 4, 5, and 6 on the Muskingum River, in the State of Ohio. The Secretary of War is hereby directed to collect no rental under lease other than that already paid in full for the first year of the contract.

With committee amendments as follows:

After the word "That," in line 3, insert the following: "upon the payment of an additional $8,800 by the lessees to the United States Government, to be paid within six months after this act is approved and with the understanding that none of the moneys paid by the lessees to the United States Government shall ever be refunded, and in satisfaction of all claims of both parties and in cancellation of the contract between the parties."

Amend, on line 10, page 1, by striking out the word "abrogate" and inserting the word "cancel."

Amend, page 2, by striking out lines 8, 9, and 10.

Mr. MANN. Mr. Speaker, I move to amend the amendment on line 6, page 1, by striking out the word "none" and inserting the words "no part."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 1, line 6, by striking out the word "none" and inserting the words "no part."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the Committee amendment as amended.

Mr. MANN. The original bill, Mr. Speaker, as passed the Senate, directed the Secretary of War to abrogate the contract. The House committee proposes to have the Secretary of War cancel the contract. Just what is the distinction? I should have supposed that abrogating the contract was the proper thing. That is to end it, not to cancel it.

Mr. SIMS. Mr. Speaker, while I do not remember just what occurred in the committee, I think it was suggested that abrogation would make it void ab initio, and that would involve the question of the Government receiving any rent at all.

Mr. MANN. I think it was just the other way. That is the reason why I raised the question, that to abrogate the contract was to end it.

Mr. COOPER of Wisconsin. When we abrogate a treaty we do not end it ab initio.

Mr. SIMS. The gentleman from West Virginia who reported the bill is not present, and in his absence I do not feel authorized to consent to the amendment.

Mr. MANN. I think the term "abrogate" is the proper term. The contract is not to be canceled. It is to be abrogated; it is to be ended.

Mr. SIMS. I do not remember just exactly what did happen or what was the reason actuating the committee in making the amendment.

Mr. RAYBURN. I do not think it makes much difference.

Mr. MANN. I remember the discussion of this bill in the Senate, and if it had been reported in the House in the way it passed the Senate, I would not have given my consent for its consideration by unanimous consent. While I think these people ought not to be compelled to pay $200,000, or any sum like that, for a 22-year contract for the use of this water power, yet they went into it with their eyes open. They were not fooled by the Government. The Government made no statement to them which was in any way incorrect. They had their own engineers, and if they were foolish or wise enough to accept the word of a local engineer and base their opinion upon that, it was their own doing. It is quite certain that if they had obtained a contract worth $8,800 a year we would not have heard anything more from them about breaking the contract. But I am not in favor of breaking them up. Perhaps the full enforcement of this contract would throw them into bankruptcy. I would not like to see that happen, but I would like to see them pay the $8,800. When this bill gets into conference will the House gently recede from its amendment?

Mr. SIMS. I took exactly the same position before the committee that the gentleman has just announced, and that we must insist upon the additional year's rent or there would be no bill.

Mr. RAYBURN. And I will say further that the Senator from Ohio [Mr. HARDING], who appeared before that committee, said that he would agree to this amendment.

Mr. LITTLEPAGE. I will say further, Mr. Speaker, to the gentleman from Illinois that these men have told me that they were ready to pay the $8,800.

Mr. SIMS. Apropos to what the gentleman from Illinois has said, I think they are getting off lightly.

Mr. MANN. I would like to offer an amendment to strike out of the committee amendment the words "and in cancellation of the contract between the parties," and then disagree to the committee amendment, to "cancel" in place of "abrogate," and then change "direct" to "authorize," so that we authorize the Secretary of War on payment of this money to abrogate the contract.

Mr. SIMS. I see no objection to such an amendment, speaking for myself. I do not care to speak for other members of the committee who may not be present.

Mr. MANN. I move to amend the first committee amendment by striking out the words "and in cancellation of the contract between the parties."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 1, lines 8 and 9, by striking out the words "and in cancellation of the contract between the parties."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

Mr. MANN. The first committee amendment only.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. MANN. Mr. Speaker, before the next committee amendment is acted upon, I move to amend, in line 10, by striking out the word "directed" and inserting the word "authorized."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 10, by striking out the word "directed" and inserting the word "authorized."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. The next committee amendment is striking out "abrogate" and inserting "canceled." I think that committee amendment ought to be disagreed to.

The SPEAKER. The question is on agreeing to the amendment.

Mr. RAYBURN. The language reads, "the Secretary of War be authorized, and he is hereby directed." Would it not be better to say, "the Secretary of War is hereby authorized"?

Mr. MANN. I think the word "directed" ought to be stricken out. Let him have some responsibility.

Mr. RAYBURN. Strike out the word "directed" and put in "authorized."

Mr. MANN. The gentleman is correct. I move to strike out the language "and he is hereby directed."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 10, by striking out the words "and he is hereby directed."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. The next amendment ought to be disagreed to.

Mr. RAYBURN. I shall not object to that.

Mr. MANN. That amendment is to strike out "abrogate" and insert "cancel."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, in line 10, by striking out the words "abrogate" and inserting the word "cancel."

The SPEAKER. Without objection, that amendment will be disagreed to.

There was no objection.

Accordingly the amendment was rejected.

The Clerk reported the next committee amendment, to strike out lines 8, 9, and 10, on page 2.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. LITTLEPAGE and Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

OLD POST OFFICE AT YORK, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 486) authorizing the Secretary of the Treasury to sell the old post-office building and site thereof at York, Pa.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized, in his discretion, to sell the present post-office building and the site thereof, situate at the corner of Philadelphia and Beaver Streets, in the city of York and State of Pennsylvania, either by public or private sale, after proper advertisement, at such time and on such terms as he may deem to be to the best interest of the United States, and to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt.

With the following committee amendment:

Page 2, after line 2, insert the words "*Provided*, That the said property shall not be sold for less than $10,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. MOORE of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF MAIL CONTRACTORS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11150) for the relief of mail contractors.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the amounts due to mail contractors for mail service performed for the United States in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, and Texas from July 1, 1860, to May 31, 1861, and in the States of Kentucky, Missouri, and Tennessee from July 1, 1860, to June 30, 1862, and an appropriation of $225,000, or so much thereof as may be necessary, is hereby made, out of any money in the Treasury not otherwise appropriated, for the payment of said amounts: *Provided*, That amounts which have been paid by the United States and amounts which were paid by the Confederate States Government and the State of Arkansas out of moneys belonging to the United States, as shown by records filed in the office of the Auditor for the Post Office Department, shall not be again paid.

SEC. 2. That where any contractor named in section 1 of this act is deceased payment shall be made to the executor or administrator of the estate upon filing with the Auditor for the Post Office Department proper evidence of his appointment and qualification. Where, however, the amount due the estate of the decedent is $300 or less, and no demand is presented by a duly appointed and qualified administrator of the estate, payment may be made to the decedent's widow or widower or legal heirs in the following order of precedence:

First, to the widow or widower.

Second, if there be no widow or widower, then to the children or their issue, per stirpes.

Third, if there be no widow or widower or descendants, then to the father.

Fourth, if there be no widow or widower, children or their issue, or father, then to the mother.

Fifth, if there be no widow or widower, children or their issue, father or mother, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes.

Sixth, if there be no widow or widower, children or their issue, father or mother, brothers or sisters or their descendants, then to the grandparents.

Seventh, if there be no widow or widower, children or their issue, father or mother, brothers or sisters or their descendants, or grandparents, then to the uncles and aunts and their descendants in equal parts. In following the foregoing order of precedence there shall be no distinction between the whole blood and the half blood: *Provided*, That this act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses or a refundment of said expenses to the person or persons who actually paid the same when a claim therefor is presented before payment is made by the Secretary of the Treasury: *Provided further*, That where the contractor was a corporation or quasi corporation which has since been merged in or consolidated with another corporation or quasi corporation, payment shall be made to the corporation or quasi corporation with which the consolidation or merger has been made.

With the following committee amendments:

Page 2, strike out the figures "$225,000" and insert in lieu thereof the figures "$196,000."

Page 2, line 9, strike out the words "Auditor for the Post Office Department" and insert in lieu thereof the word "Treasury."

Page 3, after line 25, insert "*Provided further*, That the Secretary of the Treasury shall require in the case of each claim before making payment that any agent, attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting said claim shall file with him a waiver of all said fees in excess of 20 per cent.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, I want an explanation. I do not understand the proviso at the top of page 2. The bill appropriates $196,000 to make payments to various estates in the South for mail contracts. The proviso reads:

Provided, That amounts which have been paid by the United States and amounts which were paid by the Confederate States Government and the State of Arkansas out of moneys belonging to the United States, as shown by records filed in the office of the Treasury, shall not be again paid.

This bill carries $196,000. Is it probable that that amount will be reduced when these figures are ascertained in the auditor's office, and it is found that any part of the $196,000 has been paid, either by the State of Arkansas or by the government of the Confederate States?

Mr. ASWELL. It will.

Mr. COX. Do you know how much that reduction will amount to? Have you any data or figures on that?

Mr. ASWELL. I will say to the gentleman that in the report there is a list of the claimants and of the amounts.

Mr. COX. I read the report, and noticed this very voluminous list.

Mr. ASWELL. The amount is stated in the report.

Mr. COX. This bill carries an appropriation of $196,000, with a proviso which, if I am able to interpret the language, seems to indicate that that amount may be reduced.

Mr. ASWELL. I will say to the gentleman that it may be reduced, and the chances are that it will be. No claim will be paid unless it is proven, as provided in the bill, that the claimant has not received the amount.

Mr. COX. Has the gentleman any data or figures showing the probability as to the amount which this sum of $196,000 may be reduced?

Mr. ASWELL. The $196,000 covers the maximum.

Mr. COX. I understand that.

Mr. ASWELL. Just how many of these claimants will fail to prove that they have not been paid no one can now foretell.

Mr. MANN. As long as the gentleman from Indiana has raised the question, he is entitled to have the information. I propose to offer an amendment changing the proviso. A good while ago the auditor reported in detail the amounts that were unpaid, and by a process of figuring reached an amount of $195,000 plus, setting out the claims, but stating that according to the records of the government of the Confederate States more of these claims had been paid than the Post Office Department here had knowledge of. They have a portion of the records, but not all. Just how many of these claims were paid by the government of the Confederate States no one knows. Of course we have no desire to pay them a second time if they were paid by the other government. So I have an amendment to take care of that.

Mr. COX. Very well. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Speaker, I have an amendment. I move to strike out lines 3, 4, and 5 on page 3. I think the degree of kinship there provided for is too remote.

Mr. MANN. What becomes of the committee amendments?

The SPEAKER. The question is first on the committee amendments.

Mr. MANN. One at a time.

The SPEAKER. The question is on the first committee amendment.

The first committee amendment was agreed to.

The SPEAKER. The question is on the second committee amendment.

The second committee amendment was agreed to.

Mr. MANN. Will the gentleman allow me to offer an amendment at this time?

Mr. ASWELL. Yes.

Mr. MANN. In behalf of the gentleman from Delaware [Mr. MILLER], a member of the committee, I offer the following amendment.

The Clerk read as follows:

Amend, page 2, by striking out the proviso, beginning in line 4, and insert in lieu thereof the following:

"*Provided*, That amounts which have been paid by the United States and amounts which were paid by the Confederate States Government, or the State of Arkansas, as shown by records filed in the office of the Auditor for the Post Office Department, shall not be again paid, nor shall any claim be paid until the claimant or some one on his behalf shall by affidavit or otherwise show to the satisfaction of the Secretary of the Treasury that the amount claimed under this act was not paid by the Confederate States Government and remains justly due from the United States."

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Now, Mr. Speaker, I offer an amendment to the third committee amendment on behalf of the gentleman from Delaware [Mr. MILLER].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill strike out the period and add the following: "And upon receipt of such waiver the Secretary of the Treasury shall pay, out of the amount found due the claimant, to said agent, attorney, firm of attorneys, or other person holding a power of attorney to represent the claimant, a fee not in excess of 20 per cent of the amount allowed and shall pay the residue to the claimant direct by warrant on the Treasury."

The SPEAKER. The question is on the amendment to the amendment offered by the gentleman from Illinois.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. CULLOP. Mr. Speaker, I move to strike out, on page 3, all of lines 3, 4, 5, 6, 7, 8, 9, 10, and 11, down to the period in line 12.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, strike out lines 3, 4, 5, 6, 7, 8, 9, 10, and 11, down to the period in line 12.

Mr. MANN. The gentleman does not accomplish anything by his amendment.

Mr. CULLOP. If there is no relationship further than the widow, children, father, and mother, there is not anything to be paid, because there is nobody to pay it to.

Mr. MANN. Oh, yes; it will go to somebody anyhow. The gentleman moved to strike out the fifth provision.

Mr. CULLOP. No; I moved to strike out the fifth, sixth, and seventh down to the period in line 12. I make my amendment to include lines 3 to 12, so that it takes out all of the distant relatives.

Mr. ASWELL. Will the gentleman from Illinois allow me?

Mr. MANN. Certainly.

Mr. ASWELL. I wish to state that it would be unfortunate to strike out these lines in this bill. The bill has been prepared and worked upon for about three years, and this is exactly in the line of descent that is adopted in the Army and the Navy for payment. It has been carefully studied by the Auditor of the War Department and the Treasury Department and of the Post Office Department, and the committee has worked upon it many months. The bill has been in preparation three years. To strike out these lines would merely confuse it. Since the amendment of the gentleman from Illinois was adopted the claimant has to prove his undoubted right to the claim, and certainly striking out these lines would only tend to confuse the whole bill. I sincerely hope the House will not adopt the amendment.

Mr. NORTON. Mr. Speaker, I think the amendment of the gentleman from Indiana should be agreed to. The provisions included in lines 3 to 12 are altogether too much refined, and to hand this money down to people who are not any blood relation or near relation to the original claimant does not seem to me wise. It simply makes business for some attorneys. If there is no widow, no father, no mother, no children to claim it, that is as far as it should go.

Mr. ASWELL. Is it not a fact that if there is no claimant the money will not be paid out anyhow?

Mr. NORTON. He provides for claimants down to about the fourteenth generation.

Mr. ASWELL. If these lines are stricken out, does the gentleman not believe that then it will open the door for claims attorneys and encourage litigation and all sorts of confusion?

Mr. NORTON. I do not think anything of the kind. I think it would simplify the bill and would endanger no one who had any rights under the bill.

Mr. DUPRÉ. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. DUPRÉ. The gentleman concedes the justice and legality of the claim, and why does he want to narrow the scope of payment to whom it should go?

Mr. NORTON. I do not think you should dig up forty-ninth cousins.

Mr. DUPRÉ. But you exclude brother and sister in this amendment.

Mr. NORTON. A brother and sister? I think they should be excluded; yes, if there is no widow, no father, no mother.

The SPEAKER. The question is on agreeing to the Cullop amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ASWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CERTAIN LANDS IN THE STATE OF WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3132) providing for the homestead entry of certain lands in the State of Washington, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The bill will go over under objection, and the Clerk will report the next bill.

UNITED STATES MILITARY RESERVATION AT FORT MIFFLIN, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13984) granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States Military Reservation at Fort Mifflin, Pa.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant to the city of Philadelphia, in the State of Pennsylvania, an easement of a right of way for municipal purposes over a strip of land 100 feet wide, extending from Back Channel to the Delaware River, through and over the United States military reservation located in the said city of Philadelphia, county of Philadelphia, State of Pennsylvania, and known as the Fort Mifflin (Pa.) Military Reservation; the said city of Philadelphia to have a right of way over said strip of land, and as well authority to construct a paved roadway and an industrial railway thereon for the use of the sewage-treatment works of the said city of Philadelphia, and as well to construct upon the end of said right of way at the Delaware River a wharf or pier, and as well to construct and maintain under said right of way conduits from the said sewage-treatment works to the Delaware River: *Provided*, That the exact location of the said right of way and wharf shall be fixed by the Secretary of War; that the construction thereof shall be under his supervision; and that the city of Philadelphia shall remove the old earth battery and level the entire portion of the reservation west of the old fort: *Provided further*, That no title or property right whatever to said strip of land or interest therein, by reason of said conveyance, is to pass to the city of Philadelphia, excepting the right of use as above set forth; that the use by the city of Philadelphia of the said strip of land for any other purpose than herein set forth or the failure to maintain as directed by the Secretary of War shall work a forfeiture of the above-recited right; that the said right of easement of the city of Philadelphia may be declared terminated and ended by the Secretary of War of the United States for such breach in the use or failure to maintain; and that upon such forfeiture being declared all right hereunder shall cease and determine: *And provided further*, That the right is reserved to the United States to occupy the said right of way for military or other governmental purposes.

With the following committee amendment:

Page 3, at the end of the bill, insert as a new section:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 25, strike out the words "for such breach in the use or failure to maintain" and insert in lieu thereof the words "at any time, and he may thereupon resume complete possession of such strip of land," and also strike out at the end of line 25, on page 2, and in line 1, page 3, the words "and that upon such forfeiture being declared."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman think the proviso on page 3 is not sufficient to cover the purpose of his amendment, that the right is reserved to the United States to occupy such right of way for military or other governmental purposes?

Mr. MANN. That might require court proceedings, and it might happen that the Secretary of War would want to take immediate possession of this strip of land. While that is not likely to happen under any normal conditions, a situation might arise where he would want to take possession immediately and not wait for court proceedings to determine whether there had been a forfeiture.

Mr. MOORE of Pennsylvania. I have no objection to the amendment, except that it seemed to me that the right was reserved to the Secretary to take the land back if he found such emergency as the gentleman thinks might exist.

Mr. MANN. No; only for a forfeiture.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOORE of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4550. An act granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash.

EMPLOYEES OF UNITED STATES NAVY YARDS, ETC.

Mr. TALBOTT. Mr. Speaker, I ask unanimous consent that the bill (H. R. 11168) granting 30 days' leave of absence in each year, without forfeiture of pay during such leave, to employees at United States navy yards, gun factories, naval stations, and arsenals, being 183 on the Calendar for Unanimous Consent, be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

NATIONAL MILITARY PARK, GETTYSBURG, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13342) to improve and maintain certain public roads and parts thereof included within the limits of the national park at Gettysburg, as defined by the act of Congress, entitled "An act to establish a national military park at Gettysburg, Pa.," approved February 11, 1895, and making an appropriation therefor.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I just want to say that while this is a bill reported from the Committee on Military Affairs, the Committee on Appropriations has jurisdiction of appropriations for the improvement of national cemeteries and military parks, and I therefore object.

The SPEAKER. The gentleman from Illinois objects and the bill goes over.

DAMS ACROSS NAVIGABLE WATERS.

The next business on the calendar was the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over.

CUTTERS FOR THE COAST GUARD.

The next business on the Calendar for Unanimous Consent was the bill (S. 2719) providing for the purchase or construction of cutters for the Coast Guard.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over.

PUBLIC HEALTH SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 721) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service.

The SPEAKER. Is there objection?

There was no objection.

Mr. COADY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That there shall be established one additional division each of mental hygiene and rural sanitation in the United States Public Health Service, and said divisions shall be in charge of commissioned medical officers of the United States Public Health Service, detailed by the Surgeon General, which officers, while thus serving, shall be assistant surgeons general within the meaning of section 3 of the act approved July 1, 1902, entitled "An act to increase the efficiency and change the name of the United States Marine Hospital Service."

SEC. 2. That the duties of the division of mental hygiene shall be to study and investigate mental disorders and their causes, care, and prevention. The duty of the division of rural sanitation shall be to investigate improved methods of rural sanitation and the prevention and suppression of communicable diseases.

The committee amendments were read, as follows:

Page 2, line 5, strike out the word "duty" and insert the word "duties."

Page 2, line 7, strike out the word "rutal" and insert the word "rural."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. COADY, a motion to reconsider the vote by which the bill was passed was laid on the table.

SCHOONER LEDGE RANGE FRONT LIGHT, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13233) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange.

The SPEAKER pro tempore (Mr. LINTHICUM). Is there objection?

Mr. COADY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland that this bill be considered as in the Committee of the Whole House on the state of the Union? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent to dispense with the reading of the original bill and to read the committee substitute.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to dispense with the reading of the original bill and to read the substitute. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of Commerce be, and he is hereby, authorized and directed to grant and convey to Alba B. Johnson and Samuel M. Vauclain all that certain lot or piece or parcel of land granted and conveyed to the United States of America by the president and company of the Philadelphia & Reading Railroad Co. by deed dated December 29, 1879, situated in Tinicum Township, in the county of Delaware and State of Pennsylvania, described according to a recent survey as follows: Beginning at a point in the south side of the entrance gate to the basin (for the storage of canal boats in winter) on the upper side of the mouth of Crum Creek and running thence along the cross bank dividing said basin from the meadow at the mouth of Crum Creek south 4° west 157 feet; thence south 13° 55' east 100 feet; thence south 26° east 319 feet, more or less, to low-water line in the Delaware River; thence by the low-water line of the Delaware River and Crum Creek to the place of beginning, containing 5 acres, more or less, being part of a certain larger tract or parcel of land which the president, managers, and company of the Schuylkill Navigation Co., by a certain indenture dated the 12th day of July, A. D. 1876, recorded, etc., granted and conveyed unto the Philadelphia & Reading Railroad Co., their successors and assigns, together with the free and uninterrupted use, right, liberty, and privilege of passage in and along a certain roadway 16 feet wide next to the line of Crum Creek and upon the bank extending along and following the course of the said creek from the railroad of the Philadelphia & Wilmington Railroad Co. to the herein described premises as now in use; for and in consideration of the said Alba B. Johnson and Samuel M. Vauclain granting and conveying to the United States in fee simple the following described premises and rights of way situated on Crum Creek after its course shall have been changed, in the county of Delaware, State of Pennsylvania, now belonging to them, to wit:

"A certain piece or parcel of land whose boundaries shall form a parallelogram containing 1 acre, more or less, with 200 feet frontage on the east side of the new course of Crum Creek, Pa., which frontage shall be intersected by the axis or center line of Chester Range at a point to be approved by the Secretary of Commerce, together with the full and uninterrupted use, right, liberty, and privilege of passage for persons and vehicles over an accessible, direct, and improved right of way 16 feet wide wholly above high-water mark, from the premises above described to the right of way of the Chester Branch of the Philadelphia & Reading Railroad Co., the said right of way to be used in common and wholly maintained by the said Alba B. Johnson and Samuel M. Vauclain, their heirs, executors, administrators, and assigns, and kept in passable condition at all times, also a suitable and sufficient right of way for beams of light on the Chester Range line over all the property on said range line between the proposed permanent front and rear lights of Chester Range and to the southward and westward of said front light: *Provided*, That the Attorney General shall first examine the title of said Alba B. Johnson and Samuel M. Vauclain to said premises to be conveyed to the United States as aforesaid and shall furnish his written opinion in favor of the validity thereof: *Provided further*, That the said Alba B. Johnson and Samuel M. Vauclain, within such reasonable time after the passage of this act as may be determined by the Secretary of Commerce, shall deed to the United States the premises herein described to be conveyed by them: *And provided further*, That the conveyance of the herein described lot or parcel of land now owned by the United States of America shall not be made and the title thereto shall not pass to the said Alba B. Johnson and Samuel M. Vauclain until the following shall have been done by said persons without expense to the United States and to the satisfaction of the Secretary of Commerce:

"First. Erect a bulkhead or permanent construction on the easterly side of the new course of Crum Creek along the entire frontage of the premises to be conveyed to the United States of America, which shall consist of a timber-pile foundation supporting a timber platform and a gravity section concrete retaining wall of the same construction, as approved by the United States Engineer Office and now being erected on the southwest side of the mouth of Crum Creek.

"Second. Fill the entire plot of land to be conveyed to the United States with sand, earth, or other suitable material to an elevation of 12 feet above mean low water.

"Third. Dredge a channel from the premises to be conveyed to the United States to the main channel of the Delaware River having a depth of not less than 6 feet at mean low water.

"Fourth. Construct and make available for the purposes of the United States the improved right of way for the passage of persons and vehicles provided for herein: *And provided further*, That the conveyance shall not be made by the United States and title shall not pass from the United States until the permanent tower and dwelling proposed to be built by it on the land to be conveyed to it shall be ready for occupancy nor until all valuable lighthouse property is removed by the United States from the site to be conveyed by it: *And provided further*, That the existing lights now in use shall continue, without interference by said Alba B. Johnson and Samuel M. Vauclain, until the establishment by the United States of permanent lights on Chester Range.

"That the said Alba B. Johnson and Samuel M. Vauclain, upon the passage of this act and after the rendition by the Attorney General of his opinion in favor of the validity of the title to be conveyed to the United States and the conveyance to the United States of such title, shall have the right to proceed with improvements upon the tract to be conveyed by the United States, except upon such portions as are actually required for lighthouse purposes, under conditions to be prescribed by the Secretary of Commerce.

"That all expenses incurred by the United States in making the exchange of property herein authorized, including the cost of such abstracts, official certifications and evidences of title as the Attorney General may deem necessary, and all expenses incurred in removing such lighthouse property on the present site as may be advantageous to the interests of the Government, shall be payable from the appropriation, General expenses, Lighthouse Service, for the fiscal years in which such expenses are incurred."

The question was taken, and the substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOORE of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

RADIO EQUIPMENT FOR SEAGOING VESSELS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14340) to furnish all seagoing vessels in the Lighthouse Service and all other seagoing vessels of the Department of Commerce with radio equipment and auxiliary power for the operation thereof.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects and the bill goes over without prejudice under the unanimous-consent agreement.

LIFE-SAVING STATIONS ON THE COAST OF GEORGIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6903) providing for the establishment of life-saving stations on Tybee Island, coast of Chatham County; on Warsaw Island, coast of Chatham County; on Ossabaw Island, Coast of Bryan County; on St. Catherines Island, coast of Liberty County; on Blackbeard Island and on Sapelo Island, coasts of McIntosh County, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask that the bill go over without prejudice.

The SPEAKER pro tempore. The bill goes over without prejudice under the unanimous-consent agreement.

LIGHTHOUSE RESERVATION AT SCITUATE, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13419) authorizing the sale of the lighthouse reservation at Scituate, Mass.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. COADY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I wish the gentleman would ask also to consider Senate bill 5910, which is Unanimous Consent Calendar 263, Union Calendar 228, in lieu of this bill.

Mr. COADY. Mr. Speaker, I make that request.

The SPEAKER pro tempore. Will the gentleman state his request?

Mr. MANN. To consider Senate bill 5910, a similar bill, in lieu of this bill, in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to consider Senate bill 5910 in lieu of the House bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized and directed, in his discretion, to sell to the town of Scituate, Mass., for the sum of $1,000, that certain piece or parcel of land pertaining to the Lighthouse Service situate and lying on Cedar Point, Scituate, county of Plymouth, Commonwealth of Massachusetts, described April 4, 1811, by Seth Sprague, Joshua Thomas, and Nathan Rice, a committee appointed under the act of the Legislature of the Commonwealth of Massachusetts, ceding jurisdiction and authorizing the appraisement of land at Scituate Harbor, and recorded in Plymouth register of deeds, book 116, folio 183, and Book B, page 159, as follows: All the land and beach that lies southeasterly of a line beginning on the easterly side of Cedar Point at a place that bears south 49¼° west from the Old Sow, so called, and that bears north 4° east from the willow tree on the first cliff, so called, and from said place running south 74° west across said Cedar Point to the harbor, together with the right of way and shore privilege, including the improvements thereon, no longer required for lighthouse purposes: *Provided*, That said town of Scituate shall maintain the site and structure thereon as an historic landmark.

Mr. MANN. Mr. Speaker, I desire to offer two amendments.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, line 4, after the word "sell" insert the words "and convey."

Page 2, beginning in line 2, strike out the words "folio 183, and Book B, page 159," and insert in lieu thereof the following: "pages 182 and 183."

The question was taken, and the amendments were agreed to.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. WALSH] have leave to extend his remarks on this bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from Massachusetts [Mr. WALSH] have leave to extend his remarks in the RECORD on this bill. Is there objection? [After a pause.] The Chair hears none.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COADY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr COADY. Mr. Speaker, I move that the House bill lie on the table.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

COAST GUARD STATION NEAR BARATARIA BAY, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12282) to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, it seems to me they make out a very slim excuse for this life-saving station.

Mr. DUPRÉ. I think if the gentleman had visited the scene, as I have, and was familiar with the conditions there, he would agree with the report of the Treasury Department on this subject. I will call the gentleman's attention to the fact——

Mr. MANN. If we would endeavor to put a life-saving station on every little inland lake that had 4 or 5 feet of water, I do not know what would happen to us.

Mr. DUPRÉ. I will say to the gentleman that this is not in that category. Grand Isle, which is only about a mile wide, separates this Barataria Bay from the Gulf of Mexico, and is actually exposed to all the elements.

Mr. MANN. Yes; but it is not exposed to the wave motion from the Gulf.

Mr. DUPRÉ. I will assure the gentleman from my personal knowledge that frequently the waves from the Gulf of Mexico have swept over Grand Isle and caused loss of life and property. It is in the neighborhood, if the gentleman is interested in literature, of scenes made famous by Lafcadio Hearn, in his artistic romance, "Chita: A Memory of Last Island."

Mr. MANN. That may be the principal reason for it, but that is not a real reason.

Mr. DUPRÉ. I am not pleading for it on account of any literary reason. There are some fifteen hundred people on that island and in that vicinity, and no later than last September there were 20 people wrecked there who would have lost their lives but for the fact that one man walked about 30 miles through marsh and lagoons, arriving at his destination almost dead, and a rescue party went from the good people of Gretna and Harvey to help them. There is no telephone or telegraph station down there, and the people really have no communication with the outside. The nearest Coast Guard station is several hundred miles away.

Mr. MANN. They could get a telephone station without much expense.

Mr. DUPRÉ. I hope the gentleman will not press his objection. I ask to substitute an identical Senate bill now on the Speaker's table for this one.

Mr. MANN. The committee will soon be reached on Calendar Wednesday, when there will be time for this bill. I ask that it go over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CUTTERS FOR THE COAST GUARD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 515) providing for the purchase or construction of cutters for the Coast Guards.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I ask that the bill go over without prejudice.

The SPEAKER pro tempore. The bill goes over without prejudice.

AIDS TO NAVIGATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14338) to authorize aids to navigation and for other work in the Lighthouse Service, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I ask that the bill be laid aside without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I was not here when this original agreement was made. The putting over of a bill does not necessarily put it off the calendar?

Mr. MANN. No; it retains its place on the calendar.

The SPEAKER pro tempore. The bill goes over without prejudice.

TRANSPORTATION OF IMMATURE CALVES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 549) to regulate the interstate transportation of immature calves.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was read as follows:

Be it enacted, etc., That no person, firm, or corporation shall ship or deliver for shipment, nor shall any common carrier nor the receiver, trustee, or lessee thereof, receive for transportation or transport from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia any live calf not accompanied by its mother unless the same is six weeks old or over: *Provided*, That the Secretary of Agriculture may make rules and regulations permitting, in cases of emergency only, the shipment in interstate commerce of live calves less than six weeks old; and the Secretary of Agriculture may also permit, under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than six weeks old and over three weeks old when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed 12 hours.

SEC. 2. That any person, firm, or corporation, or any common carrier or the receiver, trustee, or lessee thereof, who shall violate any of the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $20 nor more than $50 for each calf offered for shipment, shipped, or received for transportation or transported in violation of any of the provisions of this act.

Mr. COX. Mr. Speaker, I would like to have the gentleman explain this bill. I am fairly with him, but I do not understand some of the language in section 1, which is as follows:

And the Secretary of Agriculture may also permit, under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than six weeks old and over three weeks old, when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed 12 hours.

What does that mean? Does it mean one shipment?

Mr. HAMILTON of Michigan. Mr. Speaker, this bill was drawn in the Bureau of Animal Industry, and the purpose of the language referred to by the gentleman from Indiana, as I understand it, is to permit the shipment of calves for breeding purposes.

Mr. COX. What I am trying to get at, if I can make myself plain, is this, Would that limit a shipper to only one calf?

Mr. HAMILTON of Michigan. Only one shipment.

Mr. COX. Just one shipment. It would mean, then, he would be entitled to one shipment one day and could ship the next day, and the next, and so on?

Mr. HAMILTON of Michigan. I should say the words "under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than six weeks old," and so forth, mean that application may be made from time to time, but that the Secretary of Agriculture can not make a blanket order.

Mr. COX. Then the gentleman's construction of that language is that a person seeking to comply with this law would first have to get permission from the Agricultural Department?

Mr. HAMILTON of Michigan. But he could not have a general order covering the season.

Mr. COX. And not for each individual shipment.

Mr. HAMILTON of Michigan. Does not it seem so to the gentleman?

Mr. COX. It seemed so to me, but I did not know whether it was so or not.

Mr. HAMILTON of Michigan. That was my understanding of it.

Mr. COX. And that would mean that if the shipper had half a dozen calves, say, to ship, he would have to apply to the Agricultural Department for a special permit each time that he shipped one, if he shipped them at different times.

Mr. HAMILTON of Michigan. I think so. The Agricultural Department seemed to think that was the better way to do it. It would seem to me, however, that if the shipper knew that at certain times he was going to ship calves for breeding purposes, he ought to be permitted to get an order covering shipments on certain days in the future, although I presume there will be no difficulty about the operation of this as it is written.

Mr. COX. Does the gentleman think that this language applies to the shipment of calves for breeding purposes?

Mr. HAMILTON of Michigan. That was the purpose of it; yes.

Mr. MANN. That is what this exception is in for, in order to permit them to be shipped.

Mr. STEPHENS of Texas. I desire to know if it changes the law in reference to shipping these calves, to protect them?

Mr. HAMILTON of Michigan. There is no Federal law, and great abuses have grown up in that connection.

Mr. STEPHENS of Texas. This would not affect that?

Mr. HAMILTON of Michigan. There is a 28-hour law, but the Bureau of Animal Industry is unable to reach these abuses. The fact is that these young calves, sometimes a day old, are taken out of warm stables, picked up by dealers for a dollar or two dollars apiece, collected at various stations along the road, shipped out, and kept sometimes two or three days on the road. These little chaps have no means of getting any nourishment except from their mothers, and many of them die on the way.

Mr. STEPHENS of Texas. Would they not be violating the 28-hour law, fixing the time that stock can be kept on a train?

Mr. MANN. This is the same bill as was proposed in the last Congress. The gentleman and myself and others agreed to it.

Mr. HAMILTON of Michigan. It is the same thing. Mr. Speaker, I want to offer an amendment, in order to keep faith with some of the New York Members. On page 1, line 9, I offer to amend by striking out the word "six" and substituting the word "four," and in line 12 the same change; and if I may be permitted to go on, in line 3, page 2, also strike out "six" and substitute "four."

Mr. COX. What is the purpose of that amendment? Does not that practically destroy the gentleman's bill?

Mr. HAMILTON of Michigan. No.

Mr. MANN. That is the way we passed it before.

Mr. COX. I like the six weeks much better than the four weeks.

Mr. HAMILTON of Michigan. So do I.

Mr. MANN. There was quite a contest before the committee on that.

Mr. HAMILTON of Michigan. That is the only way I could get it out.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. HAMILTON].

The Clerk read as follows:

Amend, page 1, line 9, by striking out the word "six" and substituting the word "four"; on page 1, line 12, by striking out the word "six" and substituting the word "four"; and on page 2, line 3, by striking out the word "six" and substituting the word "four."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAMILTON of Michigan, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WAGES OF EMPLOYEES UNDER NAVY AND WAR DEPARTMENTS.

Mr. GRAY of Indiana. Mr. Speaker, I want to ask that No. 185 on the Unanimous Consent Calendar, the bill H. R. 9548, be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. GRAY] asks unanimous consent that No. 185 on the Unanimous Consent Calendar be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

AMERICAN NATIONAL RED CROSS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14426) to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole, although it is not properly on the Union Calendar. It simply makes a change from January 1 to July 1.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, is hereby amended to read as follows:

"SEC. 6. That the said American National Red Cross shall on the 1st day of July of each year make and transmit to the Secretary of War a report of its proceedings for the fiscal year ending June 30 next preceding, including a full, complete, and itemised report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department."

Mr. MANN. Mr. Speaker, I move to amend, on page 1, line 8, by striking out the word "on" and inserting in lieu thereof "as soon as practicable after."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 1, line 8, by striking out the word "on" and inserting the words "as soon as practicable after."

Mr. MANN. The bill provides that they shall make report on July 1 for the fiscal year ending June 30, including all expenditures. That is pretty rapid work. My amendment will make it read "as soon as practicable after the 1st of July" they shall make the report for the preceding fiscal year.

Mr. WEBB. I have no objection to that, Mr. Speaker. This is introduced at the request of the War Department.

Mr. MANN. Of course they could not put in the report on the day after the close of the fiscal year, and we should not require that they should violate the law.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBB, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

SALE OF INTOXICATING LIQUORS TO MINORS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 465) to prohibit the sale or gift of intoxicating liquors to minors within the admiralty and maritime jurisdiction of the United States.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 288 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," is hereby amended by adding thereto the following as a new section:

"SEC. 288a. Whoever shall sell, give, or dispense in any manner intoxicating liquors of any kind as a beverage to any person under the age of 21 years, within the admiralty and maritime jurisdiction of the United States, shall be fined in any sum not exceeding $500 for each offense. The master of every vessel is directed to enforce this prohibition, and in case any violation of this act is permitted or is committed upon any vessel by any officer or employee of said vessel, then said vessel shall be fined in any sum not exceeding $500, the amount of the fine to be determined by the Secretary of Commerce in the same manner that other fines for violation of the navigation and inspection laws are now determined under section 5271 of the Revised Statutes of the United States."

Mr. COX. Mr. Speaker, I move to amend by striking out the language, in line 10, "to any person under the age of 21 years."

Mr. MANN. You might as well throw the bill away as to do that.

Mr. COX. I think the bill is a good measure as far as it goes.

Mr. MANN. I know; but if it is going to be radically amended we should not take it up in the absence of the gentleman who introduced it.

Mr. COX. Then, Mr. Speaker, I will withdraw my suggestion.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

PREDACEOUS FISHES AND AQUATIC ANIMALS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11254) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predaceous fishes and aquatic animals.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Reserving the right to object, I should like an explanation of this bill.

Mr. MANN. We passed this bill in the last House after quite full consideration. The bill is introduced by the gentleman from Maine [Mr. HINDS], the former parliamentary clerk of the House, and the proposition contained in it is a fair and legitimate one. The gentleman from Maine has given great study to this subject.

Mr. COX. Reserving the right to object, I will say that the author of the bill, the gentleman from Maine [Mr. HINDS], is a man for whom I have the very profoundest regard. I understand that his health at this time is not the best. The bill strikes me as committing the Government to a very far-fetched policy.

Mr. MANN. What the gentleman says has a great deal of virtue in it, but we passed this bill in the last House after a good deal of consideration, waiving that part of it which might be considered objectionable. The fact is, the Secretary of Commerce told me some time ago, in connection with some ocean fish, I have forgotten now what they were—that they had put these fish in carts——

Mr. COX. They were mussels, according to his own letter.

Mr. MANN. It was something else first—that they had done this until they had gotten people very anxious to eat the fish. I do not know whether that is a long bow or not. I understand they have done somewhat the same thing as to hotels.

The dogfish, which this bill seeks to get after, is a very destructive fish, that practically ruins, to a large extent, fishing grounds where other fish are caught. The gentleman from Maine [Mr. HINDS] thinks it may be possible not only to get rid of the dogfish as far as their preying upon other fish is concerned, but also to get people to acquire a taste for them, so that instead of being an evil they will become a blessing.

Mr. COX. I rather doubt the wisdom and propriety of the Government educating the taste of the people to like dogfish.

Mr. MANN. After all, that is one of the things that the Bureau of Fisheries is doing as to other fish.

Mr. COX. This is the first time that I know of the Government attempting to teach a love for the taste of dogfish.

Mr. MANN. But the gentleman knows that probably nobody ever has an appetite for oysters without acquiring it.

Mr. COX. Oh, that is not a fair comparison at all, to compare dogfish with oysters. Oysters have been eaten since the days when the Pilgrims landed on Plymouth Rock.

Mr. MANN. I suppose the gentleman would not eat snails?

Mr. COX. No; and I would not want the Government to try to teach me to acquire a taste for snails.

Mr. MANN. If we had great quantities of snails going around and destroying other things, it would be a good thing for the gentleman to acquire the taste.

Mr. MONDELL. If the gentleman will yield, I will remind him of the work that was undertaken by the Department of Commerce, possibly without authority, in connection with the introduction of the tilefish. The tilefish was formerly a food fish, but it disappeared from eastern waters for a long time. Several years ago it reappeared, and the Secretary of Commerce, by guaranteeing a reasonable profit to the captain of a certain fishing boat, persuaded him to catch and sell tilefish. By doing that the tilefish were reintroduced, and have, as I understand, become quite popular in the market as food fish. In that case it did not cost the Government anything——

Mr. COX. But this is costing the Government something. This bill proposes to appropriate $25,000, and if the bill becomes a law that will probably become a permanent appropriation.

Mr. MANN. Oh, I think not. I fully agree with the argument of the gentleman, as far as that is concerned, but——

Mr. COX. I think they have already solved this problem as the Secretary of Commerce can solve it. I do not know that I am going to object to the bill. The letter of the commissioner is very enthusiastic. I have read it two or three times. He says:

The belief is entertained that the proper method of procedure is not to exterminate the dogfish by indiscriminate destruction, but to convert a nuisance into an economically useful product and a source of profit. It is believed that the only way in which this can be accomplished is to induce the utilization of this pest as food. Although this has been scoffed at by some who would be the first and principal beneficiaries, the project is practical and economically sound. The dogfish is not eaten in the United States solely on account of prejudice. It is palatable and nutritious, and its food is but little different from that of the haddock and other valued food fishes. It is extensively eaten in Europe, and during the past few years it has grown in favor in England, where 5,000,000 pounds, with a value to the fishermen of $82,000, were marketed in 1914. This large and increasing production of a cheap and excellent food is a boon to the people at large, while the fishermen receive about $28 per ton for their catch as against $8 which they would receive if the Government were to engage in the unprofitable production of fertilizer under the conditions recently proposed in this country.

They seem to have solved the problem there, and I do not like to see the Government commit itself to the establishment of a commissary department to enable the people to enjoy the taste for a peculiar kind of fish that is already on the market in England. I think the letter is rather æsthetic. I do not think he knows very much about the subject, but out of due deference to the gentleman from Maine [Mr. HINDS] I shall not object.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. COX. Yes; I will yield.

Mr. MOORE of Pennsylvania. I wanted to know whether the gentleman was serious about introducing dogfish as human food during the present administration?

Mr. COX. Oh, no; we do not need it. We do not need dogfish now. If we did, I might not raise any question about it.

Mr. MANN. Well, probably both gentlemen have eaten dogfish without knowing it. I am told by a very distinguished authority that fillet of sole, which is one of the most popular dishes there is, is nine times out of ten, or maybe less often, dogfish—and fillet of sole is one of my favorite dishes.

Mr. COX. If this bill becomes a law, does the gentleman think this will practically amount to a permanent appropriation?

Mr. MANN. I do not think so.

Mr. COX. I will withdraw my objection, Mr. Chairman.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I ask unanimous consent to consider in lieu of the House bill Senate bill 4401, which is No. 193 on the Unanimous Consent Calendar, and is the same bill. I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to consider S. 4401. Is there objection?

There was no objection.

The SPEAKER pro tempore. Is there objection to considering the bill in the House as in Committee of the Whole House on the state of the Union?

There was no objection.

The Clerk read the bill S. 4401, as follows:

Be it enacted, etc., That the Commissioner of Fisheries be, and he is hereby, authorized and directed to conduct investigations and experiments for the purpose of ameliorating the damage wrought to the fisheries by dogfish and other predacious fishes and aquatic animals.

SEC. 2. That the said investigations and experiments shall be such as to develop the best and cheapest means of taking such fishes and aquatic animals, of utilizing them for economic purposes, especially for food, and to encourage the establishment of fisheries and markets for them.

SEC. 3. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Commissioner of Fisheries to carry out the provisions of this act, the same to be immediately available.

The bill was ordered to be read a third time, was read the third time, and passed.

The bill H. R. 11254 was laid on the table.

TITANIC MEMORIAL ASSOCIATION.

The next business on the Calendar for Unanimous Consent was House joint resolution 104, granting permission to the Woman's Titanic Memorial Association to erect a memorial on public ground in the city of Washington, D. C.

Mr. MANN. Mr. Speaker, I ask to have that bill go over without prejudice.

EXCLUSION OF INTOXICATING LIQUORS FROM NATIONAL PARKS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves.

Mr. RANDALL. Mr. Speaker, I ask to have that bill passed without prejudice.

ELECTRIC RAILWAY, FORT BARRANCAS, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3344) to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, there is no information contained in the report, and I will ask to have it laid over without prejudice.

PATENTING CERTAIN PROPERTY AT PENSACOLA, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3381) authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. FERRIS. Mr. Speaker, the gentleman from Illinois will probably remember that this bill, with the next one on the calendar, were passed by the House last year. They relate to lots of land that have been occupied for more than 50 years.

Mr. MANN. This is plainly land that belongs to the Government. Why should not the Government get paid something for it?

Mr. FERRIS. Yes; the land does belong to the Government, but they were very lax about the title and the records were destroyed. The House has heretofore passed bills relating to these tracts that have been occupied. The gentleman from Florida [Mr. WILSON] is now at home.

Mr. MANN. It looks to me from the report of the case as though some of these persons squatted on the land, or took possession of it, did not pay anything for it, and have been in possession for so many years that now they think they own it. Congress passed a law as far back as 1832, and I think that was amendatory of an act passed in 1822, giving all these people authority to make application where titles were not perfect. This is what the Assistant Secretary of the Interior says:

After a careful examination of the records and said American State Papers relative to the claim for lots in Pensacola, I am unable to find that any application was ever made to said commissioners for the land above described, or that the title thereto has ever been confirmed by Congress to any person. It therefore appears that the title thereto remains in the United States.

Mr. FERRIS. There is no controversy about it. It is a question whether the United States is willing to give the land to these people who have occupied it so long. The House passed both bills last year.

Mr. MANN. Well, that shows that somebody somewhere else thought it not proper to pass them, and I think we had better let it go over and see whether the Government ought not to get something for the land that it owns.

Mr. FERRIS. Very well, but I think the gentleman will be induced to withdraw his objection when the gentleman from Florida gets back and explains the situation. It has been occupied by these people so long, and the Department of the Interior winds up by saying that "under the conditions mentioned, the department sees no objection to the passage of the bill." And the conditions are that the claimant shall make proof that he and his grantors have had continuous possession of it under a claim of ownership for the last 20 years.

Mr. MANN. I do not remember that this bill passed the House in the last Congress.

Mr. FERRIS. The gentleman from Florida told me that both bills passed last year, but died in the Senate. I know he came before the committee with some bills that were not quite in form last year, and we reported substitutes.

Mr. MANN. The gentleman is probably correct. I know that we passed some bills, but I have no recollection or memorandum that this was one of them. I ask to have the bill laid over.

Mr. FERRIS. The next bill is in the same position; they are both in the same category.

Mr. MANN. I will ask to have that laid over, too.

TOWN SITE OF PLUMMER, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill H. R. 14725, authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be subdivided that part of the town site of Plummer, Cœur d'Alene Reservation, Idaho (which town site was created under the act of June 21, 1906; 34 Stat. L., pp. 325, 327), described as the southeast quarter of section 18, township 46 north, range 4 west, into streets or roads and into tracts of not exceeding 5 acres each, and to cause the tracts to be appraised, except such as are hereinafter reserved for the town of Plummer, and sold at not less than their appraised value.

SEC. 2. That the Secretary of the Interior is also authorized and directed to cause a patent to be issued to the town of Plummer for 5 acres of land so subdivided for the purpose of a reservoir site for the Plummer waterworks system, described as the east half of the northeast quarter of the southeast quarter of the southeast quarter of section 18, township 46 north, range 4 west, as well as 10 acres of the land so subdivided for the purpose of a public park, described as the northwest quarter of the northwest quarter of the southeast quarter of section 18, same township and range as above.

SEC. 3. That the purchase price of the tracts authorized to be sold shall be paid at such times and in such installments and upon such terms as the said Secretary may direct, and he shall cause 20 per cent of the net proceeds arising from said sale to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements within said town site.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

HOMESTEADS IN WIND RIVER RESERVATION, WYO.

The next business on the Calendar for Unanimous Consent was the bill (S. 733) providing for patents to homesteads on the ceded portion of the Wind River Reservation, in Wyoming.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Oklahoma [Mr. FERRIS] if the committee substitute to the Senate bill is satisfactory to the gentleman from Wyoming [Mr. MONDELL]?

Mr. FERRIS. I have not interrogated him recently; but he sits so close to the gentleman from Illinois that I think he would be able to answer that himself.

Mr. MANN. What I want to know is whether he had indicated to the gentleman from Oklahoma his satisfaction or dissatisfaction with the committee substitute?

Mr. FERRIS. If he did, I have forgotten it. I do not recollect ever having any conversation with him about it.

Mr. MANN. It might make a difference. I think the committee substitute is a reasonable proposition, while the Senate bill is a vicious proposition.

Mr. MONDELL. Mr. Speaker, if the gentleman is really seeking information——

Mr. MANN. I am, because I am not going to let this bill go through by unanimous consent unless I know more about it.

Mr. MONDELL. I will state to the gentleman that the gentleman from Wyoming originally introduced and succeeded in having passed the act of April 27, 1912, which he believed was a very good act, and as this amendment which is now before the House is practically a copy of that act, the gentleman from Wyoming thinks it is excellent legislation.

Mr. MANN. But what I want to get at is whether, when it comes to a conference, the House conferees will have to meet not only the Senate conferees but also the gentleman from Wyoming [Mr. MONDELL] in the House as against the House amendment. If this bill is passed by unanimous consent with the House substitute, does the gentleman from Oklahoma opine that that probably would be the law if any law is enacted?

Mr. FERRIS. I have had some experience in going into conferences at the other end, and I never know what is going to happen to us. I try to uphold the views of the House always.

Mr. MANN. Then I think the gentleman would better find out, for otherwise I think it ought to go over.

Mr. MONDELL. I hope the gentleman will not ask to have the bill laid over.

Mr. MANN. If the gentleman does not know what is going to happen in conference, I will have to have the bill laid over until he can find out.

Mr. FERRIS. In good faith, how can anyone tell?

Mr. MANN. I could tell. I am not going to pin the gentleman down to any statement.

Mr. FERRIS. I think the gentleman from Illinois knows it would be hardly appropriate for me to say that I am going to bull a conference at the other end.

Mr. MANN. I asked a very simple question, which was susceptible of easy answer.

Mr. FERRIS. I have not intended to evade anything. What answer did the gentleman expect?

Mr. MANN. So that we could know what the gentleman is going to do without putting any declaration into the RECORD, and without being offensive to any other gentleman.

Mr. FERRIS. I will say that I will try to uphold the House, as I do on every occasion.

Mr. MONDELL. I will say to the gentleman from Illinois that I think the provision before the House in the form of an amendment is wise and proper legislation. I will say to him, as I said to the Committee on the Public Lands at the time I presented the matter to them, that I did not ask the committee to report favorably the Senate bill, and did not think they would be justified in doing it. I have not changed my mind in regard to the matter since. I suggested this amendment to the committee, as the gentleman will recall, as the proper legislation, and I shall not change my mind in that regard.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. If this ever gets through with this Senate provision, I shall never give consent again so long as I live.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That all persons who prior to the passage of this act have made valid homestead entry on the ceded portion of the Wind River Reservation in Wyoming and established residence thereon in good faith, but who through no fault of their own were unable to secure water for the irrigation of their lands, shall be granted patent for their lands upon payment of the Indian price for the land and without the necessity of proving continuous residence thereon.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That any person, who, prior to the passage of this act, made homestead entry on the ceded portion of Wind River Reservation, in Wyoming, who has not abandoned the same, whose entry is still existent and of record, and who has been unable to secure water for the irrigation of the land covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months, and upon payment of all sums remaining due on said land, as provided for by the act of March 3, 1905."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

TETON NATIONAL FOREST, WYO.

The next business on the Calendar for Unanimous Consent was the bill H. R. 12208, adding certain lands to the Teton National Forest, Wyo.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following described areas be, and the same are hereby, included in and made a part of the Teton National Forest, subject to all prior adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests:

All of section 4; east half; east half northwest quarter; east half southwest quarter of section 5; east half; east half northwest quarter; east half southwest quarter of section 8; all of section 9; all of section 16; the northeast quarter of section 17; the east half; north half northwest quarter; northeast quarter southwest quarter; southeast quarter northwest quarter of section 21; all of section 26; east half; north half northwest quarter; southeast quarter northwest quarter; northeast quarter southwest quarter of section 27, all in township 40 north, range 116 west of the sixth principal meridian, State of Wyoming.

The south half; south half northeast quarter; southeast quarter northwest quarter of section 9; all of section 16; southeast quarter; southeast quarter northeast quarter; southeast quarter southwest quarter of section 17; south half; south half northwest quarter; south half northeast quarter of section 19, all in township 41 north, range 115 west of the sixth principal meridian, State of Wyoming.

The southeast quarter; south half northeast quarter; southeast quarter northwest quarter; east half southwest quarter of section 24; all of section 25; the southeast quarter; east half northeast quarter of section 26; the south half southwest quarter; south half southeast quarter of section 23; the south half southwest quarter; south half southeast quarter of section 34; all of section 35; all of section 36, all in township 41 north, range 116 west of the sixth principal meridian, State of Wyoming.

The east half southeast quarter of section 1; east half; east half northwest quarter; east half southwest quarter of section 12; all of section 13; east half southeast quarter; southeast quarter northeast quarter of section 23; all of section 24; all of section 25; east half; southwest quarter of section 26; all of section 35; all of section 36, all in township 42 north, range 115 west of the sixth principal meridian, State of Wyoming.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

COURT OF PRIVATE-LAND CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6430) to amend an act entitled "An act to establish a court of private-land claims and to provide for the settlement of private-land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The bill will go over, and the Clerk will report the next bill.

LANDS FOR RESERVOIR AT LEMMON, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (S. 3203) granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. GANDY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the authorities of the city of Lemmon, in the State of South Dakota, for reservoir purposes, in connection with the water supply of said city, for the following-described lands situate in the county of Adams and the State of North Dakota, to wit: The east half of the northeast quarter of section 10 and the west half of the northwest quarter of section 11, in township 129 north, of range 92 west of the fifth principal meridian, in the Dickinson (N. Dak.) land district, containing 160 acres, said patent to contain a provision that said land shall be used for reservoir purposes and in connection with the water supply for said city and for a public pleasure resort, and in case said land shall cease to be used for such purposes it shall at once revert to the United States: *Provided*, That said city shall pay $1.25 per acre therefor.

The amendment in the nature of a substitute was read as follows:

Strike out all after the enacting clause, page 1, and page 2, down to and including line 8, and substitute the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to cause an appraisement to be made of the land, exclusive of all improvements, embraced in the southeast quarter of the southeast quarter of section 10 and the southwest quarter of the northwest quarter of section 11, in township 129 north, of range 92 west of the fifth principal meridian, in the county of Adams and the State of North Dakota and in the Dickinson, N. Dak., land district, containing 80 acres; and upon the payment of the appraised price by the city of Lemmon, in the State of South Dakota, to convey by patent to said city of Lemmon the said land."

Mr. MANN. Mr. Speaker, I move to strike out the last word. I would like to ask the gentleman who reported the bill in reference to the description of the property. This bill as introduced in the Senate covered the southeast quarter of the northwest quarter of section 10. As it passed the Senate it covered the southeast quarter of the northeast quarter of section 10. It commenced with the northwest quarter, skipped over to the northeast quarter, and is now reported for the southeast quarter. Where do they want these 80 acres?

Mr. GANDY rose.

Mr. MANN. Well, I will help the gentleman out. I move to amend the committee amendment in line 12 by striking out the word "southeast" where it occurs the second time and inserting the word "northeast."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the committee amendment by striking out, in line 12, the word "southeast" where it occurs the second time and insert in lieu thereof the word "northeast."

Mr. MANN. The original bill was introduced covering the northwest quarter of the section, and the gentleman will find a letter from Mayor Watt in which he says:

Would say that the Senate bill gave us a full quarter of land, described as east one-half northwest quarter, section 10. We have since elected to take only the south 80 acres of the land above described, the legal description of what we now want is the southeast quarter of the northeast half of section 10, and the southwest quarter of the northwest quarter of section 11, as described.

So it is not the southeast quarter.

Mr. GANDY. That is right. It is a typographical error and I am very much pleased the gentleman noted it.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The substitute as amended was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended to conform to the text.

YUMA RECLAMATION PROJECT, ARIZONA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10116) for the relief of certain settlers under reclamation projects.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I think this is one of the bills that ought to be considered when we have more Members present—this and the next one. We passed one over in which the gentleman from Washington was interested.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over.

Mr. STEPHENS of Texas. I desire to say to the gentleman this only applies to one Indian reservation, to 13 settlers. There was a general bill first drawn, but the committee did not see proper to report the first bill, and this is only a special bill with reference to the Yuma Indians in Arizona.

Mr. MANN. This is to give trespassers special privileges; that is what it is for.

Mr. STEPHENS of Texas. They are not trespassers; they are simply settlers in good faith, as was shown to the committee and also reported by the department.

Mr. MANN. They were trespassers in the first instance, however.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over.

Mr. MANN. I do not say the bill ought not to pass.

NAVAJO INDIAN RESERVATION, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10115) authorizing the adjustment of rights of settlers on the Moqui and Navajo Indian Reservations in the State of Arizona.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I have not been able to make anything intelligent out of this bill.

Mr. HAYDEN. I think the bill speaks for itself.

Mr. MANN. I do not think it does.

Mr. HAYDEN. If there is any information I can give the gentleman, I would be very pleased to do it.

Mr. MANN. Then I will ask where the gentleman can find Executive order of January 8, 1900, referred to in the bill? The language of the bill reads:

Upon the making and approval of the public surveys of such lands, said Executive order being of date January 8, 1900.

There it ends with a period. I am quite certain it is not intended to do so. I do not think the gentleman has read the bill since he introduced it.

Mr. HAYDEN. I will say to the gentleman that the bill was prepared for me in the Indian Office and I introduced it as given to me. I think the period ought not to be there. The language following is—

extending the boundaries of a tract of land lying west of the Moqui and Navajo Indian Reservation in the Territory of Arizona—

covered by that Executive order of January 8, 1900.

Mr. MANN. Well, Executive orders, if they are proclamations, are supposed to be printed in the Statutes at Large. This order is not, not under that date. I am going to ask to have it passed over so the gentleman can find out in reference to that.

Mr. HAYDEN. I would be glad to do so.

The SPEAKER. The bill goes over.

CERTAIN CHIPPEWA LANDS IN MINNESOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14533) to authorize the Secretary of the Interior to issue a patent in fee simple to the district school board No. 112, of White Earth Village, Becker County, Minn., for a certain tract of land upon payment therefor to the United States in trust for the Chippewa Indians of Minnesota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue to the district school board No. 112, of White Earth Village, Becker County, Minn., a patent in fee simple for the east half of the southeast quarter of the southeast quarter of section 22, in township 142 north, range 41 west, of the fifth principal meridian, in the State of Minnesota, or such part thereof as the said district school board may select, upon payment by them to the United States in trust for the Chippewa Indians of Minnesota of the appraised value of said land.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. This bill is on the Union Calendar.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I move to amend by striking out, on page 1, line 6, the words "in fee simple."

The SPEAKER. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 1, line 6, by striking out the words "in fee simple."

The SPEAKER. The question is on agreeing to the amendment.

Mr. STEPHENS of Texas. I have no objection to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CERTAIN INDIAN LANDS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11958) to provide for the sale of certain Indian lands in Oklahoma, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, did the Indians have this money?

Mr. STEPHENS of Texas. The gentleman from Oklahoma [Mr. FERRIS] understands the situation.

Mr. FERRIS. This old abandoned town site used to be in my district. It is now in the district of the gentleman from Oklahoma [Mr. MCCLINTIC]. I feel I know pretty well the facts about it, however.

When this tract, along with 505,000 acres of other land, was opened under the act of June 6, 1906, under the act they reserved certain Government town sites, and they reserved this town site and named it Eschita, after one of the old Indian chiefs. The lots were auctioned off, and some of them sold on payments. Some of them were later forfeited. There is no one living there now. Most of the lots were forfeited because the railroad went through a little after the opening and they opened up the town of Grandfield, which has developed into a nice little town 3 or 4 miles away.

Tillman County has long desired part of this tract as a county farm and this bill gives it to them. The town of Grandfield has long desired to acquire part of it for a cemetery. This bill accomplishes that. They both agree to pay a nominal sum therefor and under the circumstances that is all they should pay.

The gentleman from Oklahoma [Mr. MCCLINTIC] has been faithful in getting up this legislation, and I am glad to join him in helping to pass it.

The 320 acres of prairie land is now unoccupied aside from a cemetery. A good many of the local people who made one payment on their lots lost them, and some who paid in full also lost it. The local community began using that part of the town site as a cemetery. Those are the facts. There was a time when the Indian Office thought they ought to be allotted to two Indian women, but as there were some town-site settlers there it was not thought proper to make that disposition of it.

Mr. MANN. These Indians got $60,000 or $70,000 for this land?

Mr. FERRIS. Yes. I have not the exact amount, but they got more than it was worth.

Mr. MANN. And they want to sell it over again? I do not see where they have got much claim for it.

Mr. FERRIS. The gentleman is about right about that. They were paid about ten times what the raw land was worth at the time. But the Government on its own initiative platted the town site there and the railroad came along and missed this Government town by 3 or 4 miles, and of course the poor people who had bought the lots had to lose their money and move away.

Mr. MANN. Supposing we were selling this property now, and then some attorney—and that is almost sure to happen—would come along after a while and say that the Government authorized the sale of this land for $1.25 an acre? It had already been sold in the neighborhood of $100,000, but it was not all paid for. The Government should certainly pay the value of the land to the Indians if they sold them at $1.25 an acre, and the Government should pay the balance. We have got from the Committee on Claims and the Committee on Indian Affairs half a dozen bills on the calendar to submit claims to the Court of Claims that are not as good as that.

Mr. FERRIS. There is an answer to that statement that will satisfy the gentleman and satisfy the Congress, that will cause them not to succeed in that. And that is this: There were 505,000 acres in this opening, and 480,000 acres in my home county. I want the gentleman's attention.

Mr. MANN. No one can distract my attention when the gentleman is talking.

Mr. FERRIS. The selling of this land and the giving of the money to the Kiowa Indians was a gratuity ab initio. To some one who was here before the Members from Oklahoma came it was represented that the Indians had large herds of ponies and cattle that therefore they had better make therefor a large reservation, and so they made it a 480,000-acre reservation and gave it to them as a gratuity, and gave them $25,000 as a so-called wood reservation. As a matter of law, this whole matter was a gratuity to the Indians. I never objected to their getting it, but the facts should be known.

Mr. MANN. Does the gentleman think that we should pay for the land after having given it to them once?

Mr. FERRIS. I believe the gentleman from Illinois had better trust to the Committee on Indian Affairs in this case. They have reported a bill that I believe we can all stand on, and I do not think there will be any afterclap from it. I think it is the best we can do.

Mr. MANN. Well, I confess I may be overpersuaded.

Mr. FERRIS. The Indians have already been paid a large sum of money for this town site.

Mr. STEPHENS of Texas. I will say to the gentleman from Illinois that the bill was reported unanimously.

Mr. MANN. Ah, that is a suspicious circumstance. If a bill is not reported unanimously, you know it has been considered, and has two sides to it. One of these little private bills, practically private bills, reported unanimously nearly always has never really been considered by any committee. I know; I have been there.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the bill, for the sake of economy of time.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the substitute be read in lieu of the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized and directed, upon application therefor, to sell to the county of Tillman, State of Oklahoma, at $1.25 per acre, not exceeding 160 acres, for county farm purposes, and to the town of Grandfield, Okla., no exceeding 40 acres, for cemetery purposes, of vacant undisposed of lands within the town-site reserves in the State of Oklahoma, withdrawn by Executive orders under the act of March 20, 1906 (34 Stat. L., p. 80), the money received from the sale of said lands to be deposited in the Kiowa Indian Agency hospital fund, and to draw interest at the rate of 4 per cent per annum.

Mr. MANN. Mr. Speaker, I move to strike out, in line 17, the word "no" and insert the word "not."

Mr. FERRIS. That is accepted.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Have we not reduced the rate of interest to 3 per cent in some of these cases?

Mr. FERRIS. Not with us.

The SPEAKER. The question is on agreeing to the substitute as amended.

The substitute as amended was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ROADS ON THE SPOKANE INDIAN RESERVATION.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 12123) to appropriate money to build and maintain roads on the Spokane Indian Reservation.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby appropriated, out of the Treasury of the United States, out of any funds not otherwise appropriated, the sum of $2,000 for the building and maintenance of roads on the Spokane Indian Reservation, in Stevens County, Wash., said amount to be spent under the direction of the Secretary of the Interior: *Provided*, That said $2,000 shall not be available until Stevens County, Wash., appropriates $1,000 for the building and maintenance of roads on the Spokane Indian Reservation.

With a committee amendment, as follows:

On page 1, in line 3, strike out the words "the Treasury of the" and all of line 4 and insert "any funds in the Treasury of the United States to the credit of the Spokane Indians in the State of Washington, not otherwise appropriated."

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FEDERAL AID FOR INDIGENT TUBERCULOUS PERSONS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11864) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I think it is too important a matter to be considered with such a small number of Members present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next one.

Mr. MANN. It will keep its place on the calendar.

THREATS AGAINST THE PRESIDENT.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15314) prohibiting threats against the President of the United States.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, the title of this bill does not seem to conform to the text. I do not know whether the gentleman representing the bill desires to answer. How can you prohibit threats against the President of the United States?

Mr. WEBB. Well, I will say to my friend that it covers the meaning of the bill fairly well. The title is no part of the bill. If the gentleman has a better suggestion for the title I will be glad to hear it.

Mr. MOORE of Pennsylvania. That bill provides for punishment for threats.

Mr. WEBB. I believe it would be better to provide punishment for those who make the threats.

Mr. MOORE of Pennsylvania. I have no objection to the consideration of the bill in the regular way.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I hope the gentleman will let the bill go over.

Mr. WEBB. I have no objection to the amendment to the title suggested by the gentleman.

Mr. MANN. Mr. Speaker, does the gentleman remember what became of the bills concerning the protection of the President which were here shortly after the assassination of President McKinley?

Mr. WEBB. I do not. I was not in Congress then.

Mr. MANN. There was a good deal of consideration given to the subject at that time. My impression is that perhaps either the House or the Senate passed a bill. I am not sure but that both of them passed different bills. It is a very important subject. I think it ought to be very carefully examined. It was discussed uphill and down dale at that time, although no legislation resulted, so far as I now recall. I will not say that this bill is loosely drawn, because I think it is fairly well drawn, but I do not think it covers the case at all.

Mr. WEBB. I will say to my friend from Illinois that it is practically patterned after section 20 of the Post Office appropriation bill of a year ago, except that the bill before the House is not so full as section 20 in the Post Office appropriation bill. That provision punished persons making threats, not only against the President but against anyone in succession to the Presidency. That bill, I believe, died in conference. This is practically patterned after that bill, except that it is made shorter.

Mr. MANN. Supposing the man actually gets at the President, without making any threats?

Mr. WEBB. That is another crime.

Mr. MANN. Well, but it is not a crime. The gentleman is mistaken.

Mr. WEBB. Oh, it is a crime——

Mr. MANN. It is a crime to assault any person, but it is not a crime to assault the President any more than any other person. It is a crime against the person, but it ought to be a very different offense. Assaulting the President of the United States is quite a different matter from assaulting some private individual. That is the reason the gentleman's bill has the provision against threats. There is a law now covering the private individual, as far as these things are concerned, and the President to the same extent; but in this bill you are differentiating the office of President, and the man who fills the office, from any other citizen of the United States, as ought to be done.

Mr. WEBB. Of course.

Mr. MANN. But I do not think you begin to go far enough.

Mr. WEBB. This bill was drawn by the Department of Justice, and the committee went over it carefully and amended it, and struck out the punishment for threats, either orally or by mail, against the successors to the President, and made it apply to the President alone. I can say to my friend that for 25 years threatening letters have come in the White House mail, and something ought to be done in the way of protecting the Chief Executive of this great Republic, if possible, from this kind of annoyance.

Mr. MANN. This will not protect him. It will not have any tendency toward protecting him.

Mr. WEBB. A bad man can make a public threat, and put somebody else up to committing a crime against the Chief Executive, and that is where the harm comes. The man who makes the threat is not himself very dangerous, but he is liable to put devilment in the mind of some poor fellow who does try to harm him.

Mr. MANN. The men who write letters to the President threatening to take his life or to inflict bodily harm are not sane men, and all the legislation you can enact and put upon the statute books will not have any effect to stop the sending of these letters. Of course you can punish the men. We had a little incident here in the House the other day, when a man violated the dignity of the House by talking from the gallery. I do not know what has become of him. One of the officials of the House asked me whether I wanted him punished. I said, "Certainly not, as far as I am concerned. I have no desire to punish him." If he is an insane person and liable to do injury to anyone, he ought to be treated as an insane person, but they will have to get some one else to judge of that. I do not know. If the man is insane, he ought to be cared for as an insane person.

Mr. WEBB. I will say that threatening letters are sometimes written by insane persons, but I do not think that the writers of these threatening letters are always insane, and I think the time may come when we will have great need for this kind of a statute.

Mr. MANN. I think we have need of legislation to protect the body of the President. I do not think this does that. I am not going to object to the consideration of it, but this is a case where you are asking for bread and you are getting sand. I say that without any reflection upon the committee.

The SPEAKER. Is there objection?

Mr. CARAWAY. Reserving the right to object, I want to ask the chairman of the committee a question. In line 8 you provide—

Or who knowingly and willfully otherwise makes any such threat against the President shall, upon conviction, be fined not exceeding $1,000 or imprisoned not exceeding five years, or both.

Now, what jurisdiction would a Federal court acquire if some man living in Maryland should orally threaten to do violence to the President? Where could you punish him in a Federal court? If he indulged in speech of a violent nature within the jurisdiction of a State court, the State court could punish him, but no Federal court could reach him.

Mr. WEBB. If you can punish the assault itself in a Federal court, you can pass a statute providing punishment in a Federal court for the making of the threat to commit the assault. Practically every Federal officer in the United States is protected by a Federal statute; and if you can punish the act itself in the Federal court, you can certainly punish the threat to commit the act, because if you have jurisdiction to punish the overt act itself, you certainly would have jurisdiction of a threat to commit the offense. The highest duty of a Government is to protect itself, and certainly the head of the Government should be protected both against assault and against any threat to do him physical harm.

Mr. CARAWAY. If I recall correctly, when McKinley was killed they had to go into a State court to punish the man who assassinated him.

Mr. WEBB. Precisely; because it was committed within the territory of a State; and there is no Federal statute punishing an actual assault upon the President, or his murder, as far as I know. That is one reason why we want this statute—in order to

decrease the possibility of actual assault by punishing threats to commit an assault.

Mr. MOORE of Pennsylvania. Is this the matter that the Attorney General brought to the attention of Congress sometime ago?

Mr. WEBB. I do not believe he did in his annual report.

Mr. MOORE of Pennsylvania. Did the bill originate in the office of the Attorney General.

Mr. WEBB. It did.

Mr. MOORE of Pennsylvania. There was a suggestion in the newspapers sometime ago that there was some irritation at the White House over threatening and that legislation was necessary to cover it.

Mr. WEBB. There has always been, for that matter.

Mr. MOORE of Pennsylvania. This bill provides for the punishment only of those who deposit—

for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States.

Is there no law now which would punish anyone committing any of these offenses as against the Speaker or the Vice President, for instance?

Mr. WEBB. I do not think so. Certainly not adequately. We took the statute and compared it, and in the opinion of the committee it did not cover that. That is why the Post Office Committee a year ago undertook to pass this very same act, and I presume it would have passed if the bill had not died in conference. The bill we are now considering is almost identical with section 20 of the Post Office bill of a year ago, which would have been passed except for the fact that it died in conference.

Mr. MOORE of Pennsylvania. Not to point out any particular official, but as a matter of fact letters containing threats do come to Members of Congress. Is there no law or regulation that would permit of the arrest and punishment of anyone offending in this regard?

Mr. WEBB. I do not know of any. There are laws against threatening men and trying to extort money.

Mr. MOORE of Pennsylvania. If that is the fact and a person who is not insane writes a threatening letter to the Speaker or to a Member of Congress why should we not provide a law sufficient to cover such cases?

Mr. WEBB. I am perfectly willing to do it. If we apply it to the Speaker of the House and Members of Congress and other Government officials, you make a pretty broad law to which some might object, but everybody admits that the Chief Executive of a great Nation like ours ought to be protected in every way possible, especially in view of the sad experience we have had in losing by assassination three of our beloved Presidents.

Mr. MOORE of Pennsylvania. It is true, however, that we were able to detect and arrest the men responsible and to punish them by death.

Mr. WEBB. Yes; but an ounce of prevention is worth a pound of cure, and we want to prevent the threats which often incite men to kill and murder.

Mr. MOORE of Pennsylvania. There were arrests and convictions and executions in the last two cases to which the gentleman referred. I assume that if any threat was now carried into execution we would be able to reach the culprits. All you intend to cover in this bill is the act of the person who makes a threat by depositing a newspaper clipping in an envelope and putting it into the mail or writing a letter.

Mr. WEBB. It must be a threat to kill the President or do him bodily harm. Any man that makes that sort of a threat ought to be punished, and punished severely.

Mr. MOORE of Pennsylvania. Then the law should be general. It seems to me that this is a bill of such importance that it ought to be laid over until we can have more time to consider it.

Mr. RAKER. I would like to ask the gentleman a question. Is it not a fact that under every State law a threat, either verbal or by letter, is punished under the State law?

Mr. MOORE of Pennsylvania. It is in my State.

Mr. RAKER. But the fine is very modest. Under the law, as I understand it, a threatening letter put in the post office, under the postal regulations, would be subject to punishment by using the mail in that way, but the punishment is very mild and light. This makes a special punishment and fixes the punishment at not less than $1,000 fine or five years' imprisonment. It makes it severe, and I think the bill ought to pass. The law covers all the other cases, as it ought to, by fine and a minor imprisonment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who knowingly and willfully deposits or causes to be deposited for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, or who knowingly and willfully otherwise makes any such threat against the President, shall upon conviction be fined not exceeding $1,000 or imprisoned not exceeding five years, or both.

Mr. RAKER. Mr. Speaker, I would like to ask the chairman of the committee if he does not think that in line 3 the words "and willfully" and the same words in lines 8 and 9 ought to be stricken from the bill, for the reason that if a man knowing does an act, that ought to be sufficient to punish him; if the act is made an offense by this law, and not say that it has got to be both knowingly and willfully done. Practically all of the statutes carry the provision that before a man can be convicted the court shall instruct the jury he must do it with a will, and if he is not willing he is insane or an idiot, and not subject to conviction.

Mr. WEBB. I do not think so, Mr. Speaker. I think he ought to be shown to have done it willfully. I think it must be a willful intent to do serious injury to the President. If you make it a mere technical offense, you do not give him much of a chance when he comes to answer before a court and jury. I do not think we ought to be too anxious to convict a man who does a thing thoughtlessly. I think it ought to be a willful expression of an intent to carry out a threat against the Executive, and I hope that the gentleman will not offer his amendment.

Mr. RAKER. I have not offered an amendment. I just want to call the attention of the chairman to these words, and get his views upon the subject. The House can then act as it seems best. We want a workable statute, and are satisfied that is the purpose of the chairman of the committee. If a man knows the fact and knows what he is doing and knows the consequences of his act, that man ought not to go free.

Mr. WEBB. This is the language used in nearly all the statutes where the intent constitutes the crime. You find it in the statutes against murder and embezzlement, and I had rather keep the word "willfully" in.

Mr. RAKER. So as to give the fellow a chance, for fear he may have made a mistake.

Mr. WEBB. Yes.

Mr. VOLSTEAD. Mr. Speaker, I think it would be a mistake to strike out the word "willfully." Suppose a person found a document containing a threat and sent it through the mail to a friend as a matter of news. He might knowingly send the document, not intending to convey any threat. The word "willfully" adds an intention to threaten, and distinguishes a case of that kind so as to take it out of the category of criminal acts.

Mr. RAKER. The gentleman says that if it is stricken out it would permit the conviction without proof at the trial that the man knew what his act was.

Mr. VOLSTEAD. No; I did not say that. If the gentleman will read it with the word "willfully" stricken out, he will see that a person might send innocently, without any intention to convey a threat at all, an instrument to a friend that contained a threat, and he would be guilty if you strike out the word "willfully."

Mr. RAKER. If he knowingly sent what the gentleman says, there certainly could not be any excuse or reason why he should not be convicted of his act, because he did it knowingly, and that is the interpretation of the statutes. He knows what his act is, knows the consequences of his act.

Mr. VOLSTEAD. The gentleman does not catch the point I have in mind. This statute does not require that the instrument shall be sent to the President. It might be sent to some other person. If, as the gentleman suggests, you strike out the word "willfully," a person who simply sends an instrument, say, a newspaper that contains such a threat, to some friend to call his attention to the matter, would do so knowingly, and would come within the language of this bill.

Mr. RAKER. Does the gentleman mean that if a man should mail to a friend a newspaper that contained an article against the President saying that some injury should be done him, that that man would be guilty? What would become of the newspaper man that published the paper and circulated it?

Mr. VOLSTEAD. That is not the question.

Mr. RAKER. I know, but the very statement the gentleman makes, that if the newspaper was such that it would be an offense for a man to send it to a friend, suggests the inquiry of how the newspaper publisher and the people who handle it are affected under this statute, without all being convicted by virtue of the publication and circulation of the paper.

Mr. VOLSTEAD. The suggestion I want to make to the gentleman is this, that if this statute is to be saved at all, it seems to me it must be upon the theory that the act is willful. There is not anything in the language outside of that word to convey the idea that a threat must be an intentional threat against the President. The word "willful" conveys, as ordinarily used, the idea of wrongful as well as intentional. That idea ought to be preserved so as not to make innocent acts punishable.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. WEBB. Mr. Speaker, I ask that the title be amended in accordance with the suggestion of the gentleman from Pennsylvania.

The SPEAKER. How would the gentleman have the title amended?

Mr. MOORE of Pennsylvania. I would strike out the word "prohibiting" and insert the words "to punish persons who make."

The SPEAKER. The Clerk will report the amendment to the title.

The Clerk read as follows:

Strike out in the title the word "prohibiting" and insert the words "to punish persons who make."

The SPEAKER. Without objection, the title will be amended in accordance with the amendment just reported.

There was no objection.

On motion of Mr. WEBB, a motion to reconsider the vote by which the bill was passed was laid on the table.

NEWELL, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12889) authorizing the Secretary of the Interior to convey certain lands to the town of Newell, S. Dak., and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have the bill go over.

The SPEAKER. The gentleman from Illinois objects, and the bill will go over without prejudice.

INDIANS OF ROSEBUD SIOUX RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13298) authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to pay, out of any funds in the Treasury to the credit of the Rosebud Band of Sioux Indians of the State of South Dakota, such sums as may be found by him to be due those Indians enrolled and allotted on the Rosebud Reservation in South Dakota, under the decisions of the United States district and circuit courts for the district of South Dakota, in the cases entitled "Mary Sully et al. v. The United States and John H. Scriven, allotting agent," and "Narcisus Drapeau et al. v. The United States and John H. Scriven, allotting agent," and each Indian who was enrolled and allotted under said decisions shall be entitled to and receive a sum of money equal in amount to all per capita and other payments made to individual members of the Rosebud Band of Sioux Indians from December 31, 1896, or from the date of the birth of such Indian if subsequent to December 31, 1896, to the date of the enrollment and allotment of said Indians under said decisions: *Provided*, That the Secretary of the Interior is authorized to determine what attorney or attorneys have actually rendered services of value to the Indians hereinbefore described in connection with the payments herein provided for, and all compensation therefor in such amounts as he may deem proper, and pay the amount so fixed and found to be due, less any counter claims, to such attorney or attorneys, and deduct the same from the amount paid to the Indians hereinbefore described, upon receipt in full by such attorney or attorneys of all claims and demands against said Indians.

With the following committee amendment:

Page 2, lines 18 and 19, after the word "therefor," insert the words "on a basis of quantum merult."

The SPEAKER. This bill is on the Union Calendar.

Mr. GANDY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS OF VOLUNTEER SOLDIERS FOR PAY, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3690) repealing certain sections contained in the urgent deficiency act approved December 22, 1911.

The SPEAKER. Is there objection?

There was no objection.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sections contained in the urgent deficiency act approved December 22, 1911, relating to claims for arrears of pay, bounty, or other allowances growing out of the Civil War and the War with Spain, are hereby repealed.

Mr. REAVIS. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, by striking out in line 3 the word "sections" and inserting in lieu thereof the words "following provisions"; and in line 5 by inserting after the word "eleven" the words "to wit" and the following:

"No claim for arrears of pay, bounty, or other allowances growing out of the service of Volunteers who served in the Army of the United States during the Civil War shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1912: *Provided*, That hereafter no agent or attorney shall demand or accept, for his services in connection with the prosecution of claims for arrears of pay, bounty, or other allowances due on account of the services during the Civil War of an officer or enlisted man of the Regular or Volunteer Armies of the United States, filed after the passage of this act, any fee for any services rendered in connection therewith. Whoever shall violate this provision upon conviction shall be punished by a fine of not exceeding $500 or imprisonment for a period not exceeding six months, or both, and shall be disbarred from practice before the Treasury Department.

"No claim for arrears of pay, bounty, or other allowances growing out of the service of Volunteers who served in the Army of the United States during the War with Spain shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1914."

Mr. REAVIS. Mr. Speaker, I find that I have made a mistake in offering my amendment, and I ask unanimous consent to strike from the amendment the proviso, being the language:

Provided, That hereafter no agent or attorney shall demand or accept for his services in connection with the prosecution of claims for arrears of pay, bounty, or other allowances, due on account of the services during the Civil War of an officer or enlisted man of the Regular or Volunteer Armies of the United States, filed after the passage of this act, any fee for any services rendered in connection therewith. Whoever shall violate this provision upon conviction shall be punished by a fine of not exceeding $500 or imprisonment for a period of not exceeding six months, or both, and shall be disbarred from practice before the Treasury Department.

The SPEAKER. The gentleman asks unanimous consent to withdraw a portion of his amendment as indicated. Is there objection?

There was no objection.

The SPEAKER. The question now is on agreeing to the amendment as modified.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. REAVIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING COPYRIGHT LAW.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13981) amending the copyright law.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think this ought to go over if there is no one here who——

The SPEAKER. The gentleman from Illinois objects and the bill goes over.

TO EXTEND TEMPORARILY THE TIME FOR FILING APPLICATIONS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13982) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That any applicant for letters patent or for the registration of any trade-mark, print, or label, being within the provisions of this act, if unable on account of the existing and continuing state of war to file any application or pay any official fee or take any required action within the period now limited by law, shall be granted an extension of nine months beyond the expiration of said period.

SEC. 2. That the provisions of this act shall be limited to citizens or subjects of countries which extend substantially similar privileges to the citizens of the United States, and no extension shall be granted under this act to the citizens or subjects of any country while said country is at war with the United States.

SEC. 3. That this act shall be operative to relieve from default under existing law occurring since August 1, 1914, and before the 1st day of January, 1918, and all applications and letters patent and registrations in the filing of prosecutions whereof default has occurred for which this act grants relief shall have the same force and effect as if said default had not occurred.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

GOVERNMENT EMPLOYEES SUFFERING INJURIES WHILE ON DUTY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15316) to provide compensation for the employees of the United States suffering injuries while in the performance of their duties, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, it is evident this bill could not be considered to-day. It is a long bill and the committee will soon be reached, and I ask to have it passed over without prejudice.

The SPEAKER. The bill goes over without prejudice.

NATIONAL-PARK SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15522) to establish a national-park service, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I do not think this bill ought to pass by unanimous consent. I object to it.

The SPEAKER. The gentleman from Indiana objects, and the bill goes over without prejudice.

Mr. RAKER. Will the gentleman withhold his objection?

Mr. COX. I will withhold it.

Mr. FERRIS. Mr. Speaker, 12 national parks of the United States are running in a helter-skelter sort of way by borrowing clerks from other departments, and there is some reorganization needed very badly.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Indiana—there is not very much remaining of the afternoon—does the gentleman intend to object?

Mr. COX. Yes; I intend to object.

Mr. MANN. I do not think we ought to take up the time any further on this bill. The Committee on Public Lands will be reached, I hope, before very long now. I think the bill ought to pass, but I do not think——

The SPEAKER. Is there objection?

Mr. COX. I object.

The SPEAKER. The bill is passed over without prejudice.

BERKSHIRE COUNTY TROUT HATCHERY, MASS.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 218) authorizing the acceptance of the gift of the Berkshire Trout Hatchery, Berkshire County, Mass.

The title of the joint resolution was read.

The SPEAKER. Is there objection?

Mr. MANN. I ask to have the joint resolution go over.

The SPEAKER. The joint resolution goes over without prejudice.

LOSS OF ALCOHOL BY ACCIDENT DURING TRANSPORTATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 3861) to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the consideration of this bill in the House as in the Committee of the Whole House on the state of the Union? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907, be, and the same is hereby, amended by adding to section 3 thereof the following:

"*Provided*, That where alcohol is withdrawn from a distillery warehouse for shipment to a central denaturing bonded warehouse under the provisions of this act it shall be lawful under such rules, regulations, and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any accident, and without any fraud or negligence of the distiller, owner, carrier, or their agents or employees, occurring during transportation from a distillery warehouse to a central denaturing bonded warehouse."

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF SCHOOL PROPERTY, DENVER, COLO.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 217) to authorize the sale of school property in the city of Denver, Colo., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman that this bill be considered in the House as in the Committee of the Whole House on the state of the Union? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the board of education of school district No. 1, in the city and county of Denver, State of Colorado, be, and is hereby, authorized to sell and dispose of block No. 143 in the east division of the city of Denver, State of Colorado, donated and set apart for educational purposes by the act of Congress approved February 24, 1879 (20 Stat. L., 317–318), together with the improvements thereon, so much of said act of Congress as prohibited alienation or other use of the property, upon penalty of reversion to the United States, being hereby repealed: *Provided*, That all proceeds of sale or disposition of said block and the improvements thereon, less reasonable brokerage, if any, shall be set apart, appropriated, and expended by said board of education for the purchase of other land in said school district for school purposes, and the erection of school buildings thereupon: *And provided further*, That it shall not be incumbent upon the purchaser or purchasers of the said block and the improvements thereon to see to or be responsible for the appropriation or use of the proceeds of the sale or disposition of the said property.

The Clerk reported the committee amendment, as follows:

Page 2, line 10, after the word "That," strike out "it shall not be incumbent upon the purchaser or purchasers of the said block and the improvements thereon to see to or be responsible for the appropriation or use of the proceeds of the sale or disposition of said property" and insert "to the extent the said school district shall make use of the said proceeds for purposes other than as limited herein, it shall be held and deemed to be indebted to the Government of the United States, recoverable in appropriate proceedings in the United States District Court for the District of Colorado, which is hereby vested with jurisdiction in the premises."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HILLIARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

WATER LIMITATION IN DISTILLERIES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9542) to amend the second paragraph of section 3264 of the Revised Statutes of the United States as amended by section 5 of the act of March 1, 1879, and as further amended by the act of Congress approved June 22, 1910.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar; who is running it?

Mr. FERRIS. Mr. Speaker, I am not running it; but I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the second paragraph of section 3264, Revised Statutes of the United States of America, as amended by section 5 of the act of March 1, 1879, and as further amended by the act of Congress approved June 22, 1910, be amended so as to read as follows:

"In all surveys 45 gallons of mash or beer brewed or fermented from grain shall represent not less than 1 bushel of grain, and 7 gallons of mash or beer brewed or fermented from molasses shall represent not less than 1 gallon of molasses, except in distilleries operated on the sour-mash principle, in which distilleries 60 gallons of beer brewed or fermented from grain shall represent not less than 1 bushel of grain, and except that in distilleries where the filtration-aeration process is used, with the approval of the Commissioner of Internal Revenue; that is, where the mash after it leaves the mash tub is passed through a filtering machine before it is run into the fermenting tub, and only the filtered liquor passes into the fermenting tub, there shall hereafter be no limitation upon the number of gallons of water which may be used in the process of mashing or filtration for fermentation; but the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, in order to protect the revenue, shall be authorized to prescribe by regulation, to be made by him, such character of survey as he may find suitable for distilleries using such filtration-aeration process. The provisions hereof relating to filtration-aeration process shall apply only to sweet-mash distilleries."

Mr. COADY. Mr. Speaker, this bill comes before the House with the unanimous recommendation of the Committee on Ways and Means, which recommendation was made after a hearing before the Subcommittee on Internal Revenue.

The purpose of it is to enable distilleries using what is known as the filtration-aeration process to use an unlimited amount of water in extracting from the grain those ingredients which produce yeast and alcohol.

The law now provides that in distilleries where the filtration-aeration process is used 70 gallons of beer brewed or fermented from grain shall represent not less than a bushel of grain.

The meaning and effect of this is that the distiller is prohibited from using more than 70 gallons of water for each bushel of grain of any kind required in the process of manufacturing yeast and alcohol.

Before the passage of the law permitting the distiller to use 70 gallons of water to the bushel, he could use only 45 gallons to the bushel, and this latter quantity of water was found to be sufficient before the use of the filtration-aeration process.

After the adoption of this process it was found that 45 gallons of water were wholly insufficient to accomplish the extraction of a sufficient amount of the ingredients of the grain required for the manufacture of yeast and alcohol to justify its use, and that this limitation resulted in the waste of at least 15 per cent of the whole and also a loss to the Government in revenue.

The change in the law increasing the amount of water used to the bushel of grain from 45 gallons to 70 gallons resulted in the receipt of revenue to the Government from one company alone of $500,000 per annum, and it is estimated that the passage of this act will increase the annual revenue from this company more than $120,000.

When the original act of March 1, 1879, was passed prescribing a limit upon the amount of water which a distiller could use, the filtration-aeration process was not in use in this country, and that method was devised for the purpose of regulating distilleries employing an entirely different method.

It was thought to be necessary to make such a regulation in order to protect the Government revenue in distilleries of that kind, but it seems to be quite clear that there is no necessity for such a regulation in the case of distilleries using the filtration-aeration process, and it can really afford no protection to the Government in distilleries of that sort.

But, in any event, in order to make sure that the Government revenue will not suffer as a result of the elimination of the restrictions as to the amount of water to be used, this bill provides that the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall be authorized to prescribe, by regulation to be made by him, such character of surveys as he may find suitable for distilleries using the filtration-aeration process. I sincerely hope that this bill will be passed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXCHANGE OF LANDS WITH NORTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 393) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. NORTON. I move that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved February 5, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding 1,280 acres in aggregate area, and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, N. Dak.

The following committee amendments were read:

Page 1, line 5, strike out "January 25" and insert "February 5."

Page 1, line 10, after the word "vacant," insert the words "unsurveyed, unreserved."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

OPENING OF FORT ASSINNIBOINE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 3646), an act to amend the act of February 11, 1915 (38 Stat. L., p. 807), providing for the opening of Fort Assinniboine Military Reservation.

Mr. MANN. Mr. Speaker, I ask to have the bill go over.

The SPEAKER. The gentleman objects, and it goes over without prejudice. The Clerk will report the next bill.

LANDS IN FORT BERTHOLD INDIAN RESERVATION, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12030) to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914, be, and is hereby, so amended as to authorize the classification and appraisal of unallotted lands in sections 16 and 36, containing coal, and for such reason reserved by the terms of section 1, act of June 1, 1910 (36 Stat. L., p. 455), pending provision for their disposal by Congress; said lands when so classified and appraised to be subject to disposal under the laws applicable to other reserved coal lands within said former reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

COLORADO AND PIKE NATIONAL FORESTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15287) authorizing the addition of certain lands to the Colorado and Pike National Forests, Colo.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any lands within the following-described areas found to be chiefly valuable for the production of timber or the protection of stream flow may be included within and made parts of the Colorado or Pike National Forests by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests and as otherwise provided herein.

Sixth principal meridian and base, State of Colorado:

Township 1 north, range 71 west: Sections 29 to 32, inclusive.

Township 1 north, range 72 west: Sections 1 to 11, inclusive; sections 14 to 23, inclusive; sections 25 to 28, inclusive; sections 33 to 36, inclusive.

Township 2 north, range 71 west: Sections 2 to 10, inclusive; sections 15 to 22, inclusive; sections 27 to 34, inclusive.

All of township 2 north, range 72 west.

Township 2 north, range 73 west: All of section 36.

Township 3 north, range 71 west: Sections 4 to 9, inclusive; sections 17 to 21, inclusive; sections 26 to 29, inclusive; north half of section 30; south half of section 31; sections 32 to 35, inclusive.

Township 3 north, range 72 west: Sections 1 to 35, inclusive.

Township 3 north, range 73 west: Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36.

Township 4 north, range 71 west: Sections 3 to 10, inclusive; west half of section 14; sections 15 to 23, inclusive; sections 26 to 33, inclusive.

Township 4 north, range 72 west: Sections 1 to 5, inclusive; east half of section 6; east half of section 7; sections 8 to 30, inclusive; that portion of section 31 lying north and east of the main hydrographic divide east of Cow Creek; sections 32 to 36, inclusive.

Township 4 north, range 73 west: All those portions of sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, and 36 lying north and east of the divide between Aspen Brook, and Fish Creek, Aspen Brook and Lily Lake, and of the main hydrographic divide east of Cow Creek.

Township 5 north, range 70 west: Sections 4 to 9, inclusive; sections 17 and 18; north half of section 19; north half of section 20.

Township 5 north, range 71 west: Sections 1 to 14, inclusive; north half and southeast quarter of section 15; sections 17 to 21, inclusive; sections 27 to 34, inclusive; west half of section 35.

Township 5 north, range 72 west: Sections 1 to 5, inclusive; sections 10 to 15, inclusive; sections 21 to 28, inclusive; east half of section 32; sections 33 to 36, inclusive.

Township 6 north, range 70 west: Sections 7, 8, 17, 18, 19, and 20; west half of section 21; west half of section 28; sections 29 to 33, inclusive.

All of township 6 north, range 71 west.

Township 6 north, range 72 west: Sections 1, 12, 13, 14, and 15; sections 22 to 28, inclusive; sections 32 to 36, inclusive.

Township 7 north, range 70 west: Sections 2 to 11, inclusive; sections 14 to 30, inclusive; north half of section 32; sections 33, 34, and 35.

Township 7 north, range 71 west: Sections 1 to 35, inclusive.

Township 7 north, range 72 west: All of section 1; east half of section 2; sections 10 to 15, inclusive; sections 22, 23, 24, 25, and 36.

Township 8 north, range 70 west: West half of section 4; sections 5 to 8, inclusive; west half of section 9; sections 17 to 22, inclusive; sections 27 to 35, inclusive.

All of township 8 north, range 71 west.

Township 8 north, range 72 west: All of section 1.

Township 9 north, range 70 west: Sections 7 to 10, inclusive; sections 14 to 23, inclusive; sections 28 to 33, inclusive.

Township 9 north, range 71 west: Sections 12 and 13; sections 24 to 36, inclusive.

All of township 9 north, range 72 west.

Township 9 north, range 73 west: Sections 1 to 6, inclusive; sections 9 to 16, inclusive; sections 21 to 28, inclusive; sections 33 to 36, inclusive.

Township 10 north, range 72 west: Sections 2 to 11, inclusive; north half of section 12; sections 14 to 24, inclusive; sections 26 to 35, inclusive.

All of township 10 north, range 73 west.

Township 10 north, range 74 west: Sections 1 to 4, inclusive; sections 10, 11, 12, 13, 24, and 25.

Township 11 north, range 72 west: Sections 2 to 11, inclusive; north half of section 12; sections 14 to 24, inclusive; sections 26 to 34, inclusive.

All of township 11 north, range 73 west.

Township 11 north, range 74 west: Sections 2 to 6, inclusive; sections 8 to 36, inclusive.

Township 11 north, range 75 west: Sections 6, 7, 8, and 14; sections 17 to 31, inclusive.

Township 12 north, range 72 west: Fractional sections 19 and 20; sections 28 to 34, inclusive.

Township 12 north, range 73 west: Fractional sections 19 to 24, inclusive; sections 25 to 30, inclusive; sections 32 to 36, inclusive.

Township 12 north, range 74 west: Fractional sections 23 and 24; section 26.

Township 1 south, range 71 west: Sections 4 to 7, inclusive; west half and northeast quarter of section 8; north half of section 9; west half of section 17; sections 18 and 19; west half of section 20; northwest quarter of section 29; north half of section 30.

Township 1 south, range 72 west: Sections 1 to 4, inclusive, sections 9 to 16, inclusive; sections 21 to 28, inclusive; sections 31 to 36, inclusive.

Township 2 south, range 71 west: Sections 2 to 10, inclusive.

Township 2 south, range 72 west: Sections 1 to 12, inclusive.

Provided, That, in order to protect existing equities or to avoid undue hardship, the Secretary of the Interior may, in his discretion, continue thereafter to allow additional entries, within the previously described areas, under the provisions of section 3 of the act approved February 19, 1909, entitled "An act to provide for an enlarged homestead," as amended by the act approved March 3, 1915 (38 Stat., p. 956).

Also the following committee amendment was read.

Page 7, line 7, strike out the words: "In order to protect existing equities or to avoid undue hardship."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I move to strike out the last word. I want to call the attention of the gentleman from Colorado [Mr. TIMBERLAKE] to the fact that he has no saving clause in his bill. I wonder if he considers that is not necessary by reason of the fact that instead of definitely bringing these lands within the forest reserve he provides that they may be brought in by proclamation of the President? If that was his thought it would be necessary for the President in making his proclamation to include only unentered lands. Otherwise, if he included any entered land in his proclamation, there might be some question in some cases as to whether or not entries could be perfected without a saving clause in the bill.

Mr. TIMBERLAKE. I will say to the gentleman that that was the idea, that it was not intended that the President should include by proclamation other than unentered land in this area. As has been stated, it does not definitely place in the forest reserve, but the President is authorized upon the recommendation of the two departments by proclamation to place in the forest reserve, such lands as in the judgment of the two departments should be included to protect the watersheds of that vast area.

Mr. MONDELL. Only the unentered land?

Mr. TIMBERLAKE. Only the unentered land; yes, sir.

Mr. MONDELL. Well, I wondered if that were the thought, because that idea seems to be contradicted by the proviso which authorizes the Secretary of the Interior, in his discretion, to continue to allow additional entries under the enlarged-homestead law. If the Secretary only included unentered land, would that proviso be necessary?

Mr. TIMBERLAKE. It seems to me it would. There are certain entries or applications for additional entry that are pending before the department, and the department desires to examine this land to see whether or not it comes within the requirements of that character of land that ought to be allowed as an additional entry. My understanding is that it only includes unentered land.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to ask the gentleman from Colorado to what extent the area of the Colorado and Pike National Forest will be increased by the passage of this bill? To what extent will the area be increased?

Mr. TIMBERLAKE. I will state to the gentleman it is a little hard to determine, because it is left open and for the departments to determine this. The whole area, as described here, contains something like 480,000 acres; but of course that will be reduced very much by the provisions of the bill, which contemplates taking in only the unentered land.

Mr. MOORE of Pennsylvania. How much of that is forest land?

Mr. TIMBERLAKE. I can not answer the gentleman definitely, but it is all forest land that is included within the boundaries as read in the bill.

Mr. MOORE of Pennsylvania. Is it overgrown or is it in a valley or on a mountain top?

Mr. TIMBERLAKE. If the gentleman has read the report, he will notice that it is in the mountains and along the gulches of the mountains, and some of it is reforested at the present time with a good growth, as shown by the report. Other portions of it contain valuable timber of fir and pine.

Mr. MOORE of Pennsylvania. Which the Government will now protect. That is the idea, is it?

Mr. TIMBERLAKE. Yes, sir; that is the idea.

Mr. MOORE of Pennsylvania. It is rugged country?

Mr. TIMBERLAKE. Yes; almost all of it is a very rugged country.

Mr. MOORE of Pennsylvania. It is a picturesque country?

Mr. TIMBERLAKE. Quite so.

Mr. MANN. It is from 7,000 to 11,000 feet above the sea level.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TIMBERLAKE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF JUDICIAL DISTRICTS IN OKLAHOMA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14471) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 101 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 101. The State of Oklahoma is divided into two judicial districts, to be known as the eastern and western districts of Oklahoma. The eastern district shall include the territory embraced on the 1st day of July, 1916, in the counties of Adair, Atoka, Bryant, Craig, Cherokee, Creek, Choctaw, Coal, Carter, Delaware, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Mayes, Muskogee, McIntosh, McCurtain, Murray, Marshall, Nowata, Ottawa, Okmulgee, Okfuskee, Pittsburg, Pushmataha, Pontotoc, Rogers, Stephens, Sequoyah, Seminole, Tulsa, Washington, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January; at Vinita, on the first Monday in March; at Tulsa, on the first Monday in April; at South McAlester, on the first Monday in June; at Ardmore, on the first Monday in October; and at Chickasha, on the first Monday in November in each year. The western district shall include the territory embraced on the 1st day of July, 1916, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Osage, Pawnee, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. Terms of the district court for the western district shall be held at Guthrie on the first Monday in January; at Oklahoma City, on the first Monday in March; at Enid, on the first Monday in June; at Lawton, on the first Monday in September; and at Woodward, on the first Monday in November: *Provided*, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States. The clerk of the district court for the eastern district shall keep his office at Muskogee and the clerk for the western district at Guthrie, and shall maintain an office in charge of himself or a deputy at Oklahoma City."

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MANN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Have there been no new counties created in Oklahoma since 1910?

Mr. FERRIS. We created some new counties after the adoption of the constitution, but not since 1910. There is only one change.

Mr. MANN. I know what the report says, but the report is incorrect in one respect. I do not know whether it is an intentional change in the bill or otherwise. The gentleman himself says it makes only one change. That is what the report says. I do not know whether that is an omission or an intentional change. What is that?

Mr. FERRIS. At the bottom of page 2 it is provided that a term of the district court shall be had at Woodward on the first Monday in November. In the law it is the first Monday of May and the second in November.

Mr. MANN. I understand.

Mr. FERRIS. Let me tell the gentleman a piece of interesting history about that.

Mr. MANN. Oh, I do not want to detain the House with the history. I want to know whether that is intentional or otherwise.

Mr. FERRIS. There are two prints of the law. We had to go to the State Department to find out about that. One print of the law we got from the statistician of the House here, Mr. Sabine, in the annex to the library here. We found one print that gave two terms of court, and another print that gave one term of court.

Mr. MANN. I would like to know where you found a print that gave one term. Out there in the Statutes at Large two terms are given. It is the Statutes at Large that are the official copy, and they are produced in evidence. If they are left out intentionally, that is all right.

Mr. FERRIS. They are left out intentionally. It is all right. Mr. MORGAN and I agreed about it. It is Mr. MORGAN'S town.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CENTRAL DIVISION, DISTRICT COURT IN NORTH DAKOTA.

Mr. YOUNG of North Dakota. Mr. Speaker, I ask unanimous consent to return to Calendar No. 120.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to return to Calendar No. 120. Is there objection?

There was no objection.

Mr. MANN. Union Calendar No. 139; Unanimous Consent Calendar No. 120.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11878) to amend section 99, chapter 231, of the act to codify, revise, and amend the laws relating to the judiciary.

The SPEAKER pro tempore (Mr. RAKER). Is there objection to the present consideration of the bill?

There was no objection.

Mr. YOUNG of North Dakota. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from North Dakota asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 99 of the act to codify, revise, and amend the laws relating to the judiciary, be amended to read as follows:

"SEC. 99. That the State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of July, 1910, in the counties of Burleigh, Logan, McIntosh, Emmons, Kidder, McLean, Adams, Bowman, Dunn, Hettinger, Morton, Stark, and McKenzie shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Sargent, Ransom, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern; and the territory embraced on the date last mentioned in the counties of Ramsey, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northeastern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Mountrail, Burke, and Renville shall constitute the western division; and the territory embraced on the date last mentioned in the counties of Griggs, Foster, Eddy, Wells, Sheridan, Stutsman, Lamoure, and Dickey shall constitute the central division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks, on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; for the western division, at Minot on the second Tuesday in October; and for the central division, at Jamestown on the second Tuesday in April. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district.

With the following committee amendment:

On page 2, line 11, strike out "northeastern" and insert "northwestern." At the bottom of page 3, beginning with line 6, insert the following proviso: "*Provided*, That the Government of the United States shall incur no expense for rent, light, heat, water, or janitor service for the building in which court shall be held until such time as the Government may erect its own court room."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. YOUNG of North Dakota. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of North Dakota: Page 1, line 9, strike out "July, 1910," and insert "January, 1916." And on page 2, line 1, after the word "Stark," insert the following: "Golden Valley, Slope, Sioux, Oliver, Mercer, Billings." And on page 2, line 13, after the word "Williams," insert "Divide."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from North Dakota.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. YOUNG of North Dakota, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I move to amend the title by striking out the words "Chapter 231."

The SPEAKER. Without objection, the title will be amended in accordance with the text.

There was no objection.

CHARLESTON-DUNBAR TRACTION CO., WEST VIRGINIA.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 12455, which is No. 233 on the Union Calendar.

Mr. MANN. Is it on the Calendar for Unanimous Consent?

Mr. BURGESS. No. I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent to consider the bill the title of which the Clerk will report.

The Clerk read the title of the bill (H. R. 12455) authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or piece of land owned by the United States Government on the Great Kanawha River in West Virginia.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Reserving the right to object, is the gentleman going to object very strenuously if I offer an amendment to strike out "$25" and make it "$100 for the annual rental"?

Mr. BURGESS. Yes; I believe I would.

Mr. MANN. I am not willing to let the bill pass without it. They are now paying $150 a year rent, and they want to rent it for $25 a year. I think if we say $100 a year, they are doing very well.

Mr. BURGESS. Have you read the statement of the Secretary of War about that?

Mr. MANN. Oh, I have read all there is in the report.

Mr. LITTLEPAGE. May I ask the gentleman from Illinois a question?

Mr. MANN. Certainly.

Mr. LITTLEPAGE. This strip of land is 15 feet wide and about 600 feet long. It is within a few miles of my home. It is on a hillside. The company is now paying $150 a year. The Secretary of War in his report recommends $25, and says that is ample rent for it, and he says the only reason he charged $150 a year was because he wanted to make the company pay some nominal rent.

Mr. MANN. I know what the Secretary of War said. He was applied to for permission to use this land——

Mr. LITTLEPAGE. And granted it.

Mr. MANN. He gave a temporary permission at $150 a year. Temporary permission could not be worth as much as permanent permission. It is true the Secretary of War said that it would be a nominal rental. It is only a nominal rental anyhow. It would not pay the Government to fool with this matter for $25 a year. Before this $25 a year was paid into the Treasury, credited to the proper fund, and all the expenses incident to accounting were gone through with, it would cost the Government probably more than $25 a year. Now, if these people want the use of the land, and we reduce the rent one-third, they are getting off well enough. We ought to make it $150 a year.

Mr. LITTLEPAGE. Then you would be charging them what they are paying now.

Mr. MANN. The company are asking this, not for the purpose of reducing the rent but for the purpose of remaining there.

Mr. LITTLEPAGE. This land is in the country, on a steep hillside, where the land is absolutely worthless——

Mr. BURGESS. Except for this purpose.

Mr. LITTLEPAGE. It does not hurt the Government one particle. It is an accommodation. And I will say to the gentleman from Indiana——

Mr. MANN. Indiana! That is the last word. Nobody can get anything out of me now. [Laughter.] I apologize to Indiana.

Mr. BURGESS. I think $25 is reasonable.

Mr. MANN. I do not. We are not asking these people to take the land. They want to get it from us at less than it will cost us to give it to them. Let them pay $100. That is a nominal consideration. They do not need to pay it if they do not want to.

Mr. LITTLEPAGE. I know; but it means to break this railroad up——

Mr. MANN. If this railroad is going to be broken up because it pays $75 a year more rent, they had better break it up quickly. We have just given the State of West Virginia this afternoon $150,000 or $175,000.

Mr. BURGESS. Do not make it up on me. [Laughter.]

Mr. MANN. Now the gentleman from West Virginia wants us to give this company some land in addition. Oh, be fair to the Government!

Mr. LITTLEPAGE. Permit me to make this statement: I simply want to say again that this land is on a steep hillside. It is valueless for the purposes of cultivation. It is valueless for city purposes. It is 5 miles out of town, in the country, where few people live. This interurban line has been given the right of way in order to get the line there. It is an accommodation to the people and the Government to have it there, because Government officials come and go on the interurban road. The company will have to pay the $100 if the gentleman from Illinois says he will object otherwise, but it is an injustice to this street car line. I want to say further that Judge Grosscup, of Chicago, and his associates have invested $300,000 there, and they have not gotten back 2 per cent on the money they have invested.

Mr. MANN. If Judge Grosscup is one of the investors, he is amply able to pay the $100 or $200 a year. He has made enough money on street car lines to be able to do it. And if this is to let the car line run up a steep hill, as my friend from West Virginia suggests, it will be to their interest not to give them the right, for it will cost them too much to climb that hill.

Mr. LITTLEPAGE. I want to say this to the gentleman from Illinois, that I would not object to a bill in his district—a private bill such as this is, which no other Congressman in this House is interested in as I am. I would not object if it were in the gentleman's neighborhood.

Mr. MANN. Oh, well, I would not object if this was a matter giving something which belonged to the gentleman to his constituents. This is taking something that belongs to all of us to give to his constituents. I have observed my rights, and this will not get me to waive them.

Mr. BURGESS. Let me read what the Secretary of War says:

Mr. MANN. I do not want to waste time, unless the gentleman is willing to accept the proposition I have made.

Mr. LITTLEPAGE. All right, if the gentleman from Illinois insists.

Mr. BURGESS. Will not the gentleman from Illinois make it $50?

Mr. MANN. I will make it $125, if you want to.

The SPEAKER. Are the gentlemen from West Virginia and Texas willing to accept the amendment proposed by the gentleman from Illinois, for $100 instead of $25?

Mr. LITTLEPAGE. In order to get the bill through, I presume we will have to.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to lease at a nominal rental value of not exceeding $25 per year, to the Charleston-Dunbar Traction Co., a corporation, its successors or assigns, the strip of land 15 feet wide and 601.8 feet long, or approximately twenty-one one-hundredths of an acre, which said strip of land is situated at or near United States Government Lock and Dam No. 6 of the Great Kanawha River improvement near the city of Charleston, in the State of West Virginia, which said strip of land said Charleston-Dunbar Traction Co. is now occupying with its track: *Provided*, That said annual rental shall be promptly paid as required by the Secretary of War, and that the United States Government shall sustain no loss or expense by reason of said lease to said traction company: *And provided further*, That said traction company shall not fence up said strip of land unless required to do so by the Secretary of War; and shall, at its own expense, keep up and maintain the existing crossings over said traction company's line on the Government's property: *And provided further*, That said traction company shall not remove its station or stop upon or near the Government's said property as said stop and station is at present located.

With the following committee amendments:

Page 1, line 4, after the word "lease" insert the words "from year to year."

Page 2, after line 19, insert the following:

"*Provided*, That the right to alter, amend, or repeal this act is hereby expressly reserved, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in said lease or any railroad or other structures placed on said lands by said Charleston-Dunbar Traction Co. or its assigns, and in case of such repeal any lease executed under the provisions of this act shall become null and void, and said company, or its assigns, shall immediately, without delay, vacate said land and remove all railroad track or tracks or other structures therefrom."

Mr. MANN. Mr. Speaker, I move to amend page 1, line 5, by striking out $25 and inserting $100.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 1, line 5, by striking out "$25" and inserting "$100."

The amendment was agreed to.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LITTLEPAGE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE VANCOUVER & NORTHERN RAILWAY CO.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 12545, and, this being an emergency, I ask unanimous consent that a similar Senate bill, S. 4550, on the Speaker's table be laid before the House and that it be considered.

The SPEAKER laid before the House the bill (S. 4550) granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to consider the Senate bill in the House as in Committee of the Whole, and that the similar House bill be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted to the Portland, Vancouver & Northern Railway Co., a corporation organized under the laws of the State of Washington, under the conditions and restrictions in this act contained, a revocable license to construct, maintain, and operate an electric railroad, telephone, telegraph, and electric-power transmission lines across the Vancouver Barracks Military Reservation in the county of Clarke, State of Washington. Congress reserves the right to alter, amend, or repeal this act.

SEC. 2. That the work herein authorized shall be constructed, as near as practicable, upon the following location: Beginning at a point on the westerly side of Reserve Street where the same intersects the southerly boundary line of the city of Vancouver, Clarke County, Wash.; thence running in a northerly direction along the west line of said Reserve Street to a point 9 feet north of the south line of Fifth Street where the same goes through the United States military reservation; thence easterly on a line parallel to and the center line 9 feet north of the south line of said Fifth Street and south of the macadam portion of said street, running through said reservation to the eastern boundary line; thence north to a point where the said eastern boundary line intersects East Seventh Street in the city of Vancouver, the exact location to be fixed by the Secretary of War.

SEC. 3. That the work shall be begun within one year after the approval of this act, and within 90 days after the approval of this act the said railway company shall furnish a bond to the satisfaction of the Secretary of War conditioned for the completion of the said railroad and other works mentioned herein across said reservation within two years after the approval of the said bond by the Secretary of War.

SEC. 4. That the work herein authorized shall be constructed in such manner, of such character, and with such spurs, switches, and crossings as may be prescribed by the Secretary of War, and shall be maintained and operated subject to such rules and regulations as he or the commander at the said post may from time to time prescribe.

SEC. 5. That the licensee shall bear one-third of the cost of macadamizing Fifth Street and the public road on the eastern boundary of the reservation for the distance they occupy said street and road; macadamizing of said street and road to be of such width as may be prescribed by the Secretary of War. The licensee shall bear one-third of

the cost of maintenance of said street and road in addition to maintaining the space between the rails at all times in good condition for vehicle traffic.

SEC. 6. That the maintenance and operation of said railway within the limits of the reservation, including all road work, lighting of track on roadway without expense to the United States, and other work required to be done by the licensee in accordance with the provisions and conditions of this instrument or deemed necessary or advisable by the Secretary of War, shall be subject to the supervision and approval of the post commander and to such regulations as he may from time to time prescribe in the interests of good order, police, sanitation, discipline, public safety, and the conservation of the interests of the Government.

SEC. 7. That any other person or corporation having a franchise for operation of a street railway in the city of Vancouver, including any electric railway as may have authority to do a suburban and interurban business, may, upon obtaining a license from the Secretary of War, use the track and other construction herein authorized to be placed upon the reservation upon the payment of just compensation, and if the parties concerned can not agree upon the amount of such compensation the sum or sums to be paid for said use shall be fixed by the Secretary of War.

SEC. 8. That if any portion of said right of way herein authorized shall cease to be used for the purpose aforesaid the same shall be revoked. Any sums which have to be expended after the revocation of this license, or any portion thereof, in putting any premises or property herein authorized to be occupied in as good condition as it is at this time shall be paid by said licensee, its successors, or assigns.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DEFICIENCY ESTIMATES, WAR DEPARTMENT (H. DOC. NO. 1195).

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting deficiency estimates of appropriations required for the service of the War Department for the fiscal year ending June 30, 1916, which was referred to the Committee on Appropriations and ordered to be printed.

DISTRICT COURT, MIDDLE DISTRICT OF TENNESSEE.

Mr. MOON. Mr. Speaker, I ask unanimous consent to consider the bill (S. 377) providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 377) providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.

Be it enacted, etc., That a term of the district court for the middle district of Tennessee shall be held at Winchester on the first Monday in April and the third Monday in November.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MOON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, to-morrow is Private Calendar day. We can get through with the Unanimous Consent Calendar before long. I think there was an understanding with the gentleman from North Carolina that we should take up the unobjected bills on the Private Calendar to-morrow.

Mr. PAGE of North Carolina. That was the understanding.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that to-morrow be set aside to take up unobjected bills on the Private Calendar and that we meet at 11 o'clock a. m.

The SPEAKER. The gentleman from Oklahoma makes two requests for unanimous consent. First, that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow, and, second, that to-morrow we take up the unobjected bills on the Private Calendar. Is there objection to either request? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. COADY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the juvenile court bill.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the juvenile court bill. Is there objection?

There was no objection.

ADJOURNMENT.

On motion of Mr. FERRIS (at 4 o'clock and 30 minutes p. m.), the House adjourned until to-morrow, Friday, June 9, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting deficiency estimates of appropriations required for the service of the War Department for the fiscal year ending June 30, 1916 (H. Doc. No. 1195), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DOOLITTLE, from the Committee on Agriculture, to which was referred the bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture, reported the same without amendment, accompanied by a report (No. 810), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (S. 5425) to standardize lime barrels, reported the same with amendment, accompanied by a report (No. 811), which said bill and report were referred to the House Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (S. 3900) to authorize the sale and disposal of an island in the Coosa River, in the State of Alabama, reported the same without amendment, accompanied by a report (No. 812), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 5011) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 809), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 16322) granting the consent of Congress to the village and township of Halstad, Norman County, Minn., and the township of Herberg, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 16323) to authorize the construction and maintenance of a dike on Depot Slough, Lincoln County, Oreg.; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER of Oklahoma: A bill (H. R. 16324) making appropriation from the tribal funds of the Choctaw and Chickasaw Nations for the purpose of improving the Choctaw Sanitarium near Talihina, Okla.; to the Committee on Indian Affairs.

By Mr. RUCKER: A bill (H. R. 16325) for the purchase of a site for a public building at Milan, Sullivan County, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16326) for the purchase of a site for a public building at Salisbury, Chariton County, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16327) for the purchase of a site for a public building at Paris, Monroe County, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. LONDON: A bill (H. R. 16328) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903; to the Committee on the Judiciary.

By Mr. CHURCH: A joint resolution (H. J. Res. 234) requesting the President of the United States to designate a day on which funds may be raised for the relief of the Armenians; to the Committee on Foreign Affairs.

By Mr. FLOOD: A joint resolution (H. J. Res. 235) to authorize the President of the United States to convey to the foreign Governments participating in the Panama-Pacific International Exposition the grateful appreciation of the Government and the people of the United States; to the Committee on Foreign Affairs.

By Mr. CASEY: A resolution (H. Res. 258) to designate a day on which the people of this country may express their sympathy by contributing toward the relief of the Lithuanians in the war zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16329) granting an increase of pension to Luther Sealey; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 16330) granting a pension to Ellen M. Mason; to the Committee on Invalid Pensions.

By Mr. CAREW: A bill (H. R. 16331) for the relief of the owners of the British steamship *Clearpool;* to the Committee on Claims.

Also, a bill (H. R. 16332) for the relief of the owners of the steamship *Esparta;* to the Committee on Claims.

By Mr. CLINE: A bill (H. R. 16333) granting an increase of pension to Isaiah E. Lawrence; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 16334) granting a pension to Mary Pierce; to the Committee on Pensions.

By Mr. GUERNSEY: A bill (H. R. 16335) granting an increase of pension to Benjamin H. Monk; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16336) granting an increase of pension to James Curtis; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 16337) granting a pension to William D. Galligher; to the Committee on Pensions.

Also, a bill (H. R. 16338) granting a pension to William W. Gillette; to the Committee on Pensions.

Also, a bill (H. R. 16339) granting an increase of pension to John Conkie; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 16340) granting an increase of pension to Almon G. Cooley; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 16341) granting a pension to Emeline Verity; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 16342) granting an increase of pension to Grace A. Negley; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 16343) granting a pension to Susie F. White; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16344) granting an increase of pension to Albert Mason; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 16345) granting an increase of pension to William F. Fogarty; to the Committee on Pensions.

By Mr. SUTHERLAND: A bill (H. R. 16346) granting an increase of pension to Daniel W. Welsh; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16347) reinstating Roy F. Waring to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. TAYLOR of Arkansas: A bill (H. R. 16348) to amend and correct the military record of James Brumbelow; to the Committee on Military Affairs.

By Mr. TREADWAY: A bill (H. R. 16349) granting a pension to Edward J. Davis; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Papers to accompany House bill 16308, for relief of Margaret Berry; to the Committee on Invalid Pensions.

By Mr. BAILEY: Protest of E. C. Dorer, M. O. Hess, Mrs. Merle Hess, George F. Hess, Mrs. S. E. Horner, Caroline Rainey, and Zoe Markle, all of Johnstown, Pa., against the passage of House bill 9671, a bill to establish price control; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Evidence to accompany House bill 16291, for relief of Catherine J. Thayer; to the Committee on Invalid Pensions.

By Mr. CAREW: Memorial of Chamber of Commerce of State of New York, on Philippine independence bills; to the Committee on Insular Affairs.

By Mr. DALE of New York: Petition of Ella Jackson, of Denver, Colo., favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of sundry citizens of Mendota, Ill., for a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. GRAY of Indiana: Petition of W. H. Plake and other citizens of Richmond, Ind., favoring the enactment of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of the Woman's Christian Temperance Union of Bell Fountain, Oreg., favoring Federal censorship of films; to the Committee on Education.

By Mr. LITTLEPAGE: Six petitions of telegraphers in the employ of the Kanawha & Michigan Railroad Co., indorsing House bill 9162, introduced by Mr. CULLOP, of Indiana; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: Petition of 259 citizens of Omaha, Nebr., indorsing the Hamill bill (H. R. 5757) providing for the retirement of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MONTAGUE: Petition of W. C. Moffett, Richmond, Va., and others, protesting against the passage of House bill 13778, entitled "A bill authorizing the Postmaster General to exclude from the mails certain publications"; to the Committee on the Post Office and Post Roads.

By Mr. MOON: Papers to accompany House bill 13509, for the relief of James R. Collins; to the Committee on Invalid Pensions.

By Mr. RANDALL: Petition of Christian Endeavor Society, Calvary Baptist Church, of 57 people of Pasadena, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of sundry citizens of Lowell, Mass., opposing House bill 13778; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Resolution of California Federation of Women's Clubs, favoring woman's division in Department of Labor; to the Committee on Labor.

Also, letter of Northern California Branch of Woman's Peace Party, Palo Alto, Cal., indorsing the Adair bill; to the Committee on Foreign Relations.

Also, resolutions of the Highland Park Methodist Episcopal Church Brotherhood, of Los Angeles, Cal., favoring the Hamill bill (H. R. 5139); to the Committee on Reform in the Civil Service.

Also, petition of Whittier Woman's Club, of Whittier, Cal., protesting against militarism; to the Committee on Military Affairs.

Also, resolutions of San Diego Tent, No. 26, the Maccabees, and San Diego Renew, No. 17, Woman's Benefit Association of the Maccabees, both of San Diego, Cal., favoring the Penrose-Griffin indefinite leave of absence bill, H. R. 6915 and S. 3081; to the Committee on the Post Office and Post Roads.

Also, letter of California State Federation of Labor, of San Francisco, Cal., favoring the Kern-McGillicuddy bill, H. R. 15316; to the Committee on the Judiciary.

Also, resolution of the Building Trades Council of San Francisco, Cal., protesting against an appropriation of $50,000,000 for the National Guard; to the Committee on Military Affairs.

Also, telegrams of Western Pipe & Steel Co., Alexander & Baldwin, Grant Fee, Sunset Publishing House, Shipowners' Association of the Pacific Coast, Union Lithograph Co., The Charles Nelson Co., Building Trades Employers' Association of San Francisco, and Merchants & Manufacturers' Association, all of San Francisco, Cal., protesting against efficiency methods; to the Committee on Labor.

Also, resolution of Federation of Women's Clubs, favoring woman suffrage; to the Committee on the Judiciary.

Also, resolutions of California Tax Collectors' Association, protesting against national inheritance tax; to the Committee on Ways and Means.

By Mr. TILSON: Petition of Horace J. Ayling and 51 others, of New Haven, Conn., protesting against the passage of H. R. 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, memorial of the Connecticut Division, Sons of Veterans, favoring preparedness; to the Committee on Military Affairs.